PUBLICATION NO: 2575

REEL NO: 98

TITLE: FEDERAL REGISTER

VOLUME: 26 DATE: January 4, 1961-March 31, 1961

Note: This reel contains a Annual Index and Codification Guide.

*University Microfilms, A Xerox Company, Ann Arbor, Michigan*

# ANNUAL INDEX • 1961

THE UNIVERSITY OF MICHIGAN
MAR 1 1962
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
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OF THE UNITED STATES
1934
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THE UNIVERSITY OF MICHIGAN
JAN 24 1962
MAIN READING ROOM

# FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

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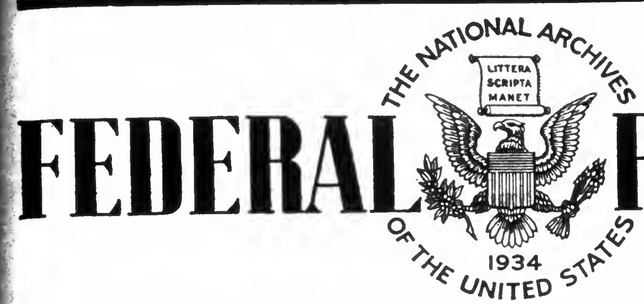
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U.S. GOVERNMENT PRINTING OFFICE: 1962

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THE UNIVERSITY OF MICHIGAN
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# FEDERAL REGISTER

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U.S. GOVERNMENT PRINTING OFFICE: 1961

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VOLUME 26 NUMBER 1

Washington, Wednesday, January 4, 1961

THE UNIVERSITY OF MICHIGAN
JAN 9 1961

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**FEDERAL REGISTER**

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

### Chapter I—Farm Credit Administration

SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM

### PART 10—FEDERAL LAND BANKS GENERALLY

#### Interest Rates on Loans Made Through Associations

The Federal Land Banks of Louisville, New Orleans, St. Louis, St. Paul, Wichita, and Houston have decreased from 6 to 5½ percent per annum the interest rate on loans which will be made through Federal land bank associations beginning in 1961. In order to reflect such changes, § 10.41 of Title 6 of the Code of Federal Regulations, as amended (1960 Supp.), is amended by substituting "5½" for "6" in the lines with "Louisville", "New Orleans", "St. Louis", "St. Paul", "Wichita", and "Houston" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665. Interprets or applies secs. 12 "Second", 17(b), 39 Stat. 370, 375, as amended; 12 U.S.C. 771 "Second", 831(b))

R. B. TOOTELL,
*Governor,*
*Farm Credit Administration.*

[F.R. Doc. 61–30; Filed, Jan. 3, 1961; 8:49 a.m.]

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 878, Amdt. 1]

### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

*Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 953.985 (Lemon Regulation 878, 25 F.R. 13684) are hereby amended to read as follows:

(i) District 1: 37,200 cartons;
(ii) District 2: 195,300 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 29, 1960.

G. R. GRANGE,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–36; Filed, Jan. 3, 1961; 8:50 a.m.]

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of State

Effective upon publication in the FEDERAL REGISTER subparagraph (a)(24) is added to § 6.302 as set out below.

§ 6.302 Department of State.

(a) *Office of the Secretary.* • • •

(24) Until March 31, 1961, five Special Assistants to the Secretary; four Special Assistants, two Confidential Assistants, and one Private Secretary to the Under Secretary; and one Private Secretary to each Assistant Secretary of State.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61–34; Filed, Jan. 3, 1961; 8:50 a.m.]

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (23) and (26) of § 6.342 is amended as follows.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* • • •

(23) One Special Assistant to the Administrator (Program for Community Improvement).

• • • • • •

(26) One Private Secretary to the Special Assistant to the Administrator (Program for Community Improvement).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61–35; Filed, Jan. 3, 1961; 8:50 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 526, Amdt. 240]

### PART 507—AIRWORTHINESS DIRECTIVES

#### Cessna Model 150 Airplanes

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive superseding amendment 83, 25 F.R. 377, requiring installation and inspection of an improved muffler on Cessna 150 aircraft was published in 25 F.R. 9650.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The 100-hour mandatory inspection of Configuration No. 4 muffler has been deleted since service experience has found that the No. 4 design is dependable and the Cessna aircraft service manual requires and outlines a complete 100-hour inspection of the mufflers.

The other objections to the issuance of the directive were that the inspections are mandatory on current aircraft as well as future production, that corrective inspections provided in the manufacturer's Service Letter 150–15 have already been accomplished on all affected aircraft, that the service letter is effective in preventing muffler failures, and that there is no record to indicate a need for further action beyond that in the service letter. These objections were not considered valid since the directive applies to only Model 150 aircraft on which production is completed, and the FAA has received service reports since issuance of Cessna Service Letter 150–15 showing that all affected aircraft did not receive the recommended inspections and modification and further reports of Configuration 1, 2, and 3 muffler failures. From these reports it is considered that

the directive is necessary to accomplish removal from service of all Configuration 1 mufflers and to perform regular inspections of Configuration 2 and 3 mufflers to prevent unsafe aircraft operations. The amendment will become effective 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CESSNA. Applies to all Model 150 airplanes.

Compliance with paragraph (a) required within 10 hours of flight time after the effective date of the adopted rule.

Compliance with paragraph (b) required as indicated.

Hazardous failures of the right-hand exhaust gas cabin air heat muffler have occurred in service. These failures are such that carbon monoxide from the exhaust gases will be released into the cabin.

To improve the safety level of the cabin air heater, the following must be accomplished:

(a) Inspect the right-hand exhaust gas cabin air heat muffler to determine the muffler configuration as follows, unless already accomplished: (Airplanes with Serial Numbers 17,704, 17,717, 17,771, 17,779, 17,828, 17,839, 17,846, 17,850, 17,853, 17,858, and higher had the configuration No. 4 muffler installed when the airplanes left the manufacturer's plant).

(1) Remove the right-hand muffler from the engine.

(2) Determine the configuration of the right-hand mufflers installed on the affected Model 150 airplanes as follows:

(i) Configuration No. 1: This muffler is identified by the two half-moon welds which run parallel to the length of and near the top of the muffler where the exhaust tube attaches. The exhaust tube is butted against the upper skin and welded on the inside, which appears similar to a light weld on the outside.

(ii) Configuration No. 2: The exhaust tube penetrates the upper skin of the muffler and is welded by two small welds which are crosswise to the length of the muffler.

(iii) Configuration No. 3: The muffler skin is slotted to allow the exhaust tube to project through the top skin. This area is then welded from the outside, which produces two heavy half-moon exposed welds which run parallel to the length of the muffler.

(iv) Configuration No. 4: This muffler is identified by the exhaust tube projecting completely through the upper skin of the muffler. This tube is welded to the upper muffler skin forming an outside weld bead extending completely around the exhaust tube. A cap is also welded to the top of the exhaust tube. This muffler is also identified as Cessna P/N 0450338-62.

(3) Replace all Configuration No. 1 right-hand mufflers with Configuration No. 4, Cessna P/N 0450338-62 muffler.

(4) Visually inspect all Configuration Nos. 2 and 3 right-hand mufflers. During inspection particular attention should be paid to the area at the top of the muffler where the exhaust tube is welded, for evidence of cracking such as discoloration of the stationary shroud, lead deposits, and visual cracks. (Note: Since the area under the stationary shroud is difficult to inspect, it is recommended that a pressure test of 1½ p.s.i. be conducted to detect any possible leakage.)

(5) Replace any cracked Configuration Nos. 2 and 3 muffler with Cessna P/N 0450338-62 muffler.

(b) The removal and inspection outlined under (a)(1) and (a)(4) or, in lieu thereof, the alternative inspection method described below and the replacement of (a)(5), if applicable, shall be repeated for Configurations 2 and 3 right-hand mufflers every fifty flight hours for the first two hundred flight hours after initial inspection, and every one hundred flight hours thereafter, until replaced with a Configuration 4 muffler, Cessna P/N 0450338-62.

An alternative method of inspection which may be used in lieu of the removal and inspection requirements of (a)(1) and (a)(4) in the repetitive inspections required under (b) may be accomplished by a ground test using a carbon monoxide indicator. The airplane shall be headed into the wind and the engine warmed up on the ground. Advance throttle to full static r.p.m. with the cabin heater "ON". With a dependable carbon monoxide indicator, take carbon monoxide readings of the heated air stream at the cabin heater deflector (P/N 0411824) on the firewall inside the cabin. Take another reading in free air 15 feet in front of the propeller. If carbon monoxide in the cockpit is greater than in the free air, conduct a pressure test of 1½ p.s.i on the muffler. If no cracks are found, the muffler may be reinstalled. If the muffler is found to be cracked, it shall be replaced.

(Cessna Service Letter No. 150–15 dated March 28, 1960, pertains to this subject.)

This supersedes Amendment 83, 25 F.R. 377.

This amendment shall become effective February 6, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 28, 1960.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61–1; Filed, Jan. 3, 1961; 8:45 a.m.]

[Reg. Docket No. 348, Amdt. 40]

## PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES AND APPLIANCES

### TSO–C53a Fuel and Engine Oil System Hose Assemblies

A proposed amendment to § 514.52 establishing minimum performance standards for fuel and engine oil system hose assemblies used in civil aircraft of the United States was published in 25 F.R. 3555.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Due consideration was given to all relevant material received. Comments from airline operators requested clarification as to affected aircraft types or models, marking of the operator's own hose under the TSO system, compliance certification, and a recommendation for establishing provisions for approval of bulk hose and fittings, none of which were pertinent to adoption of the standard with the exception of the question about markings. The TSO does not prohibit the use of markings in addition to those specifically required. The objections to the fire test criteria and increased fluid pressures to be employed in the fire test have been considered. However, both features are retained. The level of safety attained from the fire test criteria was included in the current § 514.52 and the protective sleeves have been used for several years. It would be unwise to relinquish this gain in safety, particularly for turbine powered aircraft.

The proposed increased fluid pressure specified in the proposal take into account the increasingly more rigorous temperature and pressure environmental conditions encountered in turbine powered aircraft. One manufacturer requested and was granted an extension of the comment time pending completion of his test facilities; however, the results did not warrant further delay in adoption of the revised standard.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby revised as follows:

Section 514.52 is revised as follows:

§ 514.52 Fuel and engine oil system hose assemblies (rubber or tetrafluoroethylene tube and wire braid construction)—TSO–C53a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for new models of fuel and engine oil system hose assemblies[1] of the following types manufactured on or after the effective date of this section, which are to be used on civil aircraft of the United States. Fuel and engine oil system hose assemblies of the following types approved prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

(i) *Type A.* Non-fire-resistant "normal" temperature hose assemblies which are intended to be used in locations outside fire zones where the fluid and ambient air temperatures do not exceed 250° F.

(ii) *Type B.* Non-fire-resistant "high" temperature hose assemblies which are intended to be used in locations outside fire zones where the fluid and ambient air temperatures do not exceed 450° F.

(iii) *Type C.* Fire-resistant "normal" temperature hose assemblies which are intended to be used in locations within fire zones where the fluid and ambient air temperatures do not exceed 250° F.

(iv) *Type D.* Fire-resistant "high" temperature hose assemblies which are intended to be used in locations within fire zones where the fluid and ambient air temperatures do not exceed 450° F.

(*a*) New models shall comply with the following minimum requirements. Three samples of each size shall be tested.

(*1*) Type A hose assemblies shall comply with the "3.3 Performance" section requirements of Specification MIL–H–8795A, dated July 25, 1953,[2] except as noted in subparagraph (2) of this paragraph. The hose incorporated therein shall conform to "3.6 Performance" section of Specification MIL–H–8794A, dated July 25, 1958,[2] except as noted in subparagraph (2) of this paragraph.

(*2*) Type B hose assemblies shall comply with the "3.6 Performance" section of Specification MIL–H–25579 (USAF) Amendment 2, dated March 19, 1959,[2] except as noted in subparagraph (2) of this paragraph.

(*3*) Type C hose assemblies shall comply with the above requirements for Type A hose assemblies and in addition shall pass the fire test described in subparagraph (3) of this paragraph.

(*4*) Type D hose assemblies shall comply with the above requirements for Type B hose assemblies and in addition shall pass the fire test described in subparagraph (3) of this paragraph.

(*2*) *Exceptions.* (i) Type A hose assemblies are not required to comply with sections 3.6.1.2 and 3.6.2.7 of Specification MIL–H–8794A. The operating and proof pressures referred to in Table 1 of that specification shall be those values listed in the "Fuel" column thereof. The burst pressures to be utilized shall be twice the proof pressures listed in the "Fuel" column in Table 1. The foregoing shall likewise apply in showing compliance with Specification MIL–H–8795A.

(ii) Type B hose assemblies are not required to comply with sections 3.6.5, 3.6.7 and 3.6.10 of Specification MIL–H–25579 (USAF). The burst pressures to be utilized shall be twice the proof pressures listed in Table 1 of that specification.

(*3*) *Fire test procedure and requirements.* A description of the standard fire test apparatus and its use is in FAA "Standard Fire Test Apparatus and Procedure" (Power Plant Engineering Report No. 3)[3]. The use of a protective sleeve over the hose and/or end fittings is permitted to facilitate compliance with the fire test requirements. Sleeves or covers shall be secured to the hose assembly so that fire-resistant properties will be maintained.

(i) Oil pressure during fire test: Type C hose assemblies—the operating pressure specified in the "Fuel" column of Table 1 in Specification MIL–H–8795A. Type D hose assemblies—the operating pressure specified in Table 1 of Specification MIL–H–25579 (USAF).

(ii) Oil flow rate: 5×(Hose assembly actual ID in inches)[2]. (Example: Flow rate for −16 size=5×(⅞)[2]=3.8 GPM).

(iii) Duration: 5 minutes.

(iv) Criteria for acceptability: The hose assembly shall be considered acceptable if it complies with these test conditions without evidence of leakage.

(b) *Marking.* The markings required are specified in § 514.3 with the following exceptions:

(1) Trademark may be used in lieu of name, and manufacturer's address is not required.

(2) In lieu of the weight specified in paragraph (c) of § 514.3, the size of the hose assembly shall be shown.

(3) The applicable TSO number shall be followed immediately by the appropriate type designation, as TSO–C53–Type B. Where a protective sleeve is employed, the information should be legibly stamped on a steel (or other fireproof) band securely affixed to the hose assembly.

(c) *Data requirements.* The following information and data should be submitted with the letter of conformance.

(1) One copy of drawing showing the hose assembly construction, materials, part numbers and the recommended maximum and minimum fluid and ambient temperatures for continuous operation. The following data should be shown for each size: Proof and burst pressure (minimum), Operating pressure (maximum), Bending radius (minimum).

(2) One copy of any installation instructions and/or other pertinent information (may be shown on drawing).

Effective date: February 1, 1961.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on December 28, 1960.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61–9; Filed, Jan. 3, 1961; 8:45 a.m.]

[1] Hose assemblies for use in propeller feathering lines are covered in TSO–C42.

[2] See footnote on page 5.

[2] Copies of these specifications may be obtained by addressing a request to: Commander, USAF, Administrative Services Office, Attention EWBFE, Wright-Patterson Air Force Base, Ohio.

[3] Copies of Power Plant Engineering Report No. 3 may be obtained by addressing a request to Aeronautical Reference Branch, Correspondence Inquiry Section, Federal Aviation Agency, Washington 25, D.C.



SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–WA–276]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Designation of Federal Airways and Associated Control Areas

The purpose of these amendments to Parts 600 and 601 of the regulations of the Administrator is to designate VOR Federal airway No. 514, and its associated control areas, from Tobe, Colo., to Russell, Kans., and VOR Federal airway No. 516, and its associated control areas, from Tobe to Oswego, Kans.

Upon the implementation of the intermediate altitude structure, as proposed in Airspace Docket No. 60–WA–53, the currently designated 1500 series VOR airways will be revoked. Certain segments of the 1500 series airways do not coincide with an underlying low altitude airway where the Federal Aviation Agency is desirous of retaining an airway below 14,500 feet. The revocation of these segments of the Victor 1500 series would eliminate all airway structure along these routes below 14,500 feet. Such a condition exists on VOR Federal airway No. 1512 between Tobe and Russell, and on VOR Federal airway No. 1516 between Tobe and Oswego. Therefore, action is taken herein to designate a low altitude VOR airway between Tobe and Russell to coincide with Victor 1512, and between Tobe and Oswego to coincide with Victor 1516. No additional controlled airspace is involved since the control areas associated with the newly designated airways will coincide with the control areas associated with Victors 1512 and 1516.

Since these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In Part 600 (14 CFR Part 600) the following sections are added:

§ 600.6514 VOR Federal airway No. 514 (Tobe, Colo., to Russell, Kans.).

From the Tobe, Colo., VORTAC via the Garden City, Kans., VORTAC; to the Russell, Kans., VOR.

§ 600.6516 VOR Federal airway No. 516 (Tobe, Colo., to Oswego, Kans.).

From the Tobe, Colo., VORTAC via the Liberal, Kans., VOR; INT of the Liberal VOR 090° True and the Ponca City, Okla., VORTAC 280° True radials; Ponca City VORTAC; to the Oswego, Kans., VOR.

2. In Part 601 (14 CFR Part 601) the following sections are added:

§ 601.6514 VOR Federal airway No. 514 control areas (Tobe, Colo., to Russell, Kans.).

All of VOR Federal airway No. 514.

§ 601.6516 VOR Federal airway No. 516 control areas (Tobe, Colo., to Oswego, Kans.).

All of VOR Federal airway No. 516.

These amendments shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on December 27, 1960.

D. D. THOMAS,
*Director, Bureau of*
*Air Traffic Management.*

[F.R. Doc. 61–4; Filed, Jan. 3, 1961; 8:45 a.m.]

[Airspace Docket No. 60–FW–82]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Zone

On October 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10487) stating that the Federal Aviation Agency proposed to modify the Galveston, Tex., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2030 (14 CFR 601.2030) is amended to read:

**§ 601.2030 Galveston, Tex., control zone.**

Within a 5-mile radius of the Galveston, Tex., Airport (Scholes Field) (Lat. 29°15'55" N., Long. 94°51'35" W.), within 2 miles either side of the 131° True bearing from the Galveston RBN extending from the 5-mile radius zone to the RBN and within 2 miles either side of the 119° True radial of the Galveston VOR extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 27, 1960.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-3; Filed, Jan. 3, 1961; 8:45 a.m.]

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[Airspace Docket No. 60-WA-210]

## PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

### Modification of Coded Jet Routes

On September 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 9295) stating that the Federal Aviation Agency (FAA) proposed to modify segments of VOR/VORTAC jet routes No. 37, 55 and 79. On October 27, 1960, a modification of proposal was published in the FEDERAL REGISTER (25 F.R. 10320) which further modified J-37-V.

As stated in the Notice and the Modification of Proposal, segments of these jet routes would be modified as follows:

1. Realign J-37-V from the Spartanburg, S.C., VOR via the Gordonsville, Va., VORTAC; intersection of the Gordonsville VORTAC 059° True and the Coyle, N.J., VOR 235° True radials; Coyle VOR, to the Idlewild, N.Y., VORTAC.

2. Realign J-55-V in part from the Flat Rock, Va., VORTAC via the intersection of the Flat Rock VORTAC 029° True and the Gordonsville, Va., VORTAC 059° True radials; intersection of the Gordonsville VORTAC 059° True and the Coyle, N.J., VOR 235° True radials; Coyle VOR; Idlewild, N.Y., VORTAC; Boston, Mass., VORTAC; intersection of the Boston VORTAC 014° True and the Bangor, Maine, VOR 225° True radials; Bangor VOR; to the Presque Isle, Maine, VOR.

3. Realign J-79-V in part from the Norfolk, Va., VORTAC via the Norfolk VORTAC 023° True and the Coyle, N.J., VOR 208° True radials; Coyle VOR, to the Idlewild, N.Y., VORTAC.

Subsequent to publication of the Notice and the Modification of Proposal, the FAA has further evaluated these modifications and determined that realigning and revoking Jet Routes as outlined below will result in better route continuity.

1. Realign J-37-V in part from the Spartanburg, S.C., VOR via the Gordonsville, Va., VORTAC; intersection of the Gordonsville VORTAC 059° True and the Coyle, N.J., VOR 235° True radials; Coyle VOR; Idlewild, N.Y., VORTAC; Albany, N.Y., VORTAC; Plattsburgh, N.Y., VOR; via the Plattsburgh VOR 341° True radial to the United States/Canadian Border.

2. Realign J-55-V in part from the Flat Rock, Va., VORTAC via the intersection of the Flat Rock VORTAC 029° True and the Gordonsville, Va., VORTAC 059° True radials; intersection of the Gordonsville VORTAC 059° True and the Coyle, N.J., VOR 235° True radials; Coyle VOR; Idlewild, N.Y., VORTAC; Boston, Mass., VORTAC; intersection of the Boston VORTAC 014° True and the Bangor, Me., VOR 225° True radials; Bangor VOR; Presque Isle, Me., VOR; via the Presque Isle VOR 357° True radial to the United States/Canadian Border.

3. Realign J-79-V in part from the Norfolk, Va., VORTAC via the Norfolk VORTAC 023° True and the Coyle, N.J., VOR 208° True radials; Coyle VOR; to the Idlewild, N.Y., VORTAC; Albany, N.Y., VORTAC; Plattsburgh, N.Y., VOR; via the Plattsburgh VOR 341° True radial to the United States/Canadian Border." is substituted therefor.

2. In § 602.555 (14 CFR 602.555) the following changes are made:

(a) In the caption *"Presque Isle, Maine"* is deleted and *"United States/Canadian Border"* is substituted therefor.

(b) In the text "INT Flat Rock 024° and Herndon, Va., 164° radials; Dover, Del., VOR; New York (Idlewild), N.Y., VOR; Boston, Mass., VOR; Bangor, Maine, VOR to the Presque Isle, Maine, VOR." is deleted and "INT of the Flat Rock VORTAC 029° True and the Gordonsville, Va., VORTAC 059° True radials; INT of the Gordonsville VORTAC 059° True and the Coyle, N.J., VOR 235° True radials; Coyle VOR; Idlewild, N.Y., VORTAC; Boston, Mass., VORTAC; INT of the Boston VORTAC 014° True and the Bangor, Maine, VOR 225° True radials; Bangor VOR; Presque Isle, Maine, VOR; via the Presque Isle VOR 357° True radial to the United States/Canadian Border." is substituted therefor.

3. In the text of § 602.579 (14 CFR 602.579) "Norfolk, Va., VOR; Salisbury, Md., VOR; Coyle, N.J., VOR; to the Idlewild, N.Y., VOR." is deleted and "Norfolk, Va., VORTAC; INT of the Norfolk VORTAC 023° True and the Coyle, N.J., VOR 208° True radials; Coyle VOR; to the Idlewild, N.Y., VORTAC." is substituted therefor.

4. In the text of § 602.575 (14 CFR 602.575) "Idlewild, N.Y., VOR" is deleted.

5. Part 602 (14 CFR Part 602) is amended by revoking the following sections:

(a) Section 602.569 *VOR/VORTAC jet route No. 69 (Spartanburg, S.C., to Gordonsville, Va.)*

(b) Section 602.567 *VOR/VORTAC jet route No. 67 (New York, N.Y., to Presque Isle, Maine.)*

These amendments shall become effective 0001 e.s.t. February 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 27, 1960.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2; Filed, Jan. 3, 1961; 8:50 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 7237 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Monarch Sewing Centers, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155-10 *Bait;* § 13.155-100 *Usual as reduced, special, etc.;* § 13.157 *Prize contests.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure:



§ 13.1900 *Source or origin:* § 13.1900-35 *Foreign product as domestic.* Subpart—Using contest schemes unfairly: § 13.2270 *Using contest schemes unfairly:* § 13.2270-50 *Puzzle prize contests.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Monarch Sewing Centers, Inc. (Atlanta, Ga.), et al., Docket 7237, October 21, 1960.]

*In the Matter of Monarch Sewing Centers, Inc., a Corporation, Max M. Silberman, Jerome Shulman, Daniel Eberstein, and Standly Spiegel, Individually and as Officers of the Above Named Corporation.*

Consent order requiring retailers of sewing machines in Atlanta, Ga., also operating branch stores in other States, to cease using bait advertising and deceptive contests to obtain leads to prospective purchasers, representing usual prices as special and reduced, and making fictitious guarantee claims; and to reveal clearly and conspicuously on machines imported from Japan, the fact of foreign origin.

The order to cease and desist is as follows:

*It is ordered,* That respondents Monarch Sewing Centers, Inc., a corporation, and its officers (except Jerome Shulman), and Max M. Silberman and Stanley Spiegel, individually and as officers of the said corporation, and respondents' agents, representatives and employees (except Daniel Eberstein), directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machines or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That said merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered.

2. That certain amounts are special or reduced retail prices of merchandise unless such amounts are less than the prices at which said merchandise is usually and regularly sold by respondents.

3. That respondents are conducting a "contest" in which the winners will receive prizes or gift certificates unless respondents are in fact conducting a bona fide "contest" in which the winners will receive prizes or gift certificates of actual value.

4. That certificates or other articles awarded the winners of a contest conducted by respondents are of a certain value or worth unless such certificates or other articles are in fact of the represented value or worth.

5. That any article of merchandise is guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform are clearly set forth.

*It is further ordered,* That respondents Monarch Sewing Centers, Inc., a corporation, and its officers (except Jerome Shulman), and Max M. Silberman and Stanley Spiegel, individually and as officers of the above named corporation, and respondents' agents, representatives and employees (except Daniel Eberstein), directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machines or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from offering for sale, selling or distributing sewing machines or other merchandise manufactured in Japan, or in any other foreign country, without clearly disclosing the country of origin thereon in such a manner that it can not readily be hidden or obliterated.

*It is further ordered,* That the complaint be, and hereby is, dismissed as to Jerome Shulman and Daniel Eberstein.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That respondents Monarch Sewing Centers, Inc., a corporation, Max M. Silberman and Stanley Spiegel, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 21, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 61-12; Filed, Jan. 3, 1961; 8:46 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 21—VOCATIONAL REHABILITATION AND EDUCATION

### Subpart C—War Orphans' Educational Assistance Under 38 U.S.C. Ch. 35

MISCELLANEOUS AMENDMENTS

1. Section 21.3305(a)(1) is amended to read as follows:

**§ 21.3305 Overpayments of education and training and other Veterans Administration benefits.**

(a) * * *

(1) Where an eligible person has failed to make arrangements with the finance activity to restore or refund an outstanding overpayment of vocational rehabilitation and education benefits under either 38 U.S.C. Ch. 31 or 33, original entry into training under this law may not be permitted until arrangements have been made to liquidate the overpayment. The parent or guardian and institution will be appropriately notified.

* * * * * *

(2) In § 21.3306, paragraph (a) and the introductory portions of paragraphs (b) and (d) immediately preceding subparagraph (1) are amended to read as follows:

**§ 21.3306 Examination of records.**

(a) The records and accounts of educational institutions pertaining to eligible persons enrolled in programs of education or special restorative training under 38 U.S.C. Ch. 35, shall be available for examination by duly authorized representatives of the Government.

(b) Each educational institution which is enrolling or has enrolled eligible persons under 38 U.S.C. Ch. 35, shall upon request of duly authorized representatives of the Government make available for examination all appropriate records and accounts including but not limited to:

* * * * * *

(d) The institution having eligible persons enrolled in courses approved under 38 U.S.C. 1654, will make available, in addition to the records and accounts required in paragraphs (b) and (c) of this section, the following:

* * * * * *

3. Sections 21.3308 and 21.3309 are revised to read as follows:

**§ 21.3308 Criminal penalties and forfeiture.**

Rights to educational and training benefits may be forfeited only in accordance with the provisions of sections 3503, 3504, and 3505 of Title 38, United States Code, as amended by Public Law 86-222.

**§ 21.3309 Appeals.**

All questions respecting any adjudicatory determination under 38 U.S.C. Ch. 35, are subject to the right of the parent or guardian to appeal to the Administrator of Veterans Affairs and any notice of the determination adverse to the interest of the claimant shall include information respecting such right of appeal. All applicable regulatory provisions governing notice of right of appeal, reception, development, processing and certification of appeal upon the part of the vocational rehabilitation and education activity of original jurisdiction are governing.

4. Section 21.3312 is added to read as follows:

**§ 21.3312 Audit and review of payments.**

Payments under chapter 35, Title 38, United States Code shall be subject to audit and review by the General Accounting Office as provided by the Budget and Accounting Act of 1921 and the Budget and Accounting Procedures Act of 1950. (38 U.S.C. 1761(a)).

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective January 4, 1961.

[SEAL] ROBERT J. LAMPHERE,
*Deputy Administrator.*

[F.R. Doc. 61-48; Filed, Jan. 3, 1961; 8:51 a.m.]

# Title 41—PUBLIC CONTRACTS

## Chapter 50—Division of Public Contracts, Department of Labor

## PART 50-202—MINIMUM WAGE DETERMINATIONS

### Paper and Paperboard Containers and Packaging Products Industry

Exceptions have been filed to the tentative decision in the determination of

prevailing minimum wages for the paper and paperboard containers and packaging products industry published in the FEDERAL REGISTER on October 15, 1960 (25 F.R. 9903). Many of the exceptions and the reasons supporting them repeat matters expressly considered and rejected in the tentative decision. For the reasons indicated in the tentative decision, each of these exceptions is overruled. The remaining exceptions are discussed below.

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and its two principal affiliates in this industry, the International Brotherhood of Pulp, Sulphite, and Paper Mill Workers and the United Papermakers and Paperworkers (hereinafter referred to as the unions), and the Fibre Box Association except to the finding that there should be separate minimum wage determinations for each of the four branches of the industry. In so doing, both the unions and the Association assert that undue reliance is placed upon the four-digit industry definitions in the Standard Industrial Classification (SIC) Manual. They also object because no broad inferences are drawn from union exhibits containing "illustrative" and "partial" listings showing that some establishments manufacture products in more than one branch of this industry.

Conformance with the existing structure of American industry was among the stated principles guiding the Technical Committee on Standard Industrial Classification in the preparation of the SIC Manual. This principle is reflected in the tentative decision, which observes that the four-digit SIC groupings follow customary and established lines of industrial classification. These groupings would seem to provide a more effective guide to industrial classification in this decision than the evidence showing that some plants in the industry manufactured products in more than one of its branches and that there was some competition and substitution among a few of the products of the branches in that several food and other products could be shipped either in fibre boxes, bags, or even sanitary food containers. While showing that some penumbral areas exist, this evidence falls short of showing predominant practice. The record indicates that there are many plants which confine their production to one of the several branches. The record also demonstrates that there is only a limited measure of competition and substitutibility.

The unions further except to the reliance on substantial differences in the minimum wage levels in the different branches, asserting that such differences are not relevant and not important to the question whether there should be separate determinations. I am of the opinion that such differences are relevant as an indication of the existence of separate industrial groupings. To illustrate, it is noted that the economist testifying on behalf of the Fibre Box Association indicated that there are a number of companies in the industry which produce products in more than one of the product categories and that usually these companies have uniform personnel and wage policies irrespective of the product category. Yet, an examination of the minimum wage levels among plants producing products in the various product categories reveals that diversity rather than uniformity is predominant.

The employers and employers' groups except generally to the wage determinations for the various branches asserting that they are too high. The unions, on the other hand, except to them asserting that they are too low.

The employers and employers' groups are critical of the use of the median method. However, I find its use appropriate in each of the branches since the evidence shows no single predominant minimum wage in any of them. There is abundant administrative precedent holding that the median approach permits the finding of representative minimum wages. I decline to use the "significant wage cluster" theory for the reasons indicated in the tentative decision.

The unions contend that, in determining prevailing minimum wages under the statute, conclusive effect should be given to the median minimum wage paid by plants weighted in accordance with their total covered worker employment. I decline to do so for the reasons stated in the tentative decision, but deem it appropriate to add that the application of the statute proposed by this exception is not required by the text of the statute or its purposes. Cf. Tentative decision for Drugs and Medicine Industry (April 29, 1958, 23 F.R. 2863). Both the median of the several plants, large and small alike, and the median of them when they are weighted in terms of their employment have significance in the determination of prevailing minimum wages.

In weighing these significant data, the unions suggest setting the minimum wage at the midpoint between the two medians. This would have the merit of providing an objective standard. The standard would be an inflexible one, however, and would provide an arithmetic average of the medians involved, which might or might not be most representative of the minimum wages paid. In this industry, the midpoints (arithmetic averages) of the two medians in each branch of the industry are not, in my opinion, the most representative minimum wages, either in terms of those paid by the plants alone or the plants weighted by their employment. This is because the data between the medians in the various branches proceed in uneven progressions. It is for this reason that I decline to apply a midpoint formula in this decision.

In excepting to the prevailing minimum wage findings, the unions urge the recognition of post-survey increases in the prevailing minimum wages determined for all branches of the industry, rather than solely for the corrugated and solid fibre box branch. For reasons indicated in the tentative decision, I conclude that such increases are not supported by substantial evidence.

Accordingly, pursuant to authority vested by the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35 et seq.), Title 41 of the Code of Federal Regulations is amended by adding thereto a new § 50–202.59 reading as follows:

**§ 50–202.59 Paper and paperboard containers and packaging products industry.**

(a) *Definition.* The paper and paperboard containers and packaging products industry is defined as (1) the manufacture or furnishing of non-textile bags (including bags and shipping sacks made from paper, cellophane, acetate, polyethylene, pliofilm, foil, and similar sheet or film materials); and (2) the manufacture or furnishing, from pulp, paper, and paperboard of the following items: (i) Corrugated and solid fiber boxes, partitions, pallets, single face products, and corrugated sheets; (ii) sanitary food containers (including paper cups for hot and cold drinks, liquid tight containers, round nested food containers, fluid milk containers, ice cream containers, frozen food containers, folding paraffined cartons for butter, margarine, and shortening, and pails for food and ice cream); and (iii) laminated wrapping products (including waterproof, moistureproof, and vapor barrier paper), impregnated and saturated wrapping paper, cellulosic wadding and cushioning materials, and shredded and macerated paper pads (including blankets, sleeves, tubes, and box liners). Excluded are primary paper and paperboard; coated, oiled and waxed wrapping products; set-up and folding paperboard boxes (except sanitary food containers); fiber cans, tubes, and drums (except sanitary food containers); and pressed and molded pulp products.

(b) *Minimum wages.* (1) The minimum wage for persons employed in the manufacture or furnishing of products of the non-textile bags branch of the paper and paperboard containers and packaging products industry as defined in paragraph (a) (1) of this section under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.30 per hour arrived at either on a time or piece rate basis.

(2) The minimum wage for persons employed in the manufacture or furnishing of products of the corrugated and solid fiber boxes branch of the paper and paperboard containers and packaging products industry as defined in paragraph (a) (2) (i) of this section under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.53 per hour arrived at either on a time or piece rate basis.

(3) The minimum wage for persons employed in the manufacture or furnishing of products of the sanitary food containers branch of the paper and paperboard containers and packaging products industry as defined in paragraph (a) (2) (ii) of this section under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.37 per hour arrived at either on a time or piece rate basis.

(4) The minimum wage for persons employed in the manufacture or furnishing of products of the wrapping products branch of the paper and paperboard containers and packaging products industry as defined in paragraph (a) (2) (iii) of this section under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.20 per hour arrived at either on a time or piece rate basis.

(c) *Tolerances.* (1) Beginners or probationary workers, as defined in subparagraph (2) of this paragraph, may be employed in the performance of contracts for products of the paper and paperboard containers and packaging products industry defined in paragraph (a) of this section at the following rates:

(i) In the nontextile bags branch at not less than a minimum wage of $1.25 per hour;

(ii) In the corrugated and solid fiber boxes branch at not less than a minimum wage of $1.48 per hour;

(iii) In the sanitary food containers branch at not less than a minimum wage of $1.32 per hour;

(iv) In the wrapping products branch at not less than a minimum wage of $1.15 per hour.

(2) For the purpose of this paragraph, a beginner or probationary worker is defined as a new plant employee hired at a rate lower than that established for a specific job during the period of time required to receive orientation or initial training for that job and who has less than 240 hours experience in the plant in which he is employed.

(d) *Effect on other obligations.* Nothing in this section shall affect any other obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective and the minimum wages established herein shall apply as to all contracts subject to the Walsh-Healey Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after February 3, 1961.

(Sec. 4, 49 Stat. 2038, 41 U.S.C. 2038)

Signed at Washington, D.C., this 28th day of December 1960.

JAMES P. MITCHELL,
*Secretary of Labor.*

[F.R. Doc. 61–31; Filed, Jan. 3, 1961; 8:49 a.m.]



# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2242]

### IDAHO

### Revoking Reclamation Withdrawal in Part and Stock Driveway Withdrawal Entirely

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), and section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of July 3, 1919, creating Stock Driveway Withdrawal No. 86 and the Bureau of Land Management order of January 3, 1950, amendatory thereof, are hereby revoked so far as they affect the following-described lands:

[Idaho 011638]

BOISE MERIDIAN

T. 11 N., R. 25 E.,
Sec. 24, SW¼SW¼;
Sec. 25, NW¼NE¼, S½NE¼, NW¼, NW¼SE¼, and E½SE¼;
Sec. 26, E½NE¼ and NW¼NE¼.
T. 9 N., R. 26 E.,
Sec. 18, lots 1, 2, 3, 4, and E½W½;
Sec. 19, lots 3, 4, 5, 6, 7, SE¼NW¼ and E½SW¼;
Sec. 30, lots 1, 2, 3, 4, and E½W½;
Sec. 31, lots 1, 2, 3, 4, and E½W½.
T. 10 N., R. 26 E.,
Sec. 2, lots 1, 2, 3, and 4;
Sec. 3, lots 1, 2, 3, 4, S½NW¼, and SW¼NE¼;
Sec. 4, lots 1, 2, 3, 4, and S½N½;
Sec. 5, lots 1 and 2, S½NE¼.
T. 11, N., R. 26 E.,
Sec. 30, lots 3 and 4;
Sec. 31, lots 1, 2, E½NW¼, S½NE¼, NE¼SW¼, and N½SE¼;
Sec. 32, S½NW¼, SW¼, W½SE¼, and SE¼SE¼.
T. 10 N., R. 27 E.,
Sec. 27, SE¼NW¼, W½NW¼, SW¼, and SW¼SE¼;
Sec. 28, E½NE¼, NW¼NE¼, and NE¼SE¼.
T. 11 N., R. 27 E.,
Sec. 30, E½W½;
Sec. 31, lot 4, E½W½, and E½.
T. 16 N., R. 44 E.,
Sec. 31, E½SW¼.
T. 4 N., R. 46 E.,
Sec. 29, SW¼SW¼;
Sec. 32, lot 1, and N½NW¼.

The areas described total 4,869.75 acres.

2. The order of the Bureau of Reclamation of April 30, 1951, concurred by the Bureau of Land Management on January 28, 1952, and the departmental order of April 21, 1942, so far as they withdrew the following-described lands for reclamation purposes, are hereby revoked:

[Idaho 010881]

BOISE MERIDIAN

T. 1 S., R. 4 E.,
Sec. 3, W½SW¼;
Sec. 11, S½NW¼, SW¼, NE¼SE¼, and S½SE¼;
Sec. 12 SW¼SW¼;
Sec. 14, NW¼NE¼ and N½NW¼.
T. 4 S., R. 4 E.,
Sec. 26, NW¼NW¼;
Sec. 34, E½NE¼;
Sec. 35, W½NW¼.
T. 5 S., R. 4 E.,
Sec. 3, lots 3, 4, SW¼NW¼, and NW¼SW¼.
T. 2 S., R. 5 E.,
Sec. 1, lots 3, 4, S½NW¼, and W½SW¼;
Sec. 2, lots 1 and 2;
Sec. 12, W½;
Sec. 13, lots 1, 2, 3, W½NE¼, NE¼NW¼, and NW¼SE¼;
Sec. 32, lot 1, S½NE¼, and NE¼SE¼.
T. 3 S., R. 5 E.,
Sec. 8, E½SE¼;
Sec. 17, NE¼ and S½NW¼.
Sec. 18, SE¼NE¼ and E½SE¼.
T. 1 S., R. 6 E.,
Sec. 24, E½ and NE¼NW¼;
Sec. 25, NE¼NE¼, SW¼NE¼, SE¼NW¼, W½NW¼, SW¼, and W½SE¼;
Sec. 26, N½, NE¼SW¼, S½SW¼, and SE¼.
T. 2 S., R. 6 E.,
Sec. 18, lots 2, 3, 4, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 19, lots 1, 2, 3, 4, E½SW½;
Sec. 30, lots 1, 2, 3, 4, E½W½, and W½SE¼;
Sec. 31, lots 1, 2, E½NW¼, and E½;
Sec. 33, SE¼SW¼ and SE¼;
Sec. 35, W½NE¼, S½SW¼, and NW¼SE¼.
T. 3 S., R. 6 E.,
Sec. 2, lots 3, 4, and SW¼NW¼;
Sec. 3, lot 1;
Sec. 4, lots 1, 2, 3, 4, S½N½, N½SW¼, and NW¼SE¼;
Sec. 5, lots 1, 2, 3, 4, S½N½, NE¼SW¼, N½SE¼, and SE¼SE¼.
T. 4 S., R. 6 E.,
Sec. 23, NW¼NE¼;
Sec. 29, N½NW¼.
T. 1 S., R. 7 E.,
Sec. 30, S½;
Sec. 31, E½SE¼;
Sec. 32, E½NW¼, NE¼, and S½.
T. 3 S., R. 7 E.,
Sec. 7, NW¼NE¼ and SE¼NE¼;
Sec. 18, NE¼, E½NW¼, and W½SE¼.
T. 4 S., R. 7 E.,
Sec. 9, E½SW¼ and W½SE¼;
Sec. 21, NE¼NE¼ and S½N½;
Sec. 28, SW¼NE¼, E½SW¼, and W½SE¼.
T. 5 S., R. 7 E.,
Sec. 11, E½SW¼;
Sec. 14, E½NW¼.

The areas described aggregate 8,812.54 acres.

3. Subject to any existing valid rights, provisions of existing withdrawals, and the requirements of applicable law, the unreserved, unappropriated public lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on June 27, 1961, the State of Idaho shall have a preferred right of application to select the lands described in paragraph 1 of this order, in accordance with provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The State has waived its preference rights respecting the lands described in paragraph 2.

(3) All valid applications and selections under the nonmineral public land laws other than from the State under

subparagraph (2), presented prior to 10:00 a.m. on February 1, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to mineral leasing, and those described in paragraph 1 to mining location. The lands described in paragraph 2 will be open to location under the United States mining laws beginning at 10:00 a.m. on February 1, 1961.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

GEORGE W. ABBOTT,
*Assistant Secretary of the Interior.*

DECEMBER 27, 1960.

[F.R. Doc. 61-14; Filed, Jan. 3, 1961; 8:46 a.m.]

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[Public Land Order 2243]

[1526205]

## UTAH

### Revoking Air Navigation Site Withdrawal No. 89 of March 8, 1934

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The Departmental order of March 8, 1934, which withdrew the following described public lands for use of the Department of Commerce as an airway beacon site in the maintenance of air navigation facilities, is hereby revoked:

SALT LAKE MERIDIAN

T. 9 N., R. 8 W.,
Sec. 26, lots 1 and 2.

The areas described contain 56.73 acres.

2. The lands are situated about 37 miles west of Brigham City, Utah, on the east shore of Great Salt Lake near the north end. The site occupies a rough, basalt hill.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on June 29, 1961, the State of Utah shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(3) All valid applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on June 29, 1961, will be considered as simultaneously filed at that hour. Rights under such applications, selections, and offers filed after that hour will be governed by the time of filing.

b. The lands will be opened to location under the United States mining laws beginning at 10:00 a.m. on June 29, 1961.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

GEORGE W. ABBOTT,
*Assistant Secretary of the Interior.*

DECEMBER 28, 1960.

[F.R. Doc. 61-15; Filed, Jan. 3, 1961; 8:46 a.m.]

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[Public Land Order 2244]

[1700903]

## ALASKA

### Revoking Air Navigation Site Withdrawal No. 113

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of November 24, 1937, which withdrew the following-described public lands for use of the Alaska Road Commission as Air Navigation Site Withdrawal No. 113, is hereby revoked:

TRACT NO. 1

Beginning at Corner No. 3, U.S. Survey No. 870, approximately in latitude 60°47' N., and longitude 161°52' W. from Greenwich.

Thence from said initial point, by metes and bounds,
N. 33°20' W., 1000 feet;
N. 56°40' E., 400 feet;
S. 33°20' E., 1061.68 feet to a point on the north boundary of Survey 870;
S. 65°26' W., 404.73 feet along said north boundary of Survey 870 to the place of beginning.

The tract as described contains an area of 9.46 acres.

TRACT NO. 2

Beginning at a point on the west boundary of U.S. Survey No. 870, from which Corner No. 4, W.C.M.C., Survey 870, bears S. 24°34' E., 730 feet.

Thence from said initial point, by metes and bounds,
S. 21°38' W., 700 feet;
N. 68°22' W., 75 feet;
S. 21°38' W., 500 feet;
N. 68°22' W., 200 feet;
N. 21°38' E., 500 feet;
N. 68°22' W., 125 feet;
N. 21°38' E., 1083.59 feet to a point on the west boundary of Survey 870;
S. 24°34' E., 554.21 feet along said west boundary of Survey 870 to the place of beginning.

The tract as described contains an area of 10.49 acres.

2. The lands are reserved, or classified, in aid of other Federal programs.

GEORGE W. ABBOTT,
*Assistant Secretary of the Interior.*

DECEMBER 28, 1960.

[F.R. Doc. 61-16; Filed, Jan. 3, 1961; 8:46 a.m.]

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[Public Land Order 2245]

[2118633]

## NEVADA

### Partially Revoking Air Navigation Site Withdrawal No. 234

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of August 18, 1947, which reserved lands for use of the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following-described lands.

MOUNT DIABLO MERIDIAN

T. 25 N., R. 31 E.,
Sec. 12, SW¼SE¼SE¼.

The area described contains 10 acres.

2. The land is within the Winnemucca Grazing District, approximately 15 miles south of Lovelock, Nevada and immediately north of Carson Sink.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on February 2, 1961, will be considered as simultaneously filed at that hour. Rights under such applications, selections and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws beginning at 10:00 a.m. on February 2, 1961.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

GEORGE W. ABBOTT,
*Assistant Secretary of the Interior.*

DECEMBER 28, 1960.

[F.R. Doc. 61-17; Filed, Jan. 3, 1961; 8:47 a.m.]

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[Public Land Order 2246]

## ALASKA

### Partially Revoking Certain Air Navigation Site Withdrawals

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental orders of January 22, 1940 and July 19, 1941, which reserved lands for use of the Alaska Road Commission in the maintenance of air navigation facilities, are hereby revoked so far as they affect the following-described lands:

[1800138]

NATIÓN, ALASKA

Beginning at Corner No. 3 of U.S. Survey No. 2253, thence,
N., 0°28' E., 238.1 feet along the east boundary of said survey;
S. 30°15' E., 1,552 feet;
S. 59°45' W., 250 feet;
N. 30°15' W., 1,423.6 feet to a point on the south boundary of U.S.S. 2253;
S. 89°32' E., 149.4 feet along this boundary to Corner No. 1, the place of beginning.

The tract described contains 8.13 acres.

[1871263]

LOWER JACK WADE AIRSTRIP

Beginning at a point, at latitude 64°06' N., and longitude 141°37' W., from which the junction of Jack Wade Creek with Walkers Fork in the Forty-mile Recording Precinct, Alaska, bears N. 51°15' E., 785 feet, thence,
S. 60° N, 500 feet;
N. 30° N., 3,000 feet;
N. 60° E., 500 feet;
S. 30° E., 3,000 feet, to point of beginning.

The tract described contains 34.4 acres.

2. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to settlement and to filing of applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

A. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on March 30, 1961, the State of Alaska shall have a preferred right of application to select the lands in accordance with and subject to the provisions of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

(3) All valid applications and selections under the non-mineral public land laws other than from the State of Alaska, and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on March 30, 1961, will be considered as simultaneously filed at that hour. Rights under such applications, and selections, and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws beginning at 10:00 a.m. on March 30, 1961.

3. Subject to the applications and claims described in paragraphs 2(a)(1) and 2(a)(2), the lands shall be subject to settlement under the homestead and Alaska Home Site Laws beginning at 10:00 a.m. on March 30, 1961.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

GEORGE W. ABBOTT,
*Assistant Secretary of the Interior.*

DECEMBER 28, 1960.

[F.R. Doc. 61-18; Filed, Jan. 3, 1961; 8:47 a.m.]

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[Public Land Order 2247]

## WYOMING

### Revocation of Reclamation Withdrawals (Kendrick, Missouri River Basin and Labarge Projects) Correcting Public Land Order No. 2124 of June 13, 1960

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), and as Secretary of the Interior, it is ordered as follows:

1. The departmental order of March 17, 1947, reserving lands in Wyoming in the first form for reclamation purposes in connection with the Missouri River Project is hereby revoked so far as it affects the following-described lands:

[Wyoming 082453]

SIXTH PRINCIPAL MERIDIAN

T. 29 N., R. 68 W.,
Sec. 9, E½SE¼;
Sec. 25, NE¼NE¼, NE¼SW¼, and SE¼.
T. 30 N., R. 68 W.,
Sec. 10, NW¼NE¼ and S½NE¼.

Containing 440 acres, of which the NE¼SW¼ and SE¼ of section 25 have been patented.

2. The order of the Bureau of Land Management of January 27, 1956, reserving the following-described lands in Wyoming in the first form for reclamation purposes in connection with the Kendrick Project is hereby revoked:

[Wyoming 082454]

T. 33 N., R. 81 W.,
Sec. 9, SE¼SW¼.

Containing 40 acres.

3. The departmental order of February 28, 1952, reserving lands in Wyoming in the first form in connection with the LaBarge Project is hereby revoked so far as it affects the following-described lands:

[Wyoming 072210]

T. 29 N., R. 111 W.,
Sec. 20, N½SW¼SW¼.

Containing 20 acres.

4. The lands described in paragraph 2 of this order were on October 5, 1961, designated as being subject to the Smith Act of August 11, 1916 (39 Stat. 506; 43 U.S.C. 621-630), and have not therefore been affected by the withdrawal of January 27, 1956 (61 I.D. 437).

5. The lands described in paragraph 3 of this order are in use by the Town of Big Piney by special permit from the Bureau of Land Management for refuse disposal purposes, and are hereby classified for lease or sale under the act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869), as amended. Pursuant to the provisions of the amendatory act of June 4, 1954 (68 Stat. 174), this classification segregates the lands from disposal under any other public land laws.

6. Subject to any valid existing rights and the requirements of applicable law, the unpatented lands described in paragraph 1 hereof, are hereby opened to filing applications, selections and locations in accordance with the following:

a. Until 10:00 a.m. on June 29, 1961, the State of Wyoming shall have a pre-

ferred right of application to select the lands in accordance with and subject to the limitations and requirements of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

b. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws other than from the State presented prior to 10:00 a.m. on June 29, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands will be open to location under the United States mining laws, beginning 10:00 a.m. on June 29, 1961. They have been open to applications and offers under the mineral leasing laws.

7. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

8. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

9. Public Land Order No. 2124 of June 13, 1960, partially revoking certain stock driveway withdrawals is hereby corrected to describe Stock Driveway Withdrawal No. 128 as having been established by the departmental order of July 7, 1932, and Stock Driveway Withdrawal No. 63 as having been established by a similar order of February 10, 1919.

GEORGE W. ABBOTT,
*Assistant Secretary of the Interior.*

DECEMBER 28, 1960.

[F.R. Doc. 61-19; Filed, Jan. 3, 1961; 8:47 a.m.]

# Title 46—SHIPPING

## Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

[CGFR 60-80]

## PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

### Subpart 10.05—Professional Requirements for Deck Officers' Licenses (Inspected Vessels)

STATE UNIVERSITY OF NEW YORK, MARITIME COLLEGE, FORT SCHUYLER, NEW YORK, N.Y., COURSE AS "RADAR OBSERVER"; NOTICE OF APPROVAL

The course of instruction in the proper operation and utilization of maritime radar equipment at the State University of New York, Maritime College, Fort Schuyler, New York 65, New York, was reviewed after receipt of a letter dated October 4, 1960 from the President of the Maritime College. It was also requested that the Coast Guard accept the certificates issued to those deck cadets who on or after November 17, 1960, successfully complete such a course of instruction.

The regulation designated 46 CFR 10.05-46(d)(4) is added by this document in order to inform all persons concerned that the course of instruction in the proper operation and utilization of marine radar equipment is approved as given at the State University of New York, Maritime College, Fort Schuyler, New York 65, New York. The holders of the New York Maritime College's certificates which attest to the successful completion on or after November 17, 1960, of the course of instruction in the proper operation and utilization of maritime radar equipment may present such certificates as evidence of qualification as "radar observer" and be exempt from taking the examination specified in 46 CFR 10.05-46(b).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulation below, the following amendment designated § 10.05-46(d)(4) is prescribed and shall become effective upon the date set forth therein:

§ 10.05-46 Radar observer.

* * * * * * *

(d) * * *

(4) The course of instruction in the proper operation and utilization of marine radar equipment is approved as given at the State University of New York, Maritime College, Fort Schuyler, New York 65, N.Y. This approval shall be effective for all certificates issued to the deck cadets of the New York Maritime College which attest to the successful completion of the course in the proper operation and utilization of marine radar equipment on or after November 17, 1960, and will continue in effect until this approval is suspended, cancelled or modified by proper authority.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4438, as amended, 4439, as amended, 4440, as amended, 4442, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 247, as amended, sec. 2, 68 Stat. 484, sec. 3, 68 Stat. 676, sec. 3, 70 Stat. 152; 46 U.S.C. 391a, 404, 224, 226, 228, 214, 367, 1333, 239b, 390b, 50 U.S.C. 198)

Dated: December 28, 1960.

[SEAL] A. C. RICHMOND,
*Admiral, U.S. Coast Guard, Commandant.*

[F.R. Doc. 61-32; Filed, Jan. 3, 1961; 8:49 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[ 25 CFR Part 221 ]

### FORT BELKNAP INDIAN IRRIGATION PROJECT, MONTANA

### Operation and Maintenance Charges

*Basis and purpose.* Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210), it is proposed to amend 25 CFR 221.30 as set forth below. The purpose of the amendment is to increase the annual operation and maintenance assessment rate for the Three-Mile Unit from $2.00 to $3.20 per acre and to delete the words "including the lands operated as a tribal farming and livestock enterprise;" and add in lieu thereof the words "including lands under pumping contract with the Fort Belknap Indian Irrigation Project."

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 221.30 is amended to read as follows:

§ 221.30 Charges.

Pursuant to the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the basic annual charges for operation and maintenance against the irrigable lands to which water can be delivered under the constructed works of the Fort Belknap Indian Irrigation Project in Montana are hereby fixed (a) for the Milk River and White Bear Units, including lands under pumping contract with the Fort Belknap Indian Irrigation Project at $2.65 per acre for the year 1961 and thereafter until further notice; (b) for the Peoples Creek (Hays), Brown, and Ereaux Units at $2.00 per acre for the year 1961 and thereafter until further notice; (c) and for the Three-Mile Unit at $3.20 per acre for the year 1961 and thereafter until further notice.

GEORGE W. ABBOTT,
*Assistant Secretary of the Interior.*

DECEMBER 28, 1960.

[F.R. Doc. 61-13; Filed, Jan. 3, 1961; 8:46 a.m.]

## SMALL BUSINESS ADMINISTRATION

[ 13 CFR Part 107 ]

### SMALL BUSINESS INVESTMENT COMPANIES

### Notice of Extension of Period in Which To Submit Comments or Suggestions

On December 13, 1960, notice of proposed rule making regarding amendment of § 107.103-1, twelfth paragraph, § 107.304-1, and § 107.305-1 of Part 107, Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations was published in the FEDERAL REGISTER (25 F.R. 12754). Such notice provided that prior to final adoption of such amendments of regulations, consideration would be given to any comments or suggestions pertaining thereto submitted within a period of 20 days from the date of such publication in the FEDERAL REGISTER.

Notice is hereby given that prior to the final adoption of such amendments of regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington 25, D.C., within an additional period of 10 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: December 28, 1960.

PHILIP MCCALLUM,
*Administrator.*

[F.R. Doc. 61-63; Filed, Jan. 3, 1961; 9:01 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[643.2–0]

### RAYON STAPLE FIBER FROM BELGIUM

#### Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value

DECEMBER 28, 1960.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of rayon staple fiber imported from Belgium is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of rayon staple fiber from Belgium pursuant to § 14.9 of the Customs regulations (19 CFR 14.9).

[SEAL] C. A. EMERICK,
*Acting Commissioner of Customs.*

[F.R. Doc. 61–27; Filed, Jan. 3, 1961; 8:48 a.m.]

### Bureau of Narcotics

### ADDITIONS TO EXISTING CLASSIFICATION OF BASIC CLASS OF NARCOTIC DRUGS

Notice is hereby given pursuant to the provisions of section 6 of the Narcotics Manufacturing Act of 1960 (74 Stat. 61, 21 U.S.C. 504) and 21 CFR 307.71–307.72 that the Commissioner of Narcotics, having determined that it would be consistent with the law and the public health and safety to do so, proposes to add the following listed drugs and their salts which have heretofore been determined to be narcotic drugs as defined in 26 U.S.C. 4731, as amended, to the list of "basic class of narcotic drug" as provided for by section 3(g) of the Narcotics Manufacturing Act of 1960. Where a name and address follows the listed drug it is that of the applicant who has applied for the drug to be listed. Where no applicant is listed the Commissioner has acted on his own motion.

Dihydromorphine.

Diphenoxylate (Ethyl 1-(3-cyano-3, 3-diphenylpropyl)-4-phenyl-4- piperidinecarboxylate)—G. D. Searle & Co., P.O. Box 5110, Chicago 80, Ill.

Metazocine (2'-Hydroxy-2, 5, 9-trimethyl-6, 7-benzomorphan).

Oxymorphine (14—Hydroxydihydromorphinone)—Endo Laboratories, Inc., 84–40 101st Street, Richmond Hill 16, N.Y.

Pholcodine (Morpholinyl-ethylmorphine)—Bard-Saratoga Laboratories, 99–101 Saw Mill River Road, Yonkers, N.Y.

Piminodine (Ethyl-4-phenyl-1-[3-(phenylamino)-propyl]-4-piperidine carboxylate)—Winthrop Laboratories Division of Sterling Drug, Inc., 1450 Broadway, New York 18, N.Y.

Consideration will be given to any written data, views or arguments pertaining to the proposed additions to the classification of "basic class of narcotic drug" which are received by the Commissioner of Narcotics prior to February 6, 1961. Any person desiring to be heard on the proposed additions will be accorded the opportunity of a hearing in the office of the Commissioner of Narcotics, 1300 E Street NW., Washington 25, D.C., at 10:00 o'clock a.m., February 6, 1961, provided that such person furnishes written notice of his desire to be heard, to the Commissioner of Narcotics, Washington 25, D.C., not later than 20 days from the publication of this notice in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received within 30 days from date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held.

[SEAL] H. J. ANSLINGER,
*Commissioner of Narcotics.*

Approved: December 23, 1960.

A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61–28; Filed, Jan. 3, 1961; 8:49 a.m.]

### Office of the Secretary

[Dept. Circ. 570, 1960 Rev. Supp. 5]

### INDEMNITY INSURANCE COMPANY OF NORTH AMERICA

#### Termination of Authority To Qualify as Surety on Federal Bonds

DECEMBER 27, 1960.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Indemnity Insurance Company of North America, Philadelphia, Pennsylvania, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States has been terminated effective as of midnight December 31, 1960.

Pursuant to an assumption and reinsurance agreement executed July 5, 1960, effective 12:01 a.m., January 1, 1961, Insurance Company of North America, Philadelphia, Pennsylvania, has agreed to assume the liabilities and obligations and to reinsure all the business of Indemnity Insurance Company of North America outstanding at midnight on December 31, 1960, and Indemnity Insurance Company of North America has transferred all of the assets and property owned or held by it at midnight December 31, 1960, to Insurance Company of North America.

Insurance Company of North America, a Pennsylvania corporation, holds a certificate of authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. The Treasury has obtained from Insurance Company of North America a separate indemnifying agreement dated November 21, 1960, whereby Insurance Company of North America has assumed the liability for any losses and claims that have arisen or may arise under or in connection with any bond, undertaking or other form of obligation entered into or assumed by Indemnity Insurance Company of North America on or before December 31, 1960, or in its name at any time thereafter, in which the United States has or may have an interest, direct or indirect, including the separate indemnifying agreement dated July 25, 1933, covering bonds and other obligations in favor of the United States originally executed or assumed by Alliance Casualty Company. Copies of the agreement are on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

No action need be taken by bond approving officers, by reason of the assumption and reinsurance agreements referred to herein, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1960, by Indemnity Insurance Company of North America pursuant to the certificate of authority issued to the company by the Secretary of the Treasury.

The underwriting limitation of $54,995,000 established for the Insurance Company of North America, Philadelphia, Pennsylvania, by the Treasury Department, effective May 1, 1960, under the company's certificate of authority to act as an acceptable surety on Federal bonds will continue in force until otherwise advised.

[SEAL] A. GILMORE FLUES.
*Acting Secretary of the Treasury.*

[F.R. Doc. 61–29; Filed, Jan. 3, 1961; 8:49 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 9900]

### SERVICE TO MARTINSBURG, WEST VIRGINIA

#### Notice of Hearing

In the matter of the application of the City of Martinsburg, West Virginia, for scheduled air service under section 401 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on February 6, 1961, at 10:30 a.m., e.s.t., in the City Council Chamber, City Hall, Martinsburg, West Virginia, before Examiner Leslie G. Donahue.

Dated at Washington, D.C., December 28, 1960.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61–33; Filed, Jan. 3, 1961; 8:49 a.m.]



## INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

### TRADE-AGREEMENT NEGOTIATIONS UNDER GENERAL AGREEMENT ON TARIFFS AND TRADE

#### Correction to Supplemental List of Articles Imported Into the United States

In the FEDERAL REGISTER of November 23, 1960 there was published by the Interdepartmental Committee on Trade Agreements supplementary notice with regard to proposed trade-agreement negotiations under the General Agreement on Tariffs and Trade with various foreign governments, together with a list, supplementary to the original list, of additional articles imported into the United States to be considered in the proposed trade-agreement negotiations for possible modifications of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment (25 F.R. 11119–22).

Certain handkerchiefs were erroneously described under paragraph 1529(b) of the supplemental list as handkerchiefs "wholly or in chief value of rayon or other synthetic textile, made with handmade or hand-rolled hems, and valued not over 70 cents per dozen." This classification of articles is corrected to read—

> Wholly or in chief value of rayon or other synthetic textile, made with handmade or hand-rolled hems, or valued over 70 cents per dozen.

Persons interested in the above-described handkerchiefs desiring to appear and be heard at the public hearings of the Committee for Reciprocity Information and the United States Tariff Commission scheduled in connection with the supplemental list of articles (25 F.R. 11119 and 25 F.R. 11122) should notify the Secretary for the Committee for Reciprocity Information or the Secretary of the Tariff Commission not later than 10 days after the date of publication of this notice in the FEDERAL REGISTER. Written statements of persons not desiring to be heard orally should be submitted not later than 20 days after the date on which this notice is published in the FEDERAL REGISTER.

By direction of the Interdepartmental Committee on Trade Agreements this 3d day of January 1961.

JOHN A. BIRCH,
*Chairman, Interdepartmental Committee on Trade Agreements.*

By direction of the Committee for Reciprocity Information this 3d day of January 1961.

EDWARD YARDLEY,
*Secretary, Committee for Reciprocity Information.*

By direction of the United States Tariff Commission this 3d day of January 1961.

[SEAL] DONN N. BENT,
*Secretary.*

[F.R. Doc. 61–89; Filed, Jan. 3, 1961; 11:10 a.m.]

## COMMITTEE FOR RECIPROCITY INFORMATION

### TRADE-AGREEMENT NEGOTIATIONS UNDER GENERAL AGREEMENT ON TARIFFS AND TRADE

#### Correction to Supplemental List of Articles Imported Into the United States

CROSS REFERENCE: For a document affecting a notice appearing in the FEDERAL REGISTER on Wednesday, November 23, 1960, at page 11119, see F.R. Document 61–89, Interdepartmental Committee on Trade Agreements, *supra*.

## TARIFF COMMISSION

### TRADE-AGREEMENT NEGOTIATIONS UNDER GENERAL AGREEMENT ON TARIFFS AND TRADE

#### Correction to Supplemental List of Articles Imported Into the United States

CROSS REFERENCE: For a document affecting a notice appearing in the FEDERAL REGISTER on Wednesday, November 23, 1960, at page 11122, see F.R. Document 61–89, Interdepartmental Committee on Trade Agreements, *supra*.

## FEDERAL POWER COMMISSION

[Project No. 2285]

### CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION

#### Notice of Application for Preliminary Permit

DECEMBER 28, 1960.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, of Dixon, Montana, for preliminary permit for proposed water power Project No. 2285 to be located on the Flathead River in Lake and Sanders Counties, Montana, and affecting lands within the Flathead Indian Reservation. The proposed project would consist of two developments located on Flathead River downstream from the existing Kerr Project No. 5, described as follows: Buffalo No. 2—A concrete dam located at river mile 61.5 with top elevation of 2,715 feet, a reservoir extending approximately 12 miles upstream to the existing Kerr Dam with normal water surface of 2,705 feet, a powerhouse with an installed capacity of 120,000 kilowatts; and Buffalo No. 4—A concrete dam located at river mile 36.5 with top elevation of 2,635 feet, a reservoir extending approximately 24 miles upstream to Buffalo No. 2 development with normal water surface of 2,625 feet and a powerhouse with an installed capacity of 120,000 kilowatts.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 27, 1961. The application is on file with the Commission for public inspection.

MICHAEL J. FARRELL,
*Acting Secretary.*

[F.R. Doc. 61–10; Filed, Jan. 3, 1961; 8:46 a.m.]

[Docket No. G–11399 etc.]

### NEMOURS CORP. ET AL.

#### Notice of Severance

DECEMBER 28, 1960.

Nemours Corporation, Operator, Docket No. G–11399, et al.; Plymouth Oil Company, Operator, Docket No. G–15910; Tidewater Oil Company, Docket No. G–16172; The Superior Oil Company, Docket No. G–16754; Crown Central Petroleum Corporation, Docket No. G–16907; Humble Oil & Refining Company, Docket No. G–19800; Shell Oil Company, Docket No. G–19840; C. P. Talbot, et al., Docket No. G–20381; Floyd M. Hodge, Docket No. G–20466; Carter and Carter, Docket No. CI61–190; Garfield Gas Gathering Company, Docket No. CI61–191.

Notice is hereby given that the applications filed by the respective Applicants, as listed above, beginning with Plymouth Oil Company, Operator, Docket No. G–15910 and ending with Garfield Gas Gathering Company, Docket No. CI61–191, heretofore scheduled for a hearing to be held on December 29, 1960 at 9:30 a.m., e.s.t., in the above-entitled consolidated proceedings, are severed therefrom, for such disposition as may be appropriate.

MICHAEL J. FARRELL,
*Acting Secretary.*

[F.R. Doc. 61–11; Filed, Jan. 3, 1961; 8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 29, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within

15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36818: *Iron or steel scrap—Ohio points to Butler, Pa.* Filed by Traffic Executive Association-Eastern Railroads, Agent (No. E.R. 2566), for The Baltimore and Ohio Railroad Company. Rates on iron or steel scrap, and related articles, in carloads, from Portsmouth and New Boston, Ohio, to Butler, Pa.

Grounds for relief: Market competition.

Tariff: Supplement 74 to Baltimore and Ohio Railroad Company tariff I.C.C. 24355.

FSA No. 36819: *Aluminum and copper articles from Black Eagle, Mont.* Filed by Trans-Continental Freight Bureau, Agent (No. 374), for interested rail carriers. Rates on aluminum and copper cable and wire, and related articles, in carloads, from Black Eagle, Mont., to points in Colorado, Minnesota, North Dakota, South Dakota, and Wyoming.

Grounds for relief: Grouping.

Tariff: Supplement 3 to Trans-Continental Freight Bureau tariff I.C.C. 1644.

FSA No. 36820: *Machinery and machines from Salt Lake City, Utah.* Filed by Western Trunk Line Committee, Agent (No. A-2159), for interested rail carriers. Rates on machinery and machines, as described in the application, in carloads, from Salt Lake City, Utah to points in southern territory.

Grounds for relief: Truck competition.

Tariff: Supplement 58 to Trans-Continental Freight Bureau tariff I.C.C. 1578.

FSA No. 36821: *Talc, soapstone, etc., from Montana points.* Filed by Western Trunk Line Committee, Agent (No. A-2160), for interested rail carriers. Rates on talc, soapstone, wollastonite, and related articles, in carloads, from Alder, Barratts, Butte, East Helena, and Norris, Mont., to points in southern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 3 to Trans-Continental Freight Bureau tariff I.C.C. 1644.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-20; Filed, Jan. 3, 1961; 8:47 a.m.]

[Sec. 5a Application 9]

## NATIONAL BUS TRAFFIC ASSOCIATION, INC.

### Rate and Tariff Procedure; Agreement

DECEMBER 29, 1960.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed December 21, 1960, by:

Drew L. Carraway, Rice, Carpenter and Carraway, 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C.

Amendments involved: Change the by-laws so as to (1) provide specifically that the division of interline revenue and settlement of interline rates shall be governed by the effective Division of Interline Revenue Agreement, (2) define the meaning of the term "Division of Interline Revenue Agreement," and (3) revise certain provisions relating to the matter of apportionment of the general expenses of the association which are subject to assessment.

The complete application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-21; Filed, Jan. 3, 1961; 8:48 a.m.]

[Notice 431]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 29, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63822. By order of December 22, 1960, The Transfer Board approved the transfer to Royal Motor Express, Inc., Lebanon, Ohio, of Permit in No. MC 1459, issued August 29, 1956, to Oliver S. Lowe, doing business as Royal Motor Express, authorizing the transportation, over irregular routes, of petroleum oils and greases in shipper owned trailers, empty oil and grease containers in shipper-owned trailers, machinery, machinery parts, and such office supplies as are used by oil pipeline pumping stations, in shipper-owned trailers, tire tubes, in shipper-owned trailers, and petroleum and petroleum products and such supplies and equipment as are used or handled by filling stations and bulk plants, from and to specified points in Illinois, Indiana, Ohio, Missouri, and Kentucky. Richard H. Brandon, 808 Hartman Building, Columbus 15, Ohio, attorney for applicants.

No. MC-FC 63825. By order of December 22, 1960, The Transfer Board approved the transfer to Jacob Eisenberger, Inc., Norristown, Pa., of Certificate in No. MC 105570, issued May 19, 1954, to Albany-Beacon Express, Inc., Albany, N.Y., authorizing the transportation of machinery, power plant equipment, transformers, construction equipment, structural steel, building materials, timbers, wire and cable, poles, boilers, stacks, and tanks, except lumber and lumber products, restricted to transportation in special equipment only, over irregular routes, between points in New York within 65 miles of Poughkeepsie, N.Y., including Poughkeepsie, on the one hand, and, on the other, points in the territory bounded by a line beginning at Schenectady, N.Y., and extending along N.Y. Highway 7 to Richmondville, N.Y., thence along N.Y. Highway 10 to Deposit, N.Y., thence along N.Y. Highway 17 to Monticello, N.Y., thence along N.Y. Highway 42 to Port Jervis, N.Y., thence along U.S. Highway 209 to Stroudsburg, thence along U.S. Highway 611 to Easton, Pa., thence along U.S. Highway 22 to junction N.J. Highway 28, thence along N.J. Highway 28 to Bound Brook, N.J., thence along N.J. Highway S28 to Highland Park, N.J., thence along N.J. Highway 27 to Rahway, N.J., thence along unnumbered highway to junction U.S. Highway 1, thence along U.S. Highway 1 to New Haven, Conn., thence along Conn. Highway 15 via East Hartford, Conn., to the Conn.-Mass. State line, thence along Mass. Highway 15 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Mass. Highway 12, thence along Mass. Highway 12 via Worcester, Mass., to Fitchburg, Mass., thence along Mass. Highway 2 to the Mass.-N.Y. State line, thence along N.Y. Highway 96 to Troy, N.Y., and thence along N.Y. Highway 7 to point of beginning, including points on the indicated portions of the highways specified. Bert Collins, 140 Cedar Street, New York 6, N.Y., for applicants.

No. MC-FC 63831. By order of December 21, 1960, The Transfer Board approved the transfer to Robert A. Peters, doing business as McCoy Transfer Company, Alton, Ill., of Certificate No. MC 28240, issued January 25, 1960, to Paul J. McCoy, doing business as McCoy Transfer Company, Alton, Ill., authorizing the transportation of: General commodities, over regular routes, excluding household goods, and other specified commodities between Alton, Ill., and St. Louis, Mo., serving no intermediate points, but serving the off-route points of Wood River, East Alton, Roxana, Hartford, and Bethalto, Ill.; and general commodities, over irregular routes, excluding household goods, and other specified commodities, from St. Louis, Mo., to Alton, Ill., and points within 50 miles thereof. Douglas Stutsman, Attorney, 305 Buder Building, St. Louis 1, Mo., for applicants.



No. MC-FC 63836. By order of December 22, 1960, The Transfer Board approved the transfer to Frank Snyder, Philadelphia, Pa., of Certificate in No. MC 103131, issued May 29, 1959, to Joseph Sabatini, Philadelphia, Pa., authorizing the transportation of: Household goods, as defined by the Commission and tinware and tin articles between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, and Maryland; new furniture, uncrated, finished or unfinished, from Philadelphia, Pa., to points in New York, New Jersey, Delaware, and Maryland, with no transportation for compensation on return except as otherwise authorized. Morris J. Winokur, 2 Penn Center Plaza, Philadelphia, Pa., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-22; Filed, Jan. 3, 1961; 8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 100, Amdt. 4]

## CHICAGO AURORA AND ELGIN RAILWAY CO.

### Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 100 (Chicago Aurora and Elgin Railway Company) and good cause appearing therefor:

*It is ordered*, That: Taylor's I.C.C. Order No. 100 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1961, unless otherwise modified, changed, suspended or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., December 31, 1960, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 28, 1960.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 61-23; Filed, Jan. 3, 1961; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-106, 54-229]

## LYNN ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

### Notice of Filing and Order for Hearing; Order Instituting Proceedings; Corrections

DECEMBER 27, 1960.

In the matters of Lynn Electric Company, New England Electric System, File No. 59-106; New England Electric System, File No. 54-229.

Notice is hereby given that the Notice of Filing and Order for Hearing herein, issued by the Commission on December 20, 1960, and published in the FEDERAL REGISTER on Wednesday, December 28, 1960, on page 13804 of Part I of Issue No. 251 of Volume 25, is corrected as follows:

1. 6.24 percent is substituted for 2.82 percent in the first sentence of the first paragraph of Part I of said notice and order.

2. 6.24 percent is substituted for 2.82 percent and 93.76 percent is substituted for 97.18 percent in Items 3 of Part II of said notice and order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-25; Filed, Jan. 3, 1961; 8:48 a.m.]

[File No. 812-1363]

## WESTMINSTER FUND, INC. ET AL.

### Notice of Filing of Application Requesting an Order Permitting Payment of Certain Brokerage Commissions to Affiliated Persons

DECEMBER 27, 1960.

In the matter of Westminster Fund, Inc., Wood, Walker & Co., Dick & Merle-Smith, File No. 812-1363.

Notice is hereby given that Westminster Fund, Inc. ("Fund"), a Maryland corporation, and a registered open-end, diversified investment company, has filed an application pursuant to section 17(e) of the Investment Company Act of 1940 (the "Act") to permit certain affiliated brokers to receive commissions, in connection with the sale of securities to the Fund in exchange for the Fund's shares in an amount in excess of the commissions provided by such section.

The Fund has an authorized capital of 20,000,000 shares of common stock of which 8,000 shares are presently outstanding, and are privately held. The Fund proposes to offer interested persons an opportunity to participate, subject to certain conditions, in a simultaneous tax-free exchange of shares of the Fund for securities owned by them having a market value, with respect to each individual, of not less than $25,000, and which in the aggregate will not be less than $30,000,000. The Fund proposes to enter into an agreement with Kidder, Peabody & Co. to form and manage a group of securities dealers who, during a period of 60 days, which may be extended by the Fund for an additional 60 days, will solicit interested persons to deposit securities with a bank depositary for such exchange.

Under the terms of the proposed offering, the depositor will in effect pay a sales commission ranging from 4 percent to 1¼ percent depending upon the value of the deposited securities. Under the terms of the dealer-manager agreement, approximately 87½ percent of the sales commissions are to be paid to the soliciting brokers. All members of the National Association of Securities Dealers, Inc., or foreign dealers who are not members of that Association who agree to abide by the rules of practice of the Association, are eligible to become soliciting brokers. It is expected that the firms of Wood, Walker & Co. ("Wood"), and Dick & Merle-Smith ("Dick"), both of New York, New York, will become soliciting brokers.

Section 17(e) of the Act prohibits, so far as here relevant an affiliated person of a registered investment company, acting as a broker in connection with the sale of securities to such company, from receiving a commission, fee or other remuneration which exceeds 1 percent of the sale price of such securities, if the sale is effected otherwise than on a securities exchange or in connection with a secondary distribution, unless the Commission, shall, by order in the public interest and consistent with the protection of investors, permit a larger commission. John S. Tilney ("Tilney") a partner of Wood and Julian Roosevelt ("Roosevelt"), a partner of Dick, are both directors of the Fund. Under section 2(a)(3)(D) of the Act, both Tilney and Roosevelt are affiliated persons of the Fund.

In support of the application, it is pointed out that the necessity for this application arises only because the shares of the Fund are offered in exchange for securities, so that the purchase of shares of the Fund also involves a sale of securities to the Fund; that the proposed commissions are reasonable because they are considerably below those generally paid to brokers effecting the sale of shares of open-end funds for cash and are generally comparable with the commissions paid to brokers selling shares of funds similar to applicant; and that the sale of securities to the Fund in exchange for the Fund's shares, does not represent the ordinary case of the purchase of securities by an investment company through a broker for which the scale of commissions set forth in section 17(e) was intended to govern.

Notice is further given that any interested person may, not later than January 10, 1961, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-26; Filed, Jan. 3, 1961; 8:48 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

### CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR, Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Albany Manufacturing Co., Albany, Ky.; effective 12–19–60 to 12–18–61 (girls' blouses, boys' shirts).

Brook Manufacturing Co., Inc., First and Miles Streets, Old Forge, Pa.; effective 12–28–60 to 12–27–61 (men's trousers).

Evergreen Textiles, Inc., Evergreen, Ala.; effective 12–21–60 to 12–20–61 (men's semi-dress slacks).

Hickerson & Co., Brainerd, Minn., effective 12–14–60 to 12–13–61 (men's wool utility coats and jackets).

Princess Peggy, Inc., Items Division, Belleville, Ill.; effective 12–15–60 to 12–14–61 (women's dresses).

Richfield Shirt Factory, Monroe Township, Juniata County, Richfield, Pa.; effective 12–28–60 to 12–27–61 (men's dress and sport shirts).

Rutherford Garment Co., Rutherford, Tenn.; effective 12–29–60 to 12–28–61 (men's and boys' jackets and parkas, wool carcoats and suburban coats).

Henry I. Siegel Co., Inc., Trezevant, Tenn.; effective 12–26–60 to 12–25–61 (men's and boys' single pants).

Southern Garment Manufacturing Co., Inc., Culpeper, Va.; effective 12–28–60 to 12–27–61 (work trousers and jackets).

W. E. Stephens Manufacturing Co., Inc., Pulaski, Tenn.; effective 1–2–61 to 1–1–62 (men's and boys' work and sport pants).

The Warner Brothers Co., Marianna, Fla.; effective 12–22–60 to 12–21–61 (corsets and brassieres).

The Warner Brothers Co., Thomasville, Ga.; effective 12–22–60 to 12–21–61 (corsets and brassieres).

Waverly Garment Co., Inc., Waverly, Tenn.; effective 12–27–60 to 12–26–61 (men's and boys' work pants).

Wyoming Valley Garment Co., 237 Old River Road, Wilkes-Barre, Pa.; effective 12–21–60 to 12–20–61 (men's and boys' trousers).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Angelica Uniform Co., Mountain View, Mo.; effective 1–1–61 to 12–31–61; 10 learners (men's washable service coats and hospital garments).

East Salem Shirt Factory, Delaware Township, Juniata County, R.D. No. 2, Mifflintown, Pa.; effective 12–28–60 to 12–27–61; five learners (men's and boys' dress and sport shirts).

W. E. Stephens Manufacturing Co., Inc., Watertown, Tenn.; effective 12–29–60 to 12–28–61; 10 learners (men's and boys' work and sport shirts; ladies' and girls' sportswear).

The following learner certificate was issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Shadowline, Inc., Boone, N.C.; effective 12–16–60 to 6–15–61; 15 learners (women's gowns).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Interwoven Stocking Co., Martinsburg, W. Va.; effective 12–14–60 to 12–13–61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Brookfield Mills, 206 North Elm Avenue, Sanford, Fla.; effective 12–15–60 to 12–14–61; five learners for normal labor turnover purposes (ladies' swim suits).

June Day Manufacturing Co., Inc., Washington Street, Williamston, N.C.; effective 12–21–60 to 6–20–61; 15 learners for plant expansion purposes (children's and women's swimwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

International Shoe Co., Kirksville, Mo.; effective 12–17–60 to 12–16–61; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' leather welt shoes).

International Shoe Co., Salem Factory, Salem, Mo.; effective 12–17–60 to 12–16–61; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's slip-lasted shoes of leather or cloth).

Regulations applicable to the employment of learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Youthful Corp., 318 Carpenter Road, Hato Rey, P.R.; effective 11–28–60 to 11–27–61; three learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (girdles).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 22d day of December 1960.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 61–24; Filed, Jan. 3, 1961; 8:48 a.m.]

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PART I

# FEDERAL REGISTER

VOLUME 26 NUMBER 2

Washington, Thursday, January 5, 1961

THE UNIVERSITY OF MICHIGAN
JAN 9 1961
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Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 2-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 198, Amdt. 1]

### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) of § 914.498 (Navel Orange Regulation 198, 25 F.R. 13663) are hereby amended to read as follows:

(i) District 1: 400,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 30, 1960.

S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-46; Filed, Jan. 4, 1961; 8:46 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 616; Amdt. 239]

### PART 507—AIRWORTHINESS DIRECTIVES

#### Martin 202, 202A, and 404 Aircraft

Nine main landing gear torque arm failures have occurred on Martin 404 aircraft. Failure of the torque arm permits unrestrained swiveling of the main wheel affecting safety of the aircraft. As the failed parts had approximately 18,000 hours' time in service, it is necessary to require repetitive inspection of parts which have exceeded a specified time, and to require replacement of parts prior to further flight where inspection has found that cracks or corrosion exist. Since the same parts are used on Martin 202 and 202A aircraft, the directive is also applicable to those models.

In the interest of safety notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

MARTIN. Applies to all Model 202, 202A and 404 aircraft with main landing gear torque arms having more than 12,000 hours' time in service.

Compliance required as indicated.

Failures of Model 404 main landing gear torque arms have occurred in the lower attachment point where the torque scissors attach to the strut. Also, a failure was found in the apex (upper to lower torque arm attach point). As a result, the following must be accomplished within the next 225 hours' time in service, unless already accomplished within the last 225 hours' time in service, and every 450 hours' time in service thereafter.

Inspect all surfaces of the torque arm lugs which attach the torque scissors to the strut for cracks or corrosion, using dye penetrant, ultrasonic or radiographic method, or FAA approved equivalent. Beginning with the first repetitive inspection, also inspect all surfaces of the torque arm apex using dye penetrant, ultrasonic or radiographic method, or FAA approved equivalent. Removal of bolts and bushings is required only if dye penetrant is used. If cracks or corrosion are found, the torque arm must be replaced before the next flight.

This amendment shall become effective January 6, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, m775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 28, 1960.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-38; Filed, Jan. 4, 1961; 8:45 a.m.]

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-201]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

#### Certain Additions

On September 2, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 8489) stating that the Federal Aviation Agency (FAA) proposed to designate VOR Federal airways Nos. 809, 810, 813, 830, 837, 843, 845, 846, 854, 875, 885 and 887.

As stated in the notice, preferred routes of flight have been utilized for some time to segregate opposite direction traffic operating between major terminals. The 800 series airways are designated to indicate these preferred routes and will generally coincide with existing VOR Federal airways. However, in certain instances several minor changes are required to more accurately align this system with the existing airway structure. Further, it has been determined that minor changes to segments of Victors 845, 846 and 854 from the proposals contained in the notice are necessary to include recent modifications of preferred routes to, and/or from, certain terminal areas. These changes require no additional airspace designation and are reflected in the actions taken herein.

No adverse comments were received regarding the proposed amendments. The Aircraft Owners and Pilots Association concurred in the designation of this system with the understanding that compulsory filing of these routes would not be mandatory and that VFR flying on or along such airways would not be affected.

Compulsory filing of these routes and restrictions to VFR flying on or along these airways is not contemplated by the FAA.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and

due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein, and in the notice, Part 600 (14 CFR Part 600) is amended by adding the following sections:

**§ 600.6809 VOR Federal airway No. 809 (Seattle, Wash., Metropolitan Area to the San Francisco, Calif., Metropolitan Area); normal traffic flow southbound.**

From the Olympia, Wash., VOR via the INT of the Olympia VOR 185° True and the Portland, Oreg., VORTAC 353° True radials; Portland VORTAC; Eugene, Oreg., VORTAC; Medford, Oreg., VORTAC; Fort Jones, Calif., VOR; Red Bluff, Calif., VORTAC; INT of the Ukiah, Calif., VOR 147° True and the Point Reyes, Calif., VOR 352° True radials; to the Point Reyes VOR.

**§ 600.6810 VOR Federal airway No. 810 (San Francisco, Calif., Metropolitan Area to the Chicago, Ill., Metropolitan Area); normal traffic flow eastbound.**

From the INT of the Oakland, Calif., VORTAC 004° True and the Linden, Calif., VORTAC 269° True radials via the INT of the Oakland VORTAC 004° True and the Williams, Calif., VORTAC 191° True radials; Williams VORTAC; Reno, Nev., VOR; Lovelock, Nev., VORTAC; Battle Mountain, Nev., VOR; Elko, Nev., VORTAC; Bonneville, Utah, VOR; Salt Lake City, Utah, VORTAC; Fort Bridger, Wyo., VOR; Rock Springs, Wyo., VORTAC; Cherokee, Wyo., VOR; Rock River, Wyo., VOR; Chadron, Nebr., VOR; O'Neill, Nebr., VORTAC; Sioux City, Iowa, VOR; Fort Dodge, Iowa, VOR; Waterloo, Iowa, VORTAC; Dubuque, Iowa, VOR; Rockford, Ill., VORTAC; to the Northbrook, Ill., VORTAC.

**§ 600.6813 VOR Federal airway No. 813 (San Francisco, Calif., Metropolitan Area to the Seattle, Wash., Metropolitan Area); normal traffic flow northbound.**

From the INT of the San Francisco, Calif., VOR 304° True and the Ukiah, Calif., VOR 172° True radials via the Ukiah VOR; Fortuna, Calif., VOR; Crescent City, Calif., VOR; North Bend, Oreg., VOR; Eugene, Oreg., VORTAC; Portland, Oreg., VORTAC; INT of the Portland VORTAC 353° True and the Seattle, Wash., VORTAC 197° True radials; to the Seattle VORTAC. The portions of this airway that coincide with the Fort Lewis, Wash., Restricted Areas (R–503) and (R–504) and the Tomales Point, Calif., Restricted Area (R–519) are excluded during the times of designation of these Restricted Areas. The portions of this airway that coincide with the Tacoma, Wash. (McChord AFB) Restricted Area/Military Climb Corridor (R–546) and the Portland International Airport, Oreg., Restricted Area/Military Climb Corridor (R–535) shall be used only after obtaining prior approval from appropriate authority.

**§ 600.6830 VOR Federal airway No. 830 (Dallas/Fort Worth, Tex., Metropolitan Area to the Washington, D.C., Metropolitan Area); normal traffic flow northeastbound.**

From the Dallas, Tex., VORTAC via the INT of the Dallas VORTAC 061° True and the Texarkana, Ark., VORTAC 271° True radials; Texarkana VORTAC; Pine Bluff, Ark., VOR; INT of the Pine Bluff VOR 067° True and the Memphis, Tenn., VORTAC 241° True radials; Memphis VORTAC; Jacks Creek, Tenn., VOR; Graham, Tenn., VOR; Nashville, Tenn., VORTAC; London, Ky., VORTAC; Bluefield, W. Va., VOR; Montebello, Va., VOR; Gordonsville, Va., VORTAC; to the INT of the Gordonsville VORTAC 058° True and the Washington, D.C., VOR 189° True radials.

**§ 600.6837 VOR Federal airway No. 837 (New Orleans, La., Metropolitan Area to the Boston, Mass., Metropolitan Area); normal traffic flow northeastbound.**

From the Picayune, Miss., VOR via the Evergreen, Ala., VOR; Montgomery, Ala., VORTAC; LaGrange, Ga., VOR; Atlanta, Ga., VORTAC; Royston, Ga., VOR; Spartanburg, S.C., VOR; Greensboro, N.C., VOR; South Boston, Va., VOR; Gordonsville, Va., VORTAC; Nottingham, Md., VOR; Kenton, Del., VORTAC; Coyle, N.J., VOR; INT of the Colts Neck, N.J., VOR 103° True and the Riverhead, N.Y., VORTAC 218° True radials; INT of the Idlewild, N.Y., VORTAC 083° True and the Riverhead VORTAC 218° True radials; INT of the Riverhead VORTAC 146° True and the Hampton, N.Y., VOR 239° True radials; Hampton VOR; INT of the Hampton VOR 059° True and the Providence, R.I., VOR 212° True radials; Providence VOR; to the INT of the Providence VOR 043° True and the Boston, Mass., VORTAC 133° True radials.

**§ 600.6843 VOR Federal airway No. 843 (Chicago, Ill., Metropolitan Area to the Miami, Fla., Metropolitan Area); normal traffic flow southbound.**

From the Peotone, Ill., VORTAC via the Danville, Ill., VOR; Lewis, Ind., VOR; Scotland, Ind., VORTAC; Bowling Green, Ky., VOR; Chattanooga, Tenn., VORTAC; INT of the Chattanooga VORTAC 152° True and the Atlanta, Ga., VORTAC 009° True radials; Atlanta VORTAC; INT of the Atlanta VORTAC 179° True and the Albany, Ga., VOR 350° True radials; Albany VOR; INT of the Tallahassee, Fla., VORTAC 090° True and the Valdosta, Ga., VOR 235° True radials; Cross City, Fla., VOR; Lakeland, Fla., VOR; Fort Meyers, Fla., VOR; INT of the Fort Meyers VOR 134° True and the Miami, Fla., VORTAC 269° True radials; to the Miami VORTAC.

**§ 600.6845 VOR Federal airway No. 845 (Chicago, Ill., Metropolitan Area to the Dallas/Fort Worth, Tex., Metropolitan Area); normal traffic flow southbound.**

From the Joliet, Ill., VORTAC via the Bradford, Ill., VOR Burlington, Iowa, VOR; Quincy, Ill., VORTAC; Hallsville, Mo., VOR; Springfield, Mo., VORTAC; Neosho, Mo., VOR; Okmulgee, Okla., VOR; Ardmore, Okla., VOR; INT of the Ardmore VOR 176° True and the Dallas, Tex., VORTAC 324° True radials; to the Dallas VORTAC.

**§ 600.6846 VOR Federal airway No. 846 (Chicago, Ill., Metropolitan Area to the Denver, Colo., Metropolitan Area); normal traffic flow westbound.**

From the Polo, Ill., VORTAC via the Cedar Rapids, Iowa, VORTAC; Newton, Iowa, VOR; Neola, Iowa, VORTAC; Wolbach, Nebr., VOR; INT of the Wolbach VOR 251° True and the Hayes Center, Nebr., VORTAC 059° True radials; Hayes Center VORTAC; Akron Colo., VOR; INT of the Akron VOR 238° True and the Denver, Colo., VORTAC 101° True radials; to the Denver VORTAC.

**§ 600.6854 VOR Federal airway No. 854 (Chicago, Ill., Metropolitan Area to the San Francisco, Calif., Metropolitan Area); normal traffic flow westbound.**

From the Polo, Ill., VORTAC via the Dubuque, Iowa, VOR; Waterloo, Iowa, VORTAC; Fort Dodge, Iowa, VOR; Sioux City, Iowa, VOR; O'Neill, Nebr., VORTAC; Chadron, Nebr., VOR; Rock River, Wyo., VOR; Cherokee, Wyo., VOR; Rock Springs, Wyo., VORTAC; Fort Bridger, Wyo., VOR; Ogden, Utah, VOR; Lucin, Utah, VOR; Wells, Nev., VOR; INT of the Wells VOR 256° True and the Battle Mountain, Nev., VOR 063° True radials; Battle Mountain VOR; Lovelock, Nev., VORTAC; Reno, Nev., VOR; INT of the Reno VOR 257° True and the Sacramento, Calif., VORTAC 038° True radials; Sacramento VORTAC; INT of the Sacramento VORTAC 213° True and the Oakland, Calif., VORTAC 039° True radials; to the Oakland VORTAC. The portion of this airway which coincides with the Savanna, Ill., Restricted Area (R–498) is excluded.

**§ 600.6875 VOR Federal airway No. 875 (Boston, Mass., Metropolitan Area to the New Orleans, La., Metropolitan Area); normal traffic flow southwestbound.**

From the Boston Mass., VORTAC via the INT of the Gardner, Mass., VORTAC 150° True and the Hartford, Conn., VOR 044° True radials; Hartford VOR; Wilton, Conn., VOR; INT of the Wilton VOR 240° True and the Huguenot, N.Y., VORTAC 144° True radials; Solberg, N.J., VORTAC; West Chester, Pa., VORTAC; INT of the Lancaster, Pa., VOR 197° True and the Westminster, Md., VOR 060° True radials; Westminster VOR; Herndon, Va., VORTAC; Cassanova, Va., VORTAC; Montebello, Va., VOR; INT of the Montebello VOR 251° True and the Hollins, Va., VORTAC 035° True radials; Hollins VORTAC; Pulaski, Va., VOR; Tri-City, Tenn., VOR; Knoxville, Tenn., VORTAC; INT of the Knoxville VORTAC 248° True and the Chattanooga, Tenn., VORTAC 032° True radials; Chattanooga VORTAC; Birmingham, Ala., VORTAC; Tuscaloosa, Ala., VOR; INT of the Tuscaloosa VOR 239° True and the Meridian, Miss., VORTAC 040° True radials; Meridian VORTAC; McComb, Miss., VOR; to the INT of the McComb VOR 177° True and the Picayune, Miss., VOR 267° True radials.



**§ 600.6885 VOR Federal airway No. 885 (Washington, D.C., Metropolitan Area to the Boston, Mass., Metropolitan Area); normal traffic flow northbound.**

From the Baltimore, Md., VORTAC via the INT of the Baltimore VORTAC 097° True and the Kenton, Del., VORTAC 242° True radials; Kenton VORTAC; Coyle, N.J., VOR; INT of the Colts Neck, N.J., VOR 103° True and the Riverhead, N.Y., VORTAC 218° True radials; INT of the Riverhead VORTAC 218° True and the Idlewild, N.Y., VORTAC 083° True radials; INT of the Riverhead VORTAC 146° True and the Hampton, N.Y., VOR 239° True radials; Hampton VOR; INT of the Hampton VOR 059° True and the Providence, R.I., VOR 212° True radials; Providence VOR; to the INT of the Providence VOR 043° True and the Boston, Mass., VORTAC 133° True radials. The portion of this airway that coincides with the Camp Springs, Md. (Andrews AFB) Restricted Area/Military Climb Corridor (R–542) shall be used only after obtaining prior approval from appropriate authority.

**§ 600.6887 VOR Federal airway No. 887 (Washington, D.C., Metropolitan Area to the Dallas/Fort Worth, Tex., Metropolitan Area); normal traffic flow southwestbound.**

From the Casanova, Va., VORTAC via the Montebello, Va., VOR; Bluefield, W. Va., VOR; London, Ky., VORTAC; Nashville, Tenn., VORTAC; Graham, Tenn., VOR; Jacks Creek, Tenn., VOR; Memphis, Tenn., VORTAC; INT of the Memphis VORTAC 241° True and the Pine Bluff, Ark., VOR 067° True radials; Pine Bluff VOR; Texarkana, Ark., VORTAC; Sulphur Springs, Tex., VOR; to the Dallas, Tex., VORTAC.

These amendments shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 28, 1960.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–40; Filed, Jan. 4, 1961; 8:45 a.m.]

[Airspace Docket No. 60–FW–81]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Points

On October 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10435) stating that the Federal Aviation Agency proposed to revoke the segment of Green Federal airway No. 6 from Alice, Tex., to Mobile, Ala., together with its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), and for the reasons stated in the notice, the following actions are taken:

1. Section 600.16 (14 CFR 600.16, 25 F.R. 8542) is amended to read:

**§ 600.16 Green Federal airway No. 6 (Greensboro, N.C., to Richmond, Va.).**

From the Greensboro, N.C., RR via the Blackstone, Va., RR; to the Richmond, Va., RR.

2. Section 601.16 (14 CFR 601.16) is amended to read:

**§ 601.16 Green Federal airway No. 6 control areas (Greensboro, N.C., to Richmond, Va.).**

All of Federal airway No. 6.

3. Section 601.4016 (14 CFR 601.4016, 25 F.R. 8542) is amended to read:

**§ 601.4016 Green Federal airway No. 6 (Greensboro, N.C., to Richmond, Va.).**

Greensboro, N.C., RR; Richmond, Va., RR.

These amendments shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 29, 1960.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–41; Filed, Jan. 4, 1961; 8:45 a.m.]

[Airspace Docket No. 60–KC–74]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Zone

On October 19, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 9956) stating that the Federal Aviation Agency (FAA) proposed to modify the Burlington, Iowa, control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2042 (14 CFR 601.2042) is amended to read:

**§ 601.2042 Burlington, Iowa, control zone.**

Within a 5-mile radius of the Burlington Municipal Airport (Lat. 40°47'06" N, Long. 91°07'27" W), and within 2 miles either side of the 293° True radial of the Burlington VOR extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 28, 1960.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–39; Filed, Jan. 4, 1961; 8:45 a.m.]

[Airspace Docket No. 60–NY–126]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

## PART 608—RESTRICTED AREAS

### Modification of Restricted Area and Control Area Extension

The purpose of these amendments to §§ 608.38 and 601.1066 of the regulations of the Administrator is to change the controlling agency of the Warren Grove, N.J., Restricted Area (R–26) (Washington Chart), delete all reference to R–26 and R–93 in the description of the New York control area extension, and to eliminate the overlap between the Dover, Del., and the New York control area extensions.

The Department of the Air Force has agreed to changing the controlling agency of R–26 from the "New Jersey Air National Guard, 108th Tactical Fighter Wing (S.D.), McGuire AFB, N.J." to "Federal Aviation Agency (New York ARTCC)" to provide more efficient utilization of the airspace when it is not being used as a restricted area. Therefore, action is taken herein to reflect this change in Part 608. In light of this and a previous action designating the Federal Aviation Agency (FAA) as the controlling agency of R–93 (Airspace Docket 60–NY–30, 25 F.R. 8365), action is also taken herein to delete all reference to R–26 and R–93 in the description of the New York control area extension (§ 601.1066). Finally, in order to eliminate unnecessary overlapping of control area extensions, action is taken herein to exclude from the description of the New York control area extension that portion which coincides with the Dover control area extension (§ 601.1341).

Since the changes effected by these amendments are less restrictive in nature than the present requirements, and impose no additional burden upon any person, notice and public procedure thereon are unnecessary and they may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 608.38 *New Jersey*, the Warren Grove, N.J., Restricted Area (R-26) (Washington Chart) (25 F.R. 6754) "New Jersey Air National Guard, 108th Tactical Fighter Wing (SD) McGuire AFB, New Jersey." is deleted and "Federal Aviation Agency, (New York ARTCC)." is substituted therefor.

2. In § 601.1066 (14 CFR 601.1066, 25 F.R. 1608) "The portions of this control area extension which lie within the geographic limits of, and between the designated altitudes of, restricted areas R-12, R-25, R-26, R-67, and R-93, and within the geographic limits of, and between the established altitudes of, the Bowers Caution Area (C-53) are excluded during the restricted areas' times of designation and during the caution area's established time of use. The portions of this control area which lie within the New York control area extension 601.1147 and the Millville control area extension 601.1148 are excluded;" is deleted and "The portions of this control area extension that coincide with Restricted Areas R-25 and R-67 are excluded during the time of designation of these restricted areas. The portions of this control area extension which lie within the New York control area extension 601.1147, the Millville control area extension 601.1148 and the Dover control area extension 601.1341 are excluded;" is substituted therefor.

These amendments shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 29, 1960.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-61; Filed, Jan. 4, 1961; 8:48 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 7790 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Alfonso Gioia & Sons, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.690 *Additional deliveries not charged for;* § 13.710 *Cash discounts;* [Discriminating in price under section 2, Clayton Act]—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* [Discriminating in price under section 2, Clayton Act]—Furnishing services or facilities for processing, handling, etc., under 2(e): § 13.835 *Demonstrators.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Alfonso Gioia & Sons, Inc., Rochester, N.Y., Docket 7790, October 22, 1960.]

Consent order requiring a macaroni manufacturer in Rochester, N.Y., with annual sales exceeding $2,500,000, to cease discriminating in price in violation of the Clayton Act by giving some customers but not their competitors substantial discounts, such as special prices and free goods granted to Foodtown Purchasing Co., The Kroger Co., and Stop-N-Shop Super Markets, thus violating section 2(a); and by paying advertising allowances and furnishing demonstrators to favored customers, in violation of sections 2(d) and 2(e), respectively.

The order to cease and desist is as follows:

*It is ordered*, That respondent Alfonso Gioia & Sons, Inc., a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Discriminating, directly or indirectly, in the price of such products of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser competing in fact in the resale or distribution of such products.

2. Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products.

3. Furnishing, contracting to furnish, or contributing to the furnishing of services or facilities in connection with the handling, processing, sale or offering for sale of respondent's products to any purchaser from respondent of such products bought for resale, when such services or facilities are not accorded on proportionally equal terms to all other purchasers from respondent who resell such products in competition with such purchasers who receive such services or facilities.

*It is further ordered*, That the allegations of "primary line injury" in the complaint, namely, that the effect of respondent's discriminations in price may be substantially to lessen competition or tend to create a monopoly in the line of commerce in which respondent is engaged, or to injure, destroy or prevent competition with respondent, be dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 21, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 61-62; Filed, Jan. 4, 1961; 8:49 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Tolerances for Residues of 1-Methoxycarbonyl-1-Propen-2-Yl Dimethyl Phosphate and Its Beta Isomer

A petition was filed with the Food and Drug Administration by Shell Chemical Company, 110 West 51st Street, New York 20, New York, requesting the establishment of tolerances ranging from 0.25 to 1 part per million for residues of 1-methoxycarbonyl-1-propen-2-yl dimethyl phosphate and its beta isomer on various raw agricultural commodities. The request for a tolerance on hops and winter squash was later withdrawn and the tolerance level requested for melons was later increased to 1.0 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.157) are amended by changing § 120.157 to read as follows:

**§ 120.157 Tolerances for residues of 1-methoxycarbonyl-1-propen-2-yl dimethylphosphate and its beta isomer.**

Tolerances for residues of 1-methoxycarbonyl-1-propen-2-yl dimethylphosphate and its beta isomer are established in or on raw agricultural commodities as follows:

1.0 part per million in or on alfalfa, artichokes, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, clover, collards, corn forage, garden beets (including tops), kale, mustard greens, peaches, pea vines, plums, raspberries, sorghum forage, sorghum grain, spinach, strawberries, turnip tops.

0.5 part per million in or on apples, grapes, lettuce, melons (including cantaloups, honeydew melon and muskmelon, determined on the edible portion with rind removed), pears, watermelon.

0.25 part per million in or on beans, carrots, corn grain (including field corn, popcorn, sweet corn) cucumbers, eggplant, okra, onions (green), peas, peppers, potatoes, summer squash, tomatoes, turnips, walnuts (determined on the nut meats with shell removed).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 29, 1960.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-57; Filed, Jan. 4, 1961; 8:47 a.m.]



## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Foods for Human Consumption

CALCIUM DISODIUM ETHYLENEDIAMINETETRAACETATE; PERMITTED ADDITION TO CERTAIN FOODS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Dow Chemical Company, Midland, Michigan, and other relevant material has concluded that the following amendment of food additive regulation § 121.1017 should issue in conformity with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive calcium disodium ethylenediaminetetraacetate as a preservative in certain foods. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625) § 121.1017 (21 CFR Part 121) is amended to read as follows:

**§ 121.1017 Calcium disodium ethylenediaminetetraacetate (calcium disodium (ethylenedinitrilo) tetraacetate; calcium disodium EDTA).**

The food additive calcium disodium ethylenediaminetetraacetate may be used as a preservative in sandwich spread, nonstandardized dressing, sauces, oleomargarine, french dressing, mayonnaise, salad dressing, and potato salad, and as an antigushing ingredient in fermented malt beverages in accordance with the following prescribed conditions:

(a) The food additive contains a minimum of 99.0 percent by weight of the dihydrate $C_{10}H_{14}O_8N_2CaNa_2 \cdot 2H_2O$.

(b) It is used or intended for use in the following foods at not to exceed the levels indicated, calculated as the anhydrous compound:

| | *Parts per million* |
|---|---|
| Fermented malt beverages | 25 |
| French dressing | 75 |
| Mayonnaise | 75 |
| Nonstandardized dressings | 75 |
| Oleomargarine | 75 |
| Potato salad | 100 |
| Salad dressing | 75 |
| Sandwich spread | 100 |
| Sauces | 75 |

(c) To assure safe use of the additive, the label and labeling of the food additive container shall bear, in addition to the other information required by the act:

(1) The name of the additive, calcium disodium ethylenediaminetetraacetate, or, in lieu thereof, the calcium disodium EDTA, followed by the chemical name in parentheses.

(2) Adequate use directions to provide a final food product that complies with the limitations provided in paragraph (b) of this section.

(d) In the standardized foods listed in paragraph (b) of this section, the additive is used only in compliance with and during the effective period of a temporary permit issued under § 3.12 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 28, 1960.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-56; Filed, Jan. 4, 1961; 8:47 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2248]

### ARKANSAS

### Withdrawing Lands for Use of the Department of the Army for Military and Flood Control Purposes

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn for use of the Department of the Army, and reserved as indicated:

a. *BLM 048089.* From all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, for military purposes (Fort Chaffee):

FIFTH PRINCIPAL MERIDIAN

T. 6 N., R. 29 W.,
Sec. 4, N½SW¼;
Sec. 10, N½NW¼;
Sec. 12, E½N½.
(Containing 320 acres)

b. *BLM 050812.* From all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the said act of July 31, 1947, as amended, for flood control purposes in connection with the Greers Ferry Dam and Reservoir Project as authorized by the act of June 28, 1938 (52 Stat. 1218), as amended by the act of September 3, 1954 (68 Stat. 1260):

FIFTH PRINCIPAL MERIDIAN

T. 11 N., R. 9 W.,
Sec. 29, SW¼NW¼;
T. 11 N., R. 10 W.,
Sec. 6, E½N½ of frl SW¼; N½N½W½ N½ of frl SW¼;
Sec. 28, NE¼NW¼.
T. 11 N., R. 11 W.,
Sec. 11, NE¼SE¼NE¼, E½NW¼SE¼NE¼, NE¼SW¼SE¼NE¼, and N½SE¼SE¼ NE¼.
T. 11 N., R. 12 W.,
Sec. 1, E½NW¼NE¼;
Sec. 23, frl NE¼NE¼ (E. of River).
(Containing 157.91 acres)

The areas withdrawn by this order total in the aggregate 477.91 acres.

GEORGE W. ABBOTT,
*Assistant Secretary of the Interior.*

DECEMBER 28, 1960.

[F.R. Doc. 61-44; Filed, Jan. 4, 1961; 8:45 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. 4, S.O. No. 928]

### PART 95—CAR SERVICE

### Indiana Harbor Belt Railroad Co. Authorized To Operate Over Certain Trackage of the Chicago Aurora and Elgin Railway Co.

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 21st day of December, A.D., 1960.

Upon further consideration of Service Order No. 928 (24 F.R. 4995, 7404; 25 F.R. 6361), and good cause appearing therefor:

*It is ordered,* That § 95.928 *Indiana Harbor Belt Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Company,* of Service Order No. 928, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1961, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., December 31, 1960.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

*It is further ordered,* That a copy of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-51; Filed, Jan. 4, 1961; 8:47 a.m.]

[Amdt. 4, S.O. No. 929]

### PART 95—CAR SERVICE

### Chicago, Burlington & Quincy Railroad Co. Authorized To Operate Over Certain Trackage of Chicago Aurora and Elgin Railway Co.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 21st day of December, A.D., 1960.

Upon further consideration of Service Order No. 929 (24 F.R. 4995, 7404; 25 F.R. 80, 6361), and good cause appearing therefor:

*It is ordered,* That § 95.929 *Chicago, Burlington & Quincy Railroad Company authorized to operate over certain trackage of Chicago Aurora and Elgin Railway Company,* of Service Order No. 929, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1961, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., December 31, 1960.

(Sec., 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; U.S.C. 1(10–17), 15(4))

*It is further ordered,* That a copy of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-52; Filed, Jan. 4, 1961; 8:47 a.m.]

[Amdt. 4, S.O. No. 930]

### PART 95—CAR SERVICE

### Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Authorized To Operate Over Certain Trackage of the Chicago Aurora and Elgin Railway Co.

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 21st day of December, A.D., 1960.

Upon further consideration of Service Order No. 930 (24 F.R. 4996, 7405; 25 F.R. 6361), and good cause appearing therefor:

*It is ordered,* That § 95.930 *Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Company,* of Service Order No. 930, be and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1961, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., December 31, 1960.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

*It is further ordered,* That copies of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-53; Filed, Jan. 4, 1961; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 51]

### ONIONS (OTHER THAN BERMUDA—GRANEX AND CREOLE TYPES)[1]

### U.S. Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Onions currently designated "United States Standards for Northern Grown Onions" (7 CFR 51.2830 to 51.2847) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than February 15, 1961.

STATEMENT OF CONSIDERATION LEADING TO THE PROPOSED REVISION OF THE UNITED STATES STANDARDS FOR GRADES OF ONIONS (OTHER THAN BERMUDA—GRANEX AND CREOLE TYPES)

Revision of these standards was undertaken at the request of Western, Midwestern and Eastern industry members composed of producers, shippers and buyers. In April 1960 a preliminary draft of the proposal was widely distributed to industry members. Comments concerning the proposed changes were received through May 1960. The draft now proposed contains a few additional changes based upon comments received and the necessity for providing grade tolerances and requirements which are more adaptable to the needs of the industry as a whole.

Members of the onion industry are urged to study the proposed changes carefully and to comment thereon within the period set forth in this notice.

The changes proposed are largely in the interest of simplification and clarity of the title, text, definitions and application of tolerances which should promote uniformity in the interpretation of the grades by various users. Also, a number of definitions have been reworded in the interest of clarity and more uniformity of interpretation, without making any change in the actual meaning.

The proposed new title represents no change in applicability. These standards apply on a variety basis rather than a geographical one, hence "Northern Grown" would be eliminated from the title.

Following are the other changes from the present grade standards, which are proposed in the attached draft:

1. *Three optional size classifications are proposed.* "Small Medium" which would include onions from 1½ inches to 3¼ inches in diameter; "Medium" which would include onions from 2 to 3¼ inches in diameter; and "Jumbo" or "Large" which would consist of onions 3 inches or larger in diameter. These size classifications when appropriate could be used in lieu of the normal size requirements which would apply without specification. Tolerance for undersize would remain at 5 percent, but over-size tolerance would be reduced to 10 percent; both computed on weight basis.

Many onions are sold in the Western Sweet Spanish areas as "Medium" with commonly expected size range of 2 to 3⅛ inches, and an allowance of 15 percent for oversize. Some areas have been marketing onions as "Medium", having maximum size well above 3¼ inches in diameter. In view of the difficulty of doing a perfectly accurate mechanical sizing job on a volume basis 3¼ inches appears to be a workable "Medium" top size and 10 percent a fair oversize tolerance when a 3 inch minimum "Large" is being packed. Generally, a 3¼ inch maximum with a 10 percent oversize tolerance is equivalent to a 3⅛ inch maximum with a 15 percent oversize tolerance, as far as mechanical sizing problems or general top-size appearance of the lot is concerned. In the interest of uniformity of the "Medium" size classification between standards a 3¼ inch maximum with a 10 percent oversize tolerance appears advisable.

A 2-inch minimum "Medium" is so generally accepted that it would add confusion rather than simplifying marketing procedures to permit the "Medium" class to be further qualified by specification of a smaller minimum. For that reason the "Small Medium" classification would be added for the convenience of those dealers who find that its provisions fit their needs. It would also be simpler to quote "Small Medium" than "Medium 1½ inch minimum."

Requests to shorten considerably the range of size permitted in "Medium" were received. It is not thought that appreciable shortening of the "Medium" range would result in a classification that could be widely used. If the size range allowed is too narrow it will reduce the available quantity of the class so greatly that they would not be regularly available for trading. The use of the size classification would be optional. Other size ranges expressed in inches or fractions of inches could also be specified for trading purposes.

2. *Oversize tolerance would be reduced from 15 percent to 10 percent.* In addition to instances noted above tolerance would be reduced from 15 percent to 10 percent in the U.S. No. 1 Boiler and U.S. No. 1 Pickler grades. No evidence has been found which indicated that more than 10 percent tolerance is needed to enable proper packing and utilization of these proposed grades. No comments have been received pertaining to this proposal.

3. *Certain individual package size requirements would be eliminated for small packages.* For packages containing 10 pounds or less there would be no requirement for individual packages as to the percentage of onions which must be of a specified size, such as 2 inches or larger, providing the entire lot averages as specified.

Larger size individual containers may have 25 percentage points less than specified average. The elimination of this requirement in the case of packages of 10 pounds or less will allow containers with a certain percentage of a specified size to be repackaged by wholesale or retail handlers into smaller containers without becoming off-grade on account of absence of larger specimens in some individual packages. This has not been the case under the present grade.

4. *Changes would be made in the "Application of Tolerances" section.* These changes would provide a more practical basis for applying tolerances for defects and off-size to packages containing 10 pounds or less. They would permit individual packages of 10 pounds or smaller to contain double the limitation set for larger packages, providing the lot averages within tolerance. Investigations have not disclosed any necessity or justification for an "unlimited" tolerance for these factors in any individual containers. Unlimited amounts of defects and off-size in 10 percent of the containers, restricted only by the lot average, would no longer be allowed. Maximum amount of decay permitted in individual packages larger than 10 lbs. would be 4 percent providing lot average was within tolerance. The present provision allowing 5 percent or 6 percent decay in not over 10 percent of the containers complicates understanding of and application of the grades. The provisions cannot be utilized in certain types of continuous grading operations due to lack of knowledge of exact shipping manifests at packing time. This change would simplify the application of grade tolerances, a point which has received some criticism in the present standards.

5. *A definition for damage by "new roots" would be added.* This would be of assistance in the grading, packaging, inspecting, and certification of onions.

6. *The definition of damage by "peeling" would be changed to permit only*

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

*one-third instead of one-half the papery skin to be missing.* Objections to the amount of "peelers" permitted in U.S. No. 1 have been received from buyers. Shippers have also objected to the caliber of competition a U.S. No. 1 lot with a large amount of permissible "peeling" gives to their average run of U.S. No. 1 offerings.

The objection to the amount of peeling allowed does not stem from the size of the tolerance. If the 10 percent tolerance was reduced to 5 percent it would have little possible improving effect on the general appearance of the lot. The remainder of the onions could have the dry papery skin missing from half of the surface area. It has been observed that the number of onions showing "within grade" peeling affecting nearly one-half of the surface has a more damaging effect upon the appearance and commercial value of a lot than the few onions which may show "peeling" affecting more than one-half of surface. It appears, therefore, that a change in amount of area allowed to be affected and not a change in tolerance would best assist in classifying "peeling" lots as to proper grade. U.S. Commercial and U.S. No. 2 grades are not restricted as to amount of peeling permitted.

*7. Damage by general appearance factors, staining, sunburn, dry tops and dry roots would be defined more specifically.* No change is intended in the interpretation of damage by these factors as applied at present. With more specific definitions it will be possible for inspectors to compute the percentage grade for lots which are off grade due to these factors. This has not been possible under definitions provided in the present grades.

The proposed standards, as revised, are as follows:

GRADES

Sec.
51.2830 U.S. No. 1.
51.2831 U.S. Commercial.
51.2832 U.S. No. 1 Boilers.
51.2833 U.S. No. 1 Picklers.
51.2834 U.S. No. 2.

UNCLASSIFIED

51.2835 Unclassified.

SIZE CLASSIFICATIONS

51.2836 Size Classifications.

TOLERANCES

51.2837 Tolerances.

APPLICATION OF TOLERANCES

51.2838 Application of tolerances.

DEFINITIONS

51.2839 Mature.
51.2840 Fairly firm.
51.2841 Fairly well shaped.
51.2842 Wet sunscald.
51.2843 Doubles.
51.2844 Bottlenecks.
51.2845 Scallions.
51.2846 Damage.
51.2847 Diameter.
51.2848 Badly misshapen.
51.2849 Serious damage.
51.2850 One type.

AUTHORITY: §§ 51.2830 to 51.2850 issued under Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.2830 U.S. No. 1.

"U.S. No. 1" consists of onions of similar varietal characteristics which are mature, fairly firm, fairly well shaped, and which are free from decay, wet sunscald, doubles, bottlenecks, scallions, and free from damage caused by seedstems, splits, tops, roots, dry sunscald, sunburn, sprouts, freezing, peeling, cracked fleshy scales, watery scales, dirt or staining, foreign matter, disease, insects, or mechanical or other means. (See § 51.2837.)

(a) *Size.* Unless otherwise specified, the diameter shall be not less than 1½ inches. Yellow, brown, or red onions shall have 40 percent or more, and white onions shall have 30 percent or more, by weight, of the onions in any lot 2 inches or larger in diameter. When a percentage of the onions is specified to be of a certain size or larger, individual packages in a lot may have as much as 25 percentage points less than the percentage specified, except that individual packages containing 10 pounds or less shall have no requirements as to the percentage of a certain size or larger: *Provided,* That any lot regardless of package size shall average within the percentage specified (see §§ 51.2836 and 51.2837).[2]

§ 51.2831 U.S. Commercial.

"U.S. Commercial" consists of onions of similar varietal characteristics which are mature, not soft or spongy, not badly misshapen, and which are free from decay, wet sunscald, doubles, bottlenecks, scallions, and free from damage caused by seedstems, tops, roots, dry sunscald sunburn, sprouts, freezing, cracked fleshy scales, watery scales, disease, insects, or mechanical or other means and from serious damage by staining, dirt, or other foreign matter. (See § 51.2837.)

(a) *Size.* Unless otherwise specified, the diameter shall be not less than 1½ inches. (See §§ 51.2836 and 51.2837.)

§ 51.2832 U.S. No. 1 Boilers.

"U.S. No. 1 Boilers" consists of onions which meet all requirements for the U.S. No. 1 grade except for size. (See § 51.2830.)

(a) *Size.* The diameter of onions of this grade shall be not less than 1 inch nor more than 1⅞ inches. (See § 51.2837.)

§ 51.2833 U.S. No. 1 Picklers.

"U.S. No. 1 Picklers" consists of onions which meet all the requirements for the U.S. No. 1 grade except for size. (See § 51.2830.)

(a) *Size.* The maximum diameter of onions of this grade shall be not more than 1 inch. (See § 51.2837.)

§ 51.2834 U.S. No. 2.

"U.S. No. 2" consists of onions of one type, which are mature, but not soft or spongy, and which are free from decay, wet sunscald, scallions, and which are free from serious damage caused by seedstems, dry sunscald, sprouts, freezing, watery scales, disease, insects or mechanical or other means. (See § 51.2837.)

(a) *Size.* Unless otherwise specified, the diameter shall be not less than 1½ inches. (See §§ 51.2836 and 51.2837.)

UNCLASSIFIED

§ 51.2835 Unclassified.

"Unclassified" consists of onions which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

SIZE CLASSIFICATIONS

§ 51.2836 Size classifications.

The size of onions may be specified in accordance with one of the following classifications.

(a) *Small Medium* shall be from 1½ to 3¼ inches in diameter;

(b) *Medium* shall be from 2 to 3¼ inches in diameter; and,

(c) *Large or Jumbo* shall be 3 inches or larger in diameter.

TOLERANCES

§ 51.2837 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades the following tolerances, by weight, are provided, as specified:

(a) *Defects.*

(1) *U.S. No. 1, U.S. No. 1 Boiler and U.S. No. 1 Pickler grades.* 10 percent of the onions in any lot may be damaged by peeling, and not more than 5 percent may be below the remaining requirements of these grades but not more than two-fifths of this tolerance, or 2 percent, may be allowed for onions which are affected by decay or wet sunscald (see § 51.2838); and,

(2) *U.S. Commercial and U.S. No. 2 grades.* 5 percent of the onions in any lot may be below the requirments of these grades, but not more than two-fifths of this tolerance, or 2 percent, may be allowed for onions which are affected by decay or wet sunscald (see § 51.2838).

(b) *Off-size.*

(1) *U.S. No. 1, U.S. Commercial, U.S. No. 1 Boiler, and U.S. No. 2 grades.* 5 percent of the onions in any lot may be below the specified minimum size, and 10 percent may be above any specified maximum size (see § 51.2838); and,

(2) *U.S. No. 1 Pickler grade.* 10 percent of the onions in any lot may be above the maximum size specified for this grade. (See § 51.2838.)

APPLICATION OF TOLERANCES

§ 51.2838 Application of tolerances.

(a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified, and when a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) Packages which contain 10 pounds or less, may contain defective or off-size onions not to exceed double the percentage permitted in larger packages, except that at least one defective and one off-size onion may be allowed in any package.

DEFINITIONS

§ 51.2839 Mature.

"Mature" means well cured. Midseason onions which are not customarily held in storage shall be considered mature when harvested in accordance with good commercial practice at a stage which will not result in the onions becoming soft or spongy.

§ 51.2840 Fairly firm.

"Fairly firm" means that the onion may yield slightly to moderate pressure but is not appreciably soft or spongy.

§ 51.2841 Fairly well shaped.

"Fairly well shaped" means having the shape characteristic of the variety, but onions may be slightly off-type, or slightly misshapen.

§ 51.2842 Wet sunscald.

"Wet sunscald" means sunscald which is soft, mushy or sticky.

§ 51.2843 Doubles.

"Doubles" means onions which have developed more than one distinct bulb joined only at the base.

§ 51.2844 Bottlenecks.

"Bottlenecks" are onions which have abnormally thick necks with only fairly well developed bulbs.

§ 51.2845 Scallions.

"Scallions" are onions which have thick necks and relatively small and poorly developed bulbs.

§ 51.2846 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of anyone of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the onions. The following specific defects shall be considered as damage:

(a) Seedstems which are tough or woody, or which are more than ¼ inch in diameter;

(b) Splits when onions with two or more hearts are not practically covered by one or more outer scales;

(c) Tops when materially detracting from the appearance of the lot as a whole. As a guide, 3/10 shall be considered damaged if more than 20 percent of the tops are 3 inches in length and the remainder 2 inches;

(d) New roots when most roots on an individual onion have grown to a length of 1 inch or more;

(e) Dry roots when detracting from the appearance of the lot more than the presence of 20 percent of the onions having all roots 2 inches in length;

(f) Dry sunscald which is readily apparent without peeling the onion;

(g) Sunburn when it detracts from the appearance more than the presence of one-third of the onions in the lot showing sunburn of medium green color on one-third of the surface;

(h) Sprouts when visible, or when concealed within the dry top and more than three-fourths inch in length on an onion 2 inches or larger in diameter, or proportionately shorter on smaller onions;

(i) Peeling when more than one-third of the thin papery skin is missing, leaving the underlying fleshy scale unprotected;

(j) Cracked fleshy scales when one or more of the fleshy scales are cracked;

(k) Watery scales when more than the equivalent of the entire outer fleshy scale is affected by an off-colored, watersoaked condition; and,

(l) Dirt or staining when materially detracting from the appearance of the lot. Yellow, brown or red onions are damaged when the appearance of the lot is affected more seriously than by the presence of 15 percent appreciably stained plus 5 percent badly stained onions. White onions are damaged when the appearance of the lot is affected more seriously than by the presence of 15 percent appreciably stained onions. Onions with adhering or caked dirt shall be judged on the same basis as stained onions.

§ 51.2847 Diameter.

"Diameter" means the greatest dimension measured at right angles to a straight line running from the stem to the root.

§ 51.2848 Badly misshapen.

"Badly misshapen" means that the onion is so misshapen that its appearance is seriously affected.

§ 51.2849 Serious damage.

"Serious damage," means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the onions. The following specific defects shall be considered as serious damage:

(a) Watery scales when more than the equivalent of two entire outer fleshy scales are affected by an off-colored, watersoaked condition;

(b) Dirt or staining when seriously detracting from the appearance of the lot. Onions are seriously damaged by dirt or staining when more than 25 percent of the onions in the lot are badly stained. Onions with adhering or caked dirt shall be judged on the same basis as stained onions;

(c) Seedstems when more than one-half inch in diameter; and,

(d) Sprouts when the visible length is more than one-half inch.

§ 51.2850 One type.

"One type" means that the onions are within the same general color category.

Dated: December 30, 1960.

S. T. WARRINGTON,
*Acting Deputy Administrator, Marketing Services.*

[F.R. Doc. 60–73; Filed, Jan. 4, 1961; 8:50 a.m.]

[2] Any lot of onions quoted as being of size smaller than 1½ inches minimum, such as "U.S. No. 1, 1¼ inches min.", is not required to meet the percentages which shall be 2 inches or larger as specified in the U.S. No. 1 grade.



[ 7 CFR Parts 904, 990, 996, 999 ]

## MILK IN GREATER BOSTON, MASS.; SOUTHEASTERN NEW ENGLAND; AND SPRINGFIELD AND WORCESTER, MASS., MARKETING AREAS

### Notice of Proposed Termination of Certain Provision of Orders

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of a certain provision of each of the orders regulating the handling of milk in the Greater Boston, Massachusetts; Southeastern New England; Springfield and Worcester, Massachusetts; marketing areas is being considered.

The provision proposed to be terminated is "was received at that plant" in §§ 904.2(d)(3), 990.2(d)(3), 996.2(d)(3) and 999.2(d)(3) of the respective orders relating to the "dairy farmer for other markets" definition.

Several handlers and cooperative associations of producers contend that they have been hampered by the provision proposed to be terminated in attempting to secure a better balance of producer deliveries among the markets. It is further contended that continued conversion to bulk tank delivery and the shifting of outlets for milk as among handlers and markets are resulting in unnecessary and uneconomic handling of milk in order that it can remain qualified as producer milk under an order and are interfering with the reasonable alignment of prices and allocation of supplies among the markets.

The principal cooperative associations of producers in the markets and the Association of New England Milk Dealers have requested that the aforesaid provision of the several orders be terminated.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than seven days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Issued at Washington, D.C., this 30th day of December 1960.

CLARENCE L. MILLER,
*Assistant Secretary.*

[F.R. Doc. 61–70; Filed, Jan. 4, 1961; 8:50 a.m.]

[7 CFR Part 1004]

[Docket No. AO-371-A6]

## MILK IN CENTRAL ARIZONA MARKETING AREA

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Central Arizona marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Phoenix, Arizona, on October 5-6, 1960, pursuant to notice thereof which was issued September 20, 1960 (25 F.R. 9130).

The material issues on the record of the hearing relate to:

1. Requirements for pool plant and producer milk;
2. Bulk tank handling of milk;
3. Classification of dumped skim milk and milk and cream transferred or diverted to nonpool plants;
4. Mechanics of the supply-demand adjuster;
5. Compensatory and nonpool handler obligations;
6. Partial payments to producers;
7. Marketing service rate; and
8. Clarification of order language.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Requirements for pool plants and producer milk.* The requirements for pool plants and the pooling of producer milk should be modified.

A producer association proposed redefining a pool plant to include a standby plant operated by a cooperative association and to require that a distributing pool plant dispose of at least half of its Grade A supply on routes for fluid use and that half of such fluid sales be in the marketing area. Another group of producers proposed that the type of pool be changed from marketwide to individual-handler.

The proposal to change the type of pool from marketwide to individual-handler should not be adopted. Most of the distributing handlers in the market do not have manufacturing facilities to adequately carry their own reserves. Only two such handlers have facilities for manufacturing products other than ice cream and cottage cheese. During the fall of 1959, most of the other handlers, including the individual-handler pool proponent, transferred or diverted milk for Class II use to at least one of these two plants.

During the past year local manufacturing outlets were inadequate to handle all of the market's reserve milk. Considerable quantities of skim milk, therefore, had to be dumped. To accommodate the handling of reserve milk, a cooperative association representing producers supplying more than four-fifths of the milk to the market recently built a plant. In addition to providing the equipment for the manufacture of reserve milk not needed for fluid use, it also was designed to serve as a standby plant with holding facilities for balancing the fluid milk requirements of distributing handlers whose needs vary from day-to-day during the week as well as seasonally.

Under the above described circumstances the marketwide pool should be continued for orderly marketing and handling of the reserve milk for the market.

The pool plant definition should also be modified to include a Grade A milk plant located within the marketing area, which is operated by a cooperative association if 75 percent or more of its member producers' milk is received at the pool plants of other handlers. In Central Arizona such a plant can only serve the market as a standby plant if located in the marketing area. The marketing area is large and practically all the milk supply of the market is produced on farms located in the area. The provision that at least three-fourths of the milk of the members of such cooperative be supplied to other pool handlers should safeguard the pool against a build-up of milk supply for manufacturing purposes by a cooperative with such a plant.

The requirements for pool plant status should be revised to forestall associating with the market plants which are primarily milk manufacturing plants, and to distinguish between plants whose main purpose is processing and distributing fluid milk products and plants which are primarily supply plants.

The present distributing plant provision in the order provides for the pooling of the milk of any Grade A milk plant which disposes of an average of more than 600 pounds of Class I milk on routes in the marketing area during the month. A plant could qualify as a distributing plant and "ride the pool" with a large amount of milk primarily designed for manufacturing use by distributing only a small proportion of its milk on routes in the marketing area. A supply plant which could not meet the pooling standards for a supply plant under the terms of the order could attain pool status by establishing a route with Class I sales in the marketing area of slightly over 600 pounds of milk per day.

Pool plant requirements are designed to distinguish which plants are associated with the market to the extent that they should participate in a market-wide pool. Each of the distributing plants now participating in the pool distributes in excess of 50 percent of its receipts of milk as Class I in the marketing area.

It should be required that 50 percent or more of the receipts of Grade A milk of a distributing plant be disposed of as Class I and 25 percent or more of such receipts (at least 600 pounds per day) be distributed on routes in the marketing area as a qualification for pool status.

These changes in pool plant standards make it inappropriate to define a producer-handler as the operator of a pool plant. Accordingly, the producer-handler definition has been modified without substantive change.

The present order does not place any limitation on diversions of milk from pool plants to nonpool plants during any month and it permits diversion between pool plants for not more than ten consecutive days' production of a producer. For pricing purposes, such diverted milk is considered received at the pool plant from which diverted.

Producers proposed eliminating diversions between pool plants and limiting diversions to nonpool plants to eight days' production of any producer during each of the months of May through November. They also proposed that diverted milk should be priced at the plant where received rather than the pool plant from which it was diverted. Handlers opposed these proposed modifications.

Since the fall of 1959, a number of changes have occurred in the market. Two cooperatives consolidated to form the United Dairymen of Arizona, representing more than 80 percent of the producers supplying the market. This association now furnishes milk to all distributing pool handlers in the market except Cooperative Dairy, Inc. It directs the milk of its members to the various handlers' plants, performs marketing services, and pays its producer members. The base-excess plan was terminated effective July 1, 1960. Under these conditions, diversion of milk between pool handlers is no longer needed for efficient handling of the milk supply and the payment of producers. Thus, the provision which presently permits diversion between distributing pool plants should be eliminated.

Approximately 84 percent of the milk for the market is produced in Maricopa County in which Phoenix is located. The milk of some producers in this county is regularly received and priced at pool plants in the Phoenix area. The milk of other Maricopa County producers is delivered to Tucson pool plants when needed for fluid use. When not needed at Tucson plants, it is diverted to Phoenix area pool plants for Class II use. However, such diverted milk is priced in the pool at the Tucson zone price, even though considerable savings in transportation costs are effected when milk is received at the Phoenix area pool plants. The pricing of such milk in accordance with its actual location value will more nearly be accomplished by the elimination of diversion between pool plants.

Under the present provisions of the order, there is no limit on the time that a producer's milk may be diverted from a pool plant to a nonpool plant and continue to be pooled. To insure that milk of producers is procured to serve the Central Arizona market and not for manufacturing purposes, limitations on diversions should be provided. To accommodate the seasonal pattern of milk production in the market, diversion limitations should be applied only during the months of May through November when production is relatively low in relation to Class I requirements of the market. During this period, nearly all of a producer's milk should be made available to the market. However, because there are daily and weekly variations in milk production and sales, some diversion should be permitted during this period. Limiting diversion to not more than eight days' production of any producer during the month is reasonable under present conditions in the market. If the milk of a producer is diverted for more than eight days' production in the month, the diverted milk should not be deemed producer milk for the entire period of diversion.

There are a number of producers located in the Yuma, Arizona, and Imperial County, California, areas whose milk is associated with Tucson pool plants where it is priced. When their milk is diverted to nearby nonpool plants rather than delivered to Tucson plants, substantial savings in transportation costs are realized.

The present order provides location differentials to handlers on Class I milk and on all producer milk received at pool plants 60 or more miles from the City Hall at Tucson, Arizona. In order to price diverted milk in accordance with its location value, the location differentials should apply to the location of the nonpool plant where diverted milk is physically received rather than the pool plant from which it is diverted.

2. *Bulk tank handling of milk.* Provision should be made to permit a cooperative association to elect to be the handler with respect to milk of its member producers delivered to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association.

Such a provision will permit continuation of the practice whereby a cooperative is presently acting as the reporting handler with respect to all or a substantial part of the supply of certain handlers. All producers on the market are presently using farm bulk tanks, necessitating tank truck delivery to plants. The United Dairymen of Arizona operate some tank trucks of their own and contract for delivery of additional milk of producer members. With respect to a substantial volume of milk the cooperative is presently acting as the reporting handler under the interplant diversion provisions, for which the ten-day limitation does not apply when a cooperative is the handler.

The cooperative association is expanding its activity in taking responsibility for movement of milk of its members from farms to pool plants. In addition, it is now handling the producer payroll for its members.

When the association operates the tank truck in which milk of two or more of its members is delivered to a pool plant, the operator of the pool plant has no direct knowledge of the identity of the individual producers from whom he receives milk, nor of the weights and tests of individual shippers. The cooperative association maintains such information for its members. The association may, if it elects, report the receipts of individual producers which determine the aggregate volume of milk in the pool.

Since the assembly operation may involve some physical loss, in that receipts at pool plants may not agree with the aggregate of weights determined at the farm from bulk tank "dip stick" readings, provision is made for division of the two percent shrinkage allowance, one-half percent to be retained by the cooperative association and one and one-half percent to be available to the operator of the pool plant. If, however, the latter files with the market administrator notice that he is purchasing from the cooperative association on the aggregate of farm weight and tests, the entire shrinkage allowance should be available to the receiving plant. Provision is also made for a similar division of the shrinkage allowance when milk is transferred between plants in bulk tank lots.

For simplicity of administration, receipts at pool plants for which a cooperative association is the handler by virtue of bulk tank delivery may be classified pro rata with producer milk classified at that plant, so that the receiving handler may report classification. Payment to the cooperative is provided at the applicable class prices.

3. *Classification of dumped skim milk and milk and cream transferred.* The separate category for classifying dumped skim milk as Class II milk should be eliminated.

Producers proposed deleting the special Class II milk classification in the present order for dumped skim milk. Handlers opposed the proposal.

In the latter part of 1959, considerable amounts of skim milk were dumped. Only two plants in the market had nonfat dry milk manufacturing equipment and only two other plants had condensing pans. These facilities were inadequate to handle the reserve supplies of milk. Since then, a number of changes have occurred to alleviate the situation. The amount of reserve milk has declined to more reasonable levels. A cooperative association, which has member producers supplying more than 80 percent of the market's milk, has built a large standby plant to serve the market. With this added facility available for manufacturing condensed milk and nonfat dry milk, capacity is now adequate for the manufacture of the reserve skim milk for the market. Approximately 87 percent of the milk for the market is produced in the neighborhood of Phoenix in Maricopa and Pinal counties. With a cooperative now in a position to serve distributing handlers with milk more closely related to their needs and to handle the reserve supplies of milk, there is no justification for continuation of the special Class II category for the classification of dumped skim milk.

With their plant available for handling reserve milk for the market, the producers' association contended that there was no longer any need to include Imperial County, California, in the area in which milk may be transferred or diverted for manufacture into Class II products. Handlers testified for its continued inclusion within the market's surplus disposal area.

In June 1960, there were eight producers in Imperial County, California, and five producers in Yuma County, Arizona. A nonpool plant located in El Centro in Imperial County makes cottage cheese and ice cream. In past years this plant has served as an outlet for diverted milk for producers in these counties. It saves transportation for their milk to be diverted to a nearby plant for manufacture when it is not needed by the market for fluid use. It is concluded that Imperial County, California, should remain in the area to which milk may be transferred or diverted to a nonpool plant as Class II milk.

In verifying the reported use classification of bulk milk, skim milk or cream transferred to a nonpool plant, the present order provides that the final classification be determined at the first nonpool plant to which such products are transferred or diverted. In case such fluid milk products are transferred to a second nonpool plant located within the surplus disposal area provided for herein, the market administrator should be permitted to verify its use in the second nonpool plant to assure producers and handlers of the proper classification of producer milk.

The present order permits bulk cream to be classified as Class II when transferred outside the marketing area and Imperial County, California, if a pool handler so reports, tags each container "Grade C cream for manufacturing use only" and the shipment is so invoiced, and the market administrator is given sufficient notice to verify the shipment. Producers proposed deleting this provision from the order. Handlers opposed its deletion.

In 1959 and in prior years, several pool handlers marketed surplus cream for use in ice cream in neighboring states. Considerable amounts of such cream have been shipped by two pool plant handlers to the Los Angeles, California, market.

Producers' proposal would tend to restrict the number of pool handlers who could handle the reserve supplies of milk. No evidence of abuse was presented with respect to the functioning of the present

provision. It is concluded that it should be retained in the order.

4. *Mechanics of the supply-demand adjuster.* The standard utilization percentage norms should be adjusted seasonally.

Producers proposed revising the mechanics of the supply-demand adjuster of the Class I pricing formula. One association proposed raising the level of the supply-demand norms five percentage points and increasing their monthly maximum and minimum range when no adjustment is effected from the present four percentage points to six. It also proposed decreasing the maximum plus or minus limit that the supply-demand adjuster could affect the Class I price from 50 cents to 20 cents. Another association proposed deleting the supply-demand adjuster from the order. Handlers supported increasing the range in the monthly standard utilization percentage norms.

The Class I price under the order results from the addition of a combination of three factors, the basic formula price, the $2.75 stated differential, and the supply-demand adjustment factor. The present standard utilization percentage norms in the order reflect an average annual supply-demand relationship of 115. Since the inception of the order through 1959, the Class I price has been sufficiently high to result in a higher percentage ratio of producer receipts to Class I sales in each year. The ratio was 111 in 1956, 116 in 1957, 119 in 1958, and 128 in 1959. The high point was reached in November 1959 at 146. For the first nine months of 1960, it averaged 124.

Although in recent months milk supplies have been lower in relation to Class I sales than a year ago, the market is being adequately supplied with milk. Widening the standard utilization norms within which no adjustment occurs, as proposed, would have the effect of raising the level of the Class I price inasmuch as the supply-demand adjuster is making minus adjustments each month. In view of the adequacy of supplies for the market, it is concluded that the present level and neutral range of the supply-demand norms should be continued. The norms should be adjusted seasonally, however, to better conform to the market's seasonal pattern of production.

The present norms vary seasonally from a range of 116 minimum to 120 maximum, applicable to the months of March through May, to a low of 109 minimum to 113 maximum for the month of November. The revised norms included herein provide a seasonal range of from 115 minimum to 119 maximum, applicable to the months of March through June, to a low of 111 minimum to 115 maximum for the months of October and November. If the revised norms had been in effect there would have been no change in the average level of the Class I price for the last two years, but the adjustments made would have been somewhat more timely than those resulting from the present norms.

The proposal to limit the maximum effect of the supply-demand adjustment factor on the Class I price to plus or minus 20 cents should be denied. The purpose of the supply-demand adjustment factor in the order is to raise the Class I price as the supply of milk decreases relative to Class I sales and to lower the price as the supply increases relative to Class I sales. The limitations proposed would reduce the effectiveness of the adjuster.

5. *Compensatory payments and nonpool handler obligations.* Compensatory payments need not be provided at this time in the Central Arizona market with respect to receipts of other source milk in fluid form allocated to Class I milk. Provision should be made, however, to avoid possibility of any competitive advantage accruing to the operator of a distributing plant that fails to qualify as a pool plant under the standards provided elsewhere in this decision.

The Central Arizona order presently requires a compensatory payment when other source milk received in a form other than fluid milk products is allocated to Class I milk. It was proposed that the payment also apply when the receipt was in fluid form, unless such milk had been subject to the Class I pricing provision of another order.

Such a provision was considered at the time the present payment provision was adopted. In a decision issued August 7, 1957, the Acting Secretary found that little, if any, other source milk in fluid form had been purchased as a replacement for producer milk, and concluded that a compensatory payment with respect to such milk was not then necessary.

This record shows that no other source milk in fluid form was received in the market during 1959 and the first seven months of 1960. In August 1960, one tank load of such milk was received, and in September there were additional such receipts. These receipts were associated with temporary periods of short supply in the market. It was not shown that handlers could purchase other source milk at prices less than the Class I price of the order. The lack of imports over a substantial period of time indicates that handlers have not replaced available producer milk with unpriced other source milk in fluid form. It is concluded that adoption of the proposal for a compensatory payment with respect to such milk is not required at this time.

Provision should be made, however, to avoid any price advantage to the operator of a plant distributing more than 600 pounds daily average Class I milk in the marketing area without qualifying as a pool plant. The provision adopted, common to many orders, would require that the operator of such a plant pay into the pool any amount by which the classified value of his milk receipts from dairy farmers exceeded his gross payments to such dairy farmers, and that he pay the same administrative expense as though his plant were fully regulated.

Such provisions will avoid competitive procurement advantage over fully regulated handlers in this market. Plants whose distribution in the Central Arizona area fail to qualify their receipts for pool status under the standards herein incorporated will be either local plants with utilization far below the market average or outside plants whose procurement areas do not overlap those of fully regulated handlers. The full use value of their milk that such handlers may pay to the dairy farmers supplying them will not be competitive with the market blend price paid Central Arizona producers by pool handlers.

The nonpool handler would be provided the option of having his obligations computed on the volume of his distribution in the marketing area, at the rate of compensatory payment presently provided in the order, adjusted for location of the plant. Under this option, for which comprehensive audits are not required, expense of administration would likewise be computed on the volume of sales in the marketing area.

6. *Partial payments to producers.* The rate of partial or advance payments to producers should be increased.

Handlers are now required to advance to producers by the 27th of the month a minimum amount equal to the hundredweight of milk delivered for the first 15 days of the month times the Class II price of the preceding month, less authorized deductions, but not adjusted for butterfat content. The amount so advanced is deducted when final settlement is made for the month's deliveries.

It was proposed that the amount of this advance be increased by one-third. No opposition was offered to the proposal. A comparison of the level of the Class II price and the uniform price at which final settlement is made shows that overpayments will not be required at the rates proposed. It is concluded that the proposal should be adopted.

7. *Marketing service rate.* No change should be made in the maximum rate of deduction for marketing services specified in the order.

The order presently specifies that 5 cents per hundredweight, or such lesser rate as may be prescribed by the Secretary, be deducted from payments to producers and that such moneys be used by the market administrator to provide market information to them and to check the accuracy of tests and weights of their milk. The deduction is made only from payments to producers who are not receiving such services from a cooperative association.

A group of producers proposed that the maximum rate be 3 cents per hundredweight. Since a lower rate may be prescribed by the Secretary and the moneys collected may be used only for the purposes specified, the rates specified in the order should not be changed. If more funds are accumulated than are required the rate may be adjusted without order amendment.

8. *Clarification of order language.* Order language should be clarified to express more precisely the intention with respect to mixtures defined as fluid milk products, the disposition constituting Class I milk, the allocation of other source milk, and the maximum volume of milk for which an inventory reclassification charge may be computed. In order to accommodate the situation whereby a plant may receive its entire supply by transfer from another pool plant, provision is made that inventory reclassification may be made to the extent that all pool milk, rather than only receipts from producers, was assigned to Class II in the preceding month on the basis of utilization at the receiving plant. Provisions relating to adjustments of location allowance and the value of base and excess milk should be deleted from the order since the provisions to which they relate have previously been deleted by amendment or termination.



### Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

### General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

### Recommended Marketing Agreement and Order Amending the Order

The following order amending the order regulating the handling of milk in the Central Arizona marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

**§ 1004.7 [Amendment]**

1. Change the citation "§ 1004.62" to "§ 1004.13".

2. Delete § 1004.8 and substitute therefor the following:

**§ 1004.8 Pool plant.**

"Pool plant" means any milk plant:

(a) Approved by a duly constituted state or municipal health authority for the receipt or processing of Grade A milk or which supplies processed milk to an agency of the United States Government located within the marketing area, from which during the month:

(1) There are disposed of on routes fluid milk products equal to at least 50 percent of the total receipts at the plant (i) of milk qualified by inspection to become producer milk pursuant to § 1004.13(a), and (ii) from other milk plants and a cooperative association acting in the capacity of a handler pursuant to § 1004.10(c) in the form of fluid milk products qualified for fluid consumption; and

(2) There are disposed of on routes in the marketing area fluid milk products in a volume not less than 25 percent of such receipts and also greater than an average of 600 pounds per day.

(b) Any plant which ships fluid milk products approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume not less than 50 percent of its receipts of milk (from dairy farmers who would be producers if this plant qualifies as a pool plant) in the current month during the period of July through October or 20 percent in the current month during the period of November through June to a plant specified in paragraph (a) of this section: *Provided*, That if a plant qualifies in each of the months of July through October in the manner prescribed in this section such plant shall upon written application to the market administrator on or before October 31 following such compliance be designated as a pool plant until the end of the following June.

(c) A milk plant located within the marketing area at which milk may be received from the farms of dairy farmers holding permits or authorization issued by health authorities having jurisdiction in the marketing area and which is operated by a cooperative association qualified under § 1004.5 of this part which has 75 percent or more of its member producers' milk received at the pool plants of other handlers.

3. Delete § 1004.10 and substitute therefor the following:

**§ 1004.10 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant or of a nonpool plant from which Class I milk is disposed of on a route(s) in the marketing area;

(b) A cooperative association with respect to milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such association; or

(c) A cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for such milk.

4. Delete § 1004.11 and substitute therefor the following:

**§ 1004.11 Producer-handler.**

"Producer-handler" means any person who is both a dairy farmer and the operator of a plant from which fluid milk products are disposed of in the marketing area, but who receives no milk from producers or other dairy farmers: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled (other than that received from pool plants) is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (b) the operation of such plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

5. Delete § 1004.13 and substitute therefor the following:

**§ 1004.13 Producer milk.**

"Producer milk" of each handler means all skim milk and butterfat produced by producers:

(a) With respect to receipts at a pool plant:

(1) Received directly from such producers; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions of paragraph (c) of this section;

(b) With respect to additional receipts of a cooperative association:

(1) For which such cooperative association is the handler pursuant to § 1004.10(b), subject to the limitations and conditions of paragraph (c) of this section; and

(2) For which the cooperative association is the handler pursuant to § 1004.10 (c); and

(c) With respect to diversions to nonpool plants pursuant to (a)(2) and (b)(1) of this section:

(1) Such diversions may be without limit during the months of December through April, but shall not be for more than eight days' production of any producer during any other month, otherwise only milk of such producer received at a pool plant shall be producer milk;

(2) For purpose of location adjustments pursuant to §§ 1004.53 and 1004.74,

milk so diverted shall be priced at the location of the plant to which diverted.

§ 1004.14 [Amendment]

6. Delete (a)(1) and substitute therefor:

(1) fluid milk products received from pool plants and from a cooperative association in the capacity of a handler pursuant to § 1004.10(c).

§ 1004.15 [Amendment]

7. Insert the word "or" between the words "milk" and "skim milk" in line 6.

§ 1004.30 [Amendment]

8. Delete all language preceding paragraph (b) and substitute the following:

**§ 1004.30 Reports of sources and utilization.**

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his pool plants, and each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1004.10 (b) or (c), for such month in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from (i) other pool plants, and (ii) cooperative associations acting in the capacity of a handler pursuant to § 1004.10(c);

(3) Other source milk; and

(4) Inventories of fluid milk products on hand at the beginning of the month; and

§ 1004.31 [Amendment]

9. Renumber (b)(2) as (b)(1), and insert the following as (b)(2):

(2) On or before the 20th day after the end of the month, the payments made to a cooperative association pursuant to § 1004.80(d);

§ 1004.32 [Amendment]

10. After the phrase "available to the market administrator", insert the phrase "or his representative".

11. Delete § 1004.41 and substitute therefor the following:

**§ 1004.41 Classes of utilization.**

Subject to the conditions set forth in §§ 1004.42 through 1004.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted and concentrated nonfat milk solids) and butterfat;

(1) Disposed of in the form of fluid milk products, except those classified pursuant to subparagraph (b)(3) of this section; and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Skim milk disposed of for livestock feed; and

(4) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 1004.13(a)(1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity of a handler pursuant to § 1004.10(c), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from pool plants of other handlers; plus

(iv) 2 percent of bulk receipts of other source milk in the form of fluid milk products; less

(v) 1.5 percent of disposition in bulk tank lots from pool plants to other milk plants; and plus

(vi) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 1004.10(c), unless the exception provided in (ii) of this § 1004.41(b)(4) applies. *Provided,* That if shrinkage of skim milk or butterfat is less than such total there shall be assigned to other source milk the proportion of total shrinkage that the result computed pursuant to (iv) of this subdivision bears to the total computed pursuant to (i) through (vi) of this subsection and the remainder shall be assigned to producer milk.

§ 1004.43 [Amendment]

12. Delete (a) and substitute therefor the following:

(a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Except as provided in paragraph (f) of this section any additional amounts of skim milk and butterfat shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1004.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the computations pursuant to § 1004.45(a)(4) and the corresponding step of (b);

13. Delete (d)(3) and substitute therefor the following:

(3) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the use indicated in such report in the nonpool plant or in a second such nonpool plant to which a transfer was made: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually utilized in such first or second nonpool plant(s) during the month in the use indicated, the pounds transferred in excess of such actual use shall be classified as Class I milk;

14. Add the following as (f):

(f) Unless a different utilization is claimed by both handlers, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler pursuant to § 1004.10(c) or which operates a pool plant described in § 1004.8(c) shall be classified pro rata to the respective amounts thereof remaining in each class for such month at the pool plant(s) of the receiving handler after the computations pursuant to § 1004.45(a)(6) and the corresponding step of (b).

§ 1004.45 [Amendment]

15. In (a)(3) after the phrase "the pounds of skim milk" insert the phrase "in other source milk", reverse the order of paragraphs "(a)(5)" and "(a)(6)", renumber paragraphs "(a)(7)" as "(a)(8)" and add the following as (a)(7):

(7) Subtract, pro rata from the pounds of skim milk remaining in each class, the pounds of skim milk to be classified pursuant to § 1004.43(f).

§ 1004.51 [Amendment]

16. Amend (a)(2)(iii) by deleting the table contained therein and substituting the following:

| Month for which price applies | Months used in computation | Standard utilization percentage | |
|---|---|---|---|
| | | Minimum | Maximum |
| January | October–November | 113 | 117 |
| February | November–December | 114 | 118 |
| March | December–January | 115 | 119 |
| April | January–February | 115 | 119 |
| May | February–March | 115 | 119 |
| June | March–April | 115 | 119 |
| July | April–May | 114 | 119 |
| August | May–June | 113 | 117 |
| September | June–July | 112 | 116 |
| October | July–August | 111 | 115 |
| November | August–September | 111 | 115 |
| December | September–October | 112 | 116 |

§ 1004.61 [Amendment]

17. In paragraph (b) change the citation "§ 1004.8(c)" to "§ 1004.8(b)".

18. Delete § 1004.62 and substitute therefor the following new section.

**§ 1004.62 Handler operating a nonpool plant.**

In lieu of the payments required pursuant to § 1004.80 through § 1004.86, each handler who operates during the month a nonpool plant from which is disposed of in the marketing area on a route(s) Class I milk in an amount greater than an average of 600 pounds per day, shall pay to the market administrator on or before the 25th day after the end of the month, the amounts calculated pursuant to paragraph (a) of this section unless the handler elects at the time of reporting pursuant to § 1004.30 to have his obligations computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund any plus amount remaining after deducting from the value that would have been computed pursuant to § 1004.70, if such handler had operated a pool plant, the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant or at any plant which serves as a supply plant for it; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1004.86 had such plant been a pool plant.

(b) The following amounts:

(1) To the producer-settlement fund an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rates provided in § 1004.86 with respect to Class I milk so disposed of in the marketing area.

19. Delete § 1004.70 and substitute therefor the following:

**§ 1004.70 Computation of the value of producer milk for each handler.**

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1004.45 by the applicable class price, and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 1004.45(a)(8) and (b) by the applicable class price;

(c) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month, by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1004.45(a)(4) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1004.45(a)(4) and (b) for the current month, whichever is less; and

(d) If any other source milk has been subtracted from Class I pursuant to § 1004.45(a)(2) and the corresponding step of paragraph (b), add an amount equal to the difference between its value at the Class I and Class II price for the current month.

§ 1004.75 [Amendment]

20. Delete paragraph (b) and redesignate paragraphs (c) and (d) as (b) and (c), respectively.

§ 1004.80 [Amendment]

21. In (a)(1) delete the phrase "equal to not less than" and insert the phrase "not less than 1.3 times".

22. Add the following as paragraph (d):

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1004.10(c) or as the operator of a pool plant shall, on or before the 2d day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received from such cooperative association during the first 15 days of the month at not less than 1.3 times the Class II price for the preceding month; and

(2) In final settlement, the value of such milk as classified pursuant to § 1004.43 at the applicable class prices, less payment made pursuant to subparagraph (d)(1) of this section.

§ 1004.81 [Amendment]

23. After the citation "§ 1004.82" insert "and § 1004.62".

§ 1004.86 [Amendment]

24. Delete the phrase "make such payment only with respect to Class I milk disposed of within the marketing area" and substitute therefor the phrase "pay the applicable amount specified in § 1004.62(a)(2) or (b)(2)".

Issued at Washington, D.C., this 30th day of December 1960.

F. R. BURKE,
*Acting Deputy Administrator.*

[F.R. Doc. 61-69; Filed, Jan. 4, 1961; 8:49 a.m.]



## [7 CFR Part 1033]

[AO-322]

## ONIONS GROWN IN SOUTH TEXAS

### Decision With Respect to Proposed Marketing Agreement and Order; and Referendum Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Edinburg, Tex., on June 13–14, 1960, pursuant to notice thereof which was published in the FEDERAL REGISTER (25 F.R. 4597) upon proposed Marketing Agreement No. 143 and Order No. 133 regulating the handling of onions grown in designated counties of South Texas.

On the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on December 5, 1960, filed with the Hearing Clerk, United States Department of Agriculture, a recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exception thereto, was published December 9, 1960, in the FEDERAL REGISTER (25 F.R. 12606).

No exceptions were filed.

*Material issues.* The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the Act;

(3) The definition of the commodity and determination of the production area to be covered by the proposed order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the proposed order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the Act, and including those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions:

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee which shall be the administrative agency for assisting the Secretary in the administration of the program;

(c) The authority to incur expenses and to levy assessments on shipments;

(d) The authority for the establishment of marketing research and development projects;

(e) The authority for limiting the handling of onions grown in the production area;

(f) The methods for establishing minimum standards of quality and maturity;

(g) The authority for establishing special regulations applicable to the handling of onions for specified purposes or to specified outlets including modifications of, or amendments to, grade, size, quality, and other regulations;

(h) The prohibition of the shipment of rollers as an unfair method of competition and an unfair trade practice;

(i) The necessity for inspection and certification of shipments;

(j) The procedure for establishing reporting requirements upon handlers;

(k) The requirements of compliance with all provisions of the proposed order and with regulations issued pursuant thereto; and

(l) Additional terms and conditions as set forth in §§ 1033.82 through 1033.95 of the notice of hearing published in the FEDERAL REGISTER (25 F.R. 4597) on May 25, 1960, which are common to marketing agreements and marketing orders.

(1) Onions rank as one of the more important commercial vegetable crops grown in Texas. The South Texas production area, as defined in the proposed order, is one of the more important onion producing areas in the United States and the only area reporting early spring crop onions in the nation. It includes such well known onion producing sections as the Lower Rio Grande Valley, Coastal Bend, Laredo, Winter Garden and Eagle Pass.

The U.S. early spring crop is confined to South Texas. Harvest in the Lower Valley generally starts early in March and movement from the production area continues in fairly good volume through most of May, but the heaviest shipping period is usually from mid-April to mid-May, depending on weather conditions.

The 1959 South Texas onion crop totaled 2,145,000 hundredweight, harvested from 33,000 acres, with an average yield of 65 hundredweight per acre. This area's average production for the 1949–1958 period was 2,296,000 hundredweight or about 10 percent of the total U.S. production. It was produced on about 30 percent of the U.S. onion acreage with an average yield in South

Texas of 69 hundredweight per acre, which is considerably below the average yield for most other onion producing areas.

The great bulk of the onions produced in this production area is marketed outside of the production area and moves in interstate and foreign commerce. Exhibit No. 10, "Carlot Unloads of Certain Fruits and Vegetables in 100 U.S. and 5 Canadian Cities for Calendar Year 1959," shows unloads of Texas onions in 76 U.S. cities and in 4 of the 5 Canadian cities listed. The largest number of unloads in the order of volume were in New York, Chicago, Philadelphia, Boston, Detroit, Pittsburgh, and Baltimore.

There were 14,402 carlot unloads of onions in the 100 U.S. cities in 1959 of which Texas shipped 3,463, or 24 percent of the total. Also 1,218 carlots were unloaded in 5 Canadian cities of which Texas shipped 164, or 13 percent. Truck unloads in 35 U.S. cities and 5 Canadian cities totaled 25,699, of which Texas shipped 3,481 or 14 percent.

Local markets within the State of Texas also received substantial quantities of onions from South Texas. Unloads of Texas onions are officially reported for Amarillo, Dallas, El Paso, Fort Worth, Houston, Lubbock, and San Antonio, all of which are outside the production area. In addition, onions from shipping points outside of Texas are transported and sold in the current of interstate and foreign commerce in these Texas cities. For example, Exhibit No. 10 shows that in 1959, out of 702 truck unloads of onions in Dallas 319 originated in Texas and 383 were shipped into Texas from other States and from Mexico and Chile.

The chief competition to South Texas onions at the start of the season comes from old onions in storage which are grown in New York, Michigan, Minnesota, Idaho, and other northern production areas. Some onions are imported from Mexico and Chile in competition with South Texas onions. Shipments from Southern California and Arizona begin toward the latter part of the deal and Georgia also comes in with a small crop about this time.

South Texas onions compete directly at certain times of the marketing season with onions produced outside of Texas. Thus South Texas onions directly burden and affect the supply of onions in interstate and foreign commerce and in turn onions produced outside of Texas likewise directly burden and affect the supply of onions in all markets, including markets in Texas.

Producers and handlers of South Texas onions maintain close, constant communication through telephone, telegraph, teletype, market news reports, and other modern methods of communication, with receiving markets outside the production area such as Chicago, New York, Philadelphia, Toronto, Dallas, and similar important centers of distribution. Both shipping point sellers and terminal receivers exchange information as to supplies and prices. Prices at shipping point and at terminals outside the production area tend to move each day, and even during each hour of the marketing day within relatively narrow price ranges. Factors affecting supplies at shipping points are soon known and reflected in prices both at shipping points and receiving markets outside the production area. Also, shifts in supplies at terminal markets, either in quantity or quality on hand, or estimated as available or to become available, affect prices at terminal markets and, due to the rapid, constant communication between terminal markets and handlers within the production area, such changes and prices are soon reflected in the offerings and bids between these buyers and sellers, and the resultant sales prices are inevitably reflected in prices to growers in the production area.

On the basis of the foregoing, it is hereby found and determined that in the marketing of onions grown in the production area all sales of such onions which are in the stream of the commerce between the production area and any point outside thereof, and all transportation of such onions between points within the production area and points outside the production area are in the current of interstate or foreign commerce, or directly burden, obstruct, or affect such commerce. It is concluded, therefore, that the right to exercise Federal jurisdiction with respect to the proposed order for South Texas onions hereinafter set forth, is established.

(2) The need for the proposed regulatory program for South Texas onions is supported by substantial evidence in the record of hearing.

The bulk of the onions grown in this production area is of the hybrid Granex and Grano varieties, both yellow and white. Small quantities of Crystal Wax and Bermuda varieties are also grown in this area. The crop is generally marketed directly after harvest since these varieties do not store well, especially during hot weather.

Prices for South Texas onions have fluctuated rather widely from month to month and from year to year. During the ten-year 1949–58 period, as shown in Exhibit 7, the farm value of South Texas onions ranged from a low of 3.9 million dollars in 1949, to a high of 15.4 million dollars in 1952, and averaged about 7.8 million dollars. During this period the season average price to producers ranged from a low of $2.30 per hundredweight in 1953 to a high of $7.20 per hundredweight in 1952, and averaged $3.72 per hundredweight. These prices represent a range of 46 to 181 percent of parity equivalent, returning less than parity in six and more than parity in four of the ten years.

Prices for South Texas onions are affected by the size of the crop grown in the production area as well as by the quality and sizes of the onions marketed. On several occasions during recent years the onion market at the beginning of the season started out with relatively good prices. Some handlers then shipped everything in the field, including seed stems, splits, and other culls. By the time harvesting advanced, volume picked up, and good onions became available for shipment, the price had dropped to low levels, often below the cost of harvesting and packing. For example, in 1958, according to Exhibit 7 evidence, the average f.o.b. price per 50 pound sack of South Texas Crystal White Wax onions, 2 to 3 inches diameter, was $6.00 at the beginning of the season and dropped steadily during the season to a low of $2.00 per 50 pound sack. The average price of medium size Granex opened at a high of $5.00 per sack at the beginning of the season and dropped steadily to a low of $1.10 per sack. Large size Granex, 3 inches and larger, were reported at $6.00 at the start of the season and dropped to a low of $1.25 per 50-pound sack.

According to record evidence onions marketed early in each season often are of poor quality but they frequently return higher prices than those marketed later. Due to the shipment of poor quality onions at the beginning of the season and to the other price depressing practices listed below, prices of all South Texas onions often tend to decline as the season progresses to a point where growers receive little or nothing for their onions and often incur substantial losses.

A minor percentage, usually considerably less than half, of South Texas onion shipments are officially inspected and certified as to grade and size. Because of lack of uniformity or satisfactory grade, according to experienced handlers, South Texas onions do not now enjoy a good reputation in the trade. A "Texas One" is referred to as a fairly good pack, but it is not usually up to the quality of a U.S. No. 1. One shipper testified that when his onions are shipped in stock brand sacks simply labeled "Texas Onions" they are discounted. However, when the same quality onions are shipped in sacks labeled with an established brand name, they bring 25 cents more per 50-pound sack. He indicated there is a great need to restore the confidence of the trade by improving the reputation of South Texas onions.

The percentage of culls in a crop varies with weather conditions. A cull, in trade terminology, is an onion of inferior quality which is below the requirements of any grade. Some years a high percentage of seed stems characterizes the crop. A seed stem is an onion with a tough, fibrous stem in the center of the bulb. Seed stems are not acceptable to the user and have a tendency to decay more rapidly than sound onions. If the stem is sufficiently large it is considered serious damage in grading and the onion is classed marketwise as a cull. Occasionally, difficulty is experienced with soured skins caused by a fungus disease which forms a slimy, gummy cover over the onion. Obviously, such onions are not suitable for shipment and they are usually picked out as culls. In addition to these forms of damage there are other types of serious defects which cause onions to be classed as culls.

Each packing house accumulates a pile of culls every few days of operation. The record indicates that many handlers in the production area make a practice of selling onions from their cull piles to certain people who come into the area for the purpose of purchasing culls. Most shippers do not notice the detrimental effects of such sales at first. They think such sales bring extra money for discards that would otherwise be an expense to dispose of. Others take the attitude that if everyone else is doing so, they might as well sell their culls also. These culls are sold for very little, $10 to $20 per truck load. They are taken to collection points where they are cleaned up, picked over, sorted, and sacked without any brand name. They may yield 200 to 300 sacks per truck load. Before long, substantial quantities of these below-grade onions are found in nearby markets. They not only displace No. 1 grade onions, but also they actually cause a decrease in the sale of preferred grades since retailers report each bag of culls displaces larger quantities of good onions. These culls and pick-outs sold to truckers by production area handlers actually ruin the market for good onions in nearby Texas cities.

There is also at times a similar problem with No. 2 onions. When market conditions are good, and there is a healthy supply and demand situation, No. 2 onions have a rightful place in the market. However, they can act much the same way as culls on a draggy market and, of course, due to their better quality than culls, they are transported farther and affect more markets than culls. No. 2 onions are sold at discounts from prices for No. 1 grade. Receivers of good quality, i.e., No. 1 onions in the market find it difficult to compete with dealers offering No. 2 grade or culls, and they must buy as cheaply as possible to compete successfully. Price adjustments are frequently requested on No. 1 stock so that the receivers can move the onions into markets depressed by lower prices of No. 2's or culls. Thus, lower grade onions in the market not only displace, but also depress market prices for better grade onions.

Marketing of lower grade and cull onions is not only detrimental to producers and the onion trade as a whole, but also low grades, and especially culls, are not as acceptable to the housewife as better grade onions. In turn, these consumer preferences are reflected in reduced sales and lower prices that carry back through distributive channels to shipping point. Because packing costs, transportation, wholesale handling, and retailer's mark-up are about the same for lower grades or culls as for No. 1 or better grades, retail prices for culls or lower grades often are only a small percentage less than prices for top grades. On the other hand, grower prices for the culls or low grades often are only a small fraction of the price he receives for No. 1 or better grades.

South Texas onions are marketed as "new crop" onions and are distinguished from northern grown storage onions. They have a shorter market life, usually limited to a few weeks at most after being graded and packed. Short market life accentuates marketing risks and, with large and oftentimes excessive supplies, adds to the urgency for moving them quickly into wholesale and retail channels.



The urgency for marketing a commodity with these features by moving it to market, especially when aggravated by overproduction and consequent excessive supplies available for market, has led to another marketing practice presented by proponents as one of the most serious marketing problems for South Texas onions, i.e., shipments of "rollers." A "roller" is a shipment of produce which has not been sold at the time of shipment. Shipments of rollers, or rolling shipments, is a common practice in the produce trade, and especially so in South Texas onions.

Proponents emphasized the importance of this marketing practice as disruptive of orderly marketing. They also urged authorization of regulatory features to prohibit rollers as unfair trade practices and unfair methods of competition in marketing South Texas onions. Proponents' interest in and engrossment with the practice of shipping rollers is obviously apparent in the hearing record.

The association of rollers with distress shipments, i.e., low quality, discounted sizes, poor keeping quality, deterioration, and similar features, is embedded in South Texas onion handlers' marketing and bargaining processes. The failure or inability to limit South Texas onion marketings to better grades, preferred sizes, and assured qualities is aggravated and accentuated in proponents' views of their bargaining processes.

The need for a marketing agreement and order program, such as the proposed order, to eliminate certain price depressing practices with respect to onions grown in the production area is clearly established in the record. The establishment of more orderly marketing conditions as may be brought about by proposed marketing order regulations will tend to improve prices to producers for onions grown in the production area. Also, the exercise of the authority in the proposed order with respect to the establishment and maintenance in effect of minimum standards of quality, in terms of grades and sizes, together with grading and inspection requirements, when prices are above the parity level, would tend to effectuate such orderly marketing of production area onions as will be in the public interest.

(3) Certain terms and provisions of the proposed order should be defined and explained for the purpose of designating specifically their applicability and limitations whenever they are used.

The term "onions" is defined to specify the commodity covered by the proposed order and with respect to which the terms and provisions of the proposed order are applicable. The agricultural commodity, botanically known as "Allium cepa," is commonly known to producers and handlers in the production area as "onions." Such term is defined to include all varieties of onions which are grown within the production area and marketed dry. This definition excludes green onions which are usually marketed in bunches. By "dry" is meant only the bulb of the plant which is normally marketed after it has matured and allowed to dry sufficiently, or is dried, and from which the top and roots are cut off. The term includes yellow, white, brown, and red onions of all varieties and hybrids grown within the production area.

"Production area" is defined to include all the territory in the Counties of Val Verde, Kinney, Uvalde, Medina, Wilson, Karnes, Goliad, Victoria, Calhoun, Maverick, Zavala, Frio, Atascosa, Dimmit, La Salle, McMullen, Live Oak, Bee, Refugio, Webb, Duval, Jim Wells, San Patricio, Nueces, Zapata, Jim Hogg, Brooks, Kleberg, Kenedy, Starr, De Witt, Aransas, Hidalgo, Willacy, and Cameron, in the State of Texas.

This is a contiguous area and comprises generally the most southerly counties in the State. It is roughly triangular in shape and is bounded on one side by the Gulf of Mexico, the Rio Grande River on another, and ranch country to the north. It comprises all of the sections in Texas which produce or could produce the early spring onion crop. The boundary lines of the production area do not cut through any commercial onion producing section.

Onions have been grown, are now being grown, or could be grown, under similar growing and climatic conditions, in each of these counties. Also, the types of onions grown in all parts of this area are similar and several growers and handlers operate in more than one county within this area. Minor variations in practices, methods of production, harvesting and marketing may occur between counties, nevertheless grade and quality standards for commercial sales are the same throughout the production area. Also, onions marketed from each county within this production area share in, and compete in, common markets during the same early spring marketing season.

Market News reports (Exhibit No. 7) show that onions are shipped daily from each of the major shipping sections in South Texas during most of the early spring marketing season and each section of the production area competes directly with the other sections.

It was testified that there are no onions grown in commercial quantities within a radius of approximately 200 miles of this area in the State of Texas, due mainly to climatic conditions which are not favorable for growing onions. Onions grown in other sections of the State, principally in the high plains around Hereford, and in the north-central part of the State, are grown under different climatic conditions and are harvested later in the season than those produced in the South Texas area.

Customary recognition of South Texas as the producer of the early spring onion crop provides a proper basis for the production area. There is no reasonable basis for dividing the production area into two or more areas for purposes of separate marketing agreements and orders. All territory included within the boundaries of the production area constitutes the smallest regional production area that is practical and consistent with carrying out the policy of the Act. Accordingly, the production area should be defined as including all of the 35

counties as hereinafter set forth in the proposed order.

(4) The terms "handler" and "shipper" are synonymous and they should be defined to identify the persons who handle onions in the manner described and set forth in the definition of "handle". The persons who are subject to the regulations and upon whom rests the obligation of complying with regulations authorized by the proposed order are identified and established under the definition of handler. Any person who is engaged in the act or acts of handling onions grown in the production area or who causes such onions to be handled is a handler. Such persons are responsible for the grade, size, and quality of the onions delivered to transportation agencies, or which are transported or sold in the current of commerce so as to directly burden, obstruct, or affect such commerce. The responsibility for handling often involves more than one person. Persons who make sales of onions are handlers. Also, any person who transports South Texas onions in the current of commerce between the production area and any point outside thereof is a handler. Each party is subject to the definition of handler and is responsible for complying with regulations issued under the proposed order.

A common or contract carrier transporting onions which are owned by another person is performing a handling function. Such handling, however, should be exempted from the proposed order since such carriers are not responsible for the grade, size, quality or pack of the onions being transported. Neither are they the persons who cause the introduction of such onions into the stream of commerce. The only interest of common or contract carriers in such onions is to transport them for a service charge to destinations given by others. The person or persons delivering onions to a common or contract carrier should be responsible for compliance under the proposed order. As defined, therefore, the term "handler" or "shipper" means any person, except a common or contract carrier of onions owned by another person, who handles onions or causes onions to be handled.

The term "handle" is defined in the proposed order to establish the specific marketing functions which are primarily responsible for placing South Texas onions in the current of commerce between the production area and points outside thereof, and to provide a basis for determining which functions are subject to regulation under authority of the proposed order. "Handle" and "ship" are used synonymously and the definition should so indicate.

South Texas onions are commonly recognized as a distinct crop because of numerous considerations, including their recognition as "new crop" onions being marketed towards or at the end of the storage season for northern grown onions, the area from which they come, and the months in which they are the chief source of supplies.

The South Texas marketing season begins usually in March, and continues throughout April, May and early June. Generally, onion harvest starts in particular fields when 30 to 50 percent of the tops have fallen over. However, market prices, condition of the crop, and weather often influence the actual time of harvesting.

Prior to pulling, the soil is customarily loosened by running a knife or cutter blade a few inches below the bulbs. This cuts the roots in the same operation. As the onions are pulled they are thrown into windrows, four rows together. Next, the tops and the roots are cut off, or clipped. Clipping may be done immediately after pulling, or the onions may be left on the ground prior to clipping with the bulbs covered with the leaves of other onions for protection from the sun. In this case they may be clipped several hours or days later depending on weather conditions.

After clipping the bulbs are put into field bags, baskets, or crates which are usually left in the field for at least 24 hours to allow the onions to cure, i.e., the bulbs are allowed to dry. Curing also tends to make the bulbs a little tougher so that when they rub together, bruises do not occur so easily. Once onions are in the field bags, baskets, or crates, they may remain in the field for several days to a few weeks, depending on market conditions.

The Act provides that no orders shall be applicable to any producer in his capacity as a producer. Growing onions, that is, the planting and care of onions in the field through growth to commercially marketable bulbs that are turned over to a handler by sale, contract, or other means, is a producer function within the above exception.

South Texas onion producers sell their onions in various ways. Under customary arrangements, producers often turn whole fields over to shippers prior to harvest with the producer retaining title to the onions. The shipper supervises the harvesting, then grades, packs, and sells the onions, and pays the producer the net proceeds after deducting handling charges.

Most onions marketed from the production area are handled for the grower's account. The handler or shipper, in these customary dealings, charges for harvesting, if he performs that function as he usually does, for packing, and for selling; in brief, he charges for the complete job of marketing the grower's onions. The grower retains title to the onions until they are sold for him by his agent, the handler. Settlements are made with the growers on the net proceeds of sale, whether the sale was made at shipping point or at some subsequent point in the marketing process.

Some producers sell onions in the field to a handler prior to harvest for a fixed price. The producer then may harvest the onions at a time mutually agreeable to him and the handler or harvesting may be taken over by the handler. Other producers have their own packing sheds. They grow, harvest, grade, pack, sell, and ship their own onions.

Some producers also harvest and pack their own onions then turn them over to a broker to sell them for a fee. Others may haul the field-run onions to the packing shed and sell them to the handler on a weight basis. A few producers have sold onions in the field at the "end of the row" to truckers without running the onions over a mechanical grader. Some handlers advance money to producers, or finance the growing of the crop under various arrangements which sometimes result in shippers becoming partners in growing operations.

Other variations also occur in methods of sale by producers. However, regardless of the method of sale, most onions produced in South Texas are hauled field-run to a packing house in the production area and are subjected to grading, sizing and packing prior to their movement to market.

The packing house operator is responsible for preparing the onions for market. He determines the grade, size, quality, and container of the onions entering market channels. He packages the onions, thus making them a part of the visible marketable supply which is the subject of offer, acceptance, and sale in the current of the commerce in the commodity. He also ships the onions, thus transporting them in the current of commerce. Packing house operators, or others too, often sell onions that have been picked out or discarded in grading, sizing, and packaging operations for shipment to customary terminal markets. Sale of any onions, either grades and sizes customarily acceptable in established terminal markets or those of less or unacceptable grades and sizes, constitutes an act of handling. Each of these activities by itself is a handling operation and, as such, makes the person responsible for it, a handler, subject to the rules and regulations issued under the order. The sale, transportation, or delivery of field-run onions to a packing house located in the production area which is registered with the committee, according to record evidence, should be excepted from the definition of "handle." In this case the onions have not yet been prepared for market nor are they in their existing condition being transported to market. Most sellers and buyers do not consider them as yet suitable or appropriate for commercial transactions in the commodity, and as such, they have not yet entered the stream of commerce.

The committee should have authority to register each handler who, according to its determination, is responsible and willing to conduct his handling operations in accordance with requirements of the order. Such requirements would include inspection and certification of the onions and compliance with grade, size, and pack regulations. Thus, the proposed order should contain a definition of "registered handler" so as to identify those persons to whom field-run onions may be sold or delivered without being considered a handling activity. All other sales, packaging, or transportation of South Texas onions, by a producer or by any other person, should be included in the definition of handle, except sales at retail by a person in his capacity as a retailer.

In summary, the packaging, sale, or transportation of South Texas onions which places them in the current of commerce between the production area and any point outside thereof is included in the definition of handle. Such handling may be performed or caused by one or more persons, such as packing house operators or their agents, producers in their capacity as handlers, truckers, brokers, or any other person engaged in marketing such onions. The failure of any one such person to comply with marketing regulations does not relieve subsequent handlers from responsibilities therefor. With the exception of the activities specifically excluded from the definition by the above findings, all packaging, sales and transportation of South Texas onions are found and determined to be in the current of the commerce between the production area and points outside thereof and are included in the definition of "handle" set forth in the proposed order.

(5) Certain terms and provisions of the proposed order should be defined and explained for the purpose of designating specifically their applicability and limitations whenever they are used.

(a) The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for such programs, but also, in order to recognize the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "Act" provides the appropriate legal citation for the statute pursuant to which the proposed regulatory program is to be operative.

The definition of "person" follows the definition of that term as set forth in the Act, and will insure that it will have the same meaning as when used in the Act.

"Producer" should be defined to mean any person who is engaged in a proprietary capacity in the production of onions within the production area and who is producing such onions for market. The term is used in determining the eligibility of persons to vote for, and to serve as producer members or alternates on the committee.

Since a person is defined as an individual, partnership, corporation, association, or any other business unit, each such person establishes a legal entity. Each person, or legal entity, whether an individual, partnership, joint venture, or corporation, engaged in the production of onions for market, should be classified as a producer and he should be allowed to participate in the rights and privileges accorded a producer under the proposed order. The term producer should be limited to those who have an ownership interest in the onions which gives them title or authority to pass title to such onions.

South Texas growers or producers occasionally sell their onions prior to harvest to packing shed operators or others. While title may actually pass, agreements in most instances include additional requirements that the producer will care for the crop until it is harvested. In such cases even though title passes to the handler at the time of purchase, the buyer should not be classified or qualified as a producer since the buyer does not actually perform customary producer functions with regard to growing the crop.

Some onion crops in the production area are grown under a joint venture arrangement with money advanced for seed, labor, water, etc., by banks, handlers, or others for an interest in the crop. When the crop is sold the person who advanced the money is repaid in money. In such cases the grower should be considered the producer since he, rather than the financier, performs the producer functions.

Some producers in South Texas own or operate packing sheds. A producer who owns or operates a packing shed should not be precluded from qualifying as a producer under the provisions of the proposed order.

"Grading" is defined to mean the sorting of onions by hand or mechanical means, or both, so that the onions are separated into grades, sizes and packs. Such classifications are determined by the handler who directs in person, or through his agent, how and in what number of grades a particular lot of onions shall be separated. Grading may vary from an operation performed entirely by hand in which certain onions are picked out when they are being loaded in the field, to a production line operation whereby onions are carried by mechanical conveyor to be graded, sized, and packaged so that the onions which are to go to preferred price outlets are separated from those going to discounted price outlets or to be discarded as culls. Grading, or preparation for market, is an operation which applies to all onions grown in the production area even though the extent to which onions are separated into market classes may vary considerably among the different outlets.

Definitions of "grade" and "size" are incorporated in the proposed order to enable persons affected thereby to determine the basis for application of grade and size limitations to the product they handle. "Grade" and "size," the essential terms in which regulations are issued, should be defined as encompassing the meanings assigned these terms in the various official United States Standards for onions issued by the United States Department of Agriculture. Also, the definition includes modifications or amendments to such standards, and any variations from such standards in regulations under the proposed order. Regulations can then incorporate such terms (grade and size) with the constant meaning assigned them in the standards. Also, the use of these terms in regulations may be varied by prescribing, for example, a percentage of a grade such as "85 percent U.S. No. 1." Federal and Federal-State inspectors are qualified to certify the grade, size, and quality of onions grown in the production area under the terms of the aforesaid standards, or as such standards may be amended or modified.

At the present time four sets of standards are applicable to onions grown in Texas. The most widely used are the United States Standards for Bermuda-Granex Type Onions, and the United States Standards for Northern Grown Onions. The others are the United States Standards for Creole Onions, and the United States Standards for Onions for Processing. Any of these standards could be utilized, if needed.

The term "pack" is commonly used in the onion trade and refers to one or more of the factors relating to grade, size, quality, and type of container, or a combination of all of these factors. For example, "85% U.S. No. 1 quality, 3 inches minimum, 50-lb. sacks," is considered by the trade as a specific pack. South Texas onions are mostly packed in 50-pound mesh bags. However, some production area onions are shipped in other sizes and types of containers. In addition, they may be of different grades, such as U.S. No. 1, U.S. No. 2, or U.S. Combination; or of different sizes, such as large, medium, or small. It is essential that the committee should have authority to recommend, and the Secretary to approve, regulations in terms of packs, and to define and establish such packs in terms of size tolerances, grades allowed, weight of contents, etc. The definition of the term "pack" should, therefore, be as set forth in the proposed order.

The term "container" should be defined in the proposed order to mean a box, bag, crate, hamper, basket, package, or any other receptacle used in the packaging, transportation, sale, or other handling of onions. This definition is sufficiently broad to include each of the various shipping receptacles in which South Texas onions are sold, or move to market, and for which different regulations could be applicable.

The term "varieties" is included in the proposed order so that the committee may consider the differences in the characteristics of onions in connection with its recommendations for regulations. The principal varieties grown in the production area at the present time are the white and yellow Granex, the white and yellow Grano, and the white and yellow Bermuda. However, new varieties or hybrids are introduced from time to time and may become commercially important. The definition of varieties as set forth in the proposed order is appropriate for determining the different varieties, or types of onions, grown in the production area so that a basis for regulating some and not regulating others may be established.

The definition of "committee" is incorporated in the proposed order to identify the administrative agency which is responsible for assisting the Secretary

in the administration of the program. Committee is defined to mean the South Texas Onion Committee. Such committee is authorized by the Act and the definition thereof minimizes the use of words in referring to this administrative agency in the proposed order.

"Fiscal period" should be defined to mean the period beginning and ending on the dates recommended by the committee and approved by the Secretary. This definition provides authority for the committee and the Secretary to set the beginning of the fiscal period relatively close to the beginning of the shipping season. Such flexibility is essential in the event changes in the beginning date of the shipping season should take place in the future.

"District" should be defined in the proposed order to provide a basis for the nomination and selection of committee members. It means each of the geographic sections, or divisions of the production area, as initially established or as later reestablished. The proposed division into districts is adequate and equitable and should provide a practical basis for the purpose intended.

The term "export" means shipment of onions to any destination which is not within the 48 contiguous States or the District of Columbia of the United States. Separate treatment for export shipments may be necessary because the requirements of certain export markets may differ from those of the domestic market. Therefore different or special regulations, or even no regulations, may be justified with respect to such shipments.

(b) The South Texas Onion Committee consisting of 17 members (10 producers and 7 handlers) is the administrative agency sponsored by the industry to aid the Secretary in administering the proposed order and in carrying out the declared policy of the Act. A committee composed of 17 members, with a like number of alternates, will provide adequate industry representation and assure reasonable judgment and deliberation with respect to recommendations made to the Secretary, and in the discharge of other committee duties. More producers are on the proposed committee than handlers because marketing orders are intended primarily for the benefit of producers. However, restrictions under the proposed order will be at the handler level, so it is also appropriate and prudent for handlers to have representation on the committee.

The number of members from each district, as well as the total number of committee members, and members' distribution within districts, were given thorough consideration by proponents of the proposed order. It is concluded, therefore, all interests within the industry will be fairly and adequately represented. In determining the number of producer representatives on the committee from each of the five districts, consideration was given to onion acreage shown by the latest census figures in each county within a district. Thus, the number of producer representatives for each district is related to such district's portion of the total onion acreage in the production area. Similar methods were applied in apportioning handlers on the committee from each district. The industry position supports at least one handler from each district. This should be a practicable and equitable method of providing producer and handler representatives on the committee. They will be familiar with current market demands, available supplies, current prices, and price trends by grades, sizes, quality, packs, varieties, containers; also other relevant factors with respect to the marketing of onions.

The proposed order should provide that an alternate be selected for each member of the committee so that, in the event a member is sick or should otherwise be unable to attend a meeting, the district which he represents will have adequate representation on the committee. This provides a logical method for representation at all times. Also, alternates can relieve members by serving on subcommittees or performing other assigned tasks necessary for the administration of the program. Such alternates should have the same qualifications as members.

Each member and alternate selected to represent producers in a particular district should be an individual who is a producer, or an officer or employee of a corporate producer or other type of business unit engaged in producing onions in such district and he should also be a resident of the production area. Persons selected to serve as producer members and alternates should have no proprietary interest in, or be employees of, a handler organization. In the event a producer owns, or has an interest in, a packing shed handling onions for others, other than as a member of a marketing cooperative, he should not be qualified to be selected as a producer member or alternate. However, if a producer grades and sells only his own onions, he would not lose his status as a producer and may be selected to represent producers.

Each member or alternate selected to represent handlers in a particular district should be an individual who is a handler, or an officer or an employee of a corporate handler or other type of business unit, engaged in handling such district's onions, and he should be a resident in the production area.

The term of office for committee members and alternates under the proposed program should be for two years. Terms of office should begin on August 1 and should end as of July 31, of the second year, except for initial committee membership. Terms of individual members should be so determined that about one-half of the committee would be selected each year so as to provide continuity of experience on the committee. August 1 is an appropriate date for the beginning of a term of office because it is after the harvest and sale of one crop and before planting of the new crop commences. This term of office will allow time for the committee to organize and start operating prior to the beginning of each marketing season. Committee members and alternates should serve during the term of office for which they are selected and until their successors are selected and have qualified. Such a provision is necessary in order to provide continuity of operation.

Five districts, each of which includes a well known producing section, are established in the proposed order to provide a geographical basis for the selection of committee membership. Producers and handlers within the production area commonly recognize and accept the districts as set forth and customarily consider onion supplies and marketing problems in terms of these districts.

Redistricting authority is necessary in the proposed order to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement may be made. Future shifts or other changes in onion production in South Texas cannot be foreseen at the present time, since rather quick shifts may occur in the acreage of the various commodities produced from one year to another. Therefore, it is desirable to provide flexibility of operations so that if it would be in the best interests of the industry to readjust districts or reapportion membership, the committee may so recommend and the Secretary may approve such action.

The guides and limitations set forth in the proposed order which should be considered in making changes in districts or reapportionment of members are appropriate and desirable. Recommendations for such changes should be made well in advance of the intended effective date. Also, changes should not be made effective less than 30 days prior to the date on which terms of office begin. These safeguards are desirable so that producers and handlers may become well acquainted with any redistricting or reapportionment of members prior to the nominations.

The Secretary has the legal authority for the selection of the members and alternates of the committee, but the industry should have the responsibility for recommending proper and appropriate nominees to the Secretary so that he may select from such nominees or from other eligible persons. The nomination procedure outlined in the proposed order will provide a means of making available to the Secretary the names of prospective members and alternates desired by the industry to serve on the committee.

Since the membership of the committee will not have been selected by the time the proposed order becomes effective, the Secretary should have authority to call initial nomination meetings. Such meetings may be sponsored by the United States Department of Agriculture or by any other agency or group requested by the Department. The responsibility for calling subsequent nomination meetings should be with the committee as one of its administrative duties. The committee may work with other existing organizations in conducting such nomination meetings.

Meetings for nominating members of subsequent committees and their alternates should be held or caused to be held by the committee not later than June 15 of each year. Inasmuch as the term of office begins August 1 of each year, nomination meetings should be held in sufficient time to assure that nominations for members and alternates will be supplied the Secretary not later than July 1, so he may select members and alternates prior to the beginning of each new term of office. Not less than one nominee should be designated for each position which is to be filled the following August 1.

Nominations should be supplied in such manner and form as the Secretary may prescribe. The industry, through the committee, should provide enough information about each nominee so the Secretary may be able to determine if such person is qualified for the particular position.

Only producers should participate in designating nominees for producer members and alternates and only handlers may participate in designating handler nominees. Such persons should be actively engaged in the production or handling of onions within the district in which they so participate. If a person is engaged in producing or handling onions in more than one district such person shall elect the district within which he wishes to participate in electing nominees for committee members and alternates. Each grower or handler will thereby have the same voice in the nomination of committee members.

Regardless of the number of districts in which a person produces or handles onions, as the case may be, each person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries and affiliates and representatives in nominating members and alternates for the committee. This provision is deemed necessary as an appropriate safeguard for the protection of all growers and handlers participating in their respective meetings irrespective of the size of an individual's operations. This limitation, however, is construed to mean that one vote may be cast for each position which is to be filled.

If a person is both a producer and a handler he may vote either as a producer or as a handler by selecting the group with which he wishes to participate. Such person may not vote both as a producer and a handler because to do so would enable him to participate in nominations to a greater degree than persons who are only producers or only handlers.

To provide an administrative agency at all times to administer the proposed order, the Secretary should be allowed to select committee members and alternates without regard to nominations if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed therein. Such selection should be on the basis of the representation provided in the proposed order to insure that all producers and handlers in the production area are fairly and adequately represented on the committee.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will have definite knowledge that the person appointed is willing to serve and that the position has been filled. Acceptance within 10 days is an appropriate and necessary requirement so that the full committee membership may be obtained without excessive delay.

It is also desirable and necessary that the Secretary be authorized to fill vacancies on the committee without regard to nominations if the names of nominees to fill such vacancies are not made available to him within 30 days after such vacancy occurs. This requirement is necessary to maintain continuity of the committee operations and to insure that all portions of the production area are adequately represented in the conduct of committee business.

To insure that all portions of the production area are adequately represented in the conduct of the committee's business and that the continuity of operation is not interrupted, the proposed order should provide for alternate members on the committee. Each alternate should be authorized to act in the place and stead of the member during the member's temporary absence, or in the case of the death, removal, resignation, or disqualification of a member. The alternate should serve as member until a new member is selected and has qualified. Also, the committee should be permitted to request the attendance of alternates at any or all meetings regardless of whether the members are present or not. This would be desirable at times especially when the committee is considering important matters and when it is necessary to have a greater expression of industry opinion.

The proposed order provides that eleven of the seventeen committee members are necessary to constitute a quorum. This number would assure ample representation from the districts. If a lesser number is permitted to carry on committee business it is possible that some districts would not be represented and this would not be fair or equitable to the producers and handlers affected. Proponents testified that nine concurring votes, or two-thirds of the votes cast, whichever is greater, should be required to pass any motion or to approve any committee action. This would represent more than a simple majority of those voting and would result in greater assurance that action taken by the committee will reflect industry support.

The committee should be authorized to vote by telephone, telegraph, or other means of communication as it may be necessary at times for the committee to act more promptly than a meeting in person would allow. The chairman, or other persons delegated to conduct telephone, telegraph, or other similar meetings, should exhaust reasonable efforts to get in touch with each member or his alternate. Records of such meetings should show efforts followed, extent and tenor of discussions with each member or alternate, and written confirmation of each vote cast. A unanimous vote of all members participating in such action should be required to properly protect the industry's interests.

At assembled meetings all votes should be cast in person. This would insure that a person voting on a motion or any committee action will have had an opportunity to participate in the committee's discussion and present the views of the growers and handlers he represents. If a member is unable to attend a meeting he should arrange for his alternate to attend and vote in his stead.

Committee members and alternates while on committee business will necessarily incur some expenses. Reasonable expenses, which may include travel and living expenses, should be reimbursed so as to avoid personal financial loss to members which might otherwise occur because of their service to the committee. Also, compensation of not to exceed $10.00 per day, or portion thereof, should be authorized in addition to the above, since committee members or alternates may incur additional expenses with respect to their own affairs when attending to committee affairs. These provisions should also extend to alternate members when performing official duties.

The committee should be given those specific powers which are set forth in section 8c(7)(c) of the Act because such powers are granted by the enabling statutory authority and they are necessary for an administrative agency, such as the South Texas Onion Committee, to carry out its proper functions.

The committee's duties as set forth in the proposed order are necessary for the discharge of its responsibilities. The duties established for the committee are generally similar to those specified for administrative agencies under programs of this character. They are reasonable and necessary if the committee is to function in the manner prescribed under the Act and the proposed order. It should be recognized that the duties specified are not necessarily all inclusive and it is probable that there are other duties which the committee may need to perform which are incidental to, and not inconsistent with, these specified duties.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and legitimate expenses incidental to the proper administration of the proposed order. Authorized expenses should include such items as salaries for the committee manager, clerical help, field personnel, office equipment, supplies, maintenance, travel, expenses and compensation for committee members and alternates. The authority to incur expenses should not be confined to a predetermined list, but committee funds may not be used for other industry programs such as advertising.

Expenses incurred by the committee in operating the proposed order must, under the Act, be borne by handlers. The fairest and most practical way of distributing the costs of the program among handlers is to require each handler who first handles onions to pay his pro rata share of such expenses on the

basis of the ratio of his total onion shipments to the total shipments by all first handlers during each fiscal period. The first handler is most generally the person who is the applicant for inspection on each shipment. In addition, such person is usually the one who starts the commodity on its way to market. For onions which are not inspected, the handler responsible for assessment should continue to be the handler who first handles the onions and should be so designated by the committee. The requirement that first handlers pay assessments will preclude multiple assessments on onions that are handled more than once.

The committee should be required to prepare a budget at the beginning of each fiscal period showing estimates of income and expenditures necessary for the administration of the order for such period. The budget should be presented to the Secretary with an analysis of its components and an explanation thereof in the form of a report. The committee should be authorized to recommend a rate of assessment to the Secretary which is designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee. No increase should be made in the total budget without prior recommendation of the committee and approval of the Secretary.

The rate of assessment should be established by the Secretary on the committee's recommendation, which should be based on estimated expenses and the volume of shipments during a fiscal period. Such rate should be applied on a fair and equitable unit basis, such as a 50-pound bag, hundredweight, carload or truckload.

Each handler, therefore, who ships onions as the first handler thereof, should pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the program's expenses, so that the committee may have adequate funds to carry on its operations on a current basis.

Should developments indicate that assessments collected, or to be collected, during any fiscal period will not provide sufficient income to cover committee expenses, the committee should be authorized to recommend that the Secretary approve an amended budget and fix an increased rate of assessment. If such a revised budget is approved, together with an increased rate of assessment, such increased rate should be retroactive to the beginning of the fiscal period, so as to avoid inequities among handlers.

Proponents testified that the committee should have authority to continue assessments for the maintenance and functioning of the committee even though grade, size, or other regulations may not be in effect for a certain period.

If, at the close of a fiscal period the committee has a carry-over of funds in excess of expenses, and such funds are not retained in a reserve, handlers should be entitled to a proportionate refund. Such refund should be credited to each contributing handler against his operations for the following fiscal period, unless payment should be demanded, in which event the proportionate refund should be paid.

Good business practice requires provision for contingencies. The committee should be authorized, with approval of the Secretary, to set aside excess funds in a reserve or reserves to be used for specified purposes. Such reserves could be used to allow the committee to function at the beginning of a season prior to the time assessment income is available; to cover any deficits during a fiscal period in which assessment income is not sufficient to cover expenses; or to pay any expenses incurred during any period when any or all of the provisions of the order are suspended or inoperative. A reserve fund would be especially needed in the event the order is ever terminated. If and when the committee should be required to liquidate its affairs expenses will necessarily be involved. Funds may be set aside from year to year for reserves, provided they do not exceed approximately one year's expenses.

Any balance remaining after liquidation should be prorated, to the extent practical, to the persons from whom such funds were collected.

All funds received by the committee may be used only for administration of the proposed order. The committee should be required to maintain books and records clearly reflecting the true and up-to-date operations of its affairs, so that its administration may be subject to inspection at any time by the Secretary. This is merely a sound business practice. Also, persons who will have anything to do with committee funds should be adequately bonded by a bonding company with a permit to do business in the State of Texas.

Each member and each alternate, as well as employees, agents, and other persons working for or on behalf of the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary should have the authority, at any time, to ask for such accounting.

Whenever any person ceases to be a member or alternate of the committee he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such person should also be required to execute assignments or such other instruments as may be appropriate to vest in his successor, or any agency or person designated by the Secretary, the right to all such property and all claims vested in such person.

If the committee should recommend that the operations of the marketing order should be suspended, or if no regulations should be in effect for a part or all of a marketing season, the committee should be authorized to recommend, as a practical measure, that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This would provide a practical method for taking care of the committee's business affairs during periods of inactivity and would permit resumption of operations with a minimum of delay.

(d) One of the important functions of the South Texas Onion Committee would be to provide for marketing research and development projects designed to assist, improve, or promote the marketing, distribution and consumption of onions. The Act, as amended, permits such projects and such authorization should be included in the proposed order.

Research into market development, transportation, methods of handling, containers, and studies on the relative merits of different stages at which onions should be marketed are other examples mentioned which the committee may deem worthy of investigation.

As the industry and the committee become more aware of the value of and need for marketing research and development, projects will undoubtedly be initiated, the need for which will not have been foreseen early in committee operations. Therefore, the committee should have the authority to recommend and the Secretary should have the authority to approve the establishment of such projects which would improve, and promote the marketing, distribution, and consumption of South Texas onions. After approval, the committee should be empowered to engage in or contract for such projects, to spend funds for that purpose, and to consult and cooperate with other agencies with regard to their establishment. All such projects should receive the prior approval of the Secretary.

(e) The declared policy of the act, inter alia, is to establish and maintain such orderly marketing conditions for onions, among other commodities, as will tend to establish parity prices therefor, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will be in the public interest. The regulation of onion shipments by grade, size or quality, or any combination thereof, as authorized in the proposed order, provides a means of carrying out such policy.

The procedures and methods outlined in the proposed order for the development of marketing policies provide a practical basis for the committee to obtain appropriate and adequate information relating to onion marketing problems. As a prerequisite to making recommendations with respect to limitations of shipments in accordance with the proposed order, the committee should be required to consider and develop a marketing policy for the handling of onions.

A marketing policy should set forth the over-all plan of the committee for orderly marketing of onions during the ensuing season, including, to the extent practical, the kinds of regulations that may be desirable. Such marketing policy should be made available through the various news media to producers and handlers in the production area as soon as possible at the beginning of each season in order to give them ample time to familiarize themselves with proposed regulations and to make any objections which they believe are necessary. It should also be made available to the Secretary to aid him in considering the recommendations of the committee for regulations.



The factors set forth in the proposed order which the committee should consider in developing its marketing policy are necessary for a proper evaluation of the market outlook. The committee should have available all of the latest crop, supply, and price information for its area and competing areas. It should know, from information available and from the informed members themselves the condition and quality of the crop in its area as well as in competing areas. The committee members themselves will be informed concerning problems peculiar to the area, such as weather conditions, disease, quality and maturity of the crop, and will be able to consider these factors in determining the marketing policy.

If the marketing policy statement should need amending or modification during a season the committee should be authorized to do so and the Secretary should receive a report regarding the revised policy. The committee should give the same publicity to each revised policy report as is given to the initial report for the season in order to notify producers and handlers of the changes.

The South Texas Onion Committee should, as the local administrative agency under the proposed order, be authorized to recommend such grade, size, and quality regulations, as well as any other regulations and amendments thereto authorized by the proposed order, as will tend to effectuate the declared policy of the Act. It is the key to successful operation of the proposed marketing program that the committee should have such responsibility.

The Secretary should look to the committee, which reflects the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions in the interests of improving returns to producers. The committee would be responsible for determining the need for and the type of regulations for each season or period. The committee, on making recommendations to the Secretary, should utilize all information and experience at its command and should justify its recommendations with supporting facts, considerations, and conclusions.

The proposed order authorizes the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality and other appropriate regulations which are necessary for the improvement of marketing conditions for production area onions. The Secretary should not be precluded from using such information which he may have, and which may or may not be available to the committee for consideration, in issuing such regulations. Also, when he determines that any regulation no longer tends to effectuate the declared policy of the act, the proposed order obviously should provide authority to amend or terminate the regulation.

The grade, size, quality and pack of onions which are shipped to market at any particular time have a direct effect on returns to producers. It is a fact that poorer grades and less desirable sizes of onions marketed return lower producer prices than do better grades and sizes. Shipments of onions with seed stems, splits, and other culls not only depress the price received for good quality onions but usually return little or nothing to the producer. Shipments of poor quality onions also harm the reputation of production area onions, thus decreasing the demand therefor.

At the beginning of a season demand for small-to-medium size South Texas onions, or boilers, frequently returns prices prompting growers and handlers to sell them in relatively large volume. However, as the season progresses and there is an ample supply of medium-to-large onions, average price levels for onions decline and price differentials between small-to-medium and medium-to-large increase considerably, with prices for small sizes falling to levels that return only packing costs or less.

Another price depressing practice in the production area is that some producers are required to harvest onions by a certain deadline in order to plant cotton. Because of this planting deadline many onions are dumped on the market at a time when supplies are already excessive.

By having authority to regulate shipment of onions by grade, size, quality and pack during any period, the shipment of culls and poor quality onions, as well as undesirable sizes, can be restricted to the extent deemed desirable by the committee and in accord with the particular preference for sizes and packs during any period. This would result in higher returns for the better grades and preferred sizes and it would enhance the reputation of South Texas onions. In addition, the withholding of poor quality and undesirable sizes of onions would reduce the supply of onions available for market which in turn would increase the demand and price of the good quality and desirable sizes available.

Since the production area is made up of several producing sections, a variance may occur at times among some sections in the size and condition of the crop because of weather, soil, or other factors. Flexibility should be contained in the order so that differences in geography, varieties, marketable quality, seasonal differences, and cultural differences can be recognized and regulations may be issued in any or all portions of the production area, or that regulations which are justified may be varied for different portions of the production area in order to meet each section's particular problems as they arise.

Due to the fact that conditions such as price, supply and demand vary at times with different varieties of onions, authority should be flexible to permit different grade and size regulations by different varieties during any period.

Containers used in handling production area onions are now fairly uniform with most onions being shipped in new 50-pound capacity mesh bags. Onions shipped for repacking are usually packaged in used 50-pound capacity bags since such onions will be removed from these containers and packaged in new consumer size containers before they are sold at retail. While no particular container problems are apparent at present for South Texas onions, abuses may occur in the future. For example, the use of off-size or deceptive containers could adversely affect the reputation and returns of South Texas onions. Therefore, the proposed order should provide authority to regulate containers by fixing the size, capacity, weight, dimensions or pack. This authority should be used to correct or preclude any abuses which may develop, but it should not be used to discourage experimenting with new containers or to prevent the use of new or superior containers which may be developed.

The proposal for establishment of shipping holidays in paragraph (b)(5) of § 1033.52, as published in the notice of hearing, should be deleted from the proposed order. No testimony was offered at the hearing to support this provision.

The proposed order should provide for prompt notification of the committee by the Secretary whenever he takes action with respect to regulations and the committee should promptly notify the industry of any such actions. This requirement is appropriate and necessary for the proper and efficient administration of the program.

(f) The committee should be authorized to recommend and the Secretary to establish such minimum standards of quality and maturity and such grading and inspection requirements during any or all periods when onion prices reach the equivalent parity as will be in the public interest. Some onions are of such low quality and undesirable size that they do not give consumer satisfaction at any time and consumers do not receive proper value for their expenditures for such low quality onions even when prices are above parity so it would not be in the public interest either of producers or consumers to permit shipments of such poor quality onions irrespective of the price level. The proposed order, therefore, should contain authority for the establishment of such minimum standards of quality and maturity as will be in the public interest and such grading and inspection requirements as may be necessary to insure such minimum standards of quality and maturity are met.

The proposed order should provide for the amendment, modification, suspension or termination of regulations whenever such action is warranted upon recommendation of the committee or other available information. The need for this authority is obvious in that flexibility will oftentimes be required to adjust regulations to effectuate the declared policies of the Act. Likewise, it is obvious that if regulations no longer tend to effectuate the declared policy of the Act they should be terminated.

The proposed order is intended primarily to improve orderly marketing conditions with respect to commercial shipments, that is carlots or truck lots of onions going into the markets. However, some smaller shipments are made

which constitute a very minor percentage of the total movement and are much smaller in volume than what is normally considered a commercial shipment. It may be an accommodation sale which most handlers deal in from time to time, or they may give their product to friends. Such handling would be in a nuisance category insofar as requirements under the order would be concerned. Therefore, authority should be contained in the proposed order to relieve such shipments from regulations, assessments, or inspection when such is in the best interest of the program.

(g) The Secretary should be authorized upon the basis of the recommendations and information submitted by the committee to modify, suspend or terminate regulations with respect to the handling of onions for purposes other than for disposition in normal trade channels. Onions moving to or serving such outlets are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, packs, and containers, or different prices are returned, or combinations of such considerations may apply. Such shipments usually do not have any appreciable effect on the marketing of the great bulk of onions handled in commercial markets. The proposed order should provide authority for the committee to give appropriate consideration to the handling of onions for such purposes so that every opportunity may be taken to improve orderly marketing conditions for onions thereby tending to increase total returns to onion growers in the production area.

Such outlets would be for relief or for charity, experimental purposes, export, or for other purposes which may become apparent in the future and which would be specified by the committee and approved by the Secretary. Most shipments intended for relief or for charity are usually by the way of donation or due to some special consideration between the shipper and the receiver. Occasionally shipments are made to orphan homes or to veterans' hospitals or some other facility and the committee should have authority to recommend waiving of the requirements in regard to these shipments in that they do not interfere with regular commercial movement. Shipments are sometimes made for experimental purposes. Many times shipments of onions are made in order to study improved varieties or improved shipping containers, or in order to develop new markets for onions and their by-products. Since these studies are intended to benefit the industry as a whole, no particular purpose would be served by the application of all the requirements of the proposed order to such shipments. Some export markets accept or prefer certain grades and particularly some sizes which normally are discounted for domestic markets. The proposed order should provide for appropriate modification, suspension or termination of regulations with respect to movement of onions to export outlets so that these demands can be met and the sale of the onions grown in the production area will continue to such markets.

Other outlets or special purposes may arise that are not known at this time. If such outlets are found not competitive with fresh market channels the committee may recommend and the Secretary may approve such movement under modified, suspended or terminated regulations.

The authority for modifying, suspending or terminating grade, size, quality, assessment, or inspection regulations should be accompanied by additional administrative authority for the committee to recommend, and the Secretary to prescribe, adequate safeguards to prevent shipments for such purposes from entering market channels contrary to provisions of such special regulations. Authority for the establishment of safeguards should include such limitations or appropriate qualifications on shipments which are necessary and incidental for proper and efficient administration of the proposed order.

(h) On the issue of prohibiting the shipment of "rollers" as an unfair method of competition and an unfair trade practice, proponents offered considerable evidence through a number of witnesses. They proposed to define a "roller" as follows: "A shipment not supported by evidence of sale at a firm price at time of shipment, not subject to adjustment other than due to failure to grade and delay in transit. A consigned shipment shall be termed a roller, and shall be defined as a shipment to a consignee who upon receipt of the merchandise sells for the shipper's account, remitting the proceeds of the sale, less freight, handling, and selling charges."

A finding and determination with respect to this issue must be based on the testimony in the record of the hearing pertaining thereto and whether the asserted unfairness is "unfair" within practices and methods normally recognized and adhered to by the trade or industry engaged in producing, selling and buying the commodity, or "unfair" in the sense of being fraudulent or deceptive. Additionally, proponents have the burden of proof with respect to this issue (as well as other issues presented) and such burden must be sustained by reliable, probative, and substantial evidence.

(1) Proponents offered considerable evidence on the subject which, among other considerations, indicated the difficulties and complexities of distinguishing, through evidence normally available, between shipments which are, and shipments which are not "rollers."

(2) The need for administrative standards limiting application of rules to handlers' operations and, at the same time, applying standards sufficiently extensive and penetrating to obtain essential evidence for adequate proof that shipment of a lot of onions under a marketing order could be identified as a roller, or not a roller, was exposed by the promulgation hearing.

(3) South Texas onions are marketed under various arrangements with growers, local handlers, and others. Many of these marketing practices were presented and analyzed at the hearing, others were not. While some practices associated with rollers may be questionable in the growers' interest, or disruptive of orderly marketing processes, or even unsound economically, it does not follow that such practices are necessarily fraudulent, deceptive, or unfair. A handler shipping for the account of a grower may be operating in the grower's best and fairest interests by rolling a shipment on a rising or a prospectively rising market.

Consignment sales have been an established method of handling produce, including onions, although evidence attests to the diminishing role of consignment dealers in South Texas onions. The acceptability, success, and equity of consignment sales to growers, handlers, and receivers depends largely upon the mutual confidence among all concerned. Where mutual confidence prevails, consignment handling may well benefit growers or any other party to the marketing transactions.

Some terminal market receivers may also be South Texas onion producers so that shipment of their own onions to their own firm with no price commitment thereon is normal trade practice and cannot be characterized as fraudulent, deceptive, or unfair.

Testimony indicated that rolling cars of onions unsold generally start as market prices decline and demand slackens and the number of rollers increases with oncoming supplies. Thus, indications are that rollers result from major problems previously mentioned, i.e., the short market life of South Texas onions and the urgency to move them quickly to market, which is aggravated by overproduction and consequent excessive supplies available for market.

The effect of a high percentage of South Texas onion sales for the account of the growers, with such effect accentuated during some portions of a season by a high percentage of roller shipments, is questionable as a sound marketing practice, but its unfairness is not proven and the alternatives of shipping point sales offered by the proposed prohibition raises additional questions of fairness.

(4) Effective enforcement is essential to administration of each marketing order. Effective enforcement to attain proponents' proposed prohibition of rollers would necessitate comprehensive, specific standards of performance by each handler applicable to each shipment. Proponents' proof on standards for administrative rules essential to effective administration was not sufficiently reliable, probative, and substantial to find and conclude that their proposal would be adequately enforceable.

For the reasons stated it is concluded that this proposal cannot be included in the proposed order.

(i) Inspection of onions grown in the production area by the Federal or Federal-State Inspection Service is necessary for the purpose of determining officially whether shipments meet requirements effective under marketing regulations issued pursuant to the proposed order. The Federal or Federal-State Inspection Service has operated in Texas for a number of years and onion producers and handlers throughout the production area are well acquainted with the service and with the inspection which it offers on shipments of onions. The service is available at onion packing sheds throughout the entire production area and reasonably prompt inspection can be given at all such points. Provision is made in the proposed order for inspection of onions grown in the production area by the Federal or Federal-State Inspection Service during any period in which the handling of onions is regulated under the program. Inspection and certification requirements should apply to all onions shipped under regulations issued under the proposed order except when relieved therefrom pursuant to rules and regulations applicable to minimum quantities or special purpose shipments.

Inspection and certification requirements are necessary so that the shipper as well as subsequent handlers, the committee, and other interested parties may determine if shipments comply with the regulations in effect and applicable to such shipments. Effective regulation of the handling of onions grown in the production area requires evidence that each shipment is in compliance with regulations under the order and the provision for inspection and certification affords the practical means of establishing the fact that the shipments do comply and can be so identified.

Responsibility for obtaining inspection should fall primarily on the handler who first handles regulated onions after they have been prepared for market since he is usually the person responsible for the grade, size, quality, pack and container in which the onions are being shipped or handled. However, each handler, regardless of whether the first or subsequent handler, should be required to bear responsibility for determining that each of his shipments is inspected and certified. Identification and certification is essential to proper administration of the order so that a determination may be made as to whether each shipment accords with regulations issued thereunder. The handler who first handles onions should be required to obtain such inspection. Subsequent handlers should not be permitted to handle onions unless a properly issued inspection certificate, valid under the terms of the order, applies to such onions. If a handler should receive onions which have not been inspected he should be responsible for having them inspected before selling or transporting them. This procedure avoids the potential shift of responsibility which would be expected to occur in the absence of making each handler responsible for inspection and certification of any uninspected onions handled by him. This requirement is also necessary so that the committee can obtain evidence in the form of inspection certificates to determine whether the requirements of regulations in effect are being met.

Whenever any shipments of onions subject to regulation have been inspected, but are later dumped from the containers in which they were inspected, or the lot on which the inspection certificate was issued is broken up, such onions can no longer be specifically identified with reference to the inspection certificate. If any such lot of onions should thereafter be repacked, the repacked onions have a new identity. Any subsequent handling of such onions should be in compliance with regulations in effect. Otherwise, effective regulation will not be obtained. Therefore, the order should provide that the committee may require the person who handles onions after they have been repacked, resorted, or regraded to have such onions reinspected and recertified prior to further handling so that the shipper thereof as well as subsequent handlers and the committee may determine that such shipments comply with regulations in effect and applicable to onions that have been repacked or regraded.

The committee may prescribe rules and regulations, subject to approval by the Secretary, whereby any or all onions inspected shall be identified by appropriate seals, stamps, or tags affixed to the containers by the handler. In areas where warehouse or lot inspections are used compliance problems under a marketing order program can be more difficult than in other areas where all lots are inspected at the time of loading. Also, in areas where truck movement is relatively important, compliance can be a problem. Both of these situations apply to the production area.

The marking requirement could be used if it was found that uninspected lots were being substituted for inspected warehouse lots, or if trucks were moving out of the production area with uninspected onions when check stations are not being operated. Therefore, it is concluded that the provision for identifying shipments or containers by marking or labeling under appropriate rules and regulations recommended by the committee and approved by the Secretary may be necessary and incidental to successful operation of the proposed order, and should be included therein.

The committee with the approval of the Secretary should be authorized to determine the length of time an inspection certificate is valid insofar as the requirements of the proposed order are concerned. Such requirement is appropriate and necessary especially with respect to floor lot or platform inspections which might be administratively desirable to accommodate handlers and truckers. It would not be practical and feasible for the committee to rely upon inspection certificates which are not reasonably current.

South Texas onions are marketed soon after harvest and they are perishable. If held for unreasonable lengths of time they would deteriorate to the point where they would not meet regulations in effect at the time of shipment and would no longer conform to the quality shown on the inspection certificate.

Copies of inspection certificates issued pursuant to the requirements of the proposed order should be supplied to the committee promptly so it can discharge its administrative responsibilities under the program.

The committee should be authorized to recommend, and the Secretary to issue regulations requiring that onions transported by motor vehicle shall be accompanied by a copy of the inspection certificate issued thereon or by other approved evidence of inspection. These requirements may include the surrender of such documents to such authority or agency as designated by the Secretary upon committee recommendation. The committee is authorized under the proposed order to administer its terms and provisions and this procedure enables the committee to enforce regulations in connection with the movement of onions passing through compliance check stations which may be set up along the production area boundary. Since a sizable percentage of onions produced in the production area move by truck such authority is necessary to effectuate the other provisions of the proposed order.

(j) The committee should have authority, with the approval of the Secretary, to require that handlers submit to it such reports and information as are needed to perform its functions. It is difficult to anticipate every type of report; or kind of information, which the committee may need in administering the program, but it should have the authority, subject to the approval of the Secretary, to request reports and information if needed, of the type set forth in the proposed order. The standards to be followed by the committee in requesting handlers to furnish reports should follow principles included in the rules incorporated in § 1033.80 of the proposed order and such reports should be those necessary for operation of the committee in carrying out its responsibilities under the order. Reports furnished to the committee should be submitted in such manner and at such times as the committee, with approval of the Secretary, may designate. Such reporting procedures should accord with the need and requirements of the committee which are essential to administration of the order because changing conditions may warrant changes in the forms and methods of reporting. The right to approve, and also to modify, change, or rescind, any requests by the committee for information in order to protect handlers from unreasonable requests for reports is retained by the Secretary.

Since it is possible that a question may arise with respect to compliance with the proposed order, each handler should maintain complete records of his handling and disposition of onions for a period of not less than two years subsequent to the termination of each crop year.

In order to determine handlers' compliance with the proposed order and regulations issued thereunder, the committee with approval of the Secretary should be authorized to prescribe, through rules and regulations, the type records and documents which shall be maintained by each handler with respect to each sale of onions. Such authorization should include authority for requiring proof or evidence of sale for each lot of onions sold, including the date of sale, the name of the buyer, the quan-

tity, price, grade and size, the buyer's confirmation and record of payment, and other pertinent information which may be required by the committee. This information should be available for inspection by an authorized agent of the committee or the Secretary.

Any or all reports and records submitted for committee use by handlers shall remain under appropriate protective classification and be disclosed to none other than persons authorized by the Secretary. Such reports would become part of the committee's and the Secretary's records. Any reported information released to the industry should be on a composite basis, and no such release of information should disclose either the identity of the handlers or their operations.

(k) Except as provided in the proposed order, no handler should be permitted to handle onions, the handling of which is prohibited by the proposed order or pursuant to regulations issued under the proposed order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of onions handled by him, such action would, in any appreciable aggregate, tend to impair operation of the program and otherwise render it ineffective.

(l) The provisions of §§ 1033.82 through 1033.92, as published in the FEDERAL REGISTER of May 25, 1960 (25 F.R. 4597), and as hereinafter set forth, are common to marketing agreements and orders now operating. Also, the provisions of §§ 1033.93 through 1033.95, as hereinafter set forth, are included in other marketing agreements now operating. Each of these sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the proposed order. These provisions are incidental to, and not inconsistent with, sections 8c (6) and (7) of the Act, and are necessary to effectuate the other provisions of the proposed order and to effectuate the declared policy of the Act. The substance of such provisions, therefore, should be included in the proposed order.

*General findings.* Upon the basis of evidence introduced in the hearing and the record thereof, it is found that:

(1) The marketing order hereinafter set forth, and all of the terms and provisions thereof, will tend to effectuate the declared policy of the Act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish as prices to the producers thereof parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the Act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) The marketing order authorizes regulation of the handling of onions grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a proposed marketing order upon which a hearing has been held;

(3) The marketing order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the Act; and the issuance of several marketing orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) The marketing order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions as defined in the marketing order is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Onions Grown in South Texas" and "Order Regulating the Handling of Onions Grown in South Texas" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*It is hereby ordered,* That all of this decision, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

*Order[1] Regulating the Handling of Onions Grown in South Texas*

Sec.


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AUTHORITY: §§ 1033.0 to 1033.95, inclusive, issued pursuant to Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

### § 1033.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Edinburg, Texas, on June 13–14, 1960, upon a proposed marketing agreement and a proposed marketing order regulating the handling of onions grown in South Texas. On the basis of the evidence introduced at said hearing and the record thereof, it is found that:

(1) The marketing order as hereinafter set forth, and all of the terms and provisions thereof, will tend to effectuate the declared policy of the Act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the Act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) The marketing order authorizes regulation of the handling of onions grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a proposed marketing order upon which a hearing has been held;

(3) The marketing order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the Act; and the issuance of several marketing orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) The marketing order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions, as defined in the marketing order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

*Order relative to handling.* It is, therefore, ordered that on and after the effective time hereof the handling of onions grown in the production area as defined herein shall be in conformity to and in compliance with the terms and conditions of this order, and such terms and conditions are as follows:

DEFINITIONS

### § 1033.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may be hereafter delegated, to act in his stead.

### § 1033.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

### § 1033.3 Person.

"Person" means an individual, partnership, corporation, association or any other business unit.

### § 1033.4 Production area.

"Production area" means the counties of Val Verde, Kinney, Uvalde, Medina, Wilson, Karnes, Goliad, Victoria, Calhoun, Maverick, Zavala, Frio, Atascosa, Dimmit, La Salle, McMullen, Live Oak, Bee, Refugio, Webb, Duval, Jim Wells, San Patricio, Nueces, Zapata, Jim Hogg, Brooks, Kleberg, Kenedy, Starr, De Witt, Aransas, Hidalgo, Willacy, and Cameron, in the State of Texas.

### § 1033.5 Onions.

"Onions" means all varieties of Allium cepa commonly known as onions grown within the production area and marketed dry.

### § 1033.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of onions owned by another person) who handles onions or causes onions to be handled.

### § 1033.7 Handle.

"Handle" or "ship" means to package, sell, transport, or in any way to place onions in the current of the commerce between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery of onions to a person in the production area who is a registered handler.

### § 1033.8 Registered handler.

"Registered handler" means any person with adequate facilities within the production area for preparing onions for commercial market, who customarily does so, and who is so recorded by the committee, or any person who has access to such facilities within the production area, and has recorded with the committee his ability and willingness to assume customary obligations of preparing onions for commercial market.

### § 1033.9 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of onions for market.

### § 1033.10 Grading.

"Grading" is synonymous with "preparation for market" and means the sorting or separation of onions into grades, sizes, and packs for market purposes.

### § 1033.11 Grade and size.

"Grade" means any of the established grades of onions, and "size" means any of the established sizes of onions as defined and set forth in the United States Standards for Bermuda-Granex Type Onions (§§ 51.3195 to 51.3209 of this title) or any other United States Standards for onions, or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

### § 1033.12 Pack.

"Pack" means a quantity of onions in any type of container and which falls within specific weight limits, numerical limits, grade limits, size limits or any combination of these, recommended by the committee and approved by the Secretary.

### § 1033.13 Container.

"Container" means a box, bag, crate, hamper, basket, package, or any other receptacle used in the packaging, transportation, sale, shipment or other handling of onions.

### § 1033.14 Varieties.

"Varieties" means and includes all classifications, subdivisions, or types of onions according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture or recommended by the committee and approved by the Secretary.

### § 1033.15 Committee.

"Committee" means the South Texas Onion Committee, established pursuant to § 1033.22.

### § 1033.16 Fiscal period.

"Fiscal period" means the annual period beginning and ending on such dates as may be approved by the Secretary pursuant to recommendations of the committee.

### § 1033.17 District.

"District" means each of the geographic divisions of the production area initially established pursuant to § 1033.24 or as reestablished pursuant to § 1033.25.

### § 1033.18 Export.

"Export" means to ship onions to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

COMMITTEE

### § 1033.22 Establishment and membership.

The South Texas Onion Committee, consisting of seventeen members, ten of whom shall be producers and seven of whom shall be handlers, is hereby established. For each member of the committee there shall be an alternate. Producer members and alternates shall not have a proprietary interest in or be employees of a handler organization.

### § 1033.23 Term of office.

(a) The term of office of committee members and their respective alternates shall be for two years and shall begin as of August 1 and end as of July 31. The terms shall be so determined that about one-half of the total committee membership shall terminate each year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

**§ 1033.24 Districts.**

To determine a basis for selecting committee members, the following districts of the production area are hereby initially established:

*District No. 1:* (Coastal Bend) The Counties of Victoria, Calhoun, Goliad, Refugio, Bee, Live Oak, San Patricio, Aransas, Jim Wells, Nueces, Kleberg, Brooks, Kenedy, Duval, and McMullen in the State of Texas.

*District No. 2:* (Laredo) The Counties of Zapata, Webb, and Jim Hogg in the State of Texas.

*District No. 3:* (Lower Valley) The Counties of Cameron, Hidalgo, Starr, and Willacy in the State of Texas.

*District No. 4:* (Wilson-Karnes) The Counties of DeWitt, Wilson, Atascosa, and Karnes in the State of Texas.

*District No. 5:* (Winter Garden) The Counties of Val Verde, Frio, Kinney, Uvalde, Medina, Maverick, Zavala, Dimmit, and La Salle in the State of Texas.

**§ 1033.25 Redistricting.**

The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to:

(a) Shifts in onion acreage within the districts and within the production area during recent years;

(b) The importance of new production in its relation to existing districts;

(c) The equitable relationship of committee membership and districts;

(d) Economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and

(e) Other relevant factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

**§ 1033.26 Selection.**

The Secretary shall select members and respective alternates from districts established pursuant to § 1033.24 or § 1033.25. Initial selections shall be as follows:

District No. 1—3 producer members and alternates; 1 handler member and alternate.
District No. 2—2 producer members and alternates; 1 handler member and alternate.
District No. 3—3 producer members and alternates; 2 handler members and alternates.
District No. 4—1 handler member and alternate.
District No. 5—2 producer members and alternates; 2 handler members and alternates.

**§ 1033.27 Nomination.**

The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and handlers shall be held for each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart;

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee;

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 1 of each year;

(d) Only producers may participate in designating producer nominees, and only handlers may participate in naming handler nominees. In the event a person is engaged in producing or handling onions in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees;

(e) Regardless of the number of districts in which a person produces or handles onions, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

**§ 1033.28 Failure to nominate.**

If nominations are not made within the time and in the manner specified in § 1033.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 1033.22 through 1033.26.

**§ 1033.29 Acceptance.**

Any person selected as a committee member or alternate shall qualify by filing a written acceptance within ten days after being notified of such selection.

**§ 1033.30 Vacancies.**

To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 1033.27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 1033.24 to 1033.26.

**§ 1033.31 Alternate members.**

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by the member for whom he is an alternate. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

**§ 1033.32 Procedure.**

(a) Eleven members of the committee shall be necessary to constitute a quorum. Nine concurring votes, or two-thirds of the votes cast, whichever is greater, shall be required to pass any motion or approve any committee action. At assembled meetings all votes shall be cast in person.

(b) The committee may meet by telephone, telegraph, or other means of communication and any vote at such a meeting shall be promptly confirmed in writing. On such occasions unanimous vote of committee members voting will be required to approve any action.

**§ 1033.33 Expenses and compensation.**

Committee members and alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part. In addition they may receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed $10 for each day, or portion thereof, spent in attending to committee business.

**§ 1033.34 Powers.**

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

**§ 1033.35 Duties.**

It shall be, among other things, the duty of the committee:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members and alternates, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;



(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds for employees;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to onions;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege;

(i) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee, and such minutes, books and records shall be subject to examination at any time by the Secretary or by his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(j) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(k) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers, and a copy of each such report shall be furnished the Secretary;

(l) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

**§ 1033.40 Expenses.**

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of a fiscal period. Each handler's share of such expenses shall be proportionate to the ratio between the total quantity of onions handled by him as the first handler thereof during a fiscal period and the quantity of onions handled by all handlers as first handlers thereof during such fiscal period.

**§ 1033.41 Budget.**

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

**§ 1033.42 Assessments.**

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles onions, which are regulated under this part, shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all onions which were regulated under this part and which were handled by the first handlers thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

**§ 1033.43 Accounting.**

(a) Assessments collected in excess of expenses incurred shall be accounted for in accordance with one of the following:

(1) Excess funds not retained in a reserve, as provided in subparagraph (2) of this paragraph shall be refunded proportionately to the persons from whom they were collected.

(2) The committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as reserves: *Provided*, That funds already in reserves do not equal approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses during any fiscal period prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided for in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

RESEARCH AND DEVELOPMENT

**§ 1033.48 Research and development.**

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of onions. The expenses of such projects shall be paid from funds collected pursuant to § 1033.42.

REGULATIONS

**§ 1033.50 Marketing policy.**

(a) At the beginning of each season, and as the Secretary may require, the committee shall prepare a marketing policy. Such policy shall indicate the data on onion supplies and demand on which the committee bases its judgments and recommendations. It shall indicate also the kind or types of regulations contemplated during the ensuing season, and, to the extent practical, shall include recommendations for specific regulations. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available generally.

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to onion supplies for the season, with special consideration to:

(1) Estimates of total supplies, including grade, size, and quality thereof, in the production area;

(2) Estimates of supplies in the competing areas;

(3) Market prices by grades, sizes, containers, and packs;

(4) Estimates of supplies of competing commodities;
(5) Anticipated marketing problems;
(6) Level and trend of consumer income; and
(7) Other relevant factors.

**§ 1033.51 Recommendations for regulations.**

Upon complying with the requirements of § 1033.50 the committee may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the act.

**§ 1033.52 Issuance of regulations.**

(a) The Secretary shall limit the handling of onions by regulations specified in this section whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the act.

(b) Such regulations may:

(1) Limit in any or all portions of the production area the handling of particular grades, sizes, qualities or packs, or any combination thereof, of any or all varieties of onions during any period;

(2) Limit the handling of particular grades, sizes, qualities, or packs of onions differently for different varieties, for different containers, for different portions of the production area, or any combination of the foregoing, during any period;

(3) Limit the handling of onions by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(4) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, preparation for market, shipment, or other handling of onions.

(c) Regulations issued hereunder may be amended, modified, suspended, or terminated whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or other available information;

(2) That such action is essential to provide relief from inspection, assessment, or regulations under paragraph (b) of this section for minimum quantities less than customary commercial transactions; or

(3) That regulations issued hereunder no longer tend to effectuate the declared policy of the act.

**§ 1033.53 Handling for special purposes.**

Regulations in effect pursuant to §§ 1033.42, 1033.52, or 1033.60 may be modified, suspended, or terminated to facilitate handling of onions for:

(a) Relief or charity;
(b) Experimental purposes;
(c) Export; and
(d) Other purposes which may be recommended by the committee and approved by the Secretary.

**§ 1033.54 Safeguards.**

The committee, with the approval of the Secretary, may establish through rules such requirements as may be necessary to establish that shipments made pursuant to § 1033.53 were handled and used for the purpose stated.

**§ 1033.55 Notification of regulation.**

The Secretary shall promptly notify the committee of regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

INSPECTION

**§ 1033.60 Inspection and certification.**

(a) Whenever the handling of onions is regulated pursuant to § 1033.52, or at other times when recommended by the committee and approved by the Secretary, no handlers shall handle onions unless they are inspected by an authorized representative of the Federal or Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 1033.52(c) or § 1033.54, or paragraph (b) of this section.

(b) Regrading, resorting, or repacking any lot of onions shall invalidate any prior inspection certificate insofar as the requirements of this section are concerned. No handler shall handle onions after they have been regraded, resorted, or repacked unless such onions are inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, or repacked onions may be modified, suspended, or terminated upon recommendation by the committee and approval of the Secretary.

(c) Upon recommendation of the committee and approval by the Secretary, any or all onions so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal or Federal-State Inspector or the Committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) At any time this marketing order is inoperative, compulsory inspection is not required.

(e) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(f) When onions are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the Inspection Service.

(g) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of onions by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated.

REPORTS

**§ 1033.80 Reports.**

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner or form and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of onions received by a handler; (2) the quantities disposed of by him segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such onions; and (4) identification of the inspection certificates relating to the onions which were handled pursuant to § 1033.52 or § 1033.53, or both.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records and documents on onions received and onions disposed of by him as may be necessary to verify reports he submits to the committee pursuant to this section.

COMPLIANCE

**§ 1033.81 Compliance.**

Except as provided in this subpart, no handler shall handle onions, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle onions except in conformity to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

**§ 1033.82 Right of the Secretary.**

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

**§ 1033.83 Effective time.**

The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until



terminated in one of the ways specified in this subpart.

**§ 1033.84 Termination.**

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production of onions for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such onions produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

**§ 1033.85 Proceeding after termination.**

(a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all of the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

**§ 1033.86 Effect of termination or amendments.**

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

**§ 1033.87 Duration of immunities.**

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

**§ 1033.88 Agents.**

The Secretary may, by designation in writing, name any person, including any officer or employee of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

**§ 1033.89 Derogation.**

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

**§ 1033.90 Personal liability.**

No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

**§ 1033.91 Separability.**

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

**§ 1033.92 Amendments.**

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

*Referendum order.* Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the calendar year 1960 (which is hereby determined to be a representative period for the purpose of such referendum), were engaged in the counties of Val Verde, Kinney, Uvalde, Medina, Wilson, Karnes, Goliad, Victoria, Calhoun, Maverick, Zavala, Frio, Atascosa, Dinnit, La Salle, McMullen, Live Oak, Bee, Refugio, Webb, Duval, Jim Wells, San Patricio, Neuces, Zapata, Jim Hogg, Brooks, Kleberg, Kenedy, Starr, DeWitt, Aransas, Hidalgo, Willacy, or Cameron in the State of Texas in the production of onions for market to ascertain whether such producers favor the issuance of the annexed order.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176).

W. J. Cremins and K. W. Schaible, Fruit and Vegetable Division, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture, to conduct said referendum jointly or severally. Said agents may appoint any person or persons to assist them in performing their functions hereunder.

Copies of the text of the aforesaid annexed order may be examined in the office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., and at those places in the production area announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of the said order may be obtained from any referendum agent or any appointee hereunder.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 29, 1960.

CLARENCE L. MILLER,
*Assistant Secretary.*

[F.R. Doc. 61–47; Filed, Jan. 4, 1961; 8:46 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

## [ 29 CFR Parts 604, 606, and 713 ]

[Administrative Order No. 544]

## RESIGNATIONS FROM AND APPOINTMENTS TO INDUSTRY COMMITTEE NO. 51 FOR PUERTO RICO

Mr. Albin F. Hartnett, Mr. Pedro J. Balleste, and Mr. Samuel M. Seltzer who were appointed to Industry Committee No. 51 for Puerto Rico by virtue of Administrative Order No. 542 (25 F.R. 12950) have resigned.

Therefore, pursuant to authority contained in the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), I hereby make the following appointments to fill the vacancies created by these resignations:

Mr. David Lasser of Washington, D.C., shall serve as an employee representative on Industry Committee No. 51–A and Industry Committee No. 51–B.

Mr. Harold W. Long of Bayamon, Puerto Rico, shall serve as an employer representative on Industry Committee No. 51–B.

Mr. Joseph H. Sherman, Jr. of Trujillo Alto, Puerto Rico, shall serve as an em-

ployer representative on Industry Committee No. 51–O.

Signed at Washington, D.C., this 30th day of December 1960.

JAMES P. MITCHELL,
*Secretary of Labor.*

[F.R. Doc. 61–68; Filed, Jan. 4, 1961; 8:49 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Syracuse University Research Corporation, Syracuse, New York, proposing the issuance of a regulation permitting the use in paper and paperboard for food packaging of animal glues consisting of collagen extracted from the hides and bones of freshly slaughtered animals to which may be added one or more of the following:

| | Percent |
|---|---|
| Alkylaryl sulfonate | 2.0 |
| Animal fat, natural | 3.0 |
| Butoxy polyethylene polypropylene glycol | 0.05 |
| Castor oil | 1.0 |
| *p*-Chlorometacresol | 0.2 |
| Chrome alum | 15.0 |
| Diethylene glycol monooleate | 0.4 |
| 3, 5-Dimethyltetrahydro-1, 3, 5, 2H-thiadiazine-2-thione | 0.2 |
| Disodium cyanodithioimidocarbonate | 0.1 |
| Ethanolamine | 0.07 |
| Ethylenediamine | 0.05 |
| Ethylene glycol | 0.1 |
| Formaldehyde | 0.5 |
| Glycerin esters of fatty acids | 0.4 |
| Glycerol | 25.0 |
| Glyceryl monohydroxystearate | 0.05 |
| Hydrogen peroxide | 0.05 |
| Magnesium stearate | 0.01 |
| Magnesium sulfate | 50.0 |
| Microcrystalline wax, melting point, 190° F | 0.002 |
| Mineral oil, pale | 1.0 |
| Mineral oil, white | 0.15 |
| Neatsfoot oil | 1.0 |
| Nonylphenyl polyethylene glycol | 0.2 |
| Oleic acid | 0.02 |
| Paraffin oil | 1.3 |
| Paraffin wax (slack) | 0.3 |
| Paraffin wax (Type I: A congealing point of 160° F. maximum (ASTM D–938), an absorptivity at 290 millimicrons of 0.04 liter per gram centimeter maximum (ASTM E–131), an oil content of 1.5% maximum (ASTM D–721), and a Saybolt color of 20 minimum (ASTM D–1500)) | 0.2 |
| Polyethylene glycol 600 monooleate | 0.3 |
| Polyethylene glycol 600 monoricinoleate | 0.3 |
| Polyethylene glycol oleate | 0.05 |
| Polyethylene, oxide type | 0.2 |
| Polyoxyalkylene glycol 900–4000 | 0.7 |
| Polyoxyethylene sorbitol tetraoleate laurate | 0.003 |
| Polypropylene glycol 1025 | 0.5 |
| Potassium alum | 9.0 |
| Potassium hydroxide | 0.03 |
| Potassium n-methyldithiocarbonate | 0.2 |
| Propylene glycol monostearate | 0.5 |
| Propyl *p*-hydroxybenzoate | 0.3 |
| Rice bran oil | 0.3 |
| Rosin | 6.5 |
| Sodium acetate | 0.06 |
| Sodium benzoate | 0.5 |
| Sodium chlorate | 0.2 |
| Sodium hydrosulfite | 0.5 |
| Sodium pentachlorophenate | 1.5 |
| Sodium o-phenylphenate | 0.75 |
| Sodium salt 2-mercaptobenzothiazole | 0.006 |
| Stearic acid | 0.04 |
| Sulfated tallow | 0.4 |
| Vanillin | 0.2 |
| Zinc salt of mercaptobenzothiazole | 0.1 |
| Zinc stearate | 0.1 |
| Zinc sulfate | 1.0 |
| Ziram (zinc dimethyldithiocarbamate) | 0.1 |

Dated: December 29, 1960.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–55; Filed, Jan. 4, 1961; 8:47 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60–LA–86]

## FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

### Modification and Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 and §§ 600.108, 601.108, 601.1372 and 601.4108 of the regulations of the Administrator, the substance of which is stated below.

Amber Federal airway No. 8 extends in part from Los Angeles, Calif., to Camarillo, Calif. Red Federal airway No. 90 extends from Camarillo to Burbank, Calif. The Federal Aviation Agency is considering revoking this segment of Amber 8, and revoking Red 90 in its entirety. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available. It appears that the route from Los Angeles to Camarillo is adequately served by VOR Federal airways No. 25 and No. 27. In the case of Red 90, a Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows a maximum of 7 aircraft movements between any two reporting points on Red 90. In addition, this airway overlies in part the approach path used by aircraft conducting ILS instrument approaches to Lockheed Air Terminal, Burbank, Calif. Therefore, it appears that the retention of these airway segments is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke the segment of Amber 8 and its associated control areas from Los Angeles to Camarillo, and to revoke Red 90 and its associated control areas from Camarillo to Burbank. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with these segments of Amber 8 and Red 90. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures.

Concurrently with the above action, it is proposed to revoke the following reporting points associated with Amber 8: "Intersection of a line bearing 260° from the Los Angeles nondirectional radio beacon and the southeast course of the Camarillo radio range station," and the "Camarillo radio range station." In addition, § 601.4290 relating to reporting points associated with Red 90 would be revoked.

The Chatsworth, Calif., control area extension (§ 601.1213), and the Burbank, Calif., control area extension (§ 601.1071) are bound in part by either or both Amber 8 and Red 90. A proposal to revoke the Chatsworth control area extension and to redesignate the Burbank control area extension by deleting reference to L/MF airways has been assigned Airspace Docket No. 60–LA–68, and will be considered in a separate notice of proposed rule making.

The Los Angeles control area extension (§ 601.1372) is bounded in part by Amber 8 and by warning areas. Concurrently with the revocation of Red 90 and the modification of Amber 8, it is proposed to modify the Los Angeles control area extension by expanding it westward approximately 3 miles and by substituting in its description VOR Federal airway No. 25 for Amber 8, and geographical coordinates for the warning areas. Substitution of geographical coordinates for the warning area boundaries would provide a more precise description. Expansion of the control area extension to the west would provide protection for aircraft executing holding procedures at the Eel Intersection. The modified control area extension would contain approximately the same amount of area as the present control area extension.

The Los Angeles control area extension would be redesignated as follows: The area bounded by lines beginning at Lat. 34°01'00" N, Long. 119°04'45" W; thence southeast and easterly along the western and southern boundary of VOR Federal airway No. 25 to the United States coastline, thence southeasterly along the United States coastline to Lat. 33°10'00" N, thence due west to Lat. 33°10'00" N, Long. 117°45'00" W, thence northwest to Lat. 33°12'30" N, Long. 117°47'00" W, thence northwest to Lat. 33°18'00" N, Long. 118°28'00" W; thence northwest to Lat. 33°24'35" N, Long. 118°37'00" W, thence north to Lat. 33°28'30" N, Long 118°37'00" W, thence due west to Lat. 33°28'30" N, Long. 118°40'00" W, thence southwest to Lat. 33°27'20" N, Long. 118°41'25" W, thence northwest to Lat. 33°28'30" N, Long. 118°43'30" W, thence due west to Lat. 33°28'30" N, Long. 119°07'00" W, thence north to Lat. 33°52'03" N, Long. 119°06'59" W, thence northerly to the point of beginning.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on December 29, 1960.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–60; Filed, Jan. 4, 1961; 8:48 a.m.]

# Notices

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### FRESH PEACHES GROWN IN GEORGIA

#### Findings and Determinations With Respect to the Continuation in Effect of the Amended Marketing Agreement and Order

Pursuant to the applicable provisions of Marketing Agreement No. 99, as amended, and Order No. 62, as amended (7 CFR Part 962), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), notice was given in the FEDERAL REGISTER on December 10, 1960 (25 F.R. 12715), that a referendum would be conducted among the growers who, during the calendar year 1960 (which period was determined to be a representative period for the purpose of such referendum), had been engaged, in Georgia, in the production of peaches for market to determine whether a majority of such growers favor the termination of the amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period December 11, to December 18, 1960, both dates inclusive, it is hereby found and determined that the termination of the amended marketing agreement and order regulating the handling of fresh peaches grown in Georgia, is not favored by the requisite majority of such growers.

Dated: December 30, 1960.

CLARENCE L. MILLER,
*Assistant Secretary.*

[F.R. Doc. 61–72; Filed, Jan. 4, 1961; 8:50 a.m.]

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Dept. Circ. 570, 1960 Rev. Supp. 6]

### UNITED PUBLIC INSURANCE CO.

#### Termination of Authority to Qualify as Surety on Federal Bonds

Notice is hereby given that the Certificates of Authority issued by the Secretary of the Treasury to United Public Insurance Company, Indianapolis, Indiana, under the provisions of the Act of Congress, approved July 30, 1947 (6 U.S.C. 6–13) to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States is hereby terminated effective as of midnight December 31, 1960. The company received its initial certificate of authority from the Secretary of the Treasury on August 11, 1959.

United Public Insurance Company has informed the Treasury that it has no bonds in force in favor of the United States except certain bail bonds which were reinsured with United Bonding Insurance Company, Indianapolis, Indiana, in August 1960. However, in the event that other bonds issued in favor of the United States may remain in force which do not appear on the records of the company, bond-approving officers are requested, upon receipt of this notice, to examine carefully the records of their offices and report promptly to the Surety Bonds Branch, Bureau of Accounts, Treasury Department, all outstanding bonds accepted by them and executed by the United Public Insurance Company as surety or co-surety on which the liability of the company has not terminated.

It is also requested that the Surety Bonds Branch be advised as expeditiously as possible as to all facts, in detail, relating to any existing claim, or with respect to the occurrence of any event or the existence of any circumstance which may hereafter result in a claim against the United Public Insurance Company.

In furnishing the above information bond-approving officers will please give the name of the principal on the bond, the date and penalty of the bond, and with respect to claims, the nature of the claim, the circumstances out of which it arose, and its status at the time of the report.

Bond-approving officers and other agents of the Government charged with the duty of taking bonds, recognizances, stipulations or undertakings should proceed immediately to secure new bonds, where necessary, with acceptable sureties, in lieu of bonds executed by the United Public Insurance Company.

[SEAL] JULIAN B. BAIRD,
*Acting Secretary of the Treasury.*

DECEMBER 30, 1960.

[F.R. Doc. 61–67; Filed, Jan. 4, 1961; 8:49 a.m.]

## ATOMIC ENERGY COMMISSION

### NEW YORK SHIPBUILDING CORP.

#### Order To Show Cause for Revocation of License and for Denial of Applications for License Amendment

Please take notice that the Atomic Energy Commission has this date issued an "Order to Show Cause for Revocation of License and for Denial of Applications for License Amendment" to New York Shipbuilding Corporation, Camden 1, New Jersey. The Order to Show Cause provides that the licensee may show cause at a hearing to commence at the United States District Court House in Camden, New Jersey, at 10:00 a.m., on January 24, 1961, in a courtroom to be assigned, why byproduct material License No. 29–2204–2 should not be revoked and why the applications for amendment of the license should not be denied.

A copy of the Order to Show Cause is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 29th day of December 1960.

For the Atomic Energy Commission.

EBER R. PRICE,
*Acting Director, Division of Licensing and Regulation.*

[F.R. Doc. 61–59; Filed, Jan. 4, 1961; 8:48 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13907–13909; FCC 60–1555]

### BLOOMFIELD NON-PROFIT TELEVISION ASSOCIATION

#### Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Bloomfield Non-Profit Television Association, Bloomfield, New Mexico, Docket No. 13907, File No. BTR–436; Docket No. 13908, File No. BTR–437; Docket No. 13909, File No. BTR–438; For temporary authority to operate three VHF television broadcast repeater stations.

1. The Commission has before it for consideration a "Protest, Petition for Reconsideration, Application for Review of Delegated Staff Action and Request for Cease and Desist Order", filed on December 2, 1960, by Aztec Community TV, Inc., operator of a community antenna system serving the communities of Aztec and Blanco, New Mexico, pursuant to sections 309(c) and 405 of the Communications Act of 1934, as amended, directed against the delegated staff action taken by the Commission on November 3, 1960, granting the above-captioned applications of Bloomfield Non-Profit Television Association for temporary authority to operate three VHF television broadcast repeater stations serving Bloomfield, New Mexico. No opposition to the protest was filed by Bloomfield Non-Profit Television Association.

2. Protestant claims standing by virtue of sections 309(c) and 405 of the Communications Act of 1934, as amended, as a community antenna television system presently serving the communities of Aztec and Blanco, New Mexico. Protestant justifies its claim to standing by alleging that the subject repeater stations cause severe co-channel interference to its community antenna system, and that continued operation of the repeater stations will cause such severe interference problems as to effect the demise of protestant's community antenna service, and, further, that financial injury will accrue to protestant as a logical concomitant to a decrease in the quality of service which the community antenna system renders.

3. In support of its protest and petition for reconsideration, the protestant alleges that its community antenna system satisfactorily serves approximately 750 subscribers to its antenna service in the communities of Aztec and Blanco, New Mexico; that the above-captioned applications were filed with the Commission on or about October 20, 1960; that the television repeater facilities sought to be authorized rebroadcast the programs of the same three Albuquerque, New Mexico television stations as are furnished on the community antenna system; that the transmitter site of the repeater facilities is located within 500 yards of the off-the-air pickup site utilized by protestant; that the Commission through authority delegated to its Broadcast Bureau, granted the subject applications on November 3, 1960; that Bloomfield commenced operating its repeater facilities on November 10, 1960, causing extreme interference to protestant's community antenna service; and that approximately 40 of protestant's subscribers objected to protestant on November 10, 1960, concerning degradation of the television picture received over the community antenna facilities. Protestant further alleges that two of the subject repeater facilities were constructed subsequent to July 7, 1960; and that the third repeater facility was twice relocated subsequent to July 7, 1960, in derogation of the Commission's Rules relating to pre-existing repeaters. In the light of the foregoing, protestant prays that the Commission set aside its action of November 3, 1960, granting the above-captioned applications; that said applications be dismissed; or that, in the alternative, should the applications be designated for hearing, that certain specified issues be designated, as set forth hereinafter.

4. In view of the fact that the protestant is the operator of a community antenna system serving Aztec and Blanco, New Mexico, and has alleged facts indicating that as a result of the grants of the above-captioned applications it will be economically injured by operation of the VHF television repeater facilities complained of herein, we find the protestant to be a "party in interest" within the meaning of section 309(c) of the Communications Act of 1934, as amended, and a "person aggrieved or whose interests are adversely affected" within the meaning of section 405 of said Act. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470.

5. In view of the allegations of the protestant that the VHF television repeater stations being operated by Bloomfield were either constructed or modified subsequent to July 7, 1960, the relief request by the protestant should be granted to the extent indicated hereinafter. However, since the VHF television repeater stations operated by Bloomfield Non-Profit Television Association afford the only television broadcast service to Bloomfield and surrounding area, we believe that the public interest would be better served by allowing the television repeater broadcasts to continue pending a final determination of the matters designated for hearing, as set forth hereinafter, thus continuing the only television broadcast service to several thousand people in the area. Also, we note that Bloomfield is a non-profit organization whose activities are apparently supported by public donation of funds. It would appear, therefore, that in order to avoid imposition of an onerous financial burden on Bloomfield, the hearing ordered herein should be designated to be held in Bloomfield, New Mexico.

6. In view of the foregoing, the Commission's actions of November 3, 1960, granting the above-captioned applications are hereby set aside, and, in accordance with the provisions of section 309 of the Communications Act of 1934, as amended, said applications are designated for hearing on the following issues:

(1) To determine whether any of the facilities sought by Bloomfield Non-Profit Television Association to be temporarily authorized were constructed subsequent to July 7, 1960.

(2) To determine whether any of the facilities sought by Bloomfield Non-Profit Television Association to be temporarily authorized were modified subsequent to July 7, 1960, and if so, the nature of such modification.

(3) To determine whether any of the facilities sought by Bloomfield Non-Profit Television Association to be temporarily authorized have caused or will cause interference to the direct reception of television broadcast signals.

(4) To determine whether the use of FCC Form 347–A by Bloomfield Non-Profit Television Association in the circumstances attendant to this matter was a willful attempt to mislead or deceive the Commission.

(5) To determine, in view of the evidence adduced pursuant to the foregoing issues, whether the above-captioned applications can be granted, and, if so, whether grant of the applications would serve the public interest, convenience or necessity.

*It is further ordered,* That both the burden of proceeding with the introduction of evidence upon the issues specified above, as well as the burden of proof upon all such issues, shall be upon the applicant, Bloomfield Non-Profit Television Association;

*It is further ordered,* That Aztec Community TV, Inc. is hereby made a party to the above-captioned proceedings;

*It is further ordered,* That the hearing on the above issues shall be held in Bloomfield, New Mexico, at a time to be specified in a subsequent order;

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicant and party herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order;

*It is further ordered,* That the protestant's request that Bloomfield Non-Profit Television Association be required to cease operation immediately of its VHF television broadcast repeater facilities is hereby denied pending a final determination of the matters above set forth.

Adopted: December 27, 1960.

Released: December 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–64; Filed, Jan. 4, 1961; 8:49 a.m.]

[Docket No. 13900; FCC 60M–2195]

### GENERAL TELEPHONE COMPANY OF CALIFORNIA

#### Order Scheduling Hearing

In re application of General Telephone Company of California, Docket No. 13900, File No. 557–02–P–61; for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service at Santa Barbara, California (Station KME440).

*It is ordered,* this 29th day of December 1960, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 7, 1961, in Washington, D.C.

Released: December 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–65; Filed, Jan. 4, 1961; 8:49 a.m.]

[Docket No. 12839–12840; FCC 60M–2189]

### NEWPORT BROADCASTING CO. AND CRITTENDEN COUNTY BROADCASTING CO.

#### Order Scheduling Hearing

In re applications of Newport Broadcasting Company, West Memphis, Arkansas, Docket No. 12839, File No. BP–12113; Crittenden County Broadcasting Company, West Memphis, Arkansas, Docket No. 12840, File No. BP–12405; for construction permits.

*It is ordered,* this 27th day of December 1960 that the hearing conference herein presently scheduled to be held on December 29, 1960 is cancelled and that further hearing in this proceeding shall commence at 10:00 a.m. on January 11, 1961 in the offices of the Commission at Washington, D.C.

Released: December 28, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–66; Filed, Jan. 4, 1961; 8:49 a.m.]

# FEDERAL POWER COMMISSION

[Project No. 1292]

## PUGET SOUND POWER & LIGHT CO.

### Notice of Application for Surrender of License (Transmission Line)

DECEMBER 28, 1960.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Puget Sound Power & Light Company, a Massachusetts corporation, of 1400 Washington Building, Seattle 1, Washington, licensee for transmission line Project No. 1292, for surrender of its license for the project. Puget Sound Power & Light Company, a Washington corporation, of 1400 Washington Building, Seattle 1, Washington, as successor to the licensee in the ownership and operation of the project, joined in the application. Project No. 1292 is located in King and Kittitas Counties, Washington, near Snoqualmie Pass, and affects lands of the United States within Wenatchee and Snoqualmie National Forests. The project consists of a 2.3 kv transmission line, with secondary branches, about 2.7 miles long between Hyak and Snoqualmie Pass and crossing lands within Wenatchee National Forest and a tap line extending to the Alpine and Sahilie Ski Clubs crossing lands within Snoqualmie National Forest. The lines cross 0.41 mile of a 100-foot right-of-way in Wenatchee Forest and 0.37 mile of 50-foot right-of-way in Snoqualmie Forest.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is February 13, 1961. The application is on file with the Commission for public inspection.

MICHAEL J. FARRELL,
*Acting Secretary.*

[F.R. Doc. 61–42; Filed, Jan. 4, 1961; 8:45 a.m.]

# FEDERAL RESERVE SYSTEM

## BANK STOCK CORP.

### Notice of Tentative Decision on Application for Prior Approval of Acquisition by a Bank Holding Company of Voting Shares of a Bank

Notice is hereby given that, pursuant to section 3(a) of the Bank Holding Company Act of 1956, Bank Stock Corporation of Milwaukee, Milwaukee, Wisconsin, a bank holding company ("Applicant"), has applied[1] for the Board's prior approval of the acquisition of 80 percent or more of the authorized and outstanding common stock of The Bank of Commerce, Milwaukee, Wisconsin. Information relied upon by the Board in making its tentative decision is summarized in the Board's Tentative Statement[2] of this date, which is attached hereto and made a part hereof, and which is available for inspection at the Office of the Board's Secretary, at all Federal Reserve Banks, and at the Office of the Federal Register.

The present record in this proceeding consists of the application, the Board's letter to the Deputy and Acting Commissioner of banks for Wisconsin inviting his views and recommendations on the application, his reply, the Statement in Opposition of the United States submitted by the United States Department of Justice, the Applicant's Response thereto, the Statement in Reply of the United States, this Notice of Tentative Decision, and the Tentative Statement.

For the reasons set forth in the Tentative Statement, the Board proposes to grant the application.

Notice is further given that any interested person may, not later than fifteen (15) days after the publication of this notice in the FEDERAL REGISTER, file with the Board in writing any comments upon or objections to the Board's proposed action. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Following expiration of the said 15-day period, the Board's Tentative Decision will be made final by order to that effect, unless for good cause shown other action is deemed appropriate by the Board.

Dated at Washington, D.C., this 29th day of December 1960.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 61–43; Filed, Jan. 4, 1961; 8:45 a.m.]

[1] This application was filed prior to July 1, 1960, the effective date of the amendment to § 222.4(e) providing for the publication of notice of receipt of applications pursuant to section 3 of the Act in lieu of the issuance of tentative decisions and tentative statements by the Board.

[2] Filed as part of the original document.

# SECURITIES AND EXCHANGE COMMISSION

[File No. 24W–2420]

## CUSTER CHANNEL WING CORP.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 29, 1960.

I. Custer Channel Wing Corporation, a Maryland corporation, with its principal offices located at 1905 West Washington Street, Hagerstown, Maryland, filed with the Commission on August 8, 1960 a notification and offering circular relating to a proposed public offering of 461,700 shares of its 5 cents par value Class B nonvoting, common stock, at 50 cents per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. Regulation A is unavailable in that the aggregate offering price of the securities to be offered, as computed in accordance with Rule 253 and Rule 254, will exceed $300,000.

B. The offering circular contains false and misleading statements as to material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The statement that the business of the corporation is the development, manufacture and marketing of aircraft embodying a new form of wing design;

2. The reference to the wing design as "new" when in fact it has been proposed and under development since 1939 or 1940;

3. The failure to point out that the proposed aircraft has been under development by the issuer, its predecessors and subsidiaries for more than fifteen years, and to furnish the history of such development in reasonable detail;

4. The failure to disclose that during the fifteen year period substantial sums aggregating several hundred thousand dollars were raised through the sale of securities;

5. The failure to indicate how such sums were expended and the reasons why such expenditures have not yet resulted in a fully developed and salable aircraft;

6. The failure to describe the patents pertaining to the wing and to furnish the expiration dates thereof;

7. The failure to disclose that prior applications filed with the predecessor of the Federal Aviation Agency in March, 1953 and June, 1954 were not completed and have since been abandoned;

8. The failure to furnish an estimate of the amount which would be required to file, process and obtain an Approved Type Certificate, for the aircraft proposed to be manufactured, from the Federal Aviation Agency;

9. The statement that the estimated cost of flight testing and revising and completing engineering drawings in the amounts of $5,000 and $15,000, respectively;

10. The statement that the break-even point will be reached at approximately the fifteenth aircraft produced;

11. The statement that the company has "firm" orders for twenty aircrafts;

12. The statement that the amount of $208,850 will be enough to commence actual manufacture of aircraft to fill outstanding orders;

13. The failure to describe the issuer's previous unsuccessful efforts to market the aircraft, particularly to the military;

14. The failure to point out that the aircraft has been demonstrated to the military and that no interest was shown or orders obtained;



15. The failure to disclose that the market price of the Class B stock is substantially lower than the public offering price;

16. The failure to provide financial statements in the offering circular which were prepared in accordance with generally accepted accounting principles.

C. The terms and conditions of Regulation A have not been complied with in that:

1. The notification on Form 1–A fails to disclose that Willard R. Custer, president of the issuer, was an affiliate and was the beneficial owner of more than 10 percent of issued and outstanding securities pursuant to Item 2(b) and Item 2(c);

2. The failure to disclose the specific jurisdictions in which the offering will be made as required by Item 8(c) of the notification;

3. The failure to furnish the exhibits required by Item 11(a) of the notification.

D. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61–45; Filed, Jan. 4, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice No. 857]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 30, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time, unless otherwise specified.

### APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

#### MOTOR CARRIERS OF PROPERTY

No. MC 623 (Sub-No. 34), filed October 14, 1960. Applicant: H. MESSICK, INC. Box 214, Duquesne & Newman Roads, Joplin, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B and C explosives, blasting agents, supplies and materials*, between plant sites of Atlas Powder Co. near Atlas, Mo., on the one hand, and on the other, points in California, Oregon, Washington, Idaho and Nevada.

*HEARING:* February 13, 1961, in the Park East Hotel, Kansas City, Mo., before Examiner Henry A. Cockrum.

No. MC 33970 (Sub. No. 9), filed December 1, 1960. Applicant: GEORGE HILDEBRANDT, INC., R.F.D. No. 2, Hudson, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: (1) *Lime (quick and hydrated) including building lime, agricultural and chemical lime and mixtures thereof with sand and cement* in bags and in bulk; *packaged sand* in bags and *packaged asphalt patching mix* in bags; from Lee, Mass., to points in New Jersey; points in Susquehanna, Wyoming, Wayne, Pike, Lackawanna, Luzerne and Bradford Counties, Pa.; points in New York and Connecticut, and *rejected and refused shipments*, on return, and (2) *limestone, limestone products and limestone by-products* in bags and in bulk; from West Stockbridge and Lee, Mass., to points in New Jersey; points in Susquehanna, Wyoming, Wayne, Pike, Lackawanna, Luzerne and Bradford Counties, Pa.; points in New York and Connecticut, and *rejected and refused shipments*, on return.

NOTE: Applicant states that part of territory described above in which applicant already holds authority on following commodities which is set forth in this application is as follows: *Lime* (bag and bulk) from Lee, Mass. to points in Connecticut and New York. *Agricultural and building lime in bags*, from Lee, Mass. to points in New Jersey and points in Wyoming, Wayne, Pike, Lackawanna, Luzerne and Bradford Counties, Pa. *Lime and limestone (in bulk or bags)*; from Lee, Mass. to Albany, Greene, Rensselaer, Saratoga, Schenectady and Schoharie Counties, N.Y. *Lime in bags;* from West Stockbridge, Mass. to points in Albany, Greene, Delaware, Nassau, Orange, Rensselaer, Saratoga, Schoharie, Schenectady, Suffolk, Ulster, Warren and Washington Counties, N.Y. *Lime in bulk and bags;* from West Stockbridge, Mass. to New York, N.Y., points in Columbia, Dutchess, Putnam and Westchester Counties, N.Y. and points in Connecticut. Applicant further states that it is not seeking any duplicating rights by this application.

*HEARING:* February 28, 1961, at the Federal Bldg., Albany, N.Y., before Examiner Lacy W. Hinely.

No. MC 36473 (Sub No. 69), filed December 5, 1960. Applicant: CENTRAL TRUCK LINES, INC., 1005 Jackson Street, Tampa, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment; (1) Between St. Petersburg, Fla., and Daytona Beach, Fla., from St. Petersburg, over U.S. Highway 4 to Daytona Beach, and return over the same route, serving the intermediate points of Tampa, Lakeland and Orlando, Fla. (2) Between Lecanto, Fla., and the junction of U.S. Highway 98 and Florida Highway 491, as an alternate route for operating convenience only; from Lecanto over Florida Highway 491 to the junction of Florida Highway 491 and U.S. Highway 98, and return over the same route. (3) Between Holder, Fla., and the junction of Florida Highway 491 and Florida Highway 200, as an alternate route for operating convenience only; from Holder over Florida Highway 491 to the junction of Florida Highway 491 and Florida Highway 200, and return over the same route. (4) Between Valdosta, Ga., and the junction of Georgia Highway 94 and Georgia Highway 33, as an alternate route for operating convenience only; from Valdosta over Georgia Highway 94 to the junction of Georgia Highway 94 and Georgia Highway 33, and return over the same route.

*HEARING:* February 24, 1961, in the U.S. Court Rooms, Tampa, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 39414 (Sub No. 11), filed November 9, 1960. Applicant: TYLER TRUCK LINES, INC., Oakfield, N.Y. Applicant's attorney: Robert V. Gianniny, 25 Exchange Street, Rochester 14, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, fibreboard, pulpboard, painting and decorating materials, steel, iron, plaster, lime* and *wire*, from Oakfield, N.Y. to points in Pennsylvania, excepting points in the Counties of Columbia, Crawford, Erie, McKean, Potter, Venango, Warren, Bradford, Tioga, Sullivan, Forest, Clarion, Elk, Jefferson, Cameron, Clearfield, Clinton, Centre, Lycoming, Union, Montour, Northumberland, Wyoming, Susquehanna, Wayne, Lackawanna, Luzerne, Pike, Monroe and Carbon, Pa., and *returned, refused and rejected shipments* of above-specified commodities, on return.

*HEARING:* February 21, 1961, at the Manger Hotel, Rochester, N.Y., before Examiner Lacy W. Hinely.

No. MC 41409 (Sub No. 3) (CLARIFICATION), filed November 23, 1960, published in the FEDERAL REGISTER issue of December 14, 1960. Applicant: BLOCK & ROSE, INC., 6 West Broadway, New York 7, N.Y. Applicant's attorney: Irving Abrams, 1776 Broadway, New York 19,

N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum furniture*, from the plant site of Duralite Company, Inc., Passaic, N.J., (said plant extending over the border line of Passaic into Clifton, N.J.) to points in Connecticut and New Jersey, points in Pennsylvania within 60 miles of Philadelphia including Philadelphia, points in Nassau, Putman, Suffolk and Westchester Counties, N.Y., and New York, N.Y., and *returned, refused, rejected and damaged shipments* of the above-described commodities, from the above-specified destination points to the Duralite Company, Inc.

*HEARING*: Remains as assigned February 16, 1961, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 42487 (Sub No. 472), filed August 22, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, as defined by the Commission, in bulk, in tank vehicles, and *petroleum oils, NOIEN, synthetic resin and resin plasticizers* (1) between the St. Louis, Mo. Commercial Zone, as defined by the Commission, and El Dorado, Ark., on the one hand, and, on the other, points in California and (2) from the St. Louis, Mo. Commercial Zone and El Dorado, Ark., to points in Arizona, Idaho, Nevada, Oregon, and Washington.

*HEARING:* March 9, 1961, at The New Customs House, Denver, Colo., before Examiner Parks M. Low.

No. MC 45158 (Sub-No. 18), filed December 12, 1960. Applicant: KILLION MOTOR EXPRESS, INC., 1417 Magazine Street, Louisville, Ky. Applicant's attorney: Robert H. Kinker, Seventh Flr. McClure Bldg., Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of Melton Hill Dam of the Tennessee Valley Authority, located southwest of Knoxville, Tenn., on the Clinch River, and points within five (5) miles thereof, as off-route points in connection with applicant's presently authorized regular route operations from Knoxville, Tenn. to Louisville, Ky.

*HEARING:* January 30, 1961, in the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 52657 (Sub No. 606), filed December 16, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers, semi-trailers, trailer chassis, semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway service, from Hazleton, Pa., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming. (B) *Trailers, semi-trailers, trailer chassis, semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements, in driveaway service, from Hazleton, Pa., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming. (C) *Tractors*, in secondary movements in driveaway service, only when drawing trailers, semi-trailers, trailer chassis, semi-trailer chassis in initial movements, from Hazleton, Pa., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming. (D) *Containers, cargo containers, cargo container boxes* (except those having a capacity of 5 gallons or less, or those having a capacity of 9 cubic feet or less), from Hazleton, Pa., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming.

*HEARING:* February 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 52657 (Sub No. 607), filed December 16, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers, semi-trailers, trailer chassis, semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway service, from Hazelton, Pa. to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, North Carolina, Mississippi, New Hampshire, New Jersey, New York, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia. (B) *Trailers, semi-trailers, trailer chassis, semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in driveaway service from Hazelton, Pa. to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, North Carolina, Mississippi, New Hampshire, New Jersey, New York, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia. (C) *Tractors*, in secondary movements in driveaway service, only when drawing trailers, semi-trailers, trailer chassis, semi-trailer chassis in initial movements, from Hazelton, Pa. to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, North Carolina, Mississippi, New Hampshire, New Jersey, New York, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia. (D) *Containers, cargo containers, cargo container boxes* (except those having a capacity of five gallons or less, or those having a capacity of nine cubic feet or less), from Hazelton, Pa. to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, North Carolina, New Hampshire, New Jersey, New York, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia.

*HEARING:* February 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 52657 (Sub. No. 608), filed December 16, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers, semi-trailers, trailer chassis, semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in driveaway service, from Edgerton, Wis. to points in the United States, including Alaska but excluding Hawaii. (B) *Tractors*, in secondary driveaway service, only when drawing trailers in initial movements, from Edgerton, Wis., to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia. (C) *Containers, cargo containers, cargo container boxes* (except those having a capacity of five gallons or less, or those having a capacity of nine cubic feet or less), from Edgerton, Wis. to points in the United States, including Alaska but excluding Hawaii. (D) *Trailer chassis, semi-trailer chassis* (except trailer chassis designed to be drawn by passenger automobiles), in initial movements in truckaway service, from Edgerton, Wis. to points in the United States including Alaska but excluding Hawaii.

NOTE: Applicant states no duplication of authority is sought herein.

*HEARING:* February 8, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 52657 (Sub No. 609), filed December 19, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authortity sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailer chassis, semi-trailer chassis* (except trailer chassis designed to be drawn by passenger automobiles), in initial movements in truckaway and driveaway service; from Clintonville, Wis., to points in the United States, except Alaska and Hawaii. (B) *Tractors*, in secondary driveaway service, only when drawing trailer chassis and semi-trailer chassis in initial movements; from Clintonville, Wis., to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming and the District of Columbia. (C) *Trailer chassis, semi-trailer chassis* (except trailer chassis designed to be drawn by passenger automobiles), in initial movements in truckaway service; from Exeter, Scranton, and Lansdale, Pa., to points in the United States, including Alaska, and except Hawaii.

*HEARING:* February 9, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 52709 (Sub No. 99), filed April 11, 1960. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's attorney: John W. Carlisle (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: (1) *Acids and chemicals*, in bulk from St. Louis, Mo., and points in the St. Louis Commercial Zone, Monsanto, Ill., and El Dorado, Ark., to points in Arizona, California, Idaho, Nevada and Washington. (2) *Wine, brandy, alcoholic beverages*, in bulk, from points in California to St. Louis, Mo., and points in Illinois and Indiana.

*HEARING:* March 9, 1961, at the New Customs House, Denver, Colo., before Examiner Parks M. Low.

No. MC 58813 (Sub No. 40) (AMENDMENT), filed October 25, 1960, published in the FEDERAL REGISTER, issue of November 9, 1960. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y. Applicant's attorney: Solomon Granett, 1740 Broadway, New York 19, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Wearing apparel* and *materials and supplies* used in the manufacture thereof, between points in the New York, N.Y., Commercial Zone, on the one hand, and, on the other, points in North Carolina, South Carolina, and Georgia.

NOTE: All duplication of authority to be eliminated.

*HEARING:* Remains as assigned January 16, 1961, at the U.S. Court Rooms, Columbia, S.C., before Examiner Lyle C. Farmer.

No. MC 59583 (Sub No. 93), filed December 7, 1960. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading, serving the Tennessee Valley Authority's Melton Hill Dam site located on the Clinch River about four and one-half miles from the Loudon County Junction of U.S. Highways 70 and 11, southwest of Knoxville, Tenn., as an off-route point in connection with applicant's regular route authority.

*HEARING:* January 30, 1961, in the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 95540 (Sub No. 350), filed November 25, 1960. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen, from points in Florida, to points in Arizona, California and New Mexico.

NOTE: Common control may be involved.

*HEARING:* February 23, 1961, in the U.S. Court Rooms, Tampa, Fla., before Examiner Isadore Freidson.

No. MC 102401 (Sub No. 5), filed November 14, 1960. Applicant: TAYLOR HEAVY HAULING, INC., 20601 West Ireland Road, South Bend, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Bldg., Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated metal pipe (including spiral welded pipe)* and *pipe arch*, plain, galvanized and asphalt coated, *corrugated metal sheeting, sectional plate*, assembled or disassembled, *sectional plate arch* and *highway guard rail*, also *parts for use in installation* when said parts are moving in mixed shipments of other commodities named; from South Bend, Ind., to points in Illinois, Michigan and Wisconsin, and *empty containers or other* such *incidental facilities*, used in transporting the above-described commodities, on return.

*HEARING:* January 30, 1961, at 9:30 o'clock a.m., United States Standard Time (or 9:30 o'clock a.m., local Daylight Saving Time, if that time is observed), in the U.S. Court Rooms, Indianapolis, Ind., before Examiner Henry A. Cockrum.

No. MC 106089 (Sub No. 7), filed December 14, 1960. Applicant: JOHN G. LANE LINE, INC., 1017 North McDuff Avenue, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Bldg., Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and advertising matter* used in connection with the distribution and sale of bakery products, *crates*, and *racks*, from Valdosta, Ga., to points in Florida, and *stale or rejected bakery products, empty bakery products' containers and crates and racks*, on return.

*HEARING:* February 24, 1961, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 106965 (Sub No. 153), filed December 15, 1960. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, except cement, in bulk, in tank or covered hopper vehicles; between Hopewell, Va., on the one hand, and, on the other, points in Delaware, the District of Columbia, Maryland, New Jersey, New York and Pennsylvania.

NOTE: Applicant has pending in MC-112563, Sub No. 1, application for contract authority, therefore, dual operations may be involved.

*HEARING:* January 11, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 108699 (Sub No. 3), filed December 8, 1960. Applicant: FRANK J. WALSH, Box 250, West Sand Lake Road, R.D. No. 1, Rensselaer, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gas meters, gas regulators, gas apparatus, gas testing devices, measuring instruments and parts thereof*, from Erie, Philadelphia and Wyalusing, Pa., Boston, Mass., Nebraska City, Nebr., Atlanta, Ga. and Garland, Tex. to points in the United States east of the westerly boundary line of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma and Texas; (2) *materials, supplies and equipment*, used in or incidental to the manufacture and shipping of gas meters, gas regulators, gas apparatus, gas testing devices, measuring instruments and parts thereof; between Erie, Philadelphia and Wyalusing, Pa., Boston, Mass., Nebraska City, Nebr., and Garland, Tex. and from points in the United States, east of the westerly boundary line of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma and Texas to Erie, Philadelphia, and Wyalusing, Pa., Boston, Mass., Nebraska City, Nebr., and Garland, Tex.; (3) *Condemned meters*, from points in the United States, east of the westerly boundary line of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma and Texas to Woodbridge and Kearney, N.J., Philadelphia, Pa., Chicago, Ill. and Winston Salem, N.C.; and (4) *gas meters and gas apparatus*, returned for repairs, *refused, rejected or returned gas meters and gas apparatus, and skids and empty containers*; from points in the United States, east of the westerly boundary line of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma and Texas to Erie, Philadelphia and Wyalu-

sing, Pa., Boston, Mass., Nebraska City, Nebr. and Garland, Tex.

*HEARING:* March 1, 1961, at the Federal Bldg., Albany, N.Y., before Examiner Lacy W. Hinely.

No. MC 109478 (Sub No. 40), filed December 7, 1960. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West Tenth Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such materials, equipment and supplies*, as are used or useful in the manufacture or distribution of foodstuffs and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, (1) between Lawton and Mattawan, Mich., on the one hand, and, on the other, North East, Pa., Westfield and Brocton, N.Y., and (2) between North East, Pa., on the one hand, and, on the other, Westfield and Brocton, N.Y.

*HEARING:* February 17, 1961, at the Hotel Buffalo, Washington & Swan Sts., Buffalo, N.Y., before Examiner Lacy W. Hinely.

No. MC 109677 (Sub No. 24), filed November 22, 1960. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* which because of size or weight require special equipment and special handling; between points in Clinton, Essex, Franklin and St. Lawrence Counties, N.Y., and Addison, Chittenden and Franklin Counties, Vt.

*HEARING:* February 28, 1961, at the Federal Bldg., Albany, N.Y., before Examiner Lacy W. Hinely.

No. MC 111434 (Sub No. 28) filed October 31, 1960. Applicant: DON WARD, INC., P.O. Box 1488, Durango, Colo. Applicant's attorney: Peter J. Crouse, Equitable Bldg., Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, from Portland, Colo., to points in Taos, Colfax, Union and Harding Counties, N. Mex. (2) *Tile, brick* and *building blocks*, from points in Colorado to points in Nebraska. (3) *Feed*, in truck load lots, and *lumber* in truck load lots and *rejected shipments*, between points in Colorado, Nebraska and Wyoming. (4) *Rejected shipments*, on return in (1) and (2) above.

*HEARING:* March 7, 1961, at the New Customs House, Denver, Colo., before Examiner Parks M. Low.

No. MC 111434 (Sub No. 30), filed November 14, 1960. Applicant: DON WARD, INC., P.O. Box 1488, Durango, Colo. Applicant's attorney: Peter J. Crouse, Equitable Bldg., Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vanadium liquor*, and *rejected shipments* between points in New Mexico, Arizona, Colorado, Utah and Wyoming.



*HEARING:* March 6, 1961, at the New Customs House, Denver, Colo., before Examiner Parks M. Low.

No. MC 111560 (Sub No. 7), filed November 4, 1960. Applicant: ALBERT DEBRACCIO, doing business as DEBRACCIO TRUCKING, 3931 Sunnybrook Road, Kent, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Bldg., Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum storm windows and doors* and *materials* used in the assembly thereof. *Aluminum siding, aluminum roofing, aluminum spouting, aluminum awnings, aluminum shutters*, and *materials* used in installation thereof, from points in Franklin Township, Portage County, Ohio to points in Alabama, Colorado, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin. (2) *Materials, equipment* and *supplies* used in the manufacture, assembly, installation, packing and shipping of the commodities named in (1) above and *scrap aluminum* from points in the states named in (1) above to points in Franklin Township, Portage County, Ohio.

*HEARING:* January 30, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner J. Thomas Schneider.

No. MC 112617 (Sub No. 83), filed December 29, 1960. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Bldg., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from terminals on the Trans Southern Pipe Line, (a) in Alabama to points in Mississippi, Alabama, Florida, Georgia, Tennessee, North Carolina, and Kentucky; (b) In Georgia to points in Alabama, Florida, Georgia, South Carolina, Tennessee, and North Carolina; (c) In South Carolina to points in North Carolina, South Carolina, Georgia, Tennessee and Florida; (d) In North Carolina to points in Georgia, South Carolina, North Carolina, Virginia, and Tennessee; (e) In Virginia to points in North Carolina, Tennessee, Virginia, and West Virginia; and (f) In Louisiana to points in Mississippi, Louisiana, Alabama, and Arkansas.

*HEARING:* January 30, 1961, at the Florida Railroad Commission, Tallahassee, Fla., before Examiner James I. Carr.

No. MC 112627 (Sub No. 6), filed November 10, 1960. Applicant: CHARLES L. OWENS, R.F.D. No. 2, Dansville, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Urea*, in packages; from North Claymont, Del., to points in New York on and West of New York Highway 14, and (2) *wine* and *grape juice*, in containers; from Naples, N.Y., to Charleston, W. Va., and points in Wisconsin, and *empty containers* or *other such incidental facilities*, used in transporting the above-described commodities, on return, in connection with (1) and (2) above.

*HEARING:* February 21, 1961, at the Manger Hotel, Rochester, N.Y., before Examiner Lacy W. Hinely.

No. MC 113255 (Sub No. 32), filed December 19, 1960. Applicant: MILK TRANSPORT, INC., P.O. Box 398, New Brighton, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Bldg., Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit, vegetable and citrus juices and concentrates thereof*, in bulk, in tank vehicles, from points in Florida to points in the United States including Alaska but excluding Hawaii.

NOTE: Applicant states it proposes to transport exempt commodities, on return.

*HEARING:* March 6, 1961, in the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner Isadore Freidson.

No. MC 113855 (Sub No. 49), filed December 9, 1960. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Bldg., Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Commodities, the transportation of which because of size or weight, require the use of special equipment or special handling*, and *attachments and parts of commodities, the transportation of which because of size or weight require the use of special equipment or special handling;* between points in Nevada, Utah, Alaska, California, Arizona, Montana, New Mexico, Colorado and Wyoming, on the one hand, and, on the other, points in Michigan and Wisconsin.

*HEARING:* February 27, 1961, at the U.S. Court Rooms, Salt Lake City, Utah, before Examiner Parks M. Low.

No. MC 114364 (Sub No. 51), filed October 31, 1960. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm St., P.O. Box 672, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Bldg., Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Kansas City, Kans., to points in Oregon and Washington and those in Montana on and west of U.S. Highway 91.

*HEARING:* March 8, 1961, at the New Customs House, Denver, Colo., before Examiner Parks M. Low.

No. MC 114965 (Sub No. 15), filed October 26, 1960. Applicant: L. R. CYRUS, doing business as CYRUS PETROLEUM TRUCK LINE, Box 327, Iola, Kans. Applicant's attorney: Charles H. Apt, Allen County State Bank Bldg., Iola, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid grain fumigants* and *insecticides*, in bulk, in tank from Kansas City, Kans., to points in Indiana.

*HEARING:* February 15, 1961, in the Park East Hotel, Kansas City, Mo., before Examiner Henry A. Cockrum.

No. MC 115389 (Sub No. 4), filed December 19, 1960. Applicant: EAGLE ENGINEERING COMPANY, a Corporation, P.O. Box 582, Douglas, Wyo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526, Denham Bldg., Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ore, and aggregates;* between points in Albany, Platte and Laramie Counties, Wyo. (2) *Ore*, in bulk; from points in Niobrara County, Wyo., to Canon City, Colo., and points within five (5) miles thereof. (3) *Ore;* from points in Platte County, Wyo., to Fort Collins and Denver, Colo., and points within ten (10) miles of each.

*HEARING:* February 20, 1961, at the Wyoming Public Service Commission Supreme Court and State Library Bldg., Cheyenne, Wyo., before Joint Board No. 50, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 115669 (Sub No. 14) (CLARIFICATION), filed October 17, 1960, published in the FEDERAL REGISTER, issue of November 30, 1960. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's representative: C. A. Ross, 1004–1005 Trust Bldg., Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea, fertilizer compounds* (manufactured fertilizer) and *superphosphate* (not defluorinated superphosphate nor feed grade superphosphate), dry, in bulk and in bags, from Omaha, Nebr., and points within 10 miles to points in Iowa, Minnesota and South Dakota, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, and *exempt commodities*, on return.

*HEARING:* Remains as assigned January 26, 1961, at the Rome Hotel, Omaha, Nebr., before Examiner Allen W. Hagerty.

No. MC 115841 (Sub No. 75) filed December 14, 1960. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elmira, N.Y., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and West Virginia.

*HEARING:* February 27, 1961, at the Federal Bldg., Syracuse, N.Y., before Examiner Lacy W. Hinely.

No. MC 116371 (Sub No. 4), filed November 25, 1960. Applicant: LIQUID CARGO LINES, LIMITED, P.O. Box 269, Clarkson, Ontario, Canada. Applicant's attorney: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid packing house products and supplies, liquid rendering plant products and supplies*, and *liquid edible oil refinery products and supplies*, in bulk, in tank vehicles; from points in New York, Ohio, Michigan, Indiana, and Illinois, to points of entry on the United States-Canada boundary at or near Buffalo, N.Y., Detroit and Port Huron, Mich., and *rejected shipments*, on return. RESTRICTION: Restricted to the movement of products moving in foreign commerce.

*HEARING:* February 16, 1961, at the Hotel Buffalo, Washington & Swan Sts., Buffalo, N.Y., before Examiner Lacy W. Hinely.

No. MC 116459 (Sub No. 20), filed November 21, 1960. Applicant: RUSS TRANSPORT, INC., P.O. Box 8292, Airport Road, Chattanooga, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Asphalt and asphalt products*, in bulk, in tank vehicles, from Savannah, Ga. and points within ten miles thereof to points in Tennessee, and (b) *liquid-coating culvert pitch*, in bulk, in tank vehicles, from Savannah, Ga. and points within ten miles thereof to points in Tennessee.

*HEARING:* January 31, 1961, in the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 238, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 119136 (Sub No. 5), filed November 7, 1960. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in bags, and in packages, from the plant site of Monarch Cement Company at or near Humboldt, Kans., to points in Arkansas, Kansas, Missouri and Oklahoma.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 107496 and Sub Nos. thereunder; therefore dual operations under Section 210 may be involved.

*HEARING:* February 16, 1961, in the Park East Hotel, Kansas City, Mo., before Examiner Henry A. Cockrum.

No. MC 119650 (Sub-No. 1), filed October 14, 1960. Applicant: HAROLD WALLINGFORD, R.F.D. No. 2, Mound Valley, Kans. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Bldg., Kansas City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden ladders, picnic tables and outdoor patio chairs*, from Parsons, Kans., to points in Oklahoma, Missouri, Nebraska, Iowa and Colorado.

*HEARING:* February 15, 1961, in the Park East Hotel, Kansas City, Mo., before Examiner Henry A. Cockrum.

No. MC 119676 (CORRECTION), filed April 18, 1960, published in the FEDERAL REGISTER, issues of November 23, 1960, and December 21, 1960. Applicant: MERREDITH JOE NASH, doing business as ALAMO RECOVERY BUREAU, 2723 South Flores, San Antonio, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed automobiles*, in driveaway or towaway service, between points in the United States, excluding Alaska and Hawaii.

NOTE: Applicant describes the repossessed automobiles as used automobiles only for person or company which repossessed said automobiles. The purpose of this republication is to show that applicant does not desire to perform any truck-away service as noted in previous publication.

*HEARING:* Remains as assigned January 26, 1961, at The Hilton Hotel, San Antonio, Tex., before Examiner Walter R. Lee.

No. MC 119934 (Sub No. 21), filed November 16, 1960. Applicant: ECOFF TRUCKING, INC., 112 Merrill St., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Bldg., Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethelene resins*, in tank vehicles, from Ficklin, Ill., to points in Delaware, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New Jersey, Ohio, Pennsylvania, West Virginia and Wisconsin, and *rejected shipments* on return.

NOTE: Dual operations under section 210 may be involved.

*HEARING:* January 31, 1961, at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), in the U.S. Court Rooms, Indianapolis, Ind., before Examiner Henry A. Cockrum.

No. MC 123103 (AMENDMENT-REPUBLICATION), filed September 29, 1960, published FEDERAL REGISTER, issue of November 30, 1960. Applicant: BASILE CHESTER EHMKE, doing business as B. EHMKE TRUCKING, 105 Main Street, Silver Creek, N.Y. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, (a) from Buffalo, N.Y., to Detroit, Mich.; (b) from Buffalo, N.Y., to Holyoke and Boston, Mass.; and (c) from Boston and Holyoke, Mass., to Buffalo, N.Y.; and (d) from Detroit, Mich., to Buffalo, N.Y.; and *empty containers or other such incidental facilities*, (not specified) used in transporting the commodities specified in this application, from the above-specified destination points to the respective origin points.

NOTE: The purpose of this republication is to enlarge the commodity description to read "Bakery goods," and to show applicant's attorney.

*HEARING:* Remains as assigned January 26, 1961, at the Hotel Buffalo, Washington & Swan Sts., Buffalo, N.Y., before Examiner Donald R. Sutherland.

No. MC 123151, filed October 20, 1960. Applicant: LEWIS STOCKLAUFER, doing business as ACME TOW SERVICE, 912 Troost, Kansas City, Mo. Applicant's attorney: Tom B. Kretsinger, Suite 1014–18 Temple Bldg., Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Wrecked, disabled, repossessed and stolen motor vehicles* and *trailers*, in truck-away service, requiring the use of wrecker equipment and (b) *replacement vehicles*, between points in Missouri, Kansas, Nebraska, Iowa and Illinois.

NOTE: Common control may be involved.

*HEARING:* February 14, 1961, in the Park East Hotel, Kansas City, Mo., before Examiner Henry A. Cockrum.

No. MC 123228, filed November 22, 1960. Applicant: IRVING H. PAHL AND ROBERT G. PAHL, a Partnership, doing business as PAHL'S TOWING SERVICE, 3 Kellogg Street, Buffalo 10, N.Y. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled vehicles and replacement vehicles*, in towaway service, between points in Erie County, N.Y. and points in Pennsylvania and Ohio.

*HEARING:* February 17, 1961, at the Hotel Buffalo, Washington & Swan Sts., Buffalo, N.Y., before Examiner Lacy W. Hinely.

No. MC 123258, filed December 6, 1960. Applicant: RUTH N. DEWALD, Fair Lawn & Jacks Lane, R.D. No. 3, Pottsville, Pa. Applicant's attorney: John P. McCord, Masonic Bldg., Pottsville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anthracite coal;* from the sites of Direnzo Coal Company, Live Oak Coal Co., and Maple Spring Coal Co., Inc., all of Schuylkill County, Pa., to the site of Public Fuel Service, East 110th Street, New York, N.Y.

*HEARING:* February 9, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 123280, filed December 13, 1960. Applicant: M. C. BAILEY, doing business as BAILEY'S TRANSPORT CO., Keysville, Va. Applicant's attorney: John C. Goddin, State-Planters Bank Bldg., Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, skids* and *lumber*, except plywood and veneer, from Drakes Branch and Keysville, Va. to points in West Virginia, Indiana, Ohio, Illinois, Maryland, Delaware, Pennsylvania, New Jersey, New York and the District of Columbia.

*HEARING:* February 8, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 123281, filed December 12, 1960. Applicant: PITTSBURGH HAULAGE, INC., 639 Lockhart Street, Pittsburgh, Pa. Applicant's attorney: E. E. Kundtz, 1050 Union Commerce Bldg., Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, excluding commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and *rejected, damaged and returned shipments*, moving under bills of lading and tariffs, in trailer-on-flat-car operation, of the Baltimore and Ohio Railroad Company, between the pick-up and delivery area of said railroad company in Allegheny County, Pa., on the one hand, and, on the other, Butler, Allquippa, Monaca and Washington, Pa.

*HEARING:* February 3, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 123286, filed December 14, 1960. Applicant: JUNE A. JONES, doing business as JOHNSTON'S DELIVERY & MOVING, 225 Murray Street, Fort Wayne, Ind. Applicant's attorney: Fred A. Wiecking, Suite 1021–1029, 130 East Washington Street, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (less than carload for freight substituted motor carrier service for railroad) between Fort Wayne, Ind. and State Line, Ind.: from Fort Wayne over U.S. Highway 24 to Logansport, thence over Indiana Highway 25 to junction Indiana Highway 28, thence over Indiana Highway 28 to junction Indiana Highway 63, thence over Indiana Highway 63 to West Lebanon, thence over unnumbered county roads to State Line, and return over the same route, serving the intermediate and off-route points of Hugo, Prairie Switch, Roanoke, Huntington, Andrews, Lagro, Wabash, Hartman, Rich Valley, Peru, New Waverly, Danes, Keeport, Logansport, Rockfield, Delphi, Colburn, Buck Creek, Lafayette, Shadeland, West Point, Riverside, Attica, Williamsport, West Lebanon, and Marshfield, Ind.

*HEARING:* January 27, 1961, at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), in the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 123292, filed December 15, 1960. Applicant: FRANK CALZONETTI, doing business as PICTON CARTAGE CO., 314 Stanley Street, Hamilton, Ontario, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, between points on the International Boundary line between the United States and Canada located on the Niagara River, and the cities of Niagara Falls, N.Y. and Buffalo, N.Y.

*HEARING:* February 20, 1961, at the Hotel Buffalo, Washington & Swan Sts., Buffalo, N.Y., before Examiner Lacy W. Hinely.

No. MC 123293, filed December 15, 1960. Applicant: FRY SALES AND EQUIPMENT CO., a Corporation, Box 120, Mercersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal*, from points in Fayette, Somerset, Cambria, Bedford, Fulton and Huntingdon Counties, Pa. to points in Onondaga County, N.Y. and points in Maryland and West Virginia; and from points in Allegany County, Md. and Grant and Hardy Counties, W. Va. to Riverton, Va.; (2) *Calcium Chloride*, in bags and in bulk, from Solvay, N.Y., to points in Maryland, Pennsylvania and West Virginia; (3) *Soda ash*, in bulk and in bags, from Solvay, N.Y. to Martinsburg, W. Va.; (4) *Sand and gravel*, from Warfordsburg, Pa. to points in Allegany and Washington Counties, Md. and Berkeley, Jefferson and Hampshire Counties, W. Va.; and from Linthicum and Branchville, Md. to points in Franklin and Fulton Counties, Pa.; (5) *Rock dust*, from points in Washington County, Md. to points in Fayette, Greene, Washington and Westmoreland Counties, Pa.; (6) *Metallurgical Limestone*, from points in Washington County, Md. to points in Washington, Westmoreland, Allegheny, Armstrong, Fayette, and Butler Counties, Pa.; (7) *Limestone, pulverized limestone and limestone products*, from points in Washington County, Md. to points in Berkeley, Jefferson and Hampshire Counties, W. Va. and Fulton and Franklin Counties, Pa.; and from points in Franklin County, Pa. to points in Washington and Allegany Counties, Md. and (8) *Fertilizer*, in bulk, from Hagerstown, Md. to points in Franklin, Fulton and Fayette Counties, Pa. NOTE: All transportation to be performed under a continuing contract with American-Marietta Company (Fry Coal & Stone Co. Division).

*HEARING:* February 3, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 123305, filed December 19, 1960. Applicant: H. DAVID PITZER, P.O. Box 286, Biglerville, Pa. Applicant's attorney: Allan Watkins, 214–217 Grant Bldg., Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cigars*, from Jacksonville, Fla., and Waycross, Ga., to Florence, S.C., Raleigh, N.C., Richmond, Va., Baltimore, Md., Lancaster, Pa., and the District of Columbia, and *exempt commodities* on return movements.

*HEARING:* February 21, 1961, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Isadore Freidson.

### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

#### MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub No. 1765), filed December 19, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED. Principal Office: 219 East 42d Street, New York 17, N.Y. Local Office: 275 East Fourth Street, St. Paul 1, Minn. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Mankato, Minn., and Balaton, Minn.: from Mankato over U.S. Highway 14 to junction U.S. Highway 71, thence over U.S. Highway 71 to Sanborn, thence return over U.S. Highway 71 to junction U.S. Highway 14, thence over U.S. Highway 14 to Balaton, and return over the same route, serving the intermediate or off-route points of Nicollet, Courtland, New Ulm, Sleepy Eye, Springbrook, Sanborn, Lamberton, Revere, Walnut Grove and Tracy, Minn. RESTRICTIONS: The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of air or rail express service of applicant. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt.

No. MC 66562 (Sub No. 1766), filed December 19, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, General Attorney, Railway Express Agency Law Department (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Grand Rapids, Mich. and Lake Odessa, Mich.: from Grand Rapids over Michigan Highway 21 to Fowler, returning over Michigan Highway 21 to Muir, thence south over unnumbered highway to Portland, thence over U.S. Highway 16 to junction Michigan Highway 66, thence over Michigan Highway 66 to junction Michigan Highway 50, thence over Michigan Highway 50 to Lake Odessa, and return over Michigan Highway 50 to junction Michigan Highway 66, thence over Michigan Highway 66 to junction U.S. Highway 16, thence over U.S. Highway 16 to Grand Rapids, serving the intermediate and off-route points of Ionia, Fowler and Portland, Mich. (2) Between Lansing, Mich. and Owosso, Mich.: from Lansing over Michigan Highway 78 to junction Michigan Highway 47, thence over Michigan Highway 47 to Owosso, return over Michigan Highway 21 to St. Johns, thence over U.S. Highway 27 to Lansing, serving no intermediate points. RESTRICTIONS: The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of air or rail express service of applicant. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air, or substituted motor service.

No. MC 119164 (Sub No. 5) filed December 13, 1960. Applicant: J–E–M TRANSPORTATION COMPANY, INC., P.O. Box 444, Middletown, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, excluding cement, in bulk, between Syracuse and Buffalo, N.Y., on the one hand, and, on the other, points in Delaware, District of Columbia, Maryland, New Jersey, New York and Pennsylvania.

No. MC 123302, filed December 19, 1960. Applicant: RALPH McLAUGHLIN, doing business as CONSOLIDATED FILM SERVICE, 1234 S. Michigan Boulevard, Chicago, Ill. Applicant's attorney: Alfred L. Roth, 188 West Randolph Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Candy, towels, motion picture film*, and *materials, supplies*, and *equipment* used in connection with such film, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between Goshen, Ind., and Chicago, Ill., from Goshen over U.S. Highway 33 to South Bend, Ind., thence over Indiana Highway 2 to La Porte, Ind., thence over U.S. Highway 35 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Indiana Highway 212, thence over unnumbered highway to Michigan City, Ind., thence over U.S. Highway 12 to junction U.S. Highway 20, thence over U.S. Highway 20 to Chicago, and return over the same route, serving the intermediate points of Elkhart, Mishawaka, South Bend, La Porte, and Michigan City, Ind., and the off-route points of Chesterton and Valparaiso, Ind.

NOTE: Applicant indicates he proposes to transport empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodities, on return movements. A proceeding has been instituted under section 212(c) in No. MC 40021 (Sub No. 3) to determine whether applicant's status is that of a common or contract carrier. Dual authority under Section 210 may be involved.

### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

No. MC–F 7752. Authority sought for purchase by CROWN MOTOR FREIGHT CO., 832 East 28th St., Paterson, N.J., of a portion of the operating rights of KARN'S TRANSFER, INC., 345 West Elm St., Hazleton, Pa., and for acquisition by HERBERT O. ROESSLER, 832 East 28th St., Paterson, N.J., of control of such rights through the purchase. Applicant's attorneys: S. S. Eisen, 140 Cedar St., New York 6, N.Y., and Robert H. Shertz, 226 S. 16th St., Philadelphia 2, Pa. Operating rights sought to be transferred: *Rayon yarn* and *rayon products*, as a *common carrier* over irregular routes from Meadville, Pa., to points and places in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, and Virginia, except those in that part of Virginia south and west of a line beginning at the Virginia-West Virginia State Line and extending U.S. Highway 60 to Buena Vista, Va., and thence along U.S. Highway 501 to the North Carolina–Virginia State Line and *refused yarn* and *empty spools, cones and other articles* used in the shipping of yarn, from the above-specified destination points to Meadville, *synthetic yarn, synthetic fibre, synthetic staple fibre, synthetic fibre products* (except rayon yarn and rayon products) and *materials* and *supplies* used in packing and shipping such commodities from Meadville, Pa., to points and places in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, and Virginia, except those in Virginia south of U.S. Highway 60 and west of U.S. Highway 501. Articles used in packing and shipping the commodities named above, from the above specified destination points and places to Meadville, Pa. *Synthetic yarn, synthetic fibre, synthetic staple fibre, synthetic fibre products, rayon yarn* and *rayon products* from Meadville, Pa. to Scranton, Wilkes-Barre, Hazleton, Reading and Philadelphia, Pa. *Materials* and *supplies* used in packing and shipping the commodities described above, from Scranton, Wilkes-Barre, Hazleton, Reading and Philadelphia, Pa., to Meadville, Pa. with the restriction that operations authorized herein are limited to the transportation of traffic having a prior or subsequent movement by connecting motor carrier. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, West Virginia, New Jersey, Massachusetts, Connecticut and Rhode Island. Application for temporary authority has been filed under section 210a(b).

No. MC–F 7753. Authority sought for control by B & L MOTOR FREIGHT, INC., 171 Riverside, Newark, Ohio, of the operating rights and property of CAPITOL MOTOR FREIGHT, INC., 280 Naughten St., Columbus 15, Ohio, and for acquisition by H. E. LeFEVRE, 171 Riverside, Newark, Ohio, of control of such rights and property through the transaction. Applicants' attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier* over irregular routes, from St. Louis, Mo., to Columbus, Ohio; *empty malt beverage containers*, from Columbus, Ohio to St. Louis, Mo., *malt beverages, soft drinks*, and *beverage compounds*, from Milwaukee, Wis., to points in Ohio, via Chicago, Ill., from Chicago and Maywood, Ill., to points in Ohio, *empty beverage containers and cases*, from points in Ohio, to Milwaukee, Wis., and Chicago and Maywood, Ill. B & L MOTOR FREIGHT, INC., is authorized to operate as a *contract carrier* in Ohio, Pennsylvania, West Virginia, Indiana, Kentucky, New York, Illinois, Michigan, Wisconsin, Missouri, Kansas, Delaware, Maryland, New Jersey, Connecticut, Massachusetts, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7754. Authority sought for purchase by WILSON FREIGHT FORWARDING COMPANY, 3636 Follett Avenue, Cincinnati 23, Ohio, of the operating rights of CHARLES HAMMELL,

doing business as HAMMEL'S EXPRESS, 1516 Stuben St., Pittsburgh 5, Pa., and for acquisition by LEONARD S. SHORE, DAVID M. GANTZ, AND S. DAVID SHOR, all of 3636 Follett Ave., Cincinnati 23, Ohio, of control of such rights through the purchase. Applicants' attorney: Milton H. Bortz, 3636 Follett Ave., Cincinnati 23, Ohio. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Pittsburgh, Pa., and Aliquippa, Pa., serving the intermediate points of Stoops Ferry, Pa., and those between Stoops Ferry and Aliquippa; and the off-route point of New Sheffield, Pa. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Ohio, New Jersey, Massachusetts, Rhode Island, Maryland, Virginia, West Virginia, North Carolina, Kentucky, Tennessee, Delaware, Connecticut, Indiana, Illinois, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7755. Authority sought for purchase by STEEL TRANSPORTERS OF CALIFORNIA, 2100 South Van Ness Ave., Fresno, Calif., of the operating rights of J. A. NEVIS TRUCKING, INC., (JOHN COSTELLO, TRUSTEE), 510 Easton Building, 428—13th St., Oakland, Calif., and for acquisiiton by WILLIAM F. RUMBLEY, 2100 South Van Ness Ave., Fresno, Calif., and PHIL JACOBSON, 510 West Sixth St., Los Angeles, Calif., of control of such rights through the purchase. Applicant's attorney: Phil Jacobson, 510 West Sixth St., Los Angeles 14, Calif. Operating rights sought to be transferred: *Iron, steel,* and *iron and steel articles,* as a *common carrier* over irregular routes, from docks, wharves and piers in San Francisco, Oakland, Richmond, and Alameda, Calif., to certain specified points in California; *iron, steel,* and *iron and steel articles,* from San Pedro, Wilmington, and Long Beach, Calif., to certain points and places in California; *iron, steel, iron and steel articles, chemicals, roofing* and *building materials,* from Pittsburg, Calif., to wharves, piers, and docks in San Francisco, Oakland, Alameda, and Richmond, Calif., via California Highways 4, 21, and 24 and U.S. Highways 40 and 50; *chemicals,* from Merced, Calif., to wharves, piers and docks in San Francisco, Oakland, Alameda, and Richmond, Calif., via U.S. Highways 99, 50, and 40, with the restriction that the authority above granted is subject to the restriction that all traffic handled under such authority shall have an immediate prior or subsequent movement by water and that there shall be no joinder of the authorities described herein above; *lumber and lumber products, wire netting, structural steel, nails, sash weights, plumbing fixtures, iron* and *steel pipe, bands,* and *bars,* between San Francisco, Oakland, Alameda, Richmond, Pittsburg, and Stockton, Calif., to points in California within 250 miles of Pittsburg, Calif. Vendee holds no authority from this Commission. However, WILLIAM F. RUMBLEY is affiliated with F. N. RUMBLEY COMPANY, 2100 South Van Ness Ave., Fresno, Calif., which is authorized to operate as a *common carrier* in California, Nevada, Arizona, New Mexico, and Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7756. Authority sought for control by LONG TRANSPORTATION COMPANY, 3755 Central Ave., Detroit, Mich., of MARINE TRANSIT, INC., P.O. Box 524, Richland Center, Wis., and for acquisition by W. E. LONG, 155 Lothrop, Grosse Pointe Farms, Mich., and THE ESTATE OF FLORENCE L. McCALE (STEPHEN DARCY, EXECUTOR), 46250 W. 9 Mile, Northville, Mich., of control of MARINE TRANSIT, INC., through the acquisition by LONG TRANSPORTATION COMPANY. Applicants' attorneys: Bowes & Millner, 1060 Broad St., Newark 2, N.J., and Claude Jasper, 110 East Main St., Madison, Wis. Operating rights sought to be controlled: *Rowboats* and *outboard motor boats,* as a *common carrier* over irregular routes, from Minneapolis, Minn., and Tecumseh, Mich., to points in Arkansas, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, Ohio, Pennsylvania, Tennessee, Texas, and Wisconsin; from points in Arkansas, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, Ohio, Pennsylvania, Tennessee, Texas, and Wisconsin, to Waunakee, Wis.; *rowboats* and *outboard motor boats* not exceeding 20 feet in length, from Cadillac, Grand Rapids and Saint Charles, Michigan, Madison and Middleton, Wis., Minneapolis, Minn., Marathon and Peekskill, N.Y., Orlando, Fla., Tell City, Ind., and New Orleans, La., to points in the United States east of the eastern boundaries of Montana, Wyoming, Colorado, and New Mexico; *damaged or returned shipments thereof,* from points in the United States east of the eastern boundaries of Montana, Wyoming, Colorado, and New Mexico, to Cadillac, Grand Rapids and St. Charles, Mich., Madison and Middleton, Wis., Minneapolis, Minn., Marathon and Peekskill, N.Y., Orlando, Fla., Tell City, Ind. and New Orleans, La. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. LONG TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in Illinois, Pennsylvania, Ohio, Indiana, Michigan, New York, and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7758. Authority sought for purchase by PILOT FREIGHT CARRIERS, INC., Polo Road and Cherry St. Ext., P.O. Box 615, Winston-Salem, N.C., of the operating rights and property of BISON FAST FREIGHT, INC., 1010 West Lee St., P.O. Box 1717, Greensboro, N.C., and for acquisition by R. Y. SHARPE, also of Winston-Salem, N.C., of control of such rights and property through the purchase. Applicants' attorneys: William M. York, Jefferson Bldg., Greensboro, N.C., and James E. Wilson, 1111 E Street NW., Washington 4, D.C. Operating rights sought to be transferred: *General commodities,* excepting, among others, commodities in bulk, but not excepting household goods, as a *common carrier* over irregular routes between Augusta and Savannah, Ga., and points in North Carolina and South Carolina, on the one hand, and, on the other, Parkersburg, and Charleston, W. Va., Akron, Ohio, and points in Ohio within 25 miles of Akron: *roofing, builders supplies,* and *hardware,* from Cincinnati, Ohio, to Sanford, Mount Airy, Laurinburg, Raeford, Selma, Durham, and Laurel Hill, N.C.; *rock, granite, rock memorial products,* and *granite memorial products,* from Winnsboro, S.C., and points in South Carolina within 20 miles of Winnsboro, to Richmond, Springfield, Gary, and Hammond, Ind., from points in South Carolina within 20 miles of Winnsboro, S.C., not including Winnsboro and Rion, to Charleston, Parkersburg, Huntington, Clarksburg, Berkeley Springs, Princeton, Gauley Bridge, Monogah, Snow Hill, Belle, and Bluefield, W. Va., Marietta, Newcomerstown, Kent, Bedford, Cleveland, Lorain, Lancaster, Newark, New London, Versailles, Washington Court House, Dayton, Columbus, Akron, Jackson, Newport, Cincinnati, and Wapakoneta, Ohio, and Chicago, and Peoria, Ill.; *cotton yarn* and *fabrics,* from Laurel Hill, Laurinburg, and Bladenboro, N.C., and McColl, S.C., to Cleveland, Cincinnati, Warren, and Dayton, Ohio, and Sycamore and Chicago, Ill.; *empty spools* for cotton yarn and fabrics from Cleveland, Cincinnati, Warren, and Dayton, and Sycamore and Chicago, Ill., to Laurel Hill, Laurinburg and Bladenboro, N.C., and McColl, S.C.; *bottling machinery, beer,* and *wine, advertising matter* incidental thereto, and *bottle caps,* from Cincinnati, Ohio, to Lumberton, and Rockingham, N.C.; *empty containers* for beer and wine, from Lumberton, and Rockingham, N.C., to Cincinnati, Ohio. Vendee is authorized to operate as a *common carrier* in North Carolina, Maryland, Pennsylvania, Virginia, New Jersey, New York, Delaware, South Carolina, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, Ohio, West Virginia, Florida, Georgia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC–F 7757. Authority sought for purchase by HILL BUS COMPANY, 126 North Washington Ave., Bergenfield, N.J., of the operating rights of LITTLE FERRY-WASHINGTON PARK TRANSPORTATION CO., 7212 Hudson Boulevard, North Bergen, N.J., and for acquisition by ERNEST CAPITANI, ERNEST A. CAPITANI, JR., MARY CAPITANI, and AMELIA CAPITANI GERACE, all of 126 North Washington Ave., Bergenfield, N.J., of control of such rights through the purchase. Applicant's attorney: S. S. Eisen, 140 Cedar St., New York 6, N.Y. Operating rights sought to be transferred: *Passengers and their baggage,* as a *common carrier* over irregular routes in charter operations, restricted to traffic originating in the territory indicated below, from points and places in Hudson, Bergen, Essex, and



Passaic Counties, N.J., to Washington, D.C., points and places in New York, those in Philadelphia, Lackawanna, Lehigh, and Northampton Counties, Pa., and those in Fairfield and New Haven Counties, Conn., and return. Vendee is authorized to operate as a *common carrier* in New Jersey and New York. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–50; Filed, Jan. 4, 1961; 8:46 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 30, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36822: *Liquid caustic soda to South Carolina points.* Filed by O. W. South, Jr., Agent (No. A4055), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Baton Rouge, North Baton Rouge, Charleston, South Charleston, Dock, Elk, Owens, and South Ruffner, W. Va., to Catawba and Rock Hill, S.C.

Grounds for relief: Market competition.

Tariff: Supplements 29 and 34 to Southern Freight Association and Traffic Executive Association-Eastern Railroads tariffs I.C.C. S–89 and C–102, respectively.

FSA No. 36823: *Coal cinders from Strawn, Tex., to Cairo, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B–7949), for interested rail carriers. Rates on coal cinders, in carloads, from Strawn, Tex., to Cairo, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 93 to Southwestern Freight Bureau tariff I.C.C. 4319.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–49; Filed, Jan. 4, 1961; 8:46 a.m.]

# TARIFF COMMISSION

## SAFETY PINS

### Report to the President

DECEMBER 30, 1960.

The U.S. Tariff Commission today submitted to the President its second periodic report on the developments in the trade in safety pins since the "escape clause" action that was taken on December 30, 1957, to modify the concession that was granted on such pins in the General Agreement on Tariffs and Trade. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952. That order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting this report, the Commission advised the President that conditions of competition between imported and domestic safety pins had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in safety pins do not warrant a formal inquiry into the question of whether a reduction in the duty on safety pins could be made without causing or threatening serious injury to the domestic industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, 8th and E Streets, NW., Washington 25, D.C.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61–58; Filed, Jan. 4, 1961; 8:48 a.m.]

# DEPARTMENT OF COMMERCE

## Office of the Secretary

## JOHN ROBERT JONES

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of December 14, 1960.

JOHN ROBERT JONES.

DECEMBER 14, 1960.

[F.R. Doc. 61–54; Filed, Jan. 4, 1961; 8:47 a.m.]

## CUMULATIVE CODIFICATION GUIDE—JANUARY

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PART II

# FEDERAL REGISTER

VOLUME 26 NUMBER 2

Washington, Thursday, January 5, 1961

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 1025]

[Docket No. AO–319]

### MILK IN INDIANAPOLIS, IND., MARKETING AREA

### Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Indianapolis, Indiana, on April 26 to 29, 1960, pursuant to notice thereof issued on March 31, 1960 (25 F.R. 2899), upon a proposed marketing agreement and order regulating the handling of milk in the Indianapolis, Indiana, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on November 10, 1960 (25 F.R. 10872; F.R. Doc. 60–10674), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Character of commerce.* The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk and its products.

The marketing area specified in the proposed order, hereinafter referred to as the Indianapolis marketing area, includes all the territory in the counties of Boone, Clinton, Delaware, Fayette, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Montgomery, Morgan, Putnam, Rush, Shelby, Tippecanoe, Tipton, and Wayne, all in the State of Indiana. Milk handled in the marketing area moves in many forms over state lines. Milk that is processed and packaged in the marketing area is distributed on routes in various communities in Illinois and Ohio and, conversely, some milk from Illinois and Ohio plants is distributed in the marketing area. During those months in recent years when producer deliveries were inadequate for the needs of the market, milk for distribution in the marketing area was purchased from plants in Wisconsin and Kentucky.

When the supply of producer milk is in excess of local requirements for fluid use, substantial quantities of milk and cream for manufacturing purposes are shipped from the plants of handlers who would be regulated by the proposed order to other plants in Indiana and to plants in Kentucky, Tennessee, West Virginia, and Ohio. These plants manufacture such dairy products as butter, cheese, nonfat dry milk and condensed milk. A substantial portion of such milk products are moved over a wide area in the stream of interstate commerce.

2. *Need for an order.* Marketing conditions in the Indianapolis, Indiana, marketing area justify the issuance of a marketing agreement and order.

There is no overall plan whereby farmers supplying milk to this marketing area are assured of payment for their milk in accordance with its use. In some segments of the area there is no procedure whereby farmers may participate in price determinations necessary for the marketing of their milk which, because of its perishability, must be delivered to the market as it is produced.

A certain amount of reserve milk in excess of the actual trade sales is necessary to assure an adequate supply of milk at all times. Fluctuations brought on by the seasonal nature of milk production, together with a relatively uniform level of consumption, necessitate the disposition of some of the Grade A milk produced for the market into manufacturing channels. This excess milk must be manufactured into butter, cheese and similar products and sold in competition with products from ungraded milk.

Milk disposed of to manufacturing outlets returns considerably less than that marketed for fluid use. Consequently, a well defined and uniformly applied plan of use classification, with the proper pricing of milk in such uses, is necessary to prevent such excess milk from depressing the market price of all Grade A milk. To be successful the classification of and payment for milk in accordance with its use requires the full participation of all those engaged in marketing milk in this market. Orderly marketing of the milk produced for fluid consumption requires uniformity of pay prices by handlers and a means whereby the lower average returns resulting from surplus milk may be shared equitably among producers.

The problems of unstable marketing encountered by producers in the Indianapolis marketing area are not uncommon in fluid milk markets. The problems which have resulted in unrest and instability in this area are similar to those characteristic of the fluid milk industry in the absence of regulation or a well-defined classified pricing plan. A marketing order as herein proposed will promote orderly marketing by assuring producers prices equivalent to those contemplated under the Act.

The buying practices of various handlers in the market have caused instability in the marketing of milk. Prices paid farmers for milk for fluid use have frequently been below the Class I prices an order would provide. Many producers have no means of ascertaining how their milk is utilized at the plants to which they deliver or whether the basis on which they are paid will be revised.

Payment of surplus prices by handlers for milk which producers believe was needed in the market for fluid consumption is one of the causes of instability and uncertainty in the market.

There are about 30 handlers who distribute milk in the proposed marketing area and who would be fully regulated by the proposed order. These handlers receive milk from an estimated 3,200 Grade A dairy farmers. The 10 handlers whose plants are located in Indianapolis, the largest city in the area, distribute milk throughout a substantial portion of the proposed marketing area.

Prior to March 1, 1957, the 10 Indianapolis handlers obtained practically all their fluid milk needs from producer members of three cooperative associations (Indianapolis Dairymen's Cooperative, Inc., Indianapolis Milk Producers' Association, and Indianapolis Dairy Council). One handler discontinued his purchases from the cooperative producers in February 1957, and another in September 1958. The eight other Indianapolis handlers currently receive milk from the approximately 2,200 members of the three producer associations.

The three Indianapolis producer cooperatives are organized into an association known as the Milk Producers' Auditing Agency, Inc. The principal function of this association is administering a program of classifying, pricing and pooling all milk produced by members of the three producer cooperatives. The Auditing Agency, which bargains with handlers on prices and other conditions relative to the sale of producer milk, maintains a full time auditing staff for verifying the utilization of producer deliveries at each handler's plant. Other functions performed by the Agency include allocating milk supplies among handlers and carrying out a program of butterfat testing and check-weighing for dairy farmer members.

Buying practices in the market during the past several years are tending to impair and threaten to destroy the effectiveness of the program operated by the Indianapolis producer associations. Although their eight buying handlers continue to pay the producer associations for milk purchased on a classification basis, the buying handlers' principal competitors do not. It is a common practice throughout the proposed marketing area for handlers to pay their Grade A producers on the basis of the Indianapolis blend price. Consequently, while the major handlers in Indianapolis are buying milk on a classified price basis, handlers with whom they compete in Indianapolis and in other communities throughout the marketing area purchase milk for Class I purposes at prices comparable to the Indianapolis blend. The advantage enjoyed by these handlers buying on a flat price basis averages 30 to 35 cents per hundredweight.

Efforts by the cooperative associations to stabilize marketing conditions in the proposed marketing area have not been successful. The eight handlers buying on the classified pricing plan have insisted upon price concessions on milk for Class I uses so that they can compete effectively with the flat price buyers. The use of milk as a loss leader in stores, price wars, and various other practices on the retail and wholesale level have affected adversely the ability of the cooperative associations operating the classified pricing plan to bargain with handlers. If the Indianapolis cooperatives accede to continuing requests of their buying handlers for reduced prices, this might enable the Indianapolis handlers to overcome temporarily such advantages as they allege their competitors have. Such action, however, could seriously threaten the maintenance of an adequate supply of Grade A milk for the Indianapolis market.

Utilization of increased quantities of outside milk for Class I uses in the market has resulted in increased quantities of milk which must be disposed of for manufacturing purposes by the Indianapolis cooperative associations. This displacement of local producer milk by milk purchased on other than a classified use basis has lowered returns to dairy farmers throughout the area.

Indianapolis handlers claim that they are suffering a competitive disadvantage in many parts of the sales area because of such factors as price wars and of competitors buying on a flat price basis. This claim has been a significant deterrent to producers in obtaining any increase in the rate of payment by handlers, directly or indirectly, for milk and milk products and for the various services provided the handlers, irrespective of the extent to which such increased prices or changes might be warranted. Producers contend that only a device such as a Federal milk marketing order can halt the continuing deterioration in their bargaining position and bring about orderly marketing and stability in the sales area served by their buying handlers.

The conditions complained of by producers and herein cited with regard to the unstable marketing conditions are not peculiar to one or several localities in the marketing area, but apply throughout the area. Moreover, those handlers who would be regulated by the attached order compete with one another throughout the proposed marketing area.

There is a lack of detailed market information relative to the procurement of milk for and disposition of milk throughout the marketing area. Such information is essential to the effectuation of orderly marketing. Some data on receipts and utilization of milk for fluid and manufacturing uses were made available for the hearing by various handlers and cooperative associations. This information is incomplete with regard to the overall receipts and utilization of milk and milk products in the area. The institution of regulation would provide the basis for complete information on receipts and utilization of milk from producers.

The issuance of a marketing agreement and order for the Indianapolis marketing area would contribute substantially to the improvement of many of the conditions complained of and would tend to effectuate the declared policy of the Act. The adoption of a classified price plan based on the audited utilization of handlers would provide a uniform system of minimum prices to handlers for milk purchased from producers and a fair division among all producers of the proceeds from the sale of their milk. The procedures required by the Agricultural Marketing Agreement Act would afford all interested parties the opportunity to take part in determining, through public hearing, what the various order provisions should be.

3. (a). *Scope of regulation.* It is necessary to designate clearly what milk and which persons would be subject to the various provisions of the order. This can best be accomplished by providing specific definitions to describe the area involved and to prescribe the categories of persons, plants and milk products to which the applicable provisions of the order relate.

*Marketing area.* The marketing area should include all the territory within Boone, Clinton, Delaware, Fayette, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Montgomery, Morgan, Putnam, Rush, Shelby, Tippecanoe, Tipton and Wayne Counties, all in the State of Indiana.

The preliminary 1960 census population of the contiguous 21 county area proposed to be regulated was 1,674,000. Because a significant portion of the sales of fluid milk products by handlers who would be regulated is in rural communities and because of the substantial population immediately surrounding the various cities, the marketing area should be defined on the basis of county rather than city boundaries.

Grade A milk products sold for fluid consumption throughout the proposed marketing area must be approved by health authorities who are governed by health ordinances, practices and procedures patterned after the United States Public Health Milk Ordinance and Code. Grade A milk, both in bulk and packaged form, moves between various locations in the marketing area with the reciprocal approval of the responsible health authorities. Ratings by the United States Public Health Service are recognized as a basis for approval of outside sources of milk. The similarity of minimum health standards throughout the area justifies uniform regulation for milk marketed throughout the area.

The preliminary 1960 census population of Indianapolis, the largest city in the proposed marketing area, was 469,000. The population range of the next largest cities, Muncie, Anderson, Richmond, Kokomo, Lafayette and Marion was 68,000 to 36,000.

Indianapolis is the principal point at which milk from producers is processed and packaged for distribution throughout the marketing area. There are ten handlers whose plants are in Indianapolis and eight of these receive milk from about 2,200 of the approximately 3,200 Grade A dairy farmers supplying handlers who would be regulated by the proposed order. From the ten plants in Indianapolis, milk is distributed on routes or through stores in most of the larger cities in the marketing area.



Although the aggregate of the marketing area proposals included 39 counties, the cooperative associations supplying Indianapolis handlers proposed that only Marion County and its seven bordering counties (Boone, Hamilton, Hancock, Hendricks, Johnson, Morgan and Shelby) be designated as the marketing area. About 85 percent of the Class I distribution of Indianapolis handlers is in these counties. However, substantial distribution in this eight county area is also made from plants at other locations. Six of the ten Indianapolis distributors dispose of packaged fluid milk products outside the eight county area. These outside sales in April 1959 ranged from 1 to 72 percent of the total fluid milk sales of these six handlers.

A cooperative association which operates a bottling plant at Bluffton (102 miles northeast of Indianapolis) has 58 percent of its Grade A fluid milk sales in the eight county area. Another cooperative association supplies from its plant at Muncie (Delaware County) 75 percent of its bottled milk sales to the stores of a single food chain. Six of these stores are in Indianapolis and five in Muncie. A number of other stores to which deliveries are made from this plant are located throughout the marketing area. A proprietary handler who distributes milk in nine counties of the proposed marketing area has 24 percent of his Class I sales in Marion County and 25 percent in Tippecanoe County. Another handler who operates plants in Danville, Illinois, and Newcastle, Indiana, has a substantial portion of his sales in the eight county area. Other handlers having Class I sales in the eight county area include some handlers regulated under the South Bend order and handlers whose plants are located in Bloomington, Cambridge City, Kokomo, Anderson and other nearby cities.

The principal source of supply for the two plants in Kokomo are the 109 Grade A producer members of the Howard County Milk Producers Association. Milk from these two plants is distributed principally in Howard, Tipton and Clinton Counties in direct competition with handlers who would otherwise be regulated by the proposed order.

More than 90 percent of the Class I sales in Delaware County is made from three plants in Delaware County and from the plants of two Indianapolis handlers. The distribution from these latter plants is also made into the adjacent counties of Henry, Grant and Madison.

Two Indianapolis handlers have sales in Wayne County in competition with several handlers who have substantial sales in that county and who would otherwise be subject to regulation because of their sales in adjacent counties. Grant County is served primarily by a handler who operates a plant in the city of Marion. Other handlers who distribute milk in this county compete for sales in adjacent counties with the Marion handler. Delaware, Grant and Wayne Counties represent a primary sales area of these handlers and their inclusion in the marketing area will tend to insure stable and orderly marketing of milk throughout the area.

A handler whose plant at Cambridge City is approximately 50 miles from Indianapolis distributes in Wayne, Fayette, Henry, Rush, Franklin and Union Counties. He is in competition with other handlers who would be regulated in Henry and Wayne Counties. Including Fayette and Rush Counties in the marketing area will tend to minimize the possibility of placing the Cambridge City handler at a competitive disadvantage with unregulated handlers in these counties.

Madison County is served by handlers who operate plants in Indianapolis, Bluffton, Muncie and Anderson. This county is a common sales area for handlers who are in direct competition with one another and with additional handlers at other locations in the marketing area.

Certain handlers requested that several townships in Hancock County be excluded from the marketing area because of limited sales made in these townships by Indianapolis handlers. The principal handler distributing in these townships would be regulated by reason of his sales elsewhere in the marketing area. Consequently, exclusion of these townships from the marketing area would serve no practical purpose, even if such exclusion were otherwise justified.

Except for the sales by one local handler, the Grade A distribution in Putnam County is from plants which would be subject to regulation under the proposed order. The Class I disposition in this county from these latter plants represents a substantial proportion of the total milk sales in the county. To exclude Putnam County from the marketing area would tend to place regulated handlers distributing in this county at an economic disadvantage.

In addition to the 21 counties herein recommended, 18 other Indiana counties were proposed for inclusion in the marketing area. These are Benton, Carroll, Cass, Fountain, Franklin, Fulton, Jasper, Kosciusko, Marshall, Miami, Newton, Pulaski, Starke, Union, Wabash, Warren, White and Whitley. Except for Benton, Warren, Fountain, Union and Franklin Counties, these counties are directly north of the proposed marketing area and are relatively close to the Fort Wayne, South Bend and Chicago marketing areas. One handler who would be regulated under the proposed Indianapolis order does have some distribution throughout this territory which, however, is generally more closely associated as a sales area with the Federal order markets to the north. Several handlers regulated under these orders have the greatest portions of sales in these counties. One South Bend handler has distribution throughout practically the entire area. The inclusion of these counties is neither necessary nor desirable in order to effectuate orderly marketing in the proposed Indianapolis marketing area, particularly since the milk sold in these counties is predominantly from other regulated sources of supply.

Benton, Fountain and Warren Counties adjoin the western boundary of Tippecanoe County. These counties are primarily rural and, although served by regulated handlers, do not represent substantial areas of sales. No purpose would be served by including them in the marketing area.

The counties of Franklin and Union attach to the southeastern corner of the marketing area as herein recommended. Local handlers are the principal distributors in these two counties and their competitors are more closely associated with the regulated Ohio markets of Cincinnati and Dayton-Springfield than with the proposed marketing area.

It is neither administratively feasible nor necessary to include all territory in the marketing area in which handlers to be regulated distribute milk. Furthermore, it would not be possible in this market to designate a marketing area which would include all sales outlets of each and every handler that would be subject to regulation.

In the course of the operation of an order the question may arise as to whether any territory within the boundaries of the designated marketing area which is occupied by Government (Municipal, State or Federal) reservations, installations, institutions or other establishments shall be considered as within the marketing area. No proposal was made to exempt sales by a handler in any territory or to any agency from the provisions of the order and no evidence was presented at the hearing which would justify such exemption. However, so that there will be no doubt as to the meaning or the intent of the application of the marketing area definition in the proposed order, it should be indicated that the designated counties in the recommended Indianapolis marketing area shall include territory wholly or partly within such counties which is occupied by Government (Municipal, State or Federal) reservations, installations, institutions or other establishments.

*Definition of plants.* The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk which is received from dairy farmers at plants primarily engaged in supplying fluid milk products for sale on retail and wholesale routes in the marketing area. Such plants would be defined as "pool plants".

The basis for determining which plants shall be pool plants under the order, and thereby fully subject to regulation, should be clearly set forth in the order and apply uniformly to all plants, wherever located. Pool plant status should not be determined solely on an occasional shipment of milk to the market, or an approval by specified health authority. Such a method for determining which plants shall be subject to regulation would not provide a workable basis for administering an order for the Indianapolis marketing area.

The production of high quality milk involves extra expense. It is important that the amount of milk produced for this market under Grade A inspection be no more than that necessary to provide an adequate and dependable supply of quality milk. To encourage excessive production would represent an economic waste, since the expenditure

involved in producing Grade A milk not needed on the market would result in no extra value to producers.

Essential to the operation of a marketwide pool is the establishment of performance standards to apply uniformly to all plants. Any plant, regardless of its location, should have equal opportunity to comply with the standards and thereby to participate in the marketwide pool and have its producers share in the Class I sales of the market. Whether or not plants and producers choose to supply the Indianapolis order market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Performance standards should be such that any plant which has as its major function the supplying of milk to the market would pool its sales and share in the marketwide equalization. On the other hand, plants only casually, or incidentally, associated with the market should not be subject to complete regulation. Neither should they be permitted or required to equalize their sales with all plants in the market. If a milk plant were to be permitted to share on a pro rata basis the Class I utilization of the entire market without being genuinely associated with the market, then the differentials paid by users of Class I milk could be dissipated without accomplishing their intended purpose. If a plant were to be qualified and fully regulated merely by making a token shipment of milk or cream into the market for sale as Class I milk, then any milk plant which found itself in a position where it was selling a smaller share of its milk in Class I than the average for all regulated handlers might make such shipment and receive equalization payments from the pool. The only qualification such a plant would be required to meet would be compliance with the necessary health department standards.

Since reserve milk is an essential part of any fluid milk business, there will always be some excess milk in the plants of handlers supplying other markets. This will be particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, do not represent sources of milk on which the Indianapolis marketing area may depend. If such a plant, by selling a token quantity of Class I milk in the marketing area, were allowed to pool its surplus, the operator thereof could gain an unwarranted advantage in paying producers by receiving equalization payments from the Indianapolis order pool. Such a distribution of equalization payments would, in fact, reduce the blend price to producers regularly supplying the market, thereby having an adverse effect on the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required to supply the market adequately.

Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards have been provided for them. A "distributing plant" under the order would be defined as a plant in which any Grade A fluid milk product is packaged and disposed of during the month on routes in the marketing area. "Supply plant" would be defined to mean a plant from which milk, skim milk or cream is shipped during the month to a distributing plant which is qualified as a pool plant.

The term "route" would mean the delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I to a retail or wholesale outlet other than a milk plant or a distribution point.

In order to qualify as a pool plant, a distributing plant should be required to distribute at least 10 percent of its milk from producers and other plants during the month as Class I milk on routes to outlets in the marketing area.

A distributing plant having more than 90 percent of its business outside the marketing area or in other outlets should not be considered as essentially associated with the market. It is not considered advisable to bring such a plant under full regulation because of the minor share of its business in the marketing area. Full regulation in such case would not be necessary to accomplish the purposes of the order, and might well place such plant at a competitive disadvantage in supplying the unregulated market. Such a minimum is necessary also to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distribution of fluid milk products should be qualified as pool plants under this definition. In order to preserve this distinction, a further condition should be placed on distributing plants. This is that its total route distribution of Class I milk, both inside and outside the marketing area, must amount during the month to at least 50 percent of its receipts of Grade A milk from dairy farmers and from other plants. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its pool status should be judged by the standards applied to such plants.

A plant from which milk for Class I uses is distributed regularly in the marketing area under normal circumstances may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum performance standards necessary to qualify as a pool plant. There may be from time to time plants supplying milk to the marketing area which would not qualify for pool status. Such plants should be required to file reports, make available their records for audit by the market administrator, and be subject to payments hereinafter discussed if they are not fully subject to regulation.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that currently the quantity of milk produced for the market is adequate on an annual basis for the needs of the market. At times, especially during the months of seasonally high production, distributors in the market may not need all of the milk available from producers in order to keep their Class I outlets fully supplied. In order to assure that all the producers' milk which is pooled with the market will be available for Class I, supply plant standards should be set at levels which require that such milk will be available.

In order to qualify for pool plant status a supply plant should ship to distributing plants which are pool plants at least 50 percent of its receipts of milk from dairy farmers in any month in the form of fluid milk products. A supply plant from which a proportionately lesser quantity of milk is disposed of in this manner should not, under the present conditions in the market, be considered as primarily associated with the regulated market.

It is recognized that if there is any demand for milk from supply plants it will be greatest during the season of low production. For sustained periods during the months of flush production, supplies of milk received at plants located in or near the marketing area may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk in the country for manufacture, and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the months of seasonally high production in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant may elect to receive pool plant status during the months of seasonally high production. Such election would be available to a plant when it had supplied a substantial portion of its producer milk to distributing plants in the market during each of the immediately preceding months of seasonally low production. This would be accomplished by providing that a supply plant which shipped 50 percent of its producer milk receipts during each of the immediately preceding months of August through January to distributing plants which are pool plants would thereby earn pool plant status for the months of April through July. As herein proposed pool plant status for the months of April through July would automatically accrue to such supply plant unless the operator of such plant notified the market administrator that he elected to have nonpool status for such plant beginning with any of the months during the April through July period.

A pool plant or a distributing plant which is not a pool plant should be defined as an "approved plant", thereby including in one designation all plants for which reports are required to be submitted to the market administrator. Such a definition will enable the market administrator to use the same report forms for all distributing plants, both pool and nonpool. In addition, it will facilitate formulating the language in the various order provisions as they apply to such plants, especially with respect to those distributing plants which are not pool plants.



Some handlers in the market receive milk from both Grade A and ungraded producers. Where such an operation takes place, it is generally the practice of the handler to maintain the ungraded operation physically apart from that of his Grade A operation. The handler who operates an ungraded plant which is in the adjoining or same building as his Grade A plant should not be restricted in the operation of his ungraded plant to any greater degree than the operator of any other ungraded plant. However, proper safeguard should be provided in the order to insure that the ungraded and graded portions of a plant operated by the same handler are maintained as separate entities. It is concluded, therefore, that if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it should not be considered a part of a pool plant. However, if the graded and ungraded operations of a plant are not maintained separately, the entire operation of such plant would be considered as that of a pool plant, and all ungraded milk received at such plant would be considered as other source milk received at a pool plant.

Some milk that is distributed in the marketing area is from plants which are fully subject to the classification and pricing provisions of other Federal milk marketing orders. It is not necessary to extend full regulation under this order to such plants which dispose of a major portion of their receipts in another regulated marketing area. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

*Handler.* Handler should be defined as any person in his capacity as the operator of one or more approved plants. The definition should also include any cooperative association with respect to producer milk diverted for the account of such association from a pool plant to a nonpool plant.

A handler is the person who receives approved milk and who is responsible for reporting the receipts, utilization and payment thereof. A cooperative association which markets the milk of its members may for short periods of time need to divert such milk from a pool plant to a nonpool plant. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform price under the order and their production will be available to the market for fluid use when needed.

A handler operating more than one approved plant should be required to report separately for each plant so that its pool plant status can be determined each month by the market administrator. If a handler operates a plant not associated with the regulated market, he would not be a handler with respect to such plant.

*Approved dairy farmer.* Approved dairy farmer should mean any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is received at an approved plant.

*Producer.* Producer should mean an approved dairy farmer whose milk is received at a pool plant.

*Fluid milk product.* Fluid milk product should mean milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, cream or any mixture of skim milk and cream (except aerated cream products, eggnog, milk shake mix, frozen dessert mix, sour cream, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). The items designated as fluid milk products pursuant to this definition are those products which when disposed of by handlers are considered as Class I milk.

*Approved milk.* Approved milk should be defined as all skim milk and butterfat contained in milk received at an approved plant directly from approved dairy farmers or diverted from an approved plant to a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act.

It would be inappropriate to consider as approved milk any milk moved from a farm directly to a plant subject to the classification and pricing provisions of another order issued pursuant to the Act. Diversion to such plants, if permitted, could result in the pricing and pooling of the same milk under two orders.

Milk transferred to an approved plant from the plant of another handler should not be included in the approved milk definition. When receipts at a shipping plant are from approved dairy farmers and from other sources, the milk is commingled and it cannot always be ascertained whether the milk being moved is that from approved dairy farmers, from other sources or both.

When approved milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant for manufacturing purposes should be facilitated. Allowing for unlimited diversion during those months when reserve supplies of milk are heaviest will contribute to this end. Unlimited diversion is neither necessary nor desirable during the other months of the year when approved milk regularly associated with the market is needed to supply the Class I needs of the market. It is necessary, however, to provide for limited diversion during such months to enable handlers to divert approved milk on such occasions as weekends or holidays when the milk is not needed in the market for Class I purposes.

Provision should be made so that the approved milk regularly received at an approved plant may be diverted for the account of a handler to a nonpool plant any day during the flush production months and on not more than the number of days that milk was delivered to an approved plant from the farm of the approved dairy farmer during any other months and still retain approved milk status under the order. Diverted milk should be deemed to have been received at the plant from which it was diverted.

A proposal made would permit cooperatives unlimited diversion throughout the year because they must carry the necessary reserve burden, guarantee their members a market and supply the supplemental needs of handlers who buy short from independent dairy farmers. Many proprietary handlers in the market maintain surplus handling facilities and dispose of their reserve supplies through their own manufacturing operations or by transfer to other plants. While the cooperative associations do handle the greater part of the reserve milk in the market, the diversion privileges provided apply uniformly to all handlers and should provide sufficient latitude for the efficient utilization and disposal of the reserve supplies of the market.

*Producer milk.* Producer milk should be defined as approved milk which is received at a pool plant.

*Other source milk.* Other source milk should be defined as all skim milk and butterfat contained in or represented by fluid milk products utilized by the handler in his operations except approved milk, fluid milk products received from pool plants, and inventory at the beginning of the month. Thus, other source milk would represent skim milk and butterfat which are not subject to the pricing provisions of this order during the month. It would include all milk products from plants other than pool plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It would include those manufactured products from a plant's own production which are made and are reprocessed or converted into another product during the same or a later month.

*Producer-handler.* Producer-handler should be defined as any person who operates a dairy farm and a distributing plant but who, during the month, receives no approved milk or other source milk at such plant. The order is not intended to establish minimum prices for such operators, but they should be required to make reports to the market administrator. Such reports are necessary to make a determination as to whether the operator is a producer-handler and to facilitate accounting with respect to the transfer of milk from other handlers.

The exemption from pricing and pooling of a producer-handler should be limited to bona fide producer-handlers and should not permit other operations masquerading as producer-handlers to abuse the exemption to the detriment of producers and the effectiveness of the order. It is appropriate, therefore, to provide that to maintain producer-handler status the maintenance, care and management of the dairy animals and other resources necessary to pro-

duce milk and the processing, packaging and distribution of the milk shall be the personal risk of the person involved. The term producer-handler is not intended to include any person who does not accept responsibility and risk for the operation of the plant in which the milk of his own production is processed and bottled for sale.

Classification provisions of the proposed order should provide that any milk, skim milk or cream transferred from a pool plant to the plant of a producer-handler will be Class I milk. Any supplemental supplies of milk which may be obtained from such plants may, by virtue of the type of operation involved, be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from pool plants and still maintain his status as a producer-handler. Pursuant to the proposed order, any milk which a handler receives from a producer-handler would be other source milk and would, therefore, be allocated to the lowest class utilization at the pool plant of a handler after the allocation of shrinkage on approved milk. Milk disposed of to another handler by a producer-handler would normally be surplus to the operation of the producer-handler.

(b) *Classification of milk.* Milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as either Class I milk or Class II milk.

Milk is received at approved plants directly from approved dairy farmers, from other handlers, and from other sources. Milk from all of these sources is commingled in handlers' plants. It is necessary, therefore, to classify all receipts of milk to afford a means to establish the classification of approved milk and to apply the classified price plan.

The products which should be included in Class I milk are those generally required by health authorities in the marketing area to be obtained from milk or milk products from approved "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above the ungraded or manufacturing milk price. This higher price should be at such a level as will yield a blend price to farmers that will encourage production of enough milk to meet market needs.

Milk not needed for Class I purposes is utilized in the manufacture of various dairy products which are sold in competition with the same products made from ungraded milk. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including concentrated and reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream and any mixture in fluid form of skim milk and cream (except eggnog, milkshake mix, frozen dessert mix, aerated cream products, sour cream, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers); and skim milk and butterfat not accounted for as Class II milk.

Class I products which contain concentrated skim milk solids, such as skim milk drinks to which extra solids have been added or concentrated whole milk disposed of for fluid use, would be included under the Class I milk definition. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed cans would not be considered as concentrated milk.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix and other frozen desserts and mixes; eggnog, aerated cream products, sour cream, butter, cheese (including cottage cheese); evaporated and condensed milk (plain or sweetened); nonfat dry milk, dry whole milk, condensed or dry buttermilk; and any other products not specified as Class I milk. The health ordinances applicable in the marketing area do not require that these products be made from Grade A milk.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. The accounting procedure would be facilitated by providing that month-end inventories of fluid milk products be classified in Class II milk. Such inventories would be subtracted, under the proposed allocation procedure, from any available Class II milk in the following month. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to producers. The attached order provides for the reclassification of inventories on that basis.

Inventories should include all the skim milk and butterfat in fluid milk products, whether in bulk or in packages. Since the disposition of skim milk and butterfat in nonfluid milk products had been accounted for when used to produce a manufactured dairy product (and classified as Class II milk), such skim milk and butterfat should not be included in inventories.

Inventories of fluid milk products on hand at an approved plant at the beginning of any month during which such plant becomes an approved plant for the first time should likewise be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of current approved milk receipts to current Class I use.

Some handlers proposed that inventories of fluid milk products be classified in Class I. There may at times be some advantage to providing for the classification of inventories in Class I instead of Class II as proposed by producers. It was not shown, however, that this method of classifying inventories would have any real advantage or work out more equitably within the framework of the proposed order than that herein recommended.

Skim milk and butterfat in fluid milk products utilized by a commercial food establishment devoted exclusively to the manufacture of bakery products, candy or processed foods in hermetically sealed containers should be classified as Class II milk. Currently such bulk disposition in the Indianapolis order market is considered in a category other than a fluid milk product for Class I use. Food manufacturers can generally utilize either fluid milk products or manufactured dairy products in their operations. If a Class II classification were not provided for sales to these outlets, handlers under the proposed order would be placed at a disadvantage in competing for such sales.

Skim milk which is dumped or sold for livestock feed should be classified as Class II milk. The only trade outlets for surplus skim milk for many handlers are located at considerable distances from their processing plants. Transportation costs are such that it is uneconomical for these handlers to ship relatively small quantities of unneeded skim milk to such outlets.

It would not be practicable to permit in an unlimited manner the dumping of skim milk by pool plant handlers. Neither would it be appropriate to classify such skim milk, for which no better outlet is available, in other than Class II. Accordingly, the order should clearly specify a Class II classification for skim milk dumped, with a proviso that the market administrator be notified in advance and be afforded the opportunity to verify the dumping.

No provision should be made for classifying as Class II milk the butterfat in fluid milk products which is dumped or disposed of for livestock feed. Butterfat in fluid milk products is generally salvageable, can be accumulated in the form of cream, and adequate outlets are available locally for utilizing such butterfat in manufactured dairy products.

Waste and loss of skim milk and butterfat experienced in plant operations are referred to as "shrinkage". Since shrinkage represents disappearance of milk for which the handler must account but for which no direct return is realized, it should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

The maximum shrinkage allowance in Class II at each approved plant should be 0.5 percent of the skim milk and butterfat in approved milk (excluding milk diverted to a nonpool plant) and other source milk received in bulk plus 1.5 percent of the skim milk and butterfat in all fluid milk products processed at such plant. Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to strengthen the classified pricing plan and will tend to encourage maintenance of adequate records and efficient handling of milk.

To avoid duplicate shrinkage allowance on interpool plant movements of milk, shrinkage should be based on the amount that receipts from other pool plants are in excess of transfers to such plants. No shrinkage should be allowed on approved milk diverted to nonpool plants. On milk received at an approved plant and transferred in bulk to another plant the transferor-plant would be limited to the 0.5 percent maximum receiving shrinkage allowance on such milk.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from farmers and, therefore, should be classified according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by a handler can be determined through certain testing procedures. Some products such as ice cream and condensed products present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable in the case of such products to provide an acceptable means of ascertaining the amount of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any concentrated milk product such as condensed milk or nonfat dry milk should be based on the pounds of milk or skim milk required to produce such product.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of any product, including products in Class I milk, should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of approved milk to Class I utilization.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from approved dairy farmers should be responsible for establishing the classification of and making payment for such milk. Fixing responsibilities in this manner is necessary to effectively administer the provisions of the order.

Except for the limited quantities of shrinkage that may be classified in Class II, all skim milk and butterfat for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records and to assure that dairy farmers receive payment for their milk on the basis of its use. Accordingly, the burden of proof should be on the handler to establish the utilization of any milk as other than Class I.

*Transfers.* Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, some Class I items may be disposed of to other plants for Class II use. Classification of any product so transferred to another plant should, under certain circumstances, be determined according to its utilization in the plant to which transferred.

Fluid milk products transferred by a handler to a pool plant should be classified as Class I milk unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator. However, sufficient Class II utilization must be available at the transferee plant for such assignment after prior allocation of shrinkage and other source milk. Moreover, if other source milk had been received at either or both plants during the month, the skim milk or butterfat in fluid milk products involved in such transfer should be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants.

Fluid milk products transferred or diverted to a nonpool plant should be classified as Class I milk unless certain conditions are met. The operator of the nonpool plant, if requested, should make his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to insure proper application of the classification procedures prescribed in the order.

In order to classify such transfers or diversions as Class II milk the fluid milk products disposed of from the receiving nonpool plant should not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers directly supplying such plant. However, if the fluid milk products disposed of from the receiving nonpool plant exceed the receipts of skim milk and butterfat from dairy farmers regularly supplying such plant, the difference should be assigned to the fluid milk products transferred or diverted from an approved plant and classified as Class I milk. If the transfers and diversions to the nonpool plant during the month are from two or more plants subject to the provisions of this and other orders issued pursuant to the Act, the skim milk and butterfat assigned to Class I milk at each such approved plant under the Indianapolis order should be not less than that obtained by prorating the assignable Class I milk at the nonpool plant over the receipts from all plants subject to the provisions of this and other orders issued pursuant to the Act.

The method herein recommended for classifying transfers and diversions from approved plants to nonpool plants accords equitable treatment to Indianapolis order handlers and gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer provision of the order by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

The provision for classifying fluid milk products as Class II milk should not be extended to include milk and skim milk transferred or diverted to nonpool plants located more than 150 miles from the city of Indianapolis. The area thus described is adequate to dispose of milk and skim milk not needed by order handlers for Class I purposes. Milk and skim milk moving greater distances are normally for Class I use. On the other hand, cream for manufacturing purposes is shipped by handlers to outlets at considerable distances from the marketing area and no limit should be placed on the distance to which such shipments of cream in the Class II classification may be made.

When milk or skim milk in bulk has been transferred or diverted to a nonpool plant located not more than 150 miles from Indianapolis, the market administrator is required to verify the utilization claimed by such nonpool plant. It may reasonably be expected that the market administrator will be able to make such verification within such "surplus disposal area" without incurring undue expense. A surplus disposal area larger than that provided herein might tend to make unreasonable demands on the market administrator in connection with the verification of occasional or irregular shipments to nonpool plants located beyond the area wherein handlers who would be subject to the Indianapolis order normally dispose of reserve supplies of milk and skim milk for Class II purposes.

All plants that are expected to be subject to regulation under the order are located well within a radius of 150 miles of Indianapolis. Moreover, it was not shown that any of the plants to which skim milk and milk are usually shipped from these plants which would be regulated are more than 150 miles from Indianapolis. Despite this, exception was taken to limiting the surplus disposal area to the 150-mile radius from Indianapolis. Extension of this area to greater distances was not shown to be immediately necessary. But this extension would make it possible for some handlers to return to some producers the uniform price applicable at a plant in or near the marketing area for milk diverted to manufacturing uses at plants distant from the market and this could cause an uneconomic reduction in returns to nearby producers. No measures were considered at the hearing which would protect against these uneconomic price reductions to nearby producers. It is necessary therefore to deny this proposal.

As stated elsewhere in this decision, any fluid milk product transferred to a producer-handler should be classified in Class I and should not be subject to reclassification.

*Allocation.* The order provides for determining the value of approved milk at a plant each month on the basis of the classification of such milk. It is necessary, therefore, if a plant has butterfat or skim milk other than that received in milk from approved dairy farmers, to determine the quantities of milk in each class to be assigned to approved milk.

The milk of approved dairy farmers who are primarily engaged in supplying the market should be given priority in the assignment to the Class I utilization at approved plants. This is necessary to insure the stability of the classified pricing program of the order. If the order permitted handlers to obtain unpriced other source milk for Class I uses whenever it was advantageous to do so while approved milk in the plant was utilized in Class II, the market would be deprived of a dependable supply of milk and the order would not be effective in carrying out the purpose of the Act.

In general, the allocation procedure requires that skim milk and buttterfat, respectively, in each approved plant be assigned to approved milk after making the following deductions from gross utilization starting with Class II milk, except as otherwise noted:

(1) Fluid milk products in consumer packages subject to pricing under another order (from Class I);

(2) Other source milk not subject to Class I pricing provisions of another order;

(3) Other source milk in bulk subject to pricing under another order;

(4) Beginning inventory;

(5) Receipts from other handlers (according to classification); and

(6) Overage.

Separate allocation is provided for other source milk received under varying circumstances to facilitate the application of the compensatory payment provisions of the order and to provide flexibility in plant operations. Provision is made to allocate to Class I milk certain packaged fluid milk products subject to pricing under another Federal order. This will have the effect of giving the same treatment to such items moved from a plant under another Federal order whether distributed directly to consumers in the marketing area from such plant, as is sometimes the case in this market, or imported through an Indianapolis order approved plant.

(c) *Class prices.*

*Class I price.* The price for Class I milk should be computed by adding a differential to a basic formula price.

The method of adding a differential to a basic formula price in determining the Class I price is necessary to give appropriate consideration to the national economic factors underlying changes in the general level of prices for milk and manufactured dairy products. Prices for milk used for fluid purposes in the Indianapolis marketing area have a direct relationship to the prices paid for milk used for manufacturing purposes. The market for most manufactured products is nationwide and the prices of these products reflect general economic conditions affecting the supply and demand for milk and changes in the value of manufacturing milk throughout this area.

Differentials over manufacturing prices are necessary to cover the extra costs of meeting quality requirements in the production of market milk and transportation costs to the fluid market, and to furnish the necessary incentive for dairy farmers to produce and deliver an adequate supply of quality milk to meet the demand for fluid consumption.

The Class I price should be established at a level which, in conjunction with the Class II price hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate, but not excessive, supply of quality milk to meet the requirements of consumers in the marketing area, including the necessary reserves. Class I prices must also be in alignment with those prevailing in other nearby regulated markets and should not be at levels which exceed the cost of obtaining milk of acceptable quality and regular availability from alternative sources.

There are four Federal milk orders currently in effect in Indiana: Fort Wayne, South Bend-LaPorte-Elkhart, Ohio Valley (Evansville), and Louisville-Lexington (which marketing area includes 3 Indiana counties). In addition, the Dayton-Springfield and Cincinnati, Ohio, Federal order markets are relatively close to the proposed marketing area. The distance from Indianapolis to the major city in each of the six marketing areas is as follows: Dayton 107 miles, Cincinnati 110 miles, Louisville 113 miles, Fort Wayne 115 miles, South Bend 140 miles, and Evansville 167 miles.

In the two Federal milk order markets north of Indianapolis—South Bend-LaPorte-Elkhart and Fort Wayne—the Class I prices per hundredweight of 3.5-percent milk during 1959 averaged $4.19 and $4.27, respectively.

The Dayton-Springfield and Cincinnati marketing areas are southeast of Indianapolis and not far from the eastern boundary of the proposed marketing area. During 1959, the Class I price per hundredweight of 3.5-percent milk averaged $4.54 under the Dayton-Springfield order and $4.72 under the Cincinnati order.

The Ohio Valley and Louisville-Lexington order marketing areas include the 12 southernmost counties in Indiana. The Louisville-Lexington order Class I price for 3.5-percent milk averaged $4.35 in 1959.

The pricing provisions of the recently promulgated Ohio Valley order became effective March 1, 1960. The Class I price per hundredweight of 3.5-percent milk under this order is computed by adding a differential averaging $1.30 a month to a basic formula price, which is the higher of either the average of the prices paid by specified midwestern condenseries or a price based on a butter-powder formula. For the year 1959, a price thus computed would have averaged $4.41.

The handlers in Indianapolis who do not purchase milk from the local cooperative associations, handlers outside Indianapolis who distribute in the city, and other handlers throughout the marketing area pay producers on the basis of the blend price paid by the Indianapolis cooperatives to their producers. In some few instances, the uniform prices of nearby Federal order markets are used as a basis in computing the prices paid to their producers by handlers who would be regulated by the proposed order. The Indianapolis blend price for 3.5-percent milk in 1959 averaged $4.06.

The Class I price paid by the eight handlers receiving milk from members of the three cooperatives organized into the association known as the Milk Producers' Auditing Agency is arrived at by negotiation between the handler and the producer representatives. In recent years, and currently, this Class I price has been computed by adding a differential to a basic formula price.

Producers proposed a Class I price per hundredweight of 3.5-percent milk that would be computed each month by adding $1.30 to a basic formula price, which basic formula price is the same as that contained in the Ohio Valley order and a number of other midwestern orders. For the year 1959, the price thus computed would have averaged $4.41. The proposals made by various handlers would add amounts ranging from $1.10 to $1.20 to a basic formula price in arriving at the Class I price.

The intent of the Act will best be effectuated by fixing the Class I price under the recommended Indianapolis order at the level of the basic formula price plus $1.25. The basic formula price would be that proposed by producers and applicable in nearby order markets. This Class I price would be applicable to all plants located in the "base zone", which should be defined to include all the territory within the boundaries of Marion County, Indiana. However, the Class I price would be reduced by a location differential (as hereinafter discussed) for milk received from dairy farmers at plants outside the base zone.

*Class II price.* The Class II price should be the basic formula price that is used in determining the Class I price. This is the higher of a butter-powder formula or the "Midwest condensery price," which is the average of the prices paid for ungraded milk at eleven specified plants in Michigan and Wisconsin.

Some milk in excess of Class I requirements is necessary to maintain an adequate supply for the market on an annual basis. This excess milk must be disposed of in manufactured products and be classified as Class II milk. The price for such excess milk should be maintained at the maximum level consistent with facilitating its movement to manufacturing outlets when not required for Class I purposes. However, the Class II price should not be at a level so low as to encourage handlers to obtain milk supplies for the sole purpose of converting them into Class II products.

Elsewhere in this decision the need for maintaining an alignment of the Indianapolis order Class I price with those in nearby Federal order markets is emphasized. Providing for such alignment with respect to the Class II price for the Indianapolis marketing area is no less necessary. Of the six nearby Federal order markets, four have two separate classifications (Class II and Class III) for milk utilized for other than Class I purposes.



In those markets having three classes, the Class II classification includes the utilization of skim milk and butterfat in one or more of the higher valued outlets for manufacturing milk, such as cottage cheese, ice cream and related products. Class III milk includes utilization in the lower valued outlets, such as butter, skim milk powder and various types of cheese. There is a wide variation in the nearby order markets as to the specific utilizations included in Class II and Class III milk.

For the year 1959, the average Class II and Class III prices for 3.5-percent milk in the following markets were: South Bend-LaPorte-Elkhart $3.61 and $3.02, Louisville-Lexington $3.16 and $2.96, Dayton-Springfield $3.10 and $2.93, and Cincinnati $3.12 and $2.99.

Under the Fort Wayne and Ohio Valley orders there is one class (Class II) for milk used for manufacturing purposes. The Class II price for 3.5-percent milk in Fort Wayne averaged $3.00 in 1959. The Class II price under the Ohio Valley order for the months of September through February is the basic formula price under that order, which is the same as that herein recommended as the Class II price. For the months of March through August the Class II price under the Ohio Valley order is determined by adding 20 cents to the average of the prices paid by five specified local manufacturing plants. The basic formula price which would be utilized as the Indianapolis order Class II price averaged $3.11 during 1959.

There is much variation in the handling and marketing of reserve supplies of milk by handlers in the marketing area. Some handlers receive only as much milk from producers as is needed each day for their Class I requirements. A significant proportion of the total quantity of milk utilized for Class I purposes in the market is handled at plants with limited manufacturing facilities. However, a number of plants which would be pool plants under the order maintain manufacturing operations especially for such items as ice cream and cottage cheese. Throughout the year, particularly in the spring months of heavy production, producer milk not needed by some handlers is moved to manufacturing plants by the handler who regularly receives the milk or by the cooperative association responsible for marketing such producer milk. The manner of determining the rate at which producers are paid for such milk utilized for manufacturing purposes or otherwise disposed of follows no consistent pattern.

The cooperative associations whose members deliver to handlers in Indianapolis have been paid a Class II price which is the average of the prices paid at five local manufacturing plants for ungraded milk. These prices averaged $2.90 per hundredweight for 3.5-percent milk during 1959. The quotations which are used in arriving at these prices do not include such payments as "cooler premiums," which approximate 15 cents per hundredweight. The cooperatives claim that the average of these pay prices has not been adequate as a Class II price and would not be suitable as a basis for a Class II price under the order. They claim that the weakening of their bargaining position in recent years has prevented their obtaining a Class II price commensurate with the value of milk for manufacturing purposes locally.

The butter-powder formula which is used in determining the basic formula price utilizes quotations for both spray and roller process nonfat dry milk. Producers proposed that spray process quotations only be used for the nonfat dry milk portion of the butter-powder formula. Spray process output nationally in 1959 was more than 90 percent of the total nonfat dry milk production and roller process manufacturing is declining steadily in importance. The spray and roller process quotations are used in determining class prices in the nearby Federal order markets. A more appropriate class price alignment with these other order markets would be assured by using the lower price obtained from the average of the spray and roller process quotations.

A number of proposals were made by handlers to provide a lower Class II price. One of these would provide a Class II price in the months of seasonally high production based on the average of the prices paid by five local manufacturing plants for ungraded milk. Other proposals would have handlers pay less than the Class II price for milk used in certain outlets, such as in the manufacture of butter and cheese. This would be accomplished by having a separate classification at less than the Class II price for such uses or by providing a "make allowance" of three cents per pound for butterfat used in the manufacture of butter.

The production of milk for the Indianapolis order market in relation to the Class I requirements of the market does not indicate that burdensome surpluses prevail. The Class II milk utilized by handlers in the market is predominantly in the higher valued Class II products of cottage cheese, ice cream and sour cream. During a substantial portion of the spring and summer months of high production there is a heavy demand locally for cream for ice cream manufacture.

The Class II price herein recommended is lower on the average than the prices provided in nearby order markets for milk utilized in cottage cheese and ice cream. If a price lower than Class II should be provided for some uses, it could result in handlers utilizing milk in these uses when higher valued outlets were available. This would be inconsistent with the principle of obtaining the highest utilization of producer milk and would result in unjustified lower returns to producers.

*Butterfat differentials.* Skim milk and butterfat should be accounted for separately for classification purposes as indicated previously. It is necessary, therefore, to adjust Class I and Class II prices for milk in accordance with the average butterfat content of milk in each such class. This can be accomplished by using a butterfat differential which will reflect differences in value due to variation in butterfat content of approved milk utilized in each product.

The values resulting from multiplying the Chicago butter price by 0.120 for Class I milk and by 0.113 for Class II milk will provide appropriate means for adjusting the prices in this market for each one-tenth percent variation in butterfat content of milk used in the various products. The employment of the Chicago butter price will mirror changes in central market prices for butterfat as they occur. All surrounding Federal order markets use the Chicago butter price as a basis for adjusting the value of milk according to butterfat content. The method provided for the Indianapolis market is consistent with that provided under nearby orders for adjusting the value of milk by a butterfat differential for varying butterfat tests and should result in reasonable alignment of prices among markets for milk of the same butterfat content.

The butterfat differentials now used by Indianapolis handlers in paying for their milk are obtained by multiplying the Chicago butter price by 0.130 for Class I milk and by 0.120 and 0.115 for the currently designated Class II and Class II–A uses in the market.

As proposed by producers, the Chicago butter price would be multiplied by 0.120 and 0.110 to determine the Class I and Class II butterfat differentials. This would place more value on the skim portion of milk than has prevailed under the present price structure of the market.

Handlers proposed that the Class I butterfat differential be not less than 0.130 times the Chicago butter price. This would allocate more value to the butterfat in Class I milk than proposed by producers. There are an increasing number of fluid milk products on the market made up of a proportionately high percentage of solids not fat (e.g. fortified or modified skim milk). With too high a butterfat differential producers would not receive their appropriate share of the Class I sales value represented by the solids not fat portion of fluid milk products. A high butterfat differential would have the effect of pricing cream for Class I uses at the high level. On the other hand, the butterfat differential herein recommended will give some encouragement to increasing the disposition of butterfat in Class I outlets.

One handler proposal would use a stated percentage of the Class I price as the Class I butterfat differential. The reason advanced for use of this method was that at some future date a different Class I price might allow the skim portion of milk to carry all the fluctuation in prices. If such situation should occur, an amendment hearing would be appropriate to consider need for a change in the butterfat differential. No advantage was shown for the use of a percentage of the Class I price as the butterfat differential.

The Class II butterfat differential herein proposed will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets and thereby eliminate the potentialities of unstable marketing conditions which milk without a market tends to create. The butterfat differential value of 113 percent of the Chicago butter price should not be so high as to give an un-

natural incentive to the movement of butterfat to the manufacture of butter at the expense of preferred outlets such as for cottage cheese and frozen desserts. Moreover, at the recommended rate the cost of butterfat in the market will be competitive with butterfat from alternative sources of supply.

A proposal by handlers to apply a somewhat lower value for butterfat used in butter and cheese is unnecessary in this market for essentially the same reason that a separate price should not apply to milk used in manufacture of such products. Handlers who would be regulated by the order do not maintain extensive butter and cheese manufacturing operations. To provide a lower butterfat differential for milk in such uses could stimulate uneconomic use of milk in these lower valued outlets while a higher use product demand is available. Thus, returns to producers would be adversely affected.

To coordinate the Class I price and Class I butterfat differential announcement date, the Class I butterfat differential should be based on the average price of butter in the preceding month. The Class II price and butterfat differential will not be announced until after the end of the month and should be based on current month prices. Although handlers will not know the exact cost of Class II milk as it it utilized, they will know that their cost tends to follow daily and weekly dairy product prices and cost of milk to their principal competitors.

The butterfat differential to producers should be calculated at the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in approved milk classified in each class during the month. Thus, returns to producers will reflect the actual value of their butterfat at the class prices provided by the order.

*Location differentials.* A schedule of location differentials should be incorporated in the order to provide an appropriate adjustment of order prices at the location of any plant from which milk is moved to the marketing area. With the same class prices applicable, milk received at a plant outside the marketing area and moved to the marketing area for processing and packaging may be expected to be more costly to a handler than milk received directly from dairy farmers at his processing plant in the marketing area. In the same manner, additional transportation costs would be incurred by the operator of a plant from which packaged milk is moved a relatively long distance to the marketing area. Unless provision is made in the order for the application of location differentials, producers delivering milk to plants located at some distance from the marketing area would be paid the same uniform prices as producers delivering to plants in the marketing area.

It is economically more feasible to meet the needs of the market for fluid purposes from those farms or plants nearest the market before bringing in milk from more distant plants. The value of milk to the market for fluid purposes is greater at the location of a plant in the marketing area which packages it for distribution than at a plant from which milk must be moved to the marketing area for Class I uses. Recognition in the order through the medium of a location differential should be given to this difference in value.

So as to be equitable to all handlers, the minimum Class I price to be paid for approved milk should not be dependent upon the type of plant receiving the milk. However, to the extent that milk is received elsewhere from dairy farmers and brought to the marketing area by a handler, the handler has assumed a transportation cost which might otherwise be borne by the dairy farmers. Under these circumstances, the Class I price should be adjusted downward to give consideration to the cost of hauling milk to the marketing area.

It is customary, in both regulated and unregulated markets, for handlers to pay dairy farmers delivering milk to plants farther removed from the market a lesser price per hundredweight than is paid dairy farmers delivering directly to plants in the marketing area. To the extent that this represents a lower price because of the location of the milk, such difference in value should be recognized under the order.

Indianapolis is the principal city in the marketing area and is so situated with respect to the overall sales area of regulated handlers that basing location differential mileage zones from such city would be equitable to all handlers. The Monument Circle in Indianapolis represents an appropriate point from which the mileage used in applying the location differentials should be measured.

Because the Indianapolis marketing area is spread over a relatively large territory and because milk distributed in the marketing area is moved great distances, it would be inappropriate to have location differential mileage zones applicable less than 70 miles from Indianapolis. Accordingly, the Class I price should be reduced by 10 cents for the first 80 miles and 1.5 cents for each additional 10 miles or fraction thereof with respect to approved milk received at a plant which is not less than 70 miles from Monument Circle in Indianapolis.

Marion County, in which is located the city of Indianapolis, is the most heavily populated county in Indiana. Producers shipping to plants in Marion County must pay more for hauling their milk than do their neighbors supplying plants in the smaller cities and in the more rural communities in the marketing area. To give recognition to this factor, the Class I price for approved milk received at plants outside Marion County (the base zone) should be reduced by a location differential of 5 cents if such plant is less than 70 miles from Monument Circle in Indianapolis.

The location differentials here recommended are economically sound and will be applicable to all handlers wherever located. The proposed rates approximate those contained in other nearby Federal orders and are representative of the cost of hauling milk by an efficient means to the market.

Prices paid producers supplying plants at which location differentials apply should be reduced to reflect the lower value of such milk f.o.b. the point to which delivered.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with location of the plant receiving the milk. This is because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various points within the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk by the most advantageous method possible. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum.

To insure that milk would not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that for the purpose of calculating such location differential credit the skim milk and butterfat in fluid milk products transferred in bulk form be assigned to the available skim milk and butterfat classified in Class II in the transferee plant before being allocated to Class I milk at such plant.

*Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such a provision in the order will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and thereby prevent any unnecessary interruption in the operation of the order.

*Payments on unpriced milk.* The order should provide that payment be made into the producer-settlement fund with respect to unpriced milk which is allocated to Class I milk in a pool plant.

Receipt of milk in excess of Class I disposition is necessary to operate a fluid milk business. Because of seasonal fluctuations in production without corresponding changes in demand, this excess or reserve milk must be marketed in manufactured form in competition with products made from ungraded milk. The existence of this reserve Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which may affect fluid milk markets.

Considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which the Indianapolis order handlers may obtain milk. When milk is available in substantial volumes from nonpool sources, handlers under the order could obtain such milk at prices reflecting its value as surplus milk, which prices would approximate the Class II price under the order. During the seasonally high production months of April, May and June, the compensation payment on other source milk allocated to Class I milk should be the difference between the minimum price of producer milk used for surplus (Class II) and the Class I price adjusted to the location of the plant from which such other source milk was received from farmers. This rate will reflect generally the difference in the value between unregulated and regulated milk for Class I use at that time.

During the months of July through March, when milk supplies tend to be shorter than in other months, it is not likely that other source fluid milk products will be available to the market at surplus prices. It may reasonably be expected that during such months milk would be available from unregulated sources at prices more nearly at the level of the uniform price under the order. The compensation payment during these months should be the difference between the marketing area uniform price to producers and the Class I price both adjusted to the location of the plant from which such fluid milk products are supplied. The relationship between the supply of and demand for milk in the market in the July through March period tends to fluctuate from year to year according to marketing conditions. These conditions will generally prevail also in surrounding markets which are potential sources of supply for unpriced milk. Thus, the rate of compensation payment based on the difference between Class I and uniform prices will adjust itself automatically in these months in accordance with the proportion of Class I milk to the total milk pooled.

The rates which are here found to be appropriate for the Indianapolis marketing area give recognition to general competitive conditions in the purchase and sale of fluid milk products. However, since such conditions do not prevail uniformly in all instances and since all transactions are not made under the same circumstances, it would not be administratively feasible to adjust prices or payments to individual transactions.

It is therefore necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein provided are those which will best effectuate the intent of the Act under current marketing conditions in the area.

Other source milk used in the form of nonfat dry milk should be considered to be from a source at the location of the pool plant where it is used. In some instances there will be no and in all other cases insignificant transportation charges per hundredweight experienced by handlers on such other source milk. By following this procedure, the compensation payment on other source milk derived from nonfat dry milk will be comparable to that on any other unpriced milk which is allocated to Class I milk.

A handler whose distributing plant fails to qualify as a pool plant should make payment to the producer-settlement fund of either (1) the amount of Class I milk sold in the marketing area multiplied by the difference between the Class I and Class II price during April, May and June and by the difference between the Class I and uniform price during other months, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers which would be computed as if such plant were a pool plant. Under the first option the amount of milk on which a handler would make payment should be reduced by his receipts of Class I milk from pool plants. Because such milk would be priced as Class I milk at the regulated plant where it was received from producers, the pool would not be disadvantaged and the integrity of regulation would be preserved.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he will obviously not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this last option to nonpool plants which distribute some Class I milk in the marketing area will adequately protect the regulatory plan in this market. In the areas from which it is expected such nonpool handlers would procure supplies, no great quantities of milk are available. Moreover, the size of handlers who would use this option is relatively small. It is expected also that the difference between the Class I price and uniform price, which will prevail in this market, will be relatively minor. The price which these handlers would be required to pay under the option and the uniform price payable by wholly regulated handlers would not differ greatly. Consequently, the exercise of this option could not have a disruptive influence on the handling of milk in this area. For these reasons, it is not necessary, in order to maintain the integrity of the regulatory plan in this market, to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if they were fully regulated.

No compensation payment should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Indianapolis order handlers might obtain supplemental supplies approximate the Indianapolis order Class I price as adjusted for location of the supplying plants. Since handlers operating plants under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to dispose of their surplus producer milk in the Indianapolis marketing area for Class I use at less than Class I prices.

*Resale prices.* It was proposed that the market administrator be required to "investigate all matters pertaining to the production, transportation, storage, processing, distribution and sale of producer milk; and prohibit unfair trade practices in the handling thereof". Handlers who proposed such regulation indicated that the primary intent of the proposal is to fix prices at which chain groceries and other outlets in the Indianapolis marketing area shall sell milk to consumers.

In support of their position that an order is needed, producers stated that handlers purchasing milk from them on a classified price basis are at a competitive disadvantage with handlers in the area purchasing milk on a flat price basis comparable to the Indianapolis blend price. It was also suggested that reductions in a handler's resale prices were reflected in reduced returns to his producers.

The attached order provides that each handler shall pay the same minimum prices for producer milk in accordance with his utilization. In that way, all handlers will pay the same minimum prices for milk received from producers and will know precisely what the minimum pay prices of their competitors will be for these purchases. Moreover, no handler will be able to recoup from producers reductions in his resale prices. This will act as a most powerful deterrent to any resale price-cutting that is not justifiable on an economic basis.

The Agricultural Marketing Agreement Act provides that orders may contain terms and conditions "prohibiting unfair competition and unfair trade practices in the handling" * * * of the commodities specified as subject to regulation under the Act. All the terms and provisions which refer to the fixing of milk prices (sections 602, 608(c) (5), (7) and (18)) apply solely to transactions which take place between producers and cooperative associations on the one hand and regulated handlers on the other.

Section 608(c) (7) (B) of the Act, which permits the inclusion of provisions requiring that handlers sell a commodity or product regulated under an order only at prices filed by such handlers in the manner provided under such order, specifically excepts milk and cream sold for consumption in fluid form. There is no authority contained in the statute for the establishment of "resale prices" as there is for the establishment of prices to producers.

In view of the above stated considerations, it is clear that the statute does not authorize the regulation of unfair trade practices in the manner proposed. Accordingly, the handler proposal therefor is denied.

(d) *Distribution of the proceeds to producers.* A marketwide equalization pool should be included in the order as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure each producer supplying the market that he will receive a return based on his pro rata share of

the Class I sales of the entire market. The "blend" price that a producer receives will depend on the over-all utilization of all producer milk received at the pool plants of all regulated handlers during the month. Although each handler subject to the order will be required to pay uniform prices for producer milk in accordance with the classification of such milk pursuant to the order, the minimum blend prices payable to producers will be the same for all producers in the market irrespective of the use made of such milk by the individual handler.

The uniformity of payments to producers which is provided under a marketwide pool permits a handler either to maintain a manufacturing operation in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes only, without affecting the blend prices payable to his producers as against other producers in the market. The facilities in the various plants in the area for handling producer milk which is in excess of that needed for Class I purposes vary considerably. While a number of plants in the market are exclusively Class I operations and handle no surplus milk, many plants which would be subject to the order handle substantial quantities of milk for manufacturing purposes. Under these conditions a marketwide pool in the Indianapolis marketing area will facilitate the marketing of producer milk. A marketwide pool will make it possible for the producers' associations to assist in diverting seasonal reserve milk and thus keep producers on the market who are needed to fulfill the year-round requirements of the market. It will assist also in apportioning among all producers the lower returns from reserve milk where otherwise this burden would be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk.

In distributing returns to producers, no different treatment should be accorded producers of any special breed milk than is accorded other producers. A proposal was made to establish a separate pool for "Golden Guernsey" milk because it must meet certain specified production and quality requirements. This would have the effect of giving preferred treatment to a small group of producers at the expense of all other producers supplying the market. It was not shown that there is any justification for according such preferred treatment to the producers who market their milk under the "Golden Guernsey" trademark or to any other designated group at the expense of other producers.

A "Louisville plan" of fall production incentive payments should be utilized in distributing returns to producers. Such a plan provides for setting aside a portion of payments made by handlers for producer milk in the spring months of flush production for distribution to producers on the basis of their deliveries during the fall months of low production.

Louisville plans, sometimes referred to as take-out and pay-back plans, are provided for in a number of Federal order markets, including the nearby markets of Louisville-Lexington, Dayton-Springfield and Cincinnati. The "Louisville plan" provided in the attached order is similar to that contained in these nearby markets.

The "take-out" or amount withheld from the pool under the Indianapolis order would be eight percent of the Class I price times the hundredweight of producer milk deliveries during the months of April through July. One-fourth of this set aside would be divided by the total hundredweight of producer milk delivered in each of the following months of September, October, November and December. The rates thus obtained would be paid to each producer on the basis of his deliveries during these months.

There is relatively little variation in the month-to-month Class I requirements of, and substantial monthly variations seasonally in, production for the Indianapolis order market. The incentive payment plan herein proposed will tend to encourage a more even pattern of production throughout the year. In this way, an appropriate impetus is provided to obtain greater production during the fall months of seasonally low production and to discourage the production of unnecessary supplies in the spring months of flush production. Moreover, each producer will have the opportunity of availing himself of the benefits of the fall incentive payment plan through his individual efforts by leveling out his own production.

The four take-out months (April through July) herein recommended are generally the months of highest production for the Indianapolis order market. Correspondingly, the pay-back months (September through December) are the months of lowest production.

*Payments to producers.* Each handler should pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, at not less than the applicable uniform price by the 15th day after the end of each month. Since it has been the practice in this area for handlers to pay producers semimonthly, provision should be made for partial payments to producers on or before the last day of each month for milk delivered during the first 15 days of such month at not less than the Class II milk price for the preceding month. No adjustment for butterfat content should be required on such partial payment.

Provision should be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of the proceeds for the sale of such milk will tend to promote the orderly marketing of milk and will assist a cooperative association in discharging its responsibility to its members and to the market. Such functions can be accomplished more expediently if the association is collecting payments for the sales of members' milk.

The Act provides for the payment by handlers to cooperative associations of producers for milk delivered by them and permits the blending of all proceeds from the sale of members' milk.

The contracts with their members authorize each of the principal cooperatives in the market to collect payment for producer milk. Therefore, each handler, if requested by such cooperative association, would pay such association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make such payments to the cooperative association on or before the 26th of the month for milk received during the first 15 days of the month and make the final settlement for milk received during the month on or before the 13th day of the following month.

At the time final settlement is made for milk received from producers during the month, the handler should be required to furnish to each producer (or his cooperative association) a supporting statement. Such statement should show the pounds and butterfat tests of milk received from such producer, the rate of payment for such milk and a description of any deductions claimed by the handler.

*Producer-settlement fund.* Because all producers will receive payment at the rate of the marketwide uniform price each month and because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform price would pay the difference into the producer-settlement fund, and each handler whose obligation for producer milk is less than the applicable uniform price value would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached order is similar to that contained in all other Federal orders with marketwide pools.

For efficient functioning of the producer-settlement fund a reasonable reserve should be set aside at the end of each month. This is necessary to provide for such contingencies as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than four nor more than five cents per hundredweight of producer milk in the pool for the month.

Compensatory payments received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby be distributed to all producers on the market.



If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the fund, payments to such handler would be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount. The remaining amounts due such handlers would be paid as soon as the balance in the fund becomes adequate to meet such payments, and handlers would then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has failed to make the required payments to the producer-settlement fund for the preceding month would be eliminated in the computation of the uniform price.

(e) *Administrative provisions.* Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached order are common to many other Federal milk orders.

*Market administrator.* Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

*Records and reports.* Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make reports necessary to establish classification of approved milk and payments due therefor. Time limits must be prescribed for filing such reports and making such payments.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of approved milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order.

Detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area are needed by the market administrator to compute the amounts payable to the producer-settlement fund on such unpriced milk.

The market administrator should report to each cooperative association, upon request, the percentage of milk delivered by its members and utilized in each class at each pool plant receiving such milk. For the purpose of this report, the utilization of member milk in each handler's plant would be prorated to each class in the same ratio as all producer milk is allocated to each class during the month.

It is necessary that handlers retain records to prove the utilization of milk and that proper payments were made therefor. Since books and records of all handlers cannot be completely audited immediately after receipt of the milk, it becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the order shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision, covering the retention of records and limitation of claims, is equally applicable in this situation and is adopted as a part of this decision.

*Marketing services.* Provision should be made in the order for furnishing marketing services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing such services for its member producers and is approved for such activity by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producer deliveries as reported by the handler are proved to be accurate.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization and marketing of milk will be promoted by providing for the dissemination of current market information on a marketwide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of five cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the number of producers involved and the expected volume of milk with that of markets of comparable size indicates that this maximum rate is reasonable and should provide the funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

*Expense of administration.* Each handler should be required to pay the market administrator, as his proportionate share of the cost of administering the order, not more than four cents per hundredweight, or such lesser amount as the Secretary may prescribe on (a) producer milk (including such handler's own production), (b) other source milk (not subject to administration expense under another order) at a pool plant which is allocated to Class I milk, and (c) receipts at a nonpool plant of approved milk on which no administration expense is being paid pursuant to another order.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment on the basis of approved milk received at a plant and on other source milk allocated to Class I milk.

If a nonpool handler from whose plant Grade A milk is distributed in the marketing area elects to make payment to the producer-settlement fund at the rate of payment applied to other source milk at a pool plant (instead of making payment for milk received from dairy farmers according to the utilization at such plant at not less than the minimum order prices) the audit of his records by the market administrator would be substantially reduced. Under such circumstances, it would be necessary to ascertain only the quantities of fluid milk products distributed in the marketing area from such plant during the month and the percentage that such utilization is of total receipts of approved milk at such plant. In such instances, the administrative assessment would be computed on the basis of the fluid milk products disposed of in the marketing area from the nonpool plant.

In view of the anticipated volume of milk and the cost of administering orders in markets of comparable circumstances, it is concluded that an initial rate of four cents per hundredweight is necessary to meet administration expenses. Provision should be made which would enable the Secretary to adjust the rate of assessment downward without the necessity of amending the order. This should be done at any time that experience indicates that a lesser rate will provide sufficient revenue to administer the order properly.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings, and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Indianapolis, Indiana, Marketing Area", and "Order Regulating the Handling of Milk in the Indianapolis, Indiana, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

*Referendum order; Determination of representative period; and designation of referendum agent.* It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Indianapolis, Indiana marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of October, 1960 is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan and Fred Stein are hereby designated agents of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., this 30th day of December 1960.

CLARENCE L. MILLER,
*Assistant Secretary.*

*Order[1] Regulating the Handling of Milk in the Indianapolis, Indiana Marketing Area*

Sec.


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AUTHORITY: §§ 1025.0 through 1025.91 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

**§ 1025.0 Findings and determinations.**

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Indianapolis, Indiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.



skim milk and butterfat contained in (i) producer milk (including a handler's own farm production), (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1025.46(a) (3) and (4) and the corresponding steps in § 1025.46(b), and (iii) subject to the proviso of § 1025.78, receipts at a nonpool plant of approved milk on which no administrative expense assessment has been paid pursuant to another order issued pursuant to the Act.

ORDER RELATIVE TO HANDLING

*It is therefore ordered,* That on and after the effective date hereof, the handling of milk in the Indianapolis, Indiana, marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

**§ 1025.1 Act.**

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

**§ 1025.2 Secretary.**

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

**§ 1025.3 Department.**

"Department" means the United States Department of Agriculture.

**§ 1025.4 Person.**

"Person" means any individual, partnership, corporation, association, or other business unit.

**§ 1025.5 Cooperative association.**

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

**§ 1025.6 Indianapolis, Indiana, marketing area.**

"Indianapolis, Indiana, marketing area," hereinafter called the "marketing area," means all the territory within the boundaries of the counties of Boone, Clinton, Delaware, Fayette, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Montgomery, Morgan, Putnam, Rush, Shelby, Tippecanoe, Tipton and Wayne, all in the State of Indiana, including territory wholly or partly within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions or other similar establishments.

**§ 1025.7 Approved dairy farmer.**

"Approved dairy farmer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at an approved plant.

**§ 1025.8 Producer.**

"Producer" means an approved dairy farmer whose milk is received at a pool plant.

**§ 1025.9 Distributing plant.**

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

**§ 1025.10 Supply plant.**

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

**§ 1025.11 Approved plant.**

"Approved plant" means a pool plant or a distributing plant which is not a pool plant.

**§ 1025.12 Pool plant.**

"Pool plant" means a plant specified in paragraphs (a) or (b) of this section except that of a producer-handler: *Provided,* That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which not less than 50 percent of the Grade A milk received at such plant from dairy farmers and other plants is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of on routes in the marketing area.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided,* That a pool plant qualified pursuant to this paragraph in each of the immediately preceding months of August through January shall be a pool plant for the months of April through July unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through July during which it would otherwise not qualify as a pool plant: *And provided further,* That a plant which would have qualified as a pool plant pursuant to this paragraph during each of the months of August 1960 through January 1961 if this order had been in effect shall be a pool plant for the months of April through July 1961, unless written application is filed with the market administrator on or before the first day of any such month to be designated as a nonpool plant for such month and for each subsequent month through July 1961 during which it would otherwise not qualify as a pool plant.

**§ 1025.13 Nonpool plant.**

"Nonpool plant" means a plant which (a) is neither a pool plant nor the plant of a producer-handler and (b) receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

**§ 1025.14 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of one or more approved plants, or

(b) Any cooperative association with respect to milk from approved dairy farmers which it causes to be diverted from an approved plant to a nonpool plant for the account of such cooperative association.

**§ 1025.15 Producer-handler.**

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from approved dairy farmers or from sources other than pool plants: *Provided,* That such person provides proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

**§ 1025.16 Approved milk.**

"Approved milk" means the skim milk and butterfat contained in milk received at an approved plant directly from an approved dairy farmer: *Provided,* That milk diverted from an approved plant to a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further,* That in any of the months of July through March milk diverted from an approved plant to a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act for more days of production than such milk was delivered to an approved plant shall not be approved milk for such days.

**§ 1025.17 Producer milk.**

"Producer milk" means approved milk received at a pool plant.

**§ 1025.18 Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, cream or any mixture in fluid form of cream and milk or skim milk (except eggnog, milkshake mix, frozen dessert mix, sour cream, aerated cream products, evaporated and plain or sweetened condensed milk or skim milk, and sterilized products packaged in hermetically sealed containers).

**§ 1025.19 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except (1)

fluid milk products received from pool plants, (2) approved milk, or (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted into or combined with another product in the plant during the month.

**§ 1025.20 Route.**

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1025.41(a)(1) to a retail or wholesale outlet other than a milk plant or a distribution point.

**§ 1025.21 Base zone.**

"Base zone" means all the territory within the boundaries of Marion County, Indiana.

**§ 1025.22 Butter price.**

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

**§ 1025.30 Designation.**

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

**§ 1025.31 Powers.**

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

**§ 1025.32 Duties.**

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1025.78 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1025.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1025.35 and 1025.36, nor payments pursuant to §§ 1025.62, 1025.70, 1025.74, 1025.76, 1025.77 and 1025.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 6th day of each month the minimum price for Class I milk pursuant to § 1025.51(a) and the Class I butterfat differential pursuant to § 1025.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1025.51(b) and the Class II butterfat differential pursuant to § 1025.52(b), both for the preceding month; and

(2) The 10th day after the end of each month the uniform price pursuant to § 1025.61 and the producer butterfat differential pursuant to § 1025.71; and

(k) On or before the 10th day after the end of each month report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association or its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month.

REPORTS, RECORDS AND FACILITIES

**§ 1025.35 Report of receipts and utilization.**

On or before the 6th day after the end of each month, or not later than the 8th day after the end of the month if the report required by this paragraph is delivered in person to the market administrator, each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each of his approved plants, in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of approved milk,

(2) Fluid milk products received from pool plants,

(3) Other source milk,

(4) Approved milk diverted to nonpool plants pursuant to § 1025.16, and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement, as requested by the market administrator, of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to the utilization of skim milk and butterfat as the market administrator may prescribe.

**§ 1025.36 Other reports.**

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator, on or before the 20th day after the end of the month for each of his pool plants, his producer pay roll for such month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

**§ 1025.37 Records and facilities.**

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to approved dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.



**§ 1025.38 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

**§ 1025.40 Skim milk and butterfat to be classified.**

The skim milk and butterfat which are required to be reported pursuant to § 1025.35 shall be classified each month by the market administrator pursuant to the provisions of §§ 1025.41 through 1025.46.

**§ 1025.41 Classes of utilization.**

Subject to the conditions set forth in § 1025.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) and (3) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy, or processed foods packaged in hermetically sealed containers;

(4) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month; and

(5) Skim milk and butterfat in shrinkage allocated to receipts of approved milk (except milk diverted to a nonpool plant pursuant to § 1025.16) and other source milk in bulk but not in excess of 0.5 percent of such receipts of skim milk and butterfat, respectively, plus 1.5 percent of such receipts and of the receipts of skim milk and butterfat in bulk fluid milk products from pool plants, and less 1.5 percent of such bulk dispositions to other plants.

**§ 1025.42 Shrinkage.**

The market administrator shall allocate shrinkage over a handler's receipts at each of his approved plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each approved plant, and

(b) Prorate the resulting amounts among the receipts of skim milk and butterfat contained in (1) approved milk (except milk diverted to a nonpool plant pursuant to § 1025.16), (2) other source milk in bulk, and (3) fluid milk products in bulk from other plants in excess of transfers of fluid milk products in bulk to other plants.

**§ 1025.43 Responsibility of handlers and reclassification of milk.**

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

**§ 1025.44 Transfers.**

Skim milk or butterfat disposed of each month from an approved plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 1025.35: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of other source milk pursuant to § 1025.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1025.46(a)(4) and the corresponding step of § 1025.46(b): *And provided further*, That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product and if the transferor plant is a pool plant;

(c) As Class I milk, if transferred or diverted to a nonpool plant in the form of a fluid milk product except as otherwise provided in paragraph (d) of this section;

(d) As Class I milk, if transferred or diverted in bulk either in the form of milk or skim milk to a nonpool plant not more than 150 miles from Monument Circle, Indianapolis, Indiana, by the shortest highway distance as determined by the market administrator, or in the form of cream to any nonpool plant unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 1025.35;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification, and

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the approved plant and shall be classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at an approved plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

**§ 1025.45 Computation of skim milk and butterfat in each class.**

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1025.35 for each approved plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

**§ 1025.46 Allocation of skim milk and butterfat classified.**

After making the computations pursuant to § 1025.45, the market administrator shall determine the classification of approved milk received at each approved plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in approved milk classified pursuant to § 1025.41(b)(5);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products in consumer-type packages

(including dispenser cans) subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act and not subtracted pursuant to subparagraph (2) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 1025.44(a);

(8) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in approved milk, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of approved milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

**§ 1025.47 Inventory reclassification.**

From any skim milk or butterfat assigned to Class I milk pursuant to § 1025.46(a)(6) and the corresponding step in § 1025.46(b), subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk pursuant to § 1025.46 in:

(a) Approved milk, and

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order.

### Minimum Prices

**§ 1025.50 Basic formula price.**

The basic formula price shall be the higher of the prices, rounded to the nearest cent, computed as follows:

(a) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

| Present Operator and Location |
|---|
| Borden Company, New London, Wis. |
| Borden Company, Orfordville, Wis. |
| Carnation Company, Oconomowoc, Wis. |
| Carnation Company, Richland Center, Wis. |
| Carnation Company, Sparta, Mich. |
| Pet Milk Company, Belleville, Wis. |
| Pet Milk Company, Coopersville, Mich. |
| Pet Milk Company, New Glarus, Wis. |
| Pet Milk Company, Wayland, Mich. |
| White House Milk Company, Manitowoc, Wis. |
| White House Milk Company, West Bend, Wis. |

(b) The sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) Multiply the butter price by 4.2.

(2) From the arithmetical average of the weighted averages of carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

**§ 1025.51 Class prices.**

Subject to the provisions of §§ 1025.52 and 1025.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month, plus $1.25.

(b) *Class II milk price.* The price for Class II milk shall be the basic formula price.

**§ 1025.52 Butterfat differentials to handlers.**

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1025.51 shall be increased or decreased respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.113.

**§ 1025.53 Location differentials to handlers.**

(a) The Class I price for approved milk received at an approved plant outside the base zone shall be reduced by 5 cents if such plant is less than 70 miles from Monument Circle, Indianapolis, Indiana, by the shortest highway distance as determined by the market administrator.

(b) The Class I price for approved milk received at an approved plant located 70 miles or more from Monument Circle, Indianapolis, Indiana, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced by 10 cents for the first 80 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from Monument Circle: *Provided,* That for the purpose of calculating such location differential, fluid milk products transferred between approved plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1025.46(a)(6) and the corresponding step of § 1025.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

**§ 1025.54 Use of equivalent prices.**

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

**§ 1025.55 Rate of payment on unpriced milk.**

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk:

(a) During the months of April through July, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of August through March, the uniform price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk.

### Application of Prices

**§ 1025.60 Computation of value of milk at each approved plant.**

The value of approved milk received during each month at each approved plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts computed by multiplying the overage deducted from each class pursuant to § 1025.46(a)(9) and the corresponding step of § 10.25.46(b) by the applicable class prices;

(c) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1025.46(a)(3) and (4) and the corresponding steps of § 1025.46(b) by the rate of payment on unpriced milk determined pursuant to § 1025.55 at the nearest nonpool plants from which an equivalent amount of such other source skim milk or butterfat was received: *Provided,* That if the source of any such fluid milk product received at an approved plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the approved plant where it is classified.

(d) Add the amounts obtained by multiplying (1) the quantities of skim milk and butterfat in approved milk subtracted pursuant to § 1025.47(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) the quantities of skim milk and butterfat remaining after the calculation pursuant to § 1025.47(b) by the rate of payment on unpriced milk pursuant to § 1025.55.

**§ 1025.61 Computation of uniform price.**

The market administrator shall compute the uniform price for each month as follows:

(a) Combine into one total the values computed pursuant to § 1025.60 for all pool plants for which the reports prescribed in § 1025.35 for such month were made, except those in default of payments required pursuant to § 1025.74 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers and multiplying the result by the hundredweight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1025.72;

(d) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computations by 8 percent of the Class I price for such month;

(e) Add an amount equal to one-half the cash balance in the producer-settlement fund, exclusive of amounts subtracted pursuant to paragraph (d) of this section or otherwise obligated pursuant to § 1025.75;

(f) Divide the value computed pursuant to paragraph (e) of this section by the hundredweight of producer milk included in such computation; and

(g) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (f) of this section.

**§ 1025.62 Handlers operating nonpool plants.**

Each handler in his capacity as the operator of a nonpool plant shall pay to the market administrator for deposit into the producer-settlement fund the amount computed pursuant to paragraph (a) of this section unless the handler elects at the time his report pursuant to § 1025.35 is due to pay the amount computed pursuant to paragraph (b) of this section. The amounts payable pursuant to this section shall be made on or before the 15th day after the end of each month.

(a) An amount obtained by multiplying the rate determined pursuant to § 1025.55 by the hundredweight of skim milk and butterfat disposed of as Class I milk from such plant on routes in the marketing area during the month which is in excess of the hundredweight of skim milk and butterfat, respectively, received from pool plants during the month and classified as Class I milk at such pool plants.

(b) Any plus amount remaining after deducting from the value of approved milk at such plant computed pursuant to § 1025.60:

(1) The total payment made on or before the 15th day after the end of the month to approved dairy farmers for approved milk received at such plant during the month; and

(2) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk at such plant during the month.

**§ 1025.63 Plants subject to other Federal orders.**

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1025.12 and a greater volume of fluid milk products is disposed of from such plant on routes in the Indianapolis marketing area and to pool plants qualified on the basis of route distribution in the Indianapolis marketing area than in the marketing area regulated pursuant to such other order: *Provided,* That the operator of a distributing plant or a supply plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1025.35) and allow verification of such reports by the market administrator.

### Payments for Milk

**§ 1025.70 Time and method of payment.**

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 15th day after the end of each month, for each hundredweight of producer milk received during such month, an amount computed at not less than the uniform price adjusted pursuant to §§ 1025.71, 1025.72, and 1025.77 plus the payment provided by § 1025.75(b), and less the payment made pursuant to subparagraph (1) of this paragraph: *Provided,* That if by such date the handler has not received full payment from the market administrator pursuant to § 1025.75 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator.

(b) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

**§ 1025.71 Butterfat differential to producers.**

The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1025.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

**§ 1025.72 Location differentials to producers.**

(a) The uniform price for producer milk received at a pool plant outside the base zone shall be reduced by 5 cents if such plant is less than 70 miles from Monument Circle, Indianapolis, Indiana, by the shortest hard-surfaced highway distance as determined by the market administrator.

(b) The uniform price for producer milk received at a pool plant 70 miles or more from Monument Circle, Indianapolis, Indiana, by the shortest hard-

surfaced highway distance as determined by the market administrator, shall be reduced 10 cents for the first 80 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from Monument Circle.

**§ 1025.73 Producer-settlement fund.**

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1025.62, 1025.74, 1025.75 and 1025.76: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

**§ 1025.74 Payments to the producer-settlement fund.**

On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1025.70 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1025.60.

**§ 1025.75 Payments from the producer-settlement fund.**

(a) On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1025.70, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1025.60: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

(b) On or before the 13th day after the end of each month of September, October, November and December the market administrator shall pay to (1) each handler on all milk for which payment is to be made to producers pursuant to § 1025.70(a)(2) for such month, and (2) to each cooperative association on all producer milk for which such association is receiving payments pursuant to § 1025.70(b) for such month at the following rate per hundredweight: For each of the months of September, October and November divide one-fourth of the aggregate amount set aside in the producer-settlement fund pursuant to § 1025.61(d) for the immediately preceding months of April through July and for the month of December divide the balance remaining, by the hundredweight of producer milk received by all handlers during the month, computed to the nearest cent per hundredweight.

**§ 1025.76 Adjustment of accounts.**

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

**§ 1025.77 Marketing services.**

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1025.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make in, lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

**§ 1025.78 Expense of administration.**

As his prorata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1025.46(a)(3) and (4) and the corresponding steps in § 1025.46(b), and (c) receipts at a nonpool plant of approved milk on which no administration expense assessment is being paid pursuant to another order issued pursuant to the Act: *Provided*, That if the operator of such nonpool plant elects to make payment to the producer-settlement fund pursuant to § 1025.62(a), the expense of administration pursuant to this section shall be applicable only to the hundredweight of skim milk and butterfat on which payment to the producer-settlement fund is due pursuant to that paragraph.

**§ 1025.79 Termination of obligations.**

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not be terminated until the [illegible] begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

**§ 1025.80 Effective time.**

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

**§ 1025.81 Suspension or termination.**

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

**§ 1025.82 Continuing power and duty of the market administrator.**

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

**§ 1025.83 Liquidation after suspension or termination.**

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

**§ 1025.90 Separability of provisions.**

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

**§ 1025.91 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F.R. Doc. 61-71; Filed, Jan. 4, 1961; 8:50 a.m.]

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Pages 89–118

# FEDERAL REGISTER

VOLUME 26 NUMBER 3

Washington, Friday, January 6, 1961

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Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

**FEDERAL REGISTER**

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 846.3]

### PART 846—HAWAII

### 1960 and Subsequent Crops

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, Part 846, Chapter VIII of Title 7 of the Code of Federal Regulations is revised to read as follows:

§ 846.3 Normal yields and eligibility for abandonment and crop deficiency payments for sugarcane farms in Hawaii, 1960 and subsequent crops.

(a) *Purpose.* The provisions of this section set forth the basis for determining the normal yields of farms in Hawaii for 1960 and succeeding years and for determining the eligibility for abandonment and crop deficiency payments of farms in Hawaii with respect to the 1960 and subsequent crops, pursuant to the provisions of the Sugar Act of 1948, as amended (hereinafter referred to as "act").

(b) *Definitions.* For the purposes of this section, the terms:

(1) "State Administrative Officer" means the person employed to be responsible for the day-to-day operations of the Hawaii Agricultural Stabilization and Conservation State Office, or any employee in such office acting on behalf of such person.

(2) "Planted acre", "planted acres", or "planted acreage" means the acres planted to sugarcane which is either harvested for the extraction of sugar or liquid sugar, or is abandoned, insofar as use for sugar production is concerned, because of drought, flood, storm, freeze, disease, or insects, provided the abandoned acres were suitable for the production of sugarcane and were cared for until the time of abandonment in a manner which could have been expected under average conditions to produce a normal crop of sugarcane.

(3) "Annual yield" for a farm for a calendar year means the yield per planted acre in that year, expressed in hundredweight of sugar, raw value, commercially recoverable, as computed by the use of the planted acres for the farm for such year and the amount of sugar, raw value, commercially recoverable, as determined for the farm for such year in accordance with § 836.1 of this chapter.

(4) "Base period" for each farm for a calendar year means all of the most recent calendar years in each of which there were planted acres on the farm, not to exceed five years within the preceding ten-year period.

(5) "Local producing area" means all contiguous or nearby farms or parts of farms which are similar with respect to climatic conditions, types of soil or with respect to topography, as determined by the State Administrative Officer: *Provided*, That farms separated from other farms by any natural barrier or large area of land shall not be included within the same local producing area.

(c) *Farm normal yield.* The normal yield per acre for each sugarcane farm in Hawaii shall be established for each calendar year as follows:

(1) For a farm having a base period of three or more calendar years, the normal yield shall be the simple average of the annual yields for the farm for all of such years.

(2) For a farm having a base period of less than three calendar years, or no base period, the normal yield shall be that established by the State Administrative Officer on the basis of the normal yields of other farms in the same local producing area, variations in soil productivity, climatic conditions, cultural practices and other pertinent factors.

(d) *Eligibility for abandonment and deficiency payments*—(1) *General.* For each calendar year, each sugarcane farm having abandonment of sugarcane acreage during such year, or having a crop deficiency of harvested acreage of sugarcane in such year resulting in production below 80 percent of the normal yield for such acreage for such year, or having both such abandonment and deficiency, shall be eligible for payments relating thereto, and such payments shall be certified, if the following conditions with respect to the farm are met:

(i) The abandonment or deficiency was caused directly by drought, flood, storm, freeze, disease or insects.

(ii) The abandoned sugarcane acres, or the harvested acres of sugarcane with respect to which there was such crop deficiency, were suitable for the production of sugarcane and were cared for until the time of harvest or abandonment, as the case may be, in a manner which could have been expected under average conditions to produce a normal crop of sugarcane.

(iii) The farm was located in whole or in part in a local producing area for which the State Administrative Officer determines that due to drought, flood, storm, freeze, disease, or insects, the actual yields of commercially recoverable sugar from the planted acres on farms or parts of farms in such local producing area were below 80 percent of the applicable normal yields for such acres either for 10 percent or more of the number of such farms or parts of farms in such local producing area, or for 10 percent or more of the total planted acres in such local producing area.

(iv) There was compliance with all the other conditions for payment prescribed by the act.

(2) *Certification.* The signing of the recommendation for payment and certification by the State Administrative Officer of an application for an abandonment payment or a crop deficiency payment, or both, shall constitute a determination that the farm with respect to which such application is made is eligible for such a payment or payments, as the case may be.

STATEMENT OF BASES AND CONSIDERATIONS

Section 303 of the act authorizes the Secretary to make payments to producers of sugarcane with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage under certain conditions. The payments are computed in reference to normal yields of commercially recoverable sugar per acre, as established for individual farms pursuant to determinations issued by the Secretary.

The pertinent language of section 303 regarding eligibility for these payments reads: "* * * the Secretary is also authorized to make payments, on the conditions provided in section 301, with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage, resulting from drought, flood, storm, freeze, disease, or insects, which cause such damage to all or a substantial part of the crop of * * * sugarcane in the same * * * local producing area, as determined in accordance with regulations issued by the Secretary * * *".

This determination primarily represents a reissuance of the determination which became effective with the 1950 crop. For purposes of clarity, the paragraph on definitions is revised. The references to governmental agencies reflect the current organization of the Department.

The most significant change included in this action relates to the evaluation of a substantial part of the crop in a local producing area. This action broadens the basis for such evaluation through the consideration of either the number of farms (or parts of farms) on which yields are reduced by the damage or the total number of acres of sugarcane on the farms where the damage occurred. Generally similar provisions are applicable in the Domestic Beet Sugar and Mainland Cane Sugar Areas. For previous crops in Hawaii, consideration was limited to the total number of acres of sugarcane. The change is made effective for the 1960 crop because of volcanic damage. It will permit the approval of abandonment or deficiency payments with respect to certain small farms otherwise ineligible because of location in a local producing area wherein the damage affected the acreage on more than ten percent of the farms but did not affect as much as ten percent of the total acreage.

Another change lengthens the base periods to be used in establishing normal

yields for certain individual farms. Under the change, the base periods for such farms will be extended to cover the most recent years in which sugarcane was either harvested or abandoned, not to exceed five years within the preceding ten-year period. Unlike the practice in most other areas, sugarcane in Hawaii is harvested only after about two years of growth. Thus, on farms where only a part of the sugarcane has reached this stage of growth, the balance of the cane would be harvested in the following year. Conversely, where none of the sugarcane has reached this stage of growth in a particular year, all of the cane is harvested in the following year. For these latter farms the former base period, comprising the next preceding five calendar years, covered no more than three crops. When abandonment or crop deficiency reduced the yield on these farms for one or more of such crops, the average yield was reduced sharply. Since the average yields for some of such farms became the normal yields, abandonment or deficiency payments were affected unfavorably. This would be especially noticable for the 1960 crop because of significant volcanic damage and the inclusion of the similarly damaged 1955 crop in a five-year base period. The lengthening of base periods for certain farms, particularly those harvesting all of their sugarcane in alternate years, will provide coverage of numbers of crops more comparable with the numbers included for other domestic sugar producing areas, and should result in more representative farm normal yields.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 303, 61 Stat. 930, as amended; 7 U.S.C. 1133)

Issued this 30th day of December 1960.

C. M. FERGUSON,
*Acting Secretary of Agriculture.*

[F.R. Doc. 61-97; Filed, Jan. 5, 1961; 8:47 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

### PART 927—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

### Subpart—Classification and Accounting Rules and Regulations

MISCELLANEOUS AMENDMENTS

Pursuant to provisions of § 927.36 of the order, as amended (7 CFR Part 927; 22 F.R. 4643), regulating the handling of milk in the New York-New Jersey marketing area, and of the Administrative Procedure Act (5 U.S.C. 1001 et seq.), a public meeting was held at New York, New York, on November 22, 1960 to consider proposals for the amendment of the rules and regulations heretofore issued (7 CFR § 927.101 et seq.) pursuant to said order. Notice of said public meeting was issued on October 20, 1960, and published in the FEDERAL REGISTER on November 5, 1960 (25 F.R. 10601).

After due consideration of the data, views, and arguments presented by interested parties at such public meeting, the rules and regulations heretofore amended are hereby further amended, subject to the approval of the Secretary of Agriculture, as follows:

Amend § 927.149 to read as follows:

§ 927.149 Cream—step 3.

Deduct butterfat received in the form of packaged sour cream from butterfat leaving the plant or in the closing inventories at the plant in the form of packaged sour cream. If such butterfat is nonpooled butterfat, it should be deducted as far as possible from packaged sour cream other than Class II.

Amend § 927.159 to read as follows:

§ 927.159 Cream—step 5.

Deduct butterfat received in the form of sour cream from butterfat leaving the plant or in the closing inventories at the plant in the form of sour cream. If such butterfat is nonpooled butterfat, it should be deducted as far as possible from butterfat in sour cream other than Class II.

§ 927.124 [Amendment]

Amend § 927.124 by changing the words "two quarts or less" to "four quarts or less."

Issued at New York, N.Y., this 21st day of December 1960.

C. J. BLANFORD,
*Market Administrator.*

It is hereby determined that it is unnecessary and impracticable to defer the effective date of the above tentative amendment 30 days or more after publication in the FEDERAL REGISTER in that (1) a copy of said tentative amendment was mailed on or about December 21, 1960, to all handlers operating pool plants, thus affording such handlers a reasonable time to prepare for the effective date here specified, and (2) the said tentative amendment is required by provisions of the said order to be effective on the first of the month following its approval.

Accordingly, the said tentative amendment is hereby approved on behalf of the Secretary of Agriculture this 3d day of January 1961 to be effective on and after February 1, 1961.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61-96; Filed, Jan. 5, 1961; 8:47 a.m.]

# Title 41—PUBLIC CONTRACTS

## Chapter 50—Division of Public Contracts, Department of Labor

### PART 50-202—MINIMUM WAGE DETERMINATIONS

### Electron Tubes and Related Products Industry; Correction

In the above entitled document amending Part 50-202 of Chapter 50 of Title 41 of the Code of Federal Regulations published at 25 F.R. 12553 by adding thereto § 50-202.58, the effective date of the regulations set forth in paragraph (d) reading "January 7, 1960" should read "January 7, 1961".

Signed at Washington, D.C., this 30th day of December 1960.

JAMES P. MITCHELL,
*Secretary of Labor.*

[F.R. Doc. 61-85; Filed, Jan. 5, 1961; 8:46 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Reg. Docket No. 323; Amdt. 1-4]

### PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

### Location and Size of Aircraft Nationality and Registration Marks

On March 24, 1960, the Federal Aviation Agency, in Draft Release 60-5 (25 F.R. 2734), proposed a uniform method of displaying identification marks on fixed-wing aircraft. The proposal was based upon the experience gained in observing aircraft marked in accordance with Part 1 and Special Civil Air Regulation SR-412B.

After full consideration of all comments received, it has been determined that identification marks at least 12 inches high should be required on the fuselage or, at the option of the aircraft owner, on the vertical tail. The use of 12-inch side markings has been advocated by the U.S. Air Force for many years as a means of decreasing the collision hazard associated with air-to-air identification. In addition, air traffic controllers have advised that such marks, by facilitating the identification of aircraft, aid in the control of air traffic. The new requirements being adopted by this amendment are those presently contained in the permissive SR-412B. Accordingly, aircraft which are displaying marks in accordance with SR-412B will require no modification.

The proposed requirement of lower wing surface markings are not being adopted. Comments received indicate that such markings are of little value in air-to-air identification. It is recognized that identification marks on the lower wing surface may, in some instances, serve as a means of identifying violators of noise abatement programs and this matter was given particular attention. However, unless the aircraft is flying at an appropriate altitude, attitude, and speed; the observer is situated directly below the flight path; it is during daylight; and weather conditions are favorable, these marks are of little value in effecting positive ground-to-air identification. In view of these factors and considering the cost to aircraft owners and operators of applying and maintaining lower wing surface marks, the Agency has concluded that sufficient justification does not exist to require the display of such marks.

A number of comments were concerned with the problem of removing old marks, particularly with regard to fabric-covered aircraft. The regulation does not prohibit the continued display of such marks as an addition to those required.

Many persons objected to the one-year compliance date as being too short. The Agency believes these objections are valid and the display of identification marks in accordance with the new standards will not be mandatory until January 1, 1966, except that on and after January 1, 1962, newly marked and completely remarked aircraft must comply with the new standards.

In consideration of the foregoing, Part 1 of the Civil Air Regulations (14 CFR Part 1, as amended) is hereby amended as follows, effective December 31, 1960:

1. By amending § 1.101 by deleting from the introductory paragraph the phrase "in paragraphs (a) and (b)" and inserting in lieu thereof "in paragraphs (a) through (c)" and by adding a new paragraph (c) to read as follows:

§ 1.101 Display of identification marks.

* * * * *

(c) The application of identification marks on fixed-wing aircraft shall be subject to the conditions of subparagraphs (1) and (2) of this paragraph.

(1) On and after January 1, 1966, the location and measurement of identification marks on fixed-wing aircraft shall be in accordance with §§ 1.102 and 1.103.

(2) Prior to January 1, 1966, the provisions of §§ 1.102 and 1.103 or the provisions of subdivisions (i), (ii), and (iii) of this subparagraph shall be complied with, except that on and after January 1, 1962, all fixed-wing aircraft which are newly marked or completely remarked shall display identification marks in accordance with §§ 1.102 and 1.103.

(i) *Wing surfaces.* Identification marks at least 20" high shall be displayed on the right half of the upper surface and the left half of the lower surface of the wing structure. As far as possible, the marks shall be located an equal distance from the leading and trailing edges of the wing. The top of the marks shall be toward the leading edge of the wing.

(ii) *Vertical tail surfaces.* Identification marks at least 2" high shall be displayed on the upper half of the vertical tail surface. They shall be displayed on both sides of a single tail surface and on the outer sides of multitail surfaces. They may be placed either horizontally or vertically.

(iii) *Fuselage surfaces.* Identification marks at least 2" high shall be displayed on the fuselage when the aircraft does not have a vertical tail surface. The marks shall be located on each side of the top half of the fuselage just forward of the leading edge of the horizontal tail surface. They may be placed either horizontally or vertically.

2. By amending § 1.102(a) to read as follows:

§ 1.102 Location of identification marks.

* * * * *

(a) *Fixed-wing aircraft.* Fixed-wing aircraft shall have identification marks displayed horizontally on the vertical tail surfaces or on the sides of the fuselage.

(1) *Vertical tail surfaces.* If identification marks are displayed on the vertical tail surfaces, both surfaces of a single vertical tail or the outer surfaces of a multivertical tail shall be marked.

(2) *Fuselage surfaces.* If identification marks are displayed on the fuselage surfaces, both sides of the fuselage shall be marked between the trailing edge of the wing and the leading edge of the horizontal stabilizer. If engine pods or other appurtenances are located in this area and are an integral part of the fuselage side surfaces, the marks may be placed on such pods or appurtenances.

3. By amending § 1.103(a) to read as follows:

§ 1.103 Measurements of identification marks.

* * * * *

(a) *Fixed-wing aircraft.* The required identification marks shall be of equal height of not less than 12 inches.

(Secs. 307(c), 313(a), 601; 72 Stat. 749, 752, 775; 49 USC 1348(c), 1354(a), 1421)

Issued in Washington, D.C., on December 30, 1960.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-94; Filed, Jan. 5, 1961; 8:47 a.m.]

[Reg. Docket No. 617; Amdt. 42-30]

### PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

### Recent Flight Experience Requirements for Flight Crewmembers

Currently effective § 42.44(a)(3) of the Civil Air Regulations requires that the pilot in command on any aircraft under IFR conditions shall have successfully accomplished an instrument check within the preceding 6 months. This and certain other provisions of Part 42 are presently applicable to air taxi operations and to commercial operations with small aircraft, and such operations will continue to be governed by the provisions of Part 42 until such time as Part 47 of the Civil Air Regulations, "Certification and Operation Rules Governing the Carriage of Persons or Property for Compensation or Hire with Small Aircraft," becomes effective.

Civil Air Regulations Amendment 42-23, issued December 1, 1959, and to become fully effective January 1, 1961, includes a revision of the recent flight experience for pilots contained in § 42.44(a)(3). At the time this amendment was issued, it was anticipated that Part 47 would become effective before January 1, 1961; consequently, the revised § 42.44(a) makes no provision for instrument checks of the pilot in command on small aircraft.

Since Part 47 will not become effective by January 1, 1961, a serious safety deficiency will be created when Amendment 42-23 becomes fully effective on that date, as there will then be no regulatory basis for requiring periodic instrument proficiency checks for pilots in command engaging in IFR air taxi and small aircraft commercial operations. In view of this safety deficiency, which will otherwise occur on January 1, 1961, it is necessary to extend the present requirements of § 42.44(a)(3), as they apply to pilots in command on small aircraft used in IFR operations, until such time as Part 47 becomes effective.

This amendment reinstates a present requirement which will be eliminated by Amendment 42-23 on January 1, 1961. The periodic instrument proficiency checks of pilots in command of small aircraft used in air taxi and commercial operations have long been a required safety standard, and it is imperative that this standard be maintained without interruption. Therefore, notice and public procedure hereon are impracticable, and the amendment may be made effective on less than 30 days' notice.

In consideration of the foregoing, § 42.44(a) of Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) is hereby amended by adding a new subparagraph (5) to read as follows, effective January 1, 1961:

§ 42.44 Recent flight experience requirements for flight crewmembers.

* * * * *

(a) *Pilots.* * * *

(5) *Proficiency check for pilot in command on small aircraft.* Within the preceding 6 months the pilot in command on any small aircraft under IFR conditions shall have successfully accomplished an instrument check demonstrating his ability to pilot and navigate by instruments, to accomplish a standard instrument approach using radio range facilities, and to accomplish an instrument approach in accordance with ILS, GCA, or D/F procedures when such facilities are to be used. This instrument check shall be given by an authorized representative of the Administrator or a check pilot of the air carrier, on an aircraft of a type on which the pilot in command is to serve.

(Secs. 313(a), 601, 604; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424)

Issued in Washington, D.C., on December 30, 1960.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-95; Filed, Jan. 5, 1961; 8:47 a.m.]

## Chapter III—Federal Aviation Agency

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 595; Amdt. 197]

# PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

## Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevat on. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| PROCEDURE CANCELLED, EFFECTIVE 31 DECEMBER 1960, OR ON DECOMMISSIONING OF FACILITY. | | | | | | | |
| *Replaces LFR Procedure No. 2 cancelled 14 September 1954. | | | | | | | |
| City, Butte; State, Mont.; Airport Name, Municipal; Elev., 5554'; Fac. Class., LFR-FM; Ident., HIA-HSK; Procedure No. *1, Amdt. Orig.; Eff. Date, 24 Sept. 54 | | | | | | | |
| PROCEDURE CANCELLED, EFFECTIVE 31 DECEMBER 1960. | | | | | | | |
| City, Las Vegas; State, Nev.; Airport Name, McCarran Field; Elev., 2171'; Fac. Class., SBMRAZ; Ident., LAS; Procedure No. 1, Amdt. 8; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 7; Dated, 5 Jan. 57 | | | | | | | |
| Goodsprings HW | LS-LFR | Direct | 7000 | T-dn | 300-2 | 300-2 | 300-2 |
| Int SW crs LS-LFR and LAS-VOR R-270. | LS-LFR | Direct | 5100 | C-dn | 600-1 | 600-1 | 600-1½ |
| Las Vegas VOR | LS-LFR | Direct | 5100 | A-dn | 300-2 | 300-2 | 300-2 |
| Kids Intersection | LS-LFR | Direct | 5100 | | | | |
| Boulder City Int | LS-LFR | Direct | 6000 | | | | |
| Procedure turn E side NE crs, 028° Outbnd, 208° Inbnd, 5100' within 10 miles. Minimum altitude over LS-LFR on final approach crs, 4600'. Minimum altitude over LAS-VOR on final approach crs, 2800'. Crs and distance, facility to airport, 196°—9.4 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.0 mi. after passing Las Vegas VOR turn left, climb to 6000' on R-065 within 15 mi of VOR or, when directed by ATC, climb to 6000' on R-210 within 10 miles of VOR. All turns South of crs. CAUTION: 4054' terrain 4 miles SE of LFR. | | | | | | | |
| City, Las Vegas; State, Nev.; Airport Name, McCarran Field; Elev., 2171'; Fac. Class., SBMRAZ; Ident., LS; Procedure No. 1, Amdt. 7; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 6 (Proc. No. 2); Dated, 5 Sept. 59 | | | | | | | |

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure or such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| KS-LFR | FRY RBn | Direct | 2400 | T-dn | 300-1 | 300-1 | 300-1½ |
| MKO-VOR | FRY RBn | Direct | 2400 | C-dn* | 600-1 | 600-1 | 700-1½ |
| Farley Int | FRY RBn | Direct | 2400 | S-dn-30 | 600-1 | 600-1 | 600-1 |
| DeSoto Int | FRY RBn | Direct | 2400 | A-dn | 1600-3 | 1600-3 | 1600-3 |
| STJ "H" | FRY RBn | Direct | 2400 | | | | |
| Procedure turn East side of crs, 124° Outbnd, 304° Inbnd, 2300' within 10 mi. Minimum altitude over facility on final approach crs, 1700'. Crs and distance, facility to airport, 304°—4.9 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing FRY "H", make immediate right climbing turn, return to FRY "H", climb to 2400'. Hold West one minute, all turns to the left. CAUTION: Hills and towers with elevations to 1066' MSL adjacent to airport W and NW. NOTE: Prior arrangement for landing required for aircraft not on official business. *All circling approaches will be made to the east of the airport. | | | | | | | |
| City, Fort Leavenworth; State, Kans.; Airport Name, Sherman AAF; Elev., 770'; Fac. Class., H; Ident., FRY; Procedure No. 1, Amdt. 1; Eff. Date, 31 Dec. 60; Sup. Amdt. No. Orig.; Dated, 21 Nov. 59 | | | | | | | |



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| TS-LFR | LOM | Direct | 2300 | T-dn | 300-1 | 300-1 | 300-1½ |
| Loudon Int | LOM | Direct | 2300 | C-d | 500-1 | 500-1 | 500-1½ |
| TYS VOR | LOM | Direct | 2400 | C-n | 500-1½ | 500-1½ | 500-1½ |
| Tallassee Int | LOM | Direct | 2300 | S-dn-4L | 400-1 | 400-1 | 400-1 |
| Rasar Int | LOM | Direct | 3700 | A-dn | 800-2 | 800-2 | 800-2 |
| Radar terminal area transition altitudes: 0°-360° within 5 mi 2500'; 091°-170° within 10 mi 4000'; 180°-090° within 10 mi 2500'; 158°-205° within 17 mi 5000'; 355°-070° within 17 mi 3000'; 205°-270° within 24 mi 2500'; 355°-070° within 25 mi 3100'; 270°-355° within 10 to 20 mi, 3000'; 070°-085° within 10 to 25 mi, 4000'. Radar control will provide 1000' vertical clearance within a 3-mi radius of terrain 3100' MSL located at 34-49/83-40 or maintain 4300'. All bearings and distances are from the Radar Antenna Site with sector azimuths progressing clockwise. Procedure turn W side SW crs, 225° Outbnd, 045° Inbnd, 2700' within 10 mi. Minimum altitude over facility on final approach crs, 2000'. Crs and distance, facility to airport, 045°—5.4 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, turn left, climb to 3000' on N crs TS LFR within 20 mi or, when directed by ATC, climb to 3000' on NE crs TS-LFR or TYS-VOR R-069 within 20 mi. MAJOR CHANGES: Deletes transitions from Tallassee FM and from SW crs TYS and 290° brng from LOM. | | | | | | | |
| City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989'; Fac. Class., LOM; Ident., TY; Procedure No. 1, Amdt. 18; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 17; Dated, 11 July 59 | | | | | | | |
| Billings Int | LOM | Direct | 2700 | T-dn | 300-1 | 300-1 | 300-1½ |
| Sparta Int* | LOM | Direct | 2800 | C-dn | 400-1 | 400-1 | 400-1½ |
| SGF VOR | LOM | Direct | 2700 | S-dn | 400-1 | 400-1 | 400-1 |
| SF LFR | LOM | Direct | 2700 | A-dn | 800-2 | 800-2 | 800-2 |
| Procedure turn E side crs, 195° Outbnd, 015° Inbnd, 2700' within 10 mi. Minimum altitude over facility on final approach crs, 2500'. Crs and distance, facility to airport, 015°—3.6 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500' on crs 015°. Proceed to the SGF VORTAC. *Sparta Int: Int R-139 SGF VOR and R-283 Dogwood VOR. | | | | | | | |
| City, Springfield; State, Mo.; Airport Name, Springfield Municipal; Elev., 1267'; Fac. Class., LOM; Ident., SG; Procedure No. 1, Amdt. 1; Eff. Date, 31 Dec. 60; Sup. Amdt. No. Orig.; Dated, 24 Sept. 60 | | | | | | | |

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| AC-LFR | ANC-VOR | Direct | 1500 | T-dn | 300-1 | 300-1 | 300-1½ |
| Delta Island Int | ANC-VOR | Direct | 1500 | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-6 | 600-1 | 600-1 | 600-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| Procedure turn S side of crs, 234° Outbnd, 054° Inbnd, 1800' within 10 miles. Minimum altitude over facility on final approach crs, 1300'. Crs and distance, facility to airport, 052°—5.9 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 mi turn right climbing to 1800' on SW crs (183) AC LFR within 20 miles or, when directed by ATC, (1) Turn right, climbing to 1800' on W crs ANC ILS (244°) ADF within 20 miles of LOM, (2) Turn left, climbing to 1800' on NW crs AC LFR (305) to hold at Susitna Int, (3) Right turn climbing to 1800' on R-234 within 20 miles of ANC VOR. CAUTION: Terrain 384' msl 1.6 mi SW of airport and 1.4 mi S of approach to Runway 06. | | | | | | | |
| City, Anchorage; State, Alaska; Airport Name, Anchorage Int'l; Elev., 114'; Fac. Class., VOR; Ident., ANC; Procedure No. 1, Amdt. 2; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 1; Dated, 11 June 60 | | | | | | | |
| | | | | T-dn | 300-1 | 300-1 | 300-1½ |
| | | | | C-dn | 400-1 | 400-1 | 400-1½ |
| | | | | S-dn-12 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000' within 10 mi. Minimum altitude over facility on final approach crs, 2000'. Crs and distance, facility to airport, 144°—4.6. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi, climb immediately to 2000' on R-144 within 20 mi. CAUTION: Radio tower 7 mi SE of airport 1921' MSL. | | | | | | | |
| City, Green Bay; State, Wis.; Airport Name, Austin-Straubel; Elev., 694'; Fac. Class., BVORTAC; Ident., GRB; Procedure No. 1, Amdt. 4; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 3; Dated, 12 Dec. 56 | | | | | | | |

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Goodsprings HW | LAS-VOR | Direct | 7000 | T-dn | 800-2 | 800-2 | 800-2 |
| Las Vegas LFR | LAS-VOR | Direct | 5100 | C-dn | 600-1 | 600-1 | 600-1½ |
| Las Vegas LFR/Z | LAS-VOR (Final) | Direct | *2800 | A-dn | 800-2 | 800-2 | 800-2 |
| Kids Int | LAS-VOR | Direct | 5100 | | | | |
| Erie Int | LAS-VOR | Direct | 6100 | | | | |
| Boulder City Int | LAS-VOR | Direct | 6000 | | | | |

Procedure turn East side crs, 013° Outbnd, 193° Inbnd, 5100′ within 15 miles (within 5 miles LS-LFR). Beyond 15 miles NA.
*Minimum altitude over LS-LFR/Z on final approach crs, 4600′; over VOR on final approach crs, 2800′ facility at airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left, climb to 6000′ on R-065 within 15 miles or, when directed by ATC, climb to 6000′ on R-210 within 10 miles. All turns South of crs.
CAUTION: 4054′ terrain 4 miles SE of LFR.
*Descent below 4600′ authorized only if position over LFR or Z marker positively determined inbound on final approach.

City, Las Vegas; State, Nev.; Airport Name, McCarran; Elev., 2171′; Fac. Class., BVORTAC; Ident., LAS; Procedure No. 1, Amdt. 9; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 8; Dated, 5 Sept. 59

PROCEDURE CANCELLED, EFFECTIVE 31 DECEMBER 1960, OR UPON DECOMMISSIONING OF VOR.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., BVOR; Ident., HUF; Procedure No. 1, Amdt. 5; Eff. Date, 11 Apr. 59; Sup. Amdt. No. 4; Dated, 1 May 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Covington Int | SSU-VOR | Direct | 5800 | T-d | 1600-1 | 1600-1 | 1600-1 |
| Natural Well Int | SSU-VOR | Direct | 5400 | T-n | NA | NA | NA |
| Frankford Int | SSU-VOR | Direct | 5400 | C-d | 2100-2 | 2100-2 | 2100-2 |
| | | | | C-n | NA | NA | NA |
| | | | | A-dn | NA | NA | NA |

Procedure turn North side of crs, 119° Outbnd, 299° Inbnd, 4900′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 4100′.
Crs and distance, facility to airport, 299°—1.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles, make an immediate climbing left turn to 4900′ on SSU-VOR R-119 within 10 mi.

City, White Sulphur Springs; State, W. Va.; Airport Name, Greenbrier; Elev., 1795′; Fac. Class., BVOR; Ident., SSU; Procedure No. 1, Amdt. 2; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 1; Dated, 22 Oct. 60

**4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:**

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| BQ-LFR | BTL-VOR | Direct | 2200 | T-dn | 300-1 | 300-1 | 300-1 |
| AZO-VOR | BTL-VOR | Direct | 2200 | C-dn | 1000-1 | 1000-1 | 1000-1½ |
| LFD-VOR | BTL-VOR | Direct | 2200 | S-dn-13 | 1000-1 | 1000-1 | 1000-1 |
| LeRoy Int | BTL-VOR | Direct | 2200 | A-dn | 1000-2 | 1000-2 | 1000-2 |
| AZO-VOR | Wintergreen Int* | Direct | 3000 | The following minimums apply for aircraft equipped with dual VOR and Augusta Int identified: | | | |
| Wintergreen Int* | Augusta Int** (Final) | Direct | 1900 | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-13 | 600-1 | 600-1 | 600-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn North side of crs, 318° Outbnd, 138° Inbnd, 3000′ within 10 mi. NA beyond 10 mi.
Minimum altitude over Augusta Int* on final approach crs, 1900′.
Crs and distance, Augusta Int* to BTL-VOR, 138°—4.4 mi.
Crs and distance, breakoff point to Rnwy 13, 127°—0.58 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over BTL VOR, climb on R-138 to 2200′, then reverse course, proceed to BTL VOR.
CAUTION: 1964′ tower, 294°—13 mi. from airport.
*Wintergreen Int: Int AZO-VOR R-030 and BTL-VOR R-318.
**Augusta Int: Int AZO-VOR R-055 and BTL-VOR R-318.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Field; Elev., 941′; Fac. Class., BVORTAC; Ident., BTL; Procedure No. TerVOR-13, Amdt. 4; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 3; Dated, 10 Dec. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| BQ-LFR | BTL-VOR | Direct | 2200 | T-dn | 300-1 | 300-1 | 300-1 |
| LFD-VOR | BTL-VOR | Direct | 2200 | C-dn | 600-1 | 600-1 | 600-1½ |
| LeRoy Int | BTL-VOR | Direct | 2200 | S-dn-22 | 600-1 | 600-1 | 600-1 |
| AZO-VOR | BTL-VOR | Direct | 2200 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 051° Outbnd, 231° Inbnd, 2300′ within 10 miles.
Minimum altitude over BTL-VOR on final approach crs, 1500′.
Crs and distance, breakoff point to Rnwy 22, 224°—0.35 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over BTL VOR, turn left, climb on R-180 to 2200′, then reverse course, proceed to BTL VOR.
CAUTION: 1964′ tower, 294°—13 mi. from airport.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Field; Elev., 941′; Fac. Class., L-BVORTAC; Ident., BTL; Procedure No. TerVOR-22, Amdt. 3; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 2; Dated, 12 Nov. 60



TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| BQ-LFR | BTL-VOR | Direct | 2200 | T-dn | 300-1 | 300-1 | 300-1 |
| AZO-VOR | BTL-VOR | Direct | 2200 | C-dn | 1000-1 | 1000-1 | 1000-1½ |
| LFD-VOR | BTL-VOR | Direct | 2200 | S-dn-4 | 1000-1 | 1000-1 | 1000-1 |
| AZO-VOR | Fulton Int** | Direct | 2100 | A-dn | 1000-2 | 1000-2 | 1000-2 |
| Fulton Int | West Int* (Final) | Direct | 1900 | | | | |
| LeRoy Int | BTL-VOR | Direct | 2200 | The following minimums apply for aircraft equipped with dual VOR and West Int identified: | | | |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-4 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn East side of crs, 216° Outbnd, 036° Inbnd, 2200′ within 10 mi.
Minimum altitude over West Int* on final approach crs, 1900′.
Crs and distance, West Int* to airport, 036°—8.4 mi.
Crs and distance, breakoff point to Runwy 4, 044°—0.42 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over BTL VOR, climb on R-036 to 2200′, then reverse course, proceed to BTL VOR.
CAUTION: 1954′ tower 295°—13 mi. from airport.
*West Int: Int BTL-VOR R-216 and AZO-VOR R-063 (W crs BQ-LFR).
**Fulton Int: Int AZO-VOR R-101 and BTL-VOR R-216.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Field; Elev., 941′; Fac. Class., L-BVORTAC; Ident., BTL; Procedure No. TerVOR-4, Amdt. 3; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 2; Dated, 12 Nov. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| BQ-LFR | BTL-VOR | Direct | 2200 | T-dn | 300-1 | 300-1 | 300-1 |
| AZO-VOR | BTL-VOR | Direct | 2200 | C-dn | 1000-1 | 1000-1 | 1000-1½ |
| LeRoy Int | BTL-VOR | Direct | 2200 | S-dn-31 | 1000-1 | 1000-1 | 1000-1 |
| | | | | A-dn | 1000-2 | 1000-2 | 1000-2 |
| | | | | The following minimums apply for aircraft equipped with dual VOR and South Side Int identified: | | | |
| | | | | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-31 | 600-1 | 600-1 | 600-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn North side of crs, 118° Outbnd, 298° Inbnd, 2200′ within 10 miles.
Minimum altitude over South Side Int* on final approach crs, 1900′.
Crs and distance, South Side Int* to airport, 298°—8.5 mi.
Crs and distance, breakoff point to airport, 307°—0.42 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over BTL VOR, turn right, climb on R-360 to 2200′, then reverse course, proceed to BTL VOR.
CAUTION: 1954′ tower 294°—13 miles.
*South Side Int: Int R-079 AZO-VOR and R-118 BTL-VOR.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Field; Elev., 941′; Fac. Class., L-BVORTAC; Ident., BTL; Procedure No. TerVOR-31, Amdt. 3; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 2; Dated, 12 Nov. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| LE-LFR | LSE-VOR | Direct | 2400 | T-d | *400-1 | *400-1 | #400-1 |
| Nodine-VOR | LSE-VOR | Direct | 2400 | T-n | *400-1½ | *400-1½ | #400-1½ |
| Bakah Int** | LSE-VOR | Direct | 2400 | C-d | 600-1 | 600-1 | 600-1½ |
| | | | | C-n | 600-2 | 600-2 | 600-2 |
| | | | | S-dn-36 | 600-1 | 600-1 | 600-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn East side of crs, 181° Outbnd, 001° Inbnd, 2800′ within 10 mi.
Minimum altitude over facility on final approach crs, 2300′##; 1200′ after passing Nodine VOR R-128 (5.2 mi from Rwy 36).
Facility on airport.
Crs and distance, breakoff point to Rwy 36, 355°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over LSE-VOR make left climbing turn, climb to 2400′ on LSE R-318 within 10 miles.
CAUTION: 950′ msl tower 2 mi SE of airport. 1227′ msl bluffs and 1440′ tower 3 and 4 mi SE respectively, of airport. 1273′ msl tower 4 mi WSW of airport and 1440′ tower 4.5 mi West of airport. 1240′ bluffs 2 mi NE of airport. 1750′ msl tower 11 mi SSE of airport.
*300-1 takeoff authorized on Rwys 31, 36, and 18.
**Int ODI R-117 and LSE R-181.
#200-½ takeoff authorized on Rwys 31, 36, and 18.
##2300′ msl (1600′ ceiling) required if unable to determine passing Nodine VOR R-128.

City, La Crosse; State, Wis.; Airport Name, Municipal; Elev., 658′; Fac. Class., VOR; Ident., LSE; Procedure No. TerVOR-36, Amdt. 4; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 3; Dated, 9 July 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| OK-LFR | SJC-VOR | Direct | 3000 | T-dn* | 300-1 | 300-1 | 300-1 |
| Saratoga Int | SJC-VOR | Direct | 5000 | C-dn | 600-1 | 600-1 | 600-1½ |
| Lick Int | SJC-VOR | Direct | 3000 | S-dn | 600-1 | 600-1 | 600-1 |
| Campbell Int | SJC-VOR | Direct | 1700 | A-dn | 800-2 | 800-2 | 800-2 |
| Semol Int | Int OAK R-114 and SJC R-002 | Direct | 5000 | | | | |
| SFO-VOR | Int SFO R-104 and SJC R-311 | Direct | 2000 | | | | |
| Int OAK R-114 and SJC R-002 | SJC-VOR | Direct | 3000 | | | | |
| Int SFO R-104 and SJC R-311 | SJC-VOR (Final) | Direct | 700 | | | | |

Radar transitions and vectoring using Moffett Radar authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 311° Outbnd, 131° Inbnd, 1600′ within 10 mi. Beyond 10 mi NA. Shuttle on SJC-VOR R-120 to 2500′ in one-minute, left turn holding patterns.
Facility on airport.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, break-off point to Rny 12, 122°—0.43.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2500′ in a left turn, one-minute holding pattern on R-120#.
CAUTION: 4000′ terrain 12 mi S of VOR (3 mi SW of missed approach area).
MAJOR CHANGES: Deletes transitions from Moffett LFR, Mission Int, and SFO LOM.
*300-1 required when taking off on Rny 12.
#All turns W side of R-120.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 62′; Fac. Class., VOR; Ident., SJC; Procedure No. TerVOR-12, Amdt. 3; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 2; Dated, 27 Dec. 58

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Akron VOR | LOM | Direct | 2500 | T-dn | 400-1 | 400-1 | 400-1 |
| Navarre VOR | LOM | Direct | 2500 | C-dn | 700-1 | 700-1 | 700-1½ |
| Medina Int | LOM | Direct | 2500 | S-dn-25 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn North side of crs, 066° Outbnd, 246° Inbnd, 2500′ within 10 mi.
No glide slope. Minimum altitude over LOM on final approach crs, 2100′.
Crs and distance, LOM to airport, 246°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, make a left climbing turn and return to LOM at 2500′.

City, Akron; State, Ohio; Airport Name, Municipal; Elev., 1059′; Fac. Class., ILS; Ident., AKR; Procedure No. ILS-25, Amdt. Orig.; Eff. Date, 31 Dec. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Knoxville LFR | LOM | Direct | 2200 | T-dn | 300-1 | 300-1 | 300-1½ |
| Tallassee Int | LOM | Direct | 2300 | C-d | 500-1 | 500-1 | 500-1½ |
| Knoxville VOR | LOM | Direct | 2400 | C-n | 500-1½ | 500-1½ | 500-1½ |
| Razor Int | LOM | Direct | 3700 | S-dn-4L* | 200-½ | 200-½ | 200-½ |
| Louden Int | LOM | Direct | 2300 | A-dn | 600-2 | 600-2 | 600-2 |

Radar terminal area transition altitudes: 0-360° within 5 miles, 2500′; 091°-179° within 10 miles, 4000′; 180°-090° within 10 miles, 2500′; 158°-205° within 17 miles, 5000′; 355°-070° within 17 miles, 3000′; 205°-270° within 24 miles, 2500′; 355°-070° within 25 miles, 3100′; 270°-355° within 10 to 20 mi, 3000′; 070°-085° within 10 to 25 mi, 4000′.
All bearings and distances are from the Radar Antenna Site with sector azimuths progressing clockwise. Radar Control will provide 1000′ vertical clearance with a 3-mile radius of terrain 2100′ MSL located at 35-49/83-40 or maintain 4300′.
Procedure turn W side SW crs, 225° Outbnd, 045° Inbnd, 2700′ within 10 miles.
Minimum altitude at glide slope intercept inbnd, 2700′.
Altitude of G.S. and distance to approach end of rwy at OM 2650—5.4, at MM 1160—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 3000′ on N crs TS-LFR within 20 mi or, when directed by ATC, (1) turn left, climb to 3000′ on TYS-VOR R-351 within 20 mi or (2) Climb to 3000′ on TYS-VOR R-069 within 20 mi.
*400-½ required when glide slope not utilized.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989′; Fac. Class., ILS; Ident., I-TYS; Procedure No. ILS-4L, Amdt. 19; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 18; Dated, 11 July 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Norris Int | VOR | Direct | 3000 | T-dn | 300-1 | 300-1 | 300-1½ |
| Rutledge Int | VOR | Direct | 3500 | C-dn | 600-1 | 600-1 | 600-1½ |
| Piedmont Int | VOR | Direct | 3000 | S-dn-22R | 600-1 | 600-1 | 600-1 |
| Razar Int | VOR | Direct | 3000 | A-dn | 800-2 | 800-2 | 800-2 |
| Tallassee Int | VOR | Direct | 3000 | | | | |
| Louden Int | VOR | Direct | 3000 | | | | |
| Clinton Int | VOR | Direct | 3000 | | | | |

Radar terminal area transition altitudes: 0-360° within 5 mi, 2500′; 091°-179° within 10 mi, 4000′; 180°-090° within 10 mi, 2500′; 158°-205° within 17 mi, 5000′; 355°-070° within 17 mi, 3000′; 205°-270° within 24 mi, 2400′; 355°-070° within 25 mi, 3100′; 270°-355° within 10 to 20 mi, 3000′; 070°-085° within 10 to 25 mi, 4000′.
All bearings and distances are from the Radar Antenna Site with sector azimuths progressing clockwise. Radar control will provide 1000′ vertical clearance within a 3-mile radius of terrain 3100′ MSL located at 35-49/83-40 or maintain 4300′.
Procedure turn East side of crs, 054° Outbnd, 225° Inbnd, 3000′ within 10 mi of TYS-VOR R-135.
Minimum altitude on final approach crs until passing TSY-VOR R-135, 3000′.
No glide slope.
Crs and distance, TYS R-135 to Rny 22R, 225°—6.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 3000′ on SW crs ILS to LOM or, when directed by ATC, turn right, climb to 3000′ on TYS-VOR R-248 to Loudon Int.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989′; Fac. Class., ILS; Ident., TYS; Procedure No. ILS-22R, Amdt. 2; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 1; Dated, 29 Aug. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Cordova VOR | Green River Int* | Direct | 2100 | T-dn | 300-1 | 300-1 | 300-1½ |
| Moline VOR | Green River Int* | Direct | 2200 | C-dn | 600-1 | 600-1 | 600-1½ |
| Int CVA R-195 and MLI R-130 | Green River Int* | Direct | 2800 | S-dn-27 | 500-1 | 500-1 | 500-1 |
| Polo VOR via PLL-VOR R-207 | Donna Int** | Direct | 2100 | A-dn | 800-2 | 800-2 | 800-2 |
| Donna Int** | Green River Int* (Final) | Direct | 2100 | | | | |

Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2100′ within 10 mi of Green River Int*.
No glide slope or markers. Alt. over Green River Int* on final, 1600′; brng and distance to Rny 27, 266°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi after passing Green River Int*, climb to 2600′ and proceed to MLI-LOM.
*Green River Int: Int R-195 CVA-VOR and E crs ILS.
**Donna Int: Int R-134 CVA-VOR and E crs ILS and PLL-VOR R-207.

City, Moline; State, Ill.; Airport Name, Quad-City; Elev., 590′; Fac. Class., ILS; Ident., MLI; Procedure No. ILS-27, Amdt. 3; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 2; Dated 17 Sept. 60



6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Radar terminal area maneuvering sectors and altitudes | | | | | | | | | | | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| From | To | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | | | | | | | | | | | 65 knots or less | More than 65 knots | |
| All bearings are from the radar sector azimuths progressing clockwise. | | | | | | | | | | | | | | Surveillance approach | | | |
| 0 | 360 | 5 | 2500 | | | | | | | | | | | T-dn* | 300-1 | 300-1 | 300-1½ |
| 091 | 179 | | | 10 | 4000 | | | | | | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| 180 | 090 | | | 10 | 2500 | | | | | | | | | C-nf | 500-1½ | 500-1½ | 500-1½ |
| 158 | 205 | | | | | 17 | 5000 | | | | | | | A-dn | 800-2 | 800-2 | 800-2 |
| 355 | 070 | | | | | 17 | 3000 | | | 25 | 3100 | | | | | | |
| 205 | 270 | | | | | | | 24 | 2500 | | | | | | | | |
| 270 | 355 | 10/20 | 3000 | | | | | | | | | | | | | | |
| 070 | 085 | 10/25 | 4000 | | | | | | | | | | | | | | |

Radar control will provide 1000′ vertical clearance within a 3-mile radius of terrain 3100′ MSL located at 35-49/83-40 or maintain 4300′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished for runways 18 and 22R proceed to LOM climbing to 2900′.
For Runway 4L, proceed to LFR or VOR climbing to 3000′ or, when directed by ATC, climb to 3000′ on NE (063°) crs LFR or VOR R-069 within 20 miles.
CAUTION: High terrain SE.
MAJOR CHANGE: Deletes reference to prohibited area.
*All runways.
†Runways 18, 4L, 22R.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989′; Fac. Class., Knoxville; Ident., Radar; Procedure No. 1, Amdt. 3; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 2; Dated, 4 Apr. 59

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on December 6, 1960.

OSCAR BAKKE,
*Director, Bureau of Flight Standards.*

[F.R. Doc. 61-5; Filed, Jan. 5, 1961; 8:45 a.m.]

[Reg. Docket No. 596; Amdt. 198]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| PROCEDURE CANCELLED, EFFECTIVE 1 JANUARY 1961, DUE TO PERMANENT CLOSING OF AIRPORT. | | | | | | | |

City, Baltimore; State, Md.; Airport Name, Harbor Airport; Elev., 14′; Fac. Class., SBMRLZ; Ident., BAL; Procedure No. 1, Amdt. 5; Eff. Date, 15 May 54; Sup. Amdt. No. 4; Dated, 1 Aug. 51

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1½ | 500-1½ | 500-1½ |
| | | | | S-dn | NA | NA | NA |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn East side SE crs, 089° Outbnd, 269° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs 1900′.
Crs and distance, facility to airport, 178°—1.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 miles, turn left, cross LFR climbing to 5000′ on NW crs.
CAUTION: Steel tower 1461′ MSL 2.25 mi North of airport. 5200′ mountains 8 mi W of SE crs, 16 mi from airport.

City, Big Delta; State, Alaska; Airport Name, Big Delta; Elev., 1266′; Fac. Class., SBRAZ; Ident., BI; Procedure No. 1, Amdt. 6; Eff. Date, 7 Jan. 61; Sup. Amdt. No. 5; Dated, 17 Mar. 56

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Indianapolis VOR | IL-LFR | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of W crs, 250° Outbnd, 070° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 072–12.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles, climb to 3000′ on E crs IL-LFR within 20 miles or, when directed by ATO, (1) Climb to 3000′ on S crs IL-LFR within 20 miles; (2) Make left turn, climb to 2000′ and proceed to LOM.
°Circling approaches only—Rnwy 9–27 designated as taxi strip.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 797′; Fac. Class., SBRAZ; Ident., IL; Procedure No. 1, Amdt. 12; Eff. Date, 7 Jan. 61; Sup. Amdt. No. 11; Dated, 3 Dec. 60

PROCEDURE CANCELLED, EFFECTIVE 7 JANUARY 1961, OR UPON DECOMMISSIONING OF FACILITY.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221′; Fac. Class., SBRAZ; Ident., MXF; Procedure No. 1, Amdt. 11; Eff. Date, 30 May 59; Sup. Amdt. No. 10; Dated, 14 June 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Oakland LFR | Fremont FM-HW | Direct | 4000 | T-dn# | 300-1 | 300-1 | 200-½ |
| Oakland VOR | Fremont FM-HW | Direct | 4000 | C-dn | 500-1 | 500-1 | 500-1½ |
| Fremont FM-HW | Mt. Eden Int° (Final) | Direct | 1900 | S-dn-27L-R | 500-1 | 500-1 | 500-1 |
| Mt. Eden Int° | OK LFR | Direct | 500 | A-dn | 800-2 | 800-2 | 800-2 |
| SFO Gap RBn | Fremont FM-HW | Direct | 4000 | | | | |

Radar transitions and vectoring using Oakland Radar authorized in accordance with approved Radar patterns.
Procedure turn NA. All maneuvering and descent shall be accomplished in the Fremont FM-HW L/F holding pattern; minimum altitude 4000′. Descent to 3500′ authorized to cross Fremont FM-HW on final approach course inbound.
Minimum altitude over facility on final approach crs, 500′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000′ in a one-minute right turn holding pattern on the NW crs of OK LFR (124° inbnd, 304° outbnd, all turns W side of crs.). Missed or discontinued approach must not cross OK LFR above 1500′.
CAUTION: High terrain (Mt. Diablo 3923′ MSL) 6 miles SE of NE crs 15 miles from OK LFR. Also high terrain paralleling SE crs on NE side.
NOTE: Airborne ADF equipment required.
MAJOR CHANGE: Deletes transition from Evergreen FM-HW.
#300-1 required for takeoff on Rwy 33.
°Int SE crs OK LFR & brg 047° to Hayward RBn.

City, Oakland; State, Calif.; Airport Name, Met. Oakland Int.; Elev., 5′; Fac. Class., SBRAZ; Ident., OK; Procedure No. 1, Amdt. 7; Eff. Date, 7 Jan. 61; Sup. Amdt. No. 6; Dated, 9 May 59

**2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:**

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Columbus LFR | LOM | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| Columbus VOR | LOM | Direct | 2000 | C-dn | 500-1 | 500-1 | 500-1½ |
| Geneva Int | LOM | Direct | 2000 | S-dn-5 | 500-1 | 500-1 | 500-1 |
| Marvyn Int | LOM | Direct | 2000 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 232° Outbnd, 052° Inbnd, 2000′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1500′ over LOM.
Crs and distance, facility to airport, LOM 5.9—052.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles, climb to 2000′ on course of 052° within 20 miles or, when directed by ATO, climb to 2000′, turn left and return direct to LOM.
CAUTION: Tower 1049′ one mile NW of LOM.

City, Columbus; State, Ga.; Airport Name, Muscogee County; Elev., 307′; Fac. Class., LOM; Ident., CS; Procedure No. 1, Amdt. 7; Eff. Date, 7 Jan. 61; Sup. Amdt. No. 6; Dated, 24 May 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| CRP VOR | LOM | Direct | 1400 | T-dn | 300-1 | 300-1 | 200-½ |
| CP LFR | LOM | Direct | 1400 | C-dn | °400-1 | °500-1 | °500-1½ |
| Robstown Int | LOM | Direct | 1800 | S-dn-13 | °400-1 | °400-1 | °400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar Terminal Transition altitude 1400′ within 20 miles. Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of tower 792′ msl 6 miles West of airport.
Procedure turn W side of NW crs, 307° Outbnd, 127° Inbnd, 1800′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 127°—4.8 mi; Tank Fix# to airport, 1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles, turn right, climb to 1800′ on CRP VOR R-227 within 20 miles or, when directed by ATC, turn left, climb to 1400′ direct to CRP VOR and proceed outbound on R-040 within 20 miles.
MAJOR CHANGE: Deletes reference to Radar Fix.
°If Tank Fix# not received, ceiling minimums is 600′.
#Tank Fix: Brng 127° from LOM and CRP-VOR R-210.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44′; Fac. Class., LOM; Ident., CR; Procedure No. 1, Amdt. 3; Eff. Date, 7 Jan. 61; Sup. Amdt. No. 2; Dated, 19 Nov. 60



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| IND-VOR | LOM | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| IL-LFR | LOM | Direct | 2000 | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-4 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of crs, 224° Outbnd, 044° Inbnd, 2000′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 044°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles, climb to 3000′ on E crs IL-LFR within 20 miles or, when directed by ATO, (1) Climb to 3000′ on S crs IL-LFR within 20 miles; (2) Make left turn, climb to 2000′ and proceed to LOM.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 797′; Fac. Class., LOM; Ident., IN; Procedure No. 1, Amdt. 5; Eff. Date, 7 Jan. 61; Sup. Amdt. No. 4; Dated, 20 Aug. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Moline VOR | LOM | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| Moline LFR | LOM | Direct | 2100 | C-dn | 500-1 | 500-1 | 500-1½ |
| Int S crs MI-LFR & Brng 086° to LOM | LOM | Direct | 1900 | S-dn-9 | 500-1 | 500-1 | 500-1 |
| Iowa City VOR via R-095 & brng 086° to LOM. | Fairport Int ° | Direct | 2000 | A-dn | 800-2 | 800-2 | 800-2 |
| OVA-VOR | LOM | Direct | 2000 | | | | |
| Fairport Int ° | LOM (Final) | Direct | 1900 | | | | |
| Buffalo Int | LOM | Direct | 3000 | | | | |

Procedure turn South side of W crs, 266° Outbnd, 086° Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 086°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing LOM, climb to 2100′ on crs of 086° within 20 mi or, when directed by ATO, (1) Make left climbing turn, climb to 2600′ and proceed to E crs MI-LFR; (2) Make right climbing turn to 2600′ and proceed to MLI-VOR.
MAJOR CHANGE: Deletes transition from Int R-095 IOW-VOR and brng 086° to LOM.
°Fairport Int: Int MLI-VOR R-310 and brng 086° to LOM.

City, Moline; State, Ill.; Airport Name, Quad-City; Elev., 590′; Fac. Class., LOM; Ident., ML; Procedure No. 1, Amdt. 8; Eff. Date, 7 Jan. 61; Sup. Amdt. No. 7; Dated, 17 Sept. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MGM VOR | LOM | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| Benton Int | LOM (Final) | Direct | 1700 | C-dn | 400-1 | 500-1 | 500-1½ |
| Calhoun Int | LOM | Direct | 1500 | S-dn-9 | 400-1 | 400-1 | 400-1 |
| Swift Creek Int | LOM | Direct | 1500 | A-dn | 800-2 | 800-2 | 800-2 |
| Sellers Int | LOM | Direct | 2500 | | | | |
| Radar Terminal Area Transition Altitudes | | Within 15 mi | 2000 | | | | |
| | | Within 30 mi | 3000 | | | | |

Procedure turn S side W crs, 273° Outbnd, 093° Inbnd, 1700′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 093°—5.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 mi after passing LOM, climb to 1800′ on R-127 MGM-VOR within 20 mi or, when directed by ATC, climb to 2000′ on crs of 093° from LOM within 15 mi.
CAUTION: Tower 987′ MSL, 8 mi East.
MAJOR CHANGE: Deletes transition from ML-LFR.

City, Mongomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221; Fac. Class., LOM; Ident., MG; Procedure No. 1, Amdt. 3; Eff. Date, 7 Jan. 61; Sup. Amdt No. 2; Dated, 6 Aug. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| All directions | | | MEA | T-d° | 800-2 | 800-2 | 800-2 |
| | | | | C-d | 700-2 | 700-2 | 700-2 |
| | | | | A-dn | NA | NA | NA |

Procedure turn S side of crs, 225° Outbnd, 045° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 023°—2.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb on crs 100° Outbnd to 2000′ within 20 miles.
CAUTION: Tower 665′, 1.0 mile West of airport. All maneuvering must be accomplished East of airport.
CAUTION: No control area. Pilots using facility will advise SNP of their position, altitude, ETA and intentions and thereafter maintain adequate separation from other reported users of navigational facilities in the area. Where other aircraft have previously contacted SNP, hold between Village Beacon and a point 2 minutes SW on course (226° Outbnd and 045° Inbnd) above previously reported traffic until advised aircraft making approach has landed. Keep SNP advised of changes in altitude and position.
°300-1 Runway 17 with (left) east turn after takeoff.

City, St. Paul Island; State, Alaska; Airport Name, St. Paul; Elev., 41′; Fac. Class., HW; Ident., K; Procedure No. 1, Amdt. 5; Eff. Date, 7 Jan. 61; Sup. Amdt. No. 4; Dated, 19 May 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Nowata Int | OWS-RBn | Direct | 2100 | T-dn | 300-1 | 300-1 | °200-½ |
| Tulsa LFR | OWS-RBn | Direct | 1900 | C-dn | 400-1 | 500-1 | 500-1½ |
| Adair Int | OWS-RBn | Direct | 2000 | S-dn-17L | 400-1 | 400-1 | 400-1 |
| Tulsa VOR | OWS-RBn | Direct | 2000 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 2000′ within 10 miles. NA beyond 10 mi.
Minimum altitude over OWS RBn on final approach crs, 1900′.
Bearing and distance, OWS RBn to Rnwy 17L, 174°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles, climb to 2200′ on S crs 174° from OWS RBn within 20 miles.
MAJOR CHANGES: Transitions from College Int. and Sperry Int. deleted.
°300-1 required on Runways 3L, 21R, 17R and 35L.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674′; Fac. Class., MHW; Ident., OWS; Procedure No. 2, Amdt. 3; Eff. Date, 7 Jan. 61; Sup. Amdt. No. 2; Dated, 26 Mar. 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | T-dn | 300-1 | 300-1 | 300-1 |
| | | | | C-d | 500-1 | 500-1 | 500-1½ |
| | | | | C-n | 500-2 | 500-2 | 500-2 |
| | | | | S-d-14 | 500-1 | 500-1 | 500-1 |
| | | | | S-n-14 | 500-2 | 500-2 | 500-2 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 3600′ within 10 mi.
Minimum altitude over facility on final approach crs, 3600′.
Crs and distance, facility to airport, 150—5.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 mi, climb to 3900′ on 150R within 20 mi of DDC-VOR.
CAUTION: 2731′ tower 2.6 mi NW of airport and 1.4 mi W of final approach crs. 2894′ tower 2.8 mi W of airport.

City, Dodge City; State, Kans.; Airport Name, Dodge City Municipal; Elev., 2594′; Fac. Class., BVOR; Ident., DDC; Procedure No. 1, Amdt. 7; Eff. Date, 7 Jan. 61; Sup. Amdt. No. 6; Dated, 7 July 56

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn# | 300-1 | 300-1 | 300-1 |
| | | | | C-dn | 800-1 | 800-1 | 800-2 |
| | | | | S-dn-23 | 700-1 | 700-1 | 700-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of crs, 060° Outbnd, 240° Inbnd, 8000′ within 10 mi. NA beyond 10 mi. (Procedure turn conducted South for more favorable terrain.)
Minimum altitude over facility on final approach crs, 7000′.
Crs and distance, facility to airport, 253°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 mi, turn left, climb to 8000′ on R-243 within 15 mi of FMN-VOR.
#800-1 authorized for Runwy 5-23 only. 800-1 required for other runways.

City, Farmington; State, N. Mex.; Airport Name, Farmington Mun.; Elev., 5503′; Fac. Class., BVORTAC; Ident., FMN; Procedure No. 1, Amdt. 1; Eff. Date, 7 Jan. 61; Sup. Amdt. No. Orig.; Dated, 5 Apr. 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| All Directions | ISO VOR | Direct | MEA# | T-dn | 300-1 | 300-1 | 300-1 |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-22 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn* | 800-2 | 800-2 | 800-2 |

Procedure turn N side of crs, 065° Outbnd, 245° Inbnd, 2000′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 235°—2.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 mi. after passing Kinston VOR, make immediate right climbing turn to 2000′, returning to ISO VOR.
CAUTION: 280′ MSL Radio Tower 2 mi. SW of Airport.
#Initial approach altitude above 5000′ not authorized due to proximity Restricted Area 125 to approach radial.
*Authorized as an alternate for Air Carriers only; provided they have approval of communications and weather service at this airport. Weather service not available to the general public.

City, Kinston; State, N.C.; Airport Name, Stallings Field; Elev., 93′; Fac. Class., BVOR; Ident., ISO; Procedure No. 1, Amdt. 1; Eff. Date, 7 Jan. 61; Sup. Amdt. No. Orig; Dated, 1 Oct. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Radar Terminal Area transition altitude | Within 15 mi | 2000 | T-dn | 300-1 | 300-1 | 300-1 |
| | Within 30 mi | 3000 | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | S-d-33 | 400-1 | 400-1 | 400-1 |
| | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E side crs, 138° Outbnd, 318° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 318—2.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 mi of MGM VOR, climb to 1700′ on R-318 within 20 mi of VOR or, when directed by ATC, turn left, climb to 2000′ on West crs MGM ILS within 20 miles.
NOTE: Night operation Runway 15-33 NA due lack of obstruction and Runway lights.
MAJOR CHANGE: Deletes transition from Maxwell LFR.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221′; Fac. Class., BVORTAC; Ident., MGM; Procedure No. 1, Amdt. 9; Eff. Date, 7 Jan. 61; Sup. Amdt. No. 8; Dated, 6 Aug. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 300-1 |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-15 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn# | 800-2 | 800-2 | 800-2 |

Procedure turn East side of crs, 330° Outbnd, 150° Inbnd, 2100′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 150°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 2000′ on R-187 TPL-VOR within 20 mi.
#Alternate use authorized for air carriers only. No public weather service or communications available.

City, Temple; State, Tex.; Airport Name, Draughon-Miller Municipal; Elev., 668′; Fac. Class., BVOR; Ident., TPL; Procedure No. 1, Amdt. 1; Eff. Date, 7 Jan. 61; Sup. Amdt. No. Orig.; Dated, 5 Nov. 60



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Tulsa LFR | TUL-VOR | Direct | 1900 | T-dn | 300-1 | 300-1 | *300-1½ |
| OWS RBn | TUL-VOR | Direct | 1900 | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-26 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn N side of crs, 079° Outbnd, 259° Inbnd, 1900′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 259°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 4.3 miles, climb to 2400′ on R-288 within 20 miles or when directed by ATC, climb to 2500′ on R-236 within 20 mi.
CAUTION: Silos 1 mile West of VOR 881′ MSL.
MAJOR CHANGE: Deletes transition from Sperry Int.
*300-1 required on Runwys 3L, 21R, 17R and 35L.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674′; Fac. Class., BVORTAC; Ident., TUL; Procedure No. 1, Amdt. 10; Eff. Date, 7 Jan. 61; Sup. Amdt. No. 9; Dated, 19 Mar. 60

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-9 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn* | 800-2 | 800-2 | 800-2 |

Procedure turn South side of crs, 260° Outbnd, 080° Inbnd, 2100′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, breakoff point to end Rny-9, 090°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, climb to 1600′ on R-100 within 15 miles.
CAUTION: 1050′ MSL tower 2.5 miles South of VOR.
*Alternate minima authorized for air carriers only; provided such air carriers have approval of their arrangement for weather service at this airport. Weather service not available to the general public. Lighting available only on Runway 9-27.

City, Greenwood; State, S.C.; Airport Name, Greenwood County; Elev., 629′; Fac. Class., M-BVOR; Ident., GRD; Procedure No. TerVOR-9, Amdt. 1; Eff. Date, 7 Jan. 61; Sup. Amdt. No. Orig.; Dated, 10 Dec. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-27 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn* | 800-2 | 800-2 | 800-2 |

Procedure turn North side of crs, 100° Outbnd, 280° Inbnd, 2100′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, breakoff point to end Rnwy 27, 270°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles of VOR, climb to 1800′ on R-280 within 15 miles.
CAUTION: 1050′ MSL tower 2.5 miles South of VOR.
*Alternate minima authorized for air carriers only; provided such air carriers have approval of their arrangement for weather service at this airport. Weather service not available to the general public. Lighting available only on Runway 9-27.

City, Greenwood; State, S.C.; Airport Name, Greenwood County; Elev., 629′; Fac. Class., M-BVOR; Ident., GRD; Procedure No. TerVOR-27, Amdt. 1; Eff. Date, 7 Jan. 61; Sup. Amdt. No. Orig.; Dated, 10 Dec. 60

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Columbus LFR | LOM | Direct | 2000 | T–dn | 300–1 | 300–1 | 300–1 |
| Columbus VOR | LOM | Direct | 2000 | O–dn | 500–1 | 500–1 | 500–1½ |
| Maryn Int | LOM | Direct | 2000 | S–dn–5° | 300–¾ | 300–¾ | 300–¾ |
| Geneva Int | LOM | Direct | 2000 | A–dn | 600–2 | 600–2 | 600–2 |

Procedure turn West side of crs, 232° Outbnd, 052° Inbnd, 2000′ within 10 mi. Beyond 10 miles NA.
Minimum altitude at Glide Slope Intercept on Inbnd, 2000′.
Altitude of Glide Slope and distance to approach end of Runway at OM, 2000′—5.9 mi; at MM, 598′—.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on course of 052° within 20 miles or, when directed by ATO, climb to 2000′, turn left and return direct to LOM.
CAUTION: Tower 1040′ one mile NW of LOM.
*800–¾ required when glide slope inoperative.

City, Columbus; State, Ga.; Airport Name, Muscogee County; Elev., 397′; Fac. Class., ILS; Ident., 1–CSG; Procedure No. ILS–5, Amdt. Orig.; Eff. Date, 7 Jan. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Moline VOR | LOM | Direct | 2000 | T–dn | 300–1 | 300–1 | 300–1 |
| Moline LFR | LOM | Direct | 2100 | O–dn | 600–1 | 600–1 | 600–1½ |
| Int E–262 CVA–VOR and E crs ILS | LOM | Direct | 2100 | S–dn–9° | 300–½ | 300–½ | 300–½ |
| IOW–VOR via R–095 and W crs ILS | Fairport Int** | Direct | 2000 | A–dn | 600–2 | 600–2 | 600–2 |
| Fairport Int** | LOM (Final) | Direct | 1900 | | | | |
| Cordova VOR | LOM | 219°—22.6 | 2600 | | | | |
| Buffalo Int | LOM | Direct | 2000 | | | | |

Procedure turn S side W crs, 266° Outbnd, 086° Inbnd, 1900′ within 10 mi.
Minimum altitude at Glide Slope Int Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM, 1807′—4.4; at MM, 774′—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 mi after passing LOM, climb to 2100′ on crs of 086° within 20 mi or, when directed by ATO, (1) Make left climbing turn, climb to 2600′ and proceed to E crs MI–LFR or (2) Make right climbing turn to 2800′ and proceed to MI–VOR.
MAJOR CHANGES: Deletes transitions from Int S crs MI–LFR and W crs ILS and Int R–095 IOW and W crs ILS.
*600–1 required when Glide Slope inoperative.
**Fairport Int: Int W crs MLI–ILS and MLI–VOR R–310.
‡Holding Not Authorized at Int.

City, Moline; State, Ill.; Airport Name, Quad City; Elev., 590′; Fac. Class., ILS; Ident., MLI; Procedure No. ILS–9, Amdt. 8; Eff Date, 7 Jan. 61; Sup. Amdt. No. 7; Dated 17 Sept. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Salinas VOR | LMM | Direct | 4000 | T–dn | 300–1 | 300–1 | 300–1 |
| Shark Int | Int SUR R–308 and W crs ILS | Direct | 3700 | O–d | 700–2 | 700–2 | 700–2 |
| Int SUR R–308 and W crs ILS | LOM (Final) | Direct | 1700 | C–n | 700–3 | 700–3 | 700–3 |
| | | | | S–dn–108° | 300–¾ | 300–¾ | 300–¾ |
| | | | | A–d | 700–2 | 700–2 | 700–2 |
| | | | | A–n | 700–3 | 700–3 | 700–3 |

Procedure turn South side of W crs, 276° Outbnd, 096° Inbnd, 1700′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at G.S. Int Inbnd, 1700′.
Altitude of G.S. and distance to approach end of rny at LOM, 1630′—4.1 mi; at MM, 370′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LMM make immediate left climbing turn and climb to 1800′ to LOM.
CAUTION: Circling minimums do not provide standard clearance over terrain south of airport. All maneuvering for circling approaches must be accomplished north of localizer course.
AIR CARRIER NOTE: No reductions in visibility minimums authorized, except for takeoff on Rnwy 28.
MAJOR CHANGE: Deletes transition from Davenport Int.
‡400–1 required with any component of the ILS inoperative except that 700–1½ required with glide slope inoperative.

City, Monterey; State, Calif.; Airport Name, Monterey Peninsula; Elev., 220′; Fac. Class., ILS; Ident., 1–MRY; Procedure No. ILS–10, Amdt. 7; Eff. Date, 7 Jan. 61; Sup. Amdt. No. 6; Dated, 24 Sept. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MGM–VOR | Catoma Int | Direct | 2000 | T–dn | 300–1 | 300–1 | 200–½ |
| Radar Terminal Area Transition Altitudes | Radar Site | Within 15 mi | 2000 | C–dn | 400–1 | 500–1 | 500–1½ |
| | | Within 30 mi | 3000 | S–dn–27 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn *S side of E crs, 093° Outbnd, 273° Inbnd, 2000′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude over Catoma Int on final approach crs, 1500′.
Crs and distance, Catoma Int to airport, 273°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1700′ on W crs ILS within 20 mi or, when directed by ATO, turn left, climb to 1800′ on R–127 MGM–VOR within 20 mi.
MAJOR CHANGE: Deletes transition from MI–LFR.
*Procedure turn nonstandard due to traffic.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221′; Fac. Class., ILS; Ident., I–MGM; Procedure No. ILS–27, Amdt. 3; Eff. Date, 7 Jan. 61; Sup. Amdt. No. 2; Dated, 8 Aug. 59



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Montgomery VOR | LOM | Direct | 1500 | T–dn | 300–1 | 300–1 | 300–1½ |
| Coloma Int | LOM | Direct | 1700 | O–dn | 400–1 | 500–1 | 500–1½ |
| Benton Int | LOM (final) | Direct | 1700 | S–dn–9° | 300–½ | 300–½ | 300–½ |
| Calhoun Int | LOM | Direct | 1500 | A–dn | 600–2 | 600–2 | 600–2 |
| Swift Creek Int | LOM | Direct | 1500 | | | | |
| Sellers Int | LOM | Direct | 2500 | | | | |
| Radar Terminal Area Transition Altitudes | * | Within 15 mi | 2000 | | | | |
| | | Within 30 mi | 3000 | | | | |

Procedure turn S side W crs, 273° Outbnd, 093° Inbnd, 1700′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int Inbnd, 1700′.
Altitude of glide slope and distance to appr end of Rny at OM, 1700′—5.1; at MM, 435′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 1800′ on R–127 MGM–VOR within 20 mi or, when directed by ATO, climb to 2000′ on E crs ILS within 20 miles.
CAUTION: Tower 987′ MSL, 8 mi East.
MAJOR CHANGE: Deletes transition from Maxwell LFR.
*600–¾ required when Glide Slope not used.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221′; Fac. Class., ILS; Ident., 1–MGM; Procedure No. ILS–9, Amdt. 8; Eff. Date, 7 Jan. 61; Sup. Amdt. No. 7; Dated, 6 Aug. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Nowata Int | OWS–RBn | Direct | 2100 | T–dn | 300–1 | 300–1 | *200–½ |
| Tulsa LFR | OWS–RBn | Direct | 1900 | O–dn | 400–1 | 500–1 | 500–1½ |
| Tulsa VOR | OWS–RBn | Direct | 2000 | S–dn–17L | 400–1 | 400–1 | 400–1 |
| Adair Int | OWS–RBn | Direct | 2000 | A–dn | 800–2 | 800–2 | 800–2 |
| Int R–327 TUL and N crs ILS | OWS–RBn (Final) | Direct | 1900 | | | | |

Procedure turn W. side of crs, 354° Outbnd, 174° Inbnd, 2000′ within 10 mi. NA beyond 10 mi.
No glide slope. *Minimum Altitude over OWS RBn on final approach crs, 1900′.
Bearing and distance, OWS RBn to Rny 17L, 174°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles, climb to 2200′ on S crs ILS within 20 miles or, when directed by ATC, climb to 2200′ on R–113 TUL VOR within 20 miles.
MAJOR CHANGE: Deletes transitions from Sperry Int. and College Int.
*300–1 required on Runways 3L, 21R, 17R, and 35L.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674′; Fac. Class., ILS; Ident., 1–TUL; Procedure No. ILS–17, Amdt. 4; Eff. Date, 7 Jan. 61; Sup. Amdt. No. 3; Dated, 23 Apr. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| YM–LFR | LOM | Direct | 4000 | T–dn‡ | 400–1 | 400–1 | 400–1 |
| YKM–VOR | LOM | Direct | 4000 | O–d | 800–2 | 800–2 | 800–2 |
| Selah Int | LOM | Direct | 4000 | C–n | 800–2 | 1000–2 | 1000–2 |
| Int SE crs YM–LFR and Brng 325° to YKM–LOM. | LOM | Direct | 4500 | S–dn–27 | 400–1 | 400–1 | 400–1 |
| | | | | A–d | 800–2 | 800–2 | 800–2 |
| White Swan Int | LOM | Direct | 4000 | A–n | 800–2 | 1000–2 | 1000–2 |
| Toppenish Int | LOM | Direct | 4000 | | | | |
| Bewmill Int | LOM | Direct | 4000 | | | | |

Procedure turn S side of crs, 089° Outbnd, 269° Inbnd, 4000′ within 10 miles. NA beyond 10 mi. (Nonstandard due to terrain.)
Minimum altitude at G.S. Int Inbnd, 4000′.
Altitude of G.S. and distance to appr end of rny at OM, 3377′—6.9, at MM, 1218′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right climbing turn and climb to 4000′ on SE crs ILS within 10 mi of LOM or, when directed by ATO, make right climbing turn and climb to 4500′ on ELN R–170 within 10 mi north of Selah Int.
NOTE: All components of ILS must be used when executing this approach.
‡Take-off minimums runways 22–4 and 34–16: 500–1 Day, 800–2 Night.

City, Yakima; State, Wash; Airport Name, Yakima Municipal; Elev., 1077′; Fac. Class., ILS; Ident., YKM; Procedure No. ILS–27, Amdt. 5; Eff. Date, 7 Jan. 61; Sup. Amdt. No. 4; Dated, 14 June 58

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on December 7, 1960.

OSCAR BAKKE,
*Director, Bureau of Flight Standards.*

[F.R. Doc. 61–6; Filed, Jan. 5, 1961; 8:45 a.m.]

[Reg. Docket No. 602; Amdt. 199]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| PROCEDURE CANCELLED, EFFECTIVE 14 JANUARY 1961, OR UPON DECOMMISSIONING OF FACILITY. | | | | | | | |
| City, Erie; State, Pa.; Airport Name, Port Erie; Elev., 732'; Fac. Class., SBMRAZ; Ident., ERI; Procedure No. 1, Amdt. 2; Eff. Date, 1 Apr. 54; Sup. Amdt. No. 1; Dated, 15 Feb. 51 | | | | | | | |
| All directions | PQ-LFR | Direct | MEA | T-dn<br>C-dn<br>S-dn-19<br>A-dn* | 300-1<br>600-1<br>600-1<br>NA | 300-1<br>600-1<br>600-1<br>NA | 200-½<br>600-1½<br>600-1<br>NA |

Procedure turn W side of crs, 019° Outbnd, 199° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 190°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 mi after passing PQ-LFR, climb to 2700' on S crs of PQ-LFR within 20 mi.
*Alternate weather minimums of 800-2 authorized for those who have an approved arrangement for weather service at the airport.

City, Presque Isle; State, Maine; Airport Name, Presque Isle Municipal; Elev., 534'; Fac. Class., SBRAZ; Ident., PQ; Procedure No. 2, Amdt. 1; Eff. Date, 14 Jan 61; Sup. Amdt. No. Orig.; Dated, 27 Aug. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-d<br>C-d<br>A-d | 800-1<br>1800-2<br>1800-2<br>BOOB | | |

Procedure turn N side of E crs, 3600' within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 8300'.
Crs and distance, facility to airport, 257°—0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile climb to 10,000' on W crs SIR LFR within 20 miles.
NOTE: High unlighted terrain surrounding airport.
MAJOR CHANGE: Deletes all references to night authorization.

City, Rawlins; State, Wyo.; Airport Name, Municipal; Elev., 6784'; Fac. Class., SBRAZ; Ident., SIR; Procedure No. 1, Amdt. 7; Eff. Date, 14 Jan. 61; Sup. Amdt. No. 6; Dated, 26 May 56

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| New Brunswick Int | LOM | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| Colts Neck VOR | LOM | Direct | 1500 | C-dn | 600-1 | 600-1 | 600-1½ |
| Newark LFR | LOM | Direct | 1500 | S-dn-4 | 600-1 | 600-1 | 600-1 |
| Chatham RBn | LOM | Direct | 2000 | A-dn | 800-2 | 800-2 | 800-2 |
| Radar Transitions: | | Within: | | | | | |
| S Quadrant Newark LFR | Radar Site | 15 mi | 1500 | | | | |
| NE sector from 065° to 090° | Radar Site | 20 mi | 2500 | | | | |
| All other sectors | Radar Site | 20 mi | 2000 | | | | |

Procedure turn West side of crs, 217° Outbnd, 037° Inbnd, 1500' within 10 mi.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 037°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, climb to 1000' on crs 037° from LOM, then make left climbing turn to 3000' direct to Chatham RBn.
MAJOR CHANGES: Deletes transition from Flatbush RBn. Deletes alternate missed approach procedure.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18'; Fac. Class., LOM; Ident., EW; Procedure No. 1, Amdt. 13; Eff. Date, 14 Jan. 61; Sup. Amdt. No. 12 (ADF portion comb. ILS-ADF); Dated, 19 Oct. 57

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| STJ-VOR | LOM | Direct | 2300 | T-dn*<br>C-d<br>C-n<br>S-dn-35<br>A-dn | 300-1<br>500-1<br>500-1½<br>400-1<br>800-2 | 300-1<br>700-1<br>700-1½<br>400-1<br>800-2 | 200-½<br>700-1½<br>700-1½<br>400-1<br>800-2 |

Procedure turn East side of crs, 172° Outbnd, 352° Inbnd, 2300' within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 352°—5.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles, climb to 2400' on crs 352° from LOM within 25 miles.
CAUTION: 400' bluffs West, NW, and East of airport.
*Takeoff minimums no lower than 300-1 authorized on Runway 30.

City, St. Joseph; State, Mo.; Airport Name, Rosecrans Memorial; Elev., 822'; Fac. Class., LOM; Ident., ST; Procedure No. 1, Amdt. 11; Eff. Date, 14 Jan. 61; Sup. Amdt. No. 10 (ADF portion comb. ILS-ADF); Dated, 27 Aug. 55



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| 4X-LFR | JKN RBn | Direct | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| SUX-VOR | JKN RBn | Direct | 2400 | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-13 | 600-1 | 600-1 | 600-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn West side of crs, 307° Outbnd, 127° Inbnd, 2300' within 10 miles.
Minimum altitude, facility to airport, 2200'.
Crs and distance, facility to airport, 127°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, climb to 2300' on crs of 127° within 20 miles.
AIR CARRIER NOTE: 300-1 required for all takeoffs on RUNWAY 4.
CAUTION: 1318' terrain 1.4 miles ENE of airport, 134' tower 1.8 miles NW of airport and 1284' group of towers 1.3 miles WNW of airport.

City, Sioux City; State, Iowa; Airport Name, Sioux City Municipal; Elev., 1097'; Fac. Class., MHW; Ident., JKN; Procedure No. 2, Amdt. Orig.; Eff. Date, 14 Jan. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Dyersburg MH | DYR-VOR | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 1600' within 10 mi.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 253°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, turn left, climb to 1600', return to DYR VOR and contact ATC for further clearance.

City, Dyersburg; State, Tenn.; Airport Name, Municipal; Elev., 337'; Fac. Class., BVORTAC; Ident., DYR; Procedure No. 1, Amdt. 5; Eff. Date, 14 Jan. 61; Sup. Amdt. No. 4; Dated, 10 Sept. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| North Springfield FM | ERI-VOR (Final) | Direct | 1700 | T-dn | 300-1 | 300-1 | *200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-6 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side crs 239° Outbnd, 059° Inbnd, 2200' within 10 mi.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 059°—6.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles, climb to 3000' on crs 059° from Erie VOR within 15 miles.
AIR CARRIER NOTE: Sliding scale for take-off and reduction in take-off minimums authorized only on runways 6-24.
MAJOR CHANGE: Deletes transition from Erie LFR.

*300-1 required for all runways except 6-24.

City, Erie; State, Pa.; Airport Name, Port Erie; Elev., 732'; Fac. Class., BVOR TAC; Ident., ERI; Procedure No. 1, Amdt. 2; Eff. Date, 14 Jan. 61; Sup. Amdt. No. 1; Dated 1 Apr. 54

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | |
| | | | | C-d | 400-1 | 500-1 | |
| | | | | C-n | 400-1½ | 500-1½ | |
| | | | | A-dn | 800-2 | 800-2 | |

Procedure turn W side of crs, 309° Outbnd, 129° Inbnd, 2100' within 10 mi.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 129-3.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles, climb to 2300' on R-129 and return to IRK VORTAC. Hold on R-129.

City, Kirksville; State, Mo.; Airport Name, Kirksville Municipal; Elev., 970'; Fac. Class., BVORTAC; Ident., IRK; Procedure No. 1, Amdt. 4; Eff. Date, 14 Jan. 61; Sup. Amdt. No. 3; Dated, 29 Oct. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brookley HW | MOB VOR | Direct | 1400 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-9 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar terminal area transitions:
2000' altitude within 20 mi Brookley AFB.
2200' altitude required from 060° to 100° mag.
Procedure turn S side of crs, 287° Outbnd, 107° Inbnd, 1400 within 10 miles. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 107—6.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles, turn left, climb to 1600 on R 065 within 20 mi.

City, Mobile; State, Ala.; Airport Name, Bates Field; Elev., 217'; Fac. Class., BVOR; Ident., MOB; Procedure No. 1, Amdt. 8; Eff. Date, 14 Jan. 61; Sup. Amdt. No. 7; Dated, 4 Oct. 58

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-d | 600-1 | 600-1 | 600-1½ |
| | | | | C-n | 600-2 | 600-2 | 600-2 |
| | | | | S-d-02 | 600-1 | 600-1 | 600-1 |
| | | | | S-n-02 | 600-2 | 600-2 | 600-2 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn East side of crs, 205° Outbnd, 025° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 025°—8.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.3 miles, turn right, climb to 2600′ on R-076 RST within 20 miles or, when directed by ATO, within 8.3 miles, turn right, climb to 2600′, proceed direct to RST VOR.

City, Rochester; State, Minn.; Airport Name, Rochester Municipal; Elev., 1310′; Fac. Class., M-BVOR; Ident., RST; Procedure No. 1, Amdt. 2; Eff. Date, 14 Jan. 61; Sup. Amdt. No. 1; Dated, 3 Dec. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Int V-14N (HUF R-047) and LEU R-017 | HUF VOR (Final) | Direct | 1300 | T-dn | 300-1 | 300-1 | 200-1 |
| Int V-14 (HUF R-062) and LEU R-022 | HUF VOR (Final) | Direct | 1300 | C-dn | 400-1 | 500-1 | 500-1½ |
| HUF-BH | HUF VOR | Direct | 2000 | S-dn-23 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn North side of final approach crs, 049° Outbnd, 229° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 229°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing HUF-VOR, climb to 2000′ on HUF R-213 within 20 miles or, when directed by ATO, make climbing left turn, proceed direct to Lewis VOR at 2000′.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., BVOR; Ident., HUF; Proceduro No. 1, Amdt. Orig.; Eff. Date, 14 Jan. 61

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| North Springfield FM | OM | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| Erie VOR | OM (Final) | Direct | 2000 | C-dn | 500-1 | 500-1 | 500-1½ |
| North Springfield FM via crs 060° | SW crs ILS (Final) | Direct | 2000 | S-dn-6° | 300-¾ | 300-¾ | 300-¾ |
| | | | | A-dn | 600-2 | 600-2 | 600-2 |

Procedure turn S side SW crs, 239° Outbnd, 059° Inbnd, 2000′ within 10 mi.
Minimum altitude at glide slope int Inbnd, 2000′.
Altitude of glide slope and distance to approach end of Runway at OM, 1950′—3.9 mi; at MM, 1032′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on 059° brng from LMM within 10 miles.
AIR CARRIER NOTE: 300-1 required for take-off on all runways except 6-24.
MAJOR CHANGES: Deletes transition from Erie LFR.
*400-1 required with glide slope inoperative.

City, Erie; State, Pa.; Airport Name, Port Erie; Elev., 732′; Fac. Class., ILS; Ident., I-ERI; Procedure No. 1, Amdt. 1; Eff. Date, 14 Jan. 61; Sup. Amdt. No. Orig.; Dated, 1 Sept. 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| New Brunswick Int | ILS crs (Final) | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| Newark LFR | LOM | Direct | 1500 | C-dn | 600-1 | 600-1 | 600-1½ |
| Chatham Rbn | LOM | Direct | 2000 | S-dn-4° | 200-½ | 200-½ | 200-½ |
| Colts Neck VOR | ILS (Final) | Direct | 1500 | A-dn | 600-2 | 600-2 | 600-2 |
| Radar Transitions: | | Within: | | | | | |
| S Quadrant Newark LFR | Radar Site | 15 mi | 1500 | | | | |
| NE Sector from 058° to 090° | Radar Site | 20 mi | 2500 | | | | |
| All other sectors | Radar Site | 20 mi | 2000 | | | | |

Procedure turn W side SW crs, 217° Outbnd, 037° Inbnd, 1500′ within 10 mi. (Nonstd. due to ATC).
Minimum altitude at glide slope intercepton inbnd, 1500′.
Altitude of glide slope and distance to approach end of Runway at OM, 1500′—4.9 mi; at MM, 250′—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Climb to 1000′ on 037° crs from LOM, then make left climbing turn to 3000′, direct to Chatham RBn.
MAJOR CHANGES: Deletes transition from Flatbush RBn. Deletes alternate missed approach procedure.
*Runway Visual Range 2000′ also authorized for takeoff and landing on Runway 4; provided that all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 218′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class., ILS; Ident., EWR; Procedure No. ILS-4, Amdt. 13; Eff. Date, 14 Jan. 61; Sup. Amdt. No. 12 (ILS portion comb. ILS-ADF); Dated, 19 Oct. 57



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| AX-LFR | JKN-RBn | Direct | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| SUX-VOR | JKN-RBn | Direct | 2400 | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-13 | 600-1 | 600-1 | 600-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn West side of crs, 307° Outbnd, 127° Inbnd, 2300′ within 10 miles.
Minimum altitude over JKN-RBn on final approach, 2200′.
Crs and distance, JKN-RBn to approach end of Runway, 127°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, climb to 2500′ on crs of 127° within 20 miles.
AIR CARRIER NOTE: 300-1 required for all takeoffs on Runway 4.
CAUTION NOTES: This procedure not premised on use of Glide Slope. 1318′ terrain 1.4 miles ENE of airport. 1348′ tower 1.8 mi NW of airport. 1284′ group of towers 1.3 miles WNW of airport.

City, Sioux City; State, Iowa; Airport Name, Sioux City Municipal; Elev., 1097′; Fac. Class., ILS; Ident., SUX; Procedure No. ILS-13, Amdt. Orig.; Eff. Date, 14 Jan. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| St Joseph VOR | LOM | Direct | 2300 | T-dn* | 200-1 | 200-1 | 200-½ |
| | | | | C-d | 500-1 | 700-1 | 700-1½ |
| | | | | C-n | 500-1½ | 700-1½ | 700-1½ |
| | | | | S-dn-356 | 200-½ | 200-½ | 200-½ |
| | | | | A-dn | 600-2 | 700-2 | 700-2 |

Procedure turn E side S crs, 172° Outbnd, 352° Inbnd, 2300′ within 10 mi (NA beyond 10 mi).
Minimum altitude at glide slope int Inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at OM, 2261—5.3; at MM, 1066—0.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles, climb to 2400′ on North course ILS within 5 miles.
CAUTION: 400′ bluffs W, NW and E of airport.
*Takeoff minimums no lower than 300-1 authorized on Runway 30.
#Straight-in ILS minimums authorized under provisions of inoperative ILS components are applicable, except 400-1 required with glide slope inoperative.

City, St. Joseph; State, Mo.; Airport Name, Rosecrans Memorial; Elev., 822′; Fac. Class., ILS; Ident., I-STJ; Procedure No. ILS-35, Amdt. 11; Eff. Date, 14 Jan. 61; Sup. Amdt. No. 10 (ILS portion Comb. ILS-ADF); Dated, 27 Aug. 55

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on December 15, 1960.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-7; Filed, Jan. 5, 1961; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Tolerance for Residues of Sodium o-Phenylphenate

A petition was filed with the Food and Drug Administration by Dow Chemical Company, Midland, Michigan, requesting the establisment of a tolerance of 10 parts per million for residues of sodium o-phenylphenate, expressed as o-phenylphenol, in or on tomatoes.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.129 (21 CFR 120.129; 25 F.R. 6667, 10454) the following tolerance:

§ 120.129 Tolerances for residues of sodium *o*-phenylphenate.

* * * * *

10 parts per million (including residues from direct application of o-phenylphenol) in or on tomatoes.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346(d)(2))

Dated: December 30, 1960.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-93; Filed, Jan. 5, 1961; 8:47 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

SORBITAN MONOSTEARATE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Atlas Powder Company, Wilmington, Delaware, and Lever Brothers Company, 390 Park Avenue, New York 22, New York, and other relevant material, has concluded that the following regulation should issue in conformity with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive sorbitan monostearate. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart D of the food additive

regulations (21 CFR Part 121) is amended by adding thereto the following new section:

§ 121.1029 Sorbitan monostearate.

The food additive sorbitan monostearate, which is a mixture of partial stearic and palmitic acid esters of sorbitol anhydrides, may be safely used in or on food in accordance with the following prescribed conditions:

(a) The food additive is manufactured by reacting stearic acid with sorbitol to yield essentially sorbitan stearates.

(b) The food additive meets the following specifications:

| | |
|---|---|
| Saponification number | 149–157 |
| Acid number | 5–10 |
| Hydroxyl number | 235–260 |

(c) It is used or intended for use, alone or in combination with polyoxyethylene (20) sorbitan monostearate, as follows:

(1) As an emulsifier in whipped vegetable oil topping, alone or in combination with polyoxyethylene (20) sorbitan monostearate, whereby the maximum amount of the additives, alone or in combination, does not exceed 4,000 parts per million (0.40 percent) of the finished whipped vegetable oil topping.

(2) As an emulsifier in cake mixes, alone or in combination with polyoxyethylene (20) sorbitan monostearate, on a dry-weight basis, as follows:

(i) It is used alone in an amount not to exceed 6,100 parts per million (0.61 percent).

(ii) It is used with polyoxyethylene (20) sorbitan monostearate in any combination providing no more than 6,100 parts per million (0.61 percent) sorbitan monostearate and no more than 4,600 parts per million (0.46 percent) of polyoxyethylene (20) sorbitan monostearate, and provided that the total combination does not exceed 6,600 parts per million (0.66 percent).

(3) As an emulsifier in nonstandardized confectionery coatings alone or in combination wtih polyoxyethylene (20) sorbitan monostearate as follows:

(i) It is used alone in an amount not to exceed 10,000 parts per million (1.0 percent) of the weight of the finished nonstandardized confectionery coating.

(ii) It is used with polyoxyethylene (20) sorbitan monostearate in any combination of up to 10,000 parts per million (1.0 percent) sorbitan monostearate and up to 5,000 parts per million (0.50 percent) polyoxyethylene (20) sorbitan monostearate, and provided that the total combination does not exceed 10,000 parts per million (1.0 percent) of the weight of the finished nonstandardized confectionery coating.

(d) To assure safe use of the additive, the label of the additive and any intermediate mixes shall contain, in addition to the other information required by the act, the following:

(1) The name of the additive, sorbitan monostearate.

(2) A statement of the concentration of the additive in the basic raw material and intermediate mixes.

(3) Adequate directions for use, which when followed, will provide a finished product containing no more than the permitted amount of the additive.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 30, 1960.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61–92; Filed, Jan. 5, 1961; 8:47 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

POLYOXYETHLENE (20) SORBITAN MONOSTEARATE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Atlas Powder Company, Wilmington, Delaware, and Lever Brothers Company, 390 Park Avenue, New York 22, New York, and other relevant material, has concluded that the following regulation should issue in conformity with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the food additive polyoxyethylene (20) sorbitan monostearate. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart D of the food additive regulations (21 CFR Part 121) is amended by adding thereto the following new section:

§ 121.1030 Polyoxyethylene (20) sorbitan monostearate.

The food additive polyoxyethylene (20) sorbitan monostearate, which is a mixture of polyoxyethylene ethers of mixed partial stearic and palmitic acid esters of sorbitol anhydrides and related compounds, may be safely used in or on food in accordance with the following prescribed conditions:

(a) The food additive is manufactured by reacting stearic acid with sorbitol to yield essentially sorbitan stearates with a maximum acid number of 10.0 and a maximum water content of 0.2 percent, which are then reacted with ethylene oxide.

(b) The food additive meets the following specifications:

| | |
|---|---|
| Saponification number | 45–55 |
| Acid number | 0–2 |
| Hydroxyl number | 81–96 |
| Oxyethylene content (percent) | 65.0–69.5 |

(c) It is used or intended for use, alone or in combination with sorbitan monostearate, as follows:

(1) As an emulsifier in whipped vegetable oil topping, alone or in combination with sorbitan monostearate, whereby the maximum amount of the additives, alone or in combination, does not exceed 4,000 parts per million (0.40 percent) of the finished whipped vegetable oil topping.

(2) As an emulsifier in cake mixes, alone or in combination with sorbitan monostearate, on a dry-weight basis, as follows:

(i) It is used alone in an amount not to exceed 4,600 parts per million (0.46 percent).

(ii) It is used with sorbitan monostearate in any combination providing no more than 4,600 parts per million (0.46 percent) of polyoxyethylene (20) sorbitan monostearate and no more than 6,100 parts per million (0.61 percent) of sorbitan monostearate, provided that the total combination does not exceed 6,600 parts per million (0.66 percent).

(3) As an emulsifier in nonstandardized confectionery coatings, alone or in combination with sorbitan monostearate, as follows:

(i) It is used alone in an amount not to exceed 5,000 parts per million (0.50 percent) of the weight of the finished nonstandardized confectionery coatings.

(ii) It is used with sorbitan monostearate in any combination of up to 5,000 parts per million (0.50 percent) of polyoxyethylene (20) sorbitan monostearate and up to 10,000 parts per million (1.0 percent) of sorbitan monostearate, provided that the total combination does not exceed 10,000 parts per million (1.0 percent) of the weight of the finished nonstandardized confectionery coatings.

(4) As an emulsifier in cakes, whereby the maximum amount of the additive does not exceed 4,600 parts per million (0.46 percent) of the finished cake on a dry-weight basis.

(5) As an emulsifier in cake icing and/or cake filling containing shortening, whereby the maximum amount of the additive does not exceed 4,600 parts per million (0.46 percent) of the weight of the finished cake icing or cake filling.

(d) To assure safe use of the additive, the label of the additive and any intermediate mixes shall contain, in addition to the other information required by the act, the following:

(1) The name of the additive, polyoxyethylene (20) sorbitan monostearate.

(2) A statement of the concentration of the additive in the basic raw material and intermediate mixes.

(3) Adequate directions which, when followed, will provide a finished product containing no more than the permitted amount of the additive.



Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 30, 1960.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61–91; Filed, Jan. 5, 1961; 8:46 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2250]

## IDAHO

### Power Site Restoration No. 563; Revoking in Part Executive Orders Creating Power Site Reserves Nos. 132 and 513

By virtue of the authority contained in Section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive orders of July 2, 1910, and November 13, 1915, creating Power Site Reserves Nos. 132 and 513 respectively, are hereby revoked so far as they affect the following-described lands:

BOISE MERIDIAN, IDAHO

*Power Site Reserve No. 132*

T. 2 N., R. 4 E.,
Sec. 6, N½NE¼SW¼.
T. 3 N., R. 4 E.,
Sec. 11, SE¼SE¼SW¼, S½SW¼SE¼, and S½SE¼SE¼;
Sec. 12, N½W½W½NE¼SW¼, E½W½NE¼SW¼, E½NE¼SW¼, E½W½SE¼SW¼, and E½SE¼SW¼;
Sec. 14, SE¼NW¼ and E½SW¼;
Sec. 28, lot 3;
Sec. 32, lots 3, 7, and NW¼NW¼.

*Power Site Reserve No. 513*

T. 2 N., R. 7 E.,
Sec. 34, SW¼SW¼.
T. 1 N., R. 10 E.,
Sec. 7, SW¼SE¼;
Sec. 18, NW¼NE¼.
T. 3 N., R. 11 E.,
Sec. 6, NE¼SW¼, and N½SE¼;
Sec. 7, SE¼NW¼.
T. 1 S., R. 8 E.,
Sec. 7, lot 1 and NE¼SE¼;
Sec. 8, lot 9;
Sec. 11, SW¼NW¼;
Sec. 17, SW¼SW¼ and NE¼SE¼;
Sec. 21, NW¼NE¼.

The areas described aggregate 915 acres, of which 386.20 acres are in Power Site Reserve No. 132 and 529.11 acres in Power Site Reserve No. 513.

2. The lands shall not be subject to disposition under the public land laws until provision is made therefor by an order of an authorized officer of the Bureau of Land Management, which order shall include the State's preference rights of application to select in accordance with applicable law.

GEORGE W. ABBOTT,
*Assistant Secretary of the Interior.*

DECEMBER 30, 1960.

[F.R. Doc. 61–76; Filed, Jan. 5, 1961; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 146c ]

### BACITRACIN- (OR ZINC BACITRACIN-) NEOMYCIN-POLYMYXIN POWDER TOPICAL

### Exemption From Prescription Requirements

Notice is given that the Commissioner of Food and Drugs has received a petition from Burroughs Wellcome and Company (U.S.A.) Inc., Tuckahoe, New York, requesting an amendment of the regulations for the certification of bacitracin and bacitracin-containing drugs (21 CFR 146e.430) to provide for the sale of bacitracin-neomycin-polymyxin powder topical and zinc bacitracin-neomycin-polymyxin powder topical, intended for human use, without the prescription of a physician, but with labeling containing adequate directions and warnings for their lay use.

When such drugs contain only the antibiotics as active ingredients, § 146e.430 will require, among other changes, that the labeling of such drugs bear information that they are for use only in the prevention of infection in minor cuts, minor burns, and abrasions and, further, that use of the drugs should be discontinued and a physician consulted if signs of infection or irritation appear.

The Commissioner of Food and Drugs, under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 507(f), 59 Stat. 463, as amended 63 Stat. 409; 21 U.S.C. 357(f)), delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500, 25 F.R. 5611), hereby offers an opportunity to any interested persons to submit views and comments on this proposal, within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be submitted in triplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.

Dated: December 29, 1960.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-88; Filed, Jan. 5, 1961; 8:46 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Narcotics

### ADDITIONS TO EXISTING CLASSIFICATION OF BASIC CLASS OF NARCOTIC DRUGS

*Correction*

In F.R. Doc. 61-28, appearing at page 14 of the issue for Wednesday, Jan. 4, 1961, the following corrections are made:

1. In the list of drugs, the first word in the fourth entry should read "Oxymorphone" instead of "Oxymorphine".

2. In the last sentence of the document "30 days" should read "20 days".

## DEPARTMENT OF COMMERCE

### Bureau of the Census

### RETAILERS' INVENTORIES, SALES, NUMBER OF STORES

### Notice of Determination to Continue Survey

In conformity with the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225, and due Notice of Consideration having been published in the FEDERAL REGISTER, November 22, 1960 (25 F.R. 11089) pursuant to said Act, I have determined that certain 1960 annual data for retail trade establishments are needed to provide a sound statistical basis for the formation of policy by various government agencies and are also applicable to a variety of public and business needs. The survey is part of a continuing Census series on retail trade, beginning with the year 1951. The data are not publicly available from non-governmental or other governmental sources.

Retail trade, as the outlet for the production of industry, mining, and agriculture, is of strategic importance in the economy of the nation. Information by kind of retail business, such as the amount of merchandise inventories on hand in retail stores and in warehouses of large retail organizations, sales by region, and sales-inventory ratios, are basic to analyses of the economy. Data on the amount of retail inventories are included in the measurement of the gross national product.

Business and industry also are interested in sales and inventory figures as indicators of the outlook for business activity and as tools for the promotion of business efficiency and stability. Individual retailers can make use of the sales-inventory ratios to appraise, in a general way, their own relative operational positions.

The Annual survey will involve collection of information from (1) large multiunit organizations (organizations having 11 or more retail stores in 1954) regardless of their location; (2) large retail establishments (those whose 1954 sales were in excess of five million dollars) regardless of location; (3) individual establishments located in Census sample areas, whose sales meet certain minimum sales criteria; and (4) other individual establishments, regardless of size, located in a sample of small land segments which are within Census sample areas. All respondents will be required to submit information covering the year 1960. Report forms will be furnished to the firms covered by the survey, which will be due 15 days after receipt. Copies of the forms are available on request to the Bureau of the Census, Washington 25, D.C.

I have therefore directed that an annual survey be conducted for the purpose of collecting these data.

A. ROSS ECKLER,
*Acting Director, Bureau of the Census.*

[F.R. Doc. 61-75; Filed, Jan. 5, 1961; 8:45 a.m.]

### Defense Air Transportation Administration

[Order No. 11]

### AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1-8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense the aircraft identified herein by FAA registration number for the Civil Reserve Air Fleet Program of the Department of Defense for the fiscal year 1961.

FISCAL 1961 FLEET

*DC-4*

| | | |
|---|---|---|
| 1220 V | 88891 | 88936 |
| 1221 V | 88893 | 90407 |
| 1437 V | 88897 | 90423 |
| 45346 | 88898 | 90427 |
| 49529 | 88901 | 90428 |
| 54373 | 88903 | 90434 |
| 57670 | 88907 | 90436 |
| 75298 | 88908 | 90440 |
| 79999 | 88909 | 90444 |
| 88819 | 88912 | 90448 |
| 88884 | 88921 | 90902 |
| 88886 | 88934 | 90905 |
| 88888 | 88935 | 90906 |

*DC-6A*

| | | |
|---|---|---|
| 401 US | 6574 C | 37594 |
| 402 US | 6575 C | 37595 |
| 571 | 6576 C | 37596 |
| 630 NA | 7822 C | 45500 |
| 640 NA | 34955 | 90776 |
| 650 NA | 34956 | 90781 |
| 660 NA | 34957 | 90782 |
| 6118 C | 34958 | 90783 |
| 6119 C | 37590 | 90784 |
| 6258 C | 37591 | 90785 |
| 6260 C | 37592 | 90808 |
| 6541 C | 37593 | 90809 |

FISCAL 1961 FLEET—Continued

*L-1049H*

| | | |
|---|---|---|
| 101 R | 6501 C | 6923 C |
| 468 C | 6502 C | 6924 C |
| 469 C | 6504 C | 6925 C |
| 1006 C | 6911 C | 6931 C |
| 1007 C | 6912 C | 6932 C |
| 1008 C | 6913 C | 6933 C |
| 1009 C | 6914 C | 6935 C |
| 1010 C | 6915 C | 6936 C |
| 1880 | 6916 C | 6937 C |
| 1927 H | 6917 C | 7131 C |
| 5401 V | 6918 C | 7132 C |
| 5402 V | 6919 C | 7133 C |
| 5403 V | 6921 C | 7134 C |
| 5404 V | 6922 C | |

*L-1649A(F)*

| | | |
|---|---|---|
| 7311 C | 7316 C | 7319 C |
| 7315 C | 7317 C | 7322 C |

*DC-7C(F)*

| | | |
|---|---|---|
| 301 C | 735 PA | 752 PA |
| 731 PA | 736 PA | 754 PA |
| 733 PA | 737 PA | 755 PA |
| 734 PA | 746 PA | 6215 H |

*DC-7(F)*

| | | |
|---|---|---|
| 336 | 350 | 6944 C |
| 337 | 364 | 6946 C |
| 341 | 6941 C | 6948 C |
| 342 | 6942 C | |

*DC-7C*

| | | |
|---|---|---|
| 5900 | 5902 | 5905 |
| 5901 | 5903 | 5906 |

*B-707—(300 series)*

| | | |
|---|---|---|
| 701 PA | 720 PA | 763 TW |
| 702 PA | 721 PA | 764 TW |
| 703 PA | 722 PA | 765 TW |
| 704 PA | 724 PA | 766 TW |
| 705 PA | 725 PA | 767 TW |
| 706 PA | 726 PA | 768 TW |
| 714 PA | 727 PA | 769 TW |
| 715 PA | 728 PA | 770 TW |
| 716 PA | 729 PA | 771 TW |
| 717 PA | 730 PA | 772 TW |
| 718 PA | 761 TW | |
| 719 PA | 762 TW | |

*DC-8*

| | | |
|---|---|---|
| 801 US | 809 PA | 8018 U |
| 802 US | 810 PA | 8021 U |
| 803 PA | 811 PA | 8022 U |
| 803 US | 812 PA | 8023 U |
| 804 PA | 813 PA | 8024 U |
| 804 US | 814 PA | 8025 U |
| 805 PA | 815 PA | 8026 U |
| 805 US | 816 PA | 8027 U |
| 806 PA | 817 PA | 8028 U |
| 807 PA | 818 PA | 8029 U |
| 808 PA | 819 PA | 8030 U |

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order shall become effective January 1, 1961, and supersedes Aircraft Allocation Order No. 9, dated

September 16, 1960, 25 F.R. 9229, of September 27, 1960.

Dated: December 27, 1960.

THEODORE HARDEEN, Jr.,
*Administrator, Defense Air Transportation Administration.*

[F.R. Doc. 61-114; Filed, Jan. 5, 1961; 8:47 a.m.]

[Order No. 12]

## AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1-8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense for fiscal year 1961 the aircraft identified herein by FAA registration number as a reserve fleet for use in certain contingencies in the Civil Reserve Air Fleet Program of the Department of Defense. Any aircraft in this reserve fleet may, at the direction of the Administrator, DATA, be added to the list of aircraft allocated by DATA Allocation Order No. 11, dated December 27, 1960, to replace an aircraft in the Civil Reserve Air Fleet that is determined by the Department of Defense to be unavailable.

CONTINGENCY RESERVE FLEET—
FISCAL YEAR 1961

*L-1649A*

| | | |
|---|---|---|
| 7301 C | 7308 C | 7318 C |
| 7302 C | 7309 C | 7320 C |
| 7303 C | 7310 C | 7321 C |
| 7304 C | 7312 C | 7325 C |
| 7306 C | 7314 C | |

*DC-7C*

| | | |
|---|---|---|
| 284 | 294 | 743 PA |
| 285 | 295 | 744 PA |
| 286 | 296 | 745 PA |
| 287 | 297 | 747 PA |
| 288 | 732 PA | 748 PA |
| 289 | 738 PA | 749 PA |
| 290 | 739 PA | 750 PA |
| 291 | 741 PA | 751 PA |
| 293 | 742 PA | 753 PA |

*B-707 (100 series)*

| | | |
|---|---|---|
| 707 PA | 709 PA | 711 PA |
| 708 PA | 710 PA | 712 PA |

*DC-8*

| | | |
|---|---|---|
| 8031 U | 8032 U | 8033 U |

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order shall become effective January 1, 1961, and supersedes Aircraft Allocation Order No. 10, dated September 16, 1960, 25 F.R. 9229, of September 27, 1960.

Dated: December 27, 1960.

THEODORE HARDEEN, Jr.,
*Administrator, Defense Air Transportation Administration.*

[F.R. Doc. 61-114; Filed, Jan. 5, 1961; 8:47 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-156]

## REGENTS OF THE UNIVERSITY OF WISCONSIN

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 1, set forth below, to License No. R-74. The amendment authorizes The Regents of the University of Wisconsin, as requested in their application for license amendment dated December 9, 1960, to operate the pool-type nuclear reactor, located on The University of Wisconsin's campus in Madison, Wisconsin, with a graphite reflector. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the operation of the reactor as proposed does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene or requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application for license amendment dated December 9, 1960, submitted by The Regents of the University of Wisconsin, and (2) a hazards analysis prepared by the hazards evaluation staff of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 30th day of December 1960.

For the Atomic Energy Commission.

EBER R. PRICE,
*Acting Director, Division of Licensing and Regulation.*

[License No. R-74; Amdt. 1]

In addition to the activities previously authorized by the Commission in License No. R-74, The Regents of the University of Wisconsin are authorized, as requested in their application for license amendment dated December 9, 1960, to operate the pool-type nuclear reactor, located on The University of Wisconsin's campus in Madison, Wisconsin, with a graphite reflector.

The reactor shall be operated in accordance with the procedures and subject to the limitations set forth in License No. R-74 and in the application for license amendment dated December 9, 1960.

This amendment is effective as of the date of issuance.

Date of issuance: December 30, 1960.

For the Atomic Energy Commission.

EBER R. PRICE,
*Acting Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-74; Filed, Jan. 5, 1961; 8:45 a.m.]

# FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order 665]

## CERTAIN OFFICERS

### Authority and Order of Precedence To Act as Deputy Governor and Director of Cooperative Bank Service

DECEMBER 30, 1960.

1. Robert C. Mahone, Deputy Director of Cooperative Bank Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Cooperative Bank Service in the event that the Deputy Governor and Director is unavailable to act by reason of absence or for any other cause.

2. Noel G. Stocker, Loan and Operations Officer, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Cooperative Bank Service in the event that the Deputy Governor and Director and Deputy Director Mahone are unavailable to act by reason of absence or for any other cause.

3. Earl R. Kittredge, Loan and Operations Officer, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Cooperative Bank Service in the event that the Deputy Governor and Director, Deputy Director Mahone, and Loan and Operations Officer Stocker are unavailable to act by reason of absence or for any other cause.

4. This order shall be and become effective on the date above written and supersedes Farm Credit Administration Order No. 676 (24 F.R. 287).

R. B. TOOTELL,
*Governor, Farm Credit Administration.*

[F.R. Doc. 61-90; Filed, Jan. 5, 1961; 8:46 a.m.]



# FEDERAL TRADE COMMISSION

[File No. 21-538]

## STATIONERS INDUSTRY

### Notice of Trade Practice Conference

A trade practice conference for the Stationers Industry will be held under the auspices of the Federal Trade Commission on Friday, January 27, 1961, at the Edgewater Beach Hotel, Chicago, Ill., commencing at 10:00 a.m. (c.s.t.).

The conference will be held under the general supervision of the Honorable Robert T. Secrest, Federal Trade Commissioner, and will constitute the first step in the proceeding authorized by the Commission for the establishment of trade practice rules for this industry.

Members of this industry are the persons, firms, corporations and organizations (including manufacturers, importers, wholesalers, jobbers, and others) engaged in the sale, offering for sale, or distribution of industry products as hereinafter defined which are marketed to retail stores for resale to consumer purchasers; also retailers which sell such products to consumers. Industry products referred to embrace inks, pastes, blank books, tablets, social stationery, art supplies, calendars, paper clips, crayons, filing supplies, globes, maps, pencil sharpeners, rubber bands, staples and staplers, stenographic supplies, desk accessories and other office supplies. Not included are products to which trade practice rules for the following industries have application:

Fountain Pen and Mechanical Pencil Industry.
Marking Devices Industry.
Wood Cased Lead Pencil Industry.
Engraved Stationery & Allied Products Industry of the New York City Trade Area.
Luggage and Related Products Industry.
Manifold Business Forms Industry.
Fine and Wrapping Paper Distributing Industry.
School Supply and Equipment Industry.
Gummed Paper and Sealing Tape Industry.

The purpose of the conference is to afford all members of this industry an opportunity to consider, and propose for establishment, subject to Commission approval, rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses violative of laws administered by the Commission. Any industry member may submit suggested trade practice rules for consideration at the conference and take part in the consideration and discussion of proposals or suggestions presented by others.

Among the subjects for rules which have been suggested for consideration at the conference are: misrepresentation as to character of business; deception (general); misleading illustrations; deceptive price representations; substitution of products; use of the word "free"; guarantees and warranties; misrepresentation as to origin and disclosure of foreign origin; deceptive use and imitation of trade or corporate names, trade marks, etc.; commercial bribery; consignment distribution; inducing breach of contract; defamation of competitors or false disparagement of their products; enticing away employees of competitors; push money; prohibited forms of trade restraints (unlawful price fixing, etc.); prohibited sales below cost; prohibited discrimination; and false invoicing.

After the conference on January 27, 1961, and before any rules are finally approved by the Commission, a draft of proposed rules in appropriate form will be made available to all interested or affected parties including consumers and consumer organizations, upon public notice, affording them an opportunity to present their views, criticisms, and suggestions regarding the proposed rules and to be heard at a public hearing in the matter to be announced by the Commission.

Issued: January 4, 1961.

By direction of the Commission.

[SEAL] ROBERT N. PARRISH,
*Secretary.*

[F.R. Doc. 61-110; Filed, Jan. 5, 1961; 8:47 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 811-475]

## NATIONAL RESERVE ASSOCIATION, INC.

### Motion for Order of Deregistration

DECEMBER 29, 1960.

Notice is hereby given that the Securities and Exchange Commission ("Applicant") hereby moves pursuant to section 8(f) of the Investment Company Act of 1940, for an order finding and declaring that the National Reserve Association, Inc. ("National") has ceased to be an investment company.

In support of said motion, the Commission sets forth the following:

1. National registered as a face amount certificate company under section 8(a) of the Investment Company Act of 1940, by notification of registration filed November 20, 1942.

2. National filed an application under the Investment Company Act of 1940 and the Securities Act of 1933 on August 8, 1942, regarding the issuance of securities. On October 15, 1942, the application under the Investment Company Act of 1940 was withdrawn and on December 22, 1942, the Commission permitted withdrawal of the 1933 Act filing. All available information indicates that National never issued securities or began operation.

On May 1, 1957, in answer to a letter to the Secretary of State of Michigan, the state of National's incorporation, the Michigan Corporation and Securities Commission informed this Commission that National was incorporated in Michigan on November 11, 1942. Since they had not received any annual reports or fees, the charter became void on August 31, 1945, pursuant to state law.

Section 8(f) of the Investment Company Act of 1940 provides in part that whenever the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is hereby given that any interested person may, not later than January 13, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in this notice, unless an order for hearing upon this matter shall be issued upon request, or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-86; Filed, Jan. 5, 1961; 8:46 a.m.]

[File No. 812-1350]

## PARIBAS CORP.

### Notice of Filing of Application for Order Exempting Company From All the Provisions of the Act

DECEMBER 30, 1960.

Notice is hereby given that Paribas Corporation ("Applicant"), a corporation organized under the laws of Delaware, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") for an order of the Commission under section 6(c) exempting it from all the provisions of the Act.

Applicant was organized on October 11, 1960, at the instance of Banque de Paris et des Pays Bas, S. A. ("Banque de Paris"), a French corporation. The authorized capital stock of Applicant consists of 1,000 shares of common stock without par value all of which is proposed to be issued to Banque de Paris. Applicant does not contemplate that any securities will be issued to any person other than Banque de Paris in the future. The application states that Banque de Paris will acquire all the authorized stock of the Applicant for its own account as principal with no intention of distributing or otherwise disposing of such shares.

Applicant expects that its business will ultimately consist primarily of the underwriting and distribution of securities, the sale of securities to customers and brokerage transactions. Applicant may also be engaged in investing and trading in securities for its own account, and these activities may constitute its primary business for a period of years. Applicant is registered as a broker and dealer under the Securities Exchange Act of 1934 and is a member of the National Association of Securities Dealers, Inc.

Banque de Paris which, as noted above, will own all of the outstanding securities of Applicant, was organized in 1872. It does not do business in the United States. Banque de Paris' total assets as of December 31, 1959, amounted to approximately $468,000,000 and its net worth was approximately $45,000,000.

Banque de Paris engages in underwriting securities, investing in securities for its own account and in the business of accepting deposits from and making loans to large corporations. It does not transact business with the general public. Of Applicant's total income for 1959, approximately 68 percent was derived from lending operations; 19 percent from underwriting securities and 9 percent from profits on sales of securities.

On December 31, 1959, Banque de Paris had outstanding 1,963,200 shares of capital stock. Such shares are traded on the Paris Bourse and on other European exchanges. The application states that most of such shares are in bearer form and that Banque de Paris, therefore, does not know the nationalities or residences of its stockholders. It is pointed out, however, that such shares have never been publicly offered in the United States and are not traded on any domestic exchange, and that within Applicant's knowledge only 1,500 shares are held by eight citizens or residents of the United States who acquired such stock during 1960 from a domestic broker-dealer who has engaged in a limited amount of over-the-counter trading in the shares.

Applicant states that an exemption under section 6(c) of the Act from all the provisions of the Act is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. In support of this contention, the Applicant points out, among other things, that all the outstanding securities of Applicant will be directly owned by the Banque de Paris, a foreign company; that Banque de Paris stock has never been distributed in this country and; the lack of any appreciable investor interest by citizens or residents of the United States.

Applicant has submitted the following as appropriate conditions to any order of exemption: (1) That Paribas notify the Commission of the issuance by it of any securities (other than short-term paper) to any person other than Banque de Paris; (2) that Paribas provide the Commission with a copy of each annual report of Banque de Paris beginning with the report for 1960; (3) that Paribas notify the Commission of any offering in the United States by Banque de Paris of any security of which it is the issuer and, so far as known to it, of the holding of any such security by any United States resident.

Generally speaking, section 6(c) of the Act provides that the Commission by order upon application may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 13, 1961 at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-87; Filed, Jan. 5, 1961; 8:46 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

### ALASKA

### Transfer of Jurisdiction of Interest

DECEMBER 28, 1960.

By virtue of the authority contained in section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U.S.C. 486e), and pursuant to sections 1.9(u) (5) and 2.9 of Delegation Order Number 541 of April 21, 1954 (19 F.R. 2473), it is ordered as follows:

Jurisdiction of interest in and to the following described lands is hereby transferred to the Office of Territories, Department of the Interior:

E½SW¼NW¼SE¼NW¼, E½W½SW¼NW¼-SE¼NW¼, portion of Lot 12, Sec. 5, T. 5 N., R. 11 W., Seward Meridian, containing 1.875 acres.

In any subsequent conveyance which may be made of the lands to a public body under authority of the Act of August 24, 1949, supra, the instrument of conveyance shall contain a provision reserving a right-of-way for ditches and canals constructed under authority of the United States, and reserving also to the United States:

(1) All mineral deposits in the lands conveyed together with the right to mine and remove the same under applicable laws and regulations as the Secretary may prescribe;

(2) A provision for the reversion to the United States, during a period of no longer than twenty-five years from the date of such instrument, of title to the conveyed land upon a finding by the Secretary that the land has not been used by the grantee or its successor for the purpose for which it was conveyed for a period of five years or such lesser period as the Secretary may specify in the conveyance;

(3) A right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 305); and

(4) Such other reservations, covenants, terms and conditions as the Secretary may prescribe in the conveyance.

DALE E. ZIMMERMAN,
*Acting Manager.*

[F.R. Doc. 61-82; Filed, Jan. 5, 1961; 8:46 a.m.]

[Document 234; Classification 71]

### ARIZONA

### Small Tract Classification; Amendment

DECEMBER 29, 1960.

In Federal Register Document 60-11662, appearing on page 12915, published December 16, 1960, the description shown under T. 15 S., R. 12 E. should be amended to read as follows:

Section 7: SE¼SW¼; that portion of Lot 4 lying South of State Highway 86, exclusive of W½SW¼.

RAYMOND C. CLEGHORN,
*Acting State Supervisor.*

[F.R. Doc. 61-78; Filed, Jan. 5, 1961; 8:45 a.m.]

[Document 235; Classification 72]

### ARIZONA

### Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described public lands, totaling 70 acres under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a) as amended.

GILA AND SALT RIVER MERIDIAN

T. 6 N., R. 3 E., Maricopa County, Arizona,
Sec. 35: W½NW¼NE¼, W½SW¼NE¼, SE¼SW¼NE¼, W½SE¼NE¼.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended until it is so provided by an order to be issued by an authorized officer.



4. The lands are covered with preference right applications, as provided for by 43 CFR 257.5, which will be granted as soon as possible.

Dated: December 30, 1960.

RAYMOND C. CLEGHORN,
*Acting State Supervisor.*

[F.R. Doc. 61-79; Filed, Jan. 5, 1961; 8:45 a.m.]

[Classification 606]

### CALIFORNIA

### Small Tract Classification; Amendment

1. Effective immediately the lands described under Section 11, Township 45 North, Range 7 West, MD Mer., listed in Paragraph 1 of Federal Register Document 60-11588, appearing on page 12847 of the issue for December 14, 1960, are revised to read:

Lots 2 thru 5 inclusive;
Lots 8 thru 11 inclusive;
Portion of Lot 3 exclusive of patented M.S. 6431;
N½NW¼ and SE¼NW¼ exclusive of patented M. S. 6431;
SW¼SW¼ exclusive of portions of patented Lots 61 and 62.

R. G. SPORLEDER,
*Officer-in-Charge, Northern Field Group, Sacramento, California.*

[F.R. Doc. 61-77; Filed, Jan. 5, 1961; 8:45 a.m.]

### COLORADO

### Notice of Proposed Withdrawal and Reservation of Lands; Correction

DECEMBER 29, 1960.

Effective immediately, Notice of Proposed Withdrawal and Reservation of Lands pertaining to application for withdrawal, Colorado 046749 of the U.S. Forest Service, Federal Register Document 60-11388 appearing in the issue of December 8, 1960, at pages 12575 and 12576 is corrected as follows:

From:

*Crystal Lake Back Area Camp*

T. 44 N., R. 4 W.,
Sec. 19 (unsurveyed), E½NE¼, SW¼,

To:

*Crystal Lake Back Area Camp*

T. 44 N., R. 4 W.
Sec. 19 (unsurveyed), E½NE¼SW¼

ANDREW J. SENTI,
*Acting Lands and Minerals Officer.*

[F.R. Doc. 61-84; Filed, Jan. 5, 1961; 8:46 a.m.]

### COLORADO

### Notice of Proposed Withdrawal and Reservation of Land; Correction

DECEMBER 27, 1960.

Effective immediately, Notice of Proposed Withdrawal and Reservation of Lands pertaining to application for withdrawal, Colorado 046748 of the Bureau of Reclamation, U.S. Department of the Interior, Federal Register Document 60-11556, appearing in the issue of December 13, 1960, at page 12756 and 12757, is corrected as follows:

From:
T. 11 N., R. 92 W.,
Sec. 11, E½NE¼, NW¼NE¼, NW¼NW¼ SW¼, and NE¼SE¼;

To:
T. 11 N., R. 92 W.,
Sec. 11, E½NE¼, NW¼NE¼, NW¼, NW¼SW¼, and NE¼SE¼;

ANDREW J. SENTI,
*Acting Lands and Minerals Officer.*

[F.R. Doc. 60-83; Filed, Jan. 5, 1961; 8:46 a.m.]

### IDAHO

### Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 29, 1960.

The Bureau of Sport Fisheries and Wildlife has filed an application, Serial Number Idaho 04836 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws. The applicant desires the land for the C. J. Strike Snake River Wildlife Management Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 5 S., R. 4 E.,
Sec. 12: Lots 5, 6, and 7;
Sec. 13: NW¼NE¼;
Sec. 22: SW¼SE¼;
Sec. 26: NW¼NW¼, SE¼SW¼;
Sec. 27: Lot 3, E½NE¼.
T. 6 S., R. 4 E.,
Sec. 2: Lot 1.
T. 5 S., R. 6 E.,
Sec. 31: Lots 6, 7.
T. 5 S., R. 7 E.,
Sec. 29: Lot 4;
Sec. 35: S½SE¼.
T. 6 S., R. 7 E.,
Sec. 1: Lots 1, 2, 3, and 4;
Sec. 2: Lot 1.
T. 5 S., R. 8 E.,
Sec. 31: Lots 1, 2, 3, 4;
Sec. 32: Lots 3 and 4.
T. 6 S., R. 8 E.,
Sec. 6: Lot 5.

The areas described aggregate 931.13 acres.

The above lands are an addition to the lands in Tract C of the original notice appearing in Federal Register Document 55-1298, on page 993 of the issue for February 16, 1955. The following changes in the stipulations are proposed:

3. Tract A and B shall be managed by the Idaho Department of Fish and Game.

4. Tract C will not be fenced and grazing resources will be managed by the Bureau of Land Management.

JOE T. FALLINI,
*State Supervisor.*

[F.R. Doc. 61-80; Filed, Jan. 5, 1961; 8:46 a.m.]

### NEVADA

### Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 28, 1960.

The Department of the Navy has filed an application, Serial Number Nevada 056459, for the withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws and grazing use. The applicant desires the land for construction of additional improvements and for the protection and maintenance of existing improvements at U.S. Naval Auxiliary Air Station at Fallon, Nevada.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box No. 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 18 N., R. 29 E.,
Sec. 3, NW¼SW¼, SW¼SW¼, SE¼SW¼;
Sec. 4, Lot 6;
Sec. 10, W½NE¼, NE¼NW¼, E½SW¼, SE¼;
Sec. 24, N½NE¼, SW¼NE¼, NW¼SE¼, NW¼, N½SW¼, SW¼SW¼.

The area as described contains 986.57 acres.

E. J. PALMER,
*State Supervisor.*

[F.R. Doc. 61-81; Filed, Jan. 5, 1961; 8:46 a.m.]

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VOLUME 26 NUMBER 4

Washington, Saturday, January 7, 1961

THE UNIVERSITY OF MICHIGAN
JAN 9 1961
MAIN READING ROOM

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**Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.**



**FEDERAL REGISTER**

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

### PART 26—GRAIN STANDARDS

#### Subpart B—Standards

INTERPRETATION WITH RESPECT TO THE TERM "DISTINCTLY LOW QUALITY" WHEN USED IN OFFICIAL GRAIN STANDARDS OF THE UNITED STATES

The seeds of Crotalaria (Crotalaria spp.) have been found to be highly toxic to animal life and their presence adversely affects the quality of grain. Therefore, pursuant to section 8 of the United States Grain Standards Act, as amended (7 U.S.C. 84), the following interpretation of the official grain standards of the United States is hereby issued to appear in 7 CFR 26.901, preceded by the center heading set forth below:

INTERPRETATIONS

**§ 26.901 Interpretation with respect to the term "distinctly low quality".**

The term "distinctly low quality", when used in the official grain standards of the United States, shall be construed to include grain which contains more than two crotalaria seeds (Crotalaria spp.) in 1,000 grams of grain.

*Effective date.* The foregoing interpretation shall be applied in the inspection and grading of grain, under the United States Grain Standards Act, 30 days after publication in the FEDERAL REGISTER.

(Sec. 8, 39 Stat. 485; 7 U.S.C. 84)

Done at Washington, D.C., this 4th day of January 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F.R. Doc. 61-105; Filed, Jan. 6, 1961; 8:46 a.m.]

### Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

### PART 728—WHEAT

#### Subpart—1961 Marketing Year

DETERMINATION OF COUNTY NORMAL YIELDS

*Correction*

In F.R. Doc. 60-11805, appearing at page 13621 of the issue for Friday, Dec. 23, 1960, the following corrections are made in the list of 1961 Wheat Marketing Quota Program County Normal Yields in Bushels Per Acre:

1. Under Arizona, the entry "Navajo" should be preceded by an asterisk, so that it reads "*Navajo".

2. Under Texas, the normal yield entry for Potter county should read "14.6" instead of "14.0".

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 200]

### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

**§ 914.500 Navel Orange Regulation 200.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, and orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting, the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 5, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 8, 1961, and ending at 12:01 a.m., P.s.t., January 15, 1961, are hereby fixed as follows:

(i) District 1: 450,000 cartons;
(ii) District 2: 254,926 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 6, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-179; Filed, Jan. 6, 1961; 11:20 a.m.]

[Lemon Reg. 880]

### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

**§ 953.987 Lemon Regulation 880.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, estab-

lished under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 3, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 8, 1961, and ending at 12:01 a.m., P.s.t., January 15, 1961, are hereby fixed as follows:

(i) District 1: 23,250 cartons;

(ii) District 2: 153,450 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 5, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–163; Filed, Jan. 6, 1961; 8:49 a.m.]

[Orange Reg. 7]

## PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Limitation of Shipments

§ 1031.314 Orange Regulation 7.

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093), regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas, effective September 22, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on January 2, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680 to 51.712 of this title).

(2) During the period beginning at 12:01 a.m., c.s.t., January 9, 1961, and ending at 12:01 a.m., c.s.t., January 23, 1961, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade at least U.S. No. 2;

(ii) Any Navel or Early and Midseason oranges, grown as aforesaid, which are of a size smaller than 2 7/16 inches in diameter, except that not more than ten (10) percent, by count, of such oranges in any lot of containers and not more than fifteen (15) percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2 7/16 inches in diameter;

(iii) Any Valencia and similar late type oranges, grown as aforesaid, which are of a size smaller than 3 3/16 inches in diameter, except that not more than ten (10) percent, by count, of such oranges in any lot of containers, and not more than fifteen (15) percent, by count, of such oranges in any individual container in such lot, may be of a size smaller than 3 3/16 inches in diameter; or

(iv) Any oranges of any variety, grown as aforesaid, which are place packed in containers, unless such oranges meet the requirements of standard pack or, if not so packed, such oranges meet all applicable requirements of standard sizing and fill: *Provided,* That the minimum and maximum diameters of the individual oranges in any container shall conform to the following applicable range of diameter measurements except that not to exceed ten (10) percent, by count, of the oranges in any such container may measure less than the minimum or more than the maximum applicable diameter limits specified for the particular size: *Provided, further,* That the provisions of this subdivision (iv) shall not apply to the oranges in any gift package of fruit.

| Pack sizes in 1⅗ bushel box: | Diameter limits in inches | |
|---|---|---|
| | *Minimum* | *Maximum* |
| 100 | 3 7/16 | 3 13/16 |
| 125 | 3 3/16 | 3 5/16 |
| 163 | 2 15/16 | 3 5/16 |
| 200 | 2 11/16 | 3 1/16 |
| 252 | 2 7/16 | 2 13/16 |

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 4, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–119; Filed, Jan. 6, 1961; 8:48 a.m.]



[Grapefruit Reg. 7]

## PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Limitation of Shipments

§ 1031.315 Grapefruit Regulation 7.

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093), regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas, effective September 22, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on January 2, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620 to 51.658 of this title).

(2) During the period beginning at 12:01 a.m., c.s.t., January 9, 1961, and ending at 12:01 a.m., c.s.t., January 23, 1961, no handler shall handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy, U.S. No. 1 Bright, U.S. No. 1, or U.S. No. 2;

(ii) Any seedless grapefruit, grown as aforesaid, which are of a size smaller than 3 9/16 inches in diameter, except that not more than ten (10) percent, by count, of such seedless grapefruit in any lot of containers, and not more than fifteen (15) percent, by count, of such seedless grapefruit in any individual container in such lot, may be of a size smaller than 3 9/16 inches in diameter: *Provided,* That none of such seedless grapefruit that is smaller than 3 9/16 inches in diameter may be smaller than 3 9/16 inches in diameter;

(iii) Any seeded grapefruit, grown as aforesaid, which are of a size smaller than 3 13/16 inches in diameter, except that not more than ten (10) percent, by count, of such seeded grapefruit in any individual container in such lot, may be of a size smaller than 3 13/16 inches in diameter; or

(iv) Any grapefruit of any variety, grown as aforesaid, which are place packed in boxes or cartons, unless such grapefruit meet the requirements of standard pack or, if not so packed, such grapefruit are fairly uniform in size and the containers are well filled: *Provided,* That the provisions of this subdivision (iv) shall not apply to the grapefruit in any gift package of fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 4, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–118; Filed, Jan. 6, 1961; 8:48 a.m.]

## PART 1034—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Notice of rule making with respect to proposed rules and regulations to be made effective under Marketing Agreement No. 144 and Order No. 134 (7 CFR Part 1034; 25 F.R. 12227), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), was published in the FEDERAL REGISTER December 28, 1960 (25 F.R. 13791).

This notice afforded interested parties an opportunity to file data, views, or arguments pertaining thereto not less than five days after publication in the FEDERAL REGISTER. None was filed.

After considering all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the South Texas Lettuce Committee, established pursuant to the aforesaid marketing agreement and order, the following rules and regulations are hereby approved to become effective upon publication in the FEDERAL REGISTER.

GENERAL

Sec.
1034.100 Order.
1034.101 Terms.
1034.102 Communications.
1034.103 Fiscal period.
1034.104 Registered handler.

ESTIMATES AND ALLOTMENTS

1034.110 Estimates of lettuce for current shipment.
1034.111 Apportionment of allotments.
1034.112 Compliance verification.
1034.113 Adjustment of allotments.
1034.114 Reports.

SAFEGUARDS

1034.120 Policy.
1034.121 Qualification.
1034.122 Application.
1034.123 Approval.
1034.124 Reports.
1034.125 Disqualification.

AUTHORITY: §§ 1034.100 to 1034.125 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

GENERAL

§ 1034.100 Order.

Order means Order No. 134 (§§ 1034.1 to 1034.92; 25 F.R. 12227) regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas.

§ 1034.101 Terms.

The terms used in this subpart shall have the same meaning as when used in the order.

§ 1034.102 Communications.

Unless otherwise provided in the order, or by specific direction of the committee, all reports, applications, submittals, requests and communications in connection with the order shall be addressed to the South Texas Lettuce Committee, at its principal office.

§ 1034.103 Fiscal period.

The initial fiscal period shall begin on the effective date of this part and end on October 31, 1961. Thereafter, each fiscal period shall begin on November 1 of each year and end on October 31 of the following year, both dates inclusive.

§ 1034.104 Registered handler.

For purposes of this part any person who operates as an established lettuce handler within the production area, with commonly accepted adequate facilities for grading and packing lettuce for market and who customarily buys lettuce from producers for packing and marketing, shall be recorded by the committee as a registered handler. Any other person who wishes to be listed as a registered handler may make application for registration on forms furnished by the committee. If such applicant has facilities

available to him that are determined by the committee to be adequate for grading and packing lettuce for market, and he assumes responsibility for inspection of lettuce handled by him, and for assessments thereon, he may be approved and recorded as a registered handler. If the committee determines from the available information that the applicant is not entitled to be registered with the committee, he shall be so informed by written notice stating the reason for denial of his application. Any registration of a handler pursuant to this section may be canceled by the committee under circumstances which would have justified denial of his application. Any handler whose registration has been canceled shall be so informed by written notice thereof stating the reason therefor. The committee shall also notify producers of each such cancellation of handler registration through committee bulletins or published notice in local newspapers of general distribution, or both.

ESTIMATES AND ALLOTMENTS

**§ 1034.110 Estimates of lettuce for current shipment.**

(a) *Administrative policy.* Prior to, or at the beginning, of each lettuce marketing season the committee shall consider whether volumes regulations are probable during the ensuing season. If, after consideration of all factors bearing on the marketing of lettuce during the ensuing season, volume regulations are deemed sufficiently probable to warrant preparation therefor, the committee shall so announce to producers, handlers, and the public. Announcements shall indicate the preparatory work necessarily required of lettuce producers and handlers for estimates of lettuce available for current shipment during any ensuing allotment periods. The committee shall specify the dates on which fields or blocks of lettuce shall be recorded with the committee, and the dates on which it will begin estimating lettuce available for current shipment in ensuing allotment periods. The committee shall provide forms for recording fields or blocks of lettuce by producers and handlers and for use in applying for allocation bases and allotments.

(b) *Application for allocation bases and allotments.* Each season, on the date established by the committee for the initial allotment period and thereafter on the date established for each succeeding allotment period, each person who has lettuce available for current shipment shall submit, at the time, place, and manner prescribed by the committee, and on forms provided by the committee, an application for an allocation base and allotments on specific fields or blocks of lettuce declared by such person as available for current shipment. Applications shall contain information essential to the committee for estimating current supplies available for shipment by the applicant during the allotment periods set forth in the application, and to the extent applicable, shall include the following:

(1) Name and address of the applicant
(2) Names and addresses of producers of lettuce included in the application
(3) Agent or handler
(4) Proof of ownership or other authority supporting the application
(5) Identification, location, and description of fields or blocks
(6) Net acres in the respective fields or blocks
(7) Harvest period
(8) Intended harvesting percentage for each week
(9) Signature of applicant.

**§ 1034.111 Apportionment of allotments.**

(a) Pursuant to computations made in accordance with § 1034.53(d)(1), the committee shall notify each applicant of (1) his total allotment, (2) the amount thereof based on lettuce produced by the applicant and (3) (if applicable) the amount thereof based on lettuce produced by each of the other producers named in the application.

(b) Each handler with an allotment which is made up in whole or in part of lettuce produced by others shall notify each of the other participating producers, in the manner and at the time prescribed by the committee, of his equitable portion of the allotment.

(c) When handlers are limited by weekly volume regulations, or in the proportion of their weekly allotment which may not be exceeded in any one day, each handler with allotted lettuce owned or controlled by other persons shall equitably apportion such allotment among each of the other persons whose lettuce is included in the estimates on which the allotment is based. In carrying out the equitable apportionment of such weekly allotments, handlers may give consideration to the following factors: (1) Weather conditions, or other similar acts beyond control of the producers or the handler and their effect on the growth, maturity, and harvestability of each producer's lettuce; (2) reasonable management of harvesting and packing operations; (3) practical and economical distribution and assignment of harvesting and packing crews in the mutual interests of producers and handlers; (4) customary management and marketing practices under similar conditions in the absence of regulations, and (5) other factors contributing to mutually satisfactory producer-handler relationships in the marketing of lettuce.

**§ 1034.112 Compliance verification.**

(a) Each week during allotment periods, the committee shall investigate, or cause to be investigated, each handler's performance in harvesting fields or blocks of lettuce included within their applications and on which allotments have been established. Such checks and investigations shall report (1) compliance with allotments, (2) the extent to which allotments applicable to specific fields have been used, and (3) include fields on which allotments no longer apply. From time to time the committee shall inform handlers of the status of their allotments with respect to specific fields and of the dates on which allotments for specific fields shall terminate.

(b) Upon packaging, selling, or otherwise handling all lettuce allotted for shipment from a specific field, no person shall package or sell lettuce from such field, unless regulations under § 1034.52 (b)(5) are suspended or terminated.

**§ 1034.113 Adjustment of allotments.**

Allocation bases and allotments may be transferred or adjusted under the conditions set forth below. However, no adjustments or transfers of allotments may be made by the committee in excess of the allocation base and allotment of the respective handler, or which will result in allotments in excess of that specified for any allotment period or any day therein.

(a) When a person with an allocation base and an allotment sells or otherwise disposes of unharvested lettuce included therein to any other person, the allocation base and allotment therefor shall be transferred to such person. Such transfers shall be based on a bona fide contract transferring ownership or control of such lettuce. The committee shall maintain a record of all such transfers.

(b)(1) Any person with an allocation base and an allotment may request the committee, within such time as may be prescribed by the committee, for a reappraisal of his fields and the estimates of his available lettuce supplies to determine whether changes due to weather, maturity, harvestability, quality, or condition of the lettuce warrant an adjustment of his allotment. Upon investigation and report thereon, the committee shall determine the action to be taken on the request. In addition to other findings that may be made, such report shall indicate changes, if any, in harvesting percentages or yields that may properly be made in such applicant's estimates of supplies for current shipment.

(2) When the committee receives reports, properly verified by it, that lettuce in an applicant's allotment will not be used, such allotment shall be adjusted accordingly. The allotment thus released shall be made available equitably by the committee to other applicants who have requested an increase in their allotment.

(c) The committee shall maintain daily and weekly records setting forth a full disclosure of all transfers and adjustments of allocation bases and allotments. Reports thereon may be requested by the Secretary at any time.

**§ 1034.114 Reports.**

(a) During any allotment period, each handler shall report, or cause to be reported, the amount of lettuce packaged or otherwise handled by him from fields or blocks of lettuce on which his allotments were based or from any other source. Such reports may be provided by cooling plants or other commonly accepted sources from which such information is available.

(b) Persons selling or transporting lettuce for export to Mexico may be required to report all handling thereof, with identification of amounts of lettuce, date, vehicle, and fields from which such lettuce was harvested.



SAFEGUARDS

**§ 1034.120 Policy.**

Whenever shipments of lettuce for special purposes pursuant to § 1034.54 are relieved in whole or in part from regulations issued under §§ 1034.52 and 1034.53, the committee may require information and evidence on the manner, methods, and timing of such shipments as safeguards against the entry of any such lettuce in trade channels other than those for which intended. Such information and evidence shall include requirements set forth below with respect to Certificates of Privilege.

**§ 1034.121 Qualification.**

Before handling lettuce for special purposes which do not meet regulations issued pursuant to §§ 1034.52 and 1034.53, a handler, when required by such regulations, must qualify with the committee to handle shipments for special purposes. To qualify he must (a) apply for and receive a Certificate of Privilege indicating his intent to so handle lettuce, (b) agree to comply with reporting and other requirements set forth in §§ 1034.120 to 1034.125, inclusive, with respect to such shipments, and (c) receive approval of the committee, or its duly authorized agents, to so handle lettuce. Such approval will be based upon evidence furnished in his application for Certificate of Privilege and other information available to the committee.

**§ 1034.122 Application.**

(a) Applications for a Certificate of Privilege shall be made on forms furnished by the committee. Each application may contain, but need not be limited to, the name and address of the handler; the quantity by grade, size, and quality of the lettuce to be shipped; the mode of transportation; the consignee; the destination; the purpose for which the lettuce is to be used; and certification to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown thereon, and any other appropriate information or documents deemed necessary by the committee or its duly authorized agents for the purposes stated in § 1034.120.

(b) The committee may require each handler making shipments of lettuce for export to include with his application a copy of the Department of Commerce Shippers Export Declaration Form No. 7525-V applicable to such shipment.

**§ 1034.123 Approval.**

The committee or its duly authorized agents shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application, based upon the determination as to whether the information contained therein and other information available to the committee supports approval, shall be evidenced by the issuance of a Certificate of Privilege to the applicant. Each certificate shall cover a specified period and specified qualities and quantities of lettuce to be sold or transported to a designated consignee for the purposes declared.

**§ 1034.124 Reports.**

Each handler of lettuce shipping under Certificates of Privilege shall supply the committee with reports as requested by the committee, or its duly authorized agents, showing the name and address of the shipper; the car or truck identification; the loading point, destination; consignee; the inspection certificate number when inspection is required; and any other information deemed necessary by the committee.

**§ 1034.125 Disqualification.**

The committee from time to time may conduct surveys of handling of lettuce for special purposes requiring Certificates of Privilege to determine whether handlers are complying with the requirements and regulations applicable to such certificates. Whenever the committee finds that the handler or consignee is failing to comply with requirements and regulations applicable to handling of lettuce in special outlets and requiring such certificates, a Certificate or Certificates of Privilege issued such handler may be rescinded and subsequent certificates denied. Such disqualification shall apply to, and not exceed, a reasonable period of time as determined by the committee, but in no event shall it extend beyond the date of the succeeding fiscal period. Any handler who has a Certificate rescinded or denied may appeal to the committee in writing for reconsideration of his disqualification.

It is hereby found that good cause exists for not postponing the effective date of these rules and regulations beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) these rules and regulations apply to the handling of lettuce grown in the production area and the handling of the 1960–61 lettuce crop has begun, (2) it is necessary to place these rules and regulations in effect at the earliest possible date in order to facilitate operation under the marketing agreement and order, (3) need for using these administrative rules is already at hand and they should be available for use by the committee, and (4) notice hereof has been given by publication in the FEDERAL REGISTER of December 28, 1960 (25 F.R. 13791).

*Effective date.* Dated January 4, 1961, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-121; Filed, Jan. 6, 1961; 8:48 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-KC-75]

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Zone

On October 19, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 9957) stating that the Federal Aviation Agency proposed to modify the Ottumwa, Iowa, control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2268 (14 CFR 601.2268) is amended to read:

**§ 601.2268 Ottumwa, Iowa, control zone.**

Within a 5-mile radius of the Ottumwa Municipal Airport (latitude 41°06'25" N., longitude 92°26'50" W.) and within 2 miles either side of the 309° True radial of the Ottumwa VOR extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 3, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-98; Filed, Jan. 6, 1961; 8:45 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Dockets 7904 c.o.; 7916 c.o.; 7917 c.o.]

### PART 13—PROHIBITED TRADE PRACTICES

### Budco, Inc., et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new;* § 13.1886 *Quality, grade or type.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist orders: Budco, Incorporated (Pittsburgh, Pa.), et al., Docket 7904; Sept. 21, 1960; Theta Electronics, Inc., et al., Greenburg, Pa., Docket 7916, Oct. 13, 1960; and Tube Mfg. Corp. et al., Philadelphia, Pa., Docket 7917, Oct. 27, 1960]

*In the Matters of: Budco, Incorporated, a Corporation, and Hymen Kotovsky and Robert Kotovsky, Individually and as Officers and Directors of Said Corporation; Metropolitan Electronic Distributors, Inc., a Corporation and Hymen Kotovsky, Harry Kotovsky and Jack Rosenblum, Individually and as Officers and Directors of Said Corporation; and K. M. K. Corporation, a Corporation; Theta Electronics, Inc., a Corporation, and Hymen Berkowitz, Individually and as an Officers of Said Corporation; and Tube Mfg. Corp., a Corporation, and Charles A. Rose, Alexander A. Parents and Sebastian Batorillo, Individually and as Officers of Said Corporation*

Consent orders in three similar cases requiring manufacturers of television picture tubes in Pennsylvania and Ohio to cease selling the tubes with no notice thereon or on containers or invoices to show that tubes were rebuilt and contained used parts when such was the case, and requiring one group of affiliated companies to reveal when tubes they sold were defective.

Similar orders to cease and desist are as follows, combining respondents in the three cases:

*It is ordered*, That respondents Budco, Incorporated, a corporation, and its officers, and Hymen Kotovsky and Robert Kotovsky, individually and as officers and directors of said corporation; Metropolitan Electronic Distributors, Inc., a corporation, and its officers, and Hymen Kotovsky, Harry Kotovsky and Jack Rosenblum, individually and as officers and directors of said corporation; and K.M.K. Corporation, a corporation, and its officers; Theta Electronics, Inc., a corporation, and its officers, and Hymen Berkowitz, individually and as an officer of said corporation; and Tube Mfg. Corp., a corporation, and its officers, and Charles A. Rose, Alexander A. Parents and Sebastian Batorillo, individually and as officers of said corporation; and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rebuilt, reconditioned, or reactivated (in the Budco case, defective) television picture tubes, containing used parts, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to clearly disclose on the tubes, on the cartons in which they are packed, on invoices and in advertising, that said tubes are rebuilt, reconditioned, or reactivated, or contain used parts, as the case may be.

2. Placing any means or instrumentality in the hands of others whereby they may mislead the public as to the nature and condition of their television picture tubes.

Additionally, the respondents in the Budco matter were ordered to cease and desist from:

Failing to clearly disclose on the tubes, on the cartons in which they are packed, on invoices and in advertising that tubes are defective, when such is the fact.

By "Decision of the Commission", etc., in each of these three cases, reports of compliance were required as follows (combining the respondents):

*It is ordered*, That the respondents: Budco, Incorporated, a corporation, and Hymen Kotovsky and Robert Kotovsky, individually and as officers and directors of said corporation; Metropolitan Electronic Distributors, Inc., a corporation, and Hymen Kotovsky, Harry Kotovsky and Jack Rosenblum, individually and as officers and directors of said corporation; and K.M.K. Corporation, a corporation; Theta Electronics, Inc., a corporation, and Hymen Berkowitz, individually and as an officer of said corporation; Tube Mfg. Corp., a corporation, and Charles A. Rose, Alexander A. Parents and Sebastian Batorillo, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of these orders, file with the Commission reports, in writing, setting forth in detail the manner and form in which they have complied with the orders to cease and desist.

Issued: October 21, 1960. (Dockets 7904 and 7916); October 27, 1960. (Docket 7917).

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 61-100; Filed, Jan. 6, 1961; 8:45 a.m.]

# Title 6—AGRICULTURAL CREDIT

## Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

## PART 464—TOBACCO

### Subpart—1960 Tobacco Loan Program

PUERTO RICAN TOBACCO

Set forth below is the schedule of advance rates, by grades, for the 1960 crop of type 46 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published July 6, 1960 (25 F.R. 6323).

§ 464.1247 1960 Crop—Puerto Rican Tobacco, Type 46, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

| Grade | Price block | Advance rate |
|---|---|---|
| C1F, C1P, C3F, C3P | I | 42 |
| X1F, X1P, X1S, X2P | II | 35 |
| X3F, X3P, X3S | III | 24 |
| X4F, X4G | IV | 18 |
| | V | 13 |

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 63 Stat. 1051, as amended, 1054; 74 Stat. 6, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421, 1423; sec. 125, 70 Stat. 198, 7 U.S.C. 1813; Public Law 86-80, 73 Stat. 178)

Issued this 3rd day of January 1961.

WALTER C. BERGER, *Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 61-124; Filed, Jan. 6, 1961; 8:48 a.m.]

[1] The cooperative associations through which price support is made available to growers are authorized to deduct $1.00 per hundred pounds from the advances to growers to apply against overhead and handling costs. Tobacco is eligible for advances only if consigned by the original producer. No advance is authorized for scrap or tobacco designated as "No-G".

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

## PART 50—INTERPRETATIONS AND STATEMENTS OF GENERAL POLICY UNDER THE COMMODITY EXCHANGE ACT

### Interpretation of "Eggs"

§ 50.1 Interpretation of "Eggs" as used in section 2(a) of the Commodity Exchange Act (7 U.S.C. 1958 ed., § 2).

It is the view of the Department of Agriculture that the term "eggs," as used in the Commodity Exchange Act (7 U.S.C. 1958 ed., section 2) should be construed to include shell eggs, frozen whole eggs, frozen plain egg whites, and frozen plain egg yolks.

In accordance with such interpretation, frozen whole eggs, frozen plain egg whites, and frozen plain egg yolks, in addition to shell eggs, will be considered subject to all provisions of the Commodity Exchange Act effective upon publication of this notice in the FEDERAL REGISTER.

(49 Stat. 1491, 1500; 7 U.S.C. 2, 12a)

Issued this 28th day of December 1960.

CLARENCE L. MILLER, *Acting Secretary of Agriculture.*

[F.R. Doc. 61-122; Filed, Jan. 6, 1961; 8:48 a.m.]



# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

## PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

## PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

### Amendment of Final Order; Postponement of Effective Date

In the matter of certifying antibiotic drugs for use in the laboratory diagnosis of diseases; antibiotic sensitivity discs prepared with these drugs:

On September 30, 1960, the final order in the above-identified matter was published in the FEDERAL REGISTER (25 F.R. 9369) to become effective 90 days from date of publication. The Commissioner has concluded that additional time is needed to study the objections. Therefore, the effective date of the order is postponed until March 1, 1961. By that date an order will be published acting upon the objections that are on file.

The objections to the above-referenced order have revealed that certain portions of the order should be amended in order to bring about more accurate methods of assay; to promote improvement in packaging of antibiotic powders; and to establish more comprehensive coverage in the general scope of the regulations. Therefore, the following amendments to § 146.24 and § 147.1 (21 CFR 146.24, 147.1; 25 F.R. 9370, 10455) are ordered:

§ 146.24 [Amendment]

1. Section 146.24 *Penicillin powder for diagnostic use* is amended in the following respects:

a. The introduction to the section is amended by inserting a comma and the following phrase between the words "bacitracin" and "packaged": "with or without suitable buffer substances and diluents,".

b. Paragraph (a) is amended to read as follows:

(a) The potency and moisture content of the antibiotic used in the manufacture of the powder and the moisture content of the powder comply with the standards prescribed for the antibiotic by §§ 146a.24, 146b.101, 146b.103, 146c.201, 146c.218, 146d.301, and 146e.401 of this chapter.

§ 147.1 [Amendment]

2. In § 147.1 *Antibiotic sensitivity discs; tests and methods of assay; potency*, paragraph (e) is amended in the following respects:

a. The present text of paragraph (e) is designated as subparagraph (1), with the heading: "(1) *Individual discs one-fourth inch in diameter.*"

b. Paragraph (e) is further amended by adding thereto the following subparagraphs (2), (3), and (4):

(e) *Assay.*

* * * * *

(2) *Discs one-fourth inch in diameter attached to rings, spokes, or other devices.* Remove or cut the disc from the device, including a small portion of the device to which it is attached, before testing, and proceed as directed in subparagraph (1) of this paragraph.

(3) *Individual discs with diameters larger than one-fourth inch but no larger than three-eighths inch.* Proceed as directed in subparagraph (1) of this paragraph, except instead of measuring the diameters of the zones of inhibition, measure the widths of the zones from any edge of the sample discs and the standard discs. The results obtained are multiplied by the factor 2 for determining whether the discs meet the requirements for uniformity prescribed by paragraph (f) of this section.

(4) *Discs having diameters larger than one-fourth inch but no greater than three-eighths inch attached to rings, spokes, or other devices.* Remove or cut the disc from the device, including a small portion of the device to which it is attached, before testing, and proceed as directed in subparagraph (3) of this paragraph, except measure the width of the zone of inhibition from the rounded tip of the disc.

§ 147.2 [Amendment]

3. In § 147.2 *Antibiotic sensitivity discs; certification procedure*, paragraph (a) *Standards of identity* * * * is amended by changing the first sentence to read: "Antibiotic sensitivity discs are paper or plastic discs or compressed tablets containing penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, tetracycline, chloramphenicol, or bacitracin."

(Sec. 507(f), 59 Stat. 463, as amended; 21 U.S.C. 357(f))

Dated: December 30, 1960.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-101; Filed, Jan. 6, 1961; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### Bureau of Mines

**[ 30 CFR Parts 10, 11, 12, 13, 14, 14a, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 31, 32, 34 ]**

### REVISION OF FEES

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that under authority contained in secs. 2 and 5, 36 Stat. 370, as amended; 30 U.S.C. 3, 7; it is proposed to revise the fees in the above captioned parts of Chapter I, Title 30, Code of Federal Regulations, as set forth below.

Fees and charges for services performed or products furnished by the Bureau of Mines, U.S. Department of the Interior, shall apply on and after the date of notice of adoption regardless of the date of application for such services or products.

In accordance with the policy of the Department of the Interior, interested persons may submit written comments, suggestions, or objections with respect to the proposed revisions to the Director, Bureau of Mines, Washington 25, D.C., within 30 days after the date of publication in the FEDERAL REGISTER.

MARLING J. ANKENY,
*Director.*

Approved: December 27, 1960.

ELMER F. BENNETT,
*Acting Secretary of the Interior.*

**Bureau of Mines Schedule 3C, § 10.4 of Part 10 of Subchapter A of this Chapter, pertaining to "Coal Analysis for Non-Federal Applicants," is revised to read as follows:**

**§ 10.4 Fees.**

**(a) The following fees are charged for each sample:**

| | |
|---|---|
| 1. Moisture and ash, or sulfur, or volatile matter, or free-swelling index | $4.50 |
| 2. Proximate analysis (moisture, ash, and volatile matter) | 6.00 |
| 3. B.t.u. determination | 7.50 |
| 4. Proximate analysis, sulfur, and B.t.u. | 12.50 |
| 5. Ultimate analysis (moisture, ash, carbon, hydrogen, sulfur, and nitrogen) | 22.50 |
| 6. Ultimate analysis and B.t.u. | 28.00 |
| 7. Proximate and ultimate analyses, and B.t.u. | 29.50 |
| 8. Fusibility of ash | 10.00 |
| 9. Hardgrove grindability index | 10.00 |

**(b) Fees for tests not included in the above list will be based on the services required, and the applicant will be notified accordingly.**

**Bureau of Mines Schedule 13D, § 11.3 of Part 11 of Subchapter B of this Chapter, pertaining to "Self-Contained Breathing Apparatus," is revised to read as follows:**

**§ 11.3 Fees**

| | Apparatus with separate regenerator | Oxygen generating apparatus | Demand-type apparatus |
|---|---|---|---|
| 1. Complete 2-hour self-contained breathing apparatus inspection and tests | $1,600 | $1,600 | $1,600 |
| 2. Complete 1-hour self-contained breathing apparatus inspection and tests | 1,500 | 1,500 | 1,500 |
| 3. Complete ¾-hour self-contained breathing apparatus inspection and tests | 1,500 | 1,500 | 1,500 |
| 4. Complete ½-hour self-contained breathing apparatus inspection and tests | 1,500 | 1,500 | 1,500 |
| 5. Separate preliminary 2-hour apparatus inspection and tests | 250 | 250 | 250 |
| 6. Separate preliminary 1-hour apparatus inspection and tests | 250 | 250 | 250 |
| 7. Separate preliminary ¾-hour apparatus inspection and tests | 250 | 250 | 250 |
| 8. Separate preliminary ½-hour apparatus inspection and tests | 250 | 250 | 250 |
| 9. Separate supplementary facepiece assembly | 250 | 250 | |
| 10. Separate regenerator 2-hour apparatus inspection and tests | 175 | | |
| 11. Separate regenerator 1-hour apparatus inspection and tests | 175 | | |
| 12. Separate regenerator ¾-hour apparatus inspection and tests | 175 | | |
| 13. Separate regenerator ½-hour apparatus inspection and tests | 175 | | |
| 14. Special reducing valve inspection and tests, all models | 175 | 175 | 175 |
| 15. Separate auxiliary parts inspection and tests, each part | 120 | 120 | 120 |
| 16. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before tests are begun. | | | |

NOTE: If a self-contained breathing apparatus fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the self-contained breathing apparatus is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

**Bureau of Mines Schedule 19B, Paragraph (c) of § 12.4 of Part 12 of Subchapter B of this Chapter, pertaining to "Supplied-Air Respirators," is revised to read as follows:**

**§ 12.4 Conditions under which supplied-air respirators will be tested.**

* * * * *

(c) *Fees.*

| | |
|---|---|
| 1. Types A or AE supplied-air respirators (complete) | $375 |
| (i) Blower, single outlet | 130 |
| (ii) Each blower outlet more than one (at time of blower testing) | 15 |
| (iii) Air-supply line (hose) | 135 |
| (iv) Body harness | 20 |
| (v) Respiratory-inlet covering (facepiece) | 120 |
| 2. Types B or BE supplied-air respirators (complete) | 310 |
| (i) Air-supply line (hose) | 105 |
| (ii) Body harness | 20 |
| (iii) Respiratory-inlet covering (facepiece) | 120 |
| 3. Types C or CE supplied-air respirators, continuous-flow class (complete) | 325 |
| (i) Air-supply line (hose) | 100 |
| (ii) Respiratory-inlet covering (facepiece) | 130 |
| 4. Types C or CE supplied-air respirators, demand class (complete) | 340 |
| (i) Air-supply line (hose) | 110 |
| (ii) Respiratory-inlet covering (facepiece) | 130 |
| 5. Additional examination and tests of respirator in connection with other tests, per man-day required | 40 |
| 6. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual cost of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun. | |

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the respirator is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.





**Bureau of Mines Schedule 14F, Paragraph (c) of § 13.5 of Part 13 of Subchapter B of this Chapter, pertaining to "Gas Masks," is revised to read as follows:**

**§ 13.5 Conditions under which gas masks will be tested.**

* * * * *

(c) *Fees.*

| | |
|---|---|
| 1. Type A—Acid gases, complete mask | $1,150 |
| 2. Type B—Organic vapors, complete mask | 615 |
| 3. Type C—Ammonia, complete mask | 615 |
| 4. Type D—Carbon monoxide self-rescuer | 600 |
| 5. Type AE, BE, etc.—Dusts, fumes, mists, fogs, and smokes in combinations with any of the above types. Fee in addition to that required for tests with gases or vapors | 260 |
| 6. Type AB—Acid gases and organic vapors, complete mask | 1,460 |
| 7. Complete mask with canister designed for a single gas or vapor | 615 |
| 8. Facepiece, complete | 90 |
| 9. Canister alone, fee for complete mask minus fee for facepiece. | |
| 10. Extension of approval to another gas or vapor, or complete retesting with a gas or vapor in case of failure | 525 |
| 11. Type N—Universal gas mask for all gases and vapors ordinarily encountered in industry, including filters for dusts, fumes, mists, fogs, and smokes | 1,950 |
| 12. Additional examination and tests in connection with other tests, per man-day required | 40 |
| 13. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun. | |

NOTE: If a gas mask fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the gas mask is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

**Bureau of Mines Schedule 21A, Paragraph (c) of § 14.4 of Part 14 of Subchapter B of this Chapter, pertaining to "Filter-Type, Dust, Fume, and Mist Respirators," is revised to read as follows:**

**§ 14.4 Conditions under which respirators will be tested.**

* * * * *

(c) *Fees.*

| | |
|---|---|
| 1. Pneumoconiosis-producing and nuisance dusts, single-use filter, complete respirator | $240 |
| 2. Pneumoconiosis-producing and nuisance dusts, reusable filter, complete respirator | 290 |
| 3. Toxic dusts, single-use filter, complete respirator | 260 |
| 4. Toxic dusts, reusable filter, complete respirator | $325 |
| 5. Dusts, single-use filter, complete respirator | 290 |
| 6. Dusts, reusable filter, complete respirator | 410 |
| 7. Fumes, complete respirator | 310 |
| 8. Silica mist, complete respirator | 260 |
| 9. Chromic-acid mist, complete respirator | 325 |
| 10. Facepiece, dust or mist respirator | 60 |
| 11. Facepiece, fume respirator | 75 |
| 12. Pneumoconiosis-producing and nuisance dusts and mists, complete respirator | 290 |
| 13. Pneumoconiosis-producing and nuisance dusts and chromic-acid mist, complete respirator | 350 |
| 14. Pneumoconiosis-producing and nuisance dusts and mists, and chromic-acid mist, complete respirator | 410 |
| 15. Pneumoconiosis-producing and nuisance mists, and chromic-acid mist, complete respirator | 380 |
| 16. Toxic dusts and pneumoconiosis-producing and nuisance mists, complete respirator | 325 |
| 17. Toxic dusts and chromic-acid mist, complete respirator | 380 |
| 18. Toxic dusts, pneumoconiosis-producing and nuisance mists and chromic-acid mist, complete respirator | 435 |
| 19. Dusts and pneumoconiosis-producing and nuisance mists, complete respirator | 350 |
| 20. Dusts and chromic-acid mist, complete respirator | 410 |
| 21. Dusts, pneumoconiosis-producing and nuisance mists, and chromic-acid mist, complete respirator | 465 |
| 22. Dusts, fumes, and pneumoconiosis-producing and nuisance mists, complete respirator | 460 |
| 23. Dusts, fumes, and chromic-acid mist, complete respirator | 510 |
| 24. Dusts, fumes, pneumoconiosis-producing and nuisance mists, and chromic-acid mist, complete respirator | 550 |
| 25. Dusts and fumes, complete respirator | 400 |
| 26. Additional examination and tests of respirator in connection with other tests, per man-day required | 40 |
| 27. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun. | |

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the respirator is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

**Bureau of Mines Schedule 23B, Paragraph (d) of § 14a.5 of Part 14a of Subchapter B of this chapter, pertaining to "Nonemergency Gas Respirators (Chemical Cartridge Respirators, Including Paint Spray Respirators)," is revised to read as follows:**

**§ 14a.5 Fees.**

* * * * *

**(d) The following fees are charged for testing types B and BE nonemergency gas respirators:**

| | |
|---|---|
| 1. Type B—Organic vapors, complete respirator | $525 |
| 2. Type BE—Dusts, fumes, or mists in combination with organic vapors. Fee for filter tests in addition to that required for Type B: | |
| (i) Pneumoconiosis-producing and nuisance dusts | 130 |
| (ii) Toxic dusts | 160 |
| (iii) Dusts—combination of (i) and (ii) | 190 |
| (iv) Fumes | 190 |
| (v) Silica mist | 160 |
| (vi) Chromic-acid mist | 220 |
| (vii) Mists of paints, lacquers, and enamels | 670 |
| 3. Facepiece alone | 75 |
| 4. Cartridge(s) alone | 450 |
| 5. Additional examination and tests of respirator in connection with other tests, per man-day required | 40 |
| 6. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun. | |

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the respirator is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

**Bureau of Mines Schedule 27B, § 16.4 of Part 16 of Subchapter C of this Chapter, pertaining to "Stemming Devices," is revised to read as follows:**

**§ 16.4 Fees.**

| | |
|---|---|
| (a) Complete tests for approval | [1] $1,150 |
| (b) Individual tests: | |
| 1. Chemical | 60 |
| 2. Physical examination | 23 |
| 3. Gallery, per shot | 17 |
| 4. Rough handling | 12 |
| 5. Flammability | 35 |
| 6. Fee for tests not included in this list will be based on actual costs. | |
| (c) Fee for tests required by changes in design will be determined by the Bureau; minimum fee | 100 |

[1] Fees for additional tests, described in paragraph (c) of § 16.10 of this Part, will be determined by the Bureau and will be in addition to this fee. If the applicant withdraws the stemming device after testing has begun, or if the device fails to pass any of the required tests, the Bureau will charge a minimum of $100 and will return to the applicant any part of the remaining fee not required to compensate the Bureau for its services.

**Bureau of Mines Schedule 26A, § 17.4 of Part 17 of Subchapter C of this Chapter, pertaining to "Blasting Devices," is revised to read as follows:**

§ 17.4 Fees.

| | |
|---|---|
| (a) Complete tests for approval when electrical tests are not required | [1] $1,080 |
| (b) Complete tests for approval when electrical tests are required | [1] 1,800 |
| (c) Individual tests | |
| 1. Chemical | 110 |
| 2. Physical examination | 60 |
| 3. Gallery, per shot | 19 |
| 4. Pendulum friction, per sample | 30 |
| 5. Gaseous products, per sample | 110 |
| 6. Shell temperature | 90 |
| 7. Electrical | 220 |
| 8. Fee for tests not included in this list will be based on actual costs. | |
| (d) Fee for tests required by changes in design will be determined by the Bureau; minimum fee | 500 |

[1] If the applicant withdraws the blasting device after testing has begun, or if the device fails to pass any of the required tests, the Bureau will charge a minimum of $500 and will return to the applicant any part of the remaining fee not required to compensate the Bureau for its services.

Bureau of Mines Schedule 2F, § 18.3 of Subchapter D of this Chapter, pertaining to "Electric Motor-Driven Mine Equipment, Junction Boxes and Other Accessory Equipment," is revised to read as follows:

§ 18.3 Fees.

| | |
|---|---|
| (a) Detailed inspection of each explosion-proof enclosure | $ 50 |

NOTE: When less than 20 explosion tests are required, the inspection fee shall be $25.

| | |
|---|---|
| (b) Explosion tests of each explosion-proof enclosure | 40 |

NOTE: When less than 20 explosion tests are required, the fee shall be $20.

| | |
|---|---|
| (c) Each series of tests necessary to prove the adequacy of electrical clearances, insulation durability, intrinsic safety, surface temperature, or ventilation of each enclosure | 45 |
| (d) Each field inspection of completely assembled equipment | 40 |
| (e) Tests of portable cable | |
| 1. Damage-resistance tests | 30 |
| 2. Development tests to determine resistance to damage by mine car running over cable will be charged at the rate of $3 for each five runs over the cable. The minimum charge is $6. | |
| 3. Flame-resistance tests | 20 |
| 4. Development flame-resistance tests will be charged at the rate of $4 per test sample. The minimum charge is $8. | |
| (f) Examining and recording drawings and specifications preparatory to issuing an approval | 45 |
| (g) Examining and recording drawings and specifications for each investigation of a motor, starter, or other individual explosion-proof unit considered independently of a complete machine assembly for certification | 25 |
| (h) Examining and recording drawings and specifications for an extension of approval | 45 |
| (i) Examining and recording drawings and specifications for an extension of certification | $25 |
| (j) No charge will be made for inspections and tests made solely for the Bureau's information. | |

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence, and incidental expenses of its representative(s) in accordance with standard Government travel regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

Bureau of Mines Schedule 6D, § 19.2 of Part 19 of Subchapter D of this Chapter, pertaining to "Electric Cap Lamps," is revised to read as follows:

§ 19.2 Fees.

| | |
|---|---|
| (a) Detailed inspection | $50 |
| (b) Safety tests (headpiece) | 80 |
| (c) Headpiece dropping | 10 |
| (d) Headpiece smash | 20 |
| (e) Battery sparking | 20 |
| (f) Battery dropping | 10 |
| (g) Battery spilling | 30 |
| (h) Bulb uniformity (current consumption) | 20 |
| (i) Bulb life | 110 |
| (j) Light distribution | 140 |
| (k) Discharge voltage (battery) | 40 |
| (l) Cord slatting | 50 |
| (m) Final examination and recording of drawings and specifications requisite to issuing an approval | 45 |
| (n) Examining and recording of drawings and specifications requisite to issuing an extension of approval | 45 |
| (o) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant. | |

Bureau of Mines Schedule 10C, § 20.4 of Part 20 of Subchapter D of this Chapter, pertaining to "Electric Mine Lamps Other Than Standard Cap Lamps," is revised to read as follows:

§ 20.4 Fees.

| | |
|---|---|
| (a) Detailed inspection [1] | $50 |
| (b) Safety tests in gas [1] | 40 |
| (c) Battery sparking [2] | 20 |
| (d) Battery spilling [3] | 30 |
| (e) Dropping [1] | 10 |
| (f) Bumping [4] | 40 |
| (g) Explosion tests [5] | 40 |
| (h) Final examination and recording of drawings and specifications requisite to issuing an approval | 45 |
| (i) Examining and recording drawings and specifications requisite to issuing an extension of approval | 45 |

[1] Applies to all lamps.
[2] Applies only if cord is involved.
[3] Applies only to storage-battery lamps.
[4] Applies only to trip lamps.
[5] Applies only to units in explosion-proof housings.

Bureau of Mines Schedule 7C, § 21.3 of Part 21 of Subchapter D of this Chapter, pertaining to "Flame Safety Lamps," is revised to read as follows:

§ 21.3 Fees.

| | |
|---|---|
| (a) Detailed inspection | $50 |
| (b) Mechanical tests of complete lamp | |
| 1. Dropping test | 10 |
| 2. Impact test with 5# weight | 20 |
| 3. Tension test with 10# weight | 20 |
| 4. Bonnet test (pendulum impact) | 30 |
| 5. Temperature of external parts | 10 |
| (c) Mechanical tests of glasses | |
| 1. Impact test with 1# weight | 20 |
| 2. Temperature test | 10 |
| (d) Safety tests—moving and still mixtures | 30 |
| (e) Safety tests—igniter | 40 |
| (f) Time of burning | 10 |
| (g) Detection of methane and deficiency of oxygen | 50 |
| (h) Final examination and recording of drawings and specifications requisite to issuing an approval | 45 |
| (i) Examining and recording drawings and specifications requisite to issuing an extension of approval | 45 |
| (j) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant. | |

Bureau of Mines Schedule 8C, § 22.3 of Part 22 of Subchapter D of this Chapter, pertaining to "Portable Methane Detectors," is revised to read as follows:

§ 22.3 Fees.

| | |
|---|---|
| (a) Detailed inspection | $50 |
| (b) Safety—intrinsically safe circuits | 40 |
| (c) Battery spilling | 30 |
| (d) Battery dropping | 10 |
| (e) Accuracy | 80 |
| (f) Life tests of replaceable components | 40 |
| (g) Field tests | 30 |
| (h) Final examination and recording of drawings and specifications requisite to issuing an approval | 45 |
| (i) Examining and recording drawings and specifications requisite to issuing an extension of approval | 45 |
| (j) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant. | |



Bureau of Mines Schedule 9B, § 23.4 of Part 23 of Subchapter D of this Chapter, pertaining to "Telephone and Signaling Devices," is revised to read as follows:

§ 23.4 Fees.

| | |
|---|---|
| (a) Detailed inspection | $50 |
| (b) Explosion tests (each compartment) | 40 |
| (c) Intrinsic safety | 40 |
| (d) Life tests of replaceable parts | 40 |
| (e) Final examination and recording of drawings and specifications requisite to issuing an approval | 45 |
| (f) Examining and recording drawings and specifications requisite to issuing an extension of approval | 45 |
| (g) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant. | |

Bureau of Mines Schedule 12D, § 24.1 of Part 24 of Subchapter D of this Chapter, pertaining to "Single-Shot Blasting Units," is revised to read as follows:

§ 24.1 Fees.

| | |
|---|---|
| (a) Detailed inspection | $50 |
| (b) Intrinsic safety tests | 40 |
| (c) Life tests of replaceable parts or complete unit | 40 |
| (d) Discharge voltage test | 40 |
| (e) Firing capacity test | 40 |
| (f) Dropping test | 10 |
| (g) Final examination and recording of drawings and specifications requisite to issuing an approval | 45 |
| (h) Examining and recording drawings and specifications requisite to issuing an extension of approval | 45 |
| (i) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant. | |

Bureau of Mines Schedule 16E, § 25.4 of Part 25 of Subchapter D of this Chapter, pertaining to "Multiple-Shot Blasting Units," is revised to read as follows:

§ 25.4 Fees.

| | |
|---|---|
| (a) Detailed inspection | $50 |
| (b) Timing and energy requirement determination | 30 |
| (c) Safety tests in methane-air mixtures | 40 |
| (d) High-potential test | 10 |
| (e) Dropping test | 10 |
| (f) Life test of complete unit | 100 |
| (g) Firing capacity test | 30 |
| (h) Final examination and recording of drawings and specifications requisite to issuing an approval | 45 |
| (i) Examining and recording drawings and specifications requisite to issuing an extension of approval | 45 |
| (j) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant. | |

Bureau of Mines Schedule 29A, § 26.6 of Part 26 of Subchapter D of this Chapter, pertaining to "Lighting Equipment for Illuminating Underground Workings," is revised to read as follows:

§ 26.6 Fees.

| | |
|---|---|
| (a) Detailed inspection | $50 |
| (b) Explosion tests, each series | 40 |
| (c) Dropping test | 10 |
| (d) Temperature test | 5 |
| (e) High-potential test | 10 |
| (f) Safety tests in methane-air mixtures [1] | 80 |
| (g) Short-circuit test [1] | 10 |
| (h) Flame-resistance test (cable connectors) | 5 |
| (i) Final examination and recording of drawings and specifications requisite to issuing an approval | 45 |
| (j) Examining and recording drawings and specifications requisite to issuing and extension of approval | 45 |
| (k) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant. | |

[1] Applies to cable connectors submitted for certification.

Bureau of Mines Schedule 22, Paragraph (c) of § 31.3 of Part 31 of Subchapter E of this Chapter, pertaining to "Diesel Mine Locomotives," is revised to read as follows:

§ 31.3 Conditions under which approvals may be granted; preliminary steps.

* * * * * *

(c) *Fees.*

| | |
|---|---|
| 1. Preliminary review of drawings, specifications, and related data—new machine | $35 |
| 2. Tests to determine composition of engine exhaust gases | 400 |

NOTE: For preliminary or check testing that requires only carbon dioxide and carbon monoxide determinations, the fee shall be $200.

| | |
|---|---|
| 3. Tests to determine effectiveness of engine flame arrester | 120 |

NOTE: For check testing a redesigned flame arrester that requires less than 20 tests, the fee shall be $60.

| | |
|---|---|
| 4. Detailed inspection of engine flame arrester | 35 |
| 5. Detailed inspection of manifolds, exhaust conditioners, and other parts of intake and exhaust systems | 45 |
| 6. Detailed inspection of electrical units—each explosion-proof enclosure | 50 |

NOTE: When less than 20 explosion tests are required, the inspection fee shall be $25.

| | |
|---|---|
| 7. Explosion tests of electrical units—each explosion-proof enclosure | 40 |

NOTE: When less than 20 explosion tests are required, the fee shall be $20.

| | |
|---|---|
| 8. Exhaust conditioner performance tests to determine rate of water consumption | 45 |
| 9. Each field inspection of completely assembled machine | 80 |
| 10. Tests of exhaust-gas dilution not made concurrently with field inspection of completely assembled machine | 55 |
| 11. Final examination and recording of drawings and specifications preparatory to issuing an approval | 45 |
| 12. Examining and recording drawings and specifications for an extension of approval, each 4 hours or fraction thereof | 15 |

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence, and incidental expenses of its representative(s) in accordance with standard Government travel regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

Bureau of Mines Schedule 24, Paragraph (c) of § 32.3 of Part 32 of Subchapter E of this Chapter, pertaining to "Mobile Diesel-Powered Equipment for Noncoal Mines," is revised to read as follows:

§ 32.3 Conditions under which approvals may be granted or tests made; preliminary steps preceding approval tests and inspections.

* * * * * *

(c) *Fees.*

| | |
|---|---|
| 1. Preliminary review of drawings, specifications, and related data—each new machine | $35 |
| 2. Tests to determine composition of engine exhaust gases | 350 |

NOTE: For preliminary or check testing that requires only carbon dioxide and carbon monoxide determinations, the fee shall be $175.

| | |
|---|---|
| 3. Detailed inspection of exhaust-gas cooling system | $35 |
| 4. Detailed inspection of electrical system | 20 |
| 5. Each field inspection of completely assembled machine | 75 |
| 6. Exhaust-gas-dilution tests independent of field inspection | 55 |
| 7. Final examination and recording of drawings and specifications preparatory to issuing an approval | 45 |
| 8. Final examination and recording of drawings and specifications preparatory to issuing a certification of an engine subassembly | 30 |
| 9. Examining and recording of drawings and specifications for an extension of approval or certification of an engine subassembly, each 4 hours or fraction thereof | 15 |

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence, and incidental expenses of its representative(s) in accordance with standard Government travel regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

Bureau of Mines Schedule 28, § 34.5 of Part 34 of Subchapter E of this Chapter, pertaining to "Fire-Resistant Conveyor Belts," is revised to read as follows:

**§ 34.5 Fees.**

| | |
|---|---|
| (a) Flame test | $20 |
| (b) Drum-friction test | 40 |
| (c) Fees for unusual tests, or tests not included in this list, which might be necessary, will be based on actual costs of testing, and will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before tests are begun. | |

[F.R. Doc. 61-102; Filed, Jan. 6, 1961; 8:46 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

### [ 7 CFR Part 914 ]

## HANDLING OF NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for 1960-61 Fiscal Year

Consideration is being given to the following proposals submitted by the Navel Orange Administrative Committee, established under Marketing Agreement No. 117, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $160,630 will be necessarily incurred during the fiscal year November 1, 1960, through October 31, 1961, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles oranges shall pay during the fiscal year in accordance with the aforesaid marketing agreement and order, the rate of assessment of eleven mills ($0.011) per carton of oranges handled by such handler as the first handler thereof during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handle," "handler," "oranges," "fiscal year," and "carton" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674)

Dated: January 4, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-120; Filed, Jan. 6, 1961; 8:48 a.m.]

## Commodity Exchange Authority

### [ 17 CFR Parts 1, 5 ]

## FROZEN WHOLE EGGS, FROZEN PLAIN EGG WHITES AND FROZEN PLAIN EGG YOLKS

### Notice of Proposed Rule Making

CROSS REFERENCE: For interpretation of "eggs", see F.R. Document 61-122, appearing under Title 17, Chapter I, Part 50, *supra*.

Pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1958 ed., § 1003), notice is hereby given that the Secretary of Agriculture, under authority contained in the Commodity Exchange Act (7 U.S.C. 1958 ed., 1-17a), is considering the amendment of §§ 1.3(e), 5.00, 5.17, 5.18, 5.20, and 5.21 of the regulations under the act (17 CFR 1.3(e), 5.00, 5.17, 5.18, 5.20 and 5.21) to read substantially as follows:

**§ 1.3 Definitions.**

* * * * *

(e) *Commodity.* This term means and includes wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, millfeeds, butter, eggs (including shell eggs, frozen whole eggs, frozen plain egg whites, and frozen plain egg yolks), onions, Irish potatoes, wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil, and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans and soybean meal.

**§ 5.00 Definitions; "eggs"; "cash eggs"; "egg futures"; "each future"; "one future".**

The term "eggs" as used in this part shall mean and include shell eggs, frozen whole eggs, frozen plain egg whites and frozen plain egg yolks. The terms "cash eggs" and "spot eggs" shall have the same meaning and shall refer to transactions in actual eggs as distinguished from futures. The terms "egg future", "each future", and "one future" shall include contracts of the same kind and class maturing during the same delivery month.

**§ 5.17 Information shown in reports on Form 504.**

Reports on Form 504 shall be prepared in accordance with the instructions appearing on the said form and shall show the makeup and amount of the cash-egg position, as determined by inventories of and unfilled fixed-price purchase and sale commitments with respect to shell eggs (in cold storage and elsewhere), frozen whole eggs, frozen plain egg whites, frozen plain egg yolks, and egg products.

**§ 5.18 Cash-egg positions; information to be furnished upon request.**

Any person who, as a matter of regular business practice, excludes certain eggs not in cold storage or certain egg products in determining his cash-egg position for hedging purposes, may exclude such eggs or egg products in reporting his cash-egg position. Such person shall upon request furnish the Commodity Exchange Authority with detailed information concerning the eggs or egg products so excluded.

**§ 5.20 Amount fixed for reporting on Form 501.**

For the purpose of sections 5.04 and 5.05, the amounts specified for reporting accounts on Form 501 are, respectively, 25 carlots for shell eggs, 25 contract units for frozen whole eggs, 25 contract units for frozen egg whites, and 25 contract units for frozen egg yolks, but such specified amounts shall not apply to special calls issued under authority of § 5.22.

**§ 5.21 Amount fixed for reporting on Forms 503 and 504.**

For the purpose of §§ 5.10, 5.14, and 5.16, the amounts specified for reporting accounts on Forms 503 and 504 are, respectively, 25 carlots for shell eggs, 25 contract units for frozen whole eggs, 25 contract units for frozen egg whites, and 25 contract units for frozen egg yolks.

The effect of the proposed amendments will be to include frozen whole eggs, frozen plain egg whites and frozen plain egg yolks within the definition of "eggs" in §§ 1.3 and 5.00 of the regulations, and thus make such commodities subject to the requirements of Part 1 (General Provisions) and Part 5 (Special Provisions Applicable to Eggs) of the regulations. Sections 5.20 and 5.21 establish 25 contract units of frozen whole eggs, frozen plain egg whites and frozen plain egg yolks as the applicable quantity for reporting purposes.

The proposed amendments will eliminate the present requirement in § 5.17 for reporting open contracts. The amendments will also eliminate the requirement in § 5.18 that information as to items excluded in computing the cash-egg position be submitted with each report, and substitute therefor a provision that such information be furnished upon request of the Commodity Exchange Authority. The amendments also make editorial changes in the above sections.

All persons who desire to submit written statements for consideration in connection with the proposed amendments to the regulations should file them with the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington 25, D.C., within thirty (30) days after the publication of this notice in the FEDERAL REGISTER.

Issued this 28th day of December 1960.

ALEX C. CALDWELL,
*Administrator, Commodity Exchange Authority.*

[F.R. Doc. 61-123; Filed, Jan. 6, 1961; 8:48 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[AA 643.3–W]

### PORTLAND CEMENT FROM SWEDEN

### Determination of Sales at Less Than Fair Value

DECEMBER 30, 1960.

A complaint was received that Portland cement, other than white, nonstaining Portland cement, from Sweden was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Portland cement, other than white, nonstaining Portland cement, from Sweden is being, and is likely to be, sold at less than fair value within the meaning of section 201 (a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The United States Tariff Commission is being advised of this determination.

*Statement of reasons.* It was determined that for fair value purposes the purchase price of the imported bagged cement should be compared with adjusted home market price based on the sales of bagged cement.

As to one manufacturer's product, purchase price was computed on the basis of the C&F Atlantic Coast price per metric ton, from which was deducted the included ocean freight and the Swedish inland freight and f.o.b. charges. The adjusted home market price was computed on the basis of the weighted-average price, ex-factory, packed, per metric ton, from which was deducted a quantity discount, a cash discount, certain administrative and selling costs, and interest cost. The total of the last three items was reduced by an amount representing the United States selling agent's commission. The difference between home market and export packing costs and the cost of spare bags included in the shipments were added, and an adjustment was made to compensate for the fact that home market sales were on a gross-for-net basis. Had there been any importations on or after July 5, 1960, the administrative and selling expenses would not have been allowed.

As to the other manufacturer's product, the invoiced price per metric ton, f.o.b., stowed, was considered to be the purchase price. The adjusted home market price was computed on the basis of the price to various distribution points either delivered or ex-factory, as applicable, less: Merchandise, quantity, cash, and deferred discounts, as applicable; agent's handling expenses, as applicable; sales office expenses, as applicable; and freight, loading, storage, and unloading, as applicable. The sales office expenses were adjusted by a deduction for the export selling expenses included therein. The difference between home market and export packing costs and the cost of spare bags included in the shipments were added, and an adjustment was made to compensate for the fact that home market sales were on a gross-for-net basis. A weighted-average price per metric ton was arrived at on the basis of the relative proportion of total shipments sold to each delivery point. As to importations on or after July 5, 1960, the sales office expenses, other than for drayage, insurance, and loading, are not considered to be deductible as circumstances of sale.

Purchase price was found to be lower than adjusted home market price in each case.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61–116; Filed, Jan. 6, 1961; 8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### TEXAS

### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in Travis County, Texas, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 3d day of January 1961.

TRUE D. MORSE,
*Acting Secretary.*

[F.R. Doc. 61–106; Filed, Jan. 6, 1961; 8:46 a.m.]

### Rural Electrification Administration

### VARIOUS OFFICIALS

### Delegations of Authority

Pursuant to the authority delegated by the Secretary of Agriculture to the Administrator, Rural Electrification Administration, by sections 116 and 1500 of the Delegations of Authority and Assignment of Functions dated December 24, 1953, effective January 2, 1954 (19 F.R. 74), as amended, made pursuant to Reorganization Plan No. 2 of 1953 and other authorizations, the following delegations of authority have been made:

A. Authority has been delegated to the officials listed below to exercise, in the absence of the Administrator, and in the following order of precedence, any powers of the Administrator:

1. Deputy Administrator.
2. Assistant Administrator designated to direct the electric program.
3. Assistant Administrator for Administration.
4. Assistant Administrator designated to direct the telephone program.
5. Such other official as shall be designated by the Administrator.

B. Authority has been delegated to the Deputy Administrator to approve or execute:

1. REA Bulletins expressing policy.
2. Agreements or contracts covering management or operations services between telephone and electric borrowers.
3. Interim financing proposals, subject to subsequent approval of a loan or advance of funds.
4. All matters and documents as to which authority to approve or execute is conferred upon others in paragraphs C through T hereof.

C. Authority has been delegated to the Assistant Administrators (Program) to approve or execute:

1. REA Bulletins except those expressing policy.
2. Action concerning disapproval of the selection of a manager or an attorney by a borrower.
3. Electric wholesale, wheeling, and interchange power contracts.
4. Contracts for the cash sale or removal of property in place and for the sale of real estate by electric and telephone borrowers, involving transactions of $50,000 and over, or more than 10 percent of a borrower's total assets; and releases of lien and all other documents relating to such sales.
5. The use or reimbursement of general funds exceeding $50,000 or 10 percent of a borrower's total assets whichever is the lesser, when approval is required.
6. Contracts for acquisition by electric and telephone borrowers of existing facilities in place.
7. Authorization for advance of loan funds under "conditional agreements" or where waiver of loan contract provisions is involved; the placement and release of "stop orders" on loan funds.
8. Agreements between REA electric and telephone borrowers for the general joint use of facilities.
9. Loan budget adjustments for generation and transmission purposes (excluding transmission for distribution borrowers) and for adjustments in excess of 10 percent of budgeted amounts for electric headquarters facilities.





10. Basis date agreements on approved forms providing for modification of existing mortgage notes.
11. Engineering fee schedules.
12. All matters and documents as to which authority to approve or execute is conferred upon others in paragraphs D through R hereof.

D. Authority has been delegated to the Deputy Assistant Administrator—Telephone to approve or execute:

1. Changes in a borrower's corporate status.
2. First advance of loan funds where waiver of loan contract conditions is not involved.
3. Cash sales of borrower's property in place or sales of real estate involving transactions not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser; and releases of lien and all other documents relating to such sales.
4. Borrower's exchange rates and tariffs.
5. All matters and documents as to which authority to approve or execute is conferred upon others in paragraphs J through N hereof.

E. Authority has been delegated to the Area Directors (Electric) to approve or execute:

1. Construction contracts and the award of such contracts where minimum number of bids not received.
2. Contracts for the purchase and installation of generating equipment.
3. Agreements for the joint use of electric borrowers' facilities, except for general joint use agreements between electric and telephone borrowers.
4. Revisions of borrower's retail rate schedules.
5. Loan budget adjustments involving changes in primary loan purposes excluding generation facilities, transmission facilities for power type borrowers, and adjustments in excess of 10 percent of the budgeted amount for headquarters facilities.
6. Agreements between electric borrowers for operation of a borrower's facilities.
7. Waiver of defects in title or rights-of-way obtained by borrowers.
8. Cash sales or removals of borrowers' property in place or sales of real estate involving transactions not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser; and releases of lien and all other documents relating to such sales.
9. The use or reimbursement of general funds for construction purposes not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, when approval is required.
10. Action concerning payment of dividends or other cash distributions by borrowers.
11. Use of non-standard drawings, materials, and equipment by borrowers.
12. All matters and documents as to which authority to approve or execute is conferred upon others in paragraphs G, H, and I hereof.

F. Authority has been delegated to the Assistant Area Directors (Electric) to approve or execute, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs G, H, and I hereof.

G. Authority has been delegated to the Engineering Section Heads, Electric Area Offices, to approve:

1. Right-of-way clearing contracts.
2. The selection by borrower of an engineer or architect and contracts for engineering and architectural services.
3. Final inventory documents and payments to contractors and engineers.
4. Financial Requirement and Expenditure Statements and work order inventories.
5. Plans and specifications and work orders for construction of generation facilities and for headquarters, garage and warehouse facilities.
6. All technical engineering studies of distribution and transmission facilities requiring REA approval.
7. Borrowers' selection of force account method of construction.
8. Borrowers' proposals for off-peak load control equipment.
9. All matters and documents as to which authority to approve or execute is conferred upon others in paragraph H hereof.

H. Authority has been delegated to the Field Engineers, Electric Area Offices, to approve:

1. Plans and specifications for construction of distribution and transmission facilities and for preliminary design data and plans and profile sheets for transmission facilities.
2. Estimate work orders for construction of distribution and transmission facilities.
3. Large power applications from an engineering standpoint.
4. Final statements of engineering fees.
5. Borrowers' annual work plans.
6. Certificates of completion for distribution and transmission contract construction.
7. Voltage drop, sectionalizing and power factor studies.

I. Authority has been delegated to the Operations Section Heads, Electric Area Offices, to approve or execute:

1. Retail rate contracts between borrowers and others relating to large power installations.
2. Borrowers' cash sales of material and equipment excluding property in place; and releases of lien and all other documents relating to such sales.
3. Borrowers' insurance and fidelity coverage.
4. Special legal fees to be paid by borrowers from loan funds.
5. The selection by a borrower of a Certified Public Accountant to perform audits.
6. Borrowers' requests for approval to loan in excess of $2,500 of section 5 loan funds to a consumer.
7. Purchase of real estate by borrowers.
8. Certificates regarding a borrower's incorporation and changes in a borrower's corporate status or name.
9. Affidavits and certificates with respect to the recording and filing of mortgages and deeds of trust including mortgages to be recorded on financing statements, pursuant to the Uniform Commercial Code.
10. Municipal and county franchise obtained by borrowers from the standpoint of acceptability for REA loans.

J. Authority has been delegated to the Area Directors (Telephone) to approve or execute:

1. Borrowers' lease agreements and contracts covering management or operations services except those involving electric borrowers.
2. The use of general funds for reimbursable items not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser.
3. Borrowers' use of non-standard operating reports.
4. Designation of borrowers required to obtain CPA audits.
5. The use of equity funds by borrowers prior to the first release of loan funds.
6. Forms of borrowers' stock and equity certificates.
7. Borrowers' basic system plan report.
8. Award of, and contracts for, construction and central office equipment.
9. Engineering fees in excess of engineering fee schedules.
10. Line Extension Contracts.
11. Requests for and amendments to construction contracts or central office equipment contracts where the amount of the amendment exceeds 10 percent of the original contract price.
12. Borrowers proposals in amounts of $15,000 or more, for the purchase of (1) special equipment such as carrier, radio, repeaters, etc., and (2) additions and modifications of central office equipment.
13. Approval of plans and specifications for central office equipment, commercial office, garage and warehouse buildings and for non-standard central office equipment buildings.
14. Loan budget transfers except those that affect findings by the Administrator required under the RE Act, or that may raise legal or policy questions as to the permissibility of the expenditure.
15. Selection by telephone borrowers of the force account method of construction.
16. Use of non-standard drawings, materials, and equipment.
17. Waiver of defects in title or right-of-way obtained by borrower.
18. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs L, M, and N hereof.

K. Authority has been delegated to the Assistant Area Directors (Telephone) to approve or execute, independently, all matters and documents as to which authority to approve or execute is conferred on others in paragraphs L, M, and N hereof.

L. Authority has been delegated to the Engineering Section Heads, Telephone Area Offices, to approve:

1. Joint use agreements between telephone borrowers and parties other than REA borrowers.
2. The selection by a borrower of an engineer or an architect and contracts for engineering and architectural services.

3. Statement of final engineering fees.
4. Amendments to construction contracts or central office equipment contracts where the amount of the amendment does not exceed 10 percent of the original contract price.
5. Borrowers' proposals and cost estimates for force account engineering and construction.
6. Borrowers' proposals in amounts less than $15,000 for the purchase of (1) special equipment such as carrier, radio, repeaters, etc., and (2) additions and modifications of central office equipment.
7. Contracts and amendments thereto, for the purchase of special equipment such as carrier, radio, repeaters, etc.
8. Financial Requirement Statements.
9. Final Inventory Documents and payments to contractors and engineers.
10. Purchase of real estate by borrowers.
11. All matters and documents as to which authority to approve or execute is conferred upon others in paragraph M hereof.

M. Authority has been delegated to Field Engineers, Telephone Area Offices, to approve:

1. Plans and specifications for outside plant and standard central office buildings.
2. Borrowers' proposals for and completed construction of system improvements and extensions, when required.

N. Authority has been delegated to the Operations Section Heads, Telephone Area Offices, to approve or execute:

1. Affidavits and certificates with respect to the recording and filing of mortgages and deeds of trust including mortgages to be recorded as financing statements, pursuant to the Uniform Commercial Code.
2. Municipal and county franchises obtained by borrowers from the standpoint of acceptability for REA loans.
3. Special legal fees to be paid by borrowers from loan funds.
4. Certificates regarding a borrower's incorporation and articles of incorporation and bylaws and changes in a borrower's corporate name.
5. State regulatory body orders and approvals from the standpoint of acceptability for REA loans.
6. Borrower's cash sales of material and equipment, excluding property in place, when approval is required; and releases of lien and all other documents relating to such sales.
7. Borrowers insurance and fidelity coverage.
8. Selection of Certified Public Accountants to perform audits.

O. Authority has been delegated to the chief of the Electric Engineering Division to approve or accept reports and invoices submitted under contracts covering research and services performed for REA in connection with the electric program.

P. Authority has been delegated to the Chief of the Telephone Engineering and Operations Division to approve or accept reports and invoices submitted under contracts covering research and services performed for REA in connection with the telephone program.

Q. Authority has been delegated to the Technical Standards Committee "A" (Electric and Telephone) to accept or reject all proposals of standards, standard specifications, drawings, materials and equipment submitted for acceptance for use on REA financed electric and/or telephone systems.

R. Authority has been delegated to the Technical Standards Committee "B" (Electric and Telephone) to review and make final decision on cases referred to it by Committee "A" or by appeal from a sponsor from an adverse decision of Committee "A".

S. Authority has been delegated to the Chief, Administrative and Loan Accounting Division to:

1. Execute endorsements or assignments of promissory notes or other collateral pledged by borrowers as security for Rural Electrification Administration loans, as may be necessary in connection with the return of such documents to borrowers because of the payment of the obligations in full or in order that the borrowers may institute legal action thereon or in connection therewith.
2. Cancel or endorse the fact of payment on borrowers' notes which have been paid in full or which are to be returned to borrowers by reason of the cancellation of such notes resulting from the receipt of REA of refunding, renewal, or substituted notes.

T. Authority has been delegated to the Chief, Administrative Division, the Head, Administrative Services Section, Administrative Division, and to the Head, Supply and Space Management Unit, Administrative Division, to approve the procurement of equipment, materials, and services for REA.

In the event that any of the incumbents of positions to whom delegations are made herein are absent or are unable to act, the person designated to act for such incumbent shall have authority to exercise the authority conferred by such delegations. Incumbents of positions delegated authority herein are authorized to designate persons to act for them in their absence. Such designation shall be in accordance with any instructions issued by the incumbent's supervisors. There is reserved in the Administrator authority for all matters not delegated hereby, or by other existing written delegations, including without limitation:

A. The making or rescission of loans.
B. Extensions of loan periods pursuant to section 12 of the Rural Electrification Act, as amended.
C. Execution of instruments relating to inter-borrower transfers involving the assumption of indebtedness.

These delegations supersede all prior delegations with reference to these matters.

Issued this third day of January 1961.

DAVID A. HAMIL,
*Administrator.*

[F.R. Doc. 61-125; Filed, Jan. 6, 1961; 8:49 a.m.]

# DEPARTMENT OF COMMERCE

## Federal Maritime Board

[Docket No. 928]

[Agreement No. 8545]

## LLOYD BRASILEIRO (PATRIMONIO NACIONAL) AND MOORE-McCORMACK LINES, INC.

### Notice of Investigation and Hearing

On December 22, 1960, the Federal Maritime Board entered the following order:

Whereas, Lloyd Brasileiro (Patrimonio Nacional) and Moore-McCormack Lines, Inc., filed for approval pursuant to section 15 of the Shipping Act, 1916, an agreement (F.M.B. Agreement No. 8545) providing, among other things, (1) for the pooling of revenue on all cargo, with certain exceptions, carried by the parties from United States Atlantic Coast ports to the United States of Brazil, and (2) for cooperation by the parties to assure that all cargo controlled by the United States of America or by the United States of Brazil, and moving in such trade, will be carried by Moore-McCormack or by Lloyd Brasileiro, and

Whereas, pursuant to notice of the filing of the agreement in the FEDERAL REGISTER of October 27, 1960 (25 F.R. 10321) protests were filed by several individual members of the River Plate and Brazil Conferences, by shippers, by agents for common carriers by water, in the trade, by forwarders, by the Board of Commissioners of the Port of New Orleans, the Mississippi Valley Association, and the Embassy of Sweden, and

Whereas, protestants allege, among other things, (1) that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports or otherwise contrary to the purposes and policies of the maritime laws of the United States and that the matter should be assigned for hearing and the parties to the agreement given an opportunity to explain their objectives in a public record subject to inquiry of interested persons, to the end that if there is to be a pooling agreement between Lloyd Brasileiro (Patrimonio Nacional) and Moore-McCormack Lines, Inc., it contains such safeguards that the interests of the lines serving Gulf ports and the commerce which they serve shall be adequately protected, (2) that the agreement, if approved, would create a monopoly in the trade and would be detrimental to the commerce of the United States, and

Whereas, the proposed agreement may be unjustly discriminatory, unfair, or operate to the detriment of the commerce of the United States within the meaning of section 15 of the Shipping Act, 1916, and may result in violation of section 16 First, and

Whereas, there has been filed a formal complaint dealing with said agreement, Docket No. 921 (River Plate and Brazil Conferences, et al. v. Lloyd Brasileiro (Patrimonio Nacional) et al.).



Now therefore, pursuant to sections 15, 16 First, and 22 of the Shipping Act, 1916, as amended,

*It is ordered*, That the Board, upon its own motion, enter upon an investigation and hearing to determine (1) whether Agreement No. 8545, if approved, would be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters of the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, within the meaning of section 15 of the Shipping Act, 1916, as amended, and (2) whether Agreement No. 8545, if approved, would subject any particular person, locality or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, in violation of section 16 First of said Act, and

*It is further ordered*, That Lloyd Brasileiro (Patrimonio Nacional) and Moore-McCormack Lines, Inc., be, and they are hereby, made respondents in this proceeding, and

*It is further ordered*, That this order be published in the FEDERAL REGISTER, and that a copy of such order be served upon said respondents, and

*It is further ordered*, That a copy of such order be furnished each of the protestants, and

*It is further ordered*, That this proceeding be assigned for hearing before an examiner of the Board's Office of Hearing Examiners and consolidated with the proceeding in Docket No. 921.

Notice is hereby given that the hearing in this proceeding, consolidated with Docket No. 921, will be held before Examiner C. W. Robinson at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

By order of the Federal Maritime Board.

Dated: January 4, 1961.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-115; Filed, Jan. 6, 1961; 8:47 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-175]

## AMERICAN RADIATOR & STANDARD SANITARY CORP.

### Notice of Filing of Application for Utilization Facility Export License

Please take notice that American Radiator & Standard Sanitary Corporation, represented by Advanced Technology Laboratories, a Division of American-Standard, 369 Whisman Road, Mountain View, California, has submitted an application dated October 5, 1960, for a license authorizing the export of a 0.1 watt, water-moderated, graphite-reflected, teaching and research nuclear reactor to Kinki University, Fuse, Osaka, Japan.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", and upon finding that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an Agreement for Cooperation with the Government of Japan, the Commission may issue a facility export license authorizing the export of the reactor to Japan.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactor.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission by the applicant or an intervener within 30 days after the filing of this notice with the Office of the Federal Register.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 28th day of December 1960.

For the Atomic Energy Commission.

EBER R. PRICE,
*Acting Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-112; Filed, Jan. 6, 1961; 8:47 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 9181]

## REOPENED ERIE-DETROIT INVESTIGATION

### Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter now assigned to be held on January 17, 1961, is postponed to January 25, 1961, at 10 a.m., e.s.t., in Room 803, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William F. Cusick.

Dated at Washington, D.C., January 3, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-117; Filed, Jan. 6, 1961; 8:48 a.m.]

## ACCIDENT AT NEW YORK CITY

[Docket No. SA-861]

### Notice of Hearing

In the matter of investigation of a mid-air collision involving aircraft of United States Registry N 8013U and N 907C, which occurred on December 16, 1960, at New York City.

Notice is hereby given that an Accident Investigation Hearing on the above styled matter will be held commencing January 4, 1961, at 9:30 a.m. (local time) in the St. George Hotel, 51 Clark Street, Brooklyn, N.Y.

Dated this 5th day of January 1961.

[SEAL] VAN R. O'BRIEN,
*Hearing Officer.*

[F.R. Doc. 61-162; Filed, Jan. 6, 1961; 8:49 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. E-6927]

## UNION ELECTRIC CO.

### Order Fixing Hearing

DECEMBER 30, 1960.

Union Electric Company of Saint Louis, Missouri (Company), on February 1, 1960, filed with the Federal Power Commission a declaration of intention pursuant to section 23(b) of the Federal Power Act (16 U.S.C. 817), in which Union Electric Company announced its proposal to construct, operate and maintain a pumped-storage hydroelectric generating project on the East Fork of the Black River in Reynolds County, Missouri, and in which Union Electric Company prayed that the Federal Power Commission, following an investigation, find that the interests of interstate or foreign commerce would not be affected and that public lands or reservation would not be affected.

The Commission's staff (staff) has made an investigation of the proposed project and the staff has concluded that the construction, operation and maintenance of the proposed project would affect the interests of interstate or foreign commerce. The Company has requested a hearing.

The Commission finds: It is appropriate and in the public interest to hold a public hearing as hereinafter provided respecting the matters involved and the issues presented by the aforesaid declaration of intention.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 23(b), 307, and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on January 31, 1961 at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the question of whether the construction, operation, and maintenance of the proposed project by Union Electric Company would be sub-

ject to the licensing provisions of the Federal Power Act.

By the Commission.

MICHAEL J. FARRELL,
*Acting Secretary.*

[F.R. Doc. 61-99; Filed, Jan. 6, 1961; 8:45 a.m.]

# FEDERAL TRADE COMMISSION

[File No. 21-306]

## FLORIDA FRESH CITRUS FRUIT INDUSTRY

### Notice of Trade Practice Conference

A trade practice conference for the Florida Fresh Citrus Fruit Industry will be held under the auspices of the Federal Trade Commission on Thursday, January 26, 1961, in the A. B. Michael Auditorium, Florida Citrus Mutual Building, Lakeland, Florida, commencing at 10:00 a.m., e.s.t.

The conference will be under the general supervision of the Honorable Sigurd Anderson, Federal Trade Commissioner, and will constitute the first step in the proceedings authorized by the Commission for the establishment of trade practice rules for this industry.

Members of this industry are persons, firms, corporations and organizations (including producers, packers, shippers, wholesalers, etc.) engaged in the sale, offering for sale or distribution of any variety of grapefruit, oranges, tangerines, temples, tangelos, lemons or limes grown in Florida which are marketed and delivered to the ultimate consumer in a fresh, natural state.

The purpose of the conference, which was authorized by the Commission pursuant to application therefor by the Florida Fresh Citrus Shippers Association, is to afford all members of this industry an opportunity to consider and propose for establishment, subject to the Commission's approval, rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses violative of laws administered by the Commission. Any industry member may submit suggested trade practice rules for consideration at the conference and take part in the discussion of proposals or suggestions presented by others.

Among the subjects for rules which have been suggested for consideration at the conference are prohibited discriminatory prices, prohibited brokerage and commissions, prohibited advertising or promotional allowances, prohibited discriminatory services or facilities, and exclusive deals.

After the conference on January 26, 1961, and before any rules are finally approved by the Commission, a draft of proposed rules in appropriate form will be made available to all affected or interested parties including consumers and consumer organizations, upon public notice, affording them opportunity to present their views, criticisms, and suggestions regarding the proposed rules and to be heard at a public hearing in the matter to be announced by the Commission.

Issued: January 4, 1961.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 61-109; Filed, Jan. 6, 1961; 8:47 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1015]

## AMALGAMATED LEATHER COMPANIES, INC.

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

JANUARY 3, 1961.

In the matter of Amalgamated Leather Companies, Inc., 6% Cumulative Preferred Stock.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The stock has only 157 holders of record. The company has operated at a loss in 3 of the last 4 years.

Upon receipt of a request, on or before January 20, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-103; Filed, Jan. 6, 1961; 8:46 a.m.]

[File No. 1-76]

## GUANTANAMO SUGAR CO.

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

JANUARY 3, 1961.

In the matter of Guantanamo Sugar Company, Common Stock.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The aggregate market value of the stock, exclusive of concentrated holdings, is less than $500,000.

Upon receipt of a request, on or before January 20, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-104; Filed, Jan. 6, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 4, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36824: *Bituminous coal to Dayton, Ohio.* Filed by The New York Central Railroad Company (No. 125), for interested rail carriers. Rates on bituminous coal, as described in the application, in carloads, from mines in Virginia and West Virginia, to Dayton, Ohio.

Grounds for relief: Maintain origin rate relationship.

Tariff: Supplement 108 to New York Central Railroad tariff I.C.C. 1206.

FSA No. 36825: *Clay and water mixed to the south.* Filed by O. W. South, Jr, Agent (No. A4056), for interested rail carriers. Rates on clay and water mixed, as described in the application, in tank-car loads, from points in Alabama, Florida, Georgia, North Carolina, and South Carolina, to points in southern territory, also Ohio and Mississippi River crossings, points in Virginia and Washington, D.C.

Grounds for relief: Short-line distance formula, grouping, and operation through higher-rated intermediate points.

Tariff: Supplement 69 to Southern Freight Association tariff I.C.C. S-40.

FSA No. 36826: *Grain and grain products within Louisiana.* Filed by Southwestern Freight Bureau, Agent (No. B-7948), for interested rail carriers. Rates on grain, grain products, as described in the application, in carloads, between points in Louisiana west of the Mississippi River, also between such points on the one hand, and Vicksburg, Natchez, Miss., and Baton Rouge and New Orleans, La., on the other.

Grounds for relief: Market competition.

Tariff: Supplement 39 to Southwestern Freight Bureau tariff I.C.C. 4144.

FSA No. 36827: *Joint Rail-Motor Rates from and to Trans-Continental Territory.* Filed by Rocky Mountain Motor Tariff Bureau, Inc., Agent (No. 5), for interested carriers. Rates on various commodities, moving on class and commodity rates, subject to minimum weights in excess of 10,000 pounds, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flat cars of rail carriers, between points in trans-continental territory, also Alberta and British Columbia, on the one hand, and points in the United States, east of such points, on the other.

Grounds for relief: Rail-truck competition.

Tariff: 3d revised page 115, Rocky Mountain Motor Tariff Bureau, Inc., tariff MF-I.C.C. 123, and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-107; Filed, Jan. 6, 1961; 8:46 a.m.]

[Notice 432]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 4, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

MC-FC 63558. By order of December 29, 1960, the Transfer Board approved the transfer to Ralph R. Ciavatti, 352 Hoboken Road, East Rutherford, N.J., of the Permit in No. MC 40409, issued June 26, 1941 to Richard Ciavatti, 352 Hoboken Road, East Rutherford, N.J., authorizing the transportation, over irregular routes, of paper bags, from East Rutherford, N.J., to New York, N.Y., and points in Westchester County, N.Y., and supplies, materials, and equipment used in the manufacture of paper bags, from New York, N.Y., and points in Westchester County, N.Y., to East Rutherford, N.J.

MC-FC 63671. By order of December 30, 1960, the Transfer Board approved the transfer to Henry C. Espinosa, doing business as Resort Freight Lines, San Leandro, Calif., of Certificate No. MC 6395, issued June 22, 1959, to Donald G. Vines, Middletown, Calif., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Calistoga, Calif., and Adams Springs, Calif., serving the intermediate points of Toll House, Middletown, Coyote Valley, Harbin Springs, Camp Calso, and Cobb Valley, Calif., and the off-route points of Stuparich Resort, Speirs Resort, Howard Springs, Seigler Springs, and Hoberg's Resort, Calif. Pete H. Dawson, 1261 Drake Ave., Burlingame, Calif., for applicants.

MC-FC 63684 By order of December 30, 1960, the Transfer Board approved the transfer to Barr & Miles, Inc., Chicago, Ill., of Certificate No. MC 22201, issued August 1, 1952, to Mary A. Barr, Mary L. Barr Milligan, Rita C. Barr Driscoll, Lawrence Barr and Frank Barr, doing business as Barr and Miles, Chicago, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in the Chicago, Ill., Commercial Zone. Themis N. Anastos, 343 South Dearborn Street, Chicago, Ill., for applicants.

No. MC-FC 63690 By order of December 30, 1960, the Transfer Board approved the transfer to William Tetz, Lawrence Tetz, and Kenneth Tetz, doing business as Tetz Oil Company, Ilwaco, Wash., of Permit No. MC 110415 Sub 1, issued October 13, 1949, to William Tetz, doing business as Tetz Oil Co., Ilwaco, Wash., authorizing the transportation of: Petroleum products in bulk, in tank vehicles, from Astoria, Oreg., to Ilwaco, Wash.

No. MC-FC 63696. By order of December 30, 1960, the Transfer Board approved the transfer to Airport Express, Inc., doing business as Fort Leonard Wood-Lambert Field (St. Louis) Airport Service, Waynesville, Mo., of Certificate No. MC 88982 Sub 11, issued September 20, 1941, to Frisco Transportation Company, a corporation, St. Louis, Mo., authorizing the transportation of: Passengers and their baggage, express, newspapers, and mail in the same vehicle with passengers, over regular routes, between Newburg and Rolla, Mo., and the U.S. Army Training Center, Fort Leonard A. Wood, Mo.; and, between Rolla, Mo., and Alhambra Grotto, Mo., with service to all intermediate points on the routes specified. Joseph R. Nacy, 117 West High Street, Jefferson City, Mo., and John E. McCullough, 906 Olive Street, St. Louis 1, Mo., attorneys for applicants.

MC-FC 63703. By order of December 29, 1960, the Transfer Board approved the transfer to Russell Schmitt, doing business as Schmitts Transports, Gilman, Wisconsin, of Certificate No. MC 117083 issued December 31, 1959, to Hubert Apfelbeck, Abbotsford, Wisconsin, authorizing the transportation, over irregular routes, of fertilizer, from Dubuque, Iowa, to points in a described portion of Wisconsin, and of dry fertilizer, from Dubuque, Iowa, to points in Minnesota. Claude J. Jasper, Suite 616, Tenney Building, 110 East Main Street, Madison 3, Wis., attorney for applicants.

MC-FC 63704. By order of December 30, 1960, the Transfer Board approved the transfer to Frank Imperatore doing business as Frank Imperatore Motor Co., Canonsburg, Pa., of Certificate No. MC 16432 issued August 19, 1941 to Harry Bellaire, McDonald, Pa., authorizing the transportation, over irregular routes, of household goods, between McDonald, Pa., and points in Pennsylvania within 10 miles thereof, on the one hand, and, on the other, points in West Virginia and Ohio; and livestock, scrap metals, and machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between McDonald, Pa., and points in Pennsylvania within 20 miles thereof, on the one hand, and, on the other, points in that part of West Virginia on and north of U.S. Highway 50. Patrick C. Derrico, 36 North Jefferson Avenue, Canonsburg, Pa., for applicants.

MC-FC 63733. By order of December 30, 1960, the Transfer Board approved the transfer to Elizabeth Ann Duranso, doing business as Duranso Transfer, 406 Patch St., Stevens Point, Wis., of Certificate No. MC 57138 Sub 1, issued October 18, 1950, to Edward G. Duranso, doing business as Duranso Transfer, Stevens Point, Wis., authorizing the transportation of: Household goods, between Stevens Point, Wis., and points within 20 miles of Stevens Point, on the one hand, and, on the other, points in Minnesota and Illinois.

MC–FC 63750. By order of December 28, 1960, the Transfer Board approved the transfer to Cathryn Fowler, doing business as Andy's Express, Milwaukee, Wis., of Certificate in No. MC 6000, issued April 8, 1937, to Francis J. Fallon, doing business as Andy's Express Company, and acquired by Helen Fallon, doing business as Andy's Express, Milwaukee, Wis., pursuant to order entered July 26, 1960, in Docket No. MC–FC–63295, authorizing the transportation of: household goods, office furniture and equipment, and store fixtures, between Milwaukee, Wis., on the one hand, and, points in Minnesota, Iowa, and Illinois, on the other, Edward Solie, 1 South Pinckney Street, Madison 3, Wis., for applicants.

MC–FC 63789. By order of December 30, 1960, the Transfer Board approved the transfer to Cavaluzzi & Sons, Inc., New York, Bronx, N.Y., of the operating rights authorized to Joseph Cavaluzzi and Joseph C. Cavaluzzi, a partnership, doing business as Cavaluzzi & Son Moving & Storage, New York, Bronx, N.Y., in Certificate No. MC 95030, issued March 18, 1958, authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and Pennsylvania: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., for applicants.

MC–FC 63828. By order of December 30, 1960, the Transfer Board approved the transfer to H. L. Shipman, doing business as Hale Transfer & Storage, Oskaloosa, Iowa, of the operating rights authorized to Leroy Shipman, doing business as Hale Transfer & Storage, Oskaloosa, Iowa, in Certificate No. MC 52525, issued April 1, 1959, authorizing the transportation, over regular routes, of malt beverages, in containers, from Minneapolis, Minn., to Bloomfield, Iowa, and empty malt beverage containers, from Bloomfield, Iowa, to Minneapolis, Minn., and over irregular routes, beer, in containers, butter groceries, groceries and grocery supplies, household goods, as defined by the Commission, malt beverages, in containers, petroleum products, in containers, superphosphate, and wallpaper, from, to, and between specified points in Minnesota, Iowa, Missouri, and Illinois. James P. Rielly, 201½ High Avenue East, Oskaloosa, Iowa, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–108; Filed, Jan. 6, 1961; 8:46 a.m.]

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Washington, Tuesday, January 10, 1961

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**Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.**



FEDERAL REGISTER

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10900

### ADMINISTRATION OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Department of Agriculture.* (a) Except as otherwise provided in this order, the functions conferred upon the President by Title I and IV of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691–1694; 1731–1736) are hereby delegated to the Secretary of Agriculture.

(b) The administration on behalf of the United States of the credit provisions of agreements entered into pursuant to Title IV of the Act (including the receiving of payments under agreements) shall be performed by such Federal agency or agencies as shall hereafter be designated therefor by the President.

(c) The Department of Agriculture shall transmit to the Senate and House of Representatives of the United States and to the Committees on Agriculture and Appropriations thereof the reports required by the provisions of paragraph (5) of the act of August 13, 1957, 71 Stat. 345 (7 U.S.C. 1704a).

SEC. 2. *Department of State—administration of Title II.* The functions conferred upon the President by Title II of the Act (7 U.S.C. 1701–1709) are hereby delegated to the Secretary of State.

SEC. 3. *Department of State—other functions.* (a) The functions of negotiating and entering into agreements with friendly nations or organizations of friendly nations conferred upon the President by the Act are hereby delegated to the Secretary of State.

(b) All functions under the Act, however vested, delegated or assigned, shall be subject to the responsibilities of the Secretary of State with respect to the foreign policy of the United States as such policy relates to such functions.

(c) The provisions of Part II of Executive Order No. 10893 of November 8, 1960, are hereby extended and made applicable to the functions provided for in the Act and to United States agencies and personnel concerned with the administration abroad of such functions.

SEC. 4. *Foreign currencies.* (a)(1) The amounts of foreign currencies which accrue under Title I of the Act to be used for the loans described in section 104(g) of the Act, and the amounts of such currencies to be used for loans by the Export-Import Bank pursuant to section 4(d)(5) of this order, shall be the amounts thereof specified, or shall be the amounts thereof corresponding to the dollar amounts specified, for such loans in sales agreements entered into pursuant to section 3(a) of this order. The Department of State may allocate or transfer to the Development Loan Fund foreign currencies to be used for loans made by the latter under section 104(g) of the Act in pursuance of section 4(d)(7)(i) hereof.

(2) Except as otherwise provided in section 4(a)(1) hereof and except as otherwise required by law (74 Stat. 233; 238; section 104(h) of the Act), and, if applicable, within the amounts purchasable with the several appropriations, the Director of the Bureau of the Budget shall from time to time fix amounts of foreign currencies which accrue under Title I of the Act to be used for the purposes described in the respective lettered paragraphs of section 104 of the Act. To the extent necessary, the Director of the Bureau of the Budget shall allocate among the Government agencies concerned the amounts of foreign currencies so fixed.

(3) The function conferred upon the President by the penultimate proviso of section 104 of the Act of waiving the applicability of section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), is hereby delegated to the Director of the Bureau of the Budget.

(b) The Secretary of the Treasury is hereby authorized to prescribe regulations governing the purchase, custody, deposit, transfer, and sale of foreign currencies received under the Act.

(c) The foregoing provisions of this section shall not be deemed to limit section 3 of this order, and the provisions of subsection (b) of this section shall not be deemed to limit subsection (a) thereof.

(d) The purposes described in the lettered paragraphs of section 104 of the Act (7 U.S.C. 1704) shall be carried out, with foreign currencies made available in consonance with law and the provisions of this order, as follows:

(1) Those under section 104(a) of the Act by the Department of Agriculture.

(2) Those under section 104(b) of the Act by the Office of Civil and Defense Mobilization. The function conferred upon the President by that section of determining, from time to time, materials to be contracted for or to be purchased for a supplemental stockpile is hereby delegated to the Director of the Office of Civil and Defense Mobilization.

(3) Those under section 104(c) of the Act by the Department of Defense or the Department of State, as those agencies shall agree, or in the absence of agreement, as the Director of the Bureau of the Budget shall determine.

(4) Those under sections 104(d) and 104(e) of the Act by the Department of State, except to the extent that section 104(e) pertains to the loans referred to in subsection (d)(5) of this section.

(5) Those under section 104(e) of the Act by the Export-Import Bank of Washington to the extent that section 104(e) pertains to loans governed by that portion of such section added by the act of August 13, 1957, 71 Stat. 345.

(6) Those under section 104(f) of the Act by the respective agencies of the Government having authority to pay United States obligations abroad.

(7)(i) Those under section 104(g) of the Act by the Department of State and by the Development Loan Fund, as they shall agree. (ii) The function conferred upon the President by section 104(g) of the Act of determining the manner in which the loans provided for in section 104(g) shall be made is hereby delegated to the Secretary of State with respect to loans made by the Department of State pursuant to the assignment of purposes effected under item (i) of this paragraph, and to the Development Loan Fund with respect to loans made by the Development Loan Fund pursuant to such assignment of purposes. (iii) As used herein, the term "the Development Loan Fund" means the Managing Director of the Development Loan Fund, acting subject to the immediate supervision and direction of the board of directors of the Development Loan Fund; but, notwithstanding the foregoing, the Development Loan Fund, with respect to this order, shall be subject to the supervision and direction of the Secretary of State.

(8) Those under sections 104(h), 104(o), 104(p), and 104(q) of the Act by the Department of State.

(9) Those under sections 104(i) and 104(m) of the Act by the United States Information Agency.

(10) Those under section 104(j) of the Act by the Department of State and by the United States Information Agency in accordance with the division of responsibilities for the administration of the United States Information and Educational Exchange Act of 1948 (62 Stat. 6) provided by Reorganization Plan No. 8 of 1953 (67 Stat. 642) and Executive Order No. 10477 of August 1, 1953, and by subsequent agreement between the Department of State and the United States Information Agency.

(11) Those under section 104(k) of the Act as follows: (i) Those with respect to collecting, collating, translating, abstracting, and disseminating scientific and technological information by the Director of the National Science Foundation and such other agency or agencies as the Director of the Bureau of the Budget, after appropriate consultation, may designate. (ii) Those with respect to programs of cultural and educational development, health, nutrition, and sanitation by the Department of State. (iii) All others by such agency or agencies as the Director of the Bureau of the Budget, after appropriate consultation, may designate. As used in this paragraph the term "appropriate consulta-

tion" shall include consultation with the Secretary of State, the Director of the National Science Foundation, and any other appropriate Federal agency.

(12) Those under section 104(*l*) of the Act by the Department of State and by any other agency or agencies designated therefor by the Secretary of State.

(13) Those under section 104(n) of the Act by the Librarian of Congress.

(14) Those under section 104(r) of the Act by the Department of State and by the United States Information Agency, as they shall agree.

(e) In negotiation international agreements in pursuance of the Act, the Secretary of State shall endeavor to avoid restrictions which would limit the application of normal budgetary and appropriation controls to the use of those foreign currencies accruing under Title I of the Act which are to be available for operations of United States Government agencies.

SEC. 5. *Reservation of functions to the President.* There are hereby reserved to the President the functions conferred upon him by section 108 of the Act (including that section as affected by section 406 of the Act), with respect to making reports to Congress.

SEC. 6. *Definition; references.* (a) As used in this order, the term "Act" and the term "Agricultural Trade Development and Assistance Act of 1954" mean the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 454) as amended from time to time, and include, except as may be inappropriate, provisions thereof amending other laws.

(b) References in any prior order not superseded by this order to any provisions of any Executive order superseded by this order shall hereafter be deemed to be references to the corresponding provisions, if any, of this order.

(c) References in this order or in any other Executive order to this order or any provision of this order shall be deemed to include references thereto, respectively, as amended from time to time.

SEC. 7. *Superseding and saving provisions.* (a) To the extent not heretofore superseded, the following-described orders and parts of orders are hereby superseded:

(1) Executive Order No. 10560 of September 9, 1954.

(2) Executive Order No. 10685 of October 27, 1956.

(3) Executive Order No. 10708 of May 6, 1957.

(4) Executive Order No. 10746 of December 12, 1957.

(5) Sections 1 and 2 of Executive Order No. 10799 of January 15, 1959.

(6) Executive Order No. 10827 of June 25, 1959.

(7) Executive Order No. 10884 of August 17, 1960.

(8) Without prejudice to section 3(c) of this order, the text enclosed in parentheses in section 304(a)(2) of Executive Order No. 10893 of November 8, 1960.

(b) Except to the extent that they may be inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*January 5, 1961.*

[F.R. Doc. 61-183; Filed, Jan. 6, 1961; 1:21 p.m.]

# Rules and Regulations

## Title 26—INTERNAL REVENUE, 1954

### Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6524]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

#### Definition of Property

On August 13, 1960, notice of proposed rule making with respect to regulations under section 614 of the Internal Revenue Code of 1954, as amended by section 37 of the Technical Amendments Act of 1958 (72 Stat. 1633), relating to the definition of property was published in the FEDERAL REGISTER (25 F.R. 7743). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted and are applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except as otherwise provided.

Sec.
1.614 Statutory provisions; definition of property.
1.614-0 Introduction.
1.614-1 Definition of property.
1.614-2 Election to aggregate separate operating mineral interests under section 614(b).
1.614-3 Rules relating to separate operating mineral interests in the case of mines.
1.614-4 1939 Code treatment with respect to separate operating mineral interests in the case of oil and gas wells.
1.614-5 Special rules as to aggregating nonoperating mineral interests.
1.614-6 Rules applicable to basis, holding period, and abandonment losses where mineral interests have been aggregated.

AUTHORITY: §§ 1.614 to 1.614-6 issued under section 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

### § 1.614 Statutory provisions; definition of property.

SEC. 614. *Definition of property*—(a) *General rule.* For the purpose of computing the depletion allowance in the case of mines, wells, and other natural deposits, the term "property" means each separate interest owned by the taxpayer in each mineral deposit in each separate tract or parcel of land.

(b) *Special rule as to operating mineral interests*—(1) *Election to aggregate separate interests.* If a taxpayer owns two or more separate operating mineral interests which constitute part or all of an operating unit, he may elect (for all purposes of this subtitle)—

(A) To form one aggregation of, and to treat as one property, any two or more of such interests; and

(B) To treat as a separate property each such interest which he does not elect to include within the aggregation referred to in subparagraph (A).

For purposes of the preceding sentence, separate operating mineral interests which constitute part or all of an operating unit may be aggregated whether or not they are included in a single tract or parcel of land and whether or not they are included in contiguous tracts or parcels. A taxpayer may not elect to form more than one aggregation of operating mineral interests within any one operating unit.

(2) *Manner and scope of election.* The election provided by paragraph (1) shall be made, for each operating mineral interest in accordance with regulations prescribed by the Secretary or his delegate, not later than the time prescribed by law for filing the return (including extensions thereof) for whichever of the following taxable years is the later: The first taxable year beginning after December 31, 1953, or the first taxable year in which any expenditure for exploration, development, or operation in respect of the separate operating mineral interest is made by the taxpayer after the acquisition of such interest. Such an election shall be binding upon the taxpayer for all subsequent taxable years, except that the Secretary or his delegate may consent to a different treatment of the interest with respect to which the election has been made.

(3) *Operating mineral interests defined.* For purposes of this subsection, the term "operating mineral interest" includes only an interest in respect of which the costs of production of the mineral are required to be taken into account by the taxpayer for purposes of computing the 50 percent limitation provided for in section 613, or would be so required if the mine, well, or other natural deposit were in the production stage.

(4) *Termination with respect to mines.* Except in the case of oil and gas wells—

(A) An election made under the provisions of this subsection shall not apply with respect to any taxable year beginning after December 31, 1957, and

(B) If a taxpayer makes an election under the provisions of subsection (c)(3)(B) for any operating mineral interest which constitutes part or all of an operating unit, an election made under the provisions of this subsection shall not apply with respect to any operating mineral interest which constitutes part or all of such operating unit for any taxable year for which the election under subsection (c)(3)(B) is effective.

(c) *1958 Special rules as to operating mineral interests in mines*—(1) *Election to aggregate separate interests.* Except in the case of oil and gas wells, if a taxpayer owns two or more separate operating mineral interests which constitute part or all of an operating unit, he may elect (for all purposes of this subtitle)—

(A) To form an aggregation of, and to treat as one property, all such interests owned by him which comprise any one mine or any two or more mines; and

(B) To treat as a separate property each such interest which is not included within an aggregation referred to in subparagraph (A).

For purposes of this paragraph, separate operating mineral interests which constitute part or all of an operating unit may be aggregated whether or not they are included in a single tract or parcel of land and whether or not they are included in contiguous tracts or parcels. For purposes of this paragraph, a taxpayer may elect to form more than one aggregation of operating mineral interests within any one operating unit; but no aggregation may include any operating mineral interest which is a part of a mine without including all of the operating mineral interests which are a part of such mine in the first taxable year for which the election to aggregate is effective, and any operating mineral interest which thereafter becomes a part of such mine shall be included in such aggregation.

(2) *Election to treat a single interest as more than one property.* Except in the case of oil and gas wells, if a single tract or parcel of land contains a mineral deposit which is being extracted, or will be extracted, by means of two or more mines for which expenditures for development or operation have have been made by the taxpayer, then the taxpayer may elect to allocate to such mines, under regulations prescribed by the Secretary or his delegate, all of the tract or parcel of land and of the mineral deposit contained therein, and to treat as a separate property that portion of the tract or parcel of land and of the mineral deposit so allocated to each mine. A separate property formed pursuant to an election under this paragraph shall be treated as a separate property for all purposes of this subtitle (including this paragraph). A separate property so formed may, under regulations prescribed by the Secretary or his delegate, be included as a part of an aggregation in accordance with paragraphs (1) and (3), but the provisions of paragraph (4) shall not apply with respect to such separate property. The election provided by this paragraph may not be made with respect to any property which is a part of an aggregation formed by the taxpayer under paragraph (1) except with the consent of the Secretary or his delegate.

(3) *Manner and scope of election*—(A) *In general.* Except as provided in subparagraph (D), the election provided by paragraph (1) shall be made for each operating mineral interest, in accordance with regulations prescribed by the Secretary or his delegate, not later than the time prescribed by law for filing the return (including extensions thereof) for whichever of the following taxable years is the later: The first taxable year beginning after December 31, 1957, or the first taxable year in which any expenditure for development or operation in respect of the separate operating mineral interest is made by the taxpayer after the acquisition of such interest. Except as provided in subparagraph (D), the election provided by paragraph (2) shall be made for any property, in accordance with regulations prescribed by the Secretary or his delegate, not later than the time prescribed by law for filing the return (including extensions thereof) for whichever of the following taxable years is the later: The first taxable year beginning after December 31, 1957, or the first taxable year in which expenditures for development or operation of more than one mine in respect of the property are made by the taxpayer after the acquisition of the property. No election may be made pursuant to this subparagraph for any operating mineral interest which constitutes part or all of an operating unit if the taxpayer makes an election pursuant to subparagraph (B) with respect to any operating mineral interest which constitutes part or all of such operating unit.

(B) *Taxable years beginning before January 1, 1958.* The election provided by paragraph (1) may, at the election of the taxpayer, be made for each operating mineral interest, in accordance with regulations pre-

scribed by the Secretary or his delegate, within the time provided in subparagraph (D), for whichever of the following taxable years is the later (not including any taxable year in respect of which an assessment of deficiency is prevented on the date of the enactment of the Technical Amendments Act of 1958 by the operation of any law or rule of law): The first taxable year of the taxpayer which begins after December 31, 1953, and ends after August 16, 1954, or the first taxable year in which any expenditure for development or operation in respect of the separate operating mineral interest is made by the taxpayer after the acquisition of such interest. The election provided by paragraph (2) may, at the election of the taxpayer, be made for any property, in accordance with regulations prescribed by the Secretary or his delegate, within the time prescribed in subparagraph (D), for whichever of the following taxable years is the later (not including any taxable year in respect of which an assessment of deficiency is prevented on the date of the enactment of the Technical Amendments Act of 1958 by the operation of any law or rule of law): The first taxable year beginning after December 31, 1953, and ending after August 16, 1954, or the first taxable year in which expenditures for development or operation of more than one mine in respect of the property are made by the taxpayer after the acquisition of the property.

(C) *Effect.* An election made under paragraph (1) or (2) shall be binding upon the taxpayer for all subsequent taxable years, except that the Secretary or his delegate may consent to a different treatment of any interest with respect to which an election has been made.

(D) *Election after final regulations.* Notwithstanding any other provision of this paragraph the time for making an election under paragraph (1) or (2) shall not expire prior to the first day of the first month which begins more than 90 days after the date of publication in the FEDERAL REGISTER of final regulations issued under the authority of this subsection.

(E) *Statute of limitations.* If the taxpayer makes an election pursuant to subparagraph (B) and if assessment of any deficiency for any taxable year resulting from such election is prevented on the first day of the first month which begins more than 90 days after the date of publication in the FEDERAL REGISTER of final regulations issued under authority of this subsection, or at any time within one year after such day, by the operation of any law or rule of law, such assessment may, nevertheless, be made if made within one year after such day. An election by a taxpayer pursuant to subparagraph (B) shall be considered as a consent to the assessment pursuant to this subparagraph of any such deficiency. If refund or credit of any overpayment of income tax resulting from an election made pursuant to subparagraph (B) is prevented on such day, or at any time within one year after such day, by the operation of any law or rule of law, refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within one year after such day. This subparagraph shall not apply to any taxable year in respect of which an assessment of a deficiency, or a refund or credit of an overpayment, as the case may be, is prevented by the operation of any law or rule of law on the date of the enactment of the Technical Amendments Act of 1958.

(4) *Special rule as to deductions under section 615(a) prior to aggregation.*—(A) *In general.* If an aggregation of operating mineral interests formed under paragraph (1) includes any interest or interests in respect of which exploration expenditures, paid or incurred after the acquisition of such interest or interests, were deducted by the taxpayer under section 615(a) for any taxable year all or any portion of which precedes the date on which such aggregation becomes effective, or the date on which such interest or interests become a part of such aggregation (as the case may be), then the tax imposed by this chapter for such taxable year shall be recomputed as provided in subparagraph (B). In the case of any taxable year beginning before January 1, 1958, this subparagraph shall apply to exploration expenditures deducted in respect of any interest or interests for such taxable year, only if such interest or interests constitute part or all of any operating unit with respect to which the taxpayer makes an election pursuant to paragraph (3)(B) which is applicable with respect to such taxable year.

(B) *Recomputation of tax.* A recomputation of the tax imposed by this chapter shall be made for each taxable year described in subparagraph (A) for which exploration expenditures were deducted as though, for each such year, an election had been made to aggregate the separate operating mineral interest or interests with respect to which such exploration expenditures were deducted with those operating mineral interests included in the aggregation formed under paragraph (1) in respect of which any expenditure for exploration, development, or operation had been made by the taxpayer before or during the taxable year to which such election would apply. A recomputation of the tax imposed by this chapter (or by the corresponding provisions of the Internal Revenue Code of 1939) shall also be made for taxable years affected by the recomputation described in the preceding sentence. If the tax so recomputed for any taxable year or years, by reason of the application of this paragraph, exceeds the tax liability previously determined for such year or years, such excess shall be taken into account in the first taxable year to which the election to aggregate under paragraph (1) applies and succeeding taxable years as provided in subparagraph (C).

(C) *Increase in tax.* The tax imposed by this chapter for the first taxable year to which the election to aggregate under paragraph (1) applies, and for each succeeding taxable year until the full amount of the excess described in subparagraph (B) has been taken into account, shall be increased by an amount equal to the quotient obtained by dividing such excess by the total number of taxable years described in subparagraph (A) in respect of which—

(i) Exploration expenditures were deducted by the taxpayer under section 615(a), and

(ii) The recomputation of tax described in the first sentence of subparagraph (B) results in an increase in tax or a reduction of a net operating loss.

If the taxpayer dies or ceases to exist, then so much of the excess described in subparagraph (B) as was not taken into account under the preceding sentence for taxable years preceding such death, or such cessation of existence, shall be taken into account for the taxable year in which such death, or such cessation of existence, occurs.

(D) *Basis adjustment.* If the tax liability of a taxpayer is increased by reason of the application of this paragraph, proper adjustments shall be made with respect to the basis of the aggregated property owned by such taxpayer, in accordance with regulations prescribed by the Secretary or his delegate, as though the tax liability of the taxpayer for the prior taxable year or years had been determined in accordance with the recomputation of tax described in subparagraph (B).

(5) *Operating mineral interests defined.* For purposes of this subsection, the term "operating mineral interest" has the meaning as assigned to it by subsection (b)(3).

(d) *1939 Code treatment with respect to operating mineral interests in case of oil and gas wells.* In the case of oil and gas wells, any taxpayer may treat any property (determined as if the Internal Revenue Code of 1939 continued to apply) as if subsections (a) and (b) had not been enacted. If any such treatment would constitute an aggregation under subsection (b), such treatment shall be taken into account in applying subsection (b) to other property of the taxpayer.

(e) *Special rule as to nonoperating mineral interests.*—(1) *Aggregation of separate interests.* If a taxpayer owns two or more separate nonoperating mineral interests in a single tract or parcel of land or in two or more adjacent tracts or parcels of land, the Secretary or his delegate shall, on showing by the taxpayer that a principal purpose is not the avoidance of tax, permit the taxpayer to treat (for all purposes of this subtitle) all such mineral interests in each separate kind of mineral deposit as one property. If such permission is granted for any taxable year, the taxpayer shall treat such interests as one property for all subsequent taxable years unless the Secretary or his delegate consents to a different treatment.

(2) *Nonoperating mineral interests defined.* For purposes of this subsection, the term "nonoperating mineral interests" includes only interests which are not operating mineral interests within the meaning of subsection (b)(3).

[Sec. 614 as amended by sec. 37, Technical Amendments Act, 1958 (72 Stat. 1633)]

### § 1.614–0 Introduction.

Section 614 relates to the definition of property and to the various special rules by means of which taxpayers are permitted to aggregate separate properties. These rules are set forth in detail in §§ 1.614–1 through 1.614–6. Section 1.614–1 sets forth rules under section 614(a) relating to the definition of the term "property". Section 1.614–2 contains the rules relating to the election under section 614(b) to aggregate operating mineral interests. In the case of mines, the rules contained in § 1.614–2 are applicable only to taxable years beginning before January 1, 1958, to which the Internal Revenue Code of 1954 applies. In the case of oil and gas wells, the rules contained in § 1.614–2 are applicable for all taxable years to which the 1954 Code applies. In the case of oil and gas wells, the taxpayer may, however, treat any operating mineral interests as if section 614 (a) and (b) had not been enacted. If any operating mineral interests are so treated, the rules contained in § 1.614–2 are not applicable to such interests and such interests are subject to the rules set forth in § 1.614–4 relating to the 1939 Code treatment of separate operating mineral interests in the case of oil and gas wells. Section 1.614–3 prescribes the rules relating to the election under section 614(c)(1) permitting the aggregation of operating mineral interests in the cases of mines for taxable years beginning after December 31, 1957. Section 1.614–3 also sets forth rules relating to the election under section 614(c)(2) in the case of mines by means of which a taxpayer is permitted to treat a single operating mineral interest as more than one such interest for taxable years beginning after December 31, 1957. At the election of the taxpayer with respect to an operating unit, the rules contained in § 1.614–3 are also applicable to taxable years beginning before January 1, 1958, to which the 1954 Code applies. If the taxpayer makes such an election, the rules contained in § 1.614–2 are not applicable to any of the operating mineral interests which are part of the operating unit with respect to which the election described in § 1.614–3 is made. Section 1.614–5 sets forth the rules relating to the aggregation of nonoperating mineral interests. Section 1.614–6 contains the rules relating to basis, holding period, and abandonment and casualty losses where properties have been aggregated.



### § 1.614–1 Definition of property.

(a) *General rule.* (1) For purposes of subtitle A of the Internal Revenue Code of 1954, in the case of mines, wells, and other natural deposits, the term "property" means each separate interest owned by the taxpayer in each mineral deposit in each separate tract or parcel of land.

(2) The term "interest" means an economic interest in a mineral deposit. See paragraph (b) of § 1.611–1. The term includes working or operating interests, royalties, overriding royalties, production payments and net profits interests.

(3) The term "tract or parcel of land" is merely descriptive of the physical scope of the land to which the taxpayer's interest relates. It is not descriptive of the nature of his rights or interests in the land. All contiguous areas (even though separately described) included in a single conveyance or grant or in separate conveyances or grants at the same time from the same owner constitute a single separate tract or parcel of land. Areas included in separate conveyances or grants (whether or not at the same time) from separate owners are separate tracts or parcels of land even though the areas described may be contiguous. If the taxpayer's rights or interests within the same tract or parcel of land are dissimilar, then each such dissimilar interest constitutes a separate property. If the taxpayer's rights or interests (whether or not dissimilar) within the same tract or parcel of land relate to more than one separate mineral deposit, then his interest with respect to each such separate deposit is a separate property.

(4) Upon the transfer of a "property" in any transaction in which the basis of such property in the hands of the transferee is determined by reference to the basis of such property in the hands of the transferor, such property shall, notwithstanding the provisions of subparagraph (3) of this paragraph, retain the same status and identity in the hands of the transferee as it had in the hands of the transferor. See paragraph (c) of § 1.614–6 if the transferor has made a binding election to treat a separate mineral interest as a separate property, to treat a separate mineral interest as more than one property under section 614(c), or to treat two or more separate mineral interests as an aggregated property under section 614 (b), (c), or (e).

(5) The provisions of this paragraph may be illustrated by the following examples:

*Example (1).* A taxpayer owns one tract of land under which lie three separate and distinct seams of coal. Therefore, the taxpayer owns three separate mineral interests each of which constitutes a separate property.

*Example (2).* A taxpayer conducts mining operations on eight tracts of land as a single unit. He acquired his interests in each of the eight tracts from separate owners. Even if each tract of land contains part of the same mineral deposit, the taxpayer owns eight separate mineral interests each of which constitutes a separate property.

*Example (3).* A taxpayer owns a tract of land under which lies one mineral deposit. The taxpayer operates a well on part of the tract and leases to another operator the mineral rights in the remainder retaining a royalty interest therein. The taxpayer thereafter owns two separate mineral interests each of which constitutes a separate property.

*Example (4).* In 1954, a taxpayer acquires from a single owner, in a single deed, three noncontiguous tracts of mineral land for a single consideration. Even if each tract contains part of the same mineral deposit, the taxpayer owns three separate mineral interests each of which constitutes a separate property.

*Example (5).* In 1954, taxpayer A simultaneously acquires in fee two contiguous tracts of mineral land from two separate owners. The same mineral deposit underlies both tracts. Thereafter, taxpayer A owns two separate mineral interests each of which constitutes a separate property.

*Example (6).* Assume that in 1955, taxpayer A, in example (5), leases the two contiguous tracts of mineral land that he acquired in 1954 to taxpayer B by means of a single lease. Thereafter, taxpayer B owns one mineral interest which constitutes a separate property for such time as the lease continues in existence.

*Example (7).* Assume that in 1955, taxpayer A, in example (5), sells at the same time all the mineral land he acquired in 1954 to taxpayer B. Thereafter, taxpayer B owns one mineral interest which constitutes a separate property. If taxpayer B acquires the mineral land in a transaction in which the basis of such mineral land in his hands is determined by reference to the basis of such mineral land in the hands of taxpayer A, then taxpayer B owns two separate mineral interests each of which constitutes a separate property.

*Example (8).* In 1954, taxpayer A simultaneously acquires two contiguous leasehold interests from two separate owners. The same mineral deposit underlies both tracts. Thereafter, taxpayer A owns two separate mineral interests each of which constitutes a separate property.

*Example (9).* In 1955, taxpayer A, in example (8), simultaneously assigns the two leases to taxpayer B. Thereafter, taxpayer B owns two separate mineral interests each of which constitutes a separate property.

(b) *Separation of interests treated as "single property" under prior regulations.* Each separate mineral interest which, in accordance with paragraph (a) of this section, is a separate property shall be so treated, notwithstanding the fact that the taxpayer under paragraph (i) of § 39.23(m)–1 of Regulations 118 (26 CFR (1939) 39.23(m)–1(i)) and corresponding provisions of prior regulations may have treated more than one of such interests as a "single property." The basis of each such separate property must be established by a reasonable method. See, however, section 614 (b), (c), (d), and (e) and §§ 1.614–2, 1.614–3, 1.614–4, and 1.614–5 for special rules relating to the treatment of two or more separate mineral interests as a single property.

(c) *Treatment of a waste bank or residue.* A waste bank or residue of prior mining, the extraction of ores or minerals from which is treated as mining under section 613(c)(3), shall not be considered to be a separate mineral deposit but is a part of the mineral deposit from which it was extracted. However, if the owner of such waste bank or residue has disposed of the deposit from which the waste bank or residue was accumulated, or if the waste bank or residue cannot practicably be attributed to a particular deposit of the owner, the waste bank or residue will be regarded as a separate deposit.

### § 1.614–2 Election to aggregate separate operating mineral interests under section 614(b).

(a) *General rule.* A taxpayer who owns two or more separate operating mineral interests, which constitute part or all of an operating unit, may elect under section 614(b) and this section to form one aggregation of any two or more of such operating mineral interests and to treat such aggregation as one property. Any operating mineral interest which the taxpayer does not elect to include within the aggregation within the time prescribed in paragraph (d) of this section shall be treated as a separate property. The aggregation of separate properties which results from exercising the election shall be considered as one property for all purposes of subtitle A of the Internal Revenue Code of 1954. The preceding sentence does not preclude the use of more than one account under a single method of computing depreciation or the use of more than one method of computing depreciation under section 167, if otherwise proper. Any reasonable and consistently applied method or methods of computing depreciation of the improvements made with respect to the separate properties aggregated may be continued in accordance with section 167 and the regulations thereunder. Operating interests in different minerals which comprise part or all of the same operating unit may be included in the aggregation. It is not necessary for purposes of the aggregation that the separate operating mineral interests be included in a single tract or parcel of land or in contiguous tracts or parcels of land so long as such interests are a part of the same operating unit. Under section 614(b), a taxpayer cannot elect to form more than one aggregation of separate operating mineral interests within one operating unit. For definitions of "operating mineral interest" and "operating unit" see respectively paragraphs (b) and (c) of this section.

(b) *Operating mineral interest defined.* The term "operating mineral interest" means a separate mineral interest as described in section 614(a), in respect of which the costs of production are required to be taken into account by the taxpayer for purposes of computing the limitation of 50 percent of the taxable income from the property in determining the deduction for percentage depletion computed under section 613, or such costs would be so required to be taken into account if the mine, well, or other natural deposit were in the production stage. The term does

not include royalty interests or similar interests, such as production payments or net profits interests. For the purpose of determining whether a mineral interest is an operating mineral interest, "costs of production" do not include intangible drilling and development costs, exploration expenditures under section 615, or development expenditures under section 616. Taxes, such as production taxes, payable by holders of nonoperating interests are not considered costs of production for this purpose. A taxpayer may not aggregate operating mineral interests and nonoperating mineral interests such as royalty interests.

(c) *Operating unit defined.* (1) The term "operating unit" refers to the operating mineral interests which are operated together for the purpose of producing minerals. An "operating unit" of a particular taxpayer must be determined on the basis of his own operations. It is recognized that operating units may not be uniform in the various natural resources industries or in any one of the natural resources industries, such as coal, oil and gas, and the like. As to a particular taxpayer, business reasons may require the formation of operating units that vary in size and content. The term "operating unit" refers to a producing unit, and not to an administrative or sales organization. Among the factors which indicate that mineral interests are operated together as a unit are—

(i) Common field or operating personnel,

(ii) Common supply and maintenance facilities,

(iii) Common processing or treatment plants, and

(iv) Common storage facilities.

However, operating mineral interests which are geographically widespread may not be treated as parts of the same operating unit merely because a single set of accounting records, a single executive organization, or a single sales force is maintained by the taxpayer with respect to such interests, or merely because the products of such interests are processed at the same treatment plant.

(2) If aggregated, an undeveloped operating mineral interest shall be aggregated only with those interests with which it will be operated as a unit when it reaches the production stage.

(3) While a taxpayer may operate an operating mineral interest through an agent, a coowner may aggregate only his operating mineral interests that are actually operated as a unit. For example, if A owned and actually operated the entire working interest in lease X and also owned an undivided fraction of lease Y in which B owned the remaining interest and which B actually operated as a unit with lease Z, A may not aggregate his interest in lease X with his undivided interest in lease Y, since they are not actually operated as a unit.

(4) The determination of the taxpayer as to what constitutes an operating unit is to be accepted unless there is a clear and convincing basis for a change in such determination.

(d) *Manner and scope of election*—(1) *Election; when made.* (i) Except as provided in subparagraph (2) (ii) of this paragraph, the election under section 614(b) and paragraph (a) of this section to treat an operating mineral interest as part of an aggregation shall be made not later than the time prescribed by law for filing the taxpayer's income tax return (including extensions thereof), for whichever of the following taxable years is the later:

(*a*) The first taxable year beginning after December 31, 1953, and ending after August 16, 1954, or

(*b*) The first taxable year in which any expenditure for exploration, development, or operation in respect of the separate operating mineral interest is made by the taxpayer after the acquisition of such interest.

See, however, paragraph (c) of § 1.614–6 as to the binding effect of an election where the basis of a separate operating mineral interest in the hands of the taxpayer is determined by reference to the basis in the hands of a transferor. The election under section 614(b) may not be made with respect to any taxable year beginning after December 31, 1957, except in the case of oil and gas wells. See paragraph (e) of this section for rules with respect to the termination of the election under section 614(b) except in the case of oil and gas wells. If an expenditure has been made in respect of a separate operating mineral interest, it is immaterial whether or not any proven deposit has been discovered with respect to such interest when such expenditure has been made. The provisions of this subdivision may be illustrated by the following example:

*Example.* Taxpayer A is producing from an oil and gas horizon and in 1958 he drills for the purpose of locating a deeper horizon which will be operated in the same operating unit as the upper producing horizon. At the end of the taxable year 1958 he has expended $50,000 drilling for the purpose of locating a deeper horizon although at such time there is no assurance that such a horizon will be found. If taxpayer A desires to aggregate the deeper horizon, if found, with the upper horizon under section 614(b), he must elect to do so in his return for 1958. If the election to aggregate the upper and lower horizons as one property is made, the drilling expenditures with respect to the prospective lower horizon must be taken into account along with the income and expenses with respect to the upper producing horizon in computing the depletion allowance on the aggregated property.

However, where expenditures for development of, or production from, a particular mineral deposit result in the discovery of another mineral deposit, the election with respect to such other deposit shall be made for the taxable year in which it is discovered and not for the taxable year in which the expenditures were first made which resulted in such discovery.

(ii) Except in the case of oil and gas wells, if a taxpayer fails to make an election under section 614(b) to aggregate a particular operating mineral interest on or before the time prescribed for the making of such election, such interest will be treated as if an election had been made under section 614(b) to treat it as a separate property and it cannot be included in any aggregation within the operating unit of which it is a part unless the taxpayer obtains the consent of the Commissioner. However, where the taxpayer owns more than one property within an operating unit, but has elected to treat such properties separately and one or more additional operating mineral interests are subsequently acquired, any one or more of the latter may be aggregated with one of the existing separate properties within the operating unit but not with more than one of them since they cannot be validly aggregated with each other.

(iii) In the case of oil and gas wells, if the taxpayer fails to make an election under section 614(b) with respect to a particular operating mineral interest on or before the time prescribed for the making of such election, the taxpayer shall be deemed to have treated such interest under the provisions of section 614(d). See section 614(d) and § 1.614–4.

(iv) For purposes of section 614(b), the acquisition of an option to acquire an economic interest in minerals in place does not constitute the acquisition of a mineral interest. Thus, a taxpayer who makes expenditures for the exploration of minerals on a particular tract under an option to acquire an economic interest in minerals in place is not required to make an election with respect to such interest at that time. Furthermore, the election need not be made in the taxable year in which payments are made for the acquisition of a lease, such as the payment of a bonus, unless exploratory, development, or operation expenditures are made thereafter with respect to the property in that year.

(2) *Election; how made.* (i) The election under section 614(b) must be made by a statement attached to the income tax return of the taxpayer for the first taxable year for which the election is made. This statement shall indicate that the taxpayer is making an aggregation of separate operating mineral interests within an operating unit under section 614(b) and shall contain a description of the aggregation and describe the operating mineral interests within the operating unit which are to be treated as separate properties apart from the aggregation. A general description, accompanied by maps appropriately marked, which accurately circumscribes the scope of the aggregation and identifies the properties which are to be treated separately will be sufficient. The statement shall also contain a description of the operating unit in sufficient detail to show that the aggregated operating mineral interests are properly within a single operating unit. See paragraph (c) of this section. The taxpayer shall maintain adequate records and maps in support of the above information. In the event expenditures are first made on an operating mineral interest within an operating unit after an election with respect to the aggregation of interests in that operating unit has been made, the taxpayer shall furnish only information describing such operating mineral interest, its location in the operating unit, and whether it is to be included within the aggregation.



(ii) If the taxpayer made or did not make the election under section 614(b) with respect to a particular operating mineral interest and the last day prescribed by law for filing the return (including extensions of time therefor) on which the election was required to be made falls on or before the first day of the first month which begins more than 90 days after the regulations under section 614 are published in the FEDERAL REGISTER as a Treasury decision, consent is hereby given to the taxpayer to make or change the election not later than the first day of such first month. Any such election or change of such election shall be effective with respect to the earliest taxable year to which the election is applicable in respect of which assessment of a deficiency or credit or refund of an overpayment, as the case may be, resulting from such election or change is not prevented by any law or rule of law on the date such election or change is made. An election or change of election made pursuant to this subdivision shall be binding upon the taxpayer for the first taxable year for which it is effective and for all subsequent taxable years unless consent to a different treatment is obtained from the Commissioner. (See, however, paragraph (e) of this section for rules relating to the termination and nonapplicability of the election under section 614(b) except in the case of oil and gas wells.) Such election or change shall be made in the form of a statement setting forth the nature of the election or change, including information substantially the same as that required by subdivision (i) of this subparagraph, and shall be accompanied by an amended return or returns if necessary or, if appropriate, a claim for refund or credit. The appropriate documents must be filed on or before the first day of such first month with the district director for the district in which the original return was filed.

(3) *Election; when effective.* If a taxpayer has elected to aggregate an operating mineral interest, the date on which the aggregation becomes effective is the earliest date within the taxable year affected, on which the taxpayer incurred any expenditure for exploration, development, or operation of such interest. The application of this rule may be illustrated by the following examples:

*Example (1).* In 1953, a taxpayer owned and operated mineral interests Nos. 1, 2, and 3. All three interests form one operating unit. The taxpayer, who files his return on a calendar year basis, continued to own and operate these interests during the year 1954, and in his return for that year, filed on April 15, 1955, elected to aggregate these three interests. As the result of this election, the aggregation was effective for all purposes of subtitle A of the Internal Revenue Code of 1954 as of January 1, 1954.

*Example (2).* Assume that, on March 1, 1955, the taxpayer described in example (1) acquired operating mineral interest No. 4 which was also a part of the operating unit composed of operating mineral interests Nos. 1, 2, and 3, that he made his first expenditure for exploration with respect to operating mineral interest No. 4 on September 1, 1955, and that, in his return filed on April 15, 1956, he elected to aggregate operating mineral interest No. 4 with the aggregation consisting of Nos. 1, 2, and 3. As the result of that election, operating mineral interest No. 4 became a part of the aggregation for all purposes of subtitle A of the Internal Revenue Code of 1954 on September 1, 1955.

(4) *Election; binding effect.* A valid election made under section 614(b) and this section shall be binding upon the taxpayer for the taxable year for which made and all subsequent taxable years unless consent to make a change is obtained from the Commissioner. However, see paragraph (e) of this section for rules with respect to the termination of the election under section 614(b) except in the case of oil and gas wells. For rules relating to the binding effect of an election where the basis of a separate or an aggregated property in the hands of the transferee is determined by reference to the basis in the hands of the transferor, see paragraph (c) of § 1.614–6. A taxpayer can neither include within the aggregation a separate operating mineral interest which he had previously elected to treat separately, nor exclude from the aggregation a separate operating mineral interest previously included therein unless consent to do so is obtained from the Commissioner. A change in tax consequences alone is not sufficient to obtain consent to change the treatment of an operating mineral interest. However, consent may be appropriate where, for example, there has been a substantial change in the taxpayer's operations so that a major part of an aggregation becomes a part of another operating unit. Applications for consent shall be made in writing to the Commissioner of Internal Revenue, Washington 25, D.C. The application must be accompanied by a statement indicating the reason or reasons for the change and furnishing the information required under subdivision (i) of subparagraph (2) of this paragraph, unless such information has been previously filed and is current.

(5) *Invalid aggregations*—(i) *In general.* In addition to aggregations which are invalid under section 614(b) because of the failure to make timely elections, aggregations may be invalid under such section in situations which may be divided into two general categories. The first category involves basic aggregations which were timely but otherwise initially invalid. The second category involves invalid additions of operating mineral interests to basic aggregations which additions became subject to the election in years subsequent to the year in which the initial basic aggregation or aggregations were formed.

(ii) *Invalid basic aggregations.* The term "invalid basic aggregations" refers to those aggregations which are initially invalid. Generally, such basic aggregations will be invalid because more than one aggregation has been formed within an operating unit or because operating mineral interests in two or more operating units have been improperly aggregated. For any year in which an invalid basic aggregation exists, each operating mineral interest included in such aggregation shall be treated for all purposes as a separate property unless consent is obtained from the Commissioner to treat any such interest in a different manner. Consent will be granted in appropriate cases as, for example, where the taxpayer demonstrates that he inadvertently formed an invalid basic aggregation. The provisions of this subdivision may be illustrated by the following examples:

*Example (1).* In 1953, taxpayer A owned six operating mineral interests, designated No. 1 through No. 6, and he continued to own and operate such interests during 1954. He acquired no other operating mineral interests during such year. All six of these operating mineral interests form one operating unit. Assume that A elected under section 614(b) to aggregate operating mineral interests Nos. 1 through 3 into one aggregation and Nos. 4 through 6 into another aggregation. Since A has formed two aggregations in one operating unit, they are invalid basic aggregations. Therefore, interests Nos. 1 through 6 must be treated as separate properties for 1954 and all subsequent taxable years unless consent is obtained from the Commissioner to treat any of such interests in a different manner.

*Example (2).* Assume the same facts as in example (1) and assume also that, in his return for 1954, A correctly elected to aggregate all six operating mineral interests into one aggregation under section 614(b). Assume further that all these operating mineral interests continued to be in one operating unit for the years 1954, 1955, and 1956 but that, because of changes in the facts and circumstances of A's operations, in 1957 operating mineral interests Nos. 1, 2, and 3 became a part of one operating unit and Nos. 4, 5, and 6 became a part of another operating unit. Nothwithstanding the change in operations, the election made by A shall continue to be binding unless consent to change such election is obtained from the Commissioner.

(iii) *Invalid additions.* The term "additions" refers to the additions that a taxpayer makes by electing to aggregate an operating mineral interest with an aggregation formed in a previous year. Such additions will be invalid where the taxpayer either elected to aggregate an operating mineral interest with an invalid basic aggregation or elected to aggregate an operating mineral interest which is part of one operating unit with an aggregation of operating mineral interests which is a part of another operating unit. An operating mineral interest which is invalidly added to either a valid basic aggregation or to an invalid basic aggregation shall be considered as a separate property unless consent is obtained from the Commissioner to treat such interest in a different manner. The following are examples of invalid additions:

*Example (1).* In 1953, taxpayer A owned six operating mineral interests designated No. 1 through No. 6 and he continued to own and operate such interests during 1954. He acquired no other operating mineral interests during that year. Nos. 1 through 3 formed one operating unit and Nos. 4 through 6 formed another operating unit. In his return for 1954, A incorrectly elected to aggregate all six operating mineral interests into one aggregation under section 614(b). In 1955, A acquired and commenced development of operating mineral interest No. 7 which is correctly a part of the operating unit of which operating mineral interests Nos. 1, 2, and 3 are a part. A elected under section 614(b), for the year 1955, to aggregate operating mineral interest No. 7 with the invalid basic aggregation composed of

Nos. 1 through 6. Since operating mineral interest No. 7 was aggregated with an invalid basic aggregation, it is an invalid addition and must be treated as a separate property unless consent is obtained from the Commissioner to treat it in a different manner.

*Example* (2). In 1953, taxpayer A owned nine operating mineral interests designated No. 1 through No. 9. During 1954, he continued to own and operate such interests and acquired no other operating mineral interest. Interests No. 1 through No. 3 form one operating unit, Nos. 4 through 6 form another operating unit, and Nos. 7 through 9 form a third operating unit. For the year 1954, A elected under section 614(b) to aggregate operating mineral interests Nos. 1, 2, 3, and 4 into one aggregation, to treat Nos. 5 and 6 as separate properties, and to aggregate Nos. 7, 8, and 9 into another aggregation. Assume that in 1955 A acquired and commenced development of operating mineral interest No. 10 which was a part of the operating unit composed of Nos. 1, 2, and 3. Assume further that he elected under section 614(b) to aggregate No. 10 with the aggregation composed of Nos. 7, 8, and 9. This would be an invalid addition to a valid basic aggregation since operating mineral interest No. 10 was not properly a part of the operating unit formed by Nos. 7, 8, and 9. Therefore, interest No. 10 must be treated as a separate property for 1955 and all subsequent taxable years unless consent is obtained from the Commissioner to treat it in a different manner. However, the valid basic aggregation composed of interests Nos. 7 through 9 is not affected by the invalid addition of interest No. 10.

*Example* (3). Assume the same facts as in example (2) except that A elected under section 614(b) in 1955 to aggregate No. 10 with the aggregation of Nos. 1 through 4. This would also be an invalid addition because the aggregation composed of Nos. 1 through 4 is an invalid basic aggregation since operating mineral interest No. 4 is not a part of the operating unit consisting of Nos. 1, 2, and 3. Therefore, interest No. 10 must be treated as a separate property for 1955 and all subsequent taxable years unless consent is obtained from the Commissioner to treat such interest in a different manner.

(e) *Termination of election*—(1) *Taxable years beginning after December 31, 1957.* Except in the case of oil and gas wells, the election provided for under section 614(b) and paragraph (a) of this section to form an aggregation of separate operating mineral interests shall not apply with respect to any taxable year beginning after December 31, 1957. Thus, if a taxpayer makes a binding election under section 614(b) to form an aggregation of separate operating mineral interests within an operating unit for taxable years beginning before January 1, 1958, he must make a new election for the first taxable year beginning after December 31, 1957, under section 614(c) within the time prescribed in § 1.614–3 if he wishes to aggregate any separate operating mineral interests within such operating unit. A new election must be made under section 614(c) notwithstanding the fact that the aggregation formed under section 614(b) would constitute a valid aggregation under section 614(c). Failure to make such an election within the time prescribed shall constitute an election to treat each separate operating mineral interest within the operating unit as a separate property for taxable years beginning after December 31, 1957.

(2) *Taxable years beginning prior to January 1, 1958.* An election made under section 614(b) and paragraph (a) of this section to form an aggregation of separate operating mineral interests within a particular operating unit shall not apply with respect to any taxable year beginning prior to January 1, 1958, for which the taxpayer makes an election under section 614(c)(3)(B) and paragraph (f)(2) of § 1.614–3 which is applicable to any separate operating mineral interest within the same operating unit. The provisions of this subparagraph may be illustrated by the following examples:

*Example* (1). In 1953, taxpayer A owned six separate operating mineral interests, designated No. 1 through No. 6, which he operated as a unit. Operating mineral interests Nos. 1 through 5 comprise a mine, and operating mineral interest No. 6 represents one mineral deposit in a single tract of land which is being extracted by means of two mines. Taxpayer A previously made a binding election under section 614(b) to aggregate operating mineral interests Nos. 1 through 5 and to treat operating mineral interest No. 6 as a separate property. Under section 614(c)(2) and (3)(B) taxpayer A makes an election which is applicable for the taxable year 1954 and all subsequent taxable years to treat operating mineral interest No. 6 as two separate operating mineral interests. Therefore, the previous election of taxpayer A to aggregate operating mineral interests Nos. 1 through 5 under section 614(b) does not apply. Unless taxpayer A also makes an election to aggregate operating mineral interests Nos. 1 through 5 as one property under section 614(c)(1) and (3)(B) within the time prescribed in paragraph (f)(2) of § 1.614–3, he shall be deemed to have made an election to treat each of such interests as a separate property for 1954 and all subsequent taxable years.

*Example* (2). In 1953, taxpayer B owned six separate operating mineral interests, designated No. 1 through No. 6, which he operated as a unit. Operating mineral interests Nos. 1 through 3 comprise a mine and Nos. 4 through 6 comprise a second mine. Taxpayer B previously made a binding election under section 614(b) to aggregate operating mineral interests Nos. 1 through 3 and to treat Nos. 4 through 6 as separate properties. Under section 614(c)(1) and (3)(B) taxpayer B makes an election which is applicable for the taxable year 1954 and all subsequent taxable years to aggregate operating mineral interests Nos. 4 through 6 as one property. The previous election of the taxpayer under section 614(b) to aggregate operating mineral interests Nos. 1 through 3 does not apply even though such aggregation would constitute a valid aggregation if formed under section 614(c)(1). Therefore, if taxpayer B wishes to continue to treat operating mineral interests Nos. 1 through 3 as one property, he must also make an election to do so under section 614(c)(1) and (3)(B) within the time prescribed in paragraph (f)(2) of § 1.614–3.

(3) *Bases of separate operating mineral interests.* If an aggregation formed under section 614(b) is terminated by reason of the provisions of section 614(b)(4)(A), or is terminated under section 614(b)(4)(B) for any taxable year after the first taxable year to which the election under section 614(b) applies, the bases of the separate operating mineral interests included in such aggregation shall be determined in accordance with the rules contained in paragraph (a)(2) of § 1.614–6 as of the first day of the first taxable year for which the termination is effective. However, if by reason of the provisions of section 614(b)(4)(B), an election to aggregate under section 614(b) does not apply for any taxable year under the 1954 Code for which such election was made, the bases of the separate operating mineral interests included in the aggregation formed under section 614(b) shall be determined without regard to the election under section 614(b).

(f) *Alternative treatment of separate operating mineral interests in the case of oil and gas wells.* For rules relating to an alternative treatment of separate operating mineral interests in the case of oil and gas wells, see § 1.614–4.

### § 1.614–3 Rules relating to separate operating mineral interests in the case of mines.

(a) *Election to aggregate separate operating mineral interests*—(1) *General rule.* Except in the case of oil and gas wells, a taxpayer who owns two or more separate operating mineral interests, which constitute part or all of the same operating unit, may elect under section 614(c)(1) and this paragraph to form an aggregation of all such operating mineral interests which comprise any one mine or any two or more mines and to treat such aggregation as one property. The aggregated property which results from the exercise of such election shall be considered as one property for all purposes of subtitle A of the Internal Revenue Code of 1954. The preceding sentence does not preclude the use of more than one account under a single method of computing depreciation or the use of more than one method of computing depreciation under section 167, if otherwise proper. Any reasonable and consistently applied method or methods of computing depreciation of the improvements made with respect to the separate properties aggregated may be continued in accordance with section 167 and the regulations thereunder. It is not necessary for purposes of the aggregation that the separate operating mineral interests be included in a single tract or parcel of land or in contiguous tracts or parcels of land so long as such interests constitute part or all of the same operating unit. A taxpayer may elect to form more than one aggregation of separate operating mineral interests within one operating unit so long as each aggregation consists of all the separate operating mineral interests which comprise any one mine or any two or more mines. Thus, no aggregation may include any separate operating mineral interest which is a part of a mine without including all of the separate operating mineral interests which comprise such mine in the first taxable year for which the election to aggregate is effective. Any separate operating mineral interest which becomes a part of such mine in a subsequent taxable year must also be included in such aggregation as of the taxable year that such interest becomes a part of such mine. The taxable year in which such interest becomes a part of such mine shall be determined upon the basis of the facts and circumstances of the particular case. If a taxpayer fails to make an election under this paragraph to aggregate a particular operating mineral interest (other than an interest which becomes a part of a mine with respect to which the interests have been aggregated in a prior taxable year) on or before the last day prescribed for making such an election, such interest shall be treated as if an election had been made to treat it as a separate property. A taxpayer may not aggregate operating mineral interests and nonoperating mineral interests such as royalty interests. For definitions of the terms "operating mineral interest", "operating unit", and "mine", see respectively paragraphs (c), (d), and (e) of this section.

(2) *Aggregation in subsequent taxable years.* If the taxpayer has made an election under section 614(c)(1) for a particular taxable year with respect to any operating mineral interest or interests within a particular operating unit, and if, for a subsequent taxable year, the taxpayer desires to make an election with respect to an additional operating mineral interest within the same operating unit, then whether or not the taxpayer may elect to include such additional interest in an aggregation or treat it as a separate property depends upon the nature of such additional interest and of the taxpayer's previous elections. If the additional interest is a part of a mine with respect to which the other interests have been aggregated, the additional interest must be included in such aggregation. If the additional interest is a part of a mine with respect to which the other interests have been treated as separate properties, the additional interest must be treated as a separate property. If the additional interest is part of a mine which previously consisted of only a single interest which has not been aggregated with any other mine, such additional interest may be aggregated or treated as a separate property. If the additional interest is an entire mine, it may, at the election of the taxpayer, (i) be added to any aggregation within the same operating unit, (ii) be aggregated with any other single interest which is an entire mine provided both interests are within the same operating unit even though such single interest has previously been treated as a separate property, or (iii) be treated as a separate property.

(b) *Election to treat a single operating mineral interest as more than one property*—(1) *General rule.* Except in the case of oil and gas wells, a taxpayer who owns a separate operating mineral interest in a mineral deposit in a single tract or parcel of land may elect under section 614(c)(2) and this paragraph to treat such interest as two or more separate operating mineral interests if such mineral deposit is being developed or extracted by means of two or more mines. In order for this election to be applicable, there must be at least two mines with respect to each of which an expenditure for development or operation has been made by the taxpayer. The election under section 614(c)(2) may also be made with respect to a separate operating mineral interest formed by a previous election under section 614(c)(2) at such time as the mineral deposit previously allocated to such interest is being developed or extracted by means of two or more mines. If there is more than one mineral deposit in a single tract or parcel of land, an election under section 614(c)(2) with respect to any one of such mineral deposits has no application to the other mineral deposits. The election under section 614(c)(2) may not be made with respect to an aggregated property or with respect to any operating mineral interest which is a part of any aggregation formed by the taxpayer unless the taxpayer obtains consent from the Commissioner. Such consent will not be granted where the principal purpose for the request to make the election is based on tax consequences. Application for such consent shall be made in writing to the Commissioner of Internal Revenue, Washington 25, D.C. The application must be accompanied by a statement setting forth in detail the reason or reasons for the request to exercise the election with respect to an aggregated property.

(2) *Allocation of mineral deposit.* If the taxpayer elects to treat a separate operating mineral interest in a mineral deposit in a single tract or parcel of land as more than one separate operating mineral interest, then all of such mineral deposit therein and all of the portion of the tract or parcel of land allocated thereto must be allocated to the newly formed separate operating mineral interests. A portion of such mineral deposit and such tract or parcel of land must be allocated to each such newly formed separate operating mineral interest. There must be at least one mine, with respect to which an expenditure for development or operation has been made by the taxpayer, with respect to each such portion. The extent of the portion to be allocated to each newly formed separate operating mineral interest is to be determined upon the basis of the facts and circumstances of the particular case.

(3) *Bases of newly formed separate operating mineral interests.* The adjusted basis of each of the separate operating mineral interests formed by the making of the election under section 614(c)(2) shall be determined by apportioning the adjusted basis of the separate operating mineral interest with respect to which such election was made between (or among) the newly formed separate operating mineral interests in the same proportion as the fair market value of each such newly formed interest (as of the date on which the election becomes effective) bears to the total fair market value of the interest with respect to which the election was made as of such date.

(4) *Aggregation of newly formed separate operating mineral interests.* Any separate operating mineral interest formed by the making of the election under section 614(c)(2) may be included as a part of an aggregation subject to the requirements of paragraph (a) of this section, provided that the time for making the election under section 614(c)(1) to include such separate operating mineral interest in such aggregation has not expired. See paragraph (f) of this section. The provisions of this subparagraph may be illustrated by the following example:

*Example.* In 1958, taxpayer A acquired two separate operating mineral interests designated No. 1 and No. 2. Each is an interest in a single mineral deposit in a single tract of land. In the same year, taxpayer A made his first development expenditure with respect to a mine on operating mineral interest No. 1 and a mine on operating mineral interest No. 2. Operating mineral interests Nos. 1 and 2 are operated as a unit. Taxpayer A did not elect to aggregate operating mineral interests Nos. 1 and 2 under section 614(c)(1) within the time prescribed for making such an election. In 1960 taxpayer A made his first development expenditure with respect to a second mine on operating mineral interest No. 2. Taxpayer A elected under section 614(c)(2) to treat operating mineral interest No. 2 as two separate operating mineral interests, designated as Nos. 2(a) and 2(b), for the taxable year 1960 and all subsequent taxable years. No. 2(a) contained the mine for which the first development expenditure was made in 1958, and No. 2(b) contained the mine for which the first development expenditure was made in 1960. If taxpayer A wishes to do so, he may elect to aggregate mineral interests Nos. 1 and 2(b) under section 614(c)(1) for the taxable year 1960 and all subsequent taxable years since the first development expenditure with respect to the mine on operating mineral interest No. 2(b) was made during the taxable year 1960. Taxpayer A may not elect to aggregate mineral interests Nos. 1 and 2(a) under such section since the time for making such an election has expired.

(c) *Operating mineral interest defined.* For the definition of the term "operating mineral interest" as used in this section, see paragraph (b) of § 1.614–2.

(d) *Operating unit defined.* For the definition of the term "operating unit" as used in this section, see paragraph (c) of § 1.614–2.

(e) *Mine defined.* For purposes of this section, the term "mine" means any excavation or other workings or series of related excavations or related workings, as the case may be, for the purpose of extracting any known mineral deposit except oil and gas deposits. For the purpose of the preceding sentence, the term "excavations" or "workings" includes quarries, pits, shafts, and wells (except oil and gas wells). The number of excavations or workings that constitute a mine is to be determined upon the basis of the facts and circumstances of the particular case such as the nature and position of the mineral deposit or deposits, the method of mining the mineral, the location of the excavations or other workings in relation to the mineral deposit or deposits, and the topography of the area. The determination of the taxpayer as to the composition of a mine is to be accepted unless there is a clear and convincing basis for a change in such determination.

(f) *Manner and scope of election*—(1) *Election to apply section 614(c) (1) and (2) for taxable years beginning after December 31, 1957.* Except as provided in subparagraphs (2) and (3) of this paragraph, the election under section 614(c)(1) and paragraph (a) of this

section to treat an operating mineral interest as part of an aggregation shall be made under section 614(c)(3)(A) not later than the time prescribed by law for filing the taxpayer's income tax return (including extensions thereof) for whichever of the following taxable years is the later:

(i) The first taxable year beginning after December 31, 1957, or

(ii) The first taxable year in which any expenditure for development or operation in respect of the separate operating mineral interest is made by the taxpayer after the acquisition of such interest.

Except as provided in subparagraphs (2) and (3) of this paragraph, the election under section 614(c)(2) and paragraph (b) of this section to treat a single operating mineral interest as more than one operating mineral interest shall be made under section 614(c)(3)(A) not later than the time prescribed by law for filing the taxpayer's income tax return (including extensions thereof) for whichever of the following taxable years is the later:

(iii) The first taxable year beginning after December 31, 1957, or

(iv) The first taxable year in which expenditures for development or operation of more than one mine in respect of the separate operating mineral interest are made by the taxpayer after the acquisition of such interest.

However, if the latest time at which an election may be made under this subparagraph falls on or before the first day of the first month which begins more than 90 days after the regulations under section 614 are published in the FEDERAL REGISTER as a Treasury decision, such election may be made or modified at any time on or before the first day of such first month. See paragraph (c) of § 1.614-6 as to the binding effect of an election where the basis of a separate operating mineral interest in the hands of the taxpayer is determined by reference to the basis in the hands of a transferor.

(2) *Election to apply section 614(c)(1) and (2) for taxable years beginning before January 1, 1958.* In accordance with section 614(c)(3)(B), the election under section 614(c)(1) and paragraph (a) of this section to treat an operating mineral interest as part of an aggregation may, at the election of the taxpayer, be made not later than the time prescribed by law for filing the taxpayer's income tax return (including extensions thereof) for whichever of the following taxable years is the later:

(i) The first taxable year beginning after December 31, 1953, and ending after August 16, 1954, for which assessment of a deficiency or credit or refund of an overpayment, as the case may be, resulting from an election under section 614(c)(1), is not prevented on September 2, 1958, by the operation of any law or rule of law, or

(ii) The first taxable year in which any expenditure for development or operation in respect of the separate operating mineral interest is made by the taxpayer after the acquisition of such interest.

In accordance with section 614(c)(3)(B), the election under section 614(c)(2) and paragraph (b) of this section to treat an operating mineral interest as more than one operating mineral interest may, at the election of the taxpayer, be made not later than the time prescribed by law for filing the taxpayer's income tax return (including extensions thereof) for whichever of the following taxable years is the later:

(iii) The first taxable year beginning after December 31, 1953, and ending after August 16, 1954, for which assessment of a deficiency or credit or refund of an overpayment, as the case may be, resulting from an election under section 614(c)(2), is not prevented on September 2, 1958, by the operation of any law or rule of law, or

(iv) The first taxable year in which expenditures for development or operation of more than one mine in respect of the separate operating mineral interest are made by the taxpayer after the acquisition of such interest.

However, if the latest time at which an election may be made under this subparagraph falls on or before the first day of the first month which begins more than 90 days after the regulations under section 614 are published in the FEDERAL REGISTER as a Treasury decision, such election may be made or modified at any time on or before the first day of such first month. See paragraph (c) of § 1.614-6 as to the binding effect of an election where the basis of a separate operating mineral interest in the hands of the taxpayer is determined by reference to the basis in the hands of a transferor.

(3) *Limitation.* If the taxpayer makes an election under section 614(c)(1) or (2) in accordance with section 614(c)(3)(B) and subparagraph (2) of this paragraph with respect to any operating mineral interest which constitutes part or all of an operating unit, such taxpayer may not make any election under section 614(c)(1) or (2) in accordance with section 614(c)(3)(A) and subparagraph (1) of this paragraph with respect to any operating mineral interest which constitutes part or all of such operating unit. The provisions of this subparagraph may be illustrated by the following example:

*Example:* In 1953, taxpayer A owned six separate operating mineral interests, designated No. 1 through No. 6, which he operated as a unit. Operating mineral interests Nos. 1 through 5 comprise a mine, and operating mineral interest No. 6 represents one mineral deposit in a single tract of land which is being extracted by means of two mines. In accordance with section 614(c)(3)(B) and subparagraph (2) of this paragraph, taxpayer A elects under section 614(c)(2) to treat operating mineral interest No. 6 as two separate operating mineral interests for the taxable year 1954 and all subsequent taxable years. Unless taxpayer A also makes an election under section 614(c)(1) to aggregate operating mineral interests Nos. 1 through 5 for the taxable year 1954 and all subsequent taxable years in accordance with section 614(c)(3)(B) and subparagraph (2) of this paragraph, he shall be deemed to have made an election to treat each of such interests as a separate property. Taxpayer A may not elect, under section 614(c)(1) and (3)(A), to aggregate operating mineral interests Nos. 1 through 5 for the taxable year 1958 or any subsequent taxable year.

(4) *Statute of limitations.* If the taxpayer makes any election in accordance with section 614(c)(3)(B) and subparagraph (2) of this paragraph and if assessment of any deficiency for any taxable year resulting from such election is prevented on the first day of the first month which begins more than 90 days after the regulations under section 614 are published in the FEDERAL REGISTER as a Treasury decision, or at any time within one year after such first day, by the operation of any law or rule of law, such assessment may, nevertheless, be made within one year after such first day. Any election by a taxpayer in accordance with section 614(c)(3)(B) shall constitute consent to the assessment of any deficiency resulting from any such election. If refund or credit of any overpayment of income tax resulting from any election made in accordance with section 614(c)(3)(B) is prevented on such first day, or at any time within one year after such first day, by the operation of any law or rule of law, refund or credit of such overpayment may, nevertheless, be made or allowed but only if claim therefor is filed within one year after such first day. This subparagraph shall not apply with respect to any taxable year of a taxpayer for which an assessment of a deficiency resulting from an election made in accordance with section 614(c)(3)(B) or a refund or credit of an overpayment resulting from any such election, as the case may be, is prevented by the operation of any law or rule of law on September 2, 1958.

(5) *Elections—how made—*(i) *General rule.* Except as provided in subdivision (ii) of this subparagraph, an election under section 614(c)(1) or (2) and paragraph (a) or (b) of this section must be made by a statement attached to the income tax return of the taxpayer for the first taxable year for which the election is made. The statement shall contain the following information:

(a) Whether the taxpayer is making an election or elections with respect to the operating unit in accordance with section 614(c)(3)(A) or (B);

(b) A description of the operating unit of the taxpayer in sufficient detail to identify the operating mineral interests which are included within such operating unit;

(c) A description of each aggregation to be formed within the operating unit in sufficient detail to show that each aggregation consists of all the separate operating mineral interests which comprise any one mine or any two or more mines;

(d) A description of each separate operating mineral interest within the operating unit which is to be treated as a separate property in sufficient detail to show that such interest is not a part of any mine for which an election to aggregate has been made;

(e) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each separate operating mineral interest within the operating unit, but if the first expenditure for development or operation has not been made with respect to a separate operating mineral interest before the close of the taxable year for which the election under this section is made, such information should also be included;

(f) A description of each separate operating mineral interest within the operating unit which the taxpayer elects to treat as more than one such interest under section 614(c)(2) in sufficient detail to show that the separate operating mineral interest was not a part of an aggregation formed by the taxpayer under section 614(c)(1) for any taxable year prior to the taxable year for which the election under section 614(c)(2) is made, and to show that the mineral deposit representing the separate operating mineral interest is being developed or extracted by means of two or more mines;

(g) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each mine on the separate operating mineral interest that the taxpayer is electing to treat as more than one such interest; and

(h) The allocation of the mineral deposit representing the separate operating mineral interest between (or among) the newly formed interests and the method by which such allocation was made.

For the purpose of applying subdivisions (e) and (g) of this subdivision, if the first expenditure for development or operation with respect to a separate operating mineral interest or a mine was made prior to the first taxable year for which the election with respect to such interest or mine is applicable, the taxpayer may state that such is the case in lieu of identifying the exact taxable year in which such first expenditure was made. In any case where part of the information required under this subdivision can be adequately supplied by means of appropriately marked maps, the statement may be accompanied by such maps and may omit the required descriptive material to the extent replaced by the maps. The taxpayer shall maintain adequate records and maps in support of the above information. In the event that the first expenditure for development or operation with respect to a separate operating mineral interest is made by the taxpayer in a taxable year subsequent to the taxable year for which an election under this section has been made with respect to the operating unit of which such interest is a part, the taxpayer shall furnish information describing such interest in sufficient detail to identify it as a part of such operating unit, to show whether it is a part of a mine with respect to which the interests have previously been aggregated or have previously been treated as separate properties, and to indicate whether it is to be included within an aggregation.

(ii) *Special rule.* If the last day prescribed by law for filing the taxpayer's income tax return (including extensions thereof) for the first taxable year for which an election under section 614(c)(1) or (2) is made falls before the first day of the first month which begins more than 90 days after the regulations under section 614 are published in the FEDERAL REGISTER as a Treasury decision, the statement of election or modification thereof for such taxable year must be filed on or before the first day of such first month with the district director for the district in which such return was filed. The statement must contain the information as required in subdivision (i) of this subparagraph, must indicate the first taxable year for which the election contained therein is made, and shall be accompanied by an amended return or returns if necessary or, if appropriate, a claim for refund or credit.

(6) *Elections; when effective.* If the taxpayer has elected to form an aggregation under section 614(c)(1) and this section, the date on which the aggregation becomes effective is the first day of the first taxable year for which the election is made; except that if any separate operating mineral interest included in such aggregation was acquired after such first day, the date on which the inclusion of such interest in such aggregation becomes effective is the date of its acquisition. If the taxpayer elects to add another operating mineral interest to such aggregation for a subsequent taxable year, the date on which aggregation of the additional interest becomes effective is the first day of such subsequent taxable year or the date of acquisition of such interest, whichever is later. If an operating mineral interest is required to be included in the aggregation for a subsequent taxable year because such interest becomes a part of a mine which the taxpayer has previously elected to aggregate, the date on which the inclusion of such interest in the aggregation becomes effective is the first day of the subsequent taxable year or the date of acquisition of such interest, whichever is later. If the taxpayer has elected to treat a separate operating mineral interest as more than one such interest, the date on which the election becomes effective is the first day of the first taxable year for which the election is made or the earliest date on which the first expenditure for development or operation has been made by the taxpayer with respect to a mine on each newly formed separate operating mineral interest, whichever is later.

(7) *Elections; binding effect.* A valid election under section 614(c)(1) or (2) whether made in accordance with section 614(c)(3)(A) or (B) shall be binding upon the taxpayer for the taxable year for which made and for all subsequent taxable years unless consent to change the treatment of an operating mineral interest with respect to which an election has been made is obtained from the Commissioner. For rules relating to the binding effect of an election where the basis of a separate or an aggregated property in the hands of the transferee is determined by reference to the basis in the hands of the transferor, see paragraph (c) of § 1.614-6. A taxpayer can neither include within an aggregation a separate operating mineral interest which he has previously elected to treat as a separate property, nor exclude from an aggregation a separate operating mineral interest which he has properly elected to include within such aggregation unless consent to do so is obtained from the Commissioner. A change in tax consequences alone is not sufficient to obtain consent to change the treatment of an operating mineral interest. However, consent may be appropriate where, for example, there has been a substantial change in the taxpayer's operations so that a major part of an aggregation becomes a part of another operating unit. Applications for consent shall be made in writing to the Commissioner of Internal Revenue, Washington 25, D.C. The application must be accompanied by a statement indicating the reason or reasons for the change and furnishing the information required in subparagraph (5) (i) of this paragraph, unless such information has been previously filed and is current.

(8) *Invalid aggregations—*(i) *General rule.* In addition to aggregations which are invalid under this section because of the failure to make timely elections, aggregations may be invalid under this section in situations which may be divided into two general categories. The first category involves invalid basic aggregations. The second category involves invalid additions to basic aggregations.

(ii) *Invalid basic aggregations.* The term "invalid basic aggregations" refers to aggregations which are initially invalid. Generally, a basic aggregation is initially invalid because it does not include all the separate operating mineral interests which comprise a complete mine or mines or because it includes separate operating mineral interests which are not part of the same operating unit. If the taxpayer makes an invalid basic aggregation, each of the separate operating mineral interests included in such aggregation shall be treated as a separate property for the first taxable year for which the election is made and for all subsequent taxable years unless consent is obtained from the Commissioner to treat any such interest in a different manner. Consent will be granted in appropriate cases. For example, assume that the taxpayer elects to form an aggregation of the operating mineral interests which comprise one or more complete mines. If the taxpayer demonstrates that he inadvertently failed to include a minor part of one of the aggregated mines or inadvertently included a minor part of another mine that is not a part of the aggregation, consent will ordinarily be granted to maintain the aggregation by including the part omitted or by excluding the part included. The provisions of this subdivision may be illustrated by the following examples:

*Example (1).* In 1958, taxpayer A owned ten operating mineral interests, designated No. 1 through No. 10, which he operated as a unit. Interests Nos. 1 through 5 comprised mine X, and interests Nos. 6 through 10 comprised mine Y. Taxpayer A had made his first development expenditure with respect to each of the ten interests before January 1, 1958. Taxpayer A elected under section 614(c)(1) and (3)(A) to aggregate interests Nos. 1 through 8 for 1958 and all subsequent taxable years. The aggregation formed by taxpayer A is an invalid basic aggregation because it does not include all the operating mineral interests which comprise a complete mine or mines. Therefore, interests Nos. 1 through 8 must be treated as separate properties for 1958 and all subsequent taxable

years unless consent is obtained from the Commissioner to treat any of such interests in a different manner.

*Example (2).* In 1958, taxpayer B owned ten operating mineral interests designated No. 1 through No. 10. Interests Nos. 1 through 5 comprised mine X, and interests Nos. 6 through 10 comprised mine Y. Taxpayer B had made his first development expenditure with respect to each of the ten interests before January 1, 1958. Taxpayer B elected under section 614(c) (1) and (3)(A) to aggregate interests Nos. 1 through 10 for 1958 and all subsequent taxable years. Upon audit, it was determined that mines X and Y were in two separate operating units. Therefore, the aggregation formed by taxpayer B is invalid, and interests Nos. 1 through 10 must be treated as separate properties for 1958 and all subsequent taxable years unless consent is obtained from the Commissioner to treat any of such interests in a different manner.

(iii) *Invalid additions.* The term "invalid addition" refers to an operating mineral interest which is invalidly aggregated with an existing aggregation. Generally, an addition is invalid because it is a part of a mine and is aggregated with an aggregation which does not include other interests which are parts of the same mine, or because it is in one operating unit and is included as part of an aggregation which is in another operating unit. If an invalid addition is properly a part of a mine with respect to which other interests have been validly aggregated for a taxable year prior to the first taxable year for which the election to aggregate the invalid addition is made, then the invalid addition shall be included in the aggregation of which it is properly a part for such first taxable year and all subsequent taxable years. Any other invalid addition shall be treated as a separate property for the first taxable year for which the election to aggregate such addition is made and for all subsequent taxable years unless consent is obtained from the Commissioner to treat any such interest in a different manner. The provisions of this subdivision may be illustrated by the following examples:

*Example (1).* In 1958, taxpayer A owned six operating mineral interests, designated No. 1 through No. 6, which he operated as a unit. Interests Nos. 1 through 3 comprised mine X, and interests Nos. 4 through 6 comprised mine Y. Taxpayer A had made his first development expenditure with respect to each of the six interests before January 1, 1958. Taxpayer A elected under section 614(c) (1) and (3)(A) to aggregate interests Nos. 1 through 3 for 1958 and all subsequent taxable years. He elected to treat interests Nos. 4 through 6 as separate properties for 1958 and all subsequent taxable years. In 1959, taxpayer A acquired and made his first development expenditure with respect to interest No. 7. Interest No. 7 was a part of the mine composed of interests Nos. 4 through 6. Taxpayer A elected under section 614(c) (1) and (3)(A) to aggregate interest No. 7 with the aggregation of interests Nos. 1 through 3 for 1959 and all subsequent taxable years. Interest No. 7 is an invalid addition and must be treated as a separate property for 1959 and all subsequent taxable years. It cannot be aggregated with interests Nos. 4 through 6 since taxpayer A has previously elected to treat such interests as separate properties. However, the valid basic aggregation composed of interests Nos. 1 through 3 is not affected by the invalid addition of interest No. 7.

*Example (2).* Assume the same facts as in example (1) except that taxpayer A elected under section 614(c) (1) and (3)(A) to aggregate interests Nos. 1 through 3 as one aggregation and interests Nos. 4 through 6 as another aggregation for 1958 and all subsequent taxable years. The aggregation of interest No. 7 with the aggregation consisting of interests Nos. 1 through 3 constitutes an invalid addition. Interest No. 7 must be included in the aggregation consisting of interests Nos. 4 through 6 for 1959 and all subsequent taxable years.

*Example (3).* In 1958, taxpayer B owned three operating mineral interests, designated No. 1 through No. 3, which comprised mine X. Taxpayer B had made his first development expenditure with respect to each of the three interests before January 1, 1958. Taxpayer B elected under section 614(c) (1) and (3)(A) to aggregate interests Nos. 1 through 3 for 1958 and all subsequent taxable years. In 1959, taxpayer B acquired interests Nos. 4 through 7 which comprised mine Y. Taxpayer B made his first development expenditure with respect to each of the four interests during 1959. Taxpayer B elected under section 614(c) (1) and (3)(A) to aggregate interests Nos. 4 through 6 and to aggregate interest No. 7 with the aggregation consisting of interests Nos. 1 through 3 for 1959 and all subsequent taxable years. The aggregation consisting of interests Nos. 4 through 6 is an invalid basic aggregation, and the aggregation of interest No. 7 is an invalid addition. Interests Nos. 4 through 7 must be treated as separate properties for 1959 and all subsequent taxable years unless consent is obtained from the Commissioner to treat such interests in a different manner.

(g) *Special rule as to deductions under section 615(a) prior to aggregation—*(1) *General rule.* If an aggregation of operating mineral interests under section 614(c)(1) and paragraph (a) of this section includes any interest or interests in respect of which exploration expenditures, paid or incurred after the acquisition of such interest or interests, were deducted by the taxpayer under section 615(a) for any taxable year which precedes the date on which such aggregation becomes effective, then the tax imposed by chapter 1 of the Internal Revenue Code of 1954 for the taxable year or years in which such exploration expenditures were so deducted shall be recomputed in accordance with the rules contained in this paragraph. If an operating mineral interest is added to such aggregation for a subsequent taxable year and exploration expenditures made with respect to such interest after its acquisition were deducted by the taxpayer under section 615(a) for any taxable year which precedes the date on which the aggregation of such additional interest becomes effective, then the tax imposed by chapter 1 of the Internal Revenue Code of 1954 for the taxable year or years in which such exploration expenditures were so deducted shall be recomputed. For purposes of this paragraph, such taxable year or years shall be referred to as the taxable year or years for which a recomputation is required to be made. See paragraph (f)(6) of this section for rules relating to the date on which an aggregation becomes effective or the date on which the aggregation of an additional interest to an aggregation becomes effective. See subparagraph (3) of this paragraph for rules relating to the method of recomputation of tax. The provisions of this subparagraph may be illustrated by the following examples:

*Example (1).* In 1954, taxpayer A owned two operating mineral interests designated Nos. 1 and 2. Interest No. 1 was in the production stage prior to 1954. The first exploration expenditures with respect to interest No. 2 were made by taxpayer A in 1954 and were deducted under section 615(a) on his return for that year. In 1955, taxpayer A made his first development expenditure with respect to interest No. 2, and thereafter it was operated with interest No. 1 as a unit. Taxpayer A elected under section 614(c) (1) and (3)(B) to form an aggregation of interests Nos. 1 and 2 for 1955 and all subsequent taxable years. Taxpayer A must recompute his tax for 1954 in accordance with this paragraph.

*Example (2).* Assume the same facts as in example (1) except that, in 1957, taxpayer A acquired another operating mineral interest, designated No. 3, made his first exploration expenditures with respect to such interest in that year, and deducted such expenditures under section 615(a) on his return for that year. In 1958, taxpayer A made his first development expenditure with respect to interest No. 3. Interest No. 3 was part of the same operating unit as interests Nos. 1 and 2. Taxpayer A elected under section 614(c) (1) and (3)(B) to add interest No. 3 to his aggregation of interests Nos. 1 and 2 for 1958 and all subsequent taxable years. Taxpayer A must recompute his tax for 1957 in accordance with this paragraph.

(2) *Exceptions—*(i) *Taxable years beginning before January 1, 1958.* In the case of exploration expenditures deducted by the taxpayer with respect to an operating mineral interest for any taxable year beginning before January 1, 1958, subparagraph (1) of this paragraph shall apply only if the taxpayer has made an election under section 614(c) (1) or (2) with respect to the operating unit of which such interest is a part and such election applies to the taxable year for which such exploration expenditures were deducted. Thus, if the taxpayer does not make an election with respect to the operating unit under section 614(c) (1) or (2) and (3)(B), subparagraph (1) of this paragraph does not apply in the case of exploration expenditures deducted with respect to any operating mineral interest which is a part of such operating unit for any taxable year beginning before January 1, 1958. The provisions of this subdivision may be illustrated by the following examples:

*Example (1).* In 1956, taxpayer A acquired two operating mineral interests designated Nos. 1 and 2. Interest No. 1 was in the production stage at that time. Taxpayer A made his first exploration expenditures with respect to interest No. 2 in 1956, 1957, and 1958 and deducted such expenditures under section 615(a) on his returns for such years. In 1959, taxpayer A made his first development expenditure with respect to interest No. 2. Interests Nos. 1 and 2 were operated as a unit. Taxpayer A elected under section 614(c) (1) and (3)(A) to aggregate interests Nos. 1 and 2 for 1959 and all subsequent taxable years. Only the exploration expenditures deducted by the taxpayer for 1958 must be taken into account for purposes of applying subparagraph (1) of this paragraph.

*Example (2).* In 1954, taxpayer B owned two operating mineral interests, designated Nos. 1 and 2, which he operated as a unit. Interest No. 1 was in the production stage at that time, and interest No. 2 represented one mineral deposit in a single tract of land which was being extracted by means of two



mines. Under section 614(c) (2) and (3)(B), taxpayer B elects to treat interest No. 2 as two separate operating mineral interests, designated as Nos. 2(a) and 2(b), for 1954 and all subsequent taxable years. In 1955, taxpayer B acquired operating mineral interest No. 3. He made his first exploration expenditures with respect to interest No. 3 in 1955, 1956, and 1957 and deducted such expenditures under section 615(a) on his returns for such years. In 1958, taxpayer B made his first development expenditure with respect to interest No. 3, and thereafter it was operated with interests Nos. 1, 2(a), and 2(b) as a unit. Taxpayer B elects under section 614(c) (1) and (3)(B) to aggregate interests Nos. 1 and 3 for 1958 and all subsequent taxable years. The exploration expenditures deducted by the taxpayer for 1955, 1956, and 1957 must be taken into account for purposes of applying subparagraph (1) of this paragraph since the taxpayer has made an election under section 614(c)(2) with respect to the operating unit of which interest No. 3 is a part and such election applies to the taxable years 1955, 1956, and 1957.

(ii) *Interests formed pursuant to an election under section 614(c)(2).* In the case of exploration expenditures deducted with respect to an operating mineral interest which the taxpayer elects to treat as more than one such interest under section 614(c)(2) and paragraph (b) of this section, subparagraph (1) of this paragraph shall not apply. Thus, if the taxpayer deducts exploration expenditures with respect to an operating mineral interest, subsequently elects to treat such interest as more than one interest under section 614(c)(2), and includes one of the newly formed interests in an aggregation under section 614(c)(1), subparagraph (1) of this paragraph does not apply in the case of the exploration expenditures deducted with respect to the interest which the taxpayer elected to treat as more than one interest. The provisions of this subdivision may be illustrated by the following examples:

*Example (1).* In 1958, taxpayer A acquired two operating mineral interests, designated Nos. 1 and 2, which he operated as a unit. Each interest was an interest in a single mineral deposit in a single tract or parcel of land. There was a mine in the production stage on each or the two interests at that time. Taxpayer A elected under section 614(c)(1)(B) to treat interests Nos. 1 and 2 as separate properties. In 1959 and 1960, taxpayer A made exploration expenditures with respect to interest No. 2 for the purpose of extracting the mineral by means of a second mine, and he deducted such expenditures on his returns for such years. In 1961, taxpayer A made his first development expenditure with respect to a second mine on interest No. 2. Taxpayer A elected under section 614(c)(2) to treat interest No. 2 as two separate operating mineral interests, designated as Nos. 2(a) and 2(b), for 1961 and all subsequent taxable years. Interest No. 2(a) contained the producing mine and interest No. 2(b) contained the subsequently developed mine. In his return for 1961, taxpayer A also elected under section 614(c)(1)(A) to aggregate interests Nos. 1 and 2(b) for 1961 and all subsequent taxable years. The exploration expenditures deducted with respect to interest No. 2 prior to the effective date of the formation of interests Nos. 2(a) and 2(b) need not be taken into account for purposes of applying subparagraph (1) of this paragraph.

*Example (2).* In 1954, taxpayer B owned two operating mineral interests designated Nos. 1 and 2. Interest No. 1 was an interest in a single mineral deposit in a single tract of land which was being extracted by means of two mines. Taxpayer B elected under section 614(c)(2) and (3)(B) to treat interest No. 1 as two separate operating mineral interests, designated as Nos. 1(a) and 1(b), for 1954 and all subsequent taxable years. In 1955, 1956, and 1957, taxpayer B made exploration expenditures with respect to interest No. 2 and deducted such expenditures on his returns for such years. In 1958, taxpayer B made his first development expenditure with respect to interest No. 2, and, on his return for that year, taxpayer B elected to aggregate interests Nos. 1(a) and 2 under section 614(c)(1) for 1958 and all subsequent taxable years. The exploration expenditures deducted with respect to interest No. 2 for 1955, 1956, and 1957 shall be taken into account for purposes of applying subparagraph (1) of this paragraph since such exploration expenditures were deducted with respect to an interest to which this subdivision does not apply.

(3) *Recomputation of tax—*(i) *General rule.* In the case of an aggregation formed under section 614(c)(1) and paragraph (a) of this section in respect of which a recomputation of tax is required to be made under the provisions of subparagraphs (1) and (2) of this paragraph for any taxable year or years, the tax imposed by chapter 1 of the Internal Revenue Code of 1954 shall be recomputed for each such taxable year as if—

(*a*) The taxpayer had elected to form an aggregation for the taxable year for which the recomputation is required to be made, and

(*b*) Such aggregation had included all the interests included in the aggregation formed under section 614(c)(1) except those interests which the taxpayer did not own during the taxable year for which the recomputation is required to be made and those interests in respect of which the taxpayer had made no expenditures for exploration, development, or operation before or during the taxable year for which the recomputation is required to be made.

If a recomputation of tax is required to be made for any taxable year in the case of the aggregation of an additional interest to an existing aggregation under section 614(c)(1), such recomputation shall be made as if—

(*c*) The taxpayer had elected to form an aggregation for the taxable year for which the recomputation is required to be made, and

(*d*) Such aggregation had included all the interests included in the aggregation formed under section 614(c)(1) (including any interest which the taxpayer had disposed of prior to the date on which the aggregation of the additional interest becomes effective) except those interests which the taxpayer did not own during the taxable year for which the recomputation is required to be made and those interests in respect of which the taxpayer had made no expenditures for exploration, development, or operation before or during the taxable year for which the recomputation is required to be made.

For purposes of this paragraph, any aggregation which is treated as having been formed under subdivisions (*a*) and (*b*) or under subdivisions (*c*) and (*d*) shall be referred to as the "constructed aggregated property".

(ii) *Recomputation of depletion allowance.* The taxpayer shall compute the depletion allowance with respect to the constructed aggregated property for the taxable year for which the recomputation is required to be made. In making this computation, cost depletion for such taxable year shall be computed with reference to the depletion unit for the constructed aggregated property. See paragraph (a) of § 1.611–2. Percentage depletion for such taxable year shall not exceed 50 percent of the taxable income from the constructed aggregated property computed in accordance with § 1.613–4. If a recomputation is required to be made for the same taxable year with respect to any other aggregation or aggregations formed by the taxpayer under section 614(c)(1), the depletion allowance with respect to the other constructed aggregated property or properties shall be similarly computed. If, for a taxable year in respect of which a recomputation is required, the sum of the depletion allowance or allowances as computed under this subdivision is less than the sum of the depletion allowance or allowances actually deducted for such taxable year with respect to all the properties required to be taken into account in making the computation under this subdivision, then the total depletion allowance deducted by the taxpayer for such taxable year shall be reduced by the difference. The taxable income or net operating loss of the taxpayer for such taxable year shall be adjusted to reflect such reduction for purposes of the recomputation of tax. However, if for a taxable year in respect of which a recomputation is required, the sum of the depletion allowance or allowances as computed under this subdivision exceeds the sum of the depletion allowance or allowances actually deducted for such taxable year with respect to all the properties required to be taken into account in making the computation under this subdivision, the recomputation of tax for such taxable year is disregarded for purposes of applying section 614(c)(4)(B), (C), and (D).

(iii) *Effect of recomputation with respect to items based on amount of income.* In making the recomputation of tax under this subparagraph for any taxable year, any deduction, credit, or other allowance which is based upon the adjusted gross income or taxable income of the taxpayer for such year shall be recomputed taking into account the adjustment required under subdivision (ii) of this subparagraph. For example, if a corporate taxpayer's taxable income is increased under the provisions of such subdivision, then the amount of charitable contributions which may be deducted under the limitation contained in section 170(b)(2) shall be correspondingly increased for purposes of the recomputation. Moreover, the effect that the recomputation of any deduction, credit, or other allowance for a taxable year has on the tax imposed for any other taxable year shall also be taken into account for purposes of the recomputation of tax under this subparagraph.

(iv) *Effect of recomputation with respect to a net operating loss and a net operating loss deduction.* If the recomputation of tax under this subparagraph for the taxable year for which the recomputation is required to be made results in a reduction of a net operating loss for such year, then the taxpayer shall take into account the effect of such reduction on the tax imposed by chapter 1 of the Internal Revenue Code of 1954 (or by corresponding provisions of the Internal Revenue Code of 1939) for any taxable year affected by such reduction. If the recomputation of tax for the taxable year for which the recomputation is required to be made results in an increase in taxable income as defined in section 172(b)(2) for such year, then the taxpayer shall take into account the effect of such increase on the tax imposed by chapter 1 of the Internal Revenue Code of 1954 (or by corresponding provisions of the Internal Revenue Code of 1939) for any taxable year affected by such increase. Furthermore, in making the recomputation of tax for any taxable year for which the recomputation is required to be made, the taxpayer shall take into account any change in the net operating loss deduction for such year resulting from the recomputation of tax for any other taxable year for which a recomputation is required to be made. For provisions relating to the net operating loss deduction, see section 172 and the regulations thereunder.

(v) *Determination of increase in tax.* If the taxpayer elects to form an aggregation or aggregations for a taxable year under section 614(c)(1) and if a recomputation of tax is required to be made under this paragraph for any prior taxable year or years, then the taxpayer shall compute the difference between the tax as recomputed under this subparagraph for such prior taxable year or years (and other taxable years affected by the recomputation) and the tax liability previously determined (computed without regard to section 614(c)(4)) with respect to such prior taxable year or years (and other taxable years affected by the recomputation). If the taxpayer is subsequently required to make a recomputation with respect to any taxable year or years for which he has previously made a recomputation, then the taxpayer shall compute the difference between the tax as subsequently recomputed for such taxable year or years (and other taxable years affected by the subsequent recomputation) and the tax as previously recomputed for such taxable year or years (and other taxable years affected by the subsequent recomputation). For treatment of the increase in tax resulting from the recomputation of tax under this subparagraph, see subparagraph (4) of this paragraph.

(4) *Treatment of increase in tax*—(i) *General rule.* If the taxpayer elects to form an aggregation or aggregations for a taxable year under section 614(c)(1) and if a recomputation of tax is required to be made for any prior taxable year or years, then the total increase in tax resulting from such recomputation determined under subparagraph (3)(v) of this paragraph shall be taken into account in the first taxable year to which the election to form such aggregation or aggregations is applicable and in each succeeding taxable year until the full amount of such total increase in tax has been taken into account. The number of taxable years over which such total increase shall be taken into account shall be equal to the number of taxable years for which a recomputation of tax is required to be made under subparagraph (1) of this paragraph as limited by subparagraph (2) of this paragraph and for which such recomputation results in a reduction of the taxpayer's depletion allowance under subparagraph (3)(ii) of this paragraph. The amount of the increase in tax which is to be taken into account in a taxable year is determined by dividing the total increase in tax by the number of taxable years over which such total increase is to be taken into account. The tax imposed by chapter 1 of the Internal Revenue Code of 1954 for each of the taxable years over which the total increase in tax is to be taken into account shall be increased by the amount determined in accordance with the preceding sentence. However, such increase in tax for each of such taxable years shall have no effect upon the determination of the amount of any credit against the tax for any of such taxable years. For example, the amount of such increase shall not affect the computation of the limitation on the foreign tax credit under section 904. The amount of the increase in tax which is required to be taken into account by the taxpayer in a particular taxable year under section 614(c)(4)(C) shall be treated as a tax imposed with respect to such taxable years even though, without regard to section 614(c)(4) and this paragraph, such taxpayer would otherwise have no tax liability for such taxable year.

(ii) *Increase in tax not determinable as of first taxable year of aggregation.* If the recomputation of tax under subparagraph (3) of this paragraph, for any taxable year or years prior to the first taxable year to which the election to form an aggregation or aggregations under section 614(c)(1) applies, results in a reduction of any net operating loss carryover to a taxable year subsequent to such first taxable year, then the total increase in tax resulting from the recomputation is not determinable as of such first taxable year. In such case, the total increase in tax shall be taken into account in equal installments in the first taxable year for which such total increase is determinable and in each succeeding taxable year for which a portion of the increase in tax would have been taken into account under subdivision (i) of this subparagraph if the total increase had been determinable as of the first taxable year to which the election to form the aggregation or aggregations under section 614(c)(1) applies. The provisions of this subdivision may be illustrated by the following example:

*Example.* Assume that taxpayer A elects under section 614(c)(1) to form an aggregation for 1960 and all subsequent taxable years. Assume further that taxpayer A is required to recompute his tax for four prior taxable years under subparagraphs (1) and (2) of this paragraph and that the recomputation for each of such taxable years results in a reduction of taxpayer A's depletion allowance. Under subdivision (i) of this subparagraph, the total increase in tax resulting from the recomputation is to be taken into account in equal installments in 1960, 1961, 1962, and 1963. However, if the total increase in tax is not determinable until 1961 because the recomputation for the prior taxable years results in the reduction of a net operating loss carryover to 1961, then the total increase shall be taken into account in equal installments in 1961, 1962, and 1963. In like manner, if the total increase in tax is not determinable until 1962, it shall be taken into account in equal installments in 1962 and 1963.

(iii) *Death or cessation of existence of taxpayer.* If the taxpayer dies or ceases to exist, the portion of the increase in tax determined under subparagraph (3)(v) of this paragraph which has not been taken into account under subdivision (i) or (ii) of this subparagraph for taxable years prior to the taxable year of the occurrence of such death or such cessation of existence, as the case may be, shall be taken into account for the taxable year in which such death or such cessation of existence, as the case may be, occurs.

(5) *Adjustments to basis of aggregated property.* If the taxpayer elects to form an aggregated property or properties under section 614(c)(1) for a taxable year and if a recomputation of tax is required to be made for any taxable year which results in reduction of the depletion allowance previously deducted by the taxpayer for such year, then proper adjustments shall be made with respect to the adjusted basis of such aggregated property or properties. In such a case—

(i) If the sum of the depletion allowances actually deducted with respect to the interests included in a constructed aggregated property exceeds the depletion allowance computed under subparagraph (3)(ii) of this paragraph with respect to such constructed aggregated property, the adjusted basis of the aggregated property formed under section 614(c)(1) shall be increased by such excess, and

(ii) If the depletion allowance computed under subparagraph (3)(ii) of this paragraph with respect to a constructed aggregated property exceeds the sum of the depletion allowances actually deducted with respect to the interests included in such constructed aggregated property, the adjusted basis of the aggregated property formed under section 614(c)(1) shall be reduced (but not below zero) by such excess.

However, the adjusted basis of an aggregated property formed under section 614(c)(1) may be increased only to the extent such excess would have resulted in an increase in such adjusted basis if taken into account under paragraph (a) of § 1.614–6. Thus, if depletion previously allowed with respect to the separate operating mineral interests included in the aggregation formed under section 614(c)(1) exceeds the total of the unadjusted bases of such interests by $5,000, and if the recomputation of tax required to be made under this paragraph results in a depletion allowance which is $7,000 less than the depletion actually deducted with respect to such interests, then the adjusted basis of such aggregation may be increased by only $2,000. If, with respect to the same aggregated property formed under section 614(c)(1), adjustments to adjusted basis are required under this subparagraph as a result of recomputation of tax for two or more taxable years, the total or net amount of such adjustments shall be taken into account. Any adjustment to the adjusted basis of an aggregation required by this subparagraph shall be taken into account as of the effective date of the election to form such aggregation under section 614(c)(1) and shall be effective for all purposes of subtitle A of the Internal Revenue Code of 1954. For other rules relating to the determination of the adjusted basis of an aggregated property, see paragraph (a) of § 1.614–6.



**§ 1.614–4 1939 Code treatment with respect to separate operating mineral interests in the case of oil and gas wells.**

(a) *General rule.* In the case of oil and gas wells, a taxpayer may treat under section 614(d) and this section any property as if section 614 (a) and (b) had not been enacted. For purposes of this section, the term "property" means each separate operating mineral interest owned by the taxpayer in each mineral deposit in each separate tract or parcel of land. Separate tracts or parcels of land exist not only when areas of land are separated geographically, but also when areas of land are separated by means of the execution of conveyances or leases. If the taxpayer treats any property or properties under this section, the taxpayer must treat each such property as a separate property except that the taxpayer may treat any two or more properties that are included within the same tract or parcel of land as a single property provided such treatment is consistently followed. If the taxpayer treats two or more properties as a single property under this section, such properties shall be considered as a single property for all purposes of subtitle A of the Internal Revenue Code of 1954. The taxpayer may not make more than one combination of properties within the same tract or parcel of land. Thus, if the taxpayer treats two or more properties that are included within the same tract or parcel of land as a single property, each of the remaining properties included within such tract or parcel of land shall be treated as a separate property. If the taxpayer has treated two or more properties that are included within the same tract or parcel of land as a single property and subsequently discovers or acquires an additional mineral deposit within the same tract or parcel of land, he may include his interest in such deposit with the two or more properties which are being treated as a single property or he may treat his interest in such deposit as a separate property. If the taxpayer has treated each property included within a tract or parcel of land as a separate property and subsequently discovers or acquires an additional mineral deposit within the same tract or parcel of land, he may combine his interest in such deposit with any one of the separate properties included within the tract or parcel of land, but not with more than one of them since they cannot be validly combined with each other. The taxpayer may not combine properties which are included within different tracts or parcels of land under this section irrespective of whether such tracts or parcels of land are contiguous. The treatment of a property as a separate property or the treatment of two or more properties included within a single tract or parcel of land as a single property under this section shall be binding upon the taxpayer for the first taxable year for which such treatment is effective and for all subsequent taxable years. For provisions relating to the first taxable year for which treatment under this section becomes effective, see paragraph (d) of this section.

(b) *Treatment consistent with treatment for taxable years prior to 1954.* If the taxpayer has treated properties in a manner consistent with the rules contained in paragraph (a) of this section for taxable years to which the Internal Revenue Code of 1939 applies and if the taxpayer desires to treat such properties under section 614(d), then such properties must continue to be treated in the same manner. The provisions of this paragraph may be illustrated by the following examples:

*Example (1).* In 1950, taxpayer A owned two separate tracts of land designated No. 1 and No. 2. Each tract contained three mineral deposits. In the case of tract No. 1, taxpayer A treated the three mineral deposits as a single property. In the case of tract No. 2, taxpayer A treated the first mineral deposit as a separate property and treated the second and third mineral deposits as a single property. This treatment was consistently followed for the taxable years 1950, 1951, 1952, and 1953. Taxpayer A desires, for 1954 and subsequent taxable years, to treat the properties in tracts Nos. 1 and 2 as if section 614 (a) and (b) had not been enacted. For 1954 and subsequent taxable years, the three deposits in tract No. 1 must be treated as a single property; the first deposit in tract No. 2 must be treated as a separate property; and the second and third deposits in tract No. 2 must be treated as a single property.

*Example (2).* Assume the same facts as in example (1) except that, at the time the treatment under this section is adopted, assessment of any deficiency or credit or refund of any overpayment for the taxable years 1954 and 1955 resulting from the treatment of properties under this section is prevented by the operation of the statute of limitations. For 1956 and subsequent taxable years, the three deposits in tract No. 1 must be treated as a single property; the first deposit in tract No. 2 must be treated as a separate property; and the second and third deposits in tract No. 2 must be treated as a single property.

(c) *Bases of separate properties previously included in an aggregation under section 614(b).* If the taxpayer has made an election under section 614(b) to form an aggregation of operating mineral interests and if such taxpayer subsequently revokes such election for all taxable years for which it was made and treats the properties that are included within such aggregation under section 614(d) and this section by filing the statement required by paragraph (e) of this section, then the adjusted basis of each separate property (as defined in paragraph (a) of this section) that is a part of such aggregation shall be determined as if the taxpayer had made no election under section 614(b). However, if, at the time of the filing of the statement revoking the election under section 614(b), assessment of any deficiency or credit or refund of any overpayment, as the case may be, resulting from such revocation is prevented by the operation of any law or rule of law for any taxable year or years for which the election under section 614(b) was made, then the adjusted basis of each separate property that is a part of the aggregation shall be determined in accordance with the provisions contained in paragraph (a)(2) of § 1.614–6 as of the first day of the first taxable year for which the revocation is effective. After determining the adjusted basis of each separate property included within the aggregation, the taxpayer may treat such properties in any manner which is in accordance with paragraph (a) of this section. See, however, paragraph (b) of this section. The provisions of this paragraph may be illustrated by the following examples:

*Example (1).* Taxpayer A owns two separate tracts of land, designated No. 1 and No. 2, each of which contains three mineral deposits. The interests in the two tracts of land constitute an operating unit as defined in paragraph (c) of § 1.614–2. Taxpayer A elects under section 614(b) to form an aggregation of all the interests in the operating unit for 1954 and all subsequent taxable years. Subsequently, taxpayer A revokes such election by filing a statement in accordance with paragraph (e) of this section. Such revocation is effective for 1956 and subsequent taxable years because, at the time of the filing of the statement of revocation, assessment of any deficiency or credit or refund of any overpayment for the taxable years 1954 and 1955 resulting from such revocation is prevented by the operation of the statute of limitations. The adjusted bases of the six properties that are included within the aggregation shall be determined in accordance with paragraph (a)(2) of § 1.614–6 as of the beginning of the taxable year 1956.

*Example (2).* Assume the same facts as in example (1) and, in addition, assume that for taxable years to which the Internal Revenue Code of 1939 is applicable, taxpayer A treated the three deposits in tract No. 1 as a single property and the three deposits in tract No. 2 as a single property. After determining the adjusted basis of each of the six properties as illustrated in example (1), the adjusted bases of the three properties in tract No. 1 must be combined and the adjusted bases of the three properties in tract No. 2 must be combined since the manner in which such properties were treated for taxable years to which the Internal Revenue Code of 1939 is applicable is consistent with the rules contained in paragraph (a) of this section.

(d) *Treatment; when effective.* If a taxpayer treats any property in accordance with this section, then such treatment shall be effective for whichever of the following taxable years is the later:

(1) The latest taxable year for which an election could have been made with respect to such property under section 614(b); or

(2) The first taxable year beginning after December 31, 1953, and ending after August 16, 1954, in respect of which assessment of a deficiency or credit or refund of an overpayment, as the case may be, resulting from the treatment of such property under this section, is not prevented by the operation of any law or rule of law on the date such treatment is adopted.

(e) *Manner of adopting the treatment of properties under this section.* If the taxpayer does not make an election under section 614(b) with respect to a property within the time prescribed for making such an election, then the taxpayer shall be deemed to have treated such property under this section. In such case, the manner in which such property is treated in filing the taxpayer's income tax return for the first taxable year for which the treatment of such property is effective under paragraph (d) of this section shall establish the treatment which must be consistently followed with respect to such property for subsequent taxable years. However, if the income tax return for such first taxable year is filed prior to the first day of the first month which begins more than 90 days after the regulations under section 614 are published in the FEDERAL REGISTER as a Treasury decision, then the taxpayer may adopt the treatment provided for under this section with respect to the property by filing a statement at any time on or before the first day of such first month with the district director for the district in which the taxpayer's income tax return was filed for the first taxable year for which the treatment of such property is effective under paragraph (d) of this section. Such statement shall set forth the first taxable year for which the treatment of the property under this section is effective, shall revoke any previous elections made with respect to such property under section 614(b), shall state the manner in which such property was treated for taxable years subject to the 1939 Code, shall state the manner in which such property is to be treated under this section, and shall be accompanied by an amended return or returns if necessary.

(f) *Certain treatment under this section precludes election to aggregate under section 614(b) with respect to the same operating unit.* If the taxpayer's treatment of any properties that are included within an operating unit (as defined in paragraph (c) of § 1.614–2) under section 614(d) and this section would constitute an aggregation under section 614(b) and if such taxpayer elects, or has elected, to form an aggregation within the same operating unit under section 614(b) for any taxable year for which the treatment under section 614(d) is effective, then the election made under section 614(b) shall not apply for any such taxable year.

### § 1.614–5 Special rules as to aggregating nonoperating mineral interests.

(a) *Aggregating nonoperating mineral interests for taxable years beginning before January 1, 1958.* Upon proper showing to the Commissioner, a taxpayer who owns two or more separate nonoperating mineral interests in a single tract or parcel of land, or in two or more contiguous tracts or parcels of land, shall be permitted to aggregate all such interests in each separate kind of mineral deposit and treat them as one property. Permission will be granted by the Commissioner only if the taxpayer establishes that he will sustain an undue hardship if such nonoperating mineral interests are not treated as one property. Such hardship may exist, for example, if it is impossible for the taxpayer to determine the boundaries, source, or costs of the separate interests, or if a taxpayer who owns a single royalty interest, production payment, or net profits interest cannot determine the separate deposits from which his payments will be derived. In no event shall undue hardship be deemed to exist solely by reason of tax disadvantage. The treatment of such interests as one property shall be applicable for all purposes of subtitle A of the Internal Revenue Code of 1954. In no event may nonoperating mineral interests in tracts or parcels of land which are not contiguous be treated as one property. The term "two or more contiguous tracts or parcels of land" means tracts or parcels of land which have common boundaries. Common boundaries include survey lines, public roads, or similar easements for the use of land without the existence of an intervening mineral right between the tracts or parcels of land. Tracts or parcels of land which touch only at a common corner are not contiguous. For the definition of "nonoperating mineral interests", see paragraph (g) of this section.

(b) *Manner and scope of election—(1) Time for filing application for permission to aggregate separate nonoperating mineral interests under paragraph (a) of this section.* The application for permission to aggregate separate nonoperating mineral interests under paragraph (a) of this section shall be filed at any time on or before the first day of the first month which begins more than 90 days after the regulations under section 614 are published in the FEDERAL REGISTER as a Treasury decision. Such application shall indicate the first taxable year for which the aggregation is to be formed. If, prior to such publication of the regulations under section 614, an application has been filed, the taxpayer need file only a supplemental application containing such additional information as is necessary to comply with the requirements of subparagraph (2) of this paragraph.

(2) *Contents of application and returns under permission.* The application for permission to aggregate nonoperating mineral interests under paragraph (a) of this section shall include a complete statement of the facts upon which the taxpayer relies to show the undue hardship which would result if such an aggregation were not permitted. Such application shall also include a description of the nonoperating mineral interests owned by the taxpayer within the tract or tracts of land involved. A general description, accompanied by maps appropriately marked, which accurately circumscribes the scope of the aggregation and shows that the taxpayer is aggregating all the nonoperating mineral interests in a particular kind of mineral deposit within the tract or tracts of land involved will be sufficient. If the Commissioner grants permission, a copy of the letter granting such permission shall be filed with the district director for the district in which the taxpayer's income tax return was filed for the first taxable year for which such permission applies, and shall be accompanied by an amended return or returns if necessary.

(3) *Election; binding effect.* The election to aggregate separate nonoperating mineral interests under paragraph (a) of this section shall be binding upon the taxpayer for the first taxable year for which made and all subsequent taxable years beginning before January 1, 1958, unless consent to make a change is obtained from the Commissioner. The application for consent to make a change must set forth in detail the reason or reasons for such change. Consent to a different treatment shall not be granted where the principal purpose for such change is due to tax consequences. For rules relating to the binding effect of an election where the basis of an aggregated property in the hands of the transferee is determined by reference to the basis in the hands of the transferor, see paragraph (c) of § 1.614–6.

(4) *Aggregations under the 1939 Code.* An application for permission to aggregate nonoperating mineral interests under paragraph (a) of this section shall be submitted in accordance with the requirements of this paragraph notwithstanding the fact that the taxpayer may have aggregated such interests for taxable years to which the Internal Revenue Code of 1939 is applicable. If such interests were aggregated for taxable years to which the Internal Revenue Code of 1939 applies and the aggregation was approved by the Internal Revenue Service for such years after full consideration thereof on its merits, such approval will generally be accepted as evidence that undue hardship would result if the aggregation were not permitted.

(c) *Termination of aggregation of nonoperating mineral interests—(1) General rule.* Any aggregation of nonoperating mineral interests formed under paragraphs (a) and (b) of this section shall not apply with respect to any taxable year beginning after December 31, 1957. Thus, if a taxpayer makes a binding election to form such an aggregation for taxable years beginning before January 1, 1958, then in order to form an aggregation with respect to any taxable year beginning after December 31, 1957, he must obtain permission in accordance with the rules prescribed in paragraphs (d) and (e) of this section.

(2) *Bases of separate nonoperating mineral interests.* If a taxpayer forms an aggregation of nonoperating mineral interests under paragraphs (a) and (b) of this section which is terminated under subparagraph (1) of this paragraph, the adjusted bases of the separate nonoperating mineral interests included in such aggregation shall be determined in accordance with paragraph (a)(2) of § 1.614–6.



(d) *Aggregating nonoperating mineral interests for taxable years beginning after December 31, 1957, or for earlier taxable years.* Upon proper showing to the Commissioner, a taxpayer who owns two or more separate nonoperating mineral interests in a single tract or parcel of land, or in two or more adjacent tracts or parcels of land, shall be permitted, under section 614(e), to form an aggregation of all of such interests in each separate kind of mineral deposit and treat such aggregation as one property. Permission shall be granted by the Commissioner only if the taxpayer establishes that a principal purpose in forming the aggregation is not the avoidance of tax. The fact that the aggregation of nonoperating mineral interests will result in a substantial reduction in tax is evidence that avoidance of tax is a principal purpose of the taxpayer. An aggregation formed under the provisions of this paragraph shall be considered as one property for all purposes of the Internal Revenue Code of 1954. In no event may nonoperating mineral interests in tracts or parcels of land which are not adjacent be aggregated and treated as one property. The term "two or more adjacent tracts or parcels of land" means tracts or parcels of land that are in reasonably close proximity to each other depending on the facts and circumstances of each case. Adjacent tracts or parcels of land do not necessarily have any common boundaries, and may be separated by intervening mineral rights. For the definition of "nonoperating mineral interests", see paragraph (g) of this section.

(e) *Manner and scope of election—(1) Time for filing application for permission to aggregate separate nonoperating mineral interests under section 614(e).* The application for permission to aggregate separate nonoperating mineral interests under section 614(e) and paragraph (d) of this section shall be made in writing to the Commissioner of Internal Revenue, Washington 25, D.C. Such application shall be filed within 90 days after the beginning of the first taxable year beginning after December 31, 1957, for which aggregation is desired or within 90 days after the acquisition of one of the nonoperating mineral interests which is to be included in the aggregation, whichever is later. However, if the last day on which the application may be filed under this paragraph falls before the first day of the first month which begins more than 90 days after the regulations under section 614 are published in the FEDERAL REGISTER as a Treasury decision, such application may be filed at any time on or before the first day of such first month. If, prior to such publication of the regulations under section 614, an application has been filed, the taxpayer need file only a supplemental application containing such additional information as is necessary to comply with subparagraph (4) of this paragraph.

(2) *Election to apply section 614(e) retroactively.* The application for permission to aggregate separate nonoperating mineral interests under section 614(e) and paragraph (d) of this section may be filed, at the election of the taxpayer, for any taxable year beginning before January 1, 1958, to which the Internal Revenue Code of 1954 is applicable. In such case, the application may be filed at any time on or before the first day of the first month which begins more than 90 days after the regulations under section 614 are published in the FEDERAL REGISTER as a Treasury decision. Such application shall designate the first taxable year for which the aggregation is to be formed. If, prior to such publication of regulations under section 614, an application has been filed, the taxpayer need file only a supplemental application containing such additional information as is necessary to comply with the requirements of subparagraph (4) of this paragraph.

(3) *Limitation.* If the taxpayer forms any aggregation of nonoperating mineral interests under subparagraph (2) of this paragraph, then any aggregation of nonoperating mineral interests formed under paragraphs (a) and (b) of this section shall not apply for any taxable year. The provisions of this subparagraph may be illustrated by the following example:

*Example.* In 1954, taxpayer A owns six separate nonoperating mineral interests designated No. 1 through No. 6. Interests Nos. 1 through 3 are royalty interests in contiguous tracts of land. Interests Nos. 4 through 6, which are located in an entirely different area from interests Nos. 1 through 3, are royalty interests in tracts of land which are not contiguous but which are adjacent to each other. In 1959 taxpayer A obtains permission and elects under section 614(e) and subparagraph (2) of this paragraph to form an aggregation of interests Nos. 4 through 6 for 1956 and all subsequent taxable years. Taxpayer A may not elect to form an aggregation of interests Nos. 1 through 3 under paragraphs (a) and (b) of this section for 1954 or any subsequent taxable year. If taxpayer A wishes to form an aggregation of interests Nos. 1 through 3, he must obtain permission under paragraph (d) of this section and this paragraph.

(4) *Contents of application and returns under permission.* The application for permission to aggregate nonoperating mineral interests under section 614(e) and paragraph (d) of this section shall include a complete statement of the facts upon which the taxpayer relies to show that avoidance of tax is not a principal purpose of forming the aggregation. Such application shall also include a description of the nonoperating mineral interests within the tract or tracts of land involved. A general description, accompanied by maps appropriately marked, which accurately circumscribes the scope of the aggregation and shows that the taxpayer is aggregating all the nonoperating mineral interests in a particular kind of mineral deposit within the tract or tracts of land involved will be sufficient. If the Commissioner grants permission, a copy of the letter granting such permission shall be attached to the taxpayer's income tax return for the first taxable year for which such permission applies. If the taxpayer has already filed such return, a copy of the letter of permission shall be filed with the district director for the district in which such return was filed and shall be accompanied by an amended return or returns if necessary or, if appropriate, a claim for credit or refund.

(5) *Election; binding effect.* The election to aggregate separate nonoperating mineral interests under section 614(e) and paragraph (d) of this section shall be binding upon the taxpayer for the first taxable year for which made and for all subsequent taxable years unless consent to make a change is obtained from the Commissioner. The application for consent to make a change must set forth in detail the reason or reasons for such change. Consent to a different treatment shall not be granted where the principal purpose for such change is due to tax consequences. For rules relating to the binding effect of an election where the basis of an aggregated property in the hands of the transferee is determined by reference to the basis in the hands of the transferor, see paragraph (c) of § 1.614–6.

(6) *Aggregations under the 1939 Code.* An application for permission to aggregate nonoperating mineral interests under section 614(e) and paragraph (d) of this section shall be submitted in accordance with the requirements of this paragraph notwithstanding the fact that the taxpayer may have aggregated such interests for taxable years to which the Internal Revenue Code of 1939 is applicable. If such interests were aggregated for taxable years to which the Internal Revenue Code of 1939 applies and the aggregation was approved by the Internal Revenue Service for such years after full consideration thereof on its merits, such approval will generally be accepted as evidence that avoidance of tax is not a principal purpose of forming the aggregation.

(f) *Elections; when effective.* If the taxpayer has elected to form an aggregation under either paragraph (a) or paragraph (d) of this section, the date on which the aggregation becomes effective is the first day of the first taxable year for which the election is made; except that if any separate nonoperating mineral interest included in such aggregation was acquired after such first day, the date on which the inclusion of such interest in such aggregation becomes effective is the date of its acquisition.

(g) *Definition of nonoperating mineral interests.* For purposes of this section, "nonoperating mineral interests" includes only those interests described in section 614(a) which are not operating mineral interests within the meaning of paragraph (b) of § 1.614–2. The taxpayer who holds the operating or working rights in a mineral deposit, but is not actually conducting operations with respect to such deposit, does not have a nonoperating mineral interest in such deposit notwithstanding the fact that he intends to transfer such operating rights at a later time.

### § 1.614–6 Rules applicable to basis, holding period, and abandonment losses where mineral interests have been aggregated.

(a) *Basis of property resulting from aggregation—(1) General rule.* When a taxpayer has aggregated as one property two or more interests under section 614 (b), (c), or (e), the unadjusted basis of

such aggregated property shall be the sum of the unadjusted bases of the various mineral interests aggregated. The adjusted basis of the aggregated property on the effective date of the aggregation shall be the unadjusted basis of the aggregated property, adjusted by the total of all adjustments to the bases of the several mineral interests aggregated as required by section 1016 to the effective date of aggregation. Thereafter, the adjustments to basis required by section 1016 shall apply to the total adjusted basis of the aggregated property for all purposes of subtitle A of the Internal Revenue Code of 1954.

(2) *Bases upon disposition of part of, or termination of, or change in, an aggregated property.* (i) When a taxpayer has aggregated two or more separate mineral interests as one property under section 614 (b), (c), or (e) and thereafter sells, exchanges, or otherwise disposes of part of such property, the total adjusted basis of the property as of the date of sale, exchange, or other disposition must be apportioned to determine the adjusted basis of the part disposed of and the part retained for purposes of computing gain or loss, depletion, and for all other purposes of subtitle A of the Internal Revenue Code of 1954. Such adjusted basis shall be determined by apportioning the total adjusted basis of the property between the part of the property disposed of and the part retained in the same proportion as the fair market value of each part (as of the date of sale, exchange, or other disposition) bears to the total fair market value of the property as of such date. For determining gain or loss on the sale or exchange of any part of the aggregated property, the adjusted basis of the aggregated property (from which the adjusted basis of the part is determined) shall not be reduced below zero.

(ii) If, for any taxable year after the first taxable year for which an aggregation under section 614 (b), (c), or (e) is effective,

(a) Any such aggregation is terminated for any reason, or

(b) The treatment of any mineral interests in any such aggregation is changed after obtaining the consent of the Commissioner,

then the adjusted basis of the aggregated property as of the first day of the first taxable year for which such termination or change is effective shall be apportioned to determine the adjusted bases of the resultant separate mineral interests, as of such first day, for purposes of computing gain or loss, depletion, and for all other purposes of subtitle A of the Internal Revenue Code of 1954. The adjusted bases of such separate mineral interests shall be determined by apportioning the adjusted basis of the aggregated property (as of the first day of the first taxable year for which such termination or change is effective) between or among such interests in the same proportion as the fair market value of each such interest (as of such first day) bears to the total fair market value of the aggregated property as of such first day. For the purpose of determining the adjusted bases of the separate mineral interests, the adjusted basis of the aggregated property (from which the adjusted basis of each separate mineral interest is determined) shall not be reduced below zero.

(3) The application of subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

*Example (1).* A taxpayer owning three operating mineral interests, designated Nos. 1, 2, and 3, within a single operating unit, properly elects to aggregate such properties under section 614(b) for the calendar year 1954 in his income tax return filed on April 15, 1955. The unadjusted bases and adjustments under section 1016 for depletion through December 31, 1953, in respect of such properties are as follows:

| | Unadjusted basis | Adjustments under Section 1016 |
|---|---|---|
| No. 1 | $25,000 | $37,000 |
| No. 2 | 18,000 | 10,000 |
| No. 3 | 15,000 | 4,000 |
| Total | 58,000 | 41,000 |

The adjusted basis of the aggregated property as of January 1, 1954, is $17,000 ($58,000–$41,000).

*Example (2).* Assume the same facts as in example (1), except that a portion of the aggregated property is sold on June 1, 1956, for $15,000 which is also the fair market value of such portion on the date of sale. In order to determine the gain or loss from this sale as well as the adjusted basis of the retained property, an apportionment must be made. The aggregated property had a fair market value of $25,000 on the date of sale. From January 1, 1954, through May 31, 1956, $10,000 of depletion has been allowed with respect to the aggregated property. The adjusted basis of the portion sold is determined as follows:

$$\$7{,}000\text{ (adjusted basis of aggregated property)} \times \frac{\$15{,}000}{\$25{,}000} = \$4{,}200\text{ (adjusted basis of portion sold)}$$

Therefore, the gain on this sale of the portion sold is $10,800 ($15,000—$4,200). The adjusted basis of the property retained is $2,800 ($7,000—$4,200).

*Example (3).* Assume the same facts as in example (2), except that instead of selling, the taxpayer subleases one of the leases making up the aggregated property, retaining a one-eighth royalty interest therein. The fair market value of such lease is $15,000 on the date of the sublease. The adjusted basis of such royalty interest is $4,200 which is computed as follows:

$$\$7{,}000\text{ (adjusted basis of aggregated property)} \times \frac{\$15{,}000\text{ (FMV of portion transferred)}}{\$25{,}000\text{ (FMV of aggregated property)}}$$

*Example (4).* In 1953, a taxpayer owned mineral interests Nos. 1, 2, and 3 which he operated as a unit. He owned no other operating interests during that year. The unadjusted bases of these properties were $10,000, $15,000, and $20,000, respectively, and depletion allowed through December 31, 1953, was $5,000 with respect to each property. The taxpayer operated these properties during the year 1954 and, in addition, operated as part of the unit mineral interest No. 4 which he acquired on July 1, 1954, on which date he made the first exploration expenditure with respect thereto. He paid $20,000 for No. 4. In his return for the calendar year 1954, the taxpayer elected under section 614(b) to aggregate all of these mineral interests. The taxpayer must compute cost depletion for the calendar year 1954 on the basis of an aggregated property with an adjusted basis of $30,000 ($45,000—$15,000) for the period from January 1 to June 30, and with an adjusted basis of $50,000 (less depletion for the first six months) for the period from July 1 to December 31. If applicable, the taxpayer must compute percentage depletion on the basis of gross income and taxable income from the aggregated property for the entire year, including the gross income and deductions with respect to operating mineral interest No. 4 for the period from July 1 to December 31. If a portion of the aggregated property is sold during the first six months, its adjusted basis must be determined at the time of sale with an adjustment for depletion to the date of sale. If percentage depletion is applicable, it must be allocated on an equitable basis to the periods prior and subsequent to the date of sale in order to determine the adjustment for depletion to the date of sale.

(4) *Basis for gain and loss where mineral interests acquired before March 1, 1913, are included in an aggregation.* Where mineral interests acquired before March 1, 1913, are included in an aggregation under section 614 (b), (c), or (e), the aggregated property has two bases, one for the determination of gain and another for the determination of loss upon the disposition of the whole or a part of the aggregated property. For the purpose of determining gain, the adjusted basis of the aggregated property on the effective date of aggregation shall be the sum of—

(i) The unadjusted bases of those mineral interests acquired on or after March 1, 1913, plus

(ii) The cost of any interest acquired before March 1, 1913 (adjusted for the period before March 1, 1913), or the fair market value of such interest as of March 1, 1913, whichever is greater,



and such sum shall be adjusted by the total of all adjustments to the bases of the several mineral interests aggregated as required by section 1016 to the effective date of aggregation. For the purpose of determining loss, the adjusted basis of the aggregated property on the effective date of aggregation shall be the sum of—

(iii) The unadjusted bases of those mineral interests acquired on or after March 1, 1913, plus

(iv) The cost of those interests acquired before March 1, 1913, adjusted for the period before March 1, 1913,

and such sum shall be adjusted by the total of all adjustments to the bases of the several mineral interests aggregated as required by section 1016 to the effective date of aggregation. Thereafter, the adjustments to basis required by section 1016 shall apply to the total adjusted basis of the aggregated property for all purposes of the Internal Revenue Code of 1954. Upon disposition of a part of the aggregated property or upon termination of the aggregation for any reason, or upon change in the treatment of any mineral interests in the aggregation with consent of the Commissioner, the adjusted basis for determining gain and the adjusted basis for determining loss with respect to each resultant part of the aggregated property shall be determined in accordance with subparagraph (2) of this paragraph. The provisions of this subparagraph may be illustrated by the following examples:

*Example (1).* At the close of 1953 a taxpayer owned two operating mineral interests designated as Nos. 1 and 2 in the same operating unit. Operating mineral interest No. 1 was acquired by the taxpayer before March 1, 1913, and on such date its basis with reference to its fair market value was $50,000 and its adjusted basis with reference to its cost was $44,000. The unadjusted basis of operating mineral interest No. 2, acquired after March 1, 1913, was $30,000. Adjustments under section 1016 for depletion from March 1, 1913, through December 31, 1953, were $37,000 for operating mineral interest No. 1 and $20,000 for operating mineral interest No. 2. Assume that the taxpayer elected for the taxable year 1954 to aggregate operating mineral interests Nos. 1 and 2. The adjusted basis of the aggregated property as of January 1, 1954, for the purpose of determining gain would be $23,000 ($50,000 plus $30,000) minus ($37,000 plus $20,000). For the purpose of determining loss, the adjusted basis would be $17,000 ($44,000 plus $30,000) minus ($37,000 plus $20,000).

*Example (2).* Assume the same facts as in example (1) and further assume that for the taxable years 1954 and 1955, the taxpayer was allowed $5,000 of depletion on the aggregated property, that on January 1, 1956, he sold a portion of the aggregated property for $20,000, and that, as of January 1, 1956, the aggregated property had a fair market value of $24,000. At the time of sale, the adjusted basis of the aggregated property for the purpose of determining gain was $18,000 ($23,000—$5,000); and the adjusted basis for the purpose of determining loss was $12,000 ($17,000—$5,000). The adjusted basis of the portion sold would be computed as follows:

$$\frac{\$20{,}000\text{ (FMV of portion sold)}}{\$24{,}000\text{ (FMV of aggregated property)}} \times \$18{,}000\text{ (adjusted basis for gain)} = \$15{,}000\text{ (adjusted basis of portion sold)}$$

Taxpayer's gain would then be computed as follows:

| | |
|---|---|
| | $20,000 amount received for portion sold |
| Less: | 15,000 adjusted basis of portion sold |
| | $5,000 gain on portion sold |

The adjusted basis of the portion retained as of January 1, 1956, for the purpose of determining gain is $3,000 ($18,000—$15,000). For the purpose of determining loss, the adjusted basis is $2,000 ($12,000—$10,000).

*Example (3).* Assume the same facts as in example (2), except that a portion of the aggregated property was sold for $5,000 and that the fair market value of the aggregated property at the time of sale was $10,000. The adjusted basis of the portion sold would be computed as follows:

$$\frac{\$5{,}000\text{ (FMV of portion sold)}}{\$10{,}000\text{ (FMV of aggregated property)}} \times \$12{,}000\text{ (adjusted basis for loss)} = \$6{,}000\text{ (adjusted basis of portion sold)}$$

Taxpayer's loss would then be computed as follows:

| | |
|---|---|
| | $5,000 amount received for portion sold |
| Less: | 6,000 adjusted basis of portion sold |
| | (1,000) loss on portion sold |

(b) *Holding period of aggregated properties.* Where a taxpayer sells or exchanges either a part or all of an aggregated property which includes part or all of a mineral interest which the taxpayer has held for six months or less, the sales price and adjusted basis attributable to the interest sold must be apportioned in proportion to the relative fair market values as of the date of sale to determine the amount of income represented by the sale of property held for six months or less. The application of this rule may be illustrated by the following example:

*Example.* Taxpayer A owns operating mineral interests Nos. 1, 2, and 3. He acquired interests Nos. 1 and 2 in 1953 but purchased and made development expenditures on interest No. 3 on December 1, 1954. In his return for the taxable year 1954, taxpayer A elects to aggregate interests Nos. 1, 2, and 3 which are operated as a unit. On May 1, 1955, taxpayer A sells the north half of the aggregated property which includes portions of interests Nos. 1, 2, and 3. The sales price of the north half was $80,000; the adjusted basis of the aggregated property as of the date of sale was $20,000; and the fair market value of the aggregated property as of the date of sale was $100,000. The adjusted basis applicable to the north half is computed as follows:

$$\frac{\$80{,}000\text{ (FMV of portion sold)}}{\$100{,}000\text{ (FMV of aggregated property)}} \times \$20{,}000\text{ (adjusted basis of aggregated property)} = \$16{,}000\text{ (adjusted basis of portion sold)}$$

The total gain on the sale is $64,000 ($80,000—$16,000).

The gain attributable to the sale of the portion held for six months or less is computed as follows (assuming that the fair market value of the portion of No. 3 included in the sale as of the date of sale was $30,000):

$$\frac{\$30{,}000\text{ (FMV of portion of No. 3 sold)}}{\$80{,}000\text{ (FMV of north half)}} \times \$16{,}000\text{ (adjusted basis of north half)} = \$6{,}000\text{ (adjusted basis of portion of No. 3 sold)}$$

The gain on the portion of No. 3 sold is $24,000 ($30,000—$6,000).

(c) *Acquisition of property with transferor's basis.* If a separate property or an aggregated property is acquired in a transaction in which the basis of such property in the hands of the taxpayer is determined by reference to the basis of such property in the hands of a transferor, then the election of such transferor as to the treatment of such separate or aggregated property shall be binding upon the taxpayer for all taxable years ending after the transfer unless the aggregation terminates, or unless consent to make a change is obtained under paragraph (d)(4) of § 1.614–2, paragraph (f)(7) of § 1.614–3, or paragraph (b)(3) or (e)(5) of § 1.614–5, whichever is applicable.

(d) *Abandonment and casualty losses.* In the case of mineral interests which are aggregated as one property, no losses resulting from worthlessness or abandonment are allowable until all the mineral rights in the entire aggregated property are proven to be worthless or until the entire aggregated property is disposed of or abandoned. Casualty losses are allowable in accordance with the rules applicable to casualty losses in general. For rules applicable to losses in general, see section 165 and the regulations thereunder.

CHARLES I. FOX,
*Acting Commissioner of Internal Revenue.*

Approved: January 5, 1961.

FRED C. SCRIBNER, Jr.,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61–168; Filed, Jan. 9, 1961; 8:51 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 546; Amdt. 241]

### PART 507—AIRWORTHINESS DIRECTIVES

### Graviner Fire Extinguisher Cartridges

A proposal to amend Part 507 of the regulations of the Administrator to in-

clude an airworthiness directive requiring inspection of Graviner fire extinguisher cartridges and replacement of defective cartridges was published in 25 F.R. 10433.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The only objection received involved the 200-hour inspection period as being too severe. Inasmuch as experience has shown since the directive was first proposed that the 200-hour check is more frequent than necessary, the directive is being revised to extend the period between inspections to 550 hours' time in service. Since this change is in line with the objection received and imposes no additional burden on any person, further notice and public procedure hereon are unnecessary and the amendment will become effective 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

GRAVINER. Applies to aircraft equipped with automatic fire extinguisher cartridge Mark 2–A.716, A.717, A.718, A.719. Compliance required as indicated.

As a result of instances of the igniter wire in Mark 2 cartridges becoming corroded in service, a continuity inspection of the cartridge circuits using a safety ohmmeter which restricts the current used to 13 milliamperes must be made within the next 550 hours' time in service after the effective date of this directive and at intervals not exceeding 550 hours' time in service thereafter. A resistance reading of between 5 and 6 ohms will indicate a serviceable fuse wire. All defective Mark 2 cartridges must be replaced with either serviceable Mark 2 cartridges or with Mark 3 cartridges which have an improved fuse wire. When Mark 2 cartridges are installed, the inspections specified above must continue, but when Mark 3 cartridges are installed, the inspections are no longer required.

(Graviner Technical Notice No. 2 covers this subject.)

This amendment shall become effective February 9, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 3, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61–127; Filed, Jan. 9, 1961; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

PART 9—COLOR CERTIFICATION

### Relisting FD&C Red No. 1 as Ext D&C Red No. 15

The transitional color additive regulations published in the FEDERAL REGISTER of October 12, 1960 (25 F.R. 9759), listed, among others, under § 8.501(a) *Color additives provisionally listed for food, drug, and cosmetic use,* "FD&C Red No. 1 (§ 9.60 of this chapter)." This provisional listing was terminated by order published in the FEDERAL REGISTER November 26, 1960 (25 F.R. 11214).

The Toilet Goods Association and others have petitioned the Commissioner to provisionally relist this color additive for use in externally applied drugs and cosmetics. The pharmacological studies on which the delisting order was based involved the ingestion of the color additive in the daily diet of test animals. The Commissioner does not find from facts now before him that the protection of the public health requires the continued prohibition against using this color additive in externally applied drugs and cosmetics.

The specifications formerly applied to FD&C Red No. 1 (21 CFR 9.60), are now applied to Ext D&C Red No. 15, and this color is listed as one that may be certified. Therefore: *It is ordered,* Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act, as amended (sec. 203(b)(2), Public Law 86–618; 74 Stat. 405; 21 U.S.C., note under 376), that the provisional color additive regulations be amended as follows:

§ 8.501 Provisional lists of color additives.

1. In § 8.501 *Provisional lists of color additives,* paragraph (c) is amended by adding thereto the item "Ext D&C Red No. 15 (§ 9.354 of this chapter)" immediately following Ext D&C Red No. 14 (§ 9.353 of this chapter).

2. Part 9 is amended by adding thereto the following new section:

§ 9.354 External D&C Red No. 15.

Disodium salts of a mixture of 1-alkylphenylazo-2-naphthol-3,6-disulfonic acids, of which the mixture of amines obtained by reduction of the dye shall have the following composition:

1-Amino-2,4,5-trimethylbenzene, not less than 35 percent and not more than 45 percent.

1-Amino-2,4-dimethylbenzene, not less than 30 percent and not more than 40 percent.

1-Amino-2,5-dimethylbenzene, not less than 10 percent and not more than 20 percent.

1-Amino-2,6-dimethylbenzene, not less than 4 percent and not more than 12 percent.

1-Amino-2-ethylbenzene and 1-amino-4-ethylbenzene, total not more than 5 percent.

1-Amino-2,3-dimethylbenzene and 1-amino-3,4-dimethylbenzene, total not more than 4 percent.

1-Amino-2,3,4,6,-tetramethylbenzene, not more than 3 percent.

1-Amino-2,4,6-trimethylbenzene and amino-methylethylbenzenes, total not more than 0.4 percent.

Aniline, toluidines, and 1-amino-2,3,4-trimethylbenzene, not more than 1 percent of any individual amine and not more than 1.5 percent total of such amines.

Volatile matter (at 135° C.), not more than 10.0 percent.

Water-insoluble matter, not more than 0.5 percent.

Ether extracts, not more than 0.2 percent.

Uncombined intermeidates, not more than 0.2 percent.

Chlorides and sulfates of sodium, not more than 6.0 percent.

Mixed oxides, not more than 1.0 percent.

Lower sulfonated dyes, not more than 2.0 percent.

Pure dye, not less than 85.0 percent.

Certificates issued heretofore for the color additive FD&C Red No. 1 and canceled by order (25 F.R. 11214) may be reissued for Ext D&C Red No. 15 (§ 9.354 of this chapter).

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER. Notice and public procedure are not necessary prerequisites to the promulgation of this order, because section 203(d)(2) of Public Law 86–618 so provides.

(Title II, Public Law 86–618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376)

Dated: January 5, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61–142; Filed, Jan. 9, 1961; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

## Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 80 (POLYOXYETHYLENE (20) SORBITAN MONOOLEATE)

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by National Pickle Packers Association, 202 South Marion Street, Oak Park, Illinois, and other relevant material, has concluded that the following amendment to the food additive regulations should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive polysorbate 80 (polyoxyethylene (20) sorbitan monooleate) as a solubilizing and dispersing agent in pickles and pickle products. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1009 of the food additive regulations (21 CFR 121.1009; 25 F.R. 7100, 12178) is amended as set forth below:

Section 121.1009(c) is amended by adding thereto a new subparagraph (3), reading as follows:

§ 121.1009 Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate).

* * * * * * *

(c) * * *

(3) In pickles and pickle products as a solubilizing and dispersing agent, whereby the maximum amount of the additive does not exceed 500 parts per million (0.05 percent).



Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 30, 1960.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61–135; Filed, Jan. 9, 1961; 8:46 a.m.]

# Title 7—AGRICULTURE

## Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

### Subpart—U.S. Standards for Grades of Florida Grapefruit [1]

U.S. No. 1 BRONZE

On December 1, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12298) regarding a proposed amendment to § 51.754 of United States Standards for Grades of Florida Grapefruit (7 CFR §§ 51.750 to 51.783).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, § 51.754, as amended, of the United States Standards for Grades of Florida Grapefruit is hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Section 51.754 as amended, follows:

§ 51.754 U.S. No. 1 Bronze.

The requirements of this grade are the same as for U.S. No. 1 except that all fruits must show some discoloration. More than 30 percent, by count, of the fruits shall have more than one-third of the surface, in the aggregate, affected by discoloration; the predominating discoloration on these fruits shall be of rust mite type. (See § 51.761.)

It is hereby found and determined that good cause exists for not postponing the effective date of this amendment beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)); in that: (1) The harvest season for grapefruit is in progress and it is in the best interest of the public and the industry that the amendment be placed in effect at the earliest possible date; (2) no special preparation for compliance with the standards as amended, on the part of the citrus industry is required; and (3) notice of proposed rule making was published in the FEDERAL REGISTER December 1, 1960.

Dated: January 5, 1961, to become effective upon publication in the FEDERAL REGISTER.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Service.*

[F.R. Doc. 61–164; Filed, Jan. 9, 1961; 8:51 a.m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

### Subpart—United States Standards for Grades of Florida Oranges and Tangelos [1]

U.S. No. 1 BRONZE

On December 1, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12299) regarding a proposed amendment to § 51.1145 of United States Standards for Grades of Florida Oranges and Tangelos (7 CFR §§ 51.1140 to 51.1178).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, § 51.1145, as amended, of the United States Standards for Grades of Florida Oranges and Tangelos is hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

As amended, § 51.1145 is set forth below:

§ 51.1145 U.S. No. 1 Bronze.

The requirements of this grade are the same as for U.S. No. 1 except that all fruits must show some discoloration. More than 30 percent, by count, of the fruits shall have more than one-third of the surface, in the aggregate, affected by discoloration; the predominating discoloration on these fruits shall be of rust mite type. (See § 51.1152.)

(a) If any lot of U.S. No. 1 Bronze fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

It is hereby found and determined that good cause exists for not postponing the effective date of this amendment beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)); in that: (1) The harvest season for oranges and tangelos is in progress and it is in the best interest of the public and the industry that the amendment be placed in effect at the earliest possible date; (2) no special preparation for compliance with the standards as amended, on the part of the citrus industry is required; and (3) notice of proposed rule making was published in the FEDERAL REGISTER December 1, 1960.

Dated: January 5, 1961, to become effective upon publication in the FEDERAL REGISTER.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Service.*

[F.R. Doc. 61–165; Filed, Jan. 9, 1961; 8:51 a.m.]

# Title 25—INDIANS

## Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER P—MINING

PART 171—LEASING OF TRIBAL LANDS FOR MINING

PART 174—LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

PART 175—LEASING OF OSAGE RESERVATION LANDS, OKLAHOMA, FOR MINING, EXCEPT OIL AND GAS

PART 176—LEAD AND ZINC MINING OPERATIONS AND LEASES, QUAPAW AGENCY

### Miscellaneous Amendments

On page 833 of the FEDERAL REGISTER of October 14, 1959, a notice of intention to amend §§ 171.6, 174.15, 175.4 and 176.13 of Title 25, Code of Federal Regulations, was published. The purpose of the amendments is to allow a reduced bond coverage when issuing permits and leases for mining minerals other than oil and gas if the Secretary of the Interior or his authorized representative believes that the interests of the Indians are adequately protected. Parts 172 and 173 are amended by reference, because the applicable sections refer to the section on bonds in Part 171.

Interested persons were given 30 days from the date of publication of the notice

in the FEDERAL REGISTER as an opportunity to submit their views, data, and arguments concerning the proposed amendments to the Commissioner of Indian Affairs. One written communication favoring the amendments to §§ 171.6 and 174.15, but suggesting an added phrase, was received within the specified period. The suggestion, that the consent of the Indian landowner be obtained before allowing reduced bond coverage, was accepted after discussion and careful consideration. As a result, the phrase "with the consent of the Indian landowner" has been inserted immediately after the words "the Secretary of the Interior or his authorized representative" in §§ 171.6(a), 174.15(a), 175.4 and 176.13.

The proposed amendments are hereby adopted as so changed and are set forth below. These amended regulations shall become effective at the beginning of the 30th calendar day following the date of the publication in the FEDERAL REGISTER.

ELMER F. BENNETT,
*Acting Secretary of the Interior.*

JANUARY 3, 1961.

1. Section 171.6(a) is amended to read as follows:

**§ 171.6 Bonds.**

(a) Lessee shall furnish with each lease a bond (Form 5–154b), and an assignee of a lease shall furnish with each assignment a bond (Form 5–154m), with an acceptable company authorized to act as sole surety, or with two or more personal sureties and a deposit as collateral security of any public-debt obligations of the United States guaranteed as to principal and interest by the United States, equal to the full amount of such bonds, or other collateral satisfactory to the Secretary of the Interior, or show ownership of unencumbered real estate of the value equal to twice the amount of the bonds. Lessee may file a bond on Form 5–154a without sureties and a deposit as collateral security of Government bonds equal in value to the full amount of the bond. Lease bonds shall not be less than the following amounts:

| | |
|---|---|
| For less than 80 acres | $1,000 |
| For 80 acres and less than 120 acres | 1,500 |
| For 120 acres and not more than 160 acres | 2,000 |
| For each additional 40 acres, or part thereof, above 160 acres | 500 |

*Provided,* That for leases for minerals other than oil and gas the Secretary of the Interior or his authorized representative with the consent of the Indian landowner may authorize a bond for a lesser amount if, in his opinion, the circumstances warrant and the interests of the Indian landowners are fully protected: *Provided further,* That a lessee may file one bond (Form 5–154f), in the sum of $15,000 for all leases of minerals, in any one State and which may also include leases on that part of an Indian reservation extending into States contiguous thereto, to which the lessee may become a party: *And provided further,* That the total acreage covered by the bond shall not exceed 10,240 acres.

2. Section 174.15(a) is amended to read as follows:

**§ 174.15 Bonds.**

(a) Lessee shall furnish with each mining lease a bond (Form 5–154b), and an assignee of a lease shall furnish with each assignment a bond (Form 5–154m), with an acceptable company authorized to act as sole surety, or with two or more personal sureties and a deposit as collateral security of any public-debt obligations of the United States guaranteed as to principal and interest by the United States, equal to the full amount of such bonds, or other collateral satisfactory to the Secretary of the Interior, or show ownership of unencumbered real estate of the value equal to twice the amount of the bonds. Lessee may file a bond on Form 5–154a without sureties and a deposit as collateral security of Government bonds equal in value to the full amount of the bond. Lease bonds, except as provided in paragraph (c) of this section, shall not be less than the following amounts:

| | |
|---|---|
| For less than 80 acres | $1,000 |
| For 80 acres and less than 120 acres | 1,500 |
| For 120 acres and not more than 160 acres | 2,000 |
| For each additional 40 acres, or part thereof above 160 acres | 500 |

*Provided,* That for leases for minerals other than oil and gas the Secretary of the Interior or his authorized representative with the consent of the Indian landowner may authorize a bond for a lesser amount if, in his opinion, the circumstances warrant and the interests of the Indian landowners are fully protected: *Provided further,* That a lessee may file a bond (Form 5–154f), in the sum of $15,000 for all leases of minerals up to 10,240 acres under the jurisdiction of the officer in charge of the Five Civilized Tribes Agency.

3. Section 175.4 is amended to read as follows:

**§ 175.4 Bonds.**

Lessee shall furnish with each lease at the time it is filed with the officer in charge an acceptable bond not less than the following amounts:

| | |
|---|---|
| For less than 80 acres | $1,000 |
| For 80 acres and less than 120 acres | 1,500 |
| For 120 acres and not more than 160 acres | 2,000 |
| For each additional 40 acres, or part thereof above 160 acres | 500 |

*Provided,* That for leases for minerals other than oil and gas the Secretary of the Interior or his authorized representatives with the consent of the Indian landowner may authorize a bond for a lesser amount if, in his opinion, the circumstances warrant and the interests of the Indian landowners are fully protected: *Provided further,* That the lessee shall be allowed to file bond, Form S [1] covering all leases to which he or they are or may become parties instead of a separate bond in each case, such bond to be in the penal sum of $15,000. The right is reserved to change the amount of the bond in any particular case, or to require a new bond in the discretion of the Secretary of the Interior.

[1] For further information concerning form, see § 175.24.

4. Section 176.13 is amended to read as follows:

**§ 176.13 Bond.**

Every mineral lease made and entered into under the regulations in this part, by an Indian or by the superintendent as his representative or in his behalf, must be accompanied by a surety bond, executed by the lessee and by a responsible surety company or two or more satisfactory sureties, guaranteeing the payment of all deferred installments of bonus and the payment of all specified royalties and rentals and the performance of all covenants and agreements undertaken by the lessee. Such bonds, unless authorized by the Secretary of the Interior or his authorized representative, with the consent of the Indian landowner, shall be not less than the following amounts:

| | |
|---|---|
| For less than 80 acres | $2,500 |
| For 80 acres and less than 120 acres | 3,500 |
| For 120 acres or more | 5,000 |

*Provided, however,* That the lessee may, in lieu of such surety bond and upon execution of a proper penal bond to the United States in the sum prescribed and a proper power of attorney to the Secretary of the Interior, submit therewith United States bonds or notes in the aggregate sum prescribed as security for the carrying out of the terms, conditions, and provisions of the lease: *Provided further,* That a lessee may file in lieu of such individual lease bonds, one bond in a sum to be fixed by the Secretary of the Interior covering all leases to which he is or may become a party. The right is specifically reserved to the Secretary of the Interior to require an increase of the amount of any bond above the sum named in any particular case where he deems it necessary to require such increased bond.

[F.R. Doc. 61–128; Filed, Jan. 9, 1961; 8:45 a.m.]

# Title 42—PUBLIC HEALTH

## Chapter I—Public Health Service, Department of Health, Education, and Welfare

## PART 21—COMMISSIONED OFFICERS

### After Twenty Years of Service

1. Subpart J of Part 21, Title 42, Code of Federal Regulations is amended by adding at the beginning thereof the following new center heading and sections:

AFTER TWENTY YEARS OF SERVICE

Sec.
21.165 Involuntary retirement of officers with 20 years of service.
21.166 Appointment of retirement boards.
21.167 Recommendations of boards.
21.168 Action by the Surgeon General or the Secretary.
21.169 Relationship of §§ 21.165–21.166 to disciplinary procedures.

AUTHORITY: §§ 21.165 to 21.169 issued under sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 211, 58 Stat. 688, as amended; 42 U.S.C. 212.



AFTER TWENTY YEARS OF SERVICE

**§ 21.165 Involuntary retirement of officers with 20 years of service.**

The Surgeon General may recommend to the Secretary the retirement of any officer who has completed 20 or more but less than 30 years of active service as defined in section 211(d) of the Act if the Surgeon General after consideration of the recommendation of a board pursuant to § 21.168, determines that the retirement of an officer would be in the best interests of the Service for one or more of the following reasons:

(a) An officer's performance of duty is at a level below that expected of an officer of his grade in his category;

(b) An officer is not suited for continued active service for one or more of the following or similar causes:

(1) Conduct contrary to laws, regulations, or administrative directives applicable to commissioned officers,

(2) Intentional omission or misrepresentation of facts in official statements, either oral or written,

(3) Act of intemperance and/or personal misconduct to the discredit of the Service.

**§ 21.166 Appointment of retirement boards.**

The Surgeon General may from time to time appoint boards to review, in accordance with procedures which he shall prescribe, the records of such officers as the Surgeon General may submit to such boards and to recommend to him in accordance with their determination based on the records, that such officers be continued on active duty or be retired. Such boards shall consist of five or more officers at least two of whom shall, insofar as practicable, be of the same professional category as the officer or officers whose records are submitted to them for consideration.

**§ 21.167 Recommendations of boards.**

The recommendations of the boards appointed pursuant to § 21.166 shall be based on material contained in the records submitted to them for review or on other material which the boards may have added to the records to supplement and clarify previous notations in the records. If the recommendation of a board is not unanimous, such fact shall be so indicated in the recommendation, and those members of the board who disagree with the recommendations of the majority may submit a separate report or reports and their recommendations.

**§ 21.168 Action by the Surgeon General or the Secretary.**

If a board recommends that an officer be retained on active duty, or if a board recommends that an officer be retired and the Surgeon General does not approve, such officer shall be retained on active duty until such time as his record may again be referred to a board under § 21.166 or he may be separated or retired under other provisions of law. If a board recommends that an officer be retired and the Surgeon General approves, he may recommend to the Secretary that the officer be retired. If the Secretary approves the recommendation of the Surgeon General, the officer shall be retired on the first day of any month thereafter as the Surgeon General shall direct.

**§ 21.169 Relationship of §§ 21.165–21.166 to disciplinary procedures.**

The provisions of §§ 21.165–21.166 shall in no way conflict with or prejudice disciplinary procedures under §§ 21.269–21.322.

[SEAL] L. E. BURNEY,
*Surgeon General.*

Approved: December 30, 1960.

EDWARD FOSS WILSON,
*Acting Secretary.*

[F.R. Doc. 61–150; Filed, Jan. 9, 1961; 8:49 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2249]

[Washington 02621]

## WASHINGTON

### Establishing San Juan National Wildlife Refuge; Enlarging Jones Island National Wildlife Refuge; Partly Revoking Executive Orders of July 9, 1875, and July 15, 1875

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved under jurisdiction of the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, as follows:

a. As the San Juan National Wildlife Refuge

WILLAMETTE MERIDIAN

T. 34 N., R. 1 E.,
Sec. 8, lots 1 and 2 (Williamson Rocks).
T. 34 N., R. 1 W.,
Secs. 28 and 29 (Colville Island) (Unsurveyed).
T. 35 N., R. 1 W.,
Sec. 36 (Bird Rocks) (Unsurveyed).
T. 35 N., R. 2 W.,
Sec. 17, lot 1 (Turn Island);
Sec. 18, lot 10 (Turn Island).
T. 37 N., R. 3 W.,
Sec. 1 (Bare Island) (Unsurveyed).

Aggregating approximately 52 acres.

b. As an addition to Jones Island Migratory Bird Refuge established by Executive Order No. 7594 of March 30, 1937, the name of which was changed to Jones Island National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940:

(Washington 03723)

WILLAMETTE MERIDIAN

JONES ISLAND

T. 36 N., R. 3 W.,
Sec. 10, Tract B;
Sec. 11, Tract A;
Sec. 14, Tract C.

Aggregating 9.02 acres.

2. The Executive Orders of July 15, 1875, and July 9, 1875, reserving certain lands for lighthouse purposes, are hereby revoked so far as they affect Turn Island and Jones Island, respectively.

FRED A. SEATON,
*Secretary of the Interior.*

DECEMBER 24, 1960.

[F.R. Doc. 61–130; Filed, Jan. 9, 1961; 8:45 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

## PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

### Frequencies; Message Center Locations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of January 1961;

The Commission having under consideration the need for clarification of rule § 21.513 which prescribes the location of message centers for radio systems in the Domestic Public Land Mobile Radio Service and the need for providing for operation of repeater stations on frequencies, below the microwave spectrum, in such service; and

It appearing, that amendment of rule § 21.513 is desirable to more clearly set forth Commission policy and thereby minimize the number of requests for interpretation of said rule; and

It further appearing, that a need exists to provide suitable frequencies for repeater stations to relay mobile station transmissions back to the associated base station message centers when the mobile units are within talk-out range of the base station but beyond talk-back range; and

It further appearing, that, although § 21.517 of the rules provides that a base station may be used to perform the added functions of a repeater station, such arrangement is not always operationally feasible, particularly in a radio system consisting of two or more operationally integrated base stations; and

It further appearing, that the only frequencies designated for assignment to repeater stations under Subpart G of Part 21 of the rules are in the 72–76 Mc and 2110–2200 Mc bands, the former not being assignable in many areas because of possible interference to television reception on channels 4 and 5, and the latter being generally not feasible because equipment for the microwave region of the spectrum is considerably

more costly than for the sub-microwave frequencies; and

It further appearing, that the frequency bands 454.000–454.375 Mc and 459.000–459.375 Mc are presently designated, respectively, for assignment to base and mobile stations of miscellaneous common carriers and that, on April 20, 1960, in Docket No. 13348, the Commission amended § 21.501(i) of the rules to permit, under certain conditions, use of the 454.000–454.375 Mc band by control stations, but did not otherwise designate a use for the paired block of mobile frequencies in the 459.000–459.375 Mc band; and

It further appearing, that it is feasible to permit use of the 459.000–459.375 Mc band by repeater stations under the same conditions as are applicable to control stations in the 454.000–454.375 Mc band, and that no adverse results are expected to flow from making such rule changes; and

It further appearing, that there is good cause for making such rule changes which effect a relaxation of present restrictions which would otherwise require discontinuance, on April 1, 1961, of operation of repeater stations now authorized to operate in the 459.000–459.375 Mc band under rule waivers, and because it is necessary that such changes be made effective at the earliest practicable date, proposed rule-making procedure, pursuant to the provisions of section 4(a) of the Administrative Procedure Act, is impracticable, unnecessary and contrary to the public interest;

*It is ordered*, That, pursuant to section 4(i) and section 303(r) of the Communications Act of 1934, as amended, § 21.501(i) and § 21.513 of the Commission's rules and regulations are amended, as shown below effective January 16, 1961.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.)

Released: January 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

1. Section 21.501 is amended by revising paragraph (i) to read as follows:

**§ 21.501 Frequencies.**

* * * * *

(i) In lieu of a wireline circuit for control of a specific base station transmitter from its required control point, or in lieu of wirelines for an audio circuit to a base station control point from a remotely located fixed receiver used for reception of mobile station transmissions, a single control and repeater station may be authorized to miscellaneous common carriers upon the frequencies indicated below: *Provided*, That:

(1) The control station, and the base station controlled thereby, are located over 50 airline miles from the nearest geographical boundary of the nearest urbanize area having a population over 300,000 (as determined and defined in the most recent census reports of the U.S. Bureau of the Census).

(2) The repeater station, and the point to which its transmissions are directed, are located over 50 airline miles from the nearest geographical boundary of the nearest urbanized area having a population over 300,000 (as determined and defined in the most recent census reports of the U.S. Bureau of the Census).

(3) The effective radiated power of the control or repeater station does not exceed 150 watts.

(4) The use of the frequencies by a control or repeater station will not cause harmful interference to any other station authorized to use such frequencies and shall be on a secondary basis to the provision of mobile and rural radio service by other classes of stations. (See also footnote 11 to paragraph (c) of this section.)

(5) Series or multiple tandem operation of more than one control or repeater station is not involved.

| Control station frequencies (Mc): | *Repeater station frequencies (Mc)* |
|---|---|
| 454.05 | 459.05 |
| 454.10 | 459.10 |
| 454.15 | 459.15 |
| 454.20 | 459.20 |
| 454.25 | 459.25 |
| 454.30 | 459.30 |
| 454.35 | 459.35 |

2. Section 21.513 is amended to read as follows:

**§ 21.513 Location of message center.**

Within the service area encompassed by the field strength contour of each base station as defined in § 21.504, there shall be at least one message center so located that the major portion of subscribers' local exchange landline telephone calls, which originate or terminate in such area in conjunction with messages transmitted or received by said station, cost no more per call than the local message single unit rate. In cases where the control point of a base station is not so located, a public foreign exchange telephone circuit shall be provided to afford service so that a radio service subscriber may communicate between such points at a cost per call not in excess of the local message single unit rate.

[F.R. Doc. 61–160; Filed, Jan. 9, 1961; 8:50 a.m.]

## PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

### Transmitter Type Acceptance Requirements

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of January 1961;

The Commission having under consideration the requirements of § 21.120 of Part 21 of its rules, that all radio transmitters in use in the Domestic Public Radio Services be "type accepted"; and

It appearing, that §§ 21.501(g), 21.601(b) and 21.701(a) of the Commission's rules prohibit the authorization of new stations in the 890–940 Mc band, but permit the continued operation of such facilities presently authorized, with certain conditions and restrictions; and

It further appearing, that common carriers presently authorized to operate in this band have certain transmitters which have not been type accepted but which continue to operate satisfactorily and render needed public communication service; and

It further appearing, that enforcement of this "type acceptance" rule with respect to the 890–940 Mc band would disrupt such service and would occasion costs to the carriers concerned which would not appear to be in the public interest in view of the limited use of such equipment; and

It further appearing, that no adverse impact would result if the "type acceptance" rule were amended to exempt such transmitters from its requirements; and

It further appearing, that since there is good cause for making such rule changes, which effect a relaxation of present requirements, and since it is desirable that such changes be made effective at the earliest practicable date, proposed rule-making procedure pursuant to the provisions of section 4(a) of the Administrative Procedure Act is impractical, unnecessary and contrary to the public interest;

*It is ordered*, That pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, § 21.120 of the rules is amended, as shown below, effective January 16, 1961.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 5, 1961

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

1. Section 21.120 is amended by adding paragraph (d) as follows:

**§ 21.120 Type acceptance of transmitters.**

* * * * *

(d) A transmitter presently shown on an instrument of authorization, which operates on an assigned frequency in the 890–940 Mc band and has not been type accepted, may continue to be used by the licensee without type acceptance provided such transmitter continues otherwise to comply with the applicable rules and regulations of the Commission.

[F.R. Doc. 61–161; Filed, Jan. 9, 1961; 8:50 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

## PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

### Annual Reports of Refrigerator Car Lines Owned or Controlled by Railroad Companies

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 21st day of November A.D. 1960.

The matter of annual reports of refrigerator car lines owned or controlled by railroad companies being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

*It is ordered*, That § 120.70 of the order of January 22, 1960, in the matter of Annual Report Form B–1 (Refrigerator Car Lines Owned or Controlled by Railroad Companies), be, and it is hereby, modified and amended with respect to annual reports for the year ended December 31, 1960, and subsequent years, to read as shown below.

*It is further ordered*, That § 120.70 be, and it is hereby, modified and amended, to read as follows:

**§ 120.70 Annual reports of refrigerator car lines owned or controlled by railroad companies.**

Commencing with reports for the year ended December 31, 1960, and thereafter until further order, all refrigerator car lines which are operated in interstate commerce subject to the provisions of section 20(6) of the Interstate Commerce Act, 49 U.S.C. 20, and which are owned or controlled by railroad companies, are required to file annual reports in accordance with Annual Report Form B–1 (Annual Reports of Refrigerator Car Lines Owned or Controlled by Railroad Companies), which is attached to and made a part of this section.[1] Such report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., by March 31 of the year following the year to which it relates.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

*And it is further ordered*, That copies of this order and of Annual Report Form B–1 shall be served upon all refrigerator car lines subject to section 20(6) of the Interstate Commerce Act, owned or controlled by railroad companies, and upon every trustee, receiver, executor, administrator, or assignee of any such car line, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the FEDERAL REGISTER.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61–141; Filed, Jan. 9, 1961; 8:47 a.m.]

[1] Filed as part of original document.



# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Mattamuskeet National Wildlife Refuge, North Carolina

The following special regulation is issued.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Sport fishing on the Mattamuskeet National Wildlife Refuge, North Carolina, is permissible only under the following conditions:

(a) Species permitted to be taken: as prescribed by State regulations.

(b) Open season: January 8, 1961, through the day just preceding the opening day of the 1961 North Carolina migratory waterfowl hunting season.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing:

(1) Tackle: Hook and line, using natural or artificial lures.

(2) Guides: Persons may employ guides while fishing on the area.

(3) Boats: Boats without motors, and boats with outboard motors may be used, except that the size of outboard motors may be restricted by the officer in charge and certain spawning areas will be closed to the use of motor boats as suitably posted.

(e) Description of areas open to fishing:

Fishing is permitted in accordance with (a) above on the posted area which comprises approximately 40,000 acres and 80 percent of the total refuge and which is described as follows:

Entire refuge water area including canals and ditches in Hyde County, and Swanquarter, Fairfield and Lake Landing Townships.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area, except that a valid current North Carolina State fishing license, if required by State regulations, shall serve as a permit.

(3) The provisions of this special regulation are effective January 8, 1961, through the day just preceding the opening day of the 1961 North Carolina migratory waterfowl hunting season.

(4) Points of entry and routes of travel shall be as designated and suitably posted by the refuge officer in charge.

WALTER A. GRESH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 3, 1961.

[F.R. Doc. 61–143; Filed, Jan. 9, 1961; 8:48 a.m.]

## PART 33—SPORT FISHING

### Reelfoot National Wildlife Refuge, Tennessee

The following special regulation is issued.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

TENNESSEE

REELFOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reelfort National Wildlife Refuge, Tennessee, is permissible only under the following conditions:

(a) Species permitted to be taken: As prescribed by State regulations.

(b) Open season: January 9, 1961, through October 23, 1961.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing:

(1) Tackle: As prescribed by State regulations.

(2) Boats: Boats with outboard motors, and inboard motors of not more than six (6) horsepower may be used.

(e) Description of areas open to fishing:

Fishing is permitted in accordance with (a) above on the posted area which comprises approximately 9,092 acres and 92 percent of the total refuge and which is described as follows:

Entire refuge area lying within the State of Tennessee.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuges areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 9, 1961, through October 23, 1961.

(4) Persons must follow such routes of travel as are designated by posting by the officer-in-charge.

WALTER A. GRESH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 3, 1961.

[F.R. Doc. 61–144; Filed, Jan. 9, 1961; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### Bureau of Mines

### [ 30 CFR Part 33 ]

[Bureau of Mines Schedule 25B]

### DUST COLLECTORS FOR USE IN CONNECTION WITH ROCK DRILLING IN COAL MINES

### Requirements for Drilling Tests

Pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that under authority contained in sec. 5, 36 Stat. 370, as amended, and sec. 212(a), 66 Stat. 709; 30 U.S.C. 7, 482(a), it is proposed to amend the regulations contained in §§ 33.32, 33.33, and 33.34 of Part 33, Title 30, Code of Federal Regulations, pertaining to drilling requirements, as set forth below.

The purpose of the amendment is to equalize performance requirements for combination units having single or multiple drilling heads.

In accordance with the policy of the Department of the Interior interested persons may submit written comments, suggestions, or objections with respect to the proposed changes to the Director, Bureau of Mines, Washington 25, D.C., within 30 days after the date of publication in the FEDERAL REGISTER.

JAMES WESTFIELD,
*Acting Director.*

Approved: January 4, 1961.

ELMER F. BENNETT,
*Under Secretary of the Interior.*

The following changes are confined to §§ 33.32, 33.33, and 33.34, as indicated.

1. In paragraph (c) of § 33.32 the word "operator" in the third and fourth lines would be changed to operator(s), indicating one or more.

2. In paragraph (a) of § 33.33 after the word "samples," at the end of the fourth line, the words "collected at each drill operator's position" would be inserted, and in the last line of the paragraph the numeral "10" would be deleted.

As amended, paragraph (a) of § 33.33 would read as follows:

(a) The concentration of dust determined by the control sample shall be subtracted from the average concentration of dust determined by the test samples collected at each drill operator's position, and the difference shall be designated as the net concentration of airborne dust. Calculations of the average concentration of dust determined from the test samples shall be based upon the results of not less than 80 percent of each set of test samples.

3. Paragraph (a) of § 33.34 would be revised to read as follows:

(a) A drilling test shall consist of drilling a set of 10 test holes, without undue delay, under specified operating conditions. When the test involves the control of dust from more than one drill, all the drills shall be used in the intended manner to complete the set of test holes.

[F.R. Doc. 61-167; Filed, Jan. 9, 1961; 8:51 a.m.]

### Fish and Wildlife Service

### [ 50 CFR Part 32 ]

### REVISION OF OPEN HUNTING AREAS

### Fallon National Wildlife Refuge et al.

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), it is proposed to amend Part 32, Chapter 1, Title 50, Code of Federal Regulations, by deleting the Seney National Wildlife Refuge, Michigan, as an area open to upland game hunting under § 32.21, and by deleting the Fallon National Wildlife Refuge and the Stillwater Wildlife Management Area as areas open to big-game hunting under § 32.31.

Upland game hunting on Seney National Wildlife Refuge, Michigan, was authorized in order to permit the taking of coyotes. Since these animals are not protected by State law or regulation, and their control on the refuge may be effected under other regulations, this authority for hunting upland game is not required. Big-game hunting opportunity is so limited on Fallon National Wildlife Refuge, Nevada, and Stillwater Wildlife Management Area, Nevada, that hunting may no longer be permitted.

Interested persons may submit written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ELMER F. BENNETT,
*Under Secretary of the Interior.*

JANUARY 4, 1961.

[F.R. Doc. 61-166; Filed, Jan. 9, 1961; 8:51 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Johnson and Johnson, 4949 West Sixty-fifth Street, Chicago 38, Illinois, proposing the issuance of a regulation permitting the safe use of polyvinyl alcohol insolubilized by a carboxy vinyl polymer as a binder for milk filters.

Dated: January 3, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-145; Filed, Jan. 9, 1961; 8:48 a.m.]

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Shell Chemical Company, 50 West Fiftieth Street, New York 20, New York, proposing the issuance of a regulation to provide for the safe use in animal feed of ethyl alcohol containing certain denaturants for increasing weight gains and improving feed efficiency.

Dated: January 3, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-146; Filed, Jan. 9, 1961; 8:48 a.m.]

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Monsanto Chemical Company, Springfield, Massachusetts, proposing the issuance of a regulation to permit the safe use of styrene-methyl acrylate and styrene maleic anhydride polymers for coating paper and other food-packaging, processing, or holding materials which come into contact with foods.

Dated: January 3, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-147; Filed, Jan. 9, 1961; 8:48 a.m.]

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by the Nestle Company, Inc., 100 Bloomingdale Road, White Plains, New York, proposing the issuance of a regulation to establish a tolerance of 10 parts per million (0.0010 percent) of trichloroethylene for residues in instant decaffeinated coffee.

Dated: January 3, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-148; Filed, Jan. 9, 1961; 8:48 a.m.]

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by The Glidden Company, 900 Union Commerce Building, Cleveland 14, Ohio, proposing the issuance of an amendment to § 121.1004 of the food additive regulations to provide for the safe use of molecular distillation as an optional step in the manufacture of glycerol lactostearate and mono- and diglycerides.

Dated: January 3, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-149; Filed, Jan. 9, 1961; 8:49 a.m.]

## FEDERAL AVIATION AGENCY

### Bureau of Flight Standards

### [ 14 CFR Part 507 ]

[Regulatory Docket No. 534]

### AIRWORTHINESS DIRECTIVES

### Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), a Notice of Proposed Rule Making to amend Part 507 of the regulations of the Administrator to include an airworthiness directive applying to inspection and retirement of Vickers Viscount 745D aircraft fuselage components, was published in 25 F.R. 9955. Subsequent to issuance of the proposal, which was based on the manufacturer's new Preliminary Technical Leaflet No. 221 applicable to 745D aircraft, it was learned that the manufacturer had also issued a similar Preliminary Technical Leaflet No. 94 for Model 810 aircraft.

Accordingly the proposed directive has been rewritten to consolidate in one document the provisions applicable to both models. Airworthiness directives 57-16-5 and 57-18-2 (Amendment 3, 23 F.R. 438), 58-1-8 (Amendment 4, 23 F.R. 1109), 58-5-2 paragraph C (Amendment 6, 23 F.R. 2568 as revised by Amendment 11, 23 F.R. 7482), 58-5-2 E (Amendment 6, 23 F.R. 2568), 58-7-4 (Amendment 7, 23 F.R. 3586) and 58-10-5 (Amendment 8, 23 F.R. 4725 as revised by Amendment 13, 23 F.R. 9632) will be superseded by the new directive.

In addition, the objection received to the original proposal that it did not permit operators to take advantage of the reduced cabin pressure provisions of the Preliminary Technical Leaflet, has been considered a reasonable one and references to Table 1 have been deleted to provide operators this alternative.

As a result of the substantive changes made, this proposal will replace the Notice of Proposed Rule Making, 25 F.R. 9955, which is hereby withdrawn.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before February 9, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

VICKERS. Applies to all Viscount Model 745D and 810 Series aircraft.

Compliance required as indicated, unless already accomplished.

Vickers-Armstrongs has issued PTL's No. 221 (700 Series) and No. 94 (800/810 Series) to make available in single documents the respective approved life of Viscount fuselage components and the inspections and modifications necessary on the fuselage to attain the approved life. Compliance with the provisions of PTL 221 (for Model 745D) and PTL 94 (for Model 810) aircraft is required, as outlined below.

This AD consolidates information previously contained in AD's 57-16-5, 57-18-2, 58-1-8, 58-5-2(c), 58-5-2(e), 58-7-4, and 58-10-5. In addition, certain new fuselage areas, paragraphs (a)(1), (d)(1), (e) (2) through (6), (f) (1) and (2), and (g) are subject to inspection and possible modification in accordance with the noted sections of the applicable PTL's.

(a) *Cockpit Pressure Floor—Section 2.*

(1) Floor Beam at Station 47—Incorporation of Mod. D.2783 (745D aircraft) or Mod. FGJ1231 (810 aircraft) required as indicated in PTL's 221 and 94 respectively.

(2) Catenary Floor—Compliance required as indicated in PTL 221 or 94, as applicable, with initial inspection required no later than 30 days after the effective date.

(3) Stiffener Attachment—Compliance required as indicated in PTL 221 or 94, as applicable, with initial inspection required no later than 30 days after the effective date.

(4) Flooring Forward of Station 20—Compliance required as indicated in PTL 221 or 94, as applicable, with initial inspection required no later than 30 days after the effective date for aircraft having accumulated 3,000 or more flights.

(b) *Pressure Bulkheads—Section 3.*

(1) Front Bulkhead, Station 24—Compliance required as indicated in PTL 221 or 94, as applicable, with initial inspection required no later than 30 days after the effective date for aircraft having accumulated 8,000 or more flights.

(2) Rear Bulkhead, Station 761—Compliance required as indicated in PTL 221.

(c) *Entrance Door—Section 4 (745D aircraft).*

(1) Front and Rear, Inner Angle—Compliance required as indicated in PTL 221 with initial inspection required no later than 30 days after the effective date for aircraft having accumulated 2,000 or more flights.

(2) Shear Cleat Attachment to Fuselage Skin, Station 132—Same as (c)(1).

(3) Front and Rear, Main Surround Members—Compliance required as indicated in PTL 221.

(d) *Freight Doors—Section 5 (745D) or Section 4 (810).*

(1) Surround Structure—Compliance required as indicated in PTL 221 or 94, as applicable, with initial inspection required no later than 30 days after the effective date for aircraft having accumulated 9,000 or more flights.

(e) *Frames—Section 6 (745D) or Section 5 (810).*

(1) Fuselage Spar Frame, Station 414—Compliance required as indicated in PTL 221, with initial inspection required no later than 30 days after the effective date. Incorporation of Modifications D.1947(a) and D.2103 required no later than 90 days after the effective date for aircraft having accumulated 2,000 or more flights.

(2) Trailing Edge Frame, Station 455—Compliance required as indicated in PTL 221 with initial inspection required no later than 30 days after the effective date for aircraft having accumulated 9,000 or more flights.

(3) Fuselage Spar Frame, Station 480—Compliance required as indicated in PTL 94, with initial inspection required no later than 30 days after the effective date. Incorporation of Modifications F.178 and F.366 required no later than 90 days after the effective date for aircraft having accumulated 2,000 or more flights.

(4) Trailing Edge Frame, Station 501-234—Compliance required as indicated in PTL 94, with initial inspection required no later than 30 days after the effective date for aircraft having accumulated 3,000 or more flights.

(5) Underfloor Freight Hold, Port Side Frames—Compliance required as indicated in PTL 94, with initial inspection required no later than 30 days after the effective date for aircraft having accumulated 2,000 or more flights.

(6) Sledge Type Cleat Fitted Frames—Incorporation of Modification FG.869 required as indicated in PTL 94.

(f) *Skin-Section 7 (745D) or Section 6 (810).*

(1) Fuselage Skin Seam Joints—Compliance required as indicated in PTL 221 or 94, as applicable, with incorporation of Modification D.2597 (a), (b), and (c) (745D aircraft) or Modifications FG.1005 and FG.1454 (810 aircraft) required no later than 180 days after the effective date for aircraft having accumulated 12,500 or more flights at 6.5 p.s.i., or 19,000 or more flights at 5.5 p.s.i. or 35,000 or more flights at 4.5 p.s.i.

(2) Fuselage Skin Overlap Joints—Compliance required as indicated in PTL 221 or 94, as applicable, with incorporation of Modification D.2990 (a) or (b) (745D aircraft) or Modification FG.1783 (810 aircraft) required no later than 180 days after the effective date

for aircraft having accumulated 11,000 or more flights at 6.5 p.s.i., or 16,000 or more flights at 5.5 p.s.i., or 30,000 or more flights at 4.5 p.s.i.

(g) *Miscellaneous Skin Cutouts—Section 8 (745D) or Section 7 (810).*

Compliance required as indicated in PTL 221 or 94, as applicable, with initial inspection required no later than 30 days after the effective date for aircraft having accumulated 9,000 or more flights.

(Vickers-Armstrongs PTL 221 (700 Series) and PTL 94 (800/810 Series) cover this subject.)

This supersedes AD's 57–16–5 and 57–18–2 Amendment 3, 23 F.R. 438; 58–1–8 Amendment 4, 23 F.R. 1109; 58–5–2 C. Amendment 6, 23 F.R. 2568 as revised by Amendment 11, 23 F.R. 7482; 58–5–2 E. Amendment 6, 23 F.R. 2568; 58–7–4 Amendment 7, 23 F.R. 3586; and 58–10–5 Amendment 8, 23 F.R. 4725 as revised by Amendment 13, 23 F.R. 9632.

Issued in Washington, D.C., on January 3, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61–126; Filed, Jan. 9, 1961; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

[ 49 CFR Part 10 ]

[No. 32153]

## UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

### Revenue From Water Transfer of Passengers and Other Water Transfer Service

DECEMBER 28, 1960.

Notice is hereby given that the Interstate Commerce Commission has under consideration amendment of the Uniform System of Accounts applicable to railroads canceling the texts of operating-revenue accounts § 10.113, Water Transfers-Freight; § 10.114, Water Transfers-Passenger; § 10.115, Water Transfers-Vehicles and Livestock; and § 10116; Water Transfers-Other. At the same time, one new revenue account will be prescribed to provide that revenues from water transfers previously includible in those four accounts shall be includible in the new account.

*Explanatory statement.* Water transfer consists of movement of passengers and commodities by ferriage and lighterage; also towing at terminals; principally New York harbor and other eastern seaports on the basis of tariff rates for local service. The amount of annual revenue collected by carriers performing such service is a relatively small part of their total operating revenues, usually less than one-half of one percent, and is not of sufficient size and importance to call for use of four separate primary revenue accounts in which to disclose the proceeds from these operations. Therefore, it is proposed to amend the requirements and permit carriers to use a single account for the aggregate revenues from water transfers. The amended requirements are set forth in detail in the sheet attached hereto and made a part of this notice.

Interested persons may submit on or before March 1, 1961, data, views, and comments in writing concerning the amendments proposed herein in the uniform system of accounts, and may request oral argument or public hearing. An original and 3 copies should be filed of such responses.

Unless otherwise ordered after consideration of such responses as may be received amendment of the uniform system of accounts set forth below designated "Amendments to the Uniform System of Accounts Applicable to Revenue from Water Transfers" shall be effective on April 1, 1961, but carriers may apply amendments retroactively to January 1, 1961.

Notice of this rule will be given to railroads hereby affected and to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register.

(Sec. 20, 24 Stat. 386, as amended. 49 U.S.C. 20)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

In 49 CFR Part 10; amend §§ 10.113, 10.114, 10.115, and 10.116, in the following particulars.

*Item No. 1.* Cancel the following section numbers, titles, texts, and the notes thereto:

§ 10.113 Water transfers-freight.

§ 10.114 Water transfers-passenger.

§ 10.115 Water transfers-vehicles and livestock.

§ 10.116 Water transfers-other.

*Item No. 2.* Add the following new section number, title, texts, and note to the section, in substitution for the four above-cancelled sections:

§ 10.113 Water transfers.

This account shall include the revenue from the transfer by water (ferriage, lighterage, and floatage) of passengers, freight, vehicles and livestock, upon the basis of lawful local tariff rates.

This account also shall include revenue from water transfers of other traffic, such as the revenue from towing beyond lighterage limits and all other towing for which an extra charge is made; insurance of freight afloat when billed out at other than cost; storage of freight afloat; grain overage in boats; pumping performed for outside parties; and from other similar sources.

To this account shall be charged amounts payable to other companies or individuals for extra lighterage, extra towing, and for all other service when such payments represent revenue collected and credited to this account and not a direct expense.

NOTE: No revenue shall be included in this account for water transfers of passengers or shipments upon the basis of arbitraries out of rates for transportation involving rail line haul.

[F.R. Doc. 61–140; Filed, Jan. 9, 1961; 8:47 a.m.]

# Notices

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## STOCKTON LIVESTOCK AUCTION YARDS ET AL.

### Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Stockton Livestock Auction Yards, French Camp, Calif.
Stilwell Community Sale, Stilwell, Kans.
Tri-County Livestock Sales Co., Blackduck, Minn.
Brite and Tatum Livestock Company, Inc., Elizabeth City, N.C.
Cornwell & Ochsner Community Sale, Yukon, Okla.
Avondale Livestock Sales Co., Avondale, Pa.
Johnson County Commission Sales, Cleburne, Tex.
Cleveland Commission Co., Raywood, Tex.
Farmers & Ranchers Livestock Commission, Tyler, Tex.
Beaver Bay Livestock, Inc., Beaver Dam, Wis.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of December 1960.

K. A. POTTER,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61–136; Filed, Jan. 9, 1961; 8:46 a.m.]

## FOSSTON LIVESTOCK SALES ET AL.

### Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Fosston Livestock Sales, Fosston, Minn.
Crosby's Livestock Commission Sales, Whiting, Vt.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of January 1961.

K. A. POTTER,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61–137; Filed, Jan. 9, 1961; 8:46 a.m.]

## WHEELERSBURG LIVE STOCK SALES COMPANY, ET AL.

### Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the stockyards named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act for the reason that they are no longer being conducted or operated as public markets, and are, therefore, no longer subject to the provisions of the act.

| *Name and Location of Stockyard and Date of Posting* |
|---|
| Wheelersburg Live Stock Sales Co., Wheelersburg, Ohio; May 28, 1959. |
| Hankinson Sale Barn, Hankinson, N. Dak.; May 20, 1959. |

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 4th day of January 1961.

K. A. POTTER,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61–138; Filed, Jan. 9, 1961; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13861, 13862; FCC 61M–14]

## ALERT

### Order After Prehearing Conference

In re applications of Gordon Evans, d/b as Alert, 1145 Bishop Street, Honolulu, Hawaii: For construction permit to establish a one-way signaling common carrier station in the Domestic Public Land Mobile Radio Service in Honolulu, Hawaii (KUA218), Docket No. 13861, File No. 2796–C2–P–60; for construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service in Honolulu, Hawaii (KUA219), Docket No. 13862, File No. 2797–C2–P–60.

The Hearing Examiner having under consideration the proceedings during prehearing conference in the above-entitled matter held December 22, 1960;

It appearing that the applicant requested a continuance of the hearing until May 1, 1961, in order to prepare his case; that all parties agreed to this request and provided assurance to the Examiner on the record that the delay will be productive of better preparation which should save actual hearing time and that it does not appear that any significant population would be unduly deprived of its only service as a result of such continuance;

*It is ordered,* This 4th day of January 1961, that the hearing scheduled to commence January 16, 1961, at the Commission's offices, Washington, D.C. is hereby rescheduled to commence 10:00 a.m., Monday, May 1, 1961, at the same place;

*It is ordered further,* That the agreements reached on the record during prehearing conferences are hereby incorporated herein by reference; that all exhibits are to be exchanged by March 24, 1961, with copies of each to be provided the Examiner; and that depositions are to be taken sufficiently in advance so

as to reach the Commission's offices not later than April 25, 1961.

Released: January 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-151; Filed, Jan. 9, 1961; 8:49 a.m.]

[Docket No. 8584; FCC 61M-9]

## BRENNAN BROADCASTING CO.

### Order Scheduling Prehearing Conference

In re application of William J. Brennan, Cyril G. Brennan, and Daniel M. Brennan, doing business as Brennan Broadcasting Company, Jacksonville, Florida, Docket No. 8584, File No. BP-6222; for construction permit.

*It is ordered*, This 4th day of January 1961, that all parties or their counsel in the above-styled proceeding are directed to appear for a hearing conference pursuant to the provisions of § 1.111 of the Commission's rules at the offices of the Commission in Washington, D.C., at 10 a.m., January 17, 1961, for the purpose of expediting the further hearing to be held pursuant to the order of remand and the newly added issue in this proceeding.

Released: January 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-152; Filed, Jan. 9, 1961; 8:49 a.m.]

[Docket No. 13688; FCC 61M-15]

## CENTRAL WISCONSIN TELEVISION, INC.

### Order Scheduling Hearing

In re application of Central Wisconsin Television, Inc., Wausau, Wisconsin, Docket No. 13688, File No. BPCT-2738; for construction permit for new television broadcast station (Channel 9).

*It is ordered*, This 4th day of January 1961, on the Hearing Examiner's own motion, that all exhibits in the above-entitled proceeding shall be exchanged on or before February 1, 1961, as informally agreed upon by the parties, and that the hearing shall be commenced at 10:00 a.m., February 23, 1961.

Released: January 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-153; Filed, Jan. 9, 1961; 8:49 a.m.]

[Docket No. 13878; FCC 61M-8]

## CHEROKEE COUNTY RADIO STATION

### Order Setting Prehearing Conference

In re application of Mac M. Thomas and Ruby Jo Clotfelter d/b as Cherokee County Radio Station, Centre, Alabama, Docket No. 13878, File No. BP-13084; for construction permit.

*It is ordered*, This 3d day of January 1961, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 10 a.m., January 26, 1961, for the purpose of considering, but not limited to, the following matters:

(1) The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

(2) The possibility of stipulating with respect to facts;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses; and

(5) Such other matters as will be conducive to an expeditious conduct of the hearing.

Released: January 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-154; Filed, Jan. 9, 1961; 8:49 a.m.]

[Docket Nos. 13741, 13742; FCC 61M-4]

## NORTHWEST BROADCASTING CO. AND FRANKLIN BROADCASTING CO.

### Order Continuing Hearing

In re applications of Northwest Broadcasting Company, Fort Dodge, Iowa, Docket No. 13741, File No. BP-12679; Franklin Broadcasting Company, St. Paul, Minnesota, Docket No. 13742, File No. BP-13270; for construction permits.

The Hearing Examiner having under consideration a petition for extension of time of procedural dates for hearing, filed by Northwest Broadcasting Company on December 22, 1960;

It appearing that no opposition to this petition has been filed by any party, and good cause has been shown for the grant of the petition;

*It is ordered*, This 3d day of January 1961, that the above petition is granted, and the dates designated for various procedural steps herein are postponed as follows:

| | From— | To— |
|---|---|---|
| Preliminary exchange of engineering exhibits | Jan. 3, 1961 | Feb. 3, 1961 |
| Exchange of exhibits in final form | Feb. 3, 1961 | Mar. 3, 1961 |
| Notification of witnesses, if any, desired for cross-examination | Feb. 10, 1961 | Mar. 10, 1961 |
| Hearing | Feb. 15, 1961 | Mar. 15, 1961 |

Released: January 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-155; Filed, Jan. 9, 1961; 8:50 a.m.]

[Docket Nos. 13856, 13857; FCC 61M-6]

## QUEEN CITY BROADCASTING CO. AND VAL VERDE BROADCASTING CO.

### Order Continuing Hearing Conference

In re applications of Queen City Broadcasting Company, Del Rio, Texas, Docket No. 13856, File No. BP-12115; Eugene Albert Houghton and Alton W. Stewart, d/b as Val Verde Broadcasting Company, Del Rio, Texas, Docket No. 13857, File No. BP-13050; for construction permits.

The Hearing Examiner having under consideration a change in the prehearing conference date;

It appearing that the conference now scheduled for January 20 will conflict with the date of inauguration;

*It is therefore ordered*, On the Hearing Examiner's own motion, this 3d day of January, 1961, that the prehearing conference now scheduled for January 20 at 2:00 p.m. is changed to January 24, 1961, at 2:00 p.m.

Released: January 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-156; Filed, Jan. 9, 1961; 8:50 a.m.]

[Docket No. 13329; FCC 61M-1]

## RALPH J. SILKWOOD

### Order Continuing Hearing

In re application of Ralph J. Silkwood, Klamath Falls, Oregon, Docket No. 13329, File No. BP-12656; for construction permit.

The Hearing Examiner having under consideration a pleading filed on December 29, 1960, on behalf of Ralph J. Silkwood, requesting that the hearing presently scheduled to commence on January 6, 1961, be postponed for 90 days; and

It appearing, that questions have arisen in connection with the Silkwood application which may lead the Broadcast Bureau to request enlargement of the issues and Mr. Silkwood will not oppose, on the ground of timeliness, any such petition with respect to the matters now under investigation; and

It further appearing, that there are no other applicants or intervenors in this proceeding and counsel for the Broadcast Bureau has consented to a grant of the continuance requested;

*It is therefore ordered*, This 3d day of January 1961, that the request be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to April 3, 1961.

Released: January 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-157; Filed, Jan. 9, 1961; 8:50 a.m.]



[Docket Nos. 13867-13869; FCC 61M-7]

## SPENCER BROADCASTING CO. ET AL.

### Order Scheduling Prehearing Conference

In re applications of Spencer Broadcasting Company, Spencer, West Virginia, Docket No. 13867, File No. BP-12886; WSTV, Inc. (WBOY), Clarksburg, West Virginia, Docket No. 13868, File No. BP-13116; Community Radio, Inc., Spencer, West Virginia, Docket No. 13869, File No. BP-14102; for construction permits.

On the Hearing Examiner's own motion: *It is ordered*, This 3d day of January 1961, pursuant to § 1.111 that the parties or their counsel in the above-entitled proceeding are directed to appear for a prehearing conference at the offices of the Commission, Washington, D.C., at 2:00 p.m. on January 23, 1961.

In order to conserve time counsel are requested to confer beforehand with a view to reaching advance agreement upon such routine details as the manner of presentation, dates for exchange of exhibits and such other dates as may be deemed necessary. In view of the design of the prehearing conference procedure to encourage the formulation of agreements by the parties looking towards the elimination of unessentials, so that hearing may proceed with proper dispatch, it is requested that the parties or their counsel attend this conference prepared fully to discuss—and to agree upon—such matters as will conduce materially to the attainment of this objective.

Released: January 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-158; Filed, Jan. 9, 1961; 8:50 a.m.]

[Docket No. 13910; FCC 60-1557]

## WACO BROADCASTING CORP. (WACO-FM)

### Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Waco Broadcasting Corporation (WACO-FM), Waco, Texas, requests 99.9 Mc, No. 260, 3.9 kw, 150 ft. (CP), File No. BPH-3136, Docket No. 13910; for construction permit.

1. The Commission has before it for consideration (1) a "Protest and Petition for Reconsideration", filed on December 2, 1960, by the Centex Radio Co., licensee of Station KEFC-FM, Waco, Texas (Centex or petitioner hereinafter) and Music Unlimited, Inc. (Music hereinafter)[1], pursuant to the provisions of sections 309(c) and 405 of the Communications Act of 1934, as amended, and directed against the Commission's action of November 2, 1960 in granting without hearing the above-captioned and described application; and (2) an Opposition thereto, filed on December 13, 1960 by WACO Broadcasting Corporation (WACO Broadcasting hereinafter). Protestants request that the Commission reconsider and set aside the above grant; designate said application for hearing, making them parties thereto, on ten specified issues as indicated, infra; and stay the effective date of said grant pending a resolution of this proceeding.

2. Centex asserts that it will be in direct competition with the above-captioned FM facility for listeners and revenue in the Waco area; that in view thereof it has standing to file the instant protest and petition for reconsideration since it is a "party in interest" or a "person aggrieved" or whose interests are adversely affected by the action of which it complains herein, within the meaning of sections 309(c) and 405 of the Act, respectively. Music claims standing by reason of the aforementioned agreement entered into with Centex (see Footnote 1, supra); that the performance of this agreement, it is alleged, depends entirely upon the financial success of Station KEFC-FM; that the successful operation of said station is now threatened by the FM grant made to WACO Broadcasting; and that the grant will afford to WACO Broadcasting its second facility in background music service with which Music must compete and as a consequence, Music alleges that it, too, is a "party in interest" or a "person aggrieved" or whose interests are adversely affected within the meaning of the above-mentioned sections.

3. In support of the instant requests, Centex points out that it is presently competing for listeners and revenue in the Waco area, with standard broadcast Stations WACO and KWTX; and that Music competes with Service Music, Inc.[2] for subscribers and revenue in background music service in Waco; that said FM grant to WACO Broadcasting affords it a second facility in broadcast service and a second facility in background music service to compete with protestants' single operations in these respective fields; that WACO Broadcasting proposes to finance the construction and operation of its FM station with funds derived from the operation of its AM Station, WACO; that much of its programming will be a duplication of its AM operation and that it further intends to use Station WACO's transmitter, studio and tower space for its FM station; that the absorption of a portion of the normal operating expenses of WACO Broadcasting's FM station with otherwise taxable profits of its AM operation (WACO), will enable its FM station to operate on a budget of $2,000 per month, in contrast to a break-even operation for KEFC-FM operating on a minimum of $3,400 per month; that as a consequence of this low operating budget, WACO's FM station can break even by charging an average of less than 36 cents per announcement while KEFC-FM's lowest rate for a 30 second announcement must be $2.00; and that WACO Broadcasting can, in fact, undercut any other independently operated FM station in the Waco area by absorbing any losses with the net profits of its AM operation.

4. It is alleged, further, that in Station WACO's latest application for renewal of license,[3] it was represented, as was done in its application for the FM construction permit, that the practice of said station, with respect to the number and length of commercial announcements in a given period, is to follow the standards of good practice as set forth by the National Association of Broadcasters code; that in its FM application this was explained to mean no more than three one minute commercials in a 14½-minute period; that, however, WACO's renewal application showed it had broadcast 4 or 5 commercial spots during 139 fourteen and one-half minute periods of a composite week analyzed; that, further, monitoring of said station, on Friday, August 28, 1959 revealed that it was broadcasting up to 4 commercial announcements between each record played; and that during two separate hours, more than 30 minutes of each hour was consumed in commercial announcements. Protestants also claim that WACO Broadcasting's FM application failed to reveal that Service Music, Inc., is, in fact, owned and operated by WACO Broadcasting; that it failed to state the basis of the proposed operating budget and estimated first year's revenue; and that its program representations, including those areas in which it intends to duplicate the AM operation of WACO are deceiving and misinforming.

5. In view of the foregoing allegations, protestants request that said application be designated for hearing upon the following issues:

1. To determine the interests of applicant, its officers, directors and stockholders in other forms of entertainment, and music service and distribution business in Waco, Texas; and whether such other interests had been revealed to the Commission in the instant application as required.

2. To determine whether the operation of the proposed FM station would substantially duplicate or foster other business in which applicant, its officers, directors, or stockholders have an interest.

3. To determine the bases of applicant's estimates of its first year's operating expenses and revenues, as re-

[1] Music Unlimited, Inc. supplies background music to various business establishments in Waco, Texas. Centex states that on December 1, 1960, it agreed for a yearly rental of $50.00 to allow Music to utilize a multiplex sub-channel, licensed to it in connection with its FM station KEFC.

[2] Centex states that Service Music, Inc. which is engaged in the supplying of wired background music service in Waco, was owned and operated by R. E. Lee Glasgow and his wife, and is now owned entirely by WACO Broadcasting. Mr. Glasgow is vice-president, general manager and 50 percent stockholder of WACO Broadcasting Corp.; that until the entry of Music Unlimited, Inc., into the field of supplying background music, Service had no competition; that as a consequence, Service was forced to make a reduction in its rates for said services; that, however, elimination of KEFC-FM from the Waco area will reestablish Service Music, Inc.'s monopoly in the background music service in Waco.

[3] Station WACO's license was renewed by the Commission on July 29, 1959 (BR-418).

quired by section III, para. 1(b) of the application form.

4. To determine whether the operation of the proposed FM station would be self-sustaining or whether it would draw upon other operating funds of applicant or its affiliates to sustain it in competition with KEFC–FM.

5. To determine the nature and type of program service proposed, and the practice which the station will follow with respect to the number of spot announcements allowed to be broadcast over the proposed FM station in a given period and whether such service and practice serve the needs of Waco for broadcast service.

6. To determine whether the operation of the proposed FM station in conjunction with AM station WACO in the manner set forth in the application would give applicant and Service Music, Inc., an unfair competitive advantage in the operation of background music service, or would give applicant an unfair competitive advantage over KEFC–FM or any other independently operated FM station in Waco in the sale of time and announcements for broadcasting.

7. To determine whether applicant would operate its FM station in competition with its AM station WACO and Service Music, Inc., or in combination therewith.

8. To determine whether the operation of the proposed FM station by applicant would tend toward the establishment of a monopoly in FM broadcasting or in the background music service in Waco in the hands of applicant, its officers, directors, stockholders, and affiliated company or companies, or any of them in combination.

9. To determine whether the instant application for FM station is designed to serve the public interest or is to protect applicant's interest in competitive business.

10. To determine, in the light of the facts adduced under the above issues, whether a grant of the application of WACO Broadcasting Corporation herein would serve the public interest, convenience and necessity.

6. In opposition thereto, WACO Broadcasting contends that standing under sections 309(c) and 405 of the Act must be determined as of the date the grant complained of was made, which, in this case, was on November 2, 1960; that since Centex did not become licensee of Station KEFC–FM until November 30, 1960, the date on which the Commission consented to the assignment of said license from Music Unlimited to Centex (File No. BALH–436), it does not have standing to file the instant protest; that Music bases its right to standing on the agreement entered into with Centex; that, however, it is not alleged that said grant will force KEFC–FM to discontinue its operation, thereby preventing it from performing its contract with Music; nor is it alleged that it will be unable to serve its background music customers by other means, in the absence of said contract with KEFC–FM; that "since the consideration which Music is paying for the use of the multiplex subchannel is only $50.00 for an entire year, the value of its contract with KEFC–FM is de minimis"; and that accordingly, Music fails to establish that said grant will, or is likely to result in any injury of a direct, tangible and substantial nature and in view thereof, it cannot be considered a party in interest.

7. On the merits of the protest it is argued that since WACO Broadcasting is the licensee of AM station WACO in Waco, Texas, and since there had been no change in the ownership and control of said Corporation, section II of FCC Form 301 was not submitted when it filed its FM application; that, however, its renewal application for Station WACO, filed on May 1, 1959, showed that R. E. Lee Glasgow and his wife owned Service Music, Inc.; that since its FM application was notarized on August 29, 1960 while Service Music, Inc. was not transferred from the Glasgows to WACO Broadcasting until September 1, 1960, said application was completely accurate with respect to this matter; that, further, since it was found to be financially qualified in its FM application, the basis of its proposed operating budget and estimated first year's revenue was of no importance since this is only of relevance when a question is raised as to whether an applicant is financially qualified to operate and construct its proposed station; that with respect to the policy and past practices of its AM station regarding spot announcements, this was disclosed in its application for renewal of license; and that said renewal was found to serve the public interest and granted on July 29, 1959; that moreover, nowhere is it alleged that the grant complained of herein will result in the loss of service to the public in the WACO area; that increased competition to an existing broadcasting service is not a public interest factor to be considered in making the grant of a new facility and that accordingly, since the protest contains no material allegations of fact which support Centex's conclusion that the grant was not in the public interest and accordingly improperly made, the issues requested by protestants cannot be accepted and the instant protest must be denied.

8. We first consider whether the protestants herein have the requisite standing to file the instant protest and petition for reconsideration. In light of the fact that Centex is the licensee of an FM station in Waco, Texas; that the station granted to WACO Broadcasting on November 2, 1960 will be in direct competition with protestants' station; and that protestant (Centex) has alleged that it will be financially injured by the grant complained of herein, we are of the view, and accordingly find, that Centex is a party in interest within the meaning of sections 309(c) and 405 of the Communications Act. WACO Broadcasting contends that a protestant's standing as a party in interest must be determined as of the time the grant complained of was made, citing KFAB Broadcasting Co. v. FCC, 177 F (2d) 40, and that since Centex did not become licensee of Station KEFC–FM until after the date of the action complained of herein, it has no standing to file the instant protest. We agree with the principle set forth in KFAB Broadcasting, supra. However, KEFC–FM was an existing station at the time of the grant complained of. On the date the present protest was filed, Centex had succeeded Music as licensee of KEFC–FM. Under these circumstances, the Commission is of the opinion that Centex must be accorded standing to protest and request reconsideration of the authorization of a second FM station in Waco.

9. We are of the opinion, however, that Music has not satisfactorily established that it is a "party in interest" within the meaning of sections 309(c) and 405 of the Act. Music bases its right to protest on the agreement entered into with Centex alleging that if, as a result of said FM authorization to WACO Broadcasting, Station KEFC–FM is forced to discontinue its operation, said agreement will also fall; that, moreover, said grant to WACO Broadcasting will afford it a second facility in background music service with which Music must compete. However, there is no indication, at this time, that WACO Broadcasting intends to operate other than its present wire background service in the Waco area. To hold that the FM authorization of November 2, 1960 provides permittee with its second background service in Waco is therefore mere speculation at this point. Nor are we of the opinion that the agreement entered into with Centex gives it standing to file the instant protest, since it has alleged no facts which would indicate that new or increased competition to its music background service would result from the grant complained of. It has been consistently recognized that in order to establish standing by reason of economic injury under section 309(c) of the Act, one must allege the likelihood of direct and immediate competitive injury. Moreover, the alleged injury must be of a tangible and substantial nature as well as reasonably certain and definite and not merely nominal or speculative. FCC v. Sanders Brothers Radio Station, 309 U.S. 470, 9 RR 2008. Accordingly, we find that Music does not have the requisite standing to file the instant protest and petition for reconsideration.

10. It appears that Centex has specified with sufficient particularity facts which, in the opinion of the Commission, require that an evidentiary hearing be held to resolve Issue 5 specified by the protestant with respect to programing. Since the policies with respect to programing are peculiarly within the knowledge of WACO Broadcasting, the Commission is adopting such issue with editorial changes, and the burden of proceeding with the introduction of evidence and the burden of proof as to such issue shall be on WACO Broadcasting.

11. With respect to the remaining issues specified by Centex, the Commission is of the view that neither an evidentiary hearing nor oral argument on such issues on demurrer would be warranted for the reasons set forth in detail below.

12. Requested issue 1 is based on the allegation that WACO Broadcasting's interest in Service Music, Inc. was not disclosed in the subject application. However, since information incorporated by reference disclosed that the majority stockholder of WACO Broadcasting and his wife owned Service Music, Inc., no issue of fact is raised by the allegation. In any case, we believe that the entire matter of ownership of Service Music, Inc., is irrelevant.

13. Requested issue 2 apparently seeks a determination as to whether WACO Broadcasting intends at some time in the future to provide a background music service through the operation of a special communications authorization, or to duplicate the programing of its AM station to a greater extent than now proposed. However, the requested issue is not based upon any factual allegations, but only on speculation. Therefore, it will not be designated for hearing.

14. Issues 3 and 4 specified by the protestant seek inquiry into the financial qualifications of WACO Broadcasting. These issues must be rejected because no facts have been alleged which would raise any question of financial qualifications. Because of this, the fact that the applicant failed in its application to disclose the basis of its estimates of operating expenses and revenues is immaterial.

15. By its issues 6, 7 and 8, Centex is apparently attempting to obtain a hearing on competitive injury. However, it is well settled that an allegation of economic or competitive injury to an existing broadcast station is insufficient to raise an issue as to whether a grant is in the public interest. Federal Communications Commission v. Sanders Brothers Radio Station, supra; Carroll Broadcasting Company v. Federal Communications Commission, 258 F. 2d, 440 (1958), 17 RR 2066. Centex has made no allegations, nor has it offered to prove that the city of Waco cannot support two FM stations, nor has it alleged that the quality of FM broadcast service to Waco will suffer. The other statements made by Centex are argumentative, speculative and conclusory, entirely unsupported by allegations of fact. Therefore, a hearing on these issues will not be allowed.

16. With respect to Issue 9 specified by the protestant, to the extent that it calls for a determination as to whether grant of the subject application would serve the public interest, such issue is encompassed within the issues designated herein after. The remainder of this issue is not only not supported by factual allegations, but is irrelevant to a determination in this case. Therefore, issue 9 will not be designated for hearing.

17. There remains for the Commission's consideration the question of whether the proposed grant should remain in effect. Former section 309(c) of the Communications Act of 1934, as amended, which is applicable in this instance, provides that pending hearing and decision, the effective date of the Commission's action shall be postponed, "* * * unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing."

The operation proposed by WACO Broadcasting will provide a second FM broadcast service to the City of Waco, and thus afford listeners in the area a choice of local FM broadcast services for the first time. Furthermore, WACO Broadcasting does not propose to duplicate its AM programing in any substantial amount. Accordingly, the Commission finds that the public interest requires that the grant here protested remain in effect, and a stay of the Commission's grant will not be ordered in this case.

18. In light of the above: *It is ordered*, That the "Protest and Petition for Reconsideration" filed by Centex Radio Co. is granted to the extent provided for below and is denied in all other respects; that the "Protest and Petition for Reconsideration" filed by Music Unlimited, Inc. is dismissed for lack of standing; and that pursuant to former section 309(c) of the Communications Act of 1934, as amended, the above-captioned application is designated for evidentiary hearing on the following issues:

1. To determine the nature and type of program service proposed by WACO Broadcasting Corporation, and the practice which will be followed with respect to the number of spot announcements allowed to be broadcast over the proposed FM station in a given period.

2. To determine whether, in light of the evidence adduced under the foregoing issue, the public interest, convenience and necessity would be served by a grant of the above-captioned application.

*It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof as to issue "1" above shall be on WACO Broadcasting Corporation.

*It is further ordered*, That the protestant, Centex Radio Co., is hereby made a party to the above-captioned proceeding and that:

(a) The hearing on the above issues shall commence at a time and place and before an Examiner to be specified in a subsequent order;

(b) The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than January 26, 1961.

*It is further ordered*, That the grant of the above-captioned application shall remain in effect and the applicant, WACO Broadcasting Corporation, is hereby authorized to utilize the authorization in question pending the Commission's decision after hearing.

Adopted: December 30, 1960.

Released: January 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–159; Filed, Jan. 9, 1961; 8:50 a.m.]



# SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3927]

## CONSOLIDATED NATURAL GAS CO. ET AL.

### Notice of Proposed Issuance and Sale at Competitive Bidding of $45,000,000 Principal Amount of Debentures; Intrasystem Issuance, Sales and Acquisitions of Long-term Notes

JANUARY 3, 1961.

In the matter of Consolidated Natural Gas Company, the East Ohio Gas Company, Hope Natural Gas Company, New York State Natural Gas Corporation, the Peoples Natural Gas Company, File No. 70–3927.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and four of its subsidiary companies, The East Ohio Gas Company ("East Ohio"), Hope Natural Gas Company ("Hope"), New York State Natural Gas Corporation ("New York State") and The Peoples Natural Gas Company ("Peoples"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"). The companies have designated section 6(a), 6(b), 7, 9(a), 10, 12(b) and 12(f) of the Act and Rules 43, 45 and 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the proposed transactions which are summarized as follows:

Consolidated proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, $45,000,000 principal amount of __ percent Debentures due February 1, 1986. The interest rate (to be a multiple of ⅛ of 1 percent) and the price to be paid to Consolidated (to be not less than 99 percent nor more than 102 percent of the principal amount thereof, exclusive of accrued interest) will be determined by the bidding. The debentures will be issued as the fourth series under the Indenture dated as of June 1, 1957 between Consolidated and The Chase Manhattan Bank, as Trustee, as supplemented by a Third Supplemental Indenture to be dated February 1, 1961.

The proceeds from the proposed sale of debentures will be used by Consolidated to pay outstanding short-term notes of $25,000,000 and the remaining $20,000,000 will be used to finance in part the 1961 construction programs of the subsidiaries, estimated to aggregate $70,000,000. Consolidated contemplates financing the balance of the 1961 capital requirements of its subsidiary companies by means of an additional issue of $25,000,000 of debentures later in 1961, which will be the subject of a subsequent filing, and with system funds generated from internal sources. Until construction funds are required by the subsidiaries Consolidated proposes to use a portion of the proceeds from the above sale of debentures to reduce its outstanding seasonal gas storage bank loan, in anticipation of loan repayments by the subsidiary companies, and to make short-term investments in U.S. Treasury bills.

The four subsidiary companies named above propose to issue and sell, and Consolidated proposes to acquire, an aggregate of $25,000,000 face amount of non-negotiable long-term notes of the subsidiaries in exchange for an equal face amount of their 4½ percent short-term notes that were issued in 1960. Such long-term notes will be issued in aggregate face amounts as follows: East Ohio, $10,500,000; Hope, $4,500,000; New York State, $5,500,000; Peoples, $4,500,000. They will bear interest at a rate which will be predicated on and substantially equal to the effective cost of money secured through the proposed issuance of debentures by Consolidated and will mature annually in differing amounts with the last note of each subsidiary maturing on January 31, 1986.

The fees and expenses to be incurred in connection with the proposed transactions are estimated to aggregate $133,000, and include printing costs of $43,000; trustee's charges of $9,000; legal fee of trustee's counsel $1,000; accountants' fees and expenses $6,000; engineering fees and expenses of $10,000; original issue tax of $49,500; statutory and miscellaneous expenses of $14,500.

Copies of the several applications of East Ohio, Hope and Peoples to the appropriate State commissions of Ohio, West Virginia and Pennsylvania for approval of the proposed issuances and sales of long-term notes and the orders entered in respect thereof are to be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 26, 1961, at 5:30 p.m., request in writing that a hearing be held on the matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-132; Filed, Jan. 9, 1961; 8:45 a.m.]

[File No. 24W-2344]

## SABER BOATS, INC.

### Notice and Order for Hearing

JANUARY 4, 1961.

I. Saber Boats, Inc. (formerly Light House, Inc.), incorporated under the laws of the State of Maryland and formerly located at Accokeek, Maryland, filed with the Commission on January 27, 1960, a notification and offering circular relating to an offering of 106,875 shares of its 10¢ par value Class B non-voting stock, at $2 per share and 2,500 shares of its 10¢ par value Class A voting common stock at $2 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder. Batten and Company, with offices at 1835 K Street, NW., Washington, D.C., was named as underwriter for this offering.

II. The Commission on November 25, 1960, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

*It is hereby ordered* That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission be heard at the Main Building, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D.C., at 10:00 a.m., e.s.t., on January 16, 1961, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the offering circular and other material used in connection with the offering contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The statement in the offering circular that the public offering price was $2 per share when in fact the stock was offered to some members of the public at $2 per share and to other members of the public at varying higher prices;

2. The statement in the offering circular that the issuer was owner of the "property and plant facilities" therein described, when in fact legal title thereto was incomplete and was not completed until July 18, 1960;

3. The financial statements were not prepared in accordance with generally accepted accounting principles and practices in that the issuer represents ownership in the balance sheet of the land and building, when in fact the issuer did not have legal ownership of the assets represented therein.

B. Whether the terms and conditions of Regulation A have not been complied with in that:

1. Sales were made to the public without the use of an offering circular as required by Rule 256; and

2. The issuer and the selling stockholder failed to file a complete and accurate report of sales on Form 2-A as required by Rule 260, in that the report, filed May 12, 1960, incorrectly states that the offering was completed May 2, 1960 at $2 per share by the broker-dealer firm named therein, and fails to disclose the actual commissions paid and received.

C. Whether the offering has been made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is further ordered* That Irving Schiller or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the power granted to the Commission under section 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

*It is further ordered* That the Secretary of the Commission shall serve a copy of this order by registered mail to Saber Boats, Inc.; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before January 14, 1961, a request relative thereto as provided in Rule IX of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-133; Filed, Jan. 9, 1961; 8:46 a.m.]



# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Revision 6) Amdt. 2]

## FINANCIAL ASSISTANCE INVESTMENT PROGRAM, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATION

### Delegation of Authority

Delegation of Authority No. 30 (Revision 6), as amended (25 F.R. 1706 and 7418), is hereby further amended by:

1. Deleting subsection I.A.10 in its entirety and substituting the following in lieu thereof:

10. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months;

(c) Amend the hull insurance provision of any authorization issued prior to September 3, 1958, for a loan of $20,000, or less;

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant;

(e) Disburse fisheries' loans in the same manner as SBA business loans; and

(f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

2. Deleting subsection I.A.11 in its entirety and substituting the following in lieu thereof:

11. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

(b) The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

3. Deleting subsection I.D.14 in its entirety and substituting the following in lieu thereof:

14. To approve all personnel actions for all non-technical positions of his region at grades GS-7 and below, except the following: All adverse actions including but not limited to change to lower grade, removal, suspension, reduction in force, separation for failure to accompany functions, etc. Such actions shall be accomplished by the Director, Office of Personnel.

Effective date: November 23, 1960.

PHILIP MCCALLUM, *Administrator.*

[F.R. Doc. 61-134; Filed, Jan. 9, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 5, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36828: *Cement from central territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent, (C.T.R. No. 2448), for interested rail carriers. Rates on cement, masonry or mortar, as described in the application, in carloads, from specified points in Illinois, Indiana and Ohio, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Tennessee, Virginia, and West Virginia.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 105 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 3826 (Hinsch series).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-139; Filed, Jan. 9, 1961; 8:47 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

[Portland Area Office Redelegation Order 2, Amdt. No. 1]

## CONTRACT ENGINEER ADVISER

### Redelegation of Authority

Order 2 (21 F.R. 6844) is amended by the addition of a new paragraph (b) under section 3 to read as follows:

SEC. 3 *Authorized representative of Contracting Officer.*

(a) * * *

(b) With respect to contracts entered into by the Area Director or the Assistant Area Director, Administration, the Contract Engineer Adviser is designated as the authorized representative of the Contracting Officer as such term is used in such contracts and may perform the duties of Contracting Officer except as follows:

(1) Functions relating to the termination of the contract.

(2) Disputes concerning questions of fact which are not disposed of by agreement.

GLEN L. EMMONS, *Commissioner.*

JANUARY 4, 1961.

[F.R. Doc. 61-129; Filed, Jan. 9, 1961; 8:45 a.m.]

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1934
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 26 NUMBER 6

*Washington, Wednesday, January 11, 1961*

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Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.



FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 2—FILLING COMPETITIVE POSITIONS

### PART 9—SEPARATIONS, SUSPENSIONS, AND DEMOTIONS

### Miscellaneous Amendments

1. Effective thirty days after publication in the FEDERAL REGISTER, §§ 2.107, 2.108, 2.109, 2.110 and 2.111 are renumbered as §§ 2.108, 2.109, 2.110, 2.111 and 2.112, and a new § 2.107 is added as follows:

**§ 2.107 Reemployment eligibility of former Federal employees separated for cause.**

(a) *Cases generally.* When an employee has been removed on charges (other than security or loyalty) or has resigned upon learning the agency planned to prefer charges or while charges were pending (other than security or loyalty), the Commission may receive the sworn statement of such employee, setting forth fully and in detail the facts surrounding his removal or resignation and within its discretion may make investigation to determine his eligibility for further employment in the competitive Federal service insofar as suitability and fitness are concerned. After such investigation, such employee will be advised whether the Commission, as a result of the investigation, has found him to be suitable for further employment in the competitive Federal service. No case will be considered under this provision unless submitted to the Commission within six (6) months after the date of separation or sixty (60) days after the date of the last adverse decision as a result of an appeal under Part 22 of this chapter.

(b) *Under Public Law 733, 81st Congress, or other similar law.* Any civilian officer or employee whose employment is terminated, or who resigns while suspended, in the interest of national security under the provisions of Public Law 733, 81st Congress, or other law granting the power of summary dismissal in the interest of national security, may request the Commission, in writing, to determine whether he is eligible for employment in any other agency or department of the Government. The Commission shall determine, after such investigation as necessary, whether the former employee may be employed in another agency or department.

2. Effective thirty days after publication in the FEDERAL REGISTER, paragraph (c) is added to § 2.301 as follows:

**§ 2.301 Career-conditional and career appointments.**

* * * * *

(c) *Procedure for terminating a probationer.* (1) If an agency decides to terminate an employee serving a probationary or trial period because his work performance or conduct during this period fails to demonstrate his fitness or his qualifications for continued Federal employment, his services shall be terminated by notifying him in writing as to why he is being terminated and the effective date of the action. The information in the notice as to why he is being terminated must, as a minimum, consist of the agency's conclusions as to the inadequacies of his performance or conduct.

(2) If an agency decides to terminate an employee during the probationary or trial period for reasons based in whole or in part on conditions arising before his appointment, the action shall be processed in the same manner as actions taken against employees who are not serving probationary or trial periods, as provided in § 9.202 of this chapter and he shall have the right of appeal provided in Subpart C of this part.

3. Effective thirty days after publication in the FEDERAL REGISTER, Subpart F is added to Part 2 as follows:

### Subpart F—Filling Competitive Positions by Displacement of Temporary and Indefinite Employees

**§ 2.601 Displacement of temporary and indefinite employees.**

(a) Agencies shall separate employees serving under the following types of appointments in response to a specific displacement order by the Commission or to comply with the provisions of the Commission's program to place separated career employees:

(1) Temporary pending establishment of a register.

(2) Overseas limited of indefinite duration.

(3) Indefinite.

(b) The Commission hereby delegates authority to agencies to separate employees serving under the types of appointments designated in paragraph (a) of this section in order to create vacancies for separated career or career-conditional employees who are listed on an agency reemployment priority list.

(c) When an agency separates employees under this section, it shall follow the order of displacement prescribed by the Commission which shall be published in the Federal Personnel Manual.

(d) The Commission may require corrective action when it finds that the instructions under this section have not been followed.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

4. Effective thirty days after publication in the FEDERAL REGISTER, Part 9 is revised and amended to read as follows:

**Subpart A—General Provisions**


Sec.
9.101 Applicability of regulations.
9.102 Employee coverage.
9.103 Definitions.

**Subpart B—Agency Action**

9.201 General requirements.
9.202 Procedure for taking adverse action.

**Subpart C—Appeals to the Commission**

9.301 Right to appeal.
9.302 Time limits.
9.303 Commission action on initial appeal.
9.304 Agency action on initial Commission decision.
9.305 Commission action on further appeal.
9.306 Finality of decision.
9.307 The Commissioners.


AUTHORITY: §§ 9.101 to 9.307 issued under R.S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633.

### Subpart A—General Provisions

**§ 9.101 Applicability of regulations.**

The regulations in this part apply to separations, suspensions, or demotions of employees of an agency. However, the regulations in this part do not apply to any such actions that are taken pursuant to instructions of the Commission, to Part 20 of these regulations, to the Civil Service Retirement Act, and to Public Law 733, 81st Congress, and any other similar statute which authorizes an agency to take suspension or separation action without regard to section 6 of the Act of August 24, 1912, as amended.

**§ 9.102 Employee coverage.**

(a) *Employees covered.* Except as provided in paragraph (b), the regulations in this part apply (1) to any employee who occupies a position in the competitive service and (2) to any employee having a competitive status who occupies a position in Schedule B.

(b) *Employees not covered.* The regulations in this part are not applicable to:

(1) Except as provided in § 2.301(c) of this chapter and § 9.301(b), any employee occupying a position in competitive service who is serving a probationary or trial period;

(2) Any employee occupying a position in the competitive service under a temporary appointment, including an employee serving under a temporary appointment pending establishment of a register;

(3) A reemployed annuitant;

(4) Any employee having a competitive status who occupies a position in Schedule B under a temporary appointment;

(5) Any employee not having a competitive status who occupies a position in Schedule B; or

(6) Any employee occupying an excepted position not in Schedule B.

§ 9.103 Definitions.

For the purpose of this part, the term:

(a) "Adverse action" means separation, suspension, or demotion.

(b) "Days" means calendar days.

### Subpart B—Agency Action

§ 9.201 General requirements.

(a) Adverse action may not be taken against an employee except for such cause as will promote the efficiency of the service.

(b) Adverse action may not be taken against an employee for political reasons, except as required by law.

(c) Adverse action may not be based on discrimination because of marital status, physical handicap, or race, color, religion, or national origin.

§ 9.202 Procedure for taking adverse action.

(a) *Effecting the action.* The following procedures shall be observed when an agency proposes to take adverse action against an employee who is not serving a probationary or trial period or to terminate a probationary or trial period employee under the circumstances described in § 2.301(c)(2) of this chapter.

(1) *Notice of proposed adverse action.* The agency shall notify the employee in writing of the proposed adverse action and the reasons therefor. This notice shall set forth, specifically and in detail, the reasons for the proposed adverse action.

(2) *Employee's answer.* The employee shall be allowed a reasonable time for filing a written answer to the notice of proposed adverse action and for furnishing affidavits in support of his answer. The employing agency may, in its discretion, grant the employee a hearing. If the employee answers the notice, his answer shall be considered by the agency in reaching its decision on the proposed adverse action.

(3) *Notice of decision.* The employee shall be furnished at the earliest practicable date with written notification of the agency's decision on the proposed adverse action. When the decision is made to take adverse action, the notification shall inform the employee of:

(i) The adverse action to be taken and the reasons therefor;

(ii) The effective date of the action; and

(iii) The employee's right of appeal to the appropriate office of the Commission and the time limit within which his appeal must be submitted to the Commission, as provided in Subpart C of this part.

(4) *Agency records.* (a) Copies of the notice of proposed adverse action, of any answer made by the employee, of the notice of any agency hearing on the proposed adverse action and any report thereof, and of the notice of decision shall be made a part of the agency's records.

(b) *Duty status during notice period.* The employee shall be retained in an active duty status during the period of notice of the proposed action under this section. When the circumstances are such that the retention of an employee in an active duty status may result in damage to Government property or may be detrimental to the interests of the Government, or injurious to the employee, his fellow workers or the general public, the employee may be temporarily assigned to duties in which those conditions would not exist, or placed on leave with his consent. Where these circumstances exist and it is proposed to suspend the employee the agency may require the employee to answer the charges and submit affidavits within such time as under the circumstances would be reasonable, but not less than twenty-four (24) hours; however, a preference eligible employee may not be suspended for more than thirty days under this procedure. Where these circumstances require immediate action, the employing agency may place the employee in a non-duty status with pay for such time, not to exceed five (5) days, as is necessary to effect the suspension.

### Subpart C—Appeals to the Commission

§ 9.301 Right to appeal.

(a) *On procedures.* An employee entitled to the benefits of this Part may appeal in writing to the Commission on the grounds that the procedures required by § 9.202 have not been followed.

(b) *On alleged improper discriminatory practices.* An employee entitled to the benefits of this part, or a probationary or trial period employee terminated under the provisions of § 2.301(c) of this chapter, may appeal in writing to the Commission on the grounds that the adverse action was taken for political reasons not required by law, or resulted from discrimination because of marital status or physical handicap. When discrimination for any of these reasons is alleged, the appellant must submit an affidavit setting forth the facts and circumstances on which his allegations are based.

§ 9.302 Time limits.

An appeal may be submitted at any time after the notice of adverse decision but not later than ten (10) days after the effective date of the adverse action. However, in the case of a postmaster appointed by the President and confirmed by the United States Senate who is notified that a final decision has been made to separate him but that he is to be continued in office until a successor is installed, the time limit on an appeal shall be ten (10) days after he receives notification of such decision. These time limits may be extended, in the discretion of the Commission, upon a showing by the employee that he was not notified of the applicable time limit and was not otherwise aware of the limit or that other circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

§ 9.303 Commission action on initial appeal.

(a) *Investigation.* The Commission will make any investigation or inquiry necessary to adjudicate the appeal.

(b) *Availability of evidence.* All evidence obtained by the Commission during the investigative process will, upon request, be made available to both parties to the appeal with the following exception:

(1) Where adverse action has been taken on the basis of the reported mental condition of the individual concerned or other conditions of such a nature that a prudent physician would hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, the medical evidence of record will be made available only to a duly licensed physician designated in writing by the appellant or by the appellant's representative.

(c) *Hearing.* The Commission office which is adjudicating the initial appeal may, in its discretion, hold a hearing.

(d) *Death of appellant.* An appeal shall be processed to completion and adjudicated, regardless of the death of the appellant after receipt of such appeal. As necessary, a recommendation for corrective action on such an appeal may provide for cancellation of the action, and for amendment of the agency's records to show continuance on the rolls to the date of death.

(e) *Decision.* A copy of the decision of the Commission office that makes the initial adjudication of the appeal shall be furnished to the appellant or his designated representative, and to the employing agency, with notification of the right of either party to appeal within seven (7) days of date of receipt to the Board of Appeals and Review, U.S. Civil Service Commission, Washington 25, D.C.

§ 9.304 Agency action on initial Commission decision.

It is mandatory for the agency to take the corrective action recommended by the Commission office that makes the initial adjudication unless further appeal is made to the Board of Appeals and Review.

§ 9.305 Commission action on further appeal.

(a) When an appellant or employing agency elects to appeal from the decision of the Commission office making the initial adjudication of an appeal under this Subpart, such appeal shall be made to the Board of Appeals and Review, U.S. Civil Service Commission, Washington 25, D.C. (hereinafter referred to as the Board).

(b) Such an appeal shall be filed in writing within seven (7) days of the date of receipt of the decision of the Commission's initial adjudicating office and shall set forth the basis for the appeal. This time limit may be extended by the Board upon a showing that circumstances beyond the control of the employee or employing agency prevented the filing of the appeal within the prescribed period.

(c) The Board will review the entire record of the case and all relevant written representations. In its discretion, the Board may afford the parties an opportunity to appear personally and present oral arguments and representations.

(d) The decision of the Board shall be transmitted to the appellant or his designated representative, and to the agency.

§ 9.306 Finality of decision.

The Board's decision on appeal shall be final. There is no further right of appeal. A recommendation by the Board for corrective action is mandatory. The agency shall comply promptly with such a recommendation and shall report promptly to the Board that such action has been taken.

§ 9.307 The Commissioners.

In their discretion, the Commissioners may reopen and reconsider any previous decision when in their judgment such action appears warranted by the circumstances.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-191; Filed, Jan. 10, 1961; 8:49 a.m.]



# Title 6—AGRICULTURAL CREDIT

## Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. 1; Amdt. 3]

### PART 484—FEED GRAINS

### Subpart—Feed Grain Export Program Payment in Kind (GR–368) Terms and Conditions

The Terms and Conditions of Revision I of the Feed Grain Export Program Payment In Kind (GR–368) (24 F.R. 7092) are further amended as follows:

§ 484.116 [Amendment]

1. Section 484.116(a) is amended to read as follows:

(a) If export is by water, a non-negotiable copy or photostat of the on-board-ship bill of lading signed by an agent of the ocean carrier. The bill of lading must show the name of the vessel, the date and place of issuance, the weight of the feed grain, the number or description of the hold or tank in which the feed grain was stowed, the country to which the feed grain was shipped, and if exported under Public Law 480, 83rd Congress, the purchase authorization number. Where loss, destruction or damage to the feed grain occurs subsequent to loading aboard the ocean carrier but prior to issuance of the on-board-ship bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading.

2. Section 484.150 is amended to read as follows:

§ 484.150 Eligible country.

"Eligible Country" means any destination outside the continental limits of the United States, excluding Alaska, Canada, Hawaii or Puerto Rico, and also excluding any country or area for which an export license is required under regulations issued by the Bureau of Foreign Commerce, U.S. Department of Commerce unless a license for shipment or transshipment thereto has been obtained from such Bureau.

(Sec. 5, 62 Stat. 1072; 15 U.S.C. 714c. Interpret or apply sec. 407, 63 Stat. 1051, as amended; sec. 201(a), 70 Stat. 188; 7 U.S.C. 1427, 1851)

Issued this 5th day of January 1961.

WALTER C. BERGER,
*Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 61-194; Filed, Jan. 10, 1961; 8:49 a.m.]

# Title 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 879, Amdt. 1]

### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

*Order, as amended.* The provisions in paragraph (b)(1)(i), (ii) of § 953.986 (Lemon Regulation 879, 25 F.R. 14015) are hereby amended to read as follows:

(i) District 1: 37,200 cartons;
(ii) District 2: 195,300 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 5, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-180; Filed, Jan. 10, 1961; 8:46 a.m.]

# Title 13—BUSINESS CREDIT AND ASSISTANCE

## Chapter I—Small Business Administration

[Amdt. 11]

### PART 107—SMALL BUSINESS INVESTMENT COMPANIES

### Waiver of Requirements

There was published in the FEDERAL REGISTER on November 29, 1960 (25 F.R. 12208), a proposal to amend § 107.301–1, relating to the waiver of the requirement that each State charter shall contain the paragraph specified in that section. For clarifying purposes the proposed amendment has been repositioned and is herewith adopted as § 107.301–1a.

Interested persons were given an opportunity to present their comments, or suggestions pertaining thereto, to the Investment Division, Small Business Administration, Washington 25, D.C., within 15 days after the date of publication of the notice in the FEDERAL REGISTER. After consideration of all such relevant matter as was presented by interested persons regarding the proposed amendment, the amendment of the regulation as so proposed is hereby adopted with minor revisions.

Because of the necessity for promptly applying the proposed procedures to the program authorized under the Small Business Investment Act of 1958, as amended, the subject amendment shall become effective upon publication thereof in the FEDERAL REGISTER.

The Small Business Investment Company Regulation (23 F.R. 9383), as amended (25 F.R. 1397, 2354, 3316, 5374, 5478, 5825, 7276, 8068, 8855, and 10087), is hereby further amended by:

Adding the following new § 107.301–1a after § 107.301–1. New § 107.301–1a reads as follows:

§ 107.301–1a Waiver of paragraph required by § 107.301–1.

In the event SBA, for cause satisfactory to SBA, waives the inclusion in a Licensee's State charter of that portion of the general provision (set forth in the second sentence of § 107.301–1) which identifies the manner of operation, powers, responsibilities, and limitations of the Licensee by specific reference to the Act and regulations issued thereunder: The charter of such a Licensee, in lieu of such identification by reference, shall set forth specifically and in detail the manner of operation, powers, responsibilities, and limitations of the Licensee

which are required of a Licensee as specified in and contemplated by the Act and regulations and to the extent and in a manner satisfactory to SBA. Further, any such Licensee shall, from time to time, amend its charter in order to conform its charter purpose, manner of operation, powers, responsibilities, and limitations with those contained in and contemplated by the Act and the regulations issued by SBA thereunder from time to time.

(Sec. 306, 72 Stat. 694; 15 U.S.C. 687)

Dated: January 5, 1961.

[SEAL] PHILIP MCCALLUM,
*Administrator.*

[F.R. Doc. 61-182; Filed, Jan. 10, 1961; 8:47 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[File No. 21-530]

## PART 51—FLUOROCARBONS INDUSTRY

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

*It is now ordered*, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of January 11, 1961.

*Statement by the Commission.* Trade practice rules for the Fluorocarbons Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which these trade practice rules are established is composed of persons, firms, corporations, or organizations engaged in the manufacture, fabrication, processing and sale, or in the sale and distribution, of finished or semifinished products which are composed in whole or substantial part of fluorocarbon resins, such as, but not limited to, gaskets, bearings, rods, tubes, hose, and machinery parts, as well as electric wire and cable, or other products coated with fluorocarbon resins.

Proceedings for the establishment of these rules were instituted upon application of the Fluorocarbons Division of the Society of the Plastics Industry. A general industry conference was held under Commission auspices in New York, New York, on December 4, 1959, at which proposals for rules were submitted for consideration of the Commission. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice a public hearing was held in New York, N.Y., on September 15, 1960, and all matters there presented, or otherwise received in the proceeding, were considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules, as approved, become operative thirty (30) days after the date of promulgation.

*The rules.* These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.

51.0 Definitions.
51.1 Misrepresentation and deception in general.
51.2 Misrepresentation as to characterter of business.
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51.4 Misuse of terms "close-outs," "discontinued lines," "special bargains," etc.
51.5 Substitution of products.
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51.7 False invoicing.
51.8 Fictitious prices, price lists, etc.
51.9 Guarantees, warranties, etc.
51.10 Prohibited forms of trade restraints (unlawful price fixing, etc.).
51.11 Prohibited sales below cost.
51.12 Prohibited discrimination.
51.13 Lifting of stocks.
51.14 Consignment distribution.
51.15 Defamation of competitors or false disparagement of their products.
51.16 Procurement of competitors' confidential information by unfair means and wrongful use thereof.
51.17 Enticing away employees of competitors.
51.18 Exclusive deals.
51.19 Commercial bribery.
51.20 Unlawful interference with competitors' purchases or sales.
51.21 Aiding or abetting use of unfair trade practices.


AUTHORITY: §§ 51.0 to 51.21 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

### § 51.0 Definitions.

As used in this part the terms "industry member" and "industry products" shall have the following meaning:

(a) *Industry member.* Any person, firm, corporation or organization engaged in the manufacture, fabrication, processing and sale of industry products, as defined below, and also those engaged in the sale and distribution of such products although the same are manufactured, fabricated or processed by others.

(b) *Industry products.* Finished or semi-finished products composed in whole or substantial part of fluorocarbon resins, such as, but not limited to, gaskets, bearings, rods, tubes, hose, sheets, and machinery parts, as well as, electric wire and cable or other products coated with fluorocarbon resins.

### § 51.1 Misrepresentation and deception in general.

It is an unfair trade practice to use, or cause or promote the use of, any trade promotional literature, advertising matter, guarantee, warranty, mark, brand, label, trade name, picture, design or device, designation, or other type of oral or written representation, however disseminated or published, which directly or by implication, or through failure to disclose material information has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the type, kind, grade, quality, quantity, size, weight, nature, substance, durability, serviceability, origin, preparation, production, manufacture, distribution, or customary and usual price, of any product of the industry, or which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any other material respect. [Rule 1]

### § 51.2 Misrepresentation as to character of business.

It is an unfair trade practice for any member of the industry to represent, directly or indirectly, through the use of any word or term in his corporate or trade name, in his advertising or otherwise, that he is a manufacturer of industry products, or that he is the owner or operator of a factory manufacturing them, when such is not the fact, or in any other manner to misrepresent the character, extent, volume, or type of his business. [Rule 2]

### § 51.3 Misrepresenting products as conforming to standard.

In connection with the sale or offering for sale of industry products, it is an unfair trade practice to represent, through advertising or otherwise, that such products conform to any standards recognized in or applicable to the industry when such is not the fact. [Rule 3]

### § 51.4 Misuse of terms "close-outs," "discontinued lines," "special bargains," etc.

It is an unfair trade practice to offer for sale, sell, advertise, describe, or otherwise represent regular lines of industry products as "close-outs," "discontinued lines," "special bargains," or by words or representations of similar import, when such are not true in fact; or to so offer for sale, sell, advertise, describe, or otherwise represent industry products where the capacity and tendency or effect thereof is to lead the purchaser or prospective purchaser to believe such products are being offered for sale or sold at greatly reduced prices, or at so-called "bargain" prices, when such is not the fact. [Rule 4]



### § 51.5 Substitution of products.

It is an unfair trade practice for an industry member to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 5]

### § 51.6 Deceptive use of trade or corporate names, trade-marks, etc.

It is an unfair trade practice for any member of the industry to use any trade name, corporate name, trade-mark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the character, name, nature, or origin of any product of the industry, or of any material used therein, or which is false or misleading in any material respect. [Rule 6]

### § 51.7 False invoicing.

Withholding from or inserting in invoices any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, when having the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 7]

### § 51.8 Fictitious prices, price lists, etc.

The publishing or circulating by any member of the industry of false price quotations, price lists, terms or conditions of sale, or reports as to production or sales, when having the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, or the advertising, sale, or offering for sale of industry products at prices purporting to be reduced from what are in fact fictitious prices, or at purported reductions in prices when such purported reductions are in fact fictitious or are otherwise misleading or deceptive, is an unfair trade practice. [Rule 8]

### § 51.9 Guarantees, warranties, etc.

(a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member:

(1) To represent that any industry product is guaranteed unless, in close conjunction with such representation, the identity of the guarantor, the extent and nature of the guarantee, and any material conditions or limitations relating to the liability of the guarantor under the guarantee, are adequately and nondeceptively disclosed; or

(2) To offer or use any guarantee respecting an industry product under which the guarantor fails to observe his obligations; or

(3) To offer or use any guarantee which is otherwise deceptive or unfair.

NOTE: On April 26, 1960, the Commission adopted "Guides Against Deceptive Advertising of Guarantees" which are set forth as an appendix to these rules.[1]

(b) This section shall be applicable not only to guarantees but also to warranties, to purported guarantees and warranties, and to any promise or representation in the nature of a guarantee or warranty. [Rule 9]

### § 51.10 Prohibited forms of trade restraints (unlawful price fixing, etc.)[2]

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 10]

### § 51.11 Prohibited sales below cost.

(a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Of seasonal goods near the conclusion of the season; (2) of obsolescent goods; (3) made under judicial process; or (4) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 11]

### § 51.12 Prohibited discrimination.[3]

(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate,

[1] Copies available at the Federal Trade Commission.

[2] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[3] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under subparagraph (2) of this paragraph depends upon net savings in cost based on all facts relevant to the transactions under the terms of such subparagraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not necessarily follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to absolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

(b) *Examples of prohibited price differential practices.* The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, or charitable institutions not operated for profit, as supplies for their own use, and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a)(2) of this section; and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a)(4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a)(5) of this section).

*Example No. 1.* At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant a discount of the same percentage to other customers on their purchases during such period.

*Example No. 2.* An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE 1. Industry members giving advertising allowances to competing customers must exercise precaution and diligence in seeing that all of such allowances are used in accordance with the terms of their offers.

NOTE 2. When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customer or customers of any portion of the allowance for his or their personal use or benefit.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: See subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section.

(f) *Clarification.* (1) The following is presented for the purpose of clarifying the requirements of paragraphs (d) and (e) of this section with respect to the supplying of marketing services, facilities or allowances by industry members to their customers, but it is not intended to imply by such presentation that other methods which assure of proportional equality of treatment of competing customers may not also be used.

(2) An industry member may simultaneously offer to each of his customers competing in the resale of his products the same kind of promotional service, facility or allowance of a cost value equal to a uniform percentage of the sales (or purchases) of the industry member's products by each customer during a specified and identical period of time: *Provided, however,* That when the service, facility or allowance offered is of a type which under reasonable terms and conditions is not usable or suitable to the facilities and business of all customers, and is offered to any one customer, the member offer each of those customers to whom the service, facility or allowance is not usable or suitable an alternative type of promotional service, facility or allowance which is of equivalent measurable cost, is usable by the customer, and is suitable to his facilities and business, and promptly inform all competing customers of the kind and amount of services, facilities or allowances which he has offered to each and the respective terms and conditions under which such services, facilities or allowances are to be furnished by the industry member; *And provided, further,* That when the offer of any service, facility or allowance to any customer is conditioned on such customer supplying some reciprocal service, facility or payment, a reciprocal service, facility or payment be required in the offers to all other customers and there be an equality of ratio among all customers as to the measurable cost of that which is supplied by the industry member and the reciprocal service, facility or payment required of any customer. The industry member must take every reasonable precaution to see that services, facilities or allowances which he furnishes to customers are used in accord with the terms of his offer; and upon failure of the customer to perform any obligation on his part the industry member must cease supplying the customer any further service, facility or allowance.

(g) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of paragraphs (a) to (f) of this section. [Rule 12]

**§ 51.13 Lifting of stocks.**

It is an unfair trade practice for any member of the industry to purchase the stock of a distributor or dealer which has been supplied by a competitor or competitors when such practice is done as an inducement to the distributor or dealer to discontinue handling competitive products and to handle such member's products exclusively, and where the effect of such act or practice may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 13]

**§ 51.14 Consignment distribution.**

(a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request or prior consent of the purchaser.

(b) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and restricting competitors' use of said trade outlets in getting their products to purchasers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or unreasonably to restrain trade.

(c) Nothing in this section shall be construed to authorize any understanding or agreemnt, combination or conspiracy, or planned common course of action, by and between industry members, mutually to conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 14]

**§ 51.15 Defamation of competitors or false disparagement of their products.**

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice.

NOTE: Nothing in this section shall be construed as preventing the full, fair, and nondeceptive comparison, by demonstration or otherwise, of competitors' products with the products of another industry member before purchasers or prospective purchasers.

[Rule 15]

**§ 51.16 Procurement of competitors' confidential information by unfair means and wrongful use thereof.**

It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as substantially to injure competition or unreasonably restrain trade. [Rule 16]

**§ 51.17 Enticing away employees of competitors.**

It is an unfair trade practice for any member of the industry wilfully to entice away employees or sales representatives of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided,* That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 17]

**§ 51.18 Exclusive deals.**

It is an unfair trade practice for any member of the industry to lease, contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 18]

**§ 51.19 Commercial bribery.**

It is an unfair trade practice for a member of the industry, directly or indirectly to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 19]

**§ 51.20 Unlawful interference with competitors' purchases or sales.**

It is an unfair trade practice for any member of the industry, by means of any monopolistic practices or through combination, conspiracy, coercion, boycott, threats, or any other unlawful means, directly or indirectly, to interfere with a competitor's right to purchase his materials and supplies from whomsoever he chooses, or to sell his product to whomsoever he chooses. [Rule 20]

**§ 51.21 Aiding or abetting use of unfair trade practices.**

It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 21]

Issued: January 6, 1961.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 61-111; Filed, Jan. 10, 1961; 8:45 a.m.]





# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55290]

## PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

## PART 11—PACKING AND STAMPING; MARKING; TRADEMARKS AND TRADE NAMES; COPYRIGHTS

### Recall of Merchandise Released From Customs Duty

Customs Form 4647, Notice That Goods Must Be Redelivered and Legally Marked or Exported or Destroyed Under Customs Supervision, covering cases of failure to comply with marking requirements to show country of origin, has now been revised to extend its application to the demand and notice to the importer required under the Customs Regulations pertaining to the Wool Products Labeling Act of 1939, the Fur Products Labeling Act, and the Textile Fiber Products Identification Act. To provide for the extended use of this form, the Customs Regulations are amended as set forth below:

1. a. In Part 8, § 8.26(a) is amended by inserting "customs Form 4647," following "customs Form 3483," in the second sentence. The second sentence, as amended, will read as follows: "The demand for the return of the merchandise shall be by letter, or on customs Form 3483, customs Form 4647, or other appropriate form."

b. The third sentence of § 8.26(c) is amended to read as follows: "The collector may also demand the return to customs custody of any merchandise for the purpose of requiring it to be marked or labeled pursuant to the provisions of paragraph 367 or 368, section 304, Tariff Act of 1930, as amended, the Wool Products Labeling Act of 1939, the Fur Products Labeling Act, or the Textile Fiber Products Identification Act."

(Secs. 499, 624, 46 Stat. 728, as amended, 759; 19 U.S.C. 1499, 1624)

2. In Part 11, §§ 11.12(d), 11.12a(d), and 11.12b(d) are amended by substituting "§ 8.26" for "§ 8.26(a)" where it appears therein.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

The use of revised customs Form 4647 shall be effected when the form is reprinted. In the meantime, existing forms for notification that goods must be returned to customs custody for compliance with the Wool Products Labeling Act of 1939, the Fur Products Labeling Act, and the Textile Products Identification Act shall be used.

[SEAL] LAWTON W. KING,
*Acting Commissioner of Customs.*

Approved: January 4, 1961.

A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-192; Filed, Jan. 10, 1961; 8:49 a.m.]

[T.D. 55287]

## PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

### Length of Time Records Must Be Retained by Public

Certain provisions of the Customs Regulations require the public to maintain records without specifying the period of time such records shall be retained. The following amendments are made to fix the period of time for the retention of such records.

1. Section 10.111(b), Customs Regulations, is amended by adding the following sentence: "The proof of use shall be based on adequate and carefully kept records of the importer, which shall be open at all times to inspection by employees of the Customs Service and which shall be retained for a period of 3 years from the date of liquidation of the entry."

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

2. Section 10.113(b), Customs Regulations, is amended by adding the following sentence: "The proof of use shall be based on adequate and carefully kept records of the importer, which shall be open at all times to inspection by employees of the Customs Service and which shall be retained for a period of 3 years from the date of liquidation of the entry."

(Sec. 1, 73 Stat. 596; 19 U.S.C. 1201 (par. 1823))

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: December 29, 1960.

A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-178; Filed, Jan. 10, 1961; 8:46 a.m.]

[T.D. 55286]

## PART 14—APPRAISEMENT

### Action by Appraiser; Appearance of Importer

In order to insure uniformity of action in the appraisement of merchandise subject to a dumping finding in any instance in which dumping duties are reimbursed in whole or in part by the seller, § 14.9 is amended by deleting the citation of authority at the end thereof and by adding the following new paragraph (f):

(f) In calculating purchase price or exporter's sales price, as the case may be, there shall be deducted the amount of any special dumping duties which are, or will be, paid by the manufacturer, producer, seller, or exporter, or which are, or will be, refunded to the importer by the manufacturer, producer, seller, or exporter, either directly or indirectly.

(Secs. 201, 202, 203, 204, 208, 407, 42 Stat. 11, as amended, 12, 13, 14, 18, sec. 486, 46 Stat. 725, as amended; 19 U.S.C. 160, 161, 162, 163, 167, 173, 1486)

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: December 30, 1960.

A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R Doc. 61-177; Filed, Jan. 10, 1961; 8:46 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

MODIFIED STARCH

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Corn Industries Research Foundation, Inc., 1001 Connecticut Avenue NW., Washington 6, D.C., Corn Products Company, 717 Fifth Avenue, New York 22, New York, National Starch and Chemical Corporation, 1700 West Front Street, Plainfield, New Jersey, and American Maize-Products Company, 113th Street and Indianapolis Boulevard, Roby, Indiana, and other relevant material, has concluded that the following regulation should issue in conformity with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive modified starch for use in food as a thickener, to improve texture and palatability, and to impart stability. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 121 of the food additive regulations (21 CFR Part 121) is amended by adding thereto the following new section:

§ 121.1031 Modified starch.

Modified starch may be safely used in foods as a thickener, to improve texture and palatability, and to impart stability, under the following prescribed conditions:

(a) Modified starch is a food starch which, in accordance with good manufacturing practice, has been structurally altered in part, in one of the following ways:

(1) By treatment with not more than 0.055 pound of chlorine, as sodium hypochlorite, per pound of dry starch.

(2) By treatment with not more than 0.3 percent of epichlorhydrin.

(3) By treatment with not more than 0.1 percent of phosphorus oxychloride.

(4) By treatment with sodium trimetaphosphate so as to contain no more than 0.04 percent phosphate, calculated as phosphorus.

(b) To assure safe use of the additive, the label of the food additive container shall bear, in addition to the other information required by the act:

(1) The name of the additive, "modified starch."

(2) Information describing how the starch is modified.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 5, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-188; Filed Jan. 10, 1961; 8:47 a.m.]



## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PACKAGING STARCH

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Corn Industries Research Foundation, Inc., 1001 Connecticut Avenue NW., Washington 6, D.C., and National Starch and Chemical Corporation, 1700 West Front Street, Plainfield, New Jersey, and other relevant material, has concluded that the following regulation should issue in conformity with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the food additive packaging starch for surface sizing and coating of paper and paperboard for use in food packaging. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 121 of the food additive regulations (21 CFR part 121) is amended by adding thereto the following new section:

§ 121.2506 Packaging starch.

Packaging starch may be safely used as a surface sizing or coating for paper or paperboard intended for food packaging, under the following prescribed conditions:

(a) Packaging starch is (1) modified starch or (2) a food starch which in accordance with good manufacturing practice has been structurally altered in part in one of the following ways:

(1) By treatment with not more than 3.0 percent of ethylene oxide.

(2) By treatment with not more than 3.0 percent of β-diethylamino-ethylchloride hydrochloride.

(b) To assure safe use of the additive, the label of the food additive container shall bear, in addition to the other information required by the act:

(1) The name of the additive, "packaging starch."

(2) Information describing how the starch is modified.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 5, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-189; Filed, Jan. 10, 1961; 8:47 a.m.]

# Title 26—INTERNAL REVENUE, 1954

## Chapter I—Internal Revenue Service, Department of the Treasury

### SUBCHAPTER A—INCOME TAX

[T. D. 6525]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### "Scientific" Organizations

On November 15, 1960, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) to prescribe a definition of the term "scientific", as used in section 501(c)(3) of the Internal Revenue Code of 1954, and to prescribe rules with respect to the taxation under section 511 of such Code of income derived from certain research, was published in the FEDERAL REGISTER (25 F.R. 10850). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as so published are hereby adopted, subject to the following change: Paragraph (d)(5) of § 1.501(c)(3)-1 is revised by adding a new subdivision at the end thereof.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: January 5, 1961.

FRED C. SCRIBNER, Jr.,
*Acting Secretary of the Treasury.*

PARAGRAPH 1. Paragraph (d) of § 1.501(c)(3)-1 is amended by adding the following new subparagraph at the end thereof:

**§ 1.501(c)(3)-1 Organizations organized and operated for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals.**

* * * * * * *

(d) *Exempt purposes.* * * *

(5) *Scientific defined.* (i) Since an organization may meet the requirements of section 501(c)(3) only if it serves a public rather than a private interest, a "scientific" organization must be organized and operated in the public interest (see subparagraph (1)(ii) of this paragraph). Therefore, the term "scientific", as used in section 501(c)(3), includes the carrying on of scientific research in the public interest. Research when taken alone is a word with various meanings; it is not synonymous with "scientific"; and the nature of particular research depends upon the purpose which it serves. For research to be "scientific", within the meaning of section 501(c)(3), it must be carried on in furtherance of a "scientific" purpose. The determination as to whether research is "scientific" does not depend on whether such research is classified as "fundamental" or "basic" as contrasted with "applied" or "practical". On the other hand, for purposes of the exclusion from unrelated business taxable income provided by section 512(b)(9), it is necessary to determine whether the organization is operated primarily for purposes of carrying on "fundamental", as contrasted with "applied", research.

(ii) Scientific research does not include activities of a type ordinarily carried on as an incident to commercial or industrial operations, as, for example, the ordinary testing or inspection of materials or products or the designing or construction of equipment, buildings, etc.

(iii) Scientific research will be regarded as carried on in the public interest—

(*a*) If the results of such research (including any patents, copyrights, processes, or formulae resulting from such research) are made available to the public on a nondiscriminatory basis;

(*b*) If such research is performed for the United States, or any of its agencies or instrumentalities, or for a State or political subdivision thereof; or

(*c*) If such research is directed toward benefiting the public. The following are examples of scientific research which will be considered as directed toward benefiting the public, and, therefore, which will be regarded as carried on in the public interest: (*1*) Scientific research carried on for the purpose of aiding in the scientific education of college or university students; (*2*) scientific research carried on for the purpose of obtaining scientific information, which is published in a treatise, thesis, trade publication, or in any other form that is available to the interested public; (*3*) scientific re-

search carried on for the purpose of discovering a cure for a disease; or (4) scientific research carried on for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area. Scientific research described in this subdivision (c) will be regarded as carried on in the public interest even though such research is performed pursuant to a contract or agreement under which the sponsor or sponsors of the research have the right to obtain ownership or control of any patents, copyrights, processes, or formulae resulting from such research.

(iv) An organization will not be regarded as organized and operated for the purpose of carrying on scientific research in the public interest and, consequently, will not qualify under section 501(c)(3) as a "scientific" organization, if—

(a) Such organization will perform research only for persons which are (directly or indirectly) its creators and which are not described in section 501(c)(3), or

(b) Such organization retains (directly or indirectly) the ownership or control of more than an insubstantial portion of the patents, copyrights, processes, or formulae resulting from its research and does not make such patents, copyrights, processes, or formulae available to the public. For purposes of this subdivision, a patent, copyright, process, or formula shall be considered as made available to the public if such patent, copyright, process, or formula is made available to the public on a nondiscriminatory basis. In addition, although one person is granted the exclusive right to the use of a patent, copyright, process, or formula, such patent, copyright, process, or formula shall be considered as made available to the public if the granting of such exclusive right is the only practicable manner in which the patent, copyright, process, or formula can be utilized to benefit the public. In such a case, however, the research from which the patent, copyright, process, or formula resulted will be regarded as carried on in the public interest (within the meaning of subdivision (iii) of this subparagraph) only if it is carried on for a person described in subdivision (iii)(b) of this subparagraph or if it is scientific research described in subdivision (iii)(c) of this subparagraph.

(v) The fact that any organization (including a college, university, or hospital) carries on research which is not in furtherance of an exempt purpose described in section 501(c)(3) will not preclude such organization from meeting the requirements of section 501(c)(3) so long as the organization meets the organizational test and is not operated for the primary purpose of carrying on such research (see paragraph (e) of this section, relating to organizations carrying on a trade or business). See paragraph (a)(5) of § 1.513–1, with respect to research which constitutes an unrelated trade or business, and section 512(b)(7), (8), and (9), with respect to income derived from research which is excludable from the tax on unrelated business income.

(vi) The regulations in this subparagraph are applicable with respect to taxable years beginning after December 31, 1960.

PAR. 2. Paragraph (a) of § 1.513–1 is amended by adding the following new subparagraph at the end thereof:

**§ 1.513–1 Definition of unrelated trade or business.**

(a). *In general.* * * *

(5) If an organization receives a payment pursuant to a contract or agreement under which such organization is to perform research which constitutes an unrelated trade or business, the entire amount of such payment is income from an unrelated trade or business. See, however, section 512(b)(7), (8), and (9), relating to the exclusion from unrelated business taxable income of income derived from research for the United States, or any State, and of income derived from research performed for any person by a college, university, hospital, or organization operated primarily for the purpose of carrying on fundamental research the results of which are freely available to the general public.

[F.R. Doc. 61–195; Filed, Jan. 10, 1961; 8:49 a.m.]

# Title 29—LABOR

## Chapter V—Wage and Hour Division, Department of Labor

## PART 785—HOURS WORKED

The purpose of the revision is to improve the usefulness of the regulations in 29 CFR Part 785 by increasing the number of sections in relation to the number of typographical units and by adding citations to some recent court decisions that involve principles discussed in these regulations.

Now, therefore, pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), 29 CFR Part 785 is hereby revised to read as follows:

Subpart A—General Considerations

Sec.
785.1 Introductory statement.
785.2 Decisions on interpretations; use of interpretations.
785.3 Period of effectiveness of interpretations.
785.4 Application to Walsh-Healey Public Contracts Act.

Subpart B—Principles for Determination of Hours Worked

785.5 General requirements of sections 6 and 7 of the Fair Labor Standards Act.
785.6 Definition of "employ" and partial definition of "hours worked".
785.7 Judicial construction.
785.8 Effect of custom, contract, or agreement.
785.9 Statutory exceptions.

Subpart C—Application of Principles

Sec.
785.10 Scope of subpart.

EMPLOYEES "SUFFERED OR PERMITTED" TO WORK

785.11 General.
785.12 Work performed away from the premises or job site.
785.13 Duty of management.

WAITING TIME

785.14 General.
785.15 On duty.
785.16 Off duty.
785.17 On-call.

REST AND MEAL PERIODS

785.18 Rest.
785.19 Meal.

SLEEPING TIME AND CERTAIN OTHER ACTIVITIES

785.20 General.
785.21 Less than 24-hour duty.
785.22 Duty of 24 hours or more.
785.23 Employees residing on employer's premises or working at home.

PREPARATORY AND CONCLUDING ACTIVITIES

785.24 Principles noted in Portal-to-Portal Bulletin.
785.25 Illustrative U.S. Supreme Court decisions.
785.26 Section 3(o) of the Fair Labor Standards Act.

LECTURES, MEETINGS, AND TRAINING PROGRAMS

785.27 General.
785.28 Involuntary attendance.
785.29 Training directly related to employee's job.
785.30 Independent training.
785.31 Special situations.
785.32 Apprenticeship training.

TRAVEL TIME

785.33 General.
785.34 Effect of section 4 of the Portal-to-Portal Act.
785.35 Home to work; ordinary situation.
785.36 Home to work in emergency situations.
785.37 Home to work on special one-day assignment in another city.
785.38 Travel that is all in the day's work.
785.39 Travel away from home community.
785.40 When private automobile is used in travel away from home community.
785.41 Work performed while traveling.

ADJUSTING GRIEVANCES, MEDICAL ATTENTION, CIVIC AND CHARITABLE WORK, AND SUGGESTION SYSTEMS

785.42 Adjusting grievances.
785.43 Medical attention.
785.44 Civic and charitable work.
785.45 Suggestion systems.

Subpart D—Recording Working Time

785.46 Applicable regulations governing keeping of records.
785.47 Where records show insubstantial or insignificant periods of time.
785.48 Use of time clocks.

Subpart E—Miscellaneous Provisions

785.49 Applicable provisions of the Fair Labor Standards Act.
785.50 Section 4 of the Portal-to-Portal Act.
785.51 Location of offices of the Wage and Hour and Public Contracts Divisions.

AUTHORITY: §§ 785.1 to 785.51 issued under 52 Stat. 1060; 29 U.S.C. 201–219.



### Subpart A—General Considerations

**§ 785.1 Introductory statement.**

The Fair Labor Standards Act (52 Stat. 1060, 29 U.S.C. 201 et seq.) requires that each employee, not specifically exempted, who is engaged in interstate commerce or in the production of goods for such commerce, receive the statutory minimum wage. It also provides that no such employee may be employed for more than 40 hours a week without receiving at least time and one-half of his regular rate of pay for the overtime hours. The amount of money an employee should receive cannot be determined without knowing the number of hours he has worked. This part discusses the principles involved in determining what constitutes working time. It also seeks to apply these principles to situations that frequently arise. It cannot include every possible situation. No inference should be drawn from the fact that a subject or an illustration is omitted. If doubt arises inquiries should be sent to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., or to any Regional Office of the Divisions. A list of such offices is contained in § 785.51.

**§ 785.2 Decisions on interpretations; use of interpretations.**

The ultimate decisions on interpretations of the act are made by the courts. The Administrator must determine in the first instance the positions he will take in the enforcement of the act. The regulations in this part seek to inform the public of such positions. It should thus provide a "practical guide for employers and employees as to how the office representing the public interest in its enforcement will seek to apply it." (Skidmore v. Swift, 323 U.S. 134, 138 (1944))

**§ 785.3 Period of effectiveness of interpretations.**

These interpretations will remain in effect until they are rescinded, modified or withdrawn. This will be done when and if the Administrator concludes upon re-examination, or in the light of judicial decision, that a particular interpretation, ruling or enforcement policy is incorrect or unwarranted. All other rulings, interpretations or enforcement policies inconsistent with any portion of this part are superseded by it. The Portal-to-Portal Bulletin (Part 790 of this chapter) is still in effect except insofar as it may not be consistent with any portion hereof. The applicable statutory provisions are set forth in § 785.50.

**§ 785.4 Application to Walsh-Healey Public Contracts Act.**

The principles set forth in this part are are also followed by the Administrator of the Wage and Hour and Public Contracts Division in determining hours worked by employees performing work subject to the provisions of the Walsh-Healey Public Contracts Act.

### Subpart B—Principles for Determination of Hours Worked

**§ 785.5 General requirements of sections 6 and 7 of the Fair Labor Standards Act.**

Section 6 requires the payment of the minimum wage by an employer to his employees who are subject to the act. Section 7 prohibits their employment for more than 40 hours without proper overtime compensation.

**§ 785.6 Definition of "employ" and partial definition of "hours worked".**

By statutory definition the term "employ" includes (section 3(g)) "to suffer or permit to work." The act, however, contains no definition of "work." Section 3(o) of the Fair Labor Standards Act contains a partial definition of "hours worked" in the form of a limited exception for clothes-changing and wash-up time.

**§ 785.7 Judicial construction.**

The United States Supreme Court originally stated that employees subject to the act must be paid for all time spent in "physical or mental exertion (whether burdensome or not) controlled or required by the employer and pursued necessarily and primarily for the benefit of the employer or his business." (Tennessee Coal, Iron & Railroad Co. v. Muscoda Local No. 123, 321 U.S. 590 (1944)) Subsequently, the Court ruled that there need be no exertion at all and that all hours are hours worked which the employee is required to give his employer, that "an employer, if he chooses, may hire a man to do nothing, or to do nothing but wait for something to happen. Refraining from other activity often is a factor of instant readiness to serve, and idleness plays a part in all employments in a stand-by capacity. Readiness to serve may be hired, quite as much as service itself, and time spent lying in wait for threats to the safety of the employer's property may be treated by the parties as a benefit to the employer." (Armour & Co. v. Wantock, 323 U.S. 126 (1944); Skidmore v. Swift, 323 U.S. 134 (1944)) The workweek ordinarily includes "all time during which an employee is necessarily required to be on the employer's premises, on duty or at a prescribed work place." (Anderson v. Mt. Clemens Pottery Co., 328 U.S. 680 (1946)) The Portal-to-Portal Act did not change the rule except to provide an exception for preliminary and postliminary activities. See § 785.34.

**§ 785.8 Effect of custom, contract, or agreement.**

The principles are applicable even though there may be a custom, contract, or agreement not to pay for the time so spent, with certain special statutory exceptions discussed in §§ 785.9 and 785.15.

**§ 785.9 Statutory exceptions.**

(a) The *Portal-to-Portal Act.* The Portal-to-Portal Act (secs. 1–13, 61 Stat. 84–89, 29 U.S.C. 251–262) eliminates from working time certain travel and walking time and other similar "preliminary" and "postliminary" activities performed "prior" or "subsequent" to the "workday" that are not made compensable by contract, custom, or practice. It should be noted that "preliminary" activities do not include "principal" activities. See §§ 790.6 to 790.8 of this chapter. Section 4 of the Portal-to-Portal Act does not affect the computation of hours worked within the "workday." "Workday," in general, means the period between "the time on any particular workday at which such employee commences [his] principal activity or activities" and "the time on any particular workday at which he ceases such principal activity or activities." The "workday" may thus be longer than the employee's scheduled shift, hours, tour of duty, or time on the production line. Also, its duration may vary from day to day depending upon when the employee commences or ceases his "principal" activities. With respect to time spent in any "preliminary" or "postliminary" activity compensable by contract, custom, or practice, the Portal-to-Portal Act requires that such time must also be counted for purposes of the Fair Labor Standards Act. There are, however, limitations on this requirement. The "preliminary" or "postliminary" activity in question must be engaged in during the portion of the day with respect to which it is made compensable by the contract, custom, or practice. Also, only the amount of time allowed by the contract or under the custom or practice is required to be counted. If, for example, the time allowed is 15 minutes but the activity takes 25 minutes, the time to be added to other working time would be limited to 15 minutes. (Galvin v. National Biscuit Co., 82 F. Supp. 535 (S.D.N.Y. 1949) appeal dismissed, 177 F. 2d 963 (C.A. 2, 1949))

(b) *Section 3(o) of the Fair Labor Standards Act.* Section 3(o) excludes certain time spent at the beginning or at the end of the workday in washing up or changing clothes, if these activities are excluded from measured working time by the provisions of, or by custom or practice under, a bona fide collective bargaining agreement applicable to the particular employee.

### Subpart C—Application of Principles

**§ 785.10 Scope of subpart.**

This subpart applies the principles to the problems which arise frequently.

EMPLOYEES "SUFFERED OR PERMITTED" TO WORK

**§ 785.11 General.**

Work not requested but suffered or permitted is work time. For example, an employee may voluntarily continue to work at the end of the shift. He may be a pieceworker, he may desire to finish an assigned task or he may wish to correct errors, paste work tickets, prepare time reports or other records. The reason is immaterial. The employer knows or has reason to believe that he is continuing to work and the time is working

time. (Handler v. Thrasher, 191 F. 2d 120 (C.A. 10, 1951); Republican Publishing Co. v. American Newspaper Guild, 172 F. 2d 943 (C.A. 1, 1949; Kappler v. Republic Pictures Corp., 59 F. Supp. 112 (S.D. Iowa 1945), aff'd 151 F. 2d 543 (C.A. 8, 1945); 327 U.S. 757 (1946); Hogue v. National Automotive Parts Ass'n, 87 F. Supp. 816 (E.D. Mich. 1949); Barker v. Georgia Power & Light Co., 2 W.H. Cases 486; 5 CCH Labor Cases, para. 61,095 (M.D. Ga. 1942); Steger v. Beard & Stone Electric Co., Inc., 1 W.H. Cases 593; 4 Labor Cases 60,643 (N.D. Texas 1941))

**§ 785.12 Work performed away from the premises or job site.**

The rule is also applicable to work performed away from the premises or the job site, or even at home. If the employer knows or has reason to believe that the work is being performed, he must count the time as hours worked.

**§ 785.13 Duty of management.**

In all such cases it is the duty of the management to exercise its control and see that the work is not performed if it does not want it to be performed. It cannot sit back and accept the benefits without compensating for them. The mere promulgation of a rule against such work is not enough. Management has the power to enforce the rule and must make every effort to do so.

### Waiting Time

**§ 785.14 General.**

Whether waiting time is time worked under the act depends upon particular circumstances. The determination involves "scrutiny and construction of the agreements between particular parties, appraisal of their practical construction of the working agreement by conduct, consideration of the nature of the service, and its relation to the waiting time, and all of the circumstances. Facts may show that the employee was engaged to wait, or they may show that he waited to be engaged." (Skidmore v. Swift, 323 U.S. 134 (1944)) Such questions "must be determined in accordance with common sense and the general concept of work or employment." (Central Mo. Tel. Co. v. Conwell, 170 F. 2d 641 (C.A. 8, 1948))

**§ 785.15 On duty.**

A stenographer who reads a book while waiting for dictation, a messenger who works a crossword puzzle while awaiting assignments, fireman who plays checkers while waiting for alarms and a factory worker who talks to his fellow employees while waiting for machinery to be repaired are all working during their periods of inactivity. The rule also applies to employees who work away from the plant. For example, a repair man is working while he waits for his employer's customer to get the premises in readiness. The time is worktime even though the employee is allowed to leave the premises or the job site during such periods of inactivity. The periods during which these occur are unpredictable. They are usually of short duration. In either event the employee is unable to use the time effectively for his own purposes. It belongs to and is controlled by the employer. In all of these cases waiting is an integral part of the job. The employee is engaged to wait. (See: Skidmore v. Swift, 323 U.S. 134, 137 (1944); Wright v. Carrigg, 275 F. 2d 448, 14 W.H. Cases (C.A. 4, 1960); Mitchell v. Wigger, 39 Labor Cases, para. 66,278, 14 W.H. Cases 534 (D.N.M. 1960); Mitchell v. Nicholson, 179 F. Supp. 292, 14 W.H. Cases 487 (W.D.N.C. 1959))

**§ 785.16 Off duty.**

(a) *General.* Periods during which an employee is completely relieved from duty and which are long enough to enable him to use the time effectively for his own purposes are not hours worked. He is not completely relieved from duty and cannot use the time effectively for his own purposes unless he is definitely told in advance that he may leave the job and that he will not have to commence work until a definitely specified hour has arrived. Whether the time is long enough to enable him to use the time effectively for his own purposes depends upon all of the facts and circumstances of the case.

(b) *Truck drivers; specific examples.* A truck driver who has to wait at or near the job site for goods to be loaded is working during the loading period. If the driver reaches his destination and while awaiting the return trip is required to take care of his employer's property, he is also working while waiting. In both cases the employee is engaged to wait. Waiting is an integral part of the job. On the other hand, for example, if the truck driver is sent from Washington, D.C., to New York City, leaving at 6 a.m. and arriving at 12 noon, and is completely and specifically relieved from all duty until 6 p.m. when he again goes on duty for the return trip, the idle time is not working time. He is waiting to be engaged. (Skidmore v. Swift, 323 U.S. 134, 137 (1944); Walling v. Dunbar Transfer & Storage, 3 W.H. Cases 284; 7 Labor Cases para. 61,565 (W.D. Tenn. 1943); Gifford v. Chapman, 6 W.H. Cases 806; 12 Labor Cases para. 63,661 (W.D. Okla. 1947); Thompson v. Daugherty, 40 Supp. 279 (D. Md. 1941))

**§ 785.17 On-call time.**

An employee who is required to remain on call on the employer's premises or so close thereto that he cannot use the time effectively for his own purposes is working while "on call." An employee who is not required to remain on the employer's premises but is merely required to leave word at his home or with company officials where he may be reached is not working while on call. (Armour & Co. v. Wantock, 323 U.S. 126 (1944); Handler v. Thrasher, 191 F. 2d 120 (C.A. 10, 1951); Walling v. Bank of Waynesboro, Georgia, 61 F. Supp. 384 (S.D. Ga. 1945))

### Rest and Meal Periods

**§ 785.18 Rest.**

Rest periods of short duration, running from 5 minutes to about 20 minutes, are common in industry. They promote the efficiency of the employee and are customarily paid for as working time. They must be counted as hours worked. Compensable time of rest periods may not be offset against other working time such as compensable waiting time or on-call time. (Mitchell v. Greinetz, 235 F. 2d 621, 13 W.H. Cases 3 (C.A. 10, 1956); Ballard v. Consolidated Steel Corp., Ltd., 61 F. Supp. 996 (S.D. Cal. 1945))

**§ 785.19 Meal.**

(a) *Bona fide meal periods.* Bona fide meal periods are not worktime. Bona fide meal periods do not include coffee breaks or time for snacks. These are rest periods. The employee must be completely relieved from duty for the purposes of eating regular meals. Ordinarily 30 minutes or more is long enough for a bona fide meal period. A shorter period may be long enough under special conditions. The employee is not relieved if he is required to perform any duties, whether active or inactive, while eating. For example, an office employee who is required to eat at his desk or a factory worker who is required to be at his machine is working while eating. (Culkin v. Glenn L. Martin, Nebraska Co. 97 F. Supp. 661 (D. Neb. 1951), aff'd 197 F. 2d 981 (C.A. 8, 1952), cert. denied 344 U.S. 866 (1952) rehearing denied 344 U.S. 888 (1952); Thompson v. Stock & Sons, Inc., 93 F. Supp. 213 (E.D. Mich. 1950), aff'd 194 F. 2d 499 (C.A. 6, 1952); Biggs v. Joshua Hendy Corp., 183 F. 2d 515 (C.A. 9, 1950), 187 F. 2d 447 (C.A. 9, 1951); Walling v. Dunbar Transfer and Storage Co., 3 W.H. Cases 284; 7 Labor Cases para 61,565 (W.D. Tenn. 1943); Lofton v. Seneca Coal and Coke Co., 2 W.H. Cases 669; 6 Labor Cases para. 61,271 (N.D. Okla. 1942); aff'd 136 F. 2d 359 (C.A. 10, 1943); cert. denied 320 U.S. 772 (1943); Mitchell v. Tampa Cigar Co., 36 Labor Cases para. 65,198, 14 W.H. Cases 38 (S.D. Fla. 1959); Douglass v. Hurwitz Co., 145 F. Supp. 20, 13 W.H. Cases (E.D. Pa. 1956))

(b) *Where no permission to leave premises.* It is not necessary that an employee be permitted to leave the premises if he is otherwise completely freed from duties during the meal period.

### Sleeping Time and Certain Other Activities

**§ 785.20 General.**

Under certain conditions an employee is considered to be working even though some of his time is spent in sleeping or in certain other activities.

**§ 785.21 Less than 24-hour duty.**

An employee who is required to be on duty for less than 24 hours is working even though he is permitted to sleep or engage in other personal activities when not busy. A telephone operator, for example, who is required to be on duty for specified hours is working even though she is permitted to sleep when not busy answering calls. It makes no difference that she is furnished facilities for sleeping. Her time is given to her employer. She is required to be on duty and the time is worktime. (Central Mo. Telephone Co. v. Conwell, 170 F. 2d 641 (C.A. 8, 1948); Strand v. Garden Valley Telephone Co., 51 F. Supp. 898 (D. Minn. 1943); Whitsitt v. Enid Ice & Fuel Co., 2 W.H. Cases 584; 6 Labor Cases para. 61,226 (W.D. Okla. 1942))



**§ 785.22 Duty of 24 hours or more.**

(a) *General.* Where an employee is required to be on duty for 24 hours or more, the employer and the employee may agree to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than 8 hours from hours worked, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted night's sleep. If sleeping period is of more than 8 hours, only 8 hours will be credited. Where no expressed or implied agreement to the contrary is present, the 8 hours of sleeping time and lunch periods constitute hours worked. (Armour v. Wantock, 323 U.S. 126 (1944); Skidmore v. Swift, 323 U.S. 134 (1944); General Electric Co. v. Porter, 208 F. 2d 805 (C.A. 9, 1953), cert. denied, 347 U.S. 951, 975 (1954); Bowers v. Remington Rand, 64 F. Supp. 620 (S.D. Ill. 1946), aff'd 159 F. 2d 114 (C.A. 7, 1946) cert. denied 330 U.S. 843 (1947); Bell v. Porter, 159 F. 2d 117 (C.A. 7, 1946) cert. denied 330 U.S. 813 (1947); Bridgeman v. Ford, Bacon & Davis, 161 F. 2d 962 (C.A. 8, 1947); Rokey v. Day & Zimmerman, 157 F. 2d 736 (C.A. 8, 1946); McLaughlin v. Todd & Brown, Inc., 7 W.H. Cases 1014; 15 Labor Cases para. 64,606 (N.D. Ind. 1948); Campbell v. Jones & Laughlin, 70 F. Supp. 996 (W.D. Pa. 1947))

(b) *Interruptions of sleep.* If the sleeping period is interrupted by a call to duty, the interruption must be counted as hours worked. If the period is interrupted to such an extent that the employee cannot get a reasonable night's sleep, the entire period must be counted. For enforcement purposes, the Divisions have adopted the rule that if the employee cannot get at least 5 hours' sleep during the scheduled period the entire time is working time. (See Eustice v. Federal Cartridge Corp., 66 F. Supp. 55 (D. Minn. 1946))

**§ 785.23 Employees residing on employer's premises or working at home.**

An employee who resides on his employer's premises on a permanent basis or for extended periods of time is not considered as working all the time he is on the premises. Ordinarily, he may engage in normal private pursuits and thus have enough time for eating, sleeping, entertaining, and other periods of complete freedom from all duties when he may leave the premises for purposes of his own. It is of course difficult to determine the exact hours worked under these circumstances and any reasonable agreement of the parties which takes into consideration all of the pertinent facts will be accepted. This rule would apply, for example, to the pumper of a stripper well who resides on the premises of his employer and also to a telephone operator who has the switchboard in her own home. (Skelly Oil Co. v. Jackson, 194 Okla. 183, 148 P. 2d 182 (Okla. Sup. Ct. 1944; Thompson v. Loring Oil Co., 50 F. Supp. 213 (W.D. La. 1943))

### Preparatory and Concluding Activities

**§ 785.24 Principles noted in Portal-to-Portal Bulletin.**

In November 1947, the Administrator issued the Portal-to-Portal Bulletin (Part 790 of this chapter). In dealing with this subject, § 790.8 (b) and (c) of this chapter said:

(b) The term "principal activities" includes all activities which are an integral part of a principal activity. Two examples of what is meant by an integral part of a principal activity are found in the report of the Judiciary Committee of the Senate on the Portal-to-Portal bill. They are the following:

(1) In connection with the operation of a lathe, an employee will frequently, at the commencement of his workday, oil, grease, or clean his machine, or install a new cutting tool. Such activities are an integral part of the principal activity, and are included within such term.

(2) In the case of a garment worker in a textile mill, who is required to report 30 minutes before other employees report to commence their principal activities, and who during such 30 minutes distributes clothing or parts of clothing at the workbenches of other employees and gets machines in readiness for operation by other employees, such activities are among the principal activities of such employee.

Such preparatory activities, which the Administrator has always regarded as work and as compensable under the Fair Labor Standards Act, remain so under the Portal Act, regardless of contrary custom or contract.

(c) Among the activities included as an integral part of a principal activity are those closely related activities which are indispensible to its performance. If an employee in a chemical plant, for example, cannot perform his principal activities without putting on certain clothes, changing clothes on the employer's premises at the beginning and end of the workday would be an integral part of the employee's principal activity. On the other hand, if changing clothes is merely a convenience to the employee and not directly related to his principal activities, it would be considered as a "preliminary" or "postliminary" activity rather than a principal part of the activity. However, activities such as checking in and out and waiting in line to do so would not ordinarily be regarded as integral parts of the principal activity or activities.

**§ 785.25 Illustrative U.S. Supreme Court decisions.**

These principles have guided the Administrator in the enforcement of the act. Two cases decided by the U.S. Supreme Court further illustrate the types of activities which are considered an integral part of the employees' jobs. In one, employees changed their clothes and took showers in a battery plant where the manufacturing process involved the extensive use of caustic and toxic materials. (Steiner v. Mitchell, 350 U.S. 247 (1956)) In another case knifemen in a meatpacking plant sharpened their knives before and after their scheduled workday. (Mitchell v. King Packing Co., 350 U.S. 260 (1950)) In both cases the Supreme Court held that these activities are an integral and indispensable part of the employees' principal activities.

**§ 785.26 Section 3(o) of the Fair Labor Standards Act.**

Section 3(o) of the act provides an exception to the general rule for employees under collective bargaining agreements. This section provides for the exclusion of time spent in changing clothes or washing at the beginning or end of the workday, if the time is excluded by the express terms of or by a custom or practice under a bona fide collective bargaining agreement applicable to the particular employee.

### Lectures, Meetings and Training Programs

**§ 785.27 General.**

Attendance at lectures, meetings, training programs and similar activities need not be counted as working time if the following four criteria are met:

(a) Attendance is outside of the employee's regular working hours;

(b) attendance is in fact voluntary;

(c) the course, lecture, or meeting is not directly related to the employee's job; and

(d) the employee does not perform any productive work during such attendance.

**§ 785.28 Involuntary attendance.**

Attendance is not voluntary, of course, if it is required by the employer. It is not voluntary in fact if the employee is given to understand or led to believe that his present working conditions or the continuance of his employment would be adversely affected by nonattendance.

**§ 785.29 Training directly related to employee's job.**

The training is directly related to the employee's job if it is designed to make the employee handle his job more effectively as distinguished from training him for another job. For example, a stenographer who is given a course in stenography is engaged in an activity to make her a better stenographer. Time spent in such a course given by the employer or under his auspices is hours worked. However, if the stenographer takes a course in bookkeeping, it may not be directly related to her job. Thus, the time she spends voluntarily in taking such a bookkeeping course, outside of regular working hours, need not be counted as working time.

**§ 785.30 Independent training.**

Of course, if an employee on his own initiative attends an independent school, college or independent trade school after hours, the time is not hours worked for his employer even if the courses are related to his job.

**§ 785.31 Special situations.**

There are some special situations where the time spent in attending lectures, training sessions and courses of instruction is not regarded as hours worked. For example, an employer may establish for the benefit of his employees a program of instruction which corresponds to courses offered by independent bona fide institutions of learning. Voluntary attendance by an employee at such courses outside of working hours would not be hours worked even if they are directly related to his job, or paid for by the employer.

**§ 785.32 Apprenticeship training.**

As an enforcement policy, time spent in an organized program of related, supplemental instruction by employees working under bona fide apprenticeship programs may be excluded from working time if the following criteria are met:

(a) The apprentice is employed under a written apprenticeship agreement or program which substantially meets the fundamental standards of the Bureau of Apprenticeship and Training of the U.S. Department of Labor; and

(b) Such time does not involve productive work or performance of the apprentice's regular duties. If the above criteria are met the time spent in such related supplemental training shall not be counted as hours worked unless the written agreement specifically provides that it is hours worked. The mere payment or agreement to pay for time spent in related instruction does not constitute an agreement that such time is hours worked.

TRAVEL TIME

**§ 785.33 General.**

The principles which apply in determining whether or not time spent in travel is working time depend upon the kind of travel involved. The subject is discussed in §§ 785.35 to 785.41, which are preceded by a brief discussion in § 785.34 of the Portal-to-Portal Act as it applies to travel time.

**§ 785.34 Effect of section 4 of the Portal-to-Portal Act.**

The Portal Act provides in section 4(a) that except as provided in subsection (b) no employer shall be liable for the failure to pay the minimum wage or overtime compensation for time spent in "walking, riding, or traveling to and from the actual place of performance of the principal activity or activities which such employee is employed to perform either prior to the time on any particular workday at which such employee commences, or subsequent to the time on any particular workday at which he ceases, such principal activity or activities." Subsection (b) provides that the employer shall not be relieved from liability if the activity is compensable by express contract or by custom or practice not inconsistent with an express contract Thus travel time at the commencement or cessation of the workday which was originally considered as working time under the Fair Labor Standards Act (such as underground travel in mines or walking from time dock to work-bench need not be counted as working time unless it is compensable by contract, custom or practice. If compensable by express contract or by custom or practice not inconsistent with an express contract, such travel time must be counted in computing hours worked. However, ordinary travel from home to work (see § 785.35) need not be counted as hours worked even if the employer agrees to pay for it. (See Tennessee Coal, Iron & RR. Co. v. Muscoda Local, 321 U.S. 590 (1946); Anderson v. Mt. Clemens Pottery Co., 328 U.S. 690 (1946); Walling v. Anaconda Copper Mining Co., 66 F. Supp. 913 (D. Mont. (1946))

**§ 785.35 Home to work; ordinary situation.**

An employee who travels from home before his regular workday and returns to his home at the end of the workday is engaged in ordinary home to work travel which is a normal incident of employment. This is true whether he works at a fixed location or at different job sites. Normal travel from home to work is not worktime.

**§ 785.36 Home to work in emergency situations.**

There may be instances when travel from home to work is worktime. For example, if an employee who has gone home after completing his day's work is subsequently called out at night to travel a substantial distance to perform an emergency job for one of his employer's customers, all time spent on such travel is working time. The Divisions are taking no position on whether travel to the job and back home by an employee who receives an emergency call outside of his regular hours to report back to his regular place of business to do a job is working time.

**§ 785.37 Home to work on special one-day assignment in another city.**

A problem arises when an employee who regularly works at a fixed location in one city is given a special 1-day work assignment in another city. For example, an employee who works in Washington, D.C., with regular working hours from 9 a.m. to 5 p.m., may be given a special assignment in New York City, with instructions to leave Washington at 8 a.m. He arrives in New York at 12 noon, ready for work. The special assignment is completed at 3 p.m., and the employee arrives back in Washington at 7 p.m. Such travel cannot be regarded as ordinary home-to-work travel occasioned merely by the fact of employment. It was performed for the employer's benefit and at his special request to meet the needs of the particular and unusual assignment. It would thus qualify as an integral part of the "principal" activity which the employeee was hired to perform on the workday in question; it is like travel involved in an emergency call (described in § 785.36), or like travel that is all in the day's work (see § 785.38). All the time involved, however, need not be counted. Since, except for the special assignment, the employee would have had to report to his regular work site, the travel between his home and the railroad depot may be deducted, it being in the "home-to-work" category. Also, of course, the usual meal time would be deductible.

**§ 785.38 Travel that is all in the day's work.**

Time spent by an employee in travel as part of his principal activity, such as travel from job site to job site during the workday, must be counted as hours worked. Where an employee is required to report at a meeting place to receive instructions or to perform other work there, or to pick up and to carry tools, the travel from the designated place to the work place is part of the day's work, and must be counted as hours worked regardless of contract, custom, or practice. If an employee normally finishes his work on the premises at 5 p.m. and is sent to another job which he finishes at 8 p.m. and is required to return to his employer's premises arriving at 9 p.m., all of the time is working time. However, if the employee goes home instead of returning to his employer's premises, the travel after 8 p.m. is home-to-work travel and is not hours worked. (Walling v. Mid-Continent Pipe Line Co., 143 F. 2d 308 (C.A. 10, 1944))

**§ 785.39 Travel away from home community.**

Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly worktime when it cuts across the employee's workday. The employee is simply substituting travel for other duties. The time is not only hours worked on regular working days during normal working hours but also during the corresponding hours on nonworking days. Thus, if an employee regularly works from 9 a.m. to 5 p.m. from Monday through Friday the travel time during these hours is worktime on Saturday and Sunday as well as on the other days. Regular meal period time is not counted. As an enforcement policy the Divisions will not consider as worktime that time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile.

**§ 785.40 When private automobile is used in travel away from home community.**

If an employee is offered public transportation but requests permission to drive his car instead, the employer may count as hours worked either the time spent driving the car or the time he would have had to count as hours worked during working hours if the employee had used the public conveyance.

**§ 785.41 Work performed while traveling.**

Any work which an employee is required to perform while traveling must of course be counted as hours worked. An employee who drives a truck, bus, automobile, boat or airplane, or an employee who is required to ride therein as an assistant or helper, is working while riding, except during bona fide meal periods or when he is permitted to sleep in adequate facilities furnished by the employer.



ADJUSTING GRIEVANCES, MEDICAL ATTENTION, CIVIC AND CHARITABLE WORK, AND SUGGESTION SYSTEMS

**§ 785.42 Adjusting grievances.**

Time spent in adjusting grievances between an employer and employees during the time the employees are required to be on the premises is hours worked, but in the event a bona fide union is involved the counting of such time will, as a matter of enforcement policy, be left to the process of collective bargaining or to the custom or practice under the collective bargaining agreement.

**§ 785.43 Medical attention.**

Time spent by an employee in waiting for and receiving medical attention on the premises or at the direction of the employer during the employee's normal working hours on days when he is working constitutes hours worked.

**§ 785.44 Civic and charitable work.**

Time spent in work for public or charitable purposes at the employer's request, or under his direction or control, or while the employee is required to be on the premises, is working time. However, time spent voluntarily in such activities outside of the employee's normal working hours is not hours worked.

**§ 785.45 Suggestion systems.**

Generally, time spent by employees outside of their regular working hours in developing suggestions under a general suggestion system is not working time, but if employees are permitted to work on suggestions during regular working hours the time spent must be counted as hours worked. Where an employee is assigned to work on the development of a suggestion, the time is considered hours worked.

## Subpart D—Recording Working Time

**§ 785.46 Applicable regulations governing keeping of records.**

Section 11(c) of the act authorizes the Secretary to promulgate regulations requiring the keeping of records of hours worked, wages paid and other conditions of employment. These regulations are published in Part 516 of this chapter. Copies of the regulations may be obtained on request.

**§ 785.47 Where records show insubstantial or insignificant periods of time.**

In recording working time under the act, insubstantial or insignificant periods of time beyond the scheduled working hours, which cannot as a practical administrative matter be precisely recorded for payroll purposes, may be disregarded. The courts have held that such trifles are de minimis. (Anderson v. Mt. Clemens Pottery Co., 328 U.S. 680 (1946)). This rule applies only where ther are uncertain and indefinite periods of time involved of a few seconds or minutes duration, and where the failure to count such time is due to considerations justified by industrial realities. An employer may not arbitrarily fail to count as hours worked any part, however small, of the employee's fixed or regular working time or practically ascertainable periods of time he is regularly required to spend on duties assigned to him. See Glenn L. Martin Nebraska Co. v. Culkin, 197 F. 2d 981, 987 (C.A. 8, 1952), cert. denied, 344 U.S. 866 (1952), rehearing denied, 344 U.S. 888 (1952), holding that working time amounting to $1 of additional compensation a week is "not a trivial matter to a workingman," and was not de minimis; Addison v. Huron Stevedoring Corp., 204 F. 2d 88, 95 (C.A. 2, 1953), cert. denied 346 U.S. 877, holding that "To disregard workweeks for which less than a dollar is due will produce capricious and unfair results." Hawkins v. E. I. du Pont de Nemours & Co., 12 W. H. Cases 448, 27 Labor Cases, para. 69, 094 (E. D. Va., 1955), holding that 10 minutes a day is not de minimis.

**§ 785.48 Use of time clocks.**

(a) *Differences between clock records and actual hours worked.* Time clocks are not required. In those cases where time clocks are used, employees who voluntarily come in before their regular starting time or remain after their closing time, do not have to be paid for such periods provided, of course, that they do not engage in any work. Their early or late clock punching may be disregarded. Minor differences between the clock records and actual hours worked cannot ordinarily be avoided, but major discrepancies should be discouraged since they raise a doubt as to the accuracy of the records of the hours actually worked.

(b) *"Rounding" practices.* It has been found that in some industries, particularly where time clocks are used, there has been the practice for many years of recording the employees' starting time and stopping time to the nearest 5 minutes, or to the nearest one-tenth or quarter of an hour. Presumably, this arrangement averages out so that the employees are fully compensated for all the time they actually work. For enforcement purposes this practice of computing working time will be accepted, provided that it is used in such a manner that it will not result, over a period of time, in failure to compensate the employees properly for all the time they have actually worked.

## Subpart E—Miscellaneous Provisions

**§ 785.49 Applicable provisions of the Fair Labor Standards Act.**

(a) *Section 6(a).* Section 6(a) of this act provides that "Every employer shall pay to each of his employees who is engaged in commerce or in the production of goods for commerce wages at the following rates (1) not less than $1 an hour; * * *".

(b) *Section 7(a).* Section 7(a) of this act provides that "Except as otherwise provided in this section no employer shall employ any of his employees who is engaged in commerce or in the production of goods for commerce for a workweek longer than 40 hours, unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed."

(c) *Section 3(g).* Section 3(g) of this act provides that: "'Employ' includes to suffer or permit to work."

(d) *Section 3(o).* Section 3(o) of this act provides that: "Hours worked—in determining for the purposes of sections 6 and 7 the hours for which an employee is employed, there shall be excluded any time spent in changing clothes or washing at the beginning or end of each workday which was excluded from the measured working time during the week involved by the express terms of or by custom or practice under a bona fide collective-bargaining agreement applicable to the particular employees."

**§ 785.50 Section 4 of the Portal-to-Portal Act.**

Section 4 of this act provides that:

(a) Except as provided in paragraph (b), of this section, no employer shall be subject to any liability or punishment under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Davis-Bacon Act, on account of the failure of such employer to pay an employee minimum wages, or to pay an employee overtime compensation, for or on account of any of the following activities of such employee engaged in on or after May 14, 1947:

(1) Walking, riding, or traveling to and from the actual place of performance of the principal activity or activities which such employee is employed to perform, and

(2) Activities which are preliminary to or postliminary to said principal activity or activities, which occur either prior to the time on any particular workday at which such employee commences, or subsequent to the time on any particular workday at which he ceases, such principal activity or activities.

(b) Notwithstanding the provisions of paragraph (a) of this section which relieve an employer from liability and punishment with respect to an activity the employer shall not be so relieved if such activity is compensable by either:

(1) An express provision of a written or nonwritten contract in effect, at the time of such activity, between such employee, his agent, or collective-bargaining representative and his employer; or

(2) A custom or practice in effect, at the time of such activity, at the establishment or other place where such employee is employed, covering such activity, not inconsistent with a written or nonwritten contract, in effect at the time of such activity, between such employee, his agent, or collective-bargaining representative and his employer.

(c) For the purposes of paragraph (b) of this section, an activity shall be considered as compensable, under such contract provision or such custom or practice only when it is engaged in during the portion of the day with respect to which it is so made compensable.

(d) In the application of the minimum wage and overtime compensation provisions of the Fair Labor Standards Act of 1938, as amended, of the Walsh-Healey Act, or of the Davis-Bacon Act, in determining the time for which an employer employs an employee with re-

spect to walking, riding, traveling, or other preliminary or postliminary activities described in paragraph (a) of this section, there shall be counted all that time, but only that time, during which the employee engages in any such activity which is compensable within the meaning of paragraphs (b) and (c) of this section.

**§ 785.51 Location of offices of the Wage and Hour and Public Contracts Divisions.**

Offices of the Wage and Hour and Public Contracts Divisions are located in:

Region I—(Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)

Regional Office: Boston, Mass.

Region II—(New Jersey, New York)

Regional Office: New York, N.Y.

Region III—(Delaware, Maryland, Pennsylvania)

Regional Office: Chambersburg, Pa.

Region IV—(Alabama, Florida, Georgia, Mississippi, South Carolina)

Regional Office: Birmingham, Ala.

Region V—(Michigan, Ohio)

Regional Office: Cleveland, Ohio.

Region VI—(Illinois, Indiana, Minnesota, Wisconsin)

Regional Office: Chicago, Ill.

Region VII—(Colorado, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming)

Regional Office: Kansas City, Mo.

Region VIII—(Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Regional Office: Dallas, Texas

Region IX—(Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington)

Regional Office: San Francisco, Calif.

Region X—(Kentucky, Tennessee, Virginia, West Virginia)

Regional Office: Nashville, Tenn.

Cooperating State Agency—(North Carolina)

North Carolina Department of Labor: Raleigh, N.C.

Territorial—Puerto Rico: San Juan

This revision shall become effective immediately upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 3d day of January 1961.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 61-131; Filed, Jan. 10, 1961; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 963 ]

[Docket No. AO-309-A2]

### MILK IN GREAT BASIN MARKETING AREA

**Notice of Extension of Time for Filing Exceptions to the Recommended Decision to Proposed Amendments to Tentative Marketing Agreement and to Order**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area, which was issued December 21, 1960 (25 F.R. 13787), is hereby extended to January 27, 1961.

Dated: January 6, 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61-161; Filed, Jan. 10, 1961; 8:46 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Germantown Manufacturing Company, 5100 Lancaster Avenue, Philadelphia 31, Pennsylvania, proposing the issuance of a regulation to permit the safe use of sorbitol as a sweetening agent in the manufacture of artificially sweetened frozen desserts.

Dated: January 3, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-190; Filed, Jan. 10, 1961; 8:48 a.m.]

# Notices

## FEDERAL AVIATION AGENCY

[OE Docket No. 60-KC-2]

### CONSTRUCTION OF RADIO ANTENNA STRUCTURES

### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to consider its effect upon the utilization of airspace:

The Emergency Radio Communications Ass'n, Inc., Moline, Illinois, proposes to erect two radio antenna structures to be located near Moline, Illinois, at latitude 41°26'11.5" North, longitude 90°30'48" West. The overall height of the structures would be 80 feet above ground (730 feet MSL).

Aeronautical objections were received, as a result of the circularization, based on the fact that the proposed structures would be within the traffic pattern of aircraft operating at the Quad City Airport. However, the aeronautical study by the Agency revealed that the proposed structures would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, it is the finding of the Federal Aviation Agency that no objection from an airspace utilization standpoint be interposed by the Agency to this proposal, provided that each structure will be marked and lighted in accordance with presently applicable standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on January 5, 1961.

JAMES T. PYLE,
*Acting Administrator.*

JANUARY 5, 1961.

[F.R. Doc. 61-170; Filed, Jan. 10, 1961; 8:45 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. RI61-308 etc.]

### CABOT CORP. (GLC) ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1] and Allowing Increased Rates To Become Effective Subject to Refund

DECEMBER 30, 1960.

Cabot Corporation (GLC), Docket No. RI61-308; Texaco Inc., Docket No. RI61-309; Placid Oil Company (Operator) et al., Docket No. RI61-176; Graham-Michaelis Drilling Company, Docket No. RI61-310; Gulf Oil Corporation, Docket No. RI61-311.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date [1] unless suspended | Date suspended until— | Cents per Mcf [2] Rate in effect | Cents per Mcf [2] Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI61-308... | Cabot Corporation (GLC) Union Bldg., Charleston, W. Va. | 2 | 12 | Hope Natural Gas Co. (Kanawha County, W. Va.). | $36,448 | 12- 1-60 | 1- 1-61 | 1- 2-61 | 25.08 | [3] 30.52 | G-11636 |
| | | 1 | 5 | Hope Natural Gas Co. (Calhoun County, W. Va.). | 37,240 | 12- 1-60 | 1- 1-61 | 1- 2-61 | 20.0 | 23.04 | ---------- |
| RI61-309... | Texaco Inc. P.O. Box 2332, Houston, Tex. | 9 | 14 | Northern Natural Gas Co. (West Panhandle Field, Carson County, Tex.). | 342 | 12- 1-60 | 1- 1-61 | 6- 1-61 | [4] 11.3057 | 11.553 | RI60-446 |
| RI61-176... | Placid Oil Co., (Operator), et al. 418 Marke St., Shreveport, La. | 30 | ---------- | H. L. Hunt, et al. (North Lansing Field, Harrison County, Tex.). | ---------- | 11-30-60 | 12-31-60 | 4- 1-61 | [5] 14.5 | ---------- | ---------- |
| RI61-310... | Graham-Michaelis Drilling Co., c/o Collins, Hughes, Martin, Pringle & Schell, 500 Petroleum Bldg., Wichita 2, Kans. | 46 | 2 | Northern Natural Gas Co. (McKinney Field, Clark County, Kans.). | 600 | 12- 2-60 | 1- 2-61 | 6- 2-61 | 12.5 | 14.0 | ---------- |
| RI61-311... | Gulf Oil Corporation, P.O. Drawer 2100, Houston 1, Tex. | 130 | 14 | Natural Gas P/L Co. of America (Boonesville Bend & Kenrich Conglomerate Fields, Jack and Wise Counties, Tex.). | 45,295 | 11-29-60 | 1- 2-61 | 6- 2-61 | [6] 13.0 | 14.0 | ---------- |

[1] The stated effective dates are the first day after the required 30-days statutory notice or, if later, the date proposed by Respondents.
[2] Rates under review in Docket No. RI61-308 at 15.325 psia; all others at 14.65 psia.
[3] Includes increment for gathering and delivery.
[4] Also subject to proceedings in Docket No. G-20433.
[5] Rate Schedule No. 30 supersedes Rate Schedule No. 16 which is suspended until April 1, 1961, in Docket No. RI61-176. No increase over the superseded rate is provided herein.
[6] Subject to Btu and delivery pressure adjustments.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Supplement Nos. 12 and 5 to Cabot Corporation (GLC)'s FPC Gas Rate Schedule Nos. 2 and 1, respectively, shall be effective as of January 2, 1961: *Provided, however,* That within 20 days from the date of the issuance of this order,

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.





Cabot Corporation (GLC) shall file under Docket No. RI61-308 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall be signed by a responsible officer of the corporation accompanied by proper authorization from the Board of Directors and by a certificate showing service of copies upon all purchasers under the rate schedule involved. Unless Cabot Corporation (GLC) is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 17, 1961.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-172; Filed, Jan. 10, 1961; 8:45 a.m.]

[Docket No. G-9716 etc.]

### SINCLAIR OIL & GAS CO.

### Order Amending Order Permitting Increased Rates To Remain in Effect and Severing and Terminating Proceedings

NOVEMBER 18, 1960.

Sinclair Oil & Gas Company, Docket Nos. G-9716, G-9717, G-9718, G-10011, G-10293, G-12117.

Sinclair Oil & Gas Company (Sinclair) on August 29, 1960, filed a motion to amend the Commission's order, issued April 14, 1960, permitting termination of the above-captioned proceedings to also provide that the increased rates contained in Sinclair's FPC Gas Rate Schedule Nos. 79, 80 and 81 be permitted to continue in effect without refund obligation.

By orders of the Commission issued November 30, 1955, the increased rates contained in Sinclair's FPC Gas Rate Schedule Nos. 79, 80 and 81, and in Supplement No. 1 to Sinclair's FPC Gas Rate Schedule Nos. 79, 80 and 81, respectively, were suspended in Docket Nos. G-9716, G-9717, and G-9718, respectively. The above-mentioned rate schedules and the supplements thereto were made effective subject to refund on May 2, 1956. However, in its motion to terminate the proceedings in Docket Nos. G-9716, G-9717 and G-9718, Sinclair did not include the above-mentioned rate schedules but only the supplements to those rate schedules. Sinclair's motion to amend the order of April 14, 1960, seeks to correct this omission.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act that the order issued April 14, 1960, herein should be amended as hereinafter provided and ordered.

The Commission orders:

(A) Paragraph (2) of the Commission's findings in the order issued April 14, 1960, in the above-captioned proceedings is hereby amended to read:

(2) Good cause exists for terminating the proceedings in Docket Nos. G-9716, G-9717, G-9718, G-10011, G-10293 and G-12117, for discharging any refund obligations therein, and for permitting the rates proposed in Sinclair's FPC Gas Rate Schedules Nos. 79, 80 and 81, Supplement No. 1 to Sinclair's FPC Gas Rate Schedule No. 79, No. 1 to Schedule No. 80, No. 1 to Schedule No. 81, No. 7 to Schedule No. 9, No. 3 to Schedule Nos. 15, 16 and 17 and No. 1 to Schedule No. 109 to continue in effect without refund obligation.

(B) Paragraph (C) of the ordering clauses in the Commission's order issued April 14, 1960 in the above-captioned proceedings is hereby amended to read:

(C) Sinclair's FPC Gas Rate Schedule Nos. 79, 80 and 81, Supplement No. 1 to Sinclair's FPC Gas Rate Schedule No. 79, No. 1 to Schedule No. 80, No. 1 to Schedule No. 81, No. 7 to Schedule No. 9, No. 3 to Schedule Nos. 15, 16, and 17, and No. 1 to Schedule No. 109 are permitted to continue in effect without refund obligation.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-175; Filed, Jan. 10, 1961; 8:48 a.m.]

[Docket Nos. RI61-303—RI61-306]

### BBM DRILLING CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 30, 1960.

BBM Drilling Company, et al., Docket No. RI61-303; BBM Drilling Company (Operator), et al., Docket No. RI61-304; Tekoil Corporation, Docket No. RI61-305; Martin, Williams & Judson, et al., Docket No. RI61-306.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date [1] unless suspended | Date suspended until— | Cents per Mcf [2] Rate in effect | Cents per Mcf [2] Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI61-303... | BBM Drilling Co., et al. 683 San Jacinto Building, Houston 2, Tex. | 2 | 7 | El Paso Natural Gas Co. (Spraberry Field, Reagan, Upton and Midland Counties, Tex.). | $292 | 12-2-60 | 1-2-61 | 6-2-61 | 10.096 | 11.1056 | ---------- |
| | | 2 | 8 | | 644 | 12-2-60 | 1-2-61 | 6-2-61 | 10.096 | 11.1056 | ---------- |
| RI61-303... | BBM Drilling Co. et al. | 3 | 5 | El Paso Natural Gas Co., (Spraberry Field, Reagan County, Tex.). | 292 | 12-2-60 | 1-2-61 | 6-2-61 | 10.096 | 11.1056 | ---------- |
| RI61-304... | BBM Drilling Co. (Operator) et al. | 4 | 11 | El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.). | 810 | 12-2-60 | 1-2-61 | 6-2-61 | 10.096 | 11.1056 | ---------- |
| | | 6 | 4 | | 3,092 | 12-2-60 | 1-2-61 | 6-2-61 | 10.096 | 11.1056 | ---------- |
| RI61-305... | Tekoil Corporation 1515 Classen Boulevard, Oklahoma City, Okla. | 3 | 1 | Kansas-Nebraska Natural Gas Co., Inc. (Camfick Field, Texas County, Okla.). | 255 | 12-2-60 | 1-2-61 | 6-2-61 | 16.0 | 16.8 | ---------- |
| RI61-306... | Martin, Williams & Judson et al., 413 First National Bank Building, Midland, Tex. | 2 | 1 | El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.). | 1,532 | 12-2-60 | 1-2-61 | 6-2-61 | 11.1485 | 17.2295 | ---------- |

[1] Stated effective dates are the first day after the required 30-day statutory notice.
[2] Rates in the proceeding in Docket RI61-307 at 15.025 psia; all others at 14.65 psia.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 17, 1961.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61-171; Filed, Jan. 10, 1961; 8:45 a.m.]

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date [1] unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI61-312 | Foster Petroleum Corp., Bartlesville, Okla. | 13 | 4 | Colorado Interstate Gas Co. (Greenwood Field, Morton Co., Kansas). | $142 | 12- 5-60 | 1- 5-61 | 6- 5-61 | 15.0 | [2] 16.0 | |
| RI61-313 | Samedan Oil Corp. (Operator), et al. c/o Jerome M. Alper, Esq., 1725 Eye St. NW., Washington 6, D.C. | 4 | 3 | United Gas Pipe Line Co. (Midland-Esterwood Field, Acadia Parish, La.). | 26,361 | 12- 2-60 | 1- 2-61 | 6- 2-61 | 20.25 | [2] 22.25 | |
| RI61-313 | Samedan Oil Corp. (Operator), et al. | 6 | 1 | United Fuel Gas Co. (Chalkley Field, Cameron Parish, La.). | 494 | 12- 5-60 | 1- 5-61 | 6- 5-61 | 19.5 | [2] 19.9 | |
| RI61-314 | Phillips Petroleum Co., Bartlesville, Okla. | 257<br>298 | 7<br>7 | Natural Gas Pipe Line Co. of America (Hugoton Field, Texas Co., Okla.). | 258<br>321 | 12-15-60<br>12-15-60 | 1-23-61<br>1-23-61 | 6-23-61<br>6-23-61 | 16.8<br>16.8 | [3] 17.0<br>[3] 17.0 | |
| RI61-315 | Shallow Oil Co., Inc. (Operator), et al., 1203 Beck Bldg., Shreveport, La. | 3 | 3 | United Gas Pipe Line Co. (East Gibson Field, Terrebonne Parish, La.). | 5,400 | 12- 5-60 | 1- 5-61 | 6- 5-61 | 20.25 | [2] 22.25 | |

[1] The proposed effective dates are the first days after the required thirty days notice or, if later, the date requested by Respondent.
[2] The pressure base is 14.65 psia.
[3] The pressure base is 15.025 psia.

[Docket Nos. RI61-312—RI61-315]

## FOSTER PETROLEUM CORP. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 30, 1960.

Foster Petroleum Corporation, Docket No. RI61-312; Samedan Oil Corporation (Operator), et al., Docket No. RI61-313; Phillips Petroleum Company, Docket No. RI61-314; Shallow Oil Company, Inc. (Operator), et al., Docket No. RI61-315.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 17, 1961.

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F.R. Doc. 61-173; Filed, Jan. 10, 1961; 8:45 a.m.]

[Docket Nos. RP61-8, RP61-9]

## NATURAL GAS PIPELINE COMPANY OF AMERICA AND PEOPLES GULF COAST NATURAL GAS PIPELINE CO.

### Order Granting Special Permission To File Substitute Tariff, Suspending Proposed Gas Tariff and Terminating Proceeding

NOVEMBER 23, 1960.

On October 24, 1960, Natural Gas Pipeline Company of America (Natural Gas) tendered for filing a single FPC Gas Tariff, designated Second Revised Volumes Nos. 1 and 2, to supersede First Revised Volumes Nos. 1 and 2 of its tariff and also Original Volumes Nos. 1 and 2 of the FPC Gas Tariff of Peoples Gulf Coast Natural Gas Pipeline Company (Peoples Gulf). By order issued September 30, 1960, in the above-entitled proceedings, certain revised tariff sheets to Volumes No. 1 of the presently effective tariffs of both Natural Gas and Peoples Gulf were suspended until March 1, 1961, and thereafter until such time as they are made effective in the manner prescribed by the Natural Gas Act. In view of the suspended status of these revised tariff sheets, Natural Gas requests that special permission be granted pursuant to § 154.66 of the Commission's regulations under the Natural Gas Act to permit its proposed Second Revised Volume No. 1 to be substituted for its revised tariff sheets and those of Peoples Gulf which are now under suspension. As to the tendered Second Revised Volume No. 2 of the Natural Gas' FPC Gas Tariff, the rate schedules contained in this tendered revision are the same as those now in effect in the Volumes No. 2 of the Gas Tariff's of both Natural Gas and Peoples Gulf.

The tendered filing in question is occasioned by the recent merger of Peoples Gulf into Natural Gas, in accordance with the granted by the Commission in its order issued September 29, 1960, in Docket No. CP60-97. Prior to that Peoples Gulf had acquired all the facilities of Texas Illinois Natural Gas Pipeline Company. Both Natural Gas and Peoples Gulf are subsidiaries of The Peoples Gas Light and Coke Company. Thus the proposed filings are designed to combine the rates of Natural Gas and the now non-existent Peoples Gulf.

The annual increase in rates and charges proposed by both Natural Gas and Peoples Gulf in these proceedings totals approximately $4,200,000. The tendered filing in question would produce estimated revenues approximately $75,000 less than those estimated under the rate-increase proposals sought to be superseded. The same purported justification, except for minor modifications, is presented in support of both the proposed superseding and the original rate-increase applications in these proceedings.

Since the issues raised in Docket No. RP61-9 of Peoples Gulf are rendered moot by the filing made by Natural Gas on October 24, 1960, it appears that such proceeding should be terminated.

The Commission finds:

(1) Special permission, under § 154.66 of the regulations under the Natural Gas Act, should be granted to Natural Gas to substitute its proposed FPC Gas Tariff, Second Revised Volumes Nos. 1 and 2, for Volumes Nos. 1 and 2 of the tariff of Natural Gas and Peoples Gulf, including those tariff sheets which are under suspension in these proceedings.

(2) Second Revised Volumes Nos. 1 and 2 of Natural Gas' FPC Gas Tariff should be suspended until March 1, 1961, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

The Commission orders:

(A) Special permission, under § 154.66 of the regulations under the Natural Gas Act, is hereby granted to Natural Gas to substitute its proposed FPC Gas Tariff, Second Revised Volumes Nos. 1 and 2 for Volumes Nos. 1 and 2 of the tariffs of Natural Gas and Peoples Gulf, including those tariff sheets which are under suspension in these proceedings.

(B) Pending the hearings and decision heretofore provided for in the order issued herein on September 30, 1960, Second Revised Volumes Nos. 1 and 2 to the FPC Gas Tariff of Natural Gas are hereby suspended and the use thereof deferred until March 1, 1961, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) The proceeding in Docket No. RP61-9 herein is hereby terminated without prejudice to the ultimate disposition of the proceeding in Docket No. RP61-8.

(D) The public hearings provided for in the order issued herein on September 30, 1960, shall be held as therein specified, and to the same force and effect as if that order had dealt with the superseding filings made on October 24, 1960, by Natural Gas on behalf of itself and the now merged Peoples Gulf Coast Natural Gas Pipeline Company.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61-174; Filed, Jan. 10, 1961; 8:45 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.



# CIVIL AERONAUTICS BOARD

[Docket 10754]

## EASTERN AIR LINES, INC., AND NATIONAL AIRLINES, INC.; ENFORCEMENT PROCEEDING

### Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on January 18, 1961, at 10:00 a.m., e.s.t, in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 5, 1961.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 61-193; Filed, Jan. 10, 1961; 8:49 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 811-446]

## SOUTHERN INDEMNITY UNDERWRITERS, INC.

### Motion for Order

JANUARY 4, 1961.

Notice is hereby given that the Securities and Exchange Commission ("Applicant") hereby moves pursuant to section 8(f) of the Investment Company Act of 1940, for an order finding and declaring that Southern Indemnity Underwriters, Inc. ("Southern") has ceased to be an investment company.

In support of said motion, the Commission sets forth the following:

Southern registered as a face amount certificate company under section 8(a) of the Investment Company Act of 1940, by notification of registration filed June 10, 1941.

Some certificates were sold early in 1941; however, sales ceased in late 1941. Certificate reserves were held in trust at The Louisville Trust Company, Louisville, Kentucky.

On October 6, 1960, Hubert Early, Trust Officer of The Louisville Trust Company, advised this Commission that the Trust assets consisted of $139.52, representing the liquidating value on 5 certificates outstanding, which amount is held by the Trust Company solely for the benefit of the holders of such five certificates.

Section 8(f) of the Investment Company Act of 1940 provides in part that whenever the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is hereby given that any interested person may, not later than January 15, 1961, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the motion may be issued by the Commission upon the basis of showing contained in this notice, unless an order for hearing upon this motion shall be issued upon request or upon the Commission's own direction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-176; Filed, Jan. 10, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 149]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 6, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 18), ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, filed December 13, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over Interstate Highway 75 to Griffin, Ga., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Atlanta over unnumbered highway to junction Business Route U.S. Highway 41, thence over Business Route U.S. Highway 41 to junction Georgia Highway 3, thence over Georgia Highway 3 to Griffin, and return over the same route.

No. MC 2202 (Deviation No. 19), ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, filed December 21, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 45 and U.S. Highway 75 near Dallas, Tex., over Interstate Highway 45 to junction U.S. Highway 75 north of Fairfield, Tex., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the same points over U.S. Highway 75.

No. MC 2542 (Deviation No. 9) ADLEY EXPRESS COMPANY, 216 Crown Street, New Haven, Conn., filed December 9, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over the Hartford-Springfield Expressway to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Boston, Mass., over U.S. Highway 1 to Philadelphia, Pa.; from Boston over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 via Hartford and East Hartford, Conn., to New Haven, Conn. (also from Springfield over Alternate U.S. Highway 5 to New Haven), and thence over U.S. Highway 1 to Philadelphia; from Boston over Massachusetts Highway 9 to West Brookfield, Mass., thence over Massachusetts Highway 67 via Warren and West Warren, Mass., to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, and thence to Philadelphia as specified above; from Boston to Springfield as specified above, thence over U.S. Highway 20 to Westfield, Mass., thence over Massachusetts Highway 10 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 10 via Hamden, Conn., to New Haven, Conn. (also from Hamden over Connecticut Highway 10–A to New Haven), and thence to Philadelphia as specified above; from Boston to Hartford as specified above, thence over U.S. Highway 44 to junction Connecticut Highway 31, thence over Connecticut Highway 31 to junction Connecticut Highway 32, thence over Connecticut Highway 32 to Willimantic (also from Hartford over U.S. Highway 44 to junction U.S. Highway 6, thence over U.S. Highway 6 to Willimantic) and thence to Philadelphia as specified above; from Boston to East Hartford as specified above thence over Connecticut Highway 15 via Middletown, Conn., to New Haven, Conn., thence to Philadelphia as specified above; and from Boston to Hartford, Conn., as specified above, thence over Connecticut Highway 2 to Pawcatuck, Conn., and thence over U.S. Highway 1 to Philadelphia, and return over the same routes.

No. MC 30504 (Deviation No. 2), TUCKER FREIGHT LINES, INC., 1415 South Olive Street, South Bend 21, Ind., filed December 12, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Jackson, Mich., over Interstate Highway 94 to Battle Creek, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Elkhart, Ind., over U.S. Highway 20 via South Bend, Ind., to junction Indiana Highway 2, thence over Indiana Highway 2 to La Porte, Ind., thence over U.S. Highway 35 to Michigan City, Ind., thence over U.S. Highway 12 to Gary, Ind., thence over U.S. Highway 20 to Chicago; from Elkhart over Indiana Highway 19 to the Indiana-Michigan State line, thence over Michigan Highway 205 to junction U.S. Highway 112, thence over U.S. Highway 112 to Mottville, Mich. (also from Elkhart over Indiana Highway 120 to junction Indiana Highway 15, thence over Indiana Highway 15 to the Indiana-Michigan State line, thence over U.S. Highway 131 to Mottville), thence over U.S. Highway 131 to Three Rivers, Mich., thence over Michigan Highway 60 to Jackson, Mich., thence over U.S. Highway 12 to Ann Arbor, Mich., thence over Michigan Highway 14 (formerly U.S. Highway 12) to junction Michigan Highway 56, thence over Michigan Highway 56 to Plymouth, Mich., thence return over Michigan Highway 56 to junction Michigan Highway 14, thence over Michigan Highway 14 to Detroit; from South Bend over U.S. Highway 31 to Niles, Mich., thence over Michigan Highway 40 to junction U.S. Highway 12, thence over U.S. Highway 12 to Battle Creek, Mich., and thence over U.S. Highway 78 to Flint, Mich., and return over the same routes.

No. MC 35628 (Deviation No. 8), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue, Southwest, Grand Rapids 2, Michigan, filed December 19, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Eau Claire, Wis., over Interstate Highway 94 to Hudson, Wis., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill. over U.S. Highway 41 to Milwaukee, Wis., thence over U.S. Highway 18 to Madison, Wis., and thence over U.S. Highway 12 to Minneapolis-St. Paul, Minn., and return over the same route.

No. MC 38421 (Deviation No. 1), HOLTHAUS TRANSPORTATION COMPANY, 2000 East Second Street, Dayton, Ohio, filed December 16, 1960. Attorney Taylor C. Burneson, 3430 Leveque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to Dayton, Ohio and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over U.S. Highway 42 to Lebanon, Ohio, thence over Ohio Highway 48 to Dayton, and return over the same route.

No. MC 46054 (Deviation No. 2), BROWN EXPRESS, INC., 434 South Main Avenue, San Antonio 4, Tex., filed December 16, 1960. Attorney Mert Starnes, 401 Perry-Brooks Building, Austin 1, Tex. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Crystal City, Tex., over U.S. Highway 83 to La Pryor, Tex., thence over Texas Highway 76 to junction U.S. Highway 81 at a point approximately 3 miles southwest of Moore, Tex.; (B) from Crystal City over U.S. Highway 83 to junction Farm-To-Market Road 1025, thence over Farm-To-Market Road 1025 to junction Farm-To-Market Road 117, thence over Farm-To-Market Road 117 to Batesville, Tex., thence over Texas Highway 76 to junction U.S. Highway 81 at a point approximately 3 miles southwest of Moore, Tex.; and (C) from Crystal City over U.S. Highway 83 to junction Farm-To-Market Road 1025, thence over Farm-To-Market Road 1025 to junction Farm-To-Market Road 117, thence over Farm-To-Market Road 117 to junction Farm-To-Market Road 1866, thence over Farm-To-Market Road 1866 to junction Texas Highway 76, thence over Texas Highway 76 to junction U.S. Highway 81 at a point approximately 3 miles southwest of Moore, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Crystal City over Farm-To-Market Road 65 to Brundage, Tex., thence over Texas Highway 85 to Dilley, Tex., thence over U.S. Highway 81 to junction Texas Highway 76; from Crystal City over U.S. Highway 83 to Carrizo Springs, Tex., thence over Texas Highway 85 to Brundage, and return over the same routes.

No. MC 75320 (Deviation No. 11), CAMPBELL "66" EXPRESS, INC., Post Office Box 807, Springfield, Mo., filed December 12, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Strafford, Mo., over Interstate Highway 44 to Springfield, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield over U.S. Highway 66 via St. Louis, Mo., to Chicago, Ill., and return over the same route.

No. MC 104004 (Deviation No. 17), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y., filed December 9, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cleveland over U.S. Highway 42 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 42, and thence over U.S. Highway 42 to Xenia, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over U.S. Highway 42 to Cleveland, and return over the same route.

No. MC 109095 (Deviation No. 4), ANDERSON MOTOR SERVICE, INC., 1516 North 14th Street, St. Louis 6, Mo., filed December 12, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over Ohio Highway 51 to junction Ohio Highway 120, thence over Ohio Highway 120 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 250, thence over U.S. Highway 250 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Ohio Highway 5, thence over Ohio Highway 5 to Akron, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Toledo over Ohio Highway 2 to Cleveland, Ohio, and thence over Ohio Highway 8 to Akron, and return over the same route.

No. MC 119914 (Deviation No. 1), MINNESOTA-WISCONSIN TRUCK LINES INCORPORATED, 2280 Ellis Avenue, St. Paul 14, Minn., filed December 21, 1960. Carrier proposes to operate as a *common carrier*, of *general commodities*, with certain exceptions over a deviation route as follows: From Hudson, Wis., over Interstate Highway 94 to Eau Claire, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is authorized to transport the same commodities between Hudson and Eau Claire over U.S. Highway 12.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 57) THE GREYHOUND CORPORATION, 2600 Hamilton Avenue, Cleveland 14, Ohio, filed December 16, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Boston, Mass., over Massachusetts Highway 9 to Worcester, thence over Alternate U.S. Highway 5 to Hartford, Conn., and return over the same route.

No. MC 13028 (Deviation No. 3), THE SHORT LINE INC., P.O. Box 1513, Providence, R.I., filed December 9, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a pertinent service route as follows: From Hartford, Conn., over U.S. Highway 44 to junction Connecticut Highway 101, thence over Connecticut Highway 101 and Rhode Island Highway 101 to Providence, R.I., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Hartford over U.S. Highway 44 (formerly U.S. Highway 6) to junction U.S. Highway 6, thence over U.S. Highway 6 via Bolton Notch, Andover, and Willimantic, Conn., to junction unnumbered highway (formerly U.S. Highway 6), thence over unnumbered highway via Hampton, Conn., to junction U.S. Highway 6, thence over U.S. Highway 6 via Danielson, Conn., to junction Relocated U.S. Highway 6, thence over Relocated U.S. Highway 6 to junction unnumbered highway (formerly U.S. Highway 6), thence over unnumbered highway via South Killingly, Conn., to junction U.S. Highway 6, thence over U.S. Highway 6 to Providence, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–185; Filed, Jan. 10, 1961; 8:47 a.m.]

[Notice 358]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 6, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1180 (Sub No. 3), filed November 30, 1960. Applicant: ARTHUR SINETT, doing business as SUPREME TRUCKING CO., Route 1, P.O. Box 74, Woodbridge, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, clay and mortar*, from Woodbridge, N.J., to points in Connecticut, Massachusetts, Rhode Island, Delaware, the District of Columbia, Maryland, Virginia, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

*HEARING:* March 1, 1961, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner James O'D. Moran.

No. MC 4405 (Sub No. 367), filed December 1, 1960. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Bldg., Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, requiring the use of special equipment, special handling or rigging, or special services not necessarily because of the size and weight of the commodity*, including *related parts, materials, containers and supplies* when accompanying the foregoing commodities; between the sites of the facilities of the National Reactor Testing Station, located in Alameda, Contra Costa, Los Angeles, Ventura, Santa Clara, and San Francisco Counties, Calif., Hartford, Middlesex, and New Haven Counties, Conn., Burke County, Ga., Butte and Jefferson Counties, Idaho, Du Page County, Ill., Baltimore County, Md., Bristol and Middlesex Counties, Mass., Wayne County, Mich., Bernalillo and Los Alamos Counties, N. Mex., Schenectady, Suffolk, and Westchester Counties, N.Y., Hamilton, Licking, Montgomery, and Summit Counties, Ohio, Allegheny, Centre, and Westmoreland Counties, Pa., Anderson County, Tenn., Tooele County, Utah, Campbell County, Va., and Benton County, Wash.

NOTE: Common control may be involved.

*HEARING:* February 20, 1961, in the Park East Hotel, Kansas City, Mo., before Examiner John B. Mealy.

No. MC 7640 (Sub No. 20), filed December 23, 1960. Applicant: BARNES TRUCK LINE, INC., Herring Avenue, Wilson, N.C. Applicant's attorney: James A. Wilson, Perpetual Bldg., 1111

E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment; from Baltimore, Md., to points in North Carolina.

NOTE: Applicant states that the purpose of the application is to eliminate the gateway area of Wayne County, N.C.

*HEARING:* February 14, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 10761 (Sub No. 103), filed December 12, 1960. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Rm. 1210–12 Fidelity Bldg., 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; serving Momence, Ill., as an off-route point in connection with applicants present regular route authority between Chicago, Ill., and St. Louis, Mo., in MC 10761.

*HEARING:* March 3, 1961, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 21866 (Sub No. 44), filed December 27, 1960. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa. Applicant's attorney: Jacob Polin, 426 Barclay Bldg., City Line at Belmont Avenue, Bala-Cynwyd, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from Manatawny, Pa., and points within one mile thereof, to points in Anderson, Columbia, Greenville, and Spartanburg, S.C., and points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Rhode Island, Virginia, West Virginia, and the District of Columbia.

*HEARING:* February 15, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 29120 (Sub No. 57), filed January 11, 1960. Applicant: WILSON STORAGE AND TRANSFER COMPANY, a Corporation, 110 North Reid Street, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Military Missile Launching Sites supporting Offutt Air Force Base, Omaha, Nebr., located in Saunders and Washington Counties, Nebr., and Harrison County, Iowa, as off-route points in connection with applicant's authorized operations to or from Omaha, Nebr., in connection with Routes 25, 26, 27, 34, 43, and 44 of Certificate MC 29120.

*HEARING:* March 22, 1961, in the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 138, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 29328 (Sub No. 4), filed November 29, 1960. Applicant: SCHIEK MOTOR EXPRESS, INC., 90 Casseday Avenue, Joliet, Ill. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, raw and mixed in bulk, in dump vehicles, from points in Goose Lake Township, Grundy County, Ill., and points within five miles of Joliet, Ill., to points in Porter County, Ind., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

*HEARING:* February 28, 1961, at 1:00 o'clock p.m. United States standard time, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 30605 (Sub No. 122), filed November 25, 1960. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, A Corporation, 433 East Waterman Street, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, 80 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading; between Wichita, Kans., and Pratt, Kans., over U.S. Highway 54, serving the intermediate points of Calista, Cunningham, and Cairo, Kans. (2) *General commodities*, except commodities in bulk, livestock, explosives, inflammables, and commodities of unusual value or unusual size requiring special equipment; between Dodge City, Kans., and Sublette, Kans., over U.S. Highway 56, serving all intermediate points, those points being Cities Service Gas Company Compressor Station near Montezuma, Copeland, Ensign, Haggard, Montezuma, Sayre, and Trice, Kans. (3) *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading; between Lakin, Kans., and Ulysses, Kans., over Kansas Highway 25, serving no intermediate points, as an alternate route for operating convenience only. (4) *General commodities*, except livestock, sand, coal, rock, hay, explosives, commodities exceeding capacity of equipment, and those prohibited by law from transportation in motor vehicles; between junction of Kansas Highway 7 and U.S. Highway 50 near Olathe, Kans., over Kansas Highway 7 to junction of Kansas Highway 7 and Kansas Highway 10, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Applicant states it is a wholly owned subsidiary of The Atchison, Topeka and Santa Fe Railway Company, a common carrier by railroad subject to the Interstate Commerce Act, which also controls The Santa Fe Transportation Company, a California Corporation (MC–F–2380).

*HEARING:* March 9, 1961, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 52.

No. MC 31600 (Sub No. 488), filed December 12, 1960. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: H. C. Ames, Jr., 216 Transportation Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, excluding cement, in bulk; between Bound Brook, N.J., Buffalo, N.Y., Claymont, Del., Edgewater, Elizabeth, Haledon, and Passaic, N.J., Philadelphia, Pa., Syracuse, N.Y., and Whippany, N.J., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

*HEARING:* February 23, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 42963 (Sub No. 11), filed November 21, 1960. Applicant: DANIEL HAMM DRAYAGE COMPANY, a Corporation, Second and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses, from St. Louis and points in St. Louis County, Mo., to Red Bud, Waterloo, Columbia, New Baden, Trenton, Ill., and points in Madison and St. Clair Counties, Ill.

*HEARING:* March 13, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 50069 (Sub No. 236), filed December 28, 1960. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper vehicles, from Trenton, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island (except (1) Phosphoric acid to points in Ohio and those in Pennsylvania on and west of U.S. Highway 219; and (2) Nitric acid and ethyl acetate to points in Ohio).

*HEARING:* January 16, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 51211 (Sub No. 2), filed January 5, 1961. Applicant: PIONEER TRUCKING CORPORATION, Box 151C, Morristown Road, Matawan, N.J. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in tank vehicles (except gasoline, fuel oil, tar and asphalt), (1) Between points in Massachusetts, Rhode Island, and Connecticut; and (2) Between points in Massachusetts, Rhode Island, and Connecticut, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont.

*HEARING:* January 31, 1961, at the New Post Office and Court House Building, Boston, Mass., before Examiner Alton R. Smith.

No. MC 52629 (Sub No. 45), filed December 22, 1960. Applicant: HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the Midwest Steel Corporation plant located on U.S. Highway 12 approximately two (2) miles east of the Lake-Porter County line at or near Portage, Ind., including the town of Portage, Ind., as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Louisville, Ky., over U.S. Highways 41, 52, and 31, and in connection with applicant's authority to serve the Chicago, Ill., Commercial Zone, as defined by the Commission.

*HEARING:* January 11, 1961, at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), in the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner John L. York.

No. MC 52709 (Sub No. 95), filed January 14, 1960. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, including *government-owned compressed gas trailers* loaded with compressed gas other than liquefied petroleum gas, or empty, but excluding commodities of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving ballistic missiles testing and launching sites, and supply points therefor, located in Gage, Saline, Seward, Otoe, Johnson, York, Butler, and Cass Counties, Nebr., as intermediate and off-route points in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

*HEARING:* March 22, 1961, in the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 52709 (Sub No. 96), filed January 14, 1960. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: General commodities, including *government-owned compressed gas trailers* loaded with compressed gas other than liquefied petroleum gas, or empty, but excluding commodities of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving ballistic missiles testing and launching sites, and supply points therefor, located in Saunders and Washington Counties, Nebr., and Harrison County, Iowa, as intermediate and off-route points in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

*HEARING:* March 22, 1961, in the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 138, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 52751 (Sub No. 25), filed November 7, 1960. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Fort Dodge, Iowa, to points in South Dakota.

NOTE: Applicant presently holds authority to perform the proposed service by joinder of existing rights of Nassau, Minn. and points within 25 miles thereof. Elimination of the gateway requirement is sought.

*HEARING:* March 17, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 148, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 61396 (Sub No. 78), filed January 4, 1961. Applicant: HERMAN BROS., INC., 229 W.O.W. Building, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea, fertilizer compounds* (manufactured fertilizer) and *superphosphate* (not defluorinated superphosphate nor feed grade superphosphate) dry, in bulk and in bags, from Omaha, Nebr., and points within 10 miles thereof, to points in Iowa, Minnesota, and South Dakota, and *empty containers, exempt commodities or other such incidental facilities*, (not specified) used in transporting the commodities specified above, on return.

*HEARING:* January 26, 1961, at the Federal Office Building, Room 427, Omaha, Nebr., before Examiner Allen W. Hagerty.

No. MC 62151 (Sub No. 5), filed November 18, 1960. Applicant: A. W. HAYS TRUCKING, INC., 519 East Street, Post Office Box 98, Woodland, Calif. Applicant's attorney: Edward E. Berol, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, in bulk, between points in California.

*HEARING:* February 14, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 66756 (Sub No. 5), filed November 28, 1960. Applicant: E. A. MYERS, doing business as NABBS SERVICE, 33 East Main Street, Sabetha, Kans. Applicant's attorney: J. Max Harding, IBM Building, 605 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, and *empty malt beverage containers*, between Kansas City, Kans., and points in the Kansas City, Mo., Commercial Zone.

*HEARING:* March 7, 1961, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 66756 (Sub No. 6), filed November 28, 1960. Applicant: E. A. MYERS, doing business as NABBS SERVICE, 33 East Main Street, Sabetha, Kans. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Golden, Colo., to points in Kansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities above, on return.

*HEARING:* March 10, 1961, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 43.

No. MC 76032 (Sub No. 152), filed March 8, 1960. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, P.O. Box 1437, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities, including shipper-owned gas trailers loaded with compressed or liquefied gas* (other than liquefied petroleum gas) *or empty*, and excepting commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving United States Missile launching sites located in Saunders and Washington Counties, Nebr., and Harrison County, Iowa, as off-route points in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

*HEARING:* March 22, 1961, in the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 138, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 79932 (Sub No. 8), filed November 18, 1960. Applicant: VERNON HEPP AND CLETUS C. LISCHER, doing business as COAL TRANSPORT, New Athens, Ill. Applicant's attorney: M. C. Young, 2011 Railway Exchange Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ashes*, (the residue from burning coal and other combustible materials), between St. Louis and points in St. Louis County, Mo., and points within 50 miles of East St. Louis, Ill.

NOTE: The foregoing transportation will originate at points in St. Louis and St. Louis County, Mo., to which applicant has delivered coal and be a return movement via irregular routes to destinations in the territory from which the coal transportation originated. This includes an area within a radius of 50 miles of East St. Louis, Ill.

*HEARING:* March 14, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 92983 (Sub No. 387), filed December 8, 1960. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices and fruit concentrate*, in bulk, in tank vehicles, from Springdale, Ark., to Lawton, Mich., North East, Pa., Brocton, Watkins Glen, and Westfield, N.Y.

*HEARING:* February 23, 1961, in the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner John B. Mealy.

No. MC 103051 (Sub No. 102), filed December 30, 1960. Applicant: WALKER HAULING CO., INC., P.O. Box 13444 Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from Terminals on the Trans Southern Pipe line in Alabama to points in Alabama and Georgia; (2) from Terminals on the Trans Southern Pipe line in Georgia to points in Alabama, Florida, Georgia, South Carolina, and Tennessee; (3) from Terminals on the Trans Southern Pipe line in South Carolina to points in Georgia, North Carolina, and South Carolina; (4) from Terminals on the Trans Southern Pipe line in North Carolina to points in Georgia, North Carolina, and South Carolina; (5) from Terminals on the Trans Southern Pipe line in Louisiana to points in Alabama, Louisiana, Mississippi, and Arkansas; and (6) from Terminals on the Trans Southern Pipe line in Mississippi to points in Mississippi, Louisiana, and Alabama.

*HEARING:* January 30, 1961, at Florida Railroad Commission, Tallahassee, Fla., before Examiner James I. Carr.

No. MC 103378 (Sub No. 197), filed January 4, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Terminals on the Trans-Southern Pine line in Georgia to points in Alabama, Florida, Georgia, South Carolina, and Tennessee.

*HEARING:* January 30, 1961 at Florida Railroad Commission, Tallahassee, Fla., before Examiner James I. Carr.

No. MC 103435 (Sub No. 93), filed February 1, 1960. Applicant: BUCKINGHAM FREIGHT LINES, a Corporation, 900 East Omaha, P.O. Box 1631, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones *and* Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (1) *General commodities*, including *Classes A and B explosives* but excluding livestock, and household goods as defined by the Commission, serving ballistic missiles testing and launching sites, and supply points therefor, located in Saunders and Washington Counties, Nebr., and Harrison County, Iowa, as off-route points in connection with applicant's authorized regular route operations to, from or through Omaha, Nebr.; and (2) *General commodities*, including *Classes A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving ballistic missiles testing and launching sites, and supply points therefor, located in Gage, Saline, Seward, Otoe, Johnson, York, Butler, and Cass Counties, Nebr., as off-route points in connection with applicant's authorized regular route operations to, from or through Lincoln, Nebr.

*HEARING:* March 22, 1961, in the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 138, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 104421 (Sub No. 10), filed November 14, 1960. Applicant: JOHNSON TRUCK LINE, INC., Washington, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, bulk liquids and commodities requiring special equipment between Kansas City, Kans.-Kansas City, Mo., Commercial Zone and points within a 15 mile radius of Greenleaf, Kans.

NOTE: Applicant states that in the event the Commission grants the application herein, the applicant will cancel the following described authority contained in MC 104421, *Agricultural commodities* and *empty petroleum-product containers*, from Greenleaf, Kans., and points within 15 miles of Greenleaf, north of a line beginning at Blue Rapids, Kans., and extending along Kansas Highway 9 to junction unnumbered highway and thence along unnumbered highway to Strawberry, Kans., to Kansas City, Mo., and Kansas City, Kans. *Building material, automobile tires, and batteries, machinery, agricultural implements and parts, petroleum products* in containers, and *such commodities* as are usually dealt in by hardware business houses, from Kansas City, Kans., and Kansas City, Mo., to Greenleaf, Kans., and points in the above-described Kansas territory.

*HEARING:* March 6, 1961, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 106553 (Sub No. 7), filed November 14, 1960. Applicant: AUTO TRANSPORTS, INC., 4900 North Santa Fe, Oklahoma City, Okla. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles, vehicle cabs and bodies*, and *automobile show equipment and paraphernalia*, when transported with display vehicles, in initial movements, in truckaway and driveaway service, from the site of General Motors Plant in Wyandotte County, Kans., to points in Arizona, Nevada, and those in California south of, and including San Luis Obispo, Kern, and San Bernardino Counties.

NOTE: Applicant states the proposed service shall be performed under a continuing contract or contracts with Buick-Oldsmobile-Pontiac Assembly Division, General Motors Corporation, Detroit, Mich.

*HEARING:* February 17, 1961, in the Park East Hotel, Kansas City, Mo., before Examiner John B. Mealy.

No. MC 106553 (Sub No. 8), filed November 14, 1960. Applicant: AUTO TRANSPORTS, INC., 4900 North Santa Fe, Oklahoma City, Okla. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles, vehicle cabs and bodies, and automobile show equipment and paraphernalia*, when transported with display vehicles, in initial movements by truckaway and driveaway, from the site of General Motors Plant in Wyandotte County, Kans., to points in California, north of San Luis Obispo, Kern, and San Bernardino Counties.

NOTE: Applicant would perform the service here proposed under continuing contract with the Buick-Oldsmobile-Pontiac Assembly Division, General Motors Corporation, Detroit, Mich. Dual operations under section 210 may be involved.

*HEARING:* February 17, 1961, in the Park East Hotel, Kansas City, Mo., before Examiner John B. Mealy.

No. MC 107336 (Sub No. 12), filed November 28, 1960. Applicant: CAR CARRIER COMPANY, a Corporation, 200 Joyce Building, Clinton, Iowa. Applicant's attorney: George W. Pillers, Jr. (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles, and trailers*, by use of wrecker equipment, and *automobiles, trucks*, as described in Ex Parte MC–45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, by the truckaway method, in secondary movements; (1) between points in South Dakota, and (2) between points in Iowa.



*HEARING:* March 16, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 148, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 107500 (Sub No. 52), filed November 17, 1960. Applicant: BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: George W. Unverzagt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the Red Rock Dam Site, on the one hand, and, on the other, Des Moines and Oskaloosa, Iowa.

NOTE: Applicant states the Chicago, Burlington and Quincy Railroad Company owns and holds all of applicant's capital stock. Common control may be involved.

*HEARING:* March 17, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 107636 (Sub No. 4), filed December 1, 1960. Applicant: M. M. CHAMPION AND GEORGE KINGSHOTT, a Partnership, doing business as C & K TRANSPORT, Box 427, New Buffalo, Mich. Applicant's attorney: Quentin A. Ewert, 117 West Allegan Street, Lansing 23, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in bags and bulk; from Buffington, Ind., to points in Michigan.

NOTE: Applicant states that no duplication of authority is intended.

*HEARING:* February 27, 1961, at the Federal Building, Room 215, Lansing, Mich., before Joint Board No. 23.

No. MC 107871 (Sub No. 7), filed December 12, 1960. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, P.O. Box 1012, Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, 5th Floor, Weiler Building, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, excluding cement, in bulk, between Syracuse, and Buffalo, N.Y., on the one hand, and, on the other, points in Delaware, New Jersey, Pennsylvania, New York, Maryland, and the District of Columbia.

*HEARING:* February 23, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 109397 (Sub No. 47), filed October 17, 1960. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring the use of special equipment, special handling or rigging, or special services not necessarily because of the size or weight of the commodity, *including related parts materials, containers and supplies* when accompanying the foregoing commodities, serving the sites of the facilities of the National Reactor Testing Station, located in the counties of Alameda, Contra Costa, Los Angeles and Ventura, Santa Clara, and San Francisco, Calif.; Hartford, Middlesex, and New Haven, Conn.; Burke, Ga.; Butte and Jefferson, Idaho; Du Page, Ill.; Baltimore, Md.; Bristol and Middlesex, Mass.; Wayne, Mich.; Bernalillo, and Los Alamos, N. Mex.; Schenectady, Suffolk, and Westchester, N.Y.; Hamilton, Licking, Montgomery, and Summit, Ohio; Allegheny, Centre, and Westmoreland, Pa.; Anderson, Tenn.; Tooele, Utah; Campbell, Va.; and Benton, Wash.

*HEARING:* February 20, 1961, in the Park East Hotel, Kansas City, Mo., before Examiner John B. Mealy.

No. MC 110698 (Sub No. 145), filed December 31, 1960. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from Terminals on the Trans-Southern Pipe line in Alabama, to points in Alabama and Georgia; and (2) from Terminals of the Trans-Southern Pipe line in Georgia, to points in Alabama, Florida, and points in Tennessee west of U.S. Highway 27.

*HEARING:* January 30, 1961, at Florida Railroad Commission, Tallahassee, Fla., before Examiner James I. Carr.

No. MC 111557 (Sub No. 27) (AMENDMENT), filed November 2, 1960, published in FEDERAL REGISTER, issue of December 23, 1960. Applicant: KARL E. MOMSEN, doing business as MOMSEN TRUCKING CO., Highway 71 and 18 N, Spencer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products*, and *articles distributed by meat packing houses*, as defined in Sub Divisions A, B, and C of Appendix I of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fremont, Nebr., to Austin, and Owatonna, Minn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: The purpose of this republication is to include Owatonna, Minn.

*HEARING:* Remains as assigned February 23, 1961, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Examiner Richard H. Roberts.

No. MC 111557 (Sub No. 28), filed December 30, 1960. Applicant: KARL E. MOMSEN, doing business as MOMSEN TRUCKING CO., Highway 71 and 18 N, Spencer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, superphosphate*, and *urea*, dry, and *empty containers or other such incidental facilities* (not specified) used in transporting above named commodities, between Omaha, Nebr., and points within 10 miles thereof, and, points in Iowa, Minnesota, and South Dakota.

*HEARING:* January 26, 1961, at the Federal Office Building, Room 427, Omaha, Nebr., before Examiner Allen W. Hagerty.

No. MC 111812 (Sub No. 116), filed December 19, 1960. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Mr. Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *commodities used by packinghouses*, as defined in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, 766; from points in Iowa and Minnesota, Fremont and Omaha, Nebr., Kansas City and St. Joseph, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C. and *shipper-owned meat hooks and meat racks*, on return.

NOTE: Applicant is agreeable to a provision in any certificate issued herein that it will not be severable from certificates now held in MC–111812 Subs 32 and 41. Applicant may now provide in single-line service everything applied for herein except from the origin points of Omaha and Fremont, Nebr., Kansas City and St. Joseph, Mo. This application will remove the necessity of applicant operating through certain gateways.

*HEARING:* March 6, 1961, in the Midland Hotel, Chicago, Ill., before Examiner Jerry F. Laughlin.

No. MC 112069 (Sub No. 10), filed December 2, 1960. Applicant: LIPSMAN-FULKERSON & COMPANY, a Corporation, 314 South 11th Street, Omaha, Nebr. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen bakery goods and frozen pies;* from Webster City, Iowa, to points in California, Washington, Oregon, Arizona, Idaho, and Nevada, and *rejected shipments*, on return.

*HEARING:* March 14, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Jerry F. Laughlin.

No. MC 112590 (Sub No. 4), filed November 14, 1960. Applicant: ROBERT J. PARKER, doing business as UNITED MOTOR FREIGHT, 919 Call Street, Lansing, Mich. Applicant's attorney: Ronald R. Pentecost, 1400 Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kalamazoo, Battle Creek, Midland, Bay City, and

Saginaw, Mich., on the one hand, and, on the other, Willow Run Airport and Detroit Metropolitan Airport.

NOTE: Applicant states the proposed service shall be subject to the restriction that all traffic transported hereunder shall have an immediately prior or immediately subsequent movement by air.

*HEARING:* February 27, 1961, at the Federal Building, Room 215, Lansing, Mich., before Joint Board No. 76.

No. MC 112750 (Sub No. 55), filed December 22, 1960. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222–17 Northern Boulevard, Bayside, Long Island, N.Y. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except coin, currency, bullion, and negotiable securities), as are used in the business of banks and banking institutions, between Philadelphia, Pa., on the one hand, and, on the other, points in Maryland, except to the extent presently authorized.

*HEARING:* February 13, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 113334 (Sub No. 4), filed December 19, 1960. Applicant: JAMES CARBONE TRUCKING SERVICE, INC., 905 North Vermillion Street, Streator, Ill. Applicant's representative: George S. Muilins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, tops, rings*, and *stoppers* for glass containers, and *fiberboard boxes*, from Streator, Ill., to points in Wisconsin.

*HEARING:* March 3, 1961, at the U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 113832 (Sub No. 24), filed December 27, 1960. Applicant: SCHWERMAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from the plant sites of Marquette Cement Manufacturing Company; Huron Portland Cement Company; Penn Dixie Cement Company, and Universal Atlas Cement Division of United States Steel Corporation, located in or near Milwaukee, Wis., to points in Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, Whiteside, Lee, De Kalb, Kane Du Page, and Cook Counties, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

*HEARING:* March 2, 1961, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 114211 (Sub No. 23), filed November 9, 1960. Applicant: DONALDSON TRANSFER COMPANY, a Corporation, P.O. Box 215, 213 Witry Street, Waterloo, Blackhawk County, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm and industrial show display paraphernalia*, and (2) *agricultural machinery and implements, industrial machinery and equipment, tractors*, and *attachments* used for show displays, field demonstrations, and experimental purposes, and *rejected shipments* of above-described commodities, between all points in the United States, except Alaska and Hawaii.

NOTE: Applicant states the above requested authority is restricted to traffic moving from, to or between the sites of plants, sales branches and warehouses, experimental stations and/or farms, shows, exhibits and field demonstrations owned, operated or used by Deere & Company or its affiliates.

*HEARING:* February 6, 1961, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner John B. Mealy.

No. MC 114533 (Sub No. 23), filed December 1, 1960. Applicant: BANKERS DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed color film and prints, complimentary replacement film, and incidental dealer handling supplies*, except motion picture film and materials and supplies used in connection with commercial and television motion pictures; between Kansas City, Mo., on the one hand, and, on the other, points in Kansas. RESTRICTION: Limited to shipments having a prior or subsequent movement by air or railway express.

*HEARING:* March 7, 1961, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 114773 (Sub No. 1), filed December 2, 1960. Applicant: BILL BILYEU, doing business as BILYEU REFRIGERATED TRANSPORT, P.O. Box 425, Ozark, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Burlington and Hoisington, Kans., to Springfield, Mo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

*HEARING:* March 14, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 36.

No. MC 115841 (Sub No. 76), filed December 14, 1960. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC. 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Eggs*, shelled, *egg albumen* (whites) or yolks, frozen, and *Frozen fruits*; when in mixed shipments with frozen eggs, egg albumen or yolks, from Champaign, Ill.; Evansville, Ind., and St. Louis, Mo., to Birmingham and Mobile, Ala.; Little Rock, Ark.; Jacksonville, Miami, and Tampa, Fla.; Atlanta, Ga.; Louisville, Ky.; New Orleans, La.; Jackson, Miss., and Nashville, Tenn.

*HEARING:* March 8, 1961, in the Midland Hotel, Chicago, Ill., before Examiner Jerry F. Laughlin.

No. MC 117349 (Sub No. 4), filed November 21, 1960. Applicant: VINCENT J. BRAIO, doing business as J. BRAIO TRANS., 5 High Street, Worcester, Mass. Applicant's practitioner: Arthur A. Wentzell, 529 Hartford Turnpike, Shrewsbury, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry feed*, in bulk, in dump trucks, equipped with hydraulic air lock units, from Plant site of Unity Feeds, Inc. at Franklin, Conn., to Sutton (Manchaug), Mass.

*HEARING:* February 7, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 117557 (Sub No. 2), filed December 19, 1960. Applicant: MATSON, INC., P.O. Box 43, Cedar Rapids, Iowa. Applicant's Representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed, wrecked*, or *disabled motor vehicles*, by towaway or haulaway, between points in Iowa, on the one hand, and, on the other, points in the United States, except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

*HEARING:* March 15, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Jerry F. Laughlin.

No. MC 117561 (Sub No. 3), filed November 14, 1960. Applicant: NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, N.Y. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, for Glens Falls Portland Cement Company, from Cranston, Pawtucket, and Providence, R.I., and Fall River, Myricks, North Dartmouth, and Sagamore, Mass., to points in Rhode Island and points in Connecticut and Massachusetts east of U.S. Highway No. 5.

*HEARING:* March 8, 1961, at the Bond Hotel, Hartford, Conn., before Joint Board No. 134, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 118468 (Sub No. 3), filed November 4, 1960. Applicant: JOE UMTHUN AND VIRGIL UMTHUN, doing business as UMTHUN TRUCKING COMPANY, Eagle Grove, Iowa. Applicant's attorney: Duane W. Acklie, IBM Building, P.O. Box 2041, 605 South 12th Street, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial feeds*, in bag and bulk, from Fremont, Nebr., to points in South Dakota, Wyoming, and Colorado and *empty containers and rejected shipments or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* March 20, 1961, in the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Jerry F. Laughlin.

No. MC 119164 (Sub No 4), filed December 12, 1960. Applicant: J-E-M TRANSPORTATION COMPANY, INC., P.O. Box 444, Middletown, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier* by motor vehicle, over *irregular routes*, transporting: *Silica sand, feldspar* and *mica*, in bulk or in bags; from Middletown, Conn., to points in Rhode Island, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, and Maryland, and *returned or rejected shipments*, on return.

*HEARING:* March 1, 1961, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner James O'D. Moran.

No. MC 119175 (Sub No. 1) (REPUBLICATION), filed November 5, 1959, published in the FEDERAL REGISTER, issue of March 23, 1960. Applicant: DOUGLAS S. WHYTE AND TONY I. CENBRANO, a Partnership, doing business as MOLASSES TRUCK SERVICE, P.O. Box 2147, Stockton, Calif. Applicant's attorney: Francis X. Vieira, 22 North San Joaquin Street, Stockton, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid molasses*, in tank truck equipment, and *molasses with additives*, such as phosphoric acid, vitamins and supplements of various kinds, mixed with molasses for cattle feed, from Richmond and Stockton, Calif., to points in Nevada; and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return.

NOTE: The purpose of this republication is to add molasses with additives in addition to liquid molasses.

*HEARING:* Remains as assigned February 1, 1961, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 78.

No. MC 123034 (CLARIFICATION), filed August 30, 1960, published in the FEDERAL REGISTER of October 12, 1960. Applicant: SPECIAL DELIVERY, INC., Terminal Building, Bradley Air Field, Windsor Locks, Conn. Applicant's attorney: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parcels*, not to exceed one hundred (100) pounds in weight, and *baggage;* between Bradley Air Field, Windsor Locks, Conn., on the one hand, and, on the other, the International Airport (Idlewild) and La Guardia Airfield, Long Island, N.Y.; Newark Air Port, Newark, N.J.; Logan Airfield, Revere, Mass.; Theodore Francis Green Airport, Warwick, R.I. (commonly referred to as Providence Airport); points in Connecticut, and those in Massachusetts on and west of Massachusetts Highway 12. RESTRICTION: The above is limited to shipments having either an immediately prior or subsequent movement by aircraft.

NOTE: The purpose of the republication is to clarify the authority sought.

*HEARING:* March 9, 1961, at the Bond Hotel, Hartford, Conn., before Examiner James O'D. Moran.

No. MC 123081 (Sub No. 1), filed December 1, 1960. Applicant: MACRAY MOVERS, INC., 331 East 47th Street, New York, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated; between New York, N.Y., on the one hand, and, on the other, points in Bucks, Montgomery, Delaware, and Chester Counties, Pa., those in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., those in Fairfield County, Conn., and those in New Jersey, on and north of U.S. Highway 30, including Camden, N.J.

NOTE: Applicant states that the proposed operation will be in a retail consumer delivery only.

*HEARING:* February 28, 1961, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner James O'D. Moran.

No. MC 123125, filed October 12, 1960. Applicant: Z & B TRANSPORTATION CO., a Partnership, 31 Pine Tree Road, Old Bridge, N.J. Applicant's attorney: Thomas R. Farley, 744 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses, box springs, bed springs, bed frames* (*knocked down*), *pillows, bed boards* and *bed legs;* from Newark, N.J., to points in New York, Connecticut, Pennsylvania, and New Jersey, and *returned shipments* of the above-described commodities, on return.

NOTE: Applicant states that the delivery of the above commodities will be from the site of Sleepmaster Products Co., Inc.

*HEARING:* February 20, 1961, at the U.S. Court Rooms, Newark, N.J., before Examiner James O'D. Moran.

No. MC 123163, filed October 26, 1960. Applicant: LARRY A. MASSMAN, doing business as MASSMAN TRANSPORTATION CO., Cedar Rapids, Nebr. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible beef tripe and beef livers*, not fit for human consumption, moving in straight or mixed truck loads with *inedible frozen whole eggs and inedible poultry offal*, from points in Kansas, Missouri, Nebraska, Iowa, Minnesota, Illinois, Michigan, South Dakota, and Arkansas to points in Utah, and *exempt commodities* on return.

*HEARING:* March 20, 1961, in the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Jerry F. Laughlin.

No. MC 123209, filed November 14, 1960. Applicant: NORTHWEST TOWING, INC., 4300 Belmont, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled automotive vehicles*, between Chicago, Ill., and points in Indiana, Michigan, and Wisconsin.

*HEARING:* February 8, 1961, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner John B. Mealy.

No. MC 123219, filed November 16, 1960. Applicant: CLIFF AUTO MARINE BOAT TRANSPORTERS, INC., 13 Clifton Terrace, Englewood Cliffs, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used boats* (from 14 to 35 feet in length), inboard or outboard and sailboats and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above on return, between points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Washington, D.C., Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

*HEARING:* February 20, 1961, at the U.S. Court Rooms, Newark, N.J., before Examiner James O'D. Moran.

No. MC 123221 (Sub No. 2), filed December 7, 1960. Applicant: UNION TRANSFER AND STORAGE INC., 1201 Sergeant Avenue, Joplin, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fibreboard boxes and component parts*, from Joplin, Mo., to points in Missouri, Kansas, and Arkansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* March 15, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 154.

No. MC 123243, filed November 29, 1960. Applicant: LEE L. STATON, 253 Hamburg Turnpike, Riverdale, N.J. Applicant's attorney: Russell F. Guba, 233 Broadway, New York 7, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh bakery products, namely cake*, from Hoboken, N.J., to Wilkes Barre and Philadelphia, Pa., and *empty corrugated boxes, K.D.*, on return.

*HEARING:* February 23, 1961, at the U.S. Court Rooms, Newark, N.J., before Examiner James O'D. Moran.

No. MC 123276, filed December 13, 1960. Applicant: ATOMIC TRUCKING CORP., 187 Duane Street, New York, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter, butter cartons, eggs, cheese, fruits*, and *produce* and *meats;* from New York, N.Y., to Paterson, Passaic, Bayonne, Elizabeth,

Irvington, Garfield, Montclair, Atlantic Highlands, Perth Amboy, and Newark, N.J.

*HEARING:* February 27, 1961, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner James O'D. Moran.

No. MC 123319, filed December 22, 1960. Applicant: M. A. WHEAT MOTOR SERVICE, INC., 421 E. 129th Street, East Chicago, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk; between Portage, Ind., and Chicago, Ill.

*HEARING:* January 11, 1961, at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), in the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner John L. York.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 215) filed December 5, 1960. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Barrett Elkins, General Attorney, Eastern Greyhound Lines Division, 2600 Hamilton Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round trip operations, beginning and ending at Chicago, Ill., and extending to (1) Caberfae, Michigan Ski Area located 16 miles west of Cadillac, Mich., on Michigan Highway 55. (2) Boyne Mountain Ski Area at Boyne Falls, Mich., located on U.S. Highway 131 approximately 15 miles south of Petoskey, Mich. (3) Thunder Mountain Ski Area, located five miles northeast of Boyne Falls, Mich. (4) Walloon Hills Ski Area located approximately four and one-half miles west of Walloon Lake, Mich., near the junction of U.S. Highway 131 and Michigan Highway 75, and (5) Nub's Nob Ski Area located five miles northeast of Harbor Springs, Mich. (on Michigan Highway 131 approximately six miles north of Petoskey, Mich.).

*HEARING:* March 1, 1961, at the U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 73.

No. MC 93059 (Sub No. 3), filed November 8, 1960. Applicant: C. ELMER ROSE, doing business as ROSE'S BUS SERVICE, Mansion Road, Wallingford, Conn. Applicant's attorney: Paul J. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, restricted to traffic originating at points indicated, in charter operations, beginning and ending at Cheshire, Durham, Northford, and North Haven, Conn., and extending to points in New York, Massachusetts, New Jersey, Pennsylvania, and Rhode Island.

NOTE: Applicant states that the origin points are adjacent to and within the Commercial Zones of Meriden and Wallingford, Conn., for which applicant presently holds authority.

*HEARING:* March 10, 1961, at the Bond Hotel, Hartford, Conn., before Examiner James O'D. Moran.

No. MC 119961 (Sub No. 1), filed November 21, 1960. Applicant: CHESTER HODGDON, doing business as MARSHALL MOTOR COACH, 10 South Eighth Avenue, P.O. Box 481, Marshalltown, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in one way and round trip charter operations beginning and ending at points in Hardin, Grundy, Story, Marshall, Tama, Jasper, and Poweshiek Counties, Iowa and extending to all points in the United States, including the District of Columbia but excluding Alaska and Hawaii.

*HEARING:* March 13, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Jerry F. Laughlin.

No. MC 123191, filed November 7, 1960. Applicant: MURRAY D. SPEAR, 711 Valley Road, Mahwah, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, including *sporting equipment, camping gear, skis*, in same vehicle; between points in New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, Ohio, West Virginia, Indiana, Illinois, Iowa, South Dakota, Wyoming, Colorado, Virginia, Maryland, Delaware, the District of Columbia, and Massachusetts.

NOTE: Applicant states it will provide door-to-door service as requested, on a luxury basis, and the proposed transportation will be made in a 12-passenger autobus with or without semi-trailer.

*HEARING:* February 21, 1961, at the U.S. Court Rooms, Newark, N.J., before Examiner James O'D. Moran.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PROPERTY

No. MC 12745, filed November 21, 1960. Applicant: COSTELLO, CUNEO & MEADOWS COMPANY, 290 Grand Avenue., Oakland 10, Calif. Applicant's representative: Dan Thomas Costello (same address as applicant). For a license as a *broker* (BMC 5) at Oakland, Calif., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *general commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in California, on the one hand, and, on the other, points in the United States.

NOTE: Applicant states it will not make arrangements for any commodities for westbound movements by motor freight lines from points in Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, and Wyoming.

*HEARING:* February 13, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 29988 (Sub No. 76), filed November 22, 1960. Applicant: DENVER-CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except livestock, gasoline and other liquids, in bulk, automobiles, coal, sand, gravel and Portland cement, between Flagstaff and Phoenix, Ariz., from Flagstaff over Interstate Highway 17, to Phoenix, and return over the same route, serving no intermediate points as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations between Denver, Colo., and Tucson, Ariz., and San Diego, Calif.

No. MC 75320 (Sub No. 95), filed December 27, 1960. Applicant: CAMPBELL SIXTY SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between junction Arkansas Highway 17 and U.S. Highway 79 and Tupelo, Miss.; from junction Arkansas Highway 17 and U.S. Highway 79 over combined Arkansas Highway 17 and U.S. Highway 79 to second junction Arkansas Highway 17 and U.S. Highway 79, thence over Arkansas Highway 17 to junction Arkansas Highway 86, thence over Arkansas Highway 86 to junction Arkansas Highway 20, thence over Arkansas Highway 20 to Helena, Ark., thence over West approach and over new bridge across the Mississippi River, thence over East approach to its junction with Mississippi Highway 6, thence over Mississippi Highway 6 to junction with U.S. Highway 61, thence over U.S. Highway 61 to its junction with Mississippi Highway 316, thence over Mississippi Highway 316, to its junction with Mississippi Highway 6, thence over Mississippi Highway 6 to Tupelo, Miss. and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations in Alabama, Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.



No. MC 104004 (Sub No. 156), filed December 23, 1960. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious and contaminating to other lading, between Winchester, Va., and Baltimore, Md.; from Winchester over Virginia Highway 7 (Alternate U.S. Highway 340) to junction U.S. Highway 340, thence over U.S. Highway 340 to Frederick, Md., and thence over U.S. Highway 40 to Baltimore, and return over the same route as an alternate route for operating convenience only with no service to intermediate or off-route points.

No. MC 108158 (Sub No. 51), filed December 21, 1960. Applicant: MID-CONTINENT FREIGHT LINES, INC., 11 Oak Street SE., Minneapolis, Minn. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Peoria, Ill., and Mapleton, Ill.: from Peoria over U.S. Highway 24 serving the plant site of the Archer Daniels Midland Company located at or near Mapleton, Ill., as an off-route point in connection with applicant's presently authorized regular route operations in Illinois.

No. MC 112713 (Sub No. 90), filed December 27, 1960. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 92d Street at State Line, Kansas City, Mo. Applicant's attorney: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment; serving the site of Archer Daniels Midland Company Plant located near Mapleton, Peoria County, Ill., as an off-route point in connection with carrier's presently authorized regular route operations to and from Peoria, Ill.

No. MC 112713 (Sub No. 91), filed December 28, 1960. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 92d at State Line, Kansas City, Mo. Applicant's attorney: John M. Records, 92d at State Line, Kansas City 14, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, between Sherman, and Gainesville, Tex.; from Sherman over U.S. Highway 82 to Gainesville and return over the same route serving no intermediate points as an alternate route in connection with carrier's authorized regular-route operations between Kansas City, Mo., and Houston, Tex., and between Vinita, Okla., and Dallas, Tex.

No. MC 119910 (Sub No. 1) (REPUBLICATION), filed October 24, 1960, published in the FEDERAL REGISTER of November 2, 1960. Applicant: ANDREW J. GIBBS, 1390 Pridemore Court, Lexington, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Lexington, Ky., to Hazard, Harlan, Stanton, Jackson, and Morehead, Ky., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, and *rejected shipments*, on return.

NOTE: The purpose of this republication is to show Harlan, Ky., as a destination point inadvertently omitted from previous publication.

PETITION

REPUBLICATION TO REFLECT ACTION OF THE COMMISSION, DIVISION 1 No. MC 110117 (Sub No. 12) (PETITION OF APPLICANT FILED AUGUST 11, 1960, TO INVOLVE AN ADDITIONAL SHIPPER FOR WHICH SERVICE MAY BE RENDERED UNDER INTERIM PERMIT. Petitioner: KENDRICK CARTAGE CO., a Corporation, Salem, Ill. Notice of the filing of the subject petition setting forth the issues with particularity, was published in the FEDERAL REGISTER, issue of August 31, 1960. A reply to the petition, embracing a motion for oral hearing, by Girton Brothers, Inc., protestant, was filed under date of August 24, 1960. An Order of the Commission, Division 1, dated December 16, 1960, provides as follows: (1) that the petition be assigned for processing and disposition under the no-oral hearing proceeding, (2) that February 15, 1961, be fixed as the date on or before which applicant may file verified statements in support of its petition, (3) that March 7, 1961, be fixed as the date on or before which parties in interest may file verified statements in opposition to the petition, (4) that March 17, 1961, be fixed as the date on or before which applicant may file verified statements in rebuttal, and (5) that the motion of Girton Brothers, Inc., for oral hearing be overruled.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 119829 (Sub No. 2), filed January 3, 1960. Applicant: F. J. EGNER & SON, INC., 812 Charles Street, Galion, Ohio. Applicant's attorney: Homer S. Carpenter, Suite 618, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy residual fuel oil*, in tank trucks, from Wellsville, Ohio, to Youngstown and Lorain, Ohio.

NOTE: To be handled concurrently with MC–F–7760, published this issue.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC–F–7685. (WILLERS, INC.—PURCHASE (PORTION)—FRANCIS M. KELLY), published in the October 26, 1960, issue of the FEDERAL REGISTER on page 10299. Amendment filed December 12, 1960 to show joinder of LEONE WILLERS LLOYD and CLIFFORD F. WILLERS, both of 1400 North Cliff Avenue, Sioux Falls, S. Dak., as the persons controlling vendee.

No. MC–F–7702 (CORRECTION) DALLAS & MAVIS FORWARDING CO., INC.—PURCHASE—G.M.S. TRUCKING, INC., published in the November 16, 1960, issue of the FEDERAL REGISTER on page 10908. The following restrictions were omitted from the authority sought to be transferred: The transportation of farm machinery and equipment, hoists, road building machinery and equipment, and parts for each of the foregoing classes of commodities, shall be restricted to traffic originating at Streator, Ill., Galion, Ohio, or Marion, Ohio, or points within five miles of each (except for returned, damaged, or defective shipments of such commodities). The separately stated authorities herein shall not be tacked or joined one to another for the purpose of performing any through transportation. G.M.S. TRUCKING, INC., is a wholly owned subsidiary of DALLAS & MAVIS FORWARDING CO., INC., pursuant to MC–F–7150 (DALLAS & MAVIS FORWARDING CO., INC.—CONTROL—G.M.S. TRUCKING, INC.).

No. MC–F–7759. Authority sought for purchase by ATLAS TRUCK LINE, INC., 9520 Easthaven Blvd., mailing address P.O. Box 12467, Houston 17, Tex., and McCLATCHY BROS., INC., P.O. Box 4126, Midland, Tex., of a portion of the operating rights of JOHN H. MACAULAY, doing business as WEST TEXAS RIG COMPANY, P.O. Box 3546, Odessa, Tex., and for acquisition by H. K. SPECK and REX L. COOPER, both of Houston, Tex.; and C. V. McCLATCHY AND D. A. McCLATCHY, both of Midland, Tex., respectively, of control of such rights through the purchase. Applicants' attorney: Charles D. Mathews, P.O. Box 858, Austin 65, Tex. Operating rights sought to be transferred: (FOR ATLAS) *Machinery, materials, supplies and equipment* incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a *common carrier* over irregular routes,

between points within 100 miles of Monahans, Tex., including Monahans, and those in Lea and Eddy Counties, N. Mex. (FOR McCLATCHY BROS., INC.) *Oil field machinery and supplies*, between points in New Mexico served by railroad, on the one hand, and, on the other, oil well locations in New Mexico, between points served by railroad in Lea, Eddy, Quay, Chaves, Roosevelt, and Curry Counties, N. Mex., on the one hand, and, on the other, oil well locations in Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Scurry, Borden, Darson, Gaines, Andrews, Martin, Howard, Mitchell, Sterling, Glasscock, Midland, Ector, Winkler, Loving, Ward, Pecos, Crane, Upton, Crockett, Regan, and Irion Counties, Tex., between oil well locations in the New Mexico territory described immediately above, on the one hand, and, on the other, points served by railroad in the Texas territory described immediately above, and between oil well locations in the New Mexico territory described immediately above, on the one hand, and on the other, oil well locations in the Texas territory described immediately above. ATLAS TRUCK LINES, INC., is authorized to operate as a *common carrier* in Texas, Louisiana, Kansas, Oklahoma, Arkansas, and Mississippi. McCLATCHY BROS., INC., is authorized to operate as a *common carrier* in Texas, New Mexico, Oklahoma, and Kansas. Application has been filed for temporary authority under section 210a(b).

No. MC–F–7760. Authority sought for control by JAMES S. PEDLER, SR., 523 Delaware Avenue, Akron, Ohio, ET AL., of ALL STATES FREIGHT, INCORPORATED, 1240 Kelly Ave., Akron, Ohio. Applicants' attorney: Homer S. Carpenter, 618 Perpetual Building, Washington 4, D.C. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Chicago, Ill., and Boston, Mass., serving certain intermediate and off-route points in Ohio, Massachusetts, Rhode Island, Connecticut, New York, and Indiana, restricted to the pick-up of eastbound traffic and the delivery of westbound traffic; and intermediate points in New York west of Syracuse; between Albany, N.Y., and New York, N.Y., serving all intermediate and certain off-route points; between Akron, Ohio, and Hartford, Conn., serving all intermediate points (except those in Pennsylvania), and certain off-route points; between Mansfield, Ohio, and Mount Vernon, Ohio, serving all intermediate points; between Canton, Ohio, and New Philadelphia, Ohio, serving all intermediate points; *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, between Akron, Ohio, and Syracuse, N.Y., serving all intermediate points and certain off-route points, between Shaker Heights, Ohio, and Willoughby, Ohio, serving no intermediate points, between Erie, Pa., and Syracuse, N.Y., serving all intermediate and certain off-route points, between Batavia, N.Y., and Syracuse, N.Y., serving all intermediate points; and the off-route points of East Rochester and Fairport, N.Y.; between Pittsford, N.Y., and Waterloo, N.Y., serving all intermediate points; and the off-route point of Shortsville, N.Y.; between Akron, Ohio, and Conneaut, Ohio, serving all intermediate points and certain off-route points; between Westfield, N.Y., and Syracuse, N.Y., serving all intermediate points; and the off-route point of Ithaca, N.Y.; between Youngstown, Ohio, and Salamanca, N.Y., serving the intermediate points of Warren and Bradford, Pa., between Akron, Ohio, and Baltimore, Md., serving all intermediate points; and the off-route points within ten miles of Baltimore; between Deerfield, Ohio, and Baltimore, Md., serving all intermediate points; between Breezewood, Pa., and Hancock, Md., serving no intermediate points; between Frederick, Md., and Baltimore, Md., serving all intermediate points; and the off-route points within the Washington, D.C., Commercial Zone, as defined by the Commission; between Lakemore, Ohio, and Pittsburgh, Pa., serving all intermediate points; between Akron, Ohio, and Youngstown, Ohio, serving all intermediate points; between York, Pa., and Gettysburg, Pa., serving no intermediate points between Erie, Pa., and Mercer, Pa., serving the intermediate point of Meadville, Pa.; between Buffalo, N.Y., and Niagara Falls, N.Y., serving all intermediate points; and the off-route points within 12 miles of Buffalo; between Baltimore, Md., and Kane, Pa., serving no intermediate points; between Union City, Pa., and Waterford, Pa., serving no intermediate points; between Rochester, Pa., and Akron, Ohio, serving all intermediate points; between Canton, Ohio, and Massillon, Ohio, serving all intermediate points; between junction Pennsylvania Turnpike and U.S. Highway 30 east of Irwin, Pa., and junction Pennsylvania Turnpike and U.S. Highway 30 near Breezewood, Pa., serving no intermediate points. *General commodities*, excepting, among others, household goods and commodities in bulk, over *irregular routes*, between all authorized points in Ohio located on the regular routes described under the first commodity description above, including off-route points, on the one hand, and, on the other, all other points in Ohio located on or north of a line extending from Cincinnati, Ohio, along U.S. Highway 42 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-West Virginia State line, with service limited to the pickup of eastbound shipments and the delivery of westbound shipments moving over the above-described regular routes; between all authorized points in Connecticut, Massachusetts, and Rhode Island on regular routes described above, including off-route points, on the one hand, and, on the other, all points in Connecticut, Massachusetts, and Rhode Island, with service limited to the pickup of westbound shipments and the delivery of eastbound shipments moving over the above-described regular routes. JAMES S. PEDLER, SR., ET AL., holds no authority from this Commission. However, they are affiliated with F. J. EGNER & SON, INC., 812 Charles Street, Galion, Ohio, which is authorized to operate as a *common carrier* in Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7761. Authority sought for purchase by MOTORWAY CORPORATION, 131 Matzinger Road, Toledo 12, Ohio, of a portion of the operating rights of BOWEN TRUCKING, INC., Ridge Road, Holley, N.Y. Applicants' attorney: Richard H. Brandon, 808 Hartman Bldg., Columbus 15, Ohio. Operating rights sought to be transferred: *Empty containers*, as a *common carrier* over irregular routes from points in Ohio, as defined by the Commission, to points in Orleans, Monroe, and Genesee Counties, N.Y., *fertilizer and fertilizer compounds*, except when moving in bulk, in tank vehicles, from Sandusky, Ohio, to points in Allegheny, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Orleans, Niagara, and Wyoming Counties, N.Y., *canned and preserved foodstuffs*, from Hamlin and Hilton, N.Y., to points in Ohio, *canned goods, frozen foods and fruits, vinegar stock and fresh fruits and vegetables*, from points in Erie, Niagara, and Orleans Counties, N.Y., to points in Ohio, as defined by the Commission, *soup mixes*, dehydrated, from Albion, N.Y., to points in Ohio, *fresh fruit*, from points in Ohio to points in Monroe and Orleans Counties, N.Y., *cereal preparations*, dry, from Hamlin, Hilton, and Holley, N.Y., to points in Ohio. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–186; Filed, Jan. 10, 1961; 8:47 a.m.]

[Ex Parte MC–40 (Sub No. 2)]

## ALTERMAN TRANSPORT LINES, INC.

### Petition of Refrigeration Mechanics

JANUARY 6, 1961.

Ex Parte MC–40 (Sub No. 2), formerly Ex Parte MC–2; In the matter of maximum hours of service of motor carrier employees: Petition to Commission to find that refrigeration mechanics of Alterman Transport Lines, Inc., Miami, Fla., are exempt from section 13(b)(1) of the Fair Labor Standards Act in view of provisions of section 204(a) of Interstate Commerce Act.

Petitioner's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C.

Notice of the filing of the subject petition setting forth the issues with particularity was published in the FEDERAL REGISTER on August 19, 1959. The purpose of this republication is to advise that the subject proceeding has been renumbered Ex Parte MC–40 (Sub No. 2), and will henceforth be so considered.

*Hearing information:* The petition will be assigned for hearing at a time and place to be later fixed. Any person desiring to be advised of such assignment should request to be notified by letter to the Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–187; Filed, Jan. 10, 1961; 8:47 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 6, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36829: *Iron and steel articles to Texas points.* Filed by Southwestern Freight Bureau, Agent (No. B–7950), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from specified points in official territory, to Clarkwood, Corpus Christi and Flour Bluff, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 153 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 36830: *Salt from Williston, N. Dak., to Montana points.* Filed by V. P. Brown, Agent (No. 4), for interested rail carriers. Rates on salt, as described in the application, in carloads, from Williston, N. Dak., to Billings, East Billings, Laurel and Mossmain, Mont.

Grounds for relief: Market competition.

Tariff: Supplement 25 to Agent V. P. Brown tariff I.C.C. 3.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–184; Filed, Jan. 10, 1961; 8:47 a.m.]

# OFFICE OF CIVIL AND DEFENSE MOBILIZATION

## OSCAR F. RENZ

### Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission of statement, published August 6, 1960 (25 F.R. 7475).

Dated: December 11, 1960.

OSCAR F. RENZ.

[F.R. Doc. 61–169; Filed, Jan. 10, 1961; 8:45 a.m.]

# DEPARTMENT OF COMMERCE

## Bureau of the Census

## SURVEY OF DISTRIBUTORS STOCKS OF CANNED FOODS

### Notice of Determination To Continue Surveys

In conformity with the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225, and due Notice of Consideration having been published (25 F.R. 12720, December 10, 1960) pursuant to said Act, I have determined that the usual year-end data on stocks of 32 canned and bottled products, including vegetables, fruits, juices, and fish, are needed as in the past to aid the efficient performance of essential governmental functions, and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other governmental sources.

Wholesale inventories constitute an important factor in evaluating supplies of canned food. Adequate supply statistics are important to wholesalers in establishing buying, inventory, and pricing policies; to canners and growers in planning acreage and in entering into contracts; to the Department of Agriculture in administering laws passed by Congress; and to the public in insuring a balanced and adequate food supply.

This survey will involve the collection of information from a sample of wholesalers and warehouses of retail multi-unit organizations. All respondents will be required to submit information covering their December 31, 1960, inventories of 32 canned and bottled vegetables, fruits, juices, and fish. Report forms will be furnished to firms covered by the survey. Additional copies of the forms are available on request to the Director of the Census, Washington 25, D.C.

Reports are due 8 days after receipt of the report forms.

I have therefore directed that this annual survey be conducted for the purpose of collecting these data.

A. ROSS ECKLER,
*Acting Director,*
*Bureau of the Census.*

[F.R. Doc. 61–210; Filed, Jan. 10, 1961; 8:50 a.m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 26 NUMBER 7

Washington, Thursday, January 12, 1961

JAN 1961 MAIN READING ROOM

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**FEDERAL REGISTER**

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10901

### AMENDMENT OF EXECUTIVE ORDER NO. 10501,[1] RELATING TO SAFEGUARDING OFFICIAL INFORMATION IN THE INTERESTS OF THE DEFENSE OF THE UNITED STATES

By virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, and deeming such action necessary in the best interest of the national security, it is ordered as follows:

SECTION 1. Section 2 of Executive Order No. 10501 of November 5, 1953, is amended to read as follows:

"SEC. 2. *Limitation of authority to classify.* The authority to classify defense information or material under this order shall be limited in the departments, agencies, and other units of the executive branch as hereinafter specified.

"(a) In the following departments, agencies, and Governmental units, having primary responsibility for matters pertaining to national defense, the authority for original classification of information or material under this order may be exercised by the head of the department, agency, or Governmental unit concerned or by such responsible officers or employees as he, or his representative, may designate for that purpose. The delegation of such authority to classify shall be limited as severely as is consistent with the orderly and expeditious transaction of Government business.

The White House Office
President's Science Advisory Committee
Bureau of the Budget
Council of Economic Advisers
National Security Council
Operations Coordinating Board
Central Intelligence Agency
Office of Civil and Defense Mobilization
Department of State
International Cooperation Administration
Department of the Treasury
Department of Defense
Department of the Army
Department of the Navy
Department of the Air Force
Department of Justice
Department of Commerce
Department of Labor
Atomic Energy Commission
Canal Zone Government
Council on Foreign Economic Policy
Development Loan Fund
Federal Aviation Agency
Federal Communications Commission
Federal Radiation Council
General Services Administration
Interstate Commerce Commission
National Aeronautics and Space Administration
National Aeronautics and Space Council
President's Board of Consultants on Foreign Intelligence Activities
United States Civil Service Commission
United States Information Agency

"(b) In the following departments, agencies, and Governmental units, having partial but not primary responsibility for matters pertaining to national defense, the authority for original classification of information or material under this order shall be exercised only by the head of the department, agency, or Governmental unit without delegation:

Post Office Department
Department of the Interior
Department of Agriculture
Department of Health, Education, and Welfare
Civil Aeronautics Board
Federal Power Commission
Government Patents Board
National Science Foundation
Panama Canal Company
Renegotiation Board
Small Business Administration
Subversive Activities Control Board
Tennessee Valley Authority

"(c) Any agency or unit of the executive branch not named herein, and any such agency or unit which may be established hereafter, shall be deemed not to have authority for original classification of information or material under this order, except as such authority may be specifically conferred upon any such agency or unit hereafter."

SEC. 2. My memoranda of November 5, 1953, and May 7, 1959 (24 F.R. 3777), and my memorandum of March 9, 1960 (25 F.R. 2073), are hereby revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*January 9, 1961.*

[F.R. Doc. 61-279; Filed, Jan. 11, 1961; 9:53 a.m.]

[1] 3 CFR, 1949–1953 Comp., p. 979; 18 F.R. 7049.

### Executive Order 10902

### PROVIDING FOR THE ISSUANCE OF EMERGENCY PREPAREDNESS ORDERS BY THE DIRECTOR OF THE OFFICE OF CIVIL AND DEFENSE MOBILIZATION

By virtue of the authority vested in me by the provisions of Reorganization Plan No. 1 of 1958 (72 Stat. 1799), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. In connection with carrying out the functions delegated or otherwise assigned to him by the provisions of Executive Order No. 10773 of July 1, 1958, as amended by Executive Order No. 10782 of September 6, 1958, or by the provisions of other orders thereby amended, the Director of the Office of Civil and Defense Mobilization shall establish a series of civil-defense and defense-mobilization planning assignments which (1) shall be known as "Emergency Preparedness Orders," (2) shall, so far as practicable, be of uniform character, and (3) shall be designed to provide for the development of civil-defense and defense-mobilization plans and programs by the several departments and agencies of the executive branch of the Government to meet all conditions of national emergency, including attack upon the United States.

SEC. 2. The head of each department and agency assigned civil-defense and defense-mobilization functions by the Director of the Office of Civil and Defense Mobilization in consonance with the provisions of section 1 of this order shall develop the plans and programs there referred to under the policy direction and central program control of the Director of the Office of Civil and Defense Mobilization.

SEC. 3. Nothing in this order or in the National Plan for Civil Defense and Defense Mobilization shall be construed as conferring authority to put into effect any plan, procedure, policy, program, or other course of action prepared or developed pursuant to this order or the National Plan.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*January 9, 1961.*

[F.R. Doc. 61-280; Filed, Jan. 11, 1961; 9:53 a.m.]

### Executive Order 10903

### DELEGATING AUTHORITY OF THE PRESIDENT WITH RESPECT TO REGULATIONS RELATING TO CERTAIN ALLOWANCES AND BENEFITS TO GOVERNMENT PERSONNEL ON OVERSEAS DUTY

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, section 303 of the Foreign Service Act of 1946 (22 U.S.C. 843), and various provisions of law cited in the body of this order, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of State is hereby designated and empowered to perform the following-described functions without the approval, ratification, or other action of the President:

(a) The authority vested in the President by section 111(3) of the Overseas Differentials and Allowances Act (74 Stat. 792) to prescribe regulations defining the term "employee".

(b) The authority vested in the President by Title II of the Overseas Differentials and Allowances Act to prescribe regulations, including the regulations referred to in sections 202, 203, and 221(4)(B) of that Act (governing, respectively, (1) certain waivers of re-

covery, (2) the payment of allowances and differentials authorized by Title II of the Act and certain other matters, and (3) travel expenses for dependents of certain employees).

(c) The authority vested in the President by section 22 of the Administrative Expenses Act of 1946 (added by section 311(a) of the Overseas Differentials and Allowances Act), (1) to prescribe regulations governing the allotment to posts in foreign countries, for the purpose stated in that section, of funds available to the departments for administrative expenses, and (2) to designate senior officials of this Government in foreign countries.

(d) The authority vested in the President by section 901 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1131), to prescribe regulations governing allowances in order to provide for the proper representation of the United States by officers or employees of the Foreign Service.

(e) The authority vested in the President by other provisions of law (including section 235(a)(2) of title 38 of the United States Code) to prescribe regulations governing representation allowances similar to those authorized by section 901 of the Foreign Service Act of 1946, as amended.

(f) The authority vested in the President by section 853 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1093), to establish from time to time a list of places which by reason of climatic or other extreme conditions are to be classed as unhealthful posts, and to cancel the designation of any place as unhealthful. Each place designated as unhealthful by the Secretary hereunder shall be so designated as of January 1, 1942, or as of a later date to be fixed by the Secretary.

SEC. 2. Executive Order No. 10530 of May 10, 1954, headed "Providing for the performance of certain functions vested in or subject to the approval of the President," as amended, is hereby further amended as follows:

(1) By adding at the end of section 1 the following new subsections (s), (t), and (u):

"(s) The authority vested in the President by section 1(e) of the Administrative Expenses Act of 1946 (added by section 301(c) of the Overseas Differentials and Allowances Act), and by section 301(d) of the Overseas Differentials and Allowances Act, to prescribe the regulations (relating to storage expenses and other matters) provided for in those sections.

"(t) The authority vested in the President by section 1(f) of the Administrative Expenses Act of 1946 (added by section 321 of the Overseas Differentials and Allowances Act) to prescribe regulations governing transportation of the privately owned motor vehicle of an employee assigned to a post of duty outside the continental United States on other than temporary duty orders.

"(u) That part of the functions vested in the President by section 7(a) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 216; 5 U.S.C. 2355(a)) which consists of authority to prescribe regulations relating to storage (including packing, drayage, unpacking, and transportation to and from storage) of household effects and personal possessions."

(2) By adding at the end of section 2 the following new subsection (e):

"(e) The authority vested in the President by section 203(f) of the Annual and Sick Leave Act of 1951, as amended (65 Stat. 680; 74 Stat. 799–800; 5 U.S.C. 2062(f)), to prescribe regulations governing the granting of leave of absence as therein described."

SEC. 3. That portion of section 2 of Executive Order No. 10624 of July 28, 1955, which precedes the proviso thereof, is hereby amended to read as follows:

"SEC. 2. In addition to rules and regulations, pertaining to allowances and benefits, otherwise applicable to personnel assigned abroad under Title VI of the Act of August 28, 1954, there shall be applicable to the personnel rules and regulations prescribed by the Secretary of State in pursuance of (1) so much of the authority vested in the President by Title II of the Overseas Differentials and Allowances Act, or by any amendment thereof, as relates to quarters allowances or cost-of-living allowances, and (2) so much of the authority vested in the President and the Secretary of State by Title IX of the Foreign Service Act of 1946, or by any amendment thereof, as relates to allowances and benefits under the said Title IX:"

SEC. 4. (a) Section 2 of Executive Order No. 10853 of November 27, 1959, is hereby amended to read as follows:

"SEC. 2. The Secretary of State is hereby authorized and directed to exercise the following-described statutory powers of the President:

"(a) That part of the functions vested in the President by section 7(a) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 216; 5 U.S.C. 2355(a)) which consists of authority to prescribe regulations relating to quarters and quarters allowance.

"(b) The authority vested in the President by section 8(a)(1) of the Defense Department Overseas and Teachers Pay and Personnel Practices Act (73 Stat. 216; 5 U.S.C. 2356(a)(1)) to prescribe regulations relating to cost-of-living allowances.

"(c) The authority vested in the President by section 235(a) of title 38 of the United States Code to prescribe rules and regulations with respect to allowances and benefits similar to those provided for in section 941 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1156)."

(b) The reference in section 1 of Executive Order No. 10853 of November 27, 1959, to the regulations contained in Executive Order No. 10000 of September 16, 1948, shall be deemed to include a reference to the corresponding regulations prescribed in pursuance of the provisions of this order.

SEC. 5. (a) The following-described Executive order and parts thereof are hereby revoked, subject to the provisions of section 5(b) of this order:

1. Parts I, III, IV, and V of Executive Order No. 10000 of September 16, 1948.
2. Executive Order No. 10011 of October 22, 1948.
3. Executive Order No. 10085 of October 28, 1949.
4. Executive Order No. 10100 of January 28, 1950.
5. Executive Order No. 10187 of December 4, 1950.
6. Executive Order No. 10261 of June 27, 1951.
7. Executive Order No. 10313 of December 14, 1951.
8. Executive Order No. 10391 of September 3, 1952.
9. Executive Order No. 10503 of December 1, 1953.
10. Executive Order No. 10623 of July 23, 1955.
11. Section 1 and, to the extent that it pertains to Executive Order No. 10000, section 3 of Executive Order No. 10853 of September 16, 1955.

(b) Existing rules and regulations prescribed in or pursuant to the Executive order provisions revoked by section 5(a) of this order, other existing rules and regulations pertaining to allowances, differentials, and other benefits corresponding to those authorized by the provisions of law referred to in this order, and actions heretofore taken in pursuance of any thereof, shall remain in effect until hereafter superseded in pursuance of the provisions of this order.

SEC. 6. This order, and such of the regulations prescribed by the Secretary of State, the Director of the Bureau of the Budget, and the Civil Service Commission thereunder as the Secretary, Director, and Commission shall, respectively, determine, shall be published in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*January 9, 1961.*

[F.R. Doc. 61-281; Filed, Jan. 11, 1961; 9:53 a.m.]

# Rules and Regulations

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket 548, Amdt. 41]

### PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

#### TSO–C23a Parachutes

A proposed amendment to § 514.33 establishing minimum performance standards for parachutes for use on civil aircraft of the United States was published in 25 F.R. 10434.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.33 is revised as follows:

**§ 514.33 Parachutes—TSO–C23a.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for parachutes which are to be used in civil aircraft of the United States.[1] New models of parachutes manufactured for use in civil aircraft of the United States on or after February 14, 1961, shall meet the minimum performance standards of National Aircraft Standards Specification 804 dated August 24, 1949,[2] with the exceptions covered in subparagraph (2) of this paragraph. Parachutes approved prior to February 14, 1961, may continue to be manufactured under the provisions of the original approval.

(2) *Exceptions.* (i) The auxiliary parachute used in combination with a standard parachute shall be designed for use in combination with the specific main parachute.

(ii) For the purpose of testing an auxiliary type parachute used in combination with a standard parachute the speed specified in section 4.3.8 of NAS Specification 804 shall be 25 feet per second instead of 21 feet per second.

(b) *Marking.* (1) The auxiliary parachute and its pack shall be marked "Auxiliary Parachute" in addition to the other marking requirements contained in § 514.3.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(d) *Quality control.* Each parachute shall be produced under a quality control system, established by the manufacturer, which will assure that each parachute is in conformity with the requirements of this section. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

Effective date: February 14, 1961.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Wasington, D.C., on January 5, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-197; Filed, Jan. 11, 1961; 8:45 a.m.]

[1] Surplus military parachutes identified by an NAF, AAF, or AN drawing number, an AAF order number, or other military designation or specification numbers are also eligible for use in all civil aircraft.

[2] Copies may be obtained from the National Standards Association, 616 Washington Loan & Trust Building, Washington 4, D.C.

## Title 7—AGRICULTURE

### Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

### PART 722—COTTON

#### Proclamation of Results of Marketing Quota Referendum for 1961 Crop of Upland Cotton

**§ 722.404 Basis and purpose.**

The purpose of this proclamation is to announce the results of the marketing quota referendum for the 1961 crop of upland cotton. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture on October 13, 1960, proclaimed a national marketing quota for the 1961 crop of upland cotton (25 F.R. 9885), and § 722.423 of the Acreage Allotment Regulations for the 1961 Crop of Upland Cotton (25 F.R. 9987) provided that a referendum would be held on December 13, 1960, to determine whether cotton farmers were in favor of or opposed to such quota. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to the proclamation, application of the notice and public procedure requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is unnecessary.

**§ 722.405 Proclamation of results of the marketing quota referendum for the 1961 crop of upland cotton.**

In a referendum held on December 13, 1960, of farmers engaged in the production of the 1960 crop of upland cotton, 193,456 farmers voted. Of those voting, 186,935, or 96.6 percent, favored the national marketing quota proclaimed by the Secretary for the 1961 crop of upland cotton and 6,521, or 3.4 percent, opposed such quota. Therefore, the national marketing quota of 15,562,000 bales proclaimed by the Secretary of Agriculture on October 13, 1960, for the 1961 crop of upland cotton shall continue in effect.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 342–345, 52 Stat. 56–58, as amended; 7 U.S.C. 1342–1345)

Done at Washington, D.C., this 6th day of January 1961.

FOREST W. BEALL,
*Acting Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61-245; Filed, Jan. 11, 1961; 8:52 a.m.]

### PART 722—COTTON

#### Proclamation of Results of Marketing Quota Referendum for 1961 Crop of Extra Long Staple Cotton

**§ 722.454 Basis and purpose.**

The purpose of this proclamation is to announce the results of the marketing quota referendum for the 1961 crop of extra long staple cotton. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture on October 13, 1960, proclaimed a national marketing quota for the 1961 crop of extra long staple cotton (25 F.R. 9886), and § 722.472 of the Acreage Allotment Regulations for the 1961 Crop of Extra Long Staple Cotton (25 F.R. 9996) provided that a referendum would be held on December 13, 1960, to determine whether extra long staple cotton farmers were in favor of or opposed to such quota. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to the proclamation, application of the notice and public procedure requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is unnecessary.

**§ 722.455 Proclamation of results of the marketing quota referendum for the 1961 crop of extra long staple cotton.**

In a referendum held on December 13, 1960, of farmers engaged in the production of the 1960 crop of extra long staple cotton, 1,016 farmers voted. Of those voting, 914, or 90.0 percent, favored the national marketing quota proclaimed by the Secretary for the 1961 crop of extra long staple cotton, and 102, or 10.0 percent, opposed such quota. Therefore, the national marketing quota of 66,590 bales proclaimed by the Secretary of Agriculture on October 13, 1960, for the 1961 crop of extra long staple cotton shall continue in effect.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 342–345, 347, 52 Stat. 56–60, as amended; 7 U.S.C. 1342–1345, 1347)

Done at Washington, D.C., this 6th day of January 1961.

FOREST W. BEALL,
*Acting Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61-244; Filed, Jan. 11, 1961; 8:52 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[1032.301, Amdt. 3]

## PART 1032—CARROTS GROWN IN SOUTH TEXAS

### Limitation of Shipments

Pursuant to Marketing Agreement No. 142 and Order No. 132 (7 CFR Part 1032; 25 F.R. 9523), regulating the handling of carrots grown in designated counties in South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the South Texas Carrot Committee, established pursuant to said Marketing Agreement and Order, and upon other available information, it is hereby found that the following amendment to the limitation of shipments regulation will tend to effectuate the declared policy of the act.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available, and the time when this amendment must become effective in order to effectuate the declared policy of the act, is insufficient, (2) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating shipments of carrots in the manner set forth below on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

*Order as amended.* In § 1032.301 (25 F.R. 11207, 12828, 13631), delete the introductory paragraph and paragraphs (b), (c), and (d), and substitute in lieu thereof a new introductory paragraph and new paragraphs (b), (c), and (d) as set forth below.

**§ 1032.301 Limitation of shipments.**

During the period from January 13, 1961, through June 15, 1961, no person shall handle any lot of carrots grown in the production area unless such carrots meet the grade requirements of paragraph (a), one of the sizing requirements of paragraph (b), the container and pack requirements of paragraphs (c) and (d), or unless such carrots are handled in accordance with paragraphs (e), (f), and (g), of this section.

* * * * *

(b) *Sizing requirements*—(1) *Small-to-medium.* ¾ inch minimum diameter to 1⅛ inches maximum diameter, 5¼ inches minimum length;

(2) *Medium-to-large.* ⅞ inch minimum diameter to 1½ inches maximum diameter, 5¼ inches minimum length;

(3) *Jumbos.* 1 inch minimum diameter to 3 inches maximum diameter and 3 inches minimum diameter.

(c) *Container requirements.* (1) Carrots, except for export, may be handled only in containers classified by weight as follows:

(i) 1 pound;
(ii) 2 pound;
(iii) 25 pound;
(iv) 50 pound; and
(v) 75–80 pound.

(2) "Jumbos," as specified in paragraph (b)(3) of this section, may be handled only in 25, 50, and 75–80 pound containers.

(3) The container requirements of this paragraph shall not be applicable to carrots handled for export.

(d) *Pack requirements.* (1) Master containers for 1 pound or 2 pound packages shall contain the following number of packages only:

(i) 24 1-pound packages;
(ii) 48 1-pound packages; or
(iii) 24 2-pound packages.

(2) The net weight of contents plus tare allowance for weight of a master container shall not exceed the following tolerances:

(i) Master containers of packages weighing 1 pound or less shall not exceed an average of 20 percent;

(ii) Master containers of packages weighing over 1 pound and up to and including 2 pounds shall not exceed an average of 15 percent; and

(iii) Master containers of packages weighing over 2 pounds shall not exceed an average of 10 percent. The net weight of contents for master containers shall be determined by multiplying the average number of packages in the master containers by the weight classification of such packages. Tare allowances for master containers shall be 4 pounds for crates Nos. 4015 and 3820 or their equivalents in other containers, and 2 pounds for a "half val" crate or the equivalent in other containers.

(3) Containers weighing 25 pounds or more shall not exceed an average of 10 percent of the net weight of contents.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

*Effective date.* This amendment shall become effective January 13, 1961.

Dated: January 6, 1961.

S. R. SMITH,
*Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 61-220; Filed, Jan. 11, 1961; 8:48 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

## Subpart C—Food Additives Permitted in Animal Feed or Animal Feed Supplements

AMPROLIUM IN MEDICATED FEED AND IN EDIBLE TISSUES OF POULTRY; CORRECTION

The portion of § 121.210(b) published in the FEDERAL REGISTER of December 9, 1960 (25 F.R. 12595), that reads "250 parts per million (0.0125 percent)" is changed to read "250 parts per million (0.025 percent)".

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 4, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner*
*of Food and Drugs.*

[F.R. Doc. 61-211; Filed, Jan. 11, 1961; 8:47 a.m.]

# Title 47—TELECOMMUNICATION

[Docket No. 13812; FCC 61-35]

## Chapter I—Federal Communications Commission

## PART 11—INDUSTRIAL RADIO SERVICES

### Power Radio Service

1. Rules changes ordered by this Report and Order will conclude a Rule Making proceeding which commenced on September 22, 1960 (25 F.R. 9296, Sept. 29, 1960). The proposals as contained in our September 22d Notice of Proposed Rule Making are herein adopted with but a few minor modifications. In substance, we are, by means and reason of the Rules changes ordered—

a. Effecting a change in the Rules format of Subpart F—Power Radio Service, Part 11, and

b. Allowing electric power entities to use their radio facilities, under certain prescribed conditions, in the installation, maintenance and repair of other wireline facilities which are mounted upon or utilize common supporting structures, and

c. Providing for an expanded usage of tone signaling, on mobile service frequencies above 25 Mc, for equipment control and supervision purposes, where necessary, to prevent or correct failures in a licensee's system.

2. Our proposals in this proceeding, their genesis and inception, were amply documented in our September 22d Notice of Proposed Rule Making. We need not therefore encumber this document with a reiteration of our purposes; suffice it to say that our reasons for instituting this proceeding have been corroborated by the commentators who voiced, for practical purposes, complete and unqualified approval of the substance of the measures which were proposed. Commentators were three in number.

3. Motorola, Inc. expressed unequivocal satisfaction with our proposals. The General Electric Co. (hereinafter GE) is similarly in agreement with the objectives we strive to attain, but suggests one small change in our proposed § 11.253(c)(3), relating to the types of emissions which will be authorized for operational fixed stations. GE suggests that in addition to A1, A2, and F2 type emissions, an F1 type should also be included. In view of the general validity of GE's assertion that the emitted bandwidth of an F1 system is likely to be less than that of an F2 system, and the fact that § 11.252(f)(3) does indeed restrict the bandwidth used to that authorized to the licensee for voice emissions on the pertinent frequency, it appears that the GE suggestion is reasonable and conducive to a more efficient utilization of frequencies. Accordingly, the GE suggestion is adopted and § 11.253(c)(3) has been revised to reflect the permissibility of F1 type emissions.

4. The third commentator in this proceeding was the National Committee for Utilities Radio (hereinafter referred to as NCUR). This organization represents those licensees most intimately concerned with the Rules changes contemplated herein. The NCUR favors our proposals. Three changes however have been suggested. Two of these changes relate to terminology and are basically editorial in nature. The third suggestion is of substance.

5. The editorial or formal changes recommended by NCUR are as follows:

a. In the nomenclature of the gas industry, the term "manufactured" is proper to types of gas other than "natural". In the past, the Commission's rules have referred to "artificial" rather than "manufactured" gas. The latter being the correct term, § 11.251(b) is amended to reflect "manufactured" rather than "artificial" gas.

b. The term "power" as used in subdivisions (i), (ii), and (iii) of § 11.252(f)(1) is, by the assertion of the NCUR, "redundant and unnecessary"; and narrow in connotation, being restricted in the utilities industry to those organizations producing electrical power or energy. This the Commission has recognized for some time and on one occasion proposed to re-name the entire service. The proposal was abandoned after an analysis of the comments received. The use of the word "power" in this instance, however, is of little moment and lest it be interpreted as being applicable only to "electric" power utilities, an interpretation not intended by us, we have eliminated the term "power" from the sections noted.

6. The NCUR's third suggestion relates to our proposed Rule change allowing electric power entities to use their Power Radio Service facilities in the maintenance and repair of other wireline facilities mounted upon or using common supporting or distribution structures. We are asked to broaden the extension of this privilege to include the installation as well as the maintenance and repair of such wireline facilities. We believe this suggestion contemplates a logical extension or completion of the operating privilege we proposed; and we are accordingly incorporating it into our § 11.252(d). At the same time we desire to point out that the permissive "other wireline installation maintenance and repair" usage to which an electric power entity may dispose his radio facilities is not under any circumstances to be construed as license for these entities to solicit or seek out installation maintenance or repair business. Section 11.252(d) was proposed and is being adopted to alleviate operating burdens currently borne by small electrical operators, usually Rural Electrification Co-ops, in remote and sparsely settled areas. It is not our desire to stimulate or promote wire-line installation and/or repair ventures on the part of electric power entities as a sidelight, so to speak, to their normal or routine business operations. The type of operation contemplated or to be allowed by § 11.252(d) shall be secondary in character and in strict accordance with the terms of the rule.

7. Upon adequate consideration of all of the comments filed herein and of all other matters relevant in this proceeding, the Commission concludes that the amendments outlined above and reflected below will materially serve the public interest, convenience and necessity. The authority for such amendments is set forth in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered*, This 4th day of January 1961, that effective February 13, 1961, Part 11 of the Commission's rules is hereby amended in the manner set forth below.

Released: January 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

The present index references, titles and text of Subpart F (Power Radio Service) are deleted and the following new subpart is substituted therefor:

Subpart F—Power Radio Service

Sec.
11.251 Eligibility.
11.252 Availability and use of service.
11.253 Station limitations.
11.254 Frequencies available.
11.255 Unlisted frequencies.

AUTHORITY: §§ 11.251 to 11.255 issued under sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.

### Subpart F—Power Radio Service

**§ 11.251 Eligibility.**

The following persons are eligible to hold authorizations to operate radio stations in the Power Radio Service:

(a) Persons primarily engaged in the generation, transmission, or distribution of electrical energy, for use by the general public or by the members of a cooperative organization.

(b) Persons primarily engaged in the distribution of manufactured or natural gas by means of pipe line, for use by the general public or by the members of a cooperative organization, or in a combination of that activity with the production, transmission or storage of manufactured or natural gas preparatory to such distribution.

(c) Persons primarily engaged in the distribution of water or steam by means of pipe line or, in the case of water, by means of canal or open ditch, for use by the general public or by the members of a cooperative organization, or in a combination of that activity with the collection, transmission, storage, or purification of water or the generation of steam preparatory to such distribution.

(d) A nonprofit corporation or association, organized for the purpose of furnishing a radiocommunication service to persons who are actually engaged in one or more of the activities set forth in the preceding subparagraphs. Such a corporation or association shall render service only on a nonprofit cost-sharing basis, said cost to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect the cost-sharing nonprofit nature of the arrangement shall be maintained and held available for inspection by Commission representatives. Each person licensed under the provisions of this paragraph shall obtain prior approval from the Commission for each person who proposes to participate in the licensee's service.

**§ 11.252 Availability and use of service.**

(a) The initial application from a person claiming eligibility in the Power Radio Service must be accompanied by a statement in detail sufficient to indicate clearly such eligibility.

(b) Persons licensed under the provisions of § 11.251(b) may utilize their radio facilities in conjunction with the supplying of liquefied petroleum gas to consumers in areas beyond gas distribution pipe lines.

(c) Persons eligible for radio authorizations in the Power Radio Service who are engaged in the distribution of natural gas direct to consumers and who have a substantial requirement for mobile service communication with a gas supplier may be authorized to operate

on the Petroleum Radio Service frequency or frequencies assigned to the supplier: *Provided, however,* That such operation shall be limited to communications in a local area common to both parties, and shall relate only to gas supply and distribution activities. The application of any person seeking a frequency assignment under the provisions of this paragraph shall be accompanied by a written statement from the natural gas supplier which:

(1) Concurs in the need for such intercommunication; and

(2) Consents to the use by the natural gas distributor of the frequency or frequencies involved.

(d) Radio facilities licensed to an electric power entity, in addition to being used primarily for the installation and maintenance of the electric power system, may also be used for the installation and maintenance of any other wireline facilities where such facilities employ in whole or in part the same pole line or duct distribution system as that of the electric power entity and where the licensee has the responsibility to maintain such additional wireline facilities through common ownership or contractual arrangement.

(e) Fixed operations in the Power Service are authorized primarily for voice as well as tone and impulse signaling. Mobile operations in the Power Service are authorized primarily for voice communications and such tone or impulse signaling as may be necessary to establish or maintain voice communication.

(f) Tone or impulse signaling, for purposes other than to establish or maintain voice communications may be secondarily used to the extent provided in this subpart on mobile service frequencies above 25Mc in the Power Radio Service subject to the condition that harmful interference is not caused to the primary operations of any other licensee on the particular frequency. All such secondary tone or impulse signaling shall be subject to the following limitations:

(1) The only purposes for which such secondary signaling may be used are:

(i) Automatic indication of failure of equipment or service in the production, transmission or distribution facilities of the licensee.

(ii) Automatic indication of an abnormal condition in the production, transmission or distribution facilities of the licensee, which if not promptly corrected would result in failure of the equipment affected.

(iii) Manually supervised transmissions as may be necessary to restore lost service, place standby equipment in operation, or to correct any abnormal condition, which otherwise would result in an immediate failure in the production, transmission or distribution facilities of the licensee.

(2) Any one alarm, warning or corrective requirement utilizing secondary tone or impulse signaling shall be limited to not more than five transmissions, not to exceed six seconds each, and no two transmissions shall commence in the same sixty-second period.

(3) The bandwidth utilized for secondary tone or impulse signaling shall not exceed that authorized to the licensee for voice emission on the frequency concerned.

(4) Frequency loading resulting from the use of secondary tone or impulse signaling will not be considered in whole or in part as a justification for authorizing additional frequencies in the licensee's mobile service system.

(5) A mobile service frequency may not be used exclusively for secondary tone or impulse signaling.

**§ 11.253 Station limitations.**

(a) Mobile relay stations will be authorized in the Power Radio Service only in accordance with the provisions of § 11.7.

(b) Base or mobile stations licensed in this service on frequencies above 25 Mc may transmit secondary tone or impulse signals to receivers at fixed locations, subject to the conditions, and for the purposes set forth in § 11.252 (e) and (f). Such a base or mobile station authorization for F3 emission will be construed to include authority for the transmission of secondary tone or impulse signals.

(c) Operational fixed stations may be authorized in this service on any frequency above 25 Mc which is being used by the applicant for mobile operations, subject to the conditions and for the purposes set forth in § 11.252 (e) and (f) and further subject to the following limitations and exemptions:

(1) Only those operational fixed stations which are automatically activated will be authorized under the provisions of this paragraph and the operation of such stations shall cause no harmful interference to any station operating in the mobile service on the same frequency.

(2) The plate power input to the final radio frequency stage of any transmitter shall not exceed 50 watts.

(3) Only A1, A2, F1, or F2 emission will be authorized for such operational fixed stations.

(4) Operational fixed stations licensed under the provisions of this paragraph are exempt from the requirements of §§ 11.54(e)(2), 11.107(c) and 11.152.

(5) Any Operational Fixed Station authorized under the provisions of this paragraph shall be equipped with a device which will automatically de-activate the transmitter, and require manual re-set in the event the carrier of such transmitter remains on for a period in excess of three minutes.

**§ 11.254 Frequencies available.**

(a) The following tabulation indicates the frequencies or bands of frequencies available for assignment to stations in the Power Radio Service together with the class of station(s) to which they are normally assigned and the specific assignment limitations, which are enumerated in paragraph (b) of this section:

| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| *Kc* | | |
| 2292 | Base or mobile | 10 |
| 2308 | do | 10 |
| 4637.5 | do | 10 |
| *Mc* | | |
| 27.235 | Base, mobile, or fixed | 2,9 |
| 27.245 | do | 2,9 |
| 27.255 | do | 2,9 |
| 27.265 | do | 2,9 |
| 27.275 | do | 2,9 |
| 37.46 | Base or mobile | |
| 37.50 | do | |
| 37.54 | do | |
| 37.58 | do | |
| 37.62 | do | |
| 37.66 | do | |
| 37.70 | do | |
| 37.74 | do | |
| 37.78 | do | |
| 37.82 | do | |
| 37.86 | do | |
| 40.68 | Operational fixed | 4,9 |
| 47.70 | Base or mobile | |
| 47.72 | do | |
| 47.74 | do | |
| 47.76 | do | |
| 47.78 | do | |
| 47.80 | do | |
| 47.82 | do | |
| 47.84 | do | |
| 47.86 | do | |
| 47.88 | do | |
| 47.90 | do | |
| 47.92 | do | |
| 47.94 | do | |
| 47.96 | do | |
| 47.98 | do | |
| 48.00 | do | |
| 48.02 | do | |
| 48.04 | do | |
| 48.06 | do | |
| 48.08 | do | |
| 48.10 | do | |
| 48.12 | do | |
| 48.14 | do | |
| 48.16 | do | |
| 48.18 | do | |
| 48.20 | do | |
| 48.22 | do | |
| 48.24 | do | |
| 48.26 | do | |
| 48.28 | do | |
| 48.30 | do | |
| 48.32 | do | |
| 48.34 | do | |
| 48.36 | do | |
| 48.38 | do | |
| 48.40 | do | |
| 48.42 | do | |
| 48.44 | do | |
| 48.46 | do | |
| 48.48 | do | |
| 48.50 | do | |
| 48.52 | do | |
| 48.54 | do | |
| 72.02 | Operational fixed | 1 |
| 72.06 | do | 1 |
| 72.10 | do | 1 |
| 72.14 | do | 1 |
| 72.18 | do | 1 |
| 72.22 | do | 1 |
| 72.26 | do | 1 |
| 72.30 | do | 1 |
| 72.34 | do | 1 |
| 72.38 | do | 1 |
| 72.42 | do | 1 |
| 72.46 | do | 1 |
| 72.50 | do | 1 |
| 72.54 | do | 1 |
| 72.58 | do | 1 |
| 72.62 | do | 1 |
| 72.66 | do | 1 |
| 72.70 | do | 1 |
| 72.74 | do | 1 |
| 72.78 | do | 1 |
| 72.82 | do | 1 |
| 72.86 | do | 1 |
| 72.90 | do | 1 |
| 72.94 | do | 1 |
| 72.98 | do | 1 |
| 73.02 | do | 1 |
| 73.06 | do | 1 |
| 73.10 | do | 1 |
| 73.14 | do | 1 |
| 73.18 | do | 1 |
| 73.22 | do | 1 |
| 73.26 | do | 1 |
| 73.30 | do | 1 |
| 73.34 | do | 1 |
| 73.38 | do | 1 |
| 73.42 | do | 1 |
| 73.46 | do | 1 |
| 73.50 | do | 1 |



| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| *Mc* | | |
| 73.54 | Operational fixed | 3 |
| 73.58 | do | 6 |
| 73.62 | do | 3 |
| 73.66 | do | 3 |
| 73.70 | do | 3 |
| 73.74 | do | 3 |
| 73.78 | do | 3 |
| 73.82 | do | 3 |
| 73.86 | do | 3 |
| 73.90 | do | 3 |
| 73.94 | do | 3 |
| 73.98 | do | 3 |
| 74.02 | do | 3 |
| 74.06 | do | 3 |
| 74.10 | do | 3 |
| 74.14 | do | 3 |
| 74.18 | do | 3 |
| 74.22 | do | 3 |
| 74.26 | do | 3 |
| 74.30 | do | 3 |
| 74.34 | do | 3 |
| 74.38 | do | 3 |
| 74.42 | do | 3 |
| 74.46 | do | 3 |
| 74.50 | do | 3 |
| 74.54 | do | 3 |
| 74.58 | do | 3 |
| 74.62 | do | 3 |
| 74.66 | do | 3 |
| 74.70 | do | 3 |
| 74.74 | do | 3 |
| 74.78 | do | 3 |
| 74.82 | do | 3 |
| 74.86 | do | 3 |
| 74.90 | do | 3 |
| 74.94 | do | 3 |
| 74.98 | do | 3 |
| 75.02 | do | 3 |
| 75.06 | do | 3 |
| 75.90 | do | 3 |
| 75.94 | do | 3 |
| 75.98 | do | 3 |
| 152.51 | Base or mobile | |
| 152.54 | do | 11 |
| 152.57 | do | |
| 152.60 | do | 11 |
| 152.63 | do | |
| 152.66 | do | 11 |
| 152.69 | do | |
| 152.72 | do | 11 |
| 152.75 | do | |
| 152.78 | do | 11 |
| 152.81 | do | |
| 152.84 | do | 11 |
| 152.87 | do | |
| 152.90 | do | 11 |
| 152.93 | do | |
| 152.96 | do | 11 |
| 152.99 | do | |
| 153.02 | do | 11 |
| 153.05 | do | |
| 153.08 | do | 11 |
| 153.11 | do | |
| 153.14 | do | 11 |
| 153.17 | do | |
| 153.20 | do | 11 |
| 153.23 | do | |
| 160.425 | Operational fixed | 4 |
| 160.475 | do | 4 |
| 160.525 | do | 4 |
| 160.575 | do | 4 |
| 170.225 | do | 4 |
| 170.275 | do | 4 |
| 170.325 | do | 4 |
| 170.375 | do | 4 |
| 171.025 | do | 4 |
| 171.075 | do | 4 |
| 171.125 | do | 4 |
| 171.175 | do | 4 |
| 171.825 | do | 4 |
| 171.875 | do | 4 |
| 171.925 | do | 4 |
| 171.975 | do | 4 |
| 172.25 | Base or mobile | 11 |
| 172.30 | do | 11 |
| 172.35 | do | 11 |
| 406.050 | Operational fixed | 4,6 |
| 406.150 | do | 4,6 |
| 406.250 | do | 4,6 |
| 406.350 | do | 4,6 |
| 412.450 | do | 4,6 |
| 412.550 | do | 4,6 |
| 412.650 | do | 4,6 |
| 412.750 | do | 4,6 |
| 451.05 | Base and mobile | 9 |
| 451.10 | do | 9 |
| 451.15 | do | 9 |
| 451.20 | do | 9 |
| 451.25 | do | 9 |
| 456.05 | Mobile | 7,9 |
| 456.10 | do | 7,9 |
| 456.15 | do | 7,9 |
| 456.20 | do | 7,9 |
| 456.25 | do | 7,9 |
| 902–928 | Operational fixed | 1 |
| 1850–1990 | do | 1 |
| 2110–2200 | do | 1 |
| 2450–2500 | Base, mobile, fixed | 1,2 |
| 2500–2700 | Operational fixed | 1 |
| 6425–6575 | Base or mobile | 1 |
| 6575–6875 | Operational fixed | 1 |
| 10,550–10,700 | do | 1 |
| 11,700–12,200 | Base or mobile | 1 |
| 12,200–12,700 | Operational fixed | 1 |
| 13,200–13,225 | do | 1 |
| 16,000–18,000 | do | 1,2 |
| 26,000–30,000 | do | 1 |

(b) Explanation of assignment limitations appearing in the frequency tabulation of this section:

(1) Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

(2) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific or medical devices.

(3) Use of this frequency is subject to the condition that no harmful interference will be caused to the reception of television channels 4 or 5. Assignments will be made only in accordance with the criteria set forth in § 11.8.

(4) This frequency will be assigned only for the specific purpose of transmitting hydrological or meteorological data. The use of this frequency is subject to the condition that harmful interference will not be caused to Federal Government stations, and further, that the hydrological or meteorological data being handled is made available to interested governmental agencies. Other provisions of this part notwithstanding, an operational fixed station operating on this frequency shall not engage in communications with any station in the mobile service unless written authorization to do so has been obtained from the Commission. Persons who desire to operate stations on this frequency should communicate with the Commission for instructions concerning the procedure to be followed in filing formal application.

(5) Use of this frequency is limited to stations located in the States of Pennsylvania and West Virginia only and is subject to no protection from interference due to the operation of industrial, scientific or medical devices on this frequency.

(6) This frequency is intended for use primarily by fixed relay stations.

(7) This frequency will not be assigned to base stations.

(8) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kilocycles, for intermittent transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum plate power input of 30 watts to the final radio frequency stage.

(9) This frequency is available for assignment on a secondary basis to fixed relay or control stations which operate as integral parts of a radio circuit over which messages are sent to or received from a mobile station without interruption for manual relaying, provided that such operation causes no harmful interference to base or mobile stations, and further provided, that this frequency will not be assigned for such control or relay operation in any instance where its use will be in a radio circuit which involves more than two automatic retransmissions in each direction on mobile service frequencies.

(10) Frequencies below 25 Mc will be assigned to base or mobile stations in this service only upon a satisfactory showing that, from a safety of life standpoint, frequencies above 25 Mc will not meet the operational requirements of the applicant. This frequency is available for assignment in many areas; however, in individual cases such assignment may be impracticable due to conflicting frequency use authorized to stations in other services by this and other countries. In such cases a substitute frequency, if found to be available, may be assigned from the following bands 1605–1750, 2107–2170, 2194–2495, 2505–2850, 3155–3400 or 4438–4650 kc. Since such assignments are in certain instances subject to additional technical and operational limitations, it is necessary that each application also include precise information concerning transmitter output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation.

(11) This frequency is not available for assignment in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington.

**§ 11.255 Unlisted frequencies.**

(a) Stations authorized to operate on frequencies within the band 890–940 Mc prior to April 16, 1958, may continue to operate in that band for the duration of the terms of their current authorizations. Such authorizations will be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted. Renewal authorizations will be granted subject to the following conditions:

(1) That the licensee accepts such interference as may be received from industrial, scientific or medical equipment operating on the frequency 915 Mc;

(2) That the licensee accepts such interference as may be received from radiopositioning stations operating in the band 890–942 Mc; and

(3) That no harmful interference is caused to stations in the radiopositioning service operating on frequencies in the band 890–942 Mc.

[F.R. Doc. 61-223; Filed, Jan. 11, 1961; 8:50 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

## PART 1—GENERAL RULES OF PRACTICE

### Miscellaneous Amendments

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 4th day of January A.D. 1961.

There being under consideration §§ 1.101(a) and 1.16(a) of the Commission's general rules of practice, and good cause appearing therefor:

*It is ordered,* That paragraph (a) of § 1.101 be amended to read as follows:

(a) *In general.* (1) A petition seeking any change in a decision, order, or requirement of the Commission should specify whether the prayer is for reconsideration, reargument, rehearing, further hearing, modification of effective date, vacation, suspension, or otherwise.

(2) *Administrative finality of division decisions.* All decisions, orders, or requirements of a division of the Commission in any proceeding shall be considered administratively final, except those involving issues of general transportation importance, those wherein the division reverses, changes, or modifies a prior decision by a hearing officer, and those wherein the initial decision is made by a division.

(3) *Limitations on petitions for review of division decisions.* Pursuant to authority granted in section 17(6) of the Interstate Commerce Act, the right to apply to the entire Commission for rehearing, reargument, or reconsideration of a decision, order, or requirement of a division of the Commission in any proceeding shall be limited and restricted to those proceedings in which prior to, or at the time of issuance of a division's decision, the entire Commission, on its own motion, determines and announces that an issue of general transportation importance is involved. In proceedings in which no such announcement has been made, but in which a division reverses, changes, or modifies a prior decision by a hearing officer or where the initial decision is made by a division, a petition to the same division for rehearing, reargument, or reconsideration of its decision will be permitted and will be considered and disposed of by such division in an appellate capacity and with administrative finality.

(4) *Copies of petitions and replies.* In cases in which it has been determined and announced that an issue of general transportation importance is involved, there shall be furnished for the use of the Commission the original and 14 copies of each petition filed under this section and of replies to such petitions. In all other cases, the original and 6 copies of such petitions and replies shall be furnished for the use of the Commission.

*It is further ordered,* That paragraph (a) § 1.16 be amended to read as follows:

(a) *Generally.* The original and 14 copies of every pleading, document, or paper permitted or required to be filed under this part shall be furnished for the use of the Commission except as a different number is required under paragraph (b) of this section, or as otherwise provided respecting: answers (§ 1.35 (c)); applications (§§ 1.38(b) and 1.40 (c)); complaints, formal (§§ 1.26 and 1.37) and informal (§§ 1.24(a) and 1.25 (d)); depositions (§ 1.64); exhibits (§§ 1.84(c) and 1.86); modified and shortened procedure (§§ 1.44(c) and 1.52); petitions in intervention (§ 1.72 (d)); prepared statements (§ 1.77); protests in investigation-and-suspension proceedings (§ 1.42(c)); replies (§ 1.23 (b)); and matters respecting oral argument (§ 1.98); subpenas (§ 1.56(a)); time modification (§ 1.21(b)); transcript correction (§ 1.90(b)), and petitions for rehearing, reargument, or reconsideration (§ 1.101(a)).

*It is further ordered,* That this order shall become effective February 1, 1961, but shall not apply to any proceeding respecting which an exception to an officer's report therein has been filed prior to such effective date.

*It is further ordered,* That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, secs. 204, 205, 49 Stat. 546, as amended, 548, as amended, sec. 304, 54 Stat. 933, Sec. 403, 56 Stat. 285; 49 U.S.C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-216; Filed, Jan. 11, 1961; 8:48 a.m.]

## PART 1—GENERAL RULES OF PRACTICE

### Special Rules of Practice

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 4th day of January A.D. 1961.

The Commission on the date hereof having created three boards of employees, designated collectively as the Finance Boards, to which certain classes of proceedings that have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits have been assigned, and enlarged the assignment of work of The Transfer Board, and the matter of revising the special rules of procedure of other employee boards to include and apply to the Finance Boards being under consideration:

*It is ordered,* That, to implement the action creating the Finance Boards and enlarging the assignment of work to the Transfer Board, § 1.225 is revised to read as follows:

§ 1.225 **Special rules of practice governing the procedure of the Temporary Authorities Board, the Transfer Board, and the Finance Boards.**

(a) The proceedings of the Temporary Authorities Board, the Transfer Board, and the Finance Boards shall be informal. No transcription of such proceedings will be made. Subpenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) A petition for reconsideration of an order of the Temporary Authorities Board, the Transfer Board, or a Finance Board may be filed by any interested person. Such petition and the reply thereto will be governed by the Commission's general rules of practice, except as otherwise provided in paragraphs (c), (d) and (e) of this section.

(c) The original and six copies of every pleading, document, or paper permitted or required to be filed under this section, shall be furnished for the use of the Commission.

(d) A petition seeking reconsideration of an order of the Temporary Authorities Board entered under section 210a(a) or of a Finance Board entered under sections 210a(b) or 311(b) of the Interstate Commerce Act must be filed within 20 days after the date of service of the order. Within 20 days after the filing of such petition with the Commission any interested person may file and serve a reply thereto.

(e) A petition seeking reconsideration of an affirmative order of The Transfer Board entered pursuant to the rules and regulations governing transfers of property brokers' licenses, Part 167, passenger brokers' licenses, Part 169, motor carrier operating rights, Part 179, water carrier operating rights, Part 306, and freight forwarder permits, Part 415 of this chapter, must be filed within 20 days following publication of a synopsis of such order in the FEDERAL REGISTER. In such a petition the matters claimed to have been erroneously decided and the alleged errors must be specified with particularity. If the petition contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted in affidavit form. Within 20 days after the final date for filing of such petitions with the Commission, any interested person may file and serve a reply thereto.

*It is further ordered,* That this order shall be effective on February 1, 1961.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended; secs. 204, 205, 49 Stat. 546, as amended, 548, as amended; sec. 304, 54 Stat. 933; sec. 403, 56 Stat. 285; 49 U.S.C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-217; Filed, Jan. 11, 1961; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Parts 943, 966]

[Docket Nos. AO-231-A14, AO-257-A6]

### MILK IN NORTH TEXAS AND NORTHERN LOUISIANA MARKETING AREAS

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Rose Room, Hotel Dallas, Dallas, Texas, beginning at 10:00 a.m., c.s.t., on January 18, 1961, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the North Texas and Northern Louisiana marketing areas.

The public hearing is for the purpose of receiving evidence with respect to (1) the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order, regulating the handling of milk in the North Texas marketing area, and (2) the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order, regulating the handling of milk in the Northern Louisiana marketing area.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

North Texas Order:

Proposed by the North Texas Producers Association:

*Proposal No. 1.* Delete § 943.50(c) and substitute therefor the following:

(c) The price per hundredweight computed by multiplying by 8.4 the average daily prices paid per pound of cheese at Wisconsin Primary markets ("cheddars" f.o.b. Wisconsin assembling points, cars or truck loads) as reported by the Department for the month and rounding to the nearest cent.

*Proposal No. 2.* Delete § 943.51(b) and substitute therefor the following:

(b) *Class II milk.* For each of the months of April, May and June the price computed pursuant to § 943.50(b) less 14 cents or the price computed pursuant to § 943.50(c), whichever is higher; and for each of the other months of the year the higher of the prices computed pursuant to § 943.50 (b) or (c), rounded in each case to the nearest cent.

Northern Louisiana Order:

Proposed by the Northwest Louisiana Pure Milk Producers Association, Inc.:

*Proposal No. 3.* Delete subparagraph (c) from the opening paragraph of § 966.50, and transfer the "and" preceding (c) so as to place it between (a) and (b).

*Proposal No. 4.* Delete § 966.50(c).

*Proposal No. 5.* Amend § 966.51(b) to read as follows:

(b) *Class II price.* The minimum price shall be the price computed pursuant to § 966.50(b) minus 5 cents per hundredweight for the months of March, April, May, and June, and the price computed pursuant to § 966.50(b) for all other months, rounded in each case to the nearest one-tenth cent.

*Proposal No. 6.* Make such other changes as may be necessary to make the above proposed changes consistent with all other provisions of the order.

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 7.* Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the North Texas and Northern Louisiana orders may be procured from the Market Administrator, 2621 West Mockingbird Lane, Dallas, Texas, and 106 East Kingshighway, Shreveport, Louisiana, respectively, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 9th day of January 1961.

ROY W. LENNARTSON, *Deputy Administrator.*

[F.R. Doc. 61-218; Filed, Jan. 11, 1961; 8:48 a.m.]

[7 CFR Parts 949, 952, 998]

[Docket Nos. AO-232-A9, AO-256-A5, AO-259-A4]

### MILK IN SAN ANTONIO, TEXAS, AUSTIN-WACO, AND CORPUS CHRISTI, TEXAS, MARKETING AREAS

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Cascade Room, Saint Anthony Hotel, San Antonio, Texas, beginning at 10:00 a.m., c.s.t., on January 16, 1961, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the San Antonio, Texas, Austin-Waco, and Corpus Christi, Texas, marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Corpus Christi, Texas, Order:

Proposed by the Coastal Bend Milk Producers Association:

*Proposal No. 1.* Delete § 998.50(b) and substitute therefor the following:

(b) *Class II milk price.* The minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class II milk shall be the price computed pursuant to subparagraph (1) of this paragraph less 12 cents on the price computed pursuant to paragraph (c) of this section, whichever is higher during the months of March, April, May and June; and for each of the other months the price computed pursuant to subparagraph (1) of this paragraph or pursuant to paragraph (c) of this section, whichever is higher:

(1) The sum of the plus values computed as follows:

(i) Subtract 3 cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0; and

(ii) From the simple average as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b., manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.16.

San Antonio, Texas, Order:

Proposed by the Producers Association of San Antonio, Inc.:

*Proposal No. 2.* Delete § 949.52(a) and substitute therefor the following:

(a) *Class II milk.* During April, May and June the price per hundredweight for Class II milk shall be the price computed pursuant to subparagraph (1) of this paragraph less 14 cents or the price computed pursuant to paragraph (b) of this section, whichever is higher. During all other months the Class II price shall

be the price computed pursuant to subparagraph (1) of this paragraph or pursuant to paragraph (b) of this section, whichever is higher.

(1) The sum of the amounts computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Multiply by 4.4 the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade "A" (93-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month;

(ii) From the average of the carlot prices per pound of nonfat dry milk for human consumption, spray process, f.o.b. manufacturing plants in the Chicago area as reported by the United States Department of Agriculture for the period from 26th day of the preceding month through the 25th day of the current month, subtract 5 cents, multiply by 8.16.

Austin-Waco Order:

Proposed by the Mid-Tex Milk Producers Association:

*Proposal No. 3.* Delete § 952.51 and substitute therefor the following:

§ 952.51 Class II milk.

Subject to provisions of § 952.52 the minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class II milk shall be the price computed pursuant to paragraph (a) of this section less 14 cents or the price computed pursuant to paragraph (b) of this section, whichever is higher, during April, May and June; and for each of the other months the price computed pursuant to paragraph (a) or paragraph (b) of this section, whichever is higher:

(a) The sum of the plus value computed as follows:

(1) Subtract 3 cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and multiply by 0.96.

(b) The price per hundredweight computed by multiplying by 8.4 the average daily prices paid per pound of cheese at Wisconsin Primary markets ("cheddars" f.o.b. Wisconsin assembling points, cars or truck loads) as reported by the Department for the month and rounding to the nearest cent.

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 4.* Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the San Antonio, Texas, Austin-Waco, and Corpus Christi, Texas, orders may be procured from the Market Administrator, 1204 N. Main Avenue, San Antonio 2, Texas; 3401-A East Avenue, Austin 2, Texas, and 112 Tarlton Street, Corpus Christi, Texas, respectively, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 9th day of January 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61-219; Filed, Jan. 11, 1961; 8:48 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

### [ 21 CFR Part 27 ]

[Docket No. FDC-70]

### ORANGE JUICE AND ORANGE JUICE PRODUCTS

### New Date Scheduled for Prehearing Conference Regarding Establishment of Definitions and Standards of Identity

In the matter of establishing definitions and standards of identity for orange juice (§ 27.106), pasteurized orange juice (§ 27.107), canned orange juice (§ 27.108), sweetened pasteurized orange juice (§ 72.109), canned sweetened orange juice (§ 27.110), concentrated orange juice (§ 27.111), sweetened concentrated orange juice (§ 27.112), reconstituted orange juice (§ 27.113), sweetened reconstituted orange juice (§ 27.114), and industrial orange juice with added chemical preservatives:

The notice of hearing in the above-referenced matter published in the FEDERAL REGISTER December 2, 1960 (25 F.R. 12372) stated that a prehearing conference would be held commencing January 16, 1961. Notice is hereby given that this conference has been rescheduled for January 18, 1961, instead of the date previously given.

Dated: December 30, 1960.

[SEAL] WILLIAM J. RISTEAU,
*Hearing Officer.*

[F.R. Doc. 61-212; Filed, Jan. 11, 1961; 8:47 a.m.]

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Nopco Chemical Company, 60 Park Place, Newark, New Jersey, proposing the issuance of a regulation to provide for the safe use of calcium chloride double salt of *d*-calcium pantothenate as a nutritional supplement in food.

Dated: January 5, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-227; Filed, Jan. 11, 1961; 8:49 a.m.]

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Elanco Products Company, Division of Eli Lilly and Company, Indianapolis 6, Indiana, proposing the issuance of a regulation to provide for the safe use in swine feeds of tylosin at levels of not less than 10 grams per ton and not more than 100 grams per ton, as an aid in stimulating growth and improving feed efficiency of swine.

Dated: January 5, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-226; Filed, Jan. 11, 1961; 8:49 a.m.]

# SMALL BUSINESS ADMINISTRATION

### [13 CFR Part 107 ]

### SMALL BUSINESS INVESTMENT COMPANIES

### Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Pub. Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, §§ 107.308-3, 107.308-9 (a), 107.308-13, and 107.308-14 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations. Prior to the final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of thirty days of the date of publication of this notice in the FEDERAL REGISTER.

*Information.* The amendments under consideration provide clarification for use of Licensee funds; prohibit any financing of financial institutions; clarify rendition of services to financial institutions, including other Licensees; and clarify activities with respect to consulting and advisory services.

It is proposed to amend the Small Business Investment Company Regulation as follows:



1. Designating the present text of § 107.308-3 as paragraph (a) and adding at the end thereof the following new paragraph (b) which reads as follows:

§ 107.308-3 Idle operating funds.

* * * * *

(b) Funds of a Licensee not employed in accordance with the provisions of sections 304 and 305 of the Act and the regulations thereunder, and not invested in accordance with paragraph (a) of this section, shall be retained in cash by the Licensee or placed on demand deposit with a commercial bank which is a member of the Federal Deposit Insurance Corporation.

2. Deleting paragraph (a) of § 107.308-9 and substituting in lieu thereof the following new § 107.308-9(a):

§ 107.308-9 Prohibited uses.

* * * * *

(a) Re-lending by the small business concern; nor may funds be provided to a small business concern if the business activity of such concern involves the investing, lending, or other providing of funds to others in exchange for an equity interest or monetary obligation.

3. Adding at the end of § 107.308-12 the following new §§ 107.308-13 and 107.308-14 which read as follows:

§ 107.308-13 Incidental services to banks or other financial institutions.

A Licensee may render only incidental services, such as custodial, collection or investigation, for and receive compensation from banks or other financial institutions and only in connection with the financing or the providing of consulting and advisory services to a small business concern by the Licensee in participation or cooperation with such bank or other financial institution.

§ 107.308-14 Consulting and advisory services.

(a) Consulting and advisory services shall consist only of advice with respect to the financial requirements of a business activity and the management and operation thereof; and shall not include performance by the Licensee of any of the operating activities of the small business concern, such as sales promotion, bookkeeping or cost accounting.

(b) Consulting and advisory services may be provided by a Licensee only to small business concerns eligible for financial assistance from the Licensee providing such services: *Provided, however,* That a Licensee may provide such services to another Licensee in connection with the financing of a small business concern with which the latter Licensee proposes to negotiate forthwith or is then in process of negotiation for financing.

(c) The rendering of consulting and advisory services to small business concerns for whom the Licensee does not provide financing, shall not constitute a major portion of the activities or income of a Licensee.

Dated: January 5, 1961.

PHILIP MCCALLUM,
*Administrator.*

[F.R. Doc. 61-222; Filed, Jan. 11, 1961; 8:49 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Group Nos. 427, 443, California et al.]

### CALIFORNIA

### Notice of Filing of Plats of Survey and Order Providing for the Opening of Public Lands

1. Plats of survey of the lands described below will be officially filed in the Land Office, Los Angeles, California, effective at 10 a.m., on January 25, 1961.

SAN BERNARDINO MERIDIAN

T. 4 N., R. 3 E., SBM

This plat represents a retracement and reestablishment of portions of the north, west, and south boundaries, and portions of the subdivisional lines designed to restore the corners in their true original location.

Sec. 5—Lots 5, 6, 7, 8, 9, 10;
Sec. 6—Lots 3, 4, 9, 10, 11, 12.

The area described aggregates 469.49 acres. Plat of survey accepted July 15, 1960.

T. 4 N., R. 4 E., SBM

This plat represents a resurvey of the subdivisions and of the east and north boundaries designed to restore the corners in their true, original location.

Sec. 10—Lots 1 to 12 incl.;
Sec. 11—Lots 1 to 12 incl.;
Sec. 14—Lots 1, 2, 3, 4, W½NE¼; W½, W½SE¼;
Sec. 15—Lots 1 to 12 incl.;
Sec. 16—Lots 1 to 4 incl.;
Sec. 17—Lots 1 to 8 incl.;
Sec. 20—Lots 1 to 8 incl.;
Sec. 21—Lots 1 to 12 incl.;
Sec. 22—Lots 1 to 8 incl., E½NE¼, E½ SE¼;
Sec. 23—Lots 1 to 7 incl., SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 24—Lots 1 to 8 incl.;
Sec. 26—Lots 1 to 8 incl., W½NW¼, W½SW¼;
Sec. 27—Lots 1 to 4 incl., E½, E½NW¼, E½SW¼;
Sec. 28—Lots 1 to 8 incl.;
Sec. 34—Lots 1 to 8 incl.;
Sec. 35—Lots 1 to 8 incl.

The area described aggregates 6,887.68 acres. Plat of survey accepted July 18, 1960.

SAN BERNARDINO MERIDIAN

T. 4 N., R. 5 E., SBM.

This plat represents a retracement and reestablishment of a portion of the west boundary of T. 4 N., R. 6 E., and the south boundary of T. 4 N., R. 5 E., SBM, designed to restore the corners in their true, original location.

Sec. 5—Lots 1 to 7 incl., SW¼NE¼, S½ NW¼, SW¼, W½SE¼;
Sec. 6—Lots 1 to 7 incl., S½NE¼, SE¼ NW¼, E½SW¼, SE¼;
Sec. 7—Lots 1 to 4 incl., E½, E½W½;
Sec. 8—All;
Sec. 9—Lots 1 to 4 incl., S½NE¼, S½NW¼; SW¼, SE¼;
Sec. 16—All;
Sec. 36—Lots 1 to 4 incl., W½NE¼, NW¼, SW¼, W½SE¼.

The area described aggregates 4,419.94 acres. Plat of survey accepted July 25, 1960.

T. 5 N., R. 2 E., SBM

This plat represents a retracement and reestablishment of portions of the north, east, and west boundaries and subdivisional lines designed to restore the corners in their true, original location.

Sec. 9—Lots 1 to 4 incl., S½NE¼, S½NW¼;
Sec. 10—Lots 1 to 7 incl., S½NE¼, SE¼ NW¼, E½SW¼, SE¼;
Sec. 11—Lots 1 to 4 incl., S½NE¼, S½ NW¼, SW¼, SE¼;
Sec. 12—Lots 1 to 7 incl., SW¼NE¼, S½ NW¼, SW¼, W½SE¼;
Sec. 13—Lots 1 to 4 incl., W½NE¼, NW¼, SW¼, W½SE¼;
Sec. 14—All;
Sec. 15—Lots 1 to 9 incl., NE¼NE¼, N½ NW¼;
Sec. 23—Lots 1, 2, NE¼, N½SE¼;
Sec. 24—Lots 1 to 4 incl., W½NE¼, NW¼, SW¼, W½SE¼;
Sec. 25—Lots 1 to 7 incl., W½NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 26—Lots 1 to 4 incl., E½NE¼, E½ SE¼;
Sec. 31—Lots 1 to 4 incl., NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 32—NW¼, SW¼, SE¼;
Sec. 33—SW¼, SE¼.

The area described aggregates 7,385.88 acres. Plat of survey accepted July 25, 1960.

T. 6 N., R. 1 W., SBM.

This plat represents a retracement and reestablishment of a portion of the south boundary, the west boundary, and a portion of the subdivisional lines designed to restore the corners in their true, original location.

Sec. 29—Lots 1 to 10 incl., SE¼NE¼, SW¼NW¼, W½SW¼, E½SE¼;
Sec. 30—Lots 1 to 8 incl., S½NE¼, N½ SE¼;
Sec. 31—Lots 1 to 8 incl., E½NE¼, E½ SE¼;
Sec. 32—Lots 1 to 8 incl., E½NE¼, W½ NW¼, W½SW¼, E½SE¼;
Sec. 33—Lots 1 to 8 incl., E½NE¼, W½ NW¼, W½SW¼, E½SE¼;
Sec. 34—Lots 1 to 4 incl., W½NW¼, W½ SW¼.

The area described aggregates 3,293.79 acres. Plat of survey accepted July 8, 1960.

2. Except for and subject to valid existing rights, it is presumed that title to the following land passed to the State of California upon acceptance of the above-mentioned plat of survey:

SAN BERNARDINO MERIDIAN

T. 4 N., R. 4 E., SBM,
Sec. 16—(Lots 1, 2, 3, 4) SW¼.

The area described aggregates 159.35 acres.

SAN BERNARDINO MERIDIAN

T. 4 N., R. 5 E., SBM,
Sec. 16—All;
Sec. 36—Lots 1 to 4 incl., NW¼, W½NE¼, SW¼, W½SE¼.

The area described aggregates 1,282.60 acres.

3. The following described lands are classified as suitable for disposition under the Small Tract Act of June 1, 1938 by Classification Order No. 563, dated May 15, 1957, as amended. Such classification segregates the land from all appropriation, including locations under the mining laws, except as to applications under the mineral leasing laws:

SAN BERNARDINO MERIDIAN

T. 4 N., R. 3 E., SBM,
Sec. 5—Lots 5 to 10 incl.;
Sec. 6—Lots 3, 4, 9, 10, 11, 12.

The area described aggregates 469.49 acres.

T. 4 N., R. 4 E., SBM,
Sec. 10—Lots 1 to 12 incl.;
Sec. 11—Lots 1 to 12 incl.;
Sec. 14—Lots 1 to 4 incl., W½NE¼, NW¼, SW¼, W½SE¼;
Sec. 15—Lots 1 to 12 incl.;
Sec. 23—Lots 1 to 7 incl., SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 24—Lots 1 to 4 incl.;
Sec. 26—Lots 1 to 8 incl., W½NW¼, W½SW¼;
Sec. 27—Lots 1 to 4 incl., E½NW¼, E½SW¼, E½;
Sec. 35—Lots 1 to 8 incl.

The area described above aggregates 4,380.81 acres.

4. The lands above-described in T. 4 N., R. 3 E., and in T. 5 N., R. 2 E., have been classified as non-agricultural by decision of the Secretary of the Interior, dated September 28, 1959. As such they will not be subject to application under an agricultural land law.

5. Land use characteristics:

T. 4 N., R. 3 E., SBM.

Subject lands are located at the southern end of the Fry Mountains and 5 miles north of Old Woman Springs. Access is available to some portions of the land over poorly maintained dirt roads extending from Old Woman Springs paved highway.

The NW¼ of Sec. 5 is characterized by rough, broken, and precipitous slopes of the Fry Mountains. Soil is of a scattered nature, supporting sparse vegetation of creosote.

The NE¼ and N½SE¼ of Sec. 6 is generally flat or undulating and of an extremely sandy nature except for the NE¼NE¼ of the section which is a portion of the rugged Fry Mountains. Soils are immature and support creosote, bur sage, cacti, and annual grasses.

T. 4 N., R. 4 E., SBM.

Subject lands are located near Melville Dry Lake, approximately 10 miles northeast of Old Woman Springs. Some are accessible by dirt road extending from the Old Woman Springs paved highway.

Much of the terrain of these lands is of a mountainous nature, extremely rocky and dissected by numerous washes and gullies. The lands which are not mountainous are characterized by sloping and undulant terrain marked by a profusion of sand dunes and other aeolian deposits. Vegetation is sparse.

T. 4 N., R. 5 E., SBM.

These lands are located approximately 26 miles north of Yucca Valley and 14 miles northeast of Old Woman Springs. Portions of the lands are accessible by dirt road from Giant Rock Airport or from Old Woman Springs Highway.

Topographically the lands fall in two categories, rough and mountainous or sloping desert plains. Soils are immature and support sparse vegetation of creosote, bur sage, cacti, and annual grasses.

T. 5 N., R 2 E., SBM,

Subject lands are located approximately 10 miles northeast of Lucerne Valley and are accessible by various dirt roads extending north from the Old Woman Springs paved road.

Terrain characterizing subject lands, except as denoted below, is of a rough and mountainous nature. Soil is immature, of a scattered nature, and supports sparse vegetation of creosote, bur sage, and grasses.

Lands which are generally not mountainous are located in Secs. 9, NW¼; 10 NE¼ NE¼; 11, E½, NW¼, NE¼SW¼; 12, All; 14, E½, SW¼; 15, SE¼, W½NW¼; 23, E½; 26, E½; 33, NW¼, SE¼; and 33, S½. These lands are characterized by sloping or undulating desert plains, and in some places sand dunes or low sand hills are present. Soil is shallow, immature, and supports sparse vegetation of creosote and some annual grasses.

T. 6 N., R 1 W., SBM,

Subject lands are located approximately 11 miles north of Lucerne Valley and between the Granite and Sidewinder mountain ranges. Access is available over dirt roads from the Barstow paved highway.

The lands, except secs. 30 and 31, are characterized by rugged mountain chains and alluvial bajadas and valleys. Soil is immature and supports sparse vegetation of creosote, bur sage, cacti, and some annual grasses.

Sections 30 and 31 are primarily rough and mountainous, severely dissected by drainage courses and exhibit only scattered areas of immature soils.

6. The above-described lands except those listed in paragraphs 2, 3, and 4 above, are opened to application, location, selection, and petition as outlined in paragraph 7 below. No application for these lands will be allowed under the homestead, desert land, small tract, or any other non-mineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

7. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the non-mineral public land laws and applications and offers under the mineral leasing laws presented prior to 10 a.m., on January 25, 1961 will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning at 10 a.m. on January 25, 1961.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

8. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 215 West Seventh Street, Los Angeles 14, California.

ROLLA E. CHANDLER,
*Manager,*
*Land Office, Los Angeles.*

[F.R. Doc. 61-221; Filed, Jan. 11, 1961; 8:48 a.m.]

[Document 236; Classification 70]

### ARIZONA

### Small Tract Classification; Amendment

In Federal Register Document 60-9354, appearing on page 9617, of the issue of October 6, 1960, the description of the lands should include, as well as those listed, the following:

T. 8 S., R. 17 E., G&SRM, Pinal County, Arizona,
Section 31: N½SE¼SE¼NE¼.

Dated: January 4, 1961.

E. I. ROWLAND,
*State Supervisor.*

[F.R. Doc. 61-202; Filed, Jan. 11, 1961; 8:45 a.m.]

### NORTH DAKOTA

### Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 4, 1961.

The Department of the Army, Corps of Engineers—Omaha District, has filed an application, Serial Number Montana-040002 (ND) for the withdrawal of the lands legally described below from all forms of appropriation. The lands are located 20 miles southeast of Bowman, North Dakota. The applicant desires the land in connection with the Bowman-Haley Reservoir, and the withdrawal is required for the purpose of reservoir impoundment and contingent reservoir management for flood control, municipal water supply, fish and wildlife, and recreation purposes.

This withdrawal will have no segregative effect on existing grazing and mineral leases until project construction is authorized and actual construction begins. Any new leases issued will be subordinate to the primary purposes of the needs of the reservoir project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FIFTH PRINCIPAL MERIDIAN

T. 129 N., R. 101 W.
Sec. 11: SW¼, W½SE¼;
Sec. 13: SW¼NW¼, SW¼, S½SE¼;
Sec. 14: NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 15: S½NE¼, S½NW¼, N½SW¼, N½ SE¼;
Sec. 23: N½NE¼, SE¼NE¼, NE¼NW¼; SE¼SW¼, SE¼;
Sec. 24: Entire Section;
Sec. 25: N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 26: NE¼, E½NW¼, SW¼NW¼, SE¼;
Sec. 35: W½NE¼, S½NW¼, N½SW¼.

Total of areas described in this order aggregates 3,280 acres.

J. R. PENNY,
*State Supervisor.*

[F.R. Doc. 61-203; Filed, Jan. 11, 1961; 8:46 a.m.]

[Notice 9; Revised]

### ALASKA

### Notice of Filing of Alaska Protraction Diagram Anchorage Land District

JANUARY 5, 1961.

Notice of filing of page 13 of Seward Meridian folio Number 22, Federal Register Document 60-1872, appearing on page 1841 of the issue for March 2, 1960 officially filed March 31, 1960, approved February 4, 1960, is hereby revised insofar as it affects the following described public lands:

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

S 22-13, Ts. 29 to 32 S., Rs. 45 to 48 W., Copper River Meridian.

DALE E. ZIMMERMAN,
*Acting Manager.*

[F.R. Doc. 61-204; Filed, Jan. 11, 1961; 8:46 a.m.]

# DEPARTMENT OF THE TREASURY

## Bureau of Customs

[431.3]

## METAL PARTS FOR ELECTRIC HOUSEHOLD UTENSILS AND ELECTRIC KITCHEN UTENSILS

### Notice of Prospective Classification

DECEMBER 5, 1961.

It appears probable that a correct interpretation of CAD 681 requires that parts in chief value of metal for electric household utensils and electric kitchen utensils such as coffee percolators, can openers, coffee grinders, pepper mills, juicers, portable sterilizers, hair dryers, hot plates, fryers, griddles, portable ovens, toasters, and battery-operated manicure kits, except those which are classifiable under paragraph 353 as articles having as an essential feature an electrical element or device, be classified as articles, not specially provided for, manufactured in chief value of metal, under paragraph 397, Tariff Act of 1930, and dutiable in most cases at the rate of 19 percent ad valorem under the provisions of that paragraph as modified.

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that the existing practice of classifying such articles as parts of articles having as an essential feature an electrical device or element, not specially provided for, under paragraph 353, Tariff Act of 1930, and dutiable at the rate of 13¾ percent ad valorem under the provisions of that paragraph as modified, is under review by the Bureau of Customs.

Consideration will be given to any relevant data, views or arguments pertaining to the correct tariff classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C. To assure consideration of such communications, they must be received in the Bureau not later than 30 days from the publication of this notice. No hearings will be held.

[SEAL] LAWTON M. KING,
*Acting Commissioner of Customs.*

[F.R. Doc. 61-228; Filed, Jan. 11, 1961; 8:50 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 11699]

## UNITED AIR LINES, INC., AND CAPITAL AIRLINES, INC.; MERGER CASE

### Notice of Oral Argument

In the matter of the application of United Air Lines, Inc., and Capital Airlines, Inc., for approval of the merger of Capital Airlines, Inc., into United Air Lines, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on January 25, 1961, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 6, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-225; Filed, Jan. 11, 1961; 8:49 a.m.]

# DEPARTMENT OF AGRICULTURE

## Commodity Credit Corporation

## SALES OF CERTAIN COMMODITIES

### January 1961 Monthly Sales List

*Notice to buyers.* Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, as well as herein, the commodities listed below are available for sale on the price basis set forth.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cotton, tobacco, rice (milled), wheat, corn, barley, rye, oats, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for January 1961 are 3½ percent for periods up to six months, 4 percent for periods from over six and up to 18 months, and 4½ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Commodity Stabilization Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated CSS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate CSS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

*Notice to exporters.* The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except bandages, gauze, and absorbent cotton with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country or Cuba, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

The above statement is with respect to the regulations of the Department of Commerce as of October 19, 1960. Exporters should consult the applicable regulations for more detailed information if desired and for any changes that may be made therein subsequent to such date.





| Commodity | Sales price or method of sale |
|---|---|
| Dairy Products | Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office. |
| Butter | Domestic, unrestricted use; Announced prices, under LD-29 as amended: 66.5 cents per pound New York, Pa., N.J., New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.75 cents per pound Washington, Oregon, and California. All other States 65.5 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid issued by Cincinnati CSS Commodity Office (may be applied to arrangements for barter and approved credit sales). |
| Nonfat dry milk | Domestic, unrestricted use; Announced prices, under LD-29 as amended: Spray process, U.S. extra grade, 15.00 cents per pound. Roller process, U.S. extra grade, 13.00 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland CSS Commodity Offices Announced prices under LD-35: When sales are made under LD-33, as amended, above any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday. Sales under both announcements may be applied to arrangements for barter and approved credit sales. |
| Cotton, upland | Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement CN-A (revised June 3, 1960), as amended (sales by local sales agencies of 1960-crop Choice (A) cotton for unrestricted use), Announcement NO-C-14, as amended (sale of 1959 and prior crops cotton for unrestricted use), and Announcement NO-C-15, as amended (sale of 1960-crop Choice (A) cotton for unrestricted use). Under CN-A (revised) cotton to be sold at highest price offered but in no event at less than 110 percent of the applicable 1960 Choice (B) support price plus carrying charges. Under NO-C-14, as amended, cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the applicable Choice (B) support price plus carrying charges. Under NO-C-15, as amended, cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 110 percent of the applicable Choice (B) support price plus carrying charges. |
| Cotton, extra long staple | Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcements NO-C-6 (revised July 22, 1960), as amended, and NO-C-10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges or (2) the domestic market price as determined by CCC. |
| Catalogs | Catalogs for upland cotton (except cotton offered under CN-A (revised June 3, 1960), as amended) and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. Catalogs or lists of cotton offered under CN-A (revised June 3, 1960), as amended, may be obtained from local sales agencies. |
| Wheat, bulk | Domestic, unrestricted use; Commercial wheat-producing area: Market price basis in store but not less than the 1960 applicable loan rate plus (1) 20 cents per bushel if received by truck or (2) 17 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Examples of the foregoing minimum price per bushel (exrail or barge): Chicago, No. 1 RW ..... $2.25 Minneapolis, No. 1 DNS ..... 2.32 Kansas City, No. 1 HW ..... 2.25 Portland, No. 1 SW ..... 2.16 Noncommercial wheat-producing area: Same basis as in commercial area except 133 percent of applicable support rate. Export: (1) As wheat under Announcement GR-261 (revised Oct. 20, 1955), as amended, or as flour under Announcement GR-262 (revised July 16, 1956), as amended, for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily (2) under Announcement GR-212 (revised Nov. 15, 1955), as amended for specific offerings as announced and (3) under Announcement GR-345 (revised June 20, 1960), as amended, for redemption of certificates under payment-in-kind program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. |
| Corn, bulk | Domestic, unrestricted use: Market price, basis in store,[1] but not less than the 1960 applicable loan rate plus (1) a markup of 12 cents per bushel for corn in storage at point of production or (2) a markup of 15 cents per bushel and the rail freight from point of production to the present point of storage for corn in storage at other than the point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.3 percent moisture and 1.4 percent foreign material including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minnesota, to Minneapolis, respectively: Chicago ..... $1.37½ Minneapolis ..... 1.21¼ Nonstorable corn, unrestricted use (as available): At not less than market price as determined by CCC. At bin sites, through ASC County Offices. At other locations through the Commodity Offices indicated below. Export: Under Announcement GR-212 (revised Nov. 15, 1955), as amended, for application to arrangements for barter and approved credit and emergency sales and under Announcement GR-368 (revised Aug. 31, 1960), as amended, for feed grain payment-in-kind program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. |
| Oats, bulk | Domestic, unrestricted use: Market price, basis in store,[1] but not less than the 1960 applicable loan rate, plus (1) a markup of 12 cents per bushel for oats in storage at point of production and (2) a markup of 14 cents per bushel and the rail freight from point of production to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis respectively: Chicago, No. 3 oats ..... $0.72¼ Minneapolis, No. 3 oats ..... .63¼ |

[1] In those counties in which grain is stored in CCC bin sites, delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements.

| Commodity | Sales price or method of sale |
|---|---|
| Oats, bulk (continued) | Export:<br>Under Announcement GR-212 (revised Nov. 15, 1955), as amended, for application to arrangements for barter and approved credit and emergency sales and under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain payment-in-kind program.<br>Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices. |
| Barley, bulk | Domestic, unrestricted use:<br>Market price basis in store but not less than 1960 applicable loan rate plus (1) 14 cents per bushel if received by truck or (2) 12 cents per bushel if received by rail or barge.<br>If delivery is outside the area of production, applicable freight will be added to the above.<br>Example of the foregoing minimum price per bushel (exrail or barge):<br>Minneapolis, No. 2 or better ..... $1.12<br>Export:<br>Under Announcement GR-212 (revised Nov. 15, 1955), as amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain payment-in-kind program.<br>Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices. |
| Rye, bulk | Domestic, unrestricted use:<br>Market price basis in store but not less than the 1960 applicable loan rate plus (1) 16 cents per bushel if received by truck or (2) 13 cents per bushel if received by rail or barge.<br>If delivery is outside the area of production, applicable freight will be added to the above.<br>Example of the foregoing minimum price per bushel (exrail or barge):<br>Minneapolis, No. 2 or better (or No. 3 on TW only) ..... $1.25<br>Export:<br>Under Announcement GR-212 (revised Nov. 15, 1955), as amended, for application to arrangements for barter and approved credit and emergency sales and under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain payment-in-kind program.<br>Available Minneapolis, Evanston, Dallas, Portland, and Kansas City CSS Commodity Offices. |
| Grain sorghums, bulk | Domestic, unrestricted use:<br>Market price basis in store but not less than the 1960 applicable loan rate plus (1) 29 cents per hundredweight if received by truck or (2) 23 cents per hundredweight if received by rail or barge).<br>If delivery is outside the area of production, applicable freight will be added to the above.<br>Example of the foregoing minimum price per hundredweight (exrail or barge):<br>Kansas City, No. 2 or better ..... $2.10<br>Export:<br>Under Announcement GR-212 (revised Nov. 15, 1955), as amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain payment-in-kind program.<br>Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. |
| Rice, milled (as available) | Domestic, unrestricted use: Market price but not less than the equivalent 1960 loan rate for rough rice, by varieties and grades, plus 5 percent, adjusted for milling, plus 27 cents per hundredweight, basis in store.<br>Export:<br>Under GR-379, as amended, for application to arrangements for barter and approved credit sales.<br>Available Dallas CSS Commodity Office. |
| Rice, broken (as available) | Domestic or export, unrestricted use:<br>Competitive bid but not less than $4.78 per hundredweight in bags ($4.63 bulk) basis U.S. No. 4 brewers rice f.o.b. mills and warehouses.<br>Prices and quantities of milled rice including brokens available by varieties and grades may be obtained from Dallas and Portland CSS Commodity Offices. |
| Rice, rough (as available) | Domestic, unrestricted use: Market price but not less than the applicable 1960 loan rate plus 5 percent, plus 28 cents per hundredweight, basis in store.<br>Export:<br>As milled or brown under Announcement GR-369, as amended, Rice Export Program Payment-in-Kind, and under GR-379, as amended, for approved credit sales.<br>Prices, quantities, and varieties of rough rice available from Dallas and Portland CSS Commodity Offices. |
| Soybeans, bulk (as available) | Domestic or export:<br>Market price basis in store but not less than the 1960 applicable county loan rate for No. 2 grade, basis point of storage plus 5 percent, plus 11.60 cents per bushel, plus the value of billing, if any, as determined by the CSS Commodity Office. Market discounts for quality factors will be applied to the basic price to determine the actual sales price.<br>Available Evanston, Kansas City, and Minneapolis CSS Commodity Offices. |
| Peanuts, shelled (as available), all types. | Domestic, unrestricted use:<br>1960 support price plus 5 percent, adjusted for milling, plus reasonable carrying charges under Peannt Announcement 3 as shown below or market prices, whichever is higher.<br>Virginias: *Cents per pound*<br>Extra large kernels ..... 25.70<br>Medium ..... 22.06<br>No. 1's ..... 19.96<br>S.E. Runner, No. 1's ..... 19.93<br>S.E. Spanish, No. 1's ..... 20.31<br>S.W. Spanish, No. 1's ..... 20.59 |
| Peanuts, shelled and unshelled, farmers stock (as available). | Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (revised Feb. 16, 1960), as amended. |
| Tung oil | Export: Competitive bid on limited quantities under Announcement DL-OP-10, as amended, by Dallas CSS Commodity Office. |
| Gum turpentine (bulk in tanks) | Domestic, unrestricted use: Offer and acceptance basis in the stated quantities and in the designated storage tanks and subject to the prices, terms and conditions of Announcement TB-21-60 and supplements thereto which will be issued monthly. Available through ATFA, Valdosta, Georgia.<br>Export: Competitive bid for turpentine, bulk in storage tanks, subject to Announcement TB-21-60 and supplements thereto. Available through Naval Stores Branch, Tobacco Division, CSS, U.S. Department of Agriculture. |

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: January 6, 1961.

FOREST W. BEALL,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 61-243; Filed, Jan. 11, 1961; 8:52 a.m.]

## Office of the Secretary

## ARKANSAS

### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Arkansas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

| | |
|---|---|
| Chicot. | Lincoln. |
| Clay. | Mississippi. |
| Craighead. | Monroe. |
| Cross. | Phillips. |
| Greene. | Poinsett. |
| Jackson. | Prairie. |
| Lawrence. | St. Francis. |
| Lee. | Woodruff. |

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 6th day of January 1961.

CLARENCE L. MILLER,
*Acting Secretary.*

[F.R. Doc. 61-246; Filed, Jan. 11, 1961; 8:52 a.m.]

## TEXAS

### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Texas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

| | |
|---|---|
| Delta. | Lamar. |

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 6th day of January, 1961.

CLARENCE L. MILLER,
*Acting Secretary.*

[F.R. Doc. 61-247; Filed, Jan. 11, 1961; 8:52 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-27]

## WASHINGTON STATE UNIVERSITY

### Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to March 31, 1961, the latest completion date specified in Construction Permit No. CPRR-37 for the construction of the 100-kilowatt pool-type nuclear reactor by Washington State University on its campus in Pullman, Washington.

Copies of the Commission's order and of the application of Washington State University are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 5th day of January 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-196; Filed, Jan. 11, 1961; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[FCC 61-25]

## FINALIZATION OF INITIAL DECISIONS

JANUARY 6, 1961.

The Commission is concerned with the dissipation of time and effort involved in its practice of reviewing all initial decisions of hearing examiners before they become final, even in cases where no exceptions have been filed by any of the parties or by the Chief of any appropriate Bureau or office of the Commission.

The Commission appreciates that the initial decision of an examiner which is permitted automatically to become final becomes in law the decision of the Commission itself. Such a decision does not, however, establish a precedent which would be binding on the Commission in some future case. The Commission accordingly believes that there is no need for it to review either the result or the rationale of any such decision with which the parties and the Commission's staff have, by their non-action, indicated their agreement. Moreover, the Commission believes that not to do so would contribute to the efficiency of the Commission's processes.

The Commission's staff has accordingly been instructed not to bring before the Commission for immediate or expedited finalization any initial decision to which no exceptions have been filed, except in those cases where the decision looks to the revocation of a license. In such a case, due to the drastic nature of the sanction imposed, the Commission is of the opinion that the decision should always be finalized by its own affirmative action, rather than be permitted to become final through mere lapse of time.

Adopted: January 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-231; Filed, Jan. 11, 1961; 8:50 a.m.]

[FCC 61-34]

## STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

### Delegation of Authority Concerning Action Upon Interim License Requests for Ship Radar Stations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of January 1961;

The Commission having under consideration an amendment to Part 0, its Statement of Organization, Delegations of Authority, and Other Information, for the purpose of delegating authority to certain staff members in the Field Engineering and Monitoring Bureau to act upon interim license requests for ship radar stations and for the purpose of making editorial changes therein; and

It appearing that the amendment adopted herein is necessary to implement fully the interim licensing procedures established in Part 8 of the Commission's rules and to conform certain provisions of Part 0 with various related provisions of Part 8; and

It further appearing that the amendment adopted herein pertains to Commission management and procedure and to editorial revisions, and, therefore, compliance with the notice, procedural, and effective date provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing that the amendment adopted herein is issued pursuant to the authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended;

*It is ordered,* That, effective January 23, 1961, Part 0, the Commission's Statement of Organization, Delegations of Authority, and Other Information, is amended as set forth below.

Released: January 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

Part 0, Statement of Organization, Delegations of Authority, and Other Information, is amended as follows:

1. Section 0.281(g) is amended to delete the word "radiotelephone".

As amended, paragraph (g) reads as follows:

SEC. 0.281 *Matters delegated to the Engineers in Charge.* * * *

(g) Requests for interim ship station licenses as provided by Part 8 of the Commission's rules governing stations on shipboard in the maritime services.

2. Section 0.414 is amended to read as follows:

SEC. 0.414 *Applications for interim ship station licenses.* Formal applications for ship station licenses for use of radiotelephone or radar transmitting apparatus or both and applications for modification of such licenses shall, when accompanied by requests for interim ship station licenses, be filed in accordance with § 8.35 of the Commission's rules and presented in person by applicants or their agents at the nearest field office of the Commission as shown in section 0.49 (a) and (b) or at the Commission's main office in Washington, D.C. Applications for renewal of ship station licenses are not subject to the provisions of this section.

[F.R. Doc. 61-232; Filed, Jan. 11, 1961; 8:50 a.m.]

[Docket Nos. 13605-13607; FCC 61-1]

## ABILENE RADIO AND TELEVISION CO. ET AL.

### Memorandum Opinion and Order Amending Issues

In re applications of Abilene Radio and Television Company, San Angelo, Texas, Docket No. 13605, File No. BPCT-2639; E. C. Gunter, San Angelo, Texas, Docket No. 13606, File No. BPCT-2663; Dornita Investment Corp., San Angelo, Texas, Docket No. 13607, File No. BPCT-2714; for construction permits for new television broadcast stations.

1. The Commission has for consideration a "Petition to Modify Issues" filed by Abilene Radio and Television Company on July 18, 1960; "Comments Filed on Behalf of Dornita Investment Corporation and Electron Corporation in Answer to a Petition to Modify Issues filed by attorneys for Abilene Radio Company" on August 11, 1960; "Partial Opposition to Petition to Modify Issues", filed by E. C. Gunter on August 15, 1960; "Opposition" of Broadcast Bureau filed on August 23, 1960; "Reply to Oppositions" filed by Abilene on August 31, 1960; and "Petition to Accept the Broadcast Bureau's Opposition to the Original Petition to Modify Issues", filed by Dornita on September 9, 1960.

2. Before turning to the merits of the Abilene petition, it is necessary to consider the propriety of the pleadings filed on behalf of Dornita. We note that the "Comments" filed on August 11, 1960, purport to be on behalf of both Dornita and Electron, but are signed "Electron Corporation, Mort Zimmerman, President." Electron is not a party to this

proceeding. Dornita's status as a party herein cannot by its own action be shared with Electron, and its attempt by the subject pleading to invest Electron with the prerogative of a party entitled to plead renders the entire pleading defective. Moreover, § 1.23 limits the authority to represent others before the Commission to duly admitted attorneys. While we do not know whether Mr. Zimmerman is an attorney, his signature in the "Comments" was as an officer of Electron and not as an attorney, and it is clear that Electron is not qualified to practice law before the Commission. For either of these reasons, the "Comments" must be stricken.

3. The pleading styled "Petition to Accept the Broadcast Bureau's Opposition * * *" is equally defective. Regardless of its title, its content marks it as an attempted reply to Abilene's reply to oppositions,[1] a pleading prohibited by 47 CFR 1.13. Even if the pleading was of a type contemplated by the Rules, the subject document, signed by an officer of Dornita, would be unacceptable because it is not the Commission policy to permit corporate applicants to be represented by an officer rather than an attorney, Sweetwater Broadcasting Co., 4 FCC 293.

4. For the foregoing reasons, all pleadings filed on behalf of Dornita in this matter have received no consideration except to the extent indicated in paragraph 9, infra.

PETITION TO MODIFY ISSUES

5. Abilene first requests the deletion of the existing issue with respect to its possible violation of § 3.636(a)(1), in view of the overlap between its proposed station and Station KRBC-TV, Abilene, Texas. It argues that present prediction techniques are not sufficiently accurate to establish actual service within Grade B contours, and, therefore, mere predicted overlap of Grade B contours does not warrant the designation of an issue under § 3.636 of the rules. It views the relatively small amount of predicted overlap and the fact that the two stations concerned are designed to render service to separate and independent communities as further demonstrating the insubstantiality of the issue.

6. Section 3.636(a)(1) prohibits common control of television stations serving "substantially the same area." The Commission has not issued a generally applicable definition of the phrase "substantially the same area", believing that the purpose of this absolutely disqualifying rule can best be served by judging each case on its own facts and surrounding circumstances. Such facts and circumstances can best be elicited in the format of an evidentiary hearing, and, when overlap of the extent here involved is indicated by utilization of the prediction method prescribed by the rules, an appropriate issue is designated. Therefore, Abilene's request to delete the existing overlap issue will be denied. However, when, as here, an applicant suggests substantial reasons why, even if the evidence demonstrates a violation of the rule, the public interest would be served by a waiver, it is appropriate to modify the issue to permit the applicant to elicit such facts as, in its opinion, support its request for waiver, TBC, Inc., 20 RR 495 (1960). It should be emphasized that if 47 CFR 3.636(a)(1) is not found to be violated, or if Abilene's proposal is found in violation of the rule but mitigating facts indicate that a waiver should be granted, the overlap, while not absolutely disqualifying, would be a factor for comparative consideration.

7. Abilene next requests an issue as to Dornita's financial qualifications. Briefly, Dornita's construction costs total $125,000, and the estimated cost of operating its proposed station for three months is $36,000 (one-fourth of the $144,000 estimated as total cost for 1 year of operation). Dornita has shown $100,000 in cash committed to the venture, and proposes that $64,340 of its construction costs will be deferred under "arrangements" to be made by Electron. Dornita also represents that its stockholders are men of financial means with the ability to supply any additional sums it might need.

8. A financial issue should be added. Of the approximately $160,000 initial cash or credit required by Dornita, only $100,000 has been shown to be available. The Commission cannot rely on Electron's purported extension of credit, for the proposal is not merely that Electron will extend credit for equipment which it manufactures, but contemplates that Electron will, at least in part, finance the acquisition of the equipment of other manufacturers, and there is no proof of any firm contract to that end between Dornita and Electron or of Electron's ability to meet such commitment. While the Commission does not ordinarily require an applicant to submit a firm contract in order to prove that an equipment manufacturer in the regular course of business will extend to it the prevailing credit terms, in a situation such as here, where it is proposed that the manufacturer will finance substantially more of the equipment than that which it manufactures itself, we deem such proof to be appropriate, Deep South Broadcasting Co., 14 RR 1028. Such transactions, which cannot be regarded as in the ordinary course of the manufacturer's business, require proof of a firm agreement between the parties, and of the supplier's ability to meet its commitment. Here, not only is there no submission of a binding agreement between Dornita and Electron, but, even if such agreement should exist, there is no proof of Electron's ability or authority to fulfill it.[2] Similarly, the allegation that Dornita's stockholders will supply any necessary funds is not sufficient where there is no proof of an agreement on the part of the individuals involved or of their financial ability to meet such commitments. These matters must, therefore, be explored in the course of the evidentiary hearing.

9. Finally, Abilene requests that the issues be enlarged to include a determination of Electron's role in Dornita's proposed operation. The request will be granted. Electron has played an active role in the preparation and prosecution of Dornita's application, as illustrated by its attempt to participate in the instant interlocutory matter. While such activities may represent no more than the sales efforts of an unusually zealous equipment supplier, it is equally possible that they are symptomatic of the interest of an entity having a more intimate concern in the ultimate disposition of the Dornita application, especially in view of the fact that Electron does not confine its activities to manufacturing, but is the licensee of various broadcast facilities as well. The question can best be resolved within the context of an evidentiary hearing.

*Accordingly, it is ordered,* This 4th day of January 1961, That the petition to modify issues filed by Abilene Radio and Television Company on July 18, 1960, is granted to the extent herein indicated, and is otherwise denied;

*It is further ordered,* That existing Issues No. 2 and 3 are renumbered Issues No. 4 and 5, respectively, and that Issue No. 1 is modified to read as follows:

1. To determine whether a grant of the application of Abilene Radio and Television Company would be consistent with the provisions of § 3.636(a)(1) of the Commission's rules, in view of the overlap of the area to be served by the proposed station and the area served by Television Station KRBC-TV, Abilene, Texas; and, in the event that a grant of the said application is not found to be consistent with the provisions of § 3.636(a)(1) of the rules, whether circumstances warrant waiver of the said rule.

*And it is further ordered,* That the following issues are added:

2. To determine whether Dornita Investment Corporation is financially qualified to construct and operate its proposed station.

3. To determine the interest, if any, of the Electron Corporation in Dornita Investment Corporation; the role which Electron Corporation has played in the preparation of the proposal of Dornita Investment Corporation; and the part, if any, Electron Corporation will play in the formulation of policy or the conduct of operations of Dornita Investment Corporation's proposed station; and, in the light of the evidence adduced hereunder, whether the application of Dornita Investment Corporation accurately represents the actual control of its proposed station.

Released: January 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-234; Filed, Jan. 11, 1961; 8:51 a.m.]

[1] While much of the content of the pleading is directed to Electron's right to participate in this proceeding, it cannot be treated as an original petition to intervene on behalf of Electron. It is signed "Dornita Investment Corporation, by: Aubrey C. Black, Jr., Sec." The same considerations which prevent an officer of Electron from filing a pleading on behalf of Dornita (paragraph 2, supra) operate to prevent an officer of Dornita from filing a pleading on behalf of Electron.

[2] References in the pleadings to the financial condition of Electron's parent corporation are irrelevent in the absence of proof of such parent's firm commitment to supply any funds necessary to implement its subsidiary's agreement.

[3] Concurring and dissenting statements of Commissioners Lee, Craven and Cross filed as part of original document.



[Docket Nos. 13887-13890; FCC 61M-25]

## CAPITOL BROADCASTING CORP., INC. (WKXL) ET AL.

### Order Scheduling Prehearing Conference

In re applications of Capitol Broadcasting Corporation, Inc. (WKXL), Concord, New Hampshire, Docket No. 13887, File No. BP-12712; Tri-State Area Broadcasting Corporation (WTSA), Brattleboro, Vermont, Docket No. 13888, File No. BP-13126; WMAS, Incorporated (WMAS), Springfield, Massachusetts, Docket No. 13889, File No. BP-13264; Normandy Broadcasting Corporation (WWSC), Glens Falls, New York, Docket No. 13890, File No. BP-13274; for construction permits.

Upon the Hearing Examiner's own motion: *It is ordered,* This 6th day of January 1961, that a prehearing conference in the above-entitled proceeding will be held on January 16, 1960, 10:00 a.m., at the Commission's Offices, Washington, D.C.

Released: January 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-235; Filed, Jan. 11, 1961; 8:51 a.m.]

[Docket Nos. 13848-13849; FCC 61M-21]

## MARTIN THEATRES OF GEORGIA, INC. (WTVM) AND COLUMBUS BROADCASTING CO., INC. (WRBL-TV)

### Order Continuing Hearing

In re applications of Martin Theatres of Georgia, Inc. (WTVM), Columbus, Georgia, Docket No. 13848, File No. BMPCT-5490; Columbus Broadcasting Company Inc. (WRBL-TV), Columbus, Georgia, Docket No. 13849, File No. BMPCT-5491; for modification of construction permits.

The Hearing Examiner having under consideration a petition filed January 5, 1961, on behalf of the Chief, Broadcast Bureau, Federal Communications Commission requesting that the prehearing conference in the above-styled proceeding now scheduled to begin on January 9, 1961, be continued to January 26, 1961, and that the evidentiary hearing now scheduled to begin January 26, 1961, be continued to a date to be announced at the conclusion of the prehearing conference on that date; and

It appearing that the reason for the requested continuance is a conflict in hearing assignments of counsel recently assigned to this case; and

It appearing that counsel for both applicants have consented to the requested continuances and to immediate consideration of said petition, and good cause for the requested continuance having been shown;

*It is ordered,* This the 5th day of January 1961, that the Petition for Continuance is granted and the date for the pre-hearing conference is continued from January 9, 1961, to January 26, 1961, and the date for the evidentiary hearing is continued from January 26, 1961, to a date to be announced at the conclusion of the pre-hearing conference.

Released: January 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-237; Filed, Jan. 11, 1961; 8:51 a.m.]

[Docket Nos. 13882-13883; FCC 61M-19]

## EUGENE BROADCASTERS AND W. GORDON ALLEN

### Order Scheduling Prehearing Conference

In re applications of Diana Crocker Redington, William H. Crocker II, Thomas J. Davis, Jr., and Robert Sherman, d/b as Eugene Broadcasters (a joint venture) Eugene, Oregon, Docket No. 13882, File No. BP-12954; W. Gordon Allen, Eugene, Oregon, Docket No. 13883, File No. BP-13214; for construction permits.

*It is ordered,* This 5th day of January 1961, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a.m. on January 13, 1961, in the offices of the Commission at Washington, D.C.

Released: January 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-236; Filed, Jan. 11, 1961; 8:51 a.m.]

[Docket Nos. 13010, 13641; FCC 61-17]

## MID-AMERICA BROADCASTING SYSTEM, INC., ET AL.

### Memorandum Opinion and Order

In re applications of Mid-America Broadcasting System, Inc., Highland Park, Illinois, Docket No. 13010, File No. BP-11689, et al., for construction permits; Booth Broadcasting Company (WJLB), Detroit, Michigan, Docket No. 13641, File No. BP-12351, for construction permit.

1. The Commission has for consideration a petition for severance filed by Booth Broadcasting Company on November 18, 1960, together with the statement of the Broadcast Bureau filed in support thereof on November 30, 1960.

2. By Order released August 12, 1959, the Commission consolidated 58 applications for hearing in this proceeding, all linked by mutual interference with one or more of the other applications. By Order of November 8, 1960, the Commission severed the application of Seaway Broadcasting Co. from this proceeding and granted it. The instant petition points out that the Seaway application was the only link 14 of the applicants herein had with the remaining applications, and suggests that the severance of those applications would facilitate the ultimate disposition of the proceeding.

3. We agree. There is no longer any element of mutual exclusivity between the 14 applications referred to in the petition[1] and the balance of the applications herein; and the public interest would be served by the more expeditious disposition of all the applications which will result from a grant of the requested relief.

*Accordingly, it is ordered,* This 4th day of January 1961, that the applications of Mid-America Broadcasting System, Inc., Docket No. 13010, File No. BP-11689; North Suburban Radio, Inc., Docket No. 13024, File No. BP-12318; WHFC, Incorporated, Docket No. 13037, File No. BP-12655; Robert F. Neathery, Docket No. 13060, File No. BP-12320; Paducah Broadcasting Company, Incorporated, Docket No. 13061, File No. BP-12662; WPFA Radio, Inc., Docket No. 13647, File No. BP-13161; Southern Michigan Broadcasting Corporation, Docket No. 13642, File No. BP-12806; Booth Broadcasting Company (WJLB), Docket No. 13641, File No. BP-12351; J. Richard Sutter, Joseph E. McNaughton, William D. McNaughton, General Partners and John T. McNaughton, Limited Partners, d/b as Elgin Broadcasting Company, Docket No. 13043, File No. BP-12778; Green Bay Broadcasting Co., Docket No. 13645, File No. BP-13014; Racine Broadcasting Corporation, Docket No. 13646, File No. BP-13146; Knorr Broadcasting Corp., Docket No. 13643, File No. BP-12834; and WSJM, Inc., Docket No. 13644, File No. BP-12880, are severed from the proceeding; that the said applications are retained in hearing on those issues in the instant proceeding applicable to them; and that those parties in the instant proceeding whose status as parties stems from any of the said applications are made parties to the said severed, consolidated hearing.

Released: January 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-238; Filed, Jan. 11, 1961; 8:51 a.m.]

[1] By Order released December 22, 1960 (FCC 60M-2170, Mimeo No. 98219), the application of Pierce E. Lackey and F. E. Lackey, d/b as Chester Broadcasting Company, one of the 14 applications referred to by petitioners, was dismissed by the Chief Hearing Examiner.

[Docket No. 13853; FCC 61M-18]

## MID-KANSAS, INC.

### Order Continuing Hearing

In re applications of Mid-Kansas, Inc., Docket No. 13853, for construction permit for a common carrier microwave station at Manhattan, Kansas, File No. 2205-C1-P-60; for construction permit for a common carrier microwave station at Junction City, Kansas, File No. 2206-C1-P-60; for construction permit for a common carrier microwave station at Abilene, Kansas, File No. 2207-C1-P-60; for construction permit for a common carrier microwave station at St. Mary's, Kansas, File No. 224-C1-P-61.

*It is ordered*, This 4th day of January 1961, pursuant to the agreement reached in the prehearing conference held on said date, that hearing in the above-entitled proceeding presently scheduled to commence on January 16, 1961, is continued to January 25, 1961, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: January 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-239; Filed, Jan. 11, 1961; 8:51 a.m.]

[Docket No. 13896; FCC 61M-36]

## SAWNEE BROADCASTING CO.

### Order Scheduling Prehearing Conference

In re application of John T. Pittard, tr/as Sawnee Broadcasting Company, Cumming, Georgia, Docket No. 13896, File No. BP-13266; for construction permit.

Upon the Hearing Examiner's own motion: *It is ordered*, This 6th day of January 1961, that a prehearing conference in the above-entitled proceeding will be held on January 17, 1961, 10:00 a.m., at the Commission's Offices, Washington, D.C.

Released: January 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-240; Filed, Jan. 11, 1961; 8:51 a.m.]

[Docket No. 13827; FCC 61M-24]

## KWK RADIO, INC.

### Order Continuing Hearing

In the matter of revocation of License of KWK Radio, Inc. for standard Broadcast Station KWK, St. Louis, Missouri, Docket No. 13827.

The Hearing Examiner having under consideration the matters of record in the above-entitled proceeding;

It appearing that at the prehearing conference held herein on December 8, 1960, formal hearing was scheduled to commence on January 18, 1961, contingent upon disposition on or before January 6, 1961, of respondent's "Request For a Bill of Particulars" with a continuance to be ordered by the Hearing Examiner in the absence of such disposition;

It further appearing that the said "Request For a Bill of Particulars" remains pending and accordingly, for the reasons stated in Memorandum Opinion and Order FCC-60M-2056 released herein on December 5, 1960, and in the said prehearing conference, further continuance of the hearing is required;

*It is ordered*, This 6th day of January 1961 on the Hearing Examiner's own motion that the hearing herein presently scheduled to commence on January 18, 1961, is continued to a date to be subsequently specified.

Released: January 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-241; Filed, Jan. 11, 1961; 8:51 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. 11202 etc.]

## ATLANTIC REFINING CO.

### Order Severing and Terminating Certain Proceedings and Denying Termination in Other Proceedings

JANUARY 5, 1961.

On October 25, 1960, The Atlantic Refining Company (Atlantic) filed its motion to terminate the Rate Schedules as Supplemented, contained in the above-designated proceedings as hereinafter set forth:

| Docket Nos. | Supplement No. | Rate schedule No. |
|---|---|---|
| G-11202 | 6 | 1 |
| G-11259 | 2 | 136 |
| G-11312 | 8 | 141 |
| G-11365 | 11 | 142 |
| G-15233 | 15 | 35 |
| | 12 | 37 |
| G-15234 | 13 | 36 |

The proposed increased rates contained in the above-designated supplements in Docket Nos. G-11202, G-11259, G-11312, and G-11365 are equal to or less than the applicable area price level as set forth in the Statement of General Policy No. 61-1 and have been consolidated for the purpose of hearing in Docket Nos. G-9283, et al.

The proposed rates contained in the above-designated supplements in Docket Nos. G-15233 and G-15234 are for other than pipeline quality gas, for which the actual rate, after addition of amounts for dehydration and central delivery, is above the applicable area price level set forth in the Statement of General Policy No. 61-1.

The Commission finds:

(1) For the reasons heretofore stated it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the above-designated supplements in Docket Nos. G-11202, G-11259, G-11312, and G-11365 be continued in effect without being subject to refund, that Atlantic be discharged from all obligations under its agreements and undertakings and that the above-designated proceedings be severed from the proceeding in Docket No. G-9283, et al., and said proceedings be terminated.

(2) The motion to terminate the proceedings involved in Docket Nos. G-15233 and G-15234 should be denied.

The Commission orders:

(A) The rates and charges contained in Atlantic's above-designated supplements in Docket Nos. G-11202, G-11259, G-11312, and G-11365 are hereby continued in effect, and Atlantic is hereby discharged from all obligations under its agreements and undertakings filed thereunder.

(B) The above-designated proceedings in Docket Nos. G-11202, G-11259, G-11312, and G-11365 are severed from the proceeding in Docket Nos. G-9283, et al., and are hereby terminated.

(C) The motion to terminate proceedings in Docket Nos. G-15233 and G-15234 is hereby denied.

By the Commission.

MICHAEL J. FARRELL,
*Acting Secretary.*

[F.R. Doc. 61-198; Filed, Jan. 11, 1961; 8:45 a.m.]

[Docket No. CP61-10]

## CITIES SERVICE GAS CO.

### Notice of Application and Date of Hearing

JANUARY 4, 1961.

Take notice that on July 18, 1960, Cities Service Gas Company (Applicant), Oklahoma City, Oklahoma, filed in Docket No. CP61-10 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a meter and regulator setting and related appurtenances on Applicant's existing 8-inch pipeline in Atchison County, Kansas, and the sale through said facilities of natural gas to the City of Effingham, Kansas, for resale in and near that community, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

The cost of Applicant's proposed facilities is estimated at $2,000, which will be paid from treasury cash.

The estimated natural gas requirements of the Effingham area are:

| | Mcf at 14.73 psia | | |
|---|---|---|---|
| | 1st year | 2d year | 3d year |
| Peak day | 396 | 437 | 479 |
| Annual | 34,915 | 38,691 | 43,288 |

The proposed sales of natural gas in the Effingham area will be made under Applicant's applicable filed rate schedules.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 31, 1961, at 9:30 a.m. e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 25, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
*Acting Secretary.*

[F.R. Doc. 61-199; Filed, Jan. 11, 1961; 8:45 a.m.]

[Docket No. G-18799]

## CITIES SERVICE GAS CO.

### Notice Setting Date Within Which Interested Parties May Petition To Intervene

JANUARY 5, 1961.

By order issued June 19, 1959, in the above-entitled proceeding, the Commission ordered a hearing to be held concerning lawfulness of the rates, charges, classifications, and services contained in First Revised Sheets Nos. 11, 13, 15, 17, 18, 20, 23, 26, 28, 31, 32, 33, 36, and 37; Second Revised Sheets Nos. 22 and 30; Fourth Revised Sheets Nos. 4, 5, 7, 8, 10, 14 and 19; and Fifth Revised Sheets Nos. 12 and 16 to Cities Service Gas Company's FPC Gas Tariff, Second Revised Volume No. 1 and Fourth Revised Sheet No. 27 to Cities Service Gas Company's FPC Tariff, Original Volume No. 2, which tariff sheets proposed to increase the rates and charges contained in Respondent's aforementioned FPC Gas Tariffs.

Take notice that: Notices of intervention or petitions to intervene may be filed in this proceeding with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 18, 1961.

MICHAEL J. FARRELL,
*Acting Secretary.*

[F.R. Doc. 61-200; Filed, Jan. 11, 1961; 8:45 a.m.]



[Docket No. E-6973]

## DEPARTMENT OF THE INTERIOR SOUTHWESTERN POWER ADMINISTRATION

### Notice of Request for Approval of Rates and Charges

JANUARY 3, 1961.

Notice is hereby given that the Secretary of the United States Department of the Interior, on behalf of the Southwestern Power Administration, has filed with the Federal Power Commission for confirmation and approval, pursuant to section 5 of the Flood Control Act of 1944 (58 Stat. 887), a schedule of rates and charges for the sale of supplemental peaking power capacity and associated energy by Southwestern Power Administration. The proposed schedule designated "SP-1", is a developmental rate available only to the Arkansas Electric Cooperative Corporation. Approval is requested for the period from July 1, 1965 to July 1, 1970. The proposed rate schedule is as follows:

RATE SCHEDULE SP-1

*Applicable.* To the Power Sales Agreement dated November 28, 1960 (Contract No. 14-02-0001-988), between the Southwestern Power Administration (SPA) and the Arkansas Electric Cooperative Corporation.

*Amount of energy with supplemental peaking power capacity.* Energy associated with supplemental peaking power service will be made available in the following amount:

(i) 1,200 kilowatt-hours per kilowatt of supplemental peaking contract demand during each contract year which shall be the twelve-month period beginning on July 1 of each year; plus

(ii) 75 kilowatt-hours per month per kilowatt of supplemental peaking contract demand during the months of October, November, December, January, February, March, April and May of each contract year.

*Character and condition of service.* Supplemental peaking power service will be delivered as three-phase alternating current, at approximately 60 cycles per second, at such point or points of delivery and at such voltages as are specified by contract.

*Annual rates.*

*Demand charge.* $19.20 per year per kilowatt of supplemental peaking contract demand payable at the rate of $1.60 per month per kilowatt of contract demand.

*Energy charge.* $0.002 per kilowatt-hour.

*Discounts for conditions of service.* (a) A discount of $1.20 per kilowatt of supplemental peaking billing demand per year will be allowed on the total annual charge for supplemental peaking power service if delivery of power and energy is made from the 69 kv, 138 kv, or 161 kv transmission facilities owned or leased by SPA and if transformation and substation facilities are required at the point of delivery and are furnished by Arkco at no cost to SPA. Discount is payable at the rate of $0.10 per month per kilowatt of supplemental peaking contract demand.

(b) A discount of $4.80 per kilowatt of supplemental peaking billing demand per year will be allowed on the total annual charge for supplemental peaking power service if delivery of power and energy is made from, and at the voltage of, the 138 kv or the 161 kv transmission facilities owned or leased by SPA or at lower or intermediate voltages from substations directly connected to such transmission facilities, and if SPA is thereby relieved of additional transmission costs. Discount is payable at the rate of $0.40 per month per kilowatt of supplemental peaking contract demand.

*Minimum bill.* $1.60 per month per kilowatt of supplemental peaking contract demand less applicable discounts for conditions of service.

*Supplemental peaking contract demand.* The supplemental peaking contract demand will be the maximum rate in kilowatts which SPA is, by contract, obligated to deliver associated energy to Arkco.

*Supplemental peaking billing demand.* The supplemental peaking billing demand for any month shall be the supplemental peaking contract demand.

*Adjustment in supplemental peaking billing demand.*

*For reduction in demand.* In the event of one or more reductions in Arkco's demand during any monthly billing period, each of which continues for two hours or more, due to the inability of SPA to supply the supplemental peaking contract demand, the supplemental peaking billing demand for such period shall be reduced for each such reduction in demand by an amount equal to the reduction in demand (in kilowatts) times the ratio that the number of hours of each such reduction bears to the total number of scheduled hours in such billing period.

*For power factor.* None. Arkco normally will be required to maintain a power factor at the points of delivery of not less than 90 percent lagging.

Any person desiring to make comments or suggestions for Commission consideration with respect to the foregoing schedule of rates and charges should submit the same in writing on or before January 20, 1961, to the Federal Power Commission, Washington 25, D.C.

MICHAEL J. FARRELL,
*Acting Secretary.*

[F.R. Doc. 61-201; Filed, Jan. 11, 1961; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3920]

## COLUMBIA GAS OF KENTUCKY, INC.

### Notice of Proposed Acquisition of Class A Stock of Business Development Corporation

JANUARY 5, 1961.

Notice is hereby given that Columbia Gas of Kentucky, Inc. ("Kentucky"), a public-utility subsidiary company of The Columbia Gas System, Inc., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9 and 10 of the Act and Rule 40 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to said application for a statement of the proposed transaction which is summarized below.

Kentucky proposes to purchase, at par, 144 shares of the Class A Stock, $100 par value, of Business Development Corporation of Kentucky ("Development Corporation"), at a total cost of $14,400.

The application states that Development Corporation was organized as a corporation under the laws of the State

of Kentucky for the purpose, generally, of promoting, stimulating, developing, and advancing the business prosperity and economic welfare of the State of Kentucky and its citizens through loans, investments, other business transactions, and promotional activities. Development Corporation has authority to issue 10,000 shares of Class A Stock, $100 par value per share, and 5,000 shares of Class B Stock, $0.10 par value per share. As of December 5, 1960, a total of 7,330 shares of Class A Stock had been subscribed for. The holders of Class A Stock, called "stockholders," shall elect one-third of the Board of Directors, and the holders of Class B Stock, called "members," shall elect two-thirds of the Board of Directors. Officers of the corporation will be chosen and appointed by the Board of Directors.

The Class B Stock is being sold only to financial institutions while the Class A Stock is being sold to financial institutions and other companies doing business in the State of Kentucky. Development Corporation is empowered to borrow money from participating financial institutions (members) on a pro rata basis as needs for additional resources occur. No holder of Class A or Class B stock will be personally liable for any debt or liability of Development Corporation, and all stock of the corporation will be nonassessable. The Articles of Incorporation of Development Corporation provide that the Class B Stock, which is nontransferable, may not be owned except by members and that each member will be required to purchase one share of Class B Stock for each $1,000 of the loan limit of such member reduced by the amount of Class A Stock purchased by such member. No member is permitted to own more than one share of Class B Stock per $1,000 of such loan limit.

The application states that expenses to be incurred by the holding-company system in connection with the proposed transaction are estimated at $100. It is further stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than January 20, 1961, at 5:30 p.m., request in writing that a hearing be held on such matter, stating the nature of his interest the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-206; Filed, Jan. 11, 1961; 8:46 a.m.]

[File No. 24SF-2606]

## INVESCO, INC.

### Order Temporarily Suspending Exemption Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 5, 1961.

I. Invesco, Inc., an Arizona corporation, 114 South Palomar Drive, P.O. Box 6428, Tucson, Arizona, filed with the Commission on April 16, 1959 a notification on Form 1-A and an offering circular relating to an offering of 250,000 shares of its $1 par value common stock at $1 per share for an aggregate of $250,000 and filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose that the issuer entered into an option agreement with Life Investors of Iowa on August 25, 1959 whereby the latter was given options to purchase the issuer's stock at 50 cents per share, when the public offering price was $1 per share;

2. The failure to disclose that Life Investors of Iowa was to formulate and execute the operating policies of the issuer pursuant to the option agreement;

3. The failure to disclose that Life Investors of Iowa was in a control relationship with the issuer;

4. The failure to disclose that the issuer was in an insolvent condition from a period of June 1, 1959, to June 30, 1960.

B. The terms and conditions of Regulation A have not been complied with in that the issuer failed to file an accurate report of sales on Form 2-A as required by Rule 260.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-267; Filed, Jan. 11, 1961; 8:46 a.m.]

[File No. 70-3928]

## GEORGIA POWER CO.

### Notice of Filing of Application Regarding Acquisition of Utility Assets

JANUARY 5, 1961.

Notice is hereby given that Georgia Power Company ("Georgia"), an exempt holding company and a public-utility subsidiary of The Southern Company, a registered holding company, has filed with this Commission an application, pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9 and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Georgia proposes to acquire certain utility assets, all located in the State of Georgia, from four of its wholesale customers. The sellers and the consideration to be paid to each are as follows: Three Notch Electric Membership Corporation, $38,064.66; Grady County Electric Membership Corporation, $128,191.18; Colquitt County Electric Membership Corporation, $147,893.80; and Satilla Electric Membership Corporation, $70,159.27. According to the filing the purchase prices were arrived at on the basis of the estimated original cost less depreciation of the properties to be acquired, and the negotiations had in respect of the sales and acquisitions were conducted at arm's-length between nonaffiliates.

It is stated that the acquisitions of utility assets by Georgia are not subject to the jurisdiction and do not require the approval of the Georgia Public Service Commission or any other State commission, and, upon the issuance by this Commission of its order herein, no other Federal commission will have jurisdiction over such acquisitions.

Notice is further given that any interested person may, not later than January 20, 1961, at 5:30 p.m., request in writing that a hearing be held on the matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the application, as filed or as it may be amended, may be granted, as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-206; Filed, Jan. 11, 1961; 8:46 a.m.]

[File No. 24C-2294]

## NATIONAL SECURITY LIFE INSURANCE CO.

### Notice and Order for Hearing

JANUARY 6, 1961.

I. National Security Life Insurance Company (issuer), a corporation incorporated under the laws of the State of Indiana on June 7, 1955, with offices at 1040 Broad Ripple Avenue, Indianapolis, Indiana, filed with the Commission on November 14, 1960, a notification on Form 1-A and an offering circular and other material pertaining to a proposed offering by the issuer of 73,300 shares of its common stock, $1 par value, at $2 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on December 20, 1960, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

*It is hereby ordered,* That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission be heard at 630 Bankers Building, 105 West Adams Street, Chicago 3, Ill., at 10:00 a.m., c.s.t., on January 24, 1961, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that:

1. The offering under the above numbered notification commenced prior to the expiration of ten business days after the filing of the notification;

2. The aggregate offering price of the securities which have been and are to be offered exceed the $300,000 limitation imposed by Rule 254 and Rule 253(c);

3. The notification fails to disclose the complete residence addresses of certain officers of the issuer, as required by Item 3 thereof;

4. The notification fails to disclose the jurisdictions in which the offering is to be made, as required by Item 8 thereof;

5. The notification fails to disclose that the Illinois Security Life Insurance Company is a predecessor of the issuer, as required by Item 2 thereof;

6. The notification fails to disclose the issuance and sale of unregistered securities of the issuer, as required by Item 9 thereof;

7. No escrow or similar arrangement meeting the requirements of Rule 253(c) was filed in accordance with Item 11;

8. The consent of Haight, Davis and Haight, actuarial firm passing upon the insurance policies of the issuer, was not filed as an exhibit to the notification;

9. The offering circular does not contain the complete statement required by Item 1 of Schedule I;

10. The offering circular does not describe the method by which the securities are proposed to be offered, as required by Item 5 of Schedule I;

11. The offering circular does not adequately or accurately describe the physical properties held or to be held by the issuer, as required by Item 8C(b) of Schedule I;

12. The offering circular does not contain the financial statements required by Item 11 of Schedule I;

13. The offering circular fails to describe material transactions between the officers and directors and the issuer, as required by Item 9(c) of Schedule I;

14. The offering circular does not adequately or accurately describe the purposes for which the net cash proceeds to the issuer are to be used and the amount to be used for each such purpose as required by Item 6(a) of Schedule I.

B. Whether the notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particular with respect to:

1. Item 9 of the notification falsely states that no unregistered securities of the issuer were issued within one year preceding the filing of the notification;

2. The offering circular fails to disclose the issuer's contingent liability arising out of the sale of unregistered securities;

3. The offering circular fails to adequately or accurately describe the nature and extent of the issuer's business and more specifically, fails to clearly disclose the adverse operating results of said business;

4. The offering circular fails to disclose payments made, directly and indirectly, by the issuer to its officers and directors;

5. The failure to include adequate and accurate financial statements prepared in accordance with generally accepted accounting principles.

C. Whether the offering would be and is being made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is further ordered,* That Sidney Gross or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the power granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

*It is further ordered,* That the Secretary of the Commission shall serve a copy of this order by registered mail to National Security Life Insurance Company; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before January 22, 1961 a request relative thereto as provided in Rule IX of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-209; Filed, Jan. 11, 1961; 8:46 a.m.]

# DEPARTMENT OF COMMERCE

## Bureau of Foreign Commerce

[File 23-714]

## R. HÄUSLER & CO., K. G. AND SAMPROD GES. M.B.H.-LTD.

### Order Extending Order Temporarily Denying Export Privileges and Denying Respondents' Motion To Vacate

In the matter of R. Häusler & Co., K. G. and Samprod Ges. M.B.H.-Ltd., Graz, Rechbauerstrasse 15, Austria, respondents; File 23-714.

The respondents, R. Häusler and Co. and Samprod Ges. M.B.H.-Ltd., having filed motions to have vacated the order dated November 25, 1960 (25 F.R. 12388, December 2, 1960), which temporarily denied to them all privileges of participating in exportations from the United States, and the Director, Investigation Staff, having moved for an extension of the said order, said motions were referred to the Compliance Commissioner, who has submitted his Report thereon and has recommended that

respondents' motion be denied and that the Director's motion be granted.

Now, after careful consideration of the record herein, and having concluded that the continued denial of export privileges to the respondents and parties related to them is reasonably necessary to protect the public interest, it is, this 5th day of January 1961, hereby ordered:

1. That the motion by the respondents to vacate the temporary denial order be, and the same hereby is denied.

2. That the order of November 25, 1960, denying to the respondents all privileges of participating in exportations from the United States be, and the same hereby is extended to and including the completion of the compliance proceeding which has been commenced against R. Häusler and Co., K. G.

FRANK W. SHEAFFER,
*Director,*
*Office of Export Supply.*

[F.R. Doc. 61-223; Filed, Jan. 11, 1961; 8:49 a.m.]

[Case No. 284]

## GROMA METAL CORP. ET AL.

### Order Denying Export Privileges

In the matter of Groma Metal Corporation, Metaloy, Inc., Bertold Wolff, Henry G. Krell, 50 Broad Street, New York, New York, respondents; Case No. 284.

The respondents, Groma Metal Corporation, Metaloy, Inc., Bertold Wolff, and Henry G. Krell, all of New York City, New York, were charged by the Director, Investigation Staff, Bureau of Foreign Commerce, United States Department of Commerce, with violations of the Export Control Act of 1949, as amended, and regulations promulgated thereunder. They were duly served with the charging letter and duly appeared herein.

In accordance with the provisions of § 382.10 of the Export Regulations, with the agreement of the Director, Investigation Staff, they have submitted to the Compliance Commissioner a proposal for the issuance of a consent order, substantially in the form hereof. The Compliance Commissioner has reviewed the facts of this case and the proposal, has approved the proposal, has reported the facts to the undersigned, who, in turn, has accepted the same.

Now, after reviewing and considering the entire record of this case and the Compliance Commissioner's report, I hereby find (a) that respondents had established a business relationship with a broker-importer in Italy who had a financial interest in each of four transactions involved herein; (b) that respondents knew of this interest but failed to disclose it at the time of and in connection with the submission to the Bureau of Foreign Commerce of the applications for export licenses pursuant to which the four transactions were accomplished; (c) that their failure to make such disclosure was because they had been informed previously that export licenses would not be issued for transactions in which said broker-importer had an interest; (d) that after receiving the licenses for which they so had made application, they made four exportations, consisting of cobalt bearing nickel alloy scrap, nickel anodes, copper and nickel alloy spatters, and low grade cobalt residue, aggregating in value approximately $23,000, to the consignees named in such licenses but with knowledge that the said broker-importer had an interest therein; (e) that, as respects all the exportations, the ultimate consignees and actual users were approvable consignees and users; and (f) that the goods were not diverted from Italy.

And, from the foregoing, I have concluded that the respondents knowingly and in violation of § 381.5 of the Export Regulations, made false representations to and concealed material facts from the BFC by failing to disclose in applications for export licenses, the name of a party-in-interest as required by § 372.4(c)(2)(ii) and (iv) of said regulations.

Now, after careful consideration of the entire record and being of the opinion that the proposal for this consent order should be accepted and that this order is necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. For the period of five months commencing January 9, 1961, except as qualified in Part III hereof and subject to certain exceptions permitting the completion of transactions which are the subject of ten validated licenses among thirty-one heretofore issued to the respondents, the respondents hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by the respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. Without further order of the Bureau of Foreign Commerce, two months after January 9, 1961, to wit, on March 10, 1961, the respondents shall have their export privileges restored to them conditionally, the condition for such restoration being that, until and including June 9, 1961, they shall comply in all respects with this order and with all other requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

IV. The privileges so conditionally restored to the respondents may be revoked summarily and without notice to them upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that at any time between January 9, 1961, and June 9, 1961, both dates inclusive, they have knowingly failed to comply with any condition set forth in Part III hereof, in which event a supplemental order shall be entered against them, which order shall deny all export privileges to them for three months following the entry of such supplemental order. The entry of such supplemental order shall not prevent the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted. In the event that such supplemental order is issued, the respondents shall have the right to appeal therefrom, as provided in the Export Regulations.

V. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, during any time when the respondents or any related party is prohibited under the terms hereof from engaging in any activity within the scope of Part I hereof, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States, on behalf of or in any association with the respondents or any related party, or (c) do any of the foregoing acts with respect to any exportation in which the respondents or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: January 5, 1961.

FRANK W. SHEAFFER,
*Director,*
*Office of Export Supply.*

[F.R. Doc. 61-229; Filed, Jan. 11, 1961; 8:50 a.m.]

## Office of the Secretary

## JOHN K. HARVEY

### Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Mr. John K. Harvey.



2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: January 5, 1961.

4. Title of position: Assistant Director for Mobilization Planning, Chemical and Rubber Div.

5. Name of private employer: Union Carbide Chemicals Company, South Charleston, West Virginia.

CARLTON HAYWARD,
*Director of Personnel.*

DECEMBER 20, 1960.

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Union Carbide Corporation.
Bank Deposits.

Dated: January 5, 1961.

J. K. HARVEY.

[F.R. Doc. 61-230; Filed, Jan. 11, 1961; 8:50 a.m.]

# TARIFF COMMISSION

[AA1921-16]

## PORTLAND CEMENT

### Notice of Investigation

Having received advice from the Treasury Department on January 4, 1961, that Portland Cement, other than white, non-staining Portland Cement, from Sweden is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may within 15 days after the date of publication of this notice in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request.

Any interested party may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. Fifteen clear copies of such statement should be submitted. Information which an interested party desires to submit in confidence should be submitted on separate pages each clearly marked "Submitted in confidence." Written statements must be filed not later than February 9, 1961.

Issued: January 9, 1961.

By order of the Commission.

[SEAL] DONN N. BENT,
*Secretary.*

[F.R. Doc. 61-224; Filed, Jan. 11, 1961; 8:49 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 433]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 9, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63649. By order of January 5, 1961, the Transfer Board approved the transfer to Etta L. Adams and Robert W. Adams, a partnership, doing business as J. R. Adams & Son, 803 East 24 Highway, Independence, Mo., of Certificate in No. MC 61237, issued October 18, 1949, to J. R. Adams and Robert W. Adams, a partnership, doing business as J. R. Adams & Son, 803 East 24 Highway, Independence, Mo., authorizing the transportation of: household goods and emigrant moveables, between Independence, Mo., and points within 8 miles thereof, not including Kansas City, Mo., on the one hand, and, on the other, points in Nebraska, Illinois, Kansas, and Iowa; heavy machinery between points described above, on the one hand, and, on the other, points in that part of Kansas on and east of U.S. Highway 81; and livestock between Independence, Mo., and points within 8 miles thereof, on the one hand, and, on the other, points in that part of Kansas on and east of U.S. Highway 81.

No. MC-FC 63701. By order of January 4, 1961, the Transfer Board approved the transfer to Kleimer Van Lines, Inc., 1884 East 22d Street, Los Angeles, Calif., of Certificate No. MC 115199, issued April 27, 1955, to William B. Farquharson, doing business as Bill's Trucking Co., 1884 East 22d Street, Los Angeles, Calif., authorizing the transportation of: New furniture, uncrated, between Fresno, Calif., and Seattle, Wash., over regular routes, serving the intermediate and off-route points of San Francisco, Oakland, Alameda, Berkeley, San Leandro, and Hayward, Calif., and all intermediate points in Oregon and Washington, as restricted; and new furniture, uncrated, other than new furniture included with the description household goods as defined by the Commission, between Fresno, Calif., and Fallon, Nev., over regular routes, serving the intermediate and off-route points of San Francisco, Oakland, Alameda, Berkeley, San Leandro, and Hayward, Calif., and Reno and Sparks, Nev., as restricted.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-214; Filed, Jan. 11, 1961; 8:47 a.m.]

## ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK

### Miscellaneous Amendments

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 4th day of January, A.D. 1961.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of the law being under consideration, with a view to providing for the elimination from the assignment of work to Division 4 of initial jurisdiction over applications of certain classes which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, concurrent with the creation of three Finance Boards and assignment of such applications to said Boards or the existing Transfer Board; providing further for the designation of Division 4 as an appellate division to consider applications for rehearing, reargument, or reconsideration of any decisions, orders, or requirements of the Finance Boards as well as the Transfer Board, the decisions of said appellate division to be administratively final and not subject to review by the Commission; and providing for certain related appellate procedure:

*It is ordered,* That the Organization Minutes of the Interstate Commerce Commission relating to the Organization of Divisions and Board and Assignment of Work, issue of January 1, 1959, as amended (24 F.R. 2506, 4070, 5676, 9230 and 25 F.R. 96 and 3608) be, and it is hereby, further amended in the following particulars:

1. Under the heading Assignment of Duties to Division, in Item 4.6 *Division Four—Finance Division,* delete paragraphs (a), (b), (d), (f), (g), (h), and (p) and substitute in lieu thereof the following paragraphs:

(a) Section 1 (18) to (20), inclusive, relating to certificates of public convenience and necessity, except determination of applications which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form

of affidavits, unless certified to the Division by a Finance Board or recalled by the Division. (See Item 7.6(c).)

(b) Section 5 (2) (except matters assigned to Item 4.2(w)) to (13), inclusive, relating to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control of carriers, non-carrier control, and trackage rights, including matters of public convenience and necessity under section 207 and consistency with the public interest under section 209 directly related thereto, except determination of applications under section 5(2) and aforesaid related matters under sections 207 and 209 which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by a Finance Board or recalled by the Division. (See Item 7.6 (a) and (c).)

* * * * *

(d) Section 13a, relating to discontinuances or changes of railroad operations or services.

* * * * *

(f) Sections 20a (other than matters assigned under Item 6.6(a) relating to interlocking directorates) and 214, relating to securities, except determination of applications which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by a Finance Board or recalled by the Division. (See Item 7.6 (a), (b) and (c).)

(g) Section 204(a)(4) relating to transfer of brokers' licenses and changes in control of corporations or associations holding brokers' licenses; sections 212(b) and 312 relating to transfer of certificates and permits; and section 410(g) relating to transfer of permits; except determination of applications which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by the Transfer Board or recalled by the Division. (See Item 7.5.)

(h) Sections 210a(b) and 311(b) relating to applications for temporary authority when certified to the Division by a Finance Board or recalled by the Division. (See Items 7.6(a)(2) and 7.6(c)(3).)

2. Under the heading Assignments to Boards, 7.5 *The Transfer Board*, amend paragraph (a) to read as follows:

(a) Determination of applications under section 204(a)(4) relating to transfer of brokers' licenses and changes in control of corporations or associations holding brokers' licenses; sections 212(b) and 312 relating to transfer of certificates and permits; and section 410(g) relating to transfer of permits, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

3. Under the heading Assignment to Boards, add the following item, to be designated 7.6 *Finance Boards:*

(a) Finance Board No. 1:

(1) Determination of applications (except matters assigned in Item 4.2(w)) relating to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control of motor carriers, including matters of public convenience and necessity under section 207 and consistency with the public interest under section 209 directly related thereto, and issuance of securities and assumption of obligations under section 214 in connection therewith, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. The term "motor carriers" as used herein does not include a motor carrier which also is a carrier subject to part I or part III of the Interstate Commerce Act.

(2) Section 210a(b) relating to applications for temporary authority, and continuance of temporary authority under section 9(b) of the Administrative Procedure Act and interpretative special rules (49 CFR 2.1 to 2.4).

(b) Finance Board No. 2: Determination of applications under sections 20a (1) to (11), inclusive, and 214 relating to securities when not connected with an application under section 1 (18)–(20) or section 5(2) and which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(c) Finance Board No. 3:

(1) Determination of applications under section 1 (18) to (20), inclusive, relating to certificates of public convenience and necessity, and issuance of securities and assumption of obligations under section 20a in connection therewith, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(2) Determination of applications under section 5(2) (except matters assigned in Item 4.2(w)) relating to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control of carriers, by railroad or water, non-carrier control of such carriers, and trackage rights; and applications under section 20a (1) to (11), inclusive, relating to securities of carriers, in connection with the aforesaid applications under section 5(2), which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(3) Section 311(b) relating to applications for temporary authority, and continuance of temporary authority under section 9(b) of the Administrative Procedure Act and interpretative special rules (49 CFR 2.1 to 2.4).

(d) Any matter referred to a Finance Board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(e) Any Finance Board may certify to Division 4 any matter which in the Board's judgment should be passed on by that division, or the Commission, and Division 4 may recall any matter from a Finance Board.

4. Under the heading Rehearing and Further Proceedings, delete Items 8.1, 8.2, 8.3, and 8.6 and in lieu thereof substitute the following:

8.1 For the proper and more convenient dispatch of business, and to the ends of justice, the following regulations of the conduct of proceedings are adopted (in addition to those governing the parties, as set out in the rules of practice), in respect of rehearings, reconsiderations, further hearings, and supplementary proceedings, as the result of the filing of petitions by parties to the decisions, orders, or requirements of divisions of the Commission, individual Commissioners, hearing officers, or boards of employees.

8.2. In respect of all such matters, petitions for reconsideration, reargument, or rehearing of any order, decision, or requirement of an individual Commissioner as herein authorized, or for rehearing, reargument, or reconsideration of a decision, order or requirement of an individual Commissioner or hearing officer which has become effective as an order of the Commission through absence of stay or exception, shall be considered and disposed of by the division (acting in an appellate capacity and with administrative finality within the meaning of § 1.101(g) of the rules of practice) to which the general subject is referred, and if the general subject has not been referred to a division, then by the Commission.

8.3 Petitions for rehearing, reconsideration or further hearing in respect of any order, decision, or requirement of a division shall be considered and disposed of by the division (acting as an appellate division) which made the order, decision, or requirement, as constituted at the time of such order, decision, or requirement, except that if one or more members of the original division are no longer Commissioners, such petitions shall be considered and disposed of by the division of the same number as then constituted; provided, that in cases in respect of which it has been determined and announced by the Commission that issues of general transportation importance are involved, such petitions shall be considered and disposed of by the Commission.

8.6 Division Four is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action or requirement of The Transfer Board under Item 7.5(a) or the Finance Boards under Item 7.6 (a), (b), and (c) shall be assigned or referred for disposition and the decisions or orders of the appellate division shall not be subject to review by the Commission.

5. In Item 9.6, relating to Bureau of Finance, amend line (e) providing for The Transfer Board, to include the Finance Boards, headed by the respective Chairmen, to read as follows:

(e) Finance Boards and The Transfer Board: Chairman of the respective Boards.

*It is further ordered*, That the foregoing amendments shall become effective February 1, 1961.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-215; Filed, Jan. 11, 1961; 8:47 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 9, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36831: *Cement and related articles to Colorado Points.* Filed by Southwestern Freight Bureau, Agent, (No. B-7951), for interested rail carriers. Rates on cement and related articles, in carloads, from points in southwestern territory, to points in Colorado on the Union Pacific Railroad.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 46 to Southwestern Freight Bureau tariff I.C.C. 4325.



FSA No. 36832: *Cement from Lamson, Mich., to Minnesota and Wisconsin.* Filed by Traffic Executive Association-Eastern Railroads, Agent, (No. E.R. 2567), for interested rail carriers. Rates on cement and related products, in carloads, from Lamson, Mich., to points in Minnesota and Wisconsin.

Grounds for relief: Market and motor-truck competition.

Tariff: Supplement 5 to Chesapeake and Ohio Railway tariff I.C.C. 13662.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-213; Filed, Jan. 11, 1961; 8:47 a.m.]

## SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

### VERY HIGH FREQUENCY RADIO-TELEPHONE COMMUNICATION

#### Notice to Users of St. Lawrence Seaway

The St. Lawrence Seaway Authority and the St. Lawrence Seaway Development Corporation of the United States advise that a very high frequency (V.H.F.) radio telephone communication system has been fully installed within the Seaway. It is strongly recommended that vessels transiting the Seaway be equipped with V.H.F. since it is believed that its use will resolve a number of communication problems because of the interference-free positive communication it provides. The Seaway entities also believe that the use of V.H.F. will result in greater ease in scheduling and transit.

The St. Lawrence Seaway Authority gives notice that very high frequency radio telephone equipment will be compulsory on the Welland Canal effective on the opening of navigation in 1962.

It is anticipated that vessels will be required to be equipped with very high frequency radio telephone installations in all sections of the Seaway for the 1962 navigation season.

The Seaway Rules and Circulars will be amended at a later date to clarify the requirements of the Seaway entities with respect to very high frequency radio scheduling.

Dated: January 9, 1961.

M. W. OETTERSHAGEN, *Acting Administrator.*

[F.R. Doc. 61-205; Filed, Jan. 11, 1961; 8:46 a.m.]

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VOLUME 26 NUMBER 8

Washington, Friday, January 13, 1961

THE UNIVERSITY OF MICHIGAN
JAN 17 1961
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**Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.**



**FEDERAL REGISTER**

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3388

### ENLARGING THE BANDELIER NATIONAL MONUMENT, NEW MEXICO

**By the President of the United States of America**

**A Proclamation**

WHEREAS the Bandelier National Monument, New Mexico, was established for the preservation and protection of prehistoric aboriginal ruins by Proclamation No. 1322 of February 11, 1916 (39 Stat. 1764), and was enlarged by Proclamation No. 1991 of February 25, 1932 (47 Stat. 2503); and

WHEREAS certain public lands of the United States comprising aproximately 3,600 acres, contiguous to and north of lands set aside for the monument, formerly administered by the Atomic Energy Commission as a portion of a larger tract, were determined to be in excess of the needs of that agency; and

WHEREAS such public lands were transferred to the National Park Service of the Department of the Interior on December 9, 1959, with the approval of the General Services Administration; and

WHEREAS there are situated on such transferred lands pueblo-type archeological ruins germane to those in the monument area, and it appears that it would be in the public interest to add such lands to the monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do proclaim that the following-described lands are hereby added to and reserved as a part of the Bandelier National Monument; and the boundaries of such monument are extended accordingly.

A certain tract of land in the extreme south-central section of Los Alamos County, New Mexico, totaling approximately 3,600 acres, which, described in general terms, is bounded on the west by a portion of the West Boundary of the Ramon Vigil Grant; on the south by the common boundary between the Ramon Vigil Grant and the Bandelier National Monument; on the east by an existing AEC barbed wire exclusion fence; and on the north by the south right-of-way line for New Mexico State Highway No. 4 between approximate stations 628+59.5 and 974+27.7, such tract being more particularly described as follows:

Beginning at the intersection point of the west boundary line of the Ramon Vigil Grant between AP–4 and AP–5 and a line 66 feet south of and parallel to the center line of New Mexico State Highway No. 4 at approximate Station 974+27.7; thence, in a southerly direction along the West Boundary of the Ramon Vigil Grant to the southwest corner of the Grant, as described below and shown in detail on the Plat showing restorative survey of the Ramon Vigil Grant, 1912–1913 by U.S. Surveyor Wm. B. Douglas, approved by the U.S. Surveyor General's Office in Santa Fe on April 9, 1915.

| Land points | Bearing | Distance |
|---|---|---|
| Pt. of beginning (Int. W. BRVG & NMSH No. 4—66 feet from center line—to AP–4). | S 12°31′ E... | 675.m.o.l. |
| AP–4 to AP–3 | S 7°07′ E... | 3261.72. |
| AP–3 to AP–2 | S 9°02′ W... | 1067.22. |
| AP–2 to AP–1 | S 10°22′ E... | 442.86. |
| AP–1 to SW Corner | S 11°02′ E... | 985.38. |

Thence along the South Boundary of the Ramon Vigil Grant (which is the existing North Boundary of the Bandelier National Monument) in accordance with the plat showing the resurvey of the South Boundary of the Ramon Vigil Grant, 1934, by U.S. Transitman Samuel L. Gray, and approved by the Commissioner of the General Land Office, March 2, 1934, as follows:

| Land points | Bearing | Distance |
|---|---|---|
| SW corner to AP–1 | S 76°00′ E... | 604.56 |
| AP–1 to AP–2 | S 60°46′ E... | 2302.08 |
| AP–2 to AP–3 | S 71°47′ E... | 1888.92 |
| AP–3 to AP–4 | S 58°14′ E... | 2565.42 |
| AP–4 to AP–5 | S 77°18′ E... | 1813.68 |
| AP–5 to AP–6 | N 89°42′ E... | 2264.46 |
| AP–6 to AP–7 | S 64°48′ E... | 8342.40 |
| AP–7 to AP–8 | S 89°49′ E... | 1016.40 |
| AP–8 to AP–9 | S 26°37′ E... | 431.64 |
| AP–9 to AP–10 | S 67°27′ E... | 4165.26 |
| AP–10 to AP–11 | S 47°54′ E... | 6685.80 |
| AP–11 to AP–12 | S 25°35′ E... | 3118.50 |
| AP–12 to AP–13 | S 40°04′ E... | 778.14 |
| AP–13 to AP–14 | S 10°36′ E... | 157.44 |
| AP–14 to AP–15 | N 89°42′ E... | 594.00 |

Thence to and along an AEC barbed wire fence located as follows:

| Land points | Bearing | Distance |
|---|---|---|
| AP–15 to (1) | N 89°42′ E... | 53.67 |
| Point (1) is on the AEC fence east of the entrance road which connects New Mexico State Highway No. 4, and the National Park Service Headquarters near the point where this road begins to descend into Frijoles Canyon. | | |
| (1) to (2) | N 10°53′20″ W... | 298.7 |
| (2) to (3) | N 42°51′50″ W... | 275.0 |
| (3) to (4) | N 54°03′30″ W... | 419.1 |
| (4) to (5) | N 12°46′30″ W... | 859.6 |
| (5) to (6) | N 34°30′30″ W... | 215.85 |
| (6) to (7) | N 30°05′ W... | 588.5 |
| (7) to (8) | N 31°20′ W... | 266.0 |
| (8) to (9) | N 26°06′ W... | 210.8 |
| (9) to (10) | N 33°04′ W... | 175.1 |
| (10) to (11) | N 17°30′ W... | 427.6 |
| (11) to (12) | N 33°46′ W... | 338.1 |
| (12) to (13) | N 36°26′ W... | 396.6 |
| (13) to (14) | N 48°56′30″ W... | 524.15 |
| (14) to (15) | N 81°51′ W... | 96.8 |
| (15) to (16) | N 33°54′30″ W... | 748.4 |
| (16) to (17) | N 35°29′30″ W... | 541.9 |
| (17) to (18) | N 40°17′ W... | 119.3 |
| (18) to (19) | N 21°33′ W... | 434.35 |
| (19) to (20) | N 9°31′ W... | 296.0 |
| (20) to (21) | N 10°04′ W... | 227.35 |
| (21) to (22) | N 29°46′ W... | 340.35 |
| (22) to (23) | N 3°07′ W... | 300.1 |
| (23) to (24) | N 37°55′30″ E... | 635.0 |
| (24) to (25) | N 53°05′ E... | 204.9 |
| (25) to (26) | N 54°27′ E... | 238.6 |

Thence approximately 13.0′ on the same bearing as (25) to (26) to a point 66 feet distant from the center line of State Highway No. 4 at approximately Highway Station 628+59.5. Thence along a line which is 66 feet distant, south of and parallel to the center line of New Mexico State Highway No. 4, to the point of beginning, a point located 66 feet S 57°44′ W of approximate highway station 974+27.7. Detailed location of the highway center line is shown on the As-Constructed Drawings of a U.S. Bureau of Public Roads project entitled: "AEC Access Road-Section B". Pertinent bearings and distances of the highway center line are as follows:

| Land points | Bearing | Distance |
|---|---|---|
| PI 628+77.18 to PI 636+16.18 | N 39°53′ W... | 743.86 |
| PI 636+16.18 to PI 655+30.00 | N 52°17′ W... | 1916.28 |
| PI 655+30.00 to PI 664+75.20 | N 58°17′ W... | 945.20 |
| PI 664+75.20 to PI 697+21.22 | N 53°01′ W... | 3246.40 |
| PI 697+21.22 to PI 714+07.06 | N 76°43′ W... | 1703.28 |
| PI 714+07.06 to PI 747+50.50 | N 44°31′ W... | 3387.56 |
| PI 747+50.50 to PI 758+64.72 | N 52°01′ W... | 1115.22 |
| PI 758+64.72 to PI 770+25.70 | N 14°31′ W... | 1190.42 |
| PI 770+25.70 to PI 783+07.10 | N 65°46′ W... | 1357.80 |
| PI 783+07.10 to PI 797+07.55 | N 21°34′ W... | 1459.65 |
| PI 797+07.55 to PI 820+66.13 | N 57°07′ W... | 2396.65 |
| PI 820+66.13 to PI 833+72.46 | N 33°07′ W... | 1318.59 |
| PI 833+72.46 to PI 853+41.00 | N 70°01′ W... | 2013.46 |
| PI 853+41.00 to PI 874+00.78 | S 85°05′ W... | 2072.72 |
| PI 874+00.78 to PI 881+13.72 | N 46°16′ W... | 759.60 |
| PI 881+13.72 to PI 887+97.8 | N 61°16′ W... | 686.52 |
| PI 887+97.8 to PI 902+94.7 | N 21°22′ W... | 1522.50 |
| PI 902+94.7 to PI 912+45.35 | S 49°44′ W... | 1530.05 |
| PI 912+45.35 to PI 922+08.53 | N 61°52′ W... | 1073.88 |
| PI 922+08.53 to PI 971+24.00 | N 84°16′ W... | 4671.83 |
| PI 971+24.00 to POT 974+27.7 | N 32°16′ W... | 339.00 |
| POT 974+27.7 to Pt. of Beginning. | S 57°44′ W... | 66.00 |

The lands described above shall be subject to all laws and regulations applicable to the Bandelier National Monument and subject to the further restriction that the activities conducted thereon shall be confined to those which, in the opinion of the Atomic Energy Commission, will not interfere with the program or operations of the Commission in that area.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of the area herein added to the monument and not to locate or settle upon any of the lands reserved by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of January in the year of our Lord nineteen hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
*Secretary of State.*

[F.R. Doc. 61–331; Filed, Jan. 11, 1961; 4:29 p.m.]

# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 849.2 Rev.]

### PART 849—DOMESTIC BEET SUGAR PRODUCING AREA PREVENTED ACREAGE CREDIT; 1959 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 302(b) of the Sugar Act of 1948, as amended, Part 849, Chapter VIII of Title 7 of the Code of Federal Regulations is revised to read as follows:

**§ 849.2 Scope and purpose.**

(a) *Applicability.* The provisions of this section apply only in the Domestic Beet Sugar Area and provide procedures for protecting the interests of producers in local producing areas whose past production has been adversely, seriously, and generally affected by drought, storm, flood, freeze, disease, insects or other similar abnormal and uncontrollable conditions, as provided in section 302(b) of the act.

(b) *Definitions.* For the purpose of this section the terms:

(1) "Prevented acreage" means the number of acres which the Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") county committee determines would have been seeded to sugar beets on a farm for the production of sugar or liquid sugar during the 1959 or subsequent crop years, in a local producing area approved for prevented acreage credit pursuant to paragraph (d) of this section, but were not seeded to sugar beets because of drought, flood, storm, freeze, disease or insects, or, upon prior approval of the Deputy Administrator, Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture, because of other similar abnormal and uncontrollable conditions; and such term also shall include the number of acres which were seeded to sugar beets on a farm during the 1959 or subsequent crop years in a local producing area approved for prevented acreage credit pursuant to paragraph (d) of this section, which the ASC county committee, upon prior approval of the Deputy Administrator for Production Adjustment, determines were not harvested for the extraction of sugar or liquid sugar because of abnormal and uncontrollable natural conditions such as wild animals or an intervening force of nature, but which could not be determined by a member of the ASC county committee to be provisional abandoned acreage because the reason for the abandonment was not drought, flood, storm, freeze, disease or insects.

(2) "Local producing area" means a township, as established by Federal survey, in all States in the Domestic Beet Sugar Area except Texas and Utah. In Texas and Utah, a local producing area shall mean an ASC community with boundaries as fixed by the ASC State Committee at the time of issuance of this determination and as shown on maps available for inspection in the respective ASC county offices.

(3) "Provisional abandoned acreage" means with respect to the 1959 and subsequent crop years the acreage on a farm which was determined by a member of the ASC county committee to be bona fide abandoned acreage to the extent of fulfilling at least the requirements for abandonment payment set forth in paragraph (a) (1) through (5) of § 842.2 of this chapter, as shown by county committee office records.

(c) *Prevented acreage credit.* The ASC county committee shall determine prevented acreages and credits therefor in accordance with the provisions of this section as part of the general determination of performance. The following limitations are applicable to prevented acreage credit for any farm:

(1) The farm must be located (see § 842.2, this chapter) in a local producing area approved for prevented acreage credit in accordance with paragraph (d) of this section.

(2) The prevented acreage to be credited to a farm for the 1959 and subsequent crop years when restrictive proportionate shares are applicable shall not be larger than the amount by which the proportionate share initially established for the farm, including adjustment under appeals but excluding any reallotments, exceeds the acreage for such year which was harvested for the extraction of sugar or liquid sugar plus any provisional abandoned acreage for such year: *Provided*, That for any crop year in which a producer other than a new producer (as defined in the proportionate share determination for the crop year for which prevented acreage credit is claimed), did not request a proportionate share for a farm or requested one smaller than he would have requested because of his knowledge that he would be limited in his seedings due to the occurrence in such year of one or more of the conditions referred to in paragraph (b)(1) of this section, the prevented acreage credit for such farm shall be limited to the difference between the seeded acreage, if any, and the proportionate share that would have been established in such year for such farm except for such conditions, as determined by the county committee.

(3) The prevented acreage to be credited to a farm for a crop year subsequent to 1959 when restrictive proportionate shares are not in effect shall not exceed the difference between the sum of the acreage harvested during such year for sugar or liquid sugar plus any provisional abandoned acreage for such year and the largest sum of the harvested acreage, provisional abandoned acreage and prevented acres for any of the three crop years immediately preceding such crop year.

(d) *Determination and approval of local producing areas for prevented acreage credits.* For the 1959 and subsequent crop years the ASC county committee shall determine the local producing areas within the county wherein the planting of sugar beets during any crop year was adversely, seriously, and generally affected by one or more of the conditions specified in paragraph (b)(1) of this section or acreage seeded to sugar beets could not be harvested for the extraction of sugar because of abnormal and uncontrollable natural conditions such as wild animals or an intevening force of nature and which could not be determined by a member of the ASC county committee to be provisional abandoned acreage. The ASC county committee shall approve for a given crop year each local producing area wherein the planting or harvesting was so affected on ten percent or more of sugar beet farms in the area, or the acres so affected in farms in the area for a given crop amount to ten percent or more of the total proportionate share acreage established for farms in the area for such year.

(e) *Determining and recording prevented acreage credits.* Subject to the provisions of this section, the ASC county committee shall determine the extent of prevented acreage to be credited to each farm for the 1959 and subsequent crop years upon the basis of the prevented acreage reported to the committee with respect to such farm by the operator thereof, and information brought to the attention of the ASC county committee. For the 1959 and 1960 crops such information shall be reported or brought to the attention of the committee by January 2, 1961, or 20 days after the publication of this determination, whichever date is the later. For the 1961 and subsequent crops, for all areas except California, such information shall be reported or brought to the attention of the committee not later than November 1 of the year used to designate such crop. In California, such information shall be reported or brought to the attention of the committee not later than April 1 of the year following that used to designate such crop. The prevented acreage credit for each farm for any given crop year as determined by the ASC county committee, together with a brief reference to the basis relied upon by the committee in determining the extent of such credit, shall be recorded on the appropriate county office records. The committee shall report to the ASC State Committee the local producing areas approved pursuant to paragraph (d) of this section, together with related data on numbers of farms, proportionate shares and the conditions causing the prevented acreages. The ASC State Committee shall record prevented acreage credits for proportionate share allotment areas in accordance with instructions issued by the Deputy Administrator, Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(f) *Notice.* In each case of denial or reduction of credit for prevented acreage as reported for the 1959 or subsequent crop, the ASC county committee shall notify the person reporting the prevented acreage regarding the credit, if any, approved in his case, giving the basis of such denial or reduction.

(g) *Appeals.* Any producer whose reported prevented acreage is not approved in its entirety may appeal the county committee's determination to the ASC State Committee. Such an appeal must be filed within fifteen days of the date on which notice of such denial or reduction was mailed to the person claiming or reporting the prevented acreage. Upon receipt of an appeal, the State Committee shall ascertain the county committee's basis for denying or reducing the claim and any other information which is deemed necessary for consideration of the appeal. The appellant shall be informed when the State Committee will consider his appeal and that he may appear personally before the committee at such time if he so desires. After all the facts in the case have been assembled, the committee shall consider the case carefully and determine the prevented acreage credit which should be approved in the case. The appellant shall be notified of the decision reached in his case. If the prevented acreage credit is less than that claimed, the notice shall also indicate the basis for the committee's decision and inform him that if he is not satisfied with the decision, he may, within fifteen days after such notice is mailed to him, appeal directly to the Director of the Sugar Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C., whose decision shall be final. In acting upon the appeal, consideration shall be given by the State Committee or the Director only to such matters as were required or permitted to be considered by the county committee in approving prevented acreage credits in the case being reviewed.

*Statement of bases and considerations.* Section 302(b) of the Sugar Act provides, in part, that in establishing proportionate shares for farms the Secretary shall, insofar as practicable, protect the interests "of the producers in any local producing area whose past production has been adversely, seriously, and generally affected by drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions."

Under regulations issued heretofore to implement this statutory language, farms have been credited, within prescribed administrative limitations, with acreages which producers were unable to seed to sugar beets because of the occurrence of the aforestated conditions thus protecting their acreage histories for future proportionate share purposes. Credit for seeded acreage which is lost due to any of the six specifically stated conditions is provided under effective regulations for determination of proportionate shares.

For the 1959 crop year, cases have been reported wherein significant acreages of seedling sugar beets were destroyed by wild animals that could not be controlled by fences or other customary means. These acreages could not be determined as provisional abandoned acreage because the reason for such abandonment was not one of those specifically stated in the act.

Since the authority conferred upon the Secretary by the provisions of the Sugar Act is not limited to protecting the interests of producers whose past production has been adversely affected by abnormal and uncontrollable conditions occurring before seeding, this revision provides that the county committee may, with respect to the 1959 and succeeding crop years, and upon approval of the Deputy Administrator for Production Adjustment, classify as prevented acreage any acreage, within the prescribed limitations, which was seeded to sugar beets but which was not harvested for the extraction of sugar or liquid sugar because of abnormal and uncontrollable conditions similar to the six specifically stated in section 302(b) of the act and which did not qualify as abandoned acreage. For such purposes it has been determined that other similar abnormal and uncontrollable conditions are those such as wild animals or an intervening force of nature other than any of the six conditions stated in the act; and that prevented acreage credit for seeded acreage shall be limited to the occurrence of such other similar abnormal and uncontrollable conditions.

This revision further provides specified dates by which time the reports of prevented acreage must be submitted to the respective ASC county committees.

The other provisions of the former determination remain generally unchanged.

Accordingly, I hereby find and conclude that this determination will effectuate the applicable provisions of the act.

Issued this 10th day of January 1960.

TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F.R. Doc. 61-278; Filed, Jan. 12, 1961; 8:49 a.m.]

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### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

### PART 953—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

### Findings and Determinations Relative to Expenses To Be Incurred and Fixing of Rate of Assessment for the 1960–61 Fiscal Year

On December 21, 1960, notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 13141) regarding the expenses and the fixing of the rate of assessment for the 1960-61 fiscal year pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals which were submitted by the Lemon Administrative Committee (established pursuant to the amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

**§ 953.215 Expenses and rate of assessment for the 1960–61 fiscal year.**

(a) *Expenses.* The expenses necessary to be incurred by the Lemon Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the fiscal year ending October 31, 1961, will amount to $217,620.

(b) *Rate of assessment.* The rate of assessment to be paid, in accordance with the amended marketing agreement and order, by each handler who first handles lemons shall be 1½ cents ($0.0150) per carton of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during the said fiscal year. Such rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable lemons from the beginning of such year; and (2) the current fiscal year began on November 1, 1960, and the rate of assessment herein fixed will automatically apply to all assessable lemons beginning with such date.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 10, 1961.

S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-263; Filed, Jan. 12, 1961; 8:47 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 7807 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Kolstad Canneries, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.715 Charges and price differentials; [Discriminating in price under Sec. 2, Clayton Act]—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Kolstad Canneries, Inc., et al., Silverton, Oreg., Docket 7807, Oct. 22, 1960]

*In the Matter of Kolstad Canneries, Inc., a Corporation, and Leonard E. Kolstad, Individually and as an Officer of Said Corporation*

Consent order requiring a canner of fruits and vegetables in Silverton, Oreg., to cease discriminating in price in violation of the Clayton Act by such practices as granting some wholesalers in Seattle and Yakima, Wash., substantially lower prices than their competitors—charging at least one large grocery chain in the Seattle area much less than some wholesalers whose retailer-customers competed with the chain's outlets—thus violating section 2(a); and by paying some direct-buying wholesale grocers so-called advertising allowances of 2½ and 3 percent, which were actually discounts in lieu of brokerage, thus violating section 2(c).

The order to cease and desist is as follows:

*It is ordered*, That respondents Kolstad Canneries, Inc., a corporation, and its officers, and Leonard E. Kolstad, individually and as an officer of said respondent corporation, and respondents' agents, representatives and employees, directly or through any corporate, partnership, or other device, in connection with the sale and distribution of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do worthwith cease and desist from discriminating, directly or indirectly, in the price of food products of like grade and quality:

1. By selling at different prices to wholesalers who compete with each other in the resale and distribution of such food products; and

2. By selling to any retailer at prices lower than prices charged any wholesaler who competes, or whose customers compete, with such retailer in the sale and distribution of such food products.

*Is is further ordered*, That respondents Kolstad Canneries, Inc., a corporation, and its officers, and Leonard E. Kolstad, individually and as an officer of said respondent corporation, and respondents' agents, representatives and employees, directly or through any corporate, partnership (including the L. E. Kolstad Brokerage Company), or any other device, in connection with the sale and distribution of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf, or subject to the direct or indirect control, of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with the sale of food products to such buyer for his own account.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 21, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 61-257; Filed, Jan. 12, 1961; 8:46 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Rice Lake National Wildlife Refuge, Minnesota

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Rice Lake National Wildlife Refuge, Minnesota, is permissible only under the following conditions:

(a) Species permitted to be taken: As prescribed by State regulations.

(b) Open season: Daylight hours from January 14, 1961, through February 15, 1961.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing: As prescribed by State regulations.

(e) Description of areas open to fishing: Fishing is permitted in accordance with the above on the posted area which comprises approximately 4,200 acres and 26 percent of the total refuge and which is described as follows:

All waters of the Rice Lake National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 14, 1961 through February 15, 1961.

R. W. BURWELL, *Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 9, 1961.

[F.R. Doc. 61-268; Filed, Jan. 12, 1961; 8:48 a.m.]

# Proposed Rule Making

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

[7 CFR Part 963]

[Docket No. AO-309-A2]

## MILK IN GREAT BASIN MARKETING AREA

### Notice of Extension of Time for Filing Exceptions to the Recommended Decision to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area, which was issued December 21, 1960 (25 F.R. 13787), is hereby extended to February 15, 1961.

Dated: January 9, 1961.

ROY W. LENNARTSON, *Deputy Administrator.*

[F.R. Doc. 61-262; Filed, Jan. 12, 1961; 8:47 a.m.]

[7 CFR Part 1016]

[Docket No. AO-299-A2]

## MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Northeastern Wisconsin Marketing Area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Appleton, Wisconsin on August 16, 1960, pursuant to notice thereof which was issued July 27, 1960 (25 F.R. 7259).

The material issues on the record of the hearing relate to:

1. Using a base and excess plan in paying producers.

2. Modifying the conditions for the diversion of milk to nonpool plants.

3. Conforming changes.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. A "base and excess" plan should be used in distributing to producers payments for milk produced during the months of March through June.

The order now contains no base and excess plan. The proposal for such a plan was supported by five cooperative associations representing approximately 80 percent of the producers supplying Northeastern Wisconsin pool plants.

Producer members of some cooperatives are paid on base and excess plans similar to that applicable to their members whose milk is received at Chicago order plants. These plans were used for a number of years to encourage dairy farmers to strive for more even production throughout the year.

During the period of order operation, greater seasonality of production has been shown by all producers on the market than by members of the cooperatives operating voluntary base and excess plans. Base and excess plans have proved an effective means of improving the seasonal pattern of milk deliveries. Such a plan applicable to all producers under the order will tend to encourage more even production for the market throughout the year.

The base and excess plan herein recommended would establish for each producer a base that would depend upon his deliveries of milk to pool plants during the months of September, October, and November. During these months, as well as all other months in the period of July through February, producers would receive the marketwide blend or uniform price for all milk which they deliver to pool plants.

For each of the months of March through June separate uniform prices for "base milk" and "excess milk" would be computed so that Class I sales would first be allotted to base milk. Base milk would be milk received at pool plants from a producer during any of the months of March through June which is not in excess of an amount equal to the base of such producer multiplied by the number of days' production received at pool plants in such month. Class III disposition in the market would first be assigned to excess milk. If the aggregate Class II and Class I disposition is more than the base milk received from producers in any month, such additional Class II and Class I milk would be allocated to excess milk and the excess blend price increased accordingly.

The producer location adjustments now provided in the order should be applied to prices paid producers for base milk. Since excess milk will represent principally producer milk classified in Class III to which no location adjustment is applicable, the producer price for excess milk should not be subject to the location adjustment provision of the order.

The present producer butterfat differential applicable to the uniform price should be used to adjust the uniform prices for base and excess milk. This butterfat differential is the weighted average value of butterfat in producer milk.

September, October, and November, the recommended base-forming period, are months of seasonally low production. Moreover, these months are the base-forming period under the Chicago order. It was suggested that August be included in the base-forming period. In view of the extensive overlapping of the Northeastern Wisconsin and Chicago milksheds, however, it would be inappropriate to provide for a base-forming period different from that in the Chicago order.

The provision excluding from the "producer" definition in March through June those farmers with bases established under the Chicago and Milwaukee orders by delivery to plants subject to such orders and operated under common control with a Northeastern Wisconsin pool plant should be deleted. The base and excess plan and the definition of "base milk" provided herein will reduce the opportunity for a handler with plants in other pools to transfer producers with wider seasonal production to the Northeastern Wisconsin pool during these months of seasonally high production.

New producers coming on the market during or after the base-forming period should be allotted bases even though they did not establish any during the preceding September through November period. In addition, a producer who delivered milk during the base-forming period but desires to change his level of production should not be required to receive payment for the higher production at the excess price. Such a producer should be permitted to relinquish his base and establish the base of a new producer if he so desires. This would add greater flexibility to the plan and would accommodate cases of abnormally low production during the base-forming period due to unusual circumstances.

For a producer who does not deliver milk during the base-forming period or who delivers less than 60 days production during the base-forming period or who desires to relinquish an established base, a base for each month of March through June would be calculated by multiplying his average daily deliveries in such month to pool plants by 60 percent for the month of March, 55 percent for the month of April and 50 percent for the months of May and June. The above percentages are identical to those provided in the Chicago order and will allow new producers to share in the Class I market during the base-operating period but will not encourage new producers to come on the market at that time if their production is not needed to supply the Class I needs of the market. At the same time the percentages will not be such as to invite substantial numbers of old producers to relinquish their earned bases. For the first year of operation it was proposed that higher percentages be allowed for new producers and old producers who elect to relinquish their earned bases. Inasmuch as the effective date of the base and excess plan recommended herein provides a reasonable transition period, it is not necessary to provide higher percentages for the first year.

If a plant were a nonpool plant during the preceding September through November period and became a pool plant during any of the months of March through June of the following year, provision should be made for assigning bases to the dairy farmers regularly supplying such plant. This would be effectuated most equitably by according such dairy farmers the same treatment as other producers in establishing bases. For the purpose of calculating the base of a producer, deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June would be considered producer milk received at a pool plant.

Certain rules regulating the transfer of established bases were proposed and are adopted herein. These are patterned after the base rules in the Chicago order and will tend to promote better understanding of the base and excess plan among producers in the areas where the Northeastern Wisconsin and Chicago milksheds overlap.

A producer should be able to transfer his base if he sells his farm. In this case, if the producer disposes of his base, it should go with the farm on which it was earned. In the event of a producer's death, provision should be made for the possible transfer of the base upon written notice to the market administrator from any member of the producer's immediate family.

If more than one producer ships from a farm, one base should be computed for the farm to be allocated to each producer according to his share in the sale of milk from the farm unless one of the producers has a base earned while he was on another farm and requests that he be allowed to retain such base. Provision should also be made for division of a jointly held base and to allow a producer to transfer credit towards establishment of a base in the same manner as he may transfer a base. These provisions will facilitate the operation of the base and excess plan herein recommended.

No provision is now made in the order for distributing to producers the returns for their milk through a base and excess plan. It would be desirable, therefore, to allow producers a reasonable period to make such changes as might be necessary to adjust their production patterns toward obtaining the optimum benefits under a base and excess plan.

Accordingly, the base and excess method of paying producers should not be utilized under the order during the 1961 base-operating period. During the months of March through June 1961, each producer would be paid not less than the monthly marketwide uniform price for his total deliveries. This would be accomplished by providing that all milk delivered by producers to pool plants during the 1961 base-operating period shall be considered base milk.

2. The order should limit diversion of producer milk to a nonpool plant to not more than the quantity received at a pool plant during each month of July through November. The order now limits diversion of producer milk to 10 days production in these months and permits unlimited diversion in other months.

The present 10 day diversion limit during July through November tends to cause uneconomic movements of milk by some handlers in order to qualify their producers. This is because of the daily fluctuating milk requirements of such handlers and of their buying handlers who operate plants 5 days or less weekly.

The proposal herein recommended will be equitable to handlers and will protect the interests of producers regularly associated with the market. Any Grade A milk moved from a dairy farm to a pool plant would be producer milk. In addition, any milk from such farm diverted from a pool plant to nonpool plants would be producer milk up to the quantity that was delivered from such farm directly to pool plants.

3. The order should be redrafted to incorporate conforming and clarifying changes and to facilitate application of its various provisions. The adoption of a base-excess plan will necessitate the addition of new sections to the order. Likewise, a number of order changes will be required to accommodate the base-excess plan and the revision relating to diversion of milk to nonpool plants. None of the changes in the order except as provided under Issues No. 1 and 2 are substantive in nature.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order.* The following order amending the order regulating the handling of milk in the Northeastern Wisconsin marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

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DEFINITIONS

**§ 1016.1 Act.**

"Act" means Public Act No. 10, 73d Congress as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).





**§ 1016.2 Secretary.**

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

**§ 1016.3 USDA.**

"USDA" means the United States Department of Agriculture.

**§ 1016.4 Person.**

"Person" means any individual, partnership, corporation, association, or any other business unit.

**§ 1016.5 Cooperative association.**

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association is qualified under provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act."

**§ 1016.6 Northeastern Wisconsin marketing area.**

The Northeastern Wisconsin marketing area, hereinafter referred to as the "marketing area", means all territory within (a) the counties of Brown, Calument, Kewaunee, Langlade, Lincoln, Manitowoc, Oneida, Outagamie, Portage, Shawano (exclusive of the Menominee Indian Reservation), Sheboygan, Vilas, Waupaca and Winnebago, all in Wisconsin, including all towns, villages and cities; (b) the County of Fond du Lac, Wisconsin, exclusive of the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola and Waupun, the villages of Campbellsport, Eden and Oakfield, and the city of Waupun; (c) the city of Sturgeon Bay in Door County, Wisconsin; (d) the towns of Bergen, Berlin, Bevent, Easton, Elderon, Franzen, Guenther, Harrison, Hewitt, Knowlton, Kronenwetter, Maine, Marathon, Mosinee, Norrie, Plover, Reid, Rib Mountain, Ringle, Stettin, Texas, Wausau and Weston, the villages of Brokaw, Elderon, Hatley, Marathon and Rothschild, and the cities of Mosinee, Schofield and Wausau, all in Marathon County, Wisconsin; (e) Forest County and Oconto County (exclusive of the Menominee Indian Reservation), Wisconsin; and (f) the towns of Cranmoor, Grand Rapids, Port Edwards, Rudolph, Saratoga and Seneca, the villages of Biron and Port Edwards, and the cities of Nekoosa and Wisconsin Rapids in Wood County, Wisconsin.

**§ 1016.7 Producer.**

"Producer" means a person, other than a producer-handler, who produces Grade A milk in conformity with the sanitation requirements of any duly constituted Federal, state, county, or municipal authority, whose milk is received at a pool plant.

**§ 1016.8 Pool plant.**

"Pool plant" means any milk plant approved by a duly constituted authority for the handling of milk to be labeled Grade A, except as provided in §§ 1016.80, 1016.81 and 1016.82:

(a) At which milk is processed or packaged and from which during the month:

(1) Disposition on routes in the marketing area of fluid milk products labeled Grade A is 20 percent or more of receipts of Grade A milk from dairy farmers, and

(2) Total disposition on routes of fluid milk products labeled Grade A is 50 percent or more of receipts of Grade A milk from dairy farmers and other milk plants; or

(b) At which milk eligible for distribution as Grade A milk is received from dairy farmers and from which during the month 50 percent or more of such receipts is moved to a plant described in paragraph (a) of this section. Any such receiving plant that was a pool plant during each of the months of July through November immediately preceding shall be a pool plant for the months of December through June unless written request to the contrary is filed with the market administrator on or before the first day of any such month.

**§ 1016.9 Handler.**

"Handler" means (a) the operator of a pool plant in his capacity as such; (b) the operator of any other plant from which fluid milk products labeled Grade A are disposed of during the month on routes in the marketing area; or (c) a cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant.

**§ 1016.10 Producer-handler.**

"Producer-handler" means a dairy farmer who distributes fluid milk products on a route in the marketing area, but receives no fluid milk products during the month except his own production or by transfer from pool plants.

**§ 1016.11 Producer milk.**

"Producer milk" means the skim milk and butterfat contained in milk received at a pool plant directly from producers: *Provided*, That milk diverted from a pool plant to nonpool plants shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further*, That in any of the months of July through November, the quantity of milk of any producer which is diverted from pool plants to nonpool plants that is greater than the quantity delivered to pool plants shall not be deemed to have been received by the diverting handler at the plant from which diverted and shall not be producer milk.

**§ 1016.12 Fluid milk product.**

"Fluid milk product" means milk, skim milk, flavored milk, flavored milk drinks, buttermilk, half and half and cream (sweet or sour).

**§ 1016.13 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month of fluid milk products except receipts from other pool plants or producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

**§ 1016.14 Route.**

"Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

**§ 1016.15 Base milk.**

"Base milk" means producer milk during each of the months of March, April, May and June which is not in excess of such producer's base multiplied by the number of days of production that such milk was received at pool plants in such month: *Provided*, That base milk shall not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the pricing and classification provisions of another order issued pursuant to the Act: *And provided further*, That all producer milk during each of the months of March, April, May and June, 1961 shall be base milk.

**§ 1016.16 Excess milk.**

"Excess milk" means milk received at pool plants from a producer during each of the months of March, April, May and June which is in excess of the base milk received from such producer during such month.

MARKET ADMINISTRATOR

**§ 1016.20 Designation.**

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

**§ 1016.21 Powers.**

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

**§ 1016.22 Duties.**

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(d) Pay out of the funds provided by § 1016.74 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1016.75, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made reports pursuant to §§ 1016.30 through 1016.33, or payments pursuant to §§ 1016.70 through 1016.76;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers or persons upon whose utilization the classification of skim milk and butterfat for each handler depends to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1016.51 and the Class I butterfat differential pursuant to § 1016.54(a), both for the current month; the minimum price for Class II milk pursuant to § 1016.52 and the Class II butterfat differential pursuant to § 1016.54 (b), both for the preceding month; and the minimum price for Class III milk pursuant to § 1016.53 and the Class III butterfat differential pursuant to § 1016.54(b), both for the preceding month;

(2) On or before the 14th day after the end of each of the months of July through February, the uniform price pursuant to § 1016.62 and the butterfat differential pursuant to § 1016.64; and

(3) On or before the 14th day after the end of each of the months of March through June, the uniform prices for base milk and excess milk pursuant to § 1016.63 and the butterfat differential pursuant to § 1016.64.

REPORTS, RECORDS, AND FACILITIES

**§ 1016.30 Monthly reports of receipts and utilization.**

On or before the 5th day (exclusive of Sundays and holidays) of each month, each handler shall report to the market administrator for the preceding month in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of butterfat and skim milk contained in or represented by:

(1) Producer milk (including for the months of March through June the aggregate amount of base and excess milk) or receipts from dairy farmers producing Grade A milk,

(2) Fluid milk products received from other pool plants,

(3) Other source milk, and

(4) Inventories of fluid milk products on hand at the end of each month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to sources and disposition as the market administrator may prescribe.

**§ 1016.31 Payroll reports.**

On or before the 25th day of each month each handler operating a pool plant or receiving Grade A milk from dairy farmers shall report his producer or dairy farmer payroll for each plant for the preceding month which shall show:

(a) The total pounds of milk received from each producer (including for the months of March through June the total pounds of base and excess milk) and the percentage of butterfat contained therein or the pounds of milk received from each dairy farmer producing Grade A milk and the percentage of butterfat contained therein; and

(b) The date and net amount of payment to such producer or dairy farmer, or to a cooperative association for such producer's milk, with the price, deductions and charges involved and the nature of each.

**§ 1016.32 Producer-handler reports.**

Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

**§ 1016.33 Exempt handler reports.**

Each handler exempt pursuant to §§ 1016.81 and 1016.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

**§ 1016.34 Records and facilities.**

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form;

(b) The weights and tests for butterfat, skim milk and other content of all milk and milk products handled;

(c) Inventories of all dairy products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

**§ 1016.35 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.



CLASSIFICATION

**§ 1016.40 Skim milk and butterfat to be classified.**

All skim milk and butterfat required to be reported pursuant to § 1016.30 shall be classified (separately as skim milk and butterfat) pursuant to §§ 1016.41 through 1016.45.

**§ 1016.41 Classes of utilization.**

Subject to the conditions set forth in §§ 1016.42 and 1016.43, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (c)(2) of this section; and

(2) Not accounted for as Class II and Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraphs (a) or (c) of this section; and

(2) In inventories of fluid milk products on hand at the end of the month.

(c) Class III utilization shall be all skim milk and butterfat:

(1) Used to produce butter, nonfat dry milk or cheese in any form except cottage cheese;

(2) In skim milk disposed of for livestock feed or dumped subject to prior notification to and verification (at his discretion) by the market administrator;

(3) In shrinkage of skim milk and butterfat allocated to milk received from producers, but not to exceed 2 percent of such receipts; and

(4) In shrinkage of other source milk.

**§ 1016.42 Shrinkage.**

(a) When producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received in the transferor handler's plants shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

**§ 1016.43 Transfers.**

Skim milk and butterfat transferred or diverted as milk, skim milk or cream in bulk form from a pool plant to:

(a) The pool plant of another handler shall be classified at the utilization indicated by the operators of both plants in their reports submitted pursuant to § 1016.30, otherwise as Class I utilization, subject in either event to the following conditions:

(1) The receiving plant has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

(b) A plant operated by a producer-handler or a handler exempt pursuant to § 1016.81, shall be Class I utilization;

(c) A nonpool plant (except as specified in paragraph (b) of this section) shall be Class I utilization, unless the following conditions and the conditions of paragraph (d) of this section are met:

(1) Utilization in another class is claimed by the transferor-handler in his report submitted pursuant to § 1016.30 for the month;

(2) The operator of the nonpool plant has utilization of an equivalent amount of skim milk and butterfat remaining in the class of use claimed in subparagraph (1) of this paragraph after the prior deduction in sequence beginning with the lowest-priced available class of use of any receipts thereat during the month of skim milk or butterfat, respectively, from plants not regulated under the provisions of any Federal marketing agreement or order; and

(3) The operator of the nonpool plant maintains books and records which are adequate for the verification of such utilization and are made available if requested by the market administrator.

(d) The classification of any skim milk or butterfat for which a claim of use is made under paragraph (c)(1) of this section shall be subject to the following further conditions.

(1) If any skim milk or butterfat was disposed of from the nonpool plant in the form of bulk milk, skim milk, or cream to other nonpool plants, the market administrator shall determine the classification of such skim milk or butterfat at the nonpool plant where actually used or processed when necessary to support a claim made pursuant to paragraph (c)(1) of this section;

(2) If Class I utilization at any nonpool plant at which classification of the pooled milk is made exceeds the receipts during the month from dairy farmers who constitute its regular source of Grade A milk, the transferred quantity shall be Class I to the extent of such excess: *Provided*, That (i) when, during the month, transfers to such nonpool plant have been made from regulated plants under more than one Federal marketing agreement or order, the amount of skim milk or butterfat so classified as Class I milk shall be a pro rata quantity based on the proportion of receipts at the nonpool plant from each of such regulated plants, and (ii) any amount of pooled milk remaining after the computation in (i) of this proviso shall be assigned in sequence to the available uses in the class claimed and any balance to the remaining uses in the nonpool plant; and

(3) If Class I utilization at any nonpool plant at which classification of the pooled milk is made does not exceed the receipts during the month from dairy farmers who constitute its regular source of Grade A milk, the transferred quantity which is in excess of the available uses in the class claimed under paragraph (c)(1) of this section shall be classified in other classes in sequence beginning with the next lowest-priced available class of use.

**§ 1016.44 Responsibility of handlers.**

All skim milk and butterfat shall be classified as Class I utilization unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

**§ 1016.45 Computation of skim milk and butterfat in each class.**

For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat respectively, in Class I, Class II and Class III utilization for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

**§ 1016.46 Allocation of butterfat classified.**

The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class III utilization the pounds of butterfat shrinkage allowed pursuant to § 1016.41(c)(3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received from plants other than those subject to another marketing agreement or order issued pursuant to the Act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received from a plant subject to another marketing agreement or order issued pursuant to the Act;

(d) Subtract from the pounds of butterfat remaining in Class II milk and Class I milk, in series beginning with Class II, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the remaining pounds of butterfat in each class the

pounds of butterfat received as fluid milk products from pool plants of other handlers according to the classification established pursuant to §§ 1016.41 and 1016.43(a);

(f) Add to the remaining pounds of butterfat in Class III utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such overage from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

**§ 1016.47 Allocation of skim milk classified.**

Allocate the pounds of skim milk in each class to milk received from producers in the same manner as that prescribed for butterfat in § 1016.46.

**§ 1016.48 Computation of total producer milk in each class.**

The amounts computed pursuant to §§ 1016.46 and 1016.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class will be determined.

MINIMUM PRICES

**§ 1016.50 Basic formula price.**

The basic formula price shall be the higher of the prices computed as follows:

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the USDA.

| *Present Operator and Location* |
|---|
| Borden Co., New London, Wis. |
| Borden Co., Orfordville, Wis. |
| Carnation Co., Oconomowoc, Wis. |
| Carnation Co., Richland Center, Wis. |
| Carnation Co., Sparta, Mich. |
| Pet Milk Co., Coopersville, Mich. |
| Pet Milk Co., Belleville, Wis. |
| Pet Milk Co., New Glarus, Wis. |
| Pet Milk Co., Wayland, Mich. |
| White House Milk Co., Manitowoc, Wis. |
| White House Milk Co., West Bend, Wis. |

(b) The price computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the USDA, during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the USDA; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest cent.

**§ 1016.51 Class I milk price.**

Subject to the provisions of § 1016.54 the minimum price per hundredweight to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association during the month and utilized as Class I milk shall be as follows during the period through November 1961;

(a) Except as provided in paragraph (b) of this section, the basic formula price for the preceding month plus $0.54 for the months of March, April, May, and June; $0.74 for the months of January, February, July, and December; and $0.94 for all other months.

(b) For plants located in the Wisconsin counties of Florence, Forest, Marinette, Oneida and Vilas or in the State of Michigan, the price computed in paragraph (a) of this section shall be increased ten cents.

**§ 1016.52 Class II milk price.**

Subject to the provisions of § 1016.54 the minimum price per hundredweight to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association during the month and utilized as Class II milk shall be the basic formula price.

**§ 1016.53 Class III milk price.**

Subject to the provision of § 1016.54 the minimum price per hundredweight to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association during the month and utilized as Class III milk shall be the price computed pursuant to § 1016.50(b), plus 5 cents: *Provided*, That the resulting price shall not be higher than the Class II price.

**§ 1016.54 Handler butterfat differential.**

If the average butterfat test of Class I milk, Class II milk or Class III milk as computed pursuant to § 1016.48 is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the USDA during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) For Class I milk, multiply such price for the preceding month by 0.125;

(b) For Class II and Class III milk, multiply such price for the current month by 0.115.

**§ 1016.55 Equivalent price provision.**

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with, the price specified.

HANDLER'S OBLIGATION AND UNIFORM PRICE

**§ 1016.60 Computation of value of producer milk.**

The value of producer milk received by each handler shall be computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1016.48, by the applicable class prices;

(b) Add the amounts computed by multiplying the quantity of overage assigned to each class pursuant to § 1016.46(g) and the corresponding step of § 1016.47 by the applicable class price;

(c) Add the amount obtained in multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 1016.46(d) and the corresponding step of § 1016.47; or

(2) The hundredweight of producer milk classified as Class II during the preceding month; and

(d) If during the month total receipts of producer milk were 110 percent or more of the total Class I milk at pool plants, add an amount equal to the difference between the values (at test and location) at the Class I price and Class III price with respect to:

(1) Other source milk subtracted from Class I pursuant to § 1016.46(b) and the corresponding step of § 1016.47; and

(2) Milk in inventory subtracted from Class I pursuant to § 1016.46(d) and the corresponding step of § 1016.47 which is in excess of the sum of:

(i) The quantity for which payment is computed pursuant to paragraph (c) of this section; and

(ii) The quantity subtracted from Class II pursuant to § 1016.46(c) and the corresponding step of § 1016.47 in the month preceding.

**§ 1016.61 Computation of aggregate value used to determine uniform price.**

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the individual values of milk of all handlers computed pursuant to § 1016.60;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the producer butterfat differential, and multiplying the result by the hundredweight of such producer milk;



(c) Subtract the aggregate of the values of the applicable producer location adjustments pursuant to § 1016.65; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-equalization fund.

**§ 1016.62 Computation of uniform price.**

For each of the months of July through February, the market administrator shall compute the uniform price per hundredweight for producer milk of 3.5 percent butterfat content, as follows:

(a) Divide the aggregate value computed pursuant to § 1016.61 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section.

**§ 1016.63 Computation of uniform prices for base milk and excess milk.**

For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk, each of 3.5 percent butterfat content, as follows:

(a) From the reports submitted by handlers pursuant to § 1016.30 determine the aggregate classification of producer milk included in the computation of value pursuant to § 1016.61 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of excess milk by assigning such milk in series, beginning with Class III milk, to the hundredweight of milk classified pursuant to paragraph (a) of this section, multiplying the quantity so assigned by the respective class prices for milk containing 3.5 percent butterfat, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The resulting figure, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 1016.61; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for base milk.

**§ 1016.64 Producer butterfat differential.**

The uniform prices pursuant to §§ 1016.62 and 1016.63 shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I, Class II and Class III milk pursuant to § 1016.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resulting figure to the nearest one-tenth cent.

**§ 1016.65 Producer location adjustments.**

The uniform price pursuant to § 1016.62 and the uniform price for base milk pursuant to § 1016.63 shall be increased 10 cents for producer milk received at a pool plant in the Wisconsin Counties of Florence, Forest, Marinette, Oneida or Vilas or in the State of Michigan.

**§ 1016.66 Notification.**

On or before the 14th day after the end of each month, the market administrator shall mail to each handler at his last known address a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform prices pursuant to §§ 1016.62 or 1016.63 adjusted by the butterfat differential pursuant to § 1016.64 and the location adjustment pursuant to § 1016.65; and

(c) The amount due such handler pursuant to § 1016.73 and the amounts to be paid by such handler pursuant to §§ 1016.72, 1016.74 and 1016.75.

PAYMENT FOR MILK

**§ 1016.70 Time and method of payment.**

(a) Except as provided in paragraphs (b) and (c) of this section, on or before the 18th day after the end of each month each handler shall pay each producer for producer milk received from him during the month the uniform prices provided in § 1016.62 or §1016.63 adjusted by the butterfat differential pursuant to § 1016.64 and the location adjustment pursuant to § 1016.65: *Provided*, That if by such date a handler has not received full payment pursuant to § 1016.73, he may reduce his total payments to all producers and cooperative associations uniformly by not more than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler shall pay to the cooperative association on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association on or before the 16th day of each month written information which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month, including, for the months of March through June, the pounds of base and excess milk;

(ii) The total pounds of butterfat contained in such milk;

(iii) The number of days on which such milk was received; and

(iv) The amounts withheld by the handler in payment for supplies sold.

(2) The payment and submission of information pursuant to subparagraph (1) of this paragraph shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(3) A copy of each request and promise to reimburse pursuant to subparagraph (1) of this paragraph and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) Each handler shall make payment to a cooperative association for milk received from the pool plant of such cooperative association on or before the 10th day after the end of each month in which it was received, at not less than the applicable class prices.

**§ 1016.71 Producer-equalization fund.**

The market administrator shall maintain a separate fund known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 1016.72 and 1016.83 (a) (1) or (b) (1) (including any adjustments thereto pursuant to § 1016.76) and out of which he shall make all payments pursuant to § 1016.73 (including any adjustments thereto pursuant to § 1016.76).

**§ 1016.72 Payments to the producer-equalization fund.**

On or before the 16th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 1016.60 shall pay to the market administrator any amount by which such value for such month is greater than the amount required to be paid by him pursuant to § 1016.70.

**§ 1016.73 Payments out of the producer-equalization fund.**

On or before the 17th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 1016.60 is less than the amount required to be paid by him pursuant to § 1016.70, less any unpaid obligations of such handler to the market administrator pursuant to § 1016.72: *Provided*, That if the balance in the producer-

equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

**§ 1016.74 Expense of administration.**

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 16th day after the end of each month 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production;

(b) Any other source milk allocated to Class I pursuant to § 1016.46(b) and the corresponding step of § 1016.47; and

(c) The applicable amount specified in § 1016.83 (a) (2) or (b) (2).

**§ 1016.75 Marketing services.**

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1016.70 for milk received from each producer (excluding milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as the Secretary may prescribe, and on or before the 16th day after the end of each month shall pay such deduction to the market administrator. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a pool plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1016.70 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of the month to the cooperative association rendering such services of which such producers are members.

**§ 1016.76 Errors in payment.**

Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses adjustments to be made, for any reason, which result in monies due to the market administrator from such handler, to such handler from the market administrator, or to any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

**§ 1016.77 Overdue accounts.**

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1016.72 through 1016.76 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

**§ 1016.78 Termination of obligations.**

The provisions of this section shall apply to any obligations under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) It the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or associations or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

APPLICATION OF PROVISION

**§ 1016.80 Producer-handler exemption.**

A producer-handler shall be exempt from all provisions of this part except §§ 1016.32, 1016.34 and 1016.35.

**§ 1016.81 Exempt handler.**

A handler who operates a fluid milk plant located outside the marketing area from which an average of less than 600 pounds of fluid milk products per day are disposed of during the month in the marketing area on routes shall be exempt from all provisions of this part except §§ 1016.33 through 1016.36.

**§ 1016.82 Handlers subject to other Federal orders.**

The provisions of this part shall not apply to a handler with respect to the operation of a pool plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and the disposition of fluid milk products in the other Federal marketing area exceeds that in the Northeastern Wisconsin marketing area: *Provided*, That the operator of a pool plant which is exempted from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

**§ 1016.83 Handlers operating a nonpool distributing plant.**

Each handler, other than a producer-handler or one exempt pursuant to §§ 1016.81 or 1016.82, who during the month operates a Grade A milk nonpool plant from which fluid milk products are distributed on a route in the marketing area, shall pay to the market administrator as follows:

(a) If such handler so elects at the time of reporting pursuant to § 1016.30, his obligations shall be as follows:

(1) On or before the 16th day after the end of the month, for the producer-equalization fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class III price; and

(2) On or before the 16th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 1016.74 with respect to Class I milk disposed of on routes in the marketing area.

(b) Unless such handler elects to have his obligations computed pursuant to paragraph (a) of this section, his obligations shall be as follows:

(1) On or before the 25th day after the end of the month, for the producer equalization fund the lesser of the amount computed pursuant to paragraph (a) (1) of this section, or any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 1016.60 for Grade A milk received from dairy farmers at such plant for such month if such plant had been a pool plant;

(ii) Deduct the gross payments made by the handler to dairy farmers for Grade A milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report required pursuant to § 1016.31, plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 16th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1016.74 had such plant been a pool plant.

DETERMINATION OF BASE

**§ 1016.85 Base.**

"Base" for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through November immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of calculating the base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the month of September through November or if milk is received on less than 60 days during such months, the base of such producer shall be his average daily deliveries of producer milk for each of the months of March through June multiplied by 60 percent for the month of March, 55 percent for the month of April and by 50 percent for the months of May and June: *And provided further*, That any producer for whom a base has been established pursuant to this section based on deliveries of 60 or more days during the preceding months of September through November may, in lieu thereof, by notifying the market administrator prior to March 1, be accorded a base calculated pursuant to the immediately preceding proviso of this section.

**§ 1016.86 Base rules.**

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March, April, May and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signature of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

(e) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during September, October, or November may transfer to another producer credit for milk deliveries for base making purposes.

**§ 1016.87 Announcement of established bases.**

On or before February 15 of each year the market administrator shall notify each producer and the handler receiving milk from such producer of the base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

**§ 1016.90 Effective time.**

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

**§ 1016.91 Suspension or termination.**

The Secretary shall, whenever he finds that this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this part on any such provision of this part.

**§ 1016.92 Continuing obligation.**

If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

**§ 1016.93 Liquidation.**

(a) Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent.

(b) If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

**§ 1016.100 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

**§ 1016.101 Separability of provisions.**

If any provision of this part, or the application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 9th day of January 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61-261; Filed, Jan. 12, 1961; 8:47 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

[ 21 CFR Part 120 ]

## TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Notice of Filing of Petition for Establishment of Tolerances for Residues of 1-Naphthyl N-Methylcarbamate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, proposing the establishment of a tolerance of 10 parts per million for residues of 1-naphthyl *N*-methylcarbamate in or on each of the raw agricultural commodities apricots, blueberries, cranberries, lettuce, and nectarines.

The analytical method proposed in the petition for determining residues of 1-naphthyl *N*-methylcarbamate is that described in the FEDERAL REGISTER of January 9, 1959 (24 F.R. 238), with minor modifications.

Dated: January 5, 1961.

[SEAL] ROBERT S. ROE,
*Director, Bureau of Biological and Physical Sciences.*

[F.R. Doc. 61-250; Filed, Jan. 12, 1961; 8:46 a.m.]

[ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued.

A petition was filed by the Atlas Powder Company, Wilmington 99, Delaware, proposing the issuance of a regulation to provide for the safe use of polyoxyethylene (20) sorbitan monostearate to impart greater opacity to sugar-type confection coatings, where the total weight of the additive does not exceed 0.20 percent of the weight of the finished sugar coating. Notice of filing of this petition was published in the FEDERAL REGISTER April 22, 1960 (24 F.R. 3530). Samples of the additive were requested as provided for in § 121.51(j) of the food additive regulations. This section further provides that if samples are requested within a reasonable time in advance of the 180 days, but are not submitted within such 180 days after filing of the petition, the petition will be considered withdrawn, without prejudice.

The requested samples have not been received, and the above-identified petition is regarded as having been withdrawn witout prejudice to a future filing.

Dated: January 9, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-258; Filed, Jan. 12, 1961; 8:46 a.m.]

# FEDERAL AVIATION AGENCY

[ 14 CFR Part 601 ]

[Airspace Docket No. 60-FW-95]

## CONTROL AREAS

### Designation of Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of a control area extension at McAllen, Tex., bounded on the north by latitude 26°26'00" N., on the east by longitude 98°00'00" W., on the south by the United States/Mexican border, and on the west by longitude 98°30'00" W.

This control area extension would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Miller International Airport at McAllen. The communications services for the proposed control area extension would be provided by a Federal Aviation Agency Flight Service Station scheduled to be commissioned at McAllen on or about January 1, 1961.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 6, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-250; Filed, Jan. 12, 1961; 8:45 a.m.]

[ 14 CFR Part 601 ]

[Airspace Docket No. 60-FW-101]

## CONTROL ZONES

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2240 of the regulations of the Administrator, the substance of which is stated below.

The Milton, Fla., control zone is presently designated within a 5-mile radius of Whiting, Fla., Naval Air Station (north) extending 2 miles either side of the northwest course of the Whiting (Navy) radio range to 10 miles northwest of the radio range.

The Federal Aviation Agency has under consideration alteration of the Milton control zone. It is proposed to alter the control zone extension based on the northwest course of the Whiting radio range by lengthening the extension to 12 miles northwest of the radio range. This altered extension would provide protection for the aircraft executing revised high altitude instrument approach procedures based on the radio range. In addition, it is proposed to designate a control zone extension within 2 miles either side of the 309° True radial of the Whiting TACAN, extending from the 5-mile radius zone to 8 miles northwest of the TACAN. This extension would provide protection for aircraft executing prescribed instrument approach procedures based on the TACAN.

If these actions are taken, the Milton, Fla., control zone would be redesignated within a 5-mile radius of Whiting, NAAS (north) latitude 30°43'15" N., longitude 87°01'45" W., within 2 miles either side of the northwest course of the Whiting radio range extending from the 5-mile radius zone to 12 miles northwest of the radio range and within 2 miles either side of the Whiting TACAN 309° True radial extending from the 5-mile radius zone to 8 miles northwest of the TACAN.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 6, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-251; Filed, Jan. 12, 1961; 8:45 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

### ADJUSTMENTS IN MAXIMUM LEVEL OF IMPORTS—PUERTO RICO

### Finished Products Other Than Residual Fuel Oil To Be Used as Fuel

The maximum level of imports into Puerto Rico of finished products, other than residual fuel oil to be used as fuel, established by Presidential Proclamation 3279 (24 F.R. 1761) is modified pursuant to paragraph (d) of section 2 of said Proclamation to permit, during the period January 1, 1961, through June 30, 1961, an increase of 2320 barrels per day in the imports of light virgin naphtha and 166 barrels per day in the imports of asphalt, to meet the increased demand in Puerto Rico.

Increases in allocations, pursuant to this authorization, will be granted to those eligible importers who have satisfactorily demonstrated an increased need for these oils.

ELMER F. BENNETT,
*Acting Secretary of the Interior.*

JANUARY 9, 1961.

[F.R. Doc. 61-270; Filed, Jan. 12, 1961; 8:48 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Public Health Service

### FOREIGN QUARANTINE

### Vessels and Aircraft Subject To Quarantine Inspection

AREAS PRESENTING NO SIGNIFICANT THREAT OF INTRODUCTION OF COMMUNICABLE DISEASE INTO THE UNITED STATES OR ITS POSSESSIONS

Effective January 15, 1961, Cuba is removed from the list of areas determined by the Surgeon General pursuant to § 71.46 of the Foreign Quarantine Regulations of the Public Health Service, 42 CFR, Part 71, as amended, to present no significant threat of introduction of communicable disease into the United States or its possessions, and the list of such areas published in the FEDERAL REGISTER on June 4, 1960 (25 F.R. 4964) is amended accordingly.

Dated: January 6, 1961.

[SEAL] JOHN D. PORTERFIELD,
*Acting Surgeon General.*

[F.R. Doc. 61-260; Filed, Jan. 12, 1961; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

### IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

### Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 (25 F.R. 5863) the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the act (25 F.R. 13796) for December and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| Armour and Co. | 2AD | (*) | (*) | | | | |
| Do. | 2AT | (*) | | (*) | | (*) | |
| Do. | 2LT | (*) | | | | | |
| Do. | 2SD | (*) | (*) | (*) | (*) | (*) | |
| Do. | 2WN | (*) | (*) | | | | |
| Swift and Co. | 3AW | (*) | | (*) | | (*) | |
| Do. | 3CO | (*) | | (*) | | | |
| Do. | 3D | (*) | (*) | (*) | | (*) | |
| Do. | 3K | (*) | (*) | | | | |
| Do. | 3N | (*) | (*) | (*) | | (*) | |
| Do. | 3R | (*) | (*) | | | (*) | |
| Do. | 3S | | | | | (*) | |
| Do. | 6O | (*) | (*) | (*) | | (*) | |
| Hygrade Food Products Corp. | 12O | (*) | (*) | (*) | | (*) | |
| Do. | 12Q | (*) | (*) | | | (*) | |
| John Morrell and Co. | 17A | (*) | | | | (*) | |
| Do. | 17D | (*) | (*) | (*) | | (*) | |
| The Cudahy Packing Co. | 19 | (*) | (*) | (*) | | (*) | |
| Wilson and Co., Inc. | 20Y | (*) | (*) | | | (*) | |
| The Sperry and Barnes Co. | 27O | | | | | (*) | |
| Valleydale Packers, Inc. | 34 | (*) | (*) | (*) | | (*) | |
| Armour and Co. | 40 | (*) | (*) | (*) | | (*) | |
| Lackawanna Beef and Provision Co. | 49 | (*) | | | | | |
| Midwestern Beef, Inc. | 53 | (*) | | | | | |
| Excel Packing Co., Inc. | 86 | (*) | | | | | |
| Swift and Co. | 104 | (*) | (*) | (*) | | (*) | |
| Wilson and Co., Inc. | 119 | (*) | (*) | (*) | | | |
| City Dressed Beef | 125 | (*) | | | | | |
| Peyton Packing Co. | 126 | (*) | (*) | (*) | (*) | (*) | |
| The Luer Packing Co. | 128 | (*) | | | | (*) | |
| Tobin Packing Co., Inc. | 133 | | | | | (*) | |
| Siegel Weller Packing Co. | 153 | (*) | | | | | |
| Camp Packing Co., Inc. | 174 | (*) | | | | | |
| Montrose Beef Co. | 181 | (*) | | | | | |
| The Rath Packing Co. | 186 | (*) | (*) | (*) | | (*) | |
| Fort Dodge Packing Co., Inc. | 187 | (*) | | | | | |
| John Morrell and Co. | 196 | | | | | (*) | |
| Hynes Packing Co. | 197 | (*) | | | | | |
| George A. Hormel and Co. | 199 | (*) | (*) | (*) | | (*) | |
| Do. | 199D | | | | | (*) | |
| Do. | 199I | | | | | (*) | |
| Cudahy Packing Co. | 202 | (*) | | | | | |
| Elburn Packing Co. | 213 | (*) | | | | | |
| Fred Dold and Sons Packing Co. | 214 | (*) | | | | | |
| Lincoln Meat Co. | 217 | (*) | | | | | |
| York Packing Co., Inc. | 220 | | | | | (*) | |
| Swift and Co. | 241 | (*) | (*) | (*) | | (*) | |
| Bookey Packing Co. | 251 | (*) | | | | | |
| Roessler Packing Co. of Erie | 286 | (*) | (*) | (*) | | (*) | |
| Arbogast and Bastian Co. | 289 | (*) | (*) | | | (*) | |
| Commercial Packing Co., Inc. | 302 | (*) | | | | | |
| Union Packing Co. | 305 | (*) | | | | | |
| Do. | 305A | (*) | | | | | |
| Survail Packing Co. | 307 | (*) | | | | | |
| Ideal Packing Co., Inc. | 312 | (*) | | | | | |
| Great Western Packing Co., Inc. | 334 | (*) | | | | | |
| Des Moines Packing Co. | 340 | (*) | | | | | |
| State Packing Co., Inc. | 344 | (*) | | | | | |
| United Dressed Beef Co. | 364 | (*) | (*) | | | | |
| Fischer Packing Co. | 374 | (*) | (*) | | | (*) | |
| Liebmann Packing Co. | 388 | (*) | | | | | |
| Dugdale Packing Co. | 390 | (*) | | | | | |
| Dubuque Packing Co. | 396 | (*) | (*) | (*) | | (*) | |
| Endlich Packing Co., Inc. | 410 | (*) | | | | | |
| The Lundy Packing Co. | 413 | (*) | | | | (*) | |
| Frosty Morn Meats | 414 | (*) | (*) | (*) | | (*) | |
| E. W. Kneip Inc. of Iowa | 422 | (*) | | | | | |





| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| Hebrew Packing Co., Inc. | 425 | (*) | (*) | | | | |
| Queen Packing Corp. | 436 | (*) | | | | | |
| Omaha Dressed Beef Co. | 441 | (*) | | | | | |
| Dewitt Packing Corp. | 456 | (*) | (*) | | | | |
| Pioneer Provision Co. | 461 | (*) | | | | | |
| Cornhusker Packing Co. | 468 | (*) | | | | | |
| East Tennessee Packing Co. | 487 | (*) | (*) | | | (*) | |
| Gokring Packing Co., Inc. | 490 | (*) | | (*) | | | |
| Mid State Packers Inc. | 494 | (*) | (*) | | | | |
| The Hull and Dillon Packing Co. | 510 | (*) | (*) | | | (*) | |
| Illinois Packing Co. | 521 | (*) | | | | | |
| Rosenthal Packing Co., Inc. | 535 | (*) | (*) | (*) | (*) | | |
| Midwest Packing Co. | 538 | (*) | | | | | |
| Swift and Co. | 548 | (*) | (*) | | | (*) | |
| Pride Packing Co., Inc. | 549 | (*) | (*) | | | | |
| Salter Packing Co. | 551 | (*) | (*) | | | | |
| Black Hills Packing Co. | 554 | (*) | | | | (*) | |
| Emery Land Co. | 561 | (*) | | | | | |
| Frosty Morn Meats Inc. | 576 | (*) | (*) | | | (*) | |
| Herman Packing Co. | 596 | (*) | | | | | |
| Danner Packing Co. | 614 | (*) | | | | | |
| Acme Meat Co., Inc. | 618 | (*) | | | | | |
| Hill Packing Co. | 623E | | | | | | (*) |
| Elmer Bros Packers | 633 | (*) | (*) | | | (*) | |
| Zipron Bros., Inc. | 635 | (*) | | | | | |
| Spencer Packing Co. | 648 | (*) | | | | | |
| Nagle Packing Co. | 653 | (*) | (*) | | | | |
| Milwaukee Dressed Beef Co. | 654 | (*) | | | | | |
| Quality Meat Packing Co. | 661 | (*) | (*) | | | | |
| Bryan Meat Co. | 668 | (*) | (*) | | | | |
| Kramer Beef Co. | 695 | (*) | | | | | |
| Carter Packing Co. | 698 | (*) | (*) | | | | |
| Coast Packing Co. | 724 | (*) | | | | (*) | |
| Riehl Bros. | 749 | (*) | (*) | | | | |
| Luck Brothers Cooperative Packing Co. | 753 | (*) | | | | | |
| Monroe Packing Co., Inc. | 755 | (*) | | | | | |
| Seitz Packing Co., Inc. | 756A | (*) | | | | | |
| Atlas Packing Co. | 775 | (*) | | | | | |
| The Cudahy Packing Co. | 779 | (*) | (*) | | | (*) | |
| Acme Meat Co., Inc. | 809 | (*) | | | | | |
| Rochester Independent Packer Inc. | 817 | (*) | | | | | |
| Frederick County Products Inc. | 838 | (*) | (*) | (*) | | (*) | |
| Sam McDaniel and Sons, Inc. | 869 | (*) | | | | | |
| Tobin Packing Co., Inc. | 893 | | | | | (*) | |
| Wisconsin Packing Co. | 924 | (*) | | | | | |
| T. B. Manning and Son | 934 | (*) | | | | | |
| Coppellino Abattoir, Inc. | 939 | (*) | | | | | |
| Geniner Packing Co., Inc. | 941 | (*) | | | | | |
| M. Briner & Co. | 948 | (*) | | | | | |
| The Quaker Oats Co. | 952F | | | | | | (*) |
| Armour and Co. | 956 | (*) | | | | (*) | |
| T. L. Lay Packing Co. | 967 | (*) | | | | (*) | |
| The Klarer Co. | 995 | (*) | (*) | | | | |
| Do. | 995A | | | | | (*) | |
| Do. | 995C | (*) | | | | | |
| Nebraska Iowa Dressed Beef Co. | 1318 | (*) | | | | | |

Done at Washington, D.C., this 9th day of January 1961.

C. H. PALS,
*Director, Meat Inspection Division, Agricultural Research Service.*

[F.R. Doc. 61-242; Filed, Jan. 12, 1961; 8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 11885]

### RUTAS AEREAS DE COLOMBIA LIMITADA

### Notice of Postponement of Hearing

In the matter of the application of Rutas Aereas de Colombia Limitada for a foreign air carrier permit under section 402 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding now assigned to be held on January 10, 1961, is hereby postponed to January 31, 1961, at 10:00 a.m., e.s.t. in Room 9250, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., January 10, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-275; Filed, Jan. 12, 1961; 8:49 a.m.]

[Docket 11096]

### SEVEN SEAS AIRLINES, INC., ENFORCEMENT PROCEEDING

### Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on February 1, 1961, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 10, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-276; Filed, Jan. 12, 1961; 8:49 a.m.]

[Docket 11987]

### TASMAN EMPIRE AIRWAYS LTD.

### Notice of Prehearing Conference

In the matter of the application of Tasman Empire Airways Limited, Docket 11987, for a foreign air carrier permit to engage in foreign air transportation from New Zealand via the Fiji Islands to American Samoa and beyond to the Cook Islands (optional) and the Society Islands and return and also off-route charter services into and out of American Samoa.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on January 17, 1961, at 10:00 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., January 10, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-277; Filed, Jan. 12, 1961; 8:49 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-97]

### CORNELL UNIVERSITY

### Notice of Issuance of Amendment to Construction Permit

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to Construction Permit No. CPRR-31. The amendment authorizes the use of uranium dioxide fuel elements instead of the uranium metal elements proposed in the original application, changes the allocation of special nuclear material to Cornell University for use through 1978 in connection with operation of its zero power reactor facility being constructed on the University's campus in Ithaca, New York, from 63.3 kilograms of contained uranium 235 to 39.5 kilograms of contained uranium 235, and amends the schedule of transfers of special nuclear material between the University and the Commission as described in the permittee's Amendment No. 6 to its application for license dated November 14, 1960.

In accordance with the Commission's "Rules of Practice" (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the amendment to the permit upon receipt of a request therefor from the permittee or an intervener within thirty days after issuance of the amendment to the permit. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see (1) Amendment No. 6 to the application for license dated November 14, 1960, submitted by Cornell University, and (2) a hazards analysis prepared by the hazards evaluation staff of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public

Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 6th day of January 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[Construction Permit No. CPRR-31
Admt. 3]

Paragraphs 1. and 6. and Appendix "A" of Construction Permit No. CPRR-31, as amended, are revised to read as follows:

1. By application dated February 17, 1958, and amendments thereto dated May 22, 1958, September 16, 1958, November 20, 1959, December 28, 1959, March 3, 1960, and November 14, 1960 (hereinafter collectively referred to as "the application"), Cornell University requested a Class 104 license, defined in Section 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter 1, CFR, authorizing construction and operation on the Cornell University campus at Ithaca, New York, of a 10 watt light water moderated and reflected pool-type nuclear reactor (hereinafter referred to as "the facility").

6. Pursuant to Section 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to Cornell University for use in connection with the facility 39.5 kilograms of uranium 235 contained in uranium enriched to approximately 2.1% in the isotope uranium 235. Estimated schedules of special nuclear material transfers to the University and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to the University in accordance with column (2) in Appendix "A" will be conditioned upon the University's return to the Commission of material substantially in accordance with column (3) of Appendix "A".

APPENDIX "A" TO CORNELL UNIVERSITY CONSTRUCTION PERMIT

*Estimated Schedule of Transfers of Special Nuclear Material From the Commission to the University and to the Commission From the University*

| (1) Date of transfer (fiscal year) | (2) Transfers from AEC to the university, kgs. U-235 | (3) Returns by the university to AEC kgs. U-235 | | (4) Net yearly distribution including cumulative losses, kgs. U-235 | (5) Cumulative distribution including cumulative losses, kgs. U-235 |
|---|---|---|---|---|---|
| | | Recoverable cold scrap | Spent hot fuel | | |
| 1961 | 46.77 | 7.45 | | 39.32 | 39.32 |
| 1962 | | | | | 39.32 |
| | In years 1962 through 1978 columns (2) through (5) carry the same quantities. | | | | |
| 1978 | | | | | 39.32 |
| | | | 38.81 [1] | (38.81) | 0.51 [2] |
| | 46.77 | 7.45 | 38.81 [1] | 0.51 [2] | |

[1] Inventory to be returned.
[2] Estimated fabrication and burnup losses.

This amendment is effective as of the date of issuance.

Date of issuance: January 6, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-248; Filed, Jan. 12, 1961; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

## BLOOMFIELD NON-PROFIT TELEVISION ASSN.

[Docket Nos. 13907-13909; FCC 61M-31]

### Order Scheduling Hearing

In re applications of Bloomfield Non-Profit Television Association, Bloomfield, New Mexico, Docket No. 13907, File No. BTR-436; Docket No. 13908, File No. BTR-437; Docket No. 13909, File No. BTR-438; for temporary authority to operate three VHF television broadcast repeater stations.

*It is ordered,* This 6th day of January 1961, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 28, 1961, in Bloomfield, New Mexico.

Released: January 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-271; Filed, Jan. 12, 1961; 8:48 a.m.]

[Docket Nos. 13749-13753; FCC 61-2]

## ROLLINS BROADCASTING, INC., ET AL.

### Memorandum Opinion and Order Amending Issues

In re applications of Rollins Broadcasting, Inc., Wilmington, Delaware, Docket No. 13749, File No. BPCT-2583; The Wilmington Television Co., Inc., Wilmington, Delaware, Docket No. 13750, File No. BPCT-2603; WHYY, Inc., Wilmington, Delaware, Docket No. 13751, File No. BPCT-2634; Metropolitan Broadcasting Corporation, Wilmington, Delaware, Docket No. 13752, File No. BPCT-2715; National Telefilm Associates, Inc., Wilmington, Delaware, Docket No. 13753, File No. BPCT-2769; for construction permits for new television broadcast stations.

1. The Commission has for consideration a motion to amend issues filed on August 26, 1960, by Metropolitan Broadcasting Corporation, together with pleadings filed in response thereto.

2. Metropolitan first requests, on the basis of current information as to its financial condition, that the existing issue with respect to its financial qualifications be deleted. While there is some controversy as to the precise sum Metropolitan will need to construct its station and operate without revenue for a period of three months, no party suggests a greater figure than the $1,730,250 estimated by the Broadcast Bureau. Metropolitan's most recent balance sheet shows that to meet this requirement it has current net assets of $3,889,587, including $3,131,154 cash. While the terms of a loan agreement between Metropolitan and a combination of lenders require that Metropolitan maintain an excess of consolidated current assets over consolidated current liabilities of not less than $1,400,000 prior to December 31, 1960 and $1,900,000 thereafter, the deduction of the larger of these sums from Metropolitan's current net assets would leave an excess of more than $250,000 over the sum required to implement the present proposal. We think it clear that Metropolitan has established its financial qualifications, and the issue should be deleted.

3. Metropolitan next requests that the existing issues with respect to its possible violation of §§ 3.636(a) (1) and (2) of the rules be deleted, on the grounds that its overlap would be minimal, would occur in an area where concentration of control is impossible due to an abundance of existing service, and is no greater than the overlap which already exists in the same area with respect to television facilities owned by other licensees.

4. The request will be denied. The Commission's multiple ownership rules are not cast in terms of rigidly defined numbers or percentages. They are sufficiently flexible to fulfill their function in varying situations, and their applicability must be determined from the facts and circumstances of each individual case. These facts and circumstances can best be elicited in the context of an evidentiary hearing, and, in cases of overlap of the extent here involved, it is the Commission practice to designate an appropriate issue. However, when, as here, an applicant suggests substantial reasons why, even if the evidence demonstrates a violation of the rule, the public interest would be served by a waiver, it is appropriate to modify the issue to permit the applicant to elicit such facts as, in its opinion, support its request for waiver, TBC, Inc., 20 RR 495 (1960).

5. We note that on September 20, 1960, National Telefilm filed a response to the Metropolitan petition wherein it requests that, in the event a waiver issue with respect to § 3.636 of the rules is added in response to Metropolitan's pleading, a waiver issue also be added with respect to existing Issue 6 which concerns a possible violation of § 3.636 by National Telefilm. While the Commission will not ordinarily designate a waiver issue in the absence of substantial allegations demonstrating why the waiver would be in the public interest, in this case it is apparent that many of the arguments advanced by Metropolitan are equally applicable to Telefilm. We will, therefore, include a waiver issue with respect to existing Issue No. 6. However, it should be emphasized with respect to both Metropolitan and Telefilm that if § 3.636 is found not to be violated, or if the proposal of either or both is found in violation of the rule but mitigating facts indicate that a waiver should be granted, the overlap, while not absolutely disqualifying, would be a factor for comparative consideration.

6. Metropolitan's final request is for the addition of a financial issue with respect to the Rollins application, alleging that Rollins has not demonstrated the availability of the $640,751 which petitioner estimates Rollins will need for the construction and early operation of its proposed station. The request will not be granted. Rollins most recent consolidated balance sheet shows current liquid net assets in the amount of $491,000, and it has submitted an agreement by the Bank of Delaware to lend Mr. Rollins $500,000, which the latter has committed himself to lend to the applicant corporation. It is apparent that Rollins has adequately established its financial qualifications.

*Accordingly, it is ordered,* This 4th day of January 1961, That the petition to amend issues filed by Metropolitan Broadcasting Corporation on August 26, 1960, is granted to the extent herein indicated, and is otherwise denied.

*It is further ordered,* That Issue No. 2 is deleted; that Issues No. 3 and 4 are renumbered Issue 2 and 3, respectively; that the following issue is added as Issue No. 4:

4. To determine, in the event the application of Metropolitan Broadcasting Corporation is not found to be consistent with the provisions of § 3.636(a) (1) or (2) of the rules, whether the public interest would be served by a waiver of the said rule;

and Issue No. 6 is modified as follows:

6. To determine whether a grant of the application of National Telefilm Associates, Inc., would be consistent with the provisions of § 3.636(a)(1) of the Commission's rules, in view of the overlap of the area to be served by the proposed station with the area served by WNTA-TV, Newark, New Jersey; and, in the event the said application is found not to be consistent with the said rule, whether the public interest would be served by a waiver thereof.

Released: January 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-272; Filed, Jan. 12, 1961; 8:48 a.m.]

[Docket No. 13911; FCC 61-22]

## SHERIDAN BROADCASTING CO., INC. (KROE)

### Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Sheridan Broadcasting Company, Inc. (KROE), Sheridan, Wyoming, requests 930 kc, 1 kw, day, Docket No. 13911, File No. BP-12676; for construction permit.

1. The Commission has before it for consideration the following pleadings: (a) Protest and Petition for Reconsideration, filed on December 5, 1960, by Big Horn Broadcasting Company, Inc., licensee of Station KWYO (1410 kc, 500 w, 1 kw-LS, U) at Sheridan, Wyoming, pursuant to the provisions of sections 309 (c)[2] and 405 of the Communications Act of 1934, as amended, directed against the Commission's action of November 2, 1960, granting, without hearing, the above-captioned application of Sheridan Broadcasting Company, Inc., KROE, for a new standard broadcast station (930 kc, 1 kw, Day) at Sheridan, Wyoming; (b) Opposition to Protest and Petition for Reconsideration, filed on December 15, 1960, by KROE; and (c) Reply to Opposition, filed on December 21, 1960, by KWYO.[3] All pleadings were timely filed and properly served.

2. KWYO claims standing as a "party in interest" and a "person aggrieved or whose interests are adversely affected" within the meaning of sections 309(c) and 405 of the Communications Act of 1934, as amended, as the licensee of a standard broadcast station operating at Sheridan, Wyoming, the same community in which KROE proposes to operate. In view of the obvious economic impact on KWYO, resulting from the grant in question, we are of the view that KWYO has standing to protest and petition for reconsideration. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470 (1940); and T. E. Allen & Sons, Inc., 9 RR 197 (1953).

3. In support of its petition, KWYO makes a number of allegations as to why it believes the Commission erred in granting the above-captioned application and why it believes a grant of the same is not in the public interest. KWYO alleges, in substance, that the 0.5 mv/m contour of the proposed station will embrace approximately 59 percent of the area served by KBBS; that there are only four towns in the five counties comprising northeastern Wyoming which have standard broadcast stations (Sheridan, Buffalo, Gillette, and Newcastle), and other broadcast service to the area in question is limited.

4. KWYO alleges, further, that Jack Rosenthal holds a substantial interest (33.33 percent) in KBBS at Buffalo; that his father, Sam J. Rosenthal, owns theatres in Buffalo, and also holds a substantial interest in the applicant corporation (41.45 percent); that it is reported that Jack Rosenthal has entered into an agreement to purchase KASI at Newcastle, Wyoming, one of the four stations presently operating in this area; and that these factors, together with the close past business and financial relationship between Jack Rosenthal and his father and other members of the Rosenthal group, demonstrate that affirmation of the grant in question will result in undue concentration of control of the mass means of communications in this region in contravention of § 3.35 of the Commission's rules and the public interest.

5. In addition, KWYO alleges that the close association between Jack Rosenthal and his father is supported by the fact that his son was engaged in his father's theatre business before entering the broadcast field; and that a question is raised as to the method used by Jack Rosenthal in obtaining the funds for financing and operating KBBS at Buffalo, there being a strong inference, KWYO contends, that the same were furnished by his father.

6. Moreover, KWYO points out in its allegations that the Rosenthals have made attempts to purchase KWYO, both before and after the instant grant; that this shows that the Rosenthals are not interested in establishing a competitive service at Sheridan; that, further, the Rosenthals are in the process of forming an advertising network which will include the Gillette station; and that—with Lee Johnson's franchises for "juke box" operation in northeastern Wyoming (Johnson holds a 17.21 percent interest in KROE), the Rosenthal theatre interests in Buffalo, the attempts to purchase KWYO, the proposed acquisition of KASI—it is clear that the Rosenthal group plan to dominate broadcasting and other means of mass communication and entertainment media in this large, but sparsely populated area, of northeastern Wyoming, all contrary to the explicit concentration provisions of § 3.35 of the Commission's rules.

7. KWYO concludes that under such competitive tactics there is serious doubt that it will be long able to survive; that its demise will leave the Rosenthal group in control of three of the four standard

[1] Commissioner Lee dissenting in part, statement filed as part of original document.

[2] The provisions of section 309(c), as worded prior to September 13, 1960, are still applicable to applications filed and granted prior to December 12, 1960. Since the application in question was granted on November 2, 1960, our former protest procedures will govern our action in the instant case.

[3] On March 15, 1960, KWYO filed a Petition to Designate Application for Hearing, pursuant to § 1.361(c) of the rules, requesting that KROE's application be designated for hearing. It asks that this petition and the associated pleadings be incorporated by reference and considered by the Commission in reaching its decision herein. This request is being granted.

broadcast stations in operation in the area; and that the grant should be set aside or stayed pending hearing, since its remaining in effect is not essential for the perpetuation of an "existing service".

8. KROE seeks to controvert the factual allegations of KWYO and argues, in effect, that there is no legal foundation for granting the relief requested. In support of its position, it states that none of the officers, directors, or stockholders of Northern Wyoming Broadcasting Corporation, KBBS, hold any interest in Sheridan Broadcasting Company, Inc., KROE; that KBBS does not provide "primary service" to Sheridan, under the Commission's definition of the same, and KROE, operating as proposed, will not provide "primary service" to Buffalo; that Sam J. Rosenthal owns no theatres in Sheridan, where KROE will be located, and his ownership of theatres in Buffalo is not a legally sufficient reason for designating the application in question for hearing; that the allegation, without more, that Sam J. and Jack Rosenthal are father and son is not a sufficient basis to warrant designation of the said application for hearing; that Jack Rosenthal has not been associated with his father's theatre business in Buffalo since 1957, and at no time did he own any interest in said theatre business; and that Lee Johnson's interests in juke box operations is not a legally sufficient reason for requiring a hearing in this case.

9. KROE further alleges that the discussions relating to the possible purchase of KWYO by the Rosenthals was originated by Mr. Carroll, former president of the licensee corporation; that, in any event, such discussions do not support KWYO's contention that KROE is not interested in establishing a competitive service or that the Rosenthals intend to dominate broadcasting in the region in question; that Sam J. Rosenthal has not been connected in any way in the negotiations by Jack Rosenthal and others for the purchase of KASL at Newcastle; that, besides, Newcastle is over 150 miles from Sheridan and there is no possible question of overlap between the operation of these two stations; that the proper procedure for objecting to the proposed acquisition of KASL by Jack Rosenthal and others would be by way of an appropriate petition under new section 309(d) of the Act, objecting to the granting of consent by the Commission to the transaction in question; that, in general, KWYO has not alleged any facts that entitle it to the relief it requests; and that, as a matter of law, the protest and petition for reconsideration should be dismissed or denied, and, at the very most, only oral argument should be permitted.

10. KROE concludes that the public interest requires that the instant construction permit remain in effect pending any hearing the Commission may see fit to hold; that Sheridan is presently served by only one radio transmission facility; that a definite need exists for a second medium of local expression; that the new station will afford the public in the area a choice of locally originated programs; that greater broadcast time will, thereby, be made available to local civic organizations; and that competition will be stimulated—all in the public interest.

11. On the basis of the allegations set forth above, KWYO requests that the November 2, 1960 grant be set aside, pursuant to section 405 of the Act, and a 309(b) hearing ordered thereon, or, alternatively, that the effective date of the grant be postponed and that a hearing be ordered pursuant to section 309(c) of the Act on the following issues, with the burden of proof on each of said issues on the applicant:

A. To determine the blood, financial, business and other connections between the persons owning and operating Station KBBS, those proposing to acquire KASL, and those who prosecuted the instant application (BP–12676).

B. To determine to what extent Sam J. Rosenthal has financed and is financing his son's radio activities in Northeastern Wyoming.

C. To obtain full information regarding the extent to which the Rosenthal group presently control or presently plan to control broadcast and entertainment media in Northeastern Wyoming, the total population served by such operations, the extent of overlap, advertising revenues, etc.

D. To obtain full information regarding the efforts of the Rosenthals to acquire Station KWYO, either before or since BP–12676 was granted, and their reasons therefor.

E. To determine the operating, advertising, and other policies which the "Rosenthal group" plan to follow in operating the broadcast and entertainment media which they control or plan to control in the five-county area of Northeastern Wyoming.

F. To determine what other broadcast and entertainment media exist in this five-county area and the likelihood of any new facilities being established in this area in the immediate future.

G. To determine whether a grant of the above-captioned application will contravene the overlap and concentration provisions of § 3.35 (Rule 3.35).

H. To determine in the light of the evidence adduced under the above issues whether a grant of BP–12676 would serve the public interest.

12. We have carefully examined each of the foregoing issues and find that the matters encompassed in issue "A" relating to the proposed purchase of KASL are premature, since consent to the purchase of the station by Jack Rosenthal or any other party will be evaluated by the Commission at such time as an application for assignment of license or transfer of control is properly before us for consideration. At that time, KWYO may pursue such procedural rights as it has pursuant to new section 309(d) of the Communications Act. We conclude, therefore, that so much of issue "A" as deals with the alleged transaction must be deleted as immaterial to a proper decision in this case.

13. We further find that KWYO has not alleged with sufficient particularity the facts relied upon which would justify including issues "C" and "E". Moreover, the overall legal aspects of the subjects of these issues are, in general, covered by issues "F" and "G" and at the time of the hearing, upon a proper showing of materiality and relevancy to the controlling legal question before us—overlap and concentration of control in contravention of the public interest—evidence as to such matters may be received under the broader issues mentioned.

14. Issue "D" we hold to be irrelevant and immaterial to a proper disposition of the matter before us for decision. Whether there were discussions concerning the possible purchase of KWYO by the Rosenthal group or not would not add to or subtract from a finding of undue concentration of control. For this reason, issue "D" is not being designated for hearing.

15. The portion of issue "F" which relates to the likelihood of new facilities being established in the area in question raises questions of too speculative a nature to have decisional value. For this reason, this portion of the issue in question is not being designated for hearing.

16. Except as indicated above, we find that KWYO has specified with particularity, within the meaning of section 309(c) of the Communications Act of 1934, as amended, the facts upon which it relies and which it contends show that the grant by the Commission in this instance was improperly made or otherwise would not be in the public interest. Accordingly, the above-captioned application will be designated for an evidentiary hearing on the remaining issues substantially as specified by KWYO, except that we have eliminated or rephrased certain portions of the same to reflect and clarify the matters properly before us for consideration in accord with our previous discussion in the preceding paragraphs of this document. However, we are not adopting any of said issues, and, as indicated below, the burden of proceeding and proof thereon shall be on KWYO, the protestant.

17. There remains for our consideration the question of whether the proposed grant should be set aside and a hearing held pursuant to section 309(b) of the Act and whether the grant should remain in effect under the pertinent provisions of section 309(c) of the Act, pending hearing. First, we are of the view that the hearing requested should be held pursuant to the provisions of section 309(c) in the circumstances of this case; and that the grant should remain in effect pending such hearing. Section 309(c) provides, in pertinent part, that pending hearing and decision, the effective date of the Commission's action shall be postponed:

> • • • unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

It is clear that the public interest requires that the instant grant remain in effect. KROE has pointed out that Sheridan is presently served by only one radio transmission facility. A need exists for a second medium of local expression to afford the community a choice of locally originated programs with greater time available for local public and civic organization broadcast requirements. Competition will also be fostered; and, therefore, we find that the public interest requires that we keep the grant in effect.

18. In the light of the above: *It is ordered*, That the protest and petition for reconsideration filed herein are granted to the extent provided for, below, and are denied in all other respects; and that pursuant to section 309(c) of the Communications Act of 1934, as amended, the above-captioned application is designated for evidentiary hearing on the following issues:

1. To determine the blood, financial, business and other connections between the persons owning and operating Station KBBS and those who prosecuted the instant application (BP–12676).

2. To determine to what extent Sam J. Rosenthal has financed and is financing his son's radio activities in Northeastern Wyoming.

3. To determine what other communications media exist in this five-county area.

4. To determine whether a grant of the above-captioned application will contravene the overlap and concentration provisions of § 3.35 (Rule 3.35).

5. To determine in the light of the evidence adduced under the foregoing issues, whether the Commission should sustain the protest and set aside the grant of the application herein.

*It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof shall be on the protestant.

*It is further ordered*, That the protestant, Big Horn Broadcasting Company, Inc., is hereby made a party to the above-captioned proceedings; and that:

(a) The hearing on the above issues shall commence at a time and place and before an Examiner to be specified in a subsequent order;

(b) The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearance by the parties intending to participate in the above hearing shall be filed not later than January 19, 1961.

*It is further ordered*, That the grant of the above-captioned application shall remain in effect.

Adopted: January 4, 1961.

Released: January 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–273; Filed, Jan. 12, 1961; 8:49 a.m.]



[Docket No. 13910; FCC 61M–32]

## WACO BROADCASTING CORP. (WACO–FM)

### Order Scheduling Hearing

In re application of Waco Broadcasting Corporation (WACO–FM), Waco, Texas, Docket No. 13910, File No. BPH–3136; for construction permit.

*It is ordered*, This 6th day of January 1961, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 20, 1961, in Washington, D.C.

Released: January 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–274; Filed, Jan. 12, 1961; 8:49 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G–2306 etc.]

## AMERICAN LOUISIANA PIPE LINE CO. ET AL.

### Notice of Applications and Order Consolidating Proceedings, Permitting Withdrawal of Application, Fixing Date of Hearing and Specifying Procedure

JANUARY 6, 1961.

American Louisiana Pipe Line Company, Docket No. G–2306; Michigan Wisconsin Pipe Line Company, Docket No. G–2327; American Louisiana Pipe Line Company, Docket No. G–10396; Panhandle Eastern Pipe Line Company, Docket No. G–11061; Michigan Wisconsin Pipe Line Company, Docket No. G–17180; Trunkline Gas Company, Docket No. CP60–22 (Phase Two); Panhandle Eastern Pipe Line Company, Docket No. CP60–40; Panhandle Eastern Pipe Line Company Docket No. CP60–60; Panhandle Eastern Pipe Line Company, Docket No. CP60–126; Village of Tremont, Illinois, Docket No. CP61–8; Panhandle Eastern Pipe Line Company, Docket No. CP61–36; Citizens Gas Company, Docket No. CP61–54; City of LaCygne, Kansas, Docket No. CP61–68; Central Illinois Light Company, Docket No. CP61–114; Central Illinois Light Company, Docket No. CP61–115; Panhandle Eastern Pipe Line Company, Docket No. CP61–136; Illinois Power Company, Docket No. CP61–160.

In Docket Nos. G–2306, et al., the Commission issued an order on December 1, 1960 severing proceedings, consolidating proceedings,[1] fixing the date of hearing for January 31, 1961 and specifying procedure. Notice was published in the FEDERAL REGISTER on December 6, 1960 (25 F.R. 12489–12494).

Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), on December 21, 1960, filed a Notice of Withdrawal of the Application filed by it in Docket No. G–17180.

In Docket No. CP61–68, the City of LaCygne, Kansas (LaCygne), a third class municipal corporation incorporated under the General Statutes of Kansas, filed, on August 31, 1960, an application pursuant to section 7(c) of the Natural Gas Act seeking authorization for gas service. Panhandle Eastern Pipe Line Company (Panhandle) by letter dated October 31, 1960, filed objection to such application on the ground that LaCygne had failed to file an application under section 7(a) of the Act. On December 19, 1960, LaCygne filed an Amendment to Application for Certificate of Public Convenience and Necessity in which it changed the section of the Natural Gas Act under which application was made from section 7(c) to section 7(a), and renewed its application as amended. LaCygne now seeks an order of the Commission directing Panhandle to deliver to it natural gas, all as more fully set forth in the application.

LaCygne has a population of approximately 900 people and a total of 428 potential residential and non-residential service customers. It does not anticipate the sales of any off-peak or interruptible gas.

LaCygne proposes to construct a distribution system in the city and 17.4 miles of 4-inch transmission line connecting the distribution system with the main line of Panhandle. The total cost of the project, including engineering and other expenses, is estimated to be approximately $250,705.81 which would be financed by the issuance of General Obligation Bonds in the amount of $181,561.20 (LaCygne's debt limit for General Obligation Bonds), and the remainder by Revenue Bonds to be paid off from system revenue.

There are 394 potential residential service customers and 34 potential non-residential service customers. LaCygne anticipates a 95 percent connection of potential customers in the third year. The estimates of the natural gas requirements for the LaCygne project are as follows:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf) | 41,060 | 45,900 | 51,180 |
| Peak day (Mcf) | 425.8 | 475 | 527.8 |

In Docket No. CP61–136, Panhandle Eastern Pipe Line Company, 1221 Baltimore Avenue, Kansas City 5, Missouri, filed an application on November 2, 1960, for a certificate of public convenience and necessity authorizing it to develop as a storage reservoir its Howell Field in

[1] Including those portions of the applications in Docket Nos. G–2306, G–2327 and G–10396 regarding the allocation of natural gas, the application for abandonment in Docket No. G–11061, "Phase Two" of the application filed in Docket No. CP60–22, and the applications in Docket Nos. G–17180, CP60–40, CP60–60, CP60–126, CP61–8, CP61–36, CP61–54, CP61–114 and CP61–115.

Livingston County, Michigan, all as more fully set forth in the application.[2]

Panhandle seeks Commission authorization to develop the Howell Gas Field, which it states is now substantially depleted, as a gas storage field. By this application, injection and withdrawal would be limited to the Silurian Guelph dolomite, which is presently the producing formation. Since 1946 Panhandle has been the sole operator in the Howell Field and has, to date, produced approximately 31,600 MMcf of gas therefrom. It estimates that about 9.1 billion cubic feet of gas remains therein. Panhandle states that it presently owns the remaining gas in place or has the right to store gas in more than 90 percent of the Field and that the right of eminent domain is available under the laws of the State of Michigan to acquire such additional storage rights as may be necessary.

Since 1946 Panhandle has drilled 17 wells in the Field and 13 are presently productive of gas, two have been abandoned and two were dry holes. Pursuant to this application, Panhandle would drill an additional 12 injection-withdrawal wells and five observation wells, three of which would be new wells, one would be a reworked abandoned gas well and one would be a reworked dry hole. In addition Panhandle would log and recondition and install new casing in all existing wells. It would build twelve measuring stations, 6.5 miles of 16-inch and 4 miles of 6-inch gathering lines and 27 miles of 16-inch transmission lines, in addition to such other appurtenant facilities necessary for the operation of the wells and lines.

The total cost of the contemplated development program is estimated to be $7,295,135, of which $2,579,135 has already been invested in existing facilities. The estimated cost of the additional facilities is $4,716,000. This would be financed from funds on hand.

For its full scale operations, Panhandle plans to use approximately 20 billion cubic feet of natural gas of which 3.5 billion cubic feet would be working gas and 16.5 billion cubic feet would be cushion gas. It estimates that there is at present about 9.1 billion cubic feet of gas in place and that the additional 10.1 billion cubic feet which would be necessary for its project would be available from time to time, depending upon the fluctuations in the takes of its customers.

In Docket No. CP61–160, Illinois Power Company (Illinois Power), an Illinois corporation, with principal place of business at 500 South 27th Street, Decatur, Illinois, filed on December 7, 1960, an application pursuant to section 7(a) of the Natural Gas Act for an order directing Panhandle to establish physical connection of its facilities with the proposed facilities of Illinois Power and to sell and deliver to Illinois Power the natural gas requirements for the Village of Savoy and its environs, Champaign County, Illinois (Savoy), all as more fully set forth in the application.[3]

The application states that Savoy has a population of approximately 344 and is situated within approximately 0.5 mile of a Panhandle lateral. There are no existing natural gas facilities in Savoy. Illinois Power is a gas and electric utility company operating in substantial areas in Illinois.[4] It is an existing customer of Panhandle and Panhandle is the sole source of gas supply for "Supply Area B", served by Illinois Power.

Illinois Power proposes to construct and operate a local distribution system for service to Savoy and environs, including a 4-inch feeder main from the distribution system to the near-by Panhandle lateral, at an estimated initial construction cost of approximately $55,800, with an estimated cost at the end of three years of $58,200, which will be financed from funds available for construction purposes.

The estimated natural gas requirements for the proposed service to Savoy are as follows:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf)---- | 7,871 | 10,332 | 10,665 |
| Peak day (Mcf)-- | 80 | 93 | 102 |

All applications referred to herein are on file with the Commission and are open for public inspection. This order shall constitute notice of the filing of the applications in Docket Nos. CP61–68, CP61–136 and CP61–160.

The Commission finds:

(1) It is necessary and appropriate in the public interest that Michigan Wisconsin be permitted to withdraw the application filed in Docket No. G–17180.

(2) The above-entitled applications are all related and should be consolidated for hearing.

(3) It is necessary and appropriate in the public interest that an order of procedure be prescribed and followed so that the consolidated proceeding required by this order will be completed with reasonable dispatch.

The Commission orders:

(A) Michigan Wisconsin Pipe Line Company be hereby permitted to withdraw its application filed in Docket No. G–17180.

(B) The order entered December 1, 1960, in Docket Nos. G–2306, et al., shall remain in effect as to matters specified therein unless expressly modified herein and shall be applicable to the proceedings consolidated by the instant order.

(C) The proceedings upon the above-entitled applications be consolidated for hearing.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and regulations thereunder, and the rules of practice and procedure of the Commission, a hearing will be held commencing January 31, 1961, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented in such applications. The hearing required by this order shall be conducted in accordance with the procedure prescribed by the order entered December 1, 1960, in Docket Nos. G–2306, et al., as modified by the instant order.

(E) Paragraph (E)(iv) of the order entered December 1, 1960, in Docket Nos. G–2306, et al., is modified as follows:

Illinois Power Company shall present its direct case in support of its application in Docket No. CP61–160 immediately after Central Illinois Light Company presents its direct case in support of its applications in Docket Nos. CP61–114 and CP61–115. The City of LaCygne shall present its direct case in support of its application in Docket No. CP61–68 immediately after Illinois Power Company in Docket No. CP61–160. Panhandle shall present its direct case in support of its application in Docket No. CP61–136 at the time it presents its other direct evidence in the consolidated proceeding. Michigan Wisconsin need not present any direct evidence in support of its application in Docket No. G-17180 at the time it presents its direct case in support of the allocation issues remaining in connection with the application filed by it in Docket No. G–2237.

(F) Any person who has filed a notice of intention to participate in accordance with paragraph (H) of the order of December 1, 1960, supra, will be permitted to participate in the proceedings consolidated by this order. It will not be necessary for such person to file a petition for leave to intervene in the consolidated proceedings.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–252; Filed, Jan. 12, 1961; 8:45 a.m.]

[2] On December 14, 1960, Michigan Consolidated Gas Company (Michigan Consolidated) filed a motion to consolidate Docket No. CP61–136 with the dockets consolidated by the order entered December 1, 1960, supra, in Docket Nos. G–2306, et al.

[3] On December 7, 1960, Illinois Power filed a motion to consolidate Docket No. CP61–160 with the dockets consolidated by the order entered December 1, 1960, supra, in Docket Nos. G–2306, et al.

[4] Illinois Power is exempt from the jurisdiction of the Commisison but is subject to the jurisdiction of the Illinois Commerce Commission. The application states that Illinois Power has a franchise to construct and operate a gas distribution system in Savoy and has filed a petition with the Illinois Power Commission in regard to Savoy upon which a hearing was held on December 1, 1960.

[Docket No. RP61–17]

## KANSAS-NEBRASKA NATURAL GAS CO., INC.

### Order To Show Cause

JANUARY 6, 1961.

The question herein before the Commission relates to the propriety under the Commission's Regulations under the Natural Gas Act, including the Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act (Uniform System of Accounts), of the accounting and reporting practices of Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) with respect to certain amounts claimed as Federal income taxes of that Company.

Kansas-Nebraska, a Kansas corporation with its principal place of business at Hastings, Nebraska, is a "natural-gas company" within the meaning of section 2(6) of the Natural Gas Act, as heretofore determined and set forth in the Commission's order of April 6, 1943, Kansas-Nebraska Natural Gas Company, Inc., Docket No. G–259 (3 FPC 966), and as such is subject to the provisions of that Act, and the regulations of this Commision promulgated thereunder.

On November 3, 1939, this Commission issued an order, pursuant to authority granted by the Act, particularly sections 8(a), 10(a), and 16 thereof, adopting the Uniform System of Accounts. One of the accounts prescribed by that System of Accounts is Account 507, Taxes. The specific account instructions of that Account provide inter alia—"This account shall include the amount of Federal, State, county, municipal, and other taxes, which are properly chargeable to gas operations."

Section 260.1 of the Commission's regulations under the Natural Gas Act provides for the filing of an Annual Report (F.P.C. Form No. 2) by natural gas companies, setting forth, inter alia, the taxes charged during the year and the taxes included in Account 507.

Examination by the staff of this Commission of Kansas-Nebraska's annual reports, correspondence and conferences with representatives of the Company reveal that Kansas-Nebraska filed, for the years 1957, 1958, and 1959, consolidated Federal income tax returns for itself and its subsidiary, Excelsior Oil Corporation (Excelsior). The staff's examination also reveals that Excelsior sustained operating losses, for tax purposes, during each of the years 1957, 1958, and 1959 by reason of inter alia allowances for statutory depletion and intangible well drilling costs. By offsetting such losses against taxable operating income which Kansas-Nebraska experienced during each of those years, there were reductions in the Federal income taxes payable for 1957, 1958, and 1959 by Kansas-Nebraska and Excelsior, on the consolidated return basis rather than as separate taxable entities, in the amounts of $245,810, $232,533, and $197,140, respectively, or an aggregate reduction in Federal income taxes of $675,483.

Apparently, proceeding on the assumption (contrary to fact), that Kansas-Nebraska and Excelsior filed separate tax returns during the years 1957, 1958, and 1959,[1] Kansas-Nebraska charged the afore-mentioned amounts to Account 507, Taxes, and initially credited said amounts to Account 228, Taxes Accrued,[2] the credited amounts subsequently being transferred to Account 242, Other Deferred Credits.[3] Kansas-Nebraska's actual Federal income taxes payable on the basis of its consolidated returns[4]—subject to audit were $1,001,369, $2,822,467, and $2,992,718 for the years 1957, 1958 and 1959, respectively, whereas Kansas-Nebraska's Account 507 shows Federal income taxes payable in each of those years in the amounts of $1,847,179, $3,055,000, and $3,189,858, respectively.

The Commission staff proposes that the amounts of $245,810, $232,533, and $197,140 as classified by Kansas-Nebraska in Account 507 for the years 1957, 1958, and 1959, respectively, be cleared from that account through a charge, by a journal entry, of like amounts to Account 242 for the reason that such amounts do not represent past, present, or future tax liabilities of either Kansas-Nebraska or Excelsior. The charging of the aforesaid amounts to Account 507 appears to constitute a write-up (or mark-up in excess of cost), and as such is prohibited by the Uniform System of Accounts which contemplates that the charges to each of the prescribed accounts shall represent actual costs estimated, if not definitively known; in this case the "write-ups" included in Account 507 are offset by "write-downs" of losses on Excelsior's oil operations, the effect of which entries is to reduce the operating loss on Excelsior's oil operations by inflating the taxes on Kansas-Nebraska's gas operations.

In accordance with § 158.1 of the Commission's regulations under the Natural Gas Act, Kansas-Nebraska was advised, by letter of the Commission dated February 15, 1960, of its apparent failure to observe the accounting and reporting requirements of this Commission as referred to above. Subsequent correspondence and conferences between Kansas-Nebraska's representatives and this Commission's staff have failed to show any justification for Kansas-Nebraska's departure from the Commission accounting and reporting requirements, as embodied in the regulations under the Natural Gas Act, including Uniform System of Accounts; or that Kansas-Nebraska proposes to discontinue those practices.

In view of the foregoing, it is necessary and appropriate for the purposes of the Natural Gas Act (particularly sections 8, 10, 14, 15, and 16) and the Commission's regulations thereunder, including its Uniform System of Accounts, that Kansas-Nebraska show cause, if any there be, for its past and continuing departure from the provisions and requirements of the Commission's regulations, including the Uniform System of Accounts, by reason of its (Kansas-Nebraska's) questioned accounting and reporting practices of including in Accounts 507, 228, and 242, the amounts of $245,810, $232,533, and $197,140 as set forth above; all as hereinafter provided.

The Commission orders: Kansas-Nebraska shall show cause, if any there be, under oath and in writing, within 45 days from the issuance of this order, why the Commission should not find and determine:

(A) That Kansas-Nebraska is accounting for and reporting financial data relative to taxes paid by it otherwise than in accordance with the Commission's prescribed Account 507, and the provisions and requirements therefor, all as set forth above; and therefore, that as a result it has violated and is continuing to violate the accounting and reporting requirements prescribed by the Commission through its regulations under the Natural Gas Act, including its Uniform System of Accounts;

(B) That this action by Kansas-Nebraska constitutes a willful and knowing violation of the Natural Gas Act;

(C) That Kansas-Nebraska be required to make, keep, preserve and report its accounts in the manner prescribed by this Commission through its regulations under the Natural Gas Act, including its Uniform System of Accounts; and

(D) That Kansas-Nebraska be ordered to file such substitute pages of its Annual Reports (F.P.C. Form No. 2) for the years 1957, 1958, and 1959, to make the accounting and reporting of Federal income taxes paid during such years consistent with and in compliance with the accounting and reporting requirements therefor as prescribed by the Commission.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–253; Filed, Jan. 12, 1961; 8:45 a.m.]

[1] Under an agreement between Excelsior and Kansas-Nebraska, the latter pays interest to Excelsior on the amount of tax saving resulting from the consolidated return until either Excelsior becomes a profit company for income tax purposes or the statutory limitations for the carry-over provision of the income tax law apply.

[2] The specific account instruction appearing as a part of Account 228 provides: A. This account shall be credited during each accounting period with the amount of taxes accrued during the period, corresponding debits being made to the appropriate accounts for tax charges. Such credits may be based upon estimates, but from time to time during the year as the facts become known the amount of the periodic credits shall be adjusted so as to include as nearly as can be determined in each year the taxes applicable thereto. Any amount representing a prepayment of taxes applicable to the period subsequent to the date of the balance sheet shall be shown under Account 132, Prepayments.

B. The records supporting the entries to this account shall be so kept that the utility can furnish information as to the amount, by classes, of taxes accrued, the basis for each tax accrual and the accounts to which charged, and the amount, by classes, of taxes paid.

[3] The specific account instruction appearing as a part of Account 242 provides: This account shall include advanced billings and receipts and other deferred credit items, not provided for elsewhere; also amounts which cannot be entirely cleared or disposed of until additional information has been received or which should be credited to income or to surplus accounts in the future.

[4] Prepared on an estimated return basis.

[Docket Nos. G–14755, G–19780, RP60–8]

## PANHANDLE EASTERN PIPE LINE CO.

### Order Consolidating Proceedings, Setting Date for Hearing, and Specifying Procedure Upon Resumption of Hearing

JANUARY 6, 1961.

On February 25, 1958, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing certain revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1, providing for increased rates and charges for sales of natural gas subject to the jurisdiction of the Commission. Said proposed increased rates were suspended until September 1, 1958, by order issued March 27, 1958 in Docket No. G–14755. On September 9, 1958, the Commission made the proposed increased rates effective as of September 1, 1958 upon filing of bond or eqivalent assurance of refund of excess charges.[1] Proper assurance was subsequently filed. No hearing has been held to determine the lawfulness of the proposed increased rates, nor has any decision been rendered in the said proceeding.

On September 10, 1959, Panhandle tendered for filing certain revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1, providing for increased rates and charges for sales of natural gas, subject to the jurisdiction of the Commission. The proposed increased rates were suspended until March 26, 1960, by order issued October 23, 1959 in Docket No. G–19780. By order issued March 25, 1960, pursuant to appropriate motion, the Commission made the proposed increased rates effective as of March 26, 1960, upon filing of a satisfactory agreement and undertaking to assure refund of excess charges. Proper assurance was subsequently filed. A hearing in Docket No. G–19780 was commenced on January 5, 1960 and was continued from time to time thereafter. By order issued therein on April 29, 1960, the Commission adopted the use of the interim-order procedure for the proceeding, reserving all issues other than those therein specified for disposition in the second phase of this proceeding to be commenced on January 24, 1961. By order issued September 1, 1960, the issue of rate of return and related income taxes were ordered for disposition in the first phase of the proceeding. Briefs have been filed and oral argument has been held upon this issue which is pending the Commission's decision. In said order of September 1, 1960, the Commission in Ordering paragraph (C) stated: "All issues other than rate of return and income taxes related which were ordered to be heard in the first phase of this proceeding by the order of April 29, 1960, shall be reserved for the next phase of this proceeding, and all parties shall have the right to present further evidence, direct or rebuttal, and to cross-examine any testimony, whether presently in the record or introduced in the second phase of this proceeding, upon such issues."

On March 31, 1960, Panhandle tendered for filing certain revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1, providing for increased rates and charges for sales of natural gas subject to the jurisdiction of the Commission. Said proposed increased rates were suspended until July 1, 1960, by order issued April 26, 1960, in Docket No. RP60–8. By order issued July 8, 1960, the Commission made effective as of July 1, 1960, said proposed increased rates upon filing of a satisfactory agreement and undertaking to assure refund of excess charges. Proper assurance was subsequently filed. No hearing has been held to determine the lawfulness of said proposed increased rates, nor has any decision been rendered therein.

The Commission finds:

As hereinafter ordered, it is in the public interest and necessary in the proper administration of the Natural Gas Act that:

(1) The above-designated proceedings should be consolidated for purpose of hearing and decision;

(2) Hearing in the above-designated proceedings should commence on March 20, 1961;

(3) The hearing in Docket No. G–19780 on all issues other than rate of return and related income taxes, likewise should commence on March 20, 1961, subject to the provisions of Ordering Clause (C) of the Commission's order of September 1, 1960, in that proceeding;

(4) Upon commencement of the hearing on March 20, 1961, Panhandle shall present its case-in-chief for the above-designated proceedings; and

(5) Any intervener in any of the above-designated proceedings should be deemed an intervener in each and all of said proceedings.

The Commission orders:

(A) The proceedings in Docket Nos. G–14755, G–19780 and RP60–8 are hereby consolidated for purposes of hearing and decision.

(B) A public hearing shall be held on March 20, 1961, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classifications, and services contained in Panhandle's Revised Tariff Sheets in the proceedings in Docket Nos. G–14755, G–19780, and RP60–8: *Provided, however,* Since the issue of rate of return and related income taxes in Docket No. G–19780 is now pending Commission decision, said issue in that proceeding shall be excluded from consideration in these consolidated proceedings.

(C) Ordering Clause (C) of the Commission's order of September 1, 1960 in Docket No. G–19780 is hereby made applicable to the hearing to be commenced on March 20, 1961.

(D) Upon commencement of the hearing on March 20, 1961, Panhandle shall present its case-in-chief in the proceedings in Docket No. G–14755 and RP60–8 and such further evidence with respect to all issues other than rate of return and related income taxes in Docket No. G–19780, as it may desire to present under Ordering Paragraph (C) hereof.

(E) Any intervener in any of the proceedings in Docket Nos. G–14755, G–19780 or RP60–8 is hereby made an intervener in each and all of the said proceedings, subject, however, to the limitations contained in such orders granting intervention in the proceeding or proceedings, wherein such person filed a petition or notice to intervene.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–254; Filed, Jan. 12, 1961; 8:45 a.m.]

[1] By order issued March 13, 1959, the Commission allowed Panhandle to file an agreement and undertaking in lieu of a bond or equivalent assurance.

[Docket No. RI–113, etc.]

## SOCONY MOBIL OIL CO., INC., ET AL.

### Order Terminating Proceedings

JANUARY 6, 1961.

Socony Mobil Oil Company, Inc., Docket No. RI 61–113; Sun Oil Company (Operator), et al., Docket No. RI 61–138; Sun Oil Company, Docket No. RI 61–139; Murphy Corporation, et al., Docket No. RI 61–145; Sohio Petroleum Company, Docket No. RI 61–216.

The above-named Respondents have heretofore tendered for filing proposed increased rates which were subsequently suspended but not placed in effect subject to refund. Said Respondents' proposed increased rates are equal to or less than the respective area price levels set forth in the Statement of General Policy No. 61–1, as amended, when a deduction of 1.35 cents per Mcf is applied for handling charges, and are contained in their respective rate schedules, as supplemented, hereinafter set forth:

| Docket No. | In the matter of | Rate schedule No. | Supplement No. |
|---|---|---|---|
| RI61–113 | Socony Mobil Oil Co., Inc. | 82 | 16 |
| RI61–138 | Sun Oil Co. (Operator) et al. | 35 | 14 |
| RI61–139 | Sun Oil Co. | 36 | 13 |
| RI61–145 | Murphy Corp., et al. | 1 | 15 |
| | | 2 | 16 |
| RI61–216 | Sohio Petroleum Co. | 11 | 6 |

In conformity with our Statement of General Policy No. 61–1 and for the reasons therein stated, Respondents' above-designated supplements should be made effective as of the date of issuance of this order.

The Commission finds: For the reasons heretofore herein stated, it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the above-designated supplements be made effective as of the date of issuance of this order, and that the above-designated proceedings be terminated.

The Commission orders:

(A) The rates and charges contained in the above designated supplements are hereby made effective as of the date of issuance of this order.

(B) The above designated proceedings are hereby terminated.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–255; Filed, Jan. 12, 1961; 8:46 a.m.]



[Docket No. G–2345]

## TEXAS GAS TRANSMISSION CORP.

### Order Enlarging Thirty-Day Recess of Hearing

JANUARY 5, 1961.

By motion filed December 21, 1960, pursuant to § 1.13 of the Commission's rules of practice and procedure, Commission staff counsel requested that the recess of hearing grafted in this proceeding by the Presiding Examiner on the first day of hearing, December 16, 1960, for a period of 30 days be enlarged to February 14, 1961.

The above 30-day recess resulted from oral motion by staff counsel to continue the hearing until January 30, 1961. This was concurred in by counsel for Texas Gas Transmission Corporation (Texas Gas), the only party of record in this proceeding. In granting the 30-day recess, the Presiding Examiner called attention to the limitations imposed by the Commission's rules of practice and procedure requiring Commission approval for continuances in excess of 30 days.

At the hearing Texas Gas through its counsel presented for identification certain prepared testimony, exhibits, and items by reference which it proposes to offer into evidence upon the reconvening of the hearing through sponsoring witnesses to be presented at that time. The proffered material consists largely of financial and statistical data and will require considerable analysis by the staff to prepare for cross-examination. A field examination of the underlying books and records may be necessary. It is anticipated that this work will require more than 30 days for completion.

The extension of time requested in the subject motion exceeds by 15 days the continuance requested by the staff at the hearing. The staff enlarged its first request to the February 14, 1961, date to accommodate certain of the prospective witnesses for Texas Gas who have previous commitments which would conflict if the hearing were reconvened on January 30, 1961. Counsel for Texas Gas have advised staff counsel orally of these previous commitments and of its concurrence in and agreement with the subject motion.

The Commission finds: In view of the foregoing, the 30-day recess granted by the Presiding Examiner should be enlarged to February 14, 1961.

The Commission orders: The 30-day recess of hearing granted by the Presiding Examiner in this proceeding is hereby enlarged to February 14, 1961.

By the Commission.

MICHAEL J. FARRELL,
*Acting Secretary.*

[F.R. Doc. 61–256; Filed, Jan. 12, 1961; 8:46 a.m.]

# OFFICE OF CIVIL AND DEFENSE MOBILIZATION

## ORGANIZATIONAL STATEMENT AND DELEGATIONS OF AUTHORITY

SECTION 1. *Purpose.* The purpose of this statement is to describe the organization and final delegations of authority of the Office of Civil and Defense Mobilization.

SEC. 2. *Establishment.* The Office of Civil and Defense Mobilization was established in the Executive Office of the President by Reorganization Plan No. 1 of 1958 (72 Stat. 1799), effective July 1, 1958, as amended by the act of August 26, 1958 (72 Stat. 861), for the purpose of centralizing authority for nonmilitary defense functions in a single agency. The reorganization plan transferred to the President of the United States all functions vested in the Office of Defense Mobilization, the Director of the Office of Defense Mobilization, the Federal Civil Defense Administration, and the Administrator of the Federal Civil Defense Administration; empowered him to delegate any or all of those functions; and consolidated the Office of Defense Mobilization and the Federal Civil Defense Administration to form the Office of Civil and Defense Mobilization.

SEC. 3. *General functions and authority.* Pursuant to Reorganization Plan No. 1 of 1958, the President, by Executive Order No. 10773 of July 1, 1958, as amended by Executive Order No. 10782 of September 6, 1958, delegated to the Director of the Office of Civil and Defense Mobilization, with power to redelegate, all functions transferred to the President by the reorganization plan, as well as all functions of the President theretofore delegated to the Office of Defense Mobilization, the Director of Defense Mobilization, the Federal Civil Defense Administration, and the Administrator of the Federal Civil Defense Administration.

The Director of the Office of Civil and Defense Mobilization, on behalf of the President, coordinates and directs all civil defense and defense mobilization activities of the Federal Government. He also directs the preparation of national plans for (1) the protection of life and property by preparing for and by carrying out nonmilitary functions to prevent, minimize, repair, and recover from injury and damage caused by enemy attack, and (2) the mobilization and management of resources and production.

SEC. 4. *Organizational structure of the Office of Civil and Defense Mobilization.* The Office of Civil and Defense Mobilization shall be organized as follows:

Director.
Deputy Director.
Assistant Director for Plans and Operations.
Assistant Director for Training, Education, and Public Affairs.
Assistant Director for Resources and Production.
Director of Administration.
Director of Health Services.
Director of Research.
Director of Security and Inspection.
Director of Special Liaison.
Director of Program and Policy.
General Counsel.
Eight Regional Directors.
Civil and Defense Mobilization Board.
Civil Defense Advisory Council.
Eight Regional Civil Defense Advisory Councils.

SEC. 5. *Director.* The Director shall supervise and direct the administration and operation of the Office of Civil and Defense Mobilization.

SEC. 6. *Deputy Director.* (a) The Deputy Director shall assist the Director in the overall supervision and direction of the Office of Civil and Defense Mobilization.

(b) The Deputy Director shall act as Director and perform all duties of the Director in case of a vacancy in that office or in case of the absence or disability of the Director.

SEC. 7. *Assistant Director for Plans and Operations.* (a) Subject to the general supervision and direction of the Director, the Assistant Director for Plans and Operations participates in the formulation and development of OCDM policies and directs the formulation, development, and coordination of the major operational planning activities of the OCDM.

(b) There shall be under the Assistant Director for Plans and Operations, the following organizational components:

(1) Deputy Assistant Director for Chemical, Biological and Radiological Defense.

(2) Deputy Assistant Director for Communications and Warning.

(3) Deputy Assistant Director for Continuity of Government.

(4) Deputy Assistant Director for Emergency Community Services.

(5) Deputy Assistant Director for Federal, State and Local Plans.

(6) Deputy Assistant Director for Shelter and Vulnerability Reduction.

SEC. 8. *Assistant Director for Training, Education and Public Affairs.* (a) Subject to the general supervision and direction of the Director, the Assistant Director for Training, Education and Public Affairs participates in the formulation and development of OCDM policies, and directs the conduct of OCDM programs for training programs for the instruction of civil defense officials and other persons in the organization, operation and techniques of civil defense, and the public dissemination of civil defense information.

(b) There shall be under the Assistant Director for Training, Education and

Public Affairs, the following organizational components:

(1) Deputy Assistant Director for National Organization and Civic Affairs.

(2) Deputy Assistant Director for Public Affairs.

(3) Deputy Assistant Director for Training and Education.

(4) Deputy Assistant Director for Women's Activities.

SEC. 9. *Assistant Director for Resources and Production.* (a) Subject to the general supervision and direction of the Director, the Assistant Director for Resources and Production participates in the formulation and development of OCDM policies, and directs the development and establishment of national policies, plans, and programs for the mobilization of the Nation's economy; assists the Director in making investigations and recommendations to the President under section 8 of the Trade Agreements Extension Act of 1958, as amended (19 USC 1352a); and assists the Director with respect to his telecommunications functions in the executive branch of the Government, pursuant to Executive Order 10460 (18 F.R. 3513).

(b) There shall be under the Assistant Director for Resources and Production the following organizational components:

(1) Deputy Assistant Director for Economic Stabilization.

(2) Deputy Assistant Director for Food and Water.

(3) Deputy Assistant Director for Fuel and Energy.

(4) Deputy Assistant Director for Manpower.

(5) Deputy Assistant Director for Production and Materials.

(6) Deputy Assistant Director for Telecommunications.

(7) Deputy Assistant Director for Transportation.

SEC. 10. *Director of Administration.* Subject to the general supervision and direction of the Director, the Director of Administration participates in the formulation and development of OCDM policies, and directs programs and systems for general management and administrative responsibilities of the OCDM, including budgeting and accounting, management techniques, personnel management, administering services and operations, statistical and reporting services, and procurement and contracting for the OCDM.

SEC. 11. *Director of Health Services.* Subject to the general supervision and direction of the Director, the Director of Health Services participates in the formulation and development of OCDM policies, and directs and coordinates the development of peacetime readiness measures and emergency plans for the utilization of all health resources under various emergency situations.

SEC. 12. *Director of Research.* Subject to the general supervision and direction of the Director, the Director of Research participates in the formulation and development of OCDM policies, and coordinates and develops all nonmilitary defense research programs, including field and laboratory testing activities of OCDM; directs the operations of the National Resources Evaluation Center; and directs and coordinates liaison with public, private, and international groups engaged in research activities of concern to nonmilitary defense.

SEC. 13. *Director of Security and Inspection.* Subject to the general supervision and direction of the Director, the Director of Security and Inspection participates in the formulation and development of OCDM policies, and directs the personnel security, physical security, and inspection activities of the OCDM.

SEC. 14. *Director of Special Liaison.* Subject to the general supervision and direction of the Director, the Director of Special Liaison participates in the formulation and development of OCDM policies, and provides special liaison for the Director in matters affecting relations with the Congress, the several States and foreign countries; maintains liaison with the White House staff; and maintains liaison with associations of State and local government officials.

SEC. 15. *Director of Program and Policy.* Subject to the general supervision and direction of the Director, the Director of Program and Policy participates in the formulation and development of OCDM policies, and assists and advises the Director in the formulation of policies and positions on all matters coming before the National Security Council; develops overall planning assumptions for the OCDM; and develops, coordinates and evaluates nonmilitary defense policies and programs.

SEC. 16. *General Counsel.* Subject to the general supervision and direction of the Director, the General Counsel participates in the formulation and development of OCDM policies, and provides legal advice and counsel to the Director and to the OCDM Staff, in the formulation and administration of civil and defense mobilization policies, plans and programs.

SEC. 17. *Regional Directors.* (a) Each Regional Director, for his respective region, advises the Director with respect to policies and programs for civil defense and defense mobilization, and, subject to the general supervision and direction of the Director, directs and coordinates the implementation of policies and programs for civil defense and defense mobilization in his respective region, including the coordination of relationships between the OCDM and the States within the region.

(b) Subject to the general supervision and direction of the Director, each Regional Director, within his respective region, develops natural disaster plans; makes recommendations to the Director concerning requests of State Governors for a declaration of a major disaster under the provisions of Public Law 875, 81st Congress, as amended, and coordinates and directs the disaster relief activities of the Federal government upon a declaration of a major disaster.

SEC. 18. *Civil and Defense Mobilization Board.* (a) The Civil and Defense Mobilization Board was established by Executive Order 10773 of July 1, 1958, as amended, and is composed of the Director of the OCDM, and the heads of such executive departments and agencies of the Government as may be designated, with their consent, from time to time, by the Director.

(b) The Civil and Defense Mobilization Board advises the Director with respect to matters related to his responsibilities, as he requests.

SEC. 19. *Civil Defense Advisory Council.* (a) The Civil Defense Advisory Council was established by section 102 of the Federal Civil Defense Act of 1950, as amended (50 USC App. 2272), and is composed of the Director of the OCDM as Chairman, and twelve other members appointed by the President, three representing State Governments, three representing the political subdivisions of the States and six citizens of the United States of broad and varied experience in matters affecting the public interest.

(b) The Council advises and consults with the Director with respect to general or basic policy matters related to civil defense.

SEC. 20. *Regional Civil Defense Advisory Councils.* (a) A Regional Civil Defense Advisory Council for each OCDM region has been established pursuant to subsection 102(b) of the Federal Civil Defense Act of 1950, as amended, and is composed of the Regional Director as Chairman, and five members nominated by him and appointed by the Director from among persons having broad governmental experience, especially in elective office, and those holding positions of leadership in (i) industry, labor, and agriculture; (ii) press, radio, or television; and (iii) education or other professions.

(b) Each Council shall confer with and advise the Regional Director, as necessary, but not less than three times each year with respect to the preparation of plans during peacetime, and in the execution of plans during any emergency.

SEC. 21. *Emergency succession to the Office of Director.* (a) In the event of the absence or incapacity of the Director during an emergency, he will be automatically succeeded by the incumbent of the position in the order of the listing below who is available at an operable point of command:

Deputy Director.

Assistant Director for Plans and Operations.

Assistant Director for Resources and Production.

Assistant Director for Training, Education, and Public Affairs.

and such others as the Director may designate from time to time.

(b) During an emergency, successive points of command generally will parallel the locations of the incumbents in the line of succession to the Office of Director. The National Headquarters, the OCDM main relocation site (classified location), the Operational Headquarters and the Regional Offices will be prepared to function independently and to assume the role of the National Headquarters in an emergency. The Director, or his successor, will move to and operate from the point which, in his judgment, will best serve as OCDM National Headquarters.

SEC. 22. *Delegations of Authority.* (a) The Director of Administration is authorized to exercise the power and authority vested in the Director by law to take final action in the following described matters:

(1) Allotment to organizational units of the OCDM of appropriations or funds made available to it within the amounts permitted by the apportionments made by the Bureau of the Budget pursuant to section 665 of title 31 of the United States Code.

(2) To take final action on matters pertaining to the employment, direction, and general administration of personnel in the OCDM pursuant to section 12, Public Law 600, 79th Congress.

(3) Approval of per diem allowances for travel by airplane, train or boat outside the continental United States in excess of the amounts fixed by paragraph 13c of the Standardized Government Travel Regulations.

(4) Temporary employment of experts or consultants or organizations thereof, including stenographic reporting services, pursuant to section 15 of the Act of August 2, 1946, 60 Stat. 810 (5 U.S.C. 55a).

(5) Allowance of actual subsistence expenses in excess of $12 but not in excess of $25 per day in accordance with section 1 of the Act of July 28, 1955, 69 Stat. 394 (5 U.S.C. 836).

(6) Issuance of regulations providing for the granting of compensatory time off from duty in lieu of overtime compensation (5 U.S.C. 912).

(7) Establishing standards and procedures to facilitate achievement of the objectives of the promotion policy of the OCDM as defined by the Director.

(8) Signing of certificates of need for space as required by section 101 of the Act of July 22, 1954, 68 Stat. 518, 519.

(9) Making certificates with respect to the necessity of long distance telephone calls pursuant to section 4 of the Act of May 10, 1939, 53 Stat. 738 (31 U.S.C. 680a).

(10) To exercise the authority vested in the Director by section 10 of the Government Employees Training Act (72 Stat. 332) with respect to the selection and assignment of employees for training by, in, or through non-government facilities under that act and the payment of the expenses of such training or the reimbursement of employees therefor.

(11) To take the necessary steps to carry out procedures for designating Imprest Fund Cashiers by name or title of position and approve bonds as provided in the Joint Regulation for Small Purchases Utilizing Funds. Existing authorizations to request designations and to approve bonds shall remain in effect unless and until terminated by the Director or the Director of Administration.

(12) To post, audit and correct any transaction or agreement of the OCDM involving the receipt or payment of funds.

(13) To exercise the authority vested in the Director by law with respect to procurement matters.



(14) The Director of Administration is authorized to redelegate to any of his subordinates or to any other officers or employees of the OCDM, subject to limitations prescribed by law, any of the power or authority vested in him by this subsection. Existing redelegations by the Director of Administration shall continue in force and effect until modified or revoked.

(b) Pursuant to the authority vested in me by General Services Administration Delegation of Authority No. 363 from the Administrator, General Services Administration, dated March 10, 1959, it is hereby directed as follows:

(1) The Director of Administration (Contracting Officer for the Office of Civil and Defense Mobilization) is hereby delegated the authority to utilize the provisions of title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (herein called the Act), to procure property and services which are required in connection with authorized activities of the Office of Civil and Defense Mobilization, except the power to make the determinations or decisions specified in paragraphs (12) and (13) of section 302(c) of the Act.

(2) The authority herein delegated under section 302(c)(11) may be exercised only with respect to contracts which will not require expenditure of more than $25,000, and may not be redelegated.

(3) This delegation of authority shall be subject to all limitations and requirements of the Act, particularly sections 304, 305 and 307, and shall be exercised in accordance with policies, procedures, limitations and controls prescribed by the General Services Administration.

(4) Subject to the provisions of section 2 above, the authority herein delegated may be redelegated to a designee of the Director of Administration. Existing redelegations by the Director of Administration shall continue in force and effect until modified or revoked.

(c) Pursuant to the authority vested by Executive Order 10789, dated November 14, 1958 (23 F.R. 8897) and deeming such action will facilitate the national defense, it is hereby directed as follows:

(1) The Director of Administration is hereby delegated the authority to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts, whenever, in the judgment of the Director of Administration, the national defense will be facilitated thereby.

(2) The Director of Administration (Contracting Officer for the Office of Civil and Defense Mobilization) may by agreement modify or amend or settle claims under contracts heretofore or hereafter made, may make advance payments upon such contracts of any portion of the contract price, and may enter into agreements with contractors or obligors, modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds.

(3) This delegation of authority shall be subject to all limitations and regulations contained in paragraphs 1 to 15, inclusive, and paragraphs 23 and 24 of Executive Order 10789 of November 14, 1958.

(4) Subject to the provisions of section 5 below, the authority herein delegated may be redelegated by the Director of Administration to any other employee of the agency.

(5) The authority herein delegated shall not be utilized to obligate the United States in an amount in excess of $50,000.

(d) Pursuant to the authority vested in me by section 203(j), Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)), as amended; and the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) as amended, the following described officers of the Office of Civil and Defense Mobilization are hereby delegated the following described authority, respectively:

(1) Assistant Director for Plans and Operations:

a. The authority to determine whether surplus property is usable and necessary for civil defense including the authority to revise, from time to time, the representative lists of categories of such property (presently contained in OCDM Advisory Bulletin No. 202, as revised), and to issue the same under the imprinted signature of the Director, OCDM.

b. The authority to give written authorization to donees, on an individual case basis, for the disposal of surplus property, donated for civil defense purposes and having a single item acquisition cost of Two Thousand Five Hundred Dollars ($2,500) or more, in advance of the time limitations set forth in § 1702.7(e) of Federal Civil Defense Administration (now Office of Civil and Defense Mobilization) Regulations, Part 1702, or its successor, and to prescribe the terms and conditions of each such disposal.

(2) Director, Surplus Property Division:

The authority to give written authorization to donees, on an individual case basis, for the disposal of surplus property, donated for civil defense purposes and having a single item acquisition cost of Two Thousand Five Hundred Dollars ($2,500) or more, but less than Fifty Thousand Dollars ($50,000), in advance of the time limitations set forth in section 1702(e) of Federal Civil Defense Administration (now Office of Civil and Defense Mobilization) Regulations, Part 1702, and to prescribe the terms and conditions of each such disposal.

(3) Regional Directors:

The authority to determine, as to their respective Regions on an individual case basis, property which does not so appear in the representative lists of categories of property referred to in subparagraph (1)a of this Delegation of Authority, to be usable and necessary for civil defense purposes.

(4) The authority delegated to the Director, Surplus Property Division, in paragraph 2 hereof, will exist concur-

rently in the Assistant Director for Plans and Operations.

(5) None of the authority delegated herein shall be redelegated.

(6) All of the authority delegated herein shall be exercised in accordance with applicable OCDM regulations and other applicable OCDM administrative issuances governing the Surplus Property Program.

(e) There is hereby delegated to the Regional Directors, Office of Civil and Defense Mobilization, to be exercised and performed by them with regard to their respective regions, the following authority and functions contained in the Act of September 30, 1950, entitled, "An Act to authorize Federal assistance to States and local governments in major disasters and for other purposes" (64 Stat. 1109, 42 U.S.C. 1855–1855g), as amended (hereinafter referred to as "the Act"), and transferred to the Director, Office of Civil and Defense Mobilization, by Executive Order 10427 of January 16, 1953 (18 F.R. 407), as amended, and Executive Order 10737 of October 29, 1957 (22 F.R. 8799), as amended: The authority and functions transferred by paragraphs (a) and (b) of section 1 and sections 2, 3, 4 and 6 of Executive Order 10427, and by subparagraph 2(e)(1) of Executive Order 10737.

(1) Each Regional Director shall exercise and perform his authority and functions in accordance with the Act; with regulations entitled "Federal Disaster Assistance", Part 1710, Title 32 (23 F.R. 3636), as now or hereafter amended; and with such additional rules, regulations, procedures, and instructions as the Director may issue. To the extent consistent with the Act, regulations, rules, procedures, and instructions, the Regional Director shall give maximum consideration to the existing disaster relief responsibilities, authorities, practices, customs, and arrangements of the other Federal agencies, States, local governments, and the American National Red Cross.

(2) The authority and functions herein delegated may not be redelegated, but shall be exercised and performed by each Regional Director; or, in his absence, disability, or death, by the person designated to carry out the responsibilities of the Regional Director.

(f) Pursuant to the authority vested in me under the Federal Civil Defense Act of 1950, as amended, Reorganization Plan No. 1 of 1958, as amended, and Executive Order 10773, as amended, I hereby delegate to the Assistant Director for Training, Education and Public Affairs, retaining the right to exercise the same concurrently, the authority and functions necessary for the administration of the program of Federal reimbursement, pursuant to section 201(e) of the Federal Civil Defense Act of 1950, as amended, for expenses of students attending OCDM schools. Such authority and functions include, but are not limited to the following:

(1) Obtaining from appropriate OCDM authority allotments of funds for the student expense program, and controlling the utilization of funds allotted.

(2) Approving requests for reimbursement and other documents obligating funds for student expenses.

(3) Determining and revising student quotas and allocations of funds to States.

(4) Issuing correspondence and communications explaining and applying OCDM directives and issuances relative to the student expense program.

(5) The Assistant Director for Training, Education, and Public Affairs shall exercise such authority and perform such functions in accordance with the Federal Civil Defense Act of 1950, as amended; other applicable law; OCDM regulations, manuals, supplements and amendments thereto, as may be applicable; and such additional rules, regulations, procedures, administrative or technical instructions and communications as the Director or the Director of Administration may issue.

(6) With the exception of the authority and functions set forth in subparagraphs (2), (3), and (4) hereof, the authority and functions hereby delegated shall not be redelegated but shall be exercised and performed by the Assistant Director for Training, Education, and Public Affairs. Existing redelegations by the Assistant Director for Training, Education, and Public Affairs shall continue in force and effect until modified or revoked.

(g) Pursuant to the authority contained in the Federal Civil Defense Act of 1950, as amended (hereinafter called the "Act"), Reorganization Plan No. 1 of 1958 (23 F.R. 4991, 72 Stat. 1799), as amended by Public Law 85–763 (72 Stat. 861), and Executive Order 10773 of July 1, 1958 (23 F.R. 5061), as amended by Executive Order 10782 of September 2, 1958 (23 F.R. 6971), the authority of the Director contained in title III of the Act is hereby delegated to the Regional Director of each OCDM Region or, in his absence or disability, to any official designated by him to succeed to the position of, and to act as, Regional Director; to be exercised by each within his respective OCDM Region during the existence of a state of a civil defense emergency, in accordance with the Act and with such orders, rules, and regulations as are or have been issued by the Director. The authority hereby delegated may not be redelegated.

(h)(1) The Assistant Director for Training, Education, and Public Affairs is hereby delegated the authority to issue procurement authorities to the Government Printing Office for the procurement of materials, equipment, supplies, or services in connection with the printing, binding or reproduction requirements of the OCDM.

(2) The Assistant Director for Training, Education, and Public Affairs is authorized to redelegate to any of his subordinates any of the authority herein delegated. Existing redelegations by the Director of Training, Education and Public Affairs shall continue in force and effect until modified or revoked.

(i)(1) Pursuant to the authority contained in section 401(g) of the Federal Civil Defense Act of 1950 (64 Stat. 1254), as amended, hereinafter called the "Act", the authority contained in section 201(i) of the act to approve or disapprove, modify and amend requests from the States for financial contributions for civil defense equipment is hereby delegated to the Regional Director of each OCDM Region or, in his absence or disability, to any official designated by him to succeed to the position of, and act as, Regional Director.

(2) The authority hereby delegated may be exercised in any OCDM Region only by the Regional Director or Acting Regional Director of such Region, and shall be exercised only in accordance with the act and with such orders, rules and regulations as may hereafter be issued by the Director.

(3) The authority hereby delegated may not be redelegated.

(j) The following delegation of certifying authority for counties or parishes in areas determined by the President to be major disaster areas under Public Law 875, when operating under Public Law 115, and for other purposes, has been made to the Secretary of Agriculture or his designee (18 F.R. 4609; as amended at 19 F.R. 2148, 19 F.R. 5364, and 20 F.R. 4464):

(1) Pursuant to the authority vested in me by Public Law 875, 81st Congress, 2d Session, as amended, and section 5 of Executive Order 10427 dated January 16, 1953, there is hereby delegated to the Secretary of Agriculture, with his consent, the authority of prescribing, delineating and certifying counties, parishes or other political subdivisions or portions thereof contained in such major disaster areas as determined by the President under Public Law 875, 81st Congress, 2d Session; for the purpose of performing the functions prescribed in sections (b) and (d) of Public Law 115, 83d Congress, 1st Session (63 Stat. 48), and for the purpose of rendering assistance pursuant to the allocation of funds of October 7, 1953, or pursuant to section 301 of Public Law 480, 83d Congress, 2d Session, or for the purpose of rendering assistance pursuant to the allocation of funds of April 7, 1955.

(2) The authority herein delegated may be redelegated to any officer or employee of the Department of Agriculture.

(3) This delegation of authority becomes effective July 31, 1953.

SEC. 23. *Addresses of OCDM Offices.* There follows a guide to the location of OCDM offices. Information may be obtained by personal contact or correspondence concerning programs of the Office of Civil and Defense Mobilization from National Headquarters, Washington, D.C., Operational Headquarters, Battle Creek, Michigan; or from the Regional Office serving the area involved.

(a) National Headquarters, Executive Office Building, Washington 25, D.C.

(b) Operational Headquarters, Battle Creek Federal Center, Battle Creek, Mich.

(c)(1) OCDM Region 1, Oak Hill Road, Harvard 1, Mass.

(2) Serves Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Commonwealth of Puerto Rico, Virgin Islands.

(d)(1) OCDM Region 2, Olney, Md.



(2) Serves Delaware, District of Columbia, Kentucky, Maryland, Ohio, Pennsylvania, Virginia, West Virginia.

(e)(1) OCDM Region 3, P.O. Box 108, Thomasville, Ga.

(2) Serves Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Canal Zone.

(f)(1) OCDM Region 4, Battle Creek Federal Center, Battle Creek, Mich.

(2) Serves Illinois, Indiana, Michigan, Minnesota, Wisconsin.

(g)(1) OCDM Region 5, P.O. Box 2935, University Hill Station, Denton, Tex.

(2) Serves Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

(h)(1) OCDM Region 6, Denver Federal Center, Bldg. 50, Denver, Colo.

(2) Serves Colorado, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming.

(i)(1) OCDM Region 7, Naval Auxiliary Air Station, Santa Rosa, Calif.

(2) Serves Arizona, California, Hawaii, Nevada, Utah, American Samoa, Guam.

(j)(1) OCDM Region 8, Everett, Wash.

(2) Serves Alaska, Idaho, Montana, Oregon, Washington.

(k) Eastern Instructor Training Center, Manhattan Beach, Brooklyn 35, N.Y.

(l) Western Instructor Training Center, Central Avenue, Alameda, Calif.

(m) OCDM Staff College, Battle Creek, Mich.

(n) Chemical, Biological, and Radiological Defense School, Battle Creek, Mich.

SEC. 24. *Revocations.* The following Delegations of Authority are hereby revoked:

(a) Delegation of Authority dated March 10, 1959 (24 F.R. 4985).

(b) Delegation of Authority dated June 15, 1959 (24 F.R. 5200).

(c) Delegation of Authority dated November 25, 1959 (24 F.R. 9802).

(d) Delegation of Authority dated October 29, 1958 (23 F.R. 8878).

(e) Delegation of Authority dated October 9, 1959 (24 F.R. 8335).

(f) Delegation of Authority dated June 24, 1954 (19 F.R. 4007).

This statement shall become effective on its publication in the FEDERAL REGISTER.

Dated: January 9, 1961.

LEO A. HOEGH,
*Director, Office of Civil and Defense Mobilization.*

[F.R. Doc. 61–249; Filed, Jan. 12, 1961; 8:45 a.m.]

# DEPARTMENT OF COMMERCE

## Federal Maritime Board

[Docket No. 881]

## GENERAL INCREASES IN ALASKAN RATES AND CHARGES

### Notice of Supplemental Order

The Federal Maritime Board, on December 22, 1960, entered the following Twelfth Supplemental Order, to the original order in this proceeding dated January 7, 1960, which appeared in the FEDERAL REGISTER of January 15, 1960 (25 F.R. 364):

It appearing that by the Original Order, as amended, in Docket No. 881 dated January 7, 1960, the Board instituted an investigation into and concerning the reasonableness of the rates, charges, rules, regulations and practices stated in certain schedules between Pacific Coast ports on the one hand, and ports and points in Alaska on the other; and

It further appearing that Tenth Supplemental Order in this proceeding provides in part that no change shall be made in the rates or other matters which result in increases in rates or charges named in said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on December 8, 1960, Puget Sound-Alaska Van Lines, Inc., filed Application seeking authority to publish, post and file, on not less than thirty days' statutory notice, consecutively numbered revised pages to its Freight Tariffs F.M.B.-F. No. 1 and F.M.B.-F. No. 4 for the purpose of increasing rates on "Caps, Blasting" and "Household Goods"; and

It further appearing that the Board having found good cause therefor has on December 22, 1960, granted special permission to publish such changes on not less than thirty days' notice under Special Permission No. 3897;

*Now therefore, it is ordered,* That the Tenth Supplemental Order herein be modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3897; and

*It is further ordered,* That any rates, charges, rules, regulations and practices set forth in the schedules filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rates, charges, rules, regulations and practices under schedules cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

*It is further ordered,* That copies of this order shall be filed with said tariff schedules in the Office of Regulations of the Federal Maritime Board; and

*It is further ordered,* That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: January 10, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–265; Filed, Jan. 12, 1961; 8:47 a.m.]

## BARBER-WILHELMSEN LINE ET AL.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8143–1, between the carriers presently comprising the Barber-Wilhelmsen Line joint service, United Fruit Company and Universal Trading and Shipping Agency Aksjeselskap, modifies approved transhipment Agreement No. 8143 in the trade from ports in the Far East (Hong Kong, China, Japan, Formosa and the Philippines) to New York or New Orleans, with transhipment at Cristobal, Canal Zone, to provide for the participation of Universal Trading and Shipping Agency Aksjeselskap, as a party to that joint service, in Agreement No. 8143.

Agreement No. 8421–1, between the carriers presently comprising the Barber-West African Line joint service, Farrell Lines, Inc., and Universal Trading and Shipping Agency Aksjeselskap, modifies approved transhipment Agreement No. 8421 in the trade between Harbel, Grand Bassa, Sinoe and Cape Palmas, Liberia and United States Atlantic ports, with transhipment at Monrovia, Liberia, to provide for the inclusion of the latter carrier as a participant in that agreement as a party to the Barber-West African Line joint service.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 10, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–266; Filed, Jan. 12, 1961; 8:48 a.m.]

## Maritime Administration

## TRADE ROUTE NO. 33

### Notice of Adoption of Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that the Maritime Administrator has adopted as final the tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 33 as published in the FEDERAL REGISTER issue of December 9, 1960, (25 F.R. 12631).

Dated: January 9, 1961.

By order of the Maritime Administrator.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–267; Filed, Jan. 12, 1961; 8:48 a.m.]

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Washington, Saturday, January 14, 1961

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MAIN READING ROOM

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10904

### CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN CERTAIN CARRIERS REPRESENTED BY THE NEW YORK HARBOR CARRIERS' CONFERENCE COMMITTEE AND CERTAIN OF THEIR EMPLOYEES

WHEREAS a dispute exists between certain carriers represented by the New York Harbor Carriers' Conference Committee, designated in the List of Carriers attached hereto and hereby made a part hereof, and certain of their employees represented by the Lighter Captains' Union, Local 996, I.L.A., a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by carriers represented by the New York Harbor Carriers' Conference Committee, or by their employees, in the conditions out of which the dispute arose.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*January 12, 1961.*

LIST OF CARRIERS

The Baltimore & Ohio Railroad Company
The Central Railroad Company of New Jersey
The Erie-Lackawanna Railroad Company
The Lehigh Valley Railroad Company
The New York Central Railroad Company
The New York, New Haven & Hartford Railroad Company
The Pennsylvania Railroad Company

[F.R. Doc. 61–363; Filed, Jan. 13, 1961; 9:28 a.m.]

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.454]

### PART 301—ADDITIONAL COMPENSATION AND CREDIT GRANTED CERTAIN EMPLOYEES OF FEDERAL GOVERNMENT SERVING OUTSIDE UNITED STATES

#### Subpart E—Unhealthful Posts

ADDITIONS TO LIST

Pursuant to section 853 of the Foreign Service Act of 1946, as amended, and section 503 of Executive Order 10261 dated June 27, 1951, as amended, the following additions to the list of unhealthful places in § 301.61 established by Executive Order No. 5644 of June 8, 1931, as amended by the second paragraph of Executive Order No. 6942 of January 8, 1935, Executive Order No. 7062 of June 5, 1935, Executive Order No. 10000 of September 16, 1948, as amended, and Departmental Regulations 108.149 of March 13, 1952; 108.224 of June 1, 1954; 108.295 of August 15, 1956; 108.322 of July 5, 1957; 108.367 of July 3, 1958; 108.437 of June 14, 1960; 108.444 of August 9, 1960; and 108.449 of October 11, 1960 are made, effective as of the signature date of this regulation:

Bamako, Republic of Mali.
Bangui, Central African Republic.
Cotonou, Dahomey.
Fort Lamy, Chad.
Libreville, Gabon.
Niamey, Niger.
Ouagadougou, Upper Volta.

(Secs. 303, 443, 853, 60 Stat. 1002, 1006, 1024, sec. 207, 62 Stat. 194, 1205; 22 U.S.C. 843, 888, 1093, 5 U.S.C. 118h)

Dated: December 20, 1960.

For the Secretary of State.

LANE DWINELL,
*Assistant Secretary.*

[F.R. Doc. 61-324; Filed, Jan. 13, 1961; 8:51 a.m.]

## Title 7—AGRICULTURE

### Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 10]

### PART 401—FEDERAL CROP INSURANCE

#### Subpart—Regulations for the 1961 and Succeeding Crop Years

PEACH CROP, 1961

The above-identified regulations are amended effective beginning with the 1961 crop year as follows:

1. The table following paragraph (a) of § 401.3 of this chapter is amended by inserting the following statement immediately following the closing date of January 15 for peaches for all states:

Applications for peach insurance for the 1961 crop year submitted during the period January 16 through January 31, 1961, when accompanied by payment of the premium may be accepted by the Corporation.

2. The peach endorsement shown in § 401.26 of this chapter is amended by adding a section 14 thereto to read as follows:

14. *Payment of premium during the period January 16 through January 31, 1961.* Notwithstanding any provision of the contract the provisions of this section 14 shall be a part of the peach endorsement of any contract of insurance for the 1961 crop year for which premium payment is made during the period January 16 through January 31, 1961. Premium payment may be made during the period January 16 through January 31, 1961, and in any case where the premium is paid during such period the date January 31 shall be substituted for the date January 15 wherever it appears in sections 2, 5, 11, and 12(c) of this endorsement; and the date February 1 shall be substituted for the date January 16 wherever it appears in sections 7 and 12 (a) of this endorsement.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on January 12, 1961.

[SEAL] F. N. MCCARTNEY,
*Secretary,*
*Federal Crop Insurance Corporation.*

Approved: January 12, 1961.

CLARENCE L. MILLER,
*Assistant Secretary.*

[F.R. Doc. 61-361; Filed, Jan. 13, 1961; 8:53 a.m.]

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 201]

### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

§ 914.501 Navel Orange Regulation 201.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, and orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting, the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 12, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 15, 1961, and ending at 12:01 a.m., P.s.t., January 22, 1961, are hereby fixed as follows:

(i) District 1: 400,000 cartons;
(ii) District 2: 300,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 13, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-376; Filed, Jan. 13, 1961; 11:15 a.m.]

[Orange Reg. 383]

### PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

#### Limitation of Shipments

§ 933.1044 Orange Regulation 383.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 10, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178 of this title; 26 F.R. 163).

(2) Orange Regulation No. 382 (§ 933.1040; 25 F.R. 14014) is hereby terminated at 12:01 a.m., e.s.t., January 16, 1961.

(3) During the period beginning at 12:01 a.m., e.s.t., January 16, 1961, and ending at 12:01 a.m., e.s.t., February 13, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{11}/_{16}$ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet: *Provided,* That such oranges may have slightly rough texture caused only by scarring, and may have scars and discoloration to the extent permitted under the U.S. No. 2 grade; or

(iv) Any Temple oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of ten (10) percent, by count, for Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerance specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 12, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-350; Filed, Jan. 13, 1961; 8:53 a.m.]

[Grapefruit Reg. 335]

### PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

#### Limitation of Shipments

§ 933.1045 Grapefruit Regulation 335.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 10, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this

section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., January 16, 1961, and ending at 12:01 a.m., e.s.t., February 13, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, of Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 12, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–348; Filed, Jan. 13, 1961; 8:53 a.m.]

[Tangerine Reg. 221]

## PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS, GROWN IN FLORIDA

### Limitation of Shipments

**§ 933.1046 Tangerine Regulation 221.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 10, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title; 25 F.R. 8216).

(2) During the period beginning at 12:01 a.m., e.s.t., January 16, 1961, and ending at 12:01 a.m., e.s.t., February 13, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2}$ x $9\frac{1}{2}$ x $19\frac{1}{16}$ inches; capacity 1,726 cubic inches).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 11, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–352; Filed, Jan. 13, 1961; 8:53 a.m.]

[Tangelo Reg. 27]

## PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

**§ 933.1047 Tangelo Regulation 27.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 10, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., January 16, 1961, and ending at 12:01 a.m., e.s.t., February 13, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than $2\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 11, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–351; Filed, Jan. 13, 1961; 8:53 a.m.]

[Lemon Reg. 881]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

**§ 953.988 Lemon Regulation 881.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 10, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 15, 1961, and ending at 12:01 a.m., P.s.t., January 22, 1961, are hereby fixed as follows:

(i) District 1: 13,950 cartons;

(ii) District 2: 139,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 12, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–349; Filed, Jan. 13, 1961; 8:53 a.m.]

[Grapefruit Reg. 134]

## PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

### Limitation of Shipments

**§ 955.395 Grapefruit Regulation 134.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on January 5, 1961, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the continued regulation of the

handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., January 15, 1961, and ending at 12:01 a.m., P.s.t., February 5, 1961, no handler shall handle:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which measure less than 3 11/16 inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than 3 11/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 4 3/16 inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "handle" shall have the same meaning as when used in said amended marketing agreement and order; the term "U.S. No. 2" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 10, 1961.

S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-317; Filed, Jan. 13, 1961; 8:49 a.m.]

# Title 10—ATOMIC ENERGY

## Chapter I—Atomic Energy Commission

## PART 40—LICENSING OF SOURCE MATERIAL

The following amendments to Part 40 constitute an over-all revision of 10 CFR Part 40, "Control of Source Material".

Notice of proposed issuance of the following rules was published in the FEDERAL REGISTER on September 7, 1960 (25 F.R. 8619). A detailed statement of considerations explaining the provisions of the following amendments was published with the notice of proposed rule making. Comments filed by interested persons have been given careful consideration. The following amendments are the same as those incorporated in the notice of proposed rule making, except that § 40.42 has been revised to take into account long-period facility licenses which incorporate in a single document licenses also for source material which may be used as fuel or blanket material.

Accordingly, effective 30 days after publication in the FEDERAL REGISTER, 10 CFR Part 40 is amended to read as follows:

GENERAL PROVISIONS

Sec.
40.1 Purpose.
40.2 Scope.
40.3 License requirements.
40.4 Definitions.
40.5 Communications.
40.6 Interpretations.

EXEMPTIONS

40.11 Exemption for persons acquiring or transferring source material under contract with and for the account of the Commission.
40.12 Carriers.
40.13 Unimportant quantities of source material.
40.14 Specific exemptions.

GENERAL LICENSES

40.20 Types of licenses.
40.21 General license to receive title to source material.
40.22 Small quantities of source material.
40.23 General licenses to export.

LICENSE APPLICATIONS

40.31 Applications for specific licenses.
40.32 Requirements for approval of applications for specific licenses.
40.33 Standards for issuance of export licenses.

LICENSES

40.41 Terms and conditions of licenses.
40.42 Expiration.
40.43 Renewal of licenses.
40.44 Amendment of licenses at request of licensee.
40.45 Commission action on applications to renew or amend.
40.46 Inalienability of licenses.
40.47 License requirement for persons possessing source material on the effective date of the regulation in this part.

TRANSFER OF SOURCE MATERIAL

40.51 Transfer of source material.

RECORDS AND INSPECTIONS

40.61 Records.
40.62 Inspections.
40.63 Tests.

MODIFICATION AND REVOCATION OF LICENSES

40.71 Modification, revocation and termination of licenses.

ENFORCEMENT

40.81 Violations.

SCHEDULE

40.90 Schedule A.

AUTHORITY: §§ 40.1 to 40.90 issued under sec. 161, 68 Stat. 948, 42 U.S.C. 2201. Interpret or apply secs. 62, 63, 64, 65, 182, 183, 68 Stat. 932, 933, 953, 42 U.S.C. 2092, 2093, 2094, 2095, 2232, 2233. For the purposes of sec. 223, 68 Stat. 958; 42 U.S.C. 2273, sec. 40.41(c) issued under sec. 161b., 68 Stat. 948; 42 U.S.C. 2201(b) and secs. 40.61, 40.62 and 40.63 issued under sec. 161p., 68 Stat. 950; 42 U.S.C. 2201(p).

### GENERAL PROVISIONS

#### § 40.1 Purpose.

(a) The regulations in this part establish procedures and criteria for the issuance of licenses to receive title to, receive, possess, use, transfer, deliver, or import into or export from the United States source material and establish and provide for the terms and conditions upon which the Commission will issue such licenses.

(b) The regulations contained in this part are issued pursuant to the Atomic Energy Act of 1954, as amended (68 Stat. 919).

#### § 40.2 Scope.

Except as provided in §§ 40.11 to 40.14, inclusive, the regulations in this part apply to all persons in the United States.

#### § 40.3 License requirements.

No person subject to the regulations in this part shall receive title to, receive, possess, use, transfer, deliver, or import into or export from the United States any source material after removal from its place of deposit in nature, except as authorized in a specific or general license issued by the Commission pursuant to the regulations in this part.

#### § 40.4 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto;

(b) "Commission" means the Atomic Energy Commission or its duly authorized representatives;

(c) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government;

(d) "License", except where otherwise specified, means a license issued pursuant to the regulations in this part;

(e) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent or agency of the foregoing;

(f) "Pharmacist" means an individual registered by a state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to compound and dispense drugs, prescriptions and poisons.

(g) "Physician" means an individual licensed by a state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to dispense drugs in the practice of medicine.

(h) "Source Material" means (1) uranium or thorium, or any combination thereof, in any physical or chemical form or (2) ores which contain by weight one-twentieth of one percent (0.05%) or more of (i) uranium, (ii) thorium or (iii) any combination thereof. Source material does not include special nuclear material.

(i) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material; or (2) any material artifically enriched by any of the foregoing;

(j) "United States," when used in a geographical sense, includes all territories and possessions of the United States, the Canal Zone and Puerto Rico;

(k) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting or beneficiating, or refining;

(l) Other terms defined in section 11 of the Act shall have the same meaning when used in the regulations in this part.

#### § 40.5 Communications.

All communications concerning the regulations in this part should be addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

#### § 40.6 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

### EXEMPTIONS

#### § 40.11 Exemption for persons acquiring or transferring source material under contract with and for the account of the Commission.

The regulations in this part do not apply to any person to the extent that such person receives possession of source material owned by the Atomic Energy Commission, or transfers, delivers, or exports source material owned by the Commission under and in accordance with a contract with and for the account of the Commission. In any such case, such person's obligations with respect to the source material are governed by the applicable contract between such person and the Commission.

#### § 40.12 Carriers.

Common and contract carriers, warehousemen, and the United States Post Office Department are exempt from the requirements for a license set forth in section 62 of the Act and from the regulations in this part to the extent that they transport or store source material in the regular course of carriage for another or storage incident thereto.

#### § 40.13 Unimportant quantities of source material.

(a) Any person is exempt from the regulations in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers, delivers, or imports into or exports from the United States source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than one-twentieth of 1 percent (0.05 percent) of the mixture, compound, solution or alloy.

(b) Any person is exempt from the regulations in this part and from the requirements for a license set forth in section 62 of the act to the extent that such person receives, possesses, uses, transfers, or imports into the United States unrefined and unprocessed ore containing source material; provided, that, except as authorized in a specific license, such person shall not refine or process such ore. The exemption contained in this paragraph shall not be deemed to authorize the export of source material.

(c) Any person is exempt from the regulation in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers, or imports into the United States:

(1) Any quantity of thorium contained in (i) incandescent gas mantles; (ii) vacuum tubes; or (iii) welding rods;

(2) Source material contained in the following products: (i) Glazed ceramic tableware, provided that the glaze contains not more than 20 percent source material; (ii) glassware containing not more than 10 percent source material; but not including glass brick, pane glass, ceramic tile or other glass or ceramic used in construction;

(3) Photographic film, negatives, and prints containing uranium or thorium;

(4) Any finished product or part fabricated of, or containing tungsten or magnesium-thorium alloys, provided that the thorium content of the alloy does not exceed 4 percent by weight and that the exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such product or part; and

(5) (i) Uranium contained in aircraft counterweights installed in aircraft; *Provided*, That any such counterweight has been impressed with a statement, clearly legible after plating, which states "Caution-Radioactive Material-Uranium"; *And provided further*, That the exemption contained in this paragraph shall not be deemed to authorize the chemical, physical, metallurgical or other treatment or processing of any such counterweight or the installation in, or removal from, an aircraft of any such counterweight, without a specific license from the Commission.

(ii) The exemptions contained in this section shall not be deemed to authorize the manufacture of any of the products described herein.

#### § 40.14 Specific exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulation in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

### GENERAL LICENSES

#### § 40.20 Types of licenses.

Licenses for source material are of two types: general and specific. The general licenses provided in this part are effective without the filing of applications with the Commission or the issuance of licensing documents to particular persons. Specific licenses are issued to named persons upon applications filed pursuant to the regulations in this part.

#### § 40.21 General license to receive title to source material.

A general license is hereby issued authorizing the receipt of title to source material without regard to quantity. This general license does not authorize any person to receive, possess, deliver, use, import, export or transfer source material.

#### § 40.22 Small quantities of source material.

(a) A general license is hereby issued authorizing use and transfer of not more than fifteen (15) pounds of source material at any one time by persons in the following categories:

(1) Pharmacists using the source material solely for the compounding of medicinals;

(2) Physicians using the source material for medicinal purposes;

(3) Persons receiving possession of source material from pharmacists and physicians in the form of medicinals or drugs;

(4) Commercial and industrial firms, and research, educational and medical institutions for research, development, educational or commercial purposes;

*And provided*, That no such person shall pursuant to this general license receive more than a total of 150 pounds of source material in any one calendar year; and provided further that the general license contained in this paragraph shall not be deemed to authorize the export of source material, except as authorized in a specific or general license issued pursuant to this part.

(b) Persons who receive, possess, use, or transfer source material pursuant to the general license issued in paragraph (a) of this section are exempt from the provisions of Part 20 of this chapter to the extent that such receipt, possession, use or transfer are within the terms of such general license: *Provided, however*, That this exemption shall not be deemed to apply to any such person who is also in possession of source material under a specific license issued pursuant to this part.

#### § 40.23 General licenses to export.

(a) A general license, designated AEC–GRO–SMA, is hereby issued authorizing the export at any one time of up to three (3) pounds of source material from the United States to any foreign country or destination except countries or areas listed in § 40.90. Each person exporting source material pursuant to this general license shall file with the Collector of

Customs or the Postmaster one copy, in addition to those otherwise required, of the Shipper's Export Declaration covering each export, and mark such copy for transmittal to the Division of Licensing and Regulation of the United States Atomic Energy Commission, Washington 25, D.C.

(b) A general license, designated AEC-GRO-SMB, is hereby issued authorizing the export of incandescent gas mantles containing thorium, without regard to quantity, from the United States to any foreign country or destination except countries or destinations listed in § 40.90.

LICENSE APPLICATIONS

§ 40.31 Applications for specific licenses.

(a) Applications for specific licenses should be filed in quadruplicate on Form AEC-2, "Application for Source Material License", on Form AEC-7, "Application for Source Material Export License", as appropriate, with the United States Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation. Applications may also be filed in person at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., or the Commission's offices at Germantown, Maryland.

(b) The Commission may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Commission to determine whether the application should be granted or denied or whether a license should be modified or revoked. All applications and statements shall be signed by the applicant or licensee or a person duly authorized to act for and on his behalf.

(c) Applications and documents submitted to the Commission in connection with applications will be made available for public inspection in accordance with the provisions of the regulations contained in Parts 2 and 9 of this chapter.

(d) An application for a license filed pursuant to the regulations in this part will be considered also as an application for licenses authorizing other activities for which licenses are required by the Act: *Provided*, That the application specifies the additional activities for which licenses are requested and complies with regulations of the Commission as to applications for such licenses.

(e) In his application, the applicant may incorporate by reference information contained in previous applications, statements or reports filed by the applicant with the Commission's Division of Licensing and Regulation: *Provided*, That such references are clear and specific.

§ 40.32 Requirements for issuance of specific licenses.

An application for a specific license for purposes other than export will be approved if:

(a) The application is for a purpose authorized by the Act; and

(b) The applicant is qualified by reason of training and experience to use the source material for the purpose requested in such manner as to protect health and minimize danger to life or property; and

(c) The applicant's proposed equipment, facilities and procedures are adequate to protect health and minimize danger to life or property; and

(d) The issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

§ 40.33 Requirements for issuance of export licenses.

(a) An application for a license to export uranium will be approved if the Commission determines that:

(1) The proposed export is within the scope of and consistent with the terms of an agreement between the United States and the government of the recipient containing safeguards against diversion of the material to military use; or

(2) The cumulative quantity of uranium specifically licensed for export to the consignee since July 1, 1957, does not exceed one hundred (100) kilograms, provided that the cumulative quantity specifically licensed for export to the recipient country since July 1, 1957, does not exceed one thousand (1,000) kilograms, excluding any amounts exported pursuant to either subparagraph (1) of this paragraph or § 40.23; and

(3) The export will not be inimical to the interests of the United States.

(b) An application for a license to export thorium will be approved if the Commission determines that the export will not be inimical to the interests of the United States.

LICENSES

§ 40.41 Terms and conditions of licenses.

(a) Each license issued pursuant to the regulations in this part shall be subject to all the provisions of the Act, now or hereafter in effect, and to all rules, regulations and orders of the Commission.

(b) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the Act.

(c) Each person licensed by the Commission pursuant to the regulations in this part shall confine his possession and use of source material to the locations and purposes authorized in the license. Except as otherwise provided in the license, a license issued pursuant to the regulations in this part shall carry with it the right to receive, possess, use and import source material and to deliver or transfer such material to other licensees within the United States authorized to receive such material.

(d) Each license issued pursuant to the regulations in this part shall be deemed to contain the provisions set forth in sections 183a to 183d, of the Act, whether or not said provisions are expressly set forth in the license.

(e) The Commission may incorporate in any license at the time of issuance, or thereafter by appropriate rule, regulation or order, such additional requirements and conditions with respect to the licensee's receipt, possession, use, transfer, import and export of source material as it deems appropriate or necessary in order to:

(1) Promote the common defense and security;

(2) Protect health or to minimize danger to life or property;

(3) Protect restricted data;

(4) Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be necessary or appropriate to effectuate the purposes of the Act and regulations thereunder.

§ 40.42 Expiration.

Except as provided in § 40.43(b), and except as may be provided in licenses issued for operation of production or utilization facilities pursuant to Part 50 of this chapter, each specific license shall expire no later than three years from the last day of the month in which it is issued.

§ 40.43 Renewal of licenses.

(a) Applications for renewal of a specific license shall be filed in accordance with § 40.31.

(b) In any case in which a licensee, not less than thirty (30) days prior to expiration of his existing license, has filed an application in proper form for renewal or for a new license, such existing license shall not expire until the application for renewal or for a new license has been finally determined by the Commission.

§ 40.44 Amendment of licenses at request of licensee.

Applications for amendment of a license shall be filed in accordance with § 40.31 and shall specify the respects in which the licensee desires his license to be amended and the grounds for such amendment.

§ 40.45 Commission action on applications to renew or amend.

In considering an application by a licensee to renew or amend his license, the Commission will apply the applicable criteria set forth in §§ 40.32 and 40.33.

§ 40.46 Inalienability of licenses.

No license issued or granted pursuant to the regulations in this part shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of this Act, and shall give its consent in writing.

§ 40.47 License requirement for persons possessing source material on the effective date of this amendment.

(a) Any person who on the effective date of this amendment possesses source material received pursuant to a specific license issued by the Commission shall be deemed to possess such material pursuant to a license issued under the regulations in this part. Such license shall be deemed to include all terms and conditions incorporated in the previous



license which are not inconsistent with or otherwise provided for in the regulations in this part and shall expire 90 days from the effective date of this amendment or on the expiration date contained in the previous license, whichever is later.

(b) Any person who on the effective date of this amendment possesses source material received pursuant to a general license issued by the Commission shall be deemed to possess such material pursuant to a license issued under the regulations in this part. To the extent that such possession is not authorized under an exemption or general license pursuant to §§ 40.11 through 40.14 or §§ 40.20 through 40.23, respectively, the license granted pursuant to this paragraph shall expire ninety (90) days from the effective date of this amendment.

TRANSFER OF SOURCE MATERIAL

§ 40.51 Transfer of source material.

(a) No licensee shall transfer source material except as authorized pursuant to this section.

(b) Any licensee may transfer source material:

(1) To the Commission;

(2) To a specific or general licensee whose license authorizes him to receive such material;

(3) To any person exempt from the regulations in this part to the extent permitted under such exemption; or

(4) As otherwise authorized by the Commission in writing.

RECORDS AND INSPECTIONS

§ 40.61 Records.

(a) Each person who receives source material pursuant to a license issued pursuant to the regulations in this part shall keep records showing the receipt, transfer, export and disposal of such source material.

§ 40.62 Inspections.

(a) Each licensee shall afford to the Commission at all reasonable times opportunity to inspect source material and the premises and facilities wherein source material is used or stored.

(b) Each licensee shall make available to the Commission for inspection, upon reasonable notice, records kept by him pursuant to the regulations in this chapter.

§ 40.63 Tests.

Each licensee shall perform, or permit the Commission to perform, such tests as the Commission deems appropriate or necessary for the administration of the regulations in this part, including tests of:

(a) Source material;

(b) Facilities wherein source material is utilized or stored;

(c) Radiation detection and monitoring instruments; and

(d) Other equipment and devices used in connection with the utilization or storage of source material.

MODIFICATION AND REVOCATION OF LICENSES

§ 40.71 Modification, revocation and termination of licenses.

(a) The terms and conditions of each license shall be subject to amendment, revision, or modification by reason of amendments to the Act, or by reason of rules, regulations, or orders issued in accordance with the Act.

(b) Any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under section 182 of the Act, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Commission to refuse to grant a license on an original application, or for violation of, or failure to observe any of, the terms and conditions of the Act, or the license, or of any rule, regulation or order of the Commission.

(c) Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, no license shall be modified, suspended, or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded opportunity to demonstrate or achieve compliance with all lawful requirements

(d) The Commission may terminate a specific license upon request submitted by the licensee to the Commission in writing.

ENFORCEMENT

§ 40.81 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

§ 40.90 Schedule A.

Albania.
Bulgaria.
China, including Manchuria (and excluding Taiwan (Formosa)) (includes Inner Mongolia; the provinces of Tsinghai and Sikang; Sinkiang; Tibet; the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province).
Communist-controlled area of Viet Nam.
Czechoslovakia.
East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin).
Estonia.
Hungary.
Latvia.
Lithuania.
North Korea.
Poland (including Danzig).
Outer Mongolia.
Rumania.
Union of Soviet Socialist Republics.

Dated at Germantown, Md., this 9th day of January 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
*Secretary.*

[F.R. Doc. 61-283; Filed, Jan. 13, 1961; 8:45 a.m.]

# Title 12—BANKS AND BANKING

## Chapter III—Federal Deposit Insurance Corporation

## PART 301—INTRODUCTORY

## PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

## PART 304—FORMS, INSTRUCTIONS, AND REPORTS

## PART 326—BANK OBLIGATIONS PRESCRIBED AS DEPOSITS

## PART 327—ASSESSMENTS

### Miscellaneous Amendments

A. In the FEDERAL REGISTER of November 29, 1960 (25 F.R. 12203–12207), proposed amendments of Part 327 of the Corporation's rules and regulations relating to assessments were published with notice of proposed rule making. The following amendment of Part 327, which includes such proposed amendments, is adopted effective January 16, 1961: *Provided*, That all of the provisions of Part 327 (including the Corporation's Assessment Decisions Nos. 1–167 in §§ 327.100–327.267 thereof), which were in effect immediately prior to the adoption of the following amendment thereof, remain applicable to the determination and payment of assessments due on or before January 15, 1961. Part 327 is amended to read as follows:

## PART 327—ASSESSMENTS

Sec.
327.1 Reporting of assessment base additions for unposted credits and deductions for unposted debits.
327.2 Classification of deposits.
327.3 Payment of assessments by banks whose insured status has terminated.
327.4 Time of payment.

AUTHORITY: §§ 327.1 to 327.4 issued under sec. 7, 74 Stat. 551, sec. 9, 64 Stat. 882; 12 U.S.C. 1817, 1819. Interpret or apply secs. 7, 8, 74 Stat. 546–551 and 64 Stat. 877–881; 12 U.S.C. 1817, 1818.

§ 327.1 Reporting of assessment base additions for unposted credits and deductions for unposted debits.

(a) *Definitions.* (1) The term "unposted credit" as used in this section means any deposit received in any office of the bank for deposit in any other office of the bank located in any State of the United States, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, except those which have been included in total deposits in the report of conditions or which have been offset in the report of condition by an equal

amount of cash items in its possession drawn on itself (on the same type of deposits as those offset) and not charged against deposit liabilities at the close of business on the date as of which the report of condition is made.

(2) The term "unposted debit" as used in this section means a cash item in the bank's possession drawn on itself which has been paid or credited and is chargeable against, but has not been charged against, deposit liabilities at the close of business on the date as of which the report of condition is made.

(3) The above terms "unposted credit" and "unposted debit" do not include items which have been reflected in deposit accounts on the general ledger and in the report of condition, although they have not been credited or debited to individual deposit accounts.

(b) *Methods of reporting unposted credits and unposted debits.* (1) Each insured bank shall report unposted credits in reports of condition for addition to the assessment base in the following manner:

(i) When the records of the bank show the actual amounts of unposted credits segregated between demand deposits and time and savings deposits, the actual segregated amounts thereof must be reported; or

(ii) When the records of the bank show the actual amount of all unposted credits with no such segregation thereof, the actual amount thereof must be reported, for addition to time and savings deposits, unless the bank determines by experience factors and reports the amounts of the unposted credits so segregated; or

(iii) When the records of the bank do not show the actual amount of unposted credits either in total or in segregated amounts, the amounts of unposted credits must be determined by experience factor or factors and reported in total amount for addition to time and savings deposits or in segregated amounts.

(2) Unposted debits may be reported in the same manner for deduction from the assessment base, except that unsegregated amounts may be reported for deduction only from demand deposits.

(c) *Bank reporting actual amounts.* When actual amounts are shown on the records of the bank, an insured bank shall separately state in the report of condition for additions to deposits for assessment purposes the actual amount of unposted credits in Schedule FDI either segregated between demand deposits and time and savings deposits according to the type of account to which the item is to be credited, or the total amount shall be reported for additions to time and savings deposits. If the bank elects to take deductions for unposted debits chargeable to deposit accounts and actual amounts are shown on the records of the bank, it shall separately state in the report of condition the actual amounts of the unposted debits either segregated between demand deposits and time and savings deposits according to the type of account against which the items are chargeable, or the total amount shall be reported for deductions from demand deposits. When only the total amount of such unposted credits or unposted debits is shown on the records of the bank, the bank may elect to determine by experience factors such segregated amounts for either unposted credits or unposted debits or both.

(d) *Bank reporting on basis of experience factor.* An insured bank whose records do not show the amounts of unposted credits and unposted debits shall compute by experience factor or factors the unposted credits and may so compute the unposted debits. Banks with two years' experience on January 1, 1961 may establish an experience factor or factors under paragraph (f) of this section, or, upon application to and approval by the Corporation, may establish an experience factor or factors under paragraph (g) of this section, the same as banks with less than two years' experience. Such a bank, upon written approval by the Corporation, may be permitted to use separate factors for computing the additions to demand deposits and to time and savings deposits, or for computing the deductions from such deposits; or may be permitted to use a single factor for computing additions to be made in total amount to time and savings deposits or for computing deductions to be made in total amount from demand deposits. When a single factor is used, the additions or deductions are required to be made to or from the type of deposit giving the lesser advantage to the bank in taking the 16⅔ percent deduction from demand deposits and the 1 percent deduction from time and savings deposits.

(e) *Procedure for obtaining approval of experience factor.* Each bank operating as an insured bank prior to January 1, 1961, which intends to use an experience factor in computing the amounts of unposted credits or unposted debits, shall signify its intention in writing to the Corporation not later than March 1, 1961. Any bank becoming an insured bank on or after January 1, 1961, whose records do not show amounts of unposted credits and unposted debits, and which proposes to report such items for assessment purposes by means of experience factors, shall so inform the Corporation within thirty (30) days after it becomes an insured bank. Upon receipt of such notice, the Corporation will furnish to the bank a form for use in submitting to the Corporation the computations used in determining the percentage factor. Upon approval by the Corporation of such experience factors, the bank shall thereafter use such factors in reporting unposted credits or debits until new experience factors are established pursuant to paragraph (k) of this section.

(f) *Experience factors for banks with not less than two years' experience on January 1, 1961.* (1) The reporting bank may use either of the following experience factors in reporting unposted credits for addition to the assessment base:

(i) *Separate experience factors for additions to demand deposits and to time and savings deposits.* The factor for:

(a) Demand deposits shall be the percentage obtained by dividing the average amount of unposted credits creditable to demand deposits which were added to deposits in certified statements for the assessment base days in the last two years prior to January 1, 1961, by the average amount of total demand deposits shown on the books of the bank on such base days; and

(b) Time and savings deposits shall be the percentage obtained by dividing the average amount of unposted credits creditable to time and savings deposits which were added to deposits in the certified statements for the assessment base days in the last two years prior to January 1, 1961, by the average amount of total time and savings deposits shown on the books of the bank on such base days.

There shall be separately stated in the report of condition for addition to demand deposits for assessment purposes, the amount obtained by multiplying the amount of total demand deposits shown in the report of condition by the factor for demand deposits, and for addition to time and savings deposits for assessment purposes the amount obtained by multiplying the amount of total time and savings deposits shown in the report of condition by the factor for time and savings deposits. In the event that the records of the bank show the total amount of unposted credits which were added to deposits in certified statements for the assessment base days in the last two years prior to January 1, 1961, but do not show the amounts thereof segregated as to those creditable to demand deposits and to time and savings deposits, the bank may determine such segregated amounts for use in determining its separate experience factors hereunder, in the following manner: The bank shall ascertain the percentage to total unposted credits, of the unposted credits which are creditable to demand deposits, and the percentage to total unposted credits, of the unposted credits which are creditable to time and savings deposits, for the business days in the week commencing on March 15, 1961 and ending on March 21, 1961, both days inclusive, and shall apply such percentages to the average amount of all unposted credits which were added to deposits in such certified statements.

(ii) *Single experience factor.* The factor shall be the percentage obtained by dividing the average amount of all unposted credits which were added to deposits in certified statements for the assessment base days in the last two years prior to January 1, 1961, by the average amount of total deposits shown on the books of the bank for such base days. There shall be separately stated in the report of condition for addition to time and savings deposits for assessment purposes, the amount obtained by multiplying the amount of total deposits shown in the report of condition by such factor.

(2) The reporting bank may use either of the following experience factors in reporting unposted debits for deduction from the assessment base:

(i) *Separate experience factors for deductions from demand deposits and from time and savings deposits.* The factor for:

(a) Demand deposits shall be the percentage obtained by dividing the average amount of unposted debits chargeable to demand deposits which were claimed as deductions in the certified statements for the assessment base days in the last two years prior to January 1, 1961, or, if not claimed as a deduction thereunder, the amount of such unposted debits deducted from deposit liabilities before entry in such certified statements, by the average amount of total demand deposits shown on the books of the bank on such base days; and

(b) Time and savings deposits shall be the percentage obtained by dividing the average amount of unposted debits chargeable to time and savings deposits which were claimed as deductions in the certified statements for the assessment base days in the last two years prior to January 1, 1961, or, if not claimed as a deduction thereunder, the amount of such unposted debits deducted from deposit liabilities before entry in such certified statements, by the average amount of total time and savings deposits shown on the books of the bank on such base days.

There shall be separately stated in the report of condition for deduction from demand deposits for assessment purposes, the amount obtained by multiplying the amount of total demand deposits shown in the report of condition by the factor for demand deposits, and for deduction from time and savings deposits for assessment purposes the amount obtained by multiplying the amount of total time and savings deposits shown in the report of condition by the factor for time and savings deposits. In the event that the records of the bank show the total amount of unposted debits which were claimed as deductions in certified statements for the assessment base days in the last two years prior to January 1, 1961 or deducted from deposit liabilities before entry in such certified statements, but do not show the amounts thereof segregated as to those chargeable to demand deposits and to time and savings deposits, the bank may determine such segregated amounts for use in determining its separate experience factors hereunder, in the following manner: The bank shall ascertain the percentage to total unposted debits, of the unposted debits which are chargeable to demand deposits, and the percentage to total unposted debits, of the unposted debits which are chargeable to time and savings deposits, for the business days in the week commencing on March 15, 1961 and ending on March 21, 1961, both days inclusive, and shall apply such percentages to the average amount of all unposted debits which were claimed as deductions in such certified statements or deducted from deposit liabilities before entry in such certified statements.

(ii) *Single experience factor.* The factor shall be the percentage obtained by dividing the average amount of all unposted debits which were claimed as deductions in the certified statements for the assessment base days in the last two years prior to January 1, 1961, or, if not claimed as a deduction thereunder, the amount of unposted debits deducted from deposit liabilities before entry in such certified statements, by the average amount of total deposits shown on the books of the bank on such base days. There shall be separately stated in the report of condition for deduction from demand deposits for assessment purposes, the amount obtained by multiplying the amount of total deposits shown in the report of condition by such factor. If the amount of deductions so obtained exceeds demand deposits, the excess thereof may be deducted from time and savings deposits.

(g) *Experience factors for banks with less than two years' experience.* (1) The reporting bank may use either of the following experience factors in reporting unposted credits for addition to the assessment base for two years:

(i) *Separate experience factors for additions to demand deposits and to time and savings deposits.* The factor for each semiannual period for:

(a) Demand deposits shall be the percentage obtained by dividing the amount of unposted credits on March 15, 1961 and thereafter on the first business day of February or August which are creditable to demand deposits by the amount of total demand deposits as shown on the books of the bank at the close of business on the same day; and

(b) Time and savings deposits shall be the percentage obtained by dividing the amount of unposted credits on March 15, 1961 and thereafter on the first business day of February or August which are creditable to time and savings deposits by the amount of total time and savings deposits as shown on the books of the bank at the close of business on the same day.

The bank shall determine, on March 15, 1961 and thereafter on the first business day of February or August until two years' experience has been obtained, the actual amount of unposted credits segregated according to the type of account to which creditable. There shall be separately stated in each report of condition for addition to demand deposits for assessment purposes, the amount obtained by multiplying the amount of total demand deposits shown in the report of condition by the factor for demand deposits for such semiannual period, and for addition to time and savings deposits for assessment purposes the amount obtained by multiplying the amount of total time and savings deposits shown in each report of condition by the factor for time and savings deposits for such semiannual period.

(ii) *Single experience factor.* The factor for each semiannual period shall be the percentage obtained by dividing the amount of all unposted credits on March 15, 1961 and thereafter on the first business day of February or August by the total deposits as shown on the books of the bank at the close of business on the same day. The bank shall determine, on March 15, 1961 and thereafter on the first business day of February or August until two years' experience has been obtained, the actual amount of all unposted credits. There shall be separately stated in each report of condition for addition to time and savings deposits for assessment purposes, the amount obtained by multiplying the amount of total deposits shown in the report of condition by the factor for such semiannual period.

(iii) *Permanent experience factor.* When two years' experience has been obtained under this paragraph, a new factor shall be computed and used for the ninth and subsequent reports of condition. This factor shall be the percentage obtained by dividing the aggregate amount of the unposted credits by the aggregate amount of the deposits, which were used in establishing each factor for the four preceding semiannual periods.

(2) Reporting bank may use either of the following experience factors in reporting unposted debits for deduction from the assessment base for two years:

(i) *Separate experience factors for demand deposits and for time and savings deposits.* The factor for each semiannual period:

(a) Demand deposits shall be the percentage obtained by dividing the amount of unposted debits on March 15, 1961 and thereafter on the first business day of February or August which are chargeable to demand deposits by the amount of total demand deposits as shown on the books of the bank at the close of business on the same day; and

(b) Time and savings deposits shall be the percentage obtained by dividing the amount of unposted debits on March 15, 1961 and thereafter on the first business day of February or August which are chargeable to time and savings deposits by the amount of total time and savings deposits as shown on the books of the bank at the close of business on the same day.

The bank shall determine, on March 15, 1961 and thereafter on the first business day of February or August until two years' experience has been obtained, the actual amount of unposted debits segregated according to the type of account against which chargeable. There shall be separately stated in each report of condition for deduction from demand deposits for assessment purposes, the amount obtained by multiplying the amount of total demand deposits shown in the report of condition by the factor for demand deposits for such semiannual period, and for deduction from time and savings deposits for assessment purposes the amount obtained by multiplying the amount of total time and savings deposits shown in the report of condition by the factor for time and savings deposits for such semiannual period.

(ii) *Single experience factor.* The factor for the semiannual period shall be the percentage obtained by dividing the amount of all unposted debits on March 15, 1961 and thereafter on the first business day of February or August by the total deposits as shown on the books of the bank at the close of business on the same day. The bank shall determine, on March 15, 1961 and thereafter on the first business day of February or August until two years' experience has been obtained, the actual amount of all unposted debits. There

shall be separately stated in each report of condition for deduction from demand deposits for assessment purposes, the amount obtained by multiplying the amount of total deposits shown in the report of condition by the factor for such semiannual period. If the amount of deductions so obtained exceeds demand deposits, the excess thereof may be deducted from time and savings deposits.

(iii) *Permanent experience factor.* When two years' experience has been obtained under this paragraph, a new factor shall be computed and used for the ninth and subsequent reports of condition. This factor shall be the percentage obtained by dividing the aggregate amount of the unposted debits by the aggregate amount of the deposits, which were used in establishing each factor for the four preceding semiannual periods.

(3) When it is impractical to segregate the amounts of unposted credits or debits outstanding in a "branch clearings" account or similar account or to segregate such unposted credits or debits between demand deposits and time and savings deposits in computing a factor or factors under this paragraph, such amounts may be ascertained in accordance with computation methods approved by the Corporation, upon application of the bank to the Corporation for permission to compute such amounts.

(h) *Experience factors for newly insured banks.* A newly insured bank may determine its experience factors in the same manner as that provided for banks with less than two years' experience in subparagraphs (1) and (2) of paragraph (g) of this section, except that in preparing its first report of condition for assessment purposes it shall determine the actual amounts of unposted credits, debits and deposits on a day designated by the Corporation, instead of on the first business day of February or August.

(i) *Mergers, consolidations, deposit assumptions, and conversions.* The continuing or resulting bank in a merger, consolidation or deposit assumption transaction, involving one or more banks which used an experience factor, shall use new experience factors based on the combined experience of the participating banks for the two-year period prior to such transaction or may establish a new factor or factors in accordance with paragraph (g) of this section. A bank resulting from the conversion of a bank shall continue to use the experience factors of the converted bank.

(j) *Use of experience factor.* Experience factors for the computation of unposted credits or unposted debits or both, once established by any bank and approved by the Corporation, must continue to be used for a period of at least three years and until a new factor or factors are established with the approval of the Corporation or until such time as the accounting methods of the bank are changed to show actual amounts thereof from day to day.

(k) *Bank establishing new experience factors.* Upon thirty days' written notice to the Corporation, a bank may establish new permanent factors in the manner provided in subparagraphs (1) and (2) of paragraph (g) of this section: *Provided, however,* That until such new permanent factors have been determined and approved in writing by the Corporation the bank shall continue to use its pre-established factors.

(l) *Corporation requiring new experience factors.* The Corporation may require a bank to establish new factors at any time as provided in subparagraphs (1) or (2), or both, of paragraph (g) of this section, and for this purpose may designate a day or days and a period or periods other than those specified therein for the determination of deposits and the actual amounts of unposted credits or unposted debits, or both. When such new factor or factors have been computed either by the bank or the Corporation and have been approved in writing by the Corporation, the bank shall use such new factor or factors for reports of condition filed thereafter.

(m) *Notice to Corporation of changes in accounting methods.* When a bank changes its accounting procedures from those used in the period in which its experience factors were established, in such manner as to increase or decrease the amount of unposted credits or unposted debits, it shall promptly give written notice to the Corporation of such change.

**§ 327.2 Classification of deposits.**

(a) The deposits to be reported in the reports of condition required to be made under section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817) shall be segregated between the time and savings deposits and the demand deposits.

(b) The time and savings deposits for the purpose of such reports and for the computation of assessments as provided in subsection (b) of section 7 of the Act (12 U.S.C. 1817) shall consist of:

(1) Time certificates of deposit evidenced by an instrument providing on its face that the amount of such deposit is payable on a certain date not less than thirty days after the date of deposit, at the expiration of a specified period not less than thirty days after the date of the instrument, or upon written notice to be given not less than thirty days before the date of payment;

(2) Time deposits, open account, being a deposit other than a time certificate of deposit or a savings deposit, with respect to which there is in force a written contract with the depositor that neither the whole nor any part of such deposit may be withdrawn prior to the date of maturity which shall not be less than thirty days after the date of the deposit or prior to the expiration of the period of notice which must be given by the depositor in writing not less than thirty days in advance of withdrawals, including deposits such as Christmas club accounts and vacation club accounts, which are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than three (3) months, even though some of the deposits are made within thirty (30) days from the end of such period; and

(3) Deposits accumulated for the payment of personal loans representing the aggregate of amounts which are accumulated by borrowers for payment of personal loans in accounts opened by borrowers in connection with personal loans (whether or not the bank maintains a separate personal loan department) and which, under contracts between the bank and the borrowers, do not immediately reduce the unpaid balances of the loans but are assigned or pledged to assure repayment of the personal loans at maturity, except that amounts received by the bank which under contracts with the borrowers constitute installment payments on personal loans and immediately reduce the unpaid balances of the loans even though recorded on separate accounts on the books of the bank shall not be reported as deposits; and

(4) Savings deposits being deposits evidenced by a passbook or written receipt or agreement (i) deposited to the credit of one or more individuals or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit, or (ii) in which the entire beneficial interest is held by one or more individuals or by such a corporation, association, or other organization and in respect to which (iii) the depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than thirty (30) days before such withdrawal is made and (iv) withdrawals are permitted in only two ways, either upon presentation of a passbook, if any, through payment to the person presenting the passbook, or without presentation of a passbook, through payment to the depositor himself but not to any other person, whether or not acting for the depositor.

(c) Demand deposits shall consist of all deposits other than time and savings deposits.

**§ 327.3 Payment of assessments by banks whose insured status has terminated.**

(a) *Assumed deposits of terminating bank become deposits of assuming bank.* When the deposit liabilities of an insured bank are assumed by another insured bank the assumed deposits, for assessment purposes, shall be deposit liabilities of the assuming bank and shall cease to be deposit liabilities of the bank whose deposits are assumed from and after the effective date of the assumption.

(b) *Payment of assessments by assuming bank on assumed deposits of terminating bank.* Where the deposit liabilities of an insured bank are assumed by another insured bank and the assuming bank agrees to file the Certified Statement which the terminating bank is required to file, the filing of such Certified Statement and the payment of the assessment thereon by the assuming bank shall be deemed the acts of the terminating bank: *Provided,* That the requisite notice of assumption [1] be given to the depositors of the terminating bank, and *Provided further,* That such Certified Statement shall be filed separately from that required to be filed by the assuming bank.

(c) *Resumption of insured status before insurance of deposits ceases.* If a bank whose insured status has been terminated under section 8 (a) or (b) of the Federal Deposit Insurance Act, makes application to the Corporation, before the insurance of its deposits shall have ceased, to be permitted to continue or to resume its status as an insured bank and if the Board of Directors grants the application, the bank will be deemed, for assessment purposes, to continue as an insured bank and must thereafter furnish Certified Statements and pay assessments as though its insured status had not been terminated. For the procedure to be followed in making such application, see § 303.7 of this chapter.

[1] The requisite notice of assumption shall be the notice prescribed in § 307.3 of this chapter.

**§ 327.4 Time of payment.**

Each insured bank shall pay to the Corporation the amount of the semiannual assessment due to the Corporation, as shown on its Certified Statement,[2] at the time such statement is required to be filed under section 7 (c) of the Federal Deposit Insurance Act.

B. Part 326 of the Corporation's rules and regulations, relating to bank obligations prescribed as deposits, is repealed effective January 16, 1961, because of the amendment of the definition of the term "deposit" in subsection (1) of section 3 of the Federal Deposit Insurance Act, as amended by Public Law 86–671, approved July 14, 1960 and effective on January 1, 1961 except as to the determination and payment of assessments due on January 15, 1961 (12 U.S.C. 1813 (l)): *Provided,* That rights and liabilities existing on or before January 1, 1961, with respect to insured deposits, and existing on or before January 15, 1961 with respect to the determination and payment of assessments, are not affected by such repeal.

As the repeal of Part 326 as provided herein and the following amendments of §§ 301.1, 303.5, 304.1, 304.2 and 304.3 do not diminish the rights of insured banks, notice of them as proposed rules is found to be unnecessary. Further, it is found that the effective date of the amendment of Part 327 and of the repeal of Part 326 as provided herein should not be deferred for thirty days, because of the effective dates of the amendments of the Federal Deposit Insurance Act by Public Law 86–671, approved July 14, 1960, and the effective date of the other amendments should not be deferred for thirty days, because they relate to applications, reports and forms and do not impose additional substantive burdens upon insured banks.

The following amendments of the rules and regulations of the Corporation are adopted effective January 16, 1961:

**§ 301.1 [Amendment]**

1. In § 301.1 delete the following: "(Act of Sept. 21, 1950, Pub. Law 797, 81st Cong.)," and substitute therefor the following: "(12 U.S.C. 1811–1831),".

[2] See §§ 304.1 and 304.3 of this chapter.

**§ 303.5 [Amendment]**

2. Paragraph (c) of § 303.5 is amended to read as follows:

(c) *Merger, consolidation, asset acquisition or assumption transaction between insured banks.* Application by an insured bank for the consent of the Corporation to merge or consolidate with, acquire the assets of, or assume the liability to pay any deposits made in, another insured bank—when the resulting or assuming bank is to be an insured State nonmember bank (except a District bank)—together with copies of all agreements or proposed agreements realting thereto, including the charter or articles of incorporation of the resulting or assuming bank, should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the resulting or assuming bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the office of said Supervising Examiner.

**§ 304.1 [Amendment]**

3. In § 304.1 delete the words "and pursuant to the instructions" in the first sentence and delete the words "and instructions for completing the same" in the second sentence.

**§ 304.2 [Amendment]**

4. In § 304.2 delete the words "by the board of directors pursuant to law" in the first sentence and add at the end of the section the following sentence: "Each insured national bank and each insured District bank at the time of making reports of conditions to the Comptroller of the Currency and each insured State member bank at the time of making reports of condition to the Federal Reserve bank, required under the Federal Deposit Insurance Act, shall furnish an executed and attested copy thereof to the Corporation."

**§ 304.3 [Amendment]**

5. In paragraph (a) of § 304.3 insert after the words "other application" in the third sentence the words "may be".

6. In paragraph (d) of § 304.3 delete the words "other application retained by the bank as part of its permanent records" in the third sentence and substitute therefor the words "other application may be retained by the bank".

7. In paragraph (g) of § 304.3 delete the words "other application retained in the files of the bank as part of its permanent records" in the fourth sentence and substitute therefor the words "other application may be retained by the bank".

8. Amend § 304.3 by redesignating paragraphs (i) through (u) as paragraphs (j) through (v), respectively, and by adding a new paragraph (i) to read as follows:

(i) *Form 86: Application for merger, consolidation, asset acquisition or assumption.* The bank applying for prior written consent to merge with, consolidate with, acquire the assets of, or assume liability to pay deposits made in, another bank or institution, pursuant to section 18(c) of the Federal Deposit Insurance Act and for the establishment of branches incident thereto pursuant to section 18(d) of the Act is required to submit statements, representations, and information with respect to the several factors enumerated in said section 18(c). Twelve copies of the application and all documents, schedules and exhibits, including the agreement between the participating banks and the charter or articles of incorporation of the resulting or assuming bank, are to be executed by an authorized officer with the bank's corporate seal affixed and forwarded to the Supervising Examiner. The Corporation will furnish the applicant bank with a form of the notice (Form 116) for publication provided for in said section 18(c).

9. In redesignated paragraph (k) of § 304.3 delete the words "one copy retained in the bank's files" in the fifth sentence and substitute therefor the words "one copy may be retained by the bank".

10. In redesignated paragraph (l) of § 304.3 delete the parenthetical statement "(Short form)" wherever it appears in said paragraph, and at the end of the first sentence add the words "and information for assessment purposes".

11. In redesignated paragraph (m) of § 304.3 delete the parenthetical statement "(Short form)".

12. Section 304.3 is amended by deleting redesignated paragraphs (q) through (v), inclusive, and substituting therefor the following paragraphs (q) through (y):

(q) *Form 545: Certified Statement (for banks other than mutual savings).* A Form 545 must be submitted on or before January 31 and July 31 of each year by every insured bank, except any newly insured banks which must submit their First Certified Statement on Form 645, and any mutual savings banks which must use Form 545 (Savings). Form 545 shows the deposit liabilities, less authorized deductions, reported in two reports of condition in each semiannual assessment period. The form will show the computation of the assessment base and the amount of the assessment due the Corporation. It must be prepared in duplicate, certified by the president of the bank or any other officer designated by its board of directors and an original must be forwarded to the Fiscal Agent. The duplicate copy should be retained in the bank's file.[4] The forms are mailed to all insured banks each six months in ample time to permit compliance with the law, but if not received on or before January 1 or July 1, they should be obtained from the

[4] Section 7(b)(6) of the Federal Deposit Insurance Act, which relates to assessment base deductions, provides, in part, as follows: "Each insured bank, as a condition to the right to make any such deduction in determining its assessment base, shall maintain such records as will readily permit verification of the correctness of its assessment base. No insured bank shall be required to retain such records for such purpose for a period in excess of five years from the date of the filing of any certified statement, except that when there is a dispute between the insured bank and the Corporation over the amount of any assessment the bank shall retain such records until final determination of the issue."

Fiscal Agent. Any questions in respect to such forms should be directed to the Fiscal Agent.

(r) *Form 545 (Savings): Certified Statement (for mutual savings banks).* This form is substantially the same as Form 545, and should be used by mutual savings banks.

(s) *Form 645: First Certified Statement (for banks other than mutual savings).* The First Certified Statement, Form 645, must be submitted on or before July 31 or January 31 following the semiannual period in which the bank began operation as an insured bank. The form shows the deposit liabilities, less authorized deductions, as provided by law, on the last date within such period for which it was required to submit a report of condition or if such bank became an insured bank after the last date in such period for which a report of condition was required, such bank shall make a report of condition as of the last day of such semiannual period, and shall file with the Corporation a Certified Statement showing, as its assessment base for such period, its assessment base for the date of such special report. The form will show the computation of the assessment base and the amount of the assessment due the Corporation. It must be prepared in duplicate, certified by the president of the bank or any other officer designated by its board of directors, and the original must be forwarded to the Fiscal Agent. The duplicate copy should be retained in the bank's file.[4] The forms will be mailed by the Fiscal Agent to newly insured banks with appropriate instructions for their preparation.

(t) *Form 645 (Savings): First Certified Statement (for mutual savings banks).* This form is substantially the same as Form 645 and should be used by mutual savings banks.

(u) *Form 845: Final Certified Statement—for use by an insured bank (except mutual savings banks) whose deposits are assumed by another insured bank.* This statement, Form 845, shows the deposit liabilities, less authorized deductions of the bank in the report or reports of condition prior to the assumption date. Form 845 accompanied by appropriate letter of explanation and instructions will be mailed by the Fiscal Agent to each insured bank whose deposit liabilities are assumed by another insured bank. The form must be prepared in duplicate, certified by the president of the bank or any other officer designated by its board of directors and the original must be forwarded to the Fiscal Agent. The duplicate copy should be retained in the bank's files.[4] If the deposits of the liquidating bank are assumed by a newly insured bank, the liquidating bank is not required to file Form 845 or to pay any assessments upon the deposits so assumed after the semiannual period in which the assumption takes effect.

(v) *Form 845 (Savings): Final Certified Statement (for mutual savings banks).* This form is substantially the same as Form 845 and should be used by mutual savings banks.

(w) *Form 845A: Final Certified Statement—for use of an insured bank (other than mutual savings banks) whose deposit liabilities are assumed by another insured operating bank.* (To be used when the assuming bank executes the Certified Statement for the bank whose deposits were assumed.) Form 845A may be substituted for Form 845 described in paragraph (u) of this section if the assuming bank is executing the Certified Statement for the bank whose deposit liabilities were assumed. Form 845A is prepared in the same manner as Form 845 except the certification is executed by an official of the assuming bank.

(x) *Form 845A (Savings): Final Certified Statement—for use of an insured mutual savings bank whose deposit liabilities are assumed by another insured operating bank.* (To be used when the assuming bank executes the Certified Statement for the bank whose deposits were assumed.) Form 845A (Savings) may be substituted for Form 845 (Savings) described in paragraph (v) of this section if the assuming bank is executing the Certified Statement for the bank whose deposit liabilities were assumed. Form 845A (Savings) is prepared in the same manner as Form 845 (Savings) except the certification is executed by an official of the assuming bank.

(y) *Amended and corrected Certified Statements.* Forms for use in amending or correcting previously submitted Certified Statements are identical in number and form with Forms 545, 645, 845 and 845A (for other than mutual savings banks) and Forms 545 (Savings), 645 (Savings), 845 (Savings), and 845A (Savings) described above except the title of the form contains the additional word "Amended" or "Corrected". These forms may be obtained on request from the Fiscal Agent.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
*Secretary.*

[F.R. Doc. 61-359; Filed, Jan. 13, 1961; 8:53 a.m.]

[4] See footnote on page 291.

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Reg. Docket No. 245; Special Civil Air Reg. SR444]

## PART 60—AIR TRAFFIC RULES

### Jet Advisory Areas

Draft Release No. 60-2, published in the FEDERAL REGISTER on January 15, 1960 (25 F.R. 610) gave notice that the Federal Aviation Agency proposed the adoption of a Special Civil Air Regulation establishing jet advisory areas and certain requirements for flight therein.

With the advent of commercial turbojet air carrier operations in the United States, procedures were adopted to provide an increased measure of flight safety for such operations. Through the cooperation of the Air Defense Command of the Department of the Air Force, selected long-range radar facilities of that Command were jointly used and the Federal Aviation Agency provides flight following and traffic advisory service to United States turbojet air carrier flights as well as to some aircraft of foreign registry. This service does not provide positive separation. It does, however, provide an increased degree of safety by advising pilots of the presence of other aircraft and by providing guidance with respect to the most effective manner to avoid collision.

Comments received in response to the draft release reflected general endorsement of the principles of the proposal but recommended some modifications.

The proposal would require that air carrier turbojet aircraft operating within the continental control area and engaged in the carriage of passengers in scheduled air transportation be flown within airspace designated as a "jet advisory area." A jet advisory area would be a designated area of airspace within which special operating rules apply to enhance the safety of air carrier turbojet flight. Such rules would require that air carrier turbojet aircraft be operated in accordance with the Instrument Flight Rules of Part 60 of the Civil Air Regulations during all flight above 24,000 feet within the continental control area. They would also require that all air carrier turbojet aircraft be equipped with a functioning radar beacon transponder. It has since been determined that these provisions, bearing solely upon scheduled air carrier operations, should not be made a part of the Air Traffic Rules but should become a part of the regulations governing air carrier operations. For this reason, the proposed more restrictive operating rules, applicable solely to air carrier operations, do not appear in the final rule.

The International Air Transport Association (IATA) supported the proposed amendment but expressed concern with respect to the effective date of the requirement for a radar beacon transponder. Their problem stems from contemplated changes in internationally acceptable equipment specifications for the radar beacon transponders. The IATA has recommended that the effective date of the radar transponder equipment requirement for foreign air carrier turbojet aircraft be established at a date sufficiently in the future to permit international agreement on the matter as well as to provide an adequate period of time for installation of equipment after such agreement is reached. The Agency has concluded that the IATA recommendation is reasonable and valid and any future regulation will provide a reasonable period of time for equipment installation after international radar beacon transponder equipment specifications are resolved.

The Department of the Air Force acknowledged the necessity of the proposed rules, but did not concur with the proposed lateral dimensions of the jet advisory areas or with the extension of the nonradar jet advisory areas. In its comment, the Department of the Air Force contended that the establishment of jet advisory areas, 32 miles in width, would result "in a 60 percent increase in separation criteria." It states that no formal agreement to increase the current standards with respect to the jet routes has been reached, nor have statistics been developed to establish that such an increase is either necessary or desirable. The Department of the Navy also objected to expansion of nonradar jet advisory areas to flight levels 370–390.

Radar advisory areas, which comprise 90 percent of the airspace affected, are now 40 miles wide and such width will be reduced a minimum of 8 miles by the implementation of the rule. With regard to the expansion of nonradar advisory areas, which are presently 20 miles wide and exist only at flight levels 270-310, inclusive, the Agency recognizes that the number of such areas should be reduced insofar as possible. It is anticipated that such a reduction will result from the utilization of new flight checking procedures which will permit the establishment of radar advisory areas with a floor in excess of 24,000 feet. Thus, the overall effect will be to reduce the airspace within which the new rules will apply.

Certain language contained in the proposal has been modified to more clearly state the intent of the rule. Paragraphs 2 (a) and (b) now clearly state that radar and nonradar jet advisory areas will not have dimensions in excess of 16 statute miles on either side of specified jet routes. The applicability paragraph has been revised to more clearly indicate the scope of the rule. It is emphasized that this regulation does not effect flight advisory areas located outside the continental control area.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted to become effective on February 14, 1961.

*Jet Advisory Area Rules*

1. *Applicability.* The air traffic rules contained in this regulation shall apply to the operation of all aircraft in jet advisory areas located within the continental control area.

2. *Jet advisory areas.* As used in this regulation, the term "jet advisory areas" means airspace so designated in the Regulations of the Administrator, within which the air traffic rules contained in this Special Civil Air Regulation apply for the purpose of providing additional traffic advisory service for U.S. and foreign scheduled air carrier aircraft.[1]

(a) Nonradar jet advisory areas have a lateral dimension of not more than 16 statute miles on either side of specified jet routes between flight levels 270 and 310, inclusive and 370 and 390, inclusive.

(b) Radar jet advisory areas have a lateral dimension of not more than 16 statute miles on either side of specified jet routes between flight levels 270 and 310, inclusive and 370 and 390, inclusive.

(c) Terminal radar jet advisory areas are those areas between 24,000 feet mean sea level and flight level 390, inclusive, designated to provide for the arrival and departure requirements of major air terminals.

3. *Operating rules.* In addition to the air traffic rules of Part 60, the following rules apply to any aircraft when operated within jet advisory areas in accordance with VFR, or in accordance with IFR when cleared to maintain "VFR conditions" or "VFR conditions on top."

(a) *In radar jet advisory areas.* (1) Aircraft equipped with a functioning radar beacon transponder shall operate the transponder to reply on such mode and/or code as may be specified by air traffic control for the area in which flight is conducted.[2]

(ii) Aircraft not equipped with a functioning radar beacon transponder shall obtain specific prior authorization from air traffic control, except that in the event of radio failure precluding the obtaining of authorization, such flights may transit jet advisory areas by maintaining the appropriate VFR cruising flight level specified in § 60.32 of the Civil Air Regulations.

(b) *In nonradar jet advisory areas.* All aircraft, including those equipped with a functioning radar beacon transponder, shall obtain specific authorization from air traffic control prior to operating within the area of nonradar coverage of a jet advisory area.

(Secs. 313(a), 307(c) of the Federal Aviation Act of 1958, 72 Stat. 752, 749; 49 U.S.C., 1354, 1348)

Issued in Washington, D.C., on January 9, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-286; Filed, Jan. 13, 1961; 8:45 a.m.]

[1] Jet advisory areas (radar and nonradar) are also depicted on Flight Information Publication—"En Route—High Altitude (U.S.)" published by the Aeronautical Chart and Information Center, Air Photographic and Charting Service (MATS), USAF, Second and Arsenal Streets, St. Louis 18, Missouri, and on the U.S. Coast and Geodetic Survey Radio Facility Chart entitled—"High Altitude—En Route," compiled and printed in Washington, D.C., by the U.S. Department of Commerce.

[2] Mode and/or code requirements and other detailed operational procedures for the radar beacon transponder are published in the Airman's Guide and are also depicted on Flight Information Publication—"En Route—High Altitude (U.S.)" and U.S. Coast and Geodetic Survey Radio Facility Chart—"High Altitude—En Route."





# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 7697 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Atlas Sewing Centers, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.140 *Old, reclaimed or reused product being new;* § 13.155 *Prices:* § 13.155–10 *Bait;* § 13.155–45 *Fictitious marking;* § 13.157 *Prize contests.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Atlas Sewing Centers, Inc. (Miami, Fla.), et al., Docket 7697, Oct. 27, 1960]

*In the Matter of Atlas Sewing Centers, Inc., a Corporation, Herbert Kern, Theodore O. Kaplen, and Charlotte L. Blackburn, Individually and as Officers of Said Corporation, and Leo Kern, Individually and as Chairman of the Board of Directors of Said Corporation*

Consent order requiring a large sewing machine and vacuum cleaner chain, with headquarters in Miami, Fla., transacting business through 36 subsidiary corporations which operated some 50 retail stores in 22 States, to cease using bait advertising, fictitious pricing, and deceptive contests to obtain leads to prospective purchasers, and to cease claiming that repossessed or traded-in sewing machines and vacuum cleaners were new and that merchandise was guaranteed.

The order to cease and desist is as follows:

*It is ordered,* That respondent Atlas Sewing Centers, Inc., a corporation, and its officers, and respondents Herbert Kern, Theodore O. Kaplen and Charlotte L. Blackburn, individually and as officers of said corporation, and Leo Kern, individually and as Chairman of the Board of Directors of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machines and vacuum cleaners, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That said merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered;

2. That awards or prizes are of a certain value or worth, unless in using such awards or prizes the recipients thereof are benefited by, or save the amount of, the stated value or worth of such prizes or awards;

3. That any price is respondents' usual and regular retail price of said merchandise when it is in excess of the price at which said merchandise is usually and customarily sold at retail in their normal course of business;

4. That sewing machines and vacuum cleaners which are trade-ins or have been repossessed are new, or otherwise failing to clearly reveal that sewing machines and vacuum cleaners which are trade-ins or have been repossessed are trade-ins or repossessed, as the case may be;

5. That said merchandise sold or offered for sale is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and

form in which they have complied with the order to cease and desist.

Issued: October 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 61-295; Filed, Jan. 12, 1961; 8:46 a.m.]

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[Docket 7840 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Cutter Laboratories, Inc.

Subpart—Discriminating in price under sec. 2, Clayton Act—Price discrimination under 2(a): § 13.700 *Arbitrary or improper functional discounts;* § 13.730 *Customer classification.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Cutter Laboratories, Inc. (legal successor to Cutter Laboratories), Berkeley, Calif., Docket 7840, October 27, 1960]

Consent order requiring manufacturers of human and veterinary biologicals and pharmaceuticals in Berkeley, Calif., to cease discriminating in price in violation of section 2(a) of the Clayton Act through classifying its customers into functional categories with results as typical, that a low volume purchaser paid a higher net price than his high volume purchasing competitors in the same group, and all purchasers in one group received a 15% price advantage over competitors in another where both bought less than $25.

The order to cease and desist is as follows:

*It is ordered,* That respondent Cutter Laboratories, Inc., a corporation (the legal successor to Cutter Laboratories which was named as respondent in the original complaint), and its officers, representatives, agents and employees, directly or through any corporate or other device, in or in connection with the sale of its products, including human and animal biologicals and pharmaceuticals, in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality by selling to any one purchaser at net prices higher than the net price charged to any other purchaser who in fact competes in the resale and distribution of the respondent's products with the purchaser paying the higher price.

*It is further ordered,* That the allegation of a substantial lessening of competition or tendency toward monopoly in the line of commerce in which the respondent is engaged be dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That respondent Cutter Laboratories, Inc., a corporation (the legal successor to Cutter Laboratories which was named as respondent in the original complaint) shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 61-296; Filed, Jan. 13, 1961; 8:47 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55295]

## PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

### Ports of Entry

JANUARY 9, 1961.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), Anchorage, Alaska, is hereby designated as a customs port of entry in Customs Collection District No. 31 (Alaska).

Section 1.1(c) of the Customs Regulations is amended by adding "Anchorage, Alaska (T.D. 55295)." in the column headed "Ports of entry" in District No. 31 (Alaska).

(R.S. 161, 251, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66)

Notice of the proposed designation of Anchorage as a customs port of entry was published in the FEDERAL REGISTER of November 18, 1960 (25 F.R. 10994), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No objections to this action were received. It is considered in the best interest of the public that this action be put in effect as soon as possible. For this reason it is found that compliance with the effective date limitations of section 4(c) of that Act serves no good purpose. This Treasury decision shall, therefore, be effective upon publication in the FEDERAL REGISTER.

[SEAL] A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F.R. Doc. 61-330; Filed, Jan. 13, 1961; 8:51 a.m.]

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[T.D. 55294]

## PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

### Baggage Declaration

Customs Form 6064 is a serially numbered baggage declaration with detachable coupon, designed for use at the port of New York for passengers arriving by vessel. At the request of various collectors of customs it has been decided to permit the use of this form at other ports where the collector believes the use of a numbered form, with coupon, is desirable. Customs Form 6064 has, therefore, been revised to make it suitable for use at all ports and is hereby redesignated as customs Form 6063-B.

Section 10.17(k) of the Customs Regulations is amended by changing 6064 to 6063-B where it appears in the last sentence.

Section 10.21(j) of the Customs Regulations is amended by changing 6064 to 6063-B where it appears in the first sentence.

A new supply of customs Form 6063-B is now being printed and will be available from the Customs Information Exchange in the near future.

[SEAL] LAWTON M. KING, *Acting Commissioner of Customs.*

Approved: January 9, 1961.

A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F.R. Doc. 61-329; Filed, Jan. 13, 1961; 8:51 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

## PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

SUBCHAPTER C—DRUGS

## PART 130—NEW DRUGS

### Changes in Drug-Labeling Requirement; Changes in New-Drug Applications; Amendment in Final Order and Changes in Effective Date

On December 9, 1960, the Commissioner of Food and Drugs, pursuant to section 701 of the Federal Food, Drug, and Cosmetic Act and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) published in the FEDERAL REGISTER (25 F.R. 12592) the final order amending the regulations for the enforcement of the drug and device sections and the new-drug section of the law for the purposes of requiring manufacturers to furnish adequate information for the professional use of prescription drugs and devices and to keep new drugs off the market until the adequacy of manufacturing methods, facilities, and controls have been confirmed by establishment inspection, when required.

Portions of the order were to become effective on January 8, 1961, and other portions were scheduled to become effective on March 9, 1961.

Representatives of the industries involved have demonstrated to the Commissioner that it is impracticable to effect full compliance with those portions of the order scheduled to become effective on January 8, 1961 by that date. Additionally, the Commissioner concludes that certain portions of the published regulations require clarifying revisions.

*Therefore, it is ordered:*

1. That the requirements of § 1.106(b)(2)(ii), (iii), (iv), and (v) and 1.106(c)(ii), (iii), (iv), and (v) shall not, until January 1, 1962, be applicable to drugs bearing labels printed prior to January 8, 1961, if the information required by these sections is contained in the labeling within the package from which the drugs are to be dispensed.

2. That the requirements of § 1.106(b)(2)(vi) and 1.106(c)(2)(vi) shall not be applicable, until June 6, 1961, to any carton of a drug packaged prior to January 8, 1961, if the identifying lot or control number appears on the label of the drug contained in that carton.

3. That the provisions of § 1.106 (b)(4), (c)(4), and (d)(4) shall not apply to catalogs and price lists distributed to pharmacists and wholesale druggists (but not to physicians or other practitioners), until January 1, 1962.

4. Section 1.106 *Drugs and devices; directions for use* is amended in the following respects:

a. Paragraph (b)(2)(v) is amended to read as follows:

(v) If it is for other than oral use, the names of all inactive ingredients, except that:

(a) Flavorings and perfumes may be designated as such without naming their components.

(b) Color additives may be designated as coloring without naming specific color components unless the naming of such components is required by a color additive regulation prescribed in Part 8 of this chapter.

(c) Trace amounts of harmless substances added solely for individual product identification need not be named.

(vi) If it is intended for administration by parenteral injection, the quantity or proportion of all inactive ingredients, except that ingredients added to adjust the pH or to make the drug isotonic may be declared by name and a statement of their effect; and if the vehicle is water for injection it need not be named.

b. Paragraph (c)(2)(v) is amended to read as follows:

(v) If it is for other than oral use, the names of all inactive ingredients, except that:

(a) Flavorings and perfumes may be designated as such without naming their components.

(b) Color additives may be designated as coloring without naming specific color components unless the naming of such components is required by a color additive regulation prescribed in Part 8 of this chapter.

(c) Trace amounts of harmless substances added solely for individual product identification need not be named.

(vi) If it is intended for administration by parenteral injection, the quantity or proportion of all inactive ingredients, except that ingredients added to adjust the pH or to make the drug isotonic may be declared by name and a statement of their effect; and if the vehicle is water for injection, it need not be named.

c. Paragraphs (b)(4) and (c)(4) are amended by inserting in the first sentence, just before the last word "contain", the parenthetical phrase "(other than dose information required by § 1.106 (b)(2)(ii) and (c)(2)(ii))".

5. That the effective date for the amendments published December 9, 1960, scheduled to become effective on January 8, 1961, is hereby changed to February 7, 1961.

Notice and public procedure are not necessary prerequisites to the promulgation of this order since the changes in effective dates and other amendments relax existing requirements.

*Effective date.* This order shall be effective on the date of signature.

Dated: January 6, 1961.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-318; Filed, Jan. 13, 1961; 8:50 a.m.]



# Title 32—NATIONAL DEFENSE

## Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

## PART 726—PAYMENT OF AMOUNTS DUE MENTALLY INCOMPETENT MEMBERS OF THE NAVAL SERVICE

### Purpose; Convening Authority

*Scope and purpose.* Part 726 is amended to reflect regulations of the Department of the Navy as recently revised, particularly with respect to members of other uniformed services receiving medical treatment in naval hospitals.

1. Section 726.1 is revised to read as follows:

**§ 726.1 Purpose.**

This part provides the regulations for the naval service necessary to carry out the provisions of the Act of June 21, 1950 (64 Stat. 249), as amended (37 U.S.C. 351-354), and prescribes procedures for investigating into the mental competency of members of the naval service entitled to pay who are alleged to be incapable of managing their affairs (and such members of the other uniformed services receiving medical treatment by the Department of the Navy), and for effecting payments of amounts due in the accounts of members of the naval service found by competent medical authority to be mentally incapable of managing their own affairs. According to said Act as amended,

competent medical authority shall consist of a board appointed from available medical officers or physicians under his jurisdiction by the head of whichever of the following departments or agencies is providing medical treatment for the member, or by a person designated by the head of that department or agency:

(1) Department of the Army;
(2) Department of the Navy;
(3) Department of the Air Force;
(4) Department of Health, Education, and Welfare;
(5) Veterans Administration.

If the hospitalization or medical care of the member is not provided by the United States, the board shall be appointed by the Secretary of the Department having jurisdiction of the member. Each board shall consist of at least three qualified medical officers or physicians one of whom must be specially qualified in the treatment of mental disorders.

**§ 726.4 [Amendment]**

2. Section 726.4(c) is revised to read as follows:

(c) *Action by the convening authority.* (1) Upon receipt of information that a member of the naval service is alleged to be incapable of handling his own affairs, the convening authority will convene a board of not less than three medical officers or physicians as required by the Act referred to in § 726.1 to determine if the alleged incompetent is capable of managing his own affairs. At least one of the members of the board, preferably a psychiatrist, shall personally observe the alleged mental incompetent and satisfy himself that the medical record correctly reflects the individual's state of mental health. Such a board shall also be convened upon request by proper authority or upon receipt of information that a member of another uniformed service in a naval hospital is alleged to be mentally incapable of handling his own affairs. The composition of the board shall be in accordance with the Act referred to in § 726.1; medical officers of the uniformed services as members may include those of the Reserve components on active or inactive duty.

(2) The convening authority will insure that the board specially reports, or attaches to its record a signed certification, that the member is mentally capable or incapable of managing his own affairs.

(3) The convening authority will forward one copy of the record and competency certification, in the case of members of the naval service, to the Director;

Army, to the Commanding General, Finance Center, U.S. Army, Indianapolis 49, Indiana (Attention: Settlements Operations in the case of active duty personnel, or Retired Pay Division in the case of retired personnel);
Air Force, to the Air Force Accounting and Finance Center, 3800 York Street, Denver 5, Colorado (Attention: Retired Pay Division in the case of retired personnel);
Coast Guard, to the Commandant, U.S. Coast Guard (Code PS), 1300 E Street NW., Washington 25, D.C.;
Coast and Geodetic Survey, to the Director, Coast and Geodetic Survey, Washington 25, D.C.;
Public Health Service, to the Chief, Division of Personnel, Public Health Service, Department of Health, Education, and Welfare, Washington 25, D.C.,

to be used as the medical basis for a trustee appointment in the case of a finding that a member is incapable of managing his own affairs, or, if found capable of handling his own affairs, the medical basis for termination of a trusteeship where previously established on a finding of incompetency.

(4) In addition, the convening authority will in the case of a finding of incompetency set forth in his forwarding endorsement the name, relationship, and address of the member's next of kin, and such other pertinent data as shall be available to appoint a trustee to receive amounts which are or may become payable to the member except where a trustee or other legal representative had already been appointed as the result of a prior determination of mental incapacity, such as when originally placed on the temporary disability retired list or prior determination of mental incapacity as the result of a previous periodic physical examination.

(5) In addition, where a member of the naval service is found to be mentally incapable of managing his own affairs and a trustee or other legal representative to receive the pay of the individual has not been appointed, the convening authority shall immediately notify the Navy or Marine Corps disbursing officer holding the member's active-duty pay account or the Commanding Officer, U.S. Navy Finance Center, Cleveland 14, Ohio, or the Commandant of the Marine Corps (CDH), Washington 25, D.C., in the case of retired members and personnel of the Fleet Reserve of the Navy and Naval Reserve, or retired members and personnel of the Fleet Marine Corps Reserve of the Marine Corps and Marine Corps Reserve, respectively, and request that the member's pay account be placed in a suspended status pending the appointment of a trustee by the Director or the appointment of a committee, guardian, or other legal representative by a court of competent jurisdiction. The convening authority will at the same time advise the Director when this has been done.

(Sec. 5031, 70A Stat. 278, as amended, secs. 1–4, 64 Stat. 249, as amended; 10 U.S.C. 5031, 37 U.S.C. 351–354)

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
*Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.*

JANUARY 9, 1961.

[F.R. Doc. 61-284; Filed, Jan. 13, 1961; 8:45 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

## PART 61—MONEY ORDERS

## PART 168—DIRECTORY OF INTERNATIONAL MAIL

### Money Orders; Parcel Post to Laos

The regulations of the Post Office Department are amended as follows:

I. In § 61.1 *Issuance of domestic money orders*, as published in Federal Register document 60-11863, 25 F.R. 13218, amend subparagraph (2) of paragraph (c) for the purpose of clarification to read as follows:

(c) *Putting amount, dating stamp, and initials on money order.* * * *

(2) *Dating stamp and initials.* The employee who issues the money order shall put the all-purpose dating stamp (Item 570) and his initials, in ink, in the spaces provided on form.

NOTE: The corresponding Postal Manual section is 171.132.

(R.S. 161, as amended, secs. 501, 5101–5105, 74 Stat. 580, 680, 681 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 5101–5105)

II. In § 168.5 *Individual country regulations* the country "Laos", as amended by Federal Register document 60-7411, 25 F.R. 7532–7533, Federal Register document 60-8922, 25 F.R. 9174–9176, is further amended by adding the following immediately below the heading "Parcel Post" as a result of action taken by that country:

Postal Administration of Laos has announced that all post offices in that country other than Vientiane are closed to parcel post service. Therefore surface and air parcels for Laos, unless addressed for delivery at Vientiane, will not be accepted for mailing until further notice.

(R.S. 161, as amended, secs. 501, 505, 74 Stat. 580, 581 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 505)

[SEAL] HERBERT B. WARBURTON,
*General Counsel.*

[F.R. Doc. 61-315; Filed, Jan. 13, 1961; 8:49 a.m.]

# Title 41—PUBLIC CONTRACTS

## Chapter 7—International Cooperation Administration

## PART 7-60—CONTRACT APPEAL PROCEDURE

Sec.
7-60.1 Scope.
7-60.2 Definitions.
7-60.3 Notice of appeal.
7-60.4 Action by contracting officer.
7-60.5 Docketing and notice to contractor.
7-60.6 Complaint.
7-60.7 Answer.
7-60.8 Reply.
7-60.9 Appeal file.
7-60.10 Amendments to pleadings.
7-60.11 Trial briefs.
7-60.12 Motions to dismiss for lack of jurisdiction.
7-60.13 Depositions and discovery.
7-60.14 Stipulations.
7-60.15 Prehearing conference.
7-60.16 Failure to prosecute.
7-60.17 Filing and service of papers.
7-60.18 Hearing.
7-60.19 Representation of the parties.
7-60.20 Post-hearing briefs.
7-60.21 Decisions.
7-60.22 Reconsideration.
7-60.23 Extensions of time.
7-60.24 Board actions.
7-60.25 Address of Board.
7-60.26 Optional accelerated procedure for cases involving $5,000 in amount or less.
7-60.27 Depositions.

AUTHORITY: §§ 7-60.1 to 7-60.27 issued under sec. 521, 68 Stat. 855, as amended; 22 U.S.C. 1781(a).

§ 7-60.1 Scope.

Except to the extent otherwise provided pursuant to § 7-60.26 (Optional accelerated procedure for cases involving $5,000 in amount or less), §§ 7-60.2 through 7-60.25 govern the procedure in all cases before the Board. They shall be construed for the purpose of securing just and inexpensive determination of appeals without unnecessary delay. All pleadings provided for hereunder shall be so construed as to do substantial justice.

§ 7-60.2 Definitions.

As used in this part, the terms:

(a) "Contracting officer" includes any officer or other authority whose decision may be reviewed by the Board pursuant to the order creating the Board.

(b) "Board" means the full Board, panel, panel chairman, member, or Executive Secretary, as may be appropriate.

§ 7-60.3 Notice of appeal.

(a) An appeal shall be made by submitting a notice in writing addressed to the Director of the International Cooperation Administration, Washington 25, D.C. The original notice, together with the two copies thereof, shall be mailed to or otherwise filed with the contracting officer from whose decision the appeal is taken. The notice shall be mailed or otherwise filed with the contracting officer within 30 days from the date of receipt of the written decision from the contracting officer, unless otherwise provided in the contract. The notice shall indicate that an appeal is thereby intended, and shall identify the contract (by number), the contracting officer, and the decision from which the appeal is taken. The notice shall be signed by the contractor or his attorney and shall state the address to which communications from the Board and Government counsel should be sent and where service is to be made. The complaint referred to in § 7-60.6 may be filed with the notice.

§ 7-60.4 Action by contracting officer.

(a) When the contracting officer receives a notice of appeal in any form, he shall endorse on the original and all copies the date of mailing or the date of receipt if otherwise filed and shall forward the original and one copy of the notice, together with the complaint if filed therewith, immediately to the Board for docketing. Within 15 days after he receives the notice, the contracting officer shall transmit one copy to the Assistant General Counsel (Contract Staff) for the use of Government counsel accompanied by a file containing all documents pertinent to the appeal, including the following:

(1) The findings of fact and the decision from which the appeal is taken and the letter or letters or other documents of claim in response to which the decision was issued;

(2) All documents relied upon in making the findings and decision;

(3) A copy of the contract and specifications, pertinent plans, amendments, and change orders;



(4) All correspondence between the parties and other data pertinent to the dispute;

(5) Transcripts of any testimony taken in connection with the dispute in addition to any affidavits or statements of any witnesses that were made prior to the filing of the notice of appeal with the Board; and

(6) Such additional information as the contracting officer may consider material.

(b) Clearly legible duplicate originals, photostat copies, or certified true copies of the documents should be furnished. The contracting officer should retain the original contract file and an original or duplicate original of each contract in his contract file unless otherwise specifically requested.

(c) The contracting officer and all other officers and employees of ICA shall cooperate with the Board and Government counsel in the processing of the appeal so as to assure a speedy and just settlement.

§ 7-60.5 Docketing and notice to contractor.

When the Board receives the notice of appeal for docketing, the Executive Secretary shall assign it a docket number, shall promptly so advise the contractor and contracting officer, shall forward a copy of these rules to the contractor, and shall forward a copy of the notice of appeal to the Assistant General Counsel (Contract Staff).

§ 7-60.6 Complaint.

Within 30 days after receipt of notice of docketing of the appeal, or within such longer time as may be allowed by the Board, the contractor shall file with the Board, if not previously filed with the notice of appeal, a complaint setting forth simple, concise, and direct statements of each of his claims showing that he is entitled to relief including the dollar amount claimed. If the amount claimed involves $5,000 or less, he may, in his complaint, request that the appeal be handled under the optional accelerated procedure (§ 7-60.26). Each claim shall be stated with as much particularity as is practical. No technical form is required, but each claim should be separately identified. Documentary evidence in support of claims may be filed as exhibits to the complaint. All documents filed as exhibits to the complaint shall be plainly listed and identified in the complaint. An original and three copies of the complaint shall be filed. Upon receipt thereof, the Executive Secretary of the Board shall serve a copy of the complaint on the Assistant General Counsel (Contract Staff).

§ 7-60.7 Answer.

Within 60 days after service of the complaint, or within such longer period of time as may be allowed by the Board, counsel for the Government shall prepare and file with the Board an answer thereto. The answer shall set forth simple, concise, and direct statements of the Government's defenses to each claim asserted by the contractor. Each defense shall be stated with as much particularity as is practical. Defenses which go to the jurisdiction of the Board may be included in the answer, or may be raised by motion pursuant to the provisions of § 7-60.12. If the contractor requests recourse to the optional accelerated procedure (§ 7-60.26), the answer shall contain a statement as to whether such request is concurred in by the Government. Counsel for the Government shall at the same time file with the Board the following documents which shall be plainly listed and identified:

(a) The findings of fact, if any, and the decision from which the appeal is taken, and the letter or letters or documents of claim in response to which the decision was issued by the contracting officer;

(b) The contract and pertinent plans, specifications, amendments, and change orders.

Documentary evidence in support of the Government's defenses may be filed as exhibits to the answer. All documents filed as exhibits to the answer shall be plainly listed and identified in the answer. An original and three copies of the answer shall be filed with the Board. Upon receipt thereof, the Executive Secretary shall serve a copy of the answer on the contractor or his attorney.

§ 7-60.8 Reply.

The contractor may file a reply within fifteen days after receipt of the Government's answer.

§ 7-60.9 Appeal file.

The notice of appeal, the complaint and exhibits attached thereto, the answer and exhibits attached thereto, and the documents required to be filed therewith pursuant to § 7-60.7, all papers filed by the parties with the Board pursuant to this part, and all correspondence exchanged between the Board and the parties or their attorneys shall constitute the appeal file, which shall be available for inspection by the parties at the offices of the Board. Prior arrangements for inspection of the file shall be made with the Executive Secretary of the Board.

§ 7-60.10 Amendments to pleadings.

At any time before oral hearing or before submission of a case by the parties without an oral hearing, the Board in its discretion may permit a party, within the proper scope of the appeal, to amend its pleadings, upon conditions just to both parties. The Board upon its own initiative or upon application by a party may in its discretion order a party to make a more definite statement of its complaint or answer, or to reply to an answer. When issues within the proper scope of the appeal but not raised by the complaint and answer are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised therein. If evidence is objected to at the hearing on the ground that it is not within the issues made by the complaint and answer, the Board may allow the pleadings to be amended within the proper scope of the appeal and shall do so freely when the presentation of the merits of the action will be served thereby and the objecting party fails to satisfy the Board that admission of such evidence would prejudice him in maintaining his case or defense upon the merits. The Board may, however, grant a continuance to enable the objecting party to meet such evidence.

§ 7-60.11 Trial briefs.

The Board in its discretion may order the submission of trial briefs prior to oral hearing.

§ 7-60.12 Motions to dismiss for lack of jurisdiction.

(a) Defenses which go to the jurisdiction of the Board, or other challenges to the jurisdiction of the Board with respect to an appeal, may be raised by motion. Such motions may, upon application of either party, in the discretion of the Board, be determined before oral hearing on the merits. The lack of Board authority to proceed in a particular case may be recognized and the appeal dismissed at any time.

(b) Motions to dismiss for lack of jurisdiction by the parties shall be filed in writing with the Board, unless otherwise permitted by the Board. The moving party shall submit its supporting argument or brief in written form within five days or such other period as the Board may allow after the motion is made. The other party shall be allowed five days or such other period as the Board may allow after receipt of the motion to file a reply.

(c) The Board may, on its own motion, submit questions concerning its jurisdiction to the General Counsel. Before so doing, it shall notify the parties of its intent and permit them to submit argument or briefs in written form on such questions within such reasonable times as it may allow.

(d) Motions made pursuant to this section, with supporting written arguments or briefs, shall be referred by the Board to the General Counsel, who shall advise the Board of his decision. The Assistant General Counsel (Contract Staff), attorneys directly responsible to him, and other attorneys participating in preparation of the Government case or representation of the Government shall not participate in the deliberations leading to or the preparation of any decision by the General Counsel on such a motion except as otherwise provided in this section.

(e) Failure of the contractor to state a case on which any relief could be granted shall be treated as a jurisdictional question and, after the complaint is filed, shall be a proper ground for a motion to dismiss for lack of jurisdiction. The contractor shall be afforded the opportunity to move to amend the complaint within the proper scope of the appeal after the motion to dismiss has been made but no such motion shall be entertained unless it is received by the Board within 30 days after service of an order dismissing the appeal for lack of jurisdiction on the ground of failure to state a case.

(f) Defenses and challenges to the jurisdiction of the Board made in pleadings shall be deemed motions to dismiss

for lack of jurisdiction under this section.

§ 7–60.13 Depositions and discovery.

(a) Depositions which a party desires to take for the purpose of offering in evidence shall be taken in accordance with the procedures set forth in § 7–60.27.

(b) Under appropriate circumstances, but not as a matter of course, the Board will entertain motions for permission to serve written interrogatories on the opposing party, motions for an order to produce and permit the inspection of designated documents, and motions for permission to serve upon the opposing party a request for the admission of specified facts. Such motions shall be granted only to the extent and upon such terms as the Board in its discretion considers to be consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay.

§ 7–60.14 Stipulations.

The parties may stipulate in writing any facts that are relevant and material to the issues involved, and to those documents or facts which may be received in evidence without formal proof. Such stipulations shall be subject to approval by the Board.

§ 7–60.15 Prehearing conference.

(a) The Board, upon its own initiative or upon application of either or both of the parties, may direct the parties or their attorneys to appear before the Board at a specified time and place for a conference to consider:

(1) Simplification of the issues;

(2) The possibility of obtaining stipulations as to admissions of fact and introduction of documents which will avoid unnecessary proof;

(3) The limitation of the number of expert witnesses, if a hearing is to be held; and

(4) Such other matters as may aid in the disposition of an appeal.

(b) The results of the conference shall be reduced to writing by the Board and made part of the record.

§ 7–60.16 Failure to prosecute.

The Board may order the contractor to show cause why the appeal should not be dismissed for failure to prosecute. The Board shall serve or attempt to serve such order on the contractor at the most recent address it has, or if no appearance has been filed or address for service has been otherwise furnished to the Board, it shall use such address as the contracting officer may have. If the contractor fails to show cause to the Board's satisfaction, it may affirm the decision of the contracting officer, dismiss the appeal, or make such other order as it deems appropriate.

§ 7–60.17 Filing and service of papers.

(a) The parties shall file with the Board an original and three copies of all papers, subsequent to the complaint and answer. Upon receipt thereof, the Board shall serve or otherwise furnish the opposing party with a copy.

(b) Service shall be made personally, or by mailing the document to be served in a sealed envelope, registered or certified, return receipt requested, with postage prepaid, addressed to the party upon whom service shall be made, and the date of the receipt shall be the date of service. Waivers of service of any papers may be noted thereon or on a copy thereof, or on a separate paper, signed by the parties or their attorneys and filed with the Board. When any party has appeared by attorney, service upon the attorney will be deemed proper service upon the party.

§ 7–60.18 Hearing.

(a) The contractor may submit the case on the record or request an oral hearing. The Board shall, at the request of either party filed within 15 days after the answer is served on the contractor, grant an oral hearing. The parties shall be given at least 15 days' notice of the time and place of hearing.

(b) Hearings shall be held in Washington, D.C., unless otherwise ordered by the Board.

(c) If either party does not wish to appear or to be represented at a hearing, he shall so advise the Board. A party who so advises the Board may file a brief within 20 days after the date assigned for the hearing, or within such other period as may be allowed by the Board.

(d) The unexcused absence of a party or his authorized representative at the time and place set for the hearing shall not be the occasion for delay. In such event, the hearing shall proceed and the case shall be regarded as submitted by the absent party.

(e) Hearings shall be as informal as may reasonably be allowable and appropriate under all circumstances. Both parties may offer oral and written evidence, subject to exclusion by the Board of any irrelevant, immaterial, or repetitious evidence. The general procedures as to the introduction of evidence and the calling of witnesses shall be in the discretion of the Board.

(f) Attention of the witnesses will be invited to 18 U.S.C. 1001. Testimony may be received under oath or affirmation.

(g) The Board shall make provision for a verbatim transcript of all oral hearings, except that under the optional accelerated procedure (§ 7–60.26) the stenographic record will not be transcribed unless requested by either of the parties. Copies of the transcript shall be furnished to the contractor at his expense.

(h) After a decision has become final, the Board may, upon request and after notice to the other party, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. Substitution of true copies of the exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

§ 7–60.19 Representation of the parties.

(a) An individual contractor may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or by an attorney-at-law duly licensed in any State, Commonwealth, Territory, or in the District of Columbia. In special cases, the Board may authorize contractors to be represented by persons other than those mentioned.

(b) If the person representing the contractor is not identified in the notice of appeal (§ 7–60.3), he should file a notice of appearance with the Board stating his name, address, and if an attorney-at-law, the jurisdiction in which he is licensed. The Government shall be represented by the Assistant General Counsel (Contract Staff), International Cooperation Administration, Washington 25, D.C. Appearances of other attorneys who will represent the Government with him may be filed with the Board. If the Assistant General Counsel (Contract Staff) is not to represent the Government, he shall so notify the Board, indicating who has been designated to do so.

§ 7–60.20 Post-hearing briefs.

The Board may fix a reasonable time after the close of an oral hearing within which additional briefs may be filed.

§ 7–60.21 Decisions.

Decisions of the Board shall be made in writing. Copies of decisions shall be served on the parties. All final orders and decisions (except those required for good cause to be held confidential) shall be available for public inspection.

§ 7–60.22 Reconsideration.

Motions for reconsideration must be received by the Board within 30 days after service on the party moving for reconsideration of the decision or order dismissing the case. Reconsideration of the decision, which may include a hearing or rehearing, may be granted if, in the judgment of the Board, sufficient reason therefor appears.

§ 7–60.23 Extensions of time.

The Board may grant extensions of time except with respect to the filing of the notice of appeal.

§ 7–60.24 Board actions.

(a) Except as otherwise provided in this part, each appeal shall be assigned to a panel of three Board members designated by the General Counsel, who will designate one member as Chairman. The Chairman shall be a duly licensed attorney-at-law. Alternates may be designated by the General Counsel for any panel member who dies, is absent, is disqualified, or is otherwise unable to participate.

(b) Oral hearings may be held before one or more members of the panel or before the full panel, as designated by the Chairman, provided that the presiding member is a duly licensed attorney-at-law.

(c) Except as otherwise provided in this part, decisions on preliminary motions, procedural matters, and the conduct of hearings shall be by the Chairman or presiding officer. Decisions on the merits of the specific disputes under appeal shall be by a majority of the panel.

(d) The Chairman should be designated not later than 15 days after the answer is filed pursuant to § 7–60.6. The other members of the panel should be designated not later than 10 days before the date set for the hearing, if there is to be an oral hearing, or not later than the date the record is closed and the case is ready for decision.

(e) Before a Chairman is designated, rulings on extensions of time pursuant to § 7–60.23 may be made by the Executive Secretary. Rulings and orders on extensions of time and other matters before such designation may be made by a member of the Board designated by the General Counsel to rule on preliminary motions.

(f) The Executive Secretary will act for the Board in docketing appeals, issuing appropriate notices to the parties, and corresponding with the parties on behalf of the Board.

§ 7–60.25 Address of Board.

Unless the parties are notified otherwise, correspondence with the Board and papers to be filed with it by them shall be addressed to:

Board of Contract Appeals, Office of the Director, International Cooperation Administration, Washington 25, D.C.

§ 7–60.26 Optional accelerated procedure for cases involving $5,000 in amount or less.

An appeal involving $5,000 in amount or less shall be processed under this section at the request of the contractor, subject to the concurrence of the Government. Under this section:

(a) The appeal will be decided by a single member of the Board, who shall have for this purpose all the authority and power of the full Board to hear, consider, determine, and re-consider the matter.

(b) The appeal shall be deemed submitted for decision on the record unless the contractor or the Government, within 10 days after receipt of the Government's answer by the contractor, requests the Board to schedule an oral hearing.

(c) Such oral hearing shall be fixed at such time and place as shall be agreeable to the parties and to the Board member concerned, taking into consideration any request therefor of the contractor.

(d) For the purpose of this section, the amount involved in an appeal shall be the difference between the amount of the contractor's claim as stated in his complaint and the amount, if any, determined by the decision from which the appeal is taken.

(e) If the Board member assigned to the case under this section determines that the amount involved exceeds or may exceed $5,000, the parties shall be so informed, and the appeal shall be disposed of in accordance with §§ 7–60.6 through 7–60.25, inclusive. The determination so made shall be final and conclusive.

§ 7–60.27 Depositions.

(a) *When depositions may be taken.* After an appeal has been docketed by the Board either party may take the testimony of any person by deposition upon oral examination or written interrogatories for use as evidence in the appeal proceedings.

(b) *Before whom taken.* Depositions to be offered in evidence before the Board may be taken before and authenticated by any person authorized by the laws of the United States, or by the laws of the place where the deposition is taken, to administer oaths.

(c) *Written interrogatories.* (1) A party desiring to take the deposition of any person upon written interrogatories shall serve them upon the opposite party with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the person before whom the deposition is to be taken. Within 20 days thereafter the party so served may serve cross interrogatories upon the party proposing to take the deposition.

(2) A copy of the notice and copies of all interrogatories served shall be delivered by the party taking the deposition to the person designated in the notice who should proceed promptly to take the testimony of the witness in response to the interrogatories.

(d) *Oral interrogatories.* When either party desires to take the testimony of any person by deposition upon oral examination, unless the parties stipulate as to the time and place where the deposition is to be taken and the name of the person before whom it is to be taken and the name and address of the witness, such party shall give the opposite party at least 30 days' written notice of the time and place where such deposition will be taken and the name and address and official title of the person before whom it is proposed to take the deposition, and the name and address of the witness.

(e) *Form and return of deposition.* Each deposition shall show the docket number and the caption of the proceedings, the place and date of taking, the name of the witness, and the names of all persons present. The person taking the deposition shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and shall enclose the original deposition and exhibits in a sealed packet with postage and other transportation prepaid and forward same to the Executive Secretary, International Cooperation Administration Board of Contract Appeals.

(f) *Introduction in evidence.* Either party to the appeal may offer depositions in evidence. The entire deposition must be offered unless otherwise stipulated by the parties or directed by the Board.

Issued pursuant to the order of the Acting Director on Establishment and Designation of ICA Board of Contract Appeals, dated October 27, 1960.

Dated: January 11, 1961.

HENRY T. KING, Jr.,
*Acting General Counsel.*

[F.R. Doc. 61–320; Filed, Jan. 13, 1961; 8:50 a.m.]



# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

## PART 205—REPORTS OF MOTOR CARRIERS

### Motor Carrier Annual Report Form E (Other Than Class I Carriers of Passengers)

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 23d day of June A.D. 1960.

The matter of annual reports of motor carriers of passengers other than Class I carriers being under consideration and, the changes to be effected by this order being reductions in the reporting requirements for such carriers, rule-making procedure under section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

*It is ordered*, That § 205.4 of the order dated October 1, 1957, in the matter of Motor Carrier Annual Report Form E (Other than Class I Carriers of Passengers) be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1960, and subsequent years, to read as shown below.

*It is further ordered*, That § 205.4 be, and it is hereby, modified and amended to read as follows:

§ 205.4 Annual reports of carriers of passengers other than Class I carriers.

Commencing with the year ended December 31, 1960, and for subsequent years thereafter, until further order, all motor carriers of passengers other than Class I carriers, as defined in § 181.02–1 of this chapter, viz., carriers having gross operating revenues (including interstate and intrastate) of less than $200,000 annually from passenger motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form E (passenger), which is attached to and made a part of this section.[1] Such report shall be filed in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before April 30 of the year following the year to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

*And it is further ordered*, That a copy of this order and of Motor Carrier Annual Report Form E (passenger) shall be served on all motor carriers of passengers (other than Class I carriers of passengers) and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission at Washington, D.C.,

[1] Form filed as part of original document.

and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-322; Filed, Jan. 13, 1961; 8:50 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

### PART 32—HUNTING

### Aleutian Islands National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Aleutian Islands National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: All species of ptarmigan.

(b) Open season: As prescribed by State regulations.

(c) Daily bag limits: As prescribed by State regulations.

(d) Methods of hunting: As prescribed by State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all lands on Adak, Atka, Unimak, Shemya, Attu and Great Sitkin islands.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through June 30, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-300; Filed, Jan. 13, 1961; 8:47 a.m.]

### PART 32—HUNTING

### Kenai National Moose Range, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

Hunting of upland game on the Kenai National Moose Range, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Ptarmigan, spruce grouse and snowshoe hare.

(b) Open season: As prescribed by State regulation.

(c) Daily bag limits: As prescribed by State regulation.

(d) Methods of hunting: As prescribed by State regulation.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all of the lands within the Kenai National Moose Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through June 30, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-303; Filed, Jan. 13, 1961; 8:48 a.m.]

### PART 32—HUNTING

### Kodiak National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Kodiak National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Native species of ptarmigan and snowshoe hare.

(b) Open season: As prescribed by State regulations.

(c) Daily bag limits: As prescribed by State regulations.

(d) Methods of hunting: As prescribed by State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all of the lands within the Kodiak National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through June 30, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-306; Filed, Jan. 13, 1961; 8:48 a.m.]

### PART 32—HUNTING

### Nunivak Island National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

NUNIVAK ISLAND NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Nunivak Island National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Native species of ptarmigan.

(b) Open season: As prescribed by State regulations.

(c) Daily bag limits: As prescribed by State regulations.

(d) Methods of hunting: As prescribed by State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all of the lands within the Nunivak Island National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.



(3) The provisions of this special regulation are effective through June 30, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-307; Filed, Jan. 13, 1961; 8:48 a.m.]

### PART 32—HUNTING

### Kodiak National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Hunting of big game on the Kodiak National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Brown bear.

(b) Open season: As prescribed by State regulations.

(c) Bag limit: As prescribed by State regulations.

(d) Methods of hunting: As prescribed by State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all of the lands within the Kodiak National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through June 30, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-305; Filed, Jan. 13, 1961; 8:48 a.m.]

### PART 32—HUNTING

### Aleutian Islands National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Hunting of big game on the Aleutian Islands National Wildlife Refuge, Alaska, is permissible only under the following conditions:



(a) Species permitted to be taken: Caribou and brown bear.

(b) Open season: As prescribed by State regulations.

(c) Bag limit: As prescribed by State regulations.

(d) Methods of hunting: As prescribed by State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on those areas of the refuge described as follows:

(1) Caribou may be taken on Atka Island only.

(2) Brown bear may be taken on Unimak Island only.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to take brown bear on Unimak Island. Permits may be obtained from Refuge Manager, Cold Bay, Alaska, or from U.S. Game Management Agent, Box 280, Anchorage, Alaska.

(3) The provisions of this special regulation are effective through June 30, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-301; Filed, Jan. 13, 1961; 8:47 a.m.]

### PART 32—HUNTING

### Bering Sea National Wildlife Refuge, Alaska

The following special regulation is issued:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

BERING SEA NATIONAL WILDLIFE REFUGE

Hunting of big game on the Bering Sea National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Caribou.

(b) Open season: No closed season.

(c) Bag limit: As prescribed by refuge permit.

(d) Methods of hunting: As prescribed by State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all lands of the Bering Sea National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Kenai, Alaska.

(3) The provisions of this special regulation are effective through June 30, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-302; Filed, Jan. 13, 1961; 8:47 a.m.]

### PART 32—HUNTING

### Kenai National Moose Range, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

Hunting of big game on the Kenai National Moose Range, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Black bear.

(b) Open season: As prescribed by State regulations.

(c) Bag limit: As prescribed by State regulations.

(d) Methods of hunting: As prescribed by State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all lands within the Kenai National Moose Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through June 30, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-304; Filed, Jan. 13, 1961; 8:48 a.m.]

### PART 33—SPORT FISHING

### Nunivak Island National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALASKA

NUNIVAK ISLAND NATIONAL WILDLIFE REFUGE

Sport Fishing on the Nunivak Island National Wildlife Refuge, Alaska, is

permissible only under the following conditions:

(a) Species permitted to be taken: As prescribed by State regulations.

(b) Open season: As prescribed by State regulations.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing: As prescribed by State regulations.

(e) Description of areas open to fishing:

Fishing is permitted in accordance with (a) above on all of the waters within the Nunivak Island National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective through December 31, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-308; Filed, Jan. 13, 1961; 8:48 a.m.]

## PART 33—SPORT FISHING

### Aleutian Islands National Wildlife Refuge, Alaska

The following special regulation is issued.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Sport fishing on the Aleutian Islands National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: As prescribed by State regulations.

(b) Open season: As prescribed by State regulations.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing: As prescribed by State regulations.

(e) Description of areas open to fishing:

Fishing is permitted in accordance with (a) above on all waters within the Aleutian Islands National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective through December 31, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-309; Filed, Jan. 13, 1961; 8:48 a.m.]

## PART 33—SPORT FISHING

### Bering Sea National Wildlife Refuge, Alaska

The following special regulation is issued.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

ALASKA

BERING SEA NATIONAL WILDLIFE REFUGE

Sport fishing on the Bering Sea National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: As prescribed by State regulations.

(b) Open season: As prescribed by State regulations.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing: As prescribed by State regulations.

(e) Description of areas open to fishing:

Fishing is permitted in accordance with (a) above on all waters within the Bering Sea National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is required to enter the public fishing area. Permits may be obtained from Wildlife Refuge Supervisor, Kenai, Alaska.

(3) The provisions of this special regulation are effective through December 31, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-310; Filed, Jan. 13, 1961; 8:48 a.m.]

## PART 33—SPORT FISHING

### Kenai National Moose Range, Alaska

The following special regulation is issued.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

ALASKA

KENAI NATIONAL MOOSE RANGE

Sport fishing on the Kenai National Moose Range, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: As prescribed by State regulations.

(b) Open season: As prescribed by State regulations.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing: As prescribed by State regulations.

(e) Description of areas open to fishing:

Fishing is permitted in accordance with (a) above on all of the waters within the Kenai National Moose Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective through December 31, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-311; Filed, Jan. 13, 1961; 8:49 a.m.]

## PART 33—SPORT FISHING

### Kodiak National Wildlife Refuge, Alaska

The following special regulation is issued.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Sport fishing on the Kodiak National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: As prescribed by State regulations.

(b) Open season: As prescribed by State regulations.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing: As prescribed by State regulations.

(e) Description of areas open to fishing:

Fishing is permitted in accordance with (a) above on all of the waters within the Kodiak National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective through December 31, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-312; Filed, Jan. 13, 1961; 8:49 a.m.]

# Proposed Rule Making

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 601 ]

[Airspace Docket No. 60-KC-92]

### CONTROL AREAS AND CONTROL ZONES

### Alteration of Control Area Extension and Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.-13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.1278 and 601.2048 of the regulations of the Administrator, the substance of which is stated below.

The Des Moines, Iowa, control area extension is presently designated as all that area north of VOR Federal airway No. 6 within a 25-mile radius of the Des Moines VORTAC and within 5 miles either side of the Newton, Iowa, VOR 209° True radial, extending from the Des Moines 25-mile radius control area extension to the Newton VOR. The Des Moines control zone is presently designated within a 5-mile radius of the Des Moines Municipal Airport, within 2 miles either side of the south course of the radio range extending from the radio range station to 12 miles south, within 2 miles either side of the front and back courses of the Des Moines ILS localizer extending from the localizer to 12 miles southeast and northwest of the airport, and within 2 miles either side of the 176° and 356° True radials of the Des Moines VORTAC extending from the 5-mile radius zone to 10 miles south of the VORTAC.

The Federal Aviation Agency is considering altering the Des Moines control area extension and the Des Moines control zone as follows:

1. Alter the control area extension by basing it on the Des Moines Municipal Airport and include additional area within a 25-mile radius of the airport south of VOR Federal airway No. 6. This additional area would provide protection to aircraft in transition from the Woodburn, Iowa, Intersection to the Des Moines ILS preparatory to executing straight-in approaches to the Des Moines Municipal Airport.

2. Reduce the control zone extension based on the VORTAC 176° and 356° True radials by terminating it at the VORTAC. The portion of this extension south of the VORTAC is in excess of that required for protection of aircraft executing the prescribed VORTAC instrument approach procedure.

3. Revoke the control zone extension based on the southeast course of the ILS localizer. The 5-mile radius zone would provide adequate protection for aircraft executing prescribed ILS and ADF approach procedures utilizing the localizer southeast course and the ILS outer marker.

4. Revoke the control zone extension based on the south course of the radio range. The radio range instrument approach procedure is being cancelled and this extension would no longer be required for the protection of aircraft.

5. Lengthen the control zone extension based on the ILS localizer northwest course to extend to 15 miles northwest of the localizer. Lengthening this extension would provide the required protection for aircraft executing the prescribed instrument approach procedure utilizing the northwest course of the ILS localizer.

If these actions are taken, the Des Moines, Iowa, control area extension would be redesignated within a 25-mile radius of the Des Moines, Iowa, Municipal Airport (latitude 41°32'10" N., longitude 93°39'25" W.), and within 5 miles either side of the Newton, Iowa, VOR 209° True radial extending from the 25-mile radius area to the Newton, Iowa, VOR. The Des Moines, Iowa, control zone would be redesignated within a 5-mile radius of the Des Moines, Iowa, Municipal Airport (latitude 41°32'10" N., longitude 93°39'25" W.), within 2 miles either side of the 356° True radial of the Des Moines VORTAC extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the Des Moines ILS localizer northwest course extending from the 5-mile radius zone to 15 miles northwest of the localizer.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 9, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-287; Filed, Jan. 13, 1961; 8:45 a.m.]

[ 14 CFR Part 601 ]

[Airspace Docket No. 60-FW-105]

### CONTROL ZONES

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2224 of the regulations of the Administrator, the substance of which is stated below.

The Anderson, S.C., control zone is presently designated within a 5-mile radius of the Anderson Airport extending 2 miles either side of the southwest course of the Spartanburg, S.C., radio range to a point 10 miles southwest of the Anderson Airport.

The Federal Aviation Agency has under consideration alteration of the Anderson control zone. A terminal VOR located approximately 6 miles southwest of the Anderson Airport at latitude 34°25'12" N., longitude 82°47'15" W., has been commissioned by the Federal Aviation Agency. In addition, a prescribed instrument approach procedure based on the VOR has been designated to replace the present prescribed ADF instrument approach procedure based on the Anderson radio beacon. It is proposed to alter the control zone extension based on the southwest course of the Spartanburg radio range by redesignating it along the 038° True radial of the Anderson terminal VOR. The altered extension would provide protection for aircraft executing the prescribed terminal VOR instrument approach procedure.

If this action is taken, the Anderson, S.C., control zone would be redesignated within a 5-mile radius of the Anderson Airport (latitude 34°29'40" N., longitude 82°42'30" W.), and within 2 miles either side of the 038° True radial of the Anderson terminal VOR extending from the 5-mile radius zone to the terminal VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at

this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on January 9, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-288; Filed, Jan. 13, 1961; 8:45 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60-FW-97]

## CONTROL ZONES

### Alteration

Pursuant to the authority delegated to me by the Administrator, (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2263 of the regulations of the Administrator, the substance of which is stated below.

The Lafayette, La., control zone is presently designated within a 5-mile radius of Lafayette Airport, within 2 miles either side of the 172° True radial of the Lafayette VOR extending from the VOR to 10 miles south, and within 2 miles either side of a line bearing 187° True from the Lafayette radio beacon extending from the radio beacon to 10 miles south. The Federal Aviation Agency has under consideration alteration of the Lafayette control zone. It is proposed to designate a new extension to the north within 2 miles either side of the ILS localizer north course extending from the 5-mile radius zone to the ILS outer marker compass locator (latitude 30°17'21" N., longitude 91°57'10" W.). This would provide protection for aircraft executing the proposed ILS instrument approach procedures at the Lafayette Airport. In addition, the present extensions based on the Lafayette VOR and radio beacon do not provide adequate protection for aircraft executing the prescribed VOR and ADF instrument approach procedures at the Lafayette Airport. It is therefore proposed to lengthen these extensions to 12 miles south of the VOR and radio beacon. If these actions are taken the Lafayette, La., control zone would be designated within a 5-mile radius of Lafayette Airport (latitude 30°12'00", longitude 91°59'40"); within 2 miles either side of the Lafayette ILS localizer north course extending from the 5-mile radius zone to the ILS outer marker; within 2 miles either side of the 172° True radial of the Lafayette VOR extending from the 5-mile radius zone to 12 miles south of the VOR and within 2 miles either side of the 187° True bearing from the Lafayette radio beacon extending from the 5-mile radius zone to 12 miles south of the radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue N.W., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 9, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-289; Filed, Jan. 13, 1961; 8:46 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60-NY-104]

## CONTROL ZONES

### Revocation and Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.2267 of the regulations of the Administrator, the substance of which is stated below.

The Baltimore, Md., control zone (601.2003) is designated within a 5-mile radius of Harbor Field, Baltimore, Md., and within 5 miles either side of the north and south courses of the Baltimore radio range extending from the airport to a point 10 miles south of the radio range. The portion of this control zone which lies within the geographic limits of, and between the designated altitudes of the Camp Springs, Md. (Andrews AFB), Restricted Area/Military Climb Corridor (R-542) is excluded during the restricted area's time of designation.

The Baltimore, Md., control zone (601.2267), is designated within a 5-mile radius of the Baltimore Friendship International Airport, extending 2 miles either side of the ILS localizer course to 10 miles west of the outer marker.

The Federal Aviation Agency has under consideration the following proposed airspace actions.

1. Revoke the Baltimore (Harbor Field) control zone. This control zone would no longer be required inasmuch as Harbor Field was closed permanently on December 31, 1960.

2. Alter the Baltimore (Friendship International Airport) control zone as follows:

a. Extend the control zone extension based on the west course of the ILS localizer to 12 miles west of the outer marker. The presently designated extension does not provide adequate protection for aircraft executing prescribed instrument approach procedures based on the ILS localizer west course and the outer marker.

b. Designate a control zone extension within 2 miles either side of the ILS localizer east course extending from the 5-mile radius zone to 6 miles east of the localizer. This extension would provide protection for aircraft executing prescribed instrument approach procedures based on the ILS localizer east course.

c. Designate a control zone extension within 2 miles either side of the 089° and 280° True radials of the Baltimore VOR, extending from the 5-mile radius zone to 6 miles east and 12 miles west of the VOR. These extensions would provide protection for aircraft conducting prescribed instrument approach procedures utilizing the Baltimore VOR.

If these actions are taken:

The Baltimore, Md. (Harbor Field), control zone would be revoked. The Baltimore (Friendship International Airport) control zone would be redesignated with a 5-mile radius of the Friendship International Airport (latitude 39°10'25" N., longitude 76°40'15" W.), within 2 miles either side of the ILS localizer east course extending from the 5-mile radius zone to 6 miles east of the localizer, within 2 miles either side of the ILS localizer west course extending from the 5-mile radius zone to 12 miles west of the ILS outer marker, and within 2 miles either side of the Baltimore VOR 089° and 280° True radials extending from the 5-mile radius zone to 6 miles east and 12 miles west of the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 9, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-290; Filed, Jan. 13, 1961; 8:46 a.m.]

# SMALL BUSINESS ADMINISTRATION

## [ 13 CFR Part 107 ]

## SMALL BUSINESS INVESTMENT COMPANIES

### Notice of Proposed Rule Making

Notice is hereby given that, pursuant to authority contained in section 308, Pub. Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, § 107.308-5 of Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations. Part 107, Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations governing the establishment and operation of small business investment companies chartered or licensed by the Small Business Administration to operate under the Small Business Investment Act of 1958, and to carry out the provisions of said Act, was published in the FEDERAL REGISTER on December 4, 1958 (23 F.R. 9383), and became effective on publication in the FEDERAL REGISTER. Prior to final adoption of such amendment of the Regulation, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

*Information.* The amendment under consideration changes the provisions of § 107.308-5 primarily so as to provide regulatory requirements concerning reports which are in compliance with statutory changes contained in section 6 of the Small Business Investment Act Amendments of 1960 and in conformity with § 107.304-1 of the regulation, as amended, pertaining to equity capital for incorporated small business concerns.

Basically, the statutory changes require that it shall be a function of each small business investment company to provide a source of equity capital for incorporated small business concerns in accordance with the regulations of the Small Business Administration. The amended section of the regulation referred to provides for the furnishing of equity capital to small business concerns in return for equity securities consisting either of capital stock or instruments which evidence a debt and provide conversion rights or stock purchase warrants or options on the capital stock of small business concerns.

In addition to serving the foregoing purposes, the amendment under consideration provides for reporting by Licensees with respect to options on their capital stock granted in accordance with amended § 107.302-2 of the regulation.

It is proposed to amend the Small Business Investment Companies Regulation as follows:

The Small Business Investment Companies Regulation (23 F.R. 9383), as amended (25 F.R. 1397, 2354, 2516, 3316, 5374, 5478, 5825, 7276, 8068, 8855, 9845, 10087), is hereby further amended by:

Paragraph (h) of § 107.308-5 is deleted and replaced by the following new paragraph (h):

§ 107.308-5 Reports.

* * * * *

(h) The Financial Report, SBA Form 468, required to be used by all Licensees in making financial reports to SBA is designed to furnish the companies and SBA with the information needed for their respective purposes. The Financial Report, SBA Form 468,[1] which is incorporated in and expressly made a part of this section, shall be prepared as follows:

PART I

STATEMENT OF FINANCIAL CONDITION

*Assets*

*Item*

1. *Cash on hand and in banks.* State the total of all demand deposits, cash items in process of collection, and the petty cash fund.
2. *U.S. Government obligations, direct and fully guaranteed.* State at cost the total investment in direct obligations of the United States Government and those obligations guaranteed as to principal and interest by the United States Government. (Increase in redemption value of United States Savings bonds purchased at less than face value may be considered cost for this purpose.) State current market value parenthetically.
3. *Notes receivable.* State the total unpaid principal amount of miscellaneous notes receivable, except notes representing amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.
4. *Accounts receivable.* State the combined total of all amounts due for (1) advisory, consulting, appraisal, loan, and miscellaneous services rendered, (2) services rendered to "participating" companies on their participations in loans, assets acquired in liquidation of loans and debt securities, and amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities of the "initiating" company, and (3) making funds available on a deferred basis to "initiating" companies in connection with their loans or commitments to small business concerns and (as an "initiating" company) making funds available on a deferred basis on loan commitments to small business concerns; the amount of declared dividends receivable on capital stock of small business concerns; and miscellaneous amounts due on open account.

(a) *Less: Allowance for uncollectibles* (applicable to items 3 and 4). State the amount of the valuation reserve provided for estimated losses on the foregoing receivables.

5. *Accrued interest receivable.* State the total amount of (1) interest accrued on loans to and debt securities of small business concerns, United States Government obligations (direct and fully guaranteed), notes receivable, sales contracts, and other interest-bearing amounts due from debtors; (2) the full amount of interest accrued on loans participated in by others, less amount due "participating" companies; and (3) interest accrued on the amount of the company's participation in loans initiated by others.

(a) *Less: Allowance for uncollectibles.* State the amount of the valuation reserve provided for estimated losses of accrued interest receivable.

6 and 12. *Loans (Section 305).* Show the current and noncurrent portions, respectively, of the unpaid balance of funds advanced on loans to small business concerns pursuant to section 305 of the Small Business Investment Act of 1958, as amended. Secured obligations acquired from small business concerns which carry the right through conversion or through exercise of stock purchase warrants or options by the holder thereof to acquire stock in the small business concerns may be obtained only under section 304 of the Act and are not to be included in these items but in the appropriate subdivisions of items 8 and 13.

6(a) and 12(a). *Less: Participation by others.* State the outstanding balances of participations by other lending institutions in loans (section 305) which relate to the current and noncurrent portions of such loans, respectively.

6(b) and 12(b). *Less: Sold with recourse, less company's equity.* Show the current and noncurrent portions, respectively, of the unpaid principal balance of loans to small business concerns which have been sold with recourse on the company, less the company's equity in such transferred loans.

12(c). *Net loans maturing after one year.* Enter the balance resulting from the deduction of the appropriate amount opposite item 12b from item 12.

[1] Form, as amended, filed with the Federal Register Office as part of the original document. Copies of SBA Form 468, Financial Report, as amended, together with amended instructions, are available at the Office of the Administrator of the Small Business Administration, 811 Vermont Avenue, NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the Office of the Administrator of the Small Business Administration.

12(d). *Less: Allowance for uncollectibles.* State the amount of the valuation reserve provided for estimated losses on loans.

7. *Loan funds in escrow pending closing.* State the amount of loan funds in escrow pending the closing of loans to small business concerns.

8 and 13. *Debt securities of SBCs (section 304):*

8(a) and 13(a). *Convertible.*

8(b) and 13(b). *With stock purchase rights.*

8(c) and 13(c). *Divested of stock rights.*

Show opposite the appropriate items the current and noncurrent portions, respectively, of the total value at cost of small business concerns' convertible debt securities, debt securities with stock purchase rights (warrants or options), and debt securities divested of stock rights, all acquired by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

8(d) and 13(d). *Less: Sold with recourse, less company's equity.* Show the current and noncurrent portions, respectively, of the value at cost of unmatured debt securities issued by small business concerns to the company which have been sold with recourse on the company, less the company's equity in such transferred securities.

13(e). *Net debt securities of SBCs maturing after one year.* Enter the balance resulting from the deduction of the appropriate amount opposite item 13(d) from the appropriate amount opposite item 13(c).

13(f). *Less: Allowance for losses.* State the amount of the valuation reserve provided for estimated losses on convertible debt securities with attached stock purchase warrants or options, and debt securities divested of stock rights.

9 and 21. *Due from directors, officers, and employees.* Show the current and noncurrent portions, respectively, of the unpaid balance of amounts advanced to directors, officers, and employees.

10. *Other current assets.* State the total of all current amounts due the company not provided for elsewhere.

11. *Total current assets.* Enter the total of the appropriate amounts opposite items 1, 2, 4(a), 5(a), 6(b), 7, 8(d), 9, and 10.

14. *Capital stock of SBCs:*

(a) *Convertible.*

(b) *With stock purchase rights.*

(c) *Other.*

State opposite the appropriate items the value at cost of small business concerns' convertible capital stock, capital stock with stock purchase rights (warrants or options), and other capital stock (without conversion privileges or stock purchase rights), all acquired by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

(d) *Less: Allowance for losses.* State the amount of the valuation reserve provided for estimated losses on small business concerns' convertible capital stock, capital stock with attached stock purchase warrants or options, and other capital stock of such concerns owned by the company.

15. *Amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.* State the total of the unpaid balances of accounts, notes, sales contracts, purchase money mortgages, etc., evidencing indebtedness to the company arising from the sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

(a) *Less: Participation by others.* State the outstanding balance of participations by other lending institutions in amounts due the company from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

(b) *Less: Allowance for uncollectibles.* State the amount of the valuation reserve provided for estimated losses of amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

16. *Assets acquired in liquidation of loans and debt securities.* State, as recorded in the books of account, the company's investment in assets acquired by foreclosure or otherwise in liquidation of loans (section 305) and debt securities (section 304), including judgments and sheriffs' certificates.

(a) *Less: Participation by others.* State the outstanding balance of participations by other lending institutions in assets acquired by the company in liquidation of loans (section 305) and debt securities (section 304).

(b) *Less: Allowance for losses.* State the amount of the valuation reserve provided for estimated losses on assets acquired in liquidation of loans (section 305) and debt securities (section 304).

17. *Total loans and investments.* Enter the total of the appropriate amounts opposite items 12(d), 13(f), 14(d), 15(b), and 16(b).

18. *Corporate premises owned—land.* State the actual cost of acquisition of the land used as the site of the company's office quarters, plus the actual cost of any improvements applicable to the land.

19. *Corporate premises owned—building.* State the actual cost of acquisition of the building used as the company's office quarters, plus the actual cost of any improvements applicable to the building.

(a) *Less: Accumulated depreciation.* State the amount of the valuation reserve provided for depreciation of the building and other depreciable improvements of corporate premises owned.

20. *Furniture and equipment.* State the total cost of furniture, fixtures, and equipment (including automobiles) owned by the company.

(a) *Less: Accumulated depreciation.* State the amount of the valuation reserve provided for depreciation of furniture, fixtures, and equipment.

22. *All other.* State the total amount of assets at cost not provided for elsewhere, such as organization costs, recoverable amounts advanced for the protection and preservation of the company's investments, and prepaid expenses or deferred charges, including prepayments of insurance, unamortized discount on debentures payable, and the unamortized cost of improvements to leased property used as the company's office quarters.

23. *Total other assets.* Enter the total of the appropriate amounts opposite items 18, 19(a), 20(a), 21, and 22.

24. *Total.* Enter the total of items 11, 17, and 23.

*Liabilities, Capital Stock, and Surplus*

25. *Obligations payable to SBA, maturing within one year.* State the total of the current portions of the unpaid principal balance of notes payable for funds borrowed from SBA and the unpaid principal balance of funds received by the company under its subordinated debenture bond payable issued to SBA.

26. *Obligations payable to other than SBA, maturing within one year.* State the total amount of the current portions of the unpaid principal balance of notes payable for funds borrowed from other than SBA, installments to be paid on the company's unsubordinated debenture bonds, subordinated debenture bonds payable to other than SBA, and mortgages payable for funds borrowed on corporate premises or other real estate.

27. *Accounts payable.* State the total of accounts payable (1) for services rendered to the company on its participations in loans, assets acquired in liquidation of loans (section 305) and debt securities (section 304) and amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304); (2) for commitment fees for having funds made available on a deferred basis by "participating" companies; and (3) on open account. Accounts payable for the purchase of securities, if significant, shall be shown parenthetically.

28. *Accrued interest.* State the total amount of interest accrued on the company's notes, mortgages, and debentures payable; on loans (section 305) and debt securities (section 304) of small business concerns sold with recourse on the company; and on other interest-bearing obligations.

29. *Accrued salaries.* State the total amount of the company's liability for accrued salaries.

30. *Accrued taxes on income.* Show the total amount of estimated Federal and State income taxes accrued and unpaid.

31. *Other accruals.* State the total amount of the company's liability for accrued social security taxes and other accrued expenses.

32. *Dividends payable.* State the total amount of the company's liability for dividends, other than stock dividends, declared by the Board of Directors on capital stock issued and outstanding.

33 and 43. *Amounts due directors, officers, and employees.* Show the current and noncurrent portions, respectively, of amounts owed to directors, officers, or employees, other than salaries.

34. *Federal taxes withheld.* State the total amount of Federal income and social security taxes withheld from employees' salaries and not yet remitted to the Internal Revenue Service.

35. *State and city taxes withheld.* Show the total amount of State income and city taxes withheld from employees' salaries and not yet remitted to the appropriate tax collectors.

36. *Unapplied receipts.* State the total amount of funds received by the company which have not been applied to loans (section 305), debt securities (section 304), interest receivable, etc.

37. *Advance interest payments.* State the total amount of interest collected through cash payments by debtors on interest-bearing items prior to the interest maturity date.

38. *Miscellaneous trust receipts.* State the total amount of the company's liability for funds withheld or received in trust not provided for elsewhere, including earnest money deposits and funds withheld from employees' salaries for the purchase of United States savings bonds, payment of group life insurance premiums, etc.

39 and 45. *Other.* Show the current and noncurrent portions, respectively, of the unpaid principal balance of notes payable in evidence of amounts owed by the company other than for funds borrowed, and of the amount of liabilities not provided for elsewhere.

40. *Total Current Liabilities.* Enter the total of items 25 through 39.

41. *Obligations payable after one year.*

(a) *For funds borrowed from SBA (Section 303).* Show the noncurrent portion of the total unpaid principal balance of notes payable for funds borrowed from SBA.

(b) *For funds borrowed from other than SBA.* Show the total of the noncurrent portions of notes payable for funds borrowed from other than SBA, installments on unsubordinated debenture bonds payable issued for funds borrowed, and installments on subordinated debenture bonds payable issued to other than SBA for funds borrowed.



42. *Mortgages payable.* Show the noncurrent portion of mortgages payable for funds borrowed on corporate premises or other real estate owned by the company.

44. *Unamortized premium on debentures payable.* State the amount of the unamortized balance of premium on unmatured outstanding debentures payable sold by the company for a sum in excess of par.

46. *Debenture, subordinated, issued to SBA (section 302).* Show the noncurrent portion of the unpaid principal balance of funds received by the company under its subordinated debenture bond payable issued to SBA.

47. *Total liabilities.* Enter the total of the appropriate amounts opposite items 40, 45, and 46.

48. *Capital stock.* Show the total par or stated value of the capital stock issued, plus any capital stock dividends declared payable by the company's board of directors and not issued as of the date of the report.

49. *Paid-in surplus.* State the total amount of surplus arising from (1) sales initially of the company's capital stock at a price in excess of par value (including amounts transferred from capital stock subscribed at a price above par, when shares are issued); (2) donations to the company of its issued capital stock carried as treasury stock at fair market value or par value; (3) retirements of capital stock purchased at less than the par value thereof; (4) sales of treasury stock in excess of its carrying value on the books of the company; (5) donations or gifts to the company of assets carried at not in excess of fair market value; and (6) other capital equity transactions with stockholders.

50. *Less: ——— shares of treasury stock at cost.* State the number of shares and the total amount of the company's issued capital stock which has been reacquired and not retired.

51. *Total.* Enter the balance resulting from the deduction of item 50 from the appropriate amount opposite item 49.

52. *Capital stock subscribed.* Show the total amount at the subscription price of the company's capital stock subscribed.

(a) *Less: Subscriptions receivable.* Show the total amount of the unpaid balances of capital stock subscriptions receivable.

53. *Total.* Enter the total of the appropriate amounts opposite items 51 and 52(a).

54. *Retained earnings, net income.* State the accumulated balance of the company's undistributed net income since incorporation.

55. *Retained earnings, net realized gain on investments.* State the accumulated balance of the company's undistributed net realized gain or loss on investments since incorporation.

56. *Appropriated retained earnings.* State the total amount of retained earnings earmarked for some future purpose and thus restricted from dividend distribution.

57. *Total Capital Stock and Surplus.* Enter the total of the appropriate amounts opposite items 53 and 56.

58. *Total.* Enter the total of items 47 and 57.

STATEMENT OF STATUTORY CAPITAL AND SURPLUS

1. *Debenture, subordinated, issued to SBA.* State the total of the unpaid principal balance of funds received under the subordinated debenture bond payable issued to SBA. This amount shall agree with the total of the appropriate portion of item 26 plus item 46 of the Statement of Financial Condition.

2. *Capital stock and surplus.* State the amount of the combined fully paid capital stock issued and outstanding and paid-in surplus. This amount shall agree with item 51 of the Statement of Financial Condition less the amount of any declared stock dividends payable which may be included in item 51.

3. *Total.* Enter the total of items 1 and 2 of this Statement of Statutory Capital and Surplus.

STATEMENT OF INCOME AND EXPENSE

*Income*

*Item*

1. *Commitment income.* State the total of the amount of income earned on commitments to small business firms for loans (section 305) and debt securities (section 304), and the amount of commitment income on deferred participations of the company in the lending activities of other financial institutions.

2. *Interest on loans.* State the amount of interest earned on loans (section 305) to small business concerns.

3. *Interest on debt securities.* State the amount of interest earned on debt securities of small business concerns owned by the company pursuant to section 304.

4. *Interest on U.S. Government securities.* State the amount of interest earned on United States Government obligations, direct and fully guaranteed.

5. *Interest on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.* State the amount of interest earned on amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

6. *Interest income—other.* State the amount of interest earned on loan funds in escrow pending closing, on notes receivable (except those from debtors on sale of assets acquired in liquidation of loans and debt securities), and on other interest-bearing receivables not provided for elsewhere.

7. *Compensation income—participations sold.* State the amount of compensation earned by the company for loan services rendered in connection with participations sold.

8. *Advisory and consulting service fees.* State the amount of fees charged for advisory, consulting, and related services rendered to small business concerns.

9. *Appraisal and investigation fees.* State the amount of fees charged for appraisal, investigation, and related services rendered to banks or other financial institutions.

10. *Miscellaneous fees.* State the amount of fees charged for application, appraisal, investigation, and related services rendered to small business concerns.

11. *Dividends on capital stock of SBCs.* State the amount of income from declared dividends on capital stock of small business concerns.

12. *Sharings in income of SBCs.* State the amount of sharings or participations in the income of small business concerns from which the company has acquired debt securities (section 304).

13. *Income from assets acquired in liquidation of loans and debt securities.* State the amount of income earned on assets acquired in liquidation of loans (section 305) and debt securities (section 304), including the operation of properties so acquired.

14. *Other income.* State the total amount of (1) recoveries on asset losses charged to loss accounts; (2) income earned from the leasing or renting to others of portions of corporate premises owned; (3) gain or loss on debentures payable purchased and retired; and (4) other income of a miscellaneous nature.

15. *Total.* Enter the total of items 1 through 14.

*Expense*

16. *Commitment expense.* State the total amount of commitment expense on (1) commitments from SBA to make funds available on a subordinated debenture and (2) deferred participations of other financial institutions in the company's lending activities.

17. *Interest on notes and other obligations payable to SBA.* State the total amount of interest expense on notes payable and the subordinated debenture payable, all issued for funds borrowed from SBA.

18. *Interest on obligations payable to other than SBA.* State the total amount of interest expense on (1) loans to small business concerns sold with recourse upon the company; (2) debt securities of SBCs sold with recourse upon the company; (3) notes payable for funds borrowed from other than SBA; (4) subordinated and unsubordinated debentures payable issued to other than SBA; (5) mortgages payable for funds borrowed; and (6) miscellaneous obligations.

19. *Compensation expense—participations purchased.* State the amount of compensation expense for loan services received from "initiating" companies in connection with participations purchased.

20. *Debenture and fiscal agent expense.* State the amount of charges for services rendered and expenses incurred by the company's fiscal agent, and expenses directly incident to the sale, redemption, and servicing of debentures payable.

21. *Transfer agent and registrar expense.* State the amount of charges to the company by the transfer agent and the registrar for services rendered in connection with the issuance and transfer of the company's capital stock.

22. *Expense on assets acquired in liquidation of loans and debt securities.* State the amount of expense incurred on assets acquired in liquidation of loans (section 305) and debt securities (section 304), including the operation of properties so acquired.

23. *Operating expenses.* State the total amount of operating expenses, including advertising, appraisal, consulting, auditing, communications, space occupancy, depreciation of office building and equipment, directors' and stockholders' meetings, insurance, loan service, investment adviser, legal, miscellaneous services and supplies, salaries, taxes (other than income), travel, uncollectible receivables, maintenance and repairs, retirement benefits, organization, and estimated asset loss expenses.

24. *Amortization of discount (premium) on debentures payable.* State the net amount of amortization of discount or premium on unmatured outstanding debentures payable issued by the company.

25. *Total.* Enter the total of items 16 through 24.

26. *Net income before taxes on income.* Enter the balance resulting from the deduction of item 25 from item 15.

27. *Provision for Federal and other income taxes.* State the amount of the Federal and other income tax accruals relating to income exclusive of net realized gain or loss on investments.

28. *Net income exclusive of net realized gain or loss on investments.* Enter the balance resulting from the deduction of item 27 from item 26.

STATEMENT OF REALIZED GAIN OR LOSS ON INVESTMENTS

1. *U.S. Government securities.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or other disposition of United States Government obligations, direct and fully guaranteed.

2. *Debt securities of SBCs.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or other disposition of debt securities of small business concerns.

3. *Capital stock of SBCs.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or other disposition of capital stock of small business concerns.

4. *Stock purchase warrants or options of SBCs.* Show the aggregate net proceeds and the net gain on the sale or other disposition for value of stock purchase warrants or options which have been detached from the capital stock certificates or debt securities with which they were issued by small business concerns.
5. *Assets acquired in liquidation of loans and debt securities.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or disposition of assets acquired in liquidation of loans and debt securities of small business concerns. The aggregate cost shown for this item shall be the same as that recorded in the books of account on the basis determined by the board of directors from among (1) bid-in price of the property, (2) agreed consideration for the property, and (3) fair appraised value of the property, but not to exceed the total amount of the related loan or debt security involved.
6. *Other.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or disposition of any investments not included in items 1 through 5.
7. *Net realized gain (loss) on investments, before taxes on income.* Enter the net total of items 1 through 6.
8. *Provision for Federal and other income taxes.* State the amount of Federal and other income tax accruals relating to net realized gain on investments.
9. *Net realized gain (loss) on investments.* Enter the balance resulting from the deduction of item 8 from item 7.

PART II

SCHEDULE 1—SURPLUS RECONCILEMENTS

Describe in this schedule all activities in accounts for paid-in surplus, retained earnings, and appropriated retained earnings during the periods covered by the schedule. The "current period" is the period immediately following the period for which this particular schedule was last submitted. In each reconcilement show opening balances, explanation of additions and deductions during periods, and balances at close of periods.

In Schedule 1b show separately the reconcilements of retained earnings from (1) net income, and (2) net realized gain on investments.

SCHEDULE 2—OPERATING EXPENSES

Include all operating expenses in this schedule. The "current period" is the period immediately following the period for which this particular schedule was last submitted.

SCHEDULE 3—LOANS (SECTION 305)

Furnish in this schedule a summary of loan activities under section 305 of the Act for the period immediately following the period for which this schedule was last submitted. List each loan by debtor, face amount, terms, opening unpaid balance of funds advanced, total additions during period, total deductions during period, and unpaid balance of funds advanced at close of period, showing the portion maturing within one year and the portion maturing after one year. The totals of columns (8) and (9) shall agree with items 6 and 12, respectively, of the Statement of Financial Condition. This schedule will comprise one or more of the following types of loans, grouped under brief headings designating the types, but without need for subtotals:

1. Direct loans.
2. Loans which the "initiating" investment company shares with another lending institution. Such loans in which others participate shall be shown in the gross amount of funds advanced on the books and reports of the "initiating" company.
3. Loans in which the "participating" investment company owns a participating interest in loans of an "initiating" company. Such participations in loans of others shall be shown in the amount of the net investment on the books and reports of the "participating" company.
4. Loans sold with recourse. Such loans shall be stated in the amount of the unpaid balance of funds advanced as shown on the company's books after giving effect to payments made as reported to the company by the purchasers.

All transactions during the reporting period in connection with loans outstanding at any time during the period shall be included in the data summarized in the schedule even if there is no related opening or closing loan balance.

SCHEDULE 4—DEBT SECURITIES OF SBC'S (SECTION 304)

Furnish in this schedule a list of all debt securities of small business concerns held, acquired, converted, or sold during the period immediately following the period for which the schedule was last submitted. The debt securities shall be shown at face amount in column (2) and on the basis of cost in columns (5) through (9). The additions and deductions during the period shall be given, and the balance at the close of the period shall show a segregation between the amount maturing within one year and the amount maturing after one year. The totals of columns (8) and (9) shall agree with the appropriate amounts opposite items 8(c) and 13(c), respectively, in the Statement of Financial Condition. The market value, or fair value as determined by the board of directors, shall be shown in column (10). Column (11) shall show the percentage of each debtor small business concern's voting securities (including those necessary to cover conversion of, or exercise of stock rights attached to, the debt securities described in this schedule) which can be obtained by the company through conversion of debt securities held or through exercise of stock purchase warrants or options attached to debt securities held.

SCHEDULE 5—DELINQUENT LOANS (SECTION 305) (NOT SHOWN SEPARATELY ON STATEMENT OF FINANCIAL CONDITION)—ALLOWANCE FOR UNCOLLECTIBLE LOANS

Show in this schedule all past due installments on loans (section 305). Opposite the name of each small business concern shall be entered separately the total outstanding balance of the delinquent loan, column (2), and the past due installments of principal and interest, columns (3) and (4). The allowance for uncollectible loans, when such allowance is based upon estimated realizable value of the individual loan, shall be shown in columns (5) through (9), opposite the name of each small business concern, showing opening balance, total additions, total deductions, and closing balance, all relating to the period immediately following the period for which this schedule was last submitted. Additions in column (6) shall represent charges to uncollectible loans expense. Those in column (7) shall represent recoveries on loans previously written off. If the allowance for uncollectibles is based upon a percentage of loans made, the beginning balance, additions, deductions, and closing balance shall be entered in columns (5) through (9) opposite side caption No. 2, "General allowance for uncollectible loans." In any event the final total of column (9) shall agree with the appropriate amount opposite item 12(d) in the Statement of Financial Condition.

SCHEDULE 5a—DELINQUENT DEBT SECURITIES (SECTION 304) (NOT SHOWN SEPARATELY ON STATEMENT OF FINANCIAL CONDITION)—ALLOWANCE FOR LOSSES ON DEBT SECURITIES

Show in this schedule all past due installments on debt securities (section 304). Opposite the name of each small business concern shall be entered separately the total outstanding balance of the delinquent debt security, column (2), and the past due installments of principal and interest, columns (3) and (4). The allowance for losses on debt securities, when such allowance is based upon estimated realizable value of the individual debt security, shall be shown in columns (5) through (9), opposite the name of each small business concern, showing opening balance, total additions, total deductions, and closing balance, all relating to the period immediately following the period for which this schedule was last submitted. Additions in column (6) shall represent charges to expense for estimated losses on debt securities. Those in column (7) shall represent recoveries on debt securities previously written off. If the allowance for losses is based upon a percentage of debt securities acquired, the beginning balance, additions, deductions, and closing balance shall be entered in columns (5) through (9) opposite side caption No. 2, "General allowance for losses on debt securities." In any event the final total of column (9) shall agree with the appropriate amount opposite item 13(f) in the Statement of Financial Condition.

SCHEDULE 6—CAPITAL STOCK OF SBC'S—ALLOWANCE FOR LOSSES ON CAPITAL STOCK OF SBC'S

Show in this schedule pertinent data with respect to the capital stock of small business concerns acquired by the company during the period immediately following the period for which this schedule was last submitted. The stock shall be shown at cost. Allowance for estimated losses, if any, shall be indicated, as well as the market or fair value as determined by the board of directors. The total of column (9) shall agree with the appropriate amount opposite item 14(c) in the Statement of Financial Condition. Column 11 shall show the percentage of each financed small business concern's voting securities (including those necessary to cover conversion of, or exercise of stock rights attached to, the capital stock described in this schedule) represented by voting stock held plus the voting securities which can be obtained by the reporting company upon conversion of convertible stock held or exercise of stock purchase warrants or options attached to stock held.

PART III

SCHEDULE 7—CASH ON HAND AND IN BANKS

Show in this schedule all cash on hand and in banks. Demand deposits comprise balances which are subject to withdrawal without notice. Cash items in process of collection represent those items which have been placed with banks for collection. Petty cash shall represent the full amount of the petty cash imprest fund.

SCHEDULE 8—U.S. GOVERNMENT OBLIGATIONS, DIRECT AND FULLY GUARANTEED

List in this schedule all securities owned which have been issued or guaranteed by the U.S. Government, showing the name of the issuer and the title of each issue. Other required data, such as interest rate, call date, maturity date, and principal amount at par of bonds and notes, may be obtained by inspection of the securities or from records of securities pledged. The cost shown in column (6) of this schedule shall be in agreement with item 2 of the Statement of Financial Condition. The current market value of the securities shall be shown in column (7) of the schedule and shall agree with the amount shown parenthetically in item 2 of the Statement of Financial Condition.

SCHEDULE 9—LOAN PARTICIPATIONS PURCHASED AND SOLD (SECTION 305)

Show in this schedule the balances of individual loans participated in by other lending institutions as of the reporting date. The schedule shall be prepared from the viewpoint of the reporting investment company, and the purchaser or seller of the participation as reported in column (3) shall in each case be other than the reporting company.

The total purchases by others (P) in columns (7) and (8) shall agree with items 6(a) and 12(a), respectively, of the Statement of Financial Condition. Total from sellers (S) in columns (7) and (8) will be included in items 6 and 12, respectively, of the Statement of Financial Condition.

SCHEDULE 10—DUE FROM DIRECTORS, OFFICERS, AND EMPLOYEES

Show in this schedule amounts due from directors, officers, and employees at any time within the period immediately following the period for which this schedule was last submitted for advances made to them. An explanation shall be furnished for any amount written off or for any collection other than in cash. Amounts outstanding shall be classified as current and noncurrent and shown in columns (6) and (7), respectively, the totals of which columns shall agree with items 9 and 21 in the Statement of Financial Condition.

SCHEDULE 11—SUNDRY ASSETS

Show and explain in this schedule, by appropriate classification, the amounts of any of the sundry assets which are significant in relation to the amount of total assets. Such assets may include: (1) Notes receivable, (2) accounts receivable, (3) dividends receivable, (4) accrued interest receivable, (5) loan funds in escrow pending closing, (6) other current assets, representing current amounts due which are not accounted for under a specific class heading, (7) prepayments or deferred charges, (8) organization costs, and (9) other assets.

Explain clearly any provisions made or any methods in operation to write off or amortize any of the amortizable items in this schedule.

SCHEDULE 12—AMOUNTS DUE FROM DEBTORS ON SALE OF ASSETS ACQUIRED IN LIQUIDATION OF LOANS AND DEBT SECURITIES—ALLOWANCE FOR UNCOLLECTIBLES

Show in this schedule, by debtors, all accounts receivable, notes receivable, sales contracts, purchase money mortgages, etc., carried during the period in the account for amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304). The balances at the beginning and close of the period immediately following the period for which this schedule was last submitted shall be shown, together with additions and deductions during such reporting period. Allowances for uncollectibles based upon an evaluation of individual amounts due shall be recorded in column (9) opposite the name of the debtor. If a general allowance is utilized instead of individual allowances, it shall appear only at the bottom of column (9).

Items in this account which originate from the sale of assets acquired in liquidation of participation loans shall be shown in the gross amounts by debtors, and, on the line directly thereunder, the "participating" company's equity shall be enclosed in parentheses and deducted in arriving at the totals for columns (5), (6), (7), and (8). If, however, the company preparing this report is not the "initiating" company but is itself the "participating" company, only its equity in the sale of assets arising from liquidation of such participation loan shall be included in this schedule.

The totals of columns (8) and (9) shall agree with items 15 and 15(b), respectively, of the Statement of Financial Condition.





SCHEDULE 13—ASSETS ACQUIRED IN LIQUIDATION OF LOANS AND DEBT SECURITIES—ALLOWANCE FOR LOSSES

List in this schedule, by former debtors (small business concerns), all assets carried during the period immediately following the period for which this schedule was last submitted in the account for assets acquired in liquidation of loans and debt securities. The balances, by former debtors, at the beginning of the reporting period, additions and deductions during the period, and balances at the close of the period shall be shown in columns (3), (4), (5), and (6). The allowance for losses based upon an appraisal of the assets held shall be recorded in column (7). Current market value or fair value as determined by the board of directors at the close of the period shall be shown in column (8). The totals of columns (6) and (7) shall agree with items 16 and 16(b), respectively, of the Statement of Financial Condition.

Assets acquired in liquidation of a participation loan shall be identified with the former debtor as named in column (1) and in the case of an "initiating" company preparing this report the gross amount shall be shown. In such case the "participating" company's equity shall be enclosed in parentheses on the line thereunder and shall be deducted in arriving at the totals for columns (3), (4), (5), and (6). If the reporting company is the "participating" company rather than the "initiating" company, only the reporting company's equity shall be included in this schedule.

SCHEDULE 14—OBLIGATIONS PAYABLE TO SBA

Furnish in this schedule a summary analysis for the period immediately following the period for which this schedule was last submitted of the accounts for notes payable to SBA and for the subordinated debenture issued to SBA.

The terms of each note payable to SBA shall be recorded in columns (2) and (3); the unpaid balance at the beginning of the period and additions and deductions during the period shall be reflected in columns (4), (5), and (6); and the balance payable at the end of the period, segregated between amounts due within one year and amounts due after one year, shall be reflected in columns (7) and (8).

The subordinated debenture issued to SBA shall be entered in this schedule in a similar manner.

The total of column (7) shall agree with item 25 on the Statement of Financial Condition, and the total of column (8) shall equal the sum of items 41(a) and 46 in the Statement of Financial Condition.

SCHEDULE 15—OBLIGATIONS PAYABLE FOR FUNDS BORROWED FROM OTHER THAN SBA

Show in this schedule all obligations payable for funds borrowed from other than SBA, including (1) all notes payable for funds borrowed from other than SBA; (2) debentures payable, unsubordinated; (3) debentures payable, subordinated, issued to other than SBA; and (4) mortgages payable for funds borrowed on corporate premises or other real estate. Such liabilities shall be grouped and described by class in column (2), but subtotals are not required. The terms of each obligation shall be set out in columns (3) and (4); the unpaid balance at the beginning of the period immediately following the period for which this schedule was last submitted and additions and deductions during such reporting period shall be shown in columns (5), (6), and (7); and the balance payable at the close of the period, segregated between amounts due within one year and amounts due after one year, shall be reflected in columns (8) and (9).

The total of column (8) shall agree with item 26 in the Statement of Financial Condition, and the total of column (9) shall equal the sum of items 41(b) and 42 in the Statement of Financial Condition.

SCHEDULE 16—CAPITAL STOCK OF LICENSEE

Furnish in this schedule a complete description of capital stock authorized and capital stock issued and outstanding, and data relating to special transactions involving capital stock.

In column (1) shall be described the type and class of each issue, such as common—$5.00 par, preferred (6% Series of 1960), etc. The par value and the stated value of no-par stock shall also be reported in column (1).

The number of shares authorized, whether issued or not, shall be reported in column (2).

The number of shares and amount, at par or stated value, of stock issued and not retired or cancelled shall be reported in columns (3) and (4). The total of column (4), plus the amount of any declared stock dividends payable, shall agree with item 48 of the Statement of Financial Condition. The number of shares held as treasury stock shall be shown in column (5). Column (6) shall represent the difference between column (3) and column (5).

Column (7) shall be the amount at par or stated value representing the number of shares outstanding as shown in column (6). The total of column (8) shall represent the amount of capital stock subscribed at the subscription price and shall agree with item 52 of the Statement of Financial Condition.

In column (9) shall be reported the amount of subscriptions receivable, which shall agree in total with item 52(a) of the Statement of Financial Condition.

Column (10) shall show the number of shares (other than those under option) reserved for purchase by officers and employees, and column (11) shall show the number of shares reserved to cover options and other rights.

SCHEDULE 17—COMMITMENTS OUTSTANDING

Furnish in this schedule a summary showing separately, with subtotals, (1) commitments to small business concerns for equity financing under section 304 of the Act, as amended, (2) commitments to small business concerns for loans under section 305 of the Act, as amended, and (3) commitments to financing institutions for deferred participations in loans or commitments to small business concerns.

SCHEDULE 18—DETACHED STOCK PURCHASE WARRANTS OR OPTIONS ON STOCK OF SBC'S

Show in this schedule pertinent data concerning stock purchase warrants or options on stock of small business concerns which have been detached from the capital stock or debt securities of such concerns with which they were issued and are held by the reporting company as of the date of this report.

The small business concern which issued each stock purchase warrant or option is to be identified in column (1); column (2) shall show the number of shares called for; column (3) shall specify the type and class of stock called for; column (4) shall inform as to the grant and expiration dates of the warrant or option; column (5) shall set forth the price or prices at which the stock purchase rights are exercisable, showing the period within which each price applies; and columns (6) and (7) shall show the total number of shares of the small business concern's voting stock and nonvoting stock, respectively, which are outstanding plus those covered by the detached warrant or option described. Column (8) shall show the percentage of each small business concern's voting securities, including those called for by the stock purchase warrants or options described in this schedule, which

can be obtained by the reporting company upon exercise of such warrants or options.

SCHEDULE 19—OPTIONS OF LICENSEE'S CAPITAL STOCK

Furnish in this schedule full information concerning capital stock options outstanding which have been granted by the company in lieu of salary or in payment for services actually rendered to the company, as provided for in § 107.302–2 of the Regulation, as amended.

The holder of each option shall be identified in column (1). The number of shares optioned shall be shown in column (2). In column (3) shall be described the type and class of stock called for by the option, such as common—$5.00 par, preferred (6 percent Series of 1960), etc.

Column (4) shall show the grant and expiration dates of each option and column (5) shall set forth the price or prices at which each option is exercisable, together with the period during which each price applies.

Column (6) shall show the fair market value, per share, of stock called for by each option, at the date the option was granted. The price at which the option is exercisable as a percentage of fair market value, per share, of the optioned stock at date of granting shall be shown in column (7). Column (8) shall set forth the provisions made with respect to each option in the event of the optionee's death or retirement, or other circumstances.

The fair market value, per share, of stock called for at date the option was granted, if not ascertainable on the basis of actual market, shall be as determined by the board of directors.

Dated: January 10, 1961.

PHILIP MCCALLUM,
*Administrator.*

[F.R. Doc. 61–323; Filed, Jan. 13, 1961; 8:51 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 1 ]

[Docket No. 13864]

## APPLICATIONS FOR VOLUNTARY ASSIGNMENTS OR TRANSFERS OF CONTROL

### Order Extending Time for Filing Comments

In the matter of amendment of Part 1 of the Commission's rules adding § 1.365 concerning applications for voluntary assignments or transfers of control.

The Commission having under consideration (1) the above-captioned proceedings; and (2) the petition filed on January 9, 1961, by the National Association of Broadcasters, among others, requesting that the time for filing comments in said proceedings be extended for 10 days; and

It appearing that good and sufficient cause has been shown for said extension and that the public interest would be served thereby;

*It is ordered*, This 10th day of January 1961, that the time for filing comments in the above-captioned proceedings is extended to and including January 26, 1961, and the time for filing reply comments is extended to and including February 6, 1961.

Released: January 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–332; Filed, Jan. 13, 1961; 8:52 a.m.]

# Notices

# DEPARTMENT OF JUSTICE

## Office of the Attorney General

[Order No. 218–61]

## APPORTIONMENT, REAPPORTIONMENT, AND ALLOTMENT OF APPROPRIATIONS

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), I hereby amend paragraph 1 of subsection (c) of section 15 of Order No. 175–59, dated January 19, 1959, to read as follows:

(1) *Apportionment, reapportionment, and allotment of appropriations.* Pursuant to section 665 of title 31 of the United States Code, making requests upon the Director of the Bureau of the Budget for apportionment or reapportionment of appropriations, including the determination, whenever required, that such apportionment or reapportionment indicates the necessity for the submission of a request for a deficiency or supplemental estimate, and making allotments to organizational units of the Department of appropriations made available to the Department within the limits of such apportionments or reapportionments.

Dated: January 6, 1961.

WILLIAM P. ROGERS,
*Attorney General.*

[F.R. Doc. 61–314; Filed, Jan. 13, 1961; 8:49 a.m.]

# DEPARTMENT OF COMMERCE

## Federal Maritime Board

[Docket No. S–57 (Sub. No. 5)]

## STATES MARINE LINES, INC.

### Notice of Amendment of Application and of Rescheduling of Hearing

Notice is hereby given of amendment of the application of States Marine Lines, Inc. (formerly States Marine Corporation of Delaware), for written permission of the Federal Maritime Board, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit the continuance, in the event the Federal Maritime Board awards an operating-differential subsidy to States Marine Lines, Inc., of the operation of the "SS Alaskan", a tanker owned by an affiliate of States Marine Lines, Inc., Oil Transport, Incorporated, in the transportation as contract carrier of chemicals, petrochemicals and lubricating oil in domestic commerce between the United States Pacific ports on the one hand, and United States Gulf and Atlantic ports on the other.

The amendment consists of the request for the following: Written permission under section 805(a) of the Merchant Marine Act, 1936 in the event States Marine Lines is awarded operating subsidy, to permit the "SS Alaskan" to be chartered or sub-chartered for the carriage of petroleum and petroleum products in the domestic intercoastal and coastwise commerce of the United States.

This amended application may be inspected by interested parties in the Office of Hearing Examiners, Federal Maritime Board, Washington, D.C.

A hearing on the application, as amended, will be held before Chief Examiner Gus O. Basham, beginning at 10 a.m., January 26, 1961, in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. An Initial Decision will be issued. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application, as amended, and desiring to be heard on issues pertinent to section 805(a) must notify the Secretary, Federal Maritime Board, immediately, in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Federal Maritime Board, petitions for leave to intervene in this proceeding received after the close of business on January 25, 1961 will not be granted.

Written statements, including exhibits, in lieu of oral testimony, shall be furnished to all parties, including the presiding examiner, 24 hours prior to beginning of the hearing.

Dated: January 13, 1961.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–374; Filed, Jan. 13, 1961; 10:05 a.m.]

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## Office of the Secretary

## JAMES V. RICHARDS

### Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Mr. James V. Richards.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: January 3, 1961.

4. Title of position: Assistant Director for Mobilization Planning, Containers and Packaging Division.

5. Name of private employer: Bemis Brother Bag Co., Brooklyn, N.Y.

CARLTON HAYWARD,
*Director of Personnel.*

DECEMBER 1, 1960.

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bemis Bro. Bag Co.
Bank deposits.

JAMES V. RICHARDS.

JANUARY 4, 1961.

[F.R. Doc. 61–269; Filed, Jan. 12, 1961; 8:48 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## ALASKA

### Notice of Proposed Withdrawal and Reservation of Lands

The Alaska Railroad has filed an application, Serial Number A.052480 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for ammunition loading and unloading reserve.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing: Cordova Building, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WHITTIER AREA

*Tract No. 1*

Beginning at a point from which a point on the center line of the main track of the Portage Canal Connection, Alaska Railroad, at U.S. Army Survey station 104+00.00, ap-

proximately 2 miles West of Whittier Railroad Station, in approximate latitude 60°46' N., longitude 148°44' W., bears West 1,320 feet, S. 18°42' W., 2,136.27 feet.

From the initial point; N. 17°50' E. 795 feet; E. approximately 770 feet to a point on line of mean high tide of Passage Canal; southerly with meanders approximately 1,100 feet; N. 73°00' W. 860 feet to the point of beginning. Containing 16.18 acres.

*Tract No. 2*

A right of way 20 feet wide for a power and telephone line, the center of which is described as follows:

Beginning at a point on the south boundary of Tract No. 1 from which the beginning point of said tract bears N. 73°00' W. 770 feet.

Thence by metes and bounds; South 855 feet; S. 28°15' W. 90 feet; S. 63°50' W. 740 feet; S. 78°00' W. 950 feet; S. 14°00' W. 600 feet to the north boundary of the Alaska Railroad right of way. Containing approximately 1.49 acres.

HAROLD M. WHEATLEY,
*Acting Operations Supervisor.*

[F.R. Doc. 61-313; Filed, Jan. 13, 1961; 8:49 a.m.]

## Office of the Secretary

### CLARENCE W. MAYOTT

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 15, 1960.

Dated: December 15, 1960.

CLARENCE W. MAYOTT.

[F.R. Doc. 61-325; Filed, Jan. 13, 1961; 8:51 a.m.]

### L. A. MOLLMAN

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 20, 1960.

Dated: December 20, 1960.

L. A. MOLLMAN.

[F.R. Doc. 61-326; Filed, Jan. 13, 1961; 8:51 a.m.]

### RIGGS SHEPPERD

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Kawecki Chemical Corporation; Polarold Corporation.
(3) None.
(4) None.

This statement is made as of December 19, 1960.

Dated: December 19, 1960.

RIGGS SHEPPERD.

[F.R. Doc. 61-327; Filed, Jan. 13, 1961; 8:51 a.m.]

### ALEXANDER H. WADE, JR.

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 15, 1960.

Dated: December 15, 1960.

A. H. WADE, Jr.

[F.R. Doc. 61-328; Filed, Jan. 13, 1961; 8:51 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-117]

### UNIVERSITY OF MAINE

#### Notice of Denial of Application for Facility License

Please take notice that the Atomic Energy Commission has denied, without prejudice, the application dated September 12, 1958 submitted by the University of Maine for a license authorizing acquisition and operation of a Model AGN-201 nuclear reactor.

The University has not responded to requests for additional information required to complete its application. In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the denial of the application upon receipt of a request therefor from the applicant or an intervener within thirty days after issuance of the denial. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see Docket No. 50-117 on file at the AEC's Public Document Room.

Dated at Germantown, Md., this 10th day of January 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-282; Filed, Jan. 13, 1961; 8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13805-13807; FCC 61M-30]

### KOMY, INC., ET AL.

#### Order Continuing Hearing

In re applications of Komy, Inc., Watsonville, California, Docket No. 13805, File No. BPH-2942; G. Stuart Nixon, San Jose, California, Docket No. 13806, File No. BPH-2961; Franklin Mieuli (KHIP), San Francisco, California, Docket No. 13807, File No. BPH-3075; for construction permits (FM).

The Hearing Examiner having under consideration a change of date for commencement of hearing;

It appearing that a further prehearing conference was held on January 9, at which time a new date was established for the commencement of hearing to replace the present date of January 17;

*It is ordered*, This 9th day of January 1961, that the hearing now scheduled for January 17 will commence on January 26, 1961.

Released: January 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-333; Filed, Jan. 13, 1961; 8:52 a.m.]

[Docket No. 13481; FCC 61M-35]

### NATHAN FRANK (WNBE-TV)

#### Order Continuing Hearing

In re proposal of Nathan Frank (WNBE-TV), New Bern, North Carolina, Docket No. 13481; for modification of construction permit.

The Hearing Examiner having under consideration "Notice of Election" filed January 5, 1961, in the above-entitled proceeding by Nathan Frank (WNBE-TV); Memorandum Opinion and Order of the Commission released December 6, 1960 (FCC 60-1413) directing Frank to elect between the transmitter site under consideration in this proceeding and any new site he may choose and affording him thirty days from the date of release of the said order in which to do so; and the proceedings heretofore had herein including the Memorandum Opinion and Order of the Hearing Examiner released September 19, 1960 (FCC 60M-1564) continuing the further prehearing conference to January 17, 1961 and the hearing to January 24, 1961;

It appearing that the "Notice of Election" filed by Frank pursuant to the Commission's order specifies a transmitter site different from the one on which the instant proceeding is predicated and has the effect of rendering the instant proceeding moot and subject to dismissal; and that no useful purpose would be served, therefore, by holding the scheduled prehearing conference in this case or by commencing the hearing on the present issues;

*It is ordered*, This 9th day of January 1961, that the prehearing conference scheduled for January 17, 1961, is hereby cancelled and that the hearing is continued until further order.

Released: January 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-334; Filed, Jan. 13, 1961; 8:52 a.m.]

[Docket Nos. 13579-13587; FCC 61M-36]

### CHARLES P. B. PINSON, INC., ET AL.

#### Order Continuing Hearing

In re applications of Charles P. B. Pinson, Inc., for a construction permit to change location and change antenna at existing licensed two-way station KIG289 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13579, File No. 683-C2-P-59; for a construction permit to change location and change antenna at existing licensed one-way station KIG843 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13580, File No. 684-C2-P-59; for a construction permit to establish a new one-way signaling facility in the Domestic Public Land Mobile Radio Service at Clearwater, Florida, Docket No. 13581, File No. 785-C2-P-59; for a modification of construction permit to extend date of required completion of construction and change control point for station KIN652 in the Domestic Public Land Mobile Radio Service at Jacksonville, Florida, Docket No. 13582, File No. 263-C2-MP-60; for renewal of the license for station KIB386 in the Domestic Public Land Mobile Radio Service at Tampa, Florida, Docket No. 13583, File No. 207-C2-R-60; for renewal of the license for station KIG289 in the Domestic Public Land Mobile Service at St. Petersburg, Florida, Docket No. 13584, File No. 1069-C2-R-60; for renewal of the license for station KIG843 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13585, File No. 1360-C2-R-60; James C. Fields, Tampa, Florida, for a renewal of the license for station KIK578 in the Domestic Public Land Mobile Radio Service at Tampa, Florida, Docket No. 13586, File No. 1964-C2-R-60; Alan H. Rosenson, d/b as All-Florida Communications Company, Tampa, Florida, Docket No. 13587, File No. 2335-C2-MP-60; for a modification of the construction permit for station KIQ516 in the Domestic Public Land Mobile Radio Service at Tampa, Florida.

The Hearing Examiner having under consideration the informal request filed on behalf of Charles P. B. Pinson, Inc., for continuance of the presently scheduled hearing date herein;

It appearing that a conflict has arisen between the date scheduled herein and the date of further hearing in Dockets No. G-20509 and RP 60-15 before the Federal Power Commission in which proceedings petitioner's counsel must appear;

It further appearing that no opposition to the said request has been filed and that a grant thereof would tend toward more orderly disposition of the instant proceeding as denial would require the appearance on behalf of petitioner of other counsel necessarily unfamiliar with the proceeding;

It further appearing that the parties should be and are advised, however, that only exceptional circumstances will be found to merit a continuance beyond the date subsequently specified herein for commencement of hearing;

*It is ordered*, This 9th day of January 1961 that the said request is granted and the hearing herein presently scheduled to commence on February 6, 1961, is continued to February 20, 1961, commencing at 10:00 a.m. in Tampa, Florida.

Released: January 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-335; Filed, Jan. 13, 1961; 8:52 a.m.]

[Docket Nos. 13747-13748; FCC 61M-38]

### OREGON TELEVISION, INC., AND WILLAMETTE-LAND TELEVISION, INC.

#### Order Continuing Hearing

In re applications of Oregon Television, Inc., Salem, Oregon, Docket No. 13747, File No. BPCT-2611; Willamette-Land Television, Inc., Salem, Oregon, Docket No. 13748, File No. BPCT-2651; for construction permits for new television broadcast stations (Channel 3).

The Hearing Examiner having under consideration a "Joint Petition for Extension of Procedural Hearing Dates" filed December 29, 1960, by the applicants herein; and

It appearing that the Broadcast Bureau has no objection to the granting of the petition;

*It is ordered*, This 9th day of January 1961 that the petition is granted, and that according thereto the dates of this proceeding are changed as follows:

(a) Exchange of exhibits—from January 5 to February 2, 1961.

(b) Notification of witnesses for cross-examination—from January 12 to February 9, 1961.

(c) Hearing—from January 19 to February 14, 1961.

Released: January 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-336; Filed, Jan. 13, 1961; 8:52 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. RI61-316]

### COLUMBIAN FUEL CORP.

#### Order Providing for Hearing on and Suspension of Proposed Change in Rate

JANUARY 6, 1961.

On December 8, 1960, Columbian Fuel Corporation (Columbian) tendered for filing a Notice of Change dated December 12, 1960, and a Supplemental Agreement dated November 30, 1960, proposing increased rates and changes in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Description: Supplemental Agreement dated November 30, 1960. Notice of Change dated December 6, 1960.

Purchaser: Cities Service Gas Company.

Rate schedule designation: Supplement No. 8 to Columbian's FPC Gas Rate Schedule No. 7. Supplement No. 9 to Columbian's FPC Gas Rate Schedule No. 7.

Effective date: January 8, 1961.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased sales and charges contained in the above-designated supplements.

(B) Pending hearing and decision thereon, the above-designated supplements are hereby suspended and the use thereof deferred until June 8, 1961, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought

to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 20, 1961.

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-291; Filed, Jan. 13, 1961; 8:46 a.m.]

[Docket No. G-12221]

## EL PASO NATURAL GAS CO.

### Notice of Application for Amendment of Order

JANUARY 10, 1961.

Take notice that on November 28, 1960, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, filed a petition to amend the Commission's order issued July 19, 1957, in Docket No. G-12221, which order issued a certificate of public convenience and necessity to Pacific Northwest Pipeline Corporation (now El Paso Natural Gas Company) authorizing inter alia, the delivery of natural gas on a direct, interruptible basis to the Northwestern Portland Cement Company near Grotto, King County, Washington.

Said petition to amend seeks authorization to make the aforesaid delivery and sale to Pacific Natural Gas Company (Pacific Natural), an existing customer of Applicant, on a firm basis for resale to Ideal Cement Company, successor to Northwestern Portland Cement Company, for use in the same cement plant near the community of Grotto.

Pacific Natural holds a certificate of public convenience and necessity from the Washington Public Service Commission to operate the aforesaid cement plant.

The purpose of the subject petition to amend is to eliminate Applicant's direct sale to this industrial customer and to substitute Pacific Natural as the purchaser, thereby permitting the locally regulated utility to supply the service to the cement plant.

The facilities authorized to be constructed and operated by Applicant to serve the cement plant in the original certificate order of July 19, 1957, will be used to serve Pacific Natural and service is proposed to be rendered under Applicant's filed DI-1 rate schedule. The volume of natural gas involved was limited by said order of July 19, 1957, to a maximum of 3,350 Mcf per day.

Protests or petitions to intervene in this matter may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 27, 1961.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-292; Filed, Jan. 13, 1961; 8:46 a.m.]

[Docket No. CP61-59 etc.]

## PIONEER GATHERING SYSTEM, INC., ET AL.

### Notice of Applications and Date of Hearing

JANUARY 9, 1961.

Pioneer Gathering System, Inc., Docket No. CP61-59; J. Glenn Turner, et al., Docket No. CI61-128; Roanoke Petroleum Corporation (Operator), et al., Docket No. CI61-137.

Take notice that there have been filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities and for the sale of natural gas in interstate commerce, subject to the jurisdiction of the Commission, as hereinafter described, all as more fully described in the respective applications, which are on file with the Commission and open to public inspection.

On August 26, 1960, Pioneer Gathering System, Inc. (Pioneer), filed in Docket No. CP61-59 an application for a certificate of public convenience and necessity for authority to construct approximately 15 miles of 4-inch pipeline extending from the Brooks Field to the existing Mertzon Corporation (Mertzon) plant and to construct and operate 7.6 miles of 3-inch pipeline extending from said Mertzon plant to a point of delivery on Permian Basin Pipeline Company's (Permian's) existing interstate pipeline facilities, all in Irion County, Texas. Such facilities will be utilized to purchase and receive natural gas from Mertzon, pursuant to an amendatory agreement dated July 1, 1960. Pioneer will resell the subject gas to Permian under an existing basic contract. The cost of the facilities is $204,800, which will be financed from cash on hand and through $200,000 of 5½ percent notes to Pioneer's parent company, Pioneer Natural Gas Company.

Mertzon will operate the above 15 miles of 4-inch pipeline from the Brooks Field to the Mertzon Plant.

The 7.6 miles of 3-inch pipeline will loop Pioneer's existing line from the Mertzon Plant to Permian's facilities.

On October 20, 1960, Mertzon filed a petition to amend the order issuing certificate in Docket No. G-19534 to include authorization to sell additional gas to Pioneer and to operate the 15 miles of line to be constructed by Pioneer. Mertzon will purchase the gas from various producers in the Brooks Field, Irion County, Texas. The point of delivery to Pioneer will be at the outlet of the Mertzon Plant.

J. Glenn Turner, et al. in Docket No. CI61-128 and Roanoke Petroleum Corporation in Docket No. CI61-137 filed applications for authorization to sell natural gas to Mertzon from the Brooks Field (and vicinity), Irion County, Texas, at a proposed rate of 8.0 cents per Mcf. Mertzon's proposed rate to Pioneer is 12.25 cents per Mcf.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 14, 1961 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 30, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-294; Filed, Jan. 13, 1961; 8:46 a.m.]

[Docket Nos. RI61-317—RI61-322]

## HILL AND MEEKER ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

JANUARY 6, 1961.

Hill & Meeker (Operator), et al., Docket No. RI61-317; Westhoma Oil Company, Docket No. RI61-318; J. M. Huber Corporation, Docket No. RI61-319; Skelly Oil Company, Docket No. RI61-320; General American Oil Company of Texas, Docket No. RI61-321; Cities Service Oil Company, Docket No. RI61-322.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing, the natural gas is sold at 14.65 psia with the exception of General American Oil Company of Texas which is sold at 15.025 psia. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.



| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date [1] unless suspended | Date suspended until— | Cents per Mcf [2] Rate in effect | Cents per Mcf [2] Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI61-317 | Hill & Meeker (Operator), et al., Midland Savings & Loan Building, Midland, Tex. | 1 | 1 | El Paso Natural Gas Co. (Pecos Valley Devonian Field, Pecos County, Tex.), (R.R. District No. 8). | $1,817 | 12- 8-60 | [3] 1- 8-61 | 6- 8-61 | 10.0008 | 15.6488 | |
| RI61-318 | Westhoma Oil Co., 1670 Denver Club Building, Denver 2, Colo. | 2 | 5 | Panhandle Eastern Pipe Line Co. (Enns Field, Texas County, Okla.). | 2,000 | 12- 8-60 | [4] 1- 8-61 | 6- 8-61 | 10.0 | 16.5 | G-20279 |
| RI61-319 | J. M. Huber Corp., 2401 East Second Avenue, Denver 6, Colo. | 24 | 5 | Natural Gas Pipeline Co. of America, Chunn Field, Hansford County, Tex.) (R.R. District No. 10). | 235 | 12- 8-60 | [4] 1-23-61 | 6-23-61 | 16.96128 | 17.1632 | RI60-57 |
| RI61-320 | Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. | [5] 166 | ------- | Colorado Interstate Gas Co., (Hugoton Field, Finney and Kearny Counties, Kans.). | ------- | 12- 8-60 | [3] 1- 8-61 | 6- 8-61 | [6] [7] 10.0 | ------- | ------- |
| RI61-320 | Skelly Oil Co. | 166 | 1 | do | 1,018 | 12- 8-60 | [3] 1- 8-61 | 6- 8-61 | 10.0 | 12.0 | ------- |
| RI61-321 | General American Oil Co. of Texas, Meadows Building, Dallas 6, Tex. | 42 | 7 | United Gas Pipe Line Co. (Crescent Farms and Hollywood Fields, Terrebonne Parish, La.) (Southern La.). | 80,509 | 12-13-60 | [3] 1-13-61 | 6-13-61 | 20.25 | 22.25 | ------- |
| RI61-322 | Cities Service Oil Co., Cities Service Building, Bartlesville, Okla. | 111 | 5 | Phillips Petroleum Co. (W. Panhandle Field, Moore County, Tex.) (R.R. District No. 10). | [5] 109 | 12-13-60 | [3] 1-13-61 | 1-14-61 | [6] 11.2518 | [7] 11.053 | G-20558 |
| RI61-322 | Cities Service Oil Co. | 113 | 6 | do | [5] 28 | 12-13-60 | [3] 1-13-61 | 1-14-61 | [6] 11.2518 | [7] 11.053 | G-20558 |
| RI61-322 | do | 114 | 5 | Phillips Petroleum Co. (W. Panhandle Field Gray County, Tex.) (R.R. District No. 10). | [5] 10 | 12-13-60 | [3] 1-13-61 | 1-14-61 | [6] 11.7518 | [7] 11.553 | G-20558 |
| RI61-322 | do | 115 | 6 | Phillips Petroleum Co. (W. Panhandle Field, Moore County, Tex.) (R.R. District No. 10). | [5] 80 | 12-13-60 | [3] 1-13-61 | 1-14-61 | [6] 11.2518 | [7] 11.053 | G-20558 |
| RI61-322 | do | 116 | 5 | do | [5] 44 | 12-13-60 | [3] 1-13-61 | 1-14-61 | [6] 11.7518 | [6] [7] 11.053 | G-20558 |
| RI61-322 | do | 117 | 7 | do | [5] 97 | 12-13-60 | [3] 1-13-61 | 1-14-61 | [6] 11.2618 | [7] 11.063 | G-20558 |
| RI61-322 | do | 118 | 5 | do | [5] 41 | 12-13-60 | [3] 1-13-61 | 1-14-61 | [6] 11.2518 | [7] 11.053 | G-20558 |
| RI61-322 | do | 119 | 5 | do | [5] 80 | 12-13-60 | [3] 1-13-61 | 1-14-61 | [6] 11.2618 | [7] 11.063 | G-20558 |

[1] The stated effective date is the first day after expiration of the required thirty day notice.
[2] The stated effective date is the effective date proposed by respondent.
[3] Supersedes Skelly Oil Company's FPC Gas Rate Schedule No. 35, as amended.
[4] Rate now received by seller. Also contract rate.
[5] Previously reported as 12.05375 cents per Mcf based on Kansas Minimum Price Order and Kansas Severance Tax, both subsequently invalidated.
[6] Sour gas.
[7] Rate decrease due to redetermination of average weighted well head price in the Panhandle Field as determined by the Texas Railroad Commission as of Dec. 1, 1960.
[8] Sweet gas.
[9] Decrease.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated rate schedules and supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated rate schedules and supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated rate schedules and supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That Supplements Nos. 5, 6, 5, 6, 5, 7, 5 and 5 to Cities Service Oil Company's FPC Gas Rate Schedule Nos. 111, 113, 114, 115, 116, 117, 118 and 119, respectively, shall become effective on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Cities Service Oil Company shall execute and file under Docket No. RI61-322 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Cities Service Oil Company is advised to the contrary within 15 days after the filing of such agreement and undertaking its agreement and undertaking shall be deemed to have been accepted.

(C) Neither the rate schedules and supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 20, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-293; Filed, Jan. 13, 1961; 8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[Files 7-2130—7-2132]

## H. J. HEINZ CO. ET AL.

### Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 10, 1961.

In the matter of applications of the Philadelphia-Baltimore stock exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

H. J. Heinz Company, File 7-2130.
Singer Manufacturing Company, File 7-2131.
Varian Associates, File 7-2132.

Upon receipt of a request, on or before January 27, 1961, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he

proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-316; Filed, Jan. 13, 1961; 8:49 a.m.]

# GENERAL SERVICES ADMINISTRATION

## BAUXITE FURNACE RESIDUES HELD IN NATIONAL STOCKPILE

### Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 24 short tons of bauxite furnace residues, consisting of a mixed pile of fused aluminum oxide material, fused trimmings, granular bauxite, segregated off-color hard calcined lumps, and contaminated scrap bauxite, now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling these bauxite furnace residues. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that the material is obsolescent for use in time of war.

General Services Administration proposes to transfer said bauxite furnace residues to other Government agencies, to offer them for sale on a competitive basis, or otherwise to dispose of them in the best interest of the Government, beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

This plan and the date of disposition has been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: January 9, 1961.

FRANKLIN FLOETE, *Administrator.*

[F.R. Doc. 61-297; Filed, Jan. 13, 1961; 8:47 a.m.]

## BLOCK AND LUMP STEATITE TALC HELD IN NATIONAL STOCKPILE

### Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 42 short tons of block and lump steatite talc now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling this quantity of block and lump steatite talc. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that the material is obsolescent for use in time of war.

General Services Administration proposes to transfer this quantity of block and lump steatite talc to other Government agencies, or to offer it for sale on a competitive basis, beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

This plan and the date of disposition has been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: January 9, 1961.

FRANKLIN FLOETE, *Administrator.*

[F.R. Doc. 61-298; Filed, Jan. 13, 1961; 8:47 a.m.]

## NATURAL AND SYNTHETIC SAPPHIRE HELD IN NATIONAL STOCKPILE

### Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 1,800,000 carats of sapphire material, consisting of approximately 1,478,000 carats of Montana natural sapphires and approximately 322,000 carats of cuttings from synthetic sapphire boules, now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling this quantity of sapphire material. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that the material is obsolescent for use in time of war.

General Services Administration proposes to transfer this quantity of sapphire material to other Government agencies, or to offer it for sale on a competitive basis, beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

This plan and the date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets, as well as the protection of the United States against avoidable loss on disposal.

Dated: January 9, 1961.

FRANKLIN FLOETE, *Administrator.*

[F.R. Doc. 61-299; Filed, Jan. 13, 1961; 8:47 a.m.]

# INTERNATIONAL COOPERATION ADMINISTRATION

## ICA BOARD OF CONTRACT APPEALS

### Establishment and Designation

1. A Board of Contract Appeals (hereinafter called the Board) is hereby created and designated the duly authorized representative of the Director of the International Cooperation Administration (hereinafter called the Director) for the determination of appeals by contractors from decisions on disputes concerning questions of fact by contracting officers or their authorized representatives or other authorities pursuant to the provisions of contracts entered or financed by the International Cooperation Administration requiring the decision of such appeals by the Director or his duly authorized representative. Subject to the approval of the General Counsel, the Board may also be designated as the duly authorized representative of other officials of the International Cooperation Administration for the determination of such appeals pursuant to the provisions of contracts entered or financed by the International Cooperation Administration requiring the decision of final administrative appeals by such officials or their duly authorized representative.

2. The Board will be composed of members appointed by the Director. It will act in each appeal through a panel, or through an individual member, designated for such appeal by the General Counsel, who will designate as chairman of each panel a duly licensed attorney-at-law. No member of the Board will consider an appeal if he has participated in the awarding or administration of the contract in dispute. It will be the duty and obligation of the members of the Board to decide appeals to the best of their knowledge and ability in accordance with applicable contract provisions and in accordance with the law pertinent thereto. The Board will carry out its work and all personnel directly or indirectly involved will cooperate so as to assure that this appellate procedure achieves speedy and just settlements of disputes.

3. The decisions of the panel or individual member designated for an appeal will be considered as the decisions of the Board and will have the finality provided in the pertinent contract provision and permitted by law.



4. The General Counsel will make and promulgate the rules and procedures governing contract appeals. Subject to such rules, the Board will have all powers necessary for the proper performance of its duties. These powers include but are not limited to authority to conduct hearings, dismiss proceedings, order the production of documents and other evidence and decide all questions necessary to resolve the specific disputes before it. The General Counsel will render final decisions, binding on the Board, concerning the extent of its jurisdiction, or authority to act in specific cases, if the question is raised by either party, the Board, or the General Counsel.

5. The General Counsel will appoint an Executive Secretary for the Board who will be its chief administrative officer and perform such functions for it as the General Counsel specifies.

6. The Assistant General Counsel (Contract Staff) will be responsible for representation of the interests of the Government in proceedings before the Board.

7. The references herein to the International Cooperation Administration include predecessor agencies or agencies to whose contracts or financial sponsorship the International Cooperation Administration has succeeded. References to the Director of the International Cooperation Administration include the heads of such agencies.

D. A. FITZGERALD, *Acting Director.*

OCTOBER 27, 1960.

[F.R. Doc. 61-319; Filed, Jan. 13, 1961; 8:50 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 10, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 36833: *Scrap or waste paper from and to Illinois territory.* Filed by Illinois Freight Association Agent (No. 120), for interested rail carriers. Rates on paper, scrap or waste, as described in the application, in carloads, between points in Illinois territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 35 to Illinois Freight Association tariff I.C.C. 938.

FSA No. 36834: *Allyl chloride from Freeport, Tex., to Toms River, N.J.* Filed by Southwestern Freight Bureau, Agent (No. B-7954), for interested rail carriers. Rates on allyl chloride, in tank-car loads, from Freeport, Tex., to Toms River, N.J.

Grounds for relief: Water-truck competition.

Tariff: Supplement 763 to Southwestern Freight Bureau tariff I.C.C. 4139.

FSA No. 36835: *Glassware from Sand Springs, Okla., to southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7955), for interested rail carriers. Rates on Glassware, as described in the application, loaded in trailers and transported on railroad flat cars, from Sand Springs, Okla., to points in Arkansas, Louisiana and Texas, also Memphis, Tenn.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 26 to Southwestern Freight Bureau tariff I.C.C. 4353.

FSA No. 36836: *Class rates—Seatrain Lines, Inc.* Filed by Seatrain Lines, Inc., for itself, and interested carriers. Rates on various commodities moving on class rates loaded in trailers and transported over joint rail-water and water-rail routes of the applicant rail carriers and the Seatrain Lines, Inc., between specified points in Connecticut, Massachusetts, New Jersey, New York and Pennsylvania, on the one hand, and specified points in Arkansas, Louisiana, and Texas, on the other.

Grounds for relief: Motor-water and water-motor competition.

Tariff: Supplement 18 to Seatrain Lines, Inc., tariff I.C.C. 185.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-264; Filed, Jan. 12, 1961; 8:47 a.m.]

[Notice 494]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 11, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63726. By order of January 10, 1961, the Transfer Board approved the transfer to Clayton LeRoy Andrews, doing business as Economy Movers, 418 West Front St., North Platte, Nebr., of Certificate No. MC 114868 Sub 1, issued February 21, 1956, to Harry Earl Newlon, Jr., doing business as Newlon's Transfer, 3251 North Washington Boulevard, Arlington, Va., authorizing the transportation of: Household goods, between Herndon, Va., and points in Virginia within 25 miles of Herndon, on the one hand, and, on the other, points in Maryland and the District of Columbia.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-321; Filed, Jan. 13, 1961; 8:50 a.m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 26 NUMBER 10

Washington, Tuesday, January 17, 1961



THE UNIVERSITY OF MICHIGAN
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**UNITED STATES GOVERNMENT ORGANIZATION MANUAL**

**1960–61 Edition**

(Revised through June 1)

Published by the Office of the Federal Register, the National Archives and Records Service, General Services Administration

817 pages—$1.50 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.



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Telephone WOrth 3-3261

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10905

### AMENDMENT OF EXECUTIVE ORDER NO. 6260 OF AUGUST 28, 1933, AS AMENDED

By virtue of the authority vested in me by section 5(b) of the act of October 6, 1917, as amended, 12 U.S.C. § 95a, and in view of the continued existence of the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby further amend Executive Order No. 6260, as amended, as follows:

1. By amending section 2 to read as follows:

"2. As used in this order, the term 'person' means an individual, partnership, association or corporation; the term 'United States' means the United States and any place subject to the jurisdiction thereof; and the term 'person subject to the jurisdiction of the United States' means: (a) any individual who is a citizen of the United States; (b) any individual, wherever located, who is a resident of, or domiciled in, the United States; (c) any partnership, association, corporation or other organization which is organized or doing business under the laws of the United States or of any state or territory thereof or the District of Columbia; and (d) any partnership, association, corporation or other organization wherever organized or doing business which is owned or controlled by persons specified in (a), (b), or (c)."

2. By adding at the end thereof a new section 12 reading as follows:

"12. Except under license issued therefor pursuant to the provisions of this order, no person subject to the jurisdiction of the United States shall, after the effective date of this section, acquire, hold in his possession, earmark, or retain any interest, legal or equitable, in any gold coin (other than gold coin having a recognized special value to collectors of rare and unusual coin), gold certificates, or gold bullion situated outside of the United States, or any securities issued by any person holding, as a substantial part of his assets, gold as a store of value or as, or in lieu of, money and not for a specific and customary industrial, professional or artistic use. The Secretary of the Treasury, subject to such other regulations as he may prescribe, is authorized to issue licenses permitting, until June 1, 1961, the holding and disposition of any such securities or gold coin, certificates or bullion acquired by persons subject to the jurisdiction of the United States prior to the effective date of this section and owned by such persons on such date. The Secretary is further authorized to issue licenses permitting the acquisition and holding by persons subject to the jurisdiction of the United States of gold bullion situated outside of the United States which the Secretary or such agency as he may designate is satisfied is required for legitimate and customary use in the industry, profession or art in which such person is regularly engaged."

This amendment shall become effective upon filing for publication with the Office of the Federal Register.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*January 14, 1961.*

[F.R. Doc. 61-412; Filed, Jan. 16, 1961; 9:13 a.m.]

# Rules and Regulations

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 8041 c.o.]

### PART 13—PROHIBITED TRADE PRACTICES

#### Cluny Juniors, Inc., et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Cluny Juniors, Inc., et al., New York, N.Y., Docket 8041, October 27, 1960]

*In the Matter of Cluncy Juniors, Inc., a Corporation, and David Cohen and Leo Drimmer, Individually and as Officers of Said Corporation*

Consent order requiring manufacturers in New York City to cease violating the Wool Products Labeling Act by failing to comply with labeling requirements in the sale of ladies' wool dresses and suits.

The order to cease and desist is as follows:

*It is ordered,* That the respondents Cluny Juniors, Inc., a corporation, and its officers, and David Cohen and Leo Drimmer, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the offering for sale, sale, transportation or distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' suits and dresses, or other wool products, as such products are defined in and subject to said Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939;

2. Failing to attach a stamp, tag, or label or other means of identification containing the information required under section 4(a)(2) of the Wool Products Labeling Act and the rules and regulations promulgated thereunder to each unit of multiple piece garments sold in combination as is required by Rule 12 of the rules and regulations.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 61-342; Filed, Jan. 16, 1961; 8:46 a.m.]

[Docket 7963 c.o.]

### PART 13—PROHIBITED TRADE PRACTICES

#### New England Listings, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15–5 *Advertising and promotional services;* § 13.15–30 *Connections or arrangements with others;* § 13.15–205 *Offices in principal cities;* § 13.15–265 *Services;* § 13.225 *Services.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* § 13.1513 *Operations generally;* § 13.1553 *Services.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, New England Listings, Inc., Boston, Mass., Docket 7963, October 27, 1960]

*In the Matter of New England Listings, Inc., a Corporation, and Rose G. Marcoux and Raymond H. Marcoux, Individually and as Officers of Said Corporation*

Consent order requiring Boston, Mass., sellers of real estate advertising to cease using such deceptive practices as inducing property owners to raise their asking price in order to increase fees; and claiming to have prospective buyers available, affiliations with a large number of brokers, and offices throughout the nation, and that listed properties would be advertised in newspapers in various States.

The order to cease and desist is as follows:

*It is ordered,* That respondents New England Listing, Inc., a corporation, and its officers, and Rose G. Marcoux and Raymond H. Marcoux, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of advertising in newspapers or other advertising media, or of other services or facilities in connection with the offering for sale, selling, buying or exchanging of business or any other kind of property, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly, representing:

1. That respondents have available prospective purchasers who are interested in the purchase of specific property.

2. That property will be sold through the efforts of respondents.

3. That real estate brokers are associated or affiliated with respondents.

4. That property sought to be listed is underpriced or that the asking price should be increased, or that respondents can or will sell the property at the increased price.

5. That respondents have more than one office or any greater number of offices than they have, in fact.

6. That the properties listed with them will be advertised in newspapers published in the New England States or in any media not actually utilized for that purpose by respondents.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 61-343; Filed, Jan. 16, 1961; 8:46 a.m.]

## Title 31—MONEY AND FINANCE: TREASURY

### Chapter I—Monetary Offices, Department of the Treasury

### PART 54—GOLD REGULATIONS

#### Prohibition on Holding Gold Abroad by U.S. Nationals

JANUARY 14, 1961.

The texts of § 54.14, as amended, and §§ 54.4(a)(13) and 54.81, as added, are set forth below. These amendments to the Gold Regulations prohibit the following:

(a) The acquisition and possession of gold bullion and gold coin (other than rare gold coin) outside the United States by or on behalf of persons subject to the jurisdiction of the United States, except for legitimate and customary use in industry, profession or art, as authorized by a Treasury gold license, and



(b) The acquisition and possession, by persons subject to the jurisdiction of the United States, of securities issued by any business organization holding a substantial part of its assets in gold as a store of value or as, or in lieu of, money and not for a specific and customary industrial, professional, or artistic use.

The prohibitions described above are effective upon filing of these amendments with the Office of the Federal Register. Persons who acquired such gold or securities prior to such filing date and who own such gold or securities on that date may continue to hold them pending their disposition but must dispose of such holdings not later than June 1, 1961. Such disposition may be made either by sale outside the United States to any person who is not prohibited by the Regulations from acquiring such gold or securities or, in the case of gold, by importation into the United States for sale to a United States mint in accordance with the provisions of §§ 54.40 and 54.44 of this chapter.

The issuance of these amendments without notice, public procedure or postponement of the effective date is deemed necessary in order to carry out the requirements and purposes of E.O. No. 10905 of January 14, 1961. Accordingly, these amendments are made without notice and public procedure thereon because such procedures are deemed to be impracticable and contrary to the public interest. They are effective upon filing with the Office of the Federal Register.

§ 54.4 [Amendment]

1. Section 54.4(a)(13) is added:

(13) "Person subject to the jurisdiction of the United States" means:

(i) Any individual who is a citizen of the United States;

(ii) Any individual, wheresoever located, who is a resident of, or domiciled in, the United States;

(iii) Any partnership, association, corporation, or other organization which is organized or doing business under the laws of the United States or of any state or territory thereof or of the District of Columbia;

(iv) Any partnership, association, corporation, or other organization, wheresoever organized or doing business, which is controlled, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, is owned or controlled, directly or indirectly, by persons specified in subdivision (i), (ii), or (iii) of this subparagraph.

2. Section 54.14 is amended to read as follows:

§ 54.14 Gold situated outside of the United States.

(a) Gold in any form situated outside of the United States may be acquired, held, transported, melted or treated, or earmarked by or on behalf of persons subject to the jurisdiction of the United States only to the extent permitted by licenses relating to the legitimate and customary use of gold in industry, profession or art issued under § 54.25: *Provided, however,* the provisions of §§ 54.16, 54.17, 54.19(a) and 54.20, relating to fabricated gold, metals containing gold, gold in its natural state, and rare coin, respectively, shall be applicable to the acquisition, holding and transportation of gold in such forms outside of the United States by or on behalf of persons subject to the jurisdiction of the United States.

(b) The acquisition, holding, transportation, importing and exporting, by persons subject to the jurisdiction of the United States, of securities issued by any person holding, as a substantial part of his assets, gold as a store of value or as, or in lieu of, money and not for a specific and customary industrial, professional or artistic use, is prohibited.

3. Section 54.81 is added:

§ 54.81 Temporary authorizations applicable to gold situated outside of the United States and gold securities.

Notwithstanding the provisions of § 54.14 or of any other section of the regulations in this part, commencing with the filing of this section § 54.81 with the Office of the Federal Register and until June 1, 1961,

(a) Gold situated outside of the United States and securities issued by any person holding as a substantial part of his assets gold as a store of value, which were acquired by a person subject to the jurisdiction of the United States prior to the filing of this section with the Office of the Federal Register and owned by any such person on that date, may be held, transported, earmarked, and disposed of to persons not prohibited from acquiring such gold or securities under the regulations in this part, by or on behalf of such owner without the necessity of obtaining a Treasury Department gold license.

(b) Gold situated outside of the United States and owned by persons subject to the jurisdiction of the United States may be imported into the United States only as authorized in §§ 54.25, 54.32, 54.33, 54.40, and 54.41, or licenses issued pursuant to such sections.

(Sec. 5(b) 40 Stat. 415, as amended, secs. 3, 8, 9, 11, 48 Stat. 340, 341, 342; 12 U.S.C. 95a, 31 U.S.C. 442, 733, 734, 822b, E.O. 6260, Aug. 28, 1933, as amended by E.O. 10896, Nov. 29, 1960, and E.O. 10905, Jan. 14, 1961; E.O. 6359, Oct. 25, 1933; E.O. 9193, as amended, 7 F.R. 5205; 3 CFR 1943 Cum. Supp.; E.O. 10289, 16 F.R. 9499, 3 CFR 1951 Supp.)

[SEAL] ROBERT B. ANDERSON, *Secretary of the Treasury.*

[F.R. Doc. 61-430; Filed, Jan. 16, 1961; 10:42 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2245]

[2118633]

#### NEVADA

#### Partially Revoking Air Navigation Site Withdrawal No. 234

*Correction*

In F.R. Doc. 61-17, appearing at page 10 of the issue for Wednesday, Jan. 4, 1961, the first line of the land description should read "T. 24 N., R. 31 E.," instead of "T. 25 N., R. 31 E.,".

[Public Land Order 2251]

[846262]

#### NORTH DAKOTA

#### Restoring Lands to Tribal Ownership of the Three Affiliated Tribes of the Fort Berthold Indian Reservation

Whereas, pursuant to authority contained in the act of June 1, 1910 (36 Stat. 455) all nonmineral, unallotted and unreserved lands within that portion of the Fort Berthold Indian Reservation lying and being east and north of the Missouri River, were opened to settlement and entry by Presidential Proclamation of June 29, 1911 (37 Stat. 1693), to be disposed of under the general provisions of the homestead laws and the said Act of Congress, and

Whereas, there are now remaining undisposed of within the opened portion of the Reservation, certain lands which upon investigation have been found to be valuable to the Indians of the said Reservation, and

Whereas, the Tribal Council and the Commissioner of Indian Affairs have recommended restoration of the lands to tribal ownership.

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by sections 3 and 7 of the act of June 18, 1934 (48 Stat. 984), I hereby find that restoration to tribal ownership of the following-described lands will be in the public interest, and the said lands are hereby restored to tribal ownership for the use and benefit of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, and are added to and made a part of the existing reservation, subject to any existing valid rights:

FIFTH PRINCIPAL MERIDIAN

T. 151 N., R. 90 W.,
Sec. 32, W½SW¼.
T. 151 N., R. 92 W.,
Sec. 32, SE¼SE¼.

T. 152 N., R. 92 W.,
Sec. 14, NW¼, N½SW¼, and SE¼SW¼;
Sec. 15, NE¼, N½SE¼, and SW¼SE¼;
Sec. 16, N½NW¼ and SE¼NW¼;
Sec. 22, W½NE¼, and NW¼SE¼.
T. 151 N., R. 93 W.,
Sec. 4, lots 3, 4, and S½NW¼.
T. 152 N., R. 93 W.,
Sec. 27, E½NE¼.

The areas described aggregate 1,161.29 acres.

GEORGE W. ABBOTT,
*Assistant Secretary of the Interior.*

JANUARY 10, 1961.

[F.R. Doc. 61-344; Filed, Jan. 16, 1961; 8:46 a.m.]

[Public Land Order 2252]

[Colorado 042359]

## COLORADO

### Revoking Executive Order No. 5251 of December 31, 1929, Which Reserved Lands as a Target Range for National Guard Use

By virtue of the authority vested in the President by Section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 5251 of December 31, 1929, reserving the following-described public lands for use as a target range by Company "D", 157th Infantry, Colorado National Guard, is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 49 N., R. 9 W.,
Sec. 1, SW¼;
Sec. 2, S½;
Sec. 11;
Sec. 12, W½;
Sec. 13, NW¼;
Sec. 14, N½.

Aggregating 1,920 acres.

2. The lands are grazing lands near Montrose, Colorado. Topography is steep and rough.

3. Subject to any existing valid rights and the requirements of applicable law, the lands are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on July 12, 1961, the State of Colorado shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

(3) All valid applications and selections under the nonmineral public land laws other than from the State, presented prior to 10:00 a.m. on February 16, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The lands have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals at 10:00 a.m. on July 12, 1961.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

GEORGE W. ABBOTT,
*Assistant Secretary of the Interior.*

JANUARY 11, 1961.

[F.R. Doc. 61-345; Filed, Jan. 16, 1961; 8:46 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 622, Amdt. 242]

### PART 507—AIRWORTHINESS DIRECTIVES

### Lockheed 188 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an Amendment 134 (25 F.R. 3396) as amended (25 F.R. 5827) was adopted on December 31, 1960, and made effective immediately as to known operators of Lockheed 188 Series aircraft. The amendment was adopted to permit removal of restrictions imposed by Amendment 134 on aircraft modified in accordance with FAA approved Lockheed Service Bulletin No. 88/SB-500 and Lockheed Alert Service Bulletin No. 88/SB-453.

For the reasons stated above, it was found that notice and public procedure was unnecessary and that good cause existed for making the amendment effective immediately. Accordingly, the amendment was made effective immediately as to known operators of Lockheed 188 Series aircraft by individual telegrams dated December 31, 1960. It is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507) to make it effective as to all persons.

Amendment 134, Lockheed 188 Series aircraft (25 F.R. 3396) as amended by Amendments 174 and 176 (25 F.R. 5827) is further amended by

1. Inserting the following immediately after paragraph (a)(2):

The placard described in (a)(1) may be removed when the provisions of Lockheed Service Bulletin No. 88/SB-500 have been accomplished. The torquemeter placard described in (a)(2) may be removed when the provisions of AD 60-21-1 (Amendment 208, 25 F.R. 9671) effective November 9, 1960, which requires installation of the midbearing torquemeter housing assembly, has been accomplished. The placard on aircraft having one or more but not all engines equipped with midbearing torquemeters may be suitably altered to indicate those engines so equipped which are exempt from compliance with its provisions.

2. By deleting paragraphs (b) and (c).

3. By adding new paragraph to read as follows:

(b) Until modifications outlined below have been accomplished, the autopilot shall be deactivated. Operation of the autopilot is permissible under either of the following conditions:

(1) Modifications are made to the autopilot system as described in FAA approved Lockheed Alert Service Bulletin No. 88/SB-453 Part II as amended December 21, 1960 (reactivation of autopilot). Under this condition, the "altitude-hold" function is inoperative and operation with autopilot engaged is limited to speeds at or below 235 knots.

(2) Modifications are made to the autopilot system as described in Part II and Part III of FAA approved Lockheed Alert Service Bulletin No. 453 as amended December 21, 1960. Under this condition, the "altitude-hold" function is operative and the above Service Bulletin No. 453 Part II speed restriction is removed.

This amendment shall become effective January 17, 1961, for all persons except those to whom it was made effective immediately by individual telegrams dated December 31, 1960.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 10, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-338; Filed, Jan. 16, 1961; 8:45 a.m.]

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 607; Amdt. 200]

### PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:



1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | More than 2-engine, more than 65 knots |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | |
| TYS VOR | TS LFR | Direct | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-d | 500-1 | 500-1 | 500-1½ |
| | | | | C-n | 500-1½ | 500-1½ | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E side NE crs, 063° Outbnd, 243° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 200°—2.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles, turn right, climb to 3000' on West crs TYS LFR within 20 mi.
*Major Changes:* Deletes transition from Piedmont FM.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989'; Fac. Class., SBRAZ; Ident., TS; Procedure No. 1, Amdt. 12; Eff. Date, 21 Jan. 61; Sup. Amdt. No. 11; Dated, 6 Aug. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Woodland FM | PO-LFR | Direct | 3000 | T-dn* | 300-1 | 300-1 | 200-½ |
| LeCenter FM/Int | PO-LFR (Final) | Direct | 1500 | C-dn# | 700-1 | 700-1 | 700-1½ |
| Washougal FM | PO-LFR | Direct | 4000 | A-dn | 800-2 | 800-2 | 800-2 |
| Camas Int | PO-LFR | Direct | 2000 | | | | |
| Portland VOR | PO-LFR | Direct | 2000 | | | | |

Radar transitions and vectoring using Portland Radar authorized in accordance with approved radar patterns.
Procedure turn W side N crs 332° Outbnd, 152° Inbnd, 2000' within 10 miles. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 160—2.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles, turn left and return to LFR, climbing to 2000'.
*Major Changes:* Deletes transitions from Stevenson FM, Sauvies RBn and Hillsboro Int.
*200-½ authorized on Runways 10/28 only. 700-2 required on Runways 11/20.
#CAUTION: 600' terrain 1.8 mi SE of airport.

City, Portland; State, Oreg.; Airport Name, Portland International; Elev., 23'; Fac. Class., SBRAZ; Ident., PO; Procedure No. 1, Amdt. 8; Eff. Date, 21 Jan. 61; Sup. Amdt. No. 7; Dated, 23 July 55

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | More than 2-engine, more than 65 knots |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | |
| ANN-LFR | GVN RBn | Direct | 4000 | T-dn* | 300-1 | 300-1 | 200-½ |
| Guard Island Int via crs 123° | GVN RBn | Direct | 4000 | C-dn* | 800-1½ | 800-2 | 800-2 |
| | | | | S-dn-12 | 800-1 | 800-1 | 800-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn East side NW crs, 303° Outbnd, 123° Inbnd, 4000' within 10 miles. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 3700' (after procedure turn only#); over ANN-LFR, 800'.
Crs and distance, facility to airport, 123°—9.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.6 miles after passing GVN RBn, climb to 3000' on crs of 155° from ANN-LFR within 20 miles.
*Runway 5-30: T-n NA, C-n NA.
*Runway 5: T-d 600-1, make immediate left turn after takeoff. 1000' terrain within 2 miles of airport North through East.
#Procedure turn not required approaching SE from Guard Island Intersection.

City, Annette; State, Alaska; Airport Name, Annette; Elev., 119'; Fac. Class., MHW/FM; Ident., GVN; Procedure No. 1, Amdt. 5; Eff. Date, 21 Jan. 61; Sup. Amdt. No. 4 (ADF portion Comb. ILS-ADF); Dated, 25 Apr. 57

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Int R-180 RSD-VOR & ILS NE crs | TPC RBn (Final) | Direct | 2200 | T-dn | 300-1 | 300-1 | 200-½ |
| Dayton VOR | TPC RBn | Direct | 2200 | C-dn | 400-1 | 500-1 | 500-1½ |
| Wright-Patterson LFR | TPC RBn | Direct | 2200 | S-dn-24 | 400-1 | 400-1 | 400-1 |
| Springfield RBn | TPC RBn | Direct | 2300 | A-dn | 800-2 | 800-2 | 800-2 |
| Urbana Int (via 216° crs to ILS NE crs) | TPC RBn (Final) | Direct | 2200 | | | | |

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn North side NE crs, 056° Outbnd, 236° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 236°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2200' on SW crs ILS within 10 miles.

City, Dayton; State, Ohio; Airport Name, Dayton; Elev., 1008'; Fac. Class., MHW; Ident., TPC; Procedure No. 2, Amdt. 4; Eff. Date, 21 Jan. 61; Sup. Amdt. No. 3 (ADF portion Comb. ILS-ADF); Dated, 22 Feb. 58

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Boothwyn FM | LOM (Final) | Direct | 1300 | T-dn | 300-1 | 300-1 | 200-½ |
| Philadelphia LFR | LOM | Direct | 1800 | C-dn | 500-1 | 500-1 | 500-1¼ |
| | | | | S-dn-9 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn South side W crs, 265° Outbnd, 085° Inbnd, 1800′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 085°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing LOM, climb to 1800′ on West Chester VOR R-104 to Echelon Int.
CAUTION: Water tower 180′ MSL 2.0 mi West of approach end of Runway 9, 360′ tower 0.8 mi East 1.4 mi North of OM.
*Major Change*: Deletes radar quadrant listing.

City, Philadelphia; State, Pa.; Airport Name, International; Elev., 14′; Fac. Class., LOM; Ident., PH; Procedure No. 1, Amdt. 13; Eff. Date, 21 Jan. 61; Sup. Amdt. No. 12; Dated, 7 Mar. 59

## 3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T-dn* | 400-1 | | |
| | | | | C-d | 700-1 | | |
| | | | | C-n | 700-2 | | |
| | | | | S-d-22 | 700-1 | | |
| | | | | S-n-22 | 700-2 | | |
| | | | | A-dn | NA | | |

Procedure turn North side of crs, 044° Outbnd, 224° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 224°—9.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.2 miles, reverse course, right turn climb to 2500′ on crs of 044° and return to VOR. Hold NE on R-045 one minute, right turns.
*Based on Mansfield VOR straight-in landing minimums.

City, Galion; State, Ohio; Airport Name, Galion-Crestline; Elev., 1220′; Fac. Class., VOR; Ident., MFD; Procedure No. 1, Amdt. 1; Eff. Date, 21 Jan. 61; Sup. Amdt. No. Orig.; Dated, 10 Dec. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Gladstone Int | MGY-VOR | Direct | 2500 | T-dn | 300-1 | 300-1 | 200-1 |
| Mt. Holly Int | MGY-VOR | Direct | 2400 | C-dn | 700-1 | 700-1 | 700-1½ |
| Middletown MHW | MGY-VOR | Direct | 2200 | A-dn | NA | NA | NA |
| Camden Int | MGY-VOR | Direct | 2200 | | | | |
| Dayton VOR via R-163 DAY-VOR | MGY-VOR | Direct | 3000 | | | | |

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn South side of crs, 242° Outbnd, 062° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished. After passing VOR, make left climbing turn to 2200′. Hold SW on R-242 MGY-VOR, 2 min. left turns.
CAUTION: No weather service available.

City, Miamisburg; State, Ohio; Airport Name, Montgomery County; Elev., 960′; Fac. Class., VOR; Ident., MGY; Procedure No. 1, Admt. 1; Eff. Date, 21 Jan. 61; Sup. Amdt. No. Orig.; Dated, 19 Nov. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| PO-LFR | PDX-VOR | Direct | 4000 | T-dn* | 300-1 | 300-1 | 200-½ |
| Stevenson FM | PDX-VOR | Direct | 6000 | C-dn# | 700-1 | 700-1 | 700-1½ |
| Washougal Int | PDX-VOR | Direct | 5400 | A-dn | 800-2 | 800-2 | 800-2 |
| Woodland FM | PDX-VOR | Direct | 4000 | | | | |
| La Center FM or Int | PDX-VOR (Final) | Direct | 2500 | | | | |

Radar transitions and vectoring using Portland Radar authorized in accordance with approved Radar patterns.
Procedure turn W side of crs, 332° Outbnd, 152° Inbnd, 4000′ within 10 miles.
Minimum altitude over PDX-VOR on final approach crs, 2500′; over PO-LFR/Z, 1000′**.
Crs and distance, PDX-VOR to airport, 161°—9.1 mi; PO-LFR/Z to airport, 161°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.1 miles, turn left and return to PDX-VOR, climbing to 3000′.
CAUTION: VOR reception not available over the airport below 450′ MSL.
*200-½ authorized on Runways 10/28 only. 700-2 required on Runways 11/20.
**Descent below 1000′ MSL NA until past PO-LFR/Z inbnd. If LFR/Z not received, maintain 1000′ MSL.
#CAUTION: 600′ terrain 1.8 mi SE of airport.

City, Portland; State, Oreg.; Airport Name, Portland International; Elev., ——; Fac. Class, BVORTAC; Indent., PDX; Procedure No. 1, Amdt. 3; Eff. Date, 21 Jan. 61; Sup. Amdt. No. 2; Dated, 18 June 60



## 4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedures unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Annette LFR | GVN RBn | Direct | 4000 | T-dn* | 300-1 | 300-1 | 200-½ |
| Guard Island Int via crs 123° | Glide Slope Int | Direct | 4000 | C-dn* | 500-1½ | 500-2 | 500-2 |
| | | | | S-dn-12 | 300-½ | 300-½ | 300-¼ |
| | | | | A-dn | 600-2 | 600-2 | 600-2 |

Procedure turn E side NW crs, 303° Outbnd, 123° Inbnd, 4000′ within 10 mi of GVN RBn. Nonstandard due to terrain.
Minimum altitude at G.S. interception inbnd, 3600′ (after procedure turn only#).
Altitude of G.S. and distance to approach end of Runway over GVN RBn, 3521′—9.6 mi; over ANN-LFR, 710′—1.6 mi; over MM, 358′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.6 miles after passing GVN RBn, climb to 3000′ on crs of 155° from ANN-LFR within 20 miles.
CAUTION: Glide slope angle set at 3.27° to obtain obstruction clearance.
*Runway 2-20: T-n NA, C-n NA.
*Runway 2: T-d 600-1. Make immediate left turn after takeoff. 1000′ terrain within 2 mi of airport North through East.
#Procedure turn not required approaching SE from Guard Island Int.

City, Annette; State, Alaska; Airport Name, Annette; Elev., 119′; Fac. Class., ILS; Ident., I-ANN; Procedure No. ILS-12, Amdt. 5; Eff. Date, 21 Jan. 61; Sup. Amdt. No. 4 (ILS portion Comb. ILS-ADF); Dated, 25 Apr. 57

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Mt Healthy Int | Addyston FM | 235—8.5 | 2200 | T-dn | 300-1 | 300-1 | 200-½ |
| New Baltimore Int | Addyston FM (Final) | 181—10.3 | 1900 | C-dn | 400-1 | 400-1 | 400-1¼ |
| Union Int | Addyston FM | Direct | 2300 | S-dn-18 | 400-1 | 400-1 | 400-1 |
| Cincinnati VOR | Addyston FM | Direct | 2300 | A-dn | 800-2 | 800-2 | 800-2 |

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise:
022° to 106°—2500′ within 30 mi.
106° to 022°—2000′ within 15 mi.
106° to 022°—2500′ within 30 mi.
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3 to 5-mile (inclusive) radius of 1120′ obstruction 12 miles NW of airport.
Procedure turn W side N crs, 360° Outbnd, 180° Inbnd, 2100′ within 10 mi of Addyston FM.
No glide slope. Descend to authorized landing minimums after passing Addyston FM. Distance and bearing to Rnwy 18, 5.0 mi—180°. Minimum altitude over Addyston FM, 1900′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing Addyston FM, climb to 2000 feet on South crs ILS to LOM.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890′; Fac. Class., ILS; Ident., I-CVG; Procedure No. ILS-18, Amdt. 7; Eff. Date, 21 Jan. 61; Sup. Amdt. No. 6; Dated, 4 June 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Int R-180 RSD-VOR & ILS NE crs | TPC RBn (Final) | Direct | 2200 | T-dn | 300-1 | 300-1 | 200-½ |
| Dayton VOR | TPC RBn | Direct | 2200 | C-dn | 400-1 | 500-1 | 500-1¼ |
| Springfield RBn | TPC RBn | Direct | 2200 | S-dn-24 | 400-1 | 400-1 | 400-1 |
| Wright-Patterson LFR | TPC RBn | Direct | 2200 | A-dn | 800-2 | 800-2 | 800-2 |
| Urbana Int (via 215° crs to ILS NE crs) | TPC RBn (Final) | Direct | 2200 | | | | |

Radar transition sand vectoring authorized in accordance with approved Radar patterns.
Procedure turn N side NE crs (back crs ILS) 056 Outbnd, 236 Inbnd, 2200′ within 10 mi of Tipp City RBn.
No glide slope or markers, Alt. over Tipp City RBn 1700′. Distance Tipp City to Rny 24, 4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2200′ on SW crs ILS within 10 miles.
NOTE: Provision for inoperative ILS components not applicable.
*Major Changes:* Deletes transitions from Int R-099 Dayton VOR & ILS, and Int W crs Columbus LFR & ILS NE crs or 236° brng to Tipp City RBn.

City, Dayton; State, Ohio; Airport Name, Dayton; Elev., 1008′; Fac. Class., ILS; Ident., I-DAY; Procedure No. ILS-24, Amdt. 4; Eff. Date, 21 Jan. 61; Sup. Amdt. No. 3 (ILS portion Comb. ILS-ADF); Dated, 22 Feb. 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Chatham RBn | NE crs ILS | 095—14.5 | 1900 | T-dn | 300-1 | 300-1 | 200-½ |
| Int NW crs LGA LFR & NE crs ILS | OM (Final) | Direct | 1800 | C-dn | 600-1 | 600-1 | 600-1¼ |
| Paterson RBn | NE crs ILS (Final) | 161—7.5 | 1800 | S-dn-22* | 300-½ | 300-½ | 300-½ |
| Teterboro LMM | OM (Final) | Direct | 1800 | A-dn | 600-2 | 600-2 | 600-2 |
| Newark LFR | NE crs ILS | 058—2.1 | 1800 | | | | |

Radar vectors may be used to effect above transitions.
Radar transitions:
058—090 within 20 mi 2500′.
090—058 within 20 mi 2000′.
S quad EWR-LFR within 15 mi 1500′.
Procedure turn W side NE crs, 037° outbnd, 217° inbnd, 1800′ within 10 miles.
Minimum altitude at G.S. int inbnd, 1800′.
Altitude of G.S. and distance to appr end of Rny at OM 1763—6.1; at MM 210—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1000′ on the SW crs of ILS, make climbing right turn to 2000′ direct to Chatham RBn or, when directed by ATC, climb to 1500′ on SW crs ILS to the outer compass locator serving Runway 4.
CAUTION: 50′ hangar row 200′ east of approach light lane between MM and end of Rnwy 22.
CAUTION: Procedure turn accomplished over Teterboro LMM. Teterboro OM and Newark OM at approximately same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems.
*600-1 required when glide path inoperative.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class., ILS; Ident., I-ARK; Procedure No. ILS-22, Amdt. 4; Eff. Date, 21 Jan 61; Sup. Amdt. No. 3; Dated, 13 June 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Boothwyn FM | LOM (Final) | Direct | 1900 | T-dn | 300-1 | 300-1 | 300-1 |
| Philadelphia LFR | LOM | Direct | 1800 | C-dn | 500-1 | 500-1 | 500-1 |
| | | | | S-dn-9 | °200-½ | °200-½ | °200-½ |
| | | | | A-dn | 600-2 | 600-2 | 600-2 |

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn S side W crs, 265° Outbnd, 085° Inbnd, 1800′ within 10 miles of LOM.
Minimum altitude at Glide Slope Intercption inbnd, 1800′.
Altitude of Glide Slope and distance to approach end of Runway at OM, 1800′—5.9 mi; at MM, 215′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1800′ on West Chester VOR R-104 to Echelon Int.
CAUTION: Water tower 180′ MSL 2.0 miles West of approach end of Runway 9.
*Major Change:* Deletes radar vectoring quadrants.
°500-1 required with glide slope inoperative.

City, Philadelphia; State, Pa.; Airport Name, International; Elev., 14′; Fac. Class., ILS; Ident., I-PHL; Procedure No. ILS-9, Amdt. 13; Eff. Date, 21 Jan. 61; Sup. Amdt. No. 12; Dated, 24 Jan. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Int SW crs Allentown LFR & South crs ILS. | LOM | Direct | 2500 | T-dn° | 300-1 | 300-1 | 300-1 |
| | | | | C-dn | 600-2 | 800-2 | 800-2 |
| Honeybrook Int | LOM (Final) | Direct | #2100 | S-dn-36°° | 400-1 | 400-1 | 400-1 |
| Rienholds Int | LOM | Direct | 2500 | A-dn | 1000-2 | 1000-2 | 1000-2 |

Procedure turn E side S crs, 181° Outbnd, 001° Inbnd, 2100 within 10 N miles.
Minimum Altitude at glide slope interception inbound, 2100′.
Altitude of G.S. and distance to appr end of rwy at OM 1540—3.9, at MM 535—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on crs of 001° from the RDG LOM to intercept the 322° radial of the Pottstown VOR direct to Hamburg Int and hold Southwest on V-162, one minute pattern, left turns.
AIR CARRIER NOTE: Neither sliding scale nor any reduction in take-off minimums authorized on runways 31 or 36.
°300-1 required for takeoff on Rnwys 31 and 36; takeoff on Rnwys 18 and 13, make right turn as soon as practical, to avoid towers 1510′ m.s.l. and high terrain 2.6 mi SE of airport.
°°600-1 required with Glide Slope inoperative.
#After interception of localizer course inbound, descent on glide slope to cross outer marker at 1540′ on final approach is authorized.

City, Reading; State, Pa.; Airport Name, General Spaatz; Elev., 343′; Fac. Class., ILS; Ident., I-RDG; Procedure No. ILS-36, Amdt. 6; Eff. Date, 21 Jan. 61; Sup. Amdt. No. 5; Dated, 22 Oct. 60

**5. The radar procedures prescribed in § 609.500 are amended to read in part:**

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | *Surveillance approach* | | | |
| 0° | 360° | Within 15 mi | 2000 | T-dn | 300-1 | 300-1 | 300-1 |
| 0° | 360° | Within 15-30 mi | 3000 | C-dn | 400-1 | 500-1 | 500-1 |
| | | | | S-dn-9/27 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar site (MGM RAPCON) located on Maxwell AFB.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished.
*Runway 9:* Turn right, climb to 1500′ on R-127 MGM-VOR within 20 mi.
*Runway 27:* Climb to 1700′ on W crs ILS or 273° crs from LOM within 15 mi.
NOTES: Radar control will not descend aircraft below 2000′ MSL on final approach to Runway 27 until 7 miles from approach end of runway.

City, Montgomery; State, Ala.; Airport Name, Dannelly Fld.; Elev., 221; Fac. Class., Montgomery; Ident., RAPCON; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Jan. 61; Sup. Amdt. No. None



RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Radar terminal area maneuvering sectors and altitudes | | | | | | | | | | | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| From | To | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | | | | | | | | | | | | *Precision radar* | | |
| Instrument approach to be conducted in accordance with USN Radar Standard Instrument Approach Procedure. | | | | | | | | | | | | | | T-dn-A11 | 300-1 | 300-1 | 300-1 |
| | | | | | | | | | | | | | | C-dn-A11 | 600-2 | 600-2 | 600-2 |
| | | | | | | | | | | | | | | S-dn-24 | 400-1 | 400-1 | 400-1 |
| | | | | | | | | | | | | | | A-dn-A11 | 600-2 | 600-2 | 600-2 |
| | | | | | | | | | | | | | | | *Surveillance radar* | | |
| | | | | | | | | | | | | | | T-dn-A11 | 300-1 | 300-1 | 300-1 |
| | | | | | | | | | | | | | | C-dn-A11 | 600-2 | 600-2 | 600-2 |
| | | | | | | | | | | | | | | S-dn-24 | 600-1 | 600-1 | 600-1 |
| | | | | | | | | | | | | | | A-dn-A11 | 800-2 | 800-2 | 800-2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on a heading of 280°, intercept SAN-VOR R-340 and proceed to Rancho Int.
CAUTION: High terrain North, Northeast and East of airport.
NOTE: Military authority required.

City, San Diego; State, Calif.; Airport Name, NAS; Elev., 475′; Fac. Class., Miramar; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Jan 61; Sup. Amdt. No. None

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on December 21, 1960.

OSCAR BAKKE,
*Director, Bureau of Flight Standards.*

[F.R. Doc. 61-8; Filed, Jan. 16, 1961; 8:45 a.m.]

[Reg. Docket No. 615; Amdt. 201]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

**1. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:**

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Chattanooga VOR | CQN RBn | Direct | 2300 | T-dn | 300-1 | 300-1 | #200-½ |
| Chickamanga Int | CQN RBn | Direct | 2300 | C-dn | 600-1½ | 700-1½ | 700-2 |
| Whitwell Int | CQN RBn | Direct | 3400 | S-dn-19 | 500-1 | 500-1 | 500-1 |
| Bridgeport Int | CQN RBn | Direct | 3400 | A-dn | 800-2 | 800-2 | 800-2 |
| Coalmont Int | CQN RBn | Direct | 3400 | | | | |
| Georgetown Int | CQN RBn | Direct | 2900 | | | | |
| Crimhall Int | CQN RBn | Direct | 2900 | | | | |
| Halestown Int | CQN RBn | Direct | 3400 | | | | |
| Dunlap Int | CQN RBn | Direct | 3400 | | | | |

Procedure turn E side of crs, 015° Outbnd, 195° Inbnd, 2900′ within 10 mi of CQN RBn. (Nonstandard due to terrain West.)
Minimum altitude Inbnd over CQN-VOR, 2200′; over OM, 1600′; over MM, 1200′. If OM not received, descent below 1600′ NA.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.7 miles after passing CQN RBn, climb to 3000′ on crs of 195° within 15 mi.
Distances to runway: CQN 7.7 mi, OM 4.1 mi, MM 0.6 mi.
#Takeoff on Rnys 14-32 with less than 300-1 NA.

City, Chattanooga; State, Tenn.; Airport Name, Lovell Field; Elev., 682′; Fac. Class., MHW; Ident., CQN; Procedure No. 1, Amdt. 8; Eff. Date, 28 Jan. 61; Sup. Amdt. No. 7; Dated, 7 Mar. 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| El Paso VOR | LOM | Direct | 5000 | T-dn | 300-1 | 300-1 | 200-½ |
| El Paso LFR | LOM | Direct | 5000 | C-dn | 400-1 | 500-1 | 500-1½ |
| Int W crs EP-LFR and NE crs ILS | LOM | Direct | 5000 | S-dn-22 | 400-1 | 400-1 | 400-1 |
| Rio REn | LOM | Direct | 7000 | A-dn | 800-2 | 800-2 | 800-2 |
| Newman VOR | LOM | Direct | 5000 | | | | |

Radar terminal area maneuvering altitudes measured clockwise around radar site: 335° to 205°, 0–15 N mi 5000'; 15–20 N mi 7000'.
Radar control must provide 3 mi or 1000' vertical separation; or 3 to 5 mi and 500' vertical separation from stacks 4148' 4 mi S; hill 5067' 13 mi NE; hill 4651' 9.5 mi E, and hill 6717' 22 mi NE.
Procedure turn N side of NE crs, 038° Outbnd, 218° Inbnd, 6200' within 8 mi. Beyond 8 mi NA. Nonstandard due to mountainous terrain NE.
Minimum altitude over LOM inbnd final, 4500'.
Crs and distance, facility to airport, 218°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, turn left to 125°, climb to 5200', intercept and proceed South on S crs LFR, or intercept and proceed South on R-151 ELP-VOR within 20 mi or, when directed by ATC, turn left to 125°, climb to 6200', intercept and proceed South on S crs LFR, or intercept and proceed South on R-151 ELP-VOR within 20 mi.
*Major Change:* Deletes transition from Antelope Int.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936'; Fac. Class., LOM; Ident., EL; Procedure No. 1, Amdt. 15; Eff. Date, 28 Jan. 61; Sup. Amdt. No. 14; Dated, 19 Mar. 60.

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-d | 400-1 | 500-1 | 500-1½ |
| | | | | C-n | 400-1½ | 500-1½ | 500-1½ |
| | | | | S-d-31 | 400-1 | 400-1 | 400-1 |
| | | | | S-n-31 | 400-1½ | 400-1½ | 400-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of crs, 134° Outbnd, 314° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 314°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles, turn right immediately, climb to 2200' and return to OKK "H".
NOTES: 1. All aircraft except scheduled air carriers obtain Bunker Hill AFB current weather prior to IFR approach. 2. No voice on this facility.

City, Kokomo; State, Ind.; Airport Name, Kokomo Municipal; Elev., 827'; Fac. Class., MHW; Ident., OKK; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 Jan. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Oklahoma City VOR | LOM | Direct | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| Oklahoma City LFR | LOM | Direct | 2400 | C-dn | 400-1 | 500-1 | 500-1½ |
| Bethany Int | LOM | Direct | 2500 | S-dn-35 | 400-1 | 400-1 | 400-1 |
| Mustang FM | LOM | Direct | 2400 | A-dn | 800-2 | 800-2 | 800-2 |
| Newcastle Int | LOM (Final) | Direct | 2300 | | | | |
| *Radar terminal area transition altitudes: | | Within: | | | | | |
| 000 | 000 | 25 mi | 2400 | | | | |
| 090 | 180 | 25 mi | 2500 | | | | |
| 180 | 230 | 25 mi | 2700 | | | | |
| 230 | 295 | 35 mi | 2500 | | | | |
| 295# | 360 | 25 mi | #2700 | | | | |

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2500' within 10 mi. Beyond 10 mi. NA.
Minimum altitude over LOM inbnd final, 2300'.
Crs and distance, facility to airport, 350°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi after passing LOM, climb to 3000' on 350° crs within 20 mi or, when directed by ATC, turn left, climb to 2500' direct to the OKC VOR, or direct to the OC LFR.
*Azimuths and distances are from antenna site progressing clockwise.
#Radar Control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of towers 2127' msl and 2726' msl 9 mi NW of antenna site.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers; Elev., 1284'; Fac. Class., LOM; Ident., OK; Procedure No. 1, Amdt. 8; Eff. Date, 28 Jan. 61; Sup. Amdt. No. 7; Dated, 27 Aug. 60

## 2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T-dn | 300-1 | 300-1 | #200-½ |
| | | | | C-dn | 600-1½ | 700-1½ | 700-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E side of crs, 151 Outbnd, 331 Inbnd, 2500' within 10 mi.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 331—4.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 mi, turn right, climb to 3000' on CHA-VOR R-40 within 15 miles or, when directed by ATC, turn right and return to CHA-VOR at 2500'.
*Major Changes:* Deletes transitions.
#Takeoff on Runways 14–32 with less than 300–1 NA.

City, Chattanooga; State, Tenn.; Airport Name, Lovell Field; Elev., 682'; Fac. Class., BVORTAC; Ident., CHA; Procedure No. 1, Amdt. 1; Eff. Date, 28 Jan. 61; Sup. Amdt. No. Orig. Dated, 8 Mar. 54



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| RNO-VOR | FLX-VOR | Direct | 9500 | T-dn | 300-1 | 300-1 | 200-½ |
| Churchill Int | FLX-VOR | Direct | 10,000 | C-d | 1100-1 | 1100-1 | 1100-1½ |
| LOL-VOR | FLX-VOR | Direct | 8000 | C-n | 1100-2 | 1100-2 | 1100-2 |
| | | | | A-d | 1500-2 | 1500-2 | 1500-2 |
| | | | | A-n | 1500-3 | 1500-3 | 1500-3 |

Procedure turn S side of crs, 254° Outbnd, 074° Inbnd, 8000' within 10 mi. Beyond 10 NA.
Minimum altitude over facility on final approach crs, 6500'.
Crs and distance, facility to airport, 097°—14.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles of FLX-VOR, make a left climbing turn, return to the VOR climbing to 8500' on R-254 within 10 mi.
NOTE: Military authority required.

City, Fallon; State, Nev.; Airport Name, NAAS Fallon; Elev., 3934'; Fac. Class., VORW; Ident., FLX; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 Jan. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Fairbanks Int | HOU FM (Final)# | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar Terminal Area maneuvering altitude all directions 1500'. Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 1232' TV tower 11 mi SSE, 1051' TV tower 11 mi SW, 755' TV tower 11 mi WNW, 753' TV tower 5½ mi NW, 610' structure 7 mi NE of airport. Radar may be used to position aircraft for a final approach within 5 miles of VOR, with elimination of a procedure turn.
Procedure turn W side of crs, 306° Outbnd, 126° Inbnd, 1800' within 10 mi of #HOU FM. Beyond 10 mi NA.
Minimum altitude over #HOU FM on final approach crs, 1500'.
Crs and distance, HOU FM to airport, 126°—4 mi. climb to 2200' on HOU VOR R-171 within 15 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles of HOU FM (or within 0.0 mi of HOU-VOR if HOU FM not identified or Radar Fix not obtained on final).
CAUTION: 1232' TV tower 11 mi SSE of VOR.
#Radar Fix 5.4 mi from HOU VOR may be used in lieu of HOU FM. If HOU FM not identified or radar fix not obtained on final, descent below 1500' NA.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., BVORTAC; Ident., HOU; Procedure No. 1, Amdt. 5; Eff. Date, 28 Jan. 61; Sup. Amdt. No. 4; Dated, 21 May 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-d | 300-1 | 300-1 | |
| | | | | C-d | 700-1 | 700-1 | |
| | | | | S-d-29 | 700-1 | 700-1 | |
| | | | | A-dn | NA | NA | |

Procedure turn North side crs, 108° Outbnd, 288° Inbnd, 1400' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 288°—4.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing RVB-VOR, make right climbing turn to 1400' and return to RBV-VOR.

City, Robbinsville; State, N.J.; Airport Name, Trenton-Robbinsville; Elev., 115'; Fac. Class., BVOR; Ident., RBV; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 Jan 61

## 3. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| CQ-LFR | CHS-VOR | Direct | 1200 | T-dn | 300-1 | 300-1 | 200-1½ |
| | | | | C-dn | *400-1 | 500-1 | 500-1½ |
| | | | | S-dn-15 | *400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn West side of crs, 334° Outbnd, 154° Inbnd, 1200' within 10 mi, not to be started until abeam LOM outbnd.
Minimum altitude over facility on final approach crs, 600'.*
Facility on airport.
Distance from final approach fix (Int CHS R-334 and brng 244° to LOM), 4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished prior to passing CHS-VOR, climb to 2000' on R-154 within 8 miles or, when directed by ATC, turn left, climb to 1200' on R-334 of VOR.
CAUTION: Radio towers 428' m.s.l. 6 mi SE; 1049' m.s.l. 10 mi SE.
*Descent below 600' MSL NA unless final approach fix (Int CHS R-334 & brng 244° to LOM) is received.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Mun.; Elev., 45'; Fac. Class., BVORTAC; Ident., CHS; Procedure No. TerVOR-15, Amdt. 2; Eff. Date, 28 Jan. 61; Sup. Amdt. No. 1; Dated, 8 Aug. 59

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| From— | To— | Course and distance | Minimum altitude (feet) | Condition | Ceiling and visibility minimums: 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Greentown Int | OKK-VOR | Direct | 2200 | T-dn | 300-1 | 300-1 | 200-½ |
| Okk RBn | OKK-VOR | Direct | 2200 | C-d° | 500-1 | 500-1 | 500-1 |
| | | | | C-n° | 500-1½ | 500-1½ | 500-1½ |
| | | | | S-d-31° | 500-1 | 500-1 | 500-1 |
| | | | | S-n-31° | 500-1½ | 500-1½ | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | °Following minimums apply after passing OKK "H" facility: | | | |
| | | | | C-d | 400-1 | 500-1 | 500-1½ |
| | | | | C-n | 400-1½ | 500-1½ | 500-1½ |
| | | | | S-d | 400-1 | 400-1 | 400-1 |
| | | | | S-n | 400-1½ | 400-1½ | 400-1½ |

Procedure turn S side of crs, 134° Outbnd, 314° Inbnd, 2200′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1200′; over °OKK "H", 1300′.
Crs and distance, breakoff point to approach end of Rnwy 31, 314°—0.7 mi.
Crs and distance, °OKK "H" to airport, 314°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn right immediately and climb to 2200′ and return to OKK-VOR.
NOTE: All aircraft except scheduled air carriers obtain Bunker Hill AFB current weather prior to IFR approach.

City, Kokomo; State, Ind.; Airport Name, Kokomo Municipal; Elev., 827′; Fac. Class., BVOR; Ident., OKK; Procedure No. TerVOR-31, Amdt. Orig.; Eff. Date, 28 Jan. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Dayton VOR via R-163 DAY-VOR | MGY-VOR | Direct | 3000 | T-dn | 300-1 | 300-1 | 200-1 |
| Gladstone Int | MGY-VOR | Direct | 2500 | C-dn° | 700-1 | 700-1 | 700-1½ |
| Camden Int | MGY-VOR | Direct | 2400 | A-dn | NA | NA | NA |
| Mt Holly Int (Final)# | MGY-VOR | Direct | 2400 | | | | |

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn East side crs, 146° Outbnd, 326° Inbnd, 2400′ within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 1700′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing MGY-VOR, make climbing right turn to 2400′, hold SE on R-146 MGY-VOR, one minute, right turns.
NOTE: No weather service available.
°Maintain 1800′ until passing South crs FP-LFR. If South crs FP-LFR not received, 800′ minimums apply.
#Descent to 1700′ authorized after passing South crs FP-LFR. If FP-LFR South crs not received, maintain 2400′ or execute standard approach.

City, Miamisburg; State, Ohio; Airport Name, Montgomery County; Elev., 960′; Fac. Class., VOR; Ident., MGY; Procedure No. 2, Amdt. Orig.; Eff. Date, 28 Jan. 61

**4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:**

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

| From— | To— | Course and distance | Minimum altitude (feet) | Condition | Ceiling and visibility minimums: 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| North Chattanooga MHW | Ft Oglethorpe Int | Direct | 2300 | T-dn | 300-1 | 300-1 | 200-½ |
| ILS OM | Ft Oglethorpe Int | Direct | 2300 | C-dn | 600-1½ | 700-1½ | 700-1 |
| Chattanooga VOR | Ft Oglethorpe Int | Direct | 2100 | S-dn-1 | 400-1 | 400-1 | 400-1 |
| Chicamauga Int | Ft Oglethorpe Int (Final) | Direct | 2000 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E side SW crs, 195° Outbnd, 015° Inbnd, 2500′ within 10 mi of Ft. Oglethorpe Int. Beyond 10 mi NA.
No Glide Slope. Minimum altitude over Ft. Oglethorpe Int, 2000′.
Distance to approach end of Rnwy at Ft. Oglethorpe Int, 4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles of Ft. Oglethorpe Int, climb to 3000′ on NE crs ILS within 20 miles.
NOTE: Takeoff on rnwy 14-32 NA with less than 300-1.
*Major Changes:* Deletes transitions from Chattanooga LFR and Rossville Int.

City, Chattanooga; State, Tenn.; Airport Name, Lovell Field; Elev., 682′; Fac. Class., ILS; Ident., ICHA; Procedure No. ILS-1, Amdt. 3; Eff. Date, 28 Jan. 61; Sup. Amdt. No. 2; Dated, 26 May 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Haletown Int | CQN RBn | Direct | 3400 | T-dn | 300-1 | 300-1 | 200-½ |
| Chattanooga VOR | CQN RBn | Direct | 2300 | C-dn | 600-1½ | 700-1½ | 700-1 |
| Dunlap Int | CQN RBn | Direct | 3400 | S-dn-19° | 200-½ | 200-½ | 200-½ |
| Chicamauga Int | CQN RBn | Direct | 2300 | A-dn | 600-2 | 700-2 | 700-2 |
| Whitwell Int | CQN RBn | Direct | 3400 | | | | |
| Bridgeport Int | CQN RBn | Direct | 3400 | | | | |
| Coalmont Int | CQN RBn | Direct | 3400 | | | | |
| Georgetown Int | CQN RBn | Direct | 2900 | | | | |
| Crandall Int | CQN RBn | Direct | 2900 | | | | |

Procedure turn E side N crs, 015° Outbnd, 195° Inbnd, 2900′ within 10 mi of CQN RBn. (Nonstandard due terrain West).
Minimum altitude at G.S. int. inbnd, 2900′.
Glide slope altitudes: CQN 2940′, OM 1900′, MM 890.
Distances to runway: CQN 7.7 mi, OM 4.1 mi, MM 0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on S crs ILS within 15 mi.
*Major Change:* Deletes transition from CQN RBn to ILS G.S. int.
°500-¾ required when glide slope not utilized.
#Takeoff on Rnys 14-32 with less than 200-1 NA.

City, Chattanooga; State, Tenn.; Airport Name, Lovell Field; Elev., 682′; Fac. Class., ILS; Ident., I-CHA; Procedure No. ILS-19, Amdt. 8; Eff. Date, 28 Jan. 61; Sup. Amdt. No. 7; Dated, 7 Mar. 60



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| From— | To— | Course and distance | Minimum altitude (feet) | Condition | Ceiling and visibility minimums: 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| El Paso VOR | LOM | Direct | 5000 | T-dn | 300-1 | 300-1 | 200-½ |
| El Paso LFR | LOM | Direct | 5000 | C-dn | 400-1 | 500-1 | 500-1½ |
| Int W crs EP-LFR and NE crs ILS | LOM | Direct | 5000 | S-dn-22° | 200-½ | 200-½ | 200-½ |
| Rio RBn | LOM | Direct | 7000 | A-dn | 600-2 | 600-2 | 600-2 |
| Newman VOR | LOM | Direct | 5000 | | | | |

Radar terminal area maneuvering altitudes measured clockwise around radar site: 335° to 205°, 0-15 N mi 5000′, 15-20 N mi 7000′.
Radar control must provide 3 mi or 1000′ vertical separation; or 3 to 5 mi and 500′ vertical separation from stacks 4148′ 4 mi S; hill 5067′ 13 mi NE; hill 4651′ 9.5 mi E, and hill 4717′ 22 mi NE.
Procedure turn N side of NE crs, 038° Outbnd, 218° Inbnd, 6200′ within 8 mi. Beyond 8 mi NA. Nonstandard due to mountainous terrain NE.
Minimum altitude at G.S. int inbnd, 5000′.
Altitude of G.S. and distance to appr end of Rnwy at OM, 5000′—3.8 mi; at MM, 4130′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left to 125°, climb to 5200′ intercept and proceed South on E crs LFR or intercept and proceed South on R-151 ELP VOR within 20 mi or, when directed by ATC, turn left to 125°, climb to 6200′, intercept and proceed South on S crs LFR, or intercept and proceed South on R-151 ELP VOR within 20 mi.
*Major Change:* Deletes transition from Antelope Int.
°Straight-in minima 400-¾ when glide slope not used. Glide slope touch down 3000′ from runway end.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3938′; Fac. Class., ILS; Ident., I-ELP; Procedure No. ILS-22, Amdt. 15; Eff. Date, 28 Jan. 61; Sup. Amdt. No. 14; Dated, 19 Mar. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Oklahoma City VOR | LOM | Direct | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| Oklahoma City LFR | LOM | Direct | 2400 | C-dn | 400-1 | 500-1 | 500-1½ |
| Bethany Int | LOM | Direct | 2500 | S-dn-35 | 200-½ | 200-½ | 200-½ |
| Mustang FM | LOM | Direct | 2400 | A-dn | 600-2 | 600-2 | 600-2 |
| Newcastle Int | LOM (Final) | Direct | 2300 | | | | |
| °Radar terminal area transition altitudes: | | Within: | | | | | |
| 000 | 090 | 25 mi | 2400 | | | | |
| 090 | 180 | 25 mi | 2500 | | | | |
| 180 | 270 | 25 mi | 2700 | | | | |
| 270 | 295 | 35 mi | 2500 | | | | |
| #295 | 360 | 25 mi | #2700 | | | | |

Procedure turn E side of crs, 170 Outbnd, 350 Inbnd, 2500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 2500′.
Altitude of glide slope and distance to approach end of Runway at OM, 2329′—3.8 mi; at MM, 1494′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on N crs ILS within 20 mi, or when directed by ATC, turn left, climb to 2500′ direct to the OKC VOR or direct to the OC LFR.
°Azimuths and distances are from antenna site progressing clockwise.
#Radar Control must provide 3 mi and 1000′ vertical separation; or 3 to 5 mi and 500′ vertical separation from towers 2127′ MSL and 2726′ MSL 9 mi NW antenna site.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers; Elev., 1284′; Fac. Class., ILS; Ident., I-OKC; Procedure No. ILS-35, Amdt. 6; Eff. Date, 28 Jan 61, or on com. of new glide slope; Sup. Amdt. No. 5; Dated, 2 Jan. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Sioux Falls LFR | LOM | Direct | 2700 | T-dn° | 300-1 | 300-1 | 200-½ |
| Sioux Falls VOR | LOM | Direct | 2700 | C-dn | 500-1 | 500-1 | 500-1½ |
| Int NE crs FD-LFR and NE crs ILS | LOM | Direct | 2700 | S-dn-8# | 200-½ | 200-½ | 200-½ |
| Int SE crs FD-LFR and SW crs ILS | LOM | Direct | 2700 | A-dn | 600-2 | 600-2 | 600-2 |
| Int LOM 296° brng and FSD-VOR R-160 | LOM | Direct | 2700 | | | | |
| Int LOM 067° brng and FSD-VOR R-222 | LOM | Direct | 2700 | | | | |

Procedure turn S side SW crs 206 Outbnd, 026 Inbnd, 2700′ within 10 mi.
Minimum altitude at G.S. int inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2540′—3.8; at MM, 1626′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi of OM, climb to 2800′ on NE crs of ILS within 8 mi.
CAUTION: Tower 1640′ MSL 1.5 mi NE LOM.
°300-1 required for takeoff Runway 15.
#400-¾ with glide slope inoperative, in which case do not descent below 2000′ m.s.l. until 1.5 mi past LOM and/or until past the Southeast crs of FD-LFR.

City, Sioux Falls; State, S. Dak.; Airport Name, Foss Field; Elev., 1426′; Fac. Class., ILS; Ident., IFSD; Procedure No. ILS-3, Amdt. 4; Eff. Date, 28 Jan. 61; Sup. Amdt. No. 3; Dated, 13 Dec. 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SGF-VOR | Spring Int° | Direct | 2300 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-19 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | The following minimums apply for aircraft having ADF receiver and Glidewell Int identified: | | | |
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-19 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn West of N crs, 015° Outbnd, 195° Inbnd, 2300′ within 10 mi of Spring Int.°
Minimum altitude over Spring Int° on final approach crs, 2000′; over Glidewell Int°° 1800′.
Crs and distance, Spring Int° to Rnwy 19, 195°—6.8 mi; Glidewell Int°° to Rnwy 19, 195°—2.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2800′ on R-203 SGF-VOR and proceed to Billings Int or, when directed by ATC, climb to 2700′ on S crs ILS and hold south of OM.
°*Spring Int:* Int R-090 SGF-VOR and SGF ILS back course.
°°*Glidewell Int:* 280° brng SF-LFR and SGF ILS back crs.

City, Springfield; State, Mo.; Airport Name, Springfield Municipal; Elev., 1267′; Fac. Class., ILS; Ident., I-SGF; Procedure No. ILS-19, Amdt. Orig.; Eff. Date, 28 Jan. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on December 28, 1960.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-37; Filed, Jan. 16, 1961; 8:45 a.m.]

# Title 24—HOUSING AND HOUSING CREDIT

## Chapter II—Federal Housing Administration, Housing and Home Finance Agency

### MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND SERVICEMEN'S MORTGAGE INSURANCE

### PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

In § 221.4(c) subparagraphs (1) and (2) are amended to read as follows:

**§ 221.4 Approval of other institutions.**

* * * * *

(c) *Special requirements—nonsupervised institutions.* * * *

(1) That so long as it continues to be approved as a mortgagee, it will not issue, without the prior approval of the Commissioner, any mortgage participating certificates on which it assumes personal liability, or any guaranty with respect to principal or interest of any mortgage, except that any such obligations outstanding on the date of the application of such institution may thereafter be renewed; and

(2) That, except with the prior approval of the Commissioner, it will segregate escrow commitment deposits, work completion deposits, and all periodic payments under mortgages insured by the Commissioner, received by it on account of ground rents, taxes, assessments and insurance premiums, and will deposit such funds in a special account or accounts with some banking institution whose accounts are insured by the Federal Deposit Insurance Corporation and shall use such funds for no purpose other than that for which they were received.

### PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER THE INSURANCE CONTRACT

In Part 222 the table of contents is amended by adding a new heading as follows:

Sec.
222.65 Termination by conveyance to other than Commissioner.

In § 222.37 paragraph (g) is amended to read as follows:

**§ 222.37 Prepayments excepted from adjusted premium charge.**

* * * * *

(g) *Payment involving foreclosure.* Where payment in full is made of a delinquent mortgage:

(1) On which foreclosure proceedings have been commenced; or

(2) For the purpose of avoiding foreclosure, if the transaction is approved by the Commissioner; or

Section 222.65 is amended to read as follows:

**§ 222.65 Termination by conveyance to other than Commissioner.**

(a) The contract of insurance shall be terminated if the mortgagee acquires the mortgaged property but does not convey it to the Commissioner.

(b) The contract of insurance shall be terminated if the property is bid in and acquired at a foreclosure sale by a party other than the mortgagee.

(c) The contract of insurance shall be terminated if after foreclosure the property is redeemed.

In § 222.70 paragraph (c) is amended and new paragraphs (d) and (e) are added as follows:

**§ 222.70 Notice and date of termination by Commissioner.**

* * * * *

(c) A voluntary termination request is received by the Commissioner; or

(d) The property is bid in and acquired at a foreclosure sale by a party other than the mortagee; or

(e) Foreclosure proceedings are instituted if the property is redeemed during the redemption period.

In § 222.135 paragraph (a) is amended to read as follows:

**§ 222.135 Type of satisfactory title evidence.**

* * * * *

(a) *Fee or owner's title policy.* A fee or owner's policy of title insurance, a guaranty or guarantee of title, or a certificate of title, issued by a title company, duly authorized by law and qualified by experience to issue such instruments. If an owner's policy of title insurance is furnished, it shall show title in the Commissioner and inure to the benefit of his successors in office.

Section 222.136 is amended to read as follows:

**§ 222.136 Coverage of title evidence.**

Evidence of title shall be executed as of a date to include the recordation of the deed to the Commissioner. The evidence of title shall show that according to the public records, there are not, at such date, any outstanding prior liens, including any past-due and unpaid ground rents, general taxes or special assessments.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

### PART 225—SERVICEMEN'S MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

In § 225.1 paragraph (a) is amended by adding to the listed provisions the following:

**§ 225.1 Incorporation by reference.**

(a) * * *

221.30 Owner-occupancy in military service.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 222, 68 Stat. 608; 12 U.S.C. 1715m)

SUBCHAPTER D—MULTIFAMILY AND GROUP HOUSING INSURANCE

### PART 233—RENTAL HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Section 233.10 is revised to read as follows:

**§ 233.10 Protection of mortgage security.**

(a) *Annual inspection of property by mortgagee.* So long as the mortgage is an insured mortgage, the mortgagee shall ascertain the general physical condition of the mortgaged property in each calendar year commencing with the calendar year following completion of the project. The mortgagee shall furnish the Commissioner and the mortgagor with a copy of its inspection report, which shall contain the mortgagee's recommendations for any necessary corrective action.

(b) *Restoration of property by mortgagee.* If, at any time, it be determined by the mortgagee that, in addition to ordinary wear and tear, the mortgaged property is being subjected to permanent or substantial injury, through unreasonable use, abuse or neglect, the mortgagee shall, unless adequate provision satisfactory to a prudent lender is made for the prompt restoration of the mortgaged property, forthwith take such action as may be available to it under the mortgage and appropriate to the particular case, for the protection and preservation of the mortgaged property and the income therefrom.

(c) *Effect of failure to protect property.* In the event claim for debentures is filed, the Commissioner may reduce the amount of debentures to the extent of any loss sustained as a result of failure to comply with the provisions of paragraphs (a) and (b) of this section.

(d) *Insurance of property against fire and hazard.* The mortgaged premises shall at all times be insured against fire and other hazards as provided in the mortgage. The duty shall be upon the mortgagee to provide such coverage in the event the mortgager fails to do so. If the mortgagee fails to pay any premiums necessary to keep the mortgaged premises so insured the contract of insurance may be terminated at the election of the Commissioner.

(e) *Effect of failure to provide fire and hazard insurance.* If at the time claim is filed for debentures, the property has been damaged by fire or other hazards and loss has been sustained by reason of failure to keep the property insured as provided in the mortgage, the amount of such loss may be deducted from the amount of the debentures.

(f) *Application of fire and hazard insurance proceeds.* (1) In the event a loss has occurred to the mortgaged property under any policy of fire or other hazard insurance and the mortgagee has received the proceeds therefrom, it shall not exercise its option under the mortgage to use the proceeds of such insurance for the repairing, replacing, or rebuilding of the premises, or apply them to the mortgage indebtedness, without the prior written approval of the Commissioner.

(2) If the proceeds are applied to the mortgage with such prior written approval and result in the payment in full of the entire mortgage indebtedness, the contract of mortgage insurance made with the Commissioner shall thereupon terminate.

(3) If the Commissioner shall fail to give his approval to the use or application of such funds for either of said purposes within thirty days after written request by the mortgagee, the mortgagee may use or apply such funds for any of the purposes specified in the mortgage without the approval of the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

### PART 235—MULTIFAMILY HOUSING FOR THE ELDERLY; ELIGIBILITY REQUIREMENTS OF MORTGAGE

In Part 235 there is added to the table of contents a new heading as follows:

Sec.
235.10 Builder's and sponsor's profit and risk allowance.

Part 235 is amended by adding a new § 235.10 as follows:

**§ 235.10 Builder's and sponsor's profit and risk allowance.**

(a) *Identity of interest cases.* In the case of a mortgage where it is determined by the Commissioner that an identity of interest exists between the mortgagor and the builder or contractor, there shall be included in the actual cost, in lieu of any allowance for a "builder's fixed fee" provided for in § 232.25(b) of this chapter, an allowance for builder's and sponsor's profit and risk equal to 10 percent of all other items entering into the term "actual cost" except land or any amount paid for a leasehold and, in case the mortgage is to assist the financing of repaid or rehabilitation, the land and improvements (if any) prior to such repair or rehabilitation and any amount of the mortgage proceeds used to refinance an outstanding indebtedness on the property.

(b) *Non-identity of interest cases.* In the case of a mortgage where is is established to the satisfaction of the Commissioner that no identity of interest exists between the mortgagor and the builder or contractor, there shall be included in the actual cost, in addition to the items provided for in § 232.26(a) of this chapter, an allowance for sponsor's profit and risk equal to 10 percent of all other items entering into the term "actual cost" except amounts paid by the mortgagor under a general construction contract and other items required to be deducted under the provisions of paragraph (a) of this section.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 231, 73 Stat. 665; 12 U.S.C. 1715v)

### PART 237—MORTGAGE INSURANCE FOR NURSING HOMES: ELIGIBILITY REQUIREMENTS OF MORTGAGE

Section 237.20 is amended to read as follows:

**§ 237.20 Eligible mortgagors.**

All mortagors shall be approved by the Commissioner and shall possess the legal powers necessary and incidental to operating a nursing home, unless a mortgagor leases the property or project to a qualified operator, in which case the lessee shall be approved by the Commissioner and shall possess the legal powers necessary and incidental to operating a nursing home.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER F—URBAN RENEWAL AND NEIGHBORHOOD CONSERVATION HOUSING INSURANCE

### PART 263—URBAN RENEWAL INSURANCE; ELIGIBILITY REQUIREMENTS OF MULTIFAMILY PROJECT MORTGAGE

**§ 263.1 [Amendment]**

In § 263.1 paragraph (a) is amended by deleting the heading "§ 232.20 *Occupancy requirements*" from the listed provisions.

Section 263.9b is revoked as follows:

**§ 263.9b Occupancy requirements. [Revoked]**

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

### PART 266—HOME RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

In Part 266 there is added to the table of contents new headings as follows:

Sec.
266.3a Mortgage form.
266.8a Disbursement of mortgage amount.

In § 266.1 paragraph (a) is amended by adding to the listed provisions the following:

**§ 266.1 Incorporation by reference.**

(a) * * *

211.16 Mortgage provisions.

Part 266 is amended by adding a new § 266.3a as follows:

**§ 266.3a Mortgage form.**

The mortgage shall be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated and shall be a first lien upon property that conforms with property standards prescribed by the Commissioner.

Section 266.8 is amended to read as follows:

**§ 266.8 Maturity and payment of mortgage.**

(a) *Maximum maturity of mortgage.* The mortgage shall have a maturity satisfactory to the Commissioner not to be less than 10 nor more than 40 years from the date of the insurance, or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser.

(b) *Beginning of payments on mortgage.* The mortgage shall provide for payments to principal and interest to begin not later than the first day of the month following 60 days from the date the mortgagee's certificate on the commitment was executed.

Part 266 is amended by adding a new § 266.8a as follows:

**§ 266.8a Disbursement of mortgage amount.**

The entire principal amount of the mortgage shall be disbursed to the mortgagor or his creditors for the mortgagor's account and with his consent.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

Issued at Washington, D.C., January 11, 1961.

NORMAN P. MASON,
*Acting Federal Housing Commissioner.*

[F.R. Doc. 61-355; Filed, Jan. 16, 1961; 8:47 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

### PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

#### Demotion for Personal Cause

Section 25.406 is amended as set out below.

**§ 25.406 Demotion for personal cause.**

A demotion for personal cause is any demotion based on conduct, character, or inefficiency of the employee.

(Sec. 1101, 63 Stat. 971; 5 U.S.C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-358; Filed, Jan. 16, 1961; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 52 ]

### FROZEN PEACHES

### U.S. Standards for Grades [1]

A proposed revision of the United States Standards for Grades of Frozen Peaches was published in the FEDERAL REGISTER on May 14, 1960 (25 F.R. 4324). After careful study of all data, views and arguments submitted it has been determined that important changes in the proposed revision of these grade standards appear necessary to facilitate the marketing of frozen peaches for uses other than dessert. Such changes include the addition of U.S. grades for manufacturing into bakery products, preserves, and ice cream as well as other substantive changes. Accordingly, a second notice is hereby given that the U.S. Department of Agriculture is considering the revision of United States Standards for Grades of Frozen Peaches pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than April 30, 1961.

The currently proposed revision of United States Standards for Grades of Frozen Peaches is set forth below:

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES


Sec.
52.3551 Product description.
52.3552 Types of frozen peaches.
52.3553 Styles of frozen peaches.
52.3554 Applicability of grades.
52.3555 Dessert grades.
52.3556 Bakery grades.
52.3557 Preserves grades.
52.3558 Ice cream grades.
52.3559 Other grades.

FACTORS OF QUALITY

52.3560 Ascertaining the grade of a sample unit.
52.3561 Ascertaining the rating for the factors which are scored.
52.3562 Color.
52.3563 Size and symmetry.
52.3564 Defects.
52.3565 Character.

METHODS OF ANALYSIS

52.3566 Methods of analysis.

LOT INSPECTION AND CERTIFICATION

52.3567 Ascertaining the grade of a lot.

SCORE SHEET

52.3568 Score sheet for frozen peaches.


AUTHORITY: §§ 52.3551 to 52.3568 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

**§ 52.3551 Product description.**

Frozen peaches are prepared from sound, mature, fresh peaches which are peeled, pitted, washed, cut, and may be trimmed to assure a clean and wholesome product. The peaches are properly drained of excess water before filling into containers; may be packed with the addition of a nutritive sweetening ingredient(s), including syrup and/or syrup containing pureed peaches and any other ingredient(s) permissible under the provisions of the Federal Food, Drug, and Cosmetic Act; are prepared and frozen in accordance with good commercial practice; and are maintained at temperatures necessary for the preservation of the product.

**§ 52.3552 Types of frozen peaches.**

(a) *Yellow Freestone.* Freestone peaches of the yellow-fleshed varieties which may have orange or red pigments emanating from the pit cavity;

(b) *White Freestone.* Freestone peaches that are predominately white fleshed;

(c) *Red Freestone.* Freestone peaches that have substantial red coloring in the flesh;

(d) *Yellow Clingstone.* Clingstone peaches of the yellow or orange-fleshed varieties.

**§ 52.3553 Styles of frozen peaches.**

(a) "Halved" or "halves" means the peaches are cut approximately in half along the suture from stem to apex.

(b) "Quartered" or "quarters" means halved peaches cut into two approximately equal parts.

(c) "Sliced" or "slices" means the peaches are cut into sectors smaller than quarters.

(d) "Mixed pieces of irregular sizes and shapes" means peaches cut or broken into pieces of irregular sizes and shapes and which do not conform to a single style of halves, quarters, or slices.

**§ 52.3554 Applicability of grades.**

The grades listed in this section are designed for specific end-uses of the product. Frozen peaches may be classified into one or more of the applicable use-designated grades, as desired by any interested person. However, unless otherwise so specified the grades applicable to frozen peaches packed in various container sizes are as follows:

(a) When packed in containers of 10 pounds or less:
(1) U.S. Grade A, Dessert;
(2) U.S. Grade B, Dessert.

(b) When packed in containers of more than 10 pounds:
(1) U.S. Grade A, Bakery;
(2) U.S. Grade B, Bakery;
(3) U.S. Grade A, Preserves;
(4) U.S. Grade B, Preserves;
(5) U.S. Grade A, Ice Cream.

(c) Regardless of the size of the container frozen peaches that fail to meet the requirements of one of the foregoing grades may be classified as:
(1) U.S. Grade C; or
(2) Substandard.

**§ 52.3555 Dessert grades.**

(a) *U.S. Grade A, Dessert.* Minimum requirements of this grade are as follows:
(1) Similar varietal characteristics;
(2) Normal flavor;
(3) Good color;
(4) Practically uniform in size and symmetry if applicable for the style or may be only reasonably uniform in size and symmetry if the total score is not less than 90 points;
(5) Practically free from defects;
(6) Good character;
(7) Score not less than 90 points.

(b) *U.S. Grade B, Dessert.* Minimum requirements of this grade are as follows:
(1) Similar varietal characteristics;
(2) Normal flavor;
(3) Reasonably good color;
(4) Reasonably uniform in size and symmetry if applicable for the style or may be only fairly uniform in size and symmetry if the total score is not less than 80 points;
(5) Reasonably free from defects;
(6) Reasonably good character;
(7) Score not less than 80 points.

**§ 52.3556 Bakery grades.**

(a) *U.S. Grade A, Bakery.* Minimum requirements for this grade are as follows:
(1) Similar varietal characteristics;
(2) Normal flavor;
(3) Reasonably good color, scoring not less than 17 points;
(4) Reasonably uniform in size and symmetry, scoring not less than 16 points;
(5) Practically free from defects, scoring not less than 27 points;
(6) Possess a character that is predominantly fairly firm to firm, but not so firm as to score less than 21 points nor so soft as to score more than 27 points;
(7) Score not less than 81 points.

(b) *U.S. Grade B, Bakery.* Minimum requirements for this grade are as follows:
(1) Similar varietal characteristics;
(2) Normal flavor;
(3) Reasonably good color, scoring not less than 16 points;
(4) Fairly uniform in size and symmetry, scoring not less than 14 points;
(5) Practically free from pits and pit fragments and at least reasonably free from other defects, scoring not less than 24 points for this factor;
(6) Possess a character that may be predominantly firm but no so firm as to score less than 21 points, or may be predominantly soft to slightly firm but not so soft as to score less than 24 points;
(7) Score not less than 75 points.

**§ 52.3557 Preserves grades.**

(a) *U.S. Grade A, Preserves.* Minimum requirements for this grade are as follows:
(1) Similar varietal characteristics;
(2) Normal flavor;
(3) Reasonably good color, scoring not less than 17 points;
(4) Fairly uniform in size and symmetry, scoring not less than 14 points;
(5) Practically free from defects, scoring not less than 27 points;
(6) Possess a reasonably good character, scoring not less than 24 points;
(7) Score not less than 82 points.

(b) *U.S. Grade B, Preserves.* Minimum requirements for this grade are as follows:
(1) Similar varietal characteristics;
(2) Normal flavor;
(3) Reasonably good color, scoring not less than 16 points;
(4) (There is no minimum requirement for size and symmetry in this grade. Sample units scoring 16 points or less will be assigned 14 points for this factor.)
(5) Practically free from pits and pit fragments and reasonably free from other defects, scoring not less than 24 points for this factor;
(6) Possess a fairly good character, scoring not less than 22 points;
(7) Score not less than 76 points.

**§ 52.3558 Ice cream grade.**

(a) *U.S. Grade A, Ice Cream.* Minimum requirements for this grade are as follows:
(1) Similar varietal characteristics;
(2) Has a distinct and pleasing peach flavor;
(3) Good color, scoring not less than 18 points;
(4) (There is no requirement for size and symmetry. Sample units scoring 16 points or less will be assigned 16 points for this factor.)
(5) Practically free from defects, scoring not less than 27 points;
(6) Possess a character which if predominantly firm scores not less than 27 points, or if predominantly soft scores not less than 21 points;
(7) Score not less than 82 points.

**§ 52.3559 Other grades.**

(a) *U.S. Grade C.* Minimum requirements for this grade are as follows:
(1) Similar varietal characteristics;
(2) Normal flavor;
(3) Fairly good color;
(4) Fairly uniform in size and symmetry if applicable for the style;
(5) Fairly free from defects;
(6) Fairly good character;
(7) Score not less than 70 points.

(b) *Substandard.* Is the quality of frozen peaches that fails to meet the requirements of U.S. Grade C.

FACTORS OF QUALITY

**§ 52.3560 Ascertaining the grade of a sample unit.**

(a) *General.* In addition to considering other requirements outlined in the standard, the following quality factors are evaluated:

(1) *Factors not rated by score points.*
(i) Varietal characteristics;
(ii) Flavor.

(2) *Factors rated by score points.* (i) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Size and symmetry | 20 |
| Defects | 30 |
| Character | 30 |
| Total score | 100 |

(ii) Quality factors are evaluated immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units.

(b) *Definition of normal flavor.* "Normal flavor" means that the frozen peaches are free from objectionable flavors or objectionable odors of any kind.

**§ 52.3561 Ascertaining the rating for the factors which are scored.**

The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "18 to 20 points" means 18, 19, or 20 points.)

**§ 52.3562 Color.**

(a) *General.* The score for the factor of color is evaluated by considering the overall color of the units. Abnormal discoloration near or part of the pit cavity shall be considered in the evaluation of the overall color of the unit.

(b) *(A) classification.* Frozen peaches that possess a good color may be given a score of 18 to 20 points. "Good color" means that the frozen peaches possess a color that is bright, reasonably uniform, and typical of reasonably well-ripened to well-ripened peaches of the type and variety which have been properly prepared and properly processed; that not more than 10 percent, by weight, of the drained thawed peaches may possess no more than a slight tinge of green or slight tinge of brown color due to oxidation, improper processing, or other causes, and none may possess a pronounced green or brown color.

(c) *(B) classification.* Frozen peaches that possess a reasonably good color may be given a score of 16 or 17 points. Frozen peaches that fall into this classification shall not be graded above U.S. Grade B—Dessert, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen peaches possess a color that is reasonably bright, fairly uniform, and typical of reasonably well-ripened peaches of the type and variety which have been properly prepared and properly processed; that not more than a total of 20 percent by weight of the drained thawed peaches may be affected by green or brown color of which not more than 5 percent, by weight, of the drained thawed peaches may have a pronounced green or a pronounced brown color and the remainder of this allowance (20 percent) may have no more than a slight tinge of green or of brown color: *Provided,* That any such peaches do not materially affect the appearance of the product.

(d) *(C) classification.* Frozen peaches that possess a fairly good color may be given a score of 14 or 15 points. Frozen peaches that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the frozen peaches vary in color typical of fairly well-ripened peaches of the type and variety, including units that may possess slight tinges of green or brown color; and that not more than 15 percent, by weight, of the drained thawed peaches may be materially affected by brown color due to oxidation, improper processing, or other causes or may possess a pronounced green color: *Provided,* That any of such units individually or collectively do not seriously affect the appearance of the product.

(e) *(SStd.) classification.* Frozen peaches that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

**§ 52.3563 Size and symmetry.**

(a) *General.* The factor of size and symmetry refers to the uniformity of size and to the symmetry of the units of peaches in halved, quartered, and sliced styles. This factor does not apply to the style of "mixed pieces of irregular sizes and shapes;" the total score for this style is determined by multiplying the sum of the scores assigned for color, defects, and character by 100 and dividing by 80, dropping any fractions.

(b) *Off-suture cut.* "Off-suture cut" means a halved or quartered peach unit which has been cut at a distance from the suture greater than 3/8 inch at the widest measurement from the suture.

(c) *Partially detached or detached piece.* A "partially detached or detached piece" in the style of halves means a unit which has the appearance of a slice resulting from an off-suture cut or from improper cutting and which may or may not be attached to the half from which cut. In determining the applicable allowance in terms of percentage by count, a partially detached piece together with the half to which it is partially attached is considered as one unit or a detached piece with the half from which detached or together with any other half is considered as one unit.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

(d) *Partial or broken slice.* A "partial or broken slice" is a unit that has had the semblance of a slice with respect to thickness and shape but is less than three-fourths of an apparent full slice or that is seriously cracked, crushed, broken or severed into definite parts.

(e) *Sliver.* A "sliver" is a sector that (1) is substantially smaller than the predominant size of slices or that (2) weighs 3 grams or less.

(f) *Slab.* A "slab" in the style of slices is a portion of a unit which does not conform to the shape of a definite slice due to improper cutting.

(g) *Broken halves or quarters.* "Broken halves or quarters" means peach halves or quarters that are seriously cracked or severed into definite parts. Portions equivalent to the weight of an average full-size unit may be considered as one half (or quarter) in determining the percentage, by count.

(h) (*A*) *classification.* Halved, quartered, or sliced frozen peaches that are practically uniform in size and symmetry may be given a score of 18 to 20 points. "Practically uniform in size and symmetry" has the following meanings with respect to the following styles:

(1) *Halves; quarters.* In a 32-ounce sample unit of thawed drained peaches or fraction thereof, the weight of the largest normal-shaped unit does not exceed the weight of the smallest normal-shaped unit by more than 75 percent; and that not more than 10 percent, by count, of such units may possess off-suture cuts or partially detached or detached pieces, or any combination thereof.

(2) *Slices.* (i) Not more than 10 percent by weight of the thawed drained peaches may consist of partial or broken slices, slivers, disintegrating or mushy portions or other than practically intact slices and slabs;

(ii) Not more than 5 percent, by weight, of the drained thawed peaches may be slabs, and

(iii) The variation in size of the practically intact slices does not materially affect the appearance of the product.

(i) (*B*) *classification.* Halved, quartered, or sliced frozen peaches that are reasonably uniform in size and symmetry may be given a score of 16 or 17 points. "Reasonably uniform in size and symmetry" has the following meanings with respect to the following styles:

(1) *Halves; quarters.* In a 32 ounce sample unit of thawed drained peaches, or fraction thereof, the weight of the largest normal-shaped unit does not exceed the weight of the smallest normal-shaped unit by more than 100 percent; and that not more than 20 percent, by count of the units may consist of off-suture cuts or partially detached or detached pieces, or broken halves or quarters;

(2) *Slices.* (i) Not more than 20 percent, by weight, of the thawed drained peaches may consist of partial or broken slices, slivers, disintegrating or mushy portions or other than practically intact slices and slabs;

(ii) Not more than 10 percent by weight of the drained thawed may be slabs;

(iii) The variation in size of the practically intact slices does not seriously affect the appearance of the product.

(j) (*C*) *classification.* Halved, quartered, or sliced frozen peaches that are fairly uniform in size and symmetry may be given a score of 14 or 15 points. Frozen peaches of any dessert grade that fall into this classification shall not be graded above U.S. Grade B (this is a partial limiting rule). "Fairly uniform in size and symmetry" has the following meanings with respect to the following styles:

(1) *Halves; quarters.* Not more than 40 percent, by count, of the units may consist of off-suture cuts or partially detached or detached pieces, or broken halves or quarters.

(2) *Slices.* Not more than a total of 25 percent, by weight, of the thawed drained peaches may consist of partial or broken slices, slivers, disintegrating portions, slabs or mushy portions: *Provided,* That not more than 5 percent by weight of such thawed drained peaches consist of slabs.

(k) (*SStd.*) *classification.* Frozen peaches of any dessert grade that fail to meet the requirements of paragraph (j) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

### § 52.3564 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous material, pit material, peel, blemishes, and from any other defects not specifically mentioned (such as, but not limited to, very light bruises) that detract from the appearance or edibility of the product.

(1) *Harmless extraneous materials.* "Harmless extraneous materials" means harmless vegetable materials such as leaves and stems and portions thereof.

(2) *Blemished unit.* "Blemished unit" means a unit affected by discoloration, bruise, scab, hail or other abnormality of such nature that the appearance or eating quality of the unit is materially affected; if the appearance or eating quality is seriously affected the unit is designated as a "seriously blemished unit."

(b) (*A*) *classification.* (1) Frozen peaches that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the frozen peaches are practically free from pit material, from harmless extraneous material, and from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition, no more than the allowances in Table I for peel, blemished units, and seriously blemished units apply to the thawed drained peaches from individual packages or in the sample unit: *Provided,* That the average allowances are met: [1]

TABLE I—(A) CLASSIFICATION

| Style | Defects | Containers with 16 oz. or less thawed drained peaches | Containers or sample units of more than 16 oz. to 32 oz. incl. of thawed drained peaches | Average for sample units of 32 oz. or less thawed drained peaches (or) for individual sample units of more than 32 oz. thawed drained peaches |
|---|---|---|---|---|
| Halves and quarters | Peel | 1 sq. in. | 2 sq. in. | 1 sq. in. per 32 oz. |
| | Blemished units | 1 unit | 2 units incl. no more than 1 serious. | 1 per 32 oz. and 1 per 64 oz. |
| | Seriously blemished units. | or 1 serious. | | |
| Slices and mixed pieces of irregular sizes and shapes. | Peel | 1 sq. in. | 2 sq. in. | 1 sq. in. per 32 oz. |
| | Blemished units | 2 units incl. no more than 1 serious. | 4 units incl. no more than 2 serious. | 2 per 32 oz. and 1 per 32 oz. |
| | Seriously blemished units. | | | |

(2) *All styles.* Notwithstanding the allowances of paragraph (1) of this section, the defects that may be present do not more than slightly affect the appearance or edibility of the product.

(c) (*B*) *classification.* (1) Frozen peaches that are reasonably free from defects may be given a score of 24 to 26 points. Frozen peaches that fall into this classification shall not be graded above U.S. Grade B—Dessert regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the frozen peaches are practically free from pit material; are reasonably free from harmless extraneous material and from any defects not specifically mentioned that affect the appearance or edibility of the product; and, in addition, no more than the allowances in Table II for peel, blemished units, and seriously blemished units apply to the thawed drained peaches from individual packages or in the sample unit: *Provided,* That the average allowances are met: [1]

[1] Although the maximum permitted in individual sample units may be as much as twice that of the average allowance, the average allowance when applicable is the final criteria for acceptance for this grade.



TABLE II—(B) CLASSIFICATION

| Style | Defects | Containers with 16 oz. or less thawed drained peaches | Containers or sample units of more than 16 oz. to 32 oz. incl. of thawed drained peaches | Average for sample units of 32 oz. or less thawed drained peaches (or) for individual sample units of more than 32 oz. thawed drained peaches |
|---|---|---|---|---|
| Halves and quarters | Peel | 1½ sq. in. | 3 sq. in. | 1½ sq. in. per 32 oz. |
| | Blemished units | 2 units incl. no more than 1 serious. | 4 units incl. no more than 2 serious. | 2 per 32 oz. and 1 per 32 oz. |
| | Seriously blemished units. | | | |
| Slices and mixed pieces of irregular sizes and shapes. | Peel | 1½ sq. in. | 3 sq. in. | 1½ sq. in. per 32 oz. |
| | Blemished units | 4 units incl. no more than 2 serious. | 8 units incl. no more than 4 serious. | 4 per 32 oz. and 2 per 32 oz. |
| | Seriously blemished units. | | | |

(2) *All styles.* Notwithstanding the allowances of paragraph (1) of this section, the defects that may be present do not materially affect the appearance or edibility of the product.

(d) (*C*) *classification.* (1) Frozen peaches that are fairly free from defects may be given a score of 21 to 23 points. Frozen peaches that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the frozen peaches are practically free from pit material; are fairly free from harmless extraneous material and from any defects not specifically mentioned that affect the appearance or edibility of the product; and, in addition, no more than the allowances in Table III for peel, blemished units, and seriously blemished units apply to the thawed drained peaches from individual packages or in the sample unit: *Provided,* That the average allowances are met: [1]

TABLE III—(C) CLASSIFICATION

| Style | Defects | Containers with 16 oz. or less thawed drained peaches | Containers or sample units of more than 16 oz. to 32 oz. incl. of thawed drained peaches | Average for sample units of 32 oz. or less thawed drained peaches (or) for individual sample units of more than 32 oz. thawed drained peaches |
|---|---|---|---|---|
| Halves and quarters | Peel | 2 sq. in. | 4 sq. in. | 2 sq. in. per 32 oz. |
| | Blemished units | 4 units incl. no more than 2 serious. | 8 units incl. no more than 4 units. | 4 per 32 oz. and 2 per 32 oz. |
| | Seriously blemished units. | | | |
| Slices and mixed pieces of irregular sizes and shapes. | Peel | 2 sq. in. | 4 sq. in. | 2 sq. in. per 32 oz. |
| | Blemished units | 8 units incl. no more than 4 serious. | 16 units incl. no more than 6 serious. | 8 per 32 oz. and 3 per 32 oz. |
| | Seriously blemished units. | | | |

(2) *All styles.* Notwithstanding the allowances of paragraph (1) of this section, the defects that may be present do not seriously affect the appearance or edibility of the product.

(e) (*SStd.*) *classification.* Frozen peaches that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

### § 52.3565 Character.

(a) *General.* The factor of character refers to the degree of ripeness, the texture, the firmness, and the tenderness of the fruit, and the tendency of the units to retain their apparent conformation and size without material disintegration.

(b) (*A*) *classification.* Frozen peaches that possess a good character may be given a score of 27 to 30 points. "Good character" means that the units possess a tender texture characteristic of mature well-ripened peaches for the varietal type, and which units after defrosting and proper handling retain good conformation, are not hard, tough or rubbery, and are reasonably uniform in texture within either of the following categories:

(1) Slightly firm—consists predominantly of units with reasonably well-defined edges; or

(2) Soft to slightly firm—consists predominantly of units which may possess slightly frayed edges.

(c) (*B*) *classification.* Frozen peaches that possess a reasonably good character may be given a score of 24 to 26 points. Frozen peaches that fall into this classification shall not be graded above U.S. Grade B—Dessert, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units possess a reasonably tender texture characteristic of mature and at least reasonably well-ripened peaches for the varietal type, and which units, after defrosting and proper handling retain reasonably good conformation and are fairly uniform in texture which may range from soft to firm; and, in addition, in all styles not more than 10 percent, by weight, of the drained thawed peaches (see § 52.3561) may be hard, tough, or rubbery units or excessively soft, mushy, or disintegrated portions.

[1] Although the maximum permitted in individual sample units may be as much as twice that of the average allowance, the average allowance when applicable is the final criteria for acceptance for this grade.

(d) (*C*) *classification.* Frozen peaches that possess a fairly good character may be given a score of 21 to 23 points. Frozen peaches that fall into this classification shall not be graded above U.S. Grade C—Dessert, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the units possess a fairly tender texture characteristic of mature and fairly well-ripened peaches for the varietal type, and which units, after defrosting and proper handling retain fairly good conformation but may be variable in texture, may be slightly tough and slightly rubbery, or may be soft and tend to disintegrate. To score in this classification, frozen peaches of all styles may consist of not more than a total of 50 percent, by weight, of the drained thawed peaches (see § 52.3561) that are hard, tough, or rubbery units or excessively soft, mushy, or disintegrated portions: *Provided,* That not more than 20 percent, by weight, of the drained thawed peaches are hard, tough, or rubbery units: *And further provided,* That not more than 10 percent, by weight, of the drained thawed peaches are hard units.

(e) (*SStd.*) *classification.* Frozen peaches that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

METHODS OF ANALYSIS

### § 52.3566 Determination of drained fruit.

The weight of thawed drained peaches in a sample unit is determined as follows:

(a) *Equipment.*

Flat grading trays.
Table fork, spoon, spatula.
Glass beakers.
Torsion or triple beam balance.

(b) *Procedure.* (1) If the sample unit is 16 ounces or less in total contents, use the entire sample unit. If the sample unit is more than 16 ounces select a representative aliquot of 16 ounces or more for the determination.

(2) Carefully place the thawed sample unit on the tray and raise one end of the tray slightly and arrange material, if necessary, so any adhering packing media will drain to the other end of the tray away from the peach material. The solid and semi-solid peach material on the upper end of the tray is considered to be the "thawed drained peaches" referred to in these standards.

(3) Percentages by weight of the various categories scorable against the factors of color, size and symmetry, defects, and character are determined by separating the material being considered from the rest by carefully removing with a fork, spoon or spatula and weighing separately in the following categories, if present:

(i) Intact or practically intact units, not scorable against color, size and symmetry, or character (blemished units not also scorable in other categories are also weighed at this time).

(ii) Units with tinges of green or brown.
(iii) Pronounced green or brown.
(iv) "Slabs."
(v) "Partial or broken slices" and "slivers" (including all soft and disintegrating peach material).
(vi) "Tough" and "rubbery units."
(vii) "Hard" units.

(4) The sum of the weights obtained in subparagraph (3) is considered to be the weight of the "thawed drained peaches" from which to calculate the percentages by weight of the various allowances so specified in these standards.

(5) After the total weight of thawed drained peaches has been determined and necessary calculations for other allowances have been made, blemished and seriously blemished units are separated, weighed, and these weights divided by the total weight of thawed drained peaches obtained in subparagraph (4) to obtain the percentages by weight of blemished units and those seriously blemished.

LOT INSPECTION AND CERTIFICATION

**§ 52.3567 Ascertaining the grade of a lot.**

The grade of a lot of frozen peaches covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

**§ 52.3568 Score sheet for frozen peaches.**

| | | | |
|---|---|---|---|
| Number, size, and kind of container | | | |
| Container mark or identification | Containers or sample | | |
| | Cases | | |
| Label (styles, varietal type, added ingredients; fruit to sugar, etc., ratio (if shown)) | | | |
| Net weight (ounces) | | | |
| Type | | | |
| Color | | | |
| Style | | | |

| Factors | Score points | | |
|---|---|---|---|
| Color | 20 | (A) | 18–20 |
| | | (B) | [1] 16–17 |
| | | (C) | [1] 14–15 |
| | | (SStd.) | [1] 0–13 |
| Size and symmetry | 20 | (A) | 18–20 |
| | | (B) | 16–17 |
| | | (C) | [2] 14–15 |
| | | (SStd.) | [1] 0–13 |
| Defects | 30 | (A) | 27–30 |
| | | (B) | [1] 24–26 |
| | | (C) | [1] 21–23 |
| | | (SStd.) | [1] 0–20 |
| Character | 30 | (A) | 27–30 |
| | | (B) | [1] 24–26 |
| | | (C) | [1] 21–23 |
| | | (SStd.) | [1] 0–20 |
| Total score | 100 | | |

Varietal characteristics: ( ) Similar; ( ) Dissimilar.
Flavor: ( ) Normal; ( ) Not normal.
Grade

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Dated: January 12, 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 61-353; Filed, Jan. 16, 1961; 8:47 a.m.]

## [7 CFR Part 52]

# FROZEN FIELD PEAS AND FROZEN BLACK-EYE PEAS

## U.S. Standards for Grades [1]

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas (7 CFR, 52.1661–52.1670) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

PRODUCT DESCRIPTION, DEFINITIONS, TYPES, GRADES

Sec.
52.1661 Product description.
52.1662 Definitions.
52.1663 Types of frozen peas.
52.1664 Grades of frozen peas.

FACTORS OF QUALITY

52.1665 Ascertaining the grade.
52.1666 Ascertaining the rating for the factors which are scored.
52.1667 Color.
52.1668 Absence of defects.
52.1669 Character.

LOT INSPECTION AND CERTIFICATION

52.1670 Ascertaining the grade of a lot.

SCORE SHEET

52.1671 Score sheet for frozen field peas and frozen black-eye peas.

AUTHORITY: §§ 52.1661 to 52.1671 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, DEFINITIONS, TYPES, GRADES

**§ 52.1661 Product description.**

(a) "Frozen field peas" is the product prepared from the clean and sound immature seed of the field pea plant (Vigna sinensis), other than the black-eye pea plant, by shelling, sorting, washing, and blanching, and is frozen and maintained at temperatures necessary for the preservation of the product. The product may contain succulent immature unshelled pods (snaps) of the pea plant as an optional ingredient as a garnish.

(b) "Frozen black-eye peas" is the product prepared from the clean and sound immature seed of the black-eye pea plant (Vigna sinensis) by shelling, sorting, washing, and blanching, and is frozen and maintained at temperatures necessary for the preservation of the product. The product may contain succulent immature unshelled pods (snaps) of the pea plant as an optional ingredient as a garnish.

**§ 52.1662 Definitions.**

(a) "Frozen peas" means frozen field peas or frozen black-eye peas.

(b) "Snap" or "snaps" means a piece or pieces of immature unshelled pods of the field pea plant or of the black-eye pea plant.

(c) "Unit" means an individual field pea or black-eye pea or a piece of immature unshelled pod of either.

**§ 52.1663 Types of frozen peas.**

(a) *Single types.* Frozen peas that possess distinct similarities as to color and shape for a single type are not considered "mixed" for the purposes of this subpart. Single types include, but are not necessarily limited to, the following:

(1) "Black-eye peas" or other types having a light-colored skin with a pigmented hilum or resemblance of an eye and bean-shaped;

(2) "Crowder peas" of various groups, such as "Cream" or "Brown" crowders;

(3) Other varietal groups or types which possess similar color and shape characteristics.

(b) *Mixed type.* Frozen peas that are a mixture of two or more distinct single varietal groups or are not distinguishable as a single varietal group shall be considered "mixed" type for the purposes of this subpart.

**§ 52.1664 Grades of frozen peas.**

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen peas that possess similar varietal characteristics except for mixed types; that possess a good flavor and odor; that possess a good typical color; that are practically free from defects; that possess a good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 90 points.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen peas that possess similar varietal characteristics except for mixed types; that possess a reasonably good flavor and odor; that possess a reasonably good typical color; that are reasonably free from defects; that possess a reasonably good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 80 points: *Provided*, That the frozen peas need not be reasonably free from defects with respect to extraneous vegetable matter, loose skins and loose cotyledons and pieces thereof, and broken units, if the total score is not less than 80 points.

(c) "Substandard" is the quality of frozen peas that fail to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

**§ 52.1665 Ascertaining the grade.**

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.*
(i) Varietal characteristics, as applicable.
(ii) Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| | Points |
|---|---|
| (i) Color | 20 |
| (ii) Absence of defects | 40 |
| (iii) Character | 40 |

(b) *Evaluating the sample units.* The score for the factors of color and absence of defects in frozen peas is determined after thawing so that the product is substantially free from ice crystals and can be handled as individual units. A representative sample of the product is cooked for examination with respect to character and for flavor and odor.

(c) *Definitions of flavor and odor.* (1) "Good flavor and odor" means that the product after cooking has a good characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(2) "Reasonably good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

**§ 52.1666 Ascertaining the rating for the factors which are scored.**

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

**§ 52.1667 Color.**

(a) *General.* The evaluation of color shall be determined on the thawed product. The color is based upon the exterior color of the units.

(b) *Varietal color characteristics.* (1) "Similar color characteristics" in other than "mixed" type means the peas are of typical color for a single type or varietal group.

(2) "Dissimilar color characteristics" means the peas are a mixture of two or more distinct color types.

(c) (*A*) *classification.* Frozen peas that possess a good typical color may be given a score of 18 to 20 points. "Good typical color" means that the frozen peas of a single type possess similar color characteristics, that mixed types may possess dissimilar color characteristics, and in either case such color is typical of reasonably young peas; that not less than 50 percent, by count, of peas show at least a tinge of green color; and that there may be present in single types not more than 5 percent, by weight, of peas which are of markedly different varietal colors.

(d) (*B*) *classification.* Frozen peas that possess a reasonably good typical color may be given a score of 16 or 17 points. Frozen peas that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good typical color" means that the frozen peas of a single type possess similar color characteristics, that mixed types may possess dissimilar color characteristics, and in either case such color is typical of fairly young peas; and that there may be present in single types not more than 5 percent, by weight, of peas which are of markedly different varietal colors.

(e) (*SStd*) *classification.* Frozen peas that are definitely off color for any reason or that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

**§ 52.1668 Absence of defects.**

(a) *General.* The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter; from loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, broken units; and from units blemished by pathological injury, insect injury, or other means.

(1) "Extraneous vegetable matter" means hulls or pieces of hulls; unshelled pods or pieces of unshelled pods (except in frozen peas with snaps as a garnish); leaves, stems, and other similar vegetable matter that is harmless.

(2) "Blemished" means discolored or spotted by pathological injury, insect injury, or other means to such an extent that the appearance or eating quality of the unit is materially affected.

(b) (*A*) *classification.* Frozen peas that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that:

(1) Not more than 2 pieces of extraneous vegetable matter may be present for each 16 ounces of product, or per package if less than 16 ounces;

(2) The combined weight of all loose skins and pieces of skins, loose cotyledons, and pieces of cotyledon, and broken units does not exceed 5 percent, by weight, of the peas and snaps, if present;

(3) The weight of blemished units does not exceed 3 percent, by weight, of the peas and snaps, if present; and

(4) Notwithstanding the specified allowances of subparagraphs (1), (2), and (3) of this paragraph, the presence of such defects or any others not specifically mentioned, individually or collectively; does not materially affect the appearance or eating quality of the product.

(c) (*B*) *classification.* If the frozen peas are reasonably free from defects, a score of 32 to 35 points may be given. Frozen peas that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) Not more than 4 pieces of extraneous vegetable matter may be present for each 16 ounces of product, or per package if less than 16 ounces;

(2) The combined weight of all loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, and broken units does not exceed 10 percent, by weight, of the peas and, snaps, if present;

(3) The weight of blemished units does not exceed 5 percent, by weight, of the peas and snaps, if present; and

(4) Notwithstanding the specified allowances of subparagraphs (1), (2), and (3) of this paragraph, the presence of such defects or any others not specifically mentioned, individually or collectively, does not seriously affect the appearance or eating quality of the product.

(d) (*SStd*) *classification.* Frozen peas that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 31 points. Frozen peas that fail to meet the requirements of paragraph (c) (3) and (4) of this section with respect to blemished units and units that seriously affect the appearance or eating quality of the product shall not be graded above Substandard, regardless of the total score for the product (this is a partial limiting rule).

**§ 52.1669 Character.**

(a) *General.* This factor refers to the maturity of the field peas or blackeye peas and the tenderness of the units including snaps if present.

(b) (*A*) *classification.* Frozen peas that possess a good character may be given a score of 36 to 40 points. "Good character" means that the units are tender and in a reasonably young stage of maturity.

(c) (*B*) *classification.* If the frozen peas possess a reasonably good character, a score of 32 to 35 points may be given. Frozen peas that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units are reasonably tender and in a fairly young stage of maturity.

(d) (*SStd*) *classification.* Frozen peas that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

**§ 52.1670 Ascertaining the grade of a lot.**

The grade of a lot of frozen peas covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

SCORE SHEET

§ 52.1671 Score sheet for frozen field peas and frozen black-eye peas.

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container mark or identification | | | |
| Label | | | |
| Net weight (ounces) | | | |
| Types: Single ( ); Mixed ( ) | | | |
| **Factors** | **Score points** | | |
| Color | 20 | (A) | 18–20 |
| | | (B) | [1] 16–17 |
| | | (SStd.) | [1] 0–15 |
| Absence of defects | 40 | (A) | 36–40 |
| | | (B) | [1] 32–35 |
| | | (SStd.) | [2] 0–31 |
| Character | 40 | (A) | 36–40 |
| | | (B) | [1] 32–35 |
| | | (SStd.) | [1] 0–31 |
| Total score | 100 | | |
| Grade | | | |
| Flavor and odor | | | |

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Dated: January 12, 1961.

ROY W. LENNARTSON,
*Deputy Administrator, Marketing Services.*

[F.R. Doc. 61–354; Filed, Jan. 16, 1961; 8:47 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

[21 CFR Part 120]

## TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Notice of Filing of Petition for Establishment of Tolerance for Residues of Tributyl Phosphorotrithioite

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

A petition has been filed by Virginia-Carolina Chemical Corporation, Richmond, Virginia, proposing the establishment of a tolerance of 0.25 part per million for residues of tributyl phosphorotrithioite in or on cottonseed.

The analytical method proposed in the petition for determining residue of tributyl phosphorotrithioite is based on the treatment of the residue with sodium borohydride to liberate butyl mercaptan, which is determined spectrophotometrically at 500 mμ after reaction with *N,N*-dimethyl-*p*-phenylenediamine.

Dated: January 9, 1961.

[SEAL] ROBERT S. ROE,
*Director, Bureau of Biological and Physical Sciences.*

[F.R. Doc. 61–346; Filed, Jan. 16, 1961; 8:46 a.m.]



# FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 60–WA–203]

## CONTROL AREAS

### Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1150 of the regulations of the Administrator, the substance of which is stated below.

The Wilmington, N.C., control area extension is presently designated as the area within a 5-mile radius of the Wilmington, N.C., radio beacon (Carolina Beach) including the area bounded on the west by a line tangent to the circumference of this circle extending to the circumference of a circle 15 miles in radius centered at latitude 30°24'00" N., longitude 79°05'30" W., thence to the circumference of a circle 5 miles in radius centered on the West Palm Beach, Fla., radio range station, and bounded on the east by a line tangent to the circumference of the 5-mile radius circle centered on the Wilmington (Carolina Beach) radio beacon extending to the circumference of a circle 35 miles in radius centered at latitude 30°24'00" N., longitude 79°05'30" W., thence to the circumference of a circle 5 miles in radius centered on the West Palm Beach, Fla., radio range station, excluding the portion below 2,000 feet mean sea level which lies outside the continental limits of the United States.

The Federal Aviation Agency is considering modifying this control area extension by redesignating it within a 5-nautical mile radius of the Carolina Beach, N.C., radio beacon (latitude 34°06'22" N., longitude 77°57'42" W.), within a 5-nautical mile radius of the Bimini, Bahamas, radio beacon (latitude 25°42'32" N., longitude 79°16'33" W.), and the area within tangent lines drawn from the east and west sides of the Carolina Beach and Bimini 5-nautical mile radius areas to the east and west sides of a circle with a 23-nautical mile radius centered on latitude 29°53'15" N., longitude 78°39'15" W., excluding that portion below 2,000 feet mean sea level which would lie outside the United States and that portion below 7,000 feet mean sea level which would coincide with the Nassau, Bahamas, control area. That portion of this control area extension which would coincide with Warning Areas (W–497–A and W–497–B) would be used during instrument flight rule weather conditions only after obtaining prior approval from Federal Aviation Agency Air Traffic Control. Modification of Warning Area W–158A to eliminate conflict with the proposed Wilmington control area extension alignment would be accomplished in accordance with established non-rule making procedures.

Concurrently with this action, the western boundary of the Miami Oceanic control area would be adjusted to coincide with the modified Wilmington control area extension as proposed herein. Earlier informal coordination between the United Kingdom and the United States prior to installation of the Bimini facility indicated general concurrence with this change. Formal action to relocate the western boundary of the Miami Oceanic control area will be taken through the International Civil Aviation Organization of which the United Kingdom is a member.

The modification of the Wilmington control area extension would realign the present principal off-shore direct route between the Miami terminal area and northeastern terminals, to the east of its present southern terminus. This would permit the establishment of improved arrival and departure procedures in the Miami terminal area which would reduce the amount of opposite direction traffic north of Miami and thus expedite the high volume of traffic in this area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 11, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–339; Filed, Jan. 16, 1961; 8:45 a.m.]

# Notices

# FEDERAL POWER COMMISSION

[Docket No. G–12196 etc.]

## ATLANTIC SEABOARD CORP.

### Order Fixing Date of Hearing, Prescribing Procedures, and Allowing Revised Tariff Sheets To Become Effective

JANUARY 10, 1961.

Atlantic Seaboard Corporation (Seaboard), an affiliate in the Columbia Gas System, Inc., on September 12, 1960, filed an offer of settlement in Docket Nos. G–12196, G–16817, G–18422, and G–19326, together with a motion requesting approval of that settlement and termination of the proceedings. At the same time, Seaboard also tendered for filing in Docket No. G–20272, certain tariff sheets[1] relating to adjustment of the demand charge for the Btu content of gas delivered, requesting that such tariff sheets be made effective as of April 5, 1960, and if deemed necessary, subject to the orders issued in Docket No. G–20272 to the same extent as if these sheets had been included in the original filing in that docket.[2]

The aforementioned settlement was entered into following a field investigation by the Commission Staff of the books and records of Seaboard and several conferences between Seaboard, its wholesale customers, interveners, and members of the Commission Staff. The proposed settlement agreement has been executed by all the customers of Seaboard (except Lynchburg Gas Company), the Pennsylvania Public Utility Commission, the Public Service Commission of West Virginia and the City of Pittsburgh, Pennsylvania. The Commission Staff concurs in the results reached. The customers agreeing to the settlement purchase approximately 99 percent of the natural gas sold by Seaboard.

Docket No. G–12196 relates to Seaboard's rates in effect subject to refund from July 14, 1957, through April 6, 1959; Docket No. G–16817 pertains to Seaboard's rates in effect subject to refund from April 7, 1959 through May 14, 1959; and Docket No. G–18422 relates to Seaboard's rates in effect subject to refund from May 15, 1959, through April 4, 1960.[3]

Docket No. G–19326 relates to the revised tariff sheets tendered for filing by Seaboard on August 3, 1959, proposing a change in the basis upon which the heating value adjustments to its demand billings are to be made. The revised tariff sheets in this docket, which do not involve any change in rate level from that proposed by Seaboard in Docket No. G–18422, became effective subject to refund on September 4, 1959.

The agreement of the parties on the heating value adjustments to demand billings is reflected in the refunds provided for in the proposed settlement and with respect to rates and charges from April 5, 1960, is reflected in the proposed tariff sheets listed in footnote one, above.

The proposed settlement agreement provides that for the period from July 14, 1957, through April 4, 1960, Seaboard will refund to its wholesale customers an aggregate principal amount of $5,752,000, plus interest at the rate of 6 percent per annum computed and payable as provided in paragraph 3 of the agreement. In addition, Seaboard will distribute to its customers any sums received from its affiliate United Fuel Gas Company in settlement of the claims advanced by Seaboard's customers that the costs relating to the operations of the latter's Boldman Compressor Station during the period July 14, 1957, through April 4, 1960, should be borne by United Fuel and not by Seaboard's customers. By our order issued September 15, 1960, in United Fuel Gas Company, Docket No. G–12195, et al., we approved a payment by United Fuel on these claims in the total amount of $500,000, which will, in turn, be distributed by Seaboard to its customers on a volumetric basis, without interest thereon.

The agreement further provides that Seaboard will pass on to its customers the proportionate share of any refunds it receives from its suppliers applicable to the period from July 14, 1957, through April 4, 1960. Such refunds, without payment of any additional interest thereon by Seaboard, will be passed on to its customers on the basis of the percentages set forth in paragraph 2 of the agreement, provided, however, that Seaboard will not be required to pass on such refunds until the accumulated refunds and interest it has received aggregate at least $100,000.

The agreement sets forth that Seaboard will file revised tariff sheets to be effective as of May 15, 1959, reflecting the rates and charges set out in paragraph 9 of the agreement. Such rates would be the underlying rates to those in effect since April 5, 1960, subject to refund, in Docket No. G–20272.

The agreement also contains a reservation relating to the normalized tax treatment of liberalized depreciation taken under Section 167 of the Internal Revenue Code. That reservation states that if on ultimate judicial determination in City of Lexington, et al. v. F.P.C., No. 8101, October Term, 1960, U.S.C.A., 4th Circuit, the Commission's order with respect to liberalized depreciation is held to be erroneous, further proceedings may be had in these dockets, upon motion of any party. Such proceedings would determine the ultimate disposition of the amount of $1,732,740 included in Seaboard's cost of service for the period July 14, 1957, through April 4, 1960 for effect of Seaboard's deferred taxes, or ultimate disposition of the Reserve for Deferred Taxes created from such sums and set upon Seaboard's books applicable to the aforementioned period. Any refunds ordered in such proceedings shall be charged to Seaboard's Reserve for Deferred Federal Income Taxes to the extent of the related credits to that reserve during the period involved.

As heretofore noted, Lynchburg has not executed the proposed settlement agreement. In addition, Lynchburg on September 20, 1960, filed an answer to Seaboard's motion for approval of the offer of settlement, which in effect is a complaint that the rates and charges and proposed refunds contained in the settlement between Seaboard and its customers have not been found to be just and reasonable.

In its answer, Lynchburg admits that its opposition does not relate to the merits of the settlement but is directed against any effort at the limitation of issues, or settlement of issues, except by formal evidentiary hearings. It is Lynchburg's contention that "the circumstances demand formal hearings in these matters so that the Commission can come to grips with the issues involved." Those issues, Lynchburg alleges, are "proper rate of return, the provision for depreciation, the rate level and the functional relationship between Seaboard and its affiliate, United Fuel Gas Company." Lynchburg also alleges "that Seaboard proposes a pattern of refund which is on its face discriminatory and in conflict with the Commission's Opinion No. 225".

It is unnecessary to discuss Lynchburg's contentions at length at this time. We should note, however, that its opposition, admittedly directed against any effort at limitation of issues rather than at the merits of the proposed settlement, is not well taken. In effect, this opposition to settlement per se was also advanced by Lynchburg in proceedings relating to United Fuel Gas Company. (See, orders issued September 15, 1960,

[1] The tariff sheets tendered for filing are: Second Revised Sheets Nos. 10, 15, 16F, and 17F, and Original Sheets Nos. 10A, 15A, 16G, and 17G to Seaboard's FPC Gas Tariff, Seventh Revised Volume No. 1.

[2] Washington Gas Light Company on September 19, 1960, filed an answer to Seaboard's request that these revised tariff sheets be accepted for filing, stating that it had no objection to acceptance of the filing as requested by Seaboard, provided such acceptance was without prejudice to Washington Gas Light's position with respect to the provisions of the CDS–PR rate schedule proposed by Seaboard in Docket No. G–16401. Lynchburg Gas Company telegram dated September 19, 1960, stated that it objects to the acceptance of the revised tariff sheets.

[3] The proposed increased rates which were suspended in Docket No. G–20272 and became effective subject to refund on April 5, 1960 are not proposed to be settled by the aforementioned agreement and motion.

and November 10, 1960, United Fuel Gas Co., Docket Nos. G–12195, et al.)

Conferences between parties to a proceeding seeking limitation of issues or settlement of the proceeding are contemplated by our Rules and Regulations and in our view are in the public interest. Further, it is clear that equitable settlements resulting from such conferences, based on Commission Staff investigations and cost of service studies, serve the best interests of the consumer, the parties involved and the Commission, and also tend to effect considerable savings in time and money for all concerned. In fact, Lynchburg also admits that the courts of the United States look with favor upon and have prescribed similar methods or procedures for limiting issues, settling cases and terminating litigation.

Based on the facts set forth in the settlement agreement, the appendices thereto, and in the motion filed by Seaboard, the proposed settlement appears to be equitable and a reasonable basis for terminating these proceedings.

However, as noted above, Lynchburg, somewhat in contradiction to its own admission of opposition to the settlement per se, also claims that certain issues have been "eliminated" or "buried". These claimed issues are rate of return, proper provision for depreciation, the rate level and the functional relationship between Seaboard and United Fuel.

At no point in its answer does Lynchburg contend that the rate of return reflected in the costs of service agreed upon as the basis for settlement was unreasonable. Nor does it assert that the provision for depreciation was not proper. Indeed, we should here note that the proposed settlement makes no change in the method of computing depreciation which Seaboard has been booking since January 1, 1956 (See order issued January 11, 1957, Atlantic Seaboard Corporation, Docket Nos. G–2452 and G–5457). Finally, the claimed issues of "rate level and functional relationship between Seaboard and United Fuel", which are, to say the least, ambiguous, are never explained by Lynchburg.

Lynchburg is a proper party to these proceedings. In its answer filed September 20, 1960, Lynchburg requests that a public hearing be held in these matters affording all interested and affected parties the opportunity of establishing a record on which the Commission can properly decide the "issues" herein. It further requests that Seaboard's motion to approve the offer of settlement be denied and the offer of settlement be rejected.

Lynchburg also asserts that regardless of the time spent by the parties in reaching a settlement and regardless of the sincerity of the parties participating, such agreement "cannot be excused on the premise of expediency and settlement" when it is reached, as Lynchburg claims "without reference to the requirements of the Act."

We believe Lynchburg should be required to support its allegations at a public hearing, pursuant to the procedure provided hereinafter.

Based on the foregoing, we find Lynchburg's request that Seaboard's motion be denied and the offer of settlement be rejected to be without merit. We will, however, set these proceedings for hearing and direct that the following procedure be followed:

1. The Settlement Agreement will be received in evidence by stipulation of counsel for the parties who joined therein and Staff Counsel.

2. Seaboard will present its evidence on the rate of return utilized in computing the costs of service appended to the Settlement Agreement.

3. Lynchburg will present its evidence relating to the issues it claims have been "eliminated" and "buried" in support of its complaint that the Settlement Agreement and the rates and refunds prescribed therein are unjust, unreasonable, unduly discriminatory or otherwise unlawful.

4. Lynchburg will cross-examine Seaboard's evidence on rate of return, if it so desires.

5. At the conclusion of Lynchburg's presentation and after cross-examination of its witnesses, Seaboard will be afforded an opportunity to present rebuttal evidence. Other parties and the Commission Staff may then present evidence in support of the settlement, if they so desire.

6. Thereafter, the record will be certified to the Commission for a decision whether the Settlement Agreement should be approved. If the Settlement Agreement is not approved, hearing shall be set in these dockets, as if no agreement had ever been proposed therein, and no party shall be prejudiced by the position taken in support of such proposed settlement.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing January 31, 1961, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the Settlement Agreement filed by Seaboard on September 12, 1960 and the answer thereto filed by Lynchburg on September 20, 1960.

(B) The procedure to be followed at such hearing shall be as listed above, provided, however, that the receipt of the Settlement Agreement in evidence, Seaboard's presentation of its evidence on rate of return, and Lynchburg's presentation of evidence on the issues raised in its answer, shall be made on the record prior to cross-examination of any witness presented. The Presiding Examiner, in his discretion, and subject to the Commission's rules of practice and procedure, shall allow such recess as he deems necessary in the circumstances for preparation for cross-examination and presentation of rebuttal evidence.

(C) Upon conclusion of the hearing provided herein, the Presiding Examiner shall fix the dates for filing of briefs, if desired by the parties, provided, however, that initial briefs shall be filed not more than 30 days after the date of conclusion of the hearing, and reply briefs shall be filed not more than 10 days after the due date of the initial briefs. The Presiding Examiner, at the same time, shall also certify the record in these proceedings to the Commission.

(D) Second Revised Sheets Nos. 10, 15, 16F and 17F and Original Sheets Nos. 10A, 15A, 16G and 17G to Seaboard's FPC Gas Tariff, Seventh Revised Volume No. 1, hereby are made effective as of April 5, 1960, subject to the provisions of all orders issued or to be issued in Docket No. G–20272 to the same extent as if these tariff sheets had been included in the original filing in Docket No. G–20272.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–340; Filed, Jan. 16, 1961; 8:45 a.m.]

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[Docket No. G–8488 etc.]

## SOHIO PETROLEUM CO. ET AL.

### Order Postponing Hearing

JANUARY 10, 1961.

On December 16, 1960, a joint motion was filed in the above-entitled proceedings by Sohio Petroleum Company and Long Island Lighting Company and other distribution-company interveners requesting, pursuant to § 1.13 of the Commission's rules of practice and procedure, as amended, postponement of hearings herein, now scheduled to reconvene on January 12, 1961, until March 13, 1961.

The Commission finds: Inasmuch as the Presiding Examiner may not grant a continuance of a hearing in excess of 30 days without the approval of the Commission under the provisions of § 1.13 (e) of our rules of practice and procedure, as amended, and good cause having been shown, the postponement requested should be granted.

The Commission orders: The joint motion filed December 16, 1960, requesting postponement of these proceedings from January 12, 1961, to March 13, 1961, be and hereby is granted.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–341; Filed, Jan. 16, 1961; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 11612]

## McDONNELL AIRCRAFT CORP.

### Notice of Postponement of Prehearing Conference

In the matter of the application of McDonnell Aircraft Corporation for a temporary certificate of public convenience and necessity authorizing supplemental air service to transport persons and property between points within the United States.

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on January 24, 1961 is indefinitely postponed.

Dated at Washington, D.C., January 11, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61–360; Filed, Jan. 16, 1961; 8:47 a.m.]



# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 12, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36837: *Starch or Dextrine to Brewton, Fla.* Filed by O. W. South, Jr., Agent (No. A4057), for interested rail carriers. Rates on starch or dextrine, as described in the application, in carloads, from points in Illinois and Iowa, to Brewton, Fla.

Grounds for relief: Market and private motor truck competition.

Tariff: Supplement 147 to Illinois Freight Association tariff I.C.C. 855.

FSA No. 36838: *Coarse grains and grain products from Kansas and Nebraska.* Filed by Western Trunk Line Committee, Agent (No. A–2162), for interested rail carriers. Rates on coarse grains and grain products, as described in the application, in carloads, from points in Kansas and Nebraska, to points in Colorado, Idaho, Montana, Utah and Wyoming.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 150 to Western Trunk Line tariff I.C.C. A–4123, and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61–356; Filed, Jan. 16, 1961; 8:47 a.m.]

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[Notice 435]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 12, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63571. By order of January 11, 1961, the Transfer Board approved the transfer to John T. Maguire, doing business as Shamrock Transfer Company, Parkersburg, W. Va., of Certificate No. MC 1474, issued April 19, 1954, to H. Dale Hannan and Karl J. Hannan, a partnership, doing business as Hannan Transfer, Parkersburg, W. Va., authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between points in Wood County, W. Va., on the one hand, and, on the other, points in a described portion of Ohio. E. B. Pennybacker, 331 Juliana Street, Parkersburg, W. Va., attorney for applicants.

No. MC–FC 63695. By order of January 11, 1961, the Transfer Board approved the transfer to John Stasis and Victor Bender, a partnership, doing business as B and S Rigging, Philadelphia, Pa., of Certificate No. MC 50649 Sub 1, issued May 14, 1952, to John Yura, Philadelphia, Pa., authorizing the transportation of printing machinery, type cabinets, motors, generators, sheet metal, fabricated sheet metal, and tools and equipment necessary for the installation of sheet metal work, in connection with heating, ventilation, air conditioning and smoke breechings, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and Maryland, within 75 miles of Philadelphia. Anthony W. Novasitis, Jr., 503 Robinson Building, Northwest corner 15th and Chestnut Streets, Philadelphia 2, Pa., attorney for applicants.

No. MC–FC 63762. By order of January 11, 1961, the Transfer Board approved the transfer to Irvin Carroll, 826 S. 22nd St., Muskogee, Okla., of the "grandfather" operating rights claimed to have been performed by C. D. Gallini, 605 Ballywood, Dallas, Texas, under Section 7 of the Transportation Act of 1958. (72 Stat. 574), for which a certificate is sought in Docket No. MC 118332 for the transportation of bananas between points in Louisiana and Texas.

No. MC–FC 63784. By order of January 11, 1961, the Transfer Board approved the transfer to J. M. Inge, doing business as Henderson & Jenkins, Richmond, Va., of Permits in Nos. MC 115887, and MC 115887 Sub 2, issued October 12, 1956 and September 25, 1959, respectively, to Robert H. Henderson and Raymond H. Jenkins, a partnership, doing business as Henderson & Jenkins, and acquired by Raymond H. Jenkins and J. M. Inge, a partnership, doing business as Henderson & Jenkins, pursuant to order entered July 26, 1960, in No. MC–FC 63242, Richmond, Va., authorizing the transportation of meats, meat products, and meat by-products, and dairy products, from Richmond, Va.; to Princeton, Matoaka, North Fork, and Bluefield, W. Va.; and fertilizer and fertilizer materials, except in bulk, in tank vehicles, from Norfolk, Va., to specified points in West Virginia. Jno C. Goddin, 1304 State Planters Bank Building, Richmond, Va., attorney for applicants.

No. MC–FC 63833. By order of January 11, 1961, the Transfer Board approved the transfer to Silver Freight Lines, Incorporated, 300 North Arizona, Silver City, New Mexico, of Certificates Nos. MC 104798, MC 104798 Sub 1, and MC 104798 Sub 2, issued April 26, 1950, April 26, 1950, and June 14, 1957, to John D. Bingaman and Chancie L. Snyder, a partnership, doing business as Silver Freight Lines, 300 North Arizona, Silver City, New Mexico, authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Silver City, N. Mex., and El Paso, Tex., general commodities, excluding those of unusual value, commodities requiring special equipment, and those injurious or contaminating to other lading, between Silver City, N. Mex., and El Paso, Tex., and between Silver City, N. Mex., and Santa Rita, N. Mex., and general commodities, without exceptions, between Silver City, N. Mex., and Lordsburg, N. Mex., and between Silver City, N. Mex., and Reserve, N. Mex., and over irregular routes, general commodities, without exceptions, between points in Grant, Hidalgo, and Catron Counties, N. Mex., livestock, between points in 5 specified counties in New Mexico, on the one hand, and, on the other, points in 9 Arizona counties, on the lines of the Southern Pacific Company and The Atchison, Topeka, and Santa Fe Railway, livestock, feedstuffs, from El Paso and Tornillo, Tex., to points in 5 specified counties in New Mexico, mohair, from points in Grant and Sierra Counties, N. Mex., to El Paso, Tex., and points in said counties on the lines of the above-named railroads, ore, from points of production in Grant, Sierra, and Luna Counties, N. Mex., to points in the said counties on the lines of the above-named railroads, and windmills (knocked down), steel tanks, and pipe, from El Paso, Tex., to farms and ranches in Luna County, N. Mex.

No. MC–FC 63841. By order of January 11, 1961, the Transfer Board approved the transfer to Ferrill Fast Freight, Inc., P.O. Box 293, Salem, Ill., of Certificate in No. MC 40758, issued November 12, 1940, to Charles Bernam Crippen, doing business as C. B. Crippen & Sons, 120 South Rotan Street., Salem, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Salem, Ill., and St. Louis, Mo.

No. MC–FC 63847. By order of January 11, 1961, the Transfer Board approved the transfer to Robert L. Browning and Mrs. Irene Browning, a partnership, doing business as Browning Truck Line, 401 South Washington Street, Clinton, Mo., of Certificate in No. MC 790, issued July 6, 1949, to Jess Rukes, doing business as Clinton Transfer Company, 210 West Green Street, Clinton, Mo., authorizing the transportation of: House-

hold goods, office furniture and equipment, and store fixtures, over irregular routes, between points in Henry County, Mo., on the one hand, and, on the other, points in Kansas, Illinois, and Oklahoma.

No. MC-FC 63854. By order of January 11, 1961, the Transfer Board approved the transfer to Jim Corbett, R.F.D. No. 9, Topeka, Kansas, of Certificate in No. MC 69405, issued July 14, 1950, to Keith Daugherty, R.F.D. No. 5, North Topeka, Kansas, authorizing the transportation of: Livestock, agricultural implements and parts, farm machinery and parts, windmills and windmill parts, feed, building materials, and household goods as defined by the Commission, over irregular routes between Hoyt, Kans., and points within 8 miles of Hoyt, on the one hand, and, on the other, Kansas City, Kans., and Kansas City and St. Joseph, Mo. Edward N. Pratt, Ed Pratt's Insurance Agency, 1726 Linn, Topeka, Kans., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-357; Filed, Jan. 16, 1961; 8:47 a.m.]

## CUMULATIVE CODIFICATION GUIDE—JANUARY

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Washington, Wednesday, January 18, 1961

THE UNIVERSITY OF MICHIGAN
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Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.



FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.455]

### PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

#### Designation of Differential Posts

Section 325.15 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following January 7, 1961, paragraph (a) is amended by the deletion of the following:

Taiz, Yemen.

2. Effective as of the beginning of the first pay period following January 7, 1961, paragraph (b) is amended by the deletion of the following:

India, all posts except Anand, Banaras (Varanasi), Bangalore, Bhopal, Bikaner, Bombay, Chandigarh, Hyderabad, Izatnagar-Bareilly, Karnal, Lucknow, Ludhiana, Madras, Nagarjunasagar Dam, Nagpur, Nangal (Ganguwal), New Delhi, Poona, Rajkot, Sehore, Tarai (Phoolbagh), Trivandrum, Udaipur and Vellore.

3. Effective as of the beginning of the first pay period following December 24, 1960, paragraph (a) is amended by the addition of the following:

Bangui, Central African Republic.
Fort Lamy, Chad.
Libreville, Gabon.

4. Effective as of the beginning of the first pay period following January 7, 1961, paragraph (a) is amended by the addition of the following:

Kharagpur, India.
Yemen, all posts.

5. Effective as of the beginning of the first pay period following January 7, 1961, paragraph (b) is amended by the addition of the following:

India, all posts except Anand, Banaras (Varanasi), Bangalore, Bhopal, Bikaner, Bombay, Chandigarh, Hyderabad, Izatnagar-Bareilly, Kharagpur, Karnal, Lucknow, Ludhiana, Madras, Nagarjunasagar Dam, Nangal (Ganguwal), New Delhi, Poona, Rajkot, Sehore, Tarai (Phoolbagh), Trivandrum, Udaipur and Vellore.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

Dated: December 27, 1960.

For the Secretary of State.

LANE DWINELL,
*Assistant Secretary.*

[F.R. Doc. 61-411; Filed, Jan. 17, 1961; 8:52 a.m.]

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 200, Amdt. 1]

### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

*Order, as amended.* The provisions in paragraph (b) (1) (i) of § 914.500 (Navel Orange Regulation 200, 26 F.R. 121) are hereby amended to read as follows:

(i) District 1: 550,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 13, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-377; Filed, Jan. 17, 1961; 8:46 a.m.]

### PART 1034—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

#### Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 144 and Order No. 134 (7 CFR Part 1034; 25 F.R. 12227) regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas, was published in the FEDERAL REGISTER December 28, 1960 (25 F.R. 13793). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the South Texas Lettuce Committee established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 1034.201 **Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred by the South Texas Lettuce Committee, established pursuant to Marketing Agreement No. 144 and this part for its maintenance and functioning during the fiscal period December 1, 1960, through October 31, 1961, will amount to $40,000.

(b) The rate of assessment to be effective for the fiscal period December 1, 1960, through October 31, 1961, shall be two cents ($0.02) per carton of lettuce handled.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 144 and this part.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assess-

able lettuce from the beginning of such period and (2) the current fiscal period began on December 1, 1960, and the rate of assessment herein fixed will automatically apply to all assessable lettuce beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 13, 1961.

FLOYD F. HEDLUND,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 61-378; Filed, Jan. 17, 1961; 8:46 a.m.]

# Title 10—ATOMIC ENERGY

## Chapter I—Atomic Energy Commission

## PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

### Disposal of Radioactive Waste Material

On February 4, 1960, the Commission issued for public comment a proposed amendment to 10 CFR Part 20 designed to prohibit issuance of licenses which would authorize the disposal of radioactive waste material on privately owned sites by persons engaged in commercial radioactive waste disposal activities. The comments received by the Commission with respect to the proposed amendment have been considered by the Commission and are on file in the Commission's Public Document Room. The only changes which have been made in the proposed amendment as published in the FEDERAL REGISTER are that the amended section has been changed from 20.304 to 20.302, and that the words "Federal or State governments" have been changed to read "Federal government or by a State government."

Pursuant to the Administrative Procedure Act, notice is hereby given that the following amendment to Title 10, Chapter I, Part 20, "Standards for Protection Against Radiation," is adopted to be effective 30 days after publication in the FEDERAL REGISTER.

Section 20.302 is amended by the addition of the following statement at the end of the section:

The Commission will not approve any application for a license to receive licensed material from other persons for disposal on land not owned by the Federal government or by a State government.

Dated at Germantown, Md., this 6th day of January 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
*Secretary.*

[F.R. Doc. 61-364; Filed, Jan. 17, 1961; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SUBSTANCES USED TO CONTROL SLIME IN THE MANUFACTURE OF PAPER USED IN FOOD PACKAGING

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Silaco Chemical Company, 3821 Montrose Avenue, Chicago 18, Illinois, and other relevant material, has concluded that the following food additive regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, as amended, with respect to a food additive consisting of a mixture of silver fluoride and colloidal silver for use as an antimicrobial agent in the manufacture of paper and paperboard that may be used in food-packaging material. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart F of the food additive regulations is amended by adding thereto the following new section:

**§ 121.2505 Substances used to control slime in the manufacture of paper and paperboard used in food packaging.**

The substance named in paragraph (c) of this section, subject to any limitations prescribed, may safely be used as antimicrobial agents to control slime in the production of paper or paperboard manufactured for food packaging.

(a) The substances are added to process water used in the production of paper or paperboard and the quantity of any one substance or combination of substances used shall not exceed the specific limitation prescribed nor shall it exceed the amount necessary to accomplish the intended technical effect.

(b) To insure safe usage, the label or labeling of these substances shall bear adequate directions for use which if followed will not result in conflict with the requirements of this section.

(c) The additives permitted are as follows:

| | *Limitations* |
|---|---|
| Silver fluoride.. | Limit of addition to process water not to exceed 0.024 pound, calculated as silver fluoride, per ton of paper produced. |

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are suported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 11, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-375; Filed, Jan. 17, 1961; 8:46 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 207—NAVIGATION REGULATIONS

### Miscellaneous Amendments

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), certain sections governing the use, administration and navigation of navigable waters of the United States are hereby amended to revise the lockage procedure of pleasure craft through lock structures, effective on publication in the FEDERAL REGISTER since the revised procedure has been in effect on a trial basis for more than a year, as follows:

**§ 207.50 Hudson River Lock at Troy, N.Y.; navigation.**

(a) *Authority of lockmaster.* The lockmaster shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules and regulations for the use of the lock and lock area are duly complied with, to which end he is authorized to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every person within the limits of the lock or lock area, whether navigating the lock or not. No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lockmaster or his assistants.

* * * * *



(d) *Precedence at the lock.* The vessel arriving first at the lock shall be first to lock through; but precedence shall be given to vessels belonging to the United States and to commercial vessels in the order named. Arrival posts or markers may be established ashore above or below the lock. Vessels arriving at or opposite such posts or markers will be considered as having arrived at the lock within the meaning of this paragraph. If the traffic is crowded in both directions; up and down lockages will usually be made alternately, but the lock tender may permit two or more lockages to be made at one time in the same direction when this will not cause unreasonable delay. In case two or more boats or tows are to enter for the same lockage, they shall enter as directed by the lock tender. No boat shall run ahead of another while in the lock. The boat that enters first shall leave first.

(e) *Lockage of pleasure boats.* The lockage of pleasure boats, house boats or like craft shall be expedited by locking them through with commercial craft (other than barges carrying gasoline or highly hazardous materials) in order to utilize the capacity of the lock to its maximum. Lockage of pleasure craft may be made with commercial craft carrying petroleum products other than gasoline, provided a clear distance of at least 100 feet between such vessels can be maintained in the lock. If, after the arrival of such craft, no separate or combined lockage can be accomplished within a reasonable time, not to exceed the time required for three other lockages, then separate lockage shall be made.

**§ 207.160 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways tributary to the Gulf of Mexico east and south of St. Marks, Fla.; use, administration, and navigation.**

* * * * *

(e) *Locks*—(1) *Authority of lockmasters.* The lockmaster shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules and regulations for the use of the lock and lock area are duly complied with, to which end he is authorized to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every person within the limits of the lock and lock area, whether navigating the lock or not. No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lockmaster or his assistants.

* * * * *

(3) *Precedence at locks.* (i) The vessel arriving first at a lock shall be first to lock through; but precedence shall be given to vessels belonging to the United States and to commercial vessels in the order named. Arrival posts or markers may be established ashore above or below the locks. Vessels arriving at or opposite such posts or markers will be considered as having arrived at the locks within the meaning of this subparagraph.

(ii) The lockage of pleasure boats, house boats or like craft shall be expedited by locking them through with commercial craft (other than barges carrying petroleum products or highly hazardous materials) in order to utilize the capacity of the lock to its maximum. If, after the arrival of such craft, no separate or combined lockage can be accomplished within a reasonable time not to exceed the time required for three other lockages, then separate lockage shall be made.

**§ 207.180 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries and outlets) from St. Marks, Fla., to the Rio Grande; use, administration, and navigation.**

* * * * *

(d) *Locks and floodgates*—(1) *Authority of lockmasters.* The lockmaster shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules and regulations for the use of the lock and lock area are duly complied with, to which end he is authorized to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every person within the limits of the lock or lock area, whether navigating the lock or not. No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lockmaster or his assistants.

* * * * *

(4) *Precedence at locks and floodgates.* (i) The vessel arriving first at a lock shall be first to lock through; but precedence shall be given to vessels belonging to the United States and to commercial vessels in the order named. Arrival posts or markers may be established ashore above or below the locks. Vessels arriving at or opposite such posts or markers will be considered as having arrived at the locks within the meaning of this subparagraph.

(ii) The lockage of pleasure boats, house boats or like craft shall be expedited by locking them through with commercial craft (other than barges carrying petroleum products or highly hazardous materials) in order to utilize the capacity of the lock to its maximum. If, after the arrival of such craft, no separate or combined lockage can be accomplished within a reasonable time, not to exceed the time required for three other lockages, then separate lockage shall be made.

**§ 207.250 Ouachita River, Ark. and La.; use, administration, and navigation.**

(a) *Authority of lockmasters.* The lockmaster shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules and regulations for the use of the lock and lock area are duly complied with, to which end he is authorized to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every person within the limits of the lock or lock area, whether navigating the lock or not. No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lockmaster or his assistants.

* * * * *

(d) *Precedence at locks.* The vessel arriving first at a lock shall be first to lock through; but precedence shall be given to vessels belonging to the United States and to commercial vessels in the order named. Arrival posts or markers may be established ashore above or below the locks. Vessels arriving at or opposite such posts or markers will be considered as having arrived at the locks within the meaning of this paragraph.

(e) *Lockage of pleasure boats.* The lockage of pleasure boats, house boats or like craft shall be expedited by locking them through with commercial craft (other than barges carrying petroleum products or highly hazardous materials) in order to utilize the capacity of the lock to its maximum. If, after the arrival of such craft, no separate or combined lockage can be accomplished within a reasonable time, not to exceed the time required for three other lockages, then separate lockage shall be made.

(1) [Revoked].

**§ 207.300 Ohio River, Mississippi River above Cairo, Ill.; and their tributaries; use, administration, and navigation.**

(a) *Authority of lockmasters.* The lockmaster shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules and regulations for the use of the lock and lock area are duly complied with, to which end he is authorized to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every person within the limits of the lock or lock area, whether navigating the lock or not. No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lockmaster or his assistants.

* * * * *

(b) *Precedence at locks.* The vessel arriving first at a lock shall be first to lock through; but precedence shall be given to vessels belonging to the United States and to commercial vessels in the order named. Arrival posts or markers may be established ashore above or below the locks. Vessels arriving at or opposite such posts or markers will be considered as having arrived at the locks within the meaning of this paragraph.

(c) *Lockage of pleasure boats.* The lockage of pleasure boats, house boats or like craft shall be expedited by locking them through with commercial craft (other than barges carrying petroleum products or highly hazardous materials)

in order to utilize the capacity of the lock to its maximum. If, after the arrival of such craft, no separate or combined lockage can be accomplished within a reasonable time, not to exceed the time required for three other lockages, then separate lockage shall be made.

**§ 207.420 Chicago River, Ill.; Sanitary District controlling works, and the use, administration, and navigation of the lock at the mouth of river, Chicago Harbor.**

* * * * *

(b) *Lock.* * * *

(3) *Authority of lockmasters.* The lockmaster shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules and regulations for the use of the lock and lock area are duly complied with, to which end he is authorized to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every person within the limits of the lock or lock area, whether navigating the lock or not. No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lockmaster or his assistants.

* * * * *

(7) *Precedence at locks.* The vessel arriving first at a lock shall be first to lock through; but precedence shall be given to vessels belonging to the United States and to commercial vessels in the order named. Arrival posts or markers may be established ashore above or below the locks. Vessels arriving at or opposite such posts or markers will be considered as having arrived at the locks within the meaning of this subparagraph.

(8) *Lockage of pleasure boats.* The lockage of pleasure boats, house boats or like craft shall be expedited by locking them through with commercial craft (other than barges carrying petroleum products or highly hazardous materials) in order to utilize the capacity of the lock to its maximum. If, after the arrival of such craft, no separate or combined lockage can be accomplished within a reasonable time, not to exceed the time required for three other lockages, then separate lockage shall be made.

**§ 207.425 Calument-Sag Channel, Ill.: Chicago Sanitary District controlling works and the use, administration, and navigation of the Lock near Blue Island.**

* * * * *

(b) *Lock.* * * *

(3) *Authority of lockmasters.* The lockmaster shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules and regulations for the use of the lock and lock area are duly complied with, to which end he is authorized to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every person within the limits of the lock or lock area, whether navigating the lock or not. No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lockmaster or his assistants.

(4) *Precedence at locks.* The vessel arriving first at a lock shall be first to lock through; but precedence shall be given to vessels belonging to the United States and to commercial vessels in the order named. Arrival posts or markers may be established ashore above or below the locks. Vessels arriving at or opposite such posts or markers will be considered as having arrived at the locks within the meaning of this subparagraph.

(5) *Lockage of pleasure boats.* The lockage of pleasure boats, house boats or like craft shall be expedited by locking them through with commercial craft (other than barges carrying petroleum products or highly hazardous materials) in order to utilize the capacity of the lock to its maximum. If, after the arrival of such craft, no separate or combined lockage can be accomplished within a reasonable time, not to exceed the time required for three other lockages, then separate lockage shall be made.

2. Federal Register Document No. 60–11551, appearing at 25 F.R. 12740, December 13, 1960, is corrected by changing the heading "Front Channel", in subdivision (ii) of § 207.640(g)(2), to read "Foul Channel."

[Regs., Jan. 3, 1961, 285/91–ENGCW–O] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 61–366; Filed, Jan. 17, 1961; 8:45 a.m.]

# Title 41—PUBLIC CONTRACTS

## Chapter 18—National Aeronautics and Space Administration

## PART 18–7—CONTRACT CLAUSES


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AUTHORITY: §§ 18–7.000 to 18–7.5033 issued under 42 U.S.C. 2473(b)(1).

### § 18–7.000 Scope of part.

(a) The arrangement of material under this part varies in certain respects from the format prescribed for the Federal Procurement Regulations (FPR). Although Subparts 2, 3, and 4 of the FPR are not yet published, these subpart numbers have been utilized by NASA in order that these provisions may be keyed to the corresponding parts of Section VII of the Armed Services Procurement Regulation (ASPR). The need for such cross-keying to ASPR arises out of the special relationships between NASA and the Department of Defense and the fact that NASA procurement activity is carried out in accordance with Chapter 137, Title 10 of the United States Code.

NOTE: The Armed Services Procurement Regulation (ASPR) appears in the Code of Federal Regulations under 32 CFR Chapter I, Subchapter A. Section VII of ASPR is codified as 32 CFR Part 7.

As codified in 32 CFR the decimal points and dashes of ASPR have been reversed. Thus ASPR 7–105.6 appears as 32 CFR 7.105–6 and ASPR 13–502 appears as 32 CFR 13.502.

(b) This part sets forth contract forms and clauses to be used by all NASA procurement offices in contracts entered into by NASA, except for contracts to be performed outside the United States, its possessions, and Puerto Rico (hereafter referred to as foreign contracts). Each subpart contains special instructions concerning changes in the prescribed clauses as well as instructions concerning additional required and authorized clauses. The special clauses are set forth in Subpart 18–7.50.

(c) The clauses to be used in foreign contracts will be as prescribed on a case-by-case basis by the Director, Procurement and Supply Division, NASA Headquarters.

(d) The following is a list of Standard and NASA Forms required by instructions in this part.

(1) *Standard forms.*

18 Request for Quotations.
23A General Provisions (Construction Contracts).
32 General Provisions (Supply Contract).
33 Invitation, Bid, and Award (Supply Contract).
36 Continuation Sheet Supply Contract.
44 Purchase-Order-Invoice-Voucher.
147 Order-Invoice-Voucher.
148 Order-Invoice-Voucher (Continuation Sheet).

(2) *NASA forms.*

147 Negotiated Supply Contract.
177 Purchase Order.
246 General Provisions (Short Form Fixed-Price Research Contracts with Nonprofit Institutions).
247 General Provisions (Fixed-Price Research and Development Contract).
250 Additional General Provisions to U.S. Standard Form 32 (Oct. 1957 Addition).
417 General Provisions (Cost-Type Research and Development Contract).
418 General Provisions (Cost-Plus-A-Fixed-Fee Supply Contract).
419 General Provisions (Cost Reimbursement Research Contract with Educational and Nonprofit Institutions).
419S General Provisions (Short Form Cost Reimbursement Research Contract with Educational or Nonprofit Institutions).
437 Negotiated Contract (Cover Page).
437–1 Negotiated Contract (Signature Page).

## Subpart 18–7.1—Fixed-Price Supply Contracts

### § 18–7.100 Scope of subpart.

(a) This subpart sets forth the contract forms and additional contract clauses required to be used in NASA fixed-price supply contracts, together with additional contract clauses authorized for use under specific circumstances set forth herein. Since fixed-price supply contracts may be entered into either by formal advertising or by negotiation, the various special forms utilized in either situation are prescribed herein. This subpart does not apply to contracts for (1) the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property; (2) experimental, developmental, or research work; or (3) facilities to be provided by the Government under a facilities contract.

(b) The required clauses set forth in ASPR and FPR for inclusion in fixed price contracts are contained in Standard Form 32 and NASA Form 250. Accordingly, the instructions set forth in §§ 18–7.150 and 18–7.151 do not repeat or discuss in detail each clause contained in the forms.

### § 18–7.150 Formally advertised fixed-price supply contracts.

### § 18–7.150–1 Required forms.

The following forms shall be used in all formally advertised fixed-price supply procurements:

(a) General Provisions (Standard Form 32) supplemented by NASA Form 250.

(b) Invitation for Bids, Schedule, and Award (Standard Forms 33 and 36).

### § 18–7.150–2 Special instructions.

(a) *Definitions.* Additional definitions may be included in the contract if they are not inconsistent with the prescribed clause.

(b) *Changes.* The period of "30 days" within which any claim for adjustment must be asserted may be varied not to exceed "60 days."

(c) *Assignment of claims.* The last sentence of paragraph (a) of "Assignment of Claims" clause is generally referred to as the "no set-off" provision. In Executive Order No. 10824, dated May 29, 1959, NASA was designated as an agency authorized to include this provision in its contracts pursuant to the Assignment of Claims Act.

### § 18–7.150–3 Additional required clauses.

The following additional clauses are required to be included as "Additional General Provisions" (unless otherwise indicated) under the circumstances set forth below:

(a) *Soviet controlled areas.* Where acceptance of supplies is to take place outside the United States, its possessions, or Puerto Rico, the clause set forth in § 18–7.5001 shall be included, and the list of Soviet controlled areas set forth in § 18–6.401–2 shall be included in the Schedule of the contract.

(b) *Labor standards provisions.* If a supply contract involves construction work, certain additional provisions required by statute to be included in construction contracts may have to be incorporated in the contract. For guidance, see Subpart 18–12.4. Additional clauses required to be inserted under these conditions are Clauses 20 to 26 inclusive of Standard Form 23A.

(c) *Property rights in inventions.* Under the circumstances set forth in § 18–9.101–2, "Property Rights in Inventions" clause contained in NASA Forms 417, 418 and 419 must, as a matter of law, be included in the contract.

(d) *Cargo Preference Act.* [Reserved]

(e) *Priorities, allocations and allotments.* The clause set forth in § 18–7.5005 shall be inserted in all rateable contracts unless such contracts are less than $5,000.

(f) *Government-furnished property.* Where property is furnished by the Government to a contractor, a "Government-Furnished Property" clause is required to be included in the contract. Where only a small amount of Government-furnished property is involved and where, in the judgment of the contracting officer, the competitive situation is such as to make it unlikely that placing the risk of loss or damage to such property on the contractor would result in the inclusion of contingency charges in the contractor's price, the clause set forth in § 18–7.5006 shall be included in the contract. In all other cases where Government-furnished property is involved, the clause set forth in ASPR 13–502 shall be used.

(g) *NASA Small Business Subcontracting Program.* If the contract is expected to exceed $1,000,000 and, in the opinion of the contracting officer, to offer substantial subcontracting possibilities, the clause set forth in § 18–7.5010 shall be included in the contract.

(h) *Rights in data.* If data is to be delivered under the contract, the "Data" clause set forth in § 18–7.5002 will be added to the "General Provisions." However, this "Data" clause does not in itself specify the data with respect to which the Government will obtain the rights set forth in that clause. Therefore, Schedule provisions are necessary

to specify the specific data which the Government wants to have furnished. For instructions concerning suitable Schedule provisions, see (i) below. The rights prescribed in the "Data" clause will then attach to the data so specified. Under no circumstances, however, shall proprietary data, as defined in paragraph (h) of the "Data" clause set forth in § 18–7.5002, be requested by the Government in formally advertised procurements and procurements for standard commercial articles.

(i) *Data requirements.* As pointed out in (h) above, use of the "Data" clause set forth in § 18–7.5002 does not obtain for the Government the delivery of any data whatsoever, but only rights to use that data which is specified elsewhere in the contract to be delivered. If any data such as reports, handbooks, manuals, drawings, photographs, etc., are to be furnished by the contractor, these data requirements must be set forth in the invitation for bids. Accordingly, such data requirements should be made known to the contracting officer prior to preparation of the invitation for bids.

**§ 18–7.150–4 Additional clauses authorized for use.**

(a) *Alterations in contract.* Certain alterations to Standard Form 32 are set forth in Clause 35 of NASA Form 250. When additional alterations to Standard Form 32 or NASA Form 250 are required, such alterations shall be set forth either in the Schedule, preceded by the clause set forth in § 18–7.5011 or in an attachment sheet to NASA Form 250. Alterations may only be made in accordance with § 18–1.009 relating to deviations.

(b) *Liquidated damages.* When a liquidated damages provision is to be included in the contract, the clause set forth in § 18–7.5012 is authorized for use in conjunction with an "Alterations in Contract" clause (see § 18–7.5011). In addition, an appropriate implementing provision setting forth the amount of liquidated damages shall be included in the Schedule.

(c) *Price escalation.* The "Price Escalation" clauses set forth in ASPR 7–106 and 7–107 are authorized for use in accordance with the instructions set forth therein.

(d) *Progress payments.* The policies and procedures set forth in paragraph 504 of Appendix E of ASPR (32 CFR Part 163.73) concerning the use of progress payments in formally advertised procurements shall be followed by NASA procurement offices. The provisions to be included in the invitation for bids and the "Progress Payments" clauses authorized for use pursuant to paragraph 504 are authorized for use by NASA in accordance with the instructions contained therein except that the short form "Progress Payments" clauses set forth in §§ 18–7.5008 and 18–7.5009 may be used in lieu of the ASPR clauses whenever it is estimated that the procurement will be less than $100,000.

(e) *Warranty.* The clauses set forth in §§ 18–7.5013 and 18–7.5014 are authorized for use when, in the discretion of the contracting officer, the benefits of warranties normally granted to a contractor's commercial customers should be obtained by the Government.

(f) *Guaranty.* The clause set forth in § 18–7.5015 is authorized for use when, in the discretion of the contracting officer, the need for such a guaranty is felt to outweigh the price increase, if any, which the inclusion of such a clause might entail. The period of time within which notice of defect must be given may be varied.

(g) *Patent indemnity.* Under the circumstances set forth in § 18–9.104, the "Patent Indemnity" clause set forth in § 18–7.5019 may be included in the contract, provided that its use is approved by patent counsel and that it is limited to an indemnity for specifically designated patents.

**§ 18–7.151 Negotiated fixed-price supply contracts.**

**§ 18–7.151–1 Required forms.**

The following forms shall be used in negotiated fixed-price supply procurements:

(a) *General provisions.* (1) For contracts in excess of $2,500 use Standard Form 32 supplemented by NASA Form 250.

(2) For purchase orders not in excess of $2,500 use NASA Form 177.

(b) *Request for proposals, schedule, and acceptance of proposal.* (1) For contracts in excess of $2,500 use NASA Form 147 and Standard Form 36. Standard Form 18 may be used to request quotations (see § 18–16.251–1).

(2) For purchase orders not in excess of $2,500, see Subpart 18–3.6 concerning the use of Standard Forms 44, 147, 148, the NASA "Ship and Quote" Form, and NASA Form 147; and § 18–16.251 concerning the use of Standard Form 18.

(c) *Cover and signature pages.* In lieu of NASA Form 147, NASA Forms 437 and 437–1 may be used as cover and signature pages.

**§ 18–7.151–2 Special instructions applicable to contracts in excess of $2,500.**

(a) *Definitions.* See § 18–7.150–2(a).

(b) *Changes.* See § 18–7.150–2(b).

(c) *Assignment of claims.* See § 18–7.150–2(c). In negotiated procurements, where a contractor is indebted to the Government as a result of dealings with NASA or with other Government agencies, the last sentence of paragraph (a) of the "Assignment of Claims" clause, commonly referred to as the "no set-off" provision, will be omitted if such action is requested by other Government agencies or otherwise appears to be appropriate to protect the interests of the Government.

(d) *Federal, State and local taxes.* The clause set forth in ASPR 11–401.2 (b) should be substituted for the "Federal, State and Local Taxes" clause contained in NASA Form 250 where, under the criteria and instructions set forth in ASPR 11–401, that clause is considered to be more appropriate.

**§ 18–7.151–3 Additional required clauses.**

The following additional clauses are required to be included as "Additional General Provisions" (unless otherwise indicated) under the circumstances set forth below:

(a) *Soviet controlled areas (NASA PR 7.5001).* See the instructions set forth in § 18–7.150–3(a).

(b) *Labor clauses for construction contracts (Clauses 20 to 26 inclusive of Standard Form 23A).* See instructions set forth in § 18–7.150–3(b) and the guidance provided in Subpart 18–12.4.

(c) *Property rights in inventions.* Under the circumstances set forth in § 18–9.101–2, the "Property Rights in Inventions" clause contained in NASA Forms 417, 418, and 419 must, as a matter of law, be included in the contract. Where the contract is with a member of the Manufacturers Aircraft Association, see § 18–7.5021 for the deviation authorized to be made in this clause.

(d) *Rights in data.* If data is to be delivered under the contract, the "Data" clause set forth in § 18–7.5002 will be added to the "General Provisions." However, this "Data" clause does not in itself specify the data with respect to which the Government will obtain the rights set forth in that clause. Therefore, Schedule provisions are necessary to specify the specific data which the Government wants to have furnished. See paragraph (e) below for instructions concerning suitable Schedule provisions. The rights prescribed in the "Data" clause will then attach to the data so specified. If the data to be acquired is needed only for a limited purpose, such as maintenance, the clause set forth in § 18–7.5002 should be supplemented by the additional paragraph set forth in § 18–7.5003, and the Schedule must contain a provision that states the extent of the "proprietary data" to be furnished subject to such limitations.

(e) *Data requirements.* As stated in (d) above, use of the "Data" clause set forth in § 18–7.5002 does not obtain for the Government the delivery of any data whatsoever, but only rights to use that data which is specified elsewhere in the contract to be delivered. Quite often, the technical requirements of NASA include the furnishing by the contractor of data such as reports, handbooks, manuals, drawings, photographs, etc. In such cases, the data requirements must be specified in the Schedule of the contract. These data requirements should be made known to the contracting officer prior to negotiation of the contract and, ordinarily, such data will be adequate for supply contracts. However, if the negotiator feels that the data requirements furnished him are inadequate to obtain all the data which the Government should have, he should obtain further guidance from the cognizant technical office. If further data is then believed to be necessary, the services of legal counsel should be requested in drafting a suitable "Data Requirements" clause, using § 18–7.5004 as a guide where appropriate.

(f) *Approval of contract.* The clause set forth in § 18–7.5017 will be included in the contract when approval of the contract by the Director, Procurement and Supply Division, NASA Headquarters, is required.



(g) *Cargo Preference Act.* [Reserved]

(h) *Priorities, allocations, and allotments (§ 18–7.5005).* See § 18–7.150–3(e) for instructions concerning the inclusion of this clause.

(i) *Subcontracts.* In the event the contract includes a price redetermination or incentive provision, Clause 23 of NASA Form 250 will be deleted and the clause set forth in § 18–7.5018 will be substituted therefor.

(j) *Government-furnished property (§ 18–7.5006 or ASPR 13–502).* For instructions concerning the inclusion of "Government Furnished Property" clause and criteria for selecting between the two authorized clauses, see § 18–7.150–3(f).

(k) *NASA Small Business Subcontracting Program (§ 18–7.5010).* For instructions concerning the inclusion of the "NASA Small Business Subcontracting Program" clause, see § 18–7.150–3(g).

**§ 18–7.151–4 Additional clauses authorized for use.**

(a) *Alterations in contract (§ 18–7.5011).* See instructions set forth in § 18–7.150–4(a).

(b) *Liquidated damages (§ 18–7.5012).* See instructions set forth in § 18–7.150–4(b).

(c) *Bill of materials.* The "Bill of Materials" clause set forth in ASPR 7–105.6 is authorized for use under the circumstances set forth therein.

(d) *Price escalation.* The "Price Escalation" clauses set forth in ASPR 7–106 and 7–107 are authorized for use in accordance with the instructions set forth therein.

(e) *Price redetermination.* The "Price Redetermination" clauses set forth in ASPR 7–109 are authorized for use in accordance with the instructions set forth therein.

(f) *Incentive price revision.* The "Incentive Price Revision" clause set forth in ASPR 7–108 is authorized for use in accordance with the instructions set forth therein, provided that the advance approval of the Director, Procurement and Supply Division, NASA Headquarters, has been obtained.

(g) *Special tooling.* Where special tooling is to be acquired by the contractor, the "Special Tooling" clause set forth in ASPR 13–504 is authorized for use in accordance with the instructions contained therein.

(h) *Progress payments (ASPR, Appendix E; and §§ 18–7.5008 and 18–7.5009).* See § 18–7.150–4(d) for appropriate instructions.

(i) *Warranty (§§ 18–7.5013 and 18–7.5014).* See § 18–7.150–4(e).

(j) *Guaranty (§ 18–7.5015).* See instructions set forth in § 18–7.150–4(f).

(k) *Patent indemnity (§ 18–7.5019).* See instructions set forth in § 18–7.150–4(g).

## Subpart 18–7.2—Cost-Reimbursement Type Supply Contracts

**§ 18–7.250 Scope of subpart.**

(a) This subpart sets forth the contract forms and additional contract clauses required to be used in NASA cost-reimbursement type supply contracts, together with additional contract clauses authorized for use under the circumstances set forth herein. This subpart does not apply to contracts for (1) the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property; (2) experimental, developmental, or research work; or (3) facilities to be provided by the Government under a facilities contract.

(b) The required clauses set forth in the Armed Services Procurement Regulation for cost-reimbursement type supply contracts are contained in NASA Form 418. Accordingly, the instructions set forth in §§ 18–7.251 and 18–7.252 do not repeat or discuss in detail each clause contained in the form.

**§ 18–7.251 Required forms and required and authorized clauses.**

**§ 18–7.251–1 Required forms.**

The General Provisions contained in NASA Form 418 shall be used in all cost-reimbursement supply contracts together with a Cover Page (NASA Form 437), a Schedule, and a Signature Page (NASA Form 437–1).

**§ 18–7.251–2 Special instructions.**

(a) *Definitions.* Additional definitions may be included if they are not inconsistent with the prescribed clause.

(b) *Changes.* If requested by a contractor, the right of the Government to order changes in place of inspection or place of acceptance may be deleted from the clause.

(c) *Limitation of cost.* See § 18–7.251–3(g).

(d) *Allowable cost, fixed fee, and payment.* When the contract is in excess of $250,000, is not with a small business concern, and is not otherwise included within the types of contracts set forth in ASPR 3–404.3(d)(2), paragraph (c) of Clause 4 of NASA Form 418 shall be deleted and the paragraph set forth in § 18–7.5022 substituted therefor, unless otherwise approved by the Director, Procurement and Supply Division, NASA Headquarters. In addition, the provision set forth in § 18–7.5007 shall be added as paragraph (D) to (f)(ii) of this clause where the Schedule contains a "Data Requirements" clause (see § 18–7.251–3(d)).

(e) *Assignment of claims.* See § 18–7.150–2(c) and 18–7.151–2(c).

(f) *Records.* In the case of contracts that establish separate periods of performance, the alternative subparagraphs set forth in § 18–7.5023 may be substituted for the corresponding subparagraphs of the "Records" clause.

(g) *Subcontracts.* In paragraph (b) of "Subcontracts" clause, the percentage and amount set forth in (ii) thereof may be varied, the dollar amount in (iii) may be increased, and in (i) and (iv) thereof dollar amounts not in excess of $10,000 may be established below which the prior written consent of the contracting officer need not be obtained.

(h) *Property rights in inventions.* When the type of work to be performed is not of the type described in § 18–9.101–2, the "Property Rights in Inventions" clause may be deleted. See § 18–7.5021 for the deviation authorized to be made from this clause in contracts with members of the Manufacturers Aircraft Association.

(i) *Payment of royalties.* The "Payment of Royalties" clause may be deleted from contracts with members of the Manufacturers' Aircraft Association and the clause set forth in § 18–7.5024 substituted therefor.

**§ 18–7.251–3 Additional required clauses.**

The following additional clauses are required to be included as "Additional General Provisions" (unless otherwise indicated) under the circumstances set forth below:

(a) *Soviet controlled areas (§ 18–7.5001).* See instructions set forth in § 18–7.150–3(a).

(b) *Labor clauses for construction contracts (Clauses 20 to 26, inclusive, of Standard Form 23A).* See instructions set forth in § 18–7.150–3(b) and the guidance provided in Subpart 18–12.4.

(c) *Rights in data.* For guidance, see § 18–7.151–3(d). However, NASA Form 418 already contains the "Data" clause referred to therein and set forth in § 18–7.5002, but does not include the additional provisions set forth in § 18–7.5003.

(d) *Data requirements (§ 18–7.5004).* See §§ 18–7.151–3(e) and 18–7.251–2(d).

(e) *Approval of contract.* The clause set forth in § 18–7.5017 will be included when approval of the contract by the Director, Procurement and Supply Division, NASA Headquarters, is required.

(f) *Cargo Preference Act.* [Reserved]

(g) *Limitation of government's obligation.* Where funding to complete the entire contract is not available at the time it is entered into, and specific approval of the Director, Procurement and Supply Division, NASA Headquarters, has been obtained for the use of such a clause, the clause set forth in § 18–7.5020 shall be included in the contract together with an implementing Schedule provision.

(h) *Payment of fixed fee.* The clause set forth in § 18–7.5025 shall normally be used as the Schedule provision covering payment of fixed fees. However, alterations in, and additions to, this clause are authorized in the discretion of the contracting officer.

(i) *Estimated cost and fixed fee.* The clause set forth in § 18–7.5026 shall normally be used as the Schedule provision covering estimated cost and fixed fee. However, alterations in, and additions to, this clause are authorized in the discretion of the contracting officer.

(j) *Reports of work.* There is no prescribed reports clause for the Schedule of cost-reimbursement supply contracts, although some type of reports clause may be required, depending on the particular work being performed.

(k) *NASA Small Business Subcontracting Program (§ 18–7.5010).* For instructions concerning the inclusion of "NASA Small Business Subcontracting Program" clause, see § 18–7.150–3(g).

(l) *Financial reports.* [Reserved]

**§ 18–7.251–4 Additional clauses authorized for use.**

(a) *Alterations in contract* (*§ 18–7.5011*). See instructions set forth in § 18–7.150–4(a).

(b) *Bill of materials.* The "Bill of Materials" clause set forth in ASPR 7–105.6 is authorized for use under the circumstances set forth therein.

(c) *Federal, State, and local taxes.* The clause set forth in § 18–7.5032 is authorized for use in the discretion of the contracting officer where requested by the contractor.

(d) *Date of incurrence of costs.* The clause set forth in § 18–7.5030 is authorized for use where specific coverage of anticipatory costs is considered desirable.

(e) *Notice of delay.* The clause set forth in § 18–7.5031 is authorized for use in situations where it is desirable to provide for notice by the contractor of anticipated delays in performance.

(f) *Program progress reports.* When the procedures relating to the NASA Program Management System are applicable, the clause set forth in § 18–7.5028 is authorized for use as an "Additional General Provision" where it is desirable to provide for periodic reports from the contractor concerning the planning and progress of the program called for by the contract.

(g) *Contractor's independent research program.* Whenever the "Property Rights in Inventions" clause is included in the contract, and it is determined that the contractor maintains an independent research program, the clause set forth in § 18–7.5033 may be included in the Schedule at the contractor's request. See § 18–9.101–6.

## Subpart 18–7.3—Fixed-Price Research and Development Contracts

**§ 18–7.350 Scope of subpart.**

(a) This subpart sets forth the contract forms and additional contract clauses required to be used in NASA fixed-price research and development contracts, together with additional contract clauses authorized for use under the circumstances set forth herein. As used throughout this subpart, the term "fixed-price research and development contract" means any contract which (1) is entered into on a fixed-price basis, (2) is in an amount exceeding $2,500, and (3) is for experimental, developmental, or research work.

(b) The required clauses set forth in ASPR for fixed-price research and development contracts are contained in NASA Form 247. Accordingly, the instructions set forth in § 18–7.351 and 18–7.352 do not repeat or discuss in detail each clause contained in the form.

**§ 18–7.351 Short form fixed-price research contract with nonprofit institutions (NASA Form 246).**

**§ 18–7.351–1 Required forms.**

NASA Form 246 is authorized for use in contracts for basic or applied scientific research at nonprofit institutions of higher education, or at nonprofit institutions whose primary purpose is the conduct of scientific research. When so authorized for use, NASA Form 246 shall be used together with a Cover Page (NASA Form 437), a Schedule and a Signature Page (NASA Form 437–1).

**§ 18–7.351–2 Special instructions.** [Reserved]

**§ 18–7.351–3 Additional required clauses.** [Reserved]

**§ 18–7.351–4 Additional clauses authorized for use.**

Clauses contained in the long form (NASA Form 247) prescribed in § 18–7.352 may be included as additions to the short form where special circumstances justify their use. In such cases, care should be taken to assure that these provisions are not inconsistent with the provisions of NASA Form 246.

**§ 18–7.352 Long form fixed-price research and development contract (NASA Form 247).**

**§ 18–7.352–1 Required forms.**

Except where NASA Form 246 is authorized for use under § 18–7.351–1, NASA Form 247 shall be used in all fixed-price research and development contracts, together with a Cover Page (NASA Form 437), a Schedule, and a Signature Page (NASA Form 437–1).

**§ 18–7.352–2 Special instructions.**

(a) *Definitions.* See § 18–7.150–2(a).

(b) *Changes.* See § 18–7.150–2(b).

(c) *Assignment of claims.* See §§ 18–7.150–2(c) and 18–7.151–2(c).

(d) *Inspection.* Where a more detailed provision covering inspection is desired, as where the primary contract objective is delivery of end items other than designs, drawings or reports, the clause set forth in § 18–7.5016 shall be substituted for this clause, unless the contracting officer determines that use of the longer clause is impracticable.

(e) *Termination.* If the contract is with an educational or nonprofit institution on a no-fee or nonprofit basis, the "Termination" clause in NASA Form 247 shall be deleted and the "Termination" clause contained in NASA Form 419 substituted therefor.

(f) *Property rights in inventions.* When the contract is with a member of the Manufacturers Aircraft Association, see § 18–7.5021 for the deviation authorized to be made in the "Property Rights in Inventions" clause.

**§ 18–7.352–3 Additional required clauses.**

The following additional clauses are required to be included as "Additional General Provisions" (unless otherwise indicated) under the circumstances set forth below:

(a) *Soviet controlled areas* (*§ 18–7.5001*). See instructions set forth in § 18–7.150–3(a).

(b) *Labor clauses for construction contracts (Clauses 20 to 26, inclusive, of Standard Form 23A).* See instructions set forth in § 18–7.150–3(b) and the guidance provided in Subpart 18–12.4.

(c) *Data requirements* (*§ 18–7.5004*). See instructions set forth in § 18–7.452–3(d).

(d) *Approval of contract.* The clause set forth in § 18–7.5017 will be included when approval of the contract by the Director, Procurement and Supply Division, NASA Headquarters, is required.

(e) *Cargo Preference Act.* [Reserved]

(f) *Subcontracts.* In the event the contract includes a price redetermination or incentive provision, delete the "Subcontracts" clause and substitute therefor the clause set forth in § 18–7.5018.

(g) [Reserved]

(h) *NASA Small Business Subcontracting Program* (*§ 18–7.5010*). For instructions concerning the inclusion of this clause, see § 18–7.150–3(g).

(i) *Reports of work* (*§ 18–7.5029*). See the instructions set forth in § 18–7.452–3(i).

(j) *Materials reports.* In all research and development contracts calling for hardware or for research and development on materials, the clause set forth in § 18–7.5027 shall be inserted in the Schedule of the contract. Generally, the Schedule provision will be required in all contracts calling for space vehicles, satellites, rockets, propulsion units, power units, rocket motors, satellite and rocket components, instrumentation, and payloads. Negotiators should discuss the need for such a clause with the project officers in every instance where it appears that the contract may call for research and development on materials, regardless of whether the contract falls within one of the categories enumerated above.

(k) *Financial reports.* [Reserved]

**§ 18–7.352–4 Additional clauses authorized for use.**

(a) *Alterations in contract* (*§ 18–7.5011*). See instructions set forth in § 18–7.150–4(a).

(b) *Bill of materials.* The "Bill of Materials" clause set forth in ASPR 7–105.6 is authorized for use under the circumstances set forth therein.

(c) *Price escalation.* The "Price Escalation" clauses set forth in ASPR 7–106 and 7–107 are authorized for use in accordance with the instructions set forth therein.

(d) *Price redetermination.* The "Price Redetermination" clauses set forth in ASPR 7–109 are authorized for use in accordance with the instructions set forth therein.

(e) *Incentive price revision.* The "Incentive Price Revision" clause set forth in ASPR 7–108 is authorized for use in accordance with the instructions set forth therein, provided that the advance approval of the Director, Procurement and Supply Division, NASA Headquarters, has been obtained.

(f) *Special tooling.* Where special tooling is to be acquired by the contractor, the clause set forth in ASPR 13–504 is authorized for use in accordance with the instructions contained therein.

(g) *Progress payments (ASPR, Appendix E; §§ 18–7.5008 and 18–7.5009).* See instructions set forth in § 18–7.150–4(d).

(h) *Notice of delay* (*§ 18–7.5031*). See instructions set forth in § 18–7.251–4(e).

(i) *Program progress reports* (*§ 18–7.5028*). See instructions set forth in § 18–7.251–4(f).



## Subpart 18–7.4—Cost-Reimbursement Type Research and Development Contracts

**§ 18–7.450 Scope of subpart.**

(a) This subpart sets forth the contract forms and additional contract clauses required to be used in NASA cost-reimbursement type research and development contracts, together with additional contract clauses authorized for use under the circumstances set forth herein. As used throughout this subpart, the term "cost-reimbursement type research and development contract" means any contract which (1) is entered into on a cost, cost-sharing or cost-plus-a-fixed-fee basis, and (2) is for experimental, developmental or research work.

(b) The required clauses set forth in ASPR for cost-reimbursement type research and development contracts are contained in NASA Forms 417 and 419. Accordingly, the instructions set forth in §§ 18–7.451 through 18–7.453 do not repeat or discuss in detail each clause contained in the forms.

**§ 18–7.451 Short form cost-reimbursement research contracts with educational or nonprofit institutions (NASA Form 419S).**

**§ 18–7.451–1 Required forms.**

NASA Form 419S is authorized for use in contracts for basic or applied scientific research at nonprofit institutions of higher education or at nonprofit institutions whose primary purpose is the conduct of scientific research. When so authorized for use, NASA Form 419S shall be used together with a Cover Page (NASA Form 437), a Schedule, and a Signature Page (NASA Form 437–1).

**§ 18–7.451–2 Special instructions.** [Reserved]

**§ 18–7.451–3 Additional required clauses.** [Reserved]

**§ 18–7.451–4 Additional clauses authorized for use.**

(a) Clauses contained in the long form (NASA Form 419) prescribed in § 18–7.452 may be included as additions to the short form where special circumstances justify their use. In such cases, care should be taken to assure that these provisions are not inconsistent with the provisions of NASA Form 419S.

(b) *Data requirements.* Ordinarily, the work statement of the Schedule should adequately cover NASA's requirements for data. The "Data Requirements" clause set forth in § 18–7.5004 is not appropriate for use in this type of contract unless hardware is to be furnished. Where this Schedule clause is used, the assistance of legal counsel will be obtained in adapting the clause to the particular contract.

(c) *Government property.* When the "Government Property" clause set forth in NASA Form 419 (long form) is used, and title to such property is to be vested in the contractor pursuant to 42 U.S.C. 1891–1893, see ASPR 13–506 for the additional language to be added to paragraph (c) of that clause.

**§ 18–7.452 Long form cost-reimbursement research and development contracts with educational or nonprofit institutions (NASA Form 419).**

**§ 18–7.452–1 Required forms.**

Except where NASA Form 419S is authorized for use under § 18–7.451–1, NASA Form 419 shall be used in all cost-reimbursement type contracts with educational and nonprofit institutions which involve no fee or profit, together with a Cover Page (NASA Form 437), a Schedule, and a Signature Page (NASA Form 437–1).

**§ 18–7.452–2 Special instructions.**

(a) *Definitions.* Additional definitions may be included if they are not inconsistent with the prescribed clause.

(b) *Limitation of cost.* See § 18–7.452–3(g).

(c) *Allowable cost and payment.* The provisions set forth in § 18–7.5007 shall be added as paragraph (D) to (f)(ii) of this clause.

(d) *Subcontracts.* In paragraph (b) of the "Subcontracts" clause, the percentage and amount set forth in (ii) thereof may be varied, and in (i), (v) and (vi) thereof dollar amounts not in excess of $10,000 may be established below which the prior written consent of the contracting officer need not be obtained.

(e) *Inspection.* Where a more detailed provision covering inspection is desired, as where the primary contract objective is the delivery of end items other than designs, drawings or reports, the "Inspection" clause contained in NASA Form 417 should be substituted for the "Inspection" clause contained in NASA Form 419.

(f) *Records.* In the case of contracts that establish separate periods of performance, the alternative subparagraphs (a) (4) and (5) set forth in § 18–7.5023 may be substituted for the corresponding subparagraphs of the "Records" clause contained in NASA Form 419.

(g) *Property rights in inventions.* The percentage amount specified to be withheld by paragraph (k) of the "Property Rights in Inventions" clause may be reduced from 10% to 1%.

**§ 18–7.452–3 Additional required clauses.**

The following additional clauses are required to be included as "Additional General Provisions" (unless otherwise indicated) under the circumstances set forth below:

(a) *Soviet controlled areas* (*§ 18–7.5001*). See the instructions set forth in § 18–7.150–3(a).

(b) *Labor clauses for construction contracts clauses 20 to 26,* inclusive, of Standard Form 23A). See instructions set forth in § 18–7.150–3(b) and the guidance provided in Subpart 18–12.4.

(c) *Rights in data.* For guidance, see § 18–7.151–3(d). However NASA Form 419 already contains a "Data" clause.

(d) *Data requirements.* See §§ 18–7.151–3(e) and 18–7.451–4(b).

(e) *Approval of contract.* The clause set forth in § 18–7.5017 will be included when approval of the contract by the Director, Procurement and Supply Division, NASA Headquarters, is required.

(f) *Cargo Preference Act.* [Reserved]

(g) *Limitation of Government's obligation* (*§ 18–7.5020*). See instructions set forth in § 18–7.251–3(g). However, approval by the Director, Procurement and Supply Division, NASA Headquarters, is not required.

(h) *Estimated cost.* The clause set forth in § 18–7.5026 will be modified to delete any reference to a fixed fee and shall be included in the Schedule of the contract.

(i) *Reports of work.* The clause set forth in § 18–7.5029 shall be included in the Schedule of the contract. Variances in this clause are authorized to meet the particular requirements of a procurement. Consideration should be given in each case to the desirability of providing for intermittent reports as well as, for example, where a contractor completes a significant unit of work which merits publication.

(j) *NASA Small Business Subcontracting Program* (*§ 18–7.5010*). For instructions concerning the inclusion of this clause, see § 18–7.150–3(g).

(k) *Materials reports* (*§ 18–7.5027*). See instructions set forth in § 18–7.352–3(j).

**§ 18–7.452–4 Additional clauses authorized for use.**

(a) *Alterations in contract* (*§ 18–7.5011*). See instructions set forth in § 18–7.150–4(a).

(b) *Bill of materials.* The clause set forth in ASPR 7–105.6 is authorized for use under the circumstances set forth therein.

(c) *Federal, State, and local taxes* (*§ 18–7.5032*). See instructions set forth in § 18–7.251–4(c).

(d) *Data of incurrence of costs* (*§ 18–7.5030*). See instructions set forth in § 18–7.251–4(d).

(e) *Notice of delay* (*§ 18–7.5031*). See instructions set forth in § 18–7.251–4(e).

(f) *Program progress reports* (*§ 18–7.5028*). See instructions set forth in § 18–7.251–4(f).

**§ 18–7.453 Cost-reimbursement type research and development contracts (NASA Form 417).**

**§ 18–7.453–1 Required forms.**

Except where NASA Forms 419S and 419 are authorized for use under §§ 18–7.451 and 18–7.452, NASA Form 417 shall be used in all other NASA cost-reimbursement type research and development contracts. NASA Form 417 shall be used together with a Cover Page (NASA Form 437), a Schedule, and a Signature Page (NASA Form 437–1).

**§ 18–7.453–2 Special instructions.**

(a) *Definitions.* Additional definitions may be included if they are not inconsistent with the prescribed clause.

(b) *Limitation of cost.* See § 18–7.453–3(g).

(c) *Allowable cost, fixed fee, and payment.* When the contract is in excess of $250,000, is not with a small business con-

cern, and is not otherwise included within the types of contracts set forth in ASPR 3-404.3(d)(2), paragraph (c) of Clause 4 of NASA Form 417 shall be deleted and the paragraph set forth in § 18-7.5022 substituted therefor, unless otherwise approved by the Director, Procurement and Supply Division, NASA Headquarters. In addition, the provision set forth in § 18-7.5007 shall be added as paragraph (D) to (f)(ii) of this clause when the Schedule contains a "Data Requirements" clause (see §§ 18-7.151-3(e) and 18-7.251-2(d).

(d) *Assignment of claims.* See §§ 18-7.150-2(c) and 18-7.151-2(c).

(e) *Subcontracts.* In paragraph (b) of the "Subcontracts" clause, the percentage and amount set forth in (ii) thereof may be varied, the dollar amount in (iii) may be increased, and in (i), (iv) and (v) thereof dollar amounts not in excess of $10,000 may be established below which the prior written consent of the contracting officer need not be obtained.

(f) *Records* (*§ 18-7.5023*). See instructions set forth in § 18-7.452-2(f) which are equally applicable to the "Records" clause in NASA Form 417.

(g) *Payment of royalties* (*§ 18-7.5024*). See instructions set forth in § 18-7.251-2(i) if the contractor is a member of the Manufacturers Aircraft Association.

(h) *Property rights in inventions.* Where the contract is with a member of the Manufacturers Aircraft Association, see § 18-7.5021 for the deviation authorized to be made in the "Property Rights in Inventions" clause.

(i) *Termination.* Paragraph (k) of the "Termination" clause may be deleted at the discretion of the contracting officer.

### § 18-7.453-3 Additional required clauses.

The following additional clauses are required to be included as "Additional General Provisions" (unless otherwise indicated) under the circumstances set forth below:

(a) *Soviet controlled areas* (*§ 18-7.5001*). See instructions set forth in § 18-7.150-3(a).

(b) *Labor clauses for construction contracts (Clauses 20 to 26, inclusive, of Standard Form 23A).* See instructions set forth in § 18-7.150-3(b) and the guidance provided in Subpart 18-12.4.

(c) *Rights in data.* For guidance, see § 18-7.151-3(d). However, NASA Form 417 already contains a "Data" clause.

(d) *Data requirements.* For general background, see § 18-7.151-3(e). The clause set forth in § 18-7.5004 shall be included in the schedule of the Contract. Subparagraphs (a)(ii) (B) and (C) of this clause may be deleted or modified in accordance with NASA's requirements as indicated by the project engineer. See § 18-7.453-2(c).

(e) *Approval of contract.* The clause set forth in § 18-7.5017 will be included when approval of the contract by the Director, Procurement and Supply Division, NASA Headquarters, is required.

(f) *Cargo Preference Act.* [Reserved]

(g) *Limitation of Government's obligation* (*§ 18-7.5020*). See instructions set forth in § 18-7.251-3(g). However, the approval by the Director, Procurement and Supply Division, NASA Headquarters, is not required.

(h) *Payment of fixed fee* (*§ 18-7.5025*). See instructions set forth in § 18-7.251-3(h).

(i) *Estimated cost and fixed fee* (*§ 18-7.5026*). See instructions set forth in § 18-7.251-3(i).

(j) *Reports of work* (*§ 18-7.5029*). See instructions set forth in § 18-7.251-3(i).

(k) *NASA Small Business Subcontracting Program* (*§ 18-7.5010*). See instructions set forth in § 18-7.150-3(g).

(l) *Materials reports* (*§ 18-7.5027*). See instructions set forth in § 18-7.352-3(j).

(m) *Financial reports.* [Reserved]

### § 18-7.453-4 Additional clauses authorized for use.

(a) *Alterations in contract* (*§ 18-7.5011*). See instructions set forth in § 18-7.150-4(a).

(b) *Bill of materials.* The clause set forth in ASPR 7-105.6 is authorized for use under the circumstances set forth therein.

(c) *Federal, State, and local taxes* (*§ 18-7.5032*). See instructions set forth in § 18-7.251-4(c).

(d) *Date of incurrence of costs* (*§ 18-7.5030*). See instructions set forth in § 18-7.251-4(d).

(e) *Notice of delay* (*§ 18-7.5031*). See instructions set forth in § 18-7.251-4(e).

(f) *Program progress reports* (*§ 18-7.5028*). See instructions set forth in § 18-7.251-4(f).

(g) *Contractor's independent research program* (*§ 18-7.5033*). See instructions set forth in § 18-7.251-4(g).

## Subpart 18-7.50—Specific Contract Clauses

### § 18-7.5001 Soviet-controlled areas clause.

SOVIET-CONTROLLED AREAS

(a) The Contractor shall not acquire for use in the performance of this contract any supplies or services originating from sources within Soviet-controlled areas, as listed in the Schedule of this contract, or from Hong Kong or Macao, without the written approval of the Contracting Officer.

(b) The Contractor agrees to insert the provisions of this clause, including the Soviet-controlled areas listed in the Schedule and this subparagraph (b), in all subcontracts hereunder.

### § 18-7.5002 Data clause.

DATA

(a) The term "Subject Data" as used herein includes writings, sound recordings, pictorial reproductions, drawings or other graphical representations, and works of any similar nature (whether or not copyrighted) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses, and other information incidental to contract administration.

(b) The Contractor agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, nonexclusive and irrevocable license throughout the world for Government purposes to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others so to do, all Subject Data now or hereafter covered by copyright: *Provided*, That with respect to the Subject Data now or hereafter covered by copyright and not originated in the performance of this contract, such license shall be only to the extent that the Contractor, his employees, or any individual or concern specifically employed or assigned by the Contractor to originate and prepare such Data under this contract, now has, or prior to completion or final settlement of this contract may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(c) The Contractor shall exert all reasonable effort to advise the Contracting Officer, at the time of delivery of the Subject Data furnished under this contract, (i) of all invasions of the right of privacy contained therein and (ii) of all portions of such Data copied from work not composed or produced in the performance of this contract and not licensed under this clause.

(d) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of copyright infringement received by the Contractor with respect to all Subject Data delivered under this contract.

(e) Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(f) Subject to the proviso of (b) above and unless otherwise limited below, the Government may duplicate, use, and disclose in any manner and for any purpose whatsoever, and have others so do, all Subject Data delivered under this contract.

(g) Notwithstanding any provisions of this contract concerning inspection and acceptance, the Government shall have the right at any time to modify, remove, obliterate, or ignore any marking not authorized by the terms of this contract on any piece of Subject Data furnished under this contract.

(h) Notwithstanding any Tables or Specifications included or incorporated in the contract by reference, "proprietary data" need not be furnished unless suitably identified in the Schedule of the contract as being required. For the purpose of this clause, "proprietary data" means data providing information concerning the details of a Contractor's secrets of manufacture, such as may be contained in but not limited to his manufacturing methods or processes, treatment and chemical composition of materials, plant layout and tooling, to the extent that such information is not disclosed by inspection or analysis of the product itself and to the extent that the Contractor has protected such information from unrestricted use by others.

### § 18-7.5003 Additional data provision.

Under the conditions specified in §§ 18-7.151-3(d) and 18-7.251-3(c), the following paragraph will be added to the clause set forth in § 18-7.5002:

(i) That portion of the Subject Data delivered under this contract which is identified in the Schedule as being subject to limitations shall not be released outside the Government, nor be duplicated, used, or disclosed in whole or in part for procurement or manufacturing purposes (other than for manufacture required in connection with repair or overhaul where an item is not procurable commercially so as to enable the timely performance of the overhaul or repair work: *Provided*, When Data is released by the Government to a Contractor for such purposes, the release shall be made subject to the limitations of this clause: *Provided further*, Such Data shall not be used for manufacture or procurement of spare parts for stocks), without permission of the Contractor, if the following legend is marked on each piece of Data so limited either in its entirety or only partially as to its content:

Furnished under United States Government Contract No. ------ and only those portions thereof which are marked (for example, by circling, underscoring or otherwise) and indicated as being subject to this legend shall not be released outside the Government (except to foreign governments, subject to these same limitations), nor be disclosed, used, or duplicated, for procurement or manufacturing purposes, except as otherwise authorized by contract, without the permission of ---------- This legend shall be marked on any reproduction hereof in whole or in part.

*Provided*, That such Data may be delivered to foreign governments as the national interest of the United States may require, subject to the limitations specified in this paragraph. The Contractor shall not impose limitations on the use of any piece of Data, or any portion thereof, which the Contractor has previously delivered to the Government without limitation.

### § 18-7.5004 Data requirements clause.

### § 18-7.5004-1 Basic clause.

DATA REQUIREMENTS

(a) To the extent that the following data is not elsewhere required to be furnished to the Government under this contract, the Contractor, upon written request of the Contracting Officer at any time during contract performance or within one year after final payment, shall furnish the following:

(1) A set of engineering drawings sufficient to enable manufacture of any equipment or items furnished under the contract (other than components or items of standard commercial design or items fabricated heretofore); or a set of flow sheets and engineering drawings sufficient to enable performance of any process developed under the contract. Such set or sets of drawings and flow sheets shall be reproducible copies incorporating all changes made in the equipment or process in the form in which it was delivered to the Government.

(2) Any of the following data which is necessary to explain or to help Government technical personnel understand any equipment, items or process developed under the contract and furnished to the Government:

(i) A copy (which shall be a reproducible master if one is so requested) of drawings and other technical data used in or prepared in connection with the development, practice and testing of any process or processes required under the contract, or with the development, fabrication, and testing of prototype models of equipment or items (other than items of standard commercial design or items fabricated heretofore), if required under the contract.

(ii) A report of all studies made in planning the work, and in developing background research for the work, including citation references to all such background research, and a copy of all compilations, digests or analyses of such background research compiled in connection with the performance of this contract.

(iii) A copy (which shall be a reproducible master if one is so requested) of design studies, research notes, parameter and tolerance studies, drawings, including Contractor's identification of symbols and markings, specifications, test results and any other technical information used in any research, development, design, engineering, and testing required in the performance of this contract, including test equipment and related items, together with any information as to safety precautions which may be necessary in connection with the manufacture, storage, or use of the equipment, material, or process, if any, in the event that an equipment, material, or process is the subject of research under this contract.

The Contractor shall not be required to furnish any background data which may be described in (ii) and (iii) above unless such data is essential and closely related to the contract work.

(b) All reports, data, and recorded information which are required to be furnished by the Contractor under this provision, as well as all other reports of a technical nature required to be furnished under this contract, are "Subject Data" within the meaning of the clause of the General Provisions of this contract entitled "Data."

(c) Nothing contained in this "Data Requirements" article shall require the Contractor to deliver any data, the delivery of which is excused by paragraph (h) of the clause of the General Provisions of this contract entitled "Data." If any of the data requested is in the public domain or copyrighted, it will be sufficient for the Contractor to identify the data and furnish a citation as to where it may be found.

(d) Any reproducible copies requested under this "Data Requirements" article shall be of a type and prepared in accordance with good commercial practice.

### § 18-7.5004-2 Additional provision for fixed price contracts.

When the clause in § 18-7.5004-1 is used in fixed price contracts, the following paragraph will be added:

(e) A request to furnish any of the data described in this "Data Requirements" article prior to final payment under this contract shall be considered a change under the "Changes" clause of this contract and an equitable adjustment may be made in the price for such data. If the request for such data is made during the one year period after final payment, the costs of furnishing such data shall be at the expense of the Government. Any adjustment of price prior to final payment, or any payment of expense after final payment, shall not include any amount for the value of the data, but shall be limited to the materials, direct labor, reasonable incidental expenses, allocable portion of overhead involved in the reproduction or preparation of the data, and a reasonable profit on the above.

### § 18-7.5005 Priorities, allocations and allotments clause.

PRIORITIES, ALLOCATIONS AND ALLOTMENTS

The Contractor agrees, in the procurement and use of materials required for the performance of this contract, to comply with the provisions of all applicable rules and regulations of the Business and Defense Services Administration, including Defense Materials System regulations.

### § 18-7.5006 Government-furnished property clause.

GOVERNMENT-FURNISHED PROPERTY

(a) The Government shall deliver to the Contractor at the specified time or times the property described in the Schedule or specifications, together with such related data and information as the Contractor may reasonably request. In the event the Government fails to make timely delivery of such Government-furnished property, and upon timely written request of the Contractor, the Government shall make an equitable adjustment of delivery or performance dates or contract price, or both, pursuant to the "Changes" clause of this contract.

(b) By notice in writing, the Contracting Officer may decrease the property furnished or to be furnished by the Government under this contract. In any such case, the Contracting Officer, upon the written request of the Contractor, shall equitably adjust the delivery or performance dates or the contract price, or both, pursuant to the "Changes" clause of this contract.

(c) Title to all property furnished by the Government, hereinafter referred to as "Government-furnished property," shall remain in the Government. Title to Government-furnished property shall be unaffected by the incorporation or attachment thereof to any property not owned by the Government, nor shall Government-furnished property, or any part thereof, be or become a fixture or lose its identity as personality by reason of affixation to any realty. Except as otherwise specifically provided in this contract, the Contractor (i) shall not pledge, assign, or transfer title to any Government-furnished property, nor do or suffer anything to be done whereby any Government-furnished property may be seized, taken in execution, attached, destroyed or injured, and (ii) shall not remove or otherwise part with possession of, or permit the use by others of any Government-furnished property.

(d) Unless otherwise provided in this contract, the Contractor, upon delivery to it of any Government-furnished property, assumes the risk of, and shall be responsible for, any loss thereof or damage thereto except for reasonable wear and tear, and except to the extent that such property is consumed in the performance of this contract. In lieu of payment of damages to the Government, the Contractor, if so instructed by the Contracting Officer, shall accomplish, at its own expense, the repair or replacement of Government-furnished property for the loss or damage of which the Contractor is responsible herein.

(e) The Contractor shall maintain and administer, in accordance with sound industrial practice, a program for the maintenance, repair, protection and preservation of Government-furnished property.

(f) Government-furnished property shall, unless otherwise provided herein, be used only for the performance of this contract.

### § 18-7.5007 Additional allowable cost, fixed fee and payment provision.

The following provision will be added as paragraph (D) to paragraph (f)(ii) of the "Allowable Cost, Fixed Fee, and Payment" clause in NASA Forms 417 and 418 and to the "Allowable Cost and Payment" clause in NASA Form 419 under the conditions specified in § 18-7.251-2(d), 18-7.452-2(c), and 18-7.453-2(c):

(D) Claims for reimbursement of costs incurred in reproducing, preparing, and shipping data pursuant to a written request of the Contracting Officer to furnish data under the Article of the Schedule of this contract entitled "Data Requirements," when such written request occurs within the one-year period after final payment.

### § 18-7.5008 Progress payments short form labor and material clause.

PROGRESS PAYMENTS (SHORT FORM CLAUSE BASED ON BOTH DIRECT LABOR AND MATERIAL COSTS OR WHEN LIMITED TO EITHER LABOR OR MATERIAL)

Upon request of the Contractor, progress payments shall be made to the Contractor from time to time as work progresses, in amounts approved by the Contracting Officer, upon the following terms and conditions:

(a) *Computation of Amounts.* (1) Unless a smaller amount is requested, each progress payment shall be 85 percent of the Contractor's cumulative costs of direct labor performed and material acquired [strike out inapplicable language if limited to a single

direct cost] for performance of this contract; less the sum of previous progress payments. In no event, however, may the amount of unliquidated progress payments exceed ------ percent of the total contract price of items and services not yet delivered, invoiced to and accepted by the Government; also, the aggregate amount of progress payments made may not exceed ------ percent of the total contract price. [These percentages shall be the same as in (b) below.]

(2) Contractor's costs above mentioned must be reasonable, allocable to this contract and consistent with generally accepted accounting principles.

(b) *Recovery of Progress Payments.* Except as otherwise provided in this contract, payments by the Government for materials delivered, invoiced to and accepted by the Government shall be reduced by ------ percent and the amount of the reduction applied against progress payments previously made until such time as the total of all progress payments has been liquidated. [The percentage to be inserted here and in (a) (1) above should be calculated as those in the following example: If the base for progress payments is 85 percent of the cost of direct labor and material and if estimated costs of direct labor and material are 70 percent of total estimated costs, liquidation would be at a rate not less than 59.5 percent (85 x 70) of the contract price on delivered items.]

(c) *Reduction of Suspension.* The Government reserves the right to withhold or reduce progress payments and to increase the liquidation rate if in the opinion of the Contracting Officer the Contractor is in such unsatisfactory financial condition or has so failed to make progress as to endanger contract performance and recoupment of progress payments.

(d) *Title to Material and Work.* When any progress payment is made under this contract, title to material acquired and work performed under this contract shall vest in the Government, and title to all like property thereafter acquired or produced by the Contractor and properly chargeable to this contract under generally accepted accounting practices shall vest in the Government. The Contractor shall repay to the Government an amount equal to that portion of the unliquidated progress payments allocable to material lost, stolen, destroyed or damaged. Upon completion of performance of all obligations of the Contractor under this contract, title to all property not delivered to and accepted by the Government under this contract and to which title had vested in the Government under this contract shall vest in the Contractor.

(e) *Records and Reports.* The Contractor shall maintain reasonable controls for proper administration of this clause and shall furnish such statements and information as may reasonably be requested by the Contracting Officer. The Government shall be afforded reasonable opportunity to examine the Contractor's books, records and accounts.

(f) *Default.* If this contract is terminated for default, the Contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments, less any amounts payable to the Contractor in accordance with the default clause.

(g) *Reservation of Rights.* The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

### § 18–7.5009 Progress payments short form total costs clause.

PROGRESS PAYMENTS (SHORT FORM "TOTAL COSTS" CLAUSE)

Upon request of the Contractor, progress payments shall be made to the Contractor from time to time as work progresses, in amounts approved by the Contracting Officer upon the following terms and conditions:

(a) *Computation of Amounts.* (1) Unless a smaller amount is requested, each progress payment shall be 70 percent of the Contractor's cumulative total costs under this contract, less the sum of any previous progress payments. In no event, however, may the aggregate amount of progress payments made exceed 70 percent of the total contract price.

(2) The Contractor's costs must be reasonable, allocable to this contract, consistent with sound and generally accepted accounting principles, and may include depreciation or amortization allowance. Such costs shall exclude amounts for materials to which the Contractor has not acquired title.

(3) At no time shall unliquidated progress payments exceed 70 percent of the total contract price of the items and services not yet delivered and invoiced to and accepted by the Government.

(b) *Recovery of Progress Payments.* Except as otherwise provided in this contract, payments by the Government for materials delivered, invoiced and accepted shall be reduced by 70 percent of the contract price of such items and the amount of the reduction applied against progress payments previously made until such time as the total of all progress payments has been recovered.

(c) *Reduction or Suspension.* The Government reserves the right to withhold or reduce progress payments and to increase the liquidation rate if in the opinion of the Contracting Officer the Contractor is in such unsatisfactory financial condition or has so failed to make progress as to endanger contract performance and recoupment of progress payments.

(d) *Title to Material and Work.* When any progress payment is made under this contract, title to material acquired and work performed under this contract shall vest in the Government, and title to all like property thereafter acquired or produced by the contractor and properly chargeable to this contract under generally accepted accounting principles shall vest in the Government. The Contractor shall repay to the Government an amount equal to that portion of the unliquidated progress payment allocable to material lost, stolen, destroyed or damaged. Upon completion of performance of all obligations of the Contractor under this contract, title to all property and work not delivered to and accepted by the Government under this contract and to which title had vested in the Government under this contract shall vest in the Contractor.

(e) *Records and Reports.* The Contractor shall maintain reasonable controls for proper administration of this clause and shall furnish such statements and information as may reasonably be requested by the Contracting Officer. The Government shall be afforded reasonable opportunity to examine the Contractor's books, records and accounts.

(f) *Default.* If this contract is terminated for default, the Contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments, less any amounts payable to the Contractor in accordance with the default clause.

(g) *Reservation of Rights.* The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

### § 18–7.5010 Small business subcontracting clause.

NASA SMALL BUSINESS SUBCONTRACTING PROGRAM

(a) The Contractor agrees to establish and conduct a program to afford small business concerns equitable opportunity to compete for Government subcontracts within their capabilities. In this connection, the Contractor shall—

(1) Designate a small business liaison officer, who will (i) maintain liaison with duly authorized representatives of the Government on small business matters, (ii) supervise compliance with the clause of this contract entitled "Utilization of Small Business Concerns" and (iii) administer the Contractor's Small Business Program.

(2) Assure that small business concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate small business participation.

(3) Maintain records showing (i) whether each prospective subcontractor is a small business concern; and (ii) procedures which have been adopted to comply with the policies set forth in this clause.

(4) Include the "Utilization of Small Business Concerns" clause in subcontracts which offer substantial small business subcontracting opportunities.

(5) Submit such information on subcontracting to small business as is called for on forms duly authorized by NASA.

(b) A "small business concern" generally is a concern that—

(1) Is independently owned and operated, is not dominant in its field of operations and, with its affiliates, employs fewer than 500 employees, or

(2) Is certified as a small business concern by the Small Business Administration.

(c) The Contractor further agrees to insert, in any subcontract hereunder which is in excess of $1,000,000 and which contains the clause entitled "Utilization of Small Business Concerns," provisions which shall conform substantially to the language of this clause, including this paragraph (c).

### § 18–7.5011 Alterations in contract clause.

ALTERATIONS IN CONTRACT

The following alterations have been made in the General Provisions of this contract:

### § 18–7.5012 Liquidated damages clause.

LIQUIDATED DAMAGES

Paragraph (f) of the clause of this contract entitled "Default" is redesignated as paragraph (g), and the following is inserted as paragraph (f):

(f) (i) In the event the Government exercises its right of termination as provided in paragraph (a) above, the Contractor shall be liable to the Government for excess costs as provided in paragraph (b) above and, in addition, for liquidated damages, in the amount set forth elsewhere in this contract, as fixed, agreed, and liquidated damages for each calendar day of delay, until such time as the Government may reasonably obtain delivery or performance of similar supplies or services.

(ii) If the contract is not so terminated, notwithstanding delay as provided in paragraph (a) above, the Contractor shall continue performance and be liable to the Government for such liquidated damages for each calendar day of delay until the supplies are delivered or services performed.

(iii) The Contractor shall not be liable for liquidated damages for delays due to causes which would relieve him from liability for excess costs as provided in paragraph (c) of this clause.

### § 18–7.5013 Warranty clause.

WARRANTY

Notwithstanding the provisions of Clause 5 of these General Provisions, entitled "Inspection," the Contractor agrees that the articles delivered under this contract shall be covered by the same warranties as the Contractor customarily offers in connection with the sale of these articles on the commercial market. In the event that differing warranties covering these articles are customarily offered to other purchasers by the Contractor, it is agreed that such warranties shall apply to this contract as are available to the Contractor's most-favored purchaser.

### § 18–7.5014 Warranty clause.

WARRANTY

Notwithstanding the provisions of Clause 5 of these General Provisions, entitled "Inspection," the Contractor agrees that the articles delivered under this contract shall be covered by the same warranties as the Contractor customarily offers in connection with the sale of these articles on the commercial market. In the event that differing warranties covering these articles are customarily offered to other purchasers by the Contractor, it is agreed that such warranties shall apply to this contract as are available to the Contractor's most-favored purchaser. In addition to any other obligations imposed upon the Contractor under any such warranties, and regardless of whether a similar right is customarily offered to other purchasers, the Contractor shall, if so required by the Government within a reasonable time after the giving of notice of defect in accordance with such warranties, correct or replace the defective or nonconforming article with all possible speed at Contractor's cost, including shipping costs, not exceeding usual charges, from the delivery point to the Contractor's plant and return.

### § 18–7.5015 Guaranty clause.

GUARANTY

Notwithstanding the provisions of Clause 5 of these General Provisions, entitled "Inspection," the Contractor guarantees that at the time of delivery thereof the articles provided for under this contract will be free from any defects in material or workmanship and will conform to the requirements of this contract. Notice of any such defect or nonconformance shall be given by the Government to the Contractor within 1 year of the delivery of the defective or nonconforming article. If required by the Government within a reasonable time after such notice, the Contractor shall with all possible speed correct or replace the defective or nonconforming article or part thereof. When such correction or replacement requires transportation of the article or part thereof, shipping costs, not exceeding usual charges, from the delivery point to the Contractor's plant and return, shall be borne by the Contractor; the Government shall bear all other shipping costs. This guaranty shall then continue as to corrected or replacing articles or, if only parts of such articles are corrected or replaced, to such corrected or replacing parts, until 1 year after date of redelivery. If the Government does not require correction or replacement of a defective or nonconforming article, the Contractor, if required by the Contracting Officer within a reasonable time after the notice of defect or nonconformance, shall repay such portion of the contract price of the article as is equitable in the circumstances.

### § 18–7.5016 Inspection clause.

INSPECTION

(a) All work under this contract shall be subject to inspection and test by the Government, to the extent practicable, at all times (including the period of performance) and places, and in any event prior to acceptance. The Government through any authorized representative may inspect the premises of the Contractor or any subcontractor engaged in the performance of this contract.

(b) The Government may reject any work that is defective or otherwise not in conformity with the requirements of this contract. If the Contractor fails or is unable to correct or to replace such work, the Contracting Officer may accept such work at a reduction in price which is equitable under the circumstances. Failure to agree on the reduction in price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide, without additional charge, all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. If the Government inspection or test is made at a point other than the premises of the Contractor or subcontractor, it shall be at the expense of the Government. All inspections and tests by the Government shall be performed in such a manner as not unduly to delay the work. Final inspection and acceptance or rejection of the work shall be made as promptly as practicable after delivery except as otherwise provided in this contract; but failure to inspect and accept, or reject the work shall neither relieve the Contractor from responsibility for such of the work as is not in accordance with the contract requirements nor impose liability on the Government therefor.

(d) The inspection and test by the Government of any work shall relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to acceptance. Except as otherwise provided in this contract, acceptance shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the work hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of this contract and for such longer period as may be specified elsewhere in this contract.

### § 18–7.5017 Approval of contract provision.

APPROVAL OF CONTRACT

This contract shall be subject to the written approval of the Director, Procurement and Supply Division, NASA Headquarters, or his duly authorized representative, and shall not be binding until so approved.

### § 18–7.5018 Subcontracting provisions.

SUBCONTRACTS

(a) The Contractor shall give specific advance notification to the Contracting Officer of any proposed subcontract hereunder which (1) is on a cost or cost-plus-a-fixed-fee basis, or (2) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total amount of this contract.

(b) The Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which (1) is on a cost or cost-plus-a-fixed-fee basis, or (2) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total amount of this contract, or (3) provides for the fabrication, purchase, rental, installation or other acquisition, of any item of industrial facilities, or of special tooling having a value in excess of $1,000, or (4) is on a time-and-material or labor-hour basis. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (b).

(c) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(d) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the acceptability of the subcontract price, unless such approval specifically provides that it constitutes a determination of the acceptability of the subcontract price.

(e) The Contracting Officer may approve all or any part of the Contractor's purchasing system and from time to time rescind or reinstate such approval. Such approval shall be deemed to fulfill the requirements for obtaining the Contracting Officer's consent to subcontracts as prescribed in paragraph (b) above.

### § 18–7.5019 Patent indemnity clause.

PATENT INDEMNITY

If the amount of this contract is in excess of $5,000, the Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs for infringement of United States letters patent ----------

(Here designate the specific patent or patents)

The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply if: (i) the infringement results from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the Contractor; or (ii) the infringement results from the addition to, or change in, the supplies furnished or construction work performed, which addition or change was made subsequent to delivery or performance by the Contractor; or (iii) the claimed infringement is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

### § 18–5020 Limitation of Government's obligation clause.

LIMITATION OF GOVERNMENT'S OBLIGATION

(a) It is estimated that the total cost to the Government, inclusive of any fixed fee, for the performance of this contract will not exceed the estimated cost and fixed fee set forth in the Schedule, and the Contractor agrees to use its best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. The fixed fee for complete performance of this contract is specified in the Schedule.

(b) The sum presently available for payment and allotted to this contract, the items covered thereby and the period of performance which it is estimated the allotted amount will cover, are specified in the Schedule. It is anticipated that from time to time additional funds will be allotted to this contract up to the full estimated cost, including any fixed fee. When additional funds are allotted from time to time for continued performance of the work, the parties shall agree as to the applicable estimated period of contract performance which shall be covered by such funds and the contract schedule amended accordingly. The Contractor agrees to perform or have performed work on this contract up to the point at

which, in the event of termination of this contract for the convenience of the Government pursuant to the clause of this contract entitled "Termination," the total amount paid and payable by the Government pursuant to any settlement including cost and fixed fee under paragraph (e) of such clause would, in the exercise of reasonable judgment by the Contractor, approximate the total amount at the time allotted to this contract. The Contractor shall not be obligated to continue performance of the work beyond such point.

(c) The Government shall not be obligated to reimburse the Contractor for costs incurred (including amounts payable in respect to subcontracts and termination settlement costs) and to pay any fixed fee to which the Contractor may be entitled, in excess of the total amount from time to time allotted to this contract. However, when and to the extent that the total amount allotted to this contract has been increased, any costs incurred by the Contractor and any fixed fee to which the Contractor may be entitled, prior to the increase and in excess of the amount previously allotted, shall be allowable to the same extent as if such costs had been incurred and fee earned after such increase in amount allotted.

(d) In the event funds allotted are considered by the Contractor to be inadequate to cover the work to be performed for the period set forth in the Schedule, the Contractor shall notify the Contracting Officer in writing when within the next thirty (30) days the work will reach a point, at which, in the event of termination of this contract for the convenience of the Government pursuant to the clause of this contract entitled "Termination," the total amount paid and payable by the Government pursuant to a settlement including cost and fixed fee under paragraph (e) of such clause will approximate eighty-five percent (85%) of the total amount then allotted to the contract. The notice shall state the estimated date when such point will be reached and the estimated amount of additional funds required to continue performance for the period set forth in the Schedule. The Contractor shall, thirty (30) days prior to the end of the period specified in the Schedule, advise the Contracting Officer in writing as to the estimated amount of additional funds which will be required on the basis of the obligation for performance in accordance with paragraph (b) of this clause, for the timely performance of the work under the contract for such further period as may be specified in the Schedule or otherwise agreed to by the parties. If, after such notification, additional funds are not allotted by the end of the period set forth in the Schedule, or an agreed date in substitution therefor, the Contracting Officer will, upon written request of the Contractor, terminate this contract on such date, or on a date to be specified in such request, on which the Contractor, in the exercise of his reasonable judgment, estimates that he will have discharged his obligation to perform hereunder in accordance with paragraph (b) of this clause, whichever is later, pursuant to the provisions of the clause of this contract entitled "Termination."

(e) When additional funds are allotted from time to time for continued performance of the work under this contract, the parties shall agree as to the applicable period of contract performance which shall be covered by such funds, and the provisions of paragraphs (b), (c), and (d) of this clause shall apply in like manner to such additional allotted funds and substituted date pertaining thereto, and the contract shall be amended accordingly.

(f) The Government may at any time prior to termination allot additional funds for this contract, and, with the consent of the Contractor, after notice of termination, may rescind such termination in whole or in part, and allot additional funds for this contract.

(g) In the event that sufficient amounts are not allotted to this contract to allow completion of the work contemplated by this contract, the Contractor shall be entitled, subject to the limitations of paragraph (c) of this clause, to a percentage of the fixed fee set forth in the Schedule equivalent to the percentage of completion of the work contemplated by this contract.

(h) Nothing in this clause shall affect the right of the Government to terminate this contract pursuant to the clause of this contract entitled "Termination."

(i) For the purpose of this clause, the allotment or allotments specified in the Schedule shall not be decreased without the consent of the Contractor.

(j) This clause shall be applicable and the clause of this contract entitled "Limitation of Cost" inapplicable until such time as an amount equal to the total estimated cost and fee set forth in the Schedule is allotted to this contract and thereafter the clause of this contract entitled "Limitation of Cost" shall be applicable and this clause inapplicable.

### § 18–7.5021 Deviation from property rights and invention clause.

In paragraph (g)(ii)(C)(2) of the "Property Rights and Invention" clause, after the parenthetical expression which reads:

(and to its existing and future associated and affiliated companies, if any, within the corporate structure of which the Contractor is a part).

insert the following:

• • • and subject also to the obligation, if any, of Contractor under all terms and conditions set forth in that agreement known as the Cross-License Agreement of the Manufacturers Aircraft Association, Inc. in effect as of December 31, 1928 as supplemented by the agreement of September 30, 1935," • • •

### § 18–7.5022 Revision to allowable cost, fixed fee and payment clause.

Under the conditions specified in §§ 18–7.251–2(d) and 18–7.453–2(c), paragraph (c) of the clause entitled "Allowable Cost, Fixed Fee, and Payment" will be deleted and the following substituted therefor:

(c)(1) As promptly as may be practicable after the receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, and subject to the provisions of paragraph (d) below, make payment thereon, as approved by the Contracting Officer to the extent of:

(i) 100 percent of such approved costs representing progress payments to subcontractors under fixed price type subcontracts: *Provided*, That such payments by the Government to the Contractor shall not exceed 70 percent of the costs incurred by such subcontractors:

(ii) 100 percent of such approved costs representing cost-reimbursement to subcontractors under cost reimbursement type subcontracts: *Provided*, That for cost reimbursement type subcontracts not covered by the exceptions listed in paragraph 3–404.3 (d)(2) of the Armed Services Procurement Regulation, as in effect on the date of this contract, such payments by the Government shall not exceed 80 percent of the costs incurred by such subcontractors; and

(iii) 80 percent of all other such approved costs.

The cumulative amount of such invoices or vouchers from time to time approved but not paid pursuant to the foregoing provisions (regardless of whether they are paid under the next sentence hereof) shall constitute a gross withheld payments amount. Upon acceptance and delivery of articles called for by item _____ of this contract, the Government shall pay to the Contractor an amount which, when added to any amounts previously paid under this sentence, shall be the same percentage of the gross withheld payments amount as the cumulative numbers of articles accepted and delivered under item _____ of this contract is of the total number of articles called for by such item.

(2) Payment of the fixed fee, if any, shall be made to the Contractor as specified in the Schedule: *Provided, however*, That after payment of eighty-five percent (85%) of the fixed fee set forth in the Schedule, further payment on account of the fixed fee shall be withheld until a reserve of either fifteen percent (15%) of the total fixed fee, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside.

(3) The total of the amounts which may be withheld at any one time under both (c)(1) and (c)(2) above shall not exceed the greatest amount which may then be withheld under either (c)(1) or (c)(2), whichever permits the greater withholding at that time.

(4) In the event of complete termination of the work remaining to be performed under this contract or in the event of cessation of performance pursuant to the clause of this contract entitled "Limitation of Cost," the Government shall, subject to the provisions of paragraph (d) below, pay the balance of the gross withheld payments amount to the Contractor within sixty (60) days from the effective date of termination or date of written notice to the Government that performance has been discontinued pursuant to the clause entitled "Limitation of Cost," as the case may be.

### § 18–7.5023 Revision to records clause.

Under the conditions specified in §§ 18–251–2(f), 18–7.452–2(f), and 18–7.453–2(f), subparagraphs (a) (4) and (5) of the clause entitled "Records" will be deleted and the following substituted therefor:

(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the Contractor shall preserve and make available its records for a period of three years (unless a longer period of time is provided by applicable statute or by any other clause in this contract) from the date of the voucher or invoice submitted by the Contractor after the completion of work performed during any separate period of performance established by this contract or by any amendment or supplemental agreement, without regard to former or subsequent periods of performance: *Provided, however*, That records which relate to (A) appeals under the clause of this contract entitled "Disputes," (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs or expenses of the contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall be retained by the Contractor until such appeals, litigation, claims, or exceptions have been disposed of, but in no event for less than the three-year period mentioned above: *And provided further*, That if the Contractor plans to destroy any records sooner than three years after the date of the voucher or invoice to be submitted after the completion of the work performed during the total of the periods of performance established by this contract and all amendments and supplemental agreements thereto, which voucher or invoice shall be designated "completion voucher" or "completion invoice," it shall give written notice to the Contracting Officer and to the Comptroller General of the United States, specifying any records which it plans to destroy after the expiration of 90 days from the receipt of such notice, and shall retain any records which either the Contracting Officer or the Comptroller General, by written notice within 90 days after receipt of the Contractor's notice, requires to be retained for a further specified period of time.

(5) Except for documentary evidence delivered pursuant to subparagraph (3) above, and the records described in the first proviso of subparagraph (4) above, the Contractor may in fulfillment of its obligation to retain its records as required by this clause substitute photographs, microphotographs or other authentic reproductions of such records, after the expiration of two years following the last day of the month of reimbursement to the Contractor of the invoice or voucher to which such records relate unless a shorter period is authorized by the Contracting Officer with the concurrence of the Comptroller General or his duly authorized representative.



### § 18–7.5024 Payment of royalties clause.

PAYMENT OF ROYALTIES

Payments by the Contractor of any sum for royalties or patent rights not included in the ordinary purchase price of standard commercial supplies shall not constitute items of Allowable Cost hereunder, unless and until approved by the Contracting Officer. Reimbursement to the Contractor on account of any such payments shall not be construed as an admission by the Government of the enforceability, validity or scope of, or title to any of the patents involved, nor shall any such reimbursement constitute a waiver of any rights or defenses respecting such patents, provided, however, that the approval of the Contracting Officer shall not be required for the payment of royalties pursuant to the terms of licenses issued under patents awarded compensation in accordance with that agreement known as the Cross-Licensing Agreement of the Manufacturers Aircraft Association, Inc., in effect as of December 31, 1928 as supplemented by the Agreement of September 30, 1935.

### § 18–7.5025 Payment of fixed fee clause.

PAYMENT OF FIXED FEE

The fixed fee shall be paid in monthly installments based upon the percentage of completion of work as determined by the Contracting Officer.

### § 18–7.5026 Estimated cost and fixed fee clause.

ESTIMATED COST AND FIXED FEE

The estimated cost of this contract is $_____, exclusive of the fixed fee of $_____. The total of estimated cost and fixed fee is $_____.

### § 18–7.5027 Materials reports clause.

MATERIALS REPORTS

The Contractor shall furnish to the Contracting Officer, within 30 days after the end of each six-month period of the contract and within 60 days after the completion of the work for the final period of the contract, a separate technical report, prepared in the form of a reproducible master copy suitable for reproduction by multilith, describing in summary form those tests, experiments, developments, studies, and other efforts of the Contractor relating to materials and their processing for use in fulfilling the technical requirements of this contract, which are either conducted or planned during the six-month or final period of this contract to be covered by the report. Such technical report shall include not only positive results, but also negative results, i.e., discarded efforts, unsuccessful tests, experiments, or developments. If no such tests, experiments, developments, studies, or other efforts are conducted or planned during any six-month or final period, the Contractor shall so notify the Contracting Officer in writing in lieu of furnishing the technical report.

### § 18–7.5028 Program progress reports clause.

PROGRAM PROGRESS REPORTS

(a) The Contractor shall, within ninety (90) days after receipt of a duly executed copy of this contract, submit to the Contracting Officer copies of its Master Summary Schedule to include (i) its planned manpower build-up requirements for performance of this contract, and (ii) a summary of its planned program, with starting and completing dates, as applicable, for accomplishing the pertinent planning, research, development, test, production, operation, delivery, or other milestones representing the significant actions or steps required to accomplish program objectives. Any material change in the foregoing areas shall be reported to the Contracting Officer by revision to the information called for herein.

(b) On specific milestones designated by the NASA Project Manager, the Contractor shall report program progress biweekly on NASA Form 491, in conformity with the instructions printed on the Form.

### § 18–7.5029 Reports of work clause.

REPORTS OF WORK

(a) *Monthly progress reports.* The Contractor shall submit separate monthly progress reports of all work accomplished during each month of contract performance. Reports shall be in narrative form, and brief and informal in content. Monthly reports shall include:

(1) A quantitative description of over-all progress;

(2) An indication of any current problems which may impede performance, and proposed corrective action; and

(3) A discussion of the work to be performed during the next monthly reporting period.

Monthly reports shall be submitted in ____ copies, plus a reproducible copy.

(b) *Quarterly progress reports.* The Contractor shall submit separate quarterly reports of all work accomplished during each three-month period of contract performance. In addition to factual data, these reports shall include a separate analysis section which interprets the results obtained, recommends further action, and relates occurrences to the ultimate objectives of the contract work. Sufficient diagrams, sketches, curves, photographs and drawings shall be included to convey the intended meaning. Quarterly reports shall be submitted in _____ copies, plus a reproducible copy.

(c) *Final report.* The Contractor shall submit a final report which documents and summarizes the results of the entire contract work, including recommendations and conclusions based on the experience and results obtained. The final report shall include tables, drafts, diagrams, curves, sketches, photographs and drawings in sufficient detail to comprehensively explain the results achieved under the contract. The final report shall be submitted in _____ copies, plus a reproducible copy.

### § 18–7.5030 Date of incurrence of costs clause.

DATE OF INCURRENCE OF COSTS

The Contractor shall be entitled to reimbursement for costs incurred on or after ____ which, if incurred after this contract had been entered into, would have been reimbursable under the provisions of this contract.

### § 18–7.5031 Notice of delay clause.

NOTICE OF DELAY

If the Contractor becomes unable to complete the contract work at the time specified because of technical difficulties, notwithstanding the exercise of good faith and diligent efforts in the performance of the work called for hereunder, the Contractor shall give the Contracting Officer written notice of the anticipated delay and the reasons therefor. Such notice and reasons shall be delivered promptly after the condition creating the anticipated delay becomes known to the Contractor but in no event less than forty-five (45) days before the completion date specified in this contract, unless otherwise directed by the Contracting Officer.

### § 18–7.5032 Federal, State and local taxes clause.

FEDERAL, STATE AND LOCAL TAXES

Except as otherwise provided in this contract, Federal, State and local taxes (other than (i) Federal taxes on income and excess profits, (ii) taxes in connection with financing, refinancing, or refunding operations, and (iii) Federal excise taxes from which exemption is obtainable under section 4220 of the Internal Revenue Code of 1954 or for which a credit is obtainable under section 6416(c) thereof) paid by the Contractor or any cost or cost-plus-a-fixed-fee subcontractor hereunder (provided that there was no fixed-price subcontractor intervening between such subcontractor and the Contractor) and incident to the performance of this contract shall constitute items of allowable cost under this contract or such cost or cost-plus-a-fixed-fee subcontract if (i) the Contractor has requested NASA to furnish tax exemption certificates or other similar evidence of exemption for use by the Contractor and such cost or cost-plus-a-fixed-fee subcontractor in obtaining exemption from such Federal, State or local taxes and (ii) NASA has notified the Contractor that it will not furnish such evidence of exemption. Payments of taxes for which evidence of exemption has been furnished hereunder shall constitute items of Allowable Cost under this contract (i) if the Federal taxing authorities have refused to recognize such evidence of exemption or (ii) if the State or local taxing authorities have refused to recognize such evidence of exemption and the Contractor has notified the Contracting Officer of such refusal and has taken such steps as may have been requested by the Government to cause such taxes to be paid in such manner as to preserve all rights to refund thereof, to preserve and to cause to be assigned to the Government any and all rights to any refund of such taxes, to permit the Government to prosecute any claim, litigation or proceeding in the name of the Contractor, and to furnish to the Government all reasonable assistance and cooperation requested by the Government in the prosecution of any such claim, litigation or proceeding for the recovery of such taxes.

### § 18–7.5033 Contractor's independent research programs clause.

CONTRACTOR'S INDEPENDENT RESEARCH PROGRAMS

Any invention made in the performance of any work by the Contractor under the Contractor's own product improvement program or the Contractor's independent research program, even though supported by an allowance of costs for such program as a part of the overhead costs hereof, will not be subject to the "Property Rights in Inventions" clause of this contract unless said work is

identified in writing as being required in the performance of this contract.

ALBERT F. SIEPERT,
*Director of Business Administration.*

[F.R. Doc. 61-393; Filed, Jan. 17, 1961; 8:49 a.m.]

# Title 47—TELECOMMUNICATION

[Docket No. 12509; FCC 61-66]

## Chapter I—Federal Communications Commission

## PART 1—PRACTICE AND PROCEDURE

### Miscellaneous Amendments

1. The Commission has under consideration its notice of proposed rule making (FCC 58-619) issued in this proceeding on June 30, 1958, proposing to amend §§ 1.311, 1.312, and 1.363 of the Commission's rules to provide that whenever consideration (including an agreement for consolidation of interests) is paid or promised in connection with the default, dismissal or amendment of a broadcast application in hearing status, the applications of all parties to the agreement will be dismissed with prejudice.

2. Comments in response to the Commission's notice of proposed rule making have been filed by the Federal Communications Bar Association (FCBA); Harry J. Daley and Lenore G. Ehrig, Attorneys (Daley & Ehrig); Radio Orange County, Inc. (Radio Orange); American Broadcasting-Paramount Theatres, Inc. (ABC); the law firm of Pierson, Ball and Dowd (Pierson); and joint comments filed by KTAG Associates, Supreme Broadcasting Company, Inc., Tampa-Telecasters, Inc., Telecasting, Inc., Television Broadcasters, Inc., Tele-Views News Company, Inc., and WJPB-TV, Inc. (KTAG Group).

3. On September 13, 1960, the President signed Public Law No. 86-752, 86th Congress, 2d Session, which, inter alia, amends the Communications Act by adding a new subsection providing:

SEC. 311.

* * * * *

(c)(1) If there are pending before the Commission two or more applications for a permit for construction of a broadcasting station, only one of which can be granted, it shall be unlawful, without approval of the Commission, for the applicants or any of them to effectuate an agreement whereby one or more of such applicants withdraws his or their application or applications.

(2) The request for Commission approval in any such case shall be made in writing jointly by all the parties to the agreement. Such request shall contain or be accompanied by full information with respect to the agreement, set forth in such detail, form, and manner as the Commission shall by rule require.

(3) The Commission shall approve the agreement only if it determines that the agreement is consistent with the public interest, convenience, or necessity. If the agreement does not contemplate a merger, but contemplates the making of any direct or indirect payment to any party thereto in consideration of his withdrawal of his application, the Commission may determine the agreement to be consistent with the public interest, convenience, or necessity only if the amount or value of such payment, as determined by the Commission, is not in excess of the aggregate amount determined by the Commission to have been legitimately and prudently expended and to be expended by such applicant in connection with preparing, filing, and advocating the granting of his application.

(4) For the purposes of this subsection an application shall be deemed to be "pending" before the Commission from the time such application is filed with the Commission until an order of the Commission granting or denying it is no longer subject to rehearing by the Commission or to review by any court.

4. The new provisions of the Act indicate Congressional concern with the possible abuses which may stem from agreements designed to eliminate conflicts between applicants for broadcast facilities. It is clearly the Congressional intent that the Commission examine such agreements on a case-by-case basis to determine whether or not their effectuation would serve the public interest.

5. We are therefore adopting rules which are designed (a) to insure that the Commission is apprised of all agreements between applicants whereby it is proposed to remove a conflict between mutually exclusive applications for broadcast facilities, and (b) to elicit full information concerning any such agreements, so as to enable the Commission to determine whether their effectuation would serve the public interest. Specifically, we are adopting a new section of the rules (§ 1.316)[1] which will require that:

(a) Applicants entering into an agreement which would result in removing a conflict between two or more pending[2] applications for a broadcast facility must file with the Commission a joint request for approval of such agreement. Each applicant party to the agreement shall also file an affidavit setting forth full factual details concerning the agreement and any consideration which has been paid or promised in connection therewith; and

(b) In those cases where a joint request for approval of an agreement has not been filed:

(1) Any applicant for broadcast facilities seeking to amend or dismiss a pending application must file an affidavit as to whether or not he has received or been promised consideration where the effect of the amendment or dismissal would be to remove a conflict with another application.

(2) Any applicant in a hearing concerning whose application a conflict would be removed by the requested amendment or dismissal of another application, or by dismissal of another application for failure to prosecute, must file an affidavit stating whether or not he has paid or promised to pay consideration for such amendment or dismissal.

6. In addition, § 1.316 retains the existing requirements of the rules that, after designation for hearing, an applicant seeking to amend an application, the granting of which would permit a grant of the amended application, or seeking to dismiss an application without prejudice, must, regardless of whether the amendment or dismissal would remove a conflict with another application, file an affidavit stating whether or not he has received or been promised consideration. Retention of those requirements is considered desirable since the payment of consideration in such circumstances may raise serious public interest considerations despite the fact that conflicting applications are not involved.

7. We are of the opinion that in cases of agreements resolving conflicts while applications are in hearing status, the initial consideration of such agreements should be made by the Chief Hearing Examiner, who will be in a position to adduce such further evidence as may be necessary to determine whether they are consistent with the public interest. We are therefore amending § 1.363 of the rules to provide for such initial consideration of compromise agreements by the Chief Hearing Examiner.

8. The amended § 1.363 also provides that where further hearing is not required on other issues the Chief Hearing Examiner will prepare an opinion terminating the proceeding, setting forth his ruling on the agreement and making appropriate disposition of all applications. We believe such a procedure will expedite the disposition of such cases, and is consistent with the requirement of section 409(b) of the Act that the officer conducting an adjudicatory hearing shall prepare and file an initial decision. This procedure will apply only when it is evident that approval of the agreement will render moot the issues specified by the Commission for the hearing examiner to determine. Moreover, the question of whether an agreement between the parties meets the requirements of section 311(c) of the Act would not be within the scope of the issues originally specified, and we are specifically delegating to the Chief Hearing Examiner the authority to determine that question. In addition, we are specifically delegating to the Chief Examiner the authority to terminate the proceeding and to make appropriate disposition of all applications. (The Commission is today adopting an Order delegating this authority to the Chief Hearing Examiner.) However, if further hearing on other issues is required, the Chief Hearing Examiner will prepare a Memorandum Opinion limited to setting forth his ruling on the agreement. In any case, the ruling of the Chief Hearing Examiner will become final unless one of the parties takes an appeal to the Commission or the Commission reviews the ruling on its own motion. To avoid undue delay, the rules provide that where further hearing is required on issues unrelated to the agreement, the hearing will continue on such other issues before the hearing examiner designated while the agreement is being reviewed. However, the hearing examiner is directed not to close the record until final action is taken on the agreement.

9. The amended § 1.363 also takes specific note of those cases where a conflict between applications would be removed by an agreement to file an engineering amendment to an application. Where such an agreement is approved and the amendment is accepted, the new rule specifically provides that the amended application will be removed from hearing status and returned to the processing line. This is in accord with past Commission procedure in such cases.

10. We are of the opinion that the rules we are now promulgating will provide the Commission with the information needed to determine whether agreements between parties which resolve conflicts will, in fact, serve the public interest. In particular, we believe the rules will be of significant assistance in curbing so-called "strike applications" and other abuses of the Commission's processes. We have also considered the various other proposals and suggestions advanced by the parties in this proceeding and have concluded that the public interest would not be served by their adoption at this time. However, we shall continue to review the operation of the rules we are adopting, as well as the possible need for additional rules to curb abuses not within the scope of these rules.

11. In view of the foregoing: *It is ordered*, Pursuant to the authority of sections 4(i), 303(r), 308 and 311(c) of the Communications Act of 1934, as amended, that effective February 20, 1961, Part 1 of the Commission's rules and regulations is amended as set forth below:

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interprets or applies secs. 303, 308, 311, 48 Stat. 1082, 1083, 1086; 47 U.S.C. 303, 308, 311)

Adopted: January 11, 1961.

Released: January 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

1. Section 1.311 of the Commission's rules is amended to read as follows:

**§ 1.311 Amendment of applications.**

(a) Subject to the provisions of §§ 1.316 and 1.359, any application may be amended as a matter of right prior to the adoption date of an order designating such application for hearing, merely by filing the appropriate number of copies of the amendments in question duly executed in accordance with § 1.303. However, see § 1.354(h) for the effect of certain amendments to standard broadcast applications.

(b) Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record in accordance with § 1.56 and, where applicable, compliance with the provisions of § 1.316, and will be granted only for good cause shown. In the case of requests to amend the engineering proposal in standard broadcast applications (other than to make changes with respect to the type of equipment specified), good cause will be considered to have been shown only if, in addition to the usual good cause considerations, it is demonstrated that (1) the amendment is necessitated by events which the applicant could not reasonably have foreseen (e.g., notification of a new foreign station or loss of transmitter site by condemnation); (2) the amendment could not reasonably have been made prior to designation for hearing; and (3) the amendment does not require an enlargement of issues or the addition of new parties to the proceeding.

(c) Notwithstanding the provisions of paragraph (b) of this section, and subject to compliance with the provisions of § 1.316, a petition for leave to amend may be granted provided it is requested that the application as amended be removed from the hearing docket and returned to the processing line. See § 1.354(g).

2. Section 1.312 is amended to read as follows:

**§ 1.312 Dismissal of applications.**

(a) Subject to the provisions of § 1.316, any application may, upon request of the applicant, be dismissed without prejudice as a matter of right prior to the designation of such application for hearing. An applicant's request for the return of an application that has been accepted for filing will be regarded as a request for dismissal.

(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Subject to the provisions of § 1.316, such dismissal will be without prejudice where an application has not yet been designated for hearing, but may be made with prejudice after designation for hearing.

(c) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record and, where applicable, compliance with the provisions of § 1.316, and will be granted only for good cause shown.

3. New § 1.316 is added as follows:

**§ 1.316 Agreements between parties for amendment or dismissal of, or failure to prosecute broadcast applications.**

(a) Whenever applicants for a construction permit for a broadcast station enter into an agreement to procure the removal of a conflict between applications pending before the Commission by withdrawal or amendment of an application or by its dismissal pursuant to § 1.312, all parties thereto shall, within five days after entering into the agreement, file with the Commission a joint request for approval of such agreement. The joint request shall be accompanied by a copy of the agreement and an affidavit of each party to the agreement setting forth in full all relevant facts including, but not limited to: (1) The exact nature of any consideration (including an agreement for merger of interests) promised or paid; (2) information as to who initiated the negotiations; (3) summary of the history of the negotiations; (4) the reasons why it is considered that the arrangement is in the public interest; and (5) a statement fully explaining and justifying any consideration paid or promised. The affidavit of any applicant to whom consideration is paid or promised shall, in addition, include an itemized accounting of the expenses incurred in connection with preparing, filing and advocating his application, and such factual information as the parties rely upon for the requisite showing that such reported expenses represent legitimate and prudent outlays. No such agreement between applicants shall become effective or be carried out unless and until the Commission has approved it, or until the time for Commission review of the agreement has expired.

(b)(1) Except where a joint request is filed pursuant to paragraph (a) of this section, any applicant filing (i) an amendment pursuant to § 1.311(a) or a request for dismissal pursuant to § 1.312(a) which would remove a conflict with another pending application; (ii) a petition for leave to amend pursuant to § 1.311(b) or § 1.311(c) which would permit a grant of the amended application or an application theretofore in conflict with the amended application; or (iii) a request for dismissal pursuant to § 1.312(c), shall file with it an affidavit as to whether or not consideration (including an agreement for merger of interests) has been promised to or received by such applicant, directly or indirectly, in connection with the amendment, petition or request. Upon the filing of a petition for leave to amend or to dismiss an application for broadcast facilities which has been designated for hearing or upon the dismissal of such application on the Commission's own motion pursuant to § 1.312(b), each applicant or party remaining in hearing, as to whom a conflict would be removed by the amendment or dismissal shall submit for inclusion in the record of that proceeding an affidavit stating whether or not he has directly or indirectly paid or promised consideration (including an agreement for merger of interests) in connection with the removal of such conflict.

(2) Where an affidavit filed pursuant to this paragraph states that consideration has been paid or promised, the affidavit shall set forth in full all relevant facts, including, but not limited to, the material listed in paragraph (a) of this section for inclusion in affidavits.

(c)(1) Affidavits filed pursuant to this section shall be executed by the applicant, permittee or licensee, if an individual; a partner having personal knowledge of the facts, if a partnership; or an officer having personal knowledge of the facts, if a corporation or association.

[1] We are deleting the affidavit requirements in § 1.311 and § 1.312, and making cross-references in those sections to the new § 1.316.

[2] As specified in the section 311(c)(4) of the Act, an application shall be deemed to be "pending" before the Commission from the time such application is filed until an order of the Commission granting or denying it is no longer subject to rehearing by the Commission or to review by any court. Therefore, if an unsuccessful applicant takes an appeal to court and the parties then reach an agreement to resolve their conflict, they would have to obtain Commission approval of the agreement prior to effectuating it, e.g., by petitioning the court to dismiss the appeal.

(2) Requests and affidavits which relate to an application which has not been designated for hearing shall bear the file number of such application. If the affiant is also an applicant, the affidavit shall also bear the file number of affiant's pending application(s). Affidavits which relate to an application which is designated for hearing shall bear the file number of that application and the hearing docket number.

(d) For the purposes of this section an application shall be deemed to be "pending" before the Commission and a party shall be considered to have the status of an "applicant" from the time an application is filed with the Commission until an order of the Commission granting or denying it is no longer subject to rehearing by the Commission or to review by any court.

4. Delete paragraphs (b) and (c), redesignate paragraph (d) as paragraph (c), and add a new paragraph (b) to § 1.363, as follows:

**§ 1.363 Retention of applications in hearing status after designation for hearing.**

* * * * *

(b) Where any applicants for a broadcast facility file a request pursuant to § 1.316(a) for approval of an agreement to remove a conflict between their applications, the applications will be retained in hearing status and the Chief Hearing Examiner shall determine, after taking such further evidence as may be necessary, whether the agreement is consistent with the public interest, convenience, or necessity. The Chief Hearing Examiner shall prepare a Memorandum Opinion and Order setting forth his ruling on the Agreement and the reasons therefor.

(1) If further hearing is not required on issues other than those arising out of the agreement, the Chief Hearing Examiner should, in the Memorandum Opinion and Order, terminate the proceeding and make appropriate disposition of all applications.

(2) Any Memorandum Opinion and Order issued pursuant to this paragraph shall become final unless any of the parties takes an appeal to the Commission within 10 days after its public release or unless the Commission, by order issued within 20 days after the time for filing an appeal expires, provides that the Memorandum Opinion and Order shall not become final, and that it shall be further reviewed or considered by the Commission.

(3) Where further hearing is required on issues unrelated to the agreement, the hearing examiner shall continue to conduct the hearing on such other issues pending final action on the agreement, but the record in the proceeding shall not be closed until such final action on the agreement has been taken.

(4) In any case where a conflict between applications will be removed by an agreement for an engineering amendment to an application, the amended application shall be removed from hearing status upon final approval of the agreement and acceptance of the amendment.

[F.R. Doc. 61-398; Filed, Jan. 17, 1961; 8:50 a.m.]

[FCC 61-51]

## PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

### Table of Frequency Allocations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 11th day of January 1961;

The Commission having under consideration § 2.104(a)(5) of its rules, and in particular that portion of the Table of Frequency Allocations pertaining to the band 10,000–10,500 Mc and footnote US127 to § 2.104(a)(5); and

It appearing, that these provisions now limit the type of emission permitted in the band 10,000–10,500 Mc to CW only; and

It further appearing that the original intent of these provisions was merely to preclude pulsed emissions in this portion of the spectrum, and that the existing restriction is unduly severe; and

It further appearing that the amendment herein relieves a restriction, and hence that compliance with the effective date provisions of section 4(c) of the Administrative Procedure Act is unnecessary; and

It further appearing that the Commission has no reason to believe that any party has an interest in retaining the restriction, or that any party would submit comments to that effect if afforded an opportunity to do so; and hence that notice and public procedure are unnecessary; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), 303(c), and 303(r) of the Communications Act of 1934, as amended;

*It is ordered*, That, effective January 23, 1961, § 2.104(a)(5) is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

Footnote US127 to the table of frequency allocations, § 2.104(a)(5) of the Commission's rules and regulations, is amended to read as indicated below:

**§ 2.104 Frequency allocations.**

(a) *Table of frequency allocations.*

* * *

(5) * * *

US127 In the band 10000–10500 Mc pulsed emissions are prohibited. The amateur service and non-Government radiolocation service, which shall not cause harmful interference to the Government radiolocation service, are the only non-Government services permitted in this band. The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed one watt into the antenna.

[F.R. Doc. 61-399; Filed, Jan. 17, 1961; 8:51 a.m.]

[FCC 61-59]

## PART 3—RADIO BROADCAST SERVICES

### Ground Conductivities in Canada

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 11th day of January, 1961;

The Canadian Government has adopted a revised map of ground conductivity for Canada to be effective January 1, 1961 and to supersede Appendix H to the North American Regional Broadcasting Agreement. By mutual agreement between the Department of Transport and the Commission, this map will be used after January 1, 1961 for determinations with respect to transborder interference problems.

In view of the above, that portion of paragraph (c) of § 3.183 contained in the parenthesis will have to be amended and a new Note appended to this paragraph to reflect the adoption of the Canadian map of ground conductivities.

The amendment adopted herein pertains to a foreign affairs function of the United States and therefore prior publication of a notice of proposed rule making under section 4 of the Administrative Procedure Act is unnecessary and the amendment may become effective immediately.

This amendment is adopted pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

In view of the foregoing: *It is ordered*, That effective January 1, 1961 paragraph (c) of § 3.183 is amended as follows:

In § 3.183(c) the text in parenthesis and the note following are amended. As amended, paragraph (c) reads as follows:

**§ 3.183 Groundwave signals.**

* * * * *

(c) In all cases where measurements taken in accordance with the requirements are not available, the groundwave intensity must be determined by means of the pertinent map of ground conductivity and the groundwave curves of field intensity versus distance. The conductivity of a given terrain may be determined by measurements of any broadcast signal traversing the terrain involved. Figure M3 of § 3.190 shows the conductivity throughout the United States by general areas of reasonably uniform conductivity. When it is clear that only one conductivity value is involved, Figure R3 of § 3.190, which is a replica of Figure M3 and contained in these standards, may be used; in all other situations Figure M3 must be employed. It is recognized that in areas of limited size or over a particular path, the conductivity may vary widely from the values given; therefore, these maps are to be used only when accurate and acceptable measurements have not been made. (For determinations of interference and service requiring a knowledge of ground conductivities in Mexico, Appendix H to the North American Regional Broadcasting Agreement, Washington, D.C., 1950, may be used. Similarly, for values of ground conductivities in Canada, a map issued by the Telecommunications and Electronics Branch, Department of Transport, Ottawa, Ontario, entitled "Provisional Ground Conductivity Map" and dated June 1, 1960, may be used. Where different conductivities appear in the maps of two countries on opposite sides of the border, such differences are to be considered as real, even if they are not explained by geophysical cleavages. A uniform ground conductivity of 10 milliohms per meter may be assumed for Cuba.

NOTE 1: Figure M3, which is incorporated in these Standards by reference, was derived by indicating ground conductivity values in the United States on the United States Albers equal area projection map (based on standard parallels 29½° and 45½°; North American datum; scale 1/2,500,000). Figure M3, consisting of two sections, an eastern and a western half, may be obtained from the Superintendent of Documents, Washington, D.C.

NOTE 2: Copies of "Provisional Ground Conductivity Map" may be obtained by addressing the Director, Telecommunications and Electronics Branch, Department of Transport, Ottawa, Ontario, Canada. Single copies are priced at $5.00 (one copy consists of two sheets). Remittance should be made by check or money order payable to the Receiver General of Canada.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-400; Filed, Jan. 17, 1961; 8:51 a.m.]



It further appearing that the amendment herein ordered is procedural in nature and effects a relaxation of the rules and, therefore, that compliance with the requirements of section 4 of the Administrative Procedure Act is not required; and

It further appearing that authority for the amendment adopted herein is contained in sections 303 (f) and (r) and 4(i) of the Communications Act of 1934, as amended;

*It is ordered*, That, effective January 23, 1961, § 4.790(d) of our rules is amended to read as follows:

**§ 4.790 Special requirements for pre-existing VHF repeaters.**

* * * * * *

(d) An applicant for a temporary authorization under this section shall certify in his application that on or before April 1, 1961, he will file an application on FCC Form 346 for authority to replace or modify the facility for which temporary authorization is sought, so as to conform to all the requirements set out in §§ 4.701 through 4.784 with respect to television broadcast translators.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-401; Filed, Jan. 17, 1961; 8:51 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

## PART 182—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

[No. 32155]

### Amortization of Intangibles

At a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on the fifth day of January A.D. 1961.

The Commission having under consideration a notice of proposed rule making, dated January 4, 1960, published in the FEDERAL REGISTER January 30, 1960 (25 F.R. 818) and the responses thereto relating to the practice of requiring amortization or immediate write-off of intangibles in the Commission's orders approving acquisitions under sections 5 and 212(b) of the Interstate Commerce Act:

It appearing that the practice of requiring amortization or write-off of intangibles as conditions to approvals of transactions under sections 5 and 212(b) of the Interstate Commerce Act has been discontinued and that the mandatory requirements to such effect contained in unexpired orders heretofore entered in proceedings under those sections are no longer necessary or desirable;

It further appearing that the modifications of the regulations herein prescribed do not enlarge the accounting or other requirements and are permissive in nature, the notice of proposed rule making requirements of section 4 of the Administrative Procedure Act for good cause are deemed unnecessary;

*It is ordered*, That, effective as of January 1, 1960, amortization accruals and write-off of intangibles and the creation of related reserves shall be within the discretion of the carriers, except as provided in the modification of the regulations designated "Modification of Regulations Pertaining to Amortization of Intangibles" as set forth below.

*It is further ordered*, That, amortization accruals and write-off and related reserves created during the year 1960 which are eliminated or reversed pursuant to provisions of this order shall be adjusted by crediting the charges so eliminated or reversed to accounts 7500, Other Deductions, 8200, Extraordinary Income Charges, or 2948, Other Debits to Earned Surplus, depending on which account was charged when the accruals were recorded; with concurrent debit to accounts 2600, Reserve for Amortization—Carrier Operating Property, or 2630, Reserve for Adjustments—Investments and Advances, as appropriate.

*It is further ordered*, That outstanding unexpired orders in other proceedings are hereby modified to the extent they may be inconsistent with this order.

*It is further ordered*, That this order be served on each Class I and Class II common and contract motor carrier of property subject to its provisions, and on every trustee, receiver, executor, administrator, or assignee of such motor carrier, and notice shall be given to the general public by depositing this order in the office of the Secretary of the Commission at Washington, D.C., and by filing with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

Modification of regulations pertaining to amortization of intangibles:

Part 182 is amended as follows: In § 182.01–29, *Amortization of intangibles*, designate the existing text (which was added by order issued May 16, 1960) as "(a)"; also, add the following new paragraph designated as "(b)":

(b) The amount retained in account 1550, Other Intangible Property, less the amortization reserve, pursuant to the provisions of the Commission's order dated January 5, 1961, applicable to intangibles initially required to be amortized or written-off under provisions of orders heretofore entered in proceedings under sections 5 and 212(b) of the Interstate Commerce Act, shall not exceed the fair value of the intangibles as of the time of acquisition. Fair value of in-

tangibles, as herein used, acquired in purchase of a distinct operating unit means the amount by which total consideration paid exceeds fair market value of tangible property and other net assets (except intangibles), in conformity with the principles in §-182.01-20 as adopted April 1, 1960.

[F.R. Doc. 61-391; Filed, Jan. 17, 1961; 8:48 a.m.]

SUBCHAPTER C—CARRIERS BY WATER

## PART 301—REPORTS

### Inland and Coastal Waterways Annual Report Form K-A (Class A and Class B Carriers)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 21st day of December A.D. 1960.

The matter of annual reports of Class A and B water carriers operating on inland and coastal waterways being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

*It is ordered*, That § 301.10 of the order of January 18, 1960, in the matter of *Inland and Coastal Waterways Annual Report Form K-A (Class A and Class B Carriers)*, be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1960, and subsequent years, to read as shown below.

*It is further ordered*, That § 301.10 be, and it is hereby, modified and amended to read as follows:

**§ 301.10 Annual reports of Class A and B water carriers on inland and coastal waterways.**

Commencing with the year ended December 31, 1960, and for subsequent years thereafter, until further order, all water carriers on inland and coastal waterways, subject to the provisions of section 313, Part III of the Interstate Commerce Act, and of Classes A and B, as described in § 126.2 of this chapter, viz., carriers with average annual operating revenues exceeding $100,000, are required to file annual reports in accordance with Inland and Coastal Waterways Annual Report Form K-A (Class A and Class B Water Carriers), which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

(Sec. 304, 54 Stat. 933; 49 U.S.C. 904. Interpret or apply sec. 313, 54 Stat. 944, as amended; 49 U.S.C. 913)

*And it is further ordered*, That copies of this order and of Annual Report Form K-A shall be served on all Class A and Class B water carriers on inland and coastal waterways subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such water carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-392; Filed, Jan. 17, 1961; 8:49 a.m.]

[1] Filed as part of original document.

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

## PART 10—MIGRATORY BIRDS

### Order Permitting Killing of Depredating Common Mergansers (American Mergansers) in, on, or Over Designated Lakes and Streams in Western Washington

*Basis and purpose.* It has been determined from investigations and observations made by the Bureau of Sport Fisheries and Wildlife and the Washington State Department of Game that serious depredations to trout populations in certain streams and lakes are occurring because of large numbers of common mergansers (American mergansers) present in western Washington. Because these depredations are so widespread in western Washington and cannot be considered as localized injury, it was further determined that these depredations can best be minimized or alleviated by permitting depredating common mergansers (American mergansers) to be killed and taken by shooting in any affected areas under specific conditions and restrictions. Accordingly, pursuant to authority contained in § 10.65, Code of Federal Regulations (25 F.R. 8404 and 8405), effective on the date of the publication in the FEDERAL REGISTER, it is ordered as follows:

1. (a) Common mergansers (American mergansers) may be killed by shooting only with a shotgun not larger than No. 10 gauge fired from the shoulder, during the daylight hours only, on or over the following lakes and streams in western Washington when committing or about to commit serious depredations upon trout populations:

CLARK COUNTY

La Camas Lake.

COWLITZ COUNTY

Silver Lake. Yale Reservoir.

ISLAND COUNTY

Cranberry Lake.

SNOHOMISH COUNTY

Bosworth Lake.
Crabapple Lake.
Flowing Lake.
Goodwin Lake.
Ki Lake.
Loma Lake.
Martha Lake. (Alderwood Manor).
Martha Lake. (Warm Beach).
Roesiger Lake.
Serene Lake (Hwy. 99).
Shoecraft Lake.
Silver Lake.
Storm Lake.
Wagner Lake.

KING COUNTY

Ames Lake.
Beaver Lake.
Desire Lake.
Joy Lake.
Meridian Lake.
Morton Lake.
North Lake.
Pine Lake.
Shadow Lake.
Shady Lake.
Steel Lake.
Wilderness Lake.
Star Lake.

PACIFIC COUNTY

Loomis Lake.

PIERCE COUNTY

Bay Lake.
Clear Lake. (Eatonville).
Crescent Lake.
Spanaway Lake.
Tanwax Lake.

KITSAP COUNTY

Kitsap Lake.
Mission Lake.
Scout Lake.
Wildcat Lake.

MASON COUNTY

Aldrich Lake.
Benson Lake.
Cady Lake.
Clara Lake.
Haven Lake.
Isabella Lake.
Nahwatzel Lake.
Panther Lake.
Phillips Lake.
Spencer Lake.
Tiger Lake.
Trask Lake.
Twin Lake.
U Lake.
Wooten Lake.
Lost Lake.

THURSTON COUNTY

Clear Lake. (Bald Hills.)
Deep Lake.
Hicks Lake.
Lawrence Lake.
Offut Lake.
McIntosh Lake.
Summit Lake.
Ward Lake.

WHATCOM COUNTY

Silver Lake.

SAN JUAN COUNTY

Hummel Lake.

SKAGIT COUNTY

Beaver Lake.
Cavanaugh Lake.
Clear Lake.
Hart Lake.
Pass Lake.

STREAMS

Chehalis River.
Cowlitz River.
Dosewallips River.
Duckabush River.
Dungeness River.
Elochoman River.
Grays River.
Green River.
Humptulips River.
Kalama River.
Lewis River and forks.
Newaukum River.
Nisqually River.
Nooksack River.
Puyallup River.
Salmon River.
Satsop River.
Skagit River.
Skokomish River.
Skykomish River.
Snohomish River.
Snoqualmie River.
Sol Duc River.
Soos River.
Stillaguamish River.
Tilton River.
Tolt River.
Toutle River.
Washougal River.
Willapa River.
Wind River.
Wynooche River.

(b) The authorization to kill mergansers, as contained in this order shall terminate on April 10, 1961: *Provided*, If prior to that date it is found that the emergency condition no longer exists, the killing of common mergansers (American mergansers) as permitted under this order will be terminated earlier by publication of an order of revocation in the FEDERAL REGISTER.

(c) Common mergansers (American mergansers) killed under the provisions of this order may be used for food and they may be donated to public museums or public scientific and educational institutions for exhibition, scientific or educational purposes, but they may not be sold, offered for sale, bartered, or shipped for purposes of sale or barter, or be wantonly wasted or destroyed: *Provided*, That any American mergansers which cannot be utilized for the purposes stated in this paragraph because of their unfitness for human consumption may be completely destroyed.

2. This order does not permit the killing of common mergansers (American mergansers) in violation of any State law or regulation. This order contemplates emergency measures designed to aid in relieving depredations and is not to be construed as a reopening or extension of any open hunting season prescribed by regulations promulgated under section 3 of the Migratory Bird Treaty Act (sec. 3, 40 Stat. 755, as amended, 16 U.S.C. 704).

Since immediate action is necessary to alleviate an emergency condition as described in the opening paragraph, notice and public procedure on this order are impracticable and may be waived under the exceptions provided in section 4(a) of the Administrative Procedure Act of June 11, 1946. Since this order also relieves restrictions which otherwise would preclude the killing of common mergansers (American mergansers), the thirty-day advance publication requirement imposed by section 4(c) of the Administrative Procedure Act of June 11, 1946, may be waived under the exceptions provided in such section.

Issued at Washington, D.C., and dated January 16, 1961.

DANIEL H. JANZEN, *Director, Bureau of Sport Fisheries and Wildlife.*

[F.R. Doc. 61-435; Filed, Jan. 17, 1961; 8:53 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[ 26 CFR Part 1 ]

### ACQUISITION MADE TO EVADE OR AVOID INCOME TAX

### Notice of Hearing on Proposed Regulations

Proposed regulations under §§ 269 and 482 of the Code, relating to acquisitions made to evade or avoid income tax and allocation of income and deductions among taxpayers, were published in the FEDERAL REGISTER for December 10, 1960.

A public hearing on the provisions of these proposed regulations will be held on Wednesday, February 15, 1961, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington 25, D.C.

Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by February 10, 1961.

[SEAL] MAURICE LEWIS,
*Director, Technical Planning Division, Internal Revenue Service.*

[F.R. Doc. 61-397; Filed, Jan. 17, 1961; 8:50 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 1 ]

[Docket No. 13913; FCC 61-56]

### AGREEMENT BETWEEN PARTIES FOR AMENDMENT OR DISMISSAL, OR FAILURE TO PROSECUTE BROADCAST APPLICATIONS

### Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-captioned matter.

2. Effective September 13, 1960, section 311 of the Communications Act of 1934 was amended to provide, in pertinent part, that it is "unlawful, without approval of the Commission" for an applicant to effectuate an agreement whereby a mutually exclusive broadcast application is withdrawn; and that the Commission shall approve the agreement "only" if it is consistent with the public interest, convenience and necessity. The Commission has today adopted a Report and Order in Docket No. 12509 amending its rules to implement the new provision in section 311 of the Act.

3. However, when the agreement is for withdrawal of an application involving a determination of fair, efficient, and equitable distribution of radio service pursuant to the provisions of section 307(b) of the Act, special public interest considerations obtain, and the Commission now proposes new amendments to the rules to deal specifically with such cases.

4. Congress has charged the Commission with the responsibility for making distribution of radio service, when there is a demand for same, on a fair, efficient, and equitable basis among the several states and communities. Accordingly, when there are applications for stations in several communities and only one can be granted, the Commission makes an assignment to the community in which there is shown to be the greatest need.

5. When the demand for service is artificially removed by payment for the withdrawal of such application, the public interest considerations of fair, efficient, and equitable distribution of service are ignored in favor of private gains by parties to the agreement. This obtains whether the payment is by another applicant, an existing station, or any other person; and whether the withdrawal is by way of "merging", dismissing or not prosecuting the application, or amending to specify a different community. "Arms length" bargaining is highly desirable in ordinary business transactions under the private enterprise system of our economy, but such bargaining must not be allowed to supersede or do violence to the processes for safeguarding and promoting the public interest. To permit such would be an abdication of our statutory responsibility.

6. Therefore, we would consider approval of an agreement for the withdrawal of the only application in a community in a section 307(b) case only after other persons have been afforded an opportunity to apply for a station on the same frequency, in the same community and with substantially the same engineering characteristics as the application to be withdrawn, and thus succeed to the demand for service which is proposed to be removed by the agreement between the parties. The proposed rules also provide that any party proposing to withdraw its application would be required to publish appropriate notice of the proposed withdrawal in the community in question.

7. In view of the foregoing, we are of the opinion that the public interest would be served by our promulgation of the proposed rule set forth below.

8. Pursuant to the applicable procedures set out in § 1.213 of the Commission rules, interested parties may file comments on or before February 20, 1961, and reply comments on or before March 7, 1961.

9. In accordance with the provisions of § 1.54 of the rules, the Commission shall be furnished with an original and 14 copies of all written comments filed herein.

10. In reaching its decision on the proposed rule, the Commission will not be limited to consideration of comments of record filed before March 7, 1961, but will take into account any relevant information in the files and records of the Commission, within the expertise of the staff and Commission, or obtained from other informed sources.

11. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303(r) and 311 (c) of the Communications Act of 1934, as amended.

Adopted: January 11, 1961.

Released: January 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

1. It is proposed to amend § 1.316 (as adopted in the Commission's Report and Order of January 11, 1961; FCC 61-56) by redesignating paragraphs (b), (c) and (d) as paragraphs (c), (d), and (e), and adding a new paragraph (b) as follows:

**§ 1.316 Agreement between parties for amendment or dismissal of, or failure to prosecute broadcast applications:**

* * * * *

(b)(1) Whenever two or more conflicting applications for construction permits for broadcast stations pending before the Commission involve a determination of fair, efficient and equitable distribution of service pursuant to section 307(b) of the Communications Act, and an agreement is entered into to procure the withdrawal (by amendment to specify a different community or by dismissal pursuant to § 1.312) of the only application or applications seeking the same facilities for one of the communities involved, all parties thereto shall file the joint request and affidavits specified in paragraph (a) of this section, and the Commission will consider approval of the agreement only after opportunity has been afforded for other persons to apply for the facility specified in the application or applications to be withdrawn.

(2) Any party proposing to withdraw its application pursuant to such an agreement shall cause to be published a notice of such proposed withdrawal twice a week for the two weeks immediately following the filing of the joint request specified in paragraph (a) of this section, in a daily newspaper of general circulation published in the community in which it was proposed to locate the station, or, if there is no such daily newspaper published in the community, then in the daily newspaper having the greatest general circulation in the community. The notice shall set forth the name of the applicant; the location, frequency and power of the facilities proposed in the application; the location of the station or stations proposed in the applications with which it is in conflict; the fact that the applicant proposes to withdraw the application; and the fact that the Commission will accept other applications for the facilities sought in the application to be withdrawn for a period of 30 days from the last date of publication of the notice, which date shall be set forth in each notice. Within 5 days of the last day of publication of the notice, the applicant proposing to withdraw shall file a statement in triplicate with the Commission, setting forth the dates on which the notice was published, the text of the notice and the newspaper in which the notice was published.

(3) No application of any party to the agreement will be acted upon by the Commission less than 30 days from the last day of publication of the notice specified in subparagraph (1) of this paragraph. Any applications for a broadcast station on the same frequency, in the same community and with substantially the same engineering characteristics as the application to be withdrawn, filed within that 30-day period will be entitled to consideration with the applications of the parties to the agreement and any other applications with which the applications of the parties to the agreement may be in conflict. If the application of any party to the agreement has been designated for hearing any such new applications filed will be entitled to consolidation in the proceeding.

[F.R. Doc. 61-402; Filed, Jan. 17, 1961; 8:51 a.m.]





[ 47 CFR Part 2 ]

[Docket No. 13912; FCC 61-52]

### CERTAIN FREQUENCY ALLOCATIONS

### Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Section 2.104(a)(5) of the Commission's rules, the Table of Frequency Allocations, now specifies "(CW emission only)" in column 9 for the band 10,500–10,550 Mc. Additionally, column 5 contains footnote indicator US1, the text of which states "Pulsed emissions prohibited." Taken together, these restrictions introduce a measure of both redundancy and ambiguity and appear to be unduly restrictive.

3. The basic intent of the emission limitation in this band is to prohibit the use of pulsed emissions, which footnote US1 already accomplishes. Therefore, it is proposed to delete the entry "(CW emission only)" from column 9 of the table of frequency allocations in the 10,500–10,550 Mc band.

4. The proposed amendment to Part 2 of the rules, as set forth below, is issued pursuant to the authority contained in sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

5. All interested persons are invited to file, on or before February 24, 1961, comments supporting or opposing the proposal set out in this Notice and in the Appendix hereto, or submitting any modifications or counterproposals the parties may wish to submit. Comments in reply thereto may be submitted on or before March 8, 1961. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, the original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: January 11, 1961.

Released: January 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

Section 2.104(a)(5) of the Commission's rules and regulations is amended in the band 10,500–10,550 Mc to read as follows in columns 7 through 11:

**§ 2.104 Frequency allocations.**

(a) *Table of frequency allocations* * * *

(5) * * *

FEDERAL COMMUNICATIONS COMMISSION

| Band (Mc) 7 | Service 8 | Class of station 9 | Frequency 10 | Nature of services 11 |
|---|---|---|---|---|
| • | • | • | • | • • |
| 10500–10550 | Radiolocation... | Radiolocation land. Radiolocation mobile. | ------- | RADIOLOCATION. |

[F.R. Doc. 61-403; Filed, Jan. 17, 1961; 8:51 a.m.]

## INTERSTATE COMMERCE COMMISSION

[ 49 CFR Part 25 ]

[No. 33581]

### GENERAL ACCOUNTING REGULATIONS UNDER INTERSTATE COMMERCE ACT

### Financial Statements To Be Consistent With Accounting Regulations

JANUARY 6, 1961.

Notice of proposed rule making dated September 16, 1960, in the above entitled proceeding, was published in the FEDERAL REGISTER, issue of October 15, 1960, at page 9906, inviting interested parties to submit in writing, data, views and comments on or before November 15, 1960, and this time subsequently was extended to January 15, 1961. In response to requests from interested parties, the time for submitting data, written views, and comments is extended to and including March 15, 1961.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-390; Filed, Jan. 17, 1961; 8:48 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Classification No. 4]

### FAIRBANKS LAND DISTRICT

### Small Tract Classification

JANUARY 10, 1961.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (10 F.R. 2473), as amended, I hereby classify the following described public lands, totaling 113.69 acres at Fairbanks, Alaska, as suitable for lease and sale for recreational purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

FAIRBANKS AREA

T. 1 S., R. 1 W., F. M.,
Section 9: Lot 12 and SW¼SW¼.
Containing 72.64 acres.
U.S. Survey 3148,
Lots 109–114, 121–132, 136–186.
Containing 41.05 acres.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except to applications under the mineral leasing laws or selections by the State of Alaska in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. The lands described in paragraph one above were restored from withdrawal by Public Land Order 798, dated January 25, 1952, but were retained in reserved status pending small tract classification and future opening.

4. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

DANIEL A. JONES,
*Acting Operations Supervisor.*

[F.R. Doc. 61–384; Filed, Jan. 17, 1961; 8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### WELCH LIVESTOCK MARKET, INC., AND FARMVILLE LIVESTOCK MARKET

### Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Welch Livestock Market, Inc., West Edmeston, N.Y.
Farmville Livestock Market, Farmville, Va.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of January 1961.

H. L. JONES,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61–379; Filed, Jan. 17, 1961; 8:46 a.m.]

### CUNNINGHAM STOCK YARDS ET AL.

### Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act, as amended (7 U.S.C. 202), and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

*Name and Location of Stockyard; Date of Posting*

CONNECTICUT

Cunningham Stock Yards, Abington; December 2, 1960.

INDIANA

Liberty Mills Livestock Auction, Inc., Liberty Mills; November 30, 1960.

KANSAS

Girard Livestock Commission Co., Girard; December 9, 1960.

MISSOURI

Griffin Horse & Mule Auction, Independence; December 16, 1960.

NEW MEXICO

New Mexico Livestock, Inc., Artesia; November 22, 1960.

NEW YORK

H. L. Neverett & Sons, Chazy; December 7, 1960.
H. L. Neverett & Sons, Malone; December 7, 1960.
Thomas Commission Stables, Malone; December 7, 1960.

TENNESSEE

Beasley Community Auction, Franklin; November 30, 1960.

TEXAS

Tate Brothers Live Stock Auction Co., Midland, Sept. 4, 1960.

Done at Washington, D.C., this 11th day of January 1961.

H. L. JONES,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61–380; Filed, Jan. 17, 1961; 8:47 a.m.]

### MOLER'S LIVESTOCK AUCTION AND BLUE STEM SALES, INC.

### Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the stockyards named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act for the reason that they are no longer being conducted or operated as public markets, and are, therefore, no longer subject to the provisions of the act.

*Name and Location of Stockyard; Date of Posting*

Moler's Livestock Auction, Danville, Ark.; July 11, 1959.
Blue Stem Sales, Inc., Dewey, Okla.; April 30, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 12th day of January 1961.

H. L. JONES,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61–381; Filed, Jan. 17, 1961; 8:47 a.m.]

### NEVADA COUNTY AUCTION ET AL.

### Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Nevada County Auction, Prescott, Ark.
Memphis Live Stock Auction Co., Inc., Memphis, Tex.
Moore's Livestock Co., Sturgeon Bay, Wis.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of January 1961.

H. L. JONES,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61–382; Filed, Jan. 17, 1961; 8:47 a.m.]

### Commodity Credit Corporation

### ORGANIZATION AND FUNCTIONS; DELEGATIONS OF AUTHORITY

I. *General.* The Commodity Credit Corporation Charter Act on June 29, 1948 (15 U.S.C. 714) established the Commodity Credit Corporation (hereinafter referred to as CCC), effective July 1, 1948, under a permanent Federal Charter, as an agency and instrumentality of the United States within the United States Department of Agriculture, subject to the general supervision and direction of the Secretary of Agriculture. Originally, CCC had been incorporated under the laws of the State of Delaware, pursuant to section 2(a) of the National Industrial Recovery Act of June 16, 1933, and Executive Order 6340 of October 16, 1933. The principal office of CCC is at the United States Department of Agriculture, Washington 25, D.C.

A. *Stock and borrowing power.* CCC has a capital stock of $100,000,000 which is subscribed by the United States, and has authority to borrow, with the approval of the Secretary of the Treasury, not to exceed an amount fixed by law.

II. *Organization*—A. *Board of Directors.* The Board of Directors consists of seven members. The Secretary of Agriculture is an ex officio director and serves as Chairman of the Board of Directors. The President of the United States, by and with the consent and advice of the Senate, appoints the remaining members of the Board of Directors.

B. *Advisory Board.* An advisory board of five members is appointed by the President of the United States to survey the general policies of CCC and the operation of its programs and to advise the Secretary of Agriculture with respect thereto. Not more than three members may belong to the same political party. The advisory board meets at least every 90 days.

C. *Officers.* The Under Secretary of Agriculture is President of CCC and the following Commodity Stabilization Service (hereinafter referred to as CSS) officials are ex officio officers of the CCC: The Administrator, CSS, Executive Vice President, CCC; the Associate Administrator, CSS, Vice President, CCC; the General Sales Manager, CSS, Vice President, CCC; the Deputy Administrators, CSS, Vice Presidents, CCC; the Executive Assistant to the Administrator, CSS, Secretary, CCC; Director of Fiscal Division, CSS, Controller, CCC; Deputy Director in Charge of Finance, Fiscal Division, CSS, Treasurer, CCC; and Deputy Director in Charge of Accounting, Fiscal Division, CSS, Chief Accountant, CCC. The Directors of Divisions and Commodity Offices of CSS are ex officio Contracting Officers of the CCC.

D. *Management.* The management of CCC is vested in its Board of Directors, subject to the general supervision and direction of the Secretary. The President of CCC is Vice Chairman of the Board and performs such other duties as the Secretary or the Board may prescribe. The Executive Vice President is the chief executive officer of CCC. His authority, together with that of the other Vice Presidents, is set forth in section IV hereof. Activities of CCC, approved by its Board of Directors and the Secretary of Agriculture, are generally carried out through the facilities and personnel of CSS of the Department. From time to time services of other agencies of the United States Department of Agriculture may be utilized on certain operations or programs. The Directors of the Divisions and Commodity Offices of CSS serve as executives of CCC in general charge of the activities carried out through their respective Divisions or Offices.

E. *The Contract Disputes Board.* The members of the Contract Disputes Board for CCC are appointed by the Board of Directors of CCC with the approval of the Secretary of Agriculture. The Contract Disputes Board has jurisdiction to act for and on behalf of CCC and its officers (a) to consider and determine appeals by claimants on contract claims against CCC involving doubtful or disputed questions of fact or law where settlement or adjustment cannot otherwise be effected under established policies and procedures, (b) upon request of the Executive Vice President or other officer of CCC, to exercise the authority of the Executive Vice President or other officer in connection with (1) any contract claim by or against CCC, including settlement and adjustment of any such claim, and (2) the suspension or debarment of any contractor, and (c) to act for the head of the agency or for any other officer of CCC to whom appeals may be taken from findings of fact by a contracting officer under any contract disputes provision which provides a method for final and conclusive determination of disputed questions of fact. The decisions of the Contract Disputes Board on all matters falling within its jurisdiction are final for administrative purposes within the United States Department of Agriculture. The names of such members and information with respect to their authority may be obtained from the Secretary, CCC.

III. *Functions*—A. *General.* Under its corporate charter (15 U.S.C. 714–714p) and in accordance with specific statutes, where applicable, and its annual budget programs submitted to and approved by Congress, CCC engages in buying, selling, lending, and other activities with respect to agricultural commodities, their products, food, feeds, and fibers, for the purpose of stabilizing, supporting, and protecting farm income and prices; assisting in the maintenance of balanced and adequate supplies of such commodities; and facilitating their orderly distribution. The Corporation also makes available materials and facilities required in connection with the production and marketing of such commodities.

B. *Types of programs.* The following types of programs are conducted by CCC:

1. *Price Support Program.* Price Support operations are carried out under the CCC's charter powers and in conformity with specific statutes where applicable, such as the Agricultural Act of 1949 as amended (7 U.S.C. 1421 et seq.), the National Wool Act of 1954, as amended (7 U.S.C. 1781 et seq.), and section 125 of the Agricultural Act of 1956 (7 U.S.C. 1813). Price support of various agricultural commodities is made available through loans, purchase agreements, purchases, and other operations, and, in the case of wool and mohair, through incentive payments based on marketings. Commodities acquired by the Corporation in its price support operations are disposed of through sales, barters and exchanges, and donation, in conformity with specific statutes, where applicable, such as sections 202, 407, and 416 of the Agricultural Act of 1949, as amended, the Agricultural Trade Development and Assistance Act of 1954 (Pub. Law 480), as amended, and other applicable legislation.

2. *Supply and Foreign Purchase Program.* This program is carried out under the authority contained in the

CCC's charter, particularly sections 5 (b) and (c) thereof. CCC procures foods, agricultural commodities, their products, and related materials to supply the requirements of Government agencies, foreign governments, and relief and rehabilitation agencies, and to meet domestic requirements. Foods, agricultural commodities, and their products are procured or aid is given in their procurement to facilitate distribution or to meet anticipated requirements during periods of short supply.

3. *Storage Facilities Program.* This program is carried out under the authority contained in the CCC's charter, particularly sections 4(h), 4(m), and 5 (a) and (b). CCC may (a) purchase and maintain (in storage deficient areas) granaries and equipment for care and storage of grain owned or controlled by CCC; (b) make loans for the construction or expansion of farm storage facilities; (c) provide storage-use guarantees to encourage the construction of commercial storage facilities; and (d) undertake other operations necessary to provide storage adequate to carry out CCC's programs.

4. *Commodity Export Program.* This program is carried out under the authority contained in the CCC's charter, particularly sections 5(d) and 5(f), and in accordance with specific statutes where applicable, such as sections 407 and 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427, 1431), the International Wheat Agreement Act of 1949, as amended (7 U.S.C. 1641 et seq.), the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), Title I of the Agricultural Act of 1954 (7 U.S.C. 1741 et seq.), and Title II of the Agricultural Act of 1956 (7 U.S.C. 1851 et seq.). CCC promotes the export of agricultural commodities and products through sales, barter, payments, and other operations.

5. *Special Milk Program.* This program is carried out under the authority of sections 5(g) of CCC's charter and Public Law 85–478, as amended (7 U.S.C. 1446 note), which authorizes the use of specified amounts of CCC funds to increase the consumption of fluid milk by children in nonprofit schools of high-school grade and under and in nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children.

6. *Special activities.* These activities are carried out under the authority of section 5(g) of CCC's charter and specific statutory authorizations or directives with respect thereto. Examples of such activities are the International Wheat Agreement program, sales of surplus agricultural commodities for foreign currencies under Title I of Public Law 480, long-term supply contracts under Title IV of Public Law 480, and the transfer of CCC grain to the Department of Interior for migratory waterfowl feed.

IV. *Delegations of authority*—A. *General.* All authorities and responsibilities relating to CCC shall be exercised (i) pursuant to authorizations contained in dockets or resolutions approved by the Board of Directors and the Secretary of Agriculture, (ii) in accordance with the by-laws of CCC, (iii) within the confines of administrative and functional areas of jurisdiction, and (iv) in the case of CSS Divisions and Offices, in accordance with commodity assignments. See 25 F.R. 10708, dated November 9, 1960, for the statement with respect to CCC activities assigned to respective Divisions and Offices. This statement of authority shall not be construed as waiving any restrictions, limitations, or requirements stated in the specific delegation of authority or imposed in governing policies, rules, regulations, or procedures.

B. *Authority of Vice Presidents, CCC.* Pursuant to the by-laws of CCC, the Vice Presidents of the CCC hold office ex officio by virtue of their positions in the CSS. The Vice Presidents and their authority areas follows:

1. Executive Vice President:

The Executive Vice President, who is the Administrator, CSS, has general supervision and direction of the preparation of policies and programs for submission to the CCC Board of Directors, of the administration of the policies and programs approved by the Board of Directors, and of the day-to-day conduct of the business of CCC and of its officers and employees.

2. Other Vice Presidents:

(a) The other Vice Presidents, with the exception of the Vice President who is the General Sales Manager, CSS, whose duties are set forth in subparagraph (b) hereof, assist the President and the Executive Vice President in the performance of their duties and exercise of their powers to such extent as the President or the Executive Vice President shall prescribe. The authority of these Vice Presidents is as follows:

(1) The Vice President who is Associate Administrator, CSS, acts for and in behalf of the Executive Vice President in the supervision and direction of the preparation of policies and programs for submission to the Board of Directors, in the administration of policies and programs approved by the Board of Directors, and in day-to-day conduct of the business of CCC and of its officers and employees.

(2) The Vice President who is Deputy Administrator, Production Adjustment, CSS, has responsibility for the supervision and direction of the ASC State and County offices, and community committees and personnel thereof in the day-to-day discharge of their responsibilities and performance of their functions in connection with CCC operations.

(3) The Vice President who is Deputy Administrator, Price Support, CSS, has primary responsibility for planning, developing and administering the price support, foreign supply, commodity disposal (except CCC sales) and such other programs of CCC as may be assigned to him, and for the supervision and direction of the program divisions of CSS and personnel thereof in the day-to-day discharge of their responsibilities and performance of their functions in connection with CCC operations.

(4) The Vice President who is Deputy Administrator, Operations, CSS, has primary responsibility for the supervision and direction of the CSS Commodity Offices, and service and management Divisions and the Cotton Products and Export Operations Office and personnel thereof in the day-to-day discharge of their responsibilities and performance of their functions in connection with CCC operations.

(d) The Vice President who is General Sales Manager, CSS, under the general supervision of the Executive Vice President, is responsible for the preparation of sales policies and programs for submission to the Board of Directors, and for the administration of the sales policies and programs approved by the Board of Directors, and consults and advises with the Board of Directors with respect to such policies and programs.

(c) The Vice Presidents perform such special duties and exercise such powers as may be prescribed from time to time by the Secretary of Agriculture, the Board of Directors, the President, or the Executive Vice President of CCC.

(d) The Vice Presidents are authorized in the discharge of their responsibilities, subject to the general supervision and direction of the Executive Vice President, to establish and interpret policies, institute activities and operations, execute documents, issue instructions and orders, and perform any other necessary actions which are in accordance with the by-laws and programs and policies adopted by the Board of Directors.

C. *Authority of Directors of Divisions and Commodity Offices of CSS.* The Directors of Divisions and Commodity Offices of CSS are in general charge of the activities of CCC carried out through their respective Divisions and Offices.

D. *Acting capacity.* The person occupying, in an acting capacity, the office of any person designated ex officio by the by-laws of the CCC as an officer of CCC, acts as such officer during his occupancy of such office.

E. *Authority to execute contracts.* Contracts of CCC relating to any of its activities may be executed in its name by the Secretary of Agriculture or the President of CCC. The Vice Presidents, the Controller, the Treasurer, the Directors of the Divisions and Commodity Offices of CSS may execute contracts relating to the activities of CCC for which they are respectively responsible. The Executive Vice President and, subject to the written approval of the appointment by the Executive Vice President, the Vice Presidents, the Controller, the Directors of the Divisions and Commodity Offices of CSS may appoint, by written instrument or instruments, such Contracting Officers as they deem necessary, who may, to the extent authorized by such instrument or instruments, execute contracts in the name of CCC. The names of such officers and information with respect to their authority may be obtained from the appropriate Director or the Secretary of CCC, U.S. Department of Agriculture, Washington 25, D.C.

F. *Authority to settle claims.* The Executive Vice President, CCC, and the Vice President, CCC, who is Deputy Administrator, Price Support, CSS, may settle and adjust claims in controversy by or against CCC and their designees may carry out such responsibilities with respect to the settlement and adjustment of claims as may be delegated to them. The Directors of Divisions and Commodity Offices of CSS may settle and adjust any claim arising out of activities under their jurisdiction not in excess of the face amount of $20,000 or in excess of such amount with the approval of the Executive Vice President or Vice President, CCC, who is Deputy Administrator, Price Support, CSS. The State Administrative Officers of ASC State Offices may settle and adjust any claim arising out of CCC activities under their jurisdiction not in excess of the face amount of $5,000 or in excess of such amount with the approval of the Executive Vice President or Vice President, CCC, who is Deputy Administrator, Price Support, CSS. Authorized claims officers may carry out such responsibilities with respect to settlement and adjustment of claims as may be delegated to such claims officers. The names of such officers and information with respect to their authority may be obtained from the Secretary, CCC.

V. *Availability of records and information*—A. *Records.*

1. Records pertaining to CCC activities classified under the Security Regulations of the U.S. Department of Agriculture shall be handled in accordance with such regulations. Records not so classified shall be handled as set forth in 2 and 3 below.

2. Dockets proposed for submission to the Board of Directors and dockets approved by the Board of Directors, together with supporting documents and approved resolutions, are classified "Administratively Confidential" for a specified period depending upon the nature thereof. While so classified, such records will be made available to persons outside the U.S. Department of Agriculture only upon specific authorization by the Board of Directors or written approval by the President, CCC, or Secretary of Agriculture. After the "Administratively Confidential" classification has been removed, such records are available for examination to anyone having an interest therein. Such access is in a designated office or offices within the U.S. Department of Agriculture where such records are maintained as a matter of public record. Copies of such records are not available for distribution.

3. Under the Administrative Regulations of the Department (1 AR 534a(4)) minutes of meetings of the Board of Directors, CCC (except resolutions extracted therefrom), are confidential and are not available for public inspection. Resolutions, other than those approving dockets, and the records of CSS Divisions and Offices pertaining to CCC activities, including those maintained in field offices, will be made available to persons properly and directly concerned if the administrative head of the agency so determines on the basis of criteria set forth in the Administrative Regulations of the Department (1 AR 534d).

B. *Information.* Any person desiring information or to make submittals or requests with respect to CCC activity should address the Director of the Division or Office of the CSS through which such activity is carried out, or the Secretary of CCC, U.S. Department of Agriculture, Washington 25, D.C.

VI. *Prior authorizations and delegations.* The statement of Organization, Functions and Delegations of Authority of CCC issued November 18, 1955 (20 F.R. 8783), is hereby superseded. All subdelegations of authority relating to any function covered by such superseded statement or by this statement shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under previous delegations or subdelegations of authority or assignment of functions.

Done at Washington, D.C., this 12th day of January 1961.

TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F.R. Doc. 61–383; Filed, Jan. 17, 1961; 8:47 a.m.]



# DEPARTMENT OF COMMERCE

## Federal Maritime Board

## OSAKA SHOSEN KAISHA, LTD., AND ALCOA STEAMSHIP CO., INC.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 7964–1, between Osaka Shosen Kaisha, Ltd., and Alcoa Steamship Company, Inc., modifies approved Agreement No. 7964, covering a through billing arrangement in the trade from the Far East (Philippines, Hong Kong, and Japan), to Puerto Rico, with transhipment at New York, Baltimore or Norfolk; and

Agreement No. 7966–1, between Osaka Shosen Kaisha, Ltd., and Alcoa Steamship Company, Inc., modifies approved Agreement No. 7966, covering a through billing arrangement in the trade from the Far East (Philippines, Hong Kong, and Japan) to the Virgin Islands, with transhipment at New York, Baltimore or Norfolk.

These similar modifications provide for the inclusion of loading ports in Korea and Formosa within the scope of the agreements, and the elimination of Norfolk as a port of transhipment thereunder.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 12, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–365; Filed, Jan. 17, 1961; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 10946; Order No. E–16246]

## TRAFFIC CONFERENCE OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Agreements Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 12th day of January 1961.

In the matter of agreements adopted by the Traffic Conferences of the International Air Transport Association relating to specific commodity rates; Docket 10946; Agreement C.A.B. 14358, R–30, Agreement C.A.B. 14827, R–1 through R–8.

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 and Joint Conference 1–2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreements cancel certain specific commodity rates and name a number of additional rates. The proposed rates are consistent with the level of rates in effect to other points for the commodities in question.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreements, which are incorporated in the following IATA Memoranda, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

| | *IATA Memorandum* |
|---|---|
| C.A.B. 14827: | |
| R–1 | TC1/Rates 1137 |
| R–2 | TC1/Rates 1140 |
| R–3 | TC1/Rates 1141 |
| R–4 | TC1/Rates 1142 |
| R–5 | TC1/Rates 1143 |
| R–6 | TC1/Rates 1146 |
| R–7 | TC1/Rates 1148 |
| R–8 | TC1/Rates 1149 |
| C.A.B. 14358: | |
| R–30 | JT1/Rates 2538 |

*Accordingly, it is ordered,* That:

1. Agreement C.A.B. 14827, R–1 through R–8, and Agreement C.A.B. 14358, R–30, are approved, provided that such approval shall not necessarily constitute approval of any specific commodity description contained therein for purposes of tariff publication.

2. Any air carrier party to the agreement or any interested person may, within 15 days from the date hereof, submit statements in writing, containing reasons deemed appropriate, in support of or in opposition to the Board's approval herein. An original and nineteen

copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61-394; Filed, Jan. 17, 1961; 8:49 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[FCC 61-57]

## DELEGATION OF AUTHORITY

### Joint Request for Approval of Agreement

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 11th day of January 1961;

The Commission having under consideration the provision of § 1.316 of the Commission's rules which requires that where parties reach an agreement which would remove a conflict between competing applications, they must file a joint request for approval of the agreement:

It appearing that where such joint requests are filed after applications have been designated for hearing they should be acted on by the Chief Hearing Examiner; and

It further appearing, that in those cases where further hearing is not required on issues other than those arising out of the agreement, the Chief Hearing Examiner should be delegated authority to terminate the proceedings and make appropriate disposition of all applications; and

It further appearing that, the amendment ordered herein relates to internal Commission organization and procedure, and therefore the provisions of section 4 of the Administrative Procedure Act are inapplicable; and

It further appearing that the amendment herein is issued pursuant to the authority of sections 4(i), 5(d), 303(r), and 311(c) of the Communications Act of 1934, as amended;

*It is ordered,* That effective January 23, 1961, the Commission's Statement of Organization, Delegations of Authority; and Other Information is amended as set forth below.

Released: January 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

A new subparagraph (10) is added to paragraph (b) of section 0.224 as follows:

SEC. 0.224 *Authority delegated.* • • •

(b) After a case has been designated for hearing and until the hearing examiner has issued an initial decision or the record has been certified to the Commission for decision, the Chief Hearing Examiner shall act on the following matters:

• • • • • •

(10) Joint requests for approval of agreements filed pursuant to § 1.316 of the Commission's rules, and, if further hearing is not required on issues other than those arising out of the agreement, to terminate the proceeding and make appropriate disposition of all applications.

[F.R. Doc. 61-404; Filed, Jan. 17, 1961; 8:51 a.m.]

[Docket No. 13914; FCC 61-61]

## AMERICAN TELEPHONE AND TELEGRAPH CO.

### Order Instituting Investigation

In the matter of American Telephone and Telegraph Company, Docket No. 13914; regulations and charges for wide area telephone service (WATS).

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of January 1961;

The Commission, having under consideration (1) American Telephone and Telegraph Company's (A. T. & T.) Tariff F.C.C. No. 248 filed under Transmittal No. 6534 as amended by subsequently filed tariff schedules containing regulations and charges for Wide Area Telephone Service (WATS) to become effective January 15, 1961; (2) a petition filed on January 3, 1961, by twenty-four telephone operating companies of the General Telephone System (General) requesting that the Commission (a) suspend the above-mentioned tariff schedules pending establishment by the Commission of just and reasonable division of charges between the Bell System and petitioners, or (b) suspend the schedules insofar as they involve use of facilities of petitioners pending the same, and (c) that the Commission proceed to establish divisions of charges for service under such tariff schedules interchanged between the Bell System and petitioners or proper principles and procedures for the determination thereof; (3) a petition filed on January 5, 1961, by the United States Independent Telephone Association (USITA) requesting on behalf of other independent telephone companies relief similar to that requested by General; (4) replies to the above petitions filed by A. T. & T. on January 6, 1961; and (5) replies of General and USITA to the replies of A. T. & T.;

It appearing that the Commission is unable to determine that the regulations and charges contained in A.T. & T. Tariff F.C.C. No. 248 are or will be just and reasonable or otherwise lawful under the provisions of section 201(b) or section 202(a) of the Communications Act of 1934, as amended;

It further appearing that the petitions of General and USITA while raising the issues of the lawfulness of the subject tariff schedules are primarily concerned with the division of the revenues to be derived therefrom between the Bell System companies and independent companies; that consideration of the aforementioned division of revenue matter will be more appropriate after questions of the lawfulness of the subject tariff schedules have been resolved; that the independent carriers will not be unduly prejudiced by the subject tariff schedules becoming effective; that the petitions of General and USITA should be denied insofar as suspension of the subject tariff schedules is requested; and that action on the issue of division of revenues should be reserved pending decision herein;

*It is ordered,* That pursuant to the provisions of sections 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted upon the Commission's own motion into the lawfulness of the above-mentioned tariff schedules, including amendments thereto and successive issues thereof;

*It is further ordered,* That without in any way limiting the scope of the proceeding it shall include inquiry into the following:

1. Whether any of the charges, classifications, regulations, and practices contained in such tariff schedules are or will be unjust or unreasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended;

2. Whether such tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination, or give an undue or unreasonable preference or advantage to any person, class of persons or locality, or subject any person, class of persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

3. Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to the service governed by the above-mentioned tariff schedules, and, if so, what charges, classifications, regulations and practices should be prescribed;

*It is further ordered,* That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified; and that the examiner to be designated to preside at the hearing shall certify the record to the Commission for decision without preparing either an Initial Decision or a Recommended Decision;

*It is further ordered,* That American Telephone and Telegraph Company and all carriers concurring in the above-mentioned tariff schedules are hereby made parties respondent in the proceedings;

*It is further ordered,* That the requests of General and USITA for suspension of the proposed tariff schedules are denied and action on the issue of division of revenues is reserved pending decision herein:

Released: January 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-405; Filed, Jan. 17, 1961; 8:51 a.m.]



[Docket No. 13877; FCC 61M-57]

## AUBURN BROADCASTING CO., INC. (WAUD)

### Order Continuing Hearing

In re application of Auburn Broadcasting Company, Incorporated (WAUD), Auburn, Alabama, Docket No. 13877, File No. BP-13077; for construction permit.

The Hearing Examiner having under consideration agreement of parties participating at prehearing conference on January 11, 1961, regarding continuance of hearing;

*It is ordered,* This 11th day of January 1961, that the hearing now scheduled for February 21, 1961, is continued without date pending the filing by applicant of a petition for reconsideration and grant without hearing and action thereon by the Commission.

Released: January 12, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-406; Filed, Jan. 17, 1961; 8:52 a.m.]

[Docket No. 12931; FCC 61M-55]

## CARTER MOUNTAIN TRANSMISSION CORP.

### Order Scheduling Hearing

In re application of Carter Mountain Transmission Corporation, Cody, Wyoming, Docket No. 12931, File No. 2463-C1-P-58; for construction permit to install an additional transmitter, to transmit on frequency 6387.5 Mc. Location: Copper Mountain, 40 miles south of Worland, Wyoming.

Pursuant to agreements informally reached by the parties in this proceeding,

*It is ordered,* This 11th day of January 1961, that the following procedural steps shall govern:

Notification of witnesses desired for cross-examination, January 20, 1961.
Commencement of hearing, January 30, 1961 (10:00 a.m.).

Released: January 12, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-407; Filed, Jan. 17, 1961; 8:52 a.m.]

[1] Statement of Chairman Ford filed as part of original document.

[Docket Nos. 13874-13876; FCC 61M-52]

## FRANKLIN BROADCASTING CO., INC. (KMAR) ET AL.

### Order for Prehearing Conference

In re applications of Franklin Broadcasting, Co., Inc. (KMAR), Winnsboro, Louisiana, Docket No. 13874, File No. BP-12937; John Anthony Lazarone and Irving Ward-Steinman, d/b as Leesville Broadcasting Company (KLLA), Leesville, Louisiana, Docket No. 13875, File No. BP-13165; Yam Broadcasting Company, Incorporated, Opelousas, Louisiana, Docket No. 13876, File No. BP-13864; for construction permits.

A prehearing conference in the above-entitled proceeding will be held on Wednesday, January 25, 1961, beginning at 10:00 a.m., in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

*It is so ordered,* This the 10th day of January 1961.

Released: January 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-408; Filed, Jan. 17, 1961; 8:52 a.m.]

[Docket Nos. 12787, 12790; FCC 61M-49]

## WALTER L. FOLLMER AND INTERSTATE BROADCASTING CO., INC. (WQXR)

### Order Scheduling Prehearing Conference

In re applications of Walter L. Follmer, Hamilton, Ohio, Docket No. 12787, File No. BP-11323; Interstate Broadcasting Company, Inc. (WQXR), New York, N.Y., Docket No. 12790, File No. BP-11707; for construction permits.

*It is ordered,* This 10th day of January 1961, that the further hearing scheduled for January 25, 1961, will be a prehearing conference.

Released: January 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-409; Filed, Jan. 17, 1961; 8:52 a.m.]

[Docket No. 13614; FCC 61M-58]

## NEW ENGLAND MICROWAVE CORP.

### Order Continuing Hearing

In re applications of New England Microwave Corporation, Docket No. 13614, for construction permit for new fixed video radio station. Frequency: 6012.5 Mc. Location: Lennox Mt. Fire Tower, Richmond, Massachusetts, File No. 2305-C1-P-60; for construction permit for new fixed video radio station. Frequency: 6112.5 Mc. Location: Hoosac Tunnel, North Adams, Massachusetts, File No. 2306-C1-P-60.

The Hearing Examiner having under consideration a joint motion filed January 11, 1961, on behalf of the protestant Springfield Television Broadcasting Corporation and the applicant New England Microwave Corporation, requesting that the date for commencement of the hearing in this proceeding, now scheduled for January 16, 1961, be postponed indefinitely; and

It appearing that counsel for all parties have informally agreed to immediate grant of the motion and that good cause has been shown for a grant thereof;

*Accordingly, it is ordered,* This 11th day of January 1961, that the subject joint motion is granted, and that the hearing now scheduled to be commenced on January 16, 1961, is postponed indefinitely.

Released: January 12, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-410; Filed, Jan. 17, 1961; 8:52 a.m.]

# FEDERAL DEPOSIT INSURANCE CORPORATION

[20751 A]

## INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM, EXCEPT BANKS IN THE DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

### Call for Report of Condition and Annual Report of Earnings and Dividends

Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, is requested, pursuant to the provisions of section 10(e) of the Federal Deposit Insurance Act, to send to the Federal Deposit Insurance Corporation within ten days after receipt of this notice a Report of Condition as of the close of business Saturday, December 31, 1960, on Form 64—Call No. 54,[1] and a Report of Earnings and Dividends for the calendar year 1960, on Form 73.[1]

Said Report of Condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64," dated December 1959. Said Report of Earnings and Dividends shall be prepared in accordance with "Instructions for the Preparation of Report of Earnings and Dividends on Form 73," dated December 1954.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY, *Secretary.*

[F.R. Doc. 61-395; Filed, Jan. 17, 1961; 8:50 a.m.]

[1] Filed as part of original document.

[20751B]

## INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

### Call for Report of Condition and Annual Report of Income and Dividends [1]

Each insured mutual savings bank not a member of the Federal Reserve System is requested, pursuant to the provisions of section 10(e) of the Federal Deposit Insurance Act, to send to the Federal Deposit Insurance Corporation within ten days after receipt of this notice a Report of Condition as of the close of business Saturday, December 31, 1960, on Form 64 (Savings)[1] and a Report of Income and Dividends for the calendar year 1960, on Form 73 (Savings).[1]

Said Report of Condition and Report of Income and Dividends shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings)," dated June 1951 and any amendments thereto.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
*Secretary.*

[F.R. Doc. 61-396; Filed, Jan. 17, 1961; 8:50 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP61-158]

## AMERICAN LOUISIANA PIPE LINE CO.

### Notice of Application and Date of Hearing

JANUARY 11, 1961.

Take notice that on December 6, 1960, American Louisiana Pipe Line Company (Applicant), 3750 Penobscot Building, 645 Griswold Street, Detroit 26, Michigan, filed in Docket No. CP61-158 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation during the 12-month period following the date of authorization, of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which may be purchased from producers thereof in the general area of its existing transmission system at a total cost not to exceed $3,000,000, with no single project to exceed a cost of $500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type proposal is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its existing pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 14, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 130(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-367; Filed, Jan. 17, 1961; 8:45 a.m.]

[1] Filed as part of original document.

[Project No. 2286]

## PUBLIC SERVICE COMPANY OF OKLAHOMA

### Notice of Application for License

JANUARY 12, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Public Service Company of Oklahoma, of 600 South Main Street, Tulsa, Oklahoma, for license for proposed Project No. 2286, to be located on Sand Creek, a minor tributary of Arkansas River, and Keystone Reservoir (under construction on Arkansas River by the U.S. Corps of Engineers) in Osage and Tulsa Counties, Oklahoma, near Sand Springs and Tulsa, and affecting lands of the United States acquired for the Keystone Dam and Reservoir.

The proposed project, which would be of the pumped-storage type utilizing water from Keystone Reservoir as the lower reservoir, would have a total initial and ultimate capacity of 200,000 kilowatts, and would consist of: an earth dam across the upper end of the Sand Creek storage basin with steel piling cutoff and impervious core; 3 dykes; a high-level reservoir with 7,500 acre-feet of usable storage between elevation 960 and 940 feet; a canal to a forebay; a vertical shaft in the forebay to a horizontal tunnel; a concrete junction box at the end of the tunnel; steel penstocks; a powerhouse located in a cove of Keystone Reservoir with four 78,000-horsepower reversible pump-turbines each connected to a 50,000 kilowatt generator installed therein; an excavated tailrace; step-up transformers; a switchyard; two double circuit 138 kv transmission lines, one extending 6½ miles to Applicant's Bartlesville line and the other extending 12½ miles to Applicant's Tulsa-Sand Spring line; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 14, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-368; Filed, Jan. 17, 1961; 8:46 a.m.]

[Docket No. CP61-124]

## TRANSCONTINENTAL GAS PIPE LINE CORP.

### Notice of Application and Date of Hearing

JANUARY 11, 1961.

Take notice that on October 21, 1960, Transcontinental Gas Pipe Line Corporation (Applicant), 3100 Travis Street, Houston 6, Texas, filed an application, as supplemented on December 8, 1960, in Docket No. CP61-124, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate 14.84 miles of 36-inch main loop pipeline with necessary appurtenances between its Compressor Stations Nos. 34 and 15 in North Carolina, all as more fully set forth in the application and supplement on file with the Commission and open to public inspection.

The application shows that to assure continuity of service the proposed loop will be constructed in order to bypass the reservoir of a hydroelectric project of Duke Power Company (Duke) presently under construction on the Catawba River, known as Cowan's Ford Project, where impoundment of water will flood approximately 5½ miles of Applicant's existing 30-inch and 36-inch main loop lines which carry gas northward. Since these segments of the pipeline may be flooded to depths up to sixty feet, repair of a line break or other damage would necessarily be difficult and time consuming.

Applicant states that it plans to use the bypass, together with the flooded segments, for the transmission of natural gas in regular daily operation, and that the proposed bypass will give Applicant no additional delivery capacity.

Applicant shows that the total cost of the entire proposed project is estimated at $2,859,976; Duke will bear $1,371,777 of this cost and Applicant will bear the balance.[1]

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 16, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 130(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 6, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-369; Filed, Jan. 17, 1961; 8:46 a.m.]

[1] The extent to which Duke will be financially responsible for the proposed project is set forth in detail in an agreement between Duke and Applicant, dated March 21, 1960.





# FEDERAL RESERVE SYSTEM

## OTTO BREMER CO.

### Order Granting Request for Determination

In the matter of the request of Otto Bremer Company for determination under section 4(c) (6) of the Bank Holding Company Act of 1956 with respect to the proposed Western State Credit Co., Marshall, Minnesota. (Docket No. BHC-58.)

The Otto Bremer Company, St. Paul, Minnesota, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), has filed a request for a determination by the Board of Governors of the Federal Reserve System that a company proposed to be formed, the Western State Credit Co., Marshall, Minnesota, and its activities are of the kind described in section 4(c) (6) of the Act and section 5(b) of the Board's Regulation Y (12 CFR 222.5(b)), so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to acquisition and retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

A hearing having been held pursuant to section 4(c)(6) of the Act and in accordance with sections 5(b) and 7(a) of the Board's Regulation Y; the Hearing Examiner having filed on November 22, 1960, his Report and Recommended Decision wherein he recommended that the request with respect to Western State Credit Co. be granted; the time for filing with the Board exceptions and brief to the recommended decision of the Hearing Examiner having expired without any exceptions or brief having been filed; the Board having given due consideration to all relevant aspects of the matter; and all such steps having been taken in accordance with the Board's rules of practice for formal hearings (12 CFR Part 263), the Board hereby adopts the findings of fact, conclusions of law, and recommendations of the Hearing Examiner as set forth in the attached copy of his Report and Recommended Decision,[1] and, further, makes the following Order:

*It is hereby ordered,* On the basis of the findings of fact and conclusions of law hereinbefore adopted, that Western State Credit Co. and its activities are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's request with respect to Western State Credit Co. shall be, and hereby is, granted; provided that this determination shall be subject to revocation by the Board if the facts upon which it is based should change in such a manner as to make the reasons for such determination no longer applicable.

Dated at Washington, D.C., this 12th day of January 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 61-370; Filed, Jan. 17, 1961; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

# INTERSTATE COMMERCE COMMISSION

[Notice 436]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 13, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63734. By order of January 11, 1961, the Transfer Board approved the transfer to L. & W. Transportation Co., Inc., doing business as L. & W. Transportation Company, Mt. Holly, New Jersey, of Certificates in Nos. MC 39491, MC 39491 Sub 6, and MC 39491 Sub 8, issued March 24, 1954, December 22, 1954, and June 22, 1955, respectively, to Neibauer Bus Company, a corporation, Bristol, Pennsylvania, which authorizes the transportation of passengers and their baggage, over regular routes, between Philadelphia, Pa., and Trenton, N.J.; between Tullytown, Pa., and junction U.S. Highway 13 and Falls Township Road 378 (Ford Mill Road); between Philadelphia, Pa., and specified points in Philadelphia, to points in New Jersey, New York, Delaware and Maryland; from Langhorne, Pa., to Atlantic City, N.J., between specified points in Pennsylvania; between Burlington, N.J., and Bristol, Pa.; and between Bristol, Pa., and Trenton, N.J. Francis J. Ortman, 1366 National Press Building, Washington 4, D.C.

No. MC-FC 63737. By order of January 11, 1961, the Transfer Board approved the transfer to Joseph W. Layton, doing business as Layton's Bus Service, Trenton, New Jersey, of a Certificate in No. MC 10274, issued April 14, 1942 to Barzilliar G. Shinn, Burlington, New Jersey, which authorizes the transportation of passengers and their baggage, restricted to traffic originating at the points and in the territory indicated, in charter operations, over irregular routes, from Burlington, N.J., and points in New Jersey and Pennsylvania within ten miles of Burlington, to Wilmington, Del., and specified points in Pennsylvania. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-388; Filed, Jan. 17, 1961; 8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 127]

## CERTAIN RAILROADS SERVING NEW YORK HARBOR AREA

### Rerouting and Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, an emergency exists concerning rail floating operations of railroads serving New York harbor area because of work stoppage of certain railroad marine workers.

*It is ordered,* That:

(a) *Rerouting traffic:* Railroads, serving New York harbor area, affected by work stoppage of certain railroad marine

workers are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained:* The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the diversion or rerouting is ordered.

(c) *Notification to shippers:* The carriers diverting or rerouting cars in accordance with this order shall notify each shipper at the time each car is diverted or rerouted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 8:00 a.m., January 10, 1961.

(g) Expiration date: This order shall expire at 11:59 p.m., January 24, 1961, unless otherwise modified, changed, suspended or annulled.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 10, 1961.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 61-389; Filed, Jan. 17, 1961; 8:48 a.m.]

[Notice 150]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 13, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1422 (Deviation No. 3), VOSS TRUCK LINES, INC., P.O. Box 35707, Dallas 35, Tex., filed December 27, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highways 60 and 65, nine miles south of Springfield, Mo., over U.S. Highway 60 to junction Missouri Highway 21, thence over Missouri Highway 21 to the Missouri-Arkansas State line, thence over Arkansas Highway 115 to junction Arkansas Highway 90 thence over Arkansas Highway 90 to Pocahomtas, Ark., thence over U.S. Highway 67 to Hoxie, Ark., thence over U.S. Highway 63 to junction Arkansas Highway 14, near Marked Tree, Ark., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of U.S. Highway 60 and 65, nine miles south of Springfield, over U.S. Highway 65 to Ozark, Mo., thence over Missouri Highway 14 to Ava, Mo., thence over Missouri Highway 5 to junction unnumbered highway (formerly Missouri Highway 5) thence over unnumbered highway via Wilholt, Mo., to junction Missouri Highway 5, thence over Missouri Highway 5 to the Missouri-Arkansas State line, thence over Arkansas Highway 5 to junction unnumbered highway via Arkana, Ark., to junction Arkansas Highway 5, thence over Arkansas Highway 5 to Calico Rock, Ark., thence over Arkansas Highway 56 to Brockwell, Ark., thence over Arkansas Highway 9 to Melbourne, Ark., thence over U.S. Highway 69 to Batesville, Ark., thence over Arkansas Highway 11 to junction Arkansas Highway 14, thence over Arkansas Highway 14 to junction U.S. Highway 63, near Marked Tree, and return over the same routes.

No. MC 2202 (Deviation No. 17) (CORRECTION), ROADWAY EXPRESS INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed November 22, 1960, and published in the December 7, 1960 issue of the FEDERAL REGISTER at page 12,538. This portion of the notice should read as follows: No. MC-69274 (Deviation No. 2) M & R TRANSPORATION CO., INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio.

No. MC 2900 (Deviation No. 1), RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, Fla., filed December 29, 1960. Attorney J. Edward Allen, P.O. Box 2408, Jacksonville, Fla. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over U.S. Highway 23 to junction Georgia Highway 87 near Jackson, Ga., and thence over Georgia Highway 87 to Macon and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Atlanta and Macon over U.S. Highway 41.

No. MC 3598 (Deviation No. 6), WOOSTER EXPRESS INC., P.O. Box 1469, Hartford 1, Conn., filed December 27, 1960. The carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Northampton, Mass., over U.S. Highway 5 to New Haven, Conn., thence over U.S. Highway 1 to Newark, N.J.; from Northampton over U.S. Highway 5 to Springfield, Mass., thence over Alternate U.S. Highway 5 to Hartford, thence over Connecticut Highway 9 to Middletown, Conn., thence over Connecticut Highway 15 to New Haven, and thence over U.S. Highway 1 to Newark, N.J., and return over the same route.

No. MC 29555 (Deviation No. 2), BRIGGS TRANSPORTATION CO. INC., 2360 West County Road C, St. Paul 13, Minn., filed January 6, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hudson, Wis., over Interstate Highway 94 to Eau Claire, Wis., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Hudson and Eau Clair over U.S. Highway 12.



No. MC 29859 (Deviation No. 4), BRINKER TRUCK LINE, INC., 210 Poplar Street, St. Louis 2, Mo., filed December 27, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Quincy, Ill., over U.S. Highway 24 to Taylor, Mo., thence over U.S. Highway 61 to Wentzville, Mo., thence over U.S. Highway 40 to St. Louis, Mo., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Quincy over Missouri Highway 57 to the Fall Creek cutoff, thence over Fall Creek cutoff to Hannibal, Mo., thence over U.S. Highway 36 to Detroit, Ill., thence over Illinois Highway 100 to Hardin, Ill., and thence over Illinois Highway 16 to Jerseyville, Ill., and thence over U.S. Highway 67 to St. Louis, and return over the same route.

No. MC 59485 (Deviation No. 2), DARLING TRANSFER INC., 1020 J Street, Auburn, Nebr., filed January 5, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Joseph, Mo., over Interstate Highway 29 to Kansas City, Mo., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Horton, Kans. over U.S. Highway 73 to junction Kansas Highway 20, thence over Kansas Highway 20 to junction Kansas Highway 7, and thence over Kansas Highway 7 to Troy, Kans., thence over U.S. Highway 36 to St. Joseph, Mo. (also from Horton over U.S. Highway 73 to Atchison, Kans., thence over U.S. Highway 5 to St. Joseph), and thence over city streets to South St. Joseph; from Horton to Atchison as specified above, thence over U.S. Highway 73 to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, and return over the same routes.

No. MC 116004 (Deviation No. 6), TEXAS-OKLAHOMA EXPRESS, INC., 1017 South Akard Street, Dallas, Tex., filed January 3, 1961. Carrier proposes to operate as a *common carrier*, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Texas Highway 114 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 277, thence over U.S. Highway 277 to junction Oklahoma Highway 8, thence over Oklahoma Highway 8 to junction U.S. Highway 281, thence over U.S. Highway 281 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Oklahoma Highway 6, thence over Oklahoma Highway 6 to junction U.S. Highway 283, thence over U.S. Highway 283 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction Texas Highway 213, thence over Texas Highway 213 to junction Texas Highway 305, thence over Texas Highway 305 to junction Texas Highway 15, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas over U.S. Highway 77 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 64, thence over U.S. Highway 64 to junction U.S. Highway 283, thence over U.S. Highway 283 to junction Oklahoma Highway 15, thence over Oklahoma Highway 15 to the Oklahoma-Texas State line, thence over Texas Highway 15 to junction Texas Highway 305, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 109736 (Deviation No. 2), CAPITOL BUS COMPANY, Fourth and Chestnut Streets, Harrisburg, Pa. Attorney James E. Wilson, 111 E Street NW., Washington 4, D.C., filed December 30, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over deviation routes as follows: (A) From the junction of U.S. Highway 22 and Pennsylvania Highway 443 over U.S. Highway 22 to junction Pennsylvania Highway 83 and thence over Pennsylvania Highway 83 to junction Pennsylvania Highway 443 and return over the same route, for operating convenience only, serving no intermediate points, and (B) from the junction of U.S. Highway 15 and unnumbered express highway near Harrisburg, Pa., over unnumbered express highway to Harrisburg, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From the junction of U.S. Highway 15 and unnumbered highway near Harrisburg over U.S. Highway 15 to Harrisburg; and from the junction of Pennsylvania Highway 443 and U.S. Highway 22 over Pennsylvania Highway 443 to the junction of Pennsylvania Highway 83 and return over the same routes.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-386; Filed, Jan. 17, 1961; 8:48 a.m.]

[Notice 359]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 13, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Sub No. 173), filed November 7, 1960. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston 3, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; between Memphis, Tenn. and the plant site of Mohawk Tire and Rubber Company at Helena, Ark., and the warehouse site of Mohawk Tire and Rubber Company at West Helena, Ark., from Memphis over U.S. Highway 79 to Marianna, Ark., thence over Arkansas Highway 1 to junction Arkansas Highway 20 at Barton, Ark., thence over Arkansas Highway 20 to West Helena and Helena, Ark., serving no intermediate or off-route points.

*HEARING:* March 22, 1961, in the Claridge Hotel, Memphis, Tenn., before Joint Board No. 38, or, if the Joint Board waives its right to participate, before Examiner Edith H. Cockrill.

No. MC 2202 (Sub No. 199), filed December 28, 1960. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Greensboro, N.C., and junction U.S. Highway Alternate 70 and Interstate Highway 85 (U.S. Highway 70) west of Durham, N.C.; from Greensboro, over Interstate Highway 85 (U.S. Highway 70) to the junction with U.S. Highway Alternate 70 west of Durham, N.C. with no service at any intermediate points not presently authorized.

*HEARING:* March 8, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 4405 (Sub No. 375), filed January 6, 1961. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis,* and *semi-trailer chassis,* except those designed to be drawn by passenger automobiles, in initial movements, by truckaway and

driveaway service, from Hazelton, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Washington, D.C.; (2) *tractors*, in secondary driveaway movement, only when drawing trailers, semi-trailers, trailer chassis, and semi-trailer chassis, moving in initial driveaway service, from Hazelton, Pa., to points in Vermont, and (3) *containers, cargo containers, cargo container boxes* (except those having a capacity of five (5) gallons or less, or those having a capacity of nine (9) cubic feet or less), from Hazelton, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Washington, D.C.

*HEARING:* February 7, 1961, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 4405 (Sub No. 376, filed January 6, 1961. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis*, and *semi-trailer chassis*, except those designed to be drawn by passenger automobiles, in initial movements, by truckaway and driveaway service, from Hazleton, Pa., to points in Alaska, Arizona, Arkansas, Colorado, California, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; (2) *tractors*, in secondary driveaway movement, *only when drawing trailers, semi-trailers, trailer chassis, and semi-trailer chassis*, moving in initial driveaway service, from Hazleton, Pa., to points in Alaska, Arizona, Nevada, and Oregon, and, (3) *containers, cargo containers, cargo container boxes* (except those having a capacity of five (5) gallons or less, or those having a capacity of nine (9) cubic feet or less), from Hazleton, Pa., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri Montana, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

*HEARING:* February 6, 1961, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 8768 (Sub No. 23), filed October 13, 1960. Applicant: SECURITY VAN LINES, INC., 533 City Park Avenue, New Orleans, La. Applicant's attorney: Tom B. Kretsinger, Suite 1014–18, Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods as defined by the Commission;* between points in Alabama, Arizona, Arkansas, California, the District of Columbia, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Virginia, Washington, and West Virginia.

*HEARING:* March 15, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner William N. Culbertson.

No. MC 13250 (Sub No. 68) (AMENDMENT), filed May 12, 1960, published in the FEDERAL REGISTER issue of July 7, 1960, republished in the FEDERAL REGISTER issue of October 19, 1960. Applicant: J. H. ROSE TRUCK LINE, INC., 3804 Jensen Drive, P.O. Box 16037, Houston 22, Tex. Applicant's attorneys: Charles D. Mathews and Jerry Prestridge, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Arkansas, California, Kansas, Louisiana, New Mexico, Oklahoma, and Texas. (2) Between points in California and Texas, on the one hand, and, on the other, points in Arizona, Colorado, and Utah. (3) Between points in Texas, on the one hand, and, on the other, points in Wyoming and Montana. (4) Between points in Idaho, Montana, Wyoming, Colorado, North Dakota, South Dakota, and Nebraska. (5) Between points in Nevada, on the one hand, and, on the other, points in Idaho, Wyoming, Utah, Colorado, Arizona, and New Mexico. (6) Between points in California south of the northern boundary of San Luis Obispo, Kern, and San Bernardino Counties, Calif., on the one hand, and, on the other, Casper, Wyo. (7) Between points in Nevada. (8) Between points in Nevada, on the one hand, and, on the other, points in Wyoming, Colorado, Montana, North Dakota, South Dakota, and Utah. (9) Between points in Idaho. (10) Between points in Idaho, on the one hand, and, on the other, points in Wyoming, Colorado, Montana, North Dakota, South Dakota and Utah. (11) Between points in Alabama, Florida, and Georgia (see footnote 1). (12) Between points in Texas, on the one hand, and, on the other, points in Alabama, Florida, and Georgia (see footnote 1). (13) Between Kilgore, Tex., and points within 200 miles thereof, on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, and Oklahoma (see footnote 1). (14) Between points in Washington and Oregon, on the one hand, and, on the other points in Montana, Nebraska, North Dakota, New Mexico, South Dakota, Colorado, Wyoming, and Nevada (see footnote 2). (15) Between points in San Juan, Rio Arriba, and McKinley Counties, N. Mex., Dolores, San Miguel, Montezuma, San Juan, La Plata, and Archuleta Counties, Colo., Navajo and Apache Counties, Ariz., and San Juan County, Utah (see footnote 3).

NOTE: Applicant states the purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought. (1) J. H. Rose Truck Line, Inc., is authorized under Certificates of Public Convenience and Necessity, MC 13250 and MC 13250 Sub Nos. 45, 56, 58, 59, 60, 61, and 62, to operate in all of the states above named. Additionally, J. H. Rose Truck Line, Inc., has been authorized by the Interstate Commerce Commission in Docket MC–F–7174, *J. H. Rose Truck Line, Inc.—Purchase (Portion)—Rogers Truck Line*, to operate as an oil field carrier (Mercer Description) between points in Alabama, Florida, and Georgia; between points in Texas, on the one hand, and, on the other, points in Alabama, Florida, and Georgia; and between Kilgore, Tex., and points within 200 miles thereof, on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, and Oklahoma. The Order of the Commission in this proceeding became final on April 11, 1960, and is now in the process of being consummated. (2) The purpose of this amendment is to add, in addition to all the territory described therein, the following additional territory: between points in Washington and Oregon, on the one hand, and, on the other, points in Montana, Nebraska, North Dakota, New Mexico, South Dakota, Colorado, Wyoming, Utah, and Nevada. This authority is the subject of a recent application filed under Section 6 of the Interstate Commerce Act in MC–F–9787, *J. H. Rose Truck Line, Inc.—Purchase (Portion)—Stanton Transportation Company*. In MC 9787 Sub No. 17, Stanton is authorized to conduct operations as a motor common carrier in the transportation of Mercer Description commodities between points as described above, and Rose and Stanton are seeking the Commission's approval of the transfer of such operating rights to Rose. (3) The purpose of this second amendment is to add, in addition to all the territory described in the application, as amended (28 FEDERAL REGISTER, No. 204, Wednesday, October 19, 1960, page 9962), the following additional territory: Between points in San Juan, Rio Arriba, and McKinley Counties, N. Mex., Dolores, San Miguel, Montezuma, San Juan, La Plata, and Archuleta Counties, Colo., Navajo and Apache Counties, Ariz., and San Juan County, Utah. The purchase by J. H. Rose Truck Line, Inc. of the authority to transport Mercer description commodities in the territory described above was approved by the Interstate Commerce Commission in finance docket MC–F–7509, *J. H. Rose Truck Line, Inc.—Purchase (Portion)—Oil Field Truckers, Inc.* The Order approving the above captioned proceeding is dated August 24, 1960 and the Commission was notified that said transaction was consummated by the parties on September 6, 1960.

*HEARING:* March 6, 1961, at the Baker Hotel, Dallas, Tex., before Examiner C. Evans Brooks.

No. MC 31466 (Sub No. 24) (CLARIFICATION) filed March 28, 1960, published in the FEDERAL REGISTER, issue of December 29, 1960. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 109 North Roosevelt Street, P.O. Box 667, Green Bay, Wis. Applicant's attorney: Edward A. Solie, 1 South Pinckney Street, Madison 3, Wis. The commodities proposed to be transported as shown in the previous publication read: *Fresh meats, including carcasses and fresh cuts.* In a letter dated January 4, 1961, applicant's attorney advises that the commodities proposed to be transported are correctly restrictively set forth as *fresh meats*, namely: *Carcasses and fresh cuts.*



*HEARING:* Remains as assigned February 20, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Charles B. Heineman.

No. MC 40215 (Sub No. 11), filed October 13, 1960. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 North Fifth Street, Salina, Kans. Applicant's attorney: Tom B. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission; between points in Arizona, Arkansas, California, the District of Columbia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Missouri, New Mexico, Kansas, Wisconsin, Wyoming, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, Idaho, Utah, Nevada, Colorado, Nebraska, South Dakota, Minnesota, and West Virginia.

*HEARING:* March 15, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner William N. Culbertson.

No. MC 44300 (Sub No. 8) (AMENDMENT), filed November 25, 1960, published FEDERAL REGISTER, issue of December 9, 1960. Applicant: HESS CARTAGE COMPANY, 17065 Hess Avenue, Melvindale, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank equipment, and *cement in bags*, from Detroit, Port Huron, Schoolcraft, and St. Joseph, Mich., to points in Indiana.

NOTE: The purpose of this republication is to include "cement in bags".

*HEARING:* Remains as assigned, February 24, 1961, at the Federal Building, Room 215, Lansing, Mich., before Joint Board No. 23.

No. MC 50069 (Sub No. 237), filed January 9, 1961. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Alma, Mich., to points in Indiana.

*HEARING:* February 10, 1961, in Room 215 Federal Building, Lansing, Mich., before Joint Board No. 23.

No. MC 64808 (Sub No. 3), filed November 8, 1960. Applicant: W. S. THOMAS TRANSFER, INC., 404 Auburn Street, Fairmont, W. Va. Applicant's attorney: John A. Vuono, 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Akron, Cincinnati, Cleveland, and Columbus, Ohio, Pittsburgh, Pa., and Baltimore and Cumberland, Md., to points in West Virginia, except points in Marion County, W. Va. (2) From Peoria, Ill., Louisville, Newport, and Covington, Ky., Detroit, Mich., St. Louis, Mo., Newark, N.J. and Milwaukee, Wis., to points in West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

*HEARING:* March 20, 1961, in the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Samuel C. Shoup.

No. MC 82331 (Sub No. 20), filed October 13, 1960. Applicant: WILLIAM F. CARTWRIGHT, doing business as SOUTH PROSPECT TRANSFER, 7207 Prospect Street, Kansas City, Mo. Applicant's attorney: Tom B. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, South Carolina, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, Wisconsin, South Dakota, Tennessee, and West Virginia.

*HEARING:* March 15, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner William N. Culbertson.

No. MC 83539 (Sub No. 73), filed December 5, 1960. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings*, from Chattanooga, Tenn., to points in Arkansas, Connecticut, Kansas, Maine, Massachusetts, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, and Vermont.

*HEARING:* March 16, 1961, in the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Edith H. Cockrill.

No. MC 83539 (Sub No. 76), filed January 3, 1961. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the loading, unloading or transportation of which, because of size, weight, or shape, require the use of special equipment or handling; (2) *parts and attachments of commodities* described in (1) above, when moving in connection with shipments of such commodities; (3) *machinery, equipment, materials and supplies*, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and (4) *machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in Alaska, Arizona, Colorado, Montana, Nevada, New Mexico, Utah, and Wyoming, on the one hand, and, on the other, points in Michigan and Wisconsin.

*HEARING:* February 27, 1961, at the U.S. Court Rooms, Salt Lake City, Utah, before Examiner Parks M. Low.

No. MC 86913 (Sub No. 11), filed December 20, 1960. Applicant: HUNTER MOTOR LINES, INC., Sanford, N.C. Applicant's attorney: Edward G. Villalon, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in North Carolina and South Carolina.

*HEARING:* March 8, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 2.

No. MC 94201 (Sub No. 41), filed November 3, 1960. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 2188, East Gadsden, Ala. Applicant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment; (1) between Attala, Ala., and Chattanooga, Tenn., over U.S. Highway 11, serving no intermediate or off-route points, as an alternate route for operating convenience only, and (2) between Centre, Ala., and Summerville, Ga., from Centre, over Alabama Highway 9 to the junction of Alabama Highway 9 and Alabama Highway 68, thence over Alabama Highway 68 to the Alabama-Georgia State line, thence over Georgia Highway 114 to Summerville, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only.

NOTE: The above routes for operating convenience only are in connection with applicant's existing regular-route operations between Birmingham, Ala., and Chattanooga, Tenn., authorized under Certificate MC–94201.

*HEARING:* March 23, 1961, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 239.

No. MC 94201 (Sub No. 42), filed November 3, 1960. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 2188, East Gadsden, Ala. Appli-

cant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yarn* (nylon, rayon, or synthetic fiber), *tire cord yarn, tire fabrics, winding cores, discs, cones, tubes, reels, beams, bobbins* and *empty containers*, between Pensacola and Gonzalez, Fla., on the one hand, and, on the other, Decatur, Ala., and Shelbyville, Tenn.

*HEARING:* March 23, 1961, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 99.

No. MC 97726 (Sub No. 1) (REPUBLICATION), filed August 24, 1960, published in the FEDERAL REGISTER, issue of September 21, 1960. Applicant: AAA MOTOR LINES, INC., 1205 Reeves Street, Dothan, Ala. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. The subject application, published in the FEDERAL REGISTER issue of September 21, 1960, sought a Certificate of Public Convenience and Necessity for the same operations conducted by applicant under the second proviso of section 206(a)(1) in the State of Alabama, and in addition an extension of operations between Abbeville, Ala., and Fort Gaines, Ga. The application as originally filed inadvertently omitted a request for authority to transport general commodities, with the usual exceptions, between Dothan and Ashford, Ala., over U.S. Highway 84, serving all intermediate points. The purpose of this republication is to add the request for the foregoing authority.

*CONTINUED HEARING:* March 27, 1961, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 157.

No. MC 102616 (Sub No. 693), filed August 15, 1960. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1824 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard*, in bulk, in tank vehicles, from Pittsburgh, Pa., to Cincinnati and Akron, Ohio.

*HEARING:* March 6, 1961, in the New Federal Building, Pittsburgh, Pa., before Joint Board No. 150, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 102616 (Sub No. 697), filed December 20, 1960. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline*, in bulk, in tank vehicles, from Neville Island, Pa., to Sutton, Braxton County, W. Va.

*HEARING:* March 6, 1961, in the New Federal Building, Pittsburgh, Pa., before Examiner Samuel C. Shoup.

No. MC 102948 (Sub No. 5), filed November 14, 1960. Applicant: D. L. BAKER, 300 North Chestnut Street, Warren, Ark. Applicant's attorney: Ed E. Ashbaugh, Game and Fish Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Bradley, Ashley, and Drew Counties, Ark., to points in Tennessee east of U.S. Highways 31 and 31W. (2) *Lumber*, from points in Grant and Jefferson Counties, Ark., to points in Mississippi, and from points in Mississippi to points in Arkansas. (3) *Lumber*, from points in Missouri to points in Ashley, Bradley, and Drew Counties, Ark. (4) *Manufactured feed*, from Memphis, Tenn., and points in Missouri to points in Arkansas. (5) *Fertilizer (commercial) and its component parts*, from Memphis, Tenn., and points in Louisiana and Missouri to points in Arkansas.

*HEARING:* March 31, 1961, in the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Edith H. Cockrill.

No. MC 104004 (Sub No. 157), filed January 10, 1961. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except Classes A and B explosives, household goods as defined by the Commission; serving the site of Melton Hill Dam of the Tennessee Valley authority, located southwest of Knoxville, Tenn., on the Clinch River and points within five (5) miles thereof, as off-route points in connection with applicant's regular routes.

*HEARING:* January 30, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 106398 (Sub No. 168), filed December 19, 1960. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements in truckaway service; from points in Kansas except Great Bend, Newton, Hutchinson, Wichita, and Coffeyville, Kans., to points in the United States except Hawaii but including Alaska.

*HEARING:* March 22, 1961, at the Hotel Lassen, Wichita, Kans., before Examiner William N. Culbertson.

No. MC 106497 (Sub No. 19), filed December 15, 1960. Applicant: PARKHILL TRUCK COMPANY, a corporation, 4209 South Memorial Drive, Tulsa, Okla. Applicant's attorney: Tom B. Kretsinger, Suite 1014–18 Temple Building, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment or special handling, *and related machinery parts* and *related contractors' materials and supplies*, when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment or special handling, between points in California, Washington, Oregon, Arizona, Nevada, Idaho, Utah, Montana, Wyoming, and Colorado.

*HEARING:* January 23, 1961, at the New Customs House, Denver, Colo., before Examiner Leo W. Cunningham.

No. MC 106965 (Sub No. 154), filed December 28, 1960. Applicant: M. I. O'BOYLE & SON, INC., 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in tank vehicles, from Emlenton and Farmers Valley, Pa., to points in North Carolina.

*HEARING:* February 20, 1961, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 106965 (Sub No. 157), filed December 28, 1960. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, except cement, in bulk, in tank or covered hopper vehicles, between Baltimore, Md.; Claymont, Del.; Edgewater, Elizabeth, Bound Brook, Haledon, Passaic, and Whippany, N.J.; Johnsonburg, Newell, Philadelphia, and Sunbury, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

*HEARING:* February 23, 1961, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 107475 (Sub No. 45), filed November 3, 1960. Applicant: DANCE FREIGHT LINES, INC., 728 National Avenue, Lexington, Ky. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; between Cartersville, Ga., and Kingsport, Tenn., from Cartersville over U.S. Highway 411 to Greeneville, Tenn., thence over Tennessee Highway 93 to junction of Tennessee Highway 81 and Tennessee Highway 81, thence over Tennessee Highway 81 to Kingsport, Tenn., and return over the same route, serving Maryville, Tenn., and the intermediate point of Newport, Tenn., for the purpose of joinder to present routes only, as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations.

*HEARING:* March 17, 1961, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 238.

No. MC 107475 (Sub No. 48), filed January 9, 1961. Applicant: DANCE FREIGHT LINES, INC., 286 New Circle Road, Lexington, Ky. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading, serving the Tennessee Valley Authority's Melton Hill Dam site located on the Clinch River about four and one-half miles from the Loudon County junction of U.S. Highways 70 and 11 southwest of Knoxville, Tenn., as an off-route point in connection with applicant's present regular route authority.



*HEARING:* January 30, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 107515 (Sub No. 359), December 6, 1960. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue S.W., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Memphis, Tenn., to points in Alabama, Florida, North Carolina, and South Carolina.

*HEARING:* March 20, 1961, in the Claridge Hotel, Memphis, Tenn., before Examiner Edith H. Cockrill.

No. MC 107715 (Sub No. 3), filed November 25, 1960. Applicant: ALLAN ARTHUR TRANSPORTATION, INC., 9706 East 26th Street, Los Angeles 23, Calif. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from points in California, south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, Calif., to points in Nevada.

*HEARING:* March 8, 1961, at the Federal Building, Los Angeles, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 109637 (Sub No. 171) (REPUBLICATION), filed December 5, 1960, published in the FEDERAL REGISTER issue of December 29, 1960. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except asphalt and asphaltic derivatives from Columbia Park, Ohio), in bulk, in tank vehicles, from points in Hamilton County, Ohio, to points in Kentucky west of U.S. Highway 31–W (except points in Jefferson County, Ky.).

NOTE: Common control may be involved. The purpose of this republication is to include the transportation of *petroleum naptha*, excluded in the application as originally filed.

*HEARING:* Remains as assigned January 24, 1961, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 37, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 111045 (Sub No. 10), filed January 9, 1961. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street, NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles; (a) from Terminals on the Trans Southern Pipe line in Alabama to points in Alabama and Georgia. (b) From Terminals on the Trans Southern Pipe line in Georgia to points in Alabama, Florida, Georgia, South Carolina, and Tennessee. (c) From Terminals on the Trans Southern Pipe line in South Carolina to points in Georgia, North Carolina, and South Carolina. (d) From Terminals on the Trans Southern Pipe line in North Carolina to points in Georgia, North Carolina, and South Carolina.

*HEARING:* January 30, 1961, at the Florida Railroad Commission, Tallahassee, Fla., before Examiner James I. Carr.

No. MC 111170 (Sub-No. 66), filed December 12, 1960. Applicant: WHEELING PIPE LINE, INC., P.O. Box 270, El Dorado, Ark. Applicant's attorney: Thomas Harper, Kelley Building, P.O. Box 297, Fort Smith, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as defined in Appendix XIII to Descriptions in Motor Carrier Certificates, 61 M.C.C. 209–296, in bulk, in tank vehicles, (1) from points in Union County, Ark., to points in Missouri, and points in Harris and Galveston, Counties, Tex.; (2) from Port Arthur, Tex., to points in Arkansas; (3) from points in Harris and Galveston Counties, Tex., to points in Arkansas and Tennessee; (4) from Hawkins, Tex., to points in Warren and Washington Counties, Miss.; (5) from points in Union and Columbia Counties, Ark., and points in Claiborne, Webster, and Caddo Parishes, La., to Port Arthur, Tex.; (6) from Helena, Ark., to points in Mississippi, on and north of U.S. Highway 80; (7) from El Dorado, Ark., to points in Louisiana south of U.S. Highway 84, except points within 150 miles of Henderson, Tex., and except liquified petroleum products and (8) from West Port Arthur, Tex., to Poplar Bluff, Mo.

*HEARING:* March 30, 1961, in the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Edith H. Cockrill.

No. MC 111397 (Sub No. 38), filed December 27, 1960. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Box 1282, Avondale Station, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal spray oils, lubricating oils and residual fuel oils*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Illinois, on and south of U.S. Highway No. 50.

*HEARING:* March 23, 1961, in the Claridge Hotel, Memphis, Tenn., before Examiner Edith H. Cockrill.

No. MC 112063 (Sub No. 5), filed November 9, 1960. Applicant: P.I.&I. MOTOR EXPRESS, INC., 836 South Irvine Avenue, Masury, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* usually dealt in by wholesale food houses and *materials* and *supplies*, incidental to such business, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, between New Brighton and Sharon, Pa., on the one hand, and, on the other, points in Illinois, on and north of U.S. Highway 40; and points in Indiana, on and north of U.S. Highway 50; points in Ohio, on and north of U.S. Highway 50, and points in Wisconsin, on and south of U.S. Highway 10.

*HEARING:* March 8, 1961, in the New Federal Building, Pittsburgh, Pa., before Examiner Samuel C. Shoup.

No. MC 112070 (Sub-No. 7), filed October 21, 1960. Applicant: GRAY MOVING & STORAGE, INC., 1255 South Pearl Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, New Jersey, Ohio, Oklahoma, Pennsylvania, South Dakota, Tenneseee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming.

NOTE: Applicant is seeking authority to perform non-radial service between points in all states in which it presently holds either radial or non-radial authority. Upon the granting of this application it will cancel all present household goods authority.

*HEARING:* March 15, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner William N. Culbertson.

No. MC 112446 (Sub No. 31), filed November 10, 1960. Applicant: REFINERS TRANSPORT, INC., 1300 51st Avenue, North, Nashville, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly Ash in bulk*, in hopper and/or tank type vehicles, from the plant sites of the Tennessee Valley Authority located in Alabama, Kentucky, and Tennessee to points in Alabama, Kentucky, and Tennessee.

*HEARING:* March 21, 1961, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 284.

No. MC 112446 (Sub No. 32), filed November 21, 1960. Applicant: REFINERS TRANSPORT, INC., 1300 51st Avenue, North, Nashville, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard*, in bulk, in tank vehicles, from Nashville, Tenn., to points in Kentucky and Virginia.

*HEARING:* March 15, 1961, in the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 277, or, if the Joint Board waives its right to participate, before Examiner Edith H. Cockrill.

No. MC 112497 (Sub No. 168), filed October 3, 1960. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Anniston, Ala., to points in Florida.

*HEARING:* March 24, 1961, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 99.

No. MC 112497 (Sub No. 171), filed December 12, 1960. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Mr. Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid*, in bulk, in tank vehicles, from East Point, Ga., to points in Alabama and Tennessee.

*HEARING:* March 15, 1961, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 239.

No. MC 112497 (Sub No. 172), filed December 12, 1960. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rosin sizings and synthetic resins*, in bulk, in tank vehicles, from Mobile, Ala., to Cantonment, Fla.

*HEARING:* March 22, 1961, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 98.

No. MC 112497 (Sub No. 173), filed December 29, 1960. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, in bulk, in tank vehicles, from Mobile, Ala., to Counce, Tenn., and points within ten miles thereof.

*HEARING:* March 22, 1961, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 110.

No. MC 112798 (Sub No. 3), filed December 12, 1960. Applicant: BADGETT TRUCKING CO., a corporation, 4301 Kanawha Turnpike, South Charleston, W. Va. Applicant's attorney: Ernie Adamson, Aspen Hill, Middleburg, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery* and *commodities requiring special equipment to load or unload;* between points in West Virginia, Pennsylvania, Ohio, Kentucky, Virginia, North Carolina, and Maryland within 150 airline miles of South Charleston, W. Va.

*HEARING:* March 22, 1961, in the City Council Chamber, City Hall, 501 Virginia Street East, Charleston, W. Va., before Examiner Samuel C. Shoup.

No. MC 113336 (Sub No. 42), filed January 10, 1961. Applicant: PETROLEUM TRANSIT COMPANY, INC., Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles; (a) from Terminals on the Trans Southern Pipe line in Alabama to points in Alabama and Georgia. (b) From Terminals on the Trans Southern Pipe line in Georgia to points in Alabama, Florida, Georgia, South Carolina, and Tennessee. (c) From Terminals on the Trans Southern Pipe line in South Carolina to points in Georgia, North Carolina, and South Carolina. (d) From Terminals on the Trans Southern Pipe line in North Carolina to points in Georgia, North Carolina, and South Carolina.

NOTE: Common control may be involved.

*HEARING:* January 30, 1961, at the Florida Railroad Commission, Tallahassee, Fla., before Examiner James I. Carr.

No. MC 113388 (Sub No. 31), filed December 19, 1960. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Bridgeville, Del. Applicant's attorney: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* from Morgantown, Pottstown, and Boyertown, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, and the District of Columbia.

*HEARING:* February 23, 1961, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 114091 (Sub No. 34), filed December 19, 1960. Applicant: DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South Seventh Street, Louisville, Ky. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in hopper and tank type vehicles; from the site of plants of the Tennessee Valley Authority located in Alabama, Kentucky, and Tennessee, to points in Alabama, Kentucky, and Tennessee.

*HEARING:* March 21, 1961, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 284.

No. MC 114091 (Sub No. 35), filed January 6, 1961. Applicant: DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South Seventh Street, Louisville, Ky. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petroleum naphtha) and (except asphalt and asphaltic derivatives from Columbia Park, Ohio) in bulk, in tank vehicles, from points in Hamilton County, Ohio, to points in Kentucky west of U.S. Highway 31-W (except points in Jefferson County, Ky.).

*HEARING:* January 24, 1961, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 37, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 114091 (Sub No. 36), filed January 10, 1961. Applicant: DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South Seventh Street, Louisville, Ky. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from terminals on the Trans Southern Pipe Line (1) in Alabama, to points in Mississippi, Alabama, Florida, Georgia, Tennessee, North Carolina, and Kentucky; (2) in Georgia, to points in Alabama, Florida, Georgia, South Carolina, Tennessee, and North Carolina; (3) in South Carolina, to points in North Carolina, South Carolina, Georgia, Tennessee, and Florida; (4) in North Carolina, to points in Georgia, South Carolina, North Carolina, Virginia, and Tennessee; (5) in Virginia, to points in North Carolina, Tennessee, Virginia, and West Virginia and (6) in Louisiana, to points in Mississippi, Louisiana, Alabama, and Arkansas.

*HEARING:* January 30, 1961, at the Florida Railroad Commission, Tallahassee, Fla., before Examiner James I. Carr.

No. MC 114529 (Sub No. 4), filed November 14, 1960. Applicant: TRAVELERS MOTOR FREIGHT, INC., 42–38th Street, Wheeling, W. Va. Applicant's attorney: John D. Herbert, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, in truckloads only, between points in Ohio, on the one hand, and, on the other, Newark, N.J., and points in New Jersey and New York within thirty miles of Newark, N.J., by eliminating the present Gateway of Marshall County, W. Va.

NOTE: The purpose of this application is to eliminate the Marshall County, W. Va., gateway, thereby making it possible for applicant to travel directly from the Ohio area via the turnpike in Ohio, Pennsylvania, and New Jersey to the Newark, N.J., area. Applicant is now authorized to transport general commodities (usual exceptions), in truckloads only, between all points in Ohio, on the one hand, and on the other, points in Marshall County, W. Va., and is further authorized to transport general commodities (usual exceptions) from Marshall County, W. Va., on the one hand, and, on the other, points in Newark, N.J., and points in New Jersey and New York within thirty miles of Newark, N.J. Applicant is presently transporting substantial amounts of traffic between these areas through the Marshall County gateway in effective competition with other carriers, and desires to eliminate said gateway and operate over the turnpikes for the improvement of safety and operating economy.

*HEARING:* March 14, 1961, in the New Post Office Building, Columbus, Ohio, before Examiner Samuel C. Shoup.

No. MC 115732 (Sub No. 6), filed January 10, 1961. Applicant: FRANK C. MARTIN, doing business as MARTIN PROPANE TRANSPORT, 517 Chancery Street, McMinnville, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from terminals on the Trans Southern Pipe Line, (1) in Alabama, to points in Mississippi, Alabama, Florida, Georgia, Tennessee, North Carolina, and Kentucky; (2) in Georgia, to points in Alabama, Florida, Georgia, South Carolina, Tennessee, and North Carolina; (3) in South Carolina, to points in North Carolina, South Carolina, Georgia, Tennessee, and Florida; (4) in North Carolina, to points in Georgia, South Carolina, North Carolina, Virginia, and Tennessee; (5) in Virginia, to points in North Carolina, Tennessee, Virginia, and West Virginia, and (6) in Louisiana, to points in Mississippi, Louisiana, Alabama, and Arkansas.

*HEARING:* January 30, 1961, at the Florida Railroad Commission Tallahassee, Fla., before Examiner James I. Carr.

No. MC 117119 (Sub No. 13), filed October 19, 1960. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C., and John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hammond, La., to points in Colorado, Idaho, Michigan, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming; Van Buren, Springdale, and Fayetteville, Ark., and Carthage, Mo.

*HEARING:* March 28, 1961, in the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Edith H. Cockrill.

No. MC 117119 (Sub No. 14), filed November 4, 1960. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C., and John H. Joyce, Esq., 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *frozen poultry*, from Fayetteville, Fort Smith, Dardanelle, Clarksville, Johnson, Berryville, Bentonville, Little Rock, Rodgers, Siloam Springs, and Springdale, Ark., and Carthage and Marionville, Mo., to points in Wisconsin and Minnesota, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

*HEARING:* March 29, 1961, in the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Edith H. Cockrill.

No. MC 117119 (Sub No. 15), filed December 23, 1960. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C., and John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and frozen poultry*, from Fayetteville, Fort Smith, Dardanelle, Clarksville, Johnson, Berryville, Bentonville, Little Rock, Rodgers, Siloam Springs, and Springdale, Arkansas, and Carthage, and Marionville, Mo., to points in Indiana, Kentucky, Michigan, and Ohio, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, on return.

*HEARING:* March 7, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner William N. Culbertson.

No. MC 117344 (Sub No. 61), filed November 4, 1960. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, paints, resins, varnishes and surface coating compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Missouri, *empty containers or other such incidental facilities*, used in transporting the above-specified commodities, on return.

*HEARING:* March 13, 1961, in the New Post Office Building, Columbus, Ohio, before Examiner Samuel C. Shoup.

No. MC 117765 (Sub No. 10), filed December 5, 1960. Applicant: HAHN TRUCK LINE, INC., 210 East Sixth Street, P.O. Box 852, South Hutchinson, Kans. Applicant's attorney: Rufus H. Lawson, P.O. Box 7342, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cereal malt beverages* and *advertising matter*, (a) from Chicago, Ill., to points in Kansas except Great Bend, Hutchinson, Liberal, and Wichita. (b) From Belleville, Ill., to points in Kansas except Hutchinson, Great Bend, and Wichita. (c) From Milwaukee, Wis., South Bend, Ind., and points in the Minneapolis-St. Paul, Minn., Commercial Zone to points in Kansas, and *empty containers and pallets*, on return, in connection with (a), (b), and (c) above. (2) *Bailing or binding wire* and *baler or binder twine*, in packages, from Galveston and Houston, Tex., to points in Iowa, Kansas, Minnesota, Nebraska, Oklahoma, and South Dakota. (3) *Fertilizer*, dry, in bulk or in packages, from Texas City, Tex., and within a 10 mile radius thereof, and Houston, Tex., to points in Iowa, Kansas, Minnesota, Nebraska, Oklahoma, and South Dakota. (4) *Plasterboard* (fibre board, felt or fibre and plaster combined), loose or in packages, from Fort Dodge, Iowa, to points in Kansas and Nebraska.

*HEARING:* March 23, 1961, at the Hotel Lassen, Wichita, Kans., before Examiner William N. Culbertson.

No. MC 117865 (Sub No. 1) (CORRECTION), filed November 23, 1960, published in the FEDERAL REGISTER issue of December 29, 1960. Applicant: ERIC LORENTZEN, 5 Beacon Road, Hull, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from Baltimore, Md., to Worcester and Brockton, Mass., and Manchester, N.H., and (2) from Weehawkin, N.J., and New York, N.Y., to Manchester, N.H., and *exempt commodities* of (1) and (2) above, on return.

NOTE: The purpose of this republication is to correct the spelling of Weehawkin, N.J., in (2) above.

*HEARING:* Remains as assigned February 8, 1961, at the New Post Office and Court House Building, Boston, Mass., before Examiner Alton R. Smith.

No. MC 118142 (Sub No. 4), filed November 17, 1960. Applicant: M. BRUENGER & CO., INC., 400 East 21st Street, Wichita, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, packing house products and commodities used by packing houses*, as defined by the Commission in Appendix I *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272–273, as modified in 61 M.C.C. 766, in peddle services in vehicles equipped with temperature control devices and meat racks and rails, between Arkansas City, Kans., and Amarillo and Lubbock, Tex., and points within a 50 mile radius of Gallup, Albuquerque, and Santa Fe, N. Mex., and points within a 50-mile radius of Phoenix and Tuscon, Ariz., and San Pedro, San Diego, Los Angeles, and San Francisco Commercial Zone, Calif., and Portland, Oreg., and Seattle and Spokane, Wash.

*HEARING:* March 20, 1961, at the Hotel Lassen, Wichita, Kans., before Examiner William N. Culbertson.

No. MC 118661 (Sub No. 2), filed December 19, 1960. Applicant: HERMAN R. EWELL, INC., East Earl (Lancaster County), Pa. Applicant's attorney: Andrew Wilson Green, Pennsylvania State Chamber of Commerce Building, 222 North Third Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, frozen dairy products*, and *frozen desserts*, in vehicles equipped with mechanical refrigeration, under continuing contracts with Hershey Creamery Company, Harrisburg, Pa.; from Harrisburg, Pa., to Schenectady, N.Y., and *empty containers or other such incidental facilities*, used in transporting

the above-described commodities, on return.

NOTE: Applicant presently holds common carrier authority in MC-114123 and Subs thereunder, therefore dual operations may be involved.

*HEARING:* February 20, 1961, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Maurice S. Bush.

No. MC 118831 (Sub No. 12), filed January 12, 1961. Applicant: Central Transport, Incorporated, P.O. Box 5044, High Point, N.C. Applicant's attorney: Francis W. McInerny, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, (1) from terminals on the Trans Southern Pipe line in Georgia to points in Alabama, Florida, Georgia, South Carolina, and Tennessee; (2) from terminals on the Trans Southern Pipe line in South Carolina to points in Georgia, North Carolina, and South Carolina; and (3) from terminals on the Trans Southern Pipe line in North Carolina to points in Georgia, North Carolina, and South Carolina.

*HEARING:* January 30, 1961, at the Florida Railroad Commission, Tallahassee, Fla., before Examiner James I. Carr.

No. MC 119256 (Sub No. 3), filed November 16, 1960. Applicant: PETROLEUM TRANSIT CORPORATION OF SOUTH CAROLINA, Hardeeville, S.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in tank vehicles from Port Wentworth, Ga., to Chattanooga, Tenn., and points within ten miles thereof, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* March 16, 1961, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 238.

No. MC 119637 (Sub No. 1) (AMENDMENT), filed November 15, 1960, published in the FEDERAL REGISTER issue of December 29, 1960. Applicant: SILVER BROS. CO., INC., 177 Granite Street, Manchester, N.H. Applicant's attorney: G. Marshall Abbey, Forty Stark Street, Manchester, N.H. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Syrups and nonalcoholic carbonated beverages*, in bottles and cans, *ingredients* used in the manufacture thereof, in containers, and *miscellaneous materials and supplies, consisting of containers, partitions, caps, labels, bottling machine parts and advertising materials and displays*, between Manchester, N.H., and points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey. Applicant states the proposed service shall be performed under a continuing contract or contracts with Cott Bottling Co., Inc., Cott Pure Fruit Syrup Corp., and Cott Bottling Co. of Portland, Inc., Cott Bottling Co. of Somerville, Mass., Inc., Cott Bottling Co., of New Jersey, Inc., and American Dry Beverage Corporation, all of Manchester, N.H.

NOTE: The purpose of this republication is (1) to add three additional shippers, (2) confirm that the proposed operations are non-radial and (3) advise that applicant has pending a proceeding in MC 119637 which duplicates, in part, the above-described operations.

*HEARING:* Remains as assigned February 9, 1961, at the New Hampshire Public Service Commission, Concord, N.H., before Examiner Alton R. Smith.

No. MC 119793 (REPUBLICATION-CLARIFICATION), filed May 16, 1960, published in the FEDERAL REGISTER issue of August 24, 1960, and republished November 16 and 30, 1960. Applicant: DEWEY WILFONG, FOREST G. WETZEL, RALPH ROY, BLAINE NESTOR, AND ERNEST NESTOR, a partnership, doing business as WWRN COMPANY, 7 North Main Street, Philippi, W. Va. Applicant's attorney: Pual B. Ware, Philippi, W. Va. As clarified and amended in this republication applicant seeks authority to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, retail and chain grocery and food business houses, from points in Fayette and Westmoreland Counties, Pa., to Elkins (Randolph County), Parsons (Tucker County), Harmon (Randolph County), and Philippi (Barbour County), W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

*CONTINUED HEARING:* Remains as assigned January 25, 1961, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Frank J. Mahoney.

No. MC 123080 (REPUBLICATION), published in the FEDERAL REGISTER issue of October 26, 1960. Applicant: HET CARRIERS, INC., 601 Commerce Road, Linden, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. As originally filed applicant sought authority as a contract carrier, by motor vehicle, over irregular routes, transporting: Glued laminated and solid timber structural members, products, prefabricated wooden buildings, and equipment or accessories moving with these products, to construction projects of churches, residences, farm buildings, industrial and commercial warehouses; (1) from Linden, N.J., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, and returned and rejected shipments, on return; and (2) between points in the above States only from rail sidings to which there has been a prior movement of these commodities by rail.

NOTE: Applicant states the above operations will be under a continuing contract with Rilco Laminated Products, a division of Weyerhauser Company. At the hearing held November 30, 1960, at Washington, D.C., before Hearing Examiner A. Lane Cricher, the application was amended to enlarge the scope of the authority sought. A Report and Order, served January 5, 1961, finds applicant fit, willing, and able properly to perform operations as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, under a continuing contract with Rilco Laminated Products, a division of Weyerhauser Company, transporting: *Glued, laminated and/or solid timber structural members, prefabricated wooden buildings*, and *equipment or accessories moving with these commodities*, (1) from Linden, N.J., to points in Connecticut, Delaware, Main, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; (2) between points in the destination territory described in (1) above restricted to the transportation of said commodities which have had an immediately prior movement by rail; (3) *returned shipments of said commodities* from points in the destination territory described in (1) above to Linden, N.J., will be consistent with the public interest and the national transportation policy. The purpose of this republication is to advise that any person or persons who might have been prejudiced by the allowance of the amendment may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 123177, filed October 31, 1960. Applicant: J. F. HUTCHISON AND W. N. WILKERSON, doing business as H & W CARRIERS, P.O. Box 7126, 3400 Democrat Road, Memphis 18, Tenn. Applicant's attorney: Charles M. Crump, Exchange Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and pipe fittings*, from Memphis, Tenn., to points in Alabama, Arkansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, (2) *polyethylene and other plastic resins* from Longview, Houston, Baytown, Freeport, and Orange, Tex., Baton Rouge, La., and Kingsport, Tenn., to Memphis, Tenn. and (3) *portable water coolers and portable ice chests*, from Houston, Tex., to Memphis Tenn., and to points in Arkansas, Louisiana, and Mississippi, and points in Texas east of U.S. Highway 65, and to Fort Worth, Tex.

*HEARING:* March 23, 1961, in the Claridge Hotel, Memphis, Tenn., before Examiner Edith H. Cockrill.

No. MC 123238, filed November 28, 1960. Applicant: ROBERT GRIM, doing business as ROBERT GRIM WELDING COMPANY, 1415 Brookdale Avenue, East Palestine, Ohio. Applicant's attorney: James R. Allison, Madden Building, East Palestine, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used tractors* in secondary movements, by the truckaway method, to be used as replacements for wrecked or disabled tractors and *used trailers or used semi-trailers* to be used as replacement for wrecked, damaged or disabled trailers or semi-trailers; *wrecked, or disabled motor vehicles, including wrecked or disabled trailers or semi-trailers;* and *motor vehicle parts, accessories, supplies, and materials*, moving in wrecker equipment for use in connection with the repairing and reconditioning of damaged, disabled, or wrecked motor vehicles, trailers, and semi-trailers; between points in Hancock, Brooke, Marshall, Wetzel, Monongalia, Preston, Marion, Tyler, Pleasants, Harrison, Taylor, Doddridge, Ritchie, Wood, Wirt, Jackson, Roane, Calhoun, Kanawha, Putnam, Lincoln, Wayne, Cabell, and Mason Counties, W. Va., Erie, Crawford, Mercer, Lawrence, Beaver, Washington, Greene, Warren, Forest, Clarion, Armstrong, Westmoreland, Fayette, Somerset, Venango Counties, Pa., and Columbiana, Mahoning, Trumbull, Ashtabula, Geauga, Cuyahoga, Portage, Stark, Summit, Wayne, Ashland, Holmes, Tuscarawas, Coshocton, Knox, Harrison, Lorain, Huron, Richland, Licking, Franklin, Fairfield, Muskingum, Guernsey, Belmont, Noble, Monroe, Washington, Jefferson, and Carroll Counties, Ohio.

*HEARING:* March 7, 1961, in the New Federal Building, Pittsburgh, Pa., before Joint Board No. 59, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 123252 (CORRECTION) filed December 1, 1960, published in the FEDERAL REGISTER issue of December 21, 1960. Applicant: DOMINICK FARACI, doing business as BRUNSWICK FUEL OIL CO., 836 Ridgewood Avenue, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used crankcase oil (waste)*, in bulk, by tank trailer; from Astoria, Long Island, N.Y., Barryville (Narrowsburg), N.Y., Nassau, N.Y., and Glenmont, N.Y., to Morganville, N.J.

NOTE: The purpose of this republication is to correctly set forth the authority sought as described above.

*HEARING:* Remains as assigned January 23, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 123256, filed December 5, 1960. Applicant: MESSENGER SERVICE, INC., 421 Market Street, Parkersburg, W. Va. Applicant's attorney: Gwynne B. Myers, Leveque Lincoln Towers, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Documents and articles of rare or intrinsic value*, including but not restricted to *monies, bullion, legal tender, stocks, bonds, negotiable and non-negotiable instruments and securities, postage, revenue stamps, precious metals and jewels* and *such other commodities as require special protection by guards in armored vehicles while in transit*, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities; between points in Washington, Meigs, and Athens Counties, Ohio, and the City of Parkersburg, W. Va., and points within a radius of sixty miles from Parkersburg, W. Va.

*HEARING:* March 21, 1961, in the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 61, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 123304 filed December 20, 1960. Applicant: SOUTHERN COURRIERS, INC., 1316 North Carroll Street, Dallas, Tex. Applicant's attorney: Ewell H. Muse, Suite 415, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commercial papers, documents and written instruments* (except currency, coin and bullion) as are used in the businesses of banks and banking institutions; between points in Arkansas, those in Mississippi on and north of U.S. Highway 80, those in Missouri on and south of Missouri Highway 84 and Memphis, Tenn. (2) *Exposed and processed photographic film and prints* (other than for commercial, theatre or television exhibition), *complimentary replacement film* and *incidental supplies* used in and for shipping said film; between points in Arkansas, those in Mississippi on and north of U.S. Highway 80, those in Missouri on and south of Missouri Highway 84 and points in Tennessee.

NOTE: Common control may be involved.

*HEARING:* March 24, 1961, in the Claridge Hotel, Memphis, Tenn., before Examiner Edith H. Cockrill.

No. MC 123331, filed December 27, 1960. Applicant: GEORGE A. SOLOMON AND GEORGE TESLOVICH, doing business as SOLOMON & TESLOVICH, Box 768, Masontown, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke ashes*, in bulk, in dump vehicles, from points in Fayette County, and Westmoreland County, Pa., to Weirton, W. Va.

*HEARING:* February 21, 1961, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

## MOTOR CARRIERS OF PASSENGERS

No. MC 110373 (Sub No. 5), filed December 29, 1960. Applicant: NORTHEAST COACH LINES, 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers between Cedar Grove, and Cedar Grove, N.J., from junction Bradford Avenue and Pompton Avenue, also known as New Jersey Highway 23 in Cedar Grove, over New Jersey Highway 23 to junction Ridge Road in Cedar Grove, thence over Ridge Road to junction Bradford Avenue and Ridge Road in Cedar Grove and return over the same routes, serving all intermediate points.

NOTE: The above described service is proposed as an extension of the applicant's existing service between Cedar Grove, N.J., and New York, N.Y., as authorized.

*HEARING:* February 27, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 111504 (Sub No. 4), filed December 28, 1960. Applicant: STARR TRANSIT CO., INC., 50 North Johnson Avenue, Trenton, N.J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between Levittown and Wrightstown, N.J., serving all intermediate points; from the junction of Levittown Parkway and Newportville-Fallsington Road in Levittown, over Levittown Parkway to junction U.S. Highway 13, thence over U.S. Highway 13, through Bristol, Pa., to junction Pennsylvania Highway 413, thence over Pennsylvania Highway 413 across the Delaware River to junction New Jersey Highway 413, thence over New Jersey Highway 413 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction unnumbered highway (known as Jacksonville Road), thence over unnumbered highway (known as Jacksonville Road) to junction unnumbered highway (known as Monmouth Road), thence over unnumbered highway (known as Monmouth Road) to junction New Jersey Highway 68, thence over New Jersey Highway 68 to junction West Main Street in Wrightstown, thence over West Main Street to junction Fort Dix Street, and thence over Fort Dix Street, to Fort Dix entrance, and return over the same route.

*HEARING:* March 6, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 67.

## APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

### MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub No. 1769), filed January 3, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities moving in express service*, between Rochester, Minn., and Chatfield, Minn.; from Rochester over U.S. Highway 52 to Chatfield, and return over the same route, serving no intermediate points. RESTRICTIONS: (1) The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of express service. (2) Shipments transported by carrier shall be limited to those moving on a through bill of lading or express receipt. (3) Such further conditions as the Commission in the future may find necessary to impose in order to restrict carrier's operation to service which is auxiliary to or supplemental of express service.

No. MC 66562 (Sub No. 1770), filed January 5, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities moving in express service*, between Olivia, Minn., and Redwood Falls, Minn.; from Olivia over

U.S. Highway 71, to Redwood Falls, and return over the same route, serving the intermediate point of Morton, Minn. RESTRICTIONS: (1) The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, air or railway express service. (2) Shipments transported by said applicant shall be limited to those moving on through bills of lading or express receipt. (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict the carrier's operations to service which is auxiliary to, or supplemental of, express service.

No. MC 76993 (Sub No. 21), filed December 27, 1960. Applicant: EXPRESS FREIGHT LINES, INC., 4600 West Burnham Street, Milwaukee 46, Wis. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of Kelsey-Hayes Company, Romulus Plant, Huron River Drive and Northline Road, Romulus Township, Mich., as an off-route point in connection with applicant's presently authorized regular route operations between Milwaukee, Wisconsin, and Detroit, Mich.

No. MC 110117 (Sub No. 19), filed December 30, 1960. Applicant: KENDRICK CARTAGE CO., a corporation, Box 63, Salem, Ill. Applicant's attorney: Thomas F. Kilroy, Suite 610, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Benzol forerunnings*, in bulk, in tank vehicles, from Milwaukee, Wis., to Terre Haute, Ind.; (2) *creosote oil*, from Memphis, Tenn., to Terre Haute, Ind.; (3) *tar oil*, from Terre Haute, Ind., to Chicago, Ill., and (4) *coal tar distillate*, from Chicago, Ill., to Terre Haute, Ind.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier * * *. In No. MC 110117 (Sub No. 8).

### NOTICE OF FILING OF PETITION

No. MC 115577 (Sub No. 2) (PETITION FOR ADDITION OF SHIPPER TO PRESENT PERMIT, embracing MC–F–7650). Petitioner: SCHWERMAN TRUCKING CO. OF ILL., INC., Milwaukee, Wis. Petitioner's attorney: James R. Ziperski (same address as petitioner). Permit issued November 2, 1959, authorizes transportation as follows: Irregular routes: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the plant site of the Standard Oil Company of Indiana located near Elk Grove, Ill., to points in Wisconsin, with no transportation for compensation on return except as otherwise authorized. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Standard Oil Company of Indiana. The subject petition seeks to add an additional shipper. Any person or persons desiring to oppose the addition, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

### MOTOR CARRIERS OF PROPERTY

No. MC–F–6408 (AMENDMENT TO APPLICATION) MIDWEST TRANSFER CO. OF ILLINOIS—CONTROL—CHAMBERLAND'S EXPRESS, INC. Notice previously published in the October 3, 1956, issue of the FEDERAL REGISTER on page 7590. In a petition for reconsideration, filed January 4, 1961, of the report and order of November 1, 1960, by Division 4, applicants seek leave to amend the application under section 5 so as to seek, in addition to the acquisition of control through stock ownership, the merger of the operating rights and property of CHAMBERLAND'S EXPRESS, INC., into MIDWEST TRANSFER CO. OF ILLINOIS, for ownership, management, and operation.

Nos. MC–F–6938 (AMENDMENTS TO THE APPLICATIONS), (MIDWEST TRANSFER CO. OF ILLINOIS—CONTROL—SERVICE TRANSFER & STORAGE, INC.), and MC–F–7026 (MIDWEST TRANSFER CO. OF ILLINOIS—CONTROL—PURITAN TRANSPORTATION CO., INC.), published in the June 25, 1958, and November 5, 1958, issues of the FEDERAL REGISTER on pages 4665 and 8648, respectively. In a petition for reconsideration, filed January 9, 1961, of the report and order of November 2, 1960, by Division 4, applicants seek leave to amend the applications under section 5 so as to seek, in addition to the acquisition of control through stock ownership, the merger of the operating rights and property of SERVICE TRANSFER & STORAGE, INC., and PURITAN TRANSPORTATION CO., INC., into MIDWEST TRANSFER CO. OF ILLINOIS for ownership, management, and operations.

No. MC–F–7500 (EDWARD DAVIS—PURCHASE (PORTION)—VIRGINIA STAGE LINES, INC.), published in the April 20, 1960, issue of the FEDERAL REGISTER on page 3452. Amendment filed December 21, 1960, for substitution of BLACK & WHITE TRANSIT COMPANY, INC., Grundy, Va., as vendee in lieu of EDWARD DAVIS, doing business as BLACK & WHITE TRANSIT COMPANY, INC.

No. MC–F–7762. Authority sought for purchase by GRUBB MOTOR LINES, INC., Old Salisburg Road, P.O. Drawer 567, Lexington, N.C., of a portion of the operating rights of W. H. T. SQUIRES, doing business as HENDERSON BONDED LINES, U.S. Highway 1–A Raleigh Road, P.O. Box 488, Henderson, N.C., and for acquisition by J. C. GLOBSON and A. H. ALEXANDER, Drawer 567, Lexington, N.C., of control of such rights through the purchase. Applicants' attorneys: James E. Wilson and Edward G. Villalon, Wilson, Woods & Villalon, 716 Perpetual Building, Washington 4, D.C. Operating rights sought to be transferred: *New, used and reconditioned furniture, store fixtures, and store display equipment*, as a *common carrier* over irregular routes, between Henderson and Statesville, N.C., on the one hand, and, on the other, points in Georgia, South Carolina, and Virginia, restricted against service from Richmond and Norfolk, Va., to Henderson, N.C. Vendee is authorized to operate as a *common carrier* in Virginia, North Carolina, New York, Maryland, New Jersey, Delaware, Pennsylvania, South Carolina, Georgia, Florida, Kentucky, Tennessee, Ohio, Rhode Island, Massachusetts Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7763. Authority sought for purchase by TUCKER FREIGHT LINES, INC., 1415 South Olive Street, South Bend 21, Ind., of the operating rights and certain property of SUPERIOR FREIGHT LINES, INC., 2222 West Sample Street, South Bend 21, Ind., and for acquisition by SAMUEL RAITZIN and SHIRLEY RAITZIN, both of 1415 South Olive Street, South Bend, Ind., of control of such rights and property through the purchase. Applicant's attorney and representative respectively: Ferdinand Born, 1019 C of C Building, Indianapolis, Ind., and Samuel Raitzin, 1415 South Olive Street, South Bend, Ind. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Chicago, Ill., and Jackson, Mich.; between South Bend, Ind., and Benton Harbor, Mich.; between Niles, Mich., and junction U.S. Highway 12; between Lawton, Mich., and junction U.S. Highway 12 at Benton Harbor; between Lawton, Mich., and Portage, Mich., between Elkhart, Ind., and junction Michigan Highway 205 and U.S. Highway 12; between Kalamazoo, Mich., and junction U.S. Highways 131 and 112; between Battle Creek, Mich., and junction Michigan Highways 78 and 60; between Marshall, Mich., and Coldwater, Mich.; between New Buffalo, Mich., and Jackson, Mich.; between Dowagiac, Mich., and Benton Harbor, Mich.; between junction U.S. Highway 12 and Indiana Highway 212 and junction U.S. Highway 20 and Indiana Highway 212; between Niles, Mich., and Mottville, Mich. Service is authorized to and from all intermediate points, and the off-route points of Baroda and Buchanan, Mich., and points within four miles of Jackson, Mich., and points within the CHICAGO, Ill., COMMERCIAL ZONE, as defined by the Commission in 1 M.C.C. 673. Castings and *forgings*, Service is authorized from Batavia and Westmont, Ill., as off-route points in connection with the above-authorized regular route operations, restricted to traffic moving to Buchanan and Battle Creek, Mich.; service is authorized over several alternate regular routes, for operating convenience only. *General commodities*, with exceptions as specified above, over *irregular routes* from points on the above-specified routes in Section A to points in that part of Michigan bounded by a line beginning at New Buffalo, Mich., and extending along U.S. Highway 112 to Three Oaks, Mich., thence along unnumbered Michigan Highway to junction U.S. Highway 12, to Paw Paw, Mich., thence along Michigan Highway 119 to Lawton, Mich., thence along unnumbered highway via Mattawan, Mich., to junction U.S. Highway 12, thence along U.S. Highway 12 to Kalamazoo, Mich., thence over U.S. Highway 131 to junction U.S. Highway 112, and thence over U.S. Highway 112 to point of beginning. *General commodities*, with exceptions as specified above, and except livestock, between Chicago, Ill., on the one hand, and, on the other, points in Illinois and Indiana within 45 miles of the intersection of State and Madison Streets, Chicago, Ill., except Hammond, Whiting, East Chicago, Gary, and Michigan City, Ind. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, Michigan, and Ohio. Authority has not been filed for temporary application under section 210a(b).

No. MC–F 7764. Authority sought for purchase by McNAMARA MOTOR EXPRESS, INC., 433 East Parsons Street, Kalamazoo, Mich., of the operating rights of LAKE MOTOR FREIGHT LINES, INC., 2222 West Sample Street, South Bend, Ind., and for acquisition by LEE ELKINS, 433 E. Parsons Street, Kalamazoo, Mich., of control of such rights through the purchase. Applicant's attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a *common carrier* over regular routes, between Sandusky, Ohio, and Toledo, Ohio, authorized to serve all intermediate points and off-route points in Ottawa County, Ohio. *General commodities*, excepting, among others, commodities in bulk and household goods, between Detroit, Mich., and Chicago, Ill.; between Detroit, Mich., and Akron, Ohio; between Jackson, Mich., and Toledo, Ohio, serving the intermediate and off-route points of Akron, Toledo, and Cleveland, Ohio, and points and places within five miles of Cleveland restricted against traffic moving between any two points in Ohio other than said intermediate and off-route points on the one hand, and, on the other, points and places in Ottawa County, Ohio; Waukegan, North Chicago, and Joliet, Ill., and those in Cook and Du Page Counties, Ill., and Lake County, Ind., restricted to traffic moving to or from points east of Lake County, Ind., those intermediate points on the above-specified routes north and west of Toledo, Ohio, not including those on U.S. Highway 20 between Elkhart, Ind., and the Fulton-Lucas County line, Ohio, without restriction; intermediate and off-route points in Michigan within eight miles of Detroit without restriction; and Rossford, Ohio, without restriction. Service to and from Chicago, Ill., is restricted to traffic moving to or from points east of Lake County, Ind.; authority to serve the site of the Ford Motor Company Plant located at the northeast intersection of Mound Road and 17-Mile Road in Sterling Township, Macomb County, Mich., as an off-route point in connection with carrier's authorized regular-route operations to and from Detroit, Mich., and the commercial zone thereof. Service is also authorized to serve several other Ford Motor Company and General Motors Corporation plants in the Detroit, Mich., area in connection with carrier's authorized regular route operations. Service is authorized for serving several alternate regular routes for operating convenience only. *Iron and steel articles, iron and steel, and chemicals*, over irregular routes, from points and places authorized to be served in Section (B) to Rockford, Ill., *tomatoes and empty tomato containers*, between points and places in Lucas County, Ohio, on the one hand, and, on the other, points and places authorized to be served in Section (B), except that traffic is not authorized between points and places in Ohio. *Paper and paper products, chemicals, iron and steel, and iron and steel articles*, between Belvidere, Elgin, St. Charles, Aurora, and North Aurora, Ill., on the one hand, and, on the other, points and places authorized to be served in Section (B). The repetition of route description with respect to the highways over which operations are authorized herein is not to be construed as granting more than one operating right over said highways. Vendee is authorized to operate as a *common carrier* in Illinois, Michigan, Wisconsin, Indiana, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7765. Authority sought for purchase by LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 310, Fremont, Nebraska, of the operating rights and certain property of LIPSMAN-FULKERSON & COMPANY, 314 South 11th Street, Omaha, Nebraska, and for acquisition by THE EMERY TRANSPORTATION COMPANY, and MIDWEST TRANSFER COMPANY OF ILLINOIS, and in turn by MILTON D. RATNER, all of 7000 South Pulaski Road, Chicago, Ill., of control of such rights and property through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be transferred: *Meats, meat products, and meat byproducts* (except bones, hog skins, hoofs, horns, soap stock, tankage, and weasands), as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, as a *common carrier* over irregular routes from Madison and Prairie du Chien, Wis., Austin, Minn., and Davenport, Waterloo, Fort Dodge, Estherville and Storm Lake, Iowa, to San Diego, Los Angeles, San Jose, San Francisco, Stockton, and Sacramento, Calif., Portland, Oregon, and Tacoma, Auburn, Seattle, and Spokane, Wash.; from Dubuque, Iowa to points in Oregon and Washington; *turkeys*, dressed, from points in California, to points in Kansas, Missouri, Nebraska, Iowa, Illinois, and Minnesota; *frozen fruits* and *frozen vegetables*, from points in Oregon and Washington to points in Nebraska, Iowa, Kansas, and Missouri. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Kansas, California, Missouri, Michigan, Wisconsin, Minnesota, South Dakota, Nebraska, Montana, Nevada, Washington, Utah, Idaho, Kentucky, Oklahoma, Indiana, Colorado, New Mexico, Texas, and Arizona. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7766. Authority sought for control by ARTHUR De BEVOISE, De Bevoise Building, Bayside, N.Y., of the operating rights of SOUTHERN COURIERS, INC., 1316 North Carroll, Dallas 4, Texas. Applicants' attorney and representative respectively: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Texas; and J. K. Murphy, De Bevoise Building, Bayside, N.Y. Operating rights sought to be controlled: Authority applied for by SOUTHERN COURIERS, INC., in pending application (Docket Nos. MC–123304 and MC–123304 Sub–1) covering the transportation of *such commercial papers, documents and written instruments* (except currency, coin and bullion) as are used in the businesses of banks and banking institutions, as a *contract carrier* over irregular routes between points in Texas and certain points in Louisiana and Arkansas; between points in Jefferson, Orange, and Harris Counties, Texas, and points in Louisiana near the Louisiana-Mississippi State Line; between points in Rapides Parish, Louisiana, points in Louisiana in the vicinity of the Louisiana-Mississippi State Line, and certain points in Baldwin and Mobile Counties, Alabama, and Pensacola, Florida; between points in Arkansas, those in Mississippi on and north of U.S. Highway 80, those in Missouri on and south of Missouri Highway 84 and Memphis, Tennessee. *Exposed and processed photographic film and prints* (other than for commercial, theatre or television exhibition), *complimentary replacement film* and *incidental supplies* used in and for shipping said film, between points in Dallas and Tarrant Counties, Texas, and those in Louisiana on and north of U.S. Highway 84; between points in Louisiana near the Texas-Louisiana State line over several State Highways to points in the vicinity of the Louisiana-Mississippi State Line, and points in Baldwin and Mobile Counties, Alabama, and Pensacola, Florida; between points in Arkansas, those in Mississippi on and north of U.S. Highway 80, those in Missouri on and south of Missouri Highway 84 and points in Tennessee. *Sales audit media* consisting of *cash register tapes, charge sales and cash tickets, applications* and *other documents* involved in processing a day's

business for sales audit media, *payroll time sheets, employee personnel records, payroll checks* including recaps of time sheets and payroll records, between Houston, Texas, and Lake Charles, Louisiana. ARTHUR De BEVOISE holds no authority from this Commission. However, he controls ARMORED CARRIER CORPORATION, De BEVOISE Building, 222–17 Northern Boulevard, Bayside, N.Y., which is authorized to operate as a *contract carrier* in New York, New Jersey, Connecticut, Pennsylvania, Ohio, West Virginia, Massachusetts, Delaware, Maryland, Virginia, Rhode Island, Illinois, Iowa, Missouri, Indiana, Kentucky, Minnesota, Wisconsin, Maine, New Hampshire, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7767. Authority sought for purchase by HELM'S EXPRESS, INC., 1010 Lincoln Highway, West, Irwin, mailing: P.O. Box 268, Pittsburgh 30, Pa., of the operating rights and certain property of KEYSTONE TRANSFER CO., INC., 100 Scotland Street, Pittsburgh 12, Pa., and for acquisition by HARRY M. WERKSMAN, P.O. Box 269, Pittsburgh 30, Pa., of control of such rights and property through the purchase. Applicants' attorneys: Henry M. Wick, Jr., Delisi and Wick, 1515 Park Building, Pittsburgh 22, Pa., and Jerome Solomon, 1325 Grant Building, Pittsburgh 19, Pa. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes between Wheeling, W. Va., and Pittsburgh, Pa., serving all intermediate points; and all off-route points located within an area in Pennsylvania bounded by a line beginning at Clairton, Pa., and extending directly through Library, Bridgeville, Imperial, South Heights, Ambridge, Wexford, Tarentum, New Kensington, Trafford, and Versailles, Pa., and thence to Clairton, including points on said boundary line; between Wheeling, W. Va., and Dormont, Pa., serving all intermediate points; between Weirton, W. Va., and Pittsburgh, Pa., serving all intermediate and certain off-route points; from Weirton, W. Va., and East Liverpool, Ohio, serving all intermediate points; between Wheeling, W. Va., and East Liverpool, Ohio, serving all intermediate points and the off-route points of Dillonvale and St. Clairsville, Ohio; between Bridgeport, Ohio, and Marietta, Ohio, serving all intermediate points, and the off-route point of Neffs, Ohio; from Wheeling, W. Va., and Parkersburg, W. Va., serving all intermediate points; between Clarksburg, W. Va., and Elkins, W. Va., serving all intermediate points; between Parkersburg, W. Va., and Charleston, W. Va., serving all intermediate points; between Clarksburg, W. Va., and Norton, W. Va., serving all intermediate points; between junction U.S. Highway 50 and West Virginia Highway 77, and junction U.S. Highway 250 and West Virginia Highway 77, serving all intermediate points; between Washington, Pa., and Morgantown, W. Va., serving all intermediate points; between Washington, Pa., and Florence, Pa., serving all intermediate points; between Wheeling, W. Va., and Parkersburg, W. Va., serving all intermediate points; between Morgantown, W. Va., and Fairmont, W. Va., serving all intermediate points; between Morgantown, W. Va., junction U.S. Highway 250 and West Virginia Highway 7, serving all intermediate points; between Hundred, W. Va., and Waynesburg, Pa., serving all intermediate points; between junction U.S. Highway 250 and West Virginia Highway 89, and junction Pennsylvania Highways 18 and 21, serving all intermediate points. *General commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Columbus, Ohio, and Bridgeport, Ohio. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, West Virginia, Ohio, Connecticut, Massachusetts, and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7768. Authority sought for purchase by REED LINES, INC., 210 North Clinton Street, Defiance, Ohio, of a portion of the operating rights of ELMER G. BRAKE, doing business as BRAKE & COMPANY, North Fourth Street and Baltimore Avenue, Clarksburg, W. Va., and for acquisition by GLENN W. REED, 210 North Clinton Street, Defiance, Ohio, of control of such rights through the purchase. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *Glassware* and *glass containers*, as a *common carrier* over irregular routes from Washington, Pa., to points in Illinois and Michigan. Vendee is authorized to operate as a *common carrier* in Ohio, West Virginia, Illinois, Michigan, Indiana, Pennsylvania, Connecticut, Delaware, Kentucky, Massachusetts, Maryland, New Jersey, New York, Rhode Island, Virginia, Tennessee, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7769. Authority sought for purchase by JACK TURNER, JACK E. TURNER and E. E. TURNER, a partnership, doing business as TURNER BROS. TRUCKING CO., 5501 South Hattie, P.O. Box 4626, Oklahoma City, Okla., of the operating rights of PAUL HARVEY, doing business as PAUL HARVEY TRUCKING CO. (FAYE HARVEY, ADMINISTRATRIX), 1307 Roosevelt Street, Seminole, Okla. Applicants' attorney: Rufus H. Lawson, P.O. Box 7342, Oklahoma City, Okla. Operating rights sought to be transferred: *Machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a *common carrier*, over irregular routes, between points in Wyoming and Colorado, and between points in Wyoming and Colorado on the one hand, and, on the other, points in Oklahoma; *heavy machinery*, between points in Colorado and Wyoming. Vendee is authorized to operate as a *common carrier* in Colorado, Wyoming, Illinois, Nebraska, South Dakota, Missouri, Oklahoma, Kansas, Texas, Louisiana, New Mexico, and Mississippi. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–387; Filed, Jan. 17, 1961; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 24D–2293]

## CHAMPION VENTURES, INC.

### Order Vacating Order of Suspension

JANUARY 12, 1961.

Champion Ventures, Inc. (issuer), a Colorado corporation, 600 Mile High Center, Denver, Colorado, filed with the Commission on March 19, 1958, a notification on Form 1–A and an offering circular relating to an offering of 2,950,000 shares of its $0.001 par value stock at 10 cents per share for an aggregate of $295,000, and filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

The Commission on April 13, 1960, pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, ordered that the conditional exemption under Regulation A sought for the offering be temporarily suspended on the grounds that the terms and conditions of Regulation A had not been complied with in that the issuer had failed to file an accurate report of sales on Form 2–A as required by Rule 260, and had failed to cooperate with the Commission, within the meaning of Rule 261(a)(7) by failing to respond to staff letters regarding the filing.

Subsequent to the Commission's action temporarily suspending the exemption, an accurate report of sales on Form 2–A was filed with the Commission, which complies with the requirements of Rule 260.

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest for the protection of investor,

*It is ordered*, Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be, and hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–372; Filed, Jan. 17, 1961; 8:46 a.m.]



[File No. 24D–2269]

## KEY ATOMIC MINERALS CORP.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 12, 1961.

I. Key Atomic Minerals Corporation (issuer), a Nevada corporation, 830 North Institute Street, Colorado Springs, Colorado, filed with the Commission on November 18, 1957, a notification and offering circular relating to an offering of 150,000 shares of its 10 cents par value common stock at $2 per share, for an aggregate of $300,000 and filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer has:

1. Offered and sold its securities in jurisdictions other than those named in the notification;

2. Made use of an offering circular in a form other than that on file with the Commission;

3. Filed reports of sales on Form 2–A which do not accurately reflect the commissions paid on sale of its securities.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the acquisition of a mining lease and the terms of such lease;

2. The failure to disclose certain arrangements to purchase substantial blocks of stock in other corporations;

3. The failure to disclose that another corporation was exploring the company's properties;

4. The failure to disclose adequately the use to be made of the proceeds of the offering.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It is ordered, pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–373; Filed, Jan. 17, 1961; 8:46 a.m.]

# DEPARTMENT OF JUSTICE

## Office of Alien Property

## EMIL KLINKE

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Emil Klinke, Salagitter-Lebstadt, West Germany; $628.61 in the Treasury of the United States.

Claim No. 44964. Vesting Order No. 1852.

Executed at Washington, D.C., on January 10, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 61–385; Filed, Jan. 17, 1961; 8:47 a.m.]

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Washington, Thursday, January 19, 1961



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MAIN READING ROOM


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Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.



FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 26—INTERNAL REVENUE

**Chapter I—Internal Revenue Service, Department of the Treasury**

SUBCHAPTER A—INCOME TAX

[T.D. 6528]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

**Nonrecognition of Gain or Loss in Certain Railroad Reorganizations**

On November 17, 1960, notice of proposed rule making regarding amendment of the Income Tax Regulations (26 CFR Part 1) to reflect the changes in law made by the Act of June 29, 1956 (Public Law 628, 84th Cong., 70 Stat. 402) and section 1 of the Act of June 8, 1960 (Public Law 86-496, 74 Stat. 164) was published in the FEDERAL REGISTER (25 F.R. 10936). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the regulations as so proposed are hereby adopted.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: January 13, 1961.

FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury.*

PARAGRAPH 1. Section 1.108(b) is amended to read as follows:

**§ 1.108(b) Statutory provisions; income from discharge of indebtedness; railroad corporations.**

SEC. 108. *Income from discharge of indebtedness.* * * *

(b) *Railroad corporations.* No amount shall be included in gross income by reason of the discharge, cancellation, or modification, in whole or in part, within the taxable year, of any indebtedness of a railroad corporation, as defined in section 77(m) of the Bankruptcy Act (11 U.S.C. 205(m)), if such discharge, cancellation, or modification is effected pursuant to an order of a court—

(A) In a receivership proceeding, or

(B) In a proceeding under section 77 of the Bankruptcy Act,

commenced before January 1, 1960. In such cases, the amount of any income of the taxpayer attributable to any unamortized premium (computed as of the first day of the taxable year in which such discharge occurred) with respect to such indebtedness shall not be included in gross income, and the amount of the deduction attributable to any unamortized discount (computed as of the first day of the taxable year in which such discharge occurred) with respect to such indebtedness shall not be allowed as a deduction. Subsection (a) of this section shall not apply with respect to any discharge of indebtedness to which this subsection applies.

[Sec. 108(b) as amended by sec. 5, Act of June 29, 1956 (Pub. Law 628, 84th Cong., 70 Stat. 403); sec. 1, Act of June 8, 1960 (Pub. Law 86-496, 74 Stat. 164)]

PAR. 2. Paragraph (e) of § 1.108(b)-1 is amended to read as follows:

**§ 1.108(b)-1 Income from discharge of indebtedness of railroad corporations.**

* * * * *

(e) The provisions of section 108(b) and this section are applicable with respect to any discharge occurring in a taxable year beginning before January 1, 1958, and for taxable years ending after December 31, 1959, the provisions are applicable with respect to any discharge occurring after December 31, 1959, pursuant to a court proceeding commenced before January 1, 1960.

PAR. 3. Section 1.357 is amended to read as follows:

**§ 1.357 Statutory provisions; assumption of liability.**

SEC. 357. *Assumption of liability*—(a) *General rule.* Except as provided in subsections (b) and (c), if—

(1) The taxpayer receives property which would be permitted to be received under section 351, 361, 371, or 374 without the recognition of gain if it were the sole consideration, and

(2) As part of the consideration, another party to the exchange assumes a liability of the taxpayer, or acquires from the taxpayer property subject to a liability,

then such assumption or acquisition shall not be treated as money or other property, and shall not prevent the exchange from being within the provisions of section 351, 361, 371, or 374, as the case may be.

(b) *Tax avoidance purpose*—(1) *In general.* If, taking into consideration the nature of the liability and the circumstances in the light of which the arrangement for the assumption or acquisition was made, it appears that the principal purpose of the taxpayer with respect to the assumption or acquisition described in subsection (a)—

(A) Was a purpose to avoid Federal income tax on the exchange, or

(B) If not such purpose, was not a bona fide business purpose,

then such assumption or acquisition (in the total amount of the liability assumed or acquired pursuant to such exchange) shall, for purposes of section 351, 361, 371, or 374 (as the case may be), be considered as money received by the taxpayer on the exchange.

(2) *Burden of proof.* In any suit or proceeding where the burden is on the taxpayer to prove such assumption or acquisition is not to be treated as money received by the taxpayer, such burden shall not be considered as sustained unless the taxpayer sustains such burden by the clear preponderance of the evidence.

(c) *Liabilities in excess of basis*—(1) *In general.* In the case of an exchange—

(A) To which section 351 applies, or

(B) To which section 361 applies by reason of a plan of reorganization within the meaning of section 368(a)(1)(D),

if the sum of the amount of the liabilities assumed, plus the amount of the liabilities to which the property is subject, exceeds the total of the adjusted basis of the property transferred pursuant to such exchange, then such excess shall be considered as a gain from the sale or exchange of a capital asset or of property which is not a capital asset, as the case may be.

(2) *Exceptions.* Paragraph (1) shall not apply to any exchange to which—

(A) Subsection (b)(1) of this section applies, or

(B) Section 371 or 374 applies.

[Sec. 357 as amended by sec. 2, Act of June 29, 1956 (Pub. Law 628, 84th Cong., 70 Stat. 403)]

PAR. 4. Paragraph (a) of § 1.357-1 is amended to read as follows:

**§ 1.357-1 Assumption of liability.**

(a) *General rule.* Section 357(a) does not affect the rule that liabilities assumed are to be taken into account for the purpose of computing the amount of gain or loss realized under section 1001 upon an exchange. Section 357(a) provides, subject to the exceptions and limitations specified in section 357 (b) and (c), that—

(1) Liabilities assumed are not to be treated as "other property or money" for the purpose of determining the amount of realized gain which is to be recognized under section 351, 361, 371, or 374, if the transactions would, but for the receipt of "other property or money" have been exchanges of the type described in any one of such sections; and

(2) If the only type of consideration received by the transferor in addition to that permitted to be received by section 351, 361, 371, or 374, consists of an assumption of liabilities, the transaction, if otherwise qualified, will be deemed to be within the provisions of section 351, 361, 371, or 374.

PAR. 5. Paragraph (a) of § 1.357-2 is amended to read as follows:

**§ 1.357-2 Liabilities in excess of basis.**

(a) Section 357(c) provides in general that in an exchange to which section 351 (relating to a transfer to a corporation controlled by the transferor) is applicable, or to which section 361 (relating to the nonrecognition of gain or loss to corporations) is applicable by reason of a section 368(a)(1)(D) reorganization, if the sum of the amount of liabilities assumed plus the amount of liabilities to which the property is subject exceeds the total of the adjusted basis of the property transferred pursuant to such exchange, then such excess shall be considered as a gain from the sale or exchange of a capital asset or of property which is not a capital asset as the case may be. Thus, if an individual transfers, under section 351, properties having a total basis in his hands of $20,000, one of which has a basis of $10,000 but is subject to a mortgage of $30,000, to a corporation controlled by him, such individual will be subject to tax with respect to $10,000, the excess of the amount of the liability over the total adjusted basis of all the properties in his hands. The same result will follow whether or not the liability is assumed

by the transferee. The determination of whether a gain resulting from the transfer of capital assets is long-term or short-term capital gain shall be made by reference to the holding period to the transferor of the assets transferred. An exception to the general rule of section 357(c) is made (1) for any exchange as to which under section 357(b) (relating to assumption of liabilities for tax-avoidance purposes) the entire amount of the liabilities is treated as money received and (2) for an exchange to which section 371 (relating to reorganizations in certain receivership and bankruptcy proceedings) or section 374 (relating to gain or loss not recognized in certain railroad reorganizations) is applicable.

PAR. 6. In § 1.373, section 373(a) and (b)(1) is amended, and a historical note is added, to read as follows:

**§ 1.373 Statutory provisions; loss not recognized in certain railroad reorganizations.**

SEC. 373. *Loss not recognized in certain railroad reorganizations*—(a) *Nonrecognition of loss.* No loss shall be recognized if property of a railroad corporation, as defined in section 77(m) of the Bankruptcy Act (49 Stat. 922; 11 U.S.C. 205), is transferred before August 1, 1955, in pursuance of an order of the court having jurisdiction of such corporation—

(1) In a receivership proceeding, or

(2) In a proceeding under section 77 of the Bankruptcy Act,

to a railroad corporation (as defined in section 77(m) of the Bankruptcy Act) organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding.

(b) *Basis*—(1) *Railroad corporations.* If the property of a railroad corporation (as defined in section 77(m) of the Bankruptcy Act) was acquired after December 31, 1938, and before August 1, 1955, in pursuance of an order of the court having jurisdiction of such corporation—

(A) In a receivership proceeding, or

(B) In a proceeding under section 77 of the Bankruptcy Act,

and the acquiring corporation is a railroad corporation (as defined in section 77(m) of the Bankruptcy Act) organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, the basis shall be the same as it would be in the hands of the railroad corporation whose property was so acquired.

* * * * * *

[Sec. 373 as amended by sec. 3, Act of June 29, 1956 (Pub. Law 628, 84th Cong., 70 Stat. 403)]

PAR. 7. Paragraph (b) of § 1.373–1 is amended to read as follows:

**§ 1.373–1 Nonrecognition of loss upon transfer of property of railroad corporation.**

* * * * * *

(b) Section 373(a) applies only to a transfer made before August 1, 1955, resulting in a loss and has no application if the transfer therein described results in a gain.

PAR. 8. The following four new sections are inserted after § 1.373–2.

**§ 1.374 Statutory provisions; gain or loss not recognized in certain railroad reorganizations.**

SEC. 374. *Gain or loss not recognized in certain railroad reorganizations*—(a) *Exchanges by corporations*—(1) *Nonrecognition of gain or loss.* No gain or loss shall be recognized if property of a railroad corporation, as defined in section 77(m) of the Bankruptcy Act (49 Stat. 922; 11 U.S.C. 205), is transferred after July 31, 1955, in pursuance of an order of the court having jurisdiction of such corporation—

(A) In a receivership proceeding, or

(B) In a proceeding under section 77 of the Bankruptcy Act,

to another railroad corporation (as defined in section 77(m) of the Bankruptcy Act) organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, in exchange solely for stock or securities in such other railroad corporation.

(2) *Gain from exchanges not solely in kind.* If an exchange would be within the provisions of paragraph (1) if it were not for the fact that the property received in exchange consists not only of stock or securities permitted by paragraph (1) to be received without the recognition of gain, but also of other property or money, then—

(A) If the corporation receiving such other property or money distributes it in pursuance of the plan of reorganization, no gain to the corporation shall be recognized from the exchange, but,

(B) If the corporation receiving such other property or money does not distribute it in pursuance of the plan of reorganization, the gain, if any, to the corporation shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property so received, which is not so distributed.

(3) *Loss from exchanges not solely in kind.* If an exchange would be within the provisions of paragraph (1) if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

(b) *Basis.* If the property of a railroad corporation (as defined in section 77(m) of the Bankruptcy Act) was acquired after July 31, 1955, in pursuance of an order of the court having jurisdiction of such corporation—

(1) In a receivership proceeding, or

(2) In a proceeding under section 77 of the Bankruptcy Act,

and the acquiring corporation is a railroad corporation (as defined in section 77(m) of the Bankruptcy Act) organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, the basis shall be the same as it would be in the hands of the railroad corporation whose property was so acquired, increased in the amount of gain recognized under subsection (a)(2) to the transferor on such transfer.

(c) *Assumption of liabilities.* In the case of a transaction involving an assumption of a liability or the acquisition of property subject to a liability, the rules provided in section 357 shall apply.

[Sec. 374 as added by sec. 1, Act of June 29, 1956 (Pub. Law 628, 84th Cong., 70 Stat. 402)]

**§ 1.374–1 Exchanges by insolvent railroad corporations.**

(a) *Exchange solely for stock or securities.* (1) Section 374(a)(1) provides for the nonrecognition of gain or loss by an insolvent railroad corporation upon certain exchanges made in connection with the reorganization of the corporation. In order to qualify as a section 374(a) reorganization, the transaction must satisfy the express statutory requirements as well as the underlying assumptions and purposes for which the exchange is excepted from the general rule requiring the recognition of gain or loss upon the exchange of property.

(2) Section 374(a)(1) applies only with respect to a reorganization effected in one of two specified types of court proceedings: (i) Receivership proceedings, or (ii) proceedings under section 77 of the Bankruptcy Act (11 U.S.C. 205). The specific statutory requirements are the transfer after July 31, 1955, of property of a railroad corporation, as defined in section 77(m) of the Bankruptcy Act (11 U.S.C. 205(m)), in pursuance of an order of the court having jurisdiction of the corporation in such proceeding, to another railroad corporation, as defined in section 77(m) of the Bankruptcy Act, organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, in exchange solely for stock or securities in such other railroad corporation. If the consideration for the transfer consists of other property or money as well as stock and securities, see section 374(a)(2) and (3) and paragraph (b) of this section. As to the assumption of liabilities in an exchange described in section 374(a), see section 357 and paragraph (a)(1) and (2) of § 1.357–1 and paragraph (a) of § 1.357–2.

(3) The application of section 374(a)(1) is to be strictly limited to a transaction of the character set forth in such section. Hence, the section is inapplicable unless there is a bona fide plan of reorganization approved by the court having jurisdiction of the proceeding and the transfer of the property of the insolvent railroad corporation is made pursuant to such plan. It is unnecessary that the transfer be a direct transfer from the insolvent railroad corporation; it is sufficient if the transfer is an integral step in the consummation of the reorganization plan approved by the court. By its terms, the section has no application to a reorganization consummated by adjustment of the capital or debt structure of the insolvent railroad corporation without the transfer of its assets to another railroad corporation.

(4) As used in section 374(a)(1), the term "reorganization" is not controlled by the definition of "reorganization" contained in section 368. However, certain basic requirements, implicit in the statute, which are essential to a reorganization under section 368, are likewise essential to qualify a transaction as a reorganization under section 374(a)(1). Among these requirements are a continuity of the business enterprise under the modified corporate form and a continuity of interest therein on the part of those persons who were the owners of the enterprise prior to the reorganization. Thus, the nonrecognition accorded by section 374(a)(1) applies only to a genuine reorganization as distinguished from a liquidation and sale of property to either new or old interests supplying new capital and discharging the obligations of the old railroad corporation. For the purpose of determining whether the requisite continuity of interest exists, the interest of creditors who have, by appropriate legal steps, obtained effective command of the property of an insolvent railroad corporation is considered as the equivalent of a proprietary interest. But the mere possibility of a proprietary interest is not its equivalent. In general, any transaction will be subject to nonrecognition of gain or loss as prescribed by section 374(a)(1) where the property is transferred to a railroad corporation and the stock and securities of such corporation are transferred to persons who were shareholders or creditors of the transferor railroad corporation as if such stock or securities had been transferred to such persons as shareholders pursuant to the nonrecognition provisions of part III, subchapter C, chapter 1 of the Code. The determinative and controlling factors are the railroad corporation's insolvency and the effective command by the creditors over its property. The term "insolvent" as used in this section refers to insolvency at any time during the course of the proceeding referred to in section 374(a)(1), either in the sense of excess of liabilities over assets or in the sense of inability to meet obligations as they mature.

(5) A short-term purchase money note is not a security within the meaning of this section, and the transfer of the properties of the insolvent railroad corporation for cash and deferred payment obligations of the transferee evidenced by short-term notes is a sale and not an exchange.

(b) *Exchange for stock or securities and other property or money.* If an exchange would be within the provisions of section 374(a)(1) if it were not for the fact that the consideration for the transfer of the property of the insolvent railroad corporation consists not only of stock or securities but also of other property or money, then, as provided in section 374(a)(2), if the other property or money received by the railroad corporation is distributed by it pursuant to the plan of reorganization, no gain to the railroad corporation will be recognized. Property is distributed within the meaning of this section if it is paid over or distributed to shareholders or creditors who have by appropriate legal steps obtained effective command of the property of the railroad corporation. If the other property or money received by the railroad corporation is not distributed by it pursuant to the plan of reorganization, the gain, if any, to the railroad corporation from the exchange will be recognized in an amount not in excess of the sum of money and the fair market value of the other property so received which is not distributed. In either case no loss from the exchange will be recognized (see section 374(a)(3)). See section 354(c) relative to exchanges by stock or security holders.

**§ 1.374–2 Basis of property acquired after July 31, 1955, by railroad corporation in a receivership or railroad reorganization proceeding.**

Section 374(b) provides that if property of a railroad corporation, as defined in section 77(m) of the Bankruptcy Act (11 U.S.C. 205(m)), was acquired after July 31, 1955, in pursuance of an order of the court having jurisdiction of such corporation in either a receivership proceeding or a proceeding under section 77 of the Bankruptcy Act, and the acquiring corporation is also a railroad corporation as defined in section 77(m) of such Act, organized or availed of to effectuate a plan of reorganization approved by the court in such proceeding, the basis shall be the same as it would be in the hands of the transferor railroad corporation, increased in the amount of gain recognized to the transferor under section 374(a)(2) and paragraph (b) of § 1.374–1. For purposes of section 374(b), it is unnecessary that the acquisition in question be a direct transfer from the corporation undergoing reorganization or that such reorganization constitute a reorganization within the meaning of section 368(a) since that section does not apply to part IV, subchapter C, chapter 1 of the Code. It is sufficient if the acquisition is in pursuance of an order of the court and is an integral step in the consummation of a reorganization plan approved by the court having jurisdiction of the proceeding. If the transaction falls within the provisions of section 374(b), the basis of the property involved shall be determined pursuant to such provisions, notwithstanding that the transaction might also fall within another basis provision.

**§ 1.374–3 Records to be kept and information to be filed.**

(a) *Return information.* Each railroad corporation a party to a section 374(a) reorganization shall furnish a complete statement of all facts pertinent to the recognition or nonrecognition of gain or loss in connection with the exchange, including:

(1) A certified copy of the plan of reorganization approved by the court in the proceeding, together with a statement showing in full the purposes thereof and in detail all transactions incident, or pursuant, to the plan;

(2) A complete statement of the cost or other basis of all property, including all stock or securities, transferred incident to the plan;

(3) A statement of the amount of stock or securities and other property or money received in the exchange, including a statement of all distributions or other disposition made thereof. The amount of each kind of stock or securities or other property shall be stated on the basis of the fair market value thereof at the date of the exchange;

(4) A statement of the amount and nature of any liabilities assumed upon the exchange.

The information required by this paragraph shall be filed as a part of each railroad corporation's return for its taxable year within which the reorganization occurred.

(b) *Permanent records.* Permanent records in substantial form must be kept by every railroad corporation which participates in a tax-free exchange in connection with a section 374(a) reorganization showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

[F.R. Doc. 61–442; Filed, Jan. 18, 1961; 8:49 a.m.]



[T.D. 6538]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Corporate Distributions and Adjustments

On December 7, 1960, notice of proposed rule making regarding amendment of the Income Tax Regulations (26 CFR Part 1) to reflect the changes in law made by sections 19, 21, and 22 of the Technical Amendments Act of 1958 (72 Stat. 1615 and 1620), relating to gain or loss on sales or exchanges in connection with certain liquidations, property received in certain corporate organizations and reorganizations, and certain acquisitions of stock, respectively, and to make certain corrections, was published in the FEDERAL REGISTER (25 F.R. 12508). After consideration of all such relevant matter as was submitted by interested persons regarding the rules proposed, the regulations as so proposed are hereby adopted subject to the following change:

Paragraph (g)(1)(ii) of § 1.6012–2, as amended by Treasury Decision 6523, approved December 23, 1960 (25 F.R. 13883), is further amended.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: January 16, 1961.

FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury.*

PARAGRAPH 1. Section 1.304–1 is amended to read as follows:

**§ 1.304–1 General.**

(a) Except as provided in paragraph (b) of this section, section 304 is applicable where a shareholder sells stock of one corporation to a related corporation as defined in section 304. Sales to which section 304 is applicable shall be treated as redemptions subject to sections 302 and 303.

(b) In the case of—

(1) Any acquisition of stock described in section 304 which occurred before June 22, 1954, and

(2) Any acquisition of stock described in section 304 which occurred on or after June 22, 1954, and on or before December 31, 1958, pursuant to a contract entered into before June 22, 1954,

the extent to which the property received in return for such acquisition shall be treated as a dividend shall be determined as if the Internal Revenue Code of 1939 continued to apply in respect of such acquisition and as if the Internal Revenue Code of 1954 had not been enacted. See section 391. In cases to which this paragraph applies, the basis of the stock received by the acquiring corporation shall be determined as if the Internal

Revenue Code of 1939 continued to apply in respect of such acquisition and as if the Internal Revenue Code of 1954 had not been enacted.

PAR. 2. Section 1.304–2 is amended by revising paragraph (a) and examples (1), (2), and (3) of paragraph (c). These amended provisions read as follows:

**§ 1.304–2 Acquisition by related corporation (other than subsidiary).**

(a) If a corporation, in return for property, acquires stock of another corporation from one or more persons and the person or persons from whom the stock was acquired were in control of both such corporations before the acquisition, then such property shall be treated as received in redemption of stock of the acquiring corporation. The stock received by the acquiring corporation shall be treated as a contribution to the capital of such corporation. See section 362(a) for determination of the basis of such stock. The transferor's basis for his stock in the acquiring corporation shall be increased by the basis of stock surrendered by him. (But see below in this paragraph for subsequent reductions of basis in certain cases.) As to each person transferring stock, the amount received shall be treated as a distribution of property under section 302(d), unless as to such person such amount is to be treated as received in exchange for the stock under the terms of section 302(a) or section 303. In applying section 302(b), reference shall be had to the shareholder's ownership of stock in the issuing corporation and not to his ownership of stock in the acquiring corporation (except for purposes of applying section 318(a)). In determining control and applying section 302(b), section 318(a) (relating to the constructive ownership of stock) shall be applied without regard to the 50-percent limitation in section 318(a)(2)(C). A series of redemptions referred to in section 302(b)(2)(D) shall include acquisitions by either of the corporations of stock of the other and stock redemptions by both corporations. If section 302(d) applies to the surrender of stock by a shareholder, his basis for his stock in the acquiring corporation after the transaction (increased as stated above in this paragraph) shall not be decreased except as provided in section 301. If section 302(d) does not apply, the property received shall be treated as received in a distribution in payment in exchange for stock of the acquiring corporation under section 302(a), which stock has a basis equal to the amount by which the shareholder's basis for his stock in the acquiring corporation was increased on account of the contribution to capital as provided for above in this paragraph. Accordingly, such amount shall be applied in reduction of the shareholder's basis for his stock in the acquiring corporation. Thus, the basis of each share of the shareholder's stock in the acquiring corporation will be the same as the basis of such share before the entire transaction. The holding period of the stock which is considered to have been redeemed shall be the same as the holding period of the stock actually surrendered.

* * * * *

(c) The application of section 304(a)(1) may be illustrated by the following examples:

*Example (1).* Corporation X and corporation Y each have outstanding 100 shares of common stock. One-half of the stock of each corporation is owned by an individual, A, and one-half by another individual, B, who is unrelated to A. A sells 40 shares of corporation X stock to corporation Y for $50,000, such stock having an adjusted basis of $10,000 to A. After the sale, A is considered as owning corporation X stock as follows:

(i) 10 shares directly, and

(ii) 45 shares constructively since by virtue of his 50-percent ownership of Y, he constructively owns 50 percent of the 40 shares owned directly by corporation Y, and 50 percent of the 50 shares attributed to corporation Y because they are owned by Y's stockholder, B.

Since after the sale A owns a total of more than 50 percent of the voting power of all the outstanding stock of corporation X, the transfer is not "substantially disproportionate" as to him as provided in section 302(b)(2). Under these facts, and assuming that section 302(b)(1) is not applicable, the entire $50,000 is treated as a dividend to A to the extent of the earnings and profits of corporation Y. The basis of the corporation X stock to corporation Y is $10,000, its adjusted basis to A. The amount of $10,000 is added to the basis of the stock of corporation Y in the hands of A.

*Example (2).* Corporation X and corporation Y each have outstanding 100 shares of common stock. A, an individual, owns one-half the stock of each corporation, B owns one-half the stock of corporation X, and C owns one-half the stock of corporation Y. A, B, and C are unrelated. A sells 30 shares of the stock of corporation X to corporation Y for $50,000, such stock having an adjusted basis of $10,000 to him. After the sale, A is considered as owning 35 shares of the stock of corporation X (20 shares directly and 15 constructively because one-half of the 30 shares owned by corporation Y are attributed to him). Since before the sale, he owned 50 percent of the stock of corporation X and after the sale he owned directly and constructively only 35 percent of such stock, the redemption is substantially disproportionate as to him pursuant to the provisions of section 302(b)(2). He, therefore, realizes a gain of $40,000 ($50,000 minus $10,000). If the stock surrendered is a capital asset, such gain is long-term or short-term capital gain depending on the period of time that such stock was held. The basis to A for the stock of corporation Y is not changed as a result of the entire transaction. The basis to corporation Y for the stock of corporation X is $50,000, i.e., the basis of the transferor ($10,000), increased in the amount of gain recognized to the transferor ($40,000) on the transfer.

*Example (3).* Corporation X and corporation Y each have outstanding 100 shares of common stock. H, an individual, W, his wife, S, his son, and G, his grandson, each own 25 shares of stock of each corporation. H sells all of his 25 shares of stock of corporation X to corporation Y. Since both before and after the transaction H owned directly and constructively 100 percent of the stock of corporation X, and assuming that section 302(b)(1) is not applicable, the amount received by him for his stock of corporation X is treated as a dividend to him to the extent of the earnings and profits of corporation Y.

PAR. 3. Section 1.337 is amended by adding after section 337(c) a new subsection (d) and a historical note, as follows:

**§ 1.337 Statutory provisions; gain or loss on sales or exchanges in connection with certain liquidations.**

SEC. 337. *Gain or loss on sales or exchanges in connection with certain liquidations.* * * *

(d) *Special rule for certain minority shareholders.* If a corporation adopts a plan of complete liquidation on or after January 1, 1958, and if subsection (a) does not apply to sales or exchanges of property by such corporation, solely by reason of the application of subsection (c)(2)(A), then for the first taxable year of any shareholder (other than a corporation which meets the 80 percent stock ownership requirement specified in section 332(b)(1)) in which he receives a distribution in complete liquidation—

(1) The amount realized by such shareholder on the distribution shall be increased by his proportionate share of the amount by which the tax imposed by this subtitle on such corporation would have been reduced if subsection (c)(2)(A) had not been applicable, and

(2) For purposes of this title, such shareholder shall be deemed to have paid, on the last day prescribed by law for the payment of the tax imposed by this subtitle on such shareholder for such taxable year, an amount of tax equal to the amount of the increase described in paragraph (1).

[Sec. 337 as amended by sec. 19, Technical Amendments Act 1958 (72 Stat. 1615)]

PAR. 4. Section 1.337–5 is deleted and the following new sections are inserted in lieu thereof:

**§ 1.337–5 Special rule for certain minority shareholders.**

(a) *General.* If, with respect to a plan of complete liquidation adopted on or after January 1, 1958, the liquidating corporation fails to qualify for the treatment prescribed by section 337(a) solely by reason of the application of section 337(c)(2)(A), then, for the first taxable year of any shareholder (other than a corporation which meets the 80-percent stock ownership requirement specified in section 332(b)(1)) in which he receives a distribution in complete liquidation, the treatment prescribed by section 337(d) and this section shall be applicable to such shareholder. Since section 337(d) applies only with respect to distributions in complete liquidation under section 331, it does not apply with respect to a distribution which is treated as part of an exchange to which section 354 or 356 applies.

(b) *Treatment of minority shareholders.* (1) In cases to which section 337(d) and paragraph (a) of this section apply—

(i) The amount realized by the shareholder on the distribution shall be increased by his proportionate share of the amount by which the tax imposed by subtitle A of the Code (income taxes) on the liquidating corporation would have been reduced if section 337(c)(2)(A) had not been applicable (see paragraph (c) of this section for determination of the proportionate share of each shareholder), and

(ii) For purposes of the Code, the shareholder shall be deemed to have paid on the last day prescribed by section 6151 for the payment of the tax



(the last day prescribed by section 6072 for the filing of his income tax return) for the taxable year in which he receives the first distribution in complete liquidation (whether the return is filed before, on, or after such last day), an amount of income tax equal to the amount of the increase described in subdivision (i) of this subparagraph.

(2) If a minority shareholder who receives a distribution to which section 337(d) and paragraph (a) of this section apply is a partnership, the amount realized by the partnership for the first taxable year in which it receives a distribution in liquidation shall be increased by the amount determined under paragraph (c) of this section, and the amount of tax referred to in subparagraph (1)(ii) of this paragraph shall be deemed paid by the partnership. Credit or refund of the tax deemed paid by the partnership shall be taken into account by the partners in accordance with section 702(a)(8), and the share taken into account by each partner shall be deemed paid by him on the last day prescribed by section 6151 for the payment of the tax for his taxable year in which or with which the partnership taxable year ends. Finally, the partners shall make such adjustments to the bases of their partnership interests as are required by section 705(a) and, for purposes of that section, the amount of tax deemed paid by the partnership shall be treated as a nondeductible partnership expenditure.

(3) If a minority shareholder who receives a distribution to which section 337(d) and paragraph (a) of this section apply is an electing small business corporation (within the meaning of section 1371(b)), then—

(i) The increase in the amount realized on such distribution, as determined under paragraph (c) of this section, shall be deemed received by such corporation on the last day of its taxable year during which such distribution is received;

(ii) On such last day the amount of tax referred to in subparagraph (1)(ii) of this paragraph shall be deemed distributed to those persons who are shareholders of such corporation on such last day, in the same proportion as the undistributed taxable income of such corporation would be included (under section 1373(b)) in the gross income of such persons, and, for purposes of section 301(c)(2) and (3), the distribution shall be considered a distribution which is not a dividend; and

(iii) The amount of tax deemed distributed to each shareholder under subdivision (ii) of this subparagraph shall be deemed paid by each such shareholder on the last day prescribed by section 6151 for the payment of the tax for his taxable year in which or with which the taxable year of such corporation ends.

(c) *Determination of each minority shareholder's increase in amount realized.* (1) Under section 337(d) and paragraph (b) of this section, the amount realized by each minority shareholder of the liquidating corporation shall be increased by his proportionate share of the amount by which the tax imposed by subtitle A of the Code on the liquidating corporation would have been reduced if section 337(c)(2)(A) had not been applicable. Where the corporation has only the one class of stock outstanding, the increase in the amount realized by each minority shareholder shall be determined by multiplying the reduction in the corporation's tax that would be applicable if section 337(c)(2)(A) did not apply by a fraction, the numerator of which is equal to the sum of all liquidating distributions received by such shareholder and the denominator of which is equal to the sum of all liquidating distributions received by all shareholders. Where the corporation has outstanding preferred stock which is limited to a specified amount on liquidation, as well as common stock, if the holders of the preferred stock receive the entire amount to which they are entitled, the fraction described in the preceding sentence shall be applied to determine the increase in the amount realized by the holders of common stock on the liquidation without taking the preferred stock into account. In all other cases, in determining the increase in the amount realized by each minority shareholder, consideration must be given to the extent to which different classes of stock are entitled to participate in the assets of the corporation on liquidation.

(2) If two or more minority shareholders receive distributions in liquidation with respect to the same stock (e.g., if a minority shareholder sells his stock after receiving one of a series of distributions in complete liquidation), the increase in the amount realized by the minority shareholder who surrenders the stock in liquidation shall be determined as though he received all the distributions in liquidation with respect to such stock and shall then be divided between himself and the shareholder who has already received distributions in liquidation with respect to the same stock. This division must be in proportion to the amount each minority shareholder received in liquidation with respect to such stock.

(d) *Claim for credit or refund.* Claim for credit or refund of the tax deemed to have been paid by a shareholder pursuant to section 337(d) and paragraph (b) of this section shall be made on the shareholder's income tax return (or in an amended return or claim for credit or refund) for the taxable year in which he receives the first distribution in complete liquidation. In the case of a shareholder which is a partnership, claim shall be made by the partners for credit or refund of their distributive shares of the tax deemed to have been paid by the partnership. In the case of a shareholder which is an electing small business corporation (within the meaning of section 1371(b)), claim shall be made by those persons who are shareholders of such corporation on the last day of the corporation's taxable year in which it received the first distribution in complete liquidation. In the case of a shareholder who is a nonresident alien individual or a nonresident foreign corporation, see section 6012 and the regulations thereunder. In the case of a shareholder which is exempt from tax under section 501(a) and to which section 511 does not apply for the taxable year, claim for refund of the tax deemed to have been paid by such shareholder shall be made on Form 843. For other rules applicable to the filing of claims for credit or refund of an overpayment of tax, see section 6402 and the regulations thereunder. For the limitations applicable to the credit or refund of an overpayment of tax, see section 6511 and the regulations thereunder.

(e) *Illustrations.* The application of this section may be illustrated by the following examples:

*Example (1).* (i) Assume that corporation S, having only common stock outstanding, is owned 90 percent by corporation P (which has owned the S stock for 3 years) and 10 percent by individual A (a calendar year taxpayer), and that the sole assets of corporation S are two buildings, each having a fair market value of $100,000 and a basis to the corporation of $50,000. Assume further that A's basis for his stock is $10,000. On August 1, 1958, corporation S adopts a plan of complete liquidation. On September 1, 1958, corporation S sells building No. 1 for $100,000 and, during October 1958, the corporation makes a pro rata distribution of building No. 2 and the proceeds of the sale of building No. 1 (less $12,500 retained to pay the tax on such sale at the rate of 25 percent).

(ii) Under section 337(d) and this section, the amount realized by A on the distribution is increased by $1,250, A's proportionate share (10 percent) of the amount by which the tax imposed on corporation S upon such sale would have been reduced ($12,500) if section 337(a) had been applicable. Thus, the tax imposed on A with respect to the complete liquidation is computed as follows: The amount realized by A is $18,750 ($10,000 for A's one-tenth interest in building No. 2, plus $8,750 representing A's proportionate share of the $100,000 received by corporation S on the sale of building No. 1 less the tax imposed on corporation S upon such sale) plus $1,250 (the increase in the amount realized), or $20,000. Since A's basis for his stock is $10,000, the tax imposed on A with respect to the complete liquidation (assuming A's gain is taxed at a rate of 25 percent) is $2,500. Under section 337(d) and this section, A shall be deemed to have paid $1,250 in tax. Accordingly, A will be left with $17,500 in property and money ($18,750 minus $1,250).

*Example (2).* (i) Assume all the facts set forth in example (1) and the following additional facts: Corporation S has outstanding 1,000 shares of $100 par value preferred stock, the holders of which are entitled to receive full par value on liquidation, after which the common shareholders receive the balance of the assets. Individual A owns 10 percent of the preferred stock, with a basis to him of $10,000, as well as 10 percent of the common stock. Corporation S has, in addition to its two buildings, $100,000 in cash which it distributes in full payment in exchange for the outstanding preferred stock.

(ii) Individual A receives $10,000 in exchange for his preferred stock and recognizes no gain or loss on this portion of the liquidation. Under section 337(d) and this section, A is accorded the same treatment described in example (1) with respect to his common stock as though it were the only stock outstanding. Thus, with respect to his common stock the amount realized by A on the distribution is increased by $1,250, and the tax deemed paid by him is $1,250. Accordingly, after credit, A will be left with $27,500 in property and money ($10,000 on his preferred stock and $17,500 on his common stock).

*Example* (3). (i) Assume the same facts as in example (1) except that on August 2, 1958, corporation S makes a pro rata distribution of building No. 2 as a first distribution in complete liquidation. Assume further that on August 15, 1958, individual A sells his stock to B, and that on October 1, 1958, building No. 1 is sold and final distribution in liquidation is made of $87,500 ($100,000 sales proceeds less $12,500 retained to pay tax, assuming a 25-percent rate).

(ii) Under section 337(d) and this section, the increase in the amount realized by B shall first be determined as though he had received all the distributions in liquidation with respect to such stock. Then the increase in the amount realized ($1,250) is divided between A and B in proportion to the amount each shareholder received in liquidation with respect to such stock. Thus, A's share of the increase in the amount realized is $666.67 ($1,250×10,000/18,750) and B's share is $583.33 ($1,250×8,750/18,750). A is deemed to have paid tax in the amount of $666.67 and B is deemed to have paid tax in the amount of $583.33.

*Example* (4). (i) Assume the same facts as in example (1), except that A files his return for 1958 on April 15, 1959, and that corporation S sells building No. 1, and distributes the proceeds of such sale (less tax thereon), in May 1959.

(ii) Since building No. 1 is not sold until after A files his return for 1958, A's 1958 return will report no gain on the liquidation (A's pro rata share of building No. 2 being equal to the basis of his stock). However, under section 337(d) and this section, the amount realized by A on the liquidating distribution received by him in 1958 (the first taxable year in which he received a liquidating distribution) is increased by his entire proportionate share ($1,250) of the amount by which the tax imposed on corporation S upon the sale of building No. 1 would have been reduced if section 337(a) had been applicable. Moreover, A is deemed to have paid, on the last day prescribed by law for the payment of his tax for 1958 (April 15, 1959), an amount of tax equal to such increase. Thus, A will be obliged to file an amended return (or claim for refund) for 1958 to reflect the adjustments required by section 337(d) and this section. The amended return (or claim for refund) will show that in 1958 A realized gain on the liquidation in the amount of $1,250, the excess of the amount realized by A ($10,000 plus $1,250 or $11,250) over his basis ($10,000), and that A incurred a tax of $312.50 on such gain (assuming the gain is taxed at a rate of 25 percent). Moreover, the amended return (or claim) will show that A is deemed to have paid $1,250 in additional tax for 1958. Accordingly, if the excess of the tax deemed paid over the tax incurred, or $937.50, constitutes an overpayment of tax for 1958, such excess will be credited or refunded to A.

(iii) When A receives a further liquidating distribution of $8,750 in 1959 (i.e., his proportionate share of the proceeds of the sale of building No. 1, less tax thereon) he realizes a further gain of $8,750 (since he fully recovered the basis of his stock in 1958) on which, assuming the gain is taxed at a rate of 25 percent, he will incur a tax of $2,187.50. Thus, with respect to the liquidation of corporation S, A will in effect be left with $17,500 in property and money, determined as follows:

| | | |
|---|---|---|
| Amount actually realized in 1958 | | $10,000.00 |
| Amount deemed paid as tax for 1958 and recoverable by credit or refund to extent it exceeds A's tax liability for 1958 | $1,250.00 | |
| Less: Tax on gain in 1958 | 312.50 | |
| | | 937.50 |
| Amount actually realized in 1959 | 8,750.00 | |
| Less: Tax on gain in 1959 | 2,187.50 | |
| | | 6,562.50 |
| Total money and property received or credited | | 17,500.00 |

### § 1.337–6 Information to be filed.

(a) *Cases to which section 337(a) applies.* In cases to which section 337(a) applies, there must be attached to the return of the liquidating corporation the following information:

(1) A copy of the minutes of the stockholders' meeting at which the plan of liquidation was formally adopted, including a copy of the plan of liquidation.

(2) A statement of the assets sold after the adoption of the plan of liquidation, including the dates of such sales. If section 337(c)(2)(B), relating to limited nonrecognition of gain on sales by subsidiaries, is applicable, this statement must include a computation of the total gain and of the gain not recognized under section 337.

(3) Information as to the date of the final liquidating distribution.

(4) A statement of the assets, if any, retained to pay liabilities and the nature of the liabilities.

(b) *Cases to which section 337(d) is applicable.* In cases to which section 337(d) applies, a minority shareholder who claims credit or refund of tax deemed to have been paid shall file with the return on which the claim is made (or Form 843) a statement containing the name and address of the liquidating corporation and the district in which it files its return, together with all information necessary to support the validity of his claim and a detailed computation of the amount of his claim.

PAR. 5. Section 1.358 is amended by revising section 358(a), and adding a historical note at the end of section 358, to read as follows:

### § 1.358 Statutory provisions; basis to distributees.

SEC. 358. *Basis to distributees*—(a) *General rule.* In the case of an exchange to which section 351, 354, 355, 356, 361, or 371(b) applies—

(1) *Nonrecognition property.* The basis of the property permitted to be received under such section without the recognition of gain or loss shall be the same as that of the property exchanged—

(A) Decreased by—

(i) The fair market value of any other property (except money) received by the taxpayer,

(ii) The amount of any money received by the taxpayer, and

(iii) The amount of loss to the taxpayer which was recognized on such exchange, and

(B) Increased by—

(i) The amount which was treated as a dividend, and

(ii) The amount of gain to the taxpayer which was recognized on such exchange (not including any portion of such gain which was treated as a dividend),

(2) *Other property.* The basis of any other property (except money) received by the taxpayer shall be its fair market value.

* * * * *

[Sec. 358 as amended by sec. 21, Technical Amendments Act 1958 (72 Stat. 1620)]

PAR. 6. Paragraph (a) of § 1.358–1 is amended to read as follows:

### § 1.358–1 Basis to distributees.

(a) In the case of an exchange or distribution to which section 354, 355, or 371(b) applies in which, under the law applicable to the year in which the exchange is made, only nonrecognition property is received, the sum of the basis of all of the stock and securities in the corporation whose stock and securities are exchanged or with respect to which the distribution is made, held immediately after the transaction, plus the basis of all stock and securities received in the transaction shall be the same as the basis of all the stock and securities in such corporation held immediately before the transaction allocated in the manner described in § 1.358–2. In the case of an exchange to which section 351 or 361 applies in which, under the law applicable to the year in which the exchange was made, only nonrecognition property is received, the basis of all the stock and securities received in the exchange shall be the same as the basis of all property exchanged therefor. If in an exchange or distribution to which section 351, 356, 361, or 371(b) applies both nonrecognition property and "other property" are received, the basis of all the property except "other property" held after the transaction shall be determined as described in the preceding two sentences decreased by the sum of the money and the fair market value of the "other property" (as of the date of the transaction) and increased by the sum of the amount treated as a dividend (if any) and the amount of the gain recognized on the exchange, but the term "gain" as here used does not include any portion of the recognized gain that was treated as a dividend. In any case in which a taxpayer transfers property with respect to which loss is recognized, such loss shall be reflected in determining the basis of the property received in the exchange. The basis of the "other property" is its fair market value as of the date of the transaction.

PAR. 7. Section 1.391 is amended to read as follows:

### § 1.391 Statutory provisions; effective date of part I, subchapter C, chapter I of the Code.

SEC. 391. *Effective date of Part I.* Except as otherwise provided in this subchapter, part I shall take effect on June 22, 1954. Section 306 shall apply only with respect to dispositions (or redemptions) occurring on or after June 22, 1954. In the case of—

(1) Any acquisition of stock described in section 304 which occurred before June 22, 1954, and

(2) Any acquisition of stock described in such section which occurred on or after June 22, 1954, and on or before December 31, 1956, pursuant to a contract entered into before June 22, 1954,



the extent to which the property received in return for such acquisition shall be treated as a dividend shall be determined as if the Internal Revenue Code of 1939 continued to apply in respect of such acquisition and as if this Code had not been enacted.

[Sec. 391 as amended by sec. 22, Technical Amendments Act 1958 (72 Stat. 1620)]

PAR. 8. Section 1.391–1 is amended to read as follows:

### § 1.391–1 Effective date of part I of subchapter C.

Pursuant to section 395 and regulations thereunder, the provisions of part I, subchapter C, chapter 1 of the Code, shall be effective with respect to the described transactions which occur on or after June 22, 1954, and with respect to section 306 (relating to the disposition or redemption of "section 306 stock"), such section shall apply only to stock which is received in a transaction subject to the Internal Revenue Code of 1954, and which is disposed of or redeemed after June 22, 1954. Generally, stock issued after June 22, 1954, will be section 306 stock if such stock comes within the definition set forth in section 306(c). However, stock which otherwise qualifies within the definition set forth in section 306 is not section 306 stock if it is issued pursuant to a reorganization which by reason of the application of section 393(b) and section 395 is governed by the provisions of the Internal Revenue Code of 1939 without amendment by the Internal Revenue Code of 1954. In addition, stock which otherwise qualifies within the definition set forth in section 306(c) is not section 306 stock if it is issued pursuant to a reorganization which by reason of an election under section 393(b)(2) is governed by the provisions of the Internal Revenue Code of 1939 without amendment by the Internal Revenue Code of 1954. For rules applicable in the case of certain acquisitions of stock described in section 304, see paragraph (b) of § 1.304–1.

PAR. 9. Paragraph (b)(1)(iv) of § 1.6012–1 is amended to read as follows:

### § 1.6012–1 Individuals required to make returns of income.

* * * * *

(b) *Returns of nonresident alien individuals*—(1) *Individuals in class 1 (no United States business and gross income of not more than $15,400).* * * *

(iv) *Claim for refund.* Notwithstanding the provisions of subdivisions (i) and (ii) of this subparagraph, a nonresident alien individual within class 1 shall include on Form 1040NB his entire income described in paragraph (b) of § 1.871–7, whether or not the tax has been fully satisfied at the source upon a portion thereof, if a claim for the refund of an overpayment of tax is made in accordance with section 6402 and the regulations thereunder. However, if the overpayment to be refunded consists solely of tax deemed to have been paid under section 337(d)(2), relating to gain or loss on sales or exchanges in connection with certain liquidations, or section 852(b)(3)(D), relating to undistributed capital gains of a regulated investment company, or both, it is not necessary to include on the return the entire income described in § 1.871–7.

PAR. 10. Paragraph (g)(1)(ii) of § 1.6012–2, as amended by Treasury Decision 6523, approved December 23, 1960 (25 F.R. 13883), is further amended to read as follows:

### § 1.6012–2 Corporations required to make returns of income.

* * * * *

(g) *Returns by foreign corporations*—(1) *Nonresident foreign corporations.* * * *

(ii) *Claim for refund.* Notwithstanding the provisions of subdivision (i) of this subparagraph, a nonresident foreign corporation shall include on its return its entire income described in § 1.881–2, whether or not the tax has been fully satisfied at the source upon a portion thereof, if a claim for refund of an overpayment of tax is made in accordance with section 6402 and §§ 301.6402–2 and 301.6402–3 of this chapter (Regulations on Procedure and Administration). However, if the overpayment to be refunded consists solely of tax deemed to have been paid under section 337(d)(2), relating to gain or loss on sales or exchanges in connection with certain liquidations, or section 852(b)(3)(D), relating to undistributed capital gains of a regulated investment company, or both, it is not necessary to include on the return the entire income described in § 1.881–2.

[F.R. Doc. 61–472; Filed, Jan. 18, 1961; 8:53 a.m.]

[T.D. 6532]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

## Amortization of Bond Discount or Premium, Dividend Carryover to Personal Holding Company and Deficiency Dividend of Personal Holding Company

On November 29, 1960, notice of proposed rule making prescribing Income Tax Regulations under section 381(c)(9) (relating to amortization of bond discount or premium), (14) (relating to dividend carryover to personal holding company), (15) (relating to indebtedness of certain personal holding companies), and (17) (relating to deficiency dividend of personal holding company) of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (25 F.R. 12183). Since no written or oral comments were presented, the regulations as proposed are hereby adopted.

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: January 16, 1961.

FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury.*

The following regulations are hereby prescribed under section 381(c)(9) (relating to amortization of bond discount or premium), (14) (relating to dividend carryover to personal holding company), (15) (relating to indebtedness of certain personal holding companies), and (17) (relating to deficiency dividend of personal holding company):

Sec.
1.381(c)(9) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; amortization of bond discount or premium.
1.381(c)(9)–1 Amortization of bond discount or premium.
1.381(c)(14) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; dividend carryover to personal holding company.
1.381(c)(14)–1 Dividend carryover to personal holding company.
1.381(c)(15) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; indebtedness of certain personal holding companies.
1.381(c)(15)–1 Indebtedness of certain personal holding companies.
1.381(c)(17) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; deficiency dividend of personal holding company.
1.381(c)(17)–1 Deficiency dividend of personal holding company.

AUTHORITY: § 1.381(c)(9), 1.381(c)(9)–1, 1.381(c)(14), 1.381(c)(14)–1, 1.381(c)(15), 1.381(c)(15)–1, 1.381(c)(17), and 1.381(c)(17)–1 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

### § 1.381(c)(9) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; amortization of bond discount or premium.

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * * *

(9) *Amortization of bond discount or premium.* If the acquiring corporation assumes liability for bonds of the distributor or transferor corporation issued at a discount or premium, the acquiring corporation shall be treated as the distributor or transferor corporation after the date of distribution or transfer for purposes of determining the amount of amortization allowable or includible with respect to such discount or premium.

### § 1.381(c)(9)–1 Amortization of bond discount or premium.

(a) *Carryover requirement.* If, in a transaction to which section 381(a) applies, the acquiring corporation assumes liability for the payment of bonds of a distributor or transferor corporation which were issued at a discount or premium, then under the provisions of section 381(c)(9) the acquiring corporation is to be treated as the distributor or transferor corporation after the date of distribution or transfer for purposes of determining the amount of amortization allowable, or includible, with respect to such discount or premium in computing taxable income. Thus, if subsequent to February 28, 1913, a distributor or transferor corporation issues bonds at a premium and the liability for them is assumed by the acquiring corporation in a transaction to which section 381(a) applies, then the net amount of the pre-

mium is income which should be prorated or amortized over the life of the bonds, including the period during which the acquiring corporation is liable upon the obligations assumed. On the other hand, if a distributor or transferor corporation issues bonds at a discount and the liability for them is assumed by the acquiring corporation in a transaction to which section 381(a) applies, then the net amount of the discount is deductible in computing taxable income but should be prorated or amortized over the life of the bonds, including the period during which the acquiring corporation is liable upon the obligations assumed.

(b) *Expense incurred upon issuance of bonds.* If, in a transaction to which section 381(a) applies, the acquiring corporation assumes liability for bonds of a distributor or transferor corporation which were issued at a discount or premium, the acquiring corporation shall be treated as the distributor or transferor corporation after the date of distribution or transfer with respect to the expense incurred upon the issuance of such bonds.

(c) *Purchase of bonds.* If, in a transaction to which section 381(a) applies, the acquiring corporation assumes liability for bonds of a distributor or transferor corporation which were issued at a discount or premium and if the acquiring corporation subsequently purchases such bonds, then the acquiring corporation shall be treated as the distributor or transferor corporation for the purpose of determining the amount of any income or deduction resulting from the purchase. See paragraph (c) of § 1.61–12. For rules relating to the exchange or substitution of bonds issued by the acquiring corporation for bonds of a distributor or transferor corporation, see paragraph (d) of this section.

(d) *Exchange of new for old bonds.* Notwithstanding any other provision of this section, if—

(1) In a transaction to which section 381(a) applies, bonds of the acquiring corporation are exchanged or substituted for bonds of a distributor or transferor corporation which were issued at a discount or premium, or

(2) Bonds of the acquiring corporation are exchanged or substituted for bonds of a distributor or transferor corporation which were issued at a discount or premium and in respect of which the acquiring corporation has assumed liability in a transaction to which section 381(a) applies,

then, with respect to any unamortized discount, premium, or expense of issuance attributable to such bonds of the distributor or transferor corporation, the acquiring corporation shall be treated as the distributor or transferor corporation.

(e) *Bonds of a distributor or transferor corporation.* For purposes of applying section 381(c)(9), the term "bonds of a distributor or transferor corporation" includes not only bonds issued by the distributor or transferor corporation but also bonds for which the distributor or transferor corporation has assumed liability. Thus, if the distributor or transferor corporation has assumed liability for bonds in a transaction in which any unamortized discount or premium attributable to such bonds carried over to such corporation, then the acquiring corporation assuming liability for the bonds shall be treated as the distributor or transferor corporation after the date of distribution or transfer for purposes of determining the amount of amortization allowable, or includible, with respect to such discount or premium. On the other hand, if the distributor or transferor corporation has assumed liability for bonds in a transaction in which any unamortized discount or premium attributable to such bonds did not carry over to such corporation, then there can be no carryover to the acquiring corporation under this section.

**§ 1.381(c)(14) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; dividend carryover to personal holding company.**

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * * *

(14) *Dividend carryover to personal holding company.* The dividend carryover (described in section 564) to taxable years ending after the date of distribution or transfer.

**§ 1.381(c)(14)–1 Dividend carryover to personal holding company.**

(a) *Carryover requirement.* Section 381(c)(14) provides that an acquiring corporation shall succeed to and take into account the dividend carryover (described in section 564) of a distributor or transferor corporation in computing its dividends paid deduction under section 561 for taxable years ending after the date of distribution or transfer for which the acquiring corporation is a personal holding company under section 542. To determine the amount of such dividend carryover and to integrate it with the dividend carryover of the acquiring corporation in computing the dividends paid deduction for taxable years ending after the date of distribution or transfer, it is necessary to apply the provisions of section 564 and § 1.564–1 in accordance with this section.

(b) *Manner of computing dividend carryover*—(1) *Preceding taxable years.* If the acquiring corporation is a personal holding company under section 542 for its first taxable year ending after the date of distribution or transfer, the taxable year of the distributor or transferor corporation ending with such date is a first preceding taxable year for purposes of section 564, and the taxable year of the distributor or transferor corporation immediately preceding such first preceding year is a second preceding taxable year for purposes of section 564. If the acquiring corporation is a personal holding company for its second taxable year ending after the date of distribution or transfer, the taxable year of the distributor or transferor corporation ending with such date is a second preceding taxable year for purposes of section 564.

(2) *Determination of dividends paid deduction and taxable income.* The dividends paid deduction of any distributor or transferor corporation (determined under section 561 but without regard to any dividend carryover) and the taxable income of any such corporation (adjusted as provided in section 545(b)) for any taxable year ending on or before the date of distribution or transfer shall be determined without reference to any dividends paid deduction, or taxable income, of the acquiring corporation or any other distributor or transferor corporation; in like manner, the dividends paid deduction and the taxable income of the acquiring corporation for any such taxable year shall be determined without reference to any dividends paid deduction, or taxable income, of a distributor or transferor corporation.

(3) *Computation of dividend carryover.* (i) For the purpose of determining the dividend carryover to the first taxable year of the acquiring corporation ending after the date of distribution or transfer, the amount of the dividend carryover from the distributor or transferor corporation shall be determined under section 564 without reference to the dividends paid deduction or taxable income of the acquiring corporation or any other corporation. If two or more transactions to which section 381(a) applies have the same date of distribution or transfer, or if a particular taxable year of the acquiring corporation is the first taxable year ending after the date of distribution or transfer of two or more such transactions occurring on different dates, the amount of the dividend carryover from each distributor or transferor corporation shall be determined separately as provided in the preceding sentence. Except as provided in subdivision (iii) of this subparagraph, the aggregate of the dividend carryovers from each distributor or transferor corporation and the dividend carryover of the acquiring corporation (computed without regard to this section) shall constitute the dividend carryover under section 561(a)(3) of the acquiring corporation for its first taxable year ending after the date (or dates) of distribution or transfer.

(ii) For the purpose of determining the dividend carryover to the second taxable year of the acquiring corporation ending after the date (or dates) of distribution or transfer, the excess, if any, of the dividends paid deduction (determined under section 561 without regard to any dividend carryover) over the taxable income (adjusted as provided in section 545(b)) for the taxable year of each distributor or transferor corporation and the acquiring corporation referred to as a second preceding taxable year shall be determined separately without reference to the dividends paid deduction or taxable income of any other of such corporations. The excesses thus determined shall be aggregated, and such aggregate shall be—

(a) Increased by the excess of the dividends paid deduction (determined without regard to any dividend carryover) over the taxable income (adjusted as provided in section 545(b)), or



(b) Reduced by the excess of the taxable income (adjusted as provided in section 545(b)) over the dividends paid deduction (determined without regard to any dividend carryover),

for the first preceding taxable year of the acquiring corporation. Except as provided in subdivision (iii) of this subparagraph, the amount thus determined shall constitute the dividend carryover under section 561(a)(3) of the acquiring corporation for its second taxable year ending after the date (or dates) of distribution or transfer.

(iii) If a particular taxable year of the acquiring corporation is its first taxable year ending after the date (or dates) of distribution or transfer of one or more transactions to which section 381(a) applies, and if the same taxable year of the acquiring corporation is also its second taxable year ending after the date (or dates) of distribution or transfer of one or more other transactions to which section 381(a) applies, then, for the purpose of determining the dividend carryover to such taxable year of the acquiring corporation, the rules contained in both subdivisions (i) and (ii) of this subparagraph shall be applied. Insofar as such taxable year constitutes the first taxable year ending after the date (or dates) of distribution or transfer of any transaction, the amount of the dividend carryover from any distributor or transferor corporation involved in such transaction shall be determined separately as provided in subdivision (i) of this subparagraph. Insofar as such taxable year constitutes the second taxable year ending after the date (or dates) of distribution or transfer of any transaction, the amount of the dividend carryover from any distributor or transferor corporation involved in the transaction and the acquiring corporation shall be determined as provided in subdivision (ii) of this subparagraph. The aggregate of the dividend carryovers thus determined shall constitute the dividend carryover under section 561(a)(3) of the acquiring corporation for such taxable year. See example (4) in paragraph (c) of this section.

(c) *Illustrations.* The rules set forth in paragraphs (a) and (b) of this section may be illustrated by the following examples:

*Example (1).* (i) *Facts.* N Corporation acquired on June 30, 1960, all the assets of M Corporation in a reorganization to which section 381(a) applies. Both corporations compute taxable income on the basis of the calendar year. N Corporation is a personal holding company for its taxable years ending December 31, 1960, and December 31, 1961.

(ii) *Dividend carryover to N Corporation's taxable year ending December 31, 1960.* With respect to N Corporation's taxable year ending December 31, 1960, the taxable years referred to as first preceding taxable years and second preceding taxable years are—

(a) M Corporation's taxable years ending June 30, 1960, and December 31, 1959, respectively; and

(b) N Corporation's taxable years ending December 31, 1959, and December 31, 1958, respectively.

The dividend carryover to N Corporation's taxable year ending December 31, 1960, is $22,000 computed as follows, assuming the dividends paid deduction before dividend carryovers, and the taxable income after section 545(b) adjustments, to be as stated in the computation:

| | *M Corporation* | *N Corporation* |
|---|---|---|
| Second preceding taxable year: | | |
| Dividends paid deduction | $25,000 | $12,000 |
| Taxable income | 15,000 | 13,000 |
| Excess dividends paid deduction | $10,000 | 0 |
| First preceding taxable year: | | |
| Dividends paid deduction | 23,000 | 20,000 |
| Taxable income | 21,000 | 10,000 |
| Excess dividends paid deduction | 2,000 | $10,000 |
| Separate dividend carryovers | 12,000 | 10,000 |

The aggregate dividend carryover of $22,000 is the sum of $12,000 (the separate dividend carryover from M Corporation) and $10,000 (the separate dividend carryover from N Corporation's own preceding taxable years).

(iii) *Dividend carryover to N Corporation's taxable year ending December 31, 1961.* With respect to N Corporation's taxable year ending December 31, 1961, the first preceding taxable year is N Corporation's taxable year ending December 31, 1960; and the taxable years referred to as second preceding taxable years are M Corporation's taxable year ending June 30, 1960, and N Corporation's taxable year ending December 31, 1959. The dividend carryover to N Corporation's taxable year ending December 31, 1961, is $17,000 computed as follows, assuming the dividends paid deduction before dividend carryovers, and the taxable income after section 545(b) adjustments, to be as stated in the computation:

| | *M Corporation* | *N Corporation* |
|---|---|---|
| Second preceding taxable year: | | |
| Dividends paid deduction | $23,000 | $20,000 |
| Taxable income | 21,000 | 10,000 |
| Separate excess of dividends paid deduction over taxable income | 2,000 | 10,000 |

The aggregate excess of dividends paid deduction over taxable income for the second preceding taxable year is $12,000, the sum of $2,000 (separate excess from M Corporation) and $10,000 (separate excess from N Corporation). Such aggregate excess is increased by the excess dividends paid deduction, or is reduced by the excess of taxable income, for the first preceding taxable year as follows:

| | |
|---|---|
| Aggregate excess of dividends paid deduction for second preceding taxable year | $12,000 |
| Dividends paid deduction of N Corporation for first preceding taxable year | $50,000 |
| Taxable income of N Corporation for first preceding taxable year | 45,000 |
| Dividend carryover to N Corporation's taxable year ending December 31, 1961 | $5,000 17,000 |

*Example (2).* (i) *Facts.* X Corporation is organized on May 1, 1956, and computes its taxable income on the basis of the fiscal year ending April 30. Y Corporation and Z Corporation are both organized on January 1, 1955, and both compute their taxable income on the basis of the calendar year. On July 31, 1957, X Corporation and Y Corporation transfer all their assets to Z Corporation in a statutory merger to which section 381(a) applies. For its taxable years ending December 31, 1957, and December 31, 1958, Z Corporation is a personal holding company.

(ii) *Dividend carryover to Z Corporation's taxable year ending December 31, 1957.* With respect to Z Corporation's taxable year ending December 31, 1957, the taxable years referred to as first preceding taxable years and second preceding taxable years are—

(a) X Corporation's taxable years ending July 31, 1957, and April 30, 1957, respectively;

(b) Y Corporation's taxable years ending July 31, 1957, and December 31, 1956, respectively; and

(c) Z Corporation's taxable years ending December 31, 1956, and December 31, 1955, respectively.

The dividend carryover to Z Corporation's taxable year ending December 31, 1957, is $40,000 computed as follows, assuming the dividends paid deduction before dividend carryovers, and the taxable income after section 545(b) adjustments, to be as stated in the computation:

| | *X Corporation* | *Y Corporation* | *Z Corporation* |
|---|---|---|---|
| Second preceding taxable year: | | | |
| Dividends paid deduction | $56,000 | $19,000 | $6,000 |
| Taxable income | 24,000 | 17,000 | 5,000 |
| Excess | $32,000 | $2,000 | $1,000 |
| First preceding taxable year: | | | |
| Dividends paid deduction | 9,000 | 4,000 | 10,000 |
| Taxable income | 7,000 | 8,000 | 5,000 |
| Excess | 2,000 | (4,000) | 5,000 |
| Separate dividend carryovers | 34,000 | 0 | 6,000 |

The aggregate dividend carryover of $40,000 is the sum of $34,000 (the separate dividend carryover from X Corporation) and $6,000 (the separate dividend carryover from Z Corporation's own preceding taxable years).

(iii) *Dividend carryover to Z Corporation's taxable year ending December 31, 1958.* With respect to Z Corporation's taxable year ending December 31, 1958, the first preceding taxable year is Z Corporation's taxable year ending December 31, 1957; and the taxable years referred to as second preceding taxable years are X Corportion's taxable year ending July 31, 1957, Y Corporation's taxable year ending July 31, 1957, and Z Corporation's taxable year ending December 31, 1956. The dividend carryover to Z Corporation's taxable year ending December 31, 1958, is $1,000 computed as follows, assuming the dividends paid

deduction before dividend carryovers, and the taxable income after section 545(b) adjustments, to be as stated in the computation:

| | X Corporation | Y Corporation | Z Corporation |
|---|---|---|---|
| Second preceding taxable year: | | | |
| Dividends paid deduction | $9,000 | $4,000 | $10,000 |
| Taxable income | 7,000 | 8,000 | 5,000 |
| Separate excess of dividends paid deduction over taxable income | 2,000 | 0 | 5,000 |

The aggregate excess of dividends paid deduction over taxable income for the second preceding taxable year is $7,000, the sum of $2,000 (separate excess from X Corporation) and $5,000 (separate excess from Z Corporation). Such aggregate excess is increased by the excess dividends paid deduction, or is reduced by the excess of taxable income, for the first preceding taxable year as follows:

| | | |
|---|---|---|
| Aggregate excess of dividends paid deduction for second preceding taxable year | | $7,000 |
| Dividends paid deduction of Z Corporation for first preceding taxable year | $10,000 | |
| Taxable income of Z Corporation for first preceding taxable year | 108,000 | |
| | | (6,000) |
| Dividend carryover to Z Corporation's taxable year ending December 31, 1958 | | 1,000 |

*Example* (3). Assume the facts stated in example (2), except that Y Corporation transferred all its assets to Z Corporation on May 31, 1957. Assume also that the facts for Y Corporation's taxable year ending May 31, 1957, are otherwise the same as those stated for its taxable year in example (2) ending July 31, 1957. In such case, the dividend carryovers to Z Corporation's taxable years ending on December 31, 1957, and December 31, 1958, are the same as in example (2) notwithstanding the fact that the transfers from X Corporation and Y Corporation occurred on the different dates.

*Example* (4). (i) *Facts.* T Corporation acquired on June 30, 1960, all the assets of U Corporation in a statutory merger to which section 381(a) applies, and in a like transaction acquired on June 30, 1961, all the assets of V Corporation. Such corporations all compute taxable income on the basis of the calendar year. T Corporation is a personal holding company for its taxable years 1960 and 1961.

(ii) *Dividend carryover to T Corporation's taxable year 1960.* With respect to T Corporation's taxable year ending December 31, 1960, the taxable years referred to as first preceding taxable years and second preceding taxable years are—

(*a*) U Corporation's taxable years ending June 30, 1960, and December 31, 1959, respectively; and

(*b*) T Corporation's taxable years ending December 31, 1959, and December 31, 1958, respectively.

The dividend carryover to T Corporation's taxable year ending December 31, 1960, is $7,000 computed as follows, assuming the dividends paid deduction before dividend carryovers, and the taxable income after section 545(b) adjustments, to be as stated in the computation:

| | U Corporation | T Corporation | |
|---|---|---|---|
| Second preceding taxable year: | | | |
| Dividends paid deduction | $16,000 | $10,000 | |
| Taxable income | 12,000 | 13,000 | |
| Excess | | $4,000 | 0 |
| First preceding taxable year: | | | |
| Dividends paid deduction | 7,000 | 17,000 | |
| Taxable income | 5,000 | 16,000 | |
| Excess | | 2,000 | $1,000 |
| Separate dividend carryovers | | 6,000 | 1,000 |

The aggregate dividend carryover of $7,000 is the sum of $6,000 (the separate dividend carryover from U Corporation) and $1,000 (the separate dividend carryover from T Corporation's own first preceding taxable year).

(iii) *Dividend carryover to T Corporation's taxable year 1961.* Inasmuch as T Corporation's taxable year 1961 is the second taxable year ending after the date of distribution or transfer from U Corporation, paragraph (b)(3)(ii) of this section governs the determination of the dividend carryover from taxable years of T Corporation and U Corporation. On the other hand, inasmuch as T Corporation's taxable year 1961 is the first taxable year ending after the date of distribution or transfer from V Corporation, paragraph (b)(3)(i) governs the determination of the dividend carryover from taxable years of V Corporation.

(*a*) *Application of paragraph* (b)(3)(ii) *of this section.* With respect to T Corporation's taxable year 1961, the first preceding taxable year is T Corporation's taxable year ending December 31, 1960; and the taxable years referred to as second preceding taxable years are T Corporation's taxable year ending December 31, 1959, and U Corporation's taxable year ending June 30, 1960. The dividend carryover from taxable years of T Corporation and U Corporation is $1,500 computed as follows, assuming the dividends paid deduction before dividend carryovers, and the taxable income after section 545(b) adjustments, to be as stated in the computation:

| | U Corporation | T Corporation |
|---|---|---|
| Second preceding taxable year: | | |
| Dividends paid deduction | $7,000 | $17,000 |
| Taxable income | 5,000 | 16,000 |
| Separate excess of dividends paid deduction over taxable income | 2,000 | 1,000 |

The aggregate excess of dividends paid deduction over taxable income for the second preceding taxable year is $3,000, the sum of $2,000 (separate excess from U Corporation) and $1,000 (separate excess from T Corporation). Such aggregate is increased by the excess dividends paid deduction, or is reduced by the excess of taxable income, for the first preceding taxable year as follows:

| | | T Corporation |
|---|---|---|
| Aggregate excess of dividends paid deduction for second preceding taxable year | | $3,000 |
| First preceding taxable year: | | |
| Dividends paid deduction of T Corporation | $21,000 | |
| Taxable income of T Corporation | 22,500 | |
| Excess taxable income | | ($1,500) |
| Separate dividend carryover (without regard to V Corporation) | | 1,500 |

(*b*) *Application of paragraph* (b)(3)(i) *of this section.* With respect to T Corporation's taxable year 1961, V Corporation's taxable year ending June 30, 1961, is a first preceding taxable year, and its taxable year ending December 31, 1960, is a second preceding taxable year. The separate dividend carryover from V Corporation is $3,000 computed as follows, assuming the dividends paid deduction before dividend carryovers, and the taxable income after section 545(b) adjustments, to be as stated in the computation:

| | V Corporation | |
|---|---|---|
| Second preceding taxable year: | | |
| Dividends paid deduction | $11,000 | |
| Taxable income | 6,000 | |
| Excess | | $5,000 |
| First preceding taxable year: | | |
| Dividends paid deduction | 9,000 | |
| Taxable income | 6,000 | |
| Excess | | 3,000 |
| Separate dividend carryover from V Corporation | | 3,000 |

(*c*) *Dividend carryover.* The dividend carryover to T Corporation's taxable year 1961 is $9,500, the sum of $8,000 (the separate dividend carryover from V Corporation) and $1,500 (the aggregate dividend carryover from T Corporation and U Corporation).

(d) *Successive carryovers.* The provisions of this section shall apply for the purpose of determining a dividend carryover to an acquiring corporation which, in a distribution or transfer to which section 381(a) applies, acquires the assets of a distributor or transferor corporation which has previously acquired the assets of another corporation in a transaction to which section 381(a) applies; even though, in computing the dividend carryover to such second acquiring corporation, it is necessary to take into account the deduction for dividends paid, and the adjusted taxable income, of the first distributor or transferor corporation.

(e) *Acquiring corporation not receiving all the assets.* The dividend carryover acquired from a distributor or transferor corporation by an acquiring corporation in a transaction to which section 381(a) applies is not reduced by reason of the fact that the acquiring corporation does not acquire 100 percent of the assets of the distributor or transferor corporation.

(f) *Dividends paid after the close of taxable year.* A transaction to which section 381(a) applies does not prevent the application of section 563(b) to a dividend paid by a distributor or transferor corporation after the close of its taxable year ending with the date of distribution or transfer but on or before the 15th day of the third month following the close of such taxable year. However, dividends paid by the acquiring corporation may not be taken into account under section 563(b) for the purpose of determining the dividends paid deduction of the distributor or transferor corporation for its taxable year ending with the date of distribution or transfer.

**§ 1.381(c)(15) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; indebtedness of certain personal holding companies.**

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * *

(15) *Indebtedness of certain personal holding companies.* The acquiring corporation shall be considered to be the distributor or transferor corporation for the purpose of determining the applicability of section 545(b)(7), relating to a deduction for payment of certain indebtedness incurred before January 1, 1934.

**§ 1.381(c)(15)–1 Indebtedness of certain personal holding companies.**

(a) *Carryover requirement.* If, in a transaction to which section 381(a) applies, the acquiring corporation assumes liability for any indebtedness incurred, or assumed, before January 1, 1934, by a distributor or transferor corporation, then under section 381(c)(15) the acquiring corporation shall be allowed in computing its undistributed personal holding company income for any taxable year ending after the date of distribution or transfer a deduction under section 545(b)(7) for amounts used or irrevocably set aside to pay or to retire such indebtedness. Such deduction shall be allowed to the acquiring corporation in accordance with section 545(b)(7) and paragraph (g) of § 1.545–2 as though the indebtedness had been incurred, or assumed, by the acquiring corporation before January 1, 1934.

(b) *Successive transactions to which section 381(a) applies.* If, in a transaction to which section 381(a) applies, an acquiring corporation assumes liability for indebtedness described in paragraph (a) of this section, such acquiring corporation shall be deemed to have incurred the indebtedness before January 1, 1934, for the purpose of applying section 381(c)(15) to any subsequent transaction in which such acquiring corporation is the distributor or transferor corporation.

**§ 1.381(c)(17) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; deficiency dividend of personal holding company.**

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * *

(17) *Deficiency dividend of personal holding company.* If the acquiring corporation pays a deficiency dividend (as defined in section 547(d)) with respect to the distributor or transferor corporation, such distributor or transferor corporation shall, with respect to such payments, be entitled to the deficiency dividend deduction provided in section 547.

**§ 1.381(c)(17)–1 Deficiency dividend of personal holding company.**

(a) *Carryover requirement.* If a determination (as defined in section 547(c)) establishes that a distributor or transferor corporation in a transaction to which section 381(a) applies is liable for personal holding company tax imposed by section 541 (or by a corresponding provision of prior income tax law) for any taxable year ending on or before the date of distribution or transfer, then in computing such tax the deduction described in section 547 shall be allowed pursuant to section 381(c)(17) to such corporation for the amount of deficiency dividends paid by the acquiring corporation with respect to the distributor or transferor corporation. Except as otherwise provided in this section, the provisions of section 547 and the regulations thereunder apply with respect to a deficiency dividend deduction allowable pursuant to section 381(c)(17).

(b) *Deficiency dividends paid by the acquiring corporation with respect to the distributor or transferor corporation.* A deficiency dividend paid by the acquiring corporation with respect to the distributor or transferor corporation is a distribution that would satisfy the definition of a deficiency dividend under section 547(d)(1) if paid by the distributor or transferor corporation to its own shareholders except that it shall be paid by the acquiring corporation to its own shareholders and shall be paid after the date of distribution or transfer and on, or within 90 days after, the date of the determination but before the acquiring corporation files claim under paragraph (c) of this section.

(c) *Claim for deduction.* A claim for a deduction under this section shall be made by the acquiring corporation on Form 976, in duplicate, and shall be filed within 120 days after the date of the determination. The form shall contain, or be accompanied by, the information required under paragraph (b)(2) of § 1.547–2 in sufficient detail to properly identify the facts with the distributor or transferor corporation and the acquiring corporation. The statement required with respect to the shareholders on the date of payment of the deficiency dividend shall relate to the shareholders of the acquiring corporation, and the required certified copy of the resolution authorizing the payment of the dividend shall be that of the board of directors, or other authority, of the acquiring corporation. Necessary changes may be made in Form 976 in order to carry out the provisions of this paragraph. The claim shall be filed with the district director for the internal revenue district in which the return of the distributor or transferor corporation to which such claim relates was filed.

(d) *Effect on dividends paid deduction.* A deficiency dividend paid by the acquiring corporation, which is allowable as a deduction to a distributor or transferor corporation pursuant to section 381(c)(17), shall not become a part of the dividends paid deduction of the acquiring corporation under section 561 for any taxable year.

(e) *Successive transactions to which section 381(a) applies.* The provisions of this section shall apply in the case of successive transactions to which section 381(a) applies. Thus, if X Corporation transfers its assets to Y Corporation in a transaction to which section 381(a) applies and if Y Corporation transfers its assets to Z Corporation in a subsequent transaction to which section 381(a) applies, then, subject to the provisions of this section, X Corporation may take a deficiency dividend deduction for the amount of deficiency dividends paid by Z Corporation with respect to X Corporation.

(f) *Example.* The provisions of this section may be illustrated by the following example:

*Example.* M Corporation, a personal holding company, computes its taxable income on the basis of the calendar year. On December 31, 1956, N Corporation acquires the assets of M Corporation in a transaction to which section 381(a) applies. On July 31, 1958, a determination (as defined in section 547(c)) establishes that M Corporation is liable for the taxable year 1955 for personal holding company tax in the amount of $35,500 based on undistributed personal holding company income of $42,000 for such taxable year. N Corporation complies with the provisions of this section and on September 30, 1958, distributes $42,000 to its shareholders as deficiency dividends with respect to M Corporation's taxable year 1955. The distribution of $42,000 by N Corporation is a taxable dividend under section 316(b)(2) regardless of whether N Corporation is a personal holding company for the taxable year 1958 or whether it had any current or accumulated earnings and profits. See example (3) in paragraph (d) of § 1.316–1. Because N Corporation has paid deficiency dividends of $42,000 in accordance with this section, M Corporation is entitled to a deficiency dividend deduction of $42,000 for the taxable year 1955 and is thus relieved of its liability for personal holding company tax of $35,500 for such taxable year. To prevent a duplication of deductions, the amount distributed by N Corporation in 1958 does not become a part of N Corporation's dividends paid deduction under section 561 for any taxable year.

[F.R. Doc. 61–471; Filed, Jan. 18, 1961; 8:53 a.m.]

[T.D. 6527]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Stock Options

On December 3, 1960, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under sections 421 and 1014 to conform the regulations to changes made by the Act of February 11, 1958 (Public Law 85–320, 72 Stat. 4), and sections 25 and 26 of the Technical Amendments Act of 1958 (72 Stat. 1623, 1624), was published in the FEDERAL REGISTER (25 F.R. 12416). After consideration of all relevant matter regarding the rules proposed, the amendments of the regulations as so published are hereby adopted.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: January 13, 1961.

FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury.*

PARAGRAPH 1. Section 1.421 is amended by revising section 421(a), by revising section 421(d)(1)(A)(ii), by adding a subparagraph (C) to section 421(d)(6), by adding a paragraph (7) to section 421(d), and by adding a historical note. These amended and added provisions read as follows:

**§ 1.421 Statutory provisions; employee stock options.**

SEC. 421. *Employee stock options*—(a) *Treatment of restricted stock options.* If a share of stock is transferred to an individual pursuant to his exercise after 1949 of a restricted stock option, and no disposition of such share is made by him within 2 years from the date of the granting of the option nor within 6 months after the transfer of such share to him—

(1) No income shall result at the time of the transfer of such share to the individual upon his exercise of the option with respect to such share;

(2) No deduction under section 162 (relating to trade or business expenses) shall be allowable at any time to the employer corporation, a parent or subsidiary corporation of such corporation, or a corporation issuing or assuming a stock option in a transaction to which subsection (g) is applicable, with respect to the share so transferred; and

(3) No amount other than the price paid under the option shall be considered as received by any of such corporations for the share so transferred.

This subsection and subsection (b) shall not apply unless (A) the individual, at the time he exercises the restricted stock option, is an employee of either the corporation granting such option, a parent or subsidiary corporation of such corporation, or a corporation or a parent or subsidiary of such corporation issuing or assuming a stock option in a transaction to which subsection (g) is applicable, or (B) the option is exercised by him within 3 months after the date he ceases to be an employee of such corporations. In applying paragraphs (2) and (3) of subsection (d) for purposes of the preceding sentence, there shall be substituted for the term "employer corporation" wherever it appears in such paragraphs the term "grantor corporation", or the term "corporation issuing or assuming a stock option in a transaction to which subsection (g) is applicable", as the case may be.

* * * * *

(d) *Definitions.* * * *

(1) *Restricted stock option.* * * *

(A) * * *

(ii) In the case of a variable price option, the option price (computed as if the option had been exercised when granted) is at least 85 percent of the fair market value of the stock at the time such option is granted; and

* * * * *

(6) *Exercise by estate.* * * *

(C) *Basis of shares acquired.* In the case of a share of stock acquired by the exercise of an option to which subparagraph (A) applies—

(i) The basis of such share shall include so much of the basis of the option as is attributable to such share; except that the basis of such share shall be reduced by the excess (if any) of the amount, which would have been includible in gross income under subsection (b) if the employee had exercised the option and held such share at the time of his death, over the amount which is includible in gross income under subsection (b); and

(ii) The last sentence of subsection (b) shall apply only to the extent that the amount includible in gross income under such subsection exceeds so much of the basis of the option as is attributable to such share.

(7) *Variable price option.* The term "variable price option" means an option under which the purchase price of the stock is fixed or determinable under a formula in which the only variable is the fair market value of the stock at any time during a period of 6 months which includes the time the option is exercised; except that in the case of options granted after September 30, 1958, such term does not include any such option in which such formula provides for determining such price by reference to the fair market value of the stock at any time before the option is exercised if such value may be greater than the average fair market value of the stock during the calendar month in which the option is exercised.

[Sec. 421 as amended by sec. 1, Act of February 11, 1958 (Pub. Law 85-320, 72 Stat. 4); secs. 25 and 26, Technical Amendments Act 1958 (72 Stat. 1623, 1624)]

PAR. 2. Paragraph (d)(2) of § 1.421-1 is amended to read as follows:

**§ 1.421-1 Meaning and use of certain terms.**

* * * * *

(d) *Option price.* * * *

(2) (i) With respect to its option price, a restricted stock option must, when granted, meet either of the following requirements:

(*a*) The option price must be fixed or determinable at the time the option is granted; or

(*b*) In the case of an option exercised during any taxable year of the optionee which begins after December 31, 1953, and ends after August 16, 1954, the option price must be determinable under a variable price option as defined in subdivision (ii) of this subparagraph.

An option which does not meet the requirements of either (*a*) or (*b*) of this subdivision when granted will not be treated as a restricted stock option unless it is subsequently changed to meet such requirements. In case of such a change, see paragraph (c)(2) of § 1.421-4.

(ii) (*a*) The term "variable price option" means an option under which the option price is determined by a formula in which the only variable is the fair market value of the stock at any time during a period of six consecutive months which includes the day on which such option is exercised. Except as provided in (*b*) of this subdivision, such formula may provide for determining such price by reference to such value on any particular day in such 6-month period, or by reference to an average value of the stock over either the whole of such 6-month period or over any shorter period included in such 6-month period. Such 6-month period may begin with, end with, or in any other manner span the day on which such option is exercised. Such formula may also depend upon factors other than such value of the stock, but such other factors must not be variable and must be fixed in the option when granted. For example, such formula may provide that the option price shall be 85 percent of the value of the stock on the day the option is exercised, but such price shall not be less than $85, nor more than $110. Another example of a formula which meets the requirements of this subdivision is a provision that the option price shall be 95 percent of the fair market value of the stock on the day the option is exercised but not more than $95. However, the requirements of this subdivision are not met by a formula which provides that if the profits of the employer for the year do not exceed $100,000, the option price shall be $15 under the fair market value of the stock at the time the option is exercised, but if such profits exceed $100,000, the option price shall be $20 under such value of the stock. For an example of how to determine whether an option which contains a formula meeting the requirements of this subdivision also meets the requirement that the option price must be at least 85 percent of the fair market value of the stock at the time the option is granted, see paragraph (a)(1) of § 1.421-2.

(*b*) In the case of an option granted after September 30, 1958, the term "variable price option" does not include any option in which the formula provides for determining the option price by reference to the fair market value of the stock at any time before the option is exercised if such value may be greater than the average fair market value of the stock during the calendar month in which the option is exercised. Whether an option meets the requirement of this subdivision shall be determined solely by reference to the terms of the option, and the circumstances existing at the time the option is granted or exercised are immaterial. Thus, an option, granted after September 30, 1958, and containing a pricing formula which takes into consideration the value of the stock at any time before the option is exercised, is subject to the new limitation and does not meet the requirement of this subdivision, even though the option price is not actually based upon such prior fair market value either at the time the option is exercised or at the time the option price is computed as if it were exercised for the purpose of applying the 85 percent test of section 421(d)(1)(A). For example, a formula which provides that the option price is to be 45 percent of the fair market value of the stock 30 days before the date on which the option is exercised, but not more than $85, will not qualify under this subdivision since under this formula the price may be determinable by reference to a higher prior value. On the other hand, a formula which provides that the option price is to be 90 percent of the average value of the stock during the month the option is exercised or the average value of the stock during the preceding month, whichever is lower, will qualify. In the case of an option granted after September 30, 1958, the only way that a formula which provides for determining the option price by reference to the fair market value of the stock at a time before the option is exercised can come within the requirement of this subdivision is to provide that the option price is to be determined by reference to such fair market value only if such fair market value is not greater than the average fair market value of the stock during the month in which the option is exercised. If under the terms of an option the price is to be determined by reference to the fair market value of the stock at a time before the option is exercised, whether such value is higher or lower than the average fair market value of the stock during the month the option is exercised, such option will not be considered a restricted stock option since the option price may be based upon the prior value of the stock when such value exceeds the average fair market value of the stock during the month the option is exercised. However, if an option provides for determining the option price by reference to a prior fair market value of the stock only when such value is lower than such average value of the stock, such option can qualify as a restricted stock option. The average fair market value of the stock during the month in which the option is exercised means such value during the calendar month the option is exercised and not merely during a 30- or 31-day period including the time the option is exercised. To compute the average fair market value of the stock for the month, it will be necessary to ascertain the fair market value of the stock for each day during the month, including those days which are not business days. In ascertaining the fair market value of the stock for each day, the generally accepted principles for ascertaining such value will be applied.



PAR. 3. Paragraph (a)(1) of § 1.421-2 is amended to read as follows:

**§ 1.421-2 Restricted stock option.**

(a) *In general.* (1) A "restricted stock option" is an option granted after February 26, 1945, to an individual, for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any of such corporations, but, except in the case of options described in subparagraph (2) of this paragraph, only if—

(i) At the time such option is granted the option price is at least 85 percent of the fair market value at such time of the stock subject to the option; and

(ii) Such option by its terms is not transferable by such individual otherwise than by will or by the laws of descent and distribution, and is exercisable, during his lifetime, only by him; and

(iii) Such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock either of the employer corporation or of its parent or subsidiary corporation; and

(iv) In the case of options granted after June 21, 1954, such option by its terms is not exercisable after the expiration of ten years from the date on which such option was granted.

For the purpose of applying the rule of subdivision (i) of this subparagraph if the option price is determined by a formula described in paragraph (d)(2)(ii) of § 1.421-1, the option price shall, notwithstanding any provision of the option, be computed as if such option is exercised on the day when it is granted. For example, if on June 15, 1959, an option is granted providing that the option price shall be $10 under the average fair market value of the stock during the month in which the option is exercised or the average fair market value of the stock during the preceding month, whichever is lower, and if on June 15, 1959, the value of the stock subject to the option is $100 a share, to determine if the option meets the requirement of subdivision (i) of this subparagraph, it is necessary to determine the average fair market value of the stock during the months of May and June 1959. If such lower average fair market value is $95 or more, the option meets the requirement of subdivision (i) of this subparagraph.

PAR. 4. Paragraph (b) of § 1.421-3 is amended by revising subparagraph (1) and adding example (3) to subparagraph (2). These amended and added provisions read as follows:

**§ 1.421-3 Exercise of restricted stock option.**

* * * * *

(b)(1) Section 421 is applicable to the exercise of a restricted stock option only if at the time the individual exercises the option he is a bona fide employee of the corporation granting the option, or of a corporation which is at the time the option is exercised a parent or subsidiary of such corporation, unless the old option has been assumed or a new option has been issued in its place under section 421(g). See paragraph (d) of § 1.421-4. In case of such an assumption of the old option or such issuance of a new option, the individual exercising the option must, at the time he exercises the option, be a bona fide employee of the corporation so assuming or issuing the option, or a parent or subsidiary of such corporation. Section 421 is also applicable if the individual exercising the option was a bona fide employee of any of such corporations within three months before the exercise of the option. For purposes of determining whether an individual meets the requirement of this subparagraph, the term "employer corporation", as used in section 421(d)(2) and (3), shall be read as "grantor corporation" or "corporation issuing or assuming a stock option in a transaction to which section 421(g) is applicable", as the case may be. Therefore, for purposes of the employment requirement, the determination of whether a corporation is a parent corporation or a subsidiary corporation is based upon whether the corporation is a parent or subsidiary of the corporation granting an option or of a corporation which issued or assumed an option under section 421(g).

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following examples:

* * * * *

*Example (3).* Assume that P Corporation which owns all of the stock of S Corporation grants a restricted stock option to E, an employee of S Corporation. If E exercises the option, section 421 is applicable since E is employed by a corporation which is a subsidiary of the corporation which granted the restricted stock option.

PAR. 5. Section 1.421-5 is amended by revising paragraph (b)(1)(i) and (2), by revising the example in paragraph (d)(3)(ii), and by adding a subparagraph (4) to paragraph (d). These amended and added provisions read as follows:

**§ 1.421-5 Operation of section 421.**

* * * * *

(b) *Additional rules applicable where the option price is between 85 percent and 95 percent of the value of the stock*—(1) *In general.* (i) If all the conditions necessary for the application of section 421(a) exist, section 421(b) provides additional rules which are applicable in cases where, at the time the restricted stock option is granted, the option price per share is less than 95 percent (but not less than 85 percent) of the fair market value of such share. In such case, upon the disposition of such share by the individual after the expiration of the 2-year and the 6-month periods, or upon his death while owning such share (whether occurring before or after the expiration of such periods), there shall be included in the individual's gross income as compensation (and not as gain upon the sale or exchange of a capital asset) an amount determined in the following manner. If the option qualified under section 421(d)(1)(A)(i) (see paragraph (d)(2)(i)(*a*) of § 1.421-1), such amount shall be the amount, if any, by which the option price is exceeded by the lesser of the fair market value of the share at the time the option was granted or the fair market value of the share at the time of such disposition or death. However, if the option qualified under section 421(d)(1)(A)(ii) (see paragraph (d)(2)(i)(*b*) of § 1.421-1), such amount shall be whichever of the following amounts is lesser:

* * * * *

(2) *Basis.* If the special rules provided in section 421(b) are applicable to the disposition of a share of stock by an individual, the basis of such share in the individual's hands at the time of such disposition, determined under section 1011, shall be increased by an amount equal to the amount includible as compensation in his gross income under section 421(b). However, in the case of a share of stock acquired by the exercise of a restricted stock option after the death of the employee to whom the option was granted, the basis of such share shall be determined in accordance with the rules of paragraph (d)(4) of this section. If the special rules provided in section 421(b) are applicable to a share of stock upon the death of an individual, the basis of such share in the hands of the estate or the person receiving the stock by bequest or inheritance shall be determined under section 1014, and shall not be increased by reason of the inclusion upon the decedent's

death of any amount in his gross income under section 421(b). See example (9) of this paragraph with respect to the determination of basis of the share in the hands of a surviving joint owner.

* * * * *

(d) *Exercise after death.* * * *

(3) * * *

(ii) The application of subdivision (i) may be illustrated by the following example:

*Example.* On June 1, 1953, E was granted a restricted stock option to purchase for $85 one share of the stock of his employer. On such day, the fair market value of such stock was $100 a share. E died on February 1, 1954, without having exercised such option. The option was, however, exercisable by his estate, and for purposes of the estate tax was valued at $30. On March 1, 1955, the estate exercised the option, and on March 15, 1955, sold for $150 the share of stock so acquired. For its taxable year including March 15, 1955, the estate is required by section 421(b) to include in its gross income as compensation the amount of $15. During such taxable year, no amounts of income were properly paid, credited, or distributable to the beneficiaries of the estate. However, under section 421(d)(6)(B), the estate is entitled to a deduction determined in the following manner. E's estate includes no other items of income in respect of a decedent referred to in section 691(a), and no deductions referred to in section 691(b), so that the value for estate tax purposes of the restricted stock option, $30, is also the net value of all items of income in respect of the decedent. The estate tax attributable to the inclusion of the restricted stock option in the estate of E is $10. Since $15, the amount includible in gross income by reason of section 421(b), is less than the value for estate tax purposes of the option, only 15/30 of the estate tax attributable to the inclusion of the option in the estate is deductible; that is, 15/30 of $10, or $5. No deduction under section 421(d)(6)(B) is allowable with respect to any capital gain.

(4) (i) In the case of an employee dying before January 1, 1957, the basis of any share of stock acquired by the exercise of the option under this paragraph, determined under section 1011, shall be increased by an amount equal to the amount includible as compensation in his gross income under section 421(b). The basis of the share shall not be increased by reason of the inclusion of the value of the restricted stock option in the estate for estate tax purposes.

(ii) (*a*) In the case of an employee dying after December 31, 1956, the basis of any share of stock acquired by the exercise of the option under this paragraph, determined under section 1011, shall be increased by an amount equal to the portion of the basis of the option attributable to such share. For example, if a restricted stock option to acquire 10 shares of stock has a basis of $100, the basis of one share acquired by a partial exercise of the option, determined under section 1011, would be increased by 1/10th of $100, or $10. The option acquires a basis, determined under section 1014(a), only if it is exercised in accordance with section 421. Therefore, to the extent the option is so exercised, in whole or in part, it will acquire a basis equal to its fair market value at the date of the employee's death or, if an election is made under section 2032, its value at its applicable valuation date. In certain cases, the basis of the share is subject to the adjustments provided by (*b*) and (*c*) of this subdivision, but such adjustments are only applicable in the case of an option which is subject to section 421(b).

(*b*) If the amount which would have been includible in gross income under section 421(b) had the employee exercised the option and held the share at the time of his death exceeds the amount which is includible in gross income under section 421(b), the basis of the share, determined under (*a*) of this subdivision, shall be reduced by such excess. For example, if $15 would have been includible in the gross income of the employee had he exercised the option and held such share at the time of his death, and only $10 is includible under section 421(b), the basis of the share, determined under (*a*) of this subdivision, would be reduced by $5. For purposes of determining the amount which would have been includible in gross income under section 421(b) if the employee had exercised the option and held such share at the time of his death, the amount which would have been paid for the share shall be computed as if the option had been exercised on the date the employee died.

(*c*) If the amount includible in gross income under section 421(b) exceeds the portion of the basis of the option attributable to the share, the basis of the share, determined under (*a*) of this subdivision, shall be increased by such excess. Thus, if $15 is includible in gross income under section 421(b), and the basis of the option with respect to the share is $10, the basis of the share, determined under (*a*) of this subdivision, will be increased by $5.

(iii) If a restricted stock option is not exercised by the estate of the individual to whom the option was granted, or by the person who acquired such option by bequest or inheritance or by reason of the death of such individual, the option shall be considered to be property which constitutes a right to receive an item of income in respect of a decedent to which the rules of sections 691 and 1014(c) apply.

(iv) The application of this subparagraph may be illustrated by the following examples:

*Example (1).* On June 1, 1954, the X Corporation granted to E, an employee, a restricted stock option to purchase a share of X Corporation's stock for $85. The fair market value of the X Corporation stock on such date was $100 per share. On June 1, 1955, E died. The fair market value of X Corporation stock on such date exceeded $100 per share and the fair market value of the option on the applicable valuation date was $35. On August 1, 1956, the estate of E exercised the option and sold the share of X Corporation stock at a time when the fair market value of the share was $90. The estate is required by section 421(b) to include $5 in its gross income as compensation. Since E died before January 1, 1957, the basis of the share is $90 (the $85 paid for the stock plus the $5 includible in gross income as compensation), and the basis of the share is not increased by reason of the inclusion of the value of the option in the estate of E (see section 1014(d)). Thus, no gain or loss is realized on the disposition of the share since the basis of the share is equal to the sale price.

*Example (2).* On June 1, 1956, the X Corporation granted to E, an employee, a restricted stock option to purchase a share of X Corporation stock for $85. The fair market value of X Corporation stock on such date was $100 per share. On June 1, 1957, E died. The fair market value of X Corporation stock on such date exceeded $100 per share and the fair market value of the option on the applicable valuation date was $35. On August 1, 1958, the estate of E exercised the option and sold the share of X Corporation stock at a time when the fair market value of the share was $120. The basis of the share is $120 (the $85 paid for the stock plus the $35 basis of the option). When the share is sold for $120, the estate is required to include $15 in its gross income as compensation. Since $15 would have been includible in E's gross income if he had exercised the option and held such share at the time of his death, subdivision (ii)(*b*) of this subparagraph does not apply. Moreover, since the $15 includible in the gross income of the estate does not exceed the basis of the option ($35), subdivision (ii)(*c*) of this subparagraph does not apply. Since the basis of the stock and the sale price are the same, no gain or loss is realized by the estate on the disposition of the share.

*Example (3).* Assume the same facts as in example (2), except that the fair market value of the share of stock at the time if its sale was $90. The basis of the share, determined under subdivision (ii)(*a*) of this subparagraph, is $120 (the $85 paid for the stock plus the $35 basis of the option). When the share is sold for $90, the estate is required to include $5 in its gross income as compensation. If the employee had exercised the option and held the share at the time of this death, $15 would have been includible in gross income as compensation for the taxable year ending with his death. Since such amount exceeds by $10 the amount which the estate is required to include in its gross income, subdivision (ii)(*b*) of this subparagraph applies, and the basis of the share ($120), determined under subdivision (ii)(*a*) of this subparagraph is reduced by $10. Accordingly, the basis is $110, and a capital loss of $20 is realized on the disposition of the share.

*Example (4).* Assume the same facts as in example (2), except that the fair market value of the option on the applicable valuation date was $5, and that the fair market value of X Corporation stock on the date the employee died did not exceed $100. The basis of the share, determined under subdivision (ii)(*a*) of this subparagraph, is $90 (the $85 paid for the stock plus the $5 basis of the option). When the share is sold for $120, the estate is required to include $15 in its gross income as compensation. Since such amount exceeds by $10 the basis of the option, subdivision (ii)(*c*) of this subparagraph applies, and the basis of the share ($90), determined under subdivision (ii)(*a*) of this subparagraph, is increased by $10. Accordingly, the basis is $100 and a capital gain of $20 is realized on the disposition of the share.

*Example (5).* Assume the same facts as in example (2), except that on June 1, 1957, the date the employee died, the fair market value of X Corporation stock was $98, and that on June 1, 1958, the alternate valuation date, the fair market value of the stock had declined substantially, and the fair market value of the option was $5. On August 1, 1958, the estate of E exercised the option and sold the share when its fair market value was $92. The basis of the share, determined under subdivision (ii)(*a*) of this subparagraph, is $90 (the $85 paid for the stock plus the $5 basis of the option). When the share is sold for $92, the estate is required to include $7 in its gross income as compensation. Since $13 would have been includible in E's gross income if he had exercised the option and held such share at the time of his death, subdivision (ii)(*b*) of this subparagraph applies, and the basis of the share ($90), determined under subdivision (ii)(*a*) of this subparagraph, is reduced by $6 to $84. Furthermore, since the $7 that the estate is required to include in its gross income when the share is sold for $92 exceeds by $2 the basis of the option, subdivision (ii)(*c*) of this subparagraph applies, and the basis of the share ($84), determined under subdivision (ii)(*a*) and (ii)(*b*) of this subparagraph, is increased by $2. Accordingly, the basis is $86 and a capital gain of $6 is realized on the disposition of the share.



PAR. 6. Section 1.1014 is amended by striking out subsection (d) of section 1014 and by adding a historical note. This amended provision and historical note read as follows:

**§ 1.1014 Statutory provisions; basis of property acquired from a decedent.**

SEC. 1014. *Basis of property acquired from a decedent.* * * *

(d) [Deleted]

[Sec. 1014 as amended by sec. 2, Act of February 11, 1958 (Pub. Law 85-320, 72 Stat. 5)]

PAR. 7. Paragraph (c)(2) of § 1.1014 is amended to read as follows:

**§ 1.1014-1 Basis of property acquired from a decedent.**

* * * * *

(c) *Property to which section 1014 does not apply.* * * *

(2) Restricted stock options described in section 421 which the employee has not exercised at death if the employee died before January 1, 1957. In the case of employees dying after December 31, 1956, see paragraph (d)(4) of § 1.421-5.

[F.R. Doc. 61-441; Filed, Jan. 18, 1961; 8:49 a.m.]

[T.D. 6531]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Taxation of Regulated Investment Companies and Their Shareholders

On December 6, 1960, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under section 852 of the Internal Revenue Code of 1954 to reflect the amendment of section 852 made by section 39 of the Technical Amendments Act of 1958 (72 Stat. 1638), to provide rules for determining whether the buyer or seller of regulated investment company stock shall be considered the shareholder of such stock, and to make a clarifying change, was published in the FEDERAL REGISTER (25 F.R. 12464). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as so published are hereby adopted, subject to the change set forth below.

Paragraph (b)(2)(iv) of § 1.852-4, as set forth in paragraph 2 of the notice of proposed rule making, is revised.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: January 16, 1961.

FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury.*

PARAGRAPH 1. Section 1.852 is amended (A) by adding a new paragraph (4) at the end of section 852 (b) and (B) by revising the historical note at the end thereof. These added and revised provisions read as follows:

**§ 1.852 Statutory provisions; taxation of regulated investment companies and their shareholders.**

SEC. 852. *Taxation of regulated investment companies and their shareholders.* * * *

(b) *Method of taxation of companies and shareholders.* * * *

(4) *Loss on sale or exchange of stock held less than 31 days.* If—

(A) Under subparagraph (B) or (D) of paragraph (3) a shareholder of a regulated investment company is required, with respect to any share, to treat any amount as a long-term capital gain, and

(B) Such share is held by the taxpayer for less than 31 days,

then any loss on the sale or exchange of such share shall, to the extent of the amount described in subparagraph (A) of this paragraph, be treated as loss from the sale or exchange of a capital asset held for more than 6 months. For purposes of this paragraph, the rules of section 246(c)(3) shall apply in determining whether any share of stock has been held for less than 31 days; except that "30 days" shall be substituted for the number of days specified in subparagraph (B) of section 246(c)(3).

* * * * *

[Sec. 852 as amended by sec. 2, Act of July 11, 1958 (Pub. Law 700, 84th Cong., 70 Stat. 530); secs. 39, 101, Technical Amendments Act 1958 (72 Stat. 1638, 1674)]

PAR. 2. Section 1.852-4 is amended (A) by adding a new subdivision (iv) at the end of paragraph (b)(2) and (B) by adding a new paragraph (d) at the end of such section. These added provisions read as follows:

**§ 1.852-4 Method of taxation of shareholders of regulated investment companies.**

* * * * *

(b) *Capital gains.* * * *

(2) *Undistributed capital gains.* * * *

(iv) For purposes of determining whether the purchaser or seller of a share or regulated investment company stock is the shareholder at the close of such company's taxable year who is required to include an amount of undistributed capital gains in gross income, the amount of the undistributed capital gains shall be treated in the same manner as a cash dividend payable to shareholders of record at the close of the company's taxable year. Thus, if a cash dividend paid to shareholders of record as of the close of the regulated investment company's taxable year would be considered income to the purchaser, then the purchaser is also considered to be the shareholder of such company at the close of its taxable year for purposes of including an amount of undistributed capital gains in gross income. If, in such a case, notice on Form 2439 is, pursuant to paragraph (a)(1) of § 1.852-9, mailed by the regulated investment company to the seller, then the seller shall be considered the nominee of the purchaser and, as such, shall be subject to the provisions in paragraph (b) of § 1.852-9. For rules for determining whether a dividend is income to the purchaser or seller of a share of stock, see paragraph (c) of § 1.61-9.

* * * * *

(d) *Special treatment of loss on the sale or exchange of regulated investment company stock held less than 31 days—*(1) *In general.* Under section 852(b)(4), if any person, with respect to a share of regulated investment company stock acquired by such person after December 31, 1957, and held for a period of less than 31 days, is required by section 852(b)(3)(B) or (D) to include in gross income as a gain from the sale or exchange of a capital asset held for more than six months—

(i) The amount of a capital gain dividend, or

(ii) An amount of undistributed capital gains,

then such person shall, to the extent of such amount, treat any loss on the sale or exchange of such share of stock as a loss from the sale or exchange of a capital asset held for more than 6 months. Such special treatment with respect to the sale of regulated investment company stock held for a period of less than 31 days is applicable to losses for taxable years ending after December 31, 1957.

(2) *Determination of holding period.* The rules contained in section 246(c)(3) (relating to the determination of holding periods for purposes of the deduction for dividends received) shall be applied in determining whether, for purposes of section 852(b)(4) and this paragraph, a share of regulated investment company stock has been held for a period of less than 31 days. In applying those rules, however, "30 days" shall be substituted for the number of days specified in subparagraph (B) of section 246(c)(3).

(3) *Example.* The application of section 852(b)(4) and this paragraph may be illustrated by the following example:

*Example.* On December 15, 1958, A purchased a share of stock in the X regulated investment company for $20. The X regulated investment company declared a capital gain dividend of $2 per share to shareholders of record on December 31, 1958. A, therefore, received a capital gain dividend of $2 which, pursuant to section 852(b)(3)(B), he must treat as a gain from the sale or exchange of a capital asset held for more than 6 months. On January 5, 1959, A sold his share of stock in the X regulated investment company for $17.50, which sale resulted in a loss of $2.50. Under section 852(b)(4) and this paragraph, A must treat $2 of such loss (an amount equal to the capital gain dividend received with respect to such share of stock) as a loss from the sale or exchange of a capital asset held for more than 6 months.

PAR. 3. Paragraph (a)(1) of § 1.852-9 is amended to read as follows:

**§ 1.852-9 Special procedural requirements applicable to designation under section 852(b)(3)(D).**

(a) *Regulated investment company—*(1) *Notice to shareholder.* A designation of undistributed capital gains under section 852(b)(3)(D) and paragraph (b)(2)(i) of § 1.852-2 shall be made by notice on Form 2439 mailed by the regulated investment company to each person who is a shareholder of record of the company at the close of the com-

pany's taxable year. The notice on Form 2439 shall show the name and address of the regulated investment company, the taxable year of the company for which the designation is made, the name and address of the shareholder, the amount designated by the company for inclusion by the shareholder in computing his long-term capital gains, and the tax paid with respect thereto by the company, which tax is deemed to have been paid by the shareholder. Form 2439 shall be prepared in triplicate, and copies B and C of the form shall be mailed to the shareholder on or before the 30th day following the close of the company's taxable year. Copy A of each Form 2439 must be associated with the undistributed capital gains tax return of the company (Form 2438), as provided in subparagraph (2) of this paragraph.

[F.R. Doc. 61-470; Filed, Jan. 18, 1961; 8:53 a.m.]

SUBCHAPTER B—ESTATE AND GIFT TAXES

[T.D. 6526]

## PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

### Miscellaneous Amendments

On November 24, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 11169) to conform the Estate Tax Regulations (26 CFR Part 20) to sections 23(e), 30(d), 65(a), 66(a)(1), 66(b)(1), 67, 77, 102(a), and 102(c) of the Technical Amendments Act of 1958 (72 Stat. 1606); to section 22(a) of the Alaska Omnibus Act (73 Stat. 146); to section 18(b) of the Hawaii Omnibus Act (74 Stat. 411); and to sections 4(b) and 4(c) of Public Law 86-779. No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the regulations as so proposed are hereby adopted.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: January 13, 1961.

FRED C. SCRIBNER, Jr.,
*Acting Secretary of the Treasury.*

In order to conform the Estate Tax Regulations (26 CFR Part 20) to sections 23(e), 30(d), 65(a), 66(a)(1), 66(b)(1), 67, 77, 102(a), and 102(c) of the Technical Amendments Act of 1958 (72 Stat. 1606); to section 22(a) of the Alaska Omnibus Act (73 Stat. 146); to section 18(b) of the Hawaii Omnibus Act (74 Stat. 411); and to sections 4(b) and 4(c) of Public Law 86-779, such regulations are amended as follows:

PARAGRAPH 1. Paragraphs (a) and (b) of § 20.0-1 are amended to read as follows:

§ 20.0-1 Introduction.

(a) *In general.* (1) The regulations in this part (Part 20, Subchapter B, Chapter I, Title 26, Code of Federal Regulations) are designated "Estate Tax Regulations". These regulations pertain to (i) the Federal estate tax imposed by chapter 11 of subtitle B of the Internal Revenue Code on the transfer of estates of decedents dying after August 16, 1954, and (ii) certain related administrative provisions of subtitle F of the Code. It should be noted that the application of many of the provisions of these regulations may be affected by the provisions of an applicable death tax convention with a foreign country. Unless otherwise indicated, references in the regulations to the "Internal Revenue Code" or the "Code" are references to the Internal Revenue Code of 1954, as amended, and references to a section or other provision of law are references to a section or other provision of the Internal Revenue Code of 1954, as amended. Unless otherwise provided, the Estate Tax Regulations are applicable to the estates of decedents dying after August 16, 1954, and supersede the regulations contained in Part 81, Subchapter B, Chapter I, Title 26, Code of Federal Regulations (1939) (Regulations 105, Estate Tax), as prescribed and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954 (19 F.R. 5167, Aug. 17, 1954).

(2) Section 2208 makes the provisions of chapter 11 of the Code apply to the transfer of the estates of certain decedents dying after September 2, 1958, who were citizens of the United States and residents of a possession thereof at the time of death. Section 2209 makes the provisions of chapter 11 apply to the transfer of the estates of certain other decedents dying after September 14, 1960, who were citizens of the United States and residents of a possession thereof at the time of death. See §§ 20.2208-1 and 20.2209-1. Except as otherwise provided in §§ 20.2208-1 and 20.2209-1, the provisions of these regulations do not apply to the estates of such decedents.

(b) *Scope of regulations*—(1) *Estates of citizens or residents.* Subchapter A of chapter 11 of the Code pertains to the taxation of the estate of a person who was a citizen or a resident of the United States at the time of his death. The term "resident" means a decedent who, at the time of his death, had his domicile in the United States. The term "United States", as used in the Estate Tax Regulations, includes only the States and the District of Columbia. The term also includes the Territories of Alaska and Hawaii prior to their admission as States. See section 7701(a)(9). A person acquires a domicile in a place by living there, for even a brief period of time, with no definite present intention of later removing therefrom. Residence without the requisite intention to remain indefinitely will not suffice to constitute domicile, nor will intention to change domicile effect such a change unless accompanied by actual removal. For meaning of the term "citizen of the United States" as applied in a case where the decedent was a resident of a possession of the United States, see § 20.2208-1. The regulations pursuant to subchapter A are set forth in §§ 20.2001-1 to 20.2056(e)-3.

* * * * *

(3) *Miscellaneous substantive provisions.* Subchapter C of chapter 11 of the Code contains a number of miscellaneous substantive provisions. The regulations pursuant to subchapter C are set forth in §§ 20.2201-1 to 20.2209-1.

* * * * *

PAR. 2. Section 20.2011 is amended by revising section 2011 (a) and (c) and the historical note to read as follows:

§ 20.2011 Statutory provisions; credit for State death taxes.

SEC. 2011. *Credit for State death taxes*—(a) *In general.* The tax imposed by section 2001 shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or Territory or the District of Columbia, in respect of any property included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent).

* * * * *

(c) *Period of limitations on credit.* The credit allowed by this section shall include only such taxes as were actually paid and credit therefor claimed within 4 years after the filing of the return required by section 6018, except that—

(1) If a petition for redetermination of a deficiency has been filed with the Tax Court within the time prescribed in section 6213(a), then within such 4-year period or before the expiration of 60 days after the decision of the Tax Court becomes final.

(2) If, under section 6161, an extension of time has been granted for payment of the tax shown on the return, or of a deficiency, then within such 4-year period or before the date of the expiration of the period of the extension.

(3) If a claim for refund or credit of an overpayment of tax imposed by this chapter has been filed within the time prescribed in section 6511, then within such 4-year period or before the expiration of 60 days from the date of mailing by certified mail or registered mail by the Secretary or his delegate to the taxpayer of a notice of the disallowance of any part of such claim, or before the expiration of 60 days after a decision by any court of competent jurisdiction becomes final with respect to a timely suit instituted upon such claim, whichever is later.

Refund based on the credit may (despite the provisions of section 6511 and 6512) be made if claim therefor is filed within the period above provided. Any such refund shall be made without interest.

* * * * *

[Sec. 2011 as amended by sec. 3, Act of Feb. 20, 1956 (Pub. Law 414, 84th Cong., 70 Stat. 24); secs. 65(a) and 102(c)(1), Technical Amendments Act 1958 (72 Stat. 1657, 1674)]

PAR. 3. Paragraphs (a) and (c)(1) of § 20.2011-1 are amended to read as follows:

§ 20.2011-1 Credit for State death taxes.

(a) *In general.* A credit is allowed under section 2011 against the Federal estate tax for estate, inheritance, legacy or succession taxes actually paid to any State, Territory, or the District of Columbia, or, in the case of decedents dying before September 3, 1958, any possession of the United States (hereafter referred to as "State death taxes"). The credit, however, is allowed only for State death taxes paid (1) with respect to property included in the decedent's gross estate, and (2) with respect to the decedent's estate. The amount of the credit is subject to the limitation described in paragraph (b) of this section. It is subject to further limitations described in § 20.2011-2 if a deduction is allowed under section 2053(d) for State death taxes paid with respect to a charitable gift. See paragraph (a) of § 20.2014-1 as to the allowance of a credit for death taxes paid to a possession of the United States in a case where the decedent died after September 2, 1958.

* * * * *

(c) *Miscellaneous limitations and conditions to credit*—(1) *Period of limitations.* The credit for State death taxes is limited under section 2011(c) to those taxes which were actually paid and for which a credit was claimed within four years after the filing of the estate tax return for the decedent's estate. If, however, a petition has been filed with the Tax Court of the United States for the redetermination of a deficiency within the time prescribed in section 6213(a), the credit is limited to those taxes which were actually paid and for which a credit was claimed within four years after the filing of the return or within 60 days after the decision of the Tax Court becomes final, whichever period is the last to expire. Similarly, if an extension of time has been granted under section 6161 for payment of the tax shown on the return, or of a deficiency, the credit is limited to those taxes which were actually paid and for which a credit was claimed within four years after the filing of the return, or before the date of the expiration of the period of the extension, whichever period is last to expire. If a claim for refund or credit of an overpayment of the Federal estate tax is filed within the time prescribed in section 6511, the credit for State death taxes is limited to such taxes as were actually paid and credit therefor claimed within four years after the filing of the return or before the expiration of 60 days from the date of mailing by certified or registered mail by the district director to the taxpayer of a notice of disallowance of any part of the claim, or before the expiration of 60 days after a decision by any court of competent jurisdiction becomes final with respect to a timely suit instituted upon the claim, whichever period is the last to expire. See section 2015 for the applicable period of limitations for credit for State death taxes on reversionary or remainder interests if an election is made under section 6163(a) to postpone payment of the estate tax attributable to reversionary or remainder interests. If a claim for refund based on the credit for State death taxes is filed within the applicable period described in this subparagraph, a refund may be made despite the general limitation provisions of sections 6511 and 6512. Any refund based on the credit described in this section shall be made without interest.

PAR. 4. Section 20.2014 is amended by adding at the end of section 2014 new subsection (f) and a historical note to read as follows:

§ 20.2014 Statutory provisions; credit for foreign death taxes.

SEC. 2014. *Credit for foreign death taxes* * * *



(f) *Possession of United States deemed a foreign country.* For purposes of the credits authorized by this section, each possession of the United States shall be deemed to be a foreign country.

[Sec. 2014 as amended by sec. 102(c)(2), Technical Amendments Act 1958 (72 Stat. 1674)]

PAR. 5. Paragraph (a)(1) of § 20.2014-1 is amended to read as follows:

§ 20.2014-1 Credit for foreign death taxes.

(a) *In general.* (1) A credit is allowed under section 2014 against the Federal estate tax for any estate, inheritance, legacy, or succession taxes actually paid to any foreign country (hereinafter referred to as "foreign death taxes"). The credit is allowed only for foreign death taxes paid (i) with respect to property situated within the country to which the tax is paid, (ii) with respect to property included in the decedent's gross estate, and (iii) with respect to the decedent's estate. The credit is allowable to the estate of a decedent who was a citizen of the United States at the time of his death. The credit is also allowable to the estate of a decedent who was a resident but not a citizen of the United States at the time of his death if the country of which the decedent was a national, in imposing death taxes, allows a similar credit to the estates of citizens of the United States resident in that country. See paragraph (b)(1) of § 20.0-1 for definition of the term "resident". The credit is not allowable to the estate of a decedent who was neither a citizen nor a resident of the United States at the time of his death. The credit is allowable not only for death taxes paid to foreign countries which are states in the international sense, but also for death taxes paid to possessions or political subdivisions of foreign states. With respect to the estate of a decedent dying after September 2, 1958, the term "foreign country", as used in this section and §§ 20.2014-2 to 20.2014-6, includes a possession of the United States. See §§ 20.2011-1 and 20.2011-2 for the allowance of a credit for death taxes paid to a possession of the United States in the case of a decedent dying before September 3, 1958. No credit is allowable for interest or penalties paid in connection with foreign death taxes.

PAR. 6. Section 20.2015 is amended and a historical note added to read as follows:

§ 20.2015 Statutory provisions; credit for death taxes on remainders.

SEC. 2015. *Credit for death taxes on remainders.* Where an election is made under section 6163(a) to postpone payment of the tax imposed by section 2001 or 2101, such part of any estate, inheritance, legacy, or succession taxes allowable as a credit under section 2011 or 2014, as is attributable to a reversionary or remainder interest may be allowed as a credit against the tax attributable to such interest, subject to the limitations on the amount of the credit contained in such sections, if such part is paid, and credit therefor claimed, at any time before the expiration of the time for payment of the tax imposed by section 2001 or 2101 as postponed and extended under section 6163.

[Sec. 2015 as amended by sec. 66(a)(1), Technical Amendments Act 1958 (72 Stat. 1657)]

PAR. 7. Paragraph (a) and examples (1) and (2) of paragraph (c) of § 20.2015-1 are amended to read as follows:

§ 20.2015-1 Credit for death taxes on remainders.

(a) * * *

(2) Within the time for payment of the tax imposed by section 2001 or 2101 as postponed under section 6163(a) and as extended under section 6163(b) (on account of undue hardship) or, if the precedent interest terminated before July 5, 1958, within 60 days after the termination of the preceding interest or interests in the property.

The allowance of credit, however, is subject to the other limitations contained in sections 2011 and 2014.

* * * * *

(c) * * *

*Example (1).* One-third of the Federal estate tax was attributable to a remainder interest in real property located in State Y, and two-thirds of the Federal estate tax was attributable to other property located in State X. The payment of the tax attributable to the remainder interest was postponed under the provisions of section 6163(a). The maximum credit allowable for State death taxes under the provisions of section 2011 is $12,000. Therefore, of the maximum credit allowable, $4,000 is attributable to the remainder interest and $8,000 is attributable to the other property. Within the 4-year period provided for in section 2011, inheritance tax in the amount of $9,000 was paid to State X in connection with the other property. With respect to this $9,000, $8,000 (the maximum amount allowable) is allowed as a credit against the Federal estate tax attributable to the other property, and $1,000 is allowed as a credit against the postponed tax. The life estate or other precedent interest expired after July 4, 1958. After the expiration of the 4-year period but before the expiration of the period of postponement elected under section 6163(a) and of the period of extension granted under section 6163(b) for payment of the tax, inheritance tax in the amount of $5,000 was paid to State Y in connection with the remainder interest. As the maximum credit allowable with respect to the remainder interest is $4,000 and $1,000 has already been allowed as a credit, an additional $3,000 will be credited against the Federal estate tax attributable to the remainder interest. It should be noted that if the life estate or other precedent interest had expired after the expiration of the 4-year period but before July 5, 1958, the same result would be reached only if the inheritance tax had been paid to State Y before the expiration of 60 days after the termination of the life estate or other precedent interest.

*Example (2).* The facts are the same as in example (1), except that within the 4-year period inheritance tax in the amount of $2,500 was paid to State Y with respect to the remainder interest and inheritance tax in the amount of $7,500 was paid to State X with respect to the other property. The amount of $8,000 is allowed as a credit against the Federal estate tax attributable to the other property and the amount of $2,000 is allowed as a credit against the postponed tax. The life estate or other precedent interest expired after July 4, 1958. After the expiration of the 4-year period but before the expiration of the period of postponement elected under section 6163(a) and of the period of extension granted under section 6163(b) for payment of the tax, inheritance tax in the amount of $5,000 was paid to State Y in connection with the remainder interest. As the maximum credit allowable with respect to the remainder interest is $4,000 and

$2,000 already has been allowed as a credit, an additional $2,000 will be credited against the Federal estate tax attributable to the remainder interest. It should be noted that if the life estate or other precedent interest had expired after the expiration of the 4-year period but before July 5, 1958, the same result would be reached only if the inheritance tax had been paid to State Y before the expiration of 60 days after the termination of the life estate or other precedent interest.

PAR. 8. Section 20.2039 is amended by revising section 2039(c) and adding a historical note to read as follows:

**§ 20.2039 Statutory provisions; annuities.**

SEC. 2039. *Annuities.* * * *

(c) *Exemption of annuities under certain trusts and plans.* Notwithstanding the provisions of this section or of any provision of law, there shall be excluded from the gross estate the value of an annuity or other payment receivable by any beneficiary (other than the executor) under—

(1) An employees' trust (or under a contract purchased by an employees' trust) forming part of a pension, stock bonus, or profit-sharing plan which, at the time of the decedent's separation from employment (whether by death or otherwise), or at the time of termination of the plan if earlier, met the requirements of section 401(a);

(2) A retirement annuity contract purchased by an employer (and not by an employees' trust) pursuant to a plan which, at the time of decedent's separation from employment (by death or otherwise), or at the time of termination of the plan if earlier, met the requirements of section 401(a) (3), (4), (5), and (6); or

(3) A retirement annuity contract purchased for an employee by an employer which is an organization referred to in section 503(b) (1), (2), or (3), and which is exempt from tax under section 501(a).

If such amounts payable after the death of the decedent under a plan described in paragraph (1) or (2) or under a contract described in paragraph (3) are attributable to any extent to payments or contributions made by the decedent, no exclusion shall be allowed for that part of the value of such amounts in the proportion that the total payments or contributions made by the decedent bears to the total payments or contributions made. For purposes of this subsection, contributions or payments made by the decedent's employer or former employer under a trust or plan described in paragraph (1) or (2) shall not be considered to be contributed by the decedent, and contributions or payments made by the decedent's employer or former employer toward the purchase of an annuity contract described in paragraph (3) shall, to the extent excludable from gross income under section 403(b), not be considered to be contributed by the decedent. This subsection shall apply to all decedents dying after December 31, 1953.

[Sec. 2039(c) as amended by secs. 23(e), 67(a), Technical Amendments Act 1958 (72 Stat. 1622, 1658)]

PAR. 9. Paragraphs (a), (b), and (c) of § 20.2039–2 are amended as follows:

**§ 20.2039–2 Annuities under "qualified plans" and section 403(b) annuity contracts.**

(a) *In general.* Section 2039(c) excludes from a decedent's gross estate the value of an annuity or other payment receivable under certain "qualified plans" and under certain annuity contracts to the extent provided in paragraph (c) of this section. Section 2039(c), other than paragraph (3) thereof, applies to estates of all persons dying after December 31, 1953.

(b) *Plans and annuity contracts to which section 2039(c) applies.* Section 2039(c) excludes from a decedent's gross estate, to the extent provided in paragraph (c) of this section, the value of an annuity or other payment receivable by any beneficiary (except the value of an annuity or other payment receivable by or for the benefit of the decedent's estate) under—

(1) An employees' trust (or under a contract purchased by an employees' trust) forming part of a pension, stock bonus, or profit-sharing plan which, at the time of the decedent's separation from employment (whether by death or otherwise), or at the time of the earlier termination of the plan, met the requirements of section 401(a);

(2) A retirement annuity contract purchased by an employer (and not by an employees' trust) pursuant to a plan which, at the time of decedent's separation from employment (by death or otherwise), or at the time of the earlier termination of the plan, met the requirements of section 401(a) (3) through (6); or

(3) In the case of a decedent dying after December 31, 1957, a retirement annuity contract purchased for an employee by an employer which, for its taxable year in which the purchase occurred, is an organization referred to in section 503(b) (1), (2), or (3), and is exempt from tax under section 501(a).

For the meaning of the term "annuity or other payment", see paragraph (b) of § 20.2039–1. For the meaning of the phrase "receivable by or for the benefit of the decedent's estate", see paragraph (b) of § 20.2042–1. The application of this paragraph may be illustrated by the following examples in each of which it is assumed that the amount stated to be excludable from the decedent's gross estate is determined in accordance with paragraph (c) of this section:

* * * * *

*Example (5).* An employer purchased a retirement annuity contract for an employee which was to provide the employee, upon his retirement at age 60, with an annuity for life and which was to provide his wife, upon the employee's death after retirement, with a similar annuity for life. The employer, for its taxable year in which the annuity contract was purchased, was an organization referred to in section 503(b) (1), (2), or (3), and was exempt from tax under section 501(a). The entire amount of the purchase price of the annuity contract was excluded from the employee's gross income under section 403(b). No part of the value of the survivor annuity payable after the employee's death is includible in the decedent's gross estate by reason of the provisions of section 2039(c).

(c) *Amount excludable from the gross estate.* (1) The amount to be excluded from a decedent's gross estate under section 2039(c) is an amount which bears the same ratio to the value at the decedent's death of the annuity or other payment receivable by the beneficiary as the employer's contribution (or a contribution made on his behalf) on the employee's account to the plan or towards the purchase of the annuity contract bears to the total contributions on the employee's account to the plan or towards the purchase of the annuity contract. In applying the ratio set forth in the preceding sentence, payments or contributions made by the employer (or on its behalf) toward the purchase of an annuity contract described in paragraph (b)(3) of this section shall be considered to include only such payments or contributions as are, or were, excludable from the employee's gross income under section 403(b). In applying this ratio, the value at the decedent's death of the annuity or other payment is determined in accordance with the rules set forth in §§ 20.2031–1, 20.2031–7, 20.2031–8, and 20.2031–9.

(2) In certain cases, the employer's contribution (or a contribution made on his behalf) to a plan on the employee's account and thus the total contributions to the plan on the employee's account cannot be readily ascertained. In order to apply the ratio stated in subparagraph (1) of this paragraph in such a case, the method outlined in the following two sentences must be used unless a more precise method is presented. In such a case, the total contributions to the plan on the employee's account is the value of any annuity or other payment payable to the decedent and his survivor computed as of the time the decedent's rights first mature (or as of the time the survivor's rights first mature if the decedent's rights never mature) and computed in accordance with the rules set forth in §§ 20.2031–1, 20.2031–7, 20.2031–8, and 20.2031–9. By subtracting from such value the amount of the employee's contribution to the plan, the amount of the employer's contribution to the plan on the employee's account may be obtained. The application of this paragraph may be illustrated by the following example:

*Example.* Pursuant to a pension plan, the employer and the employee contributed to a trust which was to provide the employee, upon his retirement at age 60, with an annuity for life, and which was to provide his wife, upon the employee's death after retirement, with a similar annuity for life. At the time of the employee's retirement, the pension trust formed part of a plan meeting the requirements of section 401(a). Assume the following: (i) That the employer's contributions to the fund were not credited to the accounts of individual employees; (ii) that the value of the employee's annuity and his wife's annuity, computed as of the time of the decedent's retirement, was $40,000; (iii) that the employee contributed $10,000 to the plan; and (iv) that the value at the decedent's death of the wife's annuity was $16,000. On the basis of these facts, the total contributions to the fund on the employee's account are presumed to be $40,000 and the employer's contribution to the plan on the employee's account is presumed to be $30,000 ($40,000 less $10,000). Since the wife's annuity was receivable under a qualified pension plan, that part of the value of such annuity which is attributable to the employer's contributions $\left(\frac{\$30,000}{\$40,000} \times \$16,000, \text{ or } \$12,000\right)$ is excludable from the decedent's gross estate by reason of the provisions of section 2039(c). Compare this result with the results reached in the examples set forth in paragraph (b) of this section in which all contributions to the plans were made by the employer.



PAR. 10. Section 20.2053 is amended by revising section 2053(d)(1) and the historical note to read as follows:

**§ 20.2053 Statutory provisions; expenses, indebtedness, and taxes.**

SEC. 2053. *Expenses, indebtedness, and taxes* * * *

(d) *Certain State death taxes*—(1) *General rule.* Notwithstanding the provisions of subsection (c)(1)(B) of this section, for purposes of the tax imposed by section 2001 the value of the taxable estate may be determined, if the executor so elects before the expiration of the period of limitation for assessment provided in section 6501, by deducting from the value of the gross estate the amount (as determined in accordance with regulations prescribed by the Secretary or his delegate) of any estate, succession, legacy or inheritance tax imposed by a State or Territory or the District of Columbia, upon a transfer by the decedent for public, charitable, or religious uses described in section 2055 or 2106(a)(2). The election shall be exercised in accordance with regulations prescribed by the Secretary or his delegate.

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[Sec. 2053 as amended by sec. 2, Act of Feb. 20, 1956 (Pub. Law 414, 84th Cong., 70 Stat. 23); sec. 102(c)(3), Technical Amendments Act 1958 (72 Stat. 1674)]

PAR. 11. Paragraph (a) of § 20.2053–9 is amended to read as follows:

**§ 20.2053–9 Deduction for certain State death taxes.**

(a) *General rule.* A deduction is allowed a decedent's estate under section 2053(d) for the amount of any estate, succession, legacy, or inheritance tax imposed by a State, Territory, or the District of Columbia, or, in the case of a decedent dying before September 3, 1958, a possession of the United States upon a transfer by the decedent for charitable, etc., uses described in section 2055 or 2106(a)(2) (relating to the estates of nonresidents not citizens), but only if (1) the conditions stated in paragraph (b) of this section are met, and (2) an election is made in accordance with the provisions of paragraph (c) of this section. See section 2011(e) and § 20.2011–2 for the effect which the allowance of this deduction has upon the credit for State death taxes.

PAR. 12. Section 20.2055 is amended by revising section 2055(e) and the historical note to read as follows:

**§ 20.2055 Statutory provisions; transfers for public, charitable, and religious uses.**

SEC. 2055. *Transfers for public, charitable, and religious uses* * * *

(e) *Disallowance of deductions in certain cases.* For disallowance of certain charitable, etc., deductions otherwise allowable under this section, see sections 503 and 681.

* * * * *

[Sec. 2055 as amended by sec. 1, Act of Aug. 6, 1956 (Pub. Law 1011, 84th Cong., 70 Stat. 1075); sec. 30(d), Technical Amendments Act 1958 (72 Stat. 1631)]

PAR. 13. Section 20.2106 is amended by revising section 2106 (a)(2)(E) and (a)(3) and adding a historical note to read as follows:

**§ 20.2106 Statutory provisions; taxable estate.**

SEC. 2106. *Taxable estate*—(a) *Definition of taxable estate.* * * *

(2) *Transfers for public, charitable, and religious uses* * * *

(E) *Disallowance of deductions in certain cases.* For disallowance of certain charitable, etc., deductions otherwise allowable under this paragraph, see sections 503 and 681.

* * * * *

(3) *Exemption*—(A) *General rule.* An exemption of $2,000.

(B) *Residents of possessions of the United States.* In the case of a decedent who is considered to be a "nonresident not a citizen of the United States" under the provisions of section 2209, the exemption shall be the greater of (i) $2,000, or (ii) that proportion of the exemption authorized by section 2052 which the value of that part of the decedent's gross estate which at the time of his death is situated in the United States bears to the value of his entire gross estate wherever situated.

* * * * *

[Sec. 2106 as amended by sec. 30(d), Technical Amendments Act 1958 (72 Stat. 1631); sec. 4(c), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1000)]

PAR. 14. Paragraphs (a)(3) and (c) of § 20.2106–1 are amended to read as follows:

**§ 20.2106–1 Estates of nonresidents not citizens; taxable estate; deductions in general.**

(a) * * *

(3)(i) In the case of a decedent who is considered to be a "nonresident not a citizen of the United States" under the provisions of section 2209, an exemption which is the greater of (*a*) $2,000 or (*b*) that proportion of $60,000 (the exemption authorized by section 2052) which the value of that part of the decedent's gross estate which is situated in the United States at the time of his death bears to the value of the decedent's entire gross estate wherever situated.

(ii) In the case of every other decedent who was a nonresident not a citizen of the United States at the time of his death, an exemption of $2,000, unless a death tax convention provides for another amount, such as a prorated exemption similar to that described in subdivision (i)(*b*) of this subparagraph.

* * * * *

(c)(1) The exemption described in paragraph (a)(3)(i) of this section may be illustrated by the following example:

*Example.* The decedent, who died on October 1, 1960, is considered to be a nonresident not a citizen of the United States by reason of the provisions of section 2209. He was a resident of the Virgin Islands and his entire gross estate wherever situated included bonds valued at $45,000, which were situated in the Virgin Islands, and shares of United States corporations valued at $30,000 (property situated in the United States under section 2104). The amount described in paragraph (a)(3)(i)(*b*) of this section is $24,000, computed as follows:

$$\frac{\$30,000 \text{ (value of property in United States)}}{\$75,000 \text{ (value of entire gross estate wherever situated)}} \times \$60,000 = \$24,000$$

Since the amount so computed exceeds $2,000, the exemption to be allowed the decedent's estate is $24,000.

(ii) In connection with the provisions of section 2106(c), see paragraph (a)(3) of § 20.2104–1 and paragraph (d) of § 20.2105–1.

PAR. 15. Section 20.2202 is amended and a historical note added to read as follows:

**§ 20.2202 Statutory provisions; missionaries in foreign service.**

SEC. 2202. *Missionaries in foreign service.* Missionaries duly commissioned and serving under boards of foreign missions of the various religious denominations in the United States, dying while in the foreign missionary service of such boards, shall not, by reason merely of their intention to permanently remain in such foreign service, be deemed nonresidents of the United States, but shall be presumed to be residents of the State or the District of Columbia wherein they respectively resided at the time of their commission and their departure for such foreign service.

[Sec. 2202 as amended by sec. 22(a), Alaska Omnibus Act (73 Stat. 146); sec. 18(b), Hawaii Omnibus Act (74 Stat 416)]

PAR. 16. Immediately after § 20.2207–1 insert the following new sections:

**§ 20.2208 Statutory provisions; certain residents of possessions considered citizens of the United States.**

SEC. 2208. *Certain residents of possessions considered citizens of the United States.* A decedent who was a citizen of the United States and a resident of a possession thereof at the time of his death shall, for purposes of the tax imposed by this chapter, be considered a "citizen" of the United States within the meaning of that term wherever used in this title unless he acquired his United States citizenship solely by reason of (1) his being a citizen of such possession of the United States, or (2) his birth or residence within such possession of the United States.

[Sec. 2208 as added by sec. 102(a), Technical Amendments Act 1958 (72 Stat 1674)]

**§ 20.2208–1 Certain residents of possessions considered citizens of the United States.**

As used in this part, the term "citizen of the United States" is considered to include a decedent dying after September 2, 1958, who, at the time of his death, was domiciled in a possession of the United States and was a United States citizen, and who did not acquire his United States citizenship solely by reason of his being a citizen of such possession or by reason of his birth or residence within such possession. The estate of such a decedent is, therefore, subject to the tax imposed by section 2001. See paragraph (a)(2) of § 20.0–1 and § 20.2209–1 for further information relating to the application of the Federal estate tax to the estates of decedents who were residents of possessions of the United States. The application of this section may be illustrated by the following example and the examples set forth in § 20.2209–1:

*Example.* A, a citizen of the United States by reason of his birth in the United States at San Francisco, established residence in Puerto Rico and acquired a Puerto Rican citizenship. A died on September 4, 1958, while a citizen and domiciliary of Puerto Rico. A's estate is, by reason of the provisions of section 2208, subject to the tax imposed by section 2001 inasmuch as his United States citizenship is based on birth in the United States and is not based solely on being a citizen of a possession or solely on birth or residence in a possession.

**§ 20.2209 Statutory provisions; certain residents of possessions considered nonresidents not citizens of the United States.**

SEC. 2209. *Certain residents of possessions considered nonresidents not citizens of the United States.* A decedent who was a citizen of the United States and a resident of a possession thereof at the time of his death shall, for purposes of the tax imposed by this chapter, be considered a "nonresident not a citizen of the United States" within the meaning of that term wherever used in this title, but only if such person acquired his United States citizenship solely by reason of (1) his being a citizen of such possession of the United States, or (2) his birth or residence within such possession of the United States.

[Sec. 2209 as added by sec. 4(b), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 999)]

**§ 20.2209-1 Certain residents of possessions considered nonresidents not citizens of the United States.**

As used in this part, the term "nonresident not a citizen of the United States" is considered to include a decedent dying after September 14, 1960, who, at the time of his death, was domiciled in a possession of the United States and was a United States citizen, and who acquired his United States citizenship solely by reason of his being a citizen of such possession or by reason of his birth or residence within such possession. The estate of such a decedent is, therefore, subject to the tax imposed by section 2101 which is the tax applicable in the case of a "nonresident not a citizen of the United States." See paragraph (a)(2) of § 20.0-1 and § 20.2208-1 for further information relating to the application of the Federal estate tax to the estates of decedents who were residents of possessions of the United States. The application of this section may be illustrated by the following examples and the example set forth in § 20.2208-1. In each of the following examples the decedent is deemed a "nonresident not a citizen of the United States" and his estate is subject to the tax imposed by section 2101 since the decedent died after September 14, 1960, but would not have been so deemed and subject to such tax if the decedent had died on or before September 14, 1960.

*Example (1).* C, who acquired his United States citizenship under section 5 of the Act of March 2, 1917 (39 Stat. 953), by reason of being a citizen of Puerto Rico, died in Puerto Rico on October 1, 1960, while domiciled therein. C is considered to have acquired his United States citizenship solely by reason of his being a citizen of Puerto Rico.

*Example (2).* E, whose parents were United States citizens by reason of their birth in Boston, was born in the Virgin Islands on March 1, 1927. On September 30, 1960, he died in the Virgin Islands while domiciled therein. E is considered to have acquired his United States citizenship solely by reason of his birth in the Virgin Islands (section 306 of the Immigration and Nationality Act (66 Stat. 237, 8 U.S.C. 1406)).

*Example (3).* N, who acquired United States citizenship by reason of being a native of the Virgin Islands and a resident thereof on June 28, 1932 (section 306 of the Immigration and Nationality Act (66 Stat. 237, 8 U.S.C. 1406)), died on October 1, 1960, while domiciled in the Virgin Islands. N is considered to have acquired his United States citizenship solely by reason of his birth or residence in the Virgin Islands.

*Example (4).* P, a former Danish citizen, who on January 17, 1917, resided in the Virgin Islands, made the declaration to preserve his Danish citizenship required by Article 6 of the treaty entered into on August 4, 1916, between the United States and Denmark. Subsequently P acquired United States citizenship when he renounced such declaration before a court of record (section 306 of the Immigration and Nationality Act (66 Stat. 237, 8 U.S.C. 1406)). P died on October 1, 1960, while domiciled in the Virgin Islands. P is considered to have acquired his United States citizenship solely by reason of his birth or residence in the Virgin Islands.

*Example (5).* R, a former French citizen, acquired his United States citizenship through naturalization proceedings in a court located in the Virgin Islands after having qualified for citizenship by residing in the Virgin Islands for 5 years. R died on October 1, 1960, while domiciled in the Virgin Islands. R is considered to have acquired his United States citizenship solely by reason of his birth or residence within the Virgin Islands.

PAR. 17. Section 20.6163 is amended and a historical note added to read as follows:

**§ 20.6163 Statutory provisions; extension of time for payment of estate tax on value of reversionary or remainder interest in property.**

SEC. 6163. *Extension of time for payment of estate tax on value of reversionary or remainder interest in property*—(a) *Extension permitted.* If the value of a reversionary or remainder interest in property is included under chapter 11 in the value of the gross estate, the payment of the part of the tax under chapter 11 attributable to such interest may, at the election of the executor, be postponed until 6 months after the termination of the precedent interest or interests in the property, under such regulations as the Secretary or his delegate may prescribe.

(b) *Extension to prevent undue hardship.* If the Secretary or his delegate finds that the payment of the tax at the expiration of the period of postponement provided for in subsection (a) would result in undue hardship to the estate, he may extend the time for payment for a reasonable period not in excess of 2 years from the expiration of such period of postponement.

(c) *Cross references*—(1) *Interest.* For provisions requiring the payment of interest for the period of such extension, see section 6601(b).

(2) *Security.* For authority of the Secretary or his delegate to require security in the case of such extension, see section 6165.

[Sec. 6163 as amended by sec. 66(b)(1), Technical Amendments Act 1958 (72 Stat. 1658)]

PAR. 18. Paragraph (a) of § 20.6163-1 is amended to read as follows:

**§ 20.6163-1 Extension of time for payment of estate tax on value of reversionary or remainder interest in property.**

(a) In case there is included in the gross estate a reversionary or remainder interest in property, the payment of the part of the tax attributable to that interest may, at the election of the executor, be postponed until six months after the termination of the precedent interest or interests in the property. In addition, if the precedent interest or interests terminated after March 2, 1958, and if the district director finds that the payment of the tax at the expiration of the period of postponement described in the preceding sentence would result in undue hardship to the estate, he may extend the time for payment for a reasonable period or periods not to exceed in all 2 years from the expiration of the period of postponement. See paragraph (b) of § 20.6161-1 for the meaning of the term "undue hardship". An example of undue hardship is a case where, by reason of the time required to settle the complex issues involved in a trust, the decedent's heirs or beneficiaries cannot reasonably expect to receive the decedent's remainder interest in the trust before the expiration of the period of postponement. The extension will be granted only in the manner provided in paragraph (c) of § 20.6161-1 (except that the application must be filed with the district director on or before the expiration of the period of postponement elected under section 6163(a)), and the amount of the tax for which the extension is granted, with the additions thereto, shall be paid on or before the expiration of the period of extension without the necessity of notice and demand from the district director. The provisions of this section are limited to cases in which the reversionary or remainder interest is included in the decedent's gross estate as such and does not extend to cases in which the decedent creates future interests by his own testamentary act.

PAR. 19. Paragraph (a) of § 20.6165-1 is amended to read as follows:

**§ 20.6165-1 Bonds where time to pay tax or deficiency has been extended.**

(a) *Extensions under sections 6161 and 6163(b) of time to pay tax or deficiency.* If an extension of time for payment of tax or deficiency is granted under section 6161 or 6163(b), the district director may, if he deems it necessary, require the executor to furnish a bond for the payment of the amount in respect of which the extension is granted in accordance with the terms of the extension. However, such bond shall not exceed double the amount with respect to which the extension is granted. For other provisions relating to bonds required where extensions of time to pay estate taxes or deficiencies are granted under sections 6161 and 6163(b), see the regulations under section 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

PAR. 20. Section 20.6325 is amended and a historical note added to read as follows:

**§ 20.6325 Statutory provisions; release of lien or partial discharge of property.**

SEC. 6325. *Release of lien or partial discharge of property*—(a) *Release of lien.*

* * *

(1) *Liability satisfied or unenforceable.* The Secretary or his delegate finds that the liability for the amount assessed, together with all interest in respect thereof, has been fully satisfied or has become legally unenforceable; or

* * * * *

(c) *Estate or gift tax.* Subject to such rules or regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any or all of the property subject to any lien imposed by section 6324 if the Secretary or his delegate finds that the liability secured by such lien has been fully satisfied or provided for.

(d) *Effect of certificate of release or discharge.* A certificate of release or of discharge issued under this section shall be held conclusive that the lien upon the property covered by the certificate is extinguished.

(e) *Cross references.* (1) For single bond complying with the requirements of both subsection (a)(2) and section 6165, see section 7102.

(2) For other provisions relating to bonds, see generally chapter 73.

(3) For provisions relating to suits to enforce lien, see section 7403.

(4) For provisions relating to suits to clear title to realty, see section 7424.

[Sec. 6325 as amended by sec. 77, Technical Amendments Act 1958 (72 Stat. 1662)]

[F.R. Doc. 61-440; Filed, Jan. 18, 1961; 8:49 a.m.]

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[T.D. 6530]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

## PART 45—MISCELLANEOUS STAMP TAXES

On July 16, 1960, a notice of proposed rule making with respect to regulations under subchapters A, B, and C of chapter 36, subchapter F of chapter 38, subchapters B, C, D, and F of chapter 39, chapter 40, and certain related administrative provisions of subtitle F of the Internal Revenue Code of 1954 as in effect July 1, 1960, was published in the FEDERAL REGISTER (25 F.R. 6762). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes set forth below which include, among others, those changes required by sections 18(i) and 18(j) of the Hawaii Omnibus Act (74 Stat. 416):

PARAGRAPH 1. Paragraph (a) of § 45.4455-1 is revised.

PAR. 2. Paragraph (c) of § 45.4822-1 is revised.

PAR. 3. Paragraph (c) of § 45.4842-1 is revised.

PAR. 4. Paragraph (d) of § 45.4901-1 is revised.

PAR. 5. Sections 45.6011(a), 45.6011(a)-6, and 45.6011(a)-7 are stricken.

PAR. 6. Sections 45.6011(a)-1, 45.6011(a)-2, 45.6011(a)-3, 45.6011(a)-4, and 45.6011(a)-5 are redesignated §§ 45.6001-6, 45.6001-7, 45.6001-8, 45.6001-9, and 45.6001-10 respectively.

PAR. 7. Paragraph (a) of § 45.6001-9, as redesignated, is revised.

PAR. 8. Paragraph (a) of § 45.6001-10, as redesignated, is revised.

PAR. 9. Sections 45.6001-11 and 45.6001-12 are added immediately after § 45.6001-10.

PAR. 10. Paragraph (a) of § 45.6071-1 is revised.

PAR. 11. Section 45.6091 is revised by striking subsection (b) of section 6091.

PAR. 12. Section 45.6091-1 is revised.

PAR. 13. Section 45.7011-1 is revised.

PAR. 14. In § 45.7701, paragraphs (9) and (10) of section 7701(a), and the historical note following section 7701, are revised.

(Sec. 7805, I.R.C. 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] CHARLES I. FOX,
*Acting Commissioner of Internal Revenue.*

Approved: January 13, 1961.

FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury.*

The regulations adopted under Subchapters A, B, and C of Chapter 36, Subchapter F of Chapter 38, Subchapters B, C, D, and F of Chapter 39, Chapter 40, and certain related administrative provisions of Subtitle F of the Internal Revenue Code of 1954 as in effect July 1, 1960 read as follows:

### Subpart A—Introduction


Sec.
45.0-1 Introduction.
45.0-2 General definitions and use of terms.
45.0-3 Scope of regulations.
45.0-4 Extent to which the regulations in this part supersede prior regulations.


### Subpart B—Playing Cards


45.4451 Statutory provisions; imposition of tax.
45.4451-1 Imposition, rate and application of tax.
45.4452 Statutory provisions; definition of manufacturer.
45.4452-1 Who is a manufacturer.
45.4453 Statutory provisions; exemption in case of exportation.
45.4453-1 Exemption in case of exportation.
45.4453-2 Removal to foreign-trade zones.
45.4454 Statutory provisions; liability for tax.
45.4454-1 Liability for tax.
45.4455 Statutory provisions; registration.
45.4455-1 Manufacturers to register.
45.4456 Statutory provisions; stamps.
45.4456-1 Stamps for payment of tax.
45.4456-2 Purchase of stamps.
45.4456-3 Affixing stamps.
45.4456-4 Abandoned or forfeited playing cards.
45.4456-5 Cancellation of stamps.
45.4456-6 Redemption of stamps.
45.4457 Statutory provisions; cross references.
45.4457-1 Cross references.


### Subpart C—Occupational Tax on Coin-Operated Devices


45.4461 Statutory provisions; imposition of tax.
45.4461-1 Imposition of tax.
45.4461-2 Rates of tax.
45.4462 Statutory provisions; definition of coin-operated amusement or gaming device.
45.4462-1 Definition of coin-operated amusement or gaming devices.
45.4463 Statutory provisions; administrative provisions; trade or business.
45.4463-1 Cross references.


### Subpart D—Occupational Tax on Bowling Alleys, Billiard and Pool Tables


45.4471 Statutory provisions; imposition of tax.
45.4471-1 Imposition and rate of tax.
45.4472 Statutory provisions; definition.
45.4472-1 Definition of bowling alley, billiard room, and pool room.
45.4473 Statutory provisions; exemptions.
45.4473-1 Exemptions.
45.4474 Statutory provisions; cross references.
45.4474-1 Cross references.


### Subpart E—Oleomargarine


45.4591 Statutory provisions; imposition of tax.
45.4591-1 Imposition, rate and payment of and liability for tax.





Sec.
45.4592(a) Statutory provisions; definitions.
45.4592(a)-1 Definition of the term "oleomargarine".
45.4593(a) Statutory provisions; exemptions.
45.4593(a)-1 Exemptions.


### Subpart F—White Phosphorus Matches


45.4801 Statutory provisions; imposition of tax.
45.4801-1 Imposition and rate of tax.
45.4802 Statutory provisions; definition of white phosphorus.
45.4802-1 Definition of white phosphorus.
45.4803 Statutory provisions; stamps.
45.4803-1 Sale of stamps to qualified manufacturer.
45.4804 Statutory provisions; requirements on manufacturers.
45.4804-1 Packing and stamping of white phosphorus matches.
45.4804-2 Factory number.
45.4804-3 Manufacturer's sign.
45.4804-4 Separate factories for taxable and nontaxable matches.
45.4804-5 Factory number required on each package.
45.4804-6 Caution label.
45.4804-7 Manufacturer's bond.
45.4804-8 Registry by manufacturer.
45.4804-9 Inventory to be made at commencement of business, on July 1 of each year, and at the time of closing.
45.4804-10 Daily records.
45.4804-11 Quarterly return.
45.4805 Statutory provisions; importation and exportation.
45.4805-1 Importation and exportation of matches.
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45.4806-1 Cross references.


### Subpart G—Adulterated and Process or Renovated Butter

#### TAX ON PRODUCTS


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45.4812-2 Requisition for, affixing and canceling stamps.
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45.4815(b) Statutory provisions; requirements applicable to dealers; books of wholesale dealers.
45.4816 Statutory provisions; exportation of adulterated butter.
45.4816-1 Exemption in case of exportation of adulterated butter.
45.4817 Statutory provisions; inspection of process or renovated butter.
45.4817-1 Inspection of process or renovated butter.
45.4818 Statutory provisions; administrative decisions relating to adulterated butter.
45.4818-1 Administrative decisions relating to adulterated butter.
45.4819 Statutory provisions; cross references.
45.4819-1 Cross references.

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Sec.
45.4821 Statutory provisions; imposition of tax.
45.4821–1 Imposition and rate of tax.
45.4821–2 Requirements with respect to manufacturers of adulterated butter or process or renovated butter.
45.4821–3 Requirement with respect to wholesale dealers in adulterated butter.
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45.4841–3 Liability of wholesale dealers and retail dealers for special tax.
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45.7805 Statutory provisions; rules and regulations.
45.7805–1 Promulgation of regulations.


AUTHORITY: §§ 45.0–1 to 45.7805–1 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

## Subpart A—Introduction

### § 45.0–1 Introduction.

(a) *In general.* The regulations in this part (Part 45, Subchapter D, Chapter 1, Title 26 (1954), Code of Federal Regulations) are designated "Miscellaneous Stamp Tax Regulations". The regulations relate to the taxes imposed by Subchapters A, B, and C of Chapter 36, Subchapter F of Chapter 38, Subchapters B, C, D, and F of Chapter 39 of the Internal Revenue Code of 1954, as amended, and to certain general provisions relating to occupational taxes contained in Chapter 40 of such Code and to certain related administrative provisions of Subtitle F of the Code. For a reference to the various taxes to which the regulations in this part relate, see paragraph (b) of this section and § 45.0–3. References in these regulations to the "Internal Revenue Code" or the "Code" are references to the Internal Revenue Code of 1954, as amended, unless otherwise indicated. References to a section or other provision of law are references to a section or other provision of the Internal Revenue Code, as amended, unless otherwise indicated.

(b) *Division of regulations.* The regulations in this part are divided into 12 subparts. Subpart A contains provisions relating to the arrangement and numbering of the sections of the regulations in this part, general definitions and use of terms, scope of regulations, and extent to which the regulations in this part supersede prior regulations relating to the taxes imposed by Subchapters A, B, and C of Chapter 36, Subchapter F of Chapter 38, and Subchapters B, C, D, and F of Chapter 39 of the Internal Revenue Code. The other subparts of the regulations in this part and the subject matter to which they relate are as follows:

Subpart B—Playing cards.
Subpart C—Occupational tax on coin-operated devices.
Subpart D—Occupational tax on bowling alleys, billiard and pool tables.
Subpart E—Oleomargarine.
Subpart F—White phosphorus matches.
Subpart G—Adulterated and process or renovated butter.
Subpart H—Filled cheese.
Subpart I—Cotton futures.
Subpart J—Silver bullion.
Subpart K—General provisions relating to occupational taxes.
Subpart L—Administrative provisions.

(c) *Arrangement and numbering.* In general each section of the regulations in Subparts B through L is preceded by the section, subsection, or paragraph of the Internal Revenue Code which it interprets. The sections of the regulations can readily be distinguished from sections of the Code since—

(1) The sections of the regulations are printed in larger type;

(2) The sections of the regulations are preceded by a section symbol and the part number, arabic numeral 45 followed by a decimal point (§ 45.); and

(3) The sections of the Code are preceded by "Sec.".

Each section of the regulations setting forth law or regulations is designated by a number composed of the part number followed by a decimal point (45.) and the number of the corresponding provision of the Internal Revenue Code. In the case of a section setting forth regulations, this designation is followed by a hyphen (-) and a number identifying such section.

### § 45.0–2 General definitions and use of terms.

As used in the regulations in this part, unless otherwise expressly indicated—

(a) The terms defined in the provisions of law contained in the regulations in this part shall have the meanings so assigned to them.

(b) The Internal Revenue Code of 1954 means the Act approved August 16, 1954 (68A Stat.), entitled "An Act to revise the internal revenue laws of the United States", as amended.

(c) District director means district director of internal revenue.

(d) Calendar quarter means a period of 3 calendar months ending on March 31, June 30, September 30, or December 31.

### § 45.0–3 Scope of regulations. cards.

The regulations in this part relate to the taxes imposed by Subchapters A, B, and C of Chapter 36, Subchapter F of Chapter 38, and Subchapter B, C, D, and F of Chapter 39 of the Code and, except where otherwise specifically provided, have application as provided in the following paragraphs:

(a) *Subpart B.* The regulations in Subpart B of this part relate to playing cards manufactured or imported, and sold, or removed for consumption or sale, by a manufacturer on or after July 1, 1960.

(b) *Subpart C.* The regulations in Subpart C of this part relate to coin-operated devices maintained for use by any person on or after July 1, 1960.

(c) *Subpart D.* The regulations in Subpart D of this part relate to the operation by any person of a bowling alley, billiard room, or pool room on or after July 1, 1960.

(d) *Subpart E.* The regulations in Subpart E of this part relate to oleomargarine imported from foreign countries on or after July 1, 1960.

(e) *Subpart F.* The regulations in Subpart F of this part relate to white phosphorous matches manufactured, sold, or removed by the manufacturer on or after July 1, 1960.

(f) *Subpart G.* The regulations in Subpart G of this part relate to (1) adulterated and process or renovated butter manufactured or sold or removed for consumption or use by the manufacturer on or after July 1, 1960, and (2) to the occupational tax imposed on (i) manufacturers, wholesalers, and retailers who deal in adulterated butter on or after July 1, 1960, and (ii) manufacturers of process or renovated butter on or after July 1, 1960.

(g) *Subpart H.* The regulations in Subpart H of this part relate to filled cheese manufactured or imported on or after July 1, 1960, and to the occupational tax imposed on manufacturers, wholesalers, and retailers who deal in filled cheese on or after July 1, 1960.

(h) *Subpart I.* The regulations of Subpart I of this part relate to contracts of sale of cotton for the future delivery entered into on or after July 1, 1960.

(i) *Subpart J.* The regulations in Subpart J of this part relate to transfers of any interest in silver bullion made on or after July 1, 1960.

(j) *Subpart K.* The regulations in Subpart K of this part deal with the general provisions relating to occupational taxes contained in Chapter 40 of the Code and are applicable on or after July 1, 1960.

(k) *Subpart L.* The regulations in Subpart L of this part, which are prescribed under selected provision of subtitle F of the Code, relate to refunds and other administrative provisions of special application to the various taxes covered by the regulations in this part and have application in respect of any transaction within the scope of any other subpart of the regulations in this part.

**§ 45.0–4 Extent to which the regulations in this part supersede prior regulations.**

The regulations in this part, with respect to the subject matter within the scope thereof, supersede the following regulations and such regulations as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 6091, signed August 16, 1954 (19 F.R. 5167, August 17, 1954):

| | |
|---|---|
| Tax on playing cards | Regulations 66, 26 CFR (1939), Part 305. |
| Special taxes with respect to coin-operated amusement and gaming devices, bowling alleys, billiard tables, and pool tables. | Regulations 59 (1941 edition), 26 CFR (1939), Part 323. |
| Tax on white phosphorus matches | Regulations 32, 26 CFR (1939), Part 300. |
| Taxes on oleomargarine, adulterated butter, and process or renovated butter. | Regulations 9, (Revised April 1936), 26 CFR (1939), Part 310. |
| Tax on filled cheese | Regulations 22 (Revised August 1926), 26 CFR (1939), Part 301. |
| Tax on contracts of sale of cotton for future delivery | Regulations 36 (1916 edition), 26 CFR (1939), Part 110. |
| Tax on transfers of interests in silver bullion | Regulations 85, 26 CFR (1939), Part 112. |
| Withdrawal of filled cheese and playing cards, from factories, free of tax, for use of the United States. | Regulations 34, 26 CFR (1939), Part 450. |
| Exportation without payment of tax on tobacco manufacturers, oleomargarine, adulterated butter, mixed flour, and playing cards; shipments to possessions of the United States, and drawback on tobacco manufactures and stills exported, or shipped to Puerto Rico or Philippine Islands. | Regulations 73, 26 CFR (1939), Part 451. |
| Removals of alcoholic liquors, tobacco products, and other articles of domestic manufacture to foreign-trade zones. | Regulations 31, 26 CFR (1939), Part 199, §§ 199.425 to 199.436, incl. |

## Subpart B—Playing Cards

**§ 45.4451 Statutory provisions; imposition of tax.**

SEC. 4451. *Imposition of tax.* There shall be imposed a tax of 13 cents per pack upon every pack of playing cards containing not more than 54 cards, manufactured or imported, and sold, or removed for consumption or sale, by a manufacturer. This tax shall be in addition to any import duties imposed on such articles of foreign manufacture.

[Sec. 4451 as originally enacted and in effect July 1, 1960]

**§ 45.4451–1 Imposition, rate and application of tax.**

(a) *Imposition of tax.* Section 4451 imposes a tax, applicable as set forth in paragraph (c) of this section and at the rates shown in paragraph (b) of this section, on playing cards manufactured or imported, and sold, or removed for consumption or sale, by a manufacturer. The tax on playing cards accrues upon removal of the cards from the factory or place where made, or upon the sale thereof prior to such removal. For definition of the term "manufacturer", see section 4452 and § 45.4452–1. For rules relating to duties, liabilities and responsibilities in respect of the tax imposed by section 4451, see sections 4454 to 4456, inclusive, and the regulations thereunder in this subpart.

(b) *Rate of tax.* The tax is imposed at the rate of 13 cents per pack upon each pack of playing cards containing not less than 2 nor more than 54 cards. Each additional 54 cards or fraction thereof in a pack constitutes a new pack on which tax must be paid at the rate of 13 cents each. For example, if a pack contains 120 cards it must be considered as constituting three packs, two packs of 54 cards each and one pack of 12 cards, and each such pack is subject to tax at the rate of 13 cents per pack or a total of 39 cents.

(c) *Application of tax*—(1) *In general.* The tax applies to ordinary playing cards which are used in playing games of skill or chance such as "poker", "bridge", "pinochle", "canasta", and the like, and to cards that may be used in lieu of ordinary playing cards. Cards for the games of "old-maid", "rook", "authors", and the like, differing wholly from ordinary playing cards, are not subject to tax. Miniature playing cards, playing cards with advertising matter printed thereon, and so-called "fortune-telling", "magic", or "trick", decks composed wholly or in part of playing cards or cards that may be used in lieu of playing cards are all subject to the tax.

(2) *Imported playing cards*—(i) *Foreign manufacture.* Except as set forth in the Customs Regulations (19 CFR 8.3 and 9.6, as amended), relating to certain importations on and after September 7, 1953, playing cards imported from foreign countries, must be tax-paid at the rate of 13 cents per pack of not more than 54 cards. Such tax is in addition to any import duty and must be paid by affixing the required stamps prior to release of the cards from customs custody.

(ii) *American goods returned.* When playing cards produced in the United States which have been duly exported without payment of tax are reimported, they are liable to customs duty equal to the tax imposed by section 4451. Containers of reimported domestic playing cards shall be marked as required by Customs Regulations (19 CFR 11.4). Such packages are not required to have internal-revenue stamps affixed.

**§ 45.4452 Statutory provisions; definition of manufacturer.**

SEC. 4452. *Definition of manufacturer.* Every person who offers or exposes for sale playing cards, whether the articles so offered or exposed are of foreign manufacture and imported or are of domestic manufacture, shall be deemed the manufacturer thereof, and subject to all the duties, liabilities, and penalties imposed by law in regard to the sale of domestic articles without the use of the proper stamps denoting the tax paid thereon.

[Sec. 4452 as originally enacted and in effect July 1, 1960]

**§ 45.4452–1 Who is a manufacturer.**

The term "manufacturer", when used in any provision of the regulations in this part having application to the tax on playing cards, shall include the following persons:

(a) Any person who manufactures playing cards for sale or consumption;

(b) Any person who packs or repacks playing cards for sale;

(c) Any person who offers or exposes for sale packs of playing cards, either domestic or imported, without the use of the proper stamps denoting payment of the tax thereon;

(d) Any person who cuts playing cards from large lithographed sheets and finishes them;

(e) Any person who cleans, gilds, reassembles, or repacks playing cards previously tax paid; and

(f) Any person who resells packs of playing cards on which the stamps have been broken. In such case each pack so sold must be restamped.

For requirement relating to registration of a manufacturer of playing cards, see section 4455 and § 45.4455–1.

**§ 45.4453 Statutory provisions; exemption in case of exportation.**

SEC. 4453. *Exemption in case of exportation.* Playing cards may be removed from the place of manufacture for export to a foreign country or for shipment to a possession of the United States without payment of tax, or affixing stamps thereto, under such rules and regulations and the filing of such bonds as the Secretary or his delegate may prescribe.

[Sec. 4453 as originally enacted and in effect July 1, 1960]

**§ 45.4453–1 Exemption in case of exportation.**

(a) *Cards removed for exportation*—(1) *In general.* The tax imposed by section 4451 shall not apply in the case of the removal of playing cards from the place of manufacture for the purpose of exportation to a foreign country or shipment to a possession of the United States and in due course so exported or shipped. Such removal in every instance must be made by shipment direct from the place of manufacture without any stoppage in transit. Packs of playing cards sent to a foreign country or a possession of the United States as sam-



ples must comply with the provisions of this section in order to be exempt.

(2) *Definition of exportation.* Exportation means the severance of an article from the mass of things belonging within the United States with the intention of uniting it with the mass of things belonging within some foreign country or within a possession of the United States. The character of a shipment will be determined by the intention with which it is made and it assumes the character of an export to a foreign country or shipment to a possession of the United States only where destined for, and intended for use in, a foreign country or possession of the United States, as the case may be.

(3) *Responsibility for exportation of playing cards.* Responsibility for compliance with the provisions of this section with respect to the removal of playing cards, without payment of tax, for export, and for the proper exportation of such playing cards shall rest upon the manufacturer thereof.

(4) *Liability for tax on playing cards.* The manufacturer of the playing cards (see § 45.4452–1 for definition of a manufacturer) shall be liable for the tax imposed thereon by section 4451 if the provisions of this section are not complied with.

(5) *Removal for export.* (i) To exempt from tax a removal of playing cards from the place of manufacture for export both of the following conditions must be met: (*a*) The playing cards so removed must be identified as having been removed from the place of manufacture by the manufacturer for export, and (*b*) the playing cards so removed must be exported in due course.

(ii) Playing cards will be regarded as having been removed from the place of manufacture by the manufacturer for export if the manufacturer has in his possession at the time of removal from the place of manufacture a written order or contract of sale showing that the manufacturer is to ship the playing cards to a foreign destination or to a possession of the United States.

(iii) The written order or contract of sale referred to in subdivision (ii) of this subparagraph suspends liability for payment of the tax by the manufacturer for such removal from the place of manufacture for export for a period of 6 months from the date of removal of such playing cards.

(6) *Proof of exportation*—(i) *Other than by parcel post.* Exportation may be evidenced by (*a*) a copy of the export bill of lading issued by the delivering carrier, or (*b*) a certificate by the agent or representative of the export carrier showing actual exportation of the playing cards, or (*c*) a certificate of landing signed by a customs officer of a foreign country or possession of the United States to which the playing cards are exported, or (*d*) where such foreign country or possession of the United States has no customs administration, a statement of the foreign consignee showing receipt of the playing cards. If, within a period of six months from the date of removal of such playing cards, the manufacturer has not received and attached to the order or contract proper "proof of exportation", then the temporary suspension of the liability for the payment of the tax ceases and such liability shall become immediately due and payable. Such tax shall be paid to the district director for the district in which is located the place of manufacture from which the shipment is made, with sufficient information to identify the taxpayer and the nature and purpose of the payment. However, if proof of exportation later becomes available, a claim for refund of any tax paid may be filed on Form 843, but such action must be taken within the three-year period prescribed by section 6511.

(ii) *Exportation by parcel post.* If playing cards are exported by parcel post, the manufacturer thereof shall have a statement prepared for use with each package so exported on which shall be shown such information as the destination, order or invoice number, the contents of the package, the name of the vendee, etc. Upon mailing the package described in the statement, the manufacturer shall have the statement stamped by the local postmaster as evidence of said package having been received by him for exportation by parcel post. A waiver of the manufacturer's right to withdraw such package from the mails shall be stamped or written on each package and such waiver shall be signed by the manufacturer making the shipment.

(b) *Bond.* If the district director deems it necessary in order to protect the revenue, a bond may be required of any manufacturer removing playing cards from the place of manufacture for export to a foreign country or for shipment to a possession of the United States. The penal sum of such bond shall be in an amount specified by the district director in a notice mailed to the manufacturer. For other provisions relating to bonds, see §§ 301.7101 and 301.7101–1 of this chapter (Regulations on Procedure and Admininstration).

(c) *Miscellaneous*—(1) *Diversion of shipment to another export consignee.* After removal of a shipment of playing cards from the place of manufacture for export in accordance with the provisions of paragraph (a)(5)(ii) of this section, the manufacturer of such playing cards may divert the shipment to another consignee for export provided he has in his possession a written order or contract of sale as provided in paragraph (a)(5)(ii) of this section from such other consignee.

(2) *Return of shipment to factory.* In case a consignee, for whom a manufacturer removes playing cards from his place of manufacture in accordance with a written order or contract of sale for export, modifies or cancels his written order or contract of sale for export, the manufacturer may return the shipment of such playing cards to his place of manufacture provided he maintains adequate records relating to such return.

**§ 45.4453–2 Removal to foreign-trade zones.**

(a) *In general.* Playing cards may be removed from the place of manufacture without having stamps affixed thereto for delivery to a foreign-trade zone for exportation. Such removal and delivery thereof to a foreign-trade zone is considered an exportation.

(b) *Definition of foreign-trade zone.* "Foreign-trade zone" or "zone," as used in this section, means a foreign-trade zone established and operated pursuant to the Act of June 18, 1934 (48 Stat. 998), as amended by Pub. Law 566, 81st Cong. (64 Stat. 246).

(c) *Proof of delivery to a foreign-trade zone.* A manufacturer of playing cards who removes such playing cards from the place of manufacture for delivery to a foreign-trade zone without affixing stamps thereto shall maintain adequate records of all such removals and shall keep sufficient written proof of such removals and deliveries as may be necessary to substantiate actual delivery of the playing cards to the foreign-trade zone. The records referred to in the preceding sentence shall be retained by the manufacturer and made available for inspection by any revenue officer upon his request.

**§ 45.4454 Statutory provisions; liability for tax.**

SEC. 4454. *Liability for tax.* The tax imposed by this subchapter shall be paid by any person who makes, sells, removes, consigns, or ships any playing cards, or for whose use or benefit the same are made, removed, consigned, or shipped.

[Sec. 4454 as originally enacted and in effect July 1, 1960]

**§ 45.4454–1 Liability for tax.**

The tax imposed under section 4451 is payable by the person who makes, sells, removes, consigns, or ships any playing cards, or for whose use or benefit such playing cards are made, removed, consigned, or shipped. In the case of playing cards of foreign manufacture the tax imposed by section 4451 is payable by the importer or consignee of such playing cards.

**§ 45.4455 Statutory provisions; registration.**

SEC. 4455. *Registration.* Every manufacturer of playing cards shall register with the official in charge of the collection district his name or style, place of residence, trade, or business, and the place where such business is to be carried on.

[Sec. 4455 as originally enacted and in effect July 1, 1960]

**§ 45.4455–1 Manufacturers to register.**

(a) *In general.* Every manufacturer of playing cards, as defined in section 4452, shall register with the district director for the district in which his factory is located his name or style, place of residence, trade or business, the location of his factory, and the place where such business is carried on. Application for registry should be made on Form 277. The application for registry shall be prepared in accordance with the form, instructions, and regulations applicable thereto. Upon approval of the application, the district director will furnish the applicant a certificate of registry on Form 382 which shall be conspicuously posted in his place of business.

(b) *Prior registrations or applications.* In any case in which a manufacturer of playing cards has made application for registry under corresponding provisions of prior regulations, or holds a Certificate of Registry in effect under such prior regulations, such manufacturer is not required to make application for registry under this section, unless the district director furnishes him with written notification that such application is required. In such event, the application for registry shall be made at the time, in the form, and in the manner prescribed in such written notification.

**§ 45.4456 Statutory provisions; stamps.**

SEC. 4456. *Stamps*—(a) *Sale.* The Secretary shall cause the stamps on playing cards to be sold only to those manufacturers as have registered as required by law, and to importers of playing cards, who are required to affix the stamps to imported playing cards.

(b) *Accounts.* The Secretary shall cause to be kept accounts of the number and denominate values of the stamps sold to each manufacturer and importer.

[Sec. 4456 as originally enacted and in effect July 1, 1960]

**§ 45.4456–1 Stamps for payment of tax.**

Stamps have been prepared pursuant to law for payment of the tax on playing cards, and have been furnished to district directors for sale only to such manufacturers as have registered as required by law and to importers of playing cards.

**§ 45.4456–2 Purchase of stamps.**

(a) *Domestic manufacturer.* Manufacturers must use Form 218 in ordering playing card stamps. This form is printed by the Government only and furnished to district directors for distribution. Each such order form must be accompanied by the proper remittance for the full amount of the order. Unless otherwise directed, stamps will be sent by ordinary mail at the risk of the purchaser. If ordered to be sent by certified or registered mail, the order must be accompanied by the requisite additional amount to pay the fee for such service. Stamps will also be forwarded by express at the expense of the taxpayer.

(b) *Owner or consignee of imported playing cards.* The owner or consignee of imported playing cards shall purchase stamps for use in the payment of the tax on such cards from the district director for the district in which is located the office of the collector of customs where the customs entry is filed. Except as provided in paragraph (b) of § 45.4456–3 (relating to the purchase of stamps for affixing to packages in foreign countries), Form 923, certified by the customs officer having custody of such cards, shall be used in ordering such stamps. A copy of each such order form which has been marked paid by the district director shall be retained by the owner or consignee for three years following the close of the year in which the stamps were purchased, and made available for inspection by any revenue officer upon his request. See paragraph (a) of this section for details other than the form to be used in making the order.

**§ 45.4456–3 Affixing stamps.**

(a) *Domestic manufacturer.* (1) Each pack of playing cards, except as otherwise provided in this section, shall, prior to sale, or before removal from the place where manufactured, packed, reassembled, or repacked, have securely affixed thereto proper internal-revenue stamp or stamps of such denomination as will cover fully the tax thereon. Such stamp or stamps shall be affixed in such manner as to seal the pack and to necessitate the stamp or stamps being torn in two pieces when the pack is opened.

(2) Where playing cards are packed in leather, plush, plastic, ornamental, or metal cases, the stamps denoting payment of the tax thereon may be affixed to inside wrappers instead of to the cases proper, provided one of the following methods of packing and stamping is used:

(i) Paper bands not less than one-half inch wide must be extended around the entire pack of cards, both the long and short way, and securely fastened together with paste or mucilage at the intersection on the back of the pack so that the pack cannot be separated without breaking the bands. The internal-revenue stamp must be affixed to the pack in such manner that it will adhere partly to one of the bands and partly to the back of the top card so that removal of the bands will necessitate tearing the stamp in two. If desired, an extra blank card may be placed on top of the pack for the purpose of attaching a part of the stamp thereto.

(ii) The package of cards must be completely wrapped with paper, cellophane, or other acceptable wrapper, securely sealed with paste or mucilage, and the internal-revenue stamp affixed across the place where the wrapper is sealed in such manner as to necessitate tearing the stamp in two when the cards are removed from the wrapper.

(3) Where packages of playing cards are sent out from the factory duly stamped and are thereafter opened and the stamp broken, the cards cannot be returned to the package and sold under a broken stamp. In such case a new stamp must be affixed to each package and duly canceled. If cards are reassembled from packs on which tax has been paid, each deck must show the requisite stamp.

(b) *Imported playing cards*—(1) *Stamps affixed in foreign countries.* Stamps for use in payment of the tax on imported playing cards may be affixed to such cards in the foreign country in which manufactured, provided the laws of such foreign country grant a like privilege in respect of playing cards manufactured in the United States and exported to such country. An importer desiring to have the stamps for use in payment of the tax on imported playing cards affixed to these cards in such foreign country shall file with any district director an order for the necessary stamps. No particular form for such order is prescribed, but the order shall show (i) the name and address of the person by whom such playing cards are to be imported, (ii) the name of the foreign country, (iii) the quantity of playing cards to be imported, and (iv) the number and value of the stamps, and the total value of all of the stamps. A copy of such order which has been marked paid by the district director shall be retained by the owner or consignee for three years following the close of the year in which the stamps were purchased, and made available for inspection by any revenue officer upon his request. The details with respect to the purchase of stamps set forth in paragraph (a) of § 45.4456–2, other than the form to be used, are applicable to the orders described in this paragraph. The method of affixing stamps prescribed in paragraph (a) of this section is hereby made applicable to stamps affixed in foreign countries.

(2) *Stamps not affixed before importation.* In the case of imported playing cards to which internal-revenue stamps have not been affixed before importation, such stamp shall be affixed by the owner or consignee while the playing cards are in the hands of the proper customs officer, and such cards shall not pass out of the custody of such officer until the requisite stamps are affixed and canceled. The method of affixing stamps to domestic playing cards prescribed in paragraph (a) of this section is hereby made applicable to stamps affixed in accordance with the provisions of this subparagraph.

**§ 45.4456–4 Abandoned or forfeited playing cards.**

All playing cards which have been abandoned, forfeited, or seized under warrant of distraint, and which are sold by order of court or of any Government officer for the benefit of the United States, or by a sheriff, constable, or other municipal officer under any writ, execution, or process or order of any court, shall, before delivery by such officer, be properly packed and have the requisite stamps affixed and canceled. With reference to the procurement and cancellation of stamps in cases of sales referred to in this section, instructions will be given as to the procedure according to the facts in the individual case.

**§ 45.4456–5 Cancellation of stamps.**

(a) *Domestic manufacturer.* Each stamp affixed to a package of playing cards must be canceled by writing or printing in ink across the face of the stamp the initials of the manufacturer.

(b) *Imported playing cards.* Each stamp affixed to imported playing cards must be canceled by writing or printing in ink across the face of the stamp the initials of the owner or consignee and the date on which the stamp was affixed.

**§ 45.4456–6 Redemption of stamps.**

Playing card stamps, properly affixed to packs when removed from the place of manufacture, may not be redeemed once the cards have been removed from the premises of the manufacturer.

**§ 45.4457 Statutory provisions; cross references.**

SEC. 4457. *Cross references.* For penalties and other administrative provisions applicable to this subchapter, see subtitle F.

[Sec. 4457 as originally enacted and in effect July 1, 1960]



**§ 45.4457–1 Cross references.**

(a) For penalties for offenses relating to stamps, see § 45.7208.

(b) For penalty for unauthorized use or sale of stamps, see § 45.7209.

(c) For penalties for other offenses relating to stamps, see § 45.7271.

(d) For penalty for failure to register as required by section 4455, see § 45.7272.

(e) For other administrative provisions relating to the tax imposed on playing cards, see Subpart L.

(f) For regulations relating to exemption from tax in case of sale for use by the United States, see §§ 45.7510–1 to 45.7510–3, inclusive.

**Subpart C—Occupational Tax on Coin-Operated Devices**

**§ 45.4461 Statutory provisions; imposition of tax.**

SEC. 4461. *Imposition of tax*—(a) *In general.* There shall be imposed a special tax to be paid by every person who maintains for use or permits the use of, on any place or premises occupied by him, a coin-operated amusement or gaming device at the following rates:

(1) $10 a year, in the case of a device defined in paragraph (1) of section 4462 (a);

(2) $250 a year, in the case of a device defined in paragraph (2) of section 4462 (a); and

(3) $10 or $250 a year, as the case may be, for each additional device so maintained or the use of which is so permitted. If one such device is replaced by another, such other device shall not be considered an additional device.

(b) *Reduced rate.* In the case of a device which is defined in paragraph (2) of section 4462 (a) and which is commonly known as a claw, crane, or digger machine, the tax imposed by subsection (a) shall be at the rate of $10 a year (in lieu of $250 a year) if—

(1) The charge for each operation of such device is not more than 10 cents,

(2) Such device never dispenses a prize other than merchandise of a maximum retail value of $1, and with respect to such device there is never a display or offer of any prize or merchandise other than merchandise dispensed by such machine,

(3) Such device is actuated by a crank and operates solely by means of a nonelectrical mechanism, and

(4) Such device is not operated other than in connection with and as part of carnivals or county or State fairs.

[Sec. 4461 as amended and in effect July 1, 1960]

**§ 45.4461–1 Imposition of tax.**

(a) *In general.* Section 4461 imposes a special tax to be paid by every person who maintains for use or permits the use of, on any place or premises occupied by him, a coin-operated amusement or gaming device described in section 4462 and § 45.4462–1. Any agency or instrumentality of the United States such as an Army exchange, Navy exchange, etc., is liable to such special tax unless granted by statute a specific exemption therefrom. Except as otherwise provided in paragraph (b) of this section, liability is incurred in respect of each coin-operated amusement or gaming device maintained for use, or permitted to be used, by a person on his premises during a particular year or portion thereof. Tax liability applies with respect to a device installed on the taxpayer's premises even though previously used on the premises of another person, and even though special tax for the same year or period or part thereof was paid by such other person with respect thereto.

(b) *Replacements.* If a taxpayer replaces a device with respect to which he has paid special tax with a like device, no additional tax is payable. For example, a cigar store proprietor who maintains on the premises two coin-operated amusement devices with respect to which he has paid special tax has these two machines removed and replaces them with two coin-operated amusement devices of a more modern design. In this case no additional special tax is payable. However, if the replacing article is placed in operation before operation of the replaced article is discontinued, additional tax liability is incurred. If coin-operated amusement devices are replaced by coin-operated gaming devices, or gaming devices are replaced by amusement devices, liability to special tax at the rate applicable to the replacing machines or devices is incurred, and no credit is allowable for the special tax paid with respect to the replaced machines or devices.

**§ 45.4461–2 Rates of tax.**

(a) *In general.* Except as otherwise provided in paragraph (b) of this section, the special taxes under section 4461 are imposed at the following rates:

(1) With respect to each "coin-operated amusement or gaming device" defined in section 4462(a)(1)—$10 per year per device.

(2) With respect to each "coin-operated amusement or gaming device" defined in section 4462(a)(2)—$250 per year per device.

(b) *Reduced rate.* In the case of a device which is defined in paragraph (2) of section 4462(a) and which is commonly known as a claw, crane, or digger machine, the rate of tax shall be $10 per year per device (in lieu of $250 a year) if—

(1) The charge for each operation of such device is not more than 10 cents,

(2) Such device never dispenses a prize other than merchandise of a maximum retail value of $1, and with respect to such device there is never a display or offer of any prize or merchandise other than merchandise dispensed by such machine,

(3) Such device is actuated by a crank and operates solely by means of a nonelectrical mechanism, and

(4) Such device is not operated other than in connection with and as part of carnivals or county or State fairs.

**§ 45.4462 Statutory provisions; definition of coin-operated amusement or gaming device.**

SEC. 4462. *Definition of coin-operated amusement or gaming device*—(a) *In general.* For purposes of this subchapter, the term "coin-operated amusement or gaming device" means—

(1) Any machine which is—

(A) A music machine operated by means of the insertion of a coin, token, or similar object,

(B) A vending machine operated by means of the insertion of a one cent coin, which, when it dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, more than 5 cents, and if the only prize dispensed is merchandise and not cash or tokens,

(C) An amusement machine operated by means of the insertion of a coin, token, or similar object, but not including any device defined in paragraph (2) of this subsection, or

(D) A machine which is similar to machines described in subparagraph (A), (B), or (C), and is operated without the insertion of a coin, token, or similar object; and

(2) Any machine which is—

(A) A so-called "slot" machine which operates by means of the insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive, cash, premiums, merchandise, or tokens, or

(B) A machine which is similar to machines described in subparagraph (A) and is operated without the insertion of a coin, token, or similar object.

(b) *Exclusion.* The term "coin-operated amusement or gaming device" does not include bona fide vending machines in which are not incorporated gaming or amusement features.

[Sec. 4462 as amended and in effect July 1, 1960]

**§ 45.4462–1 Definition of coin-operated amusement or gaming devices.**

(a) *Devices within scope of section 4462(a)(1)*—(1) *In general.* Section 4462(a)(1) includes within its scope any machine which is—

(i) A music machine operated by means of the insertion of a coin, token, or similar object,

(ii) A vending machine operated by means of the insertion of a one cent coin, which, when it dispenses a prize, never dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, more than 5 cents, and if the only prize dispensed is merchandise and not cash or tokens,

(iii) An amusement machine operated by means of the insertion of a coin, token, or similar object, but not including any device defined in paragraph (b) of this section, or

(iv) A machine which is similar to machines described in subdivisions (i), (ii), and (iii) of this subparagraph, and is operated without the insertion of a coin, token, or similar object.

(2) *Examples of machines or devices within scope of section 4462(a)(1).* The following devices and machines illustrate the type of machines or devices within the scope of section 4462(a)(1):

(i) Coin-operated athletic-type machines such as punching bags, hitting machines, lifters, shockers and grip machines.

(ii) A mechanical horse or other similar device which is activated by the insertion of a coin.

(iii) Coin-operated still or moving picture machines.

(iv) A coin-operated device which resembles a billiard or pool table but which has posts or holes in its playing surfaces precluding its use as a billiard or pool table.

(v) A coin-operated vending machine, which, in addition to delivering chewing gum balls, has incorporated therein an amusement feature, such as a pistol and a target.

(b) *Devices within scope of section 4462(a)(2)*—(1) *In general.* Section

4462(a)(2) includes within its scope any machine which is—

(i) A so-called "slot" machine which operates by means of the insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive cash, premiums, merchandise, or tokens, or

(ii) A machine which is similar to machines described in subdivision (i) of this subparagraph and is operated without the insertion of a coin, token, or similar object.

(2) *Examples of machines or devices within scope of section 4462(a)(2).* The following devices and machines illustrate the type of machines or devices within the scope of section 4462(a)(2):

(i) A machine which is operated by means of the insertion of a coin, token, or similar object and which, even though it does not dispense cash or tokens, has the features and characteristics of a gaming device whether or not evidence exists as to actual payoffs.

(ii) A so-called crane machine, claw, digger or rotary merchandising type device which is operated by the insertion of a coin and adjustment of a control lever for the purpose of removing from the machine, by gripping, pushing or other manipulation articles such as figurines, lighters, etc., in the machine.

(iii) A pinball machine equipped with a push button for releasing free play and a meter for recording the plays so released, or equipped with provisions for multiple coin insertion for increasing the odds.

(iv) Pinball machines in connection with which free plays are redeemed in cash, tokens, or merchandise, or prizes are offered to any person for the attainment of designated scores.

(v) A coin-operated machine that delivers a ticket that entitles the player to a prize if the poker hand symbolized on the ticket constitutes a winning hand.

(c) *Exclusion.* (1) Section 4462(b) specifically excludes from the term "coin-operated amusement or gaming device" a bona fide vending machine in which are not incorporated gaming or amusement features.

(2) *Examples.* The provisions of subparagraph (1) of this paragraph may be illustrated by the following examples:

(i) A vending machine, operated by the insertion of a one cent coin, which occasionally dispenses along with gum sold by means of the machine, toy charms of negligible value.

(ii) A recording machine which, upon insertion of a coin, records a person's voice, plays the record back, and then delivers the record to the purchaser.

**§ 45.4463 Statutory provisions; administrative provisions; trade or business.**

SEC. 4463. *Administrative provisions*—(a) *Trade or business.* An operator of a place or premises who maintains for use or permits the use of any coin-operated device shall be considered, for purposes of chapter 40, to be engaged in a trade or business in respect of each such device.

(b) *Cross reference.* For penalties and other administrative provisions applicable to this subchapter, see chapter 40 and subtitle F.

[Sec. 4463 as originally enacted and in effect July 1, 1960]

**§ 45.4463–1 Cross references.**

(a) For provisions relating to registration in case of a trade or business on which a special tax is imposed, see §§ 45.7011 and 45.7011–1.

(b) For requirements relating to posting occupational tax stamps, see §§ 45.6806 and 45.6806–1.

(c) For provisions relating to penalties and other administrative provisions applicable in respect of the special tax imposed with respect to coin-operated amusement and gaming devices, see Subpart K and the applicable provisions of Subpart L of this part.

## Subpart D—Occupational Tax on Bowling Alleys, Billiard and Pool Tables

**§ 45.4471 Statutory provisions; imposition of tax.**

SEC. 4471. *Imposition of tax.* There shall be imposed a special tax to be paid by every person who operates a bowling alley, billiard room, or pool room at the rate of $20 a year for each bowling alley, billiard table, or pool table.

[Sec. 4471 as originally enacted and in effect July 1, 1960]

**§ 45.4471–1 Imposition and rate of tax.**

(a) *Imposition of tax.* Section 4471 imposes a special tax to be paid by every person who operates a bowling alley, billiard room, or pool room. If a taxpayer replaces an alley bed, billiard table, or pool table with respect to which he has paid special tax with another article of the same or different kind subject to this tax, for example, replaces an alley bed either with another alley bed or a billiard or pool table, no additional tax is payable. However, if the replacing article is placed in operation before operation of the replaced article is discontinued additional tax liability is incurred.

(b) *Rate of tax.* The rate of special tax imposed by section 4471 is $20 per year for each bowling alley, billiard table, or pool table. Liability is incurred in respect of each alley bed, billiard table, or pool table maintained for use on the operator's premises during a particular year or portion thereof.

**§ 45.4472 Statutory provisions; definition.**

SEC. 4472. *Definition.* For the purpose of section 4471 every building or place where bowls are thrown or where games of billiards or pool are played, except in private homes, shall be regarded as a bowling alley, billiard room, or pool room, respectively.

[Sec. 4472 as originally enacted and in effect July 1, 1960]

**§ 45.4472–1 Definition of bowling alley, billiard room, and pool room.**

For the purpose of section 4471 every building or place where bowls are thrown or where games of billiards or pool are played, except a private home, shall be regarded as a bowling alley, billiard room, or pool room, respectively.

**§ 45.4473 Statutory provisions; exemptions.**

SEC. 4473. *Exemptions.* The tax imposed by section 4471 shall not apply with respect to—

(1) *Hospitals.* Any billiard table or pool table in a hospital if no charge is made for the use of such table; or

(2) *Armed Forces.* Any bowling alley, billiard table, or pool table maintained exclusively for the use of members of the Armed Forces on any property owned, reserved, or used by, or otherwise acquired for the use of, the United States if no charge is made for their use; or

(3) *Certain organizations.* Any bowling alley, billiard table, or pool table operated—

(A) By, and located on the premises of, an organization not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual, or

(B) By any agency or instrumentality of the United States,

if no charge is made for the use of such alley or table.

[Sec. 4473 as amended and in effect July 1, 1960]

**§ 45.4473–1 Exemptions.**

(a) *Hospitals.* The special tax imposed under section 4471 shall not apply in the case of a billiard or pool table operated in a hospital if no charge is made for the use of such table. The term "hospital", as used in this section, does not include a home for the aged even though the home has facilities to care for residents who become ill.

(b) *Armed Forces.* The special tax imposed under section 4471 shall not apply with respect to any bowling alley, billiard table, or pool table maintained exclusively for the use of members of the Armed Forces on any property owned, reserved, or used by, or otherwise acquired for the use of, the United States if no charge is made for their use. The term "Armed Forces" includes all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force. The term also includes the Coast Guard.

(c) *Certain organizations.* The special tax imposed under section 4471 shall not apply with respect to any bowling alley, billiard table, or pool table—

(1) Operated by, and located on the premises of, an organization not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual provided no charge is made for the use of such alley or table.

(2) Operated by any agency or instrumentality of the United States provided no charge is made for the use of such alley or table.

(d) *Charge for use.* The exemption provided by section 4473 in respect of the tax imposed by section 4471 does not apply if any charge is made for the use of the bowling alley, billiard table or pool table, even though the other conditions are met. Thus, an exemption does not exist where, as a condition precedent to using an alley or table, a charge is collected from the player or players as, for example, where an amount is collected from a player using a bowling alley for payment, directly or indirectly, to a pin-setter.



**§ 45.4474 Statutory provisions; cross references.**

SEC. 4474. *Cross references.* For penalties and administrative provisions applicable to this subchapter, see chapter 40 and subtitle F.

[Sec. 4474 as originally enacted and in effect July 1, 1960]

**§ 45.4474–1 Cross references.**

(a) For provisions relating to registration in case of a trade or business on which a special tax is imposed, see §§ 45.7011 and 45.7011–1.

(b) For requirements relating to posting occupational tax stamps, see §§ 45.6806 and 45.6806(a)–1.

(c) For provisions relating to penalties and other administrative provisions applicable in respect of the special tax imposed with respect to bowling alleys, billiard and pool tables, see Subpart K and the applicable provisions of Subpart L of this part.

## Subpart E—Oleomargarine

**§ 45.4591 Statutory provisions; imposition of tax.**

SEC. 4591. *Imposition of tax*—(a) *Rate.* There is hereby imposed on all oleomargarine imported from foreign countries, in addition to any import duty imposed on the same, an internal revenue tax of 15 cents per pound, such tax to be represented by coupon stamps. The Secretary or his delegate is authorized to decide what substances, extracts, mixtures, or compounds which may be submitted for his inspection in contested cases are to be taxed under this subchapter; and his decision in matters of taxation under this subchapter shall be final.

(b) *Affixing of stamps.* The stamps shall be affixed and canceled by the owner or importer of the oleomargarine while it is in the custody of the proper custom house officers; and the oleomargarine shall not pass out of the custody of said officers until the stamps have been so affixed and canceled, but shall be put up in wooden packages, each containing not less than 10 pounds, before the stamps are affixed. Whenever it is necessary to take any oleomargarine so imported to any place other than the public stores of the United States for the purpose of affixing and canceling such stamps, the collector of customs of the port where such oleomargine is entered shall designate a bonded warehouse to which it shall be taken, under the control of such customs officer as such collector may direct.

[Sec. 4591 as originally enacted and in effect July 1, 1960]

**§ 45.4591–1 Imposition, rate and payment of and liability for tax.**

(a) *Imposition and rate of tax.* Section 4591 imposes, in addition to any import duty, a tax of 15 cents per pound on all oleomargarine imported into the United States from any foreign country.

(b) *Payment and liability for tax.* The tax imposed under section 4591 shall be paid by the importer or owner of the imported oleomargarine by the affixing of stamps to the packages and the cancelling thereof while the oleomargarine is in the custody of the Bureau of Customs. Each stamp affixed to a package must be cancelled by writing or printing in ink across the face of the stamp the initials of the owner or consignee and the date on which the stamp was affixed.

**§ 45.4592(a) Statutory provisions; definitions.**

SEC. 4592. *Definitions*—(a) *Oleomargarine.* For the purposes of section 4591, certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine", namely: All substances known prior to August 2, 1886, as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, fish oil or fish fat, vegetable oil, annatto, and other coloring matter, intestinal fat, and offal fat;—if (1) made in imitation or semblance of butter, or (2) calculated or intended to be sold as butter or for butter, or (3) churned, emulsified, or mixed in cream, milk, water, of [or] other liquid, and containing moisture in excess of 1 per centum or common salt.

[Sec. 4592(a) as originally enacted and in effect July 1, 1960]

**§ 45.4592(a)–1 Definition of the term "oleomargarine".**

For the purposes of the regulations in this part, certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter shall be known and designated as "oleomargarine", namely,

(a) All substances known prior to August 2, 1886, as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral;

(b) All mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral;

(c) All lard extracts and tallow extracts; and

(d) All mixtures and compounds of tallow, beef fat, suet, lard, lard oil, fish oil or fish fat, vegetable oil, annatto, and other coloring matter, intestinal fat, and offal fat; if

(1) Made in imitation or semblance of butter, or

(2) Calculated or intended to be sold as butter or for butter, or

(3) Churned, emulsified, or mixed in cream, milk, water, or other liquid, and containing moisture in excess of 1 per centum or common salt.

**§ 45.4593(a) Statutory provisions; exemptions.**

SEC. 4593. *Exemption*—(a) *Shortening or condiments.* Section 4591 shall not apply to puff-pastry shortening not churned or emulsified in milk or cream, and having a melting point of 118 degrees Fahrenheit or more, nor to any of the following containing condiments and spices: salad dressings, mayonnaise dressings, or mayonnaise products, nor to liquid emulsion, pharmaceutical preparations, oil meals, liquid preservatives, illuminating oils, cleansing compounds, or flavoring compounds.

[Sec. 4593(a) as originally enacted and in effect July 1, 1960]

**§ 45.4593(a)–1 Exemptions.**

(a) *Shortening or condiments.* Section 4591 shall not apply to puff-pastry shortening not churned or emulsified in milk or cream, and having a melting point of 118 degrees Fahrenheit or more, nor to any of the following containing condiments and spices: salad dressing, mayonnaise dressing, or mayonnaise products, nor to liquid emulsion, pharmaceutical preparations, oil meals, liquid preservatives, illuminating oils, cleansing compounds, or flavoring compounds.

## Subpart F—White Phosphorus Matches

**§ 45.4801 Statutory provisions; imposition of tax.**

SEC. 4801. *Imposition of tax*—(a) *Rate.* There shall be imposed upon white phosphorus matches manufactured, sold, or removed a tax at the rate of 2 cents per one hundred matches.

(b) *By whom paid.* The tax imposed by subsection (a) shall be paid by the manufacturer.

[Sec. 4801 as originally enacted and in effect July 1, 1960]

**§ 45.4801–1 Imposition and rate of tax.**

Section 4801 imposes a tax upon white phosphorus matches manufactured, sold, or removed at the rate of 2 cents per 100 matches. The tax is payable by the manufacturer of the white phosphorus matches. For a definition of the term "white phosphorus", see section 4802 and § 45.4802–1.

**§ 45.4802 Statutory provisions; definition of white phosphorus.**

SEC. 4802. *Definition of white phosphorus.* For the purpose of this subchapter, the words "white phosphorus" shall be understood to mean the common poisonous white or yellow phosphorus used in the manufacture of matches and not to include the nonpoisonous forms or the nonpoisonous compounds of white or yellow phosphorus.

[Sec. 4802 as originally enacted and in effect July 1, 1960]

**§ 45.4802–1 Definition of white phosphorus.**

For the purpose of the regulations in this part, the term "white phosphorus" shall be understood to mean the common poisonous white or yellow phosphorous used in the manufacture of matches. The term does not include the nonpoisonous forms or the nonpoisonous compounds of white or yellow phosphorus.

**§ 45.4803 Statutory provisions; stamps.**

SEC. 4803. *Stamps*—(a) *Method of payment*—(1) *Stamps.* The tax imposed by section 4801 shall be represented by adhesive stamps.

(2) *Assessment.* For assessment in case of omitted taxes, see subtitle F.

(b) *Sale.* The Secretary or his delegate shall require that stamps be sold only to duly qualified manufacturers.

(c) *Accounts.* The Secretary or his delegate shall cause to be kept accounts of the number and denominate values of the stamps sold to each manufacturer.

(d) *Other stamp provisions.* All the provisions and penalties of law governing the engraving, issuing, sale, affixing, cancellation, accountability, effacement, destruction, and forgery of stamps provided for internal revenues shall apply to stamps provided for by this subchapter.

[Sec. 4803 as originally enacted and in effect July 1, 1960]

### § 45.4803–1 Sale of stamps to qualified manufacturer.

Documentary stamps will be used in the payment of the tax imposed by section 4801. Such stamps are obtainable from any district director upon requisition and payment therefor by a manufacturer who has incurred liability for the tax imposed by section 4801 and who has registered and filed a satisfactory bond in accordance with the regulations in this part.

### § 45.4804 Statutory provisions; requirements on manufacturers.

SEC. 4804. *Requirements on manufacturers*—(a) *Packing*—(1) *Number in packages.* All white phosphorus matches shall be packed by the manufacturer thereof in packages containing 100, 200, 500, 1,000, or 1,500 matches each, which shall then be packed by the manufacturer in packages containing not less than 14,400 matches.

(2) *Stamping.* The manufacturer shall affix to every package containing 100, 200, 500, 1,000, or 1,500 matches an adhesive stamp of the required value and shall place thereon the initials of his name and the date on which such stamp is affixed, so that the same may not again be used.

(3) *Factory number.* Every manufacturer of matches shall mark, brand, affix, stamp, or print, in such manner as the Secretary or his delegate shall prescribe, on every package of white phosphorus matches manufactured, sold, or removed by him, the factory number required under subsection (b).

(4) *Label.* Every manufacturer of white phosphorus matches shall securely affix by pasting on each original package containing stamped packages of white phosphorus matches manufactured by him a label, on which shall be printed, besides the number of the manufactory and the district in which it is situated, these words: "*Notice.*—The manufacturer of the white phosphorus matches herein contained has complied with all the requirements of law. Every person is cautioned not to use again the stamps on the packages herein contained under the penalty provided by law in such cases."

(b) *Factory number and signs.* Every manufacturer of white phosphorus matches shall put up such signs and affix such number to his factory as the Secretary or his delegate may by regulation require.

(c) *Bonds.* Every manufacturer of white phosphorus matches shall file with the official in charge of the internal revenue district in which his manufactory is located such bonds as the Secretary or his delegate may by regulation require. The bond required of such manufacturer shall be in the penal sum of not less than $1,000; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the Secretary or his delegate.

(d) *Registration.* Every manufacturer of white phosphorus matches shall register with the official in charge of the internal revenue district his name or style, place of manufactory, and the place where such business is to be carried on.

[Sec. 4804 as originally enacted and in effect July 1, 1960]

### § 45.4804–1 Packing and stamping of white phosphorus matches.

Section 4804(a) requires that all white phosphorus matches shall be packed in packages of 100, 200, 500, 1,000, and 1,500 matches each, and these shall then be packed in packages containing not less than 14,400 matches. The stamp or stamps required to be used in payment of the tax must be securely affixed by the manufacturer so as to seal the packages of 100, 200, 500, 1,000, and 1,500 matches and the initials of the manufacturer and the date when such stamp or stamps are affixed placed thereon either by stencil or perforation. The stenciling or perforating of stamps may be done before affixing to the packages where machines are employed for this purpose and where the stenciling or perforating of stamps after affixing would injure the packages. Packages for packing 100, 200, 500, 1,000, and 1,500 matches may be of any durable material which will permit the affixing and adhesion of the stamps.

### § 45.4804–2 Factory number.

Upon receipt of the notice of intention to manufacture white phosphorus matches, as provided by § 45.4804–8, the district director will assign to the manufacturer a factory number, which applies to the factory, and shall not thereafter be changed. In case there is more than one manufacturer, or a single manufacturer having more than one factory in the same district, a separate and consecutive number shall be given each factory.

### § 45.4804–3 Manufacturer's sign.

The manufacturer shall, after assignment of a factory number, place over the principal entrance to the building in which the business is carried on a sign with letters not less than 4 inches in length and of sufficient width, gilded or painted in oil in colors so as to be easily discernible, giving the name and business and number of factory in the following form:

John Doe,
Manufacturer of White Phosphorus Matches,
Factory No. 1

### § 45.4804–4 Separate factories for taxable and nontaxable matches.

If the manufacturer is also engaged in the production of matches not taxable under section 4801, the factory premises where the taxable and nontaxable matches are produced shall be entirely separate, or if in the same building, separated by solid walls or partitions, which shall extend from floor to ceiling. The manufacture of taxable and nontaxable matches on the same premises and with the same machinery is not permissible.

### § 45.4804–5 Factory number required on each package.

The factory number required under section 4804 must be printed, branded, or lithographed on every package of white phosphorus matches removed by the manufacturer.

### § 45.4804–6 Caution label.

In addition to the factory number required on the stamped packages of white phosphorus matches a caution label, as required by section 4804(a)(4), must be affixed to the original package containing these stamped packages. This label should be printed in black ink on white paper, or, if other colors are used, the printing should be in strongest contrast to the background, so as to be distinct and legible.

### § 45.4804–7 Manufacturer's bond.

Every manufacturer of white phosphorus matches shall file such bonds as the district director may require before commencement of business. The penal sum of such bond shall be not less than $1,000; and the sum of said bonds may be increased from time to time at the discretion of the district director. This bond is a continuing one until replaced by a new instrument. Where there is a discontinuance of operation for a period, a new bond will be required upon resumption of business. For other provisions relating to bonds, see §§ 301.7101 and 301.7101–1 of this chapter (Regulations on Procedure and Administration).

### § 45.4804–8 Registry by manufacturer.

Every person proposing to manufacture white phosphorus matches shall, before commencing such manufacture, register by giving written notice of intention to manufacture white phosphorus matches to the district director for the district in which is located the factory, and on July 1 of each year the manufacturer shall give written notice of intent to continue the manufacture of white phosphorus matches. Such manufacturer will also be required to file bond and to comply with all other provisions of the regulations in this part.

### § 45.4804–9 Inventory to be made at commencement of business, on July 1 of each year, and at the time of closing.

After registration, filing of notices and bonds, every manufacturer of white phosphorus matches, before commencing business, shall file with the district director for the district in which his factory is located an inventory in letter form appropriately marked "Opening inventory", stating the quantity of each of the different kinds of materials used in the manufacture of white phosphorus matches, the number of packages and quantity of white phosphorus matches, stamped and unstamped, and the value of attached and unattached stamps held or owned in respect of such factory by such manufacturer, on the date of the inventory. An inventory shall thereafter be filed as of the first day of July during continuance of operations, and a similar inventory must be filed upon discontinuance or suspension of the business for a limited period, which should be marked "closing inventory." Such letter must contain a written declaration that the statements made therein are made under the penalties of perjury.

### § 45.4804–10 Daily records.

(a) *In general.* Every manufacturer is required to keep a daily record showing the total of each material used each day and the total number of matches produced and the number of stamped packages and original packages in which packed; also the total number of stamped packages and original packages, together with the total number of matches, disposed of each day.

(b) *Names of customers.* The names of customers to whom matches are consigned and the quantities so sold will not be entered in the manufacturers' daily record and quarterly returns, but the manufacturer shall, upon request of any internal revenue officer, furnish a record of all sales for such period as may be desired.



### § 45.4804–11 Quarterly return.

Each manufacturer shall render in duplicate to the district director a return in letter form for each calendar quarter, which shall be a summary of the daily record required under provisions of paragraph (a) of § 45.4804–10.

### § 45.4805 Statutory provisions; importation and exportation.

SEC. 4805. *Importation and exportation*—(a) *Importation.* White phosphorus matches, manufactured wholly or in part in any foreign country, shall not be entitled to entry at any of the ports of the United States, and the importation thereof is prohibited. All matches imported into the United States shall be accompanied by such certificate of official inspection by the government of the country in which such matches were manufactured as shall satisfy the Secretary or his delegate that they are not white phosphorus matches.

(b) *Exportation.* It shall be unlawful to export from the United States any white phosphorus matches.

[Sec. 4805 as originally enacted and in effect July 1, 1960]

### § 45.4805–1 Importation and exportation of matches.

(a) *White phosphorus matches*—(1) *Importation.* The importation into the United States of white phosphorus matches is prohibited.

(2) *Exportation.* The exportation from the United States of white phosphorus matches is unlawful.

(b) *Matches in general.* For regulations relating to the importation of matches into, or the exportation of matches out of, the United States, see the regulations of the Bureau of Customs, 19 CFR 12.34 and 12.35.

### § 45.4806 Statutory provisions; cross references.

SEC. 4806. *Cross references.* For penalties and other general and administrative provisions applicable to this subchapter, see subtitle F.

[Sec. 4806 as originally enacted and in effect July 1, 1960]

### § 45.4806–1 Cross references.

(a) For penalties, see §§ 45.7208, 45.7209, 45.7239, 45.7267, 45.7274, 45.7303, and 45.7328.

(b) For penalties for failure to register as required by § 45.4804–8, see § 45.7272.

(c) For other administrative provisions, see Subpart L.

## Subpart G—Adulterated and Process or Renovated Butter Tax on Products

### § 45.4811 Statutory provisions; imposition of tax.

SEC. 4811. *Imposition of tax*—(a) *Rate*—(1) *Adulterated butter.* There shall be imposed upon adulterated butter, when manufactured or sold or removed for consumption or use, a tax of 10 cents per pound, and any fractional part of a pound shall be taxed as a pound.

(2) *Process or renovated butter.* There shall be imposed upon process or renovated butter, when manufactured or sold or removed for consumption or use, a tax of one-fourth of 1 cent per pound, and any fractional part of a pound shall be taxed as a pound.

(b) *By whom paid.* The tax imposed by subsection (a) shall be paid by the manufacturer.

[Sec. 4811 as originally enacted and in effect July 1, 1960]

### § 45.4811–1 Imposition and rate of tax.

(a) *Adulterated butter.* Section 4811(a)(1) imposes a tax upon adulterated butter, when manufactured or sold or removed for consumption or use from the place of manufacture, at the rate of 10 cents per pound. A fractional part of a pound is taxed as a pound. (For definition of adulterated butter, see § 45.4826–2.)

(b) *Process or renovated butter.* Section 4811(a)(2) imposes a tax upon process or renovated butter, when manufactured or sold or removed for consumption or use from the place of manufacture, at the rate of one-fourth of 1 cent per pound. A fractional part of a pound is taxed as a pound. (For definition of process or renovated butter, see § 45.4826–5.)

(c) *Liability for tax.* The taxes imposed under section 4811 shall be paid by the manufacturer of the adulterated butter or the process or renovated butter, as the case may be. For provisions relating to the method of payment of the tax and to bonding requirements, see §§ 45.4813–1 and 45.4814–5, respectively.

### § 45.4812 Statutory provisions; importation of adulterated butter.

SEC. 4812. *Importation of adulterated butter.* There shall be imposed upon adulterated butter imported from a foreign country, in addition to any import duty imposed on the same, an internal revenue tax of 15 cents per pound, such tax to be represented by coupon stamps as in the case of adulterated butter manufactured in the United States. The stamps shall be affixed and canceled by the owner or importer of the adulterated butter while it is in the custody of the officers or employees designated by the Secretary or his delegate; and the adulterated butter shall not pass out of the custody of said officers or employees until the stamps have been so affixed and canceled, but shall be put up in wooden packages, each containing not less than 10 pounds, as prescribed in this subpart for adulterated butter manufactured in the United States, before the stamps are affixed; and the owner or importer of such adulterated butter shall be liable to all the penal provisions of this subpart prescribed for manufacturers of adulterated butter manufactured in the United States. Whenever it is necessary to take any adulterated butter so imported to any place other than the public stores of the United States for the purpose of affixing and canceling such stamps, the Secretary or his delegate shall designate a bonded warehouse to which it shall be taken, under the control of such officer or employee as the Secretary or his delegate may direct.

[Sec. 4812 as originally enacted and in effect July 1, 1960]

### § 45.4812–1 Imposition and rate of tax.

(a) *In general.* Section 4812 imposes a tax upon adulterated butter imported from a foreign country at the rate of 15 cents per pound. The tax imposed by section 4812 is in addition to any import duty imposed upon adulterated butter.

(b) *Liability for tax.* The tax imposed under section 4812 upon imported adulterated butter is payable by the owner or importer of the imported adulterated butter by the affixing of coupon stamps while the adulterated butter is in the custody of the Bureau of Customs.

### § 45.4812–2 Requisition for, affixing and canceling stamps.

(a) *Requisition for stamps.* Stamps for tax payment of imported adulterated butter will be sold to the owner or importer only upon requisition on Form 923 executed by an authorized customs officer. The requisition shall be presented to the district director for the district in which is located the customhouse where the entry is filed.

(b) *Affixing and canceling stamps.* Before release from customs custody stamps shall be affixed and canceled by the owner or importer in the manner prescribed in paragraphs (c) and (d) of § 45.4813–1, except that the cancellation shall distinctly show the name of the owner or importer, port of entry, customs entry number, and date.

### § 45.4812–3 Packing and branding.

Imported adulterated butter shall be packed in wooden packages of not less than 10 pounds each, as prescribed in paragraph (a) of § 45.4814–1. Before removal from customs custody imported packages shall be branded in accordance with paragraph (b) of § 45.4814–1, so far as applicable, the name of the country of origin, and the name and address of the importer to be substituted for the factory number, and internal revenue district and State. The caution notice prescribed in § 45.4814–3 for packages of adulterated butter of domestic manufacture is not required in the case of imported adulterated butter.

### § 45.4813 Statutory provisions; stamps.

SEC. 4813. *Stamps*—(a) *Method of payment*—(1) *Stamps.* The tax imposed by section 4811 shall be represented by coupon stamps.

(2) *Assessment.* For assessment in case of omitted taxes, see subtitle F.

(b) *Emptied packages.* Whenever any stamped package containing adulterated butter is emptied, it shall be the duty of the person in whose hands the same is to destroy utterly the stamps thereon. The Secretary or his delegate may destroy any emptied package of adulterated butter upon which the tax-paid stamp is found.

(c) *Other stamp provisions.* The provisions of law governing the engraving, issuing, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, shall apply to the stamps provided in paragraph (1) of subsection (a).

[Sec. 4813 as originally enacted and in effect July 1, 1960]

### § 45.4813–1 Method of payment.

(a) *Stamps*—(1) *In general.* The taxes imposed under section 4811 shall be paid by the manufacturer by affixing stamps to the packages of adulterated butter or process or renovated butter, as the case may be, before the packages are removed from the bonded premises. If, however, the district di-

rector deems it necessary, he may require the attachment of stamps at any time after manufacture.

(2) *Denomination of stamps.* Stamps for the payment of the tax on adulterated butter, or process or renovated butter are designated "Process or Renovated Butter" and are issued in sheets of 20 stamps each, in denominations of 10, 20, 30, 40, 50, 60, and 100 pounds. One-pound coupon stamps for use in connection with stamps of the foregoing denominations are issued in sheets of 200 stamps each.

(b) *Ordering stamps.* Except as otherwise provided in § 45.4812–2, stamps for packages of adulterated butter or process or renovated butter will be sold only to registered manufacturers. They shall be purchased from the district director for the district in which the factory is located. Orders for stamps shall be prepared on Form 218. A remittance for the total value of the stamps shall accompany the order.

(c) *Affixing stamps.* An internal-revenue stamp of a denomination that will fully cover the tax on the net weight of the contents shall be affixed to each package before removal from the factory, except packages for export and for use of the United States. A single stamp of a denomination denoting the quantity in the package shall be used if stamps of such denomination are issued. If a single stamp will not fully cover the tax due, the least sufficient number of additional stamps shall be used.

(d) *Canceling stamps.* Each stamp affixed to a package shall be canceled before removal from the factory. The cancellation shall be legibly written or printed in ink, or perforated, and shall show the factory number, internal revenue district, State, and date. The cancellation marks may be abbreviated in the following manner, indicating, for example, cancellation by factory No. 10, Chicago district, Illinois, on January 15, 1958: 10–Chicago, Ill., 1–15–58.

**§ 45.4814 Statutory provisions; requirements applicable to manufacturers.**

SEC. 4814. *Requirements applicable to manufacturers*—(a) *Packing, stamping, and selling requirements*—(1) *Adulterated butter.* All adulterated butter shall be packed by the manufacturer thereof in firkins, tubs, or other wooden, tin-plate, or paper packages not before used for that purpose, containing, or encased in a manufacturer's package made from any of such materials of, not less than ten pounds, and marked, stamped, and branded as the Secretary or his delegate shall prescribe, and all sales made by manufacturers of adulterated butter shall be in original, stamped packages. Every manufacturer of adulterated butter shall securely affix, by pasting, on each package containing adulterated butter manufactured by him a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice.—The manufacturer of the adulterated butter herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases."

(2) *Process or renovated butter.* For marking process or renovated butter, see section 4817.

(b) *Factory number and signs.* Every manufacturer of process or renovated butter or adulterated butter shall put up such signs and affix such number to his factory as the Secretary or his delegate may by regulation require.

(c) *Bonds.* Every manufacturer of process or renovated butter or adulterated butter shall file with the official in charge of the internal revenue district in which his manufactory is located such bonds as the Secretary or his delegate may by regulation require. The bond required of such manufacturer shall be in a penal sum of not less than $500; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the Secretary or his delegate.

[Sec. 4814 as originally enacted and in effect July 1, 1960]

**§ 45.4814–1 Packing and branding adulterated butter.**

(a) *Packages*—(1) *General.* (i) Adulterated butter shall be packed by the manufacturer thereof in statutory packages of not less than 10 pounds. A statutory package is one designed to contain only that quantity of adulterated butter as indicated by the stamp or stamps to be affixed thereto.

(ii) Containers of adulterated butter must be of a durable and substantial character and must completely cover the contents. As to penalty for refilling containers from which adulterated butter has been removed, see section 7234(d)(2)(B).

(2) *Additional coverings.* Properly stamped and branded packages of adulterated butter may be incased in additional coverings or wrappers provided such coverings are branded as prescribed in paragraph (b) of this section and contain the following inscription legibly printed or stenciled in letters not less than half an inch high: "Tax has been paid and proper stamp placed on the original package contained herein."

(3) *Prints and rolls.* Manufacturers may subdivide a statutory package of adulterated butter into prints or rolls, provided such subdivisions do not constitute original or statutory packages within the meaning of the law, or weigh less than one-quarter of a pound. Prints and rolls shall be placed in cartons or wrappers branded as prescribed in paragraph (b) of this section.

(b) *Branding*—(1) *Statutory packages.* (i) Before removal from the factory the words "Adulterated Butter," the factory number, the internal revenue district, State, and the gross, tare, and net weights shall be legibly printed or stenciled on one of the sides or top of each package of adulterated butter in the manner shown in the following example:

ADULTERATED BUTTER
Factory No. 2, Manhattan Dist. N.Y.
64–4–60.

(ii) The words "Adulterated Butter" shall be in boldface gothic letters not less than three-quarters of an inch high, and the other letters and figures not less than one-half inch high. The color of the brand shall be in strong contrast to that of the package.

(2) *Cartons.* The words "Adulterated Butter", the net weight of contents, and the manufacturer's name and address, or the internal-revenue factory number, internal revenue district, and State shall be branded on cartons. The words "Adulterated Butter" shall be in plain gothic letters of not less than 20-point type, shall measure not less than 3⅛ inches in length, and be of a color in strong contrast to that of the carton. Hair-line, shaded or ornate letters, or letters in outline may not be used.

(4) *Wrappers*—(i) *Inside wrappers.* The manufacturer's name and address and the factory number, internal revenue district, and State may be omitted from cartons if printed on wrappers used with cartons. When a manufacturer operates more than one factory he may brand cartons with the name and address of his general office, or the address of each factory, provided an inside wrapper is used showing either the name and address of the factory where the adulterated butter was produced, or the factory number, the internal revenue district, and State.

(ii) *Blank wrappers.* Blank wrappers may be used with properly branded cartons.

(iii) *Wrappers without cartons.* When used without cartons, wrappers shall be branded in the same manner as cartons. The words "Adulterated Butter" shall be so placed on the wrapper that they will appear at the top and bottom of the print or roll when wrapped.

(5) *Dealer's name on containers.* When a dealer's name is printed on containers a phrase such as "prepared for," "distributed by," etc., shall be placed before his name to show that the dealer is not the manufacturer.

**§ 45.4814–2 Marking process or renovated butter.**

For provisions with respect to the inspection and marking of process or renovated butter, see § 45.4817–1.

**§ 45.4814–3 Caution notice; placement upon packages.**

(a) *Adulterated butter.* Before removal from the factory each statutory package of adulterated butter must have conspicuously printed or labeled on it the following notice, which must measure not less than 3 inches long by 1½ inches wide:

Factory No. _____, _____ District, State of _____.

NOTICE: The manufacturer of the adulterated butter herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again (for adulterated butter) or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases.

(b) *Process or renovated butter.* A similar caution notice with appropriate changes in wording is required in the case of process or renovated butter.

**§ 45.4814–4 Factories.**

(a) *Premises.* Unless otherwise approved by the district director, another factory may not be operated at the same time within the premises described in a manufacturer's notice. (See paragraph (d) of this section.)



(b) *Signs.* Over the principal entrance to each building in which process or renovated butter, or adulterated butter is produced the manufacturer shall conspicuously display a sign showing the name in which the business is conducted, the kind of business, and the internal-revenue factory number, in durable characters not less than 3 inches high.

(c) *Numbers.* Each factory producing process or renovated butter or adulterated butter shall be numbered by the district director of the district in which the plant is located. The number assigned to one factory shall not be used by another factory in the same district, or changed without the approval of the district director. If the factory is moved to another part of the district the number shall be retained. If moved to another district a new number will be assigned to the factory by the district director of the district to which the factory is moved. If the business is discontinued the number will not be assigned to another factory during the balance of the fiscal year.

(d) *Manufacturer's notice*—(1) *Execution of form.* Before commencing business, and immediately on the first day of July thereafter as long as he continues in the business, a manufacturer of adulterated butter or process or renovated butter shall file with the district director a notice of intention to manufacture. This notice shall be prepared on Form 213 which may be obtained from the district director. The premises described in the notice shall conform with the requirements of this section.

(2) *Notice of change.* A new notice shall be filed with the district director before or immediately upon making any change either in location or in the premises or ownership of the business as described in the original notice.

**§ 45.4814–5 Bonding.**

(a) *Requirement.* Every manufacturer of process or renovated butter or adulterated butter before incurring any liability for the tax imposed by section 4811, shall file a bond with the district director in accordance with the provisions of paragraph (b) of this section.

(b) *Bond*—(1) *In general.* The bond required under paragraph (a) of this section shall be executed in accordance with the form, instructions, and regulations applicable thereto. Such bond shall be conditioned that the principal shall not engage in any attempt, by himself or by collusion with others, to defraud the United States of any tax under section 4811; that he shall render truly and completely all the returns and inventories required by law or regulations in respect of such tax and shall pay all such taxes for which he is liable; and that he shall comply with all requirements of law and regulations with respect to such taxes. The penal sum of such bond shall be not less than $500; and the sum of said bond may be increased from time to time at the discretion of the district director. Copies of the form to be used in filing the bond may be obtained from any district director.

(2) *Cancellation clause.* The bond required under paragraph (a) of this section may be accepted with a cancellation clause incorporated therein. Such cancellation clause shall provide that:

(i) Any surety on the bond may at any time give notice to the principal and the district director that he desires to be relieved of liability under said bond after a date named, which shall be at least 60 days after the receipt of notice by the district director.

(ii) If the notice is not withdrawn in writing prior to the date named in the notice, the rights of the principal as supported by said bond shall be terminated on such date (unless supported by another bond or bonds), and the surety shall be relieved from liability under said bond for any acts done wholly subsequent to said date. The surety shall, however, remain liable for any unpaid tax liability incurred by the principal before cancellation, in addition to penalties and interest, unless the principal pays such tax and penalties and interest.

(iii) Said notice may not be given by an agent of the surety, unless it is accompanied by power of attorney duly executed by the surety authorizing the agent to give such notice or by a verified statement that such power of attorney is on file with the Treasury Department.

(3) *New or additional bond.* The district director may require a new or additional bond under this section in any case where he deems it necessary or desirable in order to protect the interest of the United States.

(4) *Other provisions relating to bonds.* For general provisions relating to bonds, including such matters as the surety or sureties required, see §§ 301.7101 and 301.7101–1 of this chapter (Regulations on Procedure and Administration).

**§ 45.4815(a) Statutory provisions; requirements applicable to dealers; selling requirements.**

SEC. 4815. *Requirements applicable to dealers*—(a) *Selling requirements.* Dealers in adulterated butter must sell only original or from original stamped packages, and when such original stamped packages are broken the adulterated butter sold from same shall be placed in suitable wooden, tin-plate, or paper packages, which shall be marked and branded as the Secretary or his delegates shall prescribe.

[Sec. 4815(a) as originally enacted and in effect July 1, 1960]

**§ 45.4815(a)–1 Selling and buying requirements applicable to adulterated butter.**

(a) *Factory-branded packages.* Except as may otherwise be required by State law or local regulation, adulterated butter packed by the manufacturer in cartons or wrappers, branded as prescribed in § 45.4814–1(b), may be sold by a retail dealer from the original stamped container without further branding.

(b) *Branding upon sale.* (1) If the manufacturer's package is not subdivided into prints or rolls the retail dealer shall wrap the adulterated butter at the time of sale in a new covering, which shall be branded with his name and address, the words "Adulterated Butter", and the net weight of the contents. Example:

RICHARD ROE
100 Doe Street, Boston
1 pound adulterated butter

(2) The letters shall be not less than one-quarter of an inch square and printed in an ink which forms a strong contrast with the color of the covering. Other marks which would obscure the brand shall not be made. The covering shall be so placed around the adulterated butter that the brand will be plainly visible.

(c) *Misbranded packages.* A retail dealer shall see that cartons and wrappers are branded as prescribed in § 45.4814–1(b), as penalty provided in section 7235(a) is incurred if he sells an improperly branded package of adulterated butter. It will be no defense for a retail dealer to show, in an action for failure to properly brand, that the product was sold in cartons or wrappers as packed by the manufacturer. Penalty for buying improperly branded packages is provided by section 7265(b).

(d) *Removal from package.* A retail dealer may not lawfully remove adulterated butter from the original stamped packages either for repacking, cutting into prints or rolls, or other purposes, nor remove the sides or ends of such packages, before disposal of the contents.

(e) *Displaying packages.* The top of a manufacturer's package may be removed or folded back to display the contents, provided the package is so placed that the words "Adulterated Butter" will be plainly visible and not obscured or rendered inconspicuous. (See § 45.4814–1(b).)

(f) *Ordering.* (1) When ordering or purchasing adulterated butter a dealer shall state his name and address as they appear on his special-tax stamp. If a trade name, as well as the proprietor's real name, appears on the special-tax stamp, both shall be stated on the order. Adulterated butter shall not be ordered in a trade name that is not registered with the district director and stated on the dealer's special-tax stamp.

(2) If the premises have two addresses, because fronting on two streets or for other reasons, the address registered with the district director shall always be used. If adulterated butter is ordered for shipment to a point other than the dealer's registered address, the registered address, as well as the shipping point, shall be named in the order.

**§ 45.4815(b) Statutory provisions; requirements applicable to dealers; books of wholesale dealers.**

SEC. 4815. *Requirements applicable to dealers.* * * *

(b) *Books of wholesale dealers.* Books required by section 6001 to be kept by wholesale dealers in process, renovated, or adulterated butter shall be open at all times to the inspection of any officer or employee designated by the Secretary or his delegate.

[Sec. 4815(b) as originally enacted and in effect July 1, 1960]

**§ 45.4816 Statutory provisions; exportation of adulterated butter.**

SEC. 4816. *Exportation of adulterated butter.* Adulterated butter may be removed

from the place of manufacture for export to a foreign country without payment of tax or affixing stamps thereto, under such regulations and the filing of such bonds and other security as the Secretary or his delegate may prescribe. Every person who shall export adulterated butter shall brand upon every tub, firkin, or other package containing such article the words "Adulterated Butter", in plain Roman letters not less than one-half inch square.

[Sec. 4816 as originally enacted and in effect July 1, 1960]

### § 45.4816–1 Exemption in case of exportation of adulterated butter.

(a) *In general.* The tax imposed by section 4811(a) shall not apply in the case of the removal from the place of manufacture of adulterated butter for the purpose of exportation to a foreign country.

(b) *Requirements*—(1) *Packing and marking.* Every firkin, tub, or other package containing adulterated butter to be exported without payment of tax, must, before removal from the factory, be branded with the words "Adulterated Butter" in plain Roman letters not less than one-half inch square.

(2) *Exception.* When manufactured expressly for export in accordance with specifications of foreign customers, a product coming within the classification of adulterated butter, as defined in section 4826(b), may be branded "Preserved Butter" in lieu of "Adulterated Butter", provided such labeling does not violate the laws of the country to which the product is exported, or the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040; 21 U.S.C. chapter 9), or any other act, or regulations issued under authority thereof.

(c) *Consumption aboard vessel.* Adulterated butter for consumption aboard a vessel while in a port of the United States or en route to a foreign country shall be tax-paid.

(d) *Cross reference.* For all other requirements with respect to the exportation of adulterated butter without the payment of tax see §§ 45.4453–1 and 45.4453–2 with respect to the exportation of playing cards which so far as applicable, are hereby extended and made to apply to the exportation of adulterated butter.

(e) *No exemption in case of process or renovated butter.* Part I of subchapter C, chapter 39, makes no provision for the exportation of process or renovated butter free of tax.

### § 45.4817 Statutory provisions; inspection of process or renovated butter.

SEC. 4817. *Inspection of process or renovated butter.* For the purpose of protecting interstate and foreign commerce from process or renovated butter which is unclean, unwholesome, unhealthful, or otherwise unfit for human food—

(1) *Ingredients.* The Secretary of Agriculture shall, through inspectors appointed by him, cause inspections to be made of all milk, butter, butter oil, and other ingredients intended for use in the manufacture of process or renovated butter. All ingredients which are found to be putrid or decomposed or which contain organic or inorganic substances which are foreign to such ingredients when properly made, manufactured, produced, collected, stored, transported, or handled, and which organic or inorganic substances cannot be removed by processing, shall be deemed unfit for use in the manufacture of process or renovated butter, shall be marked "U.S. Inspected and Condemned", and shall be denatured or destroyed under the supervision of the inspector. All other ingredients shall be marked "U.S. Inspected and Passed", and shall be deemed fit for use in the manufacture of process or renovated butter.

(2) *Finished product.* The Secretary of Agriculture shall cause inspections to be made of all process or renovated butter. If such butter is found to be clean, wholesome, healthful, and otherwise fit for human food, it shall be marked "U.S. Inspected and Passed". Process or renovated butter that is found to be unclean, unwholesome, unhealthful, or otherwise unfit for human food shall be denatured or destroyed under the supervision of the inspector.

(3) *Factories.* The Secretary of Agriculture shall cause inspections to be made of all factories wherein process or renovated butter is manufactured to determine the sanitary conditions thereof, and if it is found that the conditions existing in any such factory do not meet the standards prescribed by the Secretary in his regulations, he shall cause inspection to be withdrawn therefrom.

(4) *Compliance by manufacturer.* The Secretary of Agriculture is authorized to withdraw inspection from any factory wherein process or renovated butter is made, if the manufacturer shall fail to comply with any of the provisions of this section or with any of the rules and regulations prescribed hereunder.

(5) *Rules and regulations.* The Secretary of Agriculture is authorized to make such rules and regulations as he deems necessary for the efficient administration of the provisions of this section, and all inspections hereunder shall be made in such manner as may be prescribed in such regulations. The Secretary of Agriculture may, from time to time, by regulations define the foreign substances and the extent thereof that render the ingredients unfit for use in manufacturing process or renovated butter.

(6) *Statistics.* The Secretary of Agriculture shall cause to be ascertained, and he shall report, from time to time, the quantity and quality of all process or renovated butter manufactured and the character and condition of the materials from which it is made.

(7) *Forgery, etc., of stamps, etc.* No person, firm, or corporation shall forge, counterfeit, simulate, falsely represent, detach, or, knowingly alter, deface, or destroy, or use without proper authority any of the marks, stamps, labels, or tabs provided for in this section or in any regulations prescribed hereunder by the Secretary of Agriculture for use on process or renovated butter or on wrappers, packages, containers, or cases in which the product is contained, or any certificate in relation thereto.

(8) *Labels on containers.* All process or renovated butter and the packages or containers thereof shall be marked with the words "Process Butter" and by such other marks, labels, or brands, and in such manner, as may be prescribed by the Secretary of Agriculture.

(9) *False or misleading labels.* No statement that is false or misleading in any particular shall be placed on or affixed to any wrapper, label, carton, or container of process or renovated butter.

(10) *Unapproved product in interstate or foreign commerce.* No person, firm or corporation shall transport, or offer for transportation, or sell or offer for sale, in interstate or foreign commerce, or in commerce affecting commerce among the States, any process or renovated butter that has not been inspected and passed and marked, labeled, and branded in accordance with this section and the regulations issued hereunder.

(11) *Administration.* The administration and enforcement of the provisions of this section, other than its provisions relating to revenue, but including the seizure and denaturing or destruction of ingredients intended to be used in the manufacture of process or renovated butter and the denaturing or destruction of process or renovated butter, are committed exclusively to the Secretary of Agriculture: *Provided*, That any powers and duties of the Food and Drug Administration of the Department of Health, Education, and Welfare under the Federal Food, Drug, and Cosmetic Act, as amended (52 Stat. 1040; 21 U.S.C., chapter 9), as regards such ingredients before they come into the possession of the manufacturers of process or renovated butter, or as regards such powers and duties in connection with process or renovated butter after it leaves such manufacturers and comes into the hands of wholesale or retail dealers, or others, shall not be affected by this section.

[Sec. 4817 as originally enacted and in effect July 1, 1960]

### § 45.4817–1 Inspection of process or renovated butter.

For regulations issued under section 4817 by the Secretary of Agriculture relating to process or renovated butter, see 9 CFR Part 171.

### § 45.4818 Statutory provisions; administrative decisions relating to adulterated butter.

SEC. 4818. *Administrative decisions relating to adulterated butter.* The Secretary or his delegate is authorized to decide what substances, extracts, mixtures, or compounds which may be submitted for his inspection in contested cases are to be taxed as adulterated butter under this subpart; and his decision in such matters of taxation under this subpart shall be final.

[Sec. 4818 as amended and in effect July 1, 1960]

### § 45.4818–1 Administrative decisions relating to adulterated butter.

The Commissioner is authorized to decide what substances, extracts, mixtures, or compounds which may be submitted for his inspection in contested cases are to be taxed as adulterated butter; and his decision in such matters of taxation shall be final.

### § 45.4819 Statutory provisions; cross references.

SEC. 4819. *Cross references*—(a) *Definitions.* For definitions applicable to this subpart, see section 4826.

(b) *Other provisions.* For penalties and other general and administrative provisions applicable to this subpart see subtitle F.

[Sec. 4819 as originally enacted and in effect July 1, 1960]

### § 45.4819–1 Cross references.

(a) For definitions relating to adulterated butter and process or renovated butter, see section 4826 and the regulations thereunder.

(b) For penalties for offenses relating to stamps, see § 45.7209.

(c) For penalty for unauthorized use or sale of stamps, see § 45.7208.

(d) For penalties for other offenses relating to stamps, see § 45.7271.

(e) For penalty for failure to register, see § 45.7272.

(f) For other administrative provisions relating to the tax imposed on adulterated butter, see subpart L.

## OCCUPATIONAL TAX

### § 45.4821 Statutory provisions; imposition of tax.

SEC. 4821. *Imposition of tax*—(a) *Manufacturers*—(1) *Process or renovated butter.* Manufacturers of process or renovated butter shall pay a special tax of $50 a year.

(2) *Adulterated butter.* Manufacturers of adulterated butter shall pay a special tax of $600 a year.

(b) *Wholesale dealers in adulterated butter.* Wholesale dealers in adulterated butter shall pay a special tax of $480 a year.

(c) *Retail dealers in adulterated butter.* Retail dealers in adulterated butter shall pay a special tax of $48 a year.

[Sec. 4821 as originally enacted and in effect July 1, 1960]

### § 45.4821–1 Imposition and rate of tax.

(a) *Manufacturers*—(1) *Process or renovated butter.* Section 4821(a)(1) imposes a special tax in the case of manufacturers of process or renovated butter of $50 per year.

(2) *Adulterated butter.* Section 4821(a)(2) imposes a special tax in the case of manufacturers of adulterated butter of $600 per year.

(b) *Wholesale dealers.* Section 4821(b) imposes a special tax in the case of wholesale dealers in adulterated butter of $480 per year.

(c) *Retail dealers.* Section 4821(c) imposes a special tax in the case of retail dealers in adulterated butter of $48 per year.

(d) *Computation of the tax.* For regulations relating to computation of the tax, see paragraph (b) of § 45.4901–1.

### § 45.4821–2 Requirements with respect to manufacturers of adulterated butter or process or renovated butter.

(a) *Payment of special tax.* A manufacturer of adulterated butter or process or renovated butter must make a return on Form 11 to the district director, pay the special tax, and comply with the provisions contained in subpart K, relating to special taxes.

(b) *Liability as a wholesale dealer.* If a manufacturer of adulterated butter sells statutory packages of his own production elsewhere than at the place of manufacture, liability as a wholesale dealer is incurred. (See paragraph (c)(1) of § 45.4821–3.) As to exemption from liability as a wholesale dealer, see §§ 45.4821–4 and 45.4903–1.

(c) *Liability as a retail dealer.* A manufacturer shall sell adulterated butter in statutory packages only. (See paragraph (b)(1) of § 45.4814–2.) A manufacturer who sells adulterated butter otherwise than in statutory packages incurs liability to the $1,000 penalty imposed by section 7265(c). If the quantity sold is less than 10 pounds, liability as a retail dealer is also incurred.

(d) *Cross reference.* For the general requirements with respect to manufacturers of adulterated butter or process or renovated butter, see §§ 45.4814–1 to 45.4814–5.

### § 45.4821–3 Requirements with respect to wholesale dealers in adulterated butter.

(a) *Payment of special tax.* A wholesale dealer in adulterated butter shall make a return on Form 11 to the district director, pay the special tax, and comply with the provisions contained in Subpart K, relating to special taxes.

(b) *Liability for breaking package.* A wholesale dealer in adulterated butter shall sell original stamped packages only. A wholesale dealer who removes and sells adulterated butter from original stamped packages incurs liability to the $1,000 penalty imposed by section 7265(c). If the quantity sold is less than 10 pounds, liability as a retail dealer is also incurred.

(c) *Liability in particular situations*—(1) *Place of sale.* Liability to special tax as either a wholesale dealer or a retail dealer is incurred at each place other than the registered premises where adulterated butter is sold or offered for sale. The place of actual or constructive delivery transferring the ownership of the adulterated butter from the vendor to the vendee is regarded as the place of sale for which special tax is required to be paid. (See paragraph (b) of § 45.4821–6 as to itinerant vendors.)

(2) *Delivery orders.* Sales to persons ordering adulterated butter, including c.o.d. orders, shall be absolutely completed at the registered place of business of the vendor or liability is incurred at each place where deliveries are made. Orders must be received at the vendor's registered premises, where the adulterated butter must be addressed and billed to, and the sales recorded in the names of the persons ordering. The identical package sold at the vendor's registered place of business to the person ordering is the only package the vendor or his agent may deliver at another place without incurring liability for the special tax at the place of delivery.

(3) *Sight draft orders.* Where a bona fide order is received at the registered place of business of the vendor and the adulterated butter is there addressed and billed to the persons ordering, it may be shipped with a draft for the purchase money attached to the bill of lading. The bill of lading shall be endorsed specifically, and not in blank, to the person ordering, and the draft drawn on such person, otherwise the sale is completed and special-tax liability is incurred at the place of delivery.

(4) *Standing orders.* Deliveries of adulterated butter may be made as specified in a standing order accepted at the registered place of business of a manufacturer or dealer without incurring special tax liability at the place of delivery. However, delivery of any other quantity than that specified in the standing order, whether more or less, constitutes a separate transaction not covered by the standing order, and is subject to subparagraph (2) of this paragraph.

(5) *Agents or brokers.* A broker or agent may solicit orders for adulterated butter, receive a commission for his services, and make collections for the principal without becoming liable to special tax as a dealer, provided title to the adulterated butter does not vest in the agent or broker at any time. If the manufacturer or dealer bills the adulterated butter to the broker or agent, who in turn bills it to others, with or without profit, a second sale takes place and the broker or agent incurs special-tax liability as a dealer at each place where he makes deliveries.

(6) *Resales.* Before resale of original stamped packages of adulterated butter they shall be actually or constructively returned to the vendor's registered place of business and the second sale there consummated before delivery. If the goods are picked up at the address of one customer and delivered to that of another before the resale is completed at the vendor's registered place of business, the resale occurs at the place of delivery and additional special tax liability is incurred.

(7) *Delivery from warehouse.* Tax-paid packages of adulterated butter may be stored in warehouses and delivered therefrom without incurring special-tax liability at the warehouse: *Provided*, The sales are completed at the vendor's registered place of business. The mere transmittal to, and the filling of the order at, the warehouse do not constitute a sale at the registered place of business. The adulterated butter must be billed to, and the sale recorded in the name of, the customer at the registered place of business before the removal from the warehouse.

(8) *Chain store warehouses.* An operator of chain stores may store adulterated butter in warehouses operated by him, without incurring special-tax liability at the warehouses, provided no sales are made there and that the adulterated butter is distributed exclusively to stores operated by him, and not to stores of other operators.

(9) *Exporters.* A person otherwise liable as a wholesale dealer for the special tax is not exempt because transactions are for export only.

### § 45.4821–4 Exemptions as wholesale dealer.

Liability for the special tax as a wholesale dealer is not incurred in the following situations:

(a) *Sales at factory.* Where a manufacturer sells adulterated butter of his own production in statutory packages at the place of manufacture. As to manufacturer's liability as a retail dealer, see paragraph (c) of § 45.4821–2.

(b) *Sales of left-over stock.* Where a manufacturer who, having discontinued the business, directs a wholesale dealer holding adulterated butter of his production to consign it to another wholesale dealer for sale on commission for the manufacturer's account.

(c) *Sales to secure charges.* Where a warehouse sells adulterated butter to cover storage charges, or a transportation company to secure freight charges or salvage damaged merchandise. The quantity so sold and the name and address of the buyer shall be reported to the district director.

(d) *Sales to assignee.* Where a retail dealer sells his stock of merchandise, including adulterated butter, to his successor.

**§ 45.4821–5 Requirements with respect to retail dealers in adulterated butter.**

(a) *Payment of special tax.* A retail dealer shall make return on Form 11 to the district director, pay special tax, and comply with the provisions contained in subpart K, relating to special taxes.

(b) *Quantity limitation.* A retail dealer may sell adulterated butter in quantities of less than 10 pounds at one time taken from an original package or packages, but if he sells an original package of 10 pounds, he will incur liability for the special tax as a wholesale dealer, and for the penalty imposed by section 7265(c) for failure to pay the special tax imposed by section 4821(b).

**§ 45.4821–6 Liability in particular situations.**

(a) *Dealers in other products.* Dealers in butter and other persons who, knowingly or unknowingly, sell adulterated butter render themselves liable to tax as dealers in adulterated butter.

(b) *Itinerant vendors.* A special-tax stamp can be issued only for a specific address or a fixed place of business. Peddlers, operators of so-called rolling stores, and other vendors who, traveling from place to place, sell adulterated butter incur liability to special tax as either a wholesale or retail dealer at each place where sales are made. (See paragraph (c) (1) of § 45.4821–3 as to incurring liability at place of sale.)

(c) *Nontaxable situations.* Special-tax liability as a dealer is not incurred in the following situations:

(1) *Eating places.* Where proprietors of public eating places serve adulterated butter with meals, with or without special charge for it.

(2) *Pooling funds.* Where a member of a pool formed for the purpose of purchasing adulterated butter remits the purchase money and individual orders to the vendor and distributes the goods to other members of the pool. (See paragraph (c) (5) of § 45.4821–3 as to agents or brokers.)

**§ 45.4822 Statutory provisions; cross references.**

SEC. 4822. *Cross references*—(a) *Definitions.* For definitions applicable to this subpart, see section 4826.

(b) *Other provisions.* For penalties and other general and administrative provisions applicable to this subpart, see chapter 40 and subtitle F.

[Sec. 4822 as originally enacted and in effect July 1, 1960]

**§ 45.4822–1 Cross references.**

(a) For provisions relating to registration in case of a trade or business on which a special tax is imposed, see §§ 45.7011 and 45.7011–1.

(b) For requirements relating to posting occupational tax stamps, see §§ 45.6806 and 45.6806(a)–1.

(c) For other administrative requirements relating to occupational taxes, see Subparts K and L of this part.

(d) For penalties, see sections 7264, 7265, 7272, and 7273.

**§ 45.4826 Statutory provisions; definitions.**

SEC. 4826. *Definitions*—(a) *Butter.* For the purpose of this part, the word "butter" shall be understood to mean the food product unusually known as butter, and made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter.

(b) *Adulterated butter.* "Adulterated butter" is defined to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter or butter fat, in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity, or any butter or butter fat with which there is mixed any substance foreign to butter as defined in subsection (a), with intent or effect of cheapening in cost the product, or any butter in the manufacture or manipulation of which any process or material is used with intent or effect of causing the absorption of abnormal quantities of water, milk or cream.

(c) *Process or renovated butter.* "Process butter" or "renovated butter" is defined to mean butter which has been subjected to any process by which it is melted, clarified, or refined and made to resemble genuine butter, always excepting "adulterated butter" as defined by subsection (b).

(d) *Manufacturer.* Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered to be a manufacturer thereof.

(e) *Dealer.* Every person who sells adulterated butter shall be regarded as a dealer in adulterated butter.

(f) *Retail dealer.* Every person who sells adulterated butter in less quantities than 10 pounds at one time shall be regarded as a retail dealer in adulterated butter.

[Sec. 4826 as originally enacted and in effect July 1, 1960]

**§ 45.4826–1 Butter defined.**

Butter churned and worked in accordance with approved standards, and with quality as a prime object, contains not more than 16 percent moisture. As defined by the Federal Food, Drug, and Cosmetic Act of June 25, 1938 (52 Stat. 1040; 21 U.S.C. ch. 9), butter contains not less than 80 percent, by weight, of milk fat, allowance being made for all tolerances. When butter contains a smaller quantity of milk fat or more than 16 percent moisture, a strong presumption is raised that the product is adulterated butter within the meaning of the statute.

**§ 45.4826–2 Adulterated butter classified.**

Adulterated butter may be divided into three classes, namely:

(a) Butter in any way produced from different lots of melted or unmelted butter, or butter fat, to which a substance has been added for the purpose of removing rancidity or deodorizing it, except butter made from sour cream the acid of which has been reduced with lime water before churning.

(b) Butter or butter fat with which is mixed any substanee foreign to butter as defined by law, for the purpose of reducing the cost of the product. This does not include mixtures properly classifiable as oleomargarine.

(c) Butter manufactured or manipulated by any process or with any material resulting in the absorption of abnormal quantities of water, milk, or cream. Emulsified or milk-blended butter comes within this class.

**§ 45.4826–3 Preservatives.**

Butter to which a harmless preservative has been added solely for the purpose of preservation is not subject to tax as adulterated butter, provided the quantity is not larger than is absolutely necessary to preserve it. If the preservative is used as a bath or wash in working or renovating it, the product will be subject to tax as adulterated butter.

**§ 45.4826–4 Ladled butter.**

The product commonly known as "ladled butter" is taxable as adulterated butter if a process within the definition of adulterated butter (see § 45.4826–2) is used.

**§ 45.4826–5 Process or renovated butter.**

The terms "process butter" and "renovated butter" are used synonymously in the regulations in this part and it is immaterial, for purposes of this part, whether a manufacturer designates the product "process butter" or "renovated butter". Butter which falls within the definition of adulterated butter (see § 45.4826–2) is subject to tax as adulterated butter rather than as process or renovated butter. The principal difference between adulterated butter and process or renovated butter is with respect to the use of chemicals or other substances. Butter reworked with the use of chemicals or other substances is adulterated. Butter which is melted, clarified, or refined without the use of chemicals or other substances is process or renovated butter.

## Subpart H—Filled Cheese Tax on Products

**§ 45.4831 Statutory provisions; imposition of tax.**

SEC. 4831. *Imposition of tax*—(a) *Domestic.* There shall be imposed upon all filled cheese which shall be manufactured a tax of 1 cent per pound payable by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound.

(b) *Imported.* There shall be imposed upon all filled cheese imported from a foreign country, in addition to any import duty imposed on the same, an internal revenue tax of 8 cents per pound; and such imported filled cheese and the packages containing the same shall be stamped, marked, and branded, as in the case of filled cheese manufactured in the United States.

[Sec. 4831 as originally enacted and in effect July 1, 1960]

**§ 45.4831–1 Imposition and rate of tax.**

(a) *Domestic filled cheese.* Section 4831(a) imposes a tax on domestically manufactured filled cheese at the rate of 1 cent per pound. Any fractional part of a pound in a package shall be taxed as a pound.

(b) *Liability for tax on domestic filled cheese.* The manufacturer of the filled cheese is liable for the payment of the tax imposed under section 4831(a). The tax accrues when the filled cheese is manufactured and is to be paid in the manner set forth in § 45.4832–1.

(c) *Imported filled cheese.* Section 4831(b) imposes a tax on filled cheese imported from a foreign country at the rate of 8 cents per pound. Any fractional part of a pound in a package shall be taxed as a pound. The tax imposed under section 4831(b) on imported filled cheese is in addition to any import duty imposed on such filled cheese.

(d) *Liability for tax on imported filled cheese*—(1) *Release of product.* The person importing the filled cheese shall be liable for the tax imposed under section 4831(b) and the tax must be paid by affixing the required stamps prior to release of the product from customs custody.

(2) *Purchase of stamps.* Stamps for the tax payment of imported filled cheese will be sold to the owner or consignee of such merchandise by the district director of internal revenue for the district in which is located the office of the collector of customs where the customs entry is filed, upon requisition therefor duly executed by an authorized customs officer.

(3) *Affixing and cancellation of stamps.* Filled cheese imported from foreign countries is not required to have the internal-revenue stamps affixed to the packages thereof and canceled unless and until such product is to be released from customs custody for consumption or sale in the United States. Such stamps shall be affixed and canceled by the owner or consignee while the product is in the custody of the proper customs officer, and such product shall not pass out of the custody of said officer until the stamps have been affixed and canceled. The mode of affixing the stamps to packages of domestic manufacturers prescribed in paragraph (b) of § 45.4832–1 is hereby made applicable to imported filled cheese. Each stamp so affixed shall be canceled by the owner or consignee writing or imprinting on the face thereof in distinct and legible letters and figures his name and date of cancellation, name of port, and customs entry number.

(e) *Exported filled cheese.* There is no provision for the omission of the tax on filled cheese exported from the United States and all filled cheese exported must be tax paid at the rate of 1 cent per pound.

**§ 45.4832 Statutory provisions; stamps.**

SEC. 4832. *Stamps*—(a) *Method of payment*—(1) *Stamps.* The taxes imposed by section 4831 shall be represented by coupon stamps.

(2) *Assessment.* For assessment in case of omitted taxes, see subtitle F.

(b) *Emptied packages.* Whenever any stamped package containing filled cheese is emptied, it shall be the duty of the person in whose hand the same is to destroy the stamps thereon.

(c) *Other stamp provisions.* The provisions of law governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, shall apply to stamps provided for by paragraph (1) of subsection (a).

[Sec. 4832 as originally enacted and in effect July 1, 1960]

**§ 45.4832–1 Affixing and canceling of stamps.**

(a) *Domestic filled cheese.* The tax imposed under section 4831(a) on filled cheese of domestic manufacture shall be paid by the manufacturer thereof by the affixing of stamps to the packages before removal from the place where made.

(b) *Affixing and cancellation of stamps.* Filled-cheese stamps have been prepared in denominations of 1, 10, 20, and 40 cents with 10 stamps to a sheet. Such stamps are obtainable upon application on Form 218 to the district director for the district in which the factory is located. On the withdrawal of a package of filled cheese the proper tax-paid stamp must be securely affixed to the side thereof and immediately canceled by stamping or perforating the factory number, internal revenue district, State, and date thereon. Illustration: "Fac. No. 12, Chicago District, Ill.", over "April 15, 1960." For provisions relating to affixing and cancellation of stamps in respect of imported filled cheese, see paragraph (d) (3) of § 45.4831–1.

**§ 45.4832–2 Emptied packages.**

Whenever any stamped package containing filled cheese is emptied, the person in whose hands such package is shall destroy the stamps affixed thereon.

**§ 45.4832–3 Other stamp provisions.**

For regulations with respect to the engraving, issuing, sale, accountability, effacement, and destruction of stamps, see Subpart L of this part.

**§ 45.4833 Statutory provisions; requirements applicable to manufacturers.**

SEC. 4833. *Requirements applicable to manufacturers*—(a) *Packing requirements*—(1) *Marks, stamps, and packages.* Filled cheese shall be packed by the manufacturers in wooden packages only, not before used for that purpose, and marked, stamped, and branded with the words "filled cheese" in black-faced letters not less than two inches in length, in a circle in the center of the top and bottom of the cheese; and in black-faced letters not less than two inches in length in line from the top to the bottom of the cheese, on the side in four places equidistant from each other; and the package containing such cheese shall be marked in the same manner, and in the same number of places, and in the same description of letters as above provided for the marking of the cheese; and all sales or consignments made by manufacturers of filled cheese to wholesale dealers in filled cheese or to exporters of filled cheese shall be in original stamped packages.

(2) *Label.* Every manufacturer of filled cheese shall securely affix, by pasting on each package containing filled cheese manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "*Notice.* The manufacturer of the filled cheese herein contained has complied with all the requirements of the law. Every person is cautioned not to use either this package again or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases."

(b) *Factory number and signs.* Every manufacturer of filled cheese shall put up such signs and affix such number to his factory as the Secretary or his delegate may by regulation require.

(c) *Bonds.* Every manufacturer of filled cheese shall file with the official in charge of the internal revenue district in which his manufactory is located such bonds as the Secretary or his delegate may by regulation require. The bond required of such manufacturer shall be in a penal sum of not less than $5,000; and the amount of said bond may be increased from time to time, and additional sureties required, at the discretion of the Secretary or his delegate.

[Sec. 4833 as originally enacted and in effect July 1, 1960]

**§ 45.4833–1 Requirements applicable to manufacturers.**

(a) *Packing requirements.* (1) All filled cheese shall be packed by the manufacturer thereof in wooden packages only, not before used for that purpose. The law does not fix the size of the manufacturers' packages. The contents of all packages must be completely covered. Crates with openings between slats may not be used as original packages. A package which has once been used for packing filled cheese may be taken apart and the material, from which all stamps, marks, and brands have been effectually removed, may be used in construction of new containers. All filled cheese sold by manufacturers of filled cheese shall be in original stamped packages.

(2) A package of filled cheese, to meet all the requirements of the law and regulations must be branded (paragraph (b) of this section), have caution notice label affixed (paragraph (c) of this section), and have proper stamp or stamps affixed and canceled (paragraph (b) of § 45.4832–1).

(3) Manufacturers and dealers may incase properly stamped and branded original packages of filled cheese in additional coverings or wrappers, provided such additional coverings or wrappers have duly impressed or stenciled thereon the brand as prescribed in paragraph (b) of this section, and also the following additional inscription: "The original package herein contained has been duly tax paid and proper stamp is affixed."

(b) *Branding requirements.* (1) Each cheese shall be marked, stamped, and branded with the words "filled cheese" in black-faced letters, not less than 2 inches in length, in a circle in the center of the top and bottom of the cheese; and in like letters, in four different places, equidistant from each other, on the side of the cheese, in line from the top to the bottom thereof. Like brands are required upon the wooden packages containing such cheese. Where the consistency of the filled cheese will not permit of the brand being applied directly thereto it will be sufficient if the package is duly branded as herein required.

(2) The width of the letters in the above brands shall not be less than 1 inch over all, with quarter-inch stem. Section 4833(a)(1) prescribes that the brands for the side of the cheese shall be put on in line from top to bottom. Where the cheese is not sufficiently thick to accommodate these words in a perpendicular or vertical line, they may be branded in a line running diagonally from top to bottom.

(3) Each cheese, likewise the wooden package therefor, shall, in addition to the above brands required upon the top and bottom surfaces, be branded with words and figures indicating the factory number, the internal revenue district, State, and the weight of the cheese, in the order observed in the following example:

Factory No. 1, Chicago District, Ill.
30 Pounds
Filled Cheese

(4) All letters and figures in the above brand must be in black-faced block type, not less than 1 inch in width over all, with quarter-inch stems in the words "filled cheese" and not less than 1 inch square in the remaining words.

(5) If a manufacturer desires to place his name upon the filled cheese, or upon the wooden package therefor, he may do so, provided such brand in nowise overshadows, subordinates, or conceals the Government brand above prescribed by the law and the regulations in this part.

(c) *Labeling requirements.* Every manufacturer's package of filled cheese must, before removal from the bonded premises where made, have printed thereon or securely affixed on the side or end thereof by pasting, in such a way as to be exposed to public view and to be easily read, a label on which is printed the number of the manufactory and the internal revenue district and State in which it is situated, and the words of the caution notice as provided by section 4833(a)(2).

(2) The prescribed wording must be in plain, open, and legible letters in black ink, and shall occupy a space not less than 3 inches long and not less than 1½ inches in width, and when in label form, it shall be printed on plain white paper and shall be substantially in the following form:

Factory No. ------, ----------, District.
State of ----------
NOTICE: The manufacturer of the filled cheese herein contained has complied with all the requirements of the law. Every person is cautioned not to use either this package again or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases.

### § 45.4833–2 Factories.

(a) *Premises.* Unless otherwise approved by the district director, another factory may not be operated at the same time within the premises described in a manufacturer's notice. (See paragraph (d) of this section.)

(b) *Manufacturer's sign.* Every manufacturer of filled cheese shall place and keep over the principal entrance to the building wherein his business is carried on, so that it can be distinctly seen, a sign with letters thereon not less than 3 inches in height, painted in oil colors or gilded, giving his full name and business and the number of his manufactory.

(c) *Factory number.* Each filled-cheese factory shall be assigned a number by the district director, which number shall not be held at the same time by any other manufacturer of filled cheese in his district, nor thereafter changed except for reasons approved by the district director. If the manufacturer removes to a new location in the same district, he will retain his old number. Upon removal from one internal revenue district to another a new number will be assigned by the district director for the district to which removed. When a factory is closed, the number which is released will not be reassigned during the balance of the fiscal year.

(d) *Manufacturer's notice*—(1) *Execution of form.* Before commencing business, and immediately on the first day of July thereafter as long as he continues in the business, a manufacturer of filled cheese shall file with the district director a notice of intention to manufacture. This notice shall be prepared on Form 213 which may be obtained from the district director. The premises described in the notice shall conform with the requirements of this section.

(2) *Notice of change.* A new notice shall be filed with the district director before or immediately upon making any change either in location or in the premises or ownership of the business as described in the original notice.

### § 45.4833–3 Bonding.

(a) *Requirement.* Every manufacturer of filled cheese, before incurring any liability for the tax imposed by section 4831, shall file a bond with the district director in accordance with the provisions of paragraph (b) of this section.

(b) *Bond*—(1) *In general.* The bond required under paragraph (a) of this section shall be executed in accordance with the form, instructions, and regulations applicable thereto. Such bond shall be conditioned that the principal shall not engage in any attempt, by himself or by collusion with others, to defraud the United States of any tax under section 4831; that he shall render truly and completely all the returns and inventories required by law or regulations in respect of such tax and shall pay all such taxes for which he is liable; and that he shall comply with all requirements of law and regulations with respect to such taxes. The penal sum of such bond shall be not less than $5,000; and the sum of said bond may be increased from time to time at the discretion of the district director. Copies of the form to be used in filing the bond may be obtained from any district director.

(2) *Cancellation clause.* The bond required under paragraph (a) of this section may be accepted with a cancellation clause incorporated therein. Such cancellation clause shall provide that:

(i) Any surety on the bond may at any time give notice to the principal and the district director that he desires to be relieved of liability under said bond after a date named, which shall be at least 60 days after the receipt of notice by the district director.

(ii) If the notice is not withdrawn in writing prior to the date named in the notice, the rights of the principal as supported by said bond shall be terminated on such date (unless supported by another bond or bonds), and the surety shall be relieved from liability under said bond for any acts done wholly subsequent to said date. The surety shall, however, remain liable for any unpaid tax liability incurred by the principal before cancellation, in addition to penalties and interest, unless the principal pays such tax and penalties and interest.

(iii) Said notice may not be given by an agent of the surety, unless it is accompanied by a power of attorney duly executed by the surety authorizing the agent to give such notice or by a verified statement that such power of attorney is on file with the Treasury Department.

(3) *New or additional bond.* The district director may require a new or additional bond under this section in any case where he deems it necessary or desirable in order to protect the interest of the United States.

(4) *Other provisions relating to bonds.* For general provisions relating to bonds, including such matters as the surety or sureties required, see §§ 301.7101 and 301.7101–1 of this chapter (Regulations on Procedure and Administration).

### § 45.4834 Statutory provisions; requirements applicable to wholesale and retail dealers.

SEC. 4834. *Requirements applicable to wholesale and retail dealers*—(a) *Signs.* Every wholesale dealer and every retail dealer in filled cheese shall display in a conspicuous place in his salesroom a sign bearing the words "Filled cheese sold here" in black-faced letters not less than six inches in length, upon a white ground, with the name and number of the revenue district in which his business is conducted.

(b) *Selling requirements.* Retail dealers in filled cheese shall sell only from original stamped packages, and shall pack the filled cheese when sold in suitable wooden or paper packages, which shall be marked and branded in accordance with rules and regulations to be prescribed by the Secretary or his delegate.

[Sec. 4834 as originally enacted and in effect July 1, 1960]

### § 45.4834–1 Signs to be displayed by wholesale and retail dealers.

Each retail and each wholesale dealer in filled cheese shall display in a conspicuous place in his salesroom a sign bearing the words "Filled cheese sold here" in black-faced letters not less than six inches in length, upon a white ground, with the name of the revenue district in which the business is conducted. Concealment of the sign from full view of the public will not be deemed a compliance with the law. If a dealer has more than one salesroom, he must post the requisite sign in each such room.

### § 45.4834–2 Packaging requirements.

Retail dealers in filled cheese must sell only from original stamped packages, and shall pack the filled cheese sold by them in suitable wooden or paper packages which shall be marked and branded as provided in § 45.4834–3. Wooden or paper packages similar to those usually employed in selling butter and lard at retail may be used by the retail dealer in filled cheese. There is no restriction as to the quantity of filled cheese that a retailer may sell at one sale, but he must remove the product from the original manufacturer's package and repack in another package, made of either wood or paper, and place on such package the required marks and brands. A retail dealer who sells filled cheese in original packages for resale or to another retailer incurs additional liability to special tax as a wholesale dealer. (See section 4841(b).)



### § 45.4834–3 Branding requirements.

Each retailer's wooden or paper package must have the name and address of the dealer marked or branded thereon, likewise the words "Pound" and "Filled Cheese," in letters not less than one-quarter inch square, and the quantity written, marked, or branded thereon in figures of the same size (one-quarter of an inch square), substantially as follows.

Richard Roe
100 Doe Street
Boston
1 pound Filled Cheese

The words "Filled Cheese" and "Pound" which are required to be marked or branded on retailers' wooden or paper packages, in letters not less than one-quarter inch square, and the quantity which is required to be written, marked or branded thereon in figures of like size, must be so placed so as to be plainly visible to the purchaser at the time of delivery to him. Illegible or concealed marks and brands are not those contemplated and required by the law and regulations. It will not be deemed a compliance with the regulations in this part if the words "Filled Cheese" and the other required words and figures shall be illegibly branded or marked or so placed as to be concealed from view, by being on the inside of the package or by folding in the stamped portion of the paper sheet used for wrapping, or otherwise. The required words and figures must be legibly printed or branded and conspicuously placed, and no other word or business card should be placed in such juxtaposition thereto as to divert attention from the fact that the contents of the package are filled cheese. The color of the ink with which the words are marked or branded must be black.

### § 45.4836 Statutory provisions; cross references.

SEC. 4836. *Cross references.* For definitions, penalties, and other general and administrative provisions, see section 4846 and subtitle F.

[Sec. 4836 as originally enacted and in effect July 1, 1960]

### § 45.4836–1 Cross references.

(a) For definitions relating to filled cheese see § 45.4846 and the regulations thereunder.

(b) For penalties for offenses relating to stamps, see § 45.7208.

(c) For penalties for unauthorized use or sale of stamps, see § 45.7209.

(d) For penalties for other offenses relating to stamps, see § 45.7271.

(e) For penalty for failure to register, see § 45.7272.

(f) For other administrative provisions relating to the tax imposed on filled cheese, see Subpart L.

## Occupational Tax

### § 45.4841 Statutory provisions; imposition of tax.

SEC. 4841. *Imposition of tax*—(a) *Manufacturers.* Manufacturers of filled cheese shall pay a special tax of $400 a year for each and every factory.

(b) *Wholesale dealers*—(1) *In general.* Wholesale dealers in filled cheese shall pay a special tax of $250 a year.

(2) *Manufacturers selling at wholesale.* Any manufacturer of filled cheese who has given the required bond and paid the required special tax, and who sells only filled cheese of his own production, at the place of manufacture, in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer in filled cheese on account of such sales.

(c) *Retail dealers.* Retail dealers in filled cheese shall pay a special tax of $12 a year.

[Sec. 4841 as originally enacted and in effect July 1, 1960]

### § 45.4841–1 Imposition and rate of tax.

Section 4841 imposes a special tax in the case of manufacturers, wholesale dealers, and retail dealers of filled cheese at the following rates:

| | |
|---|---|
| (a) Manufacturers | $400 per year for each factory. |
| (b) Wholesale dealers | $250 per year. |
| (c) Retail dealers | $12 per year. |

### § 45.4841–2 Applicability of tax.

(a) *Manufacturers.* Every person, firm, or corporation who manufactures filled cheese for sale shall be deemed a manufacturer of filled cheese.

(b) *Wholesale dealers.* Every person, firm, or corporation who sells or offers for sale filled cheese in the original manufacturer's package for resale, or to retail dealers as defined in paragraph (c) of this section, shall be deemed a wholesale dealer in filled cheese. A qualified manufacturer who sells only tax-paid filled cheese of his own production at the place of manufacture is not liable as a wholesale dealer.

(c) *Retail dealers.* Every person who sells filled cheese at retail, not for resale but for actual consumption, shall be regarded as a retail dealer in filled cheese.

(d) *Payment of special tax.* Every person liable for the special tax imposed by section 4841 must make a return on Form 11 to the district director, pay the special tax, and comply with the provisions contained in Subpart K, relating to special taxes.

(e) *Computation of tax.* For regulations relating to computation of the tax, see § 45.4901–1(b).

### § 45.4841–3 Liability of wholesale dealers and retail dealers for special tax.

(a) *In general.* (1) Except in the case of a manufacturer selling filled cheese of his own producion at the place of manufacture, a person is liable to special tax as a dealer in filled cheese, either wholesale or retail as the case may be, at each and every place where he sells, or offers for sale, filled cheese. The place where the delivery, either actual or constructive, which transfers ownership from vendor to vendee, is made is the place of sale and for which special tax is required to be paid. A special tax stamp can be issued to a dealer in filled cheese only for a fixed place of business. One who travels from place to place and makes sales of filled cheese incurs liability to special tax at each place where such sales and deliveries are made.

(2) Dealers in cheese should ascertain the true character of the article which they sell or offer for sale. If they are found to have sold filled cheese, though they believed it to be genuine cheese, they nevertheless are liable to special tax as dealers in filled cheese.

(3) Special tax stamps are not transferrable from one person to another. When a new member is added to a firm a new stamp is required.

(4) Any number of persons doing business in copartnership at any one place are required to pay but one special tax.

(b) *Situations where special tax liability is not incurred.* Special tax liability is not incurred in respect to sales by:

(1) A receiver appointed by the court to sell filled cheese under order of the court.

(2) A trustee when he carries on the business at the principal's store and under the special tax stamp issued to the principal.

(3) A member of a firm acquiring the interests of the other members and carrying on the business under the stamp issued to the firm.

(4) A qualified dealer moving from one location to another provided he registers the change with the district director during the calendar month in which it occurred.

(5) The legal representative of a deceased special taxpayer carrying on the business until the expiration of the stamp but the change must be registered with the district director within the month in which it was made.

(6) An army post exchange under the complete control of the Department of Defense.

(7) A keeper of a restaurant who furnishes filled cheese merely to patrons as a part of their meals even though a separate charge is made for the filled cheese served.

(8) A transportation company selling filled cheese to secure freight charges.

### § 45.4841–4 Storing filled cheese.

Manufacturers of, and wholesale dealers in, filled cheese may store tax-paid packages of such product at places other than those named in their special-tax stamps and may make deliveries from such places of storage without incurring additional special tax liability, provided that sales of filled cheese so stored are absolutely completed by the manufacturers or wholesale dealers at their registered places of business by

constructive delivery there prior to actual removal of the goods from the place of storage for delivery to purchasers. Receipt of an order at the place of business of a manufacturer or dealer and the sending of such order to the storage house for delivery is not a sale of goods at said place of business. A manufacturer or dealer must not merely receive the order at his place of business, but he must make out there and deliver to the customer ordering, or send to him direct a bill of sale in each instance transferring to him the ownership of the goods before there is an actual delivery from the place of storage.

### § 45.4842 Statutory provisions; cross references.

SEC. 4842. *Cross references*—(a) *Definitions.* For definitions applicable to this subpart, see section 4846.

(b) *Other provisions.* For penalties and other general and administrative provisions applicable to this subpart, see chapter 40 and subtitle F.

[Sec. 4842 as originally enacted and in effect July 1, 1960]

### § 45.4842–1 Cross references.

(a) For provisions relating to registration in case of a trade or business on which a special tax is imposed, see §§ 45.7011 and 45.7011–1.

(b) For requirements relating to posting occupational tax stamps, see §§ 45.6806 and 45.6806(a)–1.

(c) For other administrative requirements relating to occupational taxes, see Subparts K and L of this part.

(d) For penalties, see sections 7266, 7272, and 7273.

### § 45.4846 Statutory provisions; definitions.

SEC. 4846. *Definitions.* For the purposes of this part—(1) *Cheese.* The word "cheese" shall be understood to mean the food product known as cheese, and made from milk or cream and without the addition of butter, or any animal, vegetable, or other oils or fats foreign to such milk or cream, with or without additional coloring matter.

(2) *Filled cheese.* Certain substances and compounds shall be known and designated as "filled cheese," namely: All substances made of milk or skimmed milk, with the admixture of butter, animal oils or fats, vegetable or any other oils, or compounds foreign to such milk, and made in imitation or semblance of cheese. Substances and compounds, consisting principally of cheese with added edible oils, which are not sold as cheese or as substitutes for cheese but are primarily useful for imparting a natural cheese flavor to other foods shall not be considered "filled cheese" within the meaning of this part.

(3) *Manufacturer.* Every person, firm, or corporation who manufacturers filled cheese for sale shall be deemed a manufacturer of filled cheese.

(4) *Wholesale dealer.* Every person, firm, or corporation who sells or offers for sale filled cheese, in the original manufacturer's packages for resale, or to retail dealers as defined in paragraph (5) shall be deemed a wholesale dealer in filled cheese.

(5) *Retail dealer.* Every person who sells filled cheese at retail, not for resale, and for actual consumption, shall be regarded as a retail dealer in filled cheese.

[Sec. 4846 as originally enacted and in effect July 1, 1960]

### § 45.4846–1 Definitions.

(a) *Cheese.* The term "cheese" shall be understood to mean the food product known as cheese, and made from milk or cream and without the addition of butter, or any animal, vegetable, or other oils or fats foreign to such milk or cream, with or without additional coloring matter.

(b) *Filled cheese.* (1) The term "filled cheese" shall include all substances made of milk or skimmed milk, with the admixture of butter, animal oils or fats, vegetable or any other oils, or compounds foreign to such milk, and made in imitation or semblance of cheese. Substances and compounds, consisting principally of cheese with added edible oils, which are not sold as cheese or as substitutes for cheese but are primarily useful for imparting a natural cheese flavor to other foods shall not be considered "filled cheese" within the meaning of this chapter.

(2) The mixture of cheese with coloring matter does not render it liable to tax as filled cheese, such mixture being permitted under the definition given in section 4846(a) and paragraph (a) of this section. If, however, the annatto or other coloring matter is mixed with a vegetable oil or an animal fat as a mordant, resulting in a compound resembling cheese, this compound would be liable to tax as filled cheese.

(3) The manufacture of cheese from synthetic cream which is prepared by homogenizing a mixture of butter and skimmed milk or a mixture of butter, milk powder, and water results in a product which is clearly "filled cheese" as defined by statute, being a substance made of milk or skimmed milk with an admixture of butter in imitation or semblance of cheese.

### § 45.4846–2 Cross reference.

For definition and application of the terms "manufacturer", "wholesale dealer" and "retail dealer", see section 4841 and the regulations thereunder.

## Subpart I—Contracts of Sale of Cotton for Future Delivery

### § 45.4851 Statutory provisions; imposition of tax.

SEC. 4851. *Imposition of tax*—(a) *Rate.* Upon each contract of sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business, there shall be imposed a tax in the nature of an excise of 2 cents for each pound of the cotton involved in any such contract.

(b) *By whom paid.* The tax imposed by subsection (a) shall be paid by the seller of the cotton involved in the contract of sale.

[Sec. 4851 as originally enacted and in effect July 1, 1960]

### § 45.4851–1 Imposition and rate of tax.

(a) *Imposition of tax.* Section 4851 imposes a tax upon each contract of sale of cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business, except contracts for the sale of specific cotton for future delivery which comply with the provisions of the regulations in this subpart.

(b) *Rate of tax.* The tax imposed under section 4851 shall be computed at the rate of 2 cents per pound for each pound of cotton involved in a contract subject to tax.

### § 45.4851–2 Liability for tax.

The tax imposed by section 4851 shall be paid by the seller of the cotton involved in each contract subject to tax.

### § 45.4852 Statutory provisions; definition.

SEC. 4852. *Definition.* For the purpose of this subchapter, the term "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell.

[Sec. 4852 as originally enacted and in effect July 1, 1960]

### § 45.4852–1 Definitions.

(a) *Contract of sale.* The term "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell.

(b) *Designation of contracts*—(1) *Contracts subject to section 4863.* The term "contracts subject to section 4863" shall mean basis grade contracts made in compliance with the provisions of section 4863 and the regulations thereunder.

(2) *Contracts subject to section 4864.* The term "contracts subject to section 4864" shall mean tendered grade contracts made in compliance with the provisions of section 4864 and the regulations thereunder.

(3) *Contracts subject to section 4865.* The term "contracts subject to section 4865" shall mean specific grade contracts made in compliance with section 4865 and the regulations thereunder.

### § 45.4853 Statutory provisions; form and validity of contracts.

SEC. 4853. *Form and validity of contracts*—(a) *Form.* Each contract of sale of cotton for future delivery mentioned in section 4851 (a) shall be in writing plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract, and shall be signed by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved, without giving the weight, each bale shall, for the purpose of this subchapter, be deemed to weigh 500 pounds.

(b) *Validity.* No contract of sale of cotton for future delivery mentioned in section 4851(a), which does not conform to the requirements of subsection (a) of this section and has not the necessary stamps affixed thereto as required by section 4871, shall be enforceable in any court of the United States by, or on behalf of, any party to such contract or his privies.

[Sec. 4853 as originally enacted and in effect July 1, 1960]

### § 45.4853–1 Form and validity of contracts.

(a) *Form*—(1) *In general.* Every contract mentioned in section 4851(a) for the sale of cotton for future delivery shall be in writing and shall state, or shall be evidenced by written memorandum showing, (i) the terms of the contract, (ii) the quantity of cotton involved, (iii) the name and address of the buyer, and (iv) the name and address of the seller. The contract or memorandum shall be signed by the person to be charged or by his agent in his behalf. For the purpose of this subpart, if the contract or memorandum specifies in bales the quantity of cotton involved, without giving the weight, each bale shall be deemed to weigh 500 pounds.

(2) *Exceptions.* (i) Contracts for sale of cotton made at, on, or in any exchange, board of trade, or similar institution or place of business and evidenced by memoranda containing the terms of such contract and the signatures of the parties to be charged in the form of punched and/or printed numbers, letters and symbols by the use of machines operated by a clearing house or a clearing association, pursuant to authority given to such clearing house or association by the members to be charged, are considered to be in compliance with section 4853(a) and subparagraph (1) of this paragraph.

(ii) Variations in the method of operation caused by sales of more than 100 bales of cotton and involving, in some cases, more than a single buying or selling broker, will not result in a noncompliance with section 4853(a) provided there are memoranda containing the terms of the contract and the signatures of the parties to be charged in the form of punched and/or printed numbers, letters or symbols as provided in subdivision (i) of this subparagraph.

(b) *Validity of contracts.* No contract for the sale of cotton for future delivery mentioned in section 4851(a) which does not conform to the requirements of section 4853 and paragraph (a) of this section and which does not have affixed thereto the necessary stamps required by section 4871, shall be enforceable in any court of the United States by, or on behalf of, any party to such contract or his privies.

(c) *Stating number of bales involved.* Each contract must provide that all tenders of cotton shall be the full number of bales involved therein. Such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight, and necessary variations in the weight of the cotton tendered may be permitted not to exceed 1 percent of the total weight specified in the contract.

### § 45.4854 Statutory provisions; cotton standards.

SEC. 4854. *Cotton standards*—(a) *Source and description.* Subject to the provisions of section 6 of the Act of March 4, 1923 (42 Stat. 1516; 7 U.S.C. 56), the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purpose of this subchapter, shall be known as the "Official cotton standards of the United States": *Provided*, That any standard of any cotton established and promulgated under this subchapter by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further*, That no change or replacement of any standard of any cotton established and promulgated under this subchapter by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when same is to become effective.

(b) *Practical forms*—(1) *Preparation, certification, and distribution.* The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary.

(2) *Disposition of receipts from sales.* All sums collected by the Secretary of Agriculture for furnishing practical forms under paragraph (1) shall be deposited and covered into the Treasury as miscellaneous receipts.

[Sec. 4854 as originally enacted and in effect July 1, 1960]

### § 45.4861 Statutory provisions; spot cotton.

SEC. 4861. *Spot cotton.* This subchapter shall not be construed to impose a tax on any sale of spot cotton.

[Sec. 4861 as originally enacted and in effect July 1, 1960]

### § 45.4861–1 Exemption of spot cotton.

The tax imposed under section 4851 is not applicable to the sale of spot cotton.

### § 45.4862 Statutory provisions; definition of bona fide spot markets.

SEC. 4862. *Definition of bona fide spot markets*—(a) *Definition.* For the purpose of this subchapter, the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, determine and designate to be such, and of which he shall give public notice.

(b) *Determination.* In determining, pursuant to the provisions of this subchapter, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of middling cotton and the differences between the prices or values of middling cotton and of other grades of cotton for which standards shall have been established by the Secretary of Agriculture: *Provided*, That if there be not sufficient places, in the markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture, to enable him to designate at least five spot markets in accordance with section 4863(c), he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton, of the same or different grades, in the markets selected and designated by him, from time to time, for that purpose, and in that event differences in value of cotton of various grades involved in contracts made pursuant to section 4863 (a) and (b) shall be determined in compliance with such rules and regulations: *Provided further*, That it shall be the duty of any person engaged in the business of dealing in cotton, when requested by the Secretary of Agriculture or any agent acting under his instructions, to answer correctly to the best of his knowledge, under oath or otherwise, all questions touching his knowledge of the number of bales, the classification, the price or bona fide price offered, and other terms of purchase or sale, of any cotton involved in any transaction participated in by him, or to produce all books, letters, papers, or documents in his possession or under his control relating to such matter.

[Sec. 4862 as originally enacted and in effect July 1, 1960]

### § 45.4863 Statutory provisions; basis grade contracts.

SEC. 4863. *Basis grade contracts*—(a) *Conditions.* No tax shall be imposed under this subchapter on any contract of sale mentioned in section 4851(a) if the contract comply with each of the following conditions:

(1) *Conformity with section 4853(a) and regulations.* Conform to the requirements in section 4853(a) and the rules and regulations made pursuant to this subchapter.

(2) *Specification of grade, price, and dates of sale and settlement.* Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth paragraph of this subsection, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the data when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

(3) *Provision for delivery of standard grades only.* Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by paragraph (5) and no other grade or grades.

(4) *Provision for settlement on basis of actual commercial differences.* Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract, the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences, determined as hereinafter provided.

(5) *Prohibition of delivery of inferior cotton.* Provide that cotton that, because of the presence of extraneous matter of any character, or irregularities or defects, is reduced in value below that of low middling, or cotton that is below the grade of low middling, or, if tinged, cotton that is below the grade of strict middling, or, if yellow stained, cotton that is below the grade of good middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple, or of immature staple, or cotton that is "gin cut" or reginned, or cotton that is "repacked" or "false packed" or "mixed packed" or "water packed," shall not be delivered on, under, or in settlement of such contract.

(6) *Provisions for tender in full, notice of delivery date, and certificate of grade.* Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that, on the fifth busi-

ness day prior to delivery, the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that, on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered and, by means of marks or numbers, identifying each bale with its grade.

(7) *Provision for tender and settlement in accordance with Government classification.* Provide that all tenders of cotton and settlements therefor under such contract shall be in accordance with the classification thereof made under the regulations of the Secretary of Agriculture by such officer or officers of the Government as shall be designated for the purpose, and the costs of such classification shall be fixed, assessed, collected, and paid as provided in such regulations. All moneys collected as such costs may be used as a revolving fund for carrying out the purposes of this paragraph. The Secretary of Agriculture is authorized to prescribe regulations for carrying out the purposes of this paragraph, and the certificates of the officers of the Government as to the classification of any cotton for the purposes of this paragraph shall be accepted in the courts of the United States in all suits between the parties to such contract, or their privies, as prima facie evidence of the true classification of the cotton involved.

(b) *Incorporation of conditions in contracts.* The provisions of subsection (a) (3), (4), (5), (6), and (7) shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memoranda evidencing the same, at or prior to the time the same is signed, the phrase "Subject to Internal Revenue Code, section 4863."

(c) *Delivery allowances.* For the purpose of this section, the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in the settlement of a contract of sale for the future delivery of cotton shall be determined by the actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with subsection (a) (6), for the delivery of cotton on the contract, established by the sale of spot cotton in the spot markets of not less than five places designated for the purpose from time to time by the Secretary of Agriculture, as such values were established by the sales of spot cotton, in such designated five or more markets: *Provided,* That for the purpose of this subsection such values in the said spot markets be based upon the standards for grades of cotton established by the Secretary of Agriculture: *And provided further,* That whenever the value of one grade is to be determined from the sale or sales of spot cotton of another grade or grades, such value shall be fixed in accordance with rules and regulations which shall be prescribed for the purpose by the Secretary of Agriculture.

[Sec. 4863 as originally enacted and in effect July 1, 1960]

### § 45.4863–1 Exemption of basis grade contracts, tendered grade contracts, and specific grade contracts.

(a) *In general.* The tax imposed under section 4851 shall not apply to contracts of sale of specific cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business which meet the requirements, and are made in compliance with the conditions, of section 4863, 4864, or 4865.

(b) *Exchange rules and other matters not to affect contracts exempt from tax under section 4863, 4864, or 4865.* No contract shall be deemed to comply with the conditions of section 4863, 4864, or 4865 so as to exempt it from taxation if it contains or incorporates therein by reference or otherwise any provision or any by-law, rule, or custom of any exchange, board of trade, or similar institution or place of business, which is inconsistent or in conflict with any requirement of section 4863, 4864, or 4865, as the case may be, nor if the parties enter into any collateral or additional agreement or understanding, either verbal or written, respecting the subject matter of such contract which is inconsistent or in conflict with any requirement of said sections.

(c) *Provisions deemed inconsistent and in conflict with requirements.* Any such provision, by-law, rule, custom, agreement, or understanding which in any manner takes away or impairs the right of the person obligated to deliver cotton, to tender any cotton which is of or within the grades, of the quality, and of the length of staple deliverable under a contract made in compliance with section 4863, 4864, or 4865; or which takes away or impairs his right to prepare for himself, or to have prepared by anyone at his direction, the written notice or certificate stating the grade of cotton pursuant to section 4863, or which takes away or impairs the right of either party to submit a dispute as to the classification of the cotton tendered to the Secretary of Agriculture, under a contract subject to section 4863 or 4864; or which contains any device, arrangement, or agreement for the adjustment of the price of the grade or grades of cotton tendered under a contract subject to section 4864, other than the basis grade specified in the contract, by any "fixed difference" system, or by arbitration, shall be deemed inconsistent and in conflict with the requirements of such sections, as the case may be.

(d) *Disputes as to classification to be referred to Secretary of Agriculture.* Contracts subject to sections 4863 and 4864, shall provide that, in case a dispute arises between the person making the tender and the person receiving the same as to the classification of any cotton tendered under the contract, either party may refer the question of the true classification of the cotton to the Secretary of Agriculture for determination, and that such dispute shall be referred and determined, and the cost thereof fixed, assessed, collected and paid in such manner and in accordance with such rules and regulations as may be prescribed by the Secretary of Agriculture.

### § 45.4864 Statutory provisions; tendered grade contracts.

SEC. 4864. *Tendered grade contracts*—(a) *Conditions.* No tax shall be imposed under this subchapter on any contract of sale mentioned in section 4851(a) if the contract—

(1) *Compliance with section 4863.* Comply with all the terms and conditions of section 4863 not inconsistent with this section; and

(2) *Provision for contingent specific performance.* Provide that, in case cotton of grade or grades other than the basis grade specified in the contract shall be tendered in performance of the contract, the parties to such contract may agree, at the time of the tender, as to the price of the grade or grades so tendered, and that if they shall not then agree as to such price, then, and in that event, the buyer of said contract shall have the right to demand the specific fulfillment of such contract by the actual delivery of cotton of the basis grade named therein and at the price specified for such basis grade in said contract.

(b) *Incorporation of conditions in contract.* Contracts made in compliance with this section shall be known as "Section 4864 Contracts." The provisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to Internal Revenue Code, section 4864."

(c) *Application of section.* Nothing in this section shall be so construed as to relieve from the tax imposed by section 4861(a) any contract in which, or in the settlement of or in respect to which, any device or arrangement whatever is resorted to, or any agreement is made, for the determination or adjustment of the price of the grade or grades tendered other than the basis grade specified in the contract by any "fixed difference" system, or by arbitration, or by any other method not provided for by this subchapter.

[Sec. 4864 as originally enacted and in effect July 1, 1960]

### § 45.4864–1 Exemption of tendered grade contracts.

For regulations with respect to the exemption of tendered grade contracts, see the applicable provisions of § 45.4863–1.

### § 45.4865 Statutory provisions; specific grade contracts.

SEC. 4865. *Specific grade contracts*—(a) *Conditions.* No tax shall be imposed under this subchapter on any contract of sale mentioned in section 4851(a) if the contract complies with each of the following conditions:

(1) *Conformity with rules and regulations.* Conform to the rules and regulations made pursuant to this subchapter.

(2) *Specification of grade, price, dates of sale and delivery.* Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be bought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

(3) *Prohibition of delivery of other than specified grade.* Provide that cotton of or within the grade or of the type, or according to the sample or description, specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description, or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

(4) *Provision for specific performance.* Provide that the delivery of cotton under the contract shall not be effected by means of "set-off" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

(b) *Incorporation of conditions in contract.* The provisions of subsection (a) (1), (3), and (4) shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into, the words "Subject to Internal Revenue Code, section 4865."

(c) *Application of section.* This section shall not be construed to apply to any contract of sale made in compliance with section 4863 or 4864.

[Sec. 4865 as originally enacted and in effect July 1, 1960]

### § 45.4865–1 Exemption of specific grade contracts.

For regulations with respect to the exemption of specific grade contracts, see the applicable provisions of § 45.4863–1.

### § 45.4871 Statutory provisions; method of payment.

SEC. 4871. *Method of payment.* The tax imposed by section 4851 (a) shall be paid by means of stamps which shall be affixed to such contracts, or to the memoranda evidencing the same, and canceled in compliance with rules and regulations which shall be prescribed by the Secretary or his delegate.

[Sec. 4871 as originally enacted and in effect July 1, 1960]

### § 45.4871–1 Method of payment.

(a) *Stamps.* Documentary stamps issued under the internal revenue laws shall be used for payment of the taxes imposed by section 4851(a) and may be obtained from (1) district directors and other duly authorized officials; (2) postmasters in all post offices of the first and second classes and such post offices of the third and fourth class as are located in county seats; (3) designated depositaries of the United States; and (4) any person who is duly appointed and acting as agent of any State for the sale of stock transfer stamps of such State, and designated by the Secretary or his delegate for the purpose.

(b) *Affixing stamps.* Stamps representing the tax due are to be affixed by the seller, at the time of signing, to each contract of sale of cotton for future delivery mentioned in section 4851, or to the memorandum evidencing the same, unless the contract under the law and regulations is not subject to tax.

(c) *Canceling stamps.* The person using or affixing a stamp shall write or stamp thereon with ink the initials of his name and the date, including the year, on which the same shall be attached or used, or shall, by cutting and canceling the stamps with a machine or punch, which will affix the initials and date aforesaid, so deface the stamp as to render it unfit for reuse. In addition to the foregoing, stamps of the value of 10 cents or more shall have three parallel incisions made by some sharp instrument lengthwise through the stamp after the stamp has been attached to the document: *Provided,* This will not be required where stamps are canceled by perforation. The cancellation by either method should not so deface the stamp as to prevent its denomination and genuineness from being readily determined.

### § 45.4872 Statutory provisions; collection and enforcement.

SEC. 4872. *Collection and enforcement*—(a) *Rules and regulations.* The Secretary or his delegate is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this subchapter and otherwise to enforce its provisions.

(b) *Records and returns.* Further to effect the purpose of subsection (a), the Secretary or his delegate shall require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns verified under oath or otherwise, as will fully and correctly disclose all transactions mentioned in section 4851(a), including the making, execution, settlement, and fulfillment thereof; he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling, or adjusting transactions mentioned in section 4851(a) to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transactions.

(c) *Employment of officers and employees.* The Secretary or his delegate may appoint officers and employees to conduct the inspection necessary to collect said tax and otherwise to enforce this subchapter and all rules and regulations made by him in pursuance hereof.

[Sec. 4872 as originally enacted and in effect July 1, 1960]

### § 45.4872–1 Records of contracts of sale of cotton for future delivery.

All persons who make contracts of sale of cotton for future delivery at, on, or in any exchange, board of trade, or similar institution or place of business, whether said contracts shall be cleared and adjusted through a clearing association, or direct between seller and buyer, or otherwise, shall keep a record thereof showing:

(a) Name and address of contracting person keeping record.

(b) Name and address of other party to contract.

(c) Date contract was made.

(d) Quantity of cotton involved, in bales or pounds.

(e) Time specified in contract for delivery.

(f) Whether transaction is a purchase or a sale.

(g) Whether the contract is (1) a contract subject to section 4863, (2) a contract subject to section 4864, or (3) a contract subject to section 4865, and the basis grade.

(h) Grade, type, sample, or description of cotton, if not basis grade.

(i) Specified price per pound.

(j) Date of delivery or settlement.

(k) Method of actual fulfillment or settlement.

(l) Amount of tax paid (or, if exempt, so state).

### § 45.4872–2 Records to be kept by cotton clearing associations.

All persons who act in the capacity of a clearing house or clearing association for the purpose of clearing, settling, or adjusting transactions mentioned in section 4851(a) shall keep a record thereof showing:

(a) Name and address of clearing house or clearing association keeping record.

(b) Name and address of person for whom contract is cleared.

(c) Date contract was made.

(d) Quantity of cotton involved, in bales or pounds.

(e) Time specified in contract for delivery.

(f) Whether transaction is a purchase or a sale.

(g) Whether the contract is (1) a contract subject to section 4863, (2) a contract subject to section 4864, or (3) a contract subject to section 4865, and the basis grade.

(h) Grade, type, sample, or description of cotton, if not basis contract.

(i) Specified price per pound.

(j) Date of delivery or settlement.

(k) Method of actual fulfillment or settlement.

### § 45.4872–3 Form of record.

(a) *Forms prescribed.* For the purpose of uniformity and to enable the district director to check readily such information, the following forms of record are prescribed:

RECORD NO. 1—Contracts subject to Internal Revenue Code, section 4863

(Name and address of firm keeping the record)

Purchases for _____ delivery.

The following transactions are made on the basis of middling and subject to section 4863, I.R.C., unless otherwise stated:

| Date | Party or firm from whom bought | Address | Reference number [1] | Bales [2] | Price | Customer [1] | Settlement | | Tax, if any |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Date | Method | |
| | | | | | | | | | |
| | | | | | | | | | |
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(Name and address of firm keeping the record)

Sales for _____ delivery.

The following transactions are made on the basis of middling and subject to section 4863, I.R.C., unless otherwise stated:

| Date | Party or firm to whom sold | Address | Reference number [1] | Bales [2] | Price | Customer [1] | Settlement | | Tax, if any |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Date | Method | |
| | | | | | | | | | |
| | | | | | | | | | |

[1] Filling in of these columns optional.

[2] Transactions can be entered in 100-bale lots to a line; 50 lines to the page; 100 may be printed in on each line, if so desired.

RECORD No. 2—Contracts subject to Internal Revenue Code, section 4864

(Name and address of firm keeping the record)

Purchases for _____ delivery.

The following transactions are made on the basis of grade specified and subject to section 4864, I.R.C., unless otherwise stated:

| Date | Party or firm from whom bought | Address | Reference number [1] | Bales [2] | Basis grade | Price | Customer [1] | Settlement [3] | | Tax, if any |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Date | Method | |
| | | | | | | | | | | |

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(Name and address of firm keeping the records)

Sales for _____ delivery.

The following transactions are made on the basis of grade specified and subject to section 4864, I.R.C., unless otherwise stated:

| Date | Party or firm to whom sold | Address | Reference number [1] | Bales [2] | Basis grade | Price | Customer [1] | Settlement [3] | | Tax, if any |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Date | Method | |
| | | | | | | | | | | |

[1] Filling in of these columns optional.

[2] Transactions can be entered in 100-bale lots to a line; 50 lines to the page; 100 may be printed in on each line if so desired.

[3] In case of actual delivery, state whether basis grade or what grade is delivered.

RECORD No. 3—Contracts subject to Internal Revenue Code, section 4865

(Name and address of firm keeping records)

The following transactions are made on the basis of grade, type, sample, or description and subject to section 4865, I.R.C., unless otherwise stated:

| Date | Bought from— | | Bales cotton | Description | Price | Terms | Time of shipment or delivery | Delivery reference | Tax paid or if exempt |
|---|---|---|---|---|---|---|---|---|---|
| | Name | Address | | | | | | | |
| | | | | | | | | | |

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(Name and address of firm keeping records)

The following transactions are made on the basis of grade, type, sample, or description and subject to section 4865, I.R.C., unless otherwise stated:

| Date | Sold to— | | Bales cotton | Description | Price | Terms | Time of shipment or delivery | Delivery reference | Tax paid or if exempt |
|---|---|---|---|---|---|---|---|---|---|
| | Name | Address | | | | | | | |
| | | | | | | | | | |

RECORD No. 4—Contracts subject to Internal Revenue Code, section 4863 [1]

(Name and address of association keeping record)

The following contracts were cleared or adjusted for members of the _____ Cotton Exchange under section 4863,[1] I.R.C.:

| Brought forward, long | Purchase | Contracts in 100-bale lots | Grade | Price | Month of delivery | Method of settlement | | Carried forward, long | Name of member | Brought forward, short | Sales | Contracts in 100-bale lots | Grade | Price | Month of delivery | Method of settlement | | Carried forward, short |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Passed notices | Set-off | | | | | | | | | Passed notices | Set-off | |
| | | | | | | | | | | | | | | | | | | |

[1] If section 4864 contract or section 4865 contract, so state.

(b) *Use of prescribed forms.* The use of Record No. 1 is required to give information regarding all contracts made upon an exchange subject to section 4863, unless otherwise stated; the use of Record No. 2 is required to cover contracts subject to section 4864, unless otherwise stated; the use of Record No. 3 is required to cover contracts subject to section 4865, unless otherwise stated; and the use of Record No. 4 is required by persons who act in the capacity of a clearing house or clearing association for the purpose of clearing, settling or adjusting transactions mentioned in section 4851. Record Nos. 1, 2, and 3 shall contain 50 lines to a page, unless otherwise permitted by the Commissioner; and Record No. 4 shall contain a sufficient number of lines on one page to show all facts required to be disclosed under subchapter D of chapter 39 of the Code and this subpart unless otherwise permitted by the Commissioner. Persons who use such forms may incorporate additional columns which would be of use to them, such columns to be placed in such positions as not to interfere with the continuity of the columns and headings prescribed. Such records will not be supplied by the Internal Revenue Service, but must be procured elsewhere.

### § 45.4872–4 Records to be kept in separate books and open for inspection.

(a) *Records.* All records required by the regulations in this subpart shall be kept in separate books, and not mixed with records of other accounts or transactions, and shall be open to inspection when demand is made therefor by officers and agents of the Internal Revenue Service. All entries therein must be in writing, and the books preserved for a period of not less than three years.

(b) *Inspection by agents.* Agents duly appointed by the Commissioner shall have authority to examine the books and records kept in pursuance to §§ 45.4872–1 to 45.4872–3, inclusive, and may require the production of any other books, papers, records, or statements of account necessary to determine any liability to the tax imposed by section 4851.

### § 45.4872–5 Return to be made by persons dealing in future contracts.

All persons who make contracts of sale of cotton for future delivery at, on, or in any exchange, board of trade, or similar institution or place of business, whether said contracts shall be cleared and adjusted through a clearing association, or direct between the seller and buyer, or otherwise, shall render a return, in letter form, to the district director for the district in which such person's principal place of business is located. The return shall cover the period of one calendar quarter, shall be filed on or before the last day of the first calendar month following the calendar quarter for which it is made, and shall be verified by a written declaration that it is made under the penalties of perjury. The return shall show the number of contracts brought forward from the preceding quarter; the number of contracts bought or sold; the number of bales of cotton involved in said contracts; the month in which said cotton is to be delivered; the method of settlement of said contract—i.e., whether by "ring," "set-off," "notice," "actual delivery," "transfer," through a cotton-exchange clearing association, if any, or otherwise; and the number of contracts left open at the end of the quarter.

### § 45.4872–6 Returns to be made by clearing associations.

All persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling or adjusting transactions mentioned in section 4851 shall render, in respect of such transactions a return, in letter form, to the district director for the district in which such association is located. The return shall cover the period of one calendar quarter, shall be filed on or before the last day of the first calendar month following the quarter for which it is made, and shall be duly verified by the president, vice-president, secretary, or treasurer of the association by a written declaration that it is made under the penalties of perjury. The return shall show all facts in the possession of the association relating to such transactions, including the number of contracts bought or sold by each member of the association; the number of bales involved in said contracts; the month in which said cotton is to be delivered; the number of contracts cleared for each member of the association; the method of settlement of said contracts—i.e., whether by "notice," "set-off," or by any other method; also the monthly average closing price of cotton for each month dealt in, named in said return.

### § 45.4872–7 Persons failing to make return, district director authorized to do so.

If any person required to make the return under the provision of section 4872(b) and the regulations in this subpart shall fail or refuse to make said return within the time specified, then the return shall be made by the district director upon inspection of the books and records of the person so required: *Provided*, That the making of the return by the district director shall not be construed to relieve the person so required from any penalty incurred by reason of his failure to make such return.

### § 45.4873 Statutory provisions; liability of principal for acts of agent.

SEC. 4873. *Liability of principal for acts of agent.* When construing and enforcing the provisions of this subchapter, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation, as well as that of the person.

[Sec. 4873 as originally enacted and in effect July 1, 1960]

### § 45.4874 Statutory provisions; immunity of witnesses.

SEC. 4874. *Immunity of witnesses.* No person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of this subchapter shall withhold his testimony because of complicity by him in any violation of this subchapter or of any regulation made pursuant to this subchapter, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates.

[Sec. 4874 as originally enacted and in effect July 1, 1960]

### § 45.4875 Statutory provisions; operation of State laws.

SEC. 4875. *Operation of State laws.* The payment of any tax imposed by this subchapter shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts of sale of cotton for future delivery, nor shall the payment of any tax imposed by this subchapter be held to prohibit any State or municipality from imposing a tax on the same transaction.

[Sec. 4875 as originally enacted and in effect July 1, 1960]

### § 45.4876 Statutory provisions; reports of Secretary of Agriculture.

SEC. 4876. *Reports of Secretary of Agriculture.* The Secretary of Agriculture is directed to publish from time to time the results of investigations made in pursuance of this subchapter.

[Sec. 4876 as originally enacted and in effect July 1, 1960]

### § 45.4877 Statutory provisions; cross references.

SEC. 4877. *Cross references.* For penalties and other general and administrative provisions applicable to this subchapter, see subtitle F.

[Sec. 4877 as originally enacted and in effect July 1, 1960]

### § 45.4877–1 Cross references.

(a) For penalties for offenses relating to stamps, see § 45.7208.

(b) For penalties for unauthorized use or sale of stamps, see § 45.7209.

(c) For fines for failure to pay, or attempt to evade payment of, tax on cotton futures, and other violations, see § 45.7233.

(d) For penalties relating to cotton futures, see § 45.7263.

(e) For other administrative provisions relating to the tax imposed on cotton futures, see Subpart L.

## Subpart J—Silver Bullion

### § 45.4891 Statutory provisions; imposition of tax.

SEC. 4891. *Imposition of tax.* There shall be imposed on all transfers of any interest in silver bullion, if the price for which such interest is or is to be transferred exceeds the total of the cost thereof and allowed expenses, a tax of 50 percent of the amount of such excess.

[Sec. 4891 as originally enacted and in effect July 1, 1960]

### § 45.4891–1 Imposition of tax.

(a) *Transfers subject to tax.* The tax applies to all transfers, within the scope of the tax as set forth in § 45.4896–1, of any interest in silver bullion, if the price for which such interest is or is to be transferred exceeds the cost thereof and the allowed expenses, unless the transfer is specifically exempted. As to exempt transfers, see paragraph (c) of § 45.4896–1.

(b) *Tax in addition to other taxes.* The tax is in addition to all other taxes under the internal revenue laws of the United States.

(c) *Forward sales.* The tax is not payable twice on the same transaction; that is, when the tax is paid upon an agreement to sell, it is not again payable upon the sale, delivery, or transfer in fulfillment thereof.

(d) *Switching transactions.* A transfer of an interest in silver bullion is taxable if a net profit is realized, even though the transferor simultaneously acquires another equivalent interest in silver bullion for the same or a different delivery.

### § 45.4891–2 Rate and application of tax.

(a) *Rate of tax.* The tax is 50 percent of the amount by which the price for which the interest in silver bullion is or is to be transferred exceeds the total of the cost thereof plus the allowed expenses. For definition of "cost", see paragraph (a) of § 45.4892–1.

(b) *Price.* The price for which an interest in silver bullion is or is to be transferred is the amount of money and/or the market value of any property other than money received or to be received by the transferor, directly or indirectly, in consideration of the transfer.

(c) *Example.* The following examples illustrate the application of this section:

*Example (1).* A transferred on March 10, 1961, 1,000 ounces of silver to B, who paid $910; on May 16 B sells 100 ounces to C, who pays $90. There is no tax. B then sells 500 ounces to D for an article worth $460. The tax (if any) on this transfer is 50 percent of the amount obtained by subtracting from the sale price ($460, the value of the article), the sum of the cost ($455), and the allowed expenses as to the 500 ounces. B then contracts in July to deliver to E in September 400 ounces for which E agrees to pay $368. E assigns for $380 to F his rights to receive the silver. This is a transfer of an interest in silver bullion, the cost to the transferor (E) being $368 and the sale price $380. The tax on this transfer is 50 percent of the amount by which the sale price to F ($380), exceeds the sum of the cost to E ($368), and allowed expenses, if any. Finally B delivers the silver to F. The tax on this transaction (made up of the agreement to sell to E and the delivery to F) is measured by the sale price ($368) less the aggregate of the cost ($364) and allowed expenses, if there were any.

*Example (2).* R contracts in June 1961 to deliver to S in September 1,000 ounces of silver at 92 cents an ounce, having previously secured Q's agreement to deliver to him (R) 1,000 ounces in September at 91 cents an ounce. In September R assigns to S the contract of Q which S accepts in fulfillment of R's contract and S pays R $10 and Q $910. The assignment to S of the contract between R and Q is a taxable transfer, and the tax is measured by the sale price ($920) less the cost to R ($910), and less allowed expenses.

### § 45.4892 Statutory provisions; definitions.

SEC. 4892. *Definitions.* For the purpose of this subchapter—

(1) *Cost.* The term "cost" means the cost of the interest in silver bullion to the transferor, except that—

(A) In case of silver bullion produced from materials containing silver which has not previously entered into industrial, commercial, or monetary use, the cost to a transferor who is the producer shall be deemed to be the market price at the time of production determined in accordance with regulations issued hereunder;

(B) In the case of an interest in silver bullion acquired by the transferor otherwise than for valuable consideration, the cost shall be deemed to be the cost thereof to the last previous transferor by whom it was acquired for a valuable consideration; and

(C) In the case of any interest in silver bullion acquired by the transferor in a wash sale, the cost shall be deemed to be the cost to him of the interest transferred by him in such wash sale, but with proper adjustment, in accordance with regulations under this subchapter, when such interests are in silver bullion for delivery at different times.

(2) *Transfer.* The term "transfer" means a sale, agreement of sale, agreement to sell, memorandum of sale or delivery of, or transfer, whether made by assignment in blank or by any delivery, or by any paper or agreement or memorandum or any other evidence of transfer or sale; or means to make a transfer as so defined.

(3) *Interest in silver bullion.* The term "interest in silver bullion" means any title or claim to, or interest in, any silver bullion or contract therefor.

(4) *Allowed expenses.* The term "allowed expenses" means usual and necessary expenses actually incurred in holding, processing, or transporting the interest in silver bullion as to which an interest is transferred (including storage, insurance, and transportation charges but not including interest, taxes, or charges in the nature of overhead), determined in accordance with regulations issued hereunder.

(5) *Memorandum.* The term "memorandum" means a bill, memorandum, agreement, or other evidence of a transfer.

(6) *Wash sale.* The term "wash sale" means a transaction involving the transfer of an interest in silver bullion and, within 30 days before or after such transfer, the acquisition by the same person of an interest in silver bullion. Only so much of the interest so acquired as does not exceed the interest so transferred, and only so much of the interest so transferred as does not exceed the interest so acquired, shall be deemed to be included in the wash sale.

(7) *Silver bullion.* The term "silver bullion" means silver which has been melted, smelted, or refined and is in such state or condition that its value depends primarily upon the silver content and not upon its form.

[Sec. 4892 as originally enacted and in effect July 1, 1960]

### § 45.4892–1 Definitions.

(a) *Cost*—(1) *In general.* Except as otherwise specifically provided in this paragraph, the cost of an interest in silver bullion is the amount paid or agreed to be paid therefor by the transferor in money and/or the market value of any property other than money exchanged or agreed to be exchanged by him for such interest. In computing such cost, the cost of the particular silver bullion (or interest therein) transferred must be used. When more than one lot of silver bullion is acquired on the same day, however, the cost of all lots of 1,000 ounces each, or less, may be averaged and the average cost applied to such lots. In the event that the transferor elects to take advantage of any provisions permitting the delivery in an exempt transfer (see paragraph (c) of § 45.4896–1) of silver bullion in substitution of other silver bullion eligible for such delivery, the cost of the silver bullion for which the substitution has been made shall be deemed to be the cost of the particular silver bullion so delivered.

(2) *Silver bullion produced from natural silver-bearing materials, etc.* When a producer of silver transfers silver bullion produced by him from materials containing silver which has not prior to the transfer entered into industrial, commercial, or monetary use, the cost to him of such silver bullion shall be deemed to be its market price at the time of production (unless the producer shall have elected otherwise under paragraph (f) of § 45.4894–1). The time of production is the time at which the last usual and necessary process of smelting or refining prior to transfer is completed; or in the event that silver bullion is delivered pursuant to a forward contract entered into after the silver contained therein was acquired by the transferor but before the completion of the last usual and necessary process of smelting or refining thereof, the time of making of such contract.

(3) *Interest acquired by gift, bequest, etc.* If the transferor acquired the interest in silver bullion otherwise than for valuable consideration, he shall use, as his cost, the cost of the last previous transferor who acquired it for a valuable consideration.

*Example.* If A buys silver bullion at a cost of 90 cents an ounce and gives it to B, and B dies and bequeaths it to C, who in turn transfers it to D for 92 cents an ounce, C's tax will be based on the excess of his selling price (92 cents) over the total of the cost to A (90 cents) plus allowed expenses.

(4) *Forward sales.* In the case of a forward sale, as defined in paragraph (k) of this section, the agreement to sell is a transfer, but the cost of the interest transferred cannot be finally determined until the contract is closed out. If the transferor delivers silver under the contract, the cost to him of the silver delivered shall be used in determining the taxability of the agreement and the amount of the tax. In the case of a "ring" settlement of forward contracts, the cost to the transferor on each contract so settled is deemed to be the price he agreed to pay as transferee in his other contract. Otherwise, (i) when the contract is settled without delivery of silver, upon a payment by the transferee, the transferor shall use as his cost the price on the basis of which settlement is made; and (ii) when the contract is settled upon a payment by the transferor, the contract so settled is not itself subject to tax, but the settlement is a transfer subject to tax measured by the amount so paid. In the latter case the original transferee becomes the transferor of an interest in silver bullion.

(b) *Transfer.* The term "transfer" means any sale, agreement of sale, agreement to sell, memorandum of sale or delivery of, or transfer of an interest in silver bullion whether made by assignment in blank or by any delivery, or by any paper or agreement or memorandum or any other evidence of transfer or sale, or means to make such transfer. For regulations with respect to the types of transfers of interest in silver bullion which are subject to tax, see § 45.4896–1.

(c) *Interest in silver bullion.* The term "interest in silver bullion" means any title or claim to, or interest in, any silver bullion or contract therefor.

(d) *Allowed expenses.* In determining the tax, the transferor may add to his cost any usual and necessary expense, such as storage, insurance, and transportation charges, actually incurred in holding, processing or transporting silver bullion with respect to which an interest is transferred. Interest, taxes, and charges in the nature of overhead may not be included in the allowed expenses. In the case of silver bullion produced from materials containing silver which has not previously entered into industrial, commercial, or monetary use, the producer-transferor may include in allowed expenses only expenses actually incurred subsequent to the last usual and necessary process of smelting or refining of the particular silver bullion transferred. If the cost to the transferor is deemed to be the cost to a previous transferor (see paragraph (a)(3) of this section), the allowed expenses may include those incurred with respect to the silver bullion or interest therein in question since the acquisition by such previous transferor. The allowed expenses may in no case be estimated, but must be subject to definite proof as expenses actually incurred.

(e) *Memorandum.* The term "memorandum" means a bill, memorandum, agreement, or other evidence of a transfer of an interest in silver bullion. (See § 45.4895–5.)

(f) *Silver bullion.* Ores, concentrates, and the like, containing silver which has not been melted, smelted, or refined are not silver bullion, whatever their silver content. Material containing silver which has been melted, smelted, or refined, and of which the silver content is not less than 250 troy ounces of fine silver per short ton is silver bullion. Thus, bar silver or crystal silver is silver bullion; as also, is the silver contained in dore, zinc crust, slimes, lead bullion, blister copper, etc., except that materials containing less than 250 troy ounces of fine silver per short ton are not silver bullion. Fabricated silver (defined in paragraph (g) of this section) of which not more than 80 percent of the total value is attributable to the silver content is not silver bullion. Fabricated silver in a form customarily sold for industrial, professional, or artistic use at a stated premium per fine troy ounce above the current market value of commercial bar silver, is not silver bullion, if the current market premium with respect to such fabricated silver is 12 cents or more. Scrap silver is silver bullion.

(g) *Fabricated silver.* The term "fabricated silver" means silver which has in good faith and not for the purpose of evading, or enabling others to evade the tax, been processed or manufactured into such a form that it has one or more specific and customary industrial, professional, or artistic uses.

(h) *Scrap silver.* The term "scrap silver" includes silver sweepings, and fabricated silver or silver coin which is no longer held for the purpose for which it was processed, manufactured, or coined.

(i) *Resident.* The term "resident" includes a domestic corporation or partnership.

(j) *Party to the transfer.* The term "party to the transfer" includes any person who by the transfer disposes of or acquires any ownership or interest in or claim to the interest in silver bullion transferred.

(k) *Forward sale.* The term "forward sale" means a so-called "over-the-counter contract", or a contract to sell silver bullion for spot or future delivery.

(l) *Silver foreign exchange.* The term "silver foreign exchange" means foreign exchange the fluctuations of which follow generally the fluctuations in the price of silver.



### § 45.4892–2 Expired provisions.

Subparagraph (c) of paragraph (1) and paragraph (6) of section 4892, relating to wash sales, have no application to years as to which the Internal Revenue Code of 1954 is effective.

### § 45.4893 Statutory provisions; liability for tax.

SEC. 4893. *Liability for tax.* This tax imposed by this subchapter shall be paid by any person who makes, signs, issues, or sells any of the documents and instruments subject to the tax imposed by this subchapter, or for whose use or benefit the same are made, signed, issued, or sold. The United States or any agency or instrumentality thereof shall not be liable for the tax with respect to an instrument to which it is a party, and affixing of stamps thereby shall not be deemed payment for the tax, which may be collected by assessment from any other party liable therefor.

[Sec. 4893 as originally enacted and in effect July 1, 1960]

### § 45.4893–1 Liability for the tax.

(a) *In general.* Except as provided in paragraphs (b) and (c) of this section, both parties to a transfer are responsible for affixing stamps in the required amount in payment of the tax imposed by section 4891. Stamps shall be affixed in accordance with the provisions of § 45.4895–1. In the case of a transfer upon which the transferor claims that no tax is due, he may affix a stamp of 1 cent in order to submit the same for cancellation. If, at any time before the expiration of the period of limitation, tax is found to be due on a transfer on which no tax was paid, or if additional tax is found to be due on a transfer, assessment may be made against either the transferor or the transferee, except as provided in paragraphs (b) and (c) of this section.

(b) *After cancellation of stamps.* When stamps on any memorandum have been cancelled as provided in § 45.4895–6, the transferor and not the transferee shall be liable for any additional tax found due or for any penalty with respect to the transfer in question.

(c) *Transfers to the United States Government.* In the case of taxable transfers to the United States Government, the transferor is liable for the tax, which shall be paid in accordance with the provisions of section 4895 and the regulations thereunder. For transfers exempt from the tax, see paragraph (c) of § 45.4896–1.

(d) *Liability of agent or broker.* An agent or broker acting for a party to a transfer is subject to penalties under section 7201 for delivering any silver bullion or interest therein without the required memorandum, or for delivering any such memorandum without having the proper stamps affixed thereto, with the intent to evade or assist in the evasion of the requirements of the law.

### § 45.4894 Statutory provisions; abatement or refund.

SEC. 4894. *Abatement or refund.* The Secretary or his delegate shall abate or refund, in accordance with regulations issued under this subchapter, such portion of any tax imposed by section 4891 as he finds to be attributable to profits—

(1) *Course of regular business.* Realized in the course of the transferor's regular business of furnishing silver bullion for industrial, professional, or artistic use and—

(A) Not resulting from a change in the market price of silver bullion, or

(B) Offset by contemporaneous losses incurred in transactions in interests in silver bullion determined, in accordance with such regulations, to have been specifically related hedging transactions; or

(2) *Silver foreign exchange.* Offset by contemporaneous losses attributable to changes in the market price of silver bullion and incurred in transactions in silver foreign exchange determined, in accordance with such regulations, to have been hedged specifically by the interest in silver bullion transferred.

[Sec. 4894 as originally enacted and in effect July 1, 1960]

### § 45.4894–1 Abatement or refund of tax attributable to profits realized in course of regular business.

(a) *Transferors engaged in business of furnishing silver bullion for industrial, professional, or artistic use*—(1) *General.* Section 4894 provides for the abatement or refund of so much of the tax imposed by section 4891 as is found by the district director to be attributable to profits realized in the course of the transferor's regular business of furnishing silver bullion for industrial, professional, or artistic use, to the extent that such profits (i) do not result from changes in the market price of silver bullion or (ii) are offset by contemporaneous losses incurred in transactions in interests in silver bullion determined in accordance with the regulations in this part to be specifically related hedging transactions.

(2) *Registration requirement.* The abatement or refund provided in subparagraph (1) of this paragraph is available only to a transferor regularly engaged in the business of furnishing silver bullion for industrial, professional, or artistic use who has obtained from the district director a certificate of registration on Form 1A (Silver), and with respect to transactions in the regular course of that business. The district director shall issue such certificate upon application on Form 1 (Silver) if satisfied that the applicant is regularly engaged in the business specified. The provision for abatement or refund does not apply to transfers by a person not registered and regularly engaged in the business specified, regardless of the purpose for which the silver bullion so transferred is to be used. Abatement or refund under subdivisions (i) and (ii) of subparagraph (1) of this paragraph may be allowed with respect to the same transfer.

(b) *Profits not resulting from change in market price.* The amount of profit not resulting from a change in the market price of silver bullion shall be determined by subtracting from the net profit the amount attributable to a change in the market price of silver bullion. For purposes of this subpart, the term "net profit" means gross profit less the allowed expenses. ("Allowed expenses" are deemed to be incurred in the course of the transferor's regular business.)

(c) *Profits attributable to change in market price.* The amount of profit attributable to a change in the market price of silver bullion means the rise, if any, in the market price of an interest in silver bullion equivalent to the interest transferred, during the time the interest was held by the transferor. The interest shall be deemed to have been held by the transferor from the date of its acquisition (or of a prior contract for its acquisition) to the date of the taxable transfer. The market price as of each such date shall be deemed to be the market price on that date of a similar interest in silver bullion for delivery on the date specified in the contract of acquisition or the taxable transfer, as the case may be. In all cases market prices shall be determined in accordance with the prices in the nearest established exchange upon which interests in silver bullion are dealt in, and the same exchange shall be used in determining price as of both dates. In the absence of transactions in an established exchange, the market quotations published in the Mining and Engineering Journal, a trade journal published in New York City, may be used in determining price. In the case of any transfer of an interest in silver bullion in a form other than that in which it is dealt in upon an established exchange the market value shall be determined on the basis of the silver content of such silver bullion. When the cost to a producer-transferor is determined under paragraph (a)(2) of § 45.4892–1, the time of production shall be deemed to be the date of acquisition for purposes of this section.

(d) *Profits offset by losses on hedging transactions.* Specifically related hedging transactions are two or more transactions entered into by the same person, at least one of which has been entered into by him for the purpose of offsetting in whole or in part, the profit or loss which would accrue to him upon the other transaction or transactions as a direct result of any change in the market price of silver bullion. To the extent that a net profit realized upon one or more of a group of specifically related hedging transactions, is offset by a contemporaneous loss upon any one or more of the other specifically related transactions, a transferor registered in accordance with subparagraph (2) of paragraph (a) of this section is entitled to abatement or refund of the tax on such profit; provided that the transfers which constituted the hedge transactions are specifically related to one or more transfers made in the course of the transferor's regular business of furnishing silver bullion for industrial, professional, or artistic use.

(e) *When profits and losses are contemporaneous.* The requirement that the profit and loss, respectively, upon specifically related hedging transactions must be incurred contemporaneously, means that the time between the realization of the profit and the loss must be as brief as is reasonably practicable under the circumstances. For the purpose of this requirement, a profit or loss may, in a proper case, be deemed to be incurred

at the time the contract is made although pursuant to paragraph (a)(4) of § 45.4892–1 the profit may not be ascertainable or the tax payable until the contract is closed out.

(f) *Hedges against sales from necessary inventory*—(1) *Election in case of changes in necessary inventory.* In the case of transfers of any interest in silver bullion made in the course of the transferor's regular business of smelting or refining silver or of furnishing silver bullion for industrial, professional, or artistic use, the transferor may elect (in the manner provided in subparagraph (2) of this paragraph) to have:

(i) The cost of the interest in silver bullion transferred; and

(ii) The amount of contemporaneous losses incurred in specifically related hedging transactions involving acquisitions to be added to inventory

determined in accordance with this paragraph, and such election shall constitute as to the transfers to which subparagraph (4) of this paragraph applies a waiver of any and all rights to have such cost and the amount of such losses determined in any other manner.

(2) *Manner of making election*—(i) *In general.* Any person eligible for, and desiring to obtain, the benefits of this paragraph, shall file with the district director, in accordance with the provisions of § 45.6091–2, an application on Form 6 (Silver). The district director shall, if satisfied that the applicant is qualified, thereupon issue a certificate on Form 7 (Silver) setting forth the findings of the district director as to the applicant's business, the amount of his necessary inventory, and the average of the cost thereof determined in accordance with paragraph (a) of § 45.4892–1, and such certificate shall fix, until amended by a subsequent certificate, the amount of such inventory and the average cost thereof. The applicant may, within 7 days of the issuance of such certificate, file with the district director an agreement on Form 8 (Silver) which shall constitute the election above referred to. Failure to file the agreement (Form 8 (Silver)) in proper form within the required 7-day period (unless the district director extends the period) shall constitute an election not to obtain the benefits of this paragraph, without prejudice to the right to file application at any time after 30 days.

(ii) *Manner of amending certificate.* If the taxpayer at any time shows to the satisfaction of the district director that changes in his business have caused a change in the amount of his necessary inventory, he may make application for the issuance of an amended certificate and may specify the date as of which he desires the amendment to be effective. An amendment made under the provisions of this subdivision may be retroactive in a proper case. If satisfied that the taxpayer is entitled to the amendment, the district director shall issue an amended certificate on Form 7 (Silver), which shall become effective if the taxpayer files a new agreement on Form 8 (Silver). In case of an increase of necessary inventory the cost per ounce of the necessary inventory as so increased shall be computed as the weighted average of the cost per ounce of the necessary inventory previously fixed and the cost per ounce of the actual silver added thereto. In case of a decrease of necessary inventory the cost per ounce shall not be affected thereby.

(iii) *Effect of delivery to United States mint.* In case a transferor delivers to a United States mint in an exempt transfer pursuant to any Executive order (see paragraph (c) of § 45.4896–1) any silver forming a part of the transferor's necessary inventory, the transferor, after replacing the silver so transferred by other silver not required to be delivered to a United States mint, may make application for the issuance of an amended certificate on Form 7 (Silver) in which the average cost of the necessary inventory shall be the weighted average of (*a*) the cost of silver in his necessary inventory not so delivered, and (*b*) the actual cost of the silver acquired to replace silver in his necessary inventory so delivered to a United States mint.

(3) *Definitions applicable to this paragraph.* As used in this paragraph the term "necessary inventory" means the amount of the necessary inventory stated in the certificate issued under subparagraph (2) of this paragraph; the term "average cost of the necessary inventory" means the average of the cost of the silver in the necessary inventory as stated in the certificate issued under subparagraph (2) of this paragraph; and the term "replacement silver" means silver taken into the necessary inventory to replace silver transferred therefrom, provided the replacement takes place within 45 days before or after such transfer.

(4) *Special rules applicable to this paragraph*—(i) *Basis of cost.* Upon every transfer by a transferor who holds a certificate on Form 7 (Silver) and has filed an agreement on Form 8 (Silver), the cost shall be based upon the average cost of the necessary inventory, except that if replacement silver to replace the interest so transferred is acquired at a cost less than the average cost of the necessary inventory, the actual cost of such replacement silver shall be used as the cost of the interest so transferred.

(ii) *Determination of transfer.* In determining which transfers are transfers from necessary inventory (so as to enable the transferor to claim the benefit of any offsetting loss on replacement silver acquired within 45 days before or after such transfer), due regard shall be given, whenever the transferor's actual inventory exceeds his necessary inventory, to the amount of such excess and the period of its continuance, in relation to the reasonable requirements of his business. The burden shall be upon the transferor to justify any such excess continuously maintained for a period of more than 45 days.

(5) *Computation of cost of replacement silver.* The cost of replacement silver shall be the actual purchase price paid to the vendor, plus allowed expenses, or in the case of replacement silver taken from mines owned by the transferor, the cost shall be the market price of silver at the time of mining. The loss incurred on replacement silver may be offset against any profits resulting from transfers from necessary inventory. Such loss shall be determined by deducting from the cost of the replacement silver the cost, as computed under subparagraph (4) of this paragraph, of the interest transferred from necessary inventory. In lieu of adding allowed expenses to the cost of replacement silver, the transferor may add to the cost the toll or similar charges deducted from a purchase price, based upon the market, in which case he shall not be entitled to abatement attributable (under paragraph (b) of this section) to profits taken into account in such charges.

(6) *Rules applicable to smelter and refiner of silver.* A transferor regularly engaged in the business of smelting and refining silver, in determining the amount of replacement silver and the time of acquisition thereof, may use such estimated figures as are regularly employed by him in preserving in good faith and as nearly as may be practicable a constant inventory. He may use as the cost of replacement silver, where the cost cannot practicably be determined in any other manner, the market price thereof at the time of acquisition; in which case no allowed expenses and no abatement on account of nonmarket profits (under paragraph (b) of this section) shall be claimed for any period prior to the completion of the processing of such silver. Any upward revision of such an estimate of the amount of replacement silver acquired, on the basis of which the transferor's selling policy is correspondingly revised, shall be deemed an acquisition of further replacement silver and the amount and cost thereof shall be determined as of the date of the revision; and any such downward revision shall constitute a shortage of replacement silver until the amount, in fine troy ounces, of the shortage has been made good. All data upon which the estimates and revisions provided in this subparagraph are based shall be considered records of the taxpayer within the meaning of § 45.4895–8.

(7) *Rules applicable to foreign corporate subsidiary or affiliate.* Silver owned by a foreign corporation subsidiary to or affiliated with the taxpayer may at the option of the taxpayer (with the written consent of such foreign corporation) be included in the inventory of the taxpayer; in which case all transfers by such foreign corporation shall be deemed to be transfers by the taxpayer, and as such shall be taxable to the taxpayer, and replacement silver acquired by such foreign corporation shall be included as replacement silver acquired by the taxpayer, but transfers as between the corporations shall not be deemed to be transfers of interests in silver bullion, within the meaning of § 45.4892 and paragraph (b) of § 45.4892–1; and the silver so transferred shall be deemed to have been acquired by the transferee otherwise than for a valuable consideration, within the meaning of paragraph (a)(3) of § 45.4892–1. The election to include a foreign corporate subsidiary or affiliate may be revoked by an instrument in writing signed by the taxpayer and by such foreign corporation and filed with the district director, in accordance with the provisions of § 45.6091–2, and shall be effective as of the close of the calendar month in which it is filed. Any silver acquired by such foreign corporation after the effective date of the revocation provided in the preceding sentence shall not be deemed to be replacement silver. If, on the effective date of the revocation, the amount of silver owned by such foreign corporation which formed a part of the necesary inventory, does not exceed the amount so owned by it at the time of the election to include such foreign corporation, transfers by the foreign corporation after such revocation are taxable only in accordance with §§ 45.4891–1 and 45.4896–1; and if it does not exceed the amount so owned by it at the time of the election to include the foreign corporation, the next succeeding transfers aggregating the amount of such excess shall be deemed to be transfers from the inventory of the taxpayer and as such shall be taxable to the taxpayer. In determining such amounts, transfers between the taxpayer and the foreign corporate subsidiary or affiliate, whether for spot or future delivery, shall be considered as transfers, but the cost of silver so transferred shall be determined in accordance with paragraph (a) of § 45.4892–1.



**§ 45.4894–2 Abatement or refund of tax attributable to profits realized in connection with transactions in silver foreign exchange.**

(a) *Hedging transactions in silver foreign exchange*—(1) *In general.* Claim for abatement or refund may be made of so much of the tax imposed by section 4891 as is offset by a contemporaneous loss (i) attributable to a change in the market price of silver bullion and (ii) incurred in a transaction in silver foreign exchange specifically hedged by the interest in silver bullion transferred. See paragraph (l) of § 45.4892–1 for definition of silver foreign exchange.

(2) *Rules applicable*—(i) *When profit and loss are contemporaneous.* The requirement that the profit upon the transfer of an interest in silver bullion must be contemporaneous with the loss upon the silver foreign exchange contract means that the time between the realization of the profit and the loss must be as brief as is reasonably practicable under the circumstances.

(ii) *When interest in silver bullion is a hedge.* A transaction in silver foreign exchange is deemed to have been hedged by an interest in silver bullion when such interest is involved in the fulfillment or liquidation of a contract to sell or purchase silver bullion which contract was entered into for the purpose of offsetting, in whole or in part, the profit or loss which would accrue to the same person on the transaction in silver foreign exchange as a direct result of any change in the market price of silver foreign exchange.

(iii) *Grouping transactions in one operation.* Two or more transactions in silver foreign exchange may be grouped, and two or more transfers of interests in silver bullion may be grouped, when they can be shown to have formed a part of a single hedging operation.

(b) *Elective procedure in case of interrelated hedging operations*—(1) *Application of subparagraph.* The provisions of this subparagraph shall apply to a taxpayer who shall have so elected, as provided in this paragraph, and who, in the regular course of his business, enters into a substantial number of transactions in silver foreign exchange for his own account and as a hedge, from time to time, against his position in such silver foreign exchange buys and sells interest in silver bullion. The making of such election shall constitute an agreement to the determination of the tax upon the profits of such business in accordance with the provisions of this subparagraph and a waiver of any claim to have such tax determined in any other manner. If a taxpayer engages in such business and also in other business involving the purchase and sale of interests in silver bullion not incident to his hedging operations, he shall be entitled to the benefits of this paragraph only upon showing to the satisfaction of the district director that his hedging transactions in interests in silver bullion are so far segregated from his other transactions in such interests, that a separate return can be made with respect to such hedging transactions as hereinafter provided in this paragraph, and that any profits or transactions in interests in silver bullion not a part of such hedging transactions and not incidental thereto, will not be included in such return, but will be taxed under the other provisions of this subpart. In case of such segregation the taxpayer, by making the election under this subparagraph, agrees that any transfer of an interest in silver bullion from one account to the other shall be made at the market price for a similar interest as of the date of such transfer, and shall be treated as though a similar interest had been sold in the open market from one account and a similar interest simultaneously purchased in the open market for the other account.

(2) *Manner of making election.* The election provided in this paragraph shall be made by filing with the district director, in accordance with the provisions of § 45.6091–2, an application on Form 9 (Silver). The district director may require such further proof, in the form of affidavits or otherwise, as he deems necessary. If satisfied that the applicant is entitled to the benefits of this subparagraph the district director shall issue to him a certificate on Form 10 (Silver).

(3) *Election may be revoked.* The election by the taxpayer may be revoked as of the close of any calendar month upon giving to the district director issuing the certificate on Form 10 (Silver) 60 days' written notice of intention to revoke. The certificate may be revoked by the district director upon written notice to the taxpayer and opportunity to be heard. Among other causes, the certificate may be revoked for failure to comply with the regulations in this subpart.

(4) *Memorandum to be filed in case of election.* Upon any transfer of an interest in silver bullion by a taxpayer holding a certificate on Form 10 (Silver), which transfer constitutes a part of his hedging operations or transactions incidental thereto, he shall deliver a memorandum in accordance with § 45.4895–5 (omitting, however, any statement of the cost of the interest transferred, and any computation of tax) and shall state thereon, as a claim for abatement of the entire amount of the tax which would otherwise be payable, the fact that he holds such certificate and that the transfer constitutes a part of his hedging operations. No claim for abatement on Form 843 (Silver) need be attached. If satisfied that the statements are true, the district director shall proceed in accordance with § 45.4895–6. Upon cancellation of a 1-cent stamp, if any (see § 45.4895–1), the transferee is relieved of liability for any tax subsequently found due, but the transferor remains liable for the tax computed as hereinafter provided.

(5) *Burden of proof.* The burden shall be upon the taxpayer to show, with respect to any transfer of an interest in silver bullion, that the transfer constituted a part of a hedging operation against transactions in silver foreign exchange or constituted a transaction properly incidental thereto. In determining what transactions in interests in silver bullion are hedges against transactions in silver foreign exchange or transactions incidental thereto, the taxpayer shall include only transactions within the following tolerances: The excess of the total long or short position in interests in silver bullion and in silver foreign exchange over the total short or long position shall not, for a period of more than two consecutive business days, be consistently greater than 20 percent of the lesser total, nor for any period of more than 7 consecutive business days consistently greater than 5 percent, nor for any period of a calendar month consistently greater than 1 percent. In determining the excesses set forth in the preceding sentence, the taxpayer shall apply to each silver foreign exchange the ratio to silver bullion which is customarily applied in hedging operations against such silver foreign exchange. A taxpayer who is unable to determine his actual position, by reason of unavoidable delay in reporting transactions by branch offices or agents, shall be deemed to comply with the foregoing tolerances if his estimated position complies therewith, based on his usual volume of unreported transactions. To the extent that a taxpayer may fail to comply with either of the requirements of this subparagraph, he shall not be entitled to the benefits of this subparagraph or to abatement under this section with respect to transfers of interests in silver bullion.

(6) *Monthly return required.* A taxpayer who has been furnished a certificate on Form 10 (Silver) entitling him to the benefits of this paragraph shall file a return on Form 11 (Silver) for each calendar month, including therein all transactions in interests in silver bullion during the month constituting a part of his hedging operations or transactions incidental thereto. Such returns shall be filed with the district director, in accordance with the provisions of § 45.-

6091–2, on or before the 15th day of the succeeding calendar month, except that a return filed by a taxpayer's branch office in a foreign country shall be filed on or before the 15th day of the second succeeding month. The total tax shown on the return shall be paid to the district director at the time the return is filed.

(7) *Records to be kept.* The taxpayer shall keep the records required by § 45.4895–8, and shall also retain and make available for inspection for a like period of time records of all transactions in silver foreign exchange.

(8) *Conditions for filing Form 11A (Silver).* A taxpayer may treat a part only of his transactions in silver foreign exchange as hedged by his transactions in interests in silver bullion; in which event such part only of his transactions in silver foreign exchange shall be included in the schedules on Form 11A (Silver). The taxpayer shall execute an affidavit on the same day on which any interest in silver bullion is either purchased or sold or on the succeeding day. Such affidavit shall refer to such purchase or sale, stating that it is executed on the same or succeeding day, and shall describe the transactions in silver bullion thereby hedged with sufficient precision to avoid the possibility of later substitution. The affidavit shall be annexed to the return (Form 11 (Silver)) for the month in which the purchase or sale was made.

(9) *Exception on account of foreign branch offices.* A taxpayer having branch offices in foreign countries may exclude from his return on Form 11 (Silver) transactions in interests in silver bullion effected by or for the account of such branch offices: *Provided,* That he designates the branch offices concerned: and *Provided,* That the accounts of each such branch office be kept entirely separate: and *Provided,* That each transfer of an interest in silver bullion by such branch office either be reported by a separate memorandum pursuant to § 45.4895–5, or be included in a return to be filed by any such branch office pursuant to this paragraph. The taxpayer, in designating the branch offices concerned, shall specify which method is to be followed. Such designation and such specification may be changed as of the close of any month.

(10) *Computation of the tax.* The tax shall be computed as follows:

(i) The cost of a net long position or the price of a net short position in interests in silver bullion as of the opening of the month shall be the total cost or the total price (less allowed expenses), as the case may be, of the most recent purchases or sales of interests in silver bullion aggregating in the troy ounces the amount of such net position. Allowed expenses incurred prior to the effective date of the taxpayer's election under this paragraph, in connection with interests in silver bullion constituting his net long position, if any, on such effective date, may be added to the cost thereof.

(ii) All purchases of interests in silver bullion during the month shall be reported, together with the aggregate cost thereof; and there shall be added thereto the net long position at the opening of the month, if any, at the cost thereof. All transfers of such interests during the month shall be reported, together with the aggregate price received therefor (less allowed expenses); and there shall be added thereto the net short position at the opening of the month, if any, at the price thereof.

(iii) To the extent of the smaller of the two aggregates in subdivision (ii) of this subparagraph, determined in fine troy ounces, all transactions shall be deemed to be transactions completed within the month, and the opening net position shall be deemed to have been liquidated during the month, and profit or loss thereon shall be deemed to have been realized during the month. To the extent that one of such aggregates exceeds the other, such excess shall constitute the net long or short position, as the case may be, at the close of the month; and the cost or price thereof shall be determined in accordance with subdivision (i) of this subparagraph.

(iv) The cost or price of such net closing position shall be deducted from the aggregate cost or price specified in subdivision (ii) of this subparagraph and the balance shall be treated as the cost or price of the purchases or sales completed during the month. After making such deduction, the excess of the aggregate price, if any, over the aggregate cost, is the profit for the month on transactions in interests in silver bullion; and, except as offset by losses in transactions in silver foreign exchange, or by aggregate net losses carried forward from previous months, as hereinafter provided, is subject to tax at the rate of 50 percent.

(v) A purchase or sale for future delivery shall be included as a transaction effected in the month when the contract for such delivery is made. The cost or price thereof is the contract price, without adjustment for any difference in market price between spot and future silver.

(vi) Allowed expenses shall be reported for the month during which payments are actually made, and shall be deducted from the aggregate selling price for that month.

(vii) In case the taxpayer has positions in interests in silver bullion in more than one market during the month, the cost or price of his opening net positions may be determined separately, and separate schedules attached to the return for the transactions during the month in the various markets, and the net profit or loss on all such schedules shown as the net profit or loss for the month on transactions in interests in silver bullion.

(viii) There shall be attached to the return a separate schedule on Form 11A (Silver) for each silver foreign exchange (see paragraph (l) of § 45.4892–1 for definition) in which the taxpayer had a position at any time during the month. The net profit or loss, and the cost or price of the net position at the opening and at the close of the month shall be computed for each such exchange in the same manner as in the case of interests in silver bullion, except that no allowed expenses shall be included.

(ix) The aggregate net profit or loss for the month is the difference between the total of the net profits and the total of the net losses shown on the return and on the annexed schedules.

(x) An aggregate net loss for the month may be carried forward and applied against an aggregate net profit for the succeeding month, and any amount thereof not so applied may be applied against an aggregate net profit for the second succeeding month. No aggregate net loss for a month shall be carried forward more than 2 months.

(xi) The taxable profit for the month is the aggregate net profit minus any aggregate net loss carried forward from either or both of the 2 preceding months in accordance with subdivision (x) of this subparagraph; or the profit for the month on transactions in interests in silver bullion, whichever is less.

### § 45.4894–3 Procedure; abatement of tax paid by stamps on memorandum.

(a) *Preparation of Form 843 (Silver).* When the tax on any transfer paid by stamps affixed to the memorandum required by § 45.4895–5 is subject to abatement or refund under section 4894 and this subpart, a claim for abatement on Form 843 (Silver) may be prepared in duplicate, in accordance with § 45.4894–7. The original of the claim (Form 843 (Silver)) shall be attached to the duplicate of the memorandum and filed with the district director, in accordance with the provisions of § 45.6091–2. The duplicate shall be attached to the stamped memorandum and the procedure outlined in §§ 45.4895 and 45.4896 shall be observed.

(b) *Marking and stamping memorandum in case of claim.* The memorandum shall be marked "claim in abatement filed herewith" and shall show the amount of tax abatement of which is claimed. Stamps need be affixed only for the balance of the tax, but if the district director has any reason to doubt the correctness of the claim for abatement, he may refuse to cancel the stamps until he is satisfied of the correctness of the claim or until the necessary additional stamps are affixed. The burden of proof is upon the person making the claim to establish definitely every fact upon which it depends.

### § 45.4894–4 Procedure; abatement of tax shown on return.

When all or any part of the tax shown on any return required by the provisions of § 45.4895–7 is subject to abatement or refund under section 4894 and this subpart, there may be filed with the return a claim for abatement on Form 843 (Silver) for each such transfer. Such form shall be filed in duplicate and the form of the procedure set forth in § 45.4894–3 shall be observed. The amount of the tax abatement of which is claimed shall be deducted from the total tax shown on the return, and payment of the balance, if any, shall be made in accordance with § 45.4895–7.

### § 45.4894–5 Disallowance of claim.

If any claim for abatement is disallowed, in whole or in part, the additional tax found due must be paid. The transferee is not liable for additional tax on transfers with respect to which stamps have been canceled.



### § 45.4894–6 Claim for refund.

When tax which has been paid on any transfer is subject to refund under section 4894 and this subpart, a claim for refund in duplicate, on Form 843, may be filed by the person who paid the tax. The claim shall be filed with the district director who canceled the stamps, or to whom the tax was paid. The claim must be filed within 3 years from the date of payment of the tax.

### § 45.4894–7 Form of claim.

Each claim must be made on the prescribed form and must state in detail all the facts necessary to establish its correctness. Each claim must contain a written declaration that it is made under the penalties of perjury. (See §§ 45.6065 and 45.6065–1.)

### § 45.4895 Statutory provisions; stamps, memorandum, etc.

SEC. 4895. *Stamps*—(a) *Affixing of stamps.* On every transfer subject to the tax imposed by section 4891, there shall be made and delivered by the transferor to the transferee a memorandum to which there shall be affixed lawful stamps in value equal to the tax thereon.

(b) *Memorandum.* Every such memorandum shall show the date thereof, the names and addresses of the transferor and transferee, the interest in silver bullion to which it refers, the price for which such interest is or is to be transferred, and the cost, thereof and the allowed expenses.

(c) *Cancellation of stamps.* Stamps affixed under this section shall be canceled (in lieu of the manner provided in subtitle F) by such officers and in such manner as regulations under this subchapter shall prescribe. Such officers shall cancel such stamps only if it appears that the proper tax is being paid, and, when stamps with respect to any transfer are so canceled, the transferor and not the transferee shall be liable for any additional tax found due or penalty with respect to such transfer.

[Sec. 4895 as originally enacted and in effect July 1, 1960]

### § 45.4895–1 Affixing of stamps.

If a transfer, described in paragraph (a) of § 45.4891–1, evidenced by a memorandum as described in § 45.4895–5 or shown on a return as provided by § 45.4895–7, is taxable, stamps in value equal to the amount of the tax shall be affixed to the original of the memorandum or return before delivery to the transferee, except as provided in § 45.4895–6. If no tax is due, a one-cent stamp may be affixed for the purpose of obtaining a cancellation for the protection of the transferee. The person affixing the stamps shall immediately write or stamp in ink on the stamps, or perforate them, to show his initials and the day, month, and year on which affixed.

### § 45.4895–2 Silver tax stamps issued.

Under authority conferred upon the Secretary or his delegate in section 6801 the following adhesive stamps have been prepared:

Documentary stamps, overprinted by the Government with the words "Silver tax"; 1 cent, 2 cents, 3 cents, 4 cents, 5 cents, 8 cents, 10 cents, 20 cents, 25 cents, 40 cents, 50 cents, 80 cents, $1, $2, $3, $4, $5, $10, $20, $30, $50, $60, $100, $500, $1,000.

### § 45.4895–3 Where stamps may be purchased and where requisition forms for the purchase of stamps may be obtained.

(a) *Where stamps may be purchased.* Silver tax stamps for use in payment of the tax imposed by section 4891 may be purchased from district directors of internal revenue.

(b) *Requisitions.* Requisitions for the purchase of such stamps shall be made on Form 9 (Silver). Copies of the form may be obtained from any district director.

### § 45.4895–4 Use of stamps.

Whenever feasible the tax imposed by section 4891 shall be paid by the use of a single stamp. If a stamp of the proper denomination to pay the tax due on a transfer is not readily available, the smallest practical number of stamps shall be used. A stamp affixed to an instrument cannot lawfully be removed therefrom and affixed to another instrument requiring a stamp (see section 7208 (§ 45.7208), relating to penalties). Ordinary postage stamps will not be accepted for the payment of this or any internal revenue tax.

### § 45.4895–5 Memorandum of transfer.

(a) *Data to be supplied in memorandum.* On every transfer of an interest in silver bullion, whether or not subject to tax, the transferor shall, except as provided in paragraph (c) of this section and § 45.4895–7, deliver to the transferee a memorandum on Form 2 (Silver), in duplicate, showing:

(1) The date of the memorandum and the date of the transfer covered thereby.

(2) The name and address of the transferor.

(3) The name and address of the transferee.

(4) The interest in silver bullion which is or is to be transferred.

(5) The date and manner of acquisition (or production when that is the basic date).

(6) The price for which such interest is or is to be transferred.

(7) The cost of such interest. The facts upon which the cost is based shall be stated in detail.

(8) The allowed expenses, if any, itemized.

(b) *Verification.* For rules relating to verification of documents generally, see §§ 45.6065 and 45.6065–1.

(c) *Exceptions.* (1) No memorandum of transfer is required when scrap silver is transferred, in lots not exceeding in the aggregate 300 fine troy ounces within any 10-day period, to any registered jeweler, silversmith, refiner, or other person regularly engaged in the business of furnishing silver for industrial, professional or artistic use.

(2) No memorandum of transfer is required from a transfer of material which was not considered to be silver bullion by reason of its processed form and/or silver content when originally purchased by such transferor for use, when and if he returns such material in whole or in part to any registered dealer or refiner regularly engaged in the business of furnishing silver for industrial, professional, or artistic use, for credit or for the purpose of refining or reprocessing, provided the refining or reprocessing charge is equal to or in excess of the rise, if any, in the market price of silver bullion during the time the material was held, and further provided, the material returned in accordance with the provisions of this subparagraph is identified as the same material in whole or in part as the material originally purchased.

(d) *Delivery of memorandum to the district director.* (1) Except as provided in subparagraph (2) of this paragraph, the memorandum, in duplicate, shall be delivered to the district director within 30 days from the date of the transfer. The 30-day period runs from the date on which the agreement to sell is made. In the case of a forward sale the memorandum shall be delivered to the district director within 30 days from the date of delivery of the interest in fulfillment thereof. If a forward contract is settled without delivery of the interest, the memorandum shall be delivered within 30 days from such settlement.

(2) In the case of transfers outside of the United States, the memorandum, in duplicate, together with the amount of the tax, shall be mailed within the applicable 30-day period to the district director, for the affixing and cancellation of stamps.

(3) For regulations relating to the place for filing the memorandum, see § 45.6091–2.

### § 45.4895–6 Action of district director; cancellation of stamps.

(a) *Method of cancellation.* Upon receipt of the memorandum in duplicate, if no stamps are affixed, the district director shall, if satisfied that no tax is due, write or stamp on the original, or perforate it, to show his name and the date, and return the original to the person from whom received. If stamps are affixed, he shall, if satisfied that the stamps represent the proper amount of tax (or that no tax is due, in case the stamp is of the value of 1 cent), cancel the stamps by writing or stamping on the stamps in ink, or perforating them, to show his name and the date, and return the stamped memorandum to the person from whom received. In every case the district director shall retain the duplicate, noting thereon the date of receipt by him and the amount of stamps, if any, affixed to the original.

(b) *Investigation prior to cancellation.* The district director may, before cancelling the stamps or returning an unstamped original, in addition to the examination of the memorandum, make such investigation and require such information as he deems necessary to satisfy him that the memorandum is true and complete in every respect and that no additional tax is due.

### § 45.4895–7 Payment by producers and registered dealers.

In the case of any transfer (a) by a producer of an interest in silver bullion produced by him from materials containing silver which has not previously entered into industrial, commercial, or monetary use, or (b) by a person registered in accordance with paragraph (a)

(2) of § 45.4894–1, of an interest in silver bullion transferred to him in the regular course of his business of furnishing silver for industrial, professional, or artistic use, the tax, if any, may, at the option of the parties to the transfer, be paid by the affixing of stamps to a return to be filed with the district director on or before the last day of the month following the month in which the transfer is completed. The return shall be made in duplicate, on Form 3 (Silver), and shall set forth all the facts enumerated in paragraph (a) of § 45.4895–5, with respect to each such transfer for which no memorandum in accordance with § 45.4895–5 is delivered to the transferee, except that upon application and proper showing to the district director he may generally, or in individual cases, as he deems appropriate, waive such of the information as he determines to be unnecessary. If abatement is claimed of all or any part of the tax on any transfer, the amount so claimed shall be specified, and a claim for abatement, prepared in accordance with paragraph (l) of § 45.4894–1, shall be attached to the return. The taxpayer shall affix to the return, in the manner specified in §§ 45.4895–1 and 45.4895–4, stamps in value equal to the total amount of tax shown on the return less the total amount of the claims for abatement. If the district director is satisfied that the stamps affixed to the return represent the proper amount of tax, he shall cancel the stamps as provided in § 45.4895–6, return the original and one copy of each claim for abatement to the taxpayer, and retain the duplicate and one copy of each claim. No memorandum in accordance with § 45.4895–5 is required for any transfer included in a return under this section, but the transferee remains liable for any tax or additional tax found due, until the stamps on the return are canceled. For regulations relating to the place for filing the return, see § 45.6091–2.

### § 45.4895–8 Records.

Each party to every transfer of an interest in silver bullion within the scope of section 4891 shall keep an accurate and complete record of every such transfer whether taxable or not. The record of a transferee shall be so kept that on a subsequent transfer the actual cost to him of the particular interest transferred can be determined. Such records, and the memorandum delivered to the transferee, shall be retained for a period of at least 3 years from the date the tax became due, and must be available for inspection at all times by internal revenue officers. The books of every person liable to the tax shall be open for inspection by Government officers at all times.

### § 45.4896 Statutory provisions; applicability of tax.

SEC. 4896. *Applicability*—(a) *Territorial extent.* The provisions of this subchapter shall extend to all transfers in the United States of any interest in silver bullion, and to all such transfers outside the United States if either party thereto is a resident of the United States or is a citizen of the United States who has been a resident thereof within 3 months before the date of the transfer or if such silver bullion or interest therein is situated in the United States.

(b) *Transfers to the United States Government.* The provisions of this subchapter shall extend to transfers to the United States Government (the tax in such cases to be payable by the transferor), but shall not extend to transfers of silver bullion by deposit or delivery at a United States mint under proclamation by the President or in compliance with any Executive order issued pursuant to section 7 of the Silver Purchase Act of 1934 (48 Stat. 1179; 31 U.S.C. 316a).

[Sec. 4896 as originally enacted and in effect July 1, 1960]

### § 45.4896–1 Applicability of tax.

(a) *Territorial extent.* The tax imposed by section 4891 applies (1) to every transfer in the United States of any interest in silver bullion, and (2) to every transfer outside the United States of any such interest (i) if either party thereto is a resident of the United States, or (ii) if either party to the transfer is a citizen of the United States who has been a resident of the United States at any time during the 3 months immediately preceding the date of the transfer, or (iii) if the silver bullion or interest therein which is transferred is situated in the United States at the time the transfer is made or agreed to be made.

(b) *Transfers to the United States Government.* Transfers of silver bullion or any interest therein to the United States Government are taxable except as provided in paragraph (c) of this section. In case of transfers to the United States Government the tax is payable by the transferor.

(c) *Exempt transfers.* The tax does not apply to transfers of silver bullion by deposit or delivery at a United States mint (1) in compliance with any Executive order issued pursuant to section 7 of the Silver Purchase Act of 1934 (48 Stat. 1179; 31 U.S.C. 316(a)), or (2) to transfers by the United States Government.

### § 45.4897 Statutory provisions; cross references.

SEC. 4897. *Cross references.* For penalties and other general and administrative provisions applicable to this subchapter, see subtitle F.

[Sec. 4897 as originally enacted and in effect July 1, 1960]

### § 45.4897–1 Cross references.

(a) For penalties for offenses relating to stamps, see § 45.7208.

(b) For penalty for unauthorized use or sale of stamps, see § 45.7209.

(c) For penalties for other offenses relating to stamps, see § 45.7271.

(d) For penalty for failure to register as required by paragraph (a)(2) of § 45.4894–1, see § 45.7272.

(e) For other administrative provisions relating to the tax imposed by section 4891, see Subpart L of this part.

## Subpart K—General Provisions Relating to Occupational Taxes

### § 45.4901 Statutory provisions; payment of tax.

SEC. 4901. *Payment of tax*—(a) *Condition precedent to carrying on certain business.* No person shall be engaged in or carry on any trade or business subject to the tax imposed by section * * * 4461(2) [4461(a)(2)] (coin-operated gaming devices), * * * until he has paid the special tax therefor.

(b) *Computation.* All special taxes shall be imposed as of on the first day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for 1 year, and in the latter case it shall be reckoned proportionately, from the first day of the month in which the liability to a special tax commenced, to and including the 30th day of June following.

(c) *How paid*—(1) *Stamp.* All special taxes imposed by law shall be paid by stamps denoting the tax.

(2) *Assessment.* For authority of the Secretary or his delegate to make assessments where the special taxes have not been duly paid by stamp at the time and in the manner provided by law, see subtitle F.

[Sec. 4901 as originally enacted and in effect July 1, 1960]

### § 45.4901–1 Payment of special tax.

(a) *Condition precedent to carrying on certain business.* No person shall maintain for use or permit the use of, on any place or premises occupied by him, a coin-operated amusement or gaming device defined in section 4462(a)(2) (see paragraphs (b) and (c) of § 45.4462–1) until he has filed a return on Form 11–B and paid the special tax imposed by section 4461(a)(2). For other requirements relating to special taxes imposed by sections 4461, 4471, 4821, and 4841, see §§ 45.7011 and 45.7011–1.

(b) *Computation of special tax.* The tax year begins July 1, and ends June 30 of the following calendar year. Persons commencing business between August 1 and June 30 (both dates inclusive) shall pay a proportionate part of the annual tax. The term "commencing business" in the case of a coin-operated amusement and gaming device means the initial maintenance for use on the taxpayer's premises of such a device. Persons in business for only a portion of a month are liable for tax for the full month, i.e., a person first becoming subject to a special tax on, for example, the 25th day of a month, is liable for tax for the entire month. If the business is discontinued prior to the end of the taxable year, the liability is not thereby reduced.

(c) *Tax payment evidenced by a special tax stamp.* (1) Upon receipt of a return on Form 11 or Form 11–B, together with remittance of the full amount of tax due, the district director will issue a special tax stamp, or stamps, as evidence of payment of the special tax.

(2) District directors will distinctly write or print on the stamp before it is delivered or mailed to the taxpayer the following information: (i) the taxpayer's registered name, (ii) the business address of the taxpayer, and (iii) such other information as is called for by the form. Special tax stamps will be transmitted by ordinary mail, unless it is requested that they be transmitted by registered or certified mail in which case the additional cost to cover fees shall be remitted with the return.

(3) District directors and their collection officers are forbidden to issue receipts in lieu of stamps representing the payment of special taxes.

(d) *Cross references.* For provisions relating to Form 11 or Form 11–B, see § 45.6001–11 (relating to returns), § 45.6071–2 (relating to time for filing returns), § 45.6091–1 (relating to place for filing returns), and paragraph (g) of § 45.6151–1 (relating to time and place for paying tax shown on returns).

### § 45.4902 Statutory provisions; liability of partners.

SEC. 4902. *Liability of partners.* Any number of persons doing business in copartnership at any one place shall be required to pay but one special tax.

[Sec. 4902 as originally enacted and in effect July 1, 1960]

### § 45.4902–1 Partnership liability.

Any number of persons doing business in copartnership shall be required to pay but one special tax. The district director may issue a special tax stamp to a copartnership in a firm or trade name, provided the names and addresses of all members of the partnership are disclosed on Form 11 or Form 11–B.

### § 45.4903 Statutory provisions; liability in case of business in more than one location.

SEC. 4903. *Liability in case of business in more than one location.* The payment of the special tax imposed * * * shall not exempt from an additional special tax the person carrying on a trade or business in any other place than that stated in the register kept in the office of the official in charge of the internal revenue district; but nothing herein contained shall require a special tax for the storage of goods, wares, or merchandise in other places than the place of business, nor, except as provided in this subtitle, for the sale by manufacturers or producers of their own goods, wares, and merchandise, at the place of production or manufacture, and at their principal office or place of business, provided no goods, wares, or merchandise shall be kept except as samples at said office or place of business.

[Sec. 4903 as originally enacted and in effect July 1, 1960]

### § 45.4903–1 Each place taxable.

Special tax shall be paid for each place of business, except that a manufacturer who pays special tax for the place of production may, without incurring additional liability, sell products of his own manufacture at his principal office or place of business, provided no products other than samples are kept there.

### § 45.4904 Statutory provisions; liability in case of different businesses of same ownership and location.

SEC. 4904. *Liability in case of different businesses of same ownership and location.* Whenever more than one of the pursuits or occupations described in this subtitle are carried on in the same place by the same person at the same time, except as otherwise provided in this subtitle, the tax shall be paid for each according to the rates severally prescribed.

[Sec. 4904 as originally enacted and in effect July 1, 1960]

### § 45.4904–1 Each business taxable.

Where more than one taxable business is conducted by the same person at the same address, special tax for each business must be paid. But as to manufacturers see section 4903 and the regulations thereunder. (See also §§ 45.4821–2 and 45.4841–2.)

### § 45.4905 Statutory provisions; liability in case of death or change of location.

SEC. 4905. *Liability in case of death or change of location*—(a) *Requirements.* When any person who has paid the special tax for any trade or business dies, his wife or child, or executors or administrators or other legal representatives, may occupy the house or premises, and in like manner carry on, for the residue of the term for which the tax is paid, the same trade or business as the deceased before carried on, in the same house and upon the same premises, without the payment of any additional tax. When any person removes from the house or premises for which any trade or business was taxed to any other place, he may carry on the trade or business specified in the register kept in the office of the official in charge of the internal revenue district at the place to which he removes, without the payment of any additional tax: *Provided*, That all cases of death, change, or removal, as aforesaid, with the name of the successor to any person deceased, or of the person making such change or removal, shall be registered with the Secretary or his delegate, under regulations to be prescribed by the Secretary or his delegate.

(b) *Registration.* (1) For registration in case of * * *, playing cards, * * *, and white phosphorus matches, see sections * * * 4455 * * *, and 4804(d), respectively.

(2) For other provisions relating to registration, see subtitle F.

[Sec. 4905 as originally enacted and in effect July 1, 1960]

### § 45.4905–1 Change of ownership.

(a) *Changes through death.* Whenever any person who has paid the special tax imposed by section 4461, 4471, 4821 or 4841 dies, the surviving spouse or child, or executor or administrator, or other legal representative, may carry on such business for the remainder of the term for which such special tax has been paid without any additional payment, subject to the conditions hereinafter set forth. If the surviving spouse or child, or executor or administrator, or other legal representative of the deceased taxpayer continues the business, such person shall within 30 days after the date of the death of the taxpayer execute a return on Form 11 or Form 11–B, whichever is applicable. Such return shall show the name of the deceased taxpayer, together with all other information required to be reported thereon, and the stamp issued to such taxpayer shall be submitted with the return for proper notation by the district director.

(b) *Changes from other causes.* A receiver or trustee in bankruptcy may continue the business under the stamp issued to the taxpayer at the place and for the period for which the special tax was paid. An assignee for the benefit of creditors may continue business under his assignor's special tax stamp without incurring additional special tax liability. In cases such as set forth in this paragraph the change shall be registered with the district director in a manner similar to that required by paragraph (a) of this section.

(c) *Changes in firm.* When one or more members of a firm or partnership withdraw, the business may be continued by the remaining partner or partners under the same special tax stamp for the remainder of the period for which the stamp was issued to the firm or partnership. The change, however, shall be registered in the same manner as required in paragraph (a) of this section. If new partners are taken into a firm, the new firm so constituted may not carry on business under the special tax stamp of the old firm. The new firm shall make a return on Form 11 or Form 11–B, whichever is applicable, and pay the special tax imposed by the applicable section (sections 4461, 4471, 4821 or 4841, as the case may be) reckoned from the first day of the month in which it began business, even though the name of such firm be the same as that of the old. If the members of a partnership, which has paid the special tax, form a corporation to continue the business, a new special tax stamp must be obtained in the name of the corporation.

(d) *Change in corporation.* If a corporation changes its name, no additional tax is due, provided the change in name is registered with the district director in the manner required by paragraph (a) of this section. An increase in the capital stock of a corporation does not create a new special tax liability if the laws of the State under which it is incorporated permit such increase without the formation of a new corporation. A stockholder in a corporation, who after its dissolution continues the business, incurs liability for the special tax unless he already has a special tax stamp obtained in respect of activities conducted as a sole proprietor.

### § 45.4905–2 Change of address.

(a) *Procedure by taxpayer.* Whenever a taxpayer changes his business address to a location other than that specified in his last return on Form 11 or Form 11–B, he shall, within 30 days after the date of such change, register the change with the district director from whom the special tax stamp was purchased by filing a new return, Form 11 or Form 11–B, designated "Supplemental Return", and setting forth the new address and the date of change. The taxpayer's special tax stamp shall accompany the supplemental return for proper notation by the district director. As to liability in case of failure to register a change of address within 30 days, see § 45.4905–3.

(b) *Procedure by district director*—(1) *Removal within district.* When registration of a change of address within the same district is made by a taxpayer in the manner specified in paragraph (a) of this section, the district director, if necessary, will enter on his records the new address and the date of change. If the information disclosed on the supplemental return is such as to require a change on the face of the special tax stamp, the district director will make the necessary change and return the stamp to the taxpayer for posting as provided in § 45.6806.

(2) *Removal to another district.* In case of removal of the taxpayer's place

of business to another district, the district director after noting the transfer on his records, shall transmit the special tax stamp to the district director for the district to which such business was removed. The latter will make proper entry on his records, as in the case of an original registration in his district, correct the address on the stamp, if necessary, and also note thereon his name, title, date, and district, and then forward the stamp to the taxpayer for posting as provided in § 45.6806.

**§ 45.4905–3 Liability for failure to register change.**

A person succeeding to and carrying on a business for which the special tax has been paid, or a taxpayer who relocates his business, without registering the change as provided in §§ 45.4905–1 and 45.4905–2 will be liable to an additional tax and to the interest and additions to the tax prescribed in §§ 301.6601, 301.6601–1, 301.6651, and 301.6651–1 of this chapter (Regulations on Procedure and Administration).

**§ 45.4906 Statutory provisions; application of State laws.**

SEC. 4906. *Application of State laws.* The payment of any special tax imposed by this subtitle for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes.

[Sec. 4906 as originally enacted and in effect July 1, 1960]

**§ 45.4906–1 State laws applicable.**

Payment of special tax under Federal law confers no right or privilege to conduct business contrary to State law. The holder of a special-tax stamp issued by the Federal Government may still be punishable under a State law prohibiting or regulating the manufacture or sale of adulterated or process or renovated butter. On the other hand, compliance with State law affords no immunity under Federal law. Persons who engage in business in violation of the law of a State are, nevertheless, required to pay special tax as imposed under the internal revenue laws of the United States.

**§ 45.4907 Statutory provisions; Federal agencies or instrumentalities.**

SEC. 4907. *Federal agencies or instrumentalities.* Any special tax imposed by this subtitle * * * shall apply to any agency or instrumentality of the United States unless such agency or instrumentality is granted by statute a specific exemption from such tax.

[Sec. 4907 as originally enacted and in effect July 1, 1960]

**§ 45.4907–1 Federal agencies or instrumentalities.**

Any agency or instrumentality of the United States, such as an Army exchange, Navy exchange, etc., is liable to a special tax unless granted by statute a specific exemption therefrom.

## Subpart L—Administrative Provisions

**§ 45.6001 Statutory provisions; notice or regulations requiring records, statements, and special returns.**

SEC. 6001. *Notice or regulations requiring records, statements, and special returns.* Every person liable for any tax imposed by this title, or for the collection thereof, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary or his delegate may from time to time prescribe. Whenever in the judgment of the Secretary or his delegate it is necessary, he may require any person, by notice served upon such person or by regulations, to make such returns, render such statements, or keep such records, as the Secretary or his delegate deems sufficient to show whether or not such person is liable for tax under this title.

[Sec. 6001 as originally enacted and in effect July 1, 1960]

**§ 45.6001–1 Records in general.**

(a) *Form of records.* The records required by the regulations in this part shall be kept accurately, but no particular form is required for keeping such records. See, however, the requirements in § 45.4804–10 (relating to form for daily record in the case of manufacturers of white phosphorus matches) and §§ 45.4872–1 to 45.4872–4, inclusive (relating to records regarding sales of cotton for future delivery). Such forms and systems of accounting shall be used as will enable the district director to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(b) *Copies of returns, schedules, and statements.* Every person who is required, by the regulations in this part or by instructions applicable to any form prescribed thereunder, to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(c) *Records of claimants.* Any person who, pursuant to the regulations in this part, claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) of this section and by §§ 45.6001–2 to 45.6001–5, inclusive, which relate to the claim.

(d) *Place and period for retention of records.* (1) All records required by the regulations in this part shall be maintained, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

(2) Except as otherwise provided in the following sentence, every person required by the regulations in this part to keep records in respect of a tax (whether or not such person incurs liability for such tax) shall retain such records for at least three years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) of this section shall be retained for a period of at least three years after the date the claim is filed.

(e) *Microfilm reproductions.* General books of account, such as cash books, journals, voucher registers, ledgers, etc., shall be maintained and preserved in their original form. However, microfilm reproductions of supporting records of details, such as invoices, vouchers, production reports, sales records, certificates, proofs of exportation, etc., may be kept in lieu of the original records provided the person required to keep such records (1) retains such microfilmed copies for the period specified in paragraph (d) of this section, (2) provides adequate facilities for the preservation of such films and for the ready inspection and location thereof, including a projector for viewing such records in the event inspection is necessary for tax purposes, and (3) makes any transcription which may be required of the information contained on the microfilm.

**§ 45.6001–2 Records required to be kept by manufacturers of adulterated butter, process or renovated butter, or filled cheese.**

(a) *Manner of keeping.* (1) A manufacturer shall keep at his place of business separate records of adulterated butter, of process or renovated butter, and of filled cheese. If the record is kept as hereinafter prescribed in the manufacturer's own books or in other convenient form no other record will be necessary. Care should be taken to exclude from the record any product other than (i) adulterated butter, (ii) process or renovated butter, (iii) filled cheese, and (iv) the materials or ingredients used in the manufacture of each product.

(2) Entry shall be made not later than the day following that on which each transaction occurred. Quantities reported shall be as indicated by the taxpaid stamps affixed to the packages, except that where the product is withdrawn free of tax for export, or where the product is returned to the factory, the actual quantity will be recorded. A fraction of a pound shall be accounted as a pound.

(b) *Items.* The record must show:

(1) The number of pounds of each material or ingredient used in the production of adulterated butter, process or renovated butter, or filled cheese, and the number of pounds of such materials used for other purposes.

(2) The number of pounds of each product produced.

(3) The number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(4) The number of pounds in each lot returned to the factory, the name of the person by whom returned, the address from which returned, and the date of receipt.

(5) The number of pounds reworked, disposed of as grease, dumped, or otherwise destroyed.

(6) The total value of tax stamps purchased and used.

(c) *Transactions.* The following rules will apply:

(1) *Samples.* Sample packages of tax-paid adulterated butter, process or renovated butter or filled cheese distributed gratuitously shall be recorded in the same manner as if the packages were sold.

(2) *Transfers to self.* Where adulterated butter, process or renovated butter, or filled cheese is transferred by a manufacturer to himself as a wholesale or retail dealer, the transaction shall be recorded in the same manner as a transfer to another person.

(3) *Sales to chain stores.* Where adulterated butter, process or renovated butter, or filled cheese is shipped to one person doing business at different places, as in the case of chain stores, the deliveries to each address shall be recorded separately.

(4) *Drop shipments.* Where a manufacturer receives an order from one person to ship adulterated butter, process or renovated butter, or filled cheese to another, the transaction shall be recorded in the name and address of the consignee, followed by "acc't of" and the name and address of the person for whose account the shipment was made. A manufacturer shall not record consignments on orders in the names of agents, solicitors, or other persons transmitting an order for another party. (See paragraph (c) (5) of § 45.4821–3 as to liability of agents or brokers soliciting orders for adulterated butter.)

**§ 45.6001–3 Records required to be kept by wholesale dealers in adulterated butter.**

(a) *Manner of keeping.* (1) A wholesale dealer shall keep at his place of business records of transactions in adulterated butter. If the record is kept as hereinafter prescribed in the dealer's own books or in other convenient form no other record will be necessary. Care should be taken to exclude from the record any product other than taxpaid and branded adulterated butter.

(2) Entry shall be made not later than the day following that on which the transaction occurred. Quantities reported shall be as indicated by the taxpaid stamps affixed to the packages, except that where goods are returned to or by the wholesaler the actual quantity shall be recorded. A fraction of a pound shall be accounted as a pound.

(b) *Items.* The record must show: (1) The number of pounds in each consignment of adulterated butter received, the name and address of the consignor, and the date of receipt.

(2) The number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(c) *Transactions.* The following rules will apply:

(1) *Samples.* Sample packages of tax-paid adulterated butter received and disposed of gratuitously shall be recorded in the same manner as adulterated butter which is purchased and sold.

(2) *Transfers to self.* Where adulterated butter is transferred by a wholesale dealer to himself as a retail dealer, the transaction shall be recorded in the same manner as a sale to another person.

(3) *Sales to chain stores.* Where adulterated butter is shipped to one person doing business at different places, as in the case of chain stores, the deliveries to each address shall be recorded separately.

(4) *Drop shipments.* A wholesale dealer shall not record the receipt of adulterated butter which he orders delivered direct to a third party. The dealer's connection with the transaction shall be shown by the manufacturer as provided in paragraph (c) of § 45.6001–2. Where a wholesale dealer receives an order from one person to ship adulterated butter to another, the transaction shall be recorded in the name and address of the consignee followed by "acc't of" and the name and address of the person giving the order. A wholesale dealer shall not record consignments in the names of agents, solicitors, or other persons transmitting orders for other parties. (See paragraph (c) (5) of § 45.4821–3 as to liability of agents.)

(5) *Returned goods.* Where adulterated butter is returned by a customer to a wholesale dealer the transaction shall be recorded separately from other receipts. The sale of repossessed goods shall be recorded with other disposals. Adulterated butter returned by a wholesale dealer to the manufacturer or other wholesale dealer from whom received shall be recorded separately from other disposals. (See paragraph (c) (6) of § 45.4821–3 as to resales.)

**§ 45.6001–4 Records required to be kept by wholesale dealers in filled cheese.**

Every wholesale dealer in filled cheese shall keep at his place of business a daily record of (a) the number of pounds in each consignment of filled cheese received by him, giving the name and address of the consignor and date of receipt, and (b) the number of pounds of filled cheese disposed of in each instance, name of person to whom shipped or delivered, date of shipment or delivery, and address to which sent.

**§ 45.6001–5 Cross references.**

(a) *Manufacturers of white phosphorus matches.* For record requirements, see § 45.4804–10.

(b) *Cotton futures.* For record requirements relating to persons making, clearing, settling or adjusting transactions in contracts of sale of cotton for future delivery, including cotton clearing associations, see §§ 45.4872–1 to 45.4872–4, inclusive.

(c) *Silver bullion.* For record requirements relating to transfers of interests in silver bullion, see § 45.4895–8.

**§ 45.6001–6 Returns in general.**

(a) *General rule.* Every person subject to any tax imposed by sections 4451, 4461, 4471, 4591, 4801, 4811, 4821, 4831, 4841, 4851, or 4891 shall make such returns, statements, or memorandums as are required by the regulations in this part. The return, statement, or memorandum shall include therein the information required by the applicable regulations or forms.

(b) *Use of prescribed forms.* Except as otherwise provided by the regulations in this part, copies of the prescribed forms will so far as possible be furnished taxpayers by district directors. A taxpayer will not be excused from making a return, however, by the fact that no return form has been furnished to him. Taxpayers not supplied with the proper forms should make application therefor to the district director in ample time to have their returns prepared, verified, and filed on or before the due date with the district director with whom such returns are required to be filed.

(c) *Execution of returns.* Each return required by the regulations in this part, together with any prescribed copies or supporting data, shall be filled in and disposed of in accordance with the forms, instructions, and regulations applicable thereto. The return shall be carefully prepared so as fully and accurately to set forth the data required to be furnished therein. Returns which have not been so prepared will not be accepted as meeting the requirements of the regulations in this part.

**§ 45.6001–7 Inventories required of manufacturers.**

(a) *Adulterated butter, process or renovated butter, and filled cheese.* Every manufacturer of adulterated butter, process or renovated butter, or filled cheese must file with the district director of internal revenue of the district in which the factory is located a complete and correct inventory, in letter form, stating the quantity of each of the different kinds of materials used in the manufacture of adulterated butter, process or renovated butter, or filled cheese, including all materials or products in process of manufacture or partially manufactured and the quantity of the finished product, stamped and unstamped, and the value of attached and unattached stamps held and owned by him in said factory on the first day of July of each year. An inventory as aforesaid must also be made and filed with the district director at the time of beginning business as a manufacturer, and at the time of discontinuing such business. Letters setting forth the inventories as herein required must contain a written declaration that the statements made therein are made under the penalties of perjury.

(b) *White phosphorus matches.* For inventory requirements relating to white phosphorus matches, see § 45.4804–9.

**§ 45.6001–8 Quarterly return by manufacturer or importer of playing cards.**

(a) *Form 749.* Every manufacturer or importer of playing cards must furnish to the district director for each calendar quarter an accurate return on Form 749 of the following transactions in packs of playing cards: The number on hand at the beginning of the quarter; the number manufactured during the quarter; the number removed tax-paid and for export during the quarter; the number on hand at the end of the quarter; and the values of all stamps purchased and used during the quarter.

(b) *Return period.* A return on Form 749 must be submitted for each calendar quarter including the calendar quarter in which the manufacturer or importer ceases operations in respect of playing cards. Any stock of playing cards on hand when the business is discontinued

must be accounted for on quarterly returns. The return for the last quarter must be marked "Final return."

**§ 45.6001–9 Quarterly returns by manufacturer of adulterated butter, process or renovated butter, or filled cheese.**

(a) *Quarterly return, Form 216.* Each manufacturer of adulterated butter, process or renovated butter, or filled cheese shall furnish to the district director for the district in which his factory is located at the time provided by § 45.6071–1, for each calendar quarter of the period of special-tax liability, an accurate return, under the penalties of perjury, on Forms 216 and 216a.

(b) *Preparation and distribution of copies.* Quarterly returns should be prepared from the manufacturer's records and typewritten on Form 216, in duplicate. The first page of the return should be filled out as indicated on the form. The original shall be forwarded to the district director and the duplicate shall be retained by the manufacturer at his factory as a record and shall be available for examination at any time by internal revenue officers. In the execution of the return, conformity with the special-tax return and the special-tax stamp shall be observed. If the special-tax return and stamp show a trade name as well as the real name of the proprietor, both names shall also appear on the quarterly returns, together with the identical address of the premises as given on such special-tax return and stamp.

(c) *Separate returns.* Returns required by this section shall be made separately for each product.

(d) *Supplemental sheets.* Form 216a is a supplemental sheet and shall be used for reporting in detail disposals of new stock and receipt and resale of stock returned by customers. The entries should be double spaced, as indicated by the dotted lines on the sheet. Appropriate headings should be set up in capital letters in the center of the page. Each page should be completely used before beginning another page. The order indicated in paragraphs (e) to (n), inclusive, of this section should be observed.

(e) *Disposals during first quarter of fiscal year or first quarter of commencing business.* Disposals to wholesalers, retailers, and consumers made in the first quarter of each fiscal year, or the quarter of commencing business, as the case may be, shall be reported on supplemental sheets, Form 216a, as follows:

(1) *To wholesalers.* Disposals to wholesalers shall be listed under a heading, Withdrawn Tax-Paid, Wholesale Dealers, with the entries grouped in alphabetical order of (i) the names of States and (ii) the names of consignees in each State group. State names should be in capital letters centered on the page at the head of each group, and a line left above and below each State subheading. The State name should be omitted in entering the several individual addresses since it will appear at the head of the group. Where a wholesaler operates at more than one place of business (whether or not within the same State), a separate entry shall be made for each place of business of such wholesaler to which consignments are made during the quarter. The aggregate quantity of adulterated butter, process or renovated butter or filled cheese consigned during the quarter to each wholesaler at each place of business shall be reported as provided for by the form.

(2) *To retailers and consumers.* Following the listing of disposals to wholesale dealers the disposals to retailers and consumers shall be listed under a heading, Withdrawn Tax-Paid, Retailers and Consumers, in the same manner as specified in subparagraph (1) of this paragraph with respect to wholesalers.

(f) *Disposals during other quarters.* Disposals to wholesalers, retailers, and consumers in each quarter other than the first quarter of the fiscal year, or the quarter of commencing business, shall be reported on supplemental sheets, Form 216a, as follows:

(1) *To consignees listed on prior returns of same fiscal year.* The total quantity of adulterated butter, process or renovated butter, or filled cheese disposed of during the quarter to all persons, including wholesalers, retailers, and consumers, listed on returns for prior quarters of the same fiscal year, shall be reported as a single amount designated as "Disposed of to consignees listed on returns for previous quarters of the same fiscal year."

(2) *To other consignees.* Disposals to wholesalers, retailers, and consumers not listed on any return for a prior quarter of the same fiscal year shall be reported in detail in the manner prescribed in paragraph (e) of this section.

(g) *Registered names and addresses required.* Names and addresses shall be entered as they appear on customers' special-tax stamps. Where the shipping address differs from the registered address, the name of the shipping point, in parentheses, should be entered with the registered address. (See paragraph (f) of § 45.4815(a)–1.) Surnames should precede first names. County names should be included in the addresses of customers located in the States specified at the head of Form 216a. This subparagraph is not applicable in the case of manufacturers of process or renovated butter since the wholesalers and retailers thereof do not obtain special-tax stamps.

(h) *Repeat shipments.* Only the aggregate quantity disposed of to each person at one address during the quarter shall be reported. Example: If 20 sales of 10 pounds each were made, the name of the purchaser and the address to which delivered should be entered but once with the total of 200 pounds.

(i) *Chain store entries.* Subject to the provisions of paragraphs (e) and (f) of this section, disposals to chain stores shall be reported in alphabetical order of the names of (1) the cities or towns in which the stores are located and (2) the streets on which situated. Numerical order of street numbers should be observed where more than one store is located on the same street.

(j) *Exportation.* Under a heading, Withdrawn Free of Tax for Export, there shall be entered as to each foreign consignment (1) date of invoice, (2) name of consignee and place of consignment, and (3) quantity. The entries shall be in the order prescribed in paragraph (e) of this section for reporting disposals to wholesale dealers. This paragraph has no application in the case of process or renovated butter or filled cheese, since there is no provision for tax-free exportation thereof.

(k) *Returned goods.* Under a heading, Returned Goods, there shall be shown in alphabetical order (1) the name and address of each consignor, and (2) the total quantity received during the quarter from him. Only adulterated butter, process or renovated butter, or filled cheese of the manufacturer's own production may be entered under this heading. Such product received from other manufacturers for reworking shall be included in the total of returned goods reworked as prescribed in paragraph (m) of this section.

(l) *Resales.* Under the headings, "Resales to wholesale dealers" and "Resales to retailers and consumers", entries shall be made in the same manner as disposals of new stock to such customers as prescribed in paragraph (e) of this section. (See paragraph (c)(6) of § 45.4821–3 as to resale of returned goods.)

(m) *Reworked or denatured.* The total quantity of any adulterated butter, process or renovated butter, or filled cheese not removed from the factory but reworked or disposed of as grease shall be reported in the credit column of the summary of new stock. The total quantity of returned goods reworked or disposed of as grease shall be reported in the credit column of the summary. The combined totals of adulterated butter, process or renovated butter, or filled cheese reworked, as shown in the respective summaries, shall be reported under the heading, "Materials used during month", page 1, Form 216.

(n) *Losses.* Adulterated butter, process or renovated butter, or filled cheese accidentally destroyed, lost in transit, or unaccounted for shall be reported in the credit column of the proper summary and an appropriate explanation inserted.

(o) *Summary.* The quantities entered under the respective headings on Form 216a shall be totaled and the totals carried to the proper lines of the summaries, page 1, Form 216. The actual balances of new stock and returned goods on hand at the beginning and close of the quarter shall be entered in the proper summary, which should balance. The quantities reported on hand at the beginning of the quarter shall agree with the quantities reported on hand at the close of the preceding quarter.

(p) *Correcting entries.* If after rendering a return it is found that any receipts or disposals were omitted or erroneously reported, correcting entries shall be made on the return for the following quarter.

(q) *Final return.* If the business is discontinued, the return for the quarter in which business ceases should be marked "Final."



**§ 45.6001–10 Quarterly return by wholesale dealers in adulterated butter or filled cheese.**

(a) *Quarterly return, Form 2814.* Each wholesale dealer in adulterated butter or filled cheese shall furnish to the district director for the district in which his business is located at the time provided by § 45.6071–1, for each calendar quarter of the period of special-tax liability, an accurate return, under the penalties of perjury, on Forms 2814 and 2814a.

(b) *Preparation and distribution of copies.* Quarterly returns should be prepared from the wholesale dealer's records and typewritten on Form 2814, in duplicate. The first page of the return should be filled out as indicated on the form. The original shall be forwarded to the district director and the duplicate shall be retained by the wholesale dealer at his principal place of business as a record and shall be available for examination at any time by internal revenue officers. In the execution of the return, conformity with the special-tax return and the special-tax stamp shall be observed. If the special-tax return and stamp show a trade name as well as the real name of the proprietor, both names shall also appear on the quarterly returns, together with the identical address of the premises as given on such special-tax return and stamp.

(c) *Separate returns.* Returns required by this section shall be made separately for each product.

(d) *Receipts—(1) During first quarter of fiscal year or quarter of commencing business.* Under the heading, Adulterated Butter (or Filled Cheese) Received From Manufacturers and Wholesale Dealers, page 1, Form 2814, each entry shall show (i) the name and address of each consignor, and (ii) the total quantity received during the quarter from him. Regardless of the number of consignments received during the quarter from the same consignor, only a single entry showing the aggregate of all such consignments shall be made.

(2) *During other quarters.* Adulterated butter or filled cheese received from manufacturers and wholesale dealers in each quarter other than the first quarter of each fiscal year, or the quarter of commencing business, as the case may be, shall be reported on Form 2814 as follows:

(i) *From consignors listed on returns for previous quarters of same fiscal year.* The total quantity of adulterated butter or filled cheese received from all manufacturers and wholesale dealers listed on returns for prior quarters of the same fiscal year, shall be reported as a single amount designated as "Received from consignors listed on returns for previous quarters of the same fiscal year."

(ii) *From other consignors.* Adulterated butter or filled cheese received from manufacturers and wholesale dealers not listed on a return for a prior quarter of the same fiscal year shall be reported in detail in the manner prescribed in subparagraph (1) of this paragraph.

(e) *Returned goods.* Adulterated butter or filled cheese returned by customers should not be entered in detail on returns. Only the total quantity so received during the quarter shall be reported. The amount should be entered in the debit column of the summary.

(f) *Supplemental sheets.* Form 2814a is a supplemental sheet and shall be used for reporting disposals in detail. The entries should be double-spaced as indicated by the dotted lines on the sheet. Appropriate headings should be set up in capital letters in the center of the page. Each page should be completely used before beginning another page. The order indicated in paragraphs (g) to (m) of this section should be observed.

(g) *Disposals during first quarter of fiscal year or quarter of commencing business.* Disposals to wholesalers and retailers and consumers in the first quarter of each fiscal year, or the quarter of commencing business, shall be reported in full detail on supplemental sheets, Form 2814a as follows:

(1) *To wholesalers.* Disposals to wholesalers shall be listed under a heading, Disposals to Wholesale Dealers, with the entries grouped in alphabetical order of (i) the names of States, and (ii) the names of consignees in each State group. State names should be in capital letters centered on the page at the head of each group, and a line left above and below each State subheading. The State name should be omitted in entering the several individual addresses since it will appear at the head of the group. Where a wholesaler operates at more than one place of business whether or not within the same State, a separate entry shall be made for each place of business of such wholesaler to which consignments are made during the quarter. The aggregate quantity of adulterated butter or filled cheese consigned during the quarter to each wholesaler at each place of business shall be reported as provided for by the form.

(2) *To retailers and consumers.* Following the listing of disposals to wholesale dealers the disposals to retailers and consumers shall be listed under a heading, Disposals to Retailers and Consumers, in the same manner as specified in subparagraph (1) of this paragraph with respect to wholesalers.

(h) *Disposals during other quarters.* Disposals to wholesalers, retailers, and consumers in each quarter other than the first quarter of the fiscal year, or the quarter of commencing business, shall be reported on supplemental sheets, Form 2814a, as follows:

(1) *To consignees listed on prior returns of same fiscal year.* The total quantity of adulterated butter or filled cheese disposed of during the quarter to all persons, including wholesalers, retailers, and consumers, listed on returns for prior quarters of the same fiscal year, shall be reported as a single amount designated as "Disposed of to consignees listed on returns for previous months of the same fiscal year."

(2) *To other consignees.* Disposals to wholesalers, retailers, and consumers not listed on any return for a prior quarter of the same fiscal year shall be reported in detail in the manner prescribed in paragraph (g) of this section.

(i) *Registered names and addresses required.* Names and addresses shall be entered as they appear on customers' special-tax stamps. Where the shipping address differs from the registered address, the name of the shipping point, in parentheses, should be entered with the registered address. (See paragraph (f) of § 45.4815(a)–1.) Surnames should precede first names. County names should be included in the addresses of customers located in the States specified at the head of Form 2814a.

(j) *Repeat shipments.* Only the aggregate quantity disposed of to each person at one address during the quarter shall be reported. Example: If 20 sales of 10 pounds each were made, the name of the purchaser and the address to which delivered should be entered but once with the total of 200 pounds.

(k) *Chain store entries.* Subject to the provisions of paragraphs (g) and (h) of this section, disposals to chain stores shall be reported in alphabetical order of the names of (1) the cities or towns in which the stores are located, and (2) the streets on which situated. Numerical order of street numbers should be observed where more than one store is located on the same street.

(l) *Goods returned or otherwise disposed of.* Under a heading, "Returned to Shipper," there shall be shown in alphabetical order (1) the name and address of each consignor and (2) the total quantity received during the month from him. Similar entries, under appropriate headings, shall be made for adulterated butter or filled cheese disposed of as grease, or for other inedible purposes, or destroyed.

(m) *Losses.* Adulterated butter or filled cheese accidentally destroyed, lost in transit, or unaccounted for shall be reported in the credit column of the summary and an appropriate explanation inserted.

(n) *Summary.* The quantities entered under the respective headings on Form 2814a shall be totaled and the totals carried to the proper lines of the summaries, page 1, Form 2814. The actual quantity on hand at the beginning and close of the quarter shall be entered in the summary, which should balance. The quantity reported on hand at the beginning of the quarter shall agree with the quantity reported on hand at the close of the preceding quarter.

(o) *Correcting entries.* If after rendering a return it is found that any receipts or disposals were omitted or erroneously reported, correcting entries shall be made on the return for the following quarter.

(p) *Final return.* If the business is discontinued, the return for the quarter in which business ceases should be marked "Final."

**§ 45.6001–11 Returns relating to special taxes.**

(a) *In general.* Every person required to pay a special tax imposed by section 4461 or 4471 shall make a return on Form 11–B and every person required to pay a special tax imposed by section 4821 or 4841 shall make a return on Form 11. A return on Form 11 or 11–B shall be

made in accordance with the instructions applicable thereto.

(b) *Separate returns.* A separate return on the prescribed form shall be made for each place of business in respect of which a person incurs liability for a special tax and if more than one taxable business is conducted by the same person at the same address, a separate return shall be made by such person in respect of each taxable business conducted at such address. (See § 45.4903–1 which provides that special tax shall be paid for each place of business and § 45.4904–1 which provides that special tax must be paid for each business conducted at the same address.)

(c) *Execution of returns, Form 11 and Form 11–B.* In addition to the requirements for the execution of returns generally as set forth in paragraph (c) of § 45.6001–6, it is required that where the business is operated in a trade name, both the real name of the proprietor and the trade name shall be used when executing Form 11 and Form 11–B.

### § 45.6001–12 Cross references.

(a) *Manufacturers of white phosphorus matches.* For requirements for quarterly returns, see § 45.4804–11.

(b) *Cotton futures.* For requirements for quarterly returns by persons making, clearing, settling, or adjusting transactions in contracts of sale of cotton for future delivery, including cotton clearing associations, see §§ 45.4872–5 and 45.4872–6.

(c) *Silver bullion.* For requirements for memorandums and returns relating to transfers of interests in silver bullion, see §§ 45.4895–5 and 45.4895–7.

(d) *Signing and verification.* For provisions relating to the signing of returns, see §§ 45.6061 and 45.6061–1. For provisions relating to the verifying of returns, see §§ 45.6065 and 45.6065–1.

### § 45.6061 Statutory provisions; signing of returns and other documents.

SEC. 6061. *Signing of returns and other documents.* * * * any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be signed in accordance with forms or regulations prescribed by the Secretary or his delegate.

[Sec. 6061 as originally enacted and in effect July 1, 1960]

### § 45.6061–1 Signing of returns and other documents.

Each return or other document required under the regulations in this subpart shall be signed by (a) the individual, if the taxpayer is an individual; (b) the president, vice president or other principal officer, if the taxpayer is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the taxpayer is a partnership or other unincorporated organization; or (d) the fiduciary, if the taxpayer is a trust or estate. The return may be executed by an agent in the name of the taxpayer if an acceptable power of attorney is filed with the district director and the return includes the total liability of the taxpayer for the period covered by the return.

### § 45.6065 Statutory provisions; verification of returns.

SEC. 6065. *Verification of returns*—(a) *Penalties of perjury.* Except as otherwise provided by the Secretary or his delegate, any return, declaration, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* The Secretary or his delegate may by regulations require that any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be verified by an oath. This subsection shall not apply to returns and declarations with respect to income taxes made by individuals.

[Sec. 6065 as originally enacted and in effect July 1, 1960]

### § 45.6065–1 Verification of returns.

If a return, declaration, statement, or other document made under the regulations in this part is required by the regulations contained in this part, or the form and instructions issued with respect to such return, declaration, statement, or other document, to contain or be verified by a written declaration that it is made under the penalties of perjury, such return, declaration, statement, or other document shall be so verified by the person signing it.

### § 45.6071 Statutory provisions; time for filing returns and other documents.

SEC. 6071. *Time for filing returns and other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the time for filing any return, statement, or other document required by this title or by regulations.

(b) *Special taxes.* For payment of special taxes before engaging in certain trades and businesses, see section 4901 and * * *.

[Sec. 6071 as amended and in effect July 1, 1960]

### § 45.6071–1 Time for filing returns or other documents.

(a) *Returns or other documents.* A return required under §§ 45.6001–8 to 45.6001–10, inclusive, shall be filed on or before the last day of the first calendar month following the period for which it is made. The inventories required by § 45.6001–7 shall be filed with the district director on the first day of July of each year, or at the time of commencing and at the time of concluding business, if before or after the first day of July.

(b) *Cross references*—(1) *Cotton futures*—(i) *Returns to be made by persons dealing in contracts of sale of cotton for future delivery.* See § 45.4872–5 for provisions relating to time for filing returns.

(ii) *Returns to be made by cotton clearing associations.* See § 45.4872–6 for provisions relating to time for filing returns by persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling, or adjusting contracts of sale of any cotton for future delivery.

(2) *Silver bullion.* (i) For regulations relating to time for filing memorandums of transfer or monthly returns in the case of transfers of interests in silver bullion, see paragraph (d) of § 45.4895–5 and § 45.4895–7, respectively.

(ii) For regulations relating to time for filing returns on Form 11 (Silver) and Form 11A (Silver), see paragraph (b) of § 45.4894–2.

### § 45.6071–2 Special taxes.

(a) *Coin-operated gaming devices return on Form 11–B.* The first return required to be made on Form 11–B shall be filed, as provided in § 45.4901–1, to cover the period beginning with the first day of the calendar month in which a person engages in the trade or business of maintaining for use or permitting the use of, on any place or premises occupied by him, a coin-operated gaming device and ending with the following June 30. Thereafter, each return required to be made on Form 11–B shall be filed on or before July 1 to cover a 1-year period (beginning July 1 and ending June 30 of the following calendar year) during which the tax liability continues.

(b) *Other special taxes.* In the case of persons liable for the special taxes imposed by sections 4461(a)(1) (relating to coin-operated amusement devices), 4471 (relating to bowling alleys, billiard and pool tables), 4821 (relating to adulterated butter and process or renovated butter), and 4841 (relating to filled cheese), the first return required to be made on Form 11 or Form 11–B, as the case may be, shall be filed before the last day of the month in which the business commences to cover the period beginning with the first day of such month and ending with the following June 30. Thereafter, each return required to be made on Form 11 or Form 11–B, as the case may be, shall be filed on or before the last day of July to cover a 1-year period (begining July 1 and ending June 30 of the following calendar year) during which the tax liability continues.

### § 45.6071–3 Last day for filing.

For provisions relating to the time for filing a return when the prescribed due date falls on Saturday, Sunday, or a legal holiday, see § 301.7503–1 of this chapter (Regulations on Procedure and Administration).

### § 45.6081(a) Statutory provisions; extension of time for filing returns.

SEC. 6081. *Extension of time for filing returns*—(a) *General rule.* The Secretary or his delegate may grant a reasonable extension of time for filing any return, declaration, statement, or other document required by this title or by regulations. Except in the case of taxpayers who are abroad, no such extension shall be for more than 6 months.

[Sec. 6081(a) as originally enacted and in effect July 1, 1960]

### § 45.6081(a)–1 Extension of time for filing returns.

No extension of time will be granted for filing any return or other document required in respect of the taxes to which the regulations in this part have application.

### § 45.6091 Statutory provisions; place for filing returns or other documents.

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

[Sec. 6091 as originally enacted and in effect July 1, 1960]

### § 45.6091–1 Place for filing special tax returns.

A return on Form 11 or 11–B required to be made pursuant to the provisions of § 45.6001–11 shall be filed with the district director for the district in which the taxable business is conducted.

### § 45.6091–2 Place for filing memorandums or returns relating to silver bullion.

(a) *Persons other than corporations.* Except as provided in paragraph (c) of this section, the memorandum of transfer of an interest in silver bullion described in § 45.4895–5, the monthly return provided in § 45.4895–7, and the forms specified in §§ 45.4894–1 to 45.4894–7, inclusive, shall be filed with the district director for the district in which is located the principal place of business or legal residence of the party to the transfer paying the tax on such transfer. If such person has no principal place of business or legal residence in any internal revenue district, the memorandum or monthly return shall be filed with the District Director at Baltimore, Maryland.

(b) *Corporations.* Except as provided in paragraph (c) of this section, if the party to the transfer paying the tax thereon is a corporation, the memorandum, the monthly return, and the forms specified in §§ 45.4894–1 to 45.4894–7, inclusive, shall be filed with the district director for the district in which is located the principal place of business or principal office or agency of such corporation.

(c) *Memorandums or returns filed by taxpayers outside the United States.* If the party to the transfer paying the tax thereon is a person (other than a corporation) outside the United States having no legal residence or principal place of business in any internal revenue district, or is a corporation having no principal place of business or principal office or agency in any internal revenue district, the memorandum, the monthly return, and the forms specified in §§ 45.4894–1 to 45.4894–7, inclusive, shall be filed with the Director, International Operations Division, Internal Revenue Service, Washington 25, D.C.

### § 45.6101 Statutory provisions; period covered by returns or other documents.

SEC. 6101. *Period covered by returns or other documents.* When not otherwise provided for by this title, the Secretary or his delegate may by regulations prescribe the period for which, or the date as of which, any return, statement, or other document required by this title or by regulations, shall be made.

[Sec. 6101 as originally enacted and in effect July 1, 1960]

### § 45.6101–1 Period covered by returns or other documents.

(a) *In general.* Except as provided in paragraphs (b) and (c) of this section, the period for which returns are required by the regulations in this part is a calendar quarter.

(b) *Silver bullion.* For the period for which returns are required in the case of transfers of silver bullion, see § 45.4895–7. For alternative provisions, see § 45.4895–5.

(c) *Special taxes.* For the period for which returns are required in the case of special taxes, see paragraph (b) of § 45.4901–1.

### § 45.6151 Statutory provisions; time and place for paying tax shown on returns.

SEC. 6151. *Time and place for paying tax shown on returns*—(a) *General rule.* Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the principal internal revenue officer for the internal revenue district in which the return is required to be filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

(b) *Exceptions.* * * *

(c) *Date fixed for payment of tax.* In any case in which a tax is required to be paid on or before a certain date, or within a certain period, any reference in this title to the date fixed for payment of such tax shall be deemed a reference to the last day fixed for such payment (determined without regard to any extension of time for paying the tax).

[Sec. 6151 as originally enacted and in effect July 1, 1960]

### § 45.6151–1 Time and place for paying special taxes.

The special taxes required to be reported on Forms 11 and 11–B are due and payable to the district director, without assessment or notice and demand, at the time prescribed in § 45.6071–2 for filing such returns. For regulations relating to place for filing returns, see § 45.6091–1.

### § 45.6161(a)(1) Statutory provisions; extension of time for paying tax.

SEC. 6161. *Extension of time for paying tax*—(a) *Amount determined by taxpayer on return*—(1) *General rule.* The Secretary or his delegate, except as otherwise provided in this title, may extend the time for payment of the amount of the tax shown, or required to be shown, on any return or declaration required under authority of this title (or any installment thereof), for a reasonable period not to exceed 6 months from the date fixed for payment thereof. Such extension may exceed 6 months in the case of a taxpayer who is abroad.

[Sec. 6161(a) as originally enacted and in effect July 1, 1960]

### § 45.6161(a)(1)–1 Extension of time for paying tax shown on return.

No extension of time will be granted for payment of all or any part of the amount of the taxes to which the regulations in this part have application.

### § 45.6804 Statutory provisions; attachment and cancellation.

SEC. 6804. *Attachment and cancellation.* Except as otherwise expressly provided in this title, the stamps referred to in section 6801 shall be attached, protected, removed, canceled, obliterated, and destroyed, in such manner and by such instruments or other means as the Secretary or his delegate may prescribe by rules or regulations.

[Sec. 6804 as originally enacted and in effect July 1, 1960.]

### § 45.6804–1 Attachment and cancellation.

The stamps required to be used for the payment of the taxes imposed by the statutory provisions included in this part shall be attached, protected, removed, canceled, obliterated, and destroyed as set forth in the regulations in this part.

### § 45.6805 Statutory provisions; redemption of stamps.

SEC. 6805. *Redemption of stamps*—(a) *Authorization.* The Secretary or his delegate, subject to regulations prescribed by him, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of any internal revenue law, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Secretary or his delegate, or until satisfactory proof has been made showing the reason why the same cannot be returned; or, if so required by the Secretary or his delegate, when the person presenting the same cannot satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid.

(c) *Time for filing claims.* No claim for the redemption of, or allowance for, stamps shall be allowed under this section unless presented within 3 years after the purchase of such stamps from the Government.

(d) *Finality of decisions.* The findings of fact in and the decision of the Secretary or his delegate upon the merits of any claim presented under or authorized by this section shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

[Sec. 6805 as amended and in effect July 1, 1960]

### § 45.6806 Statutory provisions; posting occupational tax stamps.

SEC. 6806. *Posting occupational tax stamps*—(a) *General rule.* Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax, shall place and keep conspicuously in his establishment or place of business all stamps denoting payment of said special tax.

(b) *Coin-operated amusement and gaming devices.* The Secretary or his delegate may by regulations require that the stamps denoting the payment of the special tax imposed by section 4461 shall be posted on or in each device in such a manner that it will be visible to any person operating the device.

* * * * *

[Sec. 6806 (a) and (b) as originally enacted and in effect July 1, 1960]

### § 45.6806–1 Special tax stamp to be posted.

(a) *In general.* The special tax stamp issued to a taxpayer as evidence of the

payment of tax imposed under section 4461 (coin-operated amusement and gaming devices), section 4471 (bowling alleys, billiard and pool tables), section 4821 (adulterated, process or renovated butter), and section 4841 (filled cheese), must be kept posted conspicuously on the premises where the business is operated. Failure to comply will subject the taxpayer to the penalties prescribed in § 45.7273(a).

(b) *Posting of certificate in lieu of stamp.* When a special tax stamp has been lost or destroyed, such fact should be reported at once to the internal revenue officer from whom the stamp was obtained for the purpose of obtaining from him a certificate of payment. Such certificate must be posted in place of the stamp; otherwise the penalty referred to in paragraph (a) of this section for failure to post the stamp will be applicable.

### § 45.7011 Statutory provisions; registration—persons paying a special tax.

SEC. 7011. *Registration—persons paying a special tax*—(a) *Requirement.* Every person engaged in any trade or business on which a special tax is imposed by law shall register with the Secretary or his delegate his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and the places of residence, shall be so registered.

(b) *Registration in case of death or change of location.* Any person exempted under the provisions of section 4905 from the payment of a special tax, shall register with the Secretary or his delegate in accordance with regulations prescribed by the Secretary or his delegate.

[Sec. 7011 as originally enacted and in effect July 1, 1960]

### § 45.7011–1 Registration—persons paying a special tax.

The registration required by section 7011 is effected by filing a return, Form 11–B, in the case of the taxes imposed by sections 4461 and 4471, and Form 11, in the case of the taxes imposed by sections 4821 and 4841. Such returns must be executed, signed and verified as required by the regulations prescribed in §§ 45.6001–11, 45.6061–1, and 45.6065–1. See paragraph (a) of § 45.4901–1 for provisions relating to the special tax imposed by section 4461(a)(2), relating to coin-operated gaming devices.

### § 45.7011–2 Registration in case of change of ownership or location.

(a) *Cross reference.* See §§ 45.4905–1 to 45.4905–3, inclusive, for provisions regarding registration in case of change of ownership or location.

### § 45.7011–3 Registration; other requirements.

(a) For requirement for registration by manufacturers of playing cards, see § 45.4455–1.

(b) For requirement for registration by manufacturers of white phosphorus matches, see § 45.4804–3.

### § 45.7208 Statutory provisions; offenses relating to stamps.

SEC. 7208. *Offenses relating to stamps.* Any person who—

(1) *Counterfeiting.* With intent to defraud, alters, forges, makes, or counterfeits any stamp, coupon, ticket, book, or other device prescribed under authority of this title for the collection or payment of any tax imposed by this title, or sells, lends, or has in his possession any such altered, forged, or counterfeited stamp, coupon, ticket, book, or other device, or makes, uses, sells, or has in his possession any material in imitation of the material used in the manufacture of such stamp, coupon, ticket, book, or other device; or

(2) *Mutilation or removal.* Fraudulently cuts, tears, or removes from any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title, any adhesive stamp or the impression of any stamp, die, plate, or other article provided, made, or used in pursuance of this title; or

(3) *Use of mutilated, insufficient, or counterfeited stamps.* Fraudulently uses, joins, fixes, or places to, with, or upon any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title,

(A) Any adhesive stamp, or the impression of any stamp, die, plate, or other article, which has been cut, torn, or removed from any other vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title; or

(B) Any adhesive stamp or the impression of any stamp, die, plate, or other article of insufficient value; or

(C) Any forged or counterfeited stamp, or the impression of any forged or counterfeited stamp, die, plate, or other article; or

(4) *Reuse of stamps*—(A) *Preparation for reuse.* Willfully removes, or alters the cancellation or defacing marks of, or otherwise prepares, any adhesive stamp, with intent to use, or cause the same to be used, after it has already been used; or

(B) *Trafficking.* Knowingly or willfully buys, sells, offers for sale, or gives away, any such washed or restored stamp to any person for use, or knowingly uses the same; or

(C) *Possession.* Knowingly and without lawful excuse (the burden of proof of such excuse being on the accused) has in possession any washed, restored, or altered stamp, which has been removed from any vellum, parchment, paper, instrument, writing, package, or article; or

(5) *Emptied stamped packages.* Commits the offense described in section 7271 (relating to disposal and receipt of stamped packages) with intent to defraud the revenue, or to defraud any person;

shall be guilty of a felony and, upon conviction thereof, shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

[Sec. 7208 as originally enacted and in effect July 1, 1960]

### § 45.7209 Statutory provisions; unauthorized use or sale of stamps.

SEC. 7209. *Unauthorized use or sale of stamps.* Any person who buys, sells, offers for sale, uses, transfers, takes or gives in exchange, or pledges or gives in pledge, except as authorized in this title or in regulations made pursuant thereto, any stamp, coupon, ticket, book, or other device prescribed by the Secretary or his delegate under this title for the collection or payment of any tax imposed by this title, shall, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than 6 months, or both.

[Sec. 7209 as originally enacted and in effect July 1, 1960]

### § 45.7233 Statutory provisions; failure to pay, or attempt to evade payment of, tax on cotton futures, and other violations.

SEC. 7233. *Failure to pay, or attempt to evade payment of, tax on cotton futures, and other violations.* Any person—

(1) *Nonpayment or evasion of tax.* Liable to the payment of any tax imposed by subchapter D of chapter 39, who fails to pay, or evades, or attempts to evade the payment of such tax; and

(2) *Other violations.* Who otherwise violates any provision of subchapter D of chapter 39, or any rule or regulation made in pursuance thereof; shall, upon conviction thereof, be fined not less than $100 nor more than $20,000, in the discretion of the court; and, in case of natural persons, may, in addition, be punished by imprisonment for not less than 60 days nor more than 3 years, in the discretion of the court.

[Sec. 7233 as originally enacted and in effect July 1, 1960]

### § 45.7234 Statutory provisions; violations of laws relating to oleomargarine or adulterated butter operations.

SEC. 7234. *Violation of laws relating to oleomargarine or adulterated butter operations*—(a) *False branding, selling, or packing, in violation of law.* Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden, tin-plate, or paper packages, as described in section 4594 (a) and (b), or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law shall be fined for each offense not more than $1,000, and be imprisoned not more than 2 years.

(b) *Removal or defacement of stamps, marks, or brands.* Any person who shall willfully remove or deface the stamps, marks, or brands on a package containing oleomargarine or adulterated butter, taxed as provided by subchapter F of chapter 38, or subchapter C of chapter 39, respectively, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than $100 nor more than $2,000, and by imprisonment for not less than 30 days nor more than 6 months.

(c) *Failure of wholesale dealers to keep or permit inspection of books, or to render returns.* Any person who willfully violates any of the provisions of section 4597(a) shall for each such offense be fined not less than $50 and not exceeding $500, and imprisoned not less than 30 days nor more than 6 months.

(d) *Imported oleomargarine or adulterated butter*—(1) *Failure of customs officer to comply with law.* Every officer or employe of the Treasury Department having duties under section 4591 who permits any imported oleomargarine or adulterated butter to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of section 4591 relating thereto, shall be fined not less than $1,000 nor more than $5,000, and imprisoned not less than 6 months nor more than 3 years.

(2) *Empty packages*—(A) *Failure to destroy stamps.* Any person who willfully neglects or refuses to destroy utterly the stamps on any empty package which contained oleomargarine or adulterated butter, or filled cheese shall for each such offense be fined not exceeding $50, and imprisoned not less than 10 days nor more than 6 months; and

(B) *Trafficking.* Any person who fraudulently gives away or accepts from another, or who sells, buys, or uses for packing oleomargarine or adulterated butter, any such stamped package shall for each such offense be fined not exceeding $100, and be imprisoned not more than 1 year.

(3) *Sale when improperly packed or stamped.* Every person who sells or offers for sale any imported oleomargarine or adulterated butter, or oleomargarine or adulterated butter purporting or claimed to have been imported, not put up in packages and stamped as provided by subchapter F of chapter 38 or subchapter C of chapter 39, shall be fined not less than $500 nor more than $5,000, and be imprisoned not less than 6 months nor more than 2 years.

(4) *Fraud by importer.* Whenever any person importing oleomargarine defrauds, or attempts to defraud, the United States of the tax on the oleomargarine imported by him, or any part thereof, he shall be fined not less than $500 nor more than $5,000, and shall be imprisoned not less than 6 months nor more than 3 years.

[Sec. 7234 as originally enacted and in effect July 1, 1960]

### § 45.7234–1 Violations of laws relating to oleomargarine or adulterated butter operations.

Except for imported oleomargarine, section 7234 has no application in respect of any transactions involving oleomargarine which occurs on or after the effective date of the regulations in this part.

### § 45.7235 Statutory provisions; violation of laws relating to adulterated butter and process or renovated butter.

SEC. 7235. *Violation of laws relating to adulterated butter and process or renovated butter*—(a) *Adulterated butter—False branding, sale, packing, or stamping in violation of law.* Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any adulterated butter in any other form than in new wooden, tin-plate, or paper packages as described in section 4615(a), or who packs in any package any adulterated butter in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than $1,000, and be imprisoned not more than 2 years.

(b) *Failure of wholesale dealers to keep or permit inspection of books, or to render returns.* Any person who willfully violates any of the provisions of section 4615(b) shall for each such offense be fined not less than $50 and not exceeding $500, and imprisoned not less than 30 days nor more than 6 months.

(c) *Failure to comply with provisions relating to the manufacture, storage, and marking of process or renovated butter.* Any person, firm, or corporation violating any of the provisions of section 4817 shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than $1,000, or by imprisonment for not more than 6 months, or by both such fine and imprisonment, in the discretion of the court.

(d) *Dealers in adulterated butter.* Every person who carries on the business of a dealer in adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $50 nor more than $500 for each offense.

(e) *Fraud by manufacturer.* Whenever any person manufacturing adulterated butter defrauds, or attempts to defraud, the United States of the tax on the adulterated butter manufactured by him, or any part thereof, he shall be fined not less than $500 nor more than $5,000, and shall be imprisoned not less than 6 months nor more than 3 years.

[Sec. 7235 as originally enacted and in effect July 1, 1960]

### § 45.7236 Statutory provisions; violation of laws relating to filled cheese.

SEC. 7236. *Violation of laws relating to filled cheese—False branding, sale, packing, or stamping in violation of law.* Every person who knowingly sells or offers to sell, or delivers or offers to deliver, filled cheese in any other form than in new wooden or paper packages, marked and branded as provided for and described in section 4834(b), or who packs in any package or packages filled cheese in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall upon conviction thereof be fined for each and every offense not less than $50 and not more than $500, or be imprisoned not less than 30 days nor more than 1 year.

[Sec. 7236 as originally enacted and in effect July 1, 1960]

### § 45.7239 Statutory provisions; violations of laws relating to white phosphorus matches.

SEC. 7239. *Violations of laws relating to white phosphorus matches*—(a) *Selling unstamped matches.* Any manufacturer of matches who manufactures, sells, removes, distributes, or offers to sell or distribute, white phosphorus matches without there being affixed thereto an adhesive stamp, denoting the tax required by subchapter B of chapter 39 effectually canceled as provided by section 4804(a)(2), shall, for each offense, be guilty of a felony and, upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than 2 years, or both.

(b) *Use of insufficient stamps.* Every person who affixes a stamp on any package of white phosphorus matches denoting a less amount of tax than that required by law shall, for each offense, be guilty of a felony and, upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than 2 years, or both.

[Sec. 7239 as originally enacted and in effect July 1, 1960]

### § 45.7263 Statutory provisions; penalties relating to cotton futures.

SEC. 7263. *Penalties relating to cotton futures*—(a) *Withholding information.* Any person engaged in the business of dealing in cotton who shall, within a reasonable time prescribed by the Secretary of Agriculture or any agent acting under his instructions, willfully fail or refuse to answer questions or to produce books, letters, papers, or documents, as required under section 4862(b), or who shall willfully give any answer that is false or misleading, shall, upon conviction thereof, be fined not more than $500.

(b) *Civil penalties.* In addition to the criminal penalties provided by section 7233, there shall be imposed, on account of each violation of subchapter D of chapter 39, relating to cotton futures, a penalty of $2,000, to be recovered in a civil action founded on subchapter D of chapter 39 in the name of the United States as plaintiff, and when so recovered one-half of said amount shall be paid over to the person giving the information upon which such recovery was based. It shall be the duty of United States attorneys, to whom satisfactory evidence of violations of subchapter D of chapter 39 is furnished, to institute and prosecute actions for the recovery of the penalties prescribed by this subsection.

[Sec. 7263 as originally enacted and in effect July 1, 1960]

### § 45.7264 Statutory provisions; offenses relating to renovated or adulterated butter.

SEC. 7264. *Offenses relating to renovated or adulterated butter.* Every person who carries on the business of a manufacturer of process or renovated butter or adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $1,000 nor more than $5,000.

[Sec. 7264 as originally enacted and in effect July 1, 1960]

### § 45.7265 Statutory provisions; other offenses relating to oleomargarine or adulterated butter operations.

SEC. 7265. *Other offenses relating to oleomargarine or adulterated butter operations*—(a) *Omission or removal of label.* (1) * * *

(2) Every manufacturer of adulterated butter who neglects to affix the label required under section 4814(a)(1) to any package containing adulterated butter made by him, or sold or offered for sale for or by him, and every person who removes any such label so affixed from any such package shall be fined $50 for each package in respect to which such offense is committed.

(b) *Purchasing when not properly branded or stamped.* Every person who knowingly purchases or receives for sale any oleomargarine or adulterated butter which has not been branded or stamped according to law shall be liable to a penalty of $50 for each such offense.

(c) *Other offenses.* If any manufacturer of oleomargarine or adulterated butter, any dealer therein or any importer or exporter thereof shall knowingly or willfully omit, neglect, or refuse to do, or cause to be done, any of the things required by law in the carrying on or conducting of his business, or shall do anything prohibited by subchapter F of chapter 38 or subchapter C of chapter 39, if there be no specific penalty or punishment imposed by any other provision of this chapter or chapter 68 for the neglecting, omitting, or refusing to do, or for the doing or causing to be done, the things required or prohibited, he shall pay a penalty of $1,000.

[Sec. 7265 as originally enacted and in effect July 1, 1960]

### § 45.7265–1 Other offenses relating to oleomargarine or adulterated butter operations.

Except for imported oleomargarine, section 7265 has no application in respect of any transactions involving oleomargarine which occurs on or after the effective date of the regulations in this part.

### § 45.7266 Statutory provisions; offenses relating to filled cheese.

SEC. 7266. *Offenses relating to filled cheese*—(a) *Failure to pay special tax.* Every person, firm, or corporation—

(1) *Manufacturers.* Who carries on the business of a manufacturer of filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $400 nor more than $3,000; and

(2) *Wholesale dealers.* Who carries on the business of a wholesale dealer in filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $250 nor more than $1,000; and

(3) *Retail dealers.* Who carries on the business of a retail dealer in filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable for the payment of the tax, be fined not less than $40 nor more than $500 for each and every offense.

(b) *Other offenses.* Any manufacturer of filled cheese who fails to comply with the provisions of section 4833 (b) and (c), or with the regulations therein authorized, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $500 nor more than $1,000.

(c) *Failure of wholesale and retail dealers to display signs.* Any wholesale or retail dealer in filled cheese who fails or neglects to comply with the provisions of section 4834(a) shall be deemed guilty of a misdemeanor, and shall on conviction thereof be fined for each and every offense not less than $50 and not more than $200.

(d) *Omission or removal of label.* Every manufacturer of filled cheese who neglects to affix the label provided for in section 4833(a)(2) to any package containing filled cheese made by him or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined $50 for each package in respect to which such offense is committed.

(e) *Purchasing when special tax not paid.* Every person who knowingly purchases or receives for sale any filled cheese from any manufacturer or importer who has not paid the special tax provided for in section 4841 shall be liable, for each offense, to a penalty of $100.

(f) *Purchasing when not stamped, branded, or marked according to law.* Any person who knowingly purchases or receives for sale any filled cheese which has not been branded or stamped according to law, or which is contained in packages not branded or marked according to law, shall be liable to a penalty of $50 for each such offense.

[Sec. 7266 as originally enacted and in effect July 1, 1960]

### § 45.7267 Statutory provisions; offenses relating to white phosphorus matches.

SEC. 7267. *Offenses relating to white phosphorus matches*—(a) *Exportation of matches.* Any person guilty of violation of section 4805(b) shall be fined not less than $1,000 and not more than $5,000.

(b) *Offenses not specifically covered.* If any manufacturer of white phosphorus matches, or any importer or exporter of matches, shall omit, neglect, or refuse to do or cause to be done any of the things required by law in carrying on or conducting his business, or shall do anything prohibited by subchapter B of chapter 39, if there be no specific penalty or punishment imposed by any other provision of this chapter or chapter 68 for the neglecting, omitting, or refusing to do, or for the doing or causing to be done, the thing required or prohibited, he shall be fined $1,000 for each offense.

(c) *Omission of label from packages.* Every manufacturer of white phosphorus matches who neglects to affix the label required by section 4804(a)(4) to any original package containing stamped packages of white phosphorus matches made by him or sold or removed by or for him, and every person who removes any such label so affixed from any such original package, shall be fined not more than $50 for each package in respect of which such offense is committed.

(d) *Omission of factory number from packages.* Every manufacturer of white phosphorus matches who omits to mark, brand, affix, stamp, or print the factory number required under section 4804(b) on every package of white phosphorus matches manufactured, sold, or removed by him shall be fined not more than $50 for each package in respect of which such offense is committed.

[Sec. 7267 as originally enacted and in effect July 1, 1960]

### § 45.7271 Statutory provisions; penalties for offenses relating to stamps.

SEC. 7271. *Penalties for offenses relating to stamps.* Any person who with respect to any tax payable by stamps—

(1) *Failure to attach or cancel stamps, etc.* Fails to comply with rules or regulations prescribed pursuant to section 6804 (relating to attachment, cancellation, etc., of stamps), unless such failure is shown to be due to reasonable cause and not willful neglect; or

(2) *Manufacture or offer for sale.* Manufactures or imports and sells, or offers for sale, or causes to be manufactured or imported and sold, or offered for sale, any playing cards, package, or other article without the full amount of tax being duly paid; or

(3) *Instruments.* Makes, signs, issues, or accepts, or causes to be made, signed, issued, or accepted, any instrument, document, or paper of any kind or description whatsoever without the full amount of tax thereon being duly paid; or

(4) *Disposal and receipt of stamped packages.* In the case of any container which is stamped, branded, or marked (whether or not under authority of law) in such manner as to show that the provisions of the internal revenue laws with respect to the contents or intended contents thereof have been complied with, and which is empty or contains any contents other than contents therein when the container was lawfully stamped, branded, or marked—

(A) Transfers or receives (whether by sale, gift, or otherwise) such container knowing it to be empty or to contain such other contents; or

(B) Stamps, brands, or marks such container, or otherwise produces such a stamped, branded, or marked container, knowing it to be empty or to contain such other contents;

shall be liable for each such offense to a penalty of $50.

[Sec. 7271 as originally enacted and in effect July 1, 1960]

### § 45.7272 Statutory provisions; penalty for failure to register.

SEC. 7272. *Penalty for failure to register*—(a) *In general.* Any person (other than persons required to register under subtitle E, or persons engaging in a trade or business on which a special tax is imposed by such subtitle) who fails to register with the Secretary or his delegate as required by this title or by regulations issued thereunder shall be liable to a penalty of $50.

(b) *Cross references.* For provisions relating to persons required by this title to register, see sections * * * 4455, * * * 4804(d), and 7011.

[Sec. 7272 as amended and in effect July 1, 1960]

### § 45.7273(a) Statutory provisions; penalties for offenses relating to special taxes; general rule.

SEC. 7273. *Penalties for offenses relating to special taxes*—(a) *General rule.* Any person who shall fail to place and keep stamps denoting the payment of the special tax as provided in section 6806 (a) or (b) (whichever is applicable) shall be liable to a penalty equal to the special tax for which his business rendered him liable (unless such failure is shown to be due to reasonable cause); but in no case shall said penalty be less than $10. Where the failure to comply with the provisions of section 6806 (a) or (b) shall be through willful neglect or refusal, then the penalty shall be double the amount above prescribed. Nothing in this subsection shall in any way affect the liability of any person for exercising or carrying on any trade, business, or profession, or doing any act for the exercising, carrying on, or doing of which a special tax is imposed by law, without the payment thereof.

[Sec. 7273(a) as originally enacted and in effect July 1, 1960]

### § 45.7274 Statutory provisions; penalty for offenses relating to white phosphorus matches.

SEC. 7274. *Penalty for offenses relating to white phosphorus matches.* Any manufacturer of white phosphorus matches who omits to mark, brand, affix, stamp, or print the factory number required under section 4804(b) on every package of white phosphorus matches manufactured, sold, or removed by him shall be liable to a penalty of $50 for each package in respect of which such offense is committed.

[Sec. 7274 as originally enacted and in effect July 1, 1960]

### § 45.7303 Statutory provisions; other property subject to forfeiture.

SEC. 7303. *Other property subject to forfeiture.* There may be seized and forfeited to the United States the following:

(1) *Counterfeit stamps.* Every stamp involved in the offense described in section 7208 (relating to counterfeit, reused, cancelled, etc., stamps), and the vellum, parchment, document paper, package, or article upon which such stamp was placed or impressed in connection with such offense.

[(2) Repealed.]

(3) *Offenses by manufacturer or importer of or wholesale dealer in oleomargarine or adulterated butter.* All oleomargarine or adulterated butter owned by any manufacturer or importer of or wholesale dealer in oleomargarine or adulterated butter, or in which he has any interest as owner, if he shall knowingly or willfully omit, neglect, or refuse to do, or cause to be done, any of the things required by law in the carrying on or conducting of his business, or if he shall do anything prohibited by subchapter F of chapter 38, or subchapter C of chapter 39.

(4) *Purchase or receipt of filled cheese or adulterated butter.* All articles of filled cheese or adulterated butter (or the full value thereof) knowingly purchased or received by any person from any manufacturer or importer who has not paid the special tax provided in section 4821 or 4841.

(5) *Packages of oleomargarine or filled cheese.* All packages of oleomargarine or filled cheese subject to the tax under subchapter F of chapter 38, or part II of subchapter C of chapter 39, whichever is applicable, that shall be found without the stamps or marks provided for in the applicable subchapter or part thereof.

(6) *White phosphorus matches.* (A) All packages of white phosphorus matches subject to tax under subchapter B of chapter 39 and found without the stamps required by subchapter B of chapter 39.

(B) All the white phosphorus matches owned by any manufacturer of white phosphorus matches, or any importer or exporter of matches, or in which he has any interest as owner if he shall omit, neglect, or refuse to do or cause to be done any of the things required by law in carrying on or conducting his business, or shall do anything prohibited by subchapter B of chapter 39, if there be no specific penalty or punishment imposed by any other provision of subchapter B of chapter 39 for the neglecting, omitting, or refusing to do, or for the doing or causing to be done, the thing required or prohibited.

(7) *False stamping of packages.* Any container involved in the offense described in section 7271 (relating to disposal of stamped packages), and of the contents of such container.

(8) *Fraudulent bonds, permits, and entries.* All property to which any false or fraudulent instrument involved in the offense described in section 7207 relates.

[Sec. 7303 as amended and in effect July 1, 1960]

### § 45.7326(a) Statutory provisions; disposals of forfeited or abandoned property in special cases.

SEC. 7326. *Disposal of forfeited or abandoned property in special cases.*—(a) *Coin-operated gaming devices.* Any coin-operated gaming device as defined in section 4462(a) (3) upon which a tax is imposed by section 4461 and which has been forfeited under any provision of this title shall be destroyed, or otherwise disposed of, in such manner as may be prescribed by the Secretary or his delegate.

[Sec. 7326(a) as amended and in effect July 1, 1960]

### § 45.7328 Statutory provisions; confiscation of matches exported.

SEC. 7328. *Confiscation of matches exported.* Any white phosphorus matches exported or attempted to be exported shall be confiscated to the United States and destroyed in such manner as may be prescribed by the Secretary or his delegate.

[Sec. 7328 as originally enacted and in effect July 1, 1960]

### § 45.7492 Statutory provisions; enforceability of cotton futures contracts.

SEC. 7492. *Enforceability of cotton futures contracts.* No contract of sale of cotton for future delivery mentioned in section 4851(a), which does not conform to the requirements of section 4853 and has not the necessary stamps affixed thereto as required by section 4871, shall be enforceable in any court of the United States by, or on behalf of, any party to such contract or his privies.

[Sec. 7492 as originally enacted and in effect July 1, 1960]

### § 45.7493 Statutory provisions; immunity of witnesses in cases relating to cotton futures.

SEC. 7493. *Immunity of witnesses in cases relating to cotton futures.* No person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of subchapter D of chapter 39 (relating to cotton futures) shall withhold his testimony because of complicity by him in any violation of subchapter D of chapter 39, or of any regulation made pursuant to such chapter, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates.

[Sec. 7493 as originally enacted and in effect July 1, 1960]

### § 45.7510 Statutory provisions; exemption from tax of domestic goods purchased for the United States.

SEC. 7510. *Exemption from tax of domestic goods purchased for the United States.* The privilege existing by provision of law on December 1, 1873, or thereafter of purchasing supplies of goods imported from foreign countries for the use of the United States, duty free, shall be extended, under such regulations as the Secretary or his delegate may prescribe, to all articles of domestic production which are subject to tax by the provisions of this title.

[Sec. 7510 as originally enacted and in effect July 1, 1960]





### § 45.7510–1 Withdrawal of filled cheese and playing cards from factories, free of tax, for use of the United States.

Section 7510 provides for the withdrawal of filled cheese and playing cards from factories, free of tax, for the use of the United States. Withdrawals for the purpose of sale by Federal agencies are not for the use of the United States within the meaning of the statute. Institutions owned or controlled by the governments of the several States or the District of Columbia are not entitled to make withdrawals under section 7510.

### § 45.7510–2 Evidence required to establish exemption.

(a) *Exemption certificates.* To establish the right to remove filled cheese or playing cards tax free under section 7510, the manufacturer must obtain from an authorized officer of an agency of the United States, and retain in his possession a properly executed exemption certificate in the form prescribed in paragraph (c) of this section.

(b) *Frequency of certificates.* Where only occasional tax free removals from the place of manufacture for use of the United States are made, a separate exemption certificate should be furnished for each order. However, where removals are regular or frequently made, a certificate covering all orders for a specific period not to exceed 4 calendar quarters will be acceptable. Such certificates and proper records of invoices, orders, etc., relative to tax-free removals must be retained by the manufacturer and shall at all times be readily accessible for inspection by internal revenue officers and retained as provided in paragraph (d) of § 45.6001–1. If the records with respect to any removal claimed to be tax free do not include a proper certificate, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the removal, the tax is payable on such removal.

(c) *Form of certificate.* The following form of exemption certificate will be acceptable for purposes of this section and must be adhered to in substance:

EXEMPTION CERTIFICATE

(To support tax-free removals of filled cheese or playing cards for the use of the United States under provisions of section 7510 of the Internal Revenue Code of 1954.)

----------, 19--
(Date)

The undersigned hereby certifies that he is ---------- of
(Title of officer)

----------; that he is
(Agency of the United States.)

authorized to execute this certificate; and that the article or articles specified in the accompanying order or on the reverse side hereof are purchased from ----------
(Name of vendor)

for the exclusive use of---------- of
(Government unit)

the United States.

It is understood that the exemption from tax in the case of removals of articles under this exemption certificate for the United States is limited to the removal of articles for its *exclusive use*. The undersigned understands that if articles purchased tax free under this exemption certificate are used otherwise or are sold to employees or others, such fact will be promptly reported to the manufacturer, producer, or importer of the article or articles covered by this certificate. It is also understood that the fradulent use of this certificate for the purpose of securing this exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than 5 years, or both, together with costs of prosecution.

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(Signature)

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(Address)

### § 45.7510–3 Branding.

(a) Each individual pack of playing cards shall be labeled or branded, "For use of U.S. Government". The letters of such printing shall be conspicuous, in boldfaced type of not less than one-quarter of an inch in height.

(b) Each statutory package of filled cheese, as required by § 45.4833–1, shall, in addition to the markings otherwise required, have legibly and durably marked, stamped, or branded thereon the statement, "For use of U.S. Government", the letters therein to correspond in size and style with the markings required by paragraph (b) of § 45.4833–1.

### § 45.7641 Statutory provisions; supervision of operations of certain manufacturers.

SEC. 7641. *Supervision of operations of certain manufacturers.* Every manufacturer of filled cheese, oleomargarine, * * * process or renovated butter or adulterated butter, or white phosphorus matches shall conduct his business under such surveillance of officers or employees of the Treasury Department as the Secretary or his delegate may by regulations require.

[Sec. 7641 as originally enacted and in effect July 1, 1960]

### § 45.7641–1 Inapplicability.

Section 7641 has no application in respect of any transaction involving oleomargarine which occurs on or after the effective date of the regulations in this part.

### § 45.7701 Statutory provisions; definitions.

SEC. 7701. *Definitions.* (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

(4) *Domestic.* The term "domestic" when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or any State or Territory.

(5) *Foreign.* The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

(6) *Fiduciary.* The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

* * * * *

(9) *United States.* The term "United States" when used in a geographical sense includes only the States and the District of Columbia.

(10) *State.* The term "State" shall be construed to include the District of Columbia, where such construction is necessary to carry out provisions of this title.

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Delegate.* The term "Secretary or his delegate" means the Secretary of the Treasury, or any officer, employee, or agency of the Treasury Department duly authorized by the Secretary (directly, or indirectly by one or more redelegations of authority) to perform the function mentioned or described in the context, and the term "or his delegate" when used in connection with any other official of the United States shall be similarly construed.

(13) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(14) *Taxpayer.* The term "taxpayer" means any person subject to any internal revenue tax.

* * * * *

(28) *Other terms.* Any term used in this subtitle with respect to the application of, or in connection with, the provisions of any other subtitle of this title shall have the same meaning as in such provisions.

(29) *Internal Revenue Code.* The term "Internal Revenue Code of 1954" means this title, and the term "Internal Revenue Code of 1939" means the Internal Revenue Code enacted February 10, 1939, as amended.

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(c) *Commonwealth of Puerto Rico.* Where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, references in this title to possessions of the United States shall be treated as also referring to the Commonwealth of Puerto Rico.

(d) Cross references—(1) Other definitions. For other definitions, see the following sections of Title 1, of the United States Code:

(1) Singular as including plural, section 1.

(2) Plural as including singular, section 1.

(3) Masculine as including feminine, section 1.

(4) Officer, section 1.

(5) Oath as including affirmation, section 1.

(6) County as including parish, section 2.

(7) Vessel as including all means of water transportation, section 3.

(8) Vehicle as including all means of land transportation, section 4.

(9) Company or association as including successors and assigns, section 5.

(2) *Effect of cross references.* For effect of cross references in this title, see section 7806(a).

[Sec. 7701 as amended and in effect July 1, 1960, and as further amended by secs. 18(1) and 18(j), Hawaii, Omnibus Act (74 Stat. 416).]

**§ 45.7805 Statutory provisions; rules and regulations.**

SEC. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulations, relating to the internal revenue laws, shall be applied without retroactive effect.

(c) *Preparation and distribution of regulations, forms, stamps, and other matters.* The Secretary or his delegate shall prepare and distribute all the instructions, regulations, directions, forms, blanks, stamps, and other matters pertaining to the assessment and collection of internal revenue.

[Sec. 7805 as originally enacted and in effect July 1, 1960]

**§ 45.7805–1 Promulgation of regulations.**

In pursuance of section 7805 of the Internal Revenue Code of 1954, the foregoing regulations are hereby prescribed. (See § 45.0–3 relating to the scope of the regulations.)

[F.R. Doc. 61–444; Filed, Jan. 18, 1961; 8:50 a.m.]

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[T.D. 6529]

[Regulations 105]

## PART 81—REGULATIONS RELATING TO ESTATE TAX

### Miscellaneous Amendments

On November 24, 1960, notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 11157) to conform 26 CFR (1939), Part 81 (Regulations 105), relating to the Estate Tax to sections 1 and 4 of the Act of February 20, 1956 (Public Law 414 (84th Congress) 70 Stat. 23), the Act of February 20, 1956 (Public Law 417 (84th Congress) 70 Stat. 26), the Act of August 1, 1956 (Public Law 901 (84th Congress) 70 Stat. 917), the Act of February 11, 1958 (Public Law 85–318, 72 Stat. 3), and sections 65, 66, 89 and 93 of the Technical Amendments Act of 1958 (72 Stat. 1606). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the regulations as so proposed are hereby adopted.

(Sec. 3791 of the Internal Revenue Code of 1939 (53 Stat. 467; 26 U.S.C. 3791))

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: January 13, 1961.

FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury.*

In order to conform 26 CFR (1939), Part 81 (Regulations 105), relating to the Estate Tax to sections 1 and 4 of the Act of February 20, 1956 (Public Law 414 (84th Congress) 70 Stat. 23), the Act of February 20, 1956 (Public Law 417 (84th Congress) 70 Stat. 26), the Act of August 1, 1956 (Public Law 901 (84th Congress) 70 Stat. 917), the Act of February 11, 1958 (Public Law 85–318, 72 Stat. 3), and sections 65, 66, 89 and 93 of the Technical Amendments Act of 1958 (72 Stat. 1606) such regulations are amended as follows:

**§ 81.2 [Amendment]**

PARAGRAPH 1. Section 81.2, as amended by Treasury Decision 6073, approved June 11, 1954, is further amended by adding after the sixth undesignated paragraph of paragraph (a) (26 CFR (1939) 81.2(a)(6)) the following new paragraph:

A credit for Federal estate taxes paid on certain transfers of property to the decedent is allowable against both the basic and additional estate taxes under section 814. See §§ 81.9a to 81.9f, inclusive.

PAR. 2. There is inserted immediately preceding § 81.8 the following:

PUBLIC LAW 414 (EIGHTY-FOURTH CONGRESS, SECOND SESSION), APPROVED FEBRUARY 20, 1956

* * * * *

SEC. 3. Section 2011 of the Internal Revenue Code of 1954 is amended by adding after subsection (d) a new subsection as follows:

"(e) *Limitation in cases involving deduction under section 2053(d).* In any case where a deduction is allowed under section 2053(d) for an estate, succession, legacy, or inheritance tax imposed upon a transfer for public, charitable, or religious uses described in section 2055 or 2106(a)(2), the allowance of the credit under this section shall be subject to the following conditions and limitations:

"(1) The taxes described in subsection (a) shall not include any estate, succession, legacy, or inheritance tax for which a deduction is allowed under section 2053(d).

"(2) The credit shall not exceed the lesser of—

"(A) the amount stated in subsection (b) on a taxable estate determined by allowing the deduction authorized by section 2053(d), or

"(B) that proportion of the amount stated in subsection (b) on a taxable estate determined without regard to the deduction authorized by section 2053(d) as (i) the amount of the taxes described in subsection (a), as limited by the provisions of paragraph (1) of this subsection, bears to (ii) the amount of the taxes described in subsection (a) before applying the limitation contained in paragraph (1) of this subsection.

"(3) If the amount determined under subparagraph (B) of paragraph (2) is less than the amount determined under subparagraph (A) of that paragraph, then for purposes of subsection (d) such lesser amount shall be the maximum credit provided by subsection (b)."

SEC. 4. The amendments to the Internal Revenue Code of 1954 made by sections 2 and 3 of this Act, and provisions having the same effect as this amendment, which shall be considered to be included in chapter 3 of the Internal Revenue Code of 1939, shall apply to the estates of all decedents dying after December 31, 1953.

PUBLIC LAW 417 (EIGHTY-FOURTH CONGRESS, SECOND SESSION), APPROVED FEBRUARY 20, 1956

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subpart I of part II of subchapter A of chapter 3 of the Internal Revenue Code of 1939 (relating to computation of estate tax) is hereby amended by adding at the end thereof the following new section:

"SEC. 814. CREDIT FOR TAX ON CERTAIN PRIOR TRANSFERS.

"(a) *General rule.* If the executor so elects, the tax imposed by sections 810 and 935 in the case of a decedent (but only if the decedent was a citizen or resident of the United States at the time of his death) dying after December 31, 1951, shall be credited with all or a part of the amount of the Federal estate tax paid with respect to the transfer of property (including property passing as a result of the exercise or non-exercise of a power of appointment) to the decedent by or from a person (herein designated as a 'transferor') who was the spouse of the decedent at the time of such person's death and who died within two years before the decedent's death. The credit shall be the amount determined under subsections (b) and (c).

"(b) *Computation of credit.* Subject to the limitation prescribed in subsection (c), the credit provided by this section shall be an amount which bears the same ratio to the estate tax paid (adjusted as indicated hereinafter) with respect to the estate of the transferor as the value of the property transferred bears to the net estate of the transferor (determined for purposes of the tax imposed by section 935) decreased by any death taxes paid with respect to such estate and increased by the exemption provided for by section 935(c) in determining the net estate of the transferor for purposes of the estate tax. For purposes of the preceding sentence, the estate tax paid shall be the Federal estate tax paid increased by any credits allowed against such estate tax under sections 813(a) and 936(b) on account of gift tax, and for any credits allowed against such estate tax under this section on account of prior transfers where the transferor acquired property from a person who died within two years before the death of the decedent.

"(c) *Limitation on credit.*

"(1) *In general.* The credit provided in this section shall not exceed the amount by which—

"(A) the estate tax imposed by sections 810 and 935 (after deducting the credits for State death taxes, gift tax, and foreign death taxes provided for in sections 810, 813, and 936) computed without regard to this section, exceeds

"(B) such tax computed by excluding from the decedent's gross estate the value of such property transferred and, if applicable, by making the adjustment hereinafter indicated.

If any deduction is otherwise allowable under section 812(d) (relating to charitable deduction) then, for the purpose of the computation indicated in subparagraph (B), the amount of such deduction shall be reduced by that part of such deduction which the value of such property transferred bears to the decedent's entire gross estate reduced by the deductions allowed under section 812(b) (relating to deduction for expenses, losses, etc.). For purposes of this section, the value of such property transferred shall be the value as provided for in subsection (d) of this section.

"(2) *Two or more transferors.* If the credit provided in this section relates to property received from two or more transferors, the limitation provided in paragraph (1) of this subsection shall be computed by aggregating the value of the property so transferred to the decedent. The aggregate limitation so determined shall be apportioned in accordance with the value of the property transferred to the decedent by each transferor.

"(d) *Valuation of property transferred.* The value of property transferred to the decedent shall be the value used for the purpose of determining the Federal estate tax liability of the estate of the transferor but—

"(1) There shall be taken into account the effect of the tax imposed by sections 810 and 935, or any estate, succession, legacy, or inheritance tax, on the net value to the decedent of such property;

"(2) Where such property is encumbered in any manner, or where the decedent incurs any obligation imposed by the transferor with respect to such property, such encumbrance or obligation shall be taken into account in the same manner as if the amount of a gift to the decedent of such property was being determined; and

"(3) if the decedent was the spouse of the transferor at the time of the transferor's death, the net value of the property transferred to the decedent shall be reduced by the amount allowed under section 812(e) (relating to marital deductions) as a deduction from the gross estate of the transferor.

"(e) *Property defined.* For purposes of this section, the term 'property' includes any beneficial interest in property, including a general power of appointment (as defined in section 811(f)).

"(f) *Denial of deduction for property previously taxed.* If the executor elects the credit provided by this section, the deduction provided by section 812(c) shall not be allowed."

SEC. 2. No interest shall be allowed or paid on any overpayment resulting from the amendment made by the first section of this Act.

SEC. 65. PERIOD OF LIMITATION FOR FILING CLAIM FOR CREDIT FOR STATE DEATH TAXES [TECHNICAL AMENDMENTS ACT OF 1958, APPROVED SEPTEMBER 2, 1958]

* * * * *

(b) *Period under 1939 Code.* Section 813 (b) of the Internal Revenue Code of 1939 (relating to period of limitations on credit for State death taxes) is amended by inserting after paragraph (2) the following new paragraph:

"(3) If a claim for refund or credit of an overpayment of tax imposed by this chapter has been filed within the time prescribed in section 910, then within such 4-year period or before the expiration of 60 days from the date of mailing by certified mail or registered mail by the Secretary or his delegate to the taxpayer of a notice of the disallowance of any part of such claim, or before the expiration of 60 days after a decision by any court of competent jurisdiction becomes final with respect to a timely suit instituted upon such claim, whichever is later."

(c) * * * The amendment made by subsection (b) shall apply with respect to estates of decedents dying after February 10, 1939, and on or before August 16, 1954.

**§ 81.8 [Amendment]**

PAR. 3. Section 81.8(a), as amended by Treasury Decision 6034, approved July 29, 1953, is further amended by revising the first sentence (26 CFR (1939) 81.8(a)(1)) to read as follows: "If the decedent died after October 21, 1942, the credits authorized against the basic estate tax imposed by section 810 or section 860 are to be deducted in the following order: First, the credit for estate, inheritance, legacy, or succession taxes under § 81.9(a), second, the credit for gift tax under paragraph (b) of this section, third, the credit for gift tax under paragraph (c) of this section, fourth, if the decedent died after October 20, 1951, the credit under § 81.9(b) for death taxes paid to a foreign country, and, fifth, if the decedent died after December 31, 1951, the credit under §§ 81.9a to 81.9f, for Federal estate tax paid on certain transfers of property to the decedent."

**§ 81.9 [Amendment]**

PAR. 4. Section 81.9, as amended by Treasury Decision 6034, is further amended as follows:

(A) By amending the heading thereof to read as follows: *"Credit for death taxes—(a) Taxes paid a State, Territory, the District of Columbia or a possession of the United States—(1) In general."*

(B) By inserting at the end of paragraph (a) the following:

*(2) Limitation on credit if a deduction is allowed under sections 2 and 4 of Public Law 414 (84th Cong.).* If a deduction is allowed under sections 2 and 4 of Public Law 414 (84th Cong.), approved February 20, 1956, for State death taxes paid with respect to a charitable gift (see § 81.37a), sections 3 and 4 of Public Law 414 subject the credit for State death taxes to special limitations. Under these limitations the credit cannot exceed the least of the following:

(i) The amount of State death taxes paid other than those for which a deduction is allowed under sections 2 and 4 of Public Law 414;

(ii) The amount indicated in section 813(b) to be the maximum credit allowable with respect to the decedent's net estate; or

(iii) An amount, A, which bears the same ratio to B (the amount which would be the maximum credit allowable under section 813(b) if the deduction under sections 2 and 4 of Public Law 414 were not allowed in computing the decedent's net estate) as C (the amount of State death taxes paid other than those for which a deduction is allowed under sections 2 and 4 of Public Law 414) bears to D (the total amount of State death taxes paid). For the purpose of this computation, in determining what the decedent's net estate would be if the deduction under sections 2 and 4 of Public Law 414 were not allowed, adjustment must be made for the decrease in the deduction for charitable gifts under section 812(d) or 861(a)(3) (for estates of nonresidents not citizens) by reason of any increase in Federal estate tax which would be charged against the charitable gifts.

The application of this section may be illustrated by the following example:

*Example.* The decedent died January 1, 1954, leaving a gross estate of $925,000. Expenses, indebtedness, etc., amounted to $25,000. The decedent bequeathed $400,000 to his son with the direction that the son bear the State death taxes on the bequest. The residuary estate was left to a charitable organization. Except as noted above, all Federal and State death taxes were payable out of the residuary estate. The State imposed death taxes of $60,000 on the son's bequest and death taxes of $75,000 on the bequest to charity. For purposes of determining the basic tax, the decedent's net estate (determined without regard to the limitation imposed by subdivision (iii) of this subparagraph) is computed as follows:

| | | | | |
|---|---|---|---|---|
| Gross estate | | | | $925,000.00 |
| Expenses, indebtedness, etc | | | $25,000.00 | |
| Exemption | | | 100,000.00 | |
| Deduction under sections 2 and 4 of P.L. 414 | | | 75,000.00 | |
| Charitable deduction: | | | | |
| Gross estate | | $925,000.00 | | |
| Expenses, etc | $25,000.00 | | | |
| Bequest to son | 400,000.00 | | | |
| State death tax paid from residue | 75,000.00 | | | |
| Federal estate tax paid from residue | 122,916.67 | 622,916.67 | 302,083.33 | 502,083.33 |
| Net estate for the purpose of determining the basic tax | | | | 422,916.67 |

If the deduction under sections 2 and 4 of Public Law 414 were not allowed, the decedent's net estate would be computed as follows:

| | | | | |
|---|---|---|---|---|
| Gross estate | | | | $925,000.00 |
| Expenses, indebtedness, etc | | | $25,000.00 | |
| Exemption | | | 100,000.00 | |
| Charitable deduction: | | | | |
| Gross estate | | $925,000.00 | | |
| Expenses, etc | $25,000.00 | | | |
| Bequest to son | 400,000.00 | | | |
| State death tax paid from residue | 75,000.00 | | | |
| Federal estate tax paid from residue | 155,000.00 | 655,000.00 | 270,000.00 | 395,000.00 |
| Net estate for the purpose of determining the basic tax | | | | 530,000.00 |

On a net estate of $530,000, the maximum credit allowable under section 813(b) would be $15,200. Under these facts, the credit for State death taxes is determined as follows:

| | |
|---|---|
| (1) Amount of State death taxes paid other than those for which a deduction is allowed under sections 2 and 4 of Public Law 414 ($135,000—$75,000) | $60,000.00 |
| (2) Amount indicated in section 813(b) to be the maximum credit allowable with respect to the decedent's net estate of $422,916.67 | 10,916.67 |
| (3) Amount determined by use of the ratio described in subdivision (iii) of this subparagraph $\left(\frac{\$60,000}{\$135,000}\times\$15,200\right)$ | 6,755.56 |
| (4) Credit for State death taxes (least of items (1) through (3) above) | 6,755.56 |

(C) By amending paragraph (c) to read as follows:

(c) *Claim for credit or refund and interest on refund.* (1) *In general.* The credit is limited to such taxes as were actually paid and credit therefor claimed within four years after the filing of the return, except as otherwise provided in this paragraph. If a petition is filed with the Tax Court for the redetermination of a deficiency within the time prescribed by section 871(a) (see § 81.73), the credit is limited to such taxes as were actually paid and credit therefor claimed within four years after the filing of the return or before the expiration of 60 days after the decision of the Tax Court becomes final, whichever period is the last to expire. If an extension of time has been granted for payment of the tax shown on the return or of a deficiency under section 322(a)(2) or section 871(h), the credit is limited to such taxes as were actually paid and credit therefor claimed within four years after the filing of the return or before the date of the expiration of the extension, whichever period is the last to expire. Should the executor, in accordance with the provisions of sections 925 and 926, elect to postpone the payment of the Federal estate tax attributable to a reversionary or remainder interest, the credit allowable against the tax attributable to such interest is limited to estate, inheritance, legacy, or succession taxes attributable to such interest as are actually paid and credit therefor claimed within four years after the filing of the return or prior to the expiration of 60 days after the termination of the precedent interest, whichever period is the last to expire. However, if in accordance with sections 925 and 926 there is a postponement, or postponement and extension, of the time for payment of such tax and if the precedent interest did not terminate before July 5, 1958, credit may be allowed for such taxes as were actually paid and credit therefor claimed within four years after the filing of the return or before the expiration of the time for payment as postponed pursuant to section 925 and as extended (on account of undue hardship) under such section, whichever period is the last to expire. See section 927 of the Internal Revenue Code and § 81.79(b).

(2) *Rule applicable to credit for State death taxes only.* If a claim for refund or credit of an overpayment of the Federal estate tax is timely filed, the credit for death taxes paid to a State, Territory, the District of Columbia, or a possession of the United States is limited to such taxes as were actually paid and credit therefor claimed (i) within four years after the filing of the return, or (ii) before the expiration of 60 days from the date of mailing by certified or registered mail of a notice of disallowance of any part of the claim, or (iii) before the expiration of 60 days after a decision by any court of competent jurisdiction becomes final with respect to a timely suit instituted upon the claim, whichever period is the last to expire.

(3) *Refund and interest.* Refund based on the credit, despite the provisions of sections 910, 911, and 912, will be made if claim therefor is filed within the period provided for filing claim for credit. Such refunds will be made without interest.

PAR. 5. There is inserted after § 81.9 the following new sections:

**§ 81.9a Credit for tax on prior transfers.**

(a) *In general.* The executor of a present decedent's estate may elect to have a credit allowed under section 814 against the Federal estate tax imposed on the present decedent's estate for Federal estate tax paid on the transfer of property to the present decedent from a transferor who died within two years before the present decedent's death, provided all of the following conditions are satisfied:

(1) The present decedent was a citizen or resident of the United States at the time of his death;

(2) The present decedent died after December 31, 1951; and

(3) The present decedent was the spouse of the transferor at the time of the transferor's death.

For purposes of §§ 81.9a through 81.9f, the term "Federal estate tax" means the tax imposed by sections 810, 860, and 935. The word "within" as used in this paragraph means "during". Therefore, if a death occurs on the second anniversary of another death, the first death is considered to have occurred within the two years before the second death. See § 81.9e for definition of the terms "property" and "transfer". There is no requirement that the transferred property be identified in the estate of the present decedent or that the property be in existence at the time of the decedent's death. It is sufficient that the transfer of the property was subjected to Federal estate tax in the estate of the transferor and that the other conditions set forth in this paragraph are satisfied. The executor must submit such proof as may be requested by the district director in order to establish the right of the estate to the credit. No interest is allowed or paid on any refund resulting from the application of section 814. If an executor elects a credit under this paragraph, the deduction provided by section 812(c) (§ 81.41) shall not be allowed for purposes of determining the present decedent's net estate.

(b) *Limitations on credit.* The credit for tax on prior transfers is limited to the smaller of the following amounts:

(1) The amount of the Federal estate tax attributable to the transferred property in the transferor's estate, computed as set forth in § 81.9b; or

(2) The amount of the Federal estate tax attributable to the transferred property in the present decedent's estate, computed as set forth in § 81.9c.

Rules for valuing property for purposes of the credit are contained in § 81.9d.

(c) *Example.* For an illustration of the application of this section, see the example in § 81.9f.

**§ 81.9b First limitation.**

(a) *Tax attributable to transferred property in transferor's estate.* The amount of the Federal estate tax attributable to the transferred property in the transferor's estate is the "first limitation." Thus, the credit is limited to an amount, A, which bears the same ratio to B (the "transferor's adjusted Federal estate tax", computed as described in paragraph (b) of this section) as C (the value of the property transferred (see § 81.9d)) bears to D (the "transferor's adjusted net estate", computed as described in paragraph (c) of this section). Stated algebraically, the "first limitation" (A) equals

$$\frac{\text{Value of transferred property (C)}}{\text{"Transferor's adjusted net estate" (D)}}\times\text{"Transferor's adjusted Federal estate tax" (B)}$$

(b) *Transferor's adjusted Federal estate tax.* For purposes of the ratio stated in paragraph (a) of this section, the "transferor's adjusted Federal estate tax" referred to as factor "B" is the amount of the Federal estate tax paid with respect to the transferor's estate plus:

(1) Any credit allowed the transferor's estate for gift tax under sections 813(a) and 936(b); and

(2) Any credit allowed the transferor's estate, under section 814, for tax on prior transfers, but only if the transferor acquired property from a person who died within two years before the death of the present decedent.

(c) *Transferor's adjusted net estate.* For purposes of the ratio stated in paragraph (a) of this section, the "transferor's adjusted net estate" referred to as factor "D" is the amount of the transferor's net estate for purposes of the tax imposed by section 935, decreased by the amount of any "death taxes" paid with respect to his gross estate and increased by the amount of the exemption allowed under section 935(c) in computing his net estate. The amount of the transferor's net estate is determined in accordance with the provisions of § 81.6. The term "death taxes" means the Federal estate tax (both the basic tax and the additional tax) plus all other estate, inheritance, legacy, succession, or similar death taxes imposed by and paid to any taxing authority, whether within or without the United States. However, only the net amount of such taxes paid is taken into consideration.

(d) *More than one transferor.* If the credit for tax on prior transfers relates to property received from more than one transferor (as might be the case if following the death of his first wife the decedent remarried and the second wife also predeceased the decedent, with all three deaths taking place within a two year period), the provisions of this section are to be applied separately with respect to the property received from each transferor.

(e) *Example.* For an illustration of the application of this section, see the example in § 81.9f.

**§ 81.9c Second limitation.**

(a) *Tax attributable to transferred property in present decedent's estate.* The amount of the Federal estate tax attributable to the transferred property in the present decedent's estate is the "second limitation". Thus, the credit is limited to the difference between—

(1) The total estate tax payable (see § 81.7) with respect to the present decedent's estate, determined without regard to any credit for tax on prior transfers under section 814 or any credit for foreign death taxes claimed under the provisions of a death tax convention, and

(2) The total estate tax determined as provided in subparagraph (1) of this paragraph, but computed by subtracting from the present decedent's gross estate the value of the property transferred (see § 81.9d), and by making only the adjustment indicated in paragraph (b) of this section if a charitable deduction is allowable to the estate of the present decedent.

(b) *Reduction of charitable deduction.* If a charitable deduction is allowable to the estate of the present decedent under the provisions of section 812(d), for purposes of determining the tax described in paragraph (a)(2) of this section, the charitable deduction otherwise allowable is reduced by an amount, E, which bears the same ratio to F (the charitable deduction otherwise allowable) as G (the value of the transferred property (see § 81.9d)) bears to H (the value of the present decedent's gross estate reduced by the amount of the deductions for expenses, indebtedness, taxes, losses, etc., allowed under the provisions of section 812(b)).

(c) *More than one transferor.* If the credit for tax on prior transfers relates to property received from more than one transferor, the property received from all such transferors is aggregated in determining the limitation on credit under this section (the "second limitation"). However, the limitation so determined is apportioned to the property received from each transferor in the ratio that the property received from each transferor bears to the total property received from all transferors.

(d) *Example.* For an illustration of the application of this section, see the example in § 81.9f.

**§ 81.9d Valuation of property transferred.**

(a) *In general.* For purposes of section 814 and §§ 81.9a through 81.9f, the value of the property transferred to the decedent is the value at which such property was included in the transferor's gross estate for the purpose of the Federal estate tax (see §§ 81.10 and 81.11) reduced as indicated in paragraph (b) of this section. If the decedent received a life estate or remainder or other limited interest in property included in the transferor's gross estate, the value of the interest is determined as of the date of the transferor's death on the basis of recognized valuation principles (see especially paragraphs (i) and (j) of § 81.10). The application of this paragraph may be illustrated by the following examples (in each of which H was the husband and W was the wife):

*Example (1).* H died on January 1, 1951, leaving Blackacre to W. The property was included in H's gross estate at a value of $100,000. On December 1, 1952, W sold Blackacre to C for $150,000. W died on January 1, 1953. For purposes of computing the credit against the tax imposed on W's estate, the value of the property transferred to W is $100,000.

*Example (2).* H died on July 1, 1952, leaving Blackacre to W for life and, upon W's death, remainder to C who was W's sister. At the time of H's death, W was 56 years of age. The property was included in H's gross estate at a value of $100,000. The part of that value attributable to the life estate is $44,688 (see paragraph (1) of section 81.10), and the part of that value attributable to the remainder is $55,312. W died on January 1, 1954, and C died on July 1, 1954. For purposes of computing the credit against the tax imposed on W's estate, the value of the property transferred to W is $44,688. It should be noted that no credit under section 814 is allowable to C's estate in this example since C was not married to H at the time of H's death.

(b) *Special adjustments.* In arriving at the value of the property transferred to the decedent, the value at which the property was included in the transferor's gross estate (see paragraph (a) of this section) is reduced as follows:

(1) By the amount of the Federal estate tax and any other estate, inheritance, legacy, or succession taxes which were payable out of the property transferred to the decedent or which were payable by the decedent in connection with the property transferred to him. For example, if under the transferor's will or local law all death taxes are to be paid out of other property with the result that the decedent receives a bequest free and clear of all death taxes, no reduction is to be made under this subparagraph;

(2) By the amount of any marital deduction allowed the transferor's estate under section 812(e); and

(3) (i) By the amount of any encumbrance on the property or by the amount of any obligation imposed by the transferor and incurred by the decedent with respect to the property, to the extent such charges would be taken into account if the amount of a gift to the decedent of such property were being determined.

(ii) For purposes of this subparagraph, an obligation imposed by the transferor and incurred by the decedent with respect to the property includes a bequest, etc., in lieu of the interest of the surviving spouse under community property laws, unless the interest was, immediately prior to the transferor's death, a mere expectancy. (As to the circumstances under which the interest of a surviving spouse is regarded as a mere expectancy, see the provisions of paragraph (b) of § 81.47d which are equally applicable here.) However, an obligation imposed by the transferor and incurred by the decedent with respect to the property does not include a bequest, devise, or other transfer in lieu of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the transferor's property or estate.

(iii) The application of this subparagraph may be illustrated by the following examples:

*Example (1).* The transferor devised to the decedent real estate subject to a mortgage. The value of the property transferred to the decedent does not include the amount of the mortgage. If, however, the transferor by his will directs the executor to pay off the mortgage, such payment constitutes an additional amount transferred to the decedent.

*Example* (2). The transferor bequeathed certain property to the decedent with a direction that the decedent pay $1,000 to X. The value of the property transferred to the decedent is the value of the property reduced by $1,000.

*Example* (3). The transferor bequeathed certain property to his wife, the decedent, in lieu of her interest in property held by them as community property under the law of the State of their residence. The wife elected to relinquish her community property interest and to take the bequest. The value of the property transferred to the decedent is the value of the property reduced by the value of the community property interest relinquished by the wife.

*Example* (4). The transferor bequeathed his entire residuary estate to the decedent, out of which certain claims were to be satisfied. The entire distributable income of the transferor's estate (during the period of its administration) was applied toward the satisfaction of these claims and the remaining portion of the claims was satisfied by the decedent out of her own funds. Thus, the decedent received a larger sum upon settlement of the transferor's estate than she was actually bequeathed. The value of the property transferred to the decedent is the value at which such property was included in the transferor's gross estate, reduced by the amount of the estate income and the decedent's own funds paid out in satisfaction of the claims.

### § 81.9e Property and transfer defined.

(a) *Property.* For purposes of section 814 and §§ 81.9a through 81.9f, the term "property" means any beneficial interest in property, including a general power of appointment (as defined in section 811 (f)) over property. Thus, the term does not include an interest in property consisting merely of a bare legal title, such as that of a trustee. Nor does the term include a power of appointment over property which is not a general power of appointment (as defined in section 811 (f)). Examples of property, as described in this paragraph, are annuities, life estates, estates for terms of years, vested or contingent remainders and other future interests.

(b) *Transfer.* In order to obtain the credit for tax on prior transfers, there must be a transfer of property described in paragraph (a) of this section by or from the transferor to the decedent. The term "transfer" of property by or from a transferor means any passing of property or an interest in property under circumstances which were such that the property or interest was included in the gross estate of the transferor. In this connection, if the decedent receives property as a result of the exercise or nonexercise of a power of appointment, the donee of the power (and not the creator) is deemed to be the transferor of the property if the property subject to the power is includible in the donee's gross estate under section 811(f) (relating to powers of appointment). Thus, notwithstanding the designation by local law of the capacity in which the decedent takes, property received from the transferor includes interests in property held by or devolving upon the decedent: (1) As spouse under dower or curtesy laws or laws creating an estate in lieu of dower or curtesy; (2) as surviving tenant of a tenancy by the entirety or joint tenancy with survivorship rights; (3) as beneficiary of the proceeds of life insurance; (4) as survivor under an annuity contract; (5) as donee (possessor) of a general power of appointment (as defined in section 811 (f)); (6) as appointee under the exercise of a general power of appointment (as defined in section 811(f)); or (7) as remainderman under the release or nonexercise of a power of appointment by reason of which the property is included in the gross estate of the donee of the power under section 811(f).

(c) *Example.* The application of this section may be illustrated by the following example:

*Example.* H died on July 1, 1951. He devised Blackacre to B, as trustee with directions to pay the income therefrom to W, H's wife, for life. Upon W's death, Blackacre is to be sold. W was given a general testamentary power to appoint one-third of the proceeds, and a testamentary power, which is not a general power, to appoint the remaining two-thirds of the proceeds to such of H's issue as she should choose. W died on June 1, 1953. W's life estate in Blackacre and her testamentary power over the one-third interest in the remainder constitute "property" received from H for purposes of the credit in W's estate. The nongeneral testamentary power over the remaining two-thirds interest in the proceeds of the sale does not constitute "property" for purposes of the credit in W's estate.

### § 81.9f Example.

The application of §§ 81.9a through 81.9e may be further illustrated by the following example:

*Example* (a) *Facts.* H died December 1, 1952, leaving a gross estate of $1,000,000. Expenses, indebtedness, etc., amounted to $90,000. H bequeathed $200,000 to W, his wife, $100,000 of which qualified for the marital deduction. W died November 1, 1953, leaving a gross estate of $500,000. Expenses, indebtedness, etc., amounted to $40,000. W bequeathed $150,000 to charity. H and W were both citizens of the United States. The estates of H and W both paid State death taxes equal to the maximum credit allowable for State death taxes. Death taxes were not a charge on the bequest to W or on the bequest to charity. The executor of W's estate elects to apply the credit provided by section 814 in determining the Federal estate tax on W's estate.

(b) *"First limitation" on credit for W's estate (§ 81.9b)—(1) H's basic estate tax.*

| | | |
|---|---|---|
| H's gross estate | | $1,000,000.00 |
| Expenses, indebtedness, etc. | | 90,000.00 |
| H's adjusted gross estate | | 910,000.00 |
| Marital deduction | $100,000.00 | |
| Exemption | 100,000.00 | 200,000.00 |
| H's net estate | | 710,000.00 |
| H's gross basic estate tax | | 29,100.00 |
| Credit for State death taxes | | 23,280.00 |
| H's net basic estate tax payable | | 5,820.00 |

(2) *H's additional estate tax.*

| | |
|---|---|
| Net estate (computed in same manner as net estate for basic estate tax except for difference in specific exemption) | 750,000.00 |
| H's net additional estate tax payable | 204,100.00 |

(3) *H's total estate tax payable.*

| | |
|---|---|
| Sum of net basic and net additional taxes | $209,920.00 |

(4) *Computation of limitation.*

"First limitation"=$209,920.00 (§ 81.9b(b)) × $200,000.00−$100,000.00 (§ 81.9d) / $750,000.00−$209,920.00 −$23,280.00+$60,000.00

| | |
|---|---|
| (§ 81.9b(c)) | 36,393.90 |

(c) *"Second limitation" on credit for W's estate (§ 81.9c)—(1) W's total estate tax payable as described in § 81.9c(a)(1) (previously taxed transfer included)—(1) W's basic estate tax.*

| | | |
|---|---|---|
| W's gross estate | | $500,000.00 |
| Expenses, indebtedness, etc. | $40,000.00 | |
| Charitable deduction | 150,000.00 | |
| Exemption | 100,000.00 | 290,000.00 |
| W's net estate | | 210,000.00 |
| W's gross basic estate tax | | 4,900.00 |
| Credit for State death taxes | | 3,920.00 |
| W's net basic estate tax payable | | 980.00 |

(ii) *W's additional estate tax.*

| | |
|---|---|
| Net estate (computed in same manner as net estate for basic estate tax except for difference in specific exemption) | 250,000.00 |
| W's net additional estate tax payable | 60,800.00 |

(iii) *W's total estate tax payable.*

| | |
|---|---|
| Sum of net basic and net additional taxes | 61,780.00 |

(2) *W's total estate tax payable as described in § 81c(a)(2) (previously taxed transfer excluded)—(1) W's basic estate tax.*

| | | |
|---|---|---|
| W's gross estate | | $400,000.00 |
| Expenses, indebtedness, etc. | $40,000.00 | |
| Charitable deduction (§ 81.9c(b)) =$150,000.00 −($150,000.00 × $200,000.00−$100,000.00 / $500,000.00−$40,000.00) | 117,391.30 | |
| Exemption | 100,000.00 | 257,391.30 |
| W's net estate | | 142,608.70 |
| W's gross basic estate tax | | 2,778.26 |
| Credit for State death taxes | | 2,222.61 |
| W's net basic estate tax payable | | 555.65 |

(ii) *W's additional estate tax.*

| | |
|---|---|
| Net estate (computed in same manner as net estate for basic estate tax except for difference in specific exemption) | 182,608.70 |
| W's net additional estate tax payable | 42,704.35 |

(iii) *W's total estate tax payable.*

| | |
|---|---|
| Sum of net basic and net additional taxes | 43,260.00 |



(3) *"Second limitation".*

| | | |
|---|---|---|
| Subparagraph (1) | | $61,780.00 |
| Less: Subparagraph (2) | | 43,260.00 |
| | | $18,520.00 |

(d) *Credit of W's estate for tax on prior transfers (§ 81.9a(c)).*

Credit for tax on prior transfers=$18,520.00 (lower of paragraphs (b) and (c)).

PAR. 6. There is inserted immediately after section 208 of the Technical Changes Act of 1953, and preceding section 302(c) of the Revenue Act of 1926 (as originally enacted), which precede § 81.15, the following:

PUBLIC LAW 414 (EIGHTY-FOURTH CONGRESS, SECOND SESSION), APPROVED FEBRUARY 20, 1956

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 208 (b) of the Technical Changes Act of 1953 is amended by striking out "1950" and inserting in lieu thereof "1947".

(b) The amendment made by subsection (a) shall be effective as if enacted as a part of section 208(b) of the Technical Changes Act of 1953.

* * * * *

PUBLIC LAW 901 (EIGHTY-FOURTH CONGRESS, SECOND SESSION), APPROVED AUGUST 1, 1956

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if, in the case of property transferred by a decedent dying after February 10, 1939, refund or credit of any overpayment resulting from the application of subsections (a) and (b) of section 7 of the Act entitled "An Act to amend certain provisions of the Internal Revenue Code", approved October 25, 1949 (63 Stat. 891; Public Law 378, Eighty-first Congress), was prevented on October 25, 1949, by the operation of any law or rule of law (other than section 3760 of the Internal Revenue Code of 1939, relating to closing agreements, and other than section 3761 of such Code of 1939, relating to compromises), refund or credit of such overpayment (reduced as provided in section 2) may, nevertheless, be made or allowed if claim therefor is filed within one year from the date of the enactment of this Act.

SEC. 2. The amount of the reduction referred to in the first section of this Act is the amount of gift tax refunded (together with interest paid thereon) by the United States by reason of the inclusion in the gross estate of the value of the property causing the overpayment resulting from the application of subsections (a) and (b) of section 7 of the Act approved October 25, 1949.

SEC. 3. No interest shall be allowed or paid on any overpayment resulting from the application of this Act.

### § 81.17 [Amendment]

PAR. 7. Section 81.17, as amended by Treasury Decision 6078, approved July 7, 1954, is further amended by adding the following new paragraph at the end of subparagraph (2) of paragraph (c) thereof:

Public Law 901 (84th Cong.), approved August 1, 1956, provides that in the case of property transferred by a decedent dying after February 10, 1939, if refund or credit of any overpayment resulting from the application of subsections (a) and (b) of section 7 of Public Law 378 was prevented on October 25, 1949, by operation of any law or rule of law (other than section 3760, relating to closing agreements, and section 3761, relating to compromises), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed on or before August 1, 1957. However, the amount of the overpayment is reduced by the amount of any gift tax refunded (together with interest paid thereon) by the United States by reason of the inclusion in the gross estate of the value of the property resulting from the application of subsections (a) and (b) of section 7 of Public Law 378. No interest is allowed or paid on any overpayment resulting from the application of Public Law 901.

### § 81.20 [Amendment]

PAR. 8. Section 81.20, as amended by Treasury Decision 6073, is further amended by striking "1950" from the last undesignated paragraph (26 CFR (1939) 81.20(b)(4)) of paragraph (b), and by substituting in lieu thereof "1947".

PAR. 9. There is inserted immediately preceding § 81.29 the following:

PUBLIC LAW 414 (EIGHTY-FOURTH CONGRESS, SECOND SESSION), APPROVED FEBRUARY 20, 1956

* * * * *

SEC. 2. Section 2053 of the Internal Revenue Code of 1954 (relating to deductions from the gross estate for expenses, indebtedness, and taxes) is hereby amended by redesignating subsection (d) to be subsection (e) and by adding after subsection (c) a new subsection as follows:

"(d) *Certain State death taxes*—(1) *General rule.* Notwithstanding the provisions of subsection (c)(1)(B) of this section, for purposes of the tax imposed by section 2001 the value of the taxable estate may be determined, if the executor so elects before the expiration of the period of limitation for assessment provided in section 6501, by deducting from the value of the gross estate the amount (as determined in accordance with regulations prescribed by the Secretary or his delegate) of any estate, succession, legacy or inheritance tax imposed by a State or Territory or the District of Columbia, or any possession of the United States, upon a transfer by the decedent for public, charitable, or religious uses described in section 2055 or 2106(a)(2). The election shall be exercised in accordance with regulations prescribed by the Secretary or his delegate.

"(2) *Condition for allowance of deduction.* No deduction shall be allowed under paragraph (1) for a State death tax specified therein unless the decrease in the tax imposed by section 2001 which results from the deduction provided for in paragraph (1) will inure solely for the benefit of the public, charitable, or religious transferees described in section 2055 or section 2106(a)(2). In any case where the tax imposed by section 2001 is equitably apportioned among all the transferees of property included in the gross estate, including those described in sections 2055 and 2106(a)(2) (taking into account any exemptions, credits, or deductions allowed by this chapter), in determining such decrease, there shall be disregarded any decrease in the Federal estate tax which any transferees other than those described in sections 2055 and 2106(a)(2) are required to pay.

"(3) *Effect of deduction on credit for State death taxes.* See section 2011(e) for the effect of a deduction taken under this subsection on the credit for State death taxes."

* * * * *

SEC. 4. The amendments to the Internal Revenue Code of 1954 made by sections 2 and 3 of this Act, and provisions having the same effect as this amendment, which shall be considered to be included in chapter 3 of the Internal Revenue Code of 1939, shall apply to the estates of all decedents dying after December 31, 1953.

### § 81.37 [Amendment]

PAR. 10. The last sentence of § 81.37 is amended to read as follows: "Except as otherwise provided in § 81.37a with respect to certain death taxes paid on charitable, etc., transfers, no estate, succession, legacy, or inheritance tax is deductible."

PAR. 11. There is inserted after § 81.37 the following new section:

### § 81.37a Deduction for certain State death taxes.

(a) *General rule.* If the decedent died after December 31, 1953, a deduction is allowed his estate under sections 2 and 4 of Public Law 414 (84th Cong.), approved February 20, 1956, for the amount of any estate, succession, legacy, or inheritance tax imposed by a State, Territory, the District of Columbia, or any possession of the United States upon a transfer by the decedent for charitable, etc., uses described in section 812(d) or 861(a)(3) (relating to the estates of nonresidents not citizens), but only if (1) the conditions stated in paragraph (b) of this section are met, and (2) an election is made in accordance with the provisions of paragraph (c) of this section. See sections 3 and 4 of Public Law 414 and § 81.9(a)(2) for the effect which the allowance of this deduction has upon the credit for State death taxes.

(b) *Condition for allowance of deduction.* (1) The deduction is not allowed unless either—

(i) The entire decrease in the Federal estate tax resulting from the allowance of the deduction inures solely to the benefit of a charitable, etc., transferee described in section 812(d) or 861(a)(3), or

(ii) The Federal estate tax is equitably apportioned among all the transferees (including the decedent's surviving spouse and the charitable, etc., transferees) of property included in the decedent's gross estate.

For allowance of the deduction, it is sufficient if either of these conditions is satisfied. Thus, in a case where the entire decrease in Federal estate tax inures to the benefit of a charitable transferee, the deduction is allowable even though the Federal estate tax is not equitably apportioned among all the transferees of property included in the decedent's

gross estate. Similarly, if the Federal estate tax is equitably apportioned among all the transferees of property included in the decedent's gross estate, the deduction is allowable even though a noncharitable transferee receives some benefit from the allowance of the deduction.

(2) For purposes of this paragraph, the Federal estate tax is considered to be equitably apportioned among all the transferees (including the decedent's surviving spouse and the charitable, etc., transferees) of property included in the decedent's gross estate only if each transferee's share of the tax is based upon the net amount of his bequest subjected to the tax (taking into account any exemptions, credits, or deductions allowed by chapter 3). See examples (2) through (5) of paragraph (d) of this section.

(c) *Exercise of election.* The election to take a deduction for a State death tax imposed upon a transfer for charitable, etc., uses shall be exercised by the executor by the filing of a written notification to that effect with the district director of internal revenue in whose district the estate tax return for the decedent's estate was filed. The notification shall be filed before the expiration of the period of limitation for assessment provided in section 874 (usually 3 years from the last day for filing the return). The election may be revoked by the executor by the filing of a written notification to that effect with the district director at any time before the expiration of such period.

(d) *Amount of State death tax imposed upon a transfer.* If a State death tax is imposed upon the transfer of the decedent's entire estate and not upon the transfer of a particular share thereof, the State death tax imposed upon a transfer for charitable, etc., uses is deemed to be an amount, E, which bears the same ratio to F (the amount of the State death tax imposed with respect to the transfer of the entire estate) as G (the value of the charitable, etc., transfer, reduced as provided in the next sentence) bears to H (the total value of the properties, interests, and benefits subjected to the State death tax received by all persons interested in the estate, reduced as provided in the last sentence of this paragraph): In arriving at amount G of the ratio, the value of the charitable, etc., transfer is reduced by the amount of any deduction or exclusion allowed with respect to such property in determining the amount of the State death tax. In arriving at amount H of the ratio, the total value of the properties, interests, and benefits subjected to State death tax received by all persons interested in the estate is reduced by the amount of all deductions and exclusions allowed in determining the amount of the State death tax on account of the nature of a beneficiary or a beneficiary's relationship to the decedent.

(e) *Examples.* The application of this section may be illustrated by the following examples:

*Example (1).* The decedent's gross estate was valued at $200,000. He bequeathed $90,000 to a nephew, $10,000 to Charity A, and the remainder of his estate to Charity B. State inheritance tax in the amount of $13,500 was imposed upon the bequest to the nephew, $1,500 upon the bequest to Charity A, and $15,000 upon the bequest to Charity B. Under the will and local law, each legatee is required to pay the State inheritance tax on his bequest, and the Federal estate tax is to be paid out of the residuary estate. Since the entire burden of paying the Federal estate tax falls on Charity B, it follows that the decrease in the Federal estate tax resulting from the allowance of deductions for State death taxes in the amounts of $1,500 and $15,000 would inure solely for the benefit of Charity B. Therefore, deductions of $1,500 and $15,000 are allowable under sections 2 and 4 of Public Law 414. If, in this example, the State death taxes as well as the Federal estate tax were to be paid out of the residuary estate, the result would be the same.

*Example (2).* The decedent's gross estate was valued at $350,000. Expenses, indebtedness, etc., amounted to $50,000. The entire estate was bequeathed in equal shares to a son, a daughter, and Charity C. State inheritance tax in the amount of $2,000 was imposed upon the bequest to the son, $2,000 upon the bequest to the daughter, and $5,000 upon the bequest to Charity C. Under the will and local law, each legatee is required to pay his own State inheritance tax and his proportionate share of the Federal estate tax determined by taking into consideration the net amount of his bequest subjected to the tax. Since each legatee's share of the Federal estate tax is based upon the net amount of his bequest subjected to the tax (note that the deductions under sections 2 and 4 of Public Law 414 and under section 812(d) will have the effect of reducing Charity C's proportionate share of the tax), the tax is considered to be equitably apportioned. Thus, a deduction of $5,000 is allowable under sections 2 and 4 of Public Law 414. This deduction together with a deduction of $95,000 under section 812(d) (charitable deduction) will mean that none of Charity C's bequest is subjected to Federal estate tax. Hence, the son and the daughter will bear the entire estate tax.

*Example (3).* The decedent bequeathed his property in equal shares, after payment of all expenses, to a son, a daughter, and a charity. State inheritance tax of $2,000 was imposed upon the bequest to the son, $2,000 upon the bequest to the daughter, and $15,000 upon the bequest to the charity. Under the will and local law, each beneficiary pays the State inheritance tax on his bequest and the Federal estate tax is to be paid out of the estate as an administration expense. If the deduction for State death tax on the charitable bequest is allowed in this case, some portion of the decrease in the Federal estate tax would inure to the benefit of the son and the daughter. The Federal estate tax is not considered to be equitably apportioned in this case since each legatee's share of the Federal estate tax is not based upon the net amount of his bequest subjected to the tax (note that the deductions under sections 2 and 4 of Public Law 414 and under section 812(d) will not have the effect of reducing the charity's proportionate share of the tax). Inasmuch as some of the decrease in the Federal estate tax payable would inure to the benefit of the son and the daughter, and inasmuch as there is no equitable apportionment of the tax, no deduction is allowable under sections 2 and 4 of Public Law 414.

*Example (4).* The decedent bequeathed his entire residuary estate in trust to pay the income to X for life with remainder to charity. The State imposed inheritance taxes of $2,000 upon the bequest to X and $10,000 upon the bequest to charity. Under the will and local law, all State and Federal taxes are payable out of the residuary estate and therefore they would reduce the amount which would become the corpus of the trust. If the deduction for the State death tax on the charitable bequest is allowed in this case, some portion of the decrease in the Federal estate tax would inure to the benefit of X since the allowance of the deduction would increase the size of the corpus from which X is to receive the income for life. Also, the Federal estate tax is not considered to be equitably apportioned in this case since each legatee's share of the Federal estate tax is not based upon the net amount of his bequest subjected to the tax (note that the deductions under sections 2 and 4 of Public Law 414 and under section 812(d) will not have the effect of reducing the charity's proportionate share of the tax). Inasmuch as some of the decrease in the Federal estate tax payable would inure to the benefit of X, and inasmuch as there is no equitable apportionment of the tax, no deduction is allowable under sections 2 and 4 of Public Law 414.

*Example (5).* The decedent's gross estate was valued at $750,000. Expenses, indebtedness, etc., amounted to $50,000. The decedent bequeathed $350,000 of his estate to his surviving spouse and the remainder of his estate equally to his son and Charity D. State inheritance tax in the amount of $7,000 was imposed upon the bequest to the surviving spouse, $26,250 upon the bequest to the son, and $26,250 upon the bequest to Charity D. The will was silent concerning the payment of taxes. In such a case, the local law provides that each legatee shall pay his own State inheritance tax. The local law further provides for an apportionment of the Federal estate tax among the legatees of the estate. Under the apportionment provisions, the surviving spouse is not required to bear any part of the Federal estate tax with respect to her $350,000 bequest. It should be noted, however, that the marital deduction allowed to the decedent's estate by reason of the bequest to the surviving spouse is limited to $343,000 ($350,000 bequest less $7,000 State inheritance tax payable by the surviving spouse). Thus, the bequest to the surviving spouse is subjected to the Federal estate tax in the net amount of $7,000. If the deduction for State death tax on the charitable bequest is allowed in this case, some portion of the decrease in the Federal estate tax would inure to the benefit of the son. The Federal estate tax is not considered to be equitably apportioned in this case since each legatee's share of the Federal estate tax is not based upon the net amount of his bequest subjected to the tax (note that the surviving spouse is to pay no tax). Inasmuch as some of the decrease in the Federal estate tax payable would inure to the benefit of the son, and inasmuch as there is no equitable apportionment of the tax, no deduction is allowable under sections 2 and 4 of Public Law 414.

PAR. 12. There is inserted immediately preceding § 81.47a the following:

PUBLIC LAW 85-318, APPROVED FEBRUARY 11, 1958

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 812(e)(1)(D) of the Internal Revenue Code of 1939 (relating to bequests of an interest to a surviving spouse conditional on survival for a limited period) is amended by adding at the end thereof the following:

"For the purposes of subparagraph (B), an event or contingency shall not be considered an event or contingency upon the occurrence of which an interest passing to the surviving spouse will terminate or fail if—

"(iii) Within six months after the date of the decedent's death, such event or contingency becomes impossible of occurrence; and

"(iv) The decedent was adjudged incompetent before April 2, 1948, and was not restored to competency before his death."

SEC. 2. The amendment made by this Act shall apply with respect to decedents dying after April 2, 1948.

SEC. 3. No interest shall be allowed or paid on any overpayment resulting from the amendment made by this Act.

SEC. 93. BEQUESTS, ETC., TO SURVIVING SPOUSE [TECHNICAL AMENDMENTS ACT OF 1958, APPROVED SEPTEMBER 2, 1958].

(a) *Amendment of 1939 Code.* Section 812(e)(1)(F) of the Internal Revenue Code of 1939 (relating to trust with power of appointment in surviving spouse) is amended to read as follows:

"(F) *Life estate with power of appointment in surviving spouse.* In the case of an interest in property passing from the decedent, if his surviving spouse is entitled for life to all the income from the entire interest, or all the income from a specific portion thereof, payable annually or at more frequent intervals, with power in the surviving spouse to appoint the entire interest, or such specific portion (exercisable in favor of such surviving spouse, or of the estate of such surviving spouse, or in favor of either, whether or not in each case the power is exercisable in favor of others), and with no power in any other person to appoint any part of the interest, or such specific portion, to any person other than the surviving spouse—

"(i) The interest or such portion thereof so passing shall, for purposes of subparagraph (A), be considered as passing to the surviving spouse, and

"(ii) No part of the interest so passing shall, for purposes of subparagraph (B)(i), be considered as passing to any person other than the surviving spouse.

This subparagraph shall apply only if such power in the surviving spouse to appoint the entire interest, or such specific portion thereof, whether exercisable by will or during life, is exercisable by such spouse alone and in all events."

(b) *Effective date.* The amendment made by subsection (a) shall apply with respect to estates of decedents dying after April 1, 1948, and before August 17, 1954. If refund or credit of any overpayment resulting from the application of such amendment is prevented on the date of the enactment of this Act, or at any time within one year from such date, by the operation of any law or rule of law (other than section 3760 of the Internal Revenue Code of 1939 or section 7121 of the Internal Revenue Code of 1954, relating to closing agreements, and other than section 3761 of the Internal Revenue Code of 1939 or section 7122 of the Internal Revenue Code of 1954, relating to compromises), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within one year after the date of the enactment of this Act. No interest shall be allowed or paid on any overpayment resulting from the enactment of this section.

**§ 81.47a [Amendment]**

PAR. 13. Section 81.47a, as amended by Treasury Decision 6082, approved August 2, 1954, is further amended—

(A) By striking the word "trusts" in the second sentence of paragraph (b)(2) (26 CFR (1939) 81.47a(b)(2)(i)) and inserting in lieu thereof "life interests".

(B) By amending paragraph (c) to read as follows:





(c) *Marital deduction; life estate with power of appointment in surviving spouse*—(1) *In general.* Except as otherwise provided in subparagraph (10) of this paragraph (pertaining to estates of decedents dying after December 31, 1947, and on or before April 1, 1948), if an interest in property passes from the decedent to his surviving spouse (whether or not in trust) and the spouse is entitled for life to all the income from the entire interest or all the income from a specific portion of the entire interest, with a power in her to appoint the entire interest or the specific portion, the interest which passes to her is under the provisions of section 812(e)(1)(F), as amended by section 93(a) of the Technical Amendments Act of 1958, a deductible interest, to the extent that it satisfies all five of the conditions set forth below (see subparagraph (2) of this paragraph if one or more of the conditions is satisfied as to only a portion of the interest):

(i) The surviving spouse must be entitled for life to all of the income from the entire interest or a specific portion of the entire interest, or to a specific portion of all the income from the entire interest.

(ii) The income payable to the surviving spouse must be payable annually or at more frequent intervals.

(iii) The surviving spouse must have the power to appoint the entire interest or the specific portion to either herself or her estate.

(iv) The power in the surviving spouse must be exercisable by her alone and (whether exercisable by will or during life) must be exercisable in all events.

(v) The entire interest or the specific portion must not be subject to a power in any other person to appoint any part to any person other than the surviving spouse.

(2) *Specific portion; deductible amount.* If either the right to income or the power of appointment passing to the surviving spouse pertains only to a specific portion of a property interest passing from the decedent, the marital deduction is allowed only to the extent that the rights in the surviving spouse meet all of the five conditions described in subparagraph (1) of this paragraph. While the rights over the income and the power must coexist as to the same interest in property, it is not necessary that the rights over the income or the power as to such interest be in the same proportion. However, if the rights over income meeting the required conditions set forth in subparagraph (1) (i) and (ii) of this paragraph extend over a smaller share of the property interest than the share with respect to which the power of appointment requirements set forth in subparagraph (1) (iii) through (v) of this paragraph are satisfied, the deductible interest is limited to the smaller share. Correspondingly, if a power of appointment meeting all the requirements extends to a smaller portion of the property interest than the portion over which the income rights pertain, the deductible interest cannot exceed the value of the portion to which such power of appointment applies. Thus, if the decedent leaves to his surviving spouse the right to receive annually all of the income from a particular property interest and a power of appointment meeting the specifications prescribed in subparagraph (1) (iii) through (v) of this paragraph as to only one-half of the property interest, then only one-half of the property interest is treated as a deductible interest. Correspondingly, if the income interest of the spouse satisfying the requirements extends to only one-fourth of the property interest and a testamentary power of appointment satisfying the requirements extends to all of the property interest, then only one-fourth of the interest in the spouse qualifies as a deductible interest. Further, if the surviving spouse has no right to income from a specific portion of a property interest but a testamentary power of appointment which meets the necessary conditions over the entire interest, then none of the interest qualifies for the deduction. In addition, if, from the time of the decedent's death, the surviving spouse has a power of appointment meeting all of the required conditions over three-fourths of the entire property interest and the prescribed income rights over the entire interest, but with a power in another person to appoint one-half of the entire interest, the value of the interest in the surviving spouse over only one-half of the property interest will qualify as a deductible interest.

(3) *Definition of "specific portion".* A partial interest in property is not treated as a specific portion of the entire interest unless the rights of the surviving spouse in income and as to the power constitute a fractional or percentile share of a property interest so that such interest or share in the surviving spouse reflects its proportionate share of the increment or decline in the whole of the property interest to which the income rights and the power relate. Thus, if the right of the spouse to income and the power extend to one-half or a specified percentage of the property, or the equivalent, the interest is considered as a specific portion. On the other hand, if the annual income of the spouse is limited to a specific sum, or if she has a power to appoint only a specific sum out of a larger fund, the interest is not a deductible interest. Even though the rights in the surviving spouse may not be expressed in terms of a definite fraction or percentage, a deduction may be allowable if it is shown that the effect of local law is to give the spouse rights which are identical to those she would have acquired if the size of the share had been expressed in terms of a definite fraction or percentage. The following examples illustrate the application of this and the preceding subparagraphs of this paragraph:

*Example (1).* The decedent transferred to a trustee 500 identical shares of X Company stock. He provided that during the lifetime of the surviving spouse the trustee should pay her annually one-half of the trust income or $6,000, whichever is the larger. The spouse was also given a general power of appointment, exercisable by her last will over the sum of $160,000 or over three-fourths of the trust corpus, whichever should be of larger value. Since there is no certainty that

the trust income will not vary from year to year, for purposes of subparagraphs (1) and (2) of this paragraph, an annual payment of a specified sum, such as the $6,000 provided for in this case, is not considered as representing the income from a definite fraction or a specific portion of the entire interest if that were the extent of the spouse's interest. However, since the spouse is to receive annually at least one-half of the trust income, she will, for purposes of subparagraphs (1) and (2) of this paragraph, be considered as receiving all of the income from one-half of the entire interest in the stock. Inasmuch as there is no certainty that the value of the stock will be the same on the date of the surviving spouse's death as it was on the date of the decedent's death, for purposes of subparagraphs (1) and (2) of this paragraph, a specified sum, such as the $160,000 provided for in this case, is not considered to be a definite fraction of the entire interest. However, since the surviving spouse has a general power of appointment over at least three-fourths of the trust corpus, she is considered as having a general power of appointment over three-fourths of the entire interest in the stock.

*Example* (2). The decedent bequeathed to a trustee an office building and 250 identical shares of Y Company stock. He provided that during the lifetime of the surviving spouse the trustee should pay her annually three-fourths of the trust income. The spouse was given a general power of appointment, exercisable by will, over the office building and 100 shares of the stock. By the terms of the decedent's will the spouse is given all the income from a definite fraction of the entire interest in the office building and in the stock. She also has a general power of appointment over the entire interest in the office building. However, since the amount of property represented by a single share of stock would be altered if the corporation split its stock, issued stock dividends, made a distribution of capital, etc., a power to appoint 100 shares at the time of the surviving spouse's death is not the same necessarily as a power to appoint 100/250 of the entire interest which the 250 shares represented on the date of the decedent's death. If it is shown in this case that the effect of local law is to give the spouse a general power to appoint not only the 100 shares designated by the decedent but also 100/250 of any shares or amounts which are distributed by the corporation and included in the corpus, the requirements of this subparagraph will be satisfied and the surviving spouse will be considered as having a general power to appoint 100/250 of the entire interest in the 250 shares.

(4) *Definition of "entire interest".* Since a marital deduction is allowed for each qualifying separate interest in property passing from the decedent to his surviving spouse (subject to the percentage limitation contained in § 81.47d concerning the aggregate amount of the deductions), for purposes of subparagraphs (1) and (2) of this paragraph, each property interest with respect to which the surviving spouse received some rights is considered separately in determining whether her rights extend to the entire interest or to a specific portion of the entire interest. A property interest which consists of several identical units of property (such as a block of 250 shares of stock, whether the ownership is evidenced by one or several certificates) is considered one property interest, unless certain of the units are to be segregated and accorded different treatment, in which case each segregated group of items is considered a separate property interest. The bequest of a specified sum of money constitutes the bequest of a separate property interest if immediately following distribution by the executor and thenceforth it, and the investments made with it, must be so segregated or accounted for as to permit its identification as a separate item of property. The application of this subparagraph may be illustrated by the following examples:

*Example* (1). The decedent transferred to a trustee three adjoining farms, Blackacre, Whiteacre, and Greenacre. His will provided that during the lifetime of the surviving spouse the trustee should pay her all of the income from the trust. Upon her death, all of Blackacre, a one-half interest in Whiteacre, and a one-third interest in Greenacre were to be distributed to the person or persons appointed by her in her will. The surviving spouse is considered as being entitled to all of the income from the entire interest in Blackacre, all of the income from the entire interest in Whiteacre, and all of the income from the entire interest in Greenacre. She also is considered as having a power of appointment over the entire interest in Blackacre, over one-half of the entire interest in Whiteacre, and over one-third of the entire interest in Greenacre.

*Example* (2). The decedent bequeathed $250,000 to C, as trustee. C is to invest the money and pay all of the income from the investments to W, the decedent's surviving spouse, annually. W was given a general power, exercisable by will, to appoint one-half of the corpus of the trust. Here, immediately following distribution by the executor, the $250,000 will be sufficiently segregated to permit its identification as a separate item, and the $250,000 will constitute an entire property interest. Therefore, W has a right to income and a power of appointment such that one-half of the entire interest is a deductible interest.

*Example* (3). The decedent bequeathed 100 shares of Z Corporation stock to D, as trustee. W, the decedent's surviving spouse, is to receive all of the income of the trust annually and is given a general power, exercisable by will, to appoint out of the trust corpus the sum of $25,000. In this case the $25,000 is not, immediately following distribution, sufficiently segregated to permit its identification as a separate item of property in which the surviving spouse has the entire interest. Therefore, the $25,000 does not constitute the entire interest in a property for the purpose of subparagraphs (1) and (2) of this paragraph.

(5) *Application of local law.* In determining whether or not the conditions set forth in subparagraph (1) (i) through (v) of this section are satisfied by the instrument of transfer, regard is to be had to the applicable provisions of the law of the jurisdiction under which the interest passes and, if the transfer is in trust, the applicable provisions of the law governing the administration of the trust. For example, silence of a trust instrument as to the frequency of payment will not be regarded as a failure to satisfy the condition set forth in subparagraph (1) (ii) of this paragraph that income must be payable to the surviving spouse annually or more frequently unless the applicable law permits payment to be made less frequently than annually. The principles outlined in this subparagraph and subparagraphs (6) and (7) of this paragraph which are applied in determining whether transfers in trust meet such conditions are equally applicable in ascertaining whether, in the case of interests not in trust, the surviving spouse has the equivalent in rights over income and over the property.

(6) *Right to income.* (i) If an interest is transferred in trust, the surviving spouse is "entitled for life to all of the income from the entire interest or a specific portion of the entire interest", for the purpose of the condition set forth in subparagraph (1) (i) of this paragraph, if the effect of the trust is to give her substantially that degree of beneficial enjoyment of the trust property during her life which the principles of the law of trusts accord to a person who is unqualifiedly designated as the life beneficiary of a trust. Such degree of enjoyment is given only if it was the decedent's intention, as manifested by the terms of the trust instrument and the surrounding circumstances, that the trust should produce for the surviving spouse during her life such an income, or that the spouse should have such use of the trust property as is consistent with the value of the trust corpus and with its preservation. The designation of the spouse as sole income beneficiary for life of the entire interest or a specific portion of the entire interest will be sufficient to qualify the trust unless the terms of the trust and the surrounding circumstances considered as a whole evidence an intention to deprive the spouse of the requisite degree of enjoyment. In determining whether a trust evidences that intention, the treatment required or permitted with respect to individual items must be considered in relation to the entire system provided for the administration of the trust.

(ii) If the over-all effect of a trust is to give to the surviving spouse such enforceable rights as will preserve to her the requisite degree of enjoyment, it is immaterial whether that result is effected by rules specifically stated in the trust instrument, or, in their absence, by the rules for the management of the trust property and the allocation of receipts and expenditures supplied by the State law. For example, a provision in the trust instrument for amortization of bond premium by appropriate periodic charges to interest will not disqualify the interest passing in trust even though there is no State law specifically authorizing amortization, or there is a State law denying amortization which is applicable only in the absence of such a provision in the trust instrument.

(iii) In the case of a trust, the rules to be applied by the trustee in allocation of receipts and expenses between income and corpus must be considered in relation to the nature and expected productivity of the assets passing in trust, the nature and frequency of occurrence of the expected receipts, and any provisions as to change in the form of investments. If it is evident from the nature of the trust assets and the rules provided for management of the trust that the allocation to income of such receipts as rents, ordinary cash dividends, and interest will give to the spouse the substantial enjoyment during life required by the statute, provisions that such receipts as stock dividends and proceeds from the conversion of trust assets shall be treated as corpus will not disqualify the interest passing in trust. Similarly, provision for a depletion charge against income in the case of trust assets which are subject to depletion will not disqualify the interest passing in trust, unless the effect is to deprive the spouse of the requisite beneficial enjoyment. The same principle is applicable in the case of depreciation, trustees' commissions, and other charges.

(iv) Provisions granting administrative powers to the trustee will not have the effect of disqualifying an interest passing in trust unless the grant of powers evidences the intention to deprive the surviving spouse of the beneficial enjoyment required by the statute. Such an intention will not be considered to exist if the entire terms of the instrument are such that the local courts will impose reasonable limitations upon the exercise of the powers. Among the powers which if subject to reasonable limitations will not disqualify the interest passing in trust are the power to determine the allocation or apportionment of receipts and disbursements between income and corpus, the power to apply the income or corpus for the benefit of the spouse, and the power to retain the assets passing to the trust. For example, a power to retain trust assets which consist substantially of unproductive property will not disqualify the interest if the applicable rules for the administration of the trust require, or permit the spouse to require, that the trustee either make the property productive or convert it within a reasonable time. Nor will such a power disqualify the interest if the applicable rules for administration of the trust require the trustee to use the degree of judgment and care in the exercise of the power which a prudent man would use if he were owner of the trust assets. Further, a power to retain a residence or other property for the personal use of the spouse will not disqualify the interest passing in trust.

(v) An interest passing in trust will not satisfy the condition set forth in subparagraph (1) (i) of this paragraph that the surviving spouse be entitled to all the income if the primary purpose of the trust is to safeguard property without providing the spouse with the required beneficial enjoyment. Such trusts include not only trusts which expressly provide for the accumulation of the income but also trusts which indirectly accomplish a similar purpose. For example, assume that the corpus of a trust consists substantially of property which is not likely to be income producing during the life of the surviving spouse and that the spouse cannot compel the trustee to convert or otherwise deal with the property as described in subdivision (iv) of this subparagraph. An interest passing to such a trust will not qualify unless the applicable rules for the administration require, or permit the spouse to require, that the trustee provide the required beneficial enjoyment, such as by payments to the spouse out of other assets of the trust.



(vi) If a trust is created during the decedent's life, it is immaterial whether or not the interest passing in trust satisfied the conditions set forth in subparagraph (1) (i) through (v) of this paragraph prior to the decedent's death. If a trust may be terminated during the life of the surviving spouse, under her exercise of a power of appointment or by distribution of the corpus to her, the interest passing in trust satisfies the condition set forth in subparagraph (1) (i) of this paragraph (that the spouse be entitled to all the income) if she (*a*) is entitled to the income until the trust terminates, or (*b*) has the right, exercisable in all events, to have the corpus distributed to her at any time during her life.

(vii) An interest passing in trust fails to satisfy the condition set forth in subparagraph (1) (i) of this paragraph, that the spouse be entitled to all the income, to the extent that the income is required to be accumulated in whole or in part or may be accumulated in the discretion of any person other than the surviving spouse; to the extent that the consent of any person other than the surviving spouse is required as a condition precedent to distribution of the income; or to the extent that any person other than the surviving spouse has the power to alter the terms of the trust so as to deprive her of her right to the income. An interest passing in trust will not fail to satisfy the condition that the spouse be entitled to all the income merely because its terms provide that the right of the surviving spouse to the income shall not be subject to assignment, alienation, pledge, attachment or claims of creditors.

(viii) In the case of an interest passing in trust, the terms "entitled for life" and "payable annually or at more frequent intervals", as used in the conditions set forth in subparagraph (1) (i) and (ii) of this paragraph, require that under the terms of the trust the income referred to must be currently (at least annually; see subparagraph (5) of this paragraph) distributable to the spouse or that she must have such command over the income that it is virtually hers. Thus, the conditions in subparagraph (1) (i) and (ii) of this paragraph are satisfied in this respect if, under the terms of the trust instrument, the spouse has the right exercisable annually (or more frequently) to require distribution to herself of the trust income, and otherwise the trust income is to be accumulated and added to corpus. Similarly, as respects the income for the period between the last distribution date and the date of the spouse's death, it is sufficient if that income is subject to the spouse's power to appoint. Thus, if the trust instrument provides that income accrued or undistributed on the date of the spouse's death is to be disposed of as if it had been received after her death, and if the spouse has a power of appointment over the trust corpus, the power necessarily extends to the undistributed income.

(ix) An interest is not to be regarded as failing to satisfy the conditions set forth in subparagraph (1) (i) and (ii) of this paragraph (that the spouse be entitled to all the income and that it be payable annually or more frequently) merely because the spouse is not entitled to the income from estate assets for the period before distribution of those assets by the executor, unless the executor is, by the decedent's will, authorized or directed to delay distribution beyond the period reasonably required for administration of the decedent's estate. As to the valuation of the property interest passing to the spouse in trust where the right to income is expressly postponed, see § 81.47c.

(7) *Power of appointment in surviving spouse.* (i) The conditions set forth in subparagraph (1) (iii) and (iv) of this paragraph, that is, that the surviving spouse must have a power of appointment exercisable in favor of herself or her estate and exercisable alone and in all events, are not met unless the power of the surviving spouse to appoint the entire interest or a specific portion of it falls within one of the following categories:

(*a*) A power so to appoint fully exercisable in her own favor at any time following the decedent's death (as, for example, an unlimited power to invade); or

(*b*) A power so to appoint exercisable in favor of her estate. Such a power, if exercisable during life, must be fully exercisable at any time during life, or, if exercisable by will, must be fully exercisable irrespective of the time of her death (subject in either case to the provisions of § 81.47b(d), relating to interests conditioned on survival for a limited period); or

(c) A combination of the powers described under (*a*) and (*b*) of this subdivision. For example, the surviving spouse may, until she attains the age of 50 years, have a power to appoint to herself and thereafter have a power to appoint to her estate. However, the condition that the spouse's power must be exercisable in all events is not satisfied unless irrespective of when the surviving spouse may die the entire interest or a specific portion of it will at the time of her death be subject to one power or the other (subject to the exception in § 81.47b(d), relating to interests contingent on survival for a limited period).

(ii) The power of the surviving spouse must be a power to appoint the entire interest or a specific portion of it as unqualified owner (and free of the trust if a trust is involved, or free of the joint tenancy if a joint tenancy is involved) or to appoint the entire interest or a specific portion of it as a part of her estate (and free of the trust if a trust is involved), that is, in effect, to dispose of it to whomsoever she pleases. Thus, if the decedent devised property to a son and the surviving spouse as joint tenants with right of survivorship and under local law the surviving spouse has a power of severance exercisable without consent of the other joint tenant, and by exercising this power could acquire a one-half interest in the property as a tenant in common, her power of severance will satisfy the condition set

forth in subparagraph (1)(iii) of this paragraph that she have a power of appointment in favor of herself or her estate. However, if the surviving spouse entered into a binding agreement with the decedent to exercise the power only in favor of their issue, that condition is not met. An interest passing in trust will not be regarded as failing to satisfy the condition merely because takers in default of the surviving spouse's exercise of the power are designated by the decedent. The decedent may provide that, in default of exercise of the power, the trust shall continue for an additional period.

(iii) A power is not considered to be a power exercisable by a surviving spouse alone and in all events as required by subparagraph (1)(iv) of this paragraph if the exercise of the power in the surviving spouse to appoint the entire interest or a specific portion of it to herself or to her estate requires the joinder or consent of any other person. The power is not "exercisable in all events", if it can be terminated during the life of the surviving spouse by any event other than her complete exercise or release of it. Further, a power is not "exercisable in all events" if it may be exercised for a limited purpose only. For example, a power which is not exercisable in the event of the spouse's remarriage is not exercisable in all events. Likewise, if there are any restrictions, either by the terms of the instrument or under applicable local law, on the exercise of a power to consume property (whether or not held in trust) for the benefit of the spouse, the power is not exercisable in all events. Thus, if a power of invasion is exercisable only for the spouse's support, or only for her limited use, the power is not exercisable in all events. In order for a power of invasion to be exercisable in all events, the surviving spouse must have the unrestricted power exercisable at any time during her life to use all or any part of the property subject to the power, and to dispose of it in any manner, including the power to dispose of it by gift (whether or not she has power to dispose of it by will).

(iv) The power in the surviving spouse is exercisable in all events only if it exists immediately following the decedent's death. For example, if the power given to the surviving spouse is exercisable during life, but cannot be effectively exercised before distribution of the assets by the executor, the power is not exercisable in all events. Similarly, if the power is exercisable by will, but cannot be effectively exercised in the event the surviving spouse dies before distribution of the assets by the executor, the power is not exercisable in all events. However, an interest will not be disqualified by the mere fact that, in the event the power is exercised during administration of the estate, distribution of the property to the appointee will be delayed for the period of administration. If the power is in existence at all times following the decedent's death, limitations of a formal nature will not disqualify an interest. Examples of formal limitations on a power exercisable during life are requirements that an exercise must be in a particular form, that it must be filed with a trustee during the spouse's life, that reasonable notice must be given, or that reasonable intervals must elapse between successive partial exercises. Examples of formal limitations on a power exercisable by will are that it must be exercised by a will executed by the surviving spouse after the decedent's death or that exercise must be by specific reference to the power.

(v) If the surviving spouse has the requisite power to appoint to herself or her estate, it is immaterial that she also has one or more lesser powers. Thus, if she has a testamentary power to appoint to her estate, she may also have a limited power of withdrawal or of appointment during her life. Similarly, if she has an unlimited power of withdrawal, she may have a limited testamentary power.

(8) *Requirement of survival for a limited period.* A power of appointment in the surviving spouse will not be treated as failing to meet the requirements of subparagraph (1)(iii) of this paragraph even though the power may terminate, if the only conditions which would cause the termination are those described in section 812(e)(1)(D), and if those conditions do not in fact occur. Thus, the entire interest or a specific portion of it will not be disqualified by reason of the fact that the exercise of the power in the spouse is subject to a condition of survivorship described in section 812(e)(1)(D) if the terms of the condition, that is, the survivorship of the surviving spouse, or the failure to die in a common disaster, are fulfilled. See paragraph (d) of § 81.47b.

(9) *Existence of a power in another.* Subparagraph (1)(v) of this paragraph provides that a transfer described in subparagraph (1) is nondeductible to the extent that the decedent created a power in the trustee or in any other person to appoint a part of the interest to any person other than the surviving spouse. However, only powers in other persons which are in opposition to that of the surviving spouse will cause a portion of the interest to fail to satisfy the condition set forth in subparagraph (1)(v) of this paragraph. Thus, a power in a trustee to distribute corpus to or for the benefit of a surviving spouse will not disqualify the trust. Similarly, a power to distribute corpus to the spouse for the support of minor children will not disqualify the trust if she is legally obligated to support such children. The application of this subparagraph may be illustrated by the following examples:

*Example (1).* Assume that a decedent created a trust, designating his surviving spouse as income beneficiary for life with an unrestricted power in the spouse to appoint the corpus during her life. The decedent further provided that in the event the surviving spouse should die without having exercised the power, the trust should continue for the life of his son with a power in the son to appoint the corpus. Since the power in the son could become exercisable only after the death of the surviving spouse, the interest is not regarded as failing to satisfy the condition set forth in subparagraph (1)(v) of this paragraph.

*Example (2).* Assume that the decedent created a trust, designating his surviving spouse as income beneficiary for life and as donee of a power to appoint by will the entire corpus. The decedent further provided that the trustee could distribute 30 percent of the corpus to the decedent's son when he reached the age of 35 years. Since the trustee has a power to appoint 30 percent of the entire interest for the benefit of a person other than the surviving spouse, only 70 percent of the interest placed in trust satisfied the condition set forth in subparagraph (1)(v) of this paragraph. If, in this case, the surviving spouse had a power, exercisable by her will, to appoint only one-half of the corpus as it was constituted at the time of her death, it should be noted that only 35 percent of the interest placed in the trust would satisfy the condition set forth in subparagraph (1)(iii) of this paragraph.

(10) *Estates of decedents dying after December 31, 1947, and on or before April 1, 1948.* Except as otherwise provided in paragraph (h) of this section, if the decedent died after December 31, 1947, and on or before April 1, 1948, an interest in property otherwise constituting a deductible interest under the provisions of subparagraphs (1) through (9) of this paragraph will nevertheless constitute a deductible interest only if all of the following requirements are satisfied:

(i) The property must have passed from the decedent in trust;

(ii) The right of the surviving spouse to income must be a right to receive the entire income of the trust; and

(iii) The power of appointment given to the surviving spouse must be a power to appoint the entire corpus free of the trust, with no power in any other person to appoint any part of the corpus to any person other than the surviving spouse.

(11) *Retroactive operation.* Where refund or credit of any overpayment resulting from the application of section 93 of the Technical Amendments Act of 1958 is prevented on September 2, 1959, or at any time within one year from such date, by the operation of any law or rule of law other than section 3760 relating to closing agreements (or the corresponding provisions of the 1954 Code) and other than section 3761 relating to compromises (or the corresponding provisions of the 1954 Code), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed on or before September 2, 1959. No interest shall be allowed or paid on any overpayment resulting from the application of section 93.

(C) By amending the first four sentences in the sixth undesignated paragraph of paragraph (d) (26 CFR (1939) 81.47a(d)(6)) to read as follows: "In determining whether the terms of the contract satisfy conditions (3), (4), and (5), the principles provided in paragraph (c) of this section with respect to decedents dying after December 31, 1947, and on or before April 1, 1948, are applicable. See paragraph (c)(10) of this section. As stated in such paragraph (c), the surviving spouse's power to appoint is 'exercisable in all events' only if it is in existence immediately following the decedent's death subject, however, to the operation of section 812(e)(1)(D). See paragraph (c)(8). For examples of formal limitations on the power which will not disqualify the contract, see paragraph (c)(7)(iv)."

(D) By amending the third sentence of the last undesignated paragraph of paragraph (e) (26 CFR (1939) 81.47a (e)(2)) to read as follows: "Where, as a result of a disclaimer made by a person other than the surviving spouse, a property interest passes from the decedent to his surviving spouse or to a trust and where the conditions set forth in paragraph (c) are met, the rule stated in the preceding sentence applies, not only with respect to the portion of such interest which beneficially vests in the surviving spouse, but also with respect to the portion over which such spouse acquires a power to appoint."

(E) By amending the last sentence of paragraph (h)(1) to read as follows: "The rules prescribed in § 81.47a(c) for determining with respect to decedents dying after December 31, 1947, and on or before April 2, 1948, whether the surviving spouse is entitled for life to all the income from such property, payable annually or at more frequent intervals, shall be applicable in determining whether interests specified in this paragraph meet conditions (i) and (ii) enumerated above."

**§ 81.47b [Amendment]**

PAR. 14. Section 81.47b(d), as amended by Treasury Decision 6082, approved August 2, 1954, is further amended—

(A) By amending subdivision (ii) of the sixth undesignated paragraph (26 CFR (1939) 81.47b(d)(6)) to read as follows:

(ii) H devised real property to W for life, and created in W a power, exercisable by will, to appoint the remainder interest to any person. In default of appointment by W, the remainder interest was to go to A and his heirs. Assuming that under the local law W did not take the real property as absolute owner, nor in a manner which meets the requirements of § 81.47a(c), the interest which passed from H to W is a "nondeductible interest" since such interest will terminate upon her death and A (or his heirs or assigns) may thereafter possess or enjoy the property. (As to cases, in general, in which a "deductible interest" may exist where a life interest is coupled with a power to appoint, see paragraphs (c) and (d) of § 81.47a. As to cases in which a "deductible interest" may exist where a life interest is coupled with a power in the case of interests passing by will from decedents dying after December 31, 1947, and on or before April 2, 1948, see paragraph (h) of § 81.47a.)

(B) By amending the second sentence of the ninth undesignated paragraph (26 CFR (1939) 81.47b(d)(9)) to read as follows: "Where such condition (unless it relates to death as the result of a common disaster or is a condition to which the next sentence applies) is one which may occur either within such 6-month period or thereafter, the exception provided under section 812(e)(1)(D) will not apply. However, with respect to decedents dying after April 2, 1948, if the decedent was adjudged incompetent before that date in conformity with applicable local law, if he was not restored to competency before his death, and if the only condition which will cause the interest taken by the surviving spouse to terminate (regardless of whether the condition may occur within the 6-month period or thereafter) does in fact within the 6-month period become impossible of occurrence, the exception provided under section 812(e)(1)(D) will, nevertheless, apply."

**§ 81.52 [Amendment]**

PAR. 15. The first sentence of the first undesignated paragraph of § 81.52 (26 CFR (1939) 81.52(a)) is amended to read as follows: "In estates of nonresidents not citizens, deductions from the gross estate may be taken, subject to the limitations set forth in §§ 81.29 to 81.40, inclusive, and to the limitations hereinafter stated, for the following: Funeral expenses; administration expenses; claims against the estate; unpaid mortgages; losses incurred during the settlement of the estate arising from fires, storms, shipwrecks, or other casualties, or from theft, if such losses are not compensated for by insurance or otherwise; certain State death taxes deductible under sections 2 and 4 of Public Law 414 (84th Cong.), approved February 20, 1956 (see § 81.37a); and amounts reasonably required and actually expended for the support during the settlement of the estate of those dependent upon the decedent."

PAR. 16. There is inserted immediately preceding § 81.73 the following:

SEC. 89. USE OF CERTIFIED MAIL [TECHNICAL AMENDMENTS ACT OF 1958, APPROVED SEPTEMBER 2, 1958].

* * * * *

(c) *Provisions of Internal Revenue Code of 1939.* In applying any provision of the Internal Revenue Code of 1939 which requires, or provides for, the use of registered mail the reference to registered mail shall be treated as including a reference to certified mail.

(d) *Effective date.* This section shall apply only if the mailing occurs after the date of the enactment of this Act.

**§ 81.73 [Amendment]**

PAR. 17. Section 81.73, as amended by Treasury Decision 5596, approved December 22, 1947, is further amended by adding a new paragraph (f), as follows:

(f) Pursuant to section 89 of the Technical Amendments Act of 1958 (72 Stat. 1665), any reference in this section or in section 871(a) to the use of registered mail or registered letter shall be treated as including a reference to the use, after September 2, 1958, of certified mail or certified letter.

**§ 81.74 [Amendment]**

PAR. 18. Section 81.74, as amended by Treasury Decision 6126, is further amended by adding a new paragraph (g), as follows:

(g) Pursuant to section 89 of the Technical Amendments Act of 1958 (72 Stat. 1665), any reference in section 871(a) to the use of registered mail shall be treated as including a reference to the use, after September 2, 1958, of certified mail.

PAR. 19. There is inserted immediately preceding § 81.79 the following:

SEC. 66. ESTATE TAX IN CASE OF REVERSIONARY OR REMAINDER INTEREST IN PROPERTY [TECHNICAL AMENDMENTS ACT OF 1958, APPROVED SEPTEMBER 2, 1958].

(a) *Credit for death taxes.*

* * * * *

(2) *Credit under 1939 Code.* Section 927 of the Internal Revenue Code of 1939 (relating to credit for death taxes) is amended by striking out "60 days after the termination of the precedent interest or interests in the property" and inserting in lieu thereof "the time for payment of the tax imposed by this subchapter as postponed and extended under section 925".

(3) *Effective date.* The amendments made by paragraphs (1) and (2) shall apply in the case of any reversionary or remainder interest in property only if the precedent interest or interests in the property did not terminate before the beginning of the 60-day period which ends on the date of the enactment of this Act.

(b) *Extension of payment of estate tax attributable to future interests.*

* * * * *

(2) *Extension under 1939 Code—*

(A) Section 925 of the Internal Revenue Code of 1939 (relating to period of extension of time for paying estate tax attributable to future interests) is amended by adding at the end thereof the following: "If the Secretary or his delegate finds that the payment of the tax at the expiration of the period of postponement provided for in the preceding sentence would result in undue hardship to the estate, he may extend the time for payment for a reasonable period not in excess of 2 years from the expiration of such period of postponement."

(B) Section 926 of the Internal Revenue Code of 1939 (relating to requirements for postponement) is amended by striking out "interest or interests" and inserting in lieu thereof "interest or interests (or, in the case of an extension under section 925, within the period of such extension)".

(3) *Effective date.* The amendments made by paragraphs (1) and (2) shall apply in the case of any reversionary or remainder interest only if the precedent interest or interests in the property did not terminate before the beginning of the 6-month period which ends on the date of the enactment of this Act.

**§ 81.79 [Amendment]**

PAR. 20. Section 81.79, as amended by Treasury Decision 6034, is further amended as follows:

(A) By amending the second sentence of the first undesignated paragraph (26 CFR (1939) 81.79(b)(1)) of paragraph (b) to read as follows: "In addition, where the precedent interest or interests did not terminate before March 3, 1958, if the district director finds that the payment of the tax at the expiration of the period of postponement described in the preceding sentence would result in undue hardship to the estate, as such term is described in paragraph (a) of this section, he may, under conditions the same as those under which extensions of time for payment of tax are granted by the Commissioner under paragraph (a) of this section, extend the time for payment for a reasonable period or periods not to exceed in all 2 years from the expiration of the period of postponement. The provisions of this paragraph are limited to cases in which the reversionary or remainder interest is included in the decedent's gross estate as such and do not

extend to cases in which the decedent creates future estates by his own testamentary act."

(B) By amending the first sentence of the third undesignated paragraph (26 CFR (1939) 81.79(b)(3)) of paragraph (b) to read as follows: "As a prerequisite to the postponement or extension of the payment of the tax attributable to a reversionary or remainder interest, a bond must be furnished in such an amount (at least double the amount of the tax and interest for the estimated duration of the precedent interest in the case of a postponement), and with such sureties as the Commissioner deems necessary, conditioned upon the payment of the tax and interest accrued thereon within six months after the termination of the precedent interest in the case of postponements and within the period of the extension in the case of extensions."

(C) By amending the fifth undesignated paragraph (26 CFR (1939) 81.79 (b) (5)) of paragraph (b) to read as follows:

If the time for payment of Federal estate tax attributable to a reversionary or remainder interest in property is postponed or extended under this paragraph, all estate, inheritance, legacy, or succession taxes allowable as a credit under the provisions of sections 813 (b) or (c), or 936(c), which are paid and for which credit is claimed within the period provided in such sections will be allowed (not to exceed the limitations in such sections) and the allowance will be applied first to the respective portions of the Federal tax attributable to the same interests in property to which the estate, inheritance, legacy, or succession taxes are attributable. Estate, inheritance, legacy, or succession taxes, as described in section 813 (b) or (c), or under section 936(c), which are attributable to the reversionary or remainder interest and which are paid and for which credit is claimed after the expiration of the period provided in those sections will also be allowed as a credit against the Federal tax attributable to such interest (not to exceed the limitations in such sections) if such taxes are paid and credit therefor is claimed prior to the expiration of 60 days after the termination of the preceding interest or interests in the property or, if the preceding interest or interests did not terminate before July 5, 1958, within the time for payment of the tax as postponed and extended under section 925.

§ 81.81 [Amendment]

PAR. 21. Section 81.81 is amended—

(A) By amending the first sentence of paragraph (b) to read as follows: "If the time for the payment of the tax attributable to a reversionary or remainder interest is postponed or extended in accordance with the provisions of section 925, the amount the payment of which is so postponed or extended will bear interest at the rate of 4 percent per annum from the expiration of 18 months after the date of the decedent's death until such amount is paid."

(B) By adding at the end of paragraph (b) the following new sentence: "If the time for payment of an amount of tax is also extended in accordance with the provisions of section 925, the portion of such amount of tax, together with interest accrued thereon, which is not paid in full on or before the date of the expiration of the period of the extension bears interest at the rate of 6 percent per annum from the date of the expiration of the period of the extension until paid."

[F.R. Doc. 61-443; Filed, Jan. 18, 1961; 8:49 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter II—Employment and Compensation in the Canal Zone

## PART 201—GENERAL

## PART 204—COMPENSATION AND ALLOWANCES

### Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, §§ 201.100(a)(5), 204.6, 204.13(d), 204.13(e) (1) and (2), 204.15 (a) and 204.18 are amended as follows:

§ 201.100 Exclusions.

* * * * * *

(a) * * *

(5) Hospital residents and interns, and other student hospital employees in those categories for which maximum stipends have been prescribed by the Civil Service Commission pursuant to statute.

§ 204.6 Service.

Sales-type, food-service, housekeeping, and related submanagerial positions, firefighters, reproduction and printing plant positions, and certain related occupations except for those which are specifically included in the Special Category. This category is established as a transitional job grouping. These positions may be reassigned to the other categories in accordance with the needs of the departments but subject to coordination for uniformity.

§ 204.13 Conversion to new schedules.

* * * * * *

(d) If the employee's existing rate is above the maximum rate established for the grade, pay level, and/or designation of his position on the appropriate new schedule, he will retain his existing rate as a saved rate, so long as he remains in the same position as that in which he was serving at the time of initial conversion, or until subsequent change is effected to another position unless the change is made without an increase in pay to a position of equal or higher level, or until he becomes entitled to a higher rate under the normal operation of the pay system to which he has been changed. If the subsequent change is made to a position of equal or higher level and if application of the normal pay fixing rule would result in a decrease in pay, the employee's saved rate will be preserved.

(e) For the purpose of determining entitlement to periodic or longevity increases, service prior to conversion to the new pay schedules will be counted in the following manner:

(1) If upon conversion the employee receives an increase equivalent to the difference between two steps on the old schedule, service prior to conversion will not be counted toward an additional step and will be forfeited.

(2) If upon conversion the employee does not receive an increase equivalent to the difference between two steps on the old schedule, service without an equivalent increase prior to conversion will be counted toward the next step. Any service in excess of the requirement for the step is forfeited.

* * * * * *

§ 204.15 Periodic and longevity increases.

* * * * * *

(a) *Non-manual and service categories.* Employees in positions in these categories shall be advanced successively to the next higher scheduled or longevity step within their grade in accordance with Subpart A, Part 25, of this title, except that for employees in grades NM-1 through NM-10 and S-1 through S-9 the waiting period for periodic step increases will be fifty-two (52) calendar weeks and for employees in grades NM-11 and above the waiting period for periodic step increases will be seventy-eight (78) calendar weeks.

* * * * * *

§ 204.18 Pay saving.

Whenever the rate of basic compensation of an employee established, at any time, in relation to rates of compensation for the same or similar work in the continental United States is converted, on or after the effective date of the initial adjustments under section 5 of the Act, to a rate of basic compensation established in relation to rates in areas other than the continental United States under section 5(b) of the Act, such employees shall, pending transfer to a position for which the rate of basic compensation is established in relation to rates in the continental United States under section 5(b), continue to receive the rate of basic compensation (but excluding additional pay assignments) to which he was entitled immediately prior to such conversion, so long as he remains in the same position as that in which he was serving at the time his rate was converted, or until subsequent change is effected to another position unless the change is made without an increase in pay to a position of equal or higher level. If the subsequent change is made to a position of equal or higher level and if application of the normal pay fixing rule would result in a decrease in pay, the employee's saved rate will be preserved. He shall not be eligible for within-grade salary increases granted to Non-Manual or Service employees, step increases granted to Manual employees, or across-the-board increases granted to Manual employees so long as he remains in a position the salary for which is derived from or fixed in relation to wage rates existing in the Republic of Panama or elsewhere outside the continental United States.



sec. 15, 72 Stat. 405; E.O. 10749, 23 F.R. 9227, 3 CFR 1958 Supp.)

WILBER M. BRUCKER,
*Secretary of the Army.*

[F.R. Doc. 61-413; Filed, Jan. 18, 1961; 8:45 a.m.]

# Title 7—AGRICULTURE

## Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815]

## PART 815—ALLOTMENT OF THE DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

### Three-Month Period Ending March 31, 1961

*Correction*

In F.R. Document 60-12176, appearing in the issue for Friday, December 30, 1960, at page 13948, the headings should read as set forth above.

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

## PART 938—IRISH POTATOES GROWN IN RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

### Subpart—Exemption Certificates and Safeguards

REGISTERED HANDLERS

Notice of rule making regarding a proposed amendment to § 938.140 (7 CFR 938.140) of the rules and regulations for establishment of safeguards (Subpart—Exemption Certificates and Safeguards) to be made effective under Marketing Agreement No. 135, and Order No. 38 (7 CFR Part 938) was published in the FEDERAL REGISTER December 13, 1960 (25 F.R. 12752). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which was recommended by the Red River Valley Potato Committee, established pursuant to said marketing agreement and order, the proposed amendment to § 938.140 (7 CFR 938.140) of the rules and regulations for establishment of safeguards (Subpart—Exemption Certificates and Safeguards) is hereby approved.

As amended, § 938.140 is set forth below.

§ 938.140 Registered handlers of potatoes for chipping.

(a) (1) Handlers of potatoes that have been conditioned, or are to be conditioned, for special use as potato chips may apply for registration with the committee as registered handlers of potatoes for chipping. Handlers who apply for registration as registered handlers of potatoes for chipping shall furnish the committee with evidence of special storage and other facilities for conditioning potatoes for potato chips and shall agree to furnish the committee with such reports as the committee may require. Application may be made on forms furnished by the committee. Evidence required by the committee shall include the following:

(i) Location of the applicant's storage facilities within the production area.

(ii) Size or other description of storage facilities.

(iii) Facilities for control of storage, temperature and humidity, and other pertinent information concerning the adequacy and effectiveness of applicant's facilities for conditioning potatoes for chipping.

(iv) Evidence of a contract or other arrangement with a manufacturer or processor of potatoes for potato chips, or such other evidence of regular operations as a supplier of potatoes for potato chips as the committee deems adequate.

(v) Such other information as the committee may require to enable the committee to determine the applicant's qualifications as a handler of potatoes for chipping.

(2) The committee or its duly authorized agent shall give prompt consideration to each application. Approval of an application based upon a determination as to whether the information contained therein and other information available to the committee supports approval shall be evidenced by notification in writing to the applicant. If an application is denied it shall be returned to the applicant with a brief statement in writing of the reasons therefor.

(b) The committee from time to time may conduct surveys of the operations of registered handlers of potatoes for chipping to determine whether such handlers are complying with requirements applicable to the handling of potatoes for chipping. Whenever the committee finds that a registered handler of potatoes for chipping has failed to furnish reports or information requested by the committee or is failing to comply with requirements and regulations applicable to the handling of potatoes for chipping, the committee may rescind the registration of such handler. Such disqualification shall apply to and not exceed a reasonable period of time as determined by the committee but in no event shall it extend beyond the succeeding fiscal period. Any handler whose registration as a registered handler of potatoes for chipping is rescinded, or whose application therefor has been denied, may appeal to the committee in writing for reconsideration of such disqualification or denial.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 16, 1961, to become effective 30 days after publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 61-433; Filed, Jan. 18, 1961; 8:48 a.m.]

## PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

### Order, as Amended, Regulating Handling

It is hereby ordered that on and after the effective date hereof all handling of dried prunes produced in California shall be in conformity to, and in compliance with, the Order Regulating the Handling of Dried Prunes Produced in California, as amended (Order No. 93, as amended; 7 CFR Part 993), and as further amended by this order. All of the findings, determinations, terms, and conditions of the "Order Amending the Order, as Amended, Regulating the Handling of Dried Prunes Produced in California" which was annexed to and made a part of the decision of the Assistant Secretary of Agriculture, dated November 23, 1960 (F.R. Doc. 60-11044; 25 F.R. 12191), with respect to proposed amendments to the amended marketing agreement and order regulating the handling of such dried prunes shall be, and the same hereby are, the findings, determinations, terms, and conditions of this order as if set forth in full herein.

The aforesaid findings and determinations are hereby supplemented by the following additional determinations: A new paragraph (c) is added to § 993.0.

It is further ordered that, for convenient reference, the texts of the codified portions of said Order No. 93, as amended (7 CFR Part 993), and as further amended by the aforesaid amendatory order shall be published in the FEDERAL REGISTER as a single document in revised codified form. In this connection, certain section number designations (including intrasection references thereto) of Order No. 93, as amended and currently in effect, and of the aforesaid amendatory order have been revised (i.e., renumbered or conformed, as the case may be) to provide an orderly sequence of, as well as proper reference to, the sections.

Accordingly, the order, as amended, is hereby further amended to read as hereinafter set forth and to become effective on August 1, 1961, except §§ 993.24, 993.26 through 993.30, 993.32, 993.34 (§ 993.33 of the revised codification), the deletion of present § 993.33, and the amendment of present §§ 993.41, 993.42, 993.43, 993.44, and 993.45 to read as a single section, designated § 993.41, which shall become effective 30 days after publication in the FEDERAL REGISTER. The provisions of this subpart currently in effect shall continue in full force and effect except as otherwise provided by this order, as amended.

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AUTHORITY: §§ 993.0 to 993.97 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

### § 993.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations which were made in connection with issuance of the order and of each previously issued amendment thereto. Except the finding as to the base period for parity computation, and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of the said previous findings and determinations are hereby ratified and affirmed. (For prior findings and determinations see 14 F.R. 5254; 16 F.R. 8437; 19 F.R. 1301; 22 F.R. 8254.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was held in San Francisco, California, on April 18, 1960, on proposed amendments to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of dried prunes produced in California in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) There are no differences in the production and marketing of dried prunes in the production area covered by the order, as amended and as hereby further amended, which require different terms applicable to different parts of such area;

(4) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and

(5) All handling of dried prunes produced in California is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(c) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Dried Prunes Produced in California", upon which a public hearing was held April 18, 1960, in San Francisco, California, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping dried prunes covered by the said order, as amended and as hereby further amended) who, during the period August 1, 1959, through July 31, 1960, handled not less than 50 percent of the volume of such dried prunes covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, further amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the period August 1, 1959, through July 31, 1960 (which has been determined to be a representative period), have been engaged, within the State of California, in the production for market of the commodity specified in such amendatory order, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

*It is therefore ordered,* That, on and after the effective date hereof, all handling of dried prunes produced in California, shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended, as follows:

DEFINITIONS

### § 993.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary under the act.

### § 993.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

### § 993.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

### § 993.4 Area.

"Area" means the State of California.

### § 993.5 Prunes.

"Prunes" means and includes all sun-dried or artificially dehydrated plums, of any type or variety, produced from plums grown in the area, except: (a) Sulfur-bleached prunes which are produced from yellow varieties of plums and are commonly known as silver prunes; and (b) plums which have not been dried or dehydrated to a point where they are capable of being stored prior to packaging, without material deterioration or spoilage unless refrigeration or other artificial means of preservation are used, and so long as they are treated by a process which is in conformity with, or generally similar to, the processes for treatment of plums of that type which have been developed or recommended by the Food Technology Division, College of Agriculture, University of California, for the specialty pack known as "high moisture content prunes," but this exception shall not apply if and when such plums are dried to the point where they are capable of being stored without material deterioration or spoilage, refrigeration or other artificial means of preservation.



### § 993.6 Non-French prunes.

"Non-French prunes" means prunes commonly known as Imperial, Sugar, Robe de Sargent, Burton, Standard, Jefferson, Fellenberg, Italian, President, Giant, and Hungarian (Gross), produced from such varieties of plums. This definition may be modified by the committee with the approval of the Secretary.

### § 993.7 French prunes.

"French prunes" means: (a) Prunes produced from plums of the following varieties of plums: French (Prune d'Agen, Petite Prune d'Agen), Coates (Cox, Double X, Saratoga); and (b) any other prunes which possess taste, flesh texture, and other characteristics similar to those of the prunes named in this section.

### § 993.8 Natural condition prunes.

"Natural condition prunes" means prunes which have not been processed.

### § 993.9 Processed prunes.

"Processed prunes" means prunes which have been cleaned, or treated with water or steam, by a handler.

### § 993.10 Standard prunes.

"Standard prunes" means any lot of natural condition prunes meeting the applicable grade and size standards prescribed pursuant to § 993.49.

### § 993.11 Standard processed prunes.

"Standard processed prunes" means any lot of processed prunes meeting the applicable grade and size standards prescribed pursuant to § 993.50.

### § 993.12 Substandard prunes.

"Substandard prunes" means any lot of processed or natural condition prunes failing to meet the applicable grade and size standards prescribed pursuant to §§ 993.49 and 993.50.

### § 993.13 Handle.

"Handle" means to receive, package, sell, consign, transport, or ship (except as a carrier of prunes owned by another person), or in any other way to place prunes in the current of the commerce within the area or from such area to any point outside thereof: *Provided,* That this term shall not include: (a) Sales or deliveries of prunes by a producer or dehydrator to a producer, dehydrator, or handler within the area; (b) the receiving of prunes by a producer or dehydrator from a producer or dehydrator; and (c) receipts, sales, or shipments of prunes already handled by another person other than pursuant to § 993.50(f).

### § 993.14 Handler.

"Handler" means any person who handles prunes.

### § 993.15 Dehydrator.

"Dehydrator" means any person who produces prunes by drying or dehydrating plums by means of sun-drying or artificial heat.

### § 993.16 Producer.

"Producer" means any person who is engaged, in a proprietary capacity, in growing plums for drying or dehydrating into prunes.

### § 993.17 Ton.

"Ton" means a short ton of 2,000 pounds.

### § 993.18 Grade.

"Grade" means the classification of prunes for quality and condition according to the grading specifications established pursuant to the provisions of this subpart.

### § 993.19 Size.

"Size" means the number of prunes contained in a pound and may be referred to in terms of size ranges.

### § 993.20 Crop year.

"Crop year" means the 12-month period beginning August 1 of any year and ending July 31 of the following year.

### § 993.21 Domestic.

"Domestic" means the United States, Canal Zone, Puerto Rico, Virgin Islands, and Canada.

### § 993.22 Consumer package.

"Consumer package" means: (a) Any container of prunes holding less than 10 pounds of standard processed prunes or standard prunes; or (b) any container holding less than 10 pounds of prunes and other dried fruit if more than 60 percent of the net weight of mixed dried fruit in the lot consists of standard processed prunes or standard prunes.

### § 993.23 Part and subpart.

"Part" means the order regulating the handling of dried prunes produced in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of dried prunes produced in California shall be a "subpart" of such part.

PRUNE ADMINISTRATIVE COMMITTEE

### § 993.24 Establishment and membership.

A Prune Administrative Committee (hereinafter referred to as the "committee"), consisting of 21 members, with an alternate member for each such member, is hereby established to administer the terms and provisions of this part, of whom with their respective alternates, 14 shall represent producers and 7 shall represent handlers. For the term of office beginning June 1, 1960, the membership of the committee shall be as selected by the Secretary for such term in accordance with the provisions of this part in effect on such date. The committee membership for subsequent terms of office shall be allocated in accordance with the following groupings, with the alternate member positions identically allocated:

(a) Three handler members to represent handlers who are cooperative marketing associations of producers (referred to in this part as "cooperative handlers");

(b) Three handler members to represent handlers other than cooperative handlers (referred to in this part as "independent handlers");

(c) One handler member to represent handlers who are cooperative handlers or independent handlers, whichever of such handlers handled as first handlers more than 50 percent of the prunes handled by all handlers during the crop year preceding the year in which nominations are made;

(d) Fourteen producer members to be selected from and to represent producers who are members of cooperative marketing associations (referred to in this part as "cooperative producers") and producers other than "cooperative producers" (referred to in this part as "independent producers"); the number of the producer members for the cooperative producer group or the independent producer group, as the case may be, shall be in the same proportion, as near as practicable, to the total of 14, as the tonnage of prunes handled by the respective group of cooperative handlers or independent handlers as first handlers during the crop year preceding the year in which nominations are made is to the total tonnage of prunes handled by all handlers as first handlers.

### § 993.25 Term of office.

The term of office of members, and their respective alternates, shall be two years, ending on May 31 of even numbered years, and any later date which may be necessary for the selection and qualification of their respective successors.

### § 993.26 Selection.

Selection of members of the committee, and their respective alternates, shall be made in the appropriate number specified in § 993.24, by the Secretary from nominees nominated pursuant to this part or, in the discretion of the Secretary, from other eligible persons.

### § 993.27 Eligibility.

Each producer member of the committee shall be at the time of his selection, and during his term of office, a producer in the group, and if to represent a district also in the district, for which selected, and, except for producer members representing cooperative producers, shall not be engaged in the handling of prunes either in a proprietary capacity or as a director, officer, or employee. Each handler member of the committee shall be a handler in the group he represents or a director, officer, or employee of such handler.

### § 993.28 Nominees.

(a) For the purpose of obtaining nominations for producer members to represent independent producers, the Committee shall, with the approval of the Secretary, divide the area into districts giving, insofar as practicable, equal representation to numbers of independent producers and production of prune tonnage by such producers. The number of districts shall be equal to the number of such producer members or seven, whichever is the lesser. Candidates for nomination by independent producers from the various districts shall be obtained at meetings convened by the committee. Following such meetings, the

committee shall prepare a separate ballot for each of the districts, or a joint ballot for two or more districts, containing (1) the names of the candidates for each district involved and (2) provision for write-in candidates. The ballot shall be mailed to each independent producer of record in each district. The voting procedure (including the casting of the ballot by mail addressed to the committee), and tabulation of votes shall be in accordance with rules and regulations prescribed by the committee, with the approval of the Secretary. Each voter shall be entitled to cast only one vote for a member nominee and only one vote for an alternate member nominee in a district in which he is a producer, and no voter shall vote for candidates in more than one district. In case he is a producer in more than one district, he shall elect in which of such districts he will vote and notify the committee as to his choice. Whenever the number of producer members to represent independent producers during the ensuing term of office is to exceed seven, one nominee shall be nominated by independent producers in each of the seven districts and an additional nominee for each member in excess of the seven members shall be nominated, without reference to districts, by such seven nominees. The committee shall recommend the establishment of districts, or any changes therein, to the Secretary prior to January 31 of each year in which nominations are made.

(b) Nominations of producer members to represent cooperative producers and handler members to represent cooperative handlers shall be submitted to the Secretary by cooperative marketing associations engaged in the handling of prunes before April 16 of each year in which nominations are made.

(c) In any year in which nominations are made following a crop year during which the tonnage of prunes handled by independent handlers as first handlers exceeded the tonnage of prunes handled by cooperative handlers as first handlers, nominees for member positions to represent independent handlers shall be nominated as follows:

(1) Each of the two independent handlers who handled during such preceding crop year, the two largest percentages of the prune tonnage handled by all independent handlers shall nominate from their respective organizations, one nominee for a handler member and one for an alternate member;

(2) Three independent handlers who handled during such preceding crop year the next three largest percentages of the prune tonnage handled by all independent handlers shall nominate from among their organizations, one nominee for a handler member and one for an alternate member;

(3) All other independent handlers who handled the remaining percentage of such prune tonnage shall nominate from their organizations, one nominee for a handler member and one for an alternate member.

In any year in which nominations are made following a crop year during which the tonnage of prunes handled by cooperative handlers as first handlers exceeded the tonnage of prunes handled by independent handlers as first handlers, nominees for two member and alternate positions to represent the independent handlers referred to in paragraph (c)(1) of this section shall be nominated in accordance with said paragraph (c)(1), and one nominee for the member and one for the alternate position to represent all other independent handlers shall be nominated by the handlers referred to in paragraph (c)(2) and (3) of this section and the votes of such handlers shall be weighted by the tonnage of prunes handled during the preceding crop year by the respective handlers.

(d) The committee shall establish, with the approval of the Secretary, the procedures by which such nominations, other than by cooperative marketing associations engaged in the handling of prunes, shall be obtained and shall submit such nominations to the Secretary before April 16 of the year in which nominations are made. In the event the committee determines that any nominating procedure specified in this section does not result in equitable representation, it may establish, with the prior approval of the Secretary, such modifications as will tend to assure such representation.

### § 993.29 Alternates.

An alternate for a member of the committee shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified. Except as otherwise specifically provided in this subpart, the provisions of this part applicable to members also apply to alternate members.

### § 993.30 Failure to nominate.

If a nomination for any position on the committee is not received by the Secretary by May 1, the Secretary may select an eligible individual without regard to nominations.

### § 993.31 Acceptance.

Each person selected as a member or alternate member of the committee shall, prior to serving on the committee, qualify by filing with the Secretary a written acceptance within 15 days after receiving notice of his selection.

### § 993.32 Vacancies.

In the event of any committee vacancy occasioned by the removal, resignation, disqualification, or death of any member, or in the event of the failure of any person selected as a member or alternate member to qualify, a successor for the unexpired term shall be nominated within 60 calendar days thereof. Such nominations shall be made in the manner provided for in this subpart, insofar as applicable, except that nominations of nominees for a producer member position to represent independent producers may, at the discretion of the committee, be made to the committee by the incumbent producer members of the committee who represent independent producers.

### § 993.33 Voting procedure.

Decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided*, That decisions on marketing policy, grade or size regulations, or pack specifications shall require at least 11 affirmative votes. A quorum shall consist of at least 12 members of whom at least eight must be producer members and at least four must be handler members. Except in case of emergency, a minimum of five days' advance notice must be given with respect to any meeting of the committee. In case of an emergency, to be determined within the discretion of the chairman of the committee, as much advance notice of a meeting as is practicable in the circumstances shall be given. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption and at least 11 affirmative votes shall be required for adoption.

### § 993.34 Compensation and expenses.

The members of the committee, and their alternates when acting as members, shall receive $10.00 per day for each day devoted to performing their duties hereunder, plus their reasonably necessary expenses.

### § 993.35 Powers.

The committee shall have the following powers:

(a) To administer the terms and provisions of this subpart;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

### § 993.36 Duties.

The committee shall have, among others, the following duties:

(a) To act as intermediary between the Secretary and any producer, dehydrator, or handler;

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions, and such minutes, books, and other records shall be subject to examination by the Secretary at any time;

(c) To make, subject to the prior approval of the Secretary, scientific and other studies, and assemble data on the producing, handling, shipping, and marketing conditions relative to prunes, which are necessary in connection with the performance of its official duties;

(d) To select, from among its members, a chairman and other appropriate officers, and to adopt such rules and regulations for the conduct of the business of the committee as it may deem advisable;

(e) To appoint or employ such other persons as it may deem necessary, and to determine the salaries and define the duties of such persons;

(f) To submit to the Secretary not later than the fourth Tuesday of July of each year, a budget of its anticipated expenditures and the recommended rate of assessment for the ensuing crop year, and the supporting data therefor;

(g) To submit to the Secretary such available information with respect to prunes as the committee may deem appropriate, or as the Secretary may request;

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee and to make such statements, together with the minutes of the meetings of said committee, available for inspection at the offices of the committee by producers, dehydrators, and handlers;

(i) To cause the books of the committee to be audited by a certified public accountant at least once each crop year, and at such other times as the committee may deem necessary or as the Secretary may request, and two copies of each such audit report shall be submitted to the Secretary and a copy which does not contain confidential data shall be available for inspection at the offices of the committee, by producers, dehydrators, and handlers;

(j) To give the Secretary the same notice of meetings of the committee as is given to the members of the committee;

(k) To give producers, dehydrators, and handlers reasonable advance notice of meetings of the committee, and to maintain all such meetings open to such persons;

(l) To investigate compliance with the provisions of this subpart and with any rules and regulations established pursuant to such provisions; and

(m) To establish, with the approval of the Secretary, such rules and procedures relative to administration of this subpart as may be consistent with the provisions contained in this subpart and as may be necessary to accomplish the purposes of the act and the efficient administration of this subpart.

### § 993.37 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of prunes. The expense of such projects shall be paid from funds collected pursuant to § 993.81.

## MARKETING POLICY

### § 993.41 Marketing policy.

Prior to the fourth Tuesday of each July, the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy for the ensuing crop year. In the event it becomes advisable to modify such policy, because of changed demand, supply or other conditions, the committee shall formulate a new policy and shall submit a report thereon to the Secretary. In developing the marketing policy, the committee shall give consideration to the handler carryover, production, probable quality and prune sizes in the crop, demands in domestic and foreign markets, whether producer prices are likely to exceed parity and the probable assessable tonnage for the purposes of § 993.81 and such other factors as may have a bearing on the marketing of prunes or the administration of this part. Notice of the committee's marketing policy, and of any modifications thereof, shall be given promptly by reasonable publicity, to producers, dehydrators and handlers.

## GRADE AND SIZE REGULATIONS

### § 993.48 Regulation.

No handler shall handle prunes except in accordance with the provisions of this part.

### § 993.49 Incoming regulation.

(a) No handler shall receive prunes from producers or dehydrators, other than substandard prunes, unless such prunes meet the minimum standards for natural condition prunes set forth in § 993.97 (Exhibit A), or as such standards may be modified, or the more restrictive grade regulation established pursuant to this section, and then in effect: *Provided*, That no handler shall receive any prunes (including substandard prunes) from producers or dehydrators unless such prunes have been properly dried and cured in original natural condition, without the addition of water, and are free from active insect infestation, so that they are capable of being received, stored, and packed without material deterioration or spoilage. Any "high moisture content prunes," as described in the exception in § 993.4(b), in the possession of a handler, shall be held separate and apart from any prunes held by him. If such "high moisture content prunes" are dried or dehydrated to a point where they are capable of being stored, without material deterioration or spoilage, unrefrigerated or not otherwise artificially preserved, they shall be deemed, at that time, to have been received by such handler as prunes, and shall be subject to all of the conditions and restrictions of this subpart.

(b) The Secretary, on the basis of a recommendation of the committee or other information, may establish size regulations or more restrictive grade regulations with respect to prunes that may be received by a handler from producers and dehydrators whenever he finds that such action would tend to effectuate the declared policy of the act.

(c) When an inspection certificate shows that a lot of substandard prunes received by a handler from a producer or dehydrator contains prunes with defects in excess of those permitted in IC (1) or (2) of § 993.97 the quantity of prunes with such defects necessary to be removed from the lot in order that the balance of the lot would then be within the tolerances for such defects shall be determined and the handler shall dispose of a like quantity of prunes affected by such defects in non-human consumption outlets: *Provided*, That the committee, by its rules and regulations, shall prescribe a maximum percentage of such defects in any lot received by a handler; and any lot so received which contains a greater percentage of such defects shall be disposed of in its entirety in non-human consumption outlets. In determining the defective prunes to be disposed of, consideration shall be given to the size ranges of their occurrence and variations in their condition. With the approval of the Secretary, the committee shall issue such rules and regulations (including the prescription of a maximum percentage) as may be necessary to administer the provisions of and to insure compliance with, this section.

### § 993.50 Outgoing regulation.

(a) Except as otherwise specifically provided, no handler shall ship or otherwise make final disposition of prunes which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A), or as such standards may be modified, for standard prunes or standard processed prunes.

(b) The Secretary, on the basis of a recommendation of the committee or other information, may establish size regulations, pack specifications, or more restrictive grade regulations with respect to prunes that may be shipped or otherwise disposed of by a handler if such action would tend to effectuate the declared policy of the act. If a more restrictive grade regulation is established in connection with § 993.97 (Exhibit A) it shall insofar as practicable apply comparably to both natural condition prunes and processed prunes. When pack specifications are in effect, no handler shall ship prunes in consumer packages, unless such prunes are identified by an appropriate label, seal, stamp, or tag affixed to such container by the handler showing the size of prunes in the lot from which the container was packed. In order to effectuate such orderly marketing of prunes as will be in the public interest, whether prices are above or below parity, no handler shall use descriptive terms in a manner inconsistent with that set forth in this subpart or in any pack specifications or other regulation issued by the Secretary pursuant to this subpart.

(c) Non-French prunes: No handler shall ship or otherwise make final disposition of any lot of standard prunes or standard processed prunes of the non-French varieties or any lot which includes non-French prunes in excess of a tolerance to be prescribed by the Secretary on recommendation of the committee, unless the average count of such non-French prunes is 50 or less per pound, or if of the Robe de Sargent variety is 60 or less per pound. However, under safeguards to be established by the committee, such prunes may be shipped to or disposed of in prune product outlets in which they lose their form and character as prunes by conversion prior to consumption. A tolerance as to the permitted deviation of sizes about the average count shall be prescribed by the Secretary, upon recommendation of the committee.

(d) French prunes: No handler shall ship or otherwise make final disposition of any lot of consumer packages of French prunes unless the average count of such prunes contained in such lot is

100 or less per pound. In determining whether such lot of prunes conforms to this minimum size requirement, the following tolerance shall apply: In a sample of 100 ounces, the count per pound of 10 ounces of the smallest prunes shall not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points. The Secretary may, upon the basis of the recommendation and information submitted by the committee and other available information, modify or change this tolerance for uniformity of size.

(e) No handler shall ship or otherwise make final disposition of any lot of substandard prunes except for use as prune products in which the prunes lose their form and character as prunes by conversion prior to consumption, or for use in non-human consumption outlets: *Provided*, That any such prunes which are shipped or otherwise disposed of for human consumption shall meet the minimum standards prescribed in II C (1), (2), and (3) of § 993.97 or as such standards as may pursuant to § 993.52 be modified. The committee shall issue any such rules and regulations as may be necessary to insure such uses.

(f) Notwithstanding the restrictions contained in this section, any handler may transfer prunes from one plant owned by him to another plant owned by him within the area without having an inspection made as provided for in § 993.51. Any handler may ship prunes from his plant to another handler's plant within the area without having an inspection made as provided for in § 993.51, but a report of such inter-handler transfer shall be made promptly by the transferring handler to the committee. The receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of this section and of § 993.51.

### § 993.51 Inspection and certification.

Each handler shall at his own expense, before or upon the receiving, and before the shipping or disposing of prunes, cause an inspection to be made of such prunes to determine whether they meet the applicable grade and size requirements or the pack specifications, including labeling, effective pursuant to this part. Such handler shall obtain a certificate that such prunes meet the aforementioned applicable requirements and shall submit such certificate, or cause it to be submitted, to the committee. Acceptable certificates shall be those issued by inspectors of the Dried Fruit Association of California. The Secretary may designate another inspection service in the event the services of the Association prove unsatisfactory.

### § 993.52 Modification.

Minimum standards, pack specifications or size regulations may be modified by the Secretary, on the basis of a recommendation of the committee or other information, whenever he finds that such modification would tend to effectuate the declared policy of the act.

### § 993.53 Above parity situations.

The minimum standards, the minimum sizes, and the provisions of this part relating to administration shall continue in effect irrespective of whether the estimated season average price for prunes is in excess of the parity level specified in section 2(1) of the act.

## Reports and Books and Other Records

### § 993.71 Confidential information.

All reports and records furnished or submitted by handlers to the committee which include data or information constituting a trade secret or disclosing of the trade position, financial condition, or business operations of the particular handler from whom received shall be received by, and at all times kept in the custody and under the control of one or more employees of the commitee, who shall disclose such information to no person except the Secretary. Nothwithstanding the above provisions of this section, information may be disclosed to the committee when reasonably necessary to enable the committee to carry out its functions under this subpart.

### § 993.72 Reports of acquisitions, sales, uses, and shipments.

Each handler shall file such reports of his acquisitions, sales, uses, and shipments of prunes, as may be requested by the committee.

### § 993.73 Other reports.

Upon the request of the committee, each handler shall furnish such other reports and information as are needed to enable the committee to perform its functions under this subpart.

### § 993.74 Records.

Each handler shall maintain such records of prunes received, held and disposed of by him, as are prescribed by the committee and needed by it to perform its functions under this subpart. Such records shall be retained for at least two years beyond the crop year of their applicability.

### § 993.75 Verification of reports.

For the purpose of checking and verifying reports filed by handlers or the operation of handlers under the provisions of this subpart, the committee, through its duly authorized agents, shall have access to any premises where prunes may be held by any handler and at any time during reasonable business hours, shall be permitted to inspect any prunes so held by such handler and any and all records of such handler with respect to the holding or disposition of all prunes which may be held or which may have been disposed of by him.

## Expenses and Assessments

### § 993.80 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate.

### § 993.81 Assessments.

(a) Each handler shall pay to the committee, upon demand, with respect to all prunes received by him from producers and dehydrators, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each crop year. Each handler's pro rata share shall be the rate of assessment per ton fixed by the Secretary. At any time during or after a crop year the Secretary may increase the rate of assessment to cover unanticipated expenses of the committee or a deficit in assessable tonnage.

(b) In order to provide funds to carry out the functions of the committee, the committee may accept advance payments from any handler to be credited toward such assessments as may be levied pursuant to this section against the respective handler.

(c) Any money collected as assessments during any crop year and not expended in connection with the committee's operations may be used by the committee for a period of five months subsequent to such crop year. At the end of such period the committee shall, from funds on hand, refund or credit to handler accounts the aforesaid excess. Each handler's share of such excess funds shall be the amount of assessments he has paid in excess of his pro rata share of the actual net expenses of the committee for the preceding crop year. Any money collected from assessments hereunder and remaining unexpended in the possession of the committee at the termination of this part, shall be distributed in such manner as the Secretary may direct: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

### § 993.82 Funds.

All funds received by the committee pursuant to the provisions of this part shall be used solely for authorized purposes. The Secretary may, at any time, require the committee or its members and alternate members to account for all receipts and disbursements.

## Miscellaneous Provisions

### § 993.83 Rights of the Secretary.

The members of the committee (including successors or alternates) and any agent or employee appointed or employed by the committee, shall be subject to the removal or suspension by the Secretary, in his discretion, at any time. Each and every decision, determination, or other acts of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

### § 993.84 Personal liability.

No member or alternate member of the committee, or any employee, representative, or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.



### § 993.85 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

### § 993.86 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

### § 993.87 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

### § 993.88 Agents.

(a) *Authorization by Secretary.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

(b) *Authorization by committee.* The committee may authorize any person or persons or agency to act as its agent or representative in connection with the provisions of this subpart.

### § 993.89 Effective time.

The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated, or during suspension, in one of the ways specified in § 993.90.

### § 993.90 Termination or suspension.

(a) *Failure to effectuate policy of act.* The Secretary may, at any time, terminate the provisions of this subpart, by giving at least one day's notice by means of a press release or in any other manner which he may determine. The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart on or before the fifteenth day of July of any crop year, to be effective at the end of such crop year, whenever he is required to do so by the provisions of section 8c(16)(B) of the act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to determine whether they favor termination of this subpart. However, beginning with 1951, if the Secretary receives a recommendation, adopted by at least a majority vote of the producer members of the committee, requesting the holding of such a referendum, the Secretary shall hold such a referendum: *Provided*, That the Secretary shall not be required to hold such a referendum upon the basis of such a request more than once every two years.

(c) *Termination of act.* The provisions of this subpart shall terminate, in any event, upon the termination of the act.

### § 993.91 Procedure upon termination.

Upon the termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustee shall require the concurrence of a majority of the said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said committee and upon said joint trustees.

### § 993.92 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

### § 993.93 Amendments.

Amendments to this subpart may be proposed from time to time, by any person or by the committee, and may be made a part of this subpart by the procedures provided under the act.

### § 993.97 Exhibit A; minimum standards.

I. Minimum standards for natural condition prunes:

A. *Defects.* Defects are: (1) Off-color; (2) inferior meat condition; (3) end cracks; (4) fermentation; (5) skin or flesh damage; (6) scab; (7) burned; (8) mold; (9) imbedded dirt; (10) insect infestation; (11) decay.

B. *Explanation of terms.* (1) "Off-color" means a dull color or skin differing noticeably in appearance from that which is characteristic of mature, properly handled fruit of a given variety or type.

(2) "Inferior meat condition" means flesh which is fibrous, woody or otherwise inferior due to immaturity to the extent that the characteristic texture of the meat is substantially affected.

(3) "End cracks" means callous growth cracks, at the blossom end of prunes, aggregating more than three-eighths of one inch (⅜") but not more than one-half of one inch (½") in length.

(4) "Fermentation" means damage to the flesh by fermentation to the extent that the characteristic appearance or flavor is substantially affected.

(5) "Skin or flesh damage" means growth cracks, splits, breaks in skin or flesh of the following descriptions:

(a) Callous growth cracks, except end cracks as defined in this section, aggregating more than three-eighths of one inch (⅜") in length;

(b) Splits or skin breaks exposing flesh and affecting materially the normal appearance of the prunes;

(c) Any cracks, splits or breaks open to the pit;

(d) Healed or unhealed surface or flesh blemishes caused by insect injury and which materially affect appearance, edibility or keeping quality;

(e) Skin damage caused by rain or overdipping to the extent that the prunes cannot be processed normally without material sloughing of the skin.

(6) "Scab" means tough or thick scab exceeding in the aggregate the area of a circle three-eighths of one inch (⅜") in diameter or by unsightly scab of another character exceeding in the aggregate the area of a circle three-fourths of one inch (¾") in diameter.

(7) "Burned" means injury by sunburn or excessive heat in dehydration to the extent that the characteristic appearance, flavor or edibility of the fruit is noticeably affected.

(8) "Mold" means a characteristic fungus growth and is self-explanatory.

(9) "Imbedded dirt" means the presence of dirt or other extraneous material so imbedded in, or adhering to, the prune that it cannot be removed in normal processing.

(10) "Insect infestation" means the presence of insects, insect fragments or insect remains.

C. *Maximum tolerances.* Tolerance allowances shall be on a weight basis and shall not exceed the following:

(1) The tolerance allowance for decay shall not exceed one percent (1%).

(2) The combined tolerance allowance for mold, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%).

(3) The combined tolerance allowance for fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed eight percent (8%).

(4) The combined tolerance allowance for end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed ten percent (10%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(5) The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed twenty percent (20%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(6) Prunes showing obvious live insect infestation shall be fumigated prior to acceptance.

D. Natural condition prunes must be properly dried and cured in original natural condition, without the addition of water, and free from active infestation, so that they are

capable of being received, stored and packed without deterioration or spoilage.

II. Minimum standards for processed prunes:

A. *Defects.* Defects are: (1) Off-color; (2) inferior meat conditions; (3) end cracks; (4) fermentation; (5) skin or flesh damage; (6) scab; (7) burned; (8) mold; (9) imbedded dirt; (10) insect infestation; (11) decay.

B. *Explanation of terms.* (1) "Off-color" means a dull color or skin differing noticeably in appearance from that which is characteristic of mature, properly handled fruit of a given variety or type.

(2) "Inferior meat condition" means flesh which is fibrous, woody or otherwise inferior due to immaturity to the extent that the characteristic texture of the meat is substantially affected.

(3) "End cracks" means callous growth cracks, at the blossom end of prunes, aggregating more than three-eighth of one inch (⅜") but not more than one-half of one inch (½") in length.

(4) "Fermentation" means damage to the flesh by fermentation to the extent that the characteristic appearance or flavor is substantially affected.

(5) "Skin or flesh damage" means growth cracks, splits, breaks in skin or flesh of the following descriptions:

(a) Callous growth cracks, except end cracks as defined in this section, aggregating more than three-eighths of one inch (⅜") in length;

(b) Splits or skin breaks exposing flesh and materially affecting the normal appearance of French prunes; or markedly affecting the normal appearance of varieties other than the French variety;

(c) Any cracks, splits or breaks open to the pit;

(d) Healed or unhealed surface or flesh blemishes caused by insect injury and which materially affect appearance, edibility or keeping quality.

(6) "Scab" means tough or thick scab exceeding in the aggregate the area of a circle three-eighth of one inch (⅜") in diameter or by unsightly scab of another character exceeding in the aggregate the area of a circle three-fourths of one inch (¾") in diameter.

(7) "Burned" means injury by sunburn or excessive heat in dehydration to the extent that the characteristic appearance, flavor or edibility of the fruit is noticeably affected.

(8) "Mold" means a characteristic fungus growth and is self-explanatory.

(9) "Imbedded dirt" means the presence of dirt or other extraneous material so imbedded in, or adhering to, the prune that it cannot be readily removed in washing the fruit.

(10) "Insect infestation" means the presence of insects, insect fragments or insect remains.

C. *Maximum tolerances.* Tolerance allowances shall be on a weight basis and shall not exceed the following:

(1) There shall be no tolerance allowance for live insect infestation.

(2) The tolerance allowance for decay shall not exceed one percent (1%).

(3) The combined tolerance allowance for mold, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%).

(4) The combined tolerance allowance for fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed eight percent (8%).

(5) The combined tolerance allowance for end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed ten percent (10%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(6) The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed twenty percent (20%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

Dated at Washington, D.C., this 13th day of January 1961.

CLARENCE L. MILLER,
*Assistant Secretary.*

[F.R. Doc. 61-477; Filed, Jan. 18, 1961; 8:54 a.m.]

# Title 8—ALIENS AND NATIONALITY

## Chapter I—Immigration and Naturalization Service, Department of Justice

## PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

### Returning Residents

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

The first sentence of § 211.1 *Visas* is amended by adding the word "Cuba," after the word "Albania".

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is contrary to the public interest in this instance because the amendment prescribed by the order affects the internal security of the United States.

Dated: January 16, 1961.

J. M. SWING,
*Commissioner of Immigration and Naturalization.*

[F.R. Doc. 61-504; Filed, Jan. 18, 1961; 8:54 a.m.]

# Title 22—FOREIGN RELATIONS

## Chapter I—Department of State

[Dept. Reg. 108.457]

## PART 46—CONTROL OF ALIENS DEPARTING FROM THE UNITED STATES

### Amendment of Regulation

Part 46, Chapter I, Title 22 of the Code of Federal Regulations is hereby amended in the following respect:

Paragraph (k) of § 46.3 is amended to read as follows:

**§ 46.3 Aliens whose departure is deemed prejudicial to the interests of the United States.**

* * * * *

(k) Any alien lawfully admitted for permanent residence who seeks to depart from the United States for travel to, in, or through Albania, Communist-controlled China ("Chinese People's Republic"), Cuba, North Korea ("Democratic People's Republic of Korea") or North Viet-Nam ("Democratic Republic of Viet-Nam").

*Effective date.* The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: January 14, 1961.

[SEAL] CHRISTIAN A. HERTER,
*Secretary of State.*

Dated: January 14, 1961.

Concurred in:

WILLIAM ROGERS,
*Attorney General.*

[F.R. Doc. 61-507; Filed, Jan. 18, 1961; 8:54 a.m.]

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[Dept. Reg. 108.456]

## PART 53—TRAVEL CONTROL OF CITIZENS AND NATIONALS IN TIME OF WAR OR NATIONAL EMERGENCY

### Exceptions to Regulations

Pursuant to the authority vested in me by paragraph 126 of Executive Order No. 7856, dated March 31, 1938, issued under the authority of section 1 of the act of Congress approved July 3, 1926 (44 Stat. 887, 22 U.S.C. 211a), and section 4 of the act of May 26, 1949 (63 Stat. 111; 5 U.S.C. 151c), I hereby amend paragraph (b) of 53.3, Exceptions to regulations in § 53.2 of Title 22 of the Code of Federal Regulations to read as follows:

**§ 53.3 Exceptions to Regulations in 53.2.**

* * * * *

(b) When traveling between the United States and any country, territory or island adjacent thereto in North, Central, or South America, excluding Cuba: *Provided,* That this exception shall not be applicable to any such person when traveling to or arriving from a place outside the United States for which a valid passport is required under this part, if such travel is accomplished via any country or territory in North, Central, or South America or any island adjacent thereto: *And provided also,* That this section shall not be applicable to any seaman except as provided in paragraph (c) of this section; or

(Sec. 215, 66 Stat. 190; 8 U.S.C. 1185 and Executive Order 3004 dated January 17, 1903, 18 F.R. 489)

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the provisions thereof involve foreign affairs functions of the United States.

Dated: January 16, 1961.

For the Secretary of State.

LOY W. HENDERSON,
*Deputy Under Secretary for Administration.*

[F.R. Doc. 61-506; Filed, Jan. 18, 1961; 8:54 a.m.]



# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 17—MEDICAL

### Agreements To Procure Medical and Ancillary Services on a Fee Basis

Section 17.52 is added to read as follows:

**§ 17.52 Agreements to procure medical and ancillary services on a fee basis.**

(a) Managers of Veterans Administration hospitals and domiciliaries and Chief Medical Officers are authorized to consummate agreements with professional associations, private or public (non-Federal) organizations, or persons to provide medical and ancillary services of acceptable standards on a fee basis. Such agreements will be entered into solely under conditions prescribed by the Chief Medical Director.

(b) Agreements covering the furnishing of medical and ancillary services by other Federal agencies on a fee basis will be executed by the Chief Medical Director.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective January 19, 1961.

[SEAL] ROBERT J. LAMPHERE,
*Deputy Administrator.*

[F.R. Doc. 61-486; Filed, Jan. 18, 1961; 8:48 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

[No. 32156]

## PART 181—COMMON AND CONTRACT CARRIERS OF PASSENGERS

### Uniform System of Accounts for Class I Common and Contract Motor Carriers of Passengers

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the fifth day of January A.D. 1961.

The Commission having under consideration a notice of proposed rule making, dated January 4, 1960, published in the FEDERAL REGISTER January 30, 1960 (25 F.R. 817) and the responses thereto relating to the practice of requiring amortization or immediate write-off of intangibles in the Commission's orders approving acquisitions under sections 5 and 212(b) of the Interstate Commerce Act:

It appearing that the practice of requiring amortization or write-off of intangibles as conditions to approvals of transactions under sections 5 and 212(b) of the Interstate Commerce Act has been discontinued and that the mandatory requirements to such effect contained in unexpired orders heretofore entered in proceedings under those sections are no longer necessary or desirable;

It further appearing that the modifications of the regulations herein prescribed do not enlarge the accounting or other requirements and are permissive in nature, the notice of proposed rule making requirements of section 4 of the Administrative Procedure Act for good cause are deemed unnecessary;

*It is ordered,* That, effective as of January 1, 1960, amortization accruals and write-off of intangibles and the creation of related reserves shall be within the discretion of the carriers, except as provided in the modification of the regulations set forth below and made a part hereof designated "Modification of Regulations Pertaining to Amortization of Intangibles".

*It is further ordered,* That, amortization accruals and write-off and related reserves created during the year 1960 which are eliminated or reversed pursuant to provisions of this order shall be adjusted by crediting the charges so eliminated or reversed to accounts 7500, Other Deductions, or 2946, Other Debits to Surplus, depending on which account was charged when the accruals were recorded; with concurrent debit to accounts 2600, Reserve for Amortization—Carrier Operating Property, or 2690, Other Reserves, as appropriate.

*It is further ordered,* That outstanding unexpired orders in other proceedings are hereby modified to the extent they may be inconsistent with this order.

*It is further ordered,* That this order be served on each Class I common and contract motor carrier of passengers subject to its provisions, and on every trustee, receiver, executor, administrator, or assignee of such motor carrier, and notice shall be given to the general public by depositing this order in the office of the Secretary of the Commission at Washington, D.C., and by filing with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply Sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

Part 181, 49 CFR, is amended as follows: In § 181.02–31, *Amortization of intangibles,* designate the existing text (which was added by order issued May 16, 1960) as paragraph "(a)"; also, add the following new and additional paragraph designated as "(b)".

(b) The amount retained in account 1550, Other Intangible Property, less the amortization reserve, pursuant to the provisions of the Commission's order dated January 5, 1961, applicable to intangibles initially required to be amortized or written-off under provisions of orders heretofore entered in proceedings under sections 5 and 212(b) of the Interstate Commerce Act, shall not exceed the fair value of the intangibles as of the time of acquisition. Fair value of intangibles, as herein used, acquired in purchase of a distinct operating unit means the amount by which total consideration paid exceeds fair market value of tangible property and other net assets (except intangibles), in conformity with the principles in § 181.02–20 of these instructions, as adopted April 1, 1960.

[F.R. Doc. 61-432; Filed, Jan. 18, 1961; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[ 26 CFR Part 1 ]

### INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

#### Prepaid Subscription Income

Proposed regulations under section 455, relating to prepaid income from newspaper and periodical subscriptions, were published in the FEDERAL REGISTER for December 14, 1960.

A public hearing on the provisions of these proposed regulations will be held on Thursday, February 16, 1961, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington 25, D.C.

Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by February 13, 1961.

[SEAL] MAURICE LEWIS,
*Director Technical Planning Division, Internal Revenue Service.*

[F.R. Doc. 61-445; Filed, Jan. 18, 1961; 8:50 a.m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

[ 29 CFR Parts 604, 606, 713 ]

[Administrative Order No. 545]

### INDUSTRY COMMITTEE NO. 51 FOR PUERTO RICO

#### Resignation and Appointment of Member

A vacancy has occurred on Industry Committees Nos. 51-A, 51-B, and 51-C appointed by Administrative Order No. 542 (25 F.R. 12950) because of the resignation of Mr. Wesley J. Hennessy of New York, N.Y., as a representative of the public.

Now, therefore, pursuant to authority contained in the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1949-53 Comp., p. 1004), and 29 CFR 511.5, I hereby appoint Mr. Paul Van K. Thomson of Providence, Rhode Island, to serve as a representative of the public on Industry Committees Nos. 51-A, 51-B, and 51-C.

Signed at Washington, D.C., this 13th day of January 1961.

JAMES P. MITCHELL,
*Secretary of Labor.*

[F.R. Doc. 61-463; Filed, Jan. 18, 1961; 8:52 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Betz Laboratories, Inc., Gillingham and Worth Streets, Philadelphia 24, Pennsylvania, proposing the issuance of a regulation to permit the safe use of sodium dimethyldithiocarbamate, sodium pentachlorophenate, sodium 2,4,5-trichlorophenate, and N-alkyldimethyl benzylammonium chloride as components of antimicrobial agents for the control of slime in the manufacture of paper and paperboard for food packaging.

Dated: January 13, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-437; Filed, Jan. 18, 1961; 8:48 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Betz Laboratories, Inc., Gillingham and Worth Streets, Philadelphia 24, Pennsylvania, proposing the issuance of a regulation to permit the safe use of a combination of 3,5-dimethyltetrahydroxy-1,3,5 - 2H - thiadiazine - 2-thione, 2-mercaptobenzothiazole, and diethylenetriamine as components of antimicrobial agents for the control of slime in the manufacture of paper and paperboard for food packaging.

Dated: January 13, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-438; Filed, Jan. 18, 1961; 8:48 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Betz Laboratories, Inc., Gillingham and Worth Streets, Philadelphia 24, Pennsylvania, proposing the issuance of a regulation to permit the safe use of a combination of 3,5-dimethyltetrahydroxy-1,3,5-2H-thiadiazine-2-thione at tolerances of 1,000 parts per million (0.1 percent) in wet end additives and 300 parts per million (0.03 percent) in paper coatings when used for preservation of wet end additives and coatings in the manufacture of paper and paperboard for food packaging.

Dated: January 13, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-439; Filed, Jan. 18, 1961; 8:48 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 600 ]

[Airspace Docket No. 60-WA-62]

### FEDERAL AIRWAYS

#### Withdrawal of Proposal to Modify a Federal Airway

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 60-WA-62 on September 29, 1960 (25 F.R. 9294), it was stated that the Federal Aviation Agency proposed to realign the segment of VOR Federal airway No. 283 between Fresno, Calif., and Lakeview, Oreg., via the Friant, Calif., VOR and a VOR to be installed approximately March 1, 1961, near Lake Tahoe, Calif., at latitude 39°10'50" N., longitude 120°16'07" W. The proposed realignment would have provided a shorter more well defined route than that provided by the existing alignment of Victor 283 via Reno, Nev.

Subsequent to publication of the notice, it has been determined that the route as proposed would be aligned approximately over and parallel to the crest of the Sierra, Nev., mountain range and subject to more severe thunderstorm activity, precipitation and turbulence than would be experienced on the existing route alignment. It would appear that the penalty imposed by more severe weather conditions would more than offset the gain to air traffic management provided by the shorter route.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 60-WA-62 is withdrawn.

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 12, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-476; Filed, Jan. 18, 1961; 8:54 a.m.]





[ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-LA-43]

### FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

#### Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amending Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 44 extends from Bellingham, Wash., to Princeton, British Columbia, Canada. The Federal Aviation Agency is considering revoking the portion of this airway which lies over the United States. A Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows a maximum of two aircraft movements on the United States portion of this airway. Therefore, it appears that the retention of this airway segment is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke the segment of Red 44 and its associated control areas from the Bellingham, Wash., radio range to the United States/Canadian border. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with this segment of Red 44. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures. Concurrently with this action, § 601.4244 relating to reporting points associated with Red 44 would also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 13, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-417; Filed, Jan. 18, 1961; 8:45 a.m.]

[ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-WA-279]

### FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

#### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.115, 601.115 and 601.4115 of the regulations of the Administrator, the substance of which is stated below.

Amber Federal airway No. 15 is designated as the airspace over the United States territory from the Ethelda Bay, British Columbia, Canada, nondirectional radio beacon to the Annette Island, Alaska, radio range station. The Federal Aviation Agency is considering the designation of the United States portion of a route for civil turbojet aircarrier operations between Vancouver, British Columbia, Canada, and Fairbanks, Alaska. The Canadian portion of this route would be the Canadian High Level Airway No. 502 which extends from Vancouver to the United States/Canadian border southeast of Annette Island, and a planned extension of this route, from the United States/Canadian border northwest of Haines, Alaska, to the United States/Canadian border southeast of Northway, Alaska.

Accordingly, the Federal Aviation Agency proposes to extend Amber 15 and its associated control areas within the United States from Annette Island to Fairbanks. In addition, it is proposed to increase the width of Amber 15 to 16 miles either side of the airway centerline, at and above 24,000 feet MSL. Civil turbojet aircarrier flights operate above 24,000 feet MSL, and while within control areas, are provided an additional traffic service which consists in part of radar vectors around other observed traffic. Because of operating characteristics at high altitudes, these high speed flights cannot be contained within a 10-mile wide airway and therefore cannot take full advantage of the additional traffic service. Increasing the airway width above 24,000 feet MSL as proposed would permit the civil turbojet aircarrier flights to take advantage of the additional traffic service.

If this action is taken, Amber Federal airway No. 15 and its associated control areas would be redesignated from the intersection of the southeast course of the Annette Island, Alaska, radio range and the United States/Canadian border via the Annette Island radio range; Petersburg, Alaska, radio range; Coghlan Island, Alaska, radio beacon; Haines, Alaska, radio beacon; to the intersection of a line bearing 326° True from the Haines radio beacon and the United States/Canadian border. From the intersection of the southeast course of the Northway, Alaska, radio range and the United States/Canadian border via the Northway radio range; Big Delta, Alaska, radio range; to the Fairbanks, Alaska, radio range, including the area within 16 miles either side of the airway centerline at and above 24,000 feet MSL and excluding the portion which would coincide with the Big Delta, Alaska, Restricted Area (R-346) and the Yukon, Alaska, Restricted Area (R-575).

Concurrently with this action, the caption to § 601.4115 would be amended to conform to the altered airway.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 12, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-474; Filed, Jan. 18, 1961; 8:54 a.m.]

[ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 61-WA-1]

### FEDERAL AIRWAYS AND CONTROL AREAS

#### Designation of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering designating VOR Federal airway No. 497 and its associated control areas from a VOR to be installed approximately July 25, 1961, near John Day, Oreg., at latitude 44°38'53" N., longitude 119°42'37" W.; to the Dalles, Oreg., VOR. This proposed airway together with VOR Federal airway No. 185 and recently designated VOR Federal airway No. 500 would provide an additional eastbound routing from the Portland terminal area during periods of concentrated jet aircraft operations at Portland International Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 12, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-475; Filed, Jan. 18, 1961; 8:54 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60-FW-92]

## CONTROL AREAS

### Alteration of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1207 of the regulations of the Administrator, the substance of which is stated below.

The Carlsbad, N. Mex., control area extension is presently designated within 5 miles either side of the Carlsbad VOR 165° True radial extending from the VOR to VOR Federal airway No. 16 north alternate including the airspace southwest of the VOR bounded on the southeast by VOR Federal airway No. 16 north alternate and on the northwest by VOR Federal airway No. 94. The Federal Aviation Agency is considering altering the Carlsbad, N. Mex., control area extension to include additional airspace to the west of Carlsbad within a 40-mile radius of the Carlsbad VOR. This additional control area would provide protection for military aircraft executing the approach procedure to enter the Oil Burner Route, Tar Pail at Carlsbad. This procedure is executed by proceeding outbound on the 292° True radial and inbound on the 262° True radial of the Carlsbad VOR with descent being made within 30 miles of the Carlsbad VOR crossing the VOR at 11,000 feet MSL.

If this action is taken the Carlsbad, N. Mex., control area extension would be designated to include the airspace south of Carlsbad VOR bounded on the east by a line 5 miles east of and parallel to the 165° True radial of the Carlsbad VOR, on the south by VOR Federal airway No. 16 north alternate and on the northwest by VOR Federal airway No. 94 and within a 40-mile radius of the Carlsbad VOR bounded on the north by a line 5 miles north of and parallel to the 292° True radial of the Carlsbad VOR, bounded on the east by the 022° and 172° True radials of the Carlsbad VOR and bounded on the south by a line 5 miles south of and parallel to the 262° True radial of the Carlsbad VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on January 12, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-473; Filed, Jan. 18, 1961; 8:53 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60-LA-113]

## CONTROL ZONES

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2208 of the regulations of the Administrator, the substance of which is stated below.

The Stockton, Calif., control zone is designated within a 5-mile radius of Stockton Field Airport extending 2 miles either side of the southeast course of the Stockton radio range to a point 10 miles southeast of the radio range station. The Federal Aviation Agency is considering redesignation of this control zone within a 5-mile radius of Stockton, Calif., Airport (latitude 37°53'56" N., longitude 121°14'30" W.) within 2 miles either side of the Stockton VOR 320° True radial extending from the 5-mile radius zone to the VOR and within 2 miles either side of a line bearing 308° True from the Stockton ILS outer marker (latitude 37°49'55" N., longitude 121°08'02" W.) extending from the 5-mile radius zone to the outer marker.

The prescribed instrument approach procedures at the Stockton Airport utilizing the radio range and VOR are being revised to the extent which would permit revocation of the control zone extension based on the southwest course of the radio range. The two new extensions to the southeast of the 5-mile radius zone would provide protection for aircraft executing the prescribed ILS and revised VOR instrument approach procedures at the Stockton Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 13, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-414; Filed, Jan. 18, 1961; 8:45 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60-KC-90]

## CONTROL ZONES

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2361 of the regulations of the Administrator, the substance of which is stated below.

The Grosse Ile, Mich., control zone is presently designated as that airspace over United States territory within a 3-mile radius of the Grosse Ile Naval Air Station and within 2 miles either side of lines bearing 209° True and 029° True from the Grosse Ile nondirectional radio beacon extending from a point 10 miles southwest of the radio beacon to the 3-mile radius zone.

The Federal Aviation Agency has under consideration a proposal by the Department of the Navy to alter the Grosse Ile control zone by increasing the radius zone from 3 to 5 miles and by revoking the control zone extension which is based on the Grosse Ile radio beacon. The control zone extension would no longer be required since the Navy Grosse Ile radio beacon would be within the proposed 5-mile radius zone. The increase in control zone size from a 3- to 5-mile radius would provide protection for aircraft arriving the Grosse Ile Naval Air Station executing prescribed instrument approach procedures.

If this action is taken, the Grosse Ile, Mich., control zone would be redesignated within a 5-mile radius of the Grosse Ile Naval Air Station (latitude 42°05'55" N., longitude 83°09'40" W), excluding that portion outside the United States.

This proposed action has been coordinated with the Canadian Department of Transport. They have indicated concurrence with this action and intend to change designation of the Grosse Ile control zone by increasing the radius from 3 miles to 5 miles for the portion in Canadian territory.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 13, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-415; Filed, Jan. 18, 1961; 8:45 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60-FW-110]

## CONTROL ZONES

### Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of a control zone at McAllen, Tex., to include the airspace over the United States within a 5-mile radius of Miller International Airport (latitude 26°10'40" N., longitude 98°14'25" W.), and the airspace within 2 miles either side of the 095° and 322° True radials of the McAllen VOR extending from the 5-mile radius zone to 12 miles east and northwest of the VOR. The communications services for the proposed control zone would be provided by a Federal Aviation Agency Flight Service Station scheduled to be commissioned at McAllen on or about January 1, 1961.

This control zone would provide protection for aircraft executing prescribed VOR instrument approach procedures to be published by the Federal Aviation Agency for the Miller International Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 13, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-416; Filed, Jan. 18, 1961; 8:45 a.m.]

# SMALL BUSINESS ADMINISTRATION

## [ 13 CFR Part 121 ]

## SMALL BUSINESS SIZE STANDARDS

### Notice of Hearing on the Definition of Small Business for the Household Movers Industry

Notice is hereby given that the Small Business Administration proposes to hold a hearing on the definition of small business for the household movers industry for the purpose of Government procurement and SBA business loans.

The hearing will take place February 15, 1961, at 10:00 a.m., e.s.t., in Room 1143, 811 Vermont Avenue NW., Washington 25, D.C.

Interested persons may file with the Director, Office of Small Business Size Standards on or before February 10, 1961, written statement of facts, opinions, or arguments concerning the appropriate definition of a small business in the household movers industry. Those persons who wish to make oral statements should notify the Director in writing setting forth the name and

title (if any) of the persons who will appear and whom they represent.

All correspondence on this matter shall be addressed to:

Samuel S. Solomon, Director, Office of Small Business Size Standards, Small Business Administration, Washington 25, D.C.

The present definition of small business for the household movers industry for the purpose of Government procurement is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) with its affiliates employs not more than 500 persons.

The present definition of small business for the household movers industry for the purpose of SBA business loans is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) has annual receipts of $3,000,000 or less.

NOTE: Pending further study of the relationship between large interstate van lines and small household movers, freight forwarders, booking and hauling agents and similar enterprises, no such concern will be denied an SBA business loan solely because of its relationship with an interstate van line, provided that its annual receipts have not exceeded $3,000,000 during the concern's most recently completed fiscal year.

Applications for SBA business loans submitted by household movers, freight forwarders, booking and hauling agents and similar enterprises must state the amount, if any, of such annual receipts which are directly attributable to the applicant's relationship with an interstate van line.

Dated: January 10, 1961.

PHILIP MCCALLUM,
*Administrator.*

[F.R. Doc. 61-426; Filed, Jan. 18, 1961; 8:47 a.m.]

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[ 13 CFR Part 121 ]

## SMALL BUSINESS SIZE STANDARDS

### Notice of Hearing on the Definition of Small Business for the Electronic and Electrical Manufacturing Industries

Notice is hereby given that the Small Business Administration proposes to hold a hearing on the definition of small business for the electronic and electrical manufacturing industries for the purpose of Government procurement and SBA business loans.

The hearing will take place February 21, 1961, at 10:00 a.m., e.s.t., in Room 442, 811 Vermont Avenue NW., Washington 25, D.C.

Interested persons may file with the Director, Office of Small Business Size Standards on or before February 17, 1961, written statement of facts, opinions, or arguments concerning the appropriate definition of a small business in the electronic and electrical manufacturing industries. In addition, we shall be particularly interested in receiving economic, statistical and technical information on the number and size of companies competing to supply different kinds of electronic items. Information which members of the two industries could supply on the following questions would be most useful to this Agency for the purpose of establishing appropriate size standards:

1. What constitutes electronic products as distinguished from electrical products?

2. Does the competition for various electrical and electronic components and hardware constitute a single field of operation?

3. How can the field of operation for selected electronic components identified by the same name but differing in complexity and design be identified to prohibit a Small Business Certificate holder from bidding on items for which companies with over 500 employees should not be certified?

4. How can the field of operation for selected end equipment be identified to prevent Small Business Certificate holders from bidding separately on components for such assemblies?

Those persons who wish to make oral statements should notify the Director in writing setting forth the name and title (if any) of the persons who will appear and whom they represent.

All correspondence on this matter shall be addressed to:

Samuel S. Solomon, Director, Office of Small Business Size Standards, Small Business Administration, Washington 25, D.C.

The present definition of small business for the electronic and electrical manufacturing industries for the purpose of Government procurement is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) with its affiliates employs not more than 500 persons. However, the public is advised that pursuant to 13 CFR 121.3-8(c), as amended, Small Business Certificates have been issued to some manufacturers which employ more than 500 but less than 1000 persons, authorizing them to bid on procurement set asides for small businesses for one or more of the following products:

1. Electromechanical actuators (linear and rotary), electric motors and right-angle bevel gear units for use in aircraft and missiles.

2. Miniature AC and DC motors and parts including blower fans attached thereto.

3. Capacitors.

4. Voltage regulators, fuel pumps and fuel pump accessories for motor vehicles.

5. Electric motors and generators, rectified power supplies, silicon diodes and silicon transistors.

6. Electromechanical devices and printed circuits.

7. Electrical wires and cables.

8. Electronic supervisory control and telemetering equipment, analogs to digital converters and transformers.

9. Design and construction of lightweight, high-strength enclosures (shelters) and the installation therein of electronic and communications systems.

10. Military electronic systems and subsystems.

11. Complete military sonar systems.

12. Carbon and metal film resistors.

13. Radio beacon systems, radio navigation aids, radio antenna systems, electromechanical actuators (linear and rotary) and special electric motors for use in aircraft.

14. Fire control systems and flight instruments.

15. Miniature AC and DC motors with or without gear reduction up to 3⅝" diameter AC and 2¼" diameter DC, radio receivers and transmitters, rectified and solidstate power supplies up to 50 amps, dummy loads, frequency meters, video pulse analyzers, and radar trainers.

16. Servo motors and motor generator sets.

17. Electronic assemblies, dictation machines and systems, and electromechanical actuators.

18. Flying type simulators, trainers (including recording devices and static state power supplies), analyzers and testers used for measuring circuits electronically (including necessary control apparatus, electrical and electromechanical systems).

19. Accelerometers, thermistors, and sonar equipment.

20. Power, distribution and specialty transformers.

21. Electromechanical actuators, inertial guidance systems, radio receivers and digital computers.

22. Altitude and environmental test chambers, vacuum systems and wind tunnels.

23. Plain insulated wire and cable.

24. Actuators (linear and rotary) for aircraft, fuel tanks and airframe structural components.

25. Microphones, phonograph pickups, cartridges and recording heads.

26. Accelerometers, amplifiers, and environmental testers and test chambers.

27. Radio and television transmission testers, signal generators, telemetery oscillators, transmitters and amplifiers, radio communication receivers, variable capacitors, transistorized power supplies and radiation detection equipment.

28. Electrical machinery transformers.

29. Control systems, structural components, instruments for missile and nuclear power plants.

30. Multi-contact electrical connectors.

31. Microphones, amplifiers; public address and sound systems; radio navigational aids (including military sonar, identification Friend or Foe (IFF), electronic countermeasure (ECM), and radar) power supplies, telemetering and data processing and complete radio communications systems for air/sea rescue and tactical purposes.

Dated: January 10, 1961.

PHILIP MCCALLUM,
*Administrator.*

[F.R. Doc. 61-427; Filed, Jan. 18, 1961; 8:47 a.m.]

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[ 13 CFR Part 121 ]

## SMALL BUSINESS SIZE STANDARDS

### Notice of Hearing on the Definition of Small Business for the Custodial and Janitorial Industry

Notice is hereby given that the Small Business Administration proposes to hold a hearing on the definition of small business for the custodial and janitorial industry for the purpose of Government procurement.

The hearing will take place February 23, 1961, at 10:00 a.m., e.s.t., in Room 442, 811 Vermont Avenue NW., Washington 25, D.C.

Interested persons may file with the Director, Office of Small Business Size Standards on or before February 20, 1961, written statement of facts, opinions, or arguments concerning the appropriate definition of a small business in the custodial and janitorial industry. Those persons who wish to make oral statements should notify the Director in writing setting forth the name and title (if any) of the persons who will appear and whom they represent.

All correspondence on this matter shall be addressed to:

Samuel S. Solomon, Director, Office of Small Business Size Standards, Small Business Administration, Washington 25, D.C.

The present definition of small business for the custodial and janitorial industry for the purpose of Government procurement is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) with its affiliates employs not more than 500 persons.

Dated: January 10, 1961.

PHILIP MCCALLUM,
*Administrator.*

[F.R. Doc. 61-428; Filed, Jan. 18, 1961; 8:47 a.m.]

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[ 13 CFR Part 121 ]

## SMALL BUSINESS SIZE STANDARDS

### Notice of Hearing on the Definition of Small Business for the Furniture and Fixtures Industry

Notice is hereby given that the Small Business Administration proposes to hold a hearing on the definition of small business for the furniture and fixtures industry for the purpose of Government procurement and SBA business loans.

The hearing will take place February 28, 1961, at 10:00 a.m., e.s.t., in Room 442, 811 Vermont Avenue NW., Washington 25, D.C.

Interested persons may file with the Director, Office of Small Business Size Standards on or before February 24, 1961, written statement of facts, opinions, or arguments concerning the appropriate definition of a small business in the furniture and fixtures industry. Those persons who wish to make oral statements should notify the Director in writing setting forth the name and title (if any) of the persons who will appear and whom they represent.

All correspondence on this matter shall be addressed to:

Samuel S. Solomon, Director, Office of Small Business Size Standards, Small Business Administration, Washington 25, D.C.

The present definition of small business for the furniture and fixtures industry for the purpose of Government procurement is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) with its affiliates employs not more than 500 persons.

The present definition of small business for the furniture and fixtures industry for the purpose of SBA business loans is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) with its affiliates employs not more than 250 persons or, if a concern is primarily engaged in manufacturing metal office furniture or window shades, that it, together with its affiliates, does not employ more than 500 persons.

Dated: January 10, 1961.

PHILIP MCCALLUM,
*Administrator.*

[F.R. Doc. 61-429; Filed, Jan. 18, 1961; 8:47 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

### ST. THOMAS NATIONAL HISTORIC SITE, VIRGIN ISLANDS

### Order of Designation

Whereas, the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas, Fort Christian in Charlotte Amalie, St. Thomas, Virgin Islands, dating from 1671, served as the hub of early Danish settlement on the Island of St. Thomas, housing the Governor, the Lutheran ministers, as well as the Fort garrison, and was utilized both as a fortification and place of worship and, as such, illustrates many phases of the history of Danish settlement in the West Indies; and

Whereas, the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, at its thirty-fifth meeting, December 1–7, 1956, resolved that Fort Christian, because of its antiquity, its historical associations, and its strategic location for visitor use and interpretation, is a landmark of national significance; and

Whereas, Fort Christian was included in the public, government, or crown property ceded to the United States by Denmark by the convention entered into August 4, 1916, and proclaimed by the President January 25, 1917; and

Whereas, all property thus acquired from Denmark, not reserved by the United States for public purposes prior to June 22, 1937, was placed under the control of the Government of the Virgin Islands by the Act of June 22, 1936 (49 Stat. 1807; 48 U.S.C. 1405–1405b), with the legal title remaining in the United States; and

Whereas, Fort Christian was not reserved by the United States for public purposes prior to June 22, 1937, but title thereto has been held by the United States continuously since the convention with Denmark in 1916; and

Whereas, the Government of the Virgin Islands and the National Park Service of the Department of the Interior wish to call public attention to the national significance of Fort Christian and are interested in insuring its preservation for the benefit and inspiration of the American people by providing for its designation as a national historic site:

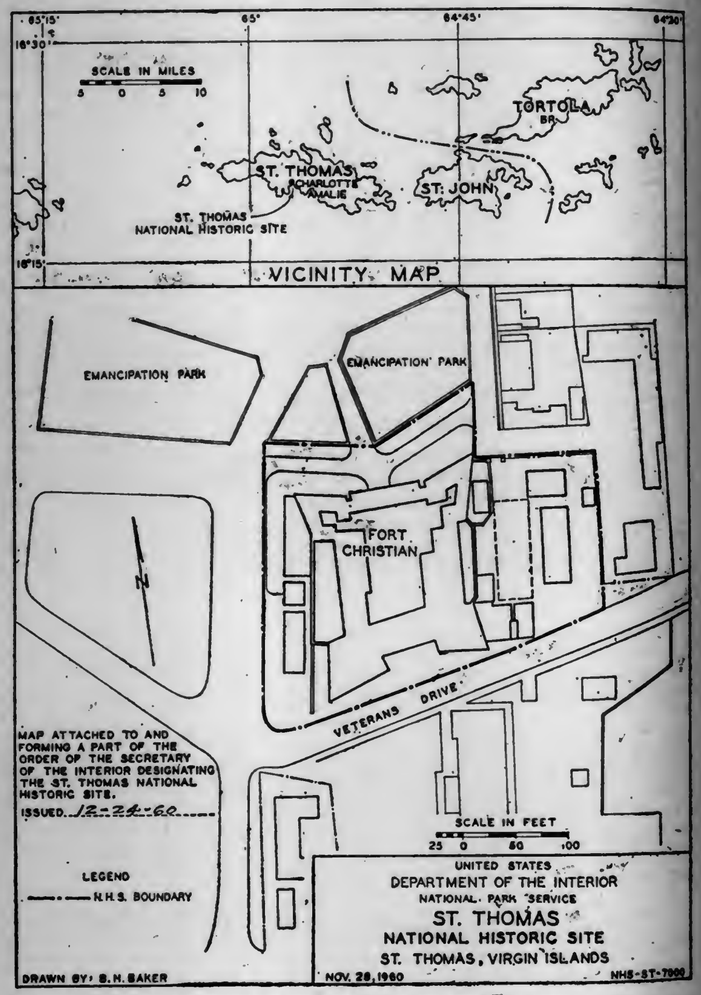
Now, therefore, I, Fred A. Seaton, Secretary of the Interior, by virtue and pursuant to the authority contained in section 2 of the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 462), and subject to valid existing rights, do hereby designate the following described lands, together with all historic structures thereon and appurtenances connected therewith, to be a national historic site, having the name "St. Thomas National Historic Site":

All those tracts or parcels of land on the harbor on the south side of the Island of St. Thomas in Charlotte Amalie, now known as Fort Christian, and lying between the Emancipation Park on the north and the Marine Barracks and Coast Guard station on the south, as shown on the diagram hereto attached and made a part hereof.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 24th day of December 1960.

[SEAL] FRED A. SEATON,
*Secretary of the Interior.*




[F.R. Doc. 61–447; Filed, Jan. 18, 1961; 8:45 a.m.]





### WALTER BRENTON

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 27, 1960.

WALTER BRENTON.

[F.R. Doc. 61–446; Filed, Jan. 18, 1961; 8:50 a.m.]

### RALPH W. FACKLER

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Additions: United Mutual Agency, Inc.
Deletions: Explorers Investment Club.
(3) None.
(4) None.

This statement is made as of December 23, 1960.

RALPH W. FACKLER.

[F.R. Doc. 61–447; Filed, Jan. 18, 1961; 8:50 a.m.]

### FRANK W. GRIFFITH

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Grimth Realty Company, Secretary and Treasurer.
(2) Iowa Electric Light and Power Company.
(3) No change.
(4) No change.

This statement is made as of December 28, 1960.

FRANK W. GRIFFITH.

[F.R. Doc. 61–448; Filed, Jan. 18, 1961; 8:50 a.m.]

### LESTER R. GAMBLE

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 1st 1961.

Dated: December 24th 1960.

LESTER R. GAMBLE.

[F.R. Doc. 61–449; Filed, Jan. 18, 1961; 8:51 a.m.]

### ANDREW PAT JONES

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 31, 1960.

Dated: December 24, 1960.

A. PAT JONES.

[F.R. Doc. 61–450; Filed, Jan. 18, 1961; 8:51 a.m.]

### VIVAN B. JONES

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 31, 1960.

Dated: January 3, 1961.

VIVAN B. JONES.

[F.R. Doc. 61–451; Filed, Jan. 18, 1961; 8:51 a.m.]

### MAX R. LLEWELLYN

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Arizona Public Service Co., Dividend Shares, One Williams Street, Arden Farms, U.S. Savings Bonds Series E, Bank Deposits, Safeway Stores.
(3) No change.
(4) No change.

This statement is made as of December 27, 1960.

MAX R. LLEWELLYN.

[F.R. Doc. 61–452; Filed, Jan. 18, 1961; 8:51 a.m.]

### JOHN P. MADGETT

#### Statement of Changes 'n Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No changes.
(2) No changes.
(3) No changes.
(4) No changes.

This statement is made as of December 22, 1960.

JOHN P. MADGETT.

[F.R. Doc. 61–453; Filed, Jan. 18, 1961; 8:51 a.m.]

### GORDON S. MEYRICK

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 22, 1960.

GORDON S. MEYRICK.

[F.R. Doc. 61–454; Filed, Jan. 18, 1961; 8:51 a.m.]

### STANLEY J. SICKEL

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 23, 1960.

STANLEY J. SICKEL.

[F.R. Doc. 61–455; Filed, Jan. 18, 1961; 8:51 a.m.]

### WILLARD B. SIMONDS

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 28, 1960.

WILLARD B. SIMONDS.

[F.R. Doc. 61-456; Filed, Jan. 18, 1961; 8:51 a.m.]

### JOSEPH F. SINNOTT

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 4, 1961.

JOSEPH F. SINNOTT.

[F.R. Doc. 61-457; Filed, Jan. 18, 1961; 8:51 a.m.]

### STANLEY C. TOWNSEND

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Additions: First Penna. Banking & Trust Co., Lake Washington Toll Bridge Authority, Page-Hersey Tubes, Ltd. Deletions: Lone Star Steel Co., Ventures, Ltd., Tompkin County Trust Co., Crescent Petroleum Co.
(3) None.
(4) None.

This statement is made as of January 1, 1961.

Dated: January 10, 1961.

STANLEY C. TOWNSEND.

[F.R. Doc. 61-458; Filed, Jan. 18, 1961; 8:51 a.m.]

### WILFORD D. WILDER

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 22, 1960.

Dated: December 22, 1960.

W. D. WILDER.

[F.R. Doc. 61-459; Filed, Jan. 18, 1961; 8:51 a.m.]

### ALAN A. WOODWARD

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 27, 1960.

ALAN A. WOODWARD.

[F.R. Doc. 61-460; Filed, Jan. 18, 1961; 8:52 a.m.]

### CHARLES R. LEEVER

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Disposed of Kinney-Coastal Stocks.
(2) No other changes.
(3) No other changes.
(4) No other changes.

This statement is made as of January 3, 1961.

CHARLES R. LEEVER.

[F.R. Doc. 61-461; Filed, Jan. 18, 1961; 8:52 a.m.]

## Bureau of Land Management

### MONTANA

#### Notice of Proposed Withdrawal and Reservation of Lands

*Correction*

In F.R. Doc. 60-11762, appearing at page 13009 of the issue for Tuesday, Dec. 20, 1960, the total area for the Huckleberry Recreation Area should be "47.5" instead of "57.5".

# DEPARTMENT OF STATE

[Public Notice 179]

### UNITED STATES CITIZENS

#### Restrictions on Travel to or in Cuba

In view of the conditions existing in Cuba and in the absence of diplomatic relations between that country and the United States of America I find that the unrestricted travel by United States citizens to or in Cuba would be contrary to the foreign policy of the United States and would be otherwise inimical to the national interest.

Therefore pursuant to the authority vested in me by Sections 124 and 126 of Executive Order No. 7856, issued on March 31, 1938 (3 FR 681, 687, 22 CFR 51.75 and 51.77) under authority of Section 1 of the Act of Congress approved July 3, 1926 (44 Stat. 887, 22 USC 211a), all United States passports are hereby declared to be invalid for travel to or in Cuba except the passports of United States citizens now in Cuba. Upon departure of such citizens from Cuba their passports shall be subject to this order.

Hereafter United States passports shall not be valid for travel to or in Cuba unless specifically endorsed for such travel under the authority of the Secretary of State or until this order is revoked.

Dated: January 16, 1961.

For the Secretary of State.

LOY HENDERSON,
*Deputy Under Secretary for Administration.*

[F.R. Doc. 61-505; Filed, Jan. 18, 1961; 8:54 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 11872]

### NORTHERN CONSOLIDATED AIRLINES, INC.

#### Reduced Fares; Supplemental Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of January 1961.

The Board, by Order E-15962 of October 27, 1960, instituted an investigation of and suspended reduced fares between Anchorage, on the one hand, and Clear, Fairbanks, Lake Minchumina and Tanana, on the other, proposed by Northern Consolidated Airlines, Inc.

The Board finds that the suspension period of the proposed fares will expire before the investigation of their lawfulness can be concluded and final order made.

*Accordingly, it is ordered,* That:

1. The suspension period of the proposed fares and provisions between Anchorage, on the one hand, and Fairbanks and Lake Minchumina, on the other, on 16th Revised Page 4, and the fares and provisions between Anchorage and Clear on 15th Revised Page 10, and the fare and provisions between Anchorage and Tanana on 13th Revised Page 10-A of C.A.B. No. 9 of Northern Consolidated Airlines, Inc., be and hereby is extended to and including April 27, 1961.

2. A copy of this order be filed with the aforesaid tariff and copies served upon Northern Consolidated Airlines, Inc., Alaska Airlines, Inc., and Pacific Northern Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
*Secretary.*

[F.R. Doc. 61-464; Filed, Jan. 18, 1961; 8:52 a.m.]

# DEPARTMENT OF AGRICULTURE

## Office of the Secretary

### ARKANSAS, MISSISSIPPI, AND TEXAS

#### Designation of Areas for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the States of Arkansas, Mississippi, and Texas, production disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

*Arkansas:* Crittenden.
*Mississippi:* Tunica.
*Texas:* Caldwell.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of January 1961.

TRUE D. MORSE,
*Acting Secretary.*

[F.R. Doc. 61-434; Filed, Jan. 18, 1961; 8:48 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12604 etc.; FCC 61M-70]

### BLUE ISLAND COMMUNITY BROADCASTING CO., INC., ET AL.

#### Order Setting Further Prehearing Conference

In re applications of Blue Island Community Broadcasting Co., Inc., Blue Island, Illinois, Docket No. 12604, File No. BPH-2458; The News-Sun Broadcasting Co., Waukegan, Illinois, Docket No. 13292, File No. BPH-2543; William O. Barry and H. C. Young, Jr., d/b as Hi-Fi Broadcasting Company, Chicago, Illinois, Docket No. 13293, File No. BPH-2589; Elmwood Park Broadcasting Corporation,, Elmwood Park, Illinois, Docket No. 13294, File No. BPH-2636; Mrs. Evelyn R. Chauvin Schoonfield (WXFM), Elmwood Park, Illinois, Renewal of License of Station WXFM(FM), Docket No. 13296, File No. BRH-179; Edward L. Waterman, Park Forest, Illinois, Docket No. 13708, File No. BPH-2845; Walter A. Hotz and Charles W. Kline, d/b as Radio America,.Chicago, Illinois, Docket No. 13709, File No. BPH-2858; for construction permits.

On the Hearing Examiner's own motion: *It is ordered,* This 13th day of January 1961 that all parties, or their counsel, in the above-captioned proceeding are directed to appear for a further prehearing conference pursuant to the provisions of section 1.111 of the Commission's rules, on Wednesday, February 8, 1961, at 10:00 a.m., in the offices of the Commission at Washington, D.C.[1]

Released: January 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-465; Filed, Jan. 18, 1961; 8:52 a.m.]

[Docket Nos. 13882, 13883; FCC 61M-66]

### EUGENE BROADCASTERS AND W. GORDON ALLEN

#### Order Continuing Hearing

In re applications of Diana Crocker Redington, William H. Crocker II, Thomas J. Davis, Jr., and Robert Sherman, d/b as Eugene Broadcasters (a Joint Venture), Eugene, Oregon, Docket No. 13882, File No. BP-12954; W. Gordon Allen, Eugene, Oregon, Docket No. 13883, File No. BP-13214; for construction permits.

The Hearing Examiner having under consideration the informal request of Eugene Broadcasters for continuance of the presently scheduled prehearing conference;

It appearing that all parties have consented to immediate consideration and grant of the said request and good cause for a grant is shown therefor;

*It is ordered,* This 12th day of January 1961, that the prehearing conference herein presently scheduled for January 13, 1961, is continued to January 18, 1961, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: January 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-466; Filed, Jan. 18, 1961; 8:52 a.m.]

[1] Participants in the conference should be prepared to propose specific dates for the exchange of proposed exhibits in advance of the hearing and also for the commencement of the hearing, and to indicate the availability of 1960 U.S. Census data for the pertinent areas.

[Docket No. 13855; FCC 61M-63]

### MANDAN RADIO ASSOCIATION

#### Order Scheduling Prehearing Conference

In the matter of revocation of license of Mandan Radio Association for Standard Broadcast Station KBOM, Bismarck-Mandan, North Dakota, Docket No. 13855.

*It is ordered,* This 12th day of January 1961, that a prehearing conference, pursuant to section 1.111 of the Commission's rules, will be held in the above-entitled matter at 10:00 a.m., January 26, 1961, in the Commission's offices in Washington, D.C.

Released: January 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-467; Filed, Jan. 18, 1961; 8:52 a.m.]

[Docket Nos. 13891-13895; FCC 61M-64]

### JOHN LAURINO ET AL.

#### Order Continuing Hearing

In re applications of John Laurino, Waynesboro, Virginia, Docket No. 13891, File No. BP-12428; Radio Danville, Incorporated (WDTI), Danville, Virginia, Docket No. 13892, File No. BP-13618; Music Productions, Incorporated, Waynesboro, Virginia, Docket No. 13893, File No. BP-13714; James J. Williams, Waynesboro, Virginia, Docket No. 13894, File No. BP-13746; Samuel J. Cole and J. R. Mims, Sr., d/b as Blue Ridge Broadcasters, Luray, Virginia, Docket No. 13895, File No. BP-13753; for construction permits.

As a result of agreements reached on the record at a prehearing conference held this day on the above-entitled matter: *It is ordered,* This 12th day of January 1961, that:

1. The direct cases, lay and engineering, of the applicants will be put in writing,

2. Exhibits will be exchanged among the parties on or before February 21, 1961,

3. Rebuttal engineering exhibits will be exchanged among the parties on or before March 1, 1961,

4. Notification to parties for persons desired for cross-examination will be made on or before March 1, 1961,

5. Notification of witnesses required for examination as a result of perusal of rebuttal exhibits will be made on or before March 8, 1961, and

6. The hearing in this matter now scheduled for February 13, 1961, is rescheduled to commence at 10:00 a.m., March 13, 1961, in the Commission's offices in Washington, D.C.

Released: January 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-468; Filed, Jan. 18, 1961; 8:53 a.m.]

[Docket No. 13745, 13746; FCC 61M-69]

## RADIO STATION WHCC (WHCC) AND ALUMINUM CITIES BROADCASTING CO. (WGAP)

### Order Following Further Prehearing Conference

In re applications of Kenneth D. Fry and Margaret F. Fry, d/b/as Radio Station WHCC (WHCC), Waynesville, North Carolina, Docket No. 13745, File No. BP-12615; Harry C. Weaver and Frank H. Corbett, a Limited Partnership, d/b as Aluminum Cities Broadcasting Company (WGAP), Maryville, Tennessee, Docket No. 13746, File No. BP-12642; for construction permits.

A further prehearing conference in the above-entitled proceeding having been held on January 5, 1961, and it appearing that certain agreements were reached therein by the counsel present which properly should be formalized in an order;

*It is hereby ordered,* This 13th day of January 1961, as follows:

(1) Copies of the proposed exhibits of the applicants shall be supplied to the other parties (and also to the Hearing Examiner) by January 31, 1961;

(2) Counsel for the other parties herein shall notify the applicants' counsel by February 21, 1961, as to those witnesses for applicants who are to be made available for cross-examination at the hearing on February 28, 1961; and

(3) The hearing, which was previously postponed indefinitely by order of the Examiner released on September 22, 1960, is hereby rescheduled for February 28, 1961, at 10:00 a.m., in the offices of the Commission, at Washington, D.C.[1]

Released: January 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-469; Filed, Jan. 18, 1961; 8:53 a.m.]

[1] On January 4, 1961, there was received at the Commission's offices in Washington, D.C., a telegram from Henry Hoffman, manager of respondent Station WLSB, Copperhill, Tennessee, stating, among other things, that respondent WLSB would not appear at the further prehearing conference but will appear at the evidentiary hearing. This communication will be placed in Docket No. 13745 for inspection by all concerned.

If respondent WLSB intends to introduce evidence immediately following the presentation of applicants' direct cases, it should supply copies of proposed WLSB exhibits to counsel for the other parties herein and to the Hearing Examiner by February 21, 1961 (i.e., arrange for the receipt of such exhibits by the other parties and the Examiner by the last-mentioned date). Thereafter, counsel for other parties herein should notify respondent WLSB by February 24, 1961, as to those witnesses for WLSB who are to be made available at the hearing on February 28, 1961, for cross-examination. On the other hand, if respondent proposes to defer the introduction of its evidence, if any, until some later time, then it should be prepared immediately upon the conclusion of applicants' direct cases to suggest dates for the exchange of its proposed exhibits and for the convening of further hearing for the submission of such exhibits and other evidence.

# FEDERAL POWER COMMISSION

[Docket No. G-2306, etc.]

## AMERICAN LOUISIANA PIPE LINE CO. ET AL.

### Order Fixing Date of Conference, Modifying Procedure and Permitting Participations and Interventions

JANUARY 13, 1961.

American Louisiana Pipe Line Company, Docket No. G-2306; Michigan Wisconsin Pipe Line Company, Docket No. G-2327; American Louisiana Pipe Line Company, Docket No. G-10396; Panhandle Eastern Pipe Line Company, Docket No. G-11061; Trunkline Gas Company, Docket No. CP60-22 (Phase Two); Panhandle Eastern Pipe Line Company, Docket No. CP60-40; Panhandle Eastern Pipe Line Company, Docket No. CP60-60; Panhandle Eastern Pipe Line Company, Docket No. CP60-126; Village of Tremont, Illinois, Docket No. CP61-8; Panhandle Eastern Pipe Line Company, Docket No. CP61-36; Citizens Gas Company, Docket No. CP61-54; City of LaCygne, Kansas, Docket No. CP61-68; Central Illinois Light Company, Docket CP61-114; Central Illinois Light Company, Docket No. CP61-115; Panhandle Eastern Pipe Line Company, Docket No. CP61-136; Illinois Power Company, Docket No. CP61-160.

In Docket Nos. G-2306, et al., the Commission issued an order on December 1, 1960, severing proceedings, consolidating proceedings, fixing the date of hearing for January 31, 1961, and specifying procedure. Notice was published in the FEDERAL REGISTER on December 6, 1960 (25 F.R. 12489-12494). On January 6, 1961, the Commission issued in Docket Nos. G-2306, et al., a notice of applications and order consolidating proceedings,[1] permitting withdrawal of proceedings,[2] fixing date of hearing for January 31, 1961 and specifying procedure.

(i) Notices of intention to participate in these consolidated proceedings were filed, pursuant to paragraph (H) of the Commission order issued December 1, 1960, by the following persons on the dates indicated:

*Person and Date*

Milwaukee Gas Light Company, December 8, 1960.
Wisconsin Public Service Corporation, December 8, 1960.
Wisconsin Natural Gas Company, December 8, 1960.
Wisconsin Michigan Power Company, December 8, 1960.
Public Service Commission of Wisconsin, December 9, 1960.
The Toledo Edison Company, December 13, 1960.
Illinois Power Company, December 13, 1960.
Michigan Gas and Electric Company, December 13, 1960.
Indiana Gas Distribution Corporation, December 13, 1960.
Greenfield Gas Company, Inc., December 14, 1960.
The Dayton Power and Light Company, December 14, 1960.
Pendleton Natural Gas Company, December 15, 1960.
City of Indianapolis, Indiana, December 15, 1960.
Consumers Power Company, December 16, 1960.
Ohio Gas Company, December 16, 1960.
Richmond Gas Corporation, December 16, 1960.
Merrill Gas Company, December 19, 1960.
City Gas Company, December 19, 1960.
Wisconsin Fuel and Light Company, December 19, 1960.
City of Detroit, Michigan, December 19, 1960.
Iowa Southern Utilities Company, December 19, 1960.
St. Joseph Light & Power Company, December 19, 1960.
Keokuk Gas Service Company, December 19, 1960.
Wisconsin Power and Light Company, December 21, 1960.
Iowa Electric Light and Power Company, December 21, 1960.
Madison Gas and Electric Company, December 21, 1960.
Michigan Wisconsin Pipe Line Company, December 21, 1960.
Michigan Gas Utilities Company, December 21, 1960.
Panhandle Eastern Pipe Line Company, December 21, 1960.
American Louisiana Pipe Line Company, December 21, 1960.
Ohio Valley Gas Corporation, December 21, 1960.
Fuels Research Council, Inc., December 21, 1960.
The Chesapeake and Ohio Railway Company, December 21, 1960.
City of Montgomery, Missouri, December 21, 1960.
North Central Public Service Company, December 21, 1960.
Public Service Commission of Indiana, December 22, 1960.
Public Service Commission of the State of Missouri, December 21, 1960.

(ii) Petitions seeking leave to intervene and notices of intervention in particular dockets in these consolidated proceedings and notices of intention to participate in these consolidated proceedings, pursuant to paragraph (H) of the Commission order issued December 1, 1960, were filed by the following persons on the dates indicated:

*Person and Date*

Michigan Consolidated Gas Company, Docket Nos.: G-2306, et al., CP60-60, CP61-8, CP61-54, CP61-114, CP61-115, December 21, 1960; CP60-40, CP60-126, CP61-36, September 16, 1960; CP61-136, December 14, 1960.
The East Ohio Gas Company, Docket Nos.: G-2306, et al., CP60-40, CP60-60, CP61-8, CP61-36, CP61-54, CP61-114, CP61-115, December 21, 1960; CP60-126, October 10, 1960.
Indiana Gas & Water Company, Inc., Docket Nos.: G-2306, et al., December 21, 1960; CP60-60, June 6, 1960.
Michigan Public Service Commission, Docket Nos.: G-2306, et al., December 15, 1960; CP60-40, September 27, 1960; CP60-60, April 22, 1960; CP60-126, September 29, 1960; CP61-36, October 14, 1960.
National Coal Association, United Mine Workers of America, Docket Nos.: G-2306, et al., December 21, 1960; CP60-40, September 19, 1960.
County of Wayne, Michigan, Docket Nos.: G-2306, et al., December 15, 1960; CP60-40, October 5 and 24, 1960; CP60-60, May 2, 1960; CP60-126, October 5 and 24, 1960; CP61-36, October 5 and 24, 1960.
Battle Creek Gas Company, Docket Nos.: G-2306, et al., December 13, 1960; CP60-60, March 31, 1960.
Citizens Gas Company (Tuscola, Ill.), Docket Nos.: G-2306, et al., December 8, 1960; CP60-60, April 5, 1960.
Missouri Public Service Company, Docket Nos.: G-2306, et al., December 21, 1960; CP60-60, April 13, 1960.
Northern Indiana Public Service Company, Docket Nos.: G-2306, et al., December 8, 1960; CP60-60, April 21, 1960.
Kokomo Gas and Fuel Company, Docket Nos.: G-2306, et al., December 19, 1960; CP60-60, April 27, 1960.
Citizens Gas Fuel Company, Docket Nos.: G-2306, et al., December 21, 1960; CP60-60, May 12, 1960.
Central Indiana Gas Company, Docket Nos.: G-2306, et al., December 13, 1960; CP60-60, June 3, 1960.
Michigan Gas Storage Company, Docket Nos.: G-2306, et al., December 16, 1960; CP60-60, June 3, 1960.
The Ohio Fuel Gas Company, Docket Nos.: G-2306, et al., December 21, 1960; CP60-60, June 17, 1960; CP60-126, July 11, 1960.
Central Illinois Electric and Gas Company, Docket Nos.: G-2306, et al., December 21, 1960; CP60-60, June 22, 1960.
Central Illinois Public Service Company, Docket Nos.: G-2306, et al., December 16, 1960; CP60-60, September 23, 1960.
Central Illinois Light Company, Docket Nos.: G-2306, et al., December 13, 1960; CP60-60, November 23, 1960.
Public Utilities Commission of Ohio, Docket Nos.: G-2306, et al., December 21, 1960; CP60-126, August 8, 1960.

(iii) Petitions seeking leave to intervene in these consolidated proceedings were filed by the following persons on the dates indicated:

*Person and Date*

Mid-West Coal Producers Institute, Inc., December 21, 1960.
Village of Louisville, Illinois, December 21, 1960.
Village of Milford, Illinois, December 21, 1960.
Village of Cerro Gordo, Illinois, December 21, 1960.
City of Macon, Missouri, December 22, 1960.
City of Bushnell, Illinois, December 23, 1960.
Missouri Western Gas Company, December 21, 1960.

(iv) Petitions seeking leave to intervene and notices of intervention in particular dockets in these consolidated proceedings were filed by the following persons in the dockets and on the dates indicated:

*Person and Date*

City of Cleveland, Ohio, Docket No. CP60-60, May 31, 1960.
Citizens Gas and Coke Utility, Docket No. CP60-60, May 2, 1960.
The Waterville Gas & Oil Company, Docket No. CP60-126, July 20, 1960.

The Commission finds:

(1) It is desirable to allow the above-named persons to participate and to intervene in the proceedings indicated in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) It is necessary and appropriate in the public interest that a conference be held prior to the commencement of the hearing in these consolidated proceedings.

(3) It is necessary and appropriate in the public interest that the order of procedure prescribed to be followed in these consolidated proceedings be modified.

The Commission orders:

(A) Those persons listed in paragraphs (i) (ii) and (iii) of the instant order be permitted to participate and to intervene in these consolidated proceedings and in each docket therein and be interveners in these consolidated proceedings and in each docket therein subject to the rules and regulations of the Commission. Those persons listed in paragraph (iv) of the instant order be permitted to intervene in the particular dockets indicated subject to the rules and regulations of the Commission: *Provided, however,* That the participation of each intervener shall be limited to matters affecting such rights and interests as may be established: *And provided, further,* That the admission of such interveners be not construed as recognition by the Commission that they or any of them, might be aggrieved by any order or orders entered in these consolidated proceedings.

(B) Paragraph (E) (iv) of the order entered December 1, 1960 in Docket Nos. G-2306 et al., as modified by the order of the Commission entered on January 6, 1961, be further modified as follows:

The Village of Tremont, Illinois, shall go forward first with its direct evidence as to all matters related to its application in Docket No. CP61-8, following which Citizens Gas Company shall present its direct case in support of its application in Docket No. CP61-54; following which Central Illinois Light Company shall present its direct case in support of its applications in Docket Nos. CP61-114 and CP61-115.

Following which Illinois Power Company shall present its direct case in support of its application in Docket No. CP61-160; following which the City of LaCygne, Kansas shall present its direct case in support of its application in Docket No. CP61-68.

Following which Trunkline Gas Company shall present its direct case in support of its application in Docket No. CP60-22 (Phase Two).

Following which Panhandle Eastern Pipe Line Company shall present its direct case in support of its applications in Docket Nos. G-11061, CP60-40, CP60-60, CP60-126, CP61-36, and CP61-136.

Following which American Louisiana Pipe Line Company shall present its direct case in support of the allocation issues remaining in connection with the applications filed by it in Docket Nos. G-2306 and G-10396.

Following which Michigan Wisconsin Pipe Line Company shall present its direct case in support of the allocation issues remaining in connection with the application filed by it in Docket No. G-2327.

Following which any person permitted to intervene shall present its direct case. In the event that more than one such person desires to present a direct case, the Presiding Examiner shall determine the order of presentation.

Following which any party filing, pursuant to paragraph (F) of the order of December 1, 1960, supra, a proposal or offer of settlement in these consolidated proceedings which is not agreed to by all the parties, shall present its direct case in support of such proposal or offer of settlement. In the event that more than one proposal or offer of settlement is filed, the Presiding Examiner shall determine the order of presentation. *Provided, however,* That if a proposal or offer of settlement is filed by the Village of Tremont, Citizens Gas Company, Central Illinois Light Company, Illinois Power Company, the City of LaCygne, Kansas, Trunkline Gas Company, Panhandle Eastern Pipe Line Company, American Louisiana Pipe Line Company, Michigan Wisconsin Pipe Line Company, or any person permitted to intervene presenting direct evidence, such person shall present its direct case in support of its proposal or offer at the time it presents its direct case in accordance with this order.

(C) The orders entered December 1, 1960 and January 6, 1961, in Docket Nos. G-2306, et al., shall remain in effect as to all matters specified therein unless expressly modified herein.

(D) Pursuant to § 1.18, as amended, of the rules of practice and procedure of the Commission and in accordance therewith, a conference shall be held commencing January 24, 1961 at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., before Presiding Examiner W. L. Ellis, for the purpose of considering the matters involved in and the issues presented in these consolidated proceedings, including but not limited to (1) the procedure for the consolidated proceeding as set forth in the orders of the Commission; (2) determination of the most expeditious manner for presentation of evidence, including the limitation in number of witnesses wherever possible; (3) simplification of the issues, or narrowing thereof; (4) consideration of proposals or plans for settlement; (5) admissions and stipulations as to undisputed legal and factual matters so as to avoid necessity for further proof; (6) determination of the matters in controversy, the extent of differences, and the possibility of agreement on all or some of them; (7) the identification and agreement upon any limitations of treatment of matters unimportant to the ultimate issues to be determined.

Each applicant and intervener is requested to prepare in succinct form and, through its representative, to bring to the conference and serve upon the Presiding Examiner, staff and the other applicants and interveners a statement of the following: (i) The specific action which the persons filing such statement requests the Commission to take in each of the several dockets; and (ii) in list form, a statement of the issues as they presently appear.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-418; Filed, Jan. 18, 1961; 8:45 a.m.]

[1] Including, inter alia, Docket Nos. CP61-68, CP61-136 and CP61-160 as additions to the proceedings consolidated by the order of December 1, 1960, supra.

[2] The application filed by Michigan Wisconsin Pipe Line Company in Docket No. G-17180.

[Docket No. CP61–31]

## JOHN H. WARE, 3d, ET AL.

### Notice of Application

JANUARY 12, 1961.

John H. Ware, 3d, C. E. Martin, Ralph N. Evans, E. P. Farber, and Charles Simons, Original Incorporators of Avis Gas Company, Docket No. CP61–31.

Take notice that John H. Ware, 3d, C. E. Martin, Ralph N. Evans, E. P. Farber and Charles Simons, original incorporators of Avis Gas Company (Applicants), with principal office at 55 South Third Street, Oxford, Pennsylvania, filed on July 29, 1960, an application, pursuant to section 7(a) of the Natural Gas Act, for an order directing Transcontinental Gas Pipe Line Corporation (Transco) to establish physical connection of its natural gas transportation facilities with the proposed facilities of and sell natural gas to Applicants' company for local distribution to the public in Avis, Clinton County, Pennsylvania, all as more fully represented in the application which is on file with the Commission and open for public inspection.

In such application, as amended on September 1, 1960, and supplemented on September 29 and November 1, 1960, Applicants propose to construct and operate 27,000 feet of 4-inch gas line with regulating and metering appurtenances running from a tap on Transco's Leidy Line at a point where the line crosses Legislative Route 41089 in Clinton County, Pennsylvania.

Applicants propose to sell gas to Jersey Shore Steel Company which has a plant located just outside Avis in Clinton County. Applicants also plan to construct a distribution system in the community of Avis to serve natural gas to commercial and residential consumers in that area.

The natural gas requirements of the proposed service area are estimated by Avis as follows:

REQUIREMENTS IN MCF

| | Peak day—Year | | | Annual—Year | | |
|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 1 | 2 | 3 |
| Residential | 27 | 136 | 227 | 2,347 | 13,631 | 25,135 |
| Commercial | 10 | 14 | 19 | 1,136 | 1,500 | 1,900 |
| Industrial | 420 | 420 | 420 | 126,000 | 126,000 | 126,000 |
| Unaccounted for | 19 | 19 | 19 | 6,800 | 7,300 | 8,000 |
| Total | 476 | 589 | 685 | 136,283 | 148,431 | 161,035 |

Of the peak-day requirements 420 Mcf is for the use of Jersey Shore Steel Company. Estimates of the requirements of domestic consumers have been based on a house-to-house survey.

The estimated total cost of the proposed facilities is $205,500 to be financed through the sale for cash of 200 shares of capital stock par value of $100 for a total of $20,000 and by advances from Penn Fuel Gas, Inc., which intends to purchase all the outstanding capital stock from the incorporators who are all officers of Penn Fuel Gas, Inc.

Gas supply adequate to meet the third year requirements of Applicants will be made available through the release of 685 Mcf of gas per day now allocated to the Pittston Gas Company by the Commission's opinion and order issued in Docket No. G–13143, et al., which, like the Avis Gas Company, is a wholly-owned subsidiary of Penn Fuel Gas, Inc.

Transco, in its response filed September 2, 1960, as supplemented on November 30, 1960, advised that it would not oppose the order herein sought by Applicants provided the volumes of gas sought by Applicants to take care of its third year peak-day requirements, could be obtained by the transfer of part of the present allocation to Pittston Gas Company (Pittston) in Docket No. G–13143, et al., as set forth above.

In relation to and in connection with the reduction of the allocation of gas to Pittston in Docket Nos. G–13143, et al., the aforementioned company on September 1960 filed a motion, as amended on November 15, 1960, to amend the order issued September 4, 1958, in Docket Nos. G–13143, et al., to direct Transco to sell and deliver up to 741 Mcf of natural gas per day to Pittston, in lieu of the 1426 Mcf per day originally authorized in that proceeding. Pittston further proposes that this reduction in its allocation be contingent upon issuance of a section 7 (a) order in Docket No. CP61–31, directing Transco to sell and deliver the volumes so released, to Avis, an affiliate of Pittston. The 685 Mcf released to Avis would be adequate to meet the latter's third-year peak-day requirement.

Pittston states that the reduction in its allocation is possible because of the failure of the market in Pittston to develop as rapidly as was expected at the time it sought an allocation of gas from Transco in Docket Nos. G–13143, et al. proceedings. This is claimed to be due to the fact that an expected large industrial load did not materialize. Its peak-day deliveries are now stated to be as follows:

| | Mcf |
|---|---|
| 1959 (actual) | 551 |
| 1960 (actual) | 661 |
| 1961 (estimated) | 680 |
| 1962 (estimated) | 710 |
| 1963 (estimated) | 740 |

It appears that Pittston could meet its peak-day requirements through 1963 with the reduced allocation now proposed.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, in the absence of any protests or petitions to intervene, the Commission may, by order, direct Transco to establish physical connection of its transportation facilities with the facilities of, and sell natural gas to Applicants.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 31, 1961.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–419; Filed, Jan. 18, 1961; 8:46 a.m.]

[Docket No. CP61–69]

## CITY OF AGENDA, KANS.

### Notice of Application

JANUARY 12, 1961.

Take notice that the City of Agenda, Kansas (Applicant) filed an application, on September 2, 1960, pursuant to section 7(a) of the Natural Gas Act, for an order directing Natural Gas Pipeline Company of America (Natural) to establish physical connection of its facilities with those proposed to be constructed by Applicant and to sell and deliver up to 150 Mcf of natural gas per day to Applicant for distribution and resale within the City and environs, as hereinafter described, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

The application states that Natural has a pipeline which runs near Applicant and that Natural will build the necessary meter and regulating station at a point located one-half mile just south of the city. Applicant will construct and operate the necessary connecting line and distribution facilities in the city.

Applicant states that it has a population of approximately 160 and estimates its gas requirements as follows:

| Year: | Requirements in Mcf at 14.73 psia | |
|---|---|---|
| | Peak day | Annual |
| 1 | 130 | 11,830 |
| 2 | 139 | 12,100 |
| 3 | 150 | 13,164 |

The gas will be used for residential and commercial purposes.

Applicant estimates the cost of constructing its facilities at $32,000 including reimbursement to Natural of $3,000 for the meter station to be built by Natural. Applicant proposes to finance this cost by issuing $33,000 in general obligation bonds.

On October 17, 1960, as supplemented on November 10, 1960, Natural advised the Commission that it had no objection to rendering the proposed service to Applicant and that it has available pipeline capacity and gas supply to serve Applicant's requirements without adverse effect on its other service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 2, 1961.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–420; Filed, Jan. 18, 1961; 8:46 a.m.]



[Docket Nos. CP61–128, CP61–144]

## EL PASO NATURAL GAS CO.

### Notice of Applications and Date of Hearing

JANUARY 12, 1961.

El Paso Natural Gas Company (Applicant), El Paso, Texas, has filed applications in Docket Nos. CP61–128 and CP61–144, pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

In Docket No. CP61–128 Applicant seeks permission and approval to abandon five package-type portable compressor units at its Townsend and Saunders Field Compressor Stations, located in Lea County, New Mexico.

Applicant was heretofore authorized, in Docket Nos. G–2462 and G–9619 to install a total of 2,500 compressor horsepower at its Townsend Compressor Station to compress approximately 26,000 Mcf of casinghead gas per day, purchased from Warren Petroleum Corporation. The gas is transported by Applicant over a distance of about 12 miles through its 14-inch and 16-inch field pipelines to Warren's Saunders Gasoline Extraction Plant. The residue gas from this plant, together with other residue volumes available to Applicant from production in the nearby Saunders and Shoe Bar Fields are redelivered by Warren to Applicant's Saunders Booster Compressor Station, located at the discharge side of Warren's Saunders Plant, for further compression and transportation to Applicant's 30-inch Permian-San Juan transmission line. Applicant states that oil production from the Townsend-Eidson Field has been declining and the related Townsend gas compressor facilities, which were 99 percent loaded in May, 1959, were loaded only 40 percent in May, 1960. It is anticipated that the decline in gas production will continue and that only 1,500 of the installed 2,500 compressor horsepower at the Townsend Station will be needed to serve its current and future purposes. Applicant, therefore, requests that it be permitted to abandon two units of 500 horsepower each at the Townsend Station.

Applicant further states that the decline in volume of gas from the Townsend-Eidson Field reduces correspondingly the volume available to it at Saunders. It further states that the operating pressure of Applicant's 30-inch Permian-San Juan transmission line has been reduced so that the volume of gas delivered to Applicant at Saunders needs no booster compression to feed it into its 30-inch transmission line. Applicant, therefore, requests permission to abandon the entire Saunders Station, consisting of three units of 165 horsepower each or a total of 495 horsepower.

Applicant states that the proposed abandonment will improve its system efficiency and make the subject compressor units available for service elsewhere.

In Docket No. CP61–144, Applicant seeks permission and approval to abandon facilities heretofore authorized to enable it to render natural gas service to Utah Gas Service Company (Utah) for resale to the Kent Drilling Company (Kent) for use in drilling a well in San Juan County, Utah.

The facilities proposed to be abandoned, consisting of a portable meter station on Applicant's main 26-inch line in San Juan County, Utah, were heretofore authorized in Docket No. G–20052.

Applicant states that upon completion of the well-drilling project the service to Utah was terminated. Applicant further states that it desires to remove its measuring and regulating facilities for use elsewhere when necessary.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 20, 1961 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–421; Filed, Jan. 18, 1961; 8:46 a.m.]

[Docket No. CP61–145]

## UNITED GAS PIPE LINE CO.

### Notice of Application and Date of Hearing

JANUARY 12, 1961.

United Gas Pipe Line Company (United) filed an application on November 8, 1960, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon certain natural gas facilities as hereinafter described, subject to the jurisdiction of the commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

United seeks permission and approval to abandon 0.27 mile of 4- and 6-inch pipeline and measuring appurtenant facilities in Orange County, Texas, heretofore authorized in Docket No. G–15192, to serve natural gas directly to the Texas Portland Cement Company.

The application states that deliveries to the cement company ceased on July 28, 1960, and it has been advised that the customer has contracted with another company for its natural gas supply. United states that for this reason it desires to remove the above-described facilities in order that they may be used elsewhere when necessary.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 20, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-423; Filed, Jan. 18, 1961; 8:46 a.m.]

[Docket Nos. RI61-323—RI61-331]

## SUNRAY MID-CONTINENT OIL CO. ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates and in Allowing Proposed Increased Rates To Become Effective Subject to Refund [1]

JANUARY 12, 1961.

Sunray Mid-Continent Oil Company, Docket No. RI61-323; Southeastern Gas Company, Docket No. RI61-324; Edwin L. Cox, Docket No. RI61-325; Mesquite Gas Products, Inc. (Operator), et al., Docket No. RI61-326; Kerr-McGee Oil Industries, Inc., Docket No. RI61-327; Cumberland Gas Corporation, Docket No. RI61-328; Shell Oil Company, Docket No. RI61-329; Jefferson Lake Sulphur Company (Agent), et al., Docket No. RI61-330; Pure Oil Company, Docket No. RI61-331.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date [10] unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI61-323 | Sunray Mid-Continent, Oil Co., P.O. Box 2039, Tulsa 2, Okla. | 208 | ------- | Tennessee Gas Transmission Co. (North Hostetter Field, McMillen County, Tex.). | 884 | 12-13-60 | 1-13-61 | 6-13-61 | 14.6 | [1] 17.2437 | ------- |
| | Do | 208 | 1 | ----do---- | ------- | ------- | ------- | ------- | ------- | ------- | ------- |
| | Do | 208 | 2 | ----do---- | ------- | ------- | ------- | ------- | ------- | ------- | ------- |
| | Do | 208 | 3 | ----do---- | ------- | ------- | ------- | ------- | ------- | ------- | ------- |
| | Do | 208 | 4 | ----do---- | ------- | ------- | ------- | ------- | ------- | ------- | ------- |
| RI61-324 | Southeastern Gas Co., P.O. Box 2347, Charleston 28, W. Va. | 17 | 1 | Cabot Corp. (Center District, Calhoun County, W. Va.). | 539 | 12-19-60 | 1-19-61 | 1-20-61 | 12.0 | [3] 13.824 | ------- |
| | | 18 | 1 | Cabot Corp. (Sherman District, Calhoun County, W. Va.). | (2) | 12-19-60 | 1-19-61 | 1-20-61 | 12.0 | [3] 13.824 | ------- |
| | | 20 | 1 | ----do---- | (2) | 12-19-60 | 1-19-61 | 1-20-61 | 12.0 | [3] 13.824 | ------- |
| | | 21 | 1 | ----do---- | (2) | 12-19-60 | 1-19-61 | 1-20-61 | 12.0 | [3] 13.824 | ------- |
| | | 22 | 1 | Cabot Corp. (Center District, Calhoun County, W. Va.). | 1,168 | 12-19-60 | 1-19-61 | 1-20-61 | 15.386 | [3] 19.013 | RI61-227 |
| | | 46 | 4 | Cabot Corp. (Kanawha County, W. Va.). | 434 | 12-20-60 | 1-23-61 | 6-23-61 | 16.8 | [1] 17.0 | [4] RI60-65 |
| RI61-325 | Edwin L. Cox, 2100 Adolphus Tower, Dallas, Tex. | 13 | 7 | Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.). | 685 | 12-20-61 | 1-23-61 | 6-23-61 | 16.8 | [1] 17.0 | [4] RI60-65 |
| | | 17 | 7 | Natural Gas Pipeline Co. of America (Camrick S.E. Field, Texas County, Okla.). | 117 | 12-20-60 | 1-23-61 | 6-23-61 | 16.8 | [1] 17.0 | RI60-65 |
| | | 25 | 3 | Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.). | 12,960 | 12-19-60 | 1-19-61 | 6-19-61 | 11.0 | [1] 17.0 | ------- |
| RI61-326 | Mesquite Gas Products Inc. (Operator), et al. P.O. Box 1254, Midland, Tex. | 1 | 1 | El Paso Natural Gas Co. (Davis Field, Gas Plant, Upton County, Tex.). | 60 | 12-19-60 | 1-23-61 | 6-23-61 | 16.8 | [1] 17.0 | [5] G-20000 |
| RI61-327 | Kerr-McGee Oil Industries, Inc., Kerr-McGee Building, Oklahoma City 2, Okla. | 53 | 5 | Natural Gas Pipeline Co. of America (Camrick S.E., Field, Texas County, Okla.). | 18,312 | 12-19-60 | 1-19-61 | 1-20-61 | 15.048 | [6] 18.312 | RI61-228 |
| RI61-328 | Cumberland Gas Corp., P.O. Box 2386, Charleston, W. Va. | 4 | 3 | Cabot Corp. (Kanawha and Putnam Counties, W. Va.). | 8,939 | 12-19-60 | 2-1-61 | 7-1-61 | 15.778 | [1] 16.1111 | [4] RI60-178 |
| RI61-329 | Shell Oil., Co. 50 West 50th Street, New York 20, N.Y. | 5 | 15 | Texas Eastern Transmission Corp. (Golike Field, DeWitt and Victoria Counties, Tex.). | 13,752 | 12-20-60 | 2-1-61 | 7-1-61 | 17.5 | [7] 19.9 | ------- |
| RI61-330 | Jefferson Lake Sulphur Co. (Agent), et al. Prudential Building, Houston 25, Tex. | 3 | 6 | United Fuel Gas Co. (Ellis Field, Acadia Parish, La.). | [8] (1,535) | 12-15-60 | 1-15-61 | 1-16-61 | 22.55 | [7] 22.55 | [9] G-17764 |
| RI61-331 | Pure Oil Co., 200 East Golf Road, Palatine, Ill. | 11 | 36 | Socony Mobile Oil Co., Inc. (W. Gueydon Field, Vermilion Parish, La.). | | | | | | | |

[1] The pressure base is 14.65 psia.
[2] Included in the amount reported for Rate Schedule No. 17.
[3] The pressure base is 15.325 psia.
[4] Also subject to orders in Docket Nos. G-17421 and G-14074.
[5] Also subject to orders in Docket Nos. G-17610.
[6] Also subject to orders in Docket Nos. G-18845, G-17442, and G-14926.
[7] The pressure base is 15.025.
[8] Total amount of decrease for high and low pressure gas at primary and secondary delivery points.
[9] Also subject to orders in Docket Nos. G-16805 and G-14050.
[10] The stated effective date is the first day after expiration of the required 30 days' notice.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated rate schedules and supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's [1] rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. 1), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated rate schedules and supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above designated rate schedules and supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That Supplement Nos. 1, 1, 1, 1, and 4 to Southeastern Gas Company's FPC Gas Rate Schedule Nos. 17, 18, 20, 21, 22, and 23, respectively, Supplement No. 3 to Cumberland Gas Company's FPC Rate Schedule No. 4, and Supplement No. 36 to Pure Oil Company's FPC Gas Rate Schedule No. 11 shall become effective on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order said Respondents shall execute and file under their respective above-designated docket numbers with the Secretary of the Commission their agreements and undertakings to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless said Respondents are advised to the contrary within 15 days after the filing of such agreements and undertakings, their agreements and undertakings shall be deemed to have been accepted.

(C) Neither the rate schedules and supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 1, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-422; Filed, Jan. 18, 1961; 8:46 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.



# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-V-1 (Revision 2)]

## CHIEF, FINANCIAL ASSISTANCE DIVISION

### Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6), as amended (25 F.R. 1706 and 7418), there is hereby redelegated to the Chief, Financial Assistance Division, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve and decline direct and participation business and disaster loans.

2. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

3. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, and said execution to read as follows:

PHILIP MCCALLUM,
*Administrator,*
By ----------,
(Name)
*Chief, Financial Assistance Division.*

4. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

5. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

6. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

7. To approve service charges by participating bank not exceeding 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

8. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months;

(c) Amend the hull insurance provision of any authorization issued prior to September 3, 1958, for a loan of $20,000 or less;

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant;

(e) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial releases of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as payment on a fishery loan.

9. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

(b) The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be necessary and appropriate to effectuate the foregoing.

B. *Administration.* For employees under your supervision, to approve annual and sick leave, except advanced annual and sick leave.

C. *Correspondence.* To sign all nonpolicymaking correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All authority previously delegated by the Regional Director to the Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: December 5, 1960.

JAMES F. HOLLINGSWORTH,
*Regional Director,*
*Atlanta Regional Office.*

[F.R. Doc. 61-424; Filed, Jan. 18, 1961; 8:47 a.m.]

[Delegation of Authority No. 30-V-11 (Revision 2)]

## BRANCH MANAGER, JACKSON, MISSISSIPPI

### Delegation of Authority Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6), as amended (25 F.R. 1706 and 7418), there is hereby redelegated to the Branch Manager, Jackson Branch Office, the authority:

A. *Financial assistance.* 1. To approve and decline direct and participation business and disaster loans.

2. To disburse approved loans, including fisheries' loans.

3. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
(Name)
*Branch Manager.*

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents

and certify to the participating bank that such documents are in compliance with the participation authorization.

8. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

9. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months;

(c) Amend the hull insurance provisions of any authorization issued prior to September 3, 1958, for a loan of $20,000 or less;

(d) Cancel the loan authorizations prior to disbursement upon the written request of the applicant;

(e) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

10. To take all necessary actions in connection with the administration, servicing and collection of all current and problem loans.

B. *Investment program.* 1. To disburse Section 502 loans.

2. To extend the disbursement period on Section 502 loan authorizations or undisbursed portions of Section 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed Section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of Section 502 loans.

C. *Procurement and technical assistance.* To (a) determine joint set-asides for Government procurements and sales; (b) determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established interagency policy agreements.

D. *Administration.* 1. To administer oaths of office.

2. For employees under your supervision, to approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days.

3. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $10 in any one object class in any one instance but not more than $25 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles and services rendered, before forwarding to regional office.

6. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Correspondence.* To sign all correspondence, including Congressional correspondence, relating to the functions of the branch office, except communications involving policy matters, which shall be referred to the regional office for clearance.

II. The specific authority delegated in subsections I. A, B, C and E may be redelegated, such redelegation of subsection E being limited to routine correspondence only; the authority delegated in subsection I. D. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Jackson, Mississippi, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: December 8, 1960.

JAMES F. HOLLINGSWORTH,
*Regional Director,*
*Atlanta Regional Office.*

[F.R. Doc. 61-425; Filed, Jan. 16, 1961; 8:47 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

### CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ace Dress Co., Inc., Harrington, Del.; effective 1-8-61 to 1-7-62 (dresses).

Alamo Shirt Co., Inc., Alamo, Ga.; effective 1-9-61 to 1-8-62 (men's sport shirts).

Blue Bell, Inc., Nappanee, Ind.; effective 1-6-61 to 1-5-62 (boys', ladies' and girls' dungarees).

C & J Manufacturing Co., Eastman, Ga.; effective 1-11-61 to 1-10-62 (boys' sport and dress shirts).

Dunhill Shirt Co., Lexington, Mo.; effective 1-12-61 to 1-11-62 (men's shirts).

Dury Clothing Co., Inc., 330 Philadelphia Ave., West Pittston, Pa.; effective 1-9-61 to 1-8-62 (men's trousers).

J. Freezer and Son, Inc., Rural Retreat, Va.; effective 1-27-61 to 1-26-62 (men's and ladies' shirts).

L. & H. Shirt Co., Cochran, Ga.; effective 1-10-61 to 1-9-62 (boys' dress and sport shirts).

R. Lowenbaum Manufacturing Co., Sparta, Ill.; effective 1-11-61 to 1-10-62 (dresses).

R. Lowenbaum Manufacturing Co., 100 South Minnesota Street, Cape Girardeau, Mo.; effective 1-6-61 to 1-5-62 (dresses).

McKenzie Pajama Corp., McKenzie, Tenn.; effective 1-17-61 to 1-16-62 (men's and boys' pajamas and beach robes).

Salant & Salant, Inc., First Street, Lawrenceburg, Tenn.; effective 1-20-61 to 1-19-62 (men's cotton work shirts).

Levi Strauss and Co., 501 Travis Street, Wichita Falls, Tex.; effective 1-18-61 to 1-17-62 (overalls).

Swirl, Inc., Easley, S.C.; effective 1-13-61 to 1-12-62 (women's dresses).

Thorsby Manufacturing Co., Thorsby, Ala.; effective 1-7-61 to 1-6-62 (ladies' blouses and shirt dresses).

The Turner Manufacturing Co., 117 French Street, Goodlettsville, Tenn.; effective 1-7-61 to 1-6-62 (ladies' and girls' blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Central Apparel Corp., 2409 North Main Street, Danville, Va.; effective 1-6-61 to 7-5-61; 25 learners (children's outerwear).

Lawrence Corp., Moulton, Ala.; effective 1-7-61 to 6-6-61; 30 learners (women's nightwear).

Lee County Mills, Inc., Leesburg, Ga.; effective 1-9-61 to 7-8-61; 25 learners (ladies' and children's undergarments).

Thorsby Manufacturing Co., Thorsby, Ala.; effective 1-7-61 to 7-6-61; 10 learners (ladies' blouses and shirt dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Knoxville Glove Co., 619 McGhee Street, Knoxville, Tenn.; effective 1-15-61 to 1-14-62; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).



Dothan Hosiery Co., Dothan, Ala.; effective 1-20-61 to 1-19-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Dothan Hosiery Co., Dothan, Ala.; effective 1-20-61 to 7-19-61; 50 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Kingsboro Mills, Inc., Sparta Street, McMinnville, Tenn.; effective 1-7-61 to 1-6-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's lingerie).

Lady Jane Manufacturing Co., Inc., 125 South Spruce Street, Mount Carmel, Pa.; effective 1-9-61 to 1-8-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Shadowline, Inc., Morganton, N.C.; effective 1-15-61 to 1-14-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' knit and woven lingerie).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Penn Footwear Co., Line and Grove Streets, Nanticoke, Pa.; effective 1-6-61 to 1-5-62; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's casual shoes).

Westminster Shoe Co., Inc., East Green Street, Westminster, Md.; effective 1-7-61 to 1-6-62; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's dress and work shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Burlington Belt Corp., Elon College, N.C.; effective 1-9-61 to 7-8-61; 10 learners for normal labor turnover purposes to be employed in the manufacture of apparel belts, in the occupation of sewing machine operating for a learning period of 320 hours at the rates of 90 cents an hour for the first 160 hours and not less than 95 cents an hour for the remaining 160 hours.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 13th day of January 1961.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 61-462; Filed, Jan. 18, 1961; 8:52 a.m.]

### CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alabama Textile Products Corp., Brantley, Ala.; effective 1-1-61 to 12-31-61 (men's work shirts).

Bali Bra Manufacturing Co., 2445 Bedford Street, Johnstown, Pa.; effective 1-11-61 to 1-10-62 (brassieres).

Blue Bell, Inc., Tishomingo, Tishomingo County, Miss.; effective 1-1-61 to 12-31-61 (men's and boys' work pants and trousers).

Bonnie-Frances Lingerie Co., Inc., Picayune, Miss.; effective 12-21-60 to 12-20-61 (women's and misses', children's and infants' underwear, nightwear, and negligees).

Cherryvale Manufacturing Co., Cherryvale, Kans.; effective 1-4-61 to 1-3-62 (men's work clothes).

Curtis Shirt Co., Inc., Abbeville, Ga.; effective 12-27-60 to 12-26-61 (men's dress shirts).

Decatur Shirt Corp., Decatur, Miss.; effective 12-21-60 to 12-20-61 (boys' sport shirts).

Dunhill Shirt Co., Holden, Mo.; effective 1-8-61 to 1-7-62 (men's shirts).

Enterprise Manufacturing Co., Enterprise, Ala.; effective 1-1-61 to 12-31-61 (dress shirts).

Forest City Manufacturing Co., Centralia, Ill.; effective 12-22-60 to 12-21-61 (women's and misses' dresses).

Forest City Manufacturing Co., Collinsville, Ill.; effective 12-23-60 to 12-22-61 (junior and misses' dresses).

Forest City Manufacturing Co., DuQuoin, Ill.; effective 12-23-60 to 12-22-61 (women's and misses' dresses).

Forest City Manufacturing Co., Pinckneyville, Ill.; effective 12-21-60 to 12-20-61 (junior and misses' dresses).

Edward Hyman Co., Lake St., Hazlehurst, Miss.; effective 12-20-60 to 12-19-61 (work pants and shirts).

I. B. S. Manufacturing Co., New Albany, Miss.; effective 1-1-61 to 12-31-61 (boy's and men's sport shirts).

Irwin Manufacturing Co., New Albany, Miss.; effective 1-1-61 to 12-31-61 (men's and boys' sport shirts).

Manufacturers' Sportswear, Inc., Meadow Avenue at Maple Street, Scranton, Pa.; effective 1-6-61 to 1-5-62 (boys' trousers).

Mid-South Manufacturing Co., Inc., Richton, Miss.; effective 12-22-60 to 12-21-61 (men's work shirts and pants).

Pawnee Pants Manufacturing Co., Inc., 104-06 River Street, Olyphant, Pa.; effective 12-30-60 to 12-29-61 (men's and boys' trousers).

Riviera Sportswear Co., 1207 South Seventh Street, LaCrosse, Wis.; effective 12-27-60 to 12-26-61 (dresses).

Russell Springs Manufacturing Corp., Russell Springs, Ky.; effective 12-21-60 to 12-20-61 (sport shirts).

Shadowline, Inc., Boone, N.C.; effective 1-7-61 to 1-6-62 (women's gowns).

Southern Manufacturing Co., Plant No. 1, 333 Fifth Avenue, North, Nashville, Tenn.; effective 1-1-61 to 12-31-61 (work shirts).

Southern Manufacturing Co., Plant No. 2, 1202 Broad Street, Nashville, Tenn.; effective 1-1-61 to 12-31-61 (men's and boys' sport shirts).

Vernon Manufacturing Co., Inc., 700 Texas Street, Vernon, Tex.; effective 1-1-61 to 12-31-61 (men's and boys' cotton trousers and shorts).

The Warner Brothers Co., Moultrie, Ga.; effective 1-5-61 to 1-4-62 (corsets and brassieres).

Wilcox Garment Co., Inc., Rochelle, Ga.; effective 12-26-60 to 12-25-61 (men's dress and semi-dress shirts).

Yunker Manufacturing Co., Inc., 315 Ann Street, Parkersburg, W. Va.; effective 12-28-60 to 12-27-61 (children's wear).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Eclectic Manufacturing Co., Eclectic, Ala.; effective 12-21-60 to 12-20-61; 10 learners (waitresses' and maids' uniforms).

Forest City Manufacturing Co., Mascoutah, Ill.; effective 1-6-61 to 1-5-62; 10 learners (women's and misses' dresses).

Gem Sportswear, Inc., 100 North Front Street, New Bedford, Mass.; effective 12-27-60 to 12-26-61; 10 learners (ladies' and girls' jackets, blouses, dresses).

Glenn Garment Co., Butler, Ky.; effective 1-1-61 to 12-31-61; three learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's blouses, slacks).

The H. W. Gossard Co., Sullivan, Ind.; effective 12-28-60 to 12-27-61; 10 learners (women's foundation garments).

Hickory Flat Manufacturing Co., Hickory Flat, Miss.; effective 1-1-61 to 12-31-61; 10 learners (men's cotton work shirts).

Klos Manufacturing Co., Muskogee, Okla.; effective 12-22-60 to 12-21-61; 10 learners (children's clothing).

Mode O'Day Corp., 403½ South Main Street, Ottawa, Kans.; effective 1-1-61 to 12-31-61; 10 learners (women's dresses).

Prairie Manufacturing Co., East Prairie, Mo.; effective 12-27-60 to 12-26-61; 10 learners (men's and boys' semi-dress and work pants).

I. Taitel and Son, Knox, Ind.; effective 12-23-60 to 12-22-61; 10 learners (work pants).

Tallassee Manufacturing Co., Tallassee, Ala.; effective 1-11-61 to 1-10-62; 10 learners (women's and children's shorts, pedal pushers, etc.).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Seminole, Okla.; effective 1-1-61 to 6-30-61; 40 learners (men's and boys' dungarees).

Darsey Manufacturing Co., Tallapoosa, Ga.; effective 12-19-60 to 6-18-61; 75 learners (men's and boys' dress pants).

Delta Shirt Manufacturing Co., Inc., 550 Ninth Street, Douglas, Ariz.; effective 12-30-60 to 6-29-61; 35 learners (men's and boys' sport shirts of woven fabric).

Lock Haven Garment Co., 921 Third Street, Lock Haven, Pa.; effective 12-27-60 to 6-26-61; 15 learners (ladies' blouses).

Mode O'Day Corp., 403½ South Main Street, Ottawa, Kans.; effective 1-1-61 to 6-30-61; 10 learners (women's dresses).

Riviera Sportswear Co., 1207 South Seventh Street, La Crosse, Wis.; effective 12-27-60 to 6-26-61; 60 learners (Dresses).

Sherri, Lynn, Inc., Zebulon, Ga.; effective 12-21-60 to 6-20-61; 15 learners (ladies' dresses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Durham Hosiery Mills, Plant No. 14, 109 South Corcoran Street, Durham, N.C.; effective 12-21-60 to 6-20-61; 20 learners for plant expansion purposes (full-fashioned, seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Dri-Set, Inc., Graysville, Tenn.; effective 12-20-60 to 6-19-61; 25 learners for plant expansion purposes (children's knitted sleep wear).

Van Raalte Co., Inc., Randolph, Vt.; effective 1-4-61 to 1-3-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's nylon slips).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

International Shoe Co., Windsor, Mo.; effective 12-31-60 to 12-30-61; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's welt dress leather shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Rawlings Manufacturing Co., Ava Division, Ava, Mo.; effective 1-1-61 to 5-31-61; 65 learners for plant expansion purposes, in the occupations of: (1) sewing machine operating and molding each for a learning period of 320 hours at the rates of 90 cents an hour for the first 160 hours and not less than 95 cents for the remaining 160 hours; (2) die and clicker machine operating, other machine operating except cutting, spray and dip painting, sorting and grading, assembling, and final inspecting, each for a learning period of 160 hours at the rate of 90 cents an hour (athletic equipment).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Andrew Hosiery Mills, Inc. (Division of Gordonshire Knitting Mills) Cayey, P.R.; effective 11-28-60 to 11-27-61; 11 learners for normal labor turnover purposes in the occupations of: (1) loopers and menders, each for a learning period of 960 hours at the rates of 56 cents an hour for the first 480 hours and 62 cents an hour for the remaining 480 hours; (2) preboarding, for a learning period of 480 hours at the rates of 56 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours; (3) examiners and knitters, each for a learning period of 240 hours at the rate of 56 cents an hour (seamless).

General Electric Wiring Devices, Inc., Juana Diaz, P.R.; effective 12-12-60 to 12-11-61; 12 learners for normal labor turnover purposes in the occupations of molders and assemblers, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (electrical wiring devices).

Gibson Caribe, Inc., Luquillo, P.R.; effective 11-28-60 to 11-27-61; five learners for normal labor turnover purposes in the occupation of press, milling, lathe, etc., machine operating for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (electrical contacts).

Gibson Caribe, Inc., Luquillo, P.R.; effective 11-28-60 to 5-27-61; nine learners for plant expansion purposes in the occupation of press, milling, lathe, etc., machine operating for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (electrical contacts).

Knitco, Inc., Toa Alta, P.R.; effective 12-12-60 to 12-11-61; 15 learners for normal labor turnover purposes in the occupations of: (1) knitters, loopers, and toppers, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours; (2) machine stitchers, menders and pressers, each for a learning period of 320 hours at the rates of 75 cents an hour for the first 160 hours and 88 cents an hour for the remaining 160 hours (full-fashioned sweaters).

Northridge Knitting Mills, Inc., and/or Weststone Knitting Mills, Inc., San German, P.R.; effective 11-24-60 to 11-23-61; 30 learners for normal labor turnover purposes in the occupations of: (1) knitting, looping and topping, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours; (2) machine stitching and pressing, each for a learning period of 320 hours at the rates of 75 cents an hour for the first 160 hours and 88 cents an hour for the remaining 160 hours (sweaters).

Sundale Manufacturing Corp., Ponce, P.R.; effective 12-12-60 to 12-11-61; 10 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 67 cents an hour for the remaining 240 hours (infants' and children's dresses).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 6th day of January 1961.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 61-371; Filed, Jan. 17, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 16, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36839: *Class rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 25), for itself, and interested carriers. Rates on various commodities moving on less-than-truckload class rates loaded in trailers and transported over joint motor-water, water-motor and motor-water-motor routes of applicant motor carriers and Sea-Land Service, Inc., between points in Virginia, on the one hand, and points in Louisiana and Texas, on the other.

Grounds for relief: Rail-water freight forwarder competition.

Tariff: Supplement 5 to Sea-Land Service, Inc., tariff I.C.C. 3.

FSA No. 36840: *Sulphur from Three Rivers, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7959), for interested rail carriers. Rates on sulphur, crude and refined, in carloads, from Three Rivers, Tex., to specified points in southern and official territories.

Grounds for relief: Market competition.

Tariff: Supplement 169 to Southwestern Freight Bureau tariff I.C.C. 4177.

FSA No. 36841: *Air compressors from Shreveport, La., to Southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7958), for interested rail carriers. Rates on air compressors, in carloads, from Shreveport, La., to points in southwestern territory, also Mississippi River crossings, Memphis, Tenn., and south thereof.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 489 to Southwestern Freight Bureau tariff I.C.C. 4087, and other schedules named in the application.

FSA No. 36842: *Wood sawdust from, to, and between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7953), for interested rail carriers. Rates on wood sawdust, as described in the application, in carloads, between points in southwestern territory, also between points in southwestern territory, on the one hand, and Mississippi River crossings, points in Kansas and Missouri, and points taking same rates, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplements 73 and 87 to Southwestern Freight Bureau tariffs I.C.C. 4331 and 4330, respectively.

FSA No. 36843, *Substituted service—ACL, et al., for Alterman Transport Lines, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 46), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Chicago, Ill., and Cleveland, Ohio, on the one hand, and Jacksonville, Lakeland, Orlando, Sanford and Tampa, Fla., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 228.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-431; Filed, Jan. 18, 1961; 8:47 a.m.]



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VOLUME 26 NUMBER 13

Washington, Friday, January 20, 1961

THE UNIVERSITY OF MICHIGAN
JAN 24 1961
MAIN READING ROOM

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## Title 3—THE PRESIDENT

### Proclamation 3389

**MODIFYING PROCLAMATION NO. 3279 [1] OF MARCH 10, 1959, ADJUSTING IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS**

**By the President of the United States of America**

**A Proclamation**

WHEREAS, pursuant to section 2 of the act of July 1, 1954, as amended by section 8 of the Trade Agreements Extension Act of 1958 (72 Stat. 678, 19 U.S.C. 1352a), I found and declared that adjustments must be made in the imports of crude oil, unfinished oils, and finished products so that such imports would not threaten to impair the national security and by Proclamation No. 3279 of March 10, 1959 (24 F.R. 1781), I proclaimed such adjustments; and

WHEREAS I modified such adjustments by Proclamation No. 3290 of April 30, 1959 (24 F.R. 3527), Proclamation No. 3388 of December 10, 1959 (24 F.R. 10133), and Proclamation No. 3386 of December 24, 1960 (25 F.R. 13945); and

WHEREAS I find that historically imports of residual fuel oil to be used as fuel into the continental United States have principally been made into the East Coast area; and

WHEREAS I find that in order to permit the entrance of new importers and equitable adjustments of allocations in a manner which will insure that adequate supplies of residual fuel oil to be used as fuel will be distributed to normal users, it is necessary to authorize the Secretary of the Interior to revise the system of allocating imports into the East Coast areas of residual fuel oil to be used as fuel:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including section 2 of the act of July 1, 1954, as amended, do hereby proclaim that Proclamation No. 3279 of March 10, 1959, as amended by Proclamation No. 3290 of April 30, 1959, Proclamation No. 3328 of December 10, 1959, and Proclamation No. 3386 of December 24, 1960, is hereby further amended as follows:

1. Subparagraph (2) of paragraph (a) of section 2 is amended to read as follows:

"(2) In District I the imports of residual fuel oil to be used as fuel shall not exceed the level of imports of that product into that district during the calendar year 1957. In Districts II–IV the imports of residual fuel oil to be used as fuel shall not exceed the level of imports of that product into those districts during the calendar year 1957."

2. Paragraph (e) of section 2 is amended to read as follows:

"(e) The Secretary of the Interior shall keep under review the imports into District I, Districts II–IV, and District V of residual fuel oil to be used as fuel and the Secretary may make, notwithstanding the levels prescribed in paragraphs (a) and (b) of this section and on a monthly basis if required, such adjustments in the maximum levels of such imports as he may determine to be consonant with the objectives of this proclamation."

3. Subparagraph (4) of paragraph (b) of section 3 is amended to read as follows:

"(4) With respect to the allocation of imports of finished products, other than residual fuel oil to be used as fuel, into Districts I–IV, District V, and Puerto Rico, such regulations shall, to the extent possible, provide (i) for a fair and equitable distribution of imports of such finished products among persons who have been importers of such finished products into the respective districts or Puerto Rico during the respective base periods specified in section 2 of this proclamation, and (ii) for the granting and adjustment of allocations of imports of such finished products in accordance with procedures established pursuant to section 4 of this proclamation."

4. A new subparagraph (5) is added to paragraph (b) of section 3 as follows:

"(5) With respect to the allocation of imports of residual fuel oil to be used as fuel into Districts II–IV, District V, and Puerto Rico, such regulations shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel among persons who have been importers of that product into the respective districts or Puerto Rico during the respective base periods specified in section 2 of this proclamation. With respect to the allocation of imports into District I of residual fuel oil to be used as fuel, such regulations shall, to the extent possible, provide on and after April 1, 1961, for a fair and equitable distribution of imports of residual fuel oil to be used as fuel among persons who have been importers of that product into such district during the calendar year 1957 and among persons who are in the business in District I of selling residual fuel oil to be used as fuel and who have had inputs of that product to deep-water terminals located in District I, in relation to such terminal inputs. With respect to the allocation of imports of residual fuel oil to be used as fuel into District I, Districts II–IV, District V, and Puerto Rico, such regulations shall also provide, to the extent possible, for the granting and adjustment of allocations of imports of residual fuel oil to be used as fuel in accordance with procedures established pursuant to section 4 of this proclamation."

5. Section 9 is amended by redesignating present paragraphs (b), (c), (d), (e), and (f) as paragraphs (d), (e), (f), (g), and (h), respectively, and by adding to that section two new paragraphs reading as follows:

"(b) 'District I' means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida, and the District of Columbia.

"(c) 'Districts II–IV' means all of the States of the United States except those States within District I and District V."

6. This amendatory proclamation shall not be deemed to affect the adjustments made by the Secretary of the Interior in the level of imports into Districts I–IV for the period January 1, 1961, through March 31, 1961, of residual fuel oil to be used as fuel or the allocations made for such period.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of January in the year of our Lord nineteen hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
*Secretary of State.*

[F.R. Doc. 61–669; Filed, Jan. 19, 1961; 2:07 p.m.]

[1] 24 F.R. 1781; 3 CFR, 1959 Supp., p. 23.

### Proclamation 3390

**TERMINATING THE HONDURAN TRADE AGREEMENT IN PART**

**By the President of the United States of America**

**A Proclamation**

WHEREAS, under the authority vested in him by section 350(a) of the Tariff Act of 1930, amended by the act of June 12, 1934, entitled "An Act To Amend the Tariff Act of 1930", 48 Stat. 943, the President entered into a trade agreement with the President of the Republic of Honduras on December 18, 1935, 49 Stat. 3851, and proclaimed such trade agreement by proclamation dated February 1, 1936, 49 Stat. 3851; and

WHEREAS the Government of the United States of America and the Government of the Republic of Honduras have agreed to terminate the schedules of concessions of such trade agreement and the provisions related thereto as of the beginning of February 28, 1961; and

WHEREAS paragraph (6) of section 350(a) of the Tariff Act of 1930, as amended, authorizes the President to terminate, in whole or in part, any proclamation carrying out a trade agreement entered into under such section:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including section 350(a)(6) of the Tariff Act of 1930, as amended, do hereby proclaim that the aforesaid proclamation dated February 1, 1936 shall terminate insofar as it relates to the schedules of concessions in the trade agreement and the provisions related thereto, as of the beginning of February 28, 1961.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of January in the year of our Lord nineteen hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
*Secretary of State.*

[F.R. Doc. 61-665; Filed, Jan. 19, 1961; 12:13 p.m.]

## Executive Order 10906

### INSPECTION BY CERTAIN CLASSES OF PERSONS AND STATE AND FEDERAL GOVERNMENT ESTABLISHMENTS OF RETURNS MADE IN RESPECT OF CERTAIN TAXES IMPOSED BY THE INTERNAL REVENUE CODE OF 1954

By virtue of the authority vested in me by sections 6103(a) and 6106 of the Internal Revenue Code of 1954 (68A Stat. 753, 756; 26 U.S.C. 6103(a), 6106), it is hereby ordered that returns made in respect of the taxes imposed by chapters 1, 2, 3, 5, 6, 11, 12, 23, and 32, subchapters B, C, and D of chapter 33, and subchapter B of chapter 37 of such Code shall be open to inspection by certain classes of persons and State and Federal Government establishments in accordance and upon compliance with the rules and regulations prescribed by the Acting Secretary of the Treasury in the Treasury decision relating thereto approved by me this date.

This order shall become effective upon its filing for publication in the FEDERAL REGISTER, and shall on that date supersede Executive Order No. 10738 of November 15, 1957, to the extent that such order is applicable to inspection by State tax officials after the effective date of this order of estate and gift-tax returns made under the Internal Revenue Code of 1939 or the Internal Revenue Code of 1954.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*January 17, 1961.*

[F.R. Doc. 61-564; Filed, Jan. 18, 1961; 2:08 p.m.]

## Executive Order 10907

### INSPECTION BY RENEGOTIATION BOARD OF INCOME TAX RETURNS MADE UNDER THE INTERNAL REVENUE CODE OF 1954

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that income tax returns made under the Internal Revenue Code of 1954 shall be open to inspection by the Renegotiation Board. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Acting Secretary of the Treasury in the Treasury decision approved by me this date, relating to the inspection of such returns by the Renegotiation Board.

This Executive order shall become effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*January 17, 1961.*

[F.R. Doc. 61-565; Filed, Jan. 18, 1961; 2:08 p.m.]

## Executive Order 10908

### INSPECTION BY FEDERAL TRADE COMMISSION OF INCOME TAX RETURNS OF CORPORATIONS MADE UNDER THE INTERNAL REVENUE CODE OF 1954

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that income tax returns of corporations made under the Internal Revenue Code of 1954 shall be open to inspection by the Federal Trade Commission as an aid in executing the powers conferred on such Commission by the Federal Trade Commission Act of September 26, 1914 (38 Stat. 717). Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Acting Secretary of the Treasury in the Treasury decision approved by me this date, relating to the inspection of such returns by the Federal Trade Commission.

This Executive order shall become effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*January 17, 1961.*

[F.R. Doc. 61-566; Filed, Jan. 18, 1961; 2:08 p.m.]

## Executive Order 10909

### AMENDMENT OF EXECUTIVE ORDER NO. 10865,[1] SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY

By virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, and as Commander in Chief of the armed forces of the United States, Executive Order No. 10865 of February 20, 1960 (25 F.R. 1583), is hereby amended as follows:

SECTION 1. Section 1(c) is amended to read as follows:

"(c) When used in this order, the term 'head of a department' means the Secretary of State, the Secretary of Defense, the Commissioners of the Atomic Energy Commission, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Federal Aviation Agency, the head of any other department or agency of the United States with which the Department of Defense makes an agreement under subsection (b) of this section, and, in sections 4 and 8, includes the Attorney General. The term 'department' means the Department of State, the Department of Defense, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Federal Aviation Agency, any other department or agency of the United States with which the Department of Defense makes an agreement under subsection (b) of this section, and, in sections 4 and 8, includes the Department of Justice."

SEC. 2. Section 6 is amended to read as follows:

"SEC. 6. The Secretary of State, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Federal Aviation Agency, or his representative, or the head of any other department or agency of the United States with which the Department of Defense makes an agreement under section 1(b), or his representative, may issue, in appropriate cases, invitations and requests to appear and testify in order that the applicant may have the opportunity to cross-examine as provided by this order. Whenever a witness is so invited or requested to appear and testify at a proceeding and the witness is an officer or employee of the executive branch of the Government or a member of the armed forces of the United States, and the proceeding involves the activity in connection with which the witness is employed, travel expenses and per diem are authorized as provided by the Standardized Government Travel Regulations or the Joint Travel Regulations, as appropriate. In all other cases (including non-Government employees as well as officers or employees of the executive branch of the Government or members of the armed forces of the United States not covered by the foregoing sentence), transportation in kind and reimbursement for actual expenses are authorized in an amount not to exceed the amount payable under Standardized Government Travel Regulations. An officer or employee of the executive branch of the Government or a member of the armed forces of the United States who is invited or requested to appear pursuant to this paragraph shall be deemed to be in the performance of his official duties. So far as the national security permits, the head of the investigative agency involved shall cooperate with the Secretary, the Administrator, or the head of the other department or agency, as the case may be, in identifying persons who have made statements adverse to the applicant and in assisting him in making them available for cross-examination. If a person so invited is an officer or employee of the executive branch of the Government or a member of the armed forces of the United States, the head of the department or agency concerned shall cooperate in making that person available for cross-examination."

[1] 25 F.R. 1583.



SEC. 3. Section 8 is amended by striking out the word "or" at the end of clause (5), by striking out the period at the end of clause (6) and inserting "; or" in place thereof, and by adding the following new clause at the end thereof:

"(7) the deputy of that department, or the principal assistant to the head of that department, as the case may be, in the case of authority vested in the head of a department or agency of the United States with which the Department of Defense makes an agreement under section 1(b)."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*January 17, 1961.*

[F.R. Doc. 61-567; Filed, Jan. 18, 1961; 2:08 p.m.]

## Executive Order 10910

### PROVIDING FOR THE DESIGN AND AWARD OF THE NATIONAL MEDAL OF SCIENCE

By virtue of the authority vested in me by the act of August 25, 1959, entitled "An Act To Establish a National Medal of Science To Provide Recognition for Individuals Who Make Outstanding Contributions in the Physical, Biological, Mathematical, and Engineering Sciences" (73 Stat. 431), and as President of the United States, it is ordered as follows:

SECTION 1. *Specifications of Medal.* Consonant with recommendations submitted by the National Science Foundation pursuant to the first section of the said act of August 25, 1959, the National Medal of Science established by that act, hereinafter referred to as the Medal, shall be of bronze, shall be of the design hereto attached, which is hereby made a part of this order, and shall have suitable accompanying appurtenances. Each medal shall be suitably inscribed. Each individual awarded the Medal shall also receive a citation, on parchment, descriptive of the award.

SEC. 2. *Award of Medal.* (a) The President shall award the Medal on the basis of recommendations received by him in accordance with the provisions of this order to individuals who in his judgment are deserving of special recognition by reason of their outstanding contributions to knowledge in the physical, biological, mathematical, or engineering sciences.

(b) In addition to the criterion stated in section 2(a) of this order, the following shall govern the award of the Medal:

(1) Not more than twenty individuals may be awarded the Medal in any one calendar year.

(2) No individual may be awarded the Medal unless at the time such award is made he—

(i) is a citizen or other national of the United States; or

(ii) is an alien lawfully admitted to the United States for permanent residence who (A) has filed a petition for naturalization in the manner prescribed by section 334(b) of the Immigration and Nationality Act and (B) is not permanently ineligible to become a citizen of the United States.

(3) The Medal may be awarded posthumously, the provisions of paragraph (2) of subsection (b) of this section notwithstanding. The Medal shall be so awarded only to an individual who at the time of his death met the conditions set forth in item (i) or item (ii) of that paragraph and not later than the fifth anniversary of the day of his death.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*January 17, 1961.*




The medal is struck in Bronze 3¼" over all. Its obverse side has the figure of a man holding a crystal in his left hand as he writes an equation in the sand on which he kneels. Behind him is the sea and there is a star above his shoulder.

Man is portrayed against the background of earth, sea, and heavens.

The inscription of National Medal of Science is around the upper portion of the perimeter of the medal.

[F.R. Doc. 61-568; Filed, Jan. 18, 1961; 2:08 p.m.]

## Executive Order 10911

### INSPECTION BY DEPARTMENT OF COMMERCE OF INCOME TAX RETURNS MADE UNDER THE INTERNAL REVENUE CODE OF 1954

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that income tax returns made under the Internal Revenue Code of 1954 shall be open to inspection by the Department of Commerce. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Acting Secretary of the Treasury in the Treasury decision approved by me this date, relating to the inspection of such returns by the Department of Commerce.

This Executive order shall become effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*January 17, 1961.*

[F.R. Doc. 61-574; Filed, Jan. 18, 1961; 2:35 p.m.]

## Executive Order 10912

### AMENDING EXECUTIVE ORDER NO. 10716[1] OF JUNE 17, 1957

By virtue of the authority vested in me by the International Cultural Exchange and Trade Fair Participation Act of 1956 (22 U.S.C. 1991-2001), by section 301 of title 3, of the United States Code, and as President of the United States, it is ordered that Executive Order No. 10716 of June 17, 1957 (22 F.R. 4345), headed "Administration of the International Cultural Exchange and Trade Fair Participation Act of 1956," be, and it is hereby, amended as follows:

1. By renumbering paragraphs (2), (3), and (4) of section 1(b) as paragraphs (3), (4), and (5), respectively, and by inserting after paragraph (1) thereof the following new paragraph (2):

"(2) The functions so conferred by section 3(3) of the Act (the provisions of section 3(a) of this order notwithstanding), exclusive of the functions delegated by the provisions of section 2(c) of this order."

2. By substituting "section 1(b)(4)" for "section 1(b)(3)" in section 1(d).

3. By substituting for section 1(e) the following:

"(e) The Director of the United States Information Agency shall allocate funds appropriated or otherwise made available to carry out the purposes of the Act to the United States Information Agency, the Department of State, the Department of Commerce, and any other departments or agencies of the Government as the said Director may deem

[1] 22 F.R. 4345; 3 CFR, 1957 Supp., p. 79.

appropriate to carry out the provisions of this order and the purposes of the Act."

4. By substituting for section 2(c) the following:

"(c) The functions so conferred by section 3(3) of the Act to the extent that they pertain to liquidation of affairs respecting the Universal and International Exhibition of Brussels, 1958."

5. By substituting for section 3(a) the following:

"(a) The functions so conferred by section 3(3) of the Act (the provisions of section 1(b)(2) hereof notwithstanding), exclusive of the functions delegated by the provisions of section 2(c) of this order."

6. By substituting for the text "Executive Order No. 10575 of November 6, 1954 (19 F.R. 7249)" in section 5 the following: "Executive Order No. 10893 of November 8, 1960 (25 F.R. 10731)".

7. By amending the catchline of section 6 to read "Definitions", and by adding the following sentence at the end of that section: "References to this order in this order shall be deemed to include references to this order as amended."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*January 18, 1961.*

[F.R. Doc. 61-639; Filed, Jan. 19, 1961; 10:36 a.m.]

## Executive Order 10913

### AMENDING EXECUTIVE ORDER NO. 10584[1] OF DECEMBER 18, 1954, PRESCRIBING RULES AND REGULATIONS RELATING TO THE ADMINISTRATION OF THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT

By virtue of the authority vested in me by the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001 *et seq.*), and as President of the United States, it is ordered that Executive Order No. 10584 of December 18, 1954, be, and it is hereby, amended by deleting sections 1, 2, 3, and 4 thereof, by renumbering sections 5 and 6 thereof as sections 6 and 7, respectively, and by substituting the following new sections:

"SECTION 1. *Scope of order.* This order shall apply (a) to the planning, construction, operation, and maintenance of all works of improvement under the authority of the Watershed Protection and Flood Prevention Act (Public Law 566, approved August 4, 1954, as amended; 16 U.S.C. 1001 *et seq.*), hereinafter referred to as the Act, and (b) to other programs and projects of the Department of Agriculture, and to programs and projects of the Department of the Interior, the Department of the Army, and other Federal agencies to the extent that such programs or projects affect, or are affected significantly by, works of improvement provided for in the Act.

[1] 19 F.R. 8725; 3 CFR, 1954 Supp., p. 99.

"SEC. 2. *General administration.* The Secretary of Agriculture shall have the following-described responsibilities under the Act:

"(a) Approval or disapproval of applications for Federal assistance in preparing plans for works of improvement, and the assignment of priorities for the provision of such assistance.

"(b) Establishing criteria for the formulation and justification of plans for works of improvement and criteria for the sharing of the cost of both structural and land-treatment measures which conform with the provisions of the Act and with policies established by or at the direction of the President for watershed protection, flood prevention, irrigation, drainage, water supply, and related water-resources development purposes.

"(c) Establishing engineering and economic standards and objectives, including standards as to degrees of flood protection, for works of improvement planned and carried out under the authority of the Act.

"(d) Determination and definition of (1) those land-treatment measures and structural improvements for flood prevention and measures for the agricultural phases of conservation, development, use and disposal of water or for fish and wildlife development which are eligible for assistance under the Act, and (2) the nature and extent of such assistance and the conditions under which such assistance shall be rendered.

"(e) Planning and installing works of improvement on lands under his jurisdiction, and arranging for the participation of other Federal agencies in the planning and installation of works of improvement on lands under their jurisdiction. Recommendations of the heads of other Federal agencies for necessary works of improvement on lands under their jurisdiction shall be submitted as an integral part of the plans of the Department of Agriculture for works of improvement. Arrangements for construction, operation, and maintenance of works of improvement on such lands shall be mutually satisfactory to the Secretary of Agriculture and the head of the Federal agency concerned.

"(f) Submitting plans for works of improvement to the State Governor or Governors concerned and to the Federal agencies concerned for review and comment when the Secretary and the interested local organization have agreed on such plans; and, when and as required by the Act, submitting such plans to the Secretary of the Interior and the Secretary of the Army for their review and comment prior to transmission of the plans to the Congress through the President.

"(g) Giving full consideration to the recommendations concerning the conservation and development of fish and wildlife resources contained in any report of the Secretary of the Interior which is submitted to him, in accordance with section 12 of the Act and section 5 of this order, prior to the time he and the local organization have agreed on a plan for works of improvement, and including in the plan such works of improvement for fish and wildlife purposes recommended in the report as are acceptable to him and the local organization.

"(h) Holding public hearings at suitable times and places when he determines that such action will further the purposes of the Act.

"SEC. 3. *Notification.* (a) The Secretary of Agriculture shall:

"(1) Notify in writing the State Governor or Governors concerned, the Secretary of the Interior, the Secretary of the Army, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

"(2) Notify the following, severally, in writing of all approvals or disapprovals of applications for planning assistance: the sponsoring organization, the State Governor or Governors concerned, the Secretary of the Interior, the Secretary of the Army, and other Federal agencies concerned.

"(b) The Secretary of the Interior shall notify in writing the State Governor or Governors concerned, the Secretary of Agriculture, the Secretary of the Army, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

"(c) The Secretary of the Army shall notify in writing the State Governor or Governors concerned, the Secretary of Agriculture, the Secretary of the Interior, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

"SEC. 4. *Coordination.* In order to assure the coordination of work authorized under the Act and the related work of other agencies, so that the proper use, conservation, and development of water and related land resources through Federal programs and financial assistance may be achieved in the most orderly, economical, and effective manner,

"(a) The Secretary of Agriculture, before authorizing planning assistance in response to an application from a local organization for assistance under the Act, shall:

"(1) When an application applies to a watershed located in one of the seventeen western reclamation States or Hawaii and it appears that a major objective is the agricultural phases of the conservation, development, utilization, and disposal of water for irrigation purposes, request the views of the Secretary of the Interior concerning the feasibility of achieving equivalent irrigation benefits by means of works of improvement constructed pursuant to the Reclamation Act of June 17, 1902 (43 U.S.C. 391), and acts amendatory or supplementary thereto, or by means of assistance furnished pursuant to the Small Reclamation Projects Act of 1956, as amended (43 U.S.C. 422a–422k), and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving that objective.

"(2) When it appears that a major objective of an application is the reduction of flood damages in urban areas (as defined in the most recent census), request the views of the Secretary of the Army concerning the feasibility of achieving equivalent urban flood protection benefits by means of works of improvement constructed pursuant to the Flood Control Act of March 1, 1917 (39 Stat. 948), the Flood Control Act of May 15, 1928 (45 Stat. 534), the Flood Control Act of June 22, 1936 (49 Stat. 1570), or acts amendatory or supplementary thereto, and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving that objective.

"(3) When an application applies to a watershed located in the Tennessee River drainage basin, request the views of the Board of Directors of the Tennessee Valley Authority concerning the feasibility of achieving the objectives of the application by means of works of improvement for flood control or watershed protection constructed under the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831 *et seq.*), and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving such objectives; and when such planning assistance is authorized, consult with the Tennessee Valley Authority throughout all phases of project development concerning the relationship of works of improvement under the Act to the unified development and regulation of the Tennessee River system.

"(b) The Secretary of the Interior shall, prior to undertaking any survey or field investigation under the Reclamation Act of June 17, 1902 (43 U.S.C. 391), and acts amendatory or supplementary thereto, or prior to initiating investigations after receipt of a Notice of Intent to apply for a loan under the Small Reclamation Projects Act of 1956, as amended (43 U.S.C. 422a–422k), relating to works of improvement wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the project proposal by means of Federal assistance furnished pursuant to the Act, and submit a report on such a survey or field investigation or approve such application for assistance only after carefully considering whether works of improvement under his authorities would be a more appropriate method of achieving such objectives.

"(c) The Secretary of the Army shall, prior to undertaking any survey or field investigation pursuant to the Flood Control Act of March 1, 1917 (39 Stat. 948), the Flood Control Act of May 15, 1928 (45 Stat. 534), the Flood Control Act of June 22, 1936 (49 Stat. 1570), and acts amendatory or supplementary thereto, relating to works of improvement wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the project proposal by means of Federal assistance furnished pursuant to the Act, and submit a report on such survey or field investigation only after carefully considering whether works of improvement under his authorities would be a more appropriate method of achieving such objectives.

"(d) The Board of Directors of the Tennessee Valley Authority shall, prior to undertaking any survey or field investigation under the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831 *et seq.*), relating to works of improvement for flood control or watershed protection to be installed wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the works of improvement for flood control or watershed protection by means of works of improvement constructed under the Act, and proceed with such survey or investigation only after carefully considering whether works of improvement under the Tennessee Valley Authority Act would be a more appropriate method of achieving such objectives.

"(e) Whenever the foregoing provisions of this section require an agency head to request the views of another agency head, such request shall be effected prior to the making of any commitment to local interests, and local interests shall be informed at the outset of negotiations that any plan resulting therefrom is subject to coordination as required by this section.

"(f) When any agency having responsibilities for water resources development is considering the initiation of surveys or field investigations in a watershed or subwatershed area of not more than 250,000 acres and it appears that the purposes to be served by the project under investigation could more advantageously be met by means of a combination of works of improvement under the statutory authority available to that and other agencies, the appropriate agency head shall consider with the other agency heads concerned and the cooperating local interests the feasibility of preparing a jointly developed plan for coordinated action under available statutory authority.

"SEC. 5. *Fish and wildlife development.* Upon receipt of the notice required by section 12 of the Act and section 3(a)(1) of this order, the Secretary of the Interior, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of fish and wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement which will be acceptable to the local organization and the Secretary of Agriculture."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*January 18, 1961.*

[F.R. Doc. 61-640; Filed, Jan. 19, 1961; 10:36 a.m.]

# Rules and Regulations

## Title 26—INTERNAL REVENUE

**Chapter I—Internal Revenue Service, Department of the Treasury**

**SUBCHAPTER A—INCOME TAX**

[T.D. 6540]

**PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953**

**Certain Options**

On December 3, 1960, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under sections 61 and 421 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (25 F.R. 12414). After consideration of all relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as so published are hereby adopted, subject to the following changes:

PARAGRAPH 1. Paragraphs 1 and 2 of the appendix to the notice of proposed rule making are withdrawn and paragraph 3 is renumbered "paragraph 1".

PAR. 2. Section 1.421–6 is changed in the following respects:

(A) By striking the last sentence of paragraph (a)(1).

(B) By revising paragraph (a)(3).

(C) By deleting paragraph (b)(3).

(D) By striking the word "section" from the last sentence of paragraph (d)(1) and substituting the word "paragraph".

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: January 17, 1961.

FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury.*

In order to provide rules for the tax treatment of certain options, the Income Tax Regulations (26 CFR Part 1) are amended as follows:

PAR. 1. Section 1.421–6 is amended to read as follows:

**§ 1.421–6 Options to which section 421 does not apply.**

(a) *Scope of section.* (1) If an employer or other person grants to an employee or other person for any reason connected with the employment of such employee an option to purchase stock of the employer or other property, and if section 421 is not applicable, then this section shall apply. This section will apply, for example, when an option is not a restricted stock option at the time it is granted (see section 421(d)(1) and § 1.421–2), or when an option is modified so that it no longer qualifies as a restricted stock option (see section 421(e) and § 1.421–4), or when there is a disqualifying disposition of stock acquired by the exercise of a restricted stock option so that section 421 does not apply. When an option is granted for any reason connected with the employment of an employee, this section applies, if section 421 does not apply, irrespective of whether the option is granted by the employer, by a parent or subsidiary of the employer, by a stockholder of any of such corporations, or by any other person, and irrespective of whether the option is granted to the employee, to a member of his family, or to any other person, and irrespective of whether the option is to purchase the stock of the employer, the stock of a parent or subsidiary of the employer, the stock of any other corporation, or to purchase any other property.

(2) This section is applicable only to options granted on or after February 26, 1945, except that this section is not applicable to—

(i) Property transferred pursuant to an option exercised before September 25, 1959, if the property is transferred subject to a restriction which has a significant effect on its value, or

(ii) Property transferred pursuant to an option granted before September 25, 1959, and exercised on or after such date, if, under the terms of the contract granting such option, the property to be transferred upon exercise of the option is to be subject to a restriction which has a significant effect on its value and if such property is actually transferred subject to such restriction. However, if an option granted before September 25, 1959, and on or after February 26, 1945, is sold or otherwise disposed of before exercise, the provisions of this section shall be fully applicable to such disposition.

(3) If an option to which this section applies has a readily ascertainable fair market value when granted, no amount is includible in gross income under this section as compensation by reason of the transfer or exercise of such option, irrespective of whether such value was included in income for the taxable year in which the option was granted, and any deduction which is allowable as a result of the granting of such option is allowable only for the taxable year in which the option is granted. Thus, if an option having a readily ascertainable fair market value to which this section applies was granted in a taxable year for which an assessment of deficiency was barred at the time of the adoption of paragraph (c) of this section as a Treasury decision, no amount is includible in gross income under this section as compensation by reason of the transfer or exercise of such option. However, if there is a determination to which the rules of sections 1311–1314 apply, there may be an adjustment for the taxable year in which the option was granted.

(b) *Meaning and use of certain terms.* (1) For the purpose of this section, the term "option" includes the right or privilege of a person to purchase property from any person by virtue of an offer continuing for a stated period of time, whether or not irrevocable, to sell such property at a stated price, such person being under no obligation to purchase.

(2) As used in this section, the terms "employee", "employment", and "employer" have reference to the legal and bona fide relationship of employer and employee. For rules applicable to the determination whether the employer-employee relationship exists, see section 3401(c) and the regulations thereunder.

(c) *Options with a readily ascertainable fair market value.* (1) If there is granted an option to which this section applies and which has a readily ascertainable fair market value (determined in accordance with subparagraphs (2) and (3) of this paragraph) at the time the option is granted, the employee in connection with whose employment such option is granted realizes compensation at such time in an amount equal to the excess, if any, of such fair market value over any amount paid for the option. If an option to which this section applies does not have a readily ascertainable fair market value at the time the option is granted, the time when the compensation is realized and the amount of such compensation shall be determined under paragraph (d) of this section.

(2) Although options may have a value at the time they are granted, that value is ordinarily not readily ascertainable unless the option is actively traded on an established market. If an option is actively traded on an established market, the fair market value of such option is readily ascertainable for purposes of this section by applying the rules of valuation set forth in § 20.2031–2 of this chapter (the Estate Tax Regulations).

(3)(i) When an option is not actively traded on an established market, the fair market value of the option is not readily ascertainable unless the fair market value of the option can be measured with reasonable accuracy. For purposes of this section, if an option is not actively traded on an established market, the option does not have a readily ascertainable fair market value when granted unless the taxpayer can show that all of the following conditions exist:

(*a*) The option is freely transferable by the optionee;

(*b*) The option is exercisable immediately in full by the optionee;

(*c*) The option or the property subject to the option is not subject to any restriction or condition (other than a lien or other condition to secure the payment of the purchase price) which has a significant effect upon the fair market value of the option or such property; and

(*d*) The fair market value of the option privilege is readily ascertainable in accordance with subdivision (ii) of this subparagraph.





(ii) The fair market value of an option includes the value attributable to the option privilege and may include the value attributable to the right to make an immediate bargain purchase of the property subject to the option. If the option provides an option price which is less than the fair market value of the property subject to the option at the time it is granted, an immediate gain may be realized by exercising the option at the bargain price and selling the property so acquired. However, irrespective of whether there is a right to make an immediate bargain purchase of the property subject to the option, the fair market value of the option includes the value of the option privilege. The option privilege is the opportunity to benefit at any time during the period the option may be exercised from any appreciation during such period in the value of the property subject to the option without risking any capital. Therefore, the fair market value of an option is not merely the difference which may exist at a particular time between the option price and the value of the property subject to the option but also includes the value of the option privilege. Accordingly, for purposes of this section, the fair market value of the option is not readily ascertainable unless the value of the option privilege can be measured with reasonable accuracy. In determining whether the value of the option privilege is readily ascertainable, and in determining the amount of such value when such value is readily ascertainable, it is necessary to consider—

(*a*) Whether the value of the property subject to the option can be ascertained;

(*b*) The probability of any ascertainable value of such property increasing or decreasing; and

(*c*) The length of the period during which the option can be exercised.

(d) *Options without a readily ascertainable fair market value.* If there is granted an option to which this section applies, and if the option does not have a readily ascertainable fair market value at the time it is granted, the employee in connection with whose employment the option is granted is considered to realize compensation includible in gross income under section 61 at the time and in the amount determined in accordance with the following rules of this paragraph:

(1) Except as provided in subparagraph (2) of this paragraph, if the option is exercised by the person to whom it was granted, the employee realizes compensation at the time an unconditional right to receive the property subject to the option is acquired by such person, and the amount of such compensation is the difference between the amount payable for the property and the fair market value of the property at the time an unconditional right to receive the property is acquired. An individual has an unconditional right to receive the property subject to the option when his right to receive such property is not subject to any conditions, other than conditions that may be performed by him at any time. Thus, if an individual who has exercised an option has a right to make payment for the property at any time and to receive the property immediately after making such payment, such individual realizes compensation at the time he exercises the option. However, if an individual who has exercised an option is prevented by the terms of the option contract from making payment immediately or from receiving an immediate transfer of the property after making payment, such individual does not realize compensation at the time he exercises the option. Such individual will not realize compensation until he does acquire the right to make payment immediately and to receive an immediate transfer of the property. For purposes of this paragraph, an unconditional right to receive the property subject to the option shall not be considered to have been acquired before the date on which the option is exercised.

(2)(i) If the option is exercised by the person to whom it was granted but, at the time an unconditional right to receive the property subject to the option is acquired by such person, such property is subject to a restriction which has a significant effect on its value, the employee realizes compensation at the time such restriction lapses or at the time the property is sold or exchanged, in an arm's length transaction, whichever occurs earlier, and the amount of such compensation is the lesser of—

(*a*) The difference between the amount paid for the property and the fair market value of the property (determined without regard to the restriction) at the time of its acquisition, or

(*b*) The difference between the amount paid for the property and either its fair market value at the time the restriction lapses or the consideration received upon the sale or exchange, whichever is applicable.

If the property is sold or exchanged in a transaction which is not at arm's length before the time the employee realizes compensation in accordance with this subdivision, any amount of gain which the employee realizes as a result of such sale or exchange is includible in gross income at the time of such sale or exchange, but the amount includible in gross income under this subdivision at the time of the expiration of the restriction or the sale or exchange at arm's length shall be reduced by the amount of gain includible in gross income as a result of the sale or exchange not at arm's length.

(ii) The provisions of subdivision (i) of this subparagraph may be illustrated by the following examples:

*Example* (1). On November 1, 1959, X Corporation grants to E, an employee, an option to purchase 100 shares of X Corporation stock at $10 per share. Under the terms of the option, E will be subject to a binding commitment to resell the stock to X Corporation at the price he paid for it in the event that his employment terminates within 2 years after he acquires the stock, for any reason except his death. Evidence of this commitment will be stamped on the face of E's stock certificate. E exercises the option and acquires the stock at a time when the stock, determined without regard to the restriction, has a fair market value of $18 per share. Two years after he acquires the stock, at which time the stock has a fair market value of $30 per share, E is still employed by X Corporation. E realizes compensation upon the expiration of the 2-year restriction and the amount of the compensation is $800. The $800 represents the difference between the amount paid for the stock ($1,000) and the fair market value of the stock (determined without regard to the restriction) at the time of its acquisition ($1,800), since such value is less than the fair market value of the stock at the time the restriction lapsed ($3,000).

*Example* (2). Assume, in example (1), that E dies one year after he acquires the stock, at which time the stock has a fair market value of $25 per share. Since the restriction lapses upon E's death, he realizes compensation of $800 ($1,800 less $1,000) and this amount is includible in E's gross income for the taxable year closing with his death.

*Example* (3). Assume that, pursuant to the exercise of an option not having a readily ascertainable fair market value to which this section applies, an employee acquires stock subject to the sole condition that, if he desires to dispose of such stock during the period of his employment, he is obligated to offer to sell the stock to his employer at its fair market value at the time of such sale. Since this condition is not a restriction which has a significant effect on value, the employee realizes compensation upon acquisition of the stock.

*Example* (4). Assume, in example (3), that the employee is obligated to offer to sell the stock to his employer at its book value rather than at its fair market value. Since this condition amounts to a restriction which has a significant effect on value, the employee does not realize compensation upon acquisition of the stock, but he does realize such compensation upon the lapse of the restriction, such as, for example, his death or the termination of his employment.

(3) If the option is not exercised by the person to whom it was granted, but is transferred in an arm's length transaction, the employee realizes compensation in the amount of the gain resulting from such transfer of the option, and such compensation is includible in his gross income in accordance with his method of accounting.

(4) If the option is not exercised by the person to whom it was granted, but is transferred in a transaction which is not at arm's length, the employee realizes compensation in the amount of the gain resulting from such transfer of the option, and such compensation is includible in his gross income in accordance with his method of accounting. Moreover, the employee realizes additional compensation at the time and in the amount determined under subparagraph (1), (2), or (3) of this paragraph, except that the amount of compensation determined under subparagraph (1), (2), or (3) of this paragraph shall be reduced by any amount previously includible in gross income as a result of such transfer of the option. For example, if in 1960 an employee is granted an option not having a readily ascertainable fair market value to buy a share of stock for $50 at a time when the stock has a fair market value of $100, and later in 1960 the employee transfers, in a transaction not at arm's length, the option to his wife for $10, the employee realizes compensation of $10 in 1960. If in 1961 the wife exercises the option at a time when the stock has a fair market value of $120, the employee realizes additional compensation in 1961 in the amount of $60 (the $70 bargain spread less the $10 taxed as

compensation in 1960). For the purpose of this subparagraph, if a person other than the employee dies holding an unexercised option at a time when the employee is still living, the transfer which results by reason of the death of such person is a transfer in a transaction which is not at arm's length.

(5) If there is granted an option to which this section applies, and the employee dies before realizing the compensation in accordance with the rules of this paragraph, income having the character of compensation is realized at the time and in the amount determined under this paragraph by the person who transfers or exercises the option, or the person who receives the property subject to a restriction which has a significant effect on its value. For example, this subparagraph is applicable:

(i) When an option not having a readily ascertainable fair market value is granted to an employee, and he dies before transferring or exercising the option,

(ii) When an option not having a readily ascertainable fair market value is granted to the employee, and he dies after the transfer of the option in a transaction which is not at arm's length, but before the option is exercised, or

(iii) When an option not having a readily ascertainable fair market value is granted to another person, and the employee dies before realizing all of the compensation which would result from any transfer or exercise of the option. If the option is one which was granted to the employee and he dies before transferring or exercising the option, the option shall be considered a right to receive income in respect of a decedent to which the rules of section 691 apply. In any such case, if the option is transferred, section 691 provides that the amount received for such transfer or the fair market value of the property transferred at the time of transfer, whichever is greater, is income realized at the time of such transfer. Moreover, if a transfer is subject to this rule, it will be treated as a transfer in an arm's length transaction for the purpose of this paragraph.

(6) If an option to which this section applies is exercised in part and transferred in part, the rules of this paragraph shall be applied as if there were two options—one exercised and one transferred.

(7) Notwithstanding the other provisions of this paragraph, if this section is applicable because of a disqualifying disposition of stock acquired by the exercise of a restricted stock option, the taxable year of the employee for which he is required to include in his gross income the compensation resulting from such option is determined under section 421 (f) and paragraph (e) of § 1.421–5.

(e) *Basis.* (1) If an option to which this section applies is exercised by the person to whom it was granted, such person's basis for the property so acquired shall be increased by any amount that is includible in the gross income of the employee under paragraph (d) of this section. If such person transfers such property to a person whose basis is the same as the transferor's basis, such transferee's basis shall also reflect the adjustment made by this paragraph. However, if such property is transferred by either of such persons at death so that its basis is determined under section 1014, the basis so determined shall not be increased by reason of this paragraph.

(2) If an option to which this section applies is transferred in a transaction which is not at arm's length, the transferee who exercises the option shall increase his basis for the property so acquired by any amount that is includible in the gross income of the employee at the time such transferee acquires the property.

(3) If an option to which this section applies is transferred in a transaction which is at arm's length, the basis of the property acquired by an exercise of the option shall not be increased by reason of any amount that is includible in the gross income of the employee under this section.

(4) If an option to which this section applies has a readily ascertainable fair market value at the time it is granted, the basis of such option includes any amount includible in gross income of the employee under paragraph (c) of this section.

(f) *Deductions.* If the employer grants an option to which this section applies, the employer of the employee in connection with whose employment the option is granted is considered to have paid compensation to such employee at the same time and in the same amount as such employee is considered under paragraph (c) or (d) of this section to have realized compensation. The deductibility of the amount considered so paid is determined under section 162 or other provision of the Code which is applicable to such a payment. Whether such amount may be deducted in the taxable year considered so paid, or whether such amount is a capital expenditure which is not deductible or which may be amortized, depends upon the nature of the transaction involved and the facts and circumstances of each case. If this section is applicable because of a disqualifying disposition of stock acquired by the exercise of a restricted stock option, the employer's taxable year for which such compensation is deductible is determined under section 421(f) and paragraph (e) of § 1.421–5.

(Section 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 61–528; Filed, Jan. 19, 1961; 8:48 a.m.]

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[T.D. 6534]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Carryover of Excess Contributions to Certain Taxable Years of Employer

On November 26, 1960, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part I) under section 404 of the Internal Revenue Code of 1954 to provide rules with respect to the carryover of excess contributions to certain taxable years of the employer was published in the FEDERAL REGISTER (25 F.R. 11235). After consideration of all such relevent matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as so published are hereby adopted without change. In addition, in order to provide that rules similar to those contained in such amendments are to be followed in the case of taxable years to which 26 CFR Parts 29 and 30 (Regulations 111 and 118) apply, paragraph 9 as set forth below is included in this Treasury decision.

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: January 16, 1961.

FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury.*

PARAGRAPH 1. Paragraph (a) of § 1.404(a)–3 is amended to read as follows:

**§ 1.404(a)–3 Contributions of an employer to or under an employees' pension trust or annuity plan that meets the requirements of section 401(a); application of section 404(a)(1).**

(a) If contributions are paid by an employer to or under a pension trust or annuity plan for employees and the general conditions and limitations applicable to deductions for such contributions are satisfied (see § 1.404(a)–1), the contributions are deductible under section 404(a) (1) or (2) if the further conditions provided therein are also satisfied. As used in this section, a "pension trust" means a trust forming part of a pension plan and an "annuity plan" means a pension plan under which retirement benefits are provided under annuity or insurance contracts without a trust. This section is also applicable to contributions to a foreign situs pension trust which could qualify for exemption under section 501(a) except that it is not created or organized and maintained in the United States. For the meaning of "pension plan" as used in this section, see paragraph (b)(1)(i) of § 1.401–1. Where disability pensions, insurance, or survivorship benefits incidental and directly related to the retirement benefits under a pension or annuity plan are provided for the employees or their beneficiaries by contributions under the plan, deductions on account of such incidental benefits are also covered under section 404(a) (1) or (2). See paragraph (a) (3) of § 1.402(a)–1 as to taxability to employees of cost of incidental insurance protection. In order to be deductible under section 404(a)(1), contributions to a pension trust must be paid in a taxable year of the employer which ends with or within a year of the trust for which it is exempt under section 501(a). Contributions paid in such a taxable year of the employer may be carried over and deducted in a succeeding taxable year of the employer in accordance with section 404(a)(1)(D), whether or not such succeeding taxable year ends with or within a taxable year of the trust for which it is exempt under section 501(a). See § 1.404(a)–7 for rules relating to the limitation on the amount deductible in such a succeeding taxable year of the employer. See § 1.404(a)–8 as to conditions for deductions under section 404(a)(2) in the case of an annuity plan. In either case, the deductions are also subject to further limitations provided in section 404(a)(1). The limitations provided in section 404(a)(1) are, with an exception provided for certain years under subparagraph (A) thereof (see § 1.404(a)–4), based on the actuarial costs of the plan.



PAR. 2. Section 1.404(a)–4 is amended (A) by revising paragraph (a), (B) by revising paragraph (b), and (C) by adding a new paragraph (d) at the end thereof. These amended and added provisions read as follows:

**§ 1.404(a)–4 Pension and annuity plans; limitations under section 404(a)(1)(A).**

(a) Subject to the applicable general conditions and limitations (see § 1.404(a)–3), the initial limitation under section 404(a)(1)(A) is 5 percent of the compensation otherwise paid or accrued during the taxable year to all employees under the pension or annuity plan. This initial 5-percent limitation applies to the first taxable year for which a deduction is allowed for contributions to or under such a plan and also applies to any subsequent year (other than one described in paragraph (d) of this section) for which the 5-percent figure is not reduced as provided in this section. For years to which the initial 5-percent limitation applies, no adjustment on account of prior experience is required. If the contributions do not exceed the initial 5-percent limitation in the first taxable year to which this limitation applies, the taxpayer need not submit actuarial data for such year.

(b) For the first taxable year following the first year to which the initial 5-percent limitation applies, and for every fifth year thereafter, or more frequently where preferable to the taxpayer, the taxpayer shall submit with his return an actuarial certification of the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan with a statement explaining all the methods, factors, and assumptions used in determining such amount. This amount may be determined as the sum of (1) the unfunded past service cost as of the beginning of the year, and (2) the normal cost for the year. Such costs shall be determined by methods, factors, and assumptions appropriate as a basis of limitations under section 404(a)(1)(C). Whenever requested by the district director, a similar certification and statement shall be submitted for the year or years specified in such request. The district director will make periodical examinations of such data at not less than 5-year intervals. Based upon such examinations the Commissioner will reduce the limitation under section 404(a)(1)(A) below the 5-percent limitation for the years with respect to which he finds that the 5-percent limitation exceeds the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan. Where the limitation is so reduced, the reduced limitation shall apply until the Commissioner finds that a subsequent actuarial valuation shows a change to be necessary. Such subsequent valuation may be made by the taxpayer at any time and submitted to the district director with a request for a change in the limitation. See, however, paragraph (d) of this section with respect to taxable years to which the limitation under section 404(a)(1)(A) does not apply.

* * * * *

(d) The limitation under section 404(a)(1)(A) shall not be used for purposes of determining the amount deductible for a taxable year of the employer which ends with or within a taxable year of the pension trust during which it is not exempt under section 501(a), or, in the case of an annuity plan, during which it does not meet the requirements of section 404(a)(2), or which ends after the trust or plan has terminated. See § 1.404(a)–7 for rules relating to the limitation which is applicable for purposes of determining the amount deductible for such a taxable year of the employer.

PAR. 3. Section 1.404(a)–5 is amended (A) by revising paragraph (a) and (B) by adding a new paragraph (e) at the end thereof. The amended and added provisions read as follows:

**§ 1.404(a)–5 Pension and annuity plans; limitations under section 404(a)(1)(B).**

(a) Subject to the applicable general conditions and limitations (see § 1.404(a)–3), under section 404(a)(1)(B), deductions may be allowed to the extent of limitations based on costs determined by distributing the remaining unfunded cost of the past and current service credits with respect to all employees covered under the trust or plan as a level amount or level percentage of compensation over the remaining service of each such employee except that, as to any three individuals with respect to whom more than 50 percent of such remaining unfunded cost is attributable, the remaining unfunded cost attributable to such individuals shall be distributed evenly over a period of at least five taxable years. See, however, paragraph (e) of this section with respect to taxable years to which the limitation under section 404(a)(1)(B) does not apply.

* * * * *

(e) The limitation under section 404(a)(1)(B) shall not be used for purposes of determining the amount deductible for a taxable year of the employer which ends with or within a taxable year of the pension trust during which it is not exempt under section 501(a), or, in the case of an annuity plan, during which it does not meet the requirements of section 404(a)(2), or which ends after the trust or plan has terminated. See § 1.404(a)–7 for rules relating to the limitation which is applicable for purposes of determining the amount deductible for such a taxable year of the employer.

PAR. 4. Section 1.404(a)–6 is amended to read as follows:

**§ 1.404(a)–6 Pension and annuity plans; limitations under section 404(a)(1)(C).**

(a) *Application to a taxable year of the employer which ends with or within a taxable year of the pension trust or annuity plan for which it is exempt under section 501(a) or meets the requirements of section 404(a)(2).* (1) The rules in this paragraph are applicable with respect to the limitation under section 404(a)(1)(C) for taxable years of the employer which end with or within a taxable year of the pension trust for which it is exempt under section 501(a), or, in the case of an annuity plan, during which it meets the requirements of section 404(a)(2). See paragraph (b) of this section for rules relating to the limitation under section 404(a)(1)(C) for other taxable years of the employer.

(2) Subject to the applicable general conditions and limitations (see § 1.404(a)–3), in lieu of amounts deductible under the limitations of section 404(a)(1)(A) and section 404(a)(1)(B), deductions may be allowed under section 404(a)(1)(C) to the extent of limitations based on normal and past service or supplementary costs of providing benefits under the plan. "Normal cost" for any year is the amount actuarially determined which would be required as a contribution by the employer in such year to maintain the plan if the plan had been in effect from the beginning of service of each then included employee and if such costs for prior years had been paid and all assumptions as to interest, mortality, time of payment, etc., had been fulfilled. Past service or supplementary cost at any time is the amount actuarially determined which would be required at such time to meet all the future benefits provided under the plan which would not be met by future normal costs and employee contributions with respect to the employees covered under the plan at such time.

(3) The limitation under section 404(a)(1)(C) for any taxable year to which this paragraph applies is the sum of normal cost for the year plus an amount not in excess of one-tenth of the past service or supplementary cost as of the date the past service or supplementary credits are provided under the plan. For this purpose, the normal cost may be determined by any generally accepted actuarial method and may be expressed either as (i) the aggregate of level amounts with respect to each employee covered under the plan, (ii) a level percentage of payroll with respect to each employee covered under the plan, or (iii) the aggregate of the single premium or unit costs for the unit credits accruing during the year with respect to each employee covered under the plan, provided, in any case, that the method is reasonable in view of the provisions and coverage of the plan, the funding medium, and other applicable considerations. The limitation may include one-tenth of the past service or supplementary cost as of the date the provisions resulting in such cost were put into effect, but it is subject to adjustments for prior favorable experience.

See § 1.404(a)–3. In any case, past service or supplementary costs shall not be included in the limitation for any year in which the amount required to fund fully or to purchase such past service or supplementary credits has been deducted, since no deduction is allowable for any amount (other than the normal cost) which is paid in after such credits are fully funded or purchased.

(b) *Application to a taxable year of the employer which does not end with or within a taxable year of the pension trust or annuity plan for which it is exempt under section 501(a) or meets the requirements of section 404(a)(2).*

(1) The rules in this paragraph are applicable with respect to the limitation under section 404(a)(1)(C) for taxable years of the employer which end with or within a taxable year of the pension trust during which it is not exempt under section 501(a), or, in the case of an annuity plan, during which it does not meet the requirements of section 404(a)(2), or which end after the trust or plan has terminated. Since contributions paid in such taxable years of the employer are not deductible under section 404(a)(1) or (2) (except as provided in section 404(a)(6)), the limitation under section 404(a)(1)(C) for such taxable years relates only to the amount of any excess contributions that may be carried over to such taxable years under section 404(a)(1)(D).

(2) Subject to the applicable general conditions and limitations (see § 1.404(a)–3), deductions may be allowed under section 404(a)(1)(C) for taxable years of the employer to which this paragraph applies to the extent of limitations based on past service or supplementary costs of providing benefits under the plan. For definition of the "past service or supplementary cost at any time", see paragraph (a)(2) of this section.

(3) The limitation under section 404(a)(1)(C) for any taxable year to which this paragraph applies is an amount not in excess of one-tenth of the past service or supplementary cost as of the date the past service or supplementary credits are provided under the plan. The limitation under section 404(a)(1)(C) is subject, however, to adjustments for prior favorable experience. In any case, no amounts are deductible under section 404(a)(1)(C) for any year to which this paragraph applies if the amount required to fund fully or to purchase the past service or supplementary credits has been deducted in prior taxable years of the employer.

PAR. 5. Section 1.404(a)–7 is amended to read as follows:

**§ 1.404(a)–7 Pension and annuity plans; contributions in excess of limitations under section 404(a)(1); application of section 404(a)(1)(D).**

When contributions paid by an employer in a taxable year to or under a pension or annuity plan exceed the limitations applicable under section 404(a)(1) but otherwise satisfy the conditions for deduction under section 404(a)(1) or (2), then in accordance with section 404(a)(1)(D), the excess contributions are carried over and are deductible in succeeding taxable years of the employer in order of time pursuant to the following rules:

(a) In the case of a succeeding taxable year of the employer which ends with or within a taxable year of the pension trust for which it is exempt under section 501(a), or, in the case of an annuity plan, during which it meets the requirements of section 404(a)(2), such excess contributions are deductible to the extent of the difference between the amount paid and deductible in such succeeding taxable year and the limitation applicable to such year under section 404(a)(1)(A), (B), or (C).

(b) In the case of a succeeding taxable year of the employer which ends with or within a taxable year of the pension trust during which it is not exempt under section 501(a), or, in the case of an annuity plan, during which it does not meet the requirements of section 404(a)(2), or which ends after the trust or plan has terminated, such excess contributions are deductible to the extent of the limitation applicable to such year under section 404(a)(1)(C) (see paragraph (b) of § 1.404(a)–6).

The provisions of section 404(a)(1)(D) are to be applied before giving effect to the provisions of section 404(a)(7) for any year. The carryover provisions of section 404(a)(1)(D), before effect has been given to section 404(a)(7), may be illustrated by the following example for a plan put into effect in a taxable year ending December 31, 1954:

*Taxable Year Ending Dec. 31, 1954*

| | |
|---|---|
| Amount of contributions paid in year | $100,000 |
| Limitation applicable to year | 60,000 |
| Amount deductible for year | 60,000 |
| Excess carried over to succeeding years | 40,000 |

*Taxable Year Ending Dec. 31, 1955*

| | |
|---|---|
| Amount of contributions paid in year | $25,000 |
| Carried over from previous years | 40,000 |
| Total deductible subject to limitation | 65,000 |
| Limitation applicable to year | 50,000 |
| Amount deductible for year | 50,000 |
| Excess carried over to succeeding years | 15,000 |

*Taxable Year Ending Dec. 31, 1956*

| | |
|---|---|
| Amount of contributions paid in year | $10,000 |
| Carried over from previous years | 15,000 |
| Total deductible subject to limitation | 25,000 |
| Limitation applicable to year | 45,000 |
| Amount deductible for year | 25,000 |
| Excess carried over to succeeding years | None |

PAR. 6. Paragraph (a)(2) of § 1.404(a)–8 is amended to read as follows:

**§ 1.404(a)–8 Contributions of an employer under an employees' annuity plan which meets the requirements of section 401(a); application of section 404(a)(2).**

(a) * * *

(2) The contributions must be paid in a taxable year of the employer which ends with or within a year of the plan for which it meets the applicable requirements with respect to discrimination set out in section 401(a)(3), (4), (5), and (6). See §§ 1.401–3 and 1.401–4. Contributions paid in such a taxable year of the employer may be carried over and deducted in a succeeding taxable year of the employer in accordance with section 404(a)(1)(D), whether or not such succeeding taxable year ends with or within a taxable year of the plan for which it meets the requirements set out in section 401(a)(3), (4), (5), and (6). The requirements set out in section 401(a)(3), (4), (5), and (6) are considered to be satisfied for the period beginning with the date on which an annuity plan was put into effect and ending with the fifteenth day of the third month following the close of the taxable year of the employer in which the plan was put into effect, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the whole of such period. See section 401(b) and § 1.401–5. It should be noted that the period in which a plan may be amended to qualify under section 401(b) ends before the date taxpayers, other than corporations, are required to file income tax returns.

PAR. 7. Section 1.404(a)–9 is amended (A) by revising paragraphs (a), (b), (c), (d), and (e) and (B) by revising the heading of the illustration in paragraph (g). These amended provisions read as follows:

**§ 1.404(a)–9 Contributions of an employer to an employees' profit-sharing or stock bonus trust that meets the requirements of section 401(a); application of section 404(a)(3)(A).**

(a) If contributions are paid by an employer to a profit-sharing or stock bonus trust for employees and the general conditions and limitations applicable to deductions for such contributions are satisfied (see § 1.404(a)–1), the contributions are deductible under section 404(a)(3)(A) if the further conditions provided therein are also satisfied. In order to be deductible under the first, second, or third sentence of section 404(a)(3)(A), the contributions must be paid (or deemed to have been paid under section 404(a)(6)) in a taxable year of the employer which ends with or within a taxable year of the trust for which it is exempt under section 501(a) and the trust must not be designed to provide retirement benefits for which the contributions can be determined actuarially. Excess contributions paid in such a taxable year of the employer may be carried over and deducted in a succeeding taxable year of the employer in accordance with the third sentence of section 404(a)(3)(A), whether or not such succeeding taxable year ends with or within a taxable year of the trust for which it is exempt under section 501(a). This section is also applicable to contributions to a foreign situs profit-sharing or stock bonus trust which could qualify for exemption under section 501(a) except that it is not created or organized and maintained in the United States.

(b) The amount of deductions under section 404(a)(3)(A) for any taxable year is subject to limitations based on the compensation otherwise paid or accrued by the employer during such taxable year to employees who are beneficiaries under the plan. For purposes of computing this limitation, the following rules are applicable:

(1) In the case of a taxable year of the employer which ends with or within a taxable year of the trust for which it is exempt under section 501(a), the limitation shall be based on the compensation otherwise paid or accrued by the employer during such taxable year of the employer to the employees who, in such taxable year of the employer, are beneficiaries of the trust funds accumulated under the plan.

(2) In the case of a taxable year of the employer which ends with or within a taxable year of the trust during which it is not exempt under section 501(a), or which ends after the trust has terminated, the limitation shall be based on the compensation otherwise paid or accrued by the employer during such taxable year of the employer to the employees who, at any time during the one-year period ending on the last day of the last calendar month during which the trust was exempt under section 501(a), were beneficiaries of the trust funds accumulated under the plan.

For purposes of this paragraph, "compensation otherwise paid or accrued" means all of the compensation paid or accrued except that for which a deduction is allowable under a plan that qualifies under section 401(a), including a plan that qualifies under section 404(a)(2). The limitations under section 404(a)(3)(A) apply to the total amount deductible for contributions to the trust regardless of the manner in which the funds of the trust are invested, applied, or distributed, and no other deduction is allowable on account of any benefits provided by contributions to the trust or by the funds thereof. Where contributions are paid to two or more profit-sharing or stock bonus trusts satisfying the conditions for deduction under section 404(a)(3)(A), such trusts are considered as a single trust in applying these limitations.

(c) The primary limitation on deductions for a taxable year is 15 percent of the compensation otherwise paid or accrued by the employer during such taxable year to the employees who are beneficiaries under the plan. See paragraph (b) of this section for rules for determining who are the beneficiaries under the plan.

(d) In order that the deductions may average 15 percent of compensation otherwise paid or accrued over a period of years, where contributions in some taxable year are less than the primary limitation but contributions in some succeeding taxable year exceed the primary limitation, deductions in each succeeding year are subject to a secondary limitation instead of to the primary limitation. The secondary limitation for any year is equal to the lesser of (1) twice the primary limitation for the year, or (2) any excess of (i) the aggregate of the primary limitations for the year and for all prior years over (ii) the aggregate of the deductions allowed or allowable under the limitations provided in section 404(a)(3)(A) for all prior years. Since contributions paid into a profit-sharing or stock bonus trust are deductible under section 404(a)(3)(A) only if they are paid (or deemed to have been paid under section 404(a)(6)) in a taxable year of the employer which ends with or within a taxable year of the trust for which it is exempt under section 501(a), the secondary limitation described in this paragraph is not applicable with respect to determining amounts deductible for a taxable year of the employer which ends with or within a taxable year of the trust during which it is not exempt under section 501(a), or which ends after the trust has terminated. See paragraph (e) of this section for rules relating to amounts which are deductible in such a taxable year.

(e) In any case when the contributions in a taxable year exceed the amount allowable as a deduction for the year under section 404(a)(3)(A), the excess is deductible in succeeding taxable years, in order of time, in accordance with the following limitations:

(1) If the succeeding taxable year ends with or within a taxable year of the trust for which it is exempt under section 501(a), such excess is deductible in any such succeeding taxable year in which the contributions are less than the primary limitation for that year; but the total deduction for such succeeding taxable year cannot exceed the lesser of (i) the primary limitation for such year, or (ii) the sum of the contributions in such year and the excess contributions not deducted under the limitations of section 404(a)(3)(A) for prior years.

(2) If the succeeding taxable year ends with or within a taxable year of the trust during which it is not exempt under section 501(a), or if such succeeding taxable year ends after the trust has terminated, the total deduction for such succeeding taxable year cannot exceed the lesser of (i) the primary limitation for such succeeding taxable year, or (ii) the excess contributions not deducted under the limitations of section 404(a)(3)(A) for prior years.

In no case, however, are excess contributions deductible in a succeeding taxable year if such contributions were not paid (or deemed to have been paid under section 404(a)(6)) in a taxable year of the employer which ends with or within a taxable year of the trust for which it is exempt under section 501(a).

* * * * *

(g) * * *

Illustration of provisions of section 404(a)(3)(A) for a plan put into effect in the taxable (calendar) year 1954, before giving effect to section 404(a)(7) (all figures represent thousands of dollars and all taxable (calendar) years are years which end with or within a taxable year of the trust for which it is exempt under section 501(a))

* * * * *

PAR. 8. Section 1.404(a)–13 is amended (A) by revising paragraph (a) and (B) by changing the heading of the illustration in paragraph (c). These amended provisions read as follows:

**§ 1.404(a)–13 Contributions of an employer where deductions are allowable under section 404(a) (1) or (2) and also under section 404(a)(3); application of section 404(a)(7).**

(a) Where deductions are allowable under section 404(a)(1) or (2) on account of contributions under a pension or annuity plan and deductions are also allowable under section 404(a)(3) for the same taxable year on account of contributions to a profit-sharing or stock bonus trust, the total deductions under these sections are subject to the provisions of section 404(a)(7) unless no employee who is a beneficiary under the trusts or plans for which deductions are allowable under section 404(a)(1) or (2) is also a beneficiary under the trusts for which deductions are allowable under section 404(a)(3). The provisions of section 404(a)(7) apply only to deductions for overlapping trusts or plans, i.e., for all trusts or plans for which deductions are allowable under section 404(a)(1), (2), or (3) except (1) any trust or plan for which deductions are allowable under section 404(a)(1) or (2) and which does not cover any employee who is also covered under a trust for which deductions are allowable under section 404(a)(3), and (2) any trust for which deductions are allowable under section 404(a)(3) and which does not cover any employee who is also covered under a trust or plan for which deductions are allowable under section 404(a)(1) or (2). The limitations under section 404(a)(7) for any taxable year of the employer are based on the compensation otherwise paid or accrued during the year by the employer to all employees who, in such year, are beneficiaries of the funds accumulated under one or more of the overlapping trusts or plans. For purposes of the preceding sentence, if the taxable year of the employer with respect to which the limitation is being computed ends with or within a taxable year of any of the overlapping trusts or plans during which any such trust is not exempt under section 501(a) or, in the case of a plan, during which it does not meet the requirements of section 404(a)(2), or if such taxable year of the employer ends after any such trust or plan has terminated, then, with respect to such trust or plan, those employees, and only those employees, who, at any time during the one-year period ending on the last day of the last calendar month during which the trust was exempt under section 501(a), or the plan met the requirements of section 404(a)(2), were beneficiaries of the funds accumulated under such trust or plan shall be considered the beneficiaries of such trust or plan in the taxable year of the employer with respect to which the limitation is being computed. For purposes of this paragraph, "compensation otherwise paid or accrued" means all of the compensation paid or accrued except that for which a deduction is allowable un-

der a plan that qualifies under section 401(a), including a plan that qualifies under section 404(a)(2).

* * * * *

(c) * * *

Illustration of application of provisions of section 404(a)(7) and of treatment of carryovers for overlapping pension and profit-sharing trusts put into effect in 1954 and covering the same employees (all figures represent thousands of dollars and all taxable (calendar) years of the employer are years which end with or within a taxable year of the trust for which it is exempt under section 501(a))

* * * * *

PAR. 9. The amendments of the Income Tax Regulations under section 404 of the Internal Revenue Code of 1954, covering taxable years beginning after December 31, 1953, and ending after August 16, 1954, set forth in this Treasury decision, are hereby made applicable to taxable years covered by 26 CFR Parts 29 and 39 (Regulations 111 and 118).

Because Paragraph 9 of this Treasury decision does not relate to new or different substantive rules but merely provides that the amendments made by the other paragraphs of this Treasury decision (which were published with notice of proposed rule making) shall apply to taxable years covered by 26 CFR Parts 29 and 39 (Regulations 111 and 118), it is found that it is unnecessary to issue this paragraph with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation under section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805; secs. 62 and 3791 of the Internal Revenue Code of 1939; 53 Stat. 32, 467; 26 U.S.C. 62, 3791)

[F.R. Doc. 61-511; Filed, Jan. 19, 1961; 8:46 a.m.]

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[T.D. 6539]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### "Dollar-Value" LIFO Method

On December 1, 1960, notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12233) regarding an amendment of the Income Tax Regulations (26 CFR Part 1) under section 472 of the Internal Revenue Code of 1954 to prescribe rules under the so-called "dollar-value" LIFO method. After considering all relevant matter as was presented by interested persons regarding the proposed rules, the regulations as so proposed are hereby adopted for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise provided, and subject to the following changes:

Section 1.472-8 is amended by revising subparagraph (1), subdivision (i) of subparagraph (2), and subdivisions (i)(*a*), (i)(c), and (ii) of subparagraph (3) of paragraph (b); paragraph (d); subparagraph (1), and example (2) of subdivision (v) of subparagraph (2) of paragraph (e); subparagraph (1) of paragraph (f); and subparagraph (1) of paragraph (h).

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: January 16, 1961.

FRED C. SCRIBNER, Jr.,
*Acting Secretary of the Treasury.*

In order to prescribe rules under the so-called "dollar-value" LIFO method, such regulations are amended as follows:

PARAGRAPH 1. Paragraph (1) of § 1.472-1 is amended to read as follows:

**§ 1.472-1 Last-in, first-out inventories.**

* * * * *

(1) If a taxpayer uses consistently the so-called "dollar-value" method of pricing inventories, or any other method of computation established to the satisfaction of the Commissioner as reasonably adaptable to the purpose and intent of section 472 and this section, and if such taxpayer elects under section 472 to use the LIFO inventory method authorized by such section, the taxpayer's opening and closing inventories shall be determined under section 472 by the use of the appropriate adaptation. See § 1.472-8 for rules relating to the use of the dollar-value method.

PAR. 2. The introductory paragraph of § 1.472-2 is amended to read as follows:

**§ 1.472-2 Requirements incident to adoption and use of LIFO inventory method.**

Except as otherwise provided in § 1.472-1 with respect to raw material computations, with respect to retail inventory computations, and with respect to other methods of computation established to the satisfaction of the Commissioner as reasonably adapted to the purpose and intent of section 472, and in § 1.472-8 with respect to the "dollar-value" method, the adoption and use of the LIFO inventory method is subject to the following requirements:

PAR. 3. The following new § 1.472-8 is inserted immediately after § 1.472-7.

**§ 1.472-8 Dollar-value method of pricing LIFO inventories.**

(a) *Election to use dollar-value method.* Any taxpayer may elect to determine the cost of his LIFO inventories under the so-called "dollar-value" LIFO method, provided such method is used consistently and clearly reflects the income of the taxpayer in accordance with the rules of this section. The dollar-value method of valuing LIFO inventories is a method of determining cost by using "base-year" cost expressed in terms of total dollars rather than the quantity and price of specific goods as the unit of measurement. Under such method the goods contained in the inventory are grouped into a pool or pools as described in paragraphs (b) and (c) of this section. The term "base-year cost" is the aggregate of the cost (determined as of the beginning of the taxable year for which the LIFO method is first adopted, i.e., the base date) of all items in a pool. The taxable year for which the LIFO method is first adopted with respect to any item in the pool is the "base year" for that pool, except as provided in paragraph (g)(3) of this section. Liquidations and increments of items contained in the pool shall be reflected only in terms of a net liquidation or increment for the pool as a whole. Fluctuations may occur in quantities of various items within the pool, new items which properly fall within the pool may be added, and old items may disappear from the pool, all without necessarily effecting a change in the dollar value of the pool as a whole. An increment in the LIFO inventory occurs when the end of the year inventory for any pool expressed in terms of base-year cost is in excess of the beginning of the year inventory for that pool expressed in terms of base-year cost. In determining the inventory value for a pool, the increment, if any, is adjusted for changing unit costs or values by reference to a percentage, relative to base-year-cost, determined for the pool as a whole. See paragraph (e) of this section. See also paragraph (f) of this section for rules relating to the change to the dollar-value LIFO method from another LIFO method.

(b) *Principles for establishing pools of manufacturers and processors*—(1) *Natural business unit pools.* A pool shall consist of all items entering into the entire inventory investment for a natural business unit of a business enterprise, unless the taxpayer elects to use the multiple pooling method provided in subparagraph (3) of this paragraph. Thus, if a business enterprise is composed of only one natural business unit, one pool shall be used for all of its inventories, including raw materials, goods in process, and finished goods. If, however, a business enterprise is actually composed of more than one natural business unit, more than one pool is required. Where similar types of goods are inventoried in two or more natural business units of the taxpayer, the Commissioner may apportion or allocate such goods among the various natural business units, if he determines that such apportionment or allocation is necessary in order to clearly reflect the income of such taxpayer. Where a manufacturer or processor is also engaged in the wholesaling or retailing of goods purchased from others, any pooling of the LIFO inventory of such purchased goods for the wholesaling or retailing operations shall be determined in accordance with the rules of paragraph (c) of this section.

(2) *Definition of natural business unit.* (i) Whether an enterprise is composed of more than one natural business unit is a matter of fact to be determined from all the circumstances. The natural business divisions adopted by the taxpayer for internal management purposes, the existence of separate and distinct production facilities and processes, and the maintenance of separate profit and loss records with respect to separate operations are important considerations in determining what is a business unit, unless such divisions, facilities, or accounting records are set up merely because of differences in geographical location. In the case of a manufacturer or processor, a natural business unit ordinarily consists of the entire productive activity of the enterprise within one product line or within two or more related product lines including (to the extent engaged in by the enterprise) the obtaining of materials, the processing of materials, and the selling of manufactured or processed goods. Thus, in the case of a manufacturer or processor, the maintenance and operation of a raw material warehouse does not generally constitute, of itself, a natural business unit. If the taxpayer maintains and operates a supplier unit the production of which is both sold to others and transferred to a different unit of the taxpayer to be used as a component part of another product, the supplier unit will ordinarily constitute a separate and distinct natural business unit. Ordinarily, a processing plant would not in itself be considered a natural business unit if the production of the plant, although saleable at this stage, is not sold to others, but is transferred to another plant of the enterprise, not operated as a separate division, for further processing or incorporation into another product. On the other hand, if the production of a manufacturing or processing plant is transferred to a separate and distinct division of the taxpayer, which constitutes a natural business unit, the supplier unit itself will ordinarily be considered a natural business unit. However, the mere fact that a portion of the production of a manufacturing or processing plant may be sold to others at a certain stage of processing with the remainder of the production being further processed or incorporated into another product will not of itself be determinative that the activities devoted to the production of the portion sold constitute a separate business unit. Where a manufacturer or processor is also engaged in the wholesaling or retailing of goods purchased from others, the wholesaling or retailing operations with respect to such purchased goods shall not be considered a part of any manufacturing or processing unit.

(ii) The rules of this subparagraph may be illustrated by the following examples:

*Example (1).* A corporation manufactures, in one division, automatic clothes washers and driers of both commercial and domestic grade as well as electric ranges, mangles, and dishwashers. The corporation manufactures, in another division, radios and television sets. The manufacturing facilities and processes used in manufacturing the radios and television sets are distinct from those used in manufacturing the automatic clothes washers, etc. Under these circumstances, the enterprise would consist of two business units and two pools would be appropriate, one consisting of all of the LIFO inventories entering into the manufacture of clothes washers and driers, electric ranges, mangles, and dishwashers and the other consisting of all of the LIFO inventories entering into the production of radio and television sets.

*Example (2).* A taxpayer produces plastics in one of its plants. Substantial amounts of the production are sold as plastics. The remainder of the production is shipped to a second plant of the taxpayer for the production of plastic toys which are sold to customers. The taxpayer operates his plastics plant and toy plant as separate divisions. Because of the different product lines and the separate divisions the taxpayer has two natural business units.



*Example (3).* A taxpayer is engaged in the manufacture of paper. At one stage of processing, uncoated paper is produced. Substantial amounts of uncoated paper are sold at this stage of processing. The remainder of the uncoated paper is transferred to the taxpayer's finishing mill where coated paper is produced and sold. This taxpayer has only one natural business unit since coated and uncoated paper are within the same product line.

(3) *Multiple pools*—(i) *Principles for establishing multiple pools.* (*a*) A taxpayer may elect to establish multiple pools for inventory items which are not within a natural business unit as to which the taxpayer has adopted the natural business unit method of pooling as provided in subparagraph (1) of this paragraph. Each such pool shall ordinarily consist of a group of inventory items which are substantially similar. In determining whether such similarity exists, consideration shall be given to all the facts and circumstances. The formulation of detailed rules for selection of pools applicable to all taxpayers is not feasible. Important considerations to be taken into account include, for example, whether there is substantial similarity in the types of raw materials used or in the processing operations applied; whether the raw materials used are readily interchangeable; whether there is similarity in the use of the products; whether the groupings are consistently followed for purposes of internal accounting and management; and whether the groupings follow customary business practice in the taxpayer's industry. The selection of pools in each case must also take into consideration such factors as the nature of the inventory items subject to the dollar-value LIFO method and the significance of such items to the taxpayer's business operations. Where similar types of goods are inventoried in natural business units and multiple pools of the taxpayer, the Commissioner may apportion or allocate such goods among the natural business units and the multiple pools, if he determines that such apportionment or allocation is necessary in order to clearly reflect the income of the taxpayer.

(*b*) Raw materials which are substantially similar shall be pooled together in accordance with the principles of this subparagraph. However, inventories of raw or unprocessed materials of an unlike nature may not be placed into one pool, even though such materials become part of otherwise identical finished products.

(c) Finished goods and goods-in-process in the inventory shall be placed into pools classified by major classes or types of goods. The same class or type of finished goods and goods-in-process shall ordinarily be included in the same pool. Where the material content of a class of finished goods and goods-in-process included in a pool has been changed, for example, to conform with current trends in an industry, a separate pool of finished goods and goods-in-process will not ordinarily be required unless the change in material content results in a substantial change in the finished goods.

(*d*) The requirement that pools be established by major types of materials or major classes of goods is not to be construed so as to preclude the establishment of a miscellaneous pool. Since a taxpayer may elect the dollar-value LIFO method with respect to all or any designated goods in his inventory, there may be a number of such inventory items covered in the election. A miscellaneous pool shall consist only of items which are relatively insignificant in dollar value by comparison with other inventory items in the particular trade or business and which are not properly includible as part of another pool.

(ii) *Raw materials content pools.* The dollar-value method of pricing LIFO inventories may be used in conjunction with the raw materials content method authorized in § 1.472-1. Raw materials (including the raw material content of finished goods and goods-in-process) which are substantially similar shall be pooled together in accordance with the principles of subdivision (i) of this subparagraph. However, inventories of materials of an unlike nature may not be placed into one pool, even though such materials become part of otherwise identical finished products.

(c) *Principles for establishing pools for wholesalers, retailers, etc.* Items of inventory in the hands of wholesalers, retailers, jobbers, and distributors shall be placed into pools by major lines, types, or classes of goods. In determining such groupings, customary business classifications of the particular trade in which the taxpayer is engaged is an important consideration. An example of such customary business classification is the department in the department store. In such case, practices are relatively uniform throughout the trade, and departmental grouping is peculiarly adapted to the customs and needs of the business. However, in appropriate cases, the principles set forth in paragraphs (b)(1) and (2) of this section, relating to pooling by natural business units, may be used, with permission of the Commissioner, by wholesalers, retailers, jobbers, or distributors. Where a wholesaler or retailer is also engaged in the manufacturing or processing of goods, the pooling of the LIFO inventory for the manufacturing or processing operations shall be determined in accordance with the rules of paragraph (b) of this section.

(d) *Determination of appropriateness of pools.* Whether the number and the composition of the pools used by the taxpayer is appropriate, as well as the propriety of all computations incidental to the use of such pools, will be determined in connection with the examination of the taxpayer's income tax returns. Adequate records must be maintained to support the base-year unit cost as well as the current-year unit cost for all items priced on the dollar-value LIFO inventory method, regardless of the method authorized by paragraph (e) of this section which is used in computing the LIFO value of the dollar-value pool. The pool or pools selected must be used for the year of adoption and for all subsequent taxable years unless a change is required by the Commissioner in order to clearly reflect income, or unless per-

mission to change is granted by the Commissioner as provided in paragraph (e) of § 1.446–1. However, see paragraph (h) of this section for authorization to change the method of pooling in certain specified cases.

(e) *Methods of computation of the LIFO value of a dollar-value pool*—(1) *Methods authorized.* A taxpayer may ordinarily use only the so-called "double-extension" method for computing the base-year and current-year cost of a dollar-value inventory pool. Where the use of the double-extension method is impractical, because of technological changes, the extensive variety of items, or extreme fluctuations in the variety of the items, in a dollar-value pool, the taxpayer may use an index method for computing all or part of the LIFO value of the pool. An index may be computed by double-extending a representative portion of the inventory in a pool or by the use of other sound and consistent statistical methods. The index used must be appropriate to the inventory pool to which it is to be applied. The appropriateness of the method of computing the index and the accuracy, reliability, and suitability of the use of such index must be demonstrated to the satisfaction of the district director in connection with the examination of the taxpayer's income tax returns. The use of any so-called "link-chain" method will be approved for taxable years beginning after December 31, 1960, only in those cases where the taxpayer can demonstrate to the satisfaction of the district director that the use of either an index method or the double-extension method would be impractical or unsuitable in view of the nature of the pool. A taxpayer using either an index or link-chain method shall attach to his income tax return for the first taxable year beginning after December 31, 1960, for which the index or link-chain method is used, a statement describing the particular link-chain method or the method used in computing the index. The statement shall be in sufficient detail to facilitate the determination as to whether the method used meets the standards set forth in this subparagraph. In addition, a copy of the statement shall be filed with the Commissioner of Internal Revenue, Attention: T:R, Washington 25, D.C. The taxpayer shall submit such other information as may be requested with respect to such index or link-chain method. Adequate records must be maintained by the taxpayer to support the appropriateness, accuracy, and reliability of an index or link-chain method. A taxpayer may request the Commissioner to approve the appropriateness of an index or link-chain method for the first taxable year beginning after December 31, 1960, for which it is used. Such request must be submitted within 90 days after the beginning of the first taxable year beginning after December 31, 1960, in which the taxpayer desires to use the index or link-chain method, or on or before May 1, 1961, whichever is later. A taxpayer entitled to use the retail method of pricing LIFO inventories authorized by § 1.472–1(k) may use retail price indexes prepared by the United States Bureau of Labor Statistics. Any method of computing the LIFO value of a dollar-value pool must be used for the year of adoption and all subsequent taxable years, unless the taxpayer obtains the consent of the Commissioner in accordance with paragraph (e) of § 1.446–1 to use a different method.

(2) *Double extension method.* (i) Under the double-extension method the quantity of each item in the inventory pool at the close of the taxable year is extended at both base-year unit cost and current-year unit cost. The respective extensions at the two costs are then each totaled. The first total gives the amount of the current inventory in terms of base-year cost and the second total gives the amount of such inventory in terms of current-year cost.

(ii) The total current-year cost of items making up a pool may be determined—

(*a*) By reference to the actual cost of the goods most recently purchased or produced;

(*b*) By reference to the actual cost of the goods purchased or produced during the taxable year in the order of acquisition;

(*c*) By application of an average unit cost equal to the aggregate cost of all of the goods purchased or produced throughout the taxable year divided by the total number of units so purchased or produced; or

(*d*) Pursuant to any other proper method which, in the opinion of the Commissioner, clearly reflects income.

(iii) Under the double-extension method a base-year unit cost must be ascertained for each item entering a pool for the first time subsequent to the beginning of the base year. In such a case, the base-year unit cost of the entering item shall be the current-year cost of that item unless the taxpayer is able to reconstruct or otherwise establish a different cost. If the entering item is a product or raw material not in existence on the base date, its cost may be reconstructed, that is, the taxpayer using reasonable means may determine what the cost of the item would have been had it been in existence in the base year. If the item was in existence on the base date but not stocked by the taxpayer, he may establish, by using available data or records, what the cost of the item would have been to the taxpayer had he stocked the item. If the base-year unit cost of the entering item is either reconstructed or otherwise established to the satisfaction of the Commissioner, such cost may be used as the base-year unit cost in applying the double-extension method. If the taxpayer does not reconstruct or establish to the satisfaction of the Commissioner a base-year unit cost, but does reconstruct or establish to the satisfaction of the Commissioner the cost of the item at some year subsequent to the base year, he may use the earliest cost which he does reconstruct or establish as the base-year unit cost.

(iv) To determine whether there is an increment or liquidation in a pool for a particular taxable year, the end of the year inventory of the pool expressed in terms of base-year cost is compared with the beginning of the year inventory of the pool expressed in terms of base-year cost. When the end of the year inventory of the pool is in excess of the beginning of the year inventory of the pool, an increment occurs in the pool for that year. If there is an increment for the taxable year, the ratio of the total current-year cost of the pool to the total base-year cost of the pool must be computed. This ratio when multiplied by the amount of the increment measured in terms of base-year cost gives the LIFO value of such increment. The LIFO value of each such increment is hereinafter referred to in this section as the "layer of increment" and must be separately accounted for and a record thereof maintained as a separate layer of the pool, and may not be combined with a layer of increment occurring in a different year. On the other hand, when the end of the year inventory of the pool is less than the beginning of the year inventory of the pool, a liquidation occurs in the pool for that year. Such liquidation is to be reflected by reducing the most recent layer of increment by the excess of the beginning of the year inventory over the end of the year inventory of the pool. However, if the amount of the liquidation exceeds the amount of the most recent layer of increment, the preceding layers of increment in reverse chronological order are to be successively reduced by the amount of such excess until all the excess is absorbed. The base-year inventory is to be reduced by liquidation only to the extent that the aggregate of all liquidation exceeds the aggregate of all layers of increment.

(v) The following examples illustrate the computation of the LIFO value of inventories under the double-extension method.

*Example (1).* (*a*) A taxpayer elects, beginning with the calendar year 1961, to compute his inventories by use of the LIFO inventory method under section 472 and further elects to use the dollar-value method in pricing such inventories as provided in paragraph (a) of this section. He creates Pool No. 1 for items A, B, and C. The composition of the inventory for Pool No. 1 at the base date, January 1, 1961, is as follows:

| Items | Units | Unit cost | Total cost |
|---|---|---|---|
| A | 1,000 | $5 | $5,000 |
| B | 2,000 | 4 | 8,000 |
| C | 500 | 2 | 1,000 |
| Total base-year cost at Jan. 1, 1961 | | | 14,000 |

(*b*) The closing inventory of Pool No. 1 at December 31, 1961, contains 3,000 units of A, 1,000 units of B, and 500 units of C. The taxpayer computes the current-year cost of the items making up the pool by reference to the actual cost of goods most recently purchased. The most recent purchases of items A, B, and C are as follows:

| Item | Purchase date | Quantity purchased | Unit cost |
|---|---|---|---|
| A | Dec. 15, 1961 | 3,500 | $6.50 |
| B | Dec. 10, 1961 | 2,000 | 6.00 |
| C | Nov. 1, 1961 | 500 | 2.00 |



(*c*) The inventory of Pool No. 1 at December 31, 1961, shown at base-year and current-year cost is as follows:

| Item | Quantity | Dec. 31, 1961, inventory at Jan. 1, 1961, base-year cost | | Dec. 31, 1961, inventory at current-year cost | |
|---|---|---|---|---|---|
| | | Unit cost | Amount | Unit cost | Amount |
| A | 3,000 | $5.00 | $15,000 | $6.00 | $18,000 |
| B | 1,000 | 4.00 | 4,000 | 5.00 | 5,000 |
| C | 500 | 2.00 | 1,000 | 2.50 | 1,250 |
| Total | | | $20,000 | | $24,250 |

(*d*) If the amount of the December 31, 1961, inventory at base-year cost were equal to, or less than, the base-year cost of $14,000 at January 1, 1961, such amount would be the closing LIFO inventory at December 31, 1961. However, since the base-year cost of the closing LIFO inventory at December 31, 1961, amounts to $20,000, and is in excess of the $14,000 base-year cost of the opening inventory for that year, there is a $6,000 increment in Pool No. 1 during the year. This increment must be valued at current-year cost, i.e., the ratio of $24,250/20,000, or 121.25 percent. The LIFO value of the inventory at December 31, 1961, is $21,275, computed as follows:

Pool No. 1

| | Dec. 31, 1961, inventory at Jan. 1, 1961, base-year cost | Ratio of total current-year cost to total base-year cost | Dec. 31, 1961, inventory at LIFO value |
|---|---|---|---|
| | | *Percent* | |
| Jan. 1, 1961, base cost | 14,000 | 100.00 | $14,000 |
| Dec. 31, 1961, increment | 6,000 | 121.25 | 7,275 |
| Total | 20,000 | | 21,275 |

*Example (2).* (*a*) Assume the taxpayer in example (1) during the year 1962 completely disposes of item C and purchases item D. Assume further that item D is properly includible in Pool No. 1 under the provisions of this section. The closing inventory on December 31, 1962, consists of quantities at current-year unit cost, as follows:

| Items | Units | Current-year unit cost Dec. 31, 1962 |
|---|---|---|
| A | 2,000 | $6.50 |
| B | 1,500 | 6.00 |
| D | 1,000 | 5.00 |

(*b*) The taxpayer establishes that the cost of item D, had he acquired it on January 1, 1961, would have been $2.00 per unit. Such cost shall be used as the base-year unit cost for item D, and the LIFO computations at December 31, 1962, are made as follows:

| Item | Quantity | Dec. 31, 1962, inventory at Jan. 1, 1961, base-year cost | | Dec. 31, 1962, inventory at current-year cost | |
|---|---|---|---|---|---|
| | | Unit cost | Amount | Unit cost | Amount |
| A | 2,000 | $5.00 | $10,000 | $6.50 | $13,000 |
| B | 1,500 | 4.00 | 6,000 | 6.00 | 9,000 |
| D | 1,000 | 2.00 | 2,000 | 5.00 | 5,000 |
| Total | | | 18,000 | | 27,000 |

(*e*) Since the closing inventory at base-year cost, $18,000, is less than the 1962 opening inventory at base-year cost, $20,000, a liquidation of $2,000 has occurred during 1962. This liquidation is to be reflected by reducing the most recent layer of increment. The LIFO value of the inventory at December 31, 1962, is $18,850, and is summarized as follows:

Pool No. 1

| | Dec. 31, 1962, inventory at Jan. 1, 1961, base-year cost | Ratio of total current-year cost to total base-year cost | Dec. 31, 1962, inventory at LIFO value |
|---|---|---|---|
| | | *Percent* | |
| Jan. 1, 1961, base cost | 14,000 | 100.00 | $14,000 |
| Dec. 31, 1961, increment | 4,000 | 121.25 | 4,850 |
| Total | 18,000 | | 18,850 |

(*f*) *Change to dollar-value method from another method of pricing LIFO inventories*—(1) *Consent required.* Except as provided in § 1.472–3 in the case of a taxpayer electing to use a LIFO inventory method for the first time, or in the case of a taxpayer changing to the dollar-value method and continuing to use the same pools as were used under another LIFO method, a taxpayer using another LIFO method of pricing inventories may not change to the dollar-value method of pricing such inventories unless he first secures the consent of the Commissioner in accordance with paragraph (e) of § 1.446–1.

(2) *Method of converting inventory.* Where the taxpayer changes from one method of pricing LIFO inventories to the dollar-value method, the ending LIFO inventory for the taxable year immediately preceding the year of change shall be converted to the dollar-value LIFO method. This is done to establish the base-year cost for subsequent calculations. Thus, if the taxpayer was previously valuing LIFO inventories on the specific goods method, these separate values shall be combined into appropriate pools. For this purpose, the base year for the pool shall be the earliest taxable year for which the LIFO inventory method had been adopted for any item in that pool. No change will be made in the overall LIFO value of the opening inventory for the year of change as a result of the conversion, and that inventory will merely be restated in the manner used under the dollar-value method. All layers of increment for such inventory must be retained, except that all layers of increment which occurred in the same taxable year must be combined. The following examples illustrate the provisions of this subparagraph:

*Example (1).* (i) Assume that the taxpayer has used another LIFO method for finished goods since 1954 and has complied with all the requirements prerequisite for a change to the dollar-value method. Items A, B, and C, which have previously been inventoried under the specific goods LIFO method, may properly be included in a single dollar-value LIFO pool. The LIFO inventory value of items A, B, and C at December 31, 1960, is $12,200, computed as follows:

| Year | Base quantity and yearly increments | Unit cost | Dec. 31, 1960, inventory at LIFO value |
|---|---|---|---|
| *Item A* | | | |
| 1954 (base year) | 100 | $1 | $100 |
| 1955 | 200 | 2 | 400 |
| 1956 | 100 | 4 | 400 |
| 1960 | 100 | 6 | 600 |
| Total | 500 | | 1,500 |
| *Item B* | | | |
| 1954 (base year) | 300 | 6 | 1,800 |
| 1955 | 100 | 8 | 800 |
| 1960 | 50 | 10 | 500 |
| Total | 450 | | 3,100 |
| *Item C* | | | |
| 1954 (base year) | 1,000 | 4 | 4,000 |
| 1955 | 200 | 6 | 1,200 |
| 1956 | 200 | 8 | 2,400 |
| Total | 1,500 | | 7,600 |
| LIFO value of items A, B, and C at Dec. 31, 1960 | | | 12,200 |

There were no increments in the years 1957, 1958, or 1959.

(ii) The computation of the ratio of the total current-year cost to the total base-year cost for the base year and each layer of increment in Pool No. 1 is shown as follows:

| Item | 1954 base-year unit cost | Year 1954 | Increments | | |
|---|---|---|---|---|---|
| | | | 1955 | 1956 | 1960 |
| *A* | | | | | |
| Base-year cost | $1.00 | $100 | $200 | $100 | $100 |
| LIFO value | | 100 | 400 | 400 | 600 |
| *B* | | | | | |
| Base-year cost | 6.00 | 1,800 | 600 | | 300 |
| LIFO value | | 1,800 | 800 | | 500 |
| *C* | | | | | |
| Base-year cost | 4.00 | 4,000 | 800 | 1,200 | |
| LIFO value | | 4,000 | 1,200 | 2,400 | |
| Total—Base-year cost | | 5,900 | 1,600 | 1,300 | 400 |
| Total—LIFO value | | 5,900 | 2,400 | 2,800 | 1,100 |
| Ratio of total current-year cost to total base-year cost (percent) | | 100.00 | 150.00 | 215.38 | 275.00 |

(iii) On the basis of the foregoing computations, the LIFO inventory of Pool No. 1, at December 31, 1960, is restated as follows:

| | Dec. 31, 1960, inventory at base-year cost | Ratio of total current-year cost to total base-year cost | Dec. 31, 1960, inventory at LIFO value |
|---|---|---|---|
| | | *Percent* | |
| 1954 base cost | 5,900 | 100.00 | $5,900 |
| 1955 increment | 1,600 | 150.00 | 2,400 |
| 1956 increment | 1,300 | 215.38 | 2,800 |
| 1960 increment | 400 | 275.00 | 1,100 |
| Total | 9,200 | | 12,200 |

*Example (2).* Assume the same facts as in example (1) and assume further that the base-year cost of Pool No. 1 at December 31, 1961, is $8,350. Since the closing inventory for the taxable year 1961 at base-year cost is less than the opening inventory for that

year at base-year cost, a liquidation has occurred during 1961. This liquidation absorbs all of the 1960 layer of increment and part of the 1956 layer of increment. The December 31, 1961, inventory is $10,131, computed as follows:

| | Dec. 31, 1961, inventory at base-year cost | Ratio of total current-year cost to total base-year cost | Dec. 31, 1961, inventory at LIFO value |
|---|---|---|---|
| | | *Percent* | |
| 1954 base cost | 5,900 | 100.00 | $5,900 |
| 1955 increment | 1,600 | 150.00 | 2,400 |
| 1956 increment | 850 | 215.35 | 1,831 |
| Total | 8,350 | | 10,131 |

(g) *Transitional rules*—(1) *Change in method of pooling.* Any method of pooling authorized by this section and used by the taxpayer in computing his LIFO inventories under the dollar-value method shall be treated as a method of accounting. Any method of pooling which is authorized by this section shall be used for the year of adoption and for all subsequent taxable years unless a change is required by the Commissioner in order to clearly reflect income, or unless permission to change is granted by the Commissioner as provided in paragraph (e) of § 1.446–1. Where the taxpayer changes from one method of pooling to another method of pooling permitted by this section, the ending LIFO inventory for the taxable year preceding the year of change shall be restated under the new method of pooling.

(2) *Manner of combining or separating dollar-value pools.* (i) A taxpayer who has been using the dollar-value LIFO method and who is permitted or required to change his method of pooling, shall combine or separate the LIFO value of his inventory for the base year and each yearly layer of increment in order to conform to the new pool or pools. Each yearly layer of increment in the new pool or pools must be separately accounted for and a record thereof maintained, and any liquidation occurring in the new pool or pools subsequent to the formation thereof shall be treated in the same manner as if the new pool or pools had existed from the date the taxpayer first adopted the LIFO inventory method. The combination or separation of the LIFO value of his inventory for the base year and each yearly layer of increment shall be made in accordance with the appropriate method set forth in this subparagraph, unless the use of a different method is approved by the Commissioner.

(ii) Where the taxpayer is permitted or required to separate a pool into more than one pool, the separation shall be made in the following manner: First, each item in the former pool shall be placed in an appropriate new pool. Every item in each new pool is then extended at its base-year unit cost and the extensions are totaled. Each total is the amount of inventory for each new pool expressed in terms of base-year cost. Then a ratio of the total base-year cost of each new pool to the base-year cost of the former pool is computed. The resulting ratio is applied to the amount of inventory for the base year and each yearly layer of increment of the former pool to obtain an allocation to each new pool of the base-year inventory of the former pool and subsequent layers of increment thereof. The foregoing may be illustrated by the following example of a change for the taxable year 1961:

*Example.* (*a*) Assume that items A, B, C, and D are all grouped together in one pool prior to December 31, 1960. The LIFO inventory value at December 31, 1960, is computed as follows:

| | Pool ABCD | | |
|---|---|---|---|
| | Dec. 31, 1960, inventory at Jan. 1, 1956, base-year cost | Ratio of total current-year cost to total base-year cost | Dec. 31, 1960, inventory at LIFO value |
| | | *Percent* | |
| Jan. 1, 1956, base cost | 10,000 | 100 | $10,000 |
| Dec. 31, 1956, increment | 1,000 | 110 | 1,100 |
| Dec. 31, 1958, increment | 5,000 | 120 | 6,000 |
| Dec. 31, 1960, increment | 4,000 | 125 | 5,000 |
| Total | 20,000 | | 22,100 |

(*b*) The extension of the quantity of items A, B, C, and D at respective base-year unit costs is as follows:

| Item | Quantity | Base-year unit cost | Amount |
|---|---|---|---|
| A | 2,000 | $2 | $4,000 |
| B | 1,000 | 3 | 3,000 |
| C | 1,000 | 5 | 5,000 |
| D | 4,000 | 2 | 8,000 |
| Total | | | 20,000 |

(*c*) Under the provisions of this section the taxpayer separates former Pool ABCD into two pools, Pool AB and Pool CD. The computation of the ratio of total base-year cost for each of the new pools to the base-year cost of the former pool is as follows:

| Item | Total base-year cost | Ratio |
|---|---|---|
| Pool AB: | | |
| A | $4,000 | |
| B | 3,000 | |
| | 7,000 | 7,000/20,000 |
| Pool CD: | | |
| C | 5,000 | |
| D | 8,000 | |
| | 13,000 | 13,000/20,000 |
| Total for pool ABCD | 20,000 | |

(*d*) The ratio of the base-year cost of new Pools AB and CD to the base-year cost of former Pool ABCD is 7,000/20,000 and 13,000/20,000, respectively. The allocation of the January 1, 1956 base cost and subsequent yearly layers of increment of former Pool ABCD to new Pools AB and CD is as follows:

| | Base-year cost to be allocated | Pool | |
|---|---|---|---|
| | | AB | CD |
| Jan. 1, 1956, base cost | $10,000 | $3,500 | $6,500 |
| Dec. 31, 1956, increment | 1,000 | 350 | 650 |
| Dec. 31, 1958, increment | 5,000 | 1,750 | 3,250 |
| Dec. 31, 1960, increment | 4,000 | 1,400 | 2,600 |
| Total | 20,000 | 7,000 | 13,000 |

(*e*) The LIFO value of new Pools AB and CD at December 31, 1960, as allocated, is as follows:

| | Dec. 31, 1960, inventory at Jan. 1, 1956, base-year cost | Ratio of total current-year cost to total base-year cost | Dec. 31, 1960, inventory at LIFO value |
|---|---|---|---|
| *Pool AB* | | *Percent* | |
| Jan. 1, 1956, base cost | 3,500 | 100 | $3,500 |
| Dec. 31, 1956, increment | 350 | 110 | 385 |
| Dec. 31, 1958, increment | 1,750 | 120 | 2,100 |
| Dec. 31, 1960, increment | 1,400 | 125 | 1,750 |
| Total | 7,000 | | 7,735 |
| *Pool CD* | | | |
| Jan. 1, 1956, base cost | 6,500 | 100 | 6,500 |
| Dec. 31, 1956, increment | 650 | 110 | 715 |
| Dec. 31, 1958, increment | 3,250 | 120 | 3,900 |
| Dec. 31, 1960, increment | 2,600 | 125 | 3,250 |
| Total | 13,000 | | 14,365 |

(iii) Where the taxpayer is permitted or required to combine two or more pools having the same base year, they shall be combined into one pool in the following manner: The LIFO value of the base-year inventory of each of the former pools is combined to obtain a LIFO value of the base-year inventory for the new pool. Then, any layers of increment in the various pools which occurred in the same taxable year are combined into one total layer of increment for that taxable year. However, layers of increment which occurred in different taxable years may not be combined. In combining the layers of increment a new ratio of current-year cost to base-year cost is computed for each of the combined layers of increment. The foregoing may be illustrated by the following example:

*Example.* (*a*) Assume the taxpayer has two pools at December 31, 1960. Under the provisions of this section the taxpayer combines these pools into a single pool as of January 1, 1961. The LIFO inventory value of each pool at December 31, 1960, is shown as follows:

| | Dec. 31, 1960, inventory at Jan. 1, 1957, base-year cost | Ratio of total current-year cost to total base-year cost | Dec. 31, 1960, inventory at LIFO value |
|---|---|---|---|
| *Pool No. 1* | | *Percent* | |
| Jan. 1, 1957, base cost | 10,000 | 100 | $10,000 |
| Dec. 31, 1957, increment | 2,000 | 110 | 2,200 |
| Dec. 31, 1960, increment | 1,000 | 120 | 1,200 |
| Total | 13,000 | | 13,400 |
| *Pool No. 2* | | | |
| Jan. 1, 1957, base cost | 5,000 | 100 | 5,000 |
| Dec. 31, 1960, increment | 3,000 | 140 | 4,200 |
| Total | 8,000 | | 9,200 |

(*b*) The computation of the ratio of the total current-year cost to the total base-year cost for the base year and each yearly layer of increment in the new pool is as follows:

| Pool | Base year 1957 | Increments | |
|---|---|---|---|
| | | Dec. 31, 1957 | Dec. 31, 1960 |
| No. 1: | | | |
| Base-year cost | $10,000 | $2,000 | $1,000 |
| LIFO value | 10,000 | 2,200 | 1,200 |
| No. 2: | | | |
| Base-year cost | 5,000 | | 3,000 |
| LIFO value | 5,000 | | 4,200 |
| Total, base-year cost | 15,000 | 2,000 | 4,000 |
| Total, LIFO value | 15,000 | 2,200 | 5,400 |
| Ratio of total current-year cost to total base-year cost (percent) | 100 | 110 | 135 |

(*c*) On the basis of the foregoing computations, the LIFO inventory of the new pool at December 31, 1960, is restated as follows:

| | Dec. 31, 1960, inventory at Jan. 1, 1957, base-year cost | Ratio of total current-year cost to total base-year cost | Dec. 31, 1960, inventory at LIFO value |
|---|---|---|---|
| | | *Percent* | |
| Jan. 1, 1957, base cost | 15,000 | 100 | $15,000 |
| Dec. 31, 1957, increment | 2,000 | 110 | 2,200 |
| Dec. 31, 1960, increment | 4,000 | 135 | 5,400 |
| Total | 21,000 | | 22,600 |

(iv) In combining pools having different base years, the principles set forth in subdivision (iii) of this subparagraph are to be applied, except that all base years subsequent to the earliest base year shall be treated as increments, and the base-year costs for all pools having a base year subsequent to the earliest base year of any pool shall be redetermined in terms of the base cost for the earliest base year. The foregoing may be illustrated by the following example:

*Example.* (*a*) Assume that the taxpayer has two pools at December 31, 1960. Under the provisions of this section the taxpayer combines these pools into a single pool as of January 1, 1961. The LIFO inventory value of each pool at December 31, 1960, is shown as follows:

| | Dec. 31, 1960, inventory at Jan. 1, 1956, base-year cost | Ratio of total current-year cost to total base-year cost | Dec. 31, 1960, inventory at LIFO value |
|---|---|---|---|
| *Pool No. 1* | | *Percent* | |
| Jan. 1, 1956, base cost | 7,000 | 100 | $7,000 |
| Dec. 31, 1956, increment | 1,000 | 105 | 1,050 |
| Dec. 31, 1957, increment | 500 | 110 | 550 |
| Dec. 31, 1958, increment | 500 | 110 | 550 |
| Dec. 31, 1960, increment | 1,000 | 120 | 1,200 |
| Total | 10,000 | | 10,350 |
| | Dec. 31, 1960, inventory at Jan. 1, 1958, base-year cost | | |
| *Pool No. 2* | | | |
| Jan. 1, 1958, base cost | 3,500 | 100 | $3,500 |
| Dec. 31, 1958, increment | 1,000 | 110 | 1,100 |
| Dec. 31, 1959, increment | 500 | 115 | 575 |
| Total | 5,000 | | 5,175 |

(*b*) The next step is to redetermine the 1958 base-year cost for Pool No. 2 in terms of 1956 base-year cost. January 1, 1956 base-year unit cost must be reconstructed or established in accordance with paragraph (e) (2) of this section for each item in Pool No. 2. Such costs are assumed to be $9.00 for item A, $20.00 for item B, and $1.80 for item C. A ratio of the 1958 total base-year cost to the 1956 total base-year cost for Pool No. 2 is computed as follows:

| Item | Quantity | Jan. 1, 1956, base-year unit cost | Jan. 1, 1956, base-year cost |
|---|---|---|---|
| A | 250 | $9.00 | $2,250 |
| B | 75 | 20.00 | 1,500 |
| C | 500 | 1.80 | 900 |
| Total | | | 4,650 |

| Item | Quantity | Jan. 1, 1958, base-year unit cost | Jan. 1, 1958, base-year cost |
|---|---|---|---|
| A | 250 | $10.00 | $2,500 |
| B | 75 | 20.00 | 1,500 |
| C | 500 | 2.00 | 1,000 |
| Total | | | 5,000 |

(*c*) The ratio of the 1956 total base-year cost to the 1958 total base-year cost for Pool No. 2 is 4,650/5,000 or 93 percent. The January 1, 1958 base cost and each yearly layer of increment at 1958 base-year cost is multiplied by this ratio. Such computation is as follows:

| | Dec. 31, 1960, inventory at Jan. 1, 1958, base-year cost | Ratio | Dec. 31, 1960, inventory restated at Jan. 1, 1956, base-year cost |
|---|---|---|---|
| | | *Percent* | |
| Jan. 1, 1958, base cost | 3,500 | 93 | $3,255 |
| Dec. 31, 1958, increment | 1,000 | 93 | 930 |
| Dec. 31, 1959, increment | 500 | 93 | 465 |
| Total | | | 4,650 |

(*d*) The computation of the ratio of the total current-year cost to the total base-year cost for the base year (1956) and each yearly layer of increment in the new pool is as follows:

| Pool | Base year 1956 | Increments | | | | |
|---|---|---|---|---|---|---|
| | | Dec. 31, 1956 | Dec. 31, 1957 | Dec. 31, 1958 | Dec. 31, 1959 | Dec. 31, 1960 |
| No. 1: | | | | | | |
| Base-year cost | $7,000 | $1,000 | $500 | $500 | | $1,000 |
| LIFO value | 7,000 | 1,050 | 550 | 550 | | 1,200 |
| No. 2: | | | | | | |
| Base-year cost as restated | | | 3,255 | 930 | $465 | |
| LIFO value | | | 3,500 | 1,100 | 575 | |
| Total, base-year cost | 7,000 | 1,000 | 3,755 | 1,430 | 465 | 1,000 |
| Total, LIFO value | 7,000 | 1,050 | 4,050 | 1,650 | 575 | 1,200 |
| Ratio of total current-year cost to total base-year cost (percent) | 100.00 | 105.00 | 107.86 | 115.38 | 123.66 | 120.00 |

(*e*) On the basis of the foregoing computation, the LIFO inventory of the new pool at December 31, 1960, is restated as follows:

| | Dec. 31, 1960, inventory at Jan. 1, 1956, base-year cost | Ratio of total current-year cost to total base-year cost | Dec. 31, 1960, inventory at LIFO value |
|---|---|---|---|
| | | *Percent* | |
| Jan. 1, 1956, base cost | 7,000 | 100.00 | $7,000 |
| Dec. 31, 1956, increment | 1,000 | 105.00 | 1,050 |
| Dec. 31, 1957, increment | 3,755 | 107.86 | 4,050 |
| Dec. 31, 1958, increment | 1,430 | 115.38 | 1,650 |
| Dec. 31, 1959, increment | 465 | 123.66 | 575 |
| Dec. 31, 1960, increment | 1,000 | 120.00 | 1,200 |
| Total | 14,650 | | 15,525 |

(3) *Change in methods of computation of the LIFO value of a dollar-value pool.* For the first taxable year beginning after December 31, 1960, the taxpayer must use a method authorized by paragraph (e) (1) of this section in computing the base-year cost and current-year cost of a dollar-value inventory pool for the end of such year. If the taxpayer had previously used any methods other than one authorized by paragraph (e) (1) of this section, he shall not be required to recompute his LIFO inventories for taxable years beginning on or before December 31, 1960, under a method authorized by such paragraph. The base cost and layers of increment previously computed by such other method shall be retained and treated as if such base cost and layers of increment had been computed under a method authorized by paragraph (e) (1) of this section. The taxpayer shall use the year of change as the base year in applying the double-extension method or other method approved by the Commissioner, instead of the earliest year for which he adopted the LIFO method for any items in the pool.

(h) *Change without consent in method of pooling*—(1) *Authorization.* Notwithstanding the provisions of paragraph (g) of this section, a taxpayer, for his first taxable year ending after April 15, 1961, may change from one method of pooling authorized by this section to any other method of pooling authorized by this section provided the requirements of subparagraph (2) of this paragraph are met. Also, for such year, if a taxpayer is currently using only a method of pooling authorized by this section, or a method of pooling which would be authorized by this section if additional items were included in the pool, and could change to the natural business unit method, except for the fact he has not inventoried all items entering into the inventory investment for such natural business unit on the LIFO method, he may change to the natural business unit method if he elects under the provisions of § 1.472–3 to extend the LIFO election to all items entering into the entire inventory investment for such natural business unit, provided the requirements of subparagraph (2) of this paragraph are met. The method of pooling adopted shall be used for the

year of change and for all subsequent taxable years unless a change is required by the Commissioner in order to clearly reflect income, or unless permission to change is granted by the Commission as provided in paragraph (e) of § 1.446–1.

(2) *Requirements.* A statement shall be attached to the income tax return for the year of change referred to in subparagraph (1) of this paragraph setting forth, in summary form, the following information:

(i) A description of the new pool or pools,

(ii) The basis for selection of the new pool or pools,

(iii) A schedule showing the computation of the LIFO value of the former pool or pools, and,

(iv) A schedule showing the transition from the former pool or pools to the new pool or pools.

In addition, a copy of the statement shall be filed with the Commissioner of Internal Revenue, Attention: T:R, Washington 25, D.C. The taxpayer shall submit such other information with respect to the change in method of pooling as may be requested.

(Sec. 7805 of the Internal Revenue Code of 1954; (68A Stat. 917; 26 U.S.C. 7805))

[F.R. Doc. 61–516; Filed, Jan. 19, 1961; 8:47 a.m.]

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[T.D. 6535]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Life Insurance Companies

On December 10, 1960, notice of proposed rule making regarding amendment of the Income Tax Regulations under sections 809, 810, 811, 812, and 815 of the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112), relating to life insurance companies, was published in the FEDERAL REGISTER (25 F.R. 12681). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published, subject to the changes set forth below, are hereby adopted. Section 1.809–6 of such regulations supersedes § 19.1–2 of Treasury Decision 6415 (26 CFR Part 19), approved September 10, 1959 (24 F.R. 7373). Section 1.810–4 of such regulations supersedes § 19.1–7 of Treasury Decision 6414 (26 CFR Part 19), approved September 9, 1959 (24 F.R. 7371).

PARAGRAPH 1. Section 1.809–4 is revised—

(A) By deleting the last sentence of paragraph (a)(1)(i).

(B) By inserting the phrase "or credited" after the word "returned" in the first sentence and by deleting the phrase "rebated or" in the second sentence of paragraph (a)(1)(ii).

(C) By revising the last sentence of paragraph (b).

PAR. 2. Section 1.809–5 is revised—

(A) By deleting the word "means" appearing in the last sentence of paragraph (a)(1) and by inserting in lieu thereof "includes".

(B) By revising paragraph (a)(5)(ii).

(C) By deleting the last two sentences of paragraph (a)(6)(ii) and by inserting in lieu thereof a new sentence.

(D) By deleting the last sentence of paragraph (a)(12).

(E) By deleting the word "claimed" both times it appears in the last sentence of paragraph (b) and by inserting both times in lieu thereof "allowed".

PAR. 3. Section 1.810–4 is revised—

(A) By inserting immediately after the second sentence of paragraph (b) a new sentence.

(B) By deleting the second sentence of paragraph (c) and by inserting in lieu thereof a new sentence.

PAR. 4. Section 1.811–2 is revised—

(A) By revising paragraph (c)(1)(ii).

(B) By revising paragraph (c)(4).

PAR. 5. Paragraph (b)(2)(ii) of § 1.812–5 is revised—

(A) By deleting the word "*Example.*" appearing immediately following the colon and by inserting in lieu thereof "*(a) Facts.*"

(B) By deleting the figure "$11,000,000" appearing in the table as taxable investment income for 1959 and inserting in lieu thereof "$9,000,000".

(C) Subdivision "*(a)*" is relettered as "*(b)*".

(D) Subdivision "*(b)*" is relettered as "*(c)*".

PAR. 6. Section 1.815–4 is revised—

(A) By revising paragraph (b)(2).

(B) By revising paragraph (b)(3).

PAR. 7. Section 815–6 is revised—

(A) By deleting the first sentence of paragraph (c) and by inserting in lieu thereof a new sentence.

(B) The first table in the example appearing in paragraph (f)(2) is revised by deleting the phrase "Added for year (with regard to election under sec. 815 (d)(1))" and by inserting in lieu thereof "Added for year (without regard to election under sec. 815(d)(1))".

PAR. 8. Section 1.816 is revised by adding immediately after subsection (a) of section 816 and before the historical note a subsection (b).

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: January 16, 1961.

FRED C. SCRIBNER, Jr.,
*Acting Secretary of the Treasury.*

In order to provide regulations under sections 809, 810, 811, 812, and 815 of the Internal Revenue Code of 1954, as added by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 121), the Income Tax Regulations (26 CFR Part 1) are amended as follows:

There are inserted immediately after § 1.807–1 the following new sections:

**§ 1.807–2 Taxable years affected.**

Section 1.807–1 is applicable only to taxable years beginning after December 31, 1953, and before January 1, 1955, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, before amendments.

GAIN AND LOSS FROM OPERATIONS

**§ 1.809 Statutory provisions; life insurance companies; in general.**

SEC. 809. *In general*—(a) *Exclusion of share of investment yield set aside for policyholders*—(1) *Amount.* The share of each and every item of investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received) of any life insurance company set aside for policyholders shall not be included in gain or loss from operations. For purposes of the preceding sentence, the share of any item set aside for policyholders shall be that percentage obtained by dividing the required interest by the investment yield; except that if the required interest exceeds the investment yield, then the share of any item set aside for policyholders shall be 100 percent.

(2) *Required interest.* For purposes of this part, the required interest for any taxable year is the sum of the products obtained by multiplying—

(A) Each rate of interest required, or assumed by the taxpayer, in calculating the reserves described in section 810(c), by

(B) The means of the amount of such reserves computed at that rate at the beginning and end of the taxable year.

(b) *Gain and loss from operations*—(1) *Gain from operations defined.* For purposes of this part, the term "gain from operations" means the amount by which the sum of the following exceeds the deductions provided by subsection (d):

(A) The life insurance company's share of each and every item of investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received); and

(B) The sum of the items referred to in subsection (c).

(2) *Loss from operations defined.* For purposes of this part, the term "loss from operations" means the amount by which the sum of the deductions provided by subsection (d) exceeds the sum of—

(A) The life insurance company's share of each and every item of investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received); and

(B) The sum of the items referred to in subsection (c).

(3) *Life insurance company's share.* For purposes of this subpart, the life insurance company's share of any item shall be that percentage which, when added to the percentage obtained under the second sentence of subsection (a)(1), equals 100 percent.

(4) *Exception.* If it is established in any case that the application of the definition of gain from operations contained in paragraph (1) results in the imposition of tax on—

(A) Any interest which under section 103 is excluded from gross income,

(B) Any amount of interest which under section 242 (as modified by section 804(a)(3)) is allowable as a deduction, or

(C) Any amount of dividends received which under sections 243, 244, and 245 (as modified by subsection (d)(8)(B)) is allowable as a deduction,

adjustment shall be made to the extent necessary to prevent such imposition.

(c) *Gross amount.* For purposes of subsections (b)(1) and (2), the following items shall be taken into account:

(1) *Premiums.* The gross amount of premiums and other consideration (including advance premiums, deposits, fees, assessments, and consideration in respect of assuming liabilities under contracts not issued by the taxpayer) on insurance and annuity contracts (including contracts supplementary thereto); less return premiums, and premiums and other consideration arising out of reinsurance ceded. Except in the case of amounts of premiums or other consideration returned to another life insurance company in respect of reinsurance ceded, amounts returned where the amount is not fixed in the contract but depends on the experience of the company or the discretion of the management shall not be included in return premiums.

(2) *Decreases in certain reserves.* Each net decrease in reserves which is required by section 810 or 811(b)(2) to be taken into account for purposes of this paragraph.

(3) *Other amounts.* All amounts, not included in computing investment yield and not includible under paragraph (1) or (2), which under this subtitle are includible in gross income.

Except as included in computing investment yield, there shall be excluded any gain from the sale or exchange of a capital asset, and any gain considered as gain from the sale or exchange of a capital asset.

(d) *Deductions.* For purposes of subsections (b)(1) and (2), there shall be allowed the following deductions:

(1) *Death benefits, etc.* All claims and benefits accrued, and all losses incurred (whether or not ascertained), during the taxable year on insurance and annuity contracts (including contracts supplementary thereto).

(2) *Increases in certain reserves.* The net increase in reserves which is required by section 810 to be taken into account for purposes of this paragraph.

(3) *Dividends to policyholders.* The deduction for dividends to policyholders (determined under section 811(b)).

(4) *Operations loss deduction.* The operations loss deduction (determined under section 812).

(5) *Certain nonparticipating contracts.* An amount equal to 10 percent of the increase for the taxable year in the reserves for nonparticipating contracts or (if greater) an amount equal to 3 percent of the premiums for the taxable year (excluding that portion of the premiums which is allocable to annuity features) attributable to nonparticipating contracts (other than group contracts) which are issued or renewed for periods of 5 years or more. For purposes of this paragraph, the term "reserves for nonparticipating contracts" means such part of the life insurance reserves (excluding that portion of the reserves which is allocable to annuity features) as relates to nonparticipating contracts (other than group contracts). For purposes of this paragraph and paragraph (6), the term "premiums" means the net amount of the premiums and other consideration taken into account under subsection (c)(1).

(6) *Group life, accident, and health insurance.* An amount equal to 2 percent of the premiums for the taxable year attributable to group life insurance contracts and group accident and health insurance contracts. The deduction under this paragraph for the taxable year and all preceding taxable years shall not exceed an amount equal to 50 percent of the premiums for the taxable year attributable to such contracts.

(7) *Assumption by another person of liabilities under insurance, etc., contracts.* The consideration (other than consideration arising out of reinsurance ceded) in respect of the assumption by another person of liabilities under insurance and annuity contracts (including contracts supplementary thereto).

(8) *Tax-exempt interest, dividends, etc.*—(A) *Life insurance company's share.* Each of the following items:

(i) The life insurance company's share of interest which under section 103 is excluded from gross income,

(ii) The deduction for partially tax-exempt interest provided by section 242 (as modified by section 804(a)(3)) computed with respect to the life insurance company's share of such interest, and



(iii) The deductions for dividends received provided by sections 243, 244, and 245 (as modified by subparagraph (B)) computed with respect to the life insurance company's share of the dividends received.

(B) *Application of section 246(b).* In applying section 246(b) (relating to limitation on aggregate amount of deductions for dividends received) for purposes of subparagraph (A)(iii), the limit on the aggregate amount of the deductions allowed by sections 243(a), 244, and 245 shall be 85 percent of the gain from operations computed without regard to—

(i) The deductions provided by paragraphs (3), (5), and (6) of this subsection,

(ii) The operations loss deduction provided by section 812, and

(iii) The deductions allowed by sections 243(a), 244, and 245,

but such limit shall not apply for any taxable year for which there is a loss from operations.

(9) *Investment expenses, etc.* Investment expenses to the extent not allowed as a deduction under section 804(c)(1) in computing investment yield, and the amount (if any) by which the sum of the deductions allowable under section 804(c) exceeds the gross investment income.

(10) *Small business deduction.* A small business deduction in an amount equal to the amount determined under section 804(a)(4).

(11) *Certain mutualization distributions.* The amount of distributions to shareholders made in 1958 and 1959 in acquisition of stock pursuant to a plan of mutualization adopted before January 1, 1958.

(12) *Other deductions.* Subject to the modifications provided by subsection (e), all other deductions allowed under this subtitle for purposes of computing taxable income to the extent not allowed as deductions in computing investment yield.

Except as provided in paragraph (3), no amount shall be allowed as a deduction under this subsection in respect of dividends to policyholders.

(e) *Modifications.* The modifications referred to in subsection (d)(12) are as follows:

(1) *Interest.* In applying section 163 (relating to deduction for interest), no deduction shall be allowed for interest in respect of items described in section 810(c).

(2) *Bad debts.* Section 166(c) (relating to reserve for bad debts) shall not apply.

(3) *Charitable, etc., contributions and gifts.* In applying section 170—

(A) The limit on the total deductions under such section provided by the first sentence of section 170(b)(2) shall be 5 percent of the gain from operations computed without regard to—

(i) The deduction provided by section 170,

(ii) The deductions provided by paragraphs (3), (5), (6), and (8) of subsection (d), and

(iii) Any operations loss carryback to the taxable year under section 812; and

(B) Under regulations prescribed by the Secretary or his delegate, a rule similar to the rule contained in section 170(b)(3) shall be applied.

(4) *Amortizable bond premium.* Section 171 shall not apply.

(5) *Net operating loss deduction.* The deduction for net operating losses provided in section 172 shall not be allowed.

(6) *Partially tax-exempt interest.* The deduction for partially tax-exempt interest provided by section 242 shall not be allowed.

(7) *Dividends received.* The deductions for dividends received provided by sections 243, 244, and 245 shall not be allowed.

(f) *Limitation on certain deductions*—(1) *In general.* The amount of the deductions under paragraphs (3), (5), and (6) of subsection (d) shall not exceed $250,000 plus the amount (if any) by which—

(A) The gain from operations for the taxable year, computed without regard to such deductions, exceeds

(B) The taxable investment income for the taxable year.

(2) *Application of limitation.* The limitation provided by paragraph (1) shall apply first to the amount of the deduction under subsection (d)(6), then to the amount of the deduction under subsection (d)(5), and finally to the amount of the deduction under subsection (d)(3).

(g) *Limitations on deduction for certain mutualization distributions*—(1) *Deduction not to reduce taxable investment income.* The amount of the deduction under subsection (d)(11) shall not exceed the amount (if any) by which—

(A) The gain from operations for the taxable year, computed without regard to such deduction (but after the application of subsection (f)), exceeds

(B) The taxable investment income for the taxable year.

(2) *Deduction not to reduce tax below 1957 law.* The deduction under subsection (d)(11) for the taxable year shall be allowed only to the extent that such deduction (after the application of all other deductions provided by subsection (d)) does not reduce the amount of the tax imposed by section 802(a)(1) for such taxable year below the amount of tax which would have been imposed by section 802(a) as in effect for 1957, if this part, as in effect for 1957, applied for such taxable year.

(3) *Application of section 815.* That portion of any distribution with respect to which a deduction is allowed under subsection (d)(11) shall not be treated as a distribution to shareholders for purposes of section 815; except that in the case of any distribution made in 1959, such portion shall be treated as a distribution with respect to which a reduction is required under section 815(e)(2)(B).

[Sec. 809 as added by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 121)]

**§ 1.809–1 Taxable years affected.**

Sections 1.809–2 through 1.809–8 are applicable only to taxable years beginning after December 31, 1957, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112).

**§ 1.809–2 Exclusion of share of investment yield set aside for policyholders.**

(a) *In general.* Section 809 provides the rules for determining the gain or loss from operations of a life insurance company, which amount is necessary to determine life insurance company taxable income. In order to determine gain or loss from operations, a life insurance company must first determine the share of each and every item of its investment yield (as defined in section 804(c) and paragraph (a) of § 1.804–4) set aside for policyholders (as computed under section 809(a)(1) and paragraph (b) of this section), as this share is excluded from gain or loss from operations (as defined in section 809(b)(1) and (2) and paragraphs (a) and (b) of § 1.809–3, respectively). The life insurance company shall then add its share of each and every item of its investment yield to the sum of the items comprising gross amount (as described in section 809(c)

and paragraph (a) of § 1.809–4). From this sum there shall then be subtracted the deductions provided in section 809(d) and paragraph (a) of § 1.809–5. The amount thus obtained is the gain or loss from operations for the taxable year.

(b) *Computation of share of investment yield set aside for policyholders.* Section 809(a)(1) provides that the share of each and every item of investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received) of any life insurance company set aside for policyholders shall not be included in gain or loss from operations. For this purpose, the percentage used in determining the share of each of these items comprising the investment yield set aside for policyholders shall be determined by dividing the required interest (as defined in section 809(a)(2) and paragraph (d) of this section) by the investment yield (as defined in section 804(c) and paragraph (a) of § 1.804–4). The percentage thus obtained is then applied to each and every item of the investment yield so that the share of each and every item of investment yield set aside for policyholders shall be excluded from gain or loss from operations. However, if in any case the required interest exceeds the investment yield, then the share of any item set aside for policyholders shall be 100 percent.

(c) *Computation of life insurance company's share of investment yield.* For purposes of subpart C, part I, subchapter L, chapter 1 of the Code, section 809(b)(3) provides that the percentage used in determining the life insurance company's share of each and every item of investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received) shall be obtained by subtracting the percentage obtained under paragraph (b) of this section from 100 percent. For example, if the policyholders' percentage (as determined under section 809(a)(1) and paragraph (b) of this section) is 72.38 percent, then the life insurance company's share is 27.62 percent (100 percent minus 72.38 percent). In such a case, if the amount of a particular item is $200, then the life insurance company's share of such item included in determining gain or loss from operations is $55.24 ($200 multiplied by 27.62 percent) and the share of such item set aside for policyholders (which is excluded from gain or loss from operations) is $144.76 ($200 multiplied by 72.38 percent). For purposes of determining gain or loss from operations, the life insurance company's share of each and every item of investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received) shall be added to the sum of the items comprising gross amount (as described in section 809(c) and paragraph (a) of § 1.809–4).

(d) *Required interest defined.* (1) For purposes of part I, section 809(a)(2) defines the term "required interest" for any taxable year as the sum of the products obtained by multiplying (i) each rate of interest required, or assumed by the taxpayer, in calculating the reserves described in section 810(c), by (ii) the means of the amount of such reserves computed at that rate at the beginning and end of the taxable year. In the case of the reserves described in section 810(c)(1), such rate of interest shall be the same as that used by the taxpayer for purposes of paragraph (b) of § 1.801–5 (relating to the definition of reserves required by law) with respect to such reserves. In the case of the reserves described in section 810(c)(2) through (5), such rate of interest shall be the same as that actually paid, credited, or accrued by the taxpayer with respect to such reserves. Thus, the required interest for any taxable year includes the elements of interest paid (as defined in section 805(e)) with respect to the reserves described in section 810(c).

(2) For purposes of computing required interest under section 809(a)(2) and subparagraph (1) of this paragraph, the amount of life insurance reserves taken into account shall be adjusted first as required by section 818(c) (relating to an election with respect to life insurance reserves computed on a preliminary term basis) and then as required by section 806(a) (relating to adjustments for certain changes in reserves and assets) before applying the rate of interest required, or assumed by the taxpayer, thereto. However, in the case of the adjustments required by section 810(d) as a result of a change in the basis of computing reserves, the adjustments to any of the reserves described in section 810(c) shall be taken into account in accordance with the rules prescribed in section 810(d) and § 1.810–3.

### § 1.809–3 Gain and loss from operations defined.

(a) *Gain from operations.* For purposes of part I, subchapter L, chapter 1 of the Code, section 809(b)(1) defines the term "gain from operations" as the excess of the sum of (1) the life insurance company's share of each and every item of investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received), and (2) the items of gross amount taken into account under section 809(c) and paragraph (a) of § 1.809–4, over the sum of the deductions provided by section 809(d) and § 1.809–5.

(b) *Loss from operations.* For purposes of part I, section 809(b)(2) defines the term "loss from operations" as the excess of the sum of the deductions provided by section 809(d) and § 1.809–5 over the sum of (1) the life insurance company's share of each and every item of investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received), and (2) the items of gross amount taken into account under section 809(c) and paragraph (a) of § 1.809–4.

(c) *Illustration of principles.* The provisions of section 809(b)(1) through (3) and paragraphs (a) and (b) of this section may be illustrated by the following example:

*Example.* For the taxable year 1958, T, a life insurance company, had investment yield of $900,000, including $150,000 of dividends received from domestic corporations subject to taxation under chapter 1 of the Code, $10,000 of wholly tax-exempt interest, and $78,000 of partially tax-exempt interest. T also had items of gross amount under section 809(c) in the amount of $12,000,000 and deductions under section 809(d) of $6,963,500 (exclusive of any deductions for wholly tax-exempt interest, partially tax-exempt interest, and dividends received). For such taxable year, the share of each and every item of investment yield set aside for policyholders was 80 percent and the company's share of each and every item of investment yield was 20 percent. Based upon these figures, T had a gain from operations of $5,180,000 for the taxable year 1958, computed as follows:

| | Col. 1 | Col. 2 (80% × Col. 1) exclusion of policyholder's share | Col. 3 (20% × Col. 1) company's share |
|---|---|---|---|
| Interest wholly tax-exempt | $10,000 | $8,000 | $2,000 |
| Interest partially tax-exempt | 78,000 | 62,400 | 15,600 |
| Dividends received | 150,000 | 120,000 | 30,000 |
| Other items of investment yield | 662,000 | 529,600 | 132,400 |
| Investment yield | 900,000 | 720,000 | 180,000 |

| | | |
|---|---|---|
| Gross amount (sum of items under sec. 809(c)) | | 12,000,000 |
| Total | | 12,180,000 |
| Less: | | |
| Deductions under sec. 809(d)(8): | | |
| Company's share of interest wholly tax-exempt | $2,000 | |
| 30½% of company's share of interest partially tax-exempt 30½% × $15,600) | 9,000 | |
| 85% of company's share of dividends received (but not to exceed 85% of gain from operations as computed under sec. 809(d)(8)(B)) (85% × $30,000) | 25,500 | |
| All other deductions under sec. 809(d) | 6,963,500 | |
| | | 7,000,000 |
| Gain from operations | | 5,180,000 |

(d) *Exception.* (1) In accordance with section 809(b)(4), if it is established in any case to the satisfaction of the Commissioner, or by a determination of The Tax Court of the United States, or of any other court of competent jurisdiction, which has become final, that the application of the definition of gain from operations contained in section 809(b)(1) results in the imposition of tax on—

(i) Any interest which under section 103 is excluded from gross income,

(ii) Any amount of interest which under section 242 (as modified by section 804(a)(3)) is allowable as a deduction, or

(iii) Any amount of dividends received which under sections 243, 244, and 245 (as modified by section 809(d)(8)(B)) is allowable as a deduction,



adjustment shall be made to the extent necessary to prevent such imposition.

(2) For the date upon which a decision by the Tax Court becomes final, see section 7481. For the date upon which a judgment of any other court becomes final, see paragraph (c) of § 1.1313(a)–1.

### § 1.809–4 Gross amount.

(a) *Items taken into account.* For purposes of determining gain or loss from operations under section 809(b)(1) and (2), respectively, section 809(c) specifies three categories of items which shall be taken into account. Such items are in addition to the life insurance company's share of the investment yield (as determined under section 809(a)(1) and paragraph (c) of § 1.809–2). The three categories of items taken into account are:

(1) *Premiums.* (i) The gross amount of all premiums and other consideration on insurance and annuity contracts (including contracts supplementary thereto); less return premiums, and premiums and other consideration arising out of reinsurance ceded. The term "gross amount of all premiums" means the premiums and other consideration provided in the insurance or annuity contract. Thus, the amount to be taken into account shall be the total of the premiums and other consideration without any deduction for commissions, return premiums, reinsurance, dividends to policyholders, dividends left on deposit with the company, interest applied in reduction of premiums, or any other item of similar nature. Such term includes advance premiums, premiums deferred and uncollected and premiums due and unpaid, deposits, fees, assessments, and consideration in respect of assuming liabilities under contracts not issued by the taxpayer (such as a payment or transfer of property in an assumption reinsurance transaction as defined in paragraph (a)(7)(ii) of § 1.809–5).

(ii) The term "return premiums" means amounts returned or credited which are fixed by contract and do not depend on the experience of the company or the discretion of the management. Thus, such term includes amounts refunded due to policy cancellations or erroneously computed premiums. Furthermore, amounts of premiums or other consideration returned to another life insurance company in respect of reinsurance ceded shall be included in return premiums. For the treatment of amounts which do not meet the requirements of return premiums, see section 811 (relating to dividends to policyholders).

(iii) For purposes of section 809(c)(1) and this subparagraph, the term "reinsurance ceded" means an arrangement whereby the taxpayer (the reinsured) remains solely liable to the policyholder, whether all or only a portion of the risk has been transferred to the reinsurer. Such term includes indemnity reinsurance transactions but does not include assumption reinsurance transactions. See paragraph (a)(7)(ii) of § 1.809–5 for the definition of assumption reinsurance.

(2) *Decreases in certain reserves.* Each net decrease in reserves which is required by section 810 (a) and (d)(1) or 811(b)(2) to be taken into account for the taxable year as a net decrease for purposes of section 809(c)(2).

(3) *Other amounts.* All amounts, not included in computing investment yield and not otherwise taken into account under section 809(c)(1) or (2), shall be taken into account under section 809(c)(3) to the extent that such amounts are includible in gross income under subtitle A of the Code. See section 61 (relating to gross income defined) and the regulations thereunder.

(b) *Exclusion of net long-term capital gains.* Any net long-term capital gains (as defined in section 1222(7)) from the sale or exchange of a capital asset (or any gain considered to be from the sale or exchange of a capital asset under applicable law) shall be excluded from the determination of gain or loss from operations of a life insurance company. However, any excess of net short-term capital gain (as defined in section 1222(5)) over net long-term capital loss (as defined in section 1222(8)) is included in computing investment yield (as defined in section 804(c)) and, to that extent, is taken into account in determining gain or loss from operations under section 809.

### § 1.809–5 Deductions.

(a) *Deductions allowed.* Section 809(d) provides the following deductions for purposes of determining gain or loss from operations under section 809(b)(1) and (2), respectively:

(1) *Death benefits, etc.* All claims and benefits accrued (less reinsurance recoverable), and all losses incurred (whether or not ascertained), during the taxable year on insurance and annuity contracts (including contracts supplementary thereto). The term "all claims and benefits accrued" includes, for example, matured endowments and amounts allowed on surrender. The term "losses incurred (whether or not ascertained)" includes a reasonable estimate of the amount of the losses (based upon the facts in each case and the company's experience with similar cases) incurred but not reported by the end of the taxable year as well as losses reported but where the amount thereof cannot be ascertained by the end of the taxable year.

(2) *Increases in certain reserves.* The net increase in reserves which is required by section 810(b) and (d)(1) to be taken into account for the taxable year as a net increase for purposes of section 809(d)(2).

(3) *Dividends to policyholders.* The deduction for dividends to policyholders as determined under section 811(b) and § 1.811–2. Except as provided in section 809(d)(3) and this subparagraph, no amount shall be allowed as a deduction in respect of dividends to policyholders under section 809(d). See section 809(f) and § 1.809–7 for limitation of such deduction.

(4) *Operations loss deduction.* The operations loss deduction as determined under section 812.

(5) *Certain nonparticipating contracts.* (i) An amount equal to the greater of:

(a) 10 percent of the increase for the taxable year in certain life insurance reserves for nonparticipating contracts (other than group contracts); or

(b) 3 percent of the premiums for the taxable year attributable to nonparticipating contracts (other than group contracts) which are issued or renewed for periods of 5 years or more.

(ii) For purposes of section 809(d)(5) and this subparagraph, the term "nonparticipating contracts" means those contracts which during the taxable year contain no right to participate in the divisible surplus of the company. For example, if at any time during the taxable year for which the deduction allowed under section 809(d)(5) and this subparagraph is claimed such contracts have rights to dividends or similar distributions (as defined in section 811(a) and paragraph (a) of § 1.811–2), such contracts shall no longer be deemed nonparticipating contracts and, therefore, no deduction shall be allowed. Thus, if a class of contracts having no right to participate in the divisible surplus of the company is in force for nine years and on March 10, 1958, it is announced that such contracts shall be accorded dividend rights as of August 1, 1958, no deduction shall be allowed under section 809(d)(5) and this subparagraph for the taxable year 1958 or any succeeding taxable year, whether or not dividends are actually paid on such contracts. However, if the announcement of March 10, 1958, states that such contracts shall be accorded dividend rights as of January 1, 1959, a deduction under section 809(d)(5) and this subparagraph shall be allowed for the taxable year 1958 but not for any succeeding taxable year.

(iii) For purposes of section 809(d)(5) and this subparagraph, the term "reserves for nonparticipating contracts" means such part of the life insurance reserves (as defined in section 801(b) and § 1.801–4), other than that portion of such reserves which is allocable to annuity features, as relates to nonparticipating contracts (as defined in subdivision (ii) of this subparagraph). The amount of life insurance reserves taken into account shall be adjusted first as required by section 818(c) (relating to an election with respect to life insurance reserves computed on a preliminary term basis) and then as required by section 806(a) (relating to adjustments for certain changes in reserves and assets). In the case of the adjustments required by section 810(d) (relating to adjustment for change in computing reserves), the increase in life insurance reserves attributable to reserve strengthening shall be taken into account in accordance with

the rules prescribed in section 810(d) and § 1.810–3.

(iv) For purposes of section 809(d)(5) and this subparagraph, the term "premiums" means the net amount of the premiums and other consideration attributable to nonparticipating contracts (as defined in subdivision (ii) of this subparagraph) which are taken into account under section 809(c)(1). For this purpose, premiums include only such amounts attributable to such contracts which are issued or renewed for periods of 5 years or more, but does not include that portion of the premiums which is allocable to annuity features. No portion of a premium shall be deemed allocable to annuity features solely because a contract, such as an endowment contract, provides that at maturity the insured shall have an option to take an annuity. The determination of whether a contract meets the 5-year requirement shall be made as of the date the contract is issued, or as of the date it is renewed, whichever is applicable. Thus, a 20-year nonparticipating endowment policy shall qualify for the deduction under section 809(d)(5), even though the insured subsequently dies at the end of the second year, since the policy is issued for a period of 5 years or more. However, a 1-year renewable term contract shall not qualify, since as of the date it is issued (or of any renewal date) it is not issued (or renewed) for a period of 5 years or more. In like manner, a policy originally issued for a 3-year period and subsequently renewed for an additional 3-year period shall not qualify. However, if this policy is renewed for a period of 5 years or more, the policy shall qualify for the deduction under section 809(d)(5) from the date it is renewed.

(v) The provisions of section 809(d)(5) and this subparagraph may be illustrated by the following example:

*Example.* Assume the following facts with respect to X, a life insurance company, for the taxable year 1958:

| | |
|---|---|
| Life insurance reserves on nonparticipating contracts without annuity features (other than group contracts) at 1–1–58 | $150,000 |
| Life insurance reserves on nonparticipating contracts without annuity features (other than group contracts) at 12–31–58 | 225,000 |
| Annuity reserves on nonparticipating contracts (other than group contracts) at 1–1–58 | 48,000 |
| Annuity reserves on nonparticipating contracts (other than group contracts) at 12–31–58 | 57,000 |
| Premiums on nonparticipating contracts without annuity features (other than group contracts) issued or renewed for 5 years or more | 85,000 |
| Premiums on nonparticipating contracts allocable to annuity features (other than group contracts) issued or renewed for 5 years or more | 14,000 |
| Return premiums on nonparticipating contracts without annuity features (other than group contracts) | 5,000 |

In order to determine the deduction under section 809(d)(5) (without regard to the limitation of section 809(f)), X would make up the following schedule:

| | | |
|---|---|---|
| (1) Life insurance reserves on nonparticipating contracts without annuity features (other than group contracts) at 12–31–58 | $225,000 | |
| (2) Life insurance reserves on nonparticipating contracts without annuity features (other than group contracts) at 1–1–58 | $150,000 | |
| (3) Excess of item (1) over item (2) ($225,000 minus $150,000) | 75,000 | |
| (4) 10 percent of item (3) (10% × $75,000) | | $7,500 |
| (5) Net premiums on nonparticipating contracts without annuity features issued or renewed for 5 years or more (other than group contracts) (gross premiums on such contracts ($85,000) minus return premiums ($5,000) on such contracts) | 80,000 | |
| (6) 3 percent of item (5) (3% × $80,000) | | 2,400 |
| (7) The greater of item (4) or item (6) | | 7,500 |
| (8) Tentative deduction under sec. 809(d)(5) (computed without regard to the limitation of sec. 809(f)) | | 7,500 |

(vi) See section 809(f) and § 1.809–7 for limitation of the deduction provided by this subparagraph.

(6) *Group life, accident, and health insurance.* (i) An amount equal to two percent of the premiums for the taxable year attributable to group life insurance contracts, group accident and health insurance contracts, or group accident and health insurance contracts with a life feature. For purposes of section 809(d)(6) and this subparagraph, the term "premiums" means the net amount of the premiums and other consideration attributable to such contracts taken into account under section 809(c)(1). The deduction allowed by section 809(d)(6) and this subparagraph for the taxable year and all preceding taxable years shall not exceed 50 percent of the net amount of the premiums attributable to such contracts for the taxable year. For example, assume that premiums attributable to group life insurance and group accident and health insurance contracts are $103,000 for the taxable year. Assume further that there are $3,000 of return premiums attributable to such contracts for the taxable year. Under the provisions of section 809(d)(6) and this subparagraph, a deduction (determined without regard to section 809(f)) of $2,000 (2 percent of $100,000 ($103,000 minus $3,000)) is allowed. Assuming that the company continues to receive net premiums of $100,000 attributable to such contracts for 15 years, the cumulative amount of these deductions is $30,000 ($2,000 for 15 years). If, in the sixteenth year, net premiums attributable to such contracts amount to $60,000, no deduction shall be allowed under section 809(d)(6) and this subparagraph since the cumulative amount of these deductions ($30,000) equals 50 percent of the current year's premiums ($60,000) from such contracts.

(ii) In computing the deduction under section 809(d)(6), the determination as to when the 50 percent limitation on such deduction has been reached shall be based upon the amount allowed as a deduction for the taxable year and all preceding taxable years after the application of the limitation provided in section 809(f) and § 1.809–7. Thus, if in the example set forth in paragraph (c) of § 1.809–7 the application of the limitation provided by section 809(f) limited the deduction allowed for the taxable year under section 809(d)(6) to $3,250,000, then for purposes of determining the 50 percent limitation on such deduction, only $3,250,000 (the amount allowed) shall be taken into account.

(iii) For purposes of determining whether the 50 percent limitation applies to any taxable year, the deduction provided by section 809(d)(6) for all preceding taxable years shall be taken into account, irrespective of whether or not the life insurance company claimed a deduction for these amounts for such preceding taxable years.

(iv) See section 809(f) and § 1.809–7 for limitation of the deduction provided by this subparagraph.

(7) *Assumption by another person of liabilities under insurance, etc., contracts.* (i) The consideration (other than consideration arising out of reinsurance ceded as defined in paragraph (a)(1)(iii) of § 1.809–4) in respect of the assumption by another person of liabilities under insurance and annuity contracts (including contracts supplementary thereto) of the taxpayer.

(ii) For purposes of section 809(d)(7) and this subparagraph, the term "assumption reinsurance" means an arrangement whereby another person (the reinsurer) becomes solely liable to the policyholders on the contracts transferred by the taxpayer. Such term does not include indemnity reinsurance or reinsurance ceded (as defined in paragraph (a)(1)(iii) of § 1.809–4).

(iii) The provisions of section 809(d)(7) and this subparagraph may be illustrated by the following example:

*Example.* During the taxable year 1960, T, a life insurance company, transferred a block of insurance policies and made a payment of $50,000 to R, a life insurance company, under an arrangement whereby R became solely liable to the policyholders on the policies transferred by T. Under the provisions of section 809(d)(7) and this subparagraph, T is allowed a deduction of $50,000 for the taxable year 1958. For the treatment by R of this $50,000 payment, see section 809(c)(1) and paragraph (a)(1)(ii) of § 1.809–4. See section 806 (a) and § 1.809–5 for the adjustments in reserves and amounts to be made by T and R as a result of this transaction.



(8) *Tax-exempt interest, dividends, etc.* (i) Each of the following items:

(a) The life insurance company's share of interest which under section 103 is excluded from gross income;

(b) The deduction for partially tax-exempt interest provided by section 242 (as modified by section 804(a)(3) and paragraph (d)(2)(i) of § 1.804–2) computed with respect to the life insurance company's share of such interest; and

(c) The deductions for dividends received provided by sections 243, 244, and 245 (as modified by section 809(d)(8)(B) and subdivision (ii) of this subparagraph) computed with respect to the life insurance company's share of the dividends received.

(ii) The modification contained in section 809(d)(8)(B) provides the method for applying section 246(b) (relating to limitation on aggregate amount of deductions for dividends received) for purposes of section 809(d)(8)(A)(iii) and subdivision (i)(c) of this subparagraph. Under this method, the sum of the deductions allowed by sections 243(a) (relating to dividends received by corporations), 244 (relating to dividends received on certain preferred stock), and 245 (relating to dividends received from certain foreign corporations) shall be limited to 85 percent of the gain from operations computed without regard to:

(a) The deductions provided by section 809(d)(3), (5), and (6);

(b) The operations loss deduction provided by section 812; and

(c) The deductions allowed by sections 243(a), 244, and 245.

If a life insurance company has a loss from operations (as determined under section 812) for the taxable year, the limitation provided in section 809(d)(8)(B) and this subdivision shall not be applicable for such taxable year. In that event, the deductions provided by sections 243(a), 244, and 245 shall be allowable for all tax purposes to the life insurance company for such taxable year without regard to such limitation. If the life insurance company does not have a loss from operations for the taxable year, however, the limitation shall be applicable for all tax purposes for such taxable year. In determining whether a life insurance company has a loss from operations for the taxable year under section 812, the deductions allowed by sections 243(a), 244, and 245 shall be computed without regard to the limitation provided in section 809(d)(8)(B) and this subdivision. For an example of the operation of this rule, see paragraph (b) of §1.812-3.

(9) *Investment expenses, etc.* (i) The amount of investment expenses to the extent not allowed as a deduction under section 804(c)(1) in computing investment yield. For example, if a deduction in the amount of $100,000 is claimed for investment expenses, which amount includes general expenses assigned to or included in investment expenses, and due to the operation of the limitation provided by section 804(c)(1) only $85,000 is allowed, then the excess ($15,000) shall be allowed as a deduction under section 809(d)(9) and this subparagraph.

(ii) The amount (if any) by which the sum of the deductions allowable under section 804(c) exceeds the gross investment income. For example, if gross investment income under section 804(b) equals $400,000, and the sum of the deductions allowable under section 804(c) equals $425,000, then the excess ($25,000) shall be allowed as a deduction under section 809(d)(9) and this subparagraph.

(iii) In determining the amount of the deductions allowed under subdivisions (i) and (ii) of this subparagraph, a life insurance company shall first take such deductions to the full extent allowable under section 804(c)(1), and any amount which is allowed as a deduction under section 804(c) shall not again be allowed as a deduction under section 809(d)(9).

(10) *Small business deduction.* The small business deduction as determined under section 804(a)(4).

(11) *Certain mutualization distributions.* The amount of distributions to shareholders actually made by the life insurance company in 1958 and 1959 in acquisition of stock pursuant to a plan of mutualization adopted by the company before January 1, 1958. If such deduction is claimed, there must be attached to the return of the company claiming such deduction a certified copy of the plan of mutualization and proof that such plan was adopted prior to January 1, 1958. See section 809(g) and § 1.809–8 for limitation of such deduction.

(12) *Other deductions.* Except as modified by section 809(e) and § 1.809–6, all other deductions allowed under subtitle A of the Code for purposes of computing taxable income to the extent not allowed as deductions in computing investment yield.

(b) *Denial of double deduction.* Nothing in section 809(d) shall permit the same item to be deducted more than once in determining gain or loss from operations. For example, if an item is allowed as a deduction for the taxable year by reason of its being a loss incurred within such taxable year (whether or not ascertained) under section 809(d)(1), such item, or any portion thereof, shall not also be allowed as a deduction for such taxable year under section 809(d)(2).

**§ 1.809–6 Modifications.**

Under section 809(e), the deductions allowed under section 809(d)(12) and paragraph (a)(12) of § 1.809–5 (relating to other deductions) are subject to the following modifications—

(a) *Interest.* No deduction shall be allowed under section 163 for interest in respect of items described in section 810(c) since such interest is taken into account in the determination of required interest under section 809.

(b) *Bad debts.* No deduction shall be allowed for an addition to reserves for bad debts under section 166(c). However, a deduction for specific bad debts shall be allowed to the extent that such deduction is allowed under section 166 and the regulations thereunder. In the case of a loss incurred on the sale of mortgaged or pledged property, see § 1.166–6.

(c) *Charitable, etc., contributions and gifts.* (1) The deduction by a life insurance company in any taxable year for a charitable contribution (as defined in section 170(c)) shall be limited to 5 percent of the gain from operations (as determined under section 809(b)(1)), computed without regard to any deductions for:

(i) Charitable contributions under section 170;

(ii) Dividends to policyholders under section 811(b);

(iii) Certain nonparticipating contracts under section 809(d)(5);

(iv) Group life insurance contracts and group accident and health insurance contracts under section 809(d)(6);

(v) Tax-exempt interest, dividends, etc., under section 809(d)(8); and

(vi) Any operations loss carryback to the taxable year under section 812.

(2) In applying the second sentence of section 170(b)(2) (relating to charitable contributions carryovers) as required by section 809(e)(3)(B), any excess of the charitable contributions made by a life insurance company in a taxable year over the amount deductible in such year under the limitation contained in subparagraph (1) of this paragraph, shall be reduced to the extent that such excess:

(i) Reduces life insurance company taxable income (computed without regard to section 802(b)(3)) for the purpose of determining the offsets referred to in section 812(b)(2); and

(ii) Increases an operations loss carryover under section 812 for a succeeding taxable year.

(3) The application of the rules provided in section 809(e)(3) and this paragraph may be illustrated by the following example:

*Example.* Assume that life insurance company P is organized on January 1, 1958, and has a loss from operations for that year in the amount of $100,000 which is an operations loss carryover to 1959. In 1959, company P has a gain from operations and tax base (computed without regard to section 802(b)(3)) of $100,000 before the allowance of a deduction for a $5,000 charitable contribution made in 1959 and before the application of the operations loss carryover from 1958. Under section 170(b)(2), the operations loss carryover from 1958 is first applied to eliminate the $100,000 gain from operations and tax base in 1959 and the $5,000 charitable contribution carryover would (except for the limitation contained in this paragraph) become a charitable contribution carryover to 1960. However, for the purpose of computing the offsets referred to in section 812(b)(2), the $5,000 charitable contribution is applied to reduce the gain from operations and tax base for 1959 to $95,000 before the application of the operations carryover from 1958. Since only $95,000 of the $100,000 loss from operations in 1958 is an offset for 1959, the remaining $5,000 becomes an operations loss carryover to 1960. Accordingly, under the limitation contained in this paragraph, the charitable contributions carryover provided under the second sentence of section 170(b)(2) is eliminated.

(d) *Amortizable bond premium.* No deduction shall be allowed under section 171 for the amortization of bond premiums since a special deduction for such premiums is specifically taken into account under section 818(b).

(e) *Net operating loss deduction.* No deduction shall be allowed under section 172 since section 812 allows an "operations loss deduction".

(f) *Partially tax-exempt interest.* No deduction shall be allowed under section 242 for partially tax-exempt interest since section 809(d)(8) allows a deduction for such interest.

(g) *Dividends received.* No deduction shall be allowed under sections 243, 244, and 245 for dividends received since section 809(d)(8) allows a deduction for such dividends.

**§ 1.809–7 Limitation on certain deductions.**

(a) *In general.* Section 809(f)(1) limits the deductions under section 809(d)(3), (5), and (6), relating to deductions for dividends to policyholders, certain nonparticipating contracts, and group life, accident, and health insurance contracts, respectively. This limitation provides that the amount of such deductions shall not exceed the sum of (1) the amount (if any) by which the gain from operations for the taxable year (determined without regard to such deductions) exceeds the taxpayer's taxable investment income for such year, plus (2) $250,000.

(b) *Application of limitation.* Section 809(f)(2) provides a priority system for applying the limitation contained in section 809(f)(1) and paragraph (a) of this section. Under this priority system, the limitation shall be applied in the following order:

(1) First to the amount of the deduction under section 809(d)(6) (relating to group life, accident, and health insurance);

(2) Then to the amount of the deduction under section 809(d)(5) (relating to certain nonparticipating contracts); and

(3) Finally to the amount of the deduction under section 809(d)(3) (relating to dividends to policyholders).

(c) *Illustration of principles.* The operation of the limitation and priority system provided by section 809(f) and this section may be illustrated by the following example:

*Example.* Assume the following facts with respect to M, a life insurance company, for the taxable year 1958:

| | |
|---|---|
| Gain from operations computed without regard to the deductions under sec. 809(d)(3), (5), and (6) | $100,000,000 |
| Taxable investment income | 83,000,000 |
| Tentative deduction for group life, accident, and health insurance under sec. 809(d)(6) | 4,000,000 |
| Tentative deduction for certain nonparticipating contracts under sec. 809(d)(5) | 6,000,000 |
| Tentative deduction for dividends to policyholders under sec. 809(d)(3) | 10,000,000 |

In order to determine the limitation on the deductions under section 809(d)(3), (5), and (6), M would make up the following schedule:

| | |
|---|---|
| (1) Statutory amount provided under sec. 809(f)(1) | $250,000 |
| (2) Gain from operations computed without regard to the deductions under sec. 809(d)(3), (5), and (6) | $100,000,000 |
| (3) Taxable investment income | 83,000,000 |
| (4) Excess of item (2) over item (3) | 17,000,000 |
| (5) Limitation on deductions under sec. 809(d)(3), (5), and (6) (item (1) plus item (4)) | 17,250,000 |

Since the total tentative deductions under section 809(d)(3), (5), and (6) ($20,000,000) exceeds the limitation on such deductions ($17,250,000), M would make up the following schedule to determine the application of the priority system:

| | |
|---|---|
| (6) Maximum possible deduction under sec. 809(d)(3), (5), and (6) (item (5)) | $17,250,000 |
| (7) Deduction for group life, accident, and health insurance under sec. 809(d)(6) (not in excess of item (6)) | 4,000,000 |
| (8) Maximum possible deduction under sec. 809(d)(5) (item (6) less item (7)) | 13,250,000 |
| (9) Deduction for certain nonparticipating contracts under sec. 809(d)(5) (not in excess of item (8)) | 6,000,000 |
| (10) Maximum possible deduction under sec. 809(d)(3) (item (8) less item (9)) | 7,250,000 |
| (11) Deduction for dividends to policyholders under sec. 809(d)(3) (not in excess of item (10)) | 7,250,000 |

Thus, as a result of the application of the limitation and priority system for the taxable year 1958, M shall be allowed a deduction of $4,000,000 under section 809(d)(6), $6,000,000 under section 809(d)(5), and only $7,250,000 of the $10,000,000 tentative deduction under section 809(d)(3).

**§ 1.809–8 Limitation on deductions for certain mutualization distributions.**

(a) *Deduction not to reduce taxable investment income.* Section 809(g)(1) limits the deduction under section 809(d)(11) for certain mutualization distributions. This limitation provides that such deduction shall not exceed the amount (if any) by which the gain from operations for the taxable year, computed without regard to such deduction (but after the application of the limitation contained in section 809(f) and § 1.809–7), exceeds the taxpayer's taxable investment income for such year.

(b) *Deduction not to reduce tax below that imposed by 1957 law.* Section 809(g)(2) further limits the deduction under section 809(d)(11). Under section 809(g)(2), such deduction shall be allowed only to the extent that it (after the application of all other deductions) does not reduce the tax imposed by section 802(a)(1) for the taxable year below the amount of tax which would have been imposed for such taxable year if the law in effect for 1957 applied for such taxable year. If such deduction is claimed for 1958 (or 1959), the company shall attach to its return a schedule showing what its tax for 1958 (or 1959) would have been had such tax been computed under the law in effect for 1957.

(c) *Application of section 815.* Section 809(g)(3) provides that any portion of a distribution which is allowed as a deduction under section 809(d)(11) shall not be treated as a distribution to shareholders for purposes of section 815; except that in the case of any distributions made in 1959, such portion shall be treated as a distribution with respect to which a reduction is required under section 815(e)(2)(B) (relating to adjustment in allocation ratio for certain distributions after December 31, 1958).

**§ 1.810 Statutory provisons; life insurance companies; rules for certain reserves.**

SEC. 810. *Rules for certain reserves*—(a) *Adjustment for decrease.* If the sum of the items described in subsection (c) as of the beginning of the taxable year exceeds the sum of such items as of the close of the taxable year (reduced by the amount of investment yield not included in gain or loss from operations for the taxable year by reason of section 809(a)(1)), the excess shall be taken into account as a net decrease referred to in section 809(c)(2).

(b) *Adjustment for increase.* If the sum of the items described in subsection (c) as of the close of the taxable year (reduced by the amount of investment yield not included in gain or loss from operations for the taxable year by reason of section 809(a)(1)) exceeds the sum of such items as of the beginning of the taxable year, the excess shall be taken into account as a net increase referred to in section 809(d)(2).

(c) *Items taken into account.* The items referred to in subsections (a) and (b) are as follows:

(1) The life insurance reserves (as defined in section 801(b)).

(2) The unearned premiums and unpaid losses included in total reserves under section 801(c)(2).

(3) The amounts (discounted at the rates of interest assumed by the company) necessary to satisfy the obligations under insurance or annuity contracts (including contracts supplementary thereto), but only if such obligations do not involve (at the time with respect to which the computation is made under this paragraph) life, health, or accident contingencies.

(4) Dividend accumulations, and other amounts, held at interest in connection with insurance or annuity contracts (including contracts supplementary thereto).

(5) Premiums received in advance, and liabilities for premium deposit funds.

In applying this subsection, the same item shall be counted only once.

(d) *Adjustment for change in computing reserves*—(1) *In general.* If the basis for determining any item referred to in subsection (c) as of the close of any taxable year differs from the basis for such determination as of the close of the preceding taxable year, then so much of the difference between—

(A) The amount of the item at the close of the taxable year, computed on the new basis, and

(B) The amount of the item at the close of the taxable year, computed on the old basis,



as is attributable to contracts issued before the taxable year shall be taken into account for purposes of this subpart as follows:

(i) If the amount determined under subparagraph (A) exceeds the amount determined under subparagraph (B), 1/10 of such excess shall be taken into account, for each of the succeeding 10 taxable years, as a net increase to which section 809(d)(2) applies; or

(ii) If the amount determined under subparagraph (B) exceeds the amount determined under subparagraph (A), 1/10 of such excess shall be taken into account for each of the 10 succeeding taxable years, as a net decrease to which section 809(c)(2) applies.

(2) *Termination as life insurance company.* Except as provided in section 381(c)(22) (relating to carryovers in certain corporate readjustments), if for any taxable year the taxpayer is not a life insurance company, the balance of any adjustments under this paragraph shall be taken into account for the preceding taxable year.

(3) *Effect of preliminary term election.* An election under section 818(c) shall not be treated as a change in the basis for determining an item referred to in subsection (c) to which this subsection applies. If an election under section 818(c) applies for the taxable year, the amounts of the items referred to in subparagraphs (A) and (B) of paragraph (1) shall be determined without regard to such election. If such an election would apply in respect of such item for the taxable year but for the new basis, the amount of the item referred to in subparagraph (B) shall be determined on the basis which would have been applicable under section 818(c) if the election applied in respect of the item for the taxable year.

(e) *Certain decreases in reserves of voluntary employees' beneficiary associations*—(1) *Decreases due to voluntary lapses of policies issued before January 1, 1958.* For purposes of subsections (a) and (b), in the case of a life insurance company which meets the requirements of section 501(c)(9) other than the requirement of subparagraph (B) thereof, there shall be taken into account only 11½ percent of any decrease in the life insurance reserve on any policy issued before January 1, 1958, which is attributable solely to the voluntary lapse of such policy on or after January 1, 1958. In applying the preceding sentence, the decrease in the reserve for any policy shall be determined by reference to the amount of such reserve as of the beginning of the taxable year, reduced by any amount allowable as a deduction under section 809(d)(1) in respect of such policy by reason of such lapse. This paragraph shall apply for any taxable year only if the taxpayer has made an election under paragraph (3) which is effective for such taxable year.

(2) *Disallowance of carryovers from pre-1958 losses from operations.* In the case of a life insurance company to which paragraph (1) applies for the taxable year, section 812(b)(1) shall not apply with respect to any loss from operations for any taxable year beginning before January 1, 1958.

(3) *Election.* Paragraph (1) shall apply to any taxpayer for any taxable year only if the taxpayer elects, not later than the time prescribed by law (including extensions thereof) for filing the return for such taxable year, to have such paragraph apply. Such election shall be made in such manner as the Secretary or his delegate shall prescribe by regulations. Such election shall be effective for the taxable year for which made and for all succeeding taxable years, and shall not be revoked except with the consent of the Secretary or his delegate.

[Sec. 810 as added by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 125)]

**§ 1.810–1 Taxable years affected.**

Sections 1.810–2 through 1.810–4 are applicable only to taxable years beginning after December 31, 1957, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112).

**§ 1.810–2 Rules for certain reserves.**

(a) *Adjustment for decrease or increase in certain reserve items*—(1) *Adjustment for decrease.* Section 810(a) provides that if the sum of the items described in section 810(c) and paragraph (b) of this section at the beginning of the taxable year exceeds the sum of such items at the end of the taxable year (reduced by the amount of investment yield not included in gain or loss from operations for the taxable year by reason of section 809(a)(1)), the amount of such excess shall be taken into account as a net decrease referred to in section 809(c)(2) and paragraph (a)(2) of § 1.809–4 in determining gain or loss from operations.

(2) *Adjustment for increase.* Section 810(b) provides that if the sum of the items described in section 810(c) and paragraph (b) of this section at the end of the taxable year (reduced by the amount of investment yield not included in gain or loss from operations for the taxable year by reason of section 809(a)(1)) exceeds the sum of such items at the beginning of the taxable year, the amount of such excess shall be taken into account as a net increase referred to in section 809(d)(2) and paragraph (a)(2) of § 1.809–5 in determining gain or loss from operations.

(b) *Items taken into account.* The items described in section 810(c) and referred to in section 810 (a) and (b) and paragraph (a) of this section are:

(1) The life insurance reserves (as defined in section 801(b) and § 1.801–4);

(2) The unearned premiums and unpaid losses included in total reserves under section 801(c)(2) and § 1.801–5;

(3) The amounts (discounted at the rates of interest assumed by the company) necessary to satisfy the obligations under insurance or annuity contracts (including contracts supplementary thereto), but only if such obligations do not involve (at the time with respect to which the computation is made under this subparagraph) life, health, or accident contingencies;

(4) Dividend accumulations, and other amounts, held at interest in connection with insurance or annuity contracts (including contracts supplementary thereto); and

(5) Premiums received in advance, and liabilities for premium deposit funds.

For purposes of this paragraph, the same item shall be counted only once and deficiency reserves (as defined in section 801(b)(4) and paragraph (e)(4) of § 1.801–4) shall not be taken into account.

(c) *Special rules.* For purposes of section 810 (a) and (b) and paragraph (a) of this section, in determining whether there is a net increase or decrease in the sum of the items described in section 810(c) and paragraph (b) of this section for the taxable year, the following rules shall apply:

(1) *Computation of net increase or decrease in reserves.* The sum of the items described in section 810(c) and paragraph (b) of this section at the beginning of the taxable year shall be the aggregate of the sums of each of such items at the beginning of the taxable year. The sum of the items described in section 810(c) and paragraph (b) of this section at the end of the taxable year shall be the aggregate of the sums of each of such items at the end of the taxable year. However, in order to determine whether there is a net increase or decrease in such items for the taxable year, the aggregate of the sums of the items at the end of the taxable year must first be reduced by the amount of investment yield not included in gain or loss from operations for the taxable year by reason of section 809(a)(1).

(2) *Effect of change in basis in computing reserves.* Any increase or decrease in the sum of the items described in section 810(c) and paragraph (b) of this section for the taxable year which is attributable to a change in the basis used in computing such items during the taxable year shall not be taken into account under section 810 (a) or (b) and paragraph (a) of this section but shall be taken into account in the manner prescribed in section 810(d) and paragraph (a) of § 1.810–3.

(3) *Effect of section 818(c) election.* If a company which computes its life insurance reserves on a preliminary term basis elects to revalue such reserves on a net level premium basis under section 818(c), the sum of such reserves at the beginning and end of all taxable years (including the first taxable year) for which the election applies shall be the sum of such reserves computed on such net level premium basis.

(4) *Cross references.* See section 810(e) and § 1.810–4 for special rules for determining the net increase or decrease in the sum of the items described in section 810(c) and paragraph (b) of this section in the case of certain voluntary employees' beneficiary associations. For similar special rules in the case of life insurance companies issuing variable annuity contracts, see section 801(g)(4) and the regulations thereunder.

(d) *Illustration of principles.* The provisions of section 810 (a) and (b) and this section may be illustrated by the following examples:

*Example (1).* Assume the following facts with respect to R, a life insurance company:

| | |
|---|---|
| Sum of items described in sec. 810(c)(1) through (5) at beginning of taxable year | $940 |
| Sum of items described in sec. 810(c)(1) through (5) at end of taxable year | 1,060 |
| Required interest (as defined in sec. 809(a)(2)) | 70 |
| Investment yield (as defined in sec. 804(c)) | 100 |
| Amount of investment yield not included in gain or loss from operations for the taxable year by reason of sec. 809(a)(1) | 70 |

In order to determine the adjustment for decrease or increase in the sum of the items described in section 810(c) for the taxable year, R must first reduce the sum of such items at the end of the taxable year ($1,060) by the amount of investment yield ($70) not

included in gain or loss from operations for the taxable year by reason of section 809(a)(1). Since the adjusted sum of such items at the end of the taxable year, $990 ($1,060 minus $70), exceeds the sum of such items at the beginning of the taxable year, $940, the excess of $50 ($990 minus $940) shall be taken into account as a net increase under section 809(d)(2) and paragraph (a)(2) of § 1.809–5 in determining gain or loss from operations.

*Example* (2). Assume the facts are the same as in example (1), except that the sum of the items described in section 810(c) at the beginning of the taxable year is $1000. Since the sum of the items described in section 810(c) at the beginning of taxable year, $1000, exceeds the sum of such items at the end of the taxable year after adjustment for the amount of investment yield not included in gain or loss from operations for the taxable year by reason of section 809(a)(1), $990 ($1060 minus $70), the excess of $10 ($1000 minus $990) shall be taken into account as a net decrease under section 809(c)(2) and paragraph (a)(2) of § 1.809–4 in determining gain or loss from operations.

*Example* (3). Assume the following facts with respect to S, a life insurance company:

| | |
|---|---|
| Sum of items described in sec. 810(c)(1) through (5) at beginning of taxable year | $1,970 |
| Sum of items described in sec. 810(c)(1) through (5) at end of taxable year | 2,040 |
| Required interest (as defined in sec. 809(a)(2)) | 60 |
| Investment yield (as defined in sec. 804(c)) | 40 |
| Amount of investment yield not included in gain or loss from operations by reason of sec. 809(a)(1) | 40 |

Under the provisions of section 809(a)(1), since the required interest ($60) exceeds the investment yield ($40), the share of each and every item of investment yield set aside for policyholders and not included in gain or loss from operations for the taxable year shall be 100 percent. Thus, applying the provisions of section 810 (a) and (b), the sum of the items described in section 810(c) at the end of the taxable year ($2,040) must first be reduced by the entire amount of the investment yield ($40) in order to determine the net increase or decrease in the sum of such items for the taxable year. Since the adjusted sum of such items at the end of the taxable year, $2,000 ($2,040 minus $40), is greater than the sum of such items at the beginning of the taxable year, $1,970, the excess of $30 ($2,000 minus $1,970) shall be taken into account as a net increase under section 809(d)(2) and paragraph (a)(2) of § 1.809–5 in determining gain or loss from operations. No additional deduction is allowed under section 809(d) for the amount ($20) by which the required interest exceeds the investment yield for the taxable year.

*Example* (4). Assume the facts are the same as in example (1), except that as a result of a change in the basis used in computing an item described in section 810(c) during the taxable year, the sum of such items at the end of the taxable year is $1,200. Under the provisions of paragraph (c)(2) of this section, any increase or decrease in the sum of the section 810(c) items for the taxable year which is attributable to a change in the basis used in computing such items during the taxable year shall not be taken into account under section 810 (a) and (b). Thus, for purposes of section 810 (a) and (b), the sum of the items described in section 810(c) at the end of the taxable year shall be $1,060 (the amount computed without regard to the change in basis) and S shall treat the $50 computed in the manner described in example (1) as a net increase under section 809(d)(2) and paragraph (a)(2) of § 1.809–5 in determining its gain or loss from operations for the taxable year. The amount of the increase in the section 810(c) items which is attributable to the change in basis during the taxable year, $140 ($1,200 minus $1,060), shall be taken into account in the manner prescribed in section 810(d) and paragraph (a) of § 1.810–3.

*Example* (5). The life insurance reserves of M, a life insurance company, computed with respect to contracts for which such reserves are determined on a recognized preliminary term basis amount to $100 on January 1, 1960, and $110 on December 31, 1960. For the taxable year 1960, M elects to revalue such reserves on a net level premium basis under section 818(c). Such reserves computed under section 818(c) amount to $115 on January 1, 1960, and $127 on December 31, 1960. Under the provisions of paragraph (c)(3) of this section, a company which makes the section 818(c) election must use the net level premium basis in computing the sum of its life insurance reserves at the beginning and end of all taxable years for which the election applies. Thus, for purposes of section 810 (a) and (b), in determining whether there is a net increase or decrease in the sum of the section 810(c) items for the taxable year 1960, M shall include $115 as its reserves with respect to such contracts under section 810(c)(1) at the beginning of the taxable year and $127 as its reserves with respect to such contracts under section 810(c)(1) at the end of the taxable year.

### § 1.810–3 Adjustment for change in computing reserves.

(a) *Reserve strengthening or weakening.* Section 810(d)(1) provides that if the basis for determining any item referred to in section 810(c) and paragraph (b) of § 1.810–2 at the end of any taxable year differs from the basis for such determination at the end of the preceding taxable year, then so much of the difference between—

(1) The amount of the item at the end of the taxable year, computed on the new basis, and

(2) The amount of the item at the end of the taxable year, computed on the old basis,

as is attributable to contracts issued before the taxable year shall be taken into account as follows:

(i) If the amount of the item at the end of the taxable year computed on the new basis exceeds the amount of the item at the end of the taxable year computed on the old basis, 1/10 of such excess shall be taken into account, for each of the succeeding 10 taxable years, as a net increase to which section 809(d)(2) and paragraph (a)(2) of § 1.809–5 applies; or

(ii) If the amount of the item at the end of the taxable year computed on the old basis exceeds the amount of the item at the end of the taxable year computed on the new basis, 1/10 of such excess shall be taken into account, for each of the 10 succeeding taxable years, as a net decrease to which section 809(c)(2) and paragraph (a)(2) of § 1.809–4 applies.

(b) *Illustration of principles.* The provisions of section 810(d)(1) and paragraph (a) of this section may be illustrated by the following examples:

*Example (1).* Assume that the amount of an item described in section 810(c) of L, a life insurance company, at the beginning of the taxable year 1959 is $100. Assume that at the end of the taxable year 1959, as a result of a change in the basis used in computing such item during the taxable year, the amount of the item (computed on the new basis) is $200 but computed on the old basis would have been $150. Since the amount of the item at the end of the taxable year computed on the new basis, $200, exceeds the amount of the item at the end of the taxable year computed on the old basis, $150, by $50, 1/10 of the amount of such excess, or $5, shall be taken into account as a net increase referred to in section 809(d)(2) and paragraph (a)(2) of § 1.809–5 in determining gain or loss from operations for each of the 10 taxable years immediately following the taxable year 1959. Any increase (or decrease) in the sum of the section 810(c) items computed on the old basis at the end of the taxable year 1959 ($150) after adjustment for investment yield not included in gain or loss from operations for the taxable year by reason of section 809(a)(1), over the sum of such items computed on the old basis at the beginning of the taxable year 1960 ($100), shall be taken into account in the manner prescribed in section 810 (a) or (b) and § 1.810–2 for purposes of determining L's gain or loss from operations for 1960.

*Example* (2). Assume the facts are the same as in example (1), and that the sum of the items described in section 810(c) (computed on the new basis) is $200 on January 1, 1960, and $260 on December 31, 1960. Under the provisions of section 810(d)(1), as a result of the reserve strengthening attributable to the change in basis which occurred in 1959, L would include $5 (computed in the manner described in example (1)) as a net increase under section 809(d)(2) and paragraph (a)(2) of § 1.809–5 in determining its gain or loss from operations for 1960. In addition to this amount, any increase (or decrease) in the sum of the items described in section 810(c) at the end of the taxable year 1960 ($260) after adjustment for investment yield not included in gain or loss from operations for the taxable year by reason of section 809(a)(1), over the sum of such items at the beginning of the taxable year 1960 ($200), shall be taken into account in the manner prescribed in section 810 (a) or (b) and § 1.810–2 for purposes of determining L's gain or loss from operations for 1960.

(c) *Termination as life insurance company.* Section 810(d)(2) provides, subject to the provisions of section 381(c)(22) and the regulations thereunder (relating to carryovers in certain corporate readjustments), that if for any taxable year a company which previously was a life insurance company no longer meets the requirements of section 801(a) and paragraph (b) of § 1.801–3 (relating to the definition of a life insurance company), the balance of any adjustments remaining to be made under section 810(d)(1) and paragraph (a) of this section shall be taken into account for the preceding taxable year.

(d) *Illustration of principles.* The provisions of section 810(d)(2) and paragraph (c) of this section may be illustrated by the following example:

*Example.* Assume the facts are the same as in example (1) of paragraph (b) of this section, except that for the taxable year 1962, L no longer meets the requirements of section 801(a) (relating to the definition of a life insurance company) and that the provisions of section 381(c)(22) are not applicable. Under the provisions of section 810(d)(2), the entire balance of the adjustment remaining to be made with respect to the change in basis which occurred in 1959, 4/5 of $50, or $40, shall be taken into account for the taxable year 1961, the last year L was a life insurance company. Thus, for the taxable year 1961, the total amount to be taken into account by L as a net increase referred to in section 809(d)(2) and paragraph (a)(2) of § 1.809–5 in determining its gain or loss from operations shall be $45. Of this amount, $5 (1/10 of $50) represents the amount determined under the provisions of section 810(d)(1), and $40 represents the amount determined under the provisions of section 810(d)(2).

(e) *Effect of preliminary term election.* (1) Section 810(d)(3) provides that if a company which computes its life insurance reserves on a preliminary term basis elects to revalue such reserves on a net level premium basis under section 818(c), such election shall not be treated as a change in basis within the meaning of section 810(d)(1) and paragraph (a) of this section. Thus, any increase or decrease in reserves attributable to such election shall not be taken into account under section 810(d)(1) and paragraph (a) of this section but shall be taken into account in the manner prescribed in section 810 (a) and (b) and paragraph (a) of § 1.810–2. See paragraph (c)(3) of § 1.810–2.

(2) Section 810(d)(3) further provides that where an election under section 818(c) would apply to an item referred to in section 810(c) but for the fact that the basis used in computing such item has actually been changed, any increase or decrease in such item attributable to such actual change in basis shall be subject to the adjustment required under section 810(d)(1) and paragraph (a) of this section. In such a case, however, for purposes of section 810(d)(1)(B) and paragraph (a)(2) of this section, the amount of such item at the end of the taxable year computed on the old basis shall be the amount of such item at the end of the taxable year computed as if the election under section 818(c) applied in respect of such item for the taxable year.

(f) *Illustration of principles.* The provisions of section 810(d)(3) and paragraph (e) of this section may be illustrated by the following examples:

*Example (1).* Assume that S, a life insurance company which computes its life insurance reserves on a 3-percent assumed rate and the Commissioner's reserve valuation method (one of the recognized preliminary term reserve methods), elects to revalue such reserves on a net level premium method under section 818(c) and that the significant facts are as follows:

| | Jan. 1, 1958 | Dec. 31, 1958 |
|---|---|---|
| Book reserves at 3-percent assumed rate, Commissioner's reserve valuation method | 100 | 118 |
| Reserves at 3-percent assumed rate, after restatement under section 818(c) | 110 | 131 |

Under the provisions of section 810(d)(3), an election under section 818(c) is not treated as a change in basis for purposes of section 810(d)(1). Accordingly, the increase of $21 ($131 minus $110) attributable to such election shall not be subject to the adjustment provided by section 810(d)(1) but shall be taken into account in the manner prescribed in section 810(b). For purposes of determining the amount to be taken into account under section 810(b), the reserves with respect to the contracts subject to the section 818(c) election shall be $110 at the beginning of the taxable year 1958 and $131 at the end of the taxable year 1958. However, as a result of making the election under section 818(c), the difference ($10) between the reserves computed on the preliminary term basis on January 1, 1958 ($100) and the reserves restated on the net level premium basis on January 1, 1958 ($110) shall not be taken into account under section 809(d) for the year 1958, or for any subsequent taxable year.

*Example (2).* Assume the facts are the same as in example (1), except that during the taxable year 1959, S actually changed from the preliminary term basis to a net level premium basis which was identical with the net level premium basis used under the section 818(c) election and that the significant facts are as follows:

| | Jan. 1, 1959 | Dec. 31, 1959 |
|---|---|---|
| Book reserves at 3-percent assumed rate, Commissioner's reserve valuation method | 118 | 127 |
| Reserves at 3-percent assumed rate, after restatement under section 818(c) | 131 | 142 |
| Strengthened reserves at 3-percent assumed rate and net level premium method | | 142 |

Under the provisions of section 810(d)(3), if a company which has made an election under section 818(c) which has not been revoked actually changes the basis used by it in computing the reserves subject to such election, any increase or decrease in reserves attributable to such change in basis shall be taken into account in the manner prescribed in section 810(d)(1). Since S actually changed to the same basis which it used in computing its reserves under section 818(c), the reserves at the end of the taxable year computed on the new basis ($142) are the same as the reserves at the end of the taxable year computed on the old basis ($142), i.e., the basis which would have applied under section 818(c) if the election applied for 1959. Accordingly, no adjustment under section 810(d)(1) is required.

*Example (3).* Assume the facts are the same as in example (1), except that during the taxable year 1960, S actually changed the basis used by it in computing its reserves on a certain block of contracts subject to the election under section 818(c) and that the significant facts with respect to this block of contracts are as follows:

| | Jan. 1, 1960 | Dec. 31, 1960 |
|---|---|---|
| Book reserves at 3-percent assumed rate, Commissioner's reserve valuation method | 50 | 63 |
| Reserves at 3-percent assumed rate, after restatement under section 818(c) | 60 | 75 |
| Strengthened reserves at 2-percent assumed rate and net level premium method | | 95 |

Under the provisions of section 810(d)(3), the amount of the reserves subject to the section 818(c) election at the end of the taxable year computed on the old basis shall be the amount of such reserves at the end of the taxable year determined under section 818(c) ($75). Since the reserves at the end of the taxable year computed on the new basis, $95, exceed the reserves at the end of the taxable year computed on the old basis, $75, by $20, 1/10 of the excess of $20, or $2, shall be taken into account as a net increase referred to in section 809(d)(2) and paragraph (a)(2) of § 1.809–5 in determining gain or loss from operations for each of the 10 taxable years immediately following the taxable year 1960. For purposes of determining whether there is a net increase or decrease in the sum of the items described in section 810(c) for the taxable year 1960 under section 810 (a) or (b), the sum of the reserves with respect to such block of contracts shall be $60 at the beginning of the taxable year and $75 at the end of the taxable year (the amount of such reserves computed under section 818(c) at the beginning and end of the taxable year). The difference ($10) between the reserves computed on the preliminary term basis on January 1, 1960 ($50) and the reserves restated on the net level premium basis on January 1, 1960 ($60) shall not be taken into account under section 809(d) for the year 1960, or for any subsequent taxable year.

### § 1.810–4 Certain decreases in reserves of voluntary employees' beneficiary associations.

(a) *Decreases due to voluntary lapses of policies issued before January 1, 1958.* (1) Section 810(e) provides that if for any taxable year a life insurance company which meets the requirements of section 501(c)(9), other than the requirement of subparagraph (B) thereof, makes an election in the manner provided in section 810(e)(3) and paragraph (b) of this section, only 11½ percent of any decrease in life insurance reserves (as defined in section 801(b) and § 1.801–4) attributable to the voluntary lapse on or after January 1, 1958, of any policy issued prior to that date shall be taken into account under section 810 (a) or (b) and paragraph (a) of § 1.810–2 in determining the net increase or decrease in the sum of the items described in section 810(c) during the taxable year. In applying the preceding sentence, the decrease in the reserve for any policy shall be determined by reference to the amount of such reserve at the beginning of the taxable year, reduced by any amount allowable as a deduction under section 809(d)(1) and paragraph (a)(1) of § 1.809–5 in respect of such policy by reason of such lapse. The election under section 810(e) shall be adhered to in computing the company's gain or loss from operation for the taxable year for which the election is made and for all subsequent taxable years, unless consent to revoke such election is obtained from the Commissioner.

(2) The application of the election provided under section 810(e) and subparagraph (1) of this paragraph may be illustrated by the following example:

*Example.* For the taxable year 1960, M, a life insurance company which meets the requirements of section 501(c)(9), other than the requirement of subparagraph (B) thereof, makes the election under section 810(e). Assume the following facts with respect to a policy issued in 1955 which voluntarily lapsed during the taxable year:

| | |
|---|---|
| (1) Life insurance reserve on January 1, 1960 | $600 |
| (2) Amount allowable as a deduction under sec. 809(d)(1) | 200 |
| (3) Decrease in life insurance reserves for sec. 810(e) purposes (item (1) minus item (2)) | 400 |
| (4) Amount taken into account under sec. 810 (a) and (b) by reason of sec. 810(e) election (11½% ×$400) | 46 |

Under the provisions of section 810(e) and subparagraph (1) of this paragraph, M would include $46 as its life insurance reserve with respect to such policy under section 810(c)(1) at the beginning of the taxable year 1960 for purposes of determining

the net increase or decrease in the sum of the items described in section 810(c) for the taxable year under section 810 (a) or (b).

(b) *Time and manner of making election.* The election provided by section 810(e)(3) shall be made in a statement attached to the life insurance company's income tax return for the first taxable year for which the company desires the election to apply. The return and statement must be filed not later than the date prescribed by law (including extensions thereof) for filing the return for such taxable year. However, if the last day prescribed by law (including extensions thereof) for filing a return for the first taxable year for which the company desires the election to apply falls before January 20, 1961, the election provided by section 810(e)(3) may be made for such year by filing the statement and an amended return for such taxable year (and all subsequent taxable years for which returns have been filed) before April 21, 1961. The statement shall indicate that the company meets the requirements of section 501(c)(9), other than the requirement of subparagraph (B) thereof, and has made the election provided under section 810(e) and paragraph (a) of this section. The statement shall set forth the following information with respect to each policy described in paragraph (a) of this section which has voluntarily lapsed during such year:

(1) Type of policy.
(2) Date issued.
(3) Date lapsed.
(4) Reason for lapse.
(5) Policy reserve as of beginning of taxable year.
(6) Deduction allowable under section 809(d)(1) and paragraph (a)(1) of § 1.809–5 during taxable year by reason of lapse.
(7) Decrease in policy reserve for section 810(e) purposes (excess of (5) over (6)).

In addition, the statement shall set forth the total of the amounts referred to in subparagraph (7) of this paragraph with respect to all policies described in paragraph (a) of this section which have voluntarily lapsed during the taxable year.

(c) *Scope of election.* An election made under section 810(e)(3) and paragraph (a) of this section shall be effective for the taxable year for which made and for all succeeding taxable years, unless consent to revoke the election is obtained from the Commissioner. However, for taxable years beginning prior to January 20, 1961, a company may revoke the election provided by section 810(e)(3) without obtaining consent from the Commissioner by filing, before April 21, 1961, a statement that the company desires to revoke such election. An amended return reflecting such revocation must accompany the statement for all taxable years for which returns have been filed with respect to such election.

(d) *Disallowance of carryovers from pre-1958 losses from operations.* For any taxable year for which the election provided under section 810(e)(3) and paragraph (b) of this section is effective, the provisions of section 812(b)(1) and § 1.812–4 shall not apply with respect to any loss from operations for any taxable year beginning before January 1, 1958.

### § 1.811 Statutory provisions; life insurance companies; dividends to policyholders.

SEC. 811. *Dividends to policyholders*—(a) *Dividends to policyholders defined.* For purposes of this part, the term "dividends to policyholders" means dividends and similar distributions to policyholders in their capacity as such. Such term does not include interest paid (as defined in section 805(e)).

(b) *Amount of deduction*—(1) *In general.* Except as limited by section 809(f), the deduction for dividends to policyholders for any taxable year shall be an amount equal to the dividends to policyholders paid during the taxable year—

(A) Increased by the excess of (i) the amounts held at the end of the taxable year as reserves for dividends to policyholders (as defined in subsection (a)) payable during the year following the taxable year, over (ii) such amounts held at the end of the preceding taxable year, or

(B) Decreased by the excess of (i) such amounts held at the end of the preceding taxable year, over (ii) such amounts held at the end of the taxable year.

For purposes of subparagraphs (A) and (B), there shall be included as amounts held at the end of any taxable year amounts set aside, before the 16th day of the third month of the year following such taxable year (or, in the case of a mutual savings bank subject to the tax imposed by section 594, before the 16th day of the fourth month of the year following such taxable year), for payment during the year following such taxable year.

(2) *Certain amounts to be treated as net decreases.* If the amount determined under paragraph (1)(B) exceeds the dividends to policyholders paid during the taxable year, the amount of such excess shall be a net decrease referred to in section 809(c)(2).

[Sec. 811 as added by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 44); amended by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 126).]

### § 1.811–1 Taxable years affected.

Section 1.811–2, except as otherwise provided therein, is applicable only to taxable years beginning after December 31, 1957, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112).

### § 1.811–2 Dividends to policyholders.

(a) *Dividends to policyholders defined.* Section 811(a) defines the term "dividends to policyholders", for purposes of part I, subchapter L, chapter 1 of the Code, to mean dividends and similar distributions to policyholders in their capacity as such. The term includes amounts returned to policyholders where the amount is not fixed in the contract but depends on the experience of the company or the discretion of the management. In general, any payment not fixed in the contract which is made with respect to a participating contract (that is, a contract which during the taxable year contains a right to participate in the divisible surplus of the company) shall be treated as a dividend to policyholders. Similarly, any amount refunded or allowed as a rate credit with respect to either a participating or a nonparticipating contract shall be treated as a dividend to policyholders if such amount depends on the experience of the company. However, the term does not include interest paid (as defined in section 805(e)) and paragraph (b) of § 1.805–5) or return premiums (as defined in section 809(c) and paragraph (a)(1)(ii) of § 1.809–4). Thus, so-called excess-interest dividends and amounts returned by one life insurance company to another in respect of reinsurance ceded shall not be treated as dividends to policyholders even though such amounts are not fixed in the contract but depend upon the experience of the company or the discretion of the management.

(b) *Amount of deduction*—(1) *In general.* Section 811(b)(1) provides, subject to the limitation of section 809(f), that the deduction for dividends to policyholders for any taxable year shall be an amount equal to the dividends to policyholders paid during the taxable year—

(i) Increased by the excess of the amounts held as reserves for dividends to policyholders at the end of the taxable year for payment during the year following the taxable year, over the amounts held as reserves for dividends to policyholders at the end of the preceding taxable year for payment during the taxable year, or

(ii) Decreased by the excess of the amounts held as reserves for dividends to policyholders at the end of the preceding taxable year for payment during the taxable year, over the amounts held as reserves for dividends to policyholders at the end of the taxable year for payment during the year following the taxable year.

For the rule as to when dividends are considered paid, see section 561 and the regulations thereunder. For the determination of the amounts held as reserves for dividends to policyholders, see paragraph (c) of this section. For special provisions relating to the treatment of dividends to policyholders paid with respect to policies reinsured under modified coinsurance contracts, see section 820(c)(5) and the regulations thereunder.

(2) *Certain amounts to be treated as net decreases.* Section 811(b)(2) provides that if the amount determined under subparagraph (1)(ii) of this paragraph exceeds the dividends to policyholders paid during the taxable year, the amount of such excess shall be a net decrease referred to in section 809(c)(2).

(c) *Reserves for dividends to policyholders defined*—(1) *In general.* The term "reserves for dividends to policyholders", as used in section 811(b)(1)(A) and (B) and paragraph (b)(1) of this section, means only those amounts—

(i) Actually held, or set aside as provided in subparagraph (2) of this paragraph and thus treated as actually held by the company at the end of the taxable year, and

(ii) With respect to which, at the end of the taxable year or, if set aside, within the period prescribed in subparagraph (2) of this paragraph, the company is under an obligation, which is either fixed or determined according to a formula which is fixed and not subject to change by the company, to pay such amounts as dividends to policyholders (as defined in section 811(a) and paragraph (a) of this section) during the year following the taxable year.

(2) *Amounts set aside.* (i) In the case of a life insurance company (as defined in section 801(a) and paragraph (b) of § 1.801–3), all amounts set aside before the 16th day of the 3d month of the year following the taxable year for payment as dividends to policyholders (as defined in section 811(a) and paragraph (a) of this section) during the year following such taxable year shall be treated as amounts actually held at the end of the taxable year.

(ii) In the case of a mutual savings bank subject to the tax imposed by section 594, all amounts set aside before the 16th day of the 4th month of the year following the taxable year for payment as dividends to policyholders (as defined in section 811(a) and paragraph (a) of this section) during the year following such taxable year shall be treated as amounts actually held at the end of the taxable year.

(3) *1958 reserve for dividends to policyholders.* For purposes of section 811(b) and paragraph (b) of this section, the amounts held at the end of 1957 as reserves for dividends to policyholders payable during 1958 shall be determined as if part I, subchapter L, chapter 1 of the Code (as in effect for 1958) applied for 1957. Any adjustment in the reserves for dividends to policyholders at the beginning of 1957 required as a result of an understatement or overstatement of such reserves by the company shall be made to the balance of such reserves as of the beginning of 1957. For example, if at the beginning of 1957 the reserves for dividends to policyholders are stated to be $100 and it is subsequently determined that such reserves should have been $90, the reserves at the beginning of 1957 shall be reduced by $10. Under no circumstances shall an adjustment required with regard to the beginning 1957 reserves be made to the reserves at the end of 1957.

(4) *Information to be filed.* Every company claiming a deduction for dividends to policyholders shall keep such permanent records as are necessary to establish the amount of dividends actually paid during the taxable year. Such company shall also keep a copy of the dividend resolution and any necessary supporting data relating to the amounts of dividends declared and to the amounts held or set aside as reserves for dividends to policyholders during the taxable year. The company shall file with its return a concise statement of the pertinent facts relating to its dividend policy for the year, the amount of dividends actually paid during the taxable year, and the amounts held or set aside as reserves for dividends to policyholders during the taxable year.

(d) *Illustration of principles.* The provisions of section 811(b) and this section may be illustrated by the following examples:



*Example (1).* On December 31, 1959, M, a life insurance company, held $200 as reserves for dividends to policyholders due and payable in 1960. On March 10, 1960, M set aside an additional $50 as reserves for dividends to policyholders due and payable in 1960. During the taxable year 1960, M paid $240 as dividends to its policyholders and at the end of the taxable year 1960, held $175 as reserves for dividends to policyholders due and payable in 1961. No additional amount was set aside before March 16, 1961, as reserves for dividends to policyholders due and payable in 1961. For the taxable year 1960, subject to the limitation of section 809(f), M's deduction for dividends to policyholders is $165, computed as follows:

| | | |
|---|---|---|
| (1) Dividends paid to policyholders during the taxable year 1960 | | $240 |
| (2) Decreased by the excess of item (a) over item (b): | | |
| (a) Reserves for dividends to policyholders as of 12–31–59 (including amounts set aside as provided in paragraph (c)(2) of this section) | $250 | |
| (b) Reserves for dividends to policyholders as of 12–31–60 | 175 | |
| | | 75 |
| (3) Deduction for dividends to policyholders under sec. 811(b) (computed without regard to the limitation of sec. 809(f)) | | 165 |

*Example (2).* On December 31, 1960, S, a life insurance company, held $100 as reserves for dividends to policyholders due and payable in 1961. During the taxable year 1961, S paid $125 as dividends to its policyholders and at the end of the taxable year 1961, held $110 as reserves for dividends to policyholders due and payable in 1962. No additional amount was set aside for dividends to policyholders as provided in paragraph (c)(2) of this section before March 16, 1961, or March 16, 1962. For the taxable year 1961, subject to the limitation of section 809(f), S's deduction for dividends to policyholders is $135, computed as follows:

| | | |
|---|---|---|
| (1) Dividends paid to policyholders during the taxable year 1961 | | $125 |
| (2) Increased by the excess of item (a) over item (b): | | |
| (a) Reserves for dividends to policyholders as of 12–31–61 | $110 | |
| (b) Reserves for dividends to policyholders as of 12–31–60 | 100 | |
| | | 10 |
| (3) Deduction for dividends to policyholders under sec. 811(b) (computed without regard to the limitation of sec. 809(f)) | | 135 |

*Example (3).* Assume the facts are the same as in example (2), except that on December 31, 1960, the amount held as reserves for dividends to policyholders due and payable in 1961 is $250. For the taxable year 1961, S's deduction for dividends to policyholders is zero, computed as follows:

| | | |
|---|---|---|
| (1) Dividends paid to policyholders during the taxable year 1961 | | $125 |
| (2) Decreased by the excess of item (a) over item (b): | | |
| (a) Reserves for dividends to policyholders as of 12–31–60 | $250 | |
| (b) Reserves for dividends to policyholders as of 12–31–61 | 110 | |
| | | 140 |
| (3) Deduction for dividends to policyholders under sec. 811(b) (computed without regard to the limitation of sec. 809(f)) | | 0 |

Under the provisions of section 811(b)(2) and paragraph (b)(2) of this section, since the decrease in the reserves for dividends to policyholders during the taxable year, $140 ($250 minus $110), exceeds the dividends to policyholders paid during the taxable year 1961, $125, S shall include $15 (the amount of such excess) as a net decrease under section 809(c)(2) and paragraph (a)(2) of § 1.809–4 in determining its gain or loss from operations for 1961.

### § 1.812 Statutory provisions; life insurance companies; operations loss deduction.

SEC. 812. *Operations loss deduction*—(a) *Deduction allowed.* There shall be allowed as a deduction for the taxable year an amount equal to the aggregate of—

(1) The operations loss carryovers to such year, plus

(2) The operations loss carrybacks to such year.

For purposes of this part, the term "operations loss deduction" means the deduction allowed by this subsection.

(b) *Operations loss carrybacks and carryovers*—(1) *Years to which loss may be carried*—(A) *In general.* The loss from operations for any taxable year (hereinafter in this section referred to as the "loss year") beginning after December 31, 1954, shall be—

(i) An operations loss carryback to each of the 3 taxable years preceding the loss year,

(ii) An operations loss carryover to each of the 5 taxable years following the loss year, and

(iii) Subject to subsection (e), if the life insurance company is a new company for the loss year, an operations loss carryover to each of the 3 taxable years following the 5 taxable years described in clause (ii).

(B) *Special transitional rules for carrybacks.* A loss from operations for any taxable year beginning before January 1, 1958, shall not be an operations loss carryback to any taxable year beginning before January 1, 1955. A loss from operations for any taxable year beginning after December 31, 1957, shall not be an operations loss carryback to any taxable year beginning before January 1, 1958.

(C) *Application for years prior to 1958.* For purposes of this section, this part (as in effect for 1958) and section 381(c)(22) shall be treated as applying to all taxable years beginning after December 31, 1954, and before January 1, 1958.

(2) *Amount of carrybacks and carryovers.* The entire amount of the loss from operations for any loss year shall be carried to the earliest of the taxable years to which (by reason of paragraph (1)) such loss may be carried. The portion of such loss which shall be carried to each of the other taxable years shall be the excess (if any) of the amount of such loss over the sum of the offsets (as defined in subsection (d)) for each of the prior taxable years to which such loss may be carried.

(c) *Computation of loss from operations.* In computing the loss from operations for purposes of this section—

(1) The operations loss deduction shall not be allowed.

(2) The deductions allowed by sections 243 (relating to dividends received by corporations), 244 (relating to dividends received on certain preferred stock of public utilities), and 245 (relating to dividends received from certain foreign corporations) shall be computed without regard to section 246(b) as modified by section 809(d)(8)(B).

(d) *Offset defined*—(1) *In general.* For purposes of subsection (b)(2), the term "offset" means, with respect to any taxable year, an amount equal to that increase in the operations loss deduction for the taxable year which reduces the life insurance company taxable income (computed without regard to section 802(b)(3)) for such year to zero.

(2) *Operations loss deduction.* For purposes of paragraph (1), the operations loss

deduction for any taxable year shall be computed without regard to the loss from operations for the loss year or for any taxable year thereafter.

(e) *Rules relating to new companies*—(1) *New company defined.* For purposes of this part, a life insurance company is a new company for any taxable year only if such taxable year begins not more than 5 years after the first day on which it (or any predecessor, if section 381(c)(22) applies or would have applied if in effect) was authorized to do business as an insurance company.

(2) *Limitations on 5-year carryover*—(A) *In general.* For purposes of subsection (b)(1)(A)(iii), a life insurance company shall not be treated as a new company for any loss year if at any time during such year it was a nonqualified corporation. If, at any time during any taxable year after the loss year, the life insurance company is a nonqualified corporation, subsection (b)(1)(A)(iii) shall cease to apply with respect to such loss for such taxable year and all subsequent taxable years.

(B) *Nonqualified corporation defined.* For purposes of subparagraph (A), the term "nonqualified corporation" means any corporation connected through stock ownership with any other corporation, if either of such corporations possesses at least 50 percent of the voting power of all classes of stock of the other such corporation. For purposes of subparagraph (A), a corporation shall be treated as becoming a nonqualified corporation at any time at which it becomes a party to a reorganization (other than a reorganization which is not described in any subparagraph of section 368(a)(1) other than subparagraphs (E) and (F) thereof.

(f) *Application of subtitle A and subtitle F.* Except as provided in section 809(e), subtitle A and subtitle F shall apply in respect of operations loss carrybacks, operations loss carryovers, and the operations loss deduction under this part in the same manner and to the same extent as such subtitles apply in respect of net operating loss carrybacks, net operating loss carryovers, and the net operating loss deduction.

[Sec. 812 as added by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 45); amended by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 127)]

### § 1.812–1 Taxable years affected.

Sections 1.812–2 through 1.812–8, except as otherwise provided therein, are applicable only to taxable years beginning after December 31, 1957, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112).

### § 1.812–2 Operations loss deduction.

(a) *Allowance of deduction.* Section 812 provides that a life insurance company shall be allowed a deduction in computing gain or loss from operations for any taxable year beginning after December 31, 1957, in an amount equal to the aggregate of the operations loss carryovers and operations loss carrybacks to such taxable year. This deduction is referred to as the operations loss deduction. The loss from operations (computed under section 809), is the basis for the computation of the operations loss carryovers and operations loss carrybacks and ultimately for the operations loss deduction itself. Section 809(e)(5) provides that the net operating loss deduction provided in section 172 shall not be allowed a life insurance company since the operations loss deduction provided in section 812 and this paragraph shall be allowed in lieu thereof.

(b) *Steps in computation of operations loss deduction.* The three steps to be taken in the ascertainment of the operations loss deduction for any taxable year beginning after December 31, 1957, are as follows:

(1) Compute the loss from operations for any preceding or succeeding taxable year from which a loss from operations may be carried over or carried back to such taxable year.

(2) Compute the operations loss carryovers to such taxable year from such preceding taxable years and the operations loss carrybacks to such taxable year from such succeeding taxable years.

(3) Add such operations loss carryovers and carrybacks in order to determine the operations loss deduction for such taxable year.

(c) *Statement with tax return.* Every life insurance company claiming an operations loss deduction for any taxable year shall file with its return for such year a concise statement setting forth the amount of the operations loss deduction claimed and all material and pertinent facts relative thereto, including a detailed schedule showing the computation of the operations loss deduction.

(d) *Ascertainment of deduction dependent upon operations loss carryback.* If a life insurance company is entitled in computing its operations loss deduction to a carryback which it is not able to ascertain at the time its return is due, it shall compute the operations loss deduction on its return without regard to such operations loss carryback. When the life insurance company ascertains the operations loss carryback, it may within the applicable period of limitations file a claim for credit or refund of the overpayment, if any, resulting from the failure to compute the operations loss deduction for the taxable year with the inclusion of such carryback; or it may file an application under the provisions of section 6411 for a tentative carryback adjustment.

(e) *Law applicable to computations.* The following rules shall apply to all taxable years beginning after December 31, 1957—

(1) In determining the amount of any operations loss carryback or carryover to any taxable year, the necessary computations involving any other taxable year shall be made under the law applicable to such other taxable year.

(2) The loss from operations for any taxable year shall be determined under the law applicable to that year without regard to the year to which it is to be carried and in which, in effect, it is to be deducted as part of the operations loss deduction.

(3) The amount of the operations loss deduction which shall be allowed for any taxable year shall be determined under the law applicable for that year.

(f) *Special rules.* For purposes of taxable years beginning after December 31, 1954, and before January 1, 1958—

(1) The amount of any:

(i) Loss from operations;

(ii) Operations loss carryback; and

(iii) Operations loss carryover

shall be computed as if part I, subchapter L, chapter 1 of the Code (as in effect for 1958) and section 381(c)(22) applied to such taxable years.

(2) A loss from operations (determined in accordance with the provisions of section 812(b)(1)(C) and this paragraph) for such taxable years shall in no way affect the tax liability of any life insurance company for such taxable years. However, such loss may, to the extent allowed as an operations loss carryover under section 812, affect the tax liability of a life insurance company for a taxable year beginning after December 31, 1957. For example, for the taxable year 1956, X, a life insurance company, has a loss from operations (determined in accordance with the provisions of section 812(b)(1)(C) and this paragraph). Such loss shall in no way affect X's tax liability for the taxable years 1956 (the year of the loss), 1956 (a year to which such loss shall be carried back), or 1957 (a year to which such loss shall be carried forward). However, to the extent allowed under section 812, any amount of the loss for 1956 remaining after such carryback and carryforward shall be taken into account in determining X's tax liability for taxable years beginning after December 31, 1957.

### § 1.812–3 Computation of loss from operations.

(a) *Modification of deductions.* A loss from operations is sustained by a life insurance company in any taxable year, if and to the extent that, for such year, there is an excess of the sum of the deductions provided by section 809(d) over the sum of (1) the life insurance company's share of each and every item of investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received) as determined under section 809(b)(3), and (2) the sum of the items of gross amount taken into account under section 809(c). In determining the loss from operations for purposes of section 812—

(i) No deduction shall be allowed under section 812 for the operations loss deduction.

(ii) The 85 percent limitation on dividends received provided by section 249(b) as modified by section 809(d)(3)(B) shall not apply to the deductions otherwise allowed under—

(*a*) Section 243(a) in respect to dividends received by corporations,

(*b*) Section 244 in respect of dividends received on certain preferred stock of public utilities, and

(*c*) Section 245 in respect of dividends received from certain foreign corporations.

(b) *Illustration of principles.* The application of paragraph (a) of this section may be illustrated by the following example:

*Example.* For the taxable year 1960, X, a life insurance company, has items taken into account under section 809(c) amounting to $150,000, its share of the investment yield amounts to $250,000, and total deductions allowed by section 809(d) of $375,000, exclusive of any operations loss deduction and exclusive of any deduction for dividends received. In 1960, X received as its share of dividends entitled to the benefits of section 243(a) the amount of $100,000. These dividends are included in X's share of the investment yield. X has no other deductions to which section 812(c) applies. On the basis of these facts, X has a loss from operations for the taxable year 1960 of $60,000, computed as follows:

| | |
|---|---|
| Deductions for 1960 | $375,000 |
| Plus: Deduction for dividends received computed without regard to the limitation provided by sec. 246(b), as modified by sec. 809(d)(3)(B) (85% of $100,000) | 85,000 |
| Total deductions as modified by sec. 812(c) | 460,000 |
| Less: Sum of sec. 809(c) items and X's share of investment yield (including $100,000 of dividends) | 400,000 |
| Loss from operations for 1960 | (60,000) |

### § 1.812–4 Operations loss carrybacks and operations loss carryovers.

(a) *In general*—(1) *Years to which loss may be carried.* In order to compute the operations loss deduction of a life insurance company the company must first determine the part of any losses from operations for any preceding or succeeding taxable years which are carryovers or carrybacks to the taxable year in issue. Except as otherwise provided by this paragraph, a loss from operations for taxable years beginning after December 31, 1954, shall be carried back to each of the 3 taxable years preceding the loss year and shall be carried forward to each of the 5 taxable years succeeding the loss year. Except as limited by section 812(e)(2) and paragraph (b) of § 1.812–6, if the life insurance company is a new company (as defined in section 812(e)(1)) for the loss year, the loss from operations shall be carried back to each of the 3 taxable years preceding the loss year and shall be carried forward to each of the 8 taxable years succeeding the loss year. In determining the span of years for which a loss from operations may be carried, taxable years in which a company does not qualify as a life insurance company (as defined in section 801(a)), or is not treated as a new company, shall be taken into account.

(2) *Special transitional rules.* (i) A loss from operations for any taxable year beginning before January 1, 1958, shall not be carried back to any taxable year beginning before January 1, 1955. Furthermore, a loss from operations for any taxable year beginning after December 31, 1957, shall not be carried back to any taxable year beginning before January 1, 1958.

(ii) If for any taxable year a life insurance company has made an election under section 810(e) (relating to certain decreases in reserves for voluntary employees' beneficiary associations) which is effective for such taxable year, the provisions of section 812(b)(1) and subparagraph (1) of this paragraph shall not apply with respect to any loss from operations for any taxable year beginning before January 1, 1958.





(3) *Illustration of principles.* The provisions of section 812(b)(1) and of this paragraph may be illustrated by the following examples:

*Example (1).* P, a life insurance company, organized in 1940, has a loss from operations of $1,000 in 1958. This loss cannot be carried back, but shall be carried forward to each of the 5 taxable years following 1958.

*Example (2).* Q, a life insurance company, organized in 1940, has a loss from operations of $1,200 in 1959. This loss shall be carried back to the taxable year 1958 and then shall be carried forward to each of the 5 taxable years following 1959.

*Example (3).* R, a life insurance company, organized in 1940, has a loss from operations of $1,300 for the taxable year 1956. This loss shall first be carried back to the taxable year 1955 and then shall be carried forward to each of the 5 taxable years following 1956. The loss for 1956, carryback to 1955, and carryover to 1957 shall each be computed as if part I, subchapter L, chapter 1 of the Code (as in effect for 1958) applied to such taxable years.

*Example (4).* S, a life insurance company, organized in 1958 and meeting the provisions of section 812(e) (rules relating to new companies), has a loss from operations of $1,400 for the taxable year 1958. This loss cannot be carried back, but shall be carried forward to each of the 8 taxable years following 1958, provided, however, S is not a nonqualified corporation at any time during the loss year (1958) or any taxable year thereafter.

*Example (5).* T, a life insurance company, organized in 1954 and meeting the provisions of section 812(e) (rules relating to new companies), has a loss from operations of $1,500 for the taxable year 1956. This loss shall first be carried back to the taxable year 1955 and then carried forward to each of the 8 taxable years following 1956, provided, however, T is not a nonqualified corporation at any time during the loss year (1956) or any taxable year thereafter. The loss for 1956, carryback to 1955, and carryover to 1957 shall each be computed as if part I of subchapter L (as in effect for 1958) applied to such taxable years.

(4) *Periods of less than 12 months.* A fractional part of a year which is a taxable year under sections 441(b) and 7701(a)(23) is a preceding or a succeeding taxable year for the purpose of determining under section 812 the first, second, etc., preceding or succeeding taxable year. For the determination of the loss from operations for periods of less than 12 months, see section 818(d) and the regulations thereunder.

(5) *Amount of loss to be carried.* The amount which is carried back or carried over to any taxable year is the loss from operations to the extent it was not absorbed in the computation of gain from operations for other taxable years, preceding such taxable year, to which it may be carried back or carried over. For the purpose of determining the gain from operations for any such preceding taxable year, the various operations loss carryovers and carrybacks to such taxable year are considered to be applied in reduction of the gain from operations in the order of the taxable years from which such losses are carried over or carried back, beginning with the loss for the earliest taxable year.

(6) *Corporate acquisitions.* For the computation of the operations loss carryovers in the case of certain acquisitions of the assets of a life insurance company by another life insurance company, see section 381(c)(22) and the regulations thereunder.

(b) *Portion of loss from operations which is a carryback or a carryover to the taxable year in issue*—(1) *Manner of computation.* (i) A loss from operations shall first be carried back to the earliest taxable year permissible under section 812(b) and paragraph (a) of this section for which such loss is allowable as a carryback or a carryover. The entire amount of the loss from operations shall be carried back to such earliest year.

(ii) Section 812(b)(2) provides that the portion of the loss from operations which shall be carried to each of the taxable years subsequent to the earliest taxable year shall be the excess (if any) of the amount of the loss from operations over the sum of the offsets (as defined in section 812(d) and paragraph (a) of § 1.812–5) for all prior taxable years to which the loss from operations may be carried.

(2) *Illustration of principles.* The application of this paragraph may be illustrated by the following example:

*Example.* T, a life insurance company (which is not a new company as defined in section 812(e)(1)), has a loss from operations for 1960. The entire amount of the loss from operations for 1960 shall first be carried back to 1958. The amount of the carryback to 1959 is the excess (if any) of the 1960 loss over the offset for 1958. The amount of the carryover to 1961 is the excess (if any) of the 1960 loss over the sum of the offsets for 1958 and 1959. The amount of the 1960 loss remaining (if any) to be carried over to 1962, 1963, or 1964 shall be computed in a like manner.

### § 1.812–5 Offset.

(a) *Offset defined.* Section 812(d) defines the term "offset" for purposes of section 812(b)(2) and paragraph (b)(1)(ii) of § 1.812–4. For any taxable year the offset is only that portion of the increase in the operations loss deduction for the taxable year which is necessary to reduce the life insurance company taxable income (computed without regard to section 802(b)(3)) for such year to zero. For purposes of the preceding sentence, the offset shall be determined with the modifications prescribed in paragraph (b) of this section. Such modifications shall be made independently of, and without reference to, the modifications required by paragraph (a) of § 1.812–3 for purposes of computing the loss from operations itself.

(b) *Modifications*—(1) *Operations loss deduction*—(i) *In general.* Section 812(d)(2) provides that for purposes of section 812(d)(1) (relating to the definition of offset), the operations loss deduction for any taxable year shall be computed by taking into account only such losses from operations otherwise allowable as carryovers or as carrybacks to such taxable year as were sustained in taxable years preceding the taxable year in which the life insurance company sustained the loss from operations from which the offset is to be deducted. Thus, for such purposes the loss from operations for the loss year or for any taxable year thereafter shall not be taken into account.

(ii) *Illustration of principles.* The provisions of this subparagraph may be illustrated by the following example:

*Example.* In computing the operations loss deduction for 1960, Y, a life insurance company, has a carryover from 1958 of $9,000, a carryover from 1959 of $6,000, a carryback from 1961 of $18,000, and a carryback from 1962 of $10,000, or an aggregate of $43,000 in carryovers and carrybacks. Thus, the operations loss deduction for 1960, for purposes of determining the tax liability for 1960, is $43,000. However, in computing the offset for 1960 which is subtracted from the loss from operations for 1961 for the purpose of determining the portion of such loss which may be carried over to subsequent taxable years, the operations loss deduction for 1960 is $15,000, that is, the aggregate of the $9,000 carryover from 1958 and the $6,000 carryover from 1959. In computing the operations loss deduction for such purpose, the $18,000 carryback from 1961 and the $10,000 carryback from 1962 are disregarded. In computing the offset for 1960, however, which is subtracted from the loss from operations for 1962 for the purpose of determining the portion of such 1962 loss which may be carried over for subsequent taxable years, the operations loss deduction for 1960 is $33,000, that is, the aggregate of the $9,000 carryover from 1958, the $6,000 carryover from 1959, and the $18,000 carryback from 1961. In computing the operations loss deduction for such purpose, the $10,000 carryback from 1962 is disregarded.

(2) *Recomputation of deductions limited by section 809(f).*—(i) *In general.* If in any taxable year a life insurance company has deductions under section 809(d) (3), (5), and (6), as limited by section 809(f), and sustains a loss from operations in a succeeding taxable year which may be carried back as an operations loss deduction, such limitation and deductions shall be recomputed. This recomputation is required since the carryback must be taken into account for purposes of determining such limitation and deductions.

(ii) *Illustration of principles.* The provisions of this subparagraph may be illustrated by the following example:

(*a*) *Facts.* The books of P, a life insurance company, reveal the following facts:

| Taxable year | Taxable investment income | Gain from operations | Loss from operations |
|---|---|---|---|
| 1959 | $9,000,000 | $10,000,000 | |
| 1960 | | | ($9,800,000) |

The gain from operations thus shown is computed without regard to any operations loss deduction or deductions under section 809(d) (3), (5), and (6), as limited by section 809(f). Assume that for the taxable year 1959, P has (without regard to the limitation of section 809(f) or the operations loss deduction for 1959) a deduction under section 809(d)(3) of $2,500,000 for dividends to policyholders and no deductions under section 809(d) (5) or (6).

(*b*) *Determination of section 809(f) limitation and deduction for dividends to policyholders without regard to the operations loss deduction for 1959.* In order to determine gain or loss from operations for 1959, P must determine the deduction for dividends to policyholders for such year. Under the provisions of section 809(f), the amount of such deduction shall not exceed the sum of (*1*) the amount (if any) by which the gain from operations for such year (determined without regard to such deduction) exceeds P's taxable investment income for such year, plus (2) $250,000. Since the gain from operations as thus determined ($10,000,000) exceeds the taxable investment income ($9,000,000) by $1,000,000, the limitation on such deduction is $1,250,000 ($1,000,000 plus $250,000). Accordingly, only $1,250,000 of the $2,500,000 deduction for dividends to policyholders shall be allowed. The gain from operations for such year is $8,750,000 ($10,000,000 minus $1,250,000).

(*c*) *Recomputation of section 809(f) limitation and deduction for dividends to policyholders after application of the operations loss deduction for 1959.* Since P has sustained a loss from operations for 1960 which shall be carried back to 1959 as an operations loss deduction, it must recompute the section 809(f) limitation and deduction for dividends to policyholders. Taking into account the $9,800,000 operations loss deduction for 1959 reduces gain from operations for such year to $200,000 ($10,000,000 minus $9,800,000). Since the gain from operations as thus determined ($200,000) is less than the taxable investment income ($9,000,000), the limitation on the deduction for dividends to policyholders is $250,000. Thus, only $250,000 of the $2,500,000 deduction for dividends to policyholders shall be allowed. The gain from operations for such year as thus determined is $9,750,000 ($10,000,000 minus $250,000) since for purposes of this determination the operations loss deduction for 1959 is not taken into account (see section 812(c)(1)). Accordingly, the offset for 1959 is $9,750,000 (the increase in the operations loss deduction for 1959, computed without regard to the carryback for 1960, which reduces life insurance company taxable income for 1959 to zero); thus, the portion of the 1960 loss from operations which shall be carried forward to 1961 is $50,000 (the excess of the 1960 loss ($9,800,000) over the offset for 1959 ($9,750,000)).

(3) *Minimum limitation.* The life insurance company taxable income, as modified under this paragraph, shall in no case be considered less than zero.

### § 1.812–6 Rules relating to new companies.

(a) *New company defined.* Section 812(e)(1) provides that for purposes of part I, subchapter L, chapter 1 of the Code, a life insurance company is a "new company" for any taxable year only if such taxable year begins not more than 5 years after the first day on which it (or any predecessor, if section 381(c)(22) applies or would have applied if in effect) was authorized to do business as an insurance company.

(b) *Limitations on 8-year carryover.* (1) Section 812(e)(2)(A) provides that for purposes of section 812(b)(1)(A)(iii) (relating to an 8-year carryover of losses for new companies), a life insurance company shall not be treated as a new company for any loss year if at any time during such loss year it was a nonqualified corporation (as defined in subparagraph (2) of this paragraph). Furthermore, if at any time during any taxable year after the loss year the life insurance company is a nonqualified corporation, section 812(b)(1)(A)(iii) shall cease to apply to (i) such loss for the taxable year of the nonqualification, and (ii) all subsequent taxable years.

(2) Section 812(e)(2)(B) defines the term "nonqualified corporation" for purposes of section 812(e)(2)(A) as any corporation connected through stock ownership with any other corporation where either of such corporations possesses at least 50 percent of the total combined voting power of all classes of stock entitled to vote of the other corporation. For such purpose, a corporation shall be treated as becoming a nonqualified corporation at any time it becomes a party to a reorganization other than a reorganization described in section 368(a)(1)(E) or (F).

(c) *Illustration of principles.* The provisions of section 812(e) and this section may be illustrated by the following examples:

*Example (1).* R, a life insurance company, organized on January 1, 1958, and qualifying as a new company, had a loss from operations for the taxable year 1958. Regardless of what events take place in future taxable years, R is a new company for any taxable year beginning not more than 5 years after January 1, 1958. The loss for 1958 may be carried forward to each of the 8 taxable years following 1958, provided, however, R is not a nonqualified corporation at any time during the loss year (1958) or any taxable year thereafter.

*Example (2).* The facts are the same as in example (1), except that from March 10, 1958 through August 1, 1958, R was a nonqualified corporation. R is still a new company for the taxable year 1958 but shall not be treated as such since it was a nonqualified corporation at some time during such taxable year. Accordingly, the loss for 1958 shall be carried forward to each of the 5 taxable years following 1958, but shall not be carried forward to any of the 3 taxable years following such 5 taxable years.

*Example (3).* S, a life insurance company organized in 1958, and qualifying as a new company, had a loss from operations for the taxable year 1958. In 1960, S was a nonqualified corporation. Since S was a nonqualified corporation during a taxable year (1960) after the loss year (1958), the loss for 1958 shall be carried forward to each of the 5 taxable years following 1958, but shall not be carried forward to any of the 3 taxable years following such 5 taxable years. In determining the 5 taxable years to which the loss for 1958 may be carried, the taxable year during which S was a nonqualified corporation (1960) shall be taken into account.

*Example (4).* The facts are the same as in example (3), except that in 1961 S was no longer a nonqualified corporation. With respect to the loss for 1958, the results are the same as in example (3).

*Example (5).* The facts are the same as in example (4), except that in 1962 S had a loss from operations. With respect to the loss for 1958, the results are the same as in example (4). With respect to the loss for 1962, such loss may be carried forward to each of the 8 taxable years following 1962, provided, however, S is not a nonqualified corporation at any time during the loss year (1962) or any taxable year thereafter.

*Example (6).* T, a life insurance company, organized on January 1, 1958, and qualifying as a new company, had a loss from operations for the taxable years 1959 and 1964. With respect to the loss for 1959, such loss may be carried forward to each of the 8 taxable years following 1959, provided, however, T is not a nonqualified corporation at any time during the loss year (1959) or any taxable year thereafter. With respect to the loss for 1964, such loss may be carried forward to each of the 5 taxable years following 1964, but not to any of the 3 taxable years following such 5 taxable years since the loss for 1964 was sustained in a taxable year beginning more than 5 taxable years after the first day (January 1, 1958) on which T was authorized to do business as an insurance company.

*Example (7).* U, a life insurance company, organized in 1958, and qualifying as a new company, had a loss from operations for the taxable year 1958. In 1965, U was a nonqualified corporation. The loss for 1958 shall be carried forward to each of the 6 taxable years following 1958 (1959, 1960, 1961, 1962, 1963, and 1964), but shall not be carried forward to any of the 2 taxable years following such 6 taxable years (1965 and 1966).

### § 1.812–7 Application of subtitle A and subtitle F.

Section 812(f) provides that except as modified by section 809(e) (relating to modifications of deduction items otherwise allowable under subtitle A of the Code) subtitles A and F of the Code shall apply to operations loss carrybacks and carryovers, and to the operations loss deduction, in the same manner and to the same extent that such subtitles apply in respect of net operation loss carrybacks, net operating loss carryovers, and the net operating loss deduction of corporations generally. For the computation of the operations loss carrybacks and carryovers, and of the operations loss deduction in the case of certain acquisitions of the assets of a life insurance company by another life insurance company, see section 381(c)(22) and the regulations thereunder.

### § 1.812–8 Illustration of operations loss carrybacks and carryovers.

The application of § 1.812-4 may be illustrated by the following example:

(*a*) *Facts.* The books of M, a life insurance company, organized in 1940, reveal the following facts:

| Taxable year | Taxable investment income | Gain from operations | Loss from operations |
|---|---|---|---|
| 1958 | $11,000 | $15,000 | |
| 1959 | 23,000 | 30,000 | |
| 1960 | | | ($75,000) |
| 1961 | 25,000 | 20,000 | |
| 1962 | | | (150,000) |
| 1963 | 22,000 | 30,000 | |
| 1964 | 40,000 | 35,000 | |
| 1965 | 62,000 | 75,000 | |
| 1966 | 25,000 | 17,000 | |
| 1967 | 39,000 | 33,000 | |

The gain from operations thus shown is computed without regard to any operations loss deduction. The assumption is also made that none of the other modifications prescribed in paragraph (b) of § 1.812-5 apply. There are no losses from operations for 1955, 1956, 1957, 1968, 1969, 1970.

(*b*) *Loss sustained in 1960.* The portions of the $75,000 loss from operations for 1960 which shall be used as carrybacks to 1958 and 1959 and as carryovers to 1961, 1962, 1963, 1964, and 1965 are computed as follows:

(1) *Carryback to 1958.* The carryback to this year is $75,000, that is, the amount of the loss from operations.

(2) *Carryback to 1959.* The carryback to this year is $60,000 (the excess of the loss for 1960 over the offset for 1958), computed as follows:



| | |
|---|---|
| Loss from operations | $75,000 |
| Less: | |
| Offset for 1958 (the $15,000 gain from operations for such year computed without the deduction of the carryback from 1960) | 15,000 |
| Carryback | 60,000 |

(3) *Carryover to 1961.* The carryover to this year is $30,000 (the excess, if any, of the loss for 1960 over the sum of the offsets for 1958 and 1959), computed as follows:

| | |
|---|---|
| Loss from operations | $75,000 |
| Less: | |
| Offset for 1958 (the $15,000 gain from operations for such year computed without the deduction of the carryback from 1960) | $15,000 |
| Offset for 1959 (the $30,000 gain from operations for such year computed without the deduction of the carryback from 1960 or the carryback from 1962) | 30,000 |
| Sum of offsets | 45,000 |
| Carryover | 30,000 |

(4) *Carryover to 1962.* The carryover to this year is $10,000 (the excess, if any, of the loss for 1960 over the sum of the offsets for 1958, 1959, and 1961), computed as follows:

| | |
|---|---|
| Loss from operations | $75,000 |
| Less: | |
| Offset for 1958 (the $15,000 gain from operations for such year computed without the deduction of the carryback from 1960) | $15,000 |
| Offset for 1959 (the $30,000 gain from operations for such year computed without the deduction of the carryback from 1960 or the carryback from 1962) | 30,000 |
| Offset for 1961 (the $20,000 gain from operations for such year computed without the deduction of the carryover from 1960 or the carryback from 1962) | 20,000 |
| Sum of offsets | 65,000 |
| Carryover | 10,000 |

(5) *Carryover to 1963.* The carryover to this year is $10,000 (the excess, if any, of the loss for 1960 over the sum of the offsets for 1958, 1959, 1961, and 1962), computed as follows:

| | |
|---|---|
| Loss from operations | $75,000 |
| Less: | |
| Offset for 1958 (the $15,000 gain from operations for such year computed without the deduction of the carryback from 1960) | $15,000 |
| Offset for 1959 (the $30,000 gain from operations for such year computed without the deduction of the carryback from 1960 or the carryback from 1962) | 30,000 |
| Offset for 1961 (the $20,000 gain from operations for such year computed without the deduction of the carryover from 1960 or the carryback from 1962) | 20,000 |
| Offset for 1962 (a year in which a loss from operations was sustained) | 0 |
| Offset for 1963 (the $30,000 gain from operations for such year computed without the deduction of the carryover from 1960 or the carryover from 1962) | 30,000 |
| Sum of offsets | 95,000 |
| Carryover | 0 |

(6) *Carryover to 1964.* The carryover to this year is $0 (the excess, if any, of the loss from 1960 over the sum of the offsets for 1958, 1959, 1961, 1962, and 1963), computed as follows:

| | |
|---|---|
| Loss from operations | $75,000 |
| Less: | |
| Offset for 1958 (the $15,000 gain from operations for such year computed without the deduction of the carryback from 1960) | $15,000 |
| Offset for 1959 (the $30,000 gain from operations for such year computed without the deduction of the carryback from 1960 or the carryback from 1962) | 30,000 |
| Offset for 1961 (the $20,000 gain from operations for such year computed without the deduction of the carryover from 1960 or the carryback from 1962) | 20,000 |
| Offset for 1962 (a year in which a loss from operations was sustained) | 0 |
| Offset for 1963 (the $30,000 gain from operations for such year computed without the deduction of the carryover from 1960 or the carryover from 1962) | 30,000 |
| Sum of offsets | 95,000 |
| Carryover | 0 |

(7) *Carryover to 1965.* The carryover to this year is $0 (the excess, if any, of the loss from 1960 over the sum of the offsets for 1958, 1959, 1961, 1962, 1963, and 1964), computed as follows:

| | |
|---|---|
| Loss from operations | $75,000 |
| Less: | |
| Offset for 1958 (the $15,000 gain from operations for such year computed without the deduction of the carryback from 1960) | $15,000 |
| Offset for 1959 (the $30,000 gain from operations for such year computed without the deduction of the carryback from 1960 or the carryback from 1962) | 30,000 |
| Offset for 1961 (the $20,000 gain from operations for such year computed without the deduction of the carryover from 1960 or the carryback from 1962) | 20,000 |
| Offset for 1962 (a year in which a loss from operations was sustained) | 0 |

Less—Continued
Offset for 1963 (the $30,000 gain from operations for such year computed without the deduction for the carryover from 1960 or the carryover from 1962) -- $30,000
Offset for 1964 (the $35,000 gain from operations for such year computed without the deduction of the carryover from 1960 or the carryover from 1962) -- 35,000

Sum of offsets ---------- $130,000

Carryover ---------- 0

(c) *Loss sustained in 1962.* The portions of the $150,000 loss from operations for 1962 which shall be used as carrybacks to 1959, 1960, and 1961 and as carryovers to 1963, 1964, 1965, 1966, and 1967 are computed as follows:

(1) *Carryback to 1959.* The carryback to this year is $150,000, that is, the amount of the loss from operations.

(2) *Carryback to 1960.* The carryback to this year is $150,000 (the excess, if any, of the loss from 1962 over the offset for 1959), computed as follows:

Loss from operations ---------- $150,000
Less:
Offset for 1959 (the $30,000 gain from operations for such year reduced by the carryback to such year of $60,000 from 1960, the carryback from 1962 to 1959 not being taken into account) ---------- 0

Carryback ---------- 150,000

(3) *Carryback to 1961.* The carryback to this year is $150,000 (the excess, if any, of the loss from 1962 over the sum of the offsets for 1959 and 1960), computed as follows:

Loss from operations ---------- $150,000
Less:
Offset for 1959 (the $30,000 gain from operations for such year reduced by the carryback to such year of $60,000 from 1960, the carryback from 1962 to 1959 not being taken into account) ---------- $0
Offset for 1960 (a year in which a loss from operations was sustained) ---------- 0

Sum of offsets ---------- 0

Carryback ---------- 150,000

(4) *Carryover to 1963.* The carryover to this year is $150,000 (the excess, if any, of the loss from 1962 over the sum of the offsets for 1959, 1960, and 1961), computed as follows:

Loss from operations ---------- $150,000
Less:
Offset for 1959 (the $30,000 gain from operations for such year reduced by the carryback to such year of $60,000 from 1960, the carryback from 1962 to 1959 not being taken into account) ---------- $0
Offset for 1960 (a year in which a loss from operations was sustained) ---------- 0
Offset for 1961 (the $20,000 gain from operations for such year reduced by the carryover to such year of $30,000 from 1960, the carryback from 1962 to 1961 not being taken into account) ---------- 0

Sum of offsets ---------- 0

Carryover ---------- 150,000

(5) *Carryover to 1964.* The carryover to this year is $130,000 (the excess, if any, of the loss from 1962 over the sum of the offsets for 1959, 1960, 1961, and 1963), computed as follows:

Loss from operations ---------- $150,000
Less:
Offset for 1959 (the $30,000 gain from operations for such year reduced by the carryback to such year of $60,000 from 1960, the carryback from 1962 to 1959 not being taken into account) ---------- $0
Offset for 1960 (a year in which a loss from operations was sustained) ---------- 0
Offset for 1961 (the $20,000 gain from operations for such year reduced by the carryover to such year of $30,000 from 1960, the carryback from 1962 to 1961 not being taken into account) ---------- 0
Offset for 1963 (the $30,000 gain from operations for such year reduced by the carryover to such year of $10,000 from 1960, the carryover from 1962 to 1963 not being taken into account) ---------- 20,000

Sum of offsets ---------- 20,000

Carryover ---------- 130,000

(6) *Carryover to 1965.* The carryover to this year is $95,000 (the excess, if any, of the loss from 1962 over the sum of the offsets for 1959, 1960, 1961, 1963, and 1964), computed as follows:

Loss from operations ---------- $150,000
Less:
Offset for 1959 (the $30,000 gain from operations for such year reduced by the carryback to such year of $60,000 from 1960, the carryback from 1962 to 1959 not being taken into account) ---------- $0
Offset for 1960 (a year in which a loss from operations was sustained) ---------- 0
Offset for 1961 (the $20,000 gain from operations for such year reduced by the carryover to such year of $30,000 from 1960, the carryback from 1962 to 1961 not being taken into account) ---------- 0
Offset for 1963 (the $30,000 gain from operations for such year reduced by the carryover to such year of $10,000 from 1960, the carryover from 1962 to 1963 not being taken into account) ---------- 20,000
Offset for 1964 (the $35,000 gain from operations for such year reduced by the carryover to such year of $0 from 1960, the carryover from 1962 to 1964 not being taken into account) ---------- $35,000

Sum of offsets ---------- $55,000

Carryover ---------- 95,000

(7) *Carryover to 1966.* The carryover to this year is $20,000 (the excess, if any, of the loss from 1962 over the sum of the offsets for 1959, 1960, 1961, 1963, 1964, and 1965), computed as follows:

Loss from operations ---------- $150,000
Less:
Offset for 1959 (the $30,000 gain from operations for such year reduced by the carryback to such year of $60,000 from 1960, the carryback from 1962 to 1959 not being taken into account) ---------- $0
Offset for 1960 (a year in which a loss from operations was sustained) ---------- 0
Offset for 1961 (the $20,000 gain from operations for such year reduced by the carryover to such year of $30,000 from 1960, the carryback from 1962 to 1961 not being taken into account) ---------- 0
Offset for 1963 (the $30,000 gain from operations for such year reduced by the carryover for such year of $10,000 from 1960, the carryover from 1962 to 1963 not being taken into account) ---------- 20,000
Offset for 1964 (the $35,000 gain from operations for such year reduced by the carryover to such year of $0 from 1960, the carryover from 1962 to 1964 not being taken into account) ---------- 35,000
Offset for 1965 (the $75,000 gain from operations for such year reduced by the carryover to such year of $0 from 1960, the carryover from 1962 to 1965 not being taken into account) ---------- 75,000

Sum of offsets ---------- 130,000

Carryover ---------- 20,000

(8) *Carryover to 1967.* The carryover to this year is $3,000 (the excess, if any, of the loss from 1962 over the sum of the offsets for 1959, 1960, 1961, 1963, 1964, 1965, and 1966), computed as follows:

Loss from operations ---------- $150,000
Less:
Offset for 1959 (the $30,000 gain from operations for such year reduced by the carryback to such year of $60,000 from 1960, the carryback from 1962 to 1959 not being taken into account) ---------- $0



Less—Continued
Offset for 1960 (a year in which a loss from operations was sustained) ---------- $0
Offset for 1961 (the $20,000 gain from operations for such year reduced by the carryover to such year of $30,000 from 1960, the carryback from 1962 to 1961 not being taken into account) ---------- 0
Offset for 1963 (the $30,000 gain from operations for such year reduced by the carryover to such year of $10,000 from 1960, the carryover from 1962 to 1963 not being taken into account) ---------- 20,000
Offset for 1964 (the $35,000 gain from operations for such year reduced by the carryover to such year of $10,000 from 1960, the carryover from 1962 to 1964 not being taken into account) ---------- 20,000
Offset for 1965 (the $75,000 gain from operations for such year reduced by the carryover to such year of $0 from 1960, the carryover from 1962 to 1965 not being taken into account) ---------- 75,000
Offset for 1966 (the $17,000 gain from operations for such year computed without the deduction of the carryover from 1962) ---------- 17,000

Sum of offsets ---------- $147,000

Carryover ---------- 3,000

(d) *Determination of operations loss deduction for each year.* The carryovers and carrybacks computed under paragraphs (b) and (c) of this section are used as a basis for the computation of the operations loss deduction in the following manner:

| Taxable year | Carryover | | Carryback | | Operations loss deductions |
|---|---|---|---|---|---|
| | From 1960 | From 1962 | From 1960 | From 1962 | |
| 1958 | ------- | ------- | $75,000 | ------- | $75,000 |
| 1959 | ------- | ------- | 60,000 | $150,000 | 210,000 |
| 1961 | $30,000 | ------- | ------- | 150,000 | 180,000 |
| 1963 | 10,000 | $150,000 | ------- | ------- | 160,000 |
| 1964 | ------- | 130,000 | ------- | ------- | 130,000 |
| 1965 | ------- | 95,000 | ------- | ------- | 95,000 |
| 1966 | ------- | 20,000 | ------- | ------- | 20,000 |
| 1967 | ------- | 3,000 | ------- | ------- | 3,000 |

### § 1.813 Statutory provisions; life insurance companies; adjustment for certain reserves.

SEC. 813. *Adjustment for certain reserves.* In the case of a life insurance company writing contracts other than life insurance, annuity, and noncancellable health and accident insurance contracts (including life insurance or annuity contracts combined with noncancellable health and accident insurance), the term "adjustment for certain reserves" means, for purposes of this subpart, an amount equal to 3¼ percent of the unearned premiums and unpaid losses on such other contracts which are not included in life insurance reserves (as defined in section 801(b)). For purposes of this section, such unearned premiums shall not be considered to be less than 25 percent of the net premiums written during the taxable year on such other contracts.

[Sec. 813 as added by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 46)]

## DISTRIBUTIONS TO SHAREHOLDERS

### § 1.815 Statutory provisions; life insurance companies; distributions to shareholders.

SEC. 815. *Distributions to shareholders*—(a) *General rule.* For purposes of this section and section 802(b)(3), any distribution to shareholders after December 31, 1958, shall be treated as made—

(1) First out of the shareholders surplus account, to the extent thereof,

(2) Then out of the policyholders surplus account, to the extent thereof, and

(3) Finally out of other accounts.

For purposes of this section, the term "distribution" includes any distribution in redemption of stock or in partial or complete liquidation of the corporation, but does not include any distribution made by the corporation in its stock or in rights to acquire its stock, and does not (except for purposes of paragraph (3) and subsection (e)(2)(B)) include any distribution in redemption of stock issued before 1958 which at all times on and after the date of issuance and on and before the date of redemption is limited as to dividends and is callable, at the option of the issuer, at a price not in excess of 105 percent of the sum of the issue price and the amount of any contribution to surplus made by the original purchaser at the time of his purchase.

(b) *Shareholders surplus account*—(1) *In general.* Each stock life insurance company shall, for purposes of this part, establish and maintain a shareholders surplus account. The amount in such account on January 1, 1958, shall be zero.

(2) *Additions to account.* The amount added to the shareholders surplus account for any taxable year beginning after December 31, 1957, shall be the amount by which—

(A) The sum of—

(i) The life insurance company taxable income (computed without regard to section 802(b)(3)),

(ii) In the case of a taxable year beginning after December 31, 1958, the amount (if any) by which the net long-term capital gain exceeds the net short-term capital loss,

(iii) The deduction for partially tax-exempt interest provided by section 242 (as modified by section 804(a)(3)), the deductions for dividends received provided by sections 243, 244, and 245 (as modified by section 809(d)(8)(B)), and the amount of interest excluded from gross income under section 103, and

(iv) The small business deduction provided by section 809(d)(10), exceeds

(B) The taxes imposed for the taxable year by section 802(a), determined without regard to section 802(b)(3).

(3) *Subtractions from account*—(A) *In general.* There shall be subtracted from the shareholders surplus account for any taxable year the amount which is treated under this section as distributed out of such account.

(B) *Distributions in 1958.* There shall be subtracted from the shareholders surplus account (to the extent thereof) for any taxable year beginning in 1958 the amount of distributions to shareholders made during 1958.

(c) *Policyholders surplus account*—(1) *In general.* Each stock life insurance company shall, for purposes of this part, establish and maintain a policyholders surplus account. The amount in such account on January 1, 1959, shall be zero.

(2) *Additions to account.* The amount added to the policyholders surplus account for any taxable year beginning after December 31, 1958, shall be the sum of—

(A) An amount equal to 50 percent of the amount by which the gain from operations exceeds the taxable investment income,

(B) The deduction for certain nonparticipating contracts provided by section 809(d)(5) (as limited by section 809(f)), and

(C) The deduction for group life and group accident and health insurance contracts provided by section 809(d)(6) (as limited by section 809(f)).

(3) *Subtractions from account.* There shall be subtracted from the policyholders surplus account for any taxable year an amount equal to the sum of—

(A) The amount which (without regard to subparagraph (B)) is treated under this section as distributed out of the policyholders surplus account, and

(B) The amount (determined without regard to section 802(a)(3)) by which the tax imposed for the taxable year by section 802(a)(1) is increased by reason of section 802(b)(3).

(d) *Special rules*—(1) *Election to transfer amounts from policyholders surplus account to shareholders surplus account*—(A) *In general.* A taxpayer may elect for any taxable year for which it is a life insurance company to subtract from its policyholders surplus account any amount in such account as of the close of such taxable year. The amount so subtracted, less the amount of the tax imposed with respect to such amount by reason of section 802(b)(3), shall be added to the shareholders surplus account as of the beginning of the succeeding taxable year.

(B) *Manner and effect of election.* The election provided by subparagraph (A) shall be made (in such manner and in such form as the Secretary or his delegate may by regulations prescribe) after the close of the taxable year and not later than the time prescribed by law for filing the return (including extensions thereof) for the taxable year. Such an election, once made, may not be revoked.

(2) *Termination as life insurance company*—(A) *Effect of termination.* Except as provided in section 381(c)(22) (relating to carryovers in certain corporate readjustments), if—

(i) For any taxable year the taxpayer is not an insurance company, or

(ii) For any two successive taxable years the taxpayer is not a life insurance company,

then the amount taken into account under section 802(b)(3) for the last preceding taxable year for which it was a life insurance company shall be increased (after the application of subparagraph (B)) by the amount remaining in its policyholders surplus account at the close of such last preceding taxable year.

(B) *Effect of certain distributions.* If for any taxable year the taxpayer is an insurance company but not a life insurance company, then any distribution to shareholders during such taxable year shall be treated as made on the last day of the last preceding taxable year for which the taxpayer was a life insurance company.

(3) *Treatment of certain indebtedness.* If—

(A) The taxpayer makes any payment in discharge of its indebtedness, and

(B) Such indebtedness is attributable to a distribution by the taxpayer to its shareholders after February 9, 1959,

then the amount of such payment shall, for purposes of this section and section 802(b)(3), be treated as a distribution in cash to shareholders, but only to the extent that the distribution referred to in subparagraph (B) was treated as made out of accounts other than the shareholders and policyholders surplus accounts.

(4) *Limitation on amount in policyholders surplus account.* There shall be treated as a subtraction from the policyholders surplus account for a taxable year for which the taxpayer is a life insurance company the

amount by which the policyholders surplus account (computed at the end of the taxable year without regard to this paragraph) exceeds whichever of the following is the greatest—

(A) 15 percent of life insurance reserves at the end of the taxable year,

(B) 25 percent of the amount by which the life insurance reserves at the end of the taxable year exceed the life insurance reserves at the end of 1958, or

(C) 50 percent of the net amount of the premiums and other consideration taken into account for the taxable year under section 809(c)(1).

The amount so treated as subtracted, less the amount of the tax imposed with respect to such amount by reason of section 802(b)(3), shall be added to the shareholders surplus account as of the beginning of the succeeding taxable year.

(e) *Special rule for certain mutualizations*—(1) *In general.* For purposes of this section and section 802(b)(3), any distribution to shareholders after December 31, 1958, in acquisition of stock pursuant to a plan of mutualization shall be treated—

(A) First, as made out of paid-in capital and paid-in surplus, to the extent thereof,

(B) Thereafter, as made in two allocable parts—

(i) One part of which is made out of the other accounts referred to in subsection (a)(3), and

(ii) The remainder of which is a distribution to which subsection (a) applies.

(2) *Special rules*—(A) *Allocation ratio.* The part referred to in paragraph (1)(B)(i) is the amount which bears the same ratio to the amount to which paragraph (1)(B) applies as—

(i) The excess (determined as of December 31, 1958, and adjusted to the beginning of the year of the distribution as provided in subparagraph (B)) of the assets over the total liabilities, bears to

(ii) The sum (determined as of the beginning of the year of the distribution) of the excess described in clause (i), the amount in the shareholders surplus account, plus the amount in the policyholders surplus account.

(B) *Adjustment for certain distributions.* The excess described in subparagraph (A)(i) shall be reduced by the aggregate of the prior distributions which have been treated under subsection (a)(3) as made out of accounts other than the shareholders surplus account and the policyholders surplus account.

[Sec. 815 as added by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 129)]

## § 1.815–1 Taxable years affected.

Sections 1.815–2 through 1.815–6 are applicable only to taxable years beginning after December 31, 1957, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112).

## § 1.815–2 Distributions to shareholders.

(a) *In general.* Section 815 provides that every stock life insurance company subject to the tax imposed by section 802 shall establish and maintain two special surplus accounts for Federal income tax purposes. These special accounts are the shareholders surplus account (as defined in section 815(b) and § 1.815–3) and the policyholders surplus account (as defined in section 815(c) and § 1.815–4). To the extent that a distribution to shareholders (as defined in paragraph (c) of this section) is treated as being made out of the shareholders surplus account, no tax is imposed on the company with respect to such distribution. However, to the extent that a distribution to shareholders is treated as being made out of the policyholders surplus account, the amount subtracted from the policyholders surplus account by reason of such distribution shall be taken into account in determining life insurance company taxable income under section 802(b).

(b) *Priority system for distributions to shareholders.* (1) For purposes of section 815 (other than subsection (e) thereof relating to certain mutualizations) and section 802(b)(3) (relating to the determination of life insurance company taxable income), any distribution made to shareholders after December 31, 1958, shall be treated in the following manner:

(i) Distributions shall be treated as first being made out of the shareholders surplus account (as defined in section 815(b) and § 1.815–3);

(ii) Once the shareholders surplus account has been reduced to zero, distributions shall then be treated as being made out of the policyholders surplus account (as defined in section 815(c) and § 1.815–4) until that account has been reduced to zero; and

(iii) Finally, any distributions in excess of the amounts in the shareholders surplus account and the policyholders surplus account shall be treated as being made out of other accounts (as defined in § 1.815–5).

(2) For purposes of subparagraph (1) of this paragraph, in order to determine whether a distribution (or any portion thereof) shall be treated as being made out of the shareholders surplus account, policyholders surplus account, or other accounts, the amount in such accounts at the end of any taxable year shall be the cumulative balance in such accounts at the end of the taxable year, computed without diminution by reason of a distribution (or any portion thereof) during the taxable year which is treated as being made out of such accounts. For example, on January 1, 1960, S, a stock life insurance company, had $1,000 in its shareholders surplus account and $3,000 in its policyholders surplus account. On November 1, 1960, S distributed $4,000 to its shareholders. Under the provisions of section 815(b)(2) and paragraph (b) of § 1.815–3, S added $5,000 to its shareholders surplus account for the taxable year 1960. Since the distributions to shareholders during the taxable year 1960, $4,000, does not exceed the cumulative balance in the shareholders surplus account at the end of the taxable year, computed without diminution by reason of distributions treated as made out of such account during the taxable year, $6,000 ($1,000 plus $5,000), the entire distribution is treated as being made out of the shareholders surplus account.

(3) Except in the case of a distribution in cash and as otherwise provided herein, the amount to be charged to the special surplus accounts referred to in subparagraph (1) of this paragraph with respect to any distributions to shareholders (as defined in section 815(a) and paragraph (c) of this section) shall be the fair market value of the property distributed, determined as of the date of distribution. However, for the amount of the adjustment to earnings and profits reflecting such distributions, see section 312 and the regulations thereunder. For a special rule relating to the determination of the amount to be charged to such special surplus accounts in the case of a distribution by a foreign life insurance company carrying on a life insurance business within the United States, see section 819(c)(1) and the regulations thereunder.

(c) *Distributions to shareholders defined.* (1) Except as provided in subparagraph (2) of this paragraph, the term "distribution", as used in section 815(a) and paragraph (b) of this section, means any distribution of property made by a life insurance company to its shareholders. For purposes of the preceding sentence, the term "property" means any property (including money, securities, and indebtedness to the company) other than stock, or rights to acquire stock, in the company making the distribution. Thus, for example, the term includes a distribution which is considered a dividend under section 316, but is not limited to the extent that such distribution must be made out of the accumulated or current earnings and profits of the company making the distribution. Similarly, there is a distribution within the meaning of this paragraph in any case in which a corporation acquires the stock of a shareholder in exchange for property in a redemption treated as a distribution in exchange for stock under section 302(a) or treated as a distribution of property under section 302(d). For special rules relating to distributions to shareholders in acquisition of stock pursuant to a plan of mutualization, see section 815(e) and paragraph (e) of § 1.815–6.

(2) The term "distribution", as used in section 815(a) and paragraph (b) of this section, does not (except for purposes of section 815(a)(3) and (e)(1)(B)) include any distribution in redemption of stock issued prior to January 1, 1958, where such stock was at all times on and after the date of its issuance and on and before the date of its redemption limited as to the amount of dividends payable and was callable, at the option of the issuer, at a price not in excess of 105 percent of the sum of its issue price plus the amount of contribution to surplus (if any) made by the original purchaser at the time of his purchase.

## § 1.815–3 Shareholders surplus account.

(a) *In general.* Every stock life insurance company subject to the tax imposed by section 802 shall establish and maintain a shareholders surplus account. This account shall be established as of January 1, 1958, and the beginning or opening balance of the shareholders surplus account on that date shall be zero.

(b) *Additions to shareholders surplus account.* (1) The amount added to the shareholders surplus account for any taxable year beginning after December 31, 1957, shall be the amount by which the sum of—

(i) The life insurance company taxable income (computed without regard to section 802(b)(3)),

(ii) In the case of a taxable year beginning after December 31, 1958, the amount (if any) by which the net long-term capital gain exceeds the net short-term capital loss,

(iii) The deduction for partially tax-exempt interest provided by section 242 (as modified by section 804(a)(3)), the deductions for dividends received provided by sections 243, 244, and 245 (as modified by section 809(d)(8)(B)), and the amount of interest excluded from gross income under section 103, and

(iv) The small business deduction provided by section 809(d)(10),

exceeds the taxes imposed for the taxable year by section 802(a), computed without regard to section 802(b)(3).

(2) For amounts which are to be added to the shareholders surplus account at the beginning of the succeeding taxable year, see section 815(d)(1) and (4) and paragraphs (a) and (d) of § 1.815–6.

(c) *Subtractions from shareholders surplus account*—(1) *In general.* There shall be subtracted from the cumulative balance in the shareholders surplus account at the end of any taxable year, computed without diminution by reason of distributions made during the taxable year, the amount which is treated as being distributed out of such account under section 815(a) and paragraph (b) of § 1.815–2.

(2) *Special rule; distributions in 1958.* There shall be subtracted from the shareholders surplus account (to the extent thereof) for any taxable year beginning in 1958 the amount of the distributions to shareholders made by the company during 1958. For example, assume S, a stock life insurance company, had additions to its shareholders surplus account (as determined under section 815(b)(2) and paragraph (b) of this section) for the taxable year 1958 of $10,000, and actually distributed as dividends to its shareholders $8,000 during the year 1958. The balance in S's shareholders surplus account as of January 1, 1959, shall be $2,000. If S had distributed $12,000 as dividends in 1958, the balance in its shareholders surplus account as of January 1, 1959, would be zero and the other accounts referred to in section 815(a)(3) and paragraph (b)(1)(iii) of § 1.815–2 would be reduced by $2,000.

(d) *Illustration of principles.* The application of section 815(b) and this section may be illustrated by the following example:

*Example.* The books of S, a stock life insurance company, reflect the following items for the taxable year 1960:

| | |
|---|---|
| Balance in shareholders surplus account as of 1–1–60 | $5,000 |
| Life insurance company taxable income computed without regard to sec. 802(b)(3) | 4,000 |
| Excess of net long-term capital gain over net short-term capital loss | 1,700 |
| Tax-exempt interest included in gross investment income under sec. 804(b) | 100 |
| Small business deduction (determined under sec. 809(d)(10)) | 200 |
| Tax liability under sec. 802(a) (1) and (2) computed without regard to sec. 802(b)(3) | $1,625 |
| Amount distributed to shareholders | 9,000 |

For purposes of determining the amount to be subtracted from its shareholders surplus account for the taxable year, S would first make up the following schedule in order to determine the cumulative balance in the shareholders surplus account at the end of the taxable year, computed without diminution by reason of distributions made during the taxable year:

| | | |
|---|---|---|
| (1) Balance in shareholders surplus account as of 1–1–60 | | $5,000 |
| (2) Additions to account: | | |
| (a) Life insurance company taxable income computed without regard to sec. 802(b)(3) | $4,000 | |
| (b) Excess of net long-term capital gain over net short-term capital loss | 1,700 | |
| (c) Tax-exempt interest included in gross investment income under sec. 804(b) | 100 | |
| (d) Small business deduction (determined under sec. 809(d)(10)) | 200 | |
| Total | 6,000 | |
| Less: Tax liability under sec. 802(a) (1) and (2) computed without regard to sec. 802(b)(3) | 1,625 | |
| | | 4,375 |
| (3) Cumulative balance in shareholders surplus account as of 12–31–60 (item (1) plus item (2)) | | 9,375 |

Since the amount distributed to shareholders during the taxable year, $9,000, does not exceed the cumulative balance in the shareholders surplus account at the end of the taxable year, computed without diminution by reason of distributions made during the taxable year, $9,375, under the provisions of section 815(a), the entire distribution shall be treated as being made out of the shareholders surplus account. Thus, $9,000 shall be subtracted from the shareholders surplus account (leaving a balance of $375 in such account at the end of the taxable year) and S shall incur no additional tax liability by reason of the distribution to its shareholders during the taxable year 1960.

## § 1.815–4 Policyholders surplus account.

(a) *In general.* Every stock life insurance company subject to the tax imposed by section 802 shall establish and maintain a policyholders surplus account. This account shall be established as of January 1, 1959, and the beginning or opening balance of the policyholders surplus account on that date shall be zero.

(b) *Additions to policyholders surplus account.* The amount added to the policyholders surplus account for any taxable year beginning after December 31, 1958, shall be the sum of—

(1) An amount equal to 50 percent of the amount by which the gain from operations for the taxable year exceeds the taxable investment income,

(2) The deduction allowed or allowable under section 809(d)(5) (as limited by section 809(f)) for certain nonparticipating contracts, and

(3) The deduction allowed or allowable under section 809(d)(6) (as limited by section 809(f)) for group life and group accident and health insurance contracts.

(c) *Subtractions from policyholders surplus account*—(1) *In general.* There shall be subtracted from the cumulative balance in the policyholders surplus account at the end of any taxable year, computed without diminution by reason of distributions made during the taxable year, an amount equal to the sum of—

(i) The amount which (without regard to subdivision (ii) of this subparagraph) is treated under section 815(a) as distributed out of the policyholders surplus account for the taxable year, plus

(ii) The amount (determined without regard to section 802(a)(3)) by which the tax imposed for the taxable year by section 802(a)(1) is increased by reason of section 802(b)(3).

In addition, there shall be subtracted from the policyholders surplus account for the taxable year those amounts which, at the close of the taxable year, are subtracted or treated as subtracted from the policyholders surplus account under section 815(d)(1) and (4) and paragraphs (a) and (d) of § 1.815–6. For purposes of this paragraph, the subtractions from the policyholders surplus account shall be treated as made in the following order:

(a) First the amount determined under section 815(c)(3) by reason of distributions to shareholders during the taxable year which are treated as being made out of the policyholders surplus account;

(b) Next the amount elected to be subtracted from the policyholders surplus account for the taxable year under section 815(d)(1);

(c) Then the amount which is treated as a subtraction from the policyholders surplus account for the taxable year by reason of the limitation provided in section 815(d)(4); and

(d) Finally the amount taken into account upon termination as a life insurance company as provided in section 815(d)(2).

(2) *Method of computing amount subtracted from policyholders surplus account*—(i) *Where life insurance company taxable income, computed without regard to section 802(b)(3), exceeds $25,000.* If the life insurance company taxable income for any taxable year computed under section 802(b), computed without regard to section 802(b)(3), exceeds $25,000, the amount subtracted from the policyholders surplus account shall be determined by multiplying the amount treated as distributed out of such account by a ratio, the numerator of which is 100 percent and the denominator of which is 100 percent minus the sum of the normal tax rate and the surtax rate for the taxable year.

(ii) *Where life insurance company taxable income does not exceed $25,000.* If the life insurance company taxable income for any taxable year, computed under section 802(b), does not exceed $25,000, the amount subtracted from the policyholders surplus account shall be determined by multiplying the amount

treated as distributed out of such account by a ratio, the numerator of which is 100 percent and the denominator of which is 100 percent minus the normal tax rate for the taxable year.

(iii) *Where life insurance company taxable income, computed without regard to section 802(b)(3) does not exceed $25,000, but computed with regard to section 802(b)(3) does exceed $25,000.* If the life insurance company taxable income for any taxable year, computed without regard to section 802(b)(3) does not exceed $25,000, but computed with regard to section 802(b)(3) does exceed $25,000, the amount subtracted from the policyholders surplus account shall be determined in the following manner:

(*a*) First, determine the amount by which $25,000 exceeds the amount determined under section 802(b)(1) and (2);

(*b*) Then, multiply the amount determined under (*a*) by a ratio, the numerator of which is 100 percent minus the normal tax rate and the denominator of which is 100 percent;

(*c*) Next, determine the amount by which the amount treated as distributed out of the policyholders surplus account exceeds the amount determined under (*b*) and multiply such excess by a ratio, the numerator of which is 100 percent and the denominator of which is 100 percent minus the sum of the normal tax rate and the surtax rate; and

(*d*) Finally, add the amounts determined under (*a*) and (*c*).

(3) *Illustration of principles.* The application of section 815(c)(3) and subparagraph (2) of this paragraph may be illustrated by the following examples:

*Example (1).* The life insurance company taxable income of S, a stock life insurance company, computed without regard to section 802(b)(3), exceeds $25,000 for the taxable year 1959. Assume that of the amount distributed by S to its shareholders during the taxable year, $9,600 (as determined under section 815(a) and without regard to section 815(c)(3)(B)) is treated as distributed out of the policyholders surplus account. Since the sum of the normal tax rate (30%) and the surtax rate (22%) in effect for 1959 is 52 percent, S shall subtract $20,000 from its policyholders surplus account for the taxable year 1959, computed as follows:

$$\$9,600\times\frac{100}{(100-52)}=\$9,600\times\frac{100}{48}=\$20,000$$

Of this amount, $9,600 is due to the application of section 815(c)(3)(A) and $10,400 to the application of section 815(c)(3)(B).

*Example (2).* Assume that for the taxable year 1960, S, a stock life insurance company, has taxable investment income of $31,000 and a gain from operations of $2,000. Assume further that of the amount distributed by S to its shareholders during the taxable year, $3,500 (as determined under section 815(a) and without regard to section 815(c)(3)(B)) is treated as distributed out of the policyholders surplus account. Since S's life insurance company taxable income does not exceed $25,000 for the taxable year and the normal tax rate in effect for 1960 is 30 percent, S shall subtract $5,000 from its policyholders surplus account for the taxable year 1960, computed as follows:

$$\$3,500\times\frac{100}{(100-30)}=\$3,500\times\frac{100}{70}=\$5,000$$

Of this amount, $3,500 is due to the application of section 815(c)(3)(A), and $1,500 to the application of section 815(c)(3)(B).

*Example (3).* For the taxable year 1960, the life insurance company taxable income of S, a stock life insurance company, computed without regard to section 802(b)(3), is $10,000. Assume that of the amount distributed by S to its shareholders during the taxable year, $12,000 (as determined under section 815(a) and without regard to section 815(c)(3)(B)) is treated as distributed out of the policyholders surplus account. Since the life insurance company taxable income of S, computed with regard to section 802(b)(3), exceeds $25,000, in order to determine the amount to be subtracted from its policyholders surplus account, S would make up the following schedule:

| | |
|---|---|
| (1) $25,000 minus life insurance company taxable income, computed without regard to sec. 802(b)(3) ($25,000 minus $10,000) | $15,000 |
| (2) Item (1) multiplied by 100 percent minus the normal tax rate as in effect for 1960, over 100 percent $\left(\$15{,}000\times\frac{(100-30)}{100}\right)$ | 10,500 |
| (3) Amount by which the amount treated as distributed out of policyholders surplus account ($12,000) exceeds item (2) ($10,500), multiplied by 100 percent over 100 percent minus the sum of the normal tax rate and the surtax rate as in effect for 1960 $\left(\$1{,}500\times\frac{100}{(100-52)}\right)$ | 3,125 |
| (4) Item (1) plus item (3) ($15,000 plus $3,125) | 18,125 |

For the taxable year 1960, S shall subtract $18,125 from its policyholders surplus account. Of this amount, $10,500 represents the distribution from the policyholders surplus account which is taxed at a 30 percent tax rate and $1,500 the distribution from the policyholders surplus account which is taxed at a 52 percent tax rate. Thus, of the amount subtracted from the policyholders surplus account for the taxable year 1960, $12,000 is due to the application of section 815(c)(3)(A), and $6,125 to the application of section 815(c)(3)(B).

(d) *Illustration of principles.* The application of section 815(c) and this section may be illustrated by the following example:

*Example.* The books of S, a stock life insurance company, reflect the following items for the taxable year 1960:

| | |
|---|---|
| Taxable investment income | $25,000 |
| Gain from operations | 30,000 |
| Tax base (sec. 802(b)(1) and (2)) | 27,500 |
| Deduction for certain nonparticipating policies provided by sec. 809(d)(5) (as limited by sec. 809(f)) | 600 |
| Deduction for group policies provided by sec. 809(d)(6) (as limited by sec. 809(f)) | 400 |
| Amount distributed to shareholders | 60,000 |
| Cumulative balance in shareholders surplus account as of 12-31-60 | 36,000 |
| Balance in policyholders surplus account as of 1-1-60 | 48,000 |

For purposes of determining the amount to be subtracted from its policyholders surplus account for the taxable year, S would first make up the following schedule in order to determine the cumulative balance in the policyholders surplus account at the end of the taxable year, computed without diminution by reason of distributions made during the taxable year:

| | |
|---|---|
| (1) Balance in policyholders surplus account as of 1-1-60 | $48,000 |
| (2) Additions to account: | |
| (a) 50 percent of the amount by which the gain from operations ($30,000) exceeds the taxable investment income ($25,000) ($\frac{1}{2}\times\$5{,}000$) | $2,500 |
| (b) The deduction for certain nonparticipating contracts provided by sec. 809(d)(5) (as limited by sec. 809(f)) | 600 |
| (c) The deduction for group contracts provided by sec. 809(d)(6) (as limited by sec. 809(f)) | 400 |
| | 3,500 |
| (3) Cumulative balance in policyholders account as of 12-31-60 (item (1) plus item (2)) | 51,500 |

Under the provisions of section 815(a), since the amount distributed to shareholders during the taxable year, $60,000, exceeds the cumulative balance in the shareholders surplus at the end of the taxable year, computed without diminution by reason of distributions during the taxable year, $36,000, the shareholders surplus account shall first be reduced to zero. The remaining $24,000 ($60,000 minus $36,000) of the distribution shall then be treated as made out of the policyholders surplus account. Thus, since the tax base under section 802(b)(1) and (2) is in excess of $25,000, the total amount to be subtracted from the policyholders surplus account at the end of the taxable year would be $50,000 $\left(\$24{,}000\times\frac{100}{(100-52)}\right)$. Of this amount $26,000 ($50,000 minus $24,000) represents the tax on the portion of the distribution to shareholders which is treated as being out of the policyholders surplus account.

(e) *Special rule for 1959 and 1960.* For a special transitional rule applicable to any increase in tax liability under section 802(b)(3) for the taxable years 1959 and 1960 which is due solely to the operation of section 815(c)(3) and this section, see section 802(a)(3) and § 1.802–5.

### § 1.815–5 Other accounts defined.

The term "other accounts", as used in section 815(a)(3) and paragraph (b) of § 1.815–2, means all amounts which are not specifically included in the shareholders surplus account under section 815(b) and paragraph (b) of § 1.815–3, or in the policyholders surplus account under section 815(c) and paragraph (b) of § 1.815–4. Thus, for example, other accounts includes amounts representing the increase in tax due to the operation of section 802(b)(3) which is not taken into account for the taxable years 1959 and 1960 because of the special transitional rule provided in section 802(a)(3) and § 1.802–5, earnings and profits accumulated prior to January 1, 1958, paid-in surplus, capital, etc. To the extent that a distribution (or any portion thereof) is treated as being made out of other accounts, no tax is imposed on the company with respect to such distribution.



### § 1.815–6 Special rules.

(a) *Election to transfer amounts from policyholders surplus account to shareholders surplus account—(1) In general.* Section 815(d)(1) permits a life insurance company to elect, after the close of any taxable year for which it is a life insurance company, to subtract any amount (or any portion thereof) in its policyholders surplus account as of the close of the taxable year. The effect of such election is to subject the company to tax on the amounts elected to be subtracted for the taxable year for which the election applies. The amount so subtracted, less the amount of tax imposed with respect to such amount by reason of section 802(b)(3), shall be added to the shareholders surplus account as of the beginning of the taxable year following the taxable year for which the election applies and no further tax shall be imposed upon the company if the amount elected to be transferred to the shareholders surplus account is subsequently distributed to shareholders.

(2) *Manner and effect of election.* (i) The election provided by section 815(d)(1) and this section shall be made in a statement attached to the life insurance company's income tax return for any taxable year for which the company desires the election to apply. The statement shall include the name and address of the taxpayer, shall be signed by the taxpayer (or his duly authorized representative), and shall be filed not later than the date prescribed by law (including extensions thereof) for filing the return for such taxable year. In addition, the statement shall indicate that the company has made the election provided under section 815(d)(1) for the taxable year and the amount elected to be subtracted from the policyholders surplus account.

(ii) An election made under section 815(d)(1)(B) and subdivision (i) of this subparagraph shall be effective only with respect to the taxable year for which the election is made. Thus, the company must make a new election for each taxable year for which it desires the election to apply. Once such an election has been made for any taxable year it may not be revoked.

(3) The application of subparagraph (1) of this paragraph may be illustrated by the following example:

*Example.* For the taxable year 1960, the life insurance company taxable income of S, a stock life insurance company, computed without regard to section 802(b)(3), exceeds $25,000. Assume that S elects to subtract $20,000 from its policyholders surplus account under section 815(d)(1) for the taxable year. Since S is subject to a 52 percent tax rate, the tax on the amount elected to be subtracted from the policyholders surplus account (as of the close of the taxable year 1960) is $10,400 ($20,000 × 52 percent). Thus, the amount to be added to the shareholders surplus account as of January 1, 1961, is $9,600 (the amount subtracted from the policyholders surplus account by virtue of the section 815(d)(1) election, less the tax imposed upon such amount by reason of section 802(b)(3), or $20,000 minus $10,400).

(b) *Termination as life insurance company—(1) Effect of termination.* Except as provided in section 381(c)(22) (relating to carryovers in certain corporate readjustments), section 815(d)(2)(A) provides that if for any taxable year the taxpayer is not an insurance company (as defined in paragraph (a) of § 1.801–3), or if for any two successive taxable years the taxpayer is not a life insurance company (as defined in section 801(a) and paragraph (b) of § 1.801–3), the amount taken into account under section 802(b)(3) for the last preceding year for which the company was a life insurance company shall be increased (after the application of section 815(d)(2)(B)) by the entire balance in the policyholders surplus account at the close of such last preceding taxable year.

(2) *Effect of certain distributions.* If for any taxable year the taxpayer is an insurance company (as defined in paragraph (a) of § 1.801–3) but is not a life insurance company (as defined in section 801(a) and paragraph (b) of § 1.801–3), section 815(d)(2)(B) provides that any distribution to shareholders during such taxable year shall be treated as having been made on the last day of the last preceding taxable year for which the company was a life insurance company.

(3) *Examples.* The application of section 815(d)(2) and this paragraph may be illustrated by the following examples:

*Example (1).* At the end of the taxable year 1959, the balance in the policyholders surplus account of S, a life insurance company within the meaning of section 801(a) and paragraph (b) of § 1.801–3, is $12,000. If S fails to qualify as an insurance company (as defined in paragraph (a) of § 1.801–3) for the taxable year 1960, and section 381(c)(22) does not apply, under the provisions of section 815(d)(2)(A), the entire balance of $12,000 in the policyholders surplus account at the end of 1959, the last year S was a life insurance company, shall be taken into account under section 802(b)(3) for purposes of determining S's tax liability for the taxable year 1959.

*Example (2).* Assume the facts are the same as in example (1), except that for the taxable years 1960 and 1961, S qualifies as an insurance company (as defined in paragraph (a) of § 1.801–3) but does not qualify as a life insurance company within the meaning of section 801(a) and paragraph (b) of § 1.801–3. Assume further that as a result of a distribution by S to its shareholders in 1960, $4,800 (as determined under section 815(a) and without regard to section 815(c)(3)(B)) is treated as distributed out of the policyholders surplus account. Under the provisions of section 815(d)(2)(B), if section 381(c)(22) does not apply, any distribution to shareholders during the taxable years 1960 and 1961 shall be treated as having been made on December 31, 1959 (the last day of the last preceding taxable year for which S was a life insurance company). Thus, assuming S is subject to a 52 percent tax rate on additions to life insurance company taxable income, $10,000 ($4,800 plus $5,200, the tax on the portion of the distribution treated as made out of the policyholders surplus account) shall be treated as being subtracted from the policyholders surplus account at the end of 1959 and shall be taken into account under section 802(b)(3) for purposes of determining S's tax liability for the taxable year 1959. Under the provisions of section 815(d)(2)(A), the entire balance of $2,000 ($12,000 minus $10,000) in the policyholders surplus account at the end of 1959 (after the application of section 815(d)(2)(B)), shall also be taken into account under section 802(b)(3) for purposes of determining S's tax liability for the taxable year 1959.

(c) *Treatment of certain indebtedness.* Section 815(d)(3) provides that if a taxpayer makes any payment in discharge of its indebtedness and such indebtedness is attributable to a distribution by the taxpayer to its shareholders after February 9, 1959, the amount of such payment shall be treated as a distribution in cash to shareholders both for purposes of section 802(b)(3) and section 815. However, this paragraph shall only apply to the extent that the distribution of such indebtedness to shareholders was treated as being out of accounts other than the shareholders and policyholders surplus accounts at the time of distribution.

(d) *Limitation on amount in policyholders surplus account—(1) In general.* Section 815(d)(4) provides a limitation on the amount that any life insurance company may accumulate in its policyholders surplus account. If the policyholders surplus account at the end of any taxable year (computed without regard to this paragraph) exceeds whichever of the following is the greatest—

(i) 15 percent of life insurance reserves (as defined in section 801(b) and paragraph (a) of § 1.801–4) at the end of the taxable year,

(ii) 25 percent of the amount by which the life insurance reserves at the end of the taxable year exceed the life insurance reserves at the end of 1958, or

(iii) 50 percent of the net amount of the premiums and other consideration taken into account for the taxable year under section 809(c)(1),

then such excess shall be treated as a subtraction from the policyholders surplus account as of the end of such taxable year. The amount so treated as subtracted, less the amount of tax imposed with respect to such amount by reason of section 802(b)(3), shall be added to the shareholders surplus account at the beginning of the succeeding taxable year.

(2) *Example.* The application of the limitation contained in subparagraph (1) of this paragraph may be illustrated by the following example:

*Example.* The books of S, a stock life insurance company, reflect the following items for the taxable year 1960:

| | |
|---|---|
| Balance in policyholders surplus account, computed without regard to sec. 815(d)(4), as of 12-31-60 | $175 |
| Life insurance reserves (as defined in sec. 801(b)) as of 12-31-60 | 4,500 |
| Life insurance reserves (as defined in sec. 801(b)) as of 12-31-58 | 3,900 |
| Premiums and other consideration taken into account for the taxable year under sec. 809(c)(1) | 310 |

In order to determine the limitations on the amount that it may accumulate in its policyholders surplus account at the end of the taxable year under section 815(d)(4), S would make up the following schedule:

| | |
|---|---|
| (1) 15 percent of life insurance reserves at the end of the taxable year (15% × $4,500) | $675 |

| | |
|---|---|
| (2) 25 percent of amount by which life insurance reserves at the end of the taxable year ($4,500) exceed life insurance reserves as of 12-31-58 ($3,900) (25% × $600) | $150 |
| (3) 50 percent of premiums and other consideration taken into account under sec. 809(c)(1) for the taxable year (50% × $310) | 155 |
| (4) Limitation on policyholders surplus account (the greatest of items (1), (2), or (3)) | 675 |

Since the balance in the policyholders surplus account at the end of the taxable year 1960, $175, does not exceed the limitation provided by section 815(d)(4), $675, S is not required to make any further adjustment to its policyholders surplus account at the end of the taxable year.

(e) *Special rule for certain mutualizations*—(1) *In general.* Section 815(e) provides a rule for determining priorities which shall operate in place of section 815(a) and paragraph (b) of § 1.815–2 where a life insurance company makes any distribution to its shareholders after December 31, 1958, in acquisition of stock pursuant to a plan of mutualization. Section 815(e)(1) provides that such a distribution shall first be treated as being made out of paid-in capital and paid-in surplus, and, to the extent thereof, no tax shall be imposed on the company with respect to such distribution. Thereafter, distributions made pursuant to such plan of mutualization shall be treated as made in two allocable parts. One part shall be treated as being made out of other accounts (as defined in § 1.815–5) and the company shall incur no tax with respect to such portion of the distribution. The other part shall be treated as a distribution to which section 815(a) and paragraph (b) of § 1.815–2 applies. Thus, such portion of the distribution shall be treated as first being made out of the shareholders surplus account (as defined in section 815(b) and § 1.815–3), to the extent thereof, and then out of the policyholders surplus account (as defined in section 815(c) and § 1.815–4), to the extent thereof. See paragraph (a) of § 1.815–2. For purposes of this paragraph, a distribution shall be considered as being made pursuant to a plan of mutualization only if the requirements of applicable State law for the adoption of such plan (as, for example, approval by the requisite majority of the board of directors, shareholders, and policyholders) have been fulfilled.

(2) *Allocation ratio.* Section 815(e)(2)(A) provides an allocation ratio which when applied to the amount distributed under a plan of mutualization in excess of the balance in the paid-in capital and paid-in surplus accounts determines the portion of such excess to be treated as distributed out of the shareholders surplus account, policyholders surplus account, or other accounts. The numerator of this ratio is the excess of the assets of the company (as defined in section 805(b)(4) and paragraph (a)(4) of § 1.805–5) over the total liabilities (including reserves), both determined as of December 31, 1958, and adjusted in the manner provided in subparagraph (3) of this paragraph. The denominator of this ratio is the amount included in the numerator plus the amounts in the shareholders surplus account and policyholders surplus account, all determined as of the beginning of the year of the distribution.

(3) *Adjustment for certain distributions.* Section 815(e)(2)(B) provides that if between 1958 and the year of distribution the taxpayer has been treated as having made a distribution (under a plan of mutualization or otherwise) which is treated as a return of paid-in capital and paid-in surplus or as out of other accounts (as defined in § 1.815–5), the aggregate amount of any such prior distributions must be subtracted from the numerator and denominator in all cases where the allocation ratio provided by subparagraph (2) of this paragraph applies.

(f) *Recomputation required as a result of a subsequent loss from operations under section 812*—(1) *In general.* Any amounts added to or subtracted from the special surplus accounts referred to in section 815(a) and paragraph (b) of § 1.815–2 for any taxable year shall be adjusted to the extent necessary to properly reflect a subsequent loss from operations which under section 812 is carried back to the taxable year for which such additions or subtractions were made.

(2) *Example.* The application of subparagraph (1) of this paragraph may be illustrated by the following example:

*Example.* Assume that for the taxable years 1959 through 1961, the books of S, a stock life insurance company subject to a 30 percent tax rate for all taxable years involved, reflect the following items:

| | 1959 | 1960 | 1961 |
|---|---|---|---|
| Taxable investment income | $40.00 | $40.00 | $40.00 |
| Gain from operations | 60.00 | 60.00 | 60.00 |
| Tax base (sec. 802(b) (1) and (2)) | 50.00 | 50.00 | 50.00 |
| Tax (sec. 802(b) (1) and (2) base) | 15.00 | 15.00 | 15.00 |
| Shareholders surplus account— | | | |
| At beginning of year | 0 | 35.00 | 37.00 |
| Added at beginning of year by reason of election under sec. 815(d)(1) | 0 | 7.00 | 0 |
| Added for year (without regard to election under sec. 815(d)(1)) | 35.00 | 35.00 | 35.00 |
| Subtracted (distributions) | 0 | 40.00 | 40.00 |
| Policyholders surplus account— | | | |
| At beginning of year | 0 | 0 | 10.00 |
| Added for year | 10.00 | 10.00 | 10.00 |
| Subtracted (distributions) | 0 | 0 | 0 |
| Subtracted (by reason of election under sec. 815(d)(1)) | 10.00 | 0 | 0 |
| Tax base (sec. 802(b)(3)) | 10.00 | 0 | 0 |
| Tax (sec. 802(b)(3) base) | 3.00 | 0 | 0 |

Assume further that S has a loss from operations for the taxable year 1962 of $25. Under the provisions of section 812, the $25 loss from operations would be carried back to the taxable year 1959 and would reduce the 1959 tax base under section 802(b) (1) and (2) to $35 ($60 minus $25). After adjustments reflecting the 1962 loss from operations, the results for the taxable years 1959 through the beginning of 1962 would be as follows:

| | 1959 | 1960 | 1961 | 1962 |
|---|---|---|---|---|
| Taxable investment income | $40.00 | $40.00 | $40.00 | |
| Gain from operations | 35.00 | 60.00 | 60.00 | |
| Tax base (sec. 802 (b) (1) and (2)) | 35.00 | 50.00 | 50.00 | |
| Tax (sec. 802 (b) (1) and (2) base) | 10.50 | 15.00 | 15.00 | |
| Shareholders surplus account— | | | | |
| At beginning of year | 0 | 24.50 | 19.50 | $14.00 |
| Added for year (without regard to election under sec. 815(d)(1)) | 24.50 | 35.00 | 35.00 | |
| Added by reason of election under sec. 815(d)(1) | 0 | 0 | 0 | |
| Subtracted (distributions) | 0 | 40.00 | 40.00 | |
| Policyholders surplus account— | | | | |
| At beginning of year | 0 | 0 | 10.00 | 20.00 |
| Added for year | 0 | 10.00 | 10.00 | |
| Subtracted (distributions) | 0 | 0 | 0 | |
| Subtracted (by reason of election under sec. 815(d)(1)) | 0 | 0 | 0 | |
| Tax base (sec. 802(b)(3)) | 0 | 0 | 0 | |
| Tax (sec. 802(b)(3) base) | 0 | 0 | 0 | |

As a result of the loss from operations for 1962, the election under section 815(d)(1) for the taxable year 1959 has become inapplicable in its entirety since the balance in the policyholders surplus account at the end of 1959, as recomputed, is zero. Thus, S would be entitled to a total refund of $7.80 for the taxable year 1959. Of this amount, $4.50 is due to the recomputation of the section 802(b) (1) and (2) tax base and $3 to the amount of tax paid by reason of the election under section 815(d)(1).

### § 1.816 Statutory provisions; life insurance companies; foreign life insurance companies.

SEC. 816. *Foreign life insurance companies*—(a) *Carrying on United States insurance business.* A foreign life insurance company carrying on a life insurance business within the United States, if with respect to its United States business it would qualify as a life insurance company under section 801, shall be taxable in the same manner as a domestic life insurance company; except that the determinations necessary for purposes of this subtitle shall be made on the basis of the income, disbursements, assets, and liabilities reported in the annual statement for the taxable year of the United States business of such company on the form approved for life insurance companies by the National Association of Insurance Commissioners.

(b) *No United States Insurance Business.* Foreign life insurance companies not carrying on an insurance business within the United States shall not be taxable under this part but shall be taxable as other foreign corporations.

[Sec. 816 as added by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 46)]

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 61–512; Filed, Jan. 19, 1961; 8:46 a.m.]

[T.D. 6537]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Departing Aliens

In order to liberalize the requirements imposed on departing aliens in the regulations under section 6851 of the Internal Revenue Code of 1954, § 1.6851–2 of the Income Tax Regulations (26 CFR Part 1) is amended to read as follows:

### § 1.6851–2 Certificates of compliance with income tax laws by departing aliens.

(a) *In general*—(1) *Requirement.* The rules of this section are applicable to any alien who departs from the United States or any of its possessions after January 20, 1961. Except as provided in subparagraph (2) of this paragraph, no such alien, whether resident or nonresident, may depart from the United States unless he first procures a certificate that he has complied with all of the obligations imposed upon him by the income tax laws. In order to procure such a certificate an alien who intends to depart from the United States (i) must file with the district director for the internal revenue district in which he is located the statements or returns required by paragraph (b) of this section to be filed before obtaining such certificate, (ii) must appear before such district director if the district director deems it necessary, and (iii) must pay any taxes required under paragraph (b) of this section to be paid before obtaining the certificate. Either such certificate of compliance, properly executed, or evidence that the alien is excepted under subparagraph (2) of this paragraph from obtaining the certificate must be presented at the point of departure. An alien who presents himself at the point of departure without a certificate of compliance, or evidence establishing that such a certificate is not required, will be subject at such departure point to examination by an internal revenue officer or employee and to the completion of returns and statements and payment of taxes as required by paragraph (b) of this section.

(2) *Exceptions*—(i) *Diplomatic representatives.* (*a*) Representatives of foreign governments bearing diplomatic passports, whether accredited to the United States or other countries, and members of their households shall not, upon departure from the United States or any of its possessions, be examined as to their liability for United States income tax or be required to obtain a certificate of compliance. If a foreign government does not issue diplomatic passports but merely indicates on passports issued to members of its diplomatic service the status of the bearer as a member of such service, such passports are considered as diplomatic passports for income tax purposes.

(*b*) Likewise, the servant of a representative described in (*a*) of this subdivision who accompanies any individual bearing a diplomatic passport upon departure from the United States or any of its possessions shall not be required, upon such departure, to obtain a certificate of compliance or to submit to examination as to his liability for United States income tax. If the departure of such a servant from the United States or any of its possessions is not made in the company of an individual bearing a diplomatic passport, the servant is required to obtain a certificate of compliance. However, such certificate will be issued to him on Form 2063 without examination as to his income tax liability upon presentation to the district director for the internal revenue district in which the servant is located of a letter from the chief of the diplomatic mission to which the servant is attached certifying (*1*) that the name of the servant appears on the "White List", a list of employees of diplomatic missions, and (*2*) that the servant is not obligated to the United States for any income tax, and will not be so obligated up to and including the intended date of departure.

(*c*) An alien who has filed with the Attorney General the waiver provided for under section 247(b) of the Immigration and Nationality Act (8 U.S.C. 1257(b)) is not entitled to the exception provided by this subdivision.

(ii) *Alien students and industrial trainees.* A certificate of compliance shall not be required, and examination as to United States income tax liability shall not be made, upon the departure from the United States or any of its possessions of—

(*a*) An alien student admitted solely on an F visa who has received no gross income from sources within the United States during the period he is in the United States under such visa, other than allowances to cover the expenses incident to his study in the United States (including expenses for travel, maintenance, tuition) and the value of any services or accommodations furnished to him incident to such study; or

(*b*) An alien industrial trainee admitted solely on an H–3 visa who has received no gross income from sources within the United States during the period he is in the United States under such visa, other than allowances to cover the expenses incident to his training in the United States (including expenses for travel, maintenance) and the value of any services or accommodations furnished to him incident to such training.

(iii) *Other aliens temporarily in the United States.* A certificate of compliance shall not be required, and examination as to United States income tax liability shall not be made, upon the departure from the United States or any of its possessions of an alien hereinafter described in this subdivision, unless the district director has reason to believe that such alien has received taxable income during the taxable year up to and including the date of departure or during the preceding taxable year and that collection of income tax from such alien will be jeopardized by his departure from the United States:

(*a*) An alien visitor for pleasure admitted solely on a B–2 visa;

(*b*) An alien visitor for business admitted on a B–1 visa, or on both a B–1 visa and a B–2 visa, who does not remain in the United States or a possession thereof for a period or periods exceeding a total of 90 days during the taxable year;

(*c*) An alien in transit through the United States or any of its possessions on a C–1 visa or under a contract, including a bond agreement, between a transportation line and the Attorney General pursuant to section 238(d) of the Immigration and Nationality Act (8 U.S.C. 1228(d));

(*d*) An alien who is admitted to the United States on a border-crossing identification card or with respect to whom passports, visas, and border-crossing identification cards are not required, if such alien is a visitor for pleasure, or if such alien is a visitor for business who does not remain in the United States or a possession thereof for a period or periods exceeding a total of 90 days during the taxable year, or if such alien is in transit through the United States or any of its possessions;

(*e*) An alien military trainee admitted to the United States to pursue a course of instruction under the auspices of the Department of Defense who departs from the United States on official military travel orders; or

(*f*) An alien resident of Canada or Mexico who commutes between such country and the United States at frequent intervals for the purpose of employment and whose wages are subject to the withholding of tax.

(b) *Issuance of certificate of compliance*—(1) *In general.* (i) Upon the departure of an alien required to secure a certificate of compliance under paragraph (a) of this section, the district director shall determine whether the departure of such alien jeopardizes the collection of any income tax for the current or the preceding taxable year, but the district director may determine that jeopardy does not exist in some cases. If the district director finds that the departure of such an alien results in jeopardy, the taxable period of the alien will be terminated, and the alien will be required to file returns and make payment of tax in accordance with subparagraph (3)(iii) of this paragraph. On the other hand, if the district director finds that the departure of the alien does not result in jeopardy, the alien will be required to file the statement or returns required by subparagraph (2) or (3)(ii) of this paragraph, but will not be required to pay income tax before the usual time for payment.

(ii) The departure of an alien who is a resident of the United States or a possession thereof and who intends to continue such residence shall be treated as not resulting in jeopardy, and thus not requiring termination of his taxable period, except when the district director has information indicating that the alien intends by such departure to avoid the payment of his income tax. In the case of a nonresident alien (including a resident alien discontinuing residence), the fact that the alien intends to depart from the United States will justify termination of his taxable period unless the alien establishes to the satisfaction of the district director that he intends to return to the United States and that his departure will not jeopardize collection of the tax. The determination of whether the departure of the alien results in jeopardy will be made on examination of all the facts in the case. Evidence tending to establish that jeopardy does not result from the departure of the alien may be provided, for exam-

ple, by information showing that the alien is engaged in trade or business in the United States or that he leaves sufficient property in the United States to secure payment of his income tax for the taxable year and of any income tax for the preceding year which remains unpaid.

(2) *Alien having no taxable income and resident alien whose taxable period is not terminated.* A statement on Form 2063 shall be filed with the district director by every alien required to obtain a certificate of compliance—

(i) Who is a resident of the United States and whose taxable period is not terminated either because he has had no taxable income for the taxable year up to and including the date of his departure (and for the preceding taxable year where the period for making the income tax return for such year has not expired) or because, although he has had taxable income for such period or periods, the district director has not found that his departure jeopardizes collection of the tax on such income; or

(ii) Who is not a resident of the United States and who has had no taxable income for the taxable year up to and including the date of his departure (and for the preceding taxable year where the period for making the income tax return for such year has not expired).

Any alien described in subdivision (i) or (ii) of this subparagraph who is in default in making return of, or paying, income tax for any taxable year shall, in addition, file with the district director any returns which have not been made as required and pay to the district director the amount of any tax for which he is in default. Upon compliance by an alien with the foregoing requirements of this subparagraph, the district director shall execute and issue to the alien the certificate of compliance attached to Form 2063. The certificate of compliance so issued shall be effective for all departures of the alien during his current taxable year, subject to revocation upon any subsequent departure should the district director have reason to believe that such subsequent departure would result in jeopardy. The statement required of a resident alien under this subparagraph, if made before January 21, 1961, with respect to a departure after January 20, 1961, may be made on a Form 1040C in lieu of a Form 2063.

(3) *Nonresident alien having taxable income and resident alien whose taxable period is terminated*—(i) *Nonresident alien having taxable income.* Every nonresident alien required to obtain a certificate of compliance (but not described in subparagraph (2) of this paragraph) who wishes to establish that his departure does not result in jeopardy shall furnish to the district director such information as may be required for the purpose of determining whether the departure of the alien jeopardizes collection of the income tax and thus requires termination of his taxable period.

(ii) *Nonresident alien whose taxable period is not terminated.* Every nonresident alien described in subdivision (i) of this subparagraph whose taxable period is not terminated upon departure shall file with the district director—

(*a*) A return in duplicate on Form 1040C for the taxable year of his intended departure, showing income received, and reasonably expected to be received, during the entire taxable year within which the departure occurs; and

(*b*) Any income tax returns which have not been filed as required.

Upon compliance by the alien with the foregoing requirements of this subdivision, and the payment of any income tax for which he is in default, the district director shall execute and issue to the alien the certificate of compliance on the duplicate copy of Form 1040C. The certificate of compliance so issued shall be effective for all departures of the alien during his current taxable year, subject to revocation by the district director upon any subsequent departure if the taxable period of the alien is terminated on such subsequent departure.

(iii) *Alien (whether resident or nonresident) whose taxable period is terminated.* Every alien required to obtain a certificate of compliance, whether resident or nonresident, whose taxable period is terminated upon departure shall file with the district director—

(*a*) A return in duplicate on Form 1040C for the short taxable period resulting from such termination, showing income received, and reasonably expected to be received, during the taxable year up to and including the date of departure;

(*b*) Where the period for filing has not expired, the return required under section 6012 and § 1.6012–1 for the preceding taxable year; and

(*c*) Any other income tax returns which have not been filed as required.

Upon compliance with the foregoing requirements of this subdivision, and payment of the income tax required to be shown on the returns filed pursuant to (*a*) and (*b*) of this subdivision and of any income tax due and owing for prior years, the departing alien will be issued the certificate of compliance on the duplicate copy of Form 1040C. The certificate of compliance so issued shall be effective only for the specific departure with respect to which it is issued. A departing alien may postpone payment of the tax required to be shown on the returns filed in accordance with (*a*) and (*b*) of this subdivision until the usual time of payment by furnishing a bond as provided in § 1.6851–3.

(4) *Joint return on Form 1040C.* A departing alien may not file a joint return on Form 1040C unless—

(i) Such alien and his spouse may reasonably be expected to be eligible to file a joint return at the normal close of their taxable periods for which the return is made; and

(ii) If the taxable period of such alien is terminated, the taxable periods of both spouses are so terminated as to end at the same time.

(5) *Annual return.* Notwithstanding that form 1040C has been filed for either the entire taxable year of departure or for a terminated period, the return required under section 6012 and § 1.6012–1 for such taxable year shall be filed. Any income tax paid on income shown on the return on Form 1040C shall be applied against the tax determined to be due on the income required to be shown on the subsequent return under section 6012 and § 1.6012–1.

Because the rules prescribed in this Treasury decision are of a liberalizing character, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: January 16, 1961.

FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61–514; Filed, Jan. 19, 1961; 8:47 a.m.]

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SUBCHAPTER B—ESTATE AND GIFT TAXES

[T.D. 6542]

## PART 25—GIFT TAX UNDER CHAPTER 12 OF THE INTERNAL REVENUE CODE OF 1954, AS AMENDED

### Miscellaneous Amendments

On December 10, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12707) to conform the Gift Tax Regulations (26 CFR Part 25) to sections 23(f), 30(d), 43(b), 68, and 102(b) of the Technical Amendments Act of 1958 (72 Stat. 1623, 1631, 1641, 1659, 1674) and to section 4(d) of Public Law 86–779 (74 Stat. 1000), and to make a correction of a typographical error in paragraph (f)(4) of § 25.2523(e)–1 of such regulations. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so proposed are hereby adopted.

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: January 17, 1961.

FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury.*

In order to conform the Gift Tax Regulations (26 CFR Part 25) to sections 23(f), 30(d), 43(b), 68, and 102(b) of the Technical Amendments Act of 1958 (72 Stat. 1623, 1631, 1641, 1659, 1674) and to section 4(d) of Public Law 86–779 (74 Stat. 1000), and in order to make a correction of a typographical error in paragraph (f)(4) of § 25.2523(e)–1 such regulations are amended as follows:

PARAGRAPH 1. Paragraph (a) of § 25.01 is amended to read as follows:

**§ 25.01 Introduction.**

(a) *In general.* (1) The regulations in this part are designated "Gift Tax Regulations." These regulations pertain to (i) the gift tax imposed by chapter 12 of subtitle B of the Internal Revenue Code on the transfer of property by gift by individuals in the calendar year 1955 and subsequent calendar years, and (ii) certain related administrative provisions of subtitle F of the Code. It should be noted that the application of some of the provisions of these regulations may be affected by the provisions of an applicable gift tax convention with a foreign country. Unless otherwise indicated, references in these regulations to the "Internal Revenue Code" or the "Code" are references to the Internal Revenue Code of 1954, as amended, and references to a section or other provision of law are references to a section or other provision of the Internal Revenue Code of 1954, as amended. The Gift Tax Regulations are applicable to the transfer of property by gift by individuals in the calendar year 1955 and subsequent calendar years, and supersede the regulations contained in Part 86, Subchapter B, Chapter I, Title 26, Code of Federal Regulations (1939) (Regulations 108, Gift Tax), as prescribed and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954 (19 F.R. 5167, Aug. 17, 1954).

(2) Section 2501(b) makes the provisions of chapter 12 of the Code apply in the case of gifts made after September 2, 1958, by certain citizens of the United States who were residents of a possession thereof at the time the gifts were made. Section 2501(c) makes the provisions of chapter 12 apply in the case of gifts made after September 14, 1960, by certain other citizens of the United States who were residents of a possession thereof at the time the gifts were made. See paragraphs (c) and (d) of § 25.2501–1. Except as otherwise provided in paragraphs (c) and (d) of § 25.2501–1, the provisions of these regulations do not apply to the making of gifts by such citizens.

PAR. 2. Section 25.2501 is amended to read as follows:

**§ 25.2501 Statutory provisions; imposition of tax.**

SEC. 2501. *Imposition of tax*—(a) *General rule.* For the calendar year 1955 and each calendar year thereafter a tax, computed as provided in section 2502, is hereby imposed on the transfer of property by gift during such calendar year by any individual, resident or nonresident, except transfers of intangible property by a nonresident not a citizen of the United States and who was not engaged in business in the United States during such calendar year.

(b) *Certain residents of possessions considered citizens of the United States.* A donor who is a citizen of the United States and a resident of a possession thereof shall, for purposes of the tax imposed by this chapter, be considered a "citizen" of the United States within the meaning of that term wherever used in this title unless he acquired his United States citizenship solely by reason of (1) his being a citizen of such possession of the United States, or (2) his birth or residence within such possession of the United States.

(c) *Certain residents of possessions considered nonresidents not citizens of the United States.* A donor who is a citizen of the United States and a resident of a possession thereof shall, for purposes of the tax imposed by this chapter, be considered a "nonresident not a citizen of the United States" within the meaning of that term wherever used in this title, but only if such donor acquired his United States citizenship solely by reason of (1) his being a citizen of such possession of the United States, or (2) his birth or residence within such possession of the United States.

(d) *Cross references.* (1) For increase in basis of property acquired by gift for gift tax paid, see section 1015(d).

(2) For exclusion of transfers of property outside the United States by a nonresident who is not a citizen of the United States, see section 2511(a).

[Sec. 2501 as amended by secs. 43(b) and 102(b), Technical Amendments Act 1958 (72 Stat. 1641, 1674) and as amended by sec. 4(d), Act of Sept. 14, 1960, Pub. Law 86–779 (74 Stat. 1000)]

PAR. 3. Section 25.2501–1 is amended by striking paragraph (b) and inserting in lieu thereof the following paragraphs:

**§ 25.2501–1 Imposition of tax.**

* * * * *

(b) *Resident.* A resident is an individual who has his domicile in the United States at the time of the gift. For this purpose the United States includes the States and the District of Columbia. The term also includes the Territories of Alaska and Hawaii prior to admission as a State. See section 7701(a)(9). All other individuals are nonresidents. A person acquires a domicile in a place by living there, for even a brief period of time, with no definite present intention of moving therefrom. Residence without the requisite intention to remain indefinitely will not constitute domicile, nor will intention to change domicile effect such a change unless accompanied by actual removal.

(c) *Certain residents of possessions considered citizens of the United States.* As used in this part, the term "citizen of the United States" includes a person who makes a gift after September 2, 1958 and who, at the time of making the gift, was domiciled in a possession of the United States and was a United States citizen, and who did not acquire his United States citizenship solely by reason of his being a citizen of such possession or by reason of his birth or residence within such possession. The gift of such a person is, therefore, subject to the tax imposed by section 2501 in the same manner in which a gift made by a resident of the United States is subject to the tax. See paragraph (a) of § 25.01 and paragraph (d) of this section for further information relating to the application of the Federal gift tax to gifts made by persons who were residents of possessions of the United States. The application of this paragraph may be illustrated by the following example and the examples set forth in paragraph (d) of this section:

*Example.* A, a citizen of the United States by reason of his birth in the United States at San Francisco, established residence in Puerto Rico and acquired Puerto Rican citizenship. A makes a gift of stock of a Spanish corporation on September 4, 1958, while a citizen and domiciliary of Puerto Rico. A's gift is, by reason of the provisions of section 2501(b) subject to the tax imposed by section 2501 inasmuch as his United States citizenship is based on birth in the United States and is not based solely on being a citizen of a possession or solely on birth or residence in a possession.

(d) *Certain residents of possessions considered nonresidents not citizens of the United States.* As used in this part, the term "nonresident not a citizen of the United States" includes a person who makes a gift after September 14, 1960, and who at the time of making the gift, was domiciled in a possession of the United States and was a United States citizen, and who acquired his United States citizenship solely by reason of his being a citizen of such possession or by reason of his birth or residence within such possession. The gift of such a person is, therefore, subject to the tax imposed by section 2501 in the same manner in which a gift is subject to the tax when made by a donor who is a "nonresident not a citizen of the United States." See paragraph (a) of § 25.01 and paragraph (c) of this section for further information relating to the application of the Federal gift tax to gifts made by persons who were residents of possessions of the United States. The application of this paragraph may be illustrated by the following examples and the example set forth in paragraph (c) of this section. In each of the following examples the person who makes the gift is deemed a "nonresident not a citizen of the United States" and his gift is subject to the tax imposed by section 2501 in the same manner in which a gift is subject to the tax when made by a donor who is a nonresident not a citizen of the United States, since he made the gift after September 14, 1960, but would not have been so deemed and subject to such tax if the person who made the gift had made it on or before September 14, 1960.

*Example (1).* C, who acquired his United States citizenship under section 5 of the Act of March 2, 1917 (39 Stat. 953), by reason of being a citizen of Puerto Rico, while domiciled in Puerto Rico makes a gift on October 1, 1960, of real estate located in New York. C is considered to have acquired his United States citizenship solely by reason of his being a citizen of Puerto Rico.

*Example (2).* E, whose parents were United States citizens by reason of their birth in Boston, was born in the Virgin Islands on March 1, 1927. On September 30, 1960, while domiciled in the Virgin Islands, he made a gift of tangible personal property situated in Kansas. E is considered to have acquired his United States citizenship solely by reason of his birth in the Virgin Islands (section 306 of the Immigration and Nationality Act (66 Stat. 237, 8 U.S.C. 1406)).

*Example (3).* N, who acquired United States citizenship by reason of being a native of the Virgin Islands and a resident thereof on June 28, 1932 (section 306 of the Immigration and Nationality Act (66 Stat. 237, 8 U.S.C. 1406)), made a gift on October 1, 1960, at which time he was domiciled in the Virgin Islands, of tangible personal property situated in Wisconsin. N is considered to have acquired his United States citizenship solely by reason of his birth or residence in the Virgin Islands.

*Example (4).* P, a former Danish citizen, who on January 17, 1917, resided in the Virgin Islands, made the declaration to preserve his Danish citizenship required by Article 6 of the treaty entered into on August 4, 1916, between the United States and Denmark. Subsequently P acquired United States citizenship when he renounced

such declaration before a court of record (section 306 of the Immigration and Nationality Act (66 Stat. 237, 8 U.S.C. 1406)). P, while domiciled in the Virgin Islands, made a gift on October 1, 1960, of tangible personal property situated in California. P is considered to have acquired his United States citizenship solely by reason of his birth or residence in the Virgin Islands.

*Example (5).* R, a former French citizen, acquired his United States citizenship through naturalization proceedings in a court located in the Virgin Islands after having qualified for citizenship by residing in the Virgin Islands for 5 years. R, while domiciled in the Virgin Islands, made a gift of tangible personal property situated in Hawaii on October 1, 1960. R is considered to have acquired his United States citizenship solely by reason of his birth or residence within the Virgin Islands.

PAR. 4. Paragraph (b) of § 25.2511–1 is amended to read as follows:

**§ 25.2511–1 Transfers in general.**

* * * * *

(b) In the case of a nonresident not a citizen who was not engaged in business in the United States (see § 25.2501–1) during the calendar year, the tax is imposed only if the gift consisted of real estate or tangible personal property situated within the United States at the time of transfer. See §§ 25.2501–1 and 25.2511–3.

PAR. 5. Section 25.2511–3 is amended to read as follows:

**§ 25.2511–3 Transfers by nonresidents not citizens.**

(a) *In general.* Sections 2511 and 2501 contain provisions relating to the taxation of transfers by a donor who is a nonresident not a citizen of the United States. (See paragraph (b) of § 25.2501–1 for definition of the term "resident".) As combined these rules are—

(1) If the nonresident not a citizen of the United States was not engaged in business in the United States during the calendar year in which the gift was made, the tax applies only to the transfer of real property and tangible personal property situated in the United States.

(2) If the nonresident not a citizen of the United States was engaged in business in the United States during the calendar year in which the gift was made, the tax applies to the transfer of all property (whether real or personal, tangible or intangible) situated in the United States.

(b) *Situs of property.* (1) Real property, tangible personal property, and, except as otherwise provided in subparagraph (2) of this paragraph (relating to shares of stock), the written evidence of intangible personal property which is treated as being the property itself are within the United States if physically situated therein. For example, a bond for the payment of money is not within the United States unless physically situated therein. Intangible personal property the written evidence of which is not treated as being the property itself constitutes property within the United States if consisting of a property right issuing from or enforceable against a resident of the United States or a domestic corporation (public or private) irrespective of where such written evidence is physically located.

(2) Shares of stock owned and held by a nonresident not a citizen of the United States constitute property within the United States if issued by a domestic corporation, irrespective of where the certificates are physically located. However, since a share of stock is intangible property, the transfer by gift by a nonresident not a citizen of the United States of a share of stock issued by a domestic corporation would, under the provisions of paragraph (a) of this section, be subject to the tax only if the donor was engaged in business in the United States during the calendar year in which the gift was made.

(3) Shares of stock owned and held by a nonresident not a citizen of the United States do not constitute property within the United States if issued by a corporation which is not a domestic corporation, irrespective of where the certificates are physically located. Therefore, the tax will not under any circumstances apply to the transfer of a share of such stock by a nonresident not a citizen of the United States.

PAR. 6. Section 25.2512–6 is amended by adding at the end thereof the following additional example:

**§ 25.2512–6 Valuation of certain life insurance and annuity contracts.**

* * * * *

*Example (5).* A donor purchases from a life insurance company for $15,198 a joint and survivor annuity contract which provides for the payment of $60 a month to the donor during his lifetime, and then to his sister for such time as she may survive him. The premium which would have been charged by the company for an annuity of $60 monthly payable during the life of the donor alone is $10,690. The value of the gift is $4,508 ($15,198 less $10,690).

PAR. 7. There is inserted immediately after § 25.2516–2 the following new sections:

**§ 25.2517 Statutory provisions; certain annuities under qualified plans.**

SEC. 2517. *Certain annuities under qualified plans*—(a) *General rule.* The exercise or nonexercise by an employee of an election or option whereby an annuity or other payment will become payable to any beneficiary at or after the employee's death shall not be considered a transfer for purposes of this chapter if the option or election and annuity or other payment is provided for under—

(1) An employees' trust (or under a contract purchased by an employees' trust) forming part of a pension, stock bonus, or profit-sharing plan which, at the time of such exercise or nonexercise, or at the time of termination of the plan if earlier, met the requirements of section 401(a);

(2) A retirement annuity contract purchased by an employer (and not by an employees' trust) pursuant to a plan which, at the time of such exercise or nonexercise, or at the time of termination of the plan if earlier, met the requirements of section 401(a) (3), (4), (5), and (6); or

(3) A retirement annuity contract purchased for an employee by an employer which is an organization referred to in section 503(b) (1), (2), or (3), and which is exempt from tax under section 501(a).

(b) *Transfers attributable to employee contributions.* If the annuity or other payment referred to in subsection (a) is attributable to any extent to payments or contributions made by the employee, then subsection (a) shall not apply to that part of the value of such annuity or other payment which bears the same proportion to the total value of the annuity or other payment as the total payments or contributions made by the employee bear to the total payments or contributions made. For purposes of the preceding sentence, payments or contributions made by the employee's employer or former employer toward the purchase of an annuity contract described in subsection (a)(3) shall, to the extent not excludable from gross income under section 403(b), be considered to have been made by the employee.

(c) *Employee defined.* For purposes of this section, the term "employee" includes a former employee.

[Sec. 2517 as added by sec. 68 and as amended by sec. 23(f), Technical Amendments Act 1958 (72 Stat. 1659)]

**§ 25.2517–1 Employees' annuities.**

(a) *In general.* (1) Section 2517 provides an exception to the general rule of section 2511 by exempting from gift tax all or part of the value of certain annuities or other payments for the benefit of employees' surviving beneficiaries. Under the general rule in section 2511, where an employee has an unqualified right to an annuity but takes a lesser annuity with the provision that upon his death a survivor annuity or other payment will be paid to his designated beneficiary, the employee has made a gift to the beneficiary at the time he gives up his power to deprive the beneficiary of the survivor annuity or other payment. See especially § 25.2511–1(h)(10). The making of such a gift by the employee may be accomplished in three principal ways:

(i) By irrevocably electing to take the reduced annuity and designating the individual who is to receive the survivor annuity or other payment. In this case the gift is made at the time the election and designation are irrevocably made.

(ii) By permitting a prior revocable election of a reduced annuity and designation of beneficiary to become irrevocable through failure to revoke during the period during which revocation could be made. In this case the gift is made at the time the prior election and designation become irrevocable.

(iii) By permitting an option to expire under which the employee could, by exercising the option, have defeated the beneficiary's interest in the survivor annuity or other payment, and thereby regain for himself the right to a full annuity. In this case the gift is made at the time the employee permits the option to expire.

The value of the gift is the value, on the date of the gift, of the survivor annuity or other payment, computed in accordance with the principles set forth in §§ 25.2512–1, 25.2512–5, and 25.2512–6. It should be noted that such a gift is a gift of a future interest within the contemplation of § 25.2503–3 and no part thereof may be excluded in determining the total amount of gifts made during the calendar year.

(2) Section 2517 exempts from gift tax all or a portion of the value of the annuities or other payments described in subparagraph (1) of this paragraph which otherwise would be considered as gifts by employees to their beneficiaries. See paragraph (b) of this section for a complete description of the annuities and other payments to which the exemption applies. Also see paragraph (c) of this section for the portion of the annuity or other payment which is to be excluded in those cases where the annuity or other payment is attributable to payments or contributions made by both the employee and the employer. In the case of an annuity or other payment payable under an employees' trust or under a retirement annuity contract described in paragraph (b)(1)(i) or (ii) of this section, the exemption applies if the gift would otherwise be considered as having been made on or after January 1, 1955. In the case of an annuity or other payment payable under a retirement annuity contract described in paragraph (b)(1)(iii) of this section, the exclusion applies if the gift would otherwise be considered as having been made on or after January 1, 1958.

(b) *Annuities or other payments to which section 2517 applies.* (1) Except to the extent provided otherwise in paragraph (c) of this section, section 2517 exempts from transfers subject to the gift tax the value of an annuity or other payment which, upon the death of an employee, will become payable to the employee's beneficiary under:

(i) An employees' trust (or under a contract purchased by an employees' trust) forming part of a pension, stock bonus or profit-sharing plan which, at the time of such exercise or nonexercise, or at the time of termination of the plan if earlier, met the requirements of section 401(a);

(ii) A retirement annuity contract purchased by an employer (and not by an employees' trust) pursuant to a plan which, at the time of such exercise or non-exercise, or at the time of termination of the plan if earlier, met the requirements of section 401(a) (3), (4), (5), and (6); or

(iii) A retirement annuity contract purchased for an employee by an employer which is an organization referred to in section 503(b) (1), (2), or (3), and which is exempt from tax under section 501(a).

(2) The term "annuity or other payment" as used in this section, has reference to one or more payments extending over any period of time. The payments may be equal or unequal, conditional or unconditional, periodic or sporadic. For purposes of this section, the term "employee" includes a former employee. The application of this paragraph may be illustrated by the following example:

*Example.* Pursuant to a pension plan, the employer made contributions to a trust which was to provide each employee, upon his retirement at age 60, with an annuity for life, and which contained a provision for designating either before or after retirement, a surviving beneficiary. No contributions under the plan were made by the employee. At the time of designating the surviving beneficiary (January 20, 1955), the pension trust formed part of a plan meeting the requirements of section 401(a). Assume that an employee made an irrevocable election whereby he would receive a lesser annuity, and after his death, annuity payments would be continued to his wife. Since the wife was designated annuitant under a qualified pension plan, no part of the value of such annuity is includible in the total amount of gifts for the calendar year by reason of the provisions of section 2517.

(c) *Amount excludable from gift.* (1) If an annuity or other payment described in paragraph (a)(1) of this section is attributable to payments or contributions made by both the employee and the employer, the exclusion is limited to that proportion of the value on the date of the gift (see paragraph (a)(1) of this section) of the annuity or other payment which the employer's contribution (or a contribution made on the employer's behalf) to the plan on the employee's account bears to the total contributions to the plan on the employee's account. In applying the ratio set forth in the preceding sentence, payments or contributions made by the employer toward the purchase of an annuity contract described in paragraph (b)(1)(iii) of this section are considered to be contributions made by the employee (and not by the employer) to the extent that such contributions are, or were, not excludable from the employee's gross income under section 403(b). The application of this subparagraph may be illustrated by the following examples:

*Example (1).* Pursuant to a pension plan, contributions were made by employer and employee to a trust which was to provide the employee, upon his retirement at age 60, with an annuity for life, and which contained a provision for designating either before or after retirement, a surviving beneficiary upon the employee's death. Assume that the employee made an irrevocable election on January 20, 1955, whereby he would receive a lesser annuity and that after his death annuity payments would be continued to his wife. At the time of making the election, the pension trust formed part of a plan meeting the requirements of section 401(a); contributions to the plan on the employee's account amounted to $20,000 of which $15,000 was contributed by the employer and $5,000 was contributed by the employee; and the value of the survivor annuity was $8,000. Since the wife's annuity was receivable under a qualified pension plan, that part of the value of such annuity which is attributable to the employer's contributions $\left(\frac{\$15,000}{\$20,000} \times \$8,000 \text{ or } \$6,000\right)$ is excludable from gifts by reason of the provisions of section 2517(b).

*Example (2).* An employer purchased a retirement annuity contract for an employee which was to provide the employee, upon his retirement at age 60, with an annuity for life and which in accordance with the employee's irrevocable election, under which he agreed to accept reduced annuity payments, provided that annuity payments would be continued to his wife after his death. At the time of making the election (January 20, 1955), the plan under which the retirement annuity contract was purchased met the requirements of section 401(a) (3), (4), (5), and (6). The retirement annuity contract was purchased from a life insurance company at a cost of $15,198 of which $3,039.60 was contributed by the employee. The premium which would have been charged by the life insurance company for the reduced retirement annuity payments for the life of the employee alone is $10,690. The value, at the time of the election, of the survivor annuity which will become payable to the wife if she survives the employee is $4,508 ($15,198—$10,690). Of such amount, only $901.60 is includible in the employee's gifts, computed as follows:

$$\frac{\$3,039.60 \text{ (employee's contribution)}}{\$15,198.00 \text{ (total contribution)}} \times \$4,508 = \$901.60.$$

*Example (3).* An employer purchased a retirement annuity contract for an employee which was to provide the employee, upon his retirement at age 60, with an annuity for life and which contained a provision for designating a surviving beneficiary. Assume that the employee made an irrevocable election whereby he would receive a lesser annuity, and after his death, annuity payments would be continued to his wife. At the time of making the election (January 20, 1955), the employer was an organization referred to in section 503(b) (1), (2), or (3) and exempt from tax under section 501(a). As of the date of the election the total contributions toward the cost of the annuity, all by the employer, amounted to $25,000. Of this amount $5,000 was includible in the employee's income under the requirements of section 403(b) and is, therefore, considered as the employee's contributions for the purpose of applying section 2517(b).

(2) In certain cases, the employer's contribution (or a contribution made on his behalf) to a plan on the employee's account and thus the total contributions to the plan on the employee's account cannot be readily ascertained. In order to apply the ratio stated in subparagraph (1) of this paragraph in such a case, the method outlined in the following two sentences must be used unless a more precise method is presented. In such a case, the total contributions to the plan on the employee's account is the value of the annuities or other payments payable to the employee and his beneficiary computed in accordance with the rules set forth in § 25.2512–5. By subtracting from such value the amount of the employee's contribution to the plan, the amount of the employer's contribution to the plan on the employee's account may be obtained. The application of this subparagraph may be illustrated by the following example:

*Example.* Pursuant to a pension plan, the employer and the employee contributed to a trust which was to provide the employee, upon his retirement at age 60, with an annuity for life, and which contained a provision for designating either before or after retirement, a surviving beneficiary to receive an annuity upon the employee's death. At the time of the employee's retirement on January 20, 1955, he made an irrevocable election designating his wife as beneficiary. Also, at that time, the pension trust formed part of a plan meeting the requirements of section 401(a). Assume the following: (i) That the employer's contributions to the fund were not credited to the accounts of individual employees; (ii) that the value of the employee's annuity and his wife's annuity, computed as of the time of the employee's retirement, was $40,000; (iii) that the employee contributed $10,000 to the plan; and (iv) that the value at the time of the employee's retirement of the wife's annuity was $16,000. On the basis of these facts, the total contributions to the fund on the employee's account are presumed to be $40,000 and the employer's contribution to the plan on the employee's account is presumed to be $30,000 ($40,000 less $10,000). Since the election and the wife's annuity were provided for under a qualified pension

plan, that part of the value of such annuity which is attributable to the employer's contributions ($\frac{\$30,000}{\$40,000} \times \$16,000$, or $12,000) is excludable in determining the total amount of gifts for the calendar year by reason of the provisions of section 2517. Since the wife's right to a deferred annuity is a gift of a future interest the $3,000 exclusion provided in section 2503 is not allowable.

PAR. 8. Section 25.2522(c) is amended to read as follows:

**§ 25.2522(c) Statutory provisions; charitable and similar gifts; disallowance of deductions in certain cases.**

SEC. 2522. *Charitable and similar gifts.* * * *

(c) *Disallowance of deductions in certain cases.* For disallowance of certain charitable, etc., deductions otherwise allowable under this section, see sections 503 and 681. [Sec. 2522(c), as amended by sec. 30(d), Technical Amendments Act 1958 (72 Stat. 1631)]

PAR. 9. Subparagraph (4) of § 25.2523(e)–1(f) is revised to read as follows:

**§ 25.2523(e)–1 Marital deduction; life estate with power of appointment in donee spouse.**

* * * * *

(f) *Right to income.* * * *

(4) Provisions granting administrative powers to the trustees will not have the effect of disqualifying an interest transferred in trust unless the grant of powers evidences the intention to deprive the donee spouse of the beneficial enjoyment required by the statute. Such an intention will not be considered to exist if the entire terms of the instrument are such that the local courts will impose reasonable limitations upon the exercise of the powers. Among the powers which if subject to reasonable limitations will not disqualify the interest transferred in trust are the power to determine the allocation or apportionment of receipts and disbursements between income and corpus, the power to apply the income or corpus for the benefit of the spouse, and the power to retain the assets transferred to the trust. For example, a power to retain trust assets which consist substantially of unproductive property will not disqualify the interest if the applicable rules for the administration of the trust require, or permit the spouse to require, that the trustee either make the property productive or convert it within a reasonable time. Nor will such a power disqualify the interest if the applicable rules for administration of the trust require the trustee to use the degree of judgment and care in the exercise of the power which a prudent man would use if he were owner of the trust assets. Further, a power to retain a residence for the spouse or other property for the personal use of the spouse will not disqualify the interest transferred in trust.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 61–563; Filed, Jan. 19, 1961; 8:52 a.m.]

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 6541]

## PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

### Miscellaneous Amendments

On December 14, 1960, notice of proposed rule making with respect to regulations under sections 3201, 3202(a), 3211, and 3221 of the Internal Revenue Code of 1954, as amended, relating to taxes imposed by the Railroad Retirement Tax Act (chapter 22 of the Code) was published in the FEDERAL REGISTER (25 F.R. 12835). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so proposed are hereby adopted.

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: January 17, 1961.

FRED C. SCRIBNER, Jr.,
*Acting Secretary of the Treasury.*

In order to conform the Employment Tax Regulations (26 CFR Part 31) to sections 201 and 202 of the Act of May 19, 1959 (Public Law 86–28, 73 Stat. 28, 30), such regulations are amended as follows:

PARAGRAPH 1. Section 31.3201 is amended to read as follows:

**§ 31.3201 Statutory provisions; rate of tax.**

SEC. 3201. *Rate of tax.* In addition to other taxes, there is hereby imposed on the income of every employee a tax equal to—

(1) 6¾ percent of so much of the compensation paid to such employee for services rendered by him after the month in which this provision was amended in 1959, and before January 1, 1962, and

(2) 7¼ percent of so much of the compensation paid to such employee for services rendered by him after December 31, 1961,

as is not in excess of $400 for any calendar month: *Provided*, That the rate of tax imposed by this section shall be increased, with respect to compensation paid for services after December 31, 1964, by a number of percentage points (including fractional points) equal at any given time to the number of percentage points (including fractional points) by which the rate of the tax imposed with respect to wages by section 3101 at such time exceeds the rate provided by paragraph (2) of such section 3101 as amended by the Social Security Amendments of 1956.

[Sec. 3201 as amended by sec. 206(a), Act of Aug. 31, 1954 (Pub. Law 746, 83d Cong., 68 Stat. 1040); sec 201(a), Act of May 19, 1959 (Pub. Law 86–28, 73 Stat. 28)]

PAR. 2. Section 31.3201–1 is amended to read as follows:

**§ 31.3201–1 Measure of employee tax.**

The employee tax with respect to compensation paid after 1954 for services rendered after 1954 is measured by the amount of such compensation paid to an individual for services rendered as an employee to one or more employers, excluding, however, the amount of—

(a) Compensation in excess of $400 which is paid to the employee after May 31, 1959, for services rendered during any one calendar month after May 31, 1959;

(b) Compensation in excess of $360 which is paid to the employee after 1954 and before June 1, 1959, for services rendered during any one calendar month after May 31, 1959; and

(c) Compensation in excess of $350 which is paid to the employee after 1954 for services rendered during any one calendar month after 1954 and before June 1, 1959.

The employee tax with respect to compensation paid after May 31, 1959, for services rendered after such date, is measured without regard to any amount of compensation paid before June 1, 1959, for such services. The employee tax with respect to compensation paid before June 1, 1959, for services rendered after May 31, 1959, is measured without regard to any amount of compensation paid after May 31, 1959, for such services. For provisions relating to compensation, see § 31.3231(e)–1. For provisions relating to the circumstances under which certain compensation is to be disregarded for the purpose of determining the employee tax, see paragraph (a) (4) and (5) of § 31.3231(e)–1.

PAR. 3. Section 31.3201–2 is amended to read as follows:

**§ 31.3201–2 Rates and computation of employee tax.**

(a) *Rates.* The rates of employee tax applicable with respect to compensation are as follows:

| | Percent |
|---|---|
| Compensation paid at any time after 1954 for services rendered after 1954 and before June 1, 1959; and compensation paid after 1954 and before June 1, 1959, for services rendered after May 31, 1959 | 6¼ |
| Compensation paid after May 31, 1959, for services rendered after May 31, 1959, and before 1962 | 6¾ |
| Compensation paid after May 31, 1959, for services rendered during the calendar years 1962, 1963, and 1964 | 7¼ |

The rate of employee tax with respect to compensation paid after May 31, 1959, for services rendered after 1964 is the sum of 7¼ percent and an additional percentage. Such additional percentage is determined by subtracting 2¾ percent from the rate of tax imposed by section 3101 with respect to wages received at the time such services are rendered.

*Example.* If the rate of tax imposed by section 3101 with respect to wages received in 1965 is 3½ percent, then the rate of tax imposed by section 3201 with respect to compensation paid after May 31, 1959, for services rendered in 1965 is 8 percent. (That is, 2¾ percent subtracted from 3½ percent leaves a remainder of ¾ percent. Such remainder of ¾ percent added to 7¼ percent equals 8 percent.)

(b) *Computation.* The employee tax is computed by multiplying the amount of the employee's compensation with respect to which the employee tax is imposed by the rate applicable to such compensation, as determined under paragraph (a) of this section.



PAR. 4. Section 31.3202 is amended by revising section 3202(a) and the historical note to read as follows:

**§ 31.3202 Statutory provisions; deduction of tax from compensation.**

SEC. 3202. *Deduction of tax from compensation*—(a) *Requirement.* The tax imposed by section 3201 shall be collected by the employer of the taxpayer by deducting the amount of the tax from the compensation of the employee as and when paid. If an employee is paid compensation after the month in which this provision was amended in 1959, by more than one employer for services rendered during any calendar month after the month in which this provision was amended in 1959 and the aggregate of such compensation is in excess of $400, the tax to be deducted by each employer other than a subordinate unit of a national railway-labor-organization employer from the compensation paid by him to the employee with respect to such month shall be that proportion of the tax with respect to such compensation paid by all such employers which the compensation paid by him after the month in which this provision was amended in 1959, to the employee for services rendered during such month bears to the total compensation paid by all such employers after the month in which this provision was amended in 1959, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $400, each subordinate unit of a national railway-labor-organization employer shall deduct such proportion of any additional tax as the compensation paid by such employer after the month in which this provision was amended in 1959, to such employee for services rendered during such month bears to the total compensation paid by all such employers after the month in which this provision was amended in 1959, to such employee for services rendered during such month.

* * * * *

[Sec. 3202 as amended by sec. 206(a), Act of Aug. 31, 1959 (Pub. Law 746, 83d Cong., 68 Stat. 1040); sec. 201(b), Act of May 19, 1959 (Pub. Law 86–28, 73 Stat. 29)]

PAR. 5. Section 31.3202–1 is amended by revising paragraph (b), and by adding a new paragraph (f), to read as follows:

**§ 31.3202–1 Collection of, and liability for, employee tax.**

* * * * *

(b) *Collection; payments by two or more employers in excess of monthly compensation limitation*—(1) *Aggregate monthly compensation in excess of $400 paid after May 31, 1959, for services rendered after that date.* If an employee is paid compensation after May 31, 1959, by two or more employers for services rendered during any one calendar month after such date, and if the aggregate compensation paid to such employee after such date by all employers for services rendered during that month is in excess of $400, the employee tax to be deducted by each employer from the compensation as and when paid by him after May 31, 1959, to the employee shall be determined as follows:

(i) If such compensation is paid by two or more employers, none of whom is a subordinate unit of a national railway-labor-organization employer (see paragraph (a)(6) of § 31.3231(a)–1), each employer shall deduct the employee tax with respect to that proportion of $400 of compensation which the compensation paid after May 31, 1959, by such employer to the employee for the month bears to the total compensation paid after such date to such employee by all employers for that month. See example (1) in subdivision (vii) of this subparagraph.

(ii) If such compensation is paid by two or more employers, each of which is a subordinate unit of a national railway-labor-organization employer, each subordinate unit shall deduct the employee tax with respect to that proportion of $400 of compensation which the compensation paid after May 31, 1959, by such subordinate unit to the employee for the month bears to the total compensation paid after such date to such employee by all such subordinate units for that month.

(iii) If such compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid after May 31, 1959, to the employee by the employer other than a subordinate unit equals or exceeds $400 for the month, then no employee tax shall be deducted by any such subordinate unit from the compensation paid by it after such date to such employee for that month, and the employer other than a subordinate unit shall deduct the employee tax with respect to $400 of compensation paid by him after such date to such employee for that month. See example (2) in subdivision (vii) of this subparagraph.

(iv) If such compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer and by one or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after May 31, 1959, to the employee by the employers other than a subordinate unit equals or exceeds $400 for the month, then no employee tax shall be deducted by any such subordinate unit from the compensation paid by it after such date to such employee for that month, and each employer other than subordinate unit shall deduct the employee tax with respect to that proportion of $400 of compensation which the compensation paid after such date by such employer to the employee for the month bears to the total compensation paid after such date to such employee by all such employers other than a subordinate unit for that month. See example (3) in subdivision (vii) of this subparagraph.

(v) If such compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid after May 31, 1959, to the employee by all employers other than the subordinate unit is less than $400 for the month, then each employer other than the subordinate unit shall deduct the employee tax with respect to the full amount of compensation paid by him after such date to such employee for that month, and the subordinate unit of a national railway-labor-organization employer shall deduct the employee tax with respect to the remainder of $400 of compensation less the total compensation paid after such date to such employee for that month by all other employers. See example (4) in subdivision (vii) of this subparagraph.

(vi) If such compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after May 31, 1959, to the employee by all employers other than the subordinate units is less than $400 for the month, then each employer other than the subordinate units shall deduct the employee tax with respect to the full amount of compensation paid by him after such date to such employee for that month, and each subordinate unit of a national railway-labor-organization employer shall deduct the employee tax with respect to that proportion of the remainder of $400 of compensation less the total compensation paid after such date to such employee for the month by all employers other than the subordinate units which the compensation paid after such date by such subordinate unit to the employee for that month bears to the total compensation paid after such date to such employee by all such subordinate units for that month. See example (5) in subdivision (vii) of this subparagraph.

(vii) The application of certain of the principles stated in this subparagraph may be illustrated by the following examples:

*Example (1).* A, an employee, renders services during June 1959 for employers X, Y, and Z, none of whom is a subordinate unit of a national railway-labor-organization employer. For such services A is paid in June 1959 or thereafter compensation of $100 by X, $100 by Y, and $300 by Z, or an aggregate of $500 for the month. In such case X pays one-fifth of A's aggregate compensation for the month, Y pays one-fifth, and Z pays three-fifths. X and Y, therefore, are each required to deduct the employee tax with respect to one-fifth of $400, or $80, and Z is required to deduct the employee tax with respect to three-fifths of $400, or $240.

*Example (2).* A, an employee, renders services during June 1959 for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. For such services A is paid in the month or thereafter compensation of $400 by X, $50 by Y, and $35 by Z. Since the compensation paid A for the month by X equals $400, neither Y nor Z is required to deduct any employee tax from the compensation paid by him to A for the month; and X is required to deduct the employee tax with respect to the full $400 paid by him to A for the month.

*Example (3).* A, an employee, renders services during June 1959 for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. For such services A is paid in the month or thereafter compen-

sation of $200 by W and $300 by X, or an aggregate of $500 for the month, and compensation of $50 by Y and $50 by Z. Since the aggregate compensation paid A for the month by W and X is in excess of $400, neither Y nor Z is required to deduct any employee tax from the compensation paid by him to A for the month. Of the aggregate compensation of $500 paid A for the month by W and X, W pays two-fifths and X pays three-fifths. W, therefore, is required to deduct the employee tax with respect to two-fifths of $400, or $160, and X is required to deduct the employee tax with respect to three-fifths of $400, or $240.

*Example (4).* A, an employee, renders services during June 1959 for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employer Y, a subordinate unit of a national railway-labor-organization employer. For such services A is paid in the month or thereafter compensation of $250 by X and $200 by Y. In such case X is required to deduct the employee tax with respect to the full $250 paid by him to A for the month; and Y is required to deduct the employee tax only with respect to $150 ($400 minus $250 paid by X).

*Example (5).* A, an employee, renders services during June 1959 for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. For such services A is paid in the month or thereafter compensation of $190 by W, $120 by X, $50 by Y, and $100 by Z. In such case W and X are each required to deduct the employee tax with respect to the full amount paid to A for the month, that is, W with respect to $190 and X with respect to $120; and Y and Z are required to deduct the employee tax with respect to their proportionate share of $90 ($400 minus $310 paid by W and X). Of the aggregate compensation of $150 paid by Y and Z, $50, or one-third, was paid by Y, and $100, or two-thirds, was paid by Z. In such case Y is required to deduct the employee tax with respect to one-third of $90, or $30, and Z is required to deduct the employee tax with respect to two-thirds of $90, or $60.

(2) *Aggregate monthly compensation in excess of $350 paid before June 1, 1959, for services rendered after May 31, 1959.* If an employee is paid compensation within the period January 1, 1955, to May 31, 1959, both dates inclusive, by two or more employers for services rendered during any one calendar month after May 31, 1959, and if the aggregate compensation paid within such period to such employee by all employers for services rendered during such month is in excess of $350, the employee tax to be deducted by each employer from the compensation as and when paid by him to the employee within such period shall be determined in accordance with the principles stated in subparagraph (1) of this paragraph. Such principles should be applied, however, with reference to the compensation and services described in this subparagraph.

(3) *Aggregate monthly compensation in excess of $350 paid after 1954 for services rendered before June 1, 1959.* If an employee is paid compensation at any time after 1954 by two or more employers for services rendered during any one calendar month within the period January 1, 1955, to May 31, 1959, both dates inclusive, and if the aggregate compensation paid after 1954 to such employee by all employers for services rendered during such month is in excess of $350, the employee tax to be deducted by each employer from the compensation as and when paid by him after 1954 to the employee shall be determined in accordance with the principles stated in subparagraph (1) of this paragraph. Such principles should be applied, however, with reference to the compensation and services described in this subparagraph.

* * * * *

(f) *Cross reference.* See paragraph (a) (4) and (5) of § 31.3231(e)–1 for provisions relating to the circumstances under which certain compensation is to be disregarded for the purpose of determining the employee tax.

PAR. 6. Section 31.3211 is amended to read as follows:

**§ 31.3211 Statutory provisions; rate of tax.**

SEC. 3211. *Rate of tax.* In addition to other taxes, there is hereby imposed on the income of each employee representative a tax equal to—

(1) 13½ percent of so much of the compensation paid to such employee representative for services rendered by him after the month in which this provision was amended in 1959, and before January 1, 1962, and

(2) 14½ percent of so much of the compensation paid to such employee representative for services rendered by him after December 31, 1961,

as is not in excess of $400 for any calendar month: *Provided*, That the rate of tax imposed by this section shall be increased, with respect to compensation paid for services rendered after December 31, 1964, by a number of percentage points (including fractional points) equal at any given time to twice the number of percentage points (including fractional points) by which the rate of the tax imposed with respect to wages by section 3101 at such time exceeds the rate provided by paragraph (2) of such section 3101 as amended by the Social Security Amendments of 1956.

[Sec. 3211 as amended by sec. 206(a), Act of Aug. 31, 1954 (Pub. Law 746, 83d Cong., 68 Stat. 1040); sec. 201(c), Act of May 19, 1959 (Pub. Law 86–28, 73 Stat. 29)]

PAR. 7. Section 31.3211–1 is amended to read as follows:

**§ 31.3211–1 Measure of employee representative tax.**

(a) *General rule.* Except as provided in paragraph (b) of this section the employee representative tax with respect to compensation paid after 1954 for services rendered after 1954 is measured by the amount of such compensation paid to an individual for services rendered as an employee representative, excluding however, the amount of—

(1) Compensation in excess of $400 which is paid to the employee representative after May 31, 1959, for services rendered during any one calendar month after May 31, 1959;

(2) Compensation in excess of $350 which is paid to the employee representative after 1954 and before June 1, 1959, for services rendered during any one calendar month after May 31, 1959; and

(3) Compensation in excess of $350 which is paid to the employee representative after 1954 for services rendered during any one calendar month after 1954 and before June 1, 1959.

The employee representative tax with respect to compensation paid after May 31, 1959, for services rendered after such date, is measured without regard to any amount of compensation paid before June 1, 1959, for such services. The employee representative tax with respect to compensation paid before June 1, 1960, for services rendered after May 31, 1959, is measured without regard to any amount of compensation paid after May 31, 1959, for such services. For provisions relating to compensation, see § 31.3231(e)–1.

(b) *Aggregate monthly compensation as employee representative and employee in excess of monthly compensation limitation*—(1) *Compensation in excess of $400 paid after May 31, 1959, for services rendered after that date.* (i) If during any one calendar month after May 31, 1959, an individual renders services both as an employee representative and as an employee and the total compensation paid after such date to the individual for services rendered during such month both as an employee representative and as an employee exceeds $400, the measure of the employee representative tax for such month shall be $400 minus the compensation paid after May 31, 1959, to such individual for services rendered by him during such month as an employee.

(ii) The application of subdivision (i) of this subparagraph may be illustrated by the following example:

*Example.* A renders services as an employee representative during June 1959 for which he is paid $100 in June 1959 or thereafter. During such month A also renders services as an employee for one or more employers and receives during such month or thereafter compensation of $350. Inasmuch as the total amount of compensation paid after May 31, 1959, to A for services rendered during June 1959 as an employee representative and as an employee exceeds $400 ($100 plus $350, or $450), the measure of the employee representative tax is $400 minus $350 (A's compensation for services rendered as an employee), or $50.

(2) *Compensation in excess of $350 paid before June 1, 1959, for services rendered after May 31, 1959.* If during any one calendar month after May 31, 1959, an individual renders services as an employee representative and as an employee and the total compensation paid after 1954 and before June 1, 1959, to the individual for services rendered during such month as an employee representative and as an employee exceeds $350, the measure of the employee representative tax for such month shall be $350 minus the compensation paid after 1954 and before June 1, 1959, to such individual for services rendered by him during such month as an employee.

(3) *Compensation in excess of $350 paid after 1954 for services rendered after 1954 and before June 1, 1959.* If during any one calendar month after 1954 and before June 1, 1959, an individual renders services as an employee representative and as an employee and the total compensation paid at any time after 1954 to the individual for services rendered during such month as an employee representative and as an employee exceeds $350, the measure of the employee representative tax for such month shall be $350 minus the compensation paid at any time after 1954 to such individual for services rendered by him during the month as an employee.



PAR. 8. Section 31.3211–2 is amended to read as follows:

**§ 31.3211–2 Rates and computation of employee representative tax.**

(a) *Rates.* The rates of employee representative tax applicable with respect to compensation are as follows:

| | Percent |
|---|---|
| Compensation paid at any time after 1954 for services rendered after 1954 and before June 1, 1959; and compensation paid after 1954 and before June 1, 1959, for services rendered after May 31, 1959 | 12½ |
| Compensation paid after May 31, 1959, for services rendered after May 31, 1959, and before 1962 | 13½ |
| Compensation paid after May 31, 1959, for services rendered during the calendar years 1962, 1963, and 1964 | 14½ |

The rate of employee representative tax with respect to compensation paid after May 31, 1959, for services rendered after 1964 is the sum of 14½ percent and an additional percentage. Such additional percentage is determined by subtracting 2¾ percent from the rate of tax imposed by section 3101 with respect to wages received at the time such services are rendered, and by doubling the remainder.

*Example.* If the rate of tax imposed by section 3101 with respect to wages received in 1965 is 3½ percent, then the rate of tax imposed by section 3211 with respect to compensation paid after May 31, 1959, for services rendered in 1965 is 16 percent. (That is, 2¾ percent subtracted from 3½ percent leaves a remainder of ¾ percent. Such remainder doubled is 1½ percent. The sum of 1½ percent and 14½ percent is 16 percent.)

(b) *Computation.* The employee representative tax is computed by multiplying the amount of the employee representative's compensation with respect to which the employee representative tax is imposed by the rate applicable to such compensation, as determined under paragraph (a) of this section.

PAR. 9. Section 31.3221 is amended to read as follows:

**§ 31.3221 Statutory provisions; rate of tax.**

SEC. 3221. *Rate of tax.* (a) In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to—

(1) 6¾ percent of so much of the compensation paid by such employer for services rendered to him after the month in which this provision was amended in 1959, and before January 1, 1962, and

(2) 7¼ percent of so much of the compensation paid by such employer for services rendered to him after December 31, 1961,

as is, with respect to any employee for any calendar month, not in excess of $400; except that if an employee is paid compensation after the month in which this provision was amended in 1959, by more than one employer for services rendered during any calendar month after the month in which this provision was amended in 1959, the tax imposed by this section shall apply to not more than $400 of the aggregate compensation paid to such employee by all such employers after the month in which this provision was amended in 1959, for services rendered during such month, and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the tax with respect to such compensation paid by all such employers which the compensation paid by him after the month in which this provision was amended in 1959, to the employee for services rendered during such month bears to the total compensation paid by all such employers after the month in which this provision was amended in 1959, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $400, each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional tax as the compensation paid by such employer after the month in which this provision was amended in 1959, to such employee for services rendered during such month bears to the total compensation paid by all such employers after the month in which this provision was amended in 1959, to such employee for services rendered during such month.

(b) The rate of tax imposed by subsection (a) shall be increased, with respect to compensation paid for services rendered after December 31, 1964, by a number of percentage points (including fractional points) equal at any given time to the number of percentage points (including fractional points) by which the rate of the tax imposed with respect to wages by section 3111 at such time exceeds the rate provided by paragraph (2) of such section 3111 as amended by the Social Security Amendments of 1956.

[Sec. 3221 as amended by sec. 206(a), Act of Aug. 31, 1954 (Pub. Law 746, 83d Cong., 68 Stat. 1040); sec. 201(d), Act of May 19, 1959 (Pub. Law 86–28, 73 Stat. 29)]

PAR. 10. Section 31.3221–1 is amended by revising paragraphs (a) and (b), and by adding a new paragraph (d), as follows:

**§ 31.3221–1 Measure of employer tax.**

(a) *General rule.* Except as provided in paragraph (b) of this section, the employer tax with respect to compensation paid after 1954 for services rendered after 1954 is measured by the amount of such compensation paid by an employer to his employees, excluding, however, the amount of—

(1) Compensation in excess of $400 which is paid to any employee after May 31, 1959, for services rendered during any one calendar month after May 31, 1959;

(2) Compensation in excess of $350 which is paid to any employee after 1954 and before June 1, 1959, for services rendered during any one calendar month after May 31, 1959; and

(3) Compensation in excess of $350 which is paid to any employee after 1954 for services rendered during any one calendar month after 1954 and before June 1, 1959.

The employer tax with respect to compensation paid after May 31, 1959, for services rendered after such date, is measured without regard to any amount of compensation paid before June 1, 1959, for such services. The employer tax with respect to compensation paid before June 1, 1959, is measured without regard to any amount of compensation paid after May 31, 1959, for such services. For provisions relating to compensation, see § 31.3231(e)–1. For provisions relating to the circumstances under which certain compensation is to be disregarded for the purpose of determining the employer tax, see paragraph (a) (4) and (5) of § 31.3231(e)–1.

(b) *Payments by two or more employers in excess of monthly compensation limitation*—(1) *Aggregate monthly compensation in excess of $400 paid after May 31, 1959, for services rendered after that date.* If an employee is paid compensation after May 31, 1959, by two or more employers for services rendered during any one calendar month after such date, and if the aggregate compensation paid to such employee after such date by all employers for services rendered during such month is in excess of $400, the measure of the employer tax of each employer with respect to the compensation paid by him after such date to the employee for the month shall be determined as follows:

(i) If such compensation is paid by two or more employers, none of whom is a subordinate unit of a national railway-labor-organization employer (see paragraph (a)(6) of § 31.3231(a)–1), the measure of the employer tax of each employer shall be that proportion of $400 which the compensation paid after May 31, 1959, by such employer to the employee for the month bears to the total compensation paid after such date to such employee by all employers for that month.

(ii) If such compensation is paid by two or more employers, each of which is a subordinate unit of a national railway-labor-organization employer, the measure of the employer tax of each subordinate unit shall be that proportion of $400 which the compensation paid after May 31, 1959, by such subordinate unit to the employee for the month bears to the total compensation paid after such date to such employee by all such subordinate units for that month.

(iii) If such compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid after May 31, 1959, to the employee by the employer other than a subordinate unit equals or exceeds $400 for the month, then no subordinate unit shall be liable for any employer tax with respect to the compensation paid by it after such date to such employee for that month, and the measure of the employer tax of the employer other than a subordinate unit with respect to the compensation paid by him after 1954 to such employee for that month shall be $400.

(iv) If such compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer and by one or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after May 31, 1959, to the employee by the employers other than a subordinate unit equals or exceeds $400 for the month, then no subordinate unit shall be liable for any employer tax with respect to the compensation paid by it after such

date to such employee for that month, and the measure of the employer tax of each employer other than a subordinate unit shall be that proportion of $400 which the compensation paid after such date by such employer to the employee for the month bears to the total compensation paid after such date to such employee by all such employers other than a subordinate unit for that month.

(v) If such compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid after May 31, 1959, to the employee by all employers other than the subordinate unit is less than $400 for the month, then the measure of the employer tax of each employer other than the subordinate unit shall be the full amount of compensation paid by him after such date to such employee for that month, and the measure of the employer tax of the subordinate unit of a national railway-labor-organization employer shall be the remainder of $400 less the total compensation paid after such date to such employee for that month by all other employers.

(vi) If such compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer, and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after May 31, 1959, to the employee by all employers other than the subordinate units is less than $400 for the month, then the measure of the employer tax of each employer other than the subordinate units shall be the full amount of compensation paid by him after such date to such employee for that month, and the measure of the employer tax of each subordinate unit of a national railway-labor-organization employer shall be that proportion of the remainder of $400 less the total compensation paid after such date to such employee for the month by all employers other than the subordinate units which the compensation paid after such date by such subordinate unit to the employee for that month bears to the total compensation paid after such date to such employee by all such subordinate units for that month.

(vii) For illustrations of the application of certain of the principles in this subparagraph, see the examples, illustrating the analogous principles with respect to the deduction of employee tax, set forth in paragraph (b)(1)(vii) of § 31.3202–1.

(2) *Aggregate monthly compensation in excess of $350 paid before June 1, 1959, for services rendered after May 31, 1959.* If an employee is paid compensation within the period January 1, 1955, to May 31, 1959, both dates inclusive, by two or more employers for services rendered during any one calendar month after May 31, 1959, and if the aggregate compensation paid within such period to such employee by all employers for services rendered during such month is in excess of $350, the measure of the employer tax of each employer with respect to the compensation paid by him to the employee within such period shall be determined in accordance with the principles stated in subparagraph (1) of this paragraph. Such principles should be applied, however, with reference to the compensation and services described in this subparagraph.

(3) *Aggregate monthly compensation in excess of $350 paid after 1954 for services rendered before June 1, 1959.* If an employee is paid compensation at any time after 1954 by two or more employers for services rendered during any one calendar month within the period January 1, 1955, to May 31, 1959, both dates inclusive, and if the aggregate compensation paid after 1954 to such employee by all employers for services rendered during such month is in excess of $350, the measure of the employer tax of each employer with respect to the compensation paid by him to the employee after 1954 shall be determined in accordance with the principles stated in subparagraph (1) of this paragraph. Such principles should be applied, however, with reference to the compensation and services described in this subparagraph.

* * * * * *

(d) *Cross reference.* See paragraph (a)(4) and (5) of § 31.3231(e)–1 for provisions relating to the circumstances under which certain compensation is to be disregarded for the purpose of determining the employer tax.

PAR. 11. Section 31.3221–2 is amended to read as follows:

**§ 31.3221–2 Rates and computation of employer tax.**

(a) *Rates.* The rates of employer tax applicable with respect to compensation are as follows:

| | *Percent* |
|---|---|
| Compensation paid at any time after 1954 for services rendered after 1954 and before June 1, 1959; and compensation paid after 1954 and before June 1, 1959, for services rendered after May 31, 1959 | 6¼ |
| Compensation paid after May 31, 1959, for services rendered after May 31, 1959, and before 1962 | 6¾ |
| Compensation paid after May 31, 1959, for services rendered during the calendar years 1962, 1963, and 1964 | 7¼ |

The rate of employer tax with respect to compensation paid after May 31, 1959, for services rendered after 1964 is the sum of 7¼ percent and an additional percentage. Such additional percentage is determined by subtracting 2¾ percent from the rate of tax imposed by section 3111 with respect to wages paid at the time such services are rendered.

*Example.* If the rate of tax imposed by section 3111 with respect to wages paid in 1965 is 3½ percent, then the rate of tax imposed by section 3221 with respect to compensation paid after May 31, 1959, for services rendered in 1965 is 8 percent. (That is, 2¾ percent subtracted from 3½ percent leaves a remainder of ¾ percent. Such remainder of ¾ percent added to 7¼ percent equals 8 percent.)

(b) *Computation.* The employer tax is computed by multiplying the amount of the compensation with respect to which the employer tax is imposed by the rate applicable to such compensation, as determined under paragraph (a) of this section.

(Sec. 7805 of the Internal Revenue Code of 1954; 68 Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 61–562; Filed, Jan. 19, 1961; 8:52 a.m.]

[T.D. 6538]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

## PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

### Laminated Tires

On December 2, 1960, notice of proposed rule making with respect to regulations under section 4071(a)(5) of the Internal Revenue Code of 1954, as amended, relating to the manufacturers excise tax on the sale of laminated tires, was published in the FEDERAL REGISTER (25 F.R. 12362). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the regulations as so proposed are hereby adopted.

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: January 16, 1961.

FRED C. SCRIBNER, Jr.,
*Acting Secretary of the Treasury.*

In order to conform the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) to the Act of April 22, 1960 (Public Law 86–440, 74 Stat. 80), such regulations are amended as follows:

PARAGRAPH 1. Section 48.4071 is amended to read as follows:

**§ 48.4071 Statutory provisions; imposition of tax.**

SEC. 4071 *Imposition of tax*—(a) *Imposition and rate of tax.* There is hereby imposed upon the following articles, if wholly or in part of rubber, sold by the manufacturer, producer, or importer, a tax at the following rates:

(1) Tires of the type used on highway vehicles, 8 cents a pound.

(2) Other tires (other than laminated tires to which paragraph (5) applies), 5 cents a pound.

(3) Inner tubes for tires, 9 cents a pound.

(4) Tread rubber, 3 cents a pound.

(5) Laminated tires (not of the type used on highway vehicles) which consist wholly of scrap rubber from used tire casings with an internal metal fastening agent, 1 cent a pound.

(b) *Determination of weight.* For purposes of this section, weight shall be based on total weight, except that in the case of tires such total weight shall be exclusive of metal rims or rim bases. Total weight of the articles shall be determined under regulations prescribed by the Secretary or his delegate.

(c) *Rate reduction.* On and after July 1, 1972—

(1) The tax imposed by paragraph (1) of subsection (a) shall be 5 cents a pound; and

(2) Paragraph (4) of subsection (a) shall not apply.

[Sec. 4071 as amended and in effect Jan. 1, 1959, and as further amended by Act of Apr. 22, 1960 (Pub. Law 86–440, 74 Stat. 80)]

PAR. 2. Paragraph (b)(1) of § 48.4071–1 is amended to read as follows:



**§ 48.4071–1 Imposition and rates of tax.**

* * * * * *

(b) *Rates and computation of tax*—(1) *Rates of tax.* Tax is imposed upon each of the above-mentioned taxable articles at the rate applicable on the date on which the article is sold, as specified below:

| | *Cents per pound* |
|---|---|
| (i) *Tires:* | |
| (a) Of the type used on highway vehicles; | |
| (1) For the period January 1, 1959, to June 30, 1972, inclusive | 8 |
| (2) On or after July 1, 1972 | 5 |
| (b) Of the type used on other than highway vehicles (excluding laminated tires) | 5 |
| (c) Laminated tires: | |
| (1) For the period January 1, 1959, to May 31, 1960, inclusive | 5 |
| (2) On or after June 1, 1960 | 1 |
| (ii) *Inner tubes* | 9 |
| (iii) *Tread rubber:* | |
| For the period January 1, 1959, to June 30, 1972, inclusive | 3 |

For definitions of the terms "tires of the type used on highway vehicles" and "laminated tires", see paragraphs (c) and (f) of § 48.4072–1.

PAR. 3. Section 48.4072–1 is amended by striking paragraph (f) and inserting the following:

**§ 48.4072–1 Definitions.**

* * * * * *

(f) *Laminated tires.* The term "laminated tires", for purposes of the tax imposed by section 4071, means tires (1) which are not "tires of the type used on highway vehicles" within the meaning of paragraph (c) of this section, and (2) which consist wholly of scrap rubber from used tire casings with an internal metal fastening agent.

(g) *Cross references.* For other definitions, see §§ 48.0–2 and 48.7701.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 61–515; Filed, Jan. 19, 1961; 8:47 a.m.]

[T.D. 6536]

## PART 49—FACILITIES AND SERVICES EXCISE TAXES

### Excise Tax on Club Dues

On September 23, 1960, a notice of proposed rule making with respect to the Facilities and Services Excise Tax Regulations (26 CFR Part 49) under sections 4241, 4242, and 4243 of the Internal Revenue Code of 1954, as amended, relating to the excise tax on club dues, was published in the FEDERAL REGISTER (25 F.R. 9143). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes set forth below. Such regulations supersede § 148.1–2 of the Regulations on Certain Excise Tax Matters under Excise Tax Technical Changes Act of 1958 (26 CFR 148.1–2).

PARAGRAPH 1. Subparagraphs (1), (2), and (3) of paragraph (c), and paragraph (g)(2) of § 49.4241–1 are revised.

PAR. 2. Section 49.4243–1 is revised.

PAR. 3. Paragraphs (a), (b), and (c), and examples (5) and (6) of paragraph (d), of § 49.4243–2 are revised.

PAR. 4. Section 49.4243–3 is revised by changing paragraph (a) and by adding subparagraph (3) to paragraph (b).

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: January 16, 1961.

FRED C. SCRIBNER, Jr.,
*Acting Secretary of the Treasury.*

The regulations so adopted under sections 4241, 4242, and 4243 of the Internal Revenue Code of 1954, as amended, relating to the excise tax on club dues, read as follows:

### Subpart B—Admissions and Dues

CLUB DUES


| Sec. | |
|---|---|
| 49.4241 | Statutory provisions; imposition of tax. |
| 49.4241–1 | Tax on club dues, initiation fees, and life memberships. |
| 49.4242 | Statutory provisions; definitions. |
| 49.4242–1 | Definition; dues or membership fees. |
| 49.4242–2 | Definition; initiation fees. |
| 49.4243 | Statutory provisions; exemptions. |
| 49.4243–1 | Exemption; fraternal organizations. |
| 49.4243–2 | Exemption; assessments for capital improvements. |
| 49.4243–3 | Exemption; nonprofit swimming or skating facilities. |


AUTHORITY: §§ 49.4241 to 49.4243–3 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

**§ 49.4241 Statutory provisions; imposition of tax.**

SEC. 4241. *Imposition of tax*—(a) *Rate.* There is hereby imposed—

(1) *Dues or membership fees.* A tax equivalent to 20 percent of any amount paid as dues or membership fees to any social, athletic, or sporting club or organization, if the dues or fees of an active resident annual member are in excess of $10 per year.

(2) *Initiation fees.* A tax equivalent to 20 percent of any amount paid as initiation fees to such a club or organization, if such fees amount to more than $10, or if the dues or membership fees, not including initiation fees, of an active resident annual member are in excess of $10 per year.

(3) *Life memberships.* In the case of life memberships—

(A) A tax equivalent to the tax upon the amount paid as dues or membership fees by members (other than life members) having privileges most nearly comparable to those of the person holding the life membership; or

(B) At the election (made at such time not later than the day on which the first amount is paid for life membership, and made in such manner and form, as the Secretary or his delegate shall by regulations prescribe) of the person holding the life membership, a tax equivalent to 20 percent of any amount paid for the life membership. Any election under this subparagraph shall be irrevocable.

If subparagraph (A) applies, no tax shall be paid under this subsection on amounts paid for the life membership, and the tax under subparagraph (A) shall be paid at the time for the payment of dues or membership fees by members (other than life members) having privileges most nearly comparable to those of the person holding the life membership. Any tax payable under this paragraph shall be in addition to any tax payable under paragraph (1) or (2). No tax shall be payable under this paragraph on any life membership for which no charge is made to any person.

(b) *By whom paid.* Except as provided in section 4243(b), the taxes imposed by this section shall be paid by the person paying such dues or fees, or holding such life membership.

[Sec. 4241 as amended and in effect Jan. 1, 1959, and as further amended by sec. 3(b), Act of Sept. 21, 1959 (Pub. Law 86–344, 73 Stat. 618)]

**§ 49.4241–1 Tax on club dues, initiation fees, and life memberships.**

(a) *Dues or membership fees.* Section 4241(a)(1) imposes a tax at the rate of 20 percent on amounts paid as dues or membership fees to a social, athletic, or sporting club or organization, if the dues and membership fees of an active resident annual member are in excess of $10 per year. If the dues and membership fees of an active resident annual member of such a club or organization are in excess of $10 per year, the tax applies not only to the dues and membership fees of an active resident annual member, but also to the dues and membership fees of all other members of the club or organization, whether or not the dues and membership fees of the other members are in excess of $10 per year. For definition of the term "dues or membership fees", see paragraph (a) of § 49.4242–1.

(b) *Initiation fees.* Section 4241(a)(2) imposes a tax at the rate of 20 percent on amounts paid as initiation fees required as a condition precedent to membership in a social, athletic, or sporting club or organization, if (1) such initiation fees are in excess of $10, or (2) the dues and membership fees of an active resident annual member are in excess of $10 per year. If the initiation fee exceeds $10, it is subject to the tax, regardless of the amount of dues and membership fees paid by an active resident annual member. If the dues and membership fees paid by an active resident annual member are in excess of $10 per year, any initiation fee, regardless of the amount, is subject to the tax. For definition of the term "initiation fees", see § 49.4242–2.

(c) *Life memberships*—(1) *General rule.* Section 4241(a)(3) imposes a tax on life memberships in a social, athletic, or sporting club or organization. In the absence of an election by the life member to have the tax determined in the manner described in subparagraph (2) of this paragraph, the tax in respect of a life membership is, pursuant to section 4241(a)(3)(A), equivalent to the tax imposed by section 4241(a)(1), (after application of any exemption provided in section 4243 (see particularly paragraph (b) of § 49.4243–2)) upon the amount paid to the club or organization as the dues or membership fees of any member (other than a life member) for privileges most nearly comparable to those enjoyed under the life membership. Thus, if the life membership confers limited privileges comparable to the privileges of certain other members who pay dues in a lesser amount than members having full privileges, the tax in respect of the life membership shall be computed on the basis of such lesser amount. The tax on life memberships imposed by section

4241(a)(3) is in addition to any taxes under paragraphs (1) and (2) of section 4241(a) which may be due on amounts paid as dues and membership fees or as initiation fees of the life member. If the tax on a life membership is determined in the manner described in this subparagraph, no tax shall be paid on the amount paid for the life membership. However, in no event is tax on life memberships payable in respect of any life membership for which no charge is made to any person as, for example, an honorary membership. An amount paid for a term membership, such as a membership for 10 years or 20 years, is not an amount paid for a life membership, but is subject to the tax imposed by section 4241(a) (1) or (2) as an amount paid as dues or membership fees or as initiation fees.

(2) *Election to pay tax on amount paid for life membership.* In lieu of paying a tax on a life membership which is determined in the manner described in subparagraph (1) of this paragraph, a life member may elect to pay a tax in the amount of 20 percent of the payment or payments made for his life membership (after application of any exemption provided in section 4243 (see particularly paragraph (b) of § 49.4243–2)), whether the payment for life membership is made by the life member himself or by some other person.

(3) *Conditions for election.* The election provided for in this paragraph may be made only by the individual holding the life membership and, once made, cannot be revoked. The election must be made not later than the day on which the first amount is paid for the life membership, and shall be evidenced by a statement showing—

(i) The name and address of the life member,

(ii) The total amount paid or to be paid for the life membership,

(iii) The date on which the first payment for the life membership was made and the amount of such payment, and

(iv) An assertion by the life member that he elects to pay tax in respect of his life membership computed on the basis of the amount of the payment or payments made or to be made for the life membership.

The amount referred to in subdivision (iv) of this subparagraph is the amount determined after application of any exemption provided in section 4243. The statement shall be signed by the life member and shall be furnished to the club or organization in which he holds the life membership. This statement must be furnished in the case of an election, even though all amounts paid or to be paid for the life membership are exempt from tax under section 4243 (see particularly paragraph (b) of § 49.4243–2). The statement shall be retained by the club or organization as a part of its records and shall be available for inspection by internal revenue officers.

(4) *Special rules for amounts paid before July 1, 1959.* If a payment was made before July 1, 1959, for a life membership and if the life member desires to make the election provided for in subparagraph (2) of this paragraph, he must make the election during the period beginning January 1, 1959, and ending July 1, 1959. In such a case all amounts paid on or before June 30, 1959, for the life membership are treated as having been paid on July 1, 1959. If an election under the provisions of this paragraph is made during the period January 1, 1959, through July 1, 1959, the tax computed pursuant to subparagraph (2) of this paragraph is reduced by the tax imposed and paid on or after January 1, 1959, pursuant to the provisions of section 4241(a)(3)(A) (described in subparagraph (1) of this paragraph). However, the tax computed pursuant to subparagraph (2) of this paragraph shall not be reduced by any tax imposed by section 4241 for any period before January 1, 1959.

(d) *Active resident annual member.* An "active resident annual member" is one who is entitled to the enjoyment, on an annual basis or, if offered for a lesser period during the year, on a seasonal or full-period basis, whichever is appropriate, of all the privileges of the club or organization, as distinguished from the privileges enjoyed by a person holding a nonresident membership, an associate membership, or other partial or restricted membership. It is immaterial whether anyone actually holds a membership which entitles him to enjoyment of all the privileges of the club. For example, if the regular dues or membership fees of a social club are $5 per year for all members, and the club has a golf course and a swimming pool, either of which is available to a member upon payment of an additional $5 per year as dues or membership fees, an active resident annual member of the club is considered to be an individual who enjoys all the privileges of the club, including use of the golf course and the swimming pool, on an annual or seasonal basis, whether or not any member of the club actually enjoys all of these privileges. In this example, the dues and membership fees of an active resident annual member are considered to be $15 per year since a member must pay that amount to enjoy all the privileges of the club. A penalty paid by an active resident annual member for failure to pay his dues promptly is not considered in determining whether dues and membership fees of an active resident annual member are in excess of $10 per year.

(e) *Social, athletic, or sporting club or organization*—(1) *In general.* The purposes and activities of a club or organization, and not its name, determine its character for purposes of the tax. Every club or organization which has a membership of individuals or family units and which has social, athletic, or sporting features is presumed to be a social, athletic, or sporting club or organization, until the club or organization has satisfied the district director that it is not in fact a social, athletic, or sporting club or organization within the meaning of the regulations in this part. (However, see §§ 49.4243–1 and 49.4243–3 for exemptions provided for fraternal organizations and certain swimming or skating clubs.) If any such club or organization claims that it is not in fact a social, athletic, or sporting club or organization, it may submit to the district director a request for a determination, together with a copy of its charter or constitution and bylaws, and a statement showing its actual purposes, activities, practices, facilities, and the character of its expenditures. Any additional evidence required shall be submitted upon the request of the district director. When a club or organization has been held not to be a social, athletic, or sporting club or organization, it need not make any further showing with respect to its status for purposes of the tax, unless it changes the character of its organization or operations or the purposes for which it was originally created. Each district director will keep a list of all clubs and organizations in his district held not to be social, athletic, or sporting clubs or organizations, and may from time to time reinvestigate the status of these clubs and organizations.

(2) *Social clubs or organizations.* Any club or organization which maintains quarters, or arranges periodic dinners or meetings, for the purpose of affording its members an opportunity of congregating for social intercourse is a social club or organization within the meaning of the regulations in this part, unless its social features are not a material purpose of the organization, but are subordinate and merely incidental to the active furtherance of a different and predominant purpose, such as religion, the arts, or business. An organization which has for its exclusive or predominant purpose religion, philanthropic social service, or the advancement of the business or commercial interests of a city or community is not a social club or organization. Thus, a religious organization, chamber of commerce, commercial club, trade organization, or the like, is not considered to be a social club or organization merely because it has incidental social features. However, if the social features are a material purpose of the club or organization, it is a social club or organization within the meaning of the regulations in this part. This subparagraph may be illustrated by the following examples:

*Example (1).* Neither a Young Men's Christian Association nor a Young Men's Hebrew Association is a social club within the meaning of the regulations in this part, since the predominant purposes of each are religion and philanthropic social service.

*Example (2).* A social settlement association which provides, among other things, dances and other social opportunities for a slum neighborhood is supported by contributions. Any person contributing $30 a year is called a "member" of the settlement association. The settlement association is not a social club within the meaning of the regulations in this part, since its predominant purpose is philanthropic social service.

*Example (3).* An automobile dealers' association is primarily organized and operated for the purpose of maintaining a social organization of persons residing in a certain city and engaged in the manufacture or sale of automobiles and accessories. The association affords its members an opportunity of enjoying healthful games and of promoting social welfare and social intercourse among the members. It also encourages debates and discussions at meetings of the members, promoting interest in automobile transportation, traffic, and knowledge of the industry. This organization is a social club within the meaning of the regulations in this part.

(3) *Athletic or sporting clubs or organizations.* Tennis, golf, boxing, boating, canoe, fishing, and hunting clubs, and all other organizations organized for the practice or promotion of athletics or sports are athletic or sporting clubs or organizations within the meaning of the regulations in this part. A local, sectional, or national athletic or sporting association, the membership of which is composed wholly or partly of member clubs, is not a social, athletic, or sporting club or organization. The possession and use of a gymnasium, swimming pool, or other athletic facilities by an organization having religion or philanthropic social service for its exclusive or predominant purpose will not make the organization an athletic or sporting club or organization.

(f) *Foreign clubs.* The tax imposed by section 4241 does not apply to amounts paid to a club which is located outside the United States and which has no branch or organization within the United States. However, if such a club has a branch or agency within the United States, amounts paid to the branch or agency on behalf of the club are subject to the tax to the same extent as amounts paid to a club situated within the United States.

(g) *Payment of tax*—(1) *Dues or membership fees and initiation fees.* Except as provided in paragraph (c) of § 49.4243–2, the tax imposed on amounts paid as dues or membership fees and the tax imposed on amounts paid as initiation fees shall be paid over to the club or organization by the person paying the dues, membership fees, or initiation fees. In general, the tax attaches at the time the payment of the dues or fees is made to the club or organization. In the case of initiation fees paid to a person or organization distinct from the club, the tax attaches with respect to the payment at the time of the incoming member's admission to membership. See, however, paragraph (c) of § 49.4243–2.

(2) *Life memberships.* Except as provided in paragraph (c) of § 49.4243–2, the tax imposed in respect of a life membership shall be paid over to the club or organization by the individual holding the life membership. Unless the life member elects to have the tax on his life membership determined on the basis of the amount paid for the life membership, the tax shall be paid by him at the time the tax attaches in respect of dues or membership fees of members having privileges most nearly comparable to the privileges conferred under the life membership. If the life member elects to have the tax on his life membership determined on the basis of the amount paid for the life membership, the tax shall be paid by him at the time each payment for the life membership is made (whether made by the life member himself or by some other person). See, however, paragraph (c) of § 49.4243–2.

(3) *Collection by club or organization.* For provisions relating to collection by the social, athletic, or sporting club or organization of the tax in respect of dues or membership fees, initiation fees, or life memberships, see section 4291 and the regulations thereunder.

(h) *Examples.* The provisions of this section may be illustrated by the following examples:

*Example (1).* A social club has Class A and Class B members. Class A members may enjoy all privileges of the club, including use of the golf course, for dues of $40 per year. Class B members may enjoy all privileges of the club, except use of the golf course, for dues of $10 per year. The Class A member is an "active resident annual member". Since the dues of the Class A member (an active resident annual member) are in excess of $10 per year, the dues of both Class A and Class B members are subject to tax, even though the dues of the Class B member are not in excess of $10 per year.

*Example (2).* Assume the same facts as those stated in Example (1), except that Class A members pay an initiation fee of $15 and dues of $10 per year. Class B members also pay an initiation fee of $15 but pay dues of $5 per year. The dues paid by Class A or Class B members are not taxable in this case since the dues of the Class A member (an active resident annual member) are not in excess of $10 per year. The initiation fee paid by a Class A member or by a Class B member is taxable since it is in excess of $10, but this is immaterial in determining whether the dues of a member are subject to tax.

*Example (3).* The active resident annual members of an athletic club pay an initiation fee of $10 and dues of $30 per year. Associate members pay an initiation fee of $10 and dues of $5 per year. The initiation fees paid by an active resident annual member and by an associate member, as well as the dues paid by each, are subject to the tax, since the dues of an active resident annual member are in excess of $10 per year. The amount of the initiation fee in such case is immaterial in determining whether such fee is taxable.

*Example (4).* An individual purchases a life membership in an athletic club for which he pays $1,000 in a lump sum. His privileges under the life membership are most nearly comparable to those of a Class A member of such club. The dues or membership fees of a Class A member are $75 per year. The life member chooses to pay a tax on his life membership equivalent to the tax on the amount paid as dues or membership fees of any member (other than a life member) for privileges most nearly comparable to his own under the life membership. The tax in such case is $15 per year, payable at the time the tax attaches in respect of dues of Class A members. If the life member had elected to pay tax on the amount paid for his life membership, the tax in such case would have been $200, payable at the time of payment for the life membership, and no further tax would have been payable subsequently in respect of such life membership.

*Example (5).* An athletic club grants a life membership to an individual upon his having concluded 40 consecutive years as a Class A member. The dues paid by such individual as a Class A member amounted to $30 per year. Such dues are not regarded as payment for the life membership, and the individual is considered as holding a life membership for which no charge is made. However, if, as a life member, he is not entitled to all privileges of the club and if, in any particular year, he pays for privileges beyond those granted under his life membership, he will be liable for tax on his payments for the additional privileges to the same extent and in the same manner as any other member paying for such privileges.



## § 49.4242 Statutory provisions; definitions.

SEC. 4242. *Definitions*—(a) *Dues.* As used in this part the term "dues" includes any assessment, irrespective of the purpose for which made, and any charges for social privileges or facilities, or for golf, tennis, polo, swimming, or other athletic or sporting privileges or facilities, for any period of more than six days; and

(b) *Initiation fees.* As used in this part the term "initiation fees" includes any payment, contribution, or loan, required as a condition precedent to membership, whether or not any such payment, contribution, or loan is evidenced by a certificate of interest or indebtedness or share of stock, and irrespective of the person or organization to whom paid, contributed, or loaned.

[Sec. 4242 as originally enacted and in effect Jan. 1, 1959]

## § 49.4242–1 Definition; dues or membership fees.

(a) *In general.* The term "dues or membership fees", as used in the regulations in this part, means all charges made by a social, athletic, or sporting club or organization which are commonly understood to constitute dues or membership fees, as well as all other charges required to be paid to such a club or organization for the privilege of being a member of the club or organization or a member of a particular membership class. The term also includes—

(1) Any assessment made by a social, athletic, or sporting club or organization, irrespective of the purpose for which made, and

(2) All charges made by a social, athletic, or sporting club or organization for (i) social privileges or facilities for any period of more than 6 days (whether or not consecutive), or (ii) golf, tennis, polo, swimming, or other athletic or sporting privileges or facilities for any period of more than 6 days (whether or not consecutive).

In determining whether a charge by such a club or organization constitutes dues or membership fees within the meaning of subparagraph (2) of this paragraph, the test is whether payment of the charge confers the right to use a social, athletic, or sporting privilege or facility of the club or organization for the prescribed period. It is immaterial whether the privilege or facility is one for which a charge is mandatory, even though the member chooses not to avail himself of the privilege or facility, or whether the privilege or facility is one for which a charge is made only if the member, at his own election, chooses to have the privilege or facility made available to him. Any privilege or facility offered by a social, athletic, or sporting club or organization which is so directly related to a social, athletic, or sporting activity in which the club is engaged, or for which it was created, as to partake of the nature of the activity itself is considered to be a social, athletic, or sporting privilege or facility. This is true even though such privilege or facility, if considered entirely apart from any social, athletic, or sporting activity, would not in and of itself constitute a social, athletic, or sporting privilege or

facility. (However, see § 49.4243–2 for the exemption provided in respect of amounts paid for certain capital improvements.)

(b) *Initiation fees, fines, etc.* The term "dues or membership fees" does not include initiation fees. Neither does the term include fines imposed for misconduct or violation of rules. However, the term does include a penalty incurred for failure to make prompt payment of dues or membership fees since such a penalty is considered to be an increase in the amount of the dues or membership fees required to be paid by the member.

(c) *Examples.* The application of this section may be illustrated by the following examples:

*Example (1).* A social club operates a restaurant and bar for the use of its members. The club requires of each member a minimum expenditure during the year of $200 for food or drink. If a member does not make actual expenditures totaling $200, he is billed for an additional amount equal to the difference between his actual expenditures and $200. This charge of $200 constitutes dues or membership fees, inasmuch as such charge must be paid for the privilege of being a member of the club.

*Example (2).* A social club collects no regular dues or membership fees but meets its operating expenses by levying assessments on its members as funds are required. These assessments constitute dues or membership fees.

*Example (3).* A social club collects $10 per year from each of its members as regular dues. Members are entitled to use the clubhouse facilities without payment of any additional charge. However, members who wish to use the golf course may do so only upon payment of an additional charge. The amount of such charge varies, depending on whether the privilege of using the golf course is extended for a day, a week, a month, or the entire year. Since use of the golf course is a social, athletic, or sporting privilege or facility, any charge made by the club for use of the course constitutes dues or membership fees if the period for which the charge is made is more than 6 days. Thus, charges made by the club for use of the golf course on a weekly, monthly, or yearly basis constitute dues or membership fees, and the fact that such charges are made only upon the member's election to have the privilege of using the course is immaterial. Charges made by the club for use of the course on a daily basis do not constitute dues or membership fees.

*Example (4).* A club qualifying as a social, athletic, or sporting club owns and operates various social, athletic, or sporting facilities, including a swimming pool, for the use of its members. Members who wish to use the pool may do so under one of three plans offered by the club. Under plan A, a payment of $30 entitles the member to the use of the pool on each day of the week from Monday through Friday for the 15 weeks of the swimming season. Under plan B, a payment of $35 entitles the member to the use of the pool on Saturday and Sunday of each of the 15 weeks. Under plan C, a payment of $40 entitles the member to the use of the pool every day during the 15 weeks of the swimming season. Only plan C confers a right to the use of the pool for more than 6 consecutive days. However, both plan A (which confers the right to the use of the pool for a period of 75 cumulative days) and plan B (which confers the right to the use of the pool for a period of 30 cumulative days) confer a right to the use of the pool for a period of more than 6 days within the meaning of section 4242(a). Therefore, the charges made under plan A and plan B, as well as those made under plan C, constitute dues or membership fees.

*Example (5).* A club organized and operated for the promotion of yachting, and other aquatic sports, and qualifying as a social, athletic, or sporting club owns and maintains docking and mooring facilities for the use of its members. The club makes a charge to each member using the facilities, the amount of the charge depending upon the size of the member's boat and the location of the docking and mooring facilities used. The docking and mooring facilities are considered to be social, athletic, or sporting privileges or facilities, since they are so closely associated with the yachting and other aquatic activities for which the club was created as to partake of the nature of those activities. Charges made by the club for these facilities constitute dues or membership fees if the period for which the charge is made is more than 6 days.

*Example (6).* A beach club qualifying as a social, athletic, or sporting club or organization owns a strip of ocean beach in connection with which it provides and maintains cabins and cabanas for the use of its members. Any member desiring to do so may rent a cabin or cabana for one or more days, one or more weeks, or for the season. Such cabins and cabanas are considered to be social, athletic, or sporting privileges or facilities, since they are so closely associated with the beach and swimming activities of the club as to partake of the nature of those activities. Charges made by the club for the use of such cabins and cabanas constitute dues or membership fees if the period for which the charge is made is more than 6 days.

*Example (7).* A social club which makes available to its members golfing, swimming, and skating facilities also maintains in its clubhouse suites of rooms for occupancy by members or their guests. Each suite consists of a living room, bedroom, and bathroom. The suites may be engaged by the day, week, or month at rates specified by the club. The suites are not considered to be social, athletic, or sporting privileges or facilities since they bear no direct relationship to any club activity. Charges made by the club for the use of the suites do not constitute dues or membership fees, regardless of the period for which the charges are made.

*Example (8).* A social club owns and operates a golf course for the use of its members. A professional golfer attached to the club offers the members the service of cleaning and storage of their golfing equipment. The service is offered by the professional golfer in his capacity as an independent contractor. The charges made by the professional golfer for this service do not constitute dues or membership fees since the service is provided by him and not the club. However, if the service were provided by the club, any charge made by the club for the service would constitute dues or membership fees, if the period for which the charge was made was more than 6 days.

*Example (9).* A member of an athletic club violates the house rules and is suspended until he pays a fine of $15. The fine does not constitute dues or membership fees.

*Example (10).* All members of a social club pay dues of $30 per year. A penalty of $1 is imposed on any member who fails to pay his dues promptly. The penalty is incurred and paid in a particular year by a member. The penalty is considered to be an increase in the amount of the member's dues or membership fees.

### § 49.4242–2 Definition; initiation fees.

The term "initiation fees", as used in the regulations in this part, includes any payment, contribution, or loan required as a condition precedent to membership in a social, athletic, or sporting club or organization, whether or not any such payment, contribution, or loan is evidenced by a certificate of interest or indebtedness or share of stock, and irrespective of the person or organization to whom paid, contributed, or loaned. It is immaterial whether the applicant has any hope or expectation of a return of his payment upon resignation, death, or other circumstances, nor is it material to whom he pays the money. For instance, if a golf club requires incoming members, as a condition precedent to membership, to purchase either from it or from retiring members a share of stock, the tax attaches to any such payment for the stock regardless of the fact that it represents a property interest in the assets of the club. Likewise, if the purchase of a share of stock in a landholding corporation is a necessary precedent to membership in the club, the amount paid for the share of stock is an initiation fee. In the case of a transfer of stock from a retiring member, the amount paid by the new member for the stock, as well as any transfer fee required from the new member, is an initiation fee. However, see § 49.4243–2 for the exemption provided in respect of amounts paid for certain capital improvements.

### § 49.4243 Statutory provisions; exemptions.

SEC. 4243. *Exemptions*—(a) *Fraternal organizations.* There shall be exempted from the provisions of section 4241 all amounts paid as dues or fees to a fraternal society, order, or association, operating under the lodge system, or to any local fraternal organization among the students of a college or university.

(b) *Payments for capital improvements.* Notwithstanding any other provision of this part, there shall be exempted from the provisions of section 4241 any amount paid as dues or membership fees or as initiation fees—

(1) For the construction or reconstruction of any social, athletic, or sporting facility, or

(2) For the construction or reconstruction of any capital addition to, or capital improvement of, any such facility, or

(3) For furnishings or fixtures (including installation charges) for any such facility, to the extent that such furnishings or fixtures are required, by reason of the construction or reconstruction described in paragraph (1) or (2), for the use of such facility upon completion of such construction or reconstruction;

except that, in the case of any such amount which is not expended for such construction, reconstruction, furnishings or fixtures (including installation charges) within 3 years after the date of payment of such amount, the exemption provided by this subsection shall cease to apply upon the expiration of such 3-year period, and the club or organization, rather than the person who made such payment, shall be liable for any tax imposed by section 4241 in respect of such payment, as if such payment had been made on the first day following the expiration of such 3-year period.

(c) *Nonprofit swimming or skating facilities.* Under regulations prescribed by the Secretary or his delegate, there shall be exempted from the provisions of section 4241 all amounts paid as dues or fees to any club or other organization organized and operated primarily for the purpose of providing swimming or skating facilities for its members, if no part of the net earnings of such organization inures to the benefit of any private stockholder or individual. This subsection shall apply with respect to an organization only if it is established to the satisfaction of the Secretary or his delegate that—

(1) Children will be permitted to use the swimming or skating facilities, on the basis of their own membership or the membership of adults;

(2) No beverage subject to tax under chapter 51 (distilled spirits, wines, and beer) will be served or permitted to be consumed on any premises under the control of such organization;

(3) No dining facilities (other than facilities for light refreshment), and no dancing facilities, will be provided on any premises under the control of such organization; and

(4) Such organization is not controlled by, or under common control with, any other organization.

[Sec. 4243 as amended and in effect Jan. 1, 1959, and as further amended by sec. 3 (a), Act of Sept. 21, 1959 (Pub. Law 86–344, 73 Stat. 618)]

### § 49.4243–1 Exemption; fraternal organizations.

In the case of a fraternal society, order, or association, operating under the lodge system, or a local fraternal organization among the students of a college or university, all amounts paid as dues or membership fees, as initiation fees, or for life memberships are exempt from the tax imposed under section 4241. The phrase "operating under the lodge system" means carrying on activities under a form of organization that comprises local branches, chartered by a parent organization and largely self-governing, called "lodges", "chapters", or the like. For example, an organization formed for purely social purposes by Masons of the higher degrees, consisting of local "lodges" and a "grand lodge", falls within the exemption. A "chapter" of a college fraternity and a "local" of a labor union are also within the exemption. However, a national organization of a social, athletic, or sporting character, comprising no local bodies but organized as a single and nationwide unit to which each member belongs directly, does not fall within the exemption.

### § 49.4243–2 Exemption; payments for capital improvements.

(a) *Assessments paid before November 1, 1959*—(1) *In general.* Membership assessments paid during the period January 1, 1959, to October 31, 1959, inclusive, for construction or reconstruction by the club or organization, begun on or after January 1, 1959, of a social, athletic, or sporting facility owned or leased by it are exempt from the tax imposed under section 4241(a)(1) on amounts paid as dues or membership fees. Any such assessment for construction or reconstruction begun on or after January 1, 1959, of a capital addition to, or capital improvement of, any such facility is also exempt from tax. Assessments paid for the retirement of indebtedness (a mortgage loan, for example) incurred by reason of the construction or reconstruction of any such facility, capital addition, or capital improvement are considered to be assessments for construction or reconstruction. Assessments paid for the replenishment of reserve funds expended by the club or organization for construction or reconstruction are also considered to be assessments for such construction or reconstruction. However, assessments for the purchase of land or for the purchase of existing facilities do not come within the exemption. Neither do assessments for ordinary maintenance or repair of club facilities come within the exemption. Moreover, assessments paid are not within the exemption unless they are earmarked by the club or organization at the time of receipt for use as provided in this paragraph.

(2) *Life memberships to which section 4241(a)(3)(A) has application.* In the case of an amount paid for a life membership to which section 4241(a)(3)(A) has application (see paragraph (c)(1) of § 49.4241–1), the benefit of the exemption provided in section 4243(b) accrues in respect of such life membership to the extent that the exemption applies in respect of amounts paid as dues or membership fees of members (other than life members) having privileges most nearly comparable to the person holding such life membership.

(3) *Meaning of terms.* The terms "facility", "capital addition", and "capital improvement" include, for purposes of this paragraph, buildings and any appurtenances thereto, as well as tennis courts, swimming pools, golf courses, etc. Such terms do not include items of personalty, such as furniture, furnishings, vehicles, mechanical or electrical appliances, etc.

(b) *Amounts paid after October 31, 1959, as dues or membership fees, as initiation fees, or for life memberships*—(1) *In general.* Except as otherwise provided in paragraph (c) of this section, any amount constituting dues or membership fees, initiation fees, or a payment for a life membership with respect to which the life member has elected to pay tax pursuant to section 4241(a)(3)(B) (see paragraph (c)(2) of § 49.4241–1), which is paid after October 31, 1959—

(i) For construction or reconstruction by the club or organization, begun on or after January 1, 1959, of any social, athletic, or sporting facility owned or leased by it, or

(ii) For construction or reconstruction by the club or organization, begun on or after January 1, 1959, of any capital addition to, or capital improvement of, any such facility, or

(iii) For furnishings or fixtures, such as furniture, drapes, carpeting, refrigerators, etc. (including installation charges), for any such facility, to the extent that such furnishings or fixtures are required, by reason of the construction or reconstruction described in subdivision (i) or (ii), for the use of such facility upon completion of such construction or reconstruction.

is exempt from the tax imposed under section 4241. Amounts paid for the retirement of indebtedness (a mortgage loan, for example) incurred by reason of the construction or reconstruction of any such facility, capital addition, or capital improvement, or purchase of such furnishings or fixtures for the use of the facility upon completion of construction or reconstruction are exempt from the tax imposed under section 4241. Amounts paid for the replenishment of reserve funds expended by the club or organization for purposes described in subdivisions (i), (ii), or (iii) of this subparagraph are also exempt from the tax imposed under section 4241. However, amounts paid for the purchase of land or for the purchase of existing facilities do not come within the exemption. Moreover, assessments paid are not within the exemption unless they are earmarked by the club or organization at the time of receipt for use as provided in this paragraph.

(2) *Life memberships to which section 4241(a)(3)(A) has application.* In the case of an amount paid for a life membership to which section 4241(a)(3)(A) has application (see paragraph (c)(1) of § 49.4241–1, the benefit of the exemption provided in section 4243(b) accrues in respect of such life membership to the extent that the exemption applies in respect of amounts paid as dues or membership fees of members (other than life members) having privileges most nearly comparable to the person holding such life membership.

(c) *Amounts unexpended for construction or reconstruction, or for furnishings or fixtures.* In the case of any amount paid after October 31, 1959, which is not expended by the club or organization for construction, reconstruction, furnishings or fixtures (including installation charges) as provided in section 4243(b) of the Code, and in paragraph (b) of this section, within three years after date of payment to the club or organization, the exemption provided by section 4243(b) of the Code and in paragraph (b) of this section shall cease to apply upon the expiration of such three-year period. In such case, the club or organization shall be liable for any tax imposed by section 4241 in respect of the unexpended amount, as if the payment had been made on the first day following the expiration of such three-year period. Any basis consistent with the application of this section may be used by the club or organization in determining which amounts paid by its members have been expended for construction or reconstruction within the three-year period.

(d) *Examples.* The application of this section may be illustrated by the following examples:

*Example (1).* A social club operating a golf course and swimming pool assesses each of its members $200, which is used to build locker room facilities and to increase the dining room area of the clubhouse. The amounts so paid by the members are exempt from the tax imposed under section 4241(a)(1).

*Example (2).* The social club in Example (1) assesses each of its members $20 for the purchase of new carpeting and furniture for use in its dining room which has recently been enlarged. Assessments are paid on July 1, 1959. The assessments are not exempt from the tax imposed under section 4241(a), since furniture and fixtures are not within the scope of the exemption provided by section 4243(b) as in effect prior to November 1, 1959. However, if the assessments are paid on or after November 1, 1959, the exemption provisions would apply to the assessments.

*Example* (3). The members of a social club paid an assessment of $150,000 for the purchase of 12 acres of land and the subsequent construction of a new clubhouse thereon. The cost of the unimproved real property was $37,500. Since amounts used for the purchase of land are not exempt from tax under section 4241(a)(1), only $112,500, or 75 percent of the $150,000 assessment, is exempt from the tax as an assessment for the construction of a social, athletic, or sporting facility.

*Example* (4). An athletic club assesses its members $50,000 for the purchase of a building to be used by such club for additional indoor facilities. The amount paid by each member is subject to tax under section 4241(a)(1), since the assessment is for the purchase of existing facilities and not for the construction or reconstruction of a facility.

*Example* (5). A social club requires the purchase of one share of its capital stock as the initiation fee to become a member. During a financial drive for funds to construct larger dining room facilities, twenty persons joined the club, each paying to the club $100 for a share of the club's capital stock. Information distributed by the club indicated that the money so raised would be used for the expansion of its dining room facilities. During the drive for additional funds, a retiring member of the club sold his share of capital stock to an incoming member. In this example, the initiation fees ($100 for purchase of one share of the club's capital stock) paid to the club by the twenty new members fall within the exemption provided by section 4243(b) as amounts paid for the construction or reconstruction of club facilities. However, the amount paid by the incoming member to the retiring member for his share of capital stock would not be exempt under that section of law, and the club is liable for the collection and reporting of the excise tax imposed under section 4241 on such amount.

*Example* (6). In 1960 a social club is engaged in a program of reconstruction of the club's dining room, as provided in a resolution adopted in December 1959 by the board of directors of the club. Pursuant to such resolution, all dues or membership fees, initiation fees, and one-half of each payment for a life membership in 1960 are used for such reconstruction. In January 1960, A, B, and C become members of the club. A and B each pay $1,000 for a life membership in the club. C pays an initiation fee of $500 and dues or membership fees in the amount of $50 for 1960 as an active resident annual member. A elects under section 4241(a)(3)(B) to pay the tax on the basis of the amount paid for his life membership (after application of any exemption provided in section 4243). B does not make such an election, and, pursuant to section 4241(a)(3)(A), the tax in respect of his life membership is equivalent to the tax on the amount paid as dues or membership fees of members (other than life members) having privileges most nearly comparable to the privileges afforded him as a life member. B's privileges as a life member are most nearly comparable to those of an active resident annual member. Thus, the tax in respect of the life membership held by B is equivalent to the tax on the amount paid as dues or membership fees of C. Since C's initiation fee and his dues or membership fees paid in 1960 are used for reconstruction of the club's dining room, no tax liability is incurred with respect to them. Inasmuch as no tax liability is incurred in 1960 with respect to C's dues or membership fees, no tax liability is incurred in 1960 with respect to the life membership held by B. However, tax liability of $100($500×20 percent) is incurred in respect of the life membership held by A, who elected under section 4241(a)(3)(B) to pay the tax on the basis of the amount paid for his life membership (after application of any exemption provided in section 4243). Thus, the tax in A's case is computed on $500, since one-half of the $1,000 paid by A for his life membership is used for reconstruction of the club's dining room.

### § 49.4243–3 Exemption; nonprofit swimming or skating facilities.

(a) *In general.* In the case of a club or other organization organized and operated primarily for the purpose of providing swimming or skating (ice or roller) facilities for its members, all amounts paid as dues or membership fees, as initiation fees, or for life memberships are exempt from the tax under section 4241, if—

(1) No part of the net earnings of the club or organization inures to the benefit of any private stockholder or individual,

(2) Children are permitted to use the swimming or skating facilities on the basis of their own membership or the membership of adults,

(3) No alcoholic beverages, such as distilled spirits, wines, or beer, are served or permitted to be consumed on any premises under the control of the organization,

(4) No dining facilities (other than facilities for light refreshment) and no dancing facilities are provided on any premises under the control of the organization, and

(5) The organization is not controlled by, or under common control with, any other organization.

(b) *Meaning of terms*—(1) *Facilities for light refreshment.* For purposes of this section, the term "facilities for light refreshment" means facilities, of a type sometimes referred to as a snack bar, for the preparation and serving of such food or drink as hamburgers, frankfurters, cheeseburgers, soft drinks, ice cream, coffee, milk, milk shakes, and sodas. The term does not include facilities for the preparation and serving of full course luncheons or dinners similar to those served in restaurants.

(2) *Dancing facilities.* The term "dancing facilities" includes facilities for the furnishing of music (live or mechanical) and space, for the purpose of social dancing. The term "social dancing" does not include the rhythmic and patterned movement to music by roller skaters or ice skaters.

(3) *Controlled by, or under common control with, any other organization.* The term "controlled by, or under common control with, any other organization" does not include membership in a national or regional organization for purposes of exchanging information or obtaining helpful guidance and advice.

(c) *Examples.* The application of this section may be illustrated by the following examples:

*Example* (1). A nonprofit skating association provides a skating rink for the use of its adult members and their families, including children. The skating surface can accommodate approximately 150 skaters. Benches are arranged around the sides of the rink for the convenience of members who come to watch others skate and for skaters who desire to rest. Adjacent to the skating surface is a snack bar with 6 small tables. Potato chips, frankfurters, hamburgers, soft drinks, and milk are sold at the snack bar. These refreshments may either be eaten by the skaters while standing or may be carried by them to the tables or benches to be eaten while seated. The skating rink constitutes the only premises under the association's control. Neither dancing nor the consumption of alcoholic beverages is permitted on the premises, and no facilities for the furnishing of food are provided other than those found at the snack bar. The association is not controlled by, or under common control with, any other association. All amounts paid to the association as initiation fees, or as dues or membership fees, or for life memberships are exempt from the tax imposed by section 4241.

*Example* (2). A swimming club maintains a community swimming pool on a nonprofit basis. It serves no alcoholic beverages on its premises but provides setups for those members who bring their own liquor. In the case of this club, amounts paid as dues or membership fees, as initiation fees, or for life memberships are not within the exemption since the club permits alcoholic beverages to be consumed on the premises.

*Example* (3). A skating club, a nonprofit community organization, provides ice-skating facilities in the winter, and roller-skating facilities in the summer, for its adult members only. Incidental to its skating facilities, it maintains facilities for tennis, badminton, and ping pong. Light refreshments are sold on the premises. The club also operates a dance hall adjacent to the skating rink. The exemption is not available to the club for two reasons: (1) children are not permitted to use the skating rink, and (2) dancing facilities are provided by the club on premises under its control.

[F.R. Doc. 61–513; Filed, Jan. 19, 1961; 8:47 a.m.]

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SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6543]

## PART 301—PROCEDURE AND ADMINISTRATION

### Inspection of Returns of Certain Taxes By Certain Persons and State and Federal Government Establishments

Pursuant to sections 6103(a) and 6106 of the Internal Revenue Code of 1954 (68A Stat. 753, 756; 26 U.S.C. 6103(a), 6106) and the Executive order issued thereunder, the following regulations, relating to inspection by certain persons and State and Federal government establishments of returns made in respect of certain taxes imposed by the Internal Revenue Code of 1954, are hereby prescribed. These regulations shall be effective with respect to inspection of returns pursuant to section 6103(a) after the filing of this Treasury decision for publication in the FEDERAL REGISTER. Treasury Decision 6271, approved November 15, 1957, is superseded as to inspection of returns after the effective date of this Treasury decision by paragraph (d)(1) of § 301.6103(a)–1 of these regulations to the extent that such Treasury decision is prescribed under and made applicable to section 6103(a) of the Internal Revenue Code of 1954.

### § 301.6103(a) Statutory provisions; publicity of returns and lists of taxpayers; public record and inspection.

SEC. 6103. *Publicity of returns and lists of taxpayers*—(a) *Public record and inspection.* (1) Returns made with respect to taxes imposed by chapters 1, 2, 3, and 6 upon which the tax has been determined by the Secretary or his delegate shall constitute public records; but, except as hereinafter provided in this section, they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary or his delegate and approved by the President.

(2) All returns made with respect to the taxes imposed by chapters 1, 2, 3, 5, 6, 11, 12, and 32, subchapters B, C, and D of chapter 33, and subchapter B of chapter 37, shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President.

(3) Whenever a return is open to the inspection of any person, a certified copy thereof shall, upon request, be furnished to such person under rules and regulations prescribed by the Secretary or his delegate. The Secretary or his delegate may prescribe a reasonable fee for furnishing such copy.

### § 301.6103(a)–1 Inspection of returns by certain classes of persons and State and Federal government establishments pursuant to Executive order.

(a) *In general*—(1) *Authority.* The President is authorized by subsection (a) of section 6103 to open to public examination and inspection returns in respect of the taxes described in paragraphs (1) and (2) of such subsection. In addition, section 6106 provides that returns in respect of the tax described therein (unemployment tax imposed by chapter 23 of the Code) shall be open to inspection in the same manner, to the same extent, and subject to the same provisions of law, including penalties, as returns of the taxes described in section 6103, except that subsections (a)(2) and (b)(2) of section 6103, and subsection (a)(2) of section 7213 (relating to unauthorized disclosure of information) shall not apply.

(2) *Scope.* This section and the Executive order pursuant to which this section is prescribed govern the inspection of returns by the classes of persons and State and Federal government establishments designated in the succeeding paragraphs of this section insofar as such inspection is permissible only upon order of the President and under regulations approved by the President. Specifically, this section relates to inspection of returns made in respect of the taxes imposed by the following subdivisions of the Code: Chapters 1, 2, 3, and 6 (income taxes); chapter 5 (tax on transfers to avoid income tax); chapter 11 (estate tax); chapter 12 (gift tax); chapter 23 (unemployment tax); chapter 32 (manufacturers excise taxes); subchapters B, C, and D of chapter 33 (communications tax, transportation taxes, and tax on safe deposit boxes, respectively); and subchapter B of chapter 37 (tax on coconut and palm oil).

(3) *Terms used*—(i) *Return.* For purposes of section 6103(a), the term "return" includes information returns, schedules, lists, and other written statements filed with the Internal Revenue Service which are designed to be supplemental to or to become a part of the return, and, in the discretion of the Secretary or the Commissioner or the delegate of either, other records or reports containing information included or required by statute to be included in the return. An application for exemption from income tax under section 501(a) filed by an organization described in section 501(c) or (d) in order to establish its exemption is not a return for purposes of section 6103. For provisions opening to public inspection exemption applications with respect to which a determination has been made that the organization is entitled to exemption from income tax under section 501(a), see section 6104(a) and § 301.6104–1.

(ii) *Other terms.* Any word or term used in this section, other than the word "return", which is defined in any chapter of the Code shall be given the definition contained in the chapter which is applicable to the particular return made.

(4) *Cross references.* For special provisions relating to inspection of returns pursuant to Executive order by committees of Congress other than those enumerated in section 6103(d) or by certain designated Federal Government establishments, see the regulations under section 6103(a) in §§ 301.6103(a)–100, et seq.

(b) *Procedure for inspection*—(1) *Authority to permit inspection.* The Secretary or the Commissioner or the delegate of either may grant permission for the inspection of returns in accordance with this section.

(2) *Place of inspection.* Generally, returns may be inspected in the Internal Revenue Service office in which they were filed or in the national office. In appropriate cases, inspection may also be made in other offices of the Internal Revenue Service as designated by the Commissioner. Such inspection shall be made only in the presence of an internal revenue officer or employee and only during the regular hours of business of the Internal Revenue Service office.

(3) *Penalties.* For penalties for unauthorized disclosure of information, see section 7213.

(c) *Inspection by certain classes of persons*—(1) *Returns in respect of income tax, unemployment tax, and certain excise taxes*—(i) *In general.* Returns in respect of the taxes imposed by chapters 1, 2, 3, and 6 (income taxes), chapter 5 (tax on transfers to avoid income tax), chapter 23 (unemployment tax), chapter 32 (manufacturers excise taxes), subchapters B, C, and D of chapter 33 (communications tax, transportation taxes, and tax on safe deposit boxes, respectively), and subchapter B of chapter 37 (tax on coconut and palm oil) of the Code shall be open to inspection as hereinafter provided in this subparagraph by certain persons having a material interest which will be affected by information contained in such returns. The word "return," as used in the succeeding subdivisions of this subparagraph, refers to a return made in respect of any of the taxes described in the preceding sentence except as such word is expressly limited in any such subdivision to the return of a particular tax.

(ii) *Return of individual.* A return of an individual shall be open to inspection—

(a) By the individual for whom the return was made;

(b) If the individual for whom the return was made is legally incompetent, by the committee, trustee, or guardian of his estate;

(c) If the individual for whom the return was made has died, (1) by the administrator, executor, or trustee of his estate, (2) in the discretion of the Secretary or the Commissioner or the delegate of either, by any heir at law, next of kin, or beneficiary under the will, of such decedent, upon submission of satisfactory evidence that such heir at law, next of kin, or beneficiary has a material interest which will be affected by information contained in the return;

(d) If the property of the individual for whom the return was made is in the hands of a receiver or trustee in bankruptcy, by such receiver or trustee; and

(e) By the duly constituted attorney in fact of any of the foregoing persons, subject to the conditions of inspection prescribed for such person.

(iii) *Joint return of income tax.* A joint income tax return of husband and wife shall be open to inspection—

(a) By either of the individuals for whom the return was made;

(b) If either of the individuals for whom the return was made is legally incompetent, by the committee, trustee, or guardian of the estate of such individual;

(c) If either of the individuals for whom the return was made has died, (1) by the administrator, executor, or trustee of the estate of such decedent, and (2) in the discretion of the Secretary or the Commissioner or the delegate of either, by any heir at law, next of kin, or beneficiary under the will, of such decedent, upon submission of satisfactory evidence that such heir at law, next of kin, or beneficiary has a material interest which will be affected by information contained in the return;

(d) If the property of either of the individuals for whom the return was made is in the hands of a receiver or trustee in bankruptcy, by such receiver or trustee; and

(e) By the duly constituted attorney in fact of any of the foregoing persons, subject to the conditions of inspection prescribed for such person.

(iv) *Return of partnership.* A return of a partnership shall be open to inspection—

(a) By any person who was a member of the partnership during any part of the period covered by the return upon submission of satisfactory evidence of such membership;

(b) If an individual who was a member of the partnership during any part of the period covered by the return is legally incompetent, by the committee, trustee, or guardian of his estate;

(c) If an individual who was a member of the partnership during any part of the period covered by the return has died, (1) by the administrator, executor, or trustee of his estate, and (2) in the discretion of the Secretary or the Commissioner or the delegate of either, by any heir at law, next of kin, or beneficiary under the will, of such decedent, upon submission of satisfactory evidence

that such heir at law, next of kin, or beneficiary has a material interest which will be affected by information contained in the return;

(*d*) If the property of the partnership is in the hands of a receiver or trustee in bankruptcy, by such receiver or trustee; and

(*e*) By the duly constituted attorney in fact of any of the foregoing persons, subject to the conditions of inspection prescribed for such person.

(v) *Return of estate.* A return of an estate shall be open to inspection—

(*a*) By the administrator, executor, or trustee of the estate;

(*b*) In the discretion of the Secretary or the Commissioner or the delegate of either, by any heir at law, next of kin, or beneficiary under the will, of the decedent for whose estate the return was made, upon submission of satisfactory evidence that such heir at law, next of kin, or beneficiary has a material interest which will be affected by information contained in the return, or, if any such heir at law, next of kin, or beneficiary has died or is legally incompetent, by the administrator, executor, committee, trustee, or guardian of his estate, upon a like submission of evidence; and

(*c*) By the duly constituted attorney in fact of any of the foregoing persons, subject to the conditions of inspection prescribed for such person.

(vi) *Return of trust.* A return of a trust shall be open to inspection—

(*a*) By the trustee or trustees, jointly or severally;

(*b*) By any person who was a beneficiary of the trust during any part of the period covered by the return, upon submission of satisfactory evidence that the person was such a beneficiary;

(*c*) If any individual who was a beneficiary of the trust during any part of the period covered by the return is legally incompetent, by the committee, trustee, or guardian of his estate;

(*d*) If any individual who was a beneficiary of the trust during any part of the period covered by the return has died, (*1*) by the administrator, executor, or trustee of his estate, and (*2*) in the discretion of the Secretary or the Commissioner or the delegate of either, by any heir at law, next of kin, or beneficiary under the will, of such decedent, upon submission of satisfactory evidence that such heir at law, next of kin, or beneficiary has a material interest which will be affected by information contained in the return; and

(*e*) By the duly constituted attorney in fact of any of the foregoing persons, subject to the conditions of inspection prescribed for such person.

(vii) *Return of corporation.* A return of a corporation shall be open to inspection—

(*a*) By any person designated by action of its board of directors, or other similar governing body, upon submission of satisfactory evidence of such action;

(*b*) By any officer or employee of the corporation upon written request signed by any principal officer and attested by the secretary, or other officer, under the corporate seal, if any;

(*c*) By the duly constituted attorney in fact of the corporation;

(*d*) If the property of the corporation is in the hands of a receiver or trustee in bankruptcy, by such receiver or trustee, or by the duly constituted attorney in fact of such receiver or trustee; and

(*e*) In the discretion of the Secretary or the Commissioner or the delegate of either, if the corporation has been dissolved, by any person who under the regulations in this subdivision (vii) might have inspected the return at the date of dissolution.

For provisions relating to inspection of corporation income or unemployment tax returns by shareholders, see section 6103(c) and § 301.6103(c)–1.

(2) *Returns in respect of estate tax.* A return or notice in respect of estate tax imposed by chapter 11 of the Code shall be open to inspection—

(i) By the executor, or his successor in office, or the duly constituted attorney in fact of such executor or successor; and

(ii) In the discretion of the Secretary or the Commissioner or the delegate of either, by any other person upon submission of satisfactory evidence that such person has a material interest either in ascertaining any fact disclosed by the return or notice or in obtaining information as to the payment of the tax.

(3) *Returns in respect of gift tax.* A return in respect of gift tax imposed by chapter 12 of the Code shall be open to inspection—

(i) By the donor or his duly constituted attorney in fact; and

(ii) In the discretion of the Secretary or the Commissioner or the delegate of either, by any other person upon submission of satisfactory evidence that such person has a material interest either in ascertaining any fact disclosed by the return or in obtaining information as to the payment of the tax.

(4) *Applications for inspection.* Applications for permission to inspect returns under this paragraph shall be made in writing to the internal revenue officer (district director or Director of International Operations) with whom the return was filed and shall set forth (i) the name and address of the person for whom the return was made, (ii) the kind of tax reported on the return, (iii) the taxable period covered by the return, (iv) the reason why inspection is desired, and (v) a statement showing that the applicant is a person entitled under this paragraph to make the inspection requested.

(d) *Inspection by States, the District of Columbia, and Puerto Rico of returns in respect of certain taxes*—(1) *Inspection of estate and gift tax returns by States, the District of Columbia, and Puerto Rico.* Returns and notices in respect of estate tax imposed by chapter 11 of the Code and returns in respect of gift tax imposed by chapter 12 of the Code may, in the discretion of the Secretary or the Commissioner or the delegate of either, be made available for inspection by any properly authorized official, body, or commission, lawfully charged with the administration of any tax law of a State, the District of Columbia, or Puerto Rico, for the purpose of such administration, provided a like cooperation is given by the State, District of Columbia, or Puerto Rico to the Commissioner and his representatives with respect to the inspection of returns of estate, inheritance, legacy, succession, gift, or other tax of the State, District of Columbia, or Puerto Rico, for use in the administration of the Federal tax laws.

(2) *Inspection of unemployment tax returns by States, the District of Columbia, and Puerto Rico.* Returns in respect of the unemployment tax imposed by chapter 23 of the Code may, in the discretion of the Secretary or the Commissioner or the delegate of either, be made available for inspection by any properly authorized official of a State, the District of Columbia, or Puerto Rico, provided (i) such government has a law certified to the Secretary as having been approved in accordance with section 3304, and (ii) the inspection is solely for the purpose of administering such law.

(3) *Inspection of excise tax returns by States, the District of Columbia, and Puerto Rico.* Returns in respect of the excise taxes imposed by chapter 5 (tax on transfers to avoid income tax); chapter 32 (manufacturers excise taxes); subchapters B, C, and D of chapter 33 (communications tax, transportation taxes, and tax on safe deposit boxes, respectively); and subchapter B of chapter 37 (tax on coconut and palm oil) may, in the discretion of the Secretary or the Commissioner or the delegate of either, be made available for inspection by any properly authorized official, body, or commission, lawfully charged with the administration of any tax law of a State, the District of Columbia, or Puerto Rico, for the purpose of such administration.

(4) *Inspection of income tax returns by District of Columbia and Puerto Rico.* Returns in respect of income tax imposed by chapter 1, 2, 3, or 6 of the Code, may, in the discretion of the Secretary or the Commissioner or the delegate of either, be made available for inspection by any properly authorized official, body, or commission, lawfully charged with the administration of any tax law of the District of Columbia or Puerto Rico, for the purpose of such administration.

(5) *Applications for inspection*—(i) *In general.* Application for the inspection provided for in subparagraph (1), (2), (3), or (4) of this paragraph shall be made in writing and signed by the governor of the State or the executive head of the District of Columbia or Puerto Rico, and shall be addressed to the Commissioner of Internal Revenue, Washington 25, D.C. The application shall state—

(*a*) The title of the official, body, or commission by whom or which inspection is to be made;

(*b*) By specific reference, the law of the State, District of Columbia, or Puerto Rico which such official, body, or commission is charged with administering and the law under which he or it is so charged;

(*c*) The purpose for which the inspection is to be made; and

(*d*) If inspection of estate or gift tax returns is requested, that the State, District of Columbia, or Puerto Rico, as the case may be, gives to the Commissioner and his representatives like cooperation with respect to the inspection of returns of estate, inheritance, legacy, succession, gift, or other tax of the State, District of Columbia, or Puerto Rico, for use in the administration of the Federal tax laws.

(ii) *Returns filed in internal revenue district within or including State or other entity requesting inspection—(a) General inspection.* Upon application by a State, the District of Columbia, or Puerto Rico, permission may be granted for general inspection of returns of the taxes specified in subparagraph (1), (2), (3), or (4) of this paragraph which are filed in an internal revenue district within or including such State or District or, in the case of Puerto Rico, with the Director of International Operations. If such general inspection is desired, the application made to the Commissioner in accordance with subdivision (i) of this subparagraph shall include a statement that general inspection is desired of a specified class or classes of returns (for example, estate tax returns, gift tax returns, etc.). Permission granted to a State, the District of Columbia, or Puerto Rico for the general inspection provided for in this subdivision shall, except as hereinafter provided in the case of unemployment tax returns, continue in effect until such time as the Secretary or the Commissioner or the delegate of either, by written notice to the governor of the State or the executive head of the District of Columbia or Puerto Rico, provides that such inspection will be permitted only on the basis of periodic applications therefor. Permission for general inspection of unemployment tax returns will terminate without notice at such time as the State, District of Columbia, or Puerto Rico ceases to have a law certified to the Secretary as having been approved in accordance with section 3304. The governor of the State or the executive head of the District of Columbia or Puerto Rico, as the case may be, shall supply in writing to the internal revenue officer (district director or Director of International Operations) with whom the returns to be inspected were filed a list of the names of the individuals designated to make the inspection on behalf of the official, body, or commission named in the application to the Commissioner, and shall keep such list current by appropriate deletions or additions as may be necessary.

(*b*) *Inspection of specific returns.* Permission granted pursuant to (*a*) of this subdivision for general inspection of returns of a particular tax includes permission to inspect specifically identified returns of such tax when desired. However, if a State, the District of Columbia, or Puerto Rico is interested only in examining certain returns of particular taxpayers, the application for inspection of such returns shall be made to the Commissioner as provided in subdivision (i) of this subparagraph and, in addition to the information outlined in such subdivision, shall state the name and address of each taxpayer whose return or returns it is desired to inspect, the kind of tax reported on each such return, the taxable period covered by each such return, and the names of the individuals designated to make the inspection on behalf of the official, body, or commission named in the application.

(iii) *Returns filed in other internal revenue districts.* In the case of returns filed in an internal revenue district other than one within or including the State or District of Columbia requesting inspection or, if the inspection is requested by Puerto Rico, filed elsewhere than with the Director of International Operations, permission for the inspection provided for in subparagraphs (1), (2), (3), and (4) of this paragraph will be granted only with respect to specifically identified returns. The application for such inspection shall be made to the Commissioner as provided in subdivision (i) of this subparagraph and, in addition to the information outlined in such subdivision and in subdivision (ii)(*b*) of this subparagraph, shall specify the internal revenue district or office in which the returns to be inspected are believed to have been filed.

(6) *Time and place of inspection.* A convenient time and place for the inspection of returns permitted under this paragraph will be arranged by the internal revenue officer (district director or Director of International Operations) with whom the returns were filed.

(7) *Cross reference.* For other provisions relating to inspection of returns on behalf of States or political subdivisions thereof, see section 6103(b) and § 301.6103(b)–1.

(e) *Inspection of returns by Department of the Treasury.* Officers and employees of the Department of the Treasury whose official duties require inspection of returns made in respect of any tax described in paragraph (a)(2) of this section may inspect any such returns without making written application therefor. If the head of a bureau or office in the Department of the Treasury, not a part of the Internal Revenue Service, desires to inspect, or to have an employee of his bureau or office inspect, any such return in connection with some matter officially before him for reasons other than tax administration purposes, the inspection may, in the discretion of the Secretary or the Commissioner or the delegate of either, be permitted upon written application by the head of the bureau or office desiring the inspection. The application shall be made to the Commissioner of Internal Revenue, Washington 25, D.C., and shall show (1) the name and address of the person for whom the return was made, (2) the kind of tax reported on the return, (3) the taxable period covered by the return, and (4) the reason why inspection is desired. The information obtained from inspection pursuant to this paragraph may be used as evidence in any proceeding, conducted by or before any department or establishment of the United States, or to which the United States is a party.

(f) *Inspection of returns by executive departments other than the Department of the Treasury and by other establishments of the Federal Government.* Except as provided in paragraphs (d) and (g) of this section, if the head of an executive department (other than the Department of the Treasury), or of any other establishment of the Federal Government, desires to inspect, or to have some other officer or employee of his department or establishment inspect, a return in respect of any tax described in paragraph (a)(2) of this section in connection with some matter officially before him, the inspection may, in the discretion of the Secretary of the Treasury or the Commissioner of Internal Revenue or the delegate of either, be permitted upon written application signed by the head of the executive department or other Government establishment desiring the inspection. The application shall be made to the Commissioner of Internal Revenue, Washington 25, D.C., and shall set forth (1) the name and address of the person for whom the return was made, (2) the kind of tax reported on the return, (3) the taxable period covered by the return, (4) the reason why inspection is desired, and (5) the name and the official designation of the person by whom the inspection is to be made. The information obtained from inspection pursuant to this paragraph may be used as evidence in any proceeding, conducted by or before any department or establishment of the United States, or to which the United States is a party.

(g) *Inspection of returns by United States attorneys and attorneys of Department of Justice.* A return in respect of any tax described in paragraph (a)(2) of this section shall be open to inspection by a United States attorney or by an attorney of the Department of Justice where necessary in the performance of his official duties. The application for inspection shall be in writing and shall show (1) the name and address of the person for whom the return was made, (2) the kind of tax reported on the return, (3) the taxable period covered by the return, and (4) the reason why inspection is desired. The application shall, where the inspection is to be made by a United States attorney, be signed by such attorney, and, where the inspection is to be made by an attorney of the Department of Justice, be signed by the Attorney General, Deputy Attorney General, or an Assistant Attorney General. The application may be addressed to the Commissioner of Internal Revenue, Washington 25, D.C., or to the internal revenue officer (district director or Director of International Operations) with whom the return was filed.

(h) *Use of returns in litigation.* Returns made in respect of any tax described in paragraph (a)(2) of this section, or copies thereof, may be furnished by the Secretary or the Commissioner or the delegate of either to a United States attorney or an attorney of the Department of Justice for official use in proceedings before a United States grand jury or in litigation in any court, if the United States is interested in the result, or for use in preparation for such proceedings or litigation. The original return will be furnished only in exceptional

cases, and then only if it is made to appear that the ends of justice may otherwise be defeated. Returns or copies thereof will be furnished without written application therefor to United States attorneys and attorneys of the Department of Justice for official use in the prosecution of claims and demands by, and offenses against, the United States, or the defense of claims and demands against the United States or officers or employees thereof, in cases arising under the internal revenue laws or related statutes which were referred by the Department of the Treasury to the Department of Justice for such prosecution or defense. In all other cases, written application for a return or copies thereof shall be made to the Commissioner of Internal Revenue, Washington 25, D.C., or where it is desired that a return or copies thereof be furnished by the internal revenue officer (district director or Director of International Operations) with whom the return was filed, the application shall be made to such officer. The application shall be signed by the United States attorney if the return or copy is for his use, or by the Attorney General, the Deputy Attorney General, or an Assistant Attorney General if the return or copy is for the use of an attorney of the Department of Justice. For provisions relating to the certification of copies of returns, see § 301.6103(a)–2. If a return, or copy thereof, is furnished pursuant to this paragraph, it shall be limited in use to the purpose for which it is furnished and is under no condition to be made public except to the extent that publicity necessarily results from such use. Neither the original nor a copy of a return desired for use in litigation in court will be furnished if the United States is not interested in the result, but this provision is not a limitation on the use of copies of returns by the persons entitled thereto. See paragraphs (e) and (f) of this section for use, in proceedings to which the United States is a party, of information obtained by executive departments and other Federal Government establishments from inspection of returns.

(i) *Disclosures by internal revenue officers for investigative purposes.* An internal revenue officer engaged in an official investigation of the liability in connection with any return or notice in respect of estate tax imposed by chapter 11, or any return in respect of gift tax imposed by chapter 12, of the Code may disclose the returned value of any item, the amount of any specific deduction, or other limited information, if the disclosure is necessary in order to verify such value, deduction, or other information, or to arrive at a correct determination of the tax. This right of disclosure, however, is limited to the purpose of the investigation, and in no case extends to such information as the amount of the estate or gift, the amount of the tax, or other general data.

(j) *Inspection of accepted offers in compromise.* Subject to such rules and under such circumstances as the Secretary or the Commissioner shall determine to be in the public interest, returns in respect of income tax imposed by chapter 1, 2, 3, or 6, estate tax imposed by chapter 11, or gift tax imposed by chapter 12, of the Code, shall be open to inspection to the extent necessary to permit examination of any accepted offer in compromise under section 7122 relative to the liability for any such tax.

Because this Treasury decision constitutes a general statement of policy and establishes rules of Departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

[SEAL] FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury.*

Approved: January 17, 1961.

DWIGHT D. EISENHOWER,
*The White House.*

[F.R. Doc. 61–569; Filed, Jan. 18, 1961; 2:09 p.m.]

[T.D. 6544]

## PART 301—PROCEDURE AND ADMINISTRATION

### Inspection by Renegotiation Board of Income Tax Returns

**§ 301.6103(a)–105 Inspection by Renegotiation Board of income tax returns made under the Internal Revenue Code of 1954.**

(a) Pursuant to the provisions of section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)) and of the Executive order issued thereunder, and in the interest of the internal management of the Government, income tax returns made under such Code shall be open to inspection by the Renegotiation Board. The inspection of returns herein authorized may be made by any officer or employee of the Renegotiation Board duly authorized by the Chairman of the Board to make such inspection. Upon written notice by the Chairman to the Secretary of the Treasury stating the classes of returns which it is desired to inspect, the Secretary, or any officer or employee of the Department of the Treasury with the approval of the Secretary, may furnish the Renegotiation Board with any data on such returns or may make the returns available for inspection and the taking of such data as the Chairman of the Board may designate. Such data shall be furnished, or such returns shall be made available for inspection, in the office of the Commissioner of Internal Revenue. Any information thus obtained shall be held confidential except that it may be published or disclosed in statistical form provided such publication does not disclose, directly or indirectly, the name or address of any taxpayer.

(b) This section shall be effective upon its filing for publication in the FEDERAL REGISTER.

[SEAL] FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury.*

Approved: January 17, 1961.

DWIGHT D. EISENHOWER,
*The White House.*

[F.R. Doc. 61–570; Filed, Jan. 18, 1961; 2:09 p.m.]

[T.D. 6545]

## PART 301—PROCEDURE AND ADMINISTRATION

### Inspection by Federal Trade Commission of Income Tax Returns of Corporations

**§ 301.6103(a)–106 Inspection by Federal Trade Commission of income tax returns of corporations made under the Internal Revenue Code of 1954.**

(a) Pursuant to the provisions of section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)) and of the Executive order issued thereunder, and in the interest of the internal management of the Government, income tax returns of corporations made under such Code shall be open to inspection by the Federal Trade Commission as an aid in executing the powers conferred upon such Commission by the Federal Trade Commission Act of September 26, 1914 (38 Stat. 717). The inspection of returns herein authorized may be made by any officer or employee of the Federal Trade Commission duly authorized by the Chairman of the Commission to make such inspection. Upon written notice by the Chairman to the Secretary of the Treasury, the Secretary, or any officer or employee of the Department of the Treasury with the approval of the Secretary, may furnish the Federal Trade Commission with any data on such returns or may make the returns available for inspection and the taking of such data as the Chairman of the Commission may designate. Such data shall be furnished, or such returns shall be made available for inspection, in the office of the Commissioner of Internal Revenue. Any information thus obtained shall be held confidential except that it may be published or disclosed in statistical form provided such publication does not disclose, directly or indirectly, the name or address of any taxpayer.

(b) This section shall be effective upon its filing for publication in the FEDERAL REGISTER.

[SEAL] FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury.*

Approved: January 17, 1961.

DWIGHT D. EISENHOWER,
*The White House.*

[F.R. Doc. 61–571; Filed, Jan. 18, 1961; 2:09 p.m.]



[T. D. 6546]

## PART 301—PROCEDURE AND ADMINISTRATION

The following regulations, relating to publicity of returns and similar matters in respect of certain taxes imposed by the Internal Revenue Code of 1954, are hereby prescribed under section 6103 (other than subsection (a) (1) and (2)) and sections 6105 to 6109, inclusive, of such Code, effective upon their filing for publication in the FEDERAL REGISTER:

Sec.


301.6103(a)–2 Copies of returns.
Statutory provisions; publicity of returns and lists of taxpayers; inspection by States.
301.6103(b)–1 Inspection by States.
301.6103(c) Statutory provisions; publicity of returns and lists of taxpayers; inspection by shareholders.
301.6103(c)–1 Inspection of corporation returns by shareholders.
301.6103(d) Statutory provisions; publicity of returns and lists of taxpayers; inspection by committees of Congress.
301.6103(d)–1 Inspection by committees of Congress.
301.6103(e) Statutory provisions; publicity of returns and lists of taxpayers; declarations of estimated tax.
301.6103(f) Statutory provisions; publicity of returns and lists of taxpayers; inspection of list of taxpayers.
301.6103(f)–1 Public lists of persons making returns of income tax and of unemployment tax.
301.6105 Statutory provisions; compilation of relief from excess profits tax cases.
301.6105–1 Compilation of relief from excess profits tax cases.
301.6106 Statutory provisions; publicity of unemployment tax returns.
301.6106–1 Publicity of unemployment tax returns.
301.6107 Statutory provisions; list of special taxpayers for public inspection.
301.6107–1 Public list of persons paying special taxes.
301.6108 Statutory provisions; publication of statistics of income.
301.6108–1 Publication of statistics of income.
301.6109 Statutory provisions; cross references.


AUTHORITY: §§ 301.6103(a)–2 to 301.6109, issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

### § 301.6103(a)–2 Copies of returns.

Any person who may be permitted to inspect a return under section 6103 and § 301.6103(a)–1, § 301.6103(b)–1, or § 301.6103(c)–1 may be furnished with a copy of such return upon request. If the request for a copy of a return is made other than at the time of inspection of such return by the applicant, the request shall be in writing, shall adequately identify the return a copy of which is desired, and shall be accompanied by satisfactory evidence that the applicant qualifies as one of the persons or governmental agencies to whom or which inspection of the return may be permitted. Except as otherwise provided in this section, applications for copies of returns should be submitted to the Commissioner of Internal Revenue, Washington 25, D.C., who is authorized to furnish such copies and to certify them upon request under the official seal of his office or under the official seal of the Department of the Treasury. Where the applicant is (a) a person who may be permitted under paragraph (c) of § 301.6103(a)–1 to inspect a return, (b) an official of a State, the District of Columbia, or Puerto Rico entitled to inspect returns under paragraph (d) of § 301.6103(a)–1 or under § 301.6103(b)–1, or (c) a shareholder entitled under § 301.6103(c)–1 to inspect returns of the corporation of which he is a shareholder, the application for a copy of the return should be submitted to, and such copy may be furnished by, the internal revenue officer (district director or the Director of International Operations) with whom the return was filed. Any copy so furnished by the district director or the Director of International Operations may, upon request, be certified by him under his official seal. Applications for copies of returns available to United States attorneys or attorneys of the Department of Justice pursuant to paragraph (g) or (h) of § 301.6103(a)–1 may be submitted to, and such copies may be furnished and certified under seal by, the Commissioner or, where desired, the district director or the Director of International Operations, as the case may be, with whom the returns were filed. Where such application is required to be in writing it shall be signed by the United States attorney if the copy is for his use, or by the Attorney General, the Deputy Attorney General, or an Assistant Attorney General if the copy is for the use of an attorney of the Department of Justice. The Commissioner may prescribe a reasonable fee for furnishing copies of returns.

### § 301.6103(b) Statutory provisions; publicity of returns and lists of taxpayers; inspection by States.

SEC. 6103. *Publicity of returns and lists of taxpayers.* • • •

(b) *Inspection by States*—(1) *State officers.* The proper officers of any State may, upon the request of the governor thereof, have access to the returns of any corporation, or to an abstract thereof showing the name and income of any corporation, at such times and in such manner as the Secretary or his delegate may prescribe.

(2) *State bodies or commissions.* All income returns filed with respect to the taxes imposed by chapters 1, 2, 3, and 6 (or copies thereof, if so prescribed by regulations made under this subsection), shall be open to inspection by any official, body, or commission, lawfully charged with the administration of any State tax law, if the inspection is for the purpose of such administration or for the purpose of obtaining information to be furnished to local taxing authorities as provided in this paragraph. The inspection shall be permitted only upon written request of the governor of such State, designating the representative of such official, body, or commission to make the inspection on behalf of such official, body, or commission. The inspection shall be made in such manner, and at such times and places, as shall be prescribed by regulations made by the Secretary or his delegate. Any information thus secured by any official, body, or commission of any State may be used only for the administration of the tax laws of such State, except that upon written request of the governor of such State any such information may be furnished to any official, body, or commission of any political subdivision of such State, lawfully charged with the administration of any political subdivision of such division, but may be furnished only for the purpose of, and may be used only for, the administration of such tax laws.

### § 301.6103(b)–1 Inspection by States.

(a) *Corporation returns of income tax or unemployment tax.* Under the provisions of sections 6103(b)(1) and 6106, the proper tax officers of a State shall have access, upon application made in accordance with the provisions of this paragraph, to the returns filed by any corporation with respect to the taxes imposed by chapters 1, 3, and 6 of the Code and with respect to the unemployment tax imposed by chapter 23 of the Code, or to abstracts of such returns. Application for access to the returns of any corporation, or abstracts thereof, shall be in writing signed by the governor of the State and addressed to the Commissioner of Internal Revenue, Washington 25, D.C. The application shall set forth the reason why access is desired; the names and official positions of the officers designated to have such access; and, with respect to each return to which access is desired, the name and address of the corporation filing the return, the kind of tax (income tax or unemployment tax) reported on the return, and the taxable year covered by the return.

(b) *Income tax returns*—(1) *In general.* Income tax returns filed with respect to the taxes imposed by chapters 1, 2, 3, and 6 of the Code shall, upon application made in accordance with the provisions of this paragraph, be open to inspection by any official, body, or commission, lawfully charged with the administration of any State tax law, or any properly designated representative of such official, body, or commission, if the inspection is for the purpose of such administration or for the purpose of obtaining information to be furnished to local taxing authorities as provided in section 6103(b)(2). The application shall be made in writing and signed by the governor of the State and shall be addressed to the Commissioner of Internal Revenue, Washington 25, D.C. The application shall state—

(i) The title of the official, body, or commission by whom or which the inspection is to be made;

(ii) By specific reference, the State tax law which such official, body, or commission is charged with administering and the law under which he or it is so charged;

(iii) The purpose for which the inspection is to be made; and

(iv) If the inspection is for the purpose of obtaining information to be furnished to local taxing authorities, (*a*) the title of the official, body, or commission of each political subdivision of the State, lawfully charged with the administration of the tax laws of such political subdivision, to whom or to which the information secured by the inspection is to be furnished, and (*b*) the purpose for

which the information is to be used by such official, body, or commission.

(2) *Returns filed in internal revenue district within or including State*—(i) *General inspection.* Permission may be granted by the Commissioner to any State for general inspection of returns of the taxes imposed by chapters 1, 2, 3, and 6 of the Code which are filed in an internal revenue district within or including such State. If such general inspection is desired, the application made to the Commissioner in accordance with subparagraph (1) of this paragraph shall include a statement that general inspection is desired of returns filed in the internal revenue district or districts within or including the State with respect to the taxes imposed by chapters 1, 2, 3, and 6 of the Code. Permission granted for the general inspection provided for in this subdivision shall continue in effect until such time as the Commissioner by written notice to the governor of the State provides that such inspection will be permitted only on the basis of periodic applications therefor. The governor shall supply to the district director with whom the returns to be inspected were filed a written list of the names of the individuals designated to make the inspection on behalf of the official, body, or commission named in the application to the Commissioner, and shall keep such list current by appropriate deletions or additions as may be necessary.

(ii) *Inspection of specific returns.* Permission for the general inspection provided in subdivision (i) of this subparagraph includes permission to inspect a specifically identified return when desired. However, a State interested only in examining the returns of particular taxpayers may inspect such returns on written application therefor to the Commissioner. The application in such case shall state, in addition to the information outlined in subparagraph (1) of this paragraph, the name and address of each taxpayer whose return or returns it is desired to inspect, the taxable year covered by each such return, and the names of the individuals designated to make the inspection on behalf of the official, body, or commission named in the application.

(3) *Returns filed in other internal revenue districts.* In the case of returns filed with the Director of International Operations or in an internal revenue district other than one within or including the State requesting the inspection, permission for the inspection provided for in subparagraph (1) of this paragraph will be granted only with respect to specifically identified returns. The application for such inspection shall be made to the Commissioner as provided in subparagraph (1) of this paragraph and, in addition to the information outlined in such subparagraph and in subparagraph (2)(ii) of this paragraph, shall specify the internal revenue district or office in which the returns to be inspected are believed to have been filed.

(c) *Time and place of inspection.* The internal revenue officer (district director or Director of International Operations) with whom the returns were filed is authorized to make such returns available in accordance with permission granted by the Commissioner pursuant to this section. Such officer shall set a convenient time and place for the inspection. The inspection will be permitted only in the presence of an internal revenue officer or employee and only in an office of the Internal Revenue Service during the regular hours of business of such office.

(d) *Definition of return.* For purposes of section 6103(b) and this section, the term "return" includes information returns, schedules, lists, and other written statements filed with the Internal Revenue Service which are designed to be supplemental to or to become a part of the return, and, in the discretion of the Commissioner, other records or reports containing information included or required by statute to be included in the return. An application for exemption from income tax under section 501 (a) filed by an organization described in section 501 (c) or (d) in order to establish its exemption is not a return for purposes of section 6103(b). For provisions opening to public inspection exemption applications with respect to which a determination has been made that the organization is entitled to exemption from income tax under section 501(a), see section 6104(a) and § 301.6104–1.

(e) *Cross reference.* For additional provisions relating to inspection of returns on behalf of States, see paragraph (d) of § 301.6103(a)–1. For penalties for unauthorized disclosure of information, see section 7213.

### § 301.6103(c) Statutory provisions; publicity of returns and lists of taxpayers; inspection by shareholders.

SEC. 6103. *Publicity of returns and lists of taxpayers.* * * *

(c) *Inspection by shareholders.* All bona fide shareholders of record owning 1 percent or more of the outstanding stock of any corporation shall, upon making request of the Secretary or his delegate, be allowed to examine the annual income returns of such corporation and of its subsidiaries.

### § 301.6103(c)–1 Inspection of corporation returns by shareholders.

(a) *In general.* Under the provisions of sections 6103(c) and 6106, a bona fide shareholder of record owning one percent or more of the outstanding stock of a corporation shall be allowed, upon request, to examine the annual income tax returns and unemployment tax returns of such corporation and its subsidiaries. A person is not a bona fide shareholder of record within the meaning of section 6103(c) if he acquired his shares for the purpose of obtaining the right to inspect the returns of the corporation. The privilege of inspecting returns in accordance with section 6103(c) and this section is personal to the shareholder and cannot be delegated. In the case of a corporation which has been dissolved, the returns may be examined by any shareholder who would have been entitled to examine them at the date of dissolution.

(b) *Applications.* Request for permission to inspect returns under this section shall be made in writing and verified by affidavit. The request shall be submitted to the district director or the Director of International Operations, as the case may be, with whom the return was filed. The request shall set forth (1) the name and address of the applicant, (2) the name and address of the corporation whose return or returns it is desired to inspect, (3) the kind of tax and the taxable period covered by each return it is desired to inspect, (4) the amount of the corporation's outstanding capital stock, (5) the number of shares owned by the applicant and the date or dates on which he acquired them, (6) whether the applicant has the beneficial as well as the record title to such shares, and (7) that the applicant did not acquire the shares for the purpose of obtaining the right to inspect the returns of the corporation. The request shall be accompanied by evidence establishing that the applicant is a bona fide shareholder of record of the required amount of stock of the corporation. Such evidence may be in the form of a certificate signed by the president or vice president of the corporation and countersigned by the secretary under the corporate seal.

(c) *Time and place of inspection.* The district director or the Director of International Operations, upon being satisfied from the evidence presented that the applicant meets the statutory requirements, shall grant permission to examine the returns and shall set a convenient time and place for the examination. Examination of returns by shareholders will be permitted only in the presence of an internal revenue officer or employee and only in an office of the Internal Revenue Service during the regular hours of business of such office.

(d) *Definition of return.* For purposes of section 6103(c) and this section, the term "return" includes information returns, schedules, lists, and other written statements filed with the Internal Revenue Service which are designed to be supplemental to or to become a part of the return, and, in the discretion of the Commissioner, other records or reports containing information included or required by statute to be included in the return. An application for exemption from income tax under section 501 (a) filed by an organization described in section 501 (c) or (d) in order to establish its exemption is not a return for purposes of section 6103(c). For provisions opening to public inspection exemption applications with respect to which a determination has been made that the organization is entitled to exemption from income tax under section 501(a), see section 6104(a) and § 301.6104–1.

(e) *Penalties.* For penalties for unauthorized disclosure of information, see section 7213.

### § 301.6103(d) Statutory provisions; publicity of returns and lists of taxpayers; inspection by committees of Congress.

SEC. 6103. *Publicity of returns and lists of taxpayers.* * * *

(d) *Inspection by committees of Congress*—(1) *Committees on Ways and Means and Finance.* (A) The Secretary and any officer or employee of the Treasury Department, upon request from the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, or a select committee of the Senate or House specially authorized to investigate returns by a resolution of the Senate or House, or a joint committee so authorized by concurrent resolution, shall furnish such committee sitting in executive session with any data of any character contained in or shown by any return.

(B) Any such committee shall have the right, acting directly as a committee, or by or through such examiners or agents as it may designate or appoint, to inspect any or all of the returns at such times and in such manner as it may determine.

(C) Any relevant or useful information thus obtained may be submitted by the committee obtaining it to the Senate or the House, or to both the Senate and the House, as the case may be.

(2) *Joint Committee on Internal Revenue Taxation.* The Joint Committee on Internal Revenue Taxation shall have the same right to obtain data and to inspect returns as the Committee on Ways and Means or the Committee on Finance, and to submit any relevant or useful information thus obtained to the Senate, the House of Representatives, the Committee on Ways and Means, or the Committee on Finance. The Committee on Ways and Means or the Committee on Finance may submit such information to the House or to the Senate, or to both the House and the Senate, as the case may be.

### § 301.6103(d)–1 Inspection by committees of Congress.

(a) *Committees on Ways and Means and Finance and joint and select committees specially authorized to investigate returns.* The Secretary and any officer or employee of the Treasury Department, upon request from the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, or a select committee of the Senate or House specially authorized to investigate returns by a resolution of the Senate or House, or a joint committee so authorized by concurrent resolution, shall furnish such committee sitting in executive session with any data of any character contained in or shown by any return. Any such committee shall have the right, acting directly as a committee, or by or through such examiners or agents as it may designate or appoint, to inspect any or all of the returns at such times and in such manner as it may determine. Any relevant or useful information thus obtained may be submitted by the committee obtaining it to the Senate or the House, as the case may be.

(b) *Joint Committee on Internal Revenue Taxation.* The Joint Committee on Internal Revenue Taxation shall have the same right to obtain data and to inspect returns as the Committee on Ways and Means or the Committee on Finance, and the right to submit any relevant or useful information thus obtained to the Senate, the House of Representatives, the Committee on Ways and Means, or the Committee on Finance. The Committee on Ways and Means or the Committee on Finance may submit such information to the House or to the Senate, or to both the House and the Senate, as the case may be. See also section 8023 for authority of the Joint Committee to obtain additional data.

(c) *Applications for tax exemption.* The application for exemption of any organization described in section 501 (c) or (d) which is exempt from taxation under section 501(a) for any taxable year, and any other papers which are in the possession of the Internal Revenue Service and which relate to such application, shall, in accordance with section 6104(a)(2), be made available to any committee of Congress designated in paragraph (a) or (b) of this section as if such papers constituted returns.

### § 301.6103(e) Statutory provisions; publicity of returns and lists of taxpayers; declarations of estimated tax.

SEC. 6103. *Publicity of returns and lists of taxpayers.* * * *

(e) *Declarations of estimated tax.* For purposes of this section, a declaration of estimated tax shall be held and considered a return under this chapter.

### § 301.6103(f) Statutory provisions; publicity of returns and lists of taxpayers; inspection of list of taxpayers.

SEC. 6103. *Publicity of returns and lists of taxpayers.* * * *

(f) *Inspection of list of taxpayers.* The Secretary or his delegate shall as soon as practicable in each year cause to be prepared and made available to public inspection in such manner as he may determine, in the office of the principal internal revenue officer for the internal revenue district in which the return was filed, and in such other places as he may determine, lists containing the name and the post-office address of each person making an income tax return in such district.

### § 301.6103(f)–1 Public lists of persons making returns of income tax and of unemployment tax.

In accordance with the provisions of sections 6103(f) and 6106, the district director for each internal revenue district (including the Director of International Operations) shall prepare as soon as practicable in each year and make available to public inspection in his office during regular hours of business—

(a) Lists containing the name and post-office address of each person filing an income tax return in such district; and

(b) Lists containing the name and post-office address of each person filing a return in such district in respect of unemployment tax imposed by chapter 23 of the Code.

NOTE: Sections 301.6104 to 301.6104–2, inclusive, were prescribed by Treasury Decision 6331, approved October 30, 1958, and amended in respect of § 301.6104–1 by Treasury Decision 6391, approved June 25, 1959.

### § 301.6105 Statutory provisions; compilation of relief from excess profits tax cases.

SEC. 6105. *Compilation of relief from excess profits tax cases.* The Secretary or his delegate shall compile for each fiscal year beginning after June 30, 1941, by internal revenue districts, and alphabetically arranged, all cases in which relief has been allowed during such year under the provisions of section 722 of the Internal Revenue Code of 1939, as amended, by the Secretary or his delegate and by the Tax Court of the United States, as the case may be. Such compilation shall contain the name and address of each taxpayer to which relief has been so allowed, the business in which the taxpayer is engaged, the amount of the excess profits credit before such allowance, the increase in such credit claimed, the increase in such credit allowed, and the amount of the gross reduction in the tax under subchapter E of chapter 2 of the Internal Revenue Code of 1939, as amended, and of the gross increase in the tax under chapter 1 of such Code, which results from the operation of section 722 of the Internal Revenue Code of 1939, as amended. In the case of relief allowed by the Tax Court of the United States, the Secretary or his delegate shall set forth the data previously reported under this section or section 722(g) of the Internal Revenue Code of 1939, as amended, with respect to relief previously allowed in such case by the Secretary or his delegate. Such compilation shall be published in the FEDERAL REGISTER.

### § 301.6105–1 Compilation of relief from excess profits tax cases.

Pursuant to and in accordance with the provisions of section 6105, the Commissioner shall make and publish in the FEDERAL REGISTER a compilation, for each fiscal year beginning after June 30, 1941, of all cases in which relief under the provisions of section 722 of the Internal Revenue Code of 1939, as amended, has been allowed during such fiscal year by the Commissioner and by the Tax Court of the United States.

### § 301.6106 Statutory provisions; publicity of unemployment tax returns.

SEC. 6106. *Publicity of unemployment tax returns.* Returns filed with respect to the tax imposed by chapter 23 shall be open to inspection in the same manner, to the same extent, and subject to the same provisions of law, including penalties, as returns described in section 6103, except that paragraph (2) of subsections (a) and (b) of section 6103 and section 7213(a)(2) shall not apply.

### § 301.6106–1 Publicity of unemployment tax returns.

For provisions relating to publicity of returns made in respect of unemployment tax imposed by chapter 23 of the Code, see §§ 301.6103(a)–1, 301.6103(b)–1, 301.6103(c)–1, 301.6103(d)–1, and 301.6103(f)–1.

### § 301.6107 Statutory provisions; list of special taxpayers for public inspection.

SEC. 6107. *List of special taxpayers for public inspection.* In the principal internal revenue office in each internal revenue district there shall be kept, for public inspection, an alphabetical list of the names of all persons who have paid special taxes under subtitle D or E within such district. Such list shall be prepared and kept pursuant to regulations prescribed by the Secretary or his delegate, and shall contain the time, place, and business for which such special taxes have been paid, and upon application of any prosecuting officer of any State, county, or municipality there shall be furnished to him a certified copy thereof, as

of a public record, for which a fee of $1 for each 100 words or fraction thereof in the copy or copies so requested may be charged.

**§ 301.6107–1 Public list of persons paying special taxes.**

Each district director shall prepare and keep in his office, for public inspection, an alphabetical list showing the name of each person who shall have paid within his district any of the special taxes imposed by subtitles D or E of the Code, together with the time, place, and business for which such tax was paid. The district director shall furnish, as of a public record, a certified copy of such list or any portion thereof to any prosecuting officer of any State, county, or municipality upon written request by such officer. A fee of $1 for each 100 words or fraction thereof in the copy or copies so requested may be charged.

**§ 301.6108 Statutory provisions; publication of statistics of income.**

SEC. 6108. *Publication of statistics of income.* The Secretary or his delegate shall prepare and publish annually statistics reasonably available with respect to the operation of the income tax laws, including classifications of taxpayers and of income, the amounts allowed as deductions, exemptions, and credits, and any other facts deemed pertinent and valuable.

**§ 301.6108–1 Publication of statistics of income.**

Pursuant to and in accordance with the provisions of section 6108, statistics reasonably available with respect to the operation of the income tax laws shall be prepared and published annually by the Commissioner.

**§ 301.6109 Statutory provisions; cross references.**

SEC. 6109. *Cross references.* (1) For reports of Secretary of Agriculture concerning cotton futures, see section 4876.

(2) For inspection of returns, order forms, and prescriptions concerning narcotics, see section 4773.

(3) For inspection of returns, order forms, and prescriptions concerning marihuana, see section 4773.

(4) For authority of Secretary or his delegate to furnish list of special taxpayers, see section 4775.

(5) For inspection of records, returns, etc., concerning gasoline or lubricating oils, see section 4102.

Because this Treasury decision constitutes a general statement of policy and establishes rules of Departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: December 2, 1960.

FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61–572; Filed, Jan. 18, 1961; 2:09 p.m.]

[T.D. 6547]

## PART 301—PROCEDURE AND ADMINISTRATION

### Inspection by Department of Commerce of Income Tax Returns

**§ 301.6103(a)–104 Inspection by Department of Commerce of income tax returns made under the Internal Revenue Code of 1954.**

(a) Pursuant to the provisions of section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)) and of the Executive order issued thereunder, and in the interest of the internal management of the Government, income tax returns made under such Code shall be open to inspection by the Department of Commerce. The inspection of returns herein authorized may be made by any officer or employee of the Department of Commerce duly authorized by the Secretary of Commerce to make such inspection. Upon written notice by the Secretary of Commerce to the Secretary of the Treasury stating the classes of returns which it is desired to inspect, the Secretary of the Treasury, or any officer or employee of the Department of the Treasury with the approval of the Secretary may furnish the Department of Commerce with any data on such returns or may make the returns available for inspection and the taking of such data as the Secretary of Commerce may designate. Such data shall be furnished, or such returns shall be made available for inspection, in the office of the Commissioner of Internal Revenue. Any information thus obtained shall be held confidential except that it may be published or disclosed in statistical form provided such publication does not disclose, directly or indirectly, the name or address of any taxpayer.

(b) This section shall be effective upon its filing for publication in the FEDERAL REGISTER.

FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury.*

Approved: January 17, 1961.

DWIGHT D. EISENHOWER,
*The White House.*

[F.R. Doc. 61–575; Filed, Jan. 18, 1961; 2:35 p.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Reg. Docket No. 375; Civil Air Regs. Amdt. 60–21]

## PART 60—AIR TRAFFIC RULES

### Definition of Controlled Airspace

Draft Release No. 60–8, published in the FEDERAL REGISTER on May 7, 1960, (25 F.R. 4083) gave notice that the Federal Aviation Agency proposed to adopt an alternate amendment to Part 60 for the revision of the base of controlled airspace and, in a separate action, to rescind Amendments 60–14 and 60–14A. The reasons for the rescission of the amendments and the adoption of a substitute amendment were set forth in detail in the draft release. The majority of the comments received in response to the draft release either endorsed the proposed rescission of Amendments 60–14 and 60–14A or posed no objection to such action. Amendments 60–14 and 60–14A were subsequently rescinded effective June 30, 1960, (25 F.R. 6015).

After reviewing comments received in response to the draft release, the Agency concluded that it was necessary to provide the public the opportunity to present additional oral comments regarding the proopsal. Accordingly, an informal public hearing was held on August 10, 1960, (25 F.R. 6706). In their written comments and at the hearing certain organizations within the aviation industry recommended the adoption of the proposal as contained in Draft Release 60–8. Other interests recommended adoption of the proposal with certain revisions, while a third group voiced emphatic opposition to the proposed rule. However, the majority endorsed its general concepts, although various recommendations were offered relative to the method and timing of the implementing airspace actions.

After considering both the written and the oral comments received, the Agency has concluded that:

1. Any increase in the size of control zones should be held to a minimum consistent with the requirements of instrument flight rules operations.

2. Transition areas should be established to extend upward from 700 feet above the surface when designated to overlie uncontrolled airports for which an instrument approach procedure has been prescribed.

3. Transition areas should be established to extend upward from 1,200 feet above the surface when designated to complement control zones.

4. Transition areas should be established to extend upward from 1,200 feet or higher above the surface when designated between airway route structures or route segments.

5. Unless otherwise limited, transition areas should extend upwards to the base of overlying controlled airspace.

6. Control areas should be established at least 500 feet below the Minimum En Route Altitude (MEA) and not below 1,200 feet above the surface. In some cases, however, it may not be feasible or practical to directly associate the floor of a control area with the MEA. Sufficient flexibility should be provided to permit alternate designation through appropriate airspace actions in such cases.

The preamble to Draft Release 60–8 stated that it would be necessary to increase the radius of control zones from the current five miles to approximately nine miles. Exact lateral dimensions of control zones would be derived from appropriate aircraft climb and approach criteria. Some industry representatives objected to an increase in the size of the control zone while others maintained that it should be as large as necessary to serve IFR requirements.

In recognizing a responsibility to accommodate the needs of both the VFR and IFR airspace user, the Agency agrees that the increase in the size of the control zone should be held to a minimum. However, some increase appears necessary due to the raising of the floor of controlled airspace. Therefore the basic circular area of control zones will normally be 5 statute miles in radius with extensions where necessary to encompass the flight paths of instrument approach and departure operations. Aircraft climb criteria specifically designed for use in determining the size of control zone extensions will be developed for use in analyzing individual airspace cases. The size of control zone extensions will be dependent on the individual airport requirements, however, only that controlled airspace required by IFR terminal operations will be designated as control zones. It may prove necessary at a future date to amend the definition of control zone to increase or decrease its normal size if so determined by the completed aircraft climb criteria.

The draft release also proposed that the floors of transition areas be established at 1,200 feet or higher above the surface, with VFR corridors as required and as possible. This action would raise the base of controlled airspace at those uncontrolled airports having a prescribed instrument approach procedure. To recognize the requirements of the IFR user operating at such airports, the floor of transition areas at such uncontrolled airports will be established at 700 feet above the surface. Lateral dimensions of such airspace will be limited to that airspace required to contain the flight paths of IFR aircraft as determined by the application of appropriate criteria.

The base of those transition areas serving controlled airports will normally be established at 1,200 feet above the surface. However, in certain exceptional cases it may be more appropriate to establish the base at a higher level to accommodate specific requirements. This concept will provide for a standard floor, rather than a segmented floor as proposed in Draft Release 60–8, and will simplify charting. As in the case of control zones, the size of transition areas as determined by the aircraft climb criteria will be contingent upon IFR requirements but will be established so as to include only airspace necessary to accommodate such requirements. In addition, at least a 300 foot buffer zone will be provided between VFR and IFR operations since air traffic control will not assign an altitude less than 1,500 feet above the surface.

Floors of those transition areas designated between different airway route structures or segments will be established with a base at 1,200 feet or more above the surface. For example, it may prove necessary to designate a transition area between two route segments for use of IFR flights at altitudes of 8,000 feet or more above the surface. In such a case, the transition area floor might be established at 7,500 feet or lower, if appropriate. In no case, however, would the floors of such transition areas be less than 1,200 feet above the surface.

The draft release also proposed that the floors of control areas (airway) be designated at 500 feet below a cardinal altitude level as determined from the lowest altitude normally used by IFR flights. It has been contended that this action would result in the loss of many lower IFR altitudes and would impose an undue hardship on some IFR airspace users. Control area floors will therefore in most cases be established at least 500 feet below the MEA and, in all cases, not below 1,200 feet above the surface. Implementation of this portion of the regulation will not result in the loss of lower IFR altitudes except when necessary to raise the MEA to provide for a 500 foot buffer between IFR and VFR operations. The floor of control areas may be established by reference either to the surface or to the minimum en route altitudes.

It may, however, be necessary on occasion to designate the floor of a control area above an established MEA. When action of this nature is necessary, it shall be done in accordance with the Administrative Procedure Act and the public will be afforded an opportunity to comment on the proposed rule making action. To dispel any ambiguity regarding the term "MEA," a new definition is added to this part.

A study is currently underway to determine the present and future airspace needs of helicopter operations. While this rule is not specifically designed to meet their requirements, it may prove necessary to designate control area below 1,200 feet for this purpose. The definition of "control area" would permit the processing of such an airspace rule making case. It is anticipated, however, that, if the results of the study indicate an airspace requirement for helicopters, a proposal specifically addressed to this problem wil be published.

The Agency reaffirms its policy that provision of obstruction free airspace to insure the safe use of the navigable airspace by both the VFR and the IFR user shall remain a major factor in the consideration of airspace proposals regarding the erection of high obstructions. In further recognition of its responsibility in this matter, the Agency has proposed a new Part 626 of the regulations of the Administrator, "Notice of Construction or Alteration; Criteria, Procedures and Rules for Determination of the Effect Upon the Use of the Navigable Airspace of Obstructions to Air Navigation" (Airspace Docket 60–WA–159; 25 F.R. 8911.) This regulation would establish the criteria for the determination of what proposed structurcs would constitute hazards to air commerce by reason of their location or height.

Standardizing, insofar as possible, the floor of controlled airspace at 1,200 feet above the surface will reduce the complexities of charting, thus increasing the ability of the pilot to make maximum use of uncontrolled airspace. Except during flight in the vicinity of controlled airports and those uncontrolled airports with a prescribed instrument approach procedures, the pilot will have only to maintain an altitude of 1,200 feet or less above the surface to insure that he remains clear of controlled airspace.

Implementation of the provisions of this regulation is a task of considerable magnitude. Preparation of detailed airspace rule making proposals will require considerable time and effort. Implementation will be accomplished as rapidly as possible. Revisions will be accomplished on an area basis. Since unanticipated difficulties might complicate implementation in certain areas, establishment of a mandatory completion date provision in this regulation is not considered feasible.

This amendment also affects § 60.30 and this section is being amended to incorporate the term "transition area" and to provide for the conduct of VFR flight outside controlled airspace "clear of clouds" below 1,200 feet. Section 60.60 is also amended to add the new definitions "transition area" and "MEA" and to revise the definitions of "control area", "control zone" and "controlled airspace."

In consideration of the foregoing, Part 60 of the Civil Air Regulations (14 CFR, Part 60) is hereby amended as follows:

1. By amending § 60.30(a)(2) by changing the phrase "700 feet" in the two places it occurs to read "1,200 feet."

2. By amending § 60.30(b) by redesignating subparagraph (3) as subparagraph (4) and by adding a new subparagraph (3) to read as follows:

**§ 60.30 Basic VFR minimum weather conditions.**

* * * * *

(b) *Visibility within controlled airspace.* * * *

(3) *Transition area.* When the flight visibility is less than three miles, no person shall operate an aircraft VFR within a transition area. * * *

3. By amending § 60.30(c) by changing the phrase "700 feet" in the second sentence to read "1,200 feet."

4. By amending the "Basic VFR Minimum" chart contained in this part by adding the words "AND TRANSITION AREA" following the words "CONTROL AREA" in the first column; by changing the headings "700 feet or BELOW" and "ABOVE 700 feet" in the "DISTANCE FROM CLOUDS" column to read "1,200 feet or BELOW" and "ABOVE 1,200 feet" respectively; by changing the phrase "700 feet" in footnote 2 to read "1,200 feet."

5. By amending § 60.60 by deleting the definitions "continental control area," "control area," "control zone" and "controlled airspace" and by adding in proper alphabetical order the following new definitions:

**§ 60.60 Definitions.**

* * * * *

*Controlled airspace.* Airspace of defined dimensions designated in Part 601 of this title as continental control area, control area, control zone or transition area, within which air traffic control is exercised.

(1) *Continental control area.* The continental control area is an area designated by the Administrator which includes that airspace within the conti-

nental United States at and above 24,000 feet (mean sea level), exclusive of prohibited and restricted areas.

(2) *Control area.* Unless otherwise provided in appropriate cases, control areas extend upward from 700 feet above the surface until designated from 1,200 feet above the surface or from at least 500 feet below the MEA, whichever is higher, to the base of the continental control area.

(3) *Control zone.* Control zones extend upward from the surface. A control zone may include one or more airports and is normally a circular area of 5 statute miles in radius with extensions where necessary to include instrument approach and departure paths.

(4) *Transition area.* Transition areas extend upward from 1,200 feet or higher above the surface when designated to complement control zones; from 700 feet above the surface when designated in conjunction with an airport with no control zone but for which an instrument approach procedure has been prescribed; or from 1,200 feet or higher above the surface when designated in conjunction with airway route structures or segments. Unless otherwise limited, transition areas terminate at the base of the overlying controlled airspace.

* * * * *

*MEA.* The minimum en route IFR altitude applicable to a particular route or route segment, from radio fix to radio fix, as specified in Part 610 of this title.

This amendment shall become effective on February 21, 1961.

Issued in Washington, D.C., on January 16, 1961.

(Secs. 313(a), 307, 72 Stat. 752, 749; 49 U.S.C., 1354(a), 1348)

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-522; Filed, Jan. 19, 1961; 8:49 a.m.]

## Chapter III—Federal Aviation Agency

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-155]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### PART 608—RESTRICTED AREAS

### Revocation of Restricted Area and Modification of Control Area Extension, Federal Airways and Control Zones

On June 18, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 5543) stating that the Federal Aviation Agency was considering an amendment to § 608.55 of the regulations of the Administrator, which would revoke the Fort Lewis, Wash., Restricted Area (R-503) (Seattle Chart).

Although not mentioned in the notice, this action requires the deletion of all reference to R-503 in the description of VOR Federal airway No. 23, Amber Federal airway No. 1, the Tacoma, Wash., control zone and control area extension, and the Seattle, Wash., control area extension. Such action is also taken herein.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 608.55 *Washington*, the Fort Lewis, Wash., Restricted Area (R-503) (Seattle Chart) (24 F.R. 3231) is revoked.

2. In the text of § 600.6023 (14 CFR 600.6023, 25 F.R. 632, 2041) "the Fort Lewis Restricted Areas (R-503) and (R-504)" is deleted and "the Fort Lewis Restricted Area (R-504)" is substituted therefor.

3. In the text of § 600.101 (14 CFR 600.101, 25 F.R. 3458) "radio range station excluding the portion below 1,500 feet mean sea level which lies over Fort Lewis, Wash., restricted area (R-503), and the portion below 5,000 feet mean sea level which lies over Fort Lewis, Wash., restricted area (R-504);" is deleted and "RR excluding the portion which lies within the Fort Lewis, Wash., Restricted Area (R-504);" is substituted therefor.

4. In the text of § 601.2281 (14 CFR 601.2281) "restricted areas R-503 and R-504." is deleted and "Restricted Area R-504." is substituted therefor.

5. In the text of § 601.1133 (14 CFR 601.1133) "(R-503, R-504 and R-505)" is deleted and "(R-504 and R-505)" is substituted therefor.

6. In the text of § 601.1331 (14 CFR 601.1331, 25 F.R. 8248) "R-503, R-504 and R-505)" is deleted and "(R-504 and R-505)" is substituted therefor.

These amendments shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-479; Filed, Jan. 19, 1961; 8:45 a.m.]

[Airspace Docket No. 60-NY-103]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Segment of Federal Airway, Associated Control Areas and Modification of Control Area Extension

On October 27, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 10320) stating that the Federal Aviation Agency proposed to revoke the segment of Amber Federal airway No. 6 and its associated control area between Cincinnati, Ohio, and the West Jefferson, Ohio, intersection and modify the Columbus, Ohio, control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.106 [Amendment]

1. In § 600.106 (25 F.R. 4955) the following changes are made:

(a) In the caption *"Cincinnati, Ohio, to Columbus, Ohio, and"* is deleted.

(b) In the text "From the Cincinnati, Ohio, RR to the INT of the NE course of the Cincinnati RR and the W course of the Columbus, Ohio, RR." is deleted.

§ 601.106 [Amendment]

2. In the caption of § 601.106 (25 F.R. 4955) *"Cincinnati, Ohio, to Columbus, Ohio, and"* is deleted.

§ 601.4106 [Amendment]

3. In the caption of § 601.4106 (25 F.R. 4955) *"Cincinnati, Ohio, to Columbus, Ohio, and"* is deleted.

4. Section 601.1042 (14 CFR 601.1042) is amended to read:

§ 601.1042 Control area extension (Columbus, Ohio).

Within a 15-mile radius of the Appleton, Ohio, VOR, including the area S of Columbus bounded on the E by VOR Federal airway No. 133 and on the SE by VOR Federal airway No. 44, on the W by a line extending from the N boundary of VOR Federal airway No. 44 at latitude 38°42'55" N., longitude 83°00'15" W., via latitude 38°48'30" N., longitude 83°02'00" W.; latitude 39°30'00" N., longitude 83°02'00" W., and latitude 39°30'00" N., longitude 83°47'00" W., to the S boundary of VOR Federal airway No. 5 at latitude 39°37'10" N., longitude 83°47'00" W.; on the NW by VOR Federal airway No. 5; and on the N by VOR Federal airway No. 214. The portion of this control area extension which coincides with the Columbus, Ohio (Lockbourne AFB) Restricted Area/Military Climb Corridor (R-543), shall be used only after obtaining prior approval from the controlling agency.

These amendments shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-486; Filed, Jan. 19, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-121]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas, and Reporting Points

On November 11, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 10775) stating that the Federal Aviation Agency proposed to revoke Blue Federal airway No. 18, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended as follows:

1. Section 600.618 *Blue Federal airway No. 18 (Albany, N.Y., to Burlington, Vt.)*, is revoked.

2. Section 601.618 *Blue Federal airway No. 18 control areas (Albany, N.Y., to Burlington, Vt.)* is revoked.

3. Section 601.4618 *Blue Federal airway No. 18 (Albany, N.Y., to Burlington, Vt.)* is revoked.

These amendments shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-487; Filed, Jan. 19, 1961; 8:46 a.m.]



[Airspace Docket No. 60-NY-102]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas and Reporting Points

On November 3, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 10552) stating that the Federal Aviation Agency proposed to revoke Blue Federal airway No. 20 in its entirety, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended as follows:

1. Section 600.620 *Blue Federal airway No. 20 (Millville, N.J., to Allentown, Pa.)* is revoked.

2. Section 601.620 *Blue Federal airway No. 20 control areas (Millville, N.J., to Allentown, Pa.)* is revoked.

3. Section 601.4620 *Blue Federal airway No. 20 (Millville, N.J., to Allentown, Pa.)* is revoked.

These amendments shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-489; Filed, Jan. 19, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-9]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### PART 608—RESTRICTED AREAS

### Modification of Restricted Area, Federal Airways and Control Area Extensions

The purpose of these amendments to §§ 608.54, 600.6157, 600.6286, 600.656, 601.1129, and 601.1457 of the regulations of the Administrator is to revoke the Dahlgren, Va., Restricted Area (R-38) (Washington and Norfolk Charts), redesignate R-38 as three areas, R-38A, R-38B, and R-38C, and change the descriptions of VOR Federal airways No. 157 and 286, Blue Federal airway No. 56, and the Washington, D.C., and Dahlgren, Va., control area extensions so that the airways and control area extensions will conform to the new restricted area descriptions.

Restricted Area (R-38) (presently described on aeronautical charts as R-38A and R-38B) is a 157-square-mile area south of Washington, D.C., located over the Potomac River that is used by the Department of the Navy for ground to air firing and demolition on a continuous basis and is controlled by the Federal Aviation Agency (FAA) on a joint use basis. The portion of the area west of a line 5 miles east of, and parallel to, a direct line between the Richmond, Va., radio range station and the Washington, D.C., radio range station is designated from surface to 7,000 feet MSL. The remainder of the area is designated from surface to unlimited. As a result of coordination between the FAA and the Department of the Navy, it has been determined that the present size of R-38 can be reduced by approximately 50 percent and that the designated altitudes and time of designation can be reduced. To accomplish this modification, the FAA is revoking R-38 and designating three areas in the Dahlgren Complex as R-38A, R-38B, and R-38C. This action will result in R-38B being designated as two overlapping circular areas with 7,000 foot radii centered at latitude 38°17'59" N., longitude 77°02'15" W., and latitude 38°18'23" N., longitude 77°02'57" W., extending from the surface to 7,000 feet MSL, Monday through Friday from 0800 to 1700 local standard time. R-38A and R-38C are designated from the surface to 40,000 feet MSL, Monday through Friday from 0800 to 1700 local standard time. These two areas adjoin each other and are contained in approximately half of the area now shown on aeronautical charts as R-38A. The FAA is designated Controlling Agency for all three areas. In addition, the descriptions of Victors 157 and 286, Blue 56, and the Washington, D.C., and Dahlgren control area extensions are modified to reflect the actions taken herein on R-38.

Since part of these amendments are minor in nature and the others impose no additional burden on the public, notice and public procedure hereon are unnecessary and they may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

§ 608.54 [Amendment]

1. In § 608.54 *Virginia*, the Dahlgren, Va., Restricted Area (R-38) (Washington and Norfolk Charts) (23 F.R. 8589, 24 F.R. 1305) is revoked.

2. In § 608.54 *Virginia* (14 CFR 608.54) the following are added:

Dahlgren Complex, Va., Restricted Area (R-38A) (Washington Chart):

Description by geographical coordinates. From latitude 38°21'30" N., longitude 77°01'15" W.; southeast to latitude 38°17'30" N., longitude 76°56'00" W.; southeast to latitude 38°15'45" N., longitude 76°52'00" W.; southwest to latitude 38°13'00" N., longitude 76°54'35" W.; northwest to latitude 38°19'15" N., longitude 77°02'00" W.; northeast to point of beginning.

Designated altitude. Surface to 40,000 feet MSL.

Time of designation. 0800 to 1700 local standard time, Monday through Friday.

Controlling agency. Federal Aviation Agency (Washington ARTCC).

Dahlgren Complex, Va., Restricted Area (R-38B) (Washington Chart):

Description by geographical coordinates. Two overlapping circular areas with 7,000 foot radii centered at latitude 38°17'59" N., longitude 77°02'15" W., and latitude 38°18'23" N., longitude 77°02'57" W.

Designated altitudes. Surface to 7,000 feet MSL.

Time of designation. 0800 to 1700 local standard time, Monday through Friday.

Controlling agency. Federal Aviation Agency (Washington ARTCC).

Dahlgren Complex, Va., Restricted Area (R-38C) (Washington Chart):

Description by geographical coordinates. Beginning at latitude 38°15'45" N., longitude 76°52'00" W.; southeast to latitude 38°13'30" N., longitude 76°46'35" W.; southwest to latitude 38°10'00" N., longitude 76°50'00" W.; northwest to latitude 38°13'00" N., longitude 76°54'35" W., northeast to point of beginning.

Designated altitudes. Surface to 40,000 feet MSL.

Time of designation. 0800 to 1700 local standard time, Monday through Friday.

Controlling agency. Federal Aviation Agency (Washington ARTCC).

§ 600.6157 [Amendment]

3. In § 600.6157 (14 CFR 600.6157, 25 F.R. 1990, 2885, 6266, 3814, 8861) "the Dahlgren (West) Restricted Area (R-38)" is deleted and "the Dahlgren Restricted Area (R-38B)" is substituted therefor.

§ 600.6286 [Amendment]

4. In § 600.6286 (14 CFR 600.6286) "the Dahlgren Restricted Areas (R-38A and R-38B) and" is deleted.

5. Section 601.1457 (14 CFR 601.1457) is amended to read:

§ 601.1457 Control area extension (Dahlgren, Va.).

The airspace lying within the geographical limits of the Dahlgren Complex Restricted Areas (R-38A, R-38B, R-38C). The portions of this control area extension that coincide with R-38A, R-38B and R-38C shall be used only after obtaining prior approval from the Washington ARTCC.

§ 601.1129 [Amendment]

6. In § 601.1129 (14 CFR 601.1129) "the West Dahlgren Restricted Area (R-38)" is deleted and "the Dahlgren Complex Restricted Areas (R-38A, R-38B, R-38C)" is substituted therefor.

§ 600.656 [Amendment]

7. In § 600.656 (14 CFR 600.656, 25 F.R. 9672) "radio range, and excluding that portion more than 3 miles west of the southeast course of the Andrews, Md., radio range and the north course of the Langley, Va. (AFB), radio range between the Andrews, Md., radio range station and a point 18 miles south of the intersection of the north course of the Langley, Va. (AFB), radio range and the southeast course of the Andrews, Md., radio range." is deleted and "RR." is substituted therefor.

These amendments shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-491; Filed, Jan. 19, 1961; 8:46 a.m.]

[Airspace Docket No. 60-WA-225]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Area Extension

On November 1, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 10482) stating that the Federal Aviation Agency proposed to modify the Greenville, Miss., control area extension.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.1356 (14 CFR 601.1356) is amended to read:

§ 601.1356 Control area extension (Greenville, Miss.)

The airspace within 8 miles E. and 5 miles W. of the 006° True and 186° True bearings from the Greenville Municipal Airport (latitude 33°23'10" N., longitude 91°00'00" W.) extending from VOR Federal Airway No. 278 to 17 miles S. of the Greenville Municipal Airport.

This amendment shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued at Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-481; Filed, Jan. 19, 1961; 8:45 a.m.]

[Airspace Docket No. 60-LA-64]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Zone

On October 22, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 10105) stating that the Federal Aviation Agency proposed to modify the Lewistown, Mont., control zone.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 601.1983 [Amendment]

1. In the text of § 601.1983 (14 CFR 601.1983) "Lewistown, Mont.: Lewistown Municipal Airport." is deleted.

2. In Part 601 (14 CFR Part 601) the following section is added:

§ 601.2120 Lewistown, Mont., control zone.

Within a 5-mile radius of the Lewistown Airport (latitude 47°03'00" N., longitude 109°28'30" W.), within 2 miles either side of the 090° True radial of the Lewistown VOR extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the W course of the Lewistown RR extending from the 5-mile radius zone to 12 miles W of the RR.

These amendments shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-492; Filed, Jan. 19, 1961; 8:46 a.m.]

[Airspace Docket No. 60-KC-72]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Zone

On October 19, 1960, a notice of proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 9956) stating that the Federal Aviation Agency proposed to modify the St. Joseph, Mo., control zone.



No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 12582) and for the reasons stated in the notice, § 601.2069 (14 CFR 601.2069) is amended to read:

§ 601.2069 St. Joseph, Mo., control zone.

Within a 5-mile radius of the Rosecrans Memorial Airport (latitude 39°46'23" N., longitude 94°54'31" W.), and within 2 miles either side of the St. Joseph ILS localizer south course extending from the 5-mile radius zone to the ILS outer marker.

This amendment shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-483; Filed, Jan. 19, 1961; 8:45 a.m.]

[Airspace Docket No. 60-KC-73]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Zone

On October 19, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 9957) stating that the Federal Aviation Agency proposed to modify the Lafayette, Ind., control zone.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2109 (14 CFR 601.2109) is amended to read:

§ 601.2109 Lafayette, Ind., control zone.

Within a 5-mile radius of the Purdue University Airport (latitude 40°24'46" N., longtitude 86°55'57" W.), within 2 miles either side of the 038° True radial of the Westpoint, Ind., VOR extending from the 5-mile radius zone to the VOR; and within 2 miles either side of the 144° True radial of the Lafayette VOR extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-484; Filed, Jan. 19, 1961; 8:45 a.m.]

[Airspace Docket No. 60-FW-80]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Zone

On October 29, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 10437) stating that the Federal Aviation Agency proposed to modify the Fort Smith, Ark., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2260 (14 CFR 601.2260) is amended to read:

§ 601.2260 Fort Smith, Ark., control zone.

Within a 5-mile radius of the Fort Smith Municipal Airport (latitude 35°20'10" N., longitude 94°22'10" W.), within 2 miles either side of the 234° True radial of the Fort Smith VOR, extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the ILS localizer east course extending from the 5-mile radius zone to the ILS outer marker.

This amendment shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-485; Filed, Jan. 19, 1961; 8:46 a.m.]

[Airspace Docket No. 60-AN-2]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Designation of Control Zone

On June 17, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 5455) stating that the Federal Aviation Agency (FAA) proposed to designate a control zone at Adak, Alaska.

Subsequent to the publication of the Notice, the Department of the Navy, who will provide air traffic control services in this area, and the FAA have determined that present requirements for controlled airspace at Adak make it desirable to establish a ceiling of 24,000 feet mean sea level for this control zone. This change is reflected in the action taken herein.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2428 Adak, Alaska, control zone.

Within a 5-mile radius of the Adak Naval Station (latitude 51°53'00" N., longitude 176°39'00" W.), extending vertically from the surface to 24,000 feet MSL.

This amendment shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-482; Filed, Jan. 19, 1961; 8:45 a.m.]

[Airspace Docket No. 60-WA-278]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Reporting Points

The purpose of these amendments to § 601.7001 of the regulations of the Administrator is to revoke the Shawnee, Fla., intersection and the Oakwood, S. Dak., intersection as domestic reporting points.

Flight progress reports over designated locations, automatically initiated by pilots, facilitate air traffic management and assist the controller in the performance of his duties. However, due to the continuous modernization of the airway structure, the need for reporting points at particular locations is constantly being revised. The actions taken herein reflect this changing need on the part of air traffic management.

Since these amendments are of a procedural nature and do not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is neces-

sary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

In the text of § 601.7001 (14 CFR 601.7001, 25 F.R. 7489) the following are deleted:

1. Shawnee INT: The INT of the West Palm Beach, Fla., VORTAC 266° True and the Biscayne Bay VOR 346° True radials.

2. Oakwood Intersection: The intersection of the Watertown, S. Dak., omnirange 169° True and the Huron, S. Dak., omnirange 088° True radials.

These amendments shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-488; Filed, Jan. 19, 1961; 8:46 a.m.]

[Airspace Docket No. 60-WA-239]

## PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

### Designation of Coded Jet Route

On October 13, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 9815) stating that the Federal Aviation Agency (FAA) proposed to designate VOR/VORTAC jet route No. 10 from Los Angeles, Calif., to Denver, Colo.

As stated in the Notice, J-10-V would be designated from Los Angeles to Denver via the Los Angeles VOR; the intersection of the Los Angeles VOR 089° True and the Rice, Calif., VORTAC 258° True radials; Rice VORTAC; Prescott, Ariz., VORTAC; Farmington, N. Mex., VORTAC, to the Denver VORTAC. The establishment of this jet route would assist air traffic management by providing an additional jet route from Los Angeles to Denver for the high volume of high altitude traffic operating between these terminals.

The Department of the Air Force offered no objection to the proposal. However, they pointed out that the proposed route would transgress the "Full Load" air refueling area. This route will cross the eastern part of the refueling area which is established for use from 26,000 to 29,000 feet. Since the portion of J-10-V that coincides with the refueling area will have radar flight advisory service, the FAA anticipates no air traffic problems in the area that will derogate the Air Force refueling activities. The Department of the Navy objected to the portion of J-10-V that would not have radar advisory service. This objection was subsequently withdrawn after discussion between representatives of the FAA and the Department of the Navy. The Air Transport Association of America concurred with the proposal.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, Part 602 (14 CFR Part 602) is amended by adding the following section:

§ 602.510 VOR/VORTAC jet route No. 10 (Los Angeles, Calif., to Denver, Colo.).

From the Los Angeles, Calif., VOR via the INT of the Los Angeles 089° True and the Rice, Calif., VORTAC 258° True radials; Rice VORTAC; Prescott, Ariz., VORTAC; Farmington, N. Mex., VORTAC to the Denver, Colo., VORTAC.

This amendment shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-480; Filed, Jan. 19, 1961; 8:45 a.m.]

[Airspace Docket No. 60-WA-274]

## PART 608—RESTRICTED AREAS

### Modification

The purpose of this amendment to Part 608 of the regulations of the Administrator is to modify the Fallon, Nev., Restricted Area (R-267) (Reno Chart).

A continuing study of Special Use Airspace assignments has indicated that it is feasible to reduce the geographical area of R-267 by approximately 15 square miles and change the time of use to Monday through Saturday. The Department of the Navy, the user agency of this restricted area, has concurred in these changes. Moreover, to eliminate confusion caused by identical names for R-267 and R-268, the name of R-267 is changed herein from Fallon, Nev., to Lone Rock, Nev.

The change from "Continuous during VFR conditions only" to "Continuous, except Sunday" will not result in an increased burden on the public. The Navy restricted areas in the Fallon area have been intentionally located in areas wherein there is very limited general aviation traffic and no air carrier traffic. Additionally, due to the high terrain in this area, VFR traffic is normally above the ceiling of R-267, which is 8,000 feet. The lowest minimum en route altitude on airways in the vicinity of R-267 is 10,000 feet.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582); the following action is taken:

In § 608.36 *Nevada*, the Fallon, Nev., Restricted Area (R-267) (Reno Chart) (24 F.R. 8929) is amended to read:

Lone Rock, Nev., Restricted Area (R-267) (Reno Chart):

Description by geographical coordinates. A circular area within a 3-mile radius of latitude 39°52'36" N., longitude 118°20'47" W.

Designated altitudes. Surface to 8,000 feet MSL.

Time of designation. Continuous, except Sunday.

Controlling agency. Commander, Naval Air Bases, 12th Naval District.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-490; Filed, Jan. 19, 1961; 8:46 a.m.]

# Title 6—AGRICULTURAL CREDIT

## Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

### SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 6, Wheat]

## PART 421—GRAINS AND RELATED COMMODITIES

### Subpart—1960-Crop Wheat Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (25 F.R. 3915, 4631, 7479, 7731, 8321, 9137, 9138, 9196, 12282, and 13682) containing the specific requirements of the 1960-crop wheat price support program are hereby amended as follows:

Section 421.5047(b) is amended by increasing the following basic county support rates:

ILLINOIS

| County: | Rate per bushel From— | To— |
|---|---|---|
| Champaign | $1.87 | $1.88 |
| Cook | 1.91 | 1.92 |
| Douglas | 1.87 | 1.88 |
| Du Page | 1.91 | 1.92 |
| Iroquois | 1.87 | 1.89 |
| Jefferson | 1.87 | 1.91 |
| Johnson | 1.80 | 1.81 |
| Kankakee | 1.90 | 1.91 |
| Lake | 1.91 | 1.92 |



ILLINOIS—Continued

| County | Rate per bushel From— | To— |
|---|---|---|
| Massac | $1.86 | $1.87 |
| Monroe | 1.89 | 1.91 |
| Moultrie | 1.87 | 1.88 |
| Randolph | 1.87 | 1.91 |
| Vermilion | 1.87 | 1.90 |
| Washington | 1.87 | 1.89 |
| Will | 1.91 | 1.92 |

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended; Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 13th day of January 1961.

CLARENCE D. PALMBY,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 61-520; Filed, Jan. 19, 1961; 8:48 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 5, Barley]

## PART 421—GRAINS AND RELATED COMMODITIES

### Subpart—1960-Crop Barley Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3570, 4445, 4894, 5263, 8179, 9197, 12282, and 14010, and containing the specific requirements for the 1960-crop barley price support program are hereby amended as follows:

Section 421.5087(b) is amended by increasing the following basic county support rates:

ILLINOIS

| County: | Rate per bushel From— | To— |
|---|---|---|
| Champaign | $0.85 | $0.86 |
| Cook | .88 | .90 |
| Douglas | .85 | .86 |
| Du Page | .88 | .89 |
| Iroquois | .85 | .88 |
| Johnson | .79 | .81 |
| Lake | .88 | .90 |
| Vermilion | .85 | .88 |

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 63 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714, 1421, 1441)

Issued this 13th day of January 1961.

CLARENCE D. PALMBY,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 61-517; Filed, Jan. 19, 1961; 8:48 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 4, Rye]

## PART 421—GRAINS AND RELATED COMMODITIES

### Subpart—1960-Crop Rye Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (25 F.R. 3781, 4895, 6497, 9196, 12282, and 13682), containing the specific requirements of the 1960-crop rye price support program are hereby amended as follows:

Section 421.5387(b) is amended by increasing the following basic county support rates:

ILLINOIS

| County: | Rate per bushel From— | To— |
|---|---|---|
| Cook | $1.03 | $1.05 |
| Iroquois | .99 | 1.02 |
| Kane | 1.02 | 1.03 |
| Kankakee | 1.02 | 1.03 |
| Lake | 1.03 | 1.05 |
| Vermilion | .99 | 1.02 |

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 13th day of January 1961.

CLARENCE D. PALMBY,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 61-519; Filed, Jan. 19, 1961; 8:48 a.m.]

[Amdt. 5]

## PART 446—PEANUTS

### Subpart—1960 Crop Peanut Price Support Program

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation (hereinafter referred to as "CCC") with respect to the 1960 Crop Peanut Price Support Program, as amended (25 F.R. 5437, 7091, 8472, 9594 and 10647) are further amended by revising certain provisions relating to the purchase of No. 2 peanuts in order to clarify the eligibility requirements and the provisions regarding the purchase price of No. 2 peanuts when two or more lots are delivered pursuant to one offer.

The regulations issued in §§ 446.1201 to 446.1250 are amended as specified below.

1. Subdivision (ii) of § 446.1237(a) is amended to read as follows:

§ 446.1237 Eligibility requirements for No. 2 shelled peanuts.

* * * * * * *

(a) * * *

(ii) The requirements of this paragraph (a) shall apply to each lot of peanuts included in any one offer, and a composite sample, which is representative of the quantity of peanuts in a lot, shall be used to determine whether the peanuts meets such requirements: *Provided, however,* That nothing contained herein shall be construed as a waiver of any right of CCC under paragraph (c) of § 446.1244, or under any other provision in this subpart: *Provided further,* That no straight shelled peanuts shall be eligible for sale to CCC.

2. Paragraph (a)(1) of § 446.1246 is amended to read as follows:

§ 446.1246 Payment for No. 2 peanuts.

(a)(1) CCC will purchase eligible No. 2 peanuts at the price in effect on the date the offer is accepted by the association. When two or more lots are included in one offer, the sum of the prices determined individually for all lots will be the purchase price of all peanuts delivered pursuant to such offer.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 201, 68 Stat. 899; 73 Stat. 178; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 13th day of January 1961.

CLARENCE D. PALMBY,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 61-518; Filed, Jan. 19, 1961; 8:48 a.m.]

# Title 7—AGRICULTURE

## Subtitle A—Office of the Secretary of Agriculture

## PART 6—IMPORT QUOTAS AND FEES

### Miscellaneous Amendments

Import Regulation 1, Revision 2, made effective upon publication in the FEDERAL REGISTER of October 7, 1960 (7 CFR, 6.20 et seq., 25 F.R. 9634) invited proposals for amendment or modification thereof with the statement that all proposals received by October 30, 1960, would be given immediate consideration.

After consideration of such relevant suggestions as were presented by interested parties regarding the amendment or modification of Import Regulation 1, Revision 2, it is, by virtue of the authority (19 F.R. 76) vested in me under Proclamation 3019 of the President of the United States, dated June 8, 1953 (3 CFR 1949–1953 Comp., p. 189), as amended by Proclamation 3025, dated June 30, 1953 (3 CFR 1949–1953 Comp., p. 194), and further amended by Proclamation 3347, dated May 11, 1960 (25 F.R. 4343), hereby determined that the following amendment of Import Regulation 1, Revision 2, designed to clarify and correct the regulation, is necessary and appropriate to carry out the objectives of the said amended Proclamation.

It is, therefore, ordered that Import Regulation 1, Revision 2 (25 F.R. 9634) is hereby amended as follows:

Section 6.21(m) of the regulation is amended to read as follows:

(m) Malted milk means malted milk, or compounds or mixtures of or substitutes for milk or cream, and all other products dutiable as such.

Section 6.25(d) of the regulation is amended by adding at the end thereof the following new sentence: "There shall be submitted to the Collector of Customs by or on behalf of the licensee, at the time of importation of any commodity under such license, a through bill of lading from the country-of-origin to the United States or a carrier's certificate evidencing the fact that the shipment is a through shipment from the country-of-origin to the United States."

This amendment shall become effective with respect to any entry, or withdrawal from warehouse, for consumption, made on or after March 1, 1961.

(Sec. 3, 62 Stat. 1248, as amended; 7 U.S.C. 624; Proclamation 3019 (3 CFR 1949–1953 Comp., p. 189); Proclamation 3028 (3 CFR, 1949–1953 Comp., p. 194); Proclamation 3347 (25 F.R. 4343))

Issued at Washington, D.C., this 11th day of January 1961.

MAX MYERS,
*Administrator.*

[F.R. Doc. 61-539; Filed, Jan. 19, 1961; 8:51 a.m.]

## Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices)

## PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

### Subpart—United States Standards for Grades of Frozen Spinach [1]

During the period of April 1956 to June 1959 two notices of proposed rule making, and extensions of time for submission of data, views, or arguments in connection therewith, were published in the FEDERAL REGISTER (21 F.R. 2624, 3877; 22 F.R. 6767, 10123; and 23 F.R. 395) regarding the proposed revision of the United States Standards for Grades of Frozen Spinach. On March 24, 1960, a third notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2493) regarding the proposed revision of the grade standards for this product.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notices, the following United States Standards for Grades of Frozen Spinach are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1921 Product description.
52.1922 Styles of frozen spinach.
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AUTHORITY: §§ 52.1921 to 52.1931 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, STYLES, AND GRADES

### § 52.1921 Product description.

Frozen spinach is the frozen product prepared from the whole or cut, clean, sound, succulent leaves and stems of fresh spinach by sorting, trimming, washing, and proper blanching and draining of such leaves and stems. The product is then frozen in accordance with good commercial practices and maintained at temperatures necessary for the preservation of the product.

### § 52.1922 Styles of frozen spinach.

(a) "Whole leaf" spinach is the style of frozen spinach that consists substantially of the leaf and adjoining portion of the stem.

(b) "Cut" or "chopped" spinach is the style of frozen spinach that consists of the leaf and adjoining portion of the stem which has been cut or chopped into small pieces.

### § 52.1923 Grades of frozen spinach.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen spinach that possesses a good flavor; that possesses a good color; that is practically free from defects; that possesses a good character; and that scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen spinach that possesses a reasonably good flavor; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; and that scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen spinach that fails to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

### § 52.1924 Ascertaining the grade.

(a) In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factor not rated by score points.*
(i) Flavor;

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Defects | 60 |
| Character | 20 |
| Total score | 100 |

(b) The score for the factors of color and defects is determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The evaluation of the factors of character and flavor of frozen spinach is made after thawing and after the product is cooked.

(c) "Good flavor" means that the product has a good characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(d) "Reasonably good flavor" means that the product may be lacking good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

### § 52.1925 Ascertaining the score for the factors which are rated.

The essential variations within each factor which is rated are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is rated is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

### § 52.1926 Color.

(a) (*A*) *classification.* Frozen spinach that possesses a good color may be given a score of 18 to 20 points. "Good color" means that the frozen spinach possesses a bright, characteristic good green color; that yellow-green leaves, or portions thereof, or discolored leaves and stems, or portions thereof, which may be present do not materially affect the color appearance of the product.

(b) (*B*) *classification.* Frozen spinach that possesses a reasonably good color may be given a score of 16 or 17 points. Frozen spinach that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen spinach possesses a characteristic green color that may be dull but is not off color; that yellow-green leaves, or portions thereof, or discolored leaves and stems, or portions thereof, which may be present do not seriously affect the color appearance of the product.

(c) (*SStd.*) *classification.* Frozen spinach that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.



### § 52.1927 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from grit, sand, or silt; from harmless extraneous vegetable material, seed heads, root stubs, crowns, and damaged leaves and stems or portions thereof. Yellow-green leaves which are not otherwise damaged are not considered under the factor of defects but are scored under the factor of color.

(b) *Definitions of terms.* (1) "Aggregate area" means the aggregated damaged areas of leaves, stems, or portions thereof, when placed in a contiguous position with practically no intervening spaces.

(2) "Grit, sand, or silt" means particles of any earthy material.

(3) "Harmless extraneous vegetable material" means:

(i) *Group I.* Green, fine, tender string-like blades and stems of grass and weeds;

(ii) *Group II.* Green, coarse grass and weeds; and

(iii) *Group III.* Grass and weeds other than green.

(4) "Seed head" means the seed bearing portion of a spinach plant that is longer than one inch or that is objectionable in appearance.

(5) "Root stub" means any portion of the root whether or not leaves are attached.

(6) "Crown" means the solid area of a spinach plant between the root and attached leaf or cluster of leaves.

(7) Damage in the varying degrees has the following meanings with respect to the following styles:

(i) *Whole leaf.* (*a*) "Insignificant damage" means transparent areas not associated with discoloration of any kind that in the aggregate are not more than ½ square inch (equivalent to ½ inch x 1 inch) on a leaf; and discoloration or other injury including transparent areas associated with discoloration that in the aggregate is not more than 3/32 square inch (equivalent to ¼ inch x 3/8 inch) on a leaf or stem or portion thereof: *Provided,* That such transparent areas, discoloration or other injury does not materially affect the appearance or eating quality of the unit.

(*b*) "Minor damage" means damage by discoloration or other injury including transparent areas associated with discoloration which covers an aggregate area of more than 3/32 square inch but less than 1 square inch (equivalent to 1 inch x 1 inch) on a leaf or stem or portion thereof; transparent areas not associated with discoloration when such transparent area is more than ½ square inch but less than 1 square inch; or damage which covers an aggregate area of 3/32 square inch or less on a leaf or stem or portion thereof that materially affects the appearance or eating quality of the unit.

(*c*) "Major damage" means damage by discoloration or other injury which covers an aggregate area of 1 square inch or more, but not more than 4 square inches (equivalent to 4 inches x 1 inch) on a leaf or stem or portion thereof; or damage less than 1 square inch when such damage seriously affects the appearance or eating quality of the unit.

(*d*) "Severe damage" means damage by discoloration or other injury which covers an aggregate area of more than 4 square inches on a leaf or stem or portion thereof.

(ii) *Cut or chopped.* (*a*) "Insignificant damage" means transparent areas on a portion of leaf not associated with discoloration of any kind when such transparent portion is not more than ½ square inch; and any discoloration that does not materially affect the appearance or eating quality of the unit.

(*b*) "Damage" with respect to chopped style means any area of discoloration or other injury, including transparent areas associated with discoloration, on a portion of leaf or stem that materially affects the appearance or eating quality of the unit; and transparent areas whether or not associated with discoloration when such transparent area is more than ½ square inch.

(c) (*A*) *classification.* Frozen spinach that is practically free from defects may be given a score of 54 to 60 points. "Practically free from defects" means that no grit, sand, or silt may be present that affects the appearance or eating quality of the product; and in addition has the following meanings with respect to the following styles:

(1) *Whole leaf style.* The product does not exceed the applicable allowances prescribed for the respective type of defect in Table I and Table II of this section;

(2) *Cut or chopped style.* The area of damage does not exceed the area prescribed for the applicable sample size in Table III of this section;

(3) *All styles.* Notwithstanding the specified allowances, the presence of harmless extraneous vegetable material, root stubs, seed heads, crowns, damaged leaves and stems, or portions thereof, including insignificant damage or other injury, individually or collectively, does not materially affect the appearance or eating quality of the product.

(d) (*B*) *classification.* Frozen spinach that is reasonably free from defects may be given a score of 48 to 53 points. Frozen spinach that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that a trace of grit, sand, or silt may be present that does not materially affect the appearance or eating quality of the product; and in addition has the following meanings with respect to the following styles:

(1) *Whole leaf style.* The product does not exceed the applicable allowances prescribed for the respective type of defect in Table I and Table II of this section;

(2) *Cut or chopped.* The area of damage does not exceed the area prescribed for the applicable sample size in Table III of this section;

(3) *All styles.* Notwithstanding the specified allowances, the presence of harmless extraneous vegetable material, root stubs, seed heads, crowns, damaged leaves and stems, or portions thereof, including insignificant damage or other injury, individually or collectively, does not seriously affect the appearance or eating quality of the product.

(e) (*SStd.*) *classification.* Frozen spinach that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 47 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—SUMMARY OF ALLOWANCES FOR CERTAIN DEFECTS IN WHOLE LEAF STYLE SPINACH

| Grade classification | Maximum allowances | | | | | |
|---|---|---|---|---|---|---|
| | Each 10 ounces net weight | | | | | Each 46 ounces net weight |
| | Damaged leaves | | | Seed heads | Crowns | Root stubs |
| | Minor | Major | Severe | | | |
| A | 6 | 0 | 0 | 1 | 1 | 1 |
| | 4 | 1 | 0 | | | |
| | 2 | 2 | 0 | | | |
| | 2 | 0 | 1 | | | |
| B | 12 | 0 | 0 | 3 | 3 | 3 |
| | 10 | 1 | 0 | | | |
| | 8 | 2 | 0 | | | |
| | 8 | 0 | 1 | | | |
| | 6 | 3 | 0 | | | |
| | 6 | 1 | 1 | | | |
| | 4 | 0 | 2 | | | |
| | 2 | 1 | 2 | | | |
| | 0 | 2 | 2 | | | |
| SStd | Fails to meet foregoing requirements for Grade B classification. | | | | | |

TABLE II—SUMMARY OF ALLOWANCES FOR HARMLESS EXTRANEOUS VEGETABLE MATERIAL IN WHOLE LEAF STYLE SPINACH

| Grade classification | Group | Per sample unit—Provided, the average for all the sample units in the sample does not exceed the allowance for such average | | Average for all sample units in the sample |
|---|---|---|---|---|
| | | 20 ounces net weight or less | More than 20 ounces net weight | |
| A | I | Pieces aggregating 0.8 inch per 1 ounce; or 1 piece. | | Total aggregate length of 0.4 inch per 1 ounce but no more than 0.1 inch per 1 ounce of Group II. |
| | or II | Pieces aggregating 4 inches; or 1 piece. | Pieces aggregating 0.2 inch per 1 ounce; or 1 piece. | |
| | or I and II combined. | Total aggregate of 0.8 inch per 1 ounce but no more than 4 inches of Group II. | Total aggregate of 0.8 inch per 1 ounce but no more than 0.2 inch per 1 ounce of Group II. | |
| | III | None | None | None. |
| B | I | Pieces aggregating 1.2 inch per 1 ounce; or 1 piece. | | Total aggregate length of 0.6 inch per 1 ounce but no more than 0.2 inch per 1 ounce of Group II and Group III. |
| | or II | Pieces aggregating 8 inches; or 1 piece. | Pieces aggregating 0.4 inch per 1 ounce; or 1 piece. | |
| | or III | Pieces aggregating 8 inches; or 1 piece. | Pieces aggregating 0.4 inch per 1 ounce; or 1 piece. | |
| | or I, II, and III combined. | Total aggregate of 1.2 inch per 1 ounce but no more than 8 inches of Group II and Group III. | Total aggregate of 1.2 inch per 1 ounce but no more than 0.4 inch per 1 ounce of Group II and Group III. | |
| SStd | Fails to meet foregoing requirements for Grade B classification. | | | |

| Sample size | Area of damaged portions of leaves | | | | |
|---|---|---|---|---|---|
| Initial 2 ounces | 17/16 square inches or less pass for A | 18/16 to 22/16 square inches inclusive take additional 1 ounce | 23/16 to 37/16 square inches inclusive pass for B | 38/16 to 42/16 square inches inclusive take additional 1 ounce | More than 42/16 square inches fails grade B |
| Cumulative 3 ounces | 30/16 square inches or less pass for A | 31/16 to 60/16 square inches pass for B | More than 60/16 square inches fails grade B | | |

§ 52.1928 **Character.**

(a) *General.* The factor of character refers to the tenderness of the leaves and stems, or portions thereof, the relation of stem to leaf material, and the degree of freedom from pieces of leaves and shredded portions of leaves and stems.

(1) "Stem material" means that portion of the spinach material below the point of attachment to the leaf.

(2) "Pieces of leaf" means any piece of a leaf (excluding stem material) having an area less than 2 square inches in Whole Leaf style.

(b) (*A*) *classification.* Frozen spinach that possesses a good character may be given a score of 18 to 20 points. "Good character" has the following meanings with respect to the following styles:

(1) *Whole Leaf style.* (i) The spinach is tender; and there may be present:

(ii) Not more than 25 percent, by weight, of the spinach may be stem material; and

(iii) Not more than 20 percent, by weight, of the spinach that may be pieces of leaves.

(2) *Cut or chopped style.* (i) The spinach is tender; and

(ii) The appearance and eating quality of the product is not materially affected by the presence of stem material or that the product does not present a pureed or stringy appearance.

(c) (*B*) *classification.* Frozen spinach that possesses a reasonably good character may be given a score of 16 or 17 points. Frozen spinach that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to the following styles:

(1) *Whole leaf style.* (i) The spinach is reasonably tender; and there may be present:

(ii) Not more than 30 percent, by weight, of the spinach that is stem material; and

(iii) Not more than 30 percent, by weight, of the spinach that is pieces of leaves.

(2) *Cut or chopped style.* (i) The spinach is reasonably tender; and

(ii) The appearance and eating quality of the product is not seriously affected by the presence of stem material.

(d) (*SStd.*) *classification.* Frozen spinach that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

METHOD OF ANALYSIS

§ 52.1929 **Method of analysis.**

(a) "Weight of stem material" and "weight of pieces of leaves" are determined by the following method:

(1) *Equipment.*

8 inch, 8 mesh screen.
Flat surface suitable as cutting board.
Small knife.
Suitable scales.

(2) *Procedure.* (i) If the sample is 10 ounces or less use the entire sample, but if the sample is of a size exceeding 10 ounces, use a representative portion which will yield at least 10 ounces of drained spinach.

(ii) Place sample in deep grading tray and add water to a depth of approximately 1 inch. Separate leaves for defects and at the same time separate pieces of leaves and stem material, cutting the stem from the leaf at the lowest point of attachment. After separating, place whole leaves, pieces of leaves, and stem material on the sieve in separate piles, drain for two minutes, weigh, and record total combined weights. Determine weight of stem material and pieces of leaves separately. The weight of stem materials divided by the total combined weights multiplied by 100 is the percent, by weight, of stem material. The weight of pieces of leaves divided by the total combined weights multiplied by 100 is the percent, by weight, of pieces of leaves.

LOT INSPECTION AND CERTIFICATION

§ 52.1930 **Ascertaining the grade of a lot.**

The grade of a lot of frozen spinach covered by these standards is determined by the procedures set forth in the Regulations governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.1931 **Score sheet for frozen spinach.**

Container size
Container code or marking
Label
Net Weight (ounces)
Style
Stem material (percent)
Pieces of leaves (percent)

| Factors | | Score points |
|---|---|---|
| Color | 20 | (A) 18–20; (B) 1 16–17; (SStd.) 1 0–15 |
| Defects | 60 | (A) 54–60; (B) 1 48–53; (SStd.) 1 0–47 |
| Character | 20 | (A) 18–20; (B) 1 16–17; (SStd.) 1 0–15 |
| Total score | 100 | |

Grade
Flavor and odor

1 Indicates limiting rule.

The United States Standards for Grades of Frozen Spinach (which is the sixth issue) contained in this subpart shall become effective 45 days after the date of publication hereof in the FEDERAL REGISTER, and thereupon will supersede the United States Standards for Grades of Frozen Spinach (7 CFR Part 52) which have been in effect since October 26, 1951.

Dated: January 17, 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 61–538; Filed, Jan. 19, 1961; 8:51 a.m.]



## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 202]

## PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

§ 914.502 **Navel Orange Regulation 202.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting, the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 18, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 22, 1961, and ending at 12:01 a.m., P.s.t., January 29, 1961, are hereby fixed as follows:

(i) District 1: 450,000 cartons;
(ii) District 2: 350,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 19, 1961.

FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–654; Filed, Jan. 19, 1961; 11:16 a.m.]

[Lemon Reg. 882]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

§ 953.989 **Lemon Regulation 882.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 17, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 22, 1961, and ending at 12:01 a.m., P.s.t., January 29, 1961, are hereby fixed as follows:

(i) District 1: 13,950 cartons;
(ii) District 2: 139,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 18, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–601; Filed, Jan. 19, 1961; 8:52 a.m.]

## PART 1031—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

### Container Regulation; Amendment

*Findings.* (1) Pursuant to the Marketing Agreement No. 141 and Order No. 131

(7 CFR Part 1031; 25 F.R. 9093) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of oranges and grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and such amendment relieves restrictions on the handling of oranges and grapefruit.

It is, therefore, ordered that paragraph (a) of § 1031.307 (Container Regulation; 25 F.R. 12505) is hereby amended by adding at the end thereof a new subparagraph (11) reading as follows:

(11) Containers with inside dimensions of 16$\frac{5}{16}$ x 10$\frac{5}{8}$ x 10$\frac{5}{8}$ inches.

The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., January 23, 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 18, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–599; Filed, Jan. 19, 1961; 8:52 a.m.]

[Orange Reg. 8]

## PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Limitation of Shipments

**§ 1031.316 Orange Regulation 8.**

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093), regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas, effective September 22, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on January 16, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680 to 51.712 of this title).

(2) During the period beginning at 12:01 a.m., c.s.t., January 23, 1961, and ending at 12:01 a.m., c.s.t., February 6, 1961, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade at least U.S. No. 2;

(ii) Any Navel or Early and Midseason oranges, grown as aforesaid, which are of a size smaller than 2$\frac{7}{16}$ inches in diameter, except that not more than ten (10) percent, by count, of such oranges in any lot of containers and not more than fifteen (15) percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2$\frac{7}{16}$ inches in diameter;

(iii) Any Valencia and similar late type oranges, grown as aforesaid, which are of a size smaller than 3$\frac{3}{16}$ inches in diameter, except that not more than ten (10) percent, by count, of such oranges in any lot of containers, and not more than fifteen (15) percent, by count, of such oranges in any individual container in such lot, may be of a size smaller than 3$\frac{3}{16}$ inches in diameter; or

(iv) Any oranges of any variety, grown as aforesaid, which are place packed in containers, unless such oranges meet the requirements of standard pack or, if not so packed, such oranges meet all applicable requirements of standard sizing and fill: *Provided,* That the minimum and maximum diameters of the individual oranges in any container shall conform to the following applicable range of diameter measurements except that not to exceed ten (10) percent, by count, of the oranges in any such container may measure less than the minimum or more than the maximum applicable diameter limits specified for the particular size: *Provided, further,* That the provisions of this subdivision (iv) shall not apply to the oranges in any gift package of fruit.

| Pack sizes in 1⅗ bushel box: | Diameter limits in inches Minimum | Maximum |
|---|---|---|
| 100 | 3$\frac{3}{16}$ | 3$\frac{15}{16}$ |
| 125 | 3$\frac{3}{16}$ | 3$\frac{3}{16}$ |
| 163 | 2$\frac{15}{16}$ | 3$\frac{3}{16}$ |
| 200 | 2$\frac{11}{16}$ | 3$\frac{3}{16}$ |
| 252 | 2$\frac{7}{16}$ | 2$\frac{15}{16}$ |

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 18, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–602; Filed, Jan. 19, 1961; 8:53 a.m.]

[Grapefruit Reg. 8]

## PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Limitation of Shipments

**§ 1031.317 Grapefruit Regulation 8.**

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093), regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas, effective September 22, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on January 16, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620 to 51.658 of this title).

(2) During the period beginning at 12:01 a.m., c.s.t., January 23, 1961, and ending at 12:01 a.m., c.s.t., February 6, 1961, no handler shall handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy, U.S. No. 1 Bright, U.S. No. 1, or U.S. No. 2: *Provided,* That seedless grapefruit which grade U.S. Combination may also be handled if at least 60 percent, by count, of such grapefruit in such container grade at least U.S. No. 1;

(ii) Any seedless grapefruit, grown as aforesaid, which are of a size smaller than 3$\frac{9}{16}$ inches in diameter, except that not more than ten (10) percent, by count, of such seedless grapefruit in any lot of containers, and not more than fifteen (15) percent, by count, of such seedless grapefruit in any individual container in such lot, may be of a size smaller than 3$\frac{9}{16}$ inches in diameter: *Provided,* That none of such seedless grapefruit that is smaller than 3$\frac{9}{16}$ inches in diameter may be smaller than 3$\frac{5}{16}$ inches in diameter;

(iii) Any seeded grapefruit, grown as aforesaid, which are of a size smaller than 3$\frac{13}{16}$ inches in diameter, except that not more than ten (10) percent, by count, of such seeded grapefruit in any lot of containers, and not more than fifteen (15) percent, by count, of such seeded grapefruit in any individual container in such lot, may be of a size smaller than 3$\frac{13}{16}$ inches in diameter; or

(iv) Any grapefruit of any variety, grown as aforesaid, which are place packed in boxes or cartons unless such grapefruit meet the requirements of standard pack or, if not so packed, such grapefruit are fairly uniform in size and the containers are well filled: *Provided,* That, with respect to any such grapefruit that are packed in any container with inside dimensions of 19$\frac{3}{4}$ x 13 x 13$\frac{1}{2}$ inches, 19$\frac{3}{4}$ x 13 x 12$\frac{1}{2}$ inches, 19$\frac{3}{4}$ x 13$\frac{1}{2}$ x 13$\frac{1}{2}$ inches, or 19$\frac{3}{4}$ x 13 x 12$\frac{1}{4}$ inches, such container is packed in accordance with one of the following pack sizes and contains the applicable number of grapefruit specified for the pack size: *Provided, further,* That the provisions of this subdivision (iv) shall not apply to the grapefruit in any gift package of fruit:

| Pack size: | Number of grapefruit |
|---|---|
| 46 | 48 |
| 54 | 56 |
| 64 | 64 |
| 70 | 72 |
| 80 | 80 |
| 96 | 96 |

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 18, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–600; Filed, Jan. 19, 1961; 8:52 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter III—Bureau of Foreign Commerce, Department of Commerce

[Amdt. No. 48]

### SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs.]

## PART 371—GENERAL LICENSES

### Commodities Destined to the Dominican Republic

Section 371.53 *Supplement 3; Commodities destined to the Dominican Republic which are excepted from General License GRO* is amended in the following particulars:

1. The following commodities are added to the list of commodities:

| Schedule B No. | Commodity description |
|---|---|
| | Rubber (natural, allied gums, and synthetics) and manufactures: |
| 20610 | Pneumatic tires and tire casings, new, truck and bus. |
| 20624 | Pneumatic tires and tire casings, new, passenger car. |
| 20658 | Inner tubes, new or used, truck, bus, and passenger car. |
| 20662 | Solid and cushion tires, new, truck. |
| 20861 | Automotive V-type fan belts and belting. |
| 20998 | Tires, used, truck, bus, and passenger car. |
| | Petroleum and products: |
| 50110 | Petroleum, crude (including shale oil). |
| 50120 | Natural gasoline. |
| 50150 | Gasoline blending agents (hydrocarbon compounds only), n.e.c. |
| 50161 | Aviation gasoline, 100 octane number and over. |
| 50163 | Aviation gasoline, 90 octane number up to, but not including 100. |
| 50165 | Aviation gasoline, under 90 octane number. |
| 50170 | Gasoline, except aviation, n.e.c. |
| 50270 | Kerosene, except jet fuel and distillate fuel oil. |
| 50300 | Distillate fuel oil (light fuel oil). |
| 50310 | Residual fuel oil. |
| | Lubricating oils, except hydraulic: |
| 50330 | Red and pale oils. |
| 50340 | Black oils (including all black and dark green oils, except those intended for use in steam cylinders, for which see 50361 and 50362). |
| 50351 | Cylinder bright stock (including bright stock and industrial lubricating oils which are predominantly bright stock and have a Saybolt Universal viscosity at 210° F. of 95 seconds or more). |
| 50352 | Cylinder steam refined stocks (including cylinder stock, steam cylinder oil, gear, and other lubricating oils, consisting principally of such stocks). |
| 50380 | Insulating or transformer oils. |
| 50391 | Diesel engine lubricating oils. |
| 50392 | Turbine engine lubricating oil. |
| 50394 | Other industrial engine lubricating oil. |
| 50399 | Industrial lubricating oils, n.e.c. |
| 50400 | Aviation engine lubricating oils, petroleum base. |
| 50403 | Automotive engine lubricating oils. |
| 50405 | Automotive gear oils. |
| 50407 | Lubricating oils, n.e.c. (including raw or semirefined stocks, or distillates from which lubricants may be produced). |
| 50408 | Cutting oil and compounds, petroleum base. |
| 50410 | Lubricating greases, except graphite lubricants. |
| 50435 | Liquefied petroleum gases (fuel type) (mixed or unmixed). |
| 50590 | Hydraulic or automatic transmission fluids, petroleum base. |
| | Other nonmetallic minerals and products: |
| 54580 | Asbestos clutch facing, molded, semimolded and woven, including clutch lining. |
| 54583 | Asbestos brake lining in rolls (molded, semimolded, and woven). |
| 54587 | Asbestos brake lining, n.e.c. (molded, semi-molded, and woven), including sets. |
| 54809 | Graphite greases and lubricants. |
| | Electrical machinery and apparatus: |
| 70130 | Automotive storage batteries, 6 and 12 volt, lead-acid type. |
| 70630 | Sealed beam headlamps, automotive. |
| 70903 | Spark plugs, automobile, bus, motorcycle, tractor and truck. |
| | Automobiles, trucks, busses, and trailers, parts, accessories and service equipment: |
| 79114 | Special-purpose vehicles, new, n.e.c.: Special-purpose military vehicles, new, n.e.c. |

| Schedule B No. | Commodity description |
|---|---|
| | Automobiles, trucks, busses, and trailers, parts, accessories and service equipment: |
| | Parts and accessories for commercial automobiles, trucks, and busses: |
| | Engines for assembly: |
| 79156 | Passenger car. |
| 79165 | Bodies for assembly, truck (including Jeep). |
| 79170 | Shock absorbers, and specially fabricated parts and accessories, n.e.c., for replacement. |

2. The following entries are substituted for entries presently on the list of commodities:

| Schedule B No. | Commodity description |
|---|---|
| 79148 | Parts specially fabricated, ordered and invoiced as original equipment for trucks (including Jeeps). |
| | Parts and accessories for commercial automobiles, trucks, and busses: |
| | Engines for assembly: |
| 79151 | Motor truck and bus, diesel and semidiesel. |
| 79153 | Motor truck and bus, gasoline, gas, or kerosene. |
| | Engines for replacement: |
| 79159 | Motor truck and bus, diesel and semidiesel. |
| 79162 | Motor truck, bus, and passenger car, gasoline, gas, and kerosene. |
| 79261 | Parts and accessories, n.e.c., specially fabricated—for assembly. |
| 79262 | Parts, n.e.c. (except accessories), specially fabricated—for spares or replacement. |
| 79277 | Parts and accessories, n.e.c., for military automobiles, trucks, and busses. |

This amendment shall become effective 12:01 a.m., January 20, 1961, except that with respect to shipments of any commodities removed from general license as a result of this amendment which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., January 20, 1961, may be exported under the previous general license provisions up to and including February 20, 1961. Any such shipment not laden aboard the exporting carrier on or before February 20, 1961 requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F.R. Doc. 61-540; Filed, Jan. 19, 1961; 8:51 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Dockets 7764 c.o., 8030 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Fame Records, Inc., et al.

Subpart—Bribing customers' employees: § 13.315 *Employees of private concerns.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist orders: Fame Records, Inc., et al., New York, N.Y., Docket 7764, Oct. 27, 1960; and Schwartz Brothers, Inc., et al., Washington, D.C., Docket 8030, Oct. 27, 1960]

*In the Matters of: Fame Records, Inc., a Corporation, and Lee A. C. Gallo, Jr., Individually, and as an Officer of Said Corporation; and Schwartz Brothers, Inc., a Corporation, and Harry Schwartz, James Schwartz, Bertram H. Schwartz and Stuart D. Schwartz, Individually and as Officers of Said Corporation*

Consent orders requiring a manufacturer in New York City and distributors in Washington, D.C., to cease giving concealed payola to disc jockeys and other personnel of television and radio stations to induce frequent playing of their records in order to increase sales.

Similar orders to cease and desist are as follows, combining respondents in these two cases:

*It is ordered,* That respondents, Fame Records, Inc., a corporation, and its officers; and Schwartz Brothers, Inc., a corporation, and its officers, and Harry Schwartz, James Schwartz, Bertram H. Schwartz and Stuart D. Schwartz, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with phonograph records which have been distributed in commerce, or which are used by radio or television stations in broadcasting programs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Giving or offering to give, without requiring public disclosure, any sum of money or other material consideration, to any person, directly or indirectly, to induce that person to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature;

(2) Giving or offering to give, without requiring public disclosure, any sum of money, or other material consideration, to any person, directly or indirectly, as an inducement to influence any employee of a radio or television broadcasting station, or any other person, in any manner, to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature.

There shall be "public disclosure" within the meaning of this order, by any employee of a radio or television broadcasting station, or any other person, who selects or participates in the selection and broadcasting of a record when he shall disclose, or cause to have disclosed, to the listening public at the time the record is played, that his selection and broadcasting of such record are in consideration for compensation of some nature, directly or indirectly received by him or his employer.

The following additional order is included in Fame Records, Inc., et al. (Docket 7764):

*It is further ordered,* That the complaint be, and hereby is, dismissed as to Lee A. C. Gallo, Jr., individually, and as an officer of said corporate respondent.

By "Decision of the Commission", etc., in each of these two cases, reports of compliance were required as follows (combining the respondents):

*It is ordered,* That respondents, Fame Records, Inc., a corporation; and Schwartz Brothers, Inc., a corporation, and Harry Schwartz, James Schwartz, Bertram H. Schwartz and Stuart D. Schwartz, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of these orders, file with the Commission reports in writing, setting forth in detail the manner and form in which they have complied with the orders to cease and desist.

Issued: October 28, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 61-497; Filed, Jan. 19, 1961; 8:47 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Desert Game Range, Nevada

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEVADA

DESERT GAME RANGE

Sport fishing on the Desert Game Range, Nevada, is permissible only under the following conditions:

(a) Species permitted to be taken: All species.

(b) Open season: May 7, 1961, through October 31, 1961.

(c) Daily creel limits: as prescribed by State regulations (5 game fish).

(d) Methods of fishing:

Tackle: As prescribed by State regulation.

Boats: The use of boats for fishing is prohibited.

(e) Description of areas open to fishing: Fishing is permitted in accordance with (a) above on the posted area which comprises approximately one acre and less than 1 percent of the total refuge and which is described as follows:

COLD CREEK AND WILLOW CREEK

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective May 7, 1961, through October 31, 1961.

RICHARD E. GRIFFITH,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

DECEMBER 12, 1961.

[F.R. Doc. 61-498; Filed, Jan. 19, 1961; 8:47 a.m.]



## PART 33—SPORT FISHING

### Sheldon National Antelope Range, Nevada

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEVADA

SHELDON NATIONAL ANTELOPE RANGE

Sport fishing on the Sheldon National Antelope Range, Nevada, is permissible only under the following conditions:

(a) Species permitted to be taken: All species.

(b) Open season: January 20, 1961, through December 31, 1961.

(c) Daily creel limits: As prescribed by current regulations of Nevada Fish and Game Commission.

(d) Methods of fishing:

1. Tackle: As prescribed by State regulations.

2. Boats: Boats without motors may be used for fishing.

(e) Description of areas open to fishing: Fishing is permitted in accordance with (a) above on the posted area which comprises approximately 600 acres and less than 1 percent of the total refuge and which is described as follows:

BIG SPRINGS RESERVOIR, VIRGIN CREEK AND TRIBUTARIES

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 20, 1961, through December 31, 1961.

RICHARD E. GRIFFITH,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 12, 1961.

[F.R. Doc. 61-499; Filed, Jan. 19, 1961; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

**Internal Revenue Service**

**[ 26 CFR Part 1 ]**

**INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953**

**Dealers in Tax-Exempt Securities, Amortizable Bond Premium, and Adjustments to Basis**

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] CHARLES I. FOX,
*Acting Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) relating to sections 75, 171, and 1016 of the Internal Revenue Code of 1954, to sections 2, 13, and 64(d)(2) of the Technical Amendments Act of 1958 (72 Stat. 1606, 1610, 1656), such regulations are amended as follows:

PARAGRAPH 1. Section 1.75 is amended to read as follows:

**§ 1.75 Statutory provisions; dealers in tax-exempt securities.**

SEC. 75. *Dealers in tax-exempt securities*—(a) *Adjustment for bond premium.* In computing the gross income of a taxpayer who holds during the taxable year a municipal bond (as defined in subsection (b)(1)) primarily for sale to customers in the ordinary course of his trade or business—

(1) If the gross income of the taxpayer from such trade or business is computed by the use of inventories and his inventories are valued on any basis other than cost, the cost of securities sold (as defined in subsection (b)(2)) during such year shall be reduced by an amount equal to the amortizable bond premium which would be disallowed as a deduction for such year by section 171(a)(2) (relating to deduction for amortizable bond premium) if the definition in section 171(d) of the term "bond" did not exclude such municipal bond; or

(2) If the gross income of the taxpayer from such trade or business is computed without the use of inventories, or by use of inventories valued at cost, and the municipal bond is sold or otherwise disposed of during such year, the adjusted basis (computed without regard to this paragraph) of the municipal bond shall be reduced by the amount of the adjustment which would be required under section 1016(a)(5) (relating to adjustment to basis for amortizable bond premium) if the definition in section 171(d) of the term "bond" did not exclude such municipal bond.

Notwithstanding the provisions of paragraph (1), no reduction to the cost of securities sold during the taxable year shall be made in respect of any obligation described in subsection (b)(1)(A)(ii) which is held by the taxpayer at the close of the taxable year; but in the taxable year in which any such obligation is sold or otherwise disposed of, if such obligation is a municipal bond (as defined in subsection (b)(1)), the cost of securities sold during such year shall be reduced by an amount equal to the adjustment described in paragraph (2), without regard to the fact that the taxpayer values his inventories on any basis other than cost.

(b) *Definitions.* For purposes of subsection (a)—

(1) The term "municipal bond" means any obligation issued by a government or political subdivision thereof if the interest on such obligation is excludable from gross income; but such term does not include such an obligation if—

(A)(i) It is sold or otherwise disposed of by the taxpayer within 30 days after the date of its acquisition by him, or

(ii) Its earliest maturity or call date is a date more than five years from the date on which it was acquired by the taxpayer; and

(B) When it is sold or otherwise disposed of by the taxpayer—

(i) In the case of a sale, the amount realized, or

(ii) In the case of any other disposition, its fair market value at the time of such disposition,

is higher than its adjusted basis (computed without regard to this section and section 1016(a)(6)).

Determinations under subparagraph (B) shall be exclusive of interest.

(2) The term "cost of securities sold" means the amount ascertained by subtracting the inventory value of the closing inventory of a taxable year from the sum of—

(A) The inventory value of the opening inventory for such year, and

(B) The cost of securities and other property purchased during such year which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year.

[Sec. 75 as amended by sec. 2, Technical Amendments Act 1958 (72 Stat. 1606)]

PAR. 2. Section 1.75–1 is amended to read as follows:

**§ 1.75–1 Treatment of bond premiums in case of dealers in tax-exempt securities.**

(a) *In general.* (1) Section 75 requires certain adjustments to be made by dealers in securities with respect to premiums paid on municipal bonds which are held for sale to customers in the ordinary course of the trade or business. The adjustments depend upon the method of accounting used by the taxpayer in computing the gross income from the trade or business. See paragraphs (b) and (c) of this section.

(2) The term "municipal bond" under section 75 means any obligation issued by a government or political subdivision thereof if the interest on the obligation is excludable from gross income under section 103. However, such term does not include an obligation—

(i) If the earliest maturity or call date of the obligation is more than 5 years from the date of acquisition by the taxpayer or the obligation is sold or otherwise disposed of by the taxpayer within 30 days after the date of acquisition by him, and

(ii) If, in case of an obligation acquired after December 31, 1957, the amount realized upon its sale (or, in the case of any other disposition, its fair market value at the time of disposition) is higher than its adjusted basis.

For purposes of this subparagraph, the amount realized on the sale of the obligation or the fair market value of the obligation shall not include any amount attributable to interest, and the adjusted basis shall be computed without regard to any adjustment for amortization of bond premium required under section 75 and section 1016(a)(6). A bond which is otherwise within the definition of "municipal bond" is subject to the provisions of section 75 if held by the taxpayer for a period of more than 30 days, whether or not such period is entirely within one taxable year.

(3) The term "cost of securities sold" means the amount ascertained by subtracting the inventory value of the closing inventory of a taxable year from the sum of the inventory value of the opening inventory for such year and the cost of securities and other property purchased during such year which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year.

(b) *Inventories not valued at cost.* (1) In the case of a dealer in securities who computes gross income from his trade or business by the use of inventories and values such inventories on any basis other than cost, the adjustment required by section 75 is, except as provided in subparagraph (2) of this paragraph, the reduction of "cost of securities sold" by the amount equal to the amortizable bond premium which would be disallowed as a deduction under section 171(a)(2) with respect to





dealer in securities who computes gross income from his trade or business without the use of inventories or by use of inventories valued at cost, the adjustment required by section 75 is a reduction of the adjusted basis of each municipal bond sold or otherwise disposed of during the taxable year. The amount of such reduction is the amount by which the adjusted basis of such bond would be required to be reduced under section 1016(a)(5) were such bond subject to the amortizable bond premium provisions of section 171, that is, the amount of the amortizable bond premium which would be disallowed as a deduction under section 171(a)(2) if the taxpayer were an ordinary investor.

(2) Subparagraph (1) of this paragraph may be illustrated by the following example:

*Example.* Z, a dealer in securities who values his inventories on the basis of cost, makes his income tax returns on the calendar year basis. On January 1, 1954, he buys, for $1,060 each, three municipal bonds (I, J, and K) having a face obligation of $1,000, and maturing on January 1, 1959. Bond I is sold on December 31, 1954, bond J is sold on June 30, 1955, and bond K is sold on December 31, 1956. For each bond, the amortizable bond premium to maturity is $60, the period from the date of acquisition to maturity is 60 months, and the amortizable bond premium per month is $1.

| Bond | Date acquired | Date sold | Adjustment for— | | |
|---|---|---|---|---|---|
| | | | 1954 | 1955 | 1956 |
| I | Jan. 1, 1954 | Dec. 31, 1954 | $12 | | |
| J | Jan. 1, 1954 | June 30, 1955 | None | $18 | |
| K | Jan. 1, 1954 | Dec. 31, 1956 | None | None | $36 |

(d) *Bonds acquired before July 1, 1950.* Under section 203(c) of the Revenue Act of 1950, adjustment is required for a municipal bond acquired before July 1, 1950, only with respect to taxable years beginning on or after that date. Accordingly, if the municipal bond was acquired before July 1, 1950, then for purposes of section 75 the amortizable bond premium under section 171 must be computed after adjusting the bond premium to the extent proper to reflect unamortized bond premium for so much of the holding period (as determined under section 1223) as precedes the taxable year of the dealer beginning on or after July 1, 1950. Thus, in example (1) of paragraph (b) and in the example in paragraph (c) of this section, the first taxable year beginning on or after July 1, 1950, is, for each dealer, the taxable year beginning January 1, 1951. If each dealer had purchased for $1,060 on April 1, 1950, a municipal bond having a face obligation of $1,000 and maturing April 1, 1955, and had sold such bond on February 28, 1955, the adjustment under section 75 would be computed as follows:

| Bond | Date acquired | Date sold | Sale price | Adjustment to "cost of securities sold" for— | |
|---|---|---|---|---|---|
| | | | | 1958 | 1959 |
| D | Feb. 1, 1950 | Jan. 30, 1958 | $1,000 | $12 | |
| E | Jan. 30, 1958 | Jan. 30, 1959 | 1,000 | None | $1 |
| F | Jan. 30, 1958 | Dec. 31, 1959 | 1,000 | None | None |
| G | Dec. 31, 1959 | | 1,000 | None | None |
| H | | | | 13 | 1 |

*Example* (2). Y is a dealer in securities who values his inventories on a basis other than cost. He makes his income tax returns on the calendar year basis. On January 1, 1958, Y bought five bonds (D, E, F, G, and H) issued by various municipalities. Each bond has a face obligation of $1,000 and was purchased for $1,060. The interest on each is excludable from gross income under section 103. Bonds D, E, and F mature on December 31, 1962, and bonds G and H mature on December 31, 1967. The amortizable bond premium per month is $1 with respect to bonds D, E, and F, and is $0.50 with respect to bonds G and H. The following table indicates the reduction in cost of securities sold which Y should make for the years shown, assuming that he sells the bonds on the dates and for the prices set forth:

| Bond | Date sold | Sale price | Adjustment to "cost of securities sold" for— | | |
|---|---|---|---|---|---|
| | | | 1954 | 1955 | 1956 |
| A | July 1, 1954 | $1,000 | $6 | | |
| B | July 1, 1954 | 1,000 | 6 | $12 | |
| C | July 1, 1954 | 1,000 | 6 | 12 | $6 |
| Total | | | $18 | $24 | $6 |

| | Dealer X | Dealer Z |
|---|---|---|
| Bond premium | $60 | $60 |
| Adjustment for holding period prior to Jan. 1, 1951 | 9 | 9 |
| Amortizable bond premium to maturity, as adjusted | 51 | 51 |
| Amortizable bond premium per month | 1 | 1 |
| Total adjustments under sec. 22(o), 1939 Code, for years 1951–58 | 36 | None |
| Adjustment under sec. 75 for 1954 | 12 | None |
| Adjustment under sec. 75 for 1955 | 2 | 50 |

PAR. 3. Section 1.171 is amended (A) by revising paragraphs (1) and (2) of section 171(b), and (B) by revising the historical note at the end thereof. The revised provisions read as follows:

**§ 1.171 Statutory provisions; amortizable bond premium.**

SEC. 171. *Amortizable bond premium.* • • •

(b) *Amortizable bond premium—(1) Amount of bond premium.* For purposes of paragraph (2), the amount of bond premium, in the case of the holder of any bond, shall be determined—

(A) With reference to the amount of the basis (for determining loss on sale or exchange) of such bond,

(B) (i) With reference to the amount payable on maturity or on earlier call date, in the case of any bond other than a bond to which clause (ii) or (iii) applies,

(ii) With reference to the amount payable on maturity (or if it results in a smaller amortizable bond premium attributable to the period to earlier call date, with reference to the amount payable on earlier call date), in the case of any bond described in subsection (c)(1)(B) which is acquired after December 31, 1957, or

(iii) With reference to the amount payable on maturity, in the case of any bond described in subsection (c)(1)(B) which was acquired after January 22, 1954, and before January 1, 1958, but only if such bond was issued after January 22, 1951, and has a call date not more than 3 years after the date of such issue, and

(C) With adjustments proper to reflect unamortized bond premium, with respect to the bond, for the period before the date as of which subsection (a) becomes applicable with respect to the taxpayer with respect to such bond.

In no case shall the amount of bond premium on a convertible bond include any amount attributable to the conversion features of the bond.

(2) *Amount amortizable.* The amortizable bond premium of the taxable year shall be the amount of the bond premium attributable to such year. In the case of a bond to which paragraph (1)(B) (ii) or (iii) applies and which has a call date, the amount of bond premium attributable to the taxable year in which the bond is called shall include an amount equal to the excess of the amount of the adjusted basis (for determining loss on sale or exchange) of such bond as of the beginning of the taxable year over the amount received on redemption of the bond or (if greater) the amount payable on maturity.

• • • • •

[Sec. 171 as amended by sec. 13, Technical Amendments Act 1958 (72 Stat. 1610)]

**PAR. 4. Paragraph (a)(2) of § 1.171–2 is amended to read as follows:**

**§ 1.171–2 Determination of bond premium.**

(a) *In general.* • • •

(2) (i) In the case of wholly taxable bonds described in section 171(c)(1)(B) which are issued after January 22, 1951, and acquired after January 22, 1954, but before January 1, 1958, the earlier call date may be used in computing the amortizable bond premium only if such earlier call date is a date more than 3 years after the date of original issue. If a bond described in the preceding sentence is subject to a call date which falls within 3 years of the date of original issue, the amortizable bond premium shall be computed by reference to the amount payable on maturity. If a wholly taxable bond described in section 171(c)(1)(B) is acquired after December 31, 1957, the amortizable bond premium shall be computed by reference to the amount payable on maturity, or if it results in a smaller amortizable bond premium attributable to the period of earlier call date, the computation shall be made by reference to the amount payable on the earlier call date. For purposes of this subdivision, the date of acquisition of a bond shall be the date such bond was ordered under a firm commitment to buy and not the date the bond was delivered to the taxpayer. For determining whether an earlier call date is a date more than 3 years after the date of original issue, consideration will be given to the terms under which a bond is issued.

(ii) The application of the provisions of subdivision (i) of this subparagraph may be illustrated by the following examples:

*Example (1).* Assume that the taxpayer acquired at the date of issue, January 1, 1956, a $100 wholly taxable bond for $112, callable at any time thereafter upon 30 days' notice. The premium of $12 attributable to such bond may be amortized only with reference to the maturity date of the bond. Similarly, assume that in 1957 the taxpayer acquired a $100, 20-year bond, issued on January 1, 1954, for $115. The bond was callable 2 years after the date of issuance or, if not then called, 10 years after the date of issuance. The premium of $15 attributable to such bond may be amortized only with reference to the maturity date of the bond.

*Example (2).* On January 1, 1958, the taxpayer (who is on a calendar year basis) pays $1,200 for a $1,000 wholly taxable bond which matures on December 31, 1977. The bond is callable on January 1, 1963, at $1,165. The premium computed with reference to the maturity date of the bond is $200. The premium computed with reference to the earlier call date is $35. Although the premium amortized ratably to maturity would yield a deduction of $10 for each year ($200 divided by 20 years), under section 171(b)(1)(B)(ii) the deduction for each taxable year for the period before January 1, 1963, will be $7 ($35 divided by 5 years). If the bond is not called, the deduction for each taxable year in the period from 1963 through 1977 will be $11 ($165 divided by 15 years). If the earliest call date in this example had been January 1, 1961, instead of January 1, 1963, the premium amortized ratably to maturity would be used to obtain a deduction of $10 per year since this would be less than the premium amortized ratably to earlier call date of $11.67 ($35 divided by 3, the number of years to the earliest call date).

(iii) In the case of a wholly taxable bond described in section 171(b)(1)(B)(ii) or (iii), which has a call date, the amount of bond premium attributable to the taxable year in which the bond is called shall include an amount equal to the excess of the amount of the adjusted basis (for determining loss on sale or exchange) of such bond as of the beginning of the taxable year over the amount received on redemption of the bond or (if greater than the amount received on redemption) the amount payable on maturity. For adjustments proper to reflect unamortized bond premium for the period before the date as of which section 171 becomes applicable to the bond in the hands of the taxpayer, see subparagraph (4) of this paragraph. For example, if a wholly taxable bond, issued on January 1, 1954, and acquired by the taxpayer on January 1, 1955, at a price of $109, matures in 10 years from the date of issue (9 years from the date of acquisition) but is callable at $105 on 30 days' notice, section 171(b)(1)(B)(iii) requires that the bond be amortized to maturity, that is, at the rate of $1 per year. If the bond is called on December 31, 1956, for $105, then $3, the excess of the adjusted basis of $108 ($109 less $1 deducted in 1955) over the amount received on redemption, $105, may be deducted for the year 1956.

PAR. 5. Section 1.1016 is amended (A) by revising section 1016(a)(6), (B) by adding section 1016(a)(18), and (C) by adding a historical note at the end thereof. The revised and added provisions read as follows:

**§ 1.1016 Statutory provisions; adjustments to basis.**

SEC. 1016. *Adjustments to basis—(a) General rule.* • • •

(6) In the case of any municipal bond (as defined in section 75(b)), to the extent provided in section 75(a)(2);

• • • • •

(18) To the extent provided in section 1376 in the case of stock of, and indebtedness owing, shareholders of an electing small business corporation (as defined in section 1371(b)).

• • • • •

[Sec. 1016 as amended by sec. 4(c), Act of June 29, 1956 (Pub. Law 629, 84th Cong., 70 Stat. 407); secs. 2(b) and 64(d)(2), Technical Amendments Act 1958 (72 Stat. 1607, 1656)]

PAR. 6. Section 1.1016–5 is amended (A) by revising paragraph (c), and (B) by adding a new paragraph (n). The revised and new provisions read as follows:

**§ 1.1016–5 Miscellaneous adjustments to basis.**

• • • • •

(c) *Municipal bonds.* In the case of a municipal bond (as defined in section 75(b)), basis shall be adjusted to the extent provided in section 75 or as provided in section 22(o) of the Internal Revenue Code of 1939, and the regulations thereunder.

• • • • •

(n) *Stock and indebtedness of electing small business corporation.* In the case of a shareholder of an electing small business corporation, as defined in section 1371(b), the basis of the shareholder's stock in such corporation, and the basis of any indebtedness of such corporation owing to the shareholder, shall be adjusted to the extent provided in §§ 1.1375–4, 1.1376–1, and 1.1376–2.

[F.R. Doc. 61–508; Filed, Jan. 19, 1961; 8:45 a.m.]



## [ 26 CFR Part 1 ]

## INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1932

### Pre-1954 Adjustments Resulting From Change in Method of Accounting

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

The following regulations are hereby prescribed under section 381(c)(21) of the Internal Revenue Code of 1954, relating to pre-1954 adjustments resulting from change in method of accounting, added by section 29(c) of the Technical Amendments Act of 1958 (72 Stat. 1628):

**§ 1.381(c)(21) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; pre-1954 adjustments resulting from change in method of accounting.**

SEC. 381. *Carryovers in certain corporate acquisitions.* • • •

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

• • • • •

(21) *Pre-1954 adjustments resulting from change in method of accounting.* The acquiring corporation shall take into account any net amount of any adjustment described in section 481(b)(4) of the distributor or transferor corporation—

(A) To the extent such net amount of such adjustment has not been taken into account by the distributor or transferor corporation, and

(B) In the same manner and at the same time as such net amount would have been taken into account by the distributor or transferor corporation.

[Sec. 381(c)(21) as added by sec. 29(c), Technical Amendments Act 1958 (72 Stat. 1628)]

**§ 1.381(c)(21)–1 Pre-1954 adjustments resulting from change in method of accounting.**

(a) *Carryover requirement.* Section 381(c)(21) provides that, in a transaction to which section 381(a) applies, an acquiring corporation shall take into account the net amount of any adjustments described in section 481(b)(4) (relating to adjustments arising from changes in accounting methods initiated by the taxpayer attributable to pre-1954 Code years) of the distributor or transferor corporation to the extent that such net amount of such adjustments has not been taken into account in any taxable year, including a short taxable year, by the distributor or transferor corporation. The acquiring corporation shall take into account in each taxable year beginning with the taxable year ending after the date of distribution or transfer the net amount of such adjustments in the same manner and at the same time as such net amount would have been taken into account by the distributor or transferor corporation. Thus, the amount of any such adjustment which the acquiring corporation shall take into account in each taxable year shall be the same amount that would have been taken into account in each taxable year by the distributor or transferor corporation.

(b) This section may be illustrated by the following example:

*Example.* On January 1, 1960, X Corporation, a calendar year taxpayer, voluntarily changed its method of accounting giving rise to a $50,000 adjustment under section 481(a), of which $20,000 is attributable to pre-1954 Code years. Under section 481(b)(4) the $20,000 adjustment is to be spread over 1960 and the following 9 years at the rate of $2,000 each year. On November 1, 1963, all the assets of X Corporation are acquired by Y Corporation in a transaction to which section 381(a) applies. Y Corporation reports its income on a fiscal year ending June 30. X and Y Corporations must take into account the $20,000 adjustment at the rate of $2,000 in each taxable year in the following time and manner:

| | | |
|---|---|---|
| **X Corporation** | | |
| Calendar years 1960–62 ($2,000×3) | $6,000 | |
| Short taxable year ending Nov. 1, 1963 ($2,000×1) | 2,000 | $8,000 |
| **Y Corporation** | | |
| Fiscal years ending: | | |
| June 30, 1964 ($2,000×1) | 2,000 | |
| June 30, 1965–69 ($2,000×5) | 10,000 | 12,000 |
| | | 20,000 |

(c) *Successive transactions to which section 381(a) applies.* The provisions of this section shall apply in the case of successive transactions to which section 381(a) applies. Thus, if R Corporation, which was taking into account adjustments described in section 481(b)(4), distributes or transfers its assets to S Corporation in a transaction to which section 381(a) applies, and S Corporation was required to take into account any remaining portion of such adjustments under section 381(c)(21) and this section, and if subsequently S Corporation distributes or transfers its assets to T Corporation in a transaction to which section 381(a) applies, then T Corporation, under section 381(c)(21) and this section, shall take into account any remaining portion of such adjustments not previously taken into account by R and S Corporations.

(d) *Acquiring corporation not receiving all the assets.* The adjustments described in this section acquired from a distributor or transferor corporation by an acquiring corporation in a transaction to which section 381(a) applies is not reduced by reason of the fact that the acquiring corporation does not acquire 100 percent of the assets of the distributor or transferor corporation.

[F.R. Doc. 61–509; Filed, Jan. 19, 1961; 8:45 a.m.]

## [ 26 CFR Part 1 ]

## INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Life Insurance Companies

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

In order to provide regulations under sections 817, 818, 819, and 820 of the Internal Revenue Code of 1954, as added by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 132), the

Income Tax Regulations (26 CFR Part 1) are amended as follows:

There are inserted immediately after § 1.816 the following new sections:

MISCELLANEOUS PROVISIONS

**§ 1.817 Statutory provisions; life insurance companies; rules relating to certain gains and losses.**

SEC. 817. Rules relating to certain gains *and losses*—(a) *Treatment of capital gains and losses, etc.* In the case of a life insurance company—

(1) In applying section 1231(a), the term "property used in the trade or business" shall be treated as including only—

(A) Property used in carrying on an insurance business, of a character which is subject to the allowance for depreciation provided in section 167, held for more than 6 months, and real property used in carrying on an insurance business, held for more than 6 months, which is not described in section 1231(b)(1)(A), (B), or (C), and

(B) Property described in section 1231(b)(2), and

(2) In applying section 1221(2), the reference to property used in trade or business shall be treated as including only property used in carrying on an insurance business.

(b) *Gain on property held on December 31, 1958, and certain substituted property acquired after 1958*—(1) *Property held on December 31, 1958.* In the case of property held by the taxpayer on December 31, 1958, if—

(A) The fair market value of such property on such date exceeds the adjusted basis for determining gain as of such date, and

(B) The taxpayer has been a life insurance company at all times on and after December 31, 1958,

the gain on the sale or other disposition of such property shall be treated as an amount (not less than zero) equal to the amount by which the gain (determined without regard to this subsection) exceeds the difference between the fair market value on December 31, 1958, and the adjusted basis for determining gain as of such date.

(2) *Certain property acquired after December 31, 1958.* In the case of property acquired after December 31, 1958, and having a substituted basis (within the meaning of section 1016(b))—

(A) For purposes of paragraph (1), such property shall be deemed held continuously by the taxpayer since the beginning of the holding period thereof, determined with reference to section 1223,

(B) The fair market value and adjusted basis referred to in paragraph (1) shall be that of that property for which the holding period taken into account includes December 31, 1958,

(C) Paragraph (1) shall apply only if the property or properties the holding periods of which are taken into account were held only by life insurance companies after December 31, 1958, during the holding periods so taken into account,

(D) The difference between the fair market value and adjusted basis referred to in paragraph (1) shall be reduced (not less than zero) by the excess of (i) the gain that would have been recognized but for this subsection on all prior sales or dispositions after December 31, 1958, of properties referred to in subparagraph (C), over (ii) the gain that was recognized on such sales or other dispositions, and

(E) The basis of such property shall be determined as if the gain which would have been recognized but for this subsection were recognized gain.

(3) *Property defined.* For purposes of paragraphs (1) and (2), the term "property" does not include insurance and annuity contracts (and contracts supplementary thereto) and property described in paragraph (1) of section 1221.

(c) *Limitation on capital loss carryovers.* A net capital loss for any taxable year beginning before January 1, 1959, shall not be taken into account.

(d) *Gain on transactions occurring prior to January 1, 1959.* For purposes of this part, there shall be excluded any gain from the sale or exchange of a capital asset, and any gain considered as gain from the sale or exchange of a capital asset, resulting from sales or other dispositions of property prior to January 1, 1959. Any gain after December 31, 1958, resulting from the sale or other disposition of property prior to January 1, 1959, which, but for this sentence, would be taken into account under section 1231, shall not be taken into account under section 1231 for purposes of this part.

(e) *Certain reinsurance transactions in 1958.* For purposes of this part, the reinsurance in a single transaction, or in a series of related transactions, occurring in 1958, by a life insurance company of all of its insurance contracts of a particular type, through the assumption by another company or companies of all liabilities under such contracts, shall be treated as a sale of a capital asset.

[Sec. 817 as added by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 46); amended by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 132)]

**§ 1.817–1 Taxable years affected.**

Sections 1.817–2 through 1.817–4 are applicable only to taxable years beginning after December 31, 1957, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112).

**§ 1.817–2 Treatment of capital gains and losses.**

(a) *In general.* For taxable years beginning after December 31, 1958, if the net long-term capital gain (as defined in section 1222(7)) of any life insurance company exceeds its net short-term capital loss (as defined in section 1222(6)), section 802(a)(2) imposes a separate tax equal to 25 percent of such excess. Except as modified by section 817 (rules relating to certain gains and losses), the general rules of the Code relating to gains and losses, such as subchapter O (relating to gain or loss on disposition of property), subchapter P (relating to capital gains and losses), etc., shall apply with respect to life insurance companies.

(b) *Modification of section 1221 and 1231.* (1) In the case of a life insurance company, section 817(a)(1) provides that for purposes of applying section 1231(a) (relating to property used in the trade or business and involuntary conversions), the term "property used in the trade or business" shall be treated as including only—

(i) Property used in carrying on an insurance business, of a character subject to the allowance for depreciation under section 167 (even though fully depreciated), held for more than 6 months, and real property used in carrying on an insurance business, held for more than 6 months, and which is not—

(*a*) Property of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year;

(*b*) Property held by the taxpayer primarily for sale to customers in the ordinary course of business; or

(*c*) A copyright, a literary, musical, or artistic composition, or similar property held by a taxpayer described in section 1221(3).

(ii) The cutting or disposal of timber, or the disposal of coal, to the extent considered arising from a sale or exchange by reason of the provisions of section 631 and the regulations thereunder.

(2) In the case of a life insurance company, section 817(a)(2) provides that for purposes of applying section 1221(2) (relating to the exclusion of certain property from the term capital asset), the reference to property used in trade or business shall be treated as including only property used in carrying on an insurance business.

(3) Section 1231(a), as modified by section 817(a)(1) and subparagraph (1) of this paragraph, shall apply to recognized gains and losses from the following:

(i) The sale, exchange, or involuntary conversion of the following property, if held for more than 6 months—

(*a*) The home office and branch office buildings (including land) owned and occupied by the life insurance company;

(*b*) Furniture and equipment owned by the life insurance company and used in the home office and branch office buildings occupied by the life insurance company; and

(*c*) Automobiles and other depreciable personal property used in connection with the operations conducted in the home office and branch office buildings occupied by the life insurance company.

(ii) The involuntary conversion of capital assets held for more than 6 months.

(iii) The cutting or disposal of timber, or the disposal of coal, to the extent considered arising from a sale or exchange by reason of the provisions of section 631 and the regulations thereunder.

(4) Section 1221(2), as modified by section 817(a)(2) and subparagraph (2) of this paragraph, shall include only the following property:

(i) The home office and branch office buildings (including land) owned and occupied by the life insurance company;

(ii) Furniture and equipment owned by the life insurance company and used in the home office and branch office buildings occupied by the life insurance company; and

(iii) Automobiles and other depreciable personal property used in connection with the operations conducted in the home office and branch office buildings occupied by the life insurance company.

(5) If an asset described in subparagraph (3)(i)(*a*), (*b*), or (*c*) or subparagraph (4) of this paragraph, or any portion thereof, is also an "investment asset" (an asset from which gross investment income, as defined in section 804(b), is derived), such asset, or portion thereof, shall not be treated as an asset used in carrying on an insurance business. Accordingly, the gains or losses from the sale or exchange (or considered as from the sale or exchange) of depreciable assets attributable to any trade or business, other than the insurance trade or business, carried on by the life insurance company, such as operating a radio station, housing development, or a farm, or renting various pieces of real estate shall be treated as gains or losses from the sale or exchange of a capital asset unless such asset is involuntarily converted (within the meaning of paragraph (e) of § 1.1231–1).

(c) *Illustration of principles.* The provisions of section 817(a) and this section may be illustrated by the following examples:

*Example (1).* L, a life insurance company, has recognized gains and losses for the taxable year 1959 from the sale of the following items:

| | Gains | Losses |
|---|---|---|
| Stocks, held for more than 6 months | $100,000 | |
| Bonds, held for more than 6 months | | $5,000 |
| Housing development, held for more than 6 months | | 400,000 |
| Branch office building owned and occupied by L, held for more than 6 months | | 115,000 |
| Furniture and equipment used in the investment department, held for more than 6 months | 30,000 | |
| Radio station, held for more than 6 months | 200,000 | |
| Involuntary conversion of apartment building, held for more than 6 months | 7,000 | |

The recognized gains and losses from the sale of the stocks, bonds, housing development, and radio station shall be treated as gains and losses from the sale of capital assets since such items are capital assets within the meaning of section 1221 (as modified by section 817(a)(2)). Accordingly, the provisions of section 1231 shall not apply to the sale of such capital assets. However, the provisions of section 1231 (as modified by section 817(a)(1)) shall apply to the sale of the branch office building and the furniture and equipment, and the apartment building involuntarily converted. Since the aggregate of the recognized losses ($115,000) exceeds the aggregate of the recognized gains ($97,000), the gains and losses are treated as ordinary gains and losses.

*Example (2).* Y, a life insurance company, owns a twenty-story home office building, having an adjusted basis of $15,000,000, ten floors of which it rents to various tenants, one floor of which is utilized by it in operating its investment department, and the remaining nine floors of which are occupied by it in carrying on its insurance business. If in 1960, Y sells the building for $10,000,000, Y must first apportion its basis between that portion of the building (one-half) used in carrying on an insurance business, and that portion of the building (one-half) classified as an "investment asset", before it can determine the character of the loss attributable to each portion of the building. For such purpose, the one floor utilized by Y in operating its investment department is treated as used in carrying on an insurance business. Assuming that each portion of the building bears an equal (one-half) relation to the basis of the entire building, Y (without regard to section 817(b)) would have a $2,500,000 ordinary loss on that portion used in carrying on an insurance business (assuming that Y had no gains subject to section 1231), and a $2,500,000 capital loss on that portion of the building classified as an investment asset.



**§ 1.817–3 Gain on property held on December 31, 1958, and certain substituted property acquired after 1958.**

(a) *Limitation of gain recognized on property held on December 31, 1958.* (1) Section 817(b)(1) limits the amount of gain that shall be recognized on the sale or other disposition of property other than insurance and annuity contracts (and contracts supplementary thereto) and property described in section 1221(1) (relating to stock in trade or inventory-type property) if:

(i) The property was held (or treated as held within the meaning of paragraph (c)(1) of this section) by a life insurance company on December 31, 1958;

(ii) The taxpayer has been a life insurance company at all times on and after December 31, 1958, including the date of the sale or other disposition of the property; and

(iii) The fair market value of the property on December 31, 1958, exceeds the adjusted basis for determining gain as of such date.

The gain on the sale or other disposition of such property shall be limited to an amount (but not less than zero) equal to the amount by which the gain (determined without regard to section 817(b)(1)) exceeds the difference between the fair market value of such property on December 31, 1958, and the adjusted basis for determining gain as of such date. Accordingly, the separate 25 percent tax rate imposed by section 802(a)(2) shall apply with respect to the amount of gain so limited and, in the case of a stock life insurance company, the amount of such gain shall be taken into account under section 815(b)(2)(A)(ii) for purposes of determining the amount to be added to the shareholders surplus account (as defined in section 815(b) and § 1.815–3) for the taxable year. Furthermore, the amount of the gain (determined without regard to section 817(b)(1) and this paragraph) which is not taken into account under section 802(a)(2) and paragraph (f) of § 1.802–3 by reason of the application of section 817(b)(1) shall be included in other accounts (as defined in § 1.815–5) by such a company for the taxable year.

(2) Section 817(b)(1) and subparagraph (1) of this paragraph shall not apply for purposes of determining loss with respect to property held on December 31, 1958.

(b) *Illustration of principles.* The application of section 817(b)(1) and paragraph (a) of this section may be illustrated by the following examples:

*Example (1).* On December 31, 1958, J, a stock life insurance company, owned stock of Z Corporation and on such date the stock had an adjusted basis for determining gain of $5,000 and a fair market value of $6,000. On August 1, 1959, the company sells such stock for $8,000. Assuming J qualifies as a life insurance company for the taxable year 1959, and applying the provisions of section 817(b)(1) and paragraph (a) of this section, the gain recognized (assuming no adjustment to basis for the period since December 31, 1958) on the sale shall be limited to $2,000 (the amount by which the gain realized, $3,000, exceeds the difference, $1,000, between the fair market value, $6,000, and the adjusted basis, $5,000, for determining gain on December 31, 1958). Thus, J shall take into account $2,000 under section 815(b)(2)(A)(ii) for purposes of determining the amount to be added to its shareholders surplus account for the taxable year and shall include $1,000 in other accounts for the taxable year.

*Example (2).* The facts are the same as in example (1), except that the selling price is $5,800. In such case, no gain shall be recognized even though there is a realized gain of $800. Since such realized gain does not exceed the difference ($1,000) between the fair market value ($6,000) and the adjusted basis ($5,000) for determining gain on December 31, 1958, section 817(b)(1) does not apply. Furthermore, no loss shall be realized or recognized as a result of this transaction. Thus, J shall include $800 in other accounts for the taxable year and shall not take into account any amount under section 815(b)(2)(A)(ii).

*Example (3).* The facts are the same as in example (1), except that the adjusted basis for determining loss is $5,000 and the selling price is $4,500. In such case, since J has sustained a loss, section 817(b)(1) does not apply.

(c) *Certain substituted property acquired after December 31, 1958.* Section 817(b)(2) provides that if a life insurance company acquires property after December 31, 1958, in exchange for property actually held by the company on December 31, 1958, and the property acquired has a substituted basis within the meaning of section 1016(b) and § 1.1016–10, the following rules shall apply:

(1) For purposes of section 817(b)(1), such acquired property shall be deemed as having been held continuously by the taxpayer since the beginning of the holding period thereof as determined under section 1223;

(2) The fair market value and adjusted basis referred to in section 817(b)(1) shall be that of that property for which the holding period taken into account includes December 31, 1958;

(3) Section 817(b)(1) shall apply only if the property or properties, the holding periods of which are taken into account, were held only by life insurance companies after December 31, 1958, during the holding periods so taken into account;

(4) The difference between the fair market value and adjusted basis referred to in section 817(b)(1) shall be reduced (but not below zero) by the excess of (i) the gain that would have been recognized but for section 817(b) on all prior sales or other dispositions after December 31, 1958, of properties referred to in section 817(b)(2)(C) over (ii) the gain that was recognized on such sales or other dispositions; and

(5) The basis of such acquired property shall be determined as if the gain which would have been recognized but for section 817(b) were recognized gain.

For purposes of section 817(b)(2) and this paragraph, the term "property" does not include insurance and annuity contracts (and contracts supplementary thereto) and property described in section 1221(1) (relating to stock in trade or inventory-type property). Furthermore, the provisions of section 817(b)(1) and paragraph (a)(1) of this section

shall not apply for purposes of determining loss with respect to property described in section 817(b)(2) and this paragraph.

(d) *Illustration of principles.* The application of section 817(b)(2) and paragraph (c) of this section may be illustrated by the following example:

*Example.* Assume that W, a life insurance company, owns property B on December 31, 1958, at which time its adjusted basis was $1,000 and its fair market value was $1,800. On January 31, 1960, in a transaction to which section 1031 (relating to exchange of property held for productive use or investment) applies, W receives property H having a fair market value of $1,700 plus $300 in cash in exchange for property H. The gain realized on the transaction, without regard to section 817(b) is $1,000 (assuming no adjustments to basis for the period since December 31, 1958). Under the provisions of section 817(b)(1) the gain is limited to $200. The entire $200 shall be recognized since such amount is less than the amount of gain ($300) which would be recognized under section 1031. Applying the provisions of section 817(b)(2) and paragraph (c) of this section, the basis of property H shall be determined as if the entire $300 of cash received is recognized gain. Thus, the basis of property H under section 1031 is $1,000 ($1,000 (the basis of property B) minus $300 (the amount of money received) plus $300 (the recognized gain of $200 plus $100 which would have been recognized but for section 817(b)). If W later sells property H for $2,200 cash, and assuming no further adjustments to its basis of $1,000, the gain realized is $1,200, but due to the application of section 817(b)(2) the amount of gain recognized is $500, computed as follows:

| | | |
|---|---|---|
| Selling price | | $2,200 |
| Less: Adjusted basis as of 12–31–58 | | 1,000 |
| Gain realized | | 1,200 |
| Fair market value as of 12–31–58 | $1,800 | |
| Adjusted basis as of 12–31–58 | 1,000 | |
| Excess of fair market value over adjusted basis | 800 | |
| Less: Excess of gain which would have been recognized on all prior dispositions but for sec. 817(b) over gain recognized on all prior dispositions ($300 minus $200) | 100 | |
| | | 700 |
| Gain recognized | | 500 |

### § 1.817–4 Special rules.

(a) *Limitation on capital loss carryovers.* Section 817(c) provides that a net capital loss (as defined in section 1222(10)) for any taxable year beginning before January 1, 1959, shall not be taken into account. For any taxable year beginning after December 31, 1958, the provisions of part II, subchapter P, chapter 1 of the Code (relating to the treatment of capital losses) shall be applicable to life insurance companies for purposes of determining the tax imposed by section 802(a)(2) and § 1.802–2 (relating to the imposition of tax in case of capital gains).

(b) *Gain on transactions occurring prior to January 1, 1959.* For purposes of part I, subchapter L, chapter 1 of the Code, section 817(d) provides that—

(1) There shall be excluded from tax any gain from the sale or exchange of a capital asset, and any gain considered as gain from the sale or exchange of a capital asset, which results from sales or other dispositions of property prior to January 1, 1959; and

(2) Any gain after December 31, 1958, resulting from the sale or other disposition of property prior to January 1, 1959, which, but for this subparagraph, would be taken into account under section 1231, shall not be taken into account under section 1231.

For example, if a life insurance company makes an installment sale of a capital asset prior to January 1, 1959, and payments are received after such date, any capital gain attributable to such sale shall not be taken into account for purposes of section 802(a)(2). Furthermore, any gain referred to in subparagraphs (1) and (2) and the preceding sentence shall not be taken into account in determining the excess of the net short-term capital gain over the net long-term capital loss for purposes of computing taxable investment income under section 804(a)(2) or gain or loss from operations under section 809(b).

(c) *Certain reinsurance transactions in 1958.* For purposes of part I, section 817(e) provides that where a life insurance company reinsures (or sells) all of its insurance contracts of a particular type, such as an entire industrial department, in either a single transaction, or in a series of related transactions, all of which occurred during 1958, and the reinsuring (or purchasing) company or companies assume all liabilities under such contracts, such reinsurance (or sale) shall be treated as the sale of a capital asset. However, such transaction shall be subject to the provisions of section 806(a) and § 1.806–3 (relating to adjustments for certain changes in reserves and assets).

(d) *Certain reinsurance transactions occurring after December 31, 1958.* [Reserved]

### § 1.818 Statutory provisions; life insurance companies; accounting provisions.

SEC. 818 *Accounting provisions.*—(a) *Method of accounting.* All computations entering into the determination of the taxes imposed by this part shall be made—

(1) Under an accrual method of accounting, or

(2) To the extent permitted under regulations prescribed by the Secretary or his delegate, under a combination of an accrual method of accounting with any other method permitted by this chapter (other than the cash receipts and disbursements method).

Except as provided in the preceding sentence, all such computations shall be made in a manner consistent with the manner required for purposes of the annual statement approved by the National Association of Insurance Commissioners.

(b) *Amortization of premium and accrual of discount.*—(1) *In general.* The appropriate items of income, deductions, and adjustments under this part shall be adjusted to reflect the appropriate amortization of premium and the appropriate accrual of discount attributable to the taxable year on bonds, notes, debentures, or other evidences of indebtedness held by a life insurance company. Such amortization and accrual shall be determined—

(A) In accordance with the method regularly employed by such company, if such method is reasonable, and

(B) In all other cases, in accordance with regulations prescribed by the Secretary or his delegate.

(2) *Special rules.*—(A) *Amortization of bond premium.* In the case of any bond (as defined in section 171(d)) acquired after December 31, 1957, the amount of bond premium, and the amortizable bond premium for the taxable year, shall be determined under section 171(b) as if the election set forth in section 171(c) had been made.

(B) *Convertible evidences of indebtedness.* In no case shall the amount of premium on a convertible evidence of indebtedness include any amount attributable to the conversion features of the evidence of indebtedness.

(c) *Life insurance reserves computed on preliminary term basis.* For purposes of this part (other than section 801), at the election of the taxpayer the amount taken into account as life insurance reserves with respect to contracts for which such reserves are computed on a preliminary term basis may be determined on either of the following bases:

(1) *Exact revaluation.* As if the reserves for all such contracts had been computed on a net level premium basis (using the same mortality assumptions and interest rates for both the preliminary term basis and the net level premium basis).

(2) *Approximate revaluation.* The amount computed without regard to this subsection—

(A) Increased by $21 per $1,000 of insurance in force (other than term insurance) under such contracts, less 2.1 percent of reserves under such contracts, and

(B) Increased by $5 per $1,000 of term insurance in force under such contracts which at the time of issuance cover a period of more than 15 years, less 0.5 percent of reserves under such contracts.

If the taxpayer makes an election under either paragraph (1) or (2) for any taxable year, the basis adopted shall be adhered to in making the computations under this part (other than section 801) for the taxable year and all subsequent taxable years unless a change in the basis of computing such reserves is approved by the Secretary or his delegate, except that if, pursuant to an election made for a taxable year beginning in 1958, the basis adopted is the basis provided in paragraph (2), the taxpayer may adopt the basis provided by paragraph (1) for its first taxable year beginning after 1958.

(d) *Short taxable years.* If any return of a corporation made under this part is for a period of less than the entire calendar year (referred to in this subsection as "short period"), then section 443 shall not apply in respect of such period, but—

(1) The taxable investment income and the gain or loss from operations shall be determined, under regulations prescribed by the Secretary or his delegate, on an annual basis by a ratable daily projection of the appropriate figures for the short period.

(2) That portion of the life insurance company taxable income described in paragraphs (1) and (2) of section 802(b) shall be determined on an annual basis by treating the amounts ascertained under paragraph (1) as the taxable investment income and the gain or loss from operations for the taxable year, and

(3) That portion of the life insurance company taxable income described in paragraphs (1) and (2) of section 802(b) for the short period shall be the amount which bears the same ratio to the amount ascertained under paragraph (2) as the number of days in the short period bears to the number of days in the entire calendar year.

(e) *Transitional rule for changes in method of accounting.*—(1) *In general.* If the method of accounting required to be used in computing the taxpayer's taxes under this part for the taxable year 1958 is different from the method used in computing its taxes under this part for 1957, then there shall be ascertained the net amount of those adjustments which are determined (as of the close of 1957) to be necessary solely by reason of the change to the method required by subsection (a) in order to prevent amounts from being duplicated or omitted. The amount of the taxpayer's tax for 1957 shall be recomputed (under the law applicable to 1957, modified as provided in paragraph (4)) taking into account an amount equal to one-tenth of the net amount of the adjustments determined under the preceding sentence. The amount of increase or decrease (as the case may be) referred to in paragraph (2) or (3) shall be the amount of the increase or decrease ascertained under the preceding sentence, multiplied by 10.

(2) *Treatment of decrease.* For purposes of subtitle F, if the recomputation under paragraph (1) results in a decrease, the amount thereof shall be a decrease in the tax imposed for 1957; except that for purposes of computing the period of limitation on the making of refunds or the allowance of credits with respect to such overpayment, the amount of such decrease shall be treated as an overpayment of tax for 1959. No interest shall be paid, for any period before March 16, 1960, on any overpayment of the tax imposed for 1957 which is attributable to such decrease.

(3) *Treatment of increase.*—(A) *In general.* For purposes of subtitle F (other than sections 6016 and 6655), if the recomputation under paragraph (1) results in an increase, the amount thereof shall be treated as a tax imposed by this subsection for 1959. Such tax shall be payable in 10 equal annual installments, beginning with March 15, 1960.

(B) *Special rules.* For purposes of subparagraph (A)—

(i) No interest shall be paid on any installment described in subparagraph (A) for any period before the time prescribed in such subparagraph for the payment of such installment.

(ii) Section 6152(c) (relating to proration of deficiencies to installments) shall apply.

(iii) In applying section 6502(a)(1) (relating to collection after assessment), the assessment of any installment described in subparagraph (A) shall be treated as made at the time prescribed by such subparagraph for the payment of such installment.

(iv) Except as provided in section 381(c)(22), if for any taxable year the taxpayer is not a life insurance company, the time for payment of any remaining installments described in subparagraph (A) shall be the date (determined without regard to any extension of time) for filing the return for such taxable year.

(4) *Modifications of 1957 tax computation.* In recomputing the taxpayer's tax for 1957 for purposes of paragraph (1)—

(A) Section 804(b) (as in effect for 1957) shall not apply with respect to any amount required to be taken into account by such paragraph, and

(B) The amount of the deduction allowed by section 805 (as in effect for 1957) shall not be reduced by reason of any amount required to be taken into account by such paragraph.

(f) *Denial of double deductions.* Nothing in this part shall permit the same item to be deducted more than once under subpart B and once under subpart C.

[Sec. 818 as added by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 46); amended by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 133)]





### § 1.818–1 Taxable years affected.

Sections 1.818–2 through 1.818–7, except as otherwise provided therein, are applicable only to taxable years beginning after December 31, 1957, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112).

### § 1.818–2 Accounting provisions.

(a) *Method of accounting.* (1) Section 818(a)(1) provides the general rule that all computations entering into the determination of taxes imposed by part I, subchapter L, chapter 1 of the Code, shall be made under an accrual method of accounting. Thus, the over-all method of accounting for life insurance companies shall be the accrual method. Except as otherwise provided in part I, the term "accrual method" shall have the same meaning and application in section 818 as it does under section 446 (relating to general rule for methods of accounting) and the regulations thereunder. For general rules relating to the taxable year for inclusion of income and deduction of expenses under an accrual method of accounting, see sections 451 and 461 and the regulations thereunder.

(2) Section 818(a)(2) provides that, to the extent permitted under this section, a life insurance company's method of accounting may be a combination of the accrual method with any other method of accounting permitted by chapter 1 of the Internal Revenue Code of 1954, other than the cash receipts and disbursements method. Thus, section 818(a)(2) specifically prohibits the use by a life insurance company of the cash receipts and disbursements method either separately or in combination with a permissible method of accounting. The term "method of accounting" includes not only the over-all method of accounting of the taxpayer but also the accounting treatment of any item. For purposes of section 818(a)(2), a life insurance company may elect to compute its taxable income under an over-all method of accounting consisting of the accrual method combined with the special methods of accounting for particular items of income and expense provided under other sections of chapter 1 of the Internal Revenue Code of 1954, other than the cash receipts and disbursements method. These methods of accounting for special items include the accounting treatment provided for depreciation (section 167), research and experimental expenditures (section 174), soil and water conservation expenditures (section 175), organizational expenditures (section 248), etc. In addition, a life insurance company may, where applicable, use the crop method of accounting (as provided in the regulations under sections 61 and 162), and the installment method of accounting for sales of realty and casual sales of personalty (as provided in section 453(b)). To the extent not inconsistent with the provisions of the Internal Revenue Code of 1954 or the regulations thereunder and the method of accounting adopted by the taxpayer pursuant to this section, all computations entering into the determination of taxes imposed by part I shall be made in a manner consistent with the manner required for purposes of the annual statement approved by the National Association of Insurance Commissioners.

(3)(i) An election to use any of the special methods of accounting referred to in subparagraph (2) of this paragraph which was made pursuant to any provisions of the Internal Revenue Code of 1954 or prior revenue laws for purposes of determining a company's tax liabilities for prior years, shall have the same force and effect in determining the items of gross investment income under section 804(b) and the items of deduction under section 804(c) of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112) as if such Act had not been enacted.

(ii) For purposes of determining gain or loss from operations under section 809(b), in computing the life insurance company's share of investment yield under section 809(b)(1)(A) and (2)(A), an election with respect to any of the special methods of accounting referred to in subparagraph (2) of this paragraph which was made pursuant to any provision of the Internal Revenue Code of 1954 or prior revenue laws, shall not be affected in any way by the enactment of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112).

(iii) For purposes of determining gain or loss from operations under section 809(b), in computing the items of gross amount under section 809(c) and the deduction items under section 809(d), an election to use any of the special methods of accounting referred to in subparagraph (2) of this paragraph must be made in accordance with the specific statutory provisions of the sections containing such elections and the regulations thereunder. However, where a particular election may be made only with the consent of the Commissioner (either because the time for making the election without the consent of the Commissioner has expired or because the particular section contained no provision for making an election without consent), and the time prescribed by the applicable regulations for submitting a request for permission to make such an election for the taxable year 1958 has expired, a life insurance company may make such an election for the year 1958 at the time of filing its return for that year (including extensions thereof). For example, a life insurance company may elect any of the methods of depreciation prescribed in section 167 (to the extent permitted under that section and the regulations thereunder) with respect to those assets, or any portion thereof, for which no depreciation was allowable under prior revenue laws, for example, furniture and fixtures used in the underwriting department. Similarly, a life insurance company shall be permitted to make an election under section 461(c) (relating to the accrual of real property taxes) with respect to real property for which no deduction was allowable under prior revenue laws. Any such election shall be made in the manner and form prescribed in the applicable regulations.

(iv) For purposes of subdivision (ii) of this subparagraph, the method used under section 1016(a)(3)(C) (relating to adjustments to basis) in determining the amount of exhaustion, wear and tear, obsolescence, and amortization actually sustained shall not preclude a taxpayer from electing any of the methods prescribed in section 167 in accordance with the provisions of that section and the regulations thereunder for determining the amount of such exhaustion, wear and tear, obsolescence, and amortization for the year 1958. For example, if the amount of depreciation actually sustained, under section 1016(a)(3)(C), on a life insurance company's home office building (other than that portion for which depreciation was allowable under prior revenue laws) is determined on the straight line method, the life insurance company may elect for the year 1958 to use any of the methods prescribed in section 167 for determining its depreciation allowance for 1958. However, such election shall be binding for 1958, and for all subsequent taxable years, unless consent to change such election, if required, is obtained from the Commissioner in accordance with the provisions of section 167 and the regulations thereunder.

(4) (i) For purposes of section 805(b)(3)(B)(i) (relating to the determination of the current earnings rate for any taxable year beginning before January 1, 1958), the determination for any year of the investment yield and the assets shall be made as though the taxpayer had been on the accrual method prescribed in subparagraph (1) of this paragraph for such year, or the accrual method in combination with the other methods of accounting prescribed in subparagraph (2) of this paragraph, if these other methods of accounting are used by the taxpayer in determining the investment yield and assets for the taxable year 1958. However, where the method used for determining the deduction under section 167 for the year 1958 differs from the method used in prior years, the amount of the deduction actually allowed or allowable for such prior years for purposes of section 1016(a)(2) (relating to adjustments to basis) shall be the amount to be taken into account in determining the current earnings rate under section 805(b)(3)(B)(i).

(ii) For purposes of section 812(b)(1)(C) (relating to operations loss carrybacks and carryovers for years prior to 1958), the determination for those years of the gain or loss from operations shall be made as though the taxpayer had been on the accrual method of accounting prescribed in subparagraph (1) of this paragraph for such year, or the accrual method in combination with the other methods of accounting prescribed in subparagraph (2) of this paragraph, if these other methods of accounting are used by the taxpayer in the determination of gain or loss from operations for the taxable year 1958. However, where any adjustment to basis is required under section 1016(a)(3)(C) on account of exhaustion, wear and tear, obsolescence, amortization, and depletion sustained, the amount actually sustained as determined under section 1016(a)(3)(C) for each of the years involved shall be the amount allowed in the determination of gain or loss from operations for purposes of section 812(b)(1)(C).

(b) *Adjustments required if accrual method of accounting was not used in 1957.* The items of gross amount taken into account under section 809(c) and the items of deductions allowed under section 809(d) for the taxable year 1958 shall be determined as though the taxpayer had been on the accrual method of accounting prescribed in paragraph (a) of this section for all prior years. Thus, life insurance companies not on the accrual method for the year 1957 shall accrue, as of December 31, 1957, those items of gross amount which would have been properly taken into account for the year 1957 if the company had been on the accrual method described in section 818(a). Likewise, life insurance companies not on the accrual method for the year 1957 shall accrue, as of December 31, 1957, those items of deductions which would have been properly allowed for the year 1957 if the company had been on the accrual method described in section 818(a). For example, if certain premium amounts were received during the year 1958 but such amounts would have been properly taken into account for the year 1957 if the taxpayer had been on the accrual method for the year 1957, then the taxpayer will not be required to take such premium amounts into account for the year 1958. If, for example, certain claims, benefits, and losses were paid during the year 1958 but such items would have been properly taken into account for the year 1957 if the taxpayer had been on the accrual method for the year 1957, then the taxpayer will not be permitted to deduct such expense items for the year 1958. For a special transitional rule applicable with respect to changes in method of accounting required by section 818(a) and paragraph (a) of this section, see section 818 (e) and § 1.818–6.

(c) *Change of basis in computing reserves.* (1) Section 806(b) provides that if the basis for determining the amount of any item referred to in section 810(c) as of the close of the taxable year differs from the basis for such determination as of the beginning of the taxable year, then for purposes of subpart B, part I, subchapter L, chapter 1 of the Code (relating to the determination of taxable investment income), the amount of such item shall be the amount computed on the old basis as of the close of the taxable year and the amount computed on the new basis as of the beginning of the next taxable year. Similarly, section 810(d)(1) provides rules for determining the amount of the adjustment to be made for purposes of subpart C, part I, subchapter L, chapter 1 of the Code (relating to the determination of gain or loss from operations), if the basis for determining any item referred to in section 810(c) as of the close of any taxable year differs from the basis for such determination as of the close of the preceding taxable year. Under an accrual method of accounting, a change in the basis or method of computing the amount of liability of any item referred to in section 810(c) occurs in the taxable year in which all the events have occurred which determine the change in the basis or method of computing the amount of such liability and, in which, the amount thereof (whether increased or decreased) can be determined with reasonable accuracy.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following examples:

*Example (1).* Assume that during the taxable year 1960, M, a life insurance company, determines that the amount of its life insurance reserves held with respect to a particular block of contracts is understated on the present basis being used in valuing such liability and that such liability can be more accurately reflected by changing from the present basis to a particular new basis. Assume that M uses such new basis in computing its reserves under such contracts at the end of the taxable year 1960. Under the provisions of section 818(c) and subparagraph (1) of this paragraph, the change in basis for purposes of sections 806(b) and 810(d) occurs during the taxable year 1960, the year in which all the events have occurred which determine the change in basis and the amount of any increase (or decrease) attributable to such change can be determined with reasonable accuracy. Such change shall be treated as having occurred during the taxable year 1960 whether M determines that its liability under such contracts was understated for the first time during 1960, or that its liability under such contracts has, in fact, been understated for a number of prior years.

*Example (2).* Assume the facts are the same as in example (1), except that during the taxable year 1960 the insurance department of State X issues a ruling, pursuant to authority conferred by statute, requiring M to use the particular new basis which more accurately reflects its liability with respect to such contracts and that as a result of such ruling, M uses the new basis in computing its reserves under such contracts for the taxable years 1958, 1959, and 1960. Under the provisions of section 818(c) and subparagraph (1) of this paragraph, the change in basis for purposes of sections 806(b) and 810(d) occurs during the taxable year 1960, the year in which all the events have occurred which determine that a change in basis should be made and the amount of any increase (or decrease) attributable to such change can be determined with reasonable accuracy.

### § 1.818–3 Amortization of premium and accrual of discount.

(a) *In general.* Section 818(b) provides that the appropriate items of income, deductions, and adjustments under part I, subchapter L, chapter 1 of the Code, shall be adjusted to reflect the appropriate amortization of premium and the appropriate accrual of discount on bonds, notes, debentures, or other evidences of indebtedness held by a life insurance company. Such adjustments are limited to the amount of appropriate amortization or accrual attributable to the taxable year with respect to such securities which are not in default as to principal or interest and which are amply secured. The question of ample security will be resolved according to the rules laid down from time to time by the National Association of Insurance Commissioners. The adjustment for amortization of premium decreases the gross investment income, the exclusion and deduction for partially tax-exempt interest, and the basis or adjusted basis of such securities. The adjustment for accrual of discount increases the gross investment income, the exclusion and reduction for wholly tax-exempt interest, the exclusion and deduction for partially tax-exempt interest, and the basis or adjusted basis of such securities. However, for taxable years beginning after May 31, 1960, only the accrual of discount relating to issue discount will increase the exclusion and reduction for wholly tax-exempt interest. See section 103.

(b) *Acquisitions before January 1, 1958.* (1) In the case of any such security acquired before January 1, 1958, the premium is the excess of its acquisition value over its maturity value and the discount is the excess of its maturity value over its acquisition value. The acquisition value of any such security is its cost (including buying commissions or brokerage but excluding any amounts paid for accrued interest) if purchased for cash, or if not purchased for cash, its then fair market value. The maturity value of any such security is the amount payable thereunder either at the maturity date or an earlier call date. The earlier call date of any such security may be the earliest interest payment date if it is callable or payable at such date, the earliest date at which it is callable at par, or such other call or payment date, prior to maturity, specified in the security as may be selected by the life insurance company. A life insurance company which adjusts amortization of premium or accrual of discount with reference to a particular call or payment date must make the adjustments with reference to the value on such date and may not, after selecting such date, use a different call or payment date, or value, in the calculation of such amortization or discount with respect to such security unless the security was not in fact called or paid on such selected date.

(2) The adjustments for amortization of premium and accrual of discount will be determined—

(i) According to the method regularly employed by the company, if such method is reasonable, or

(ii) According to the method prescribed by this section.

A method of amortization of premium or accrual of discount will be deemed "regularly employed" by a life insurance company if the method was consistently followed in prior taxable years, or if, in the case of a company which has never before made such adjustments, the company initiates in the first taxable year for which the adjustments are made a reasonable method of amortization of premium or accrual of discount and consistently follows such method thereafter. Ordinarily, a company regularly employs a method in accordance with the statute of some State, Territory, or the District of Columbia, in which it operates.

(3) The method of amortization and accrual prescribed by this section is as follows:

(i) The premium (or discount) shall be determined in accordance with this section; and

(ii) The appropriate amortization of premium (or accrual of discount) attributable to the taxable year shall be an amount which bears the same ratio to the premium (or discount) as the number of months in the taxable year during which the security was owned by the life insurance company bears to the number of months between the date of acquisition of the security and its maturity or earlier call date, determined in accordance with this section. For purposes of this section, a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it shall be considered a month.

(c) *Acquisitions after December 31, 1957.* (1) In the case of—

(i) Any bond, as defined in section 171(d), acquired after December 31, 1957, the amount of the premium and the amortizable premium for the taxable year, shall be determined under section 171(b) and the regulations thereunder, as if the election set forth in section 171(c) had been made, and

(ii) Any bond, note, debenture, or other evidence of indebtedness not described in subdivision (i) of this subparagraph and acquired after December 31, 1957, the amount of the premium and the amortizable premium for the taxable year, shall be determined under paragraph (b) of this section.

(2) In the case of any bond, note, debenture, or other evidence of indebtedness acquired after December 31, 1957, the amount of the discount and the accrual of discount attributable to the taxable year shall be determined under paragraph (b) of this section.

(d) *Convertible evidences of indebtedness.* Section 818(b)(B) provides that in no case shall the amount of premium on a convertible evidence of indebtedness (including any bond, note, or debenture) include any amount attributable to the conversion features of the evidence of indebtedness. This provision is the same as the one contained in section 171(b), and the rules prescribed in paragraph (c) of § 1.171–2 shall be applicable for purposes of section 818(b)(2)(B). This provision is to be applied without regard to the date upon which the evidence of indebtedness was acquired. Thus, where a convertible evidence of indebtedness was acquired before January 1, 1958, and a portion or all of the premium attributable to the conversion features of the evidence of indebtedness has been amortized for taxable years beginning before January 1, 1958, no adjustment for such amortization will be required by reason of section 818(b)(2)(B). Such amortization will, however, require an adjustment to the basis of the evidence of indebtedness under section 1016(a)(17). For taxable years beginning after December 31, 1957, no further amortization of the premium attributable to the conversion features of such an evidence of indebtedness will be taken into account.

(e) *Adjustments to basis.* Section 101(a)(17) (relating to adjustments to basis) provides that in the case of any evidence of indebtedness referred to in section 818(b) and this section, the basis shall be adjusted to the extent of the adjustments required under section 818(b) (or the corresponding provisions of prior income tax laws) for the taxable year and all prior taxable years. The basis of any evidence of indebtedness shall be reduced by the amount of the adjustment required under section 818(b) (or the corresponding provision of prior income tax laws) on account of amortizable premium and shall be increased by the amount of the adjustment required under section 818(b) on account of accruable discounts.

(f) *Denial of double inclusion.* Any amount which is includible in gross investment income by reason of section 818(b) and paragraph (a) of this section shall not be includible in gross income under section 1232(a) (relating to the taxation of bonds and other evidences of indebtedness). See section 1232(a)(2)(c) and the regulations thereunder.

### § 1.818–4 Election with respect to life insurance reserves computed on preliminary term basis.

(a) *In general.* Section 818(c) permits a life insurance company issuing contracts with respect to which the life insurance reserves are computed on one of the recognized preliminary term bases to elect to revalue such reserves on a net level premium basis for the purpose of determining the amount which may be taken into account as life insurance reserves for purposes of part I, subchapter L, chapter 1 of the Code, other than section 801 (relating to the definition of a life insurance company). If such an election is made, the method to be used in making this revaluation of reserves shall be either the exact revaluation method (as described in section 818(c)(1) and paragraph (b)(1) of this section) or the approximate revaluation method (as described in section 818(c)(2) and paragraph (b)(2) of this section).

(b) *Revaluation of reserves computed on preliminary term basis.* If a life insurance company makes an election under section 818(c) in the manner provided in paragraph (e) of this section, the amount to be taken into account as life insurance reserves with respect to contracts for which such reserves are computed on a preliminary term basis may be determined on either of the following bases:

(1) *Exact revaluation method.* As if the reserves for all such contracts had been computed on a net level premium basis (using the same mortality or morbidity assumptions and interest rates for both the preliminary term basis and the net level premium basis).

(2) *Approximate revaluation method.* The amount computed without regard to section 818(c)—

(i) Increased by $21 per $1,000 of insurance in force (other than term insurance) under such contracts, less 2.1

percent of reserves under such contracts, and

(ii) Increased by $5 per $1,000 of term insurance in force under such contracts which at the time of issuance cover a period of more than 15 years, less 0.5 percent of reserves under such contracts.

(c) *Exception.* If a life insurance company which makes an election under section 818(c)(2) and paragraph (b)(2) of this section has life insurance reserves with respect to both life insurance and noncancellable accident and health contracts for which such reserves are computed on a preliminary term basis, it shall use the approximate revaluation method for all its life insurance reserves other than that portion of such reserves held with respect to its noncancellable accident and health contracts, and shall use the exact revaluation method for all its life insurance reserves held with respect to such noncancellable accident and health contracts.

(d) *Reserves subject to recomputation.* (1) For the first taxable year for which the election under section 818(c) and paragraph (b) of this section applies, a company making such election must revalue all its life insurance reserves held with respect to contracts for which such reserves are computed on a preliminary term basis at the end of such taxable year on the basis elected under section 818(c) and paragraph (b) of this section. However, for purposes of the preceding sentence, an election under section 818(c) shall not apply with respect to such reserves which would not be treated as being computed on the preliminary term basis at the end of such taxable year except for the provisions of section 810(a) or (b). See paragraph (c)(2) of § 1.810-2. For example, if S, a life insurance company which computes its life insurance reserves on a recognized preliminary term basis at the beginning of the taxable year 1958, strengthens a portion of such reserves during the taxable year by actually changing to a net level premium basis in computing such reserves, and then makes the election under section 818(c) and paragraph (b) of this section for 1958, such election shall not apply with respect to the strengthened contracts.

(2) For any taxable year other than the first taxable year for which the election under section 818(c) and paragraph (b) of this section applies, a company making such election must revalue all its life insurance reserves held with respect to contracts for which such reserves are computed on a preliminary term basis at the beginning or end of the taxable year on the basis elected under section 818(c) and paragraph (b) of this section. For example, if M, a life insurance company which made a valid outstanding election under section 818(c) in the manner provided in paragraph (e) of this section for the taxable year 1959, sells a block of contracts subject to such election on September 1, 1960, M would value such contracts on the basis elected under section 818(c) and paragraph (b) of this section on January 1, 1960, for purposes of determining the net decrease or increase in the sum of the items described in section 810(c) for the taxable year under section 810 (a) or (b).

(3) For the effect of an election under section 818(c) and paragraph (b) of this section in determining gain or loss from operations for the taxable year, see paragraph (c)(3) of § 1.810-2 and paragraph (e) of § 1.810-3.

(e) *Time and manner of making election.* The election provided by section 818(c) shall be made in a statement attached to the life insurance company's income tax return for the first taxable year for which the company desires the election to apply. The return and statement must be filed not later than the date prescribed by law (including extensions thereof) for filing the return for such taxable year. However, if the last day prescribed by law (including extensions thereof) for filing a return for the first taxable year for which the company desires the election to apply falls before the ninetieth day after the final regulations under section 818 are published in the FEDERAL REGISTER, the election provided by section 818(c) may be made for such year by filing the statement and an amended return for such taxable year (and all subsequent taxable years for which returns have been filed) on or before such ninetieth day. The statement shall indicate whether the exact or the approximate method of revaluation has been adopted. The statement shall also set forth sufficient information as to mortality and morbidity assumptions; interest rates; the valuation method used; the amount of the reserves and the amount and type of insurance in force under all contracts for which reserves are computed on a preliminary term basis; and such other pertinent data as will enable the Commissioner to determine the correctness of the application of the revaluation method adopted and the accuracy of the computations involved in revaluing the reserves. The election to use either the exact revaluation method or the approximate revaluation method shall, except for the purposes of section 801, be adhered to in making the computations under part I for the taxable year for which such election is made and for all subsequent taxable years.

(f) *Scope of election.* An election made under section 818(c) and paragraph (b) of this section to use either the exact or the approximate method of revaluing the company's life insurance reserves shall be binding for the taxable year for which made, and, except as provided in paragraph (g) of this section, shall be binding for all succeeding taxable years, unless consent to revoke the election is obtained from the Commissioner. However, for taxable years beginning prior to the issuance of the final regulations under section 818, a taxpayer may revoke such election without obtaining consent from the Commissioner by filing, on or before the ninetieth day after the date of publication of such final regulations in the FEDERAL REGISTER, a statement that the company desires to revoke the election under section 818(c). An amended return reflecting such revocation must accompany the statement for all taxable years for which returns have been filed with respect to such election.

(g) *Special rule for 1958.* If an election is made for a taxable year beginning in 1958 to use the approximate revaluation method described in section 818(c)(2) and paragraph (b)(2) of this section, the company may, for its first taxable year beginning after 1958, elect to change to the exact revaluation method described in section 818(c)(1) and paragraph (b)(1) of this section without obtaining the consent of the Commissioner. In such case, the election to change shall be made in a statement attached to the company's income tax return for such taxable year and filed not later than the date prescribed by law (including extensions thereof) for filing the return for such year. The statement shall indicate that the company has elected to change from the approximate to the exact revaluation method for such taxable year and shall include such information and data referred to in paragraph (e) of this section as will enable the Commissioner to determine the correctness and accuracy of the computations involved.

**§ 1.818-5 Short taxable years.**

(a) *In general.* Section 818(d) provides that if any return of a corporation made under part I, subchapter L, chapter 1 of the Code is for a period of less than the entire calendar year, then section 443 (relating to returns for a period of less than 12 months) shall not apply. This section further provides certain rules to be used in determining the life insurance company taxable income for a period of less than the entire calendar year.

(b) *Returns for periods of less than the entire calendar year.* A return for a short period, that is, for a taxable year consisting of a period of less than the entire calendar year, shall be made only under the following circumstances:

(1) If a company which qualifies as a life insurance company is not in existence for the entire taxable year, a return is required for the short period during which the taxpayer was in existence. For example, a life insurance company organized on August 1, is required to file a return for the short period from August 1 to December 31, and returns for each calendar year thereafter. Similarly, if a company which qualifies as a life insurance company completely dissolves during the taxable year it is required to file a return for the short period from January 1 to the date it goes out of existence. All items entering into the computation of taxable investment income and gain or loss from operations for the short period shall be determined on a consistent basis and in the manner provided in paragraph (c) of this section.

(2) A return must be filed for a short period resulting from the termination by the district director of a taxpayer's taxable year for jeopardy. See section 6851 and the regulations thereunder.

A company which was an insurance company for the preceding taxable year (but not a life insurance company as defined in section 801(a) and paragraph (b) of § 1.801-3) and which for the current taxable year qualifies as a life insurance company shall not file a return for the short period from the time during the taxable year that it first qualifies as a life insurance company to the end of the taxable year. Similarly, an insurance company which was a life insurance company for the preceding taxable year but which for the current taxable year does not qualify as a life insurance company shall not file a return for the short period from the beginning of the taxable year to the time during the taxable year that it no longer qualifies as a life insurance company.

(c) *Computation of life insurance company taxable income for short period.* (1) If a return is made for a short period, section 818(d)(1) provides that the taxable investment income and the gain or loss from operations shall be determined on an annual basis by a ratable daily projection of the appropriate figures for the short period. The appropriate figures for the short period shall be determined on an annual basis by multiplying such figures by a fraction, the numerator of which is the number of days in the calendar year in which the short period occurs and the denominator of which is the number of days in the short period.

(2)(i) In computing taxable investment income for a short period, the investment yield, the policy and other contract liability requirements, the policyholders' share of each and every item of investment yield, and the company's share of any item of investment yield shall be determined on an annual basis.

(ii) For purposes of determining the investment yield on an annual basis, each item of gross investment income under section 804(b) and each item of deduction under section 804(c) shall be annualized in the manner provided in subparagraph (1) of this paragraph. In any case in which a limitation is placed on the amount of a deduction provided under section 804(c), the limitation shall apply to the item of deduction computed on an annual basis.

(iii) The policy and other contract liability requirements shall be determined on an annual basis in the following manner:

(*a*) The interest paid (as defined in section 805(e) and § 1.805-8) for the short period shall be annualized in the manner prescribed in subparagraph (1) of this paragraph.

(*b*) The current earnings rate for the taxable year in which the short period occurs shall be determined by dividing the taxpayer's investment yield, as determined on an annual basis under subdivision (ii) of this subparagraph, by the mean of the taxpayer's assets at the beginning and end of the short period. For purposes of section 805, any reference to the current earnings rate for the taxable year in which the short period occurs means the current earnings rate as determined under this subdivision.

(*c*) The adjusted life insurance reserves shall be determined as provided in section 805(c), and the pension plan reserves shall be determined as provided in section 805(d).



(iv) The policyholders' share of each and every item of investment yield (as defined in section 804(a)) shall be that percentage obtained by dividing the policy and other contract liability requirements, determined under subdivision (iii) of this subparagraph, by the investment yield, determined under subdivision (ii) of this subparagraph.

(v) The taxable investment income for the short period shall be an amount (not less than zero) equal to the life insurance company's share of each and every item of investment yield, as determined under subdivision (ii) of this subparagraph, reduced by the items described in section 804(a)(2)(A) and (B). In determining these reductions under section 804(a)(2)(A) the amount of the respective items shall be the amount that is determined on an annual basis under subdivision (ii) of this subparagraph. The small business deduction, under section 804(a)(2)(B) shall be an amount (not to exceed $25,000) equal to 10 percent of the investment yield, determined under subdivision (ii) of this subparagraph, for the short period.

(vi) Except as provided herein, the determination of taxable investment income under subpart B, part I, subchapter L, chapter 1 of the Code shall be made in accordance with all the provisions of that subpart.

(3)(i) In computing gain or loss from operations for a short period, the share of each and every item of investment yield set aside for policyholders, the life insurance company's share of each and every item of investment yield, the items of gross amount, and the items of deduction shall, except as modified by this subparagraph, be determined on an annual basis in the manner provided in subparagraph (1) of this paragraph. In any case in which a limitation is placed on the amount of a deduction provided under section 809, the limitation shall apply to the item of deduction computed on an annualized basis.

(ii) For purposes of sections 809 and 810, the investment yield shall be determined in the manner provided in subparagraph (2)(ii) of this paragraph. The share of any item of investment yield set aside for policyholders shall be that percentage obtained by dividing the required interest as determined under section 809(a)(2), by the investment yield, as determined in this subparagraph, except that if the required interest exceeds the investment yield, then the share of any item of investment yield set aside for policyholders shall be 100 percent.

(iii) The items of gross amount and the items of deduction, other than the operations loss deduction under section 809(d)(4), shall be determined on an annual basis. See subdivision (iv) of this subparagraph for the manner in which the net decrease or net increase in reserves under section 810 shall be annualized.

(iv) For purposes of determining either a net decrease in reserves under section 810(a) or a net increase in reserves under section 810(b), the sum of the items described in section 810(c) as of the end of the short period shall be reduced by the amount of the investment yield not included in gain or loss from operations for the short period by reason of section 809(a)(1). The amount of investment yield excluded under section 809(a)(1) has been determined upon an annualized basis while the sum of the items described in section 810(c) at the end of the short period has been determined on an actual basis. In order to place these on the same basis, the amount of investment yield not included in gain or loss from operation by reason of section 809(a)(1), determined under subdivision (ii) shall, for purposes of section 810(a) and section 810(b), be reduced to an amount which bears the same ratio to the full amount as the number of days in the short period bears to the number of days in the entire calendar year. The net decrease or the net increase of the items referred to in section 810(c) for the short period shall then be determined, as provided in section 810(a) and section 810(b), respectively, and the result annualized.

(4) The portion of the life insurance company taxable income described in section 802(b) (1) and (2) (relating to taxable investment income and gain or loss from operations) shall be determined on an annual basis by treating the amounts ascertained under subparagraph (2) of this paragraph as the taxable investment income, and the amount ascertained under subparagraph (3) of this paragraph as the gain or loss from operations, for the taxable year.

(5) The portion of the life insurance company taxable income described in section 802(b) (1) and (2) for the short period shall be the amount which bears the same ratio to the amount ascertained under section 818(d)(2) and subparagraph (4) of this paragraph as the number of days in the short period bears to the number of days in the entire year.

(d) *Special rules.* (1) For purposes of determining the average earnings rate (as defined in section 805(b)(3)) for subsequent taxable years, the current earnings rate for the taxable year in which the short period occurs shall be the rate determined under paragraph (c)(2) of this section.

(2) For purposes of determining an operations loss deduction under section 812, the loss from operations for the short period shall be the loss from operations determined under paragraph (c)(5) of this section.

**§ 1.818-6 Transitional rule for change in method of accounting.**

(a) *In general.* Section 818(e) prescribes the rules to be followed in recomputing the taxes of a life insurance company for the taxable year 1957 in cases where the method of accounting required to be used in computing the company's taxes for 1958 under section 818(a) and paragraph (a) of § 1.818-2 is different from the method used in 1957.

(b) *Recomputation of 1957 taxes.* (1) For purposes of recomputing its taxes for 1957, a life insurance company must ascertain the net amount of those adjustments which are determined (as of the close of 1957) to be necessary solely by reason of the change to the method of accounting required by sec-

tion 818(a) and paragraph (a) of § 1.818–2 in order to prevent amounts from being duplicated or omitted. Thus, for example, life insurance companies not on the accrual method of accounting for the year 1957 shall accrue as of December 31, 1957, those items of gross investment income under section 803(b) and those items of deduction under section 803(c), as in effect for 1957, which would have been properly accruable for the year 1957 if the company had been on the accrual method of accounting.

(2) In the case of a change in the over-all method of accounting, the term "net amount of those adjustments" means the consolidation of adjustments (whether the amounts thereof represent increases or decreases in items of income or deductions) arising with respect to balances in the various accounts on December 31, 1957. In the case of a change in the treatment of a single material item, the amount of the adjustment shall be determined with reference only to the net dollar balances in that particular account.

(3) (i) The amount of the taxpayer's tax for 1957 shall be recomputed (under the law applicable to 1957, modified as provided in section 818(e)(4) and paragraph (e) of this section) by taking into account an amount equal to one-tenth of the net amount of the adjustments determined under subparagraph (1) of this paragraph. The increase or decrease in tax attributable to the adjustments for such year is the difference between the tax for such year computed with the allocation of one-tenth of the net amount of the adjustments to such taxable year over the tax computed without the allocation of any part of the adjustments to such year.

(ii) The amount of increase or decrease (as the case may be) referred to in section 818(e)(2) or (3) and paragraphs (c) or (d) of this section, shall be the amount of the increase or decrease in tax ascertained in the manner described in subdivision (i) of this subparagraph, multiplied by 10.

(c) *Treatment of decrease.* Section 818(e)(2) provides that for purposes of subtitle F of the Code, if the recomputation under paragraph (b)(3)(ii) of this section results in a decrease, the amount of such decrease shall be treated as a decrease in the tax imposed for 1957; except that for purposes of computing the period of limitation on the making of refunds or the allowance of credits with respect to such overpayments, the amount of such decrease shall be treated as an overpayment of tax for 1959. No interest shall be paid, for any period before March 16, 1960, on any overpayment of the tax imposed for 1957 which is attributable to such decrease.

(d) *Treatment of increase*—(1) *In general.* Section 818(e)(3)(A) provides that for purposes of subtitle F of the Code, other than section 6016 (relating to declarations of estimated income tax by corporations) and section 6655 (relating to failure by corporations to pay estimated income tax), if the recomputation under paragraph (b)(3)(ii) of this section results in an increase, the amount of such increase shall be treated as a tax imposed for 1959. Such tax shall be payable in 10 equal annual installments, beginning with March 15, 1960.

(2) *Special rules.* Section 818(e)(3)(B) provides that for purposes of section 818(e)(3)(A) and subparagraph (1) of this paragraph—

(i) No interest shall be paid on any installment described in section 818(e)(3)(A) and subparagraph (1) of this paragraph before the time prescribed therein for the payment of such installment.

(ii) Section 6152(c) (relating to proration of deficiencies to installments) and the regulations thereunder shall apply. However, section 6152(a) (relating to the election to make installment payments) and the regulations thereunder shall not apply.

(iii) In applying section 6502(a)(1) (relating to collection after assessment) and the regulations thereunder, the assessment of any installment described in section 818(e)(3)(A) and subparagraph (1) of this paragraph shall be treated as made at the time prescribed therein for the payment of such installment.

(iv) If for any taxable year the taxpayer is not a life insurance company, the amount of the increase in tax (as determined under paragraph (b)(3)(ii) of this section), to the extent not taken into account for prior taxable years, shall be payable on the date the return for such taxable year is due (determined without regard to any extensions of time for filing such return), unless such amount is required to be taken into account by the acquiring corporation under section 381(c)(22) and the regulations thereunder.

(e) *Modifications of 1957 tax computation.* Section 818(e)(4) provides that in recomputing the taxpayer's tax for 1957 for purposes of section 818(e)(1) and paragraph (b) of this section—

(1) Section 804(b), as in effect for 1957 (relating to the maximum reserve and other policy liability deduction), shall not apply with respect to any amount required to be taken into account by reason of section 818(e)(1) and paragraph (b) of this section; and

(2) The amount of the deduction allowed by section 805, as in effect for 1957 (relating to the special interest deduction), shall not be reduced by reason of any amount required to be taken into account under section 818(e)(1) and paragraph (b) of this section.

(f) *Illustration of principles.* The application of section 818(e) and this section may be illustrated by the following examples:

*Example (1).* For the taxable year 1957, the life insurance taxable income of M, a life insurance company, is $200,000 computed on the cash receipts and disbursements method of accounting. The net amount of the adjustments required under section 818(e)(1) by reason of the change to the accrual method of accounting for 1958, increases M's life insurance taxable income for 1957 by $50,000. The increase in tax attributable to the change in method of accounting required by section 818(a) is $26,000, computed as follows:

| | |
|---|---|
| (1) Life insurance taxable income before adjustments | $200,000 |
| (2) Adjustments required by sec. 818(e)(1) (1/10×$50,000) | 5,000 |
| (3) Life insurance taxable income after adjustments (item (1) plus item (2)) | 205,000 |
| (4) Tax liability after adjustments (52%×$205,000, minus $5,500) | 101,100 |
| (5) Tax liability before adjustments (52%×$200,000, minus $5,500) | 98,500 |
| (6) Excess of item (4) over item (5) | 2,600 |
| (7) Increase in tax for purposes of sec. 818(e)(3) (item (6) multiplied by 10) | 26,000 |

Under the provisions of section 818(e)(3), one-tenth of the increase in tax for 1957 attributable to the change in method of accounting required by section 818(a), $2,600 (1/10×$26,000), was due and payable on March 15, 1960, and the balance, $23,400 (9/10×$26,000), is due and payable in equal installments on March 15th of the nine succeeding taxable years. However, if for the taxable year 1965, M is no longer a life insurance company, and section 381(c)(22) does not apply, the balance of the installments not paid in prior taxable years, $10,400 (4/10×$26,000), shall be due and payable on March 15, 1966.

*Example (2).* Assume the facts are the same as in example (1), except that the net amount of the adjustments required by section 818(e)(1) decreases M's life insurance taxable income for 1957 by $25,000. The decrease in tax attributable to the change in method of accounting required by section 818(a) is $13,000, computed as follows:

| | |
|---|---|
| (1) Life insurance taxable income before adjustments | $200,000 |
| (2) Adjustments required by sec. 818(e)(1) (1/10×$25,000) | 2,500 |
| (3) Life insurance taxable income after adjustments (item (1) minus item (2)) | 197,500 |
| (4) Tax liability after adjustments (52%×$197,500, minus $5,500) | 97,300 |
| (5) Tax liability before adjustments (52%×$200,000, minus $5,500) | 98,500 |
| (6) Excess of item (5) over item (4) | 1,200 |
| (7) Decrease in tax for purposes of sec. 818(e)(2) (item (6) multiplied by 10) | 12,000 |

Under the provisions of section 818(e)(3), the entire $13,000 decrease in tax for 1957 attributable to the change in method of accounting required by section 818(a) shall be treated as an overpayment of tax for the taxable year 1959.

### § 1.818–7 Denial of double deductions.

Section 818(f) provides that the same item may not be deducted more than once under subpart B, part I, subchapter L, chapter 1 of the Code (relating to the determination of taxable investment income) and more than once under subpart C, part I, subchapter L, chapter 1 of the Code (relating to the determination of gain or loss from operations).

### § 1.819 Statutory provisions; life insurance companies; foreign life insurance companies.

SEC. 819. Foreign life insurance companies—(a) *Carrying on United States insurance business.* A foreign life insurance company carrying on a life insurance business within the United States, if with respect to its United States business it would qualify as a life insurance company under section 801, shall be taxable on the United States business of such company in the same manner as a domestic life insurance company.

(b) *Adjustment where surplus held in United States is less than specified minimum*—(1) *In general.* In the case of any company described in subsection (a), if the minimum figure determined under paragraph (2) exceeds the surplus held in the United States, then—

(A) The amount of the policy and other contract liability requirements (determined under section 805 without regard to this subsection), and

(B) The amount of the required interest (determined under section 809(a)(2) without regard to this subsection),

shall each be reduced by an amount determined by multiplying such excess by the current earnings rate (as defined in section 805(b)(2)).

(2) *Definitions.* For purposes of paragraph (1)—

(A) The minimum figure is the amount determined by multiplying the taxpayer's total insurance liabilities on United States business by—

(i) In the case of a taxable year beginning before January 1, 1959, 9 percent, and

(ii) In the case of a taxable year beginning after December 31, 1958, a percentage for such year to be determined and proclaimed by the Secretary or his delegate.

The percentage determined and proclaimed by the Secretary or his delegate under clause (ii) shall be based on such data with respect to domestic life insurance companies for the preceding taxable year as the Secretary or his delegate considers representative. Such percentage shall be computed on the basis of a ratio the numerator of which is the excess of the assets over the total insurance liabilities, and the denominator of which is the total insurance liabilities.

(B) The surplus held in the United States is the excess of the assets held in the United States over the total insurance liabilities on United States business.

For purposes of this paragraph and subsection (c), the term "total insurance liabilities" means the sum of the total reserves (as defined in section 801(c)) plus (to the extent not included in total reserves) the items referred to in paragraphs (3), (4), and (5) of section 810(c).

(c) *Distributions to shareholders*—(1) *In general.* In applying sections 802(b)(3) and 815 for purposes of subsection (a), the amount of the distributions to shareholders shall be determined by multiplying the total amount of the distributions to shareholders (within the meaning of section 815) of the foreign life insurance company by whichever of the following percentages is selected by the taxpayer for the taxable year:

(A) The percentage which the minimum figure for the taxable year (determined under subsection (b)(2)(A)) is of the excess of the assets of the company over the total insurance liabilities; or

(B) The percentage which the total insurance liabilities on United States business for the taxable year is of the company's total insurance liabilities.

(2) *Distributions pursuant to certain mutualizations.* In applying section 815(e) for purposes of subsection (a)—

(A) The paid-in capital and paid-in surplus referred to in section 815(e)(1)(A) of a foreign life insurance company is the portion of such capital and surplus determined by multiplying such capital and surplus by the percentage selected for the taxable year under paragraph (1); and

(B) The excess referred to in section 815(e)(2)(A)(i) (without the adjustment provided by section 815(e)(2)(B)) is whichever of the following is the greater:

(i) The minimum figure for 1958 determined under subsection (b)(2)(A), or

(ii) The surplus described in subsection (b)(2)(B) (determined as of December 31, 1958).

(d) *No United States insurance business.* Foreign life insurance companies not carrying on an insurance business within the United States shall not be taxable under this part but shall be taxable as other foreign corporations.

[Sec. 819 as added by sec. 2, Life Insurance Company Tax Act 1959 (73 Stat. 136)]

### § 1.819–1 Taxable years affected.

Section 1.819–2 is applicable only to taxable years beginning after December 31, 1957, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112).

### § 1.819–2 Foreign life insurance companies.

(a) *Carrying on United States insurance business.* Section 819(a) provides that a foreign life insurance company carrying on a life insurance business within the United States, if with respect to its United States business it would qualify as a life insurance company under section 801, shall be taxable on its United States business under section 802 in the same manner as a domestic life insurance company. Thus, the life insurance company taxable income of such a foreign life insurance company shall not be determined in the manner provided by part I, subchapter N, chapter 1 of the Code (relating to determination of sources of income), but shall be determined in the manner provided by part I, subchapter L, chapter 1 of the Code (relating to life insurance companies). See section 842. Accordingly, in determining its life insurance company taxable income from its United States business, such a foreign life insurance company shall take into account the appropriate items of income irrespective of whether such items of income are from sources within or without the United States. A foreign life insurance company shall take into account the appropriate items of expenses, losses, and other deductions properly allocable to such items of income from its United States business. To the extent not inconsistent with the provisions of this paragraph, section 818(a), and section 819(b), all computations entering into the determination of taxes imposed by part I shall be made in a manner consistent with the manner required for purposes of the annual statement approved by the National Association of Insurance Commissioners.

(b) *Adjustment where surplus held in the United States is less than specified minimum*—(1) *In general.* Section 819(b)(1) provides that if the minimum figure for the taxable year determined under section 819(b)(2) and subparagraph (2)(i) of this paragraph exceeds the surplus held in the United States as of the end of the taxable year (as defined in section 819(b)(2)(B) and subparagraph (2)(ii) of this paragraph) by a foreign life insurance company carrying on a life insurance business within the United States and taxable under section 802, then—

(i) The amount of the policy and other contract liability requirements (determined under section 805 and § 1.805–4 without regard to this subparagraph), and

(ii) The amount of the required interest (determined under section 809(a)(2) and paragraph (d) of § 1.809–2 without regard to this subparagraph),

shall each be reduced by an amount determined by multiplying such excess by the current earnings rate (as defined in section 805(b)(2) and paragraph (a)(2) of § 1.805–5) of such company. Such current earnings rate shall be determined by reference to the assets held by the company in the United States.

(2) *Definitions.* For purposes of section 819(b)(1) and subparagraph (1) of this paragraph:

(i) The term "minimum figure", in the case of a taxable year beginning after December 31, 1957, but before January 1, 1959, means the amount obtained by multiplying the company's total insurance liabilities on United States business by 9 percent. In the case of any taxable year beginning after December 31, 1958, such term means the amount obtained by multiplying the company's total insurance liabilities on United States business by the percentage determined and proclaimed by the Secretary as being applicable for such year;

(ii) The term "surplus held in the United States" means the excess of the assets held in the United States (as of the end of the taxable year) over the total insurance liabilities on United States business (as of the end of the taxable year);

(iii) The term "total insurance liabilities" means the sum of the total reserves (as defined in section 801(c) and paragraph (a) of § 1.801–5) as of the end of the taxable year plus (to the extent not included in total reserves) the items referred to in section 810(c) (3), (4), and (5) and paragraph (b) (3), (4), and (5) of § 1.810–2 as of the end of the taxable year; and

(iv) The term "assets" shall have the same meaning as that contained in section 805(b)(4) and paragraph (a)(4) of § 1.805–5.

(3) *Illustration of principles.* The provisions of section 819(b) and this paragraph may be illustrated by the following example:

*Example.* For the taxable year 1958, P, a foreign life insurance company carrying on a life insurance business within the United States and taxable under section 802, has total insurance liabilities on United States business (as of the end of the taxable year) of $940,000, assets held in the United States of $1,000,000 (as of the end of the taxable year), policy and other contract liability requirements in the amount of $30,000, required interest in the amount of $20,000, and a current earnings rate of 4 percent. In order to determine whether section 819(b) applies for the taxable year 1958, P must first compute its minimum figure, for if the minimum figure is less than the surplus held in the United States (as of the end of the taxable year), no section 819(b) adjustments

need be made. Since the minimum figure, $84,600 ($940,000, the total insurance liabilities on United States business multiplied by 9 percent, the percentage applicable for 1958), exceeds the surplus held in the United States, $60,000 (the excess of the assets held in the United States, $1,000,000, over the total insurance liabilities on United States business, $940,000), by $24,600, section 819 (b) applies for the taxable year 1958. Thus, the amount of the policy and other contract liability requirements, $30,000, and the amount of the required interest, $20,000, shall each be reduced by $984 ($24,600, the amount of such excess, multiplied by 4 percent, the current earnings rate).

(c) *Distributions to shareholders*—(1) *In general.* In the case of a foreign life insurance company carrying on a life insurance business within the United States and taxable under section 802, section 819(c)(1) provides alternative methods for determining the amount of distributions to shareholders for purposes of section 815 (relating to distributions to shareholders) and section 802 (b)(3) (relating to life insurance company taxable income). Such a foreign life insurance company may elect (in the manner provided by subparagraph (4) of this paragraph) for each taxable year, whichever of the alternative methods provided by section 819(c)(1) and this subparagraph it desires, and the method elected for any one taxable year shall be effective only with respect to the taxable year for which the election is made. Such alternative methods are:

(i) The amount of the distributions to shareholders shall be the amount determined by multiplying the total amount of distributions to shareholders by the percentage which the minimum figure for the taxable year is of the excess of the assets of the company over the total insurance liabilities; or

(ii) The amount of the distributions for shareholders shall be the amount determined by multiplying the total amount of distributions for shareholders by the percentage which the total insurance liabilities on United States business for the taxable year is of the total insurance liabilities of the company.

(2) *Definitions.* For purposes of section 819(c)(1) and subparagraph (1) of this paragraph:

(i) The term "total amount of the distributions to shareholders" means all distributions (within the meaning of section 815 and § 1.815–2) by a foreign life insurance company to all of its shareholders whether or not in the United States;

(ii) The term "minimum figure for the taxable year" means the amount determined under section 819(b)(2)(A) and paragraph (b)(2) of this section;

(iii) The term "assets of the company" means all of the assets (as defined in section 805(b)(4) and paragraph (e) of § 1.805–2) of the foreign life insurance company whether or not in the United States (as of the end of the taxable year); and

(iv) The term "total insurance liabilities of the company" means the total insurance liabilities (as defined in section 819(b)(2) and paragraph (b)(2) of this section) on all of its business whether or not in the United States (as of the end of the taxable year).

(3) *Illustration of principles.* The provisions of section 819(c)(1) and subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

*Example (1).* For the taxable year 1958, T, a foreign life insurance company carrying on a life insurance business within the United States and taxable under section 802, has a minimum figure of $40,000, total amount of distributions to all shareholders (within the meaning of section 815) of $5,000, assets (as of the end of the year) of $500,000, total insurance liabilities (as of the end of the year) of $450,000, and total insurance liabilities on United States business (as of the end of the year) of $180,000. Based upon these facts, if T elects the method provided in section 819(c)(1)(A) and subparagraph (1)(i) of this paragraph, the amount of T's distributions to shareholders for the taxable year 1958 is $4,000, that is, $5,000 (the total amount of distributions to shareholders) multiplied by 80 percent (the percentage which the minimum figure for the taxable year, $40,000, is of $50,000, the excess of the assets of the company ($500,000) over the total insurance liabilities ($450,000)).

*Example (2).* The facts are the same as in example (1), except that for the taxable year 1958, T elects the method provided in section 819(c)(1)(B) and subparagraph (1)(ii) of this paragraph. Based upon these facts, the amount of T's distributions to shareholders for the taxable year 1958 is $2,000, that is, $5,000 (the total amount of distributions to shareholders) multiplied by 40 percent (the percentage which the total insurance liabilities on United States business ($180,000) is of the total insurance liabilities of the company ($450,000)).

(4) *Manner and effect of election.* (i) The election provided by section 819(c)(1) shall be made in a statement attached to the foreign life insurance company's income tax return for any taxable year for which the company desires the election to apply. The return and statement must be filed not later than the date prescribed by law (including extensions thereof) for filing the return for such taxable year. The statement shall indicate the method elected, the name and address of the taxpayer, and shall be signed by the taxpayer (or his duly authorized representative).

(ii) An election made under section 819(c)(1) and this paragraph shall be effective only with respect to the taxable year for which the election is made. Thus, the company must make a new election for each taxable year for which it desires the election to apply. Once such election has been made for any taxable year it may not be revoked. However, for taxable years beginning prior to the issuance of the final regulations under section 820, a taxpayer may revoke such election without obtaining consent from the Commissioner by filing, on or before the ninetieth day after the publication of such final regulations in the FEDERAL REGISTER, a statement that the company desires to revoke the election under section 820(c)(1). An amended return reflecting such revocation and the selection of the other percentage must accompany the statement for all taxable years for which returns have been filed with respect to such election.

(5) *Application of section 815.* Once the amount of distributions to shareholders is determined under the provisions of section 819(c)(1) and this paragraph, the rules of section 815 (relating to distributions to shareholders) shall apply to the shareholders surplus account and the policyholders surplus account of a foreign stock life insurance company in the same manner as they would apply to a domestic stock life insurance company.

(d) *Distributions pursuant to certain mutualizations.* Section 819(c)(2) provides that for purposes of applying section 815(e) and paragraph (e) of § 1.815–6 (relating to a special rule for certain mutualizations) in the case of a foreign life insurance company subject to tax under section 802—

(1) The paid-in capital and paid-in surplus referred to in section 815(e)(1)(A) of a foreign life insurance company is the portion of such capital and surplus determined by multiplying such amounts by the percentage selected for the taxable year under section 819(c)(1) and paragraph (c)(1) of this section; and

(2) The excess referred to in section 815(e)(2)(A)(i) (without the adjustment provided by section 815(e)(2)(B)), is whichever of the following is the greater:

(i) The minimum figure for 1958 determined under section 819(b)(2)(A); or

(ii) The surplus held in the United States (as defined in section 819(b)(2)(B)) determined as of December 31, 1958.

(e) *No United States insurance business.* Foreign life insurance companies not carrying on an insurance business within the United States shall not be taxable under part I, subchapter L, chapter 1 of the Code, but shall be taxable as other foreign corporations. See section 881 and the regulations thereunder.

### § 1.820 Statutory provisions; life insurance companies optional treatment of policies reinsured under modified coinsurance contracts.

SEC. 820. *Optional treatment of policies reinsured under modified coinsurance contracts*—(a) *In general* (1) *Treatment as reinsured under conventional coinsurance contract.* Under regulations prescribed by the Secretary or his delegate, an insurance or annuity policy reinsured under a modified coinsurance contract (as defined in subsection (b)) shall be treated, for purposes of this part (other than for purposes of section 801), as if such policy were reinsured under a conventional coinsurance contract.

(2) *Consent of reinsured and reinsurer.* Paragraph (1) shall apply to an insurance or annuity policy reinsured under a modified coinsurance contract only if the reinsured and reinsurer consent, in such manner as the Secretary or his delegate shall prescribe by regulations—

(A) To the application of paragraph (1) to all insurance and annuity policies reinsured under such modified coinsurance contract, and

(B) To the application of the rules provided by subsection (c) and the rules prescribed under such subsection.

Such consent, once given, may not be rescinded except with the approval of the Secretary or his delegate.

(b) *Definition of modified coinsurance contract.* For purposes of this section, the term "modified coinsurance contract" means an indemnity reinsurance contract under the terms of which—

(1) A life insurance company (hereinafter referred to as "the reinsurer") agrees to indemnify another life insurance company (hereinafter referred to as "the reinsured") against a risk assumed by the reinsured under the insurance or annuity policy reinsured,

(2) The reinsured retains ownership of the assets in relation to the reserve on the policy reinsured,

(3) All or part of the gross investment income derived from such assets is paid by the reinsured to the reinsurer as a part of the consideration for the reinsurance of such policy, and

(4) The reinsurer is obligated for expenses incurred, and for Federal income taxes imposed, in respect of such gross investment income.

(c) *Special rules.* Under regulations prescribed by the Secretary or his delegate, in applying subsection (a)(1) with respect to any insurance or annuity policy the following rules shall (to the extent not improper under the terms of the modified coinsurance contract under which such policy is reinsured) be applied in respect of the amount of such policy reinsured:

(1) *Premiums and gross investment income.* The premiums (to the extent allocable to the participation of the reinsurer therein) received for the policy reinsured shall be treated as received by the reinsurer and not by the reinsured. The gross investment income (to the extent allocable to the participation of the reinsurer therein) derived from the assets in relation to the reserve on the policy reinsured shall be treated as gross investment income of the reinsurer and not of the reinsured. The gross investment income so treated shall be considered as derived proportionately from each of the various sources of gross investment income of the reinsured.

(2) *Capital gains and losses.* The gains and losses from sales and exchanges of capital assets, and gains and losses considered as gains and losses from sales and exchanges of capital assets, of the reinsured shall (to the extent of the participation therein by the reinsurer under the terms of the modified coinsurance contract) be treated as gains and losses from sales and exchanges of capital assets of the reinsurer and not of the reinsured.

(3) *Reserves and assets.* The reserve on the policy reinsured shall be treated as a part of the reserves of the reinsurer and not of the reinsured, and the assets in relation to such reserve shall be treated as owned by the reinsurer and not by the reinsured.

(4) *Expenses.* The expenses (to the extent reimbursable by the reinsurer) incurred with respect to the policy reinsured and with respect to the assets referred to in paragraph (3) shall be treated as incurred by the reinsurer and not by the reinsured.

(5) *Dividends to policyholders.* The dividends to policyholders paid in respect of the policy reinsured shall be treated as paid by the reinsurer and not by the reinsured. For purposes of the preceding sentence, the amount of dividends to policyholders treated as paid by the reinsurer shall be the amount paid, in respect of the policy reinsured, by the reinsurer to the reinsured as reimbursement for dividends to policyholders paid by the reinsured. This paragraph shall apply also in respect of an insurance or annuity policy reinsured under a conventional coinsurance contract.

(6) *Reimbursement for 1957 Federal income tax.* Any amount paid in 1958 or any subsequent year by the reinsurer to the reinsured as reimbursement for Federal income taxes imposed for a taxable year beginning in 1957 or any preceding taxable year shall not be taken into account by the reinsured as an item under section 809(c) or by the reinsurer as a deduction under section 809(d).

(7) *Rules prescribed by the Secretary.* Such other rules as may be prescribed by the Secretary or his delegate.

In applying the rules provided by paragraphs (1), (2), (3), (4), (5), and (6) and the rules prescribed under paragraph (7), an item shall be taken into account as income only once under subpart B and only once under subpart C by both the reinsured and the reinsurer, and an item shall be allowed as a deduction only once under subpart B and only once under subpart C to both the reinsured and the reinsurer.

[Sec. 820 as added by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 137)]

### § 1.820–1 Taxable years affected.

Sections 1.820–2 and 1.820–3 are applicable only to taxable years beginning after December 31, 1957, and all references to part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112).

### § 1.820–2 Optional treatment of policies reinsured under modified coinsurance contracts.

(a) *In general.* Section 820(a) provides that an insurance or annuity policy that is reinsured under a modified coinsurance contract (as defined in section 820(b) and paragraph (d) of this section) shall, for purposes of part I, subchapter L, chapter 1 of the Code (other than for purposes of section 801), be treated as if such policy were reinsured under a conventional coinsurance contract, if the reinsured company and the reinsuring company (hereinafter referred to as the "reinsured" and the "reinsurer") each consent to such treatment. This optional treatment applies with respect to any insurance or annuity policy reinsured under a modified coinsurance contract only in the event that the reinsured and the reinsurer consent to such treatment for all such policies reinsured under such contract and also consent to the application of the rules prescribed in and under section 820(c) and § 1.820–3 (relating to special rules).

(b) *Time and manner of giving consent.* (1) The consent of the reinsured and reinsurer to the application of section 820(a)(1) and paragraph (a) of this section to all insurance or annuity policies reinsured under a modified coinsurance contract and to the application of the rules prescribed in and under section 820(c) and § 1.820–3 shall be given in a written statement attached to the life insurance company income tax returns of both the reinsured and reinsurer for the first taxable year to which such consent is to apply. The return and statement shall be filed not later than the time prescribed by law (including extensions thereof) for filing the return for such taxable year. However, if the last day prescribed by law (including extensions thereof) for filing a return for the first taxable year for which such consent is to apply falls before the ninetieth day after the final regulations under section 820 are published in the FEDERAL REGISTER, such consent may be made for such year by filing the statement and an amended return for such taxable year (and all subsequent taxable years for which returns have been filed) on or before such ninetieth day. The statement shall be executed by both the reinsured and reinsurer and shall be signed on their behalf by a person authorized to sign returns under section 6062 and the regulations thereunder.

(2) In addition to the statement of consent, the following shall also be filed with the returns of the reinsured and reinsurer:

(i) A copy of the original modified coinsurance contract between the reinsured and reinsurer as in effect for the first taxable year for which consent to the application of section 820 is given;

(ii) A separate schedule for the items referred to in paragraphs (1) through (5) of section 820(c) and paragraph (a) of § 1.820–3 (to the extent not reflected in the permanent books of account of the taxpayer) which relate to all policies reinsured under such modified coinsurance contract showing, in detail, the extent to which such items are to be taken into account for the taxable year by the reinsured and reinsurer under the terms of such contract and the provisions of that section; and

(iii) Such other data as is necessary to enable the Commissioner to determine the correctness of the application of the rules prescribed in and under section 820 and to ascertain the accuracy of the computations involved.

The contract referred to in subdivision (i) of this subparagraph need only be submitted with the returns of the reinsured and reinsurer for the first taxable year for which consent to the application of section 820 is given. Furthermore, the reinsured and reinsurer shall maintain as part of their permanent books of account any subsequent amendments to such contract. The information and data referred to in subdivisions (ii) and (iii) of this subparagraph shall be submitted annually and shall be attached to the returns of the reinsured and reinsurer for each taxable year for which the consent to the application of section 820 remains in effect.

(c) *Scope of consent.* The consent referred to in section 820(a)(2) and paragraphs (a) and (b) of this section shall be binding upon the reinsured and reinsurer for the taxable year for which given, and for all succeeding taxable years, unless permission to rescind such consent is obtained from the Commissioner. However, for taxable years beginning prior to the issuance of the final regulations under section 820, such consent may be rescinded without obtaining permission from the Commissioner by filing, on or before the ninetieth day after the date of publication of such final regulations in the FEDERAL REGISTER, a statement that the reinsured and the reinsurer desire to rescind the consent under section 820. Such statement shall be executed by both the reinsured and the reinsurer and shall be signed on their behalf by a person authorized to sign returns under section 6062 and the regulations thereunder. An amended return of both the reinsured and reinsurer re-

flecting such rescission must accompany the statement for all taxable years for which returns have been filed with respect to such consent.

(d) *Modified coinsurance contract defined.* For purposes of section 820, the term "modified coinsurance contract" means an indemnity reinsurance contract in which—

(1) One life insurance company (the reinsurer) agrees to indemnify another life insurance company (the reinsured) against the risk, or part thereof, assumed by the reinsured company under the insurance or annuity policy reinsured under the contract of reinsurance,

(2) The reinsured company retains ownership of the assets in relation to the reserve on the policy reinsured,

(3) All or part of the gross investment income derived from such assets is paid by the reinsured company to the reinsuring company as a part of the consideration for the reinsurance of such policy, and

(4) The reinsurer company is obligated for expenses incurred, and for Federal income taxes imposed, in respect of such gross investment income.

**§ 1.820–3 Special rules.**

(a) *In general.* For purposes of section 820(a)(1), section 820(c) provides special rules (to the extent not improper under the terms of the modified coinsurance contract under which such policy is reinsured) to be applied in respect of the amount of such policy reinsured. Both the reinsured and the reinsurer must consent to these special rules, in the manner provided in paragraph (b) of § 1.820–2, in order to obtain the optional treatment provided by section 820(a)(1). Such special rules and the adjustments required thereunder are—

(1) Premiums (to the extent allocable to the participation of the reinsurer therein) received for the policy reinsured shall be treated as received by the reinsurer and not by the reinsured. Experience refunds, where the amount of such adjustments are based upon a predetermined experience rating formula contained in the modified coinsurance contract, allowed by the reinsurer to the reinsured, shall be treated as reductions in premium income of the reinsurer under section 809(c)(1) and as other amounts received by the reinsured under section 809(c)(1).

(2)(i) Gross investment income (to the extent allocable to the participation of the reinsurer therein) derived from the assets in relation to the reserve on the policy reinsured shall be treated as gross investment income of the reinsurer and not of the reinsured. The gross investment income so treated shall be considered as derived proportionately from each of the various sources of gross investment income of the reinsured. For this purpose, the percentage used in determining the reinsurer's share of each and every item of gross investment income (including tax-exempt interest, partially tax-exempt interest, and dividends received) shall be determined by dividing the amount of gross investment income allocable to the reinsurer under the modified coinsurance contract by the total gross investment income of the reinsured. The percentage thus obtained is then applied to each and every item of gross investment income of the reinsured. The percentage used in determining the reinsured's share of each and every item of gross investment income (including tax-exempt interest, partially tax-exempt interest, and dividends received) shall be the percentage obtained by subtracting the percentage obtained under the preceding sentence from 100 percent.

(ii) The provisions of this subparagraph may be illustrated by the following example:

*Example.* For the taxable year 1958, R, a life insurance company, reinsures a block of its policies with S, a life insurance company, under a modified coinsurance contract. Assume that R and S have consented to the application of section 820 and that the amount of gross investment income allocable to S (under the terms of the modified coinsurance contract) is $100,000. Assume further that R has gross invest-income of $500,000 for the taxable year 1958, including $5,000 of wholly tax-exempt interest, $300,000 of interest on notes, loans, etc., $35,000 of rental income, $60,000 of royalty income, and $100,000 of dividends received on stock of domestic corporations. Since the gross investment income of R to be treated as gross investment income of S is 20 percent of R's gross investment income ($100,000÷$500,000), R would make up the following schedule for purposes of determining the portion of each individual item of gross investment income to be taken into account by R and S:

| | Col. 1<br>Gross investment income | Col. 2<br>(20% × Col. 1) S's share of gross investment income | Col. 3<br>(Col. 1 − Col. 2) R's share of gross investment income |
|---|---|---|---|
| Interest wholly tax-exempt | $5,000 | $1,000 | $4,000 |
| Interest on notes, loans, etc. | 300,000 | 60,000 | 240,000 |
| Rents | 35,000 | 7,000 | 28,000 |
| Royalties | 60,000 | 12,000 | 48,000 |
| Dividends on stock of domestic corporations | 100,000 | 20,000 | 80,000 |
| Total | 500,000 | 100,000 | 400,000 |

(3)(i) Gains and losses from sales and exchanges of capital assets, and gains and losses considered as gains and losses from sales and exchanges of capital assets, of the reinsured company shall (to the extent of the participation therein by the reinsurer under the terms of the modified coinsurance contract) be treated as gains and losses from sales and exchanges of capital assets of the reinsurer and not of the reinsured. The character of the gains and losses so treated shall be the same for the reinsurer as it would be in the hands of the reinsured. The gains and losses so treated shall be considered as derived proportionately from each sale and exchange of a capital asset, and each gain and loss considered as a gain and loss from the sale and exchange of a capital asset, of the reinsured.

(ii) The provisions of this subparagraph may be illustrated by the following example:

*Example.* For the taxable year 1959, L, a life insurance company, reinsures a block of its policies with N, a life insurance company, under a modified coinsurance contract. Assume that L and N have consented to the application of section 820 and that under the terms of such contract 20 percent of the gains and losses from the sales and exchanges of capital assets (and any gains and losses considered to be from sales and exchanges of capital assets under applicable law) of L are allocable to N. Assume further that for the taxable year 1959, L has a long-term capital gain of $5,000 from the sale of stock X, a short-term capital gain of $8,000 from the sale of stock Y, and a long-term capital loss of $4,000 from the sale of stock Z. Since 20 percent of such gains and losses of L are allocable to N, L would make up the following schedule for purposes of determining the portion of each of such gains and losses to be taken into account by L and N:

| | Col. 1<br>Capital gain or loss | Col. 2<br>(20% × Col. 1) N's share of capital gain or loss | Col. 3<br>(Col. 1 − Col. 2) L's share of capital gain or loss |
|---|---|---|---|
| Long-term capital gain | $5,000 | $1,000 | $4,000 |
| Short-term capital gain | 8,000 | 1,600 | 6,400 |
| Long-term capital loss | 4,000 | 800 | 3,200 |

(4) The reserve on the policy reinsured (to the extent allocable to the participation of the reinsurer therein) shall be treated as a part of the reserves of the reinsurer and not of the reinsured. Such reserve shall not be limited to the items taken into account under section 810(c).

(5) The assets in relation to the reserve referred to in section 820(c)(3) and in subparagraph (4) of this paragraph shall be treated as owned by the reinsurer and not by the reinsured.

(6)(i) The expenses (to the extent reimbursable by the reinsurer) incurred with respect to the policy reinsured which relate to the determination of gain or loss from operations under section 809(b) shall be treated as incurred by the reinsurer and not by the reinsured. Furthermore, any provision limiting the amount which shall be allowed as a deduction shall be applied after such adjustment has been made.

(ii) The expenses (to the extent reimbursable by the reinsurer) incurred with respect to the policy reinsured and with respect to the assets referred to in section 820(c)(3) and subparagraph (5) of this paragraph which relate to the determination of investment yield under section 804(c) shall be treated as incurred by the reinsurer and not by the reinsured. Furthermore, any provision limiting the amount which shall be allowed as a deduction shall be applied after such adjustment has been made. The expenses so treated shall be considered as incurred proportionately from each of the various sources of expenses incurred by the reinsured. For this purpose, the percentage used in determining the reinsurer's share of each and every item of such expenses shall be determined by dividing the amount of such expenses allocable to the reinsurer under the modified coinsurance contract by the total amount of such expenses. The percentage thus obtained is then applied to each and every item of such expenses. The percentage used in determining the reinsured's share of each and every item of such expenses shall be the percentage obtained by subtracting the percentage obtained under the preceding sentence from 100 percent.

(iii) The provisions of subdivision (ii) of this subparagraph may be illustrated by the following example:

*Example.* Assume the facts are the same as in the example contained in subparagraph (2)(ii) of this paragraph, except that R incurred expenses ($8,000 of which are reimbursable by S) relating to the determination of investment yield of $40,000, including investment expenses of $30,000, depreciation of $8,000, and real estate expenses of $2,000. Based upon these facts, R would make up the following schedule for purposes of determining the portion of each individual item of expense to be taken into account by R and S:

| | Col. 1<br>Total | Col. 2<br>(20%+Col. 1) S's share of expenses | Col. 3<br>(Col. 1−Col. 2) R's share of expenses |
|---|---|---|---|
| Investment expenses | $30,000 | $6,000 | $32,000 |
| Depreciation | 8,000 | 1,600 | 6,400 |
| Real estate expenses | 2,000 | 400 | 1,600 |
| Expenses relating to determination of investment yield | 40,000 | 8,000 | 32,000 |

(7) Dividends to policyholders (as defined in section 811(a) and paragraph (a) of § 1.811–2) paid in respect of the policy reinsured shall be treated as paid by the reinsurer and not by the reinsured. For purposes of the preceding sentence, the amount of dividends to policyholders treated as paid by the reinsurer shall be the amount paid, in respect of the policy reinsured, by the reinsurer to the reinsured as reimbursement for dividends to policyholders paid by the reinsured. This subparagraph shall apply also in respect of an insurance or annuity policy reinsured under a conventional reinsurance contract.

(8) Any amounts paid in 1958 or any subsequent year by the reinsurer to the reinsured as reimbursement for Federal income taxes imposed for a taxable year beginning in 1957 or any preceding taxable year shall not be taken into account by the reinsured as an item of gross amount under section 809(c) or taken into account by the reinsurer as an item of deduction under section 809(d).

(b) *Denial of double deduction.* In applying the special rules provided by section 820(c) and paragraph (a) of this section, an item shall be taken into account as income only once under subpart B, part I, subchapter L, chapter 1 of the Code, and only once under subpart C, part I, subchapter L, chapter 1 of the Code, by both the reinsured and the reinsurer, and an item shall be allowed as a deduction only once under such subpart B and only once under such subpart C to both the reinsured and the reinsurer.

[F.R. Doc. 61–510; Filed, Jan. 19, 1961; 8:46 a.m.]



## [ 26 CFR Part 1 ]

## INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Real Estate Investment Trusts and Their Shareholders

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

The Income Tax Regulations (26 CFR Part 1) are hereby amended to prescribe regulations under part II, subchapter M, chapter 1 of the Internal Revenue Code of 1954, as added by section 10 of the Act of September 14, 1960 (Public Law 86–779, 74 Stat. 1003), and to reflect amendments to sections 11, 34, 116, 243, 318, 443, 852, 855, and 1504 of the Code made by such Act.

PARAGRAPH 1. There is inserted immediately after § 1.855–1 the following new sections:

REAL ESTATE INVESTMENT TRUSTS


Sec.
1.856 Statutory provisions; definition of real estate investment trust.
1.856–1 Definition of real estate investment trust.
1.856–2 Limitations.
1.856–3 Definitions.
1.856–4 Rents from real property.
1.857 Statutory provisions; taxation of real estate investment trusts and their beneficiaries.
1.857–1 Taxation of real estate investment trusts.
1.857–2 Method of taxation of real estate investment trusts.
1.587–3 Real estate investment trust taxable income.
1.857–4 Method of taxation of shareholders of real estate investment trusts.
1.857–5 Earnings and profits of a real estate investment trust.
1.857–6 Records to be kept by a real estate investment trust.
1.857–7 Information required in returns of shareholders.
1.857–8 Information returns.
1.858 Statutory provisions; dividends paid by real estate investment trust after close of taxable year.
1.858–1 Dividends paid by real estate investment trust after close of taxable year.


REAL ESTATE INVESTMENT TRUSTS

### § 1.856 Statutory provisions; definition of real estate investment trust.

SEC. 856. *Definition of real estate investment trust*—(a) *In general.* For purposes of this subtitle, the term "real estate investment trust" means an unincorporated trust or an unincorporated association—

(1) Which is managed by one or more trustees;

(2) The beneficial ownership of which is evidenced by transferable shares, or by transferable certificates of beneficial interest;

(3) Which (but for the provisions of this part) would be taxable as a domestic corporation;

(4) Which does not hold any property primarily for sale to customers in the ordinary course of its trade or business;

(5) The beneficial ownership of which is held by 100 or more persons;

(6) Which would not be a personal holding company (as defined in section 542) if all of its gross income constituted personal holding company income (as defined in section 543); and

(7) Which meets the requirements of subsection (c).

(b) *Determination of status.* The conditions described in paragraphs (1) to (4), inclusive, of subsection (a) must be met during the entire taxable year, and the condition described in paragraph (5) must exist during at least 335 days of a taxable year of 12 months, or during a proportionate part of a taxable year of less than 12 months.

(c) *Limitations.* A trust or association shall not be considered a real estate investment trust for any taxable year unless—

(1) It files with its return for the taxable year an election to be a real estate investment trust or has made such election for a previous taxable year which began after December 31, 1960;

(2) At least 90 percent of its gross income is derived from—

(A) Dividends;

(B) Interest;

(C) Rents from real property;

(D) Gain from the sale or other disposition of stock, securities, and real property (including interests in real property and interests in mortgages on real property); and

(E) Abatements and refunds of taxes on real property;

(3) At least 75 percent of its gross income is derived from—

(A) Rents from real property;

(B) Interest on obligations secured by mortgages on real property or on interests in real property;

(C) Gain from the sale or other disposition of real property (including interests in real property and interests in mortgages on real property);

(D) Dividends or other distributions on, and gain from the sale or other disposition of, transferable shares (or transferable certificates of beneficial interest) in other real

estate investment trusts which meet the requirements of this part; and

(E) Abatements and refunds of taxes on real property;

(4) Less than 30 percent of its gross income is derived from the sale or other disposition of—

(A) Stock or securities held for less than 6 months; and

(B) Real property (including interests in real property) not compulsorily or involuntarily converted within the meaning of section 1033, held for less than 4 years; and

(5) At the close of each quarter of the taxable year—

(A) At least 75 percent of the value of its total assets is represented by real estate assets, cash and cash items (including receivables), and Government securities; and

(B) Not more than 25 percent of the value of its total assets is represented by securities (other than those includible under subparagraph (A)) for purposes of this calculation limited in respect of any one issuer to an amount not greater in value than 5 percent of the value of the total assets of the trust and to not more than 10 percent of the outstanding voting securities of such issuer.

A real estate investment trust which meets the requirements of this paragraph at the close of any quarter shall not lose its status as a real estate investment trust because of a discrepancy during a subsequent quarter between the value of its various investments and such requirements unless such discrepancy exists immediately after the acquisition of any security or other property and is wholly or partly the result of such acquisition. A real estate investment trust which does not meet such requirements at the close of any quarter by reason of a discrepancy existing immediately after the acquisition of any security or other property which is wholly or partly the result of such acquisition during such quarter shall not lose its status for such quarter as a real estate investment trust if such discrepancy is eliminated within 30 days after the close of such quarter and in such cases it shall be considered to have met such requirements at the close of such quarter for purposes of applying the preceding sentence.

(6) For purposes of this part—

(A) The term "value" means, with respect to securities for which market quotations are readily available, the market value of such securities; and with respect to other securities and assets, fair value as determined in good faith by the trustees, except that in the case of securities of real estate investment trusts such fair value shall not exceed market value or asset value, whichever is higher.

(B) The term "real estate assets" means real property (including interests in real property and interests in mortgages on real property) and shares (or transferable certificates of beneficial interest) in other real estate investment trusts which meet the requirements of this part.

(C) The term "interests in real property" includes fee ownership and co-ownership of land or improvements thereon and leaseholds of land or improvements thereon, but does not include mineral, oil, or gas royalty interests.

(D) All other terms shall have the same meaning as when used in the Investment Company Act of 1940, as amended.

(d) *Rents from real property defined.* For purposes of paragraphs (2) and (3) of subsection (c), the term "rents from real property" includes rents from interests in real property but does not include—

(1) Any amount received or accrued, directly or indirectly, with respect to any real property, if the determination of such amount depends in whole or in part on the income or profits derived by any person from such property (except that any amount so received or accrued shall not be excluded from the term "rents from real property" solely by reason of being based on a fixed percentage or percentages of receipts or sales);

(2) Any amount received or accrued directly or indirectly from any person if the real estate investment trust owns, directly or indirectly—

(A) In the case of any person which is a corporation, stock of such person possessing 10 percent or more of the total combined voting power of all classes of stock entitled to vote, or 10 percent or more of the total number of shares of all classes of stock of such person; or

(B) In the case of any person which is not a corporation, an interest of 10 percent or more in the assets or net profits of such person; and

(3) Any amount received or accrued, directly or indirectly, with respect to any real property, if the real estate investment trust furnishes or renders services to the tenants of such property, or manages or operates such property, other than through an independent contractor from whom the trust itself does not derive or receive any income. For purposes of this paragraph, the term "independent contractor" means—

(A) A person who does not own, directly or indirectly, more than 35 percent of the shares, or certificates of beneficial interest, in the real estate investment trust, or

(B) A person, if a corporation, not more than 35 percent of the total combined voting power of whose stock (or 35 percent of the total shares of all classes of whose stock), or, if not a corporation, not more than 35 percent of the interest in whose assets or net profits is owned, directly or indirectly, by one or more persons owning 35 percent or more of the shares or certificates of beneficial interest in the trust.

For purposes of paragraphs (2) and (3), the rules prescribed by section 318(a) for determining the ownership of stock shall apply in determining the ownership of stock, assets, or net profits of any person; except that "10 percent" shall be substituted for "50 percent" in subparagraph (C) of section 318(a)(2).

[Sec. 856 as added by sec. 10(a), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1004 through 1006)]

### § 1.856-1 Definition of real estate investment trust.

(a) *In general.* The term "real estate investment trust" means an unincorporated trust or unincorporated association which (1) meets the status conditions in section 856(a) and paragraph (b) of this section, and (2) satisfies the gross income and asset diversification requirements under the limitations of section 856(c) and § 1.856-2.

(b) *Qualifying conditions.* To qualify as a "real estate investment trust", an unincorporated organization must be one—

(1) Which is managed by one or more trustees,

(2) The beneficial ownership of which is evidenced by transferable shares or by transferable certificates of beneficial ownership,

(3) Which would be taxable as a domestic corporation but for the provisions of part II, subchapter M, chapter 1 of the Code,

(4) Which does not hold any property primarily for sale to customers in the ordinary course of its trade or business,

(5) The beneficial ownership of which is held by 100 or more persons, and

(6) Which would not be a personal holding company (as defined in section 542) if all of its gross income constituted personal holding company income (as defined in section 543).

(c) *Determination of status.* The conditions described in subparagraphs (1) through (4), of paragraph (b) of this section must be met during the entire taxable year and the condition described in subparagraph (5) of paragraph (b) of this section must exist during at least 335 days of a taxable year of 12 months or during a proportionate part of a taxable year of less than 12 months. The days during which the latter condition must exist need not be consecutive. In determining the minimum number of days during which the condition described in paragraph (b)(5) of this section is required to exist in a taxable year of less than 12 months, fractional days shall be disregarded. For example, in a taxable year of 311 days, the actual number of days prescribed would be $284\frac{38}{73}$ days ($\frac{311}{366}$ of 335). The fractional day is disregarded so that the required condition in such taxable year need exist for only 284 days.

(d) *Rules applicable to status requirements.* For purposes of determining whether an unincorporated organization meets the conditions and requirements in section 856(a), the following rules shall apply.

(1) *Trustee.* The term "trustee" means a person who holds legal title to the property of the real estate investment trust, has absolute and exclusive control over the management of the trust and the conduct of its affairs, free from any power of control on the part of its shareholders other than the right to elect trustees, and has absolute and exclusive control over the management of the trust property (except as limited by section 856(d)(3) and § 1.856-4) and the disposition thereof. The existence of a mere fiduciary relationship does not, in itself, make one a trustee for purposes of section 856(a)(1). An organization which under State law is considered a limited partnership cannot qualify as a real estate investment trust under part II of subchapter M, because a partner thereof is not considered to be a trustee for purposes of section 856(a)(1). Furthermore, a trustee of a real estate investment trust may not be an officer or employee of, or have any direct or indirect proprietary interest in, any independent contractor which furnishes or renders services to the tenants of the trust property or manages or operates such property. See section 856(d)(3) and § 1.856-4 for definition of independent contractor.

(2) *Beneficial ownership.* Beneficial ownership shall be evidenced by transferable shares, or by transferable certificates of beneficial interest, and (subject to the provisions of paragraph (c) of this section) must be held by 100 or more persons. For purposes of the regulations under part II of subchapter M, the terms "stockholder", "stockholders", "shareholder", and "shareholders" include holders of certificates of beneficial interest in a real estate investment trust, and the terms "stock", "shares", and "shares of stock" include certificates of beneficial interest.

(3) *Unincorporated organization taxable as a domestic corporation.* The determination of whether an unincorporated organization would be taxable as a domestic corporation, in the absence of the provisions of part II of subchapter M, shall be made in accordance with the provisions of section 7701(a)(3) and (4) and the regulations thereunder and for such purposes an otherwise qualified real estate investment trust is deemed to satisfy the "objective to carry on business" requirement of paragraph (a) of § 301.7701-2 of this chapter (Regulations on Procedure and Administration).

(4) *Property held for sale to customers.* A real estate investment trust may not hold any property primarily for sale to customers in the ordinary course of its trade or business. Whether property is held for sale to customers in the ordinary course of the trade or business of a real estate investment trust depends upon the facts and circumstances in each case.

(5) *Personal holding company.* An unincorporated organization, even though it may otherwise meet the requirements of part II of subchapter M, will not be a real estate investment trust if, by considering all of its gross income as personal holding company income under section 543, it would be a personal holding company as defined in section 542. Thus, if at any time during the last half of the trust's taxable year more than 50 percent in value of its outstanding stock is owned (directly or indirectly under the provisions of section 544) by or for not more than 5 individuals, the stock ownership requirement in section 542(a)(2) will be met and the trust would be a personal holding company. See § 1.857-6, relating to record requirements for purposes of determining whether the trust is a personal holding company.

(e) *Other rules applicable.* To the extent that other provisions of chapter 1 of the Code are not inconsistent with those under part II of subchapter M thereof and the regulations thereunder, such provisions will apply with respect to both the real estate investment trust and its shareholders in the same manner that they would apply to any other unincorporated trust which would be taxable as a domestic corporation. For example:

(1) Taxable income of a real estate investment trust is computed in the same manner as that of a domestic corporation;

(2) Section 301, relating to distributions of property, applies to distributions by a real estate investment trust in the same manner as it would apply to a domestic corporation;

(3) Sections 302, 303, 304, and 331 are applicable in determining whether distributions by a real estate investment trust are to be treated as in exchange for stock;

(4) Section 305 applies to distributions by a real estate investment trust of its own stock;



(5) Section 311 applies to distributions by a real estate investment trust;

(6) Except as provided in section 857(d), earnings and profits of a real estate investment trust are computed in the same manner as in the case of a domestic corporation;

(7) Section 316, relating to the definition of a dividend, applies to distributions by a real estate investment trust; and

(8) Section 341, relating to collapsible corporations, applies to gain on the sale or exchange of, or a distribution which is in exchange for, stock in a real estate investment trust in the same manner that it would apply to a domestic corporation.

### § 1.856-2 Limitations.

(a) *Effective date.* The provisions of part II, subchapter M, chapter 1 of the Code and the regulations thereunder apply only to taxable years of a real estate investment trust beginning after December 31, 1960.

(b) *Election.* Under the provisions of section 856(c)(1), a trust, even though it satisfies the other requirements of part II of subchapter M for the taxable year, will not be considered a "real estate investment trust" for such year, within the meaning of such part II, unless it elects to be a real estate investment trust for such taxable year, or has made such an election for a previous taxable year which began after December 31, 1960. The election shall be made by the trust by computing taxable income as a real estate investment trust in its return for the first taxable year for which the election is applicable. No other method of making such election is permitted. An election once made is irrevocable for such taxable year and all succeeding taxable years.

(c) *Gross income requirements.* (1) Section 856(c)(2), (3), and (4) further provides that a trust shall not be considered a "real estate investment trust" for a taxable year unless for such year:

(i) At least 90 percent of its gross income is derived from—

(*a*) Dividends;

(*b*) Interest;

(*c*) Rents from real property;

(*d*) Gain from the sale or other disposition of stock, securities, and real property; and

(*e*) Abatements and refunds of taxes on real property;

(ii) At least 75 percent of its gross income is derived from—

(*a*) Rents from real property;

(*b*) Interest on obligations secured by mortgages on real property;

(*c*) Gain from the sale or other disposition of real property;

(*d*) Dividends or other distributions on, and gain from the sale or other disposition of, transferable shares in another qualified real estate investment trust which is so qualified for its taxable year to which the dividends or other distributions relate or during which the gain was realized; and

(*e*) Abatements and refunds of taxes on real property; and

(iii) Less than 30 percent of its gross income is derived from the sale or other disposition of—

(*a*) Stock or securities held for less than 6 months; and

(*b*) Real property, not compulsorily or involuntarily converted within the meaning of section 1033, held for less than 4 years.

All three of the gross income requirements in section 856(c) and this subparagraph must be met for the taxable year. Thus, at least 75 percent of gross income must be derived from the sources described in section 856(c)(3) and another 15 percent of gross income must likewise be derived from such sources or from the sources described in section 856(c)(2), or from a combination of such sources. A maximum of 10 percent of gross income is not restricted as to source.

(2) For purposes of determining whether the gross income of a real estate investment trust satisfies the percentage requirements in section 856(c) and subparagraph (1) of this paragraph, the following rules shall apply.

(i) *Dividends.* The 90-percent requirement permits the inclusion of dividends generally, while the 75-percent requirement includes dividends only to the extent that they represent dividends or other distributions on transferable shares in other qualified real estate investment trusts.

(ii) *Interest.* Under the requirements in section 856(c)(2) and (3), the percentages of gross income shall include interest only to the extent of the amount which constitutes lawful interest for the loan or forbearance of money. Thus, for example, usurious or illegal interest, or fees imposed upon borrowers which are in fact a charge for services in addition to the charge for the use of borrowed money, although otherwise includible in gross income, shall not be included in the percentages of gross income under the requirements in section 856(c)(2) and (3). Furthermore, to the extent limited by this subdivision, the 90-percent requirement permits the inclusion of interest generally, while the 75-percent requirement includes interest to the extent that it relates to obligations secured by mortgages on real property. Where a mortgage covers both real and personal property an apportionment of the interest income must be made for purposes of the 75-percent requirement.

(iii) *Rents from real property.* See § 1.856-4 for the definition of rents from real property.

(iv) *Gain from sale or other disposition of property.* Gain from the sale or other disposition of the property described in section 856(c)(2)(D) and (3)(C) shall be included in gross income for the purpose of determining whether the percentage requirements of such paragraphs are met only to the extent of the net gain therefrom. The 90-percent requirement permits the inclusion of net gain from the sale or other disposition of stock, securities, and real property, while the 75-percent requirement limits the includible amount to the net gain from the sale or other disposition of only real property and transferable shares in other qualified real estate investment trusts.

(v) *Gross income from sale or other disposition of property.* A loss from the sale or other disposition of the property described in section 856(c)(4) is not netted with gain from the sale or other disposition of such property in determining the numerator for the computation of the 30-percent limitation of that section although the loss is reflected in gross income for purposes of the denominator in such computation. A determination of the period for which such property has been held shall be governed by the provisions of section 1223 and the regulations thereunder.

(d) *Diversification of investment requirements*—(1) *75-percent test.* Section 856(c)(5)(A) requires that at the close of each quarter of the taxable year at least 75 percent of the value of the total assets of the trust be represented by one or more of the following:

(i) Real estate assets;

(ii) Government securities; and

(iii) Cash and cash items (including receivables).

For purposes of this subparagraph the term "receivables" means only those receivables which arise in the ordinary course of the trust's operation and does not include receivables purchased from another person. Subject to the limitations in section 856(c)(5)(B) and subparagraph (2) of this paragraph, the character of the remaining 25 percent (or less) of the value of the total assets is not restricted.

(2) *Limitations on certain securities.* Under section 856(c)(5)(B), not more than 25 percent of the value of the total assets of the trust may be represented by securities other than those described in section 856(c)(5)(A). The ownership of securities under the 25-percent limitation in section 856(c)(5)(B) is further limited in respect of any one issuer to an amount not greater in value than 5 percent of the value of the total assets of the trust and to not more than 10 percent of the outstanding voting securities of such issuer. Thus, if the real estate investment trust meets the 75-percent asset diversification requirement in section 856(c)(5)(A), it will also meet the first test under section 856(c)(5)(B) since it will, of necessity, have not more than 25 percent of its total assets represented by securities other than those described in section 856(c)(5)(A). However, the trust must also meet two additional tests under section 856(c)(5)(B), i.e. it cannot own the securities of any one issuer in an amount (i) greater in value than 5 percent of the value of the trust's total assets, or (ii) representing more than 10 percent of the outstanding voting securities of such issuer.

(3) *Determination of investment status.* In order to determine the effect, if any, which an acquisition of any security or other property may have with respect to the status of a trust as a real estate investment trust, section 856(c)(5) requires a revaluation of the trust's assets at the end of the quarter in which such acquisition was made. A real estate investment trust shall keep sufficient records as to investments so as to be able to show that it has complied with the provisions of section 856(c)(5) during the taxable year. Such records shall be kept at all times available for inspection by any internal revenue officer or employee and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law.

(4) *Illustrations.* The application of section 856(c)(5) and this paragraph may be illustrated by the following examples:

*Example (1).* Real Estate Investment Trust M, at the close of the first quarter of its taxable year, has its assets invested as follows:

| | Percent |
|---|---|
| Cash | 6 |
| Government securities | 7 |
| Real estate assets | 63 |
| Securities of various corporations (not exceeding, with respect to any one issuer, 5 percent of the value of the total assets of the trust nor 10 percent of the outstanding voting securities of such issuer) | 24 |
| Total | 100 |

Trust M meets the requirements of section 856(c)(5) for that quarter of its taxable year.

*Example (2).* Real Estate Investment Trust P, at the close of the first quarter of its taxable year, has its assets invested as follows:

| | Percent |
|---|---|
| Cash | 6 |
| Government securities | 7 |
| Real estate assets | 63 |
| Securities of Corporation Z | 20 |
| Securities of Corporation X | 4 |
| Total | 100 |

Trust P meets the requirement of section 856(c)(5)(A) since at least 75 percent of the value of the total assets is represented by cash, Government securities, and real estate assets. However, Trust P does not meet the diversification requirements of section 856(c)(5)(B) because its investment in the voting securities of Corporation Z exceeds 5 percent of the value of the trust's total assets.

*Example (3).* Real Estate Investment Trust G, at the close of the first quarter of its taxable year, has its assets invested as follows:

| | Percent |
|---|---|
| Cash | 4 |
| Government securities | 9 |
| Real estate assets | 70 |
| Securities of Corporation S | 5 |
| Securities of Corporation L | 4 |
| Securities of Corporation U | 4 |
| Securities of Corporation M (which equals 25 percent of Corporation M's outstanding voting securities) | 4 |
| Total | 100 |

Trust G meets the 75-percent requirement of section 856(c)(5)(A), but does not meet the requirements of section 856(c)(5)(B) because its investment in the voting securities of Corporation M exceeds 10 percent of Corporation M's outstanding voting securities.

*Example (4).* Real Estate Investment Trust R, at the close of the first quarter of its taxable year (i.e. calendar year), is a qualified real estate investment trust and has its assets invested as follows:

| | |
|---|---|
| Cash | $5,000 |
| Government securities | 4,000 |
| Receivables | 4,000 |
| Real estate assets | 68,000 |
| Securities of Corporation P | 4,000 |
| Securities of Corporation O | 85,000 |
| Securities of Corporation U | 5,000 |
| Securities of Corporation T | 5,000 |
| Total assets | 100,000 |

During the second calendar quarter the stock in Corporation P increases in value to $50,000. If Real Estate Investment Trust R has made no acquisition of stock or other property during such second quarter it will not lose its status as a real estate investment trust merely by reason of the appreciation in the value of P's stock. If, during the third quarter, Trust R acquires stock of Corporation S worth $2,000, such acquisition will necessitate a revaluation of all of the assets of Trust R as follows:

| | |
|---|---|
| Cash | $3,000 |
| Government securities | 4,000 |
| Receivables | 4,000 |
| Real estate assets | 68,000 |
| Securities in Corporation P | 50,000 |
| Securities in Corporation O | 5,000 |
| Securities in Corporation U | 5,000 |
| Securities in Corporation T | 5,000 |
| Securities in Corporation S | 2,000 |
| Total assets | 146,000 |

Because of the discrepancy between the value of its various investments and the requirements of section 856(c)(5), resulting from the acquisition of the stock in Corporation S and the appreciation in value of the stock in Corporation P, Trust R, at the end of the third quarter, loses its status as a real estate investment trust. However, if Trust R eliminates the discrepancy within 30 days after the close of such quarter, the trust will be considered to have met the requirements of section 856(c)(5) at the close of the third quarter.

### § 1.856–3 Definitions.

For purposes of the regulations under part II, subchapter M, chapter 1 of the Code, the following definitions shall apply.

(a) *Value.* The term "value" means, with respect to securities for which market quotations are readily available, the market value of such securities; and with respect to other securities and assets, fair value as determined in good faith by the trustees of the real estate investment trust. In the case of securities of other qualified real estate investment trusts, fair value shall not exceed market value or asset value, whichever is higher.

(b) *Real estate assets.* The term "real estate assets" means real property and shares in other qualified real estate investment trusts.

(c) *Interests in real property.* The term "interests in real property" includes fee ownership and co-ownership of land or improvements thereon and leaseholds of land or improvements thereon but does not include mineral, oil, or gas royalty interests.

(d) *Real property.* The term "real property" means land or improvements thereon, such as buildings or other inherently permanent structures thereon (including items which are structural components of such buildings or structures). In addition, the term "real property" includes interests in real property and interests in mortgages on real property. The term "mortgages on real property" includes mortgages on leaseholds of land or improvements thereon. Local law definitions will not be controlling for purposes of determining the meaning of the term "real property" as used in section 856 and the regulations thereunder. The term includes, for example, the wiring in a building, plumbing systems, central heating or central air conditioning machinery, pipes, or ducts, or other items which are structural components of a building or other permanent structure. The term does not include assets accessory to the operation of a business, such as machinery, printing press, transportation or office equipment, refrigerators, individual air conditioning units, grocery counters, furnishings of a motel, hotel or office building, etc., even though such assets may be termed fixtures under local law.

(e) *Securities.* The term "securities" does not include "interests in real property" or "real estate assets" as those terms are defined in section 856 and this section.

(f) *Qualified real estate investment trusts.* The term "qualified real estate investment trust" means a real estate investment trust within the meaning of part II of subchapter M which is taxable under such part as a real estate investment trust. For purposes of the 75-percent requirement in section 856(c)(5)(A), the trust whose stock has been included by another trust as "real estate assets" must be a "qualified real estate investment trust" for its taxable year in which falls the close of the quarter of the trust's taxable year for which the computation is made. For example, Real Estate Investment Trust Z for its taxable year ending December 31, 1963, holds as "real estate assets" stock in Real Estate Investment Trust Y, which is also on a calendar year. In computing the 75-percent requirement in section 856(c)(5)(A) as of the close of the first quarter of its taxable year, Trust Z may include the stock of Trust Y only if Trust Y is a qualified real estate investment trust on March 31, 1963. Moreover, if Trust Y ceases to be a qualified real estate investment trust at any time during that taxable year, Trust Z may not include the stock of Trust Y as "real estate assets" in computing the 75-percent requirement as of the close of any quarter of such taxable year as long as the disqualification continues.

(g) *Partnership interest.* In the case of a real estate investment trust which is a partner in a partnership, as defined in section 7701(a)(2) and the regulations thereunder, the trust will be deemed to own its proportionate share of each of the assets of the partnership and will be deemed to be entitled to the income of the partnership attributable to such share. For purposes of section 856, the interest of a partner in the partnership's assets shall be determined in accordance with his capital interest in the partnership. The character of the various assets in the hands of the partnership and items of gross income of the partnership shall retain the same character in the hands of the partners for all purposes of section 856. Thus, for example, if the trust owns a 30-percent capital interest in a partnership which owns a piece of rental property the trust will be treated as owning 30 percent of such property and as being entitled to 30 percent of the rent derived from the property by the partnership. Similarly, if the partnership holds any property primarily for sale to customers in the ordinary course of its trade or business, the trust will be treated as holding its proportionate share of such property primarily for such purpose. Also, for example, where a partnership sells real property or a trust sells its interest in a partnership which owns real property, any gross income realized from such sale, to the extent that it is attributable to the real property, shall be deemed gross income from the sale or disposition of real property held for either the period that the partnership has held the real property or the period that the trust was a member of the partnership, whichever is the shorter.



### § 1.856–4 Rents from real property.

(a) *In general.* Subject to the limitations of section 856(d) and paragraph (b) of this section, the term "rents from real property" means, generally, the gross amounts received for the use of, or the right to use, real property of the real estate investment trust. Where an amount of rent is received with respect to property consisting of both real and other property, such as a furnished apartment building, an apportionment of the rent is required. Only that part of the rent which is attributable to "real property" shall be included for purposes of the gross income requirements in section 856(c)(2) and (3) and paragraph (c) of § 1.856–2.

(b) *Amounts not includible as rent.* Section 856(d) contains restrictions and limitations under which certain amounts, although received or accrued for the use of, or the right to use, real property of the trust, will not be includible as "rents from real property" for purposes of the gross income requirements in section 856(c)(2) and (3) and paragraph (c) of § 1.856–2. Thus, section 856(d) specifically excludes the following:

(1) *Where amount of rent depends on income or profits of any person.* Any amount received or accrued, directly or indirectly, with respect to any real property if the determination of such amount depends in whole or in part on the income or profits derived by any person from such property. However, any amount so accrued or received shall not be excluded from the term "rents from real property" *solely* by reason of being based on a fixed percentage or percentages of receipts or sales (whether or not receipts or sales are adjusted for returned merchandise, or Federal, State or local sales taxes). Thus, for example, "rents from real property" would include rents where the lease provides for differing percentages of receipts or sales from different departments or from separate floors of a retail store so long as each percentage is fixed at the time of entering into the lease. However, where a trust leases real property to a tenant under terms other than solely on a fixed sum rental (i.e., for example, a percentage of the tenant's gross receipts), and the tenant subleases all or a part of such property under an agreement which provides for a rental based in whole or in part on the income or profits of the sublessee, the entire amount of the rent received by the trust from the prime tenant with respect to such property is disqualified as "rents from real property". Furthermore, where a fixed rental is agreed to and the agreement also calls for a percentage of the lessee's net profit in excess of a specific amount (usually determined before deducting the fixed rental and sometimes called "overage rents"), neither the fixed rental nor the additional amount will qualify as "rents from real property".

(2) *Ownership of person from whom trust receives rent.* Any amount received, directly or indirectly, from any person in which the real estate investment trust owns at any time during its taxable year, the specified percentage or number of shares of stock (or interest in the assets or net profits) of such person. Any amount received from such person will not qualify as "rents from real property" if such person is a corporation and the trust owns 10 percent or more of the total combined voting power of all classes of its stock entitled to vote or 10 percent or more of the total number of shares of all classes of its outstanding stock, or if such person is not a corporation and the trust owns a 10 percent or more interest in its assets or net profits. For example, a trust leases an office building to a tenant for which it receives rent of $100,000 for the taxable year 1962. The lessee of the building subleases space to various subtenants for which it receives gross rent of $500,000 for the year 1962. One of the subtenants is a corporation in which the trust owns 15 percent of the total combined voting power of all classes of stock entitled to vote. The rent paid by this subtenant for the taxable year is $50,000. Therefore, $10,000 (50,000/500,000×$100,000) of the rent paid to the trust does not qualify as "rents from real property". Where the real estate investment trust receives, directly or indirectly, any amount of rent from any person in which it owns any proprietary interest, the trust shall attach to, or submit with, its return for the taxable year a schedule setting forth—

(i) The name and address of such person and the amount received as rent from such person; and

(ii) If such person is a corporation, the highest percentage of the total combined voting power of all classes of its stock entitled to vote, and the highest percentage of the total number of shares of all classes of its outstanding stock, owned by the trust at any time during the trust's taxable year; or

(iii) If such person is not a corporation, the highest percentage of the trust's interest in the assets or net profits of such person, owned by the trust at any time during its taxable year.

(3) *Trust furnishing services or managing property*—(i) *In general.* Any amount received or accrued, directly or indirectly, with respect to any real property if the real estate investment trust furnishes or renders services to the tenants of such property, or manages or operates such property, other than through an independent contractor from whom the trust itself does not derive or receive any income. Thus, for

example, the trust may not receive any dividends or rent from the independent contractor. Furthermore, an independent contractor must not be an employee of the trust, i.e., the manner in which he carries out his duties as independent contractor must not be subject to the control of the trust. If any services are performed for tenants, such services must be performed by, and the charges therefor (whether such charges are separately paid or included in the amount paid as rent) must be included in the income of, an independent contractor. If any management services are performed for the trust by an independent contractor, the independent contractor must be adequately compensated therefor. Thus, the real estate investment trust must not derive any income which is attributable to the services performed for the tenants or the trust by an independent contractor. However, the trustees are not required to delegate or contract out their fiduciary duty to manage the trust itself, as distinguished from servicing and operating the trust properties. For example, the trustees may establish rental terms, choose tenants, enter into and renew leases, deal with taxes, interest, and insurance, relating to the trust's property, and make capital expenditures as defined in section 263 with respect to the trust's property. On the other hand, neither the trust nor its employees may, but an independent contractor may, render or provide hotel, motel, warehousing, parking lot, maid, janitor, elevator, telephone switchboard, guard, or similar services. In addition, maintenance and repairs of the trust property, the costs of which would be deductible under section 162, must be controlled and paid for by an independent contractor. The furnishing of utilities by the trust, such as electricity, water, or heat, is not considered as rendering services to tenants, or as management or operation of the trust property, provided that an independent contractor maintains and repairs the facility through which the utility is furnished. Thus, for example, if a heating plant is located in the building it must be maintained and operated by an independent contractor. The requirement that the trust not receive any income from the independent contractor requires that the relationship beween the two be an arm's-length relationship. In furtherance of this objective, the term "independent contractor" is specifically defined in subdivision (ii) of this subparagraph.

(ii) *Independent contractor defined.* The term "independent contractor" means—

(*a*) A person who does not own, directly or indirectly, at any time during the trust's taxable year more than 35 percent of the shares in the real estate investment trust, or

(*b*) A person—

(*1*) If a corporation, not more than 35 percent of the total combined voting power of whose stock (or 35 percent of the total shares of all classes of whose stock), or

(*2*) If not a corporation, not more than 35 percent of the interest in whose assets or net profits

is owned, directly or indirectly, at any time during the trust's taxable year by one or more persons owning at any time during such taxable year 35 percent or more of the shares in the trust.

(iii) *Information required.* The real estate investment trust shall attach to, or submit with, its return for the taxable year a statement setting forth the name and address of each independent contractor; and

(*a*) The highest percentage of the outstanding shares in the trust owned at any time during its taxable year by such independent contractor and by any person owning at any time during such taxable year any shares of stock or interest in the independent contractor.

(*b*) If the independent contractor is a corporation such statement shall set forth the highest percentage of the total combined voting power of its stock and the highest percentage of the total number of shares of all classes of its stock owned at any time during its taxable year by any person owning shares in the trust at any time during such taxable year.

(*c*) If the independent contractor is not a corporation such statement shall set forth the highest percentage of any interest in its assets or net profits owned at any time during its taxable year by any person owning shares in the trust at any time during such taxable year.

(4) *Attribution rules.* Paragraphs (2) and (3) of section 856(d) relate to direct or indirect ownership of stock, assets, or net profits by the persons described therein. For purposes of determining such direct or indirect ownership, the rules prescribed by section 318 (a) (for determining the ownership of stock) shall apply except that "10 percent" shall be substituted for "50 percent" in subparagraph (C) of section 318(a)(2).

### § 1.857 Statutory provisions; taxation of real estate investment trusts and their beneficiaries.

SEC. 857. *Taxation of real estate investment trusts and their beneficiaries*—(a) *Requirements applicable to real estate investment trusts.* The provisions of this part (other than subsection (d) of this section) shall not apply to a real estate investment trust for a taxable year unless—

(1) The deduction for dividends paid during the taxable year (as defined in section 561, but without regard to capital gains dividends) equals or exceeds 90 percent of its real estate investment trust taxable income for the taxable year (determined without regard to subsection (b)(2)(C)), and

(2) The real estate investment trust complies for such year with regulations prescribed by the Secretary or his delegate for the purpose of ascertaining the actual ownership of the outstanding shares, or certificates of beneficial interest, of such trust.

(b) *Method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest*—(1) *Imposition of normal tax and surtax on real estate investment trusts.* There is hereby imposed for each taxable year on the real estate investment trust taxable income of every real estate investment trust a normal tax and surtax computed as provided in section 11 as though the real estate investment trust taxable income were the taxable income referred to in section 11. For purposes of computing the normal tax under section 11, the taxable income and the dividends paid deduction of such real estate investment trust for the taxable year (computed without regard to capital gains dividends) shall be reduced by the deduction provided by section 242 (relating to partially tax-exempt interest).

(2) *Real estate investment trust taxable income.* For purposes of this part, the term "real estate investment trust taxable income" means the taxable income of the real estate investment trust, adjusted as follows:

(A) There shall be excluded the excess, if any, of the net long-term capital gain over the net short-term capital loss.

(B) The deductions for corporations provided in part VIII (except section 248) of subchapter B (section 241 and following, relating to the deduction for dividends received, etc.) shall not be allowed.

(C) The deduction for dividends paid (as defined in section 561) shall be allowed, but shall be computed without regard to capital gains dividends.

(D) The taxable income shall be computed without regard to section 443(b) (relating to computation of tax on change of annual accounting period).

(E) The net operating loss deduction provided in section 172 shall not be allowed.

(3) *Capital gains*—

(A) *Imposition of tax.* There is hereby imposed for each taxable year in the case of every real estate investment trust a tax of 25 percent of the excess, if any, of the net long-term capital gain over the sum of—

(i) The net short-term capital loss; and

(ii) The deduction for dividends paid (as defined in section 561) determined with reference to capital gains dividends only.

(B) *Treatment of capital gain dividends by shareholders.* A capital gain dividend shall be treated by the shareholders or holders of beneficial interests as a gain from the sale or exchange of a capital asset held for more than 6 months.

(C) *Definition of capital gain dividend.* For purposes of this part, a capital gain dividend is any dividend, or part thereof, which is designated by the real estate investment trust as a capital gain dividend in a written notice mailed to its shareholders or holders of beneficial interests at any time before the expiration of 30 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the trust (including capital gain dividends paid after the close of the taxable year described in section 858) is greater than the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, the portion of each distribution which shall be a capital gain dividend shall be only that proportion of the amount so designated which such excess of the net long-term capital gain over the net short-term capital loss bears to the aggregate amount so designated.

(4) *Loss on sale or exchange of stock held less than 31 days.* If—

(A) Under subparagraph (B) of paragraph (3) a shareholder of, or a holder of a beneficial interest in, a real estate investment trust is required, with respect to any share or beneficial interest, to treat any amount as a long-term capital gain, and

(B) Such share or interest is held by the taxpayer for less than 31 days,

then any loss on the sale or exchange of such share or interest shall, to the extent of the amount described in subparagraph (A) of this paragraph, be treated as loss from the sale or exchange of a capital asset held for more than 6 months. For purposes of this paragraph, the rules of section 246(c)(3)



shall apply in determining whether any share of stock or beneficial interest has been held for less than 31 days; except that "30 days" shall be substituted for the number of days specified in subparagraph (B) of section 246(c)(3).

(c) *Restrictions applicable to dividends received from real estate investment trusts.* For purposes of section 34(a) (relating to credit for dividends received by individuals), section 116 (relating to an exclusion for dividends received by individuals), and section 243 (relating to deductions for dividends received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.

(d) *Earnings and profits.* The earnings and profits of a real estate investment trust for any taxable year (but not its accumulated earnings and profits) shall not be reduced by any amount which is not allowable as a deduction in computing its taxable income for such taxable year. For purposes of this subsection, the term "real estate investment trust" includes a domestic unincorporated trust or association which is a real estate investment trust determined without regard to the requirements of subsection (a).

[Sec. 857 as added by sec. 10(a), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1003).]

### § 1.857-1 Taxation of real estate investment trusts.

(a) *Requirements applicable thereto.* Section 857(a) denies the application of the provisions of part II, subchapter M, chapter 1 of the Code (other than section 857(d), relating to earnings and profits) to a real estate investment trust for a taxable year unless—

(1) The deduction for dividends paid for such taxable year as defined in section 561 (computed without regard to capital gains dividends) is equal to at least 90 percent of its real estate investment trust taxable income for such taxable year (determined without regard to the provisions of section 857(b)(2)(C) and paragraph (c) of § 1.857-3); and

The trust complies for such taxable year with the provisions of § 1.857-6 (relating to records required to be maintained by a real estate investment trust).

See section 858 and § 1.858-1, relating to dividends paid after the close of the taxable year.

(b) *Failure to qualify.* If a real estate investment trust does not meet the requirements of section 857(a) and paragraph (a) of this section for the taxable year, it will, even though it may otherwise be classified as a real estate investment trust, be taxed in such year as an ordinary corporation and not as a real estate investment trust. In such case, none of the provisions of part II of subchapter M (other than section 857(d)) will be applicable to it. For the rules relating to the applicability of section 857(d), see § 1.857-5.

### § 1.857-2 Method of taxation of real estate investment trusts.

(a) *Imposition of normal tax and surtax.* Section 857(b)(1) imposes a normal tax and surtax, computed at the rates and in the manner prescribed in section 11, on the "real estate investment trust taxable income", as defined in section 857(b)(2) and § 1.857-3, for each taxable year of a real estate investment trust. The tax is imposed as if the real estate investment trust taxable income were the taxable income referred to in section 11. In computing the normal tax under section 11, the real estate investment trust taxable income and the dividends paid deduction (computed without regard to capital gains dividends) shall both be reduced by the deductions for partially tax-exempt interest provided by section 242.

(b) *Taxation of capital gains.* Section 857(b)(3)(A) imposes a tax of 25 percent for each taxable year on the excess, if any, of the net long-term capital gain of a qualified real estate investment trust over the sum of its net short-term capital loss and its deduction for dividends paid (as defined in section 561) determined with reference to capital gains dividends only. For the definition of capital gains dividend paid by a real estate investment trust, see section 857(b)(3)(C) and paragraph (e) of § 1.857-4. See section 858 and § 1.858-1 for rules relating to dividends paid after the close of the taxable year.

### § 1.857-3 Real estate investment trust taxable income.

Section 857(b)(2) requires certain adjustments to be made to convert taxable income of the real estate investment trust to "real estate investment trust taxable income" as follows:

(a) The excess, if any, of the net long-term capital gain over the net short-term capital loss shall be excluded;

(b) The special deductions provided in part VIII of subchapter B (except the deduction under section 248) shall not be allowed. Those not allowed are the deduction for partially tax-exempt interest provided by section 242, the deductions for dividends received provided by sections 243, 244, and 245, and the deduction for certain dividends paid provided by section 247. However, the deduction provided by section 248 (relating to organizational expenditures), otherwise allowable in computing taxable income, shall likewise be allowed in computing "real estate investment trust taxable income". See section 857(b)(1) and paragraph (a) of § 1.857-2 for treatment of the deduction for partially tax-exempt interest (provided by section 242) for purposes of computing the normal tax under section 11;

(c) The deduction for dividends paid (as defined in section 561) shall be allowed, but shall be computed without regard to capital gains dividends (as defined in section 857(b)(3)(C) and paragraph (e) of § 1.857-4);

(d) The taxable income shall be computed without regard to section 443(b). Thus, the taxable income for a period of less than 12 months shall not be placed on an annual basis even though such short taxable year results from a change of accounting period; and

(e) The net operating loss deduction provided in section 172 shall not be allowed.

### § 1.857-4 Method of taxation of shareholders of real estate investment trusts.

(a) *Ordinary income.* Except as otherwise provided in paragraph (b) of this section (relating to capital gains), a shareholder receiving dividends from a real estate investment trust shall include such dividends in gross income for the taxable year in which they are received. See section 858(b) and paragraph (c) of § 1.858-1 for treatment by shareholders of dividends paid by a real estate investment trust after the close of its taxable year in the case of an election under section 858(a).

(b) *Capital gains.* Under section 857(b)(3)(B), shareholders of a real estate investment trust who receive capital gains dividends (as defined in paragraph (e) of this section), in respect of the capital gains of an investment trust for a taxable year for which it is taxable under part II of subchapter M as a real estate investment trust, shall treat such capital gains dividends as gains from the sale or exchange of capital assets held for more than six months and realized in the taxable year of the shareholder in which the dividend was received.

(c) *Special treatment of loss on the sale or exchange of real estate investment trust stock held less than 31 days*—(1) *In general.* Under section 857(b)(4), if any person with respect to a share of real estate investment trust stock held for a period of less than 31 days, is required by section 857(b)(3)(B) to include in gross income as a gain from the sale or exchange of a capital asset held for more than six months the amount of a capital gains dividend, then such person shall, to the extent of such amount, treat any loss on the sale or exchange of such share as a loss from the sale or exchange of a capital asset held for more than six months.

(2) *Determination of holding period.* The rules contained in section 246(c)(3) (relating to the determination of holding periods for purposes of the deduction for dividends received) shall be applied in determining whether, for purposes of section 857(b)(4)(B) and this paragraph, a share of real estate investment trust stock has been held for a period of less than 31 days. In applying those rules, however, "30 days" shall be substituted for the number of days specified in subparagraph (B) of such section.

(3) *Illustration.* The application of section 857(b)(4) and this paragraph may be illustrated by the following example:

*Example.* On December 15, 1961, A purchased share of stock in the S Real Estate Investment Trust for $20. The S trust declared a capital gains dividend of $2 per share to shareholders of record on December 31, 1961. A, therefore, received a capital gain dividend of $2 which, pursuant to section 857(b)(3)(B), he must treat as a gain from the sale or exchange of a capital asset held for more than six months. On January 5, 1962, A sold his share of stock in the S trust for $17.50, which sale resulted in a loss of $2.50. Under section 857(b)(4) and this paragraph, A must treat $2 of such loss (an amount equal to the capital gain dividend received with respect to such share of stock) as a loss from the sale or exchange of a capital asset held for more than six months.

(d) *Dividend received credit, exclusion, and deduction not allowed.* Any dividend received from a real estate in-

vestment trust which, for the taxable year to which the dividend relates, is a qualified real estate investment trust, shall not be eligible for the dividend received credit under section 34(a), the dividend received exclusion under section 116, or the dividend received deduction under section 243.

(e) *Definition of capital gain dividend.* A capital gain dividend, as defined in section 857(b)(3)(C), is any dividend or part thereof which is designated by a real estate investment trust as a capital gain dividend in a written notice mailed to its shareholders not later than 30 days after the close of its taxable year. If the aggregate amount so designated with respect to the taxable year (including capital gain dividends paid after the close of the taxable year pursuant to an election under section 858) is greater than the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, the portion of each distribution which shall be a capital gain dividend shall be only that proportion of the amount so designated which such excess of the net long-term capital gain over the net short-term capital loss bears to the aggregate of the amount so designated. For example, a real estate investment trust making its return on the calendar year basis advised its shareholders by written notice mailed December 30, 1961, that of a distribution of $500,000 made December 15, 1961, $200,000 constituted a capital gain dividend, amounting to $2 per share. It was later discovered that an error had been made in determining the excess of the net long-term capital gain over the net short-term capital loss of the taxable year and that such excess was $100,000 instead of $200,000. In such case, each shareholder would have received a capital gain dividend of $1 per share instead of $2 per share.

### § 1.857–5 Earnings and profits of a real estate investment trust.

(a) Any real estate investment trust, whether or not such trust meets the requirements of section 857(a) and paragraph (a) of § 1.857–1 for any taxable year beginning after December 31, 1960, shall apply paragraph (b) of this section in computing its earnings and profits for such taxable year.

(b) In the determination of the earnings and profits of a real estate investment trust, section 857(d) provides that such earnings and profits for any taxable year (but not the accumulated earnings and profits) shall not be reduced by any amount which is not allowable as a deduction in computing its taxable income for the taxable year. Thus, if a trust would have had earnings and profits of $500,000 for the taxable year except for the fact that it had a net capital loss of $100,000, which amount was not deductible in determining its taxable income, its earnings and profits for that year if it is a real estate investment trust would be $500,000. If the real estate investment trust had no accumulated earnings and profits at the beginning of the taxable year, in determining its accumulated earnings and profits as of the beginning of the following taxable year, the earnings and profits for the taxable year to be considered in such computation would amount to $400,000 assuming that there had been no distribution from such earnings and profits. If distributions had been made in the taxable year in the amount of the earnings and profits then available for distribution, $500,000, the trust would have as of the beginning of the following taxable year neither accumulated earnings and profits nor a deficit in accumulated earnings and profits, and would begin such year with its paid-in capital reduced by $100,000, an amount equal to the excess of the $500,000 distributed over the $400,000 accumulated earnings and profits which would otherwise have been carried into the following taxable year.

### § 1.857–6 Records to be kept by a real estate investment trust.

(a) *In general.* Under section 857(a)(2) a real estate investment trust is required to keep such records as will disclose the actual ownership of its outstanding stock. Thus, every real estate investment trust shall maintain in the internal revenue district in which it is required to file its income tax return permanent records showing the information relative to the actual owners of its stock contained in the written statements required by this section to be demanded from its shareholders. Such records shall be kept at all times available for inspection by any internal revenue officer or employee, and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law.

(b) *Actual owner of stock.* The actual owner of stock of a real estate investment trust is the person who is required to include in gross income in his return the dividends received on the stock. Generally, such person is the shareholder of record of the real estate investment trust. However, where the shareholder of record is not the actual owner of the stock, the stockholding record of the real estate investment trust may not disclose the actual ownership of such stock. Accordingly, the real estate investment trust shall demand written statements from shareholders of record disclosing the actual owners of stock as required in paragraph (d) of this section.

(c) *Stock ownership for personal holding company determination.* For the purpose of determining under section 856(a)(6) whether a trust, claiming to be a real estate investment trust, is a personal holding company, the permanent records of the trust shall show the maximum number of shares of the trust (including the number and face value of securities convertible into stock of the trust) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the trust's taxable year, as provided in section 544.

(d) *Statements to be demanded from shareholders.* The information required by paragraphs (b) and (c) of this section shall be set forth in written statements which shall be demanded from shareholders of record as follows:

(1) In the case of a trust having 2,000 or more shareholders of record of its stock on any dividend record date, from each record holder of 5 percent or more of its stock; or

(2) In the case of a trust having less than 2,000 and more than 200 shareholders of record of its stock on any dividend record date, from each record holder of 1 percent or more of its stock; or

(3) In the case of a trust having 200 or less shareholders of record of its stock on any dividend record date, from each record holder of one-half of 1 percent or more of its stock.

(e) *Demands for statements.* Statements setting forth the information required by paragraphs (b) and (c) of this section to be demanded from shareholders of record in accordance with paragraph (d) of this section shall be demanded not later than 30 days after the close of the real estate investment trust's taxable year. When making demand for such written statements, the trust shall inform each such shareholder of his duty to submit as part of his income tax return the statements which are required by § 1.857–7, if he fails or refuses to comply with such demand. A list of the persons failing or refusing to comply in whole or in part with the trust's demand for statements under this section shall be maintained as a part of the trust's records required by this section. A trust which fails to keep such records to show the actual ownership of its outstanding stock as required by this section shall be taxable as an ordinary corporation and not as a real estate investment trust.

### § 1.857–7 Information required in returns of shareholders.

Any person who fails or refuses to comply with the demand of a real estate investment trust for the written statements required under § 1.857–6, shall submit as part of his income tax return for his taxable year which ends with, or includes, the last day of the trust's taxable year, a statement setting forth the following information.

(a) In the case of a person who is not the actual owner of stock of a real estate investment trust, the name and address of each actual owner, and the number of shares owned by each actual owner at any time during such person's taxable year.

(b) In the case of an actual owner of stock of a real estate investment trust—

(i) The number of shares actually owned by him at any and all times during his taxable year;

(ii) The dates of acquisition of any such shares during such period and the names and addresses of the persons from whom they were acquired;

(iii) The dates of disposition of any such shares during such period and the names and addresses of the transferees thereof;

(iv) The names and addresses of the members of his family (as defined in section 544(a)(2)); the names and addresses of his partners in any partnership; and the maximum number of shares actually owned by each in any trust, claiming to be a real estate investment trust, at any time during the last half of the taxable year of such trust;

(v) The maximum number of shares (including the number and face value of securities convertible into stock of the trust) in any trust claiming to be a real estate investment trust to be considered as constructively owned by such person at any time during the last half of the trust's taxable year as provided in section 544;

(vi) The names and addresses of any corporation, partnership, association, or trust in which such person had a beneficial interest to the extent of at least 10 percent at any time during the period for which such return is made and the number of shares of any trust claiming to be a real estate investment trust; and

(vii) The amount and date of receipt of each dividend received during such person's taxable year from every trust claiming to be a real estate investment trust.

### § 1.857–8 Information returns.

Nothing in §§ 1.857–6 and 1.857–7 shall be construed to relieve a real estate investment trust or its shareholders from the duty of filing information returns required by regulations prescribed under the provisions of subchapter A, chapter 61 of the Code.

### § 1.858 Statutory provisions; dividends paid by real estate investment trust after close of taxable year.

SEC. 858. *Dividends paid by real estate investment trust after close of taxable year*—(a) *General rule.* For purposes of this part, if a real estate investment trust—

(1) Declares a dividend before the time prescribed by law for the filing of its return for a taxable year (including the period of any extension of time granted for filing such return), and

(2) Distributes the amount of such dividend to shareholders or holders of beneficial interests in the 12-month period following the close of such taxable year and not later than the date of the first regular dividend payment made after such declaration,

the amount so declared and distributed shall, to the extent the trust elects in such return in accordance with regulations prescribed by the Secretary or his delegate, be considered as having been paid during such taxable year, except as provided in subsections (b) and (c).

(b) *Receipt by shareholder.* Amounts to which subsection (a) applies shall be treated as received by the shareholder or holder of a beneficial interest in the taxable year in which the distribution is made.

(c) *Notice to shareholders.* In the case of amounts to which subsection (a) applies, any notice to shareholders or holders of beneficial interests required under this part with respect to such amounts shall be made not later than 30 days after the close of the taxable year in which the distribution is made.

[Sec. 858 as added by sec. 10(a), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1008)]

### § 1.858–1 Dividends paid by real estate investment trust after close of taxable year.

(a) *General rule.* In—

(1) Determining under section 857(a) and paragraph (a) of § 1.857–1 whether the deduction for dividends paid during the taxable year (without regard to capital gains dividends) by a real estate investment trust equals or exceeds 90 percent of its real estate investment trust taxable income (determined without regard to the provisions of section 857(b)(2)(C)),

(2) Computing its real estate investment trust taxable income (under section 857(b)(2) and § 1.857–3), and

(3) Determining the amount of capital gains dividends (as defined in section 857(b)(3) and paragraph (e) of § 1.857–4) paid during the taxable year,

any dividend (or portion thereof) declared by the real estate investment trust either before or after the close of the taxable year but in any event before the time prescribed by law for the filing of its return for the taxable year (including the period of any extension of time granted for filing such return) shall, to the extent the trust so elects in such return, be treated as having been paid during such taxable year. This rule is applicable only if the entire amount of such dividend is actually distributed to the shareholders in the 12-month period following the close of such taxable year and not later than the date of the first regular dividend payment made after such declaration.

(b) *Election*—(1) *Method of making election.* The election must be made in the return filed by the trust for the taxable year. The election shall be made by the real estate investment trust by treating the dividend (or portion thereof) to which such election applies as a dividend paid during the taxable year of the trust in computing its real estate investment trust taxable income, or if the dividend (or portion thereof) to which such election applies is to be designated by the trust as a capital gains dividend, in computing the amount of capital gains dividends paid during such taxable year. The election provided in section 858(a) may be made only to the extent that the earnings and profits of the taxable year (computed with the application of section 857(d) and § 1.857–5) exceed the total amount of distributions out of such earnings and profits actually made during the taxable year (not including distributions with respect to which an election has been made for a prior year under section 858(a)). The dividend or portion thereof, with respect to which the real estate investment trust has made a valid election under section 858(a), shall be considered as paid out of the earnings and profits of the taxable year for which such election is made, and not out of the earnings and profits of the taxable year in which the distribution is actually made.

(2) *Irrevocability of the election.* After the expiration of the time for filing the return for the taxable year for which an election is made under section 858(a), such election shall be irrevocable with respect to the dividend or portion thereof to which it applies.

(c) *Receipt by shareholders.* Under section 858(b), the dividend or portion thereof, with respect to which a valid election has been made, will be includible in the gross income of the shareholders of the real estate investment trust for the taxable year in which the dividend is received by them.

(d) *Illustrations.* The application of paragraphs (a), (b), and (c) of this section may be illustrated by the following examples:

*Example (1).* The X Trust, a real estate investment trust, had taxable income (and earnings and profits) for the calendar year 1961 of $100,000. During that year the trust distributed to shareholders taxable dividends aggregating $88,000. On March 10, 1962, the trust declared a dividend of $37,000 payable to shareholders on March 20, 1962. Such dividend consisted of the first regular quarterly dividend for 1962 of $25,000 plus an additional $12,000 representing that part of the taxable income for 1961 which was not distributed in 1961. On March 15, 1962, the X Trust filed its Federal income tax return and elected therein to treat $12,000 of the total dividend of $37,000 to be paid to shareholders on March 20, 1962, as having been paid during the taxable year 1961. Assuming that the X Trust actually distributed the entire amount of the dividend of $37,000 on March 20, 1962, an amount equal to $12,000 thereof will be treated for the purposes of section 857(a) as having been paid during the taxable year 1961. Upon distribution of such dividend the trust becomes a qualified real estate investment trust for the taxable year 1961. Such amount ($12,000) will be considered by the X Trust as a distribution out of the earnings and profits for the taxable year 1961, and will be treated by the shareholders as a taxable dividend for the taxable year in which such distribution is received by them. However, assuming that the X Trust is not a qualified real estate investment trust for the calendar year 1962, nevertheless, the $12,000 portion of the dividend (paid on March 20, 1962) which the trust elected to relate to the calendar year 1961, will not qualify as a dividend for purposes of section 34, 116, or 243.

*Example (2).* The Y Trust, a real estate investment trust, had taxable income (and earnings and profits) for the calendar year 1964 of $100,000, and for 1965 taxable income (and earnings and profits) of $125,000. On January 1, 1964, the trust had a deficit in its earnings and profits accumulated since February 28, 1913, of $115,000. During the year 1964 the trust distributed to shareholders taxable dividends aggregating $85,000. On March 5, 1965, the trust declared a dividend of $65,000 payable to shareholders on March 31, 1965. On March 15, 1965, the Y Trust filed its Federal income tax return in which it included $40,000 of the total dividend of $65,000 payable to shareholders on March 31, 1965, as a dividend paid by it during the taxable year 1964. On March 31, 1965, the Y Trust distributed the entire amount of the dividend of $65,000 declared on March 5, 1965. The election under section 858(a) is valid only to the extent of $15,000, the amount of the undistributed earnings and profits for 1964 ($100,000 earnings and profits less $85,000 distributed during 1964). The remainder ($50,000) of the $65,000 dividend paid on March 31, 1965, could not be the subject of an election, and such amount will be regarded as a distribution by the Y Trust out of earnings and profits for the taxable year 1965. Assuming that the only other distribution by the Y Trust during 1965 was a distribution of $75,000 paid as a dividend on October 31, 1965, the total amount of the distribution of $65,000 paid on March 31, 1965, is to be treated by the shareholders as taxable dividends for the taxable year in which such dividend is received. The Y Trust will treat the amount of $15,000 as a distribution of the earnings or profits of the trust for the taxable year 1964, and the re-

maining $50,000 as a distribution of the earnings or profits for the year 1965. The distribution of $75,000 on October 31, 1965, is, of course, a taxable dividend out of the earnings and profits for the year 1965.

(e) *Notice to shareholders.* Section 858(c) provides that, in the case of dividends with respect to which a real estate investment trust has made an election under section 858(a), any notice to shareholders required under part II of subchapter M, with respect to such amounts, shall be made not later than 30 days after the close of the taxable year in which the distribution is made. Thus, the notice requirement of section 857(b)(3)(C) and paragraph (e) of § 1.857–4 with respect to capital gains dividends may be satisfied with respect to amounts to which section 858(a) and this section apply if the notice relating to such amounts is mailed to the shareholders not later than 30 days after the close of the taxable year in which the distribution is made. If the notice under section 858(c) relates to an election with respect to any capital gains dividends, such capital gains dividends shall be aggregated by the real estate investment trust with the designated capital gains dividends actually paid during the taxable year to which the election applies (not including such dividends with respect to which an election has been made for a prior year under section 858) for the purpose of determining whether the aggregate of the designated capital gains dividends with respect to such taxable year of the trust is greater than the excess of the net long-term capital gain over the net short-term capital loss of the trust. See section 857(b)(3)(C) and paragraph (e) of § 1.857–4.

PAR. 2. The principal heading for the regulations under subchapter M, chapter 1 of the Code is stricken and the following new heading is inserted in lieu thereof: "Regulated Investment Companies and Real Estate Investment Trusts".

REGULATED INVESTMENT COMPANIES

PAR. 3. Paragraph (a) of § 1.851–2 is amended by revising the first and second sentences. This amended provision reads as follows:

**§ 1.851–2 Limitations.**

(a) *Election to be a regulated investment company.* Under the provisions of section 851(b)(1), a corporation, even though it satisfies the other requirements of part I, subchapter M, chapter 1 of the Code for the taxable year, will not be considered a regulated investment company for such year, within the meaning of such part I, unless it elects to be a regulated investment company for such taxable year, or has made such an election for a previous taxable year which began after December 31, 1941. The election shall be made by the taxpayer by computing taxable income as a regulated investment company in its return for the first taxable year for which the election is applicable. No other method of making such election is permitted. An election once made is irrevocable for such taxable year and all succeeding taxable years.

PAR. 4. Section 1.851–4 is amended by revising the first sentence. This amended provision reads as follows:

**§ 1.851–4 Determination of status.**

With respect to the effect which certain discrepancies between the value of its various investments and the requirements of section 851(b)(4) and paragraph (c) of § 1.851–2, or the effect that the elimination of such discrepancies will have on the status of a company as a regulated investment company for purposes of part I, subchapter M, chapter 1 of the Code, see section 851(d). A company claiming to be a regulated investment company shall keep sufficient records as to investments so as to be able to show that it has complied with the provisions of section 851 during the taxable year. Such records shall be kept at all times available for inspection by any internal revenue officer or employee and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law.

PAR. 5. Section 1.852 is amended by revising subsection (a) and by revising subsection (b)(3)(C) of section 852 and by revising the historical note. These amended provisions read as follows:

**§ 1.852 Statutory provisions; taxation of regulated investment companies and their shareholders.**

SEC. 852 *Taxation of regulated investment companies and their shareholders*—(a) *Requirements applicable to regulated investment companies.* The provisions of this part (other than subsection (c) of this section) shall not be applicable to a regulated investment company for a taxable year unless—

(1) The deduction for dividends paid during the taxable year (as defined in section 561, but without regard to capital gains dividends) equals or exceeds 90 percent of its investment company taxable income for the taxable year (determined without regard to subsection (b)(2)(D)), and

(2) The investment company complies for such year with regulations prescribed by the Secretary or his delegate for the purpose of ascertaining the actual ownership of its outstanding stock.

(b) *Method of taxation of companies and shareholders.* • • •

(3) *Capital gains.* • • •

(C) *Definition of capital gain dividend.* For purposes of this part, a capital gain dividend is any dividend, or part thereof, which is designated by the company as a capital gain dividend in a written notice mailed to its shareholders not later than 30 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the company (including capital gains dividends paid after the close of the taxable year described in section 855) is greater than the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, the portion of each distribution which shall be a capital gain dividend shall be only that proportion of the amount so designated which such excess of the net long-term capital gain over the net short-term capital loss bears to the aggregate amount so designated.

• • • • •

[Sec. 852 as amended by sec. 2, Act of July 11, 1956 (Pub. Law 700, 84th Cong., 70 Stat. 530); sec. 101, Technical Amendments Act 1958 (72 Stat. 1674); sec. 10(b), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1009)]

PAR. 6. Section 1.852–1 is amended by revising first sentence in subparagraph (1) and revising subparagraph (2) in paragraph (a), and the second sentence in paragraph (b). These amended provisions read as follows:

**§ 1.852–1 Taxation of regulated investment companies.**

(a) *Requirements applicable thereto*—(1) *In general.* Section 852(a) denies the application of the provisions of part I, subchapter M, chapter 1 of the Code (other than section 852(c), relating to earnings and profits), to a regulated investment company for a taxable year beginning after February 28, 1958, unless—

(i) The deduction for dividends paid for such taxable year as defined in section 561 (computed without regard to capital gain dividends) is equal to at least 90 percent of its investment company taxable income for such taxable year (determined without regard to the provisions of section 852(b)(2)(D) and paragraph (d) of § 1.852–3); and

(ii) The company complies for such taxable year with the provisions of § 1.852–6 (relating to records required to be maintained by a regulated investment company).

See section 853(b)(1)(B) and paragraph (a) of § 1.853–2 for amounts to be added to the dividends paid deduction, and section 855 and § 1.855–1, relating to dividends paid after the close of the taxable year.

(2) *Special rule for taxable years of regulated investment companies beginning before March 1, 1958.* The provisions of part I of subchapter M (including section 852(c)) are not applicable to a regulated investment company for a taxable year beginning before March 1, 1958, unless such company meets the requirements of section 852(a) and subparagraph (1) (i) and (ii) of this paragraph.

(b) *Failure to qualify.* If a regulated investment company does not meet the requirements of section 852(a) and paragraph (a)(1) (i) and (ii) of this section for the taxable year, it will, even though it may otherwise be classified as a regulated investment company, be taxed in such year as an ordinary corporation and not as a regulated investment company. In such case, none of the provisions of part I of subchapter M (other than section 852(c) in the case of taxable years beginning after February 28, 1958) will be applicable to it. For the rules relating to the applicability of section 852(c), see § 1.852–5.

PAR. 7. Paragraph (b) of § 1.852–2 is amended by—revising subparagraph (1) and subdivision (i) of subparagraph (2). These amended provisions read as follows:

**§ 1.852–2 Method of taxation of regulated investment companies.**

• • • • •

(b) *Taxation of capital gains*—(1) *In general.* Section 852(b)(3)(A) imposes a tax of 25 percent for each taxable year on the excess, if any, of the net long-term capital gain of a regulated investment company (subject to tax under part 1, subchapter M, chapter 1 of the Code) over the sum of its net short-term capital loss and its deduction for dividends paid (as defined in section 561) determined with reference to capital gain dividends only. For the definition of capital gain dividend paid by a regulated investment company, see section 852(b)(3)(C) and paragraph (c) of § 1.852–4. See section 855 and § 1.855–1, relating to dividends paid after the close of the taxable year.

(2) *Undistributed capital gains*—(i) *In general.* A regulated investment company (subject to tax under part I of subchapter M) may, for taxable years beginning after December 31, 1956, designate under section 852(b)(3)(D) an amount of undistributed capital gains to each shareholder of the company. For the definition of the term "undistributed capital gains" and for the treatment of such amounts by a shareholder, see paragraph (b)(2) of § 1.852–4. For the rules relating to the method of making such designation, the returns to be filed, and the payment of the tax in such cases, see paragraph (a) of § 1.852–9.

PAR. 8 Paragraph (b) of § 1.852–4 is amended by revising subparagraph (1), and subdivision (i) of subparagraph (2). These amended provisions read as follows:

**§ 1.852–4 Method of taxation of shareholders of regulated investment companies.**

• • • • •

(b) *Capital gains*—(1) *In general.* Under section 852(b)(3)(B), shareholders of a regulated investment company who receive capital gain dividends (as defined in paragraph (c) of this section), in respect of the capital gains of an investment company for a taxable year for which it is taxable under part I, subchapter M, chapter 1 of the Code, as a regulated investment company, shall treat such capital gain dividends as gains from the sale or exchange of capital assets held for more than 6 months and realized in the taxable year of the shareholder in which the dividend was received.

(2) *Undistributed capital gains.* (i) A person who is a shareholder of a regulated investment company at the close of a taxable year of such company for which it is taxable under part I of subchapter M shall include in his gross income as a gain from the sale or exchange of a capital asset held for more than 6 months any amount of undistributed capital gains. The term "undistributed capital gains" means the amount designated as undistributed capital gains in accordance with paragraph (a) of § 1.852–9, but such amount shall not exceed the shareholder's proportionate part of the amount subject to tax under section 852(b)(3)(A). Such amount shall be included in gross income for the taxable year of the shareholder in which falls the last day of the taxable year of the regulated investment company in respect of which the undistributed capital gains were designated. For certain administrative provisions relating to undistributed capital gains, see § 1.852–9.



PAR. 9. Section 1.855 is amended by—revising section 855(c), and adding a historical note. These amended and added provisions read as follows:

**§ 1.855 Statutory provisions; dividends paid by regulated investment company after close of taxable year.**

SEC. 855. *Dividends paid by regulated investment company after close of taxable year.* • • •

(c) *Notice to shareholders.* In the case of amounts to which subsection (a) is applicable, any notice to shareholders required under this part with respect to such amounts shall be made not later than 30 days after the close of the taxable year in which the distribution is made.

• • • • • •

[Sec. 855 as amended by sec. 10(b), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1009)]

PAR. 10. Section 1.11 is amended by—revising section 11(d)(3), and the historical note. These amended provisions read as follows:

**§ 1.11 Statutory provisions; tax imposed.**

SEC. 11. *Tax imposed.* • • •

(d) *Exceptions. Subsection* (a) shall not apply to a corporation subject to a tax imposed by—

• • • • • •

(3) Subchapter M (sec. 851 and following, relating to regulated investment companies and real estate investment trusts), or

• • • • • •

[Sec. 11 as amended by sec. 2, Tax Rate Extension Act 1955 (69 Stat. 14); sec. 2, Tax Rate Extension Act 1956 (70 Stat. 66); sec. 2, Tax Rate Extension Act 1957 (71 Stat. 9); sec. 2, Tax Rate Extension Act 1958 (72 Stat. 259); sec. 2, Tax Rate Extension Act 1959 (73 Stat. 157); sec. 201, Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 10(d), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1009)]

PAR. 11. Section 1.34 is amended by—revising paragraphs (1) and (2)(B) and adding paragraph (3) in section 34(c), and revising the historical note. These amended and added provisions read as follows:

**§ 1.34 Statutory provisions; dividends received by individuals.**

SEC. 34. *Dividends received by individuals.* • • •

(c) *No credit allowed for dividends from certain corporations.* Subsection (a) shall not apply to any dividend from—

(1) A corporation organized under the China Trade Act, 1922 (see sec. 941);

(2) A corporation which, for the taxable year of the corporation in which the distribution is made, or for the next preceding taxable year of the corporation, is—

(A) A corporation exempt from tax under section 501 (relating to certain charitable, etc., organizations) or section 521 (relating to farmers' cooperative associations); or

(B) A corporation to which section 931 (relating to income from sources within possessions of the United States) applies; or

(3) A real estate investment trust which, for the taxable year of the trust in which the dividend is paid, qualifies under part II of subchapter M (sec. 856 and following).

• • • • • •

[Sec. 34 as amended by sec. 3(a), Life Insurance Company Income Tax Act 1959 (73 Stat. 139); sec. 10(e), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1009)]

PAR. 12. Paragraph (b) of § 1.34–3 is amended by adding the following new subparagraph (4) at the end thereof:

**§ 1.34–3 Dividends to which the credit and exclusion apply.**

• • • • • •

(b) *Dividends from certain corporations.* • • •

(4) See section 857(c) and paragraph (d) of § 1.857–4 for special rules which deny a credit under section 34 and exclusion under section 116 in the case of dividends received from a real estate investment trust with respect to a taxable year for which such trust is taxable under part II, subchapter M, chapter 1 of the Code.

PAR. 13. Section 1.116 is amended by revising paragraphs (1) and (2)(B) and adding paragraph (3) in section 116, and revising the historical note. These amended and added provisions read as follows:

**§ 1.116 Statutory provisions; partial exclusion of dividends received by individuals.**

SEC. 116. *Partial exclusion of dividends received by individuals.* • • •

(b) *Certain dividends excluded.* Subsection (a) shall not apply to any dividend from—

(1) A corporation organized under the China Trade Act, 1922 (see sec. 941);

(2) A corporation which, for the taxable year of the corporation in which the distribution is made, or for the next preceding taxable year of the corporation, is—

(A) A corporation exempt from tax under section 501 relating to certain charitable, etc., organizations) or section 521 (relating to farmers' cooperative associations); or

(B) A corporation to which section 931 (relating to income from sources within possessions of the United States) applies; or

(3) A real estate investment trust which, for the taxable year of the trust in which the dividend is paid, qualifies under part II of subchapter M (sec. 856 and following).

• • • • • •

[Sec. 116 as amended by sec. 3(a), Life Insurance Company Income Tax Act 1959 (73 Stat. 139); sec. 10(f), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1009)]

PAR. 14. Section 1.243 is amended by adding paragraph (3) in section 243(c), and revising the historical note. These added and amended provisions read as follows:

**§ 1.243 Statutory provisions; dividends received by corporations.**

SEC. 243. *Dividends received by corporations.* • • •

(c) *Special rules for certain distributions.* For purposes of subsections (a) and (b)—

• • • • • •

(3) Any dividend received from a real estate investment trust which, for the taxable year of the trust in which the dividend is paid, qualifies under part II of subchapter M (sec. 856 and following) shall not be treated as a dividend.

[Sec. 243 as amended by sec. 57(b), Technical Amendments Act 1958 (72 Stat. 1645); sec. 10(g), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1009)]

PAR. 15. Section 1.243–2 is amended by adding paragraph (c). This added provision reads as follows:

**§ 1.243–2 Special rules for certain distributions.**

* * * * *

(c) *Dividends received from real estate investment trusts.* See section 857(c) and paragraph (d) of § 1.857–4 for special rules which deny a deduction under section 243 in the case of dividends received from a real estate investment trust with respect to a taxable year for which such trust is taxable under part II, subchapter M, chapter 1 of the Code.

PAR. 16. Section 1.246–1 is amended by revising paragraph (c), and adding paragraph (d). These amended and added provisions read as follows:

**§ 1.246–1 Deductions not allowed for dividends from certain corporations.**

The deductions provided in sections 243 (relating to dividends received by corporations), 244 (relating to dividends received on certain preferred stock), and 245 (relating to dividends received from certain foreign corporations), are not allowable with respect to any dividend received from:

* * * * *

(c) A corporation to which section 931 (relating to income from sources within possessions of the United States) applies for the taxable year of the corporation in which the distribution is made or for its next preceding taxable year; or

(d) A real estate investment trust which, for its taxable year in which the distribution is made, is taxable under part II, subchapter M, chapter 1 of the Code. See section 243(c)(3), paragraph (c) of § 1.243–2, section 857(c), and paragraph (d) of § 1.857–4.

PAR. 17. Section 1.318 is amended by revising paragraphs (4) and (5) and adding paragraph (6) in section 318(b), and adding a historical note. These amended and added provisions read as follows:

**§ 1.318 Statutory provisions; constructive ownership of stock.**

SEC. 318 *Constructive ownership of stocks.*

* * * * *

(b) *Cross references.* For provisions to which the rules contained in subsection (a) apply, see—

(1) Section 302 (relating to redemption of stock);

(2) Section 304 (relating to redemption by related corporations);

(3) Section 306(b)(1)(A) (relating to disposition of section 306 stock);

(4) Section 334(b)(3)(C) (relating to basis of property received in certain liquidations of subsidiaries);

(5) Section 382(a)(3) (relating to special limitations on net operating loss carryovers); and

(6) Section 856(d) (relating to definition of rents from real property in the case of real estate investment trusts).

[Sec. 318 as amended by sec. 10(h), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1009)]

PAR. 18. Section 1.318–1 is amended by revising subparagraphs (4) and (5) and adding subparagraph (6) in paragraph (a), and revising subparagraphs (2)(ii) and (3) and adding subparagraph (4) in paragraph (b). These amended and added provisions read as follows:

**§ 1.318–1 Constructive ownership of stock; introduction.**

(a) For the purposes of certain provisions of subchapter C, chapter 1 of the Code, section 318(a) provides that stock owned by a taxpayer includes stock constructively owned by such taxpayer under the rules set forth in such section. An individual is considered to own the stock owned, directly or indirectly, by or for his spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance), and by or for his children, grandchildren, and parents. Under section 318(a)(2), constructive ownership rules are established for partnerships and partners, estates and beneficiaries, trusts and beneficiaries, and corporations and stockholders. If any person has an option to acquire stock, such stock is considered as owned by such person. The term "option" includes an option to acquire such an option and each of a series of such options. The rules of section 318(a) are applicable to the following sections:

(1) Section 302 (relating to redemption of stock);

(2) Section 304 (relating to redemption by related corporations);

(3) Section 306(b)(1)(A) (relating to disposition of section 306 stock);

(4) Section 334(b)(3)(C) (relating to basis of property received in certain liquidations of subsidiaries);

(5) Section 382(a)(3) (relating to special limitations on net operating loss carryovers); and

(6) Section 856(d) (relating to definition of rents from real property in the case of real estate investment trusts).

Stock constructively owned by a person by reason of the application of paragraph (1), (2), or (3) of section 318(a) is, for purposes of applying paragraph (1), (2), or (3) treated as actually owned by such person, except as provided in section 318(a)(4)(B) and § 1.318–4.

(b) In applying section 318(a) to determine the stock ownership of any person for any one purpose—

(1) A corporation shall not be considered to own its own stock by reason of section 318(a)(2)(C)(ii),

(2) In any case in which an amount of stock owned by any person may be included in the computation more than one time—

(i) Such stock shall be used in such computation only once, and

(ii) Such stock shall be used in such computation in the manner in which it will impute to the person concerned the largest total stock ownership,

(3) In determining the 50-percent requirement of section 318(a)(2)(C) all of the stock owned actually and constructively by the person concerned shall be aggregated, and

(4) Under section 856(d) (relating to rents received by a real estate investment trust) "10 percent" shall be substituted for "50 percent" in subparagraph (C) of section 318(a)(2) in determining actual and constructive ownership of stock, assets, or net profits.

PAR. 19. Section 1.443 is amended by adding paragraph (5) under section 443 (d), and a historical note. These added provisions read as follows:

**§ 1.443 Statutory provisions; returns for a period of less than 12 months.**

SEC. 443. *Returns for a period of less than 12 months.* * * *

(d) *Cross references.* For inapplicability of subsection (b) in computing—

* * * * *

(5) The taxable income of a real estate investment trust, see section 857(b)(2)(d).

[Sec. 443 as amended by sec. 10(i), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1009)]

PAR. 20. Paragraph (d) of § 1.443–1 is amended by revising subparagraphs (3) and (4) and adding subparagraph (5). These amended and added provisions read as follows:

**§ 1.443–1 Returns for periods of less than 12 months.**

* * * * *

(d) *Cross references.* For inapplicability of section 443(b) and paragraph (b) of this section in computing—

(1) Accumulated earnings tax, see section 536 and the regulations thereunder;

(2) Personal holding company tax, see section 546 and the regulations thereunder;

(3) Undistributed foreign personal holding company income, see section 557 and the regulations thereunder;

(4) The taxable income of a regulated investment company, see section 852(b)(2)(E) and the regulations thereunder; and

(5) The taxable income of a real estate investment trust, see section 857(b)(2)(D) and the regulations thereunder.

PAR. 21. Section 1.1504 is amended by revising paragraph (6) in section 1504(b), and the historical note. These amended provisions read as follows:

**§ 1.1504 Statutory provisions; definitions.**

SEC. 1504. *Definitions.* * * *

(b) *Definition of "includible corporation".* As used in this chapter, the term "includible corporation" means any corporation except—

* * * * *

(6) Regulated investment companies and real estate investment trusts subject to tax under subchapter M of chapter 1.

* * * * *

[Sec. 1504 as amended by sec. 5, Act of March 13, 1956 (Pub. Law 429, 84th Cong., 70 Stat. 49); sec. 64(d)(3), Technical Amendments Act 1958 (72 Stat. 1657); sec. 3(f)(1), Life Insurance Company Income Tax Act 1959 (73 Stat. 140); sec. 2(c), Act of Sept. 23, 1959 (Pub. Law 86–376, 73 Stat. 699); sec. 10(j), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1009)]

PAR. 22. Paragraph (b) of § 1.1502–2 is amended by revising subdivision (vi) in, and the last sentence of, subparagraph (1). These amended provisions read as follows:

**§ 1.1502–2 Definitions.**

* * * * *

(b) *Affiliated group.* (1) The term "affiliated group" is defined in section 1504 and includes the common parent corporation and every other corporation for the period during which such corporation is a member of the affiliated group within the meaning of such section. It does not include any corporation which is not an "includible corporation" as defined by section 1504(b). An includible corporation is defined by such section to mean any corporation, except—

(i) A corporation exempt under section 501 from the taxes imposed by subtitle A;

(ii) An insurance company subject to taxation under section 802 or 821 (except as provided in section 1504(c));

(iii) A foreign corporation (except as provided in section 1504(d));

(iv) A corporation entitled to the benefits of section 931 by reason of receiving a large percentage of its income from sources within possessions of the United States;

(v) A corporation organized under the China Trade Act of 1922;

(vi) A regulated investment company or a real estate investment trust subject to tax under subchapter M, chapter 1 of the Code;

(vii) An unincorporated business enterprise subject to tax as a corporation under section 1361; and

(viii) For periods before September 24, 1959, an electing small business corporation as defined in section 1371(b).

The consolidated income tax return must include every includible corporation which, under the provisions of section 1504, is a member of the affiliated group. No corporation which is connected by stock ownership with an affiliated group of includible corporations through a nonincludible corporation may be included in the consolidated return of such group. In no case may a consolidated return be filed by subsidiary corporations as an affiliated group unless the common parent corporation through which the subsidiaries are connected is a member of the group. For instance, there will not be recognized as an affiliated group two domestic industrial corporations, the common parent corporation of which is a regulated investment company subject to tax under part I, subchapter M, chapter 1 of the Code.

PAR. 23. Paragraph (a) of § 1.61–9 is amended by revising the third sentence. This amended provision reads as follows:

**§ 1.61–9 Dividends.**

(a) *In general.* Except as otherwise specifically provided, dividends are included in gross income under sections 61 and 301. For the principal rules with respect to dividends includible in gross income, see section 316 and the regulations thereunder. As to distributions made or deemed to be made by regulated investment companies, see sections 851 through 855, and the regulations thereunder. As to distributions made by real estate investment trusts, see sections 856 through 858, and the regulations thereunder. See section 116 for the exclusion from gross income of $50 of dividends received by an individual, except those from certain corporations. Furthermore, dividends may give rise to a credit against tax under section 34, relating to dividends received by individuals, and under section 37, relating to retirement income.



PAR. 24. Paragraph (a) of § 1.561–1 is amended by revising the first sentence. This amended provision reads as follows:

**§ 1.561–1 Deduction for dividends paid.**

(a) The deduction for dividends paid is applicable in determining accumulated taxable income under section 535, undistributed personal holding company income under section 545, undistributed foreign personal holding company income under section 556, investment company taxable income under section 852, and real estate investment trust taxable income under section 857. The deduction for dividends paid includes—

(1) The dividends paid during the taxable year;

(2) The consent dividends for the taxable year, determined as provided in section 565; and

(3) In the case of a personal holding company, the dividend carryover computed as provided in section 564.

[F.R. Doc. 61–530; Filed, Jan. 19, 1961; 8:48 a.m.]

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[ 26 CFR Part 1 ]

## INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Distributions Pursuant to Bank Holding Company Act of 1956

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

The following regulations relating to distributions by qualified bank holding corporations are hereby prescribed under sections 1101, 1102, and 1103 of the Internal Revenue Code of 1954, as added by section 10(a) of the Bank Holding Company Act of 1956 (70 Stat. 133, 139):

DISTRIBUTIONS PURSUANT TO BANK HOLDING COMPANY ACT OF 1956


Sec.
1.1101 Statutory provisions; distributions pursuant to Bank Holding Company Act of 1956.
1.1101–1 In general.
1.1101–2 Certification by Board.
1.1101–3 Tax avoidance.
1.1101–4 Records to be kept and information to be filed with returns.
1.1102 Statutory provisions; distributions pursuant to Bank Holding Company Act of 1956; special rules.
1.1102–1 Basis of property acquired in distributions by qualified bank holding corporations.
1.1102–2 Filing of notification under section 1102(b) by qualified bank holding corporations.
1.1102–3 Allocation of earnings and profits in certain distributions by qualified bank holding corporations.
1.1103 Statutory provisions; distributions pursuant to Bank Holding Company Act of 1956; definitions.


DISTRIBUTIONS PURSUANT TO BANK HOLDING COMPANY ACT OF 1956

**§ 1.1101 Statutory provisions; distributions pursuant to Bank Holding Company Act of 1956.**

SEC. 1101. *Distributions pursuant to Bank Holding Company Act of 1956*—(a) *Distributions of certain non-banking property*—(1) *Distributions of prohibited property.* If—

(A) A qualified bank holding corporation distributes prohibited property (other than stock received in an exchange to which subsection (c)(2) applies)—

(i) To a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) To a shareholder, in exchange for its preferred stock; or

(iii) To a security holder, in exchange for its securities; and

(B) The Board has, before the distribution, certified that the distribution of such prohibited property is necessary or appropriate to effectuate section 4 of the Bank Holding Company Act of 1956,

then no gain to the shareholder or security holder from the receipt of such property shall be recognized.

(2) *Distributions of stock and securities received in an exchange to which subsection (c)(2) applies.* If—

(A) A qualified bank holding corporation distributes—

(i) Common stock received in an exchange to which subsection (c)(2) applies to a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) Common stock received in an exchange to which subsection (c)(2) applies to a shareholder, in exchange for its common stock; or

(iii) Preferred stock or common stock received in an exchange to which subsection (c)(2) applies to a shareholder, in exchange for its preferred stock; or

(iv) Securities or preferred or common stock received in an exchange to which subsection (c)(2) applies to a security holder, in exchange for its securities; and

(B) Any preferred stock received has substantially the same terms as the preferred stock exchanged, and any securities received have substantially the same terms as the securities exchanged.

then, except as provided in subsection (f), no gain to the shareholder or security holder from the receipt of such stock or such securities or such stock and securities shall be recognized.

(3) *Non pro rata distributions.* Paragraphs (1) and (2) shall apply to a distribution whether or not the distribution is pro rata with respect to all of the shareholders of the distributing qualified bank holding corporation.

(4) *Exception.* This subsection shall not apply to any distribution by a corporation which has made any distribution pursuant to subsection (b).

(5) *Distributions involving gift or compensation.* In the case of a distribution to which paragraph (1) or (2) applies, but which—

(A) Results in a gift, see section 2501, and following, or

(B) Has the effect of the payment of compensation, see section 61(a)(1).

(b) *Corporation ceasing to be a bank holding company*—(1) *Distributions of property which cause a corporation to be a bank holding company.* If—

(A) A qualified bank holding corporation distributes property (other than stock received in an exchange to which subsection (c)(3) applies)—

(i) To a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) To a shareholder, in exchange for its preferred stock; or

(iii) To a security holder, in exchange for its securities; and

(B) The Board has, before the distribution, certified that—

(i) Such property is all or part of the property by reason of which such corporation controls (within the meaning of section 2(a) of the Bank Holding Company Act of 1956) a bank or bank holding company, or such property is part of the property by reason of which such corporation did control a bank or a bank holding company before any property of the same kind was distributed under this subsection or exchanged under subsection (c)(3); and

(ii) The distribution is necessary or appropriate to effectuate the policies of such Act,

then no gain to the shareholder or security holder from the receipt of such property shall be recognized.

(2) *Distributions of stock and securities received in an exchange to which subsection (c)(3) applies.* If—

(A) A qualified bank holding corporation distributes—

(i) Common stock received in an exchange to which subsection (c)(3) applies to a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) Common stock received in an exchange to which subsection (c)(3) applies to a shareholder, in exchange for its common stock; or

(iii) Preferred stock or common stock received in an exchange to which subsection (c)(3) applies to a shareholder, in exchange for its preferred stock; or

(iv) Securities or preferred or common stock received in an exchange to which subsection (c)(3) applies to a security holder, in exchange for its securities; and

(B) Any preferred stock received has substantially the same terms as the preferred stock exchanged, and any securities received have substantially the same terms as the securities exchanged,

then, except as provided in subsection (f), no gain to the shareholder or security holder from the receipt of such stock or such securities or such stock and securities shall be recognized.

(3) *Non pro rata distributions.* Paragraphs (1) and (2) shall apply to a distribution whether or not the distribution is pro rata with respect to all of the shareholders of the distributing qualified bank holding corporation.

(4) *Exception.* This subsection shall not apply to any distribution by a corporation which has made any distribution pursuant to subsection (a).

(5) *Distributions involving gift or compensation.* In the case of a distribution to which paragraph (1) or (2) applies, but which—

(A) Results in a gift, see section 2501, and following, or

(B) Has the effect of the payment of compensation, see section 61(a)(1).

(c) *Property acquired after May 15, 1955*—(1) *In general.* Except as provided in paragraphs (2) and (3), subsection (a) or (b) shall not apply to—

(A) Any property acquired by the distributing corporation after May 15, 1955, unless (i) gain to such corporation with respect to the receipt of such property was not recognized by reason of subsection (a) or (b), or (ii) such property was received by it in exchange for all of its stock in an exchange to which paragraph (2) or (3) applies, or (iii) such property was acquired by the distributing corporation in a transaction in which gain was not recognized under section 305(a) or section 332, or under section 354 with respect to a reorganization described in section 368(a)(1)(E) or (F), or

(B) Any property which was acquired by the distributing corporation in a distribution with respect to stock acquired by such corporation after May 15, 1955, unless such stock was acquired by such corporation (i) in a distribution (with respect to stock held by it on May 15, 1955, or with respect to stock in respect of which all previous applications of this clause are satisfied) with respect to which gain to it was not recognized by reason of subsection (a) or (b), or (ii) in exchange for all of its stock in an exchange to which paragraph (2) or (3) applies, or (iii) in a transaction in which gain was not recognized under section 305(a) or section 332, or under section 354 with respect to a reorganization described in section 368(a)(1)(E) or (F), or

(C) Any property acquired by the distributing corporation in a transaction in which gain was not recognized under section 332, unless such property was acquired from a corporation which, if it had been a qualified bank holding corporation, could have distributed such property under subsection (a)(1) or (b)(1).

(2) *Exchanges involving prohibited property.* If—

(A) Any qualified bank holding corporation exchanges (i) property, which, under subsection(a)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain to such shareholders or security holders, and other property (except property described in subsection (b)(1)(B)(i), for (ii) all of the stock of a second corporation created and availed of solely for the purpose of receiving such property;

(B) Immediately after the exchange, the qualified bank holding corporation distributes all of such stock in a manner prescribed in subsection (a)(2)(A); and

(C) Before such exchange, the Board has certified (with respect to the property exchanged which consists of property which, under subsection (a)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain) that the exchange and distribution are necessary or appropriate to effectuate section 4 of the Bank Holding Company Act of 1956,

then paragraph (1) shall not apply with respect to such distribution.

(3) *Exchanges involving interests in banks.* If—

(A) Any qualified bank holding corporation exchanges (i) property which, under subsection (b)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain to such shareholders or security holders, and other property (except prohibited property), for (ii) all of the stock of a second corporation created and availed of solely for the purpose of receiving such property;

(B) Immediately after the exchange, the qualified bank holding corporation distributes all of such stock in a manner prescribed in subsection (b)(2)(A); and

(C) Before such exchange, the Board has certified (with respect to the property exchanged which consists of property which, under subsection (b)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain) that—

(i) Such property is all or part of the property by reason of which such corporation controls (within the meaning of section 2(a) of the Bank Holding Company Act of 1956) a bank or bank holding company, or such property is part of the property by reason of which such corporation did control a bank or a bank holding company before any property of the same kind was distributed under subsection (b)(1) or exchanged under this paragraph; and

(ii) The exchange and distribution are necessary or appropriate to effectuate the policies of such Act,

then paragraph (1) shall not apply with respect to such distribution.

(d) *Distributions to avoid Federal income tax*—(1) *Prohibited property.* Subsection (a) shall not apply to a distribution if, in connection with such distribution, the distributing corporation retains, or transfers after May 15, 1955, to any corporation, property (other than prohibited property) as part of a plan one of the principal purposes of which is the distribution of the earnings and profits of any corporation.

(2) *Banking property.* Subsection (b) shall not apply to a distribution if, in connection with such distribution, the distributing corporation retains, or transfers after May 15, 1955, to any corporation, property (other than property described in subsection (b)(1)(B)(i)) as part of a plan one of the principal purposes of which is the distribution of the earnings and profits of any corporation.

(3) *Certain contributions to capital.* In the case of a distribution a portion of which is attributable to a transfer which is a contribution to the capital of a corporation, made after May 15, 1955, and prior to the date of the enactment of this part, if subsection (a) or (b) would apply to such distribution but for the fact that, under paragraph (1) or (2) (as the case may be) of this subsection, such contribution to capital is part of a plan one of the principal purposes of which is to distribute the earnings and profits of any corporation, then, notwithstanding paragraph (1) or (2), subsection (a) or (b) (as the case may be) shall apply to that portion of such distribution not attributable to such contribution to capital, and shall not apply to that portion of such distribution attributable to such contribution to capital.

(e) *Final certification*—(1) *For subsection (a).* Subsection (a) shall not apply with respect to any distribution by a corporation unless the Board certifies that, before the expiration of the period permitted under section 4(a) of the Bank Holding Company Act of 1956 (including any extensions thereof granted to such corporation under section 4(a)), the corporation has disposed of all the property the disposition of which is necessary or appropriate to effectuate section 4 of such Act (or would have been so necessary or appropriate if the corporation had continued to be a bank holding company).

(2) *For subsection (b)*—(A) Subsection (b) shall not apply with respect to any distribution by any corporation unless the Board certifies that, before the expiration of the period specified in subparagraph (B), the corporation has ceased to be a bank holding company.

(B) The period referred to in subparagraph (A) is the period which expires 2 years after the date of the enactment of this part or 2 years after the date on which the corporation becomes a bank holding company, whichever date is later. The Board is authorized, on application by any corporation, to extend such period from time to time with respect to such corporation for not more than one year at a time if, in its judgment, such an extension would not be detrimental to the public interest; except that such period may not in any case be extended beyond the date 5 years after the date of the enactment of this part or 5 years after the date on which the corporation becomes a bank holding company, whichever date is later.

(f) *Certain exchanges of securities.* In the case of an exchange described in subsection (a)(2)(A)(iv) or subsection (b)(2)(A)(iv), subsection (a) or subsection (b) (as the case may be) shall apply only to the extent that the principal amount of the securities received does not exceed the principal amount of the securities exchanged.

[Sec. 1101 as added by sec. 10(a), Bank Holding Company Act 1956 (70 Stat. 139)]

### § 1.1101–1 In general.

The Bank Holding Company Act of 1956 (12 U.S.C. ch. 17) requires, in certain cases, the separation of interests in nonbanking businesses held by a bank holding company, as defined in section 2(a) of the Act (12 U.S.C. 1841(a)), from its interests in banking and closely related businesses. In order to facilitate such separation, part VIII (section 1101 and following), subchapter O, chapter 1 of the Code, provides, to a limited extent, for the nonrecognition of gain on the receipt, by shareholders or security holders of a qualified bank holding corporation, of property distributed pursuant to a certification by the Board of Governors of the Federal Reserve System that such distribution is necessary or appropriate to effectuate the policies of the Act. The provisions of such part VIII of subchapter O supersede other provisions of chapter 1 of the Code only to the extent that such provisions of part VIII specifically apply to a transaction and, where they are not applicable, do not prevent the application of any other provisions of law under which nonrecognition of gain may occur. For example, a bank holding company may retain, under section 4(c)(5) of the Act (12 U.S.C. 1843(c)(5)), up to five percent of the voting stock of another company. In such a case, a distribution of all the stock of such other company pursuant to a certification by the Board would result in nonrecognition of gain under section 1101 as to only 95 percent of such distribution. However, assuming the distribution is one that qualifies for nonrecognition of gain under section 355, relating to distribution of stock and securities of a controlled corporation, as well as under section 1101, nonrecognition of gain may be obtained under section 355 with respect to the five percent not qualifying for nonrecognition under section 1101. Further, the provisions of such part VIII of subchapter O do not provide for nonrecognition of gain to the distributing bank holding company. Accordingly, gain will be recognized to the distributing corporation in appropriate cases. For example, if a bank holding company, in a distribution qualifying under section 1101, distributes installment obligations, LIFO inventory, or property subject to a liability in excess of its adjusted basis, gain may be recognized to the corporation under section 453(d) or section 311. If, pursuant to section 1101(c)(2) or 1101(c)(3), a bank holding company places the property to be disposed of in a newly created corporation in exchange for all its stock which is then distributed by the bank holding company to its shareholders, the extent, if any, to which gain will be recognized to the bank holding company on either the exchange or the subsequent distribution is not affected by such part VIII of subchapter O and must be determined under other provisions of the Internal Revenue Code. For example, if the conditions of section 351 are satisfied, the exchange of property for stock will result in nonrecognition of gain to the bank holding company under that section.

### § 1.1101–2 Certification by Board.

(a) *Requirement of certification.* Part VIII (section 1101 and following), subchapter O, chapter 1 of the Code, is applicable only with respect to distributions and exchanges by a qualified bank holding corporation as defined in section 1103(b). A bank holding company shall be treated as a qualified bank holding corporation only if the Board of Governors of the Federal Reserve System issues a certification that the company satisfies the requirements of section 1103(b). (See 12 CFR 222.5(c).)

(b) *Nonrecognition of gain.* Distributions of property (other than stock and securities in a corporation created in accordance with the provisions of section 1101(c)(2) or (c)(3)) will not result in nonrecognition of gain to the shareholders and security holders of a bank holding company under section 1101(a)(1) or (b)(1) unless, before the distribution, the Board has issued a certification pursuant to section 1101(a)(1)(B) or (b)(1)(B), whichever is applicable. Distributions of stock and securities in a corporation created in accordance with section 1101(c)(2) or (c)(3) will not result in nonrecognition of gain to the shareholders and security holders of a bank holding company under section 1101(a)(2) or (b)(2) unless, before the exchange described in section 1101(c)(2)(A) or (c)(3)(A), the Board has issued a certification pursuant to section 1101(c)(2)(C) or (c)(3)(C), whichever is applicable. Further, unless a final certification is also made by the Board in accordance with section 1101(e), section 1101(a) or (b) will not apply to any distribution made by a bank holding company. Provisionally, however, pending the issuance of such final certification, section 1101(a) or (b) shall be deemed applicable to distributions otherwise qualifying under such part VIII of subchapter O which are made within the period described in section 1101(e)(1) or (e)(2)(B), whichever is applicable.

(c) *Limitations.* The period of limitations in section 6501 with respect to any deficiency resulting solely from the receipt by a shareholder or security holder of property, in a distribution certified by the Board in accordance with section 1101(a)(1)(B), (b)(1)(B), (c)(2)(C), or (c)(3)(C), shall not expire prior to the period prescribed in section 1102(b), notwithstanding that the shareholder or security holder relied on a provision of law other than section 1101(a) or (b), for example section 355, to obtain nonrecognition of gain on the distribution. (See § 1.1102–2.)

### § 1.1101–3 Tax avoidance.

(a) *Recognition of gain.* Irrespective of whether the transaction meets the other requirements of sections 1101, 1102, and 1103, a distribution will not qualify for nonrecognition of gain pursuant to the provisions of section 1101 if, in connection with such distribution, the distributing corporation retains, or transfers to any corporation after May 15, 1955, property pursuant to a plan one of the principal purposes of which is the distribution of earnings and profits of a corporation so as to avoid the Federal income tax on dividends. A certification that a particular distribution of property is necessary or appropriate in order to comply with the Bank Holding Company Act of 1956 (12 U.S.C. ch. 17) shall not be considered as permitting nonrecognition of gain where such distribution is a part of a plan to distribute earnings and profits in avoidance of the Federal income tax on dividends.

(b) *Continuity and other factors.* Section 1101 contemplates a continuity of the enterprise as modified and a continuity of interest in all or part of the property received or retained on the part of those who, directly or indirectly, were the owners of the enterprise prior to the distribution or exchange. Whether or not a distribution is made under section 1101 in such a manner as to be in avoidance of Federal income tax is a question to be decided in the light of all the facts and circumstances surrounding the transaction. Some of the factors which may evidence a tax avoidance plan in appropriate circumstances are the following:

(1) A company making acquisitions of property shortly before May 15, 1955, in anticipation of the legislation in order to qualify under the Bank Holding Company Act of 1956.

(2) A greatly disproportionate shift to banking or nonbanking assets shortly before or after May 15, 1955, from the normal course of holdings or any unusual shift within such groups of assets that is inconsistent with prior holdings, particularly if made to such assets that are or may be more readily marketable.

(3) A separation of assets, the acquisition of which was substantially financed out of the earnings of particular properties, from such properties (whether or not such properties are retained), particularly where said assets are in the

form of cash or highly marketable securities, stocks, or other investments, and where such separation is not necessary or appropriate to effectuate the policies of the Bank Holding Company Act of 1956.

(4) A transfer of "other property" in an exchange described in section 1101 (c)(2) or (c)(3), which property is greater in amount than that reasonably required by the newly created corporation for its working capital or is disproportionate to or inconsistent with the holding operations previously engaged in.

(5) An indication that a liquidation of either of the corporations separated pursuant to section 1101(c)(2) or 1101(c)(3) is contemplated or that dominant shareholders thereof intended to sell the stock received or retained.

(6) An indication that dominant shareholders contemplated the sale of property distributed directly.

(7) The fact that any distribution to or exchange with preferred shareholders or security holders results in the transaction being disproportionate to their holdings and interests as such holders in the distributing corporation immediately prior to the distribution.

A shift of assets to a corporation to be separated will not in itself establish a plan to avoid tax if such action is consistent with the holding operations previously engaged in and in conformity with good business practice. Similiarly, a reasonable transfer of cash and securities to a corporation availed of under section 1101(c)(2) or 1101(c)(3) for the reasonable working capital needs of a newly organized corporation will not, by itself, establish an attempt to distribute earnings and profits. Where it is established that a contribution to capital was made after May 15, 1955, and prior to the enactment of the Bank Holding Company Act of 1956 with one of the principal purposes of distributing earnings and profits of any corporation, such action will not in itself cause the proportionate remainder of a distribution to fail to qualify for treatment under section 1101. (See section 1101(d)(3).)

### § 1.1101–4 Records to be kept and information to be filed with returns.

Each stock or security holder who receives stock or securities or other property upon a distribution made by a qualified bank holding corporation under section 1101 shall maintain records of, and file as a part of his income tax return for the taxable year in which such distribution is received a complete statement of, all facts pertinent to the nonrecognition of gain upon such distribution, including—

(a) Name and address of the corporation from which the distribution is received.

(b) A statement of the name or designation, type, class, number, and fair market value on the date of receipt of the stock or securities or other property received upon the distribution and a record of the disposition made thereof, or of any stock or securities retained in the distributing corporation in the year of receipt.

(c) The date the distribution was received.

(d) If preferred stock is exchanged for preferred stock or securities are exchanged for securities within the meaning of section 1101(a)(2)(A) or section 1101(b)(2)(A), a statement of the terms and amount of such newly issued securities or preferred stock, as well as of those surrendered.

(e) Identification of the plan forming the basis of the issuance by the Board of Governors of the Federal Reserve System of any certification under section 1101, and any certifications of said Board concerning the distribution received, including the dates thereof and an outline of the terms thereof.

(f) A statement as to the distributee's holdings immediately prior to the record date for the distribution of each class of stock or securities outstanding of the distributing corporation, together with the date and manner of acquisition thereof.

(g) The value of the distributing corporation's stock per share or securities immediately prior to and after the distribution.

### § 1.1102 Statutory provisions; distributions pursuant to Bank Holding Company Act of 1956; special rules.

SEC. 1102. *Special rules*—(a) *Basis of property acquired in distributions.* If, by reason of section 1101, gain is not recognized with respect to the receipt of any property, then, under regulations prescribed by the Secretary or his delegate—

(1) If the property is received by a shareholder with respect to stock, without the surrender by such shareholder of stock, the basis of the property received and of the stock with respect to which it is distributed shall, in the distributee's hands, be determined by allocating between such property and such stock the adjusted basis of such stock; or

(2) If the property is received by a shareholder in exchange for stock or by a security holder in exchange for securities, the basis of the property received shall, in the distributee's hands, be the same as the adjusted basis of the stock or securities exchanged, increased by—

(A) The amount of the property received which was treated as a dividend, and

(B) The amount of gain to the taxpayer recognized on the property received (not including any portion of such gain which was treated as a dividend).

(b) *Periods of limitation.* The periods of limitation provided in section 6501 (relating to limitations on assessment and collection) shall not expire, with respect to any deficiency (including interest and additions to the tax) resulting solely from the receipt of property by shareholders in a distribution which is certified by the Board under subsection (a), (b), or (c) of section 1101, until five years after the distributing corporation notifies the Secretary or his delegate (in such manner and with such accompanying information as the Secretary or his delegate may by regulations prescribe) that the period (including extensions thereof) prescribed in section 4(a) of the Bank Holding Company Act of 1956, or section 1101(e)(2)(B), whichever is applicable, has expired; and such assessment may be made notwithstanding any provision of law or rule of law which would otherwise prevent such assessment.

(c) *Allocation of earnings and profits*—(1) *Distribution of stock in a controlled corporation.* In the case of a distribution by a qualified bank holding corporation under section 1101 (a)(1) or (b)(1) of stock in a controlled corporation, proper allocation with respect to the earnings and profits of the distributing corporation and the controlled corporation shall be made under regulations prescribed by the Secretary or his delegate.

(2) *Exchanges described in section 1101(c)(2) or (3).* In the case of any exchange described in section 1101(c)(2) or (3), proper allocation with respect to the earnings and profits of the corporation transferring the property and the corporation receiving such property shall be made under regulations prescribed by the Secretary or his delegate.

(3) *Definition of controlled corporation.* For purposes of paragraph (1), the term "controlled corporation" means a corporation with respect to which at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock is owned by the distributing qualified bank holding corporation.

(d) *Itemization of property.* In any certification under this part, the Board shall make such specification and itemization of property as may be necessary to carry out the provisions of this part.

[Sec. 1102 as added by sec. 10(a), Bank Holding Company Act 1956 (70 Stat. 139)]

### § 1.1102–1 Basis of property acquired in distributions by qualified bank holding corporations.

In the case of a distribution to a shareholder with respect to stock, without the surrender by such shareholder of stock, to which section 1101 (a) or (b) applies, the sum of the basis of all the stock in the distributing corporation held immediately after the transaction plus the basis of all the nonrecognition property received in the transaction shall be the same as the basis of all the stock in such corporation held immediately before the transaction allocated in proportion to the respective fair market value of each. In the case of an exchange to which section 1101 (a) or (b) applies, in which property is received by a shareholder in exchange for stock or by a security holder in exchange for securities, the basis of all the property received in the exchange and as a part thereof shall be the same as the adjusted basis of the stock or securities exchanged, increased by—

(a) The amount of the property received as part of the exchange which was treated as a dividend, and

(b) The amount of gain to the taxpayer recognized on the property received as part of the exchange (not including any portion of such gain which was treated as a dividend).

The basis, in a case involving an exchange, must be apportioned to the properties received, and for this purpose there must be allocated to such other property received as part of the exchange (not permitted to be received without the recognition of gain) an amount of such basis equivalent to the fair market value of such other property at the date of the exchange. Any other property received in connection with a transaction under section 1101 on which gain is realized shall receive a basis in accordance with whichever Code section may be applicable to that portion of the transaction.



### § 1.1102–2 Filing of notification under section 1102(b) by qualified bank holding corporations.

Every distributing corporation which is certified as being a qualified bank holding corporation under section 1103 (b) shall, as soon as practical, by written statement notify the Commissioner of Internal Revenue, Washington 25, D.C., Attention: T:R:R, that the period (including extensions thereof granted by the Board of Governors of the Federal Reserve System) prescribed in section 4(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(a)), or section 1101(e)(2)(B) of the Code, whichever is applicable, has expired. In order for such statement to satisfy the requirements for notification under section 1102 (b), there shall be included a complete statement of all facts pertinent to the divestment of assets under part VIII (section 1101 and following), subchapter C, chapter 1 of the Code, including the following:

(a) Name and address of the distributing corporation.

(b) A copy of the plan of divestment forming the basis of the issuance by the Board of any certification under section 1101(a)(1)(B), section 1101(b)(1)(B), section 1101(c)(2)(C), or section 1101(c)(3)(C), as the case may be.

(c) A copy of any such certifications issued to the distributing corporation by the Board.

(d) A certified copy of the corporate resolution authorizing every distribution under section 1101.

(e) Identification and date of acquisition by the distributing corporation of all property distributed under section 1101.

(f) Identification and date of acquisition by the distributing corporation of all property which was transferred to a new corporation under section 1101(c)(2) or (3).

(g) If the date of acquisition in paragraph (e) or (f) of this section was after May 15, 1955, a complete statement of details surrounding the acquisition. If any of such property was acquired in a distribution under section 1101, a copy of the certification covering such distribution.

(h) A statement as to whether any of the distributions under section 1101 contained installment obligations, LIFO inventory, or property either subject to a liability in excess of its basis or in connection with the receipt of which any shareholder assumed a liability in excess of its basis. If so, the statement shall include complete details, including dates of distribution.

(i) [Reserved.]

(j) Name and address of each distributee.

(k) Number of shares of outstanding stock of the corporation, by class, and amount of securities actually owned by each distributee prior to the distribution.

(l) If preferred stock was exchanged for preferred stock or securities were exchanged for securities under section 1101(a)(2)(A) or section 1101(b)(2)(A), the terms and amount of the newly issued securities or preferred shares received and of those surrendered.

(m) Identification of the property distributed to each distributee under section 1101, by date, together with the fair market value at date of distribution.

(n) Fair market value of the distributing corporation's outstanding securities and stock per share immediately after a distribution.

(o) The amount of the undistributed earnings and profits of the distributing corporation accumulated after February 28, 1913, to date of transfer to a new corporation in an exchange to which section 1101(c)(2) or (3) applies.

(p) If property was transferred to a new corporation under the provisions of section 1101(c)(2) or (3), a statement giving the value of the assets transferred together with the value of assets retained. If cash was transferred, a complete substantiation thereof.

(q) If stock in a controlled corporation within the meaning of section 1102(c)(3) is distributed under section 1101(a)(1) or (b)(1), a statement giving the accumulated earnings and profits of the controlled corporation (or deficit in earnings as the case may be) immediately prior to the distribution.

(r) A copy of the final certification if issued to the distributing corporation by the Board pursuant to section 1101(e).

(s) The date of expiration of the period (including extensions thereof) prescribed in section 4(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(a)), or section 1101(e)(2)(B), whichever is applicable.

(t) A statement showing, for the 5-year period preceding any exchange or distribution described in section 1101, the amount of income and expenditures attributable to each of the respective activities and holdings of the bank holding company and further showing the holdings and activities, after the distributions and exchanges described in section 1101, of the bank holding company and the corporations the stock of which is distributed under section 1101.

The periods of limitation (section 6501) with respect to any deficiency, including interest and additions to the tax, resulting solely from the receipt of property by shareholders in a distribution certified by the Board under subsection (a), (b), or (c) of section 1101 shall not expire until 5 years following the date of the notification required under section 1102(b) and this section.

### § 1.1102–3 Allocation of earnings and profits in certain distributions by qualified bank holding corporations.

(a) *Exchanges described in section 1101(c)(2) or (3).* Under section 1102(c), if a qualified bank holding corporation transfers property to a newly created corporation in exchange for all of its stock in a transaction described in section 1101(c)(2)(A) or (3)(A) and immediately thereafter the stock and securities of the controlled corporation are distributed in a distribution or exchange to which section 1101(a)(2) or (b)(2) applies, the earnings and profits of the bank holding corporation immediately before the transaction shall be allocated between such bank holding corporation and the controlled corporation. Such allocation generally shall be made in proportion to the fair market value of the assets retained by the bank holding corporation and the assets of the controlled corporation immediately after the transaction. In a proper case, allocation shall be made in proportion to the net basis of the assets transferred and of the assets retained or by such other method as may be appropriate under the facts and circumstances of the case. The term "net basis" means the basis of the assets less liabilities assumed or liabilities to which such assets are subject. The part of the earnings and profits of the taxable year of the bank holding corporation in which the transaction occurs allocable to the controlled corporation shall be included in the computation of the earnings and profits of the first taxable year of the controlled corporation ending after the date of the transaction.

(b) *Distribution of stock in a controlled corporation under section 1101(a)(1) or (b)(1).* If a qualified bank holding corporation distributes stock of a controlled corporation (as defined in section 1102(c)(3)) in a distribution or exchange to which section 1101(a)(1) or (b)(1) applies, the earnings and profits of the bank holding corporation shall be decreased by the lesser of the following amounts:

(1) The amount by which the earnings and profits of the bank holding corporation would have been decreased if it had transferred the stock of the controlled corporation to a new corporation in a transaction to which section 1101(c)(2) or (3) applied and immediately thereafter distributed the stock of such new corporation under section 1101 (a)(2) or (b)(2) or,

(2) The net worth of the controlled corporation. (For this purpose the term "net worth" means the sum of the bases of all of the properties plus cash minus all liabilities.)

If the earnings and profits of the controlled corporation immediately before the transaction are less than the amount of the decrease in earnings and profits of the bank holding corporation (including the case in which the controlled corporation has a deficit) the earnings and profits of the controlled corporation, after the transaction, shall be equal to the amount of such decrease. If the earnings and profits of the controlled corporation immediately before the transaction are more than the amount of the decrease in the earnings and profits of the bank holding corporation they shall remain unchanged.

(c) *Deficits.* A deficit of the distributing corporation shall in no case be allocated to a controlled corporation.

### § 1.1103 Statutory provisions; distributions pursuant to Bank Holding Company Act of 1956; definitions.

SEC. 1103. *Definitions*—(a) *Bank holding company.* For purposes of this part, the term "bank holding company" has the meaning assigned to such term by section 2 of the Bank Holding Company Act of 1956.

(b) *Qualified bank holding corporation*—(1) *In general.* Except as provided in paragraph (2), for purposes of this part the term

"qualified bank holding corporation" means any corporation (as defined in section 7701 (a)(3)) which is a bank holding company and which holds prohibited property acquired by it—

(A) On or before May 15, 1955,

(B) In a distribution in which gain to such corporation with respect to the receipt of such property was not recognized by reason of subsection (a) or (b) of section 1101, or

(C) In exchange for all of its stock in an exchange described in section 1101 (c)(2) or (c)(3).

(2) *Limitations.* (A) A bank holding company shall not be a qualified bank holding corporation, unless it would have been a bank holding company on May 15, 1955, if the Bank Holding Company Act of 1956 had been in effect on such date, or unless it is a bank holding company determined solely by reference to—

(i) Property acquired by it on or before May 15, 1955,

(ii) Property acquired by it in a distribution in which gain to such corporation with respect to the receipt of such property was not recognized by reason of subsection (a) or (b) of section 1101, and

(iii) Property acquired by it in exchange for all of its stock in an exchange described in section 1101(c) (2) or (3).

(B) A bank holding company shall not be a qualified bank holding corporation by reason of property described in subparagraph (B) of paragraph (1) or clause (ii) of subparagraph (A) of this paragraph, unless such property was acquired in a distribution with respect to stock, which stock was acquired by such bank holding company—

(i) On or before May 15, 1955,

(ii) In a distribution (with respect to stock held by it on May 15, 1955, or with respect to stock in respect of which all previous applications of this clause are satisfied) with respect to which gain to it was not recognized by reason of subsection (a) or (b) of section 1101, or

(iii) In exchange for all of its stock in an exchange described in section 1101(c)(2) or (3).

(C) A corporation shall be treated as a qualified bank holding corporation only if the Board certifies that it satisfies the foregoing requirements of this subsection.

(c) *Prohibited property.* For purposes of this part, the term "prohibited property" means, in the case of any bank holding company, property (other than nonexempt property) the disposition of which would be necessary or appropriate to effectuate section 4 of the Bank Holding Company Act of 1956 if such company continued to be a bank holding company beyond the period (including any extensions thereof) specified in subsection (a) of such section or in section 1101(e)(2)(B) of this part, as the case may be. The term "prohibited property" does not include shares of any company held by a bank holding company to the extent that the prohibitions of section 4 of the Bank Holding Company Act of 1956 do not apply to the ownership by such bank holding company of such property by reason of subsection (c)(5) of such section.

(d) *Nonexempt property.* For purposes of this part, the term "nonexempt property" means—

(1) Obligations (including notes, drafts, bills of exchange, and bankers' acceptances) having a maturity at the time of issuance of not exceeding 24 months, exclusive of days of grace;

(2) Securities issued by or guaranteed as to principal or interest by a government or subdivision thereof or by any instrumentality of a government or subdivision; or

(3) Money, and the right to receive money not evidenced by a security or obligation (other than a security or obligation described in paragraph (1) or (2)).

(e) *Board.* For purposes of this part, the term "Board" means the Board of Governors of the Federal Reserve System.

[Sec. 1103 as added by sec. 10(a), Bank Holding Company Act 1956 (70 Stat. 139)]

[F.R. Doc. 61-529; Filed, Jan. 19, 1961; 8:48 a.m.]

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## [ 26 CFR Part 48 ]

## COOPERATIVE ADVERTISING

### Notice of Hearing on Proposed Regulations

Proposed regulations under section 4216(f) of the Code, relating to cooperative advertising, were published in the FEDERAL REGISTER for December 29, 1960.

A public hearing on the provisions of these proposed regulations will be held on Friday, February 17, 1961, at 10:00 a.m., e.s.t, in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington 25, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by February 14, 1961.

[SEAL] PAUL T. MAGINNIS,
*Acting Director, Technical Planning Division, Internal Revenue Service.*

[F.R. Doc. 61-536; Filed, Jan. 19, 1961; 8:51 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [ 7 CFR Part 1019 ]

[Docket No. AO-305-A3]

## MILK IN CONNECTICUT MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is herby given of a public hearing to be held at the Bond Hotel, Hartford, Connecticut, beginning at 9:30 a.m., e.s.t., on January 24, 1961 with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Connecticut marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Connecticut Milk Producers Association:

*Proposal No. 1.* In § 1019.3(c)(2), immediately preceding the colon (:) add the following: "or to a plant of a producer-handler in the marketing area".

*Proposal No. 2.* In § 1019.32(b), immediately after the first reference to § 1019.60(a), insert the following: "to be made on or before the 22nd day after the end of each month".

*Proposal No. 3.* In § 1019.32(b), immediately after the first reference to cooperative association, insert the following: "on or before the 21st day after the end of each month".

*Proposal No. 4.* In § 1019.32 add a new paragraph (c) as follows:

(c) In making payments to producers prescribed in § 1019.60(a) to be made on or before the 5th day after the end of each month, each pool handler shall furnish each producer with a supporting statement showing the month and the identity of the handler and of the producer, the total pounds of milk delivered by the producer in not less than the first 20 days of the month, the rate which is used in making the payment, and the net amount of payment to the producer: *Provided,* That in the case of producers for whom the handler makes payment to a cooperative association on or before the 3d day after the end of each month such supporting information shall be furnished by the handler to such cooperative association on or before the 25th day of the month for which such payment is due.

*Proposal No. 5.* Replace paragraphs (a), (b) and (c) of § 1019.60 with:

(a) On or before the 5th day after the end of each month, for not less than the quantity of milk received during the first 20 days of the month, at not less than $3.00 per hundredweight, and on or before the 22nd day after the end of each month, for the quantity of milk received during the month, at not less than the basic uniform price per hundredweight computed pursuant to § 1019.51, subject to the differentials provided in §§ 1019.61, 1019.62 and 1019.63: *Provided:* That with respect to each deduction for hauling, or for any other purpose, made from such payment, the burden shall rest upon the handler making the deduction to prove that each deduction is authorized, and properly chargeable to the producer: *And provided further,* That if by such date such handler has not received full payment from the market administrator pursuant to § 1019.66, he may reduce pro rata his payment to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payment pursuant to this paragraph next following after receipt of the balance due from the market administrator: *And provided further,* That the amount paid on or before the 5th day after the end of each month may be deducted from the amount due on or before the 22nd day as calculated according to this section.

(b) In the case of an association of producers which the Secretary determines is authorized by its producer-members to collect payment for their milk and which has so requested any handler in writing, such handler on or before the 3d day after the end of each month, shall pay the association at a price not less than $3.00 per hundredweight for not less than the quantity of milk received during the first 20 days of the month, and on or before the 21st day after the end of each month, shall pay the association for milk received during such month from the producer-members of such association, as determined by the market administrator, an amount not less than the total due such producer-members as determined pursuant to paragraph (a) of this section, less the amount paid on or before the 3d day after the end of each month.

(c) In the case of a handler who receives fluid milk products from the plant of an association of producers in its capacity as a handler, such handler, on or before the 3d day after the end of each month, shall pay such association at a price not less than $3.00 per hundredweight for not less than the quantity of milk received during the first 20 days of the month, and on or before the 21st day after the end of each month, shall pay such association not less than the value of skim milk and butterfat in such fluid milk products as classified pursuant to § 1019.24 at the applicable class prices computed for such month pursuant to § 1019.40 subject to the butterfat differential computed pursuant to § 1019.61, less the amount paid on or before the 3d day after the end of each month.

*Proposal No. 6.* In § 1019.69(a) insert immediately after the word "producers" as it first appears therein, the following: "on or before the 22d day after the end of each month".

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 7.* In § 1019.2(e)(3) replace "delivering" with "delivered".

*Proposal No. 8.* In § 1019.12(f) replace "1019.31(a)(3)" with "1019.31(a)(4)".

*Proposal No. 9.* In § 1019.46(c) replace "complied" with "computed".

*Proposal No. 10.* In § 1019.46(e) immediately after "payment" insert the following: "by the 19th day of the following month".

*Proposal No. 11.* In § 1019.63(a) replace "New York State Extension of the Massachusetts Turnpike" with "Berkshire Section of the New York State Thruway".

*Proposal No. 12.* In § 1019.64 replace the reference "1019.46(d)" with "1019.46 (d) and (e)"; delete the second reference "and 1019.68" therein; and insert "and" before "1019.67" where it appears for the second time in such section.

*Proposal No. 13.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Mr. D. O. Hammerberg, 1049 Asylum Avenue, Hartford, Connecticut, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 17th day of January 1961.

F. R. BURKE,
*Acting Deputy Administrator, Agricultural Marketing Service.*

[F.R. Doc. 61-537; Filed, Jan. 19, 1961; 8:51 a.m.]



# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Hercules Powder Company, Wilmington, Delaware, proposing the issuance of a regulation to provide for the safe use in food package coatings, adhesives, and inks of certain rosins and rosin derivatives, as follows:

Gum rosin.
Wood rosin.
Tall oil rosin.
Partially hydrogenated rosin.
Fully hydrogenated rosin.
Partially dimerized rosin.
Fully dimerized rosin.
Disproportionated rosin.
Glycerin ester of wood rosin.
Glycerin ester of partially hydrogenated wood rosin (two different products).
Glycerin ester of partially dimerized rosin.
Glycerin ester of fully dimerized rosin.
Glycerin ester of maleic anhydride-modified wood rosin.
Methyl ester of rosin, partially hydrogenated.
Pentaerythritol ester of wood rosin.
Pentaerythritol ester of partially hydrogenated wood rosin.
Pentaerythritol ester of maleic anhydride-modified wood rosin (four different products).
Pentaerythritol ester of maleic anhydride-modified wood rosin modified with bisphenol A-formaldehyde condensate.
Mixed methyl and pentaerythritol ester of maleic anhydride-modified wood rosin.
Triethylene glycol ester of partially hydrogenated wood rosin.

Dated: January 16, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-531; Filed, Jan. 19, 1961; 8:50 a.m.]

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## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Adhesives Manufacturers Association of America, 441 Lexington Avenue, New York 17, New York, proposing the issuance of a regulation to provide for the safe use of the following named substances as components of adhesives for containers to be used in dry food packaging:

*Adhesive Bases*

Acrylic and methacrylic esters (aqueous emulsions of polymers).
Albumin, blood.
Albumin, egg.
Ammonium alginate.
Ammonium polyacrylate.
Ammonium salt of a copolymer of ethylene and maleic anhydride.
Ammonium salt of a copolymer of styrene and maleic anhydride.
Animal glue.
Balata rubber polymer.
Bisphenol-epichlorohydrin resins.
Butadiene-acrylonitrile copolymer.
Butadiene-acrylonitrile latex.
Butadiene-acrylonitrile-styrene copolymer.
Butadiene-acrylonitrile-styrene latex.
Butadiene-styrene copolymer.
Butadiene-styrene latex.
Butyl rubber polymer.
Butyl rubber polymer dispersion.
Calcium alginate.
Carboxymethylcellulose polymer.
Carob bean gum (locust bean gum).
Casein.
Cellulose acetate polymer.
Cellulose acetate-butyrate polymer.
Cellulose acetate-propionate polymer.
Chinawood oil (tung oil).
Chlorinated rubber polymer (natural rubber containg approximately 67% chlorine).
Chondrus extract.
Copal.
Coumarone-indene resin.
Cyclohexanone and formaldehyde condensate.
Damar.
Dextran.
Dextrin.
Diethylene glycol-adipic acid polymer.
Elemi gum.
Ethyl acrylate and methyl methacrylate copolymers of itaconic acid or methacrylic acid.
Ethyl cellulose polymer.
Ethylene-vinyl acetate copolymer.
Ethyl hydroxyethyl cellulose polymer.
Fish glue.
Formaldehyde reacted starch.
Gelatin.
Glyceryl ester of damar, copal, elemi, and sandarac.
Guar gum.
Gum arabic.
Gum ghatti.
Gum karaya.
Gum tragacanth.
Hydroabietyl alcohol.
Hydroxyethyl cellulose polymer.
Hydroxyethyl starch.
Hydroxypropyl methylcellulose polymer.
Isobutylene and isoprene copolymer.
Itaconic acid (polymerized).
Lignin sulfonate calcium salt.
Lignin sulfonate sodium salt.
Limed wood resin.
Linseed oil.
Maleic anhydride-vinyl condensates.
Melamine-formaldehyde polymer.
Methylcellulose polymer.
Methylethyl ketone and formaldehyde condensate.
Neoprene polymer.
Neoprene latex.
Nitrocellulose polymer.
Pentaerythritol ester of maleic anhydride.
Petroleum hydrocarbon resins.
Phenol-coumarone-indene resin.
Phenol-formaldehyde resin.
Pimaric acid, abietic acid, and/or rosin constituents polymers.
Pinene, polymerized.
Polyacrylic acid.
Polyamide.
Polybutadiene.
Polybutene.

Polybutyl methacrylate.
Polyethyl acrylate.
Polyethyl methacrylate.
Polyisobutylene.
Polymeric esters of polyhydric alcohols and polycarboxylic acids prepared from glycerin and phthalic anhydride and modified with benzoic acid, castor oil, coconut oil, linseed oil, rosin, soybean oil, styrene, and vinyl toluene.
Polymethyl acrylate.
Polymethyl methacrylate.
Polymethyl styrene.
Polyvinyl acetate and copolymer emulsions.
Polyvinyl acetate and copolymer resins.
Polyvinyl alcohol.
Polyvinyl butyral.
Polyvinyl chloride and copolymer resins.
Polyvinyl chloride and copolymer emulsions.
Polyvinyl ethyl ether.
Polyvinyl formal.
Polyvinyl methyl ether.
Polyvinyl pyrrolidone.
Polyvinyl stearate.
Polyvinylidene chloride and copolymer resins.
Polyvinylidene chloride and copolymer emulsions.
Poppyseed oil.
Potassium salt of a copolymer of ethylene and maleic anhydride.
Potassium salt of a copolymer of styrene and maleic anhydride.
Protein, soybean.
Rosin, decarboxylated.
Rosin, gasoline-insoluble fraction.
Rosin modified with ammonium caseinate.
Rosin oil.
Rosins—Wood, gum, and tall oil and dimers thereof, and these substances as modified by the following reactants:
Bisphenol-formaldehyde.
Diethylene glycol.
Ethylene glycol.
Formaldehyde.
Fumaric acid.
Glycerin.
Hydrogen.
Maleic anhydride.
Methanol.
Octyl phenol.
Pentaerythritol.
Phthalic anhydride.
Polyethylene glycol.
Sulfuric acid.
Rubber hydrochloride polymer.
Rubber latex, natural.
Sandarac.
Shellac.
Sodium alginate.
Sodium carboxymethylcellulose.
Sodium caseinate.
Sodium pectinate.
Sodium polyacrylate.
Sodium silicates.
Starch, unmodified or modified.
Styrene-acrylonitrile copolymer.
Styrene-carboxyl copolymer.
Styrene-isobutylene copolymer.
Styrene-maleic anhydride copolymers.
Styrene methacrylic acid copolymer.
Styrene methacrylic copolymer potassium.
Sunflower oil.
Tall oil.
Urea formaldehyde polymer.
Zein.

*Pigments and Fillers*

Aluminum.
Aluminum potassium silicate (mica).
Antimony oxide.
Asbestos.
Bentonite.
Calcium carbonate.
Calcium metasilicate.
Carbon black (channel process).
Clay (kaolin).
Diatomaceous earth.
Iron oxides.
Magnesium carbonate.
Magnesium silicate.
Silicon dioxide.
Sodium aluminosilicate.
Sodium calcium aluminum silicate.
Sodium calcium silicate.
Titanium dioxide.
Titanium dioxide-barium sulfate.
Titanium dioxide-calcium sulfate.
Titanium dioxide-magnesium silicate.
Zinc oxide.
Zinc sulfide.

*Plasticizers*

Acetyl tributyl citrate.
Acetyl triethyl citrate.
Alkylated aromatic hydrocarbon where the alkylated compound may be benzene or naphthalene or their homologues; alkylating agents are $C_7$–$C_{12}$ olefins.
2-Biphenyl diphenyl phosphate.
Butoxy polypropylene glycol.
Butoxy polypropylene glycol oleate.
Butyl acetyl ricinoleate.
Butyl benzyl phthalate.
Butyldecyl phthalate.
Butyloctyl phthalate.
*p-tert*-Butylphenyl salicylate.
Butyl phthalyl butyl glycolate.
Calcium ricinoleate.
Castor oil.
Castor oil, hydrogenated.
Chlorinated biphenyl.
Chlorinated terphenyl.
tri-β-Chloroethyl phosphate.
Coconut oil.
*N*-Cyclohexyl *p*-toluene sulfonamide.
Dibutoxy ethyl phthalate.
Dibutyl maleate.
Dibutyl phthalate.
Dibutyl sebacate.
Dicyclohexyl phthalate.
Diethyl phthalate.
Diethylene glycol dibenzoate.
di-(2-Ethylhexoate).
di-(2-Ethylhexyl) adipate.
di-(2-Ethylhexyl) phthalate.
di-(2-Ethylhexyl) hexahydrophthalate.
Dihydroxy abietyl phthalate.
Dimethyl phthalate.
di-*n*-Octyldecyl adipate.
Dioctyl phthalate.
Dioctyl sebacate.
di-Isobutyl adipate.
di-Isobutyl phthalate.
di-Isodecyl adipate.
di-Isodecyl phthalate.
di-Isooctyl phthalate.
Diphenyl-2-ethylhexyl phosphate.
Diphenyl phthalate.
Diphenyl and terphenyl, hydrogenated.
Dipropylene glycol.
Dipropylene glycol dibenzoate.
Epoxidized soybean oil.
Ethylene glycol.
2-Ethylhexyl diphenyl phosphate.
Ethyl phthalyl ethyl glycolate.
Ethyl-*p*-toluene sulfonamide.
Fish oil.
Formaldehyde o- and p- toluene sulfonamide.
Glycerin.
Glycol fatty ester polymer.
1,2,6-Hexanetriol.
Hexylene glycol.
Hydrogenated terphenyl.
Invert sugar.
Isopropyl citrate.
Kerosene oil.
Kerosene oil, deodorized.
Ketene dimers of palmitic and stearic acids mixtures.
Mannitol.
Methyl acetyl ricinoleate.
Methyl ethers of mono-, di- and tripropylene glycol.
Methyl phthalyl ethyl glycolate.
Methyl ricinoleate.
Mineral oil.
*o*-Nitro biphenyl.
Octyldecyl phthalate.
Oiticica oil.
Oleic acid and polyethylene glycol ester.
Palm oil.
Peanut oil, sulfated.
Pentaerythritol tetrastearate.
Phenoxypolyethylene glycol.
Pine oil.
Polyalkylene glycol.
Polyester resins.
Polyethylene glycol (molecular weight 300–6000).
Polyoxyethylated castor oil.
Polyoxyethylated fatty alcohols.
Polyoxyethylated nonyl phenol.
Polyoxyethylated oleyl alcohol.
Polyoxyethylene (9–11 ethoxy groups) (octyl- and/or nonylphenol).
Polyoxyethylene (4-phenol).
Polypropylene glycol (150–3000 molecular weight).
Propylene glycol.
Rice bran oil, sulfated.
Sodium ricinoleate.
Sorbitol.
Soybean oil.
Starch hydrolysates.
Stearyl citrate (mono-, di-, tri-).
Sucrose octaacetate.
Terphenyl.
Tetrasodium *n*-(1,2-dicarboxyethyl)-*n*-octadecyl sulfosuccinate.
Tin stearate.
o- and *p*-Toluene ethyl sulfonamide.
o- and *p*-Toluene sulfonamide.
Triacetin (glyceryl triacetate).
Tributyl citrate.
Triethyl citrate.
Triethylhexyl phosphate.
Triethylene glycol.
Triethylene glycol di-(2-ethyl) hexoate.
Triethylphosphate.
Triphenylphosphate.
3-(2-Xenolyl)-1,2-epoxypropane.

*Preservatives (Maximum Percent in Adhesive as Indicated)*

| | Percent |
|---|---|
| Alkyl dimethyl benzyl ammonium chloride | 0.6 |
| Benzoic acid | 1.0 |
| *p*-Benzoxyphenol | 0.5 |
| *p*-Benzyloxyphenol | 0.5 |
| 2,6-di-*tert*-Butyl-4-methylphenol | 0.5 |
| tri-*tert*-Butyl-*p*-phenylphenol | 0.5 |
| Calcium propionate | 1.0 |
| Calcium sorbate | 1.0 |
| *p*-Chlorometracresol | 0.6 |
| Coconut amine salt of tetrachlorophenol | 0.5 |
| Copper 8-quinolinolate | 0.5 |
| Copper sulfate | 0.5 |
| Ethyl-*p*-hydroxybenzoate | 1.0 |
| Formaldehyde | 0.5 |
| *p*-Formaldehyde | 0.5 |
| 4,4'-Isopropylidenediphenol (polybutylated) mixture | 0.5 |
| Methylparaben (methyl *p*-hydroxybenzoate) | 1.0 |
| Pentachlorophenol | 0.5 |
| Phenol | 0.5 |
| *o*-Phenylphenol | 0.5 |
| Potassium sorbate | 1.0 |
| Propylparaben (propyl *p*-hydroxybenzoate) | 1.0 |
| Quaternary ammonium chloride (hexadecyl, octadecyl, octadecenyl derivative) | 0.5 |
| Salicylic acid | 1.0 |
| Sodium benzoate | 1.0 |
| Sodium dehydroacetate | 0.5 |
| Sodium diacetate | 1.0 |
| Sodium pentachlorophenate | 0.5 |
| Sodium *o*-phenylphenate | 0.5 |
| Sodium propionate | 1.0 |
| Sodium salicylate | 1.0 |
| Sodium salt of mercaptobenzothiazole | 0.5 |
| Sodium salt of dimethyl dithiocarbamic acid and 2-mercaptobenzothiazole | 0.5 |
| Sodium sorbate | 1.0 |
| Sorbic acid | 1.0 |
| Thymol | 0.5 |
| Zinc napthenate and dehydrobiethyl amine mixture | 0.5 |



*Solvents*

Acetone.
Aminomethylpropanol.
Amyl acetate.
Benzene (benzol).
Benzyl alcohol.
Butoxy-ethoxy propanol.
Butyl acetate.
*n*-Butyl alcohol.
Butyl alcohol, *tert.*
Butyl lactate.
Carbon tetrachloride.
Chloroform.
Cyclohexanol.
Diacetone alcohol.
Diethylene glycol monobutyl ether.
Diethylene glycol monobutyl ether acetate.
Diethylene glycol monoethyl ether.
Diethylene glycol monoethyl ether acetate.
Diethylene glycol monomethyl ether.
Diisobutyl ketone.
Diisoheptane.
Dimethyl formamide.
Dioxane.
Dipentene.
Ethyl acetate.
Ethyl alcohol.
Ethylene dichloride.
Ethylene glycol monobutyl ether.
Ethylene glycol monobutyl ether acetate.
Ethylene glycol monoethyl ether.
Ethylene glycol monoethyl ether acetate.
Ethylene glycol monoethyl ether ricinoleate.
Ethylene glycol monoethyl ether.
Ethyl formate.
Ethyl lactate.
Furfural.
Furfuryl alcohol.
Glycol diacetate.
Heptane.
Hexadecanol.
Hexane.
Isobutyl alcohol.
Isophorone.
Isopropyl acetate.
Isopropyl alcohol.
Kerosene, completely aliphatic.
Methyl acetate.
Methyl alcohol.
Methylene chloride.
Methyl ethyl ketone.
Methyl isobutyl ketone.
Monochlorobenzene.
Naphtha.
2-Nitropropane.
Perchloroethylene.
Propyl alcohol.
Propylene carbonate.
Tetrahydrofuran.
Tetrahydrofurfuryl alcohol.
Toluene.
1,1,1-Trichloroethane.
1,1,2-Trichloroethane.
Trichloroethylene.
Turpentine.
Xylene.

*Antioxidants*

4,4-thiobis-6-*tert*-Butyl-*m*-cresol.
Butylated hydroxyanisole.
Butylated hydroxytoluene.
Dihydroxydichlorodiphenyl methane.
Dilauryl triodipropionate.
Dinonylphenol.
*N,N'*-Diphenyl-*p*-phenylenediamine.
Distearyl thiodipropionate.
Gum guaiac.
Hydroquinone monobenzyl ether.
*p*-Isopropoxy diphenylamine.
Nordihydroguaiaretic acid.
Octylphenol.
Octylphenoxyethanols.
Phenol monosulfide, polyalkylated.
Phenyl-β-naphthylamine (free of β-naphthylamine).
Polymerized trimethyl dihydroquinoline.
Propyl gallate.
Thiodipropionic acid.
*p*-(*p*-Tolyl sulfanilamide) diphenylamine.
2,4,5-Trihydroxy butyrophenone.
*tri tert.*-Butyl-*p*-phenylphenol.

*Surface-Active Agents, Including Defoamers (Maximum Percent in Adhesive 1.0 Percent)*

Aliphatic polyoxyethylene ethers. Methyl tallowate.
Amine, secondary (hexadecyl, octadecyl) of hard tallow.
Ammonium linoleate.
Butyl ricinoleate.
Cetyl alcohol.
Coconut alkylolamide.
Coconut oil, sulfonated.
Corn oil.
Cottonseed fatty acid.
Diethanolamine stearate.
Diethylene glycol hydrogenated tallowate, monoester.
Diethylene glycol laurate.
Diglycol laurate.
Dimethyle polysiloxane.
Dioctyl sodium sulfosuccinate.
Glycerides, di- and mono-esters from edible fats or oils.
Lauryl alcohol.
Lauryl alcohol sulfate sodium salts.
Lecithin.
Marine oil fatty acid soaps (hydrogenated).
Methyl oleate.
Methyl oleate-palmitate mixture.
Mustardseed oil, sulfated.
Myristyl alcohol.
Myristyl (tetradecyl) sulfate, sodium.
Naphthalene, monosulfonated.
Nonyl phenolethylene oxide condensates (with 40 mols ethylene oxide).
Octylphenoxy ethanol.
Oil paraffin.
Oleic acid, sulfated.
Pentaerythritol monostearate.
Polyalykylene glycol ethers.
Polyethylene glycol 200 monooleate.
Polyethylene glycol 200 monostearate.
Polyethylene glycol 200 monotallate.
Polyethylene glycol 400 stearate.
Polyethylene glycol 400 dioleate.
Polyethylene glycol 400 distearate.
Polyethylene glycol 400 ditallate.
Polyethylene glycol 400 monococoate.
Polyethylene glycol 400 monolaurate.
Polyethylene glycol 400 monooleate.
Polyethylene glycol 400 monostearate.
Polyethylene glycol 400 monotallate.
Polyethylene glycol 400 tallow diester and glycerides.
Polyethylene glycol 450 monostearate.
Polyethylene glycol 600 dioleate.
Polyethylene glycol 600 monoricinoleate.
Polyethylene glycol 600 oleate.
Polyethylene glycol 600 monooleate.
Polyethylene glycol 1900 di-*sec*-butylphenyl ether.
Polyethylene glycol monoisooctyl-phenyl ether.
Polyglycol ether of tridecyl alcohol.
Polyoxyalkylene glycol (800 to 4000 molecular weight).
Polyoxyethylene oleate.
Polyoxyethylene sorbitan monolaurate.
Polyoxyethylene (20) sorbitan monooleate.
Polyoxyethylene sorbitan monopalmitate.
Polyoxyethylene sorbitan monostearate.
Polyoxyethylene (40) stearate.
Potassium oleate.
Potassium stearate.
Propylene glycol monococoate.
Propylene glycol monolaurate.
Rice bran oil, sulfated.
Silicones.
Sodium alkyl aryl sulfonate.
Sodium decylsulfate.
Sodium dihexyl sulfosuccinate.
Sodium dioctyl sulfosuccinate.
Sodium dodecyl benzene sulfonate.
Sodium 2-ethylhexyl sulfate.
Sodium lauryl sulfate.
Sodium oleate.
Sodium palmitate.
Sodium salt of naphthalene sulfonic acid condensed with formaldehyde.
Sodium stearate.
Sorbitan monooleate.
Sorbitan monopalmitate.
Sorbitan monostearate.
Sorbitan tristearate.
Stearyl cetyl alcohol, technical grade, approximately 65%–80% stearyl and 20%–35% cetyl.
Sulfonated castor oil.
Tall oil fatty acids (linoleic, oleic).
Tall oil fatty acid, methyl ester.
Tall oil soaps.
Tallow.
Tallow, alcohol (hydrogenated).
Tallow, blown (oxidized).
Tallow fatty acids.
Tallow, monoglyceride.
Tallow, propylene glycol ester.
Tallow, sodium soap.
Tallow, sulfated.
Tributyl phosphate.
Triisopropanolamine.

*Miscellaneous*

Acetic acid.
*n*-acetylethanolamine.
Aldol-naphthylamine.
1-Alkyl-($C_4$–$C_{18}$) amino-3-amino-propane monoacetate.
Aluminum ammonium sulfate.
Aluminum calcium silicate.
Aluminum hydrate.
Aluminum hydroxide.
Aluminum oleate.
Aluminum palmitate.
Aluminum potassium sulfate.
Aluminum stearate (mono-, di-, tri-).
Aluminum sodium sulfate.
Aluminum sulfate.
Ammonium bicarbonate.
Ammonium bifluoride.
Ammonium borate.
Ammonium carbonate.
Ammonium chloride.
Ammonium citrate.
Ammonium hydroxide.
Ammonium persulfate.
Ammonium phosphate (mono- and di-).
Ammonium potassium hydrogen phosphate.
Ammonium saccharin.
Ammonium silicofluoride.
Ammonium sulfamate.
Ammonium sulfate.
Ammonium thiocyanate.
2,5-di-*tert*-Amylhydroquinone.
Barium peroxide.
Barium sulfate.
Beeswax, bleached (white wax).
Beeswax (yellow wax).
Benzothiazyl disulfide.
Borax.
Boric acid.
Butyl stearate.
Butyl titanate, polymerized.
Calcium acetate.
Calcium chloride.
Calcium citrate.
Calcium diacetate.
Calcium ethyl acetoacetate.
Calcium glycerophosphate.
Calcium hexametaphosphate.
Calcium hydroxide.
Calcium nitrate.
Calcium oleate.
Calcium oxide.
Calcium phosphate (mono-, di-, tri-).
Calcium silicate (mono- and tri-).
Calcium stearate.
Calcium sulfate.
Camphor.
Candelilla wax.
Caramel.
Carnauba wax.
Ceresin wax.
Citric acid.
Cottonseed oil.
Cresyldiphenylphosphate.
Dehydroacetic acid.
Dextrose.
Dicyandiamide.
Diethyl oxalate.
Diethanolamine.
Enzymes.

Ethylenediamine tetraacetic acid tetrasodium salt.
Ferric chloride.
Formamide.
Formic acid.
Fumaric acid.
Glutaro-aldehyde.
Glyceryl borate, modified (glycol borborate resin).
Glyceryl monohydroxystearate.
Glyceryl monohydroxytallowate.
Glyceryl monooleate.
Glyceryl monoricinoleate.
Glyceryl monostearate.
Glyoxal.
Hexamethylene tetramine.
Hydrochloric acid.
Hydrofluoric acid.
Hydrofluosilicic acid.
Hydrogenated fish oil.
Hydrogen peroxide.
Hydroxyacetic acid.
1-(2-Hydroxyethyl)-1-(4-chlorobutyl)-2-alkyl-($C_8$-$C_{17}$) imidazolinium chloride.
β-Hydroxyethyl pyridinium salt of 2-mercaptobenzothiazole.
Isopropanol amine (mono-, di-, tri-).
tetra-Isopropyl titanate.
Japan wax.
Lactic acid.
Lauryl pyridinium salt of 5-chloro-2-mercaptobenzothiazole.
Linoleamide (linoleic acid amide).
Linoleic acid.
Magnesium chloride.
Magnesium cyclohexyl sulfamate.
Magnesium fluoride.
Magnesium glycerophosphate.
Magnesium hydroxide.
Magnesium oxide.
Magnesium phosphate.
Magnesium stearate.
Magnesium sulfate.
Maleic acid.
Malic acid.
Maltose.
Manganese acetate.
Melamine.
2-Mercaptobenzothiazole.
Methacrylato chromic chloride complex.
2,2-Methylene-bis(4-ethyl-6-*tert*-butyl phenol).
2,2-Methylene-bis(4-methyl-6-nonyl phenol).
2,2-Methylene-bis(4-methyl-6-*tert*-butyl phenol).
1-Methyl-2-hydroxy-4-isopropyl benzene.
Methyl salicylate.
Monoethanolamine.
Microcrystalline wax.
Montan wax.
Morpholine.
Myristo chromic chloride complex.
di-β-Naphthyl-*p*-phenylenediamine.
Octyl alcohol.
Oleamide (oleic acid amide).
Oleic acid.
Oxazoline.
*n*-Oxydiethylene benzothiazol.
Ozocerite wax.
Palmitamide (palmitic acid amide).
Papain.
Paraffin wax.
Paraffin wax (halogenated).
Petrolatum.
Phosphoric acid.
o-Phthalic acid.
Piperidinium pentamethylenedithiocarbamate.
Polyethylene.
Polyethylene (branched and linear).
Polyethylene (slightly oxidized).
Polyethylene wax.
Polypropylene.
Polystyrene.
Polytetrafluoroethylene.
Polyurethane resin.
Potassium alginate.
Potassium aluminum sulfate.
Potassium bicarbonate.
Potassium bisulfite.
Potassium carbonate.
Potassium Chloride.
Potassium citrate (mono-,di-,tri-).
Potassium hydroxide.
Potassium metabisulfite.
Potassium permanganate.
Potassium persulfate.
Potassium phosphate (mono-,di-,tri-).
Potassium ricinoleate.
Potassium sodium tartrate.
Potassium sulfate.
Potassium tripolyphosphate.
Propionic acid.
Saccharin.
Sebacic acid.
Sodium acetate.
Sodium acid pyrophosphate.
Sodium aluminate.
Sodium aluminum phosphate.
Sodium aluminum pyrophosphate.
Sodium aluminum sulfate.
Sodium bicarbonate.
Sodium bisulfate.
Sodium bisulfite.
Sodium carbonate.
Sodium chloride.
Sodium chlorite.
Sodium chromate.
Sodium citrate (monp-,di-,tri-).
Sodium dehydroacetate.
Sodium fluoride.
Sodium formate.
Sodium heptadecylsulfate.
Sodium hexametaphosphate.
Sodium hydrosulfite.
Sodium hydroxide.
Sodium hypochlorite.
Sodium mercaptobenzol.
Sodium metabisulfite.
Sodium metaborate.
Sodium metaphosphate.
Sodium α-naphthalene sulfonate.
Sodium nitrate.
Sodium nitrite.
Sodium perborate.
Sodium phosphate (mono-,di-,tri-).
Sodium phosphoaluminate.
Sodium polystyrene sulfonate.
Sodium potassium tartrate.
Sodium pyrophosphate.
Sodium saccharin.
Sodium sesquicarbonate.
Sodium sulfate.
Sodium sulfite.
Sodium tetradecylsulfate.
Sodium tetrapyrophosphate.
Sodium thiocyanate.
Sodium thiosulfate.
Sodium triphosphate.
Sodium tripolyphosphate.
Sperm oil wax.
Spermaceti wax.
Stannous chloride.
Stearamide (stearic acid amide).
Stearato-chromic chloride complex.
Stearic acid.
Stearyl dimethylbenzyl ammonium chloride.
Sucrose.
Sulfamic acid.
Sulfur.
Sulfur dioxide.
Sulfuric acid.
Talc.
Terpineol.
Tetraethylene pentamine.
Tetraethylthiuram disulfide.
Tetramethylthiuram disulfide.
Tetramethylthiuram monosulfide.
Triethanolamine.
Urea.
Vanillin.
Waxes, microcrystalline and paraffin Type I: A congealing point of 160° F. maximum (ASTM D-938), an absorptivity at 290 millimicrons of 0.04 liter per gram centimeter maximum (ASTM E-131), an oil content of 1.5 percent maximum (ASTM D-721), and a Saybolt color of 20 minimum (ASTM D-156). Type II: Absorptivity at 290 millimicrons of 1.0 maximum, an oil content of 5.0 percent maximum, and a color of 3.0 maximum (ASTM D-1500).
Zinc acetate.
Zinc ammonium chloride.
Zinc chloride.
Zinc dibutyldithiocarbamate.
Zinc diethyldithiocarbamate.
Zineb (zinc dimethyldithiocarbamate in combination with zinc salt of 2-mercaptobenzothiazole).
Zinc formaldehyde sulfoxalate.
Zinc hydrosulfite.
Zinc orthophosphate.
Zinc resinate.
Zinc salt of mercaptobenzothiazole.
Zinc stearate.
Zinc sulfate.

*Adhesive Ingredients*

Alkyl aryl polyether alcohols.
Alkyl phenolethylene oxide condensates.

*Others*

Certified food colors.
Terpene phenolic resins.
Terpene resins.

Dated: January 16, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-532; Filed, Jan. 19, 1961; 8:50 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 507 ]

[Reg. Docket No. 626]

## AIRWORTHINESS DIRECTIVES

### Piper Aircraft

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of the fuselage fabric on Piper aircraft. This directive would supersede AD 59-16-3 published as Amendment 34, 24 F.R. 6581. As a result of inspections made in accordance with AD 59-16-3 it has been found that on some aircraft the fabric attachment is not adequate and it is not possible to detect critical deterioration unless the windshield is removed.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before February 21, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. The proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).



In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507) by adding the following airworthiness directive:

PIPER. Applies to all Models J-4, J-5, PA-12, PA-14, PA-15, PA-16, PA-17, and PA-20 aircraft, and Model PA-22, Serial Numbers 22-1 up to and including Serial Number 22-7999.

Compliance required as indicated.

Fabric failures have been experienced where the fabric attaches to the channel along the top edge of the windshield.

(a) For all aircraft not on progressive inspection systems the requirements of paragraph (c) must be accomplished at the next periodic inspection after the effective date of this amendment and at each periodic inspection thereafter.

(b) For all aircraft on progressive inspection systems the requirements of paragraph (c) must be accomplished by not later than June 15, 1961, and at least once each year thereafter.

(c)(1) Inspect the fabric over the top surface of the attachment channel and along its forward edge (windshield removal not required).

(2) If any deterioration is found, prior to further flight, remove the windshield and add a fabric reinforcement strip starting from a line at least two inches behind the aft side of the channel and extending under the forward edge of the channel, around the inner surface of the channel and down to the fuselage tube member.

(d) For aircraft manufactured prior to June 1, 1959, in addition to the requirements of paragraph (c), the following must be accomplished prior to June 15, 1961.

(1) Remove the windshield and inspect the fabric attachment to the channel that retains the top edge of the windshield.

(2) If any deterioration is found, a fabric reinforcement strip must be added as described in paragraph (c) prior to further flight.

(3) If no deterioration is found, unless already accomplished, the fabric attachment to the channel must be modified so that the fabric or a spliced-in section of fabric follows the contour of the channel and extends down to the fuselage tube member.

This supersedes Amendment 34, 24 F.R. 6581.

Issued in Washington, D.C., on January 16, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-493; Filed, Jan. 19, 1961; 8:47 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60-LA-59]

## CONTROL ZONES

### Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control zone at Gray Army Air Field, Fort Lewis, Wash., within a 5-mile radius of the Gray AAF Terminal VOR (latitude 47°05'01" N., longitude 122° 35'04" W.) and within 2 miles either side of the 352° True radial of the Terminal VOR extending from the 5-mile radius zone to 10 miles north of the Terminal VOR excluding the area which would coincide with the McChord AFB, Wash., control zone, Fort Lewis, Wash., Restricted Areas (R-504 and R-505) and the Tacoma, Wash. (McChord AFB) Restricted Area/Military Climb Corridor (R-546).

Designation of the control zone as proposed would provide protection to aircraft executing prescribed instrument approach procedures at Fort Lewis AAF.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on January 12, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-494; Filed, Jan. 19, 1961; 8:47 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[AA 643.3–W]

### PORTLAND CEMENT FROM DENMARK

### Determination of No Sales at Less Than Fair Value

JANUARY 13, 1961.

A complaint was received that portland cement from Denmark was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that portland cement from Denmark is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* The available information indicated that a comparison between purchase price and adjusted home market price was appropriate for the purpose of a fair value comparison. It was found that the purchase price was lower than the adjusted home market price as to one of the two importations received this year, both imported in the first quarter of 1960.

The purchase price was computed on the basis of the C&F price less included ocean freight, stowage, and cost of spare bags included in the shipments. The adjusted home market price was computed on the basis of the ex-factory price less a quantity discount and cash discount, plus an adjustment for commission included in the purchase price, and for packing cost differential.

The total quantity of the importation which appeared to show a dumping margin amounted to about 0.01 percent of domestic production of portland cement. This was received and appraised prior to receipt of the complaint. The quantity involved was considered to be not more than insignificant, and there have been no importations since that time.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61–527; Filed, Jan. 19, 1961; 8:50 a.m.]

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[Treasury Dept. Order 150–54]

### DEPUTY COMMISSIONER

### Designation To Serve as Acting Commissioner

Deputy Commissioner of Internal Revenue C. I. Fox is designated to serve as Acting Commissioner of Internal Revenue until a Commissioner of Internal Revenue is appointed and assumes the duties of the office.

Dated: January 19, 1961.

[SEAL] FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury*

[F.R. Doc. 61–655; Filed, Jan. 19, 1961; 11:22 a.m.]

## POST OFFICE DEPARTMENT

### ORGANIZATION AND ADMINISTRATION

### Bureau of the Chief Postal Inspector

Federal Register Document 60–6425, appearing on pages 6526 to 6545 of the issue for July 12, 1960, is amended by revising section 823.1 *Bureau of the Chief Postal Inspector* to read as follows:

823.1 BUREAU OF THE CHIEF POSTAL INSPECTOR

a. Directs the execution of policies, regulations, and procedures governing all investigations, and operating inspections and audits for the Postal Service.

b. Advises the Postmaster General, the Deputy Postmaster General, and other principal assistants on the condition and needs of the service.

c. Acts as Security Officer and Defense Mobilization Officer for the Postal Establishment.

d. Directs the selections, training, and supervision of inspection service personnel.

e. Maintains liaison with other investigative and law enforcement agencies of the Government.

.11 *Deputy Chief Postal Inspector.* Advises and assists the Chief Postal Inspector and acts for him in his absence or at his direction.

.12 *Assistant Chief Postal Inspector.* Directs those responsibilities of the Chief Postal Inspector which relate to mail loss and depredations, mail fraud investigations, financial investigations, service investigations and inspections, and identification laboratory.

.121 *Mail Loss and Depredations Division.* a. Directions investigations of:

(1) Mail theft, loss, rifling, and damage.

(2) Armed robbery, burglary, or assaults on postal employees.

(3) Casualties, fires, natural disasters, and train and plane crashes involving the Postal Service.

(4) Alterations and forgeries of postal financial papers.

(5) Counterfeiting of stamps, money orders, or other postal paper.

b. Traces registered and other mail losses with foreign governments.

c. Maintains liaison with other Federal, State, and local law enforcement agencies.

d. Coordinates major postal criminal cases on national basis.

.122 *Mail Fraud Investigations Division.* a. Directs investigations of:

(1) Mail frauds, lotteries, conspiracies.

(2) Extortions, mailing of bombs, poisons, obscene, scurrilous, libelous, or other prohibited matter.

b. Maintains liaison with Department of Justice and U.S. attorneys.

c. Examines, analyzes, and disseminates information and decisions affecting criminal investigations.

.123 *Financial Investigations Division.* a. Directs investigations involving:

(1) Embezzlement of funds.

(2) Falsification of records, payroll irregularities.

(3) Inflation of stamp sales.

(4) Misuse of mail permits.

(5) Violations of Private Express Statutes.

b. Determines financial responsibility in cases involving mistreatment of mail or irregularities in handling of official funds, revenues, and property, and accidents and claims arising therefrom.

c. Initiates actions to enforce recoveries resulting from mail robberies, misappropriations, and other financial irregularities; determines ownership and disposition of money and property recovered by inspectors.

.124. *Service Investigations and Inspections Division.* a. Directs special and confidential investigations.

b. Inspects and rates post offices.

c. Directs surveys and service investigations requested by operating management.

d. Directs investigations of:

(1) Major charges involving postal employees and the preparation of charges.

(2) Malfeasance and Misfeasance (coordinated, as applicable, with Department of Justice).

(3) Suitability of postmaster candidates.

c. Plans for and transports in inspector custody President's mail while he is traveling or is away from Washington.

.125 *Identification Laboratory.* a. Conducts scientific examination and identification of questioned documents, inks, etc., used in postal crimes.

b. Presents expert testimony in court action.

.13 *Assistant to the Chief Postal Inspector.* Administers staff matters and, with the Chief Postal Inspector, provides general direction on defense coordination matters as follows:

a. Assists the Chief Postal Inspector on matters of organization, personnel administration, budget administration, management controls, methods, procedures, office management, records management, and issuance of publications and instructions; on examination and selection of inspection service personnel; and on operation of Inspectors' Training School.



b. Formulates, develops, and coordinates civil defense and defense mobilization programs for the Postal Establishment; maintains liaison with the Office of Civil and Defense Mobilization, State and local civil defense organizations, and other agencies concerning these activities.

c. Maintains liaison with the Department of Defense on postal service problems and administers the Army Affiliation Program for the Postal Establishment.

.14 *Internal Audit Division.* a. Develops and directs an internal audit program for the Post Office Department, including property, fiscal, cost, and operating accounts pertaining to revenues, appropriated funds, and assets of the Department.

b. Establishes standards, principles, and procedures for audits of all postal activities and organizations for use by internal auditors and postal inspectors.

c. Develops programs and conducts internal audits of postal activities and organizations other than post offices.

d. Makes post-audit reviews and evaluations of the procurement and contracting policies, procedures, methods, and practices which the Department follows.

e. Provides audit service to the Department's contracting officers under negotiated fixed-price and cost-type contracts by (1) analyzing and substantiating cost and price estimates and proposals submitted by prospective contractors, (2) performing on-site audits of contractors' records and determining allowable cost under cost-type and price-redeterminable contracts, and (3) coordinating results when Defense Department auditors perform assist-audits of contractors' records for the Post Office Department.

f. Represents the Department in dealing with other Government agencies and industry representatives on internal and contract auditing matters, including the coordination of audit programs with General Accounting Office auditors assigned to the Post Office Department.

.15 *Personnel Security.* a. Formulates, with the Office of the General Counsel, personnel security regulations and procedures of the Department; administers personnel and physical security programs for the Postal Establishment.

b. Maintains liaison with the Department of Justice, the Civil Service Commission, and other agencies relative to security activities.

c. Assists operating officials and appointing officers in determining sensitive positions; evaluates security checks and investigation; effects clearances or recommends appropriate action; prepares charges in instances of suspension.

d. Collaborates with the Office of the General Counsel on recommendations for disposition of cases in which suspended employees have submitted statements refuting or explaining security charges against them.

e. Designates postal officials to serve on security hearing boards and arranges facilities for those boards.

(R.S. 161, as amended, sec. 1(b), 63 Stat. 1066, sec. 501, 74 Stat. 580 (Pub. Law 86–682); 5 U.S.C. 22, 133z–15, 39 U.S.C. 501)

[SEAL] HERBERT B. WARBURTON,
*General Counsel.*

[F.R. Doc. 61–526; Filed, Jan. 19, 1961; 8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### CALIFORNIA, IDAHO, MISSISSIPPI, NORTH CAROLINA AND UTAH

### Designating Certain Lands as National Forests or Parts of National Forests

Pursuant to authority contained in section 11 of the Act of March 1, 1911 (36 Stat. 962; 16 U.S.C. 521) it is hereby ordered as follows:

(1) Any lands of the United States within the areas hereinafter described under the captions "Delta National Forest—Mississippi" and "Uwharrie National Forest—North Carolina" that have been or hereafter may be acquired pursuant to the said Act of March 1, 1911, as amended and supplemented, shall be administered as the said national forests respectively:

DELTA NATIONAL FOREST—MISSISSIPPI

CHOCTAW MERIDIAN

T. 9 N., R. 5 W.,
That part of the township lying westerly of the Yazoo River.
T. 10 N., R. 5 W.,
That part of the township lying westerly or northerly of the Big Sunflower and Yazoo Rivers.
T. 11 N., R. 5 W.,
Secs. 17 to 20, inclusive, secs. 25 to 31, inclusive, and those parts of secs. 16, 21, 27, 32, 33, and 34 lying northerly or westerly of the Big Sunflower River.
T. 12 N., R. 5 W.,
That part of the township lying northwest of the Sharkey-Yazoo County line.
T. 13 N., R. 5 W.,
Secs. 25 to 29, inclusive;
Sec. 31, E½;
Secs. 32 to 36, inclusive.
T. 9 N., R. 6 W.,
Secs. 1 to 6, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 34 to 36, inclusive.
T. 10 N., R. 6 W.
T. 11 N., R. 6 W.
T. 12 N., R. 6 W.,
Secs. 1, 12, 13, 14, 15, 22, and 28, those parts lying southerly and easterly of the Big Sunflower River;
Secs. 23 to 27, inclusive;
Sec. 29, S½, and that part of the NE¼ lying easterly of the Big Sunflower River;
Sec. 30, S½N½, S½;
Secs. 31 to 36, inclusive.

UWHARRIE NATIONAL FOREST—NORTH CAROLINA

Beginning at a point on the easterly and left bank of the Pee Dee River at intersection with North Carolina State Highway No. 27; thence in a south and easterly direction with the northerly right-of-way line of said highway to the easterly right-of-way line of North Carolina State Highway No. 109; thence in a southerly direction along the easterly right-of-way line of said highway to the center line of Big Town Creek; thence in a southerly direction with the center line of said creek to the northerly right-of-way line of North Carolina State Highway No. 731; thence in an easterly direction along the said northerly right-of-way line of State Highway 731 to the westerly right-of-way line of U.S. Highway No. 220; thence, northerly, along said westerly right-of-way line of U.S. Highway No. 220, to the city limits of the Town of Candor, North Carolina; thence with the city limits of said Town, along its westerly periphery to the westerly right-of-way line of U.S. Highway 220; thence, continuing northerly along the westerly right-of-way line of said highway to the city limits of the Town of Biscoe, North Carolina; thence with the city limits of said town along its south and west boundaries to the southerly right-of-way line of North Carolina State Highway No. 27; thence westerly along the southerly right-of-way line of said highway to the south boundary of Forest Service Tract No. 798; thence northeasterly along the south line of said tract to Corner No. 13; thence in same direction and along same line to Corner No. 14; thence southeasterly along the center line of Spring Branch which is the south line of said tract to Corner No. 1; thence in a northerly direction along the east line of said tract which is the center line of Denson Creek to Corner No. 2; thence northeasterly along the east line of said tract to Corner No. 4; thence southwesterly along the north line of said tract to Corner No. 5; thence northwesterly along the north line of said tract to Corner No. 6; thence southwesterly along the north line of said tract to Corner No. 7; thence northwesterly along the north line of said tract to Corner 8; thence southwesterly along the north line of said tract to Corner No. 9; thence southerly along the west line of said tract to the southerly right-of-way line of North Carolina State Highway No. 27–A; thence in a westerly direction along the southerly right-of-way line of said highway to the city limits of the Town of Troy, North Carolina; thence with the city limits of said town along its east and north boundaries to the westerly right-of-way line of County Road No. 1310; thence in a northerly direction along the westerly right-of-way line of said road to the northerly right-of-way line of County Road No. 1315; thence in an easterly direction along the northerly right-of-way line of said road to the westerly right-of-way line of County Road No. 1312; thence northerly along the westerly right-of-way line of said road to the south line of Forest Service Tract No. 1241; thence easterly along the south line thereof to Corner No. 4; thence northerly along the east line thereof to Corner No. 5; thence westerly along the north line thereof to the westerly right-of-way line of County Road No. 1312; thence in a northerly direction along the westerly right-of-way line of said road to the westerly right-of-way line of County Road No. 1116; thence northerly along the westerly right-of-way line of said road to the southerly right-of-way line of County Road No. 1115; thence westerly along the southerly right-of-way line of said road to the westerly right-of-way line of County Road No. 1114; thence in a northerly direction along the westerly right-of-way line of said road to the southerly right-of-way line of County Road No. 1142; thence westerly along the southerly right-of-way line of said road to the center line of Betty McGee's Creek; thence with the center line thereof in a southwesterly direction to the easterly right-of-way line of County Road No. 1107; thence, southerly and westerly with the easterly right-of-way line of County Roads 1107 and 1105, to the westerly right-of-way line of County Road 1103; thence in a northerly direction with the westerly right-of-way line of County Road 1103 to the southerly right-of-way line of County Road 1100;

thence in a westerly direction with said right-of-way line to Corner No. 1 of Forest Service Tract No. 431 in the center line of said County Road No. 1100; thence westerly, along the north line of said tract No. 431, 4.28 chains to Corner No. 2 thereof; thence in a southerly direction along west line of said tract to the southerly right-of-way line of said County Road 1100; thence with said right-of-way line of County Road No. 1100, in a southwesterly direction, to the westerly right-of-way line of North Carolina State Highway No. 109; thence in a northwesterly direction, with the westerly right-of-way line of North Carolina Highway No. 109, to the southerly right-of-way line of County Road No. 2546; thence in a northwesterly direction with the southerly right-of-way line of County Road No. 2546 to the southeasterly right-of-way line of North Carolina State Highway No. 49; thence in a southwesterly direction with said right-of-way line to the North line of Forest Service Tract No. 317; thence westerly along the north line thereof to Corner No. 8 of said tract; thence in a southerly direction along the west line of said tract to the southeasterly right-of-way line of North Carolina State Highway No. 49; thence in a southwesterly direction along the southeasterly right-of-way line of said highway to the east boundary line of Forest Service Tract No. 7b; thence in a northerly direction along the east line thereof to Corner No. 7 of said tract; thence northerly along the east line of said tract to Corner No. 6 of said tract; thence in a westerly direction along the north line of said tract to Corner No. 5 of said Tract No. 7b; thence in a southerly direction along the west line of said tract to the southeasterly right-of-way line of State Highway No. 49; thence in a southwesterly direction along the southeasterly right-of-way line of State Highway No. 49 to the east and left bank of the Yadkin River; thence in a southerly direction along the easterly banks of, and following the various meanders of, the Yadkin River, the Badin Lake (into which the Yadkin River flows), the Pee Dee River (which starts at the spillway of Badin Lake Dam) and Lake Tillery approximately 30 miles to the point of beginning.

Also, those certain tracts acquired by the United States and located outside of the above-described boundaries, said tracts being identified as Forest Service Tracts numbered 197, 352, 365, 367, 1263a, 1265, 1279, 120, 228, 243;

The boundaries of the area described above as "Uwharrie National Forest" are graphically shown on the diagram attached hereto and made a part hereof;

(2) Those certain lands of the United States in California and Idaho that were transferred under Public Law 804—84th Congress approved July 26, 1956 (70 Stat. 656), from the Secretary of the Army to the Secretary of Agriculture by order approved April 12, 1957 (22 F.R. 3901–02), (corrected by order approved August 26, 1960 (25 F.R. 8972)), and by order approved August 13, 1959 (25 F.R. 1922), shall be administered as parts of the Los Padres National Forest, California, and the Boise National Forest, Idaho, respectively;

(3) The following-described lands which were acquired by the United States under section 7 of the Act of June 7, 1924 (43 Stat. 654; 16 U.S.C. 569), shall be administered as parts of the national forests hereinafter designated:

LASSEN NATIONAL FOREST, CALIFORNIA

MOUNT DIABLO MERIDIAN

T. 35 N., R. 2 E.,
Sec. 5, SE¼SW¼;
Sec. 8, N½NE¼;
Sec. 10, E½NE¼, SW¼NE¼;
Sec. 11, W½NW¼;
Sec. 12, E½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 13, E½NE¼, SW¼NW¼, N½SW¼, NE¼SE¼;
Sec. 14, S½NE¼, S½;
Sec. 15, NE¼SE¼.
T. 35 N., R. 3 E.,
Sec. 7, SW¼NE¼, S½NW¼, SW¼;
Sec. 10, NE¼;
Sec. 22, SW¼.

MODOC NATIONAL FOREST, CALIFORNIA

MOUNT DIABLO MERIDIAN

T. 38 N., R. 15 E.,
Sec. 33, NW¼NE¼, NW¼.

BOISE NATIONAL FOREST, IDAHO

BOISE MERIDIAN

T. 2 N., R. 8 E.,
Sec. 20, N½N½, NW¼SW¼.

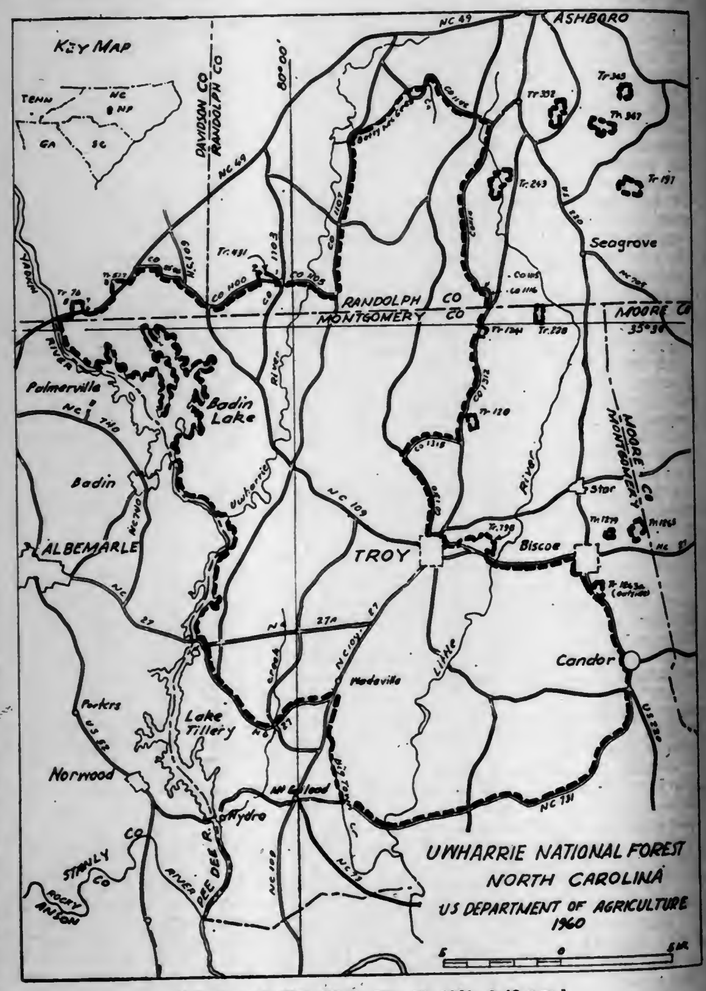
MANTI-LASAL NATIONAL FOREST, UTAH

SALT LAKE MERIDIAN

T. 15 S., R. 5 E.,
Sec. 33, E½W½SE¼SW¼, E½SE¼SW¼, S½SE¼;
Sec. 34, SW¼SW¼.
T. 18 S., R. 3 E.,
Sec. 8, S½SW¼;
Sec. 17, NW¼NW¼;
Sec. 18, NE¼NE¼.

Dated: January 12, 1961.

E. T. BENSON,
*Secretary of Agriculture.*




[F.R. Doc. 61–362; Filed, Jan. 19, 1961; 8:48 a.m.]



## ARKANSAS, MISSISSIPPI, NEW MEXICO, AND SOUTH DAKOTA

### Designation of Areas for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the States of Arkansas, Mississippi, New Mexico, and South Dakota, production disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS: Pulaski.
MISSISSIPPI: Washington.
NEW MEXICO: Lea, Quay.
SOUTH DAKOTA: Edmunds.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of January 1961.

TRUE D. MORSE,
*Acting Secretary.*

[F.R. Doc. 61–521; Filed, Jan. 19, 1961; 8:49 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50–29]

## YANKEE ATOMIC ELECTRIC CO.

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued to Yankee Atomic Electric Company Amendment No. 2 to Facility License DPR–3, which specifies the procedure whereby Yankee may submit requests for authorization for any change in the reactor or in its operation requiring a change in the technical specifications and the procedure whereby the Commission will act on such requests. The license amendment was issued pursuant to the fourth intermediate decision including order amending License DPR–3 in respect to procedures for changes in technical specifications issued by the Presiding Officer December 30, 1960.

Dated at Germantown, Md., this 12th day of January 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61–478; Filed, Jan. 19, 1961; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 5482 etc.]

## REOPENED KANSAS-OKLAHOMA LOCAL SERVICE CASE

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference, pursuant to Order E–16203, is assigned to be held on February 1, 1961, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., January 17, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61–534; Filed, Jan. 19, 1961; 8:50 a.m.]

[Docket 11473 etc.]

## UNITED AIR LINES ET AL.

### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceedings is assigned to be held on January 24, 1961, at the following times:

United Air Lines Service to Cheyenne Case, Docket 11473 et al. at 10:00 a.m., e.s.t.

Lines Aereas Taca de Colombia, S. A., Docket 11909, at 10:15 a.m., e.s.t.

Compania Nacional de Turismo Aereo "Cinta Limitada", Docket 11967, at 10:30 a.m., e.s.t.

Eastern Air Lines, Inc., Docket 10651, at 11:00 a.m., e.s.t.

All of the above hearings will be held in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., January 17, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61–535; Filed, Jan. 19, 1961; 8:50 a.m.]

# CIVIL SERVICE COMMISSION

## FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

### Notice of Time Limit for Applications for Approval of Group-Practice Prepayment Health Benefits Plans and Individual-Practice Prepayment Health Benefits Plans

Under the provisions of the Federal Employees Health Benefits Act of 1959, the Civil Service Commission has determined that applications received before March 1, 1961, from groups wishing to offer group-practice prepayment health benefits plans and individual-practice prepayment health benefits plans to Federal employees under the Act will be considered for approval for the second contract period. The second contract period begins November 1, 1961. Applications received after February 28, 1961, will be considered for approval for subsequent contract periods.

A statement of the kinds of information which must accompany the application may be obtained from the Bureau of Retirement and Insurance, United States Civil Service Commission, Washington 25, D.C.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61–533; Filed, Jan. 19, 1961; 8:50 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP61–162]

## HOPE NATURAL GAS CO.

### Notice of Application and Date of Hearing

JANUARY 13, 1961.

Take notice that Hope Natural Gas Company (Applicant), 445 West Main Street, Clarksburg, West Virginia, filed an application on December 7, 1960, pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities as hereinafter described subject to the jurisdiction of the Commission all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon its existing Wright Compressor Station located in Marion County, West Virginia. Applicant states that its Wright Station is presently equipped with two obsolete 500 horsepower compressor units and appurtenances that have been used since 1913 to compress local West Virginia Gas produced in the surrounding area. Applicant further states that the volume of gas available from the area has declined to an extent that it is uneconomical to operate the station. Such operation was discontinued in October 1959. The remaining gas available in the area is handled through Applicants existing nearby Hastings and Sardis Compressor Stations.

In support of its proposal, applicant states that no abandonment of service will result and that operating and maintenance expenses at the station will be eliminated.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Com-

mission's rules of practice and procedure, a hearing will be held on February 20, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-495; Filed, Jan. 19, 1961; 8:47 a.m.]

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[Docket No. CP60-117]

## LONE STAR GAS CO.

### Notice of Application and Date of Hearing

JANUARY 13, 1961.

Take notice that Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas, Texas, filed an application on June 10, 1960, pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities as hereinafter described subject to the jurisdiction of the Commission all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon its tap line FX-416-T, consisting of 254 feet of 6-inch and 910 feet of 3-inch pipeline extending from applicants 8-inch line GB-B in Northeasterly direction to the connection of W. B. Cleary, Inc.'s Smith Heir's No. 2 well in the Fox-Graham Field, Carter County, Oklahoma.

The application states that the reservoir pressure has declined to such an extent that the gas cannot enter into its pipeline against the working pressure maintained therein and that the operator of the well has indicated that no further development of the acreage is planned.

Applicant estimates that the salvage value of the facilities proposed to be abandoned is $840 and the cost of removal approximately $350 or a net salvage value of $490.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 20, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-496; Filed, Jan. 19, 1961; 8:47 a.m.]

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# SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1361]

## CENTER, INC.

### Notice of Filing of Application

JANUARY 12, 1961.

Notice is hereby given that The Center, Inc. ("Center"), a corporation organized under the laws of Minnesota, has filed an application and an amendment thereto pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") requesting an order of the Commission exempting from the provisions of section 17(a) of the Act proposed borrowings from Investors Syndicate of America, Inc. ("Investors Syndicate"), a registered, face-amount certificate company, as hereinafter described. The application requests the exemption to permit Investors Syndicate to make three construction mortgage loans aggregating $20,000,000 to Center to finance in part the development of certain properties in Minneapolis, Minnesota. Center, as described herein, is an affiliated person of an affiliated person of Investors Diversified Services, Inc. ("IDS"), a registered, face-amount certificate company which controls Investors Syndicate.

Center, which was recently organized for the purpose of acquiring and developing the properties is presently wholly owned by Baker Properties, Inc. ("Baker"). Baker operates and owns or controls various business properties principally in the city of Minneapolis and will act as agent of Center in managing and operating its properties. According to the application, Center is in the process of acquiring interests, principally long-term leasehold interests, in an entire block in downtown Minneapolis. Center proposes to demolish all of the present improvements on the property so acquired, except an office building which will be completely modernized, and to construct an integrated set of buildings thereon. When completed the project will contain rentable space consisting of 411,500 square feet of office space, 47,600 square feet of commercial space and 104,000 square feet of storage space, and a 1,000-car parking garage and 150 unit motor hotel structure, together with recreational and restaurant facilities for hotel guests and office personnel. Center has already entered into lease arrangement for terms of not less than twenty-five years, with minor exceptions, with tenants of established financial worth whereby such tenants will lease approximately 77 percent of the total office space, 63 percent of the total commercial space and 88 percent of the total storage space. Applicant estimates that the rentals to be received under such leases plus estimated average net income from the operation of the parking garage and motor hotel will be more than ample to pay all operating costs, real estate taxes, and debt services on the senior mortgage loans even if no additional office space should be rented.

Applicant estimates that the total cash requirements for acquiring and developing the properties will be $24,850,000, of which $22,600,000 will be total construction costs and the remainder will be for ground rent, interest and real estate taxes, financing costs and miscellaneous expenses. Center proposes to raise $1,000,000 of this amount by a sale of its stock; $1,350,000 through a five-year unsecured loan from Baker in conjunction with the sale of its stock; $1,153,500 through a fifteen-year term loan from a building company which has a lease interest in the properties; junior mortgage loans in the amount of $725,000 from certain tenants which have already entered into leases with Center; and $20,000,000 through the proposed senior mortgage loans from Investors Syndicate. Baker has agreed to loan or cause to be loaned to Center under arrangements satisfactory to Investors Syndicate such additional amounts as are necessary for the payment of construction costs and other requirements.

According to the application the mortgages to Investors Syndicate will be senior liens upon property appraised at $30,000,000. This figure was estimated for Investors Syndicate by independent appraisers whose appraisal report is filed as an exhibit to the application. The $30,000,000 figure includes the value of the land and the buildings to be constructed and modernized, in the light of the value of the long term leases already negotiated with tenants. The three mortgage loans will consist of a leasehold mortgage in the amount of $5,000,000, and "fee" mortgages in the amounts of $12,400,000 and $2,600,000 respectively. In connection with the "fee" mortgages, to the extent that Center's interest in such properties is less than the fee, the fee owners have agreed to join with Center in such mortgages for the purpose of subjecting their interests in the premises to the lien of the mortgages. The application states that the loans will be qualified investments under the Insurance Code of the District of Columbia, which code determines the eligibility of investments of Investors Syndicate, and will bear interest at the rate of 5.85 percent per annum. Other terms of the loan include a provision for reducing the total amount of the loan if construction costs are lower than estimated, and a provision that there shall be no prepayment of principal, in whole or in part, without Investors Syndicate's consent during the first ten years of the loan.

All of the outstanding capital stock of Investors Syndicate is owned by IDS. Baker, the parent of Center, owns beneficially a fifty-one percent interest in the trust which owns the "Investors Building", in which IDS and Investors Syndicate have their home offices, and IDS owns the remaining interest. Baker and IDS also have the same percentage ownership in a corporation which supplies heat to the Investors Building and other nearby buildings in Minneapolis. Baker also owns about fifty-one percent of the outstanding capital stock of The Roanoke Building Company which owns the Roanoke Building in Minneapolis, adjacent to the Investors Building and in which a portion of the home offices of IDS and Investors Syndicate are located. The application states that by virtue of these facts Center is an affiliated person of an affiliated person of IDS which controls Investors Syndicate.

Section 2(a)(3) of the Act defines an "affiliated person" of another person as, among other things, any person directly or indirectly owning, controlling or holding with power to vote five percent or more of the outstanding voting securities of such other person. Section 17(a) of the Act prohibits an affiliated person of a registered investment company or any affiliated person of such a person, from selling to, or purchasing from such registered investment company or a company controlled by it any securities or property, subject to certain exceptions not pertinent here. In view of the affiliation and control relationship the transfer of the mortgages to Investors Syndicate is prohibited unless exempted under the Act. The Commission upon application pursuant to section 17(b) may grant an exemption from the provisions of section 17(a) if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.



In support of the application it is pointed out that the proposed senior mortgage loans will be amply secured, and that the interest rates thereon and the restrictions on prepayment are such as to make the proposed loans attractive to any large institutional lender. It is stated that in the opinion of Investors Syndicate the terms of the proposed mortgage loan, with particular emphasis on the interest rate return, are fully competitive with those of other commercial mortgage loan investments recently made by other institutional lenders in the Minneapolis metropolitan area, and that they are on a basis at least as favorable, and more attractive in several instances, than such other investments. The application also points out that Investors Syndicate will benefit taxwise from the proposed mortgage loans. Since Minnesota mortgages will be involved, Investors Syndicate can offset the amount of such mortgages against its capital stock, surplus and undivided profits in computing its state shares tax.

Notice is hereby given that any interested person may, not later than January 26, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-500; Filed, Jan. 19, 1961; 8:48 a.m.]

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[File No. 70-3929]

## MILWAUKEE GAS LIGHT CO. AND AMERICAN NATURAL GAS CO.

### Notice of Proposed Increase of Authorized Common Stock by Subsidiary, Proposed Issuance and Sale of Common Stock by Subsidiary and Acquisition Thereof by Parent and Proposed Issuance and Sale of Short-Term Notes to Banks

JANUARY 12, 1961.

Notice is hereby given that American Natural Gas Company ("American Natural"), a registered holding company, and its public-utility subsidiary company, Milwaukee Gas Light Company ("Milwaukee"), have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 7, 9, 10, and 12(f) of the Act and Rules 43, 50(a)(2), 50(a)(3), and 70(b)(2) promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Milwaukee proposes (1) to increase its authorized $12 par value common stock from 3,200,000 shares to 3,625,000 shares by amending its Articles of Incorporation; (2) to issue and sell 416,667 shares of its common stock for $5,000,004 in cash, representing the aggregate par value thereof; and (3) to issue and sell, from time to time during 1961, up to an aggregate amount of $20,000,000 promissory notes of Milwaukee all maturing June 1, 1962. Each note will be unsecured, will bear interest at the prime rate effective at The First National City Bank of New York on the date of its issuance and such interest rate will be adjusted to such prime rate in effect at the beginning of each 90-day period subsequent to the issue date of the first note. The notes will be issued to the following named banks up to the maximum amounts shown:

| | |
|---|---|
| The First National City Bank of New York, New York, N.Y. | $7,500,000 |
| The Hanover Bank, New York, N.Y. | 5,000,000 |
| First Wisconsin National Bank of Milwaukee, Milwaukee, Wis. | 4,250,000 |
| Marine National Exchange Bank, Milwaukee, Wis. | 1,500,000 |
| Marshall and Ilsley Bank, Milwaukee, Wis. | 1,500,000 |
| American State Bank, Milwaukee, Wis. | 250,000 |
| Total | 20,000,000 |

American proposes to purchase, for $5,000,004 in cash, the 416,667 shares of Milwaukee's common stock.

The fees and expenses to be incurred by Milwaukee in connection with the proposed transactions are estimated as follows:

| | Common stock | Notes |
|---|---|---|
| Federal original issue tax | $5,000 | $------ |
| Fees and taxes of various states | 5,000 | 6,000 |
| Counsel fees—Sidley, Austin, Burgess & Smith | 250 | ----- |
| Counsel fees—Foley, Sammond & Lardner | 250 | ----- |
| American Natural Gas Service Company services at cost | 500 | 500 |
| Miscellaneous | 1,000 | 500 |
| Total | 13,000 | 7,000 |

The joint application-declaration states that the proceeds from the sale of the common stock and notes will be used to finance in part Milwaukee's 1961 and early 1962 construction program. It is further stated that the proposed notes will be repaid in 1962 from the proceeds of a permanent financing program to be submitted to the Commission at that time.

The joint application-declaration states that the approval of the Public Service Commission of Wisconsin is necessary for the issuance and sale of additional shares of common stock by Mil-

waukee and such of the notes as mature more than 12 months after the dates of issuance; that the order of that State commission will be filed by amendment; and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 30, 1961 at 5:30 p.m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-501; Filed, Jan. 19, 1961; 8:48 a.m.]

# TARIFF COMMISSION

[336-121]

## BROOMS MADE OF BROOMCORN

### Notice of Investigation and Date of Hearing

*Investigation instituted.* Having completed a preliminary inquiry made in connection with an application from the National Broom Manufacturers and Allied Industries Association for an investigation under section 336 of the Tariff Act of 1930 (19 U.S.C. 1336), the United States Tariff Commission, on the 16th day of January 1961, instituted an investigation for the purposes of the said section 336 of the differences in the costs of production of foreign brooms made of broomcorn, provided for in paragraph 1506 of the Tariff Act of 1930, and like or similar domestic articles.

*Public hearing ordered.* A public hearing in connection with the foregoing investigation will be held beginning at 10 a.m., e.s.t., on April 18, 1961, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties will be given opportunity to be present, to produce evidence, and to be heard at the said hearing. Requests for appearance at the hearing should be in writing and submitted to The Secretary, U.S. Tariff Commission, Washington 25, D.C., at least five days prior to the date set for the hearing.

Issued: January 17, 1961.

By order of the Tariff Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-502; Filed, Jan. 19, 1961; 8:48 a.m.]

[AA1921-16]

## PORTLAND CEMENT FROM SWEDEN

### Notice of Hearing

Notice is hereby given that the United States Tariff Commission, on January 16, 1961, ordered a public hearing held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to portland cement, other than white, nonstaining portland cement, from Sweden. Notice of the institution of the investigation was published in the FEDERAL REGISTER on January 12, 1961 (26 F.R. 241).

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t., on February 28, 1961. Interested parties desiring to appear and to be heard at such hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Issued: January 17, 1961.

By order of the Tariff Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-503; Filed, Jan. 19, 1961; 8:48 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 17, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36844: *Substituted service—L&N for Dixie Ohio Express, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 47), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Covington, and Louisville, Ky., Nashville, Chattanooga and Knoxville, Tenn., on the one hand, and specified points in Alabama, Georgia, Kentucky, and Tennessee, on the other, as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 228.

FSA No. 36845: *Petroleum residual fuel oil to Minnesota and Wisconsin points.* Filed by Western Trunk Line Committee, Agent (No. A-2161), for interested rail carriers. Rates on petroleum residual fuel oil, in tank-car loads, from specified points in Colorado, Kansas, Missouri, Montana and Wyoming, to specified points in Minnesota and Wisconsin.

Grounds for relief: Market competition.

Tariff: Supplement 72 to Chicago and North Western Railway Company tariff I.C.C. 11296, and other schedules named in the application.

FSA No. 36846: *Fine coal from Brilliant, Ala., to Chickasaw, Ala.* Filed by O. W. South, Jr., Agent (No. A-4058), for interested rail carriers. Rates on fine coal, as described in the application, in carloads, from Brilliant, Ala., to Chickasaw, Ala.

Grounds for relief: Restore origin rate relationship.

Tariff: Supplement 58 to Southern Freight Association tariff I.C.C. S-39.

FSA No. 36847: *Substituted service—IC for Nolte Bros.* Filed by William A Landau, Agent (No. 1), for interested carriers. Rates on property moving in less-than-truckload quantities, loaded in trailers and transported on railroad flat cars, between Chicago, Ill., on the one hand, and Council Bluffs and Fort Dodge, Iowa, on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Agent William A. Landau tariff MF-I.C.C. 36.

FSA No. 36848: *Substituted service—WAB. and PRR for Cooper-Jarrett, Inc.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 176), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Kansas City, Mo., on the one hand, and Baltimore, Md., Kearny, N.J., and Philadelphia, Pa., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 7 to Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-185.

FSA No. 36849: *Substituted service—C&O and LV for Roadway Express, Inc.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 176), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Jersey City, N.J., on the one hand, and Detroit and Saginaw, Mich., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.



Tariff: Supplement 7 to Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-185.

FSA No. 36850: *Substituted service—C&NW for the Emery Transportation Company.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 177), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Chicago, Ill., on the one hand, and Cedar Rapids, Council Bluffs, Des Moines, Ft. Dodge, Mason City and Sioux City, Iowa, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 7 to Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-185.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-523; Filed, Jan. 19, 1961; 8:49 a.m.]

[Notice 437]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 17, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to § 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63857. By order of January 13, 1961, the Transfer Board approved the transfer to McKay Freight Line, Inc., Fairbury, Nebr., of Certificate No. MC 822 issued August 6, 1954, to C. C. McKay and Earl R. McKay, a partnership, doing business as McKay Freight Line, Fairbury, Nebr., authorizing the transportation, over regular routes, of general commodities, with the usual exceptions, between Fairbury, Nebr., and Montrose, Kans.; between Fairbury, Nebr., and Red Cloud, Nebr.; between Alma, Nebr., and Omaha, Nebr.; between Fairbury, Nebr., and Linn, Kans.; and from and to and between various specified points in Nebraska; fruits, from Fairbury, Nebr., to Washington, Kans.; commodities usually dealt in by wholesale grocery companies, between Fairbury, Nebr., and Osborne and Clyde, Kans.; and between Osborne, Kans., and Stockton, Kans.; household goods, between Fairbury, Nebr., on the one hand, and, on the other, points in Kansas and Iowa; and windmills and other parts, manufactured by Windmill manufacturing Companies, from Fairbury, Nebr., to Sioux City and Des Moines, Iowa, and Salina and Hutchinson, Kans. J. Max Harding, 605 South 12th Street, Lincoln, Nebr., for applicants.

No. MC-FC 63859. By order of January 13, 1961, the Transfer Board approved the transfer to Primo Motor Car Co., a corporation, Kearny, N.J., of Certificate in No. MC 10942, issued May 4, 1943, to Mente Bros., Inc., Kenilworth, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in New Jersey, on the one hand, and, on the other, New York, N.Y., and points in Westchester County, N.Y.; steel and steel products, between Kenilworth and Union, N.J., on the one hand, and, on the other, Philadelphia and Wilkes-Barre, Pa., and Cold Springs, N.Y.; copper, bronze and copper wire, from Kenilworth, N.J., to Manheim, Hanover, and York, Pa.; and materials and supplies used in sewer construction from Kenilworth, N.J., to points in New York and Pennsylvania within 125 miles of Kenilworth. Bert Collins, Attorney, 140 Cedar Street, New York, N.Y., for applicants.

No. MC-FC 63871. By order of January 16, 1961, the Transfer Board approved the transfer to Burggrabe Truck Lines, Inc., Warrenton, Mo., of Certificate No. MC 10457, issued April 13, 1937, to E. A. Burggrabe, doing business as E. A. Burggrabe Drayage Service, Warrenton, Mo., authorizing the transportation of general commodities, including household goods, with various specified excepted commodities, over regular route, between Warrenton, Mo., and East St. Louis, Ill., serving all intermediate points and off-route points of Truesdale and O'Fallon, Mo. G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis 2, Mo., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-524; Filed, Jan. 19, 1961; 8:49 a.m.]

# DEPARTMENT OF JUSTICE

## Office of Alien Property

## ERNESTA BARDONE ET AL.

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Ernesta Bardone, Pavia, Italy; $72.01 in the Treasury of the United States.

Cesarina Bardone Corrada, Pavia, Italy; $72.00 in the Treasury of the United States.

Angela Bardone Silva, Pavia, Italy; $72.00 in the Treasury of the United States. Claim No. 44021.

Primo Schiavi, Pavia, Italy; $72.00 in the Treasury of the United States. Claim No. 44022.

Vesting Order No. 582.

Executed at Washington, D.C., on January 13, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 61-525; Filed, Jan. 19, 1961; 8:49 a.m.]

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**Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.**

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# FEDERAL REGISTER

VOLUME 26 NUMBER 14

Washington, Tuesday, January 24, 1961

THE UNIVERSITY OF MICHIGAN
JAN 25 1961
MAIN READING ROOM

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3391

### ESTABLISHING THE CHESAPEAKE AND OHIO CANAL NATIONAL MONUMENT, MARYLAND

By the President of the United States of America

A Proclamation

WHEREAS by deed of September 23, 1938, the United States acquired from the Receivers of the Chesapeake and Ohio Canal Company certain lands, together with all appurtenances thereunto belonging, known as the Chesapeake and Ohio Canal; and

WHEREAS since September 23, 1938, such lands have been administered and protected by the Department of the Interior through the National Park Service; and

WHEREAS, by section 2 of the act of Congress approved June 8, 1906 (34 Stat. 225), the President of the United States is authorized "in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected"; and

WHEREAS the Chesapeake and Ohio Canal is of historic and scientific interest, and historic structures and objects of scientific interest are situated upon the lands thereof:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do proclaim that, subject to valid existing rights, there is hereby reserved and set apart as a national monument, to be known as the Chesapeake and Ohio Canal National Monument, that portion of the property now owned by the United States and acquired by it under the said deed of September 23, 1938, which extends from Cumberland, Maryland, to a location 100 feet downstream from the first culvert above the Seneca aqueduct, the monument hereby established containing approximately 4,800 acres.

The said deed of September 23, 1938, is recorded in the land records of the County of Allegany, Maryland, in Book R.J. No. 181 at Folio 603, of the County of Washington, Maryland, in Book No. 207 at Folio 575, of the County of Frederick, Maryland, in Book No. 414 at Folio 245 fc., and of the County of Montgomery, Maryland, in Book No. 638 at Folio 76. Detailed maps of the Chesapeake and Ohio Canal property, consisting of 15 rolls prepared by B. F. Mackall, are on file with the Director, National Park Service, Washington, D.C., and the Superintendent of the Chesapeake and Ohio Canal Project in Hagerstown, Maryland.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this monument and not to locate or settle upon any of the lands reserved by this proclamation.

The Chesapeake and Ohio Canal National Monument shall be supervised, managed, and controlled in accordance with the act of Congress entitled "An Act To Establish a National Park Service, and for Other Purposes," approved August 25, 1916 (39 Stat. 535), and acts supplementary thereto and amendatory thereof, including the act of September 22, 1950 (64 Stat. 905), and the act of August 1, 1953 (67 Stat. 359).

Nothing in this proclamation is intended to prejudice the use of the Chesapeake and Ohio Canal National Monument for such works as the Congress may hereafter authorize for municipal and domestic water supply, navigation, flood control, drainage, recreation, or other beneficial purposes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighteenth day of January in the year of our Lord nineteen hundred and [SEAL] sixty-one and of the Independence of the United States of America the one hundred and eighty-fifth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
*Secretary of State.*

[F.R. Doc. 61–696; Filed, Jan. 23, 1961; 10:36 a.m.]

### Executive Order 10914

### PROVIDING FOR AN EXPANDED PROGRAM OF FOOD DISTRIBUTION TO NEEDY FAMILIES

Whereas one of the most important and urgent problems confronting this Nation today is the development of a positive food and nutrition program for all Americans;

Whereas I have received the report of the Task Force on Area Redevelopment under the chairmanship of Senator Douglas, in which special emphasis is placed upon the need for additional food to supplement the diets of needy persons in areas of chronic unemployment;

Whereas I am also advised that there are now almost 7 million persons receiving some form of public assistance, that 4.5 million persons are reported as being unemployed and that a substantial number of needy persons are not recipients in the present food distribution program;

Whereas the variety of foods currently being made available is limited and its nutritional content inadequate; and

Whereas despite an abundance of food, farm income has been in a period of decline, and a strengthening of farm prices is desirable.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

The Secretary of Agriculture shall take immediate steps to expand and improve the program of food distribution throughout the United States, utilizing funds and existing statutory authority available to him, including section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612), so as to make available for distribution, through appropriate State and local agencies, to all needy families a greater variety and quantity of food out of our agricultural abundance.

JOHN F. KENNEDY

THE WHITE HOUSE,
*January 21, 1961.*

[F.R. Doc. 61–711; Filed, Jan. 23, 1961; 11:08 a.m.]

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of State

Effective upon publication in the FEDERAL REGISTER, paragraph (d) (7) of § 6.302 is amended and paragraphs (d) (10) and (l) (6) are added as set out below.

§ 6.302 Department of State.

* * * * * * *

(d) *Office of the Assistant Secretary for Public Affairs.* * * *

(7) Director of the Office of News.

* * * * * * *

(10) One Deputy Assistant Secretary for Mutual Security Information.

* * * * * * *

(l) *Bureau of Inter-American Affairs.* * * *

(6) One Deputy Assistant Secretary for Inter-American Economic Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-582; Filed, Jan. 23, 1961; 8:49 a.m.]

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (29) is added to § 6.304(a) as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* * * *

(29) One Personal Secretary to the Deputy Secretary of Defense.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-581; Filed, Jan. 23, 1961; 8:49 a.m.]

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (30) is added to § 6.304(a) as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary* * * *

(30) One Private Secretary to the Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-672; Filed, Jan. 23, 1961; 8:53 a.m.]

### PART 27—EXCLUSION FROM PROVISIONS OF FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

#### Psychodrama Interns

1. Effective January 15, 1961, § 27.1 is amended by the addition of the following item:

§ 27.1 Exclusion from provisions of the Federal Employees Pay Act and Classification Act.

* * * * * * *

Psychodrama interns, Department of Health, Education, and Welfare, first and second years approved postgraduate training.

2. Effective January 15, 1961, § 27.2 is amended by the addition of the following item:

§ 27.2 Maximum stipends prescribed.

* * * * * * *

| | |
|---|---|
| Psychodrama interns, Department of Health, Education, and Welfare: | |
| First year approved postgraduate training | $3,200 |
| Second year approved postgraduate training | 3,400 |

(61 Stat. 727; 5 U.S.C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-579; Filed, Jan. 23, 1961; 8:49 a.m.]

### PART 30—ANNUAL AND SICK LEAVE REGULATIONS

#### Subpart F—Home Leave

The following regulations supersede the present Subpart F of Part 30.

Subpart F—Home Leave

Sec.
30.601 Definitions.
30.602 Coverage.
30.603 Computation of creditable service.
30.604 Earning rates.
30.605 Computation of home leave.
30.606 Grant of home leave.
30.607 Transfer and recredit of home leave.
30.608 Saving provisions.
30.609 Effective date.

AUTHORITY: §§ 30.601 to 30.609 issued under sec. 206, 65 Stat. 681; 5 U.S.C. 2065.

§ 30.601 Definitions.

As used in this subpart, the term:

(a) "Home leave" means leave authorized by paragraph 203(f) of the Act and earned by service abroad for use in the United States, in the Commonwealth of Puerto Rico, or in the possessions of the United States.

(b) "Month" means a period which runs from a given day in one month through the day preceding the numerically corresponding day in the next month.

(c) "Service abroad" means service on and after September 6, 1960, as an employee of any agency of the Federal Government at a post of duty outside the United States and outside the employee's place of residence if his residence is the Commonwealth of Puerto Rico or any one of the possessions of the United States.

§ 30.602 Coverage.

An employee who meets the requirements of section 203(d) of the Act for the accumulation of a maximum of 45 days of annual leave shall earn and may be granted home leave in accordance with paragraph 203(f) of the Act and the regulations in this subpart.

§ 30.603 Computation of creditable service.

Creditable service begins with the date of the employee's arrival at a post of duty outside the United States, or on the date of his entrance on duty if recruited abroad, and ends on the date of the employee's departure from the post for separation or for assignment in the United States, or upon his separation from duty in case of separation abroad. Full credit shall be given for the day of arrival and the day of departure. Creditable service includes: (1) Absence in a nonpay status up to a maximum of two workweeks; (2) authorized leave with pay; (3) time spent in the Armed Forces of the United States which interrupts otherwise creditable service; and (4) any period of detail.

§ 30.604 Earning rates.

(a) For each 12 months of service abroad, home leave shall accrue as follows provided the conditions of eligibility in this subpart are met:

(1) An employee who accepts as a condition of initial or continued employment with his agency an obligation to accept assignments anywhere in the world as the needs of the agency dictate shall earn 15 days' home leave.



(2) An employee who is serving with a U.S. Mission to a Public International Organization shall earn 15 days' home leave.

(3) An employee who is serving at a post for which payment of a foreign or territorial (but not a tropical) differential of 20 percent or more is authorized by law or regulation shall earn 15 days' home leave.

(4) An employee not included in subparagraph (1), (2), or (3) who is serving at a post for which payment of a foreign or territorial (but not a tropical) differential of at least 10 percent but less than 20 percent is authorized by law or regulation shall earn 10 days' home leave.

(5) An employee not included in subparagraph (1), (2), (3), or (4) shall earn five days' home leave.

(b) Home leave shall be credited to an employee's leave account, as earned, in multiples of one day.

§ 30.605 Computation of home leave.

(a) An employee shall earn home leave for each month of creditable service under the rates fixed by paragraph (a) of § 30.604 in the amounts set forth in the following table:

HOME LEAVE-EARNING TABLE

| Months of service: | Accrual rate (days for each 12 months) 15 (Days earned) | 10 | 5 |
|---|---|---|---|
| 1 | 1 | 0 | 0 |
| 2 | 2 | 1 | 0 |
| 3 | 3 | 2 | 1 |
| 4 | 5 | 3 | 1 |
| 5 | 6 | 4 | 2 |
| 6 | 7 | 5 | 2 |
| 7 | 8 | 5 | 2 |
| 8 | 10 | 6 | 3 |
| 9 | 11 | 7 | 3 |
| 10 | 12 | 8 | 4 |
| 11 | 13 | 9 | 4 |
| 12 | 15 | 10 | 5 |

(b) When an employee moves between different leave-earning rates before completion of a month of creditable service or when a change in the differential during the month results in a different leave earning rate, he shall be credited with the amount of accrual for the month at the accrual rate to which he was entitled prior to the change in his accrual rates.

§ 30.606 Grant of home leave.

(a) *Entitlement.* Home leave may not be granted until the completion of 24 months of continuous creditable service abroad (hereinafter called the "basic service period"). A basic service period is terminated by (1) a break in service of one or more workdays, or (2) an assignment (other than a detail) to a position whereby the employee is no longer subject to section 203(f) of the Act.

(b) *Agency authority.* The grant of home leave shall be at the discretion of the agency, and may be granted for use only in the United States, the Commonwealth of Puerto Rico, or possessions of the United States. A combination of home leave and other leaves of absence may be granted in accordance with established agency policy.

(c) *Limitation.* Home leave may be granted to an employee (1) during a period of service abroad, or (2) within a reasonable time after his return from service abroad when it is contemplated that he will return to service abroad immediately or upon completion of an assignment in the United States. Home leave not granted at such time may not be granted until the employee has completed a further substantial period of service abroad; the further period of service abroad required by this paragraph shall be not less than the tour of duty prescribed for the employee's post of assignment, except where an agency determines that an earlier grant of such home leave is warranted in individual cases.

(d) *Charging of home leave.* The minimum charge for home leave shall be one day.

(e) *Refund for home leave.* An employee shall be indebted for the home leave used by him when he fails to return to service abroad (1) after the period of leave, or (2) after the completion of an assignment in the United States. However, a refund for such indebtedness shall not be required (1) when the employee has completed not less than six months' service in an assignment in the United States following the period of leave, or (2) when the agency determines that the employee's failure to return was due to compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health or circumstances over which the employee has no control, or (3) when the agency which granted the home leave determines that it is in the public interest not to return the employee to his overseas assignment.

§ 30.607 Transfer and recredit of home leave.

(a) An employee's accrued home leave shall be transferred or recredited to his leave account when he moves between agencies or is reemployed in the Federal service without a break in service in excess of 90 days.

(b) Home leave shall be recredited under this section only to employees transferred or reemployed on or after the effective date of this subpart.

§ 30.608 Saving provisions.

(a) Home leave to the credit of an employee on the day preceding the effective date of this subpart shall be credited to the employee's home leave account under these regulations and shall be available for use in accordance with the Act and this subpart.

(b) Service which was creditable for the earning of home leave under appropriate statutory provisions in effect immediately prior to the effective date of this subpart shall be counted as creditable service under the Act and this subpart.

§ 30.609 Effective date.

The effective date of this subpart is the first day of the first pay period following September 6, 1960.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-580; Filed, Jan. 23, 1961; 8:49 a.m.]

## Title 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

### PART 331—POLICIES AND AUTHORITIES

#### Average Values of Farms: Alaska

On January 11, 1961, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units in the subdivision designated as Fairbanks was determined to be as herein set forth. The average value heretofore established for the Fairbanks subdivision which appears in the tabulations of average values under 6 CFR 331.17 is superseded by the average value set forth below for said subdivision (county).

| ALASKA County: | Average Value |
|---|---|
| Anchorage | $50,000 |
| Fairbanks | 50,000 |
| Homer | 35,000 |
| Palmer | 50,000 |

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188)

Dated: January 17, 1961.

H. C. SMITH,
*Acting Administrator, Farmers Home Administration.*

[F.R. Doc. 61-561; Filed, Jan. 23, 1961; 8:48 a.m.]

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

### PART 214—NONIMMIGRANT CLASSES

#### Direct Transits

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

The first sentence of subparagraph (1) *Without visas* of paragraph (c) *Transits* of 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding the word "Cuba," after the word "Albania".

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is contrary to the public interest in this instance because the amendment prescribed

by the order affects the internal security of the United States.

Dated: January 18, 1961.

J. M. SWING,
*Commissioner of Immigration and Naturalization.*

[F.R. Doc. 61-576; Filed, Jan. 23, 1961; 8:48 a.m.]

# Title 7—AGRICULTURE

## Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 849.2 Rev.]

## PART 849—DOMESTIC BEET SUGAR PRODUCING AREA PREVENTED ACREAGE CREDIT; 1959 AND SUBSEQUENT CROPS

*Correction*

In F.R. Doc. 61-278, appearing at page 248 of the issue for Friday, Jan. 13, 1961, the year "1960" in the last paragraph should read "1961".

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-NY-52]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas and Reporting Points

On June 28, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5940) stating that the Federal Aviation Agency (FAA) proposed to revoke the segment of Blue Federal airway No. 47 from the Morven Intersection (intersection of the north course of the Blackstone, Va., radio range and the 266° True bearing of the Richmond, Va., radio range) to the Philipsburg, Pa., radio range.

The Air Transport Association of America objected to the revocation of Blue 47 between the Philipsburg radio range and the Flintstone, Md., intersection prior to the designation of a replacement VOR airway to serve this route. The FAA has designated VOR Federal airway No. 501 to serve this purpose in Airspace Docket No. 60-NY-99, which is effective concurrent with this action. No other adverse comments were received regarding the proposed amendments.

Subsequent to the publication of the notice, additional peak-day traffic figures for August 6, 1959, revealed only four aircraft movements on the remaining segment of Blue 47, which lies between the Morven Intersection and the Brodnax Intersection (intersection of the northeast course of the Raleigh, N.C., radio range and the south course of the Blackstone radio range). On the basis of this survey, the retention of the remaining portion of this airway is unjustified as an assignment of airspace and the revocation thereof will be in the public interest. Such action is taken herein. These actions, in effect, will revoke Blue 47 in its entirety, its associated control areas and reporting points.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended as follows:

1. Section 600.647 *Blue Federal airway No. 47 (Blackstone, Va., to Philipsburg, Pa.)* is revoked.

2. Section 601.647 *Blue Federal airway No. 47 control areas (Blackstone, Va., to Philipsburg, Pa.)* is revoked.

3. Section 601.4647 *Blue Federal airway No. 47 (Blackstone, Va., to Philipsburg, Pa.)* is revoked.

These amendments shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-544; Filed, Jan. 23, 1961; 8:45 a.m.]

[Airspace Docket No. 60-NY-86]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Segment of Federal Airway and Associated Control Areas

On July 27, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 7106) stating that the Federal Aviation Agency proposed to revoke the segment of VOR Federal airway No. 42 between Johnstown, Pa., and Washington, D.C., and its associated control areas.

The Air Transport Association of America objected to the revocation of this segment of Victor 42 on the basis that the proposed action was inconsistent with the provisions of Airway Planning Standard No. 2, as it relates to air route traffic control service for scheduled air carriers. However, this objection was subsequently withdrawn with the programming of VOR Federal airway No. 501 in Airspace Docket No. 60-NY-99, which is effective concurrent with this action. No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6042 (14 CFR 600.6042) is amended to read:

**§ 600.6042 VOR Federal airway No. 42 (Flint, Mich., to Johnstown, Pa.).**

From the Flint, Mich., VOR via the Windsor, Ontario, Canada, VOR; Cleveland, Ohio, VOR; Akron, Ohio, VOR; Imperial, Pa., VOR; INT of the Imperial VOR 074° True and the Ellwood City, Pa., VOR 122° True radials; to the Johnstown, Pa., VOR, excluding the portion that lies outside the United States.

2. Section 601.6042 (14 CFR 601.6042) is amended to read:

**§ 601.6042 VOR Federal airway No. 42 control areas (Flint, Mich., to Johnstown, Pa.).**

All of VOR Federal airway No. 42.

These amendments shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-545; Filed, Jan. 23, 1961; 8:45 a.m.]

[Airspace Docket No. 60-NY-99]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Designation of Federal Airway and Associated Control Areas

On October 1, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 9415) stating that the Federal Aviation Agency proposed to designate VOR Federal airway No. 501 from Martinsburg, W. Va., to Wellsville, N.Y.

No adverse comments were received regarding the proposed amendments.



The Air Transport Association of America concurred in this action provided the Altoona, Pa., control area extension (Airspace Docket No. 60-WA-236) is designated concurrently with this action.

The designation of the Altoona control area extension will be concurrent with the designation of Victor 501.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In Part 600 (14 CFR Part 600) the following section is added:

**§ 600.6501 VOR Federal airway No. 501 (Martinsburg, W. Va., to Wellsville, N.Y.).**

From the Martinsburg, W. Va., VORTAC via the St. Thomas, Pa., VOR; Philipsburg, Pa., VORTAC; Slate Run, Pa., VOR; to the Wellsville, N.Y., VOR.

2. In Part 601 (14 CFR Part 601) the following section is added:

**§ 601.6501 VOR Federal airway No. 501 control areas (Martinsburg, W. Va., to Wellsville, N.Y.).**

All of VOR Federal airway No. 501.

These amendments shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-546; Filed, Jan. 23, 1961; 8:45 a.m.]

[Airspace Docket No. 60-NY-105]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Points

On October 8, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 9686) stating that the Federal Aviation Agency proposed to revoke the segment of Green Federal airway No. 4 between Zanesville, Ohio, and Philadelphia, Pa., its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 600.14 (14 CFR 600.14; 25 F.R. 2011, 8741) the following changes are made:

(a) In the caption "*(Los Angeles, Calif., to Amarillo, Tex., and Wichita, Kans., to Philadelphia, Pa.)*" is deleted and "*(Los Angeles, Calif., to Amarillo, Tex., and Wichita, Kans., to Zanesville, Ohio)*" is substituted therefor.

(b) In the text "Zanesville, Ohio, nondirectional radio beacon; Wheeling, W. Va., nondirectional radio beacon; Pittsburgh, Pa., radio range station; New Alexandria, Pa., nondirectional radio beacon; Altoona, Pa., radio range station; Harrisburg, Pa., radio range station; the intersection of the east course of the Harrisburg, Pa., radio range and the southwest course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station to the Philadelphia International Airport, Philadelphia, Pa." is deleted and "to the Zanesville, Ohio, RBN." is substituted therefor.

2. In the caption of § 601.14 (14 CFR 601.14; 25 F.R. 2011) "*(Los Angeles, Calif., to Amarillo, Tex., and Wichita, Kans., to Philadelphia, Pa.)*" is deleted and "*(Los Angeles, Calif., to Amarillo, Tex., and Wichita, Kans., to Zanesville, Ohio)*" is substituted therefor.

3. In § 601.4014 (14 CFR 601.4014; 25 F.R. 2011, 7620) the following changes are made:

(a) In the caption "*(Los Angeles, Calif., to Amarillo, Tex., and Wichita, Kans., to Philadelphia, Pa.)*" is deleted and "*(Los Angeles, Calif., to Amarillo, Tex., and Wichita, Kans., to Zanesville, Ohio.)*" is substituted therefor.

(b) In the text "Columbus, Ohio, radio range station; Zanesville, Ohio, nondirectional radio beacon; Wheeling, W. Va., nondirectional radio beacon; Pittsburgh, Pa., radio range station; New Alexandria, Pa., nondirectional radio beacon; Altoona, Pa., radio range station; Harrisburg, Pa., radio range station; Philadelphia, Pa., radio range station." is deleted and "Columbus, Ohio, RR." is substituted therefor.

These amendments shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

F.R. Doc. 61-547; Filed, Jan. 23, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-162]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Federal Airways and Domestic VOR Reporting Points

The purpose of these amendments to §§ 600.6188, 600.6164, 600.6232, 600.6039, 601.7001, 601.6164, and 601.6188 of the regulations of the Administrator is to change the name of the Stroudsburg, Pa., VOR to the Tannersville, Pa., VORTAC.

This name change will require a modification in the descriptions of VOR Federal airways No. 188, 164, 232, and 39 and in the section pertaining to domestic VOR reporting points. Such action is taken herein.

Since the changes effected by these amendments impose no additional burden on any person, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 600.6188 (25 F.R. 634, 860, 1940) the following changes are made:

(a) In the caption "*Stroudsburg, Pa.*" is deleted and "*Tannersville, Pa.*" is substituted therefor.

(b) In the text "Stroudsburg, Pa., VOR" is deleted and "Tannersville, Pa., VORTAC." is substituted therefor.

2. In § 600.6164 (25 F.R. 634, 1940) the following changes are made:

(a) In the caption "*Stroudsburg, Pa.*" is deleted and "*Tannersville, Pa.*" is substituted therefor.

(b) In the text "Stroudsburg, Pa., VOR" is deleted and "Tannersville, Pa., VORTAC." is substituted therefor wherever it appears.

3. In the text of § 600.6232 (14 CFR 600.6232, 25 F.R. 3154) "Stroudsburg, Pa., VOR to the INT of the Stroudsburg VOR 114°" is deleted and "Tannersville, Pa., VORTAC to the INT of the Tannersville VORTAC 114° True" is substituted therefor.

4. In the text of § 600.6039 (14 CFR 600.6039, 25 F.R. 1664, 2662, 10342) "Stroudsburg, Pa., VOR;" is deleted and "Tannersville, Pa., VORTAC;" is substituted therefor.

5. In the text of § 601.7001 (14 CFR 601.7001) "Stroudsburg, Pa., omnirange station." is deleted and "Tannersville, Pa., VORTAC." is added.

6. In the caption of § 601.6164 (25 F.R. 634, 1940) *"Stroudsburg, Pa."* is deleted and *"Tannersville, Pa."* is substituted therefor.

7. In the caption of § 601.6188 (14 CFR 601.6188, 25 F.R. 634, 860, 1940) *"Stroudsburg, Pa."* is deleted and *"Tannersville, Pa."* is substituted therefor.

These amendments shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 17, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-545; Filed, Jan. 23, 1961; 8:46 a.m.]

[Airspace Docket No. 60-WA-236]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Designation of Control Area Extension

On October 20, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10034) stating that the Federal Aviation Agency proposed to designate a control area extension at Altoona, Pa.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 Part CFR 601) is amended by adding the following section:

**§ 601.1302 Control area extension (Altoona, Pa.).**

The airspace N of the Altoona VOR bounded on the E by a line 5 miles W of and parallel to the 358° True radial of the St. Thomas, Pa., VOR, on the S by VOR Federal airway No. 12, on the NW by VOR Federal airway No. 35 and on the N by VOR Federal airway No. 276.

This amendment shall become effective 0001 e.s.t. March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 60-543; Filed, Jan. 23, 1961; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Animal Feed or Animal Feed Supplements

### Subpart D—Food Additives Permitted in Food for Human Consumption

ETHOXYQUIN IN ANIMAL FEED AND IN FOOD FOR HUMAN CONSUMPTION

I. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Monsanto Chemical Company, 800 North Lindburgh Boulevard, St. Louis 66, Missouri, and other relevant material, has concluded that the following amendments to the food additive regulations should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive ethoxyquin as a preservative in animal feed. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered*, That § 121.202 be amended to provide for the use of ethoxyquin in all animal feeds. As amended, this section reads as follows:

**§ 121.202 Ethoxyquin in animal feeds.**

Ethoxyquin (1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline) may be safely used in animal feeds, when incorporated therein in accordance with the following prescribed conditions:

(a) It is intended for use only: (1) As a chemical preservative for retarding oxidation of carotene, xanthophylls, and vitamins A and E in animal feed and fish food and, (2) as an aid in preventing the development of organic peroxides in canned pet food.

(b) The maximum quantity of the additive permitted to be used and to remain in or on the treated article shall not exceed 150 parts per million (0.015 percent).

(c) To assure safe use of the additive, the label and labeling of the food additive container and that of any intermediate premixes prepared therefrom shall contain, in addition to other information required by the act:

(1) The name of the additive, ethoxyquin (1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline).

(2) A statement of the concentration or strength contained therein.

(3) Adequate use directions to provide for a finished article with the proper concentration of the additive as provided in paragraph (b) of this section, whether or not intermediate premixes are to be used.

II. Based upon an evaluation of the data before him, and proceeding under the authority of the Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that a tolerance limitation is required in order to assure that the use of the food additive ethoxyquin (1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline) will not cause the edible tissues of animals to be unsafe when these animals have been fed on feed treated with the additive in accordance with § 121.202. Therefore, the following tolerances are established and Subpart D is amended by changing § 121.1001 to read as follows:

**§ 121.1001 Tolerances for residues of ethoxyquin.**

In order to provide for the safe use of the additive in feed prepared in accordance with §§ 121.201 and 121.202, tolerances are established for residues of ethoxyquin in or on edible products of animals as follows:

5.0 parts per million (0.0005 percent) in or on the uncooked fat of meat from animals except poultry.

3.0 parts per million (0.0003 percent) in or on the uncooked liver and fat of poultry.

0.5 part per million (0.00005 percent) in or on the uncooked muscle meat of animals.

0.5 part per million (0.00005 percent) in poultry eggs.

Zero in milk.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: January 16, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-557; Filed, Jan. 23, 1961; 8:47 a.m.]



# Title 22—FOREIGN RELATIONS

## Chapter I—Department of State

[Dept. Reg. 108.458]

## PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

### Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended by revising the first sentence of § 41.6(e)(1) to add Cuba to the list of countries or areas named therein. The amended sentence reads as follows:

**§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.**

* * * * *

(e) *Aliens in immediate transit*—(1) *Aliens in bonded transit.* A visa and a passport shall not be required of an alien, other than an alien who is a citizen of Albania, Bulgaria, Communist-controlled China ("Chinese People's Republic"), Cuba, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, North Korea ("Democratic People's Republic of Korea"), North Viet-Nam ("Democratic Republic of Viet-Nam"), Poland, Rumania, the Soviet Zone of Germany ("German Democratic Republic"), or the Union of Soviet Socialist Republics, and resident of one of said countries, who is being transported in immediate and continuous transit through the United States in accordance with the terms of a contract, including a bonding agreement, entered into between the transportation line and the Attorney General under the provisions of section 238(d) of the Act, to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves foreign affairs functions of the United States.

Dated: January 18, 1961.

JOHN W. HANES, Jr.,
*Administrator, Bureau of Security and Consular Affairs, Department of State.*

Dated: January 18, 1961.

J. M. SWING,
*Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.*

[F.R. Doc. 61-578; Filed, Jan. 23, 1961; 8:49 a.m.]



# Title 30—MINERAL RESOURCES

## Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER E—MECHANICAL EQUIPMENT FOR MINES; TESTS FOR PERMISSIBILITY AND SUITABILITY; FEES

[Bureau of Mines Schedule 31]

## PART 36—MOBILE DIESEL-POWERED TRANSPORTATION EQUIPMENT FOR GASSY NONCOAL MINES AND TUNNELS

### Procedures for Testing for Permissibility

On pages 10534-40 of the FEDERAL REGISTER of November 3, 1960, there was published a notice and text of proposed regulations to be included as Part 36 of Subchapter E of Title 30, Code of Federal Regulations, prescribing procedures for testing for permissibility and approval of Mobile Diesel-Powered Transportation Equipment for Gassy Noncoal Mines and Tunnels.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections, concerning the proposed regulations. Objections were received from several sources to the restriction of the use of electrical components to headlight units, as described in § 36.32. However, until an adequate safeguard is available, such as a continuous methane-monitoring system with an automatic power shutoff device to deenergize electrical components in dangerous atmospheres, electrical components will be restricted to headlight units.

Some suggestions were considered valid and reasonable for clarifying purposes. Minor editorial corrections have been made. As a result of the suggestions, clarifying language has been added to the text of the Regulations as follows:

1. In subparagraph (3) of paragraph (b) of § 36.25 after the word "off" in the eighth line the word "automatically" is inserted.

2. In subparagraph (1) of paragraph (c) of § 36.25 in the next to the last and last lines delete the phrase "which is used as a flame arrester" and also delete the commas before and after this phrase. At the end of subparagraph (1) of paragraph (c) of § 36.25 add the sentence, "When the cooling box is used as a flame arrester, one safety device may be accepted provided it controls a safe minimum water level in the cooling box and also prevents the final exhaust temperature from exceeding 185° F."

All other comments were considered fully preliminary to adopting the regulations in the present form as set forth below. The regulations shall be effective on the date of publication in the FEDERAL REGISTER.

MARLING J. ANKENY,
*Director, Bureau of Mines.*

Approved: January 16, 1961.

FRED A. SEATON,
*Secretary of the Interior.*

Part 36 of Title 30 reads as follows:

Subpart A—General Provisions


Sec.
36.1 Purpose.
36.2 Definitions.
36.3 Consultation.
36.4 Mobile diesel-powered transportation equipment for which certificates of approval may be granted.
36.5 Letters of certification.
36.6 Applications.
36.7 Fees.
36.8 Date for conducting tests.
36.9 Conduct of investigations, tests, and demonstrations.
36.10 Certificates of approval.
36.11 Approval plates.
36.12 Changes after certification.
36.13 Withdrawal of certification.


Subpart B—Construction and Design Requirements


36.20 Quality of material, workmanship, and design.
36.21 Engine for equipment considered for certification.
36.22 Fuel-injection system.
36.23 Engine intake system.
36.24 Engine joints.
36.25 Engine exhaust system.
36.26 Composition of exhaust gas.
36.27 Fuel-supply system.
36.28 Signal or warning device.
36.29 Brakes.
36.30 Rerailing device.
36.31 Fire extinguisher.
36.32 Restriction of electrical components.
36.33 Headlight units.


Subpart C—Test Requirements


36.40 Test site.
36.41 Testing methods.
36.42 Inspection.
36.43 Determination of exhaust-gas composition.
36.44 Maximum allowable fuel : air ratio.
36.45 Quantity of ventilating air.
36.46 Explosion tests of intake and exhaust systems.
36.47 Tests of the exhaust-gas cooling system.
36.48 Tests of surface temperature of engine and components of the cooling system.
36.49 Tests of exhaust-gas dilution system.
36.50 Tests of fuel tank.
36.51 Inspection and tests of headlight units.


AUTHORITY: §§ 36.1 to 36.51 issued under sec. 5, 36 Stat. 370, as amended, 30 U.S.C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended; 30 U.S.C. 3, 5.

### Subpart A—General Provisions

**§ 36.1 Purpose.**

The regulations in this part set forth the requirements for mobile diesel-powered transportation equipment to procure their approval and certification as permissible for use in gassy noncoal mines and tunnels; procedures for applying for such certification; and fees.

**§ 36.2 Definitions.**

As used in this part:

(a) "Mobile diesel-powered transportation equipment" means equipment that is (1) used for transporting the product being mined or excavated, or for transporting materials and supplies used in mining or excavating operations; (2) mounted on wheels or crawler treads (tracks); and (3) powered by a diesel engine as the prime mover.

(b) "Permissible", as applied to mobile diesel-powered transportation equipment, means that the complete assembly conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

(c) "Bureau" means the United States Bureau of Mines.

(d) "Certificate of approval" means a formal document issued by the Bureau stating that the complete assembly has met the requirements of this part for mobile diesel-powered transportation equipment and authorizing the use and attachment of an official approval plate so indicating.

(e) "Applicant" means an individual, partnership, company, corporation, association, or other organization, that designs, manufactures, assembles, or controls the assembly and that seeks a certificate of approval or preliminary testing of mobile diesel-powered transportation equipment for use in gassy noncoal mines and tunnels.

(f) "Noncoal mine" means an underground mine or tunnel in which the product being mined or excavated is incombustible.

(g) "Gassy noncoal mine" means a noncoal mine or tunnel in which flammable gas has been ignited, or in which a concentration of 0.25 percent or more, by volume, of flammable gas has been detected in the atmosphere of any open workings.

(h) "Diesel engine" means a compression-ignition, internal-combustion engine that utilizes a low-volatile hydrocarbon (diesel) fuel.

(i) "Low-volatile hydrocarbon (diesel) fuel" means a liquid fuel which has an open-cup flash point of 140° F. or more and a sulfur content of 0.5 percent or less by weight.

(j) "Component" means a piece, part, or fixture of mobile diesel-powered transportation equipment that is essential to its operation as a permissible assembly.

(k) "Subassembly" means a group or combination of components.

(l) "Explosion proof" means that a component or subassembly is so constructed and protected by an enclosure and/or flame arrester(s) that if a flammable mixture of gas is ignited within the enclosure it will withstand the resultant pressure without damage to the enclosure and/or flame arrester(s). Also the enclosure and/or flame arrester(s) shall prevent the discharge of flame or ignition of any flammable mixture that surrounds the enclosure.

(m) "Flammable mixture" means a mixture of gas, such as methane, natural gas, or similar hydrocarbon gas with normal air, that will propagate flame or explode violently when initiated by an incendive source.

(n) "Flame arrester" means a device so constructed that flame or sparks from the diesel engine cannot propagate an explosion of a flammable mixture through it.

(o) "Normal operation" means that each component and the entire assembly of the mobile diesel-powered transportation equipment performs the functions for which they were designed.

(p) "Fuel-air ratio" means the composition of the mixture of fuel and air in the combustion chamber of the diesel engine expressed as weight—pound of fuel per pound of air.

### § 36.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, to discuss with qualified Bureau personnel proposed mobile diesel-powered transportation equipment to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

### § 36.4 Mobile diesel-powered transportation equipment for which certificates of approval may be granted.

Certificates of approval will be granted for completely assembled mobile diesel-powered transportation equipment only. Subassemblies or components may be granted letters of certification in accordance with § 36.5 of this part.

### § 36.5 Letters of certification.

When a component or subassembly meets all of the applicable requirements of Subparts B and C of this part, and also its normal operation will not be affected by connection to adjacent components or subassemblies, the Bureau will issue to the applicant, upon his request, a letter of certification informing him that additional inspection or tests of the component or subassembly will not be required when it is incorporated without modification in a piece of completely assembled mobile diesel-powered transportation equipment. The applicant may cite this letter of certification to another applicant who seeks approval and certification of his completely assembled mobile diesel-powered transportation equipment and who desires to incorporate the component or subassembly in such equipment.

### § 36.6 Applications.

(a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees; and all drawings, specifications, descriptions, and related materials. The application and all related matters and correspondence concerning it shall be addressed to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Electrical-Mechanical Testing.

(b) Drawings, specifications, and descriptions shall be adequate in detail to identify fully the complete assembly, components, and subassemblies. Drawings, specifications, and descriptions shall include:

(1) Assembly drawing(s) showing the overall dimensions of the equipment, location and capacity of the fuel tank, location of flame arresters, exhaust-gas conditioner and its water-supply tank, if applicable, exhaust-gas dilution system, and other details that are essential to the functioning of the equipment.

(2) Detailed drawings showing the intake, combustion, and exhaust systems of the diesel engine, including joints and gaskets; the turbulence or precombustion chamber, if applicable; injector assembly and nozzle details; and any surfaces that form the combustion chamber or part thereof, such as the cylinder head, piston and cylinder liner; and other features that may affect permissibility, such as exhaust-gas conditioner and flame arresters.

(3) A schematic drawing of the fuel system showing piping, connections, fuel filters, fuel-injection pump, and mechanical governor assembly. All components shall be identified to permit adjustment, as necessary, and the location of seals or locks to prevent tampering shall be indicated.

(4) Drawing(s) specifying the kind of material and detailed dimensions of the components of explosion-proof enclosures, including joints and openings.

(5) Drawing(s) showing the construction of headlights, battery boxes, including seals or locks, and method of mounting.

(6) Other drawings, specifications, or descriptions identifying any feature that the Bureau considers necessary for certification of the particular mobile diesel-powered transportation equipment.

(c) Shipment of the mobile diesel-powered transportation equipment or component part or subassembly as the case may be, shall be deferred until the Bureau has notified the applicant that the application will be accepted. Shipping instructions will be issued by the Bureau and shipping charges shall be prepaid by the applicant. Upon completion of the investigation and notification thereof to the applicant by the Bureau, the applicant shall remove his equipment promptly from the test site (see § 36.40).

(d) The application shall state that the equipment is completely developed and of the design and materials that the applicant believes to be suitable for a finished marketable product or is a completely developed component or subassembly suitable for incorporation in a finished marketable complete assembly of mobile diesel-powered transportation equipment. If the final design of a component depends upon results of the Bureau's tests, this shall be so stated in the application.

(e) For a complete investigation leading to approval and certification, the applicant shall furnish a complete operable assembly for inspecting and testing. Spare parts and expendable components, subject to wear in normal operation, shall be supplied by the applicant to permit continuous operation of the equipment during test periods. If special tools are necessary to disassemble any component for inspection or test, the applicant shall furnish these with the equipment to be tested.

(f) With each application, the applicant shall submit evidence of how he proposes to inspect his completely assembled mobile diesel-powered transportation equipment at the place of manufacture or assembly before shipment to purchasers. Ordinarily such inspection is recorded on a factory inspection form and the applicant shall furnish to the Bureau a copy of his factory inspection form or equivalent with his application. The form shall direct attention to the points that must be checked to make certain that all components of the assembly are in proper condition, complete in all respects, and in agreement with the drawings, specifications, and descriptions filed with the Bureau.

(g) With the application, the applicant shall furnish to the Bureau complete instructions for operating and servicing his equipment. After completing the Bureau's investigation, if any revision of the instructions is required, a revised copy thereof shall be submitted to the Bureau for inclusion with the drawings and specifications.

### § 36.7 Fees.

(a)

| | |
|---|---|
| 1. Preliminary review of drawings, specifications, descriptions, and related data, each complete assembly | $35.00 |
| 2. Complete tests to determine composition of exhaust gas from diesel engine under various load and speed conditions | [1] 400.00 |
| 3. Tests to determine the effectiveness of air intake or exhaust flame arrester in an intake or exhaust system | 120.00 |
| 4. Check tests on redesigned components or equipment in item 3 above requiring less than 20 tests | 60.00 |
| 5. Complete inspection of an intake or exhaust flame arrester | 35.00 |
| 6. Complete inspection of manifolds, exhaust conditioners, and other components that comprise the intake and exhaust systems | 45.00 |
| 7. Complete investigation of headlight, storage-battery type | [2] 270.00 |
| 8. Complete investigation of headlight, dry-cell type | [2] 160.00 |
| 9. Tests to determine the cooling efficiency of an exhaust conditioner and rate of water consumption | 45.00 |
| 10. Each final inspection of completely assembled equipment | 80.00 |
| 11. Tests of exhaust gas dilution not made concurrently with final inspection of completely assembled equipment | 55.00 |
| 12. Final examination and recording of drawings and specifications requisite to the issuance of a certificate of approval | 45.00 |
| 13. Final examination and recording of drawings and specifications requisite to the issuance of a letter of certification | 30.00 |
| 14. Examining and recording drawings and specifications requisite to the issuance of an extension of certification, each 4 hours or fraction thereof | 15.00 |
| 15. Tests conducted in the field shall require the same fee as when conducted on the Bureau's premises. In addition the applicant shall reimburse the Bureau for such travel, subsistence, and incidental expenses as may be required by its representative(s) in accordance with the allowances stated in the standard "Government Travel Regulations." | |

[1] Fee for partial tests shall be in proportion to the work done but the minimum shall be $100.00. If the applicant requests discontinuation of the investigation after preparations for engine tests have begun the minimum fee shall be $100.00 regardless of the progress of the tests.

[2] Maximum normal fee; actual fee as detailed in Part 20 of Subchapter D of this chapter (Schedule 10, revised, the latest revision of which is Schedule 10C).

(b) If an applicant is unable to determine the exact fee that should be submitted with his application, the information will be provided, upon request, addressed to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Electrical-Mechanical Testing. The surplus from any fee submitted in excess of requirements will be refunded to the applicant upon completion or termination of the investigation.

### § 36.8 Date for conducting tests.

The date of acceptance of an application will determine the order of precedence for testing when more than one application is pending, and the applicant will be notified of the date on which tests will begin. If a complete assembly, or component, or subassembly fails to meet any of the requirements, it shall lose its order of precedence. However, if the cause of failure is corrected, testing will be resumed after completing such test work as may be in progress.

### § 36.9 Conduct of investigations, tests, and demonstrations.

(a) Prior to the issuance of a certificate of approval or a letter of certification, as the case may require, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon may observe the investigations or tests. The Bureau shall hold as confidential and shall not disclose principles or patentable features prior to certification, nor shall it disclose any details of drawings, specifications, descriptions, or related materials. After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved mobile diesel-powered transportation equipment for gassy noncoal mines and tunnels as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers, except as noted in paragraph (b) of this section.

(b) When requested by the Bureau, the applicant shall provide assistance in disassembling parts for inspection, preparing parts for testing, and operating equipment during the tests.

### § 36.10 Certificate of approval.

(a) Upon completion of investigation of a complete assembly of mobile diesel-powered transportation equipment, the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a certificate of approval is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defects, with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on mobile diesel-powered transportation equipment upon which a notice of disapproval has been issued.

(b) A certificate of approval will be accompanied by a list of drawings, specifications, and related material covering the details of design and construction of equipment upon which the certificate of approval is based. Applicants shall keep exact duplicates of the drawings, specifications, and descriptions that relate to equipment which has received a certificate of approval, and these are to be adhered to exactly in production of the certified equipment.

(c) A certificate of approval will be accompanied by an appropriate caution statement specifying the conditions to be observed for operating and maintaining the equipment and to preserve its permissible status.

### § 36.11 Approval plates.

(a) A certificate of approval will be accompanied by a photograph of an approval plate, bearing the seal of the Bureau of Mines and spaces for the approval number, the type, the serial number, and ventilation requirement; the name of the complete assembly; and the name of the applicant.

(b) The applicant shall reproduce the design as a separate plate, which shall be attached, in a suitable place, on each complete assembly to which it relates. The size, type, and method of attaching and location of an approval plate are subject to the Bureau's approval. The method of affixing the approval plate shall not impair the permissibility (explosion-proof) features of the complete assembly of mobile diesel-powered transportation equipment.

(c) The approval plate identifies the equipment, to which it is attached, as permissible and is the applicant's guarantee that the equipment complies with the requirements of this part. Without an approval plate no equipment is considered permissible under the provisions of this part.

(d) Use of the approval plate obligates the applicant to whom the certificate of approval was granted to maintain in his plant the quality of each complete assembly bearing it and guarantees that it is manufactured and assembled according to the drawings, specifications, and descriptions upon which a certificate of approval was based.

### § 36.12 Changes after certification.

If an applicant desires to change any feature of certified equipment, he shall first obtain the Bureau's approval of the change, pursuant to the following procedure:

(a) Application shall be made as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed changes and shall be accompanied by

drawings, specifications, and related data, showing the changes in detail.

(b) The application will be examined by the Bureau to determine whether inspection and testing of the modified equipment or component or subassembly will be required. Testing will be necessary if there is a possibility that the modification may affect adversely the performance of the equipment. The Bureau will inform the applicant whether such testing is required; the component, subassembly, and related material to be submitted for that purpose; and the fee.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of new and corrected drawings and specifications to be added to those already on file as the basis for the extension of certification.

### § 36.13 Withdrawal of certification.

The Bureau reserves the right to rescind for cause any certificate of approval granted under this part.

## Subpart B—Construction and Design Requirements

### § 36.20 Quality of material, workmanship, and design.

(a) The Bureau will test only equipment that in the opinion of its qualified representatives is constructed of suitable materials, is of good quality workmanship, based on sound engineering principles, and is safe for its intended use. Since all possible designs, arrangements, or combinations of components and materials cannot be foreseen, the Bureau reserves the right to modify the construction and design requirements of subassemblies or components and tests thereof to obtain the same degree of protection as provided by the tests described in Subpart C of this part.

(b) The quality of material, workmanship, and design shall conform to the applicable requirements of § 18.24 of Part 18 of Subchapter D of this Chapter (Schedule 2, revised, the latest revision of which is Schedule 2F), titled "Detailed requirements for Class I parts."

### § 36.21 Engine for equipment considered for certification.

Only equipment powered by a compression-ignition (diesel) engine and burning diesel fuel (see § 36.2(l)) will be considered for approval and certification. The starting mechanism shall be actuated pneumatically, hydraulically, or by other methods acceptable to the Bureau. Electric starting shall not be accepted. Engines burning other fuels or utilizing volatile fuel starting aids will not be investigated.

### § 36.22 Fuel-injection system.

This system shall be so constructed that the quantity of fuel injected can be controlled at a desired maximum value and shall be so arranged that this adjustment can be changed only after breaking a seal or unlocking a compartment. Provision shall be made for convenient adjustment of the maximum fuel-injection rate to that required for safe operation at different altitudes (elevations above sea level). The governor, controlling engine speed and fuel injection, shall not directly affect airflow to the engine and provision shall be made to seal or lock its adjustment compartment. Filters shall be provided to insure that only clean fuel will reach the injection pump or injectors.

### § 36.23 Engine intake system.

(a) *Construction.* The intake system (exclusive of the air cleaner) shall be designed to withstand an internal pressure equal to 4 times the maximum pressure observed in explosion tests, which are described in § 36.46 of Subpart C of this part, or a pressure of 125 pounds per square inch, whichever is the lesser. Joints in the intake system shall be formed by metal flanges fitted with metal or metal-clad gaskets, positively positioned by through bolts or other suitable means for secure assembly, or shall meet the requirements for flanged metal-to-metal flame-proof joints as required in paragraph (b) of § 36.20 of this subpart. Either type of joint shall withstand repeated explosions within the intake system without permanent deformation and shall prevent the propagation of flame through the joint into a surrounding flammable mixture.

(b) *Intake flame arrester.* (1) The intake system shall include a flame arrester that will prevent an explosion within the system from propagating to a surrounding flammable mixture. This flame arrester shall be between the air cleaner and the intake manifold and shall be attached so that it may be removed for inspecting, cleaning, or repairing. Its construction shall be such that it may be cleaned readily. The flame arrester shall be of rugged construction to withstand the effects of repeated explosions within the intake system, and the material of construction shall resist deterioration in service. It shall be so mounted in the equipment assembly that it is protected from accidental external damage.

(2) The parts of any flame arrester shall be positively positioned to produce a flame path that will arrest the propagation of an explosion and shall be so designed that improper assembly is impossible. In flame arresters of the spaced-plate type, the thickness of the plates shall be at least 0.125 inch; spacing between the plates shall not exceed 0.018 inch; and the plates forming the flame path shall be at least 1 inch wide. The unsupported length of the plates shall be short enough that deformation during the explosion tests shall not exceed 0.002 inch. Corrosion-resistant metal shall be used to construct flame arresters.

(c) *Air shutoff valve.* The intake system shall include a valve, operable from the operator's compartment, to shut off the air supply to the engine. This valve shall be constructed to permit its operation only after the fuel supply to the engine is shut off. In reverse operation the valve must open fully before fuel can be supplied to the engine.

(d) *Air cleaner.* An air cleaner shall be included in the engine intake system and so arranged that only clean air will enter the flame arrester. The resistance to airflow shall not increase rapidly in dusty atmospheres. Filters of the self-cleansing (oil-bath) type will be considered satisfactory for this application. Provision, satisfactory to the Bureau, shall be made to prevent overfilling the oil-bath air cleaner.

(e) *Vacuum-gage connection.* A connection shall be provided in the intake system for temporary attachment of a vacuum gage to indicate the pressure drop under flow conditions. This opening shall be closed by a plug or other suitable device that is sealed or locked in place except when a gage is attached.

### § 36.24 Engine joints.

(a) *Cylinder head.* The joint between the cylinder head and block of the engine shall be fitted with a metal or metal-clad gasket satisfactory to the Bureau held securely in position by through bolts or other suitable means to prevent a change in alignment. This joint shall provide an adequate flame barrier with the gasket in place.

(b) *Valve guides.* Valve guides shall be long enough to form an adequate flame barrier along the valve stem.

(c) *Gaskets.* All metal or metal-clad gaskets shall maintain their tightness during repeated explosions within the engine and its intake and exhaust systems to prevent the propagation of flame.

### § 36.25 Engine exhaust system.

(a) *Construction.* The exhaust system of the engine shall be designed to withstand an internal pressure equal to 4 times the maximum pressure observed in explosion tests, which are described in § 36.46 of Subpart C of this part, or a pressure of 125 pounds per square inch, whichever is the lesser. The system shall withstand repeated internal explosions without permanent deformation or deterioration.

(b) *Exhaust flame arrester.* (1) The exhaust system of the engine shall be provided with a flame arrester to prevent propagation of flame or discharge of heated particles to a surrounding flammable mixture. The flame arrester shall be so positioned that only cooled exhaust gas will discharge through it and shall be so designed and attached that it can be removed for inspecting, cleaning, or repairing. Its construction shall be such that it can be cleaned readily. The flame arrester shall be of rugged construction to withstand the effects of repeated explosions within the exhaust system, and the material of construction shall resist deterioration in service. It shall be so mounted in the equipment assembly that it is protected from accidental external damage.

(2) A spaced-plate flame arrester for the exhaust system shall meet the same requirements as flame arresters for the intake system (see § 36.23(b)(2)).

(3) In lieu of a spaced-plate flame arrester, an exhaust-gas cooling box or conditioner may be used as the exhaust flame arrester provided that explosion tests demonstrate that the cooling box will arrest flame. When used as a flame arrester the cooling box shall be equipped with a device to shut off automatically the fuel supply to the engine at a safe minimum water level. A cooling box used as a flame arrester shall withstand



repeated explosion tests without permanent deformation. It shall be constructed of material, satisfactory to the Bureau, that will resist deterioration in service.

(c) *Exhaust cooling system.* (1) A cooling system shall be provided for the engine exhaust gas. The heat-dissipation capacity shall be capable of reducing the temperature of the undiluted exhaust gas to less than 170° F. at the point of discharge from the cooling system under any condition of engine operation acceptable to the Bureau. A device shall be provided that will automatically shut off the fuel supply to the engine immediately if the temperature of the exhaust gas exceeds 185° F. at the point of discharge from the cooling system. Provision shall be made, acceptable to the Bureau, to prevent restarting the engine after the fuel supply has been shut off automatically until the water supply in the cooling box has been replenished. When the cooling box is used as a flame arrester, one safety device may be accepted provided it controls a safe minimum water level in the cooling box and also prevents the final exhaust temperature from exceeding 185° F.

(2) Cooling shall be obtained by passing the exhaust gas through water or a dilute aqueous chemical solution held in a cooling box or conditioner, or by a spray of water or a dilute aqueous chemical solution that will enter the exhaust system near the outlet of the exhaust manifold, or a combination of the two methods. When a spray is used it shall be provided with a filtering device to protect the nozzle from clogging. Provisions shall be made for draining and cleaning all parts of the exhaust cooling system. Openings for draining and cleaning shall be closed and sealed or locked by a method satisfactory to the Bureau.

(3) The cooling system shall be constructed of corrosion-resistant metal suitable for the intended application.

(4) The cooling system shall store enough water or aqueous solution to permit operation of the engine at one-third load factor for eight hours. The minimum quantity of usable water or aqueous solution available for cooling shall equal the consumption for one hour with the engine operating at maximum load and speed multiplied by 8 and this product divided by 3.

(d) *Surface temperature of engine and exhaust system.* (1) The temperature of any external surface of the engine or exhaust system shall not exceed 400° F. under any condition of engine operation prescribed by the Bureau. Water-jacketed components shall have integral jackets and provision shall be made for positive circulation of water in the jackets and to automatically shut off the engine when the temperature in the cooling jacket(s) exceeds 212° F. Insulated coverings to control surface temperature are not acceptable.

(2) When a spray is used to reduce the temperature of the exhaust gas, it shall be located as near as practicable to the outlet of the exhaust manifold.

(3) Exterior surfaces of the exhaust system shall be designed to minimize accumulation and lodgement of dust or combustible substances and to permit ready access for cleaning.

(e) *Tightness of exhaust system.* All joints in the exhaust system shall be tight to prevent the flow of exhaust gas through them under any condition of engine operation prescribed by the Bureau. A tight system shall be obtained by the use of ground joints, or thin metal or metal-clad gaskets. All such joints shall be fitted with adequate through bolts and all gaskets shall be aligned and held firmly in position by the bolts or other suitable means. Such joints shall remain tight to prevent passage of flame or propagation of repeated internal explosions to a surrounding flammable mixture.

(f) *Dilution of exhaust gas.* (1) Provision shall be made to dilute the exhaust gas with air before it is discharged into the surrounding atmosphere. The discharged exhaust gas shall be so diluted with air that the mixture shall not contain more than 0.5 percent, by volume, of carbon dioxide; 0.01 percent, by volume, of carbon monoxide; 0.0025 percent, by volume, of oxides of nitrogen (calculated as equivalent nitrogen dioxide); or 0.0010 percent, by volume, of aldehydes (calculated as equivalent formaldehyde) under any condition of engine operation prescribed by the Bureau.

(2) The final diluted exhaust mixture shall be discharged in such a manner that it is directed away from the operator's compartment and also away from the breathing zones of persons required to be alongside the equipment.

(g) *Pressure-gage connection.* A connection shall be provided in the exhaust system for convenient, temporary attachment of a pressure gage at a point suitable for measuring the total back pressure in the system. The connection also shall be suitable for temporary attachment of gas-sampling equipment to the exhaust system. This opening shall be closed by a plug or other suitable device that is sealed or locked in place except when a gage or sampling tube is attached.

### § 36.26 Composition of exhaust gas.

(a) *Preliminary engine adjustment.* The engine shall be submitted to the Bureau by the applicant in such condition that it can be tested immediately at full load and speed. The preliminary liquid-fuel-injection rate shall be such that the exhaust will not contain black smoke and the applicant shall adjust the injection rate promptly to correct any adverse conditions disclosed by preliminary tests.

(b) *Final engine adjustment.* The liquid fuel supply to the engine shall be adjusted so that the undiluted exhaust gas shall contain not more than 0.30 percent, by volume, of carbon monoxide or 0.20 percent, by volume, of oxides of nitrogen (calculated as equivalent nitrogen dioxide, $NO_2$) under any conditions of engine operation prescribed by the Bureau when the intake air mixture to the engine contains 1.5±0.1 percent, by volume, of Pittsburgh natural gas.[1]

(c) *Coupling or adapter.* The applicant shall provide the coupling or adapter for connecting the engine to the Bureau's dynamometer.

NOTE: Preferably this coupling or adapter should be attached to the flywheel of the engine.

Clutches, transmissions, or torque converters ordinarily are not required in the coupling train.

### § 36.27 Fuel-supply system.

(a) *Fuel tank.* (1) The fuel tank shall not leak and shall be fabricated of metal at least 1/16 inch thick, welded at all seams, except that tanks of 5 gallons or less capacity may have thinner walls which shall be preformed or reinforced to provide good resistance to deflection. A drain plug (not a valve or petcock) shall be provided and locked in position. A vent opening shall be provided in the fuel filler cap of such design that atmospheric pressure is maintained inside the tank. The size of the vent opening shall be restricted to prevent fuel from splashing through it. The filler opening shall be so arranged that fuel can be added only through a self-closing valve at least 1 foot from the exhaust manifold of the engine, preferably below it. The self-closing valve shall constitute a fuel-tight closure when fuel is not being added. Any part of the self-closing valve that might become detached during the addition of fuel shall be secured to the tank by a chain or other fastening to prevent loss.

(2) The fuel tank shall have a definite position in the equipment assembly, and no provision shall be made for attachment of separate or auxiliary fuel tanks.

(3) Capacity of the fuel tank shall not exceed the amount of fuel necessary to operate the engine continuously at full load for approximately four hours.

(b) *Fuel lines.* All fuel lines shall be installed to protect them against damage in ordinary use and they shall be designed, fabricated, and secured to resist breakage from vibration.

(c) *Valve in fuel line.* A shutoff valve shall be provided in the fuel system, installed in a manner acceptable to the Bureau.

NOTE: This shutoff valve is in addition to the normal shutoff provided in the fuel-injection system and also in addition to the air-shutoff valve.

### § 36.28 Signal or warning device.

All mobile diesel-powered transportation equipment shall be provided with a bell, horn, or other suitable warning device convenient to the operator. Warning devices shall be operated manually or pneumatically.

### § 36.29 Brakes.

All mobile diesel-powered transportation equipment shall be equipped with

[1] Investigation has shown that for practical purposes, Pittsburgh natural gas (containing a high percentage of methane) is a satisfactory substitute for pure methane in these tests.

adequate brakes acceptable to the Bureau.

**§ 36.30 Rerailing device.**

All mobile diesel-powered transportation equipment designed to travel on rails in haulage service shall carry a suitable rerailing device.

**§ 36.31 Fire extinguisher.**

Each unit of mobile diesel-powered transportation equipment shall be fitted with a fire extinguisher carried in a location easily accessible to the operator and protected by position from external damage. Liquid carbon dioxide extinguishers shall contain an active charge of not less than 4 pounds. Pressurized dry chemical extinguishers shall contain an active charge of not less than 2½ pounds.

**§ 36.32 Restriction of electrical components.**

Mobile diesel-powered transportation equipment for gassy noncoal mines and tunnels will not be investigated for approval and certification unless the electrical components of the equipment are restricted to headlight units, as hereinafter described in § 36.33.

**§ 36.33 Headlight units.**

(a) A headlight and its source of electrical energy shall be constructed as a unit. The component parts of a headlight unit shall be locked or sealed by a device, acceptable to the Bureau, so that in normal use the parts are inseparable.

(b) A headlight and its source of energy shall conform to the applicable requirements of Part 20 of Subchapter D of this chapter (Schedule 10, revised, the latest revision of which is Schedule 10C) pertaining to Class 1 lamps or is constructed with equivalent safeguards that are acceptable to the Bureau.

(c) The headlight unit shall be so mounted on mobile diesel-powered transportation equipment that it is in a fixed position and protected from external damage by recessing in the equipment frame or otherwise guarded in a manner acceptable to the Bureau.

(d) At least one headlight unit shall be provided on the front and rear of each piece of mobile diesel-powered transportation equipment.

## Subpart C—Test Requirements

**§ 36.40 Test site.**

Tests shall be conducted at the Bureau's Diesel Testing Laboratory, Bruceton, Pennsylvania, or other appropriate place(s) determined by the Bureau.

**§ 36.41 Testing methods.**

Mobile diesel-powered transportation equipment submitted for certification and approval shall be tested to determine its combustion, explosion-proof, and other safety characteristics. The Bureau shall prescribe the tests and reserves the right to modify the procedure(s) to attain these objectives (see § 36.20).

**§ 36.42 Inspection.**

A detailed inspection shall be made of the equipment and all components and features related to safety in operation. The inspection shall include:

(a) Investigating the materials, workmanship, and design to determine their adequacy.

(b) Checking the parts and assemblies against the drawings and specifications with respect to materials, dimensions, and locations to verify their conformance.

(c) Inspecting and measuring joints, flanges, and other possible flame paths in the intake and exhaust systems to determine whether they will prevent the issuance of flame or propagation of an internal explosion.

(d) Inspecting and measuring flame arresters to determine whether they will prevent the issuance of flame or propagation of an internal explosion.

**§ 36.43 Determination of exhaust-gas composition.**

(a) Samples shall be taken to determine the composition of the exhaust gas while the engine is operated at loads and speeds prescribed by the Bureau to determine the volume of air (ventilation) required to dilute the exhaust gas (see § 36.45). The engine shall be at temperature equilibrium before exhaust-gas samples are collected or other test data are observed. At all test conditions the intake mixture shall contain 1.5±0.1 percent, by volume, of Pittsburgh natural gas (see footnote 3) in air. Test observations shall include the rate of fuel consumption, pressures, temperatures, and other data significant in the safe operation of diesel equipment in underground gassy noncoal mines and tunnels.

(b) Exhaust-gas samples shall be analyzed for carbon dioxide, oxygen, carbon monoxide, hydrogen, methane, nitrogen, oxides of nitrogen, and aldehydes, or any other constituent prescribed by the Bureau.

(c) The intake and exhaust systems shall be complete with all component equipment such as air cleaners, flame arresters, and exhaust cooling systems. The performance of component equipment shall be observed to determine whether it functions properly.

**§ 36.44 Maximum allowable fuel:air ratio.**

(a) When an engine is delivered to the Bureau with the fuel-injection system adjusted by the applicant and tests of the exhaust-gas composition (see § 36.43) show not more than 0.30 percent, by volume, of carbon monoxide, the applicant's adjustment of the fuel-injection system shall be accepted. The maximum fuel:air ratio determined from the exhaust-gas composition shall be designated as the maximum allowable fuel:air ratio. The maximum liquid fuel rate (pounds per hour) that produces the maximum allowable fuel:air ratio shall be designated as the maximum allowable fuel rate for operating the equipment at elevations not exceeding 1,000 feet above sea level.

(b) When the carbon monoxide content of the exhaust exceeds 0.30 percent, by volume, only near maximum power output, the maximum fuel:air ratio at which carbon monoxide does not exceed 0.30 percent shall be calculated and designated as the maximum allowable fuel:air ratio. The corresponding calculated liquid fuel rate shall be designated as the maximum allowable fuel rate at elevations not exceeding 1,000 feet above sea level.

NOTE: The applicant may be requested to adjust the liquid fuel rate during tests to determine the maximum allowable fuel:air ratio.

(c) The maximum allowable fuel:air ratio and maximum liquid fuel rates shall be used to calculate a liquid fuel rate-altitude table that shall govern the liquid fuel rate of engines operated at elevations exceeding 1,000 feet above sea level.

**§ 36.45 Quantity of ventilating air.**

(a) Results of the engine tests shall be used to calculate ventilation (cubic feet of air per minute) that shall be supplied by positive air movement when the permissible mobile diesel-powered transportation equipment is used underground. This quantity shall be stamped on the approval plate. The quantity so determined shall apply when only one machine is operated.

(b) Determination of the ventilation rate shall be based upon dilution of the exhaust gas with normal air. The most undesirable and hazardous condition of engine operation prescribed by the Bureau shall be used in the calculations. The concentration of any of the following individual constituents in the diluted mixture shall not exceed:

0.25 percent, by volume, of carbon dioxide ($CO_2$).
0.005 percent, by volume, of carbon monoxide (CO).
0.00125 percent, by volume, of oxides of nitrogen (calculated as equivalent nitrogen dioxide, $NO_2$).

The oxygen ($O_2$) content of the diluted mixture shall be not less than 20 percent, by volume. The maximum quantity of normal air to produce the above dilution shall be designated the ventilation rate.

NOTE: This ventilation rate will provide a factor of safety for exposure of persons to air mixtures containing harmful or objectionable gases and for minor variations in engine performance.

**§ 36.46 Explosion tests of intake and exhaust systems.**

(a) Explosion tests to determine the strength of the intake and exhaust systems to withstand internal explosions and the adequacy of the flame arresters to prevent the propagation of an explosion shall be made with the systems connected to the engine or the systems simulated as connected to the engine. The systems shall be filled with and surrounded by an explosive natural gas-air mixture. The mixture within the intake and exhaust systems shall be ignited by suitable means and the internal pressure developed by the resultant explosion shall be determined. Tests shall be conducted with the ignition source in several different locations to determine the maximum pressure developed by an internal explosion.

(b) Explosion tests shall be made with the engine at rest and with the flammable natural gas-air mixtures in the intake and exhaust systems. In other tests with the flammable mixture in motion, the engine shall be driven (externally) at speeds prescribed by the Bureau but no liquid fuel shall be supplied to the injection valves.

(c) The temperature of the flame arresters in the intake or exhaust systems shall not exceed 212° F. when an explosion test is conducted. Any water-spray cooling for the exhaust system shall not be operated and water shall not be present in the exhaust cooling boxes except when water is the cooling agent for a cooling box designed to act as a flame arrester, in which case the Bureau will prescribe the test conditions.

(d) The explosion tests of the intake and exhaust systems shall not result in:

(1) Discharge of visible flame from any joint or opening.

(2) Ignition of surrounding flammable gas-air mixture.

(3) Development of dangerous afterburning.[4]

(4) Excessive pressures.

**§ 36.47 Tests of exhaust-gas cooling system.**

(a) The adequacy of the exhaust-gas cooling system and its components shall be determined with the engine operating at the maximum allowable liquid fuel rate and governed speed with 0.5±0.1 percent, by volume, of natural gas in the intake air mixture. All parts of the engine and exhaust-gas cooling system shall be at their respective equilibrium temperatures. The cooling spray, if any, shall be operated, and all compartments designed to hold cooling water shall be filled with the quantity of water recommended by the applicant. No cooling air shall be circulated over the engine or components in the cooling system during the test.

(b) Determinations shall be made during the test to establish the cooling performance of the system, the cooling water consumption, high-water level when the system sprays excess water, and low-water level when the cooling system fails.

(c) The final exhaust-gas temperature at discharge from the cooling system, and before the exhaust gas is diluted with air, shall not exceed 170° F. or the temperature of adiabatic saturation, if this temperature is lower.

(d) Water consumed in cooling the exhaust gas under the test conditions shall not exceed by more than 15 percent that required for adiabatic saturation of the exhaust gas at the final temperature. Water in excess of that required for adiabatic saturation shall be considered as entrained water. Enough water shall be available in the cooling system or in reserve supply compartments for sustained satisfactory operation for at least 2⅔ hours under the test conditions.

NOTE: This amount is enough to cool the exhaust for an 8-hour shift at one-third load factor.

(e) The adequacy of the automatic fuel shutoff actuated by the temperature of the final exhaust shall be determined with the engine operating under test conditions by withdrawing water until the cooling system fails to function. The final exhaust-gas temperature at which the liquid fuel to the engine is automatically shut off shall be noted. This temperature shall not exceed 185° F.

(f) Following the automatic fuel shutoff test in paragraph (e) of this section, the temperature of the control point shall be allowed to fall to 170° F. At this temperature and with the water replenished in the cooling system, it shall be possible to start the engine.

NOTE: If the cooling system includes a reserve supply water tank, the line or lines connecting it to the cooling compartment may require a suitable flame arrester.

(g) The effectiveness of the automatic engine shutoff, which will operate when the water in the cooling jacket(s) exceeds 212° F., shall be determined by causing the jacket temperature to exceed 212° F.

**§ 36.48 Tests of surface temperature of engine and components of the cooling system.**

(a) The surface temperatures of the engine, exhaust cooling system, and other components subject to heating by engine operation shall be determined with the engine operated as prescribed by the Bureau. All parts of the engine, cooling system, and other components shall have reached their respective equilibrium temperatures. The exhaust cooling system shall be operated, but air shall not be circulated over the engine or components. Surface temperatures shall be measured at various places prescribed by the Bureau to determine where maximum temperatures develop.

(b) The temperature of any surface shall not exceed 400° F.

NOTE: The engine may be operated under test conditions prescribed by the Bureau while completely surrounded by a flammable mixture. The Bureau reserves the right to apply combustible materials, likely to be found in gassy noncoal mines or tunnels, to any surface for test. Operation under such conditions shall not ignite the flammable mixture.

**§ 36.49 Tests of exhaust-gas dilution system.**

The performance and adequacy of the exhaust-gas dilution system shall be determined in tests of the complete equipment. The engine, at temperature equilibrium, shall be operated in normal air as prescribed by the Bureau. Samples of the undiluted exhaust gas and of the diluted exhaust gas, at location(s) prescribed by the Bureau, shall be considered with the data obtained from the engine test (see § 36.43) to determine that the concentrations of carbon dioxide, carbon monoxide, oxides of nitrogen, and aldehydes in the diluted exhaust shall be below the required concentrations specified in subparagraph (1) of paragraph (f) of § 36.25.

**§ 36.50 Tests of fuel tank.**

The fuel tank shall be inspected and tested to determine whether: (a) It is fuel-tight, (b) the vent maintains atmospheric pressure within the tank, and (c) the vent and closure restrict the outflow of liquid fuel.

**§ 36.51 Inspection and tests of headlight units.**

Headlight units shall be inspected and tested according to the applicable requirements of Part 20 of Subchapter D of this Chapter (Schedule 10, revised, the latest revision of which is Schedule 10C).

[F.R. Doc. 61-559; Filed, Jan. 23, 1961; 8:48 a.m.]

[4] The term "afterburning" as used in this part is applied to combustion of a flammable gas-air mixture drawn into the system under test by the cooling of the products from an explosion in the system.



# Title 32A—NATIONAL DEFENSE, APPENDIX

## Chapter I—Office of Civil and Defense Mobilization

[Emergency Preparedness Order No. 1]

## EPO 1—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS TO THE SECRETARY OF AGRICULTURE

By virtue of the authority vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Executive Order 10773 of July 1, 1958, as amended, and Executive Order 10902 of January 9, 1961, it is hereby ordered as follows:

**Section 1. Scope.**

The Secretary of Agriculture (hereinafter referred to as the Secretary) shall, consistent with the National Plan for Civil Defense and Defense Mobilization and subject to policy direction and central program control by the Office of Civil and Defense Mobilization (hereinafter referred to as OCDM) prepare national emergency plans and develop preparedness programs covering (1) food resources, farm equipment, fertilizer, and food resource facilities, as defined below; (2) rural fire control; (3) defense against biological warfare, chemical warfare, and radiological fallout as specified in Section 5 of this order; and (4) farm community advisory service. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including an attack upon the United States.

**Sec. 2. Definitions.**

As used in this order:

(a) "Food resources" means all commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being eaten or drunk, by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing from the raw commodity to the products thereof in vendible form for human or animal consumption. For the purposes of this order the term "food resources" also includes all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, mohair, hemp, flax fiber, and naval stores, but does not include any such material after it loses its identity as an agricultural commodity or agricultural product.

(b) "Farm equipment" means equipment manufactured for use on farms in connection with the production or processing of food resources.

(c) "Fertilizer" means fertilizer in form for distribution to the users thereof.

(d) "Food resource facilities" means plants, machinery, vehicles, and other facilities for the production, processing, distribution, and storage (including cold storage) of food resources, and for domestic distribution of farm equipment and fertilizer.

**Sec. 3. Food function.**

With respect to food resources, food resource facilities, farm equipment, and fertilizer the Secretary shall:

(a) *Resources.* Periodically assess food resources and facilities available from all sources in order to estimate availability in any emergency situation and analyze resource estimates in relation to estimated requirements in order to identify problem areas.

(b) *Requirements.* Periodically assemble, develop as appropriate, and evaluate requirements for food resources in any emergency, taking into account the estimated needs for military, civilian, and foreign purposes. Such evaluations shall take into consideration the geographical distribution of requirements under all conditions of attack.

(c) *Priorities and allocation.* Develop standby priorities, allocations, and distribution-control systems and related plans to insure that available food resources are properly apportioned among and distributed to civilian, military, and foreign claimants in an emergency, and develop standby priorities, allocations, and distribution-control systems and related plans for the domestic distribution of farm equipment and fertilizer.

(d) *Production and processing.* Develop standby control systems and related plans, including control of use of facilities designed to provide adequate and continuing production, processing, and storage of essential food resources in an emergency.

(e) *Salvage and rehabilitation.* Develop standby plans for salvage of food resources after determination of their safety for human or animal consumption, and develop standby plans for the rehabilitation of food resource facilities after attack.

(f) *Economic stabilization.* Cooperate with OCDM in the development of stabilization policies as they might affect agricultural production, processing, distribution, and storage, and to the extent necessary, cooperate in the development of plans for consumer rationing of food resources.

(g) *Financial aid.* Develop standby plans and procedures for providing financing and credit for farmers who might need such assistance under various mobilization conditions, and for providing assistance to food industries in obtaining necessary financing and credit in an emergency.

(h) *Facilities protection.* Adapt OCDM industry protection guidance materials to the needs of assigned food resources facilities and promote a national program to stimulate disaster preparedness and control in order to minimize the effects of overt or covert attack, and maintain continuity of production and capacity to serve essential users in an emergency. Guidance shall include, but not be limited to, organizing and training facility personnel, personnel shelter, evacuation plans, records protection, continuity of management, security, emergency repair, dispersal of facilities, and industrial mutual aid associations for an emergency.

**Sec. 4. Rural fires functions.**

In cooperation with Federal, State, and local agencies, the Secretary shall develop plans for a national program and shall direct activities relating to the prevention and control of fires caused by the effects of enemy attack in the rural areas of the United States.

**Sec. 5. Biological, chemical, and radiological warfare defense functions.**

The Secretary shall develop plans for a national program, direct Federal activities, and furnish technical guidance to State and local authorities concerned with (1) diagnosis and strengthening of defensive barriers and control or eradication of diseases, pests, or chemicals introduced as agents of biological or chemical warfare against animals, crops, or products thereof; (2) protective measures, treatment and handling of livestock, including poultry, agricultural commodities on farms or ranches, agricultural lands, forest lands, and water for agricultural purposes, any of which have been exposed to or affected by radiation; and (3) protection of meats and poultry (in establishments under the continuous inspection of the Department of Agriculture), and food products thereof, and agricultural commodities and products owned by the Commodity Credit Corporation or by the Secretary to assure their safety and wholesomeness and minimize losses from biological and chemical warfare, radiological effects, and other emergency hazards. The Secretary shall make recommendations to OCDM regarding the instruments, equipment, and devices necessary to carry out this responsibility.

**Sec. 6. Farm community advisory functions.**

The Secretary shall conduct a rural information program to advise farmers concerning their role in an emergency and shall work with State governments, local governments, and with farm communities to reduce the vulnerability of homes, crops, and livestock to either overt or covert attack.

**Sec. 7. Claimancy.**

The Secretary shall prepare plans to claim supporting materials, supplies, and services which will be needed to carry out assigned responsibilities and other essential functions of the Department before the appropriate resource agency and shall work with such agencies in developing standby programs to insure availability of such supplies and services in all emergencies.

**Sec. 8. Stockpiles.**

The Secretary shall assist OCDM in formulating and carrying out plans for (1) stockpiling of strategic and critical materials, and (2) stockpiling of essential survival items. In administering Commodity Credit Corporation inventories of food resources, the Secretary shall take all possible measures to assure the availability of such inventories when and where needed in an emergency.

**Sec. 9. National program guidance.**

The Secretary shall provide technical guidance to State and local governments to the end that Federal, State, and local plans concerned with food resources will be effectively coordinated. The Secretary shall maintain appropriate relations with the food industries to foster mutual understanding of Federal emergency plans which affect food resources.

**Sec. 10. Damage assessment.**

The Secretary shall maintain a capability to assess the effects of attack on assigned resource areas and departmental installations, both at National and field levels, and provide assistance as appropriate to the National Resource Evaluation Center of OCDM and to OCDM field offices.

**Sec. 11. Research.**

Within the framework of overall OCDM research objectives, the Secretary shall supervise or conduct research directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to OCDM in planning for research in areas involving the interests of the Department of Agriculture.

**Sec. 12. Federal contributions program.**

The Secretary shall make recommendations to OCDM regarding appropriate program aspects of State plans submitted under sections 201(i) and 205 of the Federal Civil Defense Act of 1950, as amended.

**Sec. 13. Monitoring.**

Pursuant to a cooperative agreement between the U.S. Department of Agriculture and the OCDM, the Secretary shall provide for the detection, identification, monitoring, and reporting of chemical, biological and radiological agents at selected facilities operated or controlled by the Soil Conservation Service and the Forest Service.

**Sec. 14. Interagency coordination.**

The Secretary shall coordinate the Department's plans with emergency plans of other Federal agencies concerned with the development of a national food plan, such as the Department of Health, Education, and Welfare, the Department of the Interior, the Department of Defense, the Department of State, the Department of Commerce, and the Department of Labor. The Secretary shall assist the Secretary of Health, Education, and Welfare in developing programs concerning the Federal responsibility for community guidance involving the organization of emergency welfare services at the community level. The Secretary shall cooperate with, and receive foreign policy guidance from, the Department of State in matters relating to foreign requirements for food resources.

**Sec. 15. Continuity of Department.**

The Secretary shall take measures in preparation to insure continuity of the Department in the event of attack or other disaster. He shall establish and promulgate lines of succession to official positions, provide for the safekeeping of essential records, establish control centers and alternative sites for the Department's emergency operations, and provide for the protection and maximum use of personnel, resources, and facilities.

**Sec. 16. Department resources.**

Consistent with Federal programs the Secretary shall prepare plans and agreements with States designed to make resources of the Department not immediately required to carry out its essential missions in an emergency available to the authorities directing survival operations in each community.

**Sec. 17. Reports.**

The Secretary shall make such reports as may be required by OCDM on the progress of programs specified in this order.

**Sec. 18. Cancellations.**

This order cancels and supersedes Federal Civil Defense Administration Delegation Number 2 of September 5, 1954, and Defense Mobilization Order Number I–9 of February 25, 1954.

Dated: January 10, 1961.

LEO A. HOEGH,
*Director.*

[F.R. Doc. 61–583; Filed, Jan. 23, 1961; 8:49 a.m.]

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[Emergency Preparedness Order No. 2]

## EPO 2—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS TO THE SECRETARY OF COMMERCE

By virtue of the authority vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Executive Order 10773 of July 1, 1958, as amended, and Executive Order 10902 of January 9, 1961, it is hereby ordered as follows:

**Section 1. Scope.**

The Secretary of Commerce (hereinafter referred to as the Secretary) shall, consistent with the National Plan for Civil Defense and Defense Mobilization and subject to policy direction and central program control by the Office of Civil and Defense Mobilization (hereinafter referred to as OCDM), prepare national emergency plans and develop preparedness programs covering:

(a) The production and distribution of all materials, the use of all facilities, the control of all construction, and the furnishing of basic industrial services, except as follows:

(1) Production and distribution of and use of facilities for petroleum, solid fuels, gas, and electric power;

(2) Production, processing, distribution, and storage of food and the use of facilities for such production, processing, distribution, and storage;

(3) Domestic distribution of farm equipment and commercial fertilizer;

(4) Use of transportation and storage facilities (except as specified in (b) of this section);

(5) Use of communications services and facilities, housing and lodging facilities, and health and welfare facilities;

(6) Production, and related distribution, of minerals defined as all raw materials of mineral origin (except petroleum, gas, solid fuels, and source materials as defined in the Atomic Energy Act of 1954, as amended) obtained by mining and like operations and processed through the stages specified, and at the facilities designated in an Agreement between the Secretary of Commerce and the Secretary of the Interior as being within the civil defense and defense mobilization responsibilities of the Secretary of the Interior, and the construction and use of facilities designated as within the responsibilities of the Secretary of the Interior; and

(7) The distribution of items in the supply systems of the Department of Defense and the Atomic Energy Commission, and the use of services or facilities controlled by the Department of Defense or the Atomic Energy Commission.

(b) Federal action with respect to: all highways, roads, streets, bridges, tunnels, and appurtenances; highway traffic regulation; civil air transport; all coastal and intercoastal and ocean shipping, ports and port facilities; and the Saint Lawrence Seaway; except those elements of each normally operated or controlled by the Department of Defense.

(c) Fallout forecasting based on current weather data.

These plans and programs shall be designed to develop a state of readiness in those areas with respect to all degrees of national emergency, including an attack upon the United States.

**Sec. 2. Industry functions.**

Within the areas designated in section 1(a) hereof, the Secretary shall:

(a) *Requirements.* Periodically assemble, develop as appropriate, and evaluate estimated requirements for materials, equipment, facilities, and services taking into account estimated needs for military, civilian, and foreign purposes. Such evaluation will take into consideration geographical distribution of requirements under various conditions of attack.

(b) *Resources.* Periodically assess supplies of essential materials, equipment, facilities, and services from all sources in order to estimate availability under any emergency situation, and analyze resource estimates in relation to estimated requirements in order to identify problem areas.

(c) *Priorities and allocations.* Develop standby priorities, allocation, production, construction, and distribution control systems, including provisions for other Federal departments and agencies, as appropriate, to serve as allotting agents for materials made available under such systems for construction and operation of facilities assigned to them.

(d) *Claimancy.* Be prepared to claim materials, equipment, supplies, and services needed to carry out assigned responsibilities and other essential functions of the Department, before the appropriate resource agency, and work with such agencies in developing standby programs to insure availability of such supplies and services in all emergencies.

(e) *Salvage and rehabilitation.* Develop standby plans for salvage of manufactured stocks and rehabilitation of manufacturing facilities after attack.

(f) *New construction.* Develop procedures by which new facility construction proposals will be reviewed for appropriate location in the light of such area factors as locational security, availability of labor, water, and other requirements.

(g) *Industry evaluation.* Continue to identify and rate those products and services, and their producing or supporting facilities, which are of exceptional importance to mobilization readiness, national defense, or post-attack survival and recovery.

(h) *Facilities protection.* Adapt OCDM industry protection guidance material to the needs of assigned facilities and promote a national program to stimulate disaster preparedness and damage control in order to minimize the effects of overt or covert attack and to maintain continuity of capacity to serve essential users in an emergency. Guidance shall include but not be limited to organizing and training facility employees, personnel shelter evacuation plans, records protection, continuity of management, security, emergency repair, deconcentration of critical production, dispersal of facilities, and mutual aid associations for emergency.

(i) *Production capability.* Analyze potential effects of attack on actual production capability, taking into account the entire production complex including shortages of resources assigned to the Department of Commerce and to other agencies, and conduct other studies as a basis for recommending pre-attack measures that would strengthen capabilities for post-attack production.

(j) *Stockpiles.* Make studies and recommendations to OCDM and assist in formulating and carrying out plans for (1) stockpiling of strategic and critical materials, and (2) the stockpiling of essential survival items.

(k) *Financial aid.* Assist in the development of standby plans and procedures for financial aids and incentives, including credit assistance to producers, processors, and distributors who might need such assistance in various mobilization conditions, particularly those resulting from attack.

(l) *Essential activities.* Continue to develop and maintain lists of activities essential to defense production and to

minimum requirements of the civilian economy, such lists to be used in conjunction with lists of critical occupations.

Sec. 3. Transportation functions.

Within the areas designated in section 1(b) hereof, the Secretary shall:

(a) *Highways and streets.* Develop plans for a national program, in cooperation with all Federal, State, and local government units or other agencies concerned, for technical guidance to States and direction of Federal activities relating to:

(1) *Utilization.* Plans for the utilization of highways and streets under conditions of enemy attack, including all necessary provisions to safeguard and facilitate public highway travel.

(2) *Restoration.* Plans for the most effective utilization of the Nation's highway engineering and construction resources for the emergency repair, restoration, and provision of highways, roads, streets, bridges, and tunnels.

(3) *Traffic control.* Plans concerning highway traffic control problems which may be created during a civil defense emergency.

(4) *Fallout hazards.* Plans for barricading and/or marking streets and highways, leading into or out of restricted fallout areas, for the protection of the public by external containment of traffic through hazardous areas.

(5) *Defense requirements.* Determination and evaluation, with the cooperation of other government agencies, the States, counties, and cities, of the needs for highway adaptions to meet emergency requirements and assistance in developing cooperative programs to meet such needs.

(6) *Claimancy.* Preparation to act as claimant for manpower, equipment, materials, and supplies for all programs for public highway construction and maintenance, including urban streets regardless of financing.

(b) *Civil air transportation.* Develop plans for a national program to utilize the civil air transportation resources, both domestically and internationally, in a national emergency, particularly in the following areas concerned with:

(1) *Requirements.* Obtaining from the Department of Defense and from the Civil Aeronautics Board or other appropriate civilian agencies and analyzing requirements for civil air transportation services for military operations, for essential civilian economy, and for other purposes.

(2) *Allocation.* Allocation of civil air transportation to meet the needs of the Department of Defense for military operation, Civil Aeronautics Board for the needs of the essential civilian economy and OCDM for other essential needs.

(3) *Air priority system.* Administration of a priority system to assure transportation of essential passengers, mail, and cargoes, by air transportation.

(4) *War risk insurance.* Administration of plans for the insurance of international air transportation.

(c) *Ocean shipping and ports.* Develop plans for a national program, compatible with approved plans and programs of international treaty organizations of which the United States is a member, so that adequate ocean shipping and ports and port facilities may be available, to the extent possible, in an emergency to meet the needs of the Nation and our allies concerned with:

(1) *Shipping allocation.* Allocation of merchant shipping to meet the national requirements including those for military, foreign assistance, and emergency procurement programs, and those essential to the civilian economy. The terms "merchant shipping" and "ocean shipping" as used herein include all coastwise and intercoastal and Great Lakes shipping except that solely engaged in the transportation of passengers and cargo between United States ports on the Great Lakes.

(2) *Ship acquisition.* Provision of ships for ocean shipping by purchase, charter or requisition, by breakout from the reserve fleet, and by construction.

(3) *Operations.* Operation of ocean shipping directly or indirectly.

(4) *Traffic control.* Provision for the control of traffic through port areas to assure an orderly and continuous flow of such traffic. The term "port area(s)" as used herein includes any zone contiguous to or associated in the traffic network of an ocean or Great Lakes port, or outport location, including beach loading sites, within which facilities exist for the transhipment of persons and property between domestic carriers and carriers engaged in coastal, intercoastal, and overseas transportation.

(5) *Traffic priority.* Administration of priorities for the movement of traffic through port areas.

(6) *Port allocation.* Allocation of available ports and port facilities to meet the needs of the Nation and our allies. The term "port facilities" as used herein includes all port facilities, port equipment including harbor craft, and port services normally used in accomplishing the transfer or interchange of cargo and passengers between ocean-going vessels and other media of transportation or in connection therewith.

(7) *Support activities.* Performance of supporting activities needed to carry out the above functions, such as: ascertaining national requirements for ocean shipping including those for military and other Federal programs and those essential to the civilian economy; maintenance, repair, and arming of ships; recruitment, training, and assignment of officers and seamen; procurement, warehousing, and issuance of ships' stores, supplies, equipment, and spare parts; supervision of stevedoring and bunkering; management of terminals, shipyards, and other facilities; and maintenance of port facilities.

(8) *Claimancy.* Preparation to act as claimant for the ocean shipping and port industry for materials and manpower to assure adequate use and utilization of such ocean shipping and ports.

Sec. 4. Weather function.

The Secretary shall prepare and issue currently, as well as in an emergency, forecasts and estimates of areas likely to be covered by fallout in event of attack and shall make this information available to the Federal, State, and local authorities for public dissemination.

Sec. 5. Research.

Within the framework of the overall OCDM research objectives, the Secretary shall supervise or conduct research in areas directly concerned with carrying out his emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to OCDM in planning for research in areas involving the Department's interest.

Sec. 6. Damage assessment.

The Secretary shall maintain a capability to assess the effects of attack on the assigned industries and departmental installations, both at national and field levels, and provide assistance as appropriate, including statistical support relating to human and economic data, to the National Resource Evaluation Center of OCDM and to OCDM field offices.

Sec. 7. Economic stabilization.

The Secretary shall cooperate with OCDM in the development of suitable economic stabilization measures providing continuing guidance to the States, their political subdivisions, manufacturers, processors, and the public on the use and conservation of essential commodities in an emergency, including rationing.

Sec. 8. Federal contributions programs.

The Secretary shall make recommendations to OCDM regarding appropriate aspects of State plans submitted under sections 201(1) and 205 of the Federal Civil Defense Act of 1950, as amended.

Sec. 9. Monitoring.

Pursuant to a cooperative agreement between the Weather Bureau and the OCDM, the Secretary shall provide for the detection, identification, monitoring and reporting of chemical, biological and radiological agents at all facilities operated or controlled by the Weather Bureau.

Sec. 10. Interagency coordination.

Under the general review of OCDM, the Secretary shall assume the initiative in developing joint plans for those emergency programs which involve other departments and agencies which normally have legal responsibilities for any segment of such activities. In matters affecting international relations the Secretary shall avail himself of foreign policy guidance from the Department of State.

Sec. 11. Continuity of Department.

The Secretary shall take measures in preparation to insure continuity of the Department in the event of attack or other disaster. He shall establish and promulgate lines of succession to official positions, provide for the safekeeping of essential records, establish control centers and alternate sites for the Department's emergency operations, and provide for the protection and maximum use of personnel, resources, and facilities.

Sec. 12. Department resources.

Consistent with Federal programs the Secretary shall prepare plans and agreements with States designed to make resources of the Department not immediately required to carry out its essential missions in an emergency available to the authorities directing survival operations in each community.

Sec. 13. Reports.

The Secretary shall make such reports as may be required by OCDM on the progress of programs specified in this order.

Sec. 14. Cancellations.

This order cancels and supersedes Federal Civil Defense Administration Delegations Number 2 of September 5, 1954 and Number 3 of November 22, 1955 and Defense Mobilization Order Number I-8 of February 10, 1954.

Dated: January 10, 1961.

LEO A. HOEGH,
*Director.*

[F.R. Doc. 61-584; Filed, Jan. 23, 1961; 8:50 a.m.]

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[Emergency Preparedness Order No. 3]

## EPO 3—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS TO THE ADMINISTRATOR OF THE FEDERAL AVIATION AGENCY

By virtue of the authority vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Executive Order 10773 of July 1, 1958, as amended, and Executive Order 10902 of January 9, 1961, it is hereby ordered as follows:

Section 1. Scope.

The Administrator of the Federal Aviation Agency (hereinafter referred to as the Administrator) shall, consistent with the National Plan for Civil Defense and Defense Mobilization, and subject to the policy direction and central program control by the Office of Civil and Defense Mobilization (hereinafter referred to as OCDM) insofar as nonmilitary programs are concerned, prepare national emergency plans and develop preparedness programs covering the emergency management of the Nation's civil airports, and civil aviation operating facilities, excluding the manufacture and priority on use of aircraft, but including national program guidance, professional training, stockpiles, monitoring, decontamination, resources and requirements, salvage and rehabilitation, damage assessment, and facilities protection. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including an attack upon the United States.

Sec. 2. Functions.

The Administrator shall:

(a) *Operations.* Formulate plans for the development, utilization, expansion, and emergency management of the Nation's civil airports and operating facilities and equipment required for essential civil air operations, except the manufacture and priority on use of aircraft, but including the development of standby orders for insuring the continued operation of essential civil airports and civil aviation operating facilities.

(b) *National program guidance.* Develop plans and issue national program guidance designed to utilize to the maximum extent the existing nonmilitary facilities, technical competence and resources of the Federal Government, the States and the local political subdivisions thereof, and non-governmental organizations and systems engaged in aeronautical activities to promote the effective and safe use and maintenance of aeronautical facilities, equipment, and services under all conditions of national emergency.

(c) *Professional training.* Prepare and incorporate into appropriate courses dealing with aeronautics and aviation applicable civil defense knowledge and skills necessary to insure the maximum operational effectiveness of essential civil air transportation systems and facilities under all conditions of national emergency; and prepare and distribute such civil defense information to the management of air transportation systems and facilities, States and local governments, voluntary agencies, and commercial and professional groups concerned with development, utilization, expansion, and emergency management of nonmilitary aviation.

(d) *Stockpiles.* Assist OCDM in formulating and carrying out plans for (1) the stockpiling of strategic and critical materials, and (2) the stockpiling of essential survival items necessary to the maintenance of essential civil air transportation systems and facilities except the manufacture and priority of use of aircraft in a civil defense emergency.

(e) *Monitoring.* Pursuant to a cooperative agreement between the Administrator and the OCDM, provide for the detection, identification, monitoring, and reporting of chemical, biological, and radiological agents at all facilities operated or controlled by the FAA.

(f) *Decontamination.* Establish standards and provide technical advice, guidance, and consultation to Federal, State, and local civil aviation authorities on measures for minimizing the effects of chemical, biological, and radiological contamination of civil airports and civil aviation facilities, aircraft, ground equipment, and personnel.

(g) *Resources.* Periodically assess civil aviation resources, excluding the manufacture of aircraft but including maintenance and repair, available from all sources in order to estimate their availability under any emergency situation, and analyze resource estimates in relation to estimated requirements in order to identify problem areas.

(h) *Requirements.* Determine emergency requirements with respect to civil aviation programs for which the Administrator is responsible, including air navigation facilities, civil airports, and new civil aircraft and concurrent spares for nonair carrier aircraft; maintenance, repair, and operation of air carrier aircraft; and, in consultation with the Civil Aeronautics Board and Defense Air Transport Administration, new civil aircraft and concurrent spares for air carrier aircraft.

(i) *Claimancy.* Prepare to claim materials, equipment, supplies, and services needed to carry out assigned responsibilities before the appropriate resource agency, and work with such agencies in developing standby programs to insure availability of such supplies and services in all emergencies.

(j) *Salvage and rehabilitation.* Develop standby plans for salvage of supplies and equipment and the rehabilitation or replacement of essential civil air transport systems, facilities, and services after attack, excluding the manufacture of aircraft but including direction of Federal activities for the emergency clearance and restoration of essential civil airports in damaged areas.

(k) *Damage assessment.* Maintain a capability to assess the effects of attack on all air navigation, air traffic control, and aeronautical communications facilities operated by the FAA or other nonmilitary agencies, all civil airports and landing areas, and all other facilities essential to safe and effective air transportation operations in a national emergency; and provide information to the National Resource Evaluation Center and to the Regional Offices of the OCDM relating to damage sustained by the above elements of the civil aviation industry.

(l) *Facilities protection.* Analyze the potential effects of attack as a basis for developing and promoting a national program of vulnerability reduction, disaster preparedness, and damage control designed to minimize the effects of overt or covert attack on civil aviation facilities except aircraft manufacturing plants. Such program shall include, but shall not be limited to, guidance with respect to deconcentration and dispersal of facilities and equipment, organization and training of facility employees, shelter, evacuation and relocation plans, records protection, continuity of management, security, and emergency repair and recovery of facilities.

(m) *Federal contributions programs.* Make recommendations to OCDM regarding appropriate aspects of State plans submitted under sections 201(1) and 205 of the Federal Civil Defense Act of 1950, as amended.

Sec. 3. Research.

Within the framework of the overall OCDM research objectives, the Administrator shall supervise or conduct research directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to OCDM in planning for research in areas involving the agency's interest.

Sec. 4. Continuity of Agency.

The Administrator shall take measures in preparation to insure continuity of the Agency in the event of attack or other disaster. He shall establish and promulgate lines of succession to official positions, provide for the safekeeping of essential records, establish control centers and alternative sites for the Agency's emergency operations, and provide

for the protection and maximum use of personnel, resources, and facilities.

Sec. 5. Reports.

The Administrator shall make such reports as may be required by OCDM on the progress of programs specified in this order.

Sec. 6. General provisions.

(a) In the development of emergency plans and programs pursuant to this order and in the execution of functions assigned thereunder, the Administrator shall perform his functions in a manner compatible with his responsibilities to the Department of Defense under the Federal Aviation Act of 1958, and without compromise of his ability to discharge such responsibilities.

(b) Nothing in this order shall be construed to limit the authority vested in the Administrator by the Federal Aviation Act of 1958 or any other statute or to impose any other additional requirements with respect to the exercise of the Administrator's authority and responsibility in an "air defense emergency" as distinguished from a "civil defense emergency."

Dated: January 10, 1961.

LEO A. HOEGH,
*Director.*

[F.R. Doc. 61-585; Filed, Jan. 23, 1961; 8:50 a.m.]

[Emergency Preparedness Order No. 4]

## EPO 4—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION HEALTH FUNCTIONS TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

By virtue of the authority vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Executive Order 10773 of July 1, 1958, as amended, and Executive Order 10902 of January 9, 1961, it is hereby ordered as follows:

Section 1. Scope.

The Secretary of Health, Education, and Welfare (hereinafter referred to as the Secretary) shall, consistent with the National Plan for Civil Defense and Defense Mobilization and subject to policy direction and central program control by the Office of Civil and Defense Mobilization (hereinafter referred to as OCDM), prepare national emergency plans and develop preparedness programs covering health service, civilian health manpower, and health resources as defined below. Those plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency including an attack upon the United States.

Sec. 2. Definitions.

As used in this order:

(a) "Health Services" means medical and dental care in all of their specialties and adjunct therapeutic fields; the planning, provision, and operation of first aid stations, hospitals, and clinics; preventive health services, including detection, identification and control of communicable diseases, their vectors, and other public health hazards, inspection and control of purity and safety of food, drugs, and biologicals; food and milk sanitation; public water supplies; sewage and other waste disposal; registration and disposal of the dead; prevention and alleviation of water pollution; vital statistics services; preventive and curative care related to human exposure to radiological, chemical, and biological warfare agents; and rehabilitation and related services for disabled survivors. For the purposes of this order, health services do not encompass the following areas for which the Department of Agriculture has responsibility; protection of meat and meat products, and poultry and poultry products in establishments under continuous inspection service by the Department of Agriculture, veterinary biologicals, agricultural commodities and products owned by the Commodity Credit Corporation or the Secretary of Agriculture, livestock, agricultural commodities owned or harvestable on farms and ranches, agricultural lands, water for agricultural purposes, and registration of pesticides.

(b) "Health Manpower" means physicians (including osteopaths); dentists, sanitary engineers; registered professional nurses, and such other occupations as may be included in the List of Health Manpower Occupations issued for the purposes of this order by the Director of OCDM after agreement by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(c) "Health Resources" means manpower, material, and facilities required to prevent the impairment of, or to improve, or restore the physical and mental health conditions of the civilian population.

Sec. 3. Functions.

With respect to health services, manpower, and resources as defined above, the Secretary shall:

(a) *National program guidance.* Develop plans and issue guidance designed to utilize to the maximum extent the existing civilian health resources of the Federal Government, and with their active participation, assistance, and consent, the health resources of the States and local political subdivisions thereof, and of other civilian organizations and agencies concerned with the health of the population, under all conditions of national emergency. The Secretary shall also maintain relations with health professions and institutions to foster mutual understanding of Federal emergency plans which affect health activities.

(b) *Research.* Within the framework of the overall OCDM research objectives, supervise or conduct research in areas directly concerned with carrying out emergency preparedness responsibilities. With respect to the health services assignment, this is defined as but not limited to (1) development of medical means for the prevention and care of casualties (including those from thermonuclear weapons, radiation exposure, and biological and chemical warfare, as well as from other weapons); (2) research in preventive medicines, basic biology, and environmental sanitation directed to maintaining the health of noncasualty population; (3) preattack and postattack target research in health services; (4) protection of resources and protocol essential to carrying out long-term basic and applied research in the postattack period; and, (5) the development of techniques for the most efficient utilization of civilian health manpower. The Secretary shall also designate representatives for necessary ad hoc or task force groups and provide advice and assistance to OCDM in planning for research in areas involving the Department's interest.

(c) *Professional training.* Develop a nationwide program to train health manpower both in professional and technical occupational content and in civil defense knowledge and skills. The Secretary shall also develop and distribute health education materials for inclusion in the curricula of schools, colleges, professional schools, OCDM schools, and other educational facilities throughout the United States, and he shall develop and distribute civil defense information relative to health services to States, voluntary agencies, and professional groups.

(d) *Reserve program.* Develop plans for a program to provide Public Health Service reserve personnel from support areas to those damaged by enemy attack.

(e) *Stockpiles.* Assist OCDM in formulating and carrying out stockpiling of (1) strategic and critical materials, and (2) survival items. Within these programs, and in accordance with emergency operational plans of OCDM, the Secretary shall plan and direct the procurement, storage, maintenance, inspection, survey, distribution, and utilization of essential supplies and equipment for health services except for special equipment to be specified from time to time by OCDM.

(f) *Emergency water supply.* Prepare plans to assure the provision of usable public water supplies for essential community uses in an emergency. This shall include inventorying existing supplies, developing new sources, performing research setting standards, and planning distribution. In carrying on these activities, the Secretary shall have primary responsibility but shall make maximum use of the resources and competence of State and local authorities and of other Federal agencies.

(g) *Radiation.* Develop and coordinate programs of radiation measurement and assessment as may be necessary to carry out the responsibilities involved in the provision of health services as defined in section 2; and make recommendations to OCDM regarding the instruments, equipment, and devices necessary to carry out this responsibility.

(h) *Biological and chemical warfare.* Develop plans for the direction of a nationwide program for the prevention, detection, and identification of human exposure to chemical and biological warfare agents. The Secretary shall also establish standards and provide technical advice and consultation to Federal, State, and local authorities on measures for minimizing the effects of biological or chemical warfare as defined in section 2; and make recommendations to OCDM regarding operating equipment necessary to carry out this responsibility.

(i) *Food, drugs, and biologicals.* Plan and develop national programs for the maintenance of purity and safety in the manufacture and distribution of food, drugs, and biologicals as defined in section 2 of this order.

(j) *Disabled survivors.* Prepare national plans for emergency operations of vocational rehabilitation and related agencies, and for measures and resources necessary to rehabilitate and make available for employment those disabled persons among the surviving population.

(k) *Resources.* Periodically assess the health resources available from all sources, in order to estimate the availability of these resources under any emergency situation, and analyze resource estimates in relation to estimated requirements in order to identify problem areas.

(l) *Relative urgencies.* Develop standards and relative urgencies for emergency health services for guidance of Federal agencies, States, and communities in providing maximum protection to survivors, and for the purpose of conserving, improving availability, and allocating health resources.

(m) *Requirements.* Periodically assemble, develop as appropriate, and evaluate requirements with respect to all hospital and health facilities, including new construction and equipment as needed in the health field, including sanitation, potable water, and sewage facilities. The Secretary shall also estimate related requirements for manpower, transportation, power, fuels, and other supplies or services needed in support of emergency responsibilities of the Department. Such evaluations will take into consideration the geographical distribution of requirements under all conditions of attack.

(n) *Claimancy.* Prepare plans to claim materials, equipment, supplies, and services needed to carry out assigned responsibilities and other essential functions of the Department, from the appropriate resource agency, and work with such agencies in developing standby programs to insure availability of such supplies and services in all emergencies.

(o) *Distribution.* Within the framework of OCDM priority and allocation policy and system, develop standby allotments and distribution control systems for civilian health services and resources.

(p) *Facilities protection.* Adapt OCDM industry protection guidance material to the needs of health services facilities and promote a national program to stimulate, guide, and assist facilities such as hospitals, clinics, public water plants, waste disposal plants, and facilities for other health services, in methods of disaster preparedness and control in order to minimize the effects of overt or covert attack and maintain continuity of capacity to serve the public in an emergency. Guidance and assistance shall include but not be limited to: organizing and training facility employees, employee shelter, evacuation plans, records protection, continuity of management, security, emergency repair, dispersal of facilities, and the organization of mutual aid associations for emergency.

(q) *Salvage and rehabilitation.* Develop standby plans for salvage of supplies and equipment and rehabilitation of health services facilities after attack.

(r) *Damage assessment.* Maintain a capability to assess the effects of attack on assigned service and resource areas both at national and field levels, and provide necessary assistance to the National Resource Evaluation Center of OCDM, and to OCDM field offices.

(s) *Federal contributions programs.* Make recommendations to OCDM regarding appropriate program aspects of State plans submitted under sections 201(i) and 205 of the Federal Civil Defense Act of 1950, as amended.

Sec. 4. Interagency coordination.

Under the general review of OCDM, the Secretary shall assume the initiative in developing joint plans for the coordination of civilian health emergency programs of those departments and agencies which have responsibility for any segment of such activities. Such departments and agencies include, but are not limited to, the Veterans Administration, the Department of Commerce, the Department of Agriculture, the Department of Treasury, the Selective Service System, the Department of Labor, and the Housing and Home Finance Agency. Arrangements will be made with the Department of Defense for use of available military medical services and resources which may not be required for military operations or the support thereof. The Secretary and the Atomic Energy Commission shall assure the coordination of the efforts of their respective agencies in the emergency civilian health program.

Sec. 5. Continuity of Department.

The Secretary shall take measures in preparation to insure the continuity of the Department in event of attack or other disaster. He shall establish and promulgate lines of succession to official positions, provide for the safekeeping of essential records, establish control centers and alternate sites for the Department's emergency operations, and provide for the protection and maximum use of personnel, resources, and facilities.

Sec. 6. Department resources.

Consistent with Federal programs the Secretary shall prepare plans and agreements with States designed to make all resources of the Department not immediately required to carry out its essential missions in an emergency available to the authorities directing survival operations in each community.

Sec. 7. Reports.

The Secretary shall make such reports as may be required by OCDM on the progress of programs specified in this order.

Sec. 8. Cancellations.

This order cancels and supersedes Federal Civil Defense Administration Delegation Number 1 of July 14, 1954.

Dated: January 10, 1961.

LEO A. HOEGH,
*Director.*

[F.R. Doc. 61-586; Filed, Jan. 23, 1961; 8:50 a.m.]

[Emergency Preparedness Order No. 5]

## EPO 5—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS CONCERNING EDUCATION AND WELFARE TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

By virtue of the authority vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Executive Order 10773 of July 1, 1958, as amended, and Executive Order 10902 of January 9, 1961, it is hereby ordered as follows:

Section 1. Scope.

The Secretary of Health, Education, and Welfare (hereinafter referred to as the Secretary) shall, consistent with the National Plan for Civil Defense and Defense Mobilization and subject to policy direction and central program control by the Office of Civil and Defense Mobilization (hereinafter referred to as OCDM), prepare national emergency plans and develop preparedness programs covering emergency welfare services and education programs as defined below. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency including an attack upon the United States.

Sec. 2. Definitions.

As used in this order:

"Emergency Welfare Services" means feeding; clothing; housing or lodging in private and congregate facilities; registration; locating and reuniting families; care of unaccompanied children, the aged, the handicapped, and other groups needing specialized care or service; necessary financial or other assistance; counseling and referral services to families and individuals; aid to welfare institutions under national emergency or post-attack conditions; and all other feasible welfare aid and services to people in need during a civil defense emergency. Emergency welfare services also include the organization, direction, and provision of services to be instituted before an anticipated attack, in the event of strategic or tactical evacuation, and after any such attack.

"Education," as used in this order, means the utilization of formal public and private school systems, from elementary through college, for the dissemination of instructional material guidance, and training in the protection of life and property from enemy attack.

Sec. 3. Welfare functions.

The Secretary shall:

(a) *National program guidance.* Develop plans and issue guidance for an integrated national program for emergency welfare services and, working with other Federal departments and agencies, provide for extending guidance and technical assistance to State and local welfare departments in the development and operation of their plans for the community organization of emergency welfare services.

(b) *Federal support.* Cooperate in the development of Federal support procedures through joint planning with other departments and agencies, including but not limited to the Post Office Department, the Department of Labor, and the Selective Service System (registration and information), the Housing and Home Finance Agency (housing and related community facilities), and resource agencies, i.e., the Department of Agriculture (food resources), the Department of the Interior (fuel and power), and the Department of Commerce (consumer survival commodities), for logistic support of State and community welfare services under civil defense emergency conditions.

(c) *Research.* Within the framework of the over-all OCDM research objectives, supervise or conduct research in areas directly concerned with carrying out emergency preparedness responsibilities, designate representative for necessary ad hoc or task force groups, and provide advice and assistance to OCDM in planning for research in areas involving the Department's interest.

(d) *Welfare training.* Develop plans for the direction of a nationwide program to train emergency welfare manpower for the execution of the functions set forth in this order; develop welfare educational materials, including self-help program materials for use with welfare organizations and professional schools; and develop and distribute civil defense information relative to emergency welfare services to States, voluntary agencies, and professional groups.

(e) *Priorities.* Develop standards and priorities for emergency welfare services for guidance of States and communities in providing maximum protection to survivors, and for the purpose of guiding distribution of available welfare resources.

(f) *Financial assistance.* Develop standby plans for financial assistance to individuals and welfare institutions in need of such assistance under various mobilization conditions, particularly those resulting from attack on the United States.

(g) *Facilities protection.* Adapt OCDM industry protection guidance material to the needs of appropriate welfare facilities and promote a national program to stimulate disaster preparedness and control in order to minimize the effects of overt or covert attack and maintain continuity of capacity to serve the public in an emergency. Guidance shall include but not be limited to organizing and training facility personnel, personnel shelter, evacuation plans, records protection, continuity of management, security, and emergency repair.

(h) *Damage assessment.* Provide data assistance as appropriate to the National Resource Evaluation Center of OCDM and to OCDM regional offices to assist in maintaining a capability to assess the effects of attack on people and on the organization and facilities essential to carrying out the welfare functions.

(i) *Federal contributions programs.* Make recommendations to OCDM regarding appropriate program aspects and the Merit System provisions of State plans submitted under sections 201(i) and 205 of the Federal Civil Defense Act of 1950, as amended.

(j) *Professional liaison.* Maintain relations with national voluntary welfare organizations and related national professional and business organizations to foster mutual understanding and support of emergency welfare plans and activities.

Sec. 4. Education functions.

The Secretary shall: (a) *Protective instruction.* Develop and issue through appropriate channels instructional materials and provide suggestions and guidance to assist schools, colleges, and other educational agencies to incorporate emergency protective measures and long-range civil defense and defense mobilization concepts into their programs. This involves assistance to various levels of education to develop an understanding of the role of the individual, family, and community in civil defense in the nuclear age.

(b) *Research.* Within the framework of the over-all OCDM research objectives supervise or conduct research in areas directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to OCDM in planning for research in areas involving the Department's interest.

(c) *Facilities protection.* Adapt OCDM industry protection guidance to the needs of assigned facilities and promote a national program to stimulate disaster preparedness and control in order to minimize the effects of overt or covert attack. Guidance shall include but not be limited to organizing and training facility personnel, personnel shelter, evacuation plans, records protection, continuity of management, security, and emergency repair.

(d) *Damage assessment.* Maintain a capability to assess the effects of attack on critical educational institutions, both at national and field levels. Provide assistance as appropriate to the National Resource Evaluation Center of OCDM and to OCDM regional offices.

(e) *Federal contributions programs.* Make recommendations to OCDM regarding appropriate program aspects of State plans submitted under sections 201(i) and 205 of the Federal Civil Defense Act of 1950, as amended.

(f) *Professional liaison.* Maintain relations with educators, national and State education associations, foundations, and other related organizations to foster mutual understanding and support of civil defense and defense mobilization activities.

Sec. 5. Continuity of Department.

The Secretary shall take measures in preparation to insure continuity of the Department in the event of attack or other disaster. He shall establish and promulgate lines of succession to official positions, provide for the safekeeping of essential records, establish control centers and alternate sites for the Department's emergency operations, and provide for the protection and maximum use of personnel, resources, and facilities.

Sec. 6. Department resources.

Consistent with Federal programs, the Secretary shall prepare plans and agreements with States designed to make resources of the Department not immediately required to carry out its essential missions in an emergency available to the authorities directing survival operations in each community.

Sec. 7. Reports.

The Secretary shall make such reports as may be required by OCDM on the progress of programs specified in this order.

Sec. 8. Cancellations.

This order cancels and supersedes Federal Civil Defense Administration Delegation No. 1 of July 14, 1954.

Dated: January 10, 1961.

LEO A. HOEGH,
*Director.*

[F.R. Doc. 61-587; Filed, Jan. 23, 1961; 8:50 a.m.]

[Emergency Preparedness Order No. 6]

## EPO 6—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS CONCERNING HOUSING TO THE HOUSING AND HOME FINANCE ADMINISTRATOR

By virtue of the authority vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Executive Order 10773 of July 1, 1958, as amended, and Executive Order 10902 of January 9, 1961, it is hereby ordered as follows:

Section 1. Scope.

The Housing and Home Finance Administrator (hereinafter referred to as the Administrator) shall, consistent with the National Plan for Civil Defense and Defense Mobilization and subject to policy direction and central program control by the Office of Civil and Defense Mobilization (hereinafter referred to as OCDM) prepare national emergency plans and develop preparedness programs covering all aspects of lodging or housing and provide assistance to OCDM in developing economic stabilization measures pertaining to real estate credit controls and rent stabilization programs. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including an attack upon the United States.



Sec. 2. Functions.

The Administrator shall:

(a) *Billeting.* Develop plans for a billeting program, including advice and guidance for State and local government agencies in the administration thereof. Billeting plans not directly concerned with public housing projects sponsored by the Administrator shall be presented to the Department of Health, Education, and Welfare for incorporation in the general welfare guidance program for States.

(b) *Housing.* Develop plans for the emergency repair and restoration to use of damaged housing, for the construction and management of emergency housing units, and for the emergency conversion to dwelling use of nonresidential structures with public funds through direct Federal action or through financial or credit assistance.

(c) *Communities.* Develop plans for the selection, acquisition, development, and disposal of areas for civilian uses in new, expanded, restored, or relocated communities; and for the construction of housing for new or restored communities.

(d) *New Housing.* Develop plans for the construction and management of new housing when and where it is determined to be necessary with public funds through direct Federal action; or the construction of new housing through financial or credit assistance.

(e) *Economic stabilization.* Cooperate with OCDM and the Federal financial agencies in the development of preparedness measures involving financing, real estate credit, and rent stabilization.

(f) *Population movement.* Participate with OCDM and other agencies in the preparation of plans for determining which areas are to be restored and in the development and coordination of plans for the movement of people on both a temporary and permanent basis from areas to be abandoned to areas where housing is available or can be made available.

(g) *Shelter.* Assist OCDM in the development of plans to encourage the construction of blast or fallout shelters for both old and new housing in conformance to the national shelter policy.

(h) *Vulnerability.* Participate with OCDM and other agencies in promoting the dispersal of new or expanding communities, defense plants, and government installations in conformance to national vulnerability reduction policy.

(i) *Resources.* Periodically assess the housing resources available for civilian use from all sources in order to estimate availability under any emergency situation, and analyze resource estimates in relation to estimated requirements in order to identify problem areas.

(j) *Priorities.* Develop standards and priorities for guidance of States and communities in making maximum use of and allocating available housing resources.

(k) *Requirements.* Periodically assemble, develop as appropriate, and evaluate requirements with respect to billeting, temporary lodging, and new housing construction, and estimate related requirements for manpower, transportation, power, fuels, and other supplies or services needed in support of emergency responsibilities of the Agency. Such estimates will take into consideration the geographical distribution of requirements under all conditions of attack.

(l) *Claimancy.* Prepare plans to claim materials, equipment, supplies, and services needed in support of assigned responsibilities and other essential functions of the Agency, before appropriate resource agency, and work with such agencies in developing standby programs to insure availability of such supplies and services in all emergencies.

(m) *Distribution.* Develop standby allocation and distribution control systems consistent with the priorities and allocations procedures prescribed by the Department of Commerce for materials and equipment needed for housing, and develop programs for the domestic distribution and use of mobile lodging facilities under all degrees of emergency.

(n) *Stockpiles.* Assist OCDM in formulating and carrying out plans for (1) stockpiling of strategic and critical materials, and, (2) the stockpiling of essential survival items in the housing field.

(o) *Damage assessment.* Maintain a capability to assess the effects of attack on housing resources, both at national and field levels, and provide assistance as appropriate to the National Resource Evaluation Center of OCDM and to OCDM field offices.

(p) *Research.* Within the framework of the overall OCDM research objectives, supervise or conduct research in areas directly concerned with carrying out emergency preparedness responsibilities. Designate representatives for necessary ad hoc or task force groups and provide advice and assistance to OCDM in planning for research in areas involving the Agency's interest.

Sec. 3. Interagency coordination.

Under the general review of OCDM, the Administrator shall assume the initiative in developing joint plans for the coordination of civilian housing emergency programs of those departments and agencies which normally have legal responsibilities for any segment of such activities.

Sec. 4. Continuity of Agency.

The Administrator shall take measures in preparation to insure continuity of the Agency in the event of attack or other disaster. He shall establish and promulgate lines of succession to official positions, provide for the safekeeping of essential records, establish control centers and alternate sites for the Agency's emergency operations, and provide for the protection and maximum use of personnel, resources, and facilities.

Sec. 5. Agency resources.

Consistent with Federal programs the Administrator shall prepare plans and agreements with States designed to make resources of the Agency not immediately required to carry out its essential missions in an emergency available to the authorities directing survival operations in each community.

Sec. 6. Reports.

The Administrator shall make such reports as may be required by OCDM on the progress of programs specified in this order.

Sec. 7. Cancellations.

This Order cancels and supersedes Federal Civil Defense Administration delegation Number 2 of September 5, 1954, and Defense Mobilization Order Number I-14 of November 26, 1954.

Dated: January 10, 1961.

LEO A. HOEGH,
*Director.*

[F.R. Doc. 61-588; Filed, Jan. 23, 1961; 8:50 a.m.]

[Emergency Preparedness Order No. 7]

## EPO 7—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS TO THE SECRETARY OF THE INTERIOR

By virtue of the authority vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Executive Order 10773 of July 1, 1958, as amended, and Executive Order 10902 of January 9, 1961, it is hereby ordered as follows:

Section 1. Scope.

The Secretary of the Interior (hereinafter referred to as the Secretary) shall, consistent with the National Plan for Civil Defense and Defense Mobilization, and subject to policy direction and central program control by the Office of Civil and Defense Mobilization (hereinafter referred to as OCDM), prepare national emergency plans and develop preparedness programs covering (1) electric power; (2) petroleum and gas; (3) solid fuels; and (4) minerals. These plans and programs shall be designed to provide a state of readiness in these resources areas with respect to all conditions of national emergency, including an attack upon the United States.

Sec. 2. Definitions.

As used in this order:

(a) The term "electric power" means all forms of electric power and energy, including the generation, transmission, distribution, and utilization thereof.

(b) The term "petroleum" means crude oil and synthetic liquid fuel, their products, and associated hydrocarbons, including pipelines for their movement and facilities specially designed for their storage.

(c) The term "gas" means natural gas (including helium) and manufactured gas, including pipelines for their movement and facilities specially designed for their storage.

(d) The term "solid fuels" means all forms of anthracite, bituminous, subbituminous, and lignitic coals, coke, and coal chemicals produced in the coke making process.

(e) The term "minerals" means all raw materials of mineral origin (except petroleum, gas, solid fuels, and source materials as defined in the Atomic Energy Act of 1954, as amended) obtained by mining and like operations and

processed through the stages specified and at the facilities designated in an Agreement between the Secretary of the Interior and the Secretary of Commerce as being within the civil defense and defense mobilization responsibilities of the Secretary of the Interior.

Sec. 3. Functions.

With respect to the resources defined above, the Secretary shall:

(a) *Production and distribution.* Develop standby systems to control the production and distribution of assigned resources.

(b) *Requirements.* Periodically assemble, develop as appropriate, and evaluate requirements for assigned resources in any emergency, taking into account estimated needs for military, civilian, and foreign purposes. Such evaluation will take into consideration geographical distribution of requirements under all conditions of attack.

(c) *Resources.* Periodically assess assigned resources available from all sources in order to estimate availability under any emergency situation, and analyze resource estimates in relation to estimated requirements in order to identify problem areas.

(d) *Claimancy.* Prepare plans to claim materials, equipment, supplies, and services needed in support of assigned responsibilities and other essential functions of the Department before the appropriate resource agency, and work with such agencies in developing standby programs to insure availability of such supplies and services in all emergencies.

(e) *Mineral development.* Prepare standby programs for the encouragement as needed of the exploration, development and mining of critical and strategic minerals and metals.

(f) *Production.* Provide guidance and leadership to assigned industries in the development of plans and programs to insure the continuity of production in the event of an attack, and cooperate with the Department of Commerce in the identification and rating of essential facilities.

(g) *Facilities protection.* Adapt OCDM industry protection guidance material to needs of industries concerned with assigned products, and promote a national program to stimulate disaster preparedness and control in order to minimize the effects of overt or covert attack and maintain continuity of production and capacity to serve essential users under emergency. Guidance shall include but not be limited to: Organizing and training facility personnel, personnel shelters, evacuation plans, records protection, continuity of management, security, emergency repair, dispersal of facilities, and mutual aid associations for emergency.

(h) *Stockpiles.* Assist OCDM in formulating and carrying out plans for (1) stockpiling of strategic and critical materials, and (2) the stockpiling of essential survival items.

(i) *Operations.* Develop and maintain standby programs, including the necessary orders and regulations, for the operation of producers of assigned products under various mobilization conditions.

(j) *Salvage and rehabilitation.* Develop standby plans for the salvage of stocks and rehabilitation of producing facilities for assigned products after attack.

(k) *Mobilization base.* Analyze the problems involved in the maintenance of an adequate mobilization base and recommend necessary programs to accomplish this maintenance.

(l) *Damage assessment.* Maintain a capability to assess the effects of attack on assigned products, producing facilities, and departmental installations both at national and field levels, and provide assistance as appropriate to the National Resources Evaluation Center of OCDM and to OCDM field offices.

(m) *Research.* Within the framework of the over-all OCDM research objectives, supervise or conduct research directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to OCDM in planning for research in areas involving the Department's interest.

(n) *Economic stabilization.* Cooperate with OCDM in the development of economic stabilization policies as they might affect the energy and minerals supply, production, and marketing programs, and the conservation of essential commodities in an emergency, including rationing.

(o) *Financial aid.* Develop standby plans and procedures for financial aids and incentives, including credit assistance to producers, processors, and distributors who might need such assistance in various mobilization conditions, particularly those resulting from attack.

(p) *Monitoring.* Pursuant to a cooperative agreement between the Department of the Interior and the OCDM, the Secretary shall provide for the detection, identification, monitoring and reporting of chemical, biological and radiological agents at selected facilities operated or controlled by the Department of the Interior.

Sec. 4. Interagency coordination.

Under the general review of OCDM, the Secretary shall assume the initiative in the coordination of emergency plans and programs of departments and agencies having legal responsibilities with respect to any segment of fuel, energy, and mineral activity. The Secretary shall assign to the Federal Power Commission responsibility for developing such emergency plans and programs as he shall specify for the production and transmission of electric power and natural gas which are within the general scope of the Commission's competence, statutory authority and other assigned responsibilities. Such plans and programs shall be subject to his approval. Arrangements will also be made with the Department of Defense for use of military fuels and power resources which may be made available over and above military requirements during an emergency. In developing and administering programs related to the international aspects of fuel, energy, and minerals, the Secretary shall avail himself of foreign policy guidance from the Department of State.

Sec. 5. Continuity of Department.

The Secretary shall take measures in preparation to insure continuity of the Department in the event of attack or other disaster. He shall establish and promulgate lines of succession to official positions, provide for the safekeeping of essential records, establish control centers and alternate sites for the Department's emergency operations, and provide for the protection and maximum use of personnel, resources and facilities.

Sec. 6. Department resources.

Consistent with Federal programs, the Secretary shall prepare plans and agreements with States designed to make resources of the Department not immediately required to carry out its essential missions in an emergency available to the authorities directing survival operation in each community.

Sec. 7. Reports.

The Secretary shall make such reports as may be required by OCDM on the progress of programs specified in this order.

Sec. 8. Cancellations.

This Order cancels and supersedes Federal Civil Defense Administration Delegation No. 3 of November 22, 1954 and Defense Mobilization Order No. I-13 of November 12, 1954.

Dated: January 10, 1961.

LEO A. HOEGH,
*Director.*

[F.R. Doc. 61-589; Filed, Jan. 23, 1961; 8:50 a.m.]

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[Emergency Preparedness Order No. 8]

## EPO 8—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS TO THE SECRETARY OF LABOR

By virtue of the authority vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Executive Order 10773 of July 1, 1958, as amended, and Executive Order 10902 of January 9, 1961, it is hereby ordered as follows:

Section 1. Scope.

The Secretary of Labor (hereinafter referred to as the Secretary) shall, consistent with the National Plan for Civil Defense and Defense Mobilization and subject to the policy direction and central program control of the Office of Civil and Defense Mobilization (hereinafter referred to as OCDM), prepare national emergency plans and develop preparedness programs covering civilian manpower mobilization (excluding such responsibility for health manpower as is assigned to the Department of Health, Education, and Welfare), wage and salary stabilization, worker incentives and protection, manpower resources and requirements, skill development and training, assessment of damage to labor force, research, labor-management relations, and critical occupations. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including an attack upon the United States.

Sec. 2. Functions.

The Secretary shall:

(a) *Civilian manpower mobilization.* Develop plans and issue guidance designed to utilize to the maximum extent civilian manpower resources, such plans and guidance to be developed with the active participation and assistance of the States and local political subdivisions thereof, and of other organizations and agencies concerned with the mobilization of the people of the United States. Such plans shall include, but not necessarily be limited to:

(1) *Manpower management.* Recruitment, selection and referral, training, employment, stabilization including appeals procedure, proper utilization, and determination of the skill categories critical to meeting the labor requirements of defense and essential civilian activities, other than health manpower functions assigned to the Department of Health, Education, and Welfare.

(2) *Priorities.* Procedures for translating survival and production urgencies into manpower priorities to be used as guides for allocating available workers.

(3) *National guidance.* Technical guidance to States for the utilization of the nationwide system of public employment offices and other appropriate agencies for screening, recruiting, and referring workers, and for other appropriate activities to meet mobilization and civil defense needs in each community.

(b) *Wage and salary stabilization.* Develop plans and procedures for wage and salary stabilization and for the national and field organization necessary for the administration of such a program in an emergency, including investigation, compliance and appeals procedures; statistical studies of wage, salaries and prices for policy decisions and to assist operating stabilization agencies to carry out their functions.

(c) *Worker incentives and protection.* Develop plans and procedures for wage and salary compensation and death and disability compensation for authorized civil defense workers and, as appropriate, measures for unemployment payments, re-employment rights, and occupational safety, and other protection and incentives for the civilian labor force during an emergency.

(d) *Resources.* Periodically assess manpower resources in total, by specific skill categories and occupations, and by geographical locations, in order to estimate availability under any emergency situation, and analyze resource estimates in relation to estimated requirements in order to identify problem areas.

(e) *Requirements.* Develop, in coordination with manpower-using agencies, plans, procedures and standards for presenting claims for civilian manpower; periodically obtain and analyze, or make, estimates of requirements for manpower, in total and by specific skill categories and occupations currently and for any emergency, taking into account the estimates of needs for military and civilian purposes; and advise the OCDM on the manpower implications of alternative program decisions. Such evaluation will take into consideration the geographical distribution of requirements under all conditions of attack.

(f) *Claimancy.* Prepare plans to claim materials, equipment, supplies and services needed in support of assigned responsibilities and other essential functions of the Department before appropriate resources agencies, and work with such agencies in developing standby programs to insure the availability of such supplies and services in all types of emergencies.

(g) *Skill development and training.* Initiate current action programs to overcome or offset present or anticipated manpower deficiencies including those identified as a result of resources and requirements studies.

(h) *Damage assessment.* Maintain a capability to assess the effects of an attack upon manpower resources, Departmental installations, and State employment security agencies, both at national and field levels, and provide assistance as appropriate to the National Resource Evaluation Center of OCDM and to the OCDM field organization.

(i) *Research.* Within the framework of the overall OCDM research objectives, supervise or conduct research directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to OCDM in planning for research in areas involving the Department's interest.

(j) *Labor-management relations.* Develop, after consultation with the Department of Commerce, the Department of Defense, the National Labor Relations Board, the Federal Mediation and Conciliation Service, the National Mediation Board, and other appropriate agencies and groups, plans and procedures including organization plans for the maintenance of effective labor-management relations during a national emergency.

(k) *Critical occupations.* Develop and maintain the List of Critical Occupations for use, when appropriate, with lists of essential activities as developed by the Department of Commerce. With the Secretary of Defense, the Director of Selective Service System, and such other persons as the Director of OCDM may designate, the Secretary shall develop policies applicable to the induction and deferment of personnel for the armed services, except for civilian personnel in the ready reserves.

(l) *Federal contributions programs.* Make recommendations to OCDM regarding appropriate program aspects of State plans submitted under sections 201(i) and 205 of the Federal Civil Defense Act of 1950, as amended.

Sec. 3. Interagency coordination.

Under the general review of OCDM, the Secretary shall assume the initiative in developing joint plans for civilian manpower mobilization programs in consultation with those departments and agencies which normally have legal responsibilities for any segment of such activities. Such departments and agencies include, but are not limited to, the Department of Defense, the Selective Service System, the Department of Health, Education, and Welfare, the Railroad Retirement Board, the Maritime Administration of the Department of Commerce, the National Science Foundation, the Department of State, and the Civil Service Commission.

Sec. 4. Continuity of Department.

The Secretary shall take measures in preparation to insure continuity of the Department in the event of attack or other disaster. He shall establish and promulgate lines of succession to official positions, provide for the safekeeping of essential records, establish control centers and alternate sites for the Department's emergency operations, and provide for the protection and maximum use of personnel, resources, and facilities.

Sec. 5. Department resources.

Consistent with Federal programs, the Secretary shall prepare plans and agreements with States designed to make all Federal resources of the Department not immediately required to carry out its essential missions in an emergency available to the authorities directing survival operations in each community.

Sec. 6. Reports.

The Secretary shall make such reports as may be required by OCDM on the progress of programs specified in this order.

Sec. 7. Cancellations.

This order cancels and supersedes Federal Civil Defense Administration Delegation Number 2 of September 5, 1954, and Defense Mobilization Order I-10 of May 24, 1954.

Dated: January 10, 1961.

LEO A. HOEGH,
*Director.*

[F.R. Doc. 61-590; Filed, Jan. 23, 1961; 8:50 a.m.]

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[Emergency Preparedness Order No. 9]

## EPO 9—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS TO THE POSTMASTER GENERAL

By virtue of the authority vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Executive Order 10773 of July 1, 1958, as amended, and Executive Order 10902 of January 9, 1961, it is hereby ordered as follows:

Section 1. Scope.

The Postmaster General shall, consistent with the National Plan for Civil Defense and Defense Mobilization and

subject to policy direction and central program control by the Office of Civil and Defense Mobilization (hereinafter referred to as OCDM), assist in the development of a national emergency registration system. These plans and programs shall be designed to develop a state of readiness in this area with respect to all conditions of national emergency including an attack upon the United States.

**Sec. 2. Functions.**

The Postmaster General shall:

(a) *Registration system.* Assist in planning a national program and developing technical guidance for States, and directing Post Office activities concerned with (1) registering persons and families, (2) receiving and answering welfare inquiries, and (3) reuniting families in civil defense emergencies.

(b) *Forms.* Procure, transport, store, and distribute safety notification and emergency change of address cards in quantities and to localities jointly determined by the OCDM and the Post Office Department.

(c) *Training.* Conduct training programs for postal employees which will enable them to operate emergency Central Postal Directories and to assist in the operation of a national emergency registration system designed to (1) deliver the mail, and (2) support local welfare activities in reuniting families.

**Sec. 3. Damage assessment.**

Maintain a capability to assess the effects of attack on its postal service and resources, both at national and field levels, and provide assistance, as appropriate, to the National Resource Evaluation Center of OCDM, and OCDM field offices.

**Sec. 4. Continuity of Department.**

The Postmaster General shall take measures in preparation to insure continuity of the Department in the event of attack or other disaster. He shall establish and promulgate lines of succession to official positions, provide for the safekeeping of essential records, establish control centers and alternate sites for the Department's emergency operations, and provide for the protection and maximum use of personnel, resources, and facilities.

**Sec. 5. Department resources.**

Consistent with Federal programs, the Postmaster General shall prepare plans and agreements with States designed to make resources of the Post Office not immediately required to carry out its essential mission in an emergency available to the authorities directing survival operations in each community.

**Sec. 6. Reports.**

The Postmaster General shall make such reports as may be required by OCDM on the progress of programs specified in this order.

Dated: January 10, 1961.

LEO A. HOEGH,
*Director.*

[F.R. Doc. 61-591; Filed, Jan. 23, 1961; 8:50 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Stillwater National Wildlife Refuge, Nevada

The following special regulation is issued.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

NEVADA

STILLWATER NATIONAL WILDLIFE REFUGE

Sport fishing on the Stillwater National Wildlife Refuge, Nevada, is permissible only under the following conditions:

(a) Species permitted to be taken: All species.

(b) Open season: January 20, 1961, through December 31, 1961.

(c) Daily creel limits: As prescribed by current regulations of Nevada Fish and Game Commission.

(d) Methods of fishing:

1. Tackle: As prescribed by State regulations.

2. Boats: Boats with motors up to 10 hp may be used for fishing.

(e) Description of areas open to fishing:

Fishing is permitted in accordance with (a) above on the posted area which comprises approximately 1,700 acres and 7 percent of the total refuge and which is described as follows: Stillwater Point Reservoir.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 20, 1961, through December 31, 1961.

HARRY A. GOODWIN,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 12, 1961.

[F.R. Doc. 61-553; Filed, Jan. 23, 1961; 8:46 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

[Public Land Order 2253]

[Fairbanks 012151]

## ALASKA

### Renaming of the Kuskokwim National Wildlife Range

It is ordered that the name of the Kuskokwim National Wildlife Range be changed to the Clarence Rhode National Wildlife Range.

This wildlife range was established by Secretarial order of December 6, 1960 (25 F.R. 12597, Public Land Order 2213) which contains a detailed description of the area involved.

This order is effective upon signature of this order.

FRED A. SEATON,
*Secretary of the Interior.*

JANUARY 16, 1961.

[F.R. Doc. 61-555; Filed, Jan. 23, 1961; 8:46 a.m.]

# Proposed Rule Making

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

[7 CFR Part 903]

[Docket No. AO-10-A24]

## MILK IN ST. LOUIS, MO., MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et. seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at St. Louis, Missouri, on January 18, 19, 20, 25, and 26, 1960, pursuant to notice thereof issued on December 23, 1959 (24 F.R. 10908).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on July 28, 1960 (25 F.R. 7246; F.R. Doc. 60-7164) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. On the basis of filed exceptions certain changes were made. In view of these changes the Acting Deputy Administrator on November 15, 1960 (25 F.R. 10994; F.R. Doc. 60-10753) filed with the Hearing Clerk a revised recommended decision. Further opportunity was provided for filing written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area;
2. Modification of the scope of regulation;
3. Changing the provisions with respect to classification, transfer, and allocation;
4. Enlargement of the surplus marketing area;
5. Revision of the Class I price and location adjustments;
6. Revision of the Class II price;
7. Location adjustments to handlers and producers;
8. Provision for direct-delivery differentials;
9. Modification of the provisions with respect to unpriced milk;
10. Adoption of a different seasonal incentive plan;
11. Revision of the payments to cooperative associations; and
12. Administrative changes.

Issues numbered 4, 5, 6, and 10 were considered separately in a decision issued by the Assistant Secretary on March 24, 1960 (25 F.R. 2623) and amendments related thereto were made effective as of April 1, 1960. The remaining issues are considered herein.

*Findings and conclusions.* The following findings and conclusions on the specified material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* The marketing area should be expanded to include the city of St. Charles, Missouri.

The marketing area now includes only the city and county of St. Louis on the Missouri side of the river and East St. Louis, Belleville, Scott Field and several adjacent townships on the Illinois side. However the recently promulgated Suburban St. Louis order covers a 19-county area in Illinois. Proposals considered at this hearing would add a 16-county area in Missouri to the St. Louis area.

The inclusion of the city of St. Charles will significantly affect only the St. Charles Dairy Company. This handler operates a plant located in St. Charles and distributes a sufficient proportion of his total supply of milk within the present marketing area to qualify as a pool plant in most months. However, on occasion, due to fluctuations in sales or in receipts, he fails to qualify as a pool plant. This had occurred during two months out of the 14-month period just preceding the hearing. Expansion of the marketing area would substantially increase the proportion of his in-area sales and would virtually eliminate the prospect of his losing pool status. The plant is under St. Louis County Health inspection because of its sales within that county.

No new parties would be affected by the inclusion of St. Charles in the marketing area. All of the Grade A milk distributed in the city is by the St. Charles Dairy and other presently regulated handlers. A small dairy distributes non-Grade A milk in the city, but has no Grade A shippers and would not be affected by the order.

Proposals considered at the hearing would have added to the marketing area the remainder of St. Charles County and 15 additional counties in Missouri. In his recommended and revised recommended decisions the Acting Deputy Administrator concluded that the marketing area should be expanded to include only the city of St. Charles, Missouri. In exceptions to the revised recommended decision interested parties, including cooperative associations and city plant operators, pointed out that conditions in the proposed counties have materially changed since the hearing on which this decision is based. They requested that no decision with respect to the remainder of the proposed expansion be reached until another hearing is called to receive additional evidence on the need of regulation for the proposed area. In view of the changed marketing conditions in the area, it is concluded that no other modification should be made in the St. Louis, Missouri, marketing area at this time and another hearing should be held in the near future to reconsider the expansion.

2. *Scope of regulation.* Changes in the definition of "pool plant" and of several of the other terms which affect the scope of regulation were considered at the hearing. They will be described below under the topics "pool plant", "cooperative association", "bulk tank handler", "diversion to nonpool plants", "dairy farmer for other markets", and "route".

*Pool plant standards.* The country pool plant standards provided herein would:

1. Qualify a country plant as a pool plant for any month in which 50 percent or more of its approved milk was shipped to city plants;

2. Permit supply plants to be qualified as pool plants during the succeeding flush months of March through August if they had shipped 50 percent or more of their approved milk to city plants in each of the months of September through February;

3. Permit systems of supply plants, upon appropriate notice to the market administrator, to qualify as a group by meeting the same total requirements as apply to individual plants; and

4. Eliminate the reserve supply credit.

There are two principal categories of pool plants described under the St. Louis order. The city plants are those at which milk is bottled and distributed on wholesale or retail routes in the marketing area in such proportions as to qualify as pool plants. The second group of pool plants, the country plants, are those which qualify by the assembling and cooling of milk from farmers and the shipment of milk in bulk form to distributing plants. Commonly such shipments are needed most during the fall season when production per producer is lowest. Accordingly, these plants are pooled the following flush months if they meet pool plant requirements during specified fall months. The notice of hearing contained a proposal to change the country plant standards. Because of the close interrelationship between country plants and city plants, the city plant definition was also reviewed at the hearing.

The pool plant standards are objective measures of whether any given supply plant is closely enough associated with the market to require complete regulation and to permit participation in the marketwide pool. Such association with the market should be measured solely by the quantities of milk which are shipped from the country plant to city plants rather than by the additional requirement that such shipments qualify for reserve supply credit. The four proponent cooperatives proposed to eliminate the references in the present order to reserve supply credit and none of the

other parties at the hearing proposed to retain the credit.

The country plant pooling provisions must also be reviewed in the light of changed marketing conditions. In September 1959, 77 percent of the total market supply was collected from producers' farms in bulk tanks. It would be expected that such milk could be transported economically for longer distances than milk collected in ten-gallon cans and that bulk shipments would reduce the supply plant function. However, the country plants continued to grow in terms of the percentage of total production and number of producers through 1958, but were down slightly in each month of 1959 (through September) from the corresponding month of 1958. It is to be expected that further development of bulk tank shipment will cause the country plants to supply only the residual demands of distributing plants and to process or dispose of the daily, weekly, and seasonal reserve supplies of milk. Another marketing development is that city plants have adopted 5- and 6-day operation in place of a former 7-day operation. The result is that their demands on country plant supplies fluctuate more widely. Unless there is sufficient holding capacity to "bank" the supplies which are delivered by producers on days when there are no bottling operations, a larger total supply of milk is needed to satisfy a given quantity of Class I sales.

Therefore the cooperatives who were joint proponents of revision of the order proposed that their supply plants be pooled on the basis of these cooperatives' total identification with the market instead of on the basis of specific performance of each of their country plants. More specifically, they proposed that their supply plants be pooled if certain percentages of the total quantity of member milk were delivered to pool plants other than those operated by the cooperatives. They proposed that a minimum of 75 percent be so delivered in October and November and 50 percent in each of the other months. These receipts of member milk at the other pool plants would include both that milk delivered directly from members' farms to pool plants and that delivered from the association-operated supply plants. It was pointed out that this concept of pooling cooperative association "standby" plants has been adopted in other orders. However, it must be recognized that in most of these other cases the plants operated by the cooperative associations had never functioned as regular suppliers. One alternative is that such facilities could remain as nonpool plants and the milk received there accounted for as producer milk diverted to such plant for the cooperative association. However, by designating them as pool plants, the milk could occasionally be resold to other handlers under this or other orders for supplemental purposes as interhandler transfers and the necessity for diversion is obviated.

In St. Louis, however, at each of the cooperative association supply plants milk has been received regularly from producers and supplied regularly to city plants. Furthermore, virtually the entire available supply from each of them has been shipped to city plants in the fall months. It is concluded that country supply plants should continue to be qualified only on the basis of their performance in shipping milk to city distributing plants.

A principal objective of the cooperatives' proposal was to allow more economical use of available milk. The associations pointed to the obvious economies which could be achieved if all the milk from some of the supply plants could be shipped to market to meet bottling needs while the reserve milk was concentrated at other plants for processing into manufactured dairy products. This objective can be accomplished by allowing any group of supply plants to be pooled on the basis of total shipments of the group or system of plants. Qualifying supply plants on a group or system basis will not change the quantity of milk or number of plants which can be qualified for the pool. Under the present order, any handler or group of handlers can restrict the shipments from one plant to the minimum needed in order to qualify a second supply plant.

This principle of combining plants for maintaining pool qualification should be extended to cover all plants for which a handler is responsible for the marketing of milk. The marketing arrangements should be attested to in the form of a joint certification to the market administrator. The order should provide that the joint certification to the market administrator list the plants to be included in the system and the period that they should be so considered. Each system is responsible for meeting the overall qualification. If the system Each system is responsible for meeting the overall qualification. If the system as a whole cannot remain qualified, the market administrator must be notified if it is desired that one or more of the component plants be deleted from the system.

It was pointed out in exceptions received to the original recommended decision issued on this matter that the system method of qualifying country plants for pool status could provide a means whereby milk to be used primarily for manufacturing purposes could be carried in the St. Louis pool thereby dissipating returns to those producers primarily engaged in supplying milk for fluid consumption in the St. Louis marketing area. While the system method of qualifying country plants will provide for economical handling of reserve supplies of milk, it should not be used as a means of encouraging handlers to add milk to the pool which will be used for manufacturing purposes. To obviate this possible situation the order should provide that any country plant which is to be pooled within a system must be pooled on an individual basis for at least 12 months preceding its participation in the pool as part of a system. Months during which a country plant qualifies as a pool plant because of shipments during the preceding months of September through February, as noted below, would be included as months during which the plant qualified on an individual basis.

In addition, the standards which relate to pooling city (distributing) plants should be modified. In the original recommended decision pooling standards were based on the relationship of Class I sales to receipts from producers, cooperative associations, and supply plants. To take cognizance of the fact that some St. Louis distributing plants regularly receive approved milk from other sources it would be appropriate to include such receipts in the determination of pool status. Accordingly, city plant pooling standards should be based on the relationship of Class I sales to receipts of approved milk from all sources.

The shipping percentage necessary to qualify country plants for pooling was also considered at the hearing. A country plant, or a system of country plants, should qualify in any month in which 50 percent of approved milk received from dairy farmers is shipped to pool city plants. However, under certain circumstances the percentage of shipments necessary for country plant pool status should be higher. Exceptions to the revised recommended decision emphasized that the revision of the original recommended decision in this respect was inadequate to rectify the uneconomic situation resulting when producer milk is kept at country plants for manufacturing purposes at the same time the city pool plants which are identified with the country plants are receiving other source milk for Class I utilization. It is concluded that this situation may be minimized by basing pool status for such a country plant on the lesser of:

(1) 50 percent of its receipts of approved milk from dairy farmers plus the volume of other source milk received at the city plants which receive milk from the country plant; or

(2) 75 percent of receipts of approved milk from dairy farmers.

Due to the day-to-day variations in the demand for Class I milk because of the uneven daily bottling schedule of distributing plants, it would not be practical to require that all milk received from dairy farmers at a country plant be shipped to city plants. In view of this consideration, it is reasonable to provide that a country plant need ship no more than 75 percent of its receipts to city plants which also receive other source milk in order to qualify for pool status.

If a country plant is a pool plant in each of the six months of September through February it should be qualified in the succeeding March through August period, irrespective of whether the minimum percent of its receipts is shipped during these months.

The original recommended decision provided that a plant which shipped the minimum pooling percentage during each of the months of August through January could be pooled in the following flush production months regardless of shipments. However, in recent years the market has experienced greater need for producer milk in February than it has in August. Accordingly, the months of



September through February should be the shipping months used to determine automatic pool status during flush months.

Under the present order, supply plant operators must ship 75 percent in October and November and 35 percent in three of the four months of August, September, December, January. Further, such shipments must qualify for reserve supply credit. The 75 percent requirement was suspended for the months of November 1959 and October 1960, on request of the major suppliers in the market. Total market supplies were larger in proportion to Class I sales than in the same month of the past few years, the bottling plants were receiving more of their milk directly from farms equipped with bulk tanks, and the demand for country plant milk was below the specified 75 percent level. The trend towards bulk tank handling of milk on farms is likely to continue, and 50 percent represents an appropriate maximum percentage.

*Cooperative association.* A section defining a cooperative association should be included in the order. This will facilitate subsequent order references to qualified associations and will apply to all functions of a cooperative association under the order. The definition should limit qualification to those cooperative marketing associations of producers which are qualified under the Capper-Volstead Act and which is engaged in making collective sales or marketing milk for its members.

*Bulk tank handler.* It was proposed that a cooperative association be permitted, under certain conditions, to be the handler on bulk tank milk which is moved from the farm to pool plants which are not operated by the association.

Designation of a cooperative association as the handler of bulk tank milk will assist the associations in the efficient distribution of the available milk supply according to the needs of the various pool distribution plants. In some instances, the same tank truck load of milk may be split between two or more pool plants; and in other instances, two or more pool plants may receive the entire tank truck load on different days during the same month.

In the case of member farmers who market their milk in bulk tanks, weight readings and butterfat samples will be taken at the farm by persons responsible to a cooperative association and it therefore follows that the cooperative association will be held responsible to the pool for the receipt of such milk. In the case of dairy farmers who market their milk in cans, weight readings and butterfat tests are taken at the receiving plant where individual cans of milk of the same dairy farmer are dumped and commingled and, accordingly, the pool plant is held responsible for the milk receipt.

It is necessary that the market administrator be able to establish the responsibility for milk received and, therefore, the cooperative association which intends to be the handler for bulk tank milk is required to so notify the market administrator. Otherwise, the handler at whose pool plant the milk is received must be held accountable for it and responsible for payments to producers. It follows that the association also will notify the operator of the pool plant that it intends to be the handler for the milk.

When a cooperative association is the handler for bulk tank milk delivered to the pool plant of another handler, the transaction constitutes an interhandler transfer. In order to avoid misunderstanding concerning the classification of such transactions, the order should provide for pro rata classification at the pool plant of bulk tank milk of which the association is a handler. Such classification would be automatically subject to audit adjustment. This method will also expedite the association's report of receipts and utilization. The pool plant handler would be required to pay the association the class prices for milk received and classified in this manner. The association, in turn, would be required to settle with the pool through the producer-settlement fund and to settle with the market administrator for the administrative expense assessment on the milk.

*Diversion to nonpool plants.* The diversion provision should not be amended except to clarify that the 16-day limit applies to production days and that milk diverted to a pool plant under another order loses status as St. Louis producer milk only if it specifically so qualifies under the other order.

The present order provides that either proprietary handlers or cooperative associations may divert milk to a nonpool plant any time during the flush months of March through July and further provides that only cooperative associations may divert milk to nonpool plants on not more than 16 days during any month from August through February.

Some proprietary handlers questioned whether the provision for limited diversion by cooperatives in the months of August through February should not be extended to all handlers. They gave no specific testimony in this regard, however. There was no evidence of record that the present diversion provisions have either been so strict as to contribute to inefficient movements of milk or so lax as to encourage unnecessarily large supplies of milk to become associated with the market. It is concluded, therefore, that no substantive changes should be made in the present diversion provision.

The wording of the present diversion provision should be changed so that it will be limited to not more than 16 days production of a producer diverted to a nonpool plant in the short months. This clarifying change is desirable, because of the increased number of bulk tank shippers whose milk is delivered every other day.

There was some confusion about the status under the St. Louis order of milk diverted to a nonpool plant at which such milk would qualify as producer milk under another Federal order. Proposed amendatory language in both paragraphs (a) and (b) of § 903.7 specified that such milk would be producer milk at the plant of physical receipt rather than under the St. Louis order. However, this objective is met by the recommended definition of "producer".

*Dairy farmer for other markets.* A definition of "dairy farmer for other markets" should be included in the order as a means of distinguishing between persons producing milk primarily for this market and those engaged in supplying fluid milk plants operated by a handler or his affiliate which are not pool plants under the order.

The definition would apply to any dairy farmer whose milk is used primarily to supply another market during those months when the St. Louis market is most in need of milk and is then moved to the St. Louis market during the following flush production months when it is no longer needed for Class I purposes on the other market. The milk of such farmers could only be used for manufacturing purposes during these flush months, thus contributing to a lower uniform price for those producers who have assumed the responsibility of regularly supplying the market. This circumstance would tend to place on St. Louis producers the unwarranted burden of carrying the surplus of other Class I markets without a compensating participation in Class I sales.

A "dairy farmer for other markets" would be excluded from "producer" status and milk received at pool plants from such farmers would be other source milk.

*Route.* The term "route" is used in the definition of pool plant to cover a number of types of distributing operations in which handlers may engage in the proposed marketing area. "Route" should be defined as a sale or delivery (including a sale from a plant or a store) of Class I milk to a wholesale or retail stop(s). Such definition would include as route distribution a sale to or through a vendor.

3. *Classification, transfer, and allocation.* Proposals to amend these interrelated provisions of the order involve (1) the accounting for inventories, (2) classification of various products containing sour cream, (3) accounting for the skim milk equivalent of added solids, (4) a revised classification procedure for milk transferred or diverted to nonpool plants, and (5) the provisions relating to long distance shipments of cream.

*Inventory accounting.* Handlers have inventories of milk and fluid milk products at the beginning and end of each month which enter into the accounting of receipts and utilization. Manufactured products on hand are not included in the inventory account because the milk used to produce such products will already have been accounted for. Handlers will need to keep records of such manufactured products but such products will not be included in inventories for the purpose of accounting for current receipts.

Closing inventory would be accounted for as Class II milk. Accordingly, it is necessary to provide a proper method of reclassifying in the following month, the milk in beginning inventory which is used for Class I disposition. The method of reclassifying beginning inventory would be in accordance with the general

procedure of giving precedence in Class I assignment to producer milk received during the month. Priority of Class I assignment is then given to receipts of the handler in the previous month from other pool sources which were priced as Class II milk.

It may be necessary to determine to what extent in the previous month other source milk became an inventory item. The amount of beginning inventory assigned to Class I milk but not covered by the reclassification charge would be subject to compensatory payments, provided that such payments would not apply to any milk which has been classified and priced as Class I milk under another Federal order.

*Sour cream and mixtures.* Sour cream is presently classified as Class I when labelled as such. By definition it must contain 18 percent or more butterfat.

Some handlers have avoided Class I by reducing the butterfat content below the 18 percent legal minimum for "cream" and labelling the product as a dressing rather than as "sour cream". However, there is another class of products also on the market. These were referred to at the hearing as "party snack" or "chip and dip" preparations. They contain sour cream or sour cream and milk mixtures but also contain a variety of other ingredients and compete more directly than sour cream with non-dairy food preparations.

The order should be clarified to classify as Class I the low-fat, soured, mixtures of cream and milk or skim milk. These are analogous to the sweet mixtures of cream and milk which are generally known as "half-and-half" and are Class I. However, the cream and milk contained in products mixed with other ingredients should continue to be classified as Class II.

*Accounting for concentrated products.* The present order includes reconstituted skim milk sold for fluid purposes as a Class I use. In plants in which both bottling and manufacturing operations are conducted the Class I use is determined by accounting for all receipts and disposition at the plant in milk equivalent terms. The necessary procedure can be clarified in the order by specifically amending § 903.44, "Computation of skim milk and butterfat in each class", to include the quantity of water originally associated with any concentrated product such as dry milk, condensed milk, and the like.

*Transfers to nonpool plants.* The transfer provisions should be changed so that milk transferred or diverted to nonpool plants would be allocated to any Class I utilization in excess of receipts from Grade A dairy farmers (plus, in the case of transfers to plants defined as pool plants pursuant to the terms of another Federal order, receipts from other handlers which are priced, and pooled under the terms of the same order). The transfer provisions should also be modified to accommodate long distance shipments of cream for manufacturing uses; and to delete the requirement of a written certification of use from the operator of the nonpool plant.

There is frequent occasion to transfer milk from pool plants to nonpool plants. This can be accomplished either as a direct transfer (usually in bulk tank) from one plant to the other or, alternatively, by a diversion for the account of a regulated handler directly from the farms to the nonpool plant. Obviously the particular milk transferred cannot be specifically accounted for at the nonpool plant, so allocation rules are necessary just as they are to accomplish classification within a fully regulated plant. At present, the milk transferred or diverted to a nonpool plant located within the prescribed surplus marketing area is assigned to the lowest available use of an equivalent quantity of milk in the nonpool plant. (The issue of enlargement of the surplus marketing area was considered in the Assistant Secretary's decision of March 24, 1960.)

This procedure of allocating transferred or diverted milk to the lowest equivalent use facilitates the disposal of milk not needed for bottling in the St. Louis market. However, there are opportunities for abuse, involving the bottling of the transferred milk and its sale for fluid use. It is possible that a supply plant can earn a greater margin by selling milk to a nonpool plant at a price somewhat above the Class II price than by shipping the milk to a St. Louis city plant at the Class I price. If the nonpool plant operator has both manufacturing and bottling operations in his plant, he can assign the transferred milk to Class II while physically using it for his bottling operation. If he is short of bottling quality milk, he would be willing to pay substantially more than the Class II price for St. Louis supplies. At the same time, the St. Louis city plant might have to resort to other source milk for its Class I requirements. Obviously, such practice would reduce the quantity and proportion of producer milk used in Class I, reduce the blend price, and at the same time constitute unfair competition to the dairy farmers supplying the nonpool plant and to regulated competitors of such plant and perhaps deprive the St. Louis market of needed supplies from regular sources.

The major deficiencies in the present transfer provisions can be eliminated by classifying as Class I only such quantities of transferred or diverted milk as are left after assigning to the Class I use at the nonpool plant the regular receipts of Grade A milk from local dairy farmers.

Since it is probable that milk will be transferred to plants which are regulated under the terms of another Federal order, the transfer provisions should permit Class I classification for St. Louis milk only after receipts of milk priced and pooled under the terms of the same order regulating the receiving plant.

It was proposed that the allocation of the St. Louis milk apply to all the nonpool plants operated by any handler within the surplus marketing area rather than to the plant or plants at which the St. Louis milk was physically shipped. This should not be allowed. The allocation process is necessary only because the physical use within a plant of each load of milk cannot be determined. However, actual use can at least be isolated by plant, and multiple-plant accounting at the nonpool plants is not an appropriate means of accounting for the use made of the nonpool milk.

The transfer provisions should provide for the pro rata allocation of assignable Class I credit in the event milk was sent to a nonpool plant from more than one St. Louis pool plant. In case milk is also received at the nonpool plant from plants subject to other Federal milk marketing orders having similar requirements with respect to transfers to nonpool plants, pro rata allocation between the markets should also apply. In case milk is transferred from the nonpool plant to a second plant(s), the same rules of classification should apply as at the original nonpool plant.

An administrative problem involving transfers refers to the certificate furnished by the operator of a nonpool plant. At present such certificate must be furnished by the 7th day following the month in which the milk is transferred if Class II utilization is claimed. Since the use of milk at the nonpool plant is subject to verification by audit, it appears that the certification of use by the operator of such plant is of little practical value. On the other hand failure to submit a certification on time results in assignment to Class I use. It is concluded that no certification should be required from the nonpool plant operator.

*Cream shipments.* The present order provides Class I classification for cream and all other fluid milk product shipments to points outside a specified area. This provision recognizes that administrative feasibility requires that some limit be set on the area within which the market administrator should send his staff to verify claimed Class II utilization. However, it was demonstrated at the hearing that it is economically feasible to ship cream beyond the specified area for such non-fluid use as the manufacture of ice cream since cream has a much greater value in proportion to weight than milk. The administrative problem of verifying that the cream delivered to locations outside the specified area is utilized as Class II can be obviated by requiring that for such shipments to be classified as Class II the cream must be clearly for manufacturing purposes only. This can be achieved by specifying that such shipments of cream may be classified as Class II if the cream is not labeled as Grade A and hence may be used only for manufacturing purposes. In order to assure that such claimed Class II shipments of cream beyond the specified area are not labeled Grade A the market administrator should be afforded prior notice of such shipments.

7. *Location adjustments.* No further change should be made in the rates of location adjustments to handlers and producers. The suspension action of March 11, 1960, by the Assistant Secretary (25 F.R. 2198) suspended the location adjustments at plants located within 30 miles of City Hall at St. Louis and the suspension became effective April 1, 1960.



Also, effective April 1, the Class I price was established at the 30–40 mile zone with a 16-cent higher price at plants located within 30 miles and with negative location adjustments by 10-mile zones beyond 40 miles. These changes are incorporated in the accompanying order.

At points located more than 40 miles from city hall where pool plants are presently located the rate structure in the present order appropriately reflects the cost of transporting milk to city zone plants in bulk tank trucks. No change in the location adjustments applicable to such plants was proposed at the hearing and none is provided for herein.

8. *Direct-delivery differential.* The notice of hearing contained a proposal that handlers pay a direct delivery differential of 15 cents per hundredweight on all milk received direct from producers at a pool plant located within 50 miles of City Hall in St. Louis. However, in making the payments to producers, diverted milk as well as that actually received at plants within the 50-mile zone would share in the direct delivery differential and the rate of the direct-delivery payment would be reduced proportionately.

The direct delivery differential was supported mainly on the grounds that country supply plant operators commonly add a handling charge to the class price when they sell milk to bottling plants. It must be recognized, however, that in the St. Louis market, handlers have paid a 25-cent per hundredweight premium to farmers who converted from 10-gallon cans to farm bulk tank equipment. Many of the city plants receive only bulk tank milk either from farmers or from country plants and have disposed of any equipment they may have had for the receipt of milk in 10-gallon cans. The country plant handling charge has been only slightly higher than this bulk tank premium. It has averaged about 30 cents in recent months. The country plant handling charge is obviously greatly influenced by the bulk tank premium since both sources of milk are generally available to the city plant operators. Both the bulk tank premium and the country plant charge are, therefore, subject to negotiation depending on changes in marketing conditions.

In the circumstances, the primary reasons advanced in support of direct delivery differentials do not adequately support inclusion in the order of a specific differential on the Class I price for direct-delivery milk.

9. *Unpriced milk.* The St. Louis order exempts several categories of milk plant operation from complete regulation with respect to pricing and pooling. One source of unpriced milk is that distributed on routes within the defined marketing area from plants which do not qualify as pool plants under this order. They may fail to qualify either because sales from the plants within the St. Louis market are less than the stated percentages of receipts or because they are primarily associated with some other Federal order market. The other major category of unpriced milk is that purchased by operators of St. Louis pool plants from plants which do not qualify as supply pool plants. Such purchases are most commonly made in bulk form, although milk in consumer packages would be similarly classified and priced. Such milk also may come from plants which are totally unregulated or are subject to some other Federal order. In either case, this other source milk is allocated to the lowest class of utilization at the St. Louis pool plant. That portion of the other source milk which is allocated to Class I and comes from an unregulated source is subject to compensatory payments at the rate of the difference between the St. Louis Class I and Class II prices in the months of March through July and at the difference between the Class I and blend prices in the months of August through February. No compensatory payments apply on milk received from other Federal sources.

*Other Federal order sources.* The provisions of the St. Louis order with respect to milk priced as Class I under other Federal milk marketing orders should not be changed.

It was proposed that compensatory payments be levied on such milk at the difference between the respective Class I prices, after allowance for location adjustments, in the case of orders employing marketwide pools and at the difference between the St. Louis Class I and Class II prices if the other order utilized individual-handler pools. The difference in rate of payment was based on the premise that orders involving individual-handler pools commonly permit some unpriced milk to be received at regulated plants during the fall months.

The St. Louis market has required substantial volumes of milk to supplement the local supplies of producer milk. The data of record include the volume sold on routes within the area by nonpool plants as well as the supplemental milk, but the greater part of the volume shown in Table 7 of Exhibit 6 represents supplemental milk and most of it was obtained from plants subject to other Federal orders. In the year 1958, the volume of other source milk was equal to 5.8 percent of the volume of producer receipts and in 1959 to 5.4 percent. Imports were heaviest during the period September 1958 through March 1959, ranging from 8.1 to 11.7 percent in these months. Local supplies were more nearly adequate in the fall of 1959, and the volume of other source milk was lower than in the previous fall-winter season, ranging from 4.1 percent in September 1959 to 7.4 percent in December. The order already provides that supplemental milk classified as Class I at St. Louis pool plants is exempt from the compensatory payment provisions of the order only if the milk was priced as Class I under another Federal order. There was no evidence that any of the milk imported from other Federal order markets had been obtained by St. Louis handlers at less than the Class I price under the order of origin plus transportation costs. It should also be noted that the St. Louis Class I price, as amended effective April 1, 1960, is more directly aligned than previously with prices in those markets from which supplemental supplies have most commonly been obtained. Moreover, the St. Louis order also provides that any plant which becomes identified with the St. Louis market to a greater extent than with another Federal order market becomes subject to this order. In this connection, the standards for a supply pool plant have been clarified herein with respect to defining the receipts and shipments on which the qualifying percentages are based.

These various safeguards which are already provided in the order, together with the changes described and the lack of affirmative evidence regarding possible abuses of the inter-Federal classification and allocation provisions, are the basis for the conclusion that no provisions for inter-Federal compensatory payments should be included in the St. Louis order.

*Unregulated sources.* The proposed change with respect to milk from unregulated sources, whether sold on routes or purchased as supplemental milk, was to assess compensatory payments at the difference between Class I and Class II prices in all months instead of using the present lower rate (difference between Class I and blend) in the 7 months of August through February. This proposal should not be adopted.

The present provisions of the order have adequately protected the integrity of the pricing and pooling arrangement to date. No specific instances were cited to demonstrate that the allocation and compensatory payment provisions had given any purchaser of other source milk a competitive advantage based on his cost of raw product. It is significant in this connection that there was also no proposal for changing the pool plant standards for supply plants or for distributing operations.

With respect to purchases of supplemental milk by pool plant operators, it should be noted that the allocation provisions maintain a substantial incentive for the use of as much local producer milk as is available. It has also been the experience of the market that handlers have sought other Federal sources in preference to unregulated sources of supplemental milk. Apparently, therefore, the more moderate rate of compensatory payment provided during the short production months has not constituted an undue incentive for the purchase of unregulated milk.

In view of these circumstances, it is concluded that there is no need at this time for a change in the provisions with respect to unpriced milk from unregulated plants.

11. *Payments to cooperative associations.* The order already provides, in § 903.80(b), for cooperative associations to collect from handlers the amounts due to their members at the uniform price. This provision should be retained in its present form.

The order should also provide for payments by proprietary handlers, at not less than the applicable class prices, with respect to milk for which a cooperative has acted as the handler. In topic 2 above, it was explained that a cooperative association would be permitted to act as the handler on milk collected from

farms in bulk tank form. With respect to such operations, it was specified that the cooperative association would be the primary handler, would be responsible to the pool and to the producers involved, and should obtain from the purchasing handlers not less than the class prices. A cooperative may also act as the handler on milk received at supply plants operated by the association and should also obtain not less than the class price for such milk.

12. *Administrative provisions.* Proposed amendments which would affect the administrative features of the order include (1) providing for an equivalent price to be determined by the Secretary of Agriculture in case a price quotation specified in the order is not available; (2) charging interest on new classes of overdue accounts; (3) providing additional information to cooperative associations regarding the utilization of milk by handlers in the market; and (4) revising the sections on reports, records and facilities.

*Equivalent price.* If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator should use a price determined by the Secretary of Agriculture to be equivalent to the price which is required. Experience has shown that market quotations provided in the order may not be available or may be discontinued. It is concluded that provision for such contingencies should be made by providing for a determination by the Secretary of Agriculture of a price(s) equivalent to such quotations or prices.

*Interest.* The order now provides in § 903.84 for the assessment of interest on overdue payments to the producer settlement fund. It was proposed that a similar charge be assessed on all payments due under the order to handlers, producers, cooperative associations, or the market administrator.

Interest should be applied to all payments due to or from the market administrator at the rate of one-half of one percent per month or any portion thereof that the account is overdue.

This method of charging interest is closely analogous to the common business practice of allowing a discount on payments made for goods within a specified period, charging the full invoice amount for a subsequent period, and accruing interest thereafter. The date for payments to and from the market administrator for the producer settlement fund and to him for the administrative and marketing service accounts are specified in the order. In consideration of this specific notice to interested parties, the interest charge should begin on the first day after the due date. Thereafter it continues to accrue at the rate of one-half of one percent per month, a reasonable rate to compensate for the cost of borrowing money and in accord with business practice.

Interest charges should not be assessed on payments due individual producers or cooperative associations since these are not routinely subject to supervision by the market administrator.

*Data on utilization.* The order now authorizes the market administrator to report to cooperative associations the percentage of each handler's utilization of member producers' milk in Class I and Class II. The association proposed that this information be refined to disclose more precisely each handler's potential need for local supplies of milk. This would involve such corrections as the deletion of out-of-area bulk sales, corrections for interhandler transfers and a correction for purchases of other source milk.

The present computation provides the cooperative associations with essentially the same information as was obtainable from blend price comparisons under individual-handler pooling. The additional information requested raises serious questions regarding the confidentiality of handler reports. In addition, the proposal was not as specific regarding the receipts and sales to be included in the computations as would be necessary to achieve the purpose sought.

In these circumstances, no further information on this subject should be made available by the market administrator to the cooperative associations.

*Reports, records, and facilities.* Section 903.30 should be supplemented to include month-end inventory, as described in topic number 3 above, and to include a "catch-all" clause to refer to items not specifically listed.

Since it is impossible to foresee all types of information the market administrator may need in order to verify reported receipts and utilization, this latter change is intended to make clear that the market administrator has authority to examine books and records not mentioned specifically in the order.

*Miscellaneous.* The Class I price applicable at plants located in or near the City of St. Louis should be the announced Class I price. As the result of the decision on issues numbered 4, 5, 6, and 10, and the suspension of certain language in the location differential sections of the order, the Class I price applicable at plants located more than 30 but less than 40 miles from St. Louis has been the announced Class I price for recent months. In order to facilitate price comparisons, it would be appropriate to return to announcing as the Class I price the price applicable at plants in or near St. Louis. Such change will make no difference in the Class I price level applicable at any plant regardless of its location.

The decision issued July 28, 1960, recommended that the uniform price be announced on the 11th rather than the 10th day of the month. Conforming changes were made in the dates by which other order functions were to be completed. Exceptions pointed out that any gain in administrative efficiency accomplished by the changes would be more than offset, by disruption to long standing market practices. In view of this, no changes should be made in the dates by which certain order functions must be completed.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered*, That all of this decision, except the attached marketing



agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of October 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the St. Louis, Missouri, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 18th day of January 1960.

CLARENCE L. MILLER,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area*

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



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AUTHORITY: §§ 903.0 to 903.103 issued under Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

### § 903.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act.

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2½ cents per hundredweight or such amount not to exceed 2½ cents per hundredweight as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk, (b) Grade A other source milk (except other source milk which was subject to another order issued pursuant to the Act) which is allocated to Class I, or (c) Class I milk distributed in the marketing area from a nonpool plant.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITION

### § 903.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

### § 903.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

### § 903.3 Department.

"Department" means the United States Department of Agriculture.

### § 903.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 903.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales or marketing milk or its products for its members.

§ 903.6 St. Louis, Missouri, marketing area.

"St. Louis, Missouri, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the cities of St. Louis and St. Charles and the territory within St. Louis County, all in Missouri; and the territory within Scott Military Reservation, and East St. Louis, Centreville, Canteen, and Stites Townships, and the City of Belleville, all in St. Clair County, Illinois.

§ 903.7 Producer.

"Producer" means any person, except a producer-handler or a dairy farmer for other markets, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is:

(a) Delivered from a farm to a pool plant, or

(b) Diverted to a nonpool plant which is not a pool plant under the terms of another order issued pursuant to the Act:

(1) By a cooperative association in its capacity as a handler pursuant to § 903.12(b) any number of days during the months of March through July or for a period not in excess of 16 days' production during each of the months of August through February; or

(2) By a handler who operates a pool plant any number of days during the months of March through July: *Provided*, That milk so diverted pursuant to subparagraphs (1) and (2) of this paragraph shall be deemed to have been received by the diverting handler at the plant from which diverted.

§ 903.8 City plant.

"City plant" means a plant in which milk is processed and packaged and from which milk, skim milk, or cream is disposed of during the month as Class I milk in the marketing area on routes.

§ 903.9 Country plant.

"Country plant" means a plant from which approved milk is supplied during the month to a plant qualified pursuant to § 903.10(a).

§ 903.10 Pool plant.

"Pool plant" means:

(a) A city plant from which not less than 50 percent of the receipts of approved milk in the form of fluid whole milk is distributed during the month as Class I milk on routes, and from which not less than 25 percent of such receipts are distributed as Class I milk during the month in the marketing area on routes: *Provided*, That a plant which qualifies as a pool plant pursuant to this paragraph during any month shall be a pool plant during the following month; or

(b) Subject to subparagraphs (1), (2), and (3) of this paragraph a country plant from which no less than 50 percent of receipts during the month of approved milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 903.12 (c) is shipped to city plants which are pool plants pursuant to paragraph (a) of this section;

(1) If the pooled city plants to which milk is shipped from the country plant have received other source approved whole milk during the month, the applicable pooling shipments for the country plant shall be the lesser of:

(i) Fifty percent of its receipts of approved milk from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 903.12(c) plus the hundredweight of approved other source whole milk received at the city plant prorated to each country plant which ships approved milk to such city plants and which meets the 50 percent shipping requirement; or

(ii) Seventy-five percent of its receipts of approved milk from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 903.12(c);

(2) A country plant which qualifies as a pool plant in each of the months of September through February shall be a pool plant in each of the following months of March through August unless the operator of such plant submits a written request to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following receipt of such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments;

(3) All country plants which have been pool plants during the 12 preceding months and which are operated by one handler or for which one handler is responsible for the movement of milk to city plants under a marketing arrangement certified to the market administrator by the operators of such plants may be considered as a unit for determining pool status upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration should apply. A plant which is a pool plant as part of a system pursuant to this subparagraph may be a nonpool plant whenever the operator of such plant submits a written request to the market administrator that such plant not be a pool plant, such nonpool status to be effective until the plant qualifies as a pool plant on the basis of shipments.

§ 903.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 903.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a city plant or a country plant;

(b) Any cooperative association with respect to milk from producers diverted for its account from a pool plant to a nonpool plant; and

(c) Any cooperative association with respect to the milk of its members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to such cooperative association, if the cooperative association, prior to assuming the function as the handler, furnishes written notice to the market administrator and to the handler to whose plant the milk is delivered, that it will be the handler for the milk. The written notice shall specify the day on which and the period for which the cooperative association shall assume the function of handler. Milk so delivered shall be deemed to have been received by the cooperative association at the pool plant to which it is delivered.

§ 903.13 Producer-handler.

"Producer-handler" means any person who operates a city plant and who processes milk from his own farm production, distributing all or a portion of such milk within the marketing area as Class I milk, but who receives no other source milk or milk from other dairy farmers.

§ 903.14 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant from producers, or from a cooperative association in its capacity as a handler pursuant to § 903.12 (c) or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 903.7.

§ 903.15 Approved milk.

"Approved milk" means any skim milk or butterfat contained in milk, skim milk, or cream which is approved by a duly constituted health authority for distribution as Class I milk.

§ 903.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 903.41(a), except (1) such products approved by a duly constituted health authority for distribution as Class I milk which are received from pool plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 903.41(b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 903.17 Dairy farmer for other markets.

"Dairy farmer for other markets" means any dairy farmer whose milk is received at a pool plant during any of the months of March through August from a farm from which approved milk which was not producer milk was received by the handler, an affiliate of the handler or any person who controls or is controlled by the handler during the preceding months of September through February.



§ 903.18 Route.

"Route" means disposition of Class I products (including disposition through a vendor and sales from a plant or plant store) to a wholesale or retail stop other than to a pool or nonpool plant.

§ 903.19 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 903.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 903.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 903.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds received pursuant to § 903.87, the cost of his bond and of the bonds of his employees, his own compensation and all other expenses (except those incurred under § 903.88) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section and submit such books and records to examination by the Secretary as requested;

(f) Furnish such information and such verified reports as the Secretary may request;

(g) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this part as do not reveal confidential information;

(h) Publicly disclose to handlers and producers, at his discretion, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 903.30 through 903.33 or payments pursuant to §§ 903.80 through 903.87;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk, pursuant to § 903.51(a), and the Class I butterfat differential, pursuant to § 903.53(a), both for the current month; and the minimum price for Class II milk, pursuant to § 903.51(b), and the Class II butterfat differential, pursuant to § 903.53(b), both for the preceding month;

(2) The 10th day after the end of each month, the uniform price, pursuant to § 903.71, and the producer butterfat differential, pursuant to § 903.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

REPORTS, RECORDS, AND FACILITIES

§ 903.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler for each of his pool plants, and each association in its capacity as a handler pursuant to § 903.12 (b) and (c) shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in (1) producer milk, (2) milk in the form of Class I products received from pool plants and (3) other source milk;

(b) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 903.7;

(c) The quantities of skim milk and butterfat contained in inventories of Class I products on hand at the beginning and end of the month; and

(d) The utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (a) and (b) of this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(e) The name and address of each producer from whom milk was not received during the previous month, and the date of which milk was first received from such producer;

(f) The name and address of each producer who discontinues deliveries of milk, and the date on which milk was last received from such producer;

(g) Such other information with respect to receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 903.31 Other reports.

(a) On or before the 7th day after the end of the month, each handler, except a producer-handler, who operates a nonpool plant from which Class I milk is disposed of during the month in the marketing area on routes shall report to the market administrator the quantities of skim milk and butterfat so disposed of, and shall make such other reports with respect to receipts of milk and utilization thereof as are requested by the market administrator.

(b) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 903.32 Reports of milk received from producers.

(a) On or before the 25th day of each month, each handler shall report to the market administrator, on forms approved by the market administrator his producer payroll, which shall show the total pounds of milk received from each producer during the first 15 days of such month;

(b) On or before the 20th day after the end of each month each handler shall report to the market administrator for such month on forms approved by the market administrator, his producer payroll, which shall show for each producer from whom milk was received:

(1) The total pounds and butterfat content of milk received from such producer;

(2) The price and the total amount paid for milk received from such producer, together with the amount and nature of any deduction; and

(3) The amount and nature of payments made pursuant to §§ 903.80 and 903.86.

§ 903.33 Reports to cooperative associations.

Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 903.80 (b) shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(a) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month;

(b) On or before the 7th day of the following month:

(1) The pounds of milk received each day, and the total for the month, to-

gether with the butterfat content of such milk;

(2) The amount or rate and nature of deductions.

**§ 903.34 Reports of transportation rates.**

On or before the 10th day after a request is received from the market administrator, each handler who makes deductions from payments to producers for hauling shall submit a schedule of transportation rates which are charged and paid for such transportation of milk from the farm of the producer to such handler's plant(s). Any changes made in this schedule of transportation rates and the effective dates thereof shall be reported to the market administrator within 10 days.

**§ 903.35 Records and facilities.**

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as the market administrator deems necessary to verify or establish the correct data which are required to be reported pursuant to §§ 903.30 through 903.34 and the payments required to be made pursuant to §§ 903.80 through 903.89.

**§ 903.36 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

**§ 903.40 Basis of classification.**

All skim milk and butterfat which is required to be reported pursuant to § 903.30 shall be classified by the market administrator pursuant to the provisions of §§ 903.41 through 903.47.

**§ 903.41 Classes of utilization.**

Subject to the conditions set forth in §§ 903.42 and 903.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), concentrated milk, fortified milk or skim milk, reconstituted milk or skim milk, cream (sweet or sour) and mixtures of milk, skim milk or cream (except frozen dessert mixes, eggnog, aerated cream, sterilized products in hermetically sealed containers, and cultured sour mixtures to which cheese or another food substance other than a milk product has been added and which contain butterfat equal to not more than 15 percent of the finished product); and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Accounted for and used to produce any product other than those specified as Class I in paragraph (a)(1) of this section:

(2) In inventory of products designated as Class I milk in paragraph (a) of this section on hand at the end of the month:

(3) In actual shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of that received from dairy farmers excluding that which is diverted pursuant to § 903.7; plus

(ii) One and one-half percent of that contained in milk received in bulk tank lots excluding that contained in milk received from dairy farmers; less

(iii) One and one-half percent of that contained in milk disposed of in bulk tank lots to other plants excluding milk diverted pursuant to § 903.7;

*Provided*, That shrinkage of skim milk and butterfat not in excess of the percentages specified herein shall be assigned pro rata pursuant to this subparagraph to skim milk and butterfat, respectively, in approved milk received from producers and from other pool plants and in other source milk.

**§ 903.42 Responsibility of handlers and reclassification of milk.**

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk and butterfat shall be classified in another class.

(b) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler (except a producer-handler) in another class.

**§ 903.43 Transfers.**

Skim milk and butterfat transferred or diverted in bulk form as any product designated in § 903.41(a) from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 903.12 (b) and (c) shall be classified as follows:

(a) As Class I milk if transferred to a pool plant unless:

(1) The transferee and transferor handlers claim Class II utilization in their reports submitted pursuant to § 903.30;

(2) The transferee plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively, after the subtractions pursuant to § 903.45(a) (1), (2), (3), and (4) and the corresponding subtractions pursuant to § 903.45(b):

*Provided*, That if the transferor plant receives other source milk, the classification of the skim milk and butterfat transferred results in the highest valued class utilization to milk of producers; and

(3) The transfer is by a cooperative association in which case the skim milk and butterfat so transferred shall be allocated pro rata to each class in the proportion remaining after the subtraction pursuant to § 903.45(a)(7) and the corresponding step of § 903.45(b).

(b) As Class I milk if moved to the plant of a producer-handler.

(c) As Class I milk (except that contained in cream which is moved to a nonpool plant pursuant to paragraph (e) of this section) if moved to a nonpool plant which is not the plant of a producer-handler unless:

(1) The transferee plant is located within 110 airline miles from the City Hall in St. Louis, Missouri, or in the State of Missouri south of the Missouri River or in Fulton County, Arkansas;

(2) The transferor handler claims classification of such skim milk and butterfat in Class II in his report submitted pursuant to § 903.30;

(3) The operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat received in any form at such plant, which are made available if requested by the market administrator for the purpose of verification;

(d) As Class I milk (except that contained in cream which is moved to a nonpool plant pursuant to paragraph (a) of this section) if moved to a nonpool plant to the extent of the pro rata quantity of skim milk and butterfat pursuant to the following computations if the skim milk and butterfat, respectively, is not classified as Class I milk pursuant to paragraph (c) of this section:

(i) From the total skim milk and butterfat, respectively, disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this part applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who are approved to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant (if the nonpool plant is a pool plant pursuant to the terms of another Federal order also subtract Class I transfers to that plant which are priced and pooled pursuant to the terms of the same Federal order);

(ii) From the remaining amount of skim milk and butterfat, respectively, classified as Class I milk at such nonpool plant subtract any Class I milk received in consumer-type packages from a plant fully regulated by this or another Federal order issued pursuant to the Act;

(iii) Prorate the remaining Class I milk to bulk receipts at the nonpool plant which are allocated to Class I pursuant to this and other Federal milk orders issued pursuant to the Act;

(iv) The quantity of such Class I prorated to receipts from pool plants subject to this part shall be further prorated to such plants in accordance with the quantities claimed to be moved to such nonpool plant as Class II milk; and



(v) If any skim milk or butterfat is disposed of from the first receiving nonpool plant in the form of bulk milk, skim milk, or cream to another nonpool plant(s), the market administrator shall determine in the same manner the classification of such skim milk and butterfat at the nonpool plant where actually used or processed when necessary to support a claim of Class II classification.

(e) As Class II milk if moved in fluid form as cream to a nonpool plant which is not located within the area specified in paragraph (c)(1) of this section; if the following conditions are met:

(1) The transferor-handler establishes that such cream was transferred without Grade A certification;

(2) The shipment was invoiced accordingly; and

(3) The market administrator was given sufficient notice to allow him to verify the conditions of shipment.

**§ 903.44 Computation of skim milk and butterfat in each class.**

For each month, the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler, or in the case of a cooperative association for that milk received pursuant to § 903.12(c) or diverted to a nonpool plant pursuant to § 903.12(b): *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

**§ 903.45 Allocation of skim milk and butterfat classified.**

(a) The pounds of skim milk remaining in each class after making the following computations, with respect to each handler shall be the pounds of skim milk in such class allocated to the producer milk received by each handler.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in approved milk from producers and other pool plants classified as Class II milk pursuant to § 903.41(b)(3);

(2) Subtract from the pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which is not classified and priced as Class I under the terms of another order issued pursuant to the Act (with that which is subject to another order but not classified and priced as Class I subtracted last);

(3) Subtract from the pounds of skim milk remaining in Class II milk an amount equal to the lesser of such remainder or the product obtained by multiplying by 0.05 the pounds of skim milk contained in receipts of producer milk and receipts from plants qualified pursuant to § 903.10(k) which were producer milk;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which is classified and priced as Class I under the terms of another order issued pursuant to the Act;

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (3) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of products designated as Class I in § 903.41(a) on hand at the beginning of the month;

(7) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) Subtract the pounds of skim milk in items designated in Class I milk pursuant to § 903.41(a) received from other pool plants and from cooperative associations which are the handlers for the milk pursuant to § 903.12(a) from the pounds of skim milk in the respective classes in which such skim milk is classified pursuant to § 903.43(a); and

(9) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining, in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk.

**§ 903.46 Determination of producer milk in each class.**

For each class, add the pounds of skim milk and the pounds of butterfat allocated to producer milk, pursuant to § 903.45, and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

**§ 903.50 Basic formula price.**

The basic formula price for each month to be used in determining the price set forth in § 903.51(b) shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest cent.

(a) Determine the average of the basic, or field, prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or the Department of Agriculture:

CONCERNS AND LOCATIONS

Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Ava, Mo.
Carnation Co., Seymour, Mo.
Carnation Co., Sparta, Mich.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Litchfield Creamery Co., Litchfield, Ill.
Pet Milk Co., Greenville, Ill.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight obtained by adding any plus amounts obtained pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 3.5, add 20 percent thereof:

(2) From the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, subtract 5½ cents and multiply by 7.0.

**§ 903.51 Class prices.**

Subject to the provisions of §§ 903.52 and 903.53, the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The Class I price shall be equal to the price for Class I milk established for the same month under Federal Order No. 41 regulating the handling of milk in the Chicago, Illinois, marketing area, plus 50 cents, and plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph:

(1) If the utilization percentage calculated pursuant to subparagraph (2) of this paragraph exceeds 130 subtract, or if it is less than 130 add, an amount calculated by multiplying the difference between such percentage and 130 by 2 cents;

(2) For each month calculate a utilization percentage by dividing the net pounds of Class I milk disposed of from all pool plants plus the Class I milk disposed of in the marketing area from nonpool plants, all for the 12-month period ending with the beginning of the preceding month, into the total pounds of producer milk during such 12-month period; multiplying by 100; adding or subtracting, respectively, any amount by which such result is greater or less than a comparable 12 month utilization percentage as computed for the third month preceding; and rounding the resultant figure to the nearest whole percent.

(b) *Class II milk price.* For the months of August through February, the Class II milk price shall be the basic formula price. For all other months, the Class II price shall be an amount computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of 93-score bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for 93-score butter, the highest of the prices reported for 92-score butter for that day shall be used in lieu thereof;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray

process nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 81 cents.

**§ 903.52 Location differentials to handlers.**

For producer milk which is received at a pool plant located more than 30 airline miles from the City Hall in St. Louis, Missouri, which is classified as Class I milk, the price specified in § 903.51(a) shall be reduced at the rate set forth in the following schedule:

| | *Rate per hundredweight (cents)* |
|---|---|
| Distance (miles): | |
| More than 30 but not more than 40 miles | 16 |
| For each additional 10 miles or fraction thereof an additional | 1 |

*Provided*, That for the purpose of calculating such location differential with respect to approved milk transferred between pool plants, the Class II approved milk which is producer milk received from pool plants and producers remaining in the transferee plant (except skim milk or butterfat in such plant which was subtracted pursuant to § 903.45(a) (1) and (b)) after deducting therefrom the amount of such milk or an amount equivalent to 0.05 times the producer milk at such plant, whichever is less, shall be assigned to approved milk from other plants in sequence according to the location differential applicable at each plant from which approved milk was received, beginning with the plant having the largest differential, and then to producer milk: *And provided further*, That any approved milk transferred between city plants as Class II milk, which is to be assigned to receipts of approved milk from other plants pursuant to this section, shall be assigned to approved milk received from such other plants by either city plant so as to yield the greatest return to producers.

**§ 903.53 Butterfat differentials to handlers.**

If the average butterfat test of Class I milk or Class II milk, as calculated pursuant to § 903.46, is more or less than 3.5 percent, there shall be added to, or subtracted from as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such average butterfat test is above or below 3.5 percent, a butterfat differential calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.120 and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply the Chicago butter price for the month by 0.115 and round to the nearest one-tenth cent.

**§ 903.54 Use of equivalent prices.**

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

**§ 903.55 Rate of payment on unpriced milk.**

The rate of payment per hundredweight on unpriced Class I milk shall be calculated as follows:

(a) For the months of March through July subtract the Class II price, adjusted by the Class II butterfat differential, from the applicable Class I price, adjusted by the Class I butterfat differential and the Class I location differential at the location of the plant from which such milk is supplied.

(b) For the months of August through February, subtract the uniform price, adjusted by the producer butterfat and location differentials, from the Class I price adjusted by the Class I butterfat differential and the Class I location differentials at the location of the plant from which such milk is supplied.

APPLICATION OF PROVISIONS

**§ 903.60 Producer-handlers.**

Sections 903.40 through 903.47, 903.50 through 903.55, 903.70 through 903.72, and 903.80 through 903.89 shall not apply to a producer-handler.

**§ 903.61 Plants subject to other Federal orders.**

The provisions of this part shall not apply to a plant specified in paragraphs (a) or (b) of this section except as follows: The operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(a) Any city plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualifies as a pool plant pursuant to § 903.10 (a) and the Secretary determines that more Class I milk is disposed of from such plant in the St. Louis marketing area on routes than in the marketing area regulated pursuant to such other order.

(b) Any country plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualifies as a pool plant pursuant to § 903.10 (b) (2).

**§ 903.62 Handlers operating nonpool plants.**

On or before the 15th day after the end of each month, each handler, except a producer-handler, operating a nonpool plant shall pay to the market administrator for deposit into the producer-settlement fund the amount obtained by multiplying the hundredweight of skim milk and butterfat disposed of from such nonpool plant as Class I milk in the marketing area on routes by the rate of payment of unpriced milk pursuant to § 903.55.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

**§ 903.70 Computation of the obligation of each handler.**

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 903.46 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments in location differential allowance required pursuant to § 903.52;

(b) Add an amount computed as follows: Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 903.45 (a)(2) and (b) by the rate of payment on unpriced milk pursuant to § 903.55 adjusted by the location differential applicable at the nearest plant(s) from which an equivalent amount of other source milk was received;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class, pursuant to § 903.45 (a)(9) and (b), by the applicable class price; and

(d) Add the amounts computed under subparagraphs (1) and (2) of this paragraph.

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the month by the pounds of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 903.45(a)(6) and the corresponding step of § 903.45(b) for the preceding month, or the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 903.45(a)(6) and the corresponding step of § 903.45(b) for the month, whichever is less;

(2) Multiply the rate of payment on unpriced milk pursuant to § 903.55 by the pounds of Class I milk subtracted from Class I pursuant to § 903.45(a)(6) and the corresponding step of § 903.45 (b), which are in excess of the sum of (i) the pounds of skim milk and butterfat respectively on which a payment is applicable pursuant to subparagraph (1) of this paragraph, and (ii) the pounds of skim milk and butterfat assigned in the preceding month to Class II pursuant to § 903.45(a)(4) and the corresponding step of § 903.45(b).

**§ 903.71 Computation of the uniform price.**

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers at plants located not more than 30 airline miles from the City Hall in St. Louis, Missouri, as follows:



(a) Combine into one total the values computed pursuant to § 903.70 for all handlers who made the reports prescribed in § 903.30 and who are not in default of payments pursuant to § 903.84;

(b) For each of the months of April, May, June, and July subtract an amount equal to 10 cents per hundredweight on the total amount of producer milk included in these computations, which amount is to be retained in the producer-settlement fund and disbursed according to the provisions of paragraph (c) of this section;

(c) For each of the months of October, November, and December, add one-third of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Add an amount equivalent to the total deductions made pursuant to § 903.82;

(e) Subtract if the weighted average butterfat content of milk received from producers is more than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the producer butterfat differential by the difference between 3.5 and the average butterfat content of producer milk, and multiplying the resulting figure by the total hundredweight of such milk;

(f) Add an amount equivalent to one-half of the unobligated balance in the producer-settlement fund;

(g) Divide the resulting amount by the total hundredweight of producer milk; and

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section.

**§ 903.72 Notification of handlers.**

On or before the 10th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 903.71 and the producer butterfat differential computed to § 903.81; and

(c) The amounts to be paid by such handler pursuant to §§ 903.84, 903.87, and 903.88, and the amount due such handler pursuant to § 903.85.

**§ 903.80 Time and method of payment for producer milk.**

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer for milk received during the month as follows:

(1) On or before the last day of each month to each such producer who did not discontinue shipping milk to such handler before the 25th day of the month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph;

(2) On or before the 17th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments: (i) Less payments made such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 903.88, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized by such producer: *Provided*, That if by such date such handler has not received full payment pursuant to § 903.85 from the market administrator for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following the receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which has so requested any handler in writing, such handler shall make payment to the cooperative association for milk received during the month from the producer members of such association as follows:

(1) On or before the 25th day of the month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received during the first 15 days of the month from producer members who did not discontinue delivering milk to such handler before the 25th day of the month, less proper deductions authorized in writing by such cooperative association to be made from payments due pursuant to this subparagraph;

(2) On or before the 14th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer members during the month, subject to the following adjustments: (i) Less payments made such cooperative association pursuant to subparagraph (1) of this paragraph, (ii) plus or minus adjustments for errors made in previous payments to such cooperative association, and (iii) less proper deductions authorized in writing by such cooperative association: *Provided*, That if by such date such handler has not received full payment pursuant to § 903.85 from the market administrator for such month, he may reduce pro rata his payments to the cooperative association by not more than the amount of such underpayment. Payments to the cooperative association shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(c) On or before the 14th day of the following month, each handler shall pay a cooperative association for milk received by him during the month from such association for which the association is the handler not less than the minimum prices for milk in each class subject to the applicable location and butterfat differentials.

**§ 903.81 Butterfat differential to producers.**

In making payments for milk received from producers pursuant to § 903.80, the uniform price shall be adjusted by adding or subtracting for each one-tenth of 1 percent by which the average butterfat content of such milk is more or less, respectively, than 3.5 percent, an amount equal to the butterfat differential computed pursuant to § 903.53(b).

**§ 903.82 Location differentials to producers.**

In making payments for milk received from producers at a pool plant located more than 30 airline miles from the City Hall in St. Louis, Missouri, the uniform price computed to § 903.71 shall be reduced at the rate set forth in the following schedule:

| | *Rate per hundredweight (cents)* |
|---|---|
| Distance (miles): | |
| More than 30 but not more than 40 miles | 16 |
| For each additional 10 miles or fraction thereof an additional | 1 |

**§ 903.83 Producer-settlement fund.**

The market administrator shall establish and maintain a separate fund to be known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 903.62, 903.84, and 903.86, and out of which he shall make payments due handlers pursuant to §§ 903.71, 903.85, and 903.86.

**§ 903.84 Payments to the producer-settlement fund.**

On or before the 12th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of milk for such handler, pursuant to § 903.70 exceeds the obligations of such handler for milk received from producers, pursuant to § 903.80.

**§ 903.85 Payments out of the producer-settlement fund.**

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount by which the obligation of such handler for milk received from producers, pursuant to § 903.80 exceeds the value of milk for such handler calculated pursuant to § 903.70, less any unpaid balances due the market administrator from such handler pursuant to §§ 903.84, 903.86, 903.87, or 903.88: *Provided*, That if the unobligated balance in the producer-settlement fund is insufficient to make full payment to all handlers entitled to payment pursuant to this paragraph, the market administrator shall reduce such payments at a uniform rate and shall complete such payments as soon as the appropriate funds are available.

**§ 903.86 Adjustment of accounts.**

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses that money is due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall make payments to such handler of any amounts due the handler, or shall notify the handler of any amount due the market administrator or producers or cooperative associations, and such payments shall be made on or before the next date for making payments as set forth in the provisions relating to the payments which were in error.

**§ 903.87 Expense of administration.**

As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of each month for such month 2½ cents, or such lesser amount as the Secretary may prescribe, for each hundredweight of skim milk and butterfat contained in (a) producer milk, (b) Grade A other source milk (except other source milk which was subject to another order issued pursuant to the Act) which is allocated to Class I, or (c) Class I milk distributed in the marketing area from a nonpool plant.

**§ 903.88 Marketing services.**

(a) *Deduction of marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers, pursuant to § 903.80, shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers (excluding such handler's own production) during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from such producers and to provide them with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler, in lieu of the deductions specified in paragraph (a) of this section, shall:

(1) If the cooperative association is not receiving payment for its producer members pursuant to § 903.80(b), make the deductions from the payments made pursuant to § 903.80(a)(2), which are authorized by its producer members, and pay any money so deducted to the cooperative association on or before the 15th day after the end of the month in which the milk was received from producers; or

(2) If the cooperative association is receiving payment for its producer members pursuant to § 903.80(b), make no marketing service deductions.

**§ 903.89 Adjustment of overdue accounts.**

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 903.84, 903.85, 903.87, or 903.88 shall be increased one-half of one percent for each month or portion thereof that such payment is overdue.

EFFECTIVE TIME, SUSPENSION, AND TERMINATION

**§ 903.90 Effective time.**

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 903.91.

**§ 903.91 Suspension and termination.**

Any or all provisions of this part, or any amendment to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

**§ 903.92 Continuing power and duty.**

(a) If, upon the suspension or termination pursuant to § 903.91, there are any obligations rising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

**§ 903.93 Liquidation after suspension or termination.**

Upon the suspension or termination pursuant to § 903.91, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

**§ 903.100 Unfair methods of competition.**

Each handler shall refrain from acts which constitute unfair methods of competition by way of indulging in any practices with respect to the transportation of milk for, and the supplying of goods and services to, producers from whom milk is received, which tend to defeat the purpose and intent of the terms and provisions of this part.

**§ 903.101 Separability of provisions.**

If any provision of this part, or its application to any person or circumstance is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

**§ 903.102 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

**§ 903.103 Termination of obligations.**

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved under such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received in an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

[F.R. Doc. 61-604; Filed, Jan. 23, 1961; 8:51 a.m.]



## [7 CFR Part 999]

[Docket No. AO-204-A12]

## MILK IN WORCESTER, MASSACHUSETTS, MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Worcester, Massachusetts, on December 1, 1960 pursuant to notice thereof issued on November 21, 1960 (25 F.R. 11174).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on December 26, 1960 (25 F.R. 14043; F.R. Doc. 60-12204) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Extension of the 46-cent nearby farm location differential area.

2. Need for emergency action in effecting the proposed order changes.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Extension of the 46-cent nearby farm location differential area.* That portion of Connecticut east of the Connecticut River, the State of Rhode Island, and the Massachusetts counties of Bristol and Plymouth should be included in the area to which the 46-cent nearby farm location differential is applicable under the Worcester order.

The present area to which the differential applies consists of six Massachusetts counties and seven towns in New Hampshire and Vermont. Similar nearby differentials are effective under the other New England Federal orders although they are applicable to different (but to some degree overlapping) areas. Areas within which nearby differentials are paid have been adopted in all the New England milk orders (the Boston order differential has been in effect for more than 20 years) in recognition of the patterns of supply and price in the respective markets which had been customary before regulation.

The marketing area of the Worcester order was extended to 17 additional towns on September 1, 1960 and the pool plant provisions under the New England orders were changed to provide that a plant distributing in two or more Federally-regulated markets should be pooled in the market where the greatest proportion of sales from such plant are made. At least three handlers receiving milk from dairy farms located in Connecticut became regulated pool handlers under the Worcester order as a result of the amendments. Although the dairy farmers delivering to the three handlers have farms located in an area of both the Southeastern New England and Connecticut milksheds where a 46-cent nearby differential has been paid, they are not eligible to receive the similar differential provided under the Worcester order for which other nearby producers are eligible.

Eastern Connecticut is relatively rural in nature and serves as a natural production area for the southern portion of the Worcester marketing area comprised of the towns of Southbridge, Dudley, Webster and the surrounding territory. Producers and handlers have had longstanding arrangements for the disposition of milk produced in this portion of the Worcester market supply area which are now threatened to be disrupted unless the nearby area is extended. While the affected producers could in most cases deliver their milk to pool plants under a Connecticut or Southeastern New England order and continue to receive a nearby differential, this could result in uneconomic and inefficient transportation and handling of milk.

One Worcester handler proposed that the Connecticut towns of Thompson, Union and Woodstock be added to the nearby area since this area represents his source of supply in Connecticut. Another handler with a multiple plant operation has producers with farms widely dispersed throughout that part of Connecticut east of the Connecticut River. At the expense of efficient transportation and handling, this handler shifted aproximately 400 cans (about 35,000 pounds) per day of Connecticut-produced milk which formerly was received directly at his Dudley, Massachusetts, plant to a receiving plant at Putnam, Connecticut, regulated under another Federal order, in order that the producers involved could continue to receive a nearby differential of 46 cents per hundredweight in the manner of other milk producers with farms similarly located. To provide the producers of such milk a similar return for deliveries to the Dudley plant, the handler's alternative would have been the payment by him of such differential amount as an addition to the minimum uniform price payable at the latter plant. The milk so shifted continued, however, to be processed at Dudley after being first received at the Putnam location. Such handler testified that he has been planning to close his Putnam plant in the near future and to transfer the operations at that plant to his Dudley plant now regulated under the Worcester order, but that this plan is being inhibited by the present nearby differential situation.

Retention of the milk as part of the Worcester market supply of these handlers would require them competitively to pay the equivalent of the nearby differential as an additional payment above the uniform price; thus placing them at a cost disadvantage with other Worcester handlers purchasing nearby milk.

Worcester handlers are at a disadvantage also in buying milk from farms located in Connecticut, in competition with Connecticut and Southeastern New England handlers. Extension of the nearby differential area would mitigate price differences existing among neighboring farms in Massachusetts and Connecticut from which milk is delivered to the same plant. Worcester handlers thus would be enabled to compete in the purchase of milk on reasonable terms with regulated handlers in adjacent markets. For competitive reasons and efficient marketing of milk, it is desirable that producers who could receive the nearby differential under adjacent markets be afforded similar opportunity under the Worcester order.

A cooperative association of producers operates a pool plant in the Worcester area and a pool plant in the Southeastern New England area. These plants serve as balancing and surplus disposal plants for the respective markets. During excess supply periods they provide an outlet for producer milk which for various reasons cannot be received at other pool plants. Projected construction of an expressway may force relocation of the Worcester plant. The producer association also is considering a program to combine the operations of both the Worcester and Southeastern New England plants in a new plant which could effectively serve both markets.

Need exists for better coordination of the nearby differential area under this order with similar areas under the Southeastern New England and Connecticut orders, where the milksheds overlap substantially that of the Worcester market. While the nearby

differential areas of the Southeastern New England and Connecticut markets extend well into the nearby area of the Worcester milkshed, the reverse is not true at this time, i.e., the Worcester differential area does not extend as far into the nearby milkshed areas of the other two markets. The present pattern of differential areas does not permit the Worcester market equal competitive opportunity to secure milk which might well gravitate to that market as the natural market outlet. Expansion of the nearby differential area as proposed will mitigate this condition and thus assist in implementing in the Worcester market the amendments (affecting all New England orders) made effective September 1, 1960, which were designed to make possible ready shifts of milk among markets as market circumstances and the allocation of supplies require. It would not be reasonable to delay expansion of the Worcester differential area to the communities specified herein if the result would be to inhibit the potential shifting of plants or producers to effect efficient handling and to gain the best available outlets.

There is no indication that extension of the Worcester nearby differential to Eastern Connecticut, Rhode Island, and the counties of Bristol and Plymouth, Massachusetts will qualify immediately any substantial quantity of additional milk for differential payments in the Worcester market. The only plant (referred to above) with any substantial number of producers who would receive the nearby differential which is likely to be added to the Worcester market in the near future is essentially a fluid milk operation. If added, it would bring Class I sales to the Worcester pool, thus minimizing any possible reduction in the uniform price as the result of a wider application of such differentials.

Such extension will recognize the technological advances in the transportation and handling of milk which makes possible plant combinations and improved allocation of supplies among markets with overlapping milksheds. Such plant combinations also tend to make possible more efficient handling of the available supplies of nearby milk.

A representative of certain nearby producers testified that any substantial increase in the Worcester order nearby differential area should be made only on the basis of joint consideration of all such differential areas under the various New England orders. It was pointed out that the Boston order differential areas (23 cents and 46 cents differentials), for example, are determined as areas within certain concentric circles measured from Boston while the Worcester differential area is defined in terms of towns.

In this connection the major consideration is the price relationships resulting under the respective orders in the competing areas of supply rather than the particular method by which such differential areas are defined. As pointed out above, the Worcester market does not at this time enjoy equal opportunity with the other markets to secure milk which on similar price terms might be expected to associate with that market.

For these reasons the differential area should be revised as provided in this decision.

2. *Need for emergency action effecting the proposed order changes.* The changes hereinafter set forth were supported by the major cooperative association representing producers serving the market and by all handlers appearing at the hearing. Proponents requested emergency action.

However, the Deputy Administrator in his recommended decision of December 28, 1960 found that the problems outlined by proponents were significant and deserving of early solution although the maintenance of orderly marketing conditions in the procurement area of the Worcester market was not threatened to an extent which required elimination of the recommended decision and opportunity for exceptions thereto. We concur in this view.

*Rulings on proposed findings and conclusions.* A brief and proposed findings and conclusions were filed on behalf of an interested party. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by such party are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Rulings on exceptions.* Exception was made that proposal number 2 of the hearing notice was too vague as to its intent. Although the proposal did not specify the precise areas to which the 46-cent nearby differential was proposed to be extended, it put all interested parties on notice that the subject of nearby differentials and the extension of the area in which they apply, would be considered and explored at the hearing. In these circumstances, the notice adequately defined and described the scope of the subject to be considered as specifically as was practicable. This exception therefore is overruled. Other exceptions relating to procedure have been reviewed and considered and are hereby overruled as being irrelevant, immaterial and not in accordance with the rules of practice.

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered*, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of October 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Worcester, Massachusetts, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 17th day of January 1960.

CLARENCE L. MILLER,
*Assistant Secretary.*



*Order*[1] *Amending the Order Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area*

§ 999.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling. It is therefore ordered*, That on and after the effective date hereof, the handling of milk in the Worcester, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 999.64(a) of the Worcester order and substitute therefor the following:

(a) With respect to milk delivered by a producer whose farm is located in Bristol, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Plymouth or Worcester Counties in Massachusetts, or in Rhode Island, or east of the Connecticut River in Connecticut or in the towns of Brookline, Greenville, Hinsdale, Hollis, Mason, or New Ipswich in New Hampshire, or Vernon, Vermont, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 999.40 and 999.42 which is effective at the plant to which such milk is delivered in which event there shall be added an amount which will give as a result such price.

[F.R. Doc. 61-560; Filed, Jan. 23, 1961; 8:48 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

## [ 7 CFR Part 1016 ]

[Docket No. AO-299-A2]

## MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

### Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Wisconsin marketing area, which was issued January 9, 1961 (26 F.R. 251), is hereby extended to February 1, 1961.

Dated: January 18, 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61-603; Filed, Jan. 23, 1961; 8:51 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 8 ]

## COLOR ADDITIVES

### Proposed Definitions and Procedural and Interpretative Regulations

The Commissioner of Food and Drugs, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 701, 706, 52 Stat. 1055, 74 Stat. 399; 21 U.S.C. 371, 376) and pursuant to the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) proposes the promulgation of the following regulations with respect to color additives, and hereby offers an opportunity to all interested persons to present their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Comments may be accompanied by a memorandum or brief, and it is requested that all comments be filed in quintuplicate.

**Subpart A—Definitions and Procedural and Interpretative Regulations**


Sec.
8.1 Definitions and interpretations.
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8.37-8.49 [Reserved].
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**Subpart B—General Specifications and General Restrictions for Color Additives for Use in Foods, Drugs, and Cosmetics**


8.101 General restrictions on use of color additives.


**Subpart C—Listing of Color Additives for Food Use Subject to Certification [Reserved]** [1]

**Subpart D—Listing of Color Additives for Food Use Exempt to Certification [Reserved]**

**Subpart E—Listing of Color Additives for Drug Use Subject To Certification [Reserved]**

**Subpart F—Listing of Color Additives for Drug Use Exempt to Certification [Reserved]**

**Subpart G—Listing of Color Additives for Cosmetic Use Subject to Certification [Reserved]**

[1] The provisional listings of color additives in §§ 8.501 et seq., will be effective until the regulations in Subparts C–H, inclusive, shall have been promulgated.

**Subpart H—Listing of Color Additives for Cosmetic Use Exempt From Certification [Reserved]**

AUTHORITY: §§ 8.1 to 8.101 issued under secs. 701, 706, 52 Stat. 1055, as amended; 74 Stat. 399; 21 U.S.C. 371, 376.

## Subpart A—Definitions and Procedural and Interpretative Regulations

### § 8.1 Definitions and interpretations.

(a) "Secretary" means the Secretary of Health, Education, and Welfare.

(b) "Department" means the Department of Health, Education, and Welfare.

(c) "Commissioner" means the Commissioner of Food and Drugs.

(d) "Act" means the Federal Food, Drug, and Cosmetic Act, as amended.

(e) "Color Certification Branch" means the unit established within the Food and Drug Administration located in the Bureau of Biological and Physical Sciences, charged with the responsibility for the development of color methods and the mechanics of the certification procedure hereinafter described, and including the examination of samples of color additives subject to certification.

(f) "Color additives" includes any substance not exempted under section 201(t) of the act, which, when added or applied to a food, drug, or cosmetic or to the human body or any part thereof, is capable (alone or through reaction with other substance) of imparting a color thereto. This includes all diluents. The term also includes substances capable of imparting color to a container for food, drugs, or cosmetics if the customary or reasonably foreseeable handling or use of the container may reasonably be expected to result in the color being transmitted to the contents of the package or any part thereof, whether or not such transfer is intended by the manufacturer of the container, or of the food, drug, or cosmetic. Food ingredients such as cherries, green or red peppers, chocolate, and orange juice which contribute their own natural color when mixed with other foods are not regarded as "color additives", but where a food substance such as beet juice is deliberately used as a color, as in pink lemonade, it is a "color additive." Food ingredients as authorized by a definition and standard of identity prescribed by regulations pursuant to section 401 of the act are "color additives," where the ingredients are specifically designated in the definitions and standards of identity as permitted for use for coloring purposes. An ingredient of an animal feed which by its action through the biological process of the animal is capable of imparting color to the meat, milk, or eggs of the animal, whether or not the ingredient has additional nutritive functions, is a color additive and is not exempt from the requirements of the statute. A substance applied to the human body which results in coloring is a "color additive." For the purposes of this part, the term "color" includes black, white, and intermediate grays, but substances including migrants from packaging materials which do not contribute any color apparent to the naked eye are not "color additives."

(g) For a substance otherwise meeting the definition of "color additive" to be exempt from section 706 of the act, on the basis that it is used (or intended to be used) solely for a purpose or purposes other than coloring, the material must:

(1) If a food additive, have been approved for the intended use; or

(2) Be demonstrated to be safe if being added to a drug or cosmetic; and

(3) Be used in a way that any color imparted is clearly unimportant insofar as the appearance, value, marketability, or consumer acceptability is concerned. (It is not enough to warrant exemption if conditions are such that the primary purpose of the material is other than to impart color.)

(h) The exemption that applies to a pesticide chemical, soil or plant nutrient, or other agricultural chemical, where its coloring effect results solely from its aiding, retarding, or otherwise affecting, directly or indirectly, the growth or other natural physiological processes of produce of the soil, applies only to color developed in such product through natural physiological processes such as enzymatic action. If the pesticide chemical, soil or plant nutrient, or other agricultural chemical itself acts as a color, or carries as an ingredient a color, and because of this property colors the produce of the soil, it is a "color additive" and is not exempt.

(i) "Safe" means that there is convincing evidence that establishes with reasonable certainty that no harm will result from the intended use of the color additive.

(j) The term "straight color" means a color additive listed in Subparts C, D, and E of this part, and includes lakes and such substances as are permitted by the specifications for such color.

(k) The term "mixture" means a color additive made by mixing two or more straight colors, or one or more straight colors and one or more diluents.

(l) The term "lake" means a straight color extended on a substratum by adsorption, coprecipitation, or chemical combination that does not include any combination of ingredients made by simple mixing process.

(m) The term "diluent" means any component of a color additive mixture that is not of itself a color additive and has been intentionally mixed therein.

(n) The term "substratum" means the substance on which the pure color in a lake is extended.

(o) The term "pure color" means the color contained in a color additive, exclusive of any intermediate or other component, or of any diluent or substratum contained therein.

(p) The term "batch" means a homogeneous lot of color additive produced by an identified production operation, which is set apart and held as a unit for the purpose of obtaining certification of such quantity.

(q) The term "batch number" means the number assigned to a batch by the person who requests certification thereof.

(r) The term "lot number" means an identifying number or symbol assigned to a batch by the Food and Drug Administration.

(s) The term "area of the eye" means the area enclosed within the circumference of the supra-orbital ridge and the infra-orbital ridge, including the eyebrow, the skin below the eyebrow, the eyelids and the eyelashes, and conjunctival sac of the eye, the eyeball, and the soft areolar tissue that lies within the perimeter of the infra-orbital ridge.

(t) The term "mixed oxides" means the sum of quantities of aluminum, iron, calcium, and magnesium (in whatever combination they may exist in a color additive) calculated as aluminum trioxide, ferric oxide, calcium oxide, and magnesium oxide.

(u) The term "package" means the immediate container in which a color has been packed for shipment or delivery. If the package is then packed in a shipping carton or other protective container, such container shall not be considered to be the immediate container. In the case of color mixtures for household use containing less than 5 percent pure color, when two or more containers of 1 ounce each or less, each containing a different color, are distributed as a unit, the immediate container for such unit shall be considered to be the package as defined in this section.

(v) The term "hair dye" means an article (bearing or containing a color additive) that is prominently labeled with the name "hair dye," that is intended for use solely as a hair dye, and that alters the color of the hair when applied to the hair under conditions of use prescribed in the labeling. It does not include color shampoos, rinses, tints, and similar dual-purpose cosmetics which alter the color of the hair.

### § 8.2 Related substances.

(a) Different color additives may cause similar or related pharmacological or biological effects, and, in the absence of evidence to the contrary, those that do so will be considered to have additive toxic effects.

(b) Food additives may also cause pharmacological or biological effects similar or related to such effects caused by color additives, and, in the absence of evidence to the contrary, those that do so will be considered as having additive toxic effects.

(c) Pesticide chemicals may also cause pharmacological or biological effects similar or related to such effects caused by color additives, and, in the absence of evidence to the contrary, those that do so will be considered to have additive toxic effects.

(d) In establishing tolerances for color additives, the Commissioner will take into consideration, among other things, the amount of any common component permitted in other color additives, in food additives, and in pesticide chemical residues as well as the similar biological activity (such as cholinesterase inhibition) produced by such substance.



### § 8.3 Color additives in standardized foods.

(a) Where a petition is received for issuance or amendment of a regulation establishing a definition and standard of identity for a food under section 401 of the act, which proposes the inclusion of a color additive in the standardized food, the provisions of the regulations in this part shall apply with respect to the information that must be submitted with respect to the safety of the color additive (if such information has not previously been submitted and safety of the color additive for the intended use has not been already established), and the petition must show also that the use of the color additive in the standardized food would be in conformance with section 401 of the act or with the terms of a temporary permit issued under § 3.12 of this chapter.

(b) If a petition for a definition and standard of identity contains a proposal for a color additive regulation, and the petitioner fails to designate it as such, the Commissioner, upon determining that the petition includes a proposal for a color additive regulation, shall so notify the petitioner and shall thereafter proceed in accordance with the regulations in this part.

(c) A regulation will not be issued allowing the use of a color additive in a food for which a definition and standard of identity is established, unless its issuance is in conformance with section 401 of the act or with the terms of a temporary permit issued under § 3.12 of this chapter. When the contemplated use of such additive complies with the terms of a temporary permit, the color additive regulation will be conditioned on such compliance and will expire with the expiration of the temporary permit.

### § 8.4 Petitions proposing regulations for color additives.

(a) Any interested person may propose the listing of a color additive for use in or on any food, drug, or cosmetic. Such proposal shall be made in a petition in the form prescribed in paragraph (c) of this section. The petition shall be submitted in triplicate. If any part of the material submitted is in a foreign language, it shall be accompanied by an accurate and complete English translation. The petitioner shall state the post-office address in the United States to which published notices or orders issued or objections filed pursuant to section 706 of the act may be sent.

(b) Pertinent information may be incorporated in, and will be considered as part of, a petition on the basis of specific reference to such information submitted to and retained in the files of the Food and Drug Administration. However, any reference to unpublished information furnished by a person other than the applicant will not be considered unless use of such information is authorized in a written statement signed by the person who submitted the information. Any reference to published information offered in support of a color additive petition should be accompanied by reprints or photostatic copies of such references.

(c) Petitions shall include the following data and be submitted in the following form:

_____
(Date)

Name of petitioner _____
Post-office address _____
Name of color additive and proposed use ____

Commissioner of Food and Drugs,
Food and Drug Administration,
Department of Health, Education, and Welfare,
Washington 25, D.C.

Dear Sir:

Petitioner submits this pursuant to section 706(b)(1) of the Federal Food, Drug, and Cosmetic Act requesting listing by the Commissioner of the color additive _____ as suitable and safe for use in or on _____, subject to the conditions that _____.

[Petitioner may propose a listing for general use in food, drugs, or cosmetics or, if such general listing is not believed suitable and safe, the petitioner shall describe the conditions under which he believes the additive can be safely used and for which it will be suitable. These conditions may include tolerance limitations, specifications as to the manner in which the additive may be added or used, and directions and other labeling or packaging safeguards that should be applied. The level of use proposed should not be higher than reasonably required to accomplish the intended color effect.]

Attached hereto in triplicate and constituting a part of this petition are the following:

A. The name and all pertinent information concerning the color additive, including chemical identity and composition of the color additive, its physical, chemical, and biological properties, and specifications prescribing its component(s) and identifying and limiting the reaction byproducts and other impurities.

The petition shall contain a description of the chemical and physical tests relied upon to identify the additive and shall contain a full description of the methods used in, and the facilities and controls used for, the production of the color additive. These shall establish that it is a substance of reproducible composition. Alternative methods and controls and variations in methods and controls, within reasonable limits, that do not affect the characteristics of the substance or the reliability of the controls may be specified.

The petition shall supply a list of all substances used in the synthesis, extraction, or other method of preparation, regardless of whether they undergo chemical change in the process. Each substance should be identified by its common or usual name and its complete chemical name, using structural formulas when necessary for specific identification. If any proprietary preparation is used as a component, the proprietary name should be followed by a complete quantitative statement of composition. Reasonable alternatives for any listed substance may be specified.

If the petitioner does not himself perform all the manufacturing, processing, and packing operations for a color additive, the petition shall identify each person who will perform a part of such operations and designate the part.

The petition shall include stability data, and, if the data indicate that it is needed to insure the identity, strength, quality, or purity of the additive, the expiration period that will be employed as well as any packaging and labeling precautions needed to preserve stability.

B. The amount of the color additive proposed for use and the color effect intended to be achieved, together with all directions, recommendations, and suggestions regarding the proposed use, as well as specimens of the labeling proposed for the color additive. If the additive results or may reasonably be expected to result from its use in packaging material, the petitioner shall show how this may occur and what residues may reasonably be anticipated.

Typewritten or other draft-labeling copy will be accepted for consideration of the petition, provided a statement is made that final printed labeling identical in content to the draft copy will be submitted as soon as available and prior to the marketing of the color additive.

If the color additive is one for which a tolerance limitation is required to assure its safety, the level of use proposed should be no higher than the amount reasonably required to accomplish the intended physical or other technical effect; even though the safety data may support a higher tolerance. If the safety data will not support the use of the amount of the color additive reasonably needed to accomplish the desired color effect, the requested tolerance will not be established. Petitioners are expected to propose the use of color additives in accordance with sound color chemistry.

C–1. A description of practicable methods to determine the pure color and all intermediates, subsidiary colors, and other components of the color additive.

2. A description of practicable methods to determine the amount of the color additive in any raw, processed, and/or finished food, drug, or cosmetic in which use of the color additive is proposed. (The tests proposed shall be those that can be used for food, drug, or cosmetic control purposes and can be applied with consistent results by any properly equipped laboratory and trained personnel.)

3. A description of methods for identification and determination of any substance found in or on such food, drug, or cosmetic because of the use of the color additive. (If it is the petitioner's view that any such method would not be needed, under the terms of the section 706(b)(5)(A)(iv), a statement shall be submitted in lieu of methods as to the basis for such view.)

D. Full reports of investigations made with respect to the safety of the color additive.

(A petition will be regarded as incomplete unless it includes full reports of adequate tests reasonably applicable to show whether or not the color additive will be safe for its intended use. The reports ordinarily should include detailed data derived from appropriate animal and other biological experiments in which the methods used and the results obtained are clearly set forth. The petition shall not omit without explanation any data that would influence the evaluation of the safety of the color additive).

E. Complete data which will allow the Commissioner to consider, among other things, the probable consumption of, and/or other relevant exposure from the additive and of any substance formed in or on food, drugs, or cosmetics because of such additive; and the cumulative effect, if any, of such additive in the diet of man or animals, taking into account the same or any chemically or pharmacologically related substance or substances in the diet, including, but not limited to food additives and pesticide chemicals for which tolerances or exemptions from tolerances have been established.

F. Proposed tolerances and other limitations on the use of the color additive, if tolerances and limitations are required in order to insure its safety. A petitioner may include a proposed regulation.

G. If exemption from batch certification is requested, the reasons why it is believed such certification is not necessary.

H. If submitting a petition to alter an existing regulation issued pursuant to section 706(b) of the act, full information on each proposed change that is to be made in the

original regulation must be submitted. The petition may omit statements made in the original petition concerning which no change is proposed. A supplemental petition must be submitted for any change beyond the variations provided for in the original petition and the regulation issued on the basis of the original petition.

I. The prescribed fee of $------- for admitting the color additive to listing is enclosed (unless there is an advance deposit adequate to cover the fee).

Yours very truly,

---

(Petitioner)

By ---

(Indicate authority)

(d) The petitioner will be notified of the date on which his petition is filed; and an incomplete petition, or one that has not been submitted in triplicate, will be retained but not filed. A petition shall be retained but shall not be filed if any of the data listed in the above form are lacking or are not set forth so as to be readily understood or if the prescribed fee has not been submitted. The petitioner will be notified in what respects his petition is incomplete.

(e) The petition must be signed by the petitioner or by his attorney or agent, who is a resident of the United States, or by an authorized official.

(f) The data specified under the several lettered headings should be submitted on separate sheets or sets of sheets, suitably identified. If such data have already been submitted with an earlier application, the present petition may incorporate it by specific reference to the earlier petition.

**§ 8.5 Notification of filing of petition.**

(a) Except where the petition involves a new drug, the Commissioner, within 15 days after receipt, will notify the petitioner of acceptance or nonacceptance of a petition, and if not accepted the reasons therefor. If accepted, the date of the notification letter sent to petitioner becomes the date of filing for the purposes of section 206(d)(1) of the act. If the petitioner desires, he may supplement a deficient petition after being notified regarding deficiencies. If the supplementary material or explanation of the petition is deemed acceptable, petitioner shall be notified. The date of such notification becomes the date of filing. If the petitioner does not wish to supplement or explain the petition and requests in writing that it be filed as submitted, the petition shall be filed and the petitioner so notified. The date of such notification becomes the date of filing. Where the petition involves a new drug, notification to the petitioner will be made within 30 days.

(b) The Commissioner will cause to be published in the FEDERAL REGISTER within 30 days from the date of filing of such petition a notice of the filing, the name of the petitioner, and a brief description of the proposal in general terms. A copy of the notice will be mailed to the petitioner when the original document is signed.

**§ 8.6 Publication of regulation.**

The Commissioner will forward for publication in the FEDERAL REGISTER, within 90 days after filing of the petition (or within 180 days if the time is extended as provided for in section 706(d)(1) of the act):

(a) A regulation listing in Subpart C, D, E, F, G, or H of this part the color additive on the appropriate list or lists as provided under section 706(b)(1).

(1) Such a regulation may list the color additive for use generally in or on food, drugs, or cosmetics as the case may be, or may prescribe the conditions under which the color additive may be safely used (including, but not limited to, specifications as to the particular food, drug, or cosmetic or classes of food, drugs, or cosmetics in or on which such additive may be used; the maximum quantity that may be used or permitted to remain in or on such food, drug, or cosmetic; the manner in which such additive may be added to or used in or on such food, drug, or cosmetic; and any directions or other labeling or packaging requirements for such additives deemed necessary to assure the safety of such use).

(2) Such regulations shall list the color additive only for the use or uses for which it has been found suitable and for which it may safely be employed. Alternatively, the Commissioner shall by order deny the petition, and notify the petitioner of such order and the reasons therefor.

(b) Whenever the Commissioner finds that batch certification is not necessary for the protection of the public health he will, by order, exempt the color additive from the certification procedure. In determining whether certification of a color additive is necessary, the Commissioner will consider the composition of the additive, its manufacturing process, possible impurities, its toxic potential, control and analytical procedures necessary to assure compliance with the listing specifications, and the variability of its composition.

**§ 8.7 Samples.**

The Commissioner may request samples of the color additive, articles used as components thereof, or of the food, drug, or cosmetic in which the additive is proposed to be used, at any time while a petition is under consideration. The Commissioner shall specify in the request for a sample of the color additive, or articles used as components thereof, or of the food, drug, or cosmetic in or on which the additive is proposed to be used, a quantity deemed adequate to permit tests of analytical methods to determine quantities of the color additive present in products for which it is intended to be used or adequate for any study or investigation reasonably required with respect to the safety of the additive or the physical or technical effect it produces. The data used for computing the 90-day limit for the purposes of section 706(d)(1) of the act shall be moved forward 1 day for each day, after the mailing date of the request, taken by the petitioner to submit the sample. If the information or sample is requested a reasonable time in advance of the 180 days, but is not submitted within such 180 days after filing of the petition, the petition will be considered withdrawn without prejudice.

**§ 8.8 Extension of time for studying petition.**

If the Commissioner determines that additional time is needed to study and investigate the petition, he shall by written notice to the petitioner extend the 90-day period for not more than 180 days after the filing of the petition.

**§ 8.9 Confidentiality of petition.**

Data in a petition regarding any method or process entitled to protection as a trade secret will be held confidential and not revealed, unless it is necessary to do so in the record of an administrative hearing preliminary to possible judicial proceedings under section 706 of the act. Data in the petition will not be revealed to persons other than the petitioner and persons engaged in the enforcement of the act beyond that which is necessary to comply with section 706(d)(1) (notice of the regulation proposed) and 706(b)(1) (order acting on the petition).

**§ 8.10 Deception as a basis for refusing to issue regulations.**

The Commissioner shall refuse to issue a regulation listing a color additive, if in his judgment the data before him show that such proposed use would promote deception of the consumer or would result in misbranding or adulteration within the meaning of the act. Such a finding shall be by order published in the FEDERAL REGISTER subject to the filing of objections and a request for a hearing by adversely affected parties.

**§ 8.11 Allocation of color additives.**

Whenever, in the consideration of a petition or a proposal to list a color additive or to alter an existing listing, the data before the Commissioner fail to show that it would be safe to list the color additive for all the uses proposed or at the levels proposed, the Commissioner will notify the petitioner and other interested persons by publication in the FEDERAL REGISTER that it is necessary to allocate the safe tolerance for the color additive among the competing needs. This notice shall call for the presentation of data by all interested persons on which the allocation can be made in accordance with section 706(b)(3)(A), (B), and (C) of the act. The time for acting upon the petition shall be stayed until such data are presented, whereupon the time limits shall begin to run anew. As promptly as possible after presentation of the data, the Commissioner will, by order, announce the allocation and the tolerance limitations.

**§ 8.12 Advisory committee on the application of the anti-cancer clause.**

(a) Any person who will be adversely affected by any action or proposed action applying the anti-cancer clause, may at any time, before or within 30 days after, the publication of the Commissioner's order taking such action, request the referral of the matter to an advisory committee for a report and recommendations. Such request shall be made in writing to the Commissioner and shall be accompanied by an advance deposit for fees prescribed by § 8.50.

(b) The Commissioner may, at any time, upon his own initiative refer any such matter to an advisory committee for a report and recommendations. In case the Commissioner on his own initiative deems it necessary to refer a proposal to an advisory committee, he shall, in writing, so inform the person filing the petition, if any there be.

**§ 8.13 Appointment of advisory committee.**

(a) Whenever the referral of a petition or proposal to an advisory committee is requested, or the Commissioner otherwise deems such referral necessary, the Commissioner will request the National Academy of Sciences to select qualified experts willing to serve on the advisory committee. All such experts shall have had sufficient training and experience in biology, medicine, physiology, toxicology, pharmacology, veterinary medicine, or other appropriate science to qualify them on the subject matter to be referred to them. The Commissioner will request the National Academy of Sciences, when it furnishes the names of such experts, to supply a biographical sketch showing the background of their experience and their connection, if any, with academic and commercial institutions.

(b) Each advisory committee shall consist of not less than three experts qualified in the subject matter to be referred to the committee and of adequately diversified professional background. The Commissioner may specify a larger number to serve. He shall appoint one member of the committee as chairman, and the chairman shall be the spokesman of the committee for receiving and forwarding reports and other functions of the committee.

(c) The Commissioner shall appoint the experts so selected and fix their compensation at not to exceed $75.00 a day for each day or part thereof spent in committee meetings and in traveling to and from committee meetings held outside the city of their residence, plus necessary traveling and subsistence expenses while the experts are serving away from their places of residence. Subsistence expenses shall not exceed $25.00 per day.

**§ 8.14 Procedure for advisory committee.**

(a) The Commissioner shall submit to the chairman of the committee the petition, if any there be; all pertinent data on which he based the issuance, amendment, or repeal of any regulation in question; and other such relevant, reliable information as is available. When the Commissioner submits a proposal to an advisory committee, he shall inform the petitioner, if any there be, and furnish him with copies of material other than the petition that is furnished the committee. The chairman of the committee shall acknowledge receipt of the information and readiness of the committee to act. The date of receipt of such information shall be considered the beginning of the period allowed for consideration by the committee. Copy of this acknowledgment shall be forwarded to the petitioner, if any there be, by the chairman of the committee.

(b) A secretariat to the advisory committees will be established by the Commissioner. The secretariat shall furnish members of the committee with copies of the proposal or petition and any data received by the chairman. If the chairman of the committee believes that a meeting of the committee is necessary before making a recommendation, he shall so advise the Commissioner. Such meetings shall be held in Washington, D.C., or at such other place as the Commissioner shall furnish a suitable meeting place for the committee. If a meeting is held, the secretariat shall keep the minutes and provide clerical assistance.

(c) As soon as practicable, the advisory committee shall make an independent study of the data, and not later than 60 days after receipt of the proposal or petition (unless the time has been extended as provided in paragraph (d) of this section), the chairman shall certify to the Commissioner the report and recommendations of the committee, including any minority report, together with all underlying data and a statement of the reasons or basis for the recommendations, and shall return the petition or proposal. The report will include copies of all material considered by the committee, except that in the case of scientific literature readily available in scientific libraries proper reference may be made to it instead of furnishing actual copies. A copy of the report of the advisory committee will be supplied to any person who has filed a petition or requested the referral to the advisory committee.

(d) If at any time within 60 days the chairman believes that the advisory committee needs more time, he shall so inform the Commissioner in writing, in which case he shall make the certification contemplated by section 706(b)(5)(C)(ii) of the act within the additional 30 days. The Commissioner shall in turn notify the petitioner.

(e) Within 30 days after receipt of the committee report, the Commissioner shall confirm or modify any order theretofore issued by him or shall issue an order acting on the proposal if no order has been issued.

(f) The chairman of the committee, after consultation with the committee members, will inform the National Academy of Sciences of the committee's opinion as to the member who may best represent the committee at a hearing, if one occurs.

(g) More than one petition or proposal may be handled by a committee concurrently.

(h) A person who has filed a petition or who has requested the referral of a proposal to the advisory committee in accordance with the provisions of this section, as well as representatives of the Department of Health, Education, and Welfare, shall have a right to consult with the committee in connection with the petition or proposal. Such persons shall notify the chairman and if practicable make appointments through him. The report of the committee shall show the names of persons other than committee members discussing proposals or petitions with the committee. Except for discussions with authorized persons the committee shall not disclose data originating with a petitioner prior to publication of a regulation.

**§ 8.15 Condition for certification.**

(a) When the Commissioner cannot conclude from the information before him that there is a basis for exempting a color additive from the requirement of batch certification, he will so order by appropriate listing in Subpart C, E, or G of this part. The Commissioner's order shall state in detail the specifications that shall be met by the color additive.

(b) Each order shall state a period of time, not exceeding 90 days, after which use of a color additive subject to batch certification but not from a batch certified by procedure prescribed in this section would result in adulteration of the product in which it is used.

**§ 8.16 Revocation of exemption from certification.**

If information becomes available to the Commissioner that a color additive that has been granted exemption from certification should not, for the protection of the public health, be so exempted, such exemption will be canceled forthwith by a notice published in the FEDERAL REGISTER.

**§ 8.17 Listing and exemption from certification on the Commissioner's initiative.**

Where a petition for a regulation to list a color additive that has not been received and the Commissioner has available facts which demonstrate that a color additive should be listed and/or that certification procedure is not necessary in order to protect the public health, he may list such color additive by appropriate regulation and listing in Subpart D, F, or H of this part, and he may exempt the color additive from certification.

**§ 8.18 Request for exemption from certification.**

A manufacturer, packer, or distributor of a color additive that has not been exempted from the certification procedure by order of the Commissioner may make formal objections and request an order providing such exemption. Such a request shall be accompanied by full facts on which such a request is based. The request may furnish reasonable grounds for the desired finding including specifically why such certification is not necessary for the protection of the public health.

**§ 8.19 Procedure for filing objections to regulations.**

(a) Objections under sections 706(d) and 203(d)(2)(C) of the act shall be submitted in quintuplicate to the Hearing Clerk of the Department and shall be accompanied by a filing fee as specified in § 8.50. Each objection to a provision of the regulation shall be separately numbered.

(b) A statement of objections shall not be accepted for filing if:

(1) It fails to establish that the objector is adversely affected by the regulation; or

(2) It does not specify with particularity the provisions of the regulation to which objection is taken; or

(3) It does not state reasonable grounds for each objection raised. Grounds which it is reasonable to conclude are capable of being established by reliable evidence at the hearing and which if proved would call for changing the provisions specified in the objections will be deemed reasonable grounds.

(4) The fee is not submitted.

(c) If the statement of objections may not be filed, the Commissioner shall inform the objector of the reasons.

**§ 8.20 Notice of public hearing.**

If the objections and statement filed by any person, when they are considered with the record in the proceeding (including any reply to the objections that the petitioner may have filed), show that the person filing the objections will be adversely affected and that the grounds stated in support of the objections are reasonable, the Commissioner shall cause to be published in the FEDERAL REGISTER a notice reciting the objections and announcing a public hearing to receive evidence on them. The notice shall designate the place where the hearing will be held, specify the time within which appearances must be filed, and specify the time (not earlier than 30 days after the date of the notice) when the hearing will start. The hearing shall convene at the place and time announced in the notice, but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof by the presiding officer at the hearing.

**§ 8.21 Hearing procedure.**

Public hearings will be conducted in accordance with the rules provided therefor in Part 2 of this chapter.

**§ 8.22 Request for certification.**

A request for certification of a batch of color additive shall:

(a) Be addressed to the Color Certification Branch.

(b) Be prepared in the manner set forth in paragraph (1) of this section.

(c) Be submitted in duplicate.

(d) Be signed by a responsible officer of the manufacturer requesting certification of the batch. In the case of a foreign manufacturer, the request for certification must be signed by a responsible officer of such firm, and, by his agent who resides in the United States.

(e) Show the name and post-office address of the actual manufacturer in case such manufacturer is not the person requesting certification of the batch.

(f) Be accompanied by the fee prescribed in § 8.50 unless the manufacturer has established with the Food and Drug Administration an advance deposit to be used for prepayment of such fees. In no case shall the Commissioner consider a request for certification of a batch of color additive if the fee accompanying such request is less than that required by § 8.50 or if such fee exceeds the amount held in the advance deposit account of the manufacturer submitting such request for certification.

(g) Be accompanied by the sample prescribed in § 8.23 consisting of:

(1) Four ounces in the case of straight colors and lakes.

(2) Two ounces in the case of repacks and mixtures.

A sample accompanying a request for certification must be submitted under separate cover and should be addressed to the Color Certification Branch.

(h) The name of a color additive shall be given in the following manner:

(1) The name of straight color additives shall be the name of the color as listed in Subparts C, D, E, F, G, or H of this part.

(2) The name of a lake shall be the name derived in the maner described in Subparts C, D, E, F, G, or H of this part.

(3) The name of a mixture shall be the name given to such mixture by the manufacturer.

(4) The name of a repack shall be the name described in subparagraph (1), (2), or (3) of this paragraph, whichever is applicable.

(i) The form for submission of the application shall be one of the following, depending upon whether the color additive is a straight color, a lake, a repack, or a previously certified color additive, or a mixture of color additives:

(1) *Request for certification of a batch of straight color additive.*

Date _____

Color Certification Branch,
Food and Drug Administration,
Department of Health, Education, and Welfare,
Washington 25, D.C.

In accordance with the regulations promulgated under the Federal Food, Drug, and Cosmetic Act, we hereby make application for the certification of a batch of straight color additive.

Name of color _____
(As listed in Subpart C, E, or G)
Batch number _____
(Manufacturer's number)
Batch weighs _____ pounds
Batch manufactured by _____
_____ at _____
(Name and address of actual manufacturer)
How stored pending certification _____
_____
(State conditions of storage, with kind and size of containers, location, etc.)
Certification requested of this color for use in _____
_____
(State proposed uses)
Required fee, $____ (drawn to the order of Food and Drug Administration).

The accompanying sample was taken after the batch was mixed in accordance with 21 CFR 8.23 and is accurately representative thereof.

(Signed)
By _____
_____
(Title)

(2) *Request for certification of a batch of color additive lake.*

Date _____

Color Certification Branch,
Food and Drug Administration,
Department of Health, Education, and Welfare,
Washington 25, D.C.

In accordance with the regulations promulgated under the Federal Food, Drug, and Cosmetic Act, we hereby make application for the certification of a batch of color additive lake.

Name of color _____
Batch number _____
(Manufacturer's number)
Batch weighs _____ pounds
Name of color used _____
Quantity _____ pounds
Lot number _____
(When certification of the lake for use in foods is requested)
Precipitant used _____
Substratum used _____
Quantity _____ pounds
Batch manufactured by _____
_____ at _____
(Name and address of actual manufacturer)
How stored pending certification _____
_____
(State conditions of storage, with kind and size of containers, location, etc.)
Certification requested of this color for use in _____
_____
(State proposed uses)
Required fee, $____ (drawn to the order of Food and Drug Administration).

The accompanying sample was taken after the batch was mixed in accordance with 21 CFR 8.23 and is accurately representative thereof.

(Signed)
By _____
_____
(Title)

(3) *Request for certification of a repack of a batch of certified color additive.*

Date _____

Color Certification Branch,
Food and Drug Administration,
Department of Health, Education, and Welfare,
Washington 25, D.C.

In accordance with the regulations promulgated under the Federal Food, Drug, and Cosmetic Act, we hereby make application for the certification of a batch of color additive repack.

Name of color _____
(As listed in regulations and as certified; or repacker's name, if a mixture)
Original lot number _____
Certified color content _____
This color obtained from _____
Batch number _____
Batch weighs _____ pounds
How stored pending certification _____
_____
(State conditions of storage, with kind and size of containers, location, etc.)
Certification requested for use in _____
_____
(State proposed uses)
Required fee, $____ (drawn to the order of Food and Drug Administration).

The accompanying sample was taken after the batch was mixed in accordance with 21 CFR 8.23 and is accurately representative thereof.

(Signed)
By _____
_____
(Title)



(4) *Request for certification of a batch of color additive mixture.*

Date _____

Color Certification Branch,
Food and Drug Administration,
Department of Health, Education, and Welfare,
Washington 25, D.C.

In accordance with the regulations promulgated under the Federal Food, Drug, and Cosmetic Act, we hereby make application for the certification of a batch of color additive mixture.

Name of mixture _____
(Manufacturer's trade name)
Batch number _____
(Manufacturer's number)
Weight of batch _____ pounds
Volume of batch _____ gallons
(If liquid)
Batch manufactured by _____
Constituents of the mixture:
1. *Certified color(s)* (List separately each color and each lot number.)

| *Name of color (as certified)* | *Lot number* |
|---|---|
| | |

| *Quantity used (in pounds)* | *Obtained from* |
|---|---|
| | |

2. List of diluents (List separately each diluent.)

| *Name of diluent* | *Quantity (if liquid)* |
|---|---|
| | |

| *Quantity used* | |
|---|---|
| *By weight (if liquid)* | *By volume (if liquid)* |
| | |

Batch mixed as follows _____
(Describe in detail)
How stored pending certification _____
_____
(State conditions of storage, with kind and size of containers, location, etc.)
Certification requested for use in _____
_____
(State proposed uses)
Required fee, $____ (drawn to the order of Food and Drug Administration).

The accompanying sample was taken after the batch was mixed in accordance with 21 CFR 8.23 and is accurately representative thereof.

(Signed)
By _____
_____
(Title)

**§ 8.23 Samples to accompany requests for certification.**

A sample of a batch of color additive which is to accompany a request for certification shall:

(a) Be taken only after such batch has been so thoroughly mixed as to be of uniform composition throughout.

(b) Be closed in a container of such kind as to prevent change in the composition of such sample.

(c) Be labeled to show:

(1) The name of the color.

(2) The manufacturer's batch number.

(3) The quantity of such batch.

(4) The name and post-office address of the persons requesting certification of such batch.

**§ 8.24 Treatment of batch pending certification.**

Immediately after the sample that is to accompany a request for certification of a batch of color additive is taken, the batch shall be:

(a) Stored in containers of such kind as to prevent change in composition.

(b) Held at place of manufacture until certified or until certification thereof is refused.

(c) Marked, by labeling or otherwise, in a manner such that there can be no question as to the identity of the batch and no question that it is not to be used until the requested certificate has been issued.

**§ 8.25 Treatment of batch after certification.**

(a) Immediately upon notification that a batch of color additive has been certified, the manufacturer thereof shall identify such batch, by labeling, with the certified lot number and pure color content.

(b) Maintain storage in such manner as to prevent change in composition until such batch has been packaged and labeled as required by §§ 8.31 and 8.32, except that a manufacturer may use such color additive for the purpose of coloring in a food, drug, or cosmetic, or in a mixture in which that color additive is used as an ingredient.

**§ 8.26 Records of distribution.**

(a) The person to whom a certificate is issued shall keep complete records showing the disposal of all the color additive from the batch covered by such certificate. Upon the request of any officer or employee of the Food and Drug Administration or of any other officer or employee acting on behalf of the Secretary of Health, Education, and Welfare, such person, at all reasonable hours until at least 2 years after disposal of all such color, shall make such records available to any such officer or employee, and shall accord to such officer or employee full opportunity to make inventory of stocks of such color on hand and otherwise to check the correctness of such records.

(b) The records required to be kept by paragraph (a) of this section shall show:

(1) Each quantity used by such person from such batch and the date and kind of such use.

(2) The date and quantity of each shipment or delivery from such batch, and the name and post-office address of the person to whom such shipment or delivery was made.

(c) The records required to be kept by paragraph (a) of this section shall be kept separately from all other records.

**§ 8.27 Certification.**

(a) If the Commissioner determines, after such investigations as he considers to be necessary, that:

(1) A request submitted in accordance with § 8.22 appears to contain no untrue statement of a material fact;

(2) In the case of a straight color, such color conforms to the specifications set forth therefor in Subpart C, E, or G of this part.

(3) In the case of a mixture, the diluent is safe for use; and

(4) The batch covered by such request otherwise appears to comply with the regulations in this part, the Commissioner shall issue to the person who submitted such request a certificate showing the lot number assigned to such batch and that such batch, subject to the terms, conditions, and restrictions prescribed by Subpart C of this part, is a certified batch.

(b) If the Commissioner determines, after such investigation as he considers to be necessary, that a request submitted in accordance with § 8.22, or the batch of color additive covered by such request, does not comply with the requirements prescribed by paragraph (a) of this section for the issuance of a certificate, the Commissioner shall refuse to certify such batch and shall give notice thereof to the person who submitted such request, stating his reasons for refusal.

**§ 8.28 Authority to refuse certification service.**

(a) When it appears to the Commissioner that a person has:

(1) Obtained, or attempted to obtain, a certificate through fraud or misrepresentation of a material fact.

(2) Falsified the records required to be kept by § 8.26; or

(3) Failed to keep such records, or to make them available, or to accord full opportunity to make inventory of stocks on hand or otherwise to check the correctness of such records, as required by § 8.26; or

(4) Refused to permit duly authorized employees of Food and Drug Administration free access to all manufacturing facilities, processes, and formulae involved in the manufacture of color additives and intermediates from which such color additives are derived;

he may immediately suspend certification service to such person and may continue such suspension until adequate corrective action has been taken.

(b) Upon receipt of notice of suispension of service, the person so notified may request a hearing upon the factual basis for the suspension. The procedure at the hearing shall conform as nearly as possible to the procedure described in §§ 130.14–130.26 of this chapter.

**§ 8.29 Limitations of certificates.**

(a) If a certificate is obtained through fraud or misrepresentation of a material fact, such certificate shall not be effective, and a color additive from the batch on which such certificate was issued shall be considered to be from a batch that has not been certified in accordance with the regulations in this part. Whenever, the Commissioner learns that any certificate has been obtained through fraud or material misrepresentation, he shall notify the holder of the certificate that it is of no effect.

(b) If between the time a sample of color additive accompanying a request for certification is taken and the time a certificate covering the batch of such color is received by the person to whom

it is issued, any such color becomes changed in composition, such certificates shall not be effective with respect to such changed color and such changed color shall be considered to be from a batch that has not been certified in accordance with the regulations in this part.

(c) If at any time after a certificate is received by the person to whom it is issued any color additive from the batch covered by such certificate becomes changed in composition, such certificate shall expire with respect to such changed color. After such expiration such color shall be considered to be from a batch that has not been certified in accordance with this part; except that such color shall not be so considered when used for coloring a food, drug, or cosmetic, or for the purpose of certifying a batch of a mixture in which such color was used as an ingredient, if such change resulted solely from such use.

(d) A certificate shall expire with respect to any color additive covered thereby if the package in which such color was closed for shipment or delivery is opened. After such expiration such color shall be considered to be from a batch that has not been certified except that such color shall not be so considered when the package is opened; (1) and such color is used, subject to the restrictions prescribed by paragraphs (f), (g), and (h) of this section, in coloring a food, drug, or cosmetic; (2) for the purpose of certifying a batch made by repacking such color; or (3) for the purpose of certifying a batch of a mixture in which such color is used as an ingredient.

(e) A certificate shall not be effective with respect to a package of color additive and such color shall be considered to be from a batch that has not been certified if such package is shipped or delivered under a label which does not bear all words, statements, and other information required by § 8.32 to appear thereon.

(f) A certificate shall not be effective with respect to a package of color additive, and such color shall be considered to be from a batch that has not been certified if: (1) Such package has not been sealed in accordance with § 8.31; (2) such package has been sealed in accordance with § 8.31 and the seal has been broken, intentionally or accidentally, unless such seal has been broken for the purpose of using color in accordance with § 8.25, or, such package has been opened by a duly authorized representative of the Administration or Department in the performance of his official duties, and he has immediately resealed the package in conformance with § 8.31.

(g) A certificate shall not be effective with respect to a package of color additive and such color shall be considered to be from a batch that has not been certified if such color is used in any manner other than that for which it was certified.

(h) When the listing or the specifications for a color additive are revoked or amended, the final order effecting the revocation or amendment may specify, in addition to its own effective date, a date on which all certificates for existing batches and portions of batches of such a color additive theretofore issued under such revoked or amended regulations shall cease to be effective; and any such lots of the color shall be regarded as uncertified after the date specified unless a new certificate can be and is obtained in conformance with the new regulations. When a certificate thus ceases to be effective for a color additive, any certificates previously issued for a color mixture containing that color shall cease to be effective on the same date. Use of such color or color mixture after such specified date without the new certificate in preparing food, drugs, or cosmetics will result in such food, drugs, or cosmetics being adulterated. When a certified color additive has been used in food, drugs, or cosmetics and the status of the color is thereafter changed by amendment of revocation of its listing or specification regulations, such food, drugs, and cosmetics will not be regarded as adulterated by reason of the use of such color, unless the hazard to health is such that existing stocks of the colored foods, drugs, or cosmetics cannot be safely used, in which cases findings to that effect will be made and regulations appropriate for such special cases will be issued.

### § 8.30 Color additive mixtures that may be certified.

(a) *Color additive mixtures for use in food.* A batch of color additive mixture which contains one or more straight colors listed in Subpart C, E, or G of this part may be certified for use in food, subject to such restrictions as are prescribed in Subparts A and B, if:

(1) Each color additive used as an ingredient in such batch is from a previously certified batch, and such color has not changed in composition in any manner whatsoever since previous certification, except by mixing into such batch of mixture.

(2) Each diluent in such batch of mixture is from the following list:

| | |
|---|---|
| Sodium chloride (salt). | Olive oil. |
| Water. | Peanut oil. |
| Ethanol. | Corn oil. |
| Propylene glycol. | Cottonseed oil. |
| Glycerin. | Hydrogenated vegetable oil. |
| Glucose. | Citric acid. |
| Sucrose. | Tartaric acid. |
| Lactose. | Malic acid. |
| Sorbitol. | Phosphoric acid. |
| Lecithin. | Tricalcium phosphate. |
| Starch. | Karaya gum. |
| Flour. | |
| Coconut oil. | |

(b) *Color additive mixtures for use in coloring shell eggs.* A batch of color additive which contains one or more straight colors listed in Subpart C of this part may be certified for external application to shell eggs, if:

(1) Each color additive used as an ingredient in such batch is from a previously certified batch, and such color has not changed in composition in any manner whatsoever since previous certification, except by mixing into such batch of mixture.

(2) Each diluent contained in such batch of mixture is safe for use on shell eggs.

(c) *Color additive mixtures for use in coloring drugs.* A batch of color additive mixture which contains one or more straight colors listed in Subpart E may be certified for use in drugs, subject to such restrictions as are prescribed in Subparts A and B of this part, if:

(1) Each color additive used as an ingredient in such batch is from a previously certified batch and such color has not changed in composition in any manner whatsoever since previous certification, except by mixing into such batch of mixture.

(2) Each diluent contained in such batch of mixture is safe for use in drugs.

(d) *Color additive mixtures for use in coloring cosmetics.* A batch of color additive mixture which contains one or more straight colors listed in Subpart D may be certified for use in cosmetics, subject to such restrictions as are prescribed in Subparts A and B of this part, if:

(1) Each color additive used as an ingredient in such batch is from a previously certified batch and such color has not changed in composition in any manner whatsoever since previous certification except by mixing into such batch of mixture.

(2) Each diluent contained in such batch of mixture is safe for use in cosmetics.

### § 8.31 Packaging requirements for color additives (other than hair dyes).

Color additives shall be packaged in containers which prevent changes in composition. Packages shall be sealed so that they cannot be opened without breaking the seal. An unavoidable change in moisture content caused by the ordinary and customary exposure that occurs in good storage, packing, and distribution practice is not considered a change in composition.

### § 8.32 Labeling requirements for color additives (other than hair dyes).

(a) *General labeling requirements.* All color additives shall be labeled with sufficient information to assure their safe use and to allow a determination of compliance with any limitations imposed by Subparts A and B of this part. Labels for color additives shall state:

(i) The name of the color additive, as listed in Subpart C, E, or G of this part, if it is a straight color, or the name of each ingredient comprising the color additive, if it is a mixture.

(ii) A statement indicating general limitations for the use of the color additive, such as "for food use only", "for food, drug, and cosmetic use"; "for use in drugs for external application only."

(iii) The amount of each color in terms of weight per unit volume or percent by weight.

(iv) An expiration date if stability data require it.

(b) *Special labeling for color additives with tolerances.* Where tolerances are imposed for a general or specific use of the color additives by Subparts C, D, and G, of this part the label shall in addition provide directions for use of the additive which if followed will preclude the food, drug, or cosmetic to which it is added from containing an amount of the color additive in excess of the tolerance.

(c) *Special labeling for color additives with other limitations.* If use of the color additive is subject to other limitations prescribed in this part, such limitations shall be stated on the label of the color additive by a plain and conspicuous statement. Examples of such limitation statements are: "Do not use in products used in the area of the eye"; "Do not use for coloring drugs for injection."

(d) *Special labeling for color additives not exempt from certification.* Color additives not exempt from the certification procedures shall in addition include in the labeling the lot number assigned by the Color Certification Branch, except that in the case of any mixture for household use which contains not more than 5 percent of pure color and which is in packages containing not more than one ounce there appears on the label, a code number which the manufacturer has identified with the lot number by giving to the Food and Drug Administration written notice that such code number will be used in lieu of the lot number.

### § 8.33 Exemption of color additives for investigational use.

A color additive, or a food, drug, or cosmetic containing such an additive, intended for investigational use by qualified experts, shall be exempt from the requirements of sections 402(c), 501(a), or 601(e) of the act, whichever is applicable, provided that the color additive or the food, drug, or cosmetic containing the additive bears a label which states prominently, "Caution—Contains new color additive—For investigational use only."

### § 8.34 Safety factors to be considered.

In accordance with section 706(b)(5)(A)(iii) of the act, the following safety factor will be applied in determining whether the proposed use of a color additive will be safe: Except where evidence is submitted which justifies use of a different safety factor, a safety factor of 100 to 1 will be used in applying animal experimentation data to man; that is, a color additive for use by man will not be granted a tolerance that will exceed 1/100th of the maximum no-effect level for the most susceptible experimental animals.

### § 8.35 General principles of evaluating the safety of color additives.

(a) In reaching a decision on any petition filed under section 706 of the act, the Commissioner will give full consideration to the specific biological properties of the color additive and the adequacy of the methods employed to demonstrate its safety for the proposed use. When considering color additives for food, for drugs, and for cosmetic uses that involve ingestion, the Commissioner will be guided by the principles and procedures for establishing the safety of food additives provided in current publications of the National Academy of Sciences-National Research Council. A petition will not be denied, however, by reason of the petitioner's having followed precedures other than those outlined in the publications of the National Academy of Sciences-National Research Council if, from available evidence, the Commissioner finds that the procedures used give results as reliable as, or more reliable than, those reasonably to be expected from the use of the outlined procedures. In reaching a decision, the Commissioner will give due weight to all levels and patterns of consumption of the additive specified or reasonably to be anticipated. For the purposes of this section, the principles for evaluating safety of additives set forth in the above-mentioned publications will apply to any substance that may properly be classified as a color additive as defined in section 201(t) of the act.

(b) The safety for external color additives shall be determined by tests for acute oral toxicity, primary irritation, sensitization, subacute dermal toxicity on intact and abraded skin, and carcinogenicity by skin application.

(c) Upon written request describing the proposed use of an additive and the proposed experiments to determine its safety, the Commissioner will advise a person who wishes to establish the safety of a color additive whether he believes the experiments planned will yield data adequate for an evaluation of the safety of the additive.

### § 8.36 Application of the anti-cancer clause of section 706 of the act.

(a) *Color additives that may be ingested.* Whenever the scientific data before the Commissioner (either the reports from the scientific literature or the results of biological testing) suggest the possibility that the color additive or any of its components or impurities has induced cancer when ingested by man or animal, the Commissioner shall determine whether, based on the best judgment of appropriately qualified scientists, cancer has been induced and whether the color additive or any of its components or impurities was the causative substance. If it is his best judgment that the data do not establish these facts, the anti-cancer clause is not applicable; and if the data considered as a whole establish that the color additive will be safe under the conditions that can be specified in the regulation, it may be listed for such use. But if, in the best judgment of the Commissioner, based on information from qualified scientists, cancer has been induced by ingestion, no regulation may issue which permits its use.

(b) *Color additives that will not be ingested.* Whenever the scientific data before the Commissioner suggest the possibility that the color additive or any of its components or impurities has induced cancer in man or animals by routes other than ingestion, the Commissioner shall determine whether, based on the best judgment of appropriately qualified scientists, the test suggesting the possibility of carcinogenesis is appropriate for the evaluation of the color additive for a use which does not involve ingestion, cancer has been induced, and the color additive or any of its components or impurities was the causative substance. If it is his best judgment that the data do not establish these facts, the anti-cancer clause is not applicable to preclude external drug and cosmetic uses, and if the data as a whole establish that the color additive will be safe under conditions which can be specified in the regulations, it may be listed for such use. But, if, in the best judgment of the Commissioner based on information from qualified scientists the test is an appropriate one for the consideration of safety for the proposed external use, and cancer has been induced by the color additive or any of its components or impurities, no regulation may issue which permits its use in external drugs and cosmetics.

### § 8.50 Fees.

(a) Each petition or request for the listing of a color additive shall be accompanied by a deposit of $3,000.00 if the proposal is for listing the color additive for use generally in or on foods, in or on drugs, and in or on cosmetics.

(b) If the petition or request for the listing is for use in or on foods only, the deposit shall be $3,000.00.

(c) If the petition or request for the listing is for use in or on drugs and/or cosmetics only, the deposit shall be $2,600.00.

(d) The provisions of paragraphs (a), (b), and (c) of this section shall be applicable, whether or not the proposal contemplates any tolerances, limitations, or other restrictions placed upon the use of the color additive.

(e) If a petition or request proposing the issuance of a regulation is withdrawn before it is finally accepted for filing, the deposit, less a $600.00 fee for clerical handling and administrative and technical review, shall be returned to the petitioner.

(f) If a petition or a request proposing the issuance of a regulation is withdrawn within 30 days after filing, the deposit, less $1,800, if the petition is covered by paragraph (a) or (b), and less $1,600.00, if the petition is covered by paragraph (c), shall be returned to the petitioner.

(g) When a petition is withdrawn after filing and resubmitted within 6 months, it shall be accompanied by a deposit of $1,800.00 for a petition filed under paragraph (a) or (b), and $1,600.00 for a petition filed under paragraph (c) of this section. If a petition is resubmitted after 6 months, it shall be accompanied by the deposit that would be required if it were being submitted for the first time.

(h) When the resubmission pertains to a petition that had been withdrawn before acceptance for filing, a new advance deposit shall be made in full as prescribed in paragraph (a), (b), or (c) of this section.

(i) After a color has been listed, any request for an amendment or additional tolerance shall be accompanied by a

deposit of $1,800.00 for use in the items specified in paragraphs (a) and (b) of this section, or $1,600.00 for use in items specified in paragraph (c) of this section.

(j) Objections and request for public hearing under section 706(d) or 203(d)(2)(C) of the act shall be accompanied by a filing fee of $250.00.

(k) In the event of a referral of a petition under this section to an advisory committee, all costs related thereto (including personal compensation of committee members, travel materials, and other costs) shall be borne by the person or organization requesting the referral, such costs to be assessed on the basis of actual cost to the Government: *Provided*, That the compensation of such costs shall include personal compensation of advisory committee members at a rate not to exceed $75.00 per member per day.

(l) In the case of requests of referrals to advisory committees, a special advance deposit shall be made in the amount of $2,500.00. Where required, further advance in increments of $2,500.00 each shall be made upon request of the Commissioner of Food and Drugs. All deposits for referrals to advisory committees in excess of actual expenses shall be refunded to the depositor.

(m) All requests for pharmacological or other scientific studies shall be accompanied by an advance deposit of $5,000.00. Further advance deposits shall be made upon request of the Commissioner of Food and Drugs when necessary to prevent arrears in such costs. Any deposits in excess of actual expenses will be refunded to the depositor.

(n) The person who files a petition for judicial review of an order under section 706(d) of the act shall pay the costs of preparing a transcript of the record on which the order is based.

(o) All deposits and fees required by the regulations in this section shall be paid by money order, bank draft, or certified check drawn to the order of the Food and Drug Administration, collectible at par at Washington, D.C. All deposits and fees shall be forwarded to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington 25, D.C., whereupon after making appropriate record thereof they will be transmitted to the Treasurer of the United States for deposit in the special account "Certification, Inspection, and Other Services, Food and Drug Administration."

(p) The Commissioner of Food and Drugs may waive or refund such fees in whole or in part when in his judgment such action will promote the public interest.

(q) Any person who believes that payment of these fees will work a hardship on him may petition the Commissioner of Food and Drugs to waive or refund the fees.

### Subpart B—General Specifications and General Restrictions for Color Additives for Use in Foods, Drugs, and Cosmetics

§ 8.101 General restrictions on use of color additives.

(a) *Color additives for use in the area of the eye.* (1) No listing or certification of a color additive shall, except as provided by subparagraph (2) of this paragraph, be considered to authorize the use of any color additive in any article intended for use in the area of the eye. A color additive used or any such article that is applied to the area of the eye, except as provided by subparagraph (2) of this paragraph, shall be considered to be a color additive not listed under Subparts D and E, even though such color is certified and/or listed for other uses.

(2) Color additives, if listed and certified or exempted from certification for such uses, pursuant to specifications in this part, may be used in the area of the eye for the following purposes:

(i) For absorbable and nonabsorbable ophthalmological suture material.

(ii) Eye shadow.

[Paragraph (b) reserved]

Dated: January 16, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-556; Filed, Jan. 23, 1961; 8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 3 ]

[Docket No. 13860; RM-199]

### TELEVISION BROADCAST STATION, SUPERIOR, NEBR.; TABLE OF ASSIGNMENTS

### Order Extending Time for Filing Reply Comments

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Superior, Nebraska).

The Commission has before it for consideration a petition filed by Bi-States Company, licensee of Stations KHOL-TV, Kearney, Nebraska, and KHPL-TV, Hayes Center, Nebraska, requesting a 30-day extension of time to February 17, 1961, for the filing of reply comments in the above-entitled matter. Petitioner states that the additional time is necessary for careful study and analysis of the extensive comments filed by parties in this proceeding.

It appears that good cause has been shown for the request of extension of time and that public interest would be served by granting the requested extension.

In view of the foregoing, *It is ordered*, This 13th day of January 1961, that the request of Bi-States Company for extension of time is granted and that the time for filing reply comments in this proceeding is extended to February 17, 1961.

Released: January 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-592; Filed, Jan. 23, 1961; 8:51 a.m.]

## INTERSTATE COMMERCE COMMISSION

[ 49 CFR Part 10 ]

[No. 32153]

### UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

### Rearrangement and Revision in General Accounting Instructions and Related Matters

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 21st day of December A.D. 1960.

Having under consideration certain amendments of the Uniform System of Accounts for Railroad Companies pursuant to the provisions of section 20 of the Interstate Commerce Act, as amended (24 Stat. 386, 54 Stat. 917, 49 U.S.C. 20(3)), and the notice of proposed rule making published in the FEDERAL REGISTER, October 28, 1960 (25 F.R. 10358), which provided that said amendments shall become effective January 1, 1961 unless otherwise ordered by the Commission, and good cause appearing;

*It is ordered*, That the changes proposed in the notice of rule making referred to above are hereby deferred until the further order of the Commission; and,

*It is further ordered*, That notice be given the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-573; Filed, Jan. 23, 1961; 8:48 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### National Park Service

### CHRISTIANSTED NATIONAL HISTORIC SITE

### Designation Order Changing Name of Virgin Islands National Historic Site and Superseding Designation Order of March 4, 1952

Whereas, the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas, the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, has declared that the Wharf area and its buildings and the park area known as the D. Hamilton Jackson Park and the Government House and grounds in Christiansted, St. Croix Island, Virgin Islands, are of national historical significance as an excellent example of the old Danish economy and way of life in the Virgin Islands; and

Whereas, the buildings in this area have effectively resisted the impact of time and man and represent a segment of America's cultural heritage in historic sites and buildings; and

Whereas, a Memorandum of Agreement was entered into on February 11, 1952, by and between the United States of America and the municipality of St. Croix, Virgin Islands, providing for the preservation of these historic structures and grounds in Christiansted, St. Croix Island, Virgin Islands, as shown on Map VI-NHS-7000 (on file in the National Park Service, Washington, D.C.), pursuant to authority contained in the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C., secs. 461 et seq.; and

Whereas, the Secretary of the Interior on March 4, 1952, designated these historic structures and grounds in Christiansted, St. Croix Island, Virgin Islands, as the Virgin Islands National Historic Site under authority contained in the said Act of August 21, 1935; and

Whereas, the National Park Service and the Office of Territories, recognizing the need for clarification and interpretation of the aforesaid Memorandum of Agreement of February 11, 1952, have executed a supplemental Memorandum of Agreement concerning the preservation and utilization of these historic properties, which was approved by the Secretary of the Interior on December 24, 1960; and

Whereas, the Memorandum of Agreement approved December 24, 1960, recognizes that confusion might result from the similarity in names of the Virgin Islands National Historic Site and the recently established Virgin Islands National Park and recommends that a new Order of Designation be issued changing the name of the Virgin Islands National Historic Site and superseding the Order of March 4, 1952;

Now, therefore, I, Fred A. Seaton, Secretary of the Interior, by virtue of and pursuant to authority contained in the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C., secs. 461 et. seq.), do hereby designate the historic structures and grounds in Christiansted, St. Croix Island, Virgin Islands, heretofore known as the Virgin Islands National Historic Site, as the Christiansted National Historic Site. The Designation Order of March 4, 1952, is hereby superseded.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the said Act of August 21, 1935.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed at the City of Washington, this 16th day of January 1961.

[SEAL] FRED A. SEATON,
*Secretary of the Interior.*

[F.R. Doc. 61-554; Filed, Jan. 23, 1961; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Stabilization Service

### MARKETING QUOTA REVIEW COMMITTEE PANELS

### Notice of Establishment of Areas of Venue

Pursuant to section 3(a)(1) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002) which requires that the field organization be published in the FEDERAL REGISTER and § 711.12 of the Marketing Quota Review Regulations (25 F.R. 6505) which provides for establishment of areas of venue for marketing quota review committee panels, notice is hereby given of areas of venue established by ASC State Committees effective January 1, 1961, as listed herein. This notice supersedes previous notices respecting areas of venue (24 F.R. 1320, 2409; 25 F.R. 87, 362).

ALABAMA

Counties of:
Area I—Blount, Cherokee, DeKalb, Etowah, Jackson, Marshall.
Area II—Cullman, Limestone, Madison, Morgan.
Area III—Colbert, Franklin, Lauderdale, Lawrence.
Area IV—Fayette, Jefferson, Marion, Lamar, Walker, Winston.
Area V—Calhoun, Chambers, Clay, Cleburne, Coosa, Randolph, St. Clair, Talladega, Tallapoosa.
Area VI—Autauga, Bibb, Chilton, Dallas, Shelby, Tuscaloosa.
Area VII—Greene, Hale, Marengo, Perry, Pickens, Sumter.
Area VIII—Elmore, Lee, Lowndes, Macon, Montgomery, Russell.
Area IX—Bullock, Butler, Covington, Crenshaw, Pike.
Area X—Barbour, Coffee, Dale, Geneva, Henry, Houston.
Area XI—Baldwin, Choctaw, Mobile, Washington.
Area XII—Clarke, Conecuh, Escambia, Monroe, Wilcox.

ALASKA

None.

ARIZONA

Area—Entire State.

ARKANSAS

Counties of:
Area I—Jackson, Lawrence, Poinsett, White.
Area II—Crittenden, Cross, Lee, Lonoke, Monroe, Phillips, Prairie, St. Francis, Woodruff.
Area III—Calhoun, Clark, Columbia, Dallas, Grant, Hempstead, Hot Spring, Lafayette, Miller, Nevada, Ouachita, Union.
Area IV—Benton, Boone, Carroll, Conway, Crawford, Franklin, Johnson, Madison, Newton, Pope, Sebastian, Washington.
Area V—Baxter, Cleburne, Faulkner, Fulton, Independence, Izard, Marion, Pulaski, Searcy, Sharp, Stone, Van Buren.
Area VI—Arkansas, Ashley, Bradley, Chicot, Cleveland, Desha, Drew, Jefferson, Lincoln.
Area VII—Garland, Howard, Little River, Logan, Montgomery, Perry, Pike, Polk, Saline, Scott, Sevier, Yell.
Area VIII—Clay, Craighead, Greene, Mississippi, Randolph.

CALIFORNIA

Counties of:
Area I—Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity.
Area II—Contra Costa, Lake, Marin, Mendocino, Napa, Solano, Sonoma.
Area III—Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Inyo, Mono, Nevada, Placer, Sacramento, Sutter, Yolo, Yuba.
Area IV—Madera, Mariposa, Merced, San Joaquin, Stanislaus, Tuolumne.
Area V—Alameda, Monterey, San Benito, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz.
Area VI—Fresno, Kern, Kings, Tulare.
Area VII—Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Ventura.

COLORADO

Counties of:
Area I—Cheyenne, Kit Carson, Lincoln, Logan, Phillips, Sedgwick, Washington, and Yuma.
Area II—Adams, Arapahoe, Boulder, Douglas, Elbert, Jefferson, Larimer, Morgan, Park, and Weld.
Area III—Baca, Bent, Chaffee, Crowley, Custer, El Paso, Fremont, Huerfano, Kiowa, Las Animas, Otero, Prowers, Pueblo, and Teller.
Area IV—Alamosa, Archuleta, Conejos, Costilla, Dolores, La Plata, Montezuma, Rio Grande, and Saguache.

Area V—Delta, Eagle, Garfield, Grand, Gunnison, Jackson, Mesa, Moffat, Montrose, Ouray, Pitkin, Rio Blanco, Routt, and San Miguel.

CONNECTICUT

Counties of:
Area I—Hartford, Litchfield, Middlesex, Tolland.

DELAWARE

Area—Entire State.

FLORIDA

Counties of:
Area I—Alachua, Baker, Clay, Columbia, Duval, Gilchrist, Hendry, Hillsborough, Lake, Levy, Marion, Nassau, Orange, Palm Beach, Polk, Putnam, Seminole, St. Johns, Sumter, Union, Volusia.
Area II—Bradford, Dixie, Hamilton, Lafayette, Madison, Suwannee, Taylor.
Area III—Calhoun, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Wakulla.
Area IV—Bay, Escambia, Holmes, Okaloosa, Santa Rosa, Walton, Washington.

GEORGIA

Counties of:
Area I—Banks, Bartow, Catoosa, Chattooga, Cherokee, Dade, Dawson, Fannin, Floyd, Forsyth, Franklin, Gilmer, Gordon, Habersham, Hall, Hart, Lumpkin, Murray, Pickens, Rabun, Stephens, Towns, Union, Walker, White, Whitfield.
Area II—Carroll, Clayton, Cobb, Coweta, Crawford, DeKalb, Douglas, Fayette, Fulton, Haralson, Harris, Heard, Henry, Lamar, Meriwether, Muscogee, Paulding, Peach, Pike, Polk, Spalding, Talbot, Taylor, Troup, Upson.
Area III—Baker, Calhoun, Chattahoochee, Clay, Crisp, Decatur, Dooly, Dougherty, Early, Grady, Lee, Macon, Marion, Miller, Mitchell, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Terrell, Thomas, Webster.
Area IV—Baldwin, Barrow, Bibb, Butts, Clarke, Elbert, Greene, Gwinnett, Hancock, Jackson, Jasper, Jones, Madison, Morgan, Monroe, Newton, Oconee, Oglethorpe, Putnam, Rockdale, Taliaferro, Walton, Wilkes.
Area V—Ben Hill, Berrien, Bleckley, Brooks, Colquitt, Cook, Dodge, Houston, Irwin, Laurens, Lowndes, Montgomery, Pulaski, Telfair, Tift, Treutlen, Turner, Twiggs, Wheeler, Wilcox, Wilkinson, Worth.
Area VI—Bryan, Bulloch, Burke, Candler, Chatham, Columbia, Effingham, Emanuel, Evans, Glascock, Glynn, Jefferson, Jenkins, Johnson, Liberty, Lincoln, Long, McDuffie, McIntosh, Richmond, Screven, Tattnall, Toombs, Warren, Washington.
Area VII—Appling, Atkinson, Bacon, Brantley, Camden, Charlton, Clinch, Coffee, Echols, Lanier, Jeff Davis, Pierce, Ware, Wayne.

HAWAII

None.

IDAHO

Counties of:
Area I—Bear Lake, Bingham, Bonneville, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Teton.
Area II—Bannock, Blaine, Butte, Camas, Cassia, Custer, Gooding, Jerome, Lemhi, Lincoln, Minidoka, Power, Twin Falls.
Area III—Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington.
Area IV—Clearwater, Idaho, Lewis, Nez Perce.
Area V—Benewah, Bonner, Boundary, Kootenai, Latah.

ILLINOIS

Counties of:
Area I—Boone, DeKalb, JoDaviess, Ogle, Stephenson, and Winnebago.
Area II—Cook, DuPage, Kane, Lake, and McHenry.
Area III—Bureau, Carroll, Henry, Lee, Stark, and Whiteside.
Area IV—Henderson, Knox, Mercer, Rock Island, and Warren.
Area V—Grundy, Kankakee, Kendall, La Salle, Livingston, and Will.
Area VI—McLean, Marshall, Peoria, Putnam, Tazewell, and Woodford.
Area VII—Adams, Brown, Fulton, Hancock, McDonough, and Schuyler.
Area VIII—Cass, Mason, Menard, Morgan, and Scott.
Area IX—De Witt, Logan, Macon, Piatt, and Sangamon.
Area X—Champaign, Douglas, Edgar, Ford, Iroquois, and Vermilion.
Area XI—Calhoun, Greene, Jersey, Macoupin, Montgomery, and Pike.
Area XII—Bond, Clinton, Madison, Monroe, St. Clair, and Washington.
Area XIII—Christian, Clay, Effingham, Fayette, Moultrie, and Shelby.
Area XIV—Clark, Coles, Crawford, Cumberland, and Jasper.
Area XV—Gallatin, Hamilton, Jefferson, Marion, Saline, and Wayne.
Area XVI—Edwards, Lawrence, Richland, Wabash, and White.
Area XVII—Franklin, Jackson, Perry, Randolph, Union, and Williamson.
Area XVIII—Alexander, Hardin, Johnson, Massac, Pope, and Pulaski.

INDIANA

Counties of:
Area I—Benton, Elkhart, Jasper, Kosciusko, Lake, La Porte, Marshall, Newton, Porter, St. Joseph, Starke.
Area II—Adams, Allen, Blackford, De Kalk, Grant, Huntington, Jay, Lagrange, Noble, Steuben, Wells, Whitley.
Area III—Carroll, Cass, Clinton, Fulton, Howard, Miami, Pulaski, Tippecanoe, Tipton, Wabash, White.
Area IV—Boone, Fountain, Hamilton, Hendricks, Marion, Montgomery, Parke, Putnam, Vermillion, Vigo, Warren.
Area V—Decatur, Delaware, Fayette, Franklin, Hancock, Henry, Madison, Randolph, Rush, Shelby, Union, Wayne.
Area VI—Bartholomew, Brown, Clay, Greene, Johnson, Lawrence, Martin, Monroe, Morgan, Orange, Owen, Sullivan.
Area VII—Clark, Dearborn, Floyd, Harrison, Jackson, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland, Washington.
Area VIII—Crawford, Daviess, Dubois, Gibson, Knox, Perry, Pike, Posey, Spencer, Vanderburgh, Warrick.

IOWA

Counties of:
Area I—Adair, Adams, Audubon, Buena Vista, Calhoun, Carroll, Cass, Cherokee, Clarke, Clay, Crawford, Decatur, Dickinson, Emmet, Fremont, Greene, Hancock, Harrison, Humboldt, Ida, Kossuth, Lyon, Mills, Monona, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, East Pottawattamie, West Pottawattamie, Ringgold, Sac, Shelby, Sioux, Taylor, Union, Webster, Winnebago, Woodbury, and Wright.
Area II—Allamakee, Appanoose, Benton, Black Hawk, Boone, Bremer, Buchanan, Butler, Cedar, Cerro Gordo, Chickasaw, Clayton, Clinton, Dallas, Davis, Delaware, Des Moines, Dubuque, Fayette, Floyd, Franklin, Grundy, Guthrie, Hamilton, Hardin, Henry, Howard, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Lucas, Madison, Mahaska, Marion, Marshall, Mitchell, Monroe, Muscatine, Polk, Poweshiek, Scott, Story, Tama, Van Buren, Wapello, Warren, Washington, Wayne, Winneshiek, and Worth.

KANSAS

Counties of:
Area I—Cheyenne, Decatur, Rawlins, Sheridan, Sherman, Thomas.
Area II—Gove, Greeley, Logan, Scott, Wallace, Wichita.
Area III—Grant, Hamilton, Kearny, Morton, Stanton, Stevens.
Area IV—Finney, Gray, Haskell, Lane, Meade, Seward.
Area V—Clark, Edwards, Ford, Hodgeman, Kiowa, Pawnee.
Area VI—Barber, Comanche, Harper, Kingman, Pratt, Stafford.
Area VII—Barton, Ellis, Ness, Rush, Russell, Trego.
Area VIII—Graham, Norton, Osborne, Phillips, Rooks, Smith.
Area IX—Cloud, Jewell, Lincoln, Mitchell, Ottawa, Republic.
Area X—Dickinson, Ellsworth, Marion, McPherson, Rice, Saline.
Area XI—Cowley, Harvey, Reno, Sedgwick, Sumner.
Area XII—Butler, Chautauqua, Elk, Greenwood, Wilson, Woodson.
Area XIII—Chase, Geary, Lyon, Morris, Wabaunsee.
Area XIV—Clay, Marshall, Nemaha, Pottawatomie, Riley, Washington.
Area XV—Atchison, Brown, Doniphan, Jackson, Jefferson, Leavenworth.
Area XVI—Douglas, Franklin, Johnson, Osage, Shawnee, Wyandotte.
Area XVII—Allen, Anderson, Bourbon, Coffey, Linn, Miami.
Area XVIII—Cherokee, Crawford, Labette, Montgomery, Neosho.

KENTUCKY

Counties of:
Area I—Ballard, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, McCracken, Marshall, Trigg.
Area II—Breckinridge, Caldwell, Christian, Daviess, Hancock, Henderson, Hopkins, McLean, Muhlenberg, Ohio, Union, Webster.
Area III—Adair, Allen, Barren, Butler, Clinton, Cumberland, Logan, Metcalfe, Monroe, Simpson, Todd, Warren.
Area IV—Anderson, Bullitt, Franklin, Grayson, Hardin, Henry, Jefferson, Meade, Nelson, Oldham, Shelby, Spencer.
Area V—Boyle, Casey, Edmonson, Garrard, Green, Hart, Larue, Lincoln, Marion, Mercer, Taylor, Washington.
Area VI—Bell, Clay, Harlan, Jackson, Knox, Laurel, McCreary, Pulaski, Rockcastle, Russell, Wayne, Whitley.
Area VII—Boyd, Breathitt, Floyd, Johnson, Knott, Lawrence, Leslie, Letcher, Magoffin, Martin, Perry, Pike.
Area VIII—Clark, Estill, Fayette, Jessamine, Lee, Madison, Menifee, Montgomery, Morgan, Owsley, Powell, Wolfe.
Area IX—Bath, Bourbon, Carter, Elliott, Fleming, Greenup, Harrison, Lewis, Mason, Nicholas, Robertson, Rowan.
Area X—Boone, Bracken, Campbell, Carroll, Gallatin, Grant, Kenton, Owen, Pendleton, Scott, Trimble, Woodford.

LOUISIANA

Parishes of:
Area I—Bienville, Bossier, Caddo, Claiborne, DeSoto, Jackson, Lincoln, Red River, Union, Webster.
Area II—Cadwell, Concordia, East Carroll, Franklin, Madison, Morehouse, Richland, Tensas, West Carroll, Ouachita.
Area III—Avoyelles, Beauregard, Catahoula, Grant, LaSalle, Natchitoches, Rapides, Sabine, Vernon, Winn.
Area IV—Acadia, Allen, Calcasieu, Cameron, Evangeline, Jefferson Davis, Lafayette, St. Landry, St. Martin, Vermilion.
Area V—East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Tammany, Tangipahoa, Washington, West Baton Rouge, West Feliciana.
Area VI—Ascension, Assumption, Iberia, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John, St. Mary, Terrebonne, St. James.

MAINE

None.



MARYLAND

Counties of:
Area I—Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, Washington.
Area II—Baltimore, Cecil, Harford, Kent, Queen Annes.
Area III—Caroline, Dorchester, Somerset, Talbot, Wicomico, Worcester.
Area IV—Calvert, Charles, St. Marys.
Area V—Anne Arundel, Prince Georges.

MASSACHUSETTS

Area—Entire State.

MICHIGAN

Counties of:
Area I—Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft.
Area II—Alcona, Alpena, Antrim, Arenac, Charlevoix, Cheboygan, Crawford, Emmet, Iosco, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle.
Area III—Benzie, Clare, Gladwin, Grand Traverse, Lake, Leelanau, Manistee, Mason, Milwaukee, Osceola, Roscommon, Wexford, Kalkaska.
Area IV—Gratiot, Ionia, Isabella, Kent, Mecosta, Midland, Montcalm, Muskegon, Newaygo, Oceana, Ottawa.
Area V—Bay, Clinton, Genesee, Saginaw, Shiawassee.
Area VI—Huron, Lapeer, St. Clair, Sanilac, Tuscola.
Area VII—Livingston, Macomb, Monroe, Oakland, Wayne.
Area VIII—Hillsdale, Ingham, Jackson, Lenawee, Washtenaw.
Area IX—Barry, Branch, Calhoun, Eaton, St. Joseph.
Area X—Allegan, Berrien, Cass, Kalamazoo, Van Buren.

MINNESOTA

Counties of:
Area I—Beltrami, Clearwater, Cook, Itasca, Kittson, Koochiching, Lake, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, West Polk, East Polk, Red Lake, Roseau, South St. Louis, North St. Louis.
Area II—Aitkin, Becker, Carlton, Cass, Clay, Crow Wing, Douglas, Grant, Hubbard, Kanabec, Mille Lacs, Morrison, East Otter Tail, West Otter Tail, Pine, Todd, Traverse, Wadena, Wilkin.
Area III—Anoka, Benton, Carver, Chisago, Dakota, Dodge, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Le Sueur, Mower, Olmsted, Ramsey, Rice, Scott, Sherburne, Steele, Wabasha, Waseca, Washington, Winona, Wright.
Area IV—Big Stone, Blue Earth, Brown, Chippewa, Cottonwood, Fairbault, Jackson, Kandiyohi, Lac qui Parle, Lincoln, Lyon, Martin, McLeod, Meeker, Murray, Nicollet, Nobles, Pipestone, Pope, Redwood, Renville, Rock, Sibley, Stearns, Stevens, Swift, Watonwan, Yellow Medicine.

MISSISSIPPI

Counties of:
Area I—Alcorn, Benton, Itawanba, Lafayette, Lee, Marshall, Pontotoc, Prentiss, Tippah, Tishomingo, and Union.
Area II—Calhoun, Carroll, Chickasaw, Choctaw, Clay, Grenada, Lowndes, Monroe, Montgomery, Oktibbeha, Webster, and Yalobusha.
Area III—Attala, Kemper, Leake, Neshoba, Noxubee, and Winston.
Area IV—Clarke, Jasper, Lauderdale, Newton, Scott, and Smith.
Area V—Forrest, George, Greene, Harrison, Hancock, Jackson, Jones, Perry, Stone, and Wayne.
Area VI—Covington, Jefferson Davis, Lamar, Lawrence, Marion, Pearl River, Simpson, and Walthall.
Area VII—Adams, Amite, Franklin, Lincoln, Pike, and Wilkinson.
Area VIII—Claiborne, Copiah, Hinds, Jefferson, Madison, Rankin, and Warren.
Area IX—Holmes, Humphreys, Issaquena, Leflore, Sharkey, Sunflower, Washington, and Yazoo.
Area X—Bolivar, Coahoma, DeSoto, Panola, Quitman, Tallahatchie, Tate, and Tunica.

MISSOURI

Counties of:
Area I—Caldwell, Carroll, Chariton, Grundy, Jackson, Lafayette, Linn, Livingston, Mercer, Putnam, Ray, Saline, Sullivan.
Area II—Adair, Audrain, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Randolph, Schuyler, Scotland, Shelby.
Area III—Andrew, Atchison, Buchanan, Clay, Clinton, Daviess, De Kalb, Gentry, Harrison, Holt, Nodaway, Platte, Worth.
Area IV—Callaway, Crawford, Franklin, Gasconade, Lincoln, Maries, Montgomery, Osage, Phelps, Pike, St. Charles, St. Louis, Warren.
Area V—Bollinger, Carter, Dent, Iron, Jefferson, Madison, Perry, St. Francois, Ste. Genevieve, Shannon, Washington.
Area VI—Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Ripley, Scott, Stoddard, Wayne.
Area VII—Barry, Christian, Douglas, Greene, Howell, Jasper, Lawrence, McDonald, Newton, Ozard, Stone, Taney, Texas.
Area VIII—Barton, Camden, Cedar, Dade, Dallas, Hickory, Laclede, Polk, Pulaski, St. Clair, Vernon, Webster, Wright.
Area IX—Bates, Benton, Boone, Cass, Cole, Cooper, Henry, Howard, Johnson, Miller, Moniteau, Morgan, Pettis.

MONTANA

Counties of:
Area I—Deer Lodge, Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Powell, Ravalli, Sanders, and Silver Bow.
Area II—Cascade, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, and Toole.
Area III—Blaine, Daniels, McCone, Phillips, Richland, Roosevelt, Sheridan, and Valley.
Area IV—Beaverhead, Broadwater, Gallatin, Jefferson, Lewis & Clark, Madison, and Meagher.
Area V—Carbon, Fergus, Golden Valley, Judith Basin, Park, Stillwater, Sweet Grass, and Wheatland.
Area VI—Big Horn, Garfield, Musselshell, Petroleum, Rosebud, Treasure, Yellowstone.
Area VII—Carter, Custer, Dawson, Fallon Powder River, Prairie, and Wibaux.

NEBRASKA

Counties of:
Area I—Banner, Box Butte, Cheyenne, Dawes, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.
Area II—Arthur, Blaine, Brown, Buffalo, Cherry, Custer, Dawson, Grant, Hooker, Keya Paha, Lincoln, Logan, McPherson, Rock, Thomas.
Area III—Boone, Boyd, Garfield, Greeley, Holt, Howard, Loup, Merrick, Nance, Platte, Sherman, Valley, Wheeler.
Area IV—Antelope, Burt, Cedar, Cuming, Dakota, Dixon, Knox, Madison, Pierce, Stanton, Thurston, Wayne.
Area V—Chase, Deuel, Dundy, Frontier, Garden, Hayes, Hitchcock, Keith, Perkins, Red Willow.
Area VI—Adams, Clay, Franklin, Furnas, Gosper, Hall, Hamilton, Harlan, Kearney, Phelps, Webster.
Area VII—Butler, Cass, Colfax, Dodge, Douglas, Lancaster, Polk, Sarpy, Saunders, Seward, Washington, York.
Area VIII—Fillmore, Gage, Jefferson, Johnson, Nemaha, Nuckolls, Otoe, Pawnee, Richardson, Saline, Thayer.

NEVADA

Counties of:
Area I—Clark, Nye.

NEW HAMPSHIRE

None.

NEW JERSEY

Area—Entire State.

NEW MEXICO

Counties of:
Area I—Colfax, Curry, De Baca, Guadalupe, Harding, Mora, Quay, Roosevelt, San Miguel, and Union.
Area II—Bernalillo, McKinley, Rio Arriba, Sandoval, San Juan, Sante Fe, Taos, Torrance, and Valencia.
Area III—Catron, Dona Ana, Grant, Hidalgo, Luna, Sierra, and Socorro.
Area IV—Chaves, Eddy, Lea, Lincoln, and Otero.

NEW YORK

Counties of:
Area I—Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Cortland, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming, Yates.
Area II—Albany, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Herkimer, Jefferson, Lewis, Madison, Montgomery, Nassau, Oneida, Orange, Oswega, Otsego, Putnam, Rensselaer, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, Westchester.

NORTH CAROLINA

Counties of:
Area I—Alleghany, Ashe, Avery, Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Swain, Transylvania, Watauga, Yancey.
Area II—Alexander, Burke, Cabarrus, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Polk, Rutherford, Stanley, Union, Wilkes.
Area III—Anson, Davidson, Davie, Forsyth, Guilford, Montgomery, Randolph, Richmond, Rockingham, Rowan, Stokes, Surry, Yadkin.
Area IV—Alamance, Caswell, Chatham, Durham, Franklin, Granville, Harnett, Lee, Moore, Orange, Person, Vance, Wake, Warren.
Area V—Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Tyrrell, Washington, Wilson.
Area VI—Carteret, Craven, Pupiln, Greene, Johnston, Jones, Lenoir, Onslow, Pamlico, Wayne.
Area VII—Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Pender, Robeson, Sampson, Scotland.

NORTH DAKOTA

Counties of:
Area I—Burke, Divide, McKenzie, Williams.
Area II—McLean, Mountrail, Renville, Ward.
Area III—Bottineau, McHenry, Pierce, Rolette, Towner.
Area IV—Benson, Eddy, Foster, Sheridan, Wells.
Area V—Cavalier, Grand Forks, Pembina, Ramsey, Walsh.
Area VI—Griggs, Nelson, Steele, Traill.
Area VII—Adams, Billings, Bowman, Golden Valley, Slope.
Area VIII—Dunn, Grant, Hettinger, Stark.
Area IX—Burleigh, Mercer, Morton, Oliver, Sioux.
Area X—Emmons, Kidder, Logan, McIntosh.
Area XI—Barnes, Dickey, LaMoure, Stutsman.
Area XII—Cass, Ransom, Richland, Sargent.

OHIO

Counties of:
Area I—Crawford, Erie, Fulton, Henry, Huron, Lucas, Ottawa, Sandusky, Seneca, Wood, Wyandot.

Area II—Ashland, Belmont, Carroll, Coshocton, Harrison, Holmes, Jefferson, Knox, Lorain, Tuscarawas, Wayne.
Area III—Ashtabula, Columbiana, Cuyahoga, Geauga, Lake, Mahoning, Medina, Portage, Stark, Summit, Trumbull.
Area IV—Defiance, Paulding, Putnam, Van Wert, Williams.
Area V—Allen, Auglaize, Hancock, Hardin, Logan, Mercer.
Area VI—Champaign, Clark, Delaware, Fayette, Franklin, Madison, Marion, Morrow, Pickaway, Richland, Union.
Area VII—Butler, Clermont, Clinton, Darke, Greene, Hamilton, Miami, Montgomery, Preble, Shelby, Warren.
Area VIII—Adams, Brown, Gallia, Highland, Jackson, Lawrence, Meigs, Pike, Ross, Scioto, Vinton.
Area IX—Athens, Fairfield, Guernsey, Hocking, Licking, Monroe, Morgan, Muskingum, Noble, Perry, Washington.

OKLAHOMA

Counties of:
Area I—Beaver, Cimarron, Custer, Dewey, Ellis, Harper, Roger Mills, Texas, Woods, Woodward.
Area II—Alfalfa, Garfield, Grant, Kay, Major, Noble, Osage.
Area III—Adair, Cherokee, Craig, Delaware, Mayes, Muskogee, Nowata, Okmulgee, Ottawa, Rogers, Tulsa, Wagoner, Washington.
Area IV—Blaine, Canadian, Creek, Hughes, Kingfisher, Lincoln, Logan, Okfuskee, Oklahoma, Pawnee, Payne, Pottawatomie, Seminole.
Area V—Beckham, Greer, Harmon, Jackson, Kiowa, Tillman, Washita.
Area VI—Caddo, Carter, Cleveland, Coal, Comanche, Cotton, Garvin, Grady, Jefferson, Johnston, Love, McClain, Marshall, Murray, Pontotoc, Stephens.
Area VII—Atoka, Bryan, Choctaw, Haskell, Latimer, LeFlore, McCurtain, McIntosh, Pittsburg, Pushmataha, Sequoyah.

OREGON

Counties of:
Area I—Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, Wheeler.
Area II—Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill.

PENNSYLVANIA

Counties of:
Area I—Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Somerset, Venango, Warren, Washington, and Westmoreland.
Area II—Adams, Berks, Bradford, Bucks, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York.

RHODE ISLAND

None.

SOUTH CAROLINA

Counties of:
Area I—Abbeville, Anderson, Greenville, Greenwood, Laurens, Oconee, Pickens, Spartanburg.
Area II—Aiken, Edgefield, Fairfield, Lexington, McCormick, Newberry, Saluda.
Area III—Bamberg, Barnwell, Calhoun, Clarendon, Orangeburg, Richland, Sumter.
Area IV—Allendale, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper.
Area V—Darlington, Dillon, Florence, Georgetown, Horry, Marion, Marlboro, Williamsburg.
Area VI—Cherokee, Chester, Chesterfield, Kershaw, Lancaster, Lee, Union, York.

SOUTH DAKOTA

Counties of:
Area I—Butte, Corson, Dewey, Harding, Lawrence, Meade, Perkins, Ziebach.
Area II—Bennett, Custer, Fall River, Haakon, Jackson, Jones, Mellette, Pennington, Shannon, Todd, Washabaugh.
Area III—Aurora, Bon Homme, Brule, Buffalo, Charles Mix, Douglas, Gregory, Lyman, Tripp, Yankton.
Area IV—Clay, Davison, Hanson, Hutchinson, Lincoln, McCook, Moody, Minnehaha, Turner, Union.
Area V—Brookings, Clark, Codington, Day, Deuel, Grant, Hamlin, Marshall, Roberts.
Area VI—Beadle, Hand, Hyde, Jerauld, Kingsbury, Lake, Miner, Sanborn, Spink.
Area VII—Brown, Campbell, Edmunds, Faulk, Hughes, McPherson, Potter, Stanley, Sully, Walworth.

TENNESSEE

Counties of:
Area I—Carter, Cocke, Greene, Hamblen, Hawkins, Jefferson, Johnson, Sullivan, Unicoi, Washington.
Area II—Anderson, Blount, Campbell, Claiborne, Grainger, Hancock, Knox, Scott, Sevier, Union.
Area III—Bradley, Hamilton, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane.
Area IV—Bledsoe, Cumberland, De Kalb, Fentress, Overton, Pickett, Putnam, Van Buren, Warren, White.
Area V—Bedford, Cannon, Coffee, Franklin, Grundy, Lincoln, Marion, Moore, Rutherford, Sequatchie.
Area VI—Clay, Davidson, Jackson, Macon, Robertson, Smith, Sumner, Trousdale, Wilson.
Area VII—Giles, Hickman, Lawrence, Lewis, Marshall, Maury, Perry, Wayne, Williamson.
Area VIII—Benton, Cheatham, Decatur, Dickson, Henry, Houston, Humphreys, Montgomery, Stewart.
Area IX—Chester, Fayette, Hardeman, Hardin, Haywood, McNairy, Madison, Shelby, Tipton.
Area X—Carroll, Crockett, Dyer, Gibson, Henderson, Lake, Lauderdale, Obion, Weakley.

TEXAS

Counties of:
Area I—Dallam, Hartley, Moore, Sherman.
Area II—Hansford, Hutchinson, Lipscomb, Ochiltree.
Area III—Armstrong, Carson, Deaf Smith, Oldham, Potter, Randall.
Area IV—Gray, Hemphill, Roberts, Wheeler.
Area V—Bailey, Castro, Lamb, Parmer.
Area VI—Briscoe, Floyd, Hale, Swisher.
Area VII—Cochran, Hockley, Terry, Yoakum.
Area VIII—Crosby, Garza, Lubbock, Lynn.
Area IX—Childress, Collingsworth, Donley, Hall.
Area X—Cottle, Dickens, Kent, King, Motley, Stonewall.
Area XI—Foard, Hardeman, Wilbarger.
Area XII—Baylor, Haskell, Knox, Throckmorton.
Area XIII—Collin, Cooke, Denton, Grayson.
Area XIV—Delta, Fannin, Hunt, Lamar, Rockwall.
Area XV—Dallas, Ellis, Johnson, Kaufman, Tarrant.
Area XVI—Bowie, Franklin, Morris, Red River, Titus.
Area XVII—Henderson, Hopkins, Rains, Smith, Van Zandt, Wood.
Area XVIII—Camp, Cass, Gregg, Harrison, Marion, Upshur.
Area XIX—Andrews, Dawson, Gaines, Glasscock, Martin, Midland.
Area XX—Borden, Coke, Howard, Mitchell, Scurry, Sterling.
Area XXI—Fisher, Jones, Nolan, Runnels, Taylor.
Area XXII—Archer, Clay, Wichita, Young.
Area XXIII—Jack, Montague, Parker, Wise.
Area XXIV—Callahan, Eastland, Shackelford, Stephens.
Area XXV—Comanche, Erath, Hood, Palo Pinto, Somervell.
Area XXVI—Bosque, Hill, McLennan, Navarro.
Area XXVII—Bell, Falls, Milam, Williamson.
Area XXVIII—Freestone, Leon, Limestone, Madison, Robertson.
Area XXIX—Anderson, Cherokee, Houston, Rusk.
Area XXX—Angelina, Nacogdoches, Panola, Sabine, San Augustine, Shelby.
Area XXXI—Montgomery, San Jacinto, Trinity, Walker.
Area XXXII—Jasper, Newton, Polk, Tyler.
Area XXXIII—Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler.
Area XXXIV—Crane, Crockett, Ector, Irion, Reagan, Schleicher, Sutton, Tom Green, Upton.
Area XXXV—Brown, Coleman, Concho, McCulloch, San Saba.
Area XXXVI—Blanco, Gillespie, Kimble, Llano, Mason, Menard.
Area XXXVII—Burnet, Coryell, Hamilton, Lampasas, Mills.
Area XXXVIII—Caldwell, Guadalupe, Hays, Travis.
Area XXXIX—Bastrop, Fayette, Lavaca, Lee.
Area XL—Brazos, Burleson, Grimes, Washington.
Area XLI—De Witt, Goliad, Gonzales, Karnes.
Area XLII—Calhoun, Colorado, Jackson, Victoria, Wharton.
Area XLIII—Austin, Brazoria, Fort Bend, Matagorda, Waller.
Area XLIV—Chambers, Galveston, Hardin, Harris, Jefferson, Liberty, Orange.
Area XLV—Bandera, Comal, Edwards, Kendall, Kerr, Real.
Area XLVI—Dimmit, Kinney, Maverick, Uvalde, Val Verde, Zavala.
Area XLVII—Atascosa, Bexar, Frio, La Salle, McMullen, Medina, Wilson.
Area XLVIII—Aransas, Bee, Live Oak, Refugio, San Patricio.
Area XLIX—Brooks, Jim Hogg, Webb, Zapata.
Area L—Duval, Jim Wells, Kenedy, Kleberg, Nueces.
Area LI—Cameron, Hidalgo, Starr, Willacy.

UTAH

Area—Entire State.

VERMONT

None.

VIRGINIA

Counties of:
Area I—Accomack, Amelia, Brunswick, Chesterfield, Dinwiddie, Greensville, Isle of Wight, Nansemond, Norfolk, Northampton, Nottoway, Powhatan, Prince George, Princess Anne, Southampton, Surry, Sussex.
Area II—Amherst, Appomattox, Bedford, Botetourt, Buckingham, Campbell, Charlotte, Craig, Cumberland, Franklin, Halifax, Henry, Lunenburg, Mecklenburg, Nelson, Patrick, Pittsylvania, Prince Edward, Roanoke.
Area III—Bland, Buchanan, Carroll, Dickenson, Floyd, Giles, Grayson, Lee, Montgomery, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe.
Area IV—Caroline, Charles City, Essex, Fluvanna, Gloucester, Goochland, Hampton, Hanover, Henrico, James City, King & Queen, King George, King William, Lancaster, Louisa, Mathews, Middlesex, New Kent, Newport News, Northumberland, Richmond, Spotsylvania, Stafford, Westmoreland, York.
Area V—Albermarle, Alleghany, Augusta, Bath, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Greene, Highland, Loudoun, Madison, Orange, Page, Prince William, Rappahannock, Rockridge, Rockingham, Shenandoah, Warren.

WASHINGTON

Counties of:
Area I—Asotin, Benton, Columbia, Franklin, Garfield, Walla Walla, Whitman.
Area II—Douglas, Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens.
Area III—Adams, Chelan, Grant, Kittitas, Klickitat, Yakima.

WEST VIRGINIA

Counties of:
Area I—Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton, Preston.
Area II—Barbour, Braxton, Calhoun, Gilmer, Lewis, Pocahontas, Randolph, Taylor, Tucker, Upshur, Webster.
Area III—Brooke, Doddridge, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Pleasants, Ritchie, Tyler, Wetzel.
Area IV—Cabell, Jackson, Lincoln, Mason, Mingo, Putnam, Roane, Wayne, Wirt, Wood.
Area V—Boone, Clay, Fayette, Greenbrier, Kanawha, Logan, McDowell, Mercer, Monroe, Nicholas, Raleigh, Summers, Wyoming.

WISCONSIN

Counties of:
Area I—Calumet, Columbia, Dane, Dodge, Fond du Lac, Green, Green Lake, Jefferson, Kenosha, Kewaunee, Manitowoc, Marquette, Milwaukee, Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha, Waushara, Winnebago.
Area II—Adams, Buffalo, Chippewa, Clark, Crawford, Dunn, Eau Claire, Grant, Iowa, Jackson, Juneau, La Crosse, Lafayette, Monroe, Pepin, Richland, Sauk, Trempealeau, Vernon, Wood.
Area III—Ashland, Barron, Bayfield, Brown, Burnett, Door, Douglas, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Marinette, Oconto, Oneida, Outagamie, Pierce, Polk, Portage, Price, Rusk, St. Croix, Sawyer, Shawano, Taylor, Vilas, Washburn, Waupaca.

WYOMING

Counties of:
Area I—Converse, Goshen, Laramie, Niobrara, Platte.
Area II—Campbell, Crook, Johnson, Sheridan, and Weston.
Area III—Albany, Carbon, Lincoln, Natrona, Sublette, Sweetwater, Teton, Uinta.
Area IV—Big Horn, Fremont, Hot Springs, Park, and Washakie.

PUERTO RICO

Counties of:
Area I—North Area, South Area.

(Sec. 3, 60 Stat. 238; 5 U.S.C. 1002. Interpret or apply sec. 363, 52 Stat. 63, as amended; 7 U.S.C. 1363)

Done at Washington, D.C., this 18th day of January 1961.

CLARENCE D. PALMBY,
*Associate Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61-605; Filed, Jan. 23, 1961; 8:52 a.m.]

# ATOMIC ENERGY COMMISSION

## AEC-OWNED FOREIGN PATENTS

### Notice of Adoption of Policy To Charge Royalties

The Atomic Energy Commission has followed the traditional Government policy of granting free licenses to all on AEC-owned U.S. patents. The AEC has granted royalty free licenses to U.S. citizens on AEC-owned foreign patents.

The AEC has established a policy of granting licenses for royalties on AEC-owned foreign patents to foreign corporations and foreign nationals in those countries where the foreign government charges royalties of the U.S. Government or U.S. citizens. The AEC will grant free licenses to foreign corporations and foreign nationals where the foreign government does not charge the U.S. Government or U.S. citizens royalties. Where the foreign government does not have an established policy the AEC may or may not charge royalties, depending on what is deemed appropriate in a given situation. This policy is designed to establish a more equitable basis from the standpoint of the treatment of patents for the participation of U.S. industry in foreign atomic energy programs.

The royalty license to be granted by the AEC may be nonexclusive or exclusive for a period of three to five years (subject to free license grants to the U.S. Government and to U.S. nationals). The licensee would be authorized, with AEC approval, to maintain suits on the AEC-owned foreign patents under which such party is licensed. The AEC policy of granting royalty free licenses to U.S. citizens on AEC-owned foreign patents will remain unchanged.

Dated at Germantown, Md., this 13th day of January 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
*Secretary.*

[F.R. Doc. 61-541; Filed, Jan. 23, 1961; 8:45 a.m.]

## COMMISSION CONTRACT POLICY REGARDING FOREIGN PATENTS WITH APPROVED CONTRACT PROVISIONS

### Notice of Adoption of Revision of Contract Policy

The Atomic Energy Commission, after studying comments received as a result of the notice in the FEDERAL REGISTER of August 12, 1960, has approved a foreign patent policy with respect to inventions derived from work performed under Commission contracts in privately owned and operated—as distinguished from government owned and operated—facilities, by authorizing inclusion in applicable contracts of a provision as set forth herein that will be incorporated in AEC Manual Chapter 9113.016.

In recognition that it may be some time before existing contracts are modified, and to assist the Operations Offices to implement the policy, the Commission shall, as to inventions reported by contractors who come within the policy pronouncement, administratively apply the policy immediately to such appropriate contractors, as to:

(1) Inventions reported after the effective date of the policy by according the contractor an opportunity to advise whether contractor desires to file a domestic application and any foreign applications pursuant to the policy;

(2) Inventions previously reported but on which no U.S. applications have yet been filed, by affording the contractor an opportunity to file a domestic application and any foreign applications pursuant to the policy;

(3) Inventions that are already the subject of a U.S. application filed by the contractor and on which the time to file abroad has not yet expired, by affording the contractor an opportunity to file any foreign application deemed advisable by the contractor pursuant to the policy.

The policy is embraced within the following instruction which is substituted for present paragraph b. of AEC Manual Chapter 9113.016:

b. If the contractor work is to be performed at contractor's own facilities (not government or Commission owned or government or Commission contractor operated facilities, or not at contractor's facilities where a major part of the equipment employed in the research and development is government or Commission furnished) and the contractor, when reporting an invention, desires to undertake U.S. and foreign filings so as to acquire an irrevocable, nonexclusive license for all purposes in any U.S. patent resulting therefrom and the title and rights in any resulting foreign patents, subject to the terms and conditions hereinafter provided, the following provisions may be inserted after the word "result" in line 8 of paragraph 1 of each of the foregoing provisions:

*Provided, however,* That if the contractor, when furnishing the complete information as to any invention or discovery advises the Commission that the contractor will file at its own expense, subject to security requirements and regulations, a U.S. Patent application within six (6) months of reporting, and designated foreign patent applications on such invention or discovery, subject to security requirements and regulations, the contractor shall retain:

(1) A nonexclusive, irrevocable, paid-up license for all purposes in any such U.S. patent application filed by the contractor and any U.S. patent issued thereon, and

(2) The title and rights in any such foreign patent applications or foreign patents secured by the contractor, subject to:

(a) A nonexclusive, irrevocable, paid-up license to the U.S. Government for U.S. Governmental purposes and with the right of the U.S. Government to grant licenses to foreign governments for purposes of use by such foreign governments pursuant to a treaty or agreement with the U.S. Government or an agency thereof.

(b) Granting, upon request, nonexclusive, royalty-free licenses to U.S. citizens, and to U.S. corporations when 75 percent or more of the voting interest is owned by U.S. citizens, for use in the production or utilization of special nuclear material or atomic energy; and agreeing to grant to foreign users and purchasers of the product of such a U.S. licensee a license, to use or sell such product to an assignee of the business or plant or as surplus, at a reasonable, non-discriminatory royalty ordinarily to be at no greater royalty than contractor has charged its other foreign licensees.

(c) The right of the contractor to grant such other licenses in accordance with applicable statutes and regulations.

(1) *Provided,* That if the contractor grants any licenses other than as provided in b.,

above, the same shall be for reasonable royalties or compensation, and

(ii) *Provided further*, That if, after five years of the issuance of a particular foreign patent, contractor, its assignee or its licensees cannot demonstrate, upon Commission request, the practical application of the subject matter covered by such foreign patent, the contractor or its assignee shall, at the Commission's request, grant licenses on any such foreign patent to others at reasonable royalties.

(3) If the contractor does not desire to prosecute the U.S. patent application or any foreign application or maintain any foreign patent, the contractor, prior to abandonment, shall afford the Commission an opportunity to take over prosecution of any such patent application or maintain any patent.

This contract policy shall be effective as of January 11, 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
*Secretary.*

JANUARY 13, 1961.

[F.R. Doc. 61-542; Filed, Jan. 23, 1961; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 11901]

## ARGONAUT AIRWAYS CORP. ENFORCEMENT PROCEEDING

### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on February 1, 1961, at 10:00 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., January 18, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-606; Filed, Jan. 23, 1961; 8:52 a.m.]

[Docket 9900]

## SERVICE TO MARTINSBURG, W. VA.

### Notice of Postponement of Hearing

In the matter of the application of the City of Martinsburg, West Virginia, for scheduled air service under section 401 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding now assigned to be held on February 6, 1961, is postponed to February 27, 1961, at 10:30 a.m., e.s.t., in the City Council Chamber, City Hall, Martinsburg, West Virginia, before Examiner Leslie G. Donahue.

Dated at Washington, D.C., January 17, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-607; Filed, Jan. 23, 1961; 8:52 a.m.]

[Docket 11987]

## TASMAN EMPIRE AIRWAYS LTD.

### Notice of Hearing

In the matter of the application of Tasman Empire Airways Limited of New Zealand for the issue to applicant of a permit authorizing it to engage in foreign air transportation by operating scheduled, non-scheduled and off-route charter services through American Samoa.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on January 24, 1961, at 10:00 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., January 18, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-608; Filed, Jan. 23, 1961; 8:52 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8584; FCC 61M-78]

## BRENNAN BROADCASTING CO.

### Order Scheduling Hearing

In re application of William J. Brennan, Cyril G. Brennan, and Daniel M. Brennan, doing business as Brennan Broadcasting Company, Jacksonville, Florida, Docket No. 8584, File No. BP-6222, for construction permit.

Pursuant to agreement of counsel arrived at during the prehearing conference held on this date: *It is ordered*, This 17th day of January 1961, that the hearing in the above-styled proceeding will commence at 10 o'clock a.m., on February 1, 1961, in Washington, D.C.

Released: January 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-593; Filed, Jan. 23, 1961; 8:51 a.m.]

[Docket Nos. 13887-13890; FCC 61M-75]

## CAPITOL BROADCASTING CORP., INC. (WKXL) ET AL.

### Order Continuing Hearing

In re applications of Capitol Broadcasting Corporation, Inc. (WKXL), Concord, New Hampshire, Docket No. 13887, File No. BP-12712; Tri-State Area Broadcasting Corporation (WTSA), Brattleboro, Vermont, Docket No. 13888, File No. BP-13126; WMAS, Incorporated (WMAS), Springfield, Massachusetts, Docket No. 13889, File No. BP-13264; Normandy Broadcasting Corporation (WWSC), Glens Falls, New York, Docket No. 13890, File No. BP-13274; for construction permits.

Pursuant to prehearing conference of this date: *It is ordered*, This 16th day of January 1961, that there will be a further prehearing conference in this matter on February 13, 1961, 10:00 a.m., at the Commission's offices, Washington, D.C.

*It is further ordered*, That the hearing now scheduled for February 13, 1961, be and the same is hereby rescheduled for March 6, 10:00 a.m., at the Commission's offices, Washington, D.C.

Released: January 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-594; Filed, Jan. 23, 1961; 8:51 a.m.]

[Docket Nos. 13865-13866; FCC 61M-74]

## ARTHUR A. DETERS AND COLLEGE RADIO

### Statement and Order After Prehearing Conference

In re applications of Arthur A. Deters, Greenfield, Massachusetts, Docket No. 13865, File No. BP-13046; Augustine L. Cavallaro, Jr., tr/as College Radio, Amherst, Massachusetts, Docket No. 13866, File No. BP-14179; for construction permits.

1. A prehearing conference, held on January 13, 1961, was attended by counsel for applicant College Radio, respondent WHIL, and the Broadcast Bureau. Applicant Deters did not attend. Counsel for WHIL, after noting his appearance, announced that respondent did not intend to participate further in the proceeding, and he was excused.

2. Among other things, it was agreed that the affirmative direct cases of the applicants, on all issues, would be in written form.

3. The following schedule will govern:

Exchange of written cases—February 24, 1961.
Receipt of notification of witnesses desired for cross-examination—March 1, 1961.
Hearing—March 7, 1961, at 10 a.m., in the offices of the Commission, Washington, D.C. (rescheduled from February 21, 1961).

*So ordered*, This 16th day of January 1961.

Released: January 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-595; Filed, Jan. 23, 1961; 8:51 a.m.]

[Docket No. 13900; FCC 61M-77]

## GENERAL TELEPHONE CO. OF CALIFORNIA

### Order Scheduling Prehearing Conference

In re application of General Telephone Company of California, Docket No. 13900, File No. 557-02-P-61; for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service at Santa Barbara, California (Station KMB440).

Upon the Hearing Examiner's own motion: *It is ordered*, This 17th day of January 1961, that a prehearing conference in the above-entitled proceeding will be held on January 27, 1961, 10:00 a.m., at the Commission's Offices, Washington, D.C.

Released: January 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-596; Filed, Jan. 23, 1961; 8:51 a.m.]

[Docket No. 13915]

## R. O'BRIEN & CO.

### Order To Show Cause

In the matter of R. O'Brien & Company, Boston, Massachusetts, Docket No. 13915; order to show cause why there should not be revoked the license for radio station WB-4437 aboard the vessel "Weymouth".

There being under consideration the matter of certain alleged violations of the Commission's Rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Notice mailed May 19, 1960, alleging noncompliance with § 8.367(a)(1) of the Commission's rules in that a radio station log was not maintained; and

It further appearing that, the above-named licensee received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated August 19, 1960, and sent by Certified Mail—Return Receipt Requested (No. 092081), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that, the Commission, on September 21, 1960, by letter sent by Certified Mail—Return Receipt Requested (No. 092358), again brought this matter to the attention of the licensee and warned it that failure to reply to such letter within fifteen days of receipt of such letter would result in the institution of proceedings for the revocation of its radio station license; and

It further appearing that, although the Commission's above-mentioned letters of August 19, 1960, and September 21, 1960, were received by the licensee, no reply thereto has been made; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules:

*It is ordered*, This 13th day of January 1961, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

*It is further ordered*, That the Secretary send a copy of this Order to R. O'Brien & Company, Inc., 34 Fish Pier, Boston, Massachusetts, by Certified Mail Return Receipt Requested.

Released: January 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-598; Filed, Jan. 23, 1961; 8:51 a.m.]

[Docket No. 13601; FCC 61M-76]

## HOPKINSVILLE BROADCASTING CO., INC. (WHOP)

### Order Continuing Hearing

In re application of Hopkinsville Broadcasting Company, Incorporated (WHOP), Hopkinsville, Kentucky, Docket No. 13601, File No. BP-12506; for construction permit.

[1] The form attached to this order should be detached and used in connection with the following procedure and sent to the Secretary, Federal Communications Commission, Washington 25, D.C., within 30 days.

Section 1.77 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days after service of the order to show cause, a written statement that he will appear at the hearing and present evidence on the matter specified in the order. In the event that it would be impossible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. The right to a hearing is waived if the licensee (1) fails to file a timely written appearance, or (2) files with the Commission, within the time specified for a written appearance, a written statement expressly waiving the right to a hearing. When hearing is waived, the licensee, within the time specified for a written appearance, may submit to the Commission a written statement denying or seeking to mitigate or justify the circumstances or conduct complained of in the order to show cause. When a hearing is waived, the Chief Hearing Examiner will issue an order certifying the case to the Commission. The Commission will then determine on the basis of all of the information available to it from any source, which may include statements filed by the respondent, recommendations from the Commission's staff, respondent's past violation record, etc., or such further proceedings as may be warranted, whether a revocation order and/or a cease and desist order should be issued or whether the matter should be dismissed.

The Hearing Examiner having under consideration "Motion for Continuance of Hearing", filed January 12, 1961, on behalf of the applicant requesting a continuance of the hearing now scheduled for February 3, 1961, to March 17, 1961, and rescheduling the dates for the exchange of affirmative engineering and rebuttal engineering exhibits respectively;

It appearing that the instant proposal of Station WHOP if granted will cause substantial interference to Station WTCJ, Tell City, Indiana;

It further appearing that it is desirable to take further measurements respecting the possibilities of the interference problems involved herein;

It further appearing that good cause exists, there is no opposition thereto, and all parties have consented to a waiver of § 1.43 of the Commission's rules permitting immediate consideration of the instant pleading;

*Accordingly, it is ordered*, This 17th day of January 1961, that the motion is granted and the hearing herein is rescheduled from February 3, 1961, to March 17, 1961, 10:00 a.m., in the Commission Offices, Washington 6, D.C.

*It is further ordered*, That the exchange of affirmative engineering and rebuttal engineering exhibits shall be on or before February 27, 1961, and March 6, 1961, respectively.

Released: January 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-597; Filed, Jan. 23, 1961; 8:51 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP61-129]

## NATURAL GAS PIPELINE CO. OF AMERICA

### Notice of Application and Date of Hearing

JANUARY 13, 1961.

Take notice that on October 28, 1960, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago 3, Illinois, filed in Docket No. CP61-129 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of meter stations, lateral pipelines and taps on Applicant's existing transmission system to enable it to take into its certificated main pipeline system natural gas which will be purchased from producers thereof from time to time during the calendar year 1961, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The total cost of all projects for which authorization is sought in this "budget type" application is not to exceed $3,500,000, with the total cost of any single project limited to $500,000.

The purpose of this proposal is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various areas generally coextensive with its system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 20, 1961 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1), or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-550; Filed, Jan. 23, 1961; 8:46 a.m.]

[Docket No. CP61-168]

## TRANSWESTERN PIPELINE CO.

### Notice of Application and Date of Hearing

JANUARY 16, 1961.

Take notice that on December 21, 1960, Transwestern Pipeline Company (Applicant), First City National Bank Building, Houston, Texas, filed in Docket No. CP61-168 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main transmission pipeline system natural gas which will be purchased from producers thereof from time to time during the calendar year 1961 in the area of its existing transmission system at a total cost of not to exceed $3,000,000, with no single project to exceed a cost of $500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type proposal is to augment Applicant's ability to act with reasonable dispatch in securing by contract and connecting to its pipeline system new supplies of natural gas in various areas generally coextensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 16, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 8, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-551; Filed, Jan. 23, 1961; 8:46 a.m.]

[Docket No. E-6975]

## SOUTHWESTERN POWER ADMINISTRATION

### Notice of Request for Approval of Rates and Charges

JANUARY 16, 1961.

Notice is hereby given that the Secretary of the United States Department of the Interior, on behalf of the Southwestern Power Administration (SWPA), has filed with the Federal Power Commission, for confirmation and approval, pursuant to section 5 of the Flood Control Act of 1944 (58 Stat. 887), the rates and charges and the appropriate terms and conditions contained in an agreement between SWPA and the Associated Electric Cooperative, Inc.[1] (Cooperative) for the sale by SWPA of the entire electric output of the Bull Shoals and Table Rock projects and for the exchange emergency service. Approval is requested for the period from the date of the Commission's order until June 1, 1970.

The pertinent sections in the agreement pertaining to rates and charges are sections of Articles V and IX, which, briefly, are as follows:

SWPA shall sell and deliver to the Cooperative, and the Cooperative shall purchase and receive, all of the electric power and energy generated at the Bull Shoals and Table Rock projects, exclusive of such amounts of secondary energy from the Bull Shoals project for which SWPA is committed to meet its obligation to the Arkansas Power & Light Company. The Cooperative shall compensate SWPA each month for the Bull Shoals-Table Rock power and energy in accordance with the schedule of compensation as set forth below:

| During the period when name plate capacity of generators installed and in commercial operation of Bull Shoals is— | And name plate capacity of generators installed and in commerical operation at Table Rock is— | Payment by the Cooperative per Contract year[1] shall be— | Payable each month at the rate of— |
|---|---|---|---|
| *Kilowatts* | *Kilowatts* | | |
| 160,000 | 100,000 | $3,120,000 | $260,00 |
| 160,000 | 150,000 | 3,720,000 | 310,00 |
| 160,000 | 200,000 | 4,320,000 | 360,00 |
| 205,000 | 200,000 | 4,860,000 | 405,00 |
| 250,000 | 200,000 | 5,400,000 | 450,00 |
| 295,000 | 200,000 | 5,940,000 | 495,00 |
| 340,000 | 200,000 | 6,480,000 | 540,00 |

[1] Contract year shall mean the 12-month period beginning June 1 of each calendar year.

Under the agreement dated January 8, 1952 between the United States of America, Arkansas Power & Light Company and Reynolds Metal Company, SWPA is committed to deliver to Arkansas Power & Light Company a certain amount of secondary energy available to SWPA from those projects which are integrated through SWPA's Denison-Norfork transmission line. For energy received from the Bull Shoals project to assist in carrying out this obligation, the Cooperative shall be compensated at the following rates:

Until January 1, 1969, 1.5 mills per kwh.
January 1, 1969 to January 1, 1974, 1.75 mills per kwh.
January 1, 1974 and thereafter, 2.00 mills per kwh.

In the event that the output of the projects is reduced for more than 24 hours due to an uncontrollable force, provision is made for SWPA to compensate the Cooperative, during the months of June through September for its purchases from an outside source, of the difference between such reduced output and the amount scheduled by the Cooperative. Provision is also made for a reduction in the payments in the above schedule of compensation if the output of the projects is reduced by reason of an uncontrollable force for a period of 15 consecutive days during the months of October through May.

The Cooperative and SWPA will furthermore provide emergency service to each other at the rate of 1.25 cents per kwh.

Other services to be rendered under the agreement between SWPA and the Cooperative are for the sale by the Cooperative to SWPA of up to 60,000 kw of capacity and such associated energy as may be required to provide service to certain specified customers of SWPA. In addition, the Cooperative agrees to provide for the period beginning with the commencement of operations and ending June 1, 1965, varying amounts of capacity and such accompanying energy as may be required by SWPA to fulfill its obligations to its customers under existing contracts. In addition to the payments to the Cooperative for the above electric service, SWPA will compensate the Cooperative for the use of its transmission facilities required for the delivery of such electric service and the Cooperative will undertake to operate and maintain, at no expense to SWPA, certain isolated portions of SWPA's transmission facilities located in the Cooperative's service area.

Any person desiring to make comments or suggestions for Commission consideration with respect to the foregoing rates and charges should submit the same in writing on or before January 27, 1961, to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-552; Filed, Jan. 23, 1961; 8:46 a.m.]

[1] The Cooperative was created for the purpose of acting as operating agent for Central Electric Power Cooperative; Kamo Electric Cooperative, Inc.; M & A Electric Power Cooperative; Northeast Missouri Electric Power Cooperative; N.W. Electric Power Cooperative, Inc.; and Sho-Me Power Corporation.



# DEPARTMENT OF COMMERCE

## Bureau of Foreign Commerce

[Case No. 285]

## MAX ROSÉ AND M. ROSÉ HANDELSGESELLSCHAFT M.B.H.

### Order Denying Export Privileges

In the matter of MAX ROSÉ and M. ROSÉ HANDELSGESELLSCHAFT M.B.H., Biberstrasse 22, Vienna, Austria, Respondents, Case No. 285.

Max Rosé and M. Rosé Handelsgesellschaft m.b.H., the respondents herein, were charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder. They appeared and answered in person but did not attend the oral hearing.

In accordance with the practice, the case was referred to the Compliance Commissioner, who has reported that the evidence supports findings of violation and has recommended that the respondents be denied export privileges so long as export controls remain in effect, subject to a right to apply for curtailment as hereinafter provided.

Now, after considering the entire record consisting, among other things, of the charging letter, the evidence submitted in support thereof, the answer submitted by the respondents, and the Report and Recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, the respondents, Max Rosé and M. Rosé Handelsgesellschaft m.b.H., were and now are engaged in the export, import, and transit business in Vienna, Austria.

2. Heretofore and on or about the 19th day of August 1958, they ordered seventeen electronic tubes valued in the aggregate at about $420 from a supplier in the United States and, in the letter whereby they ordered said tubes, they represented that the tubes had been ordered by a factory in Vienna for use in its operations. This representation was made by them although it was at that time their intention to re-export the tubes from Austria.

3. In reliance on said representation, the American supplier applied to the Bureau of Foreign Commerce for a validated export license authorizing the said exportation to the respondents for the account of the factory in Vienna named by them as the end-user.

4. Such validated export license was duly issued by the Bureau of Foreign Commerce and, after the issuance thereof, the American supplier exported the said seventeen tubes to the respondents pursuant thereto. It represented on the export declaration and on the air waybill that the commodities had been licensed by the United States for Austria as the ultimate destination. The waybill contained a notice that diversion from Austria was contrary to United States law. At about the same time, the American supplier sent to the respondents the invoice for said tubes, and on the said invoice there was endorsed a destination control clause limiting the destination of the goods to Austria and warning against any diversion contrary to United States law.

5. After receiving the said tubes in Vienna, the respondents caused them to be diverted to Hungary without prior authorization from the Bureau of Foreign Commerce.

And, from the foregoing, I have concluded that the respondents knowingly caused to be concealed from the Bureau of Foreign Commerce at the time that they ordered the said tubes the fact that they intended to transship the same to Hungary and, after receiving the said tubes in Austria, they caused them to be diverted, transshipped, and re-exported from Austria to Hungary, all in violation of §§ 381.2, 381.4, 381.5, and 381.6 of the Export Regulations.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law, it is hereby ordered:

I. So long as export controls shall be in effect, the said respondents, their agents, servants, and employees, be, and they hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereinafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated license, or resorting to a procedure permitted by any General License, or the utilization of any export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. At the expiration of one year from the date hereof, the respondents may apply to have the effective denial of export privileges held in abeyance while they remain on probation by submitting evidence showing their compliance with all the terms of this order and the details of all their import and export transactions during said year, such application to be considered on its merits and the policies and conditions in effect at that time.

IV. Without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, shall, on behalf of or in any association with the respondents, directly or indirectly, in any manner or capacity (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b) order, receive, buy, use, sell, dispose of, finance, transport, or forward any commodity heretofore or hereafter exported from the United States. Nor shall any person do any of the foregoing acts with respect to any such commodity or exportation in which the respondents may have any interest of any kind or nature.

Dated: January 18, 1961.

FRANK W. SHEAFFER,
*Director,*
*Office of Export Supply.*

[F.R. Doc. 61-577; Filed, Jan. 23, 1961; 8:49 a.m.]

## Office of the Secretary

## MAX LARRY BLUESTONE

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and

Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Kennecott Copper, Upjohn Company.

B. Additions: International Telephone & Telegraph.

Dated: January 10, 1961.

This statement is made as of January 8, 1961.

MAX LARRY BLUESTONE.

[F.R. Doc. 61-558; Filed, Jan. 23, 1961; 8:48 a.m.]

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Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

Pages 701–778

# FEDERAL REGISTER

VOLUME 26 NUMBER 15

Washington, Wednesday, January 25, 1961

THE UNIVERSITY OF MICHIGAN
JAN 27 1961
MAIN READING ROOM

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# Rules and Regulations

## Title 7—AGRICULTURE

**Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture**

[Milk Order Nos. 4, 90, 96, 99]

**PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA**

**PART 990—MILK IN SOUTHEASTERN NEW ENGLAND MARKETING AREA**

**PART 996—MILK IN SPRINGFIELD, MASS., MARKETING AREA**

**PART 999—MILK IN WORCESTER, MASS., MARKETING AREA**

### Order Terminating Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Greater Boston, Massachusetts; Southeastern New England; Springfield and Worcester, Massachusetts; marketing areas (7 CFR Parts 904, 990, 996 and 999), it is hereby found and determined that:

(a) The following provision of the orders no longer tends to effectuate the declared policy of the Act: "was received at that plant and" in §§ 904.2(d)(3), 990.2(d)(3), 996.2(d)(3), and 999.2(d)(3) of the respective orders.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) An important purpose of the amendments to these orders effective September 1, 1960 (25 F.R. 8283) was to facilitate allocation of supplies and other movements of milk among the New England markets through greater uniformity in those provisions (definitions and pooling requirements) of the New England orders which determine the scope of regulation in each of the markets.

The amended orders have brought about greater flexibility in the shifting of plants among markets without interruption to "producer" status for dairy farmers delivering to such plants. However, an unforeseen result of the amended definition "dairy farmer for other markets" is that an entire plant together with the complement of producers delivering to such plant can shift freely from one market to another while individual dairy farmers may not be shifted by a handler so freely if producer status is to be retained.

Conversion to bulk tank delivery in the New England markets is resulting in the closing of some plants at which milk was formerly received in cans. Several handlers have experienced difficulty in their conversion programs because of inability to transfer producers from one plant to another under the "dairy farmer for other markets" provision.

Retention of the aforesaid provision in the Greater Boston, Southeastern New England, Springfield and Worcester orders would result in unnecessary and uneconomic handling and transportation of milk as between plants regulated under different orders. The provision interferes with the orderly marketing of milk in the New England area and threatens to impede the balance of milk supplies as among markets. Termination of this provision will alleviate the situation faced by handlers and producers and assist in implementing the intent of the September 1, 1960, amendments with beneficial effect on the several markets.

(2) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(3) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the respective marketing areas.

(4) Interested persons have been afforded opportunity to show cause why such provision should not be terminated from the respective orders in a notice of proposed termination issued on December 30, 1960 (26 F.R. 29). The period for filing written data, views, or arguments on the proposed termination notice expired on January 12, 1961. Such data, views, or arguments as were filed favored the proposed termination.

Therefore, good cause exists for making this order effective February 1, 1961.

*It is therefore ordered*, That the aforesaid provision of the orders is hereby terminated effective on and after February 1, 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 19th day of January 1961.

CLARENCE L. MILLER,
*Assistant Secretary.*

[F.R. Doc. 61–682; Filed, Jan. 24, 1961; 8:53 a.m.]

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**PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA**

### Expenses and Fixing of Rate of Assessment for 1960–61 Fiscal Year

On January 7, 1961, notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 132) regarding the expenses and rate of assessment for the 1960–61 fiscal year under Marketing Agreement No. 117, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

**§ 914.208 Expenses and rate of assessment for the 1960–61 fiscal year.**

(a) *Expenses.* The expenses necessary to be incurred by the Navel Orange Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the period November 1, 1960, through October 31, 1961, will amount to $160,630.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler who first handles oranges shall be 11 mills ($0.011) per carton of oranges handled by such handler as the first handler thereof during the 1960–61 fiscal year. Such rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable navel oranges from the beginning of such year; and (2) the current fiscal year began on November 1, 1960, and the rate of assessment herein fixed will automatically apply to all assessable navel oranges beginning with such date.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 19, 1961.

FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–681; Filed, Jan. 24, 1961; 8:53 a.m.]

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[Navel Orange Reg. 201, Amdt. 1]

**PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA**

### Limitation of Handling

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel

oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

*Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 914.501 (Navel Orange Regulation 201, 26 F.R. 280) are hereby amended to read as follows:

(i) District 1: 475,000 cartons;
(ii) District 2: 325,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 19, 1961.

FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–657; Filed, Jan. 24, 1961; 8:50 a.m.]

## PART 1033—ONIONS GROWN IN SOUTH TEXAS

### Order Regulating Handling

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AUTHORITY: §§ 1033.0 to 1033.92 issued pursuant to secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

### § 1033.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Edinburg, Texas, on June 13–14, 1960, upon a proposed marketing agreement and a proposed marketing order regulating the handling of onions grown in South Texas. On the basis of the evidence introduced at said hearing and the record thereof, it is found that:

(1) The marketing order as hereinafter set forth, and all of the terms and provisions thereof, will tend to effectuate the declared policy of the Act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the Act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) The marketing order authorizes regulation of the handling of onions grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a proposed marketing order upon which a hearing has been held;

(3) The marketing order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the Act; and the issuance of several marketing orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) The marketing order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions, as defined in the marketing order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found that good cause exists for making the provisions of this order effective not later than the time hereinafter specified so that the South Texas Onion Committee, the administrative agency provided for in the order, can be organized and start to function as soon as possible. Only thereby can regulations be formulated and issued so that onion producers can obtain the benefits of this program on all their 1961 crop.

The provisions of the order are well known to handlers of onions grown in the production area by reason of the following facts:

(1) A public hearing, at which evidence was received from the industry and upon which this order was based, was held in Edinburg, Texas, June 13–14, 1960;



(2) The recommended decision and the final decision were issued on December 5, 1960 (25 F.R. 12606), and December 29, 1960 (26 F.R. 35), respectively;

(3) Copies of the order were made available, to all known parties who may be subject thereto, prior to and during the course of the referendum which was held during the period January 9–15, 1961, to determine whether producers of onions in the production area approved or favored issuance of this order; and

(4) All known handlers in the production area were mailed copies of the marketing agreement, the regulatory provisions of which are the same as those contained in this order.

Compliance with the regulatory provisions of this order will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulations issued pursuant thereto. Therefore, it would be contrary to the public interest to delay the effective date hereof beyond the date hereinafter specified (5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping onions covered by this order) of more than 50 percent of the volume of onions covered by this order have signed the marketing agreement regulating the handling of onions grown in the production area, and

(2) The issuance of this order is approved or favored (i) by at least two-thirds of the producers of onions who participated in the referendum held during the period January 9–15, 1961, and who, during the determined representative period (January 1 through December 31, 1960), have been engaged within the production area in the production of onions for market, and (ii) by producers who participated in the aforesaid referendum and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of such onions produced for market within the production area specified herein by all producers who participated in the said referendum.

*Order relative to handling.* It is, therefore, ordered that on and after the effective time hereof the handling of onions grown in the production area as defined herein shall be in conformity to and in compliance with the terms and conditions of this order, and such terms and conditions are as follows:

DEFINITIONS

### § 1033.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may be hereafter delegated, to act in his stead.

### § 1033.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

### § 1033.3 Person.

"Person" means an individual, partnership, corporation, association or any other business unit.

### § 1033.4 Production area.

"Production area" means the counties of Val Verde, Kinney, Uvalde, Medina, Wilson, Karnes, Goliad, Victoria, Calhoun, Maverick, Zavala, Frio, Atascosa, Dimmit, La Salle, McMullen, Live Oak, Bee, Refugio, Webb, Duval, Jim Wells, San Patricio, Nueces, Zapata, Jim Hogg, Brooks, Kleberg, Kenedy, Starr, De Witt, Aransas, Hidalgo, Willacy, and Cameron, in the State of Texas.

### § 1033.5 Onions.

"Onions" means all varieties of Allium cepa commonly known as onions grown within the production area and marketed dry.

### § 1033.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of onions owned by another person) who handles onions or causes onions to be handled.

### § 1033.7 Handle.

"Handle" or "ship" means to package, sell, transport, or in any way to place onions in the current of the commerce between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery of onions to a person in the production area who is a registered handler.

### § 1033.8 Registered handler.

"Registered handler" means any person with adequate facilities within the production area for preparing onions for commercial market, who customarily does so, and who is so recorded by the committee, or any person who has access to such facilities within the production area, and has recorded with the committee his ability and willingness to assume customary obligations of preparing onions for commercial market.

### § 1033.9 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of onions for market.

### § 1033.10 Grading.

"Grading" is synonymous with "preparation for market" and means the sorting or separation of onions into grades, sizes, and packs for market purposes.

### § 1033.11 Grade and size.

"Grade" means any of the established grades of onions, and "size" means any of the established sizes of onions as defined and set forth in the United States Standards for Bermuda-Granex Type Onions (§§ 51.3195 to 51.3209 of this title) or any other United States Standards for onions, or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

### § 1033.12 Pack.

"Pack" means a quantity of onions in any type of container and which falls within specific weight limits, numerical limits, grade limits, size limits or any combination of these, recommended by the committee and approved by the Secretary.

### § 1033.13 Container.

"Container" means a box, bag, crate, hamper, basket, package, or any other receptacle used in the packaging, transportation, sale, shipment or other handling of onions.

### § 1033.14 Varieties.

"Varieties" means and includes all classifications, subdivisions, or types of onions according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture or recommended by the committee and approved by the Secretary.

### § 1033.15 Committee.

"Committee" means the South Texas Onion Committee, established pursuant to § 1033.22.

### § 1033.16 Fiscal period.

"Fiscal period" means the annual period beginning and ending on such dates as may be approved by the Secretary pursuant to recommendations of the committee.

### § 1033.17 District.

"District" means each of the geographic divisions of the production area initially established pursuant to § 1033.24 or as reestablished pursuant to § 1033.25.

### § 1033.18 Export.

"Export" means to ship onions to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

COMMITTEE

### § 1033.22 Establishment and membership.

The South Texas Onion Committee, consisting of seventeen members, ten of whom shall be producers and seven of whom shall be handlers, is hereby established. For each member of the committee there shall be an alternate. Producer members and alternates shall not have a proprietary interest in or be employees of a handler organization.

### § 1033.23 Term of office.

(a) The term of office of committee members and their respective alternates shall be for two years and shall begin as of August 1 and end as of July 31. The terms shall be so determined that about one-half of the total committee membership shall terminate each year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have

qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

**§ 1033.24 Districts.**

To determine a basis for selecting committee members, the following districts of the production area are hereby initially established:

*District No. 1:* (Coastal Bend) The Counties of Victoria, Calhoun, Goliad, Refugio, Bee, Live Oak, San Patricio, Aransas, Jim Wells, Nueces, Kleberg, Brooks, Kenedy, Duval, and McMullen in the State of Texas.

*District No. 2:* (Laredo) The Counties of Zapata, Webb, and Jim Hogg in the State of Texas.

*District No. 3:* (Lower Valley) The Counties of Cameron, Hidalgo, Starr, and Willacy in the State of Texas.

*District No. 4:* (Wilson-Karnes) The Counties of DeWitt, Wilson, Atascosa, and Karnes in the State of Texas.

*District No. 5:* (Winter Garden) The Counties of Val Verde, Frio, Kinney, Uvalde, Medina, Maverick, Zavala, Dimmit, and La Salle in the State of Texas.

**§ 1033.25 Redistricting.**

The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to:

(a) Shifts in onion acreage within the districts and within the production area during recent years;

(b) The importance of new production in its relation to existing districts;

(c) The equitable relationship of committee membership and districts;

(d) Economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and

(e) Other relevant factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

**§ 1033.26 Selection.**

The Secretary shall select members and respective alternates from districts established pursuant to § 1033.24 or § 1033.25. Initial selections shall be as follows:

District No. 1—3 producer members and alternates; 1 handler member and alternate.

District No. 2—2 producer members and alternates; 1 handler member and alternate.

District No. 3—3 producer members and alternates; 2 handler members and alternates.

District No. 4—1 handler member and alternate.

District No. 5—2 producer members and alternates; 2 handler members and alternates.

**§ 1033.27 Nomination.**

The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and handlers shall be held for each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart;

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee;

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 1 of each year;

(d) Only producers may participate in designating producer nominees, and only handlers may participate in naming handler nominees. In the event a person is engaged in producing or handling onions in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees;

(e) Regardless of the number of districts in which a person produces or handles onions, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

**§ 1033.28 Failure to nominate.**

If nominations are not made within the time and in the manner specified in § 1033.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 1033.22 through 1033.26.

**§ 1033.29 Acceptance.**

Any person selected as a committee member or alternate shall qualify by filing a written acceptance within ten days after being notified of such selection.

**§ 1033.30 Vacancies.**

To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 1033.27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 1033.24 to 1033.26.

**§ 1033.31 Alternate members.**

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by the member for whom he is an alternate. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members

**§ 1033.32 Procedure.**

(a) Eleven members of the committee shall be necessary to constitute a quorum. Nine concurring votes, or two-thirds of the votes cast, whichever is greater, shall be required to pass any motion or approve any committee action. At assembled meetings all votes shall be cast in person.

(b) The committee may meet by telephone, telegraph, or other means of communication and any vote at such a meeting shall be promptly confirmed in writing. On such occasions unanimous vote of committee members voting will be required to approve any action.

**§ 1033.33 Expenses and compensation.**

Committee members and alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part. In addition they may receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed $10 for each day, or portion thereof, spent in attending to committee business.

**§ 1033.34 Powers.**

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

**§ 1033.35 Duties.**

It shall be, among other things, the duty of the committee:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members and alternates, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;



(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds for employees;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to onions;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege;

(i) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee, and such minutes, books and records shall be subject to examination at any time by the Secretary or by his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(j) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(k) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers, and a copy of each such report shall be furnished the Secretary;

(l) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

**§ 1033.40 Expenses.**

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of a fiscal period. Each handler's share of such expenses shall be proportionate to the ratio between the total quantity of onions handled by him as the first handler thereof during a fiscal period and the quantity of onions handled by all handlers as first handlers thereof during such fiscal period.

**§ 1033.41 Budget.**

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

**§ 1033.42 Assessments.**

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles onions, which are regulated under this part, shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all onions which were regulated under this part and which were handled by the first handlers thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

**§ 1033.43 Accounting.**

(a) Assessments collected in excess of expenses incurred shall be accounted for in accordance with one of the following:

(1) Excess funds not retained in a reserve, as provided in subparagraph (2) of this paragraph shall be refunded proportionately to the persons from whom they were collected.

(2) The committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as reserves: *Provided*, That funds already in reserves do not equal approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses during any fiscal period prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided for in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

RESEARCH AND DEVELOPMENT

**§ 1033.48 Research and development.**

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of onions. The expenses of such projects shall be paid from funds collected pursuant to § 1033.42.

REGULATIONS

**§ 1033.50 Marketing policy.**

(a) At the beginning of each season, and as the Secretary may require, the committee shall prepare a marketing policy. Such policy shall indicate the data on onion supplies and demand on which the committee bases its judgments and recommendations. It shall indicate also the kind or types of regulations contemplated during the ensuing season, and, to the extent practical, shall include recommendations for specific regulations. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available generally.

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to onion supplies for the season, with special consideration to:

(1) Estimates of total supplies, including grade, size, and quality thereof, in the production area;

(2) Estimates of supplies in the competing areas;

(3) Market prices by grades, sizes, containers, and packs;

(4) Estimates of supplies of competing commodities;
(5) Anticipated marketing problems;
(6) Level and trend of consumer income; and
(7) Other relevant factors.

**§ 1033.51 Recommendations for regulations.**

Upon complying with the requirements of § 1033.50 the committee may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the act.

**§ 1033.52 Issuance of regulations.**

(a) The Secretary shall limit the handling of onions by regulations specified in this section whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the act.

(b) Such regulations may:

(1) Limit in any or all portions of the production area the handling of particular grades, sizes, qualities or packs, or any combination thereof, of any or all varieties of onions during any period;

(2) Limit the handling of particular grades, sizes, qualities, or packs of onions differently for different varieties, for different containers, for different portions of the production area, or any combination of the foregoing, during any period;

(3) Limit the handling of onions by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(4) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, preparation for market, shipment, or other handling of onions.

(c) Regulations issued hereunder may be amended, modified, suspended, or terminated whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or other available information;

(2) That such action is essential to provide relief from inspection, assessment, or regulations under paragraph (b) of this section for minimum quantities less than customary commercial transactions; or

(3) That regulations issued hereunder no longer tend to effectuate the declared policy of the act.

**§ 1033.53 Handling for special purposes.**

Regulations in effect pursuant to §§ 1033.42, 1033.52, or 1033.60 may be modified, suspended, or terminated to facilitate handling of onions for:

(a) Relief or charity;
(b) Experimental purposes;
(c) Export; and
(d) Other purposes which may be recommended by the committee and approved by the Secretary.

**§ 1033.54 Safeguards.**

The committee, with the approval of the Secretary, may establish through rules such requirements as may be necessary to establish that shipments made pursuant to § 1033.53 were handled and used for the purpose stated.

**§ 1033.55 Notification of regulation.**

The Secretary shall promptly notify the committee of regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

INSPECTION

**§ 1033.60 Inspection and certification.**

(a) Whenever the handling of onions is regulated pursuant to § 1033.52, or at other times when recommended by the committee and approved by the Secretary, no handlers shall handle onions unless they are inspected by an authorized representative of the Federal or Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 1033.52(c) or § 1033.54, or paragraph (b) of this section.

(b) Regrading, resorting, or repacking any lot of onions shall invalidate any prior inspection certificate insofar as the requirements of this section are concerned. No handler shall handle onions after they have been regraded, resorted, or repacked unless such onions are inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, or repacked onions may be modified, suspended, or terminated upon recommendation by the committee and approval of the Secretary.

(c) Upon recommendation of the committee and approval by the Secretary, any or all onions so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal or Federal-State Inspector or the Committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) At any time this marketing order is inoperative, compulsory inspection is not required.

(e) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(f) When onions are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the Inspection Service.

(g) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of onions by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated.

REPORTS

**§ 1033.80 Reports.**

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner or form and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of onions received by a handler; (2) the quantities disposed of by him segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such onions; and (4) identification of the inspection certificates relating to the onions which were handled pursuant to § 1033.52 or § 1033.53, or both.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records and documents on onions received and onions disposed of by him as may be necessary to verify reports he submits to the committee pursuant to this section.

COMPLIANCE

**§ 1033.81 Compliance.**

Except as provided in this subpart, no handler shall handle onions, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle onions except in conformity to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

**§ 1033.82 Right of the Secretary.**

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

**§ 1033.83 Effective time.**

The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until



terminated in one of the ways specified in this subpart.

**§ 1033.84 Termination.**

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production of onions for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such onions produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

**§ 1033.85 Proceeding after termination.**

(a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all of the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

**§ 1033.86 Effect of termination or amendments.**

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

**§ 1033.87 Duration of immunities.**

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

**§ 1033.88 Agents.**

The Secretary may, by designation in writing, name any person, including any officer or employee of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

**§ 1033.89 Derogation.**

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

**§ 1033.90 Personal liability.**

No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

**§ 1033.91 Separability.**

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

**§ 1033.92 Amendments.**

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

Issued at Washington, D.C., this 19th day of January to become effective February 6, 1961.

CLARENCE L. MILLER,
*Assistant Secretary.*

[F.R. Doc. 61-683; Filed, Jan. 24, 1961; 8:54 a.m.]



# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### Department of Health, Education and Welfare

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (a) of § 6.114 as set out below.

**§ 6.114 Department of Health, Education and Welfare.**

(a) *St. Elizabeth's Hospital.* * * *

(5) Two Psychodrama Interns.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-679; Filed, Jan. 24, 1961; 8:53 a.m.]

## PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### Civil Aeronautics Board

Effective upon publication in the FEDERAL REGISTER, paragraph (i) of § 6.337 is revoked and paragraphs (j) and (k) are amended as set out below.

**§ 6.337 Civil Aeronautics Board.**

* * * * * * *

(j) One Special Assistant for Congressional Relations.

(k) One Secretary to the Special Assistant for Congressional Relations.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-677; Filed, Jan. 24, 1961; 8:53 a.m.]

## PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

### Subpart E—Conversion of Employees Together With Their Positions From Classification Act Schedule to Prevailing Wage System, or From Prevailing Wage System to Classification Act Schedule

Subpart E is revoked.

(Sec. 1101, 63 Stat. 971, sec. 113, 68 Stat. 1108; 5 U.S.C. 1072, 1072(a))

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-678; Filed, Jan. 24, 1961; 8:53 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

### PART 18—REINSPECTION AND PREPARTION OF PRODUCTS

### Glands and Organs for Certain Uses

On October 15, 1960, there was published in the FEDERAL REGISTER (25 F.R. 9901) a notice of proposed amendment to the Meat Inspection Regulations (9 CFR Ch. I, Subchapter A, as amended). After due consideration of all relevant matters submitted in connection with the notice, and pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U.S.C. 71–91), § 18.15 of the aforesaid regulations is hereby amended to read as follows:

**§ 18.15 Glands and organs for use in preparing pharmaceutical, organotherapeutic, or technical products.**

(a) (1) Glands and organs for use in preparing pharmaceutical, organotherapeutic, or technical products and which are not used as food products, such as cotyledons, ovaries, prostate glands, tonsils, spinal cords, and detached lymphatic, pineal, pituitary, parathyroid, suprarenal, pancreatic, and thyroid glands, may be shipped interstate, without restriction under this subchapter, either by establishments operating under inspection or by those which do not operate under inspection: *Provided*, That the containers are plainly marked "For pharmaceutical purposes," "For organotherapeutic purposes," or "For technical purposes," and no reference is made to inspection.

(2) Glands and organs within the provisions of paragraph (1) may be brought into and stored in edible product departments of inspected establishments or shipped with edible product if packaged in suitable containers so that the presence of such glands and organs will in no way interfere with the maintenance of sanitary conditions or constitute an interference with inspection.

(b) Glands or organs which are regarded as food products, such as livers, testicles, and thymus, may be shipped interstate or brought into official establishments for pharmaceutical, organotherapeutic, or technical purposes, only if U.S. inspected and passed and so identified.

The foregoing amendment places pancreatic glands in the category of pharmaceutical glands and relieves restrictions with respect thereto. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) the amendment may be made effective less than 30 days after publication.

The amendment shall become effective on January 25, 1961.

Done at Washington, D.C., this 19th day of January 1961.

M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 61–684; Filed, Jan. 24, 1961; 8:54 a.m.]

## Chapter II—Agricultural Marketing Service, Department of Agriculture

### PART 203—STATEMENT OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

### Giving by Meat Packers of Meat and Other Gifts to Government Employees

Pursuant to the authority vested in me by § 201.3 of the regulations (9 CFR 201.3) under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), a statement of general policy with respect to the giving of meat and other gifts by meat packers to Government employees is hereby issued as section 203.2 of Part 203, Title 9, Code of Federal Regulations, to read as follows:

**§ 203.2 Statement of general policy with respect to the giving by meat packers of meat and other gifts to Government employees.**

(a) In recent months, the Department has received information, confirmed by investigation, that a number of packers subject to the Packers and Stockyards Act have made gifts of meat to Government employees responsible for conducting service activities of the Department. Such gifts have the implications of fraud, even if not made specifically for the purpose of influencing these employees in the performance of their duties.

(b) It is a violation of the Meat Inspection Act for any person, firm, or corporation to give to any employee of the Department performing duties under such act anything of value with intent to influence such employee in the discharge of his duties, or for such employee to receive from any person, firm, or corporation engaged in interstate or foreign commerce any gift given with any intent or purpose whatsoever (21 U.S.C. 90). Under the Federal meat grading regulations, the giving or attempting to give by a packer of anything of value to any employee of the Department authorized to perform any function under such regulations is a basis for the withdrawal of Federal meat grading service (7 CFR 53.13). The receiving by an employee of the Department of any gift from any person for whom grading, inspection, or other service work is performed is specifically prohibited by Departmental regulations.

Upon the basis of the foregoing, it is the view of the Department that it is an unfair and deceptive practice in violation of section 202(a) of the Packers and Stockyards Act (7 U.S.C. 192(a)) for any person subject to the provisions of Title II of said Act to give or offer to give meat, money, or anything of value to any Government employee who performs inspection, grading, reporting, or regulatory duties directly relating to the purchase or sale of livestock or the preparation or distribution of meats, meat food products, livestock products in unmanufactured form, poultry or poultry products.

The foregoing statement of general policy shall become effective upon its publication in the FEDERAL REGISTER (sec. 407, 42 Stat. 169; 7 U.S.C. 228; 9 CFR 201.3).

Done at Washington, D.C., this 19th day of January 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F.R. Doc. 61–685; Filed, Jan. 24, 1961; 8:54 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 630; Amdt. 243]

### PART 507—AIRWORTHINESS DIRECTIVES

### Douglas DC–8 Aircraft

Satisfactory flight tests of Douglas DC–8 aircraft with fuel dump chutes modified in accordance with Douglas Service Bulletin 28–16 show that the speed restrictions imposed by Amendment 173, 25 F.R. 5826, can be removed without adversely affecting the original level of safety. Accordingly, the 200 knots indicated airspeed restriction required by paragraph (a) of Amendment 173 may be removed from those aircraft which have been reworked in accordance with Service Bulletin 28–16 and the directive is being amended accordingly.

Since this amendment provides a relaxation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 173, Douglas Model DC-8 aircraft, 25 F.R. 5826, is amended by adding the following immediately after paragraph (b):

(c) The 200 knots indicated airspeed restriction may be removed from those aircraft which have been reworked in accordance with Douglas Service Bulletin 28-16, "Fuel-Fuel Dump System and Controls".

This amendment shall become effective January 25, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 17, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61–611; Filed, Jan. 24, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–WA–201]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### Modification

On January 5, 1961, there were published in the FEDERAL REGISTER (26 F.R. 21) amendments to Part 600 of the regulations of the Administrator. These amendments, to be effective March 9, 1961, designated several 800 series airways (preferred routes) which were intended to coincide with existing VOR Federal airways.

In designating Victor 845, however, the segment between Neosho, Mo., and Okmulgee, Okla., was described as a direct route, whereas it should have been routed from the Neosho VOR via the intersection of the Tulsa, Okla., VORTAC 088° True and the Neosho, Mo., VOR 223° True radials to the Okmulgee VOR, to coincide with VOR Federal airway 15. Therefore, action is taken herein to correct the description of Victor 845.

Since thirty days will elapse from the time of publication of this action to the effective date of the rule as initially adopted, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60–WA–201 is hereby modified as follows:

In § 600.6845 (26 F.R. 21) "Neosho, Mo., VOR;" is deleted and "Neosho, Mo., VOR; INT of the Tulsa, Okla., VORTAC 088° True and the Neosho VOR 223° True radials;" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–630; Filed, Jan. 24, 1961; 8:47 a.m.]

[Airspace Docket No. 59–WA–414]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification; Change of Effective Date

On April 30, 1960, there were published in the FEDERAL REGISTER (25 F.R. 3816) amendments to Parts 600 and 601 of the regulations of the Administrator. These amendments, to be effective February 9, 1961, modified VOR Federal airway No. 91 and its associated control areas, designated VOR Federal airway No. 489 and its associated control areas, and designated a control zone at Poughkeepsie, N.Y., concurrently with the commissioning of a VOR near Clermont, N.Y.

Subsequently, a modification of amendments was published on December 9, 1960, in the FEDERAL REGISTER (25 F.R. 12589) which further modified VOR Federal airway No. 91 and its associated control areas.

The commissioning date of the Clermont VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until April 6, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 59–WA–414 is hereby modified as follows: "effective 0001 e.s.t., February 9, 1961." is deleted and "effective 0001 e.s.t. April 6, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–624; Filed, Jan. 24, 1961; 8:47 a.m.]

[Airspace Docket No. 59–WA–331]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification

On April 13, 1960, there were published in the FEDERAL REGISTER (25 F.R. 3156) amendments to §§ 600.6091 and 601.6091 of the regulations of the Administrator. These amendments, originally to become effective on January 12, 1961, revoked VOR Federal airway No. 91 east alternate and its associated control areas between Poughkeepsie, N.Y., and Albany, N.Y., concurrently with the commissioning of a VOR near Cambridge, N.Y.

On November 30, 1960, a modification of amendments was published in the FEDERAL REGISTER (25 F.R. 12234) postponing the effective date of the abovementioned amendments until June 1, 1961, due to a delay in the commissioning of the Cambridge, N.Y., VOR.

In revoking Victor 91 east alternate between Poughkeepsie and Albany in Airspace Docket No. 59–WA–331, reference is made to a west alternate to Victor 91 between these points. This west alternate is being revoked in Airspace Docket No. 59–WA–414 (25 F.R. 3816, and modification of amendments 25 F.R. 12589) effective February 9, 1961. Therefore, action is taken herein to delete all reference to Victor 91 west alternate in Airspace Docket No. 59–WA–331.

Since 30 days will elapse from the time of publication of this action to the effective date of the rule as initially adopted, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 59–WA–331 is hereby modified as follows:

1. The amendments to §§ 600.6091 and 601.6091 are deleted and the following are substituted therefor:

(a) Section 600.6091 is amended to read:

**§ 600.6091 VOR Federal airway No. 91 (New York, N.Y., to Montreal, Quebec).**

That airspace over U.S. territory from the Idlewild, N.Y., VORTAC via the INT of the Idlewild VORTAC 042° True and the Wilton VOR 185° True radials; Wilton, Conn., VOR; Poughkeepsie, N.Y., VOR; INT of the Poughkeepsie VOR 342° True and the Albany VORTAC 181° True radials; Albany, N.Y., VORTAC; Glens Falls, N.Y., VORTAC; Benson, Vt., VOR; Burlington, Vt., VOR; Plattsburgh, N.Y., VOR; Montreal, Quebec, Canada, VOR; including an east alternate from the Burlington VOR to the Montreal VOR via the INT of the Burlington VOR 353° True and the Montreal VOR 146° True radials.

(b) Section 601.6091 is amended to read:

**§ 601.6091 VOR Federal airway No. 91 control areas (New York, N.Y., to Montreal, Quebec).**

All of VOR Federal airway No. 91 including an east alternate.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–625; Filed, Jan. 24, 1961; 8:47 a.m.]

[Airspace Docket No. 60–FW–50]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Federal Airway and Associated Control Areas

On October 19, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 9955) stating

that the Federal Aviation Agency proposed to extend VOR Federal airway No. 22 from New Orleans, La., to Houston, Tex., including a north alternate.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 600.6022 (14 CFR 600.6022, 25 F.R. 6266, 8714) the following changes are made:

(a) In the caption *"New Orleans, La.,"* is deleted and *"Houston, Tex.,"* is substituted therefor.

(b) In the text "From the New Orleans, La., omnirange station via the intersection of the New Orleans omnirange 085° and the Brookley AFB omnirange 238° radials;" is deleted and "From the Houston, Tex., VORTAC via the INT of the Houston VORTAC 090° True and the Sabine Pass, Tex., VOR 265° True radials; Sabine Pass VOR; Tibby, La., VOR; including a N alternate from the INT of the Sabine Pass VOR 090° True and the Lake Charles, La., VOR 218° True radials, Lake Charles VOR, INT of the Lake Charles VOR 119° True and the Tibby VOR 271° True radials; New Orleans, La., VORTAC; INT of the New Orleans VORTAC 085° True and the Brookley AFB TVOR 238° True radials;" is substituted therefor.

2. In the caption of § 601.6022 (25 F.R. 6266) *"New Orleans, La.,"* is deleted and *"Houston, Tex.,"* is substituted therefor.

These amendments shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-626; Filed, Jan. 24, 1961; 8:47 a.m.]

[Airspace Docket No. 60-AN-26]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification; Change of Effective Date

On November 29, 1960, there were published in the FEDERAL REGISTER (25 F.R. 12172) amendments to Parts 600 and 601 of the regulations of the Administrator. These amendments, to be effective February 9, 1961, designated VOR Federal airway No. 504 from Nenana, Alaska, to Fairbanks, Alaska, and designated the Nenana and Fairbanks VORs as reporting points concurrently with the commissioning of the Fairbanks VOR.

The commissioning date of the Fairbanks VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until August 24, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-AN-26 is hereby modified as follows: "effective 0001 e.s.t., February 9, 1961." is deleted and "effective 0001 e.s.t., August 24, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-627; Filed, Jan. 24, 1961; 8:47 a.m.]

[Airspace Docket No. 60-NY-98]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Federal Airway and Designation of Control Area Extensions

On October 22, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10104) stating that the Federal Aviation Agency proposed to designate control area extensions at Lebanon, N.H., Springfield, Vt., Keene, N.H., and a west alternate to VOR Federal airway No. 151 between Keene and Lebanon.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Part 601 (14 CFR Part 601) is amended by adding the following sections:

**§ 601.1109 Control area extension (Lebanon, N.H.).**

That airspace within 8 miles W and 5 miles E of the 348° True bearing from the Lebanon RBN extending from the RBN to 17 miles N; within 8 miles SE and 5 miles NW of the 050° True radial from the Lebanon VOR extending from the VOR to 17 miles NE.

**§ 601.1104 Control area extension (Springfield, Vt.).**

That airspace within 8 miles E and 5 miles W of the 185° True bearing from the Springfield RBN extending from the RBN to 17 miles S.

**§ 601.1315 Control area extension (Keene, N.H.).**

That airspace within 8 miles W and 5 miles E of the 188° True radial of the Keene VOR extending from the VOR to 17 miles S; within 8 miles W and 5 miles E of the 186° True bearing from the Keene RBN extending from the RBN to 17 miles S.

**§ 600.6151 [Amendment]**

2. In the text of § 600.6151 (25 F.R. 630, 4899) "Lebanon, N.H., VOR;" is deleted and "Lebanon, N.H., VOR, including a W alternate via the INT of the Keene VOR 341° True and the Lebanon VOR 211° True radials;" is substituted therefor.

**§ 601.6151 [Amendment]**

3. In the text of § 601.6151 (25 F.R. 630, 4899), "All of VOR Federal airway No. 151." is deleted and "All of VOR Federal airway No. 151 including a W alternate." is substituted therefor.

These amendments shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-628; Filed, Jan. 24, 1961; 8:47 a.m.]

[Airspace Docket No. 60-NY-107]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Federal Airway and Associated Control Areas

On November 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10601) stating that the Federal Aviation Agency proposed to extend VOR Federal airway No. 58 and its associated control areas southeastward to the intersection of the Hartford, Conn., VOR 130° True and the Providence, R.I., VOR 212° True radials.

No adverse comments were received regarding the proposed amendments.



Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6058 (14 CFR 600.6058; 25 F.R. 634, 1940, 856, 4899) is amended to read:

**§ 600.6058 VOR Federal airway No. 58 (Imperial, Pa., to Fishers Island, N.Y.).**

From the Imperial, Pa., VORTAC via the INT of the Imperial VORTAC 074° True and the Carrolltown, Pa., VOR 274° True radials; Carrolltown VOR; Tyrone, Pa., VORTAC; Philipsburg, Pa., VORTAC; Williamsport, Pa., VORTAC; INT of the Williamsport VORTAC 079° True and the Thornhurst, Pa., VOR 293° True radials; Wilkes-Barre-Scranton, Pa., VOR; Poughkeepsie, N.Y., VOR; Hartford, Conn., VOR; to the INT of the Hartford VOR 130° True and the Providence, R.I., VOR 212° True radials.

2. Section 601.6058 (14 CFR 601.6058) is amended to read:

**§ 601.6058 VOR Federal airway No. 58 control areas (Imperial, Pa., to Fishers Island, N.Y.).**

All of VOR Federal airway No. 58.

These amendments shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-629; Filed, Jan. 24, 1961; 8:47 a.m.]

[Airspace Docket No. 60-FW-90]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Points

On November 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10774) stating that the Federal Aviation Agency proposed to revoke the segment of Blue Federal airway No. 3, its associated control areas and reporting points, between Miami, Fla., and Tampa, Fla.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

**§ 600.603 [Amendment]**

1. In § 600.603 (25 F.R. 12734) the following changes are made:

(a) In the caption *"Miami, Fla., to Tampa, Fla.,"* is deleted.

(b) In the text "From the Miami, Fla., RBN via the Fort Myers, Fla., RBN to the Tampa, Fla., RR." is deleted.

2. Section 601.603 (25 F.R. 2159, 4450, 12734) is amended to read:

**§ 601.603 Blue Federal airway No. 3 control areas (Kokomo, Ind., to Goshen, Ind.).**

All of Blue Federal airway No. 3.

3. Section 601.4603 (25 F.R. 4450, 12734) is amended to read:

**§ 601.4603 Blue Federal airway No. 3 (Kokomo, Ind., to Goshen, Ind.).**

Kokomo, Ind., RBN.

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 17, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-631; Filed, Jan. 24, 1961; 8:47 a.m.]

[Airspace Docket No. 60-FW-78]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Federal Airway, Associated Control Areas, Control Area Extension and Reporting Points

On October 22, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10104) stating that the Federal Aviation Agency (FAA) proposed to revoke the segment of Green Federal airway No. 5, its associated control areas and reporting points, between Columbus, N. Mex., and Fort Worth, Tex., and modify the Midland, Tex., control area extension.

A segment of the Midland control area extension extends from the Midland radio range station to the El Paso, Tex., radio range station, bounded on the north by Green 5 and on the south, southwest and southeast by VOR Federal airway No. 66. Subsequent to publication of the Notice, the FAA has determined that the segment of the control area extension west of VOR Federal airway No. 79 is no longer required. Therefore, action is taken herein to eliminate this segment from the description of the control area extension. Further, in listing the reporting points to be revoked in the notice, the Big Spring, Tex., radio range station was inadvertently omitted. Since this facility is a reporting point associated with the segment of Green 5 being revoked, it is necessary that it be revoked. The action taken herein will also reflect this change.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

**§ 600.15 [Amendment]**

1. In § 600.15 (14 CFR 600.15; 25 F.R. 4160) the following changes are made:

(a) In the caption *"(Los Angeles, Calif., to Fort Worth, Tex., and Knoxville, Tenn., to Boston, Mass.)"* is deleted and *"(Los Angeles, Calif., to Columbus, N. Mex., and Knoxville, Tenn., to Boston, Mass.)"* is substituted therefor.

(b) In the text "Columbus, N. Mex., radio range station; El Paso, Tex., radio range station, excluding the portion which lies outside the continental United States; Salt Flat, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; to the Fort Worth, Tex., RR." is deleted and "to the Columbus, N. Mex., RR." is substituted therefor.

2. Section 601.15 (14 CFR 601.15; 25 F.R. 4160) is amended to read:

**§ 601.15 Green Federal airway No. 5 control areas (Los Angeles, Calif., to Columbus, N. Mex., and Knoxville, Tenn., to Boston, Mass.).**

All of Green Federal airway No. 5.

**§ 601.4015 [Amendment]**

3. In § 601.4015 (14 CFR 601.4015; 25 F.R. 4160, 7620) the following changes are made:

(a) In the caption *"(Los Angeles, Calif., to Fort Worth, Tex., and Knoxville, Tenn., to Boston, Mass.)"* is deleted and *"(Los Angeles, Calif., to Columbus, N. Mex., and Knoxville, Tenn., to Boston, Mass.)"* is substituted therefor.

(b) In the text "Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station;" is deleted.

4. Section 601.1206 (14 CFR 601.1206) is amended to read:

**§ 601.1206 Control area extension (Midland, Tex.).**

That airspace within a 25-mile radius of the Midland RR including the air-

space SW bounded on the N by VOR Federal airway No. 16 S alternate, on the SW by VOR Federal airway No. 79 and on the SE by a line 5 miles SE of and parallel to the Midland ILS localizer SW course.

These amendments shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-632; Filed, Jan. 24, 1961; 8:48 a.m.]

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[Airspace Docket No. 60-FW-91]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas, and Reporting Points

On November 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10773) stating that the Federal Aviation Agency proposed to revoke Blue Federal airway No. 52, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended as follows:

1. Section 600.652 *Blue Federal airway No. 52 (Tamiami, Fla., to West Palm Beach, Fla.)* is revoked.

2. Section 601.652 *Blue Federal airway No. 52 control areas (Tamiami, Fla., to West Palm Beach, Fla.)* is revoked.

3. Section 601.4652 *Blue Federal airway No. 52 (Tamiami, Fla., to West Palm Beach, Fla.)* is revoked.

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-634; Filed, Jan. 24, 1961; 8:48 a.m.]

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[Airspace Docket No. 59-LA-81]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification; Change of Effective Date

On June 21, 1960, there were published in the FEDERAL REGISTER (25 F.R. 5568) amendments to Parts 600 and 601 of the regulations of the Administrator. These amendments, to be effective December 15, 1960, designated VOR Federal airway No. 500 and its associated control areas from Portland, Oreg., to Denver, Colo., concurrently with the commissioning of a VOR near John Day, Oreg.

On November 9, 1960, a modification of amendments changing the effective date of these actions to March 9, 1961, was published in the FEDERAL REGISTER (25 F.R. 10698).

The commissioning date of the John Day VOR has again been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until August 24, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4, of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 59-LA-81 is hereby modified as follows: "effective 0001 e.s.t., March 9, 1961." is deleted and "effective 0001 e.s.t., August 24, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-635; Filed, Jan. 24, 1961; 8:48 a.m.]

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[Airspace Docket No. 60-LA-48]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Points

On October 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10436) stating that the Federal Aviation Agency proposed to revoke the segment of Amber Federal airway No. 8, its associated control areas and reporting points, between Redmond, Oreg., and Ellensburg, Wash.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 600.108 (14 CFR 600.108) the following changes are made:

(a) In the caption *"to Ellensburg, Wash."* is deleted and *"to Redmond, Oreg."* is substituted therefor.

(b) In the text "Redmond, Oreg., radio range station; The Dalles, Oreg., radio range station; Yakima, Wash., radio range station; the intersection of the northwest course of the Yakima, Wash., radio range and the south course of the Ellensburg, Wash., radio range to the Ellensburg, Wash., radio range station." is deleted and "to the Redmond RR." is substituted therefor.

2. In the caption of § 601.108 (14 CFR 601.108) *"to Ellensburg, Wash."* is deleted and *"to Redmond, Oreg."* is substituted therefor.

3. In § 601.4108 (14 CFR 601.4108) the following changes are made:

(a) In the caption *"to Ellensburg, Wash."* is deleted and *"to Redmond, Oreg."* is substituted therefor.

(b) In the text "Redmond, Oreg., radio range station; The Dalles, Oreg., radio range station; Yakima, Wash., radio range station." is deleted and "Redmond, Oreg., RR." is substituted therefor.

These amendments shall become effective 0001, e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-636; Filed, Jan. 24, 1961; 8:48 a.m.]

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[Airspace Docket No. 60-FW-88]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas and Reporting Points, and Modification of Control Area Extension

On November 11, 1960, a notice of proposed rule making was published in the



FEDERAL REGISTER (25 F.R. 10773) stating that the Federal Aviation Agency proposed to revoke Blue Federal airway No. 1 in its entirety, its associated control areas and reporting points, and modify the Fort Myers, Fla., control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In Parts 600 and 601 (14 CFR Parts 600, 601) the following sections are revoked:

§ 600.601 [Revocation]

(a) Section 600.601 *Blue Federal airway No. 1 (Miami, Fla., to Tampa, Fla.)*.

§ 601.601 [Revocation]

(b) Section 601.601 *Blue Federal airway No. 1 control areas (Miami, Fla., to Tampa, Fla.)*.

§ 601.4601 [Revocation]

(c) Section 601.4601 *Blue Federal airway No. 1 (Miami, Fla., to Tampa, Fla.)*.

2. Section 601.1013 (14 CFR 601.1013) is amended to read:

**§ 601.1013 Control area extension (Fort Myers, Fla.).**

The airspace within 5 miles either side of the 220° True radial of the Fort Myers VOR extending from the VOR to the E boundary of the Tampa, Fla., control area extension (§ 601.1228).

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 17, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-637; Filed, Jan. 24, 1961; 8:48 a.m.]

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[Airspace Docket No. 60-NY-110]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Points

On November 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10774) stating that the Federal Aviation Agency proposed to revoke the segment of Green Federal airway No. 2 between Dunkirk, N.Y., and Boston, Mass., its associated control areas, and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.12 [Amendment]

1. In § 600.12 (14 CFR 600.12, 25 F.R. 9242) the following changes are made:

(a) In the caption *"(Seattle, Wash., to Boston, Mass.)"* is deleted and *"(Seattle, Wash., to Windsor, Ontario, Canada, and Clear Creek, Ontario, Canada, to Dunkirk, N.Y.)"* is substituted therefor.

(b) In the text "From the Clear Creek, Ontario, Canada, nondirectional radio beacon via the Dunkirk, N.Y., nondirectional radio beacon; Buffalo, N.Y., radio range station; the intersection of the east course of the Buffalo, N.Y., radio range and the southwest course of the Rochester, N.Y., radio range; Rochester, N.Y., radio range station; the intersection of the southeast course of the Rochester, N.Y., radio range and the west course of the Syracuse, N.Y., radio range; Syracuse, N.Y., radio range station; Albany, N.Y., radio range station; Hartford, Conn., radio range station; the intersection of the west course of the Providence, R.I., radio range and the southwest course of the Boston, Mass., radio range to the Boston, Mass., radio range station." is deleted and "From the Clear Creek, Ont., Canada, RBN to the Dunkirk, N.Y. RBN." is substituted therefor.

2. Section 601.12 (14 CFR 601.12) is amended to read:

**§ 601.12 Green Federal airway No. 2 control areas (Seattle, Wash., to Windsor, Ont., Canada, and Clear Creek, Ont., Canada, to Dunkirk, N.Y.).**

All of Green Federal airway No. 2.

§ 601.4012 [Amendment]

3. In § 601.4012 (14 CFR 601.4012, 25 F.R. 9242) the following changes are made:

(a) In the caption *"(Seattle, Wash., to Boston, Mass.)"* is deleted and *"(Seattle, Wash., to Windsor, Ontario, Canada, and Clear Creek, Ontario, Canada, to Dunkirk, N.Y.)"* is substituted therefor.

(b) In the text "Detroit, Mich., radio range station; Buffalo, N.Y., radio range station; Syracuse, N.Y., radio range station; Albany, N.Y., radio range station; Boston, Mass., radio range station." is deleted and "Detroit, Mich., RR." is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-638; Filed, Jan. 24, 1961; 8:48 a.m.]

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[Airspace Docket No. 60-LA-109]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Zone

The purpose of this amendment to § 601.2182 of the regulations of the Administrator is to modify the Palmdale, Calif., control zone.

The Palmdale control zone is presently designated within a 5-mile radius of the Palmdale Airport and within 2 miles either side of the northeast course of the Palmdale radio range extending from the radio range station to the Muroc Lake Restricted Area R-279.

The Department of the Air Force has advised that the crossing altitudes on final approach for the JAL-310-VOR and RNG approaches to Palmdale Airport are being amended to 3,549 feet MSL, which is 1,000 feet above the field elevation. This correction permits the reduction of the Palmdale control zone extension to the VOR facility. Such action is taken herein.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2182 (14 CFR 601.2182) is amended to read:

**§ 601.2182 Palmdale, Calif., control zone.**

Within a 5-mile radius of the Palmdale Airport (latitude 34°37'45" N., longitude 118°04'54" W.), and within two miles either side of the 232° True radial of the Palmdale VOR extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-616; Filed, Jan. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-FW-16]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Zone

On July 8, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6439) stating that the Federal Aviation Agency (FAA) proposed the modification of the Enid, Okla., control zone.

As stated in the notice, the FAA proposed to designate the Enid control zone within a 5-mile radius of the Vance Air Force Base (latitude 36°20'20" N., longitude 97°55'00" W.), within 2 miles either side of the 185° True radial of the Vance AFB TACAN extending from the 5-mile radius zone to 9 miles south of the TACAN and within 2 miles either side of the 134° True radial of the Vance AFB VOR, extending from the 5-mile radius zone to the VOR.

The Air Transport Association of America (ATA) had no objections to the modification of the control zone as described for Vance AFB. However, they offered the following comments which are quoted in part:

> * * * the proposal does not provide for the protection of aircraft conducting instrument approaches to the Woodring Airport, Enid, Okla. This airport receives scheduled air carrier service by Central Airlines.
>
> We recommend that the proposed modification of the Enid control zone be amended to encompass Vance AFB and the Woodring Airport to provide protection for IFR operations into both airports. Vance Approach Control currently serves both airports and the FAA TVOR has recently been commissioned to serve the Woodring Airport.
>
> If the FAA has determined that communications facilities are not adequate to place the Woodring Airport within the control zone at this time, then we request that the FAA take action to provide the necessary facilities as soon as possible.

The Aircraft Owners and Pilots Association (AOPA) concurred in the elimination of the northeast control zone extension and the reduction in length of the northwest extension. However, they objected to the designation of a control zone extension to the south. The AOPA supported this objection with the following comments, quoted in part:

> With respect to the control zone extension established to the south, we note that the ADF provides for passage over the NDB at 2,000 feet. Since the NDB is 3.8 miles from the end of the runway, it would appear reasonable to require passage over the NDB at 2,307 feet MSL, inasmuch as descent to a landing is authorized under current criteria from 1,000 feet AGL, at a distance of 3.4 miles or more. We recommend that the instrument approach be modified and the control zone extension to the south be eliminated. As for the TACAN approach, it would appear reasonable to limit descent below the altitude to 2,307 feet MSL, or higher, until reaching a point within the 5-mile radius control zone.

As to the first point, the FAA agrees that a control zone or control zone extension to encompass both airports is most desirable in order that protection for IFR operations at both airports could be provided. However, at the present time, the communication requirement at Woodring Airport cannot be complied with. The FAA is investigating a means to provide the required communications and if this can be accomplished, necessary action will be taken to modify the Enid control zone to include Woodring Airport.

As to the AOPA statement that the ADF approach provides for passage over the radio beacon at 2,000 feet MSL, this is no longer correct. Subsequent to the publication of the Notice, the ADF approach was changed so that the crossing altitude at the radio beacon is 2,300 feet MSL or 1,000 feet above the terrain; therefore, this approach would not require the extension to the south since the beacon is within the 5-mile radius control zone. However, the low and high altitude TACAN approaches require aircraft to descend below 2,300 feet MSL after crossing the 7 nautical mile gate which is less than 1,000 feet above the terrain. The establishment of a 7 nautical mile gate for these TACAN approaches is within the criteria as set forth in the "United States Manual of Criteria for Standard Instrument Approach Procedures". Therefore, a control zone extension to the 7 nautical mile gate is required for the protection of aircraft maneuvering below 1,000 feet above the terrain. Since it is the policy of the FAA to designate control zones and extensions to protect aircraft while maneuvering below 1,000 feet when departing or approaching landing fields under an instrument flight rule clearance, the Enid control zone and extensions are designated herein as proposed with the exception of the south extension which will be reduced from 9 miles to 8 miles (7 nautical miles).

No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, § 601.2270 (14 CFR 601.2270) is amended to read:

**§ 601.2270 Enid, Okla., control zone.**

Within a 5-mile radius of the Vance AFB (latitude 36°20'20" N., longitude 97°55'00" W.), within 2 miles either side of the 185° True radial of the Vance AFB TACAN extending from the 5-mile radius zone to 8 miles south of the TACAN and within 2 miles either side of the 134° True radial of the Vance AFB VOR, extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-617; Filed, Jan. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-WA-160]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Designation of Control Area Extension

On August 6, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 7466) stating that the Federal Aviation Agency proposed to designate a control area extension at Adak, Alaska, extending vertically from 700 feet above the surface to 12,000 feet mean sea level. On November 3, 1960, a modification to the proposal was published in the FEDERAL REGISTER (25 F.R. 10552) which proposed raising the upper level of the proposed control area extension to 24,000 feet mean sea level.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

**§ 601.1045 Control area extension (Adak, Alaska).**

Within a 50-mile radius of the Adak Naval Station (latitude 51°53'00" N, longitude 176°39'00" W.), Adak Island, extending vertically from 700 feet above the surface to 24,000 feet MSL.

This amendment shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510, and E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-618; Filed, Jan. 24, 1961; 8:46 a.m.]



[Airspace Docket No. 60-WA-67]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Designation of Control Zone

On August 27, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 8235) stating that the Federal Aviation Agency (FAA) proposed to designate a control zone at Kalamazoo, Mich.

As stated in the notice, a control zone would be designated at Kalamazoo during the period from 0600 hours to 2200 hours Eastern Standard Time, Monday through Saturday and from 0900 hours to 2200 hours Eastern Standard Time Sunday, within a 5-mile radius of the Kalamazoo Airport (latitude 42°14'07" N., longitude 85°33'10" W.), within 2 miles either side of the 039° True radial of the Kalamazoo VOR extending from the 5-mile radius zone to 12 miles northeast of the VOR and within 2 miles either side of the 143° True radial of the Kalamazoo VOR extending from the 5-mile radius zone to 12 miles southeast of the VOR. This designation would provide protection for aircraft executing the prescribed instrument approach procedures based on the VOR during the period that weather reporting service is available.

Three comments were received regarding the proposal. One of these comments was from the Aircraft Owners and Pilots Association (AOPA) which stated in part, "The Aircraft Owners and Pilots Association has considered carefully the effect which this proposed part-time designation of a control zone at Kalamazoo, Michigan, might have on the operation of private and business aircraft. It is believed that pending a thorough evaluation of the part-time control zone which was established on June 11, 1960, at Alpena, Michigan, that further designation of part-time control zones should be held in abeyance." The Air Transport Association of America (ATA) concurred in the proposal and requested the time be extended to 2300 hours local standard time in lieu of 2200 hours as proposed in the notice.

It is the policy of FAA to designate control zones for the protection of aircraft executing instrument approaches at airports where communications and qualified weather observation services are available. The Agency is presently observing the operation of part-time control zones, but, as yet, has accumulated insufficient data to make a comprehensive evaluation of them. However, during the interim period, the part-time control zone concept will provide a degree of safety heretofore not available. Therefore, the FAA is of the opinion that the designation of additional part-time control zones should not be delayed.

Subsequent to publication of the notice, the FAA has been advised that weather observation service is available from 0600 hours to 2300 hours local standard time, Monday through Saturday, and from 0700 hours to 2300 hours local standard time, Sundays. Therefore, action is taken herein to designate the control zone during these revised times. With this change, traffic control service can be provided for three additional scheduled air carrier flights each day as well as for other segments of aviation desirous of availing themselves of this service.

The Department of the Air Force concurred with the proposal. No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

**§ 601.2319 Kalamazoo, Mich., control zone.**

Within a 5-mile radius of the Kalamazoo Airport (latitude 42°14'07" N., longitude 85°33'10" W.), within 2 miles either side of the 039° True radial of the Kalamazoo VOR extending from the 5-mile radius zone to 12 miles NE of the VOR and within 2 miles either side of the 143° True radial of the Kalamazoo VOR extending from the 5-mile radius zone to 12 miles SE of the VOR, during the period from 0600 hours to 2300 hours local standard time, Monday through Saturday and from 0700 hours to 2300 hours local standard time, Sunday.

This amendment shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-619; Filed, Jan. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-KC-71]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Designation of Control Zone

On October 13, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 9814) stating that the Federal Aviation Agency proposed to designate a 3-mile radius control zone at the Milwaukee, Wis., Timmerman Airport.

The Aircraft Owners and Pilots Association objected to the designation of this control zone because the proposal did not indicate that the criteria for the establishment of control zones have been, or would be, met.

The Federal Aviation Agency has established an airport traffic control tower at the Timmerman Airport and the Timmerman Tower personnel will be responsible for weather reporting service at this airport during the time of designation of the control zone. No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In the text of § 601.1983 (14 CFR 601.1983) the following is added: "Milwaukee, Wis.: Timmerman Airport (latitude 43°06'40" N, longitude 88°02'05" W.), from 0600 to 2200 hours, local standard time, daily."

This amendment shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-620; Filed, Jan. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-FW-104]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Zone

The purpose of this amendment to § 601.2400 of the regulations of the Administrator is to modify the La Grange, Ga., control zone by reducing the extension to the northwest.

The La Grange, Ga., control zone is presently designated within a 5-mile radius of Callaway Airport, La Grange, Ga., and within 2 miles either side of the 110° True and 290° True radials of the La Grange VOR extending from the 5-mile radius zone to 5 miles west of the VOR. The prescribed instrument approach procedure based on the VOR has been revised. The portion of the existing control zone extension northwest of the VOR is no longer required. Therefore, action is taken herein to designate the La Grange control zone within a 5-mile radius of the Callaway Airport, La Grange, and within two miles either side of the 110° True radial of the La Grange VOR extending from the 5-mile radius zone to the VOR.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit

appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2400 (14 CFR 601.2400) is amended to read:

§ 601.2400 La Grange, Ga., control zone.

Within a 5-mile radius of the Callaway Airport, La Grange, Ga. (latitude 33°00'30" N., longitude 85°04'30" W.) within two miles either side of the 110° True radial of the La Grange VOR extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-621; Filed, Jan. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-WA-280]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Zone and Control Area Extension

The purpose of these amendments to §§ 601.2227 and 601.1341 of the regulations of the Administrator is to modify the Dover, Del., control zone and control area extension.

A joint use agreement has been consummated for the Milford, Del., Restricted Area (R-12) and the Federal Aviation Agency (FAA) (New York Air Route Traffic Control Center) has been made the controlling agency. Therefore, action is taken herein to designate R-12 as control area so as to permit the clearance of IFR traffic through the area. This will provide the maximum utilization of the airspace within the area.

Since these amendments impose no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 601.2227 (14 CFR 601.2227) "southeast, excluding the portion which overlaps Restricted Area (R-12)." is deleted and "SE. The portion of this control zone that coincides with R-12 shall be used only after obtaining prior approval from the FAA (New York ARTC Center)." is substituted therefor.

2. In the text of § 601.1341 (25 F.R. 10798) "268, excluding the portion which coincides with the Milford, Del., Restricted Area (R-12)." is deleted and "268. The portion of this control area extension that coincides with R-12 shall be used only after obtaining prior approval from the FAA (New York ARTC Center)." is substituted therefor.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-622; Filed, Jan. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-HO-9]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Control Area Extension

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Iwo Jima, Volcano Islands, control area extension.

The Department of the Air Force has stated in correspondence to the Federal Aviation Agency that it has no requirements for the retention of this controlled airspace. The Iwo Jima Air Force Base is available as an alternate airport for aircraft operating between Guam Island and Tokyo, Japan, and between Wake Island and Okinawa. The airport is otherwise on a minimum use basis. The military communications channel between the Guam air route traffic control center and Iwo Jima, previously used for air traffic control purposes, has been discontinued. Therefore, the designation of the Iwo Jima control area extension is no longer required.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 601 (14 CFR Part 601) is amended as follows:

Section 601.1411 *Control area extension (Iwo Jima, Volcano Islands)*, is revoked.

This amendment shall become effective 0001 e.s.t., March 15, 1961.

(Sec. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510, and E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-623; Filed, Jan. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-KC-82]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Zone

On November 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10778) stating that the Federal Aviation Agency proposed to modify the Waterloo, Iowa, control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2147 (14 CFR 601.2147) is amended to read:

§ 601.2147 Waterloo, Iowa, control zone.

Within a 5-mile radius of the Waterloo Municipal Airport (latitude 42°33'22" N., longitude 92°23'59" W.), within 2 miles either side of the 120° True and 314° True radials of the Waterloo VOR extending from the 5-mile radius zone to 12 miles SE and NW of the VOR and within 2 miles either side of the ILS localizer NW course extending from the 5-mile radius zone to the ILS OM.

This amendment shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-633; Filed, Jan. 24, 1961; 8:48 a.m.]

[Airspace Docket No. 60-WA-195]

## PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

### Designation of Coded Jet Route

On August 31, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 8331) stating that the Federal Aviation Agency (FAA) proposed to designate that airspace over the United States from Lakehead, Ontario, to Fredericton, New Brunswick, as VOR/VORTAC jet route No. 500. This route will be compatible with Canadian high-level airway No. 500 and will be so indicated in the caption.

The Department of the Air Force expressed concern regarding the segment between Lakehead, Ontario, and Sault Ste. Marie, Mich. They felt this would induce conflict with the terminal jet traffic at K. I. Sawyer and Kincheloe Air Force Bases and attempting to procedurally resolve the conflicts under present control methods would mean further restrictions to instrument operations in the area. The Air Force further stated that radar advisory service over the segments in the United States should be implemented prior to the designation of the route. The Federal Aviation Agency agrees that improved air traffic control capability will be required for this segment of the route. To accomplish this the Agency plans to provide radar advisory service on this segment of J-500-V.

Subsequent to publication of the Proposal, the Department of Transport for Canada requested that the Millinocket, Maine, radio range station be included in the description of the route. This will provide a navigation capability for those aircraft not equipped with VOR equipment. Such action is taken herein to include the Millinocket radio range station in the description of the route. This will not change the alignment of the route as proposed. Moreover, since the Fredericton, N.B., VOR is not commissioned and the western portion of jet route 500-V is required at an early date, J-500-V is described herein as that airspace over the United States territory from the Lakehead radio range station to the intersection of the Millinocket radio range station east course with the United States/Canadian Border. When the Fredericton VOR is commissioned, the description of J-500-V will be amended to reflect the extension of the route to that facility.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, Part 602 (14 CFR Part 602) is amended by adding the following section:

§ 602.5500 VOR/VORTAC jet route No. 500 (Lakehead, Ontario, to Millinocket, Maine) (Joins Canadian high-level airway No. 500).

That airspace over United States territory from the Lakehead, Ontario, RR via the Sault Ste. Marie, Mich., VOR; Gore Bay, Ontario, RR; Killaloe, Ontario, RR; Ottawa, Ontario, VOR; Montreal, Quebec, VOR; Megantic, Quebec, RR; Millinocket, Maine, RR; to the INT of the E course of the Millinocket RR with the United States/Canadian Border.

This amendment shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-612; Filed, Jan. 24, 1961; 8:45 a.m.]

[Airspace Docket No. 60-WA-247]

## PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

### Designation of Coded Jet Route

On October 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10439) stating that the Federal Aviation Agency (FAA) proposed to designate VOR/VORTAC jet route No. 107 from Los Angeles, Calif., to Kenora, Ontario, Canada.

As stated in the notice, the FAA proposed to designate J-107-V as a transpolar jet route from the Los Angeles VORTAC via Hector, Calif., VORTAC; Las Vegas, Nev., VORTAC; intersection of the Las Vegas VORTAC 044° True and the Bryce Canyon, Utah, VOR 247° True radials; Bryce Canyon VOR; Rock Springs, Wyo., VORTAC; Crazy Woman, Wyo., VOR; Dickinson, N. Dak., VORTAC; Pembina, N. Dak., radio range station; to the Kenora, Ontario, Canada, VOR excluding the portion outside the United States.

The Air Transport Association of America concurred in the proposal. The Department of the Navy objected to any segment of the route that would not have radar advisory service. They further stated that the route introduces conflict with traffic control procedures at several Air Force bases in or adjoining the airspace to be encompassed by the route. The Department of the Air Force stated that they insist that radar advisory service be provided wherever equipment, location and capability permit, any deviation from this policy being objectionable. The Air Force further stated that this route would conflict with two approach procedures at Minot AFB, N. Dak., would pass over a TACAN approach at Grand Forks AFB, N. Dak., and would pass through the northwest part of the Ellsworth AFB, S. Dak., terminal area. They recommended that J-107-V be realigned from Rock Springs, Wyo., to Duluth, Minn., via Sheridan, Wyo.; Dickinson, N. Dak., to Fargo, N. Dak., thus, alleviating any conflictions in the terminal areas of Ellsworth, Minot, and Grand Forks Air Force Bases.

Subsequent to publication of the notice, it has been determined that if the segment that was proposed from Las Vegas to Rock Springs is aligned via Milford, Utah, to Rock Springs, additional radar coverage will be gained. Radar advisory service will then be provided for all of J-107-V with the exception of a segment approximately 125 miles in length between Rock Springs and Crazy Woman and a segment approximately 75 miles in length in the vicinity of Milford. The FAA plans to provide radar service for these segments in the near future.

The alignment as recommended by the Air Force has been analyzed by the FAA and it is agreed that such an alignment would avoid Minot and Grand Forks AFB. However, this would place the route 300 miles east of the desired routing. With regard to the conflict in traffic mentioned by the Air Force with Ellsworth AFB, this route lies 100 nautical miles northwest of the base. It will not induce any conflict with approach procedures. Of the nine published approach procedures for Ellsworth, only one is from the northwest and this is accomplished within 35 nautical miles of the base. Considering the distance involved, departure procedures should not be affected since normal en route traffic procedures will be utilized. In addition, the segment of the route that departures may cross will have radar advisory service. Insofar as Minot AFB and Grand Forks AFB are concerned, the route lies 50 miles southeast of Minot and 50 miles northwest of Grand Forks. Both Air Force bases have five instrument approach procedures that are begun within 35 miles of the respective bases from 20,000 feet or as assigned by the Air Route Traffic Control Center concerned. In all instances, the FAA considers that any conflict between the proposed route and the Air Force bases concerned is of the enroute type and not terminal. Therefore, normal enroute separation will be provided; that is, standard radar or nonradar separation.

The FAA is mindful of competitive demands for the utilization of navigable airspace occasioned by the ever-increasing amount of air traffic over the United States and is desirous of resolving such demands in the most equitable manner possible. The Agency is of the opinion that the designation of J-107-V is justified in order to more efficiently exercise air traffic management for all segments of aviation, both military and civil. Therefore, J-107-V is designated herein as proposed with the exception of the segment between Bryce Canyon and Rock Springs which is realigned via Milford to Rock Springs.

No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, Part 602 (14 CFR Part 602) is amended by adding the following section:

§ 602.5107 VOR/VORTAC jet route No. 107 (Los Angeles, Calif., to Kenora, Ontario, Canada).

That airspace over the United States territory from the Los Angeles VOR via the Hector, Calif., VORTAC; Las Vegas, Nev., VORTAC; Milford, Utah,

VORTAC; Rock Springs, Wyo., VORTAC; Crazy Woman, Wyo., VOR; Dickinson, N. Dak., VORTAC; Pembina, N. Dak., RR, to the Kenora, Ontario, Canada, VOR.

This amendment shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-613; Filed Jan. 24, 1961; 8:45 a.m.]

[Airspace Docket No. 60-WA-243]

## PART 602 — ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

### Modification of Coded Jet Route

On October 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10438) stating that the Federal Aviation Agency (FAA) proposed to modify VOR/VORTAC jet route No. 32 which presently extends from Elko, Nev., to Duluth, Minn.

As stated in the notice, the FAA proposed to realign J-32-V and extend it westward to Oakland, Calif., and northeastward to the United States/Canadian Border as follows: From the Oakland, Calif., VORTAC via the Sacramento, Calif., VORTAC; Reno, Nev., VOR; intersection of the Reno VOR 060° and the Elko, Nev., VORTAC 255° True radials; Elko VORTAC; Malad City, Idaho, VORTAC; Crazy Woman, Wyo., VOR; Dupree, S. Dak., VOR; Aberdeen, S. Dak., VOR; intersection of the Aberdeen VOR 067° and the Duluth, Minn., VOR 258° True radials; Duluth VOR; thence via the intersection of the Duluth VOR 051° True radial with the United States/Canadian Border. This will provide a nonstop trans-polar civil turbojet route for operations between San Francisco, Calif., and Europe.

The Air Transport Association of America concurred in the proposal. However, the Department of the Air Force stated that a segment of this route would overlie the northwest TACAN approach at Ellsworth AFB, Rapid City, S. Dak. They further stated that the primary departure area northwest of Ellsworth would be affected by this route, in that departing aircraft would be held down to altitudes below the route structure floor until clear of the route. In addition, they pointed out that since no anticipated traffic movements were included in the notice, it was not possible to determine the degree of impact J-32-V would have on traffic. The Air Force recommended that the segment of the proposed route between Malad City, Idaho, and Duluth be realigned via Sheridan, Wyo., Dickinson, N. Dak., Fargo, N. Dak., thence joining the original route at Duluth. They felt the alignment would free the TACAN approach and would alleviate the northwest departure problem at Ellsworth AFB.

The FAA has analyzed the Air Force comments and recommendations. The present alignment of J-32-V passes over Hill AFB, Ogden, Utah, and Ellsworth AFB. There are four published instrument approaches for Hill AFB and nine for Ellsworth AFB. The present route alignment conflicts with most of these approaches. The proposed alignment will eliminate any conflict with Hill AFB and bypass Ellsworth AFB approximately 40 miles to the northwest, thus eliminating any conflict with eight of the nine approaches for Ellsworth AFB. Considering that the TACAN approach is a secondary approach, it appears that the proposed alignment is superior to the existing alignment. With regard to the Air Force comments that departures will be held at altitudes below the route structure if conflicting traffic conditions exist, this is not in consonance with air traffic control procedures for the control of IFR traffic. Normally, departing traffic crossing an airway or jet route is cleared at an altitude below pertinent traffic or to cross the route above the traffic. Since radar advisory service will be provided on this segment north of Ellsworth AFB, no delays to departures are anticipated.

With regard to the comment on traffic utilizing this route, an IFR peak day traffic survey for September 16, 1960, showed two flights. During the summer months it is anticipated that eight to ten trans-polar flights will utilize this route daily.

In view of the relatively light volume of traffic anticipated on J-32-V and the minor degree of impact it would have on operations at Ellsworth AFB, it appears that realigning and, as a result, lengthening this nonstop polar route as proposed by the Air Force would be unwarranted.

The Agency is of the opinion that the designation of J-32-V as proposed is justified in order to more efficiently exercise air traffic management for both enroute and terminal traffic in the Ellsworth AFB area. Therefore, the FAA is modifying J-32-V as proposed in the notice.

No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, § 602.532 (14 CFR 602.532, 25 F.R. 13747) is amended to read:

§ 602.532 VOR/VORTAC jet route No. 32 (Oakland, Calif., to Duluth, Minn.).

From the Oakland, Calif., VORTAC via the Sacramento, Calif., VORTAC; Reno, Nev., VOR; INT of the Reno VOR 060° True and the Elko, Nev., VORTAC 255° True radials; Elko VORTAC; Malad City, Idaho, VORTAC; Crazy Woman, Wyo., VOR; Dupree, S. Dak., VOR; Aberdeen, S. Dak., VOR; INT of the Aberdeen VOR 067° True and the Duluth, Minn., VOR 258° True radials; Duluth VOR; via the INT of the Duluth VOR 051° True radial with the United States/Canadian Border.

This amendment shall become effective 0002 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-614; Filed, Jan. 24, 1961; 8:45 a.m.]

[Airspace Docket No. 60-WA-248]

## PART 602 — ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

### Modification of Coded Jet Routes

On October 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10439) stating that the Federal Aviation Agency proposed to modify the segments of VOR/VORTAC jet route No. 2 between Yuma, Ariz., and El Paso, Tex., and VOR/VORTAC jet route No. 13 between Truth or Consequences, N. Mex., and El Paso, Tex.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 602.502 (14 CFR 602.502, 25 F.R. 3067, 12551) "Gila Bend, Ariz., VOR; Tucson, Ariz., VOR;" is deleted and "INT of the Yuma VOR 087° True and the Gila Bend, Ariz., VOR 261° True radials; Gila Bend VOR; INT of the Gila Bend VOR 098° True and the San Simon, Ariz., VOR 286° True radials; San Simon VOR;" is substituted therefor.

2. In § 602.513 (14 CFR 602.513) "INT of the El Paso 270° and the Truth or Consequences 162° radials;" is deleted and "INT of the El Paso 282° True and the Truth or Consequences 162° True radials;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-615; Filed, Jan. 24, 1961; 8:46 a.m.]



[Reg. Docket No. 627; Amdt. 70]

## PART 610—MINIMUM EN ROUTE IFR ALTITUDES

### Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days notice. Part 610 is amended as follows:

Section 610.12 *Green Federal airway 2* is amended to read in part:

From *Seattle, Wash., LFR; to Selleck INT, Wash.; MEA 8,000. *4,000—MCA Seattle LFR, eastbound.
From Selleck INT, Wash.; to Hobart, Wash., FM; westbound only, MEA 6,000.
From Hobart, Wash., FM; to Seattle, Wash., LFR; westbound only, MEA 5,000.

Section 610.13 *Green Federal airway 3* is amended to delete:

From Goshen, Ind., LFR; to Toledo, Ohio, LFR; MEA 2,300.
From Toledo, Ohio, LFR; to Sandusky INT, Ohio; MEA 2,000.
From Sandusky INT, Ohio; to Cleveland, Ohio, LFR; MEA 1,900.
From Cleveland, Ohio, LFR; to Parkman INT, Ohio; MEA 3,000.
From Brecksville, Ohio, FM; to Parkman INT, Ohio; eastbound only, MEA 2,500.
From Parkman INT, Ohio; to Youngstown, Ohio, LFR; MEA 2,500.
From Youngstown, Ohio, LFR; to Pardoe INT, Pa.; MEA 2,600.
From Pardoe INT, Pa.; to Philipsburg, Pa., LFR; MEA 4,000.
From Philipsburg, Pa., LFR; to Selinsgrove, Pa., LF/RBN; MEA 4,000.
From Selinsgrove, Pa., LF/RBN; to Slatington INT, Pa.; MEA 3,500.
From Slatington INT, Pa.; to Allentown, Pa., LFR; MEA 3,000.
From Allentown, Pa., LFR; to Belle Mead INT, N.J.; MEA 2,500.
From Belle Mead INT, N.J.; to New Brunswick INT, N.J.; MEA 2,000.
From New Brunswick INT, N.J.; to Flatbush INT, N.Y.; MEA 1,500.
From Flatbush INT, N.Y.; to La Guardia, N.Y., LFR; MEA 2,500.

Section 610.20 *Green Federal airway 10* is amended to read in part:

From *Seattle, Wash., LFR; to Selleck INT, Wash.; MEA 8,000. *4,000—MCA Seattle, LFR; eastbound.
From Selleck INT, Wash.; to Hobart, Wash., FM; westbound only, MEA 6,000.
From Hobart, Wash., FM; to Seattle, Wash., LFR; westbound only, MEA 5,000.

Section 610.104 *Amber Federal airway 4* is amended to delete:

From San Antonio, Tex., LF/RBN; to Cibolo Creek INT, Tex.; MEA 2,400.
From Cibolo Creek INT, Tex.; to Austin, Tex., LF/RBN; MEA 3,000.
From Austin, Tex., LF/RBN; to Belton INT, Tex.; MEA 2,000.
From Belton INT, Tex.; to Waco, Tex., LFR; MEA 2,100.

Section 610.205 *Red Federal airway 5* is deleted:

Section 610.208 *Red Federal airway 8* is amended to read:

From Lock Haven INT, Pa.; to Williamsport, Pa., LFR; MEA 3,500.
From Williamsport, Pa.; to Plymouth INT, Pa.; MEA 4,000.
From Plymouth INT, Pa.; to Crystal Lake, Pa., LF/RBN; MEA 3,500.

Section 610.215 *Red Federal airway 15* is deleted:

Section 610.219 *Red Federal airway 19* is amended to delete:

From Traverse City, Mich., LFR; to Gladwin, Mich., LF/RBN; MEA 2,500.
From Gladwin, Mich., LF/RBN; to Saginaw, Mich., LF/RBN; MEA 2,000.
From Saginaw, Mich., LF/RBN; to Flint, Mich., ILS/LOM; MEA 2,200.

Section 610.220 *Red Federal airway 20* is amended to delete:

From Columbiana INT, Ohio; to Pittsburgh, Pa., LFR; MEA 2,600.
From Flint Stone INT, Md.; to Blairton INT, Md.; MEA 4,000.
From Blairton INT, Md., to Herndon, INT, Va.; MEA 3,000.
From Herndon INT, Va.; to Washington, D.C.; LFR; MEA 1,800.

Section 610.220 *Red Federal airway 20* is amended by adding:

From Flint Stone INT, Md.; to Int. SE crs, Pittsburgh, Pa., LFR and NW crs, Wash., D.C., LFR; MEA 4,000.

Section 610.237 *Red Federal airway 37* is deleted.

Section 610.256 *Red Federal airway 56* is deleted.

Section 610.263 *Red Federal airway 63* is deleted.

Section 610.269 *Red Federal airway 69* is deleted.

Section 610.270 *Red Federal airway 70* is deleted.

Section 610.271 *Red Federal airway 71* is deleted.

Section 610.300 *Red Federal airway 100* is deleted.

Section 610.603 *Blue Federal airway 3* is amended to delete:

From Goshen, Ind., LFR; to Union INT, Mich.; MEA 2,200.
From Union INT, Mich.; to Kalamazoo INT, Mich.; MEA 2,300.
From Kalamazoo INT., Mich.; to Grand Rapids, Mich., LFR; MEA 2,200.

Section 610.629 *Blue Federal airway 29* is deleted.

Section 610.667 *Blue Federal airway 67* is deleted.

Section 610.679 *Blue Federal airway 79* is amended to read in part:

From Five Finger, Alaska, LF/RBN; to Coghlan Island, Alaska, LF/RBN; MEA 7,000.
From Coghlan Island, Alaska, LF/RBN; to Haines, Alaska, LF/RBN; MEA 9,000.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Hot Springs, Ark., LF/RBN; to Malvern INT, Ark.; MEA 1,800.
From Hot Springs, Ark., TVOR; to Malvern INT, Ark.; MEA 1,800.
From Miami, Fla., VOR; to West Palm Beach, Fla., VOR; MEA 1,400.
From Midland, Tex., VOR; to Tarzan INT, Tex.; MEA 4,000.
From Moultrie, Ga., VOR; to Valdosta, Ga., VOR; MEA 1,500.

Section 610.1001 *Direct routes—U.S.* is amended to read in part:

From Enid, Okla., VOR (Woodring Field); to Gage, Okla., VOR; MEA 3,700.
From Pinecliffe INT, Colo.; to Superior, Colo., FM; eastbound only; MEA 13,000.
From Superior, Colo., FM; to Golden INT, Colo., eastbound only; MEA 10,000.
From Golden INT, Colo.; to Aurora, Colo., LF/RBN; eastbound only; MEA 7,000.

Section 610.6001 *VOR Federal airway 1* is amended to read in part:

From *Crescent INT, S.C.; to **Green INT, S.C.; MEA 1,400. *3,300—MRA. **2,500—MRA.
From Waterloo, Del., VOR; to *Hammonton INT, N.J. (031 MR ATR/245 MR GYN); MEA **2,000. *2,000—MRA. **1,500—MOCA.
From Hammonton INT, N.J.; to Coyle, N.J., VOR; MEA 1,500.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Dodge INT, Wis., via N alter.; to Nodine, Minn., VOR, via N alter.; MEA *3,300. *2,800—MOCA.

Section 610.6003 *VOR Federal airway 3* is amended to delete:

From Brooke, Va., VOR; to Springfield INT, Va.; MEA 1,500.
From Springfield INT, Va.; to Washington, D.C., TVOR; MEA 1,800.

Section 610.6003 *VOR Federal airway 3* is amended by adding:

From Brooke, Va., VORTAC; to McLean INT, Va.; MEA 1,800.

Section 610.6004 *VOR Federal airway 4* is amended by adding:

From Herndon, Va., VORTAC; to McLean INT, Va.; MEA 1,800.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From *Newcastle INT, Calif., via N alter.; to **Auburn INT, Calif., via N alter.; southwestbound, MEA 7,000; northeastbound, MEA 11,000. *7,500—MCA Newcastle INT, northeastbound. **8,000—MRA.
From Auburn INT, Calif., via N alter.; to Blue Canyon INT, Calif., via N alter.; southwestbound, MEA 7,000; northeastbound, MEA 11,000.

Section 610.6010 *VOR Federal airway 10* is amended to read in part:

From Lawson INT, Mo.; to Kirksville, Mo., VOR; MEA 3,000.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From *Cornville INT, Ariz., via S alter.; to **Winslow, Ariz., VORTAC, via S alter.; MEA ***13,000. *13,000—MCA Cornville INT, eastbound. **8,500—MCA Winslow VORTAC, westbound. ***11,000—MOCA.

Section 610.6013 *VOR Federal airway 13* is amended to read in part:

From Hope INT, Minn.; to Farmington, Minn., VOR; MEA 2,400.
From *Alma City INT, Iowa, via W alter.; to **New Prague INT, Iowa, via W alter.; MEA ***4,300. *4,300—MRA. **3,500—MRA. ***2,400—MOCA.
From New Prague INT, Iowa, via W alter.; to Lydia INT, Minn., via W alter.; MEA *4,300. *2,400—MOCA.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Springfield, Mo., VORTAC; to Conway INT, Mo.; MEA 2,500.
From Neosho, Mo., VOR, via N alter.; to Avilla INT, Okla., via N alter.; MEA *2,900. *2,400—MOCA.
From Avilla INT, Okla., via N alter.; to Miller INT, Mo., via N alter.; MEA 2,900.
From Prague INT, Okla., via S alter.; to Sapulpa INT, Okla., via S alter.; MEA *4,000. *2,000—MOCA.
From Tulsa, Okla., VORTAC; to Adair INT, Okla.; MEA *2,200. *2,000—MOCA.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From Sioux Falls, S. Dak., VORTAC, via W alter.; to *Canova INT, S. Dak., via W alter.; MEA **3,500. *3,500—MRA. **3,000—MOCA.
From Canova INT, S. Dak., via W alter.; to Huron, S. Dak., VOR, via W alter.; MEA *3,000. *2,500—MOCA.

Section 610.6015 *VOR Federal airway 15* is amended by adding:

From Bismarck, N. Dak., VOR, via W alter.; to Minot, N. Dak., VOR, via W alter.; MEA *5,000. *3,400—MOCA.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Vineland INT, N.J.; to *Hammonton INT, N.J.; MEA 1,500. *2,000—MRA.
From Hammonton INT, N.J.; to Coyle, N.J., VOR.; MEA 1,500.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From Allendale, S.C., VOR; to *Ashton INT, S.C.; MEA **1,600. *2,500—MRA. **1,500—MOCA.
From Ashton INT, S.C.; to *Ruffin INT, S.C.; MEA **1,600. *2,500—MRA. **1,500—MOCA.
From Ruffin INT, S.C.; to *Walterboro INT, S.C.; MEA **1,600. *2,000—MRA. **1,500—MOCA.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From Lewistown, Mont, VOR; to *Belt INT, Mont.; MEA 9,000. *11,000—MRA.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From Ft. Jones, Calif., VOR, via E alter.; to *Klamath Junction Int., Oreg., via E alter.; MEA 10,000. *10,500—MRA.
From Klamath Junction INT, Oreg., via E alter.; to Medford, Oreg., VORTAC, via E alter.; northwest bound, MEA 8,000; southeast bound, MEA 10,000.

Section 610.6024 *VOR Federal airway 24* is amended to read in part:

From Redwood Falls, Minn., VOR.; to *Alma City INT, Minn.; MEA **3,400. *4,300—MRA. **2,500—MOCA.
From Alma City INT, Minn.; to Hope INT, Minn.; MEA *3,400. *2,400—MOCA.
From Hope INT, Minn.; to *Bixby INT, Minn.; MEA 2,400. *2,800—MRA.
From Bixby INT, Minn.; to Rochester, Minn., VOR; MEA 2,400.
From Rochester, Minn., VOR; to Preston INT, Minn.; MEA 2,500.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Corpus Christi, Tex., VORTAC, via N alter.; to *Woodsboro INT, Tex., via N alter.; MEA 1,500. *1,800—MRA.
From Woodsboro INT, Tex., via N alter.; to Palacios, Tex., VOR, via N alter.; MEA 1,500.
From Homer INT, Ga., via N alter.; to Elizabeth INT, Ga., via N alter.; MEA *4,500. *3,000—MOCA.
From Elizabeth INT, Ga., via N alter.; to *Clemson INT, S.C., via N alter.; MEA **7,000. *2,500—MRA. **3,000—MOCA.
From Mobile, Ala., VOR, via N alter.; to Evergreen, Ala., VOR, via N alter.; MEA 1,500.

Section 610.6021 *VOR Federal airway 21* is amended to read in part:

From Provo, Utah, VOR; to *Salt Lake City, Utah, VORTAC; MEA 10,000. *9,000—MCA Salt Lake City VORTAC, southbound.
From Riverton, Utah, FM; to Salt Lake City, Utah, VORTAC; northbound only, MEA 8,000.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From *Red Bluff, Calif., VORTAC; to Tennant INT, Calif.; MEA **13,500. *5,000—MCA Red Bluff VORTAC, southbound. **10,000—MOCA.
From Tennant INT, Calif.; to Klamath Falls, Oreg., VORTAC; northbound, MEA, *9,000; southbound, MEA 13,500. *8,500—MOCA.
From Klamath Falls, Oreg., VORTAC; to Sprague INT, Oreg.; MEA 9,500.
From Sprague INT, Oreg.; to Redmond, Oreg., VOR; MEA *12,000. *9,000—MOCA.

Section 610.6026 *VOR Federal airway 26* is amended by adding:

From *Delta, Utah, VOR; to Myton, Utah, VOR; MEA **15,000. *10,700—MCA Delta VOR, northeastbound. **14,000—MOCA.
From Myton, Utah, VOR; to Cherokee, Wyo., VOR; MEA 12,500.

Section 610.6026 *VOR Federal airway 26* is amended to read in part:

From Eau Claire, Wis., VOR; to *Cadott INT, Wis.; MEA 2,500. *3,500—MRA.
From Rapid City, S. Dak., VOR, via N alter.; to Elm Springs INT, S. Dak., via N alter.; MEA *4,500. *4,200—MOCA.
From Elm Springs INT, S. Dak., via N alter.; to Philip, S. Dak., VOR, via N alter.; MEA *4,500. *4,100—MOCA.

Section 610.6027 *VOR Federal airway 27* is amended to read in part:

From Fortuna, Calif., VOR; to Crescent City, Calif., VOR; MEA 3,500.

Section 610.6030 *VOR Federal airway 30* is amended to delete:

From Akron, Ohio, VOR; to Youngstown, Ohio, VOR; MEA 2,500.
From Youngstown, Ohio; to Wesley INT, Pa.; MEA 2,600.
From Wesley INT, Pa.; to Clarion, Pa., VOR; MEA 2,800.

Section 610.6030 *VOR Federal airway 30* is amended by adding:

From Akron, Ohio, VOR; to Clarion, Pa., VOR; MEA 3,000.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From *Calvery INT, Ga.; to Albany, Ga., VOR; MEA 2,000. *2,500—MRA.

Section 610.6035 *VOR Federal airway 35* is amended to delete:

From Charleston, W. Va., VORTAC; to Parkersburg, W. Va., VOR; MEA 2,500.
From Parkersburg, W. Va., VOR; to Pittsburgh, Pa., VOR; MEA 3,000.,

Section 610.6035 *VOR Federal airway 35* is amended by adding:

From Charleston, W. Va., VORTAC; to *Clara INT, W. Va.; MEA **4,000. *4,000—MRA. **3,000—MOCA.
From Clara INT, W. Va.; to Clarksburg, W. Va., VOR; MEA 4,000.
From Clarksburg, W. Va., VOR; to Morgantown, W. Va., VORTAC; MEA 4,000.
From Morgantown, W. Va., VORTAC; to Indian Head, Pa., VOR; MEA 5,000.
From Indian Head, Pa., VOR; to Johnstown, Pa., VOR; MEA 5,000.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From Mission Bay, Calif., VOR; to Lemon Grove INT, Calif.; eastbound, MEA 8,000; westbound, MEA 3,600.

Section 610.6067 *VOR Federal airway 67* is amended to read in part:

From *Vinton INT, Iowa; to **Clark INT, Iowa; MEA 2,500. *3,200—MRA. **3,200—MRA.
From Clark INT, Iowa; to Waterloo, Iowa, VORTAC; MEA 2,500.
From Mason City, Iowa, VORTAC via W alter.; to Austin INT, Minn., via W alter.; MEA 2,800.
From Austin INT, Minn., via W alter.; to Rochester, Minn., VOR via W alter.; MEA 2,600.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From Burnell INT, Tex.; to *Skidmore INT, Tex.; MEA 1,400. *1,700—MRA.
From Skidmore INT, Tex.; to Corpus Christi, Tex., VORTAC; MEA 1,400.

Section 610.6070 *VOR Federal airway 70* is amended to read in part:

From Lafayette, La., VOR via N alter.; to Bar INT, La., via alter.; MEA 1,500.
From Bar INT, La., via N alter.; to Baton Rouge, La., VOR via N alter.; MEA 1,300.

Section 610.6072 *VOR Federal airway 72* is amended to read in part:

From Maples, Mo., VOR; to Richwoods, Mo., VOR; MEA 2,500.
From Richwoods, Mo., VOR; to Imperial INT, Mo.; MEA 2,600.

Section 610.6072 *VOR Federal airway 72* is amended to delete:

From Attica, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,000.
From Cleveland, Ohio, VOR; to Chagrin Falls INT, Ohio; MEA 3,000.
From Chagrin Falls INT, Ohio; to Youngstown, Ohio, VOR; MEA 2,500.

Section 610.6072 *VOR Federal airway 72* is amended by adding:

From Attica, Ohio, VOR; to Akron, Ohio, VOR; MEA 2,500.
From Akron, Ohio, VOR; to Youngstown, Ohio, VOR; MEA 2,500.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From *Sabinal INT, Tex.; to **Haby INT, Tex.; MEA ***4,700. *5,500—MRA. **5,500—MRA. ***3,500—MOCA.
From Haby INT, Tex.; to Junction, Tex., VOR; MEA *4,700. *3,500—MOCA.

Section 610.6078 *VOR Federal airway 78* is amended to read in part:

From *Madison INT, Minn.; to Darwin, Minn., VOR; MEA **4,000. *3,800—MRA. **2,700—MOCA.
From White Bear INT, Minn.; to Houlton INT, Wis.; MEA 2,200.



Section 610.6082 *VOR Federal airway 82* is amended to read in part:

From Farmington, Minn., VOR; to Rochester, Minn., VOR; MEA 2,500.
From *New Prague INT, Minn., via S alter.; to Cannon City INT, Minn., via S alter.; MEA **3,500. *3,500—MRA. **2,400—MOCA.

Section 610.6088 *VOR Federal airway 88* is amended to read in part:

From Springfield, Mo., VORTAC; to Conway INT, Mo.; MEA 2,500.

Section 610.6089 *VOR Federal airway 89* is amended to read in part:

From *Coaldale INT, Colo.; to Guffey INT, Colo.; MEA **17,200. *16,500—MRA. **14,000—MOCA.
From Guffey INT, Colo.; to *Lake George INT, Colo.; MEA **16,300. *15,000—MCA Lake George INT, southwestbound. **13,000—MOCA.
From Lake George INT, Colo.; to *Silo INT, Colo.; MEA 12,000. *11,200—MCA Silo INT, southwestbound.
From Silo INT, Colo.; to *Denver, Colo., VORTAC; MEA **10,000. *8,500—MCA Denver VORTAC, southwestbound. **9,500—MOCA.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From *Calvary INT, Fla.; to Albany, Ga., VOR; MEA 2,000. *2,500—MRA.

Section 610.6100 *VOR Federal airway 100* is amended to read in part:

From Waterloo, Iowa, VORTAC; to Jessup INT, Iowa; MEA 2,100.
From Jessup INT, Iowa; to Dubuque, Iowa, VOR; MEA 2,500.

Section 610.6115 *VOR Federal airway 115* is amended by adding:

From Charleston, W. Va., VORTAC; to Parkersburg, W. Va., VOR; MEA 2,500.
From Parkersburg, W. Va., VOR; to Pittsburgh, Pa., VORTAC; MEA 3,000.

Section 610.6120 *VOR Federal airway 120* is amended to read in part:

From Stephen INT, S. Dak.; to *Canova INT, S. Dak.; MEA **5,800. *3,500—MRA. **3,200—MOCA.
From Sioux Falls, S. Dak., VORTAC; to Mason City, Iowa, VORTAC; MEA *8,000. *2,700—MOCA.

Section 610.6122 *VOR Federal airway 122* is amended to read in part:

From *Klamath Junction INT, Oreg.; to Pinehurst INT, Oreg.; MEA **10,500. *10,500—MRA. **9,500—MOCA.
From Pinehurst INT, Oreg.; to Klamath Falls, Oreg., VORTAC; MEA 9,000.

Section 610.6140 *VOR Federal airway 140* is amended to read in part:

From Tulsa, Okla., VORTAC, via N alter.; to Adair INT, Okla., via N alter.; MEA *2,200. *2,000—MRA.
From Woodstown, N.J., VOR; to *Hammonton INT, N.J.; MEA 1,500. *2,000—MRA.
From Hammonton INT, N.J.; to Coyle, N.J., VOR; MEA 1,500.

Section 610.6148 *VOR Federal airway 148* is amended to read in part:

From O'Neil, Nebr., VORTAC; to *Tyndall INT, S. Dak.; MEA **4,000. *7,000—MRA. **3,800—MOCA.
From Sioux Falls, S. Dak., VORTAC, via S alter.; to Redwood Falls, Minn., VOR, via S alter.; MEA 2,800.

Section 610.6158 *VOR Federal airway 158* is amended to read in part:

From Waterloo, Iowa, VORTAC; to Jessup INT, Iowa; MEA 2,100.
From Jessup INT, Iowa; to Dubuque, Iowa, VOR; MEA 2,500.

Section 610.6161 *VOR Federal airway 161* is amended to read in part:

From Rochester, Minn., VOR; to *Pine Island INT, Minn.; MEA 2,800. *3,000—MRA.
From Pine Island INT, Minn.; to Goodhue INT, Minn.; MEA 2,800.

Section 610.6163 *VOR Federal airway 163* is amended to read in part:

From Alice, Tex., VOR via W alter.; to Clegg INT, Tex., via W alter.; MEA 1,800.

Section 610.6169 *VOR Federal airway 169* is amended to read in part:

From *Fairburn INT, S. Dak.; to Rapid City, S. Dak., VOR; MEA 4,800. *7,000—MRA.

Section 610.6171 *VOR Federal airway 171* is amended to read in part:

From Goodhue INT, Minn.; to Farmington, Minn., VOR; MEA 2,400.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From *Menlo INT, Iowa; to Dallas Center INT, Iowa; MEA **3,600. *4,500—MRA. **2,600—MOCA.

Section 610.6181 *VOR Federal airway 181* is amended to read in part:

From Sioux Falls, S. Dak., VORTAC; to *Oakwood INT, S. Dak.; MEA **3,000. *4,000—MRA. **2,900—MOCA.

Section 610.6191 *VOR Federal airway 191* is amended to read in part:

From Oshkosh, Wis., VOR; to Stevens Point, Wis., VOR; MEA 2,400.

Section 610.6193 *VOR Federal airway 193* is amended to read in part:

From White Cloud, Mich., VOR; to Traverse City, Mich., VOR; MEA 2,800.

Section 610.6198 *VOR Federal airway 198* is amended to read in part:

From Rocksprings, Tex., VOR; to *Haby INT, Tex.; MEA **5,000. *5,000—MRA. **3,400—MOCA.
From Haby INT, Tex.; to Comfort INT, Tex.; MEA 5,700.

Section 610.6209 *VOR Federal airway 209* is amended to read in part:

From Mobile, Ala., VOR; to Citro INT, Ala.; MEA 1,500.
From Citro INT, Ala.; to Yarbo INT, Ala.; MEA 1,600.

Section 610.6213 *VOR Federal airway 213* is amended to read in part:

From *Longwood INT, S.C.; to **Dock INT, S.C.; MEA ***1,500. *2,500—MRA. **2,000—MRA. ***1,400—MOCA.

Section 610.6216 *VOR Federal airway 216* is amended to read in part:

From Hill City, Kans., VOR; to Mankato, Kans., VOR; MEA 3,800.
From Hill City, Kans., VOR via N alter; to Mankato, Kans., VOR via N alter.; MEA 3,800.

Section 610.6218 *VOR Federal airway 218* is amended to read in part:

From Lansing, Mich., VOR; to Fowler INT, Mich.; MEA 2,900.
From Fowler INT, Mich.; to Pontiac, Mich., VOR; MEA 2,200.
From Pontiac, Mich., VOR; to Plains INT, Mich.; MEA 2,400.

Section 610.6223 *VOR Federal airway 223* is amended by adding:

From Doncaster INT, Md.; to Herndon, Va., VORTAC; MEA 1,500.

Section 610.6230 *VOR Federal airway 230* is amended to read in part:

From Shark INT, Calif.; to Salinas, Calif., VORTAC; MEA 5,000.

Section 610.6239 *VOR Federal airway 239* is amended to read in part:

From Woodstown, N.J., VOR; to Darby INT, Pa.; MEA 1,800.

Section 610.6265 *VOR Federal airway 265* is amended to delete:

From Riverdale, Md., LF/RBN; to Dayton INT, Md.; MEA 1,800.
From Dayton INT, Md.; to Westminster, Md., VOR; MEA 2,000.

Section 610.6265 *VOR Federal airway 265* is amended by adding:

From Linden, Va., VOR; to Herndon, Va., VORTAC; MEA 4,500.
From Herndon, Va., VORTAC; to Westminster, Md., VOR; MEA 1,800.

Section 610.6283 *VOR Federal airway 283* is amended to read in part:

From Elkhorn INT, Oreg.; to *Maverick INT, Oreg.; MEA southeast-bound, MEA 12,500; Northwest-bound, MEA 7,000. *9,500—MCA Maverick INT, southeast-bound.
From Maverick INT, Oreg.; to Newberg, Oreg., VOR; MEA *4,000. *3,400—MOCA.

Section 610.6284 *VOR Federal airway 284* is amended to read in part:

From Ft. Stockton, Tex., VOR, via N alter.; to San Angelo, Tex., VOR, via N alter.; MEA *6,800. *4,500—MOCA.

Section 610.6285 *VOR Federal airway 285* is deleted.

Section 610.6414 *VOR Federal airway 414* is added to read:

From Paterson INT, N.J.; to Clermont, N.Y., VOR, MEA 2,600.
From Clermont, N.Y., VOR; to Albany, N.Y., VOR; MEA 2,600.

Section 610.6494 *VOR Federal airway 494* is amended to read in part:

From *Newcastle INT, Calif.; to **Auburn INT, Calif.; southwestbound, MEA 7,000; northeastbound, MEA 11,000. *7,500—MCA Newcastle INT, northeastbound. **8,000—MRA.
From *Auburn INT, Calif.; to Lake Tahoe, Calif., VOR; MEA 11,000. *9,000—MCA Auburn INT, eastbound.

Section 610.6600 *VOR Federal airway 1500* is amended to read in part:

From White Bear INT, Minn.; to Houlton INT, Wis.; MEA 2,200.
From Houlton INT, Wis.; to Eau Claire, Wis. VOR; MEA *3,000. *2,800—MOCA.
From Eau Claire, Wis., VOR; to *Cadott INT, Wis.; MEA 2,500. *3,500—MRA.

Section 610.6602 *VOR Federal airway 1502* is amended to read in part:

From Redwood Falls, Minn., VOR; to *Alma City INT, Minn.; MEA **3,400. *4,300—MRA. **2,500—MOCA.
From Alma City INT, Minn.; to Hope INT, Minn.; MEA *3,400. *2,400—MOCA.

From Hope INT, Minn.; to *Bixby INT, Minn.; MEA 2,400. *2,800—MRA.

From Bixby INT, Minn.; to Rochester, Minn., VOR; MEA 2,400.

From Rochester, Minn., VOR; to Preston INT, Minn.; MEA 2,500.

Section 610.6606 *VOR Federal airway 1506* is amended to read in part:

From Waterloo, Iowa, VORTAC; to Jessup INT, Iowa; MEA 2,100.

From Jessup INT, Iowa; to Dubuque, Iowa, VOR; MEA 2,500.

Section 610.6608 *VOR Federal airway 1508* is amended to read in part:

From Waterloo, Iowa, VORTAC; to Jessup INT, Iowa; MEA 2,100.

From Jessup INT, Iowa; to Dubuque, Iowa, VOR; MEA 2,500.

Section 610.1624 *VOR Federal airway 1524* is amended to read in part:

From Hill City, Kans., VOR; to Mankato, Kans., VOR; MEA 3,800.

Section 610.6633 *VOR Federal airway 1533* is amended to read in part:

From Red Bluff, Calif., VORTAC; to Tennant INT, Calif.; MEA *13,500. *10,000—MOCA.

From Tennant INT, Calif.; to Klamath Falls, Oreg., VORTAC northbound; MEA *9,000; southbound; MEA 13,500. *8,500—MOCA.

From Klamath Falls, Oreg., VORTAC; to Spraque INT, Oreg.; MEA 9,500.

From Spraque INT, Oreg.; to Redmond, Oreg., VOR; MEA *12,000. *9,000—MOCA.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348 (c))

These rules shall become effective February 9, 1961.

Issued in Washington, D.C., on January 16, 1960.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-549; Filed, Jan. 24, 1961; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### PART 121—FOOD ADDITIVES

### Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use in foods of certain additives for which tolerances have not yet been established or petitions therefor denied.

1. Section 121.86 (21 CFR 121.86) is amended by adding thereto the following items:

**§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.**

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in connection with the production, packaging, and storage of food products, under certain specified conditions for a period of 1 year from March 6, 1960, or until regulations shall have been issued in accordance with section 409 of the act, whichever occurs first. The extensions are granted under the condition that a minimum quantity of the additive will be incorporated in the food, consistent with good manufacturing practice. While preliminary data show that many of the substances included in the list may not migrate to foods, these are being included pending the completion of additional scientific work involving them.

| Product | Limits | Specified uses or restrictions |
|---|---|---|
| Captan (*N*-trichloromethylmercapto-4-cyclohexene-1, 2-dicarboximide). | 100 parts per million total residue on raisins.[1] | Post harvest application to raisins. |
| Lignin sulfonate, sodium salt (spent sulfite liquor). | 1 part per million | As a constituent of spray adjuvants used on bananas. |
| Polyoxyethylene (20) sorbitan monolaurate. | do | As a constituent of spray adjuvants used in stop-drop sprays on apples and pears. |
| Potassium salt of fatty acids present in soybean oil. | 6 percent in an emulsifier | As a component of an emulsifier used in bakery products. |
| Sodium-*N*-methyl-*N*-palmitoyltaurate. | 1 part per million | As a constituent of spray adjuvants on fruits and vegetables. |
| Sodium nitrite | do | As a constituent of spray adjuvants used on bananas. |
| Sodium stearate, prepared from edible fats and oils, and free from chick-edema factor. | 7.5 percent in an emulsifier | As a component of an emulsifier used in bakery products. |
| Sulfated oleyl or cetyl alcohol, sodium salt. | 1 part per million | As a constituent of spray adjuvants used on bananas. |
| Polyacrylic acid (hydrolized polyacrylonitriles). | 1 part per million maximum in sugar juice. | Used in the process of refining sugar. |

[1] Includes cumulative application, see §120.103 of this chapter.

2. Section 121.87 (25 F.R. 1727, 1772, 2203, 2395, 3526, 4079, 4505, 5339, 7315, 8367, 9601, 12178) is amended by adding to paragraph (a) the following items:

**§ 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.**

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in

(a) *General list.* * * *

| Product | Limits | Specified uses or restrictions |
|---|---|---|
| * * * | * | * * * |
| Ethyl acrylate-acrylonitrile methacrylic acid terpolymer. | | As a coating applied subsequent to the papermaking machine operation. |
| Polyisobutylene | | As a component of rolling oil used in the manufacture of aluminum foil. |

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

*Effective date.* This order shall become effective as of the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: January 17, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-660; Filed, Jan. 24, 1961; 8:50 a.m.]

# Title 32A—NATIONAL DEFENSE, APPENDIX

## Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 62 (AGE-7, Rev.)]

### AGE-7—AUTHORITY OF GENERAL AGENTS TO PROVIDE FOR AMERICAN MERCHANT MARINE LIBRARY SERVICE

AGE-7 is hereby revised to read as follows:

Sec.
1. Purpose.
2. General Agents' authority; form of agreement.
3. Rate of compensation.
4. Period of the agreement.



AUTHORITY: Secs. 1 to 4 issued under sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.

**Section 1. Purpose.**

This order authorizes each General Agent to enter into an agreement with the American Merchant Marine Library Association to furnish GAA vessels with library books; prescribes the rate of compensation to be paid; and adopts a standard form of agreement to be executed by each General Agent.

**Sec. 2. General Agents' authority; form of agreement.**

Each General Agent is authorized to enter into an agreement with the American Merchant Marine Library Association, an educational association incorporated and existing under the laws of the State of New York, to furnish and maintain standard libraries on board vessels operated by each General Agent under Service Agreement "GAA 3-19-51" as amended. The form of the agreement shall be as follows:

AGREEMENT BETWEEN UNITED STATES OF AMERICA AND AMERICAN MERCHANT MARINE LIBRARY ASSOCIATION

This agreement, made as of the _____ day of _____, 19__, by and between the United States of America (herein called the "United States") acting by and through the Department of Commerce, Maritime Administration, National Shipping Authority, and represented by its General Agent _____, a corporation organized and existing under the laws of _____ (herein called the "General Agent") and the American Merchant Marine Library Association, an educational association incorporated and existing under the laws of the State of New York, and having its principal office and place of business in the Borough of Manhattan, City, County and State of New York (herein called the "Association").

Witnesseth: Whereas, the Association was incorporated for the purpose of establishing and maintaining on board merchant vessels of the United States, small libraries for the use of the officers and crews. The standard library unit of the Association contains approximately 40 bound books, 30 pocket books and pamphlets, and a bundle of magazines packed in a suitable case; and

Whereas, the United States is desirous of having the Association furnish and maintain standard libraries on board vessels operated by the General Agent for the account of the United States;

Now, therefore, in consideration of the reciprocal undertakings and promises the United States and the Association agree as follows:

ARTICLE 1. The Association agrees to deliver to each vessel operated by the General Agent under Service Agreement "GAA 3-19-51" at any one of the ports where the Association now has, or may hereafter have, a duly established agent, one of its standard library units, and to allow said unit to remain on the vessel for the balance of the calendar year, or until replaced by another standard library unit. The Association agrees to replace the library units on the vessels from time to time during the year with standard library units as requested by the General Agent whenever practicable when the vessel is in port where the Association maintains a duly established agent.

ART. 2. The Association agrees to deliver the standard library units to the vessels at its own risk and expense, and to remove them from any vessel within five days of the receipt of notice from the General Agent to do so. If the Association fails to remove a library unit within five days of the receipt of notice to remove, the General Agent may remove the library unit at the risk and expense of the Association. The library units shall be maintained on the vessels at the risk of the Association, and neither the United States nor the General Agent shall be liable to the Association for any loss or damage to any library unit whatsoever or to any book, pamphlet, magazine, case or other article of whatsoever nature contained in or as a part of the library unit, regardless of the cause of the loss or damage.

ART. 3. (a) Subject to the provisions of subparagraph (b) of this Article 3, the United States agrees to pay the Association $100.00 per vessel per year, effective January 1, 1961, for each vessel furnished with one or more standard library units during each calendar year, provided such unit is on board the vessel for a period of at least 45 days during such calendar year. The Association agrees to submit vouchers to the General Agent showing the number of standard library units furnished during each calendar year, and listing the names of the vessels and the dates of delivery of standard library units to the vessels.

(b) It is agreed by the parties that the cost per vessel during any calendar year subsequent to 1961 shall be subject to annual review and to adjustment upon the mutual agreement of the parties. Such adjusted annual cost shall be evidenced by an addendum to this contract, to become effective as of January 1st of the following calendar year.

ART. 4. No member of or delegate to Congress or Resident Commissioner is, or shall be, admitted to any share or part of this contract or to any benefit that may arise therefrom except as provided in section 116 of the Act of Congress approved March 4, 1909 (35 Stat. 1109).

ART. 5. The Association warrants that it has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or fee, contingent or otherwise. Breach of this warranty shall give the United States the right to terminate the contract, or at its discretion, to deduct from the contract price or consideration the amount of such commission, percentage, brokerage, or fee. This warranty shall not apply to commissions payable by contractors upon contracts or sales secured or made through bonafide established commercial or selling agencies maintained by the Association for the purpose of securing business.

ART. 6. This agreement shall be deemed to contain all the provisions required by section 104 of the Renegotiation Act of 1951.

The Contractor (which term as used in this sentence means the party contracting to perform the work or furnish the materials required by this agreement) shall, in compliance with said Section 104, insert the provisions of this Article in each subcontract and purchase order made or issued in carrying out this agreement.

ART. 7. This agreement shall be subject to termination by either party upon thirty (30) days written notice.

In witness whereof, the parties hereto have executed this agreement in quadruplicate the day and year first above written.

UNITED STATES OF AMERICA, DEPARTMENT OF COMMERCE, MARITIME ADMINISTRATION, NATIONAL SHIPPING AUTHORITY.

[SEAL] By: _____
(General agent)

By: _____
(Title)

Attest:
_____
(Secretary)

AMERICAN MERCHANT MARINE LIBRARY ASSOCIATION.

[SEAL] By: _____

Attest:
_____
(Secretary)

**Sec. 3. Rate of compensation.**

The American Merchant Marine Library Association shall be paid $100.00 per vessel per year, effective January 1, 1961, for each vessel furnished with one or more standard library units during each calendar year, provided such unit is on board the ship for a period of at least 45 days during such calendar year: *Provided, however,* That the cost per vessel during any calendar year subsequent to 1961 shall be subject to annual review and to adjustment upon the mutual agreement of the parties, such adjusted annual cost to be evidenced by an addendum to the contract, to become effective as of January 1st of the following calendar year.

**Sec. 4. Period of the agreement.**

The agreement shall be effective as of January 1, 1961 and shall be subject to termination by either party upon thirty (30) days written notice.

Approved: January 17, 1961, Director, National Shipping Authority.

WALTER C. FORD,
*Deputy Maritime Administrator.*

[F.R. Doc. 61-676; Filed, Jan. 24, 1961; 8:52 a.m.]

# Title 41—PUBLIC CONTRACTS

## Chapter 5—General Services Administration

### PART 5-2—PROCUREMENT BY FORMAL ADVERTISING

### Miscellaneous Amendments

Part 5-2 is amended as set forth below:

### Subpart 5-2.2—Solicitation of Bids

1. New §§ 5-2.203, 5-2.203-1, 5-2.203-2, 5-2.203-3, and 5-2.204 are added, to read as follows:

**§ 5-2.203 Methods of soliciting bids.**

**§ 5-2.203-1 Mailing or delivering to prospective bidders.**

(a) The contracting officer shall arrange for the initial distribution of in-

vitations for bids (and preinvitation notices). Initial distribution shall be made to firms included on established bidders mailing lists and to all others whom the contracting officer may select. Distribution of such documents covering new construction and specialized projects designed under the direct supervision of the Office of Design and Construction, Public Buildings Service, may be made by that office.

(b) The initial distribution of invitations for bids shall include quantities required by the Business Service Center, in the region where the invitation for bids originates, for public display or reference and for filling of business and public requests for copies. Business Service Centers shall keep the contracting offices currently advised as to quantities required. In addition, contracting offices shall furnish at least one copy of each invitation for bids included in the Department of Commerce Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards to each Business Service Center.

(c) Business Service Centers normally shall handle and record, as provided in § 5–2.204(a), all requests for invitations for bids.

(d) Firms in debarred or ineligible status will be treated in accordance with § 1–1.604 and § 5–1.604.

**§ 5–2.203–2 Displaying in public places.**

The Business Service Centers shall display copies of invitations for bids in such manner as to make them readily available and accessible for public examination. Upon expiration of the bid opening dates, the copies shall be removed from display.

**§ 5–2.203–3 Publicity in newspapers and trade journals.**

Bids shall be solicited through paid advertisements, when authorized by the appropriate head of a service or regional commissioner. Upon request, single copies of invitations for bids, or a brief summary thereof, shall be furnished to newspapers, trade journals, magazines, trade societies, and similar organizations for free publication. (See § 1–2.203–3.) When invitations for bids which include costly material, such as detailed specifications and drawings, are requested by such an organization, the contracting officer shall furnish such material only when he determines that it is in the best interest of the Government to do so.

**§ 5–2.204 Records of invitations for bids and records of bids.**

(a) Business Service Centers shall submit promptly to the appropriate contracting officer a supplemental list of those (including their addresses) to whom such centers furnished invitations for bids or amendments. The contracting officer shall arrange to furnish such prospective bidders, as well as those solicited pursuant to § 5–2.203–1, with applicable amendments or notices.

(b) For records of bids see § 5–2.401 (d)(8).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

## Subpart 5–2.3—Submission of Bids

2. Subpart 5–2.3 is revised, to read as follows:

Sec.
5–2.303 Late bids.
5–2.303–1 General.
5–2.303–2 Consideration for award.
5–2.303–6 Notification to late bidders.
5–2.303–7 Disposition of late bids.
5–2.304 Modification or withdrawal of bids.

AUTHORITY: §§ 5–2.303 to 5–2.304 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

**§ 5–2.303 Late bids.**

**§ 5–2.303–1 General.**

(a) Upon receipt of a bid delivered by mail or telegraph after the bid opening time, the bid custodian shall record it on the duplicate copy of the list of bidders prescribed in § 5–2.401 and show in addition the date, hour, and place of mailing. In the case of late telegraphic bids, the time and place of filing will be recorded, if shown. After recording, such bids shall be delivered immediately to the responsible contracting officer who shall acknowledge receipt thereof on the duplicate copy of the list of bidders and record the bidder's name and address on the original list of bidders. Delivery of late bids which bear insufficient postage shall be accepted if received prior to award. The postage due shall be paid if requested by the post office authorities and the bids handled in accordance with § 1–2.303 and this § 5–2.303.

(b) Except as provided in § 5–2.303–2, a bid delivered after the bid opening time by other than the Post Office or by telegraph shall not be accepted. Should a bid custodian find himself unavoidably in possession of such a bid, it shall be immediately time-stamped and handled in the same manner as prescribed above for mail and telegraphic bids, except that in lieu of data as to the time and place of mailing, a notation shall be made on the duplicate copy of the list of bidders by the bid custodian explaining when and how he came into possession of the bid.

**§ 5–2.303–2 Consideration for award.**

When properly addressed bids are received on time but, through error on the part of the Government, are not opened with other bids in response to the same invitation, such mishandled bids shall be considered for award if an irrevocable award has not been made. If award has been made and the maker of such a bid otherwise would be entitled to award, every effort shall be made to secure consent to cancellation of the award without cost by presenting a full explanation to the bidder who received the award. If such bidder refuses to consent to cancellation, a full explanation of the circumstances shall be furnished to the bidder who, except for mishandling, would otherwise be entitled to the award. Complete details of each such case shall be furnished to the appropriate head of service or staff office and a copy thereof retained in the contract file.

**§ 5–2.303–6 Notification to late bidders.**

In notifying a bidder of a late bid received before award, the following additional language shall be used for the purpose of establishing a predetermined time limit for his submission of evidence:

To assure its consideration, any evidence submitted must be received in this office not later than ----------
(Insert date)

In fixing the date to be entered, consideration should be given to the time required by bidders to develop and prepare evidence in relation to the acceptance period specified by the otherwise apparent low bidder, avoidance of undue delay in procurement operations, and other pertinent factors. As a general rule, bidders should be allowed a minimum of three working days to develop and prepare their submissions. In addition, appropriate allowance should be made for the time required for mail transit of the notification and return of the evidence.

**§ 5–2.303–7 Disposition of late bids.**

A late bid returned to a bidder shall be accompanied by a statement from the contracting officer that the bid was not considered because of the time of its receipt.

**§ 5–2.304 Modification or withdrawal of bid.**

(a) Bid modifications received prior to bid opening time shall be handled in the same manner as bids and shall be attached to the related bid envelope to assure opening at the same time.

(b) The receipt required by § 1–2.304 for withdrawal of a bid in person by a bidder or his authorized representative before the time set for opening shall be worded as follows:

I certify that I am a bona fide, fully authorized[1] agent for, official, employee, or representative of ----------
(Insert full name and address of bidder)
whose bid on IFB No. ---------- scheduled for opening on ----------
(Insert complete IFB number)
(Insert bid opening date)
I am hereby withdrawing from consideration, and receipt thereof is hereby acknowledged.

----------
(Signature)

----------
(Date)

[1] Delete inapplicable categories.

## Subpart 5–2.4—Opening of Bids and Award of Contract

3. New §§ 5–2.401 to 5–2.403 are added, to read as follows:

**§ 5–2.401 Receipt and safeguarding of bids.**

(a) Bids (including modifications and samples) received in response to invitations for bids shall be received and safeguarded by the appropriate Business Service Center until the time specified for opening.

(b) Each regional Director of Business Services shall designate bid custodians and alternates as may be required, to perform the functions incident to the receipt, custody, and recording of bids.

(c) Adequate space and facilities shall be provided for the receipt and safeguarding of bids and samples received in conjunction therewith, and for the holding of public bid openings. This shall include the providing of a locking type bid box located within sight of the bid custodian and at an accessible point where bidders or their representatives can readily deposit bids.

(d) Bids received shall be handled as follows:

(1) At the initial point of receipt, envelopes, or other outer covering, containing identified bids received by mail shall be immediately time-stamped or otherwise have legibly indicated thereon the place, date, and time of receipt by authorized personnel, and then shall be delivered by special handling to the bid custodian in the Business Service Center.

(2) Bids received in unidentified or unsealed envelopes or other outer covering and bids opened by mistake shall be handled in accordance with § 1–2.401(b).

(3) When bids received by mail are delivered to the custodian they will immediately be placed in a suitable locked cabinet.

(4) Bids received which bear insufficient postage shall be accepted and, if Post Office authorities so request, payment of the postage due shall be made.

(5) Bids delivered in person by bidders or their representatives shall be deposited immediately in the locked bid box in the Business Service Center. Bid custodians shall have custody of a key or combination to this receptacle and shall remove and time-stamp the contents thereof at least once daily, and in any event, immediately before each bid opening. (See § 5–2.303–1(b) regarding late bids delivered in this manner.)

(6) Telegraphic bids or modifications will be sealed in envelopes immediately upon receipt, appropriately identified, and handled in the same manner as other bids. No information as to the contents of such bids will be divulged by any employees having access thereto.

(7) At the end of each working day, the bid custodian shall place all bids which have accumulated in the bid box in the locked cabinet referred to in § 5–2.401(d)(3).

(8) As soon as practicable after receipt and prior to the bid opening time, all bids received by the bid custodian shall be recorded, in duplicate, on a separate list for each bid invitation. This list shall include the name and address of each bidder and the date and hour of receipt as shown by the time-stamp.

(9) The bid custodian shall, at the scheduled bid opening time, deliver all bids received in connection with the invitation to the authorized bid opening official, or his designee. At the same time, the pertinent list of bidders, in duplicate, shall be delivered to the bid opening official, or his designee, who shall acknowledge receipt of the bids by signing the duplicate copy of the list and returning it to the bid custodian. The original list of bidders shall become a part of the contract file.



**§ 5–2.402 Opening of bids.**

(a) Public bid openings shall be held in the Business Service Center except when determined to be impracticable by the Business Service Center and the contracting officer. The schedule for such openings shall be developed jointly by the Business Service Center and the contracting officer in order to avoid conflicts. The contracting officer shall be responsible for obtaining space for bid openings which are to be held outside the Business Service Center. Whenever, and as soon as, it is justifiably determined to hold the bid opening elsewhere, the contracting officer shall inform the Business Service Center serving the geographic area in which the contracting office is located as to the invitation number and the location where the public bid opening will be held.

(b) All bids shall be opened by the contracting officer, or his designee; responsible for the procurement. The designee shall be a fully qualified employee of the contracting office. However, upon authorization of the head of the service or staff office involved, and the Special Assistant to the Administrator for Congressional and Public Affairs, bids may be opened by selected Business Service Center personnel. Normally, such authorization will be requested only when the geographic distance separating the Business Service Center where bids are to be delivered and the contracting office makes it impracticable for the contracting officer or his designee to be present to open bids.

(c) Bid openings shall be open to business representatives, members of the press, and the general public.

(d) In order to assure that bids will be opened at the exact time specified, the bid opening official shall verify that the timepiece to be used is accurate.

(e) For the information of those bidders present, approximately one minute prior notice of bid opening will be audibly announced by the bid opening official.

(f) The bid opening official shall take precaution to assure that the exact time of opening has arrived and shall audibly announce this fact citing the invitation or invitations scheduled for opening. He shall then proceed with the opening of bids in full view of the parties present. (See § 1–2.402.)

(g) In reading bids, the following information from each bid shall be announced when considered practicable and feasible in accordance with § 1–2.402(a): The name of the bidder, the unit price for each item bid on, and other pertinent information, such as delivery and discount terms. A copy of each bid submitted in multiple copies shall remain in the bid opening room and be available for public examination until the bid abstract is completed and made available in lieu thereof. Bids submitted in an original only shall be made available for examination in accordance with § 1–2.402(c).

(h) When invitations for bids provide for the submission of bid or performance bonds or like guarantees, arrangements shall be made by the contracting officer or his designee to have a bonded collection officer present when bids are opened to assume custody of guarantees other than bonds. The contracting officer shall retain bonds for checking of acceptability. As soon as awards have been made, the contracting officer shall request the collection officer to return guarantees other than bonds to unsuccessful bidders. Bonds need not be returned.

(i) A record of persons attending each bid opening shall be maintained. This record shall include, as a minimum, the names of persons present, firms or organizations represented, date and time of opening, and the invitation numbers in which each person is interested. The record may be in any suitable form, such as appropriate notations on the reverse of GSA Form 289, Abstract of Bids, or GSA Form 1081, Record of Bid Opening. The record shall be made a part of the invitation for bids file.

(j) If two or more bid openings are scheduled for the same date and hour, and are to be conducted by the same bid opening official, normally the bid opening in which the greatest number of persons present is interested shall be conducted first.

(k) When bids are received in more than one copy, the bid opening official shall verify the entries on all copies.

(l) Envelopes in which bids and bid modifications are received shall be retained in a temporary file until after all awards have been made, at which time those which bear notations concerning abnormal receipt conditions shall be made a part of the invitation for bids file and the remainder may be destroyed.

**§ 5–2.403 Recording of bids.**

(a) The contracting office shall be responsible for the abstracting and tabulation of all bids.

(b) The abstracting and tabulation of bids shall normally be completed within 24 hours after bid opening and a legible copy shall be immediately delivered to the appropriate Business Service Center where it shall be made available for public examination. Late bids determined eligible for consideration shall be included on the tabulation. However, if eligibility is established after delivery of the original tabulation, they shall be recorded separately, identified as an amendment to the original tabulation, and delivered to the Business Service Center.

(c) As soon as possible, but not later than 24 hours after notices of awards have been dispatched to the contractors, a legible copy of the bid tabulation showing the awards made shall be furnished to the Business Service Center where it shall be made available for public examination for a minimum period of 30 days.

(d) The original of all abstracts or tabulations shall be made a part of the official procurement file.

*Effective date.* These regulations are effective immediately.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: January 18, 1961.

FRANKLIN FLOETE,
*Administrator.*

[F.R. Doc. 61–673; Filed, Jan. 24, 1961; 8:51 a.m.]

## Chapter 9—Atomic Energy Commission

## 9–12—LABOR

Subpart 9–12.2—Convict Labor


Sec.
9–12.251 Assignments of responsibilities.


Subpart 9–12.3—Eight-Hour Law of 1912


9–12.351 Assignments of responsibilities.


Subpart 9–12.50—Labor Standards in Construction Activities


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Subpart 9–12.52—Nondiscrimination in Employment


9–12.5200 Scope of subpart.
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Subpart 9–12.6—Walsh-Healey Public Contracts Act


9–12.603 Responsibilities of contracting officers.


Subpart 9–12.7—Fair Labor Standards Act of 1938


9–12.751 General.
9–12.752 Assignment of responsibilities.


AUTHORITY: §§ 9–12.251 to 9–12.752 issued under sec 161(q), 70 Stat. 1069; 42 U.S.C. 2201(q). Implement and supplment sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### Subpart 9–12.2—Convict Labor

**§ 9–12.251 Assignments of responsibilities.**

Directors, Headquarters Divisions and Offices and Managers of Operations, in accordance with their delegations of authority shall assure that the contract clause appearing in § 1–12.203 is incorporated in contracts subject to the coverage of the regulation as set forth in § 1–12.202.

### Subpart 9–12.3—Eight-Hour Law of 1912 (Other Than Construction Contracts)

**§ 9–12.351 Assignments of responsibilities.**

Directors, Headquarters Divisions and Offices and Managers of Operations, in accordance with their delegations of authority shall assure that the contract clause appearing in § 1–12.303 is incorporated in contracts subject to the coverage of the regulation as set forth in § 1–12.302.

### Subpart 9–12.50—Labor Standards in Construction Activities

**§ 9–12.5000 Scope of subpart.**

This subpart deals with labor standards for construction contracts as prescribed by the statutes and regulations set forth below.

**§ 9–12.5001 Statutes and regulations.**

**§ 9–12.5001–1 Davis-Bacon Act (Act of March 3, 1931, as amended, 40 U.S.C. 276a).**

The Davis-Bacon Act provides in general that contracts to which the U.S. is a party in excess of $2,000 for the construction, alteration, and/or repair, including painting and decorating, of public buildings or public works, which involve the employment of laborers and/or mechanics, shall contain provisions with respect to minimum wages, payments without deductions, posting of wage scales, withholding from contractors of amounts considered necessary to pay laborers and/or mechanics any differences between the amounts they receive and the amounts due, and termination of work for failure to pay agreed wages.

**§ 9–12.5001–2 Copeland (Anti-Kickback) Act.**

The Copeland (Anti-Kickback) Act (Act of June 13, 1934, as amended, 18 U.S.C. 874; 40 U.S.C. 276c), makes it illegal for unauthorized deductions to be made from, or rebates to be exacted from, the wages paid to any person employed by any contractor or subcontractor engaged in the construction, prosecution, completion or repair of any public building or public work, or building or work financed in whole or in part by loans or grants from a federal agency, and provides that the Secretary of Labor shall make reasonable regulations for contractors and subcontractors engaged in such work, including provisions that each such contractor and subcontractor shall furnish weekly a statement with respect to the wages paid each employe during the preceding week.

**§ 9–12.5001–3 Eight-Hour Law.**

The "Eight-Hour" statute (Act of June 19, 1912, as amended, 40 U.S.C. 321–326) provides, generally, that contracts to which the U.S. is a party, except supply contracts under the Walsh-Healey Public Contracts Act and other exclusions mentioned in § 9–12.5002–2, involving the employment of laborers and mechanics shall contain a provision that laborers and mechanics doing any part of the work contemplated by such contracts shall not be required or permitted to work more than eight hours in any one calendar day upon such work, unless compensated for all hours worked in excess of the eight at not less than one and one-half times the basic rate of pay.

**§ 9–12.5001–4 Department of Labor regulations.**

Pursuant to the foregoing statutes and Reorganization Plan No. 14 of 1950 (15 F.R. 3176), the Secretary of Labor has issued regulations, Part 3, Title 29, Subtitle A, Code of Federal Regulations (7 F.R. 687 as amended) and Regulations, Part 5, Title 29, Subtitle A, Code of Federal Regulations (16 F.R. 4430), as amended, relating to the administration and enforcement of these statutes. The requirements under the Davis-Bacon Act apply only in the United States, while the Eight-Hour laws and the Copeland Act also apply to other areas over which the United States has direct legislative control.

**§ 9–12.5001–5 Department of Labor Approval of AECPR 9–12.50.**

The Department of Labor has reviewed and approved this subpart 9–12.50, "Labor Standards in Construction Activities" as guides for the application of the Davis-Bacon Act in construction, operation or maintenance activities specifically related to the situations that exist in facilities of the Atomic Energy Commission.



**§ 9–12.5002 Applicability.**

The requirements set forth in § 9–12.5001 apply to construction contracts. Although the statutes therein referenced do not contain definitions, the Secretary of Labor's regulations in 29 CFR, Subtitle A, Part 5, include definitions of "contract", "building", "work", "construction", "prosecution", "completion", "repair", "public building", and "public work". In general, contracts are classifiable as being covered by the statutes when performance by the contractor consists substantially of the erection or assembly of new plants (including laboratory or other buildings or works), or the alteration and/or repair, including painting and decorating, of new or existing plants. The fact that certain contracts may be entered into without regard to general statutory requirements as to advertising for bids or proposals, or upon a cost-type basis or otherwise, is not determinative in the classification of such contracts, activities, construction projects, or other work or services performed thereunder.

**§ 9–12.5002–1 Non-coverage (Davis-Bacon and Copeland Acts).**

(a) The requirements set forth in § 9–12.5001 in respect to the Davis-Bacon and Copeland Acts do not apply to the following:

(1) Contracts regardless of their nature not in excess of $2,000. (Does not apply to the Copeland Act.) However, no item of work, the cost of which is estimated to be in excess of $2,000, shall be artificially divided into portions less than $2,000 for the purpose of avoiding the applicability of the Davis-Bacon Act.

(2) Contracts for furnishing supplies and equipment, including installation, where the installation requires only an incidental amount of work (as defined in "(c)" below) that would otherwise be considered construction, alteration and/or repair of a public building or work. (See § 9–12.5005–2(g).)

(3) Contracts for servicing or maintenance work in an existing plant, including installation or movement of machinery or other equipment, and plant rearrangement which involve only an incidental amount of work (as defined in "(c)" below) that would otherwise be considered construction, alteration and/or repair. (See § 9–12.5005–2(g).)

(4) Contracts for operational or maintenance activities (e.g., production, research and development, or community services, as distinguished from contracts for construction). In general, these are contracts where performance by the contractor consists primarily of the utilization of existing facilities and the services of personnel to produce materials, conduct research and development, or provide community-type services, and of the use of or maintenance of plant. However, the classification of a contract as a contract for operational or maintenance activities does not necessarily mean that all work and activities at the contract location are not covered, since it may be necessary to separate out work which should be classified as covered. (See § 9–12.5004–7.) As used in connection with "operational activities", the term "produce" means to manufacture, make, or refine special nuclear or other material; to separate material from other substances in which contained; or to make new material. The term "materials" includes supplies, articles, or equipment; and the term "research and development" means the same as defined in the Atomic Energy Act of 1954, as amended.

(5) Contracts to be performed outside the States and the District of Columbia. (Does not apply to the Copeland Act.)

(6) Contracts for demolition, except when indispensable and preliminary to scheduled new construction.

(7) Contracts with a state or political subdivision thereof (although the requirements do apply, and the contract must so provide, to a subcontract thereunder with a private person or firm which involves the construction, alteration, and/or repair of public buildings or public works).

(8) Contracts with railroads for construction services to the extent that the services are performed by railroad employees covered by the Railway Labor Act.

(b) It should be noted, however, that the requirements do apply to work performed by laborers and mechanics employed by a construction contractor or subcontractor at the site of the work under a contract for the construction, alteration and/or repair, including painting and decorating of public buildings or public works, which is otherwise subject to these Acts whether or not such work would be covered if it were a separate contract.

(c) As used in (a)(2) and (a)(3) above, "an incidental amount of work" is defined to mean work directly related to the installation, movement or rearrangement of equipment or machinery, relatively small in amount, and which does not include changes in a facility affecting its architectural or structural strength, stability, safety, size, or function as a public work. (See § 9–12.5005–2(g)(3).)

**§ 9–12.5002–2 Non-coverage (Eight-Hour Law).**

The requirements set forth in § 9–12.5001 in respect to the Eight-Hour Law do not apply to the following:

(a) Contracts (or portions thereof) to be performed in a foreign country;

(b) Contracts with a state or political subdivision thereof (although the requirement does apply, and the contract must so provide, to a subcontract thereunder with a private person or firm);

(c) Contracts (or portions thereof) for materials or articles usually bought in the open market, or for supplies in connection with which any required services are merely incidental to the sale and do not require substantial employment of laborers or mechanics;

(d) Contracts as to which the provisions of the Walsh-Healey Public Contracts Act are clearly applicable to complete performance of the contract;

(e) Contracts for transportation by land or water;

(f) Contracts for transmission of intelligence;

(g) Contracts for construction or repair of levees and revetments necessary for protection against floods or overflows on navigable waters of the United States.

**§ 9–12.5003 Contract clauses.**

**§ 9–12.5003–1 Clauses for general use.**

Except as provided in § 9–12.5003–4, every contract for construction, alteration and/or repair, including painting and decorating of public buildings or public works in excess of $2,000 within the United States shall include the Labor Standards provisions appearing in Standard Form 19A or 23A, as appropriate. (See § 1–16.901–19A or § 1–16.901–23A).

**§ 9–12.5003–2 Contracts for $2,000 or less.**

Except as provided in § 9–12.5003–4, every construction contract for public buildings or public works for $2,000 or less within the United States shall include the Labor Standards Provisions appearing as clause 10 on page 2 of Standard Form 19. (See § 1–16.901–19.)

**§ 9–12.5003–3 Contracts outside the United States.**

Every construction contract for public buildings or public works outside the United States, but within an area over which the United States has direct legislative control, shall include clauses 2 and 7 of Standard Form 19A, except that the first sentence of clause 7 shall be modified to refer only to clauses 2 and 7, and the phrase "except in the phrase 'government prime contractor'" in the last sentence of clause 7 shall be deleted.

**§ 9–12.5003–4 Contracts with a state or political subdivision.**

In the case of contracts with a state or political subdivision thereof which include construction, alteration and/or repair, including painting and decorating of public buildings or public works, the contract clause required by Standard Form 19, Standard Form 19A, or Standard Form 23A, whichever is applicable, shall be inserted therein, and such clause shall be prefaced by the following provision: "The contractor agrees to insert the following in all subcontracts hereunder with private persons or firms".

**§ 9–12.5003–5 Special clauses for "operating type" contracts.**

The following article is for use in prime contracts when the prime contractor is to perform no covered work with his own forces but may procure construction by subcontract: "Upon request of the Commission and acceptance thereof by the Contractor, the Contractor shall procure by subcontract the construction of new facilities or the alteration or repair of Government-owned facilities at the plant. Any subcontract entered into under this paragraph shall be subject to the written approval of the Commission and shall contain the provisions relative to labor and wages required by law to be included in contracts for the construction, alteration and/or repair, including painting

and decorating, of a public building or public work".

§ 9–12.5004 Administration and enforcement.

§ 9–12.5004–1 General.

The statutes and regulations cited and summarized in § 9–12.5001 impose direct responsibilities for administration and enforcement upon the Atomic Energy Commission. Therefore, Directors, Headquarters Divisions and Offices, and Managers of Operations, consistent with their assignments of responsibilities and delegations of authority, shall assure that AEC contract activities are carried out consistent with these laws, regulations, and policies.

§ 9–12.5004–2 Specific responsibilities.

In discharging their assigned responsibilities, Directors, Headquarters Divisions and Offices, and Managers of Operations shall:

(a) Incorporate in contracts, as applicable, the contract clauses required by § 9–12.5003.

(b) Obtain certification of compliance or dispute from the contractor (29 CFR 5.6(a).)

(c) Assure that under the Davis-Bacon Act classification or reclassification of classes of labor or mechanics is effected (29 CFR 5.6(c).)

(d) Obtain and examine payrolls and preserve them for three years from the date of completion of the contract (29 CFR 5.6(d).)

(e) Make investigations for compliance with labor standards, stipulations and applicable laws (29 CFR 5.6(e).)

(f) Cooperate with any representative of the Secretary of Labor making an authorized inspection (29 CFR 5.10(a).)

(g) Suspend payment of funds or order restitution (29 CFR 5.8 or 5.9(a).)

(h) Submit to the Director, Office of Industrial Relations, Headquarters:

(1) Reports of violations including recommendations as to ineligibility sanction (29 CFR 5.6(b) and 5.7.)

(2) Recommendations for a hearing by the Secretary of Labor (29 CFR 5.10(b).)

(3) Requests for rulings or interpretations by the Secretary of Labor (29 CFR 5.11).

(4) Requests for wage determinations by the Secretary of Labor (29 CFR 5.3 and 5.4).

(5) Reports on the effectuation of the classification or reclassification of laborers and mechanics (29 CFR 5.6(c).)

(i) Establish and maintain controls for the application and enforcement of the Davis-Bacon Act (see § 9–12.5004–7).

(j) In accordance with § 9–12.5004–7(a)(2) make certain decisions with reference to the coverage of the Davis-Bacon Act. Managers of Operations Offices will not redelegate the authority to make such decisions.

§ 9–12.5004–3 Responsibility of the Director, Office of Industrial Relations, Headquarters.

The Director, Office of Industrial Relations, is responsible for coordinating all activities arising under this subpart; preparing and submitting requests for predeterminations, rulings, interpretations, hearings, etc., to the Department of Labor; and maintaining liaison with the Department of Labor, the Building Trades Department (AFL–CIO) and national labor and employer organizations.

§ 9–12.5004–4 Need for wage determination decisions.

Whenever work subject to the coverage of the Davis-Bacon Act is to be performed, a wage determination decision from the Secretary of Labor for insertion in the appropriate contract documents must be obtained. However, it should be noted that such a determination is not required for insertion in a prime contract for the performance of operational and maintenance activities which contains a clause such as set forth in § 9–12.5003–5. In such cases, a current wage determination decision (either 54–A or project type) shall be obtained for subcontracts let pursuant to such clause.

§ 9–12.5004–5 Obtaining Davis-Bacon Act wage determination decisions.

(a) Requests for wage determination decisions shall be submitted to the Office of Industrial Relations, Headquarters. Requests may be of two types—either the project type request, applicable to the particular project for which it is obtained, or the special 54–A type request, applicable to all construction, alteration and/or repair work, including painting and decorating, contemplated to be done under AEC contract within a geographic area. The latter type should be requested only if it is expected that a number of construction contracts will be awarded. Requests for either type determination should be submitted to the Office of Industrial Relations on Form DB–11 (original and one copy) at least 30 days in advance of need and shall include all information prescribed on the form.

(b) Each request submitted on DB–11 for the initial project at a site shall be accompanied by documentation (e.g., copies of current collective bargaining agreements and/or survey reports) supporting the wage schedules being proposed on the DB–11. In conducting wage surveys, it should be kept in mind that wage determinations are based on the concept that prevailing rates in the area are those in effect for corresponding workers on projects of a character similar to the project for which the wage determination is being sought. In some instances—particularly if the work is to be done in isolated or relatively isolated areas, or if the classes of workers to be employed differ from the building trades craft classifications normally employed locally—the estimated number of men to be employed in each classification should be provided. Also, if the work is not located in any city, or if there are questions as to the geographic jurisdiction of the building trades locals that cooperate in staffing private work, the locations of the appropriate locals should be stated. Type 54–A wage determination decisions are not renewable, but new determinations may be requested where the continuing volume of construction work is sufficient to justify their use. Such requests need not duplicate information submitted with earlier 54–A requests for the same geographic location. However, in submitting the DB–11 for a new 54–A determination where a change has occurred in the rate for a classification, the fact of such change shall be indicated by appropriate asterisk. If no changes have occurred, this fact shall be expressly stated on the DB–11. This information shall be furnished the Office of Industrial Relations, Headquarters, at least 30 days prior to the expiration of the existing wage determination decision.

§ 9–12.5004–6 Duration of wage determination decision.

In general, the Davis-Bacon Act rates applicable to a contract at the time it is awarded continue in effect during its term regardless of whether it is a fixed price or cost-type contract. A substantial addition, to the scope of any contract properly awarded, made more than 90 days from the date of the predetermination being used, requires a new predetermination for such additional work. However, it should be noted that:

(a) The minimum wage rates that will be paid to laborers and/or mechanics engaged on jobs which are programmed on a fiscal year or shorter basis are those predetermined by the Secretary of Labor to be prevailing as of the date the program is approved by the AEC for performance by the contractor. However, substantial additions to the work programmed in a fiscal year, approved by the AEC more than 90 days after the date of the predetermination being used, require a new predetermination for such additional work. Programmed work will be performed by the contractor under the following conditions:

(1) Continuing contracts for minor or miscellaneous construction, alteration and/or repair, including painting and decorating;

(2) Operating contracts under which the operating contractor will perform miscellaneous covered work with his own forces.

(b) The minimum wage rates that will be paid to laborers and/or mechanics engaged on subcontracts let by an operating contractor under 9–12.5003–5 will be those in the wage determination decision of the Secretary of Labor which is current as of the date the operating contractor enters into such subcontract.

§ 9–12.5004–7 Administrative controls and criteria for application of the Davis-Bacon Act in operational or maintenance activities.

(a) Particular contracts or work items falling within one or more of the following criteria normally will be classified as non-covered.

(1) Individual work items estimated to cost $2,000 or less. The total dollar amount of the operating contract is not a factor to be considered and bears no relation to individual work items classified as construction, alteration and/or repair, including painting and decorating. However, no item of work, the cost of which is estimated to be in excess of $2,000, shall be artificially divided into portions less than $2,000 for the purpose of avoiding the application of the Act.

(2) Work and services that are a part of operational and maintenance activities or which, being very closely and directly involved therewith, are more in the nature of operational activities than construction, alteration, and/or repair work. This includes work and services which would involve a material risk to continuity of operations, to life or property, or to AEC operating requirements, if performed by persons other than the operating contractor's regular production and maintenance forces; provided, however, that any decision that contracts or work items are non-covered for these reasons, must be made by the Manager of the respective Operations Office and the authority to make such a decision cannot be redelegated.

(3) Work and services, typically of a routine or recurring nature, the purpose of which is to keep facilities in a state of functional usefulness.

(4) Assembly, modification, set-up, installation, replacement, removal, rearrangement, connection, testing, adjustment, and calibration of machinery and equipment. It should be noted, however, that these activities are covered if they are part of or would be a logical part of a contract for the construction of a facility, or if construction type work, other than defined as "incidental" in § 9–12.5002–1(c) is involved. (Also see § 9–12.5005–2(g).)

(5) Experimental development of equipment, processes and devices, including assembly, fitting, installation, testing, reworking, and disassembly. This refers to equipment, processes and devices which are assembled for the purpose of conducting a test or experiment. The design may be only conceptual in character, and professional personnel responsible for the experiment participate in the assembly. Specifically excluded from the category of experimental development are buildings, building utility services, structural changes, and modifications to building utility services—as distinguished from temporary connections thereto. Also specifically excluded from this category is equipment to be used for continuous testing, e.g., a machine to be continuously used for testing the tensile strength of structural members. (Also see § 9–12.5005–2(a) and § 9–12.5005–2(h).)

(6) Experimental work in connection with peaceful uses of nuclear energy. This refers to equipment, processes and devices which are assembled and/or set in place and interconnected for the purpose of conducting a test or experiment. The nature of the test or experiment is such that professional personnel responsible for the test or experiment and/or the data to be derived therefrom necessarily must participate in the assembly and interconnections. Specifically excluded from experimental work are buildings, building utility services, structural changes, drilling, tunneling, excavation and backfilling work which can be performed according to customary drawings and specifications, and utility services or modification to utility services—as distinguished from temporary connections thereto. Work in this category may be performed in mines or in other locations specifically constructed for tests or experiments. (See also § 9–12.5005–2(h).)

(7) Emergency work to combat the effects of fire, flood, earthquake, equipment failure, accident or other casualties, and to restart the operational activity following the casualty. Work which is not directly related to restarting the activity and which involves rebuilding or replacement of structure or structural components or equipment is excluded from this category. (See § 9–12.5005–2(d).)

(8) Decontamination, including washing, scrubbing, and scraping to remove contamination; removal of contaminated soil or other material; and painting or other resurfacing, provided that such painting or resurfacing is an integral part of the decontamination activity and does not include complete replacement of large sections of paved areas or roadways.

(9) Burial of contaminated solid waste or contained liquid; however, initial preparatory work readying the burial ground for use (for example, any grading or excavation that is a part of initial site preparation, fencing, drilling wells for continued monitoring of contamination, construction of guard or other office space) is covered. Likewise, work subsequent to burial which involves the placement of concrete or other like activity is covered.

(b) The classification of a contract as a contract for operational or maintenance activities does not necessarily mean that all work and activities at the contract location are classifiable as outside of Davis-Bacon Act coverage since it may be necessary to separate out work which should be classified as covered in accordance with § 9–12.5002. Therefore, Managers of Operations shall establish and maintain controls for the careful scrutiny of proposed work assignments under such a contract to assure that:

(1) Contractors whose contracts do not contemplate the performance of covered work with the contractor's own forces are neither asked nor authorized to perform work within the scope of the Davis-Bacon Act.

(2) Where covered work is performed by a contractor whose contract contains provisions required by the Davis-Bacon Act, such work is performed as required by law and the contract. After such contractor has been informed, as provided in (3) below, that certain work is covered work the Manager's responsibility to assure compliance is the same as it would be if the work were being performed under a separate construction contract.

(3) Controls provided for above include consideration by the Manager and the contractor, before work is begun or contracted out, of the relation of the Davis-Bacon Act to (a) the annual programming of work, (b) contractor's work orders, and (c) work contracted out in excess of $2,000. The Manager may, if he concludes that it is consistent with AEC's responsibilities as described in this section, prescribe from time to time classes of work as to which applicability or non-applicability of the Davis-Bacon Act is clear, for which he will require no further AEC determination on coverage in advance of the work. For all work, the controls to be established by the Manager should provide for notification to the operating contractor before work is begun as to whether such work is covered.

§ 9–12.5004–8 Checking compliance.

Managers of Operations shall provide for the collection, examination, and retention of copies of the payrolls of contractors and subcontractors where required by law; and for auditing of these payrolls. A principal use of the payroll check is to compare wage rates being paid by a contractor with the applicable Davis-Bacon rates as determined by the Secretary of Labor. On-the-job investigations, including observation of the work and employee interviews, shall be made as necessary to insure compliance. There are other, somewhat less obvious, indications of compliance or non-compliance with legal requirements which may be developed through the payroll check:

(a) Payrolls should be checked for violations of the Copeland (Anti-Kickback) Act, bearing in mind that payroll deductions may be made only in accordance with § 3.5 of the Regulations of the Secretary of Labor, Part 3 (29 CFR 3.5).

(b) Violations of the Eight-Hour Law may also be detected from the payroll check. Particular attention should be given to overlapping shifts, preliminary activity, etc., to determine whether any employee worked more than eight hours during any day and, if so, whether he was properly compensated.

(c) Attention should be given to the correctness of classifications and any disproportionate employment of laborers, helpers and apprentices. A review of the job classifications, with knowledge of the construction work involved, may reveal misassignment of employees. (Example: A construction job which calls for bricklaying and a review of the payroll indicates no bricklayers employed.) Furthermore, it should be ascertained that each apprentice employed is registered in an approved apprenticeship program.

§ 9–12.5004–9 Penalties under the Davis-Bacon Act.

The standard contract clause provides that in event of violation, the government may terminate the contractor's right to proceed with the work or such part of the work as to which there has been a violation and may prosecute the work to completion; and the contractor shall be liable for any excess costs occasioned thereby. Also, there must be withheld from the contractor so much of accrued payments as may be considered necessary to pay to laborers and/or mechanics employed on the work the difference between the rate of wages required by the contract to be paid to them and the rate of wages they receive. (The

procedure to be followed in any case where such withholding appears to be appropriate is set forth in a letter from the Comptroller General of the United States dated March 19, 1957, No. B3368, to Heads of Departments and Other Agencies of the United States.) The Comptroller General of the United States is authorized to distribute a list to all departments of the government giving the names of persons or firms whom he has found to have disregarded their obligations to employees. These lists, showing names of persons or firms and dates of their ineligibility, are distributed within AEC with instructions that will be followed in the issuing of invitations to bid and in the award of contracts.

**§ 9–12.5004–10 Department of Labor posters.**

On all covered work, the contractor is required by the standard contract clause to post Labor Department Posters SOL–155 (10–54), together with applicable wage determinations attached thereto, in a prominent place at the site of the work. In the box in the middle of the poster, there shall be inserted in a prominent manner the name and address of a representative of the operations, area or field office responsible for administration of the contract whom workers may contact in the event they consider they have reason for complaint. Posters may be secured from AEC Headquarters.

**§ 9–12.5005 Decisions and other guides in difficult areas.**

**§ 9–12.5005–1 General.**

Section 9–12.5004–7 necessarily uses general language, and in some cases the application of the criteria discussed therein to particular situations may not be clear. Therefore, this subsection covers more specifically some of the areas of particular concern to AEC and is promulgated to clarify the application of the criteria.

**§ 9–12.5005–2 Specific examples.**

The following are applications of the regulations to particular situations. Additional narrative statements describing items of work and applicability of the Davis-Bacon Act will be developed from time to time and added to this subsection.

(a) *Land-based prototypes.* The Labor Department has held that the construction of a full-scale operating prototype of one reactor compartment and of all necessary nuclear power components and systems and propulsion equipment for a submarine is covered. (See letters of March 14 and July 5, 1957, from Acting Solicitor of Labor to Director of Organization and Personnel, AEC, re TRITON prototype.) In another ship prototype situation, the Department has held that assembling and fitting the components of nuclear steam propulsion units into the hull sections, including installation of the pressure vessels, turbo-generator sets, heat exchangers, control wiring, etc., is covered. (See letter of October 22, 1956, from Solicitor of Labor to General Manager, AEC, re large ship reactor land prototype.) A later decision involving the same prototype indicates that these earlier rulings should not be construed as intended to cover all equipment assemblies irrespective of the status of construction and other pertinent factors.

(b) *Paving.* The construction of roads, including grading, and their repair—where such repair includes work on roadbeds before resurfacing, building up shoulders, forming ditches, culverts and bridges, and on the actual resurfacing of roads—is covered. However, recurring type maintenance work, such as patching surface, filling chuck holes, patching shoulders, and resurfacing railroad crossings is non-covered. Similarly, patch and maintenance work on a parking lot, the replacement of bumper stops, and the repainting of parking dividers is non-covered.

(c) *Stationary boilers.* The construction, alteration and/or repair, including installation and rebuilding, of stationary boilers costing in excess of $2,000 for labor and materials is covered. In contrast, inspections may reveal need for replacement of pieces of insulation, individual tubes, or other defective parts. Such maintenance, necessary to keep the boiler in safe operating condition, is non-covered.

(d) *Start-up of operating activity after fire or other catastrophe.* Rebuilding of plant following a catastrophe, such as replacement of structural members, roof trusses, walls, roof, utility services and process piping is covered. However, where process equipment can be restarted and/or operational activities resumed prior to such rebuilding, the actual work of start-up, including preliminary activity, e.g., cleaning, drying, checking, adjustment, temporary services, and temporary weather protection of equipment, essential to such resumption of operational activity, is non-covered.

(e) *Rehabilitation of facilities.* By contrast with emergency services needed to restore or maintain functional usefulness, as above described, rehabilitation (e.g., painting, change-out, rearrangement and installation of equipment, replacement or repair of damaged parts of structure or of building services or equipment) of a non-operable facility or of significant non-operable portions of a facility is covered. In such rehabilitation, the start-up of equipment by operating employees is non-covered.

(f) *Painting.* Although painting and decorating are specifically mentioned in the Act, painting which is closely integrated within operational and maintenance activities, and such repainting as color coding of process lines and service piping (including valves and directional arrows), is non-covered; likewise, application of various materials for localizing contamination, painting of machine tools to identify degree of contamination, preventive maintenance repainting of machine tools, equipment and plant structures is non-covered when performed with a stable work force employed by the operating contractor.

(g) *Installation, rearrangement or adjustment of equipment.* (See also, "(h) Experimental installations", below.)

(1) *During construction.* In the construction of a new facility—whether it is a production plant, a laboratory, or supporting facilities, such as shops and warehouses—an integral part of a construction project is the installation of equipment (including mechanical equipment, building services, instruments, etc.) which permits the facility to be utilized for the purpose for which it was intended. Normally, the initial installation, arrangement, adjustment, balancing, calibration and checking of such equipment is a logical part of the construction contract(s) for completion of the facility and, whether or not included within the scope of such contract(s), is covered.

(2) *Plant start-up.* At the time of the turnover of an AEC facility (which frequently differs in many respects from other facilities), from construction to operation activities, if the facility is turned over a section at a time, some problems of coverage may arise. It is extremely difficult, if not impossible, to write rules or criteria that can be practically applied in all situations. Usually, it is essential that final checkout of a plant prior to the start-up of plant operations be performed by personnel of the operating contractor and, as such, is not covered. The important thing is to work out a practical plan that will assure: (i) Safe and effective start-up of the facility, (ii) the fulfillment of obligations under applicable statutes, and (iii) continuing construction at the facility.

(3) *Equipment and equipment assemblies.* While the current construction status of a public building or public work is not controlling as to coverage of supply-installation-type contracts, this is a factor to be considered in judging the applicability of the Davis-Bacon Act. The Labor Department has ruled (Walsh-Healey Rulings and Interpretations No. 3, sec. 6(b)) that while contracts in excess of $10,000 for equipment, including erection or installation, are subject to the Walsh-Healey Act, they may be also covered under the Davis-Bacon Act, where more than an incidental amount (see § 9–12.5002–1(c)) of work is involved. Examples given in this ruling include furnishing and installation of mechanical equipment such as elevators or of generators requiring prepared foundations or housing. In a specific situation, the Department has indicated that a contract for furnishing and initial installation of piping, wiring, gas exhaust fans, plumbing, sheet metal work, and related activities to install kitchen and baking equipment was comparable to the basic plumbing, wiring, and heating contracts and was covered (see letter of Aug. 12, 1958, from Acting Asst. Solicitor of Labor to the Director, AFMPP-PR–3, Procurement and Production, the Air Force [Attn: Col. Treacy], re the Air Force Academy). While this situation involves an initial installation, alteration or rearrangement of existing facilities involving such work to accommodate new or different equipment is also covered. Conversely, it follows that where the test of more than an incidental amount of construction is not met, and where the installation, rearrangement or adjustment of equipment is not a logical part of any current related construction project, it is non-covered.



(4) Special leased systems. Most, but not all, contracts involving the installation of telephone, detective and other leased systems are not covered when the work is performed by employees of the companies supplying the services and the material and equipment installed is owned by such companies. (See discussion in letter of Aug. 12, 1958, from Acting Asst. Solicitor of Labor to the Director, AFMPP–PR–3, Procurement and Production, the Air Force [Attn: Col. Treacy], re the Air Force Academy, of one situation in which an extension of the distribution system of the telephone company to supply service to the Air Force was held to be non-covered and of another situation in which the movement of telephone company lines by the telephone company to a location more convenient to the Air Force was held to be covered.) A contract for a telephone central system to be installed by the manufacturer and owned by the United States has been held to be covered. (See letter of Oct. 22, 1958, from the Solicitor of Labor to the Director, AFMPP–PR–3, Procurement and Production, the Air Force [Attn: Col. Treacy], re Patrick Air Force Base.)

(h) *Experimental installations.* Within AEC programs, a variety of experiments are conducted involving materials, fuels, coolants, processes, equipment, etc. Certain types of situations where tests and experiments have sometimes presented coverage questions are described below:

(1) *Set-ups of devices and/or processes.* The proving out of investigative findings and theories of a scientific and technical nature for extension into practical application may require the set-up of various devices and/or processes at an early or pre-prototype stage of development. These may vary from laboratory bench size upwards. As a rule, these set-ups are made within established facilities (normally laboratories); required utility connections are made to services provided as a part of the basic facilities; and the activity as a whole falls within the functional purpose of the facility. Such set-ups may be for exploring mechanical or electrical design suitability, physical or chemical properties, or for collecting data to verify or reject scientific hypotheses. Such set-ups are non-covered. Preparatory work for the setup requiring structural changes or modifications of basic utility services—as distinguished from connections thereto—is covered. Illustrative of non-covered set-ups of devices and/or processes are the following:

(i) Assembly of piping and equipment within existing "hot cell" facilities for proving out a conceptual design of a chemical processing unit;

(ii) Assembly of equipment, including adaptation and modification thereof, in existing "hot cell" facilities to prove out a conceptual design for remotely controlled machining equipment;

(iii) Assembly of the first graphite pile in a stadium at Stagg Field in Chicago;

(iv) Assembly of materials and equipment for particular aspects of the direct current thermonuclear experiments to explore feasibility and to study other ramifications of the concept of high energy injection and to collect data thereon.

(2) *Loops.* Many experiments are carried on in equipment assemblies called loops in which liquids or gases are circulated under monitored and controlled conditions. For purposes of determining Davis-Bacon coverage, loops may be classed as loop facilities or as loop set-ups. Both of these classes of loops can include in-reactor loops and out-of-reactor loops. In differentiating between clearly identified loop set-ups and loop facilities, an area exists in which there have been some questions of coverage, such as certain loops at the Material Test Reactor and Engineering Test Reactor at the National Reactor Test Site. Upon clarification of this area, further illustrations will be added. In the meantime, the differentiation between loop set-ups and loop facilities must be made on a case-by-case basis, taking into account the total criteria set forth in this Subpart.

(i) *Loop set-ups.* The assembly, erection, modification and disassembly of a loop set-up is non-covered. A non-controversial example of a loop set-up is one which is assembled in a laboratory, e.g., Oak Ridge National Laboratory, Argonne National Laboratory, and Lawrence Radiation Laboratory, for a particular test and thereafter disassembled. However, preparatory work for a loop set-up requiring structural changes or modifications of basic utility services—as distinguished from connections thereto—is covered as is material and equipment that is installed for a loop set-up which is a permanent part of the facility or which is used for a succession of experimental programs.

(ii) *Loop facilities.* A loop facility differs from a loop set-up in that it is of a more permanent character; usually, but not always, of greater size; normally involves the building or modification of a structure; sometimes is installed as a part of construction of the facility; and may be designed for use in a succession of experimental programs over a longer period of time. Examples of loop facilities are the in-reactor "K" loops at Hanford and the large Aircraft Nuclear Propulsion loop at National Reactor Test Site. The on-site assembly and erection of such loop facilities are covered. However, once a loop facility is completed and becomes operational, the criteria set forth above for operational and maintenance activities apply.

(3) *Reactor component experiments.* Other experiments are carried on by insertion of experimental components within reactor systems without the use of a loop assembly. Illustrative of reactor facilities erected for such experimental purposes are the special power excursion test reactors (SPERT) at the National Reactor Test Site, which are designed for studying reactor behavior and performance characteristics of certain reactor components. Such a facility may consist of a reactor vessel, pressurizing tank, coolant loops, pumps, heat exchangers, and other auxiliary equipment as needed. The facility also may include sufficient shielding to permit work on the reactor to proceed following a short period of power operation and buildings as needed to house the reactor and its auxiliary equipment. The erection and on-site assembly of such a reactor facility is covered work, but the components whose characteristics are under study are excluded from coverage. To illustrate one of the SPERTs planned for studies of nuclear reactor safety is designed to accommodate various internal fuel and control assemblies as required to conduct a particular test. Accordingly, the internal structure of the pressure vessel is so designed that cores of different shapes and sizes may be placed in the vessel for investigation, or the entire internal structure may be easily removed and replaced by a structure which will accept a different core design. Similarly, the control rod assembly is arranged to provide for flexibility in the removal of instrument leads and experimental assemblies from within the core.

(4) *Tests or experiments in peaceful uses of nuclear energy.* These tests or experiments are varied in nature and some are only in a planning state. These tests or experiments consist of a single or series of nuclear or non-nuclear detonations for the purposes of acquiring data. The data can include seismic effects, radiation effects, amount of heat generated, amount of material moved and so forth. Some of these tests are conducted in existing mines while others are conducted in locations specifically constructed for the tests or experiments. In general, all work which can be performed in accordance with customary drawings and specifications as well as other work in connection with preparation of facilities is treated as covered work. Such work includes tunneling, drilling, excavation and backfilling, erection of buildings or other structures, and installation of utilities. The installation of the non-nuclear material or nuclear device to be detonated, the instrumentation, and connections between such material or device and the instrumentation are treated as non-covered work.

(5) *Tests or experiments in military uses of nuclear energy.* As is the case in § 9–12.5005–2(h)(4) above, these tests or experiments can be varied in nature. However, under this category it is intended to include only detonations of non-nuclear material or nuclear devices. The material or devices can be detonated either underground, at ground level or above the ground. These tests or experiments have been conducted in, on, or in connection with facilities specifically constructed for such tests or experiments. As is the case with respect to tests or experiments in peaceful uses of nuclear energy, all work which can be performed in accord with customary drawings and specifications as well as other work in connection with prepara-

tion of facilities are treated as covered work. Such work includes building of towers or similar structures, tunneling, drilling, excavation and backfilling, erection of buildings or other structures, and installation of utilities. The installation of the non-nuclear material or nuclear device to be detonated, the instrumentation, and connections between such material or device and instrumentation are treated as non-covered work.

(i) *Construction site contiguous to an established manufacturing facility.* As AEC-owned property sometimes embraces several thousands of acres of real estate, a number of separate facilities may be located in areas contiguous to each other on the same property. These facilities may be built over a period of years, and established manufacturing activities may be regularly carried on at one site on the property at the same time that construction of another facility is underway at another site. On occasion, the regular manufacturing activities of the operating contractor at the first site may include the manufacture, assembly and reconditioning of components and equipment which in other industries would normally be done in established commercial plants. While the manufacture of components and equipment in the manufacturing plant is non-covered, the installation of any such manufactured items on a construction job is covered.

## Subpart 9–12.51—Special Considerations

### § 9–12.5100 Scope of subpart.

This subpart deals with special considerations affecting construction laborers and mechanics.

### § 9–12.5101 General.

(a) As collective bargaining arrangements exist generally throughout the construction industry, the wages, hours and working conditions followed for construction laborers and mechanics normally will result from collective bargaining between management and labor. It is important that practices contributing to harmonious labor-management relations prevail throughout the AEC program. All participants in the AEC program, including employees and their unions, have a special and continuing obligation to do their part in accomplishing a stable, efficient construction operation under adequate and reasonable conditions.

(b) In some areas, AEC construction is a minor part of local construction activity, while in other areas AEC construction may at times overshadow local construction. Normally, there will be a number of contractors and subcontractors, both cost-type and lump-sum, engaged simultaneously on a single large AEC project. It is important that adequate coordination exist among all such contractors in order that similar conditions are provided for all construction employees in a given classification at a particular location.

(c) The problem of establishing appropriate conditions for the large projects is complicated by the essential requirement that initial conditions be clearly identified and fixed prior to recruitment of the work force. This factor involves applicability of all pertinent Federal statutes, including the Davis-Bacon Act and the Labor Management Relations Act of 1947, as amended (29 U.S.C. 141 et seq.).

### § 9–12.5102 Steps preliminary to the staffing of new cost-type projects.

Preliminary to the actual recruitment of workers, it is important that sufficient data be accumulated by the Operations Office concerned to reflect area practices accurately. These data should cover in detail the pattern of bargaining in the area; the proportion of the work force employed by the customary employer parties to collective bargaining in relation to the total construction work force; the terms of local area agreements; the extent of conformance with such agreements and any accepted interpretations of them; and a description of practices which may have developed outside of the local agreements. These data will furnish the basis for decision contemplated in § 9–12,5103 and § 9–12.5104. Where the data indicate local agreements are adequate for the contemplated work, there may still be gaps that need to be filled in by additional understandings to attain the desired stability of conditions. The data obtained in the initial survey will also be used in connection with the original Davis-Bacon predetermination.

### § 9–12.5103 Role of project contractor management in collective bargaining.

AEC expects contractor management engaged in the negotiation and/or administration of collective bargaining agreements to assume responsibility for assuring conditions which are consistent with the judicious expenditure of public funds, will attract and retain the skills needed, and will give due consideration to the community's interests and established standards. To meet these responsibilities, it is important that the collective bargaining role to be played by project contractor management be clearly determined in the light of project requirements and local conditions. Prerequisite to determination of this role is a careful analysis of all relevant circumstances.

(a) *Where AEC work does not predominate.* In an area where AEC construction does not overshadow total local construction activitiy, and the majority of construction is performed by members of local contractor associations, AEC expects that basic conditions for labor on AEC projects will be those negotiated between the local contractor associations and local unions and generally adhered to on construction work in the area. In such situations, AEC cost-type contractors will provide for clear identification and application to the AEC work of these local agreements. In such application, the conditions to be followed on AEC work will be those which obtain in actual practice in the area covered by the agreement and are consistent with applicable laws, rather than those appearing from a literal interpretation of the language of the agreement. Conditions not covered by local agreements may be provided for by such arrangements as are necessary to meet project goals.

(b) *Where local agreements are non-existent or inadequate.* In some areas, local agreements may be non-existent, or inadequate, or the employer parties may not be representative of the employers of the bulk of the labor force in the area. In such event, AEC contractors are expected to carry their share of the responsibility for negotiations and to negotiate directly or in cooperation with others to establish appropriate conditions.

(c) *Where AEC work predominates.* In an area where AEC construction work is of such magnitude as to over-shadow local construction, it may be desirable for Commission contractors to negotiate special project conditions (on either a craft or a multi-craft basis) as the best way to meeting their obligations to AEC. Such agreements usually involve the establishment of new bargaining units and are therefore dependent upon the voluntary cooperation of the Building Trades unions. Normally, both the Building Trades Department (AFL–CIO) and the Office of Industrial Relations, AEC, should be consulted in respect to any such proposed course of action.

### § 9–12.5104 Role of the AEC in construction labor relations.

The role of AEC in construction labor relations is a constructive role of over-all cognizance consistent with AEC's ultimate responsibilities. The scope of the construction program, the complexity of the problems which may arise, and the need for coordination among contractors at the same site are factors which affect the degree of influence exercised by AEC in carrying out the following responsibilities:

(a) To assure that a careful advance survey and analysis is made of each contract situation and that the role of the contractor management is in accordance with the considerations in § 9–12.5103.

(b) To establish effective machinery for coordination among project contractor management, both cost-reimbursement and lump-sum.

(c) With respect to AEC contracts carried out under area practices, to assure that conditions proposed for AEC cost-reimbursement contracts are actually prevalent in the area or have other substantial foundation and that, to the extent consistent with the terms of lump-sum contracts, practices established by lump-sum contractors are not of a character that will unstabilize other AEC work.

(d) With respect to AEC contracts carried out under project agreements, as distinguished from area practices, to assure that the negotiators of project agreements, both union and management, are fully informed and take into account all relevant factors pertaining to the particular circumstances, requirements and schedules of the project, e.g., any conditions peculiar to the project, duration of project, tenure of employment, housing and travel accommodations, length of regular work week, uniformity of shift, special subsidies, etc.



(e) To encourage contractor officials and representatives of employees to establish similar conditions among all construction employers for each class or classification of employees at a particular location.

(f) To encourage contractor officials and representatives of employees to exert every reasonable effort either to provide for clear identification and application of practices under local agreements or to make and maintain project agreements on AEC construction projects.

(g) To encourage contractor officials and representatives of employees to establish reliable working contact between the AEC project contractors and any unions that are cooperating in staffing the job.

### § 9–12.5105 Initial wage rates.

The wage rates initially established under both cost-type and lump-sum contracts will not be less than, and will normally conform to, those determined by the Secretary of Labor pursuant to the requirements of the Davis-Bacon Act. On cost reimbursement work the total compensation on the AEC project will be comparable with the total compensation allowed similar workers in an appropriate area of comparison. Where the AEC project is applying the practices under local agreements, the area of comparison normally will be the geographic area within the jurisdiction of each local union cooperating in staffing the project. In this type of situation, the application of local practices and agreements will usually be carried out on an item-by-item basis. Where a project agreement has been agreed on as the foundation for project conditions, the area of comparison for each craft should be large enough to provide a sound base which will result in realistic wage rates. In the development of a project agreement, the Office of Industrial Relations, Headquarters, should be consulted.

### § 9–12.5106 Adjustments in compensation cost-type contracts.

Subject to any limitation imposed by any applicable labor laws, changes in established wage rates and working conditions under cost-type contracts may be effected as follows:

(a) *Project agreements.* Adjustments in wage rates and other job conditions established in project collective bargaining agreements may be effected by the renegotiation or modification of the agreements at appropriate times, and by reopening of existing agreements as provided therein. The Office of Industrial Relations, Headquarters, should be consulted as to appropriate criteria to follow in review of such reopenings.

(b) *In the absence of project agreements.* In situations where AEC cost-type contractors apply local established job conditions included in applicable bargaining agreements, adjustments in wages and job conditions may coincide with changes within the locality. Wage rates may be adjusted to bring rates into conformity with new rates which are verified as established in the area at the time of their acceptance for AEC work.

### § 9–12.5107 National Joint Board for the Settlement of Jurisdictional Disputes in the Building and Construction Industry.

Construction contractors and representatives of employees are encouraged to settle craft jurisdiction disputes in accordance with the Procedural Rules and Regulations of the National Joint Board.

### § 9–12.5108 Specific responsibilities.

In discharging their assigned responsibilities, Directors, Headquarters Divisions and Offices, and Managers of Operations shall take such action as is required to accomplish the AEC role described in § 9–12.5104.

### § 9–12.5109 Responsibility of the Director, Office of Industrial Relations, Headquarters.

The Director, Office of Industrial Relations, is responsible for coordinating all activities arising under this subpart, and for maintaining liaison with the Department of Labor, the Building Trades Department (AFL–CIO) and other construction labor and employer organizations.

## Subpart 9–12.52—Nondiscrimination in Employment

### § 9–12.5200 Scope of subpart.

This subpart deals with the policy of the Atomic Energy Commission, and the obligations of its contractors thereunder, in affording equal treatment to employees and applicants irrespective of race, religion, color or national origin.

### § 9–12.5201 Policy.

It is the policy of the Atomic Energy Commission that no employee or applicant for employment in the Atomic Energy Commission's plants shall be discriminated against because of race, religion, color, or national origin. In the application of this policy, there shall be no segregation of physical facilities or like indicia of discrimination (e.g., drinking fountains, eating facilities, rest rooms, buses, etc.). In all covered AEC contracts, as defined below, the Federal Government's policy of promoting equal employment opportunity for all qualified persons shall be fully effectuated (see Executive Order 10479 dated August 13, 1953, and Executive Order 10557 dated September 3, 1954).

### § 9–12.5202 Basic contract requirement.

Contracts entered into by AEC, as set forth in § 9–12.5203, shall contain the clause set forth in § 1–7.101–18.

### § 9–12.5203 Applicability.

The nondiscrimination requirements are applicable to contracts and first-tier subcontracts as herein provided.

(a) The clause set forth in § 1–7.101–18 shall be included in all contracts involving the employment of labor, except in:

(1) Contracts or subcontracts to be performed outside the United States where no recruitment of workers within the limits of the United States is involved;

(2) Contracts or subcontracts to meet special requirements or emergencies, if recommended by the President's Committee on Government Contracts (See § 9–12.5204);

(3) Purchase orders on Standard Form 44; and

(4) Subcontracts for standard commercial supplies or raw materials.

(b) The clause may be modified in:

(1) Purchase orders for $5,000 or less which are not within the above exceptions, by deleting the last sentence of paragraph (a) [posting requirement] and all of paragraph (b) [reference to subcontractors] of the standard contract clause;

(2) Contracts other than purchase orders for $5,000 or less, by deleting the last sentence of paragraph (a) of the standard contract clause when administration of the posting requirement is impracticable. For example, contracts for off-the-shelf items and contracts requiring delivery of supplies or performance of services within 60 days from the date of the contract.

### § 9–12.5204 Special requirements or emergencies.

Where special requirements or emergencies are such that use of the clause set forth in § 1–7.101–18 in a contract or subcontract is impracticable, authority to omit or modify the clause may be requested from Headquarters, as provided in § 9–12.5206–3(e).

### § 9–12.5205 Interpretations.

The President's Committee on Government Contracts has published the interpretations set forth below of Executive Orders 10479 and 10557.

(a) Standard commercial supplies means an article:

(1) Which in the normal course of business is customarily manufactured for stock and is customarily maintained in stock by the manufacturer or by any distributor or other commercial dealer for the marketing of such article; or

(2) which is manufactured and sold by two or more persons for general commercial or industrial use or which is identical in every material respect with an article so manufactured and sold.

(b) The obligation to include the nondiscrimination clause does not depend on the amount of money or other consideration involved in the performance of the contract.

(c) Inclusion of the nondiscrimination clause is not required in contracts the performance of which does not involve the employment of persons.

(d) The nondiscrimination clause does not refer to, extend to, or cover the activities or business of the contractor which are not related to, or involved in, the performance of the contract entered into.

(e) The obligation to include the nondiscrimination clause exists even though the contract is required to be awarded to the lowest responsible bidder.

(f) The obligation to include the nondiscrimination clause exists even though the contract is between the Federal Government and a State agency or subdivision of a State.

§ 9–12.5206 Administration.

§ 9–12.5206–1 Responsibility of the Director, Office of Industrial Relations.

The Director, Office of Industrial Relations, Headquarters, is responsible for:

(a) Developing policies, standards and guides covering the application of the nondiscrimination policy to work performed by contractors.

(b) Reviewing and coordinating nondiscrimination activities to assure uniform administration, compliance with AEC policy, and effectuation of the government-wide program.

(c) Preparing and submitting reports and recommendations to the Committee on Government Contracts and maintaining liaison with the Committee.

§ 9–12.5206–2 The President's Committee on Government Contracts.

(a) Pursuant to Executive Order, the President's Committee on Government Contracts has a responsibility for making recommendations to contracting agencies for improving and making more effective the nondiscrimination provisions. The AEC cooperates with the Committee and furnishes such information and assistance as the Committee may require in the performance of its functions, including reports on actions taken with respect to complaints.

(b) The President's Committee has published "Compliance Guide—Recommendations for Obtaining Compliance with the Nondiscrimination Provisions in Government Contracts" which contains information for all who are engaged in obtaining compliance with the Federal nondiscrimination clause. This publication is to be employed as additional guidance in the overall administration of the nondiscrimination program.

§ 9–12.5206–3 Assignment of responsibilities.

In discharging their assigned responsibilities, Directors of Headquarters Divisions and Offices and Managers of Operations shall:

(a) Incorporate the contract clause set forth in § 1–7.101–18 when required.

(b) Assure that the notice "Equal Economic Opportunity" is properly posted when required.

(c) As provided in § 9–12.5206–4, below, review the policies and practices of contractors, in carrying out their responsibilities under the nondiscrimination clause; and inspect AEC facilities to assure compliance with AEC policy on nondiscrimination.

(d) Investigate complaints alleging violation of the nondiscrimination clause.

(e) Investigate and make recommendations concerning requests for exemptions. (See § 9–12.5204).

(f) Require corrective action where appropriate.

(g) Report to the Director, Office of Industrial Relations, Headquarters, in respect to all actions under (d), (e) and (f) of this subsection.

§ 9–12.5206–4 Compliance reviews.

(a) Both routine and special compliance reviews shall be conducted to ascertain the extent to which contractors are complying with the provisions of the nondiscrimination clause.

(b) A routine compliance review consists of a brief review of the practices of the contractor to ascertain compliance with the requirements of the clause. This type of review shall include a verification that the notice is appropriately posted, that the clause is included in subcontracts where required, and in Commission plants an inspection of physical facilities. A routine compliance review shall be considered a normal part of contract administration.

(c) A special compliance review consists of a comprehensive review of the employment practices of the contractor with respect to the requirements of the nondiscrimination clause. In addition to discussions with management, personnel conducting special compliance reviews should, when appropriate, discuss the contractor's employment practices with employment sources, minority groups, and interested civic groups. Special compliance reviews shall be conducted (1) on a sampling basis, (2) when special circumstances warrant, and (3) when requested by proper authority.

§ 9–12.5206–5 Complaints.

Complaints based upon alleged noncompliance with the provisions of the nondiscrimination clause shall be promptly investigated, provided such complaints contain the following identifying information:

(a) The name and address of the contractor or subcontractor alleged to have violated the provisions of the nondiscrimination clause;

(b) A description of the acts believed to be in violation of the nondiscrimination clause, including, where known, names of contractor's personnel involved, and dates of alleged incidents;

(c) The name and address of each person who believes himself aggrieved by the alleged violation of the clause; and

(d) Other pertinent information which will assist investigation and resolution of the complaint.

§ 9–12.5206–6 Incomplete complaints.

Allegations which do not provide the essential information set forth in § 9–12.5206–5 will be returned to the originating source, with advice that no investigation is to be made unless additional specified information is furnished.

§ 9–12.5206–7 Processing of complaints.

Complaints may be submitted to the President's Committee on Government Contracts, to AEC Headquarters, or to AEC Operations Offices. Complaints submitted to an Operations Office and determined to involve an AEC contract or subcontract under the jurisdiction of that office, shall be processed to assure:

(a) Prompt investigation of statements and allegations contained in the complaint. Such investigations should include, where necessary, (1) a review of the pertinent personnel practice of the contractor or subcontractor concerned, (2) the circumstance under which the discriminatory action is alleged to have taken place, and (3) other factors necessary to resolution of the complaint.

(b) Resolution of complaints by persuasion whenever possible.

(c) The preparation and submission to the Director, Office of Industrial Relations, Headquarters, of a report (in triplicate) for transmission to the President's Committee on Government Contracts setting forth (1) a copy of the complaint together with a summary of the investigation action performed by the Operations Office concerned, (2) corrective action taken or recommended where investigation discloses a need for such action, (3) recommendations or comments in connection with the complaints which investigation disclosed as unfounded, and (4) information that the Operations Office considers should be brought to the attention of the President's Committee.

## Subpart 9–12.6—Walsh-Healey Public Contracts Act

§ 9–12.603 Responsibilities of contracting officers.

In connection with this § 9–12.603, Directors, Headquarters Divisions and Offices, and Managers of Operations in accordance with their delegations of responsibilities, in addition to complying with § 1–12.603 (a) to (d) shall transmit reports required by § 1–12.603(e) to the Director, Office of Industrial Relations, Headquarters. The Director, Office of Industrial Relations, Headquarters, shall coordinate with the Department of Labor all activities of the AEC arising under this subpart including the submission to that Department of the reports required by § 1–12.603(e).

## Subpart 9–12.7—Fair Labor Standards Act of 1938

§ 9–12.751 General.

Compliance with the provisions of the Fair Labor Standards Act is the responsibility of contractors. Although the law places no specific obligation on contracting agencies to assure such compliance, AEC nevertheless has a general responsibility derived from its obligation as a government agency to see that government work for which it contracts is performed under conditions which do not violate law or public policy.

§ 9–12.752 Assignment of responsibilities.

Directors, Headquarters Divisions and Offices, and Managers of Operations in accordance with their delegations of authority shall take such steps as may be reasonable and appropriate to implement the objective stated in § 9–12.751 and in addition shall:

(a) Cooperate with representatives of the Department of Labor in all proceedings involving the enforcement of the Fair Labor Standards Act affecting any AEC contractor;

(b) Exercise such appropriate controls as may be available in cost-reimbursement contracts to protect against the eventuality of unwarranted monetary claims and other costs being passed on to AEC.

These regulations are effective immediately.

Dated at Germantown, Md., this 6th day of January 1961.

For the Atomic Energy Commission.

R. E. HOLLINGSWORTH,
*Acting General Manager.*

[F.R. Doc. 61–609; Filed, Jan. 24, 1961; 8:45 a.m.]



# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2254]

[Fairbanks 010134]

## ALASKA

### Revoking Public Land Order No. 1028 of November 4, 1954

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1028 of November 4, 1954, reserving lands as a forest management area, which was revoked in part by Public Land Order No. 1128 of April 15, 1955, is hereby revoked in its entirety. The following-described lands are affected by this order:

FAIRBANKS MERIDIAN

T. 1 S., R. 3 W.,
Sec. 32, S½, unsurveyed;
Secs. 33 to 36, incl., unsurveyed.
T. 2 S., R. 3 W.,
Secs. 1 to 11, inclusive, unsurveyed;
Secs. 17 to 19, inclusive, unsurveyed;
Secs. 12 to 15, inclusive, 20, 21, 29, 30, 31, surveyed (those portions north of right limit of Tanana River).
T. 2 S., R. 4 W., unsurveyed,
Secs. 1 to 4, incl.;
Secs. 9 to 16, incl.;
Secs. 21 to 28, incl.;
Secs. 33 to 35, incl.;
Sec. 36 (that portion north of right limit of Tanana River).
T. 3 S., R. 4 W.,
Secs. 4 and 9;
Secs. 2, 3, 10, partly unsurveyed; (those portions lying north of right limit of Tanana River).

Containing approximately 30,819.45 acres.

2. The following-described lands have been patented:

T. 2 S., R. 3 W.,
Sec. 13, lot 1;
Sec. 14, lots 1, 3, 5, 6, and NW¼SW¼;
Sec. 21, lot 6.

3. Subject to any existing valid rights and the requirements of applicable law, the public lands are hereby opened to filing applications, selections, and locations in accordance with the following, the unsurveyed lands being opened to such applications, selections, and locations as may by law be made for such lands:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Until 10:00 a.m., on April 19, 1961, the State of Alaska shall have a preferred right of application to select the lands, in accordance with and subject to the provisions of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

(2) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m., on February 23, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The lands have been open to applications and offers under the mineral leasing laws. They will be open to settlement under the homestead and Alaska homesite laws and to location under the United States mining laws beginning at 10:00 a.m., on April 19, 1961.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

GEORGE W. ABBOTT,
*Assistant Secretary of the Interior.*

JANUARY 18, 1961.

[F.R. Doc. 61–646; Filed, Jan. 24, 1961; 8:49 a.m.]

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[Public Land Order 2255]

[1930719]

## ALASKA

### Partly Revoking Public Land Order No. 47 of October 12, 1942; Revoking Public Land Order No. 265 of March 8, 1945

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 47 of October 12, 1942, as amended by Public Land Orders No. 284 of June 12, 1945 and No. 659 of August 24, 1950, and Public Land Order No. 265 of March 8, 1945, as amended by Public Land Order 659, supra, which withdrew public lands in Alaska for use of the War Department for military purposes, are hereby revoked so far as they affect the following-described lands:

SEWARD MERIDIAN

Public Land Order No. 47:

T. 13 N., R. 4 W.,
Secs. 20, 21, 28, 29, 31, and 32;
Sec. 33, that part which was not included in revocation made by Public Land Order No. 659 of August 24, 1950.

Public Land Order No. 265:
T. 12 N., R. 4 W.,
Sec. 4, lots 2, 3, 6, 7, and NW¼NW¼;
Sec. 9, lot 2.
T. 13 N., R. 4 W.,
Sec. 22, lots 3, 4, and 5;
Sec. 27, lots 2, 3, 7, 8, and W½NW¼;
Sec. 34, lot 4, north 400 feet.

The areas described aggregate 3,276.89 acres.

2. Of the lands released from withdrawal by this order the following are either patented, or under application for withdrawal or conveyance in aid of Federal programs, and are therefore not subject to the opening provisions of this order:

T. 12 N., R. 4 W.,
Sec. 4, lots 2, 3, 6, and NW¼NW¼.
T. 13 N., R. 4 W.,
Sec. 21, lot 3;
Sec. 27, lot 8;
Sec. 28, W½ and S½SE¼;
Sec. 29, lots 1, 2, 3, SE¼NE¼, E½SE¼, and SW¼SE¼;
Sec. 32, E½SW¼ and SE¼;
Sec. 33, NE¼NE¼, W½NE¼, and W½SE¼, those parts lying north or west of the existing airport boundary;
Sec. 34, lot 4, that part lying north of the existing airport boundary.

The areas described aggregate 1,487.85 acres.

3. The lands are situated at Point Woronzof and Point Campbell, which form the northern and southern points of a peninsula protruding into Cook Inlet, approximately 5 miles from the city of Anchorage. The lands are level to gently rolling.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1, hereof, excepting those described in paragraph 2, are hereby opened to settlement, and to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws, may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph

will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m., on April 19, 1961, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the provisions of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

(3) All valid applications and selections under the nonmineral public land laws, other than from the State of Alaska, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on February 21, 1961, will be considered as simultaneously filed at that hour. Rights under such applications, selections and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to settlement under the homestead and Alaska homesite laws, and to location under the United States mining laws, beginning at 10:00 a.m., on April 19, 1961.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all factors relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

GEORGE W. ABBOTT,
*Assistant Secretary of the Interior.*

JANUARY 18, 1961.

[F.R. Doc. 61–647; Filed, Jan. 24, 1961; 8:49 a.m.]

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[Public Land Order 2296]

[Blackfoot 043852]

## IDAHO

### Releasing Public Lands in American Falls Reservoir District No. 2 From Lien for Irrigation Charges

Whereas, pursuant to the provisions of section 3 of the Act of May 16, 1922 (42 Stat. 541; 43 U.S.C. 511), it is provided by Article 43 of a contract entered into on September 1, 1927, between the American Falls Reservoir District No. 2 and the United States of America, that all unentered public land and entered lands for which no final certificate had been issued, located within the District and designated in a statement marked "Exhibit G" attached thereto as subject to the provisions of the Act of August 11, 1916 (39 Stat. 506; 43 U.S.C. 621), and

Whereas, irrigation works have not been constructed on the hereinafter described public lands and water of such District has not been made available for such lands, and

Whereas the District, in a resolution of its Board of Directors adopted June 7, 1960, expressed its lack of objection to the exclusion of such lands from the said Exhibit G, and

Whereas, I find it to be in the public interest that the lands hereinafter described be made subject to the general operation of the public land laws, free of the lien for irrigation charges provided by the said Act of August 11, 1916.

Now, therefore, by virtue of the authority contained in section 3 of the said Act of August 11, 1916, the following-described public lands are hereby deleted from Exhibit G attached to and made a part of the contract of September 21, 1927, and the said contract and Exhibit G are amended accordingly, and the said lands shall no longer be subject to the provisions of the laws of the State of Idaho relating to the organization, government, and regulation of irrigation districts for the reclamation and irrigation of arid lands for agricultural purposes, and shall hereafter be subject to the general operation of the public land laws, subject to valid existing rights and the provisions of existing withdrawals:

BOISE MERIDIAN

T. 8 S., R. 18 E.,
Sec. 12, SE¼NE¼ and NE¼SE¼.
T. 8 S., R. 19 E.,
Sec. 6, SE¼SE¼;
Sec. 7, lots 1, 2, 3, NE¼, E½NW¼, and NE¼SE¼;
Sec. 8, NW¼NW¼.

Containing 499.30 acres.

GEORGE W. ABBOTT,
*Assistant Secretary of the Interior.*

JANUARY 8, 1961.

[F.R. Doc. 61–648; Filed, Jan. 24, 1961; 8:49 a.m.]

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# Title 47—TELECOMMUNICATION

[Docket No. 13349; FCC 61–76]

## Chapter I—Federal Communications Commission

## PART 1—PRACTICE AND PROCEDURE

### Availability of Station Logs and Records for Commission Inspection

In the matter of amendment of Part 1 of the Commission's rules by the addition of a new § 1.76 to clarify requirements concerning inspection and duplication of station logs and records and to make provision for removal of logs and records from the licensee's premises, Docket No. 13349.

1. On January 11, 1960, the Commission released a notice of proposed rule making which would amend the Commission rules by adding a new § 1.76.[1]

2. In response to the notice of proposed rule making, comments were received from three parties: The Associated Police Communications Officers, Inc. (APCO), Forest Industries Radio Communications (FIRC), and the Central Committee on Communication Facilities of the American Petroleum Institute (Central Committee).

3. Central Committee in its comments requested the Commission to adopt § 1.79 as drafted and APCO generally favored the adoption of the proposed rules, but was of the view that an exception should be made to enable law enforcement agencies to advise the Commission of the consequences of complying with a Commission request for removal of logs or records where such removal might prejudice a law enforcement proceeding. It was APCO's position that the records should not be removed until questions raised by the law enforcement agency had been decided by the Commission or some appropriately designated official. FIRC is of the view that such a rule as § 1.79 would not be helpful nor constructive in the administration of the Communications Act and that an on-the-spot observation of the actual operation of the radio station would be more helpful to the Commission than a study of the licensee's records which would be subject to possible error by the licensee. FIRC states that it would have no objection to the Commission requiring the licensee to furnish a duplicate copy of the station's technical record, as opposed to the station operating log. FIRC also states that the Commission has made no showing to indicate that the Commission in the performance of its enforcement functions must have the station records in its possession.

4. Directing our attention first to the FIRC arguments against adopting the proposed rule, we wish to state at the outset that it is not proposed by the adoption of the rule to supplant present investigative procedures, but rather to supplement these procedures by clearly establishing in the rules the right of authorized FCC investigative personnel to take possession of those station logs and records which the Commission rules require the licensee to maintain. The removal of such records from the possession of the licensee enables the Commission to make an unhurried and more careful study of such records where an initial inspection of such records has disclosed a possible violation of the Communications Act or Commission rules.

5. Coming finally to the APCO comments suggesting special procedures when the records of law enforcement agencies are involved, we agree that the possibility of administrative difficulties directly affecting law enforcement activities warrants special procedures. Accordingly, we are amending our original proposed § 1.79 by designating the presently proposed section as paragraph (a) and adding thereto a new paragraph (b).

6. In view of the foregoing: *It is ordered*, Under the authority contained in sections 4(i), 303(n), and 303(r) of the Communications Act of 1934, as amended, that Part 1 of the rules of the Federal Communications Commission is amended, effective March 1, 1961, as set forth below and that the instant proceedings are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: January 18, 1961.

Released: January 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[1] Since the Commission on December 5, 1960, released an order (FCC 60–1434) adding a section to the rules inadvertently designated as § 1.76, the section to be affected by this proceeding (Docket 13349) will be designated hereafter as § 1.79 instead of § 1.76 as originally proposed.



The following new section is added to Part 1:

**§ 1.79 Availability of station logs and records for Commission inspection.**

(a) Station records and logs shall be made available for inspection or duplication at the request of the Commission or its representative. Such logs or records may be removed from the licensee's possession by a Commission representative or, upon request, shall be mailed by the licensee to the Commission by either registered mail, return receipt requested, or certified mail, return receipt requested. The return receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. A receipt shall be furnished when the logs or records are removed from the licensee's possession by a Commission representative and this receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. When the Commission has no further need for such records or logs, they shall be returned to the licensee. The provisions of this rule shall apply solely to those station logs and records which are required to be maintained by the provisions of this chapter.

(b) Where records or logs are maintained as the official records of a recognized law enforcement agency and the removal of the records from the possession of the law enforcement agency will hinder its law enforcement activities, such records will not be removed pursuant to this section if the Chief of the law enforcement agency shall promptly certify in writing to the Federal Communications Commission that the removal of the logs or records will hinder law enforcement activities of the agency, and stating insofar as feasible the basis for his decision and the date when it can reasonably be expected that such records may be released to the Federal Communications Commission.

[F.R. Doc. 61–688; Filed, Jan. 24, 1961; 8:56 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 965 ]

[Docket No. AO–166–A25]

### MILK IN CINCINNATI, OHIO, MARKETING AREA AND 15 NORTHERN KENTUCKY COUNTIES

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cincinnati, Ohio, on July 12–15, 1960, pursuant to notice thereof issued on June 22, 1960 (25 F.R. 5882).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on December 1, 1960 (25 F.R. 12466; F.R. Doc. 60–11294) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Regulation of certain counties in Northern Kentucky by (a) addition to the Cincinnati marketing area, or (b) the issuance of a separate order; and the deletion of part of Clermont County, Ohio, from the marketing area;
2. Basic formula price;
3. Classification;
4. Location adjustments;
5. Transfers;
6. Allocation of packaged Class I receipts from other Federal orders;
7. Shrinkage;
8. Diversion of producer milk;
9. Payments by handlers operating nonpool fluid milk plants; and
10. Seasonal incentive payments.

Issue number 10 was considered separately in a decision issued by the Assistant Secretary on September 13, 1960 (25 F.R. 8909). The remaining issues are considered herein.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* The marketing area should be expanded to include the Kentucky counties of Boone, Kenton, Campbell, Pendleton, Grant and Harrison, and the redefined area should be renamed the "Greater Cincinnati Marketing Area".

The Cincinnati Milk Sales Association proposed that the marketing area be expanded to include Mason, Boone, Kenton, and Campbell Counties, all in Kentucky. As an alternative, the proponent association proposed the four counties as the marketing area of a new and separate Federal order. The majority of handlers operating plants located in Northern Kentucky opposed regulation for the area but proposed that if any of the four counties were included in the marketing area of any Federal order, the regulation should be extended to include eleven additional Kentucky counties; namely, Gallatin, Carroll, Owen, Grant, Pendleton, Harrison, Bracken, Robertson, Fleming, Nicholas, and Lewis (except Magisterial Districts 2, 3 and 8). The inclusion in the Cincinnati marketing area of Kenton, Campbell and Boone Counties was considered at a previous hearing held during September 1958.

Although the Assistant Secretary, in a decision issued April 10, 1959, found that the order should not be expanded on the record of that hearing, the present record indicates the desirability of adding a portion of the Northern Kentucky area to the Cincinnati marketing area at this time.

In contrast to the previous record on this matter the present record shows:

1. Conditions of milk market instability now present in the market not present at the time of the previous hearing;

2. A higher degree of interrelationship in milk marketing between the existing Cincinnati portion of the marketing area and the Northern Kentucky portion in terms of both procurement and distribution of milk and milk products; and

3. Substantially greater support for the order among dairy farmers who ship to Northern Kentucky handlers as evidenced by the increased membership of such dairy farmers in the cooperative association which supported the proposal.

The largest concentration of population within the entire 15-County area proposed for regulation lies within Boone, Kenton and Campbell Counties (commonly referred to as the Tri-County area). The 1960 population estimate of the Tri-County area is 227,387; the population estimate of the six counties proposed herein for regulation is 259,714; and the estimate for the entire 15 counties proposed by interested parties is 338,112 (Official notice is hereby taken of preliminary population totals, 1960 Census of Population, United States Department of Commerce). The Tri-Counties are separated from Hamilton County, Ohio, within which the city of Cincinnati is located by the Ohio River. The two largest cities of Northern Kentucky, Newport and Covington, are located in Campbell and Kenton Counties, respectively, which the United States Department of Commerce includes as part of the Cincinnati metropolitan area.

The handling of milk in the six counties herein proposed to be part of the Cincinnati marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk and its products. Packaged fluid milk products and manufactured milk products from plants located in Ohio are regularly distributed in the six-county area. Manufactured dairy products regularly move from plants located in the six-county area into the present Cincinnati, Ohio, marketing area. Milk from farms located within Northern Kentucky is regularly supplied to milk plants located therein and to plants located in Cincinnati.

Marketing conditions in the area are such that order regulation of the handling of milk in the area will tend to effectuate the declared policy of the Act, and the expansion of the Cincinnati, Ohio, marketing area, rather than the promulgation of a new order, will more appropriately contribute to market stability and reflect the intent of the Agricultural Marketing Agreement Act of 1937.

The majority of farmers who regularly deliver milk to fluid plants primarily serving the six counties proposed for regulation are members of the proponent association. Dairy farmers whose farms are located in the same Kentucky areas who are also members of the proponent association, but who deliver to fluid milk plants located across the Ohio River in Cincinnati, receive classified prices for their milk as determined by the terms of the Cincinnati order. The dairy farmers delivering to Northern Kentucky plants receive prices for their milk which are based on Cincinnati order uniform prices regardless of the use for which it is disposed. Fluid milk plants located in Northern Kentucky have a high Class I utilization as compared with the marketwide utilization of handlers regulated under the terms of the order. Hence, the operators of Northern Kentucky plants, on the average, pay less for Class I milk than do Cincinnati regulated handlers. This has resulted in market instability in that at least some Northern Kentucky handlers are paying less than the use value of milk received from dairy farmers.

Some handlers operating plants in the area will not permit agents of the proponent association to check weights and butterfat content of deliveries of members' milk. This situation has caused dissatisfaction and contributed to market instability since the members have no way of establishing that they are receiving payment based on accurate weights and butterfat tests. The establishment of order regulation for the proposed area would provide a means of insuring accurate weights and butterfat tests of milk.

The sanitary requirements applicable for Grade A milk produced for distribution in Cincinnati and those for Grade A milk distributed in Northern Kentucky are patterned according to the same United States Public Health Ordinance and Code. Class I milk from one plant located in Cincinnati is being distributed throughout the Northern Kentucky area, and three Cincinnati plants are approved to distribute milk into Covington, Kentucky.

In addition, official notice is taken of the fact that one handler who operated distributing plants in both the present marketing area and in the Northern Kentucky area has closed the Northern Kentucky plant since the hearing and has transferred the dairy farmers to its Cincinnati plant. The milk which is distributed in Northern Kentucky by this handler is now bottled in Cincinnati. One exception to the taking of this official notice was filed. While the closing of the Northern Kentucky plant is not decisive in the formulation of this decision, the greater movement of fluid milk from Cincinnati to Northern Kentucky engendered by the closing should not be ignored.

In § 900.8(d)(5) of the "Rules of Practice and Procedure Governing Proceedings to Formulate Marketing Agreements and Marketing Orders" it is provided that official notice may be taken of a commercial fact of established character. It is further provided "That interested persons shall be given adequate notice at the hearing or subsequent thereto, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed". The exception received to the taking of this official notice did not show that the facts referred to in the official notice were either inaccurate or erroneous.

One handler operating a plant located in Newport has a permit from Cincinnati health authorities to distribute Class I milk in Cincinnati. Two Northern Kentucky plants have permits to sell ice cream and ice cream mix made from Grade A milk in Cincinnati.

At the time of the hearing two handlers operating Cincinnati pool plants also operated nearby nonpool plants from which Class I milk is distributed in unregulated areas contiguous to the Cincinnati marketing area, including Northern Kentucky. The nonpool plant of one of these handlers is located in Newport, Kentucky, and the nonpool plant of the other is located in Wilmington, Ohio. A third handler, who operates a pool plant located in Cincinnati, has a bottling arrangement with a nonregulated plant in Northern Kentucky whereby milk is packaged for the regulated handler at the unregulated plant and distributed in Northern Kentucky. These arrangements have contributed to instability. The possibility of other handlers making similar arrangements is always present under existing conditions. The proposed expansion will eliminate any incentive for handlers to so arrange their operations primarily to avoid pooling their Class I sales.

Milk from the same Northern Kentucky farms is marketed at times to Northern Kentucky plants and at times to Cincinnati pool plants. The dairy farmers whose milk is so moved hold permits issued by Kentucky and Cincinnati authorities. It was estimated that the total number of dairy farmers who ship to plants which will be regulated pursuant to the area expansion recommended herein was about 560. Of this total about 120 bulk tank shippers who are members of the proponent association and about 55 can shippers hold permits issued by the two authorities. Accordingly, it can be estimated that, at times, the production of between 25 and 30 percent of dairy farmers shipping to Northern Kentucky plants is carried by the Cincinnati pool. This volume of milk added to the Cincinnati pool depresses Cincinnati uniform prices and also prices paid by Northern Kentucky plants since these plants usually base their prices for milk on the Cincinnati uniform prices.

There are eleven distributing plants located within the fifteen Kentucky counties which were originally proposed for regulation. Of these, nine are located in the Tri-County area and most of the milk packaged in Northern Kentucky is processed at these nine plants. Approximately 560 dairy farmers supply these nine plants. Of the two plants outside the Tri-Counties, one is located in Mason County and the other in Carroll County. The two plants receive milk from about 30 and 10 dairy farmers, respectively.

Most of the handlers whose plants are located in the Tri-Counties did not support the inclusion of the counties to the southeast of the Tri-Counties; namely, Mason, Bracken, Lewis, Fleming, Nicholas and Robertson. However, one handler who operates a bottling plant in Cincinnati, as well as one in the Tri-Counties, did support the inclusion of the southeastern counties.

The handler operating the plant located in Mason County is the major distributor of Class I milk in that county but does not distribute milk in the more densely populated Tri-County area. Routes from this plant extend only into the predominantly rural counties of Bracken, Robertson, Fleming, and Lewis. Milk from two other plants located in Ohio outside of the present marketing area of the Cincinnati order is also distributed within parts of these four counties. Handlers whose plants are regulated by the Louisville-Lexington order distribute milk in Nicholas and Fleming Counties. Only one handler whose plant is located in the Tri-County area distributes milk into Bracken, Robertson, Fleming, Nicholas and Lewis Counties. The record does not disclose what portion of the milk disposed of in these counties is distributed from this handler's plant, from unregulated plants located in Ohio or from plants regulated under the terms of the Louisville-Lexington order.

Most of the Class I sales in Carroll County are made by a handler whose plant is located therein and who does not distribute milk in any other county. The record is not clear as to whether plants located in Northern Kentucky sell most of the Class I milk distributed in Gallatin and Owen Counties. A handler whose plant is located in Indiana testified that he was the major distributor in these counties, whereas another witness testified that Northern Kentucky handlers were the major distributors in the two counties.

Tri-County handlers distribute the major portion of Class I milk sold in the Tri-Counties and in Pendleton, Grant and Harrison Counties. Accordingly, regulation should be expanded to include the handling of milk in these counties. They cover most of the sales area served by the plants which will be fully regulated hereunder. Any larger marketing area would involve regulation of plants not primarily engaged in serving those counties which are the major market for handlers whose plants are located in the Tri-Counties.

Under the terms of the order, fluid milk plants located outside the marketing area are defined as pool plants if not less than 10 percent of Class I route disposition is disposed of within the marketing area. Northern Kentucky handlers whose plants will become pool plants proposed that, should regulation be expanded to include parts of Northern Kentucky, the order should provide for the pooling of any plant from which one quart or more of Class I milk is disposed of in the marketing area.

Only those fluid milk plants from which a substantial proportion of Class I sales are made in the marketing area should be fully subject to the pricing and pooling provisions of the order. The inclusion in the pool of a plant from which only a negligible volume of its total receipts is distributed in the market would not contribute to market stability since it would encourage a plant primarily engaged in manufacturing dairy products to package and distribute a sufficient volume of fluid milk in the marketing area to pool the entire receipts at the plant. Inclusion of such a plant in the pool would result in dissipation of the returns for Class I sales which are intended to secure an adequate supply of milk for the market.

No part of Clermont County, Ohio, should be deleted from the marketing area.

A handler proposed that Clermont County, except Union and Miami townships, be deleted from the marketing area. The deletion would remove his plant from pool status. His Class I utilization is higher than the market average and he must, therefore, make payments into the producer-settlement fund. He purchases Guernsey milk for which he pays a premium above the order uniform price. The proponent testified that were he not subject to payments into the producer-settlement fund, he would use such money for premium payments to his Guernsey producers.

Clermont County is contiguous to Hamilton County within which the city of Cincinnati is located. With the expansion of the Cincinnati urban area, the population of Clermont County has almost doubled since 1950. According to the United States Census, the 1950 population of Clermont County was 42,182 and the 1960 population estimate is 80,142. In the decision of April 10, 1959, the Assistant Secretary found that plants located in Cincinnati distributed approximately 70 percent of all the Class I milk sold in Clermont County. No evidence

was offered at the recent hearing upon which this decision is based which would indicate that the proportion of sales in Clermont County by Cincinnati handlers has changed materially. While the proponent handler whose plant is not located in Cincinnati may be the major distributor in certain townships of the county, it would not be in the interests of market stability to split these townships from the area merely to obviate his obligation to make payments into the producer-settlement fund.

2. *Basic formula price.* No change should be made in the nonfat dry milk component of the basic formula price.

It was proposed that the make allowance of the nonfat dry milk component of the basic formula be decreased from 6.4 cents to 5.5 cents and that the component reflect the average of spray and roller process nonfat dry milk prices rather than only the price of spray process nonfat dry milk. The proposed nonfat dry milk formula is the same as that used in the neighboring Dayton-Springfield Federal milk order.

During the 12-month period preceding the hearing, if the proposed formula had been in effect, the basic formula and, accordingly, the Class I price would have been increased in 9 of the 12 months. The average Class I price increase would have been approximately three cents.

The Cincinnati Class I price is adjusted each month on the basis of the supply and demand for milk. Any increase in the Class I price should be the result of changing supply and demand conditions.

3. *Classification.* The order should not be amended to provide Class II rather than Class III classification for skim milk and butterfat disposed of in bulk to commercial food processing establishments where food products are prepared for consumption off the premises. The language of the classification provision should be clarified so that there is no doubt that skim milk and butterfat used to produce "dip" specialties are classified as Class III utilization.

The Cincinnati Milk Sales Association proposed that skim milk and butterfat disposed of to commercial food processing establishments where food products are prepared for consumption off the premises be reclassified from Class III to Class II utilization. Since Class II and Class III prices are identical during the months of September through February, the proposed amendment would increase the price of milk disposed of to food processing plants only during the relatively flush production months of March through August when the disposal of surplus milk is likely to create a problem. Because skim milk and butterfat used by food processors may be obtained from ungraded sources, any increase in the price of surplus Grade A Cincinnati milk which must compete with ungraded milk for a market would be a deterrent to the disposal of Cincinnati surplus.

The classification provisions should be revised to provide that the skim milk and butterfat used in the production of "dip" specialties be classified in the same class regardless of slight differences in the formulae used in their manufacture. At the present time sour brands are classified as Class I because they include some cream as an ingredient, others as Class II because cottage cheese is the principal ingredient. In addition, similar items are disposed of without being classified since they are distributed to grocery stores through jobbers.

Cincinnati health authorities permit these products to be sold in the market without meeting the requirements of the milk ordinance. Thus products manufactured in plants located elsewhere may be made from non Grade A ingredients. If made in a plant subject to Cincinnati inspection, they must be produced from Grade A milk since no other quality of milk is permitted in the plant. Because these products must compete with those which are not required to be produced from Grade A milk, it was concluded in the recommended decision that such items should be classified as Class III.

After a further review of the evidence in the light of the exceptions filed, it is concluded that "dips" are in no different category than cottage cheese or ice cream (Class II) which must be manufactured from Grade A milk for sale in Cincinnati but are sold in competition with ungraded products outside the city limits. The price of Class II milk, which is identical to the price of Class III milk during the months of September through February and slightly higher during the remaining months, has enabled pool handlers to be competitive with nonregulated plants in the disposition of such products. Accordingly the classification should be revised to place "dip" in Class II.

4. *Location adjustments.* No substantive changes need be made in the provisions by which Class I and uniform prices are adjusted pursuant to the location of the plant at which milk is received.

It was proposed that no location adjustments to prices should apply at distributing plants located within the marketing area. The proposal was predicated on the premise that Mason County, Kentucky, would be included in the marketing area and that prices effective at a distributing plant located therein would be subject to location adjustments. Whether a particular plant is a distributing plant or supply plant and whether a particular plant is or is not located in the marketing area cannot be the only consideration relative to the application of location adjustments. The location adjustment provisions of the current order are appropriate for the marketing area provided in this decision and should remain as written with the exception of the correction noted below.

In an action effective March 1, 1960, the Cincinnati order was amended to eliminate location adjustments effective at plants located more than 20 but less than 30 miles from the City Hall in Cincinnati, but references to plants located "more than 20 miles" were inadvertently left in the order. These references should be corrected.

5. *Transfers.* The transfer provision should be amended to remove specific classfication rules for that skim milk and butterfat disposed of to nonpool distributing plants located in Campbell and Kenton Counties, Kentucky. These nonpool plants will become pool plants and transfers to these plants will be classified pursuant to the provisions applicable to transfers between pool plants.

6. *Allocation of packaged Class I receipts from plants regulated by other Federal orders.* The allocation procedure should provide for Class I allocation of sour cream in consumer packages received from a plant at which it is priced as Class I under the terms of another Federal order or as Class II under the terms of the Chicago, Illinois, Federal order. The price of sour cream under the Class II pricing provisions of the Chicago order is equivalent to the price of sour cream under the Class I pricing provisions of the Cincinnati order.

A handler proposed that packaged sour cream received at a Cincinnati pool plant from a plant regulated under the terms of another Federal order be allocated to Class I disposition at the Cincinnati plant. The handler further proposed that this allocation would apply only when the sour cream was classified as Class I under the terms of another order and was disposed of as Class I from the Cincinnati plant in the same consumer package as received.

The proponent handler operates a fluid milk plant under the Cincinnati order as well as a fluid milk plant under the Louisville-Lexington order. Sour cream in consumer packages is regularly received at the Cincinnati plant from the Louisville-Lexington plant. Sour cream is not packaged at the Cincinnati plant or received from any plant other than the one regulated under the Louisville-Lexington order. The present Cincinnati order provides prior Class I allocation for packaged Class I products received from Dayton-Springfield Federal order plants.

In the recommended decision it was concluded that any Class I item received in consumer packages from a plant regulated by another Federal order should be allocated to Class I at the Cincinnati plant. In the exceptions to the recommended decision it was pointed out that the testimony on this piont was limited to a consideration of the allocation of sour cream only. Interested parties were not afforded an opportunity to present evidence that such allocation of all packaged Class I items from other Federal orders would not be in the interest of orderly marketing of milk in the marketing area. Under the circumstances, it is concluded that the order should be amended only to give prior Class I allocation to sour cream which is priced as Class I under another Federal order and received in consumer packages.

7. *Shrinkage.* No change should be made in the classification of butterfat shrinkage.

The order provides Class III classification for actual shrinkage up to a maximum of 2 percent of the butterfat contained in producer milk. A handler proposed that the order be amended to allow Class III classification of such shrinkage up to a maximum of 2.5 percent. The proponent presented no factual evidence as to actual plant loss of butterfat in his operations.

During 1959 actual plant loss of butterfat in all Cincinnati pool plants was less than 2 percent of total butterfat utilization. On the same marketwide basis, butterfat loss was less than 2 percent of total utilization during each of the first five months of 1960. In view of the fact that plant loss of butterfat has been less than 2 percent of total utilization no change should be made in the classification of the butterfat shrinkage provisions.

8. *Diversion of producer milk.* No change should be made in the provisions of the order which relate to diversion of producer milk.

The order permits diversion of producer milk from a pool plant to a nonpool plant during any month if a cooperative association is the diverting handler and during the months of March through August if a handler operating a pool plant is the diverting handler.

An association of producers proposed that diversion by handlers operating pool plants be limited to the months of April, May, June and July. The proponent testified that, in general, the association has no objection to the diversion provisions of the current order but, recently, has seen some possible abuses of diversion by handlers operating pool plants. The proponent further testified that handlers operating pool plants should have the right to divert milk only in the months of foreseeable unneeded supplies; namely, April, May, June and July.

The diversion provisions of the order are to accommodate the most efficient handling of the reserve milk supply of the market. The diversion of producer milk by proprietary handlers is currently limited to the six months of the year when handlers are most likely to find it necessary to divert unneeded producer milk. One handler who operates a pool plant had recently diverted milk during the months the proponent proposes to be deleted from the period during which proprietary handlers may divert milk. Under these circumstances it would not be in the interest of the orderly marketing of reserve supplies to further limit, at this time, the months during which handlers operating pool plants may divert producer milk.

9. *Payments by handlers operating nonpool fluid milk plants.* Subject to proper reporting and the maintenance of adequate records, handlers operating nonpool plants from which Class I milk is distributed in the marketing area should be given an opportunity to choose to make payments into the producer-settlement fund of either (1) an amount determined by multiplying the hundredweight of Class I milk (less the hundredweight of any Class I milk purchased during the month from a pool plant) disposed of from routes operated in the marketing area by the difference between the Class I price and the butter-powder component of the basic formula price, or (2) the amount by which total payments to dairy farmers delivering milk to such plants are less than the total obligation to producers which would be due if such plant were a pool plant.



The order now requires nonpool fluid milk plant operators to make payments to the producer-settlement fund in accordance with the formula detailed above in (1) of the recommended option. A handler operating a nonpool fluid milk plant testified that he pays, for milk sold in the marketing area, a price which is higher than that paid by fully regulated handlers. However, this can be ascertained only if the particular nonpool plant is subject to the same classification, allocation, and pricing provisions as are fully regulated handlers.

The option afforded herein to partially regulated fluid milk plants will protect the integrity of the regulation. If a handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If a handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this latter option to nonpool plants from which some Class I milk is distributed in the marketing area will adequately protect the classified pricing and marketwide equalization plan in this particular market. Handlers in a position to use this option do not exist to an extent permitting any significant diversion of the revenue derived from Class I sales in the marketing area to farmers only incidentally associated with the market, thus dissipating the return to pool producers of milk for which minimum class prices are established under the order and who are relied upon to produce an adequate and dependable supply of approved milk for the marketing area. Consequently, the exercise of this option will not have a disruptive influence on the handling of milk in this area. Therefore, it is not necessary, in order to maintain the integrity of the regulatory plan in this particular market, to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if they were fully regulated.

Under the terms of the present order operators of nonpool fluid milk plants distributing in the marketing area are not subject to any assessment to help pay the expense of administering the order. In the interest of providing equity of treatment between partially and fully regulated handlers, the order should be amended to provide that partially regulated handlers also contribute to the cost of order administration.

The amount of assessment of administrative expense should depend upon which option is selected by the nonpool distributor. If he elects to pay to the producer-settlement fund on the basis of his sales from routes operated in the marketing area, he should be required to pay administrative expense only on such quantities of milk so disposed of from routes operating in the marketing area. If he elects the payment based on the utilization value of his milk, he should pay administrative expense on his entire receipts of milk from Grade A dairy farmers. Obviously, the second option necessitates as much verification of reports and utilization by the market administrator as at a pool plant. Such verification might well include the checking of weights and butterfat tests of receipts from dairy farmers and products sold as well as a complete audit of the books and records for such plant.

It is possible that nonpool plants from which milk is distributed in the Cincinnati market will also be nonpool distributing plants under the terms of another Federal order. To eliminate any duplication of equalization and administrative payments, the Cincinnati order should credit such handlers with payments made under similar provisions of another Federal order.

In order that the market administrator, in computing his billings for the month, will know which option the handler has chosen, such handlers should file reports of receipts and utilization on the 10th day of the month as do handlers operating pool plants and at that time should indicate their choice of options.

Exception was taken to inclusion in the order of this provision which permits a nonpool handler operating routes in the marketing area the option of paying his dairy farmers the utilization value of his milk, instead of making a payment into the producer-settlement fund. There is ample evidence that with the expansion of the marketing area several additional plants will be brought under partial regulation. Affording these plants this option will contribute to greater market stability.

It would also be in the interest of providing equity between handlers to apply an administrative assessment on other source milk allocated to Class I at Cincinnati pool plants. However, to avoid duplication, an assessment should not be applied on other source milk on which an assessment is made pursuant to the terms of another Federal order.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed,

except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Greater Cincinnati Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Greater Cincinnati Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered*, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Referendum order; determination of representative period; and designation of referendum agent.* It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Greater Cincinnati marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of December 1960 is hereby determined to be the representative period for the conduct of such referendum.

Fred W. Issler is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., this 19th day of January 1961.

CLARENCE L. MILLER,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the Greater Cincinnati Marketing Area*

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**§ 965.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Cincinnati marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled, by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, two cents per hundredweight or such amount not to exceed two cents per hundredweight as the Secretary may prescribe, with respect to: (i) all producer milk received during the month, and (ii) other source milk as allocated to Class I during the month pursuant to § 965.46 excluding other source milk on which an administrative assessment is payable pursuant to another Federal order. A handler operating a fluid milk plant which is a nonpool plant shall pay administrative assessments pursuant to § 965.61.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



**§ 965.1 Act.**

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

**§ 965.2 Secretary.**

"Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

**§ 965.3 Greater Cincinnati marketing area.**

"Greater Cincinnati marketing area", hereinafter called the "marketing area", means all the territory within the perimeter boundaries of Butler, Clermont, Hamilton and Warren counties, all in the State of Ohio; and Boone, Campbell, Grant, Harrison, Kenton and Pendleton counties, all in the State of Kentucky.

**§ 965.4 Person.**

"Person" means any individual, partnership, corporation, association, or any other business unit.

**§ 965.5 Route.**

"Route" means a delivery (including a sale from a store) of milk, buttermilk, flavored milk drinks, or cream in fluid form to a wholesale or retail stop(s) other than to a milk processing plant(s).

**§ 965.6 Fluid milk plant.**

"Fluid milk plant" means a plant or other facilities used in the preparation or processing of milk, all or a portion of which is disposed of during the month on a route(s) operated wholly or partially in the marketing area.

**§ 965.7 Pool plant.**

"Pool plant" means a milk plant, other than a plant operated by a producer-handler, which is:

(a) A fluid milk plant located in the marketing area;

(b) A fluid milk plant located outside the marketing area and from which not less than 10 percent of the entire route disposition of Class I milk from such plant during the month is disposed of on a route(s) operated wholly or partially within the marketing area; or

(c) A plant which receives milk from persons described in § 965.10(a) and from which an amount of milk or skim milk in fluid form has been moved to a plant(s) described in paragraph (a) or (b) of this section equal to not less than one percent of the total Class I utilization of all plants described in paragraphs (a) and (b) of this section during the second month preceding such movement, as specified in the following schedule:

| *Months milk is moved.* | *Months plant is pool plant* |
|---|---|
| One of the months of October and November. | November. |
| Two of the months of October, November, and December. | December. |
| Three of the months of October, November, December, and January. | January through October. |

*Provided*, That upon written request to the market administrator by the operator of a plant which is a pool plant pursuant to this paragraph for the discontinuance of such plant as a pool plant, such plant shall cease to be a pool plant in the first month, following such request, during which no milk is moved to a plant described in paragraph (a) or (b) of this section and shall not become a pool plant until such plant again meets the requirements for a pool plant pursuant to this paragraph.

**§ 965.8 Nonpool plant.**

"Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

**§ 965.9 Dairy farmer.**

"Dairy farmer" means any person who is engaged in the production of milk.

**§ 965.10 Producer.**

"Producer" means a dairy farmer, other than a producer-handler, who produces milk on a farm which is approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is:

(a) Permitted by the duly constituted health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area; and

(b) Received during the month at a pool plant; or

(c) If from a dairy farmer whose milk previously has been received at a pool plant, is either (1) diverted during any of the months of March through August to a nonpool plant for the account of a handler as defined in § 965.11(a)(1); (2) diverted during the month to a nonpool plant for the account of a handler as defined in § 965.11(b); or (3) diverted during the month from a pool plant to another pool plant for the account of a handler as defined in § 965.11(a)(1) or (b) for not more than two consecutive days of delivery and not more than 10 days of delivery during the month.

**§ 965.11 Handler.**

"Handler" means (a) any person who operates (1) a pool plant; or (2) a fluid milk plant which is a nonpool plant; or

(b) Any cooperative association with respect to the milk of any producer which is diverted by the cooperative association during the month.

**§ 965.12 Producer milk.**

"Producer milk" means only that skim milk and butterfat contained in milk (a) received at a pool plant directly from producers during the month, or (b) diverted from a pool plant pursuant to the conditions set forth in § 965.10(c): *Provided*, That if such diverted milk is from a producer whose milk was physically received from the farm at a pool plant located less than 45 miles from the City Hall in Cincinnati on (1) 60 percent or more of the days of its delivery during the immediately preceding period of September through December or (2) 60 percent or more of the days of its delivery from the date of first delivery to the last day of February in the immediately preceding period of September through February, such milk shall be deemed to have been received by the handler at a pool plant at the same location as the pool plant from which it was diverted. Diverted milk not meeting the conditions specified in subparagraph (1) or (2) of this paragraph shall be deemed to have been received by the handler at a pool plant at the same location as the pool or nonpool plant to which the milk is diverted.

**§ 965.13 Producer-handler.**

"Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a fluid milk plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

**§ 965.14 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in or represented by (a) receipts during the month in the form of fluid milk products except (1) producer milk, (2) such products received from other pool plants, and (3) inventory of fluid milk products at the begining of the month; and (b) products other than fluid milk products from any source (except Class II products from pool plants but including products other than Class II products produced at the pool plant), which are reprocessed, repackaged, or converted to another product during the month or for which other utilization or disposition is not established pursuant to § 965.33.

**§ 965.15 Fluid milk product.**

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk,

flavored milk, milk drink; cream (sweet, cultured, sour or whipped), eggnog, concentrated milk; and any mixture of milk, skim milk or cream (including fluid, frozen or semi-frozen malted milk and milk shake mixtures containing less than 15 percent total milk solids; and excluding frozen storage cream, aerated cream in dispensers, ice cream and frozen dessert mixes, and evaporated and condensed milk).

**§ 965.16 Chicago butter price.**

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the United States Department of Agriculture.

MARKET ADMINISTRATOR

**§ 965.20 Designation.**

The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

**§ 965.21 Powers.**

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

**§ 965.22 Duties.**

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Pay, out of the fund provided by § 965.76, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within ten days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.30 or has not made payments pursuant to §§ 965.70 and 965.72;

(f) Promptly verify the information contained in the reports submitted by handlers;

(g) Furnish such information and verified reports as the Secretary may request and submit his books and records to examination by the Secretary at any and all times;

(h) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices computed pursuant to § 965.51 and the butterfat differentials computed pursuant to § 965.52; and

(2) On or before the 20th day after the end of such month the uniform prices computed pursuant to § 965.63, and the producer butterfat differential computed pursuant to § 965.74;

(i) On or before the 13th day after the end of each month:

(1) Notify each handler of his net obligation pursuant to §§ 965.60 and 965.61 and of any adjustments pursuant to § 965.62; and

(2) Report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 965.73(b), to each handler to whom the cooperative association sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this part as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

**§ 965.30 Monthly reports of receipts and utilization.**

On or before the 10th day after the end of each month, each handler shall report for such month to the market administrator for each of his pool plants, in the detail and on forms prescribed by the market administrator the following:

(a) The total pounds of skim milk and butterfat contained in or represented by:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Beginning and ending inventories of fluid milk products.

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe;

(d) His producer payroll, which shall show for each producer: (1) The total pounds of milk with the average butterfat test thereof, (2) the amount of the advance payment to such producer made pursuant to § 965.70 and the nature and amount of deductions and charges made by the handler; and

(e) The name and address of each new producer.

**§ 965.31 Other reports.**

(a) On or before the 10th day after the end of each month, each handler, except a producer-handler, who operates a nonpool fluid milk plant from which Class I milk is disposed of during the month in the marketing area shall report to the market administrator the quantities of skim milk and butterfat so disposed of; and shall report the information required of handlers operating pool plants pursuant to § 965.30 substituting receipts from dairy farmers for receipts from producers.

(b) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

**§ 965.32 Verification of handler reports.**

Each handler shall make available to the market administrator or to his agent, or to such other persons as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to §§ 965.30 and 965.31, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

**§ 965.33 Records and facilities.**

Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as in the opinion of the market administrator are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

**§ 965.34 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.



CLASSIFICATION

**§ 965.40 Basis of classification.**

The skim milk and butterfat which are required to be reported pursuant to § 965.30(a) shall be classified by the market administrator, subject to the provisions of §§ 965.41 through 965.46.

**§ 965.41 Classes of utilization.**

Subject to the conditions set forth in §§ 965.43 and 965.44, the classes of utilization shall be as follows:

(a) Class I milk. Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product, except as provided in paragraph (c) (2) and (3) of this section, and (2) not accounted for as Class II milk or Class III milk;

(b) Class II milk. Class II milk shall be all skim milk and butterfat:

(1) Used to produce ice cream, frozen desserts, ice cream and frozen dessert mixes (excluding malted milk or milk shake mixtures containing less than 15 percent total milk solids), milk or skim milk and cream mixtures disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, cottage cheese, and cultured mixtures of skim milk and butterfat to which cheese or any food substance other than a milk product has been added in an amount equal to at least 3 percent of the finished product and which contains butterfat equal to not more than 15 percent of the finished product; and

(2) Inventories of fluid milk products; and

(c) Class III milk. Class III milk shall be all skim milk and butterfat (1) used to produce butter, frozen cream, spray and roller process nonfat dry milk solids, all cheese (other than cottage cheese), evaporated and condensed milk (or skim milk) either in bulk or hermetically sealed cans; (2) specifically accounted for as dumped, spilled or disposed of for animal feed; (3) disposed of in bulk as milk, skim milk, or cream to any commercial food processing establishment where food products are prepared only for consumption off the premises; (4) actual plant shrinkage allocated to producer milk pursuant to § 965.42 but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and (5) actual plant shrinkage allocated to other source milk pursuant to § 965.42.

**§ 965.42 Shrinkage.**

The market administrator shall allocate shrinkage at the handler's pool plant(s) as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in producer milk (including producer milk physically received as diverted milk from another pool plant and excluding producer milk diverted to another pool plant) and other source milk received in the form of a fluid milk product in bulk.

**§ 965.43 Transfers.**

Skim milk and butterfat disposed of by a handler from a pool plant shall be classified:

(a) As Class I milk if transferred to the pool plant of another handler in the form of a fluid milk product, unless:

(1) Utilization in another class is claimed by the operators of both plants in their reports submitted pursuant to § 965.30; and

(2) The receiving plant has utilization in the claimed clasification of an equivalent amount of skim milk and butterfat, respectively, after making the assignments pursuant to § 965.46(a) (1), (2), and (3) and the corresponding steps of (b): *Provided*, That if either or both plants have other source milk, the milk, skim milk or cream so transferred, shall be classified so as to allocate the highest-valued use classification available at both plants to producer milk: *And provided further*, That milk may be transferred in farm delivery containers from one pool plant to another under the conditions of this paragraph if both such plants are pool plants pursuant to § 965.7 (a) or (b);

(b) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form to a fluid milk plant operated by a producer-handler.

(c) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form in bulk to a nonpool plant unless:

(1) The handler claims classification in another class and furnishes, on or before the 10th day after the end of the month, to the market administrator, a statement signed by all parties to the transaction that such skim milk and butterfat was used in a lower priced class;

(2) Books and records are maintained for the nonpool plant showing utilization of all skim milk and butterfat at such plant which are made available, if requested by the market administrator, for the verification of such mutually indicated utilization; and

(3) An equivalent amount of skim milk and butterfat, respectively, was used at such nonpool plant in the classification(s) claimed. Any amounts in excess of the actual use in such claimed classification(s) shall be assigned to the next highest priced classification to the extent available.

**§ 965.44 Responsibility of handlers.**

In establishing the classification as required in §§ 965.41 and 965.43, the burden rests upon the handler to account for all skim milk and butterfat received by him and to prove to the market administrator that such skim milk and butterfat, should not be classified as Class I milk.

**§ 965.45 Computation of skim milk and butterfat in each class.**

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk, Class II milk, and Class III milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water normally associated with such solids in the form of whole milk.

**§ 965.46 Allocation of skim milk and butterfat classified.**

After making the computations pursuant to § 965.45, the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler during the month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk in producer milk shrinkage assigned to Class III milk pursuant to § 965.41(c)(4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced used available, the pounds of skim milk in other source milk less the pounds subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the remaining pounds of skim milk: (i) In Class I milk, the pounds of skim milk received in the form of fluid milk products in consumer packages not larger than one gallon from a plant fully regulated pursuant to Part 971 of this chapter and the pounds of skim milk received in sour cream in consumer packages if such sour cream is priced as Class I pursuant to another order issued pursuant to the Act or as Class II pursuant to Part 941 of this chapter: *Provided*, That this subdivision shall not apply to skim milk in any product if the same product is processed and packaged in the same size and type of container in the pool plant; and (ii) in each class, in series beginning with the lowest-priced use available, the pounds of skim milk in other source milk received in the form of a fluid milk product, excluding the pounds subtracted pursuant to subdivision (i) of this subparagraph, which is subject to the Class I pricing provisions of an order issued pursuant to the Act.

(4) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from other pool plants according to the classification determined pursuant to §§ 965.41 and 965.43;

(5) Subtract from the remaining pounds of skim milk, in series from Class II milk and then Class I milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month; and

(6) Add to the pounds of skim milk remaining in Class III milk the skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest-priced use available.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

MINIMUM PRICES

**§ 965.50 Basic formula price.**

The basic formula price per hundredweight of milk to be used in computing the minimum price for Class I milk shall be the higher of the prices computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices per hundredweight ascertained to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator or to the United States Department of Agriculture:

*Company and Location*

Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.2;

(2) From the average of carlot prices per pound for nonfat dry milk, spray process, for human consumption f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 6.4 cents and multiply the result by 8.2.

**§ 965.51 Class prices.**

Subject to the provisions of § 965.52 and § 965.53, the class prices for milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.30, plus or minus a "supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the total gross pounds of Class I milk set forth in § 965.41 (adjusted to eliminate duplications due to interhandler transfers) in the second and third months preceding by the total pounds of producer milk for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum base percentage listed below increase the Class I price differential by three cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum base percentage listed below decrease such differential by three cents: *Provided*, That the Class I differential adjusted pursuant to this subparagraph for the month of June shall not be higher than such adjusted differential for the immediately preceding month of May; and that the Class I differential so adjusted for the month of January shall not be less than the adjusted differential for the immediately preceding month of December.

| Month for which price is being computed | Base utilization percentages | |
|---|---|---|
| | Minimum | Maximum |
| January | 67 | 69 |
| February | 66 | 68 |
| March | 66 | 68 |
| April | 67 | 69 |
| May | 63 | 65 |
| June | 60 | 62 |
| July | 53 | 55 |
| August | 49 | 51 |
| September | 48 | 50 |
| October | 51 | 53 |
| November | 58 | 60 |
| December | 63 | 65 |

(b) *Class II milk.* The price for Class II milk shall be the sum of the plus adjustments computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.13; and

(2) From the average price for nonfat dry milk spray process, described in paragraph (b) (2) of § 965.50, deduct 5.5 cents and multiply the result by 8.2.

(c) *Class III milk.* The price for Class III milk during each of the months of March through August shall be the price computed pursuant to subparagraph (1) of this paragraph; and the price for Class III milk during each of the months of September through February shall be the same as the Class II price;

(1) The simple average, as computed by the market administrator of the basic (or field) prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

M. and R. Dietetic Laboratories, Inc., Chillicothe, Ohio.
Carnation Milk Co., Hillsboro, Ohio.
Nestles Milk Products, Inc., Greenville, Ohio.
Nestles Milk Products, Inc. (Osgood Milk Co.), Osgood, Ind.
Carnation Milk Co., Maysville, Ky.

**§ 965.52 Butterfat differentials to handlers.**

If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent there shall be added to, or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows:

(a) *Class I milk.* Add 1.25 cents to the butterfat differential for Class II milk for the preceding month;

(b) *Class II milk.* Multiply the Chicago butter price by 118, subtract therefrom the amount computed pursuant to § 965.51(b)(2) and divide the result by 1000; and

(c) *Class III milk.* Multiply the Chicago butter price less 5.0 cents by 120, subtract therefrom the amount computed pursuant to § 965.50(b)(2) and divide the result by 1000: *Provided*, That for each of the months of September through February, the butterfat differential for Class III milk other than that used to produce butter shall be the same as the butterfat differential for Class II milk for such month.

**§ 965.53 Location differentials to handlers.**

For that skim milk and butterfat in producer milk received at a pool plant located 30 or more miles by the shortest highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator, and which is (a) moved in the form of a fluid milk product or as condensed skim milk or frozen cream to a pool plant located less than 30 miles from the City Hall in Cincinnati, Ohio, or (b) otherwise disposed of or utilized as Class I or Class II milk at such plant, the handlers obligation pursuant to § 965.60, subject to the proviso of this section, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such skim milk and butterfat are received from producers as follows:

| Distance from City Hall (miles): | *Rate per hundredweight (cents)* |
|---|---|
| 30 but less than 40 | 6.0 |
| 40 but less than 50 | 8.0 |
| 50 but less than 60 | 10.0 |
| For each additional 10 miles or fraction thereof an additional | 1.0 |

*Provided*, That in the case of transfers made under paragraph (a) of this section, the location differential credit (1) shall apply to the actual weight of the skim milk and butterfat moved, which weight shall not exceed the difference calculated by subtracting from the total pounds of skim milk and butterfat in Class I milk and Class II milk at the transferee's plant the total skim milk and butterfat in producer milk physically received at such plant, and (2) shall be allowed to the transferee-handler if such credit does not exceed the obligation of such handler to the producer-settlement fund for the month.

**§ 965.54 Use of equivalent prices.**

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

COMPUTATION OF UNIFORM PRICE

**§ 965.60 Net obligation of each handler.**

The net obligation of each handler for producer milk for the month shall be a sum of money computed by the market administrator as follows:



(a) Multiply the pounds of producer milk in each class by the applicable class price and add together the resulting amounts;

(b) Subtract the location differential credits pursuant to § 965.53;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 965.46(a)(6) and the corresponding step of (b) by the applicable class price;

(d) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the pounds of milk in inventory subtracted from Class I milk pursuant to § 965.46(a)(5) and the corresponding step of (b); and

(e) Add an amount computed by multiplying the pounds of other source milk subtracted from Class I milk and Class II milk pursuant to § 965.46(a)(2) and the corresponding step of (b) by the difference between the price for milk (of the same butterfat content) in the class from which subtracted and the price computed pursuant to § 965.50(b), adjusted to the same test by the Class III butterfat differential (other than butter): *Provided*, That for any month when the aggregate utilization of Class I milk for all handlers at pool plants is 90 percent or more of producer milk, no obligations shall be incurred pursuant to: (1) This paragraph, (2) paragraph (d) of this section on milk which is in excess of producer milk classified as Class II milk for the preceding month, or (3) § 965.61.

**§ 695.61 Handlers operating nonpool fluid milk plants.**

On or before the 17th day after the end of each month, each handler, except a producer-handler, operating a nonpool fluid milk plant shall pay to the market administrator the amounts computed pursuant to paragraph (a) of this section, unless the handler elects at the time of reporting pursuant to § 965.31 to pay the amounts computed pursuant to paragraph (b) of this section;

(a) An amount:

(1) For deposit to the producer-settlement fund determined by multiplying the hundredweight of milk disposed of as Class I milk from such plant on routes from which milk is disposed of within the marketing area (less the hundredweight of any Class I milk purchased by such handler during the month from a pool plant), by the amount by which the price of Class I milk computed pursuant to §§ 965.51, 965.52, and 965.53, exceeds the price computed pursuant to §965.50(b) adjusted by the Class III butterfat differential (other than butter); and

(2) For administrative assessment, equal to the rate specified in § 965.76 multiplied by the hundredweight of such Class I skim milk and butterfat disposed of on routes from which Class I milk is disposed of within the marketing area, unless an administrative assessment is applied to milk at such nonpool plant pursuant to another order issued pursuant to the Act on the same basis as plants fully regulated by such other order; or

(b) An amount:

(1) For deposit to the producer-settlement fund, equal to any plus amount remaining after deducting the amounts computed under subdivisions (i) and (ii) of this subparagraph from the obligation that would have been computed pursuant to § 965.60 for such nonpool plant, had such plant been a pool plant:

(i) The gross payments made on or before the 17th day after the end of the month for milk received at such nonpool plant during the month from dairy farmers who produce milk in compliance with the Grade A inspection requirements of a duly constituted health authority; and

(ii) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk handled at such plant during the month as a partially regulated plant under such other orders;

(2) For administrative assessment, equal to the amount which would have been computed pursuant to § 965.76 if such nonpool plant were a pool plant during the month: *Provided*, That such amount shall be reduced by any amount paid as an administrative expense assessment determined on the basis of Class I milk disposed of on routes in other marketing areas, pursuant to the terms of other orders issued pursuant to the Act: *And provided further*, That if less Class I milk is disposed of from such nonpool plant on routes in the Greater Cincinnati marketing area than is disposed of on routes in another marketing area as defined in an order issued pursuant to the Act, and if an administrative expense assessment is applied at such nonpool plant as if a fully regulated plant pursuant to the terms of the order for the marketing area where the volume of Class I milk disposed of from such nonpool plant is greatest, no administrative expense assessment shall be applicable under this order.

**§ 965.62 Correction of errors.**

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

**§ 965.63 Computation of uniform prices.**

For each month, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content as follows:

(a) Add together the values of milk as computed pursuant to § 965.60 for handlers other than those in arrears in payment (other than in payment for any amount pursuant to § 965.62) to the producer-settlement fund as required by § 965.72 for the preceding month;

(b) Subtract, if the weighted average butterfat test of all producer milk represented in the sum computed under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by the butterfat differential computed pursuant to § 965.74 times 10;

(c) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of milk received from producers during such month by the following amounts: 30 cents in April; 35 cents in May and June; and 20 cents in July;

(d) Add for each of the months of September, October, November, and December an amount computed by dividing by four the total amount of the obligated balance in the producer-settlement fund pursuant to § 965.71(b) on September 30 of such year;

(e) Add the sums of the values of the location differentials allowable pursuant to § 965.75;

(f) Add the unobligated balance in the producer-settlement fund;

(g) Divide by the total hundredweight of producer milk pooled pursuant to paragraph (a) of this section; and

(h) Subtract not less than four cents or more than five cents per hundredweight.

PAYMENTS FOR MILK

**§ 965.70 Payments to producers.**

On or before the 5th day after the end of each month, each handler shall pay to each producer $1.00 per hundredweight of milk received from such producer during the month: *Provided*, That in the event the total amount of deductions and charges authorized by any producer against payments due such producer for the month next preceding is greater than the payment computed for such producer pursuant to § 965.73(a) with respect to the milk received from such producer during such preceding month, the handler may deduct from the payment required by this section a sum equal to the difference between such amounts.

**§ 965.71 Producer-settlement fund.**

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 965.61(a)(1) and (b)(1) and 965.72 shall be deposited in this fund, and all payments made pursuant to § 965.73 shall be made out of this fund;

(b) All amounts subtracted pursuant to § 965.63(c) shall be deposited in this fund and shall remain therein as an obligated balance until withdrawn for the purpose of effectuating § 965.63(d); and

(c) The difference between the amount added pursuant to § 965.63(f) and the amount resulting from the subtraction pursuant to § 965.63(h) shall be deposited in, or withdrawn from, this fund, as the case may be.

**§ 965.72 Payments to producer-settlement fund.**

On or before the 17th day after the end of each month, each handler shall pay to the market administrator his obligation for milk for such month of which he is notified pursuant to § 965.22(1)(1) less the amount paid out to each producer in accordance with § 965.70, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer payroll: *Provided*, That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 965.70 (inclusive of the deductions and charges authorized by § 965.70) will not exceed the total value of the milk received from such producer.

**§ 965.73 Payments from producer-settlement fund.**

(a) The market administrator shall compute the payment due each producer for milk received during the month from such producer by a handler(s) who made the payments for such month pursuant to § 965.72, by multiplying the hundredweight of such milk by the uniform price computed pursuant to § 965.63 adjusted by the location differential pursuant to § 965.75 and the butterfat differential pursuant to § 965.74, and subtracting any charges and deductions made pursuant to § 965.72.

(b) On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.77:

(1) Direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section; and

(2) To each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments.

**§ 965.74 Butterfat differential to producers.**

In computing the payments due each producer for milk pursuant to § 965.73, there shall be added to or subtracted from the uniform price per hundredweight for each one-tenth of one percent of butterfat content in such milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(a) Compute the percentage of the total butterfat in producer milk assigned to each class pursuant to § 965.46;

(b) Multiply each such percentage figure by the butterfat differential for the respective class pursuant to § 965.52; and

(c) Add into one total the value obtained in paragraph (b) of this section, rounding off the result to the nearest even one-tenth cent.

**§ 965.75 Location differentials to producers.**

In computing the payment due each producer pursuant to § 965.73, the uniform price for producer milk at a pool plant located 30 or more miles by the shortest hard surfaced highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

| Distance from the City Hall (miles): | *Rate per hundredweight (cents)* |
|---|---|
| 30 but less than 40 | 6.0 |
| 40 but less than 50 | 8.0 |
| 50 but less than 60 | 10.0 |
| Each additional 10 miles or fraction thereof an additional | 1.5 |

**§ 965.76 Expense of administration.**

As his pro rata share of the expense incurred in the maintenance and functioning of the office of the market adminstrator and in the performance of the duties of the market administrator, each handler shall pay to the market adminstrator, on or before the 17th day after the end of each month, two cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe, with respect to: (a) all producer milk received during the month; and (b) other source milk as allocated to Class I during the month pursuant to § 965.46 excluding other source milk on which an administrative assessment is payable pursuant to another Federal order. A handler operating a fluid milk plant which is a nonpool plant shall pay administrative assessments pursuant to § 965.61.

**§ 965.77 Marketing services.**

The market administrator shall deduct an amount not exceeding six cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.73(b), with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", for the purpose of performing the services set forth in paragraph (b) of this section.

(b) The moneys received by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the Secretary.

**§ 965.78 Termination of obligation.**

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part, shall terminate two years after the end of the calendar month during which milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

**§ 965.80 Effective time.**

The provisions of this part, or any amendments to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

**§ 965.81 Suspension or termination.**

Any or all provisions of this part, or amendments to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

**§ 965.82 Continuing power and duty of the market administrator.**

If upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall continue in such capacity until removed by the Secretary, account from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator, or such other person to such person as the Secretary shall direct, and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

**§ 965.83 Liquidation after suspension or termination.**

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expense necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

**§ 965.90 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

**§ 965.91 Separability of provisions.**

If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

**§ 965.92 Plants subject to other Federal orders.**

The provisions of this part shall not apply to a fluid milk plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant meets the requirements for a pool plant pursuant to § 965.7 and a greater volume of fluid milk products is disposed of from such plant to pool plants and to retail or wholesale outlets located in the Greater Cincinnati marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided*, That the operator of a fluid milk plant or a supply plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

[F.R. Doc. 61-686; Filed, Jan. 24, 1961; 8:55 a.m.]

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## [ 7 CFR Part 1004 ]

[Docket No. AO-271-A4]

## MILK IN CENTRAL ARIZONA MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Phoenix, Arizona, on October 5-6, 1960, pursuant to notice thereof issued on September 20, 1960 (25 F.R. 9180).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on December 30, 1960 (26 F.R. 30; F.R. Doc. 61-69), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Requirements for pool plant and producer milk;
2. Bulk tank handling of milk;
3. Classification of dumped skim milk and milk and cream transferred or diverted to nonpool plants;
4. Mechanics of the supply-demand adjuster;
5. Compensatory and nonpool handler obligations;
6. Partial payments to producers;
7. Marketing service rate; and
8. Clarification of order language.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Requirements for pool plants and producer milk.* The requirements for pool plants and the pooling of producer milk should be modified.

A producer association proposed redefining a pool plant to include a standby plant operated by a cooperative association and to require that a distributing pool plant dispose of at least half of its Grade A supply on routes for fluid use and that half of such fluid sales be in the marketing area. Another group of producers proposed that the type of pool be changed from marketwide to individual-handler.

The proposal to change the type of pool from marketwide to individual-handler should not be adopted. Most of the distributing handlers in the market do not have manufacturing facilities to adequately carry their own reserves. Only two such handlers have facilities for manufacturing products other than ice cream and cottage cheese. During the fall of 1959, most of the other handlers, including the individual-handler pool proponent, transferred or diverted milk for Class II use to at least one of these two plants.

During the past year local manufacturing outlets were inadequate to handle all of the market's reserve milk. Considerable quantities of skim milk, therefore, had to be dumped. To accommodate the handling of reserve milk, a cooperative association representing producers supplying more than four-fifths of the milk to the market recently built a plant. In addition to providing the equipment for the manufacture of reserve milk not needed for fluid use, it also was designed to serve as a standby plant with holding facilities for balancing the fluid milk requirements of distributing handlers whose needs vary from day-to-day during the week as well as seasonally.

Under the above described circumstances the marketwide pool should be continued for orderly marketing and handling of the reserve milk for the market.

The pool plant definition should also be modified to include a Grade A milk plant located within the marketing area, which is operated by a cooperative association if 75 percent or more of its member producers' milk is received at the pool plants of other handlers. In Central Arizona such a plant can only serve the market as a standby plant if located in the marketing area. The marketing area is large and practically

all the milk supply of the market is produced on farms located in the area. The provision that at least three-fourths of the milk of the members of such cooperative be supplied to other pool handlers should safeguard the pool against a build-up of milk supply for manufacturing purposes by a cooperative with such a plant.

The requirements for pool plant status should be revised to forestall associating with the market plants which are primarily milk manufacturing plants, and to distinguish between plants whose main purpose is processing and distributing fluid milk products and plants which are primarily supply plants.

The present distributing plant provision in the order provides for the pooling of the milk of any Grade A milk plant which disposes of an average of more than 600 pounds of Class I milk on routes in the marketing area during the month. A plant could qualify as a distributing plant and "ride the pool" with a large amount of milk primarily designed for manufacturing use by distributing only a small proportion of its milk on routes in the marketing area. A supply plant which could not meet the pooling standards for a supply pool plant under the terms of the order could attain pool status by establishing a route with Class I sales in the marketing area of slightly over 600 pounds of milk per day.

Pool plant requirements are designed to distinguish which plants are associated with the market to the extent that they should participate in a market-wide pool. Each of the distributing plants now participating in the pool distributes in excess of 50 percent of its receipts of milk as Class I in the marketing area.

It should be required that 50 percent or more of the receipts of Grade A milk of a distributing plant be disposed of as Class I and 25 percent or more of such receipts (at least 600 pounds per day) be distributed on routes in the marketing area as a qualification for pool status.

These changes in pool plant standards make it inappropriate to define a producer-handler as the operator of a pool plant. Accordingly, the producer-handler definition has been modified without substantive change.

The present order does not place any limitation on diversions of milk from pool plants to nonpool plants during any month and it permits diversion between pool plants for not more than ten consecutive days' production of a producer. For pricing purposes, such diverted milk is considered received at the pool plant from which diverted.

Producers proposed eliminating diversions between pool plants and limiting diversions to nonpool plants to eight days' production of any producer during each of the months of May through November. They also proposed that diverted milk should be priced at the plant where received rather than the pool plant from which it was diverted. Handlers opposed these proposed modifications.

Since the fall of 1959, a number of changes have occurred in the market. Two cooperatives consolidated to form the United Dairymen of Arizona, representing more than 80 percent of the producers supplying the market. This association now furnishes milk to all distributing pool handlers in the market except Cooperative Dairy, Inc. It directs the milk of its members to the various handlers' plants, performs marketing services, and pays its producer members. The base-excess plan was terminated effective July 1, 1960. Under these conditions, diversion of milk between pool handlers is no longer needed for efficient handling of the milk supply and the payment of producers. Thus, the provision which presently permits diversion between distributing pool plants should be eliminated.

Approximately 84 percent of the milk for the market is produced in Maricopa County in which Phoenix is located. The milk of some producers in this county is regularly received and priced at pool plants in the Phoenix area. The milk of other Maricopa County producers is delivered to Tucson pool plants when needed for fluid use. When not needed at Tucson plants, it is diverted to Phoenix area pool plants for Class II use. However, such diverted milk is priced in the pool at the Tucson zone price, even though considerable savings in transportation costs are effected when it is received at the Phoenix area pool plants: The pricing of such milk in accordance with its actual location value will more nearly be accomplished by the elimination of diversion between pool plants.

Under the present provisions of the order, there is no limit on the time that a producer's milk may be diverted from a pool plant to a nonpool plant and continue to be pooled. To insure that milk of producers is procured to serve the Central Arizona market and not for manufacturing purposes, limitations on diversions should be provided. To accommodate the seasonal pattern of milk production in the market, diversion limitations should be applied only during the months of May through November when production is relatively low in relation to Class I requirements of the market. During this period, nearly all of a producer's milk should be made available to the market. However, because there are daily and weekly variations in milk production and sales, some diversion should be permitted during this period. Limiting diversion to not more than eight days' production of any producer during the month is reasonable under present conditions in the market. If the milk of a producer is diverted for more than eight days' production in the month, the diverted milk should not be deemed producer milk for the entire period of diversion.

There are a number of producers located in the Yuma, Arizona, and Imperial County, California, areas whose milk is associated with Tucson pool plants where it is priced. When their milk is diverted to nearby nonpool plants rather than delivered to Tucson plants, substantial savings in transportation costs are realized.

The present order provides location differentials to handlers on Class I milk and on all producer milk received at pool plants 60 or more miles from the City Hall at Tucson, Arizona. In order to price diverted milk in accordance with its location value, the location differentials should apply to the location of the nonpool plant where diverted milk is physically received rather than the pool plant from which it is diverted.

2. *Bulk tank handling of milk.* Provision should be made to permit a cooperative association to elect to be the handler with respect to milk of its member producers delivered to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association.

Such a provision will permit continuation of the practice whereby a cooperative is presently acting as the reporting handler with respect to all or a substantial part of the supply of certain handlers. All producers on the market are presently using farm bulk tanks, necessitating tank truck delivery to plants. The United Dairymen of Arizona operate some tank trucks of their own and contract for delivery of additional milk of producer members. With respect to a substantial volume of milk the cooperative is presently acting as the reporting handler under the interplant diversion provisions, for which the ten-day limitation does not apply when a cooperative is the handler.

The cooperative association is expanding its activity in taking responsibility for movement of milk of its members from farms to pool plants. In addition, it is now handling the producer payroll for its members.

When the association operates the tank truck in which milk of two or more of its members is delivered to a pool plant, the operator of the pool plant has no direct knowledge of the identity of the individual producers from whom he receives milk, nor of the weights and tests of individual shippers. The cooperative association maintains such information for its members. The association may, if it elects, report the receipts of individual producers which determine the aggregate volume of milk in the pool.

Since the assembly operation may involve some physical loss, in that receipts at pool plants may not agree with the aggregate of weights determined at the farm from bulk tank "dip stick" readings, provision is made for division of the two percent shrinkage allowance, one-half percent to be retained by the cooperative association and one and one-half percent to be available to the operator of the pool plant. If, however, the latter files with the market administrator notice that he is purchasing from the cooperative association on the aggregate of farm weight and tests, the entire shrinkage allowance should be available to the receiving plant. Provision is also made for a similar division of the shrinkage allowance when milk is transferred between plants in bulk tank lots.

For simplicity of administration, receipts at pool plants for which a cooperative association is the handler by virtue of bulk tank delivery may be classified pro rata with producer milk classified at that plant, so that the receiving handler may report classification. Payment to the cooperative is provided at the applicable class prices.

3. *Classification of dumped skim milk and milk and cream transferred.* The separate category for classifying dumped skim milk as Class II milk should be eliminated.

Producers proposed deleting the special Class II milk classification in the present order for dumped skim milk. Handlers opposed the proposal.

In the latter part of 1959, considerable amounts of skim milk were dumped. Only two plants in the market had nonfat dry milk manufacturing equipment and only two other plants had condensing pans. These facilities were inadequate to handle the reserve supplies of milk. Since then, a number of changes have occurred to alleviate the situation. The amount of reserve milk has declined to more reasonable levels. A cooperative association, which has member producers supplying more than 90 percent of the market's milk, has built a large standby plant to serve the market. With this added facility available for manufacturing condensed milk and nonfat dry milk, capacity is now adequate for the manufacture of the reserve skim milk for the market. Approximately 87 percent of the milk for the market is produced in the neighborhood of Phoenix in Maricopa and Pinal counties. With a cooperative now in a position to serve distributing handlers with milk more closely related to their needs and to handle the reserve supplies of milk, there is no justification for continuation of the special Class II category for the classification of dumped skim milk.

With their plant available for handling reserve milk for the market, the producers' association contended that there was no longer any need to include Imperial County, California, in the area in which milk may be transferred or diverted for manufacture into Class II products. Handlers testified for its continued inclusion within the market's surplus disposal area.

In June 1960, there were eight producers in Imperial County, California, and five producers in Yuma County, Arizona. A nonpool plant located in El Centro in Imperial County makes cottage cheese and ice cream. In past years this plant has served as an outlet for diverted milk for producers in these counties. It saves transportation for their milk to be diverted to a nearby plant for manufacture when it is not needed by the market for fluid use. It is concluded that Imperial County, California, should remain in the area to which milk may be transferred or diverted to a nonpool plant as Class II milk.

In verifying the reported use classification of bulk milk, skim milk or cream transferred to a nonpool plant, the present order provides that the final classification be determined at the first nonpool plant to which such products are transferred or diverted. In case such fluid milk products are transferred to a second nonpool plant located within the surplus disposal area provided for herein, the market administrator should be permitted to verify its use in the second nonpool plant to assure producers and handlers of the proper classification of producer milk.

The present order permits bulk cream to be classified as Class II when transferred outside the marketing area and Imperial County, California, if a pool handler so reports, tags each container "Grade C cream for manufacturing use only" and the shipment is so invoiced, and the market administrator is given sufficient notice to verify the shipment. Producers proposed deleting this provision from the order. Handlers opposed its deletion.

In 1959 and in prior years, several pool handlers marketed surplus cream for use in ice cream in neighboring states. Considerable amounts of such cream have been shipped by two pool plant handlers to the Los Angeles, California, market.

Producers' proposal would tend to restrict the number of pool handlers who could handle the reserve supplies of milk. No evidence of abuse was presented with respect to the functioning of the present provision. It is concluded that it should be retained in the order and its application to classification of milk received at nonpool plants within the surplus disposal area should be clarified.

4. *Mechanics of the supply-demand adjuster.* The standard utilization percentage norms should be adjusted seasonally.

Producers proposed revising the mechanics of the supply-demand adjuster of the Class I pricing formula. One association proposed raising the level of the supply-demand norms five percentage points and increasing their monthly maximum and minimum range when no adjustment is effected from the present four percentage points to six. It also proposed decreasing the maximum plus or minus limit that the supply-demand adjuster could affect the Class I price from 50 cents to 20 cents. Another association proposed deleting the supply-demand adjuster from the order. Handlers supported increasing the range in the monthly standard utilization percentage norms.

The Class I price under the order results from the addition of a combination of three factors, the basic formula price, the $2.75 stated differential, and the supply-demand adjustment factor. The present standard utilization percentage norms in the order reflect an average annual supply-demand relationship of 115. Since the inception of the order through 1959, the Class I price has been sufficiently high to result in a higher percentage ratio of producer receipts to Class I sales in each year. The ratio was 111 in 1956, 116 in 1957, 119 in 1958, and 128 in 1959. The high point was reached in November 1959 at 146. For the first nine months of 1960, it averaged 124.

Although in recent months milk supplies have been lower in relation to Class I sales than a year ago, the market is being adequately supplied with milk. Widening the standard utilization norms within which no adjustment occurs, as proposed, would have the effect of raising the level of the Class I price inasmuch as the supply-demand adjuster is making minus adjustments each month. In view of the adequacy of supplies for the market, it is concluded that the present level and neutral range of the supply-demand norms should be continued. The norms should be adjusted seasonally, however, to better conform to the market's seasonal pattern of production.

The present norms vary seasonally from a range of 116 minimum to 120 maximum, applicable to the months of March through May, to a low of 109 minimum to 113 maximum for the month of November. The revised norms included herein provide a seasonal range of from 115 minimum to 119 maximum, applicable to the months of March through June, to a low of 111 minimum to 115 maximum for the months of October and November. If the revised norms had been in effect there would have been no change in the average level of the Class I price for the last two years, but the adjustments made would have been somewhat more timely than those resulting from the present norms.

The proposal to limit the maximum effect of the supply-demand adjustment factor on the Class I price to plus or minus 20 cents should be denied. The purpose of the supply-demand adjustment factor in the order is to raise the Class I price as the supply of milk decreases relative to Class I sales and to lower the price as the supply increases relative to Class I sales. The limitations proposed would reduce the effectiveness of the adjuster.

5. *Compensatory payments and nonpool handler obligations.* Compensatory payments need not be provided at this time in the Central Arizona market with respect to receipts of other source milk in fluid form allocated to Class I milk. Provision should be made, however, to avoid possibility of any competitive advantage accruing to the operator of a distributing plant that fails to qualify as a pool plant under the standards provided elsewhere in this decision.

The Central Arizona order presently requires a compensatory payment when other source milk received in a form other than fluid milk products is allocated to Class I milk. It was proposed that the payment also apply when the receipt was in fluid form, unless such milk had been subject to the Class I pricing provision of another order.

Such a provision was considered at the time the present payment provision was adopted. In a decision issued August 7, 1957, the Acting Secretary found that little, if any, other source milk in fluid form had been purchased as a replacement for producer milk, and concluded that a compensatory payment with respect to such milk was not then necessary.

This record shows that no other source milk in fluid form was received in the market during 1959 and the first seven months of 1960. In August 1960, one tank load of such milk was received, and in September there were additional such

receipts. These receipts were associated with temporary periods of short supply in the market. It was not shown that handlers could purchase other source milk at prices less than the Class I price of the order. The lack of imports over a substantial period of time indicates that handlers have not replaced available producer milk with unpriced other source milk in fluid form. It is concluded that adoption of the proposal for a compensatory payment with respect to such milk is not required at this time.

Provision should be made, however, to avoid any price advantage to the operator of a plant distributing more than 600 pounds daily average Class I milk in the marketing area without qualifying as a pool plant. The provision adopted, common to many orders, would require that the operator of such a plant pay into the pool any amount by which the classified value of his milk receipts from dairy farmers exceeded his gross payments to such dairy farmers, and that he pay the same administrative expense as though his plant were fully regulated.

Such provisions will avoid competitive procurement advantage over fully regulated handlers in this market. Plants whose distribution in the Central Arizona area fail to qualify their receipts for pool status under the standards herein incorporated will be either local plants with utilization far below the market average or outside plants whose procurement areas do not overlap those of fully regulated handlers. The full use value of their milk that such handlers may pay to the dairy farmers supplying them will not be competitive with the market blend price paid Central Arizona producers by pool handlers.

The nonpool handler would be provided the option of having his obligations computed on the volume of his distribution in the marketing area, at the rate of compensatory payment presently provided in the order, adjusted for location of the plant. Under this option, for which comprehensive audits are not required, expense of administration would likewise be computed on the volume of sales in the marketing area.

6. *Partial payments to producers.* The rate of partial or advance payments to producers should be increased.

Handlers are now required to advance to producers by the 27th of the month a minimum amount equal to the hundredweight of milk delivered for the first 15 days of the month times the Class II price of the preceding month, less authorized deductions, but not adjusted for butterfat content. The amount so advanced is deducted when final settlement is made for the month's deliveries.

It was proposed that the amount of this advance be increased by one-third. No opposition was offered to the proposal. A comparison of the level of the Class II price and the uniform price at which final settlement is made shows that overpayments will not be required at the rates proposed. It is concluded that the proposal should be adopted.

7. *Marketing service rate.* No change should be made in the maximum rate of deduction for marketing services specified in the order.

The order presently specifies that 5 cents per hundredweight, or such lesser rate as may be prescribed by the Secretary, be deducted from payments to producers and that such moneys be used by the market administrator to provide market information to them and to check the accuracy of tests and weights of their milk. The deduction is made only from payments to producers who are not receiving such services from a cooperative association.

A group of producers proposed that the maximum rate be 3 cents per hundredweight. Since a lower rate may be prescribed by the Secretary and the moneys collected may be used only for the purposes specified, the rates specified in the order should not be changed. If more funds are accumulated than are required the rate may be adjusted without order amendment.

8. *Clarification of order language.* Order language should be clarified to express more precisely the intention with respect to mixtures defined as fluid milk products, the disposition constituting Class I milk, the allocation of other source milk, and the maximum volume of milk for which an inventory reclassification charge may be computed. In order to accommodate the situation whereby a plant may receive its entire supply by transfer from another pool plant, provision is made that inventory reclassification may be made to the extent that all pool milk, rather than only receipts from producers, was assigned to Class II in the preceding month on the basis of utilization at the receiving plant. Provisions relating to adjustments of location allowance and the value of base and excess milk should be deleted from the order since the provisions to which they relate have previously been deleted by amendment or termination.

*Rulings on Proposed Findings and Conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General Findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Central Arizona Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Central Arizona Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of November 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Central Arizona marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 19th day of January 1961.

CLARENCE L. MILLER,
*Assistant Secretary.*



*Order[1] Amending the Order Regulating the Handling of Milk in the Central Arizona Marketing Area*

**§ 1004.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arizona marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to Section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held; and

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat contained in (a) producer milk, and (b) other source milk allocated to Class I pursuant to § 1004.45(a) (2) and (3), and (b), and each handler who operates a nonpool plant shall pay the applicable amount specified in § 1004.62 (a) (2) or (b) (2).

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central Arizona marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

**§ 1004.7 [Amendment]**

1. Change the citation "§ 1004.62" to "§ 1004.13".

2. Delete § 1004.8 and substitute therefor the following:

**§ 1004.8 Pool plant.**

"Pool plant" means any milk plant:

(a) Approved by a duly constituted state or municipal health authority for the receipt or processing of Grade A milk or which supplies processed milk to an agency of the United States Government located within the marketing area, from which during the month:

(1) There are disposed of on routes fluid milk products equal to at least 50 percent of the total receipts at the plant (i) of milk qualified by inspection to become producer milk pursuant to § 1004.13(a), and (ii) from other milk plants and a cooperative association acting in the capacity of a handler pursuant to § 1004.10(c) in the form of fluid milk products qualified for fluid consumption; and

(2) There are disposed of on routes in the marketing area fluid milk products in a volume not less than 25 percent of such receipts and also greater than an average of 600 pounds per day.

(b) Any plant which ships fluid milk products approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume not less than 50 percent of its receipts of milk (from dairy farmers who would be producers if this plant qualifies as a pool plant) in the current month during the period of July through October or 20 percent in the current month during the period of November through June to a plant specified in paragraph (a) of this section: *Provided,* That if a plant qualifies in each of the months of July through October in the manner prescribed in this section such plant shall upon written application to the market administrator on or before October 31 following such compliance be designated as a pool plant until the end of the following June.

(c) A milk plant located within the marketing area at which milk may be received from the farms of dairy farmers holding permits or authorization issued by health authorities having jurisdiction in the marketing area and which is operated by a cooperative association qualified under § 1004.5 of this part which has 75 percent or more of its member producers' milk received at the pool plants of other handlers.

3. Delete § 1004.10 and substitute therefor the following:

**§ 1004.10 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant or of a nonpool plant from which Class I milk is disposed of on a route(s) in the marketing area;

(b) A cooperative association with respect to milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such association; or

(c) A cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for such milk.

4. Delete § 1004.11 and substitute therefor the following:

**§ 1004.11 Producer-handler.**

"Producer-handler" means any person who is both a dairy farmer and the operator of a plant from which fluid milk products are disposed of in the marketing area, but who receives no milk from producers or other dairy farmers: *Provided,* That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled (other than that received from pool plants) is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (b) the operation of such plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

5. Delete § 1004.13 and substitute therefor the following:

**§ 1004.13 Producer milk.**

"Producer milk" of each handler means all skim milk and butterfat produced by producers:

(a) With respect to receipts at a pool plant:

(1) Received directly from such producers; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions of paragraph (c) of this section;

(b) With respect to additional receipts of a cooperative association:

(1) For which such cooperative association is the handler pursuant to § 1004.10(b), subject to the limitations and conditions of paragraph (c) of this section; and

(2) For which the cooperative association is the handler pursuant to § 1004.10 (c); and

(c) With respect to diversions to nonpool plants pursuant to (a)(2) and (b)(1) of this section:

(1) Such diversions may be without limit during the months of December through April, but shall not be for more than eight days' production of any producer during any other month, otherwise only milk of such producer received at a pool plant shall be producer milk;

(2) For purpose of location adjustments pursuant to §§ 1004.53 and 1004.74,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

milk so diverted shall be priced at the location of the plant to which diverted.

§ 1004.14 [Amendment]

6. Delete (a)(1) and substitute therefor:

(1) fluid milk products received from pool plants and from a cooperative association in the capacity of a handler pursuant to § 1004.10(c).

§ 1004.15 [Amendment]

7. Insert the word "or" between the words "milk" and "skim milk" in line 6.

§ 1004.30 [Amendment]

8. Delete all language preceding paragraph (b) and substitute the following:

**§ 1004.30 Reports of sources and utilization.**

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his pool plants, and each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1004.10 (b) or (c), for such month in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from (i) other pool plants, and (ii) cooperative associations acting in the capacity of a handler pursuant to § 1004.10(c);

(3) Other source milk; and

(4) Inventories of fluid milk products on hand at the beginning of the month; and

§ 1004.31 [Amendment]

9. Renumber (b)(2) as (b)(1), and insert the following as (b)(2):

(2) On or before the 20th day after the end of the month, the payments made to a cooperative association pursuant to § 1004.80(d);

§ 1004.32 [Amendment]

10. After the phrase "available to the market administrator", insert the phrase "or his representative".

11. Delete § 1004.41 and substitute therefor the following:

**§ 1004.41 Classes of utilization.**

Subject to the conditions set forth in §§ 1004.42 through 1004.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted and concentrated nonfat milk solids) and butterfat;

(1) Disposed of in the form of fluid milk products, except those classified pursuant to subparagraph (b)(3) of this section; and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Skim milk disposed of for livestock feed; and

(4) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 1004.13(a)(1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity of a handler pursuant to § 1004.10(c), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from pool plants of other handlers; plus

(iv) 2 percent of bulk receipts of other source milk in the form of fluid milk products; less

(v) 1.5 percent of disposition in bulk tank lots from pool plants to other milk plants; and plus

(vi) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 1004.10(c), unless the exception provided in (ii) of this § 1004.41(b)(4) applies. *Provided,* That if shrinkage of skim milk or butterfat is less than such total there shall be assigned to other source milk the proportion of total shrinkage that the result computed pursuant to (iv) of this subdivision bears to the total computed pursuant to (i) through (vi) of this subsection and the remainder shall be assigned to producer milk.

§ 1004.43 [Amendment]

12. Delete (a) and substitute therefor the following:

(a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Except as provided in paragraph (f) of this section any additional amounts of skim milk and butterfat shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1004.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the computations pursuant to § 1004.45(a)(4) and the corresponding step of (b);

13. Delete (d)(3) and substitute therefor the following:

(3) Not less than an equivalent amount of skim milk and butterfat was actually utilized (including as Class II utilization any cream moved under the conditions specified in (e)(2) and (3) of this section) in the use indicated in such report in the nonpool plant or in a second such nonpool plant to which a transfer was made: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually utilized in such first or second nonpool plant(s) during the month in the use indicated, the pounds transferred in excess of such actual use shall be classified as Class I milk;

14. Add the following as (f):

(f) Unless a different utilization is claimed by both handlers, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler pursuant to § 1004.10(c) or which operates a pool plant described in § 1004.8(c) shall be classified pro rata to the respective amounts thereof remaining in each class for such month at the pool plant(s) of the receiving handler after the computations pursuant to § 1004.45(a)(6) and the corresponding step of (b).

§ 1004.45 [Amendment]

15. In (a)(3) after the phrase "the pounds of skim milk" insert the phrase "in other source milk", reverse the order of paragraphs "(a)(5)" and "(a)(6)", renumber paragraphs "(a)(7)" as "(a)(8)" and add the following as (a)(7):

(7) Subtract, pro rata from the pounds of skim milk remaining in each class, the pounds of skim milk to be classified pursuant to § 1004.43(f).

§ 1004.51 [Amendment]

16. Amend (a)(2)(iii) by deleting the table contained therein and substituting the following:

| Month for which price applies | Months used in computation | Standard utilization percentage | |
|---|---|---|---|
| | | Minimum | Maximum |
| January | October–November | 113 | 117 |
| February | November–December | 114 | 118 |
| March | December–January | 115 | 119 |
| April | January–February | 116 | 120 |
| May | February–March | 115 | 119 |
| June | March–April | 116 | 120 |
| July | April–May | 114 | 118 |
| August | May–June | 113 | 117 |
| September | June–July | 112 | 116 |
| October | July–August | 111 | 115 |
| November | August–September | 111 | 115 |
| December | September–October | 112 | 116 |

§ 1004.61 [Amendment]

17. In paragraph (b) change the citation "§ 1004.8(c)" to "§ 1004.8(b)".

18. Delete § 1004.62 and substitute therefor the following new section.

**§ 1004.62 Handler operating a nonpool plant.**

In lieu of the payments required pursuant to § 1004.80 through § 1004.86, each handler who operates during the month a nonpool plant from which is disposed of in the marketing area on a route(s) Class I milk in an amount greater than an average of 600 pounds per day, shall pay to the market administrator on or before the 25th day after the end of the month, the amounts calculated pursuant to paragraph (a) of this section unless the handler elects at the time of reporting pursuant to § 1004.30 to have his obligations computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund any plus amount remaining after deducting from the value that would have been computed pursuant to § 1004.70, if such handler had operated a pool plant, the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant or at any plant which serves as a supply plant for it; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1004.86 had such plant been a pool plant.

(b) The following amounts:

(1) To the producer-settlement fund an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rates provided in § 1004.86 with respect to Class I milk so disposed of in the marketing area.

19. Delete § 1004.70 and substitute therefor the following:

**§ 1004.70 Computation of the value of producer milk for each handler.**

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1004.45 by the applicable class price, and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 1004.45(a)(8) and (b) by the applicable class price;

(c) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month, by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1004.45(a)(4) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1004.45(a)(4) and (b) for the current month, whichever is less; and

(d) If any other source milk has been subtracted from Class I pursuant to § 1004.45(a)(2) and the corresponding step of paragraph (b), add an amount equal to the difference between its value at the Class I and Class II price for the current month.

§ 1004.75 [Amendment]

20. Delete paragraph (b) and redesignate paragraphs (c) and (d) as (b) and (c), respectively.

§ 1004.80 [Amendment]

21. In (a)(1) delete the phrase "equal to not less than" and insert the phrase "not less than 1.3 times".

22. Add the following as paragraph (d):

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1004.10(c) or as the operator of a pool plant shall, on or before the 2d day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received from such cooperative association during the first 15 days of the month at not less than 1.3 times the Class II price for the preceding month; and

(2) In final settlement, the value of such milk as classified pursuant to § 1004.43 at the applicable class prices, less payment made pursuant to subparagraph (d)(1) of this section.

§ 1004.81 [Amendment]

23. After the citation "§ 1004.82" insert "and § 1004.62".

§ 1004.86 [Amendment]

24. Delete the phrase "make such payment only with respect to Class I milk disposed of within the marketing area" and substitute therefor the phrase "pay the applicable amount specified in § 1004.62(a)(2) or (b)(2)".

[F.R. Doc. 61–667; Filed, Jan. 24, 1961; 8:55 a.m.]



# DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

[ 25 CFR Part 221 ]

## BLACKFEET INDIAN IRRIGATION PROJECT, MONTANA

### Operation and Maintenance Charges

*Basis and purpose.* Notice is hereby given that pursuant to the acts of Congress approved August 1, 1914, May 18, 1916, and March 7, 1928 (38 Stat. 583; 395 Stat. 142; 45 Stat. 210; 25 U.S.C. 385, 387), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Directors (Bureau Order No. 551 Amendment No. 1; 16 F.R. 5454–71) it is proposed to amend CFR 221.130 and 221.131 as set forth below.

The purpose of the amendment is to increase the annual operation and maintenance rate from $1.80 to $2.25 per acre in § 221.130 and the assessment rate for excess water from $1.00 to $1.25 per acre-foot in § 221.131, to be effective for the irrigation season of 1961. These rate increases are necessary in order that the assessments meet the operation and maintenance costs, which have risen due to increases in labor and material costs.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendments to the Area Director, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within thirty days of publication of this notice in the FEDERAL REGISTER.

1. Section 221.130 is amended to read as follows:

**§ 221.130 Basic assessment.**

Pursuant to the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928; 38 Stat. 583; 39 Stat. 142; 45 Stat. 120; 25 U.S.C. 385, 387, the basic rate of assessment of operation and maintenance charges against the irrigable lands to which water can be delivered under the Blackfeet Indian Irrigation Project, Montana, for the season of 1961 and subsequent years until further notice is hereby fixed at $2.25 per acre per annum for the delivery of not to exceed one and one half acre feet of water per acre for the assessable area under constructed works, water to be delivered on demand based upon an estimated quota of the available supply.

2. Section 221.131 is amended to read as follows:

**§ 221.131 Excess water assessment.**

Additional water, when available, may be delivered upon request at the rate of $1.25 per acre foot, or fraction thereof.

PERCY E. MELLIS,
*Area Director.*

[F.R. Doc. 61–645; Filed, Jan. 24, 1961; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

## Bureau of Flight Standards

[ 14 CFR Parts 4b, 10, 40, 41, 42, 43 ]

[SR–422, SR–422A, SR–422B]

[Reg. Docket No. 628; Draft Release 61–1]

## SPECIAL CIVIL AIR REGULATION

### Runway Slush Accountability for Takeoff Operations of Turbine-Powered Transport Category Airplanes

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposed Special Civil Air Regulation covering the takeoff operations of turbine-powered transport category airplanes when wet snow, slush, and standing water are present on the runway.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All Communications received on or before February 27, 1961, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired.

Current regulations do not specifically provide for the adverse effects of precipitation on the runway on airplane performance. Experience with the new turbine-powered airplanes indicates, however, that some provisions in this respect are necessary to insure safe operation of these airplanes during takeoff.

For this reason, a policy was adopted in December 1959, revised March 1960, to restrict takeoff operations of turbojet airplanes in wet snow, slush, or standing water.

The subject was discussed at the FAA's Airworthiness Conference held in March 1960, and again at supplementary meetings held in July and October 1960. During these meetings it was determined that sufficient information on which to propose new regulations covering all aspects of takeoff operations is neither available nor capable of being obtained at this time. For example, very little is known of the effect of slush on the braking capacity of wheels and therefore on the accelerate-stop distance. However, there does appear to be sufficient data available (e.g., NASA Technical Note D–552) upon which to base an interim regulation for the takeoff acceleration case. During the October meeting, the ATA presented a proposal for consideration.

The ATA proposal excluded consideration of the one-engine-inoperative takeoff condition on the basis that the probability of an engine failure with slush on the runway is too remote to warrant consideration, and that such consideration would unnecessarily curtail aircraft operations because of the large adverse effect of slush on one-engine-inoperative takeoff performance. It also excluded consideration of turbopropeller airplanes on the basis that they are not appreciably affected by precipitation on the runway surface. Finally, it provided that the first one-quarter inch of precipitation be allowed without penalty on the basis that the anticipated effect of this amount of slush, etc., will be absorbed by the all-engine takeoff-distance margin of 15 percent prescribed in Special Civil Air Regulations Nos. SR–422A and SR–422B.

The view that the probability of an engine failure in combination with slush on the runway is too remote to consider was not substantiated by statistical or other data. On the other hand, the fact that slush has a much larger adverse effect in the one-engine-inoperative case makes a catastrophic accident more probable when this combination does occur without having been taken into account.

The view regarding the relatively small susceptibility of turbopropeller airplanes to the adverse effects of slush, etc., was also unsubstantiated. While it is known that current turbopropeller airplanes operate at lower takeoff speeds than do current turbojet airplanes, which tends to lessen the retardation effects of slush, etc., on such airplanes, the precise extent to which slush, etc., has an adverse effect upon turbopropeller airplanes is not known. However, if, as is alleged, these effects are virtually eliminated by the airplane's takeoff-speed characteristics, the proposed accountability corrections and operational penalties would be correspondingly small.

The suggestion to ignore the first one-quarter inch of precipitation is related to the proposal to exclude the one-engine-inoperative case. The magnitude of the performance correction for runway precipitation increases rapidly as the thrust to weight ratio of the airplane decreases. Thus, the correction for one-quarter inch may be within the existing performance margins for the all-engine-takeoff case, but is much more serious in the one-engine-inoperative case, particularly for twin-engine airplanes. The proposed regulation therefore does not specify a depth which may be ignored.

The rules proposed herein would supersede the policy presently in effect and would apply to turbopropeller as well as turbojet airplanes. Under the proposed rule, the maximum takeoff weights for all operators would have to be adjusted to reflect the adverse effects of wet snow, slush, or standing water on the takeoff distance and takeoff run performance, in addition to the factors currently prescribed in the certification and the operating rules; i.e., altitude, temperature, wind, and runway gradient.

The proposal contains a provision designed to prevent the use of special procedures which would adversely affect the airplane's takeoff performance beyond that resulting from the retardation effects of wet snow, slush, or standing water. Therefore, use of the approved takeoff speeds would be required for operations in slush, etc., unless the applicant intends to recertificate the airplane under the applicable airworthiness requirements to differentiate the conditions.

The proposal contemplates that the takeoff performance of each type airplane, and variations thereof, would be corrected so as to produce consistent weight adjustments under comparable operating conditions.

The proposal would also require that measurements of depths and densities be accomplished by an approved method. This will necessitate the submittal of industry recommendation to the FAA for review and approval. Such approval will be granted on the basis of simplicity consistent with the necessity of obtaining uniform and accurate measurements. Alternate methods must be compatible for the same reason.

In recognition that each type airplane, and variations thereof, will be affected to a different degree on a given runway, the proposal avoids prescribing specific locations on the runway for precipitation measurements.

No arbitrary limit on depth of precipitation, other than the range of reliable correction data, is considered necessary for performance purposes. However, the proposal recognizes that maximum depth limits may be necessary for those types of airplanes where spray can cause critical engine ingestion or damage to the airframe.

In consideration of the foregoing, it is proposed to promulgate the following Special Civil Air Regulation:

Contrary provisions of the Civil Air Regulations notwithstanding, no U.S. registered turbine-powered transport category airplane shall be taken off from any runway having precipitation consisting of wet snow, slush, or standing water on its surface, at a takeoff weight which exceeds the takeoff weight established for such airplane under the provisions of this regulation.

1. The takeoff distance and/or takeoff run data for the airplane established for dry runway conditions shall be revised in an approved manner to account for the retardation effects of the precipitation on the runway. The retarding effect shall be determined by the method set forth in NASA Technical Note D–552,[1] or an approved equivalent method.

NOTE: NASA Technical Note D–552 is not applicable to precipitation depths in excess of those tested and reported therein.

2. The precipitation depth and density shall be measured by approved methods. The measurements shall be made at such points on the length and width of the runway as are necessary to obtain the maximum retardation effect of such precipitation on the particular type airplane and variation thereof. Density measurements of wet snow or slush are not required if a density of 1.00 slugs/ft³ or higher is assumed.

3. Using the precipitation measurements and the revised takeoff data, the takeoff weight shall be determined in the same manner as that specified in the applicable operating rules for the determination of the takeoff weight for dry runway conditions.

4. Each operator shall establish for each type of airplane operated by him, the maximum precipitation depth limits at which the spraying of precipitation during takeoff will cause critical engine ingestion or airframe damage. No airplane shall be taken off when the depth of precipitation exceeds the maximum depth limit for such precipitation established by the operator.

5. Airplane operating procedures for takeoff with precipitation on the runway which differ from the procedures approved for dry runway conditions shall comply with the applicable airworthiness requirements.

These rules are proposed under the authority of sections 313(a), 601, 604 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424).

Issued in Washington, D.C., on January 16, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[1] Copies of NASA Technical Note D–552 may be obtained without charge from National Aeronautics and Space Administration, Code ETD, Washington 25, D.C.

[F.R. Doc. 61–610; Filed, Jan. 24, 1961; 8:45 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T.D. 55301]

### FOREIGN CURRENCIES

### Rates of Exchange for the Philippine Islands Peso

JANUARY 18, 1961.

T.D. 55197 published the rates of exchange for the Philippine Islands peso, designated "Official" and "Free", certified by the Federal Reserve Bank of New York for the period beginning April 25, 1960, and ending June 10, 1960, the day before the effective date of T.D. 55149 which removed the Philippine Islands from the list of quarterly rate countries in § 16.4 of the Customs Regulations (25 F.R. 5222).

The instructions in the final two paragraphs of T.D. 55197 provided for the use of a conversion formula representing a composite derived from (1) 75 percent of the price or value converted at the $0.49770 rate first certified by the Bank in the calendar quarter April–June 1960, and (2) 25 percent of the price or value converted at the published $0.312500 "Free" rate, the latter varying by 5 percentum or more from such $0.49770 rate.

It has been developed that payments for exports from the Philippine Islands invoiced in Philippine Islands pesos are required to be remitted in United States currency, payable in the amount of the invoice price converted 100 percent at an exchange rate corresponding to the "Official" rate of exchange. The Philippine Islands sellers realized the benefit of the introduction by the Central Bank of the Philippines of the favorable "Free" market exchange rate to the extent of 25 percent of the export proceeds received from the United States, but the United States purchasers were obliged to settle for transactions through banks in the United States wholly at the equivalent of the "Official" rate.

In view of this development, appraising officers are to consider any sale of goods in the markets of the Philippine Islands for export to the United States, invoiced in pesos but required to be payable in United States currency, to be a transaction made in United States currency as to which "export" values are to be expressed in United States currency. To reflect the actual price paid for the goods, conversions for this purpose are to be made at the "Official" exchange rate. However, for the period specified in T.D. 55197, beginning April 25, 1960, and ending June 10, 1960, the equivalent rate of $0.49770 first certified by the Federal Reserve Bank of New York for a date in the calendar quarter shall be employed for this purpose.

In liquidating entries of goods the appraised "foreign" values of which are stated in terms of currency of the Philippine Islands, for the period covered by T.D. 55197 the rate of $0.49770 shall be employed by collectors of customs to the extent of 100 percent of the peso value returned.

The instructions in the final two paragraphs of T.D. 55197 are superseded hereby effective as to all unappraised or unliquidated entries covering merchandise exported from the Philippine Islands during the period beginning April 25, 1960, and ending June 10, 1960.

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

[F.R. Doc. 61–656; Filed, Jan. 24, 1961; 8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### ARKANSAS

### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in Lonoke County, Arkansas, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 18th day of January 1961.

TRUE D. MORSE,
*Acting Secretary.*

[F.R. Doc. 61–658; Filed, Jan. 24, 1961; 8:50 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50–27]

### WASHINGTON STATE UNIVERSITY

### Notice of Proposed Issuance of Facility License

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or an intervener as provided by the Commission's rules of practice (Title 10, Chapter I, Part 2), the Commission proposes to issue to Washington State University, Pullman, Washington, a facility license substantially as set forth below authorizing the possession and operation on the University's campus of a pool-type nuclear reactor at power levels up to 100 kilowatts (thermal). Prior to issuance of the license the reactor will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR–37, as amended. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by Washington State University and amendments thereto, and (2) a hazards analysis prepared by the hazards evaluation staff of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 18th day of January 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

PROPOSED FACILITY LICENSE

1. This license applies to the pool-type nuclear reactor (hereinafter referred to as "the reactor") which is owned by Washington State University and located on the University's campus in Pullman, Washington, and described in the University's application for license dated June 19, 1956 and amendments thereto dated November 22, 1958, March 30, 1959, May 9, 1960, September 29, 1960, November 3, 1960, December 10, 1960, and December 22, 1960 (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR–37.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. Washington State University is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. Washington State University is a nonprofit educational institution and will use the reactor for the conduct of educational activities. Washington State University is therefore exempt from the financial protection requirement of subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Washington State University:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in Pullman, Washington in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use in connection with operation of the reactor up to 32 grams of plutonium contained in plutonium-beryllium neutron sources and up to five kilograms of contained uranium 235;

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. Washington State University shall not operate the reactor at power levels in excess of 100 kilowatts (thermal) without prior written authorization from the Commission.

B. No liquid wastes, other than those from the sanitary drains, shall be discharged from the reactor building into the sewer system until they shall have been sampled and their concentrations of radioactive materials determined to be not in excess of the limits prescribed in § 20.203 of the Commission's regulation Part 20, 10 CFR, Chapter 1.

C. A report shall be promptly submitted to the Commission describing the procedures used and giving the results of the monitoring of the exhaust stacks during initial operation at 100 kilowatts which is described in the application amendment dated December 10, 1960.

D. In addition to those otherwise required under this license and applicable regulations, Washington State University shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of Washington State University as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

F. Washington State University shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

G. Within sixty (60) days after initial criticality, Washington State University shall submit to the Commission a report containing the following information:

1. Maximum excess reactivity of the reactor, not including the worth of control rods or other control devices such as burnable poison strips or soluble poison, or any experiments, and variation of excess reactivity over core life.

2. Total control rod worth.

3. Minimum shut-down margin both at room temperature and operating temperature.

4. Maximum worth of single control rod of highest reactivity value.

5. Maximum total and individual worth of any fixed or moveable experiments inserted in the reactor.

In addition, the report shall include: The basis for the reactivity values (measured, calculated or estimated), and the condition for which the values are applicable (operating or shut-down, and amount of burnup).

5. Pursuant to § 50.60 of the regulations in Title 10, CFR, Chapter I, Part 50, the Commission has allocated, in Construction Permit No. CPRR-37, to Washington State University for use in connection with operation of the reactor, five kilograms of uranium 235 contained in highly enriched uranium.

6. This license is effective as of the date of issuance and shall expire at midnight July 8, 1979 unless otherwise terminated.

Dated:

For the Atomic Energy Commission.

[F.R. Doc. 61-659; Filed, Jan. 24, 1961; 8:50 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13914; FCC 61M-86]

## AMERICAN TELEPHONE AND TELEGRAPH CO.

### Order Scheduling Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 13914; regulations and charges for Wide Area Telephone Service (WATS).

*It is ordered,* This 18th day of January 1961, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 15, 1961, in Washington, D.C.

Released: January 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-689; Filed, Jan. 24, 1961; 8:56 a.m.]

[Docket Nos. 13856-13857; FCC 61M-84]

## QUEEN CITY BROADCASTING CO. AND VAL VERDE BROADCASTING CO.

### Order Continuing Hearing Conference

In re applications of Queen City Broadcasting Company, Del Rio, Texas, Docket No. 13856, File No. BP-12115; Eugene Albert Houghton and Alton W. Stewart, d/b as Val Verde Broadcasting Company, Del Rio, Texas, Docket No. 13857, File No. BP-13050; for construction permits.

The Hearing Examiner having under consideration a petition to extend time for prehearing conference filed by Val Verde Broadcasting Company on January 11, 1961;

It appearing that a prehearing conference is currently set for January 24, 1961, at 2:00 p.m., but that counsel has commitments in the U.S. District Court for the District of Columbia on that afternoon and has obtained the consent of other parties to a brief continuance;

*It is ordered,* This 18th day of January 1961, that the petition to extend time for prehearing conference is granted and such conference is continued from January 24 at 2:00 p.m. to January 31, 1961, at 2:00 p.m.

Released: January 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-690; Filed, Jan. 24, 1961; 8:56 a.m.]

[Docket No. 13825; FCC 61M-83]

## KRNO, INC. (KRNO)

### Order Continuing Hearing

In re application of KRNO, Inc. (KRNO), San Bernardino, California, Docket No. 13825, File No. BP-12993; for construction permit.

The Hearing Examiner having under consideration a request for continuance filed by Broadmoor Broadcasting Corporation on January 13, 1961;

It appearing that because the 1960 Minor Civil Division Maps prepared by the Bureau of the Census have just become available for the area involved and it is desired to prepare exhibits based upon such maps, Broadmoor requests a continuance from the currently scheduled date of January 23 to February 6, 1961; and

It further appearing that counsel for all parties have agreed to this continuance;

*It is ordered,* This 18th day of January 1961, that the request for continuance is granted and the hearing is continued from January 23 to February 6, 1961.

Released: January 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-691; Filed, Jan. 24, 1961; 8:56 a.m.]

[Docket No. 13915; FCC 61M-87]

## R. O'BRIEN & CO.

### Order Scheduling Hearing

In the matter of R. O'Brien & Company, Boston, Massachusetts, Docket No.



13915; order to show cause why there should not be revoked the license for radio station WB-4437 aboard the vessel "Weymouth".

*It is ordered,* This 18th day of January 1961, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 16, 1961, in Washington, D.C.

Released: January 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-692; Filed, Jan. 24, 1961; 8:56 a.m.]

[Docket No. 13911; FCC 61M-85]

## SHERIDAN BROADCASTING CO., INC. (KROE)

### Order Scheduling Hearing

In re application of Sheridan Broadcasting Company, Inc. (KROE), Sheridan, Wyoming, Docket No. 13911; File No. BP-12676.

*It is ordered,* This 18th day of January 1961, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 27, 1961, in Washington, D.C.

Released: January 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-693; Filed, Jan. 24, 1961; 8:56 a.m.]

[Docket No. 13925; FCC 61-94]

## LEO JOSEPH THERIOT

### Order To Show Cause

In the matter of revocation of license of Leo Joseph Theriot for standard broadcast station KLFT, Golden Meadow, Louisiana, Docket No. 13925.

The Commission having under consideration (1) the outstanding license issued to Leo Joseph Theriot, to operate Station KLFT in the public interest, convenience and necessity on the frequency of 1600 kc at Golden Meadow, Louisiana; (2) the Commission's issuance of Official Notice of Violation to Station KLFT; and (3) the failure of instant licensee to respond to Commission notices; and

It appearing that on June 16, 1960, Station KLFT was sent an Official Notice of Violation (FCC Form 793) which noted Station KLFT's non-compliance to Commission rules and regulations as follows: § 3.93(c) for failure to employ full-time a Radiotelephone First Class Operator; § 3.47 for failure to maintain yearly equipment measurements; § 3.931 for failure to maintain the Conelrad receiver properly; § 3.111(b) for failure to make proper plate and antenna current entries in the operating log; and § 3.40(b) for failure to take necessary protective measures; and

It further appearing that on May 26, 1960, during the inspection the above-referenced violations were personally discussed between the Inspecting Engineer and Leo Joseph Theriot, licensee; and

It further appearing that on July 26, 1960, no response having been submitted to the original notice, a photostat of the June 16, 1960, Official Notice of Violation was sent to Station KLFT; and

It further appearing that on August 9, 1960, because of Station KLFT's failure to respond to the above-referenced notices, a Revocation Warning (FCC 794) was issued which reiterated the known violations and, in addition, noted that § 1.61 (now § 1.76) of the Commission's rules had been violated by Station KLFT's failure to submit a satisfactory reply to an official notice within the period provided therefor; and

It further appearing that on November 26, 1960, the Engineer in Charge of the New Orleans, Louisiana, FE&MB office had again in person discussed the above-referenced violations with Leo Joseph Theriot, who assured the engineer that a reply would be submitted on November 28, 1960; and

It further appearing that no reply to the above-mentioned notices was received until December 16, 1960; that the licensee's reply indicated that the station still did not have in regular full-time employment an operator holding a radiotelephone first-class operator license; that the equipment performance measurements had not been made until December 15, 1960, and that steps to correct the other cited violations had been taken at some indefinite date; and

It further appearing that by such action the licensee of Station KLFT after proper notification has willfully and intentionally continued its day-to-day operation in violation of § 3.47 and § 3.93(c) of the Commission's rules and has failed to respond to Commission notices in violation of § 1.76 (formerly § 1.61) of the Commission's rules;

*It is ordered,* This 18th day of January 1961, that pursuant to provisions of §§ 312(a)(3), 312(a)(4), and 312(c) of the Communications Act of 1934, as amended, Leo Joseph Theriot is directed to show cause why an order revoking his license for standard broadcast station KLFT, Golden Meadow, Louisiana, should not be issued, and to appear and give evidence with respect thereto at a hearing [1] to be held at the Commission's offices in Washington, D.C., at a time to be specified by subsequent order, said time in no event to be less than 30 days after receipt of this order; and

*It is further ordered,* That the Acting Secretary of the Commission send a copy of this Order by Certified Mail-Return Receipt Requested to Leo Joseph Theriot.

Released: January 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-694; Filed, Jan. 24, 1961; 8:56 a.m.]

[Docket No. 13187; FCC 61M-82]

## WESTERN UNION TELEGRAPH CO.

### Order Continuing Hearing Conference

In the matter of the formula for the distribution by the Western Union Telegraph Company of telegraph traffic destined to points in Canada, Docket No. 13187.

The Hearing Examiner having under consideration a petition filed January 13, 1961, on behalf of all of the carriers which are parties to the above-entitled proceeding requesting that the prehearing conference presently scheduled to be held on January 17, 1961, be continued to February 28, 1961; and

It appearing that the reason for the requested postponement is the fact that the continuance of negotiations which have been held between the parties may produce a satisfactory solution to the problems involved and that additional time is desired to permit the parties to try to reach a mutually satisfactory settlement of the issues; and

It further appearing that counsel for the Chief, Common Carrier Bureau has no objection to granting this petition, that the element of time requires immediate consideration thereof and good cause for granting the petition having been shown;

*It is ordered,* This the 17th day of January 1961, that the petition for postponement of the hearing conference is granted and the prehearing conference presently scheduled for January 17, 1961 is continued to February 28, 1961, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: January 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-695; Filed, Jan. 24, 1961; 8:56 a.m.]

[1] Section 1.77(c) of the Commission's rules provides that a licensee, in order to avail itself of the opportunity to be heard, shall, in person or by its attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that it will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. See § 1.78(a) of the Commission's rules as amended December 12, 1960. Where a hearing in waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. See § 1.78(b) of the Commission's rules as amended December 12, 1960. In the event the right to a hearing is waived, the Chief Hearing Examiner will terminate the hearing proceeding and certify the case to the Commission. Thereupon the matter will be determined by the Commission in the regular course of business and an appropriate order will be entered. See §§ 1.78 (c), (d) and (e) of the Commission's rules as amended December 12, 1960.

# FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order 686]

## CERTAIN OFFICERS

### Authority and Order of Precedence To Act as Deputy Governor and Director of Short-Term Credit Service

JANUARY 19, 1961.

1. Paul Fankhauser, Deputy Director of Short-Term Credit Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Short-Term Credit Service in the event that the Deputy Governor and Director is unavailable to act by reason of absence or for any other cause.

2. Walter F. Patterson, Deputy Director of Short-Term Credit Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Short-Term Credit Service in the event that the Deputy Governor and Director and Deputy Director Fankhauser are unavailable to act by reason of absence or for any other cause.

3. This order shall be and become effective on the date above written and supersedes Farm Credit Administration Order No. 675 (24 F.R. 287).

R. B. TOOTELL,
*Governor,*
*Farm Credit Administration.*

[F.R. Doc. 61-670; Filed, Jan. 24, 1961; 8:51 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-15484]

## BEL OIL CORP.

### Notice of Application and Date of Hearing

JANUARY 17, 1961.

Take notice that Bel Oil Corporation (Applicant), a Louisiana corporation having its principal place of business at 414 Pujo Street, Lake Charles, Louisiana, filed on July 7, 1958, an application, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon service to United Gas Pipe Line Company (United), as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant alleges that its contract for sale of gas to United was entered into on August 26, 1953, for a period of five (5) years, and was thus terminated by its own terms on August 26, 1958. Subject to said contract with United, Applicant entered into a contract with Transcontinental Gas Pipe Line Corporation on May 27, 1954, for the sale of gas produced by Applicant from the lands covered by the United contract (NW Quarter Section 22, Twp 6 South, Range 3 West) and other lands in the North Elton Field, Allen Parish, Louisiana. Notice was given by Applicant to United on June 5, 1958, that Applicant's contract with United would be terminated on August 26, 1958, in accordance with the terms of said contract.

Applicant seeks permission and approval to terminate its deliveries of gas to United for the reason that the contract between said parties has been terminated by its own terms on August 26, 1958.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 20, 1961, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by said application:

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 8, 1961.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-641; Filed, Jan. 24, 1961; 8:48 a.m.]

[Docket No. CP61-138]

## COLORADO INTERSTATE GAS CO.

### Notice of Application and Date of Hearing

JANUARY 17, 1961.

Take notice that on November 3, 1960, as supplemented on December 8, 1960, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado, filed in Docket No. CP61-138 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities, including lateral pipelines, metering and compression equipment, to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from time to time during the calendar year 1961 from producers thereof in the general area of Applicant's existing transmission system, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

The total cost of all facilities proposed under this application is not to exceed $800,000, with a maximum cost of $400,000 for one project and no other project to exceed a cost of $200,000. Financing is to come from current working funds.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with its system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 16, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 10, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-642; Filed, Jan. 24, 1961; 8:48 a.m.]

[Docket No. CP61-12]

## NEW YORK STATE NATURAL GAS CORP.

### Notice of Application and Date of Hearing

JANUARY 17, 1961.

Take notice that on July 19, 1960, New York State Natural Gas Corporation (Applicant), 2 Gateway Center, Pittsburgh 22, Pennsylvania, filed an application in Docket No. CP61-12, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to transport natural gas for the account of Peoples Natural Gas Company (Peoples)[1] from an existing point of connection between Applicant and Texas Eastern Transmission Corporation (Texas Eastern) near Preston Compressor Station, Green County, Pennsylvania, to an existing point of connection of Applicant's and Peoples' existing facilities at Corcomb Hill, Allegheny County, Pennsylvania, all as more fully set forth in the application on file with the Commission and open to public inspection. Since an existing connection will be used to render the proposed service, no additional facilities are proposed.

The proposed transportation service is to be rendered only during the off-peak months of April through October under an agreement, dated July 13, 1960. The application shows that Peoples has an adequate supply of gas, but that the load has grown in the Coxcomb Hill area to the point that in order to carry volumes from its available supply in the summer months would require Peoples to make a large capital investment in an additional transmission facility. Applicant states that the proposed transportation service will enable Peoples to avoid this expenditure at this time, and will give Applicant additional revenues it would otherwise not have without impairment of existing service. The gas to be transported for Peoples by Applicant would be part of Peoples' existing authorized supply from Texas Eastern.

[1] Peoples is an affiliate in the Consolidated Natural Gas System.



Pursuant to the agreement of July 13, 1960, the transportation service is to be rendered on an interruptible basis and at the rate of 2 cents per Mcf. Transportation volumes for the first full year of service are estimated at 6,546,000 Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 20, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 7, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-643; Filed, Jan. 24, 1961; 8:49 a.m.]

[Docket Nos. CI60-582, CI60-583]

## TARPON OIL CORP. ET AL.

### Notice of Applications and Date of Hearing

JANUARY 17, 1961.

The Tarpon Oil Corporation, Docket No. CI60-582; Shallow Oil Company, Inc., Operator, et al., Docket No. CI60-583.

Take notice that The Tarpon Oil Corporation (Tarpon), a Mississippi corporation having its principal place of business at 1305 Tulane Avenue, New Orleans, Louisiana, filed on May 9, 1960, an application in Docket No. CI60-582, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Tarpon (1) to acquire by purchase and operate certain gathering facilities as hereinafter described, now owned and operated by Marshall R. Young Drilling Company (Drilling Company) under a certificate issued to it by the Commission in Docket No. G-12245 on July 19, 1957; (2) to transport through such facilities and deliver to United Gas Pipe Line Company (United) certain natural gas produced in the Ansley Field, Hancock County, Mississippi, including natural gas produced by Drilling Company and by Marshall R. Young, individually, and natural gas purchased in the Ansley Field by Drilling Company from Sun Oil Company (Sun) and Union Producing Company (Union); (3) to operate said facilities to transport to the point of sale and delivery to United certain additional natural gas purchased in the Ansley Field at the wellhead by Tarpon from the co-owners of certain lands and leases in the Ansley Field on which are located three wells, five principal co-owners of which jointly own equal interests in Tarpon; and (4) to sell to United the natural gas referred to in (3) above.

The gathering facilities proposed to be acquired by Tarpon at a cost of $200,000 include approximately 14 miles of 5-inch pipeline extending from the Ansley Field to a point of connection with United, and were constructed by Drilling Company under the certificate issued to it on July 19, 1957.

Said order also authorized the sale of gas produced and purchased in the Ansley Field to United by Drilling Company pursuant to a gas purchase contract dated March 8, 1957. Tarpon proposes no diminution in service. Tarpon entered into a gas transportation contract with Drilling Company and Marshall R. Young dated April 9, 1960, covering the proposed transportation of gas and providing that Tarpon shall receive 1½ cents per Mcf upon resale of the gas to United and 1½ cents per Mcf for the transportation of gas delivered to United by Tarpon for the credit of Drilling Company and Marshall R. Young.

Contemporaneously with the filing of said application by Tarpon, a joint application for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Tarpon, pursuant to contracts dated April 9, 1960, for resale to United was filed in Docket No. CI60-583 by Shallow Oil Company, Inc. (Shallow), a Louisiana Corporation having its principal place of business at 202 Pere Marquette Building, New Orleans, Louisiana, Charles W. Tschirn (Tschirn), an individual having his principal place of business at 715 Camp Street, New Orleans, Louisiana, Paul L. McBride (McBride), an individual having his principal place of business at 1704 Beck Building, Shreveport, Louisiana, John B. Conley (Conley), an individual having his principal place of business at 19 Clinton Road, Melrose, Massachusetts, and Continental Illinois National Bank and Trust Company of Chicago, as Executor and Trustee under the last will and testament of Foster G. Beansley, deceased (Continental), having its principal place of business at 231 South LaSalle Street, Chicago, Illinois. Each of said applicants is a party signatory seller under gas sales contracts dated April 9, 1960, with United. Each of the first three applicants is an operator of a separate well in said Ansley Field. At the time of filing, each such well was shut-in for want of a market. There are three sales contracts. The well operators, Pioneer Oil and Gas Co., Inc., Pioneer Building, 1305 Tulane Avenue, New Orleans, Louisiana, and Breuer & Curran Oil Co., 3510 Prudential Plaza, Chicago 1, Illinois, are parties signatory sellers under the first of the said April 9, 1960, contracts with Tarpon, as buyer. Each of said five parties owns a one-fifth interest in Tarpon. The other two contracts are between Tarpon as buyer and Conley, et al. as sellers and Continental et al. as sellers, respectively. The initial price (including tax reimbursement) provided for is 17 cents per Mcf at 15.025 psia with periodic increases.

Said contracts provide that Tarpon shall be permitted to amortize its cost of said gathering lines and facilities by deducting and retaining from the price of gas five cents per Mcf for gas purchased by Tarpon from Sellers until such time as a total of 6500 MMcf of gas bearing said special five cent charge have been purchased by Tarpon and delivered to United.

Tarpon states that the purchase of the gathering facilities became necessary when Tarpon and Drilling Company, the present owners of the facilities, could not reach a satisfactory agreement.

These related matters should be heard on a consolidated record and disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 27, 1961, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 15, 1961.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-644; Filed, Jan. 24, 1961; 8:49 a.m.]

# GENERAL SERVICES ADMINISTRATION

## NICKEL-COBALT-COPPER CALCINES AND MATTE HELD IN NATIONAL STOCKPILE

### Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 3,431 short tons of nickel-cobalt-copper calcines and approximately 87 tons of nickel-cobalt-copper matte now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling said nickel-cobalt-copper calcines and matte. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said nickel-cobalt-copper calcines and matte are excess to stockpile needs and are of such quality as to be of little or no use in time of war.

Since the revised determination is not by reason of obsolescence of nickel-cobalt-copper calcines and matte for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to transfer said nickel-cobalt-copper calcines and matte to other Government agencies, or to offer them for sale on a competitive basis upon the express approval by the Congress of this proposed disposition or six months after the date of publication of this notice in the FEDERAL REGISTER, whichever is later.

This plan and the date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: January 16, 1961.

FRANKLIN FLOETE,
*Administrator.*

[F.R. Doc. 61-674; Filed, Jan. 24, 1961; 8:52 a.m.]

## NON-SPECIFICATION NICKEL AND COBALT HELD IN NATIONAL STOCKPILE

### Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 90 short tons of 91 percent nickel in ingots, approximately 4 short tons of sintered nickel in form of cups and approximately 9 short tons of cobalt metal in rondelle form averaging 97.9 percent cobalt now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling this grade and quantity of nickel and cobalt. The revised determination was made for the reason that these materials are excess to stockpile needs and of such quality as to be of little or no use in time of emergency.

Since the revised determination is not by reason of obsolescence of nickel and cobalt for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to transfer said nickel and cobalt to other Government agencies, or to offer them for sale on a competitive basis upon the express approval by the Congress of this proposed disposition or six months after the date of publication of this notice in the FEDERAL REGISTER, whichever is later.

This plan and the date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: January 16, 1961.

FRANKLIN FLOETE,
*Administrator.*

[F.R. Doc. 61-675; Filed, Jan. 24, 1961; 8:52 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 360]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 19, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time, unless otherwise specified.

### APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

#### MOTOR CARRIERS OF PROPERTY

No. MC 1827 (Sub No. 38), filed November 14, 1960. Applicant: K. W. McKEE INCORPORATED, 2811 Highway 55, St. Paul 18, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, buses, trucks and chassis*, in secondary movements, in truckaway and driveaway service, from St. Paul, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, and *damaged, defective or returned shipments* of automobiles, buses, trucks and chassis, on return. RESTRICTION: Applicant states the proposed operations do not apply to automobiles and trucks from St. Paul, Minn., to points in that part of Iowa bounded by a line beginning at Council Bluffs, and extending along Iowa Highway 100 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 92, thence along Iowa Highway 92 to Muscatine, thence along U.S. Highway 61 to Davenport, thence along the Mississippi River to McGregor, thence along U.S. Highway 18 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Iowa-Minnesota State line, thence along the Iowa-Minnesota State line to the Iowa-South Dakota State line, thence along the Iowa-South Dakota State line to Sioux City, Iowa, and thence along the Missouri River to Council Bluffs, including points on the designated portions of the highways specified. (Authority to perform such transportation service is included in Permit No. MC 1827 Sub No. 2.)

NOTE: Applicant states the proposed operations shall be limited to a transportation service from St. Paul, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin under a contract with Studebaker-Packard Corporation, and from St. Paul, Minn., to points in North Dakota under a continuing contract with Ford Motor Company. Common control may be involved.

*HEARING:* March 21, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Hugh M. Nicholson.

No. MC 4405 (Sub No. 374), filed January 3, 1961. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers* and *trailer chassis*, except those designed to be drawn by passenger automobiles, in initial movements, by truckaway and driveaway services; from El Paso, Tex., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, and (2) *tractors*, in secondary driveaway movements, only when drawing trailers or trailer chassis moving in initial driveaway movements, over irregular routes; from El Paso, Tex., to points in Alaska, Arizona, Nevada, and Oregon.

*HEARING:* March 20, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 4405 (Sub No. 377), filed January 5, 1961. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, 1824 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Portable houses, on removable undercarriages*, and along with each portable house the *equipment and material to be used in installation of* said house at destination, in truckaway service, and, (2) *undercarriages and component parts thereof, and installation equipment* that is to be used or has been used in the transportation and installation of portable houses, in truckaway service; between points in the United States, including Alaska but excluding Hawaii.

*HEARING:* March 20, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 10345 (Sub No. 81), filed December 5, 1960. Applicant: C & J COMMERCIAL DRIVEAWAY, INC., Lansing, Mich. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, by truckaway service, in initial movements, from Lansing, Mich., to points in Arkansas, Kentucky, and Tennessee, except Memphis, Tenn.

NOTE: Common control may be involved.

*HEARING:* March 15, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 29328 (Sub No. 3), filed November 21, 1960. Applicant: SCHIEK MOTOR EXPRESS, INC., 90 Casseday Avenue, Joliet, Ill. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal tallow*, in tank vehicles, from Joliet, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity, on return.

*HEARING:* March 13, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 31229 (Sub No. 8), filed December 21, 1960. Applicant: E. M. KELLER, doing business as E. M. KELLER & COMPANY, 725 South Cuyler Street, Pampa, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in that part of Texas west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to Fort Worth, Tex., and north of a line beginning at Fort Worth and extending along U.S. Highway 80 to El Paso, Tex., including points on the indicated portions of the highways specified; (2) between points in Texas north of a line beginning at the Texas-New Mexico State line and extending along the southern boundaries of Parmer, Castro, Swisher, Briscoe, Hall, and Childress Counties, Tex., to junction of Hardeman County line, thence west of a line extending along the Childress-Hardeman County line to the Texas-Oklahoma State line, on the one hand, and, on the other, points in New Mexico, Oklahoma, and Kansas;

NOTE: The carrier may combine the above-described irregular-route authorities provided they have a point common to both which the carrier may transport a given shipment under one authority and from which it may transport the same shipment under the other, and establish through service under such combination provided in each instance the shipment is transported through the common or gateway point and provided further that this certificate does not contain any restriction or other indication that through service shall not be conducted;

(3) between Ulysses, Kans., on the one hand, and, on the other, points in Oklahoma; (4) between points in New Mexico;

NOTE: This territorial authority is presently operated by E. M. Keller under the "Mercer" commodity description in authority issued by the Interstate Commerce Commission in Certificate No. MC 31229, proposed to be transferred to applicant in Docket No. MC-F 7355;

(5) between points in Kansas; (6) between points in Kansas, on the one hand, and, on the other, points in Oklahoma, Colorado, and Wyoming;

NOTE: The territorial description immediately above is under the "Mercer" commodity description and is the subject of purchase by applicant from Everett Anderson Truck Service, Docket No. MC-F 7355, pending before the Commission;

and (7) between points in Texas and Oklahoma.

NOTE: The territorial description immediately above is under the "Mercer" commodity description and is the subject of purchase by applicant from J. C. Horn Trucking Company, Docket No. MC-F 7725, pending before the Commission.

NOTE: Applicant states that the purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. Applicant further states that no extension of territorial authority is sought. Applicant proposes to operate between all points in the above territory traversing the gateways required to be observed in its present operations.

*HEARING:* March 6, 1961, at the Baker Hotel, Dallas, Tex., before Examiner C. Evans Brooks, subject to the agreement of the parties and the order of December 16, 1960, assigning No. MC 704 (Sub No. 22) and related cases for hearing.

No. MC 40428 (Sub No. 9), filed December 28, 1960. Applicant: CROSS TRANSPORTATION, INC., Carll's Corners, Bridgeton, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, ground, crushed or pulverized*, in bulk, in special trailer equipment; from Thomasville and Bellefonte, Pa., to points in Cumberland and Salem Counties, N.J.

*HEARING:* March 10, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 42487 (Sub No. 495), filed December 30, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Barstow, Calif., and Las Vegas, Nev., and points within 10 miles thereof, to points in California, Nevada, Utah, and Arizona and *rejected and contaminated shipments*, of the above specified commodities, from the above specified destination points to the described origin areas and to points in Los Angeles, Ventura, and Orange Counties, Calif., on return.

*HEARING:* March 21, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 43269 (Sub No. 47), filed December 23, 1960. Applicant: WELLS CARGO, INC., 1775 East Fourth Street (P.O. Box 1511), Reno, Nev. Applicant's attorneys: Bruce R. Geernaert and Edward M. Berol, Berol and Geernaert, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Barstow, Calif., and Las Vegas, Nev., and points within ten (10) miles of each, to points in California, Nevada, Utah, and Arizona, and *contaminated or rejected shipments* of the above-specified commodities on return movements.

*HEARING:* March 21, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 48957 (Sub No. 20), filed October 14, 1960. Applicant: CROWN MOTOR FREIGHT CO., 832 East 28th Street, Paterson 3, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rayon or synthetic fibre strapping* and *strapping equipment and supplies;* from Lewistown, Pa., to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, and *empty containers or other such incidental facilities*, used in trans-

porting the above-described commodities, on return.

NOTE: Applicant has submitted a Motion to Dismiss the application, stating that the authority sought duplicates its existing authority.

*HEARING:* March 8, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 64932 (Sub No. 282), filed November 28, 1960. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Meredosia, Ill., and points within ten (10) miles thereof, to points in Indiana, Iowa, Kentucky, Missouri, Minnesota, Michigan, Ohio, and Wisconsin.

*HEARING:* March 7, 1961, in the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 65525 (Sub No. 13), filed December 12, 1960. Applicant: WHITE BROTHERS TRUCKING CO., a corporation, Wasco, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime stone mineral filler*, ground or pulverized, from Hodgkins, Ill., and points within five miles thereof, to points in Indiana, Michigan, and Wisconsin.

*HEARING:* March 15, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 74846 (Sub No. 47), filed December 30, 1960. Applicant: LEWIS G. JOHNSON, P.O. Box 135, Newark, N.Y. Applicant's Representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty used rebound crates*, knocked down, from Macon and Savannah, Ga., to points in Wayne and Monroe Counties, N.Y.

*HEARING:* February 24, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 80388 (Sub-No. 6), filed June 16, 1960. Applicant: CHICAGO-INDIANA FREIGHT LINES, INC., 3808 South Western Avenue, Chicago, Ill. Applicant's attorney: Beverley S. Simms, 910 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Internal combustion engines, tractors and attachments, stainless steel moldings, iron or steel engines, driving gear or steering gear parts, transmissions or torque converters, iron or steel shipping drums, and iron or steel skids or racks; cleaning, scouring and washing compounds, soap and soap powders, machines, machinery and machine parts; steel tables, folding chairs, children's wagons and vehicles, furnaces, auto brake parts, metal cabinets, lift truck pallets, corrugated boxes, battery acids, crankshaft racks, steel sheet, lacquer, dog and cat food, prepared animal food, and petroleum naptha*, between Chicago, Ill., and Gary, Hammond, and Whiting, Ind., on the one hand, and, on the other, Louisville, Ky., and points in Indiana.

*HEARING:* March 8, 1961, in the Midland Hotel, Chicago, Ill., before Joint Board No. 1, or, if the Joint Board waives its right to participate, before Examiner Hugh M. Nicholson.

No. MC 103880 (Sub No. 214), filed November 28, 1960. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, N.Y. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between St. Louis, Mo., and points of entry on the International Boundary line between the United States and Canada at or near Detroit and Port Huron, Mich., restricted to shipments originating at, or destined to, points in Canada.

*HEARING:* March 13, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 105461 (Sub No. 30), filed December 29, 1960. Applicant: BENJAMIN H. HERR, doing business as HERR'S MOTOR EXRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed chipped wood resin-bonded boards*, from Goffstown, N.H., to points in Kent, New Castle, Sussex Counties, Del.; Anne-Arundel, Carolina, Carrol, Cecil, Dorchester, Hartford, Kent, Montgomery, Queen Anne's, Talbot, Washington, Wicomico, Worchester, Baltimore, and Frederick Counties, and Baltimore City, Md.; Atlantic, Cape May, Cumberland, Ocean, and Salem, N.J.; Adams, Allegheny, Blair, Bradford, Center, Clinton, Delaware, Franklin, Lackawanna, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Philadelphia, Pike, Snyder, Sullivan, Susquehanna, Union, Wyoming, Clearfield, Elk and Somerset Counties, Pa., and Chesterfield and Henrico Counties, Va.

*HEARING:* February 27, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 106051 (Sub No. 18), filed November 21, 1960. Applicant: OLD COLONY TRANSPORTATION CO., INC., 56 Prospect Street, New Bedford, Mass. Applicant's attorney: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, livestock, leather, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment, serving Millerton, N.Y., as an off-route point in connection with applicant's presently authorized regular route operations in the State of New York over New York Highways 9W and 9G.

*HEARING:* March 13, 1961, in the New Post Office and Court House Building, Boston, Mass., before Examiner Gordon M. Callow.

No. MC 106398 (Sub No. 169), filed December 19, 1960. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service; from points in Minnesota except Minneapolis, St. Paul, Red Lake Falls, and Park Rapids, Minn., to points in the United States, except Hawaii, but including Alaska.

*HEARING:* March 24, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Hugh M. Nicholson.

No. MC 106965 (Sub No. 154) (CORRECTION), filed December 28, 1960, published in the FEDERAL REGISTER issue of January 18, 1961. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in tank vehicles, from Emlenton and Farmers Valley, Pa., to points in North Carolina.

NOTE: The purpose of this republication is to reflect carrier's trade name as shown above.

*HEARING:* Remains as assigned February 20, 1961, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 107409 (Sub No. 25), filed October 12, 1960. Applicant: RATLIFF & RATLIFF, INC., P.O. Box 399, Wadesboro, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried and powdered milk, including buttermilk* and *skimmed milk*, and *powdered*, and *dried whey*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between points in Iowa, Minnesota, Missouri, Wisconsin, Illinois, Tennessee, Virginia, Mississippi, Alabama, Kentucky, Indiana, Ohio, Michigan, Georgia, Pennsylvania, New York, West Virginia, North Carolina, South Carolina, Florida, Massachusetts, New Hampshire, Maine, Vermont, Delaware, Maryland, New Jersey, Connecticut, Rhode Island, and the District of Columbia, together with Motion to Dismiss this application on the ground that the above-described commodities are exempt from regulation and that no certificate of public convenience and necessity is required to transport them in interstate commerce.



*HEARING:* March 6, 1961, in the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 108449 (Sub No. 114) filed November 21, 1960. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Mr. Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt*, in bulk, from points in Minnesota to points in Iowa, Minnesota, North Dakota, Wisconsin, and the Upper Peninsula of Michigan.

*HEARING:* March 14, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 108453 (Sub No. 22), filed December 27, 1960. Applicant: G & A TRUCK LINE, INC., White Pidgeon, Mich. Applicant's attorney: John P. Boeschenstein, Hackley Bank Building, Muskegon, Mich. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products and supplies*, and *waste or scrap paper* and *such commodities as are used or are useful in the production of paper and paper products;* between Middlebury, Ind., and points within one mile thereof, on the one hand, and, on the other, points in Lower Peninsula of Michigan, points in that part of Ohio on and north of U.S. Highway 22 and Cincinnati, Ohio, and points within ten miles of Cincinnati, points in Illinois, points in Wisconsin, St. Louis, Mo., Commercial Zone, Louisville, Ky., Rochester, N.Y., and Buffalo, N.Y.

NOTE: (1) Applicant states that the intent of this application is to secure authority, identical in scope, to serve the Middlebury, Ind. plant of Weyerhaeuser Co., that it presently holds to serve their plants at White Pidgeon and Three Rivers, Mich. (2) A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC-108453 (Sub No. 21).

*HEARING:* March 22, 1961, at the Federal Building, Room 215, Lansing, Mich., before Examiner Raymond V. Sar.

No. MC 110698 (Sub No. 146), filed January 10, 1961. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Parlin, N.J., and points within five (5) miles thereof, to Hopewell, Va.

*HEARING:* March 9, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 111138 (Sub No. 26), filed September 23, 1960. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., 1215 Bankhead Highway West, Birmingham, Ala. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate coating, cocoa powder, chocolate syrup* and *cocoa butter*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in California, Oregon, Washington, Utah, and Montana, and *rejected, damaged* or *contaminated shipments*, on return.

*HEARING:* March 13, 1961, in the Hotel Schroeder, Milwaukee, Wis., before Examiner Hugh M. Nicholson.

No. MC 111717 (Sub No. 20), filed October 27, 1960. Applicant: TRACTOR TRANSPORT, INC., 535 South 84th Street, Milwaukee, Wis. Applicant's attorney: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Articles manufactured, processed, or assembled* by Allis Chalmers Manufacturing Company of West Allis, Wis., and *attachments, parts, supplies* and *materials* used in manufacture, processing, assembly or distribution of the same, and *rejected, damaged and returned shipments;* between points in the United States, except Alaska and Hawaii.

NOTE: Applicant states that the shipper produces many articles and has need for many types of transportation and desires the applicant to be able to function on any transportation that it requires, either into or out of its plant, without limitation to commodity. Therefore, the description as set forth in this application is intended to be all inclusive of anything manufactured, processed, or assembled by said shipper, including the parts, materials, supplies, and attachments that go into them. Applicant further states that thus far its operations have been limited to the farm machinery or industrial tractor aspects of this shipper.

*HEARING:* March 15, 1961, in the Hotel Schroeder, Milwaukee, Wis., before Examiner Hugh M. Nicholson.

No. MC 111812 (Sub No. 115), filed December 19, 1960. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *commodities used by packinghouses*, as defined in Appendix I of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, (1) from Austin, Minn., and Fort Dodge, Iowa, to points in South Dakota west of U.S. Highway 281; (2) from Fremont, Nebr., to points in North Dakota and South Dakota; (3) from Mitchell, S. Dak., to Fremont, Nebr. and Fort Dodge, Iowa, and, (4) from Springfield, Mo., to Fremont, Nebr., Fort Dodge, Iowa, Austin, and Owatonna, Minn., and *commodities*, as presently authorized, *hooks and racks*, in connection with (1), (2), (3), and (4) above, on return.

*HEARING:* March 22, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Hugh M. Nicholson.

No. MC 111812 (Sub No. 116) (AMENDMENT), filed December 19, 1960, published in the FEDERAL REGISTER issue of January 11, 1961. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *commodities used by packinghouses*, as defined in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766; from points in Iowa and Minnesota, Fremont and Omaha, Nebraska, Kansas City, Kans., and St. Joseph, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C. and *shipper-owned meat hooks and meat racks*, on return.

NOTE: Applicant is agreeable to a provision in any certificate issued herein that it will not be severable from certificates now held in MC-111812 Subs 32 and 41. Applicant may now provide in single-line service everything applied for herein except from the origin points of Omaha and Fremont, Nebr., Kansas City and St. Joseph, Mo. This application will remove the necessity of applicant operating through certain gateways. The purpose of this republication is to show that applicant proposes to include service originating at Kansas City, Kans.

*HEARING:* Remains as assigned March 6, 1961, in the Midland Hotel, Chicago, Ill., before Examiner Jerry F. Laughlin.

No. MC 112908 (Sub No. 4), filed December 22, 1960. Applicant: KINGSWAY TRANSPORTS LIMITED, a corporation, P.O. Box 1220, Montreal 3, Quebec, Canada. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the junction of New York Highway 9 and New York Highway 9B near Chazy, N.Y. and the boundary of the United States and Canada near Champlain, N.Y.; from the junction of New York Highway 9 and New York Highway 9B near Chazy, over New York Highway 9 to the boundary of the United States and Canada at Champlain, with service at the junction of New York Highway 9 and New York Highway 9B authorized for the purpose of joinder only, in connection with the carrier's authorized regular route operations, and return over the same route, serving no intermediate points. RESTRICTION: No shipments shall be transported except those originating at, or destined to, points in Canada.

*HEARING:* March 9, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 113255 (Sub No. 31), filed December 3, 1960. Applicant: MILK TRANSPORT, INC., P.O. Box 398, New Brighton, Minn. Applicant's attorney: Donald A. Morken, 1000 First National

Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring and washing compounds*, in bulk, in tank vehicles; from St. Paul, Minn., to Kansas City, Mo., Iowa City, Iowa, Jeffersonville, Ind., and Jersey City, N.J., and *exempt commodities*, on return.

NOTE: Common control may be involved.

*HEARING:* March 20, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Hugh M. Nicholson.

No. MC 113651 (Sub No. 36), filed December 7, 1960. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: William J. Boyd, 30 North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products and articles* distributed by meat packing houses as defined by the Commission, from Indianapolis, Ind., to points in Maine, and *empty containers, refused and rejected shipments*, on return.

*HEARING:* March 7, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Raymond V. Sar.

No. MC 115273 (Sub No. 7), filed January 3, 1961. Applicant: ACME CARRIERS, INC., Route No. 1, South Kearny, N.J. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mica splittings and dust*, from Cohoes, Utica and points in the New York, N.Y., Commercial Zone, to Newark, Del., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

*HEARING:* March 8, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 115379 (Sub No. 5), filed January 13, 1961. Applicant: JOHN D. BOHR, Jr., R.D. No. 2, Annville, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients;* from Camden and Wildwood, N.J., and points in Delaware, to points in Pennsylvania east of U.S. Highway 220 and east of that portion of U.S. Highway 15, north of the intersection of U.S. Highways 220 and 15.

*HEARING:* February 28, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 115760 (Sub No. 1), filed November 29, 1960. Applicant: FRANCIS S. HUNNEWELL, doing business as HUNNEWELL MOTOR LINES, 298 North Central Street, East Bridgewater, Mass. Applicant's attorney: Joseph A. Kline, 185 Devonshire Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick;* between Bridgewater and East Bridgewater, Mass., and points in Connecticut.

*HEARING:* March 13, 1961, in the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 134, or, if the Joint Board waives its rights to participate, before Examiner Gordon M. Callow.

No. MC 116427 (Sub No. 2), filed January 3, 1961. Applicant: JOE WEST, doing business as LAS VEGAS TRUCK LINE, 722 North Main Street (P.O. Box 295), Las Vegas, Nev. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Barstow, Calif., and Las Vegas, Nev., and points within ten miles thereof, to points in California, Nevada, Utah, and Arizona, and *contaminated or rejected shipments*, on return.

*HEARING:* March 21, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 117865 (Sub No. 1) (SECOND CORRECTION), filed November 23, 1960, published in the FEDERAL REGISTER issues of December 29, 1960, and January 18, 1961. Applicant: ERIC LORENTZEN, 5 Beacon Road, Hull, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from Baltimore, Md., to Worcester and Brockton, Mass., and Manchester, N.H., (2) from Weehawken, N.J., and New York, N.Y., to Manchester, N.H., and (3) *exempt commodities* on return, in connection with the operations described in (1) and (2) above.

NOTE: The purpose of this second correction is to clarify the return movements which should have read: (3) exempt commodities on return, in connection with the operations described in (1) and (2) above.

No. MC 117968 (Sub No. 3), filed January 13, 1961. Applicant: VINCENT MONTONE TRANSPORTATION, INC., 24th and North Church Streets, Hazleton, Pa. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis, semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in driveaway service; from Hazleton, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, North Carolina, New Hampshire, New Jersey, New York, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. (2) *Tractors*, in secondary movements, in driveaway service, only when drawing trailers, semi-trailers, trailer chassis, semi-trailer chassis in initial movements; from Hazleton, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, North Carolina, New Hampshire, New Jersey, New York, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. (3) *Containers, cargo containers, cargo container boxes* (except those having a capacity of five (5) gallons or less or those having a capacity of nine (9) cubic feet or less); from Hazleton, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, North Carolina, New Hampshire, New Jersey, New York, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and *empty containers or other such incidental facilities*, used in transporting the commodities described in (1), (2) and (3) above, and *rejected or used commodities* of the type described above, except tractors, on return.

NOTE: Applicant states that by requesting the authority set forth in Item (3) above, applicant is not seeking a duplication of authority which may be granted in its pending application MC-117968 Sub No. 2, but does desire authority to transport containers, cargo containers and cargo container boxes if it should be determined by the Commission that these commodities are not embraced in the term "metal cargo shipping containers" as presently recommended in the Examiner's report in MC-117968, Sub No. 2.

*HEARING:* February 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 117968 (Sub No. 4), filed January 13, 1961. Applicant: VINCENT MONTONE TRANSPORTATION, INC., 24th and North Church Streets, Hazleton, Pa. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, trailer chassis, semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway service, from Hazleton, Pa., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. (2) *Trailers, semi-trailers, trailer chassis, semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements, in driveaway service, from Hazleton, Pa., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. (3) *Tractors*, in secondary movements, in driveaway service, only when drawing trailers, semi-trailers, trailer chassis, semi-trailer chassis in initial movements, from Hazleton, Pa., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. (4) *Containers, cargo containers, cargo container boxes* (except those having a capacity of 5 gallons or less, or those having a capacity of 9 cubic feet or less); from Hazleton, Pa., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; and *empty containers or other such incidental facilities*, used in transporting the commodities described in (1), (2), (3), and (4) above, and *rejected or used commodities of type described above* except tractors, on return.

*HEARING:* February 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 118415 (Sub No. 2), filed September 23, 1960. Applicant: WILLIAM E. HUSBY, doing business as HUSBY TRUCKING SERVICE, Route No. 1, Box 124, Menomonie, Wis. Applicant's attorney: W. P. Knowles, Doar & Knowles, New Richmond, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products;* from the plant site of Patrick Cudahy, Inc., Cudahy, Wis., to points in California, points in the New York, N.Y., Commercial Zone, Philadelphia, Pa., Jersey City and Newark, N.J., and *rejected shipments* or *meat products owned by Patrick Cudahy, Inc.*, for use or distribution from their Cudahy plant, on return.

*HEARING:* March 14, 1961, in the Hotel Schroeder, Milwaukee, Wis., before Examiner Hugh M. Nicholson.

No. MC 119226 (Sub No. 33), filed December 27, 1960. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Neutral citrus brandy, in bulk, in tank vehicles, from Lake Alfred, Fla., and points within five miles thereof, to points in the Detroit, Mich., Commercial Zone, (2) *grain neutral spirits*, in bulk, in tank vehicles, from Muscatine, Iowa, to points in the Detroit, Mich., Commercial Zone.

*HEARING:* March 8, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Raymond V. Sar.

No. MC 119226 (Sub No. 34), filed December 28, 1960. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vodka*, in bulk, in tank vehicles, from Pekin, Ill., and points within two miles thereof, to Detroit, Mich.

*HEARING:* March 10, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Raymond V. Sar.

No. MC 119809 (Sub No. 1), filed December 19, 1960. Applicant: CITY WIDE TRUCKING CORP., 340 West 39th Street, New York, N.Y. Applicant's Representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage and personal effects* of campers, between New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y., and points in Bergen, Passaic, Sussex, Morris, Hudson, Union, Middlesex, and Monmouth Counties, N.J., on the one hand, and, on the other, camp sites in New York, Pennsylvania, Massachusetts, and Vermont.

*HEARING:* March 6, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 123112 (Sub No. 1), filed December 19, 1960. Applicant: H. LESTER HOCKMAN, doing business as HOCKMAN'S MOTOR EXPRESS, 300 Broad Street, Terre Hill, Pa. Applicant's attorney: William J. Wilcox, 624 Commonwealth Building, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shirts, dresses, slips, underwear*, and *sleeping garments*, from Bart, Denver, Hopeland, and Womelsdorf, Pa., to New York, N.Y., and *empty containers, thread, trimmings, buttons, hooks, zippers and kindred supplies, piece goods, cut or uncut, sewing and cutting machines and parts thereof, and rejected shipments*, on return.

*HEARING:* March 7, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 123117, filed October 7, 1960. Applicant: ANGELO DITELLO, doing business as NATIONAL TRANSIT CARTAGE CO., 2702 South 6th Street, Milwaukee 15, Wis. Applicant's attorney: William C. Dineen, 746 Empire Building, 710 N. Plankinton Avenue, Milwaukee, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Core, oil, silicate, and foundry core compound liquid*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Illinois, Indiana, Michigan, Ohio, Iowa, and Minnesota and *range oil, silicate, and foundry core compound liquid*, in bulk, in tank vehicles, from points in Illinois, Indiana, Michigan, Ohio, Iowa, and Minnesota, to Milwaukee, Wis.

*HEARING:* March 17, 1961, in the Hotel Schroeder, Milwaukee, Wis., before Examiner Hugh M. Nicholson.

No. MC 123133 (Sub No. 2) filed December 9, 1960. Applicant: DENNY TRANSPORT, INC., 201 Ellen Court, New Albany, Ind. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter, butter cartons, eggs, cheese, fruits*, and *produce* and *meats;* from New York, N.Y., to Paterson, Passaic, Bayonne, Elizabeth, Irvington, Garfield, Montclair, Atlantic



by motor vehicle, over irregular routes, transporting: *Ink*, in bulk, in tank vehicles, from Louisville, Ky., to Memphis, Tenn.

NOTE: Common control may be involved.

*HEARING:* February 27, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 123222, filed November 18, 1960. Applicant: BELFAST GARAGE, INC., 92 Waldo Avenue, Belfast, Maine. Applicant's attorney: David A. Nichols, Depositors Trust Building, Camden, Maine. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen baked potatoes and baked apples*, from Belfast, Maine, to Boston, Springfield, Watertown, and Worcester, Mass., Providence, R.I., Hartford and New Haven, Con., Albany, Buffalo, New York, and Syracuse, N.Y., and (2) *cheese, sugar, and cardboard containers* used in producing and packaging the commodities specified in this application from Needham Heights and Cambridge, Mass., to Belfast, Maine.

NOTE: Applicant states the proposed service shall be performed under a contract with the Penobscot Frozen Food Locker, Inc., located at Belfast, Maine.

*HEARING:* March 17, 1961, in the Federal Building, Portland, Maine, before Examiner Gordon M. Callow.

No. MC 123247, filed December 1, 1960. Applicant: MARILYN J. ODLE, doing business as BUD'S WRECKER SERVICE, 2410 Western Avenue, South Bend, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used tractors* in secondary movements, by the truckaway method, to be used as replacements for wrecked or disabled tractors, and to, *used trailers or used semi-trailers* to be used as replacement for wrecked or disabled trailers or semi-trailers; (2) *wrecked or disabled motor vehicles, including wrecked or disabled trailers or semi-trailers;* and (3) *motor vehicle parts, accessories, supplies and materials*, moving in wrecker equipment for use in connection with the repairing and reconditioning of damaged, disabled, or wrecked motor vehicles, trailers, and semi-trailers, between points in Indiana, Michigan, Ohio, Illinois, Wisconsin, and Kentucky.

*HEARING:* March 6, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Raymond V. Sar.

No. MC 123276 (CORRECTION), filed December 13, 1960, published in the FEDERAL REGISTER issue of January 11, 1961. Applicant: ATOMIC TRUCKING CORP., 187 Duane Street, New York, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter, butter cartons, eggs, cheese, fruits*, and *produce* and *meats;* from New York, N.Y., to Paterson, Passaic, Bayonne, Elizabeth, Irvington, Garfield, Montclair, Atlantic

Highlands, Perth Amboy, and Newark, N.J.

NOTE: Previous publication stated applicant sought contract carrier authority, in error.

*HEARING:* Remains as assigned February 27, 1961, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner James O'D. Moran.

No. MC 123303, filed December 19, 1960. Applicant: ROBERT W. SAWYER, doing business as SAWYER TRANSPORT, 2424 Minnehaha, Minneapolis, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard, wallboard, chipboard, building materials, insulation and insulation materials*, between points in Minnesota, except the Minneapolis-St. Paul Commercial Zone, on the one hand, and, on the other, points in Kansas, Nebraska, and Missouri.

*HEARING:* March 23, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Hugh M. Nicholson.

No. MC 123303 (Sub No. 1), filed December 19, 1960. Applicant: ROBERT W. SAWYER, doing business as SAWYER TRANSPORT, 2424 Minnehaha, Minneapolis, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Minneapolis and St. Paul, Minn., to points in Nebraska.

*HEARING:* March 23, 1961, at the Metropolitan Building, Room 926, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Hugh M. Nicholson.

No. MC 123307, filed December 20, 1960. Applicant: MINNIE BILLERT AND THEODORE BILLERT, doing business as BILLERTS HAULAGE, 142–11 248th Street, Rosedale, Long Island, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Cleaning compounds*, powder, *cleaning compounds*, liquid, *soaps*, liquid, *soaps*, other than liquid, *iron or steel rust preventing or removing compounds*, other than petroleum, *petroleum oil, metal drawing compounds, metal cutting compounds, paint removing liquid, disinfectants*, other than medicinal, *chemicals, polishing or buffing compounds*, in bags, barrels, boxes, carboys, cases, kits, or pails; (b) *empty carboys and drums*, between the plant site of Oakite Products, Inc., at Metuchen, N.J., on the one hand, and, on the other, points in the New York Commercial zone, as defined by the Commission, including Port Newark, N.J., to the plant site of Oakite Products, Inc., at Metuchen, N.J.

NOTE: Applicant states the proposed operations shall be performed under a continuing contract or contracts with Oakite Products, Inc.

*HEARING:* March 10, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 123316, filed December 27, 1960. Applicant: EDWARD MILAN, doing business as MILAN TRUCKING CO., 242 Della Road, Columbus, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing-house products*, and *commodities used by packing-houses*, as described in Appendix I, *Descriptions in Motor Carrier Certificates* Ex Parte MC 45, in shipper-owned trailers only; from Columbus, Ind., to points in Michigan, and Ohio, including the Commercial Zone of Cincinnati, Ohio, and *empty shipper-owned trailers*, on return.

*HEARING:* March 9, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Raymond V. Sar.

No. MC 123317 (Sub-No. 1), filed December 27, 1960. Applicant: LIVESTOCK CARTAGE, INC., 1636 State Street, Columbus, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing-house products*, and *commodities used by packing-houses* as described in Appendix I, Descriptions in Motor Carrier Certificates Ex Parte MC 45, in shipper-owned trailers only, from Columbus, Ind., to points in Ohio, including the Commercial Zone of Cincinnati; Pennsylvania, and Illinois.

*HEARING:* March 9, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Raymond V. Sar.

No. MC 123354, filed January 6, 1961. Applicant: MARC TRANSFER, INC., R.D. No. 1, Rochester, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Zinc, zinc slabs, zinc anodes, zinc oxide* and *zinc granules;* from Josephtown, Monaca, Pa., to points in Ohio, West Virginia, Indiana, Illinois, Kentucky, New York, New Jersey, Maryland, and Michigan, and *zinc, zinc dross, zinc scrap and zinc residues* and *rejected shipments of outbound commodities*, on return.

NOTE: Applicant states it will operate under a continuing contract with St. Joseph Lead Company, Josephtown, Monaca, Pa.

*HEARING:* March 1, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

MOTOR CARRIERS OF PASSENGERS

No. MC 668 (Sub No. 68), filed April 15, 1960. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in one-way or round-trip charter operations, beginning at points in Nassau and Suffolk Counties, N.Y., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia.

*HEARING:* March 20, 1961, at 346 Broadway, New York, N.Y., before Examiner David Waters.

No. MC 668 (Sub No. 70), filed April 15, 1960. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) between Philadelphia, Pa., and Ellenville, N.Y. From Philadelphia over Schuylkill Expressway to Valley Forge Interchange of Pennsylvania Turnpike, thence over Pennsylvania Turnpike to Lehigh Valley exit, thence over U.S. Highway 22 to Allentown, Pa., thence return over U.S. Highway 22 to Pennsylvania Turnpike, thence over Pennsylvania Turnpike to the Mahoning exit, thence over U.S. Highway 209 to Ellenville, N.Y., and return over the same routes, serving all intermediate points. (2) Between Port Jervis, N.Y., and Monticello, N.Y. From Port Jervis over New York Highway 97 to the junction of New York Highway 42, thence over New York Highway 42 to junction unnumbered highway, thence over unnumbered highway to Lake Sackett, N.Y., thence returning over such unnumbered highway to junction New York Highway 42, thence over New York Highway 42 to Monticello, and return over the same routes, serving all intermediate points. RESTRICTIONS: (a) No passengers shall be transported who both begin and end their journey at points in the State of Pennsylvania. (b) No passengers shall be transported who both begin and end their journey at points in the State of New York.

*HEARING:* March 15, 1961, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner David Waters.

No. MC 3700 (Sub No. 45), filed November 30, 1960. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, U.S. Highway 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special round-trip sightseeing or pleasure tours; beginning and ending at points in Nassau and Suffolk Counties, N.Y., and extending to points in the United States, including the District of Columbia and Alaska, and excluding Hawaii.

NOTE: Common control may be involved.

*HEARING:* February 27, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 66562 (Sub No. 24), filed December 21, 1960. Applicant: ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N.J. Applicant's attorney: Morris J. Levin, Roberts & McInnis, Continental Building, Fourteenth at K NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip sightseeing tours, beginning and ending at points in Hudson County, N.J., and extending to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maryland, Maine, Massachusetts, Michigan, Mississippi, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Common control may be involved.

*HEARING:* March 2, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 112308 (Sub No. 1), filed December 19, 1960. Applicant: POCONO SEDAN SERVICE, INC., 2 East 45th Street, New York 17, N.Y. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, limited to the transportation of not more than 8 passengers in any one vehicle not including the driver thereof or children under 10 years of age who do not occupy a seat or seats, in special operations in non-scheduled door-to-door service; between New York, N.Y., and points in Monroe, Wayne, Carbon, and Northampton Counties, Pa.

NOTE: Applicant states it presently has authority to render similar service between New York, N.Y., and Monroe County, Pa., limited to 6 passengers in any one vehicle.

*HEARING:* March 9, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Joint Board No. 42, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 114271 (Sub No. 6), filed January 4, 1961. Applicant: CONTINENTAL CRESCENT LINES, INC., 425 Bolton Avenue, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, between Opelika, Ala., and Columbus, Ga.; from Opelika over U.S. Highway 280 to Phenix City, Ala., and thence over U.S. Highway 80 to Columbus, and return over the same route, serving all intermediate points.

NOTE: The applicant states that under present authority it is authorized to operate between Opelika and Columbus, and return over the above route, serving no intermediate points; the effect of the application is to request authority to serve intermediate points.

*HEARING:* March 15, 1961, in the Georgia Public Service Commission, 244 Washington Street, NW., Atlanta, Ga., before Joint Board No. 157.

No. MC 119961 (Sub No. 1) (CLARIFICATION), filed November 21, 1960, published in the FEDERAL REGISTER issue of January 11, 1961. Applicant: CHESTER HODGDON, doing business as MARSHALL MOTOR COACH, 10 South Eighth Avenue, Marshalltown, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and* their baggage, (1) round trip charter operations beginning and ending at points in Hardin, Grundy, Story, Marshall, Tama, Jasper, and Poweshiek Counties, Iowa and extending to all points in the United States, including the District of Columbia but excluding Alaska and Hawaii, and (2) one way charter operations, between points in the above-named counties on the one hand, and, on the other, points in the United States, including the District of Columbia, but excluding Alaska and Hawaii.

*HEARING:* Remains as assigned March 13, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Jerry F. Laughlin.

No. MC 123296, filed December 16, 1960. Applicant: CLEVELAND CIRCLE AUTO SCHOOLS, 354 Chestnut Hill Avenue, Boston (Brighton District), Mass. Applicant's attorney: Abraham Monsein, 161 Harvard Avenue, Allston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage in the same vehicle*, in special operations, on nonscheduled door-to-door service, limited to the transportation of not more than 6 passengers, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats; between points in the Boston, Mass., Commercial Zone as defined in 31 M.C.C. 405 on the one hand, and, on the other, Monticello, N.Y., and points in New York within a radius of thirty-five (35) miles of the town of Monticello, N.Y.

*HEARING:* March 14, 1961, in the New Post Office and Court House Building, Boston, Mass., before Examiner Gordon M. Callow.

No. MC 123334, filed December 30, 1960. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, a corporation, 280 Bartlett Street, Lewiston, Maine. Applicant's attorney: James H. Sullivan, 70 Union Street, Medford, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special service during racing meets, from Lewiston and Portland, Maine; Portsmouth, N.H.; Suffolk Downs, East Boston, and Wonderland Dog Track, Revere, Mass.; Lincoln Downs, Lincoln, Narragansett Park, and Pawtucket, R.I., and to Rockingham Park, Salem, N.H.

*HEARING:* March 14, 1961, in the New Post Office and Court House Building, Boston, Mass., before Examiner Gordon M. Callow.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12746, filed December 8, 1960. Applicant: CLEVELAND CIRCLE TRAVEL, INC., 356 Chestnut Hill Avenue, Boston, Brighton District, Mass. Applicant's attorney: Abraham Monsein, 161 Harvard Avenue, Allston, Mass. For a license as a *broker* (BMC 5) at Boston, Mass., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *individual passengers and groups of passengers, and their baggage*, between points in Massachusetts, on the one hand, and, on the other, points in the United States, including ports of entry on the International Boundary line between the United States and Canada.

*HEARING:* March 15, 1961, in the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 231, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 13900 (Sub No. 12), filed January 10, 1961. Applicant: MIDWEST HAULERS, INC., 228 Superior Street, Toledo, Ohio. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, which are at the time moving on bills of lading of freight forwarders as defined in section 402(a)(5) of the Act; serving Binghamton, N.Y., at the intersection of its authorized routes New York Highway 17 and U.S. Highway 11 in connection with applicant's authorized regular route operations. RESTRICTION: The authority applied for herein is restricted to the transportation of traffic which has moved or will move in applicant's trailers on rail cars in trailer-on-flat-car service.

No. MC 104004 (Sub No. 158), filed January 13, 1961. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Baltimore, Md. and junction Delaware Highway 404 and U.S. Highway 13, from Baltimore over

Maryland Highway 2 to junction U.S. Highway 301, thence over U.S. Highway 301 over the Chesapeake Bay Bridge to junction U.S. Highway 301 and U.S. Highway 50, thence over U.S. Highway 50 to junction Maryland Highway 404, thence over Maryland Highway 404 to the Maryland-Delaware State line, and thence over Delaware Highway 404 to junction U.S. Highway 13 near Bridgeville, Del., and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only.

No. MC 108382 (Sub No. 9), filed January 9, 1961. Applicant: SHORT FREIGHT LINES, INC., 220 Saginaw Street, Bay City, Mich. Applicant's attorney: Carl H. Smith, Sr. 210–214 Phoenix Building, Bay City, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products;* between the Port of Entry on the International Boundary between the United States and Canada at Sault Ste. Marie, Mich., on the one hand, and, on the other, points in the lower peninsula of Michigan.

NOTICE OF FILING OF PETITIONS

No. MC 66539 (PETITION TO REOPEN GRANDFATHER APPLICATION), dated January 6, 1961. Petitioner: PHIL KRASS AND MARY KRASNOWSKY, a partnership doing business as I. L. & C. COMPANY AND I. L. & C. CORP., Chicago, Ill. Petitioner's attorney: Bernard F. Flynn, Jr., 1060 Broad Street, Newark 2, N.J. Permit MC 66539 issued February 7, 1942, to the above-named partnership authorizes the transportation, as a contract carrier, of *corsets and supporters* and *materials used in the manufacture thereof*, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, Belvidere, Ill., Logansport, Ind.; Ishpeming, Mich., and New York, N.Y. Pursuant to the findings in MC 66539 (Sub No. 12), the successor corporation I. L. & C. Corp., was found to be a common carrier. The instant petition seeks reopening of the partnership "grandfather" application and the handling of same under modified procedure, and that the Commission authorize the transportation as a *common carrier*, over irregular routes, of *wearing apparel and materials, supplies, equipment used or useful in the manufacture thereof* and *containers therefore*, between Chicago, Ill., on the one hand, and, on the other, Belvidere, Ill., Logansport, Ind., Ishpeming, Mich., and New York, N.Y. Petitioner further requests that this be accomplished by cancellation of authority contained in MC 66539 and pursuant to the proceeding in MC 66539 (Sub No. 12) that the authority contained in said Permit be superceded by a certificate authorizing the transportation as requested, and further requests that if this matter cannot be handled under informal procedure that it be set down for formal hearing, and that the hearing be consolidated with petitioner's application in MC 66539 (Sub No. 13) presently pending before the Commission. The purpose of this publication is to advise that any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 109506 (PETITION TO REOPEN GRANDFATHER APPLICATION FOR CLARIFICATION AND AMENDMENT OF CERTIFICATE PURSUANT TO RULE 1.102 OF THE INTERSTATE COMMERCE COMMISSION GENERAL RULES OF PROCEDURE), dated December 29, 1960. Petitioner: FREEMAN PACK AND DAN PACK doing business as PACK TRUCK LINES, Route No. 1, Ammon Road, Idaho Falls, Idaho. Petitioner's attorney: Kenneth G. Bell, 203 McCarthy Building, Boise, Idaho. Certificate No. MC 109506 authorizes the transportation, as a common carrier, over specified regular routes, of *building materials*, feed, seed, salt, machinery, and agricultural commodities, between Idaho Falls, Idaho, and Salt Lake City, Utah. Petitioner states that continuously since, and prior to June 1, 1935, pipes of all types and descriptions were transported upon the belief by petitioner that such transportation was authorized under the term "building materials". Petitioner prays the Commission reopen the "grandfather" application and clarify and amend the Certificate to include the term pipe of all types and descriptions. The purpose of this publication is to advise that any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 119513 (PETITION FOR MODIFICATION OF PERMIT BY ADDITION OF TWO ADDITIONAL SHIPPERS), dated January 3, 1961. Petitioner: HARRY EUGENE DEVILBISS, doing business as DEVILBISS TRUCK SERVICE, Uniontown, Md. Petitioner's representative: Donald E. Freeman, 24 Uniontown Road, Westminster, Md. Permit No. MC 119513, issued to petitioner authorizes transportation as follows: IRREGULAR ROUTES: *Cottonseed meal*, from Goldsboro, Raleigh, and Rocky Mount, N.C., to points in Carroll, Frederick, Harford, Howard, and Montgomery Counties, Md., and points in Adams, Berks, Bucks, Carbon, Centre, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Huntingdon, Lancaster, Lebanon, Lehigh, Lycoming, Mifflin, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Snyder, and Washington Counties, Pa., with no transportation for compensation on return except as otherwise authorized. *Peanut meal*, from Suffolk, Va., to points in Carroll, Frederick, Harford, Howard, and Montgomery Counties, Md., and points in Adams, Berks, Bucks, Carbon, Centre, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Huntingdon, Lancaster, Lebanon, Lehigh, Lycoming, Mifflin, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Snyder, and Washington Counties, Pa., with no transportation for compensation on return except as otherwise authorized. *Soybean meal*, from Bellevue, Delphos, and Rossford, Ohio, to points in Carroll, Frederick, Harford, Howard, and Montgomery Counties, Md., and points in Adams, Berks, Bucks, Carbon, Centre, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Huntingdon, Lancaster, Lebanon, Lehigh, Lycoming, Mifflin, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Snyder, and Washington Counties, Pa., with no transportation for compensation on return except as otherwise authorized. *Citrus pulp*, from points in Florida to points in Carroll, Frederick, Harford, Howard, and Montgomery Counties, Md., and points in Adams, Berks, Bucks, Carbon, Centre, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Huntingdon, Lancaster, Lebanon, Lehigh, Lycoming, Mifflin, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Snyder, and Washington Counties, Pa., with no transportation for compensation on return except as otherwise authorized. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with S. F. Scattergood & Co., Inc., of Narberth, Pa. The instant petition dated January 3, 1961, seeks the modification of the present restriction contained in the Permit so as to reflect the addition of two shippers: (1) Poorbaugh Grain, Inc., 907 Griest Bldg., Lancaster, Pa., and (2) Southern States Hay & Ingredients Service, 2101 East Fort Avenue, Baltimore, Md. The purpose of this publication is to advise that any person or persons who desire to oppose the addition, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 7455 (F. J. BOUTELL DRIVEAWAY CO., INC.–PURCHASE—TRELOAR TRUCKING CO.), published in the March 2, 1960, issue of the FEDERAL REGISTER on page 1860. Application filed January 16, 1961, for temporary authority under section 210a(b).

No. MC–F 7657 (SIDNEY ENGELHARDT, EMANUEL ENGELHARDT AND ISIDOR ENGELHARDT—CONTROL—COSMOPOLITAN TRANSIT CO., INC., AND WALTERS TRANSIT CORP.), published in the September 28, 1960, issue of the FEDERAL REGISTER on page 9276. Application filed January 16, 1961, for temporary authority under section 210a(b).

No. MC–F 7763. (TUCKER FREIGHT LINES, INC.—PURCHASE—SUPERIOR FREIGHT LINES, INC.), published in the January 18, 1961, issue of the FEDERAL REGISTER on page 392. Application filed January 18, 1961, for temporary authority under section 210a(b).



No. MC–F 7770. Authority sought for control and merger by AERO TRUCKING, INC., P.O. Box 278, R.D. 1, Oakdale, Pa., of the operating rights and property of IDEAL TRUCKING, INC., P.O. Box 278, R.D. 1, Oakdale, Pa., and for acquisition by EDWARD J. CONTO, Oakdale, Pa., of control of such rights and property through the transaction. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between Steubenville, Ohio, on the one hand, and, on the other, points in Allegheny and Washington Counties, Pa., and those in Brooke and Hancock Counties, W. Va. AERO TRUCKING, INC., is authorized to operate as a *common carrier* in Illinois, Ohio, Pennsylvania, West Virginia, Michigan, New York, Indiana, Wisconsin, and Kentucky. Application has been filed for temporary authority under section 210a (b).

No. MC–F 7771. Authority sought for purchase by OLD COLONY TRANSPORTATION CO., INC., 56 Prospect Street, New Bedford, Mass., of a portion of the operating rights and certain property of J. J. SULLIVAN, THE MOVER, INC., 222 Stafford Street, Springfield, Mass., and for acquisition by GEORGE VIGEANT, 207 Mt. Pleasant Street, New Bedford, Mass., of control of such rights and property through the purchase. Applicant's attorneys: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass., and Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Springfield, Mass., and points and places in Massachusetts on and west of Massachusetts Highway 12; between Springfield, Mass., and points and places within 15 miles of Springfield on the one hand, and, on the other, Pawtucket and Providence, R.I., and points and places in Connecticut. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, New York, New Jersey, and Connecticut. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–666; Filed, Jan. 24, 1961; 8:51 a.m.]

[Notice 438]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 19, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 35356. By order of January 16, 1961, the Transfer Board approved for one year the lease to Pan American Trucking, Inc., Houston, Texas, of Certificate in No. MC 98860 Sub 1, issued March 11, 1957, to T. S. Colburn, doing business as Colburn Bros., Houston, Texas, and acquired by lessor herein pursuant to order entered in No. MC–FC 63719, authorizing the transportation of: oilfield equipment and supplies, between points in Louisiana and Texas; and machinery, materials, supplies and equipment, incidental to, or used in, the construction, development, operations, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Texas. Vernon Elledge, 1603 South Coast Building, Houston 2, Tex., for applicants.

No. MC–FC 63719. By order of January 16, 1961, the Transfer Board approved the transfer to Frenchie Mae Norris, Houston, Texas, of Certificate No. MC 98860 Sub 1, issued March 11, 1957, to T. S. Colburn, doing business as Colburn Bros., Houston, Texas, authorizing the transportation of: oilfield equipment and supplies, between points in Louisiana and Texas, and, machinery, materials, supplies and equipment, incidental to, or used in, the construction, development, operations, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Texas. Vernon Elledge, 1603 South Coast Building, Houston 2, Tex., for applicants.

No. MC–FC 63769. By order of January 17, 1961, the Transfer Board approved the transfer to Safeway Moving & Storage Corp., Alexandria, Va., of a portion of Certificate in No. MC 85037, issued June 5, 1957, to J. D. Bell, Inc., Riverdale, Md., authorizing the transportation of: household goods, between points in New York, Pennsylvania, New Jersey, Rhode Island, Connecticut, Delaware, Maryland, and the District of Columbia, and, between the points specified above, on the one hand, and, on the other, points in Massachusetts, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, Indiana, Illinois, Kentucky, Michigan, Maine, New Hampshire, Vermont, Alabama, Mississippi, Iowa, and Wisconsin; and, between Philadelphia, Pa., on the one hand, and, on the other, points in Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, Ohio, and the District of Columbia; and, between points in North Carolina and Virginia. Samuel W. Earnshaw, 983 National Press Building, Washington, D.C., attorney for applicants.

No. MC–FC 63778. By order of January 16, 1961, the Transfer Board approved the transfer to B. & B. Transportation, Inc., 37 Ryder Ave., Cranston, R.I., of Certificates in Nos. MC 51143, and MC 51143 Sub 2, issued April 26, 1941, and October 16, 1950, respectively, to Edward Blinkhorn, doing business as B. & B. Transportation, 57 Ryder Ave., Cranston, R.I., authorizing the transportation of: apples, from Providence, R.I., to New York, N.Y., malt beverages, and empty malt-beverage containers, between Cranston, Providence, and Warwick, R.I., on the one hand, and, on the other, Bridgeport, Derby, Hartford, Mystic, New Haven, Waterbury, and West Haven, Conn., and points in Massachusetts, and, between West Haven, Conn., and Blackstone, Mass., and, shoe racks, shoe findings, beverages, groceries, wool, woolen goods, boxes, machinery, paper, steel, shoes, and paper board, from, to, or between specified points in Massachusetts, New Hampshire, New York, Connecticut, Rhode Island, and Maine.

No. MC–FC 63779. By order of January 16, 1961, the Transfer Board approved the transfer to E. O. Blinkhorn, Inc., 135 Whipple Ave., Cranston, R.I., of Permit in No. MC 35891, issued June 21, 1943, to Edwin O. Blinkhorn, 135 Whipple Ave., Cranston, R.I., authorizing the transportation of: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between specified points in Connecticut, Massachusetts, and Rhode Island.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–667; Filed, Jan. 24, 1961; 8:51 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1359]

## CENTENNIAL FUND II, INC.

### Notice of Application for Order of Exemption

JANUARY 16, 1961.

Notice is hereby given that Centennial Fund II, Inc. ("Applicant"), of Denver, Colorado, a Maryland corporation and an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. Such application further requests exemptions from sections 15(a), 16(a), and 17(a) of the Act; Applicant has agreed that such further relief be separately considered, and it is intended that the instant notice

operate only in respect of the exemption sought from section 14(a) of the Act.

Applicant has filed a registration statement under the Securities Act of 1933 for 2,000,000 shares of common stock, $1 par value, to be offered to investors in exchange for such investors' securities, which registration statement became effective on December 23, 1960. The purpose of the Fund is to provide investors holding securities at relatively low tax bases with a means of exchanging such securities for shares of the Fund, thereby obtaining diversification without incurring any Federal capital gains tax liability at the time of such exchange. Centennial Management and Research Corporation ("Management Corporation") intends to solicit deposits of securities, to be held by an escrow agent in safekeeping for the separate account of each investor, until March 25, 1961 (which date may be extended to a date not more than 60 days later). At all times during the solicitation period, the depositing investor will retain all incidents of ownership to the securities deposited, with the right to withdraw such securities from the deposit without charge.

The minimum deposit to be accepted from any investor is to be securities having a market value of $25,000, and the exchange will not be consummated unless the market value of the deposited securities as at the effective date of the planned exchange aggregates a minimum of $10,000,000. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them. If such value is obtained upon the termination of the solicitation period, a report describing the deposited securities, including their current market value and their basis for Federal income taxation, will be mailed to all depositing investors, who will then have the right to withdraw any or all of their deposited securities for a period of 20 days from the mailing of the report. During this period and for a further period of 30 days thereafter, or until the exchange occurs (if prior to the expiration of such 30 days), Management Corporation may require any investor to withdraw any or all of his deposited securities, in which event such investor will have the right to withdraw any or all of his remaining securities from the deposit. All of Applicant's shares which are issued in exchange for securities will be issued simultaneously on the effective date of the exchange. Each depositing investor is to represent that he will acquire any shares of Applicant issued to him in the planned exchange subject to no commitment to resell or otherwise distribute them, and with no present intention of disposing of them in a public distribution.

Section 14(a) of the Act provides, in pertinent part, that no registered investment company shall make a public offering of its securities unless such company has a net worth of at least $100,000 or unless provision is made as a condition of the registration of its securities under the Securities Act which, in the opinion of the Commission, adequately insures (A) that, after the effective date of such registration statement, it will not issue any security or receive any proceeds of any subscription until no more than 25 responsible persons have made firm agreements to purchase securities in an aggregate net amount which will give the company a net worth of at least $100,000; (B) that said amount will be paid in to such company before subscriptions will be accepted from any persons in excess of 25; and (C) that arrangements will be made whereby any amounts so paid in, plus any sales load, will be refunded to any subscriber on demand in the event the net proceeds so received do not result in the company's having a net worth of at least $100,000 within 90 days after such registration statement becomes effective. Applicant presently has no outstanding capital stock, no assets, and no liabilities, and anticipates that it will not have any outstanding capital stock, assets or liabilities prior to the planned exchange if all the exemptions sought in the instant application are obtained. Applicant submits that under the circumstances described the exemption sought would be consistent with the purposes intended to be served by section 14(a).

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 1, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61–680; Filed, Jan. 24, 1961; 8:53 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## ALASKA

### Notice of Proposed Withdrawal and Reservation of Lands

Forest Service, U.S. Department of Agriculture has filed an application, Serial Number J–012096 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, subject to existing and valid claims. The applicant desires the land for an Administrative Site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2511, Juneau, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Lots 1, 2, 3, 7 and 8 of U.S. Survey 2414, which contain a total of 10.93 acres of land.

DANIEL P. BAKER,
*Acting Operations Supervisor.*

[F.R. Doc. 61–661; Filed, Jan. 24, 1961; 8:50 a.m.]

## ALASKA

### Notice of Proposed Withdrawal and Reservation of Lands

Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number J–012051 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to valid existing claims. The applicant desires the land for an administrative site to be used as a work center, and for dock and float facilities for the Petersburg Ranger District, North Tongass National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2511, Juneau, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

The area described as all of Lots 6 and 7 of Section 26, Township 59 South, Range 79 East, Copper River Meridian, on the amended supplemental plat of Section 26, Township 59 South, Range 79 East, Copper River Meridian, unapproved.

DANIEL P. BAKER,
*Acting Operations Supervisor.*

[F.R. Doc. 61–662; Filed, Jan. 24, 1961; 8:50 a.m.]

[Classification No. 5]

## FAIRBANKS LAND DISTRICT

### Small Tract Classification

JANUARY 16, 1961.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (10 F.R. 2473), as amended, I hereby classify the following described public lands, totaling 637.35 acres at Fairbanks, Alaska, as suitable for lease and sale for recreational purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

FAIRBANKS AREA

T. 1 N., R. 1 W., F. M.
Section 19: Lots 1, 2, E½NW¼, NE¼
Section 20: W½

Containing 637.35 acres.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except to applications under the mineral leasing laws or selections by the State of Alaska in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. The following described lands, a portion of those described in paragraph one above, were restored from withdrawal by Public Land Order 882, dated February 2, 1953, but were retained in reserved status pending small tract classification and future opening:

T. 1 N., R. 1 W., F. M.
Section 19: N½ (that portion lying southeast of the right-of-way of the Tanana Valley Railroad)
Section 20: W½

The following described land was open public domain at the time of this classification:

T. 1 N., R. 1 W., F. M.
Section 19: N½ (that portion lying northwest of the right-of-way of the Tanana Valley Railroad)

The N½ is more properly described as Lots 1, 2, E½NW¼, NE¼.

4. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

STEVE R. DROSSOS,
*Acting Operations Supervisor, Fairbanks.*

[F.R. Doc. 61–663; Filed, Jan. 24, 1961; 8:51 a.m.]

[Classification No. 95]

## NEVADA

### Small Tract Classification; Amendment

1. Effective January 13, 1961, Federal Register Document 53–8583 appearing on pages 6412–14 of the issue for October 8, 1953, is revoked to the following described public lands:

MOUNT DIABLO MERIDIAN, NEVADA
T. 20 S., R. 60 E.
Sec. 23, SW¼NW¼.

Containing 40 acres.

2. The lands included in this restoration are located approximately four miles northwest of Las Vegas, Nevada. The elevation is approximately 2,500 feet above sea level. The climate is dry. The area receives from 5 to 7 inches of rainfall annually. The topography is nearly level. The soil is varying from sands to gravel. Caliche is evident over much of the area.

3. The subject lands have been determined to be appropriated under the United States mining laws by virtue of valid claims having been located on the lands prior to Small Tract Classification.

E. J. PALMER,
*State Supervisor for Nevada.*

JANUARY 13, 1961.

[F.R. Doc. 61–664; Filed, Jan. 24, 1961; 8:51 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 2–1A (Revision 3)]

## OFFICE OF THE DEPUTY ADMINISTRATOR FOR ADMINISTRATION; ASSISTANT CHIEF, ADMINISTRATIVE SERVICES DIVISION

### Delegation Relating to Administrative Services Division

I. Pursuant to the authority delegated to the Chief, Administrative Services Division, by Delegation of Authority No. 2–2A (25 F.R. 9658), there is hereby delegated to the Assistant Chief, Administrative Services Division, the authority:

A. *Specific.* 1. To contract for supplies, materials and equipment, printings, transportation, communications, space and special services.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority 363, dated March 10, 1959 (24 F.R. 1921, 2096), from the Administrator of the General Services Administration to the Small Business Administration.

3. To issue purchase orders, printing and binding requisitions, telephone orders, work orders and bills of lading.

4. To effect the disposition of official records of SBA.

5. To approve annual and sick leave for employees under his supervision.

6. To effectuate an adequate property utilization and accountability program on an agency-wide basis.

II. The specific authority delegated in I.A. 1, except authority for purchases of transportation of things Printing and Binding, Supplies and Services, Expendable Equipment, Repairs of Equipment not in excess of $25, and petty cash in an amount not to exceed $10 for any one item purchased, and I.A. 2 may not be redelegated.

III. The authority delegated herein may be exercised by any employees designated as Acting Assistant Chief, Administrative Services Division.

IV. All previous authority delegated to the Assistant Chief, Administrative Services Division, by the Chief, Administrative Services Division is hereby rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date: January 16, 1961.

STEPHEN H. BEDWELL,
*Chief, Administrative Services Division.*

[F.R. Doc. 61–649; Filed, Jan. 24, 1961; 8:49 a.m.]

[Delegation of Authority 2–1D (Revision 4)]

## OFFICE OF THE DEPUTY ADMINISTRATOR FOR ADMINISTRATION; CHIEF, PROCUREMENT AND SUPPLY BRANCH

### Delegation Relating to Procurement and Supply Functions

I. Pursuant to the authority delegated to the Assistant Chief, Administrative Services Division, by the Chief, Administrative Services Division by Delegation of Authority 2–1A, Revision 3, dated January 16, 1961, there is hereby redelegated to the Chief, Procurement and Supply Branch the authority:

A. *Specific.* 1. To approve requisitions for the transportation of things.

2. To approve requisitions for printing and binding and supplies and materials.

3. To approve requisitions for expendable equipment items.

4. To approve emergency petty cash purchases not to exceed $10 for each item purchased.

5. To issue government bills of lading, printing and binding orders, purchase orders, property passes, and tax exemption certificates.

6. To approve annual and sick leave for employees under his supervision.

II. The specific authority contained in I.A. 1, 3, 4, and 6 may not be redelegated.

III. The authority delegated herein may be exercised by any employee designated as Acting Chief, Procurement and Supply Branch.

IV. All previous authority delegated to the Chief, Procurement and Supply Branch by the Assistant Chief, Administrative Services Division, is hereby rescinded without prejudice to actions

taken under such delegations of authority prior to the date hereof.

Effective date: January 16, 1961.

HAROLD A. ALLEN,
*Assistant Chief,*
*Administrative Services Division.*

[F.R. Doc. 61-650; Filed, Jan. 24, 1961; 8:49 a.m.]

[Delegation of Authority 2-1C (Revision 3)]

## OFFICE OF THE DEPUTY ADMINISTRATOR FOR ADMINISTRATION; CHIEF, OFFICE SERVICES BRANCH

### Delegation Relating to Office Services Functions

I. Pursuant to the authority delegated to the Assistant Chief, Administrative Services Division, by the Chief, Administrative Services Division by Delegation of Authority No. 2-1A (Revision 3), dated January 16, 1961, there is hereby redelegated to the Chief, Office Services Branch, the authority:

A. *Specific.* 1. Serve as Property Management Officer for the agency.

2. To approve requests for rent, communications and utility services.

3. To approve requests for rental of passenger motor vehicles from government motor pools.

4. To approve the repair of office machines and equipment not in excess of $25 per item in any one instance.

5. To issue work orders, telephone orders, property and building passes.

6. To approve annual and sick leave for employees under his supervision.

II. The specific authority delegated in I.A. 1, 2, and 6 may not be redelegated.

III. The authority delegated herein may be exercised by any employee designated as Acting Chief, Office Services Branch.

IV. All previous authority delegated to the Chief, Office Services Branch, by the Assistant Chief, Administrative Services Division, is hereby rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date: January 16, 1961.

HAROLD A. ALLEN,
*Assistant Chief,*
*Administrative Services Division.*

[F.R. Doc. 61-651; Filed, Jan. 24, 1961; 8:49 a.m.]

[Declaration of Disaster Area 303]

## LOUISIANA

### Declaration of Disaster Area

Whereas, it has been reported that during the month of December 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Louisiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Parishes (including any areas adjacent to said Parishes) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Parishes: Jefferson, La Fourche and St. Charles (wind occurring on or about December 31, 1960).

Offices: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Texas. Small Business Administration Branch Office, Federal Office Building, Room 303, 610 South Street, New Orleans 12, La.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1961.

Dated: January 9, 1961.

ROBERT F. BUCK,
*Deputy Administrator.*

[F.R. Doc. 61-652; Filed, Jan. 24, 1961; 8:49 a.m.]



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Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.



FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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VOLUME 26 NUMBER 16

*Washington, Thursday, January 26, 1961*



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# Presidential Documents

## Title 3—THE PRESIDENT

### Memorandum of January 24, 1961

**[FURTHER DESCRIBING THE ROLE OF THE DIRECTOR, FOOD-FOR-PEACE PROGRAM]**

THE WHITE HOUSE,
*Washington, January 24, 1961.*

*Memorandum for the Heads of Executive Departments and Agencies*

I have today issued an Executive Order relating to the duties of the Director of the Food-for-Peace Program. This Order amends Executive Orders 10893 and 10900, providing for the administration of the mutual security and related functions and of the Agricultural Trade Development and Assistance Act of 1954, as amended, respectively. It provides that the Director of the Food-for-Peace Program shall be responsible for the continuous supervision and coordination of the functions under section 402 of the Mutual Security Act of 1954, as amended, as well as those functions under the Agricultural Trade Development and Assistance Act of 1954 which are delegated by Executive Order 10900. These provisions of law deal with the use of American agricultural commodities in furtherance of the foreign policy of the United States.

The purpose of this memorandum is to describe further the role of the Director of the Food-for-Peace Program, who will be located in the Executive Office of the President.

American agricultural abundance offers a great opportunity for the United States to promote the interests of peace in a significant way and to play an important role in helping to provide a more adequate diet for peoples all around the world. We must make the most vigorous and constructive use possible of this opportunity. We must narrow the gap between abundance here at home and near starvation abroad. Humanity and prudence, alike, counsel a major effort on our part.

Many Government functions and activities relate to the overseas movement of agricultural commodities and products of the United States. It is important that responsibility for coordination of all these efforts be centralized so that they can become more meaningful—a more useful instrument of our foreign policy, and more efficient.

Accordingly, I expect to look to the Food-for-Peace Director, working under my direction and with the Secretaries of State and Agriculture in particular, to exercise affirmative leadership and continuous supervision over the various activities in this field, so that they may be brought into harmonious relationship.

The most immediate task which I have asked the Director to undertake is that of conducting an intensive review of all these activities and considering possible improvements in them. He will communicate to me the results of this review and his recommendations for improvement, including recommendations for such legislative changes as may be necessary. I have asked the Food-for-Peace Director to consider very carefully the intimate relationships between our foreign agricultural activities and other aspects of our foreign assistance program and to develop the necessary programs and policies in coordination with the Mutual Security Coordinator.

I know that in all of his endeavors the Director will have your full support and cooperation.

This memorandum shall be published in the FEDERAL REGISTER.

JOHN F. KENNEDY

[F.R. Doc. 61-825; Filed, Jan. 25, 1961; 11:24 a.m.]

### Executive Order 10915

**AMENDING PRIOR EXECUTIVE ORDERS TO PROVIDE FOR THE RESPONSIBILITIES OF THE DIRECTOR OF THE FOOD-FOR-PEACE PROGRAM**

Whereas American agricultural abundance offers a unique opportunity for the United States to promote the interests of peace in a significant way and to play an important role in helping to provide a more adequate diet for peoples around the world; and

Whereas exports of farm products are of great importance to the domestic economy, furnishing approximately 11 percent of total farm income; and

Whereas many government functions and activities relate to the movement overseas of agricultural products and commodities, and a number of government agencies have responsibilities in connection with these activities; and

Whereas it is of fundamental importance that we have a national food policy directed toward using our agricultural abundance as a national asset to meet foreign policy objectives.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. Executive Order No. 10900 of January 5, 1961 (26 F.R. 143), headed "Administration of the Agricultural Trade Development and Assistance Act of 1954, as amended," is hereby amended by renumbering sections 6 and 7 thereof as sections 7 and 8, respectively, and by inserting after section 5 the following new section 6:

"SEC. 6. *Director of the Food-for-Peace Program.* Subject to the direction of the President, the Director of the Food-for-Peace Program (provided for in a letter of the President bearing the same date as this order) shall be responsible for the continuous supervision and coordination of the functions hereinabove delegated or otherwise assigned to officers or agencies of the Government. The foregoing provisions of this section shall not be construed as terminating any delegation or other assignment of function made by other sections of this order."

SEC. 2. Executive Order No. 10893 of November 8, 1960 (25 F.R. 10731), headed "Administration of mutual security and related functions," is hereby amended by adding at the end of Part I thereof a new section 111, reading as follows:

SEC. 111. *Director of the Food-for-Peace Program.* Subject to the direction of the President, the Director of the Food-for-Peace Program shall be responsible for the continuous supervision and coordination of the functions under Section 402 of the Act (22 U.S.C. 1922). The foregoing provisions of this section shall not be construed as superseding any delegation or other assignment of function made by the Act or by other sections of this order."

JOHN F. KENNEDY

THE WHITE HOUSE,
*January 24, 1961.*

[F.R. Doc. 61-826; Filed, Jan. 25, 1961; 11:24 a.m.]

### Executive Order 10916

**INSPECTION OF INCOME, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS**

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939 (53 Stat. 29; 26 U.S.C. 55 (a)) and by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, estate, or gift tax return for the years 1947 to 1961, inclusive, shall, during the Eighty-seventh Congress, be open to inspection by the Senate Committee on Government Operations, or by any duly authorized subcommittee thereof, in connection with its studies of the operation of Government activities at all levels with a view to determining the economy and efficiency of the Government, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of tax returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall become effective upon its filing for publication in the FEDERAL REGISTER.

JOHN F. KENNEDY

THE WHITE HOUSE,
*January 24, 1961.*

[F.R. Doc. 61-827; Filed, Jan. 25, 1961; 11:24 a.m.]

# Rules and Regulations

## Title 32A—NATIONAL DEFENSE, APPENDIX

### Chapter X—Oil Import Administration, Department of the Interior

[Rev. 2, Amdt. 4]

### OIL IMPORT REGULATION 1

### Residual Fuel Oil To Be Used as Fuel

Sections 3, 4, 5, 9, 13, and 22 of Oil Import Regulation 1 (Revision 2) (25 F.R. 4957, 6051, 13768) are severally amended to read as follows and a new section 12, reading as follows, is added to that regulation:

**Sec. 3. Allocation periods.**

Allocations of imports of crude oil, unfinished oils, and finished products will be made for periods of six months—that is, July 1 through December 31; January 1 through June 30; except that the allocations of imports into District I and Districts II–IV of residual fuel oil to be used as fuel will continue to be made for quarterly periods commencing January 1, April 1, July 1, and October 1.

**Sec. 4. Eligibility for allocations.**

(a) To be eligible for an allocation of imports of crude oil and unfinished oils in Districts I–IV or in District V, a person must (1) have refinery capacity in the respective districts and (2) in respect of the allocation period July 1, 1959, through December 31, 1959, and each successive allocation period thereafter have had refinery inputs in the respective districts for the year ending three months prior to the beginning of the allocation period for which the allocation is requested.

(b) To be eligible for an allocation of imports of crude oil and unfinished oils for Puerto Rico, a person must have refinery capacity in Puerto Rico and must have had refinery inputs in Puerto Rico during the months of July, August, and September of the year 1958.

(c) To be eligible for an allocation of imports of finished products, other than residual fuel oil to be used as fuel, in Districts I–IV or District V, a person must have imported such products into the respective districts during the calendar year 1957.

(d) To be eligible for an allocation of imports in District I of residual fuel oil to be used as fuel a person must:

(1) Have imported residual fuel oil used as fuel into District I during the calendar year 1957, or

(2) Be in the business in District I of selling residual fuel oil to be used as fuel and have had terminal inputs into a deep-water terminal located in District I during the year ending six months prior to the beginning of the allocation period for which the allocation is requested.

(e) To be eligible for an allocation of imports into Districts II–IV or District V of residual fuel oil to be used as fuel, a person must have imported residual fuel oil used as fuel into the respective districts during the calendar year 1957.

(f) To be eligible for an allocation of imports of finished products, other than residual fuel oil to be used as fuel, in Puerto Rico, a person must have imported such products into Puerto Rico during the last half of the calendar year 1958.

(g) To be eligible for an allocation of imports of residual fuel oil to be used as fuel in Puerto Rico, a person must have imported residual fuel oil used as fuel into Puerto Rico during the last half of the calendar year 1958.

(h) A person is not eligible individually for an allocation of crude oil and unfinished oils or finished products if the person is a subsidiary or affiliate owned or controlled, by reason of stock ownership or otherwise, by any other individual, corporation, firm or other business organization or legal entity. The controlling person and the subsidiary or affiliate owned or controlled will be regarded as one. Allocations will be made to the controlling person on behalf of itself and its subsidiary or affiliate but, upon request, licenses will be issued to the subsidary or affiliate.

**Sec. 5. Applications for allocations.**

(a) With respect to the allocation period January 1, 1960 through June 30, 1960 and each successive allocation period thereafter, an application for allocations of imports of crude oil and unfinished oils must be filed with the Administrator, in such form as he may prescribe, not later than 60 calendar days prior to the beginning of the allocation period for which the allocation is required. However, if the 60th day is a Saturday, Sunday, or holiday, the application may be filed on the next succeeding business day.

(b) (1) For the allocation period April 1, 1961 through June 30, 1961, an application for an allocation of imports into District I or Districts II–IV of residual fuel oil to be used as fuel must be filed with the Administrator not later than February 13, 1961.

(2) For the allocation period July 1, 1961 through September 30, 1961 and each successive allocation period thereafter an application for an allocation of imports into District I of residual fuel oil to be used as fuel must be filed with the Administrator not later than 60 calendar days prior to the beginning of the allocation period for which the allocation is required. However, if the 60th day is a Saturday, Sunday, or holiday, the application may be filed on the next succeeding business day.

(c) (1) Each application for an allocation of imports of finished products other than residual fuel oil to be used as fuel which was granted for the allocation period July 1, 1960 through December 31, 1960 shall be considered to be a continuing application.

(2) Each application for an allocation of imports into Districts II–IV of residual fuel oil to be used as fuel granted for the allocation period April 1, 1961 through June 30, 1961 shall be considered to be a continuing application.

(3) Each application for an allocation of imports into District V of residual fuel oil to be used as fuel granted for the allocation period January 1, 1961 through June 30, 1961 shall be considered to be a continuing application.

(4) Once a continuing application is on file an eligible applicant need not thereafter file an application and an application for a license for each allocation period will be mailed to him by the Oil Import Administration. The failure of an eligible applicant to return an application for a license will be regarded as an abandonment by the applicant of his continuing application for an allocation and no applications for licenses will thereafter be sent to him unless he files a new application for an allocation as provided in paragraph (d) of this section.

(d) An applicant who has no continuing application on file must, in order to receive an allocation of imports of residual fuel oil to be used as fuel or an allocation of imports of other finished products, file an application for an allocation with the Administrator not later than 60 calendar days prior to the beginning of the allocation period for which the allocation is required. However, if the 60th day is a Saturday, Sunday, or holiday, the application may be filed on the next succeeding business day. An application so filed by an eligible applicant will be regarded as a continuing application and subject to the provisions of paragraph (c) of this section.

* * * * *

**Sec. 9. Determination of quantities available for allocation.**

(a) Prior to the beginning of each allocation period the Administrator shall determine in accordance with the limitations imposed by section 2 of Proclamation 3279, as amended, the quantities of imports of crude oil and unfinished oils and finished products other than residual fuel oil to be used as fuel which are available for allocation in Districts I–IV and in District V, respectively, and the quantity of imports of residual fuel oil to be used as fuel which is available for allocation in District V.

(b) Pursuant to paragraph (e) of section 2 of Proclamation 3279, as amended, the Secretary will make a determination as to the level of imports into District I and Districts II–IV of residual fuel oil to be used as fuel in sufficient time to permit the making of allocations at least 45 calendar days in advance of each quarterly period.

(c) After each such determination, the Administrator shall as provided by these regulations make allocations to eligible applicants for the appropriate allocation period.

* * * * * *

**Sec. 12. Allocations of residual fuel oil to be used as fuel in District I.**

(a) Except as provided in paragraph (c) of this section and unless an allocation under that paragraph would be larger, each person who is an eligible applicant under clause (2), paragraph (d), section 4, of this regulation shall receive an allocation of imports into District I of residual fuel oil to be used as fuel equal to a percentum of his terminal inputs for the year ending six months prior to the beginning of the allocation period for which the allocation is requested. The percentum will be determined by dividing the quantity of residual fuel oil to be used as fuel available for allocation on the basis of terminal inputs after allocations have been made on the historical basis provided in paragraph (c) of this section by the aggregate terminal inputs of all persons who will receive allocations on the basis of inputs provided by this paragraph.

(b) (1) Terminal inputs shall be computed only as provided in this paragraph (b).

(2) The placing of residual fuel oil to be used as fuel in bonded storage does not constitute a terminal input. Residual fuel oil to be used as fuel which is withdrawn from bonded storage in a deep-water terminal in District I for use in District I or for bunkering ships in the coastwise trade may be counted as a terminal input by the eligible applicant at the time of withdrawal. Free withdrawals under section 309 of the Tariff Act of 1930, as amended (19 U.S.C., sec. 1309) or withdrawals for exportation under section 557 (19 U.S.C., sec. 1557) of that act do not constitute terminal inputs.

(3) An eligible applicant may count as a terminal input residual fuel oil to be used as fuel which during the year ending six months before the relevant allocation period was placed for the first time in District I for the account of that applicant in a deep-water terminal in District I. So long as the oil was placed at the disposal of the applicant, it is immaterial whether the applicant had title to the oil, whether the oil was in separate storage or commingled in the terminal, or whether the oil was delivered on consignment. An eligible applicant is entitled only to a single terminal input with respect to a given quantity of residual fuel oil to be used as fuel. Except as provided in subparagraph (2) of this paragraph a terminal input occurs only upon delivery of residual fuel oil to be used as fuel into a deep-water terminal and no eligible applicant is entitled to a terminal input by reason of any transaction with respect to such oil which takes place after the oil is delivered into a deep-water terminal and which does not involve transfer of the oil to another deep-water terminal. No applicant is entitled to additional terminal inputs by reason of transfers between deep-water terminals for its own account. However, (i) if residual fuel oil to be used as fuel was transferred from one deep-water terminal in District I to another deep-water terminal in that District during the year ending six months before the relevant allocation period, and (ii) if upon the transfer, the oil was placed for the first time in District I for the account of another eligible applicant in a deep-water terminal in District I, the transferee may count as a terminal input the quantity transferred for its account. The transferor need not reduce its terminal inputs by the quantity transferred.

(4) An eligible applicant may also count as a terminal input residual fuel oil to be used as fuel which the applicant owned and during the year ending six months before the relevant allocation period delivered to a deep-water terminal in District I for the account of a Federal agency or for the account of a person who was not in the business of selling residual fuel oil to be used as fuel, provided that such delivery constituted the first delivery of that oil to a deep-water terminal in District I.

(c) If an applicant imported into District I residual fuel oil used as fuel during the calendar year 1957, he shall be entitled to an allocation of imports into District I of residual fuel oil to be used as fuel equal to 85 percent of the ratio that the applicant's imports into District I of residual fuel oil used as fuel during the calendar year 1957 bore to all such imports into District I during that year multiplied by the total amount of imports into District I of residual fuel oil to be used as fuel available for allocation in the particular allocation period.

(d) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred. All residual fuel oil to be used as fuel which is imported into District I under an allocation made pursuant to this section shall be sold only in District I for use in that District or for use as ships' bunkers.

**Sec. 13. Allocations of finished products—Districts I–IV, District V.**

(a) Except as provided in section 12 of this regulation, the quantity of imports of finished products determined to be available for allocation in Districts I–IV and in District V for any particular allocation period shall be allocated by the Administrator to each eligible applicant in the proportion that the applicant's imports of finished products during the calendar year 1957 bore to the imports of such products during that year by all eligible applicants. Separate allocations shall be made for imports of residual fuel oil to be used as fuel and for imports of finished products other than residual fuel oil to be used as fuel.

(b) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

* * * * *

**Sec. 22. Definitions.**

As used in this regulation:

(a) "Person" includes an individual, a corporation, firm, or other business organization or legal entity, and an agency of a State, territorial, or local government, but does not include a department, establishment, or agency of the United States;

(b) "District I" comprises the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida, and the District of Columbia;

(c) "Districts II–IV" means all of the States of the United States except those States within District I and District V.

(d) "Districts I–IV" means the District of Columbia and all of the States of the United States except those States within District V;

(e) "District V" means the States of Arizona, Nevada, California, Oregon, Washington, Alaska, and Hawaii;

(f) "Crude oil" means crude petroleum as it is produced at the wellhead;

(g) "Finished products" means any one or more of the following petroleum oils, or a mixture or combination of such oils, which are to be used without further processing except blending by mechanical means:

(1) Liquefied gases—hydrocarbon gases recovered from natural gas or produced from petroleum refining and kept under pressure to maintain a liquid state at ambient temperatures;

(2) Gasoline—a refined petroleum distillate which by its composition, is suitable for use as a carburent in internal combustion engines;

(3) Jet fuel—a refined petroleum distillate used to fuel jet propulsion engines;

(4) Naphtha—a refined petroleum distillate falling within a distillation range overlapping the higher gasoline and the lower kerosenes;

(5) Fuel oil—a liquid or liquefiable petroleum product burned for lighting or for the generation of heat or power and derived directly or indirectly from crude oil, such as kerosene, range oil, distillate fuel oils, gas oil, diesel fuel, topped crude oil, residues;

(6) Lubricating oil—a refined petroleum distillate or specially treated petroleum residue used to lessen friction between surfaces;

(7) Residual fuel oil—a topped crude oil or viscous residuum which, as obtained in refining or after blending with other fuel oil, meets or is the equivalent of Military Specification MIL–F–859 for Navy Special Fuel Oil and any other more viscous fuel oil, such as No. 5 or Bunker C;

(8) Asphalt—a solid or semi-solid cementitious material which gradually liquefies when heated, in which the predominating constituents are bitumins, and which is obtained in refining crude oil.

(h) "Unfinished oils" means one or more of the petroleum oils listed in paragraph (g) of this section, or a mixture or combination of such oils, which are to be further processed other than by blending by mechanical means;

(i) "Administrator" means Administrator, Oil Import Administration, Department of the Interior, or his duly authorized representative;

(j) The words "importation," "importing," "import," "imports," and "imported," include both entry for consumption and withdrawal from warehouses for consumption;

(k) "Refinery inputs" include all crude oil, imported unfinished oils, natural gasoline mixed in crude oil, and plant and field condensates mixed in crude oil, which are further processed, other than by blending by mechanical which country, in the case of unfinished oils which have not been imported, and (2) for the purposes of computing allocations under section 10 or section 11 of this regulation do not include crude oil and unfinished oils imported into the United States by pipeline, rail, or other means of overland transportation from the country where they were produced, which country, in the case of unfinished oils, is also the country of production of the crude oils from which the unfinished oils were processed or manufactured;

(l) "Refinery capacity" means a plant which, by further processing crude oil or unfinished oils, other than by blending by mechanical means, manufactures finished petroleum products;

(m) "Deep-water terminal" means an installation which (1) consists of bulk storage tanks, pumps, and pipelines used for the storage, transfer, and handling of residual fuel oil (2) is adjacent to waterways that permit the safe passage to the installation of a tanker rated at 15,000 cargo deadweight tons, and (3) has a berth that will permit the delivery of residual fuel oil to be used as fuel into the installation by direct connection from a tanker rated at 15,000 cargo deadweight tons, drawing not less than 25 feet of water, and moored in the berth. Cargo deadweight tons represent the carrying capacity of a tanker, in tons of 2,240 pounds, less the weight of fuel, water, stores, and other items necessary for use on a voyage.

This amendment follows generally the proposal published in the FEDERAL REGISTER for October 7, 1960 (24 F.R. 8645). After consideration of the numerous comments received on the proposal, several changes have been made; among others, changes in the definition of "deep-water terminal," in the requirements respecting eligibility for an allocation based on terminal inputs, and in the method of computing terminal inputs. Allocations of imports of residual fuel oil to be used as fuel for District I and Districts II–IV must be made 45 days before the beginning of the next allocation period on April 1, 1961. Applications for allocations for those Districts must be received by February 13, 1961. Accordingly, it is impracticable to give further notice of proposed rule making on, or to delay the effective date of, this amendment and it shall become effective immediately.

FRED A. SEATON,
*Secretary of the Interior.*

JANUARY 19, 1961.

[F.R. Doc. 61–725; Filed, Jan. 25, 1961; 8:48 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

## PART 1—PRACTICE AND PROCEDURE

## PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

### Wire-Telegraph and Ocean-Cable Carriers, and Radiotelegraph Carriers; Annual Report Forms

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of January 1961;

The Commission has had under consideration the desirability of consolidating Annual Report Forms O, Wire-telegraph and Ocean-cable Carriers, and R, Radiotelegraph Carriers.

The consolidation ordered herein is designed to make no change in any reporting requirement of substance. The separate report form designations, Form O, and Form R, are retained but will henceforth indicate a single document. Certain obsolete schedules or those which call for information which experience has shown the carriers have nothing to report on, and are not likely to have in the future, have been deleted.

The reporting requirements contained in the two annual report forms, Form O and Form R, were found to be so similar that it seemed a natural step to combine them and this similarity made it possible to combine many of the schedules in the two Forms even to the extent of retaining schedule numbers and titles. There are, however, instances of such variations in the account classifications between wire-telegraph and ocean-cable, on the one hand, and radiotelegraph, on the other, that retention of separate reporting schedules was found necessary.

The pages of the new combined report form are numbered consecutively for more ready reference. The size of the sheets is the same as in telephone Annual Report Form M prescribed by the Commission and in the Form O being superseded.

Combining of the two report forms ordered herein will contribute to economy in printing and stocking as compared to the costs of two totally separate documents.

A comparative table showing the disposition made of the schedules and other sheets contained in Forms O and R is attached to this order.[1]

It appearing that the consolidation of Annual Report Forms O and R does not change in any material respect the reporting requirements of the carriers and hence that compliance with the public notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that consolidation of the two Forms referred to is desirable;

*It is ordered*, Under authority contained in sections 4(i) and 219 of the Communications Act of 1934, as amended, that commencing effective for the reporting year 1960, a consolidated Annual Report Form O and R is adopted which follows the general description set forth hereinabove and in the attached Appendix[1] and a copy of which report form is available at the Offices of the Commission.

(Sec. 4, 48 Stat. 1066 as amended, 47 U.S.C. 154. Interprets or applies sec. 219; 48 Stat. 1077, 47 U.S.C. 219)

Released: January 23, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–729; Filed, Jan. 25, 1961; 8:49 a.m.]

[1] Filed as part of the original document.

[Docket No. 13816 (RM–196), FCC 61–60]

## PART 3—RADIO BROADCAST SERVICES

### Table of Assignments, Television Broadcast Stations; Milwaukee, Wis.

1. The Commission has before it for consideration the notice of proposed rule making (FCC 60–1174) which was issued in response to a request (RM–196) of Milwaukee Board of Vocational and Adult Education, licensee of educational Station WMVS-TV, Channel 10 at Milwaukee, Wisconsin.

2. Petitioner requests the reservation of a UHF channel in Milwaukee for educational use in addition to Channel 10. It submits that a growing demand upon it for educational television service cannot be met with the air time which presently is available in Milwaukee. It contends that the logical and most economical way to provide additional educational television facilities is to reserve a UHF station in Milwaukee for educational use. Petitioner cites the allocations in Pittsburgh and Oklahoma City as precedents for the assignment of both VHF and UHF stations for educational purposes. Petitioner asserts, finally, that it intends to apply for authority to operate another educational station should the Commission approve the reservation of a UHF channel in Milwaukee.

3. Originally, petitioner suggested that one of the unused UHF channels in Milwaukee be made available for education. Since both of these channels were assigned to permittees, the notice of proposed rule making suggested that an additional UHF station be assigned to Milwaukee as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Milwaukee, Wis. | 4–, 6, *10+, 12, 18, 24+, 30 | 4–, 6, *10+, 12, 18+, 24+, 30, *36 |
| Beaver Dam, Wis. | 51– | 52– |

4. The Milwaukee Board of Vocational and Adult Education has no objection to the proposal to allocate Channel 36 to Milwaukee as an educational station. The time for filing of objections by way of comments having elapsed, and there being no objections filed to the proposed assignment to Milwaukee and Beaver Dam, the Commission has decided to amend the Table of Assignments and assign Channel 36 for educational use in Milwaukee. Such assignment is in the public interest and conforms with the Commission's stated policy of reserving for the educational community particular television channels.[1]

5. The action herein is taken pursuant to authority found in sections 1, 4 (i) and (j), 301, 303, and 307(b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

6. In view of the foregoing: *It is ordered*, That effective March 1, 1961, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended insofar as the communities named are concerned, to read as follows:

| City | Channel No. |
|---|---|
| Milwaukee, Wis. | 4–, 6, *10+, 12, 18+, 24+, 30, *36 |
| Beaver Dam, Wis. | 52– |

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U.S.C. 301, 303, 307)

Adopted: January 18, 1961.

Released: January 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–730; Filed, Jan. 25, 1961; 8:49 a.m.]

[1] Since the notice of proposed rule making WFOX–TV's application for an extension of their construction permit has been denied. Consequently, UHF Channel 30 in Milwaukee is available for use by the petitioner herein. The Commission is of the opinion, however, that the allocation of Channel 36 for educational use, without disturbing Channel 30 as an available UHF commercial station, is a more desirable method of filing petitioner's request.



[Docket No. 13826 (RM–195); FCC 61–92]

## PART 3—RADIO BROADCAST SERVICES

### Table of Assignments, Television Broadcast Stations Midland, Bay City, East Tawas, Mich.

1. The Commission has before it for consideration the notice of proposed rule making (FCC 60–1262) which was issued in response to a "Joint Petition" filed September 8, 1960 by Delta College, a new state educational institution to be located midway between Midland and Bay City, Michigan, and Mid-State Broadcasting Corporation, licensee of WSWM (FM), East Lansing, Michigan. Petitioners seek the amendment of § 3.606 of the Commission's rules to add UHF Channel 19 to Bay City, Michigan. To effectuate the proposed allocations, petitioners suggested the following channel assignments.

| City | Present | Proposed |
|---|---|---|
| Bay City | 5–, 63–, *73+ | 5–, 19+, 63–, *73+ |
| Midland | 19+ | 25– |
| East Tawas | 25– | 21 |

None of these UHF channels is in use or applied for. Operating stations in the general area include VHF Stations WNEM–TV, Bay City, (Channel 5), and WJRT, Flint (Channel 12), and UHF Station WKNX–TV, Saginaw (Channel 57).

2. The "Joint Petition" seeks the assignment of Channel 19 to Bay City as a commercial station, but the petitioners assert that they propose to operate a station on the channel as a partly commercial and partly educational venture. It is alleged that there is need for such service, that the proposed assignment would meet all the allocation rules and, that, while "high" UHF channels are available in the area, a "low" UHF channel (such as 19) is to be preferred because, in the present state of the art, higher UHF equipment does not provide service as extensive or dependable as equipment for the lower UHF channels.

3. The two cities of Midland and Bay City are approximately 18 miles apart and a station established at either location would in all probability be located so as to serve both cities. Since Bay City is the largest city, and in view of this and the stated intention of a prospective applicant to apply for the facility if shifted from Midland to Bay City, and with the further consideration that the channel is unused and unapplied for at Midland, it appears that the public interest would be served by the proposed change. As no objections have been filed to the proposed reallocation, and since the Commission is of the view that the proposed assignment is in the public interest, the petition of Delta College and Mid–State Broadcasting Corporation to amend § 3.606 of the Television Table of Assignments is therefore granted.

4. Authority for the adoption of the amendment herein is contained in sections 1, 4 (i) and (j), 301, 303, and 307(b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

5. In view of the foregoing: *It is ordered*, That effective March 1, 1961, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, to read as follows:

| City | Channel No. |
|---|---|
| Bay City, Mich. | 5–, 19+, 63–, *73+ |
| Midland, Mich. | 25– |
| East Tawas, Mich. | 21 |

(Sec. 4, 48 Stat. 1066 as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U.S.C. 301, 303, 307)

Adopted: January 18, 1961.

Released: January 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–731; Filed, Jan. 25, 1961; 8:49 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

## PART 205—REPORTS OF MOTOR CARRIERS

### Class III Carriers of Property

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 23d day of June A.D. 1960.

The matter of annual reports of Class III motor carriers of property being under consideration, and the changes to be effectuated by this order being reductions in the reporting requirements for such motor carriers, rule-making procedures under section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

*It is ordered*, That § 205.3 of the order of October 1, 1957, in the matter of Motor Carrier Annual Report Form C (Class III Carriers of Property), be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1960, and subsequent years, to read as shown below:

*It is further ordered*, That 49 CFR 205.3 be, and it is hereby, modified and amended to read as follows:

**§ 205.3 Annual reports of Class III carriers of property.**

Commencing with the year ended December 31, 1960, and for subsequent years thereafter, until further order, all Class III motor carriers of property, as defined in § 182.01–1 of this chapter, viz., carriers having average annual gross operating revenues (including interstate

and intrastate) of less than $200,000 from property motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form C (property),[1] which is made a part of this section. Such report shall be filed in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before April 30 of the year following the year to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

*And it is further ordered,* That a copy of this order and of Motor Carrier Annual Report Form C (property) shall be served on all Class III motor carriers of property subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-721; Filed, Jan. 25, 1961; 8:47 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-43]

## PART 207—LEASE AND INTERCHANGE OF VEHICLES

### Lease and Interchange of Vehicles by Motor Carriers

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 6th day of January A.D. 1961.

It appearing that on November 23, 1956, the Commission made and filed in this proceeding a supplemental report, 68 M.C.C. 553, and order establishing regulations regarding the leasing and interchange of vehicles by motor carriers;

It further appearing that on November 9, 1959, a notice of proposed rule making (24 F.R. 9484) was issued in the above entitled proceeding contemplating revision of § 207.2(f) of the said regulation;

And it further appearing that the Commission, on the date hereof, has made and filed a fourth supplemental report herein setting forth the basis of its conclusions and its findings therein, which report and the prior reports herein are hereby referred to and made a part hereof;

*It is ordered,* That the said proceeding be, and it is hereby, reopened for further consideration;

*It is further ordered,* That Part 207 (49 CFR Part 207) be, and it is hereby, amended by modifying § 207.2(f) thereof so as to read as follows:

[1] Filed as part of the original document.

§ 207.2 Definitions.

* * * * *

(f) *Owner.* A person (1) to whom title to equipment has been issued, or (2) who as lessee, has the right to exclusive use of equipment for a period longer than 30 days, or (3) who has lawful possession of equipment and has the same registered and licensed in any State or States or the District of Columbia in his or its name.

*And it is further ordered,* That this order shall become effective February 23, 1961, and shall continue in effect until the further order of the Commission;

*And it is further ordered,* That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended, 49 U.S.C. 304)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-720; Filed, Jan. 25, 1961; 8:47 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-LA-46]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas and Modification of Control Area Extensions

On October 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10436) stating that the Federal Aviation Agency proposed to revoke the segment of Green Federal airway No. 3, its associated control areas and reporting points from Oakland, Calif., to Des Moines, Iowa, and redescribe the Sacramento, Calif., Lovelock, Nev., and North Platte, Nebr., control area extensions.

Prior to the effective date of this action, the segment of Green 3 which extends from Goshen, Indiana, to New York, N.Y., will be revoked (Airspace Docket No. 60-NY-74, 25 F.R. 12550, published December 8, 1960, effective February 9, 1961). Therefore, the effect of this action will be the revocation of Green 3 in its entirety.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following actions are taken:

§§ 600.13, 601.13, 601.4013 [Revocations]

1. Parts 600 and 601 (14 CFR 600, 601) are amended by revoking the following sections:

(a) Section 600.13 *Green Federal airway No. 3 (Oakland, Calif., to Des Moines, Iowa).*

(b) Section 601.13 *Green Federal airway No. 3 control areas (Oakland, Calif., to Des Moines, Iowa).*

(c) Section 601.4013 *Green Federal airway No. 3 (Oakland, Calif., to Des Moines, Iowa).*

§ 601.1194 [Amendment]

2. In the text of § 601.1194 (14 CFR 601.1194) "The airspace east of Sacramento within a 50-mile radius of Mather Air Force Base in the east quadrant of the Sacramento radio range bounded on the northwest by Green Federal airway No. 3 and on the southwest by Amber Federal airway No. 1" is deleted and "the area within the arc of a circle 50 miles in radius centered on Mather Air Force Base, Calif. (latitude 38°33'10" N., longitude 121°18'05" W.), bounded on the NW by VOR Federal airway No. 6 N alternate and on the SW by VOR Federal airway No. 23." is substituted therefor.

3. Section 601.1227 (14 CFR 601.1227) is amended to read:

§ 601.1227 Control area extension (Lovelock, Nev.).

The area within 5 miles either side of the 023° True radial of the Lovelock VOR extending from the VOR to 12 miles NE.

4. Section 601.1031 (25 F.R. 10798) is amended to read:

§ 601.1031 Control area extension (North Platte, Nebr.).

That airspace within a 25-mile radius of the North Platte VOR bounded on the S by VOR Federal airway No. 6; and the airspace bounded on the E by a line 7 miles E of and parallel to the 179° True radial of the North Platte VOR, on the S by VOR Federal airway No. 8, on the NW by VOR Federal airway No. 80, and on the N by VOR Federal airway No. 6.

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 18, 1961.

D. D. THOMAS, *Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-698; Filed, Jan. 25, 1961; 8:45 a.m.]



[Reg. Docket No. 624; Amdt. 202]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Minneapolis VOR | MP-LFR | Direct | 2500 | T-dn | 300-1 | 300-1 | 200-½ |
| Farmington VOR | MP-LFR | Direct | 2500 | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-29 L and R | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn N side SE crs, 118° Outbnd, 298° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to Rwy 29L, 289°—3.0 mi.
Crs and distance, facility to Rwy 29R, 298°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles, make left climbing turn to 2200' and return to MP-LFR.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International (Wold-Chamberlain Field); Elev., 840; Fac. Class., SBRAZ; Ident., MP; Procedure No. 1, Amdt. 12; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 11; Dated, 26 Dec. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Roseville Int | SO-LFR | Direct | 1600 | T-dn | 300-1 | 300-1 | 200-½ |
| Galt Int* | SO-LFR | Direct | 1200 | A-dn | 800-2 | 800-2 | 800-2 |
| Rio Int | SO-LFR | Direct | 1200 | | | | |
| Clarksburg FM | SO-LFR (Final) | Direct | 700 | | | | |

Radar transitions and vectoring using Mather Radar authorized in accordance with approved radar patterns.
Procedure turn E side SW crs, 198° Outbnd, 018° Inbnd, 1200' within 10 miles.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 027°—1.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles, climb to 2500' on NE crs within 20 miles or, when directed by ATC, climb straight ahead to 500', make climbing left turn and climb to 2000' on crs of 323° from SO-LFR within 20 mi.
*Int 035° brng to Mather, Calif., RBn and R-113 Sacramento, Calif. VOR.

City, Sacramento; State, Calif.; Airport Name, Municipal; Elev., 21'; Fac. Class., SBMRAZ; Ident., SO; Procedure No. 1, Amdt. 9; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 8; Dated, 9 May 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Tulsa VOR | TL-LFR | Direct | 1900 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn N side NE crs, 052° Outbnd, 232° Inbnd, 2000' within 10 mi.
Minimum altitde over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 219°—0.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mi, climb to 2400' on SW crs within 20 mi.
NOTE: 300-1 required for take-off on Runways 3L, 21R, 17R and 35L.
MAJOR CHANGES: Deletes transitions from Verdigris River FM and Skiatook FM.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674'; Fac. Class., SBRAZ; Ident., TL; Procedure No. 1, Amdt. 14; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 13; Dated, 19 Apr. 57

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Wink VOR | IK-LFR | 150—7.8 | 4100 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E side SE crs, 153° Outbnd, 333° Inbnd, 4000' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 3400'.
Crs and distance, facility to airport, 353°—1.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mi, climb to 4500' on N crs within 20 mi.

City, Wink; State, Tex.; Airport Name, Municipal; Elev., 2824'; Fac. Class, SBRAZ; Ident, IK; Procedure No. 1, Amdt. 5; Eff. Date 4 Feb. 61; Sup. Amdt. No. 4; Dated, 18 Feb. 56

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure or such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| PROCEDURE CANCELLED, EFFECTIVE 4 FEBRUARY 1961—APPROACH NA FROM GUAM RBn (GUM) BY U.S. NAVY. | | | | | | | |
| City, Agana; State, Guam; Airport Name, NAS Agana; Elev., 280'; Fac. Class., HW; Ident., GUM; Procedure No. 2, Amdt. Orig.; Eff. Date, 27 Dec. 58 | | | | | | | |
| | | | | T-dn | 300-1 | 300-1 | 300-1 |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-3 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar terminal area transition altitude: 2500' within 15 miles radius of Grannis Field.
Procedure turn S side of crs, 212° Outbnd, 032° Inbnd, 1300' within 10 mi.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 032°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi make right climbing turn to 2000' and return to FAY RBn.

City, Fayetteville; State, N.C.; Airport Name, Grannis Field; Elev., 188'; Fac. Class., MHW; Ident., FAY; Procedure No. 1, Amdt. 3; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 2; Dated, 11 July 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Prior Int | LOM | Direct | 2300 | T-dn | 300-1 | 300-1 | 300-1½ |
| FGT-VOR | LOM | Direct | 2300 | C-dn | 500-1 | 500-1 | 500-1½ |
| St Paul Int | LOM | Direct | 2300 | S-dn-4 | 500-1 | 500-1 | 500-1 |
| MP-LFR | LOM | Direct | 2300 | A-dn | 800-2 | 800-2 | 800-2 |
| MSP-VOR | LOM | R-165 | 2500 | | | | |
| All sectors of radar site within 20 miles | LOM | As directed by ATO. | 2500 | | | | |

Procedure turn South side of crs, 219° Outbnd, 039° Inbnd, 2300' within 10 mi.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 039°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 mi after passing LOM, climb to 2500' on crs 039° from LOM within 20 miles.
MAJOR CHANGE: Deletes transition from Excelsior Int.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; Elev., 840'; Fac. Class., LOM; Ident., AP; Procedure No. 2, Amdt. 2; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 1; Dated, 26 Nov. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Raleigh LFR | LOM | Direct | 2000 | T-dn | 300-1 | 300-1 | 300-1½ |
| Raleigh VORTAC | LOM | Direct | 2000 | C-dn | 400-1 | 500-1 | 500-1½ |
| Int NW crs RU-LFR and Brng 229° to LOM. | LOM | Direct | 2000 | S-dn-5 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar terminal area transition altitude: 2000' within 20 miles; 3000' within 25 miles Raleigh-Durham Airport.
Radar control must provide 3 miles or 1000' vertical separation; or 3 to 5 miles and 500' vertical separation from radio tower 1822' 17 miles SE Raleigh-Durham Airport.
Procedure turn N side of SW crs, 220° Outbnd, 040° Inbnd, 1700' within 10 mi. Beyond 10 miles NA.
Minimum altitude over LOM on final approach crs, 1500'.
Crs and distance, facility to airport, 040°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing LOM, climb to 1800' on NE crs (038) LFR or R-041 of VOR within 15 miles or, when directed by ATO, turn left, climb to 2000' on NW crs (308) LFR or R-309 of VOR.

City, Raleigh; State, N.C.; Airport Name, Raleigh-Durham; Elev., 435'; Fac. Class., LOM; Ident., RD; Procedure No. 1, Amdt. 4; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 3; Dated, 6 June 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SO-LFR | LOM | Direct | 1200 | T-dn | 300-1 | 300-1 | 300-1½ |
| SAC VOR | LOM | Direct | 1200 | C-dn | 500-1 | 600-1 | 600-1½ |
| Courtland Int | LOM (Final) | Direct | 1200 | S-dn-2 | *400-1 | 500-1 | 500-1 |
| Clarksburg FM | LOM | Direct | 1200 | A-dn | 800-2 | 800-2 | 800-2 |
| Galt Int | LOM | Direct | 1200 | | | | |
| Isleton Int | LOM | Direct | 1200 | | | | |
| Roseville Int | LOM | Direct | 1600 | | | | |

Procedure turn S side of crs, 195° Outbnd, 015° Inbnd, 1200' within 10 mi.
Minimum altitude over LOM on final approach crs, 1200'; over LFR/Z, 500'.
Crs and distance, facility to airport, 015°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles of LOM climb to 2500' on NE crs of Sacramento LFR or on R-022° from Sacramento VOR within 20 miles or, when directed by ATC, climb straight ahead to 500', make a climbing left turn and climb to 2000' on crs of 323° from SO-LFR within 20 miles.
CAUTION: 203' MSL Towers between LOM and LFR.
MAJOR CHANGE: Deletes transition from Travis LFR.
*Maintain 500' until past Sacramento LFR/Z inbnd on final.

City, Sacramento; State, Calif.; Airport Name, Sacramento Municipal; Elev., 21'; Fac. Class., LOM; Ident., SA; Procedure No. 1, Amdt. 6; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 5; Dated, 11 Apr. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Int SE crs LFR and 250 brng to LOM | LOM | Direct | 2100 | T-dn | 300-1 | 300-1 | #200-½ |
| TUL VOR | LOM | Direct | 2200 | C-dn | 400-1 | 500-1 | 500-1½ |
| TL-LFR | LOM | Direct | 2200 | S-dn-35R | 400-1 | 400-1 | 400-1 |
| Int R-201 TUL and S crs ILS | LOM (Final-ADF) | Direct | 1900 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E side S crs, 174° Outbnd, 354° Inbnd, 2400' within 10 miles. Beyond 10 miles NA.
Minimum altitude over LOM inbnd final 1900.
Crs and distance, facility to airport 354°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM climb to 1900' on crs 354° within 20 miles, or when directed by ATC, climb to 2000' on R-035 TUL VOR within 20 mi.
CAUTION: 1100' tower 2.0 mi NW of LOM.
MAJOR CHANGES: Transitions from Red Fork FM, Skiatook FM, and Verdigris River FM deleted.
#300-1 required on rny 3L, 21R, 17R, 35L.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674'; Fac. Class., LOM; Ident., TU; Procedure No. 1, Amdt. 8; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 7; Dated 25 Apr. 59



3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | T-dn | 300-1 | 300-1 | 300-1 |
| | | | | C-dn | 500-1½ | 500-2 | 500-2 |
| | | | | S-dn | 500-2 | 500-2 | 500-2 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar terminal area transition altitude: 3500' within 10 miles of Rocky Mount Airport.
Procedure turn N side of crs, 087° Outbnd, 267° Inbnd, 1400' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 267°—4.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, climb to 1600 on R 267 within 20 miles.
AIR CARRIER NOTE: Sliding scale for take-off or landing NA.

City, Rocky Mount; State, N.C.; Airport Name, Rocky Mount; Elev., 97'; Fac. Class., BVOR; Ident., RMT; Procedure No. 1, Amdt. 2; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 1; Dated, 6 June 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Clarksburg FM | SAC-VOR (Final) | Direct | 1000 | T-dn | 300-1 | 300-1 | 200-½ |
| Isleton Int | SAC-VOR | Direct | 1200 | C-dn | 500-1 | 600-1 | 600-1½ |
| Roseville Int | SAC-VOR | Direct | 1600 | S-dn-2° | 400-1 | 500-1 | 500-1 |
| Courtland Int | SAC-VOR | Direct | 1200 | A-dn | 800-2 | 800-2 | 800-2 |

Radar transitions and vectoring using Mather AFB Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 195° Outbnd, 015° Indnd, 1200' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'. Minimum altitude over LFR/Z on final approach, 500'.
Crs and distance, facility to airport, 015°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, climb to 2500' on R-022 within 20 miles of SAC-VOR or, when directed by ATC, make climbing left turn and climb to 2000' on R-328 within 20 miles.
CAUTION: 223' MSL tower between SAC-VOR and LFR.
*Descent below 500' MSL not authorized until past SO LFR on final.

City, Sacramento; State, Calif.; Airport Name, Municipal; Elev., 21'; Fac. Class., H-BVORTAC; Ident., SAC; Procedure No. 1, Amdt. 7; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 6; Dated, 20 Aug. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Wink LFR | INK-VOR | Direct | 4100 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-13 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side crs, 330° Outbnd, 150° Inbnd, 4000' within 10 miles. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 3900'.
Crs and distance, facility to airport, 150°—5.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles, climb to 4000 on R-150 within 20 miles.

City, Wink; State, Tex.; Airport Name, Municipal; Elev., 2824'; Fac. Class., BVOR; Ident., INK; Procedure No. 1, Amdt. 3; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 2; Dated, 18 Feb. 56

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Goshen LFR | SBN-VOR | Direct | 2500 | T-dn | 300-1 | 300-1 | 200-½ |
| South Bend LFR | SBN-VOR | Direct | 2000 | C-dn | 500-1 | 500-1 | 500-1½ |
| N Liberty Int | SBN-VOR | Direct | 2000 | A-dn | 800-2 | 800-2 | 800-2 |
| Int W crs SN-LFR and R-254 SBN-VOR | SBN-VOR | Direct | 2000 | | | | |
| Int N crs SN-LFR and R-351 SBN-VOR | SBN-VOR | Direct | 2000 | | | | |

Procedure turn E side of crs, 001° Outbnd, 181° Inbnd, 2000' within 10 miles.
Minimum Altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 181°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles, make right turn, climbing to 2000' and return to SBN VOR or when directed by ATC: (1) climb to 2000' on R-181 within 20 miles.
MAJOR CHANGE: Deletes transition from Long Lake Int.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778'; Fac. Class., M-BVORTAC; Ident., SBN; Procedure No. 1, Amdt. 9; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 8; Dated, 29 Oct. 60

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| AW-LFR | ALW-VOR | Direct | 3000 | T-dn | 300-1 | 300-1 | 200-½ |
| Lamar Int | ALW-VOR | Direct | 3000 | C-dn | 600-1 | 600-1 | 600-1½ |
| Weston Int | ALW-VOR | Direct | 3800 | S-dn-16 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn, W side of crs. 334° Outbnd, 154° Inbnd, 3000′ within 10 miles. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, *1600′; over W crs AW-LFR, 2300′.
Crs and distance, breakoff point to app end rny 16, 159°—0.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 3500′ on R-183 within 10 miles or, when requested by ATC, make climbing right turn, hold at 3000′ in left turn holding pattern on SW crs AW-LFR.
CAUTION: High terrain E of airport.
*2300′ over VOR if W crs AW-LFR not received and landing ceilings become 1100′.

City, Walla Walla; State, Wash.; Airport Name, Walla Walla City-County; Elev., 1205′; Fac. Class., L-BVOR; Ident., ALW; Procedure No. TerVOR-16, Amdt. 2; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 1; Dated, 23 May 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-12 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of crs, 308° Outbnd, 128° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, breakoff point to app end rny 12, 122°—0.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left climbing turn to 2100′, intercept R-072 and proceed on R-072 within 20 miles.

City, Waterloo; State, Iowa; Airport Name, Municipal; Elev., 870′; Fac. Class., BVORTAC; Ident., ALO; Procedure No. TerVOR-12, Amdt. 6; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 5; Dated, 13 Dec. 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 700-1 | 700-1 | 700-1½ |
| | | | | S-dn-30 | 700-1 | 700-1 | 700-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn North side of crs, 114° Outbnd, 294° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, break off point to Rnwy 30, 302°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2300′ on R-308 within 20 miles.

City, Waterloo; State, Iowa; Airport Name, Municipal; Elev., 870′; Fac. Class., BVORTAC; Ident., ALO; Procedure No. TerVOR-30, Amdt. 3; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 2; Dated, 19 Nov. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-36 | 600-1 | 600-1 | 600-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E side of crs, 194° Outbnd, 014° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, breakoff point to app end rny 36, 002°—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2100′ on 350R within 20 miles.

City, Waterloo; State, Iowa; Airport Name, Municipal; Elev., 870′; Fac. Class., BVORTAC; Ident., ALO; Procedure No. TerVOR-36, Amdt. 4; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 3; Dated, 15 Sept. 56



5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| GJT-VOR | GJT HW | Direct | 8000 | T-dn | 400-1 | 400-1 | 300-1 |
| Loma Int | GJT HW (Final) | Direct | 8000 | C-dn‡ | 600-1½ | 600-2 | 600-2 |
| Int GJT-VOR R-047 and NW crs ILS* | GJT-HW | Direct | 8000 | S-dn-11** | 400-1 | 400-1 | 400-1 |
| Int GJT-VOR R-303 and NW crs ILS* | Int GJT-VOR R-320 and N Wcrs ILS | Direct | 11,000 | A-dn | 1000-2 | 1000-2 | 1000-2 |
| Int GJT-VOR R-320 and NW crs ILS* | Loma Int | Direct | 8000 | | | | |

‡Shuttle to 8000′ in a standard right hand holding pattern at GJT HW, 110° inbnd, 290° Outbnd, within 10 mi.
Procedure turn South side NW crs, 290° Outbnd, 110° Inbnd, 8000′ within 10 mi of GJT HW. NA beyond 10 miles due to terrain.
Minimum altitude at G.S. Int. inbnd, 8000′.
Minimum altitude over GJT HW on final approach crs, 8000′.
Altitude of G.S. and distance to approach end of rnwy at OM, 6060′—3.9 mi; at MM, 5065′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a right climbing turn, climb to 8060′ on NW crs of ILS to GJT HW.
AIR CARRIER NOTE: Sliding scale and provisions for reduced visibility not applicable.
MAJOR CHANGE: Deletes Fruita Int.
*Simultaneous reception of GJT-VOR and ILS required for this procedure.
‡All maneuvering to South of airport; high terrain North.
**500-1 required with any component of the ILS inoperative.

City, Grand Junction; State, Colo.; Airport Name, Walker Field; Elev., 4858′; Fac. Class., ILS; Ident., GJT; Procedure No. ILS-11, Amdt. 13; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 12; Dated, 16 Jan. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Knoxville LFR | LOM | Direct | 2300 | T-dn | 300-1 | 300-1 | 200-½ |
| Tallassee Int | LOM | Direct | 2300 | C-d | 500-1 | 500-1 | 500-1½ |
| Knoxville VOR | LOM | Direct | 2400 | C-n | 500-1½ | 500-1½ | 500-1½ |
| Rasar Int | LOM | Direct | 3700 | S-dn-4L* | 200-½ | 200-½ | 200-½ |
| Loudon Int | LOM | Direct | 2300 | A-dn | 600-2 | 600-2 | 600-2 |

Radar control will provide 1000′ vertical clearance within a 3-mile radius of terrain 3100′ MSL located at 35-49/83-40 or maintain 4300′.
Radar terminal area transition altitudes: 0-360° within 5 miles, 2500′; 091°-179° within 10 miles, 4000′; 180°-090° within 10 miles, 2500′; 158°-205° within 17 miles, 5000′; 355°-070° within 17 miles, 3000′; 205°-270° within 24 miles, 2500′; 355°-070° within 25 miles, 3100′. 270°-355° within 10 to 20 mi, 3000′; 070°-085° within 10 to 25 mi; 4000′.
All bearings and distances are from the Radar Antenna Site with sector azimuths progressing clockwise.
Procedure turn W side SW crs, 225° Outbnd, 045° Inbnd, 2700′ within 10 miles.
Minimum altitude at glide slope interception inbnd, 2700′.
Altitude of G.S. and distance to approach end of rny at OM 2630—5.4, at MM 1160—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 3000′ on N crs TS-LFR within 20 mi or, when directed by ATC, (1) turn left, climb to 3000′ on TYS-VOR R-351 within 20 mi or (2) Climb to 3000′ on TYS-VOR R-069 within 20 mi.
*400-¾ required when glide slope not utilized.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989′; Fac. Class., ILS; Ident., I-TYS; Procedure No. ILS-4L, Amdt. 20; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 19; Dated, 31 Dec. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Prior Int | LOM | Direct | 2300 | T-dn* | 300-1 | 300-1 | 200-½ |
| FGT-VOR | LOM | Direct | 2300 | C-dn | 500-1 | 500-1 | 500-1½ |
| St. Paul Int | LOM | Direct | 2300 | S-dn-4* | 200-½ | 200-½ | 200-½ |
| MSP VOR | LOM | R-165 | 2500 | A-dn | 600-2 | 600-2 | 600-2 |
| MP LFR | LOM | Direct | 2300 | | | | |
| Int I-APL localizer and FGT VOR R-291 | LOM (Final) | 039°—6.9 | 2200 | | | | |
| All sectors of radar site within 20 mi | LOM | As directed by ATC. | 2500 | | | | |

Procedure turn South side of crs, 219° Outbnd, 039° Inbnd, 2300′ within 10 mi.
Minimum altitude at G.S. Int Inbnd, 2100′.
Altitude of G.S. and distance to approach end of Runway at OM, 2088′—4.5 mi.; at MM. 1035′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ on NE crs ILS within 20 miles.
MAJOR CHANGES: Deletes transition from Excelsior Int. Deletes special minimums of 500-1 with G.S. inoperative.
*Runway visual range 2600′ also authorized for takeoff and landing on runway 4; provided, that all components of the ILS or PAR, high-intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below 1040′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; Elev., 840′; Fac. Class., ILS; Ident., I-APL; Procedure No. ILS-4, Amdt. 5; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 4; Dated, 26 Nov. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| RDU LOM | Leesville LF Int* | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| RU LFR | Leesville LF Int* | Direct | 1800 | C-dn | 400-1 | 400-1 | 400-1½ |
| | | | | S-dn-23 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar terminal area transition altitudes: 2000′ within 20 miles; 3000′ within 25 miles Raleigh-Durham Airport.
Radar control must provide 3 miles or 1000′ vertical separation; or 3 to 5 miles and 500′ vertical separation from radio tower 1822′ 17 miles SE Raleigh-Durham Airport.
Procedure turn N side of crs, 049° Outbnd, 229° Inbnd, 1800′ within 10 mi of Leesville LF Int.
No glide slope. Altitude over Leesville Int on final approach crs, 1500′.
Crs and distance, Leesville Int to approach end Runway 23, 229°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 mi of Leesville Int, climb to 2000′ on SW crs ILS (229) within 20 mi. When directed by ATC, turn right, climb to 2000′ on NW crs RU LFR (308°), or on R-303 RDU within 20 mi.
NOTE: This procedure authorized only for aircraft equipped to receive ILS and LFR simultaneously. Descent to 800′ MSL NA unless Leesville Int is identified on final.
*Int N crs RDU ILS and 360° brng RU-LFR.

City, Raleigh; State, N.C.; Airport Name, Raleigh-Durham; Elev., 435′; Fac. Class., ILS; Ident., I-RDU; Procedure No. ILS-23, Amdt. 5; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 4; Dated, 6 June 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| SO LFR | LOM | Direct | 1200 | T-dn | 300-1 | 300-1 | 200-½ |
| SAC VOR | LOM | Direct | 1200 | C-dn | 500-1 | 600-1 | 600-1½ |
| Courtland Int | LOM | Direct | 1200 | S-dn-2°* | 300-¾ | 300-¾ | 300-¾ |
| Galt Int | LOM | Direct | 1200 | A-dn | 600-2 | 600-2 | 600-2 |
| Isleton Int | LOM | Direct | 1200 | | | | |
| Clarksburg FM (Final) | LOM | Direct | 1200 | | | | |

Radar transitions and vectoring using Mather Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 195° Outbnd, 015° Inbnd, 1200' within 10 miles.
Minimum altitude at G.S. int inbnd, 1200'.
Altitude of G.S. and distance to approach end of rny at OM 1169—4.0, at MM 213—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500' on NE crs SO-LFR or R-022 SAC VOR within 20 miles or, when directed by ATC, climb straight ahead to 500', make left climbing turn and climb to 2000' on SAC VOR R-328 within 20 miles.
MAJOR CHANGE: Deletes transition from Travis LFR.
*If glide slope is inoperative, 400-1 required and descent below 500' MSL not authorized until past SO-LFR/Z inbnd on final, due 223' towers between LOM and LFR.

City, Sacramento; State, Calif.; Airport Name, Municipal; Elev., 21'; Fac. Class., ILS; Ident., I-SAC; Procedure No. ILS-2, Amdt. 6; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 5; Dated, 11 Apr. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Int SE crs LFR and 250 brng to LOM | LOM | Direct | 2100 | T-dn | 300-1 | 300-1 | #200-½ |
| TUL VOR | LOM | Direct | 2200 | C-dn | 400-1 | 500-1 | 500-1½ |
| TL LFR | LOM | Direct | 2200 | S-dn-35R* | 200-½ | 200-½ | 200-½ |
| Int R-201 TUL and S crs ILS | LOM (Final) | Direct | 2500 | A-dn | 600-2 | 600-2 | 600-2 |

Procedure turn E side S crs, 174° Outbnd, 354° Inbnd, 2500' within 10 miles. Beyond 10 miles NA.
Minimum altitude at G.S. int inbnd 1500'.
Altitude of G.S. and distance to approach end of rny at OM 2450—5.4 at MM 880—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1900' on N crs ILS (354) within 20 miles, or when directed by ATC, climb to 2000' on R-030 TUL VOR within 20 mi.
CAUTION: 1100' tower 2.0 mi NW of LOM.
MAJOR CHANGES: Transitions from Red Fork FM, Skiatook FM and Verdigris River FM deleted.
#300-1 required on rny 3L, 21R, 17R, 35L.
*400-¾ required when glide slope not utilized.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674'; Fac. Class., ILS; Ident., I-TUL; Procedure No. ILS-35R, Amdt. 8; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 7; Dated, 25 Apr 59

**6. The radar procedures prescribed in § 609.500 are amended to read in part:**

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| 360° | 140° | Within 15 mi | 1500 | Precision approach | | | |
| | | | | S-dn-27 | 200-½ | 200-½ | 200-½ |
| | | | | Surveillance approach | | | |
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-27 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar terminal area transition altitudes—all bearings are from radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished on Runway 27, make left turn, climbing to 2000', proceed direct to FAY RBn, contacting Fayetteville approach control or, when directed by ATC, turn left, climb to 2000' and proceed to FAY-VOR via R-347.

City, Fort Bragg; State, N.C.; Airport Name, Simmons AAF; Elev., 242'; Fac. Class., Simmons AAF; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 4 Feb. 61



RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| All sectors | Radar site | Within 20 mi | 2500 | Precision approach | | | |
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-29L | 200-½ | 200-½ | 200-½ |
| | | | | A-dn-29L | 600-2 | 600-2 | 600-2 |
| | | | | Surveillance approach | | | |
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn# | 500-1 | 500-1 | 500-1½ |
| | | | | C-dn-22 | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn# | 400-1 | 400-1 | 400-1 |
| | | | | S-dn-22 | 600-1 | 600-1 | 600-1 |
| | | | | C-dn-4 | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-4 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

#Runways 11R, 29L
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500' on NW crs ILS to Int. R-221 MSP-VOR and ILS crs or, as directed by ATC: 1. Make left climbing turn, climb to 2500' on crs of 241° within 22 miles. 2. Make left climbing turn, climb to 2200' and return to LOM.
CAUTION: On approach to Runway 11R do not descend below 1700' MSL until radar controller has advised passing tower located 2.5 miles from approach end Runway 11R.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; Elev., 840'; Fac. Class., Minneapolis; Ident., Radar; Procedure No. 1, Amdt. 8; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 7; Dated, 26 Nov. 60

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on January 9, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-285; Filed, Jan. 25, 1961; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

## Subpart C—Food Additives Permitted in Animal Feed or Animal Feed Supplements

## Subpart D—Food Additives Permitted in Food for Human Consumption

NOVOBIOCIN IN TURKEY FEED

I. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Upjohn Company, Kalamazoo, Michigan, and other relevant material, has concluded that the following regulation should issue in conformity with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the food additive novobiocin in turkey feed. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart C (21 CFR Part 121) of the food additives regulation is amended by adding thereto the following new section:

**§ 121.212 Novobiocin.**

The food additive novobiocin may be safely used in turkey feed when incorporated therein in accordance with the conditions prescribed in this series:

(a) It is intended for use only in the treatment or prevention of staphylococcal synovitis or arthritis in turkeys.

(b) The quantity of novobiocin added is such that the finished feed contains 350 grams of novobiocin activity per ton (385 parts per million; 0.0385 percent).

(c) To assure safe use of the additive, the label and labeling of the additive and of any premix shall contain, in addition to the other information required by the act, the following:

(1) The name of the additive, novobiocin.

(2) A statement of the concentration or strength of the additive contained therein.

(3) Adequate mixing directions to provide a final feed with the proper concentration of the additive as specified in paragraph (b) of this section.

(4) Adequate use directions for the treatment or prevention of staphylococcal synovitis or arthritis in turkeys.

(5) The word "medicated," prominently and conspicuously, wherever the term "feed" is used and in juxtaposition therewith.

(6) A statement that the finished medicated feed may be fed to turkeys for a treatment period of 5 days to 7 days and that this treatment period may be repeated at a later date, if necessary, provided that feeding is properly terminated for the required withdrawal period.

(7) A statement that the medicated feed must be discontinued at least 3 days before the treated animals are slaughtered for human consumption.

(8) A prominent statement that the premix is to be used in feed only for the treatment or prevention of staphylococcal synovitis or arthritis in turkeys.

II. Based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that a tolerance limitation is required in order to assure that the use of the food additive novobiocin will not cause the edible tissues of turkeys that are fed food treated with the additive in accordance with § 121.212 to be unsafe. Therefore, the following tolerance is established, and Subpart D (21 CFR Part 121) is amended by adding thereto the following new section:

**§ 121.1033 Tolerance for residues of novobiocin in edible tissues of turkeys.**

A tolerance of zero is established for residues of the food additive novobiocin in or on the uncooked edible tissues (including fat), eggs, or byproducts of turkeys.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., writ-

ten objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: January 18, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-724; Filed, Jan. 25, 1961; 8:48 a.m.]

# Title 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T]

### PART 220—CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

**§ 220.116 Simultaneous long and short positions in same margin account where short position is taken first.**

(a) The Board has been asked whether the last sentence of § 220.3(g) applies when a customer first sells a registered security short in an undermargined account, then subsequently purchases the same security, instructing the broker to maintain long and short positions in that security.

(b) The last sentence of § 220.3(g) prohibits the concurrent carrying of long and short positions in the same registered security for the purposes of this part, regardless of which position is taken first. This result follows because the word "sale" is equivalent, where the sense of the regulation requires it, to "sale position". Accordingly, where a security is purchased "long" in a margin account, and there is an existing short position in the same security in the account, the two positions must be "netted out" for purposes of the regulation.

(Sec. 23, 48 Stat. 901, as amended; 15 U.S.C. 78w)

Dated at Washington, D.C., this 17th day of January 1961.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 61-726; Filed, Jan. 25, 1961; 8:48 a.m.]

# Proposed Rule Making

## POST OFFICE DEPARTMENT

[39 CFR Ch. I]

### CONTESTS, LOTTERIES

### Notice of Proposed Interpretation

Section 1302 of Title 18, U.S. Code, prohibits the mailing of matter concerning a lottery, including any newspaper, circular, pamphlet or publication of any kind offering prizes dependent in whole or in part upon chance or lot. The Departmental regulations are contained in § 14.5 of Title 39, Code of Federal Regulations, as published in Federal Register Document 60-12057 (25 F.R. 13975).

The three essential elements of a lottery, gift enterprise, or similar scheme, are prize, chance, and consideration; all three elements must be present to have a lottery. Federal Communications Commission v. American Broadcasting Co., Inc., 347 U.S. 284.

Post Office Department Information Service Bulletin No. 15 (IS-15, 1960), entitled "The Law vs. Lotteries", furnishes guidelines with some specific illustrations of the way in which the lottery statute is administered by the Department, and includes a discussion of the element of consideration with special reference to "facsimiles", as follows:

> Consideration is present when a box top, label, or other evidence of purchase, must be submitted. Frequently the contest operator will accept reasonable facsimiles of the box tops, labels, or entry blanks in lieu of the originals. If these facsimiles are easily made from the advertisement announcing the contest, the scheme may not fall within the strict purview of the law. * * * (Page 7)

Many newspapers have been conducting contests in which the winning depends in whole or in part upon chance. Some of them have had an outright requirement for a subscription, bringing the contests clearly within the scope of section 1302 of Title 18, U.S. Code. Others have provided that in lieu of the coupon or entry blank appearing in the newspaper, a "reasonable facsimile" would be acceptable. Giving consideration to the general availability of newspapers in the community, making them more accessible, for example, than products displayed on the shelves of a store, the Department has accepted the newspaper facsimile provision as an avoidance of the consideration element in a lottery. However, in many instances, the nature of the item to be copied, and of the contest itself, is such as to discourage any "free" participation, but rather, leads the contestant to purchase the newspaper in order to use the entry materials found therein. Occasionally such contests limit the number of facsimile copies which may be submitted, but provide for an unlimited or greater number of "official entry" blanks or coupons as published in the newspaper.

Section 1302 of Title 18, U.S. Code, affects schemes wherein the winning depends in whole or in part upon chance, which includes contests that call for a certain degree of skill or diligence but which interject chance in determining the winners. Chance may occur, for example, because of the application of undisclosed rules or standards of judging, the arbitrary selection of a winner without regard to the rules, the failure of the rules to fully and accurately describe the standards to be employed in judging the contest, or because the nature of the entry is such as to provide no genuine basis from which to make a selection according to comparative merit and skill.

As was stated in "The Law vs. Lotteries" (P.O.D. Pub., IS-15, 8-1-60):

> It should be borne in mind that, aside from the method used to select winners, chance may also be found in the determination of the amount of the prize. If the amount is not fixed and certain at the beginning of the contest, but is controlled by factors resolved at a later time, it would be chance to the contestant as to how large or small his prize will be if successful. * * * (Page 7)
>
> There may be chance in contests which actually involve an exercise of skill. To illustrate, this would be so if the operator fails to adopt and announce appropriate standards for judging the entries; or if, despite such announcement, the standards are ignored in selecting the winners. (Page 8)

In order to bring its rulings into line with the requirements of the law, the Department proposes to adopt and apply the interpretations set forth below. These proposed interpretive rules relate to a proprietary function of the Government. Accordingly, they are exempted from the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003). However, the Postmaster General desires voluntarily to give postal patrons an opportunity to present their written views concerning them, and the final rules to be adopted by the Department will be considered in light of the views which may be received.

Comments may be submitted to the Assistant General Counsel, Fraud and Mailability Division, Room 4213, Post Office Department, Washington 25, D.C., at any time prior to March 1, 1961.

The proposed interpretive rules are as follows:

(a) In examining a contest plan, the element of consideration will be deemed present:

(1) In a contest operated by a newspaper or other publication sold for a price in which there is a requirement for the submission of a coupon or other matter taken from the publication, or a copy of any such coupon or other matter, unless the contest is limited to persons who subscribed to the publication prior to the first announcement of the contest, or there are other special circumstances eliminating any invitation or incentive to purchase the publication in order to compete.

(2) In a contest where a box top, label, or other proof of purchase is to be submitted and provision is made for "facsimiles", unless the thing to be copied is fully reproduced in the publication announcing the contest and is limited to a word or a few words the copying of which involves no art work or other difficult process likely to have the effect of discouraging free participation, and the complete rules governing the contest are set out in the announcement.

(3) In a contest where chances to participate are free, but additional prizes or bonuses are awarded to the winners on the basis of submitting proof of purchase, such as box tops, labels or receipts.

(b) The element of chance will be deemed present:

(1) In any contest where the winning depends upon submitting the greatest number of box tops, labels, coupons or other proof of purchase.

(2) In any contest in which winners will be selected according to their choice of a name for a baby, animal, or other object, unless the nature of the thing to be named is such as to provide a genuine opportunity for the exercise of skill in creating a descriptive name with special appropriateness to design or purpose (such as the naming of a medical research organization) or unless the contestant is offered an opportunity to explain the basis for his name selection, and the winner is selected according to the merits of his explanation.

(3) In any contest calling for the submission of last lines for a limerick, or jingle, where the subject of the limerick or jingle, or the line to be supplied, is such as to provide no genuine opportunity for the exercise of creative skill in composition, and there is no genuine opportunity for the judges to discriminate among the contestants according to their demonstrated skill, the selection resolving itself into an arbitrary choice by the judges.

(4) In any contest where contestants are to complete a sentence, or to submit a whole sentence or sentences, in less than forty words, so that the writing provides no genuine opportunity for the exercise of creative skill by contestants, and there is no genuine basis upon which the contest judges may make a selection according to the comparative literary or other merit of the entries.

(5) In any contest where a demonstration of skill or diligence is required by contestants and (i) no rules are announced for judging the entries; or (ii) the rules are inadequate to describe and define the standards for judging or are inappropriate to the subject; or (iii) in selecting winners, the judges give weight to factors not disclosed in the announced rules (e.g., mentioning sponsor's name) or give to announced factors inordinate or predominant weight not disclosed in

the rules (e.g., equating a standard of originality to that of uniqueness).[1]

(R.S. 161, as amended, sec. 1, 62 Stat. 762, as amended, secs. 501, 4001, 4005, 74 Stat. 580, 654, 655 (Pub. Law 86-682); 5 U.S.C. 22, 18 U.S.C. 1302, 39 U.S.C. 501, 4001, 4005)

[SEAL] LEO G. KNOLL,
*Acting General Counsel.*

[F.R. Doc. 61-736; Filed, Jan. 25, 1961; 8:50 a.m.]

# CIVIL AERONAUTICS BOARD

## [ 14 CFR Part 213 ]

[Docket 12063; Order No. E-16288]

## TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS

### Order Instituting Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of January 1961.

Foreign air carrier permits issued by the Board pursuant to the provisions of sections 402 and 801 of the Federal Aviation Act of 1958, in pertinent part grant to holders thereof authority to engage in regularly scheduled route type operations between points in the United States and outside the United States. Where there is a bilateral agreement between the United States of America and the respective foreign country, the privileges conferred by the permit are subject to any terms, conditions or limitations expressed in such agreement. The permits also make the exercise of these privileges subject to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

It appears to the Board that the public interest may require amendment of the foreign air carrier permits to enable the Board to require foreign air carriers to file their schedules for Board approval. Analogous powers are normally exercised by many foreign governments. The Board therefore has decided to institute this proceeding to determine whether or not, and in what manner, foreign air carrier permits should be amended to place the Board in a comparable position.

There is set forth below a draft of a proposed new Part 213 of the Board's Economic Regulations, the provisions of which would be incorporated by reference in foreign air carrier permits. This regulation would enable the Board to require foreign air carriers to furnish pertinent traffic data to the Board and to submit their existing as well as future schedules to the Board for approval. The regulation would create appropriate procedures for this purpose. At the same time, there would be inserted in new Part 213 those provisions of Part 203 of the Economic Regulations which heretofore have been incorporated by reference in foreign air carrier permits, in order to achieve separation of regulation of U.S. flag air carriers to whom Part 203 primarily applies, and foreign air carriers.

Accordingly, pursuant to sections 204(a), 402, and 1002(b) of the Federal Aviation Act; *It is ordered*, That:

1. A proceeding is hereby instituted to determine whether all foreign air carrier permits should be amended by imposition of a new condition pursuant to which foreign air carriers could be required to furnish traffic data to the Board and submit their schedules for approval by the Board, and specifically whether a proposed new Part 213 of the Economic Regulations, set forth below, should be adopted by the Board and incorporated in the permits by reference;

2. Every holder of a permit issued under section 402 of the Act and every applicant for a permit under section 402 is hereby made a party to this proceeding, and this order shall be served on all these persons;

3. This proceeding shall be set down for hearing before an examiner of the Board hereafter to be designated;

4. This proceeding shall be expedited as much as possible; and

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
*Secretary.*

Subpart A—General

Sec.
213.1 Definitions.
213.2 Applicability.

Subpart B—Terms, Conditions and Limitations

213.5 Reports of traffic data.
213.6 Filing and approval of schedules.
213.7 Airport authorization.
213.8 Filing, service and procedure.
213.9 Business name.

Subpart C—Enforcement

213.12 Compliance.

### Subpart A—General

**§ 213.1 Definitions.**

As used in this part,

"Act" means the Federal Aviation Act of 1958, as amended.

"Date of filing" means the date of receipt by the Board.

"Foreign air carrier" means any person holding a permit issued by the Board pursuant to section 402 of the Federal Aviation Act of 1958 authorizing such person to engage in foreign air transportation.

"Permit" means a foreign air carrier permit issued pursuant to section 402 of the Act.

Terms defined in the Federal Aviation Act of 1958 and not defined herein are used in the sense of their statutory definitions.

**§ 213.2 Applicability.**

Unless the order directing the issuance of a foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, or such permit itself, provides otherwise, the exercise of the privileges granted by such permit shall be subject to the terms, conditions, and limitations set forth in this part. These privileges also remain subject to such other terms, conditions and limitations as may from time to time be prescribed by the Board and approved by the President of the United States.

### Subpart B—Terms, Conditions and Limitations

**§ 213.5 Reports of traffic data.**

The Board may at any time require any foreign air carrier to file with the Board traffic data disclosing the nature and extent of such carrier's engagement in transportation between points in the United States and points outside thereof. The Board will specify the traffic data required in each such instance.

**§ 213.6 Filing and approval of schedules.**

(a) In the absence of provisions to the contrary in the permit and of Board action pursuant to this section, a foreign air carrier may determine the schedules (including equipment used) pursuant to which it engages in transportation between points in the United States and points outside thereof.

(b) When it finds that the public interest so demands, the Board may require any foreign air carrier to file with the Board within five days three copies of any or all of its schedules (also stating what equipment is used) as then in operation between any point in the United States and any point outside the United States, and thereafter to file three copies of any proposed such schedules. The carrier may continue to operate existing schedules, and may inaugurate proposed schedules upon the expiration of twenty days following such filing, unless the Board notifies the carrier that such operations, or any part thereof, may be contrary to applicable law or adversely affect the public interest. Upon such notification any proposed schedules so objected to by the Board shall not be inaugurated, and any existing schedules objected to shall be discontinued within twenty days of service of the notification.

(c) If dissatisfied with the Board's notification, the carrier may make application to the Board for approval of any or all existing or proposed schedules. Such applications and the procedure thereunder shall be governed by the provisions of § 213.8. The Board may withdraw its notification, in whole or in part, at any time before completion of such matter, and may permit existing or proposed schedules to be operated temporarily for such period or periods as the Board may determine, pending completion of the matter.

(d) The date of service of notifications pursuant to this section on a foreign air carrier shall be the date of mailing thereof, by certified or registered mail, to the agent designated by the foreign air carrier pursuant to section 1005(b) of the Act or, if the foreign air carrier has failed to designate an agent, the date of mailing by registered air mail to the foreign air carrier's home office.

**§ 213.7 Airport authorization.**

(a) *Airport notice.* If a foreign air carrier desires to serve regularly a point named in its permit, in the United States, its Territories or possessions, through any airport not then regularly used by such carrier, the carrier shall file with the Board a written notice of its intention to do so at least 30 days prior to the proposed date of inauguration of the use of such airport. Such notice shall be conspicuously entitled Airport Notice—Foreign Air Transportation and shall clearly describe such airport by name and location. The use of such airport may be inaugurated 30 days after the filing of such notice unless the Board notifies the holder within said 30-day period that it appears to the Board that such use may adversely affect the public interest. In this event such use shall not thereafter be inaugurated (except as may be expressly permitted by such notification from the Board) unless and until the Board finds, upon application filed by the carrier, that the public interest would not be adversely affected by such use. The Board may permit the use of the airport at any time after filing of the Airport Notice whenever the circumstances warrant such action.

(b) *Persons to be served.* A copy of each Airport Notice or application for permission to use an airport shall be served upon such persons as the Board may designate in a particular case, and shall be served upon the following persons in all cases:

(1) The Postmaster General, marked for the attention of the Assistant Postmaster General—Bureau of Transportation;

(2) The Secretary of State, marked for the attention of Chief, Aviation Division; and

(3) The Secretary of the Treasury, marked for the attention of the Commissioner of Customs, Bureau of Customs.

**§ 213.8 Filing, service and procedure.**

(a) *Number of copies and certificate of service.* An original and 3 copies of each schedule or Airport Notice, and an original and 19 copies of any application for approval of schedules (§ 213.6(c)) or for permission to use an airport (§ 213.7(a)) shall be filed with the Board, setting forth the names and addresses of the persons (if any) required to be served and describing how service has been effected on them, and the date thereof. In the case of service by registered or certified mail within the United States, the date of mailing shall be considered the date of service.

(b) *Pleadings by interested persons.* Any interested person may file and serve upon the foreign air carrier a memorandum in opposition to, or in support of, the Airport Notice or application for permission to use an airport or for approval of schedules within 10 days of the filing thereof. Such memoranda shall set forth in detail the reasons for the position therein taken, with a statement of economic data and other matters which it is desired that the Board shall officially notice, and affidavits stating such other facts as are relied upon. An executed original and 3 copies in the case of airport notices, 19 copies in the case of applications for permission to use an airport or approval of schedules, shall be filed with the Docket Section of the Board. In the case of airport notices, such memoranda shall be marked for the attention of the Chief, Routes Division. Unless ordered by the Board upon application or upon its own motion, further pleadings will not be entertained.

(c) *Decision and petitions for reconsideration.* The Board may make its decision upon the application and other pleadings or, in its discretion, after hearing. A petition for reconsideration of the Board's decision on an application for permission to use an airport or for approval of schedules may be filed by any interested person within 10 days after the date thereof. Except for the date of filing, such petitions shall conform to the provisions of § 302.37 of this chapter. Any interested person may file a memorandum in opposition to, or in support of, the petition within 10 days after it is filed. An executed original and 19 copies of such petition for reconsideration or memorandum shall be filed with the Docket Section, and copies thereof shall be served upon the persons described in § 213.7(b) where applicable.

**§ 213.9 Business name.**

In holding out to the public and in performing air transportation services, a foreign air carrier shall do so only in a name the use of which is authorized under the provisions of this section.

(a) Except as otherwise provided under paragraph (b) of this section, a foreign air carrier may do business in the name in which its permit is issued and outstanding, including abbreviations, contractions, initial letters, or other minor variations of such name which are readily identifiable therewith.

(b) A foreign air carrier may do business in such other and different name or names as the Board may by order permit, upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of the permit name in air transportation service by the foreign air carrier concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not hereby restricted.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Federal Aviation Act, or any orders, rules, or regulations issued thereunder.

### Subpart C—Enforcement

**§ 213.12 Compliance.**

Any violation by the foreign air carrier of applicable provisions of Title IV of the Act or of orders, rules or regulations issued thereunder, or of the terms, conditions or limitations applicable to the exercise of the privileges granted by the permit shall constitute a failure to comply with the terms, conditions and limitations of such permit: *Provided*, That upon a showing that a violation of a provision not mandatorily prescribed by law resulted from the observance by the holder of an obligation, duty or liability imposed by a foreign country, the Board may excuse the violation.

[F.R. Doc. 61-712; Filed, Jan. 25, 1961; 8:46 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Research Service

## [ 7 CFR Part 362 ]

## REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

### Terms Defined and Construed

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Secretary of Agriculture, pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135d), is considering the amendment of the regulations for the enforcement of the Act (7 CFR 362.1 et seq.), as follows:

1. Paragraph (c) of § 362.2 would be amended to read:

(c) *Economic poison.* "Economic poison" includes insecticides, fungicides, rodenticides, herbicides, nematocides, plant regulators, defoliants, and desiccants. A product shall be deemed to be an economic poison regardless of whether intended for use as packaged or after dilution or mixture with other substances, such as carriers or baits. Products intended only for use after further processing or manufacturing, such as grinding to dust form or more extensive operations, shall not be deemed to be economic poisons. Substances which have recognized commercial uses other than uses as economic poisons shall not be deemed to be economic poisons unless such substances are (1) specially prepared for use as economic poisons, or (2) labeled, represented, or intended for use as economic poisons, or (3) marketed in channels of trade where they will presumably be purchased as economic poisons.

2. Paragraph (e)(1) of § 362.2 would be amended to read:

(1) Is capable in itself, and when used in the same manner and for the same purposes as directed for use of the product, of preventing, destroying, repelling, or mitigating insects, fungi, rodents, weeds, nematodes, or other pests, or altering through physiological action the

[1] Example of acceptable statement of standards:

| | *Maximum value (points)* |
|---|---|
| Appropriateness (specific reference to attributes of the subject) | 20 |
| Freshness (interest, creativeness, "sparkle") | 30 |
| Clarity (suitable and effective use of words) | 35 |
| Sincerity (believability) | 15 |

behavior of ornamental or crop plants or the produce thereof, or causing leaves or foliage to drop from a plant, or artificially accelerating the drying of plant tissue.

3. New pargraphs (h), (i) and (j) would be added to § 362.2 to read:

(h) *Nematocide.* "Nematocide" includes only those products intended for preventing, destroying, repelling, or mitigating nematodes inhabiting soil, water, plants, or plant parts. The term does not include products intended for use against nematodes in or on living man or other animals.

(i) *Plant regulator.* "Plant regulator" includes those substances intended to alter the behavior of ornamental or crop plants or the produce thereof through physiological rather than physical action. The term includes, but is not limited to, substances intended to accelerate or retard the rate of growth or maturation of ornamental or crop plants, enhance fruit set, prevent fruit drop, accelerate root formation and elongation, prolong or break dormancy of ornamental or crop plants or the produce thereof, but shall not include substances intended solely for use as plant nutrients or fertilizers.

(j) *Herbicide.* "Herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed, including any alga or other aquatic weed.

These amendments effectuate the provisions of Public Law 86–139 (73 Stat. 286), which brought four new classes of products within the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act. Specifically, these products are nematocides, plant regulators, desiccants and defoliants. The amendments also clarify the fact that the term "herbicide" as used in the Act includes any alga or other aquatic weed.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed regulations may do so by filing such data, views, or arguments with the Chief of the Pesticides Regulation Branch, Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after the publication date of this notice in the FEDERAL REGISTER.

(Sec. 6, 61 Stat. 163; 7 U.S.C. 135d)

Done at Washington, D.C., this 18th day of January 1961.

E. D. BURGESS,
*Director,*
*Plant Pest Control Division.*

[F.R. Doc. 61–735; Filed, Jan. 25, 1961; 8:50 a.m.]

# Notices

## DEPARTMENT OF STATE

[Public Notice 181]

### CERTAIN FOREIGN PASSPORTS

#### Validity

The Malagasy Republic is added to the list of countries which have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of six months beyond the expiration date specified in the passport.

In addition, travel documents issued by the Government of the Trust Territory of the Pacific Islands are considered to be valid for the return of the bearer to the Trust Territory for a period of six months beyond the expiration date specified therein.

This notice amends Public Notice 176 of October 26, 1960. (25 F.R. 10500)

Dated: January 19, 1961.

JOHN W. HANES, Jr.,
*Administrator, Bureau of Security and Consular Affairs.*

[F.R. Doc. 61–775; Filed, Jan. 25, 1961; 8:51 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### GRAZING FEES

#### Notice of Change in Rates

JANUARY 19, 1961.

Notice is hereby given that in accordance with Departmental regulations (43 CFR 161.8), the grazing fee to be charged for the use of the public domain, commencing March 1, 1961, will be 19 cents per animal unit month of forage. In computing the charge to be made, the following rates shall apply:

| | Cents |
|---|---|
| 1. One cow grazing for one month | 19 |
| 2. One horse grazing for one month | 38 |
| 3. One sheep or goat grazing for one month | 3.8 |

No fees will be charged for livestock under six months of age.

This fee is based upon the livestock marketing data furnished by the Agricultural Marketing Service, United States Department of Agriculture, and applies to all grazing use on public domain lands authorized pursuant to section 3 of the Taylor Grazing Act. Twenty-five percent of the total fee collected shall be credited to the range improvement fund.

A minimum annual charge of $5 will be made on all regular licenses, permits and nonrenewable licenses.

All billings shall be issued in accordance with the rates prescribed in this notice.

EDWARD WOOZLEY,
*Director.*

[F.R. Doc. 61–700; Filed, Jan. 25, 1961; 8:45 a.m.]

### GRAZING LEASE RENTALS

#### Notice of Change in Rate Tabulation

JANUARY 19, 1961.

Pursuant to the provisions of 43 CFR 160.14, revised March 10, 1959, notice is hereby given that in accordance with this regulation grazing lease rentals shall be computed in conformity with the following rate tabulation:

GRAZING RENTAL RATE TABULATION

| Estimated grazing capacity in acres per animal unit month | Estimated grazing capacity in animal units yearlong per section | Yearly lease rental per acre |
|---|---|---|
| 107.00 | 0.5 | $0.002 |
| 53.00 | 1.0 | .004 |
| 36.00 | 1.5 | .005 |
| 27.00 | 2.0 | .007 |
| 21.00 | 2.5 | .009 |
| 18.00 | 3.0 | .011 |
| 15.00 | 3.5 | .013 |
| 13.00 | 4.0 | .015 |
| 12.00 | 4.5 | .016 |
| 11.00 | 5.0 | .017 |
| 9.00 | 6.0 | .021 |
| 7.50 | 7.0 | .025 |
| 6.50 | 8.0 | .029 |
| 6.00 | 9.0 | .032 |
| 5.50 | 10.0 | .035 |
| 5.00 | 11.0 | .038 |
| 4.50 | 12.0 | .042 |
| 4.00 | 13.0 | .048 |
| 3.75 | 14.0 | .051 |
| 3.50 | 15.0 | .054 |
| 3.25 | 16.0 | .058 |
| 3.00 | 17.0 | .063 |
| 2.75 | 19.0 | .069 |
| 2.50 | 21.0 | .076 |
| 2.25 | 24.0 | .084 |
| 2.00 | 27.0 | .095 |
| 1.75 | 30.0 | .106 |
| 1.50 | 36.0 | .127 |
| 1.25 | 43.0 | .152 |
| 1.00 | 53.0 | .190 |
| 0.75 | 80.0 | .253 |
| 0.50 | 107.0 | .380 |
| 0.25 | 213.0 | .760 |

The new schedule rate will be effective (1) immediately as to new leases issued after date of publication, and (2) thirty days after publication as to existing leases, the rental period of which begins after the thirty-day period. The minimum rental on a lease shall not be less than $1 per annum. One cow or one-half horse or five sheep or five goats constitutes one animal unit for purposes of computation of grazing rentals.

EDWARD WOOZLEY,
*Director.*

[F.R. Doc. 61–701; Filed, Jan. 25, 1961; 8:45 a.m.]

[Classification No. 95]

### NEVADA

#### Small Tract Classification: Amendment

1. Effective January 16, 1961, Federal Register Document 53–8583 appearing on pages 6412–14 of the issue for October 8, 1953, is revoked as to the following described public lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 21 S., R. 61 E.
Sec. 31, lots 53, 54, NW¼NW¼NE¼SW¼, W½SE¼SE¼NW¼, SW¼SE¼NW¼, S½NW¼SE¼NW¼, S½NE¼SE¼NW¼, NE¼NW¼SE¼NW¼.

Containing 35.22 acres.

2. The lands included in this restoration are located approximately twelve miles south of Las Vegas, Nevada. The elevation is approximately 2,500 feet above sea level. The climate is dry. The area receives from 5 to 7 inches of rainfall annually. The topography of the parcels is cut by a deep, dry wash. Soils vary from sandy to gravelly.

3. After a detailed field examination, the lands have been determined to be unsuited for small tract homesite development. The parcels listed are entirely within a deep, dry wash, subject to flash floods. It would be impractical for an individual to build a home on any of these sites. Therefore, revocation of these tracts would appear to be in the public interest.

E. J. PALMER,
*State Supervisor for Nevada.*

JANUARY 16, 1961.

[F.R. Doc. 61–702; Filed, Jan. 25, 1961; 8:45 a.m.]

[Classification 606]

### CALIFORNIA

#### Small Tract Classification: Amendment

JANUARY 13, 1961.

1. Effective immediately the Small Tract Classification; Amendment, Federal Register Document 61–77 appearing in the issue of January 6, 1961, at page 117 is corrected to read as follows:

From:
Lots 2 through 5 inclusive;
Lots 8 through 11 inclusive;
Portion of Lot 3 exclusive of patented M.S. 6431.

To:
Lot 2;
Portion of Lot 3 exclusive of patented M.S. 6431;
Lots 4 and 5;
Lots 8 through 11.

R. G. SPORLEDER,
*Officer-in-Charge, Northern Field Group, Sacramento, Calif.*

[F.R. Doc. 61–703; Filed, Jan. 25, 1961; 8:45 a.m.]

[Serial No. Idaho 011991]

## IDAHO

### Order Providing for Opening of Public Lands

JANUARY 19, 1961.

In an exchange of lands made under the provisions of Section 8 of the Act of June 28, 1934 (48 Stat. 1272) as amended by the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 15 S., R. 35 E.
Parcel 1, Sec. 32: NE¼;
Sec. 33: W½NW¼.
Parcel 2, Sec. 32: S½NW¼NW¼;
Sec. 33: NE¼NW¼.

The areas described aggregate 300 acres.

The lands are located about 3 miles southwest of Samaria in Oneida County, Idaho, at an elevation of about 5,000 feet above sea level. The topography is rolling to rough. The soils are an alluvial clay loam of varying depths. The vegetation consists mainly of browse plants and bunchgrasses. The lands are considered to be suitable for only the grazing of livestock and big game.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described in parcels 1 and 2 hereof, are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Application and selections under the nonmineral public land laws and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraph (1) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m., on February 24, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands in Parcel 2 were reconveyed to the United States with a reservation of the oil and gas deposits to the grantor and will not be open to offers to lease for oil and gas, but they will be open for location, lease or sale of all other minerals under applicable law beginning at 10:00 a.m., on February 24, 1961. The lands in parcel 1 have always been open to location, lease or sale under the United States mining and mineral leasing laws.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 2237, Boise, Idaho.

DONALD I. BAILEY,
*Acting State Supervisor.*

[F.R. Doc. 61-704; Filed, Jan. 25, 1961; 8:46 a.m.]

## WYOMING

### Change of Location for Land Office

JANUARY 17, 1961.

Notice is hereby given that, effective February 13, 1961, the Wyoming Land Office of the Bureau of Land Management will be located at 20th Street and Capitol Avenue, Cheyenne, Wyoming. On February 6, 7, 8, 9, 10, 1961, the public records will not be available for inspection by the public, but personnel of the Land Office will be available to receive rental payments and applications and for consultation purposes on those dates between the hours of 10:00 a.m. and 3:00 p.m., in room 108 at 20th Street and Capitol Avenue, Cheyenne, Wyoming. Applications received after 3:00 p.m. on February 3, 1961, and before 10:00 a.m. on February 13, 1961, will be considered as having been received at 10:00 a.m. on February 13, 1961.

The present mailing address, P.O. Box 929, Cheyenne, Wyoming, remains unchanged.

ED PIERSON,
*State Supervisor.*

[F.R. Doc. 61-705; Filed, Jan. 25, 1961; 8:46 a.m.]

[Notice 9]

## ALASKA

### Notice of Filing Protraction Diagram; Correction

JANUARY 18, 1961.

Notice of filing of page 13 of Seward Meridian folio Number 22, Federal Register Document 16-1872, appearing on page 1841 of the issue for March 2, 1960 officially filed March 31, 1960, approved February 4, 1960, as revised Federal Register Document 61-204, appearing on page 229 of the issue for January 12, 1961 is hereby corrected to read Seward Meridian.

WARNER T. MAY,
*Manager,*
*Anchorage Land District.*

[F.R. Doc. 61-716; Filed, Jan. 25, 1961; 8:47 a.m.]

## LANDS AND MINERALS OFFICER, ANCHORAGE OPERATIONS OFFICE

### Delegation of Authority

JANUARY 19, 1961.

In accordance with sections 1.1 and 2.1 and amendment 12 of the Bureau of Land Management Order 541, I hereby authorize the Lands and Minerals Officer, Anchorage Operations Office to perform all functions listed in section 1.5 of the above referenced order.

L. T. MAIN,
*Operations Supervisor,*
*Anchorage Operations Office.*

[F.R. Doc. 61-717; Filed, Jan. 25, 1961; 8:47 a.m.]

# DEPARTMENT OF THE TREASURY

### Bureau of Customs

[643.3-0]

## REFINED CAMPHOR FROM TAIWAN

### Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value

JANUARY 19, 1961.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of refined camphor imported from Taiwan is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of refined camphor from Taiwan pursuant to § 14.9 of the Customs Regulations (CFR 14.9).

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

[F.R. Doc. 61-732; Filed, Jan. 25, 1961; 8:49 a.m.]

### Office of the Secretary

[Treasury Dept. Order 150-55]

## SECRETARY OF THE INTERIOR

### Delegation of Functions

By virtue of the authority vested in me as Secretary of the Treasury, there are hereby delegated to the Secretary of the Interior, to be performed through the Governors of Guam and American Samoa, or their subordinates, the functions of the Internal Revenue Service in the administration, collection, and enforcement in Guam and American Samoa of the taxes imposed by Chapters 2 and 21 of the Internal Revenue Code of 1954.

The authority delegated herein shall be carried out generally in conformity with the policies, procedures, and instructions established for the Internal Revenue Service.

The Internal Revenue Service shall furnish the Governors of Guam and American Samoa or their subordinates with pertinent Treasury Department issuances, render interpretations of the applicable tax laws and regulations, and provide guidance and assistance in carrying out the functions delegated herein.

Dated: January 19, 1961.

[SEAL] ROBERT B. ANDERSON,
*Secretary of the Treasury.*

[F.R. Doc. 61-733; Filed, Jan. 25, 1961; 8:49 a.m.]



[Dept. Circ. 570, 1960 Rev. Supp. No. 7]

## MILLERS MUTUAL FIRE INSURANCE COMPANY OF TEXAS

### Surety Companies Acceptable on Federal Bonds

A certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6-13, as an acceptable surety on Federal bonds.

An underwriting limitation of $510,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1961. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

*State in Which Incorporated, Name of Company and Location of Principal Executive Office*

TEXAS

The Millers Mutual Fire Insurance Co. of Texas, Fort Worth, Tex.

[SEAL] A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-734; Filed, Jan. 25, 1961; 8:49 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of Education

## RESEARCH IN USE OF NEW MEDIA OF COMMUNICATION FOR EDUCATIONAL PURPOSES

### Dates for Filing Proposals

Under Title VII of the National Defense Education Act of 1958 (72 Stat. 1595, 20 U.S.C. 542), the Commissioner of Education is authorized to make grants-in-aid and to enter into contracts, approved by the Advisory Committee on New Educational Media, for research and experimentation in the more effective utilization of television, radio, and motion pictures and related media of communication for educational purposes.

The Advisory Committee will meet in the Spring and again in the Fall of each year to consider proposals for such research and experimentation. Notice is hereby given that in order to permit time for analysis and other processing, proposals must be postmarked or otherwise submitted on or before February 1 to be considered by the Committee at its Spring meeting and on or before August 1 to be considered by the Committee at its Fall meeting.

Proposals should be submitted to the Director, Educational Media Branch, Division of Statistics and Research Services, Office of Education, Department of Health, Education, and Welfare, Washington 25, D.C.

Instructions for the submission of proposals, including the preparation of applications, may be obtained from the above address.

Dated: January 12, 1961.

[SEAL] L. G. DERTHICK,
*U.S. Commissioner of Education.*

Approved: January 17, 1961.

BERTHA ADKINS,
*Acting Secretary of Health, Education, and Welfare.*

[F.R. Doc. 61-722; Filed, Jan. 25, 1961; 8:48 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 11657]

## OVERSEAS NATIONAL AIRWAYS, INC., ET AL.

### Notice of Hearing

In matter of Overseas National Airways, Inc. v. Air Transport Association of America et al.; enforcement proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on February 14, 1961, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues, NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., January 19, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-713; Filed, Jan. 25, 1961; 8:47 a.m.]

[Docket 11667]

## SABENA BELGIAN WORLD AIRLINES; ENFORCEMENT PROCEEDING

### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on February 1, 1961, at 10:00 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., January 19, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-714; Filed, Jan. 25, 1961; 8:47 a.m.]

# DEPARTMENT OF LABOR

### Office of the Secretary

## STATE UNEMPLOYMENT COMPENSATION LAWS

### Notice of Certification to the Secretary of the Treasury

In accordance with Section 3 of the Administrative Procedure Act (5 U.S.C. 1002) notice is hereby given of the following certification:

The unemployment compensation laws of the States listed below, having been certified pursuant to paragraph (3) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(3)) and each of the States so listed having been certified by me to the Secretary of the Treasury for the taxable year 1960 as provided in section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304), are hereby certified, pursuant to paragraph (1) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)), to the Secretary of the Treasury for the taxable year 1960.

Alabama.
Alaska.
Arizona.
Arkansas.
California.
Colorado.
Connecticut.
Delaware.
District of Columbia.
Florida.
Georgia.
Hawaii.
Idaho.
Illinois.
Indiana.
Iowa.
Kansas.
Kentucky.
Louisiana.
Maine.
Maryland.
Massachusetts.
Michigan.
Minnesota.
Mississippi.
Missouri.
Montana.
Nebraska.
Nevada.
New Hampshire.
New Jersey.
New Mexico.
New York.
North Carolina.
Ohio.
Pennsylvania.
South Carolina.
South Dakota.
Tennessee.
Texas.
Utah.
Vermont.
Virginia.
Wisconsin.
Wyoming.

JAMES P. MITCHELL,
*Secretary of Labor.*

DECEMBER 31, 1960.

[F.R. Doc. 61-706; Filed, Jan. 25, 1961; 8:46 a.m.]

## UNEMPLOYMENT COMPENSATION LAWS

### Certification of States to the Secretary of the Treasury

In accordance with Section 3 of the Administrative Procedure Act (5 U.S.C.

1002) notice is hereby given of the following certification:

Pursuant to section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)) the unemployment compensation laws of the following States have heretofore been approved:

| | |
|---|---|
| Alabama. | Missouri. |
| Alaska. | Montana. |
| Arizona. | Nebraska. |
| Arkansas. | Nevada. |
| California. | New Hampshire. |
| Colorado. | New Jersey. |
| Connecticut. | New Mexico. |
| Delaware. | New York. |
| District of Columbia. | North Carolina. |
| Florida. | North Dakota. |
| Georgia. | Ohio. |
| Hawaii. | Oklahoma. |
| Idaho. | Oregon. |
| Illinois. | Pennsylvania. |
| Indiana. | Rhode Island. |
| Iowa. | South Carolina. |
| Kansas. | South Dakota. |
| Kentucky. | Tennessee. |
| Louisiana. | Texas. |
| Maine. | Utah. |
| Maryland. | Vermont. |
| Massachusetts. | Virginia. |
| Michigan. | Washington. |
| Minnesota. | West Virginia. |
| Mississippi. | Wisconsin. |
| | Wyoming. |

In accordance with the provisions of section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)), I hereby certify the foregoing States to the Secretary of the Treasury for the taxable year 1960.

JAMES P. MITCHELL,
*Secretary of Labor.*

DECEMBER 31, 1960.

[F.R. Doc. 61-707; Filed, Jan. 25, 1961; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13599, 13600; FCC 61-63]

## A. S. RIVIERE AND RADIO GEORGIA

### Memorandum Opinion and Order Amending Issues

In re applications of A. S. Riviere, Barnesville, Georgia, Docket No. 13599, File No. BP-12889; John P. Frew, Elizabeth H. Frew, Stephens B. McGarity, and Leslie E. Gradick, Jr., d/b as Radio Georgia, Thomaston, Ga., Docket No. 13600, File No. BP-13051; for construction permits.

1. The Commission has for consideration a petition to enlarge issues filed by Radio Georgia on November 23, 1960, together with pleadings filed in response thereto.

2. As our disposition of the instant petition is based on the relationship of the parties as disclosed by the petition, together with the chronology of this proceeding, a brief recital of the pertinent facts will clarify the grounds for our action. Briefly, Thomaston Broadcasting Company is the licensee of standard broadcast station WSFT, the only broadcast station in Thomaston, Georgia. On November 6, 1958, Thomaston Radio filed an application for a new station in Thomaston on 1590 kc. On March 5, 1959, A. S. Riviere filed for a new station at Barnesville, Georgia, also on 1590 kc and mutually exclusive with the Thomaston Radio application. On May 6, 1959, Radio Georgia applied for a new station at Thomaston mutually exclusive with the Riviere and Thomaston Radio applications. On May 3, 1960, the Thomaston Radio application was dismissed for lack of prosecution and on June 23, 1960, the Riviere and Radio Georgia applications were designated for comparative hearing on issues relating to engineering and section 307(b) of the Communications Act.

3. On November 23, 1960, Radio Georgia filed the instant petition to enlarge issues, alleging that Mr. Riviere is the son-in-law of J. B. Hardy, president, director and 20 percent stockholder of Thomaston Broadcasting Company, and implying that the relationship raises a question of whether the Riviere application is designed to block the establishment of a competitive service in Thomaston.[1]

4. Mere evidence of family relationship, standing alone, cannot suffice for proof that an application was filed for an improper purpose. However, such relationship coupled with the fact that an application operates to forestall competition to the station owned by a relative is sufficient to warrant the designation of an issue whereunder the facts surrounding the filing of such application may be explored. In the instant case it is apparent that a grant of the Riviere application would have prevented a grant of the earlier filed mutually exclusive application of Thomaston Radio which would have brought competition to the station in which Mr. Riviere's father-in-law has a substantial ownership and management interest. Although the Thomaston Radio application has subsequently been dismissed, the Riviere application remains as a potential bar to a grant of the mutually exclusive application of Radio Georgia, which application was filed prior to the Thomaston Radio dismissal. We are, therefore, of the view that the issues in this proceeding should be enlarged in the manner suggested by Radio Georgia.

5. There remains the question of whether the instant petition was timely filed pursuant to § 1.141 of our rules. The order of designation was published on July 1, 1960, while the subject petition was not filed until November 23, 1960. Although petitioner avers that the information on which the petition is based did not come into its possession until immediately prior to the filing of the petition, there is no explanation of why, although petitioner must have been aware from the time it filed its application of the probability that it would be consolidated for hearing with the Riviere application, it was unable in the exercise of due diligence to secure the pertinent facts at an earlier date. Absent such diligence, good cause has not been shown for the late filing of the petition and it must be dismissed. However, as hereinabove indicated, we view the facts which are now before us as raising a question as to the good faith in the filing of the Riviere application, and under such circumstances the public interest requires that appropriate issues be added on the Commission's own motion.

*Accordingly, it is ordered,* This 18th day of January 1961, that the petition to enlarge issues filed by Radio Georgia on November 23, 1960, is dismissed;

*It is further ordered,* On the Commission's own motion, that existing issues 4 and 5 are renumbered 5 and 6; and that the following issue, on which the burden of proof shall be on A. S. Riviere, is added:

4. To determine the facts and circumstances relating to the filing of the application of A. S. Riviere, with particular reference to whether A. S. Riviere is the real party in interest in the said application and whether the said application was filed for the principal or incidental purpose of delaying or obstructing the establishment of a standard broadcast facility at Thomaston, Georgia, and whether, in light of the facts adduced, a grant of the application of A. S. Riviere would serve the public interest, convenience and necessity.

Released: January 23, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-728; Filed, Jan. 25, 1961; 8:49 a.m.]

[1] Petitioner also submits evidence that the Riviere application and certain documents submitted to the Commission on behalf of Thomaston Broadcasting Company were typed on the same machine, arguing that this constitutes circumstantial evidence of collusion. However, Mr. Riviere's reply indicates that his application was typed by a public stenographer on her own typewriter and that she has also done work for Thomaston Broadcasting. While we do not foreclose Radio Georgia from exploring this fact in the hearing, Mr. Riviere's affidavit relating to the circumstances surrounding the typing of his application has dispelled any implication of collusion for the purpose of the disposition of the instant petition.

# FEDERAL RESERVE SYSTEM

## FIRSTAMERICA CORP.

### Order Approving Application

In the matter of the application of Firstamerica Corporation for prior approval of acquisition of voting shares of First Western Bank and Trust Company, Los Angeles, California.

There having come before the Board of Governors pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of Firstamerica Corporation, Los Angeles, California, for the Board's prior approval of the acquisition of up to 100 percent of the voting shares of First Western Bank and Trust Company, Los Angeles, California, a proposed new bank; a Notice of Receipt of Application having been published in the FEDERAL REGISTER on December 2, 1960 (25 F.R. 12383) and on December 21, 1960 (25 F.R. 13147) which provided interested persons an opportunity to submit to the Board comments and views regarding the proposed acquisition; and no such comments or views having been submitted;

*It is hereby ordered,* That said application be and hereby is granted, and the acquisition by Firstamerica Corporation of up to 100 percent of the voting shares of First Western Bank and Trust Company, Los Angeles, California, is hereby approved, provided that such acquisition is completed within three months from the date hereof. A Statement of the reasons for this order will be published in due course.

Dated at Washington, D.C., this 19th day of January 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 61-699; Filed, Jan. 25, 1961; 8:45 a.m.]

# GENERAL SERVICES ADMINISTRATION

## CORDAGE FIBER HELD IN THE NATIONAL STOCKPILE

### Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 7,500,000 pounds of abaca fiber and approximately 10,000,000 pounds of sisal fiber now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling these quantities of abaca and sisal fibers. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said quantities of abaca and sisal fibers are in excess of mobilization requirements for cordage fiber for use in time of war.

Since the revised determination is not by reason of obsolescence of abaca and sisal fibers for use in time of war, the proposed disposition of the said quantities of these fibers from the national stockpile is being referred to the Congress, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to transfer said quantities of abaca and sisal fibers to other Government agencies, to dispose of them in conjunction with fiber rotation transactions under section 3(d) of the Strategic and Critical Materials Stock Piling Act, or to offer them for sale on a competitive basis, upon the express approval by the Congress of this proposed disposition or six months after the date of publication of this notice in the FEDERAL REGISTER, whichever is later. The objective of the General Services Administration will be to dispose of the entire quantity of said approximately 17,500,000 pounds of cordage fiber over a period of about twelve months. Times and quantities of offerings of the fiber for sale on a competitive basis will be as market conditions within the described period warrant. In the disposition of cordage fiber in conjunction with rotation transactions, the supplier would be offered a quantity of cordage fiber being disposed of under this notice sufficient to compensate him for the difference in price between the stockpile material being disposed of for rotation and the equivalent quantity of replacement material being acquired.

This plan and the period of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: January 18, 1961.

FRANKLIN FLOETE,
*Administrator.*

[F.R. Doc. 61-715; Filed, Jan. 25, 1961; 8:47 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4134]

## HILLER REALIZATION CORP.

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

JANUARY 19, 1961.

In the matter of Hiller Realization Corporation (formerly Hiller Aircraft Corp.), Capital Stock; File No. 1-4134.

Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The Company has declared a final liquidating dividend in shares of Electric Auto-Lite Company.

Upon receipt of a request, on or before January 31, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-708; Filed, Jan. 25, 1961; 8:46 a.m.]

[File No. 70-3934]

## NEW ORLEANS PUBLIC SERVICE INC.

### Notice of Filing Regarding Proposal To Transfer a Portion of Earned Surplus to Capital Surplus

JANUARY 18, 1961.

Notice is hereby given that New Orleans Public Service Inc. ("New Orleans"), a public-utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and has designated sections 6(a)(2) and 7 of the Act as applicable to the proposed transaction.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

New Orleans proposes to transfer from its earned surplus account to its capital surplus account as of December 31, 1960, an aggregate of $355,132.45 which is equivalent to 25 cents per share on its outstanding no par value common stock. At November 30, 1960, its earned surplus amounted to $11,173,930 after reflecting net income for the 12 months period ended as of that date of $4,725,837 and the payment of dividends to its preferred and common stockholders in the aggregate amount of $3,955,180.

The declaration states that no State regulatory agency and no Federal commission or agency, other than this Commission, has jurisdiction over the proposed transaction, and that no fees or commissions are to be paid, and no special and separable expenses are anticipated in connection with the transaction.

Notice is further given that any interested person may, not later than February 3, 1961, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration may be permitted to become effective as provided by Rule 23 promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided by Rules 20(a) and 100 thereof or take

such other action as is deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-709; Filed, Jan. 25, 1961; 8:46 a.m.]

[File No. 54-191]

## STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

### Order Approving Plan

JANUARY 19, 1961.

Standard Gas and Electric Company ("Standard Gas"), a registered holding company, and its wholly-owned subsidiary registered holding company, Philadelphia Company ("Philadelphia"), having filed, pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act"), Step V, as amended, of a plan ("Standard plan") providing for the liquidation of Standard Gas and Philadelphia; and

Step V, as amended, providing, among other things, (a) for the modification of a tax cut-off agreement between Standard Gas and Philadelphia on the one hand and Duquesne Light Company ("Duquesne"), a public-utility company and a former subsidiary of Standard Gas, and Duquesne's subsidiaries on the other hand, (b) for the entering into of an agreement under which Standard Gas will be held harmless of any liability established with respect to a claim asserted by Wisconsin Public Service Corporation ("Wisconsin"), a public-utility company and also a former subsidiary of Standard Gas, (c) for the liquidation and dissolution of Philadelphia, (d) for the dissolution and partial liquidation of Standard Gas, and (e) after making adequate provision for the payment of all liabilities and expenses, for the final liquidation of Standard Gas; and

Standard Gas having requested that the order of the Commission approving Step V, as amended, contain recitals in accordance with the meaning and requirements of sections 1081 through 1083 of the Internal Revenue Code and section 4383(b)(2) thereof; and

Standard Gas having further requested that the Commission, pursuant to section 11(e) of the Act, apply to the United States District Court for the District of Delaware to enforce and carry out the terms and provisions of Step V, as amended, of the Standard plan; and

Duquesne having requested that it be admitted as a party insofar as its admission relates to Wisconsin's claim against Standard Gas and for the purpose of being responsive to all subsequent orders of the Commission relating to such claim; and

A public hearing having been duly held after appropriate notice with respect to Step V, as amended, at which hearing the parties and Wisconsin participated, briefs having been filed and the Commission having heard oral argument; and

The Commission having considered the entire record and having this day filed its Findings and Opinion herein; on the basis of such Findings and Opinion:

*It is ordered*, On the entire record herein and said Findings and Opinion, pursuant to section 11(e) and other applicable provisions of the Act, that Step V, as amended, be, and hereby is, approved, subject to the terms and conditions contained in Rule 24 of the general rules and regulations promulgated under the Act and to the following additional terms and conditions:

(1) That this order shall not become operative to authorize the consummation of any of the transactions proposed in Step V, as amended, until the United States District Court for the District of Delaware shall, upon application thereto, enter an order enforcing the terms and provisions of Step V, as amended;

(2) That Standard Gas and Philadelphia shall pay only such fees and expenses in connection with Step V, as amended, and the proceedings relating thereto as the Commission may approve on appropriate application made to it;

(3) That jurisdiction be, and hereby is, specifically reserved with respect to:

(a) The supervision of efforts to locate the stockholders to which distributions are to be made under the provisions of Step V, as amended; and

(b) The entertainment of such further proceedings, the entry of such further orders and the taking of such further action as may be necessary or appropriate in connection with Step V, as amended, the transactions incident thereto, and the consummation thereof.

*It is further ordered*, That the request of Duquesne to be admitted as a party insofar as its admission relates to Wisconsin's claim against Standard Gas be, and the same hereby is, granted.

*It is further ordered and recited*, That all steps and transactions involved in the consummation of Step V, as amended, of the Standard plan, including particularly the acquisitions, transfers, conveyances, exchanges, sales, expenditures, distributions and receipts hereinafter described and recited in subparagraphs I through VII below, are hereby authorized and approved and are necessary and appropriate to effectuate the provisions of section 11(b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of sections 1081 through 1083 of the Internal Revenue Code and section 4382(b)(2) thereof, the stock and securities and other property to be acquired, transferred, conveyed, exchanged, sold, distributed and received upon such transactions, and the expenditures to be made, being specified and itemized as follows:

I. The dissolution and liquidation of Philadelphia, and the transfer and delivery by Philadelphia to Standard Gas in said liquidation of all of the assets of Philadelphia, including 160,018 shares of Common Stock of Duquesne, to be represented by Certificates Nos. PU-34 and J-147 registered in the name of Philadelphia, 24,264 shares of 4 percent Cumulative Preferred Stock of Duquesne, to be represented by Certificate No. 2 registered in the name of Philadelphia, and $1,650,000 principal amount of Federal National Mortgage Association 4⅛ percent Notes, Series SM 1961, due April 10, 1961, to be represented by Notes Nos. 3 and 549 through 552, inclusive, for $10,000 each and Nos. 146 through 161, inclusive, for $100,000 each, in bearer form, subject to the liabilities of Philadelphia, in exchange for the entire outstanding 4,988,156 shares of Common Stock of Philadelphia, to be represented by Certificates Nos. HJ 1257, NJ 9704 and HJ 1255 registered in the name of Standard Gas, and the promissory note of Philadelphia, payable to and held by Standard Gas, in the principal amount of $2,065,000; and the transfer and delivery by Standard Gas to Philadelphia of said shares of Common Stock of Philadelphia, and said promissory note of Philadelphia in the principal amount of $2,065,000, in exchange for said assets of Philadelphia.

II. The sale, transfer and delivery by Standard Gas of the entire 7,446 shares of Common Stock of Oklahoma Gas and Electric Company held by Standard Gas, to be represented by Certificates Nos. NU 330, OK/C 12983 and OK/O 4790, registered in the name of Standard Gas, 2,638 shares of 4 percent Cumulative Preferred Stock of Duquesne, to be represented by Certificate No. NE 9947, registered in the name of Standard Gas, together with such additional shares of such Preferred Stock of Duquesne, to be held by Standard Gas following the liquidation of Philadelphia, as are not required for the distributions provided for by Step V, as amended, by reason of the provisions of said Step V, as amended, as to fractional interests, and all, or such part as may be necessary to obtain sufficient funds to carry out the new indemnity agreements with Duquesne and to provide funds for the proposed distribution to the Common Stockholders of Standard Gas, as provided in Step V, as amended, of the bonds, notes, debentures or other evidences of indebtedness owned or to be owned by Standard Gas, including, without limitation, the following:

| Name | Principal amount | Certificate No. and registration |
|---|---|---|
| Federal National Mortgage Association 4⅛% Notes, Series SM 1961, due Apr. 10, 1961. | $1, 650, 000 | Nos. 3 and 549-552, for $10,000 each, and Nos. 146-161, for $100,000 each, in bearer form. |
| The Twelve Federal Intermediate Credit Banks, 4.40% Debentures, due Jan. 3, 1961. | 1, 200, 000 | Nos. CM 17571, CM 17572, CM 17669, CM 17908, CM 18404, CM 18156, CM 18500-CM 18503, LM 9772, LM 9807, LM 9804, LM 10030, in bearer form. |

Such other bonds, notes, debentures or other evidences of indebtedness as may be acquired by Standard Gas, before the time of such sales for the purpose of obtaining the funds required to carry out the provisions of Step V, as amended, by reason of reinvestment before such time of the funds now invested in the above specified bonds, notes and debentures, or otherwise, the Commission hereby reserving jurisdiction to issue a supplemental order specifying and itemizing such substituted or additional bonds, notes, debentures or other evidences of indebtedness to be included in the specification and itemization of this subparagraph II if the issuance of such supplemental order is deemed desirable by Standard Gas.

III. The purchase by Standard Gas in the open market or otherwise of not to exceed 12,900 additional shares of Common Stock of Duquesne and not to exceed 5,754 additional shares of Common Stock of Wisconsin, to the extent necessary to provide for the distributions provided for by Step V, as amended, and this order.

IV. The transfer and distribution by Standard Gas to the holders of its Common Stock, without the surrender by the holders of such Common Stock of Standard Gas of any of their shares of such Common Stock, of a maximum of 173,008 shares of Common Stock of Duquesne, 21,626 shares of 4 percent Cumulative Preferred Stock of Duquesne, and 64,878 shares of Common Stock of Wisconsin, and $2,811,389 in cash (plus any cash to be paid in respect of fractional interests), in the ratio of eight shares of Common Stock of Duquesne, one share of 4 percent Cumulative Preferred Stock of Duquesne, and three shares of Common Stock of Wisconsin for each 100 shares of Common Stock of Standard Gas, and of $1.30 in cash for each share of Common Stock of Standard Gas, held by such stockholders, provided that in lieu of the distribution of any fractional interest in any of said stocks, additional cash equal to the market value of such fractional interest or interests shall be distributed as provided in Step V, as amended; said shares to be so distributed by Standard Gas to be represented by Certificates Nos. K 146 and A 343 for an aggregate of 160,108 shares of Common Stock of Duquesne, together with Certificate No. K 147 for such part of the 12,900 shares of Common Stock of Duquesne as are purchased by Standard Gas as provided in subparagraph III above, Certificate No. NE 9948 for an aggregate of 21,626 shares of 4 percent Cumulative Preferred Stock of Duquesne (less such part thereof as are not required for distribution by reason of the substitution of cash for fractional interests), and Certificates Nos. 1073, M 156, MCO 12311, MU 221, CC 4079, CC/O 7511, CC 5305 and CC 8932 for an aggregate of 59,124 shares of Common Stock of Wisconsin, together with Certificate No. MU 222 for such part of the 5,754 shares of Common Stock of Wisconsin as are purchased by Standard Gas as provided in subparagraph III above, all to be registered in the name of Standard Gas, which shares and certificates, in accordance with Step V, as amended, are to be transferred to the Distribution Agent referred to in said Step V, as amended, and held in the form of certificates registered in the name of said Distribution Agent, or its nominee, the shares to be transferred and distributed by said agent to holders of Common Stock of Standard Gas to be represented by certificates issued against, and upon transfer by said agent of part of the shares represented by, such certificates so to be registered in the name of said agent or its nominee.

V. The transfer and delivery by Standard Gas to said Distribution Agent of said 173,008 shares of Common Stock of Duquesne, 21,626 shares of 4 percent Cumulative Preferred Stock of Duquesne and 64,878 shares of Common Stock of Wisconsin, referred to in subparagraph IV above and to be represented by the certificates, to be registered in the name of Standard Gas, specified in said subparagraph (less the shares which shall not be required for distribution by reason of the substitution of cash for fractional interests, as provided for in Step V, as amended, and referred to in subparagraph IV above), together with the amount of cash required for such distribution; the transfer of said certificates for said Common Stock and 4 percent Cumulative Preferred Stock of Duquesne and said Common Stock of Wisconsin to, and the registration of such stock in the name of, said Agent or its nominee; the transfer and delivery by said Agent to the holders of Common Stock of Standard Gas, subject to acknowledgment by them of receipt of notice to the extent provided in said Step V, as amended, of said stocks in the ratio of eight shares of Common Stock of Duquesne, one share of 4 percent Cumulative Preferred Stock of Duquesne, and three shares of Common Stock of Wisconsin, for each 100 shares of Common Stock, together with $1.30 in cash for each share of Common Stock, of Standard Gas held of record on the distribution record date, as provided by said Step V, as amended, cash to be paid in lieu of fractional interests in any of said stocks, as provided for by said Step V, as amended; and the payment by said Agent to such holders of Common Stock of Standard Gas at the time of delivery and transfer by it of shares of said stocks, as above provided, of any amounts paid or payable to said Agent as dividends upon the shares so delivered, less any taxes which may have been imposed or paid thereon.

VI. The sale, transfer and delivery by said Distribution Agent, on or after the cut-off date provided in said Step V, as amended, of all certificates for shares of Common Stock and 4 percent Cumulative Preferred Stock of Duquesne and Common Stock of Wisconsin then held by such Agent; and the delivery by said Agent of the cash received upon such sale or sales, together with all cash received by said Agent from Standard Gas under said Step V, as amended, or received by said Agent as dividends or otherwise upon any shares of said stocks of Duquesne or Wisconsin, and then held by it, to the appropriate representatives of Standard Gas, or to such Exchange Agent as may be provided for by subsequent amendment to the Standard plan, for distribution to the holders of Common Stock of Standard Gas who may be entitled to receive the residual assets of Standard Gas under any such future amendment to said plan.

VII. The dissolution of Standard Gas pursuant to section 245 of the Delaware General Corporation Law, subject to continuation of Standard Gas as a body corporate for three years from the date of its dissolution and until any judgments, orders or decrees in these proceedings or any other action, suit or proceeding duly begun or commenced by or against Standard Gas shall be fully executed, in accordance with section 278 of the Delaware General Corporation Law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-710; Filed, Jan. 25, 1961; 8:46 a.m.]



# HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

### ACTING URBAN RENEWAL COMMISSIONER

### Designation

Charles L. Oswald, Deputy Urban Renewal Commissioner, is hereby designated to serve as Acting Urban Renewal Commissioner during a vacancy in the position of Urban Renewal Commissioner, with all the powers, functions, and duties delegated or assigned to the Commissioner.

(62 Stat. 1268 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 19th day of January, 1961.

NORMAN P. MASON, *Housing and Home Finance Administrator.*

[F.R. Doc. 61-718; Filed, Jan. 25, 1961; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 23, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36851: *Concrete slabs from and to points in southern territory.* Filed by O. W. South, Jr., Agent (No. A4059), for interested rail carriers. Rates on slabs, silo, cement, concrete, reinforced or not reinforced, without

glass insertions, in carloads, between points in southern territory, also between points in southern territory, on the one hand, and Ohio and Mississippi River crossings and points in Virginia, West Virginia, and Washington, D.C., on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 22 to Southern Freight Association tariff I.C.C. S–101.

FSA No. 36852: *Substituted service—L&N for Huber & Huber Motor Express, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 481), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Knoxville, Tenn., and Atlanta, Ga., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 3 to Central and Southern Motor Freight Tariff Association, Incorporated, tariff MF–I.C.C. 228.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–719; Filed, Jan. 25, 1961; 8:47 a.m.]

# OFFICE OF CIVIL AND DEFENSE MOBILIZATION

## OTTO L. NELSON, JR.

### Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

Additions—
Member of Finance Committee, Building Research Institute.
*Revenue bonds:*
Illinois State Toll Highway.
*Stocks:*
Standard Oil of Indiana.
Standard Oil of New Jersey.
Deletions—
Executive Director, Construction, Lincoln Center for the Performing Arts, Inc.
Chairman of Finance Committee, Building Research Institute.
Member of Executive Committee, Building Research Institute.

This amends statement published July 22, 1960 (25 F.R. 7006).

Dated: January 10, 1960.

OTTO L. NELSON, Jr.

[F.R. Doc. 61–697; Filed, Jan. 25, 1961; 8:45 a.m.]

# DEPARTMENT OF JUSTICE

## Office of Alien Property

## ALFRED JARECKI

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property and Location*

Alfred Jarecki, Sopot, Poland; $504.42 cash in the Treasury of the United States.
Claim No. 58340. Vesting Order No. 1900.

Executed at Washington, D.C., on January 19, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 61–727; Filed, Jan. 25, 1961; 8:48 a.m.]



# CUMULATIVE CODIFICATION GUIDE—JANUARY

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VOLUME 26 NUMBER 17

Washington, Friday, January 27, 1961


THE UNIVERSITY OF MICHIGAN
JAN 30 1961
MAIN READING ROOM

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# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.**

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### Proclamation 3389

**MODIFYING PROCLAMATION NO. 3279 OF MARCH 10, 1959, ADJUSTING IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS**

**By the President of the United States of America**

**A Proclamation**

*Correction*

In F.R. Document 61–669 appearing in the issue for Friday, January 20, 1961, at page 507, in the second paragraph, lines 3 and 4, the reference to "Proclamation No. 3388" should read "Proclamation No. 3328".

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### Executive Order 10900

**ADMINISTRATION OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED**

*Correction*

In F.R. Document 61–183 appearing in the issue for Tuesday, January 10, 1961, at page 143, the word "negotiation" in the first line of section 4(e) should read "negotiating".

# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

### PART 331—POLICIES AND AUTHORITIES

#### Average Values of Farms; Oregon

On January 11, 1961, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under 6 CFR 331.17, are hereby superseded by the average values set forth below for said counties.

OREGON

| County | Average value |
|---|---|
| Baker | $50,000 |
| Benton | 50,000 |
| Clackamas | 50,000 |
| Clatsop | 50,000 |
| Columbia | 50,000 |
| Coos | 50,000 |
| Crook | 50,000 |
| Curry | 50,000 |
| Deschutes | 50,000 |
| Douglas | 50,000 |
| Gilliam | 50,000 |
| Grant | 50,000 |
| Harney | 50,000 |
| Hood River | 50,000 |
| Jackson | 50,000 |
| Jefferson | 50,000 |
| Josephine | 50,000 |
| Klamath | 50,000 |
| Lake | 50,000 |
| Lane | 50,000 |
| Lincoln | 50,000 |
| Linn | 50,000 |
| Malheur | 50,000 |
| Marion | 50,000 |
| Morrow | 50,000 |
| Multnomah | 50,000 |
| Polk | 50,000 |
| Sherman | 50,000 |
| Tillamook | 50,000 |
| Umatilla | 50,000 |
| Union | 50,000 |
| Wallowa | 50,000 |
| Wasco | 50,000 |
| Washington | 50,000 |
| Wheeler | 50,000 |
| Yamhill | 50,000 |

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188)

Dated: January 23, 1961.

K. H. HANSEN,
*Administrator,*
*Farmers Home Administration.*

[F.R. Doc. 61-785; Filed, Jan. 26, 1961; 8:51 a.m.]

## Title 41—PUBLIC CONTRACTS

### Chapter 5—General Services Administration

### PART 5-1—GENERAL

#### Subpart 5-1.10—Publicizing Procurement Actions

Part 5-1 is amended by adding new Subpart 5-1.10, to read as follows:

Sec.
5-1.1003 Synopses of proposed procurements.
5-1.1003-2 General requirements.
5-1.1003-6 Time of publicizing.

AUTHORITY: §§ 5-1.1003 to 5-1.1003-6 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

**§ 5-1.1003 Synopses of proposed procurements.**

**§ 5-1.1003-2 General requirements.**

In order to secure maximum competition in proposed procurements and promote full participation in the Synopsis program, each proposed procurement which may result in an award or awards in excess of $2,500 shall be publicized promptly in the Department of Commerce Synopsis. The procurement categories listed in § 1-1.1003-2(a) (1) through (5) need not be publicized.

**§ 5-1.1003-6 Time of publicizing.**

Where a short time for submitting bids or proposals is involved, every effort shall be made to publicize proposed procurements before issuance of invitations for bids or requests for proposals. In such cases, information as to when and where bidding sets or requests for proposals will be available shall be included in the Synopsis.

*Effective date.* These regulations are effective immediately.

Dated: January 19, 1961.

FRANKLIN FLOETE,
*Administrator.*

[F.R. Doc. 61-752; Filed, Jan. 26, 1961; 8:47 a.m.]

## Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter I—Small Business Administration

[Revision 2]

### PART 121—SMALL BUSINESS SIZE STANDARDS

The Small Business Size Standards (Revision 1) (24 F.R. 3491), as amended (24 F.R. 5628, 7458, 7943, 9329; 25 F.R. 4577, 4711, 4985, 10087, 13954) is hereby rescinded in its entirety and the following compilation of Small Business Size Standards (Revision 1) and amendments 1 through 7 thereto are substituted in lieu thereof:

Sec.
121.3 Statutory provisions.
121.3-1 Purpose.
121.3-2 Definition of terms.
121.3-3 Organization.
121.3-4 Application for size determination and Small Business Certificate.
121.3-5 Protest of small business status.
121.3-6 Appeals.
121.3-7 Differential for Alaska.
121.3-8 Definition of small business for Government procurement.
121.3-9 Definition of small business for sales of Government property.
121.3-10 Definition of small business for SBA business loans.
121.3-11 Definition of small business for assistance by small business investment companies.

AUTHORITY: §§ 121.3 to 121.3-11 issued under Pub. Law 85-536, sec. 5, 72 Stat. 385.

**§ 121.3 Statutory provisions.**

(a) *Small Business Act, as amended.*

SEC. 3. For the purposes of this Act, a small business concern shall be deemed to be one which is independently owned and operated and which is not dominant in its field of operation. In addition to the foregoing criteria the Administrator, in making a detailed definition, may use these criteria, among others: Number of employees and dollar volume of business. Where the number of employees is used as one of the criteria in making such definition for any of the purposes of this Act, the maximum number of employees which a small business concern may have under the definition shall vary from industry to industry to the extent necessary to reflect differing characteristics of such industries and to take proper account of other relevant factors.

* * * * *

SEC. 8(b). It shall also be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary—

(6) To determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated "small business concerns" for the purpose of effectuating the provisions of this Act. To carry out this purpose the Administrator, when requested to do so, shall issue in response to each such request an appropriate certificate certifying an individual concern as a "small business concern" in accordance with the criteria expressed in this Act. Any such certificate shall be subject to revocation when the concern covered thereby ceases to be a "small business concern." Offices of the Government having procurement or lending powers, or engaging in the disposal of Federal property or allocating materials or supplies, or promulgating regulations affecting the distribution of materials or supplies, shall accept as conclusive the Administration's determination as to which enterprises are to be designated "small business concerns," as authorized and directed under this paragraph.

(b) *Small Business Investment Act of 1958, as amended.*

SEC. 103. As used in this Act—

* * * * * *

(5) the term "small business concern" shall have the same meaning as in the "Small Business Act" * * *



**§ 121.3-1 Purpose.**

This part defines "small business concerns" and establishes standards, criteria and procedures to determine which concerns are "small business concerns" within the meaning of the Small Business Act, as amended (hereinafter referred to as the "Act"), and the Small Business Investment Act of 1958, as amended (hereinafter referred to as the "Investment Act").

**§ 121.3-2 Definition of terms used in this part.**

(a) "Affiliates": Concerns are affiliates of each other when either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party or parties (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors including common ownership, common management and contractual relationships.

(b) "Annual sales or annual receipts" means the annual sales or annual receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year.

(c) "Appeal" means a written request for a review of a size determination made by a Deputy Administrator.

(d) "Crude-oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.

(e) "Certificate of Competency" means a certificate issued by SBA pursuant to the authority contained in section 8(b)(7) of the Act stating that the holder of the certificate is competent as to capacity and credit, to perform a specific Government procurement or sales contract.

(f) "Concern" means any business entity organized for profit with a place of business located in the United States, including but not limited to, an individual, partnership, corporation, joint venture, association or cooperative.

(g) "Contracting Officer" means the person executing a particular contract on behalf of the Government, and any other employee who is properly designated Contracting Officer; the term includes the authorized representative of a Contracting Officer acting within the limits of his authority.

(h) "Non-manufacturer" means any concern which in connection with a specific Government procurement contract, other than a construction or service contract, does not manufacture, produce or furnish the products required to be furnished by such procurement. Non-manufacturer includes a concern which can furnish the products referred to in the specific procurement but does not manufacture, produce or furnish such, products in connection with the procurement.

(i) A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents and license agreements, facilities, sales territory, and nature of business activity.

(j) "Number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full time, part time, temporary or other basis during the pay period ending nearest the 15th day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the 15th day of each month.

(k) "Protest" means a statement in writing from a party having a valid interest in whether or not a bidder on a Government procurement or Government disposal contract is a small business within the meaning of this part, and, shall contain the basis for the protest together with specific detailed evidence supporting the protestant's claim that such bidder is not a small business. A complaint received that a concern is not a small business, but which does not meet the requirements of this paragraph, will not be considered a "protest" and will not be acted upon.

(l) "Reconsideration" means a review by a Regional Director or Deputy Administrator on written request by an interested party of a prior size determination made by such Regional Director or Deputy Administrator, based on new information furnished with the request.

(m) "Size determination" means a ruling by SBA that a concern is or is not a small business within the meaning of this part.

(n) "Small Business Certificate" means a certificate issued by SBA pursuant to the authority contained in sections 3 and 8(b)(6) of the Act certifying that the holder of the certificate is a small business concern for the purpose of Government procurement and in accordance with the terms of the certificate.

(o) "United States" as used in this part includes the several States, the territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

**§ 121.3-3 Organization.**

(a) *Deputy Administrator for Administration.* The Deputy Administrator for Administration has the overall responsibility for carrying out the Small Business Administration's size standards programs.

(b) *Director, Office of Small Business Size Standards.* The Director, Office of Small Business Size Standards is responsible for: (1) Reviewing and recommending size standards for all size programs; (2) establishing procedures for the implementation of all size programs; (3) holding industry hearings; (4) issuing advisory opinions on all size cases referred to him by a Deputy Administrator; (5) issuing interpretations of the size standards regulations and criteria; and (6) taking such other actions as may be appropriate for accomplishment of his assigned functions.

(c) *Deputy Administrators for Procurement and Technical Assistance, Financial Assistance and the Investment Division.* The Deputy Administrators for Procurement and Technical Assistance, Financial Assistance and the Investment Division are responsible for making size determinations within their respective program responsibilities under established regulations, criteria and procedures. They may decide any original size question submitted by SBA field personnel and requests for reconsideration, but not appeals.

(d) *Regional Directors.* Regional Directors may make original size determinations except those involving requests for Small Business Certificates, questions of dominance, or questions of affiliation arising out of franchise agreements, license agreements or other contractual arrangements.

(e) *Size Appeals Board.* The organization and authority of the Size Appeals Board is described in § 121.3-6.

**§ 121.3-4 Application for size determination and Small Business Certificate.**

(a) An application for a size determination or Small Business Certificate shall be submitted on SBA Form 355, in duplicate, to any SBA field office serving the area in which the applicant is located. The application must be complete and any supporting materials must be attached thereto. If a question of size is submitted by a Small Business Investment Company or an applicant thereto, SBA Form 480 must be submitted together with SBA Form 355. Detailed instructions for completing SBA Form 355 and SBA Form 480 are attached thereto.

(b) Completed SBA Form 355 or SBA Form 480 requesting a Small Business Certificate, or involving a question of dominance, or involving questions of affiliation arising out of franchise agreements, license agreements or other similar contractual arrangements shall be reviewed by the Regional Director who shall insure that all facts are presented adequately in the forms and attachments thereto, and forward them with recommendations to the Deputy Administrator for Procurement and Technical Assistance, the Deputy Administrator for

Financial Assistance or the Deputy Administrator for the Investment Division, as appropriate.

(c) Requests for reconsideration: (1) If a Regional Director has made a size determination, the applicant or other interested party may request reconsideration of this determination by filing such request, together with additional information, with the Regional Director. The Regional Director may, upon review of the new information submitted with the request for reconsideration, reverse his original determination. If no new information is provided or if the new information does not warrant reversal in the opinion of the Regional Director, he shall submit the case to the appropriate Deputy Administrator who shall decide the request for reconsideration.

(2) If a Deputy Administrator has made a size determination, the applicant or other interested party may request reconsideration of this determination by filing such request, together with additional information with the Deputy Administrator. If no new information is provided or if the new information does not warrant reversal in the opinion of the Deputy Administrator, he shall deny such request. An appeal from such denial may be taken by following the procedure set forth in § 121.3–6.

**§ 121.3–5 Protest of small business status.**

(a) Any bidder or offerer or other interested party may question the small business status of any bidder or offerer by sending a written protest, as defined in § 121.3–2(k), to the contracting officer responsible for the particular procurement. Any contracting officer who receives such protest or who wishes to protest a bidder or offerer himself shall forward such protest record (or submit his protest) to the SBA Regional Director for the region in which the contracting officer is located. Upon receipt of a protest, the SBA Regional Director shall immediately notify the contracting officer of the date such protest has been received and that the size of the concern being protested is being considered by SBA. The Regional Director shall also advise the SBA Regional Director for the Region in which the protested concern is located, and the bidder or offerer of the receipt of the protest, that it is under review, and shall forward to such bidder or offerer a copy of the protest and blank SBA Form 355, Application for Small Business Certificate or Size Determination. The bidder or offerer shall, within three days after receipt of the copy of the protest and SBA Form 355, file said form as directed by the Regional Director and shall attach thereto, a statement in answer to the allegations of the letter of protest, together with evidence to support such position.

(b) After receipt of a protest, SBA shall investigate and determine the small business status of the protested bidder or offerer and notify the contracting officer, the protestant and the protested bidder or offerer of its decision within ten working days, if possible.

**§ 121.3–6 Appeals.**

(a) *Appeals organization.* (1) The Size Appeals Board is designated as the duly authorized representative of the Administrator and is responsible for reviewing size appeals and issuing final size determinations thereon.

(2) The Size Appeals Board shall consist of two Deputy Administrators neither of whom made the size determination being appealed and the General Counsel. The Director of the Office of Small Business Size Standards shall act as Secretary to the Board, but shall not have a vote. The Size Appeals Board is authorized to conduct such proceedings, to take such actions and to adopt such rules and procedures as may be necessary and appropriate for accomplishment of its assigned functions and for efficient disposition of matters which may properly come before it.

(b) *Method of appeal*—(1) *Who may appeal.* Any interested party who has protested the small business status of a concern pursuant to § 121.3–5 and whose protest has been denied by a Deputy Administrator or any concern which has been denied small business status by a determination of a Deputy Administrator pursuant to § 121.3–4, may appeal from the Deputy Administrator's determination by filing a Notice of Appeal addressed to the Secretary, Size Appeals Board, Small Business Administration, Washington 25, D.C.

(2) *Time for appeal.* Because of the urgency of pending procurements, appeals in such cases must be filed within five (5) days after receipt of the Deputy Administrator's determination. All other appeals must be filed within thirty (30) days after receipt of such determination.

(3) *Grounds for appeal.* The only ground for appeal is the possible error of a Deputy Administrator in applying published size standards regulations. Argument that a published regulation is itself improper may appropriately be presented in writing to the Director, Office of Small Business Size Standards, who shall consider whether such regulation should or should not be amended, and make appropriate recommendations.

(4) *Notice of appeal.* While no particular form is prescribed for the Notice of Appeal, the following information should be included therein to avoid time consuming delays and necessity for further correspondence:

(i) Name and address of concern on which the size determination was made.

(ii) The character of the determination from which appeal is taken and its date.

(iii) If applicable, the IFB or contract number and date and the name and address of contracting officer.

(iv) A concise and direct statement of the claims why the decision of the Deputy Administrator is deemed erroneous. (See § 121.3–6(b)(3).)

(v) Documentary evidence in support of such claims.

(vi) Action sought by the appellant.

(c) *Notice to interested parties.* The Size Appeals Board will promptly acknowledge receipt of the Notice of Appeal and a copy of such Notice of Appeal will be sent to the appropriate Deputy Administrator, the contracting officer, and other interested parties.

(d) *Statement by interested parties.* After receipt of a copy of appellant's Notice of Appeal, interested parties may file in duplicate with the Board, a statement as to why the appeal should or should not be dismissed. Such statement must be accompanied by evidence as appropriate. Copies of such statements will be furnished to the appellant. Such statements should be addressed to the Secretary, Size Appeals Board, Small Business Administration, Washington 25, D.C., and in order to be considered must be filed within five (5) days of the receipt of the copy of Notice of Appeal (unless an extension is for cause granted by the Secretary of the Size Appeals Board).

(e) *Consideration by the Size Appeals Board.* The Size Appeals Board will consider the appeal on the written submissions of the appellant, or may, in its discretion, permit oral presentations by interested parties, and will then, in executive session make its decision.

(f) *Notification of decision.* The decision of the Size Appeals Board, together with the reasons therefor, will be communicated in writing to the appellant and interested parties as appropriate.

**§ 121.3–7 Differential for Alaska.**

If the applicant for a size determination is a concern located in Alaska, then, whenever "annual sales or annual receipts" are used in any size definition contained in this part, said dollar limitation shall be increased by twenty-five percent (25%) of the amount set forth therein.

**§ 121.3–8 Definition of small business for Government procurement.**

(a) *Small business definitions.* A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the following criteria:

(1) *General definition.* Any concern (not otherwise defined in this section) is small if: (i) Its number of employees does not exceed 500 persons or (ii) it is certified as a small business concern by SBA pursuant to paragraph (c) of this section.

(2) *Construction contracts.* For the purpose of bidding on construction contracts, any concern is small if its average annual receipts for the preceding three fiscal years do not exceed $5,000,000.

(3) *Food canning and preserving contracts.* For the purpose of bidding on contracts for food canning and preserving, any concern is small if its number of employees does not exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(4) *Petroleum refining contracts.* For the purpose of bidding on contracts for petroleum, other than lubricants and miscellaneous petroleum products, any concern is small if its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude-oil capacity from owned and leased facilities.

(5) *Aircraft equipment contracts.* For the purpose of bidding on the aircraft equipment set forth below, any concern is small if its number of employees does not exceed 1,000 persons:

(i) Airframes and structural components,
(ii) Aircraft propellers and hubs,
(iii) Wheel and brake systems,
(iv) Jet engines,
(v) Fuel tanks,
(vi) Aircraft hydraulic systems,
(vii) Aircraft vacuum systems,
(viii) Aircraft air-conditioning,
(ix) Heating and pressurizing equipment,
(x) Fire control systems,
(xi) Flight instruments,
(xii) Flight simulators (except small cockpit trainers),
(xiii) Aircraft de-icing systems.

(6) *Air transportation contracts.* For the purpose of bidding on air transportation contracts, any concern is small if its number of employees does not exceed 1,000 persons.

(b) *Definition of small business nonmanufacturer.* Any concern which submits a bid or offer in its own name, other than a construction or service contract, but which proposes to furnish a product not manufactured by said bidder or offerer, is deemed to be a small business concern when:

(1) It is a small business concern within the meaning of paragraph (a) of this section, and

(2) In the case of Government procurement reserved for or involving the preferential treatment of small businesses, such non-manufacturer shall furnish in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States: *Provided, however,* If the goods to be furnished are wool, worsted, knitwear, duck, webbing and thread (spinning and finishing), nonmanufacturers (dealers and converters) shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher.

(c) *Small Business Certificates.* (1) A concern employing more than 500 persons, but not more than 1,000 persons, may qualify for a Small Business Certificate within a particular industry for field of operation in those cases where there is a high concentration of output in a few large companies and there are a limited number of companies having 500 or fewer employees. In order to qualify for a Small Business Certificate, it is not sufficient merely to show that a concern is not dominant in an industry or field of operation. The use of any Small Business Certificate shall be limited to Government contracts for specified commodities, services or research and development.



(2) Any concern employing more than 500 persons, but not more than 1,000 persons, which believes it may qualify for a Small Business Certificate may apply to the SBA field office nearest to such concern's principal place of business for a Small Business Certificate in accordance with the requirements of § 121.3–4.

(3) Small Business Certificates may be issued to such concerns if it is determined by SBA that the applicant, together with its affiliates, is a small business in its industry or field of operation and the issuance of such a certificate would be in accordance with the intent and purpose of the Act. The holder of such certificate will then qualify subject to the terms of the certificate as a small business concern for Government procurement purposes. Information as to which concerns have been issued Small Business Certificates and the products for which such certificates have been issued may be obtained from any SBA field office.

(d) *Self certification by a small business.* In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria of § 121.3–8 (a) or (b) may represent that it is a small business. In the absence of a written protest, such concern shall be deemed to be a small business for the purpose of the specific Government procurement involved.

**§ 121.3–9 Definition of small business for sales of Government property.**

(a) *Sales of Government-owned property other than timber.* A small business concern for the purpose of the sale of Government-owned property, other than timber, is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation and can further qualify under the following criteria:

(1) *Manufacturers.* Any concern which is primarily engaged in manufacturing is small if it employs not more than 500 persons.

(2) *Other than manufacturers.* Any concern which is primarily not a manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its annual sales or annual receipts for its preceding three fiscal years do not exceed $5,000,000.

(3) *Stockpile purchasers.* Any concern primarily engaged in the purchase of materials which are not domestic products is small if its average annual sales or annual receipts for its preceding three fiscal years do not exceed $25,000,000.

(b) *Sales of Government-owned timber.* (1) In connection with the sale of Government-owned timber a small business is a concern that:

(i) Is primarily engaged in the logging or forest products industry;

(ii) Is independently owned and operated;

(iii) Is not dominant in its field of operation; and

(iv) Together with its affiliates employs not more than 250 persons.

(2) Any concern which submits bids or offers for the purchase of Government-owned timber in its own name but which proposes to resell such timber in the form of logs, bolts, pulpwood or similar products is a small business concern only when:

(i) It is a small business concern within the meaning of § 121.3–9(b)(1), and

(ii) In the case of Government sales reserved for or involving the preferential treatment of small businesses, such purchase is not financed by or through a concern which is not small within the meaning of § 121.3–8 or, if the purchase is financed by a business in the forest products industry, § 121.3–9.

(c) *Self certification by a small business.* In the submission of a bid or proposal for the purchase of Government-owned property, a concern which meets the criteria of paragraph (a) or (b) of this section, may represent that it is a small business. In the absence of a written protest, such concern shall be deemed to be a small business for the purpose of the specific Government sale involved.

**§ 121.3–10 Definition of small business for SBA business loans.**

A small business concern for the purpose of receiving a SBA business loan is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation and can further qualify under the following criteria:

(a) *Certificates of Competency.* A concern which is a small business under § 121.3–8 which has applied for or received a Certificate of Competency is a small business eligible for an SBA loan to finance the contract covered by the Certificate of Competency.

(b) *Construction.* Any concern primarily engaged in construction is small if its average annual receipts are $5,000,000 or less for the preceding three fiscal years.

(c) *Food canning and preserving industry.* Any concern primarily engaged in the food canning and preserving industry is small if its number of employees does not exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(d) *Manufacturing.* Any concern is classified:

(1) As small if it employs 250 or fewer employees;

(2) As large if it employs more than 1,000 employees;

(3) Either as small or large depending on its industry and in accordance with the employment size standards set forth in Schedule A of this part, if it employs more than 250 but not more than 1,000 employees.

(e) *Retail.* Any concern primarily engaged in retailing is classified:

(1) As small if its annual sales are $1,000,000 or less;

(2) As small if it is primarily engaged in making retail sales of groceries and fresh meats and its annual sales are $2,000,000 or less;

(3) As small if it is primarily engaged in making retail sales of new or used motor vehicles and its annual sales are $3,000,000 or less.

(f) *Service trades.* Any concern primarily engaged in service trades is small if its annual receipts are $1,000,000 or less except that any hotel or power laundry is small if its annual receipts are $2,000,000 or less.

(g) *Taxicabs.* Any concern primarily engaged in operating taxicabs is small if its annual receipts are $1,000,000 or less.

(h) *Trucking and warehousing.* Any concern primarily engaged in trucking and warehousing (local and long distance) is small if its annual receipts are $3,000,000 or less.

NOTE: Pending further study of the relationship between large interstate van lines and small household movers, freight forwarders, booking and hauling agents and similar enterprises, no such concern will be denied an SBA business loan solely because of its relationship with an interstate van line, provided that its annual receipts have not exceeded $3,000,000 during the concern's most recently completed fiscal year. Applications for SBA business loans submitted by household movers, freight forwarders, booking and hauling agents and similar enterprises must state the amount, if any, of such annual receipts which are directly attributable to the applicant's relationship with an interstate van line.

(i) *Wholesale.* Any concern previously engaged in wholesaling is small if its annual dollar volume of sales is $5,000,000 or less. Any wholesale concern also engaged in manufacturing is not a "small business concern" unless it so qualifies under both the manufacturing and wholesaling standards.

(j) *Other standards.* If a concern is engaged in the production of a number of products or the providing of a variety of services which are classified into different industries, the appropriate standard to be used is that which has been established for the industry or activity in which it is primarily engaged. If no standard for an industry or activity has been set out in this regulation, a concern seeking a size determination should submit SBA Form 355 to the SBA field office serving the area in which the applicant is located.

### § 121.3–11 Definition of small business for assistance by small business investment companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies is a concern which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding $5,000,000, does not have net worth in excess of $2,500,000, and does not have an average net income, after Federal income taxes, for the preceding two years in excess of $250,000 (average net income to be computed without benefit of any carry-over loss); or

(b) Qualifies as a small business concern under section 121.3–10 of this Part.

***Effective date:*** This revision shall become effective upon publication in the FEDERAL REGISTER.

PHILIP MCCALLUM,
*Administrator.*

JANUARY 12, 1961.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO § 121.3-10(d)(3)

| Census Classification Code | Industry | Employment size standard (number of employees) [1] |
|---|---|---|
| | **APPAREL AND RELATED PRODUCTS** | |
| 2389 | Apparel, n.e.c. [2] | 250 |
| 2393 | Bags, textile | 250 |
| 2387 | Belts | 250 |
| 2331 | Blouses | 250 |
| 2394 | Canvas products | 250 |
| 2386 | Clothing, sheep-lined and leather | 250 |
| 2329 | Clothing, men's and boys, n.e.c | 250 |
| 2363 | Coats, children's | 250 |
| 2342 | Corsets and allied garments | 250 |
| 2391 | Curtains and draperies | 250 |
| 2361 | Dresses, children's | 250 |
| 2334 | Dresses, dozen price | 250 |
| 2333 | Dresses, unit price | 250 |
| 2398 | Embroideries, except Schiffli | 250 |
| 2397 | Embroideries, Schiffli-machine | 250 |
| 2371 | Fur goods | 250 |
| 2381 | Gloves, dress, fabric | 250 |
| 2382 | Gloves, work, fabric | 250 |
| 2388 | Handkerchiefs | 250 |
| 2326 | Hat and cap materials | 250 |
| 2325 | Hats, cloth, men's and boys' | 250 |
| 2392 | House furnishings, n.e.c | 250 |
| 2351 | Millinery | 250 |
| 2323 | Neckwear, men's and boys' | 250 |
| 2338 | Neckwear and scarfs, women's | 250 |
| 2385 | Outer garments, waterproof | 250 |
| 2369 | Outerwear, children's, n.e.c | 250 |
| 2339 | Outerwear, women's, n.e.c | 250 |
| 2384 | Robes and dressing gowns | 250 |
| 2321 | Shirts, dress, and nightwear, men's | 250 |
| 2328 | Shirts, work | 250 |
| 2312 | Suit and coat findings | 250 |
| 2311 | Suits and coats, men's and boys' | 250 |
| 2337 | Suits, coats, and skirts, women's | 250 |
| 2383 | Suspenders and garters | 250 |
| 2399 | Textile products, fabricated, n.e.c | 250 |
| 2396 | Trimmings and art goods | 250 |
| 2327 | Trousers, separate | 250 |
| 2395 | Tucking, pleating and hemstitching | 250 |
| 2322 | Underwear, men's and boys' | 250 |
| 2341 | Underwear, women's and children's | 250 |
| | **CHEMICALS AND ALLIED PRODUCTS** | |
| 2887 | Acids, fatty | 500 |
| 2812 | Alkalies and chlorine | 1,000 |
| 2831 | Biological products | 250 |
| 2895 | Carbon black | 750 |
| 2899 | Chemical products, n.e.c | 250 |
| 2842 | Cleaning and polishing products | 500 |
| 2852 | Color pigments, inorganic | 1,000 |
| 2822 | Colors, organic, and intermediates | 1,000 |
| 2821 | Cyclic (coal-tar) crudes | 500 |
| 2826 | Explosives | 1,000 |
| 2871 | Fertilizers | 500 |
| 2872 | Fertilizers (mixing only) | 500 |
| 2825 | Fibers, synthetic | 1,000 |
| 2896 | Gases, compressed and liquefied | 750 |
| 2894 | Glue and gelatin | 250 |
| 2386 | Grease and tallow | 250 |
| 2903 | Gum naval stores | 250 |
| 2861 | Hardwood distillation | 250 |
| 2891 | Ink, printing | 250 |
| 2819 | Inorganic chemicals, industrial, n.e.c | 750 |
| 2897 | Insecticides and fungicides | 500 |
| 2833 | Medicinal chemicals, including botanicals | 750 |
| 2881 | Oil mills, cottonseed | 250 |
| 2882 | Oil mills, linseed | 1,000 |
| 2883 | Oil mills, soybean | 500 |
| 2884 | Oil mills, vegetable, n.e.c | 250 |
| 2889 | Oils, animal, n.e.c | 250 |
| 2843 | Oils and assistants, sulfonated | 250 |
| 2892 | Oils, essential | 250 |
| 2829 | Organic chemicals, industrial, n.e.c | 1,000 |
| 2851 | Paints and varnishes | 250 |
| 2834 | Pharmaceutical preparations | 750 |
| 2823 | Plastics materials and elastometers, except synthetic rubber | 750 |
| 2824 | Rubber, synthetic | 1,000 |
| 2898 | Salt | 500 |
| 2841 | Soap and glycerin | 1,000 |
| 2862 | Softwood distillation | 750 |
| 2811 | Sulphuric acid | 1,000 |
| 2865 | Tanning and dying materials | 250 |
| 2898 | Toilet preparations | 500 |
| 2853 | Whiting and fillers | 250 |
| | **ELECTRICAL MACHINERY** | |
| 3621 | Appliances, electrical | 750 |
| 3692 | Batteries, primary (dry and wet) | 1,000 |
| 3691 | Batteries, storage | 500 |
| 3612 | Carbon and graphite products | 750 |
| 3669 | Communication equipment, n.e.c | 500 |
| 3616 | Control apparatus, electrical | 500 |
| 3699 | Electrical products, n.e.c | 500 |
| 3641 | Engine electrical equipment | 750 |
| 3619 | Industrial apparatus, electrical, n.e.c | 500 |
| 3651 | Lamps, electric (bulbs) | 1,000 |
| 3613 | Measuring instruments, electrical | 500 |
| 3614 | Motors and generators | 750 |

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the 15th of the third month in each calendar quarter for the preceding four quarters.

[2] The abbreviation "n.e.c." means not elsewhere classified.



SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO § 121.3-10(d)(3)—Continued

| Census Classification Code | Industry | Employment size standard (number of employees) [1] |
|---|---|---|
| | **FOOD AND KINDRED PRODUCTS—continued** | |
| 2011 | Meat packing plants | 500 |
| 2013 | Meats, prepared | 500 |
| 2023 | Milk, condensed | 500 |
| 2026 | Milk, fluid | 250 |
| 2027 | Milk, fluid, and other dairy products | 250 |
| 2035 | Pickles and sauces | 250 |
| 2015 | Poultry dressing plants | 250 |
| 2044 | Rice milling | 250 |
| 2031 | Seafood, canned | 750 |
| 2036 | Seafood, packaged | 250 |
| 2092 | Shortening and cooking oils | 750 |
| 2061 | Sugar, cane, refined, bottled | 250 |
| 2063 | Sugar, beet | 750 |
| 2062 | Sugar, raw cane | 250 |
| 2084 | Wines and brandy | 250 |
| | **FURNITURE AND FIXTURES** | |
| 2599 | Furniture and fixtures, n.e.c | 250 |
| 2511 | Household furniture, wood, not upholstered | 250 |
| 2514 | Household furniture, metal | 250 |
| 2519 | Household furniture, n.e.c | 250 |
| 2512 | Household furniture, upholstered | 250 |
| 2515 | Mattresses and bedsprings | 500 |
| 2522 | Office furniture, metal | 250 |
| 2521 | Office furniture, wood | 250 |
| 2541 | Partitions and fixtures | 250 |
| 2532 | Professional furniture | 250 |
| 2531 | Public building furniture | 250 |
| 2581 | Restaurant furniture | 250 |
| 2661 | Screens, window and door | 500 |
| 2562 | Shades, window | |
| 2563 | Venetian blinds | 250 |
| | **INSTRUMENTS AND RELATED PRODUCTS** | |
| 3843 | Dental equipment and supplies | 250 |
| 3831 | Mechanical instruments, mechanical | 500 |
| 3851 | Ophthalmic goods | 250 |
| 3861 | Photographic equipment | 250 |
| 3811 | Scientific instruments | 750 |
| 3841 | Surgical and medical instruments | 500 |
| 3842 | Surgical appliances and supplies | 250 |
| 3872 | Watchcases | 250 |
| 3871 | Watches and clocks | 500 |
| | **LEATHER AND LEATHER PRODUCTS** | |
| 3121 | Belting, industrial leather | 250 |
| 3131 | Footwear cut stock | 250 |
| 3141 | Footwear, except rubber | 500 |
| 3151 | Gloves, leather work | 250 |
| 3752 | Gloves, leather dress | 250 |
| 3199 | Handbags and purses | 250 |
| 3172 | Leather goods, n.e.c | 250 |
| 3161 | Leather goods, small | 250 |
| 3192 | Luggage | 250 |
| 3142 | Saddlery, harness, and whips | 250 |
| 3111 | Slippers, house | 250 |
| | Tanning and finishing leather | 250 |
| | **LUMBER AND PRODUCTS, EXCEPT FURNITURE** | |
| 2441 | Baskets, fruit and vegetable | 250 |
| 2443 | Boxes, cigar | 250 |
| 2444 | Boxes, wooden | 250 |
| 2445 | Cooperage | 250 |
| 2424 | Cooperage stock mills | 250 |
| 2425 | Excelsior mills | 250 |
| 2499 | Lasts and related products | 250 |
| 2411 | Logging camps and logging contractors | 250 |
| 2431 | Millwork plants | 250 |

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO § 121.3-10(d)(3)—Continued

| Census Classification Code | Industry | Employment size standard (number of employees) [1] |
|---|---|---|
| | **ELECTRICAL MACHINERY—continued** | |
| 3663 | Phonograph records | 750 |
| 3661 | Radios and television sets | 750 |
| 3694 | Telephone and telegraph equipment | 1,000 |
| 3612 | Transformers | 750 |
| 3662 | Tubes, electronic | 1,000 |
| 3617 | Welding apparatus, electrical | 250 |
| 3631 | Wire and cable, insulated | 750 |
| 3611 | Wiring devices and supplies | 500 |
| 3693 | X-ray and therapeutic apparatus | 500 |
| | **FABRICATED METAL PRODUCTS** | |
| 3491 | Barrels, drums and pails, metal | 500 |
| 3443 | Boiler shop products | 250 |
| 3494 | Bolts, nuts, washers and rivets | 500 |
| 3421 | Cutlery | 250 |
| 3442 | Doors, sash and trim, metal | 250 |
| 3466 | Enameling and lacquering | 250 |
| 3467 | Engraving on metal | 750 |
| 3497 | Foil, metal | 500 |
| 3465 | Galvanizing | 250 |
| 3429 | Hardware, n.e.c | 500 |
| 3439 | Heating and cooking equipment, n.e.c | 250 |
| 3471 | Lighting fixtures | 250 |
| 3499 | Metal products, fabricated, n.e.c | 500 |
| 3481 | Nails and spikes, wire | 250 |
| 3468 | Plating and polishing | 500 |
| 3498 | Plumbing fixtures and fittings | 500 |
| 3492 | Safes and vaults | 250 |
| 3425 | Saws and saw blades, hand | 250 |
| 3495 | Screw-machine products | 250 |
| 3444 | Sheet-metal work | 250 |
| 3463 | Stampings, metal | 500 |
| 3498 | Steel springs, ornamental products | 250 |
| 3441 | Structural and other tinware | 1,000 |
| 3423 | Tools, edge | 250 |
| 3422 | Tools, hand, n.e.c | 250 |
| 3496 | Tubes, collapsible | 250 |
| 3461 | Vitreous-enameled products | 250 |
| 3489 | Wirework, n.e.c | |
| | **FOOD AND KINDRED PRODUCTS** | |
| 2042 | Animal feeds, prepared | 250 |
| 2082 | Beer and ale | 500 |
| 2052 | Biscuit, crackers and pretzels | 750 |
| 2051 | Bread and other bakery products | 250 |
| 2021 | Butter, creamery | 750 |
| 2043 | Cereal breakfast foods | 250 |
| 2022 | Cheese, natural | 500 |
| 2073 | Chewing gum | 500 |
| 2072 | Chocolate and cocoa products | 750 |
| 2017 | Confectionery products | 250 |
| 2004 | Corn wet milling | 250 |
| 2025 | Dairy products, special | 250 |
| 2092 | Fish, cured | 500 |
| 2085 | Flavorings | 500 |
| 2041 | Flour and meal | 500 |
| 2045 | Food preparations, miscellaneous, n.e.c | 250 |
| 2033 | Fruits and vegetables, canned | 500 |
| 2034 | Fruits and vegetables, dehydrated | 500 |
| 2037 | Fruits and vegetables, frozen | 250 |
| 2097 | Ice, manufactured | 250 |
| 2024 | Ice cream and ices | 500 |
| 2091 | Leavening compounds | 750 |
| 2083 | Liquors, distilled | 250 |
| 2098 | Macaroni and spaghetti | 500 |
| 2082 | Malt | 500 |
| 2063 | Margarine | |

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the 15th of the third month in each calendar quarter for the preceding four quarters.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO § 121.3–10(d)(3)—Continued

| Census Classification Code | Industry | Employment size standard (number of employees) [1] | | | |
|---|---|---|---|---|---|
| | **LUMBER AND PRODUCTS, EXCEPT FURNITURE—con.** | | | | |
| 2432 | Plywood plants | 250 | | | |
| 2442 | Rattan and willow ware | 250 | | | |
| 2421 | Sawmills and planing mills | 250 | | | |
| 2423 | Shingle mills | 250 | | | |
| 2422 | Veneer mills | 250 | | | |
| 2491 | Wood preserving | 250 | | | |
| 2499 | Wood products, n.e.c. | 250 | | | |
| 2433 | Wood products, prefabricated | 250 | | | |
| | **MACHINERY (EXCEPT ELECTRICAL)** | | | | |
| 3562 | Bearings, ball and roller | | | 750 | |
| 3564 | Blowers and fans | 250 | | | |
| 3571 | Computing and related machines | | | | 1,000 |
| 3531 | Construction and mining machinery | | 500 | | |
| 3563 | Conveyors | 250 | | | |
| 3544 | Dies and tools, special | 250 | | | |
| 3562 | Elevators and escalators | | 500 | | |
| 3519 | Engines, internal-combustion | | | | 1,000 |
| 3511 | Engines and turbines, steam | | | | 1,000 |
| 3522 | Farm machinery (except tractors) | | 500 | | |
| 3551 | Food-products machinery | 250 | | | |
| 3567 | Furnaces and ovens, industrial | 250 | | | |
| 3569 | Industrial, general, machinery, n.e.c. | 250 | | | |
| 3559 | Industry, special, machinery, n.e.c. | 250 | | | |
| 3582 | Laundry and dry-cleaning machinery | 250 | | | |
| 3581 | Laundry equipment, domestic | | | | 1,000 |
| 3599 | Machine shops | 250 | | | |
| 3541 | Machine tools | | 500 | | |
| 3545 | Metalworking machinery attachments | 250 | | | |
| 3542 | Metalworking machinery, except machine tools | | 500 | | |
| 3579 | Office and store machines, n.e.c. | | 500 | | |
| 3532 | Oil-field machinery and tools | | 500 | | |
| 3554 | Paper-industries machinery | 250 | | | |
| 3594 | Patterns and molds, industrial | 250 | | | |
| 3592 | Pipe and fittings, fabricated | 250 | | | |
| 3566 | Power-transmission equipment | | 500 | | |
| 3555 | Printing-trades machinery | | 500 | | |
| 3561 | Pumps and compressors | | 500 | | |
| 3586 | Pumps, measuring and dispensing | | | 750 | |
| 3585 | Refrigeration machinery | | | 750 | |
| 3576 | Scales and balances | 250 | | | |
| 3589 | Service and household machines, n.e.c. | 250 | | | |
| 3583 | Sewing machines | | | 750 | |
| 3568 | Stokers, mechanical | | 500 | | |
| 3552 | Textile machinery | 250 | | | |
| 3621 | Tractors | | | | 1,000 |
| 3665 | Trucks and tractors, industrial | 250 | | | |
| 3572 | Typewriters | | | | 1,000 |
| 3584 | Vacuum cleaners | | | 750 | |
| 3591 | Valves and fittings, except plumbing | | 500 | | |
| 3553 | Woodworking machinery | 250 | | | |
| | **MISCELLANEOUS MANUFACTURES** | | | | |
| 3990 | Ammunition, arms, small | | | | 1,000 |
| 3989 | Arms, small | | 500 | | |
| 3954 | Artists' materials | 250 | | | |
| 3991 | Beauty and barber shop equipment | 250 | | | |
| 3981 | Brooms and brushes | 250 | | | |
| 3963 | Buttons | 250 | | | |
| 3984 | Candles | 250 | | | |
| 3955 | Carbon paper and inked ribbons | 250 | | | |
| 3982 | Cork products | 250 | | | |
| 3942 | Dolls | 250 | | | |
| 3985 | Fireworks and pyrotechnics | 250 | | | |
| 3962 | Flowers, artificial | 250 | | | |
| 3992 | Furs, dressed and dyed | 250 | | | |
| 3941 | Games and toys, n.e.c. | 250 | | | |
| 3994 | Hair work | 250 | | | |
| 3912 | Jewelers' findings | 250 | | | |

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the 15th of the third month in each calendar quarter for the preceding four quarters.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO § 121.3–10(d)(3)—Continued

| Census Classification Code | Industry | Employment size standard (number of employees) [1] | | | |
|---|---|---|---|---|---|
| | **MISCELLANEOUS MANUFACTURES—continued** | | | | |
| 3986 | Jewelery and instrument cases | 250 | | | |
| 3961 | Jewelry, costume | 250 | | | |
| 3911 | Jewelry (precious metal) | 250 | | | |
| 3913 | Lapidary work | 250 | | | |
| 3983 | Matches | | | 500 | |
| 3999 | Miscellaneous products, n.e.c. | 250 | | | |
| 3988 | Morticians' goods | 250 | | | |
| 3939 | Musical instruments, n.e.c. | 250 | | | |
| 3964 | Needles, pins, and fasteners | 250 | | | |
| 3932 | Organs | 250 | | | |
| 3952 | Pencils and crayons, lead | 250 | | | |
| 3951 | Pens and mechanical pencils | | | 500 | |
| 3933 | Piano and organ parts | | | 500 | |
| 3931 | Pianos | | | 500 | |
| 3996 | Pipes, tobacco | 250 | | | |
| 3971 | Plastics, products, n.e.c. | 250 | | | |
| 3987 | Shades, lamp | 250 | | | |
| 3993 | Signs and advertising displays | 250 | | | |
| 3914 | Silverware and plated ware | | | 500 | |
| 3997 | Soda-fountain and bar equipment | 250 | | | |
| 3949 | Sporting and athletic goods | 250 | | | |
| 3953 | Stamps, hand and stencils | 250 | | | |
| 3995 | Umbrellas, parasols and canes | 250 | | | |
| 3943 | Vehicles, children's | 250 | | | |
| | **PAPER AND ALLIED PRODUCTS** | | | | |
| 2661 | Bags, paper | | | 500 | |
| 2671 | Boxes, paperboard | 250 | | | |
| 2613 | Building paper and board mills | | | | 750 |
| 2641 | Coating and glazing paper | | | 500 | |
| 2651 | Envelopes | 250 | | | |
| 2674 | Fiber cans, tubes, drums, etc. | 250 | | | |
| 2691 | Paper and board, die-cut | 250 | | | |
| 2699 | Paper and board products, n.e.c. | | | 500 | |
| 2612 | Paper and paperboard mills | | | | 750 |
| 2694 | Pulp goods, pressed and molded | | | 500 | |
| 2611 | Pulp mills | | | | 750 |
| 2693 | Wallpaper | 250 | | | |
| | **PETROLEUM AND COAL PRODUCTS** | | | | |
| 2951 | Coke ovens, beehive | | | | 1,000 |
| 2932 | Coke ovens, byproduct | | | | 1,000 |
| 2992 | Lubricants, n.e.c. | | | 500 | |
| 2951 | Paving mixtures and blocks | 250 | | | |
| 2999 | Petroleum and coal products, n.e.c. | 250 | | | |
| 2911 | Petroleum refining [2] | | | | 1,000 |
| 2952 | Roofing felts and coatings | | | 500 | |
| | **PRIMARY METAL INDUSTRIES** | | | | |
| 3334 | Aluminum, primary | | | | 1,000 |
| 3352 | Aluminum rolling and drawing | | | 750 | |
| 3331 | Copper, primary | | | | 1,000 |
| 3351 | Copper rolling and drawing | | | 750 | |
| 3313 | Electrometallurgical products | | | 750 | |
| 3321 | Foundries, gray-iron | | | 500 | |
| 3322 | Foundries, malleable-iron | | | 500 | |
| 3361 | Foundries, nonferrous | 250 | | | |
| 3323 | Foundries, steel | | | 500 | |
| 3391 | Iron and steel forgings | | | 500 | |
| 3332 | Lead, primary | | | | 1,000 |
| 3399 | Metal industries, primary, n.e.c. | | | 750 | |
| 3359 | Nonferrous metal rolling and drawing, n.e.c. | | | 500 | |
| 3339 | Nonferrous metals, primary, n.e.c. | | | 750 | |
| 3341 | Nonferrous metals, secondary | 250 | | | |
| 3393 | Pipe, welded and heavy-riveted | | | 750 | |
| 3312 | Steel works and rolling mills (includes 3311, blast furnaces) | | | | 1,000 |
| 3392 | Wire drawing | | | 750 | |
| 3333 | Zinc, primary | | | 750 | |

[2] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.





SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO § 121.3–10(d)(3)—Continued

| Census Classification Code | Industry | Employment size standard (number of employees) [1] | | | |
|---|---|---|---|---|---|
| | **PRINTING AND PUBLISHING INDUSTRIES** | | | | |
| 2783 | Binders and devices, loose-leaf | 250 | | | |
| 2782 | Blank books and paper ruling | 250 | | | |
| 2781 | Bookbinding | 250 | | | |
| 2789 | Bookbinding work, miscellaneous | 250 | | | |
| 2732 | Book printing | 250 | | | |
| 2731 | Books: publishing and printing | 250 | | | |
| 2771 | Cards, greeting | 250 | | | |
| 2794 | Electrotyping and stereotyping | 250 | | | |
| 2792 | Engraving and plate printing | 250 | | | |
| 2761 | Lithographing | 250 | | | |
| 2711 | Newspapers | 250 | | | |
| 2721 | Periodicals | 250 | | | |
| 2793 | Photoengraving | 250 | | | |
| 2751 | Printing, commercial | 250 | | | |
| 2741 | Publishing, miscellaneous | 250 | | | |
| 2791 | Typesetting | | | | |
| | **RUBBER PRODUCTS** | | | | |
| 3021 | Footwear, rubber | | | | 1,000 |
| 3031 | Reclaimed rubber | | 500 | | |
| 3099 | Rubber industries, n.e.c. | | 500 | | |
| 3011 | Tires and inner tubes | | | | 1,000 |
| | **STONE, CLAY AND GLASS PRODUCTS** | | | | |
| 3291 | Abrasive products | 250 | | | |
| 3292 | Asbestos products | | | 750 | |
| 3251 | Brick and hollow tile | 250 | | | |
| 3241 | Cement, hydraulic | | 500 | | |
| 3265 | China decorating for the trade | 250 | | | |
| 3259 | Clay products, structural, n.e.c. | 250 | | | |
| 3271 | Concrete products | 250 | | | |
| 3221 | Containers, glass | | | 750 | |
| 3281 | Cut-stone and stone products | 250 | | | |
| 3211 | Flat glass | | | | 1,000 |
| 3293 | Gaskets and asbestos insulations | | 500 | | |
| 3231 | Glass products made of purchased glass | 250 | | | |
| 3229 | Glassware, pressed and blown, n.e.c. | | | 750 | |
| 3272 | Gypsum products | | | | 1,000 |
| 3274 | Lime | | 500 | | |
| 3299 | Mineral products, nonmetallic, n.e.c. | 250 | | | |
| 3275 | Mineral wool | | 500 | | |
| 3295 | Minerals, ground or treated | 250 | | | |
| 3261 | Plumbing fixtures, vitreous | | 500 | | |
| 3264 | Porcelain electrical supplies | | 500 | | |
| 3269 | Pottery products, n.e.c. | 250 | | | |
| 3255 | Refractories, clay | 250 | | | |
| 3297 | Refractories, nonclay | | 500 | | |
| 3254 | Sewer pipe | 250 | | | |
| 3298 | Statuary and art goods | 250 | | | |
| 3253 | Tile, floor and wall | | 500 | | |
| 3263 | Utensils, earthenware food | | 500 | | |
| 3262 | Utensils, vitreous-china food | | 500 | | |
| | **TEXTILE MILL PRODUCTS** | | | | |
| 2272 | Carpets and rugs, except wool | 250 | | | |
| 2271 | Carpets and rugs, wool | | | 750 | |
| 2298 | Cordage and twine | | 500 | | |
| 2295 | Fabric, coated, except rubberized | 250 | | | |
| 2241 | Fabric, narrow, mills | | | 750 | |
| 2253 | Fabrics, cotton broad-woven | | 500 | | |
| 2234 | Fabrics, synthetic broad-woven | | 500 | | |
| 2213 | Fabrics, woolen and worsted | | | 750 | |
| 2291 | Felt goods, n.e.c. | 250 | | | |
| 2274 | Floor coverings, hard surface | | | 750 | |
| 2281 | Hats and hat bodies, fur-felt | 250 | | | |
| 2282 | Hats and hat bodies, wool felt | 250 | | | |
| 2283 | Hats, straw | 250 | | | |
| 2284 | Hatters' fur | 250 | | | |
| 2251 | Hosiery, full-fashioned mills | 250 | | | |

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the 15th of the third month in each calendar quarter for the preceding four quarters.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO § 121.3–10(d)(3)—Continued

| Census Classification Code | Industry | Employment size standard (number of employees) [1] | | | |
|---|---|---|---|---|---|
| | **TEXTILE MILL PRODUCTS—continued** | | | | |
| 2252 | Hosiery, seamless, mills | 250 | | | |
| 2256 | Knit fabric mills | 250 | | | |
| 2255 | Knit glove mills | 250 | | | |
| 2253 | Knit outerwear mills | 250 | | | |
| 2254 | Knit underwear mills | 250 | | | |
| 2259 | Knitting mills, n.e.c. | 250 | | | |
| 2292 | Lace goods | 250 | | | |
| 2293 | Paddings and upholstery filling | 250 | | | |
| 2211 | Scouring and combing plants | | | 500 | |
| 2261 | Textile finishing, except wool | 250 | | | |
| 2216 | Textile finishing, wool | 250 | | | |
| 2299 | Textile goods, n.e.c. | 250 | | | |
| 2294 | Textile waste, processed | | | 500 | |
| 2223 | Thread mills | | | 500 | |
| 2224 | Yarn mills, cotton and silk systems | 250 | | | |
| 2212 | Yarn mills, wool, except carpet | 250 | | | |
| 2222 | Yarn throwing mills | | | | |
| | **TOBACCO MANUFACTURES** | | | | |
| 2131 | Chewing and smoking tobacco | | | 500 | |
| 2111 | Cigarettes | | | 500 | |
| 2121 | Cigars | | | 500 | |
| 2141 | Stemming and redrying tobacco | | | | |
| | **TRANSPORTATION EQUIPMENT** | | | | |
| 3721 | Aircraft | | | | 1,000 |
| 3722 | Aircraft engines | | | | 1,000 |
| 3729 | Aircraft equipment, n.e.c. | | | | 1,000 |
| 3723 | Aircraft propellers | 250 | | | |
| 3732 | Boat building and repairing | | | | 1,000 |
| 3741 | Locomotives and parts | | | 500 | |
| 3751 | Motorcycles and bicycles | | | | 1,000 |
| 3717 | Motor vehicles and parts | | | 750 | |
| 3742 | Railroad and street cars | | | 750 | |
| 3731 | Ship building and repairing | 250 | | | |
| 3716 | Trailers, automobile | | | 500 | |
| 3715 | Trailers, truck | 250 | | | |
| 3799 | Transportation equipment, n.e.c. | 250 | | | |
| 3713 | Truck and bus bodies | | | | |

[F.R. Doc. 61–653; Filed, Jan. 26, 1961; 8:45 a.m.]

# Title 12—BANKS AND BANKING

## Chapter V—Federal Home Loan Bank Board

### SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 14280]

### PART 545—OPERATIONS

### Sale of Participating Interests in Loans

JANUARY 24, 1961.

Resolved that, notice and public procedure having been duly afforded (25 F.R. 9226), and all revelant matter presented or available having been considered by it; the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of the rules and regulations for the Federal Savings and Loan System by the addition of provisions as set forth below regulating, in the manner and to the extent therein set forth, the sale by Federal savings and loan associations of participating interests in loans, and for the purpose of effecting such amendment, hereby amends § 545.6–4 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–4) by adding to said section, at the end thereof, the following paragraph, effective March 1, 1961:

(c) *Sale of participating interests otherwise than to insured institutions.* Unless with the prior written approval of the Board, a sale by a Federal association otherwise than to an insured institution of a participating interest in any loan is hereby prohibited, except that

the foregoing provision of this sentence shall not be applicable if the purchaser has the exemption from taxation provided by subsection (a) of section 501 of the Internal Revenue Code as now or hereafter in effect or if there is, with respect to any of the shares, deposits, or investments in the purchaser, any insurance or guaranty by an institution which has said exemption. A Federal association shall be entitled to rely on a written statement of the purchaser that the purchaser has such exemption or that such insurance or guaranty exists, provided such association has received such written statement within two years prior to the sale. No sale shall be made pursuant to the exception in the first sentence of this paragraph (c) unless the seller, at the close of the sale, has a participation of at least twenty-five percent in such loan, and any sale so made shall be regarded as a sale of a loan within the meaning of the second sentence of § 545.11 and shall be subject to the limitation contained in said sentence, but the dollar amount of the participating interest sold shall be deemed to constitute, for the purposes of said sentence of § 545.11, the dollar amount of the loan sold. A Federal association which has sold a participating interest in a loan pursuant to the exception in the first sentence of this paragraph (c) shall not, without the prior written approval of the Board, sell or dispose of its participating interest or any part thereof (except to a Federal Home Loan Bank by way of security only) unless, at the close of such sale or other disposition, it has a participation of at least twenty-five percent in such loan. The last sentence of § 545.11 shall not be applicable to a sale of a participating interest in any loan pursuant to the exception in the first sentence of this paragraph (c), but the last sentence of paragraph (b) of this section shall be applicable to any such sale. As used in this paragraph, the term "insured institution" means an institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 61-780; Filed, Jan. 26, 1961; 8:50 a.m.]

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### SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-1033]

## PART 563—OPERATIONS

### Participations in Loans

JANUARY 24, 1961.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of paragraph (b) of § 563.9-1 of the rules and regulations for Insurance of Accounts (12 CFR 563.9-1) by (1) reducing to twenty-five percent the amount of fifty percent in the provision in the second sentence of said paragraph that no insured institution shall purchase a participation in a loan pursuant to the approval granted by said section unless the property securing the loan is located within fifty miles from the principal office of the seller and the seller, at the close of the sale, has a participation of at least fifty percent in such loan, and (2) making a similar reduction, in the case of sellers, in the last sentence of said paragraph, and for the purpose of effecting such amendment, hereby amends paragraph (b) of § 563.9-1 of the rules and regulations for Insurance of Accounts (12 CFR 563.9-1) to read as follows, effective March 1, 1961:

(b) *Retainage.* No insured institution shall participate in the making of a loan pursuant to the approval granted by this section unless the property securing the loan is located within fifty miles of the principal office of another lender which participates to the extent of at least fifty percent in the making of such loan. No insured institution shall purchase a participation in a loan pursuant to the approval granted by this section unless the property securing the loan is located within fifty miles from the principal office of the seller and the seller, at the close of the sale, has a participation of at least twenty-five percent in such loan. An insured institution which is another lender within the meaning of the first sentence of this paragraph or a seller within the meaning of the second sentence thereof shall not, without the prior written approval of the Corporation, sell or dispose of its participating interest or any part thereof (except to a Federal Home Loan Bank by way of security only) unless, at the close of such sale or other disposition, it has a participation of at least fifty percent in such loan, except that the foregoing amount of fifty percent in this sentence shall be twenty-five percent in the case of an insured institution which, with respect to such loan, is a seller within the meaning of the second sentence of this paragraph and is not another lender within the meaning of the first sentence thereof.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that, as said amendment only relieves restriction, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of section 508.12 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 61-778; Filed, Jan. 26, 1961; 8:50 a.m.]

[No. FSLIC-1034]

## PART 563—OPERATIONS

### Sale of Participating Interests in Loans

JANUARY 24, 1961.

Resolved that, notice and public procedure having been duly afforded (25 F.R. 9226), and all relevant matter presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of the rules and regulations for Insurance of Accounts by the addition of provisions as set forth below regulating, in the manner and to the extent therein set forth, the sale by insured institutions of participating interests in loans, and for the purpose of affecting such amendment, hereby amends Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) by adding thereto, immediately after § 563.9-1, the following new section, effective March 1, 1961:

**§ 563.9-2 Sale of participating interests otherwise than to insured institutions.**

Unless with the prior written approval of the Corporation, a sale by an insured institution otherwise than to an insured institution of a participating interest in any loan is hereby prohibited, except that the foregoing provision of this sentence shall not be applicable if the purchaser has the exemption from taxation provided by subsection (a) of section 501 of the Internal Revenue Code as now or hereafter in effect or if there is, with respect to any of the shares, deposits, or investments in the purchaser, any insurance or guaranty by an institution which has said exemption. An insured institution shall be entitled to rely on a written statement of the purchaser that the purchaser has such exemption or that such insurance or guaranty exists, provided such institution has received such written statement within two years prior to the sale. No sale shall be made pursuant to the exception in the first sentence of this section unless the seller, at the close of the sale, has a participation of at least twenty-five percent in such loan, and any sale so made shall be regarded as a sale of a loan within the meaning of the first sentence of § 563.23 and shall be subject to the limitation contained in said sentence, but the dollar amount of the participating interest sold shall be deemed to constitute, for the purposes of said sentence of § 563.23, the dollar amount of the loan sold. An insured institution which has sold a participating interest in a loan pursuant to the exception in the first sentence of this section shall not, without the prior written approval of the Corporation, sell or dispose of its participating interest or any part thereof (except to a Federal Home Loan Bank by way of security only) unless, at the close of such sale or other disposition, it has a participation of at least twenty-five percent in such loan. The last sentence of § 563.23 shall not be applicable to a sale



of a participating interest in any loan pursuant to the exception in the first sentence of this section, but any sale by an insured institution of a participating interest in a loan pursuant to said exception shall be without recourse, and the term "without recourse" as used in this sentence shall have the meaning set forth in § 561.8.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 61-779; Filed, Jan. 26, 1961; 8:50 a.m.]

# Title 7—AGRICULTURE

## Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

## PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

### Subpart—United States Standards for Grades of Frozen Spinach

*Corrections*

In F.R. Doc. 61-538, appearing at page 578 of the issue for Friday, Jan. 20, 1961, the following corrections are made:

1. In § 52.1927, that portion of the tabular material which appears following Table II, and which carries the column headings "Sample size" and "Area of damaged portions of leaves", is a separate table and should carry the title: "Table III—Summary of Allowances for Damage in Cut or Chopped Style Spinach".

2. In § 52.1928, the paragraph designated "(e)" should be designated "(c)".

3. In § 52.1929(a)(2)(ii), the word "materials" in the next-to-last sentence should read "material".

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## Chapter III—Agricultural Research Service, Department of Agriculture

## PART 319—FOREIGN QUARANTINE NOTICES

### Subpart—Nursery Stock, Plants, and Seeds

AMENDMENT OF POSTENTRY REQUIREMENTS FOR IMPORTATION OF JUNIPERUS AND PYRUS SPECIES

Pursuant to the authority conferred by sections 1 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 162), § 319.37-19(c) of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37-19(c)), is amended by deleting from the tabular column titled "Where imported from," the term "Canada," in the item relating to "Juniperus spp.," and the term "except Canada" in the item relating to "Pyrus spp., including stocks, when not prohibited entry," so that these two items will read, respectively, as follows:

| *Plants to be grown under postentry quarantine* | *Where imported from* |
|---|---|
| Juniperus spp | All foreign countries except Finland and Rumania. |
| Pyrus spp., including stocks, when not prohibited entry. | All foreign countries. |

(Secs. 1 and 9, 37 Stat. 315, 318, as amended; 7 U.S.C. 154, 162)

This amendment shall become effective January 27, 1961.

The foregoing amendment places further restrictions upon the importation of Juniperus and Pyrus species from Canada by imposing the postentry quarantine requirements set forth in § 319.37-19 upon the importation of such plants from Canada. It has been determined that the pear-juniper rust, Gymnosporangium fuscum DC. (Gymnosporangium sabinae (Dicks.) Wint.) now exists in British Columbia, Canada. Should importations of host plants be permitted from Canada without provision for a period of examination after arrival in this country, introductions of the disease could occur without the Department's knowledge and establish the disease in pear-producing areas of the United States. This situation exists since incipient infections in both pear and juniper may not be detectable at the time the plants first enter the country. The mild climate prevailing in British Columbia and southward makes it possible for nursery stock shipments to be moved all through the winter season.

The foregoing amendment must be made effective promptly, therefore, to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of January 1961.

M. R. CLARKSON, *Acting Administrator, Agricultural Research Service.*

[F.R. Doc. 61-784; Filed, Jan. 26, 1961; 8:51 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter II—Civil Aeronautics Board

### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-320]

## PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

### Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of January 1961.

A notice of proposed rule making, proposing amendments to Part 241, the Board's uniform accounting and reporting requirements for certificated air carriers was published in the FEDERAL REGISTER (25 F.R. 8784) and circulated to the industry as EDR-17, Docket 11769, dated September 8, 1960.

The proposed regulation was directed principally at prescribing: (1) Uniform self-insurance accounting practices (the regulations for self-insurance accounting were temporarily suspended on January 13, 1958 by Regulation No. ER-228 which is being rescinded); (2) accounting for property and equipment obtained under various forms of conditional purchase, lease, and lease with purchase option agreements; (3) establishing a report of certain traffic and capacity statistics to separately disclose the volume of operations conducted in the fields of "domestic", "territorial", and "international" operations as these categories are defined by the International Civil Aviation Organization (ICAO); and (4) certain other miscellaneous accounting and reporting requirements.

An informal conference on the proposed regulation was held between representatives of the industry and members of the Board's staff on November 22, 1960, following public notice thereof by a supplemental notice of proposed rule-making circulated to the industry November 16, 1960, as EDR-17B (25 F.R. 11038), and written comments have been received.

In their comments, air carriers expressed concern with the proposed regulation in the following principal areas:

1. Those provisions which would require a demonstration of reasonableness of accruals to self-insurance reserves in terms of other carriers insurance costs, and those which would prevent the accrual of debit balances for deferred income taxes related to such self-insurance in excess of existing deferred tax credits from all sources;

2. Those provisions which at this time would prescribe a definition for "conditional sales" and prescribe accounting practices for long-term leases and leases with option to purchase, prior to the development of principles in this area by the American Institute of Certified Public Accountants;

3. Those provisions which would require continued separate reporting by certain carriers of operations conducted between the mainland of the United States and other territories under its jurisdiction;

4. The retention of provisions for reporting of compensation to officers, directors and management personnel and particularly the provision for reporting the compensation for each management person receiving in excess of $20,000 per annum; and

5. Those provisions which would require the inclusion of infants carried in arms in the non revenue traffic statistics, with any related token service charges recorded as "other" operating revenue rather than "passenger" revenue.

1. *Self-insurance reserves.* The proposal in EDR–17 would permit the establishment of self-insurance reserves through charges against income. Such reserves could be accrued by a carrier upon submission to the Board of a statement demonstrating that the accrual rates are not in excess of those for purchased insurance and are reasonable in relation to the cost experience of comparable carriers. The provision requiring demonstration of the reasonableness of current accruals to the self-insurance reserves in terms of other carriers' costs is restated in the amended rule to remove ambiguity which resulted in misinterpretation by the industry.

2. *Deferred income taxes.* The proposed rule would require income tax, computed on the differences between book and tax income resulting from the accrual of self-insurance reserves, to be taken up as a deferred tax item provided that any accumulated debit balance related to self-insurance reserves be limited to existing recoverable deferred tax credits from all sources.

The industry takes the position that to limit deferred tax debits resulting from the accrual of self-insurance reserves to the amount of existing deferred tax credits would, in the absence of such credits from other sources, deny the airlines the intended benefit of the regulation. Upon reconsideration the Board concurs in the views expressed by the industry and this limitation is omitted in the amended regulation.

Special Economic Regulation ER–230 was issued March 12, 1958, to temporarily suspend the prohibition against the accrual of deferred taxes associated with differences in tax and book income resulting from the application of different depreciation rates and the different treatment of preoperating, aircraft integration, route extension and other developmental expenses. Provisions of the special regulation, which is being rescinded, and other Board rules related to accounting for deferred taxes are brought together in a single place in the amendment. The amendment also relaxes the rule in that it makes permissive instead of mandatory, accrual of deferred tax associated with airworthiness reserve accounting and the proposed deferred tax associated with self-insurance reserve accounting. In lieu thereof it requires, where tax is deferred for one or more of the sources of income differences for which deferral is permitted, that the tax also be deferred for all such income differences.

In this context it should be recalled that accounting provisions do not constitute prejudgment by the Board of issues in any rate proceedings.

3. *Conditional sales.* EDR–17 would provide specific instructions on accounting for property under conditional sales and lease-option agreements including a definition of "conditional sale". The carriers request that no action be taken in this area until the results of a study projected by the American Institute of Certified Public Accountants becomes available. The carriers also object to the proposed incorporation in the accounting regulations of the conditional sale definition contained in section 101(16) of the Act on the grounds that this definition does not necessarily apply for accounting purposes. Established accounting principles generally recognize that conditional sales are properly reflected in the property accounts. A problem exists only in those circumstances where agreements are not clearly identifiable as conditional sales. Accordingly, the proposal that conditional sales shall be included in the property accounts has been retained. However, the proposed definition of conditional sale has been deleted on the ground that the statutory definition in itself is not determinative as to the appropriateness of recording the property involved in the accounts.

A firm of certified public accountants with clients in the several regulated industries commented that the proposed revisions generally are necessary and timely. However, exception was taken to the proposal concerning the footnote reporting of lease agreements. In their opinion, long-term leases are financing arrangements which, with related liability, should be fully reflected among the assets and liabilities in the balance sheet with explanatory detail in footnote. The industry opposed the reporting of lease commitments on the grounds that the average carrier has numerous lease agreements which would be burdensome to report and that the reporting would disclose highly confidential information. Although views of the accounting firm on this matter are believed to have substantial merit they are not reflected in the present amendment because of the absence of an affirmative position along these lines in currently prevailing accounting practice. The objections of the industry are believed to be met in the revised rule by reducing the reporting frequency to an annual basis, limiting the report to material lease commitments, providing for the grouping of leases by classes of property and otherwise reducing the scope of detail to be reported.

4. *Territorial operations.* The industry advocates that the categories of basic reporting entities be confined to "domestic" and "international" and any separate "territorial" reporting entities should be accordingly deleted. The argument advanced is that with Alaskan and Hawaiian statehood, the segregation of those operations from domestic is no longer needed, and the same concept should be extended to other territories.

The industry's proposal overlooks the fact that mainland operations embrace a distinct and cohesive economic area from a regulatory point of view. Elimination of such separate reports would deprive the Board of information essential to its functions. Therefore, the regulation as herein amended reflects the same set of principles as EDR–17 for the establishment of reporting entities. The operation classifications and abbreviations, however, have been realigned and simplified by changes in terminology.

5. *Management compensation.* Draft release EDR–17 would increase from $10,000 to $20,000 the cut-off for identifying management personnel for whom compensation and expenses are to be reported but would expand the reporting to include the name and compensation of each such individual, instead of the present reporting on a group basis, without naming the individuals. No change was proposed with respect to officers and directors. Comment from the industry indicates that the proposed revision is even more objectionable than the existing regulation, and reiterates its desire to eliminate all reporting of compensation and expenses of officers, directors and management personnel.

In recognition of the public interest in compensation to management personnel in publicly regulated industries, it is believed appropriate to require the reporting of such information. Nevertheless, there appears to be merit to the industry's view that the listing of each individual name and amount with respect to management personnel is an unnecessary expansion of the present rule. The Board would not generally need these individual figures and if occasion should arise, they could be obtained from records required to be kept by the carriers. Accordingly, the amended regulation raises the reporting cut-off with respect to management personnel from $10,000 to $20,000, in line with the requirements of other regulatory agencies, but it retains the provision for reporting the information on a group basis as before.

6. *Statistics on infants.* Infants carried free or at token service charges would be reported under EDR–17 as non-revenue passengers, with any related revenues recorded as "Other Operating Revenues". At present, infants are not reflected in the traffic statistics and any income from related service charges is included with passenger revenue. The objective of the proposal was to include the infants in traffic statistics for accident analyses purposes, without distorting revenue load factors or revenue yields.

The carriers have indicated extreme difficulty in obtaining a count of infants through normal statistical sources. In view of these representations by the carriers, the item is excluded from the final regulation and will be considered for separate resolution.

7. *Other items.* Under the proposal, property received in exchange would be assigned the book cost, accrued depreciation reserves and accrued airworthiness reserves related to the property given in exchange. In response to carrier comment concerning the impracticability of such a practice in all circumstances and in order to adhere more closely to general accounting practices, the final rule provides for recording exchanges of tangible properties at the cost, less accrued depreciation, of the property given.

The carriers objected to provisions in the proposed rule which would have required the recording of property acquired under lease agreements with option to purchase at the price stated in the agreements before offsetting applicable rental payments under some circumstances, and after offsetting such payments under other circumstances. Upon consideration of these comments, and to adhere more closely to the basic accounting practices for recording acquisition of assets, the final rule provides for recording of property acquired under lease-option agreements at the amount paid upon taking up the option.

The rule-making proposal would revise accounts 1603, 1604, and 1606 to include only assemblies of propellers, communication or navigational equipment, and miscellaneous aircraft equipment installed on aircraft, as a means of obtaining uniformity of classification as among carriers. Further review of the matter indicates that uniformity could be achieved by rewording the accounts to include installed units and "other similar assemblies." The final rule reflects this approach for accounts 1603 and 1604 whereas account 1606 is retained without amendment.

To achieve uniformity in accounting classification, the proposal would specifically include the accumulated costs of uncompleted overhauls in account 1689 Construction Work in Progress. Upon consideration of carrier comment, the final rule calls for such inclusion where the overhauls are to be included in the property accounts; other accumulated costs, including the cost of jobs in process for others, the manufacture of materials and supplies for stock and projects to be charged to expense upon completion are to be included in account 1890 Other Deferred Charges.

The industry recommends deletion of a proposal which would continue the monthly reporting of domestic defered airfreight data on a new schedule T–7. The reasoning is that the trend of the operations is now well established. This information is found to be necessary to the Board's functions and the proposed reporting has been retained in the amended regulation, except the reporting of data for the month of the preceding year which is deleted.

The industry opposes the draft release proposal to include identification of deferred income tax items by source on Schedule B–3. The carriers feel that this type of information should be collected during periodic audits by the Board's staff. Such procedure would not be practicable because of the long period between audits and the urgency to have current information on this item which is taking on an increasing measure of significance throughout the industry. The final rule consequently retains the proposal.

A new revision was suggested by the industry which would make accounting procedures filed under § 241.22(d) automatically approved within a reasonable period of time after filing unless the carrier is notified before that time of Board objections. There is merit in the carriers' suggestion insofar as the burdens on the Board's staff of reviewing all plans may preclude the taking of positive action within a reasonable period of time while the accounting operations of the carriers must continue. Accordingly, the final regulation provides that accounting and reporting procedures may be made effective by the carriers 30 days after filing unless the carrier is notified before that time of Board objections. However, the provision permitting automatic effectuation of filed procedures does not constitute Board approval thereof. Consequently, the final rule also provides that modification of any procedure so adopted by the carriers may be required upon 60 days' notice from the Board.

The rule-making proposal would insert a reference to "alternate airports" in § 241.25 to include as completed scheduled departures those which are operated in emergency from an airport other than where scheduled. Upon reconsideration it appears that this item would be better handled through a standard practice instruction and accordingly the item is deleted in the amended regulations.

The industry recommended elimination of Schedule G–43, schedule of persons and firms receiving $5,000 or more per year, or raising the cut-off amount to $25,000. A general public interest in this information as reflected in the similar reporting requirements of other regulatory agencies would prevent acceptance of the industry's recommendation. Accordingly, no change is made from the existing regulation.

Another suggestion is made by the industry to reduce Schedule P–10 (payroll) from a quarterly to an annual basis, on the theory that the value of the data is affected by variation from quarter to quarter and by the effect of temporary conditions, such as strikes and seasonal operations. From the Board's point of view knowledge of the quarterly fluctuations is essential to the measurement of employee utilization and the existing regulation is accordingly retained.

Comment was received from one carrier raising objection to the proposal which would require separate reporting of traffic and capacity statistics, revenues and certain expenses pertaining to non-scheduled operations outside the area of the carrier's certificated operations. The carrier also introduces by reference its comments pertaining to an earlier rule-making proposal in draft release EDR–1. The carrier particularly stresses the financial burden of filing separate P–5 schedules which would involve assignments and allocations of aircraft operating expenses to the particular non-scheduled operations. An earlier proposal by the Board to obtain a more expansive report on these operations was dropped because of the burden involved. The proposal in EDR–17, basically the same as in EDR–1, reflects a substantial contraction of the earlier proposed reporting and is the minimum that would satisfy the regulatory needs of the Board. The allocation of aircraft operating costs as between operations is a common practice within this industry and would not appear to be unreasonably burdensome in the present instance. Therefore, in recognition of the previously announced regulatory need for this information, the proposed rule is embodied in the final regulation without substantive revision.

One carrier objected to the proposed revision which would restrict the privilege of an extended filing period for year-end reports to carriers using calendar fiscal years. The carrier reasons that it should not be placed in a position where, unless it changes to an unsuitable fiscal period, there will be distortion between the reports to the Board and its own fiscal-year statements. However, this principle has been in effect with respect to other air carriers using non-calendar fiscal years without evidence of any major problems arising from the lag in presenting year-end adjustments in reports to the Board. The final regulation accordingly reflects the proposed revision which, in essence, is the embodiment of an established practice.

In the aforementioned comment on draft release EDR–1, the carrier presumed that the proposal for separate reports on non-scheduled operations outside the carrier's certificated area would not apply to operations for the defense establishment. It was not the Board's intent to draw a distinction between defense and other operations for this purpose and the amended regulation accordingly specifically includes the defense service schedule (D–1) in the above requirement. A minor amendment not included in the original proposal provides for reporting both the transfer and return of airframes leased to or rented from others for a period of 90 days or longer. Since such leases occur relatively rarely, the Board finds that this simple reporting requirement imposes no appreciable burden on any air carrier subject to this part. However, in case of hardships the Board will consider applications for waiver of this requirement.

Other changes from EDR–17 were of a non-substantive nature and were made for purposes of clarification. The most significant of these relates to the treatment of capital gains in connection with combined self-insurance and purchased insurance programs and makes clear that sustained losses are to be charged first against insurance recoveries and that any excess of purchased insurance recoveries over losses sustained is to be treated as a capital gain.

In view of the need for uniformity of statistics beginning January 1, 1961, as between classes of air carriers, as well as internationally pursuant to agreement reached by the International Civil Aviation Organization, the Board finds that there is good cause for making the

amendments adopted herein effective February 1, 1961, and to require adjustment of all accounting and reporting for the full calendar year 1961, to the requirements of these amendments. Consequently, the Special Economic Regulations are rescinded as of February 1, 1961. In cases of hardship the Board will consider requests for appropriate waivers.

In consideration of the foregoing, the Civil Aeronautics Board takes the following action:

(1) Special Economic Regulations ER–228 of January 13, 1958, and ER–230 of March 12, 1958, are rescinded;

(2) Part 241 of the Economic Regulations, 14 CFR Part 241, is amended as follows:

**§ 241.03 [Amendment]**

1. By adding a new definition entitled "flight stage" to § 241.03 *Definitions for purposes of this system of accounts and reports* to read:

*Flight stage.* The operation of an aircraft from take-off to landing. For purposes of classifying flight stages as between "domestic", "territorial", and "international", technical stops are disregarded.

2. By deleting the definitions in § 241.03 *Definitions for purposes of this system of accounts and reports* for "Operations, domestic", "Operations, foreign and overseas", "Operations, mail", and "Operations, nonmail" and inserting definitions of "Operations, domestic", "Operations, international", "Operations, territorial" and "Stops, technical" to read:

*Operations, domestic.* Flight stages with both terminals within territory under United States jurisdiction where the terminals are not separated by relatively substantial distances of foreign territory or international waters.

*Operations, international.* Flight stages with one or both terminals outside of territory under United States jurisdiction.

*Operations, territorial.* Flight stages with both terminals within territory under United States jurisdiction where the terminals are separated by relatively substantial distances of foreign territory or international waters.

*Stops, technical.* Aircraft landings made for purposes other than enplaning or deplaning traffic.

3. By substituting in the definition of "Retirement" in § 241.03 *Definitions for purposes of this system of accounts and reports*, the words "services of the corporate entity" for the word "operations".

4. By substituting in the definition of "Retirement, date of" in § 241.03 *Definitions for purposes of this system of accounts and reports*, the words "services of the corporate entity" for the word "operations".

5. By amending § 241.04 *Air carrier groupings and standard name abbreviations* to read:

**§ 241.04 Air carrier groupings and standard name abbreviations.**

GROUP I AIR CARRIERS

AAXICO Airlines, Inc.—AAXICO.
Alaska Coastal Airlines—Alaska Coastal.
Avalon Air Transport, Inc.—Avalon.
Caribbean-Atlantic Airlines, Inc.—Caribair.
Chicago Helicopter Airways, Inc.—Chicago Helicopter.
Cordova Airlines, Inc.—Cordova.
Ellis Air Lines—Ellis.
Kodiak Airways, Inc.—Kodiak.
Los Angeles Airways, Inc.—LA Airways.
Mackey Airlines, Inc.—Mackey.
Howard J. Mays—Mays.
New York Airways, Inc.—NY Airways.
Northern Consolidated Airlines, Inc.—Northern Consol.
Reeve Aleutian Airways, Inc.—Reeve.
Resort Airlines, Inc.—Resort.
Samoan Airlines Ltd.—Samoan.
South Pacific Air Lines, Inc.—South Pacific.
Western Alaska Airlines, Inc.—Western Alaska.
Wien Alaska Airlines, Inc.—Wien.

GROUP II AIR CARRIERS

Aerovias Sud Americana, Inc.—Aerovias.
Allegheny Airlines, Inc.—Allegheny.
Aloha Airlines, Inc.—Aloha.
Bonanza Air Lines, Inc.—Bonanza.
Central Airlines, Inc.—Central.
Frontier Airlines, Inc.—Frontier.
Hawaiian Airlines, Ltd.—Hawaiian.
Lake Central Airlines, Inc.—Lake Central.
North Central Airlines, Inc.—North Central.
Ozark Air Lines, Inc.—Ozark.
Pacific Airlines, Inc.—Pacific.
Riddle Airlines, Inc.—Riddle.
Southern Airways, Inc.—Southern.
Transportation Corporation of America—Transport Corp.
Trans-Texas Airways—Trans-Texas.
West Coast Airlines, Inc.—West Coast.

GROUP III AIR CARRIERS

Alaska Airlines, Inc.—Alaska.
American Airlines, Inc.—American.
Braniff Airways, Inc.—Braniff.
Capital Airlines, Inc.—Capital.
Continental Air Lines, Inc.—Continental.
Delta Air Lines, Inc.—Delta.
Eastern Air Lines, Inc.—Eastern.
The Flying Tiger Line, Inc.—Flying Tiger.
Mohawk Airlines, Inc.—Mohawk.
National Airlines, Inc.—National.
Northeast Airlines, Inc.—Northeast.
Northwest Airlines, Inc.—Northwest.
Pacific Northern Airlines, Inc.—Pacific Northern.
Pan American-Grace Airways, Inc.—Panagra.
Pan American World Airways, Inc.—Pan American.
Piedmont Aviation, Inc.—Piedmont.
Seaboard and Western Airlines, Inc.—Seaboard.
Slick Airways, Inc.—Slick.
Trans World Airlines, Inc.—Trans World.
United Air Lines, Inc.—United.
Western Air Lines, Inc.—Western.

6. By amending § 241.05 *Standard air carrier operation abbreviations* to read:

**§ 241.05 Standard air carrier operation abbreviations.**

| *Operation* | *Operations abbreviations* |
|---|---|
| Domestic/Canadian Transborder: | |
| Trunk | Dom/Can-Trunk. |
| Local service | Dom/Can-Local. |
| Special area | Dom/Can-Special. |
| Cargo | Dom/Can-Cargo. |
| Cruise | Dom/Can-Cruise. |
| Territorial/Domestic: | |
| Alaska | Ter/Dom-Alaska. |
| Latin America | Ter/Dom-Latin Amer. |
| Pacific | Ter/Dom-Pacific. |
| International/Territorial: | |
| Atlantic | Int/Ter-Atlantic. |
| Latin America | Int/Ter-Latin Amer. |
| Pacific | Int/Ter-Pacific. |

**§ 241.2–1 [Amendment]**

6A. By deleting from the first sentence of paragraph (b) § 241.2–1 *Bases of allocation between entities* the words "noncurrent assets and".

**§ 241.2–2 [Amendment]**

7. By adding the following sentence to paragraph (c) of § 241.2–2 *Distribution of revenues and expenses within entities:* "When assignment of expense items on the basis of the primary activity to which related does not in the aggregate result in a fair presentation of the expenses applicable to each function, apportionment shall be made between functions based upon a study of the contribution to each function during a representative period."

**§ 241.2–6 [Amendment]**

8. By amending paragraph (b), § 241.2–6 *Federal income tax accruals*, following the first sentence thereof to read: "As a general rule the accrual of income taxes on differences between income recognized for book purposes and tax purposes is prohibited. However, Federal income taxes may be deferred for material income differences associated with airworthiness reserve or self-insurance reserve provisions, depreciation allowances under provisions of Section 167 and 168 of the Internal Revenue Code, and different treatments for book and tax purposes of preoperating, aircraft integration, route extension or other developmental expenses. In the event a carrier elects to follow deferred tax accounting for one or more of the foregoing income differences, it shall do so for all of such income differences, on a consistent basis both within each accounting year and as between accounting years. In effecting the accruals, records with respect to reserves for deferred taxes on income shall be maintained in accordance with the provisions of balance sheet account 2340 Deferred Income Taxes."

**§ 241.2–10 [Amendment]**

9. By deleting the second sentence of paragraph (d), § 241.2–10 *Capitalization of interest* and substituting in the first sentence thereof for the words "an Interest Charged to Construction—Credit subaccount of profit and loss account 83, Interest Income" the following: "profit and loss subaccount 80.1 Interest Charged to Construction—Credit."

**§ 241.2–10 [Amendment]**

10. By substituting in the second sentence of § 241.2–10(e) for the words "an Interest Charged to Development subaccount of profit and loss account 83, Interest Income" the following: "profit and loss subaccount 80.2 Interest Charged to Development—Credit."

**§ 241.2–12 [Amendment]**

11. By amending the heading of § 241.2–12 *Valuation of assets* to read *"Acquisition and valuation of assets"*; by inserting "(a)" immediately thereafter and by adding the following after the first sentence: "The cost (as defined by § 241.03—'Cost') to be recorded shall represent the cash price of the asset acquired unless otherwise specifically provided herein. When the consideration given for property is other than cash, the value of such consideration shall be determined on a cash basis, in accordance with the following provisions."



12. By adding new paragraphs (b) and (c) in renamed § 241.2–12 *Acquisition and valuation of assets* as follows:

"(b) Costs of assets charged against income by an air carrier shall not be reinstated through property exchanges, and again charged against income by another air carrier but shall be recorded by each successive user at the unrecovered cost of property given in exchange, adjusted by the amount of any additional cash or other consideration given or received. For purposes of this system of accounts, an exchange is defined as a transaction in which tangible property represents more than 75 percent of the fair market value of the total consideration. Capital gains or losses, as a matter of policy, will not be recognized in property exchanges. (See also § 241.5–3 (e)(8).)

(c) The cost of properties obtained under a conditional sales contract shall be recorded as assets as at the date upon which delivery has been completed even though legal title remains in the vendor unless there is material uncertainty as to the complete consummation of the transaction.

**§ 241.2–13 [Amendment]**

13. By amending paragraph (c), § 241.2–13 *Establishment of reserves* to read:

(c) Provisions for self-insurance against damage to property, or other risks, may be charged against income as recurring operating expense, and credited to balance sheet account 2350 Reserve for Self-Insurance, in accordance with a plan which reflects actuarial or other reasonable measurement of risk, provided: the air carrier demonstrates that the accrual rate is reasonable in terms of resulting cost level and will not, in any accounting period, inflate the operating costs above those which would result from equivalent coverage through purchased insurance. Such provisions shall be made in accordance with the instructions for balance sheet account 2350 Reserve for Self-Insurance. No provision shall be made through income charges for a retroactive initiation or adjustment of self-insurance reserves. Such reserves shall be accumulated on a forward basis only. However, the air carrier may effect an interim segregation of retained earnings through balance sheet account 2930 Appropriations of Retained Earnings. The balance of such segregation of retained earnings is to be returned to unappropriated retained earnings upon attainment of the planned level of the self-insurance reserve, accumulated through income charges. Where risks to be borne by the air carrier are reduced or eliminated, due to substitution of purchased insurance, or otherwise, the self-insurance reserve requirements shall be redetermined. Excesses in existing reserves, of material amount, over those required to cover current risks borne by the air carrier shall be accounted for as provided in balance sheet account 2350 Reserve for Self-Insurance. Material effects upon income taxes resulting from differences as between income recognized for tax and book purposes, associated with provisions for self-insurance, shall be accounted for in accordance with the instructions for balance sheet account 2340 Deferred Federal Income Taxes. Each air carrier shall file with the Civil Aeronautics Board a supplement to the CAB Form 41 report for the period in which the air carrier's policy with respect to self-insurance is first established or materially changed. This supplement shall set forth: (1) The amount of self-borne and purchased coverage, respectively, for each type of risk involving self-insurance; (2) the rates of accrual to the self-insurance reserves; (3) such other detail as may be pertinent to the plan; and (4) information necessary to establish the reasonableness of the plan in conformance with the standards prescribed by this system of accounts and reports. The rates and practices set forth in such statements shall thenceforth be used by the air carrier unless notified by the Civil Aeronautics Board, in accordance with § 241.22(d), that they do not meet the requirements set forth herein.

**§ 241.3 [Amendment]**

14. By amending § 241.3 *Chart of balance sheet accounts* to delete account "2920 Reserve for Self-Insurance" and to change the names of the indicated accounts to read:

| | |
|---|---|
| Advances to nontransport divisions | 1520 |
| Advances from nontransport divisions | 2245 |
| Reserve for self-insurance | 2350 |
| Appropriations of retained earnings | 2930 |

**§ 241.5–3 [Amendment]**

15. By changing paragraphs (b) and (c) of § 241.5–3 *Property and equipment* to paragraphs (d) and (e), respectively.

16. By inserting new paragraphs (b) and (c) in § 241.5–3 *Property and equipment* as follows:

(b) The cost of properties covered by conditional sales contracts shall be recorded in the appropriate property and equipment accounts of the buyer, and removed from the property and equipment accounts of the seller, as at the date on which possession is delivered to the buyer unless there is material uncertainty as to the complete consummation of the transaction.

(c) Property obtained under an agreement for lease or lease with option to purchase, not constituting a conditional sale, shall not be recorded on the books of the lessee until actual purchase, at which time the price at actual date of purchase plus leasehold improvements shall be recorded in the appropriate property and equipment accounts. A footnote to the CAB Form 41 balance sheet as at December 31 of each year shall disclose the pertinent facts related to lease agreements pursuant to § 241.23, Schedule B–2 Notes to Balance Sheet.

17. By adding to redesignated paragraph (e)(4), § 241.5–3 *Property and equipment*, the following: "Property acquired from an associated company shall also be accounted for in accordance with the foregoing unless otherwise approved by the Board."

18. By adding the following sentence to redesignated paragraph (e)(5), § 241.5–3 *Property and equipment:* "However, the proceeds from sales of scrapped parts and assemblies, which are accumulated and sold in lots for nominal amounts and without identification of the individual items, shall be credited to profit and loss account 18 Other Incidental Revenues."

19. By amending the second sentence of redesignated paragraph (e)(7), § 241.5–3 *Property and equipment* to read: "The resulting profit or loss, after reflecting adjustments for insurance coverage or self-insurance, shall be recorded as a capital gain or loss or as a credit or debit to the applicable self-insurance reserve, as appropriate."

20. By adding the following to redesignated paragraph (e)(8), § 241.5–3 *Property and equipment:* "When used tangible property is exchanged for other used tangible property and no other form of consideration is involved, the book cost less related depreciation reserves of the property given in exchange shall be assigned to the property received. When the consideration consists of both cash or its equivalent and tangible property, and the cash or its equivalent is less than 25 percent of the fair market value of the total consideration, the entire transaction is to be treated as an exchange of property. The cost of the properties received by each party shall be the book cost less related depreciation reserves of the properties given in exchange, plus or minus the cash, or the cash value of any other consideration, paid or received. Capital gain or loss is not to be recorded on the books of either party, except to the extent that the additional cash or other consideration received exceeds the depreciated book cost of the properties given. When the additional cash, or the cash value of other consideration, is at least 25 percent of the fair market value, the transaction shall be treated as a purchase and sale. The property received by each party shall be entered on the books at its fair market value and the net increase or decrease in asset values resulting from the transaction shall be treated as capital gain or loss."

**§ 241.5–4 [Amendment]**

20a. By amending paragraph (g)(7), § 241.5–4 *Property and equipment depreciation and overhaul* to read:

(7) Material effects upon income taxes resulting from differences as between income recognized for tax and book purposes, associated with accruals to airframe or aircraft engine airworthiness reserves, shall be accounted for in accordance with the instructions for balance sheet account 2340 Deferred Federal Income Taxes.

**§ 241.6 [Amendment]**

21. By amending § 241.6 *Objective classification of balance sheet elements* to change the names of the below-indicated accounts as follows:

1520 *Advances to Nontransport Divisions.*
2245 *Advances from Nontransport Divisions.*
2350 *Reserve for Self-Insurance.*
2930 *Appropriations of Retained Earnings.*

22. By amending the first sentence of § 241.6–1110 *United States Government Securities* to read: "Record here the cost of United States Government securities."

23. By deleting the first sentence of paragraph (c), § 241.6–1310 *Flight Equipment Expendable Parts.*

24. By deleting the first sentence of paragraph (d) § 241.6–1330 *Miscellaneous Materials and Supplies.*

25. By amending § 241.6–1420 *Other Current Assets* to read:

1420 *Other Current Assets.* Record here current assets not provided for in balance sheet accounts 1010 to 1410, inclusive.

26. By amending § 241.6–1603 *Aircraft Propellers* to read as follows:

1603 *Aircraft Propellers.* Record here the total cost to the air carrier of installed aircraft propellers and rotary wing aircraft rotors, and other similar assemblies, of all types and classes, pursuant to § 241.5–3. Values recorded in this account shall not be changed with the substitution of parts and assemblies except as provided by § 241.5–3 (e) (2).

27. By amending § 241.6–1604 *Aircraft Communications and Navigational Equipment* to read:

1604 *Aircraft Communications and Navigational Equipment.* Record here the total cost to the air carrier of installed airborne communications and electronic navigational equipment, and other similar assemblies, of all types and classes pursuant to § 241.5–3. Values recorded in this account shall not be changed with the substitution of parts and assemblies except as provided by § 241.5–3(e)(2).

28. By amending § 241.6–1689 *Construction Work in Progress* to read:

1689 *Construction Work in Progress.* (a) Record here the direct and indirect cost to the air carrier, accumulated to the date of the balance sheet in connection with constructing and readying for installation in operations, for property and equipment of all types and classes as provided in § 241.5–3. Where properly includible in the property and equipment classification, record here also the accumulated costs for uncompleted overhauls of airframes, aircraft engines, or other material units of property.

(b) At the option of the air carrier this account may be used as a clearing account for recording the cost of property and equipment acquisitions prior to a distribution thereof to the appropriate property accounts, whether or not conditioning or modification is necessary before placing in service.

29. By amending § 241.6–1830 *Developmental and Preoperating Costs* as follows:

a. By adding to paragraph (b) the following: "Nor shall this account be credited for revenues from aircraft flights of a developmental or preoperating character the operating costs of which are charged to this account. Any such revenues shall be included in the profit and loss account for the respective type of revenue. This account shall include charges for only those costs associated with projects directed at obtaining new operating authority or expanding the physical capacity of the air carrier and shall not include costs incurred for the purpose of generating revenues through rate adjustment. Accordingly, costs associated with regulatory proceedings involving route awards or amendments, whether successful or unsuccessful to the carrier, shall be included in this account whereas costs associated with regulatory proceedings involving rate or other revenue generation matters shall be charged to appropriate expense accounts."

b. By revising the first sentence in paragraph (e) to read: "(e) Amounts included in this account which contribute to or protect the position of the normal air transportation services currently conducted by the carrier shall be amortized to profit and loss account 74 Amortization, unless otherwise approved or directed by the Civil Aeronautics Board."

30. By amending § 241.6–1840 *Unamortized Discount and Expense on Debt* to delete from paragraph (a), the words "long-term" between the words "of" and "debt", and to append the following sentence to paragraph (b): "Discount and expense on short-term debt may be charged directly to profit and loss account 87 Interest Expense."

31. By inserting after the first sentence of paragraph (a) of § 241.6–1870 *Property Acquisition Adjustment* the following: "Record here also such differences relating to purchases of property and equipment from associated companies unless other treatment is approved by the Board."

32. By amending § 241.6–1890 *Other Deferred Charges* to read:

1890. *Other Deferred Charges.* (a) Record here debits, not provided for elsewhere, the proper final disposition of which cannot be effected until additional information has been received. This account shall include the accumulated cost of labor, materials and outside services used in the process of manufacturing flight equipment expendable parts and materials and supplies for stock, the accumulated cost of jobs in process for others, and projects to be charged to expense upon completion.

(b) This account shall be charged with property loss and other costs related to casualties and credited with recoveries from purchased insurance and salvage. Where self-insurance reserves are not provided, a debit or credit balance in this account related to property retired as a result of a casualty shall be recorded in profit and loss account 81 Capital Gains and Losses; however, any balances related to property not retired or to other casualties shall be recorded in profit and loss account 58 Injuries, Loss and Damage. Proceeds from purchased insurance for property damage, received prior to repair of such damage, shall not be credited to this account but to balance sheet account 2390 Other Deferred Credits pending repair. In cases where self-insurance reserves are applicable, debit or credit balances in this account related to property loss shall be accounted for in accordance with the provisions of balance sheet account 2350 Reserve for Self-Insurance. The records for each major casualty shall be kept in such manner as to clearly disclose insurance recoveries and the total costs, which shall include charges for the depreciated cost of property damaged or destroyed, costs for clearing wrecks and damaged property and equipment, including salaries and wages for the repair thereof, and payments for damages to property of others. The cost of casualties shall not be charged directly against retained earnings or appropriations thereof, but shall be cleared through the applicable profit and loss accounts in accordance with the foregoing.

33. By adding to § 241.6–2020 *Accounts Payable—General*, the following: "This account shall include obligations, already matured at balance sheet date, for which settlement amounts have been established. Amounts accrued for obligations unmatured at the balance sheet date, but payable within one year, shall be recorded in balance sheet account 2190 Other Current Liabilities."

34. By adding to § 241.6–2190 *Other Current Liabilities* the following: "This account shall include estimated amounts for established obligations and other accruals for obligations unmatured at the balance sheet date. It shall not include obligations already matured at the balance sheet date for which settlement amounts have been established. Such amounts shall be included in balance sheet account 2020 Accounts Payable—General".

34A. By amending § 241.6–2340 *Deferred Federal Income Taxes* to read:

2340 *Deferred Federal Income Taxes.* (a) Record here deferred income tax credits and debits arising from different treatment for tax and book accounting purposes of those income elements specifically set forth in § 241.2–6(b).

(b) This account shall be credited or debited, as appropriate, and profit and loss subaccount 92.1 Current Provisions for Deferred Taxes shall be debited or credited, each quarter, with deferred income taxes applicable to the income elements for which the related income tax effect is deferred. Deferred tax provisions shall be computed at tax rates, under existing law, at which the deferred taxes are payable. This means that insofar as income differences result from the application of different residual values in determining depreciation the applicable deferred tax shall be accrued at the appropriate capital gain rate.

(c) This account shall be debited or credited as appropriate, and profit and loss subaccount 92.2 Application of Taxes Deferred shall be credited or debited, each quarter, with deferred tax amounts previously accrued which are allocable to income of the current period.

(d) Upon adjustment or elimination of the income element for which income taxes are deferred, the related deferred tax balance included in this account shall be correspondingly adjusted or eliminated by debit or credit, as appropriate, to profit and loss subaccount 92.3 Adjustment of Deferred Taxes.

(e) Any debit balance herein shall be treated for statement purposes, as a special subaccount of balance sheet account 1890 Other Deferred Charges.

(f) Each air carrier is restricted in its use of this account to the purposes set forth in § 241.2–6. Deferred tax balances shall not be reversed or revised without prior approval of the Civil Aeronautics Board except that correction of clerical errors shall be effected upon the initiative of the air carrier. All adjustments shall be effected through appropriate credits or debits to profit and loss account 92.3 Adjustment of Deferred Taxes. Full explanation of each adjustment shall be set forth in CAB Form 41 report for the period in which the adjustment is made.

35. By amending § 241.6–2350 *Reserve for Self-Insurance* to read:

2350 *Reserve for Self-Insurance.* (a) Record here all accruals through charges against income for uninsured losses. Segregations of retained earnings for uninsured loss contingencies shall not be credited to this account but to balance sheet account 2930 Appropriations of Retained Earnings. All sustained losses associated with risks for which accruals are being made shall be charged to this account. If through the operation of the carrier's self-insurance plan a debit balance results in this account, such debit balance shall not be reclassified to another account for either statement or accounting purposes but shall remain in this account until liquidated through operation of the plan in subsequent periods. Upon each redetermination of self-insurance requirements, pursuant to § 241.2–13, any balances of material amount in excess of those required to cover current risks borne by the air carrier shall be credited to profit and loss account 96 Special Income Credits and Debits (Net) rather than to insurance expense accounts. (See § 241.2–13 Establishment of Reserves.)

(b) The losses charged to this account shall be limited to the net losses associated with each casualty for which self-insurance reserves are provided, after off-setting any recoveries from purchased insurance, as accumulated in balance sheet account 1890 Other Deferred Charges. See also § 241.2–13. Under co-insurance programs, this account shall be charged with losses borne by the carrier and not covered by purchased insurance. Any excess of accumulated proceeds from purchased insurance under such co-insurance programs over the depreciated cost of accumulated property losses during each insured period shall be credited to this account to the extent losses associated with such casualties have been charged to this account during such period. Any remaining excess accumulated during the insured period shall be credited to profit and loss account 81 Capital Gains and Losses and shall not be credited to this account. The cost of ordinary maintenance and overhaul work performed along with the repair of casualty damage shall be charged to the appropriate maintenance accounts and not to this account. Refunds of insurance premiums whether based upon the air carrier's casualty experience, or otherwise, shall not be credited to this account but to the applicable insurance expense account.

(c) Each air carrier shall maintain appropriate records for each type and class of property risk or other risk for which self-insurance reserves are provided.

(d) The air carrier shall submit in writing to the Civil Aeronautics Board a statement describing the air carrier's policy with respect to self-insurance pursuant to § 241.2–13 hereof.

36. By deleting § 241.6–2920 *Reserve for self-insurance* and the instructions related thereto.

37. By amending § 241.6–2930, *Appropriations of retained earnings*, to read:

2930 *Appropriations of retained earnings.* (a) Record here amounts of retained earnings segregated for contingencies and other special purposes, including retained earnings segregated in connection with self-insurance plans.

§ 241.7 [Amendment]

38. By amending classifications "07", "80", "81.2", and "92.2" in § 241.7 to read:

| | | | |
|---|---|---|---|
| 07 Charter | | | |
| 07.1 Passenger | 32 | 32 | 32 |
| 07.2 Property | 32 | 32 | 32 |
| 80 Interest capitalized | | | |
| 80.1 Interest charged to construction—credit | 81 | 81 | 81 |
| 80.2 Interest charged to development—credit | 81 | 81 | 81 |
| 81.2 Capital gains and losses—other | 81 | 81 | 81 |
| 92.2 Application of taxes deferred | 91 | 91 | 91 |



§ 241.11 [Amendment]

39. By amending the third and fourth sentences in paragraph (c) of § 241.11–6400 *Aircraft and Traffic Servicing* to read: "However, for purposes of this system of accounts, expenses attributable to the operation of airport traffic offices, excluding reservation centers, shall be included in this function. Expenses attributable to the operation of reservation or aircraft space control centers shall be included in function 6700 Promotion and Sales regardless of the location at which incurred."

40. By amending paragraph (a) of § 241.11–6200 *Traffic Servicing* as follows:

a. By deleting from the first sentence thereof the words: "and expenses attributable to the operation of airport traffic offices".

b. By inserting a new second sentence to read: "Expenses attributable to the operation of airport traffic offices shall also be included in this subfunction; expenses attributable to reservations centers shall be excluded."

41. By amending the second sentence of paragraph (b) of § 241.11–6300 *Servicing Administration* to read: "Nor shall this subfunction include expenses of a general administrative character and of significant amount regularly contributing to operating functions generally."

42. By amending the second and third sentences in paragraph (c) of § 241.11–6700 *Promotion and Sales* to read: "However, for purposes of this system of accounts, expenses attributable to the operation of airport traffic offices, excluding reservation centers, shall be included in function 6400 Aircraft and Traffic Servicing. Expenses attributable to the operation of reservation or aircraft space control centers shall be included in function 6700 Promotion and Sales regardless of the location at which incurred."

43. By changing the last sentence of paragraph (b) in § 241.11–6800 *General and Administrative* to read: "However, expenses of a general administrative character and of significant amount regularly contributing to operating functions generally shall be included in this function."

§ 241.12 [Amendment]

44. By deleting from the last sentence of paragraph (a) of § 241.12–00 *General Instructions* the comma and words "when no refund is made of transportation sales".

45. By adding a paragraph (c) to § 241.12–07 *Charter* to read:

(c) This account shall be subdivided as follows by all air carrier groups:

07.1 *Passenger.* Record here revenue from the transportation of passengers and their personal baggage at rates set forth in passenger charter tariffs.

07.2 *Property.* Record here revenue from the transportation of property at rates set forth in property charter tariffs and revenue from the transportation of passengers and property simultaneously at rates set forth in mixed passenger and property charter tariffs.

§ 241.13 [Amendment]

46. By deleting from the first sentence of § 241.13–00 *General Instructions* the words "performed during the current accounting year" and the commas after "expense" and "year".

47. By amending paragraphs (a) and (c) of § 241.13–36 *Personnel Expenses* to read:

36. *Personnel Expenses.* (a) Record here expenses incurred by officers, executives, directors and other personnel, whether for the benefit of the air carrier or for the private benefit of such persons, which are directly or indirectly borne by the air carrier.

* * * * *

(c) Records shall be maintained in a conveniently accessible form which will separately and clearly document each charge to this account in terms of its natural characteristics and contribution to the performance of the air carrier's transport operations. The records shall be maintained in such manner as will identify specifically the persons incurring the cost and will facilitate the accumulation of costs to be reported on Schedule G–42 of CAB Form 41. Costs for standby hotel or other facilities maintained for the air carrier's personnel generally, need not be allocated among the individuals using such facilities; however, sufficiently detailed records are required to identify the use made of such facilities by each individual.

48. By amending the name and paragraph (a), § 241.13–55 *Insurance—Public Liability and Property Damage* to read:

55 *Insurance—General.* (a) Record here provisions for self-insurance and the cost of purchased public liability and property damage and all other general insurance except insurance covering liability for injuries, loss and damage to passengers and cargo, and insurance carried for the protection or welfare of employees.

49. By amending § 241.13–56 *Insurance—Traffic Liability* to read:

56 *Insurance—Traffic Liability.* Record here the cost of purchased insurance and provisions for self-insurance covering liability for injuries, loss and damage to passengers and cargo.

50. By amending § 241.13–57 *Insurance—Employee Welfare* to read:

57 *Insurance—Employee Welfare.* Record here the cost of purchased insurance and provisions for self-insurance covering liability for the benefit or protection of employees, and contributions of the air carrier to employee pension or other welfare plans.

51. By amending § 241.13–63 *Interrupted Trips Expense* to read:

63 *Interrupted Trips Expense.* Record here expenses allowed or paid for the care and serving of passengers because of unscheduled interruptions in passenger journeys. Transportation refunds and the cost of forwarding traffic by surface common carrier or otherwise as a result of such interruptions shall not be charged to this account but to the appropriate operating revenue account.

§ 241.14 [Amendment]

52. By deleting § 241.14–80 *Over or Under Self-Insurance Accruals* and substituting therefor a new § 241.14–80 *Interest Capitalized* to read:

80 *Interest Capitalized.* (a) Record here credit amounts for interest capitalized pursuant to § 241.2–10 and charged to balance sheet accounts.

(b) This account shall be subdivided as follows:

80.1 *Interest Charged to Construction—Credit.* Record here credits related to interest capitalized in balance sheet account 1600 Construction Work in Progress.

80.2 *Interest Charged to Development—Credit.* Record here credits related to interest capitalized in balance sheet account 1830 Developmental and Preoperating Costs.

52A. By changing the title for § 241.14–81.2 to read: "81.2 Capital Gains and Losses—Other".

53. By amending the title and paragraph (a), § 241.14–87 *Interest Expense* to read:

87 *Interest and Debt Expense.* (a) Record here interest on all classes of debt, including interest on unpaid taxes, premium, discount and expense on short term obligations; and amortizations of premium, discount and expense on short term and long term obligations.

§ 241.15 [Amendment]

54. By amending § 241.15–91 *Normal Income Taxes and Surtaxes* to read:

91 *Normal Income Tax and Surtaxes.* Record here proportionate quarterly provisions for accruals of Federal, state, local and foreign taxes based upon net income accruing under the normal tax and surtax rates and allocable to income of the current accounting year. This account shall include credits from the carryback of losses in the year in which the loss occurs. It shall also include adjustments of income taxes of prior years provided that inclusion will not distort net income of the current accounting year. Income taxes allocable to special income items and material income tax adjustments shall not be included in this account but in profit and loss account 97 Special Income Tax Credits and Debits (Net).

54a. By amending profit and loss account 92 *Provisions for Deferred Federal Income Taxes,* in § 241.15, to read:

92 *Provisions for Deferred Federal Income Taxes.* (a) Record here income tax debits and credits deferred in accordance with the provisions of balance sheet account 2340 Deferred Federal Income Taxes for those income elements specifically set forth in § 241.2–6(b).

(b) This account shall be subdivided as follows by all air carrier groups:

92.1 *Current Provisions for Deferred Taxes.*
92.2 *Application of Taxes Deferred.*
92.3 *Adjustment of Deferred Taxes.*

§ 241.21 [Amendment]

55. By amending paragraph (i), § 241.21 *Introduction to System of Reports* and adding new paragraphs (j), (k) and (l) as follows:

(i) Separate entities shall be established for the purpose of submitting the reports hereinafter prescribed. As a general rule separate reports shall be made for entities comprised of: (1) Domestic or combined domestic and Canadian transborder operations; (2) territorial or combined territorial and domestic operations; and (3) international or combined international and territorial operations. With respect to the latter two general classifications, separate reporting entities shall be established for operations via the Atlantic or Pacific Oceans and within the Alaskan or Latin American areas. The reports to be submitted by each entity shall be comparable to those required of a distinct legal entity whether the reporting entity constitutes such an entity, a semi-autonomous physically separated operating division of the air carrier, or an entity established for reporting purposes only. The application of the above general rule to be made by the different air carriers with regard to the entities for which separate reports shall be made is set forth below in the list entitled—Air Carrier Reporting Entities.

AIR CARRIER REPORTING ENTITIES

*Air carriers and operations abbreviations*

AAXICO Airlines, Inc.—Dom-Cargo.
Aerovias Sud Americana, Inc.—Int/Ter-Latin Amer.
Alaska Airlines, Inc.—Ter/Dom-Alaska.
Alaska Coastal Airlines—Dom-Special.
Allegheny Airlines, Inc.—Dom-Local.
Aloha Airlines, Inc.—Dom-Special.
American Airlines, Inc.—Dom/Can-Trunk, Int/Ter-Latin Amer.
Avalon Air Transport—Dom-Special.
Bonanza Air Lines, Inc.—Dom-Local.
Braniff Airways, Inc.—Dom-Trunk, Int/Ter-Latin Amer.
Capital Airlines, Inc.—Dom-Trunk.
Caribbean-Atlantic Airlines, Inc.—Ter/Dom-Latin Amer.
Central Airlines, Inc.—Dom-Local.
Chicago Helicopter Airways, Inc.—Dom-Special.
Continental Airlines, Inc.—Dom-Trunk.
Cordova Airlines, Inc.—Dom-Special.
Delta Air Lines, Inc.—Dom-Trunk, Int/Ter-Latin Amer.
Eastern Air Lines, Inc.—Dom/Can-Trunk, Ter/Dom-Latin Amer, Int/Ter-Atlantic, Int/Ter-Latin Amer.
Ellis Air Lines—Dom/Can-Special.
The Flying Tiger Line, Inc.—Dom-Cargo.
Frontier Airlines, Inc.—Dom-Local.
Hawaiian Airlines, Ltd.—Dom-Special.
Kodiak Airways, Inc.—Dom-Special.
Lake Central Airlines, Inc.—Dom-Local.
Los Angeles Airways, Inc.—Dom-Special.
Mackey Airlines, Inc.—Int/Ter-Latin Amer.
Mohawk Airlines, Inc.—Dom-Local.
National Airlines, Inc.—Dom-Trunk, Int/Ter-Latin Amer.
New York Airways, Inc.—Dom-Special.
North Central Airlines, Inc.—Dom-Local.
Northeast Airlines, Inc.—Dom/Can-Trunk.
Northern Consolidated Airlines, Inc.—Dom-Special.
Northwest Airlines, Inc.—Dom-Trunk, Int/Ter-Pacific.
Ozark Air Lines, Inc.—Dom-Local.
Pacific Airlines, Inc.—Dom-Local.
Pacific Northern Airlines, Inc.—Ter/Dom-Alaska.
Pan American-Grace Airways, Inc.—Int/Ter-Latin Amer.
Pan American World Airways, Inc.—Ter/Dom-Alaska, Int/Ter-Alantic, Int/Ter-Latin Amer, Int/Ter-Pacific.
Piedmont Aviation, Inc.—Dom-Local.
Reeve Aleutian Airways, Inc.—Dom-Special.
Resort Airlines, Inc.—Dom-Cruise, Int/Ter-Latin Amer.
Riddle Airlines, Inc.—Dom-Cargo, Ter/Dom-Latin Amer.
Samoan Airlines Ltd.—Int/Ter-Pacific.
Seaboard & Western Airlines, Inc.—Int/Ter-Atlantic.
Slick Airways, Inc.—Dom-Cargo.
Southern Airways, Inc.—Dom-Local.
South Pacific Air Lines.—Int/Ter-Pacific.
Transportation Corp. of America.—Ter/Dom-Latin Amer.
Trans-Texas Airways.—Dom-Local.
Trans World Airlines, Inc.—Dom-Trunk, Int/Ter-Atlantic.
United Air Lines, Inc.—Dom/Can-Trunk, Ter/Dom-Pacific.
West Coast Airlines, Inc.—Dom/Can-Local.
Western Air Lines, Inc.—Dom/Can-Trunk, Int/Ter-Latin Amer.
Western Alaska Airlines, Inc.—Dom-Special.
Wien Alaska Airlines, Inc.—Dom/Can-Special.

(j) As a general rule separate reports shall be filed for the air carrier and any associated company air carriers as defined in § 241.03. However, transactions of associated companies in which 100 percent equity control resides in the reporting air carrier shall be consolidated with transactions of the reporting air carrier when such associated companies perform services related to the transport operations of the reporting air carrier almost exclusively and are not engaged in air transportation for their own account.

(k) Generally, nonscheduled services shall be treated as an integral part of the reporting entity to which most closely related without regard to the geographic area in which such nonscheduled services may actually be performed. However, supplemental reports shall be made of nonscheduled services (including services for the defense establishment) in areas not encompassed by the prescribed reporting entity in any month in which the available ton-miles of such nonscheduled services exceed 5 percent of the total available ton-miles of the reporting entity. Such supplemental reports shall continue until waived by the Board upon a showing that such nonscheduled operations will not in the subsequent 12-month period exceed the 5 percent limit. The supplemental reports to be filed each month or calendar quarter, as applicable, shall be comprised of report Schedules D–1, P–5, T–1, and T–3. Transport and nontransport revenues pertaining to such separately reported nonscheduled services shall be reflected on Schedule P–2 each quarter with appropriate cross-references inserted on Schedules P–3 and P–4, as applicable. In addition, airport activity data reported on the regular Schedule T–4 shall be subdivided and appropriately identified at each airport for services encompassed by the prescribed reporting entity and for nonscheduled services not encompassed by the prescribed reporting entity.

(l) When and as required in the national interest, any air carrier which performs nonscheduled transport services for the defense establishment of the United States shall, when directed by the Board, make separate reports for such services as if they were conducted by a physically separated transport entity. Such reports shall consist of Schedules P–1 through P–9, T–1 and T–3. The letter "D" shall be inserted on such reports following the schedule number of each P and T schedule. Where a carrier has more than one reporting entity, nonscheduled transport and nonscheduled defense services shall be assigned to the reporting entity to which more closely related.

§ 241.22 [Amendment]

56. By deleting from the table in paragraph (a) of § 241.22 *General reporting instructions* the line reading "B–6 Distribution of Noncurrent Assets by Operating Entity • • • Semiannually • • • 40"; by amending the title for Schedule B–3 to "Paid-In Capital, Self-Insurance Reserves and Appropriations of Retained Earnings, Deferred Income Taxes"; by inserting after Schedule T–1, "T–1(a) Monthly Statement of Traffic and Capacity Statistics by Component Operations • • • Monthly • • • 30"; and by inserting after Schedule T–6, "T–7 Domestic Deferred Airfreight • • • Monthly • • • 30."



57. By deleting from the first sentence in paragraph (b) of § 241.22 *General reporting instructions* the words "air carrier's fiscal" and inserting in their stead the word "calendar."

58. By amending the first sentence of paragraph (d), § 241.22 *General reporting instructions* and items 1 through 12 thereunder to read:

(d) Statements of accounting or statistical procedures required to be filed under this system of accounts and reports are recapitulated below. Such procedures shall be regarded as effective 30 days after receipt by the Board unless the carrier is notified before that time of Board objections: *Provided,* That effective 60 days following notice the Board may require modification of any previously effective procedure covered by such statements:

(1) Procedures for assigning or prorating profit and loss items between operating entities, as prescribed by § 241.2–1(b).

(2) Procedures for retroactive adjustments made to conform accounts with mail rate actions, as required by § 241.2–4(d).

(3) Procedures for accrual of self-insurance reserves, as prescribed by § 241.2–13(c).

(4) Procedures for establishment of expense equalization reserves, as prescribed by § 241.2–13(d).

(5) Procedures for depreciation of property and equipment, as prescribed by § 241.2–14(b).

(6) Procedures of accounting for airframe and aircraft engine overhauls and airworthiness reserves as prescribed by § 241.5–4(g)(8).

(7) Procedures for amortization of developmental and preoperating costs and other intangibles, as prescribed by §§ 241.5–5(b), 241.6–1870(c), and 241.6–1880.

(8) Procedures for the accrual of obsolescence and deterioration reserves for flight equipment expendable parts, as required by § 241.6–1311(d).

(9) Procedures for accrual of unearned transportation revenues, as prescribed by § 241.6–2160(b).

(10) Procedures for assigning or prorating expenses between incidental services and transport operations, as prescribed by § 241.9–4600(d).

(11) Procedures for applying maintenance burden, as prescribed by § 241.10–5300(c), § 241.11–5300(c) and § 241.24, Schedule P–6, paragraph (f).

(12) Procedures for computing available seat-miles and available ton-miles for each aircraft type, as required by paragraph (g), in § 241.25, Schedule T–3.

§ 241.23 [Amendment]

59. By amending § 241.23 as follows:

a. By inserting after the caption "Schedule A—Certification", instructions to read:

(a) The certification of the CAB Form 41 report shall be signed by an elective corporate officer, executive or director, or such other person as may be authorized by the carrier to sign the certification provided a written authorization disclosing the individual's name and title is forwarded to the Civil Aeronautics Board. Since corrections or revisions of reported data are a part of the CAB Form 41 report, all correspondence relating to such matters shall be signed only by persons authorized to sign the certification.

b. By inserting "(b)" preceding the instruction beginning "The certification of the Form 41 reports • • •".

60. By inserting in § 241.23 *Certification and balance sheet elements,* Schedule B–2, Notes to Balance Sheet, a new paragraph (d) to read:

(d) The pertinent facts relative to firm commitments as at December 31 of each year for the rental of assets during the ensuing year under leases of material amount shall also be set forth on this schedule. There shall be reported separately for airframes, aircraft engines, and other property and equipment, the aggregate amount of rent due for the ensuing year on material rental commitments, the original amount of such commitments, and the unliquidated balance thereof as at December 31 of the current year. Any important obligation assumed or guarantee made in connection with long-term leases shall also be stated. If rentals are conditional the minimum annual aggregate amount shall also be stated.

61. By adopting an amended form Schedule B–3, as attached hereto[1] and amending the titles in § 241.23, Schedule B–3, to read: "'Paid-in Capital', 'Self-Insurance Reserves and Appropriations of Retained Earnings', and 'Deferred Income Taxes'"; and by amending paragraph (e) thereof to read:

(e) All credits and debits to self-insurance reserves and appropriations of retained earnings, respectively, shall be identified and explained in the "Self-Insurance and Appropriations of Retained Earnings" section of this schedule. The balances of accounts 2350 Reserve for Self-Insurance and 2930 Appropriations of Retained Earnings as at the end of each calendar quarter shall agree with corresponding amounts reported on Schedule B–1, Balance Sheet.

62. By inserting in § 241.23, Schedule B–3, a new paragraph (f) to read:

(f) Column (1) of the Deferred Income Tax section of this schedule shall identify the source of each type of tax deferral; for example, depreciation under § 167 of the Internal Revenue Code, or deferred training costs. The amounts reflected in column (2) shall agree with amounts reflected in column (6) for the same sources at the close of the preceding quarter. The amounts reflected in column (6) shall, in aggregate, agree with amounts reported on Schedule B–1 at the close of the current quarter for deferred income taxes. Columns (3), (4), and (5), respectively, shall reflect gross provisions, gross amortizations and adjustments of deferred income taxes during the current quarter for each tax source reflected in column (1). Adjustments reflected in column (5) shall be fully explained on Schedule P–4 and cross-referenced thereto on this schedule.

63. By amending § 241.23 to delete reference to "Schedule B–6 Distribution of Non-Current Assets by Operating Entity", and the instructions for reporting thereon.

64. By amending, in § 241.23, the instructions for Schedule B–7 Airframes and Aircraft Engines Acquired as follows:

a. By amending paragraph (b) thereof to read:

(b) The indicated data shall be reported for each individual airframe, identified by type, model, and design of cabin as to use for passengers (exclusively), cargo (exclusively) or both passengers and cargo (in combination). Data pertaining to aircraft engines shall be reported in aggregate for each type or model. Airframe units leased from others for a period of more than 90 days shall be reported in a separate subsection of this schedule. In addition, a notation shall be made by license number of airframe units of the air carrier returned after lease to others for a period of more than 90 days. Airframe units obtained through interchange lease arrangements shall not be so reported.

b. By amending paragraph (j) to read:

(j) Columns 12 and 15, "Reserve for Depreciation" and "Flight Equipment Airworthiness Reserves", respectively, shall include the amount of such reserves applicable to property and equipment transferred from separately operated divisions.

65. By amending § 241.23, Schedule B–8 Property and Equipment Retired as follows:

a. By amending paragraph (b) thereof to read:

(b) The indicated data shall be reported for the sale or retirement of each airframe, each type of aircraft engine (stating the number of units retired) and, to the extent retired along with airframes and engines, in aggregates by accounts, for operating property and equipment included in Accounts 1603 through 1608 and nonoperating property and equipment included in Accounts 1703 through 1708. Disposition of properties in Accounts 1603 through 1608 and 1703 through 1708 not related to airframe and aircraft engine retirements shall be reported in a separate group for each account. Ground property and equipment disposed of shall be reported in aggregate for all accounts, with sub-divisions between operating and nonoperating property and equipment. Airframe units leased from others for a period of more than 90 days shall be reported, upon return to the lessor, in a separate subsection of this schedule. In addition a notation shall be made by license number and name of lessee of airframe units leased to others for a period of more than 90 days. Airframe units leased under interchange arrangements shall not be so reported.

b. By redesignating paragraph (f) to (h).

c. By inserting a new paragraph (f) to read:

(f) Column 10 Realization shall reflect the proceeds from disposition, including any insurance proceeds or amounts covered by a self-insurance reserve established in accordance with § 241.2–13(c).

[1] Filed as part of original document.

d. By inserting a paragraph (g) to read:

(g) Column 12, "Gain or Loss" shall, in aggregate for retirements of all property and equipment together with gain or loss on sale of securities, agree with amounts reflected by the air carrier on schedule P-3 in profit and loss subaccounts 81.1 Capital Gains and Losses—Operating Property and 81.2 Captial Gains and Losses—Other.

e. By amending redesignated paragraph (h) thereof to read:

(h) Column 13, "Disposition", shall reflect the name of the person or organization to which airframes and aircraft engines are sold or a notation as to the nature of the retirement and the account to which any depreciated cost has been charged if not sold. Items included in accounts 1608 through 1608, and 1708 through 1708, sold as a part of airframe or aircraft engine sales transactions, shall also be identified by the name of the buyer. Other sales of items included in these accounts shall be reported in a separate group in aggregate for each property account affected, while all ground property dispositions shall be reported in a single aggregate and need not be identified by names of the buyers.

66. By amending the reporting instructions in § 241.23, Schedule B-10 Developmental and Preoperating Costs as follows:

a. By adding to the first sentence of paragraph (c) thereof the words "for which costs are deferred in balance sheet account 1830."

b. By redesignating the existing paragraphs (d) and (e) as (e) and (f) and inserting a new paragraph (d) to read:

(d) Explanation of the amounts included in column 3 shall disclose the general characteristics of the amounts deferred during the current quarter for each project, for example, the cost of regulatory proceedings; the cost of pilot, mechanic and ground crew training; special engineering; aircraft development flights; publicity flights; and route familiarization flights.

c. By amending redesignated paragraph (f) thereof to read:

(f) Column 7, "Development Costs Charged to Account 89" shall reflect costs incurred in projects which do not contribute to or protect air transportation services of the air carrier.

67. By amending, in § 241.23, paragraph (b) of the instructions for preparation of Schedule B-43 Inventory of Airframes and Aircraft Engines, to read:

(b) A single set of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

68. By amending in § 241.23, the first sentence of paragraph (c) of the instructions for Schedule B-43 Inventory of Airframes and Aircraft Engines to read: "(c) The indicated data shall be reported for each individual airframe, identified by type, model, and design of cabin as to use for passengers (exclusively), cargo (exclusively) or both passengers and cargo (in combination)."

69. By amending the instructions in § 241.23 for Interim Balance Sheet to read:

(a) Each air carrier shall file each month two copies of a balance sheet in the form prepared for its management; provided that such balance sheet need not be filed as at the close of calendar quarters where the amount reflected in the Stockholder Equity section thereof agrees with similar data reflected on Schedule B-1 of CAB Form 41 as at the same date.

70. By modifying Schedule P-3, incorporated herein by reference, following the sub-heading "Transport Revenues", to delete the line reading "Charter-----07-----07" and inserting the following:

| | | |
|---|---|---|
| Charter—passenger | 07.1 | 07.1 |
| Charter—property | 07.2 | 07.2 |

§ 241.24 [Amendment]

71. By deleting from Schedule P-3 Transport Revenues; Depreciation and Amortization; nonoperating Income and Expense—Net; Income Taxes, incorporated by reference in § 241.24 *Profit and loss elements*, the lines reading:

| | | |
|---|---|---|
| Current provisions for deferred taxes | 92.1 | 92.1 |
| Application of taxes deferred | 92.2 | 92.2 |
| Adjustment of deferred taxes (expl. on Sched. P-4) | 92.3 | 92.3; |

and by substituting therefor a single line to read:

| | | |
|---|---|---|
| Deferred taxes—net | 92.9 | 92.9 |

72. By amending the second and third sentences of paragraph (d) § 241.24, in both Schedules P-5.1 and P-5.2 Aircraft Operating Expenses, to read: "However, each air carrier may group on a uniform basis, data applicable to small single-engine aircraft types of approximately equivalent size, flight principles and characteristics. For this purpose two groups, with subdivision as between fixed wing and rotary wing aircraft types, and between reciprocal engine, turbojet and turboprop aircraft types are established as follows: (1) Single-engine aircraft with maximum continuous horsepower of 300 or under; (2) single-engine aircraft with maximum continuous horsepower of 301 to 450, inclusive."

73. By amending, in § 241.24, paragraph (b) of the instructions for Schedule P-41 Taxes, to read:

(b) A single set of this schedule shall be filed for the over-all corporate or other legal entity comprising the air carrier.

and by deleting from Schedule P-41, columns 2, 3, and 4 and the general heading therefor titled "Taxing Authority".

§ 241.25 [Amendment]

74. By inserting in § 241.25 immediately after the title, *Traffic and capacity elements*, and preceding the schedules, general instructions to read:

*General Instructions.* (a) The prescribed reporting for traffic and capacity elements is designed to reflect, on a uniform basis, the physical factors related to air transport operations as actually conducted. Schedules T-1 through T-7, reflecting traffic carried, capacity operated and other operating statistics, correlate similar information for the various services regardless of the schedule on which reported. The four-letter codes used on Schedules T-1, T-2 and T-3 are systematically assigned for each item of information to facilitate use of the data irrespective of the schedule in which they appear. Thus, the first digit of the four-letter code denotes basic class of service; for example, 1xxx indicates Scheduled First-class Service, 2xxx Scheduled Coach Services, 8xxx Nonscheduled Services and 9xxx All Services. The second digit denotes the basic operating element involved; for example, x0xx indicates passenger count, x1xx passenger-miles and x9xx unclassified. The last two digits denote the particular detailed operating element involved; for example, xx11 indicates first-class passengers/passenger seats, xx18 nonrevenue passengers, and xx31 through xx53 nonpassenger revenue traffic classes.

(b) When the same item is required to be reported on a monthly, quarterly and/or 12-month basis, the 12-month total shall agree with the sum of the quarterly or monthly data reported for the 12-month period, and the quarterly total shall agree with the sum of the monthly data reported in the quarter, whether the data are reported on the same or different schedules.

(c) All statistics to be reported on these schedules shall be compiled in accordance with the definitions set forth in § 241.03, "Definitions for Purposes of this System of Accounts and Reports." In principle, elements which are common to different statistics, shall be measured on a consistent basis for all statistics of which they are a component. Thus, all passenger-mile, seat-mile, ton-mile, and aircraft mile statistics applicable to a particular service or operation shall be compiled on a direct airport-to-airport mileage basis in terms of a consistent measurement of aircraft movement by flight stages. Similarly, all scheduled mileages and all scheduled departures shall be compiled as each flight is scheduled to be performed pursuant to the air carrier's published flight schedules, while scheduled miles performed and scheduled departures performed shall both be compiled in accordance with the pattern through which each point scheduled for service is actually served. Consistent with this principle, all statistics pertaining to actual operations shall be compiled in terms of each flight stage as actually performed.

(d) As a general rule, the traffic and capacity measurements to be reported on these schedules are designed to represent the physical operations reflected by the revenues and expenses, respectively, for the same period. Thus, except as separately provided for, aircraft capacity elements associated with deferred costs are not to be included in reported statistics whereas the revenue traffic elements associated with flights for which costs but not revenues are deferred shall be reported as if carried on other flights and the amounts so included shall be disclosed by footnote to the applicable item. For purposes of reporting by aircraft types on Schedules T-3 and T-4 small single-engine aircraft types may be grouped in accordance with the instructions in § 241.24, Schedules P-5.1 and P-5.2, paragraph (d).

75. By adding in § 241.25 *Traffic and capacity elements*, to the first sentence of paragraph (i), Schedule T-1 Monthly Statement of Summarized Traffic and Capacity Statistics, the following: "provided that with respect to operations of exclusively intra-Hawaiian and intra-Alaskan air carriers, standard passenger weights of 160 and 200 pounds, respectively, shall be used."

76. By adopting a new form, SCHEDULE T-1(a), as attached hereto[1] and inserting in § 241.25 *Traffic and capacity elements*, the following instructions:

SCHEDULE T-1(a) MONTHLY STATEMENT OF TRAFFIC AND CAPACITY STATISTICS BY COMPONENT OPERATIONS

(a) This schedule is applicable to all air carrier groups.

(b) Separate sets of this schedule shall be filed for each reporting entity of the air carrier (see § 241.21(1)) which covers, in scheduled or nonscheduled services, more than one of the categories of "domestic", "territorial" or "international" operations, as defined in section 241.03. Carriers not filing Schedule T-1(a) shall add the word "exclusive" to the description of the operation in the heading of each column on Schedule T-1.

(c) Two sets of these schedules shall be filed each month for each operating entity. One set of each schedule shall reflect the indicated data applicable to the current month. The other set of each schedule shall reflect the indicated data applicable to the twelve months ended with the current month. An "x" shall be inserted in the box designated "Mo" at the head of each column of the report covering monthly data. An "x" shall be inserted in the box designated "Yr" at the head of each column of the report covering 12-month data.

(d) The indicated data shall be reported for all operations of the reporting entity in the column designated "Total" and for the "domestic", "territorial", and "international" operations, as defined in § 241.03, encompassed by such entity in the separate columns provided therefor. For purposes of reporting on this schedule, domestic flight stages operated between points where authorized service is restricted to international or territorial traffic and which are an integral part of such international or territorial operation, shall be combined therewith. The reporting entity as set forth in § 241.21(1), shall be identified in each column opposite the heading "Operation." Each item on this schedule shall be reported on the same basis as the corresponding item reported on Schedule T-1. The amounts reported for each item in the "Total" column under "Scheduled Services" and "Nonrevenue Flights", respectively, shall agree with the corresponding amounts reported in the "All Scheduled Services" and "All Services" columns, respectively, of Schedule T-1. The amounts reported for each item in the "Total" column under "Nonscheduled Services" shall agree with the sum of the corresponding amounts reported in the "Irregular Services Excluding Charter" and "Charter Service" columns of Schedule T-1.

(e) The digit after the decimal in the code assigned each item on this schedule is for CAB control purposes. "Domestic" operations are, for all items, denoted by the decimal digit "1", "Territorial" operations by the decimal digit "2" and "International" operations by the decimal digit "3". The balance of each code number corresponds to the codes assigned to corresponding items reported on Schedules T-1 and T-3, except for the prefix "8" in the code assigned nonscheduled services which represents an aggregation of "Irregular Services Excluding Charter" and "Charter Services" reported on Schedule T-1.

77. By amending § 241.25, Schedule T-3 Quarterly Statement of Aircraft Operating Statistics, as follows:

a. By amending the second sentence of paragraph (d) to read: "Refer to § 241.24 Schedules P-5.1 and P-5.2, paragraph (d), for policy regarding the grouping of small aircraft types."

b. By inserting between the third and fourth sentences of paragraph (f) a sentence to read: "Refer to paragraph (d) of the General Instructions for reporting Traffic and Capacity Elements for policy regarding flights for which costs are capitalized."

78. By amending § 241.25, Schedule T-4 On-Line Airport Activity Data as follows:

a. By amending paragraph (e) to append the words "including those scheduled on a flag stop basis."

b. By amending the second sentence of paragraph (f) to read: "Departures performed shall not include departures of flights operated as extra sections to scheduled flights, other departures performed but not included in scheduled departures reported in column 2, or flag-stop departures not actually made."

79. By adopting a new form, Schedule T-7, as attached hereto[1] and inserting instructions in § 241.25, to read:

SCHEDULE T-7—DOMESTIC DEFERRED AIRFREIGHT

(a) This schedule shall be filed by each air carrier having currently effective deferred airfreight tariffs on file with the Board.

(b) Under the heading "Deferred Airfreight Totals for Current Month", enter the total number of shipments enplaned; total weight of such shipments in tons; total ton-miles carried; and total revenues earned.

(c) In column (1) under the subheading "Deferred Airfreight Service Provided" list the names of the ten cities originating the largest deferred airfreight tonnage; and, separately, under the subheading "Deferred Airfreight Service Not Provided" list the names of the ten cities originating the largest airfreight tonnage, at which deferred airfreight service is not provided.

(d) In column (2) enter the tons of deferred airfreight enplaned during the current month opposite each city listed in column (1) under the subheading "Deferred Airfreight Service Provided".

(e) In column (3) enter the tons of regular airfreight enplaned during the current month opposite each city listed in column (1) under the subheadings "Deferred Airfreight Service Provided" and "Deferred Airfreight Service Not Provided".

§ 241.26 [Amendment]

80. By amending § 241.26, *General corporate elements* Schedule G-42 Compensation and Expenses of All General Officers and Directors and of Management Personel Receiving $10,000 or More Per Annum for Personal Services, to substitute "$20,000" for "$10,000" in the title and in the related instructions, and to revise paragraphs (b) and (e) to read:

(b) The indicated data shall be reported individually for each elective corporate officer, executive and director. The dates to be reported in column 3 shall be the dates each such elective officer, executive and director was first elected to the office held at the date of the report. Report shall be made in aggregate for all management personnel receiving compensation for personal services of $20,000 or more per annum. The name of each elective officer, executive and director and the number of management personnel receiving $20,000 or more per annum shall be entered in column 1; the annual compensation and reimbursed expenses paid during the calendar year to each officer, executive and director, and the aggregate thereof for all such management personnel, shall be entered in columns 5, 6, and 7 respectively; and the upper and lower limits in the range of compensation and expenses paid to management personnel shall be separately stated in such columns 5, 6, and 7.

* * * * *

(e) Expenses borne by the air carrier, to be reported in column 7, shall include all reimbursements to the persons listed in column 1, regardless of whether for goods or services used by the persons listed or by others; whether in the form of per diem or other allowances, or reimbursement for specific expenditures; and whether for amounts reimbursed directly to the persons listed or, except for standby hotel or other facilities maintained for the air carrier's personnel generally, indirectly through vendors who bill the air carrier directly.

§ 241.27 [Amendment]

81. By inserting a parenthetical phrase in § 241.27 *National defense elements* following the caption Schedule D-1 Services Performed for the Defense Establishment, to read: "(Memorandum of Services Included in Other Schedules)".

82. By amending § 241.1-1 *Applicability of system of accounts and reports* to read:

§ 241.1-1 Applicability of system of accounts and reports.

Each air carrier holding a certificate of public convenience and necessity under section 401 of the Federal Aviation Act of 1958, authorizing unlimited route service between designated points, shall keep its books of account, records and memoranda and make reports to the Board in accordance with the system of accounts and reports prescribed herein. The Civil Aeronautics Board reserves the right, however, under the provisions of sections 407 and 416 of the Federal Aviation Act of 1958 to expand or otherwise modify the classes of carriers subject to this system of accounts and reports.

83. The rescission of Special Economic Regulations ER-228 and ER-230, and the amendments to Part 241 shall be effective February 1, 1961: *Provided*, That reports covering the calendar year 1960 shall be made without regard to these amendments while all reports covering 1961 shall be prepared in accordance with these amendments; *and provided further*, That all accounting records shall be adjusted to reflect all operations during 1961 in accordance with these amendments not later than March 31, 1961, except that the records on which new Schedule T-1(a) is based shall be so adjusted not later than February 28, 1961.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324; interpret or apply secs. 407, 416, 72 Stat. 766, 49 U.S.C. 1377)

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F. R. Doc. 61-788; Filed, Jan. 26, 1961; 8:52 a.m.]

[Reg. ER-321]

## PART 242—FILING OF REPORTS BY SUPPLEMENTAL AIR CARRIERS AND LARGE IRREGULAR AIR CARRIERS

### Definitions; and Statistical and Flight Reports

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of January 1961.

A notice of proposed rule making, proposing amendments to the reporting requirements for Supplemental Air Carriers and Large Irregular Air Carriers (Part 242 of the Board's Economic Regulations) was published in the FEDERAL REGISTER (25 F.R. 10101) and circulated

[1] Filed as part of original document.

[1] Filed as part of original document.

to the industry as EDR–19, Docket 11849, dated October 18, 1960.

Significant changes embodied in the proposed rule include (1) segregation of revenue, flight and traffic statistics as between individual sales, and contract and charter sales; (2) classification of defense contract data as to type of service rendered such as "Civil Air Movements", or "Maintenance"; (3) introduction of definitions for basic classification of air transport operations as "domestic", "territorial" or "international" conforming to the definitions which have been formally adopted by the International Civil Aviation Organization and which are concurrently being adopted by the Board for certificated carriers in ER–320 (Amendment 20 to Part 241); (4) elimination of Schedule C–2 "Traffic Flow"; and (5) a requirement to make interim filings of Schedule D "General Officers and Directors and List of Stockholders" within 20 days after any change in officers, directors or stockholders of the carrier. In addition, the proposed regulation envisaged certain revisions of a nonsubstantive nature which were primarily directed at clarifying instructions for filing the individual schedules of the reporting form.

In response to the proposal, one carrier, in letter dated December 12, 1960,[1] objected generally to the proposed rule on the grounds that (1) it would entail additional burden to compile the detailed breakdown of military contract operations where a carrier engages in all varieties of such operations, and (2) it relates to data on military contract operations already available from the Schedule F report of CAB Form 242 and from application for exemptions and the files of the Board's tariff section.

The first objection does not appear to be well taken since it is improbable that any supplemental air carrier will be engaged in all types of military contracts during any given reporting period. Furthermore, the data called for in the proposed rule, namely revenues and traffic statistics are those which most readily lend themselves to segregation by type of activity. The second objection must also be rejected since the data required in the proposal cannot be obtained from the sources indicated. The final rule, therefore, will be substantially unchanged from the proposal.

In view of the need for uniformity of statistics beginning January 1, 1961, as between classes of air carriers, as well as internationally, pursuant to agreement reached by the International Civil Aviation Organization, the Board finds that there is good cause for making the amendments adopted herein applicable to the carriers' reports beginning with those covering 1961 operations. In cases of hardship the Board will consider requests for appropriate waivers.

[1] This comment was filed after the expiration of the time for filing comments. The Board has decided to consider it since it was the only comment received, but this action of the Board is exceptional and does not constitute a precedent.

Accordingly, the Civil Aeronautics Board hereby amends Part 242 of the Economic Regulations (14 CFR Part 242) effective with regard to the first reports covering 1961 operations, as follows:

§ 242.1 [Amendment]

1. By adding the following definitions in § 242.1:

(f) "Flight stage" means the operation of an aircraft from take-off to landing. For purposes of classifying flight stages as between "domestic", "territorial", and "international" operations, nontraffic stops are disregarded.

(g) *Operations.* (1) "Domestic" means flight stages with both terminals within territory under United States jurisdiction where the terminals are not separated by substantial distances of foreign territory or international waters.

(2) "International" means flight stages with one or both terminals outside of territory under United States jurisdiction.

(3) "Territorial" means flight stages with both terminals within territory under United States jurisdiction where the terminals are separated by relatively substantial distances of foreign territory or international waters.[2]

(h) "Stops, Nontraffic" means aircraft landings made for purposes other than enplaning or deplaning traffic.

2. By deleting the present § 242.2 in its entirety and substituting in lieu thereof a § 242.2 to read as follows:

§ 242.2 Financial and operating statistics.

(a) *General reporting instructions.* (1) Every supplemental air carrier and every large irregular air carrier holding effective authority from the Board shall periodically file CAB Form 242 "Report of Financial and Operating Statistics for Supplemental Air Carriers" as provided in this part whether or not such carrier is actively engaged in air transportation. The report shall be filed in duplicate and comprise the following schedules for which the frequency is indicated.

| Schedule No. | Title | Frequency |
|---|---|---|
| | Certification | Quarterly. |
| A | Balance Sheet | Do. |
| A–1 | Statement of Aircraft Owned and Leased. | Do. |
| B | Statement of Profit and Loss. | Do. |
| B–1 | Statement of Operating Revenues. | Do. |
| C | Flight and Traffic Statistics. | Do. |
| C–1 | Defense Contract Operations. | Do. |
| D | General Officers and Directors; List of Stockholders. | Annually.[1] |
| E | Corporate and Securities Data; Investments in Other Companies. | Do. |
| F | Flight Reports[2] | Monthly. |

[1] Also, when a reportable change occurs relative to officers, directors or stockholders a report shall be filed within 20 days thereafter, adjusting the form for this purpose.

[2] Attachment 1 to Schedule F and applicable supplements shall be filed in accordance with § 242.3, as amended.

[2] For purposes of reporting on Schedules B–1, C and C–1, data shall be maintained separately for flight stages between Alaska and Hawaii, or between Alaska or Hawaii and the contiguous 48 States.

(2) Each of the above schedules, except Schedule F, shall be forwarded so as to be received by the Civil Aeronautics Board not later than the 15th day of the second month following the period for which the report is being made. Schedule F shall be forwarded so as to be received not later than the 20th day of the month following the period for which the report is being made. Reports should be addressed to the Office of Carrier Accounts and Statistics, Civil Aeronautics Board, Washington 25, D.C.

(3) In reporting on CAB Form 242 all negative items shall be indicated by the use of an appropriate symbol and footnote rather than utilizing red figures.

(4) If the number of items to be reported exceeds the lines available on a schedule, the extra items shall be reported on a supplemental sheet attached to the schedule.

(5) Each carrier subject to Part 242 of the Board's Economic Regulations shall keep all accounts, records, and memoranda (including accounts, records and memoranda of the movement of traffic as well as the receipts and expenditures of money), which are needed in order to accomplish full compliance with the reporting requirements of this part. Carriers shall retain such accounts, records and memoranda as required by § 249.8 of this chapter (Part 249 of the Board's Economic Regulations).

(b) *Extension of filing time.* If circumstances prevent the filing of a report within the prescribed time limit, consideration will be given to the granting of an extension upon receipt of a written request therefor. Such a request shall state good and sufficient reasons to justify granting the extension, shall set forth the date when the report can be filed, and shall be submitted sufficiently in advance of the due date to permit time for consideration and communication to the carrier of the action taken. Except in cases of emergency, no such request will be entertained which is not received in sufficient time to enable the Civil Aeronautics Board to consider the request before the prescribed due date. If the request is denied, the carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

(c) *Waiver.* A waiver of any provision of this regulation may be granted by the Board upon its own initiative or upon the submission by a carrier of a written request therefor, provided that such a waiver is in the public interest and it appears to the Board that temporary or particular conditions warrant a departure from the provisions set forth herein.

(d) *Certification.* The certification on this schedule shall be signed by an officer of the reporting carrier in charge of the accounts and shall be attached to each set of schedules required to be filed on the date set forth in § 242.2(a)(2).

(e) *Balance sheet (Schedule A).* Schedule A shall reflect the balances of all the asset, liability and net worth accounts at the end of each reporting period. Assets shall be subdivided into current assets, property and equipment and other assets. Liabilities and capital shall be subdivided into current liabilities, long-term debt, overhaul reserves and net worth. The aforestated categories shall be further subdivided into their principal components in accordance with established accounting practices, as shown on Schedule A and the instructions thereon.

(f) *Statement of aircraft owned and leased (Schedule A–1).* Information as to date of acquisition, type, cost, depreciation and value of aircraft shall be reported as required in Schedule A–1.

(g) *Statement of profit and loss (Schedule B).* Schedule B shall reflect operating revenues in total only, but all expenses of the reporting carrier shall be reported as itemized, in accordance with established accounting practices, as provided for on the form.

(h) *Statement of operating revenues (Schedule B–1).* (1) Schedule B–1 is subsidiary to Schedule B and shall reflect a breakdown of the reporting carrier's total operating revenues according to revenues received from (i) domestic operations, (ii) territorial operations between Alaska and Hawaii, or between Alaska or Hawaii and the contiguous 48 States, (iii) other territorial operations, and (iv) international operations.

(2) Operating revenue derived from transportation shall be classified according to revenue received from (i) individual sales, (ii) contract and charter services, and (iii) other transportation. Further, the revenue from individual sales and contract and charter services shall be itemized according to type of traffic as provided on the form.

(i) *Flight and traffic statistics (Schedule C).*—(1) *Part I—Statistics.* In reporting the data, on aircraft miles and hours flown, capacity, and traffic carried, as required in Part I, the carrier shall file separate reports for (i) domestic operations, (ii) territorial operations between Alaska and Hawaii, or between Alaska or Hawaii and the contiguous 48 States, (iii) other territorial operations, and (iv) international operations. In each report, the operation reported on shall be identified by making a check mark in the box opposite the appropriate heading on the form. The data for each item listed shall be reported in accordance with instructions on the form and shall be segregated between items relating to individual sales and items relating to contract and charter services.

(2) *Part II—Number of employees engaged in air transportation.* Part II shall reflect the number of employees engaged in air transportation classified in accordance with the instructions thereon. The number of employees need not be reported separately for domestic, territorial and international operations but may be reported in total.

(j) *Defense contract operations (Schedule C–1).* (1) Data called for in Schedule C–1 shall be segregated according to (i) domestic operations, (ii) territorial operations between Alaska and Hawaii, or between Alaska or Hawaii and the contiguous 48 States, (iii) other territorial operations, and (iv) international operations. Subtotals of the data for each area of operations shall be inserted.





(2) Type of aircraft shall be reported for each class of service where applicable, in accordance with instructions on the form.

(k) *General officers and directors; and list of stockholders (Schedule D).* Schedule D shall be completed by corporations only. If the carrier is not incorporated a statement to this effect shall be made on this schedule. The information required from corporations shall be provided with respect to each officer, director and stockholder as indicated by instructions on the form.

(l) *Corporate and securities data; and investments in other companies (Schedule E).* Schedule E shall be completed by corporations only. If the carrier is not incorporated a statement to this effect shall be made on this schedule. The information required from corporations shall be submitted in accordance with instructions on the form.

(m) *Flight report (Schedule F).* The information on aircraft type, load and points served required in Schedule F shall be listed separately for charter operations and individually ticketed or waybilled traffic in accordance with the instructions on the form. Attachment 1 to Schedule F and applicable supplements shall be filed as directed by § 242.3, as amended.

3. By adopting Schedules B, B–1, C, and C–1 of CAB Form 242 in the form attached hereto and made part of this regulation.[1]

(Sec. 204(a)); 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply section 407, 72 Stat. 766, 49 U.S.C. 1377)

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61–789; Filed, Jan. 26, 1961; 8:52 a.m.]

[1] Filed as part of original document.

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR–6]

## PART 375—NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES

### Airworthiness and Registration Certificates and Special Authorization

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of January 1961.

The navigation of foreign civil aircraft in the United States is subject to permission granted by the Board under section 1108(b) of the Federal Aviation Act of 1958, as amended. If such aircraft do not have an airworthiness certificate which is recognized for purposes of navigation in the United States, it is the Board's practice to condition permission upon the issuance of an appropriate air safety authorization by the Administrator of the Federal Aviation Agency. In such cases, therefore, permission to operate such aircraft in the United States must be obtained from both the Board and the Administrator. Section 375.20 (a), (b) and (c) of Part 375 of the Board's Special Regulations, which implements section 1108(b) of the Act, sets forth certain instances where the Board has granted blanket permission for flights of such aircraft in the United States by regulation, on condition that air safety authorizations are obtained from the Administrator, so that individual applications to the Board are not necessary in these situations.

It appears to the Board that, consistent with its regulatory function, blanket authority to navigate in the United States, upon obtaining a safety authorization from the Administrator, may be extended to additional instances by the amendments to § 375.20 set forth herein. These amendments will grant permission for navigation of foreign aircraft of United States manufacture for which no airworthiness certificate is in existence, for the purpose of flight testing in addition to the present permission to navigate such aircraft for the purposes of indoctrination training and ferry flights out of the United States, as set forth in § 375.20(c). In addition, a new paragraph (d) is added to § 375.20 to extend permission to foreign civil aircraft of United States or foreign manufacture brought to the United States for alterations which invalidate their foreign airworthiness certificate where such aircraft are to be navigated in the United States for the purpose of flight testing, indoctrination training, or ferry flights.

It should be noted, that the provisions of paragraphs (a) to (d) of § 375.20 exempt persons from applying to the Board only in the instances defined therein where foreign aircraft lack airworthiness or registration certificates. The provisions do not exempt such persons or aircraft from any of the other provisions set forth in Part 375, such as the requirement for individual permits for commercial activity by the use of foreign aircraft (§ 375.40 et seq.).

Section 375.70 is being amended by eliminating the words "an order" and substituting in lieu thereof the word "authorization". Section 375.70 presently provides that any person desiring to navigate a foreign civil aircraft within the United States otherwise than as specifically provided in Part 375 may petition the Board for an order authorizing such flight. Substituting the word "authorization" for the words "an order" would make the language consistent with the granting of permission for such flights in the form of telegrams or letters from staff members acting under delegated authority, in addition to Board orders.

Since these amendments relieve restrictions and do not impose any new burden on any person, notice and public procedure thereon are unnecessary and the amendments may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 375 of its Special Regulations (14 CFR Part 375) effective January 27, 1961, as follows:

1. By amending § 375.20 by:

a. Replacing the reference "(c)" in the proviso in the introductory paragraph with "(d)";

b. Amending paragraph (c) to read as follows:

(c) Title to an aircraft of United States manufacture for which no certificate of airworthiness has theretofore been issued has passed to a foreign buyer or buyers and the aircraft is to be navigated in the United States for the purpose of:

(1) Flight testing such aircraft; or

(2) Giving indoctrination training in the operation of the aircraft to the buyer or his employees or designees; or

(3) A ferry flight for the purpose of making an export delivery out of the United States.

Aircraft of United States manufacture may be operated for the purposes stated in this paragraph even though no registration certificate has been issued by the country of the foreign buyer or buyers: *Provided*, That the markings displayed by such aircraft are identified in the flight authorization issued for operation thereof by the administrator.

c. Adding a new paragraph (d) to read as follows:

(d) A foreign civil aircraft of United States or foreign manufacture is brought to the United States for alterations which invalidate its foreign airworthiness certificate where such aircraft is to be navigated in the United States for the purpose of:

(1) Flight testing such aircraft; or

(2) Giving indoctrination training in the operation of the altered aircraft to the owner or his employees or designees; or

(3) A ferry flight for the purpose of making an export delivery out of the United States.

2. By amending § 375.70 by deleting therein the words "an order" wherever they occur, and substituting in lieu thereof the word "authorization".

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1108(b), 72 Stat. 798; 49 U.S.C. 1508)

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
*Secretary.*

[F.R. Doc. 61-790; Filed, Jan. 26, 1961; 8:52 a.m.]

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 641; Amdt. 244]

### PART 507—AIRWORTHINESS DIRECTIVES

### Lockheed 1649A Aircraft

As a result of further study of the No. 7 fuel tank vent system on Lockheed 1649A aircraft, indications are that crossflow does exist between the left and right vent in the tank. The fuel/air mixture resulting from this crossflow condition could produce a combustible fuel vapor within the vent system. Since a fuel tank will not explode if fuel vapors in the tank are sufficiently rich and a crossflow tends to make the mixture more lean, a modification is required for the No. 7 fuel tank vent system to prevent crossflow. This modification is based on tests conducted subsequent to an accident in which a contributing factor was thought to be the existence of a combustible mixture in No. 7 fuel tank. Shortly after the accident, flame arrestors to prevent ignition of the combustible mixture were installed. However, the installation of the flame arrestors is considered a satisfactory preventitive measure only when the ignition of fuel vapors originates at the trailing edge of the tank vent. The present required modification will eliminate the possibility of obtaining an explosive mixture in the tank caused by a crossflow regardless of the source of ignition.

In the interest of safety notice and public procedure hereon are impracticable and good cause exists for making this amendment effective 15 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Model 1649A aircraft.

Compliance required as indicated.

One of the following modifications to the vent system must be accomplished within 400 hours of time in service after the effective date of this directive.

(a) Modify only the right-hand vent float valve of the No. 7 tank (LAC P/N 634024-3, Aero Supply Mfg. Co. P/N 22-1845-002) to a combination pressure relief and suction relief valve by removing the float assembly so that only the pressure and suction relief features remain operational. Replace the valve spring (P/N 22-0228-1) with spring (P/N 22-0337-1) having a higher cracking pressure.

(b) Replace only the original right-hand side valve assembly on No. 7 fuel tank with a new valve assembly LAC P/N 634024-5 (Aero Supply Mfg. Co. P/N 22-1845-003).

(Lockheed Letter dated August 22, 1960, directed to all 1649 operators completely covers the details of this modification.)

This amendment shall become effective February 13, 1961.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 19, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-737; Filed, Jan. 26, 1961; 8:45 a.m.]

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-LA-89]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas and Reporting Points

On November 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10775) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 65 in its entirety, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12583) and for the reasons stated in the notice, the following actions are taken:

In Parts 600 and 601 (14 CFR 600, 601) the following sections are revoked:

(a) Section 600.265 *Red Federal airway No. 65 (Los Angeles, Calif., to Hayfield Lake, Calif.).*

(b) Section 601.265 *Red Federal airway No. 65 control areas (Los Angeles, Calif., to Hayfield Lake, Calif.).*

(c) Section 601.4265 *Red Federal airway No. 65 (Los Angeles, Calif., to Hayfield Lake, Calif.).*

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 23, 1961.

D. D. THOMAS,
*Director, Bureau of*
*Air Traffic Management.*

[F.R. Doc. 61-739; Filed, Jan. 26, 1961; 8:45 am.]

[Airspace Docket No. 60-KC-62]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas and Reporting Points

On November 18, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 11008) stating that the Federal Aviation Agency proposed to revoke Blue Federal airway No. 44 in its entirety, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

In Parts 600 and 601 (14 CFR Parts 600, 601) the following sections are revoked:



(a) Section 600.644 *Blue Federal airway No. 44 (Dundee, Mich., to United States-Canadian Border).*

(b) Section 601.644 *Blue Federal airway No. 44 control areas (Dundee, Mich., to United States-Canadian Border).*

(c) Section 601.4644 *Blue Federal airway No. 44 (Dundee, Mich., to United States-Canadian Border).*

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 23, 1961.

D. D. THOMAS,
*Director, Bureau of*
*Air Traffic Management.*

[F.R. Doc. 61-738; Filed, Jan. 26, 1961; 8:45 a.m.]

# Title 32A—NATIONAL DEFENSE, APPENDIX

## Chapter I—Office of Civil and Defense Mobilization

[Emergency Preparedness Order No. 10]

### EPO 10—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS TO THE ADMINISTRATOR OF THE VETERANS ADMINISTRATION

By virtue of the authority vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Executive Order 10773 of July 1, 1958, as amended, and Executive Order 10902 of January 9, 1961, it is hereby ordered as follows:

**Section 1. Scope.**

The Administrator of the Veterans Administration (hereinafter referred to as the Administrator) shall, consistent with the National Plan for Civil Defense and Defense Mobilization and subject to policy direction of the Office of Civil and Defense Mobilization (hereinafter referred to as OCDM), prepare national emergency plans and develop preparedness programs for utilization of the agency's resources concerned with health, welfare, and stabilization functions. These plans and programs will be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including an attack upon the United States.

**Sec. 2. Health functions.**

In the preparation of emergency plans the Administrator shall, insofar as its health functions, including rehabilitation, are concerned, assist the Department of Health, Education, and Welfare in the fulfillment of that Department's responsibilities and participate with it in the development of plans and guidance to utilize to the maximum extent the existing health resources of the Veterans Administration.

**Sec. 3. Welfare functions.**

In the preparation of emergency plans the Administrator shall assist the Department of Health, Education, and Welfare in the development of emergency measures for the conduct of compensation activities, pensions, rehabilitation, guardianship service and insurance payments consistent with over-all Federal plans for the provision of temporary financial assistance to individuals in want due to enemy attack.

**Sec. 4. Veterans' status.**

Develop plans for the continuation or restoration of benefits to veterans of previous wars as soon as possible after a direct attack upon the United States and prepare operating plans and legislative programs designed to recognize and care for new veterans.

**Sec. 5. Stabilization.**

The Administrator shall, under guidance from the Treasury Department:

(a) *Suspension of activities.* Develop plans and procedures for the emergency conduct of insurance and loan guaranty functions in accordance with indirect stabilization policies and controls designed to deal with various conditions of attack.

(b) *Disbursements.* Develop plans for the utilization of facilities for the writing of all types of checks or other documents evidencing value as prescribed by the Treasury Department.

**Sec. 6. Claimancy.**

Prepare to claim materials, equipment, supplies, manpower, and services needed in support of assigned responsibilities and other essential functions of the agency, before appropriate resource agency. Work with such agencies in developing stand-by programs to insure availability of such supplies and services in all emergencies.

**Sec. 7. Damage assessment.**

Maintain a capability to assess the effects of attack on the agency's resources, both at national and field levels. Provide assistance as appropriate to the National Resource Evaluation Center of OCDM and OCDM field offices.

**Sec. 8. Research.**

Within the framework of the over-all OCDM research objectives, supervise or conduct research in areas directly concerned with carrying out emergency preparedness responsibilities. Designate representatives for necessary ad hoc or task force groups and provide advice and assistance to OCDM in planning for research in areas involving the Veterans Administration's interest.

**Sec. 9. Interagency coordination.**

The Administrator shall provide planning support to and develop its "health services," "health facilities," "stockpiles," and "income maintenance," as well as its "claimancy," "damage assessment," and "research" programs in coordination with the Department of Health, Education, and Welfare. That portion of the Veterans Administration's program related to economic stabilization measures shall be coordinated with OCDM.

**Sec. 10. Continuity of Administration.**

The Administrator shall take measures in preparation to insure continuity of the agency in the event of attack or other disaster. He will establish and promulgate lines of succession to official positions, provide for the safekeeping of essential records, establish control centers and alternate sites for the agency's emergency operations, and provide for the protection and maximum use of personnel, resources, and facilities.

**Sec. 11. Administration resources.**

Consistent with Federal programs, the Administrator shall prepare plans and agreements with States designed to make resources of the agency not immediately required to carry out its essential missions in an emergency available to the authorities directing survival operations in each community.

**Sec. 12. Reports.**

The Administrator shall make such reports as may be required by OCDM or other agencies designated above on the progress of programs specified in this assignment.

Dated: January 10, 1961.

LEO A. HOEGH,
*Director.*

[F.R. Doc. 61-769; Filed, Jan. 26, 1961; 8:49 a.m.]

[Emergency Preparedness Order No. 11]

### EPO 11—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS TO THE RAILROAD RETIREMENT BOARD

By virtue of the authority vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Executive Order 10773 of July 1, 1958, as amended, and Executive Order 10902 of January 9, 1961, it is hereby ordered as follows:

**Section 1. Scope.**

The Railroad Retirement Board (hereinafter referred to as the Board) shall, consistent with the National Plan for Civil Defense and Defense Mobilization and subject to policy direction of the Office of Civil and Defense Mobilization (hereinafter referred to as OCDM), prepare national emergency plans and develop preparedness programs for utilization of the Board's facilities and capabilities concerned with manpower mobilization and welfare functions. These plans and programs will be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including attack on the United States.

**Sec. 2. Manpower functions.**

The Board shall, within the framework of the over-all manpower plans and programs of the Department, assist in the mobilization of civilian manpower in an emergency by developing plans for the recruitment and referral of that segment of the Nation's manpower resources subject to the Railroad Retirement and Railroad Unemployment Insurance Acts.

**Sec. 3. Welfare functions.**

The Board shall assist the Department of Health, Education, and Welfare by developing plans for administering, under emergency conditions, the pertinent provisions of the Railroad Retirement Act, and in coordination with the Department of Labor, shall develop plans for administering the pertinent provisions of the Railroad Unemployment Insurance Act.

**Sec. 4. Research.**

Within the framework of the overall OCDM research objectives, supervise or conduct research directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to OCDM in planning for research in areas involving the Board's interest.

**Sec. 5. Damage assessment.**

Maintain a capability to assist the Department of Labor in the assessment of the effects of attack on manpower resources of the railroad industry. Provide assistance as appropriate to the National Resource Evaluation Center of OCDM and the OCDM field organization.

**Sec. 6. Interagency coordination.**

The Board shall provide planning support to the development of manpower programs in coordination with the Department of Labor and to income maintenance programs in coordination with the Department of Labor and the Department of Health, Education, and Welfare.

**Sec. 7. Continuity of Board.**

In the preparation of measures to insure continuity of the Board in the event of attack or other disaster the Board will establish and promulgate lines of succession to official positions, provide for the safekeeping of essential records, establish control centers and alternate sites for the Board's emergency operations, and provide for the protection and maximum use of personnel, resources, and facilities.

**Sec. 8. Board resources.**

Consistent with Federal programs, the Board shall prepare plans and agreements with States designed to make resources of the Board not immediately required to carry out its essential missions in an emergency available to the authorities directing survival operations in each community.

**Sec. 9. Reports.**

The Board shall make such reports as may be required by OCDM or other agencies designated above on the progress of programs specified in this assignment.

Dated: January 10, 1961.

LEO A. HOEGH,
*Director.*

[F.R. Doc. 61-770; Filed, Jan. 26, 1961; 8:49 a.m.]

[Emergency Preparedness Order No. 12]

## EPO 12—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS TO THE CIVIL SERVICE COMMISSION

By virtue of the authority vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Executive Order 10773 of July 1, 1958, as amended, and Executive Order 10902 of January 9, 1961, it is hereby ordered as follows:

**Section 1. Scope.**

The Civil Service Commission (hereinafter referred to as the Commission) shall, consistent with the National Plan for Civil Defense and Defense Mobilization and subject to policy direction and central program control by the Office of Civil and Defense Mobilization (hereinafter referred to as OCDM), prepare national emergency plans and develop preparedness programs, concerning Federal civilian employees, covering: the personnel system; manpower administration; emergency personnel management and staffing assistance to Federal agencies; civilian recruiting activities; reassignment or transfer; a national post-attack registration system; deferment of employees from military service; investigative requirements and procedures; the Employees Retirement System; the employees group life insurance and health benefit programs; participation in the formulation of national and regional manpower policies as the representative of the Federal Government as an employer; the establishment of implementing policies and procedures for Federal personnel as necessary; and related activities. These plans and programs, subject to OCDM approval, will be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including attack on the United States.

**Sec. 2. Functions.**

The Commission shall:

(a) *Personnel system.* Prepare plans for adjusting the Federal civilian personnel system to simplify administration and meet emergency demands.

(b) *Economic stabilization.* Assist OCDM in the development of organizational readiness of emergency wartime economic stabilization agencies, and assist the Department of Labor in the preparation of plans for the administration of wage and salary controls for employees within the Executive Branch of the Government, including the issuance of appropriate regulations and policies.

(c) *Utilization.* Develop policies and implementing procedures for providing for the most effective utilization of the Federal Government's civilian manpower in an emergency.

(d) *Manpower policies.* As the major representative of the Federal Government as an employer, participate in the formulation of national and regional manpower policies as they affect Federal civilian personnel.

(e) *Assistance.* Develop plans for rendering personnel management and staffing assistance to Federal agencies in an emergency.

(f) *Recruiting.* Provide plans for control of civilian recruiting practices and for coordinating and assisting Federal agencies in the Executive Branch with their recruiting problems during a national emergency.

(g) *Reassignment.* Develop plans for reassigning, transferring, or otherwise redistributing, Federal civilian employees, including the movement of employees from one agency or location to another agency or location, in accordance with priorities established by appropriate authority.

(h) *Registration.* Develop plans and procedures for a central post-attack registration system, in order to meet the most urgent needs of the Executive Branch during a national emergency.

(i) *Deferment.* Develop plans and procedures for a system to control government requests for the selective service deferment of employees in the Executive Branch of the Federal Government and in the municipal government of the District of Columbia.

(j) *Investigations.* Prepare plans for the conduct of national agency checks and inquiries, limited suitability investigations, and full field investigations under emergency conditions.

(k) *Retirement, insurance, and health benefits.* Develop plans for operating, under emergency conditions, the essential aspects of the Federal Employees Retirement System, the Federal Employees Group Life Insurance Program, and the Federal Employees Health Benefits Program.

(l) *Federal manpower mobilization.* The Commission shall initiate and assist Federal agencies in the periodic conduct of surveys designed to establish manpower plans to meet their own emergency manpower requirements; identify major or special manpower problems that individual Federal agencies and the Federal Government as a whole would face in mobilizing a civilian work force to meet essential emergency requirements; identify sources of emergency manpower supply for all agencies where manpower problems are indicated; and provide plans for a government-wide basis for the utilization of surplus manpower by other Federal agencies and State or local governments.

(m) *Executive Reserve.* Maintain a central register of Reserve members for the purpose of assisting all departments and agencies to avoid the issuance of invitations to persons already in the Reserve or excessive governmental demands on a single employer, and assist the Federal agencies in the preparation of Reserve training programs.

(n) *Training.* Develop, organize, and conduct, as appropriate, interagency training programs in emergency personnel management for Federal employees.

(o) *Damage Assessment.* Develop plans for assessing the effects of attack on Federal employees both at national and field levels, and provide assistance, as appropriate, to the National Resource Evaluation Center of OCDM, and to the OCDM field offices.

(p) *Research.* Within the framework of the overall OCDM research objectives, supervise, conduct, or recommend research directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to OCDM in planning for research in areas involving the Commission's interest.

**Sec. 3. Interagency coordination.**

Under the general review of OCDM, and consistent with joint plans developed in accordance with the responsibility of the Secretary of Labor for interagency coordination of manpower planning, the Commission shall assume the initiative in the coordination of emergency plans and programs of departments and agencies which normally have legal responsibilities for any segment of the Federal personnel program. With regard to health manpower, such plans shall be consistent with those developed in accordance with the responsibility assigned to the Secretary of Health, Education and Welfare.

**Sec. 4. Continuity of Commission.**

The Commission shall take measures in preparation to insure continuity of the Civil Service Commission as an agency in the event of attack. It will establish and promulgate lines of succession to official positions, provide for the safekeeping of essential records, establish control centers and alternate sites for the Commission's emergency operations, and provide for the protection and maximum use of personnel, resources, and facilities.

**Sec. 5. Commission resources.**

Consistent with Federal programs, the Commission shall prepare plans and agreements with States designed to make all resources of the Commission not immediately required to carry out its essential missions in an emergency available to the authorities directing survival operations in each community.

**Sec. 6. Reports.**

The Commission shall make such reports as may be required by OCDM on the progress of programs specified in this order.

Dated: January 19, 1961.

LEO A. HOEGH,
*Director.*

[F.R. Doc. 61-771; Filed, Jan. 26, 1961; 8:49 a.m.]

[Emergency Preparedness Order No. 13]

## EPO 13—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS TO THE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

By virtue of the authority vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Executive Order 10773 of July 1, 1958, as amended, and Executive Order 10902 of January 9, 1961, it is hereby ordered as follows:



**Section 1. Scope.**

The Administrator of the National Aeronautics and Space Administration (hereinafter referred to as the Administrator and NASA) shall, consistent with the National Plan for Civil Defense and Defense Mobilization and subject to policy direction and central program control of the Office of Civil and Defense Mobilization (hereinafter referred to as OCDM), prepare national emergency plans and develop preparedness programs for the continuing conduct of those aeronautical and space activities of the Federal Government for which he is responsible under provisions of the National Aeronautics and Space Act of 1958, as amended. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including an attack upon the United States.

**Sec. 2. Functions.**

In preparation of its emergency plans, the Administrator shall:

(a) *Research and development.* Adapt and utilize NASA's scientific and technological capability, consistent with overall requirements, to meet priority needs of the programs of the Federal Government in a civil defense emergency. This will include the direction and conduct of essential research and development activities relating to (1) aircraft, spacecraft, and launch vehicles, (2) associated instrumentation, guidance, control and payload, propulsion and communications systems, (3) scientific phenomena affecting both manned and unmanned space flights, (4) the life sciences (biology, medicine, and psychology) as they apply to aeronautics and space, and (5) atmospheric and geophysical sciences.

(b) *Military support.* Provide direct assistance as requested by the Department of Defense and other agencies in support of the military effort. This will include (1) undertaking urgent projects to develop superior aircraft, spacecraft, launch vehicles, and weapons systems, (2) developing methods to counter novel or revolutionary enemy weapons systems, (3) providing technical advice and assistance on matters involving air and space activities, and (4) furnishing personnel and facilities to assist in emergency repairs of equipment deficiencies and for other essential purposes.

(c) *Damage assessment.* Develop a capability to assess the effects of attack on NASA installations and furnish information with respect thereto and other assistance as appropriate to the National Resource Evaluation Center of OCDM and to OCDM field offices, and in cooperation with OCDM and other Federal agencies concerned, assist through research and other available means in applying aeronautical and space vehicles and techniques to the reconnaissance and measurement of damage from enemy attack.

(d) *Claimancy.* Prepare to claim materials, equipment, supplies, and services needed to carry out assigned responsibilities and other essential functions of NASA, from the appropriate resource agency. Work with such agencies in developing standby programs to insure availability of such supplies and services in all emergencies.

**Sec. 3. Interagency coordination.**

Under the general review of OCDM, NASA shall assume the initiative in developing joint plans for those emergency programs which involve other departments and agencies which normally have legal responsibilities for any segment of such activities. NASA plans for support services to Federal agencies in an emergency shall be developed in consultation with the agencies concerned.

**Sec. 4. Continuity of Administration.**

In preparation of measures as are required to insure continuity of NASA in the event of attack or other disaster, the Administrator will establish and promulgate lines of succession to official positions, provide for the safekeeping of essential records, establish control centers and alternate sites for NASA's emergency operations, and provide for the protection and maximum use of personnel, resources, and facilities.

**Sec. 5. Administration resources.**

Consistent with Federal programs, the Administrator shall prepare plans and agreements with States designed to make such resources of the Administration, not immediately required to carry out its essential missions in an emergency available to authorities directing survival operations in each community.

**Sec. 6. Reports.**

The Administrator shall make such reports as may be required by OCDM on the progress of programs specified in this assignment.

Dated: January 19, 1961.

LEO A. HOEGH,
*Director.*

[F.R. Doc. 61-772; Filed, Jan. 26, 1961; 8:49 a.m.]

[Emergency Preparedness Order No. 14]

## EPO 14—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS TO THE TENNESSEE VALLEY AUTHORITY

By virtue of the authority vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), and Executive Order 10773 of July 1, 1958, as amended, and Executive Order 10902 of January 9, 1961, it is hereby ordered as follows:

**Section 1. Scope.**

The Board of Directors of the Tennessee Valley Authority (hereinafter referred to as the Board) shall, consistent with the National Plan for Civil Defense and Defense Mobilization, and subject to policy direction of the Office of Civil and Defense Mobilization (hereinafter referred to as OCDM), prepare emergency plans and develop preparedness programs to provide for the

utilization of the agency's resources concerned with electric power, water resources, health services, flood control, mapping services, fertilizer, land, and munitions production. These plans and programs will be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including attack on the United States.

**Sec. 2. Functions.**

In preparation of its emergency plans, the Board shall:

(a) *Electric power.* Assist the Department of the Interior in the development of plans for the integration of the TVA owned or operated power system into national emergency programs and prepare plans for the emergency management, operation, and maintenance of the system and for its essential expansion.

(b) *Waterways.* Assist the Interstate Commerce Commission in the development of plans for integration and control of inland waterway transportation systems and in cooperation with the Department of Defense prepare plans for the management, operation, and maintenance of the river control system in the Tennessee River and certain of its tributories for navigation during an emergency.

(c) *Flood control.* Develop plans and maintain its river control operations for the prevention or control of floods caused by natural phenomena or overt and covert attack affecting the Tennessee River system and, in so doing, collaborate with the Department of Defense with respect to the control of water in the lower Ohio and Mississippi Rivers.

(d) *Health and sanitary water supplies.* Assist the Department of Health, Education, and Welfare to prepare national plans and programs covering health service, civilian health manpower, and health resources and prepare plans for the management, operation, and maintenance of the Tennessee River system consistent with the needs for sanitary public water supplies, waste disposal, and vector control.

(e) *Coordination of water use.* Develop plans for determination of operational priorities for the use of water by TVA in the event of conflicting claims arising from the functions listed above.

(f) *Fertilizer.* Assist the Department of Agriculture in the development of national plans for the distribution and claimancy of fertilizer; work with the Departments of Commerce and Defense in the development of TVA production quotas and any essential expansion of production facilities; and prepare plans for the management, operation, and maintenance of its facilities for the manufacture of nitrogen and phosphorous fertilizers.

(g) *Munitions production.* Perform chemical research in munitions as requested by the Department of Defense, maintain standby munitions production facilities, and develop plans for converting and utilizing fertilizer facilities as required in support of the Department of Defense's munitions program.

(h) *Land management.* Develop plans for the maintenance, management, and utilization of TVA-owned lands in the interests of an emergency economy.

(i) *Radiological monitoring.* Develop and maintain a capability to perform radiological fallout monitoring for the purpose of protecting TVA personnel and exchanging such information with appropriate national, regional, state, and local civil defense organizations.

(j) *Mapping service.* Provide mapping services to the Department of Defense.

**Sec. 3. Research and development.**

The Board shall (1) maintain relationships with agricultural colleges and other organizations in conducting emergency research and educational programs with TVA fertilizers and related agricultural development activities; (2) maintain relationships with public and private organizations in the TVA region to conduct emergency research and to develop, utilize, and protect the forest, fish, and wildlife resources of the area; (3) within the framework of the over-all OCDM research objectives, supervise or conduct research in areas directly concerned with carrying out emergency preparedness responsibilities, and (4) designate representatives for necessary ad hoc or task force groups and provide advice and assistance to OCDM in planning for emergency research in areas involving TVA's interest.

**Sec. 4. Damage assessment.**

The Board shall maintain a capability to assess the effects of attack on the TVA's resources and provide information and assistance as appropriate to the National Resource Evaluation Center of OCDM and OCDM field offices and the Federal agencies listed above as appropriate.

**Sec. 5. Claimancy.**

The Board shall prepare to claim materials, equipment, supplies, manpower, and services needed in support of assigned responsibilities and other essential functions of the agency, before appropriate resource agency and shall work with such agencies in developing standby programs to insure availability of such supplies and services in all emergencies.

**Sec. 6. Interagency coordination.**

With due regard for its legal responsibilities and established relationships, the Board shall, in the discharge of its emergency functions, provide planning support to the respective agency and shall develop: its electric power programs in coordination with the Department of the Interior; its waterways program in coordination with the Interstate Commerce Commission and Department of Defense; its fertilizer distribution program in coordination with the Department of Agriculture; its fertilizer production program with the Department of Commerce and Department of Defense; its health and sanitary water supply programs in coordination with the Department of Health, Education, and Welfare; its planning for water uses in coordination with the Interagency Task Group for Emergency Water Resources Management; and its munitions, flood control, and mapping programs in coordination with the Department of Defense.

**Sec. 7. Continuity of TVA.**

In preparation of measures to insure continuity of the agency in the event of attack or other disaster, the Board will establish and promulgate lines of succession to official positions, provide for the safekeeping of essential records, establish control centers and alternate sites for the agency's emergency operations, and provide for the protection and maximum use of personnel, resources, and facilities.

**Sec. 8. TVA resources.**

Consistent with the Federal program, the Board shall prepare plans and agreements with States designed to make resources of the agency not immediately required to carry out its essential missions in an emergency available to the authorities directing survival operations in each community.

**Sec. 9. Reports.**

The Board shall make such reports as may be required by OCDM or other agencies designated above on the progress of programs specified in this assignment.

Dated: January 19, 1961.

LEO A. HOEGH,
*Director.*

[F.R. Doc. 61-773; Filed, Jan. 26, 1961; 8:50 a.m.]

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[Emergency Preparedness Order No. 15]

## EPO 15—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS TO THE INTERSTATE COMMERCE COMMISSION

By virtue of the authority vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Executive Order 10773 of July 1, 1958, as amended, and Executive Order 10902 of January 9, 1961, it is hereby ordered as follows:

**Section 1. Scope.**

The Interstate Commerce Commission (hereinafter referred to as the Commission) shall, consistent with the National Plan for Civil Defense and Defense Mobilization and subject to policy direction and central program control by the Office of Civil and Defense Mobilization (hereinafter referred to as OCDM), prepare national emergency plans and develop preparedness programs covering railroad utilization, reduction of vulnerability, maintenance, restoration, and operation in an emergency; motor carrier utilization, reduction of vulnerability, and operation in an emergency; inland waterway utilization of equipment and shipping, reduction of vulnerability, and operation in an emergency, excepting the St. Lawrence Seaway; and also provide guidance and consultation to domestic surface transportation and storage industries, as defined below, regarding emergency preparedness measures, and to the States regarding development of their transportation plans. These plans and programs, will be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including an attack upon the United States.



**Sec. 2. Definitions.**

As used in this order:

(a) "Domestic surface transportation and storage" means rail, motor, and inland water transportation facilities and services and public storage. "Public storage" as used herein includes warehouses and other places which are used for the storage of property belonging to persons other than the persons having the ownership or control of such premises. "Inland water transportation" includes shipping on all inland waterways and Great Lakes shipping engaged solely in the transportation of passengers or cargo between United States ports on the Great Lakes. Specifically excluded, for the purposes of this assignment, are petroleum and gas pipelines, petroleum and gas storage, agricultural and food resources storage, including the cold storage of food resources, the St. Lawrence Seaway, ocean ports and Great Lakes ports and port facilities, highways, streets, roads, bridges, and related appurtenances, maintenance of inland waterways, and any transportation owned by or preallocated to the military.

**Sec. 3. Functions.**

The Commission shall:

(a) *Requirements.* Periodically assemble, develop as appropriate, and evaluate requirements for domestic surface transportation and storage in an emergency, taking into account estimated needs for military, civilian, and foreign purposes.

(b) *Resources.* Periodically assess domestic surface transportation and storage resources available from all sources in order to estimate availability under any emergency situation. Analyze resource estimates in relation to estimated requirements in order to identify problem areas.

(c) *Claimancy.* Prepare to claim material, equipment, manpower, supplies, and services needed to carry out assigned responsibilities and other essential functions of the Commission, before the appropriate resource agency. Work with such agencies in developing standby programs to insure availability of such supplies and services in all emergencies.

(d) *Allocation and priorities.* Prepare plans for the allocation of the use of domestic surface storage and transportation by operators and users, and to administer such priorities systems as may be necessary to insure expeditious movement of essential freight and passengers (including designation of priorities on traffic in transit through port areas and between domestic surface points) subject to determination of OCDM authorities as to degree of essentiality and relative priority of the activity served.

(e) *Control.* Develop plans with appropriate private transportation and storage organizations and associations for the coordination and direction of the use of domestic surface transportation and storage facilities for movement of passenger and freight traffic.

(f) *Emergency operations.* Develop a system for keeping informed as to operational conditions and capabilities throughout the domestic surface transportation and storage industry including the intensities of chemical, biological, radiological (CBR) contamination along and on the appropriate ways and terminals and the consequent interdiction occasioned by it, and prepare plans to take such actions as are necessary to avoid conflicts, overcome "bottle-necks," effect conservation, decrease waste, and speed turn-arounds. Develop and maintain necessary standby orders and regulations for the operation of domestic surface transport and storage industries under mobilization conditions and in civil defense emergencies.

(g) *Salvage and rehabilitation.* Develop standby plans for salvage of domestic surface transportation and storage equipment and rehabilitation including decontamination of appropriate terminals, rights-of-way, equipment, and shops after attack.

(h) *National program guidance.* Develop plans and issue guidance designed to utilize to the maximum extent the existing nonmilitary facilities, technical competence, and resources of the Federal Government, the States and local political subdivisions thereof, and nongovernmental organizations and systems engaged in domestic surface transportation and storage activities to promote the effective and safe use and maintenance of transportation facilities, equipment, and services under all conditions of national emergency. Develop plans to participate with Federal, State, local, and nongovernmental CBR defense units in the detection and the assessment of CBR contaminants. Participate in plans for decontamination operations.

(i) *Facilities protection.* Adapt OCDM industry protection guidance material to the needs of industries concerned and promote a national program to stimulate disaster preparedness and control in order to minimize the effects of overt or covert attack on domestic surface transportation and storage facilities. Guidance shall include but not be limited to deconcentration and dispersal of facilities and equipment, organization and training of facility employees, personnel shelter, protection of operating facilities, multiple sources of supply, evacuation and relocation plans, records protection, continuity of management, security, and emergency repair and recovery of facilities.

(j) *Federal contributions programs.* Make recommendations to OCDM regarding domestic surface transportation and storage aspects of State and local plans submitted under sections 201(i) and 205 of the Federal Civil Defense Act of 1950, as amended.

(k) *Damage assessment.* Maintain a capability to assess the effects of attack on all domestic surface transportation and storage facilities essential to safe and effective surface transportation in a national emergency, and to provide assistance to the National Resource Evaluation Center of OCDM and to OCDM field offices.

(l) *Executive reserve.* Select and train, under standards set forth by OCDM, members of the National Defense Executive Reserve who are to serve in government positions relating to domestic surface transportation and storage during emergency, and administer the Commission's Executive Reserve Unit.

(m) *Stockpiles.* Assist OCDM in formulating and carrying out plans for the stockpiling of strategic and critical materials and items necessary to the maintenance of a domestic surface transportation and storage capability in a civil defense emergency.

(n) *Research.* Within the framework of the over-all OCDM research objectives, supervise or conduct research in areas directly concerned with carrying out assigned emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to OCDM in planning for research in areas involving the Commission's interest.

(o) *Economic stabilization.* Cooperate with OCDM in the development of economic stabilization policies as they might affect domestic surface transportation and storage programs in an emergency.

(p) *Financial aids.* Develop standby plans and procedures for financial aids and incentives, including credit assistance to domestic surface transportation and storage organizations that might need such assistance in various mobilization conditions, particularly those resulting from attack.

**Sec. 4. Interagency coordination.**

Under the general review of OCDM, the Commission shall assume the initiative in the coordination of its emergency plans and programs with other departments and agencies having legal responsibilities with respect to any segment of domestic surface transportation and storage activity, particularly the Departments of Commerce, Interior, and Defense (Corps of Engineers). Arrangements will be made with the Department of Defense for use of military transportation resources which may be made available over and above military requirements during an emergency.

**Sec. 5. Continuity of Commission.**

The Commission shall take measures in preparation to insure continuity of the Commission in the event of attack or other disaster. The Commission will establish and promulgate lines of succession to official positions, provide for the safekeeping of essential records, establish control centers and alternate sites for the Commission's emergency operations, and provide for the protection and maximum use of personnel, resources, and facilities.

**Sec. 6. Commission resources.**

Consistent with Federal programs the Commission shall prepare plans and agreements with States designed to make resources of the Commission not immediately required to carry out its essential

missions in an emergency available to the authorities directing survival operations in each community.

Sec. 7. Reports.

The Commission shall make such reports as may be required by OCDM on the progress of programs specified in this order.

Sec. 8. Cancellations.

This Order cancels and supersedes Defense Mobilization Order DMO 1-15 of February 11, 1955.

Dated: January 19, 1961.

LEO A. HOEGH,
*Director.*

[F.R. Doc. 61-774; Filed, Jan. 26, 1961; 8:50 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2257]

[Fairbanks 012644, 024731]

ALASKA

### Withdrawing Lands for Use of Department of the Army for Military Purposes; Revoking Public Land Orders No. 765 and No. 1440

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described tract of public land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Department of the Army for an Alaska Communications System Repeater Station:

DELTA JUNCTION AREA

Beginning at Corner No. 5, U.S. Survey No. 2770 at Delta Junction, in the Fourth Judicial Division, State of Alaska, the true point of beginning for this description; thence

S. 31°24' W., 300.00 feet to a point on the centerline of the Alaska Highway;
S. 58°36' E., 635.21 feet along said centerline to a point;
N. 31°24' E., 625.60 feet;
N. 15°07' W., 236.88 feet;
S. 74°53' W., 673.33 feet through Corner No. 4 of U.S. Survey No. 2770, to Corner No. 5 of said survey, and the point of beginning.

(Containing 8.57 acres.)

2. Public Land Orders No. 765 of November 23, 1951, and No. 1440 of June 28, 1957, which withdrew the major part of the tract described in paragraph 1, hereof, for use of the Department of the Army for military purposes, are hereby revoked.

GEORGE W. ABBOTT,
*Assistant Secretary of the Interior.*

JANUARY 19, 1961.

[F.R. Doc. 61-754; Filed, Jan. 26, 1961; 8:47 a.m.]

# Title 45—PUBLIC WELFARE

## Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

PART 306—CONVERSION FROM FEDERAL TO STATE

PART 307—CONVERSION FROM STATE TO FEDERAL

PART 308—MERGERS OF FEDERAL CREDIT UNIONS

PART 309—VOLUNTARY PARTIAL LIQUIDATION FOR DIVISION OF ASSETS AND LIABILITIES

PART 311—SCALEDOWN OF SHARES

### Miscellaneous Amendments

On pages 12840 through 12844 of the FEDERAL REGISTER of December 14, 1960, there was published a notice of proposed rule making to add to existing regulations for Federal credit unions new regulations which are necessary to implement, interpret and apply 1959 Amendments to the Federal Credit Union Act, and also to implement and apply long-standing Bureau of Federal Credit Union's policy, interpretation and practice.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections to the proposed regulations. Only one suggestion was received, which involved a minor change in punctuation, and which has been accepted. The regulations are hereby adopted, subject to the changes set forth below.

Section 308.1 is hereby amended by adding a comma in the fourth line following the word, "association," and in the eleventh line following the word, "association."

The regulations are issued under authority contained in section 14 and section 21(a) of the Federal Credit Union Act, as amended. (73 Stat. 628, 12 U.S.C. 1761b and 1766.)

Dated: January 16, 1961.

[SEAL] J. DEANE GANNON,
*Director Bureau of Federal Credit Unions.*

Approved: January 16, 1961.

W. L. MITCHELL,
*Commissioner of Social Security.*

Approved: January 19, 1961.

ARTHUR S. FLEMMING,
*Secretary of Health, Education, and Welfare.*

1. Part 301, Chapter III of Title 45 of The Code of Federal Regulations, is amended by adding § 301.24, as follows:

**§ 301.24 Refund of interest.**

The board of directors of a Federal credit union may authorize an interest refund to all members who paid interest to the credit union during the year and who are members of record at the close of business on December 31 of that year. The amount of interest refund to the members shall be in proportion to the amount of interest paid by them as determined by the application of a uniform percentage. When an interest refund is authorized with respect to a year, it shall be recorded in the books of the credit union as a reduction of interest income for that year. The interest refund may be credited to the members' share accounts or paid directly to the members.

(Sec. 14, 73 Stat. 632; Sec. 21, 73 Stat. 635)

2. Chapter III of Title 45 of The Code of Federal Regulations is amended by adding Parts 306, 307, 308, 309, and 311, as follows:

## PART 306—CONVERSION FROM FEDERAL TO STATE

Sec.
306.1 Requirements for conversion.
306.2 Meeting of members and notice to Bureau.
306.3 Notice of meeting of members.
306.4 Notice of meeting to Bureau.
306.5 Report of results of meeting to Bureau.
306.6 Approval by majority of all members required.
306.7 Compliance with State laws.
306.8 Completion of conversion.
306.9 Assistance by Bureau.

AUTHORITY: §§ 306.1 to 306.9 issued under sec. 21, 73 Stat. 635, sec. 26, 73 Stat. 638.

**§ 306.1 Requirements for conversion.**

Any Federal credit union may convert into a State credit union by (a) complying with the requirements of the Act and the regulations in this part requisite to enabling it to convert to a State credit union; (b) taking such action as may be necessary under applicable State law for the conversion of Federal credit unions to State credit unions to obtain a State credit union charter; and (c) filing with the Bureau a copy of the State credit union charter issued to it within ten days after receipt thereof.

**§ 306.2 Meeting of members and notice to Bureau.**

Upon approval of the proposition to convert to a State credit union by a majority of the board of directors, it shall set a date for a meeting of the members, at which the individual members shall have the option to vote on the proposition either in person at the meeting or by written ballot to be filed on or before the date of the meeting. The board of directors promptly shall notify the Regional Representative in writing of its approval of the proposition to convert to a State credit union, and of the date set for the meeting of the members.

**§ 306.3 Notice of meeting of members.**

(a) Written notice of the meeting shall be delivered in person to each member or mailed to each member at the address for such member appearing on the records of the credit union, not more than thirty days nor less than seven days prior to the date set for the meeting.

(b) In addition to setting forth the proposition for conversion and the date, time, and place of the meeting, the written notice of the meeting shall (1) inform the members of the opportunity to vote by written ballot, and when, where and how (on or before the date of the meeting) such written ballots may be filed; (2) contain a form of written ballot for the use of those members who will vote thereby instead of in person at the meeting; and (3) set forth, for the advance consideration of the members, a brief and accurate statement of the reasons for and against the proposed conversion, including the effect, if any, it will have upon shareholdings and obligations of members, and the policies and practices of the credit union.

**§ 306.4 Notice of meeting to Bureau.**

A copy of the written notice of the meeting, verified by the affidavit of the secretary of the credit union, shall be delivered to the Regional Representative, at the same time, in advance of the meeting, that it is delivered to the members.

**§ 306.5 Report of results of meeting to Bureau.**

A statement of the results of the vote, verified by the affidavits of the president or vice president and the secretary, shall be filed with the Regional Representative within ten days after the vote is taken.

**§ 306.6 Approval by majority of all members required.**

In order for the proposition for conversion to be approved and acted upon further by the credit union it must receive the affirmative vote of a majority of all the members.

**§ 306.7 Compliance with State laws.**

If the proposition for conversion is approved by the affirmative vote of a majority of all the members, the board of directors promptly, and in no event later than 90 days after such approval, shall take such action on behalf of the credit union as may be necessary under the applicable State law for the conversion of Federal credit unions to State credit unions to convert the credit union to a State chartered credit union. In addition, the board of directors promptly shall inform the Regional Representative of the action so taken and, from time to time, of the progress of such action.

**§ 306.8 Completion of conversion.**

(a) Within ten days after the credit union receives a State credit union charter it shall file a copy thereof with the Regional Office. The Regional Representative promptly shall notify the credit union in writing of the receipt of the State charter. The credit union shall cease to be a Federal credit union as of the close of the business of the date such copy is received by the Regional Office unless the credit union has been notified in writing or is notified in writing to the contrary pursuant to paragraph (b) of this section. Upon ceasing to be a Federal credit union, such credit union shall no longer be subject to any of the provisions of the Act. The successor State credit union shall be vested with all of the assets and shall continue responsible for all of the obligations of the Federal credit union to the same extent as though the conversion had not taken place.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the requirements of the Act and the regulations in this part have not been satisfied, the attempted conversion shall be ineffective and the credit union shall continue to be a Federal credit union, subject to the provisions of the Act, to the same extent as though the conversion had not been attempted. The Regional Representative promptly shall notify the credit union in writing either before or after the copy of the State charter is filed with the Regional Office, of any findings by the Bureau, including the reasons therefor, which adversely affect the validity of the attempted conversion.

**§ 306.9 Assistance by Bureau.**

(a) Upon the request of any credit union which desires to convert, or which is converting, pursuant to the provisions in this part, the Bureau will furnish information, assistance and advice which, in the discretion of the Director, is pertinent to the proposed conversion and consistent with the powers and duties of the Bureau under the Act.

(b) The Bureau will cooperate, to the extent deemed consistent with its powers and duties under the Act, with State agencies and State officials having responsibility under applicable State law for the issuance of charters to and the supervision of State credit unions, in questions and matters relating to the conversion of any Federal credit union to State charter pursuant to the Act and the provisions in this part.

## PART 307—CONVERSION FROM STATE TO FEDERAL

Sec.
307.1 Requirements for conversion.
307.2 Preliminary application to convert.
307.3 Information required with preliminary application.
307.4 Approval of preliminary application to convert.
307.5 Compliance with State laws.
307.6 Application for Federal charter.
307.7 Completion of conversion.

AUTHORITY: §§ 307.1 to 307.7 issued under sec. 21, 73 Stat. 635, sec. 26, 73 Stat. 638.

**§ 307.1 Requirements for conversion.**

Any State credit union may convert into a Federal credit union by (a) complying with all the requirements of the State requisite to enabling it to convert to a Federal credit union, if any, or to cease being a State credit union; (b) filing with the Bureau proof of such compliance, satisfactory to the Director; (c) filing with the Bureau an organization certificate as required by the Act; and (d) filing with the Bureau proof satisfactory to the Director that all other requirements of the Act and the regulations in this part have been complied with.

**§ 307.2 Preliminary application to convert.**

(a) Any State credit union that desires to convert into a Federal credit union may, after approval by its board of directors and prior to taking the steps prescribed in § 307.1 file with the Bureau a preliminary application for conversion. Such preliminary application shall be on a form, copies of which may be obtained from any Regional Office of the Bureau.

(b) A preliminary application for conversion shall be filed with the Bureau through the Regional Office. It shall authorize an examination of its books and records by the Bureau and contain an undertaking to pay the examination fee therefor in accordance with § 301.7 of this chapter.

**§ 307.3 Information required with preliminary application.**

(a) A preliminary application shall be accompanied by a current financial and statistical report, Form FCU 109, as revised, or a form substantially equivalent thereto, certified correct by the treasurer and verified by the affidavit of the president or vice-president of the credit union and a statement verified by the affidavits of the president or vice-president and treasurer of the credit union which shall contain (1) a statement of its policies and procedures with respect to loans to members, including interest rates and charges incident to making loans, maturities of loans, unsecured loan limit, types of security accepted, and requirements for amortization; (2) a list of all outstanding unsecured loans with unpaid balances in excess of $750; (3) a list of all outstanding loans with maturities in excess of 5 years; (4) a schedule of all loans which are delinquent two months or more; (5) a statement of the kinds of accounts (share, savings, deposit, or other) which members are required or permitted to maintain; (6) a description of its real property holdings; (7) a description of investments other than loans to members, loans to other credit unions, United States bonds, and shares in savings and loan associations insured by Federal Savings and Loan Insurance Corporation; (8) the names and locations of depositaries of its funds; (9) a description of any services rendered to or on behalf of members or the public other than accepting and maintaining accounts of members and making loans to members; (10) a statement of the field of membership.

(b) It shall be accompanied, also, by a preliminary plan of conversion which shall show what the credit union proposes to do about any of its policies, procedures, practices, assets and liabilities which do not comply with the requirements of the Act if its conversion to a Federal credit union should be approved.

**§ 307.4 Approval of preliminary application to convert.**

(a) The Director will consider the preliminary application for conversion, the financial and statistical report, the

preliminary plan of conversion, and such other information or reports of examination or investigation as may have been submitted or required, and will accord such application conditional approval upon his determination that the credit union does or is able to comply with all the requirements of the Act. The Director will disapprove the preliminary application if he determines that the credit union is unable to comply with all the requirements of the Act.

(b) Upon disapproval of a preliminary application for conversion into a Federal credit union, the credit union, if it nevertheless believes that it is able to comply with all the requirements of the Act, may submit promptly additional information, including a new preliminary plan for conversion, for the reconsideration of the Director.

**§ 307.5 Compliance with State laws.**

Upon the conditional approval, either initially or upon reconsideration, of a preliminary application for conversion into a Federal credit union, the credit union shall proceed promptly to comply with all the requirements of the State requisite to enabling it to convert to a Federal credit union, if any, or to cease being a credit union of such State. After obtaining the vote of its members required by the laws of such State for the accomplishment of such purpose, the credit union shall proceed promptly to comply with all the conditions prescribed in the conditional approval of the preliminary application.

**§ 307.6 Application for Federal charter.**

(a) Upon compliance with all the requirements of the State requisite to enabling it to convert to a Federal credit union, if any, or to cease being a credit union of such State, and upon compliance with all the conditions prescribed in the conditional approval of the preliminary application, the credit union may file with the Regional Representative an organization certificate, together with proposed bylaws, as required by the Act, which shall constitute its formal application for conversion into a Federal credit union.

(b) Such organization certificate and proposed bylaws shall be accompanied by evidence satisfactory to the Director showing compliance by the credit union with all the requirements of the State requisite to enabling it to convert to a Federal credit union, if any, or to cease being a credit union of such State and compliance by the credit union with all the conditions prescribed in the conditional approval of the preliminary application.

**§ 307.7 Completion of conversion.**

(a) Upon approval of the organization certificate by the Director the credit union shall become a Federal credit union as of the date it ceases to be a State credit union. It shall be vested with all of the assets and shall continue responsible for all of the obligations of the State credit union to the same extent as though the conversion had not taken place.

(b) All directors and credit committee members holding office at the time the credit union becomes a Federal credit union shall hold office until the first annual meeting of the members of the Federal credit union and until the election and qualification of their respective successors, or until the qualification of their respective successors elected at a special meeting of the members as may be required pursuant to the provisions of paragraph (d) of this section.

(c) If a special meeting of the members is not required pursuant to the provisions of paragraph (d) of this section, the board of directors shall hold a legal meeting promptly upon the credit union becoming a Federal credit union. At such meeting the board of directors shall elect such executive officers, appoint such committees, and transact such other business as is necessary to carry into effect the conversion as approved by the Director and to operate the Federal credit union in accordance with the requirements of the Act.

(d) If required in the conditional approval of the preliminary application or upon approval of the organization certificate and bylaws, a board of directors, or a credit committee, or both, shall be elected at a special meeting of the members to be held promptly upon the credit union becoming a Federal credit union, all to hold office until the first annual meeting of the Federal credit union and until the election and qualification of their respective successors. At such meeting such other action shall be taken as is necessary to carry into effect the conversion as approved by the Director and to operate the Federal credit union in accordance with the requirements of the Act. Immediately after such meeting the board of directors shall meet, elect such executive officers, appoint such committees, and transact such other business as is necessary to carry into effect the conversion as approved by the Director and to operate the Federal credit union in accordance with the requirements of the Act.

## PART 308—MERGERS OF FEDERAL CREDIT UNIONS

Sec.
308.1 When permissible.
308.2 Preparation of merger plan.
308.3 Approval of plan by Director.
308.4 Approval by members.
308.5 Completion of merger.

AUTHORITY: §§ 308.1 to 308.5 issued under sec. 21, 73 Stat. 635.

**§ 308.1 When permissible.**

Two or more Federal credit unions, the combined membership of which would have a common bond of occupation or association, or would be limited to groups within a well-defined neighborhood, community, or rural district, may merge into a single Federal credit union; or, two or more Federal and State credit unions, the combined membership of which would have a common bond of occupation or association, or would be limited to groups within a well-defined neighborhood, community, or rural district, may merge into a single Federal credit union: *Provided*, That the State credit unions have the power and authority to merge under applicable State laws; or, two or more Federal and State credit unions, the combined membership of which would be eligible for credit union charter under applicable State law, may merge into a single State credit union: *Provided*, That the State credit unions have the power and authority to merge under the said applicable State law. Any such merger shall take place in accordance with the Regulations in this part, and, with respect to any State credit union involved in such merger, in accordance with the provisions of applicable State law.

**§ 308.2 Preparation of merger plan.**

Upon the approval of a proposition for a merger by the boards of directors of the credit unions, they shall prepare, or cause to be prepared for their approval, a plan for the proposed merger. The plan for the proposed merger shall include, but not by way of limitation, a current financial and statistical report of each credit union; an appraisal of the share value with respect to each credit union and the basis for the determination of such share value; whether differences in share values between the credit unions will be absorbed or adjusted, and, if there is to be an adjustment of such differences, how it will be accomplished; any provisions that are made with respect to reserves, undivided earnings and dividends; provisions with respect to notification and payment of creditors; provisions for bringing the assets and liabilities of any merging State credit unions into conformity with the requirements of the Act, if necessary, where it is proposed that the merged credit unions are to continue as a Federal credit union; and which of the merging credit unions is to continue and which will lose identity in the proposed merger. Also, if the merged credit unions are to continue as a Federal credit union, the plan should include any proposed amendments to the charter of the continuing Federal credit union.

**§ 308.3 Approval of plan by Director.**

Upon approval of the plan of the proposed merger by the board of directors of each credit union, it shall be submitted to the Regional Representative. If the Director finds that it is equitable, in the best interests of the members of the credit unions, and in accordance with the Act and the regulations in this part and with any applicable State law, the plan will be approved for submittal to the members of the credit unions. If the Director disapproves the plan of the proposed merger, the credit unions will be notified in writing of the decision and the reasons therefor and shall be given the opportunity to submit an amended plan for the reconsideration of the Director.

**§ 308.4 Approval by members.**

Upon approval of the plan of the proposed merger by the Director it may be submitted to the members of each Federal credit union at their annual meetings if such are scheduled within 120 days after such approval, or it shall be submitted to the members of each Federal credit union at special meetings to be called within 120 days after such approval; it shall be submitted to the members of any State credit union included in the proposed merger, and acted upon thereby, in accordance with the requirements of applicable State law. Federal credit union members shall have the right to vote on the proposition in person at the meeting, or by written ballot to be filed not later than 30 days following the date of the meeting. Written notice of the Federal credit union meetings, annual or special, at which the proposed merger is to be considered, shall include a summary of the plan of the proposed merger, shall inform the members of the opportunity to vote on the proposition by written ballot, and when and where such written ballots may be filed, and shall contain a form of written ballot for the use of those members who will vote thereby instead of in person at the meeting. The written notice shall be handed to each member in person, or mailed to each member at his address as the same appears on the records of the credit union, as provided in the bylaws. In order for the plan to be approved and acted upon further by the Federal credit unions it must receive the affirmative vote of a majority of all the members of each such Federal credit union. The results of the votes shall be certified to the Regional Representative promptly after the meetings by the president and secretary of each of the credit unions.

**§ 308.5 Completion of merger.**

Upon approval of the plan of the proposed merger by the members of each of the credit unions, such action as may be necessary to carry out the approved plan shall be taken. If the Director is satisfied that the merger has been accomplished in accordance with the approved plan he will cancel the charters of the Federal credit unions which have lost their identity in the merger, and, if the continuing credit union is a Federal credit union, he will approve any amendments to the charter thereof included in the plan.

## PART 309—VOLUNTARY PARTIAL LIQUIDATION FOR DIVISION OF ASSETS AND LIABILITIES

Sec.
309.1 When permissible.
309.2 Approval by board and appointment of committee.
309.3 Preparation of plan.
309.4 Notice of option to transfer.
309.5 Submittal of plan to Bureau.
309.6 Approval of plan by Director.
309.7 Approval of plan by majority of all members.
309.8 Completion of plan.

AUTHORITY: §§ 309.1 to 309.8 issued under sec. 21, 73 Stat. 635.

**§ 309.1 When permissible.**

When a group properly within the field of membership of a Federal credit union has come to constitute a separately identifiable group having a common bond of occupation or association or a separately identifiable group within a well-defined neighborhood, community, or rural district, with respect to which the director would be satisfied to approve the organization of a new Federal credit union, a Federal credit union may undertake a voluntary partial liquidation for the accomplishment of an equitable and proportionate division of its assets and liabilities (including reserves and undivided earnings) between itself and such a new Federal credit union to which such a sufficient number of the members of the said separately identifiable group have authorized transfer of their membership as to make such partial liquidation and division reasonable and feasible. The organization of the new Federal credit union, the transfer of membership, and the division of assets and liabilities, shall take place in accordance with the regulations in this part.

**§ 309.2 Approval by board and appointment of committee.**

Upon the approval by the board of directors of a proposition for voluntary partial liquidation of the Federal credit union in order to divide its assets and liabilities between itself and a new Federal credit union to be organized among the members of the separately identifiable group referred to in § 309.1, it shall appoint a committee of at least seven members identified with the said group to cooperate and assist in the preparation and carrying out of a voluntary partial liquidation for division of assets and liabilities, and to subscribe to and submit to the Bureau an organization certificate, in accordance with the Act, for the proposed new Federal credit union. The board of directors promptly shall notify the Regional Representative in writing of these actions.

**§ 309.3 Preparation of plan.**

The board of directors, with the cooperation and assistance of the committee, shall prepare a plan which shall provide that members within the group referred to in § 309.1 shall have the option, to be exercised in writing on or before a date fixed in the plan, of authorizing the transfer of their membership, i.e., their shares and their loans as of the date hereinafter provided for the closing of the books, to the new Federal credit union upon the completion of its organization. The plan shall provide also for the equitable and proportionate division of the remaining assets and liabilities and shall fix a time, subsequent to the date fixed for exercise of the option to transfer membership, but no later than six months thereafter for the closing of the books of the credit union as of which the division shall be made.

**§ 309.4 Notice of option to transfer.**

The board of directors, with the cooperation and assistance of the committee, shall cause written notice of the option to transfer membership to be handed to each member within the group referred to in § 309.1 in person, or mailed to each such member at his address as the same appears on the records of the credit union. The written notice shall contain a summary of the plan and a form of authorization for use by the members which shall cover, in addition to transfer of membership, confirmation of the members' share balance and loan balance, and an authorization to the committee to seek approval for the organization certificate for the proposed new Federal credit union in accordance with the Act. The authorization shall be valid for no longer than six months from the date fixed for the exercise of the option, and shall not prevent termination of membership during such period, except for any brief period contemplated by the plan during which the transfer and division are being accomplished and recorded on the books of the respective credit unions.

**§ 309.5 Submittal of plan to Bureau.**

Promptly after the date fixed in the plan for the exercise of the option to authorize transfer of membership, the board of directors shall submit to the Regional Representative the plan for voluntary partial liquidation for division of assets and liabilities, together with a current financial and statistical report and a report covering the members who authorized the transfer of their memberships to the proposed new Federal credit union including a list of their individual share balances and loan balances. At the same time, the committee shall submit to the Regional Representative the organization certificate of the proposed new Federal credit union.

**§ 309.6 Approval of plan by Director.**

If the Director finds that the plan provides for an equitable and proportionate division of the assets and liabilities, taking into consideration the interests of the members who have authorized transfer of their membership to the proposed new Federal credit union and the interests of the remaining members, the Regional Representative will inform the board of directors that the Director approves the plan for submittal to the members at either an annual or special meeting as provided in § 309.7. The Regional Representative also will notify the board of directors and the subscribers to the organization certificate of the Director's approval of the organization certificate subject to the approval of the plan by the members.

**§ 309.7 Approval of plan by majority of all members.**

If the Director approves the plan, as provided in § 309.6, it may be submitted to the members at an annual meeting, if one is timely scheduled within the six months from the date fixed for the exercise of the option, or it shall be submitted to the members at a special meeting to be called as provided in the bylaws and within such six month period. In either event, written notice of the meeting, stating the purpose thereof and a summary of the plan, shall be handed to each member in person, or mailed to each member at his address as the same appears on the records of the credit union, as provided in the bylaws. In order for the plan to be approved and acted upon further, it must receive the affirmative vote of a majority of the members present and voting at the meeting.

**§ 309.8 Completion of plan.**

The president and secretary of the credit union shall certify the results of the vote to the Regional Representative promptly after the meeting. If the plan was approved by the members, the Bureau will issue the approved organization certificate to the new Federal credit union. Promptly upon the issuance of the organization certificate, and within the six months from the date fixed for the exercise of the option, the members of the new Federal credit union, being the subscribers and all those who authorized transfer of membership to it and who have not terminated membership prior thereto, shall meet upon at least seven days but no more than thirty days written notice to be given by the subscribers, for the purpose of nominating and electing a board of directors and a credit committee, all to hold office in accordance with the provisions of the bylaws governing the organization meeting of the new credit union, and the transaction of such other business as may be necessary and proper. Immediately after such meeting, the board of directors shall meet, elect executive officers and appoint a supervisory committee, all to hold office in accordance with the provisions of the bylaws governing the organization of the credit union, and transact such other business as may be necessary and proper. The division of assets and liabilities shall take place promptly after the foregoing organization meetings of the new Federal credit union have been held, and upon such transfer the new Federal credit union shall be vested with all the assets received and shall be responsible for all the liabilities assumed, as though the division of assets and liabilities had not taken place.

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## PART 311—SCALEDOWN OF SHARES

Sec.

311.1 When scaledown of shares is permissible.
311.2 Approval by board of directors and suspension.
311.3 Determination of amount of scaledown required.
311.4 Submittal to Bureau for approval.
311.5 Approval of scaledown by Director.
311.6 Approval by majority of all members.
311.7 Completion of scaledown.
311.8 Recoveries on assets charged off.
311.9 Future earnings not available for restoration of scaledown.

AUTHORITY: §§ 311.1 to 311.9 issued under sec. 21, 73 Stat. 635.

**§ 311.1 When scaledown of shares permissible.**

When a Federal credit union is in a condition of insolvency to the extent that the members' shareholdings are impaired, and when it appears that there is a reasonable expectation of future succesful credit union operations upon a restoration of solvency by means of charging off actual and reasonably estimated losses against a uniform pro-rata reduction of the members' shareholdings (hereinafter referred to as a scaledown), the credit union may conduct such a scaledown in accordance with the regulations in this part.

**§ 311.2 Approval by board of directors and suspension.**

The proposition for such scaledown shall first be approved by a majority of the board of directors and a suspension of the acceptance of payments on and withdrawal of shares and the granting of loans shall be put into immediate force and effect. This suspension, and any prior suspension action taken by the board including any requirement of written notice of intention to withdraw shares, then in force and effect, shall remain in force and effect until terminated by the board of directors following accomplishment of the scaledown, or until such termination is authorized by the Director.

**§ 311.3 Determination of amount of scaledown required.**

(a) The board of directors shall prepare an analysis of the credit union's financial condition covering the causes of its insolvency and its actual and estimated losses, including an analysis of its outstanding delinquent and doubtful loans to members. Those items which are proposed to be charged off against the scaledown shall be separately identified in detail and listed on a separate schedule.

(b) On the basis of the actual and estimated losses of all kinds, the board of directors shall determine the amount by which it is necessary to scaledown the members' shareholdings in order to restore the solvency of the credit union, and, on the basis of the total of such shareholdings, the percentage by which such shareholdings will be scaled down in achieving such result.

**§ 311.4 Submittal to Bureau for approval.**

The analysis, schedule and determination required by § 311.3 (a) and (b), together with a current financial and statistical report of the credit union (Form FCU–109) shall be submitted by the board of directors to the Regional Representative.

**§ 311.5 Approval of scaledown by Director.**

If the Director is satisfied that the proposed scaledown is fair and equitable to the members, that it will restore the solvency of the credit union, and that there is a reasonable expectation of future successful credit union operations, he will approve the proposal for the scaledown and authorize the board of directors to submit it to the members.

**§ 311.6 Approval by majority of all members.**

Upon authorization by the Director the board of directors promptly shall cause a special meeting of the members to be called in accordance with the provisions of the bylaws for consideration of the proposal. The members shall have the right to vote in person at the meeting, or by written ballot to be filed not later than thirty days following the date of the meeting. In addition to stating the purpose of the meeting, the written notice shall contain a form of written ballot for the use of those members who chose to vote thereby, and shall state when and where such ballots may be filed. Approval of the proposition for the scaledown shall be by the affirmative vote of a majority of all the members.

**§ 311.7 Completion of scaledown.**

If the scaledown is approved by the majority of the members it shall be recorded on the books and records of the credit union, including the individual share accounts of the members. In addition, a schedule of the individual share accounts of the members showing the account number, the name, the individual share balance before the scaledown, the amount of scaledown applicable to each member and the individual share balance after the scaledown shall be prepared in duplicate and one copy, certified correct by the treasurer of the credit union, shall be forwarded to the Regional Representative. Thereafter the board of directors shall terminate the suspension on share payments and withdrawals and on the granting of loans, and credit union operations may be resumed.

**§ 311.8 Recoveries on assets charged off.**

The assets of the credit union which were charged off in the scaledown may be segregated on the books and records of the credit union and held for the benefit of the members whose share account balances were reduced in the scaledown if provided for in the scaledown proposal voted on by the members. Any recoveries on these assets shall be distributed to such individuals (whether or not they are members at the time of recovery or distribution) from time to time in amounts which bear the same ratio to the amounts by which the individual members' share accounts were reduced as the total amount to be distributed bears to the total amount of assets so segregated.

**§ 311.9 Future earnings not available for restoration of scaledown.**

Future earnings of the credit union shall not be available for distribution to restore in whole or in part amounts by which members' share accounts were reduced by virtue of the scaledown.

[F.R. Doc. 61–760; Filed, Jan. 26, 1961; 8:48 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

## PART 1—GENERAL RULES OF PRACTICE

### Procedure of Certain Boards

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 17th day of January A.D. 1961.

The Commission on the date hereof having created two boards of employees, designated collectively as the Safety and Service Boards, to which certain classes of proceedings have been assigned, and the matter of revising the special rules of procedure of other employee boards to include and apply to the Safety and Service Boards being under consideration:

*It is ordered*, That, to implement the action creating the Safety and Service Boards, § 1.225 (a) and (b) are revised to read as follows:

**§ 1.225 Special rules of practice governing the procedure of the Temporary Authorities Board, the Transfer Board, the Finance Boards, and the Safety and Service Boards.**

(a) The proceedings of the Temporary Authorities Board, the Transfer Board, the Finance Boards, and the Safety and Service Boards shall be informal. No transcription of such proceedings will be made. Subpenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) A petition for reconsideration of an order of the Temporary Authorities Board, the Transfer Board, a Finance Board, or a Safety and Service Board may be filed by any interested person. Such petition and the reply thereto will be governed by the Commission's general rules of practice, except as otherwise provided in paragraphs (c), (d) and (e) of this section.

*It is further ordered*, That the foregoing amendments shall become effective February 1, 1961.

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended; secs. 204, 205, 49 Stat. 546, as amended, 548, as amended; sec. 304, 54 Stat. 933; sec. 403, 56 Stat. 285; 49 U.S.C. 12, 17, 304, 305, 904, 1008)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–766; Filed, Jan. 26, 1961; 8:49 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

### [ 19 CFR Part 31 ]

[346.11]

### CUSTOMHOUSE BROKERS

### Notice of Proposed Rule Making

Section 31.12(b) of the Customs regulations authorizes the Commissioner of Customs to cancel a customhouse broker's license upon written application and the surrender of the license certificate, provided it has not been surrendered in order to evade proceedings for revocation or suspension of the license. In such case the license may be canceled only upon the direction of the Secretary of the Treasury.

Further, § 31.10(c) of the regulations prohibits the employment by a customhouse broker of a person whose license as a customhouse broker has been revoked or suspended, but permits the employment of a person whose license has been canceled upon its voluntary surrender.

In order to avoid the cost, in time and money, of conducting disciplinary proceedings where the broker is prepared, in effect, to concede that there is no defense which he cares to make, it is deemed advisable to authorize the Commissioner of Customs to accept the surrender of a license "with prejudice," and to treat such license as if it had been revoked or suspended for cause. Accordingly, notice is hereby given that pursuant to authority contained in sections 161 and 251 of the Revised Statutes, and sections 624 and 641 of the Tariff Act of 1930, as amended (5 U.S.C. 22, 19 U.S.C. 66, 1624, 1641), that in order to accomplish these purposes and to provide for relief from the disabilities provided in item (3) of § 31.10(c), it is proposed to amend the Customs regulations as set forth in tentative form below:

1. Section 31.10(c) is amended to read:

(c) No customhouse broker shall knowingly and directly or indirectly (1) accept employment to effect a customs transaction as associate, correspondent, officer, employee, agent, or subagent from any person whose license as a customhouse broker shall have been revoked for any cause, or whose license is under suspension, or who has surrendered his license "with prejudice," or who is notoriously disreputable, or (2) assist the furtherance of any customs business or transaction of such person, or (3) employ, or accept such assistance from, any such person, or (4) share fees with any such person, or (5) permit any such person directly or indirectly to participate, whether through ownership or otherwise, in the promotion, control, or direction of the business of the broker: *Provided*, That nothing herein shall be deemed to prohibit any customhouse broker from acting as a customhouse broker for any bona fide importer or exporter, notwithstanding such importer or exporter may have had his license as a customhouse broker revoked or suspended, or may be disreputable: *And further provided*, That nothing herein shall be deemed to prohibit any person whose license has been revoked or surrendered with prejudice from petitioning the Commissioner to exercise his discretion to relieve him of the disabilities imposed by item (3) of this paragraph. Any such petition shall be filed no less than 5 years after the revocation of the petitioner's license, or its surrender with prejudice as the case may be. The Commissioner shall not approve any such petition unless he is satisfied that the petitioner has refrained from all activities in any way violative of the provisions of this paragraph and is also satisfied that in all other respects the petitioner's conduct has been exemplary during the period of disability under this paragraph. The Commissioner shall also give consideration to the gravity of the misconduct which gave rise to the petitioner's disability. In any case in which such misconduct led to pecuniary loss to the Government or to any person, the Commissioner shall also take into account whether the petitioner has made reimbursement for the losses incurred.

2. Section 31.12 is amended by adding a new paragraph (c) reading as follows:

(c) Notwithstanding the provisions of paragraph (b) of this section a customhouse broker's license may be canceled "with prejudice" upon written application to the Commissioner and surrender of the license certificate. The effect of a cancellation "with prejudice" is in all respects the same as if the license had been revoked for cause pursuant to the provisions of § 31.11.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Prior to the issuance of the proposed amendments, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LAWTON M. KING,
*Acting Commissioner of Customs.*

Approved: January 18, 1961.

A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-792; Filed, Jan. 26, 1961; 8:53 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

### [ 9 CFR Part 27 ]

### IMPORTED PRODUCTS

### Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that the Department of Agriculture is considering amending § 27.2 of the Federal Meat Inspection Regulations (9 CFR 27.2, as amended) issued under section 306 of the Tariff Act of 1930 (19 U.S.C. 1306) by adding Guatemala to the list of countries specified therein from which certain product (meat, meat food product, and meat byproduct) may be imported into the United States as provided in said regulations.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director of the Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of January 1961.

M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 61-783; Filed, Jan. 26, 1961; 8:51 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 27 ]

[Docket No. FDC-70]

### ESTABLISHMENT OF DEFINITIONS AND STANDARDS OF IDENTITY FOR ORANGE JUICE AND ORANGE JUICE PRODUCTS

### Amendment of Notice of Hearing

In the matter of establishing definitions and standards of identity for orange juice (§ 27.106), pasteurized orange juice (§ 27.107), canned orange juice (§ 27.108), sweetened pasteurized orange juice (§ 27.109), canned sweetened orange juice (§ 27.110), concentrated orange juice (§ 27.111), sweetened concentrated orange juice (§ 27.112), reconstituted orange juice (§ 27.113), sweetened reconstituted orange juice (§ 27.114), and industrial orange juice with added chemical preservatives:

The notice of hearing in the above-identified matter published in the FEDERAL REGISTER of December 2, 1960 (25 F.R. 12372), specified the particular sections of the proposed orders on which the notice was based (21 F.R. 8511, 22 F.R. 3893) upon which evidence would be received at the hearing. The notice of hearing is amended in the following respects:

Part II-A: By adding thereto the following numbered items:

12. Sodium benzoate.
13. Sulfur dioxide.

Part III: By adding thereto the following item:

§ 27.111 A refractometer reading, corrected, of not lower than that of a sucrose solution of 41.8% by weight.

Dated: January 19, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-757; Filed, Jan. 26, 1961; 8:47 a.m.]



### [ 21 CFR Part 55 ]

### FAT PRESERVATIVE, FAT ANTIOXIDANT

### Definition and Standard of Identity

Notice is given that the Commissioner of Food and Drugs, on his own initiative, and pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371), delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to establish a definition and standard of identity for the food fat preservative, fat antioxidant. All interested persons are invited to present their views in writing regarding the proposal published below. Such views and comments should be filed in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed definition and standard of identity is as follows:

§ 55.1 Fat preservative, fat antioxidant; definition and standard of identity; label statement of optional ingredients.

(a) Fat preservative, fat antioxidant, is the class of food added to fats or to foods containing fats for chelating, sequestering, or combining action, and which serves to retard rancidity.

(b) The food is prepared from one or more of the following optional ingredients, and may appear in the combinations specified:

(1) Butylated hydroxytoluene.
(2) Butylated hydroxyanisole.
(3) Gum guaiac.
(4) Nordihydroguaiaretic acid.
(5) Propyl gallate.
(6) Tocopherols.
(7) Isopropyl citrate.
(8) Stearyl citrate.
(9) Citric acid.
(10) Monoisopropyl citrate.
(11) Ethylenediamine tetraacetic acid or its calcium and/or sodium salts.
(12) Glycerol monooleate monocitrate.
(13) Phosphoric acid.
(14) Combinations of two or more of the antioxidants listed in subparagraphs (1), (2), (4), and (5) of this paragraph.
(15) Combinations of citric acid, monoisopropyl citrate, and phosphoric acid, either alone or in combination with the antioxidants listed in subparagraphs (1), (2), (4), (5), and (14) of this paragraph.

(c) The name of the food is "fat preservative" or "fat antioxidant," or in lieu thereof the name "fat preservative _____" or "fat antioxidant _____," the blank being filled in with the name or names of the optional ingredients used, as listed in paragraph (b) of this section.

(d) The label shall bear the name or names of the optional ingredients present in the article, as specified in paragraph (b) of this section, unless the nomenclature authorized by paragraph (c) of this section is used. In addition, the label shall bear adequate directions for use to insure that when used singly or in combination in fats or fatty foods the amount present will not exceed any tolerance limitation set by the regulations prescribed under the food additives amendment of the Federal Food, Drug, and Cosmetic Act (Part 121 of this chapter).

(e) Except for a fat preservative-fat antioxidant mixture sold as such, when a fat preservative, fat antioxidant, is present in a fabricated food as an ingredient, it may be declared as such without reference to the name or names of the optional ingredients present in the fat preservative, fat antioxidant.

(f) The labeling requirements of section 403(k) of the Federal Food, Drug, and Cosmetic Act shall be considered met if any fabricated food containing a fat preservative is labeled "fat preservative added" or "fat antioxidant added to retard rancidity."

Dated: January 19, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-758; Filed, Jan. 26, 1961; 8:48 a.m.]

### [ 21 CFR Part 120 ]

### PENTANE IN OR ON STORED GRAINS

### Exemption From Requirement of Tolerance for Residues

It has come to the attention of the Food and Drug Administration that pentane has been used for several years as a fire retardant in liquid grain fumigants at concentrations of less than 1 percent. When used for this purpose, there is no hazard to man or animals from residues of pentane in or on the treated grain. Accordingly, the Commissioner of Food and Drugs, on his own initiative and under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 514; 21 U.S.C. 346a (b), (e)), vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (25 F.R. 8625), proposes that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities be amended by adding thereto the following new section:

§ 120.184 Pentane; exemption from the requirement of a tolerance for residues.

Pentane is exempted from the requirement of a tolerance for residues when used in accordance with good commercial practice as a fire retardant in liquid grain fumigants for the fumigation of the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing pentane may request, within 30 days from publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

All documents shall be filed in quintuplicate.

Dated: January 19, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-759; Filed, Jan. 26, 1961; 8:48 a.m.]

## FEDERAL AVIATION AGENCY

### [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 59-FW-27]

### FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

### Withdrawal of Proposal To Modify Federal Airways, Associated Control Areas and Control Area Extension, and Revocation and Designation of Reporting Points

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 59-FW-27 on March 11, 1960 (25 F.R. 2085), it was stated that the Federal Aviation Agency proposed to modify VOR Federal airways No. 1 and No. 213, modify the Charleston, S.C., control area extension and alter reporting points associated with these airways.

This action was necessary because of a plan to relocate the Myrtle Beach, S.C., VOR. It was proposed to relocate this VOR to Crescent Beach, S.C., and utilize the facility as an approach aid to the Crescent Beach Airport as well as an en route navigational facility. However, because of a change in plans for utiliza-

tion of Crescent Beach Airport, it would appear that there is no longer a requirement to provide a navigational facility for this airport. Accordingly the proposals contained in Airspace Docket No. 59–FW–27 are no longer required.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 59–FW–27 is withdrawn.

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 19, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–746; Filed, Jan. 26, 1961; 8:46 a.m.]

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60–FW–111]

## FEDERAL AIRWAYS AND CONTROL AREAS

### Alteration of Federal Airways and Associated Control Areas; Alteration of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6178, 600.6179, 601.1384, 601.6178, and 601.6179 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 178 extends in part from Paducah, Ky., to Central City, Ky. VOR Federal airway No. 179 extends in part from Centralia, Ill., to Paducah. The Hopkinsville, Ky., control area extension is presently designated as that airspace in the vicinity of Campbell AAF, Hopkinsville, Ky., bounded on the east by VOR Federal airway No. 7, on the south by a line from a point at latitude 36°29'40" N., longitude 86°50'20" W., to a point at latitude 36°16'40" N., longitude 87°26'15" W., on the west by the arc of a circle 25 miles in radius centered on a point at latitude 36°37'26.9" N., longitude 87°32'59" W., clockwise to a point at latitude 36°59'20" N., longitude 87°33'30" W., thence on the north via a direct line from that point to a point at latitude 37°00'20" N., longitude 87°04'30" W., excluding the portions which lie within the geographical limits of, and between the designated altitudes of, the Fort Campbell Restricted Areas (R–63) and (R–63A), during times of designation of these restricted areas.

The Federal Aviation Agency has under consideration the following alterations to Victor 178, Victor 179 and to the Hopkinsville control area extension.

1. Designate a south alternate to Victor 178 and its associated control areas to extend from the Paducah VOR via the intersection of the Paducah VOR 109° and the Central City VOR 229° True radials; to the Central City VOR, excluding the airspace between the main airway and its south alternate from the Paducah VOR to the Central City VOR.

2. Extend Victor 179 and associated control areas southeastward from the Paducah VOR to the Graham, Tenn., VOR.

3. Alter the Hopkinsville control area extension to include the area within the Fort Campbell, Ky., Restricted Area (R–63) and the area in the vicinity of Campbell AAF, bounded on the east by VOR Federal airway No. 7, on the southeast by VOR Federal airway No. 57, on the south by VOR Federal airway No. 16 north alternate, on the southwest by VOR Federal airway No. 179 proposed from Paducah to Graham, on the northwest by VOR Federal airway No. 178 south alternate proposed from Paducah to Central City, and on the north by latitude 37°00'00" N. The portion of this control area extension that coincides with Fort Campbell Restricted Area (R–63) would be used only after obtaining prior approval from the appropriate authority.

If these actions are taken, protection would be provided for aircraft executing prescribed instrument approach procedures at the Campbell AAF. In addition, protection would be provided for aircraft conducting prescribed departure procedures from the airfield via the Paducah, Central City and Graham VORs. The inclusion of control area within the Fort Campbell Restricted Area would facilitate its use for air traffic management purposes when it is not being used for the designated purpose. Under separate airspace actions, it will be proposed to revoke Restricted Area R–63A and to further alter Restricted Area R–63 by designating the Federal Aviation Agency as the controlling agency. This latter action would facilitate joint use of R–63.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 19, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–747; Filed, Jan. 26, 1961; 8:46 a.m.]

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60–LA–36]

## FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

### Revocation of a Segment of a Federal Airway, Associated Control Areas and Reporting Points; Alteration of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.102, 601.102, 601.4102, and 601.1455 of the regulations of the Administrator, the substance of which is stated below.

Amber Federal airway No. 2 extends in part from Daggett, Calif., to the United States/Canadian border north of Cut Bank, Mont. The Federal Aviation Agency is considering revoking this segment of Amber 2. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Daggett to the International Border is adequately served by a combination of VOR Federal airways No. 8 north alternate and No. 21. In addition, the Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows a maximum of 4 aircraft movements between any two reporting points on this segment of Amber 2. Therefore, it appears that retention of this airway segment is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke the segment of Amber 2 and its associated control areas from Daggett to the International Border north of Cut Bank. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with this segment of Amber 2. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures. In addition, it is proposed to amend § 601.4102 by revoking the designated reporting points from the Las Vegas, Nev., radio range station to and including the Cut Bank, Mont., radio range station.

The Las Vegas, Nev., control area extension (§ 601.1455) is bounded in part by Amber 2. Concurrently, with the revocation of the segment of Amber 2, it would be necessary to amend § 601.1455 by substituting VOR Federal airway No. 8 north alternate for Amber 2 in the description of the control area extension. This action would not alter the extent of presently designated control area in the vicinity of Las Vegas.



Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 19, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–748; Filed, Jan. 26, 1961; 8:46 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60–KC–93]

## CONTROL ZONES

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2189 of the regulations of the Administrator, the substance of which is stated below.

The Olathe, Kansas, control zone is presently designated within a 10-mile radius of the Naval Air Station excluding that portion which lies within Green Federal airway No. 4 and extending 2 miles either side of the south course of the Olathe, Kans., Navy radio range to a point 10 miles south of the radio range station. The Federal Aviation Agency is considering altering this control zone by redescribing it without reference to Green Federal airway No. 4. Additionally the control zone radius would be reduced to a 5-mile radius of the Olathe Naval Air Station. The control zone extension based on the south course of the Olathe Navy radio range would be increased from 10 miles to 12 miles south of the radio range station to provide protection for aircraft executing the prescribed radio range approach. Additional extensions north, northeast, south, and southwest would be designated to provide protection for aircraft executing prescribed TACAN approach procedures.

If this action is taken the Olathe, Kans., control zone would be redesignated within a 5-mile radius of the Olathe Naval Air Station (latitude 38°-50'00" N., longitude 94°53'30" W.), within 2 miles either side of the south course of the Olathe, Kans., Navy radio range extending from the 5-mile radius zone to 12 miles south of the radio range station, and within 2 miles either side of the 353°, 038°, 188°, and 233° True radials of the Olathe Navy TACAN extending from the 5-mile radius zone to 6 miles north, northeast, south, and southwest of the TACAN.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 19, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–742; Filed, Jan. 26, 1961; 8:45 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60–KC–100]

## CONTROL ZONES

### Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering designating a 3-mile radius control zone at St. Charles, Ill., Du Page County Airport (latitude 41°54'45" N., longitude 88°14'35" W.). This control zone would be effective daily from 0600 to 2200 hours central standard time, and would provide protection for aircraft arriving and departing the Du Page County Airport during the hours that weather reporting service is available. Weather and communications service will be provided to aircraft utilizing the control zone by control tower personnel. It is expected that the control tower at Du Page County Airport will be commissioned on or about June 1, 1961.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 19, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–743; Filed, Jan. 26, 1961; 8:45 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60–NY–108]

## CONTROL ZONES

### Extension of Time for Comments

In a notice of proposed rule making published in the FEDERAL REGISTER on December 9, 1960 (25 F.R. 12623), it was stated that the Federal Aviation Agency proposed to alter the Fort Dix, N.J., control zone by reducing the 7-mile radius zone to a 5-mile radius zone; reducing the width and increasing the length of

the control zone extension based on the southwest course of the McGuire AFB radio range; and designating new extensions based on the McGuire VOR, and the McGuire TACAN.

In conformance with current Agency practice, information copies of the notice are distributed to interested segments of the aviation public immediately after publication in the FEDERAL REGISTER. However, in assembling copies of the notice for distribution, a page was inadvertently omitted. Therefore, to provide these interested persons an opportunity to properly evaluate the proposal contained in Airspace Docket No. 60-NY-108, information copies of the notice, as published, are being redistributed, and the time within which additional written data, views or arguments may be submitted will be extended to February 20, 1961.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 60-NY-108 is extended to February 20, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 19, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-744; Filed, Jan. 26, 1961; 8:45 a.m.]

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[ 14 CFR Part 601 ]

[Airspace Docket No. 61-WA-3]

## CONTROL ZONES

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.1983 and 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The Helena, Mont., control zone is designated within a 3-mile radius of Helena County-City Airport. The Federal Aviation Agency is considering redesignating this control zone within a 5-mile radius of Helena County-City Airport (latitude 46°36'24" N., longitude 111°59'19" W.). This would provide protection for larger type aircraft now operating at this airport during instrument flight rule weather conditions.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 19, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-745; Filed, Jan. 26, 1961; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 4 ]

[Docket No. 13924 (RM-165); FCC 61-93]

## UHF TRANSLATOR SIGNAL BOOSTERS

### Notice of Proposed Rule Making

In the matter of amendment of Part 4 of the Commission's rules and regulations to permit the operation of UHF translator signal boosters by licensees of UHF translator stations.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on February 19, 1960, by the Blue Mt. Television Association, North Powder, Oregon, for the institution of rule making to amend Part 4 of the Commission's rules and regulations to permit the operation of UHF translator signal boosters by the licensees of UHF television broadcast translator stations.

3. Petitioner states that it intends to file applications for UHF translator stations to serve portions of Union and Baker Counties in Oregon. It points out that there will be shadow areas within the proposed service areas which have so few people as to make the operation of additional UHF translators impractical. It urges that one watt on-channel boosters are a feasible method of providing service to such areas. Finally, since these boosters would be located in a strong signal area of the translator station, petitioner states that there will be no need for an automatic shut-off and a remote control line if the unit can be reached all year round. They further request that no station identification be required of the booster station.

4. The Commission is of the view that a rule making proceeding should be instituted in order that interested parties may submit their views and relevant data. We are not persuaded that the automatic shut-off, which can be accomplished with simple circuitry, should not be required. We do agree that the separate transmission of a call sign is unnecessary and the present rules applicable to unattended operation of translators will appropriately apply to these devices. Comments are invited on the proposed rules outlined below.

5. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules and regulations, interested persons may file comments on or before February 17, 1961, and reply comments on or before February 28, 1961. In reaching its decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

7. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: January 18, 1961.

Released: January 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

It is proposed to amend Part 4 of the Commission's rules as follows:

1. Add a new paragraph (e) to § 4.701, to read as follows:

**§ 4.701 Definitions.**

* * * * *

(e) *UHF translator signal booster.* A station in the broadcasting service operated for the sole purpose of retransmitting the signals of a UHF translator station by amplyfying and reradiating such signals which have been received directly through space, without significantly altering any characteristic of the incoming signal other than its amplitude.

2. Add a new § 4.733 to read as follows:

**§ 4.733 UHF translator signal boosters.**

(a) The licensee of a UHF television broadcast translator station may be authorized to operate one or more signal boosters for the purpose of providing reception to small shadowed areas within the area intended to be served by the translator.

(b) The transmitting apparatus shall consist of a simple linear radio frequency amplifier, with one or more amplifying stages, which is capable of receiving, amplifying, and retransmitting the signals of the parent translator without significantly altering any electrical characteristic of the received signal other than its amplitude. The maximum power input to the plate of the final radio frequency amplifier shall not exceed 5 watts.

(c) The amplifier shall be equipped with suitable circuits which will automatically cause it to cease radiating if no signal is being received from the parent translator station. Care shall be taken in the design of the apparatus to insure that out-of-band radiation is not excessive and that adequate isolation is maintained between the input and output circuits to prevent unstable operation.

(d) The installation of the apparatus and its associated receiving and transmitting antennas shall be in accordance with accepted principles of good engineering practice. Either horizontal, vertical, or circular polarization of the electric field of the radiated signal may be employed. If the isolation between the input and output circuits depends in part upon the polarization or directive properties of the transmitting and receiving antennas, the installation shall be sufficiently rugged to withstand the normal hazards of the environment.

(e) The operation of a UHF translator signal booster is subject to the condition that no harmful interference is caused to the reception of any station, broadcast or non-broadcast, other than the parent translator. The licensee of the UHF translator signal booster is expected to use reasonable diligence to minimize interference to the direct reception of the parent translator station.

(f) UHF translator signal boosters may be operated unattended. Repairs and adjustments shall be made by a qualified person. The required qualifications are set forth in § 4.750 (g) and (h).

(g) An individual call sign will not be assigned to a UHF translator booster station. The retransmission of the call sign of the parent translator will serve as station identification.

(h) Applications for authority to construct and operate a UHF translator signal booster shall be submitted on FCC Form 346A. No construction of facilities or installation of apparatus at the proposed transmitter site shall be made until a construction permit therefor has been issued by the Commission.

(i) The provisions of § 4.765 concerning posting of station license shall apply to a UHF translator signal booster except that the parent UHF translator call sign, followed by the word "Booster", shall be displayed at the signal booster site.

(j) The provisions of §§ 4.767 and 4.781 concerning marking and lighting of antenna structures and station records, respectively, apply to UHF translator signal boosters.

[F.R. Doc. 61-794; Filed, Jan. 26, 1961; 8:53 a.m.]



# SMALL BUSINESS ADMINISTRATION

[ 13 CFR Part 107 ]

## SMALL BUSINESS INVESTMENT COMPANIES

### Subsidiary Corporation for Consulting and Advisory Services

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Pub. Law 85-699, 72 Stat. 694, as amended, it is proposed to add, as set forth below, § 107.308-15 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations. Prior to the final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of thirty days of the date of publication of this notice in the FEDERAL REGISTER.

*Information.* The amendment under consideration authorizes Licensees to establish and own subsidiary corporations formed for the sole purpose of providing consulting and advisory services.

It is proposed to amend the Small Business Investment Company regulation as follows:

Adding at the end of § 107.308-14 the following new § 107.308-15:

**§ 107.308-15 Subsidiary corporation for consulting and advisory services.**

(a) A Licensee may form and own all the stock of a corporation which is chartered for the sole purpose and limited to the providing of consulting and advisory services in the Operating Territory of the Licensee, under, in accordance with, and subject to the Act and regulations issued thereunder.

(b) A Licensee shall never sell, transfer, or otherwise divest itself of the ownership of such subsidiary corporation, nor the control thereof by stock ownership or otherwise.

(c) Such subsidiary corporation shall comply with the Act and regulations issued thereunder.

(d) The parent-Licensee of any such subsidiary shall be responsible for compliance by its subsidiary with the Act and regulations and the commissions and omissions of the subsidiary shall be deemed to be those of the parent-Licensee for all purposes of the Act and regulations thereunder, including any violations or noncompliance with the Act or regulations by the subsidiary corporation.

(e) SBA may deal directly with the subsidiary or parent-Licensee.

Dated: January 19, 1961.

PHILIP MCCALLUM,
*Administrator.*

[F.R. Doc. 61-777; Filed, Jan. 26, 1961; 8:50 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[382.1]

### CERTAIN RUBBER SOLED FOOTWEAR

### Appraisement; American Selling Price Basis

JANUARY 23, 1961.

The purpose of this notice is to advise interested persons of a question pending as to the applicability of American selling price to rubber soled footwear with uppers wholly or in chief value of various materials, including rayon and toyo cloth, such footwear being of a type classifiable under paragraph 1530(e) of the tariff act.

It appears probable that imported rubber soled footwear of the type described above notwithstanding that they have uppers composed of materials different from the materials of which the uppers of domestic rubber soled footwear are composed may be "like or similar" to the domestic footwear because of other similarities between the domestic and imported footwear. Heretofore appraisers have believed that if such difference existed imported footwear would not be dutiable on the American selling price basis. The Bureau has under study the question of whether the fact of such difference in itself should prevent application of the American selling price basis of valuation, pursuant to Presidential Proclamation No. 2027, dated February 1, 1933 (T.D. 46158).

If the Bureau should conclude that such difference should not prevent application of the American selling price basis of valuation, it is contemplated that the Bureau will instruct appraisers that in determining whether imported and domestic rubber soled footwear are similar they shall consider whether the footwear are commercially interchangeable, adaptable to substantially the same uses and competitive from the standpoint of customer acceptance. In so doing the appraisers shall take into account, among other things, the following factors:

(1) The appearance of the footwear.

(2) The durability of the footwear.

(3) The degree, if any, to which the footwear is deteriorated by being subjected to moisture as, for example, perspiration or rain.

(4) The workmanship and finish of the footwear.

It will be stressed to appraisers, should this conclusion be reached, that factors other than those mentioned above may be taken into account in determining similarity and, moreover, that a difference between domestic and imported footwear with respect to one factor will not necessarily determine that the footwear are dissimilar. Emphasis will be placed on whether the footwear are substantially similar.

Consideration will be given to any relevant data, views, or arguments pertaining to the question stated above or the proposed instructions which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration such communication must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

By separate order, appraisers are being instructed to proceed with appraisement of all importations of footwear as if the present question were not pending.

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

[F.R. Doc. 61-791; Filed, Jan. 26, 1961; 8:53 a.m.]

[455.44]

### CERTAIN FOOTWEAR

### Tariff Classification

JANUARY 23, 1961.

The Bureau is of the opinion that footwear having uppers of the kind described in paragraph 1530(e), Tariff Act of 1930, as modified and amended, and soles such as those commonly found on tennis shoes, basketball shoes, "Ked-type" shoes, and so-called sneakers, when the soles although not in chief value of india rubber have the same appearance and general characteristics, such as the resiliency, flexibility, and skid-resistancy of soles referred to, is classifiable as footwear having uppers composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon or other synthetic textile, silk, or substitutes for any of the foregoing, with soles wholly or in chief value of substitutes for rubber, under paragraph 1530(e), supra, dutiable at the reduced rate of 20 percent ad valorem based on the American selling price when the elements of section 402a(g) are present, except as provided for hereafter.

In this view, a sole not in chief value of india rubber but which has the general characteristics of the resilient, flexible, skid-resistant, rubber soles of footwear such as tennis shoes, basketball shoes, "Ked-type" shoes, and so-called sneakers, is a sole wholly or in chief value of "substitutes for rubber" within the meaning of Treasury Decision 46158, irrespective of the material (other than india rubber, leather or wood) of which it is wholly or in chief value, unless it is established that such material was used in its own right and for its own characteristics and not in place of india (natural) rubber.

Inasmuch as such a decision would result in the assessment of a greater amount of duty on certain footwear having uppers composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon or other synthetic textile, silk, or substitutes for any of the foregoing, under paragraph 1530(e), Tariff Act of 1930, as modified and amended, than would have been assessable under the established and uniform practice, notice is hereby given pursuant to § 16.10a(d) of the Customs regulations (19 CFR 16.10a(d)), that such classification is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views or arguments pertaining to the correct tariff classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

[F.R. Doc. 61-793; Filed, Jan. 26, 1961; 8:53 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Document No. 237; Classification No. 73]

### ARIZONA

### Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described public lands, totaling 160 acres, under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a) as amended.

GILA AND SALT RIVER MERIDIAN

T. 7 N., R. 2 E., Maricopa County, Arizona.
Sec. 26: NW¼NW¼, SE¼NW¼, SW¼NE¼.
Sec. 27: E½E½NE¼.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended until it is so provided by an order to be issued by an authorized officer.

4. The lands are embraced in 24 preference applications, as provided for by 43 CFR 257.5, which will be granted as soon as possible.

Dated: January 20, 1961.

E. I. ROWLAND,
*State Supervisor.*

[F.R. Doc. 61-753; Filed, Jan. 26, 1961; 8:47 a.m.]





## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### SAND MT. SALES BARN ET AL.

### Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

*Original Name of Stockyard, Location, and Date of Posting; and Current Name of Stockyard and Date of Change in Name*

ALABAMA

Sand Mt. Sales Barn, Albertville, May 21, 1959; Sand Mountain Sales Barn, Oct. 1, 1959.

CALIFORNIA

Bar "S" Ranch Auction, Fillmore, Apr. 29, 1960; Bar "S" Ranch Auction Yard, Aug. 25, 1960.

Producers Livestock Marketing Association, Artesia, July 7, 1960; Los Angeles Producers Stockyards, Nov. 29, 1960.

IDAHO

W. I. M. Livestock Commission Co., Bonners Ferry, Oct. 13, 1959; Bonners Ferry Livestock, Nov. 25, 1960.

KANSAS

Moline Sales, Moline, May 21, 1959; Moline Auction Co., Nov. 25, 1960.

LOUISIANA

Grand Cane Livestock Commission Barn, Grand Cane, Mar. 11, 1959; Grand Cane Livestock Auction, Nov. 3, 1960.

MINNESOTA

Austin Livestock Sales Barn Co., Austin, July 14, 1960; Austin Livestock Sales Co., Oct. 12, 1960.

MISSOURI

Green City Auction Co., Green City, Aug. 14, 1957; Green City Auction Co., Inc., Aug. 21, 1958.

Payne Auction, Lebanon, June 5, 1959; Payne Auction Sale, Feb. 1, 1960.

Poplar Bluff Sales Co., Poplar Bluff, June 5, 1959; Poplar Bluff Sales Co., Inc., Nov. 12, 1960.

NEW JERSEY

Freehold Auction Sale, Freehold, Mar. 28, 1960; Henry Zlotkin Auction, Nov. 7, 1960.

NORTH DAKOTA

Harrington Bros. Co., Valley City, May 18, 1959; Valley City Livestock Auction, Aug. 14, 1960.

OHIO

Warren County Livestock Sales, Inc., Lebanon, May 29, 1959; Warren County Sales Barn, Inc., June 14, 1960.

OREGON

Baker Livestock Exchange, Baker, Oct. 15, 1959; Baker Livestock Auction, Nov. 29, 1960.

SOUTH CAROLINA

York County Stockyard Inc., York, June 2, 1960; York County Stockyards Sales, Inc., Dec. 8, 1960.

SOUTH DAKOTA

Clark Livestock Sales Co., Clark, May 8, 1959; Clark Sales Co., Nov. 9, 1960.

Murdo Sales Co., Murdo, May 16, 1959; Murdo Sales Co., Inc., May 6, 1960.

WEST VIRGINIA

Beckley Livestock Auction Market, Beckley, Feb. 3, 1960; New River Livestock Market, Inc., Aug. 22, 1960.

Done at Washington, D.C., this 19th day of January 1961.

H. L. JONES,
*Acting Chief, Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61-782; Filed, Jan. 26, 1961; 8:51 a.m.]

### Office of the Secretary

### CALIFORNIA, IDAHO, MISSISSIPPI, NORTH CAROLINA AND UTAH

### Designating Certain Lands as National Forests or Parts of National Forests

*Correction*

In F.R. Doc. 61-362, appearing at page 627 of the issue for Friday, Jan. 20, 1961, under Delta National Forest, Mississippi, the land description under T. 12 N., R. 6 W. should begin as follows: "Secs. 1, 12, 13, 14, 15, 21, 22, and 28," thus including "21", which was previously omitted.

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13667-13672; FCC 61M-91]

### ALTUS BROADCASTING CO. (KWHW) ET AL.

### Order Continuing Hearing

In re applications of the Altus Broadcasting Company (KWHW), Altus, Oklahoma, Docket No. 13667, File No. BP-12520; Charles L. Cain, El Reno, Oklahoma, Docket No. 13668, File No. BP-12546; KGFF Broadcasting Company, Incorporated (KGFF), Shawnee, Oklahoma, Docket No. 13669, File No. BP-12588; Plains Broadcast Company, Inc. (KENM), Portales, New Mexico, Docket No. 13670, File No. BP-13236; Woodward Broadcasting Company (KSIW), Woodward, Oklahoma, Docket No. 13671, File No. BP-13330; Snyder Broadcasting Company (KSNY), Snyder, Texas, Docket No. 13672, File No. BP-13446; for construction permits.

The Hearing Examiner having under consideration a motion filed January 17, 1961, by KGFF Broadcasting Company, Incorporated (KGFF), requesting indefinite postponement of the hearing now scheduled to commence on January 23, 1961; and

It appearing from the motion, that after inspection of the exchanged engineering data counsel for all applicants believe that the public interest would best be served by the filing of a unanimous joint petition for reconsideration and grant of all applications, that such a petition is presently being prepared, and that a grant of such a petition would eliminate the necessity for the hearing; and

It further appearing that counsel for all participants herein have informally consented to immediate consideration and grant of the subject motion;

*Accordingly, it is ordered,* This 18th day of January 1961, that the subject motion is granted, and that the hearing now scheduled to commence on January 23, 1961, is postponed indefinitely.

Released: January 23, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-795; Filed, Jan. 26, 1961; 8:53 a.m.]

[Docket Nos. 13882, 13883; FCC 61M-93]

### EUGENE BROADCASTERS AND W. GORDON ALLEN

### Order Continuing Hearing

In re applications of Diana Crocker Redington, William H. Crocker II, Thomas J. Davis, Jr., and Robert Sherman, d/b as Eugene Broadcasters (a Joint Venture), Eugene, Oregon, Docket No. 13882, File No. BP-12954; W. Gordon Allen, Eugene, Oregon, Docket No. 13883, File No. BP-13214; for construction permits.

A prehearing conference in the above-entitled matter having been held on January 18, 1961, and it appearing from the record made therein that certain agreements were reached which properly should be formalized by an order;

*It is ordered,* This 18th day of January 1961: (1) Direct cases of the applicants shall be presented by written, sworn exhibits;

(2) Exhibits constituting the direct cases of the applicants shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on February 28, 1961, at which time, other than for corrective matters, the affirmative cases shall be deemed frozen;

(3) Notification of witnesses to be called for cross-examination shall be given on or before March 6, 1961;

*It is further ordered,* That the hearing in this matter presently scheduled to commence on February 28, 1961, is continued to March 14, 1961, commencing at 10:00 a.m. in the offices of the Commission in Washington, D.C.

Released: January 23, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-796; Filed, Jan. 26, 1961; 8:53 a.m.]

[Docket Nos. 13872, 13873; FCC 61M-92]

### L. M. HUGHEY (WTWB) AND SUGARLAND BROADCASTING CO.

### Notice of Conference

In re applications of L. M. Hughey (WTWB), Auburndale, Florida, Docket

No. 13872, File No. BP-11777; Sugarland Broadcasting Company, Okeechobee, Florida, Docket No. 13873, File No. BP-12513; for construction permits.

Notice is hereby given that a prehearing conference in the above-entitled proceeding will be held at 2:00 p.m. on Tuesday, February 7, 1961, in Washington, D.C.

Dated: January 18, 1961.

Released: January 23, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-797; Filed, Jan. 26, 1961; 8:53 a.m.]

[Docket No. 13850; FCC 61-68]

## MAINE RADIO AND TELEVISION CO. (WCSH-TV)

### Memorandum Opinion and Order Amending Issues

In re application of Maine Radio and Television Company (WCSH-TV), Portland, Maine, Docket No. 13850, File No. BPCT-2703; for construction permit.

1. The Commission has before it for consideration (1) Motion to Revise and/or Clarify Issue filed by Maine Radio and Television Company on December 2, 1960, and (2) "Partial Opposition" of Broadcast Bureau filed on December 15, 1960.

2. By order released November 14, 1960 (FCC 60-1352; Mimeo No. 96047), the Commision designated Issue No. 1 as follows:

To determine whether the antenna structure and site, proposed by Maine Radio and Television Company, having the Geographical coordinates North Latitude 43°43'12", West Longitude 70°23'42" with an overall height of 1,294 feet above mean sea level, would constitute a hazard to air navigation.

The motion of the applicant would cause the issue to read as follows:

To determine whether there is a reasonable possibility that the tower height and location proposed in the above-entitled application may constitute a menace to air navigation.

3. The Bureau has no objection to rephrasing the issue. The requested issue is identical with that in Streets Electronics, Inc., Enid, Oklahoma, 12 RR 1117, 1119 (1956), where the Commission pointed out that "menace" would not be construed so broadly as to mean any hazard, but only an unreasonable hazard.

4. The requested change to "menace" follows the statutory language of section 303(q) of the Communications Act of 1934, as amended.

*Accordingly, it is ordered,* This 18th day of January 1961, that the Motion to Revise and/or Clarify Issue filed by Maine Radio and Television Company on December 2, 1960, is granted, and that Issue No. 1 designated by order released November 14, 1960 (FCC 60-1352; Mimeo No. 96047) be and the same hereby is amended to read as follows:

To determine whether there is a reasonable possibility that the tower height and location proposed in the above-entitled application may constitute a menace to air navigation.

Released: January 23, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-798; Filed, Jan. 26, 1961; 8:53 a.m.]

[Canadian List 154]

## CANADIAN BROADCAST STATIONS

### List of Changes, Proposed Changes, and Corrections in Assignments

DECEMBER 30, 1960.

Notification under the provisions of Part III, Section 2, of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph #47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

| Call letters | Location | Power, kw | Antenna | Schedule | Class | Expected date of commencement of operation |
|---|---|---|---|---|---|---|
| | | *610 kilocycles* | | | | |
| CKTB (now in operation with increased daytime power). | St. Catharines, Ontario. | 10 kw D/5 kw N. | DA-1 | U | III | |
| | | *680 kilocycles* | | | | |
| CKGB (now in operation with increased power). | Timmins, Ontario. | 10 kw. | DA-2 | U | II | |
| | | *1140 kilocycles* | | | | |
| CKXL (now in operation with increased power). | Calgary, Alberta. | 10 kw. | DA-N | U | II | |
| | | *1280 kilocycles* | | | | |
| CHIQ (now in operation with new station). | Hamilton, Ontario. | 5 kw D/2.5 kw N. | DA-1 | U | III | |
| | | *1290 kilocycles* | | | | |
| CFAM (now in operation with increased daytime power). | Altona, Manitoba. | 10 kw D/5 kw N. | *DA-2* | U | III | |
| | | *1390 kilocycles* | | | | |
| CKKW (now in operation with new station). | Kitchener-Waterloo, Ontario. | 1 kw. | DA-2 | U | III | |
| | | *1340 kilocycles* | | | | |
| CFYK (now in operation at new site). | Yellowknife, N.W.T. | 0.25 kw. | ND | U | IV | |
| | | *1420 kilocycles* | | | | |
| CKPT (now in operation with new station). | Peterborough, Ontario. | 1 kw D/0.5 kw N. | DA-2 | U | III | |
| | | *1480 kilocycles* | | | | |
| New (change in site and mode of operation from that notified on List No. 122). | New Westminster, British Columbia. | 5 kw. | *DA-1* | U | III | EIO 9-15-61. |
| | | *1570 kilocycles* | | | | |
| New. | Halifax, Nova Scotia. | 5 kw. | DA-1 | U | II | Delete assignment. |
| | | *1600 kilocycles* | | | | |
| CHVC (now in operation with increased power). | Niagara Falls, Ontario. | 10 kw. | DA-2 | U | III | |

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-799; Filed, Jan. 26, 1961; 8:54 a.m.]

## ATOMIC ENERGY COMMISSION

### N.S. SAVANNAH

### Order Postponing Hearing

On December 27, 1960, the Atomic Energy Commission set for hearing at 10:00 a.m. on February 1, 1961, in the auditorium of the Headquarters of the Atomic Energy Commission at Germantown, Maryland, the consideration whether there is reasonable assurance that the N.S. Savannah nuclear power plant can be safely fueled and operated for test and demonstration purposes, at one or more locations, in accordance with the procedures set forth in the Final Safeguards Report for the N.S. "Savannah".

On January 24, 1961, the Staff of the Commission filed a motion to postpone the aforesaid hearing until March 6, 1961, in order to permit substantial completion of the non-nuclear test program pertaining to the N.S. Savannah, and for the completion of testimony pertaining to this proceeding.

The Presiding Officer finds:

1. Good cause exists for a postponement of the hearing to March 6, 1961, in order to permit substantial completion of the non-nuclear test program specified in the Staff motion, and the preparation of testimony.

2. Adequate time does not now exist for publication of sufficient notice in the FEDERAL REGISTER of the postponement herein ordered so that it appears that this proceeding should convene at the time and on the date designated by the Commission on February 1, 1961, but only for the purpose of there providing additional notice of the granting of the requested postponement of the hearing, and not to receive any evidence or statements of any kind concerning the merits of the proceeding.

The Presiding Officer orders:

A. The hearing in this proceeding scheduled by the Commission to convene at 10:00 a.m. on February 1, 1961, in the auditorium of the Headquarters of the Atomic Energy Commission shall convene at that time and date solely for the purpose of an announcement of the granting of a postponement as requested by the Staff of the Commission, from that date to March 6, 1961, at 10:00 a.m. in the auditorium of the Headquarters of the Atomic Energy Commission by which time it is contemplated that certain non-nuclear tests will have been substantially completed, and the testimony fully prepared.

B. Additional public notice of the postponement of this hearing from February 1, 1961, to March 6, 1961, will be given by publication of this order in the FEDERAL REGISTER.

Issued: January 24, 1961, Germantown, Md.

SAMUEL W. JENSCH,
*Presiding Officer.*

[F.R. Doc. 61-835; Filed, Jan. 26, 1961; 8:55 a.m.]



## FEDERAL POWER COMMISSION

[Docket No. RI61-132 etc.]

### HUMBLE OIL AND REFINING CO. ET AL.

### Order Severing Proceedings, Consolidating Proceedings, and Granting Motion for Hearing

JANUARY 19, 1961.

Humble Oil & Refining Company, Docket Nos. RI61-132, RI61-34; Phillips Petroleum Company (Operator), et al., Docket No. RI61-134; Pan American Petroleum Corporation (Operator), et al., Docket Nos. RI61-137, RI61-341; Tidewater Oil Company, Docket No. RI61-158.

On December 2, 1960, the United Gas Improvement Company (UGI) filed a motion requesting an immediate hearing concerning the proposed increased rates of 24.69 cents per Mcf contained in Supplement No. 11 to Humble Oil & Refining Company (Humble) FPC Gas Rate Schedule No. 23, Supplement No. 12 to Phillips Petroleum Company (Operator), et al. (Phillips) FPC Gas Rate Schedule No. 273, Supplement No. 4 to Pan American Petroleum Corporation (Operator), et al. (Pan American) FPC Gas Rate Schedule No. 219, and Supplement No. 13 to Tidewater Oil Company (Tidewater) FPC Gas Rate Schedule No. 26. These supplements concern jurisdictional sales of gas from the Erath Fields, Vermilion Parish, Southern Louisiana to United Fuel Gas Company (United).

In support of its motion UGI alleges that 24.659 cents per Mcf is, with one exception[1], the highest rate ever filed for jurisdictional sale from Southern Louisiana. UGI further states that, because of redetermination and favored-nation price provisions in gas purchase contracts in the area, the rate increases will increase the price level of "old" gas and will increase the pressure for higher initial prices for new gas supplies. UGI requests separate hearings on the proposed increases. On December 8 and 14, 1960, Humble and Tidewater filed answers to UGI's motion stating that a hearing could not be concluded soon enough to prevent the effectiveness and impact of the increased rates and that no particular impact has been shown by UGI. Humble also states that it cannot quickly complete its preparation for a hearing.

According to our files it appears that at current volumes of production, the proposed increases over rates in effect subject to refund would cost United about $273,000 annually. It also appears that the consequent activation of favored-nation clauses may result in an annual increase in charges to United totalling over $4,000,000 at current volumes of production. There should further be considered the potential impact of the proposed prices on price redeterminations throughout Southern Louisiana and, consequently, on favored-nation clauses affecting several pipelines there.

The above-designated proceedings commenced when, by orders issued October 17 and 19, 1960, the Commission found that it was necessary and proper in the public interest to hold hearings concerning the lawfulness of these proposed changes in rates and charges, ordered hearings to be held, suspended the filings involved, and deferred the use thereof until April 1, 1961.

Section 4(e) of the Natural Gas Act requires that the question of the justness and reasonableness of the increased rate or charge should be decided as speedily as possible. This section further provides that the proposed changes shall go into effect on motion of the natural gas company, if the proceeding has not been concluded and an order made at the expiration of the suspension period.

Because of this prescription of the Natural Gas Act, it appears that if the lawfulness of the increased rates in question herein is to be decided, before the increased rates could become effective subject to refund (April 1, 1961), that a hearing must be held forthwith.[2] We regret that this action is necessary as it will inevitably delay, to some extent, our completing a hearing concerning all jurisdictional prices in this area in accordance with our Statement of General Policy No. 61-1. In this respect the action we are here taking is a step backward. However, we are of the opinion that UGI's motions for an immediate hearing of the increased rates in question herein should be granted. It is appropriate for this purpose to sever the part of the proceeding in Docket No. RI61-132 concerning Humble's FPC Gas Rate Schedule No. 23 and designate it as a separate proceeding and to sever the part of the proceeding in Docket No. RI61-137 concerning Pan American's FPC Gas Rate Schedule No. 219 and designate it as a separate proceeding. It further appears expeditious that a consolidated hearing be held concerning all four proposed increased rates.

The Commission finds:

(1) The parts of the proceedings in Docket Nos. RI61-132 and RI61-137 concerning proposals for rates of 24.659 cents should be severed from the rest of those proceedings and should be redesignated as separate proceedings.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission grant United Gas Improvement's motion for an immediate hearing concerning the said proposed increased rates, that the proceedings involved be consolidated for purposes of the hearing, and that appropriate hearing procedures be prescribed.

The Commission orders:

(A) The part of the proceeding in Docket No. RI61-132 concerning Humble's FPC Gas Rate Schedule No. 23 is severed from the rest of that proceeding and is hereby redesignated as Humble Oil and Refining Company, Docket No. RI61-340; the part of the proceeding in Docket No. RI61-137 concerning Pan American's FPC Gas Rate Schedule No. 219 is severed from the rest of that proceeding and is redesignated as Pan American Petroleum Corporation (Operator), et al., Docket No. RI61-341.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public consolidated hearing shall be held involving the proceedings in Docket Nos. RI61-134, RI61-158, RI61-340, and RI61-341; the consolidated hearing shall be held on February 20, 1961, at 10:00 a.m., e.s.t., in a Hear-

[1] See Union Producing Company, Docket No. RI60-435, where a higher rate proposal was disallowed.

[2] See Union Producing Company, Docket No. RI60-135 (Orders issued June 24, August 4, and October 7, 1960) where we ordered a prompt hearing on a high increased rate, providing for the early submission of prepared testimony by the rate proponent.

ing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

(C) Previous to the hearing, on or before February 8, 1961, the Respondents shall serve upon all parties to the respective proceedings their direct evidence in support of their proposed increased rates and charges of 24.659 cents per Mcf of gas for the subject sales; at the beginning of the hearing the witnesses for the Respondents shall adopt their testimony and shall be cross-examined; the Presiding Examiner shall prescribe other fair and expeditious procedures.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-749; Filed, Jan. 26, 1961; 8:46 a.m.]

[Docket No. G-12153 etc.]

## NORTHERN NATURAL GAS CO. AND PERMIAN BASIN PIPELINE CO.

### Order Denying Motion for Extended Recess and Establishing Date of Hearing

JANUARY 19, 1961.

Northern Natural Gas Company, Docket Nos. G-12153, G-15335; Permian Basin Pipeline Company, Docket No. G-15336.

On January 11, 1961, Northern Natural Gas Company (Northern) and Permian Basin Pipeline Company (Permian), at the conclusion of the cross-examination of staff case, orally moved for a 90-day recess for resumption of the hearing on the company rebuttal case, the rebuttal evidence to be served a reasonable time prior to resumption of the hearing.

The request for a 90-day recess exceeds the limitation imposed by § 1.13(e) of the Commission's rules of practice and procedure which requires Commission approval for continuances in excess of 30 days. Accordingly, the presiding examiner on January 12, 1961, reported to the Commission the oral request of Northern and Permian.

We have reviewed the statement of company counsel with respect to the request and the comments of counsel for other parties to the proceedings. We deem the length of the requested recess to be excessive and the request should therefore be denied. We shall require Northern and Permian to serve their rebuttal evidence within thirty days after the conclusion of the previous hearing session, and the hearing shall resume within ten days after service of rebuttal evidence.

The Commission orders:

(A) The joint motion of Northern and Permian for a 90-day recess in these proceedings is hereby denied.

(B) Northern and Permian shall serve their rebuttal evidence on all parties to these proceedings on or before February 10, 1961, and the hearing shall reconvene on February 20, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-750; Filed, Jan. 26, 1961; 8:46 a.m.]

[Docket No. RI61-332 etc.]

## PHILLIPS PETROLEUM CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 19, 1961.

Phillips Petroleum Company, Docket No. RI61-332; Texaco Inc. (Operator), et al., Docket No. RI61-333; Gulf Oil Corporation, Docket No. RI61-334; Pan American Petroleum Corporation, Docket No. RI61-336; Texaco, Inc., Docket No. RI61-337; Santa Fe Improvement Company, Docket No. RI61-338; Shell Oil Company, Docket No. RI61-339.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The pressure base in each filing is 14.65 psia. The proposed changes are designated as follows:

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in dockets Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI61-332 | Phillips Petroleum Co. | 183 | 12 | Kerr-McGee Oil Industries, Inc. (Panhandle Field, Gray and Carson Counties, Tex.). | $193 | 12-21-60 | [1] 1-21-61 | 6-21-61 | 11.3057 | 11.5530 | RI60-475 |
| RI61-332 | do | 258 | 6 | Kerr-McGee Oil Industries, Inc. (Panhandle Field, Carson County, Tex.). | 12 | 12-21-60 | [1] 1-21-61 | 6-21-61 | 11.3057 | 11.5530 | RI60-475 |
| RI61-333 | Texaco Inc. (Operator), et al. | 33 | 26 | Natural Gas Pipeline Co. of America (Camrick Southeast Field, Blakemore Area, Texas and Beaver Counties, Okla., Hansford County, Tex.). | 9,755<br>3,072 | 12-22-60 | [2] 1-23-61 | 6-23-61 | [3] 16.8<br>[4] 16.96128 | [3] 17.0<br>[4] 17.1632 | RI60-21<br>RI60-21 |
| RI61-334 | Gulf Oil Corp. | 66 | 6 | Natural Gas Pipeline Co. of America (Camrick Southeast Field, Texas County, Okla.). | 68 | 12-22-60 | [2] 1-23-61 | 6-23-61 | 16.8 | 17.0 | RI60-17 |
| RI61-334 | do | 71 | 8 | Natural Gas Pipeline Co. of America (Camrick Southeast Field, Beaver County, Okla.). | 144 | 12-22-60 | [2] 1-23-61 | 6-23-61 | 16.8 | 17.0 | RI60-17 |
| RI61-336 | Pan American Petroleum Corp. | 69 | 10 | Skelly Oil Co. (Panhandle Field, Carson County, Tex.). | 274 | 12-27-60 | [1] 1-27-61 | 6-27-61 | 11.3057 | 11.5530 | RI61-26 |
| RI61-337 | Texaco Inc. | 43 | 2 | Northern Natural Gas Co. (West Panhandle Field, Gray County, Tex.). | 1,497 | 12-27-60 | [1] 1-27-61 | 6-27-61 | 8.0 | 12.0 | |
| RI61-337 | do | 216 | 2 | Natural Gas Pipeline Co. of America (Hansford Field, Hansford County, Tex.). | 183 | 12-27-60 | [1] 1-27-61 | 6-27-61 | 16.8 | 17.0 | |
| RI61-337 | do | 8 | 4 | Northern Natural Gas Co. (West Panhandle Field, Gray County, Tex.). | 26,248 | 12-27-60 | [1] 1-27-61 | 6-27-61 | 8.0512 | 12.0512 | |
| RI61-338 | Santa Fe Land Improvement Co. | 1 | 4 | Colorado Interstate Gas Co. (Greenwood and Sparks Fields, Morton and Stanton Counties, Kans.). | 410 | 12-23-60 | [1] 1-23-61 | 6-23-61 | 15.0 | 16.0 | |
| RI61-339 | Shell Oil Co. | 4 | 16 | Texas Eastern Transmission Corp. (Gohlke Field, DeWitt and Victoria Counties, Tex.). | 1,548 | 12-29-60 | [2] 2-1-61 | 7-1-61 | 15.7778 | 16.1111 | RI60-173 |

[1] The stated effective date is the first day after the expiration of the required statutory period.
[2] The stated effective date is that requested by respondent.
[3] Oklahoma production.
[4] Texas production.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 6, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-751; Filed, Jan. 26, 1961; 8:46 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.



# CIVIL AERONAUTICS BOARD

[Dockets SE-97, SE-98]

## RODDY AND MacNEAL

### Notice of Oral Argument

In the matter of Administrator v. Roddy, Docket SE-97; Administrator v. MacNeal, Docket SE-98.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceedings is assigned to be held on February 8, 1961, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 23, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-786; Filed, Jan. 26, 1961; 8:51 a.m.]

[Docket 12069; Order No. E-16299]

## REMOVAL OF CERTAIN REQUIREMENTS IMPOSED UPON SUPPLEMENTAL AIR CARRIERS

### Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23d day of January 1961.

In our 1955 decision in the Large Irregular Air Carrier Investigation, 22 CAB 853 (1955) one of the conditions imposed upon the Interim Operating Authorizations granted pursuant thereto, required, in substance, that all agreements made by supplemental air carriers which fall within the purview of section 412 of the Act must be reduced to writing and receive Board approval before implementation.[1] In addition, the condition required that a written application for Board approval of such agreement be filed and that such application include true and correct copies of the written agreement and of all pertinent agreements not appended thereto as well as a detailed statement setting forth the economic necessity for the agreement. This condition is also contained in the Temporary Certificates of Public Convenience and Necessity for Supplemental Air Service awarded to 25 supplemental air carriers in 1959[2] and in the Interim Operating Authorization granted to Vance Roberts pursuant to Public Law 86-661.[3]

This condition was one of several restrictions designed to cope with the problem of combined operations which had been of concern to the Board in the years prior to 1955. In addition to the aforementioned general prior approval requirement, we attached a number of specific conditions to the 1955 Interim Operating Authorization, which are also included in the certificates and the authority awarded Vance Roberts. Among other things, these restrictions prohibit a supplemental carrier from: (1) representing to the public, either expressly or by course of conduct, that it furnishes more than ten flights in the same direction between any pair of points in any calendar month; (2) furnishing air transportation to any passenger or for cargo obtained, respectively, from a ticket agent or cargo agent who represents himself to the public as an air carrier; (3) jointly advertising or jointly publishing its schedules or services with another air carrier or with a ticket or cargo agent; (4) representing itself as an air carrier authorized to engage in air transportation without including the qualifying words "Supplemental Air Carrier" in such advertising; (5) entering into an agreement with any ticket or cargo agent or other air carrier when the latter conducts any part of its business in the name of the supplemental air carrier or in a name sufficiently similar thereto to mislead the public; and (6) operating or maintaining a shared ticket or cargo office with another air carrier or with a ticket or cargo agent unless it physically separates and clearly identifies its own facilities.

We have now had the benefit of five years experience with the conditions imposed upon supplemental air carriers' operations by our 1955 decision.[4] On the basis of this experience we have tentatively concluded that no useful regulatory purpose has been served by requiring prior Board approval of section 412 agreements entered into by supplemental air carriers. And we believe that it is an undue burden, both for the carriers to comply with and for the Board to administer a condition which serves no useful purpose. Although five years have elapsed since the prior Board approval requirement was imposed, no case has arisen wherein we have found it necessary to disapprove, on the merits, such an agreement.[5] Thus, it would appear that the specific conditions alluded to above have been sufficient to obviate any undesirable arrangements.

Undoubtedly this requirement imposes a substantial burden upon the supplemental air carriers, since they must, as do certificated route carriers, enter into numerous agreements with other carriers in furtherance of their operations.[6] The necessity for filing a formal application with supporting data and the further requirement of delaying implementation of the agreement until Board approval is received is clearly burdensome when required for routine transactions. Such a burden is unwarranted if, as we now tentatively conclude, the condition is not required to protect the public interest.

The tentative action taken herein is part of our continuing program of evaluating our regulations and procedures and eliminating those which are not required to protect the public interest. A recent example of the results of this evaluation is the promulgation of Part 289 of the Board's economic regulations, wherein we exempted from the requirements of section 412 certain agreements entered into by certificated route carriers. Our tentative action does not go as far as Part 289, since the agreements must still be filed under section 412 and receive our approval, but such approval will no longer be a condition precedent to implementation.

In sum, we tentatively find that the condition requiring prior Board approval of section 412 and certain related provisions imposed upon supplemental air carriers by their various economic authorizations serve no regulatory function and are an undue burden upon these carriers by reason of the limited extent of, and unusual circumstances affecting the operations of such air carriers. Therefore, pursuant to section 416(b), we have tentatively decided to exempt the supplemental air carriers from these requirements.

*Accordingly, it is ordered:*

1. That all interested persons be and they hereby are ordered to show cause within 15 days from the date of this order why the Board should not enter an order making final the tentative findings and conclusions stated herein and exempt supplemental air carriers holding the following authorizations from the designated provisions of such authorizations: Interim Operating Au-

[1] 22 CAB 853, Appendix A, para. 8, at page 887.

[2] Orders E-13436, adopted January 28, 1959, and E-14196, adopted July 8, 1959. The condition is found in paragraph 3 of the certificates.

[3] Order E-15930, adopted October 18, 1960, Interim Operating Authorization, para. 3.

[4] Although the form of authorization differs, the scope of operational authority has not changed since our 1955 decision.

[5] There have been a few instances in which such agreements were disapproved for failure to comply with the requirements of this condition, but without consideration of the merits. See Order E-11623, adopted September 27, 1957.

[6] It may be significant, from an enforcement view, that a substantial number of these agreements are with certificated route carriers.

thorization issued pursuant to Order E–9744, adopted November 15, 1955, Appendix A, paragraph 8; Temporary Certificate of Public Convenience and Necessity for Supplemental Air Service, paragraph 3; and Interim Operating Authorization issued to Vance Roberts pursuant to Order E–15930, paragraph 3;

2. That any comments filed in response to this order shall conform with the general requirements of the Board's rules of practice in Economic Proceedings;

3. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61–787; Filed, Jan. 26, 1961; 8:51 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3932]

## SOUTHERN CO. ET AL.

### Notice of Proposed Issuance and Sale by Holding Company of Common Stock at Competitive Bidding and Intra-System Issuances, Sales and Acquisitions of Common Stocks

JANUARY 19, 1961.

In the matter of The Southern Company, Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, Southern Electric Generating Company, File No. 70–3932.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, and its public-utility subsidiary companies, Alabama Power Company ("Alabama"), Georgia Power Company ("Georgia"), Gulf Power Company ("Gulf"), and Mississippi Power Company ("Mississippi"), and Southern Electric Generating Company ("SEGCO"), a subsidiary company of Alabama and Georgia, have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, and 12(f) of the Act and Rules 43 and 50 thereunder as applicable to the proposed transactions which are summarized as follows:

Southern proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, up to 900,000 shares of its authorized but unissued $5 par value common stock. The price will be determined by the competitive bidding. The precise number of shares has not yet been determined but is expected to be in an amount estimated to result in aggregate cash proceeds of approximately $35,000,000. The net proceeds from the proposed sale, together with treasury funds to the extent required, will be used by Southern to pay its outstanding short-term notes to banks in the principal amount of $22,000,000 and to purchase during 1961 the following additional shares of common stocks of its subsidiaries at $100 per share: 60,000 shares of Alabama for $6,000,000; 60,000 shares of Georgia for $6,000,000; 20,000 shares of Gulf for $2,000,000; and 10,000 shares of Mississippi for $1,000,000. SEGCO has 5,000 shares of authorized but unissued common stock and proposes to increase the number thereof by 25,000 shares and Alabama and Georgia each propose to purchase 15,000 shares thereof for an aggregate consideration of $3,000,000.

Alabama, Georgia, Gulf, Mississippi, and SEGCO will use the net proceeds from the sales of their common stocks (except for the proceeds invested by Alabama and Georgia in SEGCO) for construction purposes.

Alabama and SEGCO have filed applications with the Alabama Public Service Commission to issue and sell their shares of common stocks and Georgia and Gulf have filed applications with the Georgia Public Service Commission and the Florida Railroad and Public Utilities Commission, respectively, with respect to the issue and sale of their common stocks. Copies of the orders entered in respect of such applications will be supplied by amendment. It is represented that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over any of the proposed transactions.

The estimated fees and expenses to be incurred by Southern in connection with the issuance of its common stock aggregate $141,150 and include $45,000 for Federal stamp tax, $18,000 for printing, $14,000 for fees of company counsel, $30,000 for fees of accountants and $12,000 for the services of Southern Services, Inc. The fee of counsel for the underwriters is estimated at $8,500 and will be paid by the purchasers. The only expenses to be incurred by the other companies are for documentary tax stamps, legal fees payable by SEGCO in the estimated amount of $500, and miscellaneous expenses estimated at not more than $200 in the case of each company.

Notice is further given that any interested person may, not later than February 6, 1961, request in writing that a hearing be held in respect of the joint application-declaration, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the Commission may grant and permit to become effective the joint application-declaration, as filed or as it may be amended, pursuant to the provisions of Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–755; Filed, Jan. 26, 1961; 8:47 a.m.]

[File No. 70–3931]

## WEST TEXAS UTILITIES CO.

### Notice of Filing of Declaration Regarding Issuance and Sale of Bonds

JANUARY 19, 1961.

Notice is hereby given that West Texas Utilities Company ("West Texas"), a public-utility subsidiary company of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act") and the rules and regulations promulgated thereunder. West Texas has designated sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to the declaration on file in the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

West Texas proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, $8,000,000 principal amount of its First Mortgage Bonds, Series P ("Bonds"), to be dated February 1, 1961, and to mature February 1, 1991. The Bonds will be issued under an Indenture dated August 1, 1943 between West Texas and Harris Trust and Savings Bank and Harold Eckhart, as Trustees, as amended by indentures supplemental thereto and as to be further amended by a proposed Fifth Supplemental Indenture to be dated February 1, 1961, between West Texas and Harris Trust and Savings Bank and W. H. Milsted (successor to Harold Eckhart), as Trustees under said Mortgage. The interest rate on the Bonds (which shall be a multiple of ⅛ of 1 percent) and the price, which will be not less than 100 percent nor more than 102.75 percent of the principal amount of the Bonds, plus accrued interest, will be determined by the competitive bidding.

The declaration states that the net proceeds (exclusive of accrued interest) from the sale of the Bonds will be used by West Texas to pay or reimburse itself for a part of the cost of additions, extensions and improvements made and to be made to its electric utility properties, including the payment of short-term notes to banks incurred for that purpose. Such notes aggregated $3,600,000 at November 30, 1960. It is further stated that West Texas' construction expenditures for the calendar years 1961 and 1962 will aggregate approximately $24,163,000.

West Texas estimates that fees and expenses in connection with the above transaction will not exceed $42,000; including legal fees of Stevenson, Dendtler, Bailey & McCabe of $6,000, legal fees of Wagstaff, Harwell, Alvis & Pope of $500, accounting fees of Arthur Andersen & Co. of $2,000, printing and engraving expenses of $9,500, Federal taxes of $3,000, fees of Middle West Service Company of $5,000, and fees of the indenture trustee of $4,450. The fees and expenses of Isham, Lincoln & Beale, independent counsel for the underwriters, are estimated at $4,750 and are to be paid by the successful bidders.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 6, 1961, at 5:30 p.m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as filed or as it may hereafter be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–756; Filed, Jan. 26, 1961; 8:47 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 304]

## CALIFORNIA

### Declaration of Disaster Area

Whereas, it has been reported that during the month of January, 1961, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the office below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Ventura (tide and waves occurring on or about January 14, 15, 16, and 17, 1961).

Office: Small Business Administration Regional Office, Ohrbach Building, Room 1101, 312 West Fifth Street, Los Angeles 13, Calif.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1961.

Dated: January 17, 1961.

PHILIP MCCALLUM, *Administrator.*

[F.R. Doc. 61–776; Filed, Jan. 26, 1961; 8:50 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of the Secretary

## ADMINISTRATIVE ASSISTANT SECRETARY

### Delegation of Authority To Issue Licenses for the Manufacture of Certain Biological Products

Part 2 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1045) is hereby amended by adding to section 2–500.30 a new subsection (c) as follows:

(c) The authority vested in the Secretary by section 351 of the Public Health Service Act of 1944, as amended (42 U.S.C. 262), to issue licenses for the manufacture of certain biological products as specified in the above mentioned Act is hereby delegated to the Administrative Assistant Secretary.

Dated: January 17, 1961.

[SEAL] ARTHUR S. FLEMMING, *Secretary.*

[F.R. Doc. 61–761; Filed, Jan. 26, 1961; 8:48 a.m.]

# TARIFF COMMISSION

[22–24]

## CERTAIN COTTON PRODUCTS

### Notice of Investigation and Date of Hearing

At the request of the President, the United States Tariff Commission, on the 23d day of January 1961, instituted an investigation under section 22(a) of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to determine whether cotton products produced in any stage preceding the spinning into yarn, are being, or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price support program and other programs or operations undertaken by the Department of Agriculture with respect to cotton or products thereof.

*Hearing.* A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on April 25, 1961. Interested parties desiring to appear and to be heard at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least three days in advance of the date set for the hearing.

Issued January 24, 1961.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61–768; Filed, Jan. 26, 1961; 8:49 a.m.]

# HOUSING AND HOME FINANCE AGENCY

## Office of the Administrator

## DESIGNATION OF ACTING URBAN RENEWAL COMMISSIONER

The employees named below, serving in the Urban Renewal Administration, are hereby designated to serve as Acting Urban Renewal Commissioner during a vacancy in the position of Urban Renewal Commissioner, with all the powers, functions, and duties delegated or assigned to the Commissioner, provided that no employee shall serve as Acting Urban Renewal Commissioner unless all other employees whose names precede his in this designation are unable to act by reason of absence:

1. Charles L. Oswald, Deputy Urban Renewal Commissioner.

2. Howard J. Wharton, Assistant Commissioner for Redevelopment.

3. S. Leigh Curry, Jr., Chief Counsel.

This designation supersedes the designation effective January 19, 1961 (26 F.R. 805, Jan. 26, 1961).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 24th day of January 1961.

[SEAL] LEWIS E. WILLIAMS, *Acting Housing and Home Finance Administrator.*

[F.R. Doc. 61–781; Filed, Jan. 26, 1961; 8:51 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 439]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 24, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Com-

merce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63840. By order of January 19, 1961, the Transfer Board approved the transfer to Elsworth Lamotte Rabon, doing business as Rabon Transfer, Route No. 2, Chadbourn, N.C., of Certificates Nos. MC 114157, MC 114157 Sub 2, and MC 114157 Sub 3, issued February 24, 1956, December 19, 1958, and January 28, 1958, respectively, to C. L. Nance, doing business as C. L. Nance Transfer, Magnolia Street, Whiteville, N.C., authorizing the transportation of household goods, over irregular routes, between Whiteville, N.C., and points in North Carolina within 50 miles of Whiteville, on the one hand, and, on the other, points in Florida, Georgia, South Carolina, Maryland, Penpsylvania, and the District of Columbia; lumber, from Whiteville, Tabor City, Evergreen, and Hallsboro, N.C., to points in New York; from Whiteville, and Hallsboro, N.C., to points in West Virginia; lumber (except plywood and veneer), from Whiteville, Hallsboro, and Grifton, N.C., to points in Tennessee, Kentucky, Ohio, Indiana, Connecticut, and Illinois; from Whiteville, N.C., to points in Florida; and forest products, lumber (which includes plywood), and veneer, from points in Brunswick and Columbus Counties, N.C., to points in Virginia, Maryland, Delaware, New Jersey, Pennsylvania, and the District of Columbia.

No. MC–FC 63842. By order of January 19, 1961, the Transfer Board approved the transfer to Virgil E. Silkwood, doing business as Silkwood Truck Line, Braymer, Mo., of Certificate No. MC 1607, issued January 6, 1954 to Kenneth Hatfield, doing business as Braymer Truck Line, and acquired by George Elton Proctor, doing business as Proctor Truck Line, Braymer, Mo., pursuant to No. MC–FC 63513, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Ludlow and Kingston, Mo., and Kansas City, Kans., between Polo, Mo., and Kansas City, Kans., and between Ludlow, Mo., and St. Joseph, Mo., over regular routes, serving certain specified intermediate and off-route points; and household goods, between Polo, Mo., and points within 20 miles of Polo, on the one hand, and, on the other, points in Iowa and Kansas.

No. MC–FC 63862. By order of January 19, 1961, the Transfer Board approved the transfer to Martin A. Crowley, doing business as Martin A. Crowley Trucking, Franklin, N.H., of Certificates Nos. MC 47716 and MC 47716 Sub 1, issued November 14, 1940 and May 19, 1941, respectively, to Alan Howard, doing business as Howard Motor Express, Meredith, N.H., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and various specified commodities, over regular routes, between Plymouth, N.H., and Boston, Mass.; and box shooks, over regular routes from Meredith, N.H., to Boston, Mass. Andre J. Barbeau, 795 Elm Street, Manchester, N.H., attorney for applicants.

No. MC–FC 63867. By order of January 19, 1961, the Transfer Board approved the transfer to E. K. Motor Service, Inc., Maywood, Ill., of Permits Nos. MC 107129 and MC 107129 Sub 2, issued by the Commission, October 5, 1948 and May 12, 1950, respectively, to Edward L. Kramer, doing business as E. K. Motor Service, Maywood, Ill., authorizing the transportation, over irregular routes, of asbestos, scrap, asphalt, liquid or solid, in packages, automobile body panels, fiberboard, cement, and other specified building materials, from Joliet, Ill., to points in Indiana, from St. Louis, Mo., and South Bend, Ind., to points in Illinois, and laminated wood rafters and accessories, from Montgomery, Ill., to points in Indiana and Iowa. Jack Goodman, 39 South La Salle Street, Chicago 3, Ill., for applicants.

No. MC–FC 63873. By order of January 19, 1961, the Transfer Board approved the transfer to Ray Wilson, Inc., Mobile, Ala., of Certificates Nos. MC 117998 and MC 117998 Sub 1, issued October 22, 1959 and October 10, 1960, respectively, to Ray Wilson, Steele, Mo., authorizing the transportation, over irregular routes, of bananas, from New Orleans, La., to Terre Haute and Indianapolis, Ind., Dekalb, Ill., and Springfield and St. Louis, Mo., from Mobile, Ala., to Terre Haute, Ind., and from Tampa, Fla., to Terre Haute, Ind. Joseph R. Nacy, 117 West High Street, Jefferson City, Mo., attorney for applicants.

No. MC–FC 63875. By order of January 19, 1961, the Transfer Board approved the transfer to Harry J. Woods, doing business as Nichols Motor Express, Cape Vincent, N.Y., of Certificate No. MC 48091, issued April 22, 1949, to Oliver J. Nichols, doing business as Nichols Motor Express, Cape Vincent, N.Y., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and various specified commodities, over regular routes, between Watertown, N.Y., and Cape Vincent, N.Y.; and service authorized to and from all intermediate points; and the off-route points of Rosiere and Sand Bay, N.Y. Quimby, Gosier and Lengyel, 320 Woolworth Building, Watertown, N.Y., attorney for applicants.

No. MC–FC 63877. By order of January 19, 1961, the Transfer Board approved the transfer to Floyd W. Timm, doing business as Eggert Transfer, Crete, Nebr., of Certificate No. MC 90733, issued February 21, 1941, to M. W. Eggert, doing business as Eggert Transfer, Crete, Nebr., authorizing the transportation of general commodities, including household goods, but excluding commodities in bulk, and various specified commodities, over a regular route, between Crete, Nebr., and Lincoln, Nebr. Duane W. Acklie, 905 South 12th Street, Lincoln, Nebr., attorney for applicants.

No. MC–FC 63879. By order of January 19, 1961, the Transfer Board approved the transfer to Mineral Transport, Inc., Gettysburg, Pa., of Certificates in Nos. MC 110353 Sub 8 and MC 110353 Sub 10, issued April 20, 1959 and October 15, 1959, respectively, to Garnet O. Newton, York, Pa., authorizing the transportation of: Sericite and byproducts thereof and minerals relating thereto from points in Pennsylvania to points in Delaware, New Jersey, Maryland, New York, and Ohio; empty containers and pallets used in transporting the above-described commodities from Philadelphia and Erie, Pa., and points in Delaware, New Jersey, Maryland, New York, and Ohio to points in Pennsylvania; clay in bags and barrels from points in Lancaster, Pa., to points in New York, New Jersey, Delaware, and Maryland; and clay in bulk from points in Lancaster County, Pa., to points in New York, Delaware, Maryland, and New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.). Christian V. Graf, Attorney for applicants, 407 North Front Street, Harrisburg, Pa.

No. MC–FC 63882. By order of January 19, 1961, the Transfer Board approved the transfer to Atkins Moving & Storage, Inc., New York, N.Y., of Certificate in No. MC 48659, issued October 2, 1953, to George J. Cumella, doing business as Coventry Movers, New York, N.Y., authorizing the transportation of: Household goods, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. Irving Abrams, Attorney for applicants, 1776 Broadway, New York, 19, N.Y

No. MC–FC 63885. By order of January 19, 1961, the Transfer Board approved the transfer to James H. Beall and Valerie M. Beall, a partnership, doing business as Henneous Motor Express, Erie, Pa., of Certificate in No. MC 40561, issued January 6, 1947, to Harold E. Henneous, Erie, Pa., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities. Charles A. Mertens, 23 West Seventh Street, Erie, Pa., attorney for applicants.

No. MC–FC 63887. By order of January 19, 1961, the Transfer Board approved the transfer to Distillery Transfer Service, Inc., Bardstown, Ky., of Certificate in No. MC 67996 Sub 3, issued December 9, 1960, to Bertram L. Smith, doing business as Distillery Transfer Service, Bardstown, Ky., authorizing the transportation, over regular routes, of alcoholic liquors and distillers' supplies, between Jeffersonville, Ind., and Bardstown, Ky., between Bardstown, Ky., and Boston, Ky., and between Bardstown, Ky., and Greenbrier, Ky. Harry McChesney, Jr., McClure Building, Frankfort, Ky., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–763; Filed, Jan. 26, 1961; 8:48 a.m.]



[Rev. S.O. 562; Taylor's I.C.C. Order 127–A]

## RAILROADS SERVING NEW YORK HARBOR AREA

### Rerouting and Diversion of Traffic; Vacation of Order

Upon further consideration of Taylor's I.C.C. Order No. 127 (railroads serving New York Harbor area) and good cause appearing therefor:

*It is ordered,* That:

(a) Taylor's I.C.C. Order No. 127 be, and it is hereby, vacated and set aside.

(b) Effective date: This order shall become effective at 10:00 a.m., January 23, 1961.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 23, 1961.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 61–764; Filed, Jan. 26, 1961; 8:48 a.m.]

[No. 33640]

## SOUTHERN PACIFIC CO.

### Petition for Declaratory Order Concerning Proper Construction of a Tariff

By petition dated December 29, 1960, the Southern Pacific Company requests the issuance of declaratory order pursuant to sec. 5(d) of the Administrative Procedure Act, to determine the applicable tariff governing the shipments of fabricated steel pipe, coated and wrapped, from Portland, Oregon, to various destinations in the United States and Canada; and that suit has been filed in the U.S. Circuit Court of the State of Oregon for the County of Multnomah, which suit has been stayed pending administrative determination by the Commission of the issues to be presented by said petition:

*It is ordered,* That the said petition be, and it is hereby, docketed with the number and title set forth above.

*It is further ordered,* That this proceeding be handled under modified procedure; that petitioner and any interested person subsequently permitted to intervene herein comply with §§ 1.45 to 1.54, inclusive, of the Commission's general rules of practice, the filing and service of pleadings to be as follows: (a) Not later than February 27, 1961, opening statement of facts and argument by any party supporting an affirmative answer to the legal question above states; (b) 30 days thereafter statement of facts and argument by any party supporting a negative answer to the said legal question, or taking a neutral position with respect thereto; and (c) 10 days thereafter reply by party described in (a).

*It is further ordered,* That any pleadings filed responsive to this order shall be served upon all parties subsequently permitted to intervene herein, and also upon—

Mr. Oglesby H. Young,
Koerner, Young, McColloch & Dezendorf,
Southern Pacific Co.
800 Pacific Building,
Portland 4, Oreg.

from whom a copy of the said petition may be obtained.

*And it is further ordered,* That a copy of this order be filed with the Director, Division of the Federal Register.

Dated at Washington, D.C., this 16th day of January, A.D. 1961.

By the Commission, Chairman Hutchinson.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–765; Filed, Jan. 26, 1961; 8:49 a.m.]

## ORGANIZATION OF DIVISIONS AND BOARDS, AND ASSIGNMENT OF WORK

### Miscellaneous Amendments

At a general session of the Interstate Commerce Commission, held at its Office in Washington, D.C., on the 17th day of January A.D. 1961.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of the law being under consideration, with a view to providing for the elimination from the assignment of work to Division 3 of initial jurisdiction over exercising emergency powers, the issuance of certain rules, standards and/or instructions and applications of certain classes of proceedings, concurrent with the creation of two Safety and Service Boards and assignment of such emergency powers, issuance of rules, standards and/or instructions, and applications to said Boards; and providing further for the designation of Division 3 as an appellate division to consider applications for rehearing, reargument, or reconsideration of any decisions, orders, or requirements of the Safety and Service Boards, the decisions of said appellate division to be administratively final and not subject to review by the Commission:

*It is ordered,* That the Organization Minutes of the Interstate Commerce Commission relating to the Organization of Divisions and Boards and Assignment of Work, issue of January 1, 1959, as amended (24 F.R. 2506, 4070, 5667, 9230 and 25 F.R. 96 and 3608), be, and it is hereby, further amended in the following particulars:

1. Under the heading Assignment of Duties to Division, in Item 4.4. Division 3—Rates, Safety and Service Division, delete paragraphs (c), (k), and (q) and substitute in lieu thereof the following paragraphs:

(c) Section 1(10) to (14)(a), inclusive, and section 1 (15) to (17), inclusive, relating to car-service and emergency directions with respect thereto, except matters assigned to and determined by the Safety and Service Boards pursuant to Item 7.7.

* * * * *

(k) Section 204(a) (1), (2), (3) and (5) of Part II, so far as relating to the establishment of reasonable requirements for the safe transportation of explosives and other dangerous articles, including flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, radioactive materials, etiologic agents, and poisonous substances, except matters assigned to and determined by the Safety and Service Boards pursuant to Item 7.7.

* * * * *

(q) Matters arising under the Transportation of Explosives and Dangerous Articles Act; Accident Reports Act (except requests for public inspection of reports described in § 125.9 of the rules governing monthly reports of railroad accidents), Safety Appliance Acts, Power or Train Brakes Safety Appliance Act of 1958, Hours of Service Act, Locomotive Inspection Act, Medals of Honor Act, Ash Pan Act, Railroad Retirement Act of 1937, Railroad Retirement Tax Act, Railroad Unemployment Insurance Act, the Railway Labor Act, as respectively amended; the Block Signal Resolution of June 30, 1906, and Sundry Civil Appropriation Act of May 27, 1908; Postal Service Acts, so far as those Acts relate to duties of the Commission, except matters assigned to and determined by the Safety and Service Boards pursuant to Item 7.7.

2. Under the heading Assignment of Duties to Individual Commissioners in Item 6.9, Commissioner through whom the Bureau of Safety and Service reports, delete paragraphs (a), (b) and (c).

3. Under the heading Assignment to Boards add the following Item to be designated 7.7 *Safety and Service Boards.*

(a) *Safety and Service Board No. 1—Railroad Safety and Service Board:* (1) Proceedings relating to car-service and emergency directions with respect thereto, including suspension of any or all rules, regulations or practices, promulgation of just and reasonable directions without regard to ownership to best promote the service in the interest of the public and the commerce of the people, require joint and common use of terminals, including main line track or tracks for reasonable distances outside such terminals, and promulgate directions for preference or priority in transportation, embargoes, or movement of traffic under permits, except controversies between carriers as to compensation, under provisions of section 1 (15) and (16) which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(2) Proceedings relating to the installation and maintenance of safety devices by carriers by railroad under provisions of section 25 (a) to (g), inclusive, as amended, which have not involved the taking of testimony at a public hearing

or the submission of evidence by opposing parties in the form of affidavits.

(3) Matters arising under the Accident Reports Act (except requests for public inspection of reports described in § 125.9 of the rules governing monthly reports of railroad accidents), Safety Appliance Acts, Power or Train Brakes Safety Appliance Act of 1958, Hours of Service Act, Locomotive Inspection Act (except matters relating to personnel and compensation and matters specifically delegated to the Director of Locomotive Inspection), and Ash Pan Act, except to recommend institution of civil and criminal proceedings for enforcement of statutory provisions relating to safety of railroad operation, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(b) *Safety and Service Board No. 2—Explosive and Other Dangerous Articles Board:* Proceedings relating to the establishment of reasonable requirements for the safe transportation of explosives and other dangerous articles, including flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, radioactive materials, etiologic agents, and poisonous substances, under provisions of the Explosives Act, 18 U.S.C. 831–835 and section 204(a) (1), (2), (3), and (5) of Part II except provisions relating to the use of other Governmental agencies and facilities for the making of tests and experiments to be paid for by the Commission, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(c) Any matter referred to the Safety and Service Boards which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(d) Any Safety and Service Board may certify to Division 3 any matter which in the Board's judgment should be passed on by that Division or the Commission, and Division 3 may recall any matter from a Safety and Service Board.

4. Under the heading Rehearing and Further Proceedings add Item 8.8 designating Division 3 as an appellate division to read as follows:

8.8 Division 3 is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action or requirement of the Safety and Service Boards under Item 7.7 (a) and (b) shall be assigned or referred for disposition and the decisions or orders of the appellate division shall be administratively final and not be subject to review by the Commission.

5. In Item 9.11 relating to the Bureau of Safety and Service, add the following:

(f) Safety and Service Boards—Chairman of the respective Boards.

*It is further ordered*, That the foregoing amendments shall become effective February 1, 1961.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-767; Filed, Jan. 26, 1961; 8:49 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 24, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36853: *Wood Sawdust from, to, and between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7952), for interested rail carriers. Rates on wood sawdust, as described in the application, in carloads, between points in southwestern territory, also between points in southwestern territory, on the one hand, and points in Kansas, on the other, and from points in southwestern territory to points in Illinois, and from Cairo, Thebes, Ill., Natchez, Vicksburg, Miss., and Memphis, Tenn., to southwestern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 125 to Southwestern Freight Bureau tariff I.C.C. 3850, and other schedules listed in the application.

FSA No. 36854: *Bituminous coal from Murdock, Ill., to Chicago, Ill.* Filed by Illinois Freight Association, Agent (No. 122), for interested rail carriers. Rates on bituminous coal, in multiple carload lots, from Murdock, Ill., to Chicago, Ill., and points grouped therewith.

Grounds for relief: Market competition.

Tariff: Supplement 18 to Baltimore and Ohio Railroad tariff I.C.C. 3179.

FSA No. 36855: *Potatoes from Maine and New Brunswick to official territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (No. E.R. 2568), for interested rail carriers. Rates on potatoes, fresh or green, other than sweet, not cold packed or frozen, in carloads, from points in Maine and New Brunswick, to points in official territory, except New England, and western trunk-line territory, as described in the application.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Traffic Executive Association-Eastern Railroads tariff I.C.C. N-12.

FSA No. 36856: *Substituted service—L&N for Huber & Huber Motor Express, Inc.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 49), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Atlanta, Ga., and Knoxville, Tenn., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Southern Motor Carriers Rate Conference tariff MF-I.C.C. 112, I.C.C. 34.

FSA No. 36857: *Barite from St. Clair, Mo., to Colorado, Louisiana, Utah and Wyoming.* Filed by Southwestern Freight Bureau, Agent (No. B-7960), for interested rail carriers. Rates on barite (barytes), ground, in carloads, from St. Clair, Mo., to points in Colorado, Louisiana, Utah and Wyoming.

Grounds for relief: Market competition.

Tariff: Supplement 42 to Southwestern Freight Bureau tariff I.C.C. 4304.

FSA No. 36858: *Grain and Grain Products from Colorado, Kansas, Oklahoma and Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-7923), for interested rail carriers. Rates on grain, grain products and related articles, also seeds, in carloads, from points in Colorado, Kansas, Oklahoma and Texas, to points in Oklahoma and Texas.

Grounds for relief: Rate equalization.

Tariff: Supplement 113 to Southwestern Freight Bureau tariff I.C.C. 4238, and other schedules listed in the application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-762; Filed, Jan. 26, 1961; 8:48 a.m.]



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# FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 26 NUMBER 18

*Washington, Saturday, January 28, 1961*



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**Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.**

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 203]

### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

§ 914.503 Navel Orange Regulation 203.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting, the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 26, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 29, 1961, and ending at 12:01 a.m., P.s.t., February 5, 1961, are hereby fixed as follows:

(i) District 1: 425,000 cartons;
(ii) District 2: 400,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 27, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–883; Filed, Jan. 27, 1961; 10:43 a.m.]

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[Lemon Reg. 883]

### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

§ 953.990 Lemon Regulation 883.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 24, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 29, 1961, and ending at 12:01 a.m., P.s.t., February 5, 1961, are hereby fixed as follows:

(i) District 1: 18,600 cartons;
(ii) District 2: 158,100 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 25, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–863; Filed, Jan. 27, 1961; 8:45 a.m.]

[Grapefruit Reg. 8, Amdt. 1]

## PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Miscellaneous Amendments

*Findings.* (1) Pursuant to the Marketing Agreement No. 141 and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of oranges and grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades, sizes, and pack, pursuant to Grapefruit Regulation 8 (§ 1031.317; 26 F.R. 582) and would continue to be so regulated, unless sooner amended or terminated, until February 6, 1961; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on January 23, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this amendment, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective during the period hereinafter set forth, and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

It is, therefore, ordered that paragraph (b) of § 1031.317 Grapefruit Regulation 8 (26 F.R. 582) are hereby amended as follows:

1. Subparagraph (1) of paragraph (b) is revised to read as follows:

(1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade, diameter, and pack (including standard pack) when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620 to 51.658 of this title): *Provided,* That, with respect to pack size 46, the term "fairly uniform in size" shall mean that not more than 10 percent, by count, of the fruit in any container vary more than 1⁹⁄₁₆ inch in diameter.

2. Subdivision (iv) of subparagraph (2) of paragraph (b) is revised to read as follows:

(iv) Any grapefruit of any variety, grown as aforesaid, which are place packed in boxes or cartons unless such grapefruit meet the requirements of standard pack or, if not so packed, such grapefruit are fairly uniform in size and the containers are well filled: *Provided,* That, with respect to any such grapefruit that are packed in any container with inside dimensions of 19¾ x 13 x 13½ inches, 19¾ x 13 x 12½ inches, 19¾ x 13½ x 13½ inches, or 19¾ x 13 x 12¼ inches, such container is packed in accordance with the requirements of standard pack with one of the following pack sizes and contains the applicable number of grapefruit specified for the pack size: *Provided further,* That the provisions of this subdivision (iv) shall not apply to the grapefruit in any gift package of fruit:

| Pack size: | *Number of grapefruit* |
|---|---|
| 46 | 48 |
| 54 | 56 |
| 64 | 64 |
| 70 | 72 |
| 80 | 80 |
| 96 | 96 |

The provisions of this amendment shall become effective at 12:01 a.m., c.s.t., January 30, 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 25, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–862; Filed, Jan. 27, 1961; 8:45 a.m.]

# Title 12—BANKS AND BANKING

## CHAPTER II—FEDERAL RESERVE SYSTEM

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. R]

## PART 218—RELATIONS WITH DEALERS IN SECURITIES UNDER SECTION 32, BANKING ACT OF 1933

### Service of Real Estate Investment Company

§ 218.104 **Service of member bank and real estate investment company.**

(a) The Board recently considered two inquiries regarding the question whether proposed real estate investment companies would be subject to the provisions of sections 20 and 32 of the Banking Act of 1933 (12 U.S.C. sec. 377 and sec. 78). These sections relate to affiliations between member banks and companies engaged principally in the issue, flotation, underwriting, public sale or distribution of stocks, bonds, or similar securities, and interlocking directorates between member banks and companies primarily so engaged. In both instances the companies, after their organization, would engage only in the business of financing real estate development or investing in real estate interests, and not in the type of business described in the statute. However, each of the companies, in the process of its organization, would issue its own stock. In one instance, it appeared that the stock would be issued over a period of from 30 to 60 days; in the other instance it was stated that the stock would be sold by a firm of underwriters and that distribution was expected to be completed in not more than a few days.

(b) On the basis of the facts stated, the Board concluded that the companies involved would not be subject to sections 20 and 32 of the Banking Act of 1933, since they would not be principally or primarily engaged in the business of issuing or distributing securities but would only be issuing their own stock for a period ordinarily required for corporate organization. The Board stated, however, that if either of the companies should subsequently issue additional shares frequently and in substantial amounts relative to the size of the company's capital structure, it would be necessary for the Board to reconsider the matter.

(c) Apart from the legal question, the Board noted that an arrangement of the kind proposed could involve some dangers to an affiliated bank because the relationship might tend to impair the independent judgment that should be exercised by the bank in appraising its credits and might cause the company to be so identified in the minds of the public with the bank that any financial reverses suffered by the company might affect the confidence of the public in the bank.

(d) Because of the foregoing conclusion that the companies would not be subject to sections 20 and 32, it seems advisable to clarify § 218.102, in which the Board took the position that a closed-end investment company which was in process of organization and was actively engaged in issuing and selling its shares was subject to section 32 as long as this activity continued. That interpretation should be regarded as applicable only where the circumstances are such as to indicate that the issuance of the company's stock is a primary or principal activity of the company. For example, such circumstances might exist where the initial stock of a company is actively issued over a period of time longer than that ordinarily required for corporate organization, or where, subsequent to organization, the company issues its own stock frequently and in substantial amounts relative to the total amount of shares outstanding.

(Sec. 11(1), 38 Stat. 262; 12 U.S.C. 248(1). Interpret or apply sec. 32, 48 Stat. 194, as amended; 12 U.S.C. 78)

Dated at Washington, D.C., this 19th day of January 1961.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 61–834; Filed, Jan. 27, 1961; 8:49 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–FW–85]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas and Reporting Points and Modification of Control Area Extension

On November 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10602) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 30 in its entirety, its associated control areas and reporting points, and modify the Jacksonville, Fla., control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In Parts 600 and 601 (14 CFR Parts 600, 601) the following sections are revoked:

§ 600.230 **Red Federal airway No. 30 (Alexandria, La., to Jacksonville, Fla.).**

§ 601.230 **Red Federal airway No. 30 control areas (Alexandria, La., to Jacksonville, Fla.).**

§ 601.4230 **Red Federal airway No. 30 (Alexandria, La., to Jacksonville, Fla.).**

2. Section 601.1005 (14 CFR 601.1005, 25 F.R. 1988) is amended to read:

§ 601.1005 **Control area extension (Jacksonville, Fla.).**

The area NE of Jacksonville within 5 miles either side of the 064° True radial of the Jacksonville VOR extending from the VOR to 20 miles NE; and the area W of Jacksonville bounded on the E by VOR Federal airway No. 267, on the S by the Jacksonville Restricted Area (R–161A), on the W by longitude 82°20'00" W., and on the N by VOR Federal airway No. 22.

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 24, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–809; Filed, Jan. 27, 1961; 8:46 a.m.]

[Airspace Docket No. 60–KC–61]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Segment of Federal Airway, Associated Control Areas and Modification of Control Area Extension

On September 14, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 8827) stating that the Federal Aviation Agency (FAA) was considering amendments to §§ 600.608, 601.608, 601.1097, and 601.4608 of the regulations of the Administrator.

As stated in the notice, these actions would result in the revocation of the segment of Blue Federal airway No. 8 and its associated control areas between Fargo, N. Dak., and Grand Forks, N. Dak., and redescribing the Grand Forks control area extension by deleting all reference to Blue 8 in the description and substituting VOR Federal airway No. 481 therein. In addition, the caption to § 601.4608 relating to designated reporting points associated with Blue 8 would be changed to conform to the modified airway.

The Department of the Air Force and the Air Transport Association of America offered no objections to the proposal. However, the Director of the North Dakota Aeronautics Commission objected to the revocation of this segment of Blue 8 and supported his objection with comments which are outlined as follows:

1. Blue 8 is an international airway to Canada and a question remains as to what will happen to the continuity of Blue 8 since it continues northward from Grand Forks to Winnipeg, Canada, via Pembina, N. Dak.

2. The elimination of this segment of Blue 8 will not eliminate any control area as alleged in the Proposal since VOR Federal airway No. 481 and 481 east alternate overlap Blue 8 in its entirety.

3. This action will eliminate a backup airway between Fargo and Grand Forks when the VOR airway is unusable because of the temporary failure of the VORs at Grand Forks and Fargo.

4. The VOR and radio range station instrument approach minimums for the Grand Forks Airport are presently 500 feet above the airport. The elimination of Blue 8 may raise the radio range procedure to 600 feet and the VOR approach to 600 feet because the radio range is a part of the VOR approach procedure.

5. Instrument traffic into Fargo terminal area would be delayed because no published transition instrument approach procedure is published from Victor airways at Fargo to the radio range instrument procedure at Hector Airport, Fargo. Therefore, aircraft arriving from the north would be required to proceed to the Fargo VOR then return to the Fargo radio range which is a total distance of 30 miles.

6. In summation, the Director recommended that Blue 8 be retained until a Victor airway is established from Fargo to Winnipeg and that a VOR be installed at Pembina.

With regard to the first point, the FAA is of the opinion that the transition from the Victor airway system to the low frequency airway system between Grand Forks and Pembina presents no undue hardship since a transition at some point would be required for north-south traffic proceeding south beyond Fargo. It should be noted that Grand Forks is a customs station and traffic is terminated, at least temporarily, at Grand Forks. This in itself will permit an easy transition between these airway systems.

As to the second point, the proposal did not state that any specified amount of controlled airspace would be eliminated. Rather, an allocation of airspace based on low frequency navigation aids would be eliminated.

As to the third point, it was not intended that the low frequency airways system serve as a backup to the VOR airway structure. In fact, the VOR airways system is based on navigation aids with dual transmitters and standby

power so that a backup system is not required.

Insofar as the instrument approach procedure at Grand Forks is concerned, the revocation of Blue 8 will not affect the VOR and radio range instrument approach procedures since the radio range station will remain as long as Blue 8 exists between Grand Forks and Pembina.

With regard to the fifth point concerning approach procedures to Fargo, aircraft arriving from the north, whose destination may be Hector Airport, would not be required to continue past the airport to the VOR then reverse course and return to the radio range. This procedure is unnecessary, because it will be more practical to establish transitional routes from Victor 481 or 481 east via the intersection of an ADF bearing from the Fargo low frequency range.

The FAA agrees that a Victor airway is desirable between Grand Forks and Winnipeg. Future planning includes the installation of a VORTAC near Pembina and the establishment of a VOR airway between these two points via Pembina. During the interim, in view of the light traffic activity in the area, Blue 8 between Grand Forks and Winnipeg and Victor 481 and 481 east are considered sufficient to meet the traffic requirement.

In view of the above, action is taken herein to adopt the notice as proposed. Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 600.608 (14 CFR 600.608) is amended to read:

**§ 600.608 Blue Federal airway No. 8 (Grand Forks, N. Dak., to Winnipeg, Ontario, Canada).**

That airspace over United States territory from the Grand Forks, N. Dak., RR via the Pembina, N. Dak., RR to the Winnipeg, Ont., Canada, RR.

2. Section 601.608 (14 CFR 601.608) is amended to read:

**§ 601.608 Blue Federal airway No. 8 control areas (Grand Forks, N. Dak., to Winnipeg, Ontario, Canada).**

All of Blue Federal airway No. 8 over United States territory.

3. Section 601.1097 (14 CFR 601.1097) is amended to read:

**§ 601.1097 Control area extension (Grand Forks, N. Dak.).**

The airspace within a 30-mile radius of Grand Forks AFB (latitude 47°57'35" N., longitude 97°24'10" W.) excluding the area E of the Grand Forks VOR 355° True radial and VOR Federal airway No. 481.

**§ 601.4608 [Amended]**

4. In the caption of § 601.4608 (14 CFR 601.4608) "*(Fargo, N. Dak., to United States-Canadian Border)*." is deleted and "*(Grand Forks, N. Dak., to Winnipeg, Ontario, Canada)*." is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 24, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-810; Filed, Jan. 27, 1961; 8:46 a.m.]

[Airspace Docket No. 60-FW-94]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Points, and Modification of Control Area Extension

On November 18, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 11009) stating that the Federal Aviation Agency proposed to revoke the segment of Blue Federal airway No. 19, its associated control areas and reporting points between Perrine, Fla., and Melbourne, Fla., and modify the Orlando, Fla., control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.619 (14 CFR 600.619, 25 F.R. 10424) is amended to read:

**§ 600.619 Blue Federal airway No. 19 (Key West, Fla., to Perrine, Fla.).**

From the Key West, Fla., RR to the Perrine, Fla., RBN.

**§ 601.619 [Amendment]**

2. In the caption of § 601.619 (14 CFR 601.619) *"Melbourne, Fla."* is deleted and *"Perrine, Fla."* is substituted therefor.

**§ 601.4619 [Amendment]**

3. In the caption of § 601.4619 (25 F.R. 10424) *"Melbourne, Fla."* is deleted and *"Perrine, Fla."* is substitute therefor.

**§ 601.1138 [Amendment]**

4. In the text of § 601.1138 (14 CFR 601.1138) "on the east by Blue Federal airway No. 19 and on the northeast by VOR Federal airway No. 159-E to the Orlando VOR" is deleted and "on the E and NE by VOR Federal airway No. 159-E alternate to the Orlando VOR" is substituted therefor.

These amendments shall become effective 0001 e.s.t, April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 24, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-811; Filed, Jan. 27, 1961; 8:46 a.m.]

[Airspace Docket No. 60-WA-194]

## PART 608—SPECIAL USE AIRSPACE

On October 4, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 9474) stating that the Federal Aviation Agency (FAA) was considering revising Part 608 of the regulations of the Administrator.

Comments were submitted by the National Business Aircraft Association (NBAA), Air Line Pilots Association (ALRA), Air Transport Association of America (ATA), Department of the Air Force, National Aviation Trades Association (NATA), Department of the Navy, Department of the Army, Department of Defense and the Air Force Aeronautical Chart and Information Center (ACIC). Careful consideration has been given to all comments and recommendations submitted and, where found appropriate, they have been incorporated in this revision. However, in a document of this nature, it is not feasible to list, in detail, all comments and recommendations that were received. No objections, as such, were received regarding the basic actions proposed.

Comments were received recommending: Immediate expansion of this Part to include such areas as warning, caution, prohibited, flight test, and others that may be considered as special use areas; further steps be taken to segregate joint use restricted areas; clarification of individual authorization to transit a restricted area as against joint use of a restricted area; all Restricted Area/Military Climb Corridors be assigned a controlling agency; this Part include provisions for consultation with all airspace users in cases where conflicts of interests occur and require "review of any military airspace privilege on the application of any other airspace user"; a world-wide standard identification code for airspace reservations; changes to certain portions of the Utilization Report; and changes to § 608.3 *Explanation of terms*, § 608.13 *Using Agency*, § 608.14 *Controlling Agency*, and § 608.12 *Restriction*.

The expansion of Part 608 to include such areas as caution, warning, and flight test, Oil Burner routes, maneuver areas and others that may be considered special use areas was not intended at this time. However, a study is being conducted to determine the feasibility of designating these types of areas in this part of the regulations of the Administrator. The possible expansion of this part, as mentioned in the notice, will be held in abeyance pending the results of the study. The FAA does not consider it desirable to delay the publication of this revision awaiting the above results.

Additional identification of joint use restricted areas is not considered necessary since the designation of a controlling agency discloses its joint use status. The application of joint use will release a restricted area for air traffic control purposes when it is determined to be feasible and desirable. The term "joint use", as used in this part, should not be misconstrued as replacing or eliminating the authority of the using agency or the controlling agency to clear or authorize individual transit of restricted areas as stated in §§ 608.13 and 608.14 and the responsibility to do so when its special use will permit. A request for transit of a restricted area shall be granted whenever conditions within the restricted area permit such transit. As stated in § 608.12, no person shall operate an aircraft within a restricted area unless prior permission has been issued by the appropriate authority. Appropriate authority is defined in § 608.3 as either the using agency or the controlling agency.

With respect to those Restricted Area/Military Climb Corridors for which no controlling agency has been designated, it should be noted that the using agency designated in this part is the air traffic control facility, operated by the Air Force, which was formerly designated the controlling agency. The using agency associated with these climb corridors will continue to meet the requirement of maintaining appropriate civil communication capabilities in order that requests for transit of a climb corridor may be made directly to appropriate authority. As stated above, in lieu of a designated controlling agency, the using agency will, when feasible, authorize transit of climb corridors for non-participating air traffic. Therefore, all climb corridors will maintain an availability status equal to that previously maintained. Again, this should not be confused with joint use of a restricted area which provides for the release of the area by the using agency to the controlling agency for air traffic control purposes. Joint use of those corridors has been effected where a requirement exists through a letter of joint use procedures between the controlling agency and the using agency. The term "joint use" as previously used in conjunction with climb corridors was a loosely applied term covering the communications requirements and availability of climb corridors for the transit of non-participating air traffic.

On the procedural aspects, the allocation of airspace is processed in accordance with procedures set forth in Part 409 of the regulations of the Administrator and the Administrative Procedure Act. These procedures provide opportunity for all interested persons to present their views and comments on all matters pertaining to airspace allocation. Additionally, § 409.18(a) of the regulations of the Administrator provides for any interested person to petition for the revocation or modification of existing rules, regulations or orders relating to airspace assignments. Consequently, no requirement exists to include these procedures in this part. Further, the FAA is conducting a continuing review of all designated airspace in order to provide for more efficient utilization which will benefit all airspace users.

In reviewing the recommendations for a world-wide standard code of identifying airspace reservations, there is no indication that the standard code, as formulated by the Aeronautical Standards Coordinating Committee, will be accepted on an international basis. Therefore, the FAA does not consider it appropriate to adopt this method of identification of special use airspace at this time.

The limitation on operations in restricted areas is imposed in § 60.13 of the Civil Air Regulations. It is reiterated here for ease of reference. It is not the intention of the FAA to delete this section from the Civil Air Regulations. Further, the recommendation to reword this section so as to define appropriate authority is not considered necessary since appropriate authority is adequately defined in § 608.3.

The contention that the terms—using agency and controlling agency—and the definitions thereof are now outmoded is not shared by the FAA and they are being retained. However, the definition of using agency stated in the Notice is expanded herein to describe the function of using agencies of military climb corridors for which controlling agencies have not been designated.

In comments pertaining to § 608.13 *Using Agency*, concern was expressed on the responsibility of the using agency to execute upon request of the Federal Aviation Agency, an agreement establishing joint use of a particular Restricted Area. The Administrator is charged with the responsibility of formulating policy with respect to the use of navigable airspace (section 307(a) of the Federal Aviation Act of 1958). In this respect, the Administrator is of the opinion that establishing joint use of restricted areas, where deemed feasible and desirable by the FAA, is necessary in order to insure efficient utilization of these areas. In recognition of the comments on this point, the required letter is referred to herein as a letter of joint use procedures.

Numerous recommendations for changes in the Utilization Report were submitted. As stated above, it is impractical to list each of these comments or to detail the consideration given to each. However, upon review of these comments, it is appropriate to note the following:

1. Identification of the type of radar and its utilization would serve no purpose at this time since the use of radar is not a prerequisite for the designation of special use airspace. If it should become apparent through this report that radar is available to an extent to warrant a study of its use, additional information may be solicited.

2. Listing available communications capabilities is unnecessary since this information is available through other sources.

3. The Utilization Report shall be submitted in duplicate as indicated in the first paragraph of § 608.15.

4. Reports containing classified information should be submitted in accordance with security regulations and will be given appropriate handling by this Agency.

5. The initial report, for the period October 1, 1959, to September 30, 1960, shall be submitted so as to reach the Director, Bureau of Air Traffic Management, not later than April 30, 1961. This report shall contain all information required by § 608.15 that is available. The FAA recognizes that the initial report may be incomplete, in some instances, and this factor will be considered in the analysis of the report.

6. It is not the intent of the FAA to regard the Utilization Report as the sole determinant for the retention or establishment of restricted areas. It will serve as a guide in the continuing review of these areas.

Although the notice stated that, in order to provide a ready reference to a specific restricted area pending revision of aeronautical charts, the existing restricted area numbers would be included in Subpart B following the newly designated numbers, the FAA is of the opinion that this information will be more readily available to the public if published in the Airman's Guide. Therefore, a list of the previously designated numbers, together with the newly designated numbers, will be published in the Airman's Guide prior to the effective date of this action. Moreover, this action will be concurrent with a new issue of radio facility charts published by both the Coast and Geodetic Survey and the ACIC. Consequently, the previously designated numbers will not appear in this revision.

Although the notice contained a complete listing of restricted areas which were current at that time, several of these areas have been modified or revoked by individual airspace actions since the publication of the notice. The actions taken herein will reflect these changes.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 608 of the regulations of the Administrator is amended to read:


**Subpart A—Introduction**

Sec.
608.1 Basis.
608.2 Purpose.
608.3 Explanation of terms.

**Subpart B—Restricted Areas**

608.11 Purpose.
608.12 Restriction.
608.13 Using Agency.
608.14 Controlling Agency.
608.15 Utilization report.

**STATES AND POSSESSIONS**

608.21 Alabama.
608.22 Alaska.
608.23 Arizona.
608.24 Arkansas.

Sec.
608.25 California.
608.26 Colorado.
608.27 Connecticut.
608.28 Delaware.
608.29 Florida.
608.30 Georgia.
608.31 Hawaii.
608.32 Idaho.
608.33 Illinois.
608.34 Indiana.
608.35 Iowa.
608.36 Kansas.
608.37 Kentucky.
608.38 Louisiana.
608.39 Maine.
608.40 Maryland.
608.41 Massachusetts.
608.42 Michigan.
608.43 Minnesota.
608.44 Mississippi.
608.45 Missouri.
608.46 Montana.
608.47 Nebraska.
608.48 Nevada.
608.49 New Hampshire.
608.50 New Jersey.
608.51 New Mexico.
608.52 New York.
608.53 North Carolina.
608.54 North Dakota.
608.55 Ohio.
608.56 Oklahoma.
608.57 Oregon.
608.58 Pennsylvania.
608.59 Rhode Island.
608.60 South Carolina.
608.61 South Dakota.
608.62 Tennessee.
608.63 Texas.
608.64 Utah.
608.65 Vermont.
608.66 Virginia.
608.67 Washington.
608.68 West Virginia.
608.69 Wisconsin.
608.70 Wyoming.
608.71 Puerto Rico.
608.72 Guam.

AUTHORITY: §§ 608.1 to 608.72 issued under 72 Stat. 749; 49 U.S.C. 1348.

## Subpart A—Introduction

### § 608.1 Basis.

This part is issued pursuant to sections 307 of the Federal Aviation Act of 1958, as amended (72 Stat. 749, 49 U.S.C. 1348) and § 60.13 of this title.

### § 608.2 Purpose.

This part is issued in order to designate special use airspace and to prescribe requirements in connection with the use thereof.

### § 608.3 Explanation of terms.

As used in this part, terms are defined as follows:

"Appropriate Authority" means either the using agency or the controlling agency.

"Bearings and radials" will be True and outbound from the point of origin.

"Boundaries" mean the horizontal limits of the special use area as described by geographical coordinates or other appropriate references to clearly define the perimeter of the area.

"Continental United States" means all of the States of the United States (excluding Alaska and Hawaii), the District of Columbia, the territorial waters and the overlying airspace thereof.

"Controlling Agency" means that FAA facility designated in this subpart which may authorize transit of a restricted area in accordance with a letter of joint use procedures.

"Designated Altitudes" means those altitudes designated as the floor(s) and ceiling(s) of a special use area. Altitudes will be expressed in terms of flight levels or as feet above mean sea level.

"E" means east.

"Federal Airway" means a portion of the navigable airspace of the United States designated by the Administrator as a Federal airway.

"Flight Level" means a level of constant atmospheric pressure related to a reference datum of 29.92 inches of mercury expressed in three digits representing hundreds of feet. For example, flight level 250 is equivalent to an altimeter indication of 25,000 feet and flight level 265 to 26,500 feet.

"FM" means fan marker.

"ILS" means instrument landing system.

"INT" means intersection.

"Joint Use" means use of a restricted area by the using agency and by the controlling agency as set forth in a letter of joint use procedures which outlines terms and procedures to be followed by the using agency and by the controlling agency.

"Lat." means latitude.

"Long." means longitude.

"Mile" means statute mile unless otherwise specified.

"MM" means instrument landing system middle marker.

"MSL" means "mean sea level".

"N" means north.

"NE" means northeast.

"NW" means northwest.

"OM" means instrument landing system outer marker.

"RBN" means radio beacon.

"Restricted Area" means that special use airspace designated in Subpart B of this part wherein the flight of aircraft is limited in accordance with § 608.12 of this part.

"RR" means low or medium frequency radio range station.

"S" means south.

"SE" means southeast.

"Special Use Airspace" means that airspace of defined dimensions identified by an area on the surface of the earth designated by the Administrator wherein the activity being conducted must be confined because of its nature and/or wherein limitations are imposed upon aircraft operations not a part of such activity. The dimensions are limited in time ("Time of Designation"), vertical extent ("Designated Altitudes"), and horizontal extent ("Boundaries").

"Sunset" and "Sunrise" mean the official sunset and sunrise at the location of the special use area.

"SW" means southwest.

"TACAN" means military tactical air navigation aid.

"Time of Designation" means the period or periods of time during which the special use area is in effect.

"United States" means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the territorial waters and the overlying airspace thereof.

"Using Agency" means that agency, organization, or military command designated in this subpart whose activity within the restricted area necessitated the area being so designated; except that, in the case of those Restricted Area/Military Climb Corridors which do not have a designated controlling agency, the using agency is a military air traffic control facility which may be contacted for transit through the climb corridor.

"VHF" means very high frequency.

"VOR" means very high frequency omnirange station.

"VORTAC" means collocated VOR and TACAN.

"W" means west.

## Subpart B—Restricted Areas

### § 608.11 Purpose.

The purpose of this subpart is to designate restricted areas. All activities conducted in a restricted area in accordance with the purpose for which it was designated must be contained therein. In addition, limitations are imposed upon the operation of aircraft within designated restricted areas in accordance with § 608.12.

### § 608.12 Restriction.

No person shall operate an aircraft within any area named and described in this subpart, between the designated altitudes, during the time of designation, unless prior permission for such operation has been issued by the appropriate authority.

### § 608.13 Using Agency.

The using agency shall submit an annual Utilization Report as prescribed in § 608.15 on each restricted area for which it has been designated "Using Agency" provided, however, that annual Utilization Reports need not be submitted on restricted areas established for climb corridors; shall execute upon request of the Federal Aviation Agency a letter establishing procedures for joint use of the restricted area wherein the using agency would notify the controlling agency whenever permission may be granted by the controlling agency for transit of or flight within the restricted area in accordance with the terms of such a letter; schedule activities in the restricted area; and shall authorize transit of or flight within the restricted area as feasible.

### § 608.14 Controlling Agency.

The controlling agency, where feasible, may clear and authorize air traffic for transit of or flight within a restricted area as set forth in a letter of joint use procedures between the using agency and the controlling agency.

### § 608.15 Utilization report.

The following data are to be submitted annually for the 12-month period October 1 through September 30 inclusive. Such data will be forwarded in duplicate by the Using Agency each year so as to reach the Director, Bureau of Air Traffic Management, Federal Aviation Agency, Washington 25, D.C., not later than January 31 of the year following the reporting period.



(a) Designated name and number of the area as published in Regulations of the Administrator, Part 608—Special Use Airspace.

(b) Period covered by the report.

(c) A detailed list of the activities carried on in the restricted area by all organizations utilizing the area for the restricted area purposes.

(d) Time daily operations normally are scheduled to begin and end.

(e) Average number of hours the area is actually used per day. In the case of restricted areas utilized for aircraft operations, the total aircraft hours of actual use.

(f) Number days per week, weeks per month, months per year (as appropriate) the area is used for actual operations.

(g) A statement (affirmative or negative) as to whether radar is utilized during operations.

(h) Number and type of aircraft, if any, normally involved in performing activities for which the restricted area is designated.

(i) Altitudes used in daily operations of aircraft. Include for each activity, the altitudes utilized and the number of hours at each such altitude.

(j) A chart of the restricted area (of optional scale and design) depicting the following applicable items:

(1) Approximate location (and/or representative pattern) of firing and/or bombing runs, if any, showing, if appropriate, where run begins, where firing, if any, commences and ends, and release point and pull up.

(2) Location of impact areas, if any.

(k) Maximum ordinate of surface firing (expressed in feet, mean sea level altitude) used to execute required operations.

(l) Number of hours and/or minutes (daily) maximum ordinate altitudes are normally utilized in surface to surface firing operations.

(m) Altitudes normally used for daily surface to surface firing operations.

(n) A chart of the restricted area (of optional scale and design) depicting the following:

(1) Location of firing points and impact areas, if any.

(2) Perimeter of the firing fan for each weapon utilized, if any.

(o) A brief resume outlining any other pertinent facts concerning the present use of the restricted area and requirement for continued use of the area or any part of it.

### STATES AND POSSESSIONS

### § 608.21 Alabama.

R–2101 Fort McClellan, Ala.

*Boundaries.* Beginning at latitude 33°45'00" N., longitude 85°46'50" W.; east to longitude 85°43'30" W.; south to latitude 33°39'00" N.; west to longitude 85°49'00" W.; northwest to latitude 33°40'30" N., longitude 85°49'30" W.; north to latitude 33°41'15" N.; east to longitude 85°47'15" W.; northeast to latitude 33°45'00" N., longitude 85°46'50" W.; point of beginning.

*Designated altitudes.* Surface to 6,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding Officer, Fort McClellan, Ala.

R–2102 Fort McClellan, Ala.

*Boundaries.* Beginning at latitude 33°45'32", longitude 86°01'12"; east to latitude 33°45'40", longitude 85°54'00"; southeast to latitude 33°41'55", longitude 85°52'45"; southwest to latitude 33°40'15", longitude 85°54'00"; northwest to latitude 33°41'00", longitude 85°55'45"; west to latitude 33°41'00", longitude 85°57'18"; north to latitude 33°41'18", longitude 85°57'18"; west to latitude 33°41'18", longitude 86°01'12"; north to point of beginning and beginning at latitude 33°41'20", longitude 85°59'00"; south to latitude 33°40'40", longitude 85°59'00"; west to latitude 33°40'40", longitude 86°00'00"; north to latitude 33°41'20", longitude 86°00'00"; east to point of beginning.

*Designated altitudes.* Surface to 24,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding Officer, Fort McClellan, Ala.

R–2103 Fort Rucker, Ala.

*Boundaries.* Circular Area, 4 statute miles in radius centered on a point at geographical coordinates: latitude 31°26'55", longitude 85°47'45".

*Designated altitudes.* Surface to 24,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, U.S. Army Aviation Center, Fort Rucker, Ala.

R–2104 Huntsville, Ala.

*Boundaries.* Beginning at latitude 34°39'21" N., longitude 86°35'30" W.; south to latitude 34°35'11" N., longitude 86°35'51" W.; west to latitude 34°35'26" N., longitude 86°42'01" W.; north-northwest to latitude 34°42'00" N., longitude 86°44'30" W.; due east to longitude 86°41'30" W.; south to latitude 34°39'36" N., longitude 86°41'40" W.; east to latitude 34°39'21" N., longitude 86°35'30" W., point of beginning.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Memphis ARTC Center.

*Using agency.* Commanding General, United States Army Ordnance Missile Command, Huntsville, Ala.

### § 608.22 Alaska.

R–2201 Anchorage, Alaska (Elmendorf AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area centered on the 296° True radial of the Elmendorf Air Force Base TACAN, extending from 3 statute miles from the west end of Elmendorf AFB runway 23 to 25 statute miles from the west end of runway 23, and having a width of 2.145 statute miles at the beginning and expanding uniformly to a width of 4.3 statute miles at the outer extremity.

*Designated altitudes.*

3,000' MSL to 27,000' MSL from 3 statute miles west of the west end of runway 23 to 5 statute miles west of the west end of runway 23.

5,000' MSL to 27,000' MSL from 5 to 7 statute miles west of the west end of runway 23.

7,000' MSL to 27,000' MSL from 7 to 12 statute miles west of the west end of runway 23.

10,000' MSL to 27,000' MSL from 12 to 17 statute miles west of the west end of runway 23.

13,000' MSL to 27,000' MSL from 17 to 22 statute miles west of the west end of runway 23.

16,000' MSL to 27,000' MSL from 22 to 25 statute miles west of the west end of runway 23.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Anchorage Approach Control.

*Using agency.* Commander, Elmendorf AFB, Alaska.

R–2202 Big Delta, Alaska.

*Boundaries.* Beginning at latitude 63°-59'00" N., longitude 145°55'00" W.; south to latitude 63°41'00" N., longitude 146°01'00" W.; west-northwest to latitude 63°47'00" N., longitude 147°04'00" W.; north-northeast to latitude 64°15'00" N., longitude 146°44'00" W.; east-southeast to latitude 63°59'00" N., longitude 145°55'00" W., point of beginning.

*Designated altitudes.* Surface to 60,000 feet.

*Time of designation.* Hours of daylight, 7 days a week.

*Using agency.* President, U.S. Army Arctic Test Board, Fort Greely, Alaska.

R–2203 Eagle River, Alaska.

*Boundaries.* Beginning at latitude 61°-27'15", longitude 149°44'00"; thence to latitude 61°16'48", longitude 149°43'30"; thence to latitude 61°17'36", longitude 149°35'36"; thence to latitude 61°21'10", longitude 149°-33'48"; thence to latitude 61°24'40", longitude 149°33'48"; thence to latitude 61°-25'24", longitude 149°30'00"; thence to latitude 61°29'30", longitude 149°30'00"; thence to point of beginning.

*Designated altitudes.* Surface to 50,000 feet.

*Time of designation.* Continuous.

*Using agency.* Commanding General, U.S. Army Alaska, Fort Richardson, Alaska.

R–2204 Shemya, Alaska.

*Boundaries.* Northeast Corner: latitude 52°46'18", longitude 174°09'16"; Southeast Corner: latitude 52°43'42", longitude 174°08'42"; Southwest Corner: latitude 52°44'14", longitude 174°02'04"; Northwest Corner: latitude 52°46'50", longitude 174°02'41".

*Designated altitudes.* Surface to 3,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commander, 5040th Air Base Squadron, Shemya AFB, Alaska.

R–2205 Yukon, Alaska.

*Bounddries.* Beginning at latitude 64°-45'30" N., longitude 146°47'20" W., thence around the arc of a circle of twenty-five statute miles radius from the center of Ladd AFB (latitude 64°50'13" N., longitude 147°-36'46" W.) to the south boundary of the Chena extension to the Fairbanks control area at latitude 64°46'12" N., longitude 146°-46'40" W., thence along the south boundary of the Chena extension of the Fairbanks control area to latitude 64°46'10" N., longitude 146°11'15" W., thence to latitude 64°35'18" N., longitude 146°11'15" W., thence to latitude 64°33'24" N., longitude 146°18'30" W., thence to the east boundary of Amber Federal airway No. 2 at latitude 64°33'25" N., longitude 146°25'00" W., thence along the east boundary of Amber 2 to the point of beginning.

*Designated altitudes.* Surface to 80,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, U.S. Army Alaska, Fort Richardson, Alaska.

R–2206 Clear, Alaska.

*Boundaries.* The airspace within a radius of 30,000 feet of 64°17'16" N., 149°10'58" W., extending clockwise from a True azimuth of 235° to a True azimuth of 005° and within a radius of 500 feet, extending clockwise from a True azimuth of 005° to a True azimuth of 235°.

*Designated altitudes.* Surface to 5,000 feet MSL.

*Time of designation.* Continuous, January 1, 1961, to December 31, 1961.

*Using agency.* Commander, Alaskan Air Command, Elmendorf AFB, Alaska.

### § 608.23 Arizona.

R–2301 Ajo, Ariz.

*Boundaries.* Beginning at latitude 32°50'-25'' N., longitude 112°49'00'' W.; south-southwest to latitude 32°11'30'' N., longitude 112°56'45'' W.; due west to longitude 113°-05'30'' W.; due south to the U.S.-Mexican border at latitude 31°58'00'' N.; west-northwest along U.S.-Mexican border to latitude 32°23'45'' N., longitude 114°28'30'' W.; due north to latitude 32°30'00'' N.; due west to longitude 114°31'00'' W.; due north to latitude 32°35'00'' N.; due east to longitude 114°28'30'' W.; due north to latitude 32°-39'40'' N.; easterly to latitude 32°40'45'' N., longitude 114°18'29'' W.; easterly along the Southern Pacific Railroad and U.S. Highway No. 80 to latitude 32°45'30'' N., longitude 113°37'30'' W.; easterly to latitude 32°50'25'' N., longitude 112°49'00'' W., point of beginning.

*Designated altitudes.* Surface to 40,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commander, Luke AFB, Ariz.

R–2302 Flagstaff, Ariz.

*Boundaries.* Beginning at latitude 35°12'-00'', longitude 111°46'00''; thence to latitude 35°10'00'', longitude 111°46'00''; thence to latitude 35°10'00'', longitude 111°48'00''; thence to latitude 35°09'00'', longitude 111°-48'00''; thence to latitude 35°09'00'', longitude 111°55'00''; thence to latitude 35°15'-00'', longitude 111°55'00''; thence southeasterly along the Santa Fe Railroad to point of beginning.

*Designated altitudes.* Surface to 11,000 feet MSL.

*Time of designation.* 0800 to 2400 Monday through Saturday.

*Using agency.* Commanding Officer, Navajo Ordnance Depot, Flagstaff, Ariz.

R–2303 Fort Huachuca, Ariz.

*Boundaries.* Beginning at latitude 31°34'-40'', longitude 110°00'00''; thence to latitude 31°29'00'', longitude 110°00'00''; thence to latitude 31°29'00'', longitude 110°18'00''; thence to latitude 31°23'45'', longitude 110°-18'00''; thence to latitude 31°23'45'', longitude 110°39'00''; thence to latitude 31°38'-30'', longitude 110°46'10''; thence to latitude 31°38'30'', longitude 110°39'30''; thence to latitude 31°41'00'', longitude 110°33'30''; thence to latitude 31°41'00'', longitude 110°-16'30''; thence to latitude 31°41'40'', longitude 110°15'00''; thence to latitude 31°41'-40'', longitude 110°13'30''; thence to point of beginning.

*Designated altitudes.* Surface to 35,000 feet MSL.

*Time of designation.* Unlimited.

*Using agency.* Commanding General, U.S. Army Electronic Proving Ground, Fort Huachuca, Ariz.

R–2304 Gila Bend, Ariz.

*Boundaries.* Beginning at latitude 32°38'30'' N., longitude 112°18'00'' W.; due south to latitude 32°26'40'' N.; due west to longitude 112°43'30'' W.; northerly to latitude 32°49'00'' N., longitude 112°30'00'' W.; southeast to latitude 32°38'30'' N., longitude 112°18'00'' W., point of beginning.

*Designated altitudes.* Surface to 40,000 feet MSL.

*Time of designation.* Sunrise to sunset, VFR, Mondays through Fridays.

*Using agency.* Commander, Luke AFB, Ariz.

R–2305 Gila Bend, Ariz.

*Boundaries.* Beginning at latitude 32°50'25'', longitude 112°49'00''; thence to latitude 32°50'52'', longitude 112°42'53''; thence to latitude 32°49'00'', longitude 112°39'00''; thence to latitude 32°29'00'', longitude 112°43'00''; thence to latitude 32°29'00'', longitude 112°53'30''; thence to point of beginning.

*Designated altitudes.* 40,000 feet MSL.

*Time of designation.* Sunrise to sunset.

*Using agency.* Commander, Luke AFB, Ariz.

R–2306 Sahuarita, Ariz.

*Boundaries.* North boundary: latitude 32°02'00'' N.; east boundary: longitude 110°51'00'' W.; south boundary: latitude 31°54'00'' N.; west boundary: longitude 110°57'00'' W.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Days only.

*Using agency.* Commander, Davis-Monthan AFB, Ariz.

R–2307 Yuma, Ariz.

*Boundaries.* Beginning at latitude 32°52'00'', longitude 114°00'00''; thence to latitude 32°52'50'', longitude 113°50'10''; thence to latitude 32°58'00'', longitude 113°37'20''; thence to latitude 33°02'00'', longitude 113°37'20''; thence to latitude 33°02'00'', longitude 113°56'30''; thence to latitude 33°00'00'', longitude 114°11'00''; thence to latitude 33°00'00'', longitude 114°31'00''; thence to latitude 32°51'15'', longitude 114°31'00''; thence to latitude 32°52'30'', longitude 114°21'00''; thence to latitude 32°51'15'', longitude 114°21'00''; to point of beginning.

*Designated altitude.*, Surface to unlimited.

*Time of designation.* Continuous.

*Using agency.* Commanding Officer, Yuma Test Station, Yuma, Ariz.

### § 608.24 Arkansas.

R–2401 Fort Chaffee, Ark.

*Boundaries* Beginning at latitude 35°17'-30'' N., longitude 94°12'17'' W.; thence S to latitude 35°14'30'' N., longitude 94°12'15'' W.; thence SW to latitude 35°14'00'' N., longitude 94°13'00'' W.; thence W to latitude 35°14'00'' N., longitude 94°15'00'' W.; thence NW to latitude 35°14'45'' N., longitude 94°-16'30'' W.; thence N to latitude 35°18'15'' N., longitude 94°17'00'' W.; thence E to the point of beginning.

*Designated altitudes.* Surface to 6,000 feet, MSL.

*Time of designation.* From 0500 to 2200 local time, Monday through Saturday, July 1 through August 31. From 0500 to 1800 local time, Saturday and Sunday, September 1 through June 30.

*Controlling agency.* Federal Aviation Agency, St. Louis ARTC Center.

*Using agency.* Commanding General, Fort Sill, Okla.

R–2402 Fort Chaffee, Ark.

*Boundaries.* Beginning at latitude 35°17'-30'' N., longitude 94°12'17'' W.; thence E to latitude 35°16'00'' N., longitude 94°01'30'' W.; thence S to latitude 35°11'30'' N., longitude 94°01'30'' W.; thence W to latitude 35°-11'30'' N., longitude 94°10'00'' W.; thence N to latitude 35°14'00'' N., longitude 94°-10'00'' W.; thence W to latitude 35°14'00'' N., longitude 94°18'00'' W.; thence NE to latitude 35°14'30'' N., longitude 94°12'15'' W.; thence N to a point of beginning.

*Designated altitudes.* Surface to 26,000 feet, MSL.

*Time of designation.* From 0500 to 2200 local time, Monday through Saturday, July 1 through August 31. From 0500 to 1800 local time, Saturday and Sunday, September 1 through June 30.

*Controlling agency.* Federal Aviation Agency, St. Louis ARTC Center.

*Using agency.* Commanding General, Fort Sill, Okla.

R–2403 Little Rock, Ark.

*Boundaries.* North boundary, latitude 34°-57'00'' N.; east boundary, longitude 92°15'-00'' W.; south boundary, latitude 34°52'00'' N.; west boundary, longitude 92°19'30'' W.

*Designated altitude.* Surface to 6,000 feet MSL.

*Time of designation.* From 0700 hours Saturday to 1700 hours Sunday, local standard time, September 1 through May 31 annually; from 0600 to 2400 hours daily, local standard time, June 1 through August 31, annually.

*Using agency.* Adjutant General, State of Arkansas, Little Rock, Ark.

### § 608.25 California.

R–2501 Bullion Mountains, Calif.

*Boundaries.* Beginning at latitude 34°41'-00'', longitude 116°03'00''; thence to latitude 34°35'30'', longitude 115°58'00''; thence to latitude 34°33'00'', longitude 115°47'00''; thence to latitude 34°25'00'', longitude 115°-47'00''; thence to latitude 34°25'00'', longitude 115°44'00''; thence to latitude 34°14'-00'', longitude 115°44'00''; thence to latitude 34°14'00'', longitude 116°17'00''; thence to latitude 34°30'00'' N., longitude 116°26'30'' W.; thence to latitude 34°40'30'' N., longitude 116°29'40'' W.; thence to latitude 34°43'00'' N., longitude 116°26'20'' W.; thence to latitude 34°43'00'', longitude 116°17'00''; thence to point of beginning.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Los Angeles ARTC Center.

*Using agency.* Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R–2502 Camp Irwin, Calif.

*Boundaries.* Beginning at latitude 35°37'-45'', longitude 116°29'40''; thence to latitude 35°34'30'', longitude 116°29'40''; thence to latitude 35°34'30'', longitude 116°23'30''; thence to latitude 35°28'35'', longitude 116°-18'45'' thence to latitude 35°18'45'', longitude 116°18'45''; thence southwest along the boundary of Amber Civil Airway No. 2; thence to latitude 35°07'00'', longitude 116°-34'00''; thence to latitude 35°07'00'', longitude 116°47'45''; thence to latitude 35°10'-00'', longitude 116°49'00''; thence to latitude 35°19'00'', longitude 116°49'00''; thence to latitude 35°19'00'', longitude 116°55'20''; thence to latitude 35°37'45'', longitude 116°-55'20''; thence to point of beginning.

*Designated altitudes.* Unlimited.

*Time of designation.* Unlimited.

*Controlling agency.* Federal Aviation Agency, Los Angeles ARTC Center.

*Using agency.* Commanding General, Camp Irwin, Calif.

R–2503 Camp Pendleton, Calif.

*Boundaries.* Beginning at latitude 33°-24'23'', longitude 117°15'15''; thence to latitude 33°18'00'', longitude 117°16'08''; thence to latitude 33°17'30'', longitude 117°16'40''; thence to latitude 33°18'20'', longitude 117°-21'48''; thence to latitude 33°27'48'', longitude 117°33'15''; thence to latitude 33°-30'13'', longitude 117°29'13''; thence to point of beginning.

*Designated altitudes.* Surface to 15,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Los Angeles ARTC Center.

*Using agency.* Commanding General, Camp Pendleton, Calif.

R–2504 Camp Roberts, Calif.

*Boundaries.* Beginning at latitude 35°-49'45'' N., longitude 120°49'00'' W.; southeast to latitude 35°43'45'' N., longitude 120°-45'30'' W.; due west to longitude 120°48'45'' W.; northwest to latitude 35°46'30'' N., longitude 120°52'00'' W.; northeast to latitude 35°49'45'' N., longitude 120°49'00'' W., point of beginning.

*Designated altitudes.* Surface to 5,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding Officer, Camp Roberts, Calif.

R–2505 China Lake, Calif.

*Boundaries.* Beginning at latitude 36°-14'00'' N., longitude 117°53'00'' W.; due east to longitude 117°25'00'' W.; due south to latitude 35°40'30'' N.; west southwest to latitude 35°37'30'' N., longitude 117°35'30'' W.; due west to longitude 117°47'30'' W.; north northwest to latitude 35°54'00'' N., longitude 117°53'00'' W.; due north to latitude 36°14'00'' N., longitude 117°53'00'' W., point of beginning.

*Description by geographical coordinates.*

*Time of designation.* Unlimited.

*Using agency.* Commander, Naval Ordnance Test Center, China Lake, Calif.

R–2506 China Lake South, Calif.

*Boundaries.* Beginning at latitude 35°-37'30'' N., longitude 117°41'30'' W., thence to latitude 35°24'00'' N., longitude 117°40'30'' W., thence to latitude 35°24'00'' N., longitude 117°46'30'' W., thence to latitude 35°37'30'' N., longitude 117°47'30'' W., thence to point of beginning.

*Designated altitudes.* Surface to 6,000 feet MSL.

*Time of designation.* Sunrise to sunset, Monday through Friday.

*Using agency.* Commander, Naval Ordnance Test Center, China Lake, Calif.

R–2507 Chocolate Mountains, Calif.

*Boundaries.* Beginning at latitude 33°-32'40'' N., longitude 115°33'50'' W.; southeast along a road at latitude 33°25'50'' N., longitude 115°14'30'' W.; southwest to latitude 33°24'15'' N., longitude 115°17'00'' W.; southeast and northeast along a road to latitude 33°22'50'' N., longitude 115°09'58'' W.; southeast to latitude 33°08'45'' N., longitude 114°56'40'' W.; southwest to latitude 33°01'00'' N., longitude 115°06'00'' W.; northwest to latitude 33°28'30'' N., longitude 115°42'10'' W.; northeast to latitude 33°-33'40'' N., longitude 115°33'50'' W., point of beginning. Except for that portion which is in conflict with Victor civil airway 117.

*Designated altitudes.* Surface to 50,000 feet MSL.

*Time of designation.* 24 hours daily.

*Using agency.* Commanding Officer, Marine Corps Auxiliary Air Station, Yuma, Ariz.

R–2508 Complex, Calif.

*Boundaries.* Beginning at latitude 37°12'-00'', longitude 117°20'00''; thence to latitude 35°34'00'', longitude 116°23'00''; thence to latitude 35°28'35'', longitude 116°18'45''; thence to latitude 35°18'45'', longitude 116°-18'45''; thence southwest along the boundary of Amber Civil Airway No. 2, thence to latitude 35°07'00'', longitude 116°34'00''; thence to latitude 35°07'00'', longitude 116°47'45''; thence to latitude 35°08'50'', longitude 116°-48'40''; thence to latitude 35°06'30'', longitude 116°58'40''; thence to latitude 34°53'-30'', longitude 117°11'50''; thence to latitude 34°50'20'', longitude 117°32'00''; thence to latitude 34°48'30'', longitude 117°32'00''; thence along the boundary of Green Civil Airway No. 4 to latitude 34°48'00'', longitude 117°35'00''; thence to latitude 34°48'00'', longitude 118°01'00''; thence to latitude 34°-49'40'', longitude 118°05'45''; thence to latitude 34°51'30'', longitude 118°05'45''; thence to latitude 34°56'00'' N., longitude 118°21'00'' W.; thence to latitude 35°15'00'' N., longitude 118°35'00'' W.; thence to latitude 37°12'00'', longitude 118°35'00''; thence to point of beginning.

*Designated altitudes.* 20,000 feet MSL to unlimited, except within the boundaries of established restricted areas wherein the designated altitude will be from the surface to unlimited.

*Time of designation.* Unlimited.

*Controlling agency.* Federal Aviation Agency, Los Angeles ARTC Center.

*Using agency.* Commander, Naval Ordnance Test Center, China Lake, Calif.

R–2509 Cuddeback Dry Lake, Calif.

*Boundaries.* North boundary: latitude 35°25'00'' N.; south boundary: latitude 35°-15'56'' N.; east boundary: longitude 117°16'-52''; west boundary: longitude 117°26'00'' W.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous VFR.

*Controlling agency.* Federal Aviation Agency, Los Angeles ARTC Center.

*Using agency.* Commander, George AFB, Calif.

R–2510 El Centro, Calif.

*Boundaries.* Beginning at latitude 32°-59'35'', longitude 115°43'30'', thence to latitude 32°52'40'', longitude 115°43'30''; thence southwesterly around the perimeter of NAAS El Centro Control Zone to latitude 32°50'05'', longitude 115°44'30''; thence to latitude 32°-50'05'', longitude 115°55'00''; thence to latitude 32°55'50'', longitude 115°55'00''; thence to latitude 33°01'20'', longitude 116°02'15''; thence to latitude 33°06'35'', longitude 115°-56'50''; thence to latitude 33°06'35'', longitude 115°51'12''; thence to point of beginning.

*Designated altitudes.* Surface to 40,000 feet.

*Time of designation.* Continuous.

*Using agency.* Commanding Officer, Marine Corps Auxiliary Air Station, Yuma, Ariz.

R–2511 Fort Ord, Calif.

*Boundaries.* Beginning at latitude 36°41'-15'', longitude 121°47'40''; thence to latitude 36°39'40'', longitude 121°43'20''; thence to latitude 36°37'35'', longitude 121°41'17''; thence to latitude 36°34'54'', longitude 121°-43'01''; thence to latitude 36°34'30'', longitude 121°47'40''; thence along the arc of a circle of 3 miles radius centered at latitude 36°35'30'', longitude 121°50'30''; to latitude 36°38'00'', longitude 121°50'20''; thence to latitude 36°38'15'', longitude 121°51'45''; thence to latitude 36°42'00'', longitude 121°-49'45''; thence to latitude 36°40'59'', longitude 121°48'49''; thence to point of beginning.

*Designated altitudes.* Surface to 3,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Fort Ord, Calif.

R–2512 Holtville, Calif.

*Boundaries.* Beginning at latitude 33°05'-00'' N., longitude 115°17'30'' W.; southeast to latitude 33°00'00'' N., longitude 115°13'-30'' W.; southeast to latitude 32°51'00'' N., longitude 115°05'30'' W.; due west to longitude 115°17'00'' W.; north to latitude 32°-58'00'' N., longitude 115°17'30'' W.; northnorthwest to latitude 33°05'00'' N., longitude 115°20'00'' W.; due east to latitude 33°-05'00'' N., longitude 115°17'30'' W., point of beginning.

*Designated altitudes.* Surface to 40,000 feet.

*Time of destination.* Continuous.

*Using agency.* Commanding Officer, Marine Corps Auxiliary Air Station, Yuma, Ariz.

R–2513 Hunter-Liggett, Calif.

*Boundaries.* Beginning at latitude 36°-03'30'' N., longitude 121°16'30'' W.; southeast to latitude 35°54'45'' N., longitude 121°-05'00'' W.; southwest to latitude 35°51'45'' N., longitude 121°07'45'' W.; west-southwest to latitude 35°49'45'' N., longitude 121°-21'00'' W.; northwest to latitude 35°53'00'' N., longitude 121°24'45'' W.; due north to latitude 36°01'00'' N.; east-northeast to latitude 36°03'30'' N., longitude 121°16'30'' W., point of beginning.

*Designated altitudes.* Surface to 40,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding Officer, Hunter-Liggett Military Reservation, Calif.

R–2514 Merced, Calif. (Castle AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area centered on the NW course of the Castle AFB ILS localizer, beginning 5 statute miles NW of the airbase extending to 32 statute miles NW of the airbase with a width of 2 statute miles at the beginning and 4.6 statute miles at the outer extremity.

*Designated altitudes.*

2,200 feet MSL to 15,200 feet MSL from 5 statute miles NW of the airbase to 6 statute miles NW of the airbase.

2,200 feet MSL to 24,200 feet MSL from 6 to 7 statute miles NW of the airbase.

2,200 feet MSL to 27,000 feet MSL from 7 to 10 statute miles NW of the airbase.

6,200 feet MSL to 27,000 feet MSL from 10 to 15 statute miles NW of the airbase.

10,200 feet MSL to 27,000 feet MSL from 15 to 20 statute miles NW of the airbase.

15,200 feet MSL to 27,000 feet MSL from 20 to 25 statute miles NW of the airbase.

19,200 feet MSL to 27,000 feet MSL from 25 to 32 statute miles NW of the airbase.

*Time of designation.* Continuous.

*Using agency.* Castle AFB Approach Control.

R–2516 Muroc Lake, Calif.

*Boundaries.* Beginning at latitude 35°-19'00'', longitude 116°49'00''; thence to latitude 35°10'00'', longitude 116°49'00''; thence to latitude 35°08'50'', longitude 116°48'40''; thence to latitude 35°06'30'', longitude 116°-58'40''; thence to latitude 34°53'30'', longitude 117°11'50''; thence to latitude 34°50'20'', longitude 117°32'00''; thence to latitude 34°48'30'', longitude 117°32'00''; thence along the boundary of Green Civil Airway No. 4; thence to latitude 34°48'00'', longitude 117°35'00''; thence to 34°48'00'', longitude 118°01'00''; thence to latitude 34°49'40'', longitude 118°05'45''; thence to latitude 35°01'00'', longitude 118°05'45''; thence to latitude 35°27'40'', longitude 117°-26'00''; thence to latitude 35°15'56'', longitude 116°55'20''; thence to latitude 35°19'-00'', longitude 116°55'20''; thence to point of beginning.

*Designated altitudes.* Unlimited.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Los Angeles ARTC Center.

*Using agency.* Commander, Edwards AFB, Calif.

R–2516 Naval Missile Facility, Point Arguello, Calif.

*Boundaries.* Beginning at latitude 34°56'-30'', longitude 120°43'30''; thence to latitude 34°55'40'', longitude 120°39'40''; thence to latitude 34°49'00'', longitude 120°27'15''; thence to latitude 34°46'15'', longitude 120°26'40''; thence to latitude 34°39'50'', longitude 120°31'15''; thence to latitude 34°35'00'', longitude 120°31'40''; thence to latitude 34°34'52'', longitude 120°42'37''; thence northward three nautical miles offshore to latitude 34°56'30'', longitude 120°-43'30''.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Pacific Missile Range, Point Mugu, Calif.

R–2517 Naval Missile Facility, Point Arguello, Calif.

*Boundaries.* Beginning at latitude 34°-34'52'' N., longitude 120°42'57'' W., thence to latitude 34°35'00'' N., longitude 120°30'00''

W., thence to latitude 34°24'00" N., longitude 120°30'00" W., thence northwest along a line three nautical miles offshore to point of beginning.

*Designated altitude.* Surface to unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Pacific Missile Range, Point Mugu, Calif.

R-2518 Offshore of California

*Boundaries.* A circular area with a 300 yard radius centered at latitude 33°02'04" N., longitude 118°36'47" W.

*Designated altitudes.* Surface to 2,000 feet MSL.

*Time of designation.* Days.

*Using agency.* Commander, 11th Naval District, San Diego, Calif.

R-2519 Point Mugu, Calif.

*Boundaries.* Beginning at latitude 34°07'-00" N., longitude 119°07'00" W.; southeast to latitude 34°04'15" N., longitude 119°03'-40" W.; south-southwest to latitude 34°02'-15" N., longitude 119°04'20" W.; northwesterly paralleling the shoreline at a distance of 3 nautical miles to latitude 34°05'30" N., longitude 119°13'00" W.; east-northeast to latitude 34°05'55" N., longitude 119°11'15" W.; northeast to latitude 34°07'08" N., longitude 119°09'32" W.; easterly to latitude 34°-07'00" N., longitude 119°07'00" W., point of beginning.

*Designated altitudes.* Unlimited.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Los Angeles ARTC Center.

*Using agency.* Commander, Pacific Missile Range, Point Mugu, Calif.

R-2520 Point Mugu, Calif.

*Boundaries.* Beginning at latitude 34°-08'30", longitude 119°06'10"; thence to latitude 34°07'00", longitude 119°03'00"; thence to latitude 34°06'15", longitude 119°05'25"; thence northwesterly along the present northeastern and northern boundaries of R-100 to latitude 34°07'15", longitude 119°-09'00"; thence to latitude 34°08'30", longitude 119°07'40"; thence along the southern boundary of OXNARD AFB Control Zone to the point of beginning.

*Designated altitudes.* Surface to 3,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Los Angeles ARTC Center.

*Using agency.* Commander, Pacific Missile Range, Point Mugu, Calif.

R-2521 Salton Sea, Calif.

*Boundaries.* Beginning at latitude 33°-18'00", longitude 115°44'00"; thence to latitude 33°10'40", longitude 115°44'00"; thence to latitude 33°10'40", longitude 115°-49'50"; thence to latitude 33°23'15", longitude 115°58'40"; thence to latitude 33°-26'15", longitude 115°54'00"; thence to point of beginning.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous.

*Using agency.* Manager, Atomic Energy Commission, Sandia Area Office, Albuquerque, N. Mex.

R-2522 San Rafael, Calif. (Hamilton AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area centered on the 325° True radial of the Hamilton TVOR extending from 7 statute miles NW of the airbase to 34 statute miles NW of the airbase having a width of 2 statute miles at the beginning and a width of 4.6 statute miles at the outer extremity.

*Designated altitudes.*

2,000' MSL to 15,000' MSL from 7 statute miles NW of the airbase to 8 statute miles NW of the airbase.

2,000' MSL to 24,000' MSL from 8 to 9 statute miles NW of the airbase.

2,000' MSL to 27,000' MSL from 9 to 12 statute miles NW of the airbase.

6,000' MSL to 27,000' MSL from 12 to 17 statute miles NW of the airbase.

10,000' MSL to 27,000' MSL from 17 to 22 statute miles NW of the airbase.

15,000' MSL to 27,000' MSL from 22 to 27 statute miles NW of the airbase.

19,000' MSL to 27,000' MSL from 27 to 34 statute miles NW of the airbase.

*Time of designation.* Continuous.

*Using agency.* Hamilton AFB Approach Control.

R-2523 Tomales Point, Calif.

*Boundaries.* Beginning at latitude 38°-13'36", longitude 122°59'51"; thence to latitude 38°13'09", longitude 123°01'07"; thence to latitude 38°12'00", longitude 123°01'07"; thence to latitude 38°10'22", longitude 123°-00'52"; thence to latitude 38°08'50", longitude 122°59'11"; thence to latitude 38°-09'11", longitude 122°58'07"; thence to latitude 38°10'31", longitude 122°58'16"; thence to point of beginning.

*Designated altitudes.* Surface to 2,000 feet MSL.

*Time of designation.* 0800 to 1600, local standard time, Monday through Friday, September 15 through July 1 annually.

*Using agency.* Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

R-2524 Trona, Calif.

*Boundaries.* Beginning at latitude 35°-47'46" N., longitude 116°55'20" W.; due south to latitude 35°15'56"; due west to longitude 117°16'52" W.; due north to latitude 35°25'00" N.; due west to longitude 117°-26'00" W.; due north to latitude 35°36'00" N.; due east to longitude 117°16'52" W.; due north to latitude 35°47'46" N.; due east to latitude 35°47'46" N., longitude 116°55'20" W., point of beginning.

*Designated altitudes.* Unlimited.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Los Angeles ARTC Center.

*Using agency.* Commander, Naval Ordnance Test Center, China Lake, Calif.

R-2525 Vernalis, Calif.

*Boundaries.* Beginning at latitude 37°-37'00" N., longitude 121°11'10" W.; south-southeast to latitude 37°27'00" N., longitude 121°07'45" W.; counterclockwise along the arc of a circle with a radius of 3 miles centered at latitude 37°24'30" N., longitude 121°06'30" W.; to latitude 37°22'00" N., longitude 121°06'00" W.; south-southeast to latitude 37°10'45" N., longitude 121°01'50" W.; west-northwest to latitude 37°15'55" N., longitude 121°27'30" W.; north-northwest to latitude 37°37'00" N., longitude 121°32'40" W.; due east to latitude 37°37'00" N., longitude 121°11'10" W., point of beginning.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* 1300–0800Z Monday through Friday.

*Using agency.* Commander, 12th Naval District, San Francisco, Calif.

R-2526 Victorville, Calif. (George AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area centered on the 242° True radial of the George Air Force Base terminal VOR extending from 5 statute miles west of the airbase to 30 statute miles west of the airbase having a width of 2 statute miles at the beginning and a width of 4.6 statute miles at the outer extremity.

*Designated altitudes.*

4,900 feet MSL to 17,900 feet MSL from 5 statute miles W of the airbase to 6 statute miles W of the airbase.

4,900 feet MSL to 26,900 feet MSL from 6 to 7 statute miles W of the airbase.

5,900 feet MSL to 27,000 feet MSL from 7 to 8 statute miles W of the airbase.

6,900 feet MSL to 27,000 feet MSL from 8 to 9 statute miles W of the airbase.

7,900 feet MSL to 27,000 feet MSL from 9 to 10 statute miles W of the airbase.

8,900 feet MSL to 27,000 feet MSL from 10 to 11 statute miles W of the airbase.

9,900 feet MSL to 27,000 feet MSL from 11 to 12 statute miles W of the airbase.

10,900 feet MSL to 27,000 feet MSL from 12 to 13 statute miles W of the airbase.

11,900 feet MSL to 27,000 feet MSL from 13 to 15 statute miles W of the airbase.

12,900 feet MSL to 27,000 feet MSL from 15 to 20 statute miles W of the airbase.

17,900 feet MSL to 27,000 feet MSL from 20 to 25 statute miles W of the airbase.

21,900 feet MSL to 27,000 feet MSL from 25 to 30 statute miles W of the airbase.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Palmdale Approach Control.

*Using agency.* Commander, George AFB, Calif.

## § 608.26 Colorado.

R-2601 Fort Carson, Colo.

*Boundaries.* Beginning at latitude 38°-32'06" N., longitude 104°49'18" W.; due east to longitude 104°45'00" W.; north to latitude 38°45'00" N., longitude 104°45'50" W.; northwest to latitude 38°46'05" N., longitude 104°48'48" W.; southwesterly along State Highway No. 115 to latitude 38°39'00" N., longitude 104°51'40" W.; due south to latitude 38°36'20" N.; southeast to latitude 38°-32'06" N., longitude 104°49'18" W., point of beginning.

*Designated altitudes.* Surface to 40,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Fort Carson, Colo.

## § 608.27 Connecticut.

## § 608.28 Delaware.

R-2801 Bethany Beach, Del.

*Boundaries.* Beginning at latitude 38°36'-50" N., longitude 74°59'50" W.; southerly paralleling the shoreline at a distance of 3 nautical miles to latitude 38°20'45" N., longitude 75°00'20" W.; west to latitude 38°21'00" N., longitude 75°05'00" W.; due north to latitude 38°31'00" N.; northeast to latitude 38°36'50" N., longitude 74°59'50" W, point of beginning.

*Designated altitudes.* Surface to 75,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding Officer, NAS, Patuxent River, Md.

R-2802 Milford, Del.

*Boundaries.* A circular area with a three-mile radius, centered at latitude 38°58'12" N., longitude 75°17'30" W.

*Designated altitudes.* Surface to 3,000 feet MSL.

*Time of designation.* From 0800 to 2200 local time April 15 through October 31. From 0800 to 2200 local time, Saturday and Sunday only, November 1 through April 14.

*Controlling agency.* Federal Aviation Agency, New York ARTC Center.

*Using agency.* Commanding Officer, NAS, Lakehurst, N.J.

R-2803 Dover, Del., Restricted Area/Military Climb Corridor.

*Boundaries.* That area based on the 184° True radials of the Dover AFB TVOR (latitude 39°07'40" N., longitude 75°27'38" W.) and Dover AFB TACAN (latitude 39°07'56" N., longitude 75°28'04" W.) beginning 5 statute miles south of the airbase and extending 32 statute miles south of the airbase, having a width at the beginning from 1 statute mile west of the TACAN 184° True radial to 2.3 statute miles east of the TVOR 184° True radial and expanding uniformly to a width at the outer extremity from 2.3 statute miles west of the TACAN 184° True radial to 2.3 statute miles east of the TVOR 184° True radial.



*Designated altitudes.*

2,000' MSL to 15,000' MSL from 5 statute miles south of the airbase to 6 statute miles south of the airbase.

3,000' MSL to 24,000' MSL from 6 to 7 statute miles south of the airbase.

2,000' MSL to 27,000' MSL from 7 to 10 statute miles south of the airbase.

6,000' MSL to 27,000' MSL from 10 to 15 statute miles south of the airbase.

10,000' MSL to 27,000' MSL from 15 to 20 statute miles south of the airbase.

15,000' MSL to 27,000' MSL from 20 to 25 statute miles south of the airbase.

19,000' MSL to 27,000' MSL from 25 to 32 statute miles south of the airbase.

*Time of designation.* Continuous.

*Using agency.* Dover AFB Approach Control.

## § 608.29 Florida.

R-2901 Avon Park, Fla.

*Boundaries.* Beginning at latitude 27°44'-27" N., longitude 81°15'19" W.; southeast to latitude 27°40'50" N., longitude 81°11'12" W.; due south to latitude 27°40'15" N.; due east to longitude 81°10'13" W.; due south to latitude 27°38'28" N.; due east to longitude 81°08'22" W.; southerly along the Kissimmee River to latitude 27°32'29" N., longitude 81°11'50" W.; due west to longitude 81°20'50" W.; northerly along Arbuckle Creek to Lake Arbuckle and along the east and north shore of Lake Arbuckle to latitude 27°-42'21" N., longitude 81°25'20" W.; northwest to latitude 27°42'36" N., longitude 81°26'09" W.; due north to latitude 27°42'59" N.; due west to longitude 81°26'24" W.; due north to latitude 27°43'12" N.; due west to longitude 81°26'39" W.; due north to latitude 27°44'27" N.; due east to latitude 27°44'27" N., longitude 81°15'19" W., point of beginning.

*Designated altitudes.* Surface to 50,000 feet MSL.

*Time of designation.* Daylight hours only.

*Using agency.* Commander, MacDill AFB, Fla.

R-2902 Banana River, Fla.

*Boundaries.* Beginning at latitude 28°50'-00", longitude 80°50'00"; due east to a point 3 nautical miles from the shoreline at longitude 80°41'35"; southerly paralleling the shoreline at a distance of 3 nautical miles to latitude 28°22'00", longitude 80°33'00"; due west to latitude 28°22'00", longitude 80°38'00"; north-northwest to latitude 28°-50'00", longitude 80°50'00", the point of beginning.

*Designated altitudes.* Unlimited.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Miami ARTC Center.

*Using agency.* Commander, Air Force Missile Test Center, Patrick AFB, Fla.

R-2903 Jacksonville, Fla.

*Boundaries.* Beginning at latitude 30°-21'20", longitude 81°55'45"; thence to latitude 30°16'45", longitude 81°50'25"; thence to latitude 30°16'45", longitude 81°40'00"; thence clockwise along an arc of a circle of 3 mile radius centered at latitude 30°14'00", longitude 81°40'00"; to latitude 30°14'00", longitude 81°37'00"; thence to latitude 30°-14'00", longitude 81°36'00"; thence to latitude 30°10'45", longitude 81°35'00"; thence to latitude 29°44'30", longitude 81°35'00"; thence to latitude 29°44'30", longitude 81°-42'00"; thence to latitude 29°50'00", longitude 81°57'00"; thence clockwise along the arc of a circle of 5 miles in radius centered at latitude 29°53'20", longitude 82°00'25"; to latitude 29°57'30", longitude 82°02'00"; but excluding that area one mile on either side of a 220° True bearing from, and more than two miles from latitude 29°53'20", longitude 82°00'25"; thence to latitude 30°00'00", longitude 82°02'00"; thence to latitude 30°00'00", longitude 82°19'30"; thence to latitude 30°03'00", longitude 82°20'00"; thence to latitude 30°22'00", longitude 82°-20'00"; thence to point of beginning latitude 30°21'20", longitude 81°55'45".

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Fleet Air, NAS, Jacksonville, Fla.

R-2904 Jacksonville, Fla.

*Boundaries.* Beginning at latitude 30°-00'00", longitude 82°02'00"; thence to latitude 29°57'30", longitude 82°02'00"; thence to counterclockwise along the arc of a circle 5 miles in radius centered at latitude 29°-53'20", longitude 82°00'25"; to latitude 29°53'30", longitude 82°05'30"; thence to latitude 29°53'30" longitude 82°18'00"; thence to latitude 30°00'00", longitude 82°-19'30"; thence to point of beginning latitude 30°00'00", longitude 82°02'00".

*Designated altitudes.* From 5,000 feet to unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Fleet Air, NAS, Jacksonville, Fla.

R-2905 Jacksonville, Fla.

*Boundaries.* Beginning at latitude 29°44'-30', longitude 81°42'00"; thence to latitude 29°44'30", longitude 82°00'00"; thence to latitude 29°49'00", longitude 82°00'00"; thence counterclockwise along the arc of a circle 5 miles in radius centered at latitude 29°53'20", longitude 82°00'25"; to latitude 29°50'00", longitude 81°57'00"; thence to point of beginning latitude 29°44'30", longitude 81°42'00".

*Designated altitudes.* 8,000 feet to unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Fleet Air, NAS, Jacksonville, Fla.

R-2906 Jacksonville, Fla.

*Boundaries.* Beginning at latitude 29°44'-30", longitude 81°35'00"; thence to latitude 29°23'00", longitude 81°35'00"; thence to latitude 29°23'00", longitude 81°40'00"; thence to latitude 29°21'30", longitude 81°-40'00"; thence to latitude 29°21'30", longitude 82°01'30"; thence to latitude 29°33'00", longitude 82°13'00"; thence to latitude 29°-42'00", longitude 82°14'00"; thence to latitude 29°53'30", longitude 82°18'00"; thence to latitude 29°53'30", longitude 82°05'30"; thence counterclockwise along the arc of a circle 5 miles in radius centered at latitude 29°53'20", longitude 82°00'25"; to latitude 29°50'35", longitude 82°04'30"; thence to latitude 29°49'35", longitude 82°03'00"; thence counterclockwise along the arc of a circle 2 miles in radius centered at latitude 29°53'20", longitude 82°00'25"; to latitude 29°51'35", longitude 82°01'15"; thence to latitude 29°49'35", longitude 82°03'00"; thence counterclockwise along the arc of a circle 5 miles in radius centered at latitude 29°53'20", longitude 82°00'25"; to latitude 29°49'00", longitude 82°00'00"; thence to latitude 29°44'30", longitude 82°00'00"; thence to point of beginning latitude 29°-44'30", longitude 81°35'00".

*Designated altitudes.* 15,000 feet to unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Fleet Air, NAS, Jacksonville, Fla.

R-2907 Lake George, Fla.

*Boundaries.* North boundary: latitude 29°23'00" N.; east boundary: longitude 81°-30'00"; south boundary: latitude 29°12'30"; west boundary: longitude 81°40'00". Excluding that portion which is within 5 miles of the centerline of VOR civil airway 267.

*Designated altitudes.* Surface to 50,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commander, Fleet Air, NAS, Jacksonville, Fla.

R-2908 Pensacola, Fla.

*Boundaries.* Bounded on the north by the Alabama/Florida coastline; bounded on the south by a line 3 nautical miles from and parallel to the Alabama/Florida coastline; bounded on the east by the Pensacola (Saufley) Control Area 601.1219; bounded on the west by longitude 88°01'30".

*Designated altitudes.* Surface to 12,000 feet MSL.

*Time of designation.* Daylight hours.

*Using agency.* Chief, Naval Air Basic Training, Pensacola, Fla.

R-2909 Pensacola, Fla.

*Boundaries.* Bounded on the north by the Florida coastline; bounded on the south by a line 3 nautical miles from and parallel to the Florida coastline; bounded on the east by longitude 86°48'00"; bounded on the west by the Pensacola Control Area.

*Designated altitudes.* Surface to 12,000 feet MSL.

*Time of designation.* Daylight hours.

*Using agency.* Chief, Naval Air Basic Training, Pensacola, Fla.

R-2910 Pinecastle, Fla.

*Boundaries.* Within a 6 mile radius of latitude 29°06'52", longitude 81°42'55".

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Fleet Air, NAS, Jacksonville, Fla.

R-2911 Port St. Joe, Fla.

*Boundaries.* Beginning at latitude 29°-52'24" N., longitude 85°23'24" W.; south-southeast to latitude 29°50'30" N., longitude 85°23'12" W.; due east to longitude 85°-22'30" W.; south-southeast to latitude 29°-42'00" N., longitude 85°20'30" W.; west-southwest to latitude 29°41'48" N., longitude 85°21'48" W.; south-southeast to latitude 29°40'00" N., longitude 85°21'36" W.; west-southwest to point 3 nautical miles from the shoreline at latitude 29°39'30" N., longitude 85°25'25" W.; northerly paralleling the shoreline at a distance of 3 nautical miles to latitude 29°50'10" N., longitude 85°28'40" W.; east-northeast to latitude 29°52'24" N., longitude 85°23'24" W., point of beginning.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* 0630 to 1700, Mondays through Saturdays.

*Using agency.* Commander, Tyndall AFB, Fla.

R-2912 Panama City, Fla.

*Boundaries.* Beginning at latitude 30°-43'00" N., longitude 85°14'00" W.; southeast to latitude 29°55'00" N., longitude 84°32'00" W.; southwest to the west end of Dog Island at latitude 29°47'00" N., longitude 84°40'00" W.; south-southeast to a point 3 nautical miles from the shoreline at latitude 29°-43'45" N., longitude 84°39'00" W.; westerly paralleling the shoreline at a distance of 3 nautical miles to latitude 29°39'30" N., longitude 85°25'25" W.; east-northeast to latitude 29°40'00" N., longitude 85°21'36" W.; north-northwest to latitude 29°41'48" N., longitude 85°21'48" W.; east-northeast to latitude 29°42'00" N., longitude 85°20'30" W.; north-northwest to latitude 29°50'30" N., longitude 85°22'30" W.; due west to longitude 85°23'12" W.; north-northwest to latitude 29°52'24" W.; longitude 85°23'24" W.; west-southwest to a point 3 nautical miles from the shoreline at latitude 29°-50'10" N., 85°28'40" W.; northwesterly paralleling the shoreline at a distance of 3 nautical miles to latitude 30°04'20" N., longitude 85°45'45" W.; northwest to latitude 30°-42'00" N., longitude 86°06'00" W.; easterly to latitude 30°43'00" N., longitude 85°14'00" W., point of beginning.

*Designated altitudes.* Surface to 40,000 feet MSL.

*Time of designation.* Continuous, sunset to sunrise. Only during Instrument Flight Rule conditions from sunrise to sunset.

*Using agency.* Commander, Tyndall AFB, Fla.

R-2913 Panama City, Fla.

*Boundaries.* Beginning at latitude 31°-10'20" N., longitude 86°18'00" W.; clockwise along the arc of a circle with a radius of 90 miles, centered at the Tyndall AFB radio range station at latitude 30°02'30" N., longitude 85°32'15" W. to a point 3 nautical miles from the shoreline at latitude 30°03'00" N., longitude 84°02'00" W.; westerly paralleling the shoreline at a distance of 3 nautical miles to latitude 29°36'30" N., longitude 85°-16'00" W.; northwest to the Tyndall AFB radio range station at latitude 30°02'30" N., longitude 85°32'15" W.; northwest to latitude 31°10'20" N., longitude 86°18'00" W., point of beginning, excluding the overlapped portions of the Tyndall AFB Restricted Area 183 and the Fort Rucker, Alabama Restricted Area.

*Designated altitudes.* 35,000 feet MSL to unlimited.

*Time of designation.* Sunset to sunrise.

*Using agency.* Commander, Tyndall AFB, Fla.

R-2914 Valparaiso, Fla.

*Boundaries.* Bounded on the northeast by a straight line between latitude 30°43'45", longitude 86°10'30", and latitude 30°41'00", longitude 86°05'30"; bounded on the east by Restricted Area R-183; bounded on the south by Warning Area W-151; bounded on the west by the Eglin AFB Control Area; bounded on the north by Civil airway Red No. 30.

*Designated altitudes.* Unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Air Proving Ground, Eglin AFB, Fla.

R-2915 Valparaiso, Fla.

*Boundaries.* Beginning at latitude 30°-33'40", longitude 86°55'00"; thence north to latitude 30°38'45", longitude 86°55'00"; thence northeasterly along the L & N Railroad to latitude 30°42'45", longitude 86°-45'45"; thence east to latitude 30°42'50", longitude 86°38'02"; thence south to latitude 30°29'01", longitude 86°38'02"; thence west to latitude 30°29'01", longitude 86°42'55"; thence southwest to latitude 30°26'40", longitude 86°45'38"; thence south to latitude 30°20'30", longitude 86°45'38"; thence westerly and three nautical miles from the shoreline to latitude 30°20'15", longitude 86°48'00"; thence north to latitude 30°-25'00", longitude 86°48'00"; thence westerly along U.S. Highway 98 to latitude 30°24'15", longitude 86°52'00"; thence along the Navarre-Milton Highway to latitude 30°33'40", longitude 86°55'00", the point of beginning.

*Designated altitudes.* Unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Air Proving Ground, Eglin AFB, Fla.

## § 608.30 Georgia.

R-3001 Dawsonville, Ga.

*Boundaries.* A circle of 2.5 mile radius of a point at latitude 34°22'00", longitude 84°10'00".

*Designated altitudes.* Surface to 5,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commander, Air Research and Development Command, Andrews AFB, Md.

R-3002 Fort Benning, Ga.

*Boundaries.* Beginning at latitude 32°-32'15" N., longitude 84°37'30" W.; due south to latitude 32°18'00" N.; northwesterly along the railroad to latitude 32°20'45" N., longitude 84°47'00" W.; southerly along the road to latitude 32°18'00" N., longitude 84°46'30" W.; south along the highway to latitude 32°-15'30" N., longitude 84°47'30" W.; due west longitude 84°53'30" W.; southwest along the river to latitude 32°14'45" N., longitude 84°-55'00" W.; due west to longitude 84°57'30" W.; northerly to latitude 32°18'30" N.; longitude 84°57'45" W.; northwest along the north bank of the river to latitude 32°18'45" N., longitude 84°58'30" W.; due north to latitude 32°20'16" N.; northeast to latitude 32°21'10" N., longitude 84°56'45" W.; due north to latitude 32°22'30" N.; northeast along the creek to latitude 32°24'14" N., longitude 84°53'21" W.; north-northeast to latitude 32°28'10" N., longitude 84°52'20" W.; due north to latitude 32°50'50" N.; easterly along the railroad to latitude 32°32'15" N., longitude 84°37'30" W., point of beginning.

*Designated altitudes.* Surface to 32,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Fort Benning, Ga.

R-3003 Fort Gordon, Ga.

*Boundaries.* Beginning at latitude 33°-23'35" N., longitude 82°06'30" W.; south to latitude 33°22'15" N., longitude 82°08'18" W.; southwest to latitude 33°21'35" N., longitude 82°09'10" W.; west to latitude 33°22'15" N., longitude 82°17'00" W.; northeast to latitude 33°25'00" N., longitude 82°12'00" W.; east-southeast to latitude 33°23'35" N., longitude 82°06'30" W., point of beginning.

*Designated altitudes.* Surface to 5,500 feet MSL.

*Time of designation.* 0700 to 1900 Monday through Saturday.

*Using agency.* Commanding Officer, Fort Gordon, Ga.

R-3004 Fort Gordon, Ga.

*Boundaries.* Beginning at latitude 33°21'-35" N., longitude 82°09'10" W.; southwest to latitude 33°16'20" N., longitude 82°18'00" W.; west-northwest to latitude 33°17'29" N., longitude 82°23'00" W.; northeast to latitude 33°21'15" N., longitude 82°18'47" W.; northeast to latitude 33°22'15" N., longitude 82°-17'00" W.; east to latitude 33°21'35" N., longitude 82°09'10" W., point of beginning.

*Designated altitudes.* Surface to 24,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding Officer, Fort Gordon, Ga.

R-3005 Fort Stewart, Ga.

*Boundaries.* Beginning at the Ogeechee River at latitude 32°04'15" N., longitude 81°-22'30" W.; southeasterly along the Ogeechee River to latitude 32°00'30" N., longitude 81°-19'30" W.; south-southwest to latitude 31°-58'45" N., longitude 81°19'45" W., southwest to latitude 31°56'15" N., longitude 81°23'00" W.; southwest to latitude 31°51'20" N., longitude 81°36'00" W.; west-northwest to latitude 31°55'30" N., longitude 81°53'00" W.; northerly to latitude 31°57'00" N., longitude 81°53'15" W.; northeast to latitude 31°59'45" N., longitude 81°51'06" W.; north-northeast to latitude 32°04'40" N., longitude 81°50'00" W.; east-northeast to latitude 32°07'00" N., longitude 81°43'30" W.; easterly to latitude 32°06'15" N., longitude 81°81'30" W.; due south to latitude 32°05'30" N., east-southeast to latitude 32°04'15" N., longitude 81°-22'30" W., point of beginning.

*Designated altitudes.* Surface to 40,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Fort Stewart, Ga.

## § 608.31 Hawaii.

R-3101 Bonham, Hawaii.

*Boundaries.* Beginning at latitude 22°12'-45" N., longitude 159°43'00" W.; thence to latitude 22°09'20" N., longitude 159°43'00" W.; thence counterclockwise along the shoreline of the Island of Kauai, T.H., to latitude 21°58'00" N., longitude 159°43'00" W.; thence to latitude 21°55'00" N., longitude 159°43'00" W.; thence clockwise along a line 3 nautical miles from the shoreline of the Island of Kauai, T.H., to latitude 22°12'45" N., longitude 159°43'00" W.; the point of beginning.

*Designated altitudes.* Surface to 5,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commander, Fleet Air Hawaii, NAS, Barber's Point, Hawaii.

R-3102 Dillingham, Hawaii.

*Boundaries.* Beginning at latitude 21°24'-45" N., longitude 158°17'20" W.; thence to latitude 21°35'20" N., longitude 158°19'40" W.; thence north and east along a line 3 statute miles from the shoreline of Oahu to latitude 21°37'50" N., longitude 158°08'30" W.; thence to latitude 21°35'30" N., longitude 158°11'30" W.; thence to latitude 21°-35'15" N., longitude 158°14'30" W.; thence to point of beginning.

*Designated altitudes.* 40,000 feet MSL.

*Time of designation.* As published in NOTAMS (Firing Notices). During the hours 0700–1700.

*Using agency.* Commanding General, U.S. Army Hawaii, Schofield Barracks, Hawaii.

R-3103 Humuula, Hawaii.

*Boundaries.* Beginning at latitude 19°46'-45", longitude 155°38'00"; thence to latitude 19°45'15", longitude 155°32'00"; thence to latitude 19°39'00", longitude 155°26'30"; thence to latitude 19°32'00", longitude 155°-42'00"; thence to latitude 19°38'00", longitude 155°45'10"; thence to latitude 19°41'-00", longitude 155°44'00"; thence to latitude 19°47'00", longitude 155°38'00"; thence to point of beginning.

*Designated altitudes.* 36,000 feet MSL.

*Time of designation.* As published in Notices to Airmen (Firing Notices) hours of daylight and darkness.

*Using agency.* Commanding General, U.S. Army Hawaii, Schofield Barracks, Hawaii.

R-3104 Island of Kahoolawe, Hawaii.

*Boundaries.* The airspace over the Island of Kahoolawe and the surrounding water area within one nautical mile of the island and excluding that portion overlapped by Red civil airway No. 87.

*Designated altitudes.* Unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Fleet Air, Hawaii NAS, Barber's Point, Hawaii.

R-3105 Kahuku, Oahu, Hawaii.

*Boundaries.* Beginning at latitude 21°41'-05", longitude 158°01'00"; thence to latitude 21°41'05", longitude 157°58'55"; thence to latitude 21°40'40", longitude 157°58'32"; thence to latitude 21°40'22", longitude 157°-57'39"; thence to latitude 21°37'35", longitude 157°55'33"; thence to latitude 21°37'-00", longitude 157°56'05"; thence to latitude 21°40'40", longitude 158°01'00"; thence to point of beginning.

*Designated altitudes.* 16,000 feet MSL.

*Time of designation.* As published in NOTAMS (Firing Notices) hours of daylight and darkness.

*Using agency.* Commanding General, U.S. Army Hawaii, Schofield Barracks, Hawaii.

R-3106 Kahuku Point, Oahu, Hawaii.

*Boundaries.* Area within a radius of 1.5 nautical miles centered at latitude 21°43'-00" N., and longitude 157°56'30" W.

*Designated altitudes.* 3,000 feet MSL.

*Time of designation.* As published in Notices to Airmen, hours of daylight and darkness.

*Using agency.* Commander, Fleet Air, Hawaii, NAS, Barber's Point, Hawaii.

R-3107 Kaula Rock, Hawaii.

*Boundaries.* A circular area with 8 nautical miles centered at latitude 21°39'30" N., longitude 160°32'30" W.



*Designated altitudes.* Surface to 30,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commander, Fleet Air, Hawaii, NAS, Barber's Point, Hawaii.

R-3108 Kauna Point, Hawaii.

*Boundaries.* The area bounded by a line from latitude 19°15'00" N., longitude 155°-56'00" W.; to latitude 18°58'43" N., longitude 155°47'30" W.; to latitude 18°56'22" N., longitude 155°47'30" W.; thence northwest along a line at a distance of 3 nautical miles from the shoreline of the Island of Hawaii, to latitude 19°14'35" N., longitude 155°57'-30" W.; and thence directly to the point of beginning.

*Designated altitudes.* Surface to 50,000 feet MSL.

*Time of designation.* Sunrise to sunset, Monday through Friday.

*Using agency.* Commander, Fleet Air, Hawaii, NAS, Barber's Point, Hawaii.

R-3109 Makua, Oahu, Hawaii.

*Boundaries.* Beginning at latitude 21°-35'30" N., longitude 158°11'30" W.; southeast to latitude 21°31'00" N., longitude 158°10'00" W.; west-southwest to latitude 21°30'30" N., longitude 158°12'30" W.; west-northwest to latitude 21°31'00" N., longitude 158°14'00" W.; north-northwest to latitude 21°32'30" N., longitude 158°14'30" W.; northwest to latitude 21°33'30" N., longitude 158°-13'30" W.; northwest to latitude 21°34'45" N., longitude 158°17'20" W.; east-northeast to latitude 21°35'15" N., longitude 158°14'-30" W.; easterly to latitude 21°35'30" N., longitude 158°11'30" W., point of beginning, excluding those portions overlapping the Mokuleia Restricted Area and the Kaena Point Caution Area.

*Designated altitudes.* Surface to 29,000 feet MSL.

*Time of designation.* Daylight and darkness as indicated in Notices to Airmen.

*Using agency.* Commanding General, U.S. Army Hawaii, Schofield Barracks, Hawaii.

R-3110 Schofield, Oahu, Hawaii.

*Boundaries.* Beginning at latitude 21°31'-06", longitude 158°04'45"; thence to latitude 21°31'40", longitude 158°05'30"; thence to latitude 21°35'30", longitude 158°11'30"; thence to latitude 21°31'00", longitude 158°-10'00"; thence to latitude 21°30'30", longitude 158°12'30"; thence to latitude 21°29'11", longitude 158°07'33"; thence to latitude 21°30'00", longitude 158°04'33"; to point of beginning.

*Designated altitudes.* 29,000 feet MSL.

*Time of designation.* As described in NOTAMS.

*Using agency.* Commanding General, U.S. Army Hawaii, Schofield Barracks, Hawaii.

## § 608.32 Idaho.

R-3201 Arco, Idaho.

*Boundaries.* Beginning at latitude 43°-56'20", longitude 112°43'50"; thence to latitude 43°50'20", longitude 112°30'00"; thence to latitude 43°32'00", longitude 112°35'00"; thence to latitude 43°27'00", longitude 113°-03'00"; thence to latitude 43°34'30", longitude 113°11'50"; thence to latitude 43°48'-40", longitude 112°49'40"; thence to point of beginning.

*Designated altitudes.* Surface to 20,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Manager, Atomic Energy Commission, Idaho Falls, Idaho.

R-3202 Sailor Creek, Idaho.

*Boundaries.* Beginning at latitude 42°51'-00" N., longitude 115°40'00" W.; east to longitude 115°35'00" W.; south to latitude 42°45'00" N.; east to longitude 115°10'00" W.; south to latitude 42°33'00" N.; west to longitude 115°40'00" W.; north to latitude 42°51'00" N., longitude 115°40'00" W., point of beginning.

*Designated altitudes.* Surface to 45,000 feet MSL.

*Time of designation.* Sunrise to sunset, Monday through Friday.

*Controlling agency.* Federal Aviation Agency, Seattle ARTC Center.

*Using agency.* Commander, Mountain Home AFB, Idaho.

## § 608.33 Illinois.

R-3301 Havana, Ill.

*Boundaries.* Two miles radius of latitude 40°13'16", longitude 90°01'23".

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous.

*Using agency.* Director, Central Radio Propagation Laboratory, National Bureau of Standards, Boulder, Colo.

R-3302 Savanna, Ill.

*Boundaries.* All that area within a circle whose radius is 1,500 feet and whose center is located at latitude 42°13'15", and longitude 90°21'24".

*Designated altitudes.* Surface to 1,900 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding Officer, Savanna Ordnance Depot, Savanna, Ill.

## § 608.34 Indiana.

R-3401 Camp Atterbury, Ind.

*Boundaries.* North boundary: latitude 39°21'30" N.; east boundary: longitude 85°-59'30" W.; south boundary: latitude 39°-13'00" N.; west boundary: 86°06'00" W.

*Designated altitudes.* Surface to 30,000 feet MSL.

*Time of designation.* Sunrise to sunset.

*Using agency.* Commanding Officer, Camp Atterbury, Ind.

R-3402 Bunker Hill AFB, Ind., Restricted Area/Military Climb Corridor.

*Boundaries.* That area based on the 256° True radial of the Bunker Hill Air Force Base, Ind., TACAN beginning 5 statute miles west of the TACAN and extending 32 statute miles west of the TACAN, having a width at the point of beginning of one statute mile north and 3 statute miles south of the 256° True radial and a width of 2.3 statute miles either side of the 256° True radial at the outer extremity.

*Designated altitudes.*

2,800' to 15,800' MSL from 5 statute miles west of the TACAN to 6 statute miles west of the TACAN.

2,800' to 24,800' MSL from 6 to 7 statute miles west of the TACAN.

2,800' to 27,000' MSL from 7 to 10 statute miles west of the TACAN.

6,800' to 27,000' MSL from 10 to 15 statute miles west of the TACAN.

10,800' to 27,000' MSL from 15 to 20 statute miles west of the TACAN.

15,800' to 27,000' MSL from 20 to 25 statute miles west of the TACAN.

19,800' to 27,000' MSL from 25 to 32 statute miles west of the TACAN.

*Time of use.* Continuous.

*Using agency.* Bunker Hill AFB Approach Control.

## § 608.35 Iowa.

## § 608.36 Kansas.

R-3601 Brookville, Kans.

*Boundaries.* Beginning at latitude 38°-45'20" N., longitude 97°43'55" W.; due south to latitude 38°43'00" N.; southwest along railroad to latitude 38°38'20" N., longitude 97°47'30" W.; due west to longitude 97°-53'22" W.; due north to latitude 38°45'20" N.; due east to latitude 38°45'20" N., longitude 97°43'55" W., point of beginning.

*Designated altitudes.* Surface to 45,000 feet MSL.

*Time of designation.* Days, continuous.

*Using agency.* Commander, 802d Air Division, Schilling AFB, Kans.

R-3602 Manhattan, Kans.

*Boundaries.* Beginning at latitude 39°-13'00", longitude 96°49'42"; thence to latitude 39°13'00", longitude 96°42'35"; thence to latitude 39°12'17", longitude 96°40'55"; thence to latitude 39°10'43", longitude 96°-40'55"; thence to latitude 39°09'23", longitude 96°43'00"; thence to latitude 39°06'20", longitude 96°43'00" thence to latitude 39°-04'24", longitude 96°47'30"; thence to latitude 39°04'24", longitude 96°52'22"; thence to latitude 39°07'54", longitude 96°49'42"; thence to latitude 39°13'00", longitude 96°-49'42", point of beginning.

*Designated altitudes.* Surface to 29,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Fort Riley, Kans.

## § 608.37 Kentucky.

R-3701 Camp Breckinridge, Ky.

*Boundaries.* From latitude 37°39'20" N., longitude 87°52'20" W., northeast to latitude 37°40'20" N., longitude 87°51'10" W., east to latitude 37°40'20" N., longitude 87°49'40" W., north to latitude 37°42'20" N., longitude 87°49'40" W., northeast to latitude 37°42'45" N., longitude 87°47'30" W., southeast to latitude 37°38'35" N., longitude 87°42'00" W., south to latitude 37°36'40" N., longitude 87°42'00" W., northwest to latitude 37°37'30" N., longitude 87°45'00" W., northwest to point of beginning.

*Designated altitudes.* Surface to 20,000 feet MSL.

*Time of designation.* June 1 through August 31 annually.

*Using agency.* Commanding General, U.S. Army Armor Center, Fort Knox, Ky.

R-3702 Fort Campbell, Ky.

*Boundaries.* Beginning at latitude 36°44'00", longitude 87°40'00"; to latitude 36°39'17", longitude 87°40'00"; to latitude 36°39'17", longitude 87°30'14"; to latitude 36°36'36", longitude 87°25'22"; to latitude 36°32'00", longitude 87°50'00"; to latitude 36°44'00", longitude 87°40'00"; point of beginning.

*Designated altitudes.* Surface to 40,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Fort Campbell, Ky.

R-3703 Fort Campbell, Ky.

*Boundaries.* Beginning at latitude 36°-39'17", longitude 87°30'14"; thence to latitude 36°39'17", longitude 87°29'38"; thence to latitude 36°41'00", longitude 87°27'30"; thence to latitude 36°36'36", longitude 87°-25'22".

*Designated altitudes.* Surface to 18,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Commanding General, Fort Campbell, Ky.

*Using agency.* Commanding General, Fort Campbell, Ky.

R-3704 Fort Knox, Ky.

*Boundaries.* From the southwestern corner of R-64 northerly along present boundary to a point latitude 37°55'17" N., then due west to a point latitude 37°55'17" N., longitude 85°57'16" W., then north-northwest to a point latitude 37°56'04" N., longitude 85°-57'33" W., then northeast along road to present boundary, then following present boundary to its north limit.

*Designated altitudes.* Surface to 20,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Standiford Control Tower, Louisville, Ky.

*Using agency.* Commanding General, U.S. Army Armor Center, Fort Knox, Ky.

### § 608.38 Louisiana.

R-3801 Camp Claiborne, La.

*Boundaries.* Southeast corner: latitude 31°05'10" N., longitude 92°30'40" W.; southwest corner: latitude 31°01'53" N., longitude 92°34'17" W.; northwest corner: latitude 31°07'30" N., longitude 92°40'45" W.; northeast corner: latitude 31°11'07" N., longitude 92°36'35" W.

*Designated altitudes.* Surface to 30,000 feet MSL.

*Time of designation.* 0600–1800 local time only during VFR weather conditions.

*Controlling agency.* Federal Aviation Agency, New Orleans ARTC Center.

*Using agency.* Commander, England AFB, La.

R-3803 Fort Polk, La.

*Boundaries.* North boundary: latitude 31°24'00" N.; east boundary: longitude 93°-10'00" W.; south boundary: latitude 31°19'-30" N.; west boundary: longitude 93°20'30" W.

*Designated altitudes.* Surface to 50,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Fort Hood, Tex.

R-3804 Fort Polk, La.

*Boundaries.* North boundary: latitude 31°10'00" N.; east boundary: longitude 92°-51'30" W.; south boundary: latitude 31°01'-00" N.; west boundary: longitude 93°12'30" W.

*Designated altitudes.* Surface to 50,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Fort Hood, Tex.

### § 608.39 Maine.

R-3901 De Blois, Maine.

*Boundaries.* North boundary: latitude 44°50'00" N.; south boundary: latitude 44°-40'00" N.; east boundary: longitude 67°42'-00" W.; west boundary: longitude 67°56'00" W.

*Designated altitudes.* Surface to 39,000 feet MSL.

*Time of designation.* 1000 hours to 2400 hours local standard time, Monday through Friday.

*Using agency.* Commander, Dow AFB, Maine.

R-3902 Limestone, Maine (Loring AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area centered on the 353° True radial of the Loring AFB TACAN extending from 5 statute miles N of the airbase to 32 statute miles N of the airbase having a width of 2 statute miles at the beginning and a width of 4.6 statute miles at the outer extremity, excluding that portion which lies outside of the United States.

*Designated altitudes.*

2,750' MSL to 15,750' MSL from 5 statute miles N of the airbase to 6 statute miles N of the airbase.

2,750' MSL to 24,750' MSL from 6 to 7 statute miles N of the airbase.

2,750' MSL to 27,000' MSL from 7 to 10 statute miles N of the airbase.

6,750' MSL to 27,000' MSL from 10 to 15 statute miles N of the airbase, except that portion outside the United States.

10,750' MSL to 27,000' MSL from 15 statute miles N of the airbase northward to the United States/Canadian Border.

*Time of designation.* Continuous.

*Using agency.* Loring AFB Approach Control.

R-3903 Bangor, Maine (Dow AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area centered on the 312° True radial of the Dow AFB TACAN beginning 8.2 statute miles northwest of the TACAN and extending 35.2 statute miles northwest of the TACAN, having a width of 2 statute miles at the beginning and 5 statute miles at the outer extremity.

*Designated altitudes.*

2,200' MSL to 15,200' MSL from 8.2 statute miles northwest of the TACAN to 9.2 statute miles northwest of the TACAN.

2,200' MSL to 24,000' MSL from 9.2 to 10.2 statute miles northwest of the TACAN.

2,200' MSL to 27,000' MSL from 10.2 to 13.2 statute miles northwest of the TACAN.

6,200' MSL to 27,000' MSL from 13.2 to 18.2 statute miles northwest of the TACAN.

10,200' MSL to 27,000' MSL from 18.2 to 23.2 statute miles northwest of the TACAN.

15,200' MSL to 27,000' MSL from 23.2 to 28.2 statute miles northwest of the TACAN.

19,200' MSL to 27,000' MSL from 28.2 to 35.2 statute miles northwest of the TACAN.

*Time of designation.* Continuous.

*Using agency.* Dow AFB Approach Control.

### § 608.40 Maryland.

R-4001 Aberdeen, Md.

*Boundaries.* From a point near Aberdeen, Md., at latitude 39°30'30" N., longitude 76°-10'00" W.; SE to latitude 39°29'00" N., longitude 76°08'00" W.; ENE to latitude 39°29'30" N., longitude 76°05'00" W.; SE to latitude 39°27'00" N., longitude 76°00'30" W.; SW to latitude 39°19'47" N., longitude 76°11'34" W.; SSW to latitude 39°12'10" N., longitude 76°-16'30" W.; W to latitude 39°12'45" N., longitude 76°22'30" W.; NNE to latitude 39°17'30" N., longitude 76°19'45" W.; NW to latitude 39°18'30" N., longitude 76°22'00" W.; N to latitude 39°22'00" N., longitude 76°22'00" W.; NE to latitude 39°23'28" N., longitude 76°20'40" W.; NE to latitude 39°26'10" N., longitude 76°14'50" W.; NE to latitude 39°-27'00" N., longitude 76°12'30" W.; NE to point of beginning.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Washington ARTC Center.

*Using agency.* Commanding General, Aberdeen Proving Ground, Md.

R-4002 Bloodsworth Island, Md.

*Boundaries.* Beginning at latitude 38°-13'00" N., longitude 76°00'00" W.; due south to latitude 38°08'00" N.; due west to longitude 76°08'50" W.; north-northwest to latitude 38°13'00" N., longitude 76°11'20" W.; due east to latitude 38°13'00" N., longitude 76°00'00" W., point of beginning.

*Designated altitudes.* Unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Amphibious Training Forces Atlantic, U.S. Naval Amphibious Base, Little Creek, Va.

R-4003 Camp Springs, Md. (Andrews AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area based on the 053° True radial of the Andrews AFB TVOR, beginning 5 statute miles NE of the airbase and extending 32 statute miles NE of the airbase, having a width of 1 statute mile SE and 2.3 statute miles NW of the 053° True radial at the beginning and a width of 2.3 statute miles on each side of the 053° True radial at the outer extremity.

*Designated altitudes.*

2,280' MSL to 15,280' MSL from 5 statute miles NE of the airbase to 6 statute miles NE of the airbase.

2,280' MSL to 24,280' MSL from 6 to 7 statute miles NE of the airbase.

2,280' MSL to 27,000' MSL from 7 to 10 statute miles NE of the airbase.

6,280' MSL to 27,000' MSL from 10 to 15 statute miles NE of the airbase.

10,280' MSL to 27,000' MSL from 15 to 20 statute miles NE of the airbase.

15,280' MSL to 27,000' MSL from 20 to 25 statute miles NE of the airbase.

19,280' MSL to 27,000' MSL from 25 to 32 statute miles NE of the airbase.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Andrews Approach Control.

*Using agency.* Commander, Andrews AFB, Md.

R-4004 Chesapeake Bay, Md.

*Boundaries.* Sector of a circle with 17,000 yard radius centered at latitude 38°39'30" N., longitude 76°34'30" W., between 31° true and 122° true, excluding that portion within the confines of Federal airways.

*Designated altitudes.* Surface to 20,000 feet MSL.

*Time of designation.* Daylight hours only.

*Using agency.* Commander, U.S. Naval Research Laboratory, Chesapeake Bay Annex, Md.

R-4005 Patuxent, Md.

*Boundaries.* Beginning at latitude 38°-18'26" N., longitude 76°14'30" W.; southeast to latitude 38°13'00" N., longitude 76°11'20" W.; due east to longitude 76°00'00" W.; due south to latitude 38°08'00" N.; due west to longitude 76°08'00" W.; south-southeast to latitude 37°55'15" N., longitude 76°08'20" W.; west-southwest to latitude 37°53'45" N., longitude 76°11'03" W.; northwest to latitude 38°02'20" N., longitude 76°17'24" W. due north to latitude 38°07'41" N.; northwest to latitude 38°15'00" N., longitude 76°-20'50" W.; northeast to latitude 38°18'26" N., longitude 76°17'05" W.; east to latitude 38°18'26" N., longitude 76°14'30" W., point of beginning.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous.

*Using agency.* Commanding Officer, NAS, Patuxent River, Md.

R-4006 Patuxent Md.

*Boundaries.* Beginning at the town of Federalsburg, Md.; latitude 38°41'15", longitude 75°46'00"; thence southerly to Sharptown, Maryland, latitude 38°32'30", longitude 75°43'45"; thence southeast to Fruitland, Maryland, latitude 38°19'00", longitude 75°37'00"; thence southerly along the railroad to Princess Anne, Maryland, latitude 38°12'30", longitude 75°41'30"; thence southwesterly to latitude 38°02'30", longitude 75°-52'30"; thence south to the west boundary of Victor 1 at latitude 37°55'00", longitude 75°52'30"; thence southwesterly to latitude 37°46'39", longitude 75°57'43"; (which is on the eastern boundary of R-88 and which is the point of beginning of the Chesapeake Bay, Virginia Controlled Firing Area); thence following the circumference of R-88 (5 nautical mile radius) to latitude 37°46'00", longitude 76°08'51" (which point is located on the southern circumference of R-88 and on the northern boundary of R-388); thence due west to latitude 37°45'00", longitude 76°23'30"; thence northwesterly to latitude 37°50'30", longitude 76°32'00"; thence northerly to latitude 38°05'10", longitude 76°34'15"; thence northeasterly to latitude 38°11'10", longitude 76°24'10"; thence northeasterly to latitude 38°30'00" longitude 76°04'00"; thence northeasterly to New Market, Maryland, latitude 38°36'00", longitude 75°55'30"; thence northeasterly along the railroad to Federalsburg, Maryland, latitude 38°41'15", longitude 75°46'00"; the point of beginning.

NOTE: From 3,500 feet to an unlimited altitude excluding R-39, R-418, R-88, R-[illegible] and excluding R-71, below 5,000 feet.

*Designated altitudes.* From 3,500 feet MSL to unlimited.

*Time of designation.* Continuous.

*Using agency.* Commanding Officer, NAS, Patuxent River, Md.



R-4007 Patuxent, Md.

*Boundaries.* Beginning at latitude 38°21'-00" N., longitude 76°14'00" W.; southeast to latitude 38°11'10" N., longitude 76°25'10" W.; southwest to latitude 38°05'10" N., longitude 76°34'05" W.; north-northwest to latitude 38°15'00" N., longitude 76°36'35" W.; northeast to latitude 38°17'25" N., longitude 76°33'00" W.; northeast to latitude 38°25'40" N., longitude 76°23'35" W.; southeast to latitude 38°21'00" N., longitude 76°14'00" W.; point of beginning.

*Designated altitudes.* Surface to 5,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding Officer, NAS, Patuxent River, Md.

### § 608.41 Massachusetts.

R-4101 Camp Edwards, Mass.

*Boundaries.* That area within a 3 mile radius of a point at latitude 41°43'30", longitude 70°32'30" excluding that portion southeast of a line between points at latitude 41°40'54", longitude 70°32'52", and latitude 41°44'17", longitude 70°29'11".

*Designated altitudes.* Surface to 12,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Otis Approach Control, Mass.

*Using agency.* Commanding Officer, Camp Edwards, Mass.

R-4102 Falmouth, Mass. (Otis AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area centered on the 39° True (054 M) radial of the Otis AFB TVOR beginning at a point 5 miles northeast of the airport and extending to a point 32 miles northeast thereof and having a width of 2 miles at a point 5 miles northeast of the airport and expanding to a width of 4.6 miles at a point 32 miles northeast of the airport.

*Designated altitudes.* The area described above shall include the airspace between the following altitudes only: 2,130 feet MSL to 15,130 feet MSL from an arc 5 miles northeast of the airport to an arc 6 miles northeast of the airport. 2,130 feet MSL to 24,130 feet MSL from an arc 6 miles to an arc 7 miles northeast of the airport. 2,130 feet MSL to 27,000 feet MSL from an arc 7 miles to an arc miles northeast of the airport. 6,130 feet MSL to 27,000 feet MSL from an arc 10 miles to an arc 15 miles northeast of the airport. 15,130 feet MSL to 27,000 feet MSL from an arc 15 miles to an arc 20 miles northeast of the airport. 15,130 feet MSL to 27,000 feet MSL from an arc 20 miles to an arc 25 miles northeast of the airport. 19,130 feet MSL to 27,000 feet MSL from an arc 25 miles to an arc 32 miles northeast of the airport.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Otis Approach Control.

*Using agency.* Commander, Otis AFB, Mass.

R-4104 Nashawena, Mass.

*Boundaries.* Target No. 1: A circular area having a radius of one and one-half nautical miles centered at latitude 41°27'06" N., longitude 70°54'10" W.

*Designated altitudes.* Surface to 12,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Quonset Approach Control, R.I.

*Using agency.* Commander, Fleet Air, Quonset Point, R.I.

R-4105 No Man's Land Island, Mass.

*Boundaries.* A circular area having a radius of 3 miles centered at latitude 41°15'-30" N., longitude 70°48'40" W.

*Designated altitudes.* Surface to 24,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Quonset Approach Control, R.I.

*Using agency.* Commander, Fleet Air, Quonset Point, R.I.

R-4106 North Eastham, Mass.

*Boundaries.* A circular area having a radius of 2 miles centered at latitude 41°51'00" N., longitude 70°03'00" W.

*Designated altitudes.* Surface to 3,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Otis Approach Control, Mass.

*Using agency.* Commander, Fleet Air, Quonset Point, R.I.

R-4107 South Wellfleet, Mass.

*Boundaries.* Beginning at latitude 42°05'-55" N., longitude 70°02'10" W.; southerly paralleling the shoreline at a distance of 3 nautical miles to latitude 41°48'30" N., longitude 69°51'50" W.; northwest to the town of North Eastham, Mass.; northerly along the railroad to the town of South Wellfleet, Mass.; northerly to latitude 42°05'55" N., longitude 70°02'10" W., point of beginning.

*Designated altitudes and time of designation.* Surface to 42,000 feet MSL, May 1 to September 30, 0730–1800 hours local standard time; and surface to 25,000 feet MSL October 1 to April 30, 0800–2000 hours local standard time, annually.

*Controlling agency.* Federal Aviation Agency, Otis Approach Control, Mass.

*Using agency.* Commanding General, First United States Army, Governor's Island, New York, N.Y.

### § 608.42 Michigan.

R-4201 Camp Grayling, Mich.

*Boundaries.* North boundary: latitude 44°54'00" N.; south boundary: latitude 44°-41'00" N.; east boundary: longitude 84°31'-00" W.; west boundary: longitude 84°40'00" W.

*Designated altitudes.* Surface to 20,000 feet MSL.

*Time of designation.* April 1 through October 30 annually.

*Using agency.* Adjutant General, State of Michigan, Lansing, Mich.

R-4202 Lake Margrethe, Mich.

*Boundaries.* North boundary: latitude 44°41'00" N.; south boundary: latitude 44°-36'00" N.; east boundary: longitude 84°46'-00" W.; west boundary: longitude 84°53'00" W.

*Designated altitudes.* Surface to 2,000 feet MSL.

*Time of designation.* April 1 through October 30 annually.

*Using agency.* Adjutant General, State of Michigan, Lansing, Mich.

R-4203 Mount Clemens, Mich. (Selfridge AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area based on the 336° True radial of the Selfridge AFB TVOR beginning 5 statute miles NW of the airbase and extending 32 statute miles NW of the airbase, having a width of 1 statute mile W and 3 statute miles E of the 336° True radial at the beginning and a width of 2.3 statute miles on each side of the 336° True radial at the outer extremity.

*Designated altitudes:*

2,600' MSL to 15,600' MSL from 5 statute miles NW of the airbase to 6 statute miles NW of the airbase.

2,600' MSL to 24,600' MSL from 6 to 7 statute miles NW of the airbase.

2,600' MSL to 27,000' MSL from 7 to 10 miles NW of the airbase.

6,600' MSL to 27,000' MSL from 10 to 15 statute miles NW of the airbase.

10,600' MSL to 27,000' MSL from 15 to 20 statute miles NW of the airbase.

15,600' MSL to 27,000' MSL from 20 to 25 statute miles NW of the airbase.

19,600' MSL to 27,000' MSL from 25 to 32 statute miles NW of the airbase.

*Time of designation.* Continuous.

*Using agency.* Selfridge AFB Approach Control.

R-4204 Oscoda, Mich. (Wurtsmith AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area based on the 266° True radial of the Wurtsmith TVOR, beginning 5 statute miles W of the airbase and extending 32 statute miles W of the airbase, having a width of 1 statute mile N and 2.3 statute miles S of the 266° True radial at the beginning, expanding to a width of 2.3 statute miles on the N side and remaining 2.3 statute miles wide on the S side of the 266° True radial at the outer extremity.

*Designated altitudes.*

2,600' to 15,600' MSL from 5 statute miles W of the airbase to 6 statute miles W of the airbase.

2,600' to 24,600' MSL from 6 to 7 statute miles W of the airbase.

2,600' to 27,000' MSL from 7 to 10 statute miles W of the airbase.

6,600' to 27,000' MSL from 10 to 15 statute miles W of the airbase.

10,600' to 27,000' MSL from 15 to 20 statute miles W of the airbase.

15,600' to 27,000' MSL from 20 to 25 statute miles W of the airbase.

19,600' to 27,000' MSL from 25 to 32 statute miles W of the airbase.

*Time of designation.* Continuous.

*Using agency.* Wurtsmith AFB Approach Control.

R-4205 Sault Ste. Marie, Mich, (Kincheloe AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* The airspace centered on the 149° True radial of the Kincheloe TVOR (latitude 46°14'48" N., longitude 84°28'10" W.) extending from a point seven statute miles southeast of the TVOR to a point 34 statute miles southeast of the TVOR having a width of two statute miles at a point seven statute miles from the TVOR and expanding to a width of 4.6 statute miles at a point 34 statute miles from the TVOR.

*Designated altitudes.*

2,800' to 15,800' MSL from a point 7 statute miles southeast of the TVOR to a point 8 statute miles southeast of the TVOR.

2,800' to 24,800' MSL from a point 8 statute miles to a point 9 statute miles from the TVOR.

2,800' to 27,000' MSL from a point 9 statute miles to a point 12 statute miles from the TVOR.

6,800' to 27,000' MSL from a point 12 statute miles to a point 17 statute miles from the TVOR.

10,800' to 27,000' MSL from a point 17 statute miles to a point 22 statute miles from the TVOR.

15,800' to 27,000' MSL from a point 22 statute miles to a point 27 statute miles from the TVOR.

19,800' to 27,000' MSL from a point 27 statute miles to a point 34 statute miles from the TVOR.

*Time of destination.* Continuous.

*Using agency.* Kincheloe AFB Control Tower.

R-4207 Upper Lake Huron, Mich.

*Boundaries.* From latitude 45°17'00" N., longitude 83°10'00" W., east to latitude 45°-17'00" N., longitude 82°30'30" W., south to latitude 44°07'00" N., longitude 82°14'45" W., west to latitude 44°07'00" N., longitude 83°01'00" W., north-northeast to latitude 44°30'00" N., longitude 82°51'00" W., north to latitude 44°45'00" N., longitude 82°50'00" W., northwest to latitude 44°55'00" N., longitude 83°10'00" W., north to point of beginning.

*Designated altitudes.* Surface to 50,000 feet MSL.

*Time of designation.* Sunrise to sunset.

*Using agency.* Commander, Wurtsmith AFB, Mich.

## § 608.43 Minnesota.

R–4301 Camp Ripley, Minn.

*Boundaries.* Beginning at latitude 46°17'-00" N., longitude 94°20'00" W.; due south to latitude 46°05'00" N.; due west to longitude 94°27'00" W.; due north to latitude 46°08'-00" N.; due west to longitude 94°30'00" W.; due north to latitude 46°17'00" N.; due east to latitude 46°17'00" N., longitude 94°20'00" W., point of beginning.

*Designated altitudes.* Surface to 27,000 feet MSL.

*Time of designation.* May 1 through November 1 annually.

*Using agency.* Adjutant General, State of Minnesota, Minneapolis, Minn.

R–4302 Duluth Municipal Airport, Minn., Restricted Area/Military Climb Corridor.

*Boundaries.* The airspace based on the 004° True radial of the Duluth TACAN, extending from a point 5 statute miles north of the airport to a point 32 statute miles north of the airport, having a width of 2.5 statute miles east and 1.5 statute miles west of the 004° True radial at the beginning and a width of 2.3 statute miles on each side of the 004° True radial at the outer extremity.

*Designated altitudes.*

3,400 feet MSL to 18,400 feet MSL from 5 statute miles north of the airport to 6 statute miles north of the airport.

3,400 feet MSL to 25,400 feet MSL from 6 to 7 statute miles north of the airport.

3,400 feet MSL to 27,000 feet MSL from 7 to 10 statute miles north of the airport.

7,400 feet MSL to 27,000 feet MSL from 10 to 15 statute miles north of the airport.

11,400 feet MSL to 27,000 feet MSL from 15 to 20 statute miles north of the airport.

16,400 feet MSL to 27,000 feet MSL from 20 to 25 statute miles north of the airport.

20,400 feet MSL to 27,000 feet MSL from 25 to 32 statute miles north of the airport.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Duluth Control Tower.

*Using agency.* Commander, 11th Fighter Interceptor Squadron, Duluth, Minn.

R–4303 Grand Marais, Minn.

*Boundaries.* From latitude 47°04'00", longitude 90°35'00"; to latitude 47°28'00", longitude 89°30'00"; to latitude 47°50'00", longitude 89°46'00"; to latitude 47°37'00", longitude 90°24'00"; to latitude 47°22'00", longitude 90°50'00".

*Designated altitudes.* Surface to 45,000 feet MSL.

*Time of designation.* Day and night.

*Using agency.* Commander, 343d Fighter Group, Duluth, Minn.

R–4304 Upper Red Lake, Minn.

*Boundaries.* North boundary, latitude 48°23'00" N.; east boundary, longitude 94°40'-00" W.; south boundary, latitude 48°13'00" N.; west boundary, longitude 95°00'00" W.

*Designated altitudes.* Surface to 10,000 feet MSL.

*Time of designation.* Sunrise to sunset, May 16 through October 14, and sunrise Saturday to sunset Sunday, October 15 through May 15, annually.

*Using agency.* Commanding Officer, NAS, Minneapolis, Minn.

## § 608.44 Mississippi.

R–4401 Camp Shelby, Miss.

*Boundaries.* Northwest corner: latitude 31°12'54" N., longitude 89°11'03" W.; Northeast corner: latitude 31°11'48" N., longitude 89°00'00" W.; Southeast corner: latitude 31°04'36" N., longitude 89°00'00" W.; southwest corner: latitude 31°04'36" N., longitude 89°11'03" W.

*Designated altitudes.* Surface to 13,000 feet MSL.

*Time of designation.* 0700 to 2300 local standard time, Monday through Friday, June through August, annually.

*Using agency.* Adjutant General, State of Mississippi, Jackson, Miss.

R–4402 Gulfport, Miss.

*Boundaries.* Starting at a point at latitude 30°13'30", longitude 88°01'30"; thence south to latitude 29°36'10", longitude 88°-01'30"; thence northwest to latitude 29°43'-30", longitude 88°54'00"; thence north to latitude 30°05'30", longitude 88°54'00"; thence to point of beginning, excluding that portion more than 3 nautical miles from the Mississippi shore.

*Designated altitudes.* 50,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commander, Air National Guard Training Site, Gulfport Municipal Airport, Gulfport, Miss.

R–4403 Pearl River, Miss.

*Boundaries.* Circular area with a 5 mile radius centered at latitude 30°23'00" N., longitude 89°34'00" W.

*Designated altitudes.* Surface to 20,000 feet.

*Time of designation.* 0800 to 1800.

*Using agency.* Commanding Officer, NAS, New Orleans, La.

## § 608.45 Missouri.

R–4501 Fort Leonard Wood, Mo.

*Boundaries.* Beginning at latitude 37°48'-15" N., longitude 92°02'00" W.; due south to latitude 37°43'00" N.; west-southwest to latitude 37°42'00" N., longitude 92°06'00" W.; due south to latitude 37°38'30" N.; west-southwest to latitude 37°36'30" N., longitude 92°11'00" W.; westerly to latitude 37°36'15" N., longitude 92°15'30" W.; due north to latitude 37°40'30" N., north-northeast to latitude 37°42'00" N., longitude 92°14'30" W.; northeast to latitude 37°48'15" N., longitude 92°04'00" W.; due east to latitude 37°48'15" N., longitude 92°02'00" W., point of beginning.

*Designated altitudes.* Surface to 6,000 feet MSL.

*Time of designation.* Unlimited.

*Using agency.* Commanding General, Fort Leonard Wood, Mo.

R–4502 Grandview, Mo. (Richards-Gebaur AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area centered on the Richards-Gebaur AFB ILS localizer south course, with a width of 2 statute miles beginning at a point 5 statute miles south of the airbase and extending to a width of 4.6 statute miles at 32 statute miles south of the airbase.

*Designated altitudes.* That area described above shall include the airspace between the following altitudes only:

3,100 feet MSL to 16,100 feet MSL from a point 5 statute miles south of the airbase to a point 6 statute miles south of the airbase.

3,100 feet MSL to 25,100 feet MSL from a point 6 statute miles south of the airbase to a point 7 statute miles south of the airbase.

3,100 feet MSL to 27,000 feet MSL from a point 7 statute miles south of the airbase to a point 10 statute miles south of the airbase.

7,100 feet MSL to 27,000 feet MSL from a point 10 statute miles south of the airbase to a point 15 statute miles south of the airbase.

11,100 feet MSL to 27,000 feet MSL from a point 15 statute miles south of the airbase to a point 20 statute miles south of the airbase.

16,100 feet MSL to 27,000 feet MSL from a point 20 statute miles south of the airbase to a point 25 statute miles south of the airbase.

20,100 feet MSL to 27,000 feet MSL from a point 25 statute miles south of the airbase to a point 32 statute miles south of the airbase.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Olathe Approach Control, Olathe, Kans.

*Using agency.* Commander, Richards-Gebaur AFB, Mo.

## § 608.46 Montana.

R–4601 Glasgow, Mont. (Glasgow AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area centered on the 299° True radial of the Glasgow TACAN extending from 5 statute miles NW of the airbase to 30 statute miles NW of the airbase having a width of 2 statute miles at the beginning and a width of 4.6 statute miles at the outer extremity.

*Designated altitudes.*

4,800' MSL to 17,800' MSL from 5 statute miles NW of the airbase to 6 statute miles NW of the airbase.

4,800' MSL to 26,800' MSL from 6 to 7 statute miles NW of the airbase.

4,800' MSL to 27,000' MSL from 7 to 10 statute miles NW of the airbase.

8,800' MSL to 27,000' MSL from 10 to 15 statute miles NW of the airbase.

12,800' MSL to 27,000' MSL from 15 to 20 statute miles NW of the airbase.

17,800' MSL to 27,000' MSL from 20 to 25 statute miles NW of the airbase.

21,800' MSL to 27,000' MSL from 25 to 30 statute miles NW of the airbase.

*Time of designation.* Continuous.

*Using agency.* Glasgow AFB Approach Control.

## § 608.47 Nebraska.

## § 608.48 Nevada.

R–4801 Black Rock Desert, Nev.

*Boundaries.* Beginning at latitude 41°25'-00", longitude 118°40'00", thence S to latitude 41°22'30", thence E to longitude 118°-39'30", thence S to latitude 41°12'00", thence W to longitude 118°42'30", thence S to latitude 40°57'30", longitude 118°43'00", thence W to longitude 118°47'00", thence S to latitude 40°55'00", thence WSW to latitude 40°54'00", longitude 118°55'00", thence SW to latitude 40°47'00", longitude 119°11'-30", thence N to latitude 40°57'30", thence E to longitude 119°04'00", thence NE to latitude 41°25'00", longitude 118°45'30", thence E to latitude 41°25'00", longitude 118°40'00", point of beginning.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* 60,000 feet—1 hour prior to sunrise to 1 hour after sunset daily except Sunday. 15,000 feet—1 hour after sunset to 0100 daily except Sunday.

*Using agency.* Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

R–4802 Lone Rock, Nev.

*Boundaries.* A circular area within a 3-mile radius of latitude 39°52'36" N., longitude 118°20'47" W.

*Designated altitudes.* Surface to 8,000 feet.

*Time of designation.* Continuous, except Sunday.

*Using agency.* Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

R–4803 Fallon, Nev.

*Boundaries.* Beginning at latitude 39°24'-00", longitude 119°00'00"; thence to latitude 39°24'00", longitude 118°55'30"; thence to latitude 39°16'30", longitude 118°37'00"; thence to latitude 39°11'30", longitude 118°32'00"; thence to latitude 39°02'00", longitude 118°32'00"; thence to latitude 39°02'00", longitude 118°51'20"; thence to latitude 39°10'30", longitude 119°06'00"; thence to latitude 39°15'00", longitude 119°-06'00"; thence to point of beginning.

*Designated altitudes.* Surface to 30,000 feet.

*Time of designation.* Continuous except Sunday.

*Using agency.* Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

R–4804 Fallon, Nev.

*Boundaries.* Beginning at latitude 39°09'-00", longitude 118°13'45"; thence to latitude 39°19'00", longitude 118°24'30"; thence to latitude 39°19'00", longitude 118°07'00"; thence to latitude 39°09'00", longitude 118°-07'00"; thence to point of beginning.

*Designated altitudes.* 30,000 feet.

*Time of designation.* Continuous except Sunday.

*Using agency.* Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

R–4805 Sahwave Mountains, Nev.

*Boundaries.* Beginning at latitude 40°-40'00" N., longitude 118°49'00" W.; due south to latitude 40°04'00" N.; west-southwest to latitude 40°00'00" N., longitude 118°57'00" W.; due west to longitude 119°13'00" W.; due north to latitude 40°40'00" N.; due east to latitude 40°40'00" N., longitude 118°49'00" W., point of beginning.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

R–4806 Tonopah, Nev.

*Boundaries.* Beginning at latitude 37°-53'00", longitude 116°11'00"; thence to latitude 37°42'00", longitude 116°11'00"; thence to latitude 37°42'00", longitude 115°53'00"; thence to latitude 37°33'00", longitude 115°-53'00"; thence to latitude 37°33'00", longitude 115°48'00"; thence to latitude 37°-17'00", longitude 115°48'00"; thence to latitude 37°17'00", longitude 115°18'00"; thence to latitude 36°26'00", longitude 115°18'00"; thence to latitude 36°26'00", longitude 115°-18'00"; thence to latitude 36°26'00", longitude 115°23'00"; thence to latitude 36°-35'00", longitude 115°37'00"; thence to latitude 36°35'00", longitude 115°42'00"; thence to latitude 36°41'00", longitude 115°42'00"; thence to latitude 36°41'00", longitude 116°-26'30"; thence to latitude 36°51'00", longitude 116°26'30"; thence to latitude 36°-51'00", longitude 116°34'00"; thence to latitude 37°26'30", longitude 117°04'30"; thence to latitude 37°53'00", longitude 117°01'00"; thence to latitude 37°53'00", longitude 116°-11'00"; the point of beginning, excluding the Las Vegas Airspace Reservation (Prohibited Area P–275).

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Nellis AFB, Nev.

## § 608.49 New Hampshire.

R–4901 Isle of Shoals, N.H.

*Boundaries.* Straight lines connecting the following: latitude 42°59'54" N., longitude 70°38'21" W.; latitude 43°02'21" N., longitude 70°37'14" W.; latitude 43°01'30" N., longitude 70°33'49" W.; latitude 42°59'03" N., longitude 70°35'00" W.

*Designated altitudes.* Surface to 3,000 feet MSL.

*Time of designation.* Daylight hours only.

*Using agency.* Commander, Fleet Air Detachment, NAS, Brunswick, Maine.

## § 608.50 New Jersey.

R–5001 Fort Dix, N.J.

*Boundaries.* Beginning at latitude 40°-02'45" N., longitude 74°27'00" W.; southsoutheast to latitude 39°58'45" N., longitude 74°25'40" W.; west to latitude 39°58'45" N., longitude 74°33'30" W.; north to latitude 40°02'45" N., longitude 74°33'30" W.; east to point of beginning.

*Designated altitude.* Surface to 8,000 feet MSL, for a period of 1 year, February 9, 1961 to February 8, 1962; as of February 9, 1962, surface to 4,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, First United States Army, Governor's Island, New York, N.Y.

R–5002 Warren Grove, N.J.

*Boundaries.* Beginning at latitude 39°-46'10" N., longitude 74°20'14" W.; to latitude 39°43'25" N., longitude 74°17'37" W.; to latitude 39°36'36" N., longitude 74°-23'27" W.; to latitude 39°39'50" N., longitude 74°25'52" W.; to latitude 39°43'58" N., longitude 74°24'13" W.; to point of beginning.

*Designated altitudes.* Surface to 4,000 feet MSL.

*Time of designation.* From 0700 to 1700 e.s.t., daily, June 1 through August 31. From 0800 to 1800 e.s.t., Fridays, Saturdays, and Sundays, September 1 through May 31.

*Controlling agency.* Federal Aviation Agency, New York ARTC Center.

*Using agency.* Commander, 108th Tactical Fighter Wing, New Jersey Air National Guard, McGuire AFB, N.J.

R–5003 Wrightstown, N.J. (McGuire AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area centered on the 226° True radial of the McGuire TVOR extending from 5 statute miles SW of the airbase to 32 statute miles SW of the airbase having a width of 2 statute miles at the beginning and a width of 4.6 statute miles at the outer extremity.

*Designated altitudes.*

2,100' MSL to 15,000' MSL from 5 statute miles SW of the airbase to 6 statute miles SW of the airbase.

2,100' MSL to 24,100' MSL from 6 to 7 statute miles SW of the airbase.

2,100' MSL to 27,000' MSL from 7 to 10 statute miles SW of the airbase.

6,100' MSL to 27,000' MSL from 10 to 15 statute miles SW of the airbase.

10,100' MSL to 27,000' MSL from 15 to 20 statute miles SW of the airbase.

15,100' MSL to 27,000' MSL from 20 to 25 statute miles SW of the airbase.

19,100' MSL to 27,000' MSL from 25 to 32 statute miles SW of the airbase.

*Time of designation.* Continuous.

*Using agency.* McGuire AFB Approach Control.

## § 608.51 New Mexico.

R–5101 Los Alamos, N. Mex.

*Boundaries.* Beginning at latitude 35°-45'15" N., longitude 106°15'12" W.; thence to latitude 35°50'03" N., longitude 106°21'38" W.; thence to latitude 35°52'22" N., longitude 106°20'42" W.; thence to latitude 35°-52'52" N., longitude 106°16'48" W.; thence to latitude 35°52'30" N., longitude 106°14'48" W.; thence to latitude 35°48'35" N., longitude 106°14'48" W.; thence to latitude 35°-47'05" N., longitude 106°12'06" W.; thence to the point of beginning.

*Designated altitudes.* Surface to 12,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Manager, Atomic Energy Commission, Los Alamos, N. Mex.

R–5102 Los Alamos, N. Mex.

*Boundaries.* Beginning at latitude 35°-52'53" N., longitude 106°14'06" W.; thence to latitude 35°53'03" N., longitude 106°-16'09" W.; thence to latitude 35°54'45" N., longitude 106°16'09" W.; thence on the arc of a circle with a radius of 10,000 feet, centered at latitude 35°53'03" N., longitude 106°16'09" W., to the point of beginning.

*Designated altitudes.* Surface to 12,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Manager, Atomic Energy Commission, Los Alamos, N. Mex.

R–5103 McGregor, N. Mex.

*Boundaries.* Beginning at latitude 32°-27'40" N., longitude 106°00'00" W.; due north paralleling the eastern boundary of restricted area (R–210) to latitude 32°36'00" N., longitude 106°00'00" W.; northeasterly to latitude 32°45'00" N., longitude 105°59'00" W.; due east to latitude 32°45'00" N., longitude 105°30'00" W.; due south to latitude 32°26'20", longitude 105°30'00" W.; southwesterly parallel to Red 71 airway to latitude 32°00'00" N.; longitude 105°57'00" W.; due west to latitude 32°00'00" N., longitude 106°10'30" W.; northerly to latitude 32°05'20" N., longitude 106°09'20" W.; westerly to the Southern Pacific Railroad at latitude 32°06'00" N., longitude 106°15'30" W.; northeast following the railroad to latitude 32°28'00" N., longitude 106°02'00" W.; eastsoutheast to latitude 32°27'40" N., longitude 106°00'00" W.; point of beginning.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Fort Bliss, Tex.

R–5104 Melrose, N. Mex.

*Boundaries.* Beginning at latitude 34°-28'00", longitude 103°43'15"; thence to latitude 34°25'25", longitude 103°40'00"; thence to latitude 34°10'00", longitude 103°40'00"; thence to latitude 34°10'00", longitude 103°-55'00"; thence to latitude 34°28'00", longitude 103°55'00"; thence to point of beginning.

*Designated altitudes.* 50,000 feet MSL.

*Time of designation.* Sunrise to sunset.

*Using agency.* Commander, Cannon AFB, N. Mex.

R–5105 Melrose, N. Mex.

*Boundaries.* That airspace bounded on the north by latitude 34°39'00", on the east by longitude 103°40'00", on the south by Melrose restricted area R–185, and on the west by longitude 103°55'00".

NOTE: The area will be used only when the ceiling is more than 3,000 feet and visibility greater than 5 miles.

*Designated altitudes.* Surface to 15,000 feet MSL.

*Time of designation.* Sunrise to sunset daily.

*Using agency.* Commander, Cannon AFB, N. Mex.

R–5106 Oro Grande, N. Mex.

*Boundaries.* Beginning at latitude 32°36'-00" N., longitude 106°00'00" W.; due south to latitude 32°27'40" N.; west to latitude 32°28'00" N., longitude 106°02'00" W.; southwesterly along the Southern Pacific Railroad to the town of Oro Grande at latitude 32°-22'00" N., longitude 106°05'00" W.; southwest along Southern Pacific Railroad to latitude 32°06'15" N., longitude 106°15'15" W.; 2 miles westerly to latitude 32°06'30" N., longitude 106°17'15" W.; northeasterly on a line 2 miles west of and parallel to the Southern Pacific Railroad to latitude 32°23'-00" N., longitude 106°07'00" W.; northnortheast to latitude 32°25'00" N., longitude 106°06'00" W.; due north to latitude 32°36'-00" N.; due east to latitude 32°36'00" N., longitude 106°00'00" W., point of beginning.

*Designated altitudes.* From 4,000 feet above ground to unlimited.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Fort Bliss, Tex.

R–5107 White Sands Proving Grounds, N. Mex.

*Boundaries.* Beginning at latitude 34°-15'45", longitude 106°40'30"; thence to latitude 34°17'00", longitude 106°12'00"; thence to latitude 34°17'00", longitude 106°04'00";

thence to latitude 32°50'00", longitude 106°04'00"; thence to latitude 32°36'00", longitude 106°06'00"; thence to latitude 32°-25'00", longitude 106°06'00"; thence to latitude 32°00'00", longitude 106°21'00"; thence to latitude 32°00'00", longitude 106°34'00"; thence to latitude 32°18'00", longitude 106°-34'00"; thence to latitude 32°18'00", longitude 106°39'00"; thence to latitude 33°-13'00", longitude 106°52'00"; thence to point of beginning.

*Designated altitudes.* Unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Holloman AFB, N. Mex.

R-5108 White Sands, N. Mex.

*Boundaries.* That airspace west of White Sands Restricted Area No. 1 (R-209), described above, which is bounded by an arc of 33½ statute miles radius centered at north latitude 33°46'45", west longitude 106°-46'00".

*Designated altitudes.* From 20,000 feet MSL to unlimited.

*Time of designation.* Unlimited, except at such time as released to ARTC Center by controlling agency.

*Using agency.* Commander, Holloman AFB, N. Mex.

R-5109 White Sands, N. Mex.

*Boundaries.* Beginning at latitude 34°-17'00", longitude 106°04'00"; thence to latitude 34°17'00", longitude 105°51'00"; thence to latitude 33°57'00", longitude 105°27'00"; thence to latitude 32°45'00", longitude 105°-27'00"; thence to latitude 32°45'00", longitude 105°59'00"; thence to latitude 32°-36'00", longitude 106°00'00"; thence to latitude 32°36'00", longitude 106°06'00"; thence to latitude 32°50'00", longitude 106°04'00"; thence to point of beginning.

*Designated altitudes.* From 16,000 feet mean sea level to unlimited.

*Time of designation.* Unlimited, except at such time as released to Albuquerque ARTC Center by controlling agency.

*Using agency.* Commander, Holloman AFB, N. Mex.

## § 608.52 New York.

R-5201 Camp Drum, N.Y.

*Boundaries.* Beginning at latitude 44°-15'00" N., longitude 75°31'30" W.; Southwest to latitude 44°11'15" N., longitude 75°25'00" W.; Southwest to latitude 44°03'-00" N., longitude 75°33'30" W.; West to latitude 44°03'15" N., longitude 75°37'39" W.; Northwest to latitude 44°06'44" N., longitude 75°43'54" W.; Thence northeast to the point of beginning.

*Designated altitudes.* Surface to 23,000 feet MSL, May 1 through October 31 annually; Surface to 20,000 feet MSL, November 1 through April 30 annually.

*Time of designation.* Continuous.

*Using agency.* Commanding General, First United States Army, Governor's Island, New York, N.Y.

R-5202 Gardiner's Island, N.Y.

*Boundaries.* A circular area with a radius of 3 nautical miles centered at latitude 41°08'30" N., longitude 72°09'50" W.

*Designated altitudes.* Surface to 6,000 feet MSL.

*Time of designation.* Days.

*Controlling agency.* Federal Aviation Agency, New York ARTC Center.

*Using agency.* Commanding Officer, NAS, New York, N.Y.

R-5203 Oswego, N.Y.

*Boundaries.* North boundary, latitude 43°37'00" N.; east boundary, longitude 76°45'00" W.; south boundary, latitude 43°24'00" N.; west boundary, longitude 78°00'00" W.

*Designated altitudes.* Surface to 32,000 feet MSL.

*Time of designation.* Sunrise to sunset, March 30 to November 30, annually.

*Using agency.* Commander, Air National Guard, Permanent Training Site, Hancock Field, Syracuse, N.Y.

R-5204 Rome, N.Y. (Griffiss AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area based on the 138° and the 318° True radials of the Griffiss VOR and the 318° True radial of the Griffiss TACAN, extending from 5 statute miles northwest of the airbase to 32 statute miles northwest of the airbase, having a width from 1 statute mile southwest of the 138° True radial of the VOR to 1 statute mile northeast of the 318° True radial of the TACAN at the point of beginning, expanding uniformly to a width of 2.3 statute miles southwest of the 318° True radial of the VOR to 2.3 statute miles northeast of the 318° True radial of the TACAN at the outer extremity.

*Designated altitudes.*

2,500' MSL to 15,500' MSL from 5 statute miles NW of the airbase to 6 statute miles NW of the airbase.

2,500' MSL to 24,500' MSL from 6 to 7 statute miles NW of the airbase.

2,500' MSL to 27,000' MSL from 7 to 10 statute miles NW of the airbase.

6,500' MSL to 27,000' MSL from 10 to 15 statute miles NW of the airbase.

10,500' MSL to 27,000' MSL from 15 to 20 statute miles NW of the airbase.

15,500' MSL to 27,000' MSL from 20 to 25 statute miles NW of the airbase.

19,500' MSL to 27,000' MSL from 25 to 32 statute miles NW of the airbase.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Griffiss Approach Control.

*Using agency.* Commander, Griffiss AFB, N.Y.

R-5205 Westhampton Beach, N.Y. (Suffolk AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area centered on the 039° True radial of the Suffolk TVOR extending from 5 statute miles NE of the airbase to 32 statute miles NE of the airbase having a width of 2 statute miles at the beginning and 4.6 statute miles at the outer extremity.

*Designated altitudes.*

2,100' MSL to 15,000' MSL from 5 statute miles NE of the airbase to 6 statute miles NE of the airbase.

2,100' MSL to 24,100' MSL from 6 to 7 statute miles NE of the airbase.

2,100' MSL to 27,000' MSL from 7 to 10 statute miles NE of the airbase.

6,100' MSL to 27,000' MSL from 10 to 15 statute miles NE of the airbase.

10,100' MSL to 27,000' MSL from 15 to 20 statute miles NE of the airbase.

15,100' MSL to 27,000' MSL from 20 to 25 statute miles NE of the airbase.

19,100' MSL to 27,000' MSL from 25 to 32 statute miles NE of the airbase.

*Time of designation.* Continuous.

*Using agency.* Suffolk AFB Approach Control.

R-5206 West Point, N.Y.

*Boundaries.* Beginning at latitude 41°19'-40" N., longitude 74°03'33" W.; to a distance of approximately 2.84 miles on a bearing of 90° true to latitude 41°19'40" N., longitude 74°00'26" W.; to a distance of approximately 1.12 miles on a bearing of 0° true to latitude 41°20'40" N., longitude 74°00'26" W.; to a distance of approximately 1.12 miles on a bearing of 90° true to latitude 41°20'40" N., longitude 73°58'58" W.; to a distance of approximately 2.3 miles on a bearing 0° true to latitude 41°22'40" N., longitude 73°58'58" W., which point is on the west edge of U.S. Highway No. 9W; in a northwesterly direction along the west side of U.S. Highway No. 9W, to latitude 41°23'08" N., longitude 73°-59'42" W.; to a distance of approximately 0.35 mile on a bearing of 270° true to latitude 41°23'08" N., longitude 74°00'00" W., which point is on the east edge of New York State Highway No. 293, thence in a southwesterly direction along the east side of New York State Highway No. 293 to latitude 41°-20'40" N., longitude 74°03'33" W.; to a distance of approximately 1.17 miles on a bearing of 180° true to the point of beginning.

*Designated altitudes.* Surface to 7,000 feet MSL.

*Time of designation.* 0600 to 1600 EST, Monday through Saturday, May 1 through August 31, annually.

*Controlling agency.* Federal Aviation Agency, New York ARTC Center.

*Using agency.* Superintendent, U.S. Military Academy, West Point, N.Y.

## § 608.53 North Carolina.

R-5301 Albemarle Sound, N.C.

*Boundaries.* Circle with 3 mile radius centered at latitude 36°03'30" N., longitude 76°20'00" W.

*Designated altitudes.* Surface to 20,000 feet MSL.

*Time of designation.* Daylight hours only.

*Using agency.* Commander, Fleet Air, NAS, Norfolk, Va.

R-5302 Albemarle Sound, N.C.

*Boundaries.* Circle with 3 mile radius centered at latitude 35°58'44" N., longitude 76°21'34" W.

*Designated altitudes.* Surface to 20,000 feet MSL.

*Time of designation.* Daylight hours only.

*Using agency.* Commander, Fleet Air, NAS, Norfolk, Va.

R-5303 Albemarle Sound, N.C.

*Boundaries.* Circle with 3 mile radius centered at latitude 35°59'16" N., longitude 76°15'58" W.

*Designated altitudes.* Surface to 20,000 feet MSL.

*Time of designation.* Daylight hours only.

*Using agency.* Commander, Fleet Air, NAS, Norfolk, Va.

R-5304 Albemarle Sound, N.C.

*Boundaries.* Circle with 3 mile radius centered at latitude 36°00'05" N., longitude 76°10'54" W.

*Designated altitudes.* Surface to 20,000 feet MSL.

*Time of designation.* Daylight hours only.

*Using agency.* Commander, Fleet Air, NAS, Norfolk, Va.

R-5305 Albemarle Sound, N.C.

*Boundaries.* Circle with 3 mile radius centered at latitude 36°00'33" N., longitude 76°05'58" W.

*Designated altitudes.* Surface to 20,000 feet MSL.

*Time of designation.* Daylight hours only.

*Using agency.* Commander, Fleet Air, NAS, Norfolk, Va.

R-5306 Cherry Point, N.C.

*Boundaries.* Beginning at a point at latitude 35°46'30", longitude 76°47'00"; thence clockwise along the arc of a circle with a radius of 60 statute miles centered at latitude 34°54'30", longitude 76°53'00", to a point 3 nautical miles southeast of the North Carolina shore; thence southwest and westward 3 nautical miles from and parallel to the North Carolina shore to the arc of a circle with a radius of 60 statute miles centered at latitude 34°54'30", longitude 77°-53'00" thence clockwise along this arc to latitude 34°21'40", longitude 77°41'30" thence northeastward to latitude 35°08'00" longitude 76°57'00" thence northward to the point of beginning.

*Designated altitudes.* Surface to 35,000 feet.

*Time of designation.* Continuous.



*Using agency.* Commanding Officer, Marine Corps Air Station, Cherry Point, N.C.

R-5307 Cherry Point, N.C.

*Boundaries.* Beginning at a point at latitude 35°46'30", longitude 76°47'00"; thence to latitude 35°08'00", longitude 76°57'00"; thence clockwise along the arc of a circle with a radius of 60 statute miles centered at latitude 34°54'30", longitude 76°53'00" to the eastern boundary of Victor Airway No. 1 thence north northeastward along the eastern boundary of V-1 Airway to its intersection of the arc of a circle with a radius of 60 statute miles centered at latitude 34°-54'30", longitude 76°53'00" thence eastward along this arc to the point of beignning.

*Designated altitudes.* 6,000 feet MSL to 35,000 feet.

*Time of designation.* Sunset to sunrise daily.

*Using agency.* Commanding Officer, Marine Corps Air Station, Cherry Point, N.C.

R-5308 Currituck Sound, N.C.

*Boundaries.* Circle with 3 nautical mile radius centered at latitude 36°12'15" N., longitude 75°45'57" W.

*Designated altitudes.* Surface to 10,000 feet MSL.

*Time of designation.* Unlimited.

*Using agency.* Commander, Fleet Air, NAS, Norfolk, Va.

R-5309 Currituck Sound, N.C.

*Boundaries.* Circle with 3 mile radius centered at latitude 36°25'24" N., longitude 75°-39'00" W.

*Designated altitudes.* Surface to 10,000 feet MSL.

*Time of designation.* Daylight hours only.

*Using agency.* Commander, Fleet Air, NAS, Norfolk, Va.

R-5310 Currituck Sound, N.C.

*Boundaries.* Circle with 3 mile radius centered at latitude 36°10'28" N., longitude 75°45'04" W.

*Designated altitudes.* Surface to 10,000 feet MSL.

*Time of designation.* Unlimited.

*Using agency.* Commander, Fleet Air, NAS, Norfolk, Va.

R-5311 Fort Bragg, N.C.

*Boundaries.* Beginning at latitude 35°-19'46" N., longitude 79°01'56" W.; southerly to latitude 35°08'47" N., longitude 79°02'00" W.; southerly to latitude 35°07'00" N., longitude 79°02'30" W.; due south to latitude 35°03'00" N.; due west to longitude 79°-15'00" W.; northwest to latitude 35°06'49.5" N., longitude 79°24'00" W.; north-northeast to latitude 35°09'00" N., longitude 79°-23'10.5" W.; easterly along Little River to latitude 35°10'46" N., longitude 79°01'56" W., point of beginning.

*Designated altitudes.* Surface to 35,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Fort Bragg, N.C.

R-5312 Goldsboro, N.C. (Seymour-Johnson AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area based on the 230° M radial of Seymour-Johnson TVOR extending from edge of existing Control Zone to a point 27 statute miles southwest thereof and having a width of 1 statute mile south and 2.3 statute miles north of the 230° radial at the Control Zone and extending to a total width of 4.6 statute miles at a point 27 statute miles from the Control Zone (2.3 statute miles on either side of the 230° radial at the southern end of the corridor).

*Designated altitudes.* That area described above shall include the airspace between the following altitudes only:

2,100 to 15,000 feet MSL from the Control Zone to a point 1 statute mile southwest of the control zone.

2,100 to 24,000 feet MSL from a point 1 statute mile to a point 2 statute miles southwest of the control zone.

2,100 to 27,000 feet MSL from a point 2 statute miles to a point 5 statute miles southwest of the control zone.

6,100 to 27,000 feet MSL from a point 5 statute miles to a point 10 statute miles southwest of the control zone.

10,100 to 27,000 feet MSL from a point 10 statute miles to a point 15 statute miles southwest of the control zone.

15,100 to 27,000 feet MSL from a point 15 statute miles to a point 20 statute miles southwest of the control zone.

19,100 to 27,000 feet MSL from a point 20 statute miles to a point 27 statute miles southwest of the control zone.

*Time of designation.* Continuous.

*Using agency.* Seymour-Johnson AFB Control Tower.

R-5313 Long Shoal Point, N.C.

*Boundaries.* A circular area having a radius of 3 miles centered at latitude 35°-32'48" N., longitude 75°41'26" W.

*Designated altitudes.* Unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Fleet Air, NAS, Norfolk, Va.

## § 608.54 North Dakota.

R-5401 Devils Lake, N. Dak.

*Boundaries.* Beginning at latitude 48°03'-45", north boundary; latitude 48°00'00" south boundary; longitude 98°52'30" east boundary; longitude 99°00'00" west boundary.

*Designated altitudes.* Surface to 20,000 feet MSL.

*Time of designation.* Continuous during the month of June annually.

*Using agency.* Adjutant General, State of North Dakota, Bismarck, N. Dak.

R-5402 Grand Forks, N. Dak. (Grand Forks AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area centered on the 001° True radial of the Grand Forks AFB TACAN, beginning 5 statute miles N of the airbase and extending to 32 statute miles N of the airbase, having a width of 2 statute miles at the beginning and a width of 4.6 statute miles at the outer extremity.

*Designated altitudes.*

2,900 feet MSL to 15,900 feet MSL from 5 statute miles N of the airbase to 6 statute miles N of the airbase.

2,900 feet MSL to 24,900 feet MSL from 6 to 7 statute miles N of the airbase.

2,900 feet MSL to 27,000 feet MSL from 7 to 10 statute miles N of the airbase.

6,900 feet MSL to 27,000 feet MSL from 10 to 15 statute miles N of the airbase.

10,900 feet MSL to 27,000 feet MSL from 15 to 20 statute miles N of the airbase.

15,900 feet MSL to 27,000 feet MSL from 20 to 25 statute miles N of the airbase.

19,900 feet MSL to 27,000 feet MSL from 25 to 32 statute miles N of the airbase.

*Time of designation.* Continuous.

*Using agency.* Grand Forks AFB Approach Control.

R-5403 Minot, N. Dak. (Minot AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area centered on the 308° True radial of the Minot AFB TACAN extending from 5 statute miles NW of the airbase to 32 statute miles NW of the airbase having a width of 2 statute miles at the beginning and 4.6 statute miles at the other extremity.

3,650 feet MSL to 16,650 feet MSL from 5 statute miles NW of the airbase to 6 statute miles NW of the airbase.

3,650 feet MSL to 25,650 feet MSL from 6 to 7 statute miles NW of the airbase.

3,650 feet MSL to 27,000 feet MSL from 7 to 10 statute miles NW of the airbase.

7,650 feet MSL to 27,000 feet MSL from 10 to 15 statute miles NW of the airbase.

11,650 feet MSL to 27,000 feet MSL from 15 to 20 statute miles NW of the airbase.

16,650 feet MSL to 27,000 feet MSL from 20 to 25 statute miles NW of the airbase.

20,650 feet MSL to 27,000 feet MSL from 25 to 32 statute miles NW of the airbase.

*Time of designation.* Continuous.

*Using agency.* Minot AFB Approach Control.

## § 608.55 Ohio.

R-5501 Columbus, Ohio (Lockbourne AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area based on the 218° True radial of the Appleton, Ohio, VORTAC, extending from 5 statute miles SW of Lockbourne AFB to 32 statute miles SW of the airbase, having a width of 2.55 statute miles either side of the 218° True radial at the beginning and a width of 4.3 statute miles either side of the 218° True radial at the outer extremity.

*Designated altitudes.*

2,750 feet MSL to 15,750 feet MSL from 5 statute miles SW of the airbase to 6 statute miles SW of the airbase.

2,750 feet MSL to 24,750 feet MSL from 6 to 7 statute miles SW of the airbase.

2,750 feet MSL to 27,000 feet MSL from 7 to 10 statute miles SW of the airbase.

6,750 feet MSL to 27,000 feet MSL from 10 to 15 statute miles SW of the airbase.

10,750 feet MSL to 27,000 feet MSL from 15 to 20 statute miles SW of the airbase.

15,750 feet MSL to 27,000 feet MSL from 20 to 25 statute miles SW of the airbase.

19,750 feet MSL to 27,000 feet MSL from 25 to 32 statute miles SW of the airbase.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Columbus Approach Control.

*Using agency.* Commander, Lockbourne AFB, Ohio.

R-5502 Lacarne, Ohio.

*Boundaries.* Beginning at latitude 41°50'-39" N., longitude 83°08'47" W.; southeast to latitude 41°35'41" N., longitude 82°54'24" W.; southwest to latitude 41°31'39"N., longitude 83°01'30" W., west to latitude 41°31'40" N., longitude 83°03'00" W.; northwest to latitude 41°37'38" N., longitude 83°11'12" W.; west-northwest to latitude 41°39'30" N., longitude 83°15'15" W.; north-northwest to latitude 41°45'30" N., longitude 83°19'45" W.; northeast to latitude 41°50'39" N., longitude 83°08'47" W., point of beginning.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous.

*Using agency.* Commanding Officer, Erie Ordnance Depot, Lacarne, Ohio.

R-5503 Wilmington, Ohio.

*Boundaries.*

Beginning at latitude 39°06'20" N., longitude 83°02'00" W.,

Thence to latitude 38°48'30" N., longitude 83°02'00" W.,

Thence to latitude 38°58'30" N., longitude 84°05'00" W.,

Thence to latitude 39°12'30" N., longitude 84°05'00" W.,

Thence to the point of beginning.

*Designated altitudes.* Surface to Flight Level 600.

*Time of designation.* 0600 to 2200 EST, Monday through Saturday.

*Controlling agency.* Federal Aviation Agency, Indianapolis ARTC Center.

*Using agency.* Commander, Wright Air Development Center, Wright-Patterson AFB, Ohio.

R–5504 Wilmington, Ohio.

*Boundaries.*
Beginning at latitude 39°30'00" N., longitude 83°02'00" W.,
Thence to latitude 39°06'20" N., longitude 83°02'00" W.,
Thence to latitude 39°12'30" N., longitude 84°05'00" W.,
Thence to latitude 39°15'45" N., longitude 84°05'00" W.,
Thence to latitude 39°30'00" N., longitude 83°47'00" W.,
Thence to the point of beginning, excluding the portion that coincides with Restricted Area (R–543).

*Designated altitudes.* 3,000 feet MSL to Flight Level 600.

*Time of designation.* 0800 to 2200 EST, Monday through Saturday.

*Controlling agency.* Federal Aviation Agency, Indianapolis ARTC Center.

*Using agency.* Commander, Wright Air Development Center, Wright-Patterson AFB, Ohio.

## § 608.56 Oklahoma.

R–5601 Fort Sill, Okla.

*Boundaries.* Beginning at latitude 34°47'00", longitude 98°17'00"; south to latitude 34°38'00"; west to longitude 98°46'00"; north to latitude 34°47'00"; east to longitude 98°38'00"; south to latitude 34°44'00"; east to longitude 98°36'00"; south to latitude 34°43'00"; east to longitude 98°22'00"; northeast to latitude 34°44'00", longitude 98°21'00"; north to latitude 34°47'00"; east to latitude 34°47'00", longitude 98°17'00", point of beginning.

*Designated altitudes.* Surface to 65,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Fort Sill, Okla.

## § 608.57 Oregon.

R–5701 Boardman, Oreg.

*Boundaries.* Beginning at latitude 45°50'08" N., longitude 119°37'26" W.; due south to latitude 45°30'15" N.; west-southwest to latitude 45°37'45" N., longitude 119°46'00" W.; west to latitude 45°37'58" N., longitude 119°52'32" W.; due north to latitude 45°50'08" N.; due east to latitude 45°50'08" N., longitude 119°37'26" W., point of beginning.

*Designated altitudes.* Surface to 50,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commander, 92nd Bombardment Wing, Fairchild AFB, Wash.

R–5702 Klamath Falls, Oreg. (Kingsley Field), Restricted Area/Military Climb Corridor.

*Boundaries.* That area centered on the 325° True radial of the Klamath Falls VORTAC extending from 10 statute miles NW of the airport to 32.5 statute miles NW of the airport, having a width of 2.5 statute miles at the beginning and a width of 4.5 statute miles at the outer extremity.

*Designated altitudes.*
6,100 feet MSL to 19,100 feet MSL from 10 statute miles NW of the airport to 11 statute miles NW of the airport.
6,100 feet MSL to 27,000 feet MSL from 11 to 15 statute miles NW of the airport.
10,100 feet MSL to 27,000 feet MSL from 15 to 20 statute miles NW of the airport.
14,100 feet MSL to 27,000 feet MSL from 20 to 25 statute miles NW of the airport.
19,100 feet MSL to 27,000 feet MSL from 25 to 30 statute miles NW of the airport.
23,100 feet MSL to 27,000 feet MSL from 30 to 32.5 statute miles NW of the airport.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Klamath Falls Approach Control.

*Using agency.* Commander, 322nd Fighter Interceptor Squadron, Kingsley Field, Oreg.

R–5703 Portland, Oreg. (Portland International Airport), Restricted Area/Military Climb Corridor.

*Boundaries.* The area centered on the back course of the ILS localizer 119° True, extending from the airport 5-mile control zone boundary to a point 27 miles southeast thereof and having a width of 2 miles at the control zone and expanding to a width of 4.6 miles at the southeast boundary as further identified by the following explanatory chart.

*Designated altitudes.*
Lower level: Beginning at the edge of the control zone to a point 5 miles from the edge, at a level of 2,000 feet MSL; thence to a point 10 miles from said edge at a level of 6,000 feet MSL; thence to a point 15 miles from said edge at a level of 10,000 feet MSL; thence to a point 20 miles from said edge at a level of 15,000 feet MSL; thence to a point 27 miles from said edge at a level of 19,000 feet MSL, as further identified by the following explanatory chart.
Upper level: Beginning at the edge of the control zone to a point 1 mile from said edge, at a level of 15,000 feet MSL; thence to a point 2 miles from said edge, at a level of 24,000 feet MSL; thence to a point 27 miles from said edge at a level of 27,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Portland Control Tower.

*Using agency.* Commander, 406th Fighter Interceptor Squadron, Portland, Oreg.

## § 608.58 Pennsylvania.

R–5801 Chambersburg, Pa.

*Boundaries.* North boundary, latitude 40°01'00"; East boundary, longitude 77°47'00"; South boundary, latitude 39°59'30"; West boundary, longitude 77°49'00".

*Designated altitudes.* 4,000 feet MSL.

*Time of designation.* 8:00 a.m. to 4:00 p.m., local time, Monday through Friday.

*Using agency.* Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

R–5802 Indiantown Gap, Pa.

*Boundaries.* Beginning at latitude 40°28'45" N., longitude 76°35'30" W., thence to latitude 40°24'55" N., longitude 76°36'55" W., thence to latitude 40°23'45" N., longitude 76°43'11" W., thence to latitude 40°24'20" N., longitude 76°44'40" W., thence to latitude 40°28'45" N., longitude 76°37'40" W., thence to the point of beginning.

*Designated altitudes.* Surface to 18,000 feet MSL.

*Time of designation.* March 1 through May 31, and September 1 through November 30, on Saturdays and Sundays only from 0800 to 1800 local standard time, annually; and from June 1 through August 31, annually, on a continuous basis.

*Controlling agency.* Federal Aviation Agency, New York ARTC Center.

*Using agency.* Commanding General, Second United States Army, Fort Meade, Md.

## § 608.59 Rhode Island.

## § 608.60 South Carolina.

R–6001 Fort Jackson, S.C.

*Boundaries.* Beginning at latitude 34°03'51" N., longitude 80°42'12" W.; southerly to latitude 34°01'40" N., longitude 80°42'15" W.; west to latitude 34°01'50" N., longitude 80°55'15" W.; northwest to latitude 34°02'21" N., longitude 80°56'02" W.; northeast to latitude 34°04'45" N., longitude 80°53'02" W.; east-northeast to latitude 34°06'19" N., longitude 80°48'47" W.; east-southeast to latitude 34°05'58" N., longitude 80°46'05" W.; southeast to latitude 34°03'51" N., longitude 80°42'12" W., point of beginning.

*Designated altitudes.* Surface to 24,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Fort Jackson, S.C.

R–6002 Poinsett-Sumter, S.C.

*Boundaries.* Beginning at latitude 33°52'30" N., longitude 80°26'00" W.; southerly to latitude 33°45'50" N., longitude 80°26'00" W.; west-southwest to latitude 33°44'15" N., longitude 80°33'15" W.; north-northwest to latitude 33°48'00" N., longitude 80°34'00" W.; northeast to latitude 33°52'30" N., longitude 80°30'00" W.; due east to latitude 33°52'30" N., longitude 80°26'00" W., point of beginning.

*Designated altitudes.* Surface to 25,000 feet MSL.

*Time of designation.* Daylight hours, 7 days a week (when ceilings of at least 3,000 feet and visibility of at least 3 miles prevail).

*Using agency.* Commander, Shaw AFB, S.C.

R–6003 Charleston, S.C., Restricted Area/Military Climb Corridor.

*Boundaries.* That area centered on the 147° True radial of the Charleston, S.C., VOR extending from a point 10 statute miles south-southeast of the VOR to 35 statute miles south-southeast of the VOR having a width of 2.5 statute miles at the beginning and 5.5 statute miles at the outer extremity, excluding that portion which lies outside of the continental United States.

*Designated altitudes.*
2,000 feet MSL to 15,000 feet MSL from 10 to 11 statute miles south-southeast of the VOR.
2,000 feet MSL to 24,000 feet MSL from 11 to 12 statute miles south-southeast of the VOR.
2,000 feet MSL to 27,000 feet MSL from 12 to 15 statute miles south-southeast of the VOR.
6,000 feet MSL to 27,000 feet MSL from 15 to 20 statute miles south-southeast of the VOR.
10,000 feet MSL to 27,000 feet MSL from 20 statute miles south-southeast of the VOR to the continental limits of the United States.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Charleston Approach Control.

*Using agency.* Commander, Charleston AFB, S.C.

## § 608.61 South Dakota.

R–6101 Igloo, S. Dak.

*Boundaries.* Beginnng at latitude 43°12'57", longitude 103°58'00"; thence east to latitude 43°12'57", longitude 103°52'45"; south to latitude 43°09'11", longitude 103°52'45"; west to latitude 43°09'11", longitude 103°53'10"; south to latitude 43°08'08", longitude 103°53'10"; west to latitude 43°08'08", longitude 103°58'00"; north to latitude 43°12'57", longitude 103°58'00".

*Designated altitudes.* 6,000 feet MSL.

*Time of designation.* 0700 to 1900 daily, except Saturdays and Sundays.

*Using agency.* Commanding Officer, Black Hills Ordnance Depot, Igloo, S. Dak.

R–6102 Scenic, S. Dak.

*Boundaries.* North boundary: latitude 43°41'00" N., east boundary: longitude 102°01'00", south boundary: latitude 43°20'00" N., west boundary: longitude 102°50'00" W.

*Designated altitudes.* Surface to 50,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commander, Rapid City AFB, S. Dak.

## § 608.62 Tennessee.

## § 608.63 Texas.

R–6301 Corpus Christi, Tex.

*Boundaries.* Beginning at latitude 27°49'20" N., longitude 97°00'00" W.; southerly 3 nautical miles from and parallel to the shoreline to latitude 26°15'00" N., longitude 97°07'20" W.; due west to longitude 97°26'00" W.; north-norwest to latitude 26°30'30" N., longitude 97°31'30" W.; east-northeast to latitude 26°31'30" N., longitude 97°27'30" W.; counterclockwise along the arc of a circle 3 miles in radius, centered at Port Mansfield Airport (latitude 26°33'35" N., longitude 97°25'40" W.) to latitude 26°33'35" N., longitude 97°28'30" W.; westsouthwest to latitude 26°33'00" N., longitude 97°32'20" W.; north-northwest to latitude 27°17'30" N., longitude 97°48'30" W.; westsouthwest to latitude 27°16'30" N., longitude 97°51'15" W.; northerly to latitude 27°29'00" N., longitude 97°55'15" W.; east-northeast to latitude 27°30'00" N., longitude 97°52'00" W.; counterclockwise along the arc of a circle 2 miles in radius, centered at latitude 27°31'30" N., longitude 97°52'45" W., to latitude 27°32'40" N., longitude 97°51'00" W.; northnorthwest to latitude 27°33'12" N., longitude 97°51'40" W.; northeast to latitude 27°-43'16" N., longitude 97°33'30" W.; counterclockwise along the arc of a circle 3 miles in radius, centered at Cuddihy Field (latitude 27°43'15" N., longitude 97°30'30" W.) to latitude 27°40'30" N., longitude 97°29'40" W.; northeast to latitude 27°47'00" N., longitude 97°20'00" W.; east-northeast to latitude 27°49'30" N., longitude 97°07'30" W.; counterclockwise along the arc of a circle 3 miles in radius, centered at Port Aransas Airport (latitude 27°49'45" N., longitude 97°04'30" W.) to a latitude 27°49'30" N., longitude 97°01'30" W.; easterly to latitude 27°49'20" N., longitude 97°00'00" W., point of beginning.

*Designated altitudes.* To 45,000 feet.

*Time of designation.* Continuous.

*Using agency.* Commanding Officer, NAS, Corpus Christi, Tex.

R–6302 Fort Hood, Tex.

*Boundaries.* Beginning at latitude 31°06'07" N., longitude 97°32'45" W.; thence northwest to latitude 31°09'00" N., longitude 97°41'15" W.; north to latitude 31°09'45" N., longitude 97°41'15" W.; west to latitude 31°09'45" N., longitude 97°43'15" W., southsouthwest to latitude 31°08'45" N., longitude 97°43'30" W., west to latitude 31°08'45" N., longitude 97°47'15" W.; northwest to latitude 31°15'00" N., longitude 97°50'45" W.; north to latitude 31°19'15" N., longitude 97°50'45" W.; northeast to latitude 31°23'25" N., longitude 97°47'40" W.; east-southeast to latitude 31°22'30" N., longitude 97°-42'45" W.; southeast to latitude 31°12'45" N., longitude 97°30'45" W.; southwest to point of beginning.

*Designated altitudes.* Surface to 33,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Fort Hood, Tex.

R–6303 Matagorda Island, Tex.

*Boundaries.* Beginning at latitude 28°15'20", longitude 96°26'50"; latitude 28°18'55", longitude 96°27'45"; latitude 28°20'55", longitude 96°29'15"; latitude 28°12'00", longitude 96°46'00"; latitude 28°07'00", longitude 96°42'00"; thence parallel to and 3 nautical miles from the shoreline to the point of beginning.

*Designated altitudes.* Surface to 60,000 feet MSL.

*Time of designation.* Sunrise to sunset.

*Using agency.* Commander, Second Air Force, Barksdale AFB, La.

R–6304 Reese AFB, Tex.

*Boundaries.* Beginning at latitude 33°49'50", longitude 102°25'15"; to latitude 33°53'25", longitude 103°02'45"; to latitude 34°01'15", longitude 103°02'45"; thence counterclockwise via an arc the radius of which is 30 miles from Cannon AFB, to latitude 34°28'20", longitude 102°47'45"; to latitude 34°00'45", longitude 102°04'50"; thence counterclockwise via an arc the radius of which is 25 miles from the Lubbock, Texas, L/MF radio range to point of beginning.

*Designated altitudes.* 12,000 feet MSL–26,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, El Paso ARTC Center.

*Using agency.* Commander, Reese AFB, Tex.

R–6305 Reese AFB, Tex.

*Boundaries.* Beginning at latitude 33°38'50", longitude 102°00'45"; to latitude 33°01'00", longitude 102°06'50"; to latitude 32°55'35", longitude 102°34'00"; to latitude 32°57'00", longitude 102°50'00"; to latitude 33°00'00", longitude 103°34'30"; to latitude 33°05'30", longitude 103°48'00"; to latitude 33°23'00", longitude 103°48'00"; to latitude 33°24'10", longitude 103°41'30"; to latitude 33°46'30", longitude 103°22'00"; to point of beginning.

*Designated altitudes.* 12,000 feet MSL–26,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, El Paso ARTC Center.

*Using agency.* Commander, Reese AFB, Tex.

R–6306 Webb AFB, Tex.

*Boundaries.* Beginning at latitude 31°30'00", longitude 101°00'00"; to latitude 31°09'30", longitude 101°00'00"; to latitude 30°52'30", longitude 101°30'00"; to latitude 31°01'25", longitude 102°54'30"; to latitude 31°24'00", longitude 103°01'00"; to latitude 31°34'15", longitude 102°39'00"; to latitude 31°31'30", longitude 102°11'45"; to latitude 31°46'20", longitude 101°44'45"; to point of beginning.

*Designated altitudes.* 10,000 feet–26,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, El Paso ARTC Center.

*Using agency.* Commander, Webb AFB, Tex.

R–6307 Webb AFB, Tex.

*Boundaries.* Beginning at latitude 32°16'10", longitude 102°24'30"; to latitude 32°20'25", longitude 102°13'30"; to latitude 32°-51'50", longitude 102°08'15"; to latitude 32°44'45", longitude 102°46'15"; to latitude 32°36'15", longitude 102°46'15"; to point of beginning.

*Designated altitudes.* 12,000 feet MSL–26,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, El Paso ARTC Center.

*Using agency.* Commander, Webb AFB, Tex.

R–6308 Webb AFB, Tex.

*Boundaries.* Beginning at latitude 32°-31'15", longitude 100°28'00"; to latitude 32°28'40", longitude 101°12'40"; thence counterclockwise via an arc the radius of which is 15 nautical miles from the Big Spring, Texas VOR; to latitude 32°31'30", longitude 101°43'45"; to latitude 32°37'40", longitude 102°00'30"; to latitude 33°27'00", longitude 101°52'15"; to latitude 33°26'30", longitude 101°39'00"; to latitude 33°32'40", longitude 101°21'30"; to latitude 33°26'00", longitude 100°42'10"; to latitude 33°08'00", longitude 100°28'00"; to point of beginning.

*Designated altitudes.* 12,000 feet MSL–26,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, El Paso ARTC Center.

*Using agency.* Commander, Webb AFB, Tex.

R–6309 Big Spring, Tex. (Webb AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area centered on the 151° True radial of the Webb AFB TACAN, beginning 14.5 statute miles southeast of the TACAN and extending to 41.5 statute miles southeast of the TACAN, having a width of 3 statute miles at the beginning and expanding uniformly to a width of 6 statute miles at the outer extremity.

*Designated altitudes.*
4,600' MSL to 15,600' MSL from 14.5 to 15.5 statute miles southeast of the Webb AFB TACAN.
4,600' MSL to 24,600' MSL from 15.5 to 16.5 statute miles southeast of the TACAN.
4,600' MSL to 27,000' MSL from 16.5 to 19.5 statute miles southeast of the TACAN.
8,600' MSL to 27,000' MSL from 19.5 to 24.5 statute miles southeast of the TACAN.
12,600' MSL to 27,000' MSL from 24.5 to 29.5 statute miles southeast of the TACAN.
17,600' MSL to 27,000' MSL from 29.5 to 34.5 statute miles southeast of the TACAN.
21,600' MSL to 27,000' MSL from 34.5 to 41.5 statute miles southeast of the TACAN.

*Time of use.* Continuous.

*Using agency.* Webb AFB Approach Control.

## § 608.64 Utah.

R–6401 Deseret, Utah.

*Boundaries.* North boundary: latitude 40°16'27"; east boundary: longitude 112°-18'43"; south boundary: latitude 40°15'42"; west boundary: longitude 112°21'01".

*Designated altitudes.* Surface to 10,000 feet MSL.

*Time of designation.* Unlimited.

*Using agency.* Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.

R–6402 Dugway Proving Ground, Tooele, Utah.

*Boundaries.* Dugway Proving Ground area: Beginning at latitude 40°25'00" N., longitude 112°53'00" W.; south to latitude 40°15'00" N.; east to longitude 112°46'20" W.; south to latitude 40°08'00" N.; east to longitude 112°43'00" W.; south to latitude 40°03'00" N.; west to longitude 112°45'20" W.; south to latitude 40°01'00" N.; west to longitude 112°46'30" W.; north to latitude 40°02'00" N.; west to longitude 113°14'00" W.; north to latitude 40°04'15" N.; west to longitude 113°20'30" W.; north to latitude 40°15'00" N.; east to longitude 113°14'00" W.; north to latitude 40°20'20" N.; east to longitude 113°07'00" W.; north to latitude 40°25'00" N.; east to latitude 40°25'00" N., longitude 112°53'00" W., point of beginning.

*Designated altitudes.* Surface to 40,000 feet.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Dugway Proving Ground, Tooele, Utah.

R–6403 Tooele, Utah.

*Boundaries.* North boundary: latitude 40°32'00" N.; east boundary: longitude 112°27'00"; south boundary: latitude 40°-30'00" N.; west boundary: longitude 112°29'00" W.

*Designated altitudes.* Surface to 9,000 feet MSL.

*Time of designation.* Daylight hours only.

*Using agency.* Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.

R–6404 Wendover, Utah.

*Boundaries.* Beginning at latitude 41°-10'40", longitude 112°45'00"; thence to latitude 41°00'00", longitude 112°45'00"; thence to latitude 41°00'00", longitude 112°56'30"; thence to latitude 40°51'30", longitude 112°-56'30"; thence to latitude 40°48'30", longitude 113°40'00"; thence to latitude 41°-15'00", longitude 113°43'50"; thence to point of beginning.

*Designated altitudes.* Surface to 60,000 feet.

*Time of designation.* Sunrise to sunset.

*Using agency.* Commander, Ogden Air Materiel Area, Ogden, Utah.

R–6405 Wendover, Utah.

*Boundaries.* Beginning at latitude 39°-55'00" N., longitude 112°40'00" W.; thence to latitude 39°45'00" N., longitude 112°-40'00" W.; thence west to latitude 39°45'00" N., longitude 112°48'00" W.; thence south to latitude 39°19'00" N., longitude 112°-48'00" W.; thence west to latitude 39°18'20" N., longitude 113°01'30" W.; thence west to latitude 39°14'30" N., longitude 113°22'30" W.; thence NW to latitude 39°20'40" N., longitude 113°37'30" W.; thence SW to latitude 39°17'00" N., longitude 113°48'00" W.; thence north to latitude 39°55'00" N., longitude 113°48'00" W.; thence east to the point of beginning.

*Designated altitude.* Surface to 60,000 feet.

*Time of designation.* Sunrise to sunset.

*Using agency.* Commander, Hill AFB, Utah.

R–6406 Wendover, Utah.

*Boundaries.* Beginning at latitude 40°40'-30" N., longitude 113°00'00" W.; thence south to latitude 40°25'00" N., longitude 113°00'00" W.; thence east to latitude 40°25'00" N., longitude 112°53'00" W.; thence south to latitude 40°20'00" N., longitude 112°53'00" W.; thence east to latitude 40°20'00" N., longitude 112°40'00" W.; thence south to latitude 39°55'00" N., longitude 112°40'00" W.; thence west to latitude 39°55'00" N., longitude 113°48'00" W.; thence north to latitude 40°00'00" N., longitude 113°48'00" W.; thence west to latitude 40°00'00" N., longitude 114°00'00" W.; thence north to latitude 40°20'00" N., longitude 114°00'00" W.; thence west to latitude 40°20'00" N., longitude 114°08'00" W.; thence north to latitude 40°26'00" N., longitude 114°08'00" W.; thence east to latitude 40°26'00" N., longitude 114°00'00" W.; thence north to latitude 40°38'30" N., longitude 114°00'00" W.; thence east to the point of beginning.

*Designated altitude.* Surface to 60,000 feet MSL.

*Time of designation.* Unlimited.

*Using agency.* Commander, Hill AFB, Utah.

R–6407 Wendover, Utah.

*Boundaries.* Beginning at latitude 40°-36'30", longitude 114°14'00"; thence to latitude 40°38'00", longitude 114°07'40"; thence to latitude 40°38'00", longitude 114°00'00"; thence to latitude 40°26'00", longitude 114°-00'00"; thence to latitude 40°26'00", longitude 114°08'00"; thence to latitude 40°-20'00", longitude 114°08'00"; thence to latitude 40°20'00", longitude 114°18'00"; thence to point of beginning.

*Designated altitudes.* 15,000 to 35,000 feet MSL.

*Time of designation.* Sunrise to sunset Monday through Saturday.

*Using agency.* Commander, Ogden Air Materiel Area, Ogden, Utah.

## § 608.65 Vermont.

R–6501 Underhill, Vt.

*Boundaries.* Beginning at latitude 44°-30'15" N., longitude 72°51'30" W.; to latitude 44°27'00" N., longitude 72°50'00" W.; to latitude 44°27'30" N., longitude 72°53'15" W.; to latitude 44°28'30" N., longitude 72°-56'50" W.; to latitude 44°30'00" N., longitude 72°56'30" W.; to latitude 44°30'15" N., longitude 72°51'30" W., point of beginning.

*Designated altitudes.* Surface to 5,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Adjutant General, State of Vermont, Montpelier, Vt.

## § 608.66 Virginia.

R–6601 Camp A. P. Hill, Va.

*Boundaries.* Beginning at latitude 38°-07'30" N., longitude 77°07'00" W.; southwest to latitude 38°02'50" N., longitude 77°08'00" W.; westerly following the county road to latitude 38°00'25" N., longitude 77°16'30" W.; north-northwest to latitude 38°01'30" N., longitude 77°16'50" W.; north to latitude 38°08'40" N., longitude 77°17'25" W.; north-northeast to latitude 38°10'40" N., longitude 77°16'20" W.; southeasterly along U.S. Highway No. 17 to latitude 38°07'30" N., longitude 77°07'00" W., point of beginning.

*Designated altitudes.* Surface to 22,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Washington ARTC Center.

*Using agency.* Commanding General, Second United States Army, Fort Meade, Md.

R–6602 Camp Pickett, Va.

*Boundaries.* Beginning at latitude 37°-04'30" N., longitude 77°54'00" W.; along Highway No. 40 to latitude 37°03'30" N., longitude 77°50'00" W.; due south to latitude 37°01'00" N., longitude 77°50'00" W.; along Amber civil airway No. 7 to latitude 36°59'30" N., longitude 77°51'30" W.; west along a creek to latitude 36°59'00" N., longitude 77°55'30" W.; due north to latitude 37°-02'15" N., longitude 77°55'30" W.; thence counterclockwise around Blackstone Control Zone to point of beginning.

*Designated altitudes.* Surface to 22,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Second United States Army, Fort Meade, Md.

R–6603 Chesapeake Bay, Va.

*Boundaries.* Beginning at latitude 37°43'-33", longitude 76°00'45"; thence southerly to latitude 37°33'00", longitude 76°03'55"; thence northwesterly to latitude 37°33'00", longitude 76°08'34"; thence northerly to latitude 37°45'00", longitude 76°09'48"; thence due east to latitude 37°45'00", longitude 76°08'51"; thence along the circumference of the Tangier Island Restricted Area R–88, 5 nautical mile radius to the point of beginning at latitude 37°43'33", longitude 76°00'45".

*Designated altitudes.* Surface to 30,000 feet.

*Time of designation.* Daylight and darkness, 7 days a week.

*Using agency.* Coordinator, Virginia Capes Operating Area, Norfolk, Va.

R–6604 Chincoteague Inlet, Va.

*Boundaries.* Beginning at latitude 37°56'-45" N., longitude 75°27'30" W.; thence southeast to latitude 37°51'30" N., longitude 75°-17'15" W.; thence southerly three nautical miles from the shoreline to latitude 37°38'-45" N., longitude 75°31'20" W.; thence north to latitude 37°50'24" N., longitude 75°31'20" W.; thence northeast to point of beginning.

*Designated altitudes.* Unlimited.

*Time of designation.* Continuous.

*Using agency.* Chief, Wallops Station, National Aeronautics and Space Administration, Wallops Island, Va.

R–6606 Pendleton, Va.

*Boundaries.* Beginning at latitude 36°50'-41" N., longitude 75°54'40" W.; southerly paralleling the shoreline at a distance of 3 nautical miles to latitude 36°34'88" N., longitude 75°48'40" W.; northwest to latitude 36°45'03" N., longitude 75°56'12" W.; west-southwest to latitude 36°44'45" N., longitude 75°57'05" W.; westerly to latitude 36°44'39" N., longitude 75°58'00" W.; north-northwest to latitude 36°47'00" N., longitude 75°58'45" W.; east-northeast to latitude 36°47'18" N., longitude 75°56'54" W.; northeast to latitude 36°50'41" N., longitude 75°54'40" W., point of beginning.

*Designated altitudes.* Unlimited.

*Time of designation.* From 0800 to 1700 e.s.t., Mondays through Fridays.

*Using agency.* Commanding Officer, U.S. Fleet Air Defense Training Center, Dam Neck, Va.

R–6607 Potomac River, Va.

*Boundaries.* East area: Beginning at latitude 38°07'00" N., longitude 76°24'30" W.; southeast to latitude 37°53'10" N., longitude 76°14'00" W.; along the south shore of the Potomac River to latitude 37°59'20" N., longitude 76°26'30" W.; northwest to latitude 38°05'40" N., longitude 76°33'32" W.; northeast to latitude 38°07'25" N., longitude 76°30'45" W.; east-southeast to latitude 38°-07'00" N., longitude 76°28'30" W.; due east to latitude 38°07'00" N., longitude 76°24'30" W., point of beginning.

*Designated altitudes.* Unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Naval Air Test Center, Patuxent River, Md.

R–6608 Quantico, Va.

*Boundaries.* Beginning at latitude 38°32'-00" N., longitude 77°20'00" W.; west-southwest to latitude 38°29'00" N., longitude 77°-28'45" W.; west-northwest to latitude 38°-31'20" N., longitude 77°34'07" W.; due north to latitude 38°37'00" N., east-northeast to latitude 38°38'47" N., longitude 77°30'00" W.; east-southeast to latitude 38°36'00" N., longitude 77°26'15" W.; south-southeast to latitude 38°34'00" N., longitude 77°24'00" W.; east-southeast to latitude 38°33'00" N., longitude 77°20'00" W., point of beginning.

*Designated altitudes.* Surface to 15,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commander, Marine Corps Air Station, Quantico, Va.

R–6609 Tangier Island, Va.

*Boundaries.* A circle with a radius of 5 nautical miles centered at latitude 37°47'54" N., longitude 76°03'48" W., excluding any portion which overlaps Amber civil airway No. 9.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Fleet Air Detachment, NAS, Oceana, Va.

R–6610 Hampton Roads, Va. (Langley AFB), Restricted Area /Military Climb Corridor.

*Boundaries.* That area based on the 011° True radial of the Langley AFB TVOR, beginning 5 statute miles north of the air base and extending 32 statute miles north of the air base having a width at the point of beginning of 1 statute mile to the west and 2 statute miles to the east of the 011° True radial. The western boundary expands uniformly to a width of 2.3 statute miles west of the 011° True radial at the outer extremity. The eastern boundary decreases to a width of 1.5 statute miles 10 statute miles from the point of beginning of the climb corridor, then expands to a width of 2.3 statute miles east of the 011° True radial at the outer extremity.

*Designated altitudes.*

2,000' MSL to 15,000' MSL from 5 statute miles north of the air base to 6 statute miles north of the air base.

2,000' MSL to 24,000' MSL from 6 to 7 statute miles north of the air base.

2,000' MSL to 27,000' MSL from 7 to 10 statute miles north of the air base.

6,000' MSL to 27,000' MSL from 10 to 15 statute miles north of the air base.

10,000' MSL to 27,000' MSL from 15 to 20 statute miles north of the air base.

15,000' MSL to 27,000' MSL from 20 to 25 statute miles north of the air base.

19,000' MSL to 27,000' MSL from 25 to 35 statute miles north of the air base.

*Time of use.* Continuous.

*Using agency.* Langley AFB Approach Control.



R–6611 Dahlgren Complex, Va.

*Boundaries.* From latitude 38°21'30" N., longitude 77°01'15" W.; southeast to latitude 38°17'30" N., longitude 76°56'00" W.; southwest to latitude 38°15'45" N., longitude 76°-17'00" W.; southwest to latitude 38°13'00" N., longitude 76°54'35" W.; northwest to latitude 38°19'15" N., longitude 77°02'00" W.; northeast to point of beginning.

*Designated altitude.* Surface to 40,000 feet MSL.

*Time of designation.* 0800 to 1700 local standard time, Monday through Friday.

*Controlling agency.* Federal Aviation Agency, Washington ARTC Center.

*Using agency.* Commander, Naval Proving Grounds, Dahlgren, Va.

R–6612 Dahlgren Complex, Va.

*Boundaries.* Two overlapping circular areas with 7,000 foot radii centered at latitude 38°17'50" N., longitude 77°02'15" W., and latitude 38°18'23" N., longitude 77°02'-17" W.

*Designated altitudes.* Surface to 7,000 feet MSL.

*Time of designation.* 0800 to 1700 local standard time, Monday through Friday.

*Controlling agency.* Federal Aviation Agency, Washington ARTC Center.

*Using agency.* Commander, Naval Proving Grounds, Dahlgren, Va.

R–6613 Dahlgren Complex, Va.

*Boundaries.* Beginning at latitude 38°15'-47" N., longitude 76°52'00" W.; southeast to latitude 38°13'30" N., longitude 76°46'35" W.; southwest to latitude 38°10'00" N., longitude 76°50'00" W.; northwest to latitude 38°13'00" N., longitude 76°54'35" W., northeast to point of beginning.

*Designated altitudes.* Surface to 40,000 feet MSL.

*Time of designation.* 0800 to 1700 local standard time, Monday through Friday.

*Controlling agency.* Federal Aviation Agency, Washington ARTC Center.

*Using agency.* Commander, Naval Proving Grounds, Dahlgren, Va.

## § 608.67 Washington.

R–6701 Admiralty Inlet, Wash.

*Boundaries.* Circular area with a radius of 3 miles centered at latitude 48°06'43" N., longitude 122°35'49" W.

*Designated altitudes.* Surface to 10,000 feet.

*Time of designation.* Continuous.

*Using agency.* Commanding Officer, NAS, Whidbey Island, Wash.

R–6706 Fort Lewis, Wash.

*Boundaries.* From a point on the Northern Pacific Railroad at latitude 47°03'10", longitude 122°31'25"; southerly along railroad to latitude 47°02'30", longitude 122°31'40"; thence E to latitude 47°02'30", longitude 122°31'00"; thence southerly to latitude 47°-00'50", longitude 122°31'25"; thence W to the Northern Pacific Railroad at latitude 47°-00'50", longitude 122°32'10"; thence southerly along the railroad to latitude 46°54'30", longitude 122°39'30"; thence north-easterly along the W edge of Victor airway No. 23 to latitude 47°04'25", longitude 122°35'15", thence southeasterly to point of beginning.

*Designated altitudes.* Surface to 5,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Fort Lewis, Wash.

R–6704 Fort Lewis, Wash.

*Boundaries.* From a point along Highway US 99 at latitude 47°05'25", longitude 122°-38'10", thence southeasterly to the western edge of Victor airway No. 23 at latitude 47°04'25", longitude 122°35'15"; thence southwesterly along the western edge of Victor airway No. 23 to latitude 46°54'30", longitude 122°39'20"; thence southwesterly along the Northern Pacific Railroad to town of Ranier, Washington at latitude 46°53'12", longitude 122°41'15"; thence northwesterly along road to road junction at latitude 46°-57'12", longitude 122°46'47"; thence due N to Northern Pacific Railroad at latitude 46°-59'52", longitude 122°46'47"; thence northwesterly along railroad to Highway US 99 at latitude 47°05'00", longitude 122°40'04"; thence northeasterly along Highway US 99 to point of beginning at latitude 47°05'25", longitude 122°38'10".

*Designated altitudes.* Surface to 14,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding General, Fort Lewis, Wash.

R–6705 Juan De Fuca, Wash.

*Boundaries.* North boundary: United States-Canadian border; east boundary: longitude 123°42'00"; south boundary: one-half mile north of and parallel to the north coast of Washington; west boundary: longitude 124°25'00" W.

*Designated altitudes.* Surface to 1,000 feet MSL.

*Time of designation.* Continuous.

*Using agency.* Commanding Officer, NAS, Whidbey Island, Wash.

R–6707 Queets, Wash.

*Boundaries.* Beginning at latitude 47°29'-25" N., longitude 124°25'00" W.; clockwise along the arc of a circle with a radius of 3 miles centered at latitude 47°27'00" N., longitude 124°24'15" W.; to latitude 47°24'25" N., longitude 124°24'30" W.; north paralleling the shoreline at a distance of 3 nautical miles to latitude 47°29'25" N., longitude 124°25'00" W., point of beginning.

*Designated altitudes.* Surface to 12,000 feet MSL.

*Time of designation.* Sunrise to sunset.

*Using agency.* Commanding Officer, NAS, Whidbey Island, Wash.

R–6708 Rosario Strait, Wash.

*Boundaries.* A circular area within a radius of one (1) nautical mile centered on latitude 48°29'00" N., longitude 122°45'00" W.

*Designated altitudes.* Surface to 1,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Seattle ARTC Center.

*Using agency.* Commanding Officer, NAS, Whidbey Island, Wash.

R–6710 Spokane, Wash. (Geiger Field), Restricted Area/Military Climb Corridor.

*Boundaries.* The area centered on the 351° True radial of the Spokane, Washington, Omnirange from the northern edge of the Spokane Control Zone to a point 25 statute miles north thereof and being 2.5 miles wide at the Control Zone and expanding to a width of 5.8 miles.

*Designated altitudes.* The area shall include the airspace between the following altitudes only:

4,500 feet MSL to 17,500 feet MSL from Spokane Control Zone to a point 1 mile north thereof.

4,500 feet MSL to 26,500 feet MSL from a point 1 mile to a point 2 miles from the control zone.

4,500 feet MSL to 27,000 feet MSL from a point 2 miles to a point 5 miles from the control zone.

8,500 feet MSL to 27,000 feet MSL from a point 5 miles to a point 10 miles from the control zone.

12,500 feet MSL to 27,000 feet MSL from a point 10 miles to a point 15 miles from the control zone.

17,500 feet MSL to 27,000 feet MSL from a point 15 miles to a point 20 miles from the control zone.

21,500 feet MSL to 27,000 feet MSL from a point 20 miles to a point 25 miles from the control zone.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Spokane Approach Control.

*Using agency.* Commander, 116th Fighter Interceptor Squadron, Spokane, Wash.

R–6711 Tacoma, Wash. (McChord AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* The area centered on the 316° True radial of the McChord AFB Terminal Omnirange extending from the airport control zone to a point 27 statute miles northwest thereof and having a width of 2 miles at the airport control zone and expanding to a width of 4.6 miles at a point 27 miles northwest of the control zone.

*Designated altitudes.* The area described above shall include the airspace between the following altitudes only:

2,300 feet MSL to 15,300 feet MSL from the control zone to a point 1 mile northwest thereof.

2,300 feet MSL to 24,300 feet MSL from a point 1 mile to a point 2 miles from the control zone.

2,300 feet MSL to 27,000 feet MSL from a point 2 miles to a point 5 miles from the control zone.

6,300 feet MSL to 27,000 feet MSL from a point 5 miles to a point 10 miles from the control zone.

10,300 feet MSL to 27,000 feet MSL from a point 10 miles to a point 15 miles from the control zone.

15,300 feet MSL to 27,000 feet MSL from a point 15 miles to a point 20 miles from the control zone.

19,300 feet MSL to 27,000 feet MSL from a point 20 miles to a point 27 miles from the control zone.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, McChord Approach Control.

*Using agency.* Commander, McChord AFB, Wash.

R–6713 Whidbey Island, Wash.

*Boundaries.* Beginning at latitude 48°25'-00" N., longitude 123°05'00" W.; to latitude 48°23'00" N., longitude 123°06'00" W.; to latitude 48°16'30" N., longitude 123°08'00" W.; to latitude 48°16'30" N., longitude 122°-55'30" W.; to latitude 48°19'45" N., longitude 122°46'30" W.; to latitude 48°25'00" N., longitude 122°53'30" W.; thence to point of beginning.

*Designated altitudes.* Surface to 10,000 feet MSL.

*Time of designation.* From 0700 to 2400 local standard time.

*Controlling agency.* Federal Aviation Agency, Seattle ARTC Center.

*Using agency.* Commanding Officer, NAS, Whidbey Island, Wash.

R–6714 Yakima, Wash.

*Boundaries.* Beginning at latitude 46°-51'00" N., longitude 119°58'00" W.; southerly following the west shore of the Columbia River to latitude 46°39'00" N., longitude 119°55'30" W.; due south to latitude 46°-33'00" N.; due west to longitude 120°13'45" W.; northwest to latitude 46°39'00" N., longitude 120°26'38" W.; due north to latitude 46°43'00" N.; north-northeast to latitude 46°51'00" N., longitude 120°21'30" W.; due east to longitude 120°15'30" W.; north-northeast to latitude 46°54'30" N., longitude 120°15'00" W.; clockwise along the arc of a circle with a radius of 12 miles centered at latitude 46°44'45" N., longitude 120°20'00" W., to latitude 46°51'00" N., longitude 120°08'30" W.; east to latitude 46°51'00" N., longitude 118°58'00" W., point of beginning.

*Designated altitudes.* Surface to 65,000 feet MSL.

*Time of designation.* Continuous.
*Using agency.* Commanding Officer, Yakima Firing Center, Wash.

§ 608.68 West Virginia.

§ 608.69 Wisconsin.

R–6901 Camp McCoy, Wis.

*Boundaries.* Beginning at latitude 44°-10'00" N., longitude 90°46'00" W.; east to longitude 90°35'00" W.; south to latitude 43°54'00" N.; west to longitude 90°46'00" W.; north to latitude 44°10'00" N., longitude 90°46'00" W., point of beginning.
*Designated altitudes.* Surface to 25,000 feet.
*Time of designation.* May 23 through September 5 annually.
*Using agency.* Commanding Officer, Camp McCoy, Sparta, Wis.

R–6902 Sheboygan, Wis.

*Boundaries.* Beginning at latitude 43°-45'00", longitude 58°10'00"; thence to latitude 43°20'00", longitude 84°30'00"; to latitude 43°16'00", longitude 88°30'00"; to latitude 43°15'15", longitude 87°09'00"; thence to point of beginning.
*Designated altitudes.* Surface to 65,000 feet MSL.
*Time of designation.* Daily 0730 to 1700.
*Using agency.* Commanding Officer, NAS, Glenview, Ill.

R–6903 Sheboygan, Wis.

*Boundaries.* Beginning at latitude 43°-45'00", longitude 87°10'00"; thence to latitude 43°15'15", longitude 87°09'00"; to latitude 43°14'20", longitude 87°44'30"; to latitude 43°45'00", longitude 87°39'20"; thence to point of beginning.
*Designated altitudes.* Surface to 45,000 feet MSL.
*Time of designation.* Daily 0730 to 1700.
*Using agency.* Commander, 128th Fighter Group, Wisconsin Air National Guard, Milwaukee, Wis.

R–6904 Volk Field, Wis.

*Boundaries.* East boundary: Longitude 89°59'00" W.; west boundary: Longitude 90°-07'00" W.; north boundary: Latitude 44°-16'00" N.; south boundary: Latitude 44°12'00" N.
*Designated altitudes.* Surface to 12,000 feet MSL.
*Time of designation.* Sunrise to sunset, June 1 to August 31, annually, and on Friday, Saturday, and Sunday, September 1, through May 31, annually, excepting January and February.
*Using agency.* Adjutant General, State of Wisconsin, Madison, Wis.

R–6905 Madison, Wis. (Truax Field), Restricted Area/Military Climb Corridor.

*Boundaries.* That area centered on the 003° True radial of the Truax Field TVOR beginning 5 statute miles N of the airbase and extending 32 statute miles N of the airbase, having a width of 2 statute miles at the beginning, and a width of 4.6 statute miles at the outer extremity.
*Designated altitudes.*
2,900' MSL to 15,900' MSL from 5 statute miles N of the airbase to 6 statute miles N of the airbase.
2,900' MSL to 24,900' MSL from 6 to 7 statute miles N of the airbase.
2,900' MSL to 27,000' MSL from 7 to 10 statute miles N of the airbase.
6,900' MSL to 27,000' MSL from 10 to 15 statute miles N of the airbase.
10,900' MSL to 27,000' MSL from 15 to 20 statute miles N of the airbase.
15,900' MSL to 27,000' MSL from 20 to 25 statute miles N of the airbase.
19,900' MSL to 27,000' MSL from 25 to 32 statute miles N of the airbase.
*Time of designation.* Continuous.
*Controlling agency.* Federal Aviation Agency, Truax Control Tower.
*Using agency.* Commander, 325th Fighter Interceptor Squadron, Truax Field, Madison, Wis.

§ 608.70 Wyoming.

§ 608.71 Puerto Rico.

R–7101 Culebra Island, P.R.

*Boundaries.* Airspace over Culebra Island and the surrounding waters extending to the 3 nautical mile limit from the shoreland.
*Designated altitudes.* Surface to 50,000 feet MSL.
*Time of designation.* During VFR weather conditions, and only after issuance of NOTAMS by the Commandant, 10th Naval District at least 48 hours prior to firing. NOTAMS also to be issued upon cessation of firing.
*Using agency.* Commander, Caribbean Sea Frontier, San Juan, P.R.

R–7102 Punta Figuras, P.R.

*Boundaries.* Beginning at latitude 17°58'-22" N., longitude 65°58'50" W., southeast to latitude 17°55'35" N., longitude 65°57'10" W.; westerly paralleling the shoreline at a distance of 3 nautical miles to latitude 17°-51'55" N., longitude 66°14'10" W.; clockwise along the arc of a circle with 25,000 yards radius, centered at latitude 17°57'48" N., longitude 66°02'54" W., to latitude 17°53'05" N., longitude 66°14'50" W.; east-northeast to latitude 17°57'23" N., longitude 66°05'06" W.; east-northeast to latitude 17°58'22" N., longitude 65°58'50" W., point of beginning.
*Designated altitudes.* Surface to 30,000 feet MSL.
*Time of designation.* Daylight hours during periods of unrestricted visibility and only after issuance of NOTAMS by the Commandant, 10th Naval District at least 48 hours prior to firing. NOTAMS also to be issued upon cessation of firing.
*Using agency.* Commanding General, U.S. Army Caribbean, San Juan, P.R.

R–7103 Salinas, P.R.

*Boundaries.* Beginning at latitude 18°03'-03" N., longitude 66°14'26" W.; south-southwest to latitude 18°00'12" N., longitude 66°-15'10" W.; southwest to latitude 17°59'07" N., longitude 66°17'32" W.; west-northwest to latitude 18°01'40" N., longitude 66°20'15" W.; northeast to latitude 18°04'22" N., longitude 66°17'05" W.; east-southeast to latitude 18°03'55" N., longitude 66°15'25" W.; southeast to latitude 18°03'03" N., longitude 66°-14'26" W., point of beginning.
*Designated altitudes.* Surface to 5,000 feet MSL.
*Time of designation.* Sunrise to Sunset, June 15 through August 15, and Sunrise to Sunset, Saturday and Sunday, August 16 through June 14.
*Using agency.* Commanding General, U.S. Army Caribbean, San Juan, P.R.

R–7104 Vieques Island, P.R.

*Boundaries.* Airspace over Vieques Island and the surrounding waters extending to the 3 nautical mile limit from the shoreline.
*Designated altitudes.* Surface to 50,000 feet MSL.
*Time of designation.* Unlimited, but only after issuance of NOTAMS by the Commandant, 10th Naval District, at least 48 hours prior to firing. NOTAMS to contain information concerning time of cessation of firing.
*Using agency.* Commander, Caribbean Sea Frontier, San Juan, P.R.

§ 608.72 Guam.

R–7201 Nafatan Rock, Guam.

*Boundaries.* Within a radius of 5 nautical miles of latitude 14°50'00" N., longitude 145°32'00" E., excluding the portion beyond 3 nautical miles from the shoreline.
*Designated altitudes.* Surface to 60,000 feet.
*Time of designation.* Continuous.
*Using agency.* Commander, NAS, Agana, Guam.

This amendment shall become effective 0001 March 9, 1961.

Issued in Washington, D.C., on January 23, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61–740; Filed, Jan. 27, 1961; 8:45 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

## PART 12—ENVELOPES

## PART 21—FIRST CLASS

## PART 24—THIRD CLASS

## PART 27—FEDERAL GOVERNMENT MAIL AND FREE MAIL

### Domestic Letter Mail; Minimum Size Limit for Certain Classes

A notice of proposed rule making was published in the FEDERAL REGISTER on May 4, 1960, at pages 3855 and 3864, which gave notice of the proposal by the Post Office Department to amend the regulations in Parts 12, 21, 24 and 27 of title 39, Code of Federal Regulations.

This amendment proposed to establish (1) a minimum size requirement of 3 x 4¼ inches; (2) a rectangular shape requirement; (3) a full sealing requirement and (4) a recommended width to length ratio of 1 to 1.414 or greater for all first and third-class mailing envelopes, cards and self-mailers.

Most careful consideration has been given to the comments received with respect to the proposed regulations, and the Department has reached the conclusion that the regulations should be adopted, effective January 1, 1963, subject to the following changes:

PARAGRAPH I. The postponement of the effective date to January 1, 1963, is for the purpose of granting mail users and manufacturers ample time to comply with the new regulations.

PAR. II. The Department has adopted the proposal for all first- and third-class mailing envelopes, cards and self-mailers to have a minimum size requirement of 3 x 4¼ inches and a rectangular shape. However, after evaluating the comments with regards to the proposal for full sealing of such mailings, the Department has decided to incorporate the "full sealing proposal" into the regulations as a recommendation, along with the recommended proposal of "a maximum width to length ratio of 1 to 1.414".

PAR. III. The citations of authority which immediately follow the amending Parts were amended to read as set forth below.

PAR. IV. In addition to the above-mentioned substantive changes, editorial amendments were made to the proposed regulations for the purpose of clarification.

As so amended the regulations are hereby adopted, effective January 1, 1963, to read as follows:



I. Amend § 12.3 *Size* to read as follows:

§ 12.3 Size.

Envelopes of standard size are more easily and quickly handled. Envelopes less than 2¾ by 4 inches, or larger than 9 by 12 inches, are not recommended.

NOTE: Effective January 1, 1963, this section will read:

§ 12.3 Size, shape, and ratio.

Envelopes of standard sizes and shapes are essential to the economical handling of mail, both by machine and manual methods. The following standards apply to envelopes:

(a) Envelopes less than 3 inches in width (height) or 4¼ inches in length are nonmailable.

(b) Envelopes more than 9 inches in width (height) or 12 inches in length are not recommended.

(c) Envelopes having shapes other than rectangular are nonmailable.

(d) Envelopes having a ratio of width (height) to length of less than 1 to 1.414 (1 to the square root of 2) are not recommended.

NOTE: The corresponding Postal Manual section is 122.3.

(R.S. 161, as amended, secs. 501, 2503, 2510, 74 Stat. 580, 606, 607 (Pub. Law 86–682); 5 U.S.C. 22,501, 2503, 2510)

II. In Part 21—First Class—make the following changes:

A. In § 21.2 *Classification*, amend subdivision (i) of paragraph (a) (7) to read as follows:

§ 21.2 Classification.

(a) *Description.* * * *
(7) * * *
(i) *Size.* Not larger than 3⅝ by 5⅝ inches, nor smaller than 2¾ by 4 inches.

NOTE: Effective January 1, 1963, this subdivision will read:

(i) *Size, shape, and ratio.* Not larger than 3⅝ by 5⅝ inches, nor smaller than 3 by 4¼ inches. Must be rectangular in shape. A ratio of width (height) to length of less than 1 to 1.414 (1 to the square root of 2) is not recommended. (See § 21.3(b) and § 24.3(b) of this chapter.)

NOTE: The corresponding Postal Manual section is 131.217a.

B. In § 21.3 *Weight and size limits* amend paragraph (b) to read as follows:

§ 21.3 Weight and size limits.

* * * * * *

(b) *Size.* No limit.

NOTE: Effective January 1, 1963, this paragraph will read:

(b) *Size, shape, ratio, and sealing.* There is no maximum limit of size. The following standards apply to self-mailers having postage paid thereon at the first-class postage rate:

(1) Pieces less than 3 inches in width (height) or 4¼ inches in length are nonmailable.

(2) Pieces having shapes other than rectangular are nonmailable.

(3) Pieces having a ratio of width (height) to length of less than 1 to 1.414 (1 to the square root of 2) are not recommended.

(4) Pieces which are not sealed or secured on all four edges so that they may be handled by machines are not recommended.

NOTE: The corresponding Postal Manual section is 131.32.

(R.S. 161, as amended, secs. 501, 2502, 2503, 2510, 4251, 74 Stat. 580, 606, 607, 663 (Pub. Law 86–682); 5 U.S.C. 22, 39 U.S.C. 501, 2502, 2503, 2510, 4251)

III. In Part 24—Third Class—make the following changes:

A. In § 24.2 *Classification*, amend subparagraph (3) of paragraph (b) to read as follows:

§ 24.2 Classification.

* * * * * *

(b) *Application of rates.* * * *

(3) The minimum charge for pieces of odd size or form applies to articles mailed singly or in bulk when:

(i) The address side exceeds 9 inches in width or 12 inches in length.

(ii) The address side is less than 2¾ inches in width or 4 inches in length.

(iii) They are not rectangular.

(iv) Their contents prevent stacking or tying in packages.

(v) They are enclosed in bags.

(vi) They are addressed by means of tags.

NOTE: Effective January 1, 1963, this subparagraph will read:

(3) The minimum charge for pieces of odd size or form applies to articles mailed singly or in bulk when:

(i) The address side exceeds 9 inches in width or 12 inches in length.

(ii) The address side of articles other than envelopes, cards, and self-mailers is less than 3 inches in width (height) or 4¼ inches in length. (See § 24.3 of this section.)

(iii) Their contents prevent stacking or tying in packages.

(iv) They are enclosed in bags.

(v) They are addressed by means of tags.

NOTE: The corresponding Postal Manual section is 134.22c.

B. In § 24.3 *Weight and size limitations*,, amend paragraph (b) to read as follows:

§ 24.3 Weight and size limitations. * * *

* * * * * *

(b) *Size.* No limit.

NOTE: Effective January 1, 1963, this paragraph will read:

(b) *Size, shape and ratio.* There is no maximum limit of size. The following standards apply to envelopes, cards, and self-mailers having postage paid thereon at the third-class rates:

(1) Pieces less than 3 inches in width (height) or 4¼ inches in length are nonmailable.

(2) Pieces having shapes other than rectangular are nonmailable.

(3) Pieces having a ratio of width (height) to length of less than 1 to 1.414 (1 to the square root of 2) are not recommended.

NOTE: The corresponding Postal Manual section is 134.32.

C. Amend § 24.8 *Sealing* by adding the following immediately after paragraph (c) therein:

NOTE: Effective January 1, 1963, this section will read:

§ 24.8 Sealing.

(a) *Examination.* Third-class mail must be prepared by the mailer so that it can be easily examined. Third-class mail which is not sealed or secured so that it may be handled by machines is not recommended. Mailing of sealed articles at the third-class rates of postage is deemed to be with the consent of the mailer to postal inspection of the contents.

(b) *Marking.* All sealed pieces mailed at the third-class postage rates must be marked *"Third Class."*

NOTE: The corresponding Postal Manual section is 134.8.

(R.S. 161, as amended, secs. 501, 2503, 2510, 4451, 4452, as amended by 74 Stat. 89 (Pub. Law 86–56), 4453, 74 Stat. 580, 606, 607, 674, 675 (Pub. Law 86–682); 5 U.S.C. 22, 39 U.S.C. 501, 2503, 2510, 4451–4453)

IV. In Part 27—Federal Government Mail and Free Mail—make the following changes:

A. In § 27.1 *Members of Congress*, amend subparagraph (2) of paragraph (e) to read as follows:

§ 27.1 Members of Congress.

* * * * * *

(e) *Weight and size limits.* * * *
(2) *Size.* No limit.

NOTE: Effective January 1, 1963, this subparagraph will read:

(2) *Size, shape, ratio, and sealing.* The provisions of §§ 12.3, 21.2(a)(7), 21.3(b) and 24.3(b) of this chapter apply.

NOTE: The corresponding Postal Manual section is 137.152.

B. In § 27.2 *Executive and judicial officers*, amend subparagraph (2) of paragraph (e) to read as follows:

§ 27.2 Executive and judicial officers.

* * * * * *

(e) *Weight and size limits.* * * *
(2) *Size.* There is no size limit prescribed for penalty mail. Other matter is subject to the size limits prescribed in § 25.3(b) of this Chapter.

NOTE: Effective January 1, 1963, this subparagraph will read:

(2) *Size, shape, ratio, and sealing.* The provisions of §§ 12.3, 21.1(a)(7), 21.3(b), 24.2(b), 24.3(b), 24.8, and 25.3 (b) of this chapter apply.

NOTE: The corresponding Postal Manual section is 137.252.

(R.S. 161, as amended, secs. 501, 2503, 2510, 4154–4156, 4158–4160, 74 Stat. 580, 606, 607, 661, 662 (Pub. Law 86–682); 5 U.S.C. 22, 39 U.S.C. 501, 2503, 2510, 4154–4156, 4158–4160)

[SEAL] LEO G. KNOLL,
*Acting General Counsel.*

[F.R. Doc. 61–871; Filed, Jan. 26, 1961; 12:58 p.m.]

## PART 13—ADDRESSES

## PART 18—POSTAL DELIVERY ZONE SYSTEM

## PART 22—SECOND CLASS

## PART 24—THIRD CLASS

### Miscellaneous Amendments

The regulations of the Post Office are amended as follows:

I. In § 13.6 *Delivery zone numbers* make the following changes:

A. Amend paragraph (d) by inserting "Phoenix, Ariz." in the proper alphabetical list of states with zone cities.

B. In paragraph (e) amend the sample column of information shown in the zone directory entitled "Alphabetical List of City Streets and Numbers" to read "Alphabetical List of Named Streets".

NOTE: The corresponding Postal Manual sections are 123.64 and 123.65.

(R.S. 161, as amended, sec. 501, 74 Stat. 580 (Pub. Law 86-682), 5 U.S.C. 22, 39 U.S.C. 501)

II. In Part 18—Postal Delivery Zone System—make the following changes:

A. Amend § 18.3 *Change in delivery zone system* by adding a new subdivision (vii) to paragraph (b)(2) to read as follows:

(vii) A diagram of the primary separations.

NOTE: The corresponding Postal Manual section is 128.322g.

B. In § 18.4 *Reissuance of postal zone directories*, add a new paragraph (c) to read as follows:

(c) *When to submit material.* Postmasters shall observe the following schedule in submitting material:

*January through March*

(Group 1)

| | |
|---|---|
| Birmingham, Ala. | Denver, Colo. |
| Montgomery, Ala. | Bridgeport, Conn. |
| Phoenix, Ariz. | Hartford, Conn. |
| Berkeley, Calif. | New Haven, Conn. |
| Fresno, Calif. | Waterbury, Conn. |
| Glendale, Calif. | Wilmington, Del. |
| Long Beach, Calif. | Washington, D.C. |
| Los Angeles, Calif. | Jacksonville, Fla. |
| Oakland, Calif. | Miami, Fla. |
| Sacramento, Calif. | St. Petersburg, Fla. |
| San Diego, Calif. | Tampa, Fla. |
| San Francisco, Calif. | Atlanta, Ga. |
| San Jose, Calif. | Honolulu, Hawaii. |
| Stockton, Calif. | |

*April through June*

(Group 2)

| | |
|---|---|
| Chicago, Ill. | Worcester, Mass. |
| Evansville, Ind. | Detroit, Mich. |
| Indianapolis, Ind. | Flint, Mich. |
| South Bend, Ind. | Grand Rapids, Mich. |
| Des Moines, Iowa. | Lansing, Mich. |
| Sioux City, Iowa. | Duluth, Minn. |
| Kansas City, Kans. | Minneapolis, Minn. |
| Wichita, Kans. | Saint Paul, Minn. |
| Louisville, Ky. | Jackson, Miss. |
| Baton Rouge, La. | Kansas City, Mo. |
| New Orleans, La. | St. Louis, Mo. |
| Baltimore, Md. | Lincoln, Nebr. |
| Boston, Mass. | Omaha, Nebr. |
| Springfield, Mass. | |

*July through September*

(Group 3)

| | |
|---|---|
| Camden, N.J. | Trenton, N.J. |
| Jersey City, N.J. | Albany, N.Y. |
| Newark, N.J. | Brooklyn, N.Y. |
| Paterson, N.J. | Buffalo, N.Y. |
| Far Rockaway, N.Y. | Charlotte, N.C. |
| Flushing, N.Y. | Akron, Ohio. |
| Jamaica, N.Y. | Canton, Ohio. |
| Long Island City, N.Y. | Cincinnati, Ohio. |
| New York, N.Y. | Cleveland, Ohio. |
| Rochester, N.Y. | Columbus, Ohio. |
| Schenectady, N.Y. | Dayton, Ohio. |
| Staten Island, N.Y. | Toledo, Ohio. |
| Syracuse, N.Y. | Youngstown, Ohio. |

*October through December*

(Group 4)

| | |
|---|---|
| Oklahoma City, Okla. | Houston, Tex. |
| Tulsa, Okla. | San Antonio, Tex. |
| Portland, Oreg. | Salt Lake City, Utah. |
| Philadelphia, Pa. | Arlington, Va. |
| Pittsburgh, Pa. | Norfolk, Va. |
| Scranton, Pa. | Richmond, Va. |
| Providence, R.I. | Seattle, Wash. |
| Chattanooga, Tenn. | Spokane, Wash. |
| Knoxville, Tenn. | Tacoma, Wash. |
| Memphis, Tenn. | Charleston, W. Va. |
| Nashville, Tenn. | Huntington, W. Va. |
| Austin, Tex. | Madison, Wis. |
| Dallas, Tex. | Milwaukee, Wis. |
| Fort Worth, Tex. | |

NOTE: The corresponding Postal Manual section is 128.4c.

C. In § 18.5 *Promotion of zone number usage* amend paragraph (e) to read as follows:

(e) *Distribution of Notice 42, Postal Delivery Zone Notice.* (1) During March, June, September, and December of each year, the notice of the correct zone number shall be distributed to all city, rural, and post office box addresses in zoned areas.

(2) Notice 42 shall be ordered from supply centers. Postmasters shall prepare a special requisition on Form 1580, *Requisition for Supplies*, and shall confine requests to their requirements for a 3-month period. Requisitions must be submitted to supply centers 20 days prior to the first week of the March, June, September, and December quarters. Supply centers will fill requisitions during the first 10 days of the months specified. This procedure shall be followed each quarter.

(3) These special requisitions shall be confined to Notice 42 requirements only, and no other forms or items shall be included.

NOTE: The corresponding Postal Manual section is 128.55.

(R.S. 161, as amended, sec. 501, 74 Stat. 580 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501)

III. In Part 22—Second Class—make the following changes for the purpose of clarification:

A. In § 22.1 *Rates*, as amended by Federal Register Document 60-1649, 25 F.R. 1617, amend paragraph (b)(1) to read as follows:

(b) *Outside the county of publication* (1) *All publications, except those accepted at the special rate or classroom rate.*

| | *Cents per pound* |
|---|---|
| Nonadvertising portion | 2.5 |
| Advertising portion: | |
| First and second zones | 3 |
| Third zone | 4 |
| Fourth zone | 6 |
| Fifth zone | 8 |
| Sixth zone | 10 |
| Seventh zone | 12 |
| Eighth zone | 14 |

If the total postage computed at these pound rates does not amount to ½ cent per copy or more, postage must be computed at the minimum rate of ½ cent per copy. (See paragraph (g) of this section.)

NOTE: The corresponding Postal Manual section is 132.121.

B. In § 22.4 *What may be mailed at the second-class rates* amend paragraph (i) to read as follows:

(i) *Advertisements.* All advertisements in periodicals must be permanently attached. Pagination is not required in periodicals, but when any pages are paginated, either by numbers, alphabetical letters, or a combination of both, all pages must be paginated, or allowed for in sequence in such manner as to indicate that pages containing advertisements are an integral part of the periodical, or of its separate editions, rather than an independent publication. Independent publications may not be inserted in periodicals as advertisements. The physical makeup of advertisements may include such features as the following:

(1) Different advertisements may occupy the same space in different copies of the same issue.

(2) Pages of advertisements may not be smaller than one-eighth of the size of the regular pages when they include coupons or application or order forms occupying one-half or less of the page as permitted by paragraph (h)(3)(v) of this section.

(3) Advertisements larger than the regular pages may be prepared for folding out horizontally, vertically, or both.

(4) Advertisements may be die-cut or deckle-edged.

(5) Multiple page advertisements may be prepared for detachment as permitted by paragraph (h)(3)(iii)(a) of this section and may be held together by staples or other means separate from and in addition to the regular binding of the periodical.

(6) Advertisements may be printed upon sheets of paper, cellophane, foil, and other similar material.

(7) Advertisements may include statements that they are printed on the product or by means of the product of the advertiser.

NOTE: The corresponding Postal Manual section is 132.49.

(R.S. 161, as amended, secs. 501, 4058, 4352, 4354, 4355, 4359, 4360, 74 Stat. 580, 657, 666, 667, 669, 670 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 4058, 4352, 4354, 4355, 4359, 4360, 4365)

IV. In § 24.2 *Classification*, as published in Federal Register Document 60-1081, 25 F.R. 905, amend paragraph (a) to read as follows:

(a) *Definition.* (1) Third-class mail consists of mailable matter which is—

(i) Not mailed or required to be mailed as first class mail;

(ii) Not entered as second class mail; and

(iii) Less than sixteen ounces in weight.

(2) A person who presents for mailing at one time twenty or more identical copies of bills and statements of account produced by any photographic or mechanical process, other than typewriting, may mail them as third-class mail. In other cases, bills and statements of account shall be mailed as first-class mail.

(3) Circulars, including printed letters which according to internal evidence are being sent in identical terms to several persons, are third-class mail. A circular does not lose its character as such when the date and name of the addressee and of the sender are written therein, nor by the correction in writing of mere typographical errors.

(4) Unsealed letters written in point print or raised characters, or on sound reproduction records, used by the blind are third-class mail without regard to the limit on weight prescribed in subparagraph (1)(iii) of this paragraph.

(5) Printed matter within the limit of weight set forth in subparagraph (1) of this paragraph is third-class mail. For the purpose of this section, printed matter is paper on which words, letters, characters, figures or images, or any combination thereof, not having the character of actual or personal correspondence, have been reproduced by any process other than handwriting or typewriting.

NOTE: The corresponding Postal Manual section is 134.21.

(R.S. 161, as amended, secs. 501, 4451, 74 Stat. 580, 672 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 4451)

[SEAL] LEO G. KNOLL,
*Acting General Counsel.*

[F.R. Doc. 61-831; Filed, Jan. 27, 1961; 8:49 a.m.]



## PART 22—SECOND CLASS MAIL

### Application and Qualifications for Second-Class Mail Privileges

On April 12, 1960, a notice of proposed rulemaking was published in the FEDERAL REGISTER document 60-3291 (25 F.R. 3126) with respect to second-class mail privileges under §§ 22.2 and 22.3 of Title 39, Code of Federal Regulations.

After careful consideration of all comments presented by interested persons regarding the proposed regulations, the Department has reached the conclusion that the regulations as so published should be adopted subject to the following changes:

PARAGRAPH 1. In § 22.2, paragraph (b)(7) is revised by reducing the original proposal of 70 per centum paid circulation standard to a 65 per centum paid circulation standard. Also, the 65 per centum paid circulation standard will be effective upon publication of this document in the FEDERAL REGISTER. However, publications which do not meet this standard but which now have second class permits must maintain at least a 55 per centum paid circulation standard until December 31, 1961, after which date the 65 per centum standard must be complied with.

PAR. 2. In § 22.3, paragraph (a)(1) is revised by amending the specific information requirements on Form 3501—Application for Second-Class Mail Privileges, as set forth below.

PAR. 3. The citations of authority which immediately follow §§ 22.2 and 22.3 therein are amended to read as set forth below.

As so amended the regulations are hereby adopted to read as follows:

I. In § 22.2 *Qualifications for second-class privileges*, subparagraphs (5) and (7) of paragraph (b) are amended to read as follows:

§ 22.2 Qualifications for second-class privileges.

* * * * *

(b) *Basic qualifications.* * * *

(5) *List of subscribers.* Publications must have a legitimate list of persons who have subscribed by paying or promising to pay for copies to be received during a stated time.

* * * * *

(7) *Free circulation publications.* Publications designed primarily for free circulation may not qualify for second-class privileges. Publications are designed primarily for free circulation when the total number of copies furnished during any 12-month period to legitimate paid subscribers (see subparagraph (5) of this paragraph) and to the purchasers of single copies constitutes less than 65 per centum of the total number of copies distributed by mail at the second-class pound rates or the transient rate, by the publishers' carriers, and by other means for any purpose. See § 22.3 (a)(1).

NOTE: The 65 per centum paid circulation standard established by this paragraph is effective upon publication. Publications which do not meet this standard but which now have second-class permits must maintain at least 55 per centum paid circulation until December 31, 1961, after which date the 65 per centum standard must be complied with.

NOTE: the corresponding Postal Manual Sections are 132.225 and 132.227.

(R.S. 161, as amended, secs. 501, 4351, 4352, 4354, 4355, 4358-4360, 4362, 74 Stat. 580, 666-670 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 4351, 4352, 4354, 4355, 4358-4360, 4362)

II. In § 22.3 *Application for second-class privileges*, paragraph (a) is amended to read as follows:

§ 22.3 Application for second-class privileges.

(a) *Applications for publications and news agents that do not have second-class privileges.* An application must be filed by the publisher before a publication may be mailed at the second-class rates. Two copies of the issue described in the application must also be filed. When one-half or more of the total copies distributed are purchased by news agents for resale or are consigned to news agents for sale, two copies each of at least four issues must be filed before an application is either approved or disapproved, to demonstrate compliance with the requirement for regular issuance at least four times each year. See § 22.2(b)(1). If the publication is printed in a foreign language, a brief translation of the contents of the copies must be furnished. A synopsis of each article and advertisement is usually sufficient. News agents must file applications before they may mail second-class publications at the second-class rates. Copies of all application forms may be obtained from local postmasters. The headings on the forms describe what information must be furnished by publishers and news agents. Use the following forms:

(1) File application Form 3501, "Application for Second-Class Mail Privileges", for second-class mail privileges for a publication that meets the basic qualifications at the post office of the place where the known office of publication is located. When one-half or more of the total copies distributed are purchased by news agents for resale, or are consigned to news agents for sale, postmasters will not accept an application on Form 3501, unless the publisher has completed the application by furnishing all of the information called for by questions 30 and 31.

(2) File application Form 3502, "Application for Second-Class Mail Privileges", for second-class mail privileges for a publication of an institution or society that does not meet the basic qualifications at the post office of the place where the known place of publication is located.

(3) File application Form 3501-A, "Application to Mail Publications at Second-Class Rates", for permission to mail foreign publications in the United States at the post office at which the copies are to be mailed.

(4) File application Form 3501-A for registry of a person or firm as a news agent with the privilege of mailing second-class publications at the post office where mailings are to be made.

NOTE: The corresponding Postal Manual Section is 132.31.

(R.S. 161, as amended, secs. 501, 4351-4355, 4357-4360, 4362-4364, 4368, 4369, as amended by 74 Stat. 200 (Pub. Law 86-507), 74 Stat. 580, 666-671 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 4351-4355, 4357-4364, 4368)

[SEAL] LEO G. KNOLL,
*Acting General Counsel.*

[F.R. Doc. 61-870; Filed, Jan. 26, 1961; 12:58 p.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

[Ex Parte No. 73]

## PART 142—EXTENSION OF CREDIT TO SHIPPERS

### Payment of Charges

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 30th day of December A.D. 1960.

It appearing that on May 19, 1960, the Commission, made and filed a report and order in this proceeding, 310 I.C.C. 391, and that thereafter, upon petition of the protestants and replies thereto, the proceeding was reopened for reconsideration;

It further appearing that the Commission, on the date hereof, has made

and filed a report on reconsideration, which report, together with the prior reports and orders herein, are hereby referred to and made a part hereof: [1]

*It is ordered,* That the order entered in this proceeding on May 19, 1960, as modified, authorizing the extension of credit on carload traffic to 96 hours and 120 hours, in lieu of 48 hours and 96 hours, respectively, the effective date of which was postponed until the further order of the Commission, be, and it is hereby, reinstated and modified, so as to become effective on March 10, 1961.

*It is further ordered,* That the regulations issued under the order of May 19, 1960, as modified, 49 CFR 142.1b, be, and they are hereby, further modified by deleting the date July 7, 1960, and substituting in its place the date March 10, 1961.

*It is further ordered,* That in all other respects said order of May 19, 1960, as modified, and said regulations shall remain in full force and effect.

*And it is further ordered,* That notice to the general public shall be given by depositing a copy hereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Sec. 3(2), 24 Stat. 380, as amended, 49 U.S.C. 3)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-830; Filed, Jan. 27, 1961; 8:48 a.m.]

[1] Filed as part of original document.

# Proposed Rule Making

## INTERSTATE COMMERCE COMMISSION

[ 49 CFR Parts 73, 77, 78 ]

[Docket No. 3666; Notice 47]

### TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

### Notice of Proposed Rule Making

JANUARY 6, 1961.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth below and the reasons therefor are listed in the Appendix below.

Applications for the proposed amendments have been the subject of exchanges and study by various interested parties, in which substantial agreement has been reached.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before February 6, 1961. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(62 Stat. 738, 18 U.S.C. 831–835; 49 Stat. 546, 63 Stat. 1237, 54 Stat. 921, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

### PART 73—SHIPPERS

#### Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.33 amend paragraph (a)(2); cancel paragraph (k)(11) (15 F.R. 8280, Dec. 2, 1950) (21 F.R. 3008, May 5, 1956) to read as follows:

**§ 73.33 Qualification, maintenance, and use of cargo tanks.**

(a) • • •

(2) Cargo tanks to be used for the transportation of corrosive or flammable liquids shall be of the types prescribed by the regulations and maintained or retested in accordance with the requirements appearing in § 77.824 of this chapter.

• • • • • •

(k) • • •

(11) Canceled.

### PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

#### Subpart A—General Information and Regulations

Add § 77.824 (15 F.R. 8364, Dec. 2, 1950) to read as follows:

**§ 77.824 Retesting of cargo tanks.**

(a) *Flammable liquid and poisonous liquid cargo tanks, specs. MC 300, MC 302, MC 303 and MC 305.* Every cargo tank constructed in compliance with specs. MC 300, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324, and 78.326 of this chapter) used for the transportation of any flammable liquid or poisonous liquid, class B, shall be retested as follows:

(1) *Tank out of service one year or more.* Every cargo tank which has been out of transportation service for a period of one year or more shall not be returned again to or placed in such service until it has successfully fulfilled the testing requirements set forth in the applicable specification.

(2) *Specification tanks.* Every cargo tank complying with the requirements of Specification No. 1001, 1937 Edition of the American Petroleum Institute, specifications of the National Fire Protection Association 1929 or 1933, or specifications MC 300, MC 302, MC 303 and MC 305 (§§ 78.321, 78.323, 78.324 and 78.326 of this chapter), shall be tested at least once in every 5-year period and shall not be returned to service until it has successfully fulfilled the testing requirements set forth under § 78.321–16 of this chapter. If tested no oftener than once in every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning for such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under § 78.321–16 of this chapter.

(3) *Nonspecification tanks.* Every cargo tank not complying with the requirements of Specification No. 1001, 1937 Edition of the American Petroleum Institute, specifications of the National Fire Protection Association 1929 or 1933, or specifications MC 300, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324 and 78.326 of this chapter), shall be tested at least once in every calendar year and shall successfully fulfill the requirements set forth under § 78.321–16 of this chapter. No two such required tests shall be closer together than 6 months.

(b) *Pressurized flammable liquid and poisonous liquid cargo tanks, spec. MC 304.* Every cargo tank constructed in compliance with spec. MC 304 (§ 78.325 of this chapter) or footnote 1 of § 78.325 of this chapter, shall be retested as specified in § 78.325–16 of this chapter. Each cargo tank used for the transportation of commodities specified in § 78.325 of this chapter shall be withheld from service until it has successfully fulfilled the testing requirements. Each such cargo tank shall be retested as follows:

(1) Whenever any such cargo tank, new or old, is acquired by a motor carrier; except that suitable testing of new tanks when completed by the manufacturer and before such tanks are placed in service will be considered as complying with this requirement.

(2) When such cargo tank has been out of service for one year or longer.

(3) When or before the test date required by § 78.325–17 of this chapter to be painted on the tank is five years old.

(4) When or before the test date required by § 78.325–17 of this chapter to be painted on the tank is two years old, in the case of tanks not complying with all requirements of this specification but continuing in service as authorized in footnote 1 of § 78.325 of this chapter.

(c) *Corrosive liquid cargo tanks, specs. MC 310 and MC 311.* Every cargo tank constructed in compliance with specs. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter) used for the transportation of any corrosive liquid shall be retested as follows:

(1) *Tank out of service one year or more.* Every cargo tank which has been out of transportation service for a period of one year or more shall not be returned again, to or placed in such service until it has successfully fulfilled the testing requirements set forth in the applicable specification.

(2) *Specification tanks.* Every cargo tank complying with specs. MC 310, MC 311 (§ 78.330 or 78.331 of this chapter), or the requirements set forth in footnote 1 of § 78.330 or 78.331 of this chapter, shall be tested at least once in every 5-year period and shall successfully fulfill the testing requirements set forth in the applicable specification. If tested no oftener than once every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning of such testing of such cargo tanks shall be from the time of the last test made in accordance with the testing requirements set forth in the applicable specification.

(3) *Nonspecification tanks.* Every cargo tank not complying with specs.

MC 310, MC 311 (§ 78.330 or 78.331 of this chapter), or the requirements set forth in footnote 1 of § 78.330 or 78.331 of this chapter, shall be tested at least once in every calendar year and shall successfully fulfill the testing requirements set forth under § 78.330–16 or 78.331–16 of this chapter, whichever is applicable. No two such required tests shall be closer together than 6 months.

(d) *Compressed gas cargo tanks, spec. MC 330.* Every cargo tank constructed in compliance with spec. MC 330 (§ 78.336 of this chapter) used for the transportation of any compressed gas shall be retested in accordance with the requirements of § 73.33 of this chapter.

(e) *Novel cargo tanks.* Every cargo tank which shall have been authorized by the Commission under the provisions of § 73.33 (h) and (j) of this chapter shall be retested under the requirements set forth in the terms of such authorization.

(f) *Testing following accidents.* Every cargo tank capable of suitable repair following any accident in which a tank motor vehicle may have been involved shall not be returned to service until it has successfully been retested in accordance with the test prescribed for its periodic retest if the cargo tank has itself been damaged in a manner likely to affect the safety of operation of the tank motor vehicle, or if the damage to the tank motor vehicle is such as to make the safety of the cargo tank uncertain.

(g) *Special testing required by the Commission.* Upon the showing of probable cause of the necessity for retest, the Commission may, at its discretion, cause any cargo tank to be retested at any time in accordance with the requirements prescribed for its periodic retest.

(h) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in the applicable specification.

## Subpart D—Vehicles and Shipments in Transit; Accidents

In § 77.854 add paragraph (h) (15 F.R. 8370, Dec. 2, 1950) to read as follows:

**§ 77.854 Disabled vehicles and broken or leaking packages; repairs.**

* * * * *

(h) *No repair with flame unless gas-free.* No repair of a cargo tank used for the transportation of any flammable liquid or poisonous liquid, or any compartment thereof, or of any container for fuel of whatever nature, may be repaired by any method employing a flame, arc, or other means of welding, unless the tank or compartment shall first have been made gas-free.

# PART 78—SHIPPING CONTAINER SPECIFICATIONS[1]

## Subpart J—Specifications for Containers for Motor Vehicle Transportation

Amend entire § 78.321 (21 F.R. 7610, 7611, Oct. 4, 1956) (15 F.R. 8544, 8545, 8546, Dec. 2, 1950) (23 F.R. 2335, Apr. 10, 1958) (22 F.R. 7847, Oct. 3, 1957) (16 F.R. 11785, 11786, Nov. 21, 1951) (23 F.R. 4033, June 10, 1958) (22 F.R. 11033, Dec. 31, 1957) to read as follows:

**§ 78.321 Specification MC 300;[1] cargo tanks constructed of mild (open hearth or blue annealed) steel, or combination of mild steel with high-tensile steel, or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.**

**§ 78.321–1 General requirements.**

(a) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

**§ 78.321–2 Material.**

(a) *Properties of mild steel sheets.* All mild steel sheets shall be of open hearth steel or blue annealed steel meeting the following minimum requirements:

| | |
|---|---|
| Yield point, minimum | 25,000 psi. |
| Ultimate strength, minimum | 45,000 psi. |
| Minimum elongation, standard 2-inch sample. | 20 percent. |

(b) *Properties of high-tensile steel sheets.* All high-tensile steel sheets for such cargo tanks shall meet the following minimum requirements:

| | |
|---|---|
| Yield point, minimum | 45,000 psi. |
| Ultimate strength, minimum | 60,000 psi. |
| Minimum elongation, standard 2-inch sample. | 25 percent. |

(c) *Properties of stainless steel sheets.* All stainless steel sheets shall meet the following minimum requirements:

| | |
|---|---|
| Yield point, minimum | 32,000 psi. |
| Ultimate strength, minimum | 75,000 psi. |
| Minimum elongation, standard 2-inch sample. | 20 percent. |

(d) *Cargo tanks constructed of a combination of mild and high-tensile steels or stainless steel.* Mild steel sheets as specified in § 78.321–3(a) may be used in combination with high-tensile steel sheets or stainless steel sheets as specified in § 78.321–3(b) in the construction of a single tank, provided each material, where used, shall comply with the minimum requirements for the material used in the construction for that section of the tank. Whenever stainless steel sheets are used in combination with sheets of other types of steel, joints made by welding shall be formed by the use of stainless steel electrodes or filler rods on condition that the stainless steel electrodes or filler rods used in the welding be suitable for use with the grade of stainless steel concerned, according to the recommendations of the manufacturers of the stainless steel electrodes or filler rods.

**§ 78.321–3 Thickness.**

(a) *Thickness of mild steel sheets.* The minimum thickness of mild steel tank sheets shall be limited by the volume capacity of the tank expresed in terms of gallons per inch of length; and by the distance between bulkheads, baffles or other shell stiffeners, as well as by the radius of shell curvature in the case of shell sheets; as specified in Table I and Table II:

TABLE I—MINIMUM THICKNESS OF HEADS,[1] BULKHEADS, BAFFLES (DISHED, CORRUGATED, REINFORCED OR ROLLED) AND RING STIFFENERS

| Volume capacity of tank in gallons per inch of length | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
|---|---|---|---|---|
| United States Standard gauge number | 14 | 13 | 12 | 11 |

[1] Thickness of exterior head sheets shall never be less than the minimum requirements for shell sheets in any specific unit.

[1] Existing tank motor vehicles continuing in service.

(a) *Specification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, which shall have been in service prior to June 15, 1940, may be continued in service provided that they have been designed and constructed in accordance with requirements of Specification No. 1001, 1937 edition, of the American Petroleum Institute, or in accordance with the requirements of specifications of the National Fire Protection Association, 1929 or 1933 editions.

(b) *Existing nonspecification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to June 15, 1940, may be continued in service, provided that they fulfill the requirements set forth under §§ 77.824(a) and 77.854(h) of this chapter, and that they be provided with the accessories as specified in §§ 78.321–5(a), 78.321–8, and 78.321–9 through 78.321–12.

(c) On the required metal identification plate substitute "API Spec 1001, 1937," or "NFPA Spec 1929 (or 1933)" or "No Specification" in place of the specification number shown in the appropriate specification.



TABLE IV—MINIMUM THICKNESS OF SHELL SHEETS EXPRESSED IN UNITED STATES STANDARD GAUGE

| Distance between attachments of bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length: 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
|---|---|---|---|---|
| **Maximum shell radius of less than 70 inches[1]** | | | | |
| 36 inches or less | 16 | 16 | 15 | 14 |
| Over 36 inches to 54 inches | 16 | 15 | 14 | 13 |
| Over 54 inches to 60 inches | 15 | 14 | 13 | 12 |
| **Maximum shell radius of 70 inches or more, but less than 90 inches[1]** | | | | |
| 36 inches or less | 16 | 15 | 14 | 13 |
| Over 36 inches to 54 inches | 15 | 14 | 13 | 12 |
| Over 54 inches to 60 inches | 14 | 13 | 12 | 11 |
| **Maximum shell radius of 90 inches or more, but less than 125 inches[1]** | | | | |
| 36 inches or less | 15 | 14 | 13 | 12 |
| Over 36 inches to 54 inches | 14 | 13 | 12 | 11 |
| Over 54 inches to 60 inches | 13 | 12 | 11 | 10 |
| **Shell radius of 125 inches or more[1]** | | | | |
| 36 inches or less | 14 | 13 | 12 | 11 |
| Over 36 inches to 54 inches | 13 | 12 | 11 | 10 |
| Over 54 inches to 60 inches | 12 | 11 | 10 | 9 |

[1] If other than circular cross-section, the radius used shall be the maximum for that portion of the cross-section under consideration.

**§ 78.321–4 Joints.**

(a) *Method of joining.* Mild steel tank sheets, high-tensile steel sheets, or combination thereof and stainless steel tank sheets shall be joined by fusion welding.

(b) *Strength of joints.* The tensile strength of each joint in a tank made of steel other than stainless steel shall be not less than 85 percent of that of the adjacent metal in the tank. The tensile strength of each joint in a stainless steel tank shall be not less than 60,000 psi. Compliance with either requirement shall be determined by preparing, from materials representative of those to be used

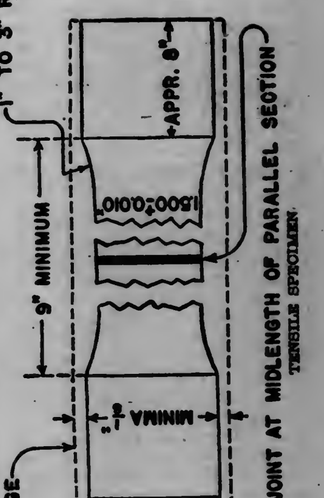



TABLE II—MINIMUM THICKNESS OF SHELL SHEETS EXPRESSED IN UNITED STATES STANDARD GAUGE

| Distance between attachments of bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length: 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
|---|---|---|---|---|
| **Maximum shell radius of less than 70 inches[1]** | | | | |
| 36 inches or less | 14 | 14 | 14 | 13 |
| Over 36 inches to 54 inches | 14 | 14 | 13 | 12 |
| Over 54 inches to 60 inches | 14 | 13 | 12 | 11 |
| **Maximum shell radius of 70 inches or more, but less than 90 inches[1]** | | | | |
| 36 inches or less | 14 | 14 | 13 | 12 |
| Over 36 inches to 54 inches | 14 | 13 | 12 | 11 |
| Over 54 inches to 60 inches | 13 | 12 | 11 | 10 |
| **Maximum shell radius of 90 inches or more, but less than 125 inches[1]** | | | | |
| 36 inches or less | 14 | 13 | 12 | 11 |
| Over 36 inches to 54 inches | 13 | 12 | 11 | 10 |
| Over 54 inches to 60 inches | 12 | 11 | 10 | 9 |
| **Shell radius of 125 inches or more[1]** | | | | |
| 36 inches or less | 13 | 12 | 11 | 10 |
| Over 36 inches to 54 inches | 12 | 11 | 10 | 9 |
| Over 54 inches to 60 inches | 11 | 10 | 9 | 8 |

[1] If other than circular cross-section, the radius used shall be the maximum for that portion of the cross-section under consideration.

(b) *Thickness of high-tensile and stainless steel sheets.* The minimum thickness of high-tensile and stainless steel tank sheets shall be limited by the volume capacity of the tank expressed in terms of gallons per inch of length; and by the distance between bulkheads, baffles or other shell stiffeners, as well as by the radius of shell curvature in the case of shell sheets; as specified in Table III and Table IV:

TABLE III—MINIMUM THICKNESS OF HEADS,[1] BULKHEADS, BAFFLES (DISHED, CORRUGATED, REINFORCED OR ROLLED) AND RING STIFFENERS

| Volume capacity of tank in gallons per inch of length | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
|---|---|---|---|---|
| United States Standard gauge number | 15 | 14 | 13 | 12 |

[1] Thickness of exterior head sheets shall never be less than the minimum requirements for shell sheets in any specific unit.

in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed.

**§ 78.321–5 Bulkheads, baffles, and ring stiffeners.**

(a) *When bulkheads not required.* No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent full or in which no compartment of the tank is ever loaded less than 80 percent full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

(1) Every cargo tank having a total capacity in excess of 1,500 gallons shall be divided by bulkheads into compartments, none of which shall exceed 1,200 gallons. A tolerance of 10 percent shall be allowed for capacities of individual compartments or tanks.

(2) Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches.

(3) Each bulkhead required by this paragraph shall have adequate strength to sustain without undue stress or any permanent set a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head. Flat bulkheads without reinforcement shall not be permitted.

(4) Each baffle required by this paragraph shall have at least an area as great as 80 percent of the cross-sectional area of the tank.

(5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.

(6) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR STEEL RING STIFFENERS

| Width of tank | Section modulus |
|---|---|
| 42 inches or less | [1] 0.0104L |
| Over 42 inches to 60 inches | [1] .0162L |
| Over 60 inches to 96 inches | [1] .0234L |

[1] L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener. See § 78.321–3 for minimum thickness of ring stiffeners.

(i) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

**§ 78.321–6 Closures for manholes.**

(a) No applicable provision.

**§ 78.321–7 Overturn protection.**

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or a dome attached thereto, or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

**§ 78.321–8 Outlets.**

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

**§ 78.321–9 Vents, valves and connections.**

(a) *Tank vents.* Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200° F.

(b) *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

**§ 78.321–10 Protection of fittings.**

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected, in the event of collision, by steel bumpers or other equally effective devices.

**§ 78.321–11 Emergency discharge control.**

(a) Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

**§ 78.321–12 Shear section.**

(a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

**§ 78.321–13 Anchoring of tank.**

(a) No applicable provision.

**§ 78.321–14 Gauging devices.**

(a) No applicable provision.

**§ 78.321–15 Pumps.**

(a) No applicable provision.

**§ 78.321–16 Method of test.**

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be non-compartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824 (a) of this chapter.

**§ 78.321–17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
100 MC 300 [3]
Nominal Tank Capacity ------ U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.321–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

[3] Cargo tanks manufactured of mild steel shall be marked MC 300MS and cargo tanks manufactured of mild steel in combination with high-tensile steel shall be marked MC 300MSHTS.



**§ 78.322 [Revocation]**

Cancel entire § 78.322 (15 F.R. 8546, 8547, 8548, 8549, Dec. 2, 1950) (23 F.R. 2335, Apr. 10, 1958) (22 F.R. 7847, Oct. 3, 1957) (22 F.R. 11034, Dec. 31, 1957) (23 F.R. 4033, June 10, 1958).

Amend entire § 78.323 (23 F.R. 7664, Oct. 3, 1958) (15 F.R. 8549, 8550, 8551, Dec. 2, 1950) (22 F.R. 7847, 7848, Oct. 3, 1957) (23 F.R. 2335, Apr. 10, 1958) (22 F.R. 11034, Dec. 31, 1957) to read as follows:

**§ 78.323 Specification MC 302; [1] cargo tanks constructed of welded aluminum alloy (ASTM B209–57T), primarily for the transportation of flammable liquids, or poisonous liquids, class B.**

**§ 78.323–1 General requirements.**

(a) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

**§ 78.323–2 Material.**

(a) All sheets for such cargo tanks shall be of aluminum alloys GR20A (5052 commercial designation), GR40A (5154 commercial designation), GM40A (5086 commercial designation), or GM31A (5454 commercial designation) conforming to American Society for Testing Materials Specification B209–57T (as revised to include 5454), and have the following minimum requirements:

| | |
|---|---|
| Yield strength | 26,000 psi. |
| Ultimate strength | 34,000 psi. |
| Elongation, 2-inch sample | 12 percent |

NOTE 1: Yield strength is the stress which produces a permanent set of 0.2 percent of the initial gauge length (ASTM E8–36).

**§ 78.323–3 Thickness of metal.**

(a) The minimum thickness of tank sheets and ring stiffeners shall be as follows:

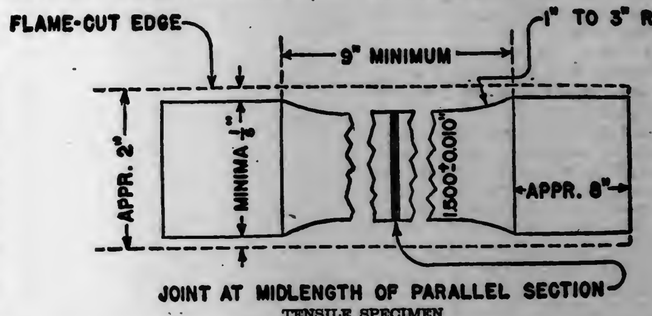
| Aggregate capacity, United States gallons | Shell | | Head, dished, corrugated or reinforced, and ring stiffener | |
|---|---|---|---|---|
| | United States gauge No. | Inch [1] | United States gauge No. | Inch [1] |
| 600 or less | 14 | 0.078 | 14 | 0.078 |
| Over 600 to 1,200 | 12 | .109 | 12 | .109 |
| Over 1,200: | | | | |
| (a) Divided into compartments of 600 gallons or less | 12 | .109 | 10 | .141 |
| (b) If not divided into compartments or if divided into compartments of 1,200 or more | 10 | .141 | 8 | .172 |

[1] Approximate.

NOTE 1: Flat heads without reinforcement no longer permitted.

**§ 78.323–4 Joints.**

(a) Sheets shall be joined by fusion welding. The tensile strength of each joint in a tank shall be not less than 15,000 psi. Compliance with this requirement shall be determined by preparing from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop within 6 months after the tests on such samples have been completed.



TENSILE SPECIMEN

[1] Existing tank motor vehicles continuing in service.

(a) *Specification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, which shall have been in service prior to June 15, 1940, may be continued in service provided that they have been designed and constructed in accordance with the requirements of Specification No. 1001, 1937 edition of the American Petroleum Institute, or in accordance with the requirements of specifications of the National Fire Protection Association, 1929 or 1933 editions.

(b) *Existing nonspecification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to

§ 78.323–5 Bulkheads, baffles, and ring stiffeners.

(a) *When bulkheads not required.* No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent full or in which no compartment of the tank is ever loaded less than 80 percent full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

(1) Every cargo tank having a total capacity in excess of 1,500 gallons shall be divided by bulkheads into compartments, none of which shall exceed 1,200 gallons. A tolerance of 10 percent shall be allowed for capacities of individual compartments or tanks.

(2) Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches.

(3) Each bulkhead required by this paragraph shall have adequate strength to sustain without undue stress or any permanent set a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head. Flat bulkheads without reinforcement shall not be permitted.

(4) Each baffle required by this paragraph shall have at least an area as great as 80 percent of the cross-sectional area of the tank.

(5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.

(6) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR ALUMINUM RING STIFFENERS

| Width of tank | Section modulus |
|---|---|
| 42 inches or less | [1] 0.0180L |
| Over 42 inches to 60 inches | [1] .0280L |
| Over 60 inches to 96 inches | [1] .0400L |

[1] L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener. See § 78.323–3 for minimum thickness of ring stiffeners.

(i) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

§ 78.323–6 Closures for manholes.

(a) No applicable provision.

§ 78.323–7 Overturn protection.

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or a dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

§ 78.323–8 Tank outlets.

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

§ 78.323–9 Vents, valves and connections.

(a) *Tank vents.* Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200° F.

(b) *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

§ 78.323–10 Protection of fittings.

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

§ 78.323–11 Emergency discharge control.

(a) Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

§ 78.323–12 Shear section.

(a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

§ 78.323–13 Anchoring of tank.

(a) No applicable provision.

§ 78.323–14 Gauging devices.

(a) No applicable provision.

§ 78.323–15 Pumps.

(a) No applicable provision.

§ 78.323–16 Method of test.

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be noncompartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824 (a) of this chapter.

§ 78.323–17 Marking of cargo tanks.

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC 302
Nominal Tank Capacity ------ U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

§ 78.323–18 Certification.

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

Amend entire § 78.324 (21 F.R. 7611, Oct. 4, 1956) (15 F.R. 8551, 8552, 8553, 8554, Dec. 2, 1950) (23 F.R. 2335, Apr. 10, 1958) (22 F.R. 7848, Oct. 3, 1957) (23 F.R. 4033, June 10, 1958) (22 F.R. 11034, 11035, Dec. 31, 1957) to read as follows:

§ 78.324 Specification MC 303; [1] cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.

§ 78.324–1 General requirements.

(a) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

§ 78.324–2 Material.

(a) *Properties of high-tensile steel sheets.* All high-tensile steel sheets for such cargo tanks shall be of ferrous alloy; commonly known as high-tensile steel, meeting the following minimum requirements:

| | |
|---|---|
| Yield point | 45,000 psi. |
| Ultimate strength | 60,000 psi. |
| Elongation, 2-inch sample | 25 percent. |

(b) *Properties of stainless steel sheets.* All stainless steel sheets for such cargo tank shall meet the following minimum requirements:

| | |
|---|---|
| Yield point | 32,000 psi. |
| Ultimate strength | 75,000 psi. |
| Elongation, 2-inch sample | 20 percent. |

§ 78.324–3 Thickness of metal.

(a) The minimum thicknesses of tank sheets and ring stiffeners shall be limited by the volume capacity of the tank, expressed in terms of gallons per inch of length; by the distance between successive bulkheads in the case of bulkhead sheets; and by the distance between bulkheads, baffles, or other shell stiffeners as well as by the radius of shell curvature in the case of shell sheets as follows:

TABLE I—MINIMUM THICKNESS OF HEAD, BULKHEAD, BAFFLE SHEETS AND RING STIFFENERS

| Distance between bulkhead attachments to shell in inches | Volume capacity of tank in gallons per inch of length | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 6 or less | | Over 6 to 10 | | Over 10 to 14 | | Over 14 to 18 | | Over 18 | |
| | Bulkhead and baffle (dished, corrugated, or reinforced) sheet and ring stiffener thicknesses in United States gauge numbers and inches depending upon distances between attachments thereof to shell | | | | | | | | | |
| | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. |
| 30 inches or less | 17 | 0.056 | 16 | 0.062 | 15 | 0.070 | 14 | 0.078 | 13 | 0.094 |
| Over 30 inches | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 |

NOTE 1: Flat heads without reinforcement no longer permitted.

TABLE II—THICKNESS OF SHELL SHEETS

| Distance between bulkheads, baffles, or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 6 or less | | Over 6 to 10 | | Over 10 to 14 | | Over 14 to 18 | | Over 18 | |
| | Shell-sheet thicknesses in United States gauge and number of inches for that portion of the shell rolled to a radius of less than 70 inches, depending on spacing of shell stiffeners | | | | | | | | | |
| | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. |
| 20 inches or less | 19 | 0.044 | 18 | 0.050 | 17 | 0.056 | 16 | 0.062 | 15 | 0.070 |
| Over 20 inches to 36 inches | 18 | .050 | 17 | .056 | 16 | .062 | 15 | .070 | 14 | .078 |
| Over 36 inches to 56 inches | 17 | .056 | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 |
| Over 56 inches | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 |
| | Shell-sheet thicknesses in United States gauge and number of inches for that portion of the shell rolled to a radius of 70 inches or more but less than 90 inches, depending on spacing of shell stiffeners | | | | | | | | | |
| 20 inches or less | 18 | 0.050 | 17 | 0.056 | 16 | 0.062 | 15 | 0.070 | 14 | 0.078 |
| Over 20 inches to 36 inches | 17 | .056 | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 |
| Over 36 inches to 56 inches | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 |
| Over 56 inches | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 | 11 | .125 |

[1] Existing tank motor vehicles continuing in service.

(a) *Specification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, which shall have been in service prior to June 15, 1940, may be continued in service provided that they have been designed and constructed in accordance with the requirements of Specification No. 1001, 1937 edition, of the American Petroleum Institute, or in accordance with the requirements of specifications of the National Fire Protection Association, 1929 or 1933 editions.

(b) *Existing nonspecificaton cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to June 15, 1940, may be continued in service, provided that they fulfill the requirements set forth under §§ 77.824(a) and 77.854(h) of this chapter, and that they be provided with the accessories as specified in §§ 78.323–5 (a), 78.323–8, and 78.323–9 through 78.323–12.

(c) On the required metal identification plate substitute "API Spec 1001, 1937," or "NFPA Spec 1929 (or 1933)" or "No Specification" in place of the specification number shown in the appropriate specification.

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

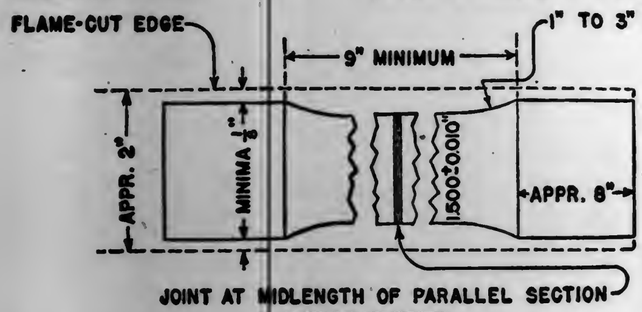
THICKNESS OF SHELL SHEETS

| Distance between bulkheads, baffles, or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 6 or less | | Over 6 to 10 | | Over 10 to 14 | | Over 14 to 18 | | Over 18 | |
| | Shell-sheet thicknesses in United States gauge and number of inches for that portion of the shell rolled to a radius of 90 inches or more but less than 125 inches, depending on spacing of shell stiffeners | | | | | | | | | |
| | Gauge No. | Inch appr. | Gauge No | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. |
| 20 inches or less | 17 | 0.056 | 16 | 0.062 | 15 | 0.070 | 14 | 0.078 | 13 | 0.094 |
| Over 20 inches to 36 inches | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 |
| Over 36 inches to 56 inches | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 | 11 | .125 |
| Over 56 inches | 14 | .078 | 13 | .094 | 12 | .109 | 11 | .125 | 10 | .141 |
| | Shell-sheet thicknesses in United States gauge and number of inches for that portion of the shell rolled to a radius of 125 inches or more depending upon spacing of shell stiffeners | | | | | | | | | |
| 20 inches or less | 16 | 0.062 | 15 | 0.070 | 14 | 0.078 | 13 | 0.094 | 12 | 0.109 |
| Over 20 inches to 36 inches | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 | 11 | .125 |
| Over 36 inches to 56 inches | 14 | .078 | 13 | .094 | 12 | .109 | 11 | .125 | 10 | .141 |
| Over 56 inches | 13 | .094 | 12 | .109 | 11 | .125 | 10 | .141 | 9 | .156 |

**§ 78.324–4 Joints.**

(a) *Method of joining.* Sheets shall be joined by fusion welding.

(b) *Strength of joints.* The tensile strength of each joint in a tank made of steel other than stainless steel shall be not less than 85 percent of that of the adjacent metal in the tank. The tensile strength of each joint in a stainless steel tank shall be not less than 60,000 psi. Compliance with either requirement shall be determined by preparing, from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed.



TENSILE SPECIMEN

**§ 78.324–5 Bulkheads, baffles, and ring stiffeners.**

(a) *When bulkheads not required.* No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent full or in which no compartment of the tank is ever loaded less than 80 percent full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

(1) Every cargo tank having a total capacity in excess of 1,500 gallons shall be divided by bulkheads into compartments, none of which shall exceed 1,200 gallons. A tolerance of 10 percent shall be allowed for capacities of individual compartments or tanks.

(2) Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches.

(3) Each bulkhead required by this paragraph shall have adequate strength to sustain without undue stress or any permanent set, a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head. Flat bulkheads without reinforcement shall not be permitted.

(4) Each baffle required by this paragraph shall have at least an area as great as 80 percent of the cross-sectional area of the tank.

(5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.

(6) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR STEEL RING STIFFENERS

| Width of tank | Section modulus |
|---|---|
| 42 inches or less | [1] 0.09L |
| Over 42 inches to 60 inches | [1] .09L |
| Over 60 inches to 96 inches | [1] .23L |

[1] L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener. See § 78.324–3 for minimum thickness of ring stiffeners.

(i) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

(c) *Tank supports.* The distance from a tank support to the nearest bulkhead, baffle, or other shell stiffener, shall not exceed 40 times the thickness of the tank shell at the point of support.

**§ 78.324–6 Closures for manholes.**

(a) No applicable provision.

**§ 78.324–7 Overturn protection.**

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or a dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

**§ 78.324–8 Outlets.**

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

**§ 78.324–9 Vents, valves and connections.**

(a) *Tank vents.* Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200° F.

(b) *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

**78.324–10 Protection of fittings.**

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

**§ 78.324–11 Emergency discharge control.**

(a) Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire, or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

**§ 78.324–12 Shear section.**

(a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

**§ 78.324–13 Anchoring of tank.**

(a) No applicable provision.

**§ 78.324–14 Gauging devices.**

(a) No applicable provision.

**§ 78.324–15 Pumps.**

(a) No applicable provision.

**§ 78.324–16 Method of test.**

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be noncompartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. This suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824 (a) of this chapter.

**§ 78.324–17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC 303
Nominal Tank Capacity ------- U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.324–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

Amend entire § 78.325 (20 F.R. 8112, 8113, 8114, 8115, Oct. 28, 1955) (24 F.R. 8064, 8065, Oct. 6, 1959) (21 F.R. 7611, Oct. 4, 1956) (23 F.R. 4033, June 10, 1958) (22 F.R. 11035, Dec. 31, 1957) to read as follows:

**§ 78.325 Specification MC 304; [1] cargo tanks constructed of mild (open hearth or blue annealed) steel, welded ferrous alloy (high-tensile steel) or aluminum, primarily for the transportation of flammable liquids, or poisonous liquids, class B, having Reid (ASTM D–323) vapor pressures of 18 psia. or more at 100° F., but less than those stated in § 73.300 of this chapter, in defining compressed gases.**

**§ 78.325–1 General requirements.**

(a) *Design pressure.* The design pressure of each cargo tank shall be not less than 25 psig.

(b) *Cross-sectional design.* Tanks shall be of circular cross section.

(c) *Workmanship.* Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

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June 15, 1940, may be continued in service, provided that they fulfill the requirements set forth under §§ 77.824(a) and 77.854(h) of this chapter, and that they be provided with the accessories as specified in §§ 78.324–5, 78.324–8(a) and 78.324–9 through 78.324–12.

(c) On the required metal identification plate substitute "API Spec 100I, 1937," or "NFPA Spec 1929 (or 1933)" or "No specification" in place of the specification number shown in the appropriate specification.

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the space indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

[1] Existing tank motor vehicles continuing in service.

(a) *Specification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, which shall have been in service prior to December 31, 1955, may be continued in service, provided that they have been designed and constructed in accordance with specifications MC 300, MC 301 MC 302, or MC 303, and provided further that such tanks have, within six months of December 31, 1955, successfully passed the tests prescribed in § 78.325–16.

(b) *Existing nonspecification cargo tanks of tank motor vehicles.* Existing cargo tanks not meeting all requirements of this specification and continuing in service in accordance with paragraph (a) of this footnote, shall be marked by the number "304" applied adjacent to the existing specification number, which number and other data on the original metal identification plate shall remain legible.

increased by 67 percent, unless such heads are adequately braced to prevent excessive distortion.

(b) *Corrosion allowance.* Vessels or part of vessels subject to thinning by corrosion, erosion or mechanical abrasion, shall have provision made for the desired life of the vessel by a suitable increase in the thickness of the material over that determined by the design formulas, or by using some other suitable method of protection. Material added for these purposes need not be of the same thickness for all parts of the vessel if different rates of attack are expected for the various parts.

(c) *Other loadings.* In addition to the material requirements as specified in paragraphs (a) and (b) of this section, vessels shall be provided with stiffeners or other additional means of support if necessary, to present overstress or large distortions due to the following other loadings:

(1) Impact loads.

(2) Weight of vessel and contents but not less than the water weight of tank and contents. For determining the weight of the water contents of the tank, a gallon of water (231 cubic inches) shall be considered to weigh 8.32828 pounds.

(3) Superimposed loads such as operating equipment, insulation and piping.

(4) Reactions of supporting lugs or saddles.

(5) Effect of temperature gradients.

(d) *Thickness of mild steel.* Minimum thicknesses of mild steel tank sheets in U.S. standard gauges, subject to the foregoing requirements in this section. (These thicknesses are to be multiplied by 1.44 for aluminum.):

| | Gallons per inch of tank length | | | | | | |
|---|---|---|---|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 to 22 | Over 22 to 26 | Over 26 to 30 | Over 30 |
| Heads, bulkheads, baffles, and ring stiffeners | 14 | 13 | 12 | 11 | 10 | 9 | 8 |
| SHELL | | | | | | | |
| Distance between attachments of bulkheads, baffles or other shell stiffeners: | | | | | | | |
| 36 inches or less | 14 | 14 | 14 | 13 | 12 | 11 | 10 |
| Over 36 inches to 54 inches | 14 | 14 | 13 | 12 | 11 | 10 | 9 |
| Over 54 inches to 60 inches | 14 | 13 | 12 | 11 | 10 | 9 | 8 |

(e) *Thickness of high-tensile and stainless steel.* Minimum thicknesses of high-tensile and stainless steel tank sheets, in U.S. standard gauges, subject to the foregoing requirements in this section:

| | Gallons per inch of tank length | | | | | | |
|---|---|---|---|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 to 22 | Over 22 to 26 | Over 26 to 30 | Over 30 |
| Heads, bulkheads, baffles, and ring stiffeners | 15 | 14 | 13 | 12 | 11 | 10 | 9 |
| SHELL | | | | | | | |
| Distance between attachments of bulkheads, baffles or other shell stiffeners | | | | | | | |
| 36 inches or less | 16 | 16 | 15 | 14 | 13 | 12 | 11 |
| Over 36 inches to 54 inches | 16 | 15 | 14 | 13 | 12 | 11 | 10 |
| Over 54 inches to 60 inches | 15 | 14 | 13 | 12 | 11 | 10 | 9 |

§ 78.325–4 Joints.

(a) *Method of joining.* Joints in the tank structure shall be made by welding, and may be reinforced where desired. Care should be taken to avoid damage by galvanic action due to the presence of dissimilar metals at joints.

(b) *Pipe joints.* Welded pipe joints shall be used wherever possible. Joints in copper tubing shall be of the brazed type or of an equally strong metal union type. The melting point of brazing material must not be less than 1000° F. Such joints shall in any event be of such a character as not to decrease the strength of the tubing, as by the cutting of threads.

§ 78.325–5 Bulkheads, baffles, and ring stiffeners.

(a) *When bulkheads not required.* No bulkheads shall be required in any cargo tank regardless of capacity which is used in service in which there is never less than 80% of the capacity volume of the tank while in transportation over the highway and which in service has its entire contents discharged at one unloading point, provided that this requirement shall not apply to tanks operating in or through any jurisdiction where State or local regulations require seasonal reduction of vehicle weight limitations during the time such reductions are in force.

(b) *When bulkheads required.* Except as provided in paragraph (a) of this section, every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments none of which shall exceed 2,000 gallons. Each bulkhead required by this paragraph shall be of the same minimum strength as is required elsewhere in this specification for tank heads.

(c) *Double bulkheads.* Tanks with compartments carrying flammable liquids of different shipping names or with compartments containing flammable or poisonous liquids, class B, and liquids not so classified by the regulations, shall be provided with an air space between compartments. This air space shall be equipped and maintained with drainage facilities operative at all times.

(d) *Baffles or shell stiffeners.* Every cargo tank or compartment of a cargo tank over 90 inches in length shall be provided with baffles or equivalent shell stiffeners so located that the maximum distance between any two baffles or stiffeners and between any baffle or stiffener and the nearest tank head or bulkhead shall not exceed 60 inches. Ring stiffeners shall be continuous around the circumference of the tank shell and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR RING STIFFENERS

| Width of tank | Section modulus | |
|---|---|---|
| | Steel | Aluminum |
| 42 inches or less | [1] 0.0104L | [1] 0.0180L |
| Over 42 inches to 60 inches | [1] .0162L | [1] .0280L |
| Over 60 inches to 96 inches | [1] .0234L | [1] .0400L |

[1] L is the maximum distance from the midpoint of the unsupported shell on one side of the ring stiffener to the midpoint of the unsupported shell on the opposite side of the ring stiffener. See § 78.325–3 for minimum thickness of ring stiffeners.

(1) If a ring stiffener is welded to the shell, a portion of the shell may, for the purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

§ 78.325–6 Closures for manholes.

(a) No applicable provision.

§ 78.325–7 Overturn protection.

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or dome attached to the tank or the frame of the motor vehicle. Protection shall also be provided for any protruding or projecting fitting or appurtenance by means of adequate metal guards. The calculated load for the protective devices shall be the weight of the tank motor vehicle with the tank full of water, at one "g" deceleration. If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall not be provided with drainage at or near the front of the tank.

§ 78.325–8 Tank outlets.

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

§ 78.325–9 Safety relief devices, valves and connections.

(a) *Safety relief devices required.* Each cargo tank and each compartment of a tank shall be provided with one or more safety relief valves of the spring-loaded type, provided that emergency pressure relief devices may be used for part of the required capacity thereof. All such valves and devices shall be arranged to discharge upward and unobstructed in such a manner as to prevent any impingement of escaping gas upon the tank. The emergency pressure relief devices shall be either springloaded type, frangible type or fusible type.

(b) *Safety relief device capacity.* The required safety relief valves shall be set to close after discharge at a pressure not lower than 25 psig. and remain closed at all lesser pressures, provided that this requirement shall not be so construed as to forbid the use of vacuum relief valves or of combination safety relief and vacuum relief valves. At a pressure not exceeding 40 psig. they shall have a discharge capacity not less than that of an unobstructed opening of one square inch for each 35 square feet of exterior area of the tank or compartment to which they are connected, provided that two or more such valves may be used on the same tank or compartment to obtain the discharge capacity herein required; alternatively, such valve or valves may at a pressure of 30 psig. have a total discharge capacity not less than that of an unobstructed opening of one square inch for each 350 square feet of exterior area of the tank or compartment to which they are connected, if in addition thereto, each such tank or compartment be provided with one or more frangible-type or fusible-type safety devices having a total discharge capacity not less than that of an unobstructed opening of 9 square inches for each 350 square feet of exterior area. The bursting pressure of the frangible-type devices shall be not less than 30 psig. nor more than 40 psig. Fusible elements, if used, shall have a fusing temperature no higher than 200° F. They shall not be exposed to contact with the tank lading or be in contact with any part of the tank or its acessories so exposed.

(c) *Marking inlets and outlets.* All tank inlets and outlets, except safety relief valves, shall be marked to indicate whether they communicate with vapor or liquid when the tank is filled to the maximum permitted filling level.

(d) *Markings on relief valves.* Each safety relief valve shall be plainly and permanently marked (1) with the pressure in psig. at which it is set to start to discharge, (2) with the actual rate of discharge of the device in cubic feet per minute of air at 60° F. and atmospheric pressure and (3) with the manufacturer's name and catalogue number. The rated discharge capacity of the device shall be determined at a pressure of 30 psig.

(e) *Connections to relief valves.* Connections to safety relief valves shall be of sufficient size to provide the required rate of discharge through the safety relief valves.

(f) *Protection of relief valves.* Safety relief valves shall be arranged so that the possibility of tampering will be minimized. If the pressure setting or adjustment is external, the safety relief valves shall be provided with suitable means for sealing the adjustment.

(g) *Shut-off valves.* No shut-off valves shall be installed between the safety relief valves and the tank except in cases where two or more safety relief valves are installed on the same tank, a shut-off valve may be used where the arrangement of the shut-off valve or valves is such as always to afford full required capacity flow through at least one safety relief valve.

(h) *Connection of safety relief valve to vapor space.* Safety relief valves shall have direct communication with the vapor space of the tank.

(i) *Prevention of excessive hydrostatic pressure.* Any portion of liquid piping or hose which at any time may be closed at each end must be provided with a safety valve to prevent excessive hydrostatic pressure. This safety relief valve must not have an intervening shut-off valve installed.

(j) *Strength of piping, fittings, hose and hose couplings.* Hose, piping and fittings shall be designed for a bursting pressure at least 100 psig. and not less than four times the pressure to which, in any instance, it may be subjected in service by the action of a pump or other device (not including safety relief valves), the action of which may be to subject certain portions of the tank piping and hose to pressures greater than the design pressure of the tank. Any coupling used on hose to make connections shall be designed for a working pressure not less than 20 percent in excess of the design pressure of the hose and shall be so designed that there will be no leakage when connected.

§ 78.325–2 Material.

(a) *Mild steel and aluminum.* All mild steel and aluminum used in the shell, heads and bulkheads of the cargo tank, shall meet or exceed the following minimum requirements:

| | Mild steel | Aluminum | |
|---|---|---|---|
| | All vessel parts | Heads, bulkheads, baffles and other shell stiffeners | Shell |
| Yield point | 25,000 psi. | 9,500 psi. | 23,000 psi. |
| Ultimate strength | 45,000 psi. | 25,000 psi. | 31,000 psi. |
| Elongation, 2-inch sample | 20 percent | 18 percent | 7 percent. |

(b) *High-tensile and stainless steel.* All high-tensile and stainless steel shall meet the following minimum requirements:

| | Steel other than stainless | Stainless steel |
|---|---|---|
| Yield point | 45,000 psi. | 32,000 psi. |
| Ultimate strength | 60,000 psi. | 75,000 psi. |
| Elongation, 2-inch sample | 25 percent | 20 percent. |

(c) *Other material requirements.* Cargo tanks shall be of all-steel or aluminum construction, except that gaskets need not be metallic and except that piping and valves need not be ferrous metal or aluminum. Nonmalleable materials shall not be used in the construction of the tank, its mountings and protective devices, or any valves, piping, or fittings. The metal and gaskets shall be substantially immune to chemical attack by the materials to be transported therein, or shall be suitably lined to prevent corrosive attack, or shall have the thickness of the material suitably increased over that required elsewhere in this specification by an amount sufficient to provide for such corrosion during the estimated useful life of the tank. All aluminum cargo tanks and appurtenances built to this specification shall be fabricated of alloys authorized for welded construction by (1) the 1952 edition, or (2) the 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions. A certification from the material supplier will suffice as evidence of compliance with this requirement.

§ 78.325–3 Thickness of metal.

(a) *Formulas.* Tanks for this service may be constructed of mild steel, high-tensile steel, stainless steel, or aluminum. The minimum thicknesses shall not be less than those obtained by applying the following formulas nor less than those specified in paragraph (d) of this section:

$$\text{Thickness of shell} = \frac{PD}{2S\ Es} + Ts$$

$$\text{Thickness of heads} = Th$$

$$= \frac{0.85PL \text{ (for pressure on concave side only)}}{S\ Eh}$$

$Ts$ = Minimum thickness of shell material, exclusive of allowance for corrosion or other loadings.

$Th$ = Minimum thickness of head material, after forming, exclusive of allowance for corrosion and other loadings.

$P$ = Design pressure or maximum allowable working pressure, psi. The maximum allowable working pressure for aluminum shells shall be specified on the basis of the minimum tensile strength of the head material for the alloy used.

$D$ = Inside diameter of shell, inches.

$L$ = Inside crown radius of head, inches.

$S$ = Maximum allowable stress value, psi.—Equals one-fourth of specified minimum ultimate tensile strength.

$Es$ = Lowest efficiency of any longitudinal joint in shell.

$Eh$ = Lowest efficiency of any joint in head.

(1) The knuckle radius of the head shall not be less than three times the material thickness and the straight flange shall be not less than one inch.

(2) For heads with pressure on the convex side, the material thickness as obtained by the above formula shall be

(k) *Provision for expansion and vibration.* Suitable provision shall be made in every case to allow for and prevent damage due to expansion, contraction, jarring and vibration of all pipe. Slip joints shall not be used for this purpose.

**§ 78.325–10 Protection of fittings.**

(a) Piping, fittings and valves projecting beyond the frame, or if the vehicle be frameless beyond the shell, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices. Any other part of any cargo tank connected with its cargo space and similarly protruding shall be similarly protected.

**§ 78.325–11 Emergency discharge control.**

(a) *Automatic excess-flow valves.* Each cargo tank outlet shall be provided with a suitable automatic excess-flow valve or, in lieu thereof, may be fitted with a quick-closing internal valve designed, installed and operated so as to assure against escape of the contents in event of failure of the outlet. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve, except that safety device connections and liquid level gauging devices, which are so constructed that the outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening, are not required to be equipped with excess-flow valves.

(b) *Excess-flow valve settings.* Excess-flow valves shall be so installed and adjusted that they close automatically at the rated flows of gas or liquid as specified by the valve manufacturer.

(c) *Capacity of connections to valves.* The connections or lines on each side of an excess-flow valve, including valve fittings, etc., shall have a greater capacity than the rated flow of the excess-flow valve.

(d) *By-pass of valve.* Excess-flow valves may be designed with a by-pass, not to exceed a No. 60 drill size opening, to allow equalization of pressures.

(e) *Utilization of stop-check valves forbidden.* The use of combination stop-check valves to satisfy with one valve the requirements of paragraphs (b), (c) and (f) of this section is forbidden.

(f) *Filling and discharge shut-off valves.* Filling and discharge lines shall be provided with shut-off valves located as close to the tank outlet as is possible. If such valves are not manually operated they shall be of an automatic quick-closing internal valve type or an automatic shut-off type provided that if such valves are used, the lines must have manually-operated shut-off valve located in the line ahead of the hose connection. Stop-check or excess-flow valves shall not be used to satisfy the requirements of this section.

**§ 78.325–12 Shear section.**

(a) There shall be provided between each excess-flow valve seat or internal valve seat, and draw-off valves, a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the excess-flow valve seat or the internal valve seat intact in case of accident to the draw-off valve or piping.

**§ 78.325–13 Anchoring of cargo tank.**

(a) *Hold-down devices.* Adequate hold-down devices shall be provided to anchor each cargo tank in a suitable manner that will not introduce undue concentration of stresses and shall be built to withstand loadings in any direction equal to the weight of the tank and attachments when filled with water. These devices on vehicles with frames shall incorporate turnbuckles or similar positive action devices for drawing the tank down tight on the frame of the motor vehicle.

(b) *Stops and anchors.* Suitable stops and anchors shall be attached to the motor vehicle and the cargo tank to prevent relative movement between them due to starting, stopping and turning. Stops and anchors shall be installed so as to be readily accessible for inspection and maintenance except that insulation on lagged tanks is permitted to cover such stops and anchors.

(c) *Anchoring integral cargo tanks.* Whenever any cargo tank is so designed and constructed that the cargo tank constitutes, in whole or in part, the stress member used in lieu of a frame, then such cargo tanks shall be designed so as to successfully and adequately withstand the stresses thereby imposed in addition to those otherwise imposed on the cargo tank.

**§ 78.325–14 Gauging devices.**

(a) *Gauge device design.* Every cargo tank except tanks filled by weight, shall be equipped with one or more gauging devices which shall indicate accurately the maximum permitted liquid level in each compartment. Additional gauging devices may be installed but may not be used as primary controls for filling of cargo tanks at pressures above atmospheric. Acceptable gauging devices for use at pressures above atmospheric are the rotary tube, the adjustable slip tube and the fixed length dip tube. Gauge glasses are not permitted to be installed on any cargo tank.

(b) *Fixed level indicators.* All liquid level gauging devices, except those on tanks provided with fixed maximum level indicators, shall be legibly and permanently marked in increments of not more than 20° F. to indicate the maximum levels to which the tank may be filled with liquid at temperatures above 20° F. In the event that it is impractical to put these markings on the gauging device, this information shall be marked on a suitable plate affixed to the tank in a location adjacent to the gauging device.

(c) *Dip tubes.* A fixed length dip tube gauging device, when used, shall consist of a dip pipe of small diameter equipped with a valve at the outer end, and extending into the tank to a specified fixed length. On horizontally-mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid at a point equidistant from the heads of the tank in a vertical plane containing the longitudinal axis of the tank, reaches the maximum level permitted by these regulations. On spherical tanks and on vertically-mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid at a point on the vertical axis of the tank in its normal position reaches the maximum level permitted by these regulations.

**§ 78.325–15 Pumps.**

(a) Liquid pumps, whenever used, must be of suitable design, adequately protected against breakage by collisions. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank.

**§ 78.325–16 Method of test.**

(a) *Test pressure.* For each existing specification MC 300, MC 301, MC 302, and MC 303 tank not complying with all requirements of this specification and continuing in service in accordance with the provisions of § 78.325 footnote 1(a) (see § 78.325–17 regarding marking of such tanks), the standard test pressure for each required test shall be 50 psig. For each tank complying with all requirements of this specification, whether new or existing, the standard test pressure for each required test shall be 40 psig.

(b) *Method of test.* Every cargo tank, and all piping, valves, and other accessories thereof which are subject to the pressure of the tank contents, except safety valves, shall be tested by complete filling (including domes, if any) with water or other liquid having a similar viscosity and applying a pressure of not less than the standard test pressure above specified. The pressure shall be gauged at the top of the tank. The tank must hold the prescribed pressure for at least 10 minutes. While under pressure, the tank shall be inspected for leakage, corroded areas, bad dents, or other conditions which indicate weakness that might render the tank unsafe for transportation service, and it shall not be placed in or returned to service if any evidence of such unsafe condition is discovered, until the deficiencies have been corrected and the tests repeated and passed successfully. Tank insulation and jacket need not be removed unless it is found to be impossible to reach the test pressure and to maintain a condition of pressure equilibrium after the test pressure is reached. All tank accessories shall be leakage tested after installation and proved tight at not less than the design pressure of the tank, except that hose used on such tanks may be tested either before or after installation.

(c) *Retest requirements.* See § 77.824 (b) of this chapter.

**§ 78.325–17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding or other equally suitable means; and upon it shall be marked by stamping, embossing or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC 304
Design Pressure ---------- psig.
Test Pressure ---------- psig.
Nominal Tank Capacity ------- U.S. Gallons.
In compartments of ----, ----, ---- and ----
U.S. Gallons.

(b) *Test date and pressure markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section. The test pressure shall be similarly indicated by painting on tanks requiring the test pressure of 50 psig. in accordance with § 78.325–16(a).

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.325–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test and examination, he shall similarly retain the test data and examination data.

Amend entire § 78.326 (22 F.R. 11035, 11036, 11037, 11038, Dec. 31, 1957) (23 F.R. 7665, Oct. 3, 1958) to read as follows:

**§ 78.326 Specification MC 305; cargo tanks constructed of aluminum alloys for high-strength welded construction, primarily for the transportation of flammable liquids, or poisonous liquids, class B.**

**§ 78.326–1 General requirements.**

(a) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."



**§ 78.326–2 Material.**

(a) All sheets for shell, heads, bulkheads, and baffles of such cargo tanks shall be of aluminum alloys GR20A (5052 commercial designation), GR40A (5154 commercial designation), GM40A (5086 commercial designation), or GM31A (5454 commercial designation) conforming to American Society for Testing Materials Specification B209–57T (as revised to include 5454).

**§ 78.326–3 Thickness of sheets.**

(a) The minimum thicknesses of tank sheets shall be limited by the volume capacity of the tank, expressed in terms of gallons per inch of length; by the distance between successive bulkheads in the case of bulkhead sheets; and by the distance between bulkheads, baffles, or other shell stiffeners as well as by the radius of shell curvature in the case of shell sheets, as follows:

TABLE I—THICKNESS OF HEAD, BULKHEAD, BAFFLE SHEETS AND RING STIFFENERS [1]

| | Volume capacity of tank in gallons per inch of length | | | |
|---|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
| | Heads or bulkheads—dished, corrugated or reinforced | | | |
| Thickness in decimal of inches | 0.096 | 0.109 | 0.130 | 0.151 |

[1] Thickness of exterior head sheets shall never be less than the maximum requirements for shell sheets.

TABLE II—THICKNESS OF SHELL SHEETS

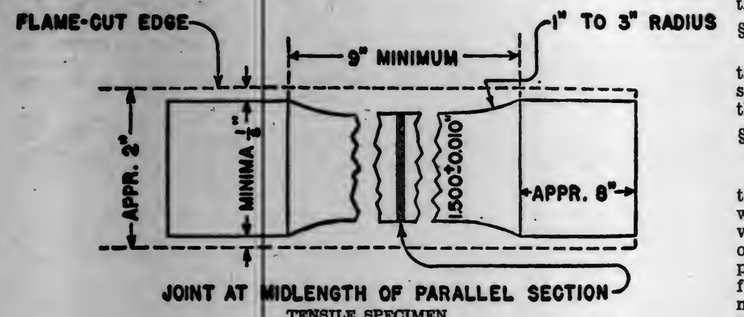
| Distance between bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | | |
|---|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
| | Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of less than 70 inches, depending on spacing of shell stiffeners | | | |
| 36 inches or less | 0.087 | 0.087 | 0.096 | 0.109 |
| Over 36 inches to 54 inches | .087 | .097 | .109 | .130 |
| Over 54 inches | .096 | .109 | .130 | .151 |
| | Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 70 inches or more, but less than 90 inches, depending on spacing of shell stiffeners | | | |
| 36 inches or less | 0.087 | 0.096 | 0.109 | 0.130 |
| Over 36 inches to 54 inches | .096 | .109 | .130 | .151 |
| Over 54 inches | .109 | .130 | .151 | .173 |
| | Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 90 inches or more, but less than 125 inches, depending on spacing of shell stiffeners | | | |
| 36 inches or less | 0.096 | 0.109 | 0.130 | 0.151 |
| Over 36 inches to 54 inches | .109 | .130 | .151 | .173 |
| Over 54 inches | .130 | .151 | .173 | .194 |
| | Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 125 inches or more, depending on spacing of shell stiffeners | | | |
| 36 inches or less | 0.109 | 0.130 | 0.151 | 0.173 |
| Over 36 inches to 54 inches | .130 | .151 | .173 | .194 |
| Over 54 inches | .151 | .173 | .194 | .216 |

**§ 78.326–4 Joints.**

(a) *Method of joining.* All joints in and to tank shells, head and bulkheads shall be welded.

(b) *Strength of joints.* All welded aluminum joints shall be made in accordance with recognized good practice, and the efficiency of a joint shall not be less than 85 percent of the annealed properties of the adjacent material. Aluminum alloys for high-strength welded construction shall be joined by an inert gas arc welding process using filler metals R–GR40A, E–GR40A (5154 alloy) or R–GM50A, E–GM50A (5356 alloy) conforming to American Society of Testing Materials Specification No. B285–54T (American Welding Society Specification No. A5, 10–54T). Compliance with this requirement shall be determined by preparing from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made

of the same combination of materials, by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed.




TENSILE SPECIMEN

**§ 78.326–5 Bulkheads, baffles and ring stiffeners.**

(a) *When bulkheads not required.* The bulkhead requirements in paragraph (b) of this section do not apply to any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80% full or in which no compartment of the tank is ever loaded less than 80% full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point. Flat bulkheads and baffles without reinforcement are not permitted.

(b) *When bulkheads required.* Except as provided in paragraph (a) of this section every cargo tank having a total capacity in excess of 1,800 gallons shall be divided by bulkheads into compartments, none of which shall exceed 1,200 gallons. Each bulkhead required by this paragraph shall be of the same minimum strength as is required elsewhere in this specification for tank heads.

(c) *Double bulkheads.* Tanks with compartments carrying flammable liquids of different shipping names or with compartments containing flammable or poisonous liquids, class B and liquids not so classified by the regulations, shall be provided with an air space between compartments. This air space shall be arranged for venting and be equipped and maintained with drainage facilities operative at all times.

(d) *Baffles or shell stiffeners.* Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches. Ring stiffeners shall be continuous around the circumference of the tank shell and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR RING STIFFENERS

| Width of tank | Section modulus |
|---|---|
| 42 inches or less | [1] 0.0180L |
| Over 42 inches to 60 inches | 1.0280L |
| Over 60 inches to 96 inches | 1.0400L |

[1] L is the maximum distance from the midpoint of the unsupported shell on one side of the ring stiffener to the midpoint of the unsupported shell on the opposite side of the ring stiffener. See § 78.326–3 for minimum thickness of ring stiffeners.

(1) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

(e) *Tank supports.* The distance from a tank support to the nearest bulkhead, baffle, or other shell stiffener shall not exceed 40 times the thickness of the tank shell at the point of support.

**§ 78.326–6 Closures for manholes.**

(a) No applicable provision.

**§ 78.326–7 Overturn protection.**

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle. Protection shall also be provided for any protruding or projecting fitting or appurtenance by means of adequate metal guards. The calculated load for the protective devices shall be the weight of the tank motor vehicle with the tank full of water at one "g" deceleration. If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall not be provided with drainage facilities which will permit drainage at or near the front of the tank.

**§ 78.326–8 Tank outlets.**

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

**§ 78.326–9 Vents, valves and connections.**

(a) *Tank vents.* Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200°F.

(b) *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

**§ 78.326–10 Protection of fittings.**

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

**§ 78.326–11 Emergency discharge control.**

(a) Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

**§ 78.326–12 Shear section.**

(a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

**§ 78.326–13 Anchoring of cargo tank.**

(a) *Hold-down devices.* Adequate hold-down devices shall be provided to anchor each cargo tank in a suitable manner that will not introduce undue concentration of stresses and shall be built to withstand loadings in any direction equal to the weight of the tank and attachments when filled with water. These devices on vehicles with frames shall incorporate turnbuckles or similar positive action devices for drawing the tank down tight on the frame of the motor vehicle.

(b) *Stops and anchors.* Suitable stops and anchors shall be attached to the motor vehicle and the cargo tank to prevent relative movement between them due to starting, stopping and turning. Stops and anchors shall be installed so as to be readily accessible for inspection and maintenance except that insulation is permitted to cover such stops and anchors.

(c) *Anchoring integral cargo tanks.* Whenever any cargo tank is so designed and constructed that the cargo tank constitutes, in whole or in part, the stress member used in lieu of a frame, then such cargo tanks shall be designed so as to successfully and adequately withstand the stresses thereby imposed in addition to those otherwise imposed on the cargo tank.

**§ 78.326–14 Gauging devices.**

(a) No applicable provision.

**§ 78.326–15 Pumps.**

(a) Liquid pumps, whenever used, must be of suitable design, adequately protected against breakage by collisions. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank.

**§ 78.326–16 Method of test.**

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be noncompartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824 (a) of this chapter.

**§ 78.326–17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC 305
Nominal Tank Capacity ------ U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.326–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

[1] Carriers are not required to number their cargo tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."



Amend entire § 78.330 (15 F.R. 8554, 8555, 8556, Dec. 2, 1950) (24 F.R. 5644, July 14, 1959) (24 F.R. 8065, Oct. 6, 1959) (19 F.R. 3265, June 3, 1954) (23 F.R. 4033, June 10, 1958) (25 F.R. 6628, 6629, July 14, 1960) (21 F.R. 7611, Oct. 4, 1956) to read as follows:

**§ 78.330 Specification MC 310;[1] cargo tanks constructed of ferrous materials, primarily for the transportation of corrosive liquids.**

**§ 78.330–1 General requirements.**

(a) *Must comply with A.S.M.E. Code.* Tanks built under this specification shall be designed and constructed in accordance with and fulfill all requirements of (1) the 1949 edition, (2) 1950 edition, (3) 1952 edition, (4) 1956 edition, or (5) the 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions, which are hereafter referred to as "the Code."

(b) *When divided into compartments.* When the interior of the tank is divided into compartments, each compartment shall be designed, constructed, and tested as a separate tank.

**§ 78.330–2 Material.**

(a) As specified in paragraphs U–12, U–13, and U–20 of the Code, 1949 edition, no revisions. Tanks may be constructed of ferrous materials listed in Table U–2 including the stainless steels or of nickel or nickel alloys as listed in Table U–3 of the Code. Use of other materials listed in Table U–3 may be authorized by the Commission upon submission of satisfactory supporting data. Materials for tanks transporting hydrogen peroxide over 52 percent by weight, must comply with the 1956 edition of the Code, but shall be limited to Aluminum Association Nos. 1060, 1260, 5254, and 5652. Other aluminum alloys may be authorized by the Commission upon submission of satisfactory supporting data.

[1] Existing tank motor vehicles continuing in service.

(a) *Specification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to June 15, 1940, may be continued in service provided they have been designed and constructed in accordance with the requirements set forth in paragraphs T–117(a), T–118 (a) and (b), T–120, T–121, T–122, T–123, and T–124 of Regulations for the Transportation of Explosives and Other Dangerous Articles on Public Highways by Motor Truck or Motor Vehicle, prescribed by order of the Commission dated November 6, 1934, and vacated on June 15, 1940.

(b) *Existing nonspecification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to June 15, 1940, may be continued in service provided they fulfill the requirements set forth under § 77.824(c) of this chapter and are and can be maintained in safe operating condition, but in any event they shall be equipped with at least the accessories specified in § 78.330–6, –9, –10, and –12.

(c) On the required metal identification plate substitute "ICC Spec T–118," or "ICC 7.5–S–1" or "No Specification" as appropriate.

(b) *Lining.* Except as provided in paragraph (c) of this section, cargo tanks must be lined and the material used for lining each cargo tank subject to this specification shall be homogenous, nonporous, imperforate when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities transported therein. It shall be of substantially uniform thickness and it shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by other equally satisfactory means. The interior of the tank shall be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

(c) *Conditions under which tanks need not be lined.* Tanks need not be lined as provided in paragraph (b) of this section, if:

(1) The material of the tank is substantially immune to attack by the materials to be transported therein.

(2) The material of the tank is thick enough to withstand 10 years' normal service without being reduced at any point to less thickness than that specified in § 78.330–3 corresponding to its capacity, or

(3) the chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passivated or neutralized as set forth elsewhere in this appendix, or

(4) for the transportation of hydrofluoric acid of 60 percent or higher concentration, they be passivated in the following or an equally effective method: By filling the tank to not less than 90 percent of its capacity with hydrofluoric acid of 58 percent strength and allowing it to stand at least 48 hours at a temperature of 80° F., then 7 hours at 140° F., the internal pressure being maintained at atmospheric pressure the meanwhile.

**§ 78.330–3 Thickness of metal.**

(a) The minimum thickness of metal for cargo tanks shall be as follows:

| Tank capacity | Minimum thickness (inches) |
|---|---|
| Not more than 1,200 gallons | 1/4 |
| Over 1,200 to 1,800 gallons | 5/16 |
| Over 1,800 gallons | 3/8 |

**§ 78.330–4 Joints.**

(a) All joints and seams formed in the manufacture of any cargo tank shall be made tight by welding, riveting, riveting and welding, brazing, or riveting and brazing, at the option of the motor carrier, subject to the limitation that any of the aforesaid methods are permissible only when any one of them or combination as used in the tank is not subject to adverse action by the nature of the corrosive liquid which is to be transported in such tank provided that joints in tanks for hydrogen peroxide of concentration exceeding 52 percent shall be made by welding only.

**§ 78.330–5 Bulkheads, baffles, ring stiffeners, tank supports and compartmentation.**

(a) No applicable provision.

**§ 78.330–6 Closures for manholes.**

(a) The manhole cover shall be designed to provide a secure closure of the manhole. All covers, not hinged to the tanks, shall be attached to the outside of the dome by at least 1/8-inch chain or its equivalent. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid by use of gaskets of suitable material not subject to attack by the corrosive liquid to be transported in the tank.

**§ 78.330–7 Overturn protection.**

(a) No applicable provision.

**§ 78.330–8 Outlets.**

(a) *Outlet construction.* Except as provided hereinafter, no cargo tanks, except those used for the shipments of sludge acid or alkaline corrosive liquids, and no tanks for the transportation of hydrogen peroxide in concentrations exceeding 52 percent by weight, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve at the point of outlet from the cargo tank and a shut-off valve or a blank flange or screw-on cap at the discharge end of the outlet and must not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet.

(b) *Bottom outlets.* Bottom outlets, when permitted in accordance with paragraph (a) of this section, shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transportation. Bottom outlets are equipped with an effective and reliable shut-off valve located inside the shell of the tank, tank compartment outlet or sump if the sump is integral with the tank.

(c) *Bottom washout chambers.* Except as specified in subparagraph (1) of this paragraph, tanks may be equipped with bottom washout chambers. Bottom washout chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a liquid-tight closure at its lower end. If used for loading or unloading, they shall be equipped with a valve or plug at the upper end.

(1) Bottom washout chambers are not permitted on tanks used for the transportation of hydrogen peroxide of concentration exceeding 52 percent by weight.

**§ 78.330–9 Vents, valves and connections.**

(a) When installed, venting, gauging, loading, and air inlet devices, including their valves, shall be provided with adequate means for their secure closure and means shall also be provided for the closing of pipe connections of valves.

**§ 78.330–10 Protection of fittings.**

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

**§ 78.330–11 Emergency discharge control.**

(a) See § 78.330–8(b).

**§ 78.330–12 Shear section.**

(a) *Discharge connections.* There shall be provided between each shut-off valve seat and discharge valve a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge valve or piping.

(b) *Heater coils.* Heater coils, when installed, shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

**§ 78.330–13 Anchoring of tank.**

(a) No applicable provision.

**§ 78.330–14 Gauging devices.**

(a) No applicable provision.

**§ 78.330–15 Pumps and compressors.**

(a) No applicable provision.

**§ 78.330–16 Method of test.**

(a) *Test for leaks.* Every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying a pressure of 1½ times the design pressure but not less than 10 psig. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures shall be in place while test is made, and the pressure shall be gauged at the top of the tank.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by the pressures prescribed in paragraph (a) of this section and shall withstand such pressures without undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824(c) of this chapter.



**§ 78.330–17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC 310 [3]
Nominal Capacity ------ U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.330–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such tank is designed and constructed in accordance with the requirements of the specification, shall be procured and such certificate shall be retained in the files of the carrier during the time that such tank is employed in the transportation of corrosive liquids by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data. Where such tanks are used for hydrogen peroxide in concentrations exceeding 52 percent by weight, such certificate or test data shall indicate that the tank complies with special provisions of this specification for that lading.

Amend entire § 78.331 (18 F.R. 6782, 6783, 6784, 6785, Oct. 27, 1953) (19 F.R. 6275, Sept. 29, 1954) (24 F.R. 8065, Oct. 6, 1959) (23 F.R. 4033, June 10, 1958) (22 F.R. 7848, Oct. 3, 1957) (21 F.R. 7611, Oct. 4, 1956) (22 F.R. 2237, Apr. 4, 1957) (20 F.R. 8115, Oct. 28, 1955) to read as follows:

**§ 78.331 Specification MC 311; [4] cargo tanks constructed of ferrous metals or aluminum, primarily for the transportation of corrosive liquids.**

**§ 78.331–1 General requirements.**

(a) *Tank design.* (1) *Ferrous materials.* Cargo tanks built of ferrous materials under this specification that are unloaded by pressure must be built of welded construction in accordance with (1) the 1949 edition, (2) 1950 edition, (3) 1952 edition, or (4) the 1959 edition of Section VIII of the Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions, except that for sheet thicknesses of less than 3/16 inch wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply. Such tanks shall not have head, bulkhead, baffle or shell thicknesses less than that specified in § 78.331–3 (a) and (b), nor shall the spacing of bulkheads, baffles or shell stiffeners exceed that specified in those paragraphs.

(2) *Nonferrous materials.* Methods of design, fabrication, and construction for nonferrous materials shall be such as to result in a cargo tank having properties at least equal to those of a ferrous cargo tank.

(b) *When divided into compartments.* When the interior of the tank is divided into compartments, each compartment shall be designed, constructed and tested as a separate tank.

**§ 78.331–2 Material.**

(a) *A.S.M.E. Code materials.* Cargo tanks required to comply with Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code must be manufactured of materials authorized by the Code except that for sheet thicknesses of less than 3/16 inch wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply.

(b) *Ferrous metal properties.* Materials used in cargo tanks built to conform with the tables in § 78.331–3 must have the following minimum physical properties:

| | |
|---|---|
| Yield point | 25,000 psi. |
| Ultimate strength | 45,000 psi. |
| Minimum elongation, 2-inch sample. | 20 percent. |

(c) *Aluminum properties.* Aluminum materials must have the following minimum physical properties:

| | |
|---|---|
| Yield point | 12,000 psi. |
| Ultimate strength | 17,000 psi. |
| Minimum elongation, 2-inch sample. | 20 percent. |

(d) *Lining.* Except as provided in paragrah (e) of this section, cargo tanks must be lined and the material used for lining each cargo tank subject to this specification shall be homogenous, nonporous, imperforate when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities to be transported therein. It shall be of substantially uniform thickness, and it shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by other equally satisfactory means. The interior of the tank shall be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

(e) *Conditions under which tanks need not be lined.* Tanks need not be lined as provided in paragraph (d) of this section, if:

(1) The material of the tank is substantially immune to attack by the materials to be transported therein.

(2) The material of the tank is thick enough to withstand 10 years' normal service without being reduced at any point to less thickness than that speci-

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

[3] Substitute "ICC Spec–T–118," or "ICC 7.5–8–1," or "ICC MC 310–$H_2O_2$," or "No Specification," as appropriate.

[4] Existing tank motor vehicles continuing in service.

(a) *Specification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to June 15, 1940, may be continued in service provided they have been designed and constructed in accordance with the requirements set forth in paragraphs T–117(a), T–118 (a) and (b), T–120, T–121, T–122, T–123 and T–124 of Regulations for the Transportation of Explosives and Other Dangerous Articles on Public Highways by Motor Truck or Motor Vehicle prescribed by order of the Commission dated November 6, 1934, and vacated on June 15, 1940.

(1) Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to December 31, 1953, may be continued in service provided they have been designed and constructed in accordance with the requirements of specification MC 310 (§ 78.330 of this chapter).

(b) *Existing nonspecification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to June 15, 1940, may be continued in service provided they fulfill the requirements set forth under § 78.331–16 and are and can be maintained in safe operating condition, but in any event they shall be equipped with at least the accessories specified in §§ 78.330–6, –9, –10 and –12 of specification MC 310 or §§ 78.331–6, –10 and –12 of specification MC 311.

(c) *Qualification of existing tank motor vehicles which conform to specification MC 311.* Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to December 31, 1953, and which meet all of the construction requirements of this specification may be continued in service provided such cargo tanks are marked ICC MC 311X on the plate required by § 78.331–17.

(d) On the required metal identification plate substitute "ICC Spec T–118," or "ICC 7.5–8–1," or "MC 311X," or "No Specification" as appropriate.

TABLE III—FOR LIQUIDS OVER 10 TO 13 POUNDS PER GALLON

[Minimum Shell Thickness in United States Standard Gauge and Inches—For Mild, High-tensile and Stainless Steel]

| Distance between attachments of bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | |
|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
| | Maximum shell radius of less than 70 inches | | | |
| 36 inches or less | 10 gauge | 10 gauge | 10 gauge | 8 gauge. |
| Over 36 inches to 54 inches | 10 gauge | 10 gauge | 8 gauge | 3/16 inch. |
| Over 54 inches to 60 inches | 10 gauge | 8 gauge | 3/16 inch | 1/4 inch. |
| | Maximum shell radius 70 inches or more but less than 90 inches | | | |
| 36 inches or less | 10 gauge | 10 gauge | 8 gauge | 3/16 inch. |
| Over 36 inches to 54 inches | 10 gauge | 8 gauge | 3/16 inch | 1/4 inch. |
| Over 54 inches to 60 inches | 8 gauge | 3/16 inch | 1/4 inch | 1/4 inch. |
| | Maximum shell radius 90 inches or more but less than 125 inches | | | |
| 36 inches or less | 10 gauge | 8 gauge | 3/16 inch | 1/4 inch. |
| Over 36 inches to 54 inches | 8 gauge | 3/16 inch | 1/4 inch | 1/4 inch. |
| Over 54 inches to 60 inches | 3/16 inch | 1/4 inch | 1/4 inch | 1/4 inch. |
| | Maximum shell radius 125 inches or more | | | |
| 36 inches or less | 8 gauge | 3/16 inch | 1/4 inch | 1/4 inch. |
| Over 36 inches to 54 inches | 3/16 inch | 1/4 inch | 1/4 inch | 1/4 inch. |
| Over 54 inches to 60 inches | 1/4 inch | 1/4 inch | 1/4 inch | 5/16 inch. |

TABLE IV—FOR LIQUIDS OVER 13 TO 16 POUNDS PER GALLON

[Minimum Shell Thickness in United States Standard Gauge and Inches—For Mild, High-tensile and Stainless Steel]

| Distance between attachments of bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | |
|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
| | Maximum shell radius of less than 70 inches | | | |
| 36 inches or less | 8 gauge | 8 gauge | 8 gauge | 3/16 inch. |
| Over 36 inches to 54 inches | 8 gauge | 8 gauge | 3/16 inch | 1/4 inch. |
| Over 54 inches to 60 inches | 8 gauge | 3/16 inch | 1/4 inch | 1/4 inch. |
| | Maximum shell radius 70 inches or more but less than 90 inches | | | |
| 36 inches or less | 8 gauge | 8 gauge | 3/16 inch | 1/4 inch. |
| Over 36 inches to 54 inches | 8 gauge | 3/16 inch | 1/4 inch | 1/4 inch. |
| Over 54 inches to 60 inches | 3/16 inch | 1/4 inch | 1/4 inch | 1/4 inch. |
| | Maximum shell radius 90 inches or more but less than 125 inches | | | |
| 36 inches or less | 8 gauge | 8 gauge | 3/16 inch | 1/4 inch. |
| Over 36 inches to 54 inches | 8 gauge | 3/16 inch | 1/4 inch | 1/4 inch. |
| Over 54 inches to 60 inches | 3/16 inch | 1/4 inch | 1/4 inch | 5/16 inch. |
| | Maximum shell radius 125 inches or more | | | |
| 36 inches or less | 3/16 inch | 1/4 inch | 1/4 inch | 5/16 inch. |
| Over 36 inches to 54 inches | 1/4 inch | 1/4 inch | 5/16 inch | 5/16 inch. |
| Over 54 inches to 60 inches | 1/4 inch | 5/16 inch | 5/16 inch | 5/16 inch. |

fied in § 78.331–3 corresponding to its type, or

(3) the chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passivated or neutralized.

TABLE I—MINIMUM THICKNESS OF HEADS, BULKHEADS, AND BAFFLES (DISHED, CORRUGATED, REINFORCED OR ROLLED)—FOR MILD, HIGH-TENSILE AND STAINLESS STEELS

| Weight of product at 60° F. in pounds per gallon | Volume capacity of tank in gallons per inch of length | | |
|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
| Less than 10 | 12 gauge [1] | 10 gauge | 9 gauge | 8 gauge. |
| 10 to 13 | 10 gauge | 8 gauge | 3/16 inch | 1/4 inch. |
| Over 13 to 16 | 8 gauge | 3/16 inch | 1/4 inch | 1/4 inch. |

[1] Wherever gauges are specified, the references shall be to U.S. Standard gauge.

(b) *Shell thickness.* Tanks built under this specification that are not constructed in accordance with § 78.331–2(a), shall have shell thicknesses conforming with those in the following tables:

TABLE II—FOR LIQUIDS LESS THAN 10 POUNDS PER GALLON

[Minimum Shell Thickness in United States Standard Gauge and Inches—For Mild, High-tensile and Stainless Steel]

| Distance between attachments of bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | | |
|---|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
| | Maximum shell radius of less than 70 inches | | | |
| 36 inches or less | 12 gauge | 12 gauge | 10 gauge | 10 gauge. |
| Over 36 inches to 54 inches | 12 gauge | 12 gauge | 10 gauge | 9 gauge. |
| Over 54 inches to 60 inches | 12 gauge | 10 gauge | 9 gauge | 8 gauge. |
| | Maximum shell radius 70 inches or more but less than 90 inches | | | |
| 36 inches or less | 12 gauge | 12 gauge | 10 gauge | 9 gauge. |
| Over 36 inches to 54 inches | 12 gauge | 10 gauge | 9 gauge | 8 gauge. |
| Over 54 inches to 60 inches | 10 gauge | 9 gauge | 8 gauge | 3/16 inch. |
| | Maximum shell radius 90 inches or more but less than 125 inches | | | |
| 36 inches or less | 12 gauge | 10 gauge | 9 gauge | 8 gauge. |
| Over 36 inches to 54 inches | 10 gauge | 9 gauge | 8 gauge | 3/16 inch. |
| Over 54 inches to 60 inches | 9 gauge | 8 gauge | 3/16 inch | 3/16 inch. |
| | Maximum shell radius 125 inches or more | | | |
| 36 inches or less | 10 gauge | 9 gauge | 8 gauge | 3/16 inch. |
| Over 36 inches to 54 inches | 9 gauge | 8 gauge | 3/16 inch | 3/16 inch. |
| Over 54 inches to 60 inches | 8 gauge | 3/16 inch | 3/16 inch | 1/4 inch. |

§ 78.331–3 Thickness of metal.

(a) *Head, bulkhead and baffle thicknesses.* Tanks built under this specification that are not constructed in accordance with § 78.331–2(a) shall have head thicknesses conforming with those in the following tables:



(c) *Cargo tanks built of nonferrous metals.* Cargo tanks constructed of materials other than mild, high-tensile or stainless steel shall have shell and head thicknesses designed in accordance with the following formula:

$$\text{Thickness for materials other than steel} = \text{Steel thickness from tables} \times \sqrt[3]{\frac{3\times10^7}{\text{Modulus of elasticity of material to be used}}}$$

§ 78.331–4 Joints.

(a) All joints and seams formed in the manufacture of any cargo tank shall be made tight by welding.

§ 78.331–5 Bulkheads, baffles, ring stiffeners, tank supports and compartmentation.

(a) Flat heads or flat bulkheads without reinforcement are not permitted. The use of baffles is not a specification requirement.

§ 78.331–6 Closures for manholes.

(a) The manhole cover shall be designed to provide a secure closure of the manhole. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid by use of gaskets of suitable material not subject to attack by the corrosive liquid to be transported in the tank.

§ 78.331–7 Overturn protection.

(a) All closures for filling openings and outlets shall be protected from damage in the event of overturn of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or the use of substantial metal guards securely attached to the cargo tank or frame of the motor vehicle.

§ 78.331–8 Outlets.

(a) *Outlet construction.* No cargo tank, except those used for shipments of sludge acid or alkaline corrosive liquids, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve or a blank flange or screw-on cap at the discharge end of the outlet and must not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet.

(b) *Bottom outlets.* Bottom outlets, when permitted in accordance with paragraph (a) of this section, shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transportation. Bottom outlets must be equipped with an effective and reliable shut-off valve located inside the shell of the tank, tank compartment outlet, or sump if the sump is integral with the tank.

(c) *Bottom washout chambers.* Cargo tanks may be equipped with bottom washout chambers. Bottom washout chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a liquid-tight closure at its lower end. If used for loading or unloading, they shall be equipped with a valve or plug at the upper end.

§ 78.331–9 Vents, valves and connections.

(a) *Safety vent.* Each cargo tank or compartment thereof must be equipped with suitable pressure relief devices as required by the Code, or shall be fitted with suitable rupture discs in the dome or manhole assemblies in lieu of mechanical pressure-relief valves. Such discs shall be designed to rupture at not to exceed 1½ times the design pressure.

(b) *Gauging, loading and air-inlet devices.* Gauging, loading and air-inlet devices, including their valves, shall be provided with adequate means for their secure closure, and means shall also be provided for the closing of pipe connections of valves.

§ 78.331–10 Protection of fittings.

(a) Draw-off valves and fittings of cargo tanks projecting beyond the frame, or if the vehicle be frameless, beyond the shell, shall be adequately protected in the event of a collision by steel bumpers or other equally effective devices.

§ 78.331–11 Emergency discharge control.

(a) See § 78.331–8(b).

§ 78.331–12 Shear section.

(a) *Discharge connections.* There shall be provided between each shut-off valve seat and discharge valve a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge valve or piping.

(b) *Heater coils.* Heater coils, when installed, shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

§ 78.331–13 Anchoring of tank.

(a) No applicable provision.

§ 78.331–14 Gauging devices.

(a) Every cargo tank, and every compartment must be equipped with a means of indicating outage.

§ 78.331–15 Pumps and compressors.

(a) No applicable provision.

§ 78.331–16 Method of test.

(a) *Test for leaks.* Every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, or with a corrosive liquid permitted to be transported in the cargo tank, the temperature of which shall not exceed 100° F. during the test, and applying a pressure of 1½ times the design pressure but not less than 3 psig. The pressure shall be gauged at the top of the tank. The tank must hold the prescribed pressure for at least 10 minutes without failure, undue distortion, leakage or evidence of impending failure. All closures shall be in place while test is made.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by the pressures prescribed in paragraph (a) of this section and shall withstand such pressures without undue distortion or other indication of impending failure. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Test of heating system.* After an interior heating system consisting of coil piping is installed, and before the tanks to which they are fitted are placed in service, the heating system shall be tested. Systems employing media such as steam or hot water under pressure for heating the contents of cargo tanks shall be tested with hydrostatic pressure and proved to be tight at 200 psig. Systems employing flues for the heating of the contents of cargo tanks shall be suitably tested to insure against the leakage of the contents of the tanks either into the flues or into the atmosphere.

(d) *Retest requirements.* See § 77.824 (c) of this chapter.

§ 78.331–17 Marking of cargo tanks.

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC • • • [3]
Maximum Working Pressure
Material
Lining
Nominal Capacity ---------- U.S. Gallons
Density of Cargo, Maximum --- Lb./Gallon

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

[3] For MC 311 cargo tanks insert MC 311–IIS for steel tanks designed in accordance with Table II of § 78.331–3(b); MC 311–IIIS for steel tanks designed in accordance with Table III of § 78.331–3(b); and MC 311–IVS for steel tanks designed in accordance with Table IV of § 78.331–3(b). For aluminum tanks substitute AL for S.

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.331–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

Amend entire § 78.336 (15 F.R. 8556, Dec. 2, 1950) (24 F.R. 8065, Oct. 6, 1959) (25 F.R. 6629, July 14, 1960) (21 F.R. 9364, Nov. 30, 1956) (20 F.R. 8115, 8116, Oct. 28, 1955) (21 F.R. 676, Jan. 31, 1956) (23 F.R. 2335, 2336, Apr. 10, 1958) (24 F.R. 908, Feb. 6, 1959) to read as follows:

**§ 78.336 Specification MC 330; cargo tanks constructed of steel, primarily for transportation of compressed gases. For qualification of existing cargo tanks for continued service, see § 73.33 (b), (c), (d), (e), (f), (g), (h) and (i) of this chapter.**

**§ 78.336–1 General requirements.**

(a) *Code construction.* Tanks shall be of seamless or welded steel construction or combination of both and shall be designed and constructed in accordance with and fulfill the requirements of (1) the 1950 edition, (2) 1952 edition, (3) 1956 edition, or (4) the 1959 edition of section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code; no revisions (any or all of which hereinafter referred to as "the Code").

EXCEPTION: Chlorine tanks shall be fully radiographed and stress relieved in accordance with the provisions of the Code under which they are constructed.

(b) *Design pressure.* The design pressure of a tank authorized under this specification shall be not less than the vapor pressure of the commodity contained therein at 115° F. or as prescribed for a particular commodity in § 73.315 (a) (1) of this chapter, except that in no case shall the design pressure of any container be less than 100 psig. nor more than 500 psig. When corrosion factor is prescribed by these regulations (see § 73.315(a) (1) Note 4 of this chapter) the wall thickness of the tank calculated in accordance with the Code (see paragraph (a) of this section) shall be increased by 20 percent or 0.10 inch, whichever is less.

NOTE 1. The term "design pressure" as used in this specification is identical to the term "maximum allowable working pressure" as used in the Code (see paragraph (a) of this section).

(c) *Grouping openings.* Except as noted below, all openings in the tank shall be grouped in one location, either at the top of the tank or at one end of the tank.

EXCEPTIONS. (1) Chlorine tanks shall be equipped with a nozzle located in the top of the tank. The nozzle shall be fitted with a dome cover plate which shall conform with the standard of The Chlorine Institute, Inc. Dwg. 103–3, dated January 23, 1958. There shall be no other opening in the tank. (2) The openings for liquid level gauging devices, or for safety relief devices may be installed separately at the other location or in the side of the shell. (3) One plugged opening of 2-inch National Pipe Thread or less provided for maintenance purposes may be located elsewhere. (4) Loading and unloading connections may be located in the bottom of the tank.

(d) *Reflective design.* Every uninsulated cargo tank permanently attached to a tank motor vehicle shall, unless it be covered with a jacket made of aluminum, stainless steel, or other bright nontarnishing metal, be painted all over a white, aluminum, or similar reflecting color.

(e) *Insulation for carbon dioxide, chlorine and nitrous oxide cargo tanks.* See § 73.33(p) of this chapter.

**§ 78.336–2 Material.**

(a) *General.* All material used for the construction of the tank and appurtenances shall be suitable for use with the commodity to be transported therein. See also § 73.33(n) of this chapter.

(b) *For chlorine.* All plates for tank, manway nozzle and anchorage of tanks used in the transportation of chlorine must be made of steel complying with requirements of A.S.T.M. Specification A–300–52T titled "Steel Plates for Pressure Vessels for Service at Low Temperatures," Class 1, Grade "A", flange or fire box quality. Impact test specimens made by the plate manufacturers shall be of the Charpy Keyhole notch type and must meet impact requirements (in both longitudinal and transverse directions of rolling) of this specification at a temperature of minus 50° F.

**§ 78.336–3 Thickness of metal.**

(a) Material thickness shall be as required by the Code (see § 78.336–1(a)), except that material of thickness less than 3/16 inch shall not be used for the shell, heads and protective housings specified in § 78.336–10, except for chlorine tanks, the wall thickness shall be not less than 3/8 inch, including corrosion allowance.

**§ 78.336–4 Joints.**

(a) Joints shall be as required by the Code (see § 78.336–1(a)).

**§ 78.336–5 Bulkheads, baffles and ring stiffeners.**

(a) No applicable provision.

**§ 78.336–6 Closures for manholes.**

(a) No applicable provision.

**§ 78.336–7 Overturn protection.**

(a) See § 78.336–10.

**§ 78.336–8 Outlets.**

(a) See § 78.336–1(c).

**§ 78.336–9 Safety relief devices, valves and connections.**

(a) *Safety relief devices.* See § 73.315 (i) of this chapter.

(b) *Piping, valves and fittings.* See § 73.33(m) of this chapter. For manifolding of cargo tank containers, see § 73.301(f) of this chapter.

(c) *Marking inlets and outlets.* All tank inlets and outlets, except safety relief valves, shall be marked to designate whether they communicate with vapor or liquid when the tank is filled to the maximum permitted filling density.

(d) *Refrigerating and heating coils.* See § 73.33(q) of this chapter.

**§ 78.336–10 Protection of fittings.**

(a) All valves, fittings, accessories, safety relief devices, gauging devices, and the like shall be adequately protected against mechanical damage by a housing closed with a cover plate.

EXCEPTIONS. (1) Liquid and vapor valves, fittings, and accessories installed in the bottom of the tank shall be adequately protected against mechanical damage, but the housing and cover plate may be omitted. (2) In lieu of a housing closed with a cover plate, tanks used for the transportation of carbon dioxide may have all valves, piping, fittings, accessories, safety relief devices, and the like installed within the motor vehicle framework, or a suitable collision-resisting subframe, guard or housing. (3) On chlorine tanks the protective housing and cover plate shall conform to the standard of The Chlorine Institute, Inc. Dwg. 107–2, dated June 4, 1959, and shall be of a design to permit the use of standard emergency kits for controlling leaks in fittings on the dome cover plate.

(b) The protective housing shall comply with the requirements under which the tanks are fabricated with respect to design and construction, and shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used.

**§ 78.336–11 Emergency discharge control.**

(a) *Excess-flow valves.* See § 73.33 (o) of this chapter.

(b) *Shut-off valves.* See § 73.33(o) (3) of this chapter.

**§ 78.336–12 Shear section.**

(a) No applicable provision.

**§ 78.336–13 Anchoring of tank.**

(a) *Hold-down devices.* Adequate "hold-down" devices shall be provided which will anchor each cargo tank to the cradle, frame or chassis in a suitable and safe manner that will not introduce undue concentration of stresses. The means of attachment of any cargo tank to the cradle, frame, or chassis of a motor vehicle shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a factor of safety of not less than four, based on the ultimate strength of the material to be used. Hold-down devices (on vehicles with frames) shall incorporate turnbuckles or similar positive devices for drawing the tank down tight on the frame of the motor vehicle.

(b) *Stops and anchors.* Suitable stops or anchors shall be attached to the motor vehicle and the cargo tank to prevent relative movement between them due to stopping, starting and turning. Stops and anchors shall be installed so as to be readily accessible for inspection and maintenance, except that insulation is permitted to cover such stops and anchors.

(c) *Anchoring integral cargo tanks.* Whenever any tank motor vehicle is so designed and constructed that the cargo tank constitutes in whole or in part the stress member used in lieu of a frame, such cargo tanks shall be designed to withstand the stresses thereby imposed in addition to those covered by the Code (see § 78.336–1(a)).

**§ 78.336–14 Gauging devices.**

(a) See § 73.315(h) of this chapter.

**§ 78.336–15 Pumps and compressors.**

(a) See § 73.33(m) (7) of this chapter.

**§ 78.336–16 Method of test.**

(a) Original test at time of manufacture shall be as required by the Code (see § 78.336–1(a)). For retest requirements, see § 73.33(k) of this chapter.

**§ 78.336–17 Marking of cargo tanks.**

(a) *Metal identification plate.* In addition to the markings required by the Code (see § 78.336–1(a)) every cargo tank shall have a metal plate permanently affixed on one of the heads of the tank. This plate shall be permanently affixed by means of soldering, brazing, or welding around its perimeter. Neither the plate itself nor the means of attachment to the tank shall be subject to destructive attack by the contents of the tank. On uninsulated tanks the plate shall be in a place readily accessible for inspection. On insulated tanks an additional identical plate shall be permanently affixed to the jacket readily accessible for inspection. Upon such plate shall be plainly marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself the following information in characters at least 3/8 inch high:

Manufacturer's Name _____ Serial No. ____
Owner's Serial Number _____
ICC Specification Number MC 330 _____
Water capacity (pounds) _____
Design pressure (psig.) _____
Original test date _____
Tank retested at _____ (psig.) on _____

(b) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.336–18 Certification.**

(a) A copy of the manufacturer's data report required by the Code (See § 78.336–1(a)) under which the tank is fabricated shall be furnished for each new tank to the owner and the Bureau of Explosives, 63 Vesey Street, New York 7, N.Y. In addition, the manufacturer or owner shall register each tank with the Bureau of Explosives in the following form:

Place _____
Date _____

Cargo Tank
Manufactured for _____ Company
Location _____
Manufactured by _____ Company
Location _____
Consigned to _____ Company
Location _____
Size ____ feet outside diameter by ____ long

Marks on tank as prescribed by § 78.336–17 are as follows:

Manufacturer's Name _____ Serial No. ____
Owner's Serial Number _____
ICC specification _____
Code symbol _____
Date of manufacturer _____
Water capacity (pounds) _____
Design pressure (psig.) _____

It is hereby certified that this tank is in complete compliance with the requirements of I.C.C. Specification No. _____.

(Signed) _____
(Manufacturer or owner)

APPENDIX

*Section, Paragraph, and Reason for Amendment*

73.33 (a) (2), (k) (11); to make reference to new section 77.824 which contains retest requirements that were formerly in the respective cargo tank specifications.

77.824, entire section; to centralize the cargo tank retest requirements rather than include them in the respective specifications.

77.854(h); the restriction against haphazard repair of cargo tanks has been removed from the individual specifications and placed in this more appropriate section.

78.321, 78.323, 78.324, 78.325, 78.326, 78.330, 78.331, 78.336; to provide uniform arrangement and clarity rather than any substantive change of specs. MC 300, MC 302, MC 303, MC 304, MC 305, MC 310, MC 311 and MC 330 cargo tanks.

78.322; spec. MC 301 is deleted inasmuch as it has been made obsolete by other specifications more improved and advanced.

[F.R. Doc. 61–668; Filed, Jan. 27, 1961; 8:45 a.m.]

# DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## [ 26 CFR Part 1 ]

## INCOME TAX, TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Notice of Hearing on Proposed Regulations

Proposed regulations under sections 382 and 394 of the Code, relating to special limitations on net operating loss carryovers and effective date of sections 381 and 382, were published in the FEDERAL REGISTER for December 28, 1960.

A public hearing on the provisions of these proposed regulations will be held on Tuesday, February 14, 1961, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by February 10, 1961.

[SEAL] MAURICE LEWIS,
*Director,*
*Technical Planning Division,*
*Internal Revenue Service.*

[F.R. Doc. 61–845; Filed, Jan. 27, 1961; 8:51 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [ 7 CFR Part 903 ]

[Docket No. AO–10–A24]

## MILK IN ST. LOUIS, MO., MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

*Correction*

In F.R. Doc. 61–604, appearing at page 663 of the issue for Tuesday, January 24, 1961, the following change should be made:

On page 669, in the first column, the date "1960" in the paragraph now reading: "Issued at Washington, D.C., this 18th day of January 1960", should be changed to read "1961".

## [ 7 CFR Part 963 ]

[Docket No. AO–309–A3]

## MILK IN GREAT BASIN MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the South Salt Lake Auditorium, 2490 South State Street, South Salt Lake, Utah, beginning at 10:00 a.m., on February 15, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Great Basin marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Federated Milk Producers Association, Hi-Land Dairymen's Association and Weber Central Dairy Association:

*Proposal No. 1.* That § 963.10(a) be amended so as to include a plant at which milk is received from dairy farmers and from which milk is disposed of on routes in the market area.

*Proposal No. 2.* That the Great Basin marketing area be expanded to include Uinta County, Wyoming.

*Proposal No. 3.* That § 963.41 be amended so as to provide for three classes of utilization, the Class I to be the same as now provided by said section and the Class III to be the same as that provided for Class II by said section, except that utilized in Class II. Class II shall be that milk which is used in the manufacture of cottage cheese. It is further proposed that § 963.50 be amended to provide for minimum prices for the three classes of milk, and that the Class II utilization so provided shall be priced at 10 cents per hundredweight over the Class III price. That such other amendments be made to the order as may be necessary to provide for this additional class of utilization.

*Proposal No. 4.* That § 963.50(a) be amended to read: "The price for Class I milk per hundredweight shall be the basic formula price for the preceding month plus $2.335."

*Proposal No. 5.* Amend § 963.80(b) to provide that a handler which receives milk from a cooperative association which has so requested the market administrator in writing shall pay to the market administrator, on or before the 14th day of the month following which the milk was received, the amount, if any, by which the total utilization value of his milk as computed pursuant § 963.70 exceeds any amounts due for producer milk received by such handler from producers who are not members of such cooperative association, plus any amounts paid such cooperative association as an advance payment for such milk which are not in excess of the value of such milk at order prices; and to add a new section to the order to provide that the market administrator shall pay to a cooperative association on or before the 16th of the month the amount of money due at order prices for the producer milk of its members which was delivered to pool handlers and for which the market administrator has received payment pursuant to § 963.80(b) less the amount of advance payment already received by the cooperative for such milk.

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 6.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 1935 South Main Street, Suite 339, Salt Lake City, Utah, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 25th day of January 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61-824; Filed, Jan. 27, 1961; 8:48 a.m.]

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[ 7 CFR Part 999 ]

[Docket No. AO-204-A12]

## MILK IN WORCESTER, MASS., MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

*Correction*

In F.R. Doc. 61-560, appearing at page 667 of the issue for Tuesday, January 24, 1961, the date "1960" in the last line of the third column on page 678 should read "1961".

# DEPARTMENT OF LABOR

## Wage and Hour Division

[ 29 CFR Part 522 ]

## APPAREL INDUSTRY

### Learning Periods and Occupations

Pursuant to authority in section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, 29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), I propose to amend 29 CFR 522.23 to read as follows:

§ 522.23 **Learner occupations and learning periods.**

(a) Sewing machine operating, final pressing, hand-sewing, and finishing operations involving hand-sewing, maximum learning period of 480 hours for any of these occupations; final inspection of assembled garments, all other pressing, and all other machine operating (except the "cutting room" operations of knife or die cutting, spreading and marking, wherever performed in the plant), a maximum learning period of 160 hours; but not more than a 320-hour learning period in such occupations where a maximum of 480 hours is authorized, if, within the previous two years, the worker has had 160 hours or more of experience in another of these occupations in any division of the apparel industry as defined in § 522.21.

(b) No worker shall be employed as a learner at special minimum rates in more than two of the learner occupations authorized by this section.

(c) If, within the previous two years, a worker has been employed in any division of the apparel industry, or in the manufacturing of men's and boys' underwear from any woven fabric in establishments in the knitted wear industry, in an authorized learner occupation for less than the maximum learning period authorized for that occupation, the number of hours of previous employment shall be deducted from the learning period applicable to that occupation.

Any person interested in these proposed amendments may file a written statement of data, views, or arguments in support or opposition to them with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Constitution Avenue and 14th Street NW., Washington 25, D.C., within 15 days after this notice is published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 23d day of January 1961.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 61-817; Filed, Jan. 27, 1961; 8:47 a.m.]

# FEDERAL AVIATION AGENCY

[ 14 CFR Part 514 ]

[Reg. Docket No. 643]

## AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

### Technical Standard Orders

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator by adopting a new Technical Standard Order. This Technical Standard Order will establish minimum performance standards for airborne static ("DC to DC") electrical power converter equipment for use as a part of a navigation or communication system on civil aircraft of the United States engaged in air carrier operations.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before March 15, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further publication as a draft release.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By adding the following § 514.77:

§ 514.77 **Airborne static ("DC to DC") electrical power converter (for air carrier aircraft)—TSO-C71.**

(a) *Applicability—(1) Minimum performance standards.* Minimum performance standards are hereby established for airborne static ("DC to DC") electrical power converter equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of such equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the standards set forth in FAA Standard, "Airborne Static ('DC to DC') Electrical Power Converter (For Air Carrier Aircraft)" dated December 8, 1960,[1] and Radio Technical Commission for Aeronautics Paper 100-54/DO-60 as amended by Paper 256-58/EC-366 dated November 13, 1958.[1] Manufacturers of such equipment shall also comply with the requirements of paragraphs (b), (c), and (d) for acceptance of their equipment under this section.

(b) *Marking.* In addition to the markings specified in § 514.3, equipment which has been designed to operate over the environmental conditions outlined in Procedure A of RTCA Paper 100-54/DO-60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Airborne static ("DC to DC") electrical power converter equipment shall be produced under a quality control system, established by the manufacturer, which will assure that each equipment is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

[1] Copies of the FAA Standard may be obtained upon request addressed to: Aeronautical Reference Branch, Correspondence Inquiry Section, MS-126, Federal Aviation Agency, Washington 25, D.C. Copies of RTCA Paper 100-54/DO-60 may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C., for 20 cents per copy.



(e) *Previously approved equipment.* Airborne static ("DC to DC") electrical power converter equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

Issued in Washington, D.C., on January 19, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-808; Filed, Jan. 27, 1961; 8:46 a.m.]

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[ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-NY-101]

## FEDERAL AIRWAYS AND CONTROL AREAS

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6072, 600.6490, 601.6072, and 601.6490 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 72 presently extends in part from Albany, N.Y., to the Ipswich, Mass., Intersection (intersection of the Manchester, N.H., VOR 117° and the Boston, Mass., VOR 014° True radials). VOR Federal airway No. 490 presently extends in part from Cambridge, N.Y., to Keene, N.H. The Federal Aviation Agency is considering altering these VOR airways by the following proposed airspace actions:

1. Alter the segment of Victor 72 and its associated control areas from Albany to the Ipswich Intersection, by redesignating it from the Albany VOR to the Williamsville, Vt., Intersection (intersection of the Albany VOR 075° True radial and the Cambridge VOR 094° True radials) at which point it would terminate.

2. Alter the segment of Victor 490 and its associated control areas from Cambridge to Keene, by redesignating it to extend from the Cambridge VOR via the Manchester VOR to the Ipswich Intersection.

These airway alterations would facilitate air traffic management by providing a low altitude route structure for the transitioning of aircraft from the intermediate airway system when arriving and departing the Boston terminal area. In addition, the alterations would provide a more direct segment for the existing parallel route structure between the Albany and Boston terminals.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 23, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-807; Filed, Jan. 27, 1961; 8:46 a.m.]

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[ 14 CFR Part 601 ]

[Airspace Docket No. 61-WA-2]

## CONTROL ZONES

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.1983 of the regulations of the Administrator, the substance of which is stated below.

The Cut Bank, Mont., control zone is designated within a 3-mile radius of Cut Bank Municipal Airport. The Federal Aviation Agency is considering redesignation of this control zone within a 5-mile radius of Cut Bank Municipal Airport (latitude 39°36'41" N., longitude 112°22'45" W.); within 2 miles either side of the Cut Bank VOR 151° True radial extending from the 5-mile radius zone to 12 miles southeast of the VOR, and within 2 miles either side of the southeast course of the Cut Bank radio range extending from the 5-mile radius zone to 12 miles southeast of the radio range. This would provide protection for aircraft executing prescribed instrument approach procedures at Cut Bank Municipal Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be

made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 24, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–805; Filed, Jan. 27, 1961; 8:45 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 61–WA–4]

## CONTROL ZONES

### Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2374 of the regulations of the Administrator, the substance of which is stated below.

The Billings, Mont., control zone is designated within a 5-mile radius of Logan Field and within 2 miles either side of a line bearing 293° True extending from the airport to a point 9.6 miles northwest. The Federal Aviation Agency is considering redesignating this control zone within a 5-mile radius of Logan Field (latitude 45°48'23" N., longitude 108°31'54" W.) and within 2 miles either side of the northeast course of the Billings radio range extending from the 5-mile radius zone to 12 miles northeast of the radio range. A review of the prescribed instrument approach procedures at Logan Field indicates that aircraft executing the prescribed ADF and ILS instrument approach procedures utilizing the ILS outer marker are afforded adequate protection by the 5-mile radius zone. Accordingly, the extension to the northwest would no longer be required. This review also indicates that the proposed extension based on the northeast course of the radio range would be necessary to protect aircraft executing the prescribed instrument approach procedures utilizing the radio range.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 24, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–804; Filed, Jan. 27, 1961; 8:45 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60–FW–115]

## CONTROL ZONES

### Revocation and Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.2465 of the regulations of the Administrator, the substance of which is stated below.

The Killeen, Tex., control zone (§ 601.2423) is presently designated within a 5-mile radius of Gray Air Force Base, Killeen, Tex., and within 2 miles either side of the extended centerline of runway 15/33 extending to points 8 miles southeast and northwest of the airport. The Federal Aviation Agency is considering revoking this control zone. The United States Air Force advises that Gray AFB has been placed on a caretaker status with only a limited number of administrative flights anticipated. Accordingly, it appears that there is no longer a control zone requirement and the Killeen control zone should be revoked.

Concurrently with this action, the Fort Hood, Tex., control zone would be amended by deleting reference to the Killeen control zone in its description.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 24, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–806; Filed, Jan. 27, 1961; 8:45 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60–NY–159]

## CONTROL AREAS

### Designation of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Air Transport Association of America for designation of a control area extension at Lima, Ohio. It is proposed to designate the Lima control area extension as that area bounded on the southeast by VOR Federal airway No. 275, on the southwest by VOR Federal airway No. 277 and on the northwest by VOR Federal airway No. 14. This control area extension would provide protection for aircraft conducting prescribed instrument approach and departure procedures at the Allen County Airport, Lima, Ohio.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on January 23, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–801; Filed, Jan. 27, 1961; 8:45 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60–NY–160]

## CONTROL AREAS

### Designation of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Air Transport Association of America for the designation of a control area extension at Clarksburg, W. Va. It is proposed to designate as the Clarksburg control area extension that area 8 miles west and 5 miles east of a line bearing 216° True from the Clarksburg radio beacon extending from the radio beacon to 17 miles southwest. This proposed control area extension would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Benedum Airport, Clarksburg, W. Va.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 23, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–802; Filed, Jan. 27, 1961; 8:45 a.m.]

## [ 14 CFR Parts 601, 608 ]

[Airspace Docket No. 60–KC–24]

## CONTROL AREAS AND RESTRICTED AREAS

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.1108 and 608.24 of the regulations of the Administrator, the substance of which is stated below.

The Salina, Kans., control area extension is presently designated as all that airspace north of Salina, Kans., within a 30-mile radius of a point at latitude 38°52'39" N., longitude 97°38'54" W., bounded on the south by VOR Federal airway No. 4, and the airspace southeast of the Salina VOR bounded on the north by VOR Federal airway No. 4 and on the west by VOR Federal airway No. 73 within a 25-mile radius of the VOR.

The Federal Aviation Agency is considering altering the control area extension by redesignating it within a 25-mile radius of the Schilling AFB (latitude 38°47'30" N., longitude 97°38'45" W.), including the area north of Salina, Kans., bounded on the northeast by a line extending from latitude 39°52'15" N., longitude 96°48'00" W., to latitude 39°40'45" N., longitude 96°35'00" W., on the east by the west boundary of the Olathe, Kans. (§ 601.1210), control area extension, on the south by VOR Federal airway No. 4 east of the Salina VOR and VOR Federal airway No. 108 west of the Salina VOR; on the west by longitude 98°30'00" W., and on the north by VOR Federal airway No. 216 west of the Mankato, Kans., VOR and Victor 216 south alternate east of the Mankato VOR; and including the area south of Salina bounded on the east by longitude 97°00'00" W., on the south by VOR Federal airway No. 280 east of the Hutchinson VOR, the northern boundary of the Hutchinson, Kans., control area extension (§ 601.1116) and VOR Federal airway No. 132 west of the Hutchinson VOR; on the west by longitude 98°45'00" W., and on the north by VOR Federal airway No. 4 west of the Salina VOR and Victor 4 south alternate east of the Salina VOR. The alteration of this control area extension as proposed would provide protection for aircraft executing prescribed instrument approach procedures at Schilling AFB and for heavily laden aircraft conducting prescribed departure procedures from the airbase. The portions of the proposed control area extension that coincide with the Brookville, Kans. (R–196) and the Manhattan, Kans. (R–197) restricted areas would be used only after obtaining prior approval from the appropriate authority.

In addition, the Federal Aviation Agency has under consideration the designation of the Kansas City ARTC Center as the controlling agency of both the Manhattan, Kans., Restricted Area (R–197) and the Brookville, Kans., Restricted Area (R–196). This change along with the inclusion of control area within the two restricted areas would facilitate the use of R–196 and R–197 for air traffic management purposes during periods of time when these areas are not in use for their designated purpose.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with

Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 23, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-803; Filed, Jan. 27, 1961; 8:45 a.m.]

# Notices

## DEPARTMENT OF STATE

[Public Notice 178]

### UNITED STATES SEVERS DIPLOMATIC AND CONSULAR RELATIONS WITH THE REPUBLIC OF CUBA

Notice is hereby given that, following the cessation of diplomatic and consular relations on January 3, 1961, between the Government of the United States and the Government of the Republic of Cuba, the Government of the Swiss Confederation has assumed diplomatic and consular representation of the United States in the Republic of Cuba.

Dated: January 9, 1961.

JOHN W. HANES, JR.,
*Administrator, Bureau of Security and Consular Affairs.*

[F.R. Doc. 61-820; Filed, Jan. 27, 1961; 8:47 a.m.]

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[342.5]

### SYNTHETIC INDIGO

#### Change of Basis for Assessing Duty

JANUARY 24, 1961.

The Bureau of Customs published in the FEDERAL REGISTER of November 16, 1960 (25 F.R. 10894), notice that it had under review the existing practice of determining the amount of specific duty on synthetic indigo, colour index No. 1177, which is classifiable as such under paragraph 28(b), Tariff Act of 1930, by multiplying the rate per pound provided by law times the actual weight of the imported merchandise.

The Bureau, by letter dated January 24, 1961, addressed to the collector of customs, New York, N.Y., held that this merchandise is properly subject to a specific duty, the product of the rate per pound provided by law times the actual weight of the importation times the relative strength of the importation (when in excess of 1.0) in comparison with the official standard established by the Secretary of the Treasury.

Insofar as this decision results in the assessment of duty in a total amount greater than that which would have been assessed under the current uniform and established practice, it shall be applied only to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

[F.R. Doc. 61-832; Filed, Jan. 27, 1961; 8:49 a.m.]

### Office of the Secretary

[T.D. Order 168-2]

### CERTAIN UNITED STATES SECURITIES BEARING FACSIMILE SIGNATURE OF FORMER SECRETARY OF THE TREASURY

#### Continuing Sale

Pursuant to the provisions of R.S., section 161, 5 U.S.C. 22, as amended, it is hereby ordered:

That the sale and issue of United States Savings Bonds of Series E and H, pursuant to Department Circulars Nos. 653, Fifth Revision, and 905, Second Revision, continue and that the existing stocks be used notwithstanding the fact that the bonds of such stocks bear the facsimile signature of the former Secretary of the Treasury. All savings bonds issued or reissued pursuant to said Department Circulars or applicable regulations by the Treasury, directly or through authorized issuing agents, shall be valid and binding obligations notwithstanding the fact that they bear the facsimile signature of the former Secretary. The term "existing stocks" as used herein means stocks of bonds of Series E and H now on order, as well as stocks thereof presently on hand in the Treasury Department and at its issuing agencies, including the Federal Reserve Banks and Branches.

This order shall be effective immediately.

Dated: January 23, 1961.

[SEAL] DOUGLAS DILLON,
*Secretary of the Treasury.*

[F.R. Doc. 61-833; Filed, Jan. 27, 1961; 8:49 a.m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

### ALCOA STEAMSHIP CO., INC., ET AL.

#### Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8559, between Alcoa Steamship Company, Inc., Lykes Bros. Steamship Co., Inc., A. H. Bull Steamship Co., and Waterman Steamship Corporation of Puerto Rico, covers an arrangement whereby the parties may discuss from time to time and agree between themselves, or between any two or more of the parties, regarding any rate, charge, classification, rule, regulation, practice and/or related tariff matter, to be charged or observed by each party in the transportation of cargo in the trade between Atlantic and Gulf ports and/or places in the United States adjacent to such port areas, on the one hand, and ports in Puerto Rico and places adjacent to such ports, on the other hand, and providing that each party to this agreement shall have the right to alter for itself any rate, charge, classification, etc., thus agreed upon or about which there is no agreement, upon the giving of forty-eight (48) hours written notice in advance to the other parties of its intention to do so.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 25, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-840; Filed, Jan. 27, 1961; 8:50 a.m.]

### OSBERG LINE ET AL.

#### Request for Cancellation of Agreements

Notice is hereby given that Osberg Line and Americana Shipping Corporation, the parties to approved Agreement No. 8388, and Osberg Line, Americana Shipping Corporation and Compania Maritima Orlanda, S.A., the parties to approved Agreement No. 8392, both described below, have requested cancellation thereof:

(1) Agreement No. 8388 covers the establishment and maintenance of a joint cargo service in the trade from New York, Baltimore and/or Philadelphia to certain designated ports on the East Coast of Central America, operating alternate weekly sailings under the trade names "Central American Line" and "The Caribbean Line"; and

(2) Agreement No. 8392 covers an arrangement whereby Compania Maritima Orlanda, S.A., will charter space on its vessels for use of Osberg Line and Americana Shipping Corporation in their alternate weekly sailings under joint service Agreement No. 8388 described above.

Any written statements, comments or protests with respect to the cancellation of either of the agreements, listed above, pursuant to section 15 of the Shipping Act, 1916, or request for hearing in connection therewith, may be filed with the Secretary, Federal Maritime Board, Washington, D.C., within 20 days from

the date of publication of this notice in the FEDERAL REGISTER.

Dated: January 25, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-841; Filed, Jan. 27, 1961; 8:50 a.m.]

## TRANS-ATLANTIC PASSENGER STEAMSHIP CONFERENCE

### Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 120-76, between the member lines of the Trans-Atlantic Passenger Steamship Conference, modifies the basic agreement of that Conference (No. 120, as amended), with respect to termination of membership as a result of discontinuance of service, to provide that if a member line serves notice that it has discontinued, or intends to discontinue, the transportation of passengers within the scope of the conference, the effective date for termination of membership shall be the last day of the month following that in which such line last carried passengers, or served such notice, whichever is the later. The agreement presently provides that the membership of a member line giving notice of discontinuance of service shall terminate on the last day of the month following that in which such line last carried passengers.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 25, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-842; Filed, Jan. 27, 1961; 8:50 a.m.]

## OY FINNLINES, LTD., ET AL.

### Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8550, between OY Finnlines, Ltd., Moore-McCormack Lines, Inc., Swedish American Line, et al., is a new agreement of the Scandinavia Baltic/US North Atlantic Westbound Freight Conference which deals with the transportation of cargo originating at, moving through or transhipped at, ports in Sweden, Finland, Poland and USSR Baltic ports to U.S. North Atlantic ports. Agreement No. 8550, upon approval, will supersede and cancel approved Agreement No. 8450, the present agreement of the Conference.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 25, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-843; Filed, Jan. 27, 1961; 8:51 a.m.]

## HOWARD CHEUNG ET AL.

### Notice of Show Cause Order to Certain Ocean Freight Forwarders; Proposed Cancellation of Registration

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D.C., the 9th day of January 1961, the Board entered the following order:

Whereas, the following persons, firms and corporations are registered as ocean freight forwarders pursuant to General Order 72 (46 CFR Part 244):

| *Name and City* | *Reg. No.* | *Date issued* |
|---|---|---|
| Cheung, Howard (San Francisco) | 2400 | 11-19-58 |
| Ramirez, Mario (Miami) | 2473 | 4-23-59 |
| Salort, Anthony (New York) | 2175 | 7-23-57 |
| Venezuela Travel Agency (Miami) | 2519 | 7- 8-59 |
| Yoshioka & Company, S. (San Francisco) (Shigeru Yoshioka, d/b/a) | 2434 | 1-28-59 |
| Household Express Agency, Inc. (San Francisco) | 2375 | 10- 6-58 |
| Quick Delivery Service, Inc. (Mobile) | 2391 | 11- 7-58 |
| Ruiz, Manuel (Miami) | 2387 | 11- 6-58 |
| Sanguinetti, Co., Alberto J. (New York) | 2351 | 8-18-58 |
| Stor-Dor Delivery, Inc. (Honolulu) | 2596 | 1-12-60 |

Whereas, the Office of Regulations, Federal Maritime Board, has by regular and registered letters, requested the above-named registrants to furnish certain information in connection with their forwarding operations pursuant to § 244.3 of General Order 72; and

Whereas, each of these registrants has failed to respond to such requests for information; Now, Therefore,

*It is ordered*, That the above-named registrants show cause in writing, or at a public hearing to be hereafter set if requested by registrant, why their registrations should not be cancelled for the reasons above stated; and

*It is further ordered*, That such cause be shown, or request for hearing be made within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER; and

*It is further ordered*, That failure of any such registrant to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board; and the Secretary shall notify it of such cancellation by registered letter sent to its last known address; and

*It is further ordered*, That a copy of this order be sent by registered mail to each of the above-named registrants at its last known address; and

*It is further ordered*, That this order be published in the FEDERAL REGISTER.

Dated: January 25, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-844; Filed, Jan. 27, 1961; 8:51 a.m.]

# DEPARTMENT OF LABOR

### Office of the Secretary

## UNEMPLOYMENT COMPENSATION LAWS

### Certification of North Dakota and Oklahoma to Secretary of the Treasury

The unemployment compensation laws of the States of North Dakota and Oklahoma having been certified pursuant to paragraph (3) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(3)) and having been certified by me to the Secretary of the Treasury for taxable year 1960 as provided in section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304) are hereby certified, pursuant to paragraph (1) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)), to the Secretary of the Treasury for taxable year 1960.

ARTHUR J. GOLDBERG,
*Secretary of Labor.*

JANUARY 25, 1961.

[F.R. Doc. 61-837; Filed, Jan. 27, 1961; 8:49 a.m.]

[G.O. 108]

## UNDER SECRETARY OF LABOR ET AL.

### Delegation of Authority

By virtue of and pursuant to the Act of March 4, 1913 (37 Stat. 736; 5 U.S.C. 611); R.S. 161 (5 U.S.C. 22), and Reorganization Plan No. 6 of 1950 (15 F.R. 3174, 64 Stat. 1236, 5 U.S.C. 611 Note), it is hereby ordered:

1. All delegations of responsibility or authority vested by General Orders or Instructions of the Secretary of Labor in individuals by name occupying the positions of Under Secretary, Assistant Secretary for Labor-Management Relations, Assistant Secretary for Employment and Manpower, Solicitor of Labor, and Director of the Women's Bureau and Assistant to the Secretary, are, for



time being, hereby redelegated respectively to persons appointed to the particular positions subsequent to January 20, 1961, to be exercised together with the responsibility or authority vested in such positions.

2. This order shall be effective immediately and remain in effect until further notice.

Washington, D.C.

ARTHUR J. GOLDBERG,
*Secretary of Labor.*

[F.R. Doc. 61-836; Filed, Jan. 27, 1961; 8:49 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket 50-156]

## REGENTS OF UNIVERSITY OF WISCONSIN

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to License No. R-74. The amendment authorizes The Regents of the University of Wisconsin, as requested in their application for license amendment dated December 22, 1960, to modify the procedures for operation of their pool-type nuclear reactor located on The University of Wisconsin's campus in Madison, Wisconsin. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the operation of the reactor as proposed does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's "Rules of Practice" (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene or requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application for license amendment dated December 22, 1960, submitted by The Regents of the University of Wisconsin, and (2) a hazards analysis prepared by the hazards evaluation staff of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 19th day of January 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[License No. R-74, Admt. 2]

In addition to the activities previously authorized by the Commission in License No. R-74, as amended, The Regents of the University of Wisconsin are authorized to modify in the manner described in their application for license amendment dated December 22, 1960, the procedures for operation of the pool-type nuclear reactor located on The University of Wisconsin's campus in Madison, Wisconsin.

The reactor shall be operated in accordance with the procedures and subject to the limitations set forth in License No. R-74, as amended, and in the application for license amendment dated December 22, 1960.

This amendment is effective as of the date of issuance.

Date of issuance: January 19, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-800; Filed, Jan. 27, 1961; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 11826]

## QANTAS EMPIRE AIRWAYS LIMITED

### Notice of Postponement of Hearing

In the matter of the application of Qantas Empire Airways Limited for amendment of its foreign air carrier permit under section 402 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given that the hearing in the above-entitled proceeding, heretofore assigned to be held on January 31, 1961, has been postponed until February 3, 1961, at 10:00 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Ave. NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., January 24, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-838; Filed, Jan. 27, 1961; 8:49 a.m.]

[Docket 11885]

## RUTAS AEREAS DE COLOMBIA LIMITADA

### Notice of Postponement of Hearing

In the matter of the application of Rutas Aereas de Colombia Limitada for a foreign air carrier permit under section 402 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding now assigned to be held on January 31, 1961, is hereby postponed indefinitely.

Dated at Washington, D.C., January 25, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-839; Filed, Jan. 27, 1961; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 61-EC-3]

## TV ANTENNA TOWER; PROPOSED CONSTRUCTION

### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

M & M Broadcasting Company, Inc., Green Bay, Wisconsin, operator of television station WLUK-TV, proposes to construct a new television antenna tower of increased height above that of their existing television antenna structure. The overall height of the proposed structure would be 2,049 feet above mean sea level (1,169 feet above ground); it would be located within the Green Bay "Antenna Farm" area near Green Bay, Wisconsin, at latitude 44°24'25" north, longitude 87°59'26" west. The proponent's existing tower is located near Flintville, Wisconsin, at latitude 44°39'-57" north, longitude 88°07'49" west with a height of 1,722 feet above mean sea level (962 feet above ground).

The aeronautical study by the Agency has determined that the effect of the proposed tower on the utilization of airspace would be as follows:

1. It would require an increase from 2,900 feet MSL to 3,000 feet MSL in the Instrument Flight Rules minimum en route altitudes of the following segments of approved off-airway air carrier direct routes:

a. From the Manitowoc, Wisconsin, radio beacon (privately-owned by North Central Airlines) direct to the Green Bay, Wisconsin, radio beacon (private-North Central Airlines).

b. From the Manitowoc, Wisconsin, radio beacon direct to the Green Bay, Wisconsin, VOR.

c. From Radio Station WOMT, Manitowoc, Wisconsin, to the Green Bay, Wisconsin, radio beacon.

2. It would require an increase from 2,900 feet MSL to 3,000 feet MSL in the Instrument Flight Rules minimum en route altitude on the segment of VOR Federal airway No. 26, between the Pine Grove, Wisconsin, VHF intersection and the Green Bay, Wisconsin, VOR.

3. It would require an increase from 2,900 feet MSL to 3,000 feet MSL in the minimum altitude at which aircraft may accomplish transition for standard instrument approach to the Green Bay,

Wisconsin, Austin-Straubel Airport outer compass locator from the intersection of the Oshkosh, Wisconsin, VOR 046° magnetic radial with the Green Bay VOR 164° magnetic radial.

4. It would require an increase in the missed approach altitude of the Green Bay, Wisconsin, VOR standard instrument approach procedure from 2,900 feet above mean sea level to 3,000 feet above mean sea level.

The sponsor proposes that the structure would be located within the geographical boundaries of the Green Bay, Wisconsin "Antenna Farm" area. This "Antenna Farm" was established by the Airspace Division of the Air Coordinating Committee in Airspace Panel Meeting No. 569 held October 7, 1958. It is located approximately 7.5 miles southeast of the Austin-Straubel Airport, Green Bay, Wisconsin, and is the area bounded by the following lines:

From latitude 44°24'45" north, longitude 88°00'00" west to latitude 44°23'40" north, longitude 88°01'00" west; thence to latitude 44°22'20" north, longitude 88°00'00" west; thence to latitude 44°22'20" north, longitude 87°56'48" west; thence to latitude 44°23'36" north, longitude 87°56'48" west; thence to point of beginning.

Two television antenna structures are presently located in the Green Bay "Antenna Farm":

1. WBAY–TV—1,650 feet above mean sea level (700 feet above ground).
2. WFRV–TV—1,916 feet above mean sea level (999 feet above ground).

Because of their height and proximity to the Austin-Straubel Airport terminal area aeronautical operations, the Federal Aviation Agency regards both the proponent's present antenna tower structure at Flintville and the existing antenna tower structures in the Green Bay "Antenna Farm" as undesirable obstructions to air navigation. An aeronautical objection to this proposal to relocate the WLUK–TV antenna tower to the Green Bay antenna farm was entered by the Air Transport Association of America on behalf of its member carrier, North Central Airlines, during the preliminary areonautical study conducted at the Kansas City, Missouri, regional office of the FAA on November 21 and 22, 1960. However, this objection was subsequently withdrawn, even though this air carrier would be principally affected by the increase in procedure altitudes for their Austin-Straubel Airport terminal operations, in view of the facts that use of the "cardinal" minimum altitude of 3,000 feet MSL for IFR terminal operations would still be preserved and the sponsor's proposal would result in all three towers being grouped at a single location, thus localizing their effect on aviation operations.

Notwithstanding the effects of this proposal enumerated above with respect to aeronautical procedures and minimum flight altitudes in the Green Bay area, the study revealed that appropriate adjustment of aeronautical procedures could be made, as would be necessitated by the erection of the proposed structure, but with some loss of efficiency in the utilization of airspace for air navigation. However, the study further shows that no substantial adverse effect upon the safety of aviation operations would result.

Accordingly, in support of the "Antenna Farm" principle of closely grouping tall structures, which the Federal Aviation Agency endorses and advocates, I hereby find first in this matter that the proposal of the M & M Broadcasting Company to construct a new antenna structure at the location and to a height not to exceed the mean sea level elevation specified herein, is acceptable from an airspace utilization standpoint and conclude that no objection thereto be interposed by this Agency, provided that the proponent's existing antenna tower structure at the Flintville site (location described above) be dismantled within 90 days after scheduled broadcast programming is commenced from the new tower, and provided further that the new tower be marked and lighted in accordance with presently applicable standards and requirements.

Although the foregoing finding is favorable to the sponsor's instant proposal, it is my further and second finding and conclusion from this aeronautical study, that, notwithstanding any possible future requirement for expansion of television broadcast service in the Green Bay area, any further proposed increase in structure height above 2,049 feet mean sea level within the existing Green Bay "Antenna Farm" would result in substantially adverse effect upon aeronautical operations procedures and minimum flight altitudes and this Agency would therefore interpose objection to such a proposal from an airspace utilization standpoint.

In the interest of seeking the most acceptable resolution of the problems inherent in the present locations of the three Green Bay television station broadcast antenna towers with relation to the aeronautical procedures for operating into and from the Austin-Straubel Airport, and to make possible the maximum expansion of television broadcast service to the Green Bay area which would be compatible with safety of aeronautical operations, this Agency, in conducting its aeronautical evaluation of the M & M Broadcasting Company proposal described above, examined the effect that such structures would have if the three Green Bay television stations' antenna towers were to be relocated to any other of the possible sites within the area. The Agency thereby determined that, as an alternative to the M & M Broadcasting Company proposal described above, concurrent consideration, solicitation of aviation industry comment and aeronautical study would be accomplished with respect to the following proposal to re-establish the Green Bay "Antenna Farm" at a different location, near Morrison, Wisconsin:

The proposed "Antenna Farm" would be the geographical area bounded by the following lines:

From latitude 44°18'45" north, longitude 87°59'45" west to latitude 44°18'45" north, longitude 87°58'00" west; thence to latitude 44°18'15" north, longitude 87°56'30" west; thence to latitude 44°18'15" north, longitude 87°59'15" west; thence to point of beginning.

The maximum height for structures within the area would be 2,449 feet above mean sea level.

Consideration of the proposed new "Antenna Farm" area as described above would be based entirely upon the contingency that all three Green Bay television stations, WBAY–TV, WFRV–TV, and WLUK–TV, would elect to concurrently construct new antenna towers or to co-locate their antennas on a single tower to be constructed therein, that their respective existing antenna towers would be dismantled immediately thereafter and that the existing Green Bay "Antenna Farm" would thereupon be disestablished.

The effects upon aeronautical operations which would result from implementation of this proposal were revealed by the aeronautical study to be as follows:

The minimum en route altitudes would be increased from 2,900 feet above mean sea level to 3,400 feet above mean sea level on the following approved offairway direct routes:

1. From the Manitowoc, Wisconsin, radio beacon to the Green Bay, Wisconsin, radio beacon.
2. From the Manitowoc, Wisconsin, radio beacon to the Green Bay, Wisconsin, VOR.
3. From Radio Station WOMT at Manitowoc, Wisconsin, to the Green Bay, Wisconsin, radio beacon.

In addition, the minimum en route altitude on VOR Federal airway No. 217 from the Walleye Intersection to the Green Bay, Wisconsin, VOR would be increased from 2,700 feet above mean sea level to 2,900 feet above mean sea level.

No aeronautical objection to the foregoing proposal was entered by any interested person. The aeronautical study disclosed that, although the various minimum flight altitudes listed above would be increased, the location of the proposed antenna farm would be so oriented with respect to Austin-Straubel Airport and sufficiently remote therefrom that required aviation procedure adjustments would result in no substantial adverse effect upon aeronautical operations.

Therefore, it is my third and final finding in this matter that establishment of an "Antenna Farm" for the Green Bay, Wisconsin, television stations' broadcast antenna towers in the vicinity of Morrison, Wisconsin, within the geographical area and with the limiting maximum structure height specified herein, is acceptable from an airspace utilization standpoint and is hereby adopted by this Agency: *Provided*, That:

1. All Green Bay, Wisconsin, television stations concurrently elect to construct new broadcast antenna towers therein or, preferably from the aeronautical operations viewpoint, to construct a single antenna tower therein for the co-location of the broadcast antennas for all of said stations, such antenna tower or towers to be marked and lighted in accordance with presently applicable standards and requirements.
2. Within 90 days after the commencement of broadcast programming of the three stations, WFRV–TV, WBAY–TV, and WLUK–TV, from an antenna tower or towers in this new "Antenna Farm", the now existing antenna towers of said stations be dismantled.
3. Upon completion of such dismantling of the existing towers, the present Green Bay, Wisconsin, "Antenna Farm", described hereinbefore, be and is hereby disestablished.
4. In view of the fact that the first and third findings herein are mutually exclusive, this third finding will continue in effect for a period of one hundred twenty (120) days and thereafter shall be voided, unless within such 120-day period the operators of the Green Bay television stations, WFRV–TV, WRAY–TV and WLUK–TV, shall notify in writing the Director Bureau of Air Traffic Management, Federal Aviation Agency, Washington 25, D.C., that they mutually elect to relocate their antenna towers, in accordance with these provisions, to the new "Antenna Farm" area in the vicinity of Morrison, Wisconsin, approved herein. Upon the occurrence of this event, the first finding stated hereinbefore shall be void and of no further effect.

These three findings will be effective upon the date of publication of this instrument in the FEDERAL REGISTER.

Issued in Washington, D.C., on January 25, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61–821; Filed, Jan. 27, 1961; 8:48 a.m.]

[OE Docket No. 61–FW–3]

## TV ANTENNA TOWER; PROPOSED CONSTRUCTION

### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

North Carolina Television, Inc., Grifton, North Carolina, WITN–TV, proposes to construct a new broadcast antenna tower of increased height above that of their existing television antenna structure. The overall height of the proposed structure would be 1,549 feet above mean sea level (1,521 feet above ground) and would be located within two seconds east of and within one-half second north or south of the existing tower base. Their existing tower is located near Grifton, North Carolina, at latitude 35°22'17" north, longitude 77°23'56" west with a height of 949 feet above mean sea level (919 feet above ground).

As initially circularized, the proposal was for a height of 1,633 feet above mean sea level (1,605 feet above ground). Based upon the incorrect opinion that the structure would have been located within the geographical limits of VOR Federal airway No. 45, it was objected to on the basis that it would have required an increase from 1,900 feet above mean sea level to 2,600 feet above mean sea level in the initial approach altitude over the Kinston, North Carolina, VOR, at which aircraft operating in accordance with Instrument Flight Rules would normally initiate a standard instrument approach to the Stallings Airport, Kinston, North Carolina. Further, it would have caused the Instrument Flight Rules minimum en route altitude on the segment of VOR Federal airway No. 45, between New Bern, North Carolina and Kinston, North Carolina, to be increased from 1,900 feet above mean sea level to 2,600 feet above mean sea level. This would have resulted in the loss of the use of the "cardinal" altitude of 2,000 feet above mean sea level for aircraft operating in accordance with Instrument Flight Rules on this airway segment.

The proposal was also opposed on the basis that it would adversely affect air traffic operating in accordance with Visual Flight Rules in the vicinity of the proposed structure.

The aeronautical study by the Agency revealed that the structure would, in fact, be located outside the geographical limits of VOR Federal airway No. 45. In addition, the proponent has agreed to reduce the height of the structure proposal from 1,633 feet above mean sea level to 1,549 feet above mean sea level. Therefore, the Agency study has determined that the effect of the proposed tower on the utilization of airspace would be as follows:

1. It would require an increase of the Standard Instrument Approach initial approach altitude over the Kinston VOR from 1,900 feet above mean sea level to 2,000 feet above mean sea level, but use of the primarily important "cardinal" altitude would be retained for aviation operations.
2. It would require an increase of the Instrument Flight Rules minimum en route altitude on the segment of VOR Federal airway No. 45, between New Bern, North Carolina and Kinston, North Carolina, from 1,900 feet above mean sea level to 2,000 feet above mean sea level, but again retaining availability to aviation operations of the 2,000 feet mean sea level cardinal altitude.
3. Review of the Agency records does not reflect a substantial number of Visual Flight Rules air traffic operations in the vicinity of the proposed structure which would be adversely affected thereby.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with presently applicable standards and provided that the existing antenna tower structure at a height of 949 feet above mean sea level located at latitude 35°22'17" north, longitude 77°23'56" west be dismantled within 90 days after scheduled programming is commenced from the new tower.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on January 25, 1961.

JAMES T. PYLE,
*Acting, Administrator.*

[F.R. Doc. 61–822; Filed, Jan. 27, 1961; 8:48 a.m.]

[OE Docket No. 61–FW–1]

## RADIO TOWER; PROPOSED CONSTRUCTION

### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

South Georgia Natural Gas Company proposes to construct a radio antenna structure to be located near Thomasville, Georgia, at latitude 30°51'30" north, longitude 83°59'56" west. The overall height of the structure would be 569 feet above mean sea level (319 feet above ground).

No substantial aeronautical objections were received as a result of the circularization. The aeronautical study by the Agency revealed that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with presently applicable standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on January 25, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61–823; Filed, Jan. 27, 1961; 8:48 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13920, 13921; FCC 61–88]

## AMERICAN COLONIAL BROADCASTING CORP. (WKBM–TV) AND AMERICAN COLONIAL BROADCASTING CORP. (WSUR–TV)

### Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of American Colonial Broadcasting Corporation (WKBM–TV),

Caguas, Puerto Rico, Docket No. 13920, File No. BPCT-2801; American Colonial Broadcasting Corporation (WSUR-TV), Ponce, Puerto Rico, Docket No. 13921, File No. BPCT-2808; for construction permits to change existing facilities.

1. The Commission has before it for consideration (1) a "Protest and Petition for Reconsideration" filed on December 23, 1960, pursuant to former section 309 (c) and section 405 of the Communications Act of 1934, as amended, by El Mundo, Inc., licensee of Television Broadcast Station WKAQ-TV, Channel 2, San Juan, Puerto Rico, directed against the Commission's action of November 22, 1960 (public notice of which was given November 23), granting without hearing the above-captioned applications; (2) a "Motion to Dismiss and Opposition to Protests of Ponce de Leon Broadcasting Company, Inc. of Puerto Rico and El Mundo, Inc."[1] filed on January 6, 1961 (the time for filing this pleading having been extended by the Commission), by American Colonial Broadcasting Corporation (American Colonial), permittee of Television Broadcast Stations WKBM-TV, Channel 11, Caguas, Puerto Rico and WSUR-TV, Channel 9, Ponce, Puerto Rico; and (3) other related pleadings.

2. On July 27, 1960, American Colonial filed its application (BPCT-2801) for a construction permit to increase the effective radiated power of Television Broadcast Station WKBM-TV, Channel 11, Caguas, Puerto Rico, from 27 to 155 kw, change type of transmitter and antenna system, and to make other related changes. On August 26, 1960, American Colonial filed its application (BPCT-2808) for construction permit to change the transmitter location of Television Broadcast Station WSUR-TV, Channel 9, Ponce, Puerto Rico, from a site 13.5 miles northeast of Ponce to a site 1.5 miles northeast of Ponce, and to reduce the antenna height above average terrain from 2590 feet to minus 230 feet. Taken together, the effect of these applications is to increase the facilities of Station WKBM-TV while reducing the facilities of Station WSUR-TV. As a result of the increased facilities of Station WKBM-TV, it will furnish a signal of greater intensity to the San Juan area while generally improving its coverage.

3. The protestant claims standing as a party in interest under former section 309(c) of the Communications Act of 1934, as amended, as the licensee of an operating station in San Juan which will suffer an adverse economic effect as a result of the improvement of Station WKBM-TV's signal in San Juan and elsewhere. American Colonial disputes this claim as a basis for standing. American Colonial argues that protestant is attempting to assert only a competitor's right to "perennial protest", a right which the Commission does not recognize, citing James Robert Meachem, 12 R.R. 1427, and that the protestant has failed to relate the injury complained of to the protested applications. We believe that protestant has sufficiently alleged the injury it will receive from the improved facilities of Station WKBM-TV; whether or not similar grounds have been employed in the past is therefore irrelevant. In this connection, we note that American Colonial's reply includes evidence intended to prove that its improved signal permits it to compete more effectively in San Juan. American Colonial further objects that protestant has not claimed that it will sustain any adverse effect from the modification of Station WSUR-TV's facilities, that protestant is in error in its allegation that the two applications specifically constituted only one proposal, and that, consequently, protestant has not established its standing to protest the modification of Station WSUR-TV's facilities. In the abstract, this argument has much to recommend it. However, as is noted by El Mundo, Inc.'s protest, we considered and treated the two applications as part of one proposal when we initially granted them. Indeed, had American Colonial not proposed to replace the losses in service from Station WSUR-TV by the gains in service from Station WKBM-TV we might very well have concluded that the WSUR-TV modification would require an evidentiary hearing. Hall v. Federal Communications Commission, 237 F. 2d 567, 14 R.R. 2009. This being so, we believe it proper to consider the two applications together as integral parts of one proposal. Accordingly, in view of the foregoing, we find protestant to be a "party in interest" within the meaning of former section 309(c) of the Communications Act of 1934, as amended, and a "person aggrieved or whose interests are adversely affected" within the meaning of section 405 of the said Act. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, with respect to both of the above-captioned applications.

4. A variety of allegations are made in support of the protest. These allegations may be briefly summarized as follows: that American Colonial's real motive for reducing the facilities of Station WSUR-TV is to allow it to increase the facilities of Station WKBM-TV without violating the Commission's "duopoly" rule contained in § 3.636(a) of the Commission's rules; that there will be a substantial loss of service, both of areas and populations, by Station WSUR-TV which is neither compensated for by the increased service of Station WKBM-TV nor justified by any other public interest consideration; that American Colonial's present applications constitute another step taken by it with the ultimate intention of operating Station WKBM-TV as a San Juan station, rather than as a Caguas station; that as part of this plan, American Colonial has, in effect, relocated its main studio to San Juan in violation of § 3.613(a) of the rules; that this plan is inconsistent with a variety of earlier representations made by American Colonial concerning its intention of serving Caguas; that, in similar vein, implementation of this plan will require reduction of the facilities of Staton WSUR-TV and thus will be inconsistent with American Colonial's representations regarding its desire to serve Ponce.

5. Most of the issues proposed by the protestant require no discussion since they are necessarily raised by the foregoing allegations of fact. However, protestant also proposes an issue "To determine whether the proposed changes in operating facilities of Stations WKBM-TV and WSUR-TV are consistent with the objectives of § 3.636(a)(2)". Protestant's allegations in support of this issue indicate that it wishes the Commission to determine whether the public interest is served by commonly owned stations in relative proximity to one another where, as here, it appears that it may be possible to improve the facilities of one only by reducing the facilities of the other. We do not believe that the issue is timely raised since protestant's objection is actually directed to our initial action granting a construction permit for Station WSUR-TV. Finally, we believe that the issues below will allow us to determine whether the public interest, convenience and necessity will be served by a grant of the particular applications now before us. Consequently, we do not believe the proposed issue is warranted.

6. Except for the issue discussed above, we find that the protestant has specified with particularity, within the meaning of former section 309(c) of the Communications Act of 1934, as amended, the facts upon which it relies and which it contends show that the grants by the Commission were improperly made or otherwise would not be in the public interest. Accordingly, the above-captioned applications will be designated for an evidentiary hearing on the remaining issues, substantially as specified by protestant, except that we have eliminated or rephrased repetitious and conclusionary issues. However, we are not adopting any of said issues, and the burden of proof thereon, both in proving the facts alleged and in demonstrating their materiality and relevancy, will be on the protestant.

7. There remains for our consideration the question whether the proposed grants should remain in effect. Former section 309(c) of the Communications Act of 1934, as amended, provides that pending hearing and decision, the effective date of the Commission's action shall be postponed,

> • • • unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

It is clear that it is the intent of this portion of the Act that a protested grant be stayed unless there is an exceptional situation which concerns the public interest. It is apparent that the authorizations involved are not essential to the conduct of an existing service. Further, the applicant has failed to show public interest considerations which require that the grants remain in effect. Consequently, the effective date of the Commission's actions here in question will be postponed pending a final decision in the hearing hereinafter ordered.

8. In view of the foregoing: *It is ordered*, That, effective immediately, the effective date of the grant of the above-captioned applications is postponed pending a final determination by the Commission in the evidentiary hearing described below; that the protest and petition for reconsideration filed herein are granted to the extent provided for below and are denied in all other respects; and that pursuant to section 309(c) of the Communications Act of 1934, as amended, the above-captioned applications are designated for evidentiary hearing on the following issues:

1. To determine the extent of the areas and populations which will gain or lose television service and the other television services available within the area which will gain service and lose service as a consequence of the grant of the above-captioned applications.

2. To determine the character of the television program service presently available to the areas and populations which will gain service or lose service as a consequence of the grant of the above-captioned applications.

3. To determine whether the applicant has relocated the main studios of Station WKBM-TV to San Juan, Puerto Rico in violation of § 3.613(a) of the Commission's rules.

4. To determine whether the grant of the subject applications would be consistent with section 307(b) of the Communications Act of 1934, as amended, and § 3.606 of the Commission's rules.

5. To determine, in the light of the evidence adduced under the foregoing issues, whether the Commission should sustain the protest and set aside the grant of the applications herein.

*It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the foregoing issues shall be on the protestant.

*It is further ordered*, That the protestant, El Mundo, Inc., is hereby made a party to the above-captioned proceedings and that:

(a) The hearing on the above issues shall commence at a time and place and before an Examiner to be specified in a subsequent order;

(b) The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearance by the parties intending to participate in the above hearing shall be filed not later than February 1, 1961.

Adopted: January 18, 1961.

Released: January 25, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-846; Filed, Jan. 27, 1961; 8:51 a.m.]

[1] The protest of Ponce de Leon Broadcasting Company, Inc., of Puerto Rico, referred to here, was withdrawn on January 18, 1961.



[Docket Nos. 13882, 13883; FCC 61M-93]

## EUGENE BROADCASTERS AND W. GORDON ALLEN

### Order Continuing Hearing

In re applications of Diana Crocker Redington, William H. Crocker II, Thomas J. Davis, Jr., and Robert Sherman, d/b as EUGENE BROADCASTERS (a Joint Venture), Eugene, Oregon, Docket No. 13882, File No. BP-12954; W. Gordon Allen, Eugene, Oregon, Docket No. 13883, File No. BP-13214; for construction permits.

A prehearing conference in the above-entitled matter having been held on January 18, 1961, and it appearing from the record made therein that certain agreements were reached which properly should be formalized by an order: *It is ordered*, This 18th day of January 1961:

(1) Direct cases of the applicants shall be presented by written, sworn exhibits;

(2) Exhibits constituting the direct cases of the applicants shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on February 28, 1961, at which time, other than for corrective matters, the affirmative cases shall be deemed frozen;

(3) Notification of witnesses to be called for cross-examination shall be given on or before March 6, 1961;

*It is further ordered*, That the hearing in this matter presently scheduled to commence on February 28, 1961, is continued to March 14, 1961, commencing at 10:00 a.m. in the offices of the Commission in Washington, D.C.

Released: January 23, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-847; Filed, Jan. 27, 1961; 8:51 a.m.]

[Docket Nos. 13922, 13923; FCC 61-89]

## FIRST CAROLINA CORP. AND PALMETTO RADIO CORP. (WNOK-TV)

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of First Carolina Corp., Columbia, South Carolina, Docket No. 13922, File No. BPCT-2803, for construction permit for new television broadcast station; Palmetto Radio Corporation (WNOK-TV), Columbia, South Carolina, Docket No. 13923, File No. BPCT-2820, for construction permit to change from Channel 67 to Channel 25.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 18th day of January 1961;

The Commission having under consideration the above-captioned application of First Carolina Corp. requesting a construction permit for a new television broadcast station to operate on Channel 25, assigned to Columbia, South Carolina, and the application for construction permit of Palmetto Radio Corporation to change from Channel 67 to Channel 25; and

It appearing that the applications of First Carolina Corporation and Palmetto Radio Corporation are mutually exclusive in that operation by both applicants as proposed would result in mutually destructive interference; and

It further appearing that, pursuant to former section 309(b) of the Communications Act of 1934, as amended, First Carolina Corporation and Palmetto Radio Corporation were advised by letters that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that First Carolina Corporation has requested a waiver of § 3.613(a) of the Commission's rules to locate the main studio outside Columbia, and has shown good cause for the requested waiver; and

It further appearing that First Carolina Corporation amended its application in response to the above-mentioned 309(b) letter to show proposed financing for the construction and initial operation of the proposed station in the total amount of approximately $133,000, by submitting a loan agreement to show the availability of $125,000, in addition to the existing cash on hand of $29,692, and, therefore, First Carolina Corporation is now financially qualified; and

It further appearing that, upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that First Carolina Corporation is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; and that Palmetto Radio Corporation is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station.

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of First Carolina Corporation and Palmetto Radio Corporation are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming services proposed in each of the above-captioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

*It is further ordered,* That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a significant allegation of the facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

*It is further ordered,* That to avail themselves of the opportunity to be heard First Carolina Corporation and Palmetto Radio Corporation, pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

Released: January 25, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-848; Filed, Jan. 27, 1961; 8:51 a.m.]

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[Docket Nos. 13918, 13919; FCC 61-85]

## UNITED BROADCASTING CO., INC., AND PURITAN BROADCAST SERVICE, INC.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of United Broadcasting Co., Inc., Beverly, Massachusetts, Docket No. 13918, File No. BPH-3129, Req.: 101.7 Mc, No. 269; 1 kw; 110 ft; Puritan Broadcast Service, Inc., Lynn, Massachusetts, Docket No. 13919, File No. BPH-3185, Req.: 101.7 Mc, No. 269; 1 kw; 178 ft; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of January 1961;

The Commission having under consideration the above-captioned and described applications:

It appearing, that except as indicated by the issues specified below, the instant applicants are legally, technically, financially, and otherwise qualified to construct and operate the proposed stations, but that the proposed operations would involve mutually destructive interference; and

It further appearing that after consideration of the foregoing, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below:

*It is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the area and population within the 1 mv/m contours, the area and population therein which would be served by the proposed stations, and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

2. To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable to the instant proceeding, and, if so, whether a choice between the applicants herein can be reasonably based thereon, and, if so, whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of radio service.

3. To determine in the event it is concluded that a choice between the instant applicants cannot be made on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

b. The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the instant applications.

4. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

*It is further ordered,* That in the event of a grant of the application of United Broadcasting Co., Inc., the construction permit shall contain a condition stating that a grant of the FM application does not constitute approval of the FM antenna supporting structure as an AM radiator for the new facilities requested in AM application, File No. BP-13103.

*It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered,* That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 25, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-850; Filed, Jan. 27, 1961; 8:51 a.m.]

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[Docket Nos. 13916, 13917; FCC 61-81]

## MARSHALL ROSENE ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Marshall Rosene, Celina, Ohio, Docket No. 13916, File No. BP-13305, Requests: 1350 kc, 500 w, DD; the Court House Broadcasting Co. (WCHI) Chillicothe, Ohio, Docket No. 13917, File No. BP-14047, Has: 1350 kc 500 w, Day, Requests: 1350 kc, 1 kw, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of January 1961.

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

A. Marshall Rosene, File No. BP-13305:

1. The above proposal causes interference to and receives interference from the following existing standard broadcast stations and proposals:

| *To—* | *From—* |
|---|---|
| *(Existing stations)* | *(Existing stations)* |
| WSAI, Cincinnati, Ohio. | WSAI, Cincinnati, Ohio. |
| BP-12036 (WIOU), Kokomo, Ind. | WCHI, Chillicothe, Ohio. |
| | WLOU, Louisville, Ky. |
| | WLBC, Muncie, Ind. |
| | WIOU, Kokomo, Ind. |
| | BP-12036 (WIOU), Kokomo, Ind.[1] |
| | BP-13102 (WLBC), Muncie, Ind.[1] |

[1] It is noted that the WIOU and WLBC proposals were designated for hearing May 4, 1960. The Rosene application was not timely filed for concurrent consideration therewith. In view of the interference to the WIOU proposal, the licensee thereof must be made a party with respect to its proposed operation.

| *To—* | *From—* |
|---|---|
| *(Other proposals)* | *(Other proposals)* |
| BP-14047 (WCHI), Chillicothe, Ohio. | BP-14047. |

2. The total interference from both existing and proposed operations received by the instant proposal of Marshall Rosene appears excessive pursuant to § 3.28(c) of the Commission rules.

B. The Court House Broadcasting Co., File No. BP-14047:



1. The above proposal causes interference to and receives interference from the following existing standard broadcast stations and proposals:

| *To—* | *From—* |
|---|---|
| *(Existing stations)* | *(Existing stations)* |
| None | WADC, Akron, Ohio. |
| | WLOU, Louisville, Ky. |
| *(Other proposals)* | *(Other proposals)* |
| BP-13305, Celina, Ohio. | BP-13305. |

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below;

*It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of Marshall Rosene and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WCHI and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from either of the instant proposals.

4. To determine whether the instant proposal of Marshall Rosene would cause objectionable interference to Station WSAI, Cincinnati, Ohio, and to the proposed operation, File No. BP-12036, of Station WIOU, Kokomo, Indiana, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether interference received from the other proposal herein, from existing stations, and from proposed operations treated as existing stations for the purpose of this proceeding, would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Marshall Rosene, in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

*It is further ordered,* That, WSAI, Inc., licensee of Station WSAI, Cincinnati, Ohio, is made a party to the proceeding.

*It is further ordered,* That, Booth Broadcasting Company, licensee of Station WIOU, Kokomo, Indiana, is made a party to the proceeding with respect to its proposed operation (File No. BP-12036) only.

It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, that, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 25, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-851; Filed, Jan. 27, 1961; 8:52 a.m.]

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[Docket No. 13925; FCC 61M-106]

## LEO JOSEPH THERIOT

### Order Scheduling Hearing

In the matter of revocation of license of Leo Joseph Theriot for standard broadcast station KLFT, Golden Meadow, Louisiana, Docket No. 13925.

*It is ordered,* This 23d day of January 1961, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 30, 1961, in Washington, D.C.

Released: January 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-849; Filed, Jan. 27, 1961; 8:51 a.m.]

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# FEDERAL POWER COMMISSION

[Docket No. CP61-142]

## KANSAS-NEBRASKA NATURAL GAS CO., INC.

### Application and Date of Hearing

JANUARY 23, 1961.

Take notice that on November 7, 1960, as supplemented on December 7, 1960, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), Hastings, Nebraska, filed in Docket No. CP61-142 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 6.3 miles of 8-inch lateral pipeline extending from Applicant's existing main transmission line near Hastings, Nebraska, with measuring and regulating equipment, to the site of a proposed new $8,000,000 fertilizer manufacturing plant to be constructed by Consumers Cooperative Association (Cooperative), in order to sell and deliver natural gas at said plant, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

The estimated total cost of facilities to be constructed by Applicant hereunder is $115,000, which will be financed out of current working capital.

The estimated natural gas requirements for the proposed service to Cooperative total 2,000,000 Mcf per year, under two contracts between Applicant and Cooperative, one for firm service of up to 3,000 Mcf per day for use as raw material in the manufacture of anhydrous ammonia fertilizer, the other for interruptible service of approximately the same amount for use as boiler fuel.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 21, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance

with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 10, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-812; Filed, Jan. 27, 1961; 8:46 a.m.]

[Docket Nos. CP61-102 etc.]

## MICHIGAN WISCONSIN PIPE LINE CO. ET AL.

### Applications and Date of Hearing

JANUARY 23, 1961.

Michigan Wisconsin Pipe Line Company, Docket No. CP61-102;[1] Pan American Petroleum Corporation, Docket No. CI61-516; Shell Oil Company, Docket No. CI61-524; Sinclair Oil & Gas Company, Docket No. CI61-691; Wilcox Oil Company, Docket No. CI61-717; The Atlantic Refining Company, Docket No. CI61-752; Kerr-McGee Oil Industries, Inc., Docket No. CI61-785; Skelly Oil Company, Docket No. CI61-819.

Take notice that each of the above-named Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities to receive, transport and sell natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented by the respective applications and amendments thereto, which are on file with the Commission and open to public inspection.

Michigan Wisconsin Pipeline Company (Michigan Wisconsin) by its application in Docket No. CP61-102, seeks authority to construct and operate approximately 62 miles of 20-inch and 35 miles of 16-inch diameter pipe line, together with appurtenant facilities for the purpose of enabling it to purchase, receive and transport natural gas from several counties in northwest Oklahoma, to its main transmission line at its compressor station No. 2 in Kiowa County, Kansas.

The estimated cost of constructing the proposed facilities is $5,958,000. Michigan Wisconsin plans to finance such cost initially with bank loans and with funds generated internally.

The respective producer applicants propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

| Docket No. | Price Per Mcf at 14.65 PSIA | Location | Producer |
|---|---|---|---|
| CI61-516 | 19.5 | Dewey, Major, Wood, Woodward Counties, Okla. | Pan American Petroleum Corp. |
| CI61-524 | 19.5 | Cedardale N.E., Selling, and N.W. Chester Fields, Woodward and Major Counties Okla. | Shell Oil Co. |
| CI61-691 | 19.5 | Woods and Major Counties, Okla. | Sinclair Oil and Gas Co. |
| CI61-717 | 19.5 | Woodward, Wood, and Major Counties, Okla. | Wilcox Oil Co. |
| CI61-752 | 19.5 | Major and Woodward Counties, Okla. | The Atlantic Refining Co. |
| CI61-785 | 19.5 | Woodward and Major Counties, Okla. | Kerr-McGee Oil Industries, Inc. |
| CI61-819 | 19.5 | Woodward, Dewey, and Major Counties, Okla. | Skelly Oil Co. |

These related matters should be heard on a consolidated record under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure a hearing will be held on February 28, 1961, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 10, 1961.

JOSEPH H. GUTRIDE,
*Secretary.*

[1] See Appendix for mailing addresses of Applicant.

APPENDIX

Michigan-Wisconsin Pipe Line Co.:
Wilber H. Mack, Executive Vice President; Michigan-Wisconsin Pipe Line Company, 3750 Penobscot Building, 645 Griswold Street, Detroit 26, Mich.
Fred H. McIntire, American Natural Gas Service Company, 1523 L Street NW., Washington 5, D.C.
May, Shannon and Morley, 903 Commerce Building, 1700 K Street NW., Washington 6, D.C.

Pan American Petroleum Corp.:
John F. Jones, Esq., Pan American Petroleum Corp., P.O. Box 591, Tulsa 2, Okla.
Norton Standeven, Division Attorney, Pan American Petroleum Corp., P.O. Box 1654, Oklahoma City 1, Okla.

Shell Oil Co.:
W. B. Golush, General Gas Manager, Shell Oil Co., 50 West 50th Street, New York 20, N.Y.
Oliver L. Stone, Esq., Joseph C. Spalding, Esq., Shell Oil Co., 50 West 50th Street, New York 20, N.Y.

Sinclair Oil & Gas Co.:
W. L. Minturn, Esq., Supervisor of FPC Activities, Sinclair Oil & Gas Co., P.O. Box 521, Tulsa 2, Okla.
Charles E. McGee, Esq., 1145 Nineteenth Street NW., Washington 6, D.C.

Wilcox Oil Co.:
Glenn R. Davis, Esq., P.O. Box 1440, Tulsa, Okla.

The Atlantic Refining Co.:
Charles B. Ellard, Esq., The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex.
Bernard A. Foster, Esq., Ross, Marsh & Foster, 725 Fifteenth Street, Washington 5, D.C.

Kerr-McGee Oil Industries, Inc.:
John I. Fisher, Superintendent of Gas Contracts & Production, Engineering Production Department; Kerr-McGee Oil Industries, Inc., Kerr-McGee Building, Oklahoma City 2, Okla.
Jack T. Conn, Kerr, Lambert, Conn & Roberts, P.O. Box 131, Ada, Okla.

Skelly Oil Co.:
David M. Cook, Esq., Skelly Oil Co., P.O. Box 1650, Tulsa, Okla.

[F.R. Doc. 61-813; Filed, Jan. 27, 1961; 8:47 a.m.]

[Docket No. RI61-275 etc.]

## SUNRAY MID-CONTINENT OIL CO. ET AL.

### Correction

JANUARY 18, 1961.

Sunray Mid-Continent Oil Company, et al., Docket No. RI61-275, etc.; Louis Crouch, Docket No. RI61-278.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 13, 1960, and published in the FEDERAL REGISTER on December 21, 1960 (F.R. Doc. 60-11773; 25 F.R. 13146): Under column headed "Amount of Annual Increase," change "$48,000" to read "87,600"; under column headed "Rate in Effect" change "10.0 and 11.0" to read "10.0"; and under Column headed "Proposed Increased Rate" change "15.0 and 16.0"; in Docket No. RI61-278, Louis Crouch.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-814; Filed, Jan. 27, 1961; 8:47 a.m.]

[Docket No. G-16844 etc.]

## HARRY C. SCHREIBER ET AL.

### Applications and Date of Hearing

JANUARY 18, 1961.

Harry C. Schreiber, Agent, Docket No. G-16844; Kirkwood & Morgan, Inc., et al., Docket No. G-19522; Kirkwood & Morgan, Inc., et al., Docket No. G-19523; P. L. & Josie Hall Lease, Docket No. G-20017; Fryer & Hanson Drilling Company, Docket No. G-20139; C. Ramey and R. & M. Well Servicing and Drilling Company, Docket No. CI60-34; G. H. Vaughn, Jr. and Jack C. Vaughn,[1] Docket No. CI60-303; Tidewater Oil Company, Docket No. CI60-668; Thurman Goff Gas Company, Docket No. CI60-732; Home-Stake Production Company, Docket No. CI61-172; S. J. Singer, et al. d/b/a Josline Production Company, Docket No. CI61-371; Ambassador Oil Corporation, Operator, et al., Docket No. CI61-528.

Take notice that each of the above Applicants has filed an application pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon service, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

The respective Applicants herein seek permission and approval to abandon service as indicated below:

| Docket No., Field and Location, Purchaser, and Docket in Which Sale was Authorized |
|---|
| G-16844; Church District, Wetzel County, W. Va.; Equitable Gas Co.; G-5747. |
| G-19522; Chalmers, Matagorda County, Tex.; Tennessee Gas Transmission Co.; G-9403. |
| G-19523; McCrosky Area, Matagorda County, Tex.; Tennessee Gas Transmission Co.; G-9804. |
| G-20017; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; G-8146. |
| G-20139; Benezette, Elk County, Pa.; New York State Natural Gas Corp.; G-4648. |
| CI60-34; Decker'a Praire South, Montgomery County, Tex.; Tennessee Gas Transmission Co.; G-2937. |
| CI60-303; Velmoor, Borden and Howard Counties, Tex.; Reef Corp.; G-6567. |
| CI60-668; Shield, Nueces County, Tex.; Transcontinental Gas Pipe Line Corp.; G-3739. |
| CI60-732; De Kalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; G-5561. |
| CI61-172; East Antioch, Garvin County, Okla.; Lone Star Gas Co.; G-18739. |
| CI61-371; Acreage in Garvin County, Okla.; Lone Star Gas Co.; G-11575. |
| CI61-528; Hunter Unit, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; G-19009. |

Each Applicant herein states that the volume of gas now available for delivery under the related gas sales contract has been depleted or has declined to a point where it is no longer economically feasible to continue the heretofore authorized sale.

The respective purchasers have agreed to the abandonment of service as proposed.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 2, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 14, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[1] Successor to Spartan Drilling Company.

[F.R. Doc. 61-815; Filed, Jan. 27, 1961; 8:47 a.m.]



[Docket No. RI61-270 etc.]

## WOLFSON OIL CO. ET AL.

### Correction

JANUARY 18, 1961.

Wolfson Oil Company (Operator), et al., Docket Nos. RI61-270, etc.; Socony Mobil Oil Company, Inc., Docket No. RI61-274.

In the order providing for hearings on and suspension of proposed changes in rates and allowing increased rates to become effective subject to refund, issued December 9, 1960 and published in the FEDERAL REGISTER on December 20, 1960 (F.R. Doc. 60-11718; 25 F.R. 13026): Change the first ten lines of Ordering Paragraph (D) to read as follows: "Supplement No. 8 to Socony Mobil Oil Co., Inc.'s FPC Gas Rate Schedule No. 54 (proposing an inflationary adjustment or revenue-sharing type rate increase which is dependent on the pending determination of the proper rate to be charged by Panhandle Eastern Pipeline Company) shall be effective as of December 12, 1960, * * *."

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-816; Filed, Jan. 27, 1961; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 25, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36859: *Woodpulp from Desbiens, Quebec, to Chester, Pa.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2569), for interested rail carriers. Rates on woodpulp and woodpulp screenings, in carloads, from Desbiens, Quebec, to Chester, Pa.

Grounds for relief: Truck-water-truck competition.

Tariff: Supplement 45 to Canadian National Railways tariff I.C.C. E-500.

FSA No. 36860: *Woodpulp from Donnacona, Quebec, to Chester, Pa.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2570), for interested rail carriers. Rates on woodpulp and woodpulp screenings, in carloads, from Donnacona, Quebec, to Chester, Pa.

Grounds for relief: Truck-water-truck competition.

Tariff: Supplement 45 to Canadian National Railways tariff I.C.C. E-500.

FSA No. 36861: *Joint-Motor-Rail Rates between the East and West.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 179), for interested carriers. Rates on various commodities, moving on class and commodity rates, over joint routes of applicant rail and motor carriers, between points in middlewest and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Rail-truck competition.

Tariffs: 16th Revised Page 70 and 12th Revised Page 391 to The Eastern Central Motor Carriers Association, Inc., tariffs MF-I.C.C. A-171 and MF-I.C.C. A-153, respectively.

FSA No. 36862: *Liquid fertilizer solution—Lima, Ohio and Tuscola, Ill., to Louisville, Ky.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2449), for interested rail carriers. Rates on nitrogen fertilizer solution or fertilizer ammoniating solution, as more fully described in the application, in tank-car loads, from Lima, Ohio and Tuscola, Ill., to Louisville, Ky.

Grounds for relief: Market competition.

FSA No. 36863: *Soda ash—Baton Rouge, La., to Rome and Krannert, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A4060), for interested rail carriers. Rates on soda ash, dense, in bulk in covered hopper cars, in carloads, from Baton Rouge and North Baton Rouge, La., to Rome and Krannert, Ga.

Grounds for relief: Market competition and grouping.

Tariff: Supplement 32 to Southern Freight Association tariff I.C.C. S-89.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-828; Filed, Jan. 27, 1961; 8:48 a.m.]

[Notice 440]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 25, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by

petitioners must be specified in their petitions with particularity.

No. MC–FC 63385. By order of January 23, 1961, the Transfer Board approved the transfer to R. & H. Corporation, a Delaware corporation, New Kinsington, Pa., of Certificate in No. MC 123054, issued December 9, 1960, to R. & H. Corporation, a Pennsylvania corporation, New Kinsington, Pa., authorizing the transporation of: Milk bottles, cullet, empty crates, glass bottles and containers, glass jars, paper bottle caps, lime, soda ash, sand, salt cake, barytes, fiberboard containers, fiberboard boxes and containers, bottle molds, foodstuffs, glass containers, caps, covers, disks, and caps therefor, plastic containers, and pallets and shipping devices, from, to, or between specified points in Pennsylvania, New Jersey, New York, Maryland, West Virginia, Ohio, Delaware, Indiana, Michigan, Tennessee, Virginia, Rhode Island, Massachusetts, Maine, Connecticut, Vermont, New Hampshire, North Carolina, South Carolina, Georgia, Alabama, Florida, and the District of Columbia. Harold S. Shertz, 226 South 16th Street, Philadelphia 2, Pa., attorney for applicants.

No. MC–FC 63810. By order of January 23, 1961, the Transfer Board approved the transfer to Tiger Tank Lines, Inc., North Plainfield, N.J., a portion of Certificate in No. MC 119520, issued April 11, 1960, authorized to Harvey Redden, Inc., Newark, N.J., authorizing the transportation, over irregular routes, of construction materials and supplies, in bulk, in tank vehicles, between points in that part of New Jersey on and north of New Jersey Highway 33, on the one hand, and, on the other, points in Connecticut, New York, and Pennsylvania within 115 miles of Newark, N.J., and railroad materials and supplies, in bulk, in tank vehicles, between New York, N.Y., on the one hand, and, on the other, Philadelphia, Pa., and points in New Jersey and New York along the rail routes of the Pennsylvania Railroad. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., attorney for applicants.

No. MC–FC 63844. By order of January 23, 1961, the Transfer Board approved the transfer to Lawson Transfer and Storage Co., A corporation, Rockford, Ill., in Certificate No. MC 105569, issued February 11, 1955, to Marguerite DeGroff, Imogene C. Smith, and Gloria J. Johnson, a Partnership, doing business as Lawson Transfer and Storage, Rockford, Ill., authorizing the transportation, over irregular routes, of household goods, between points in Illinois and Wisconsin within 50 miles of Rockford, Ill., and between points in the above-specified territory, including Rockford on the one hand, and, on the other, points in Illinois, Wisconsin, Indiana, Iowa, Michigan, and Minnesota, and St. Louis, Mo., Dale F. Conde, Pedderson, Menzimer & Conde, 803 Talcott Building, Rockford, Ill., attorneys for applicants.

No. MC–FC 63856. By order of January 23, 1961, the Transfer Board approved the transfer to Harold D. Riggs, Jr., doing business as Riggs & Ross, Muscatine, Iowa, in Certificate No. MC 20455 and Permit No. MC 52402, both issued May 18, 1950, to Harold D. Riggs, Jr., and Kenneth L. Ross, a partnership, doing business as Riggs & Ross, Muscatine, Iowa, in Certificate No. MC 20455, authorizing the transportation, over irregular routes, of household goods, between Muscatine, Iowa, on the one hand, and, on the other, points in Illinois and Iowa, and in Permit No. MC 52402, authorizing the transportation, over irregular routes, of such commodities as are dealt in by retail department stores, from Muscatine, Iowa, to Keithsburg, Ill., to points in a specified part of Illinois. William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa.

No. MC–FC 63868. By order of January 23, 1961, the Transfer Board approved the transfer to John A. Seib, doing business as Shippers Motor Express, Omaha, Nebr., of Certificate in No. MC 73381, issued November 25, 1960, to John A. Seib and Cline Bailey, a partnership, doing business as Shippers Motor Express, Omaha, Nebraska, authorizing the transportation of: Meats, meat products, and meat by-products, dairy products, poultry (dead, dressed), rabbits and articles distributed by meat packing houses, between Chicago, Ill., and Omaha, Nebr., between omaha, Nebr., and Denver, Colo., and between Chicago, Ill., and Denver, Colo.; livestock, agricultural commodities, emigrant movables, and household goods as defined by the Commission between points in Frontier and Furnas Counties, Nebr., on the one hand, and, on the other, points in Colorado; livestock, from Denison, Iowa, and points in Iowa within 15 miles of Denison, to Omaha, Nebr., and livestock and building materials, from Omaha, Nebr., to Denison, Iowa, and points in Iowa within 15 miles of Denison; feed, seed, hay and agricultural implements and parts, from Omaha, Nebr., to Denison, Iowa; household goods and emigrant movables between Denison, Iowa, and points in Iowa within 15 miles of Denison, on the one hand, and, on the other, points in Illinois, Minnesota, Missouri, Nebraska, and South Dakota; general commodities, except livestock, household goods, commodities in bulk and other specified commodities between Omaha, Nebr., and Council Bluffs, Iowa; salt from Kanopolis, Kans., to Cambridge, Nebr.; and coal from points in Colorado to Cambridge, Nebr. Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr., attorney for applicants.

No. MC–FC 63891. By order of January 23, 1961, the Transfer Board approved the transfer to Gem Cartage Company, a corporation, Detroit, Michigan, in Certificate No. MC 64684, issued February 26, 1957, to Howard J. Conlin, doing business as Gem Cartage Company, Detroit, Mich., authorizing the transportation, over a regular route, of general commodities, excluding household goods and commodities in bulk, between Detroit, Mich., and Mount Clemens, Mich. Eugene C. Ewald, 2150 Guardian Building, Detroit 26, Michigan, attorney for applicants.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61–829; Filed, Jan. 27, 1961; 8:48 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–V–10 (Revision 2)]

## CHIEF, LOAN ADMINISTRATION SECTION, FINANCIAL ASSISTANCE DIVISION

### Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation of Authority No. 30–V–1 (Revision 2), dated July 22, 1960, there is hereby redelegated to the Chief, Loan Administration Section, the authority:

A. *Financial assistance.* 1. To take all necessary actions in connection with the servicing, administration and collection of partially or fully disbursed loans.

2. Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases, or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

B. *Administration.* To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

C. *Correspondence.* To sign all nonpolicymaking, routine correspondence relating to the loan administration functions, except Congressional correspondence and correspondence with borrowers or guarantors containing any threat of legal action.

II. The specific authority delegated herein may not be redelegated, with the exception of I.C.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section, Financial Assistance Division.

IV. All previous authority delegated to the Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: November 22, 1960.

A. B. LYNCH,
*Chief, Financial Assistance Division, Atlanta Regional Office.*

[F.R. Doc. 61–818; Filed, Jan. 27, 1961; 8:47 a.m.]



[Delegation of Authority No. 30–V–29]

## BRANCH COUNSEL, SANTURCE, PUERTO RICO

### Delegation Relating to Legal Functions

I. Pursuant to the authority delegated to the Branch Manager by Delegation of Authority No. 30–V–14 (Revision 2), dated June 28, 1960, there is hereby redelegated to the Branch Counsel, Puerto Rico Branch Office, the following authority:

A. *Legal.* To disburse all approved loans.

B. *Correspondence.* To sign routine correspondence, except Congressional correspondence, relating to the legal functions of the branch office.

II. The authority delegated herein may not be redelegated.

III. The authority delegated herein may be exercised by any SBA employee designated as Acting Branch Counsel.

Effective date: October 28, 1960.

ANTONIO YORDAN,
*Branch Manager, Atlanta Regional Office.*

[F.R. Doc. 61–819; Filed, Jan. 27, 1961; 8:47 a.m.]

## CUMULATIVE CODIFICATION GUIDE—JANUARY

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VOLUME 26 NUMBER 19

Washington, Tuesday, January 31, 1961

THE UNIVERSITY OF MICHIGAN
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Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.



FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Treasury Department

Effective upon publication in the FEDERAL REGISTER, subparagraph (10) of paragraph (a) of § 6.303 is amended as set out below.

§ 6.303 Treasury Department.

(a) *Office of the Secretary.* • • •

(10) One Assistant to the Secretary for Congressional Relations.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-924; Filed, Jan. 30, 1961; 9:12 a.m.]

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (28) is added to § 6.342(a) as set out below.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* • • •

(28) One Executive Assistant to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-869; Filed, Jan. 30, 1961; 8:47 a.m.]

### PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER VETERANS' PREFERENCE ACT OF 1944

#### Duty Status During Notice Period

Paragraph (b)(1) of § 22.204 is amended as set forth below.

§ 22.204 Duty status during notice period.

• • • • • •

(b)(1) *Suspension during notice period.* In an emergency case when because of the circumstances described in paragraph (a) of this section, the employee cannot be kept in an active duty status during the advance notice period required by § 22.201 or by § 22.202(b), the employee may be suspended. This suspension is a separate adverse action and must be processed in accordance with the law and regulations applicable to it; however, any employee suspended under the provisions of this subparagraph shall be given written notice of such proposed suspension at least twenty-four (24) hours in advance. The agency may place the employee in a nonduty status with pay for such time, not to exceed five (5) days, as is necessary to effect his suspension.

(Secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-868; Filed, Jan. 30, 1961; 8:47 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

[Order No. 1]

### FEDERAL HARZARDOUS SUBSTANCES LABELING ACT RELATING TO SPECIFIC SUBSTANCES

#### Suspension of Effective Date of Certain Provisions

The Federal Hazardous Substances Labeling Act (Public Law 86-613; secs. 1-18, 74 Stat. 372-381; 15 U.S.C. 1261-1274) becomes fully effective, including the penalty and condemnation provisions, on February 1, 1961, unless the date of its effectiveness, in whole or in part, is extended by the Secretary of Health, Education, and Welfare. The act contains a definition for "highly toxic," based on animal tests, and definitions for "extremely flammable" and "flammable" (except for extremely flammable and flammable solids and self-pressurized containers), based on a physical test involving the flashpoint of the substance. Ample time has elapsed since enactment of the statute for manufacturers, packers, distributors, and sellers of products suitable for household use to determine which of their products fall within these definitions.

Precise definitions for substances that are toxic (but not highly toxic), corrosive, or irritant; are strong sensitizers or substances capable of generating pressure through heat, decomposition, or other means; are flammable or extremely flammable solids; or are extremely flammable or flammable substances in self-pressurized containers as contemplated by this act are not given therein and will be defined by regulations to be published in the FEDERAL REGISTER. Thus, compliance with the provisions of the act by February 1, 1961, is not practicable for those hazardous substances lacking precise definitions.

A "highly toxic" substance may not always be defined in terms of animal tests, and a substance may be highly toxic because of human experience even though it will not meet the animal test definition. Examples of substances that have shown themselves to be highly toxic and hazardous by human experience are methyl alcohol and carbon tetrachloride. Such substances that have, by human experience, been demonstrated to cause serious injuries shall be considered "highly toxic" even though not meeting the test prescribed in section 2(h)(1) of the act, and shall bear the labeling specified in section 2(p)(1) for highly toxic substances.

On a finding that conditions exist which necessitate such action, and pursuant to the provisions of the Federal Hazardous Substances Labeling Act (secs. 3(a)(1), 16, 74 Stat. 374, 380; 15 U.S.C. 1263, note under 1261) and authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered*, That the provisions of sections 5 and 6 of the Federal Hazardous Substances Labeling Act shall be suspended until August 1, 1961, as applied to the following classes of hazardous substances, as listed in section 2 of that act:

Substances that are "toxic" but not "highly toxic."

Substances that generate pressure through heat, decomposition, or other means.

Corrosive substances.

Irritant substances.

Strong sensitizer substances.

Extremely flammable or flammable solids.

Extremely flammable or flammable self-pressurized containers.

The Federal Caustic Poison Act remains in full force and effect during the period of this extension as to any article affected by the extension.

*Effective date.* This order shall be effective on January 31, 1961.

(Secs. 3(a)(1), 16, 74 Stat. 374, 380; 15 U.S.C. 1263, note under 1261)

Dated: January 25, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-860; Filed, Jan. 30, 1961; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart B — Substances Generally Recognized as Safe Under the Conditions and With the Limitations Prescribed

LISTS OF SUBSTANCES

On February 2 and August 4, 1960, there were published in the FEDERAL REGISTER (25 F.R. 880, 7332) two lists of substances which the Commissioner of Food and Drugs proposed to list in Subpart B, above identified, as safe for use in foods, subject to the limitations specified. Each of the Commissioner's proposals provided an opportunity for the filing of comments.

After careful consideration of the views and comments filed, some of which are accepted in whole or in part, and some of which are rejected, the Commissioner has concluded that the substances named in the above-cited proposals may properly be added to the list of substances generally recognized as safe. Accordingly, the proposals are adopted as published, except:

1. Minor changes in nomenclature have been made.

2. "Chlorophyll (extracted from plants without change in chemical structure)," under the category "Nutrients," is removed from the list published August 4, 1960, because extraction of chlorophyll from green plant tissues requires a procedure in which it is virtually impossible to remove the chlorophyll in the natural state and thereby permit the addition of chlorophyll per se, to food.

3. Torula yeast, dried, has been removed from the list published February 2, 1960, because the use and processing of "torula yeast, dried" may result in preparations containing a level of folic acid not generally recognized as safe as outlined in the statement of general policy and interpretation on the status of folic acid under the provisions of the Federal Food, Drug, and Cosmetic Act (21 CFR 3.42). Under such conditions, it is concluded that torula yeast, dried, cannot be considered generally recognized as safe as defined in the statute.

It is the opinion of the Commissioner that preparations of yeast, for use in dietary supplements, and which contain folic acid are food additives requiring appropriate regulations prescribing the conditions under which they may be safely used.

These lists are incorporated in § 121.101. *Therefore, it is ordered,* That paragraph (d) of that section be revised to read as set forth below.

This action is taken pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 409, 701; 52 Stat. 1055, as amended; 72 Stat. 1785; 21 U.S.C. 348, 371) and delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625).

**§ 121.101 Substances generally recognized as safe under the conditions and with the limitations prescribed.**

* * * * * * *

(d) Substances that are generally recognized as safe for their intended use within the meaning of section 409 of the act are as follows:

| Product | Tolerance | Limitations or restrictions |
|---|---|---|
| (1) ANTICAKING AGENTS | | |
| Aluminum calcium silicate | 2 percent | In table salt. |
| Calcium silicate | 5 percent | In baking powder. |
| Calcium silicate | 2 percent | In table salt. |
| Magnesium silicate | do | Do. |
| *Sodium aluminosilicate (sodium silicoaluminate). | do | |
| *Sodium calcium aluminosilicate, hydrated (sodium calcium silicoaluminate). | do | |
| Tricalcium silicate | do | Do. |
| (2) CHEMICAL PRESERVATIVES | | |
| Ascorbic acid | | |
| Ascorbyl palmitate | | |
| Benzoic acid | 0.1 percent. | |
| Butylated hydroxyanisole | Total content of antioxidants not over 0.02 percent of fat or oil content, including essential (volatile) oil content of food. | |
| Butylated hydroxytoluene | do | |
| Calcium ascorbate | | |
| Calcium propionate | | |
| *Calcium sorbate | | |
| Caprylic acid | | In cheese wraps. |
| Dilauryl thiodipropionate | Total content of antioxidants not over 0.02 percent of fat or oil content, including essential (volatile) oil content of the food. | |
| Erythorbic acid | | |
| Gum guaiac | 0.1 percent (equivalent antioxidant activity 0.01 percent). | In edible fats or oils. |
| *Methylparaben (methyl-*p*-hydroxybenzoate). | 0.1 percent | |
| Nordihydroguaiaretic acid | Total content of antioxidants not over 0.02 percent of fat or oil content including essential (volatile) oil content of the food. | |
| Potassium bisulfite | | Not in meats or in food recognized as source of vitamin $B_1$. |
| Potassium metabisulfite | | Do. |
| Potassium sorbate | | |
| Propionic acid | | |
| Propyl gallate | Total content of antioxidants not over 0.02 percent of fat or oil content, including essential (volatile) oil content of the food. | |
| *Propylparaben (propyl *p*-hydroxybenzoate). | 0.1 percent | |
| Sodium ascorbate | | |
| Sodium benzoate | 0.1 percent | |
| Sodium bisulfite | | Not in meats or in foods recognized as a source of vitamin $B_1$. |
| Sodium metabisulfite | | Do. |
| Sodium propionate | | |
| Sodium sorbate | | |
| Sodium sulfite | | Do. |
| Sorbic acid | | |
| *Stannous chloride | 0.0015 percent calculated as tin | |
| Sulfur dioxide | | Do. |
| Thiodipropionic acid | Total content of antioxidants not over 0.02 percent of fat or oil content, including essential (volatile) oil content of the food. | |
| Tocopherols | | |
| (3) EMULSIFYING AGENTS | | |
| Cholic acid | 0.1 percent | Dried egg whites. |
| Desoxycholic acid | do | Do. |
| Diacetyl tartaric acid esters of mono- and diglycerides from the glycerolysis of edible fats or oils. | | |
| Glycocholic acid | 0.1 percent | Do. |
| Mono- and diglycerides from the glycerolysis of edible fats or oils. | | |
| Monosodium phosphate derivatives of mono- and diglycerides from the glycerolysis of edible fats or oils. | | |
| Propylene glycol | | |
| Ox bile extract | 0.1 percent | Do. |
| Taurocholic acid (or its sodium salt) | do | Do. |
| (4) NONNUTRITIVE SWEETENERS | | |
| *Ammonium saccharin | | |
| Calcium cyclamate (calcium cyclohexyl sulfamate). | | |
| Calcium saccharin | | |
| *Magnesium cyclamate (magnesium cyclohexyl sulfamate). | | |
| *Potassium cyclamate (potassium cyclohexyl sulfamate). | | |
| Saccharin | | |
| Sodium cyclamate (sodium cyclohexyl sulfamate). | | |
| Sodium saccharin | | |

*Substances added from February 2 and August 4, 1960, proposed lists.



| Product | Tolerance | Limitations or restrictions |
|---|---|---|
| (5) NUTRIENTS AND/OR DIETARY SUPPLEMENTS [1]—con. | | |
| *Valine (L- and DL-forms) | | |
| Vitamin A | | |
| Vitamin A acetate | | |
| Vitamin A palmitate | | |
| Vitamin $B_{12}$ | | |
| Vitamin $D_2$ | | |
| Vitamin $D_3$ | | |
| *Zinc sulfate | | |
| *Zinc gluconate | | |
| *Zinc chloride | | |
| *Zinc oxide | | |
| *Zinc stearate (prepared from stearic acid free from chickotoxin factor) | | |
| (6) SEQUESTRANTS [2] | | |
| Calcium acetate | | |
| Calcium chloride | | |
| Calcium citrate | | |
| Calcium diacetate | | |
| Calcium gluconate | | |
| Calcium hexametaphosphate | | |
| Calcium phosphate, monobasic | | |
| Citric acid | | |
| Dipotassium phosphate | | |
| Disodium phosphate | | |
| Isopropyl citrate | 0.02 percent | |
| Monoisopropyl citrate | | |
| Potassium citrate | | |
| Sodium acid phosphate | | |
| Sodium citrate | | |
| Sodium diacetate | | |
| Sodium gluconate | | |
| Sodium hexametaphosphate | | |
| Sodium phosphate (mono-, di-, tribasic) | | |
| Sodium potassium tartrate | | |
| Sodium pyrophosphate | | |
| Sodium pyrophosphate, tetra | | In salt. |
| Sodium tartrate | 0.1 percent | |
| Sodium thiosulfate | | |
| Sodium tripolyphosphate | 0.15 percent | |
| Stearyl citrate | | |
| Tartaric acid | | |
| (7) STABILIZERS | | |
| *Acacia (gum arabic) | | |
| Agar-agar | | |
| *Ammonium alginate | | |
| *Calcium alginate | | |
| Carob bean gum (locust bean gum) | | |
| Chondrus extract (carrageenin) | | |
| *Ghatti gum | | |
| Gum karaya | | |
| *Potassium alginate | | |
| *Sodium alginate | | |
| *Sterculia gum (karaya gum) | | |
| *Tragacanth (gum tragacanth) | | |
| (8) MISCELLANEOUS AND/OR GENERAL PURPOSE FOOD ADDITIVES | | |
| Acetic acid | | Buffer and neutralizing agent. |
| *Adipic acid | | |
| Aluminum ammonium sulfate | | |
| Aluminum potassium sulfate | | |
| Aluminum sodium sulfate | | |
| Ammonium bicarbonate | | |
| Ammonium carbonate | | |
| Ammonium hydroxide | | |
| Ammonium phosphate (mono- and dibasic) | | |
| *Ammonium sulfate | | |

[1] For the purpose of this list, no attempt has been made to designate those sequestrants that may also function as chemical preservatives.

| Product | Tolerance | Limitations or restrictions |
|---|---|---|
| (5) NUTRIENTS AND/OR DIETARY SUPPLEMENTS [1] | | |
| *Alanine (L- and DL-forms) | | |
| Arginine (L- and DL-forms) | | |
| Ascorbic acid | | |
| *Aspartic acid (L- and DL-forms) | | |
| *Biotin | | |
| Calcium carbonate | | |
| Calcium citrate | | |
| *Calcium glycerophosphate | | |
| Calcium oxide | | |
| Calcium pantothenate | | |
| Calcium phosphate (mono-, di-, tribasic) | | |
| *Calcium pyrophosphate | | |
| Calcium sulfate | | |
| Carotene | | |
| *Choline bitartrate | | |
| *Choline chloride | 0.005 percent | |
| Copper gluconate | 0.01 percent | |
| Cuprous iodide | | In table salt as a source of dietary iodine. |
| *Cysteine (L- form) | | |
| *Cystine (L- and DL- forms) | | |
| Ferric phosphate | | |
| Ferric pyrophosphate | | |
| Ferric sodium pyrophosphate | | |
| *Ferrous gluconate | | |
| *Ferrous lactate | | In animal feeds. |
| Ferrous sulfate | | |
| *Glycine (aminoacetic acid) | | |
| *Histidine (L- and DL- forms) | | |
| Inositol | | |
| Iron, reduced | | |
| *Isoleucine (L- and DL-forms) | | |
| *Leucine (L- and DL-forms) | | |
| Linoleic acid (prepared from edible fats and oils and free from chickedema factor). | | |
| Lysine (L- and DL-forms) | | |
| *Magnesium oxide | | |
| *Magnesium phosphate (di-, tribasic) | | |
| *Magnesium sulfate | | |
| *Manganese chloride | | |
| *Manganese gluconate | | |
| *Manganese glycerophosphate | | |
| *Manganese hypophosphite | | |
| *Manganese sulfate | 5 percent | |
| *Manganous oxide | | |
| *Mannitol | | In special dietary foods. |
| *Methionine | | Animal feeds. |
| *Methionine hydroxy analog and its calcium salts | | Do. |
| Niacin | | |
| Niacinamide | | |
| D-Pantothenyl alcohol | | |
| *Phenylalanine (L- and DL-forms) | | |
| Potassium chloride | | In table salt as a source of dietary iodine. |
| *Potassium glycerophosphate | | |
| Potassium iodide | 0.01 percent | |
| *Proline (L- and DL-forms) | | |
| Pyridoxine hydrochloride | | |
| Riboflavin | | |
| Riboflavin-5-phosphate | | |
| *Serine (L- and DL-forms) | | |
| Sodium pantothenate | | |
| Sodium phosphate (mono-, di-, tribasic) | | In foods for special dietary use. |
| Sorbitol | 7 percent | |
| Thiamine hydrochloride | | |
| Thiamine mononitrate | | |
| *Threonine (L- and DL-forms) | | |
| Tocopherols | | |
| $\alpha$-Tocopherol acetate | | |
| *Tryptophane (L- and DL-forms) | | |
| *Tyrosine (L- and DL- forms) | | |

*Substances added from February 2 and August 4, 1960, proposed lists.

[1] Amino acids listed may be free, hydrochloride salt, hydrated, or anhydrous form, where applicable.

| Product | Tolerance | Limitations or restrictions |
|---|---|---|
| (8) MISCELLANEOUS AND/OR GENERAL PURPOSE FOOD ADDITIVES—con. | | |
| *Beeswax (yellow wax) | | |
| *Beeswax, bleached (white wax) | | |
| *Bentonite | | |
| Butane | | |
| Caffeine | 0.02 percent | In cola-type beverages. |
| Calcium carbonate | | |
| Calcium chloride | | |
| Calcium citrate | | |
| Calcium gluconate | | |
| Calcium hydroxide | | |
| Calcium lactate | | |
| Calcium oxide | | |
| Calcium phosphate (mono-, di-, tribasic). | | |
| Caramel | | |
| Carbon dioxide | | |
| Carnauba wax | | |
| Citric acid | | |
| *Dextrans (of average molecular weight below 100,000). | | |
| Ethyl formate | 0.0015 percent | As fumigant for cashew nuts. |
| *Glutamic acid | | Salt substitute. |
| *Glutamic acid hydrochloride | | Do. |
| Glycerin | | |
| Glyceryl monostearate | | |
| Helium | | |
| *Hydrochloric acid | | Buffer and neutralizing agent. |
| *Hydrogen peroxide | | Bleaching agent. |
| Lactic acid | | |
| *Lecithin | | |
| Magnesium carbonate | | |
| Magnesium hydroxide | | |
| Magnesium oxide | | |
| Magnesium stearate | | As migratory substance from packaging materials when used as a stabilizer. |
| *Malic acid | | |
| *Methylcellulose (U.S.P. methylcellulose, except that the methoxy content shall not be less than 27.5 percent and not more than 31.5 percent on a dry-weight basis). | | |
| Monoammonium glutamate | | |
| *Monopotassium glutamate | | |
| Nitrogen | | |
| *Nitrous oxide | | Propellant for certain dairy and vegetable-fat toppings in pressurized containers. |
| Papain | | |
| Phosphoric acid | | |
| Potassium acid tartrate | | |
| Potassium bicarbonate | | |
| Potassium carbonate | | |
| Potassium citrate | | |
| Potassium hydroxide | | |
| *Potassium sulfate | | |
| Propane | | |
| Propylene glycol | | |
| *Rennet (rennin) | | |
| *Silica aerogel (finely powdered microcellular silica foam having a minimum silica content of 89.5 percent). | | Component of anti-foaming agent. |
| Sodium acetate | | |
| Sodium acid pyrophosphate | | |
| Sodium aluminum phosphate | | |
| Sodium bicarbonate | | |
| Sodium carbonate | | |
| Sodium citrate | | |
| *Sodium carboxymethylcellulose (the sodium salt of carboxymethylcellulose not less than 99.5 percent on a dry-weight basis, with maximum substitution of 0.95 carboxymethyl groups per anhydroglucose unit, and with a minimum viscosity of 25 centipoises for 2 percent by weight aqueous solution at 25° C.). | | |
| *Sodium caseinate | | |
| Sodium citrate | | |
| Sodium hydroxide | | |
| *Sodium pectinate | | |
| Sodium phosphate (mono-, di-, tribasic). | | |
| Sodium potassium tartrate | | |
| Sodium sesquicarbonate | | |
| Sodium tripolyphosphate | | |
| *Succinic acid | | |
| Sulfuric acid | | |
| Tartaric acid | | |
| Triacetin (glyceryl triacetate) | | |
| Triethyl citrate | 0.25 percent | Dried egg whites. |

*Substances added from February 2 and August 4, 1960, proposed lists.

*Effective date.* This order shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: January 18, 1961.

[SEAL]

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-723; Filed, Jan. 30, 1961; 8:45 a.m.]

# Title 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 99]

## PART 999—MILK IN THE WORCESTER, MASSACHUSETTS, MARKETING AREA

### Order Amending Order

**§ 999.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than February 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued December 28, 1960 and the decision of the Assistant Secretary containing all amendment provisions of this order was issued January 17, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective on and after February 1, 1961, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* The order is hereby amended as follows:

**§ 999.64 [Amendment]**

Replace paragraph (a) of § 999.64 with:

(a) With respect to milk delivered by a producer whose farm is located in Bristol, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Plymouth, or Worcester Counties in Massachusetts, or in Rhode Island, or east of the Connecticut River in Connecticut, or in the towns of Brookline, Greenville, Hinsdale, Hollis, Mason, or New Ipswich in New Hampshire, or Vernon, Vermont, here shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 999.40 and 999.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., this 27th day of January 1961 to be effective on and after the 1st day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-891; Filed, Jan. 30, 1961; 8:49 a.m.]



[Milk Order 125]

## PART 1025—MILK IN INDIANAPOLIS, IND., MARKETING AREA

### Order Regulating Handling


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AUTHORITY: §§ 1025.0 to 1025.91 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

**§ 1025.0 Findings and determinations.**

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Indianapolis, Indiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat contained in (i) producer milk (including a handler's own farm production), (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1025.46(a) (3) and (4) and the corresponding steps in § 1025.46(b), and (iii) subject to the proviso of § 1025.78, receipts at a nonpool plant of approved milk on which no administrative expense assessment has

been paid pursuant to another order issued pursuant to the Act.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than February 1, 1961, and fully effective not later than March 1, 1961. Any delay beyond these dates would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued November 10, 1960, and the decision of the Assistant Secretary containing all the provisions of this order was issued December 30, 1960. This order will initiate a new regulatory program in the market. It is necessary that the provisions other than those relating to prices and payments be placed in effect prior to the effective date of the entire order provisions so that handlers may have opportunity to make adjustments in their operational and accounting procedures to conform to all provisions of the order. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective February 1, 1961, and fully effective March 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Section 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

*It is therefore ordered,* That on and after the effective date hereof, the handling of milk in the Indianapolis, Indiana, marketing area shall be in conformity to, and in compliance with, the following terms and conditions.

DEFINITIONS

**§ 1025.1 Act.**

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

**§ 1025.2 Secretary.**

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

**§ 1025.3 Department.**

"Department" means the United States Department of Agriculture.

**§ 1025.4 Person.**

"Person" means any individual, partnership, corporation, association, or other business unit.

**§ 1025.5 Cooperative association.**

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

**§ 1025.6 Indianapolis, Indiana, marketing area.**

"Indianapolis, Indiana, marketing area," hereinafter called the "marketing area," means all the territory within the boundaries of the counties of Boone, Clinton, Delaware, Fayette, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Montgomery, Morgan, Putnam, Rush, Shelby, Tippecanoe, Tipton and Wayne, all in the State of Indiana, including territory wholly or partly within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions or other similar establishments.

**§ 1025.7 Approved dairy farmer.**

"Approved dairy farmer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at an approved plant.

**§ 1025.8 Producer.**

"Producer" means an approved dairy farmer whose milk is received at a pool plant.

**§ 1025.9 Distributing plant.**

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

**§ 1025.10 Supply plant.**

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

**§ 1025.11 Approved plant.**

"Approved plant" means a pool plant or a distributing plant which is not a pool plant.

**§ 1025.12 Pool plant.**

"Pool plant" means a plant specified in paragraphs (a) or (b) of this section except that of a producer-handler: *Provided,* That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which not less than 50 percent of the Grade A milk received at such plant from dairy farmers and other plants is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of on routes in the marketing area.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided,* That a pool plant qualified pursuant to this paragraph in each of the immediately preceding months of August through January shall be a pool plant for the months of April through July unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through July during which it would otherwise not qualify as a pool plant: *And provided further,* That a plant which would have qualified as a pool plant pursuant to this paragraph during each of the months of August 1960 through January 1961 if this order had been in effect shall be a pool plant for the months of April through July 1961, unless written application is filed with the market administrator on or before the first day of any such month to be designated as a nonpool plant for such month and for each subsequent month through July 1961 during which it would otherwise not qualify as a pool plant.

**§ 1025.13 Nonpool plant.**

"Nonpool plant" means a plant which (a) is neither a pool plant nor the plant of a producer-handler and (b) receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

**§ 1025.14 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of one or more approved plants, or

(b) Any cooperative association with respect to milk from approved dairy farmers which it causes to be diverted from an approved plant to a nonpool plant for the account of such cooperative association.

**§ 1025.15 Producer-handler.**

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from approved dairy farmers or from sources other than pool plants: *Provided,* That such person provides proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.



**§ 1025.16 Approved milk.**

"Approved milk" means the skim milk and butterfat contained in milk received at an approved plant directly from an approved dairy farmer: *Provided,* That milk diverted from an approved plant to a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further,* That in any of the months of July through March milk diverted from an approved plant to a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act for more days of production than such milk was delivered to an approved plant shall not be approved milk for such days.

**§ 1025.17 Producer milk.**

"Producer milk" means approved milk received at a pool plant.

**§ 1025.18 Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, cream or any mixture in fluid form of cream and milk or skim milk (except eggnog, milkshake mix, frozen dessert mix, sour cream, aerated cream products, evaporated and plain or sweetened condensed milk or skim milk, and sterilized products packaged in hermetically sealed containers).

**§ 1025.19 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) approved milk, or (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted into or combined with another product in the plant during the month.

**§ 1025.20 Route.**

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1025.41(a)(1) to a retail or wholesale outlet other than a milk plant or a distribution point.

**§ 1025.21 Base zone.**

"Base zone" means all the territory within the boundaries of Marion County, Indiana.

**§ 1025.22 Butter price.**

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

**§ 1025.30 Designation.**

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

**§ 1025.31 Powers.**

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

**§ 1025.32 Duties.**

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following;

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1025.78 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1025.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1025.35 and 1025.36, nor payments pursuant to §§ 1025.62, 1025.70, 1025.74, 1025.76, 1025.77 and 1025.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 6th day of each month the minimum price for Class I milk pursuant to § 1025.51(a) and the Class I butterfat differential pursuant to § 1025.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1025.51(b) and the Class II butterfat differential pursuant to § 1025.52(b), both for the preceding month; and

(2) The 10th day after the end of each month the uniform price pursuant to § 1025.61 and the producer butterfat differential pursuant to § 1025.71; and

(k) On or before the 10th day after the end of each month report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association or its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month.

REPORTS, RECORDS AND FACILITIES

**§ 1025.35 Report of receipts and utilization.**

On or before the 6th day after the end of each month, or not later than the 8th day after the end of the month if the report required by this paragraph is delivered in person to the market administrator, each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each of his approved plants, in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of approved milk,

(2) Fluid milk products received from pool plants,

(3) Other source milk,

(4) Approved milk diverted to nonpool plants pursuant to § 1025.16, and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement, as requested by the market administrator, of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to the utilization of skim milk and

butterfat as the market administrator may prescribe.

**§ 1025.36 Other reports.**

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator, on or before the 20th day after the end of the month for each of his pool plants, his producer pay roll for such month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

**§ 1025.37 Records and facilities.**

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to approved dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

**§ 1025.38 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

**§ 1025.40 Skim milk and butterfat to be classified.**

The skim milk and butterfat which are required to be reported pursuant to § 1025.35 shall be classified each month by the market administrator pursuant to the provisions of §§ 1025.41 through 1025.46.

**§ 1025.41 Classes of utilization.**

Subject to the conditions set forth in § 1025.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) and (3) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy, or processed foods packaged in hermetically sealed containers;

(4) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month; and

(5) Skim milk and butterfat in shrinkage allocated to receipts of approved milk (except milk diverted to a nonpool plant pursuant to § 1025.16) and other source milk in bulk but not in excess of 0.5 percent of such receipts of skim milk and butterfat, respectively, plus 1.5 percent of such receipts and of the receipts of skim milk and butterfat in bulk fluid milk products from pool plants, and less 1.5 percent of such bulk dispositions to other plants.

**§ 1025.42 Shrinkage.**

The market administrator shall allocate shrinkage over a handler's receipts at each of his approved plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each approved plant, and

(b) Prorate the resulting amounts among the receipts of skim milk and butterfat contained in (1) approved milk (except milk diverted to a nonpool plant pursuant to § 1025.16), (2) other source milk in bulk, and (3) fluid milk products in bulk from other plants in excess of transfers of fluid milk products in bulk to other plants.

**§ 1025.43 Responsibility of handlers and reclassification of milk.**

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

**§ 1025.44 Transfers.**

Skim milk or butterfat disposed of each month from an approved plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 1025.35: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of other source milk pursuant to § 1025.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1025.46(a)(4) and the corresponding step of § 1025.46(b): *And provided further*, That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product and if the transferor plant is a pool plant;

(c) As Class I milk, if transferred or diverted to a nonpool plant in the form of a fluid milk product except as otherwise provided in paragraph (d) of this section;

(d) As Class I milk, if transferred or diverted in bulk either in the form of milk or skim milk to a nonpool plant not more than 150 miles from Monument Circle, Indianapolis, Indiana, by the shortest highway distance as determined by the market administrator, or in the form of cream to any nonpool plant unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 1025.35;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification, and

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the approved plant and shall be classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at an approved plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

**§ 1025.45 Computation of skim milk and butterfat in each class.**

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1025.35 for each approved plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

**§ 1025.46 Allocation of skim milk and butterfat classified.**

After making the computations pursuant to § 1025.45, the market administrator shall determine the classification of approved milk received at each approved plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in approved milk classified pursuant to § 1025.41(b)(5);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products in consumer-type packages (including dispenser cans) subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to subparagraph (2) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 1025.44(a);

(8) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in approved milk, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of approved milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

**§ 1025.47 Inventory reclassification.**

From any skim milk or butterfat assigned to Class I milk pursuant to § 1025.46(a)(6) and the corresponding step in § 1025.46(b), subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk pursuant to § 1025.46 in:

(a) Approved milk, and

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order.

MINIMUM PRICES

**§ 1025.50 Basic formula price.**

The basic formula price shall be the higher of the prices, rounded to the nearest cent, computed as follows:

(a) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

PRESENT OPERATOR AND LOCATION

Borden Company, New London, Wis.
Borden Company, Orfordville, Wis.
Carnation Company, Oconomowoc, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Sparta, Mich.
Pet Milk Company, Belleville, Wis.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Wayland, Mich.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) Multiply the butter price by 4.2.

(2) From the arithmetical average of the weighted averages of carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

**§ 1025.51 Class prices.**

Subject to the provisions of §§ 1025.52 and 1025.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month, plus $1.25.

(b) *Class II milk price.* The price for Class II milk shall be the basic formula price.

**§ 1025.52 Butterfat differentials to handlers.**

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1025.51 shall be increased or decreased respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.113.

**§ 1025.53 Location differentials to handlers.**

(a) The Class I price for approved milk received at an approved plant outside the base zone shall be reduced by 5 cents if such plant is less than 70 miles from Monument Circle, Indianapolis, Indiana, by the shortest highway distance as determined by the market administrator.

(b) The Class I price for approved milk received at an approved plant located 70 miles or more from Monument Circle, Indianapolis, Indiana, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced by 10 cents for the first 80 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from Monument Circle: *Provided*, That for the purpose of calculating such location differential, fluid milk products transferred between approved plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1025.46(a)(6) and the corresponding step of § 1025.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

**§ 1025.54 Use of equivalent prices.**

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

**§ 1025.55 Rate of payment on unpriced milk.**

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk:

(a) During the months of April through July, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of August through March, the uniform price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk.

APPLICATION OF PRICES

**§ 1025.60 Computation of value of milk at each approved plant.**

The value of approved milk received during each month at each approved plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts computed by multiplying the overage deducted from each class pursuant to § 1025.46(a)(9) and the corresponding step of § 10.25.46(b) by the applicable class prices;

(c) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1025.46(a)(3) and (4) and the corresponding steps of § 1025.46(b) by the rate of payment on unpriced milk determined pursuant to § 1025.55 at the nearest nonpool plants from which an equivalent amount of such other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at an approved plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the approved plant where it is classified.

(d) Add the amounts obtained by multiplying (1) the quantities of skim milk and butterfat in approved milk subtracted pursuant to § 1025.47(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) the quantities of skim milk and butterfat remaining after the calculation pursuant to § 1025.47(b) by the rate of payment on unpriced milk pursuant to § 1025.55.

**§ 1025.61 Computation of uniform price.**

The market administrator shall compute the uniform price for each month as follows:

(a) Combine into one total the values computed pursuant to § 1025.60 for all pool plants for which the reports prescribed in § 1025.35 for such month were made, except those in default of payments required pursuant to § 1025.74 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers and multiplying the result by the hundredweight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1025.72;

(d) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computations by 8 percent of the Class I price for such month;

(e) Add an amount equal to one-half the cash balance in the producer-settlement fund, exclusive of amounts subtracted pursuant to paragraph (d) of this section or otherwise obligated pursuant to § 1025.75;

(f) Divide the value computed pursuant to paragraph (e) of this section by the hundredweight of producer milk included in such computation; and

(g) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (f) of this section.

**§ 1025.62 Handlers operating nonpool plants.**

Each handler in his capacity as the operator of a nonpool plant shall pay to the market administrator for deposit into the producer-settlement fund the amount computed pursuant to paragraph (a) of this section unless the handler elects at the time his report pursuant to § 1025.35 is due to pay the amount computed pursuant to paragraph (b) of this section. The amounts payable pursuant to this section shall be made on or before the 15th day after the end of each month.

(a) An amount obtained by multiplying the rate determined pursuant to § 1025.55 by the hundredweight of skim milk and butterfat disposed of as Class I milk from such plant on routes in the marketing area during the month which is in excess of the hundredweight of skim milk and butterfat, respectively, received from pool plants during the month and classified as Class I milk at such pool plants.

(b) Any plus amount remaining after deducting from the value of approved milk at such plant computed pursuant to § 1025.60:

(1) The total payment made on or before the 15th day after the end of the month to approved dairy farmers for approved milk received at such plant during the month; and

(2) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk at such plant during the month.

**§ 1025.63 Plants subject to other Federal orders.**

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1025.12 and a greater volume of fluid milk products is disposed of from such plant on routes in the Indianapolis marketing area and to pool plants qualified on the basis of route distribution in the Indianapolis marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1025.35) and allow verification of such reports by the market administrator.

PAYMENTS FOR MILK

**§ 1025.70 Time and method of payment.**

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 15th day after the end of each month, for each hundredweight of producer milk received during such month, an amount computed at not less than the uniform price adjusted pursuant to §§ 1025.71, 1025.72, and 1025.77 plus the payment provided by § 1025.75(b), and less the payment made pursuant to subparagraph (1) of this paragraph: *Provided*, That if by such date the handler has not received full payment from the market administrator pursuant to § 1025.75 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator.

(b) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

**§ 1025.71 Butterfat differential to producers.**

The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1025.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

**§ 1025.72 Location differentials to producers.**

(a) The uniform price for producer milk received at a pool plant outside the base zone shall be reduced by 5 cents if such plant is less than 70 miles from Monument Circle, Indianapolis, Indiana, by the shortest hard-surfaced highway distance as determined by the market administrator.

(b) The uniform price for producer milk received at a pool plant 70 miles or more from Monument Circle, Indianapolis, Indiana, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 10 cents for the first 80 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from Monument Circle.

**§ 1025.73 Producer-settlement fund.**

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1025.62, 1025.74, 1025.75 and 1025.76: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

**§ 1025.74 Payments to the producer-settlement fund.**

On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1025.70 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1025.60.

**§ 1025.75 Payments from the producer-settlement fund.**

(a) On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1025.70, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1025.60: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

(b) On or before the 13th day after the end of each month of September, October, November and December the market administrator shall pay to (1) each handler on all milk for which payment is to be made to producers pursuant to § 1025.70(a)(2) for such month, and (2) to each cooperative association on all producer milk for which such association is receiving payments pursuant to § 1025.70(b) for such month at the following rate per hundredweight: For each of the months of September, October and November divide one-fourth of the aggregate amount set aside in the producer-settlement fund pursuant to § 1025.61(d) for the immediately preceding months of April through July and for the month of December divide the balance remaining, by the hundredweight of producer milk received by all handlers during the month, computed to the nearest cent per hundredweight.

**§ 1025.76 Adjustment of accounts.**

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

**§ 1025.77 Marketing services.**

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1025.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

**§ 1025.78 Expense of administration.**

As his prorata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1025.46(a)(3) and (4) and the corresponding steps in § 1025.46(b), and (c) receipts at a nonpool plant of approved milk on which no administration expense assessment is being paid pursuant to another order issued pursuant to the Act: *Provided*, That if the operator of such nonpool plant elects to make payment to the producer-settlement fund pursuant to § 1025.62(a), the expense of administration pursuant to this section shall be applicable only to the hundredweight of skim milk and butterfat on which payment to the producer-settlement fund is due pursuant to that paragraph.

**§ 1025.79 Termination of obligations.**

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

**§ 1025.80 Effective time.**

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

**§ 1025.81 Suspension or termination.**

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

**§ 1025.82 Continuing power and duty of the market administrator.**

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

**§ 1025.83 Liquidation after suspension or termination.**

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

**§ 1025.90 Separability of provisions.**

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

**§ 1025.91 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D.C., this 27th day of January 1961, to be effective as follows:

Sections 1025.0 through 1025.46 and §§ 1025.79 through 1025.91 shall be effective on and after February 1, 1961, and all the remaining provisions shall be effective on and after March 1, 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-892; Filed, Jan. 30, 1961; 8:49 a.m.]

[Amdt. 2]

## PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Container Regulation

*Findings.* (1) Pursuant to the Marketing Agreement No. 141 and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of oranges and grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and such amendment relieves restrictions on the handling of oranges and grapefruit.

*It is therefore ordered*, That paragraph (a), as amended, of § 1031.307 *Container Regulation* (25 F.R. 12505; 26 F.R. 581) is hereby amended by adding at the end thereof a new subparagraph (12) reading as follows:

(12) Containers with inside dimensions of 13 x 11⅜ x 11⅜ inches.

The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., January 26, 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 25, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-864; Filed, Jan. 30, 1961; 8:46 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter I—Office of the Secretary of Defense

## PART 278—MOTOR VEHICLE LIABILITY INSURANCE

The Secretary of Defense approved the following on January 19, 1961:

Sec.
278.1 Purpose and applicability.
278.2 Policy.
278.3 Definitions.
278.4 Minimum requirements for insurers and agents.
278.5 Mail solicitation by insurers.
278.6 Motor vehicle liability insurance counseling.
278.7 Solicitation privileges.
278.8 Automobile assigned risk plans.
278.9 Driver training programs.
278.10 Delegation of authority.
278.11 Reports.
278.12 Effective dates.

AUTHORITY: §§ 278.1 to 278.12 issued under sec. 202, 61 Stat. 500, as amended; 5 U.S.C. 171a.

**§ 278.1 Purpose and applicability.**

(a) The purpose of this part is to establish a uniform policy for Department of Defense personnel governing the solicitation, purchase, and ownership of minimum motor vehicle liability insurance.

(b) This part is applicable to Department of Defense military and civilian operators of privately-owned vehicles registered or allowed parking or driving privileges on DoD installations within the United States.

**§ 278.2 Policy.**

(a) *General.* The Department of Defense subscribes to a policy of consideration for the public interest which should motivate every person who drives a motor vehicle to take reasonable steps to insure his financial ability to respond should he be found at fault in the event of accident resulting in damage or injury. Motor vehicle liability insurance is the customary method by which the individual is enabled to satisfy losses for which he may be found responsible.

(b) *Co-operation with State and local officials.* Installation commanders shall co-operate fully with the State and local officials who are responsible for administering State and local requirements applicable to the operation of motor vehicles.

(c) *Motor vehicle liability insurance, and driving and parking privileges on military installations.* All military and civilian personnel, except as hereinafter stated, who operate privately-owned motor vehicles on base must possess minimum motor vehicle liability insurance to be authorized driving and parking privileges on military installations.

(d) *Evidence of motor vehicle liability insurance.* To secure and retain the driving and parking privileges referred to in paragraph (c) of this section, all personnel must present evidence, at intervals determined by the appropriate commander, of having minimum insurance in force with an accredited insurer. Insurers will be accredited by the installation commander under standards herein prescribed.

**§ 278.3 Definitions.**

(a) Minimum motor vehicle liability insurance is defined as motor vehicle bodily injury and property damage liability insurance issued to the insured by an accredited insurer in policy amounts not lower than the minimum limits prescribed in the financial responsibility, or compulsory, law of the State, whenever applicable, in which the vehicle is principally garaged and used, but no less than $5,000–$10,000 bodily injury and $1,000 property damage.

(b) Accredited motor vehicle liability insurers: Within the meaning of § 278.2 (d), an accredited motor vehicle insurer is defined as an insurer:

(1) Licensed to write motor vehicle liability insurance in the State in which the installation is located; or

(2) Granted a current general policyholders rating of "Good" or better by Alfred M. Best Company, Inc., New York, New York; or

(3) That submits, as enclosures to the notarized letter of application filed by its President or Vice-President required by § 278.4 below, an acceptable certificate or other official instrument from the State Insurance Commissioner of the State in which the installation is located stating that the insurer has the following instruments on file with the appropriate official of the State:

(a) A Power of Attorney to accept service of process as prescribed by the financial responsibility law of the State; and

(b) A corporate surety bond (such bonds to be obtained from corporate surety companies holding certificates of authority from the Secretary of the Treasury under the Act of Congress approved July 30, 1947 (61 Stat. 646; 6 U.S.C., secs. 6–13) as acceptable sureties on federal bonds) or approved securities, in an amount not less than $50,000 guaranteeing payment of any claims originating in the State against its policy-holders.

**§ 278.4 Minimum requirements for insurers and agents.**

(a)(1) Qualification Statements for On-Base Solicitation (The public reporting requirements contained in this section have been approved by the Bureau of the Budget. Budget Bureau approval number 22–6004 may be cited.)

(2) Before an insurer may be accredited to solicit on a military installation (with the understanding that a knowing and willful false statement is punishable by fine or imprisonment (18 U.S.C. 1001)), the insurer must submit to the commanding officer a letter of application signed by its President or Vice President:

(i) Listing all policies, together with their form numbers, to be offered on the military installation;

(ii) Assuring that only the policies listed are to be so offered and that such policies meet the requirements listed in paragraph (b) of this section;

(iii) Including the name and complete address and telephone number of each agent who will solicit on the installation if approval is granted, state or states in which licensed, the date of licensing, expiration dates, and a statement of agreement to report all future accessions and separations of agents employed for solicitation on the installation; further, that the insurer assumes full responsibility for the acts of its agent(s) connected with the sale of insurance to military personnel;

(iv) Agreeing to notify promptly the installation commander whenever a policy lapses, expires, is cancelled or is otherwise terminated;

(v) Attaching, as enclosures to the letter of application, evidential document(s) as proof of eligibility for accreditation, as required by § 278.3; in the event application is made under paragraph (b)(3), thereof, the evidential documents must be authenticated by the proper state official.

(b) Minimum policy and procedural requirements: The minimum requirements for insurance policies and applications offered on all military installations are as follows:

(1) Policies must clearly identify the name of the insurer underwriting the policy and its full address.

(i) Applications without the name and address of the insurer underwriting the insurance appearing thereon may not be used; the names of sales or underwriting agencies alone will not qualify.

(ii) Post office box addresses do not qualify as an acceptable address within the meaning of this paragraph.

(2) Insurance policies must provide bodily injury and property damage liability coverage for all drivers authorized by the insured to operate the vehicle.

(c) Exceptions: The procedural provisions of this § 278.4 cannot be required of insurers underwriting DoD personnel (1) prior to entry into service or employment, (2) through the member's family, etc., or (3) under reasonably comparable situations as may be determined in each case by the installation commander thereafter concerned. However, when a DoD member presents his vehicle for on-base registration or use within the meaning of § 278.2(c), he must, as the insured, (i) present evidence of possessing insurance which satisfies the requirements of § 278.3 and (ii) arrange for supplying the notification(s) to the installation commander otherwise provided by the insurer as required by paragraph (a)(4) of this section.

**§ 278.5 Mail solicitation by insurers.**

Insurers, who conduct sales solicitation by mail and who desire to be designated as accredited insurers on DoD military installations within the meaning of this part, may also supply the information required by §§ 278.3 and 278.4 to qualify for installation listing so that the policies they issue by mail to DoD members may be readily identified as acceptable for on-base vehicle registration permits.

**§ 278.6 Motor vehicle liability insurance counseling.**

(a) *General.* Commanders will provide counseling for personnel under their command concerning the purchase of motor vehicle liability insurance, and in addition periodically publish information regarding driver responsibility, and local and state laws. It should be thoroughly explained that judgments rendered against an individual growing out of an automobile accident could require in satisfaction thereof, the major portion of personal earnings for many years. Individuals who may elect to

avoid the purchase of motor vehicle liability insurance by not seeking driving or parking privileges on DoD installations, or who purchase policies that provide coverage solely on base, shall be advised that failure to settle promptly damage claims, for which responsible, reflects discredit on the Department of Defense.

(b) *Enlisted personnel.* Military personnel in grades E–1, E–2, and E–3, when first reporting on a base, and again prior to the purchase of a private vehicle, should be counseled by an officer qualified to explain the insurance laws and regulations applicable to the installation and the local and state civil jurisdiction; the responsibilities of a motor vehicle operator; and the Department of Defense requirement for automobile liability insurance.

(c) *All other personnel.* Except for prior counseling before purchasing a private vehicle, other personnel will be similarly advised as shown in paragraph (b) when circumstances warrant.

**§ 278.7 Solicitation privileges.**

(a) *General.* The conduct of a private business including the solicitation and sale of insurance on a military installation is a privilege, the control of which is a responsibility vested in the installation commander subject to compliance with this part.

(b) *Withdrawal of privilege.* (1) The privilege of solicitation on military installations or the accreditation of an insurer may be withdrawn for cause, or withheld when classified operations are being conducted or when the commander considers it to be in the best interest of natural security.

(2) The Secretary of Defense may withdraw the privilege of solicitation from insurers and agents upon receipt of information evidencing the utilization of any manipulative, deceptive, or fraudulent device, scheme, or artifice, including misleading advertising or other misleading sales literature.

(3) The Secretaries of the military departments may permit installation commanders to suspend an agent for cause for a reasonable period. When such suspension occurs, the agent, the insurer he represents, the military department concerned, and the insurance commissioner of the state in which he is licensed will be promptly notified. The department concerned will ensure that complete investigation is made and that a report of such investigation is submitted to the cognizant Secretary.

(4) The withdrawal of the soliciting privilege should be resorted to only for good and sufficient reasons. Final action to withdraw from an agent the privilege of soliciting on all installations within a military department rests with the cognizant Secretary. When such action is taken, the agent, the insurer he represents, the insurance commissioner of the state in which the agent is licensed, the other military departments, and the Assistant Secretary of Defense (Manpower, Personnel and Reserve) will be notified. When the privilege of solicitation is withdrawn by one military department, such withdrawal will be effective throughout the Department of Defense.

(5) For serious or repeated violations, a commander may suspend an insurer temporarily. Where such action is instituted, the Secretary of the cognizant military department will be promptly notified, who will then forward detailed information to the Assistant Secretary of Defense (MP&R). Insurers may be permanently prohibited from soliciting on military installations only by action of the Secretary of Defense.

**§ 278.8 Automobile assigned risk plans.**

(a) Installation commanders will effect close liaison with the appropriate officials of the state in which the installation is located to secure complete details on the "assigned risk plan" and the financial responsibility laws of the state. Careful attention to the maintenance of good relations with such state officials should foster cooperation on automobile liability insurance problems, particularly with respect to young, unmarried motor vehicle operators.

(b) Personnel otherwise unable to obtain automobile liability insurance coverage will be given assistance in obtaining "assigned risk" insurance.

**§ 278.9 Driver training programs.**

(a) *Importance of a safe driving record.* Some insurers, and the assigned risk plans of many of the states, offer coverage with substantial savings in premiums to individuals who have removed themselves from extra risk classifications requiring premium surcharges, by successfully completing driver training courses or by maintaining accident-free driving records which can be authenticated.

(b) *Courses in driver training.* Installation commanders are responsible for administering an effective driver training program. Courses will be complete or remedial, and attendance of problem drivers may be made mandatory at the discretion of the installation commander.

(c) *Importance of cooperation with civilian communities.* Cooperation and support is mandatory of all echelons of the Department of Defense with the Armed Forces-State Traffic Safety Workshop Program, school officials, automobile associations, commercial private driver training course operators, and all civic groups dedicated to making the public highway a safer place to drive.

**§ 278.10 Delegation of authority.**

Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Manpower, Personnel and Reserve) shall be responsible for the administration of this part.

**§ 278.11 Reports.**

(a) The Military departments will report to the Assistant Secretary of Defense (Manpower, Personnel and Reserve) the following violations or actions in duplicate immediately after such violations or actions occur. As a minimum, the agent's name, the insurer's name, and a description of the violation will be reported.

(1) Violations by agents resulting in suspension of the solicitation privilege on a limited basis. Notifications will be made as indicated in § 278.7(b)(3).

(2) Violations by agents resulting in suspension of the solicitation privilege throughout the military departments. Additional notifications will be made, as indicated in § 278.7(b)(4).

(3) Action taken to suspend the privilege of solicitation in the case of any insurer.

**§ 278.12 Effective dates.**

This part shall be fully effective on the first day of the fourth month following date of issue, except as follows:

(a) *Interim installation vehicle registration privileges for DoD personnel.* (1) Evidence of ownership of insurance policies which contain bodily injury and property damage liability coverage may be used for obtaining or retaining on-base registration, parking and driving privileges as a temporary exception to the requirements of § 278.2(d), until expiration date of the current policy, or one year from the date of this part, whichever occurs first.

(2) Where applicable, personnel hereafter transferred on official orders within the United States who present evidence of ownership of insurance policies which contain bodily injury and property damage liability coverage will be permitted to obtain on-base registration, parking and driving privileges as an exception to the requirements of § 278.2(d), until the expiration date of the current policy, or one year from the date of transfer, whichever occurs first.

(b) *Accredited insurers.* (1) Insurers not licensed, on the date of this part, in the states where DoD installations are located, that desire acceptance of their policies for installations vehicle registration purposes by DoD personnel under § 278.3(b)(1), are granted six months from the date of this part to obtain the necessary state license.

(2) Evidence of ownership of policies sold by such insurers will be accepted, for obtaining or retaining on-base registration, parking, and driving privileges, until the first day of the sixth month following the date of this Part, providing statements are filed, by the President or Vice-President with the installation commanders concerned, that:

(i) Application for a state license has been made to the state authorities;

(ii) The company has the minimum unassigned surplus and paid up capital, or only surplus if a non-stock company, as required by the said state, and, in the opinion of the affiant,

(iii) The insurer is qualified for a license in the state in which the installation is located.

MAURICE W. ROCHE,
*Administrative Secretary.*

[F.R. Doc. 61–861; Filed, Jan. 30, 1961; 8:46 a.m.]



# Title 46—SHIPPING

## Chapter III—Great Lakes Pilotage Administration, Department of Commerce

## PART 401—GREAT LAKES PILOTAGE

On December 24, 1960, a notice of proposed rulemaking was published in the FEDERAL REGISTER (25 F.R. 13721) setting forth the text of proposed regulations to be promulgated by the Great Lakes Pilotage Administration, Department of Commerce.

Interested persons submitted data and views at public hearings in Cleveland, Ohio, on January 10, 11, and 12, 1961. Interested persons also submitted written data and views prior to completion of the hearings. Due consideration has been given to all relevant matter presented.

The regulations set forth in the form below are therefore promulgated.

Dated: January 27, 1961.

A. T. MESCHTER,
*Acting Administrator,*
*Great Lakes Pilotage Administration.*

Approved:

LUTHER H. HODGES,
*Secretary of Commerce.*

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AUTHORITY: §§ 401.110 to 401.510 issued under secs. 4 and 5, 74 Stat. 260,261; 46 U.S.C. 216.

### Subpart A—General

**§ 401.100 Purpose.**

The purpose of this part is to carry out those provisions of the Great Lakes Pilotage Act of 1960 (74 Stat. 259, 46 U.S.C. 216) relating to the registration of United States pilots, the formation of pools by voluntary associations of United States registered pilots and the establishment of rates, charges, and other conditions or terms for services performed by registered pilots to meet the provisions of the Act.

**§ 401.110 Definitions.**

(a) The following terms where used in this part shall have the following meanings:

(1) "Act" means the Great Lakes Pilotage Act of 1960, Public Law 86–555 (74 Stat. 239, 46 U.S.C. 216).

(2) "Administrator" means the Administrator, Great Lakes Pilotage Administration, U.S. Department of Commerce.

(3) "Canadian registered pilot" means a person, other than a member of the regular complement of a vessel, who holds a master's certificate or equivalent license authorizing navigation on the Great Lakes and suitably endorsed for pilotage on routes specified therein, issued by an appropriate agency of Canada, and is registered by a designated agency of Canada on substantially the same basis as registration by the Administrator under the provisions of Subpart B of this part.

(4) "Foreign vessels" means all foreign merchant vessels except Canadian vessels whose operations are exclusively upon the Great Lakes or between ports in the Great Lakes and the St. Lawrence River, or whose operations while predominately as aforesaid fail of being exclusively so only because of an occasional voyage to a port or ports in the maritime provinces of Canada in the Canadian coastal trade.

(5) "Great Lakes" means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the St. Lawrence River as far east as Saint Regis, and adjacent port areas.

(6) "Other officer" means the master or any other member of the regular complement of the vessel concerned who is qualified for the navigation of those United States waters of the Great Lakes which are not designated by the President in Proclamation No. 3385 dated December 22, 1960 and who is either licensed by the head of the Department in which the Coast Guard is operating under regulations issued by him or certificated by an appropriate agency of Canada.

(7) "Secretary" means the Secretary of Commerce.

(8) "United States registered pilot" means a person, other than a member of the regular complement of a vessel, who holds an unlimited master's license authorizing navigation on the Great Lakes and suitably endorsed for pilotage on routes specified therein, issued by the head of the Department in which the Coast Guard is operating under regulations issued by him, and is registered by the Administrator under the provisions of Subpart B of this part.

### Subpart B—Registration of Pilots

**§ 401.200 Application for registration.**

An application for registration as a United States registered pilot shall be made on the form to be prescribed by the Administrator. A check or money order, in the amount of five dollars ($5.00), drawn to the order of the United States Department of Commerce shall accompany an application for registration.

**§ 401.210 Requirements and qualifications for registration.**

(a) No person shall be registered as a United States registered pilot unless:

(1) He holds an unlimited master's license authorizing navigation on the Great Lakes and suitably endorsed thereon for pilotage on routes specified therein, issued by the head of the Department in which the Coast Guard is operating.

(2) He is a citizen of the United States.

(3) He is of good moral character and temperate habits.

(4) He passes a physical examination equivalent to that required for issuance of an original deck officer's license by the Coast Guard.

(5) He has not reached the age of 65.

(6) He possesses a validated Merchant Mariner's Document issued by the Coast Guard.

(7) He agrees that he will be continuously available for service under such terms and conditions as may be approved or prescribed by the Administrator.

(8) He agrees to comply with all applicable provisions of this part and amendments thereto.

(b) Notwithstanding the provisions of subparagraph (5) of paragraph (a) of this section, the Administrator may, if he determines that it is in the public interest, issue a Certificate of Registration to a person who has reached the age of 65 if satisfactory evidence is furnished that such person is physically fit to perform the duties of a registered pilot.

**§ 401.220 Registration of pilots.**

(a) The Administrator shall determine the number of pilots required to be registered in order to assure adequate and efficient pilotage service in the United States waters of the Great Lakes and to provide for equitable participation of United States registered pilots with Canadian registered pilots in the rendering of pilotage services. In the event that the number of qualified applicants exceeds the number of pilots determined by the Administrator to be necessary to accomplish these objectives, preference shall be given to those applicants who have (1) the greatest number of years of experience in piloting oceangoing vessels over the waters for which application is made; (2) actively engaged in pilotage services in those waters for which application is made; (3) the greatest number of years of experience in piloting oceangoing vessels in other waters; (4) the greatest number of years as a pilot.

(b) Subject to the provisions of paragraph (a) of this section, a pilot found to be qualified under this subpart shall be issued a Certificate of Registration, valid for a term of two (2) years or until the expiration of his unlimited master's license, whichever occurs first.

**§ 401.230 Certificates of Registration.**

(a) A Certificate of Registration shall describe the part or parts of the Great Lakes within which the pilot is authorized to perform pilotage services and such description shall not be inconsistent with the terms of the pilotage authorization in his unlimited master's license.

(b) A Certificate of Registration shall not authorize the holder to board any vessel, or to serve as a pilot of any vessel, without the permission of the owner or master. A Certificate of Registration shall be in the possession of a pilot at all times when he is in the service of a vessel, and shall be displayed upon demand of the owner or master, any United States Coast Guard officer or inspector, or a representative of the Administrator.

(c) A Certificate of Registration shall not be pledged, deposited, or surrendered to any person except as authorized by this part. A Certificate of Registration may not be photostated or copied.

(d) An application for replacement of a lost, damaged or defaced Certificate of Registration shall be made on the form to be prescribed by the Administrator. A check or money order in the amount of five dollars ($5.00), drawn to the order of the United States Department of Commerce, shall accompany any such application. A certificate issued as a replacement for a lost, damaged or defaced certificate shall be marked so as to indicate that it is a replacement. Upon receipt of a certificate issued as a replacement, the damaged or defaced certificate shall be surrendered to the Administrator.

(e) The Administrator shall advise the Coast Guard of the name, Coast Guard license number, and registration number of each pilot who is issued a Certificate of Registration.

**§ 401.240 Renewal of Certificates of Registration.**

(a) An application for renewal of a Certificate of Registration shall be made on the form to be prescribed by the Administrator, and shall be filed with the Administrator at least fifteen (15) days prior to the expiration date of the existing certificate. Failure of a registered pilot to comply with this requirement may constitute cause for withholding renewal of the Certificate of Registration.

(b) No Certificate of Registration shall be renewed unless an applicant meets the requirements and qualifications set forth in § 401.210 for issuance of an original Certificate of Registration.

(c) If the Administrator determines that there is good cause for withholding renewal of a Certificate of Registration, the applicant shall be notified in writing of such determination and the cause thereof. The applicant may thereupon apply within fifteen (15) days of such notice, for a hearing in regard to such cause for the withholding of a renewal of the certificate, which hearing shall be granted. Such hearing shall be subject to the procedures provided in § 401.250 with respect to suspension and revocation of Certificates of Registration.

(d) Upon receipt of a renewed Certificate of Registration, the expired certificate shall be surrendered to the Administrator.

**§ 401.250 Suspension and revocation of Certificates of Registration.**

(a) A Certificate of Registration issued pursuant to the provisions of this subpart may be suspended or revoked by the Administrator upon a determination by him on the record, after a hearing in accordance with the Administrative Procedure Act (5 U.S.C. 1001), that the pilot has violated any provision of this part or is no longer eligible for registration. Specific procedures to be followed in such a hearing will be prescribed in the Notice of Hearing.

(b) Notwithstanding the provisions of paragraph (a) of this section, the basis for suspension or revocation of a Certificate of Registration shall not extend to or include matters which may be the basis for suspension or revocation of the pilot's unlimited master's license by the Coast Guard under section 4450, Revised Statutes (46 U.S.C. 239), or under any law or regulation administered or prescribed by the Coast Guard, except that suspension or revocation by the Coast Guard of such license shall operate as an automatic suspension or revocation of a Certificate of Registration.

(c) When a Certificate of Registration which is about to expire is suspended, the renewal of such certificate may be withheld until the expiration of the period of suspension.

(d) The Administrator shall advise the Coast Guard of the name, Coast Guard license number, and registration number of each pilot whose Certificate of Registration has been suspended or revoked.

## Subpart C—Establishment of Pools by Voluntary Associations of United States Registered Pilots

**§ 401.300 Authorization for establishment of pools.**

(a) Voluntary associations of United States registered pilots will be authorized to establish a pool or pools in the following areas of the United States waters of the Great Lakes designated by the President in a Proclamation dated December 22, 1960, or in such other areas as the Administrator may deem necessary to assure adequate and efficient pilotage services for the United States waters of the Great Lakes:

(1) *District No. 1.* All United States waters of the St. Lawrence River between the international boundary at St. Regis and a line at the head of the river running (at approximately 127° True) between Carruthers Point Light and South Side Light extended to the New York shore.

(2) *District No. 2.* All United States waters of Lake Erie westward of a line running (at approximately 026° True) from Sandusky Pierhead Light at Cedar Point to Southeast Shoal Light; all waters contained within the arc of a circle of one mile radius eastward of Sandusky Pierhead Light; the Detroit River; Lake St. Clair; the St. Clair River, and Northern approaches thereto south of latitude 43°05'30" N.

(3) *District No. 3.* All United States waters of the St. Marys River, Sault Sainte Marie Lock and approaches thereto between latitude 45°57' N. at the Southern approach and a line running (at approximately 020° True) from Point Iroquois Light to the westward tangent of Jackson Island.

(b) The Administrator shall determine the number of pools that will be authorized for establishment by voluntary associations of United States registered pilots in order to assure adequate and efficient pilotage services for the United States waters of the Great Lakes.

**§ 401.310 Application for establishment of pools.**

An application by a voluntary association for authorization to establish a pool shall be filed on the form to be prescribed by the Administrator. The form shall require, among other things, furnishing of the following information:

(a) The name and address of the association.

(b) The names and addresses of all officers of the association.

(c) Type of organization (partnership, corporation, etc.).

(d) Copies of articles of incorporation, bylaws, partnership agreements, etc.

(e) The names and addresses of all stockholders or partners, together with the extent of their financial interest.

(f) A copy of the financial statements of the association.

(g) The names, addresses, and Certificate of Registration numbers of all member pilots.

(h) The District or area in which members of the association desire to render pilotage services.

(i) An inventory of owned or leased boats, launches, radio equipment, vehicles, etc., which may be used in the performance of pilotage services.

**§ 401.320 Requirements and qualifications for authorization to establish pools.**

No voluntary association shall be authorized to establish a pool unless:

(a) The Administrator determines that a pool is necessary for the efficient dispatching of vessels and the providing of pilotage services in the area concerned.

(b) The stock, equity or other financial interest, with right of control, is held only by individuals actually engaged in the operation or management of such association, and at least three-fourths of such stock, equity or other financial interest with right of control, is held by member registered pilots.

(c) The voluntary association establishes that it possesses the ability, experience, financial resources, and other qualifications necessary to enable it to operate and maintain an efficient and effective pilotage service.



(d) The voluntary association agrees that:

(1) Pilotage services will be provided on a first-come first-serve basis to vessels giving proper notice of arrival time to the pilot station, except that pilots will not be required to board vessels which do not provide safe boarding facilities;

(2) It will submit working rules for approval of the Administrator;

(3) It will adopt and use the uniform system of accounts, records and reports to be prescribed by the Administrator;

(4) It shall be subject to audit and inspection by the Administrator, and will submit annually at its own expense an audit report prepared by an independent certified public accountant;

(5) It will be subject to such other provisions as may be prescribed by the Administrator governing the operation of pools; and

(6) It will coordinate on a reciprocal basis its pool operations with similar pool arrangements established by the Canadian Government.

**§ 401.330 Certificates of Authorization.**

(a) Subject to the provisions of paragraph (b) of § 401.300, an association found to be qualified to establish a pool in a District or area shall be issued a Certificate of Authorization, which shall be valid until withdrawn by the Administrator.

(b) A Certificate of Authorization shall be in such form as the Administrator may prescribe, but shall describe the area of the Great Lakes in which the pool will perform pilotage services. A Certificate of Authorization shall be posted in the principal place of business of an association in such manner so as to be available for examination by members of the association and the public.

## Subpart D—Rates, Charges and Conditions for Pilotage Services

**§ 401.400 Rates and charges on designated waters.**

(a) The following rates and charges shall be payable for all services performed by United States or Canadian registered pilots in the following areas of the United States waters of the Great Lakes described in § 401.300:

| | |
|---|---|
| (1) *District No. 1.* (i) Snell Lock to Cape Vincent | $200 |
| (ii) Trips commencing or terminating at any point other than the limits of the District, an amount computed on a pro-rata basis according to the distance piloted shall be charged as pilotage dues with a minimum charge therefor of | $50 |
| (2) *District No. 2.* (i) Port Colborne (Southeast Shoal) to Lake Huron Light Ship (includes direct transit of undesignated Lake Erie waters) | 125 |
| (ii) Port Colborne (Southeast Shoal) to any point on Lake Erie west of Southeast Shoal (includes direct transit of undesignated Lake Erie waters) | 80 |
| (iii) Any point on Lake Erie west of Southeast Shoal to any point on the St. Clair River or to Lake Huron Light Ship | 125 |
| (iv) Any point on Lake Erie west of Southeast Shoal to any point on the Detroit River | 80 |
| (v) Any point on the Detroit River to any point on the St. Clair River or to Lake Huron Light Ship | 80 |
| (vi) Any point on the Detroit River or the St. Clair River to any point on the same river, or from any point on Lake Erie west of Southeast Shoal to any other point on Lake Erie west of Southeast Shoal | 50 |
| (3) *District No. 3.* (i) Detour Reef Light to Gros Cap Reefs Light | 200 |
| (ii) Detour Reef Light to Sault Ste. Marie, Michigan, or Sault Ste. Marie, Ontario | 165 |
| (iii) Harbor movement of vessels within District No. 3, per movement | 50 |

(b) When a vessel in transit of a District puts into a port for the purpose of loading or discharging cargo and the pilot remains on board for the convenience of the vessel, an additional charge of $5 per hour, with a maximum of $50 for each 24-hour period, shall be payable.

**§ 401.410 Rates and charges on undesignated waters.**

The rates or charges for all pilotage services performed by United States or Canadian registered pilots in the undesignated waters of the Great Lakes payable for each 24-hour period or part thereof, shall be $50, plus reasonable travel expenses of the pilot in returning to the port of origin, if incurred.

**§ 401.420 Cancellation of services.**

When a pilot reports for service and the service is cancelled within one hour of the time of his reporting, a charge of $25 shall be made, and if the service is cancelled after one hour a further charge of $5 per hour for each hour after the first hour shall be charged, but the aggregate amount of these charges shall not exceed $50 for any one 24-hour period.

**§ 401.430 Prohibited charges.**

No rate or charge shall be applied against any vessel, owner or master thereof, by a registered pilot which differs from the rates and charges set forth in this part, nor shall any rates or charges be made for services performed by a registered pilot other than those for which a rate is prescribed in this part, without the approval of the Administrator.

**§ 401.440 Advance payment of charges.**

A United States or Canadian registered pilot performing pilotage services in accordance with the rates and charges set forth in this subpart may require advance payment of such rates or charges or a suitable bond securing payment.

## Subpart E—Penalties; Operations Without Registered Pilots

**§ 401.500 Penalties for violations.**

Any person who violates any provision of this part shall be liable to the United States in a civil penalty not exceeding $500 for each violation. Such penalty may be remitted or mitigated, upon application therefor, by the Secretary upon such terms as he, in his discretion, shall think proper.

**§ 401.510 Operations without registered pilots.**

Section 8 of the Act provides that:

Notwithstanding any other provision of this Act, a vessel may be navigated in the United States waters of the Great Lakes without a United States or Canadian registered pilot when—

(a) The Secretary, or his designee, with the concurrence of the head of the Department in which the Coast Guard is operating, or his designee, notifies the master that a United States or Canadian registered pilot is not available, or

(b) The vessel or its cargo is in distress or jeopardy.

The provisions of this part shall become effective upon the first day of the fourth month following the date of its issuance by the Administrator.

[F.R. Doc. 61-904; Filed, Jan. 30, 1961; 8:50 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[ 19 CFR Part 1 ]

### PORT CANAVERAL, FLA.

### Proposed Designation as Customs Port of Entry

Notice is hereby given that pursuant to the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), it is proposed to designate Port Canaveral, Florida, as a customs port of entry in Customs Collection District No. 18 (Florida), and to amend § 1.1(c) of the Customs Regulations to indicate this change.

The limits of the proposed port of entry at Port Canaveral, Florida, will be as follows:

Commencing at the NW corner of Section 9, Township 24S, Range 37E, Brevard County, Florida; which is the Point of Beginning; thence east on the north section lines of Sections 9, 10, 11 and 12 to the Atlantic Ocean; thence southeasterly along the shoreline of the Atlantic Ocean to a point 1980 feet more or less south of the northeast corner of Section 14; thence west 1980 feet south and parallel to the north line of Sections 14, 15 and 16 to the west line of Section 16; thence north on the west line of Section 16 and 9 to the Point of Beginning.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Data, views, or arguments with respect to the proposed designation of Port Canaveral, Florida, as a customs port of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.
(MC 192–31.1)

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: January 23, 1961.

A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61–874; Filed, Jan. 30, 1961; 8:48 a.m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

[ 29 CFR Part 713 ]

[Administrative Order 546]

### INDUSTRY COMMITTEE NO. 51–C FOR PUERTO RICO

### Resignation and Appointment of Member

A vacancy has ocurred on Industry Committee No. 51–C appointed by Administrative Order No. 542 (25 F.R. 12950) because of the resignation of Rafael de J. Cordero of San Juan, Puerto Rico, as a representative of the public.

Now, therefore, pursuant to authority contained in the Fair Labor Standards Act of 1938, as amended (32 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1949–1953 Comp., p. 1004), and 29 CFR 511.5, I hereby appoint David M. Helfeld of Rio Piedras, Puerto Rico, to serve as a representative of the public on Industry Committee No. 51–C.

Signed at Washington, D.C., this 25th day of January 1961.

ARTHUR GOLDBERG,
*Secretary of Labor.*

[F.R. Doc. 61–867; Filed, Jan. 30, 1961; 8:47 a.m.]



# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Serial Nos. Idaho 011986, 012029]

### IDAHO

### Order Providing for Openings of Public Lands

JANUARY 23, 1961.

In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269); as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g) the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

*Parcel Number 1*

T. 1 N., R. 34 E.
Sec. 14; SW¼NW¼
Sec. 15; S½N½, N½SW¼, SE¼SW¼
Sec. 26; N½NW¼, SE¼NW¼, NE¼SW¼
Sec. 27; N½NE¼, W½NW¼
Sec. 33; SW¼NE¼, E½NW¼, N½S½
Sec. 34; NE¼NE¼, S½N½, NE¼SW¼, N½SE¼
T. 1 S., R. 32 E.
Sec. 9; NE¼
Sec. 10; NW¼, N½SW¼

Located in Bingham County about 15 to 17 miles northwest of Blackfoot, Idaho.

*Parcel Number 2*

T. 15 S., R. 27 E.
Sec. 9; E½

Located in Cassia County about 13 miles south of Malta, Idaho.

Within the above-described areas are 1,960 acres of public lands.

The lands in Parcel 1 lie at an elevation of about 4,800 ft. These lands are of typical desert character with a vegetative cover of sagebrush, bunchgrass and some cheatgrass. The surface relief is modestly undulating. The soil is mainly light-colored silt loam, with areas of float rock and lava rock outcrops. Most of the land is tillable but lacks suitability for successful cropping without irrigation.

The lands in Parcel 2 lie at an elevation of about 4,700 ft. The topography is undulating to moderately rolling. The soils are mainly deep alkaline clays. The vegetative cover is greasewood with some saltgrass, bluegrass and halogeton. The land is of very low quality for agricultural use.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(1) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraph (1) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on February 28, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a.m. on February 28, 1961.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 2237, Boise, Idaho.

DONALD I. BAILEY,
*Acting State Supervisor.*

[F.R. Doc. 61–858; Filed, Jan. 30, 1961; 8:45 a.m.]

[Classification No. 192]

### NEVADA

### Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described public lands, totalling 247.74 acres in Nye County, Nevada, as suitable for sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

MOUNT DIABLO PRINCIPAL MERIDIAN

T. 12 S., R. 47 E.
Sec. 7, NE¼NW¼, SE¼SW¼, Lots 5 through 68;
Sec. 8, S½SW¼NW¼SW¼, NW¼SW¼NW¼SW¼.

Containing 247.74 acres, subdivided into 97 tracts, of which 50 are covered by applications from persons entitled to preference under 43 CFR 257.5(a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. All valid applications filed prior to January 23, 1961, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

E. J. PALMER,
*State Supervisor.*

JANUARY 23, 1961.

[F.R. Doc. 61–865; Filed, Jan. 30, 1961; 8:46 a.m.]

[Classification No. 194]

### NEVADA

### Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described public lands, totalling 480 acres in Elko County, Nevada, as suitable for direct sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

MOUNT DIABLO PRINCIPAL MERIDAN

T. 34 N., R. 55 E.
Sec. 8, N½, N½S½.

Containing 480 acres, subdivided into 152 tracts, of which 43 are covered by applications from persons entitled to preference under 43 CFR 257.5(a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. All valid applications filed prior to April 4, 1960, will be granted, as soon as

possible, the preference right provided for by 43 CFR 257.5.

JANUARY 23, 1961.

E. J. PALMER,
*State Supervisor.*

[F.R. Doc. 61-866; Filed, Jan. 30, 1961; 8:47 a.m.]

# TARIFF COMMISSION

[AA1921-15]

## NEPHELINE SYENITE FROM CANADA

### Determination of No Injury or Likelihood Thereof

JANUARY 26, 1961.

*Introduction.* On October 26, 1960, the United States Tariff Commission was advised by the Acting Secretary of the Treasury that nepheline syenite from Canada is being, or is likely to be, sold in the United States at less than fair value as that term is used in the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act, as amended (19 U.S.C. 160(a)), the Tariff Commission instituted an investigation to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation was published in the FEDERAL REGISTER of November 3, 1960 (25 F.R. 10584). No public hearing in connection with the investigation was ordered by the Commission, but interested parties were referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may, within 15 days after the date of publication of the Commission's notice of investigation in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request. Interested parties were granted the opportunity to submit written statements pertinent to the subject matter of the investigation.

No request for a hearing was made by any interested party, but written statements were received from the attorneys for the Canadian exporters and three domestic feldspar producers. These statements were given due consideration by the Commission, together with all other information available to the Commission on this subject, in arriving at a determination in this case.

Nepheline syenite is not produced in the United States, but it competes in certain regions with domestically produced feldspar, principally in the manufacture of glass. Three domestic feldspar producers allege that they have been injured by imports of nepheline syenite from Canada which were sold at less than fair value.

*Determination.* On the basis of the investigation, the Commission has unanimously determined (Commissioners Schreiber and Sutton not participating because of absence) that an industry in the United States is not being, and is not likely to be, injured, or prevented from being established, by reason of the importation of nepheline syenite from Canada sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

*Statement of reasons.* The Acting Secretary of the Treasury determined that the proper fair value comparison was between the purchase price and the home market value. The margin of difference found to exist between these values resulted for all practical purposes from two aspects of the pricing policies of the Canadian exporters, namely, a policy to disregard the rate of exchange between the U.S. and Canadian dollar, and a policy to absorb part of the freight charges.

The practice of quoting the price of nepheline syenite in Canadian dollars to purchasers in Canada and the same number of U.S. dollars to purchasers in the United States, was an historic pricing policy of the two Canadian exporters. This pricing policy was established when the two currencies were virtually at par and continued during a period of some 13 years when the U.S. dollar was at a substantial premium. When the value of the Canadian dollar became higher than the value of the U.S. dollar, the sale price of nepheline syenite for export to the United States in U.S. dollars became lower than its home market price in Canada when expressed in U.S. dollars. However, as soon as the two companies were apprised of the significance of the practice under the Antidumping Act, they immediately proceeded to change that policy and to take cognizance of the prevailing exchange rates. These changes were made by one company on November 12, 1959, and by the other on November 16, 1959. Since those dates there have been no sales to U.S. purchasers at less than fair value attributable to differentials in the currency exchange rates.

The freight absorption aspect of this case emerged when domestic feldspar producers gained a more favorable competitive position as a result of certain freight reductions that were made applicable to their product in the United States. Following these changes in freight rates, the Canadian exporters began, in January 1959, to absorb a sufficient part of the freight charges to equal the most recent freight advantages obtained by the domestic feldspar producers. The freight absorptions caused the price of some nepheline syenite to U.S. importers to be lower than its price to purchasers in Canada for home consumption. The evidence shows that the exporters were endeavoring to retain, rather than to expand, their market in the United States; that they in fact did not take a single customer away from the feldspar industry by reason of this practice; and that the domestic feldspar industry was able to expand during the period when part of the freight charges were absorbed.

The freight absorption practice was discontinued by both exporters in March 1960, several months before customs officials had actual knowledge of it. Moreover, one exporter adjusted its home market price in such a fashion in November 1959 that no actual sales at less than fair value resulted from freight absorption after November 1959.

The Canadian exporters demonstrated full cooperation with U.S. customs officials in seeking a way to remove any basis for a charge of "dumping." To accomplish this they reduced their home market price to the extent necessary to obviate any need for absorption of freight charges and now sell to all purchasers, including those in Canada, at prices in terms of U.S. dollars.

The evidence does not show that the domestic feldspar industry has suffered injury attributable to the past pricing policies of the Canadian exporters. The new pricing policies adopted by the Canadian exporters obviate the need for any absorption of freight charges; due regard is now given by the exporters to the prevailing rates of exchange; and the former pricing policies that resulted in the sales at less than fair value were without predatory purpose and have been abandoned. Accordingly, the resumption of the former pricing policies is not likely and, therefore, a domestic industry is not likely to be injured by reason of the importation from Canada of nepheline syenite that is sold below its fair value.

This determination and statement of reasons are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

By the Commission.

[SEAL] DONN N. BENT,
*Secretary.*

[F.R. Doc. 61-872; Filed, Jan. 30, 1961; 8:47 a.m.]

# OFFICE OF CIVIL AND DEFENSE MOBILIZATION

## GERHARD D. BLEICKEN

### Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Vice President and Secretary, John Hancock Mutual Life Insurance Co., Boston, Mass.; Director, Robinson Technical Products, Inc., Teterboro, N.J.; Director, High Vacuum Equipment Corp., Hingham, Mass.; Trustee, B&M Real Estate Trust, Hingham, Mass.

This amends statement published July 21, 1960 (25 F.R. 6940).

Dated: January 9, 1961.

GERHARD D. BLEICKEN.

[F.R. Doc. 61-854; Filed, Jan. 30, 1961; 8:45 a.m.]



# ATOMIC ENERGY COMMISSION

[Docket No. 50-54]

## UNION CARBIDE CORP.

### Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to October 1, 1961, the latest completion date specified in Construction Permit No. CPRR-18, as amended, for construction of the pool-type research reactor to be located on Union Carbide Corporation's site at Sterling Forest, Tuxedo Township, Orange County, New York.

Copies of the Commission's order and of the application by Union Carbide Corporation are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 24th day of January 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-853; Filed, Jan. 30, 1961; 8:45 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Research Service

## CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

### Identification of Carcasses

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 (25 F.R. 5863) the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on January 1, 1961, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after January 1, as using humane methods on January 1, or a later date in January will be listed in a supplemental list. Previously published lists represented establishments reported in December 1960 or January 1961 as humanely slaughtering and handling the designated species of livestock on December 1 or some later date in December 1960 (25 F.R. 13796 and 26 F.R. 262). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| Armour and Co. | 2AD | (*) | (*) | | | | |
| Do. | 2AT | (*) | | (*) | | (*) | |
| Do. | 2AU | (*) | | | | | |
| Do. | 2B | (*) | (*) | | | (*) | |
| Do. | 2C | (*) | | (*) | | (*) | |
| Do. | 2E | (*) | | (*) | | (*) | |
| Do. | 2F | (*) | (*) | (*) | | (*) | |
| Do. | 2H | (*) | | (*) | | (*) | |
| Do. | 2LT | (*) | | | | | |
| Do. | 2SD | (*) | (*) | (*) | (*) | (*) | |
| Do. | 2WN | (*) | | (*) | | | |
| Swift and Co. | 3A | (*) | (*) | (*) | | (*) | |
| Do. | 3AC | (*) | | | | | |
| Do. | 3AE | (*) | (*) | | | (*) | |
| Do. | 3AF | (*) | | | | | |
| Do. | 3AN | (*) | (*) | | | (*) | |
| Do. | 3AW | (*) | | (*) | | (*) | |
| Do. | 3B | (*) | (*) | (*) | | (*) | |
| Do. | 3C | (*) | | (*) | | | |
| Do. | 3CC | (*) | | (*) | | | |
| Do. | 3D | (*) | (*) | (*) | | (*) | |
| Do. | 3E | (*) | (*) | (*) | | (*) | |
| Do. | 3F | (*) | | (*) | (*) | (*) | |
| Do. | 3FF | (*) | | (*) | | | |
| Do. | 3K | (*) | | | | | |
| Do. | 3L | (*) | | | | (*) | |
| Do. | 3N | (*) | (*) | (*) | | (*) | |
| Do. | 3NN | (*) | | | | (*) | |
| Do. | 3R | (*) | | | | (*) | |
| Do. | 3S | (*) | | | | (*) | |
| Do. | 3UU | (*) | (*) | (*) | | (*) | |
| Do. | 3W | (*) | (*) | | | | |
| Do. | 3Z | (*) | (*) | | | | |
| Do. | 6C | (*) | (*) | | | (*) | |
| Lykes Bros., Inc., of Georgia | 8 | (*) | (*) | | | | |
| The Cudahy Packing Co. | 10 | (*) | (*) | (*) | | (*) | |
| Hygrade Food Products Corp. | 12 | (*) | (*) | (*) | | (*) | |
| Do. | 12C | (*) | | | | | |
| Do. | 12D | (*) | | | | | |
| Do. | 12G | (*) | (*) | | | (*) | |
| Do. | 12P | (*) | | | | | |
| Mickelberrys Food Products Co. | 16 | (*) | | | | | |
| John Morrell and Co. | 17 | (*) | (*) | | | (*) | |
| Do. | 17A | (*) | | | | | |
| Do. | 17D | (*) | (*) | (*) | | (*) | |
| C. Finkbeiner, Inc. | 18 | (*) | | | | | |
| The Cudahy Packing Co. | 19 | (*) | (*) | (*) | | (*) | |
| The Cudahy Packing Co. of Nebraska | 19E | (*) | (*) | | | | |
| Wilson and Co., Inc. | 20A | (*) | | | | | |
| Do. | 20N | (*) | (*) | (*) | | (*) | |
| Do. | 20Q | (*) | | | | | |
| Do. | 20Y | (*) | (*) | (*) | | (*) | |
| Swift and Company | 23 | (*) | | | | | |
| Brander Meat Co. | 25 | (*) | | | | | |
| American Packing Co. | 26 | (*) | (*) | (*) | | (*) | |
| Patrick Cudahy, Inc. | 28 | (*) | (*) | (*) | | (*) | |
| Kreinberg and Krasny, Inc. | 30 | (*) | | | | | |
| Roegelein Provision Co. | 32 | (*) | (*) | | | (*) | |
| Valleydale Packers, Inc. | 34 | (*) | (*) | (*) | | (*) | |
| Montana Packing Co., Inc. | 37 | (*) | (*) | | | | |
| Pocomoke Provision Co. | 39 | (*) | (*) | (*) | | | |
| Armour and Co. | 40 | (*) | (*) | (*) | | (*) | |
| Sunnyland Packing Co. | 43 | (*) | | | | (*) | |
| Stark Wetzel and Co., Inc. | 44 | (*) | | | | | |
| Stark Wetzel and Co. | 44A | (*) | | | | (*) | |
| Idaho Meat Packers | 46 | (*) | (*) | (*) | | (*) | |
| Consolidated Dressed Beef Co., Inc. | 47 | (*) | (*) | (*) | | | |
| Lackawanna Beef and Provision Co. | 49 | (*) | | | | | |
| Nevada Meat Packing Co. | 52 | (*) | | (*) | | (*) | |
| Midwestern Beef, Inc. | 53 | (*) | | | | | |
| Sunnyland Packing Co. of Alabama | 56 | (*) | | | | | |
| Swift and Co. | 59 | | (*) | (*) | | | |
| Glover Packing Co. of Amarillo | 60 | (*) | | | | | |
| Weiland Packing Co., Inc. | 61 | | | | | (*) | |
| Empire Packing Corp. | 65 | | | | | (*) | |
| Somerville Packing Co. | 66 | | | | | (*) | |
| The Quaker Oats Co. | 67E | | | | | | (*) |
| Minchs Wholesale Meats, Inc. | 72 | (*) | (*) | (*) | | (*) | |
| Eastern Packing Co. | 74E | | | | | | (*) |
| Armour and Co. | 75 | (*) | (*) | (*) | | | |
| The Braun Brothers Packing Co. | 79 | (*) | | | | (*) | |
| City Packing Co. | 80 | (*) | (*) | | | | |
| The Cudahy Packing Co. | 81 | (*) | | | | (*) | |
| Hill Packing Co. | 83E | | | | | | (*) |
| Edgar Packing Co. | 84 | | (*) | | | | |
| Excel Packing Co., Inc. | 86 | (*) | | | | | |
| The E. Kahns Sons Co. | 89 | (*) | (*) | (*) | | (*) | |
| Hygrade Food Products Corp. | 90 | (*) | | | | | |
| Sugardale Provision Co. | 92 | (*) | | | | (*) | |
| Shonyo Packing Co. | 93 | (*) | | | | | |
| The P. Brennan Co. | 94 | | | | | (*) | |
| The Val Decker Packing Co. | 95 | (*) | (*) | (*) | | | |
| Wm. G Rehns Sons. | 96 | (*) | (*) | | | | |
| John Engelhorn and Sons. | 97 | | | | | (*) | |
| A. Kochs Sons. | 98 | (*) | (*) | | | | |
| Armour and Co. | 100 | (*) | (*) | (*) | | | |
| H. Graver Co. | 103 | (*) | (*) | (*) | | | |
| Swift and Co. | 104 | (*) | | (*) | | (*) | |
| J. Lynn Cornwell, Inc. | 107 | | | | | (*) | |
| Aurora Packing Co., Inc. | 110 | (*) | | | | | |
| Wilson and Co., Inc. | 111 | (*) | (*) | (*) | | (*) | |
| Hoffman Packing Co., Inc. | 112 | (*) | | | | | |
| Morris Packing Co. | 113 | (*) | | | | | |
| West Coast Meat Co., Inc. | 117 | (*) | (*) | (*) | | | |
| Wilson and Co., Inc. | 119 | (*) | | | | | |
| Marhoefer Packing Co. Inc. | 121 | (*) | | | | (*) | |
| E. J. Archie and Sons, Inc. | 122 | (*) | | | | | |
| City Dressed Beef. | 125 | (*) | | | | | |
| Peyton Packing Co. | 126 | (*) | (*) | (*) | (*) | (*) | |
| Superior Packing Co. | 127 | (*) | | | | | |

| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| The Luer Packing Co | 128 | (*) | | | | (*) | |
| John Roth and Son, Inc | 130 | (*) | | | | | |
| Tobin Packing Co., Inc | 133 | | | | | (*) | |
| Ottawa Packing Co | 135 | (*) | | | | | |
| Armour and Co | 139 | (*) | (*) | (*) | | | |
| Edward J. Kluener, Inc | 142 | (*) | (*) | | | | |
| R. B. Rice Sausage Co., Inc | 144 | | | | | (*) | |
| Siegel Weiler Packing Co | 153 | (*) | | | | | |
| Kansas City Dressed Beef Co | 156 | (*) | | | | | |
| Joel E. Harrell and Son, Inc | 162 | (*) | | | | | |
| Southern Packing Co., Inc | 164 | (*) | (*) | | | (*) | |
| Swift and Co | 166A | (*) | (*) | (*) | (*) | (*) | |
| Camp Packing Co., Inc | 174 | (*) | | | | | |
| Armour and Co | 177 | (*) | (*) | | | | |
| Peerless Packing Co | 180 | | | | | (*) | |
| Montrose Beef Co | 181 | (*) | | | | | |
| Swift and Co | 185 | (*) | (*) | (*) | | | |
| The Rath Packing Co | 186 | (*) | (*) | | | (*) | |
| Do | 186C | (*) | (*) | | | | |
| Fort Dodge Packing Co., Inc | 187 | (*) | | | | | |
| Standard Packing Co | 188 | (*) | (*) | | | | |
| Seattle Packing Co | 191 | (*) | | (*) | | (*) | |
| Krey Packing Co | 102 | (*) | (*) | (*) | | (*) | |
| Hynes Packing Co | 197 | (*) | | | | | |
| George A. Hormel and Co | 199 | (*) | (*) | (*) | | (*) | |
| Do | 199D | | | | | (*) | |
| Do | 199I | | | | | (*) | |
| Do | 199N | (*) | | | | (*) | |
| Cudahy Packing Co | 202 | (*) | | | | (*) | |
| The Cudahy Packing Co | 203A | (*) | (*) | | | | |
| Emge Packing Co., Inc | 205 | (*) | (*) | | | (*) | |
| Central Packing Co., Inc | 208 | (*) | | | | | |
| S. Adams Packing Co | 211 | | (*) | | | | |
| Penn Packing Co | 212 | | | | | (*) | |
| Elburn Packing Co | 213 | (*) | | | | | |
| Kneip Packing Co | 213C | | (*) | | | | |
| Fred Dold and Sons Packing Co | 214 | (*) | | | | | |
| Lincoln Meat Co | 217 | (*) | | | | | |
| York Packing Co., Inc | 220 | | | | | (*) | |
| Gwaltney, Inc | 221A | | | | | (*) | |
| Armour and Co | 222 | (*) | | | | (*) | |
| Hygrade Food Products Corp | 224 | (*) | | | | (*) | |
| Do | 224B | (*) | (*) | | | | |
| Custom Processing Co., Inc | 227 | (*) | (*) | | | | |
| Gold Merit Packing Co., Inc | 232 | (*) | | | | | |
| Waltl Schilling and Co., Inc | 235 | (*) | | (*) | | | |
| Raskin Packing Co | 237 | (*) | | | | | |
| Armour and Co | 238 | | | (*) | | (*) | |
| P D and J Meats | 240 | (*) | (*) | | | | |
| Swift and Co | 241 | (*) | (*) | (*) | | (*) | |
| Greenwood Packing Plant | 242 | (*) | (*) | (*) | | (*) | |
| John Morrell and Co | 246 | (*) | | | | (*) | |
| The Danahy Packing Co | 247 | (*) | | | | (*) | |
| Swift and Co | 249 | (*) | | | | (*) | |
| Suber Edwards and Co | 250 | (*) | | | | (*) | |
| Balentine Packing Co., Inc | 258 | (*) | (*) | | | (*) | |
| The Jones Dairy Farm | 263 | (*) | | | | (*) | |
| Pacific Meat Co, Inc | 267 | (*) | (*) | | | | |
| System Meat Co | 269 | (*) | | | | | |
| Houston Packing Co | 271 | (*) | (*) | | | (*) | |
| Elliott Packing Co | 274 | (*) | (*) | (*) | | (*) | |
| Wilson and Co., Inc | 275 | (*) | | | | | |
| American Stores Co | 279 | (*) | | (*) | | | |
| Bookey Packing Co | 281 | (*) | | | | | |
| Agar Packing Co., Inc | 282 | (*) | | | | (*) | |
| Figge and Hutwelker Co | 283 | (*) | | | | (*) | |
| Solano Meat Co | 285 | (*) | (*) | (*) | | | |
| Roessler Packing Co. of Erie | 286 | (*) | (*) | (*) | | (*) | |
| Arbogast and Bastian Co | 289 | (*) | (*) | (*) | | (*) | |
| Sioux City Dressed Pork, Inc | 292 | | | | | (*) | |
| S. Schweid | 295 | (*) | (*) | (*) | | | |
| Gus Juengling and Son, Inc | 298 | (*) | | | | | |
| Waldock Packing Co | 299 | | | | | (*) | |
| Great Falls Meat Co | 301 | (*) | (*) | | | | |
| Commercial Packing Co., Inc | 302 | (*) | | | | | |
| Union Packing Co | 305 | (*) | | | | | |
| Union Packing Co | 305A | (*) | | | | | |
| Star Packing Co | 306 | (*) | | | | | |
| Survall Packing Co | 307 | (*) | | | | | |
| Melton Provision Co | 311 | (*) | (*) | (*) | (*) | | |
| Ideal Packing Co., Inc | 312 | (*) | | | | | |
| Greater New York Packing Co., Inc | 317A | (*) | | | | (*) | |

| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| Estes Bros Packing Co | 319 | (*) | (*) | | | | |
| Stadler Packing Co., Inc | 320 | (*) | | | | (*) | |
| Turlock Meat Co | 326 | (*) | (*) | | | | |
| Frisco Packing Co | 327 | (*) | | | | | |
| C and M Meat Packing Corp | 329 | (*) | (*) | | | | |
| Royal Packing Co | 331 | (*) | | | | | |
| Sokolik Packing Co | 331A | (*) | | | | | |
| Shapiro Packing Co., Inc | 332 | (*) | (*) | | | | |
| Great Western Packing Co., Inc | 334 | (*) | | | | | |
| Nobles Independent Meat Co | 335 | (*) | (*) | | | | |
| Midland Empire Packing Co., Inc | 339 | (*) | | | | | |
| Des Moines Packing Co | 340 | (*) | | | | | |
| Peters Packing Co., Inc | 341 | (*) | (*) | | | (*) | |
| State Packing Co., Inc | 344 | (*) | | | | | |
| Anna Packing Co | 345 | (*) | (*) | (*) | | | |
| Union Packing Co | 351 | (*) | | | | | |
| Samuels E Tex Packing Co | 354 | (*) | | | | | |
| Fresno Meat Packing Co | 354 | (*) | (*) | | | | |
| McCandless Packing Co., Inc | 355 | (*) | (*) | | | | |
| Heil Packing Co | 357 | | | | | (*) | |
| Marks Meat Co | 362 | (*) | | | | | |
| Meyers Packing Co | 363 | (*) | | | | | |
| United Dressed Beef Co | 364 | (*) | (*) | | | | |
| James Allan and Sons | 365 | (*) | | (*) | | (*) | |
| Westport Packing Corp | 369 | (*) | | | | | |
| Fischer Packing Co | 374 | (*) | (*) | | | (*) | |
| The John Hillberg and Sons Co | 375 | (*) | (*) | (*) | | | |
| Cross Bros. Meat Packers., Inc | 376 | (*) | (*) | (*) | | | |
| Emge Packing Co., Inc | 380 | (*) | (*) | | | (*) | |
| Smithfield Packing Co., Inc | 382 | | | | | (*) | |
| American Stores Co | 384 | (*) | | | | | |
| Liebmann Packing Co | 388 | (*) | (*) | | | | |
| Dugdale Packing Co | 390 | (*) | | | | | |
| Oldhams Farm Sausage Co., Inc | 392 | | | | | (*) | |
| Roth Packing Co | 394 | (*) | | | | | |
| The Northside Packing Co | 395 | (*) | (*) | | | | |
| Dubuque Packing Co | 396 | (*) | (*) | (*) | | (*) | |
| Logan Packing Co | 397 | (*) | | | | | |
| Watsonville Dressed Beef., Inc | 398 | (*) | (*) | | | | |
| Superior Packing Co | 399 | (*) | (*) | | | | |
| Los Banos Abattoir | 400 | (*) | (*) | | | | |
| Ceebee Packing Co | 404 | (*) | | (*) | | | |
| Neuhoff Bros | 406 | (*) | (*) | | | (*) | |
| Endlich Packing Co., Inc | 410 | (*) | | | | | |
| Alpine Packing Co | 412 | (*) | (*) | (*) | (*) | (*) | |
| The Lundy Packing Co | 413 | | | | | (*) | |
| Frosty Morn Meats | 414 | (*) | (*) | (*) | | (*) | |
| Philadelphia Boneless Beef Co | 418 | (*) | | | | | |
| Murray Packing Co., Inc | 421 | (*) | | | | | |
| E. W. Kneip Inc., of Iowa | 422 | (*) | | | | | |
| The Collins Packing Co | 423 | | | | | (*) | |
| Hebron Packing Co., Inc | 425 | (*) | (*) | | | | |
| Lone Star Packing Co | 433 | (*) | (*) | | | | |
| Monarch Meat Packing Co | 435 | (*) | | | | | |
| Queen Packing Corp | 436 | (*) | | | | | |
| Schneider Packing Co | 439 | (*) | | | | | |
| Omaha Dressed Beef Co | 441 | (*) | | | | | |
| Prime Packing Co., Inc | 443 | (*) | | | | | |
| Peerless Packing Co., Inc | 448 | (*) | | | | | |
| Rosenthal Packing Co., of Paris | 451 | (*) | (*) | | | | |
| Dewitt Packing Corp | 456 | (*) | (*) | | | | |
| Swift and Co | 459 | | | | | (*) | |
| Morris Rifkin and Sons., Inc | 460 | (*) | | | | | |
| Pioneer Provision Co | 461 | (*) | | | | | |
| Lancaster Packing Co | 462 | (*) | | | | | |
| Litvak Packing Co | 465 | (*) | | | | | |
| Beewar Packing Co | 467 | (*) | (*) | | | (*) | |
| Cornhusker Packing Co | 468 | (*) | | | | | |
| Eckert Packing Co | 471 | (*) | | | | (*) | |
| Balentine Packing Co | 473 | (*) | (*) | | | | |
| Armour and Co | 477 | (*) | (*) | (*) | | | |
| Eldridge Packing Co | 478 | (*) | | | | | |
| Middletown Beef Co. Inc | 483 | (*) | | | | | |
| St. Cloud Meat Packing Co | 485 | (*) | | | | | |
| East Tennessee Packing Co | 487 | (*) | (*) | | | (*) | |
| Memphis Butchers Association, Inc | 488 | (*) | (*) | | | (*) | |
| Nebraska Beef Co | 489 | (*) | | | | | |
| Goldring Packing Co., Inc | 490 | (*) | | (*) | | | |
| Mid State Packers, Inc | 494 | (*) | (*) | | | | |
| Triangle Meat Distributors, Inc | 497 | (*) | | | | | |
| Heim Brothers Packing Co | 499 | (*) | | | | (*) | |
| Greenlee Packing Co | 501 | (*) | | | | | |



| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| Swift and Co | 505 | (*) | | | | | |
| B. Rothschild and Co | 506 | (*) | | | | | |
| Frosty Morn Meats | 507 | (*) | (*) | | | | |
| Gruensfelder Packing Co | 508 | (*) | (*) | (*) | | | |
| Armour and Co | 509 | (*) | (*) | | | (*) | |
| The Hull and Dillon Packing Co | 510 | (*) | (*) | | | (*) | |
| Shen Valley Meat Packers, Inc | 511 | (*) | | | | (*) | |
| Snider Bros., Inc | 512 | (*) | (*) | | | | |
| Capitol Packing Co | 513 | (*) | (*) | (*) | | | |
| The Ohio Provision Co | 515 | (*) | | | | (*) | |
| Illinois Packing Co | 521 | (*) | | | | | |
| Pearl Packing Co., Inc | 524 | (*) | (*) | (*) | (*) | (*) | |
| Armour and Co | 525 | (*) | (*) | | | | |
| Smallwood Packing Co., Inc | 529 | (*) | | | | | |
| Omaha Packing Co | 532 | (*) | | | | | |
| Rosenthal Packing Co., Inc | 535 | (*) | (*) | (*) | (*) | | |
| Pepper Packing Co | 536 | (*) | | | | (*) | |
| Oscar Mayer and Co., Inc | 537A | (*) | (*) | (*) | | (*) | |
| Do | 537C | | | | | (*) | |
| Midwest Packing Co | 538 | (*) | | | | | |
| Greendell Packing Corp | 542 | (*) | (*) | | | | |
| United Dressed Meats, Inc | 546 | (*) | (*) | | | (*) | |
| Pride Packing Co., Inc | 549 | (*) | | | | | |
| Pinte Packing Co | 550 | (*) | (*) | | | | |
| Salter Packing Co | 551 | (*) | (*) | | | | |
| Black Hills Packing Co | 554 | (*) | | | | (*) | |
| Mid South Packers, Inc | 557 | (*) | | | | (*) | |
| The Cudahy Packing Co | 559 | (*) | (*) | | | | |
| D and W Packing Co | 560 | (*) | | | | | |
| Emery Land Co | 561 | (*) | | | | | |
| John Morrell and Co | 564 | | | | | (*) | |
| Texas Meat Packers, Inc | 565 | (*) | (*) | | | | |
| Perretta Packing Co, Inc | 571 | (*) | | | | | |
| Frosty Morn Meats, Inc | 576 | (*) | (*) | | | (*) | |
| Armour and Co | 579 | (*) | (*) | | | (*) | |
| Stahl Meyer, Inc | 583 | | | | | | |
| Andrew Peterman Co., Inc | 583 | | | | | | |
| Coffeyville Packing Co., Inc | 583 | | | | | | |
| F. A. Ferris & Co., Inc | 583 | | | | | | |
| Peoria Packing Co., Inc | 583 | (*) | | | | | |
| City of Austin Municipal Abattoir | 590 | (*) | (*) | | | | |
| Swift and Co | 591 | (*) | (*) | (*) | | (*) | |
| Harman Packing Co | 596 | (*) | | | | | |
| San Antonio Packing Co | 602 | (*) | (*) | (*) | | | |
| New York Central Packing Co | 606 | (*) | (*) | | | | |
| Swift and Co | 608 | (*) | | | | | |
| Midtown Veal and Mutton Co., Inc | 612 | (*) | | | | | |
| National Tea Co | 613 | (*) | | | | (*) | |
| Donner Packing Co | 614 | (*) | | | | | |
| Kummer Packing Co | 617 | (*) | (*) | (*) | | (*) | |
| Acme Meat Co., Inc | 618 | (*) | | | | | |
| Hill Packing Co | 623E | | | | | | (*) |
| City Packing Co | 625 | (*) | (*) | (*) | | | |
| Big Foot Packing Co., Inc | 627 | (*) | (*) | | | | |
| E. A. Miller and Sons Packing Co., Inc | 628 | (*) | | | | | |
| H. H. Keim Co | 630 | (*) | (*) | (*) | | (*) | |
| General Meat Co | 632 | (*) | | | | | |
| Ebner Bros. Packers | 633 | (*) | (*) | | | (*) | |
| Zipron Bros., Inc | 635 | (*) | | | | | |
| Auburn Packing Co., Inc | 636 | (*) | | | | | |
| R and C Packing Co | 645 | (*) | | | | | |
| Spencer Packing Co | 648 | (*) | | | | | |
| The William Schluderberg T. J. Kurdle Co. | 649 | (*) | (*) | (*) | | (*) | |
| John Morrell and Co | 650 | (*) | | | | (*) | |
| Nagle Packing Co | 653 | (*) | (*) | | | | |
| Milwaukee Dressed Beef Co | 654 | (*) | | | | | |
| Wilson and Co., Inc | 655 | (*) | | (*) | | | |
| Baums Bologna., Inc | 657 | (*) | | | | | |
| St. Louis Dressed Beef Co | 659 | (*) | | | | | |
| McCook Packing Corp | 660 | (*) | (*) | | | | |
| Quality Meat Packing Co | 661 | (*) | (*) | | | | |
| Globe Packing Co | 663 | (*) | | | | | |
| Scottsbluff Packing Co | 667 | (*) | | (*) | | | |
| San Joaquin Packing Co | 671 | (*) | | | | | |
| E. S. Read and Sons, Inc | 672 | (*) | (*) | | | | |
| Union Packing Co | 673 | (*) | | | | | |
| Jacob Baners Sons, Inc | 678 | (*) | | | | | |
| Armour and Co | 680 | (*) | (*) | (*) | | (*) | |
| Cascade Meats, Inc | 681 | (*) | | | | | |
| Haas Davis Packing Co., Inc | 682 | (*) | (*) | (*) | | (*) | |
| Nations Brothers Packing Co | 684 | (*) | (*) | | | (*) | |

| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| The William Fockes Sons, Co | 685 | (*) | (*) | (*) | (*) | (*) | |
| The Sucher Packing Co | 689 | (*) | | | | | |
| Pierce Packing Co., Inc | 691 | (*) | | | | | |
| Marco Packing Co | 692 | (*) | (*) | | | | |
| Bryan Meat Co | 695 | (*) | | | | | |
| Kramer Beef Co | 695 | (*) | | | | | |
| Carter Packing Co | 698 | (*) | (*) | | | | |
| Central Nebraska Packing Co | 713E | | | | | | (*) |
| Davenport Packing Co., Inc | 716 | (*) | | | | | |
| Crawford County Packing Co | 717 | | | | | (*) | |
| The Joseph N. Rice Co | 719 | (*) | (*) | | | | |
| Coast Packing Co | 724 | (*) | | | | (*) | |
| Swift and Co | 726 | (*) | (*) | (*) | | (*) | |
| Decker and Son | 727 | | | | | | |
| Jacob Schlachters Sons Co | 739 | (*) | (*) | (*) | | | |
| William N. Peters, Inc | 741 | (*) | | | | | |
| Howard Pancero and Co | 747 | (*) | (*) | | | | |
| Ruchti Bros | 749 | (*) | (*) | | | | |
| Luck Brothers Cooperative Packing Co | 753 | (*) | | | | | |
| Monroe Packing Co., Inc | 755 | (*) | | | | | |
| Seitz Packing Co., Inc | 756A | (*) | | | | | |
| Philadelphia Dressed Beef Co | 758 | (*) | | | | | |
| Schaake Packing Co., Inc | 761 | (*) | | | | | |
| Earl C. Gibbs, Inc | 770 | (*) | | | | | |
| Cadwell Martin Meat Co | 773 | (*) | | | | | |
| Atlas Packing Co | 776 | (*) | | | | | |
| Dale Packing Co., Inc | 777 | (*) | | | | | |
| The Cudahy Packing Co | 779 | (*) | (*) | | | (*) | |
| Bryan Bros. Packing Co | 780 | (*) | | | | (*) | |
| Diamond Meat Co., Inc | 783 | (*) | | | | | |
| Granite State Packing Co | 785 | (*) | | | | | |
| John Polak Packing Co | 788 | (*) | (*) | (*) | | | |
| Wimp Packing Co | 791 | (*) | | | | | |
| Baums Meat Packing | 792 | (*) | | | | | |
| Max Bauer Meat Packer | 800 | (*) | (*) | | | | |
| Acces Meat Co., Inc | 809 | (*) | | | | | |
| McFarland, Inc | 811 | (*) | (*) | | | (*) | |
| Midwest Packing Co., Inc | 812 | (*) | | | | | |
| William N. Peters, Inc | 813 | (*) | | | | | |
| Rochester Independent Packer, Inc | 817 | (*) | | | | | |
| Henry Meyers Sons, Inc | 822 | (*) | | | | | |
| Home Packing Co | 823 | (*) | (*) | | | (*) | |
| Hibbs Packing Co | 825 | (*) | | | | | |
| Penford Packing Co | 827 | (*) | (*) | | | | |
| Bristol Packing Co | 828 | (*) | | | | | |
| Berchems Meat Co | 830 | (*) | | | | | |
| Norman Peters Packing Co | 834 | (*) | | | | | |
| John Morrell and Co | 836 | (*) | | | | | |
| Nat Buring Packing Co. of Ark., Inc | 837B | (*) | | | | (*) | |
| Frederick County Products, Inc | 838 | (*) | (*) | | | | |
| Herman Kempers Sons | 839 | (*) | (*) | | | (*) | |
| Reelfoot Packing Co | 840 | (*) | | | | (*) | |
| G. Bartusch Packing Co | 843 | (*) | | | | | |
| N.J. Garden State Provision Co., Inc | 851 | (*) | (*) | | | | |
| Sioux City Dressed Beef, Inc | 857 | (*) | | | | | |
| Siouxland Dressed Beef Co., Division of Needh. | 857F | (*) | | (*) | | | |
| Glaser Dressed Beef Co | 857G | (*) | | | | | |
| Jordan Meat Co | 858 | (*) | (*) | (*) | | (*) | |
| Sam McDaniel and Sons, Inc | 859 | (*) | | | | | |
| Wells and Davies Packing Co | 860 | (*) | (*) | | | (*) | |
| Sierra Meat Co | 862 | (*) | | | | | |
| Christensen Meat Co | 865 | (*) | (*) | | | | |
| Gunsberg Beef Co | 867 | (*) | | | | | |
| Long Creek Meat Co | 870 | (*) | | | | | |
| Midwestern Packing Co., Inc | 878 | (*) | (*) | | | (*) | |
| Pahler Packing Corp | 880 | (*) | | | | | |
| Vermont Dressed Beef Co., Inc | 883 | (*) | | | | | |
| William Davies Co., Inc | 883A | (*) | (*) | | | (*) | |
| O'Neill Packing Co | 889 | (*) | | | | | |
| Sambol Packing Co | 892 | (*) | | | | | |
| Tobin Packing Co., Inc | 893 | (*) | | | | (*) | |
| Vernon Calhoun Packing Co | 897 | (*) | | | | | |
| Meats, Inc | 899 | (*) | (*) | | | | |
| Sigman Meat Co., Inc | 901 | (*) | (*) | | | | |
| Hoosier Veterinary Laboratories, Inc | 912 | (*) | | | | (*) | |
| National Meat Packers, Inc | 917 | (*) | (*) | | | | |
| Wisconsin Packing Co | 924 | (*) | | | | | |
| Peoples Packing Co | 925 | (*) | (*) | (*) | | (*) | |
| Kerber Packing Co | 929 | (*) | | | | | |
| Tarpoff Packing Co | 931 | (*) | | | | | |
| McKenney Meat Co | 932 | (*) | (*) | | | | |

| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| E. B. Manning and Son | 934 | (*) | | | | | |
| Cappellino Abattoir, Inc. | 939 | (*) | | | | | |
| Wilson and Co., Inc. | 940 | (*) | (*) | | | (*) | |
| Gentner Packing Co., Inc. | 941 | (*) | | | | | |
| Whitehall Packing Co | 946 | (*) | (*) | | | | |
| M. Brizer & Co. | 948 | (*) | | | | | |
| Joe Doctorman and Son Packing Co., Inc. | 949 | (*) | (*) | (*) | | | |
| The Quaker Oats Co. | 952E | | | | | (*) | (*) |
| Armour and Co. | 956 | (*) | | | | | |
| Greater Omaha Packing Co., Inc. | 960 | (*) | | | | | |
| Virginia Packing Co., Inc. | 963 | (*) | (*) | (*) | | | |
| Earl Flick Wholesale Meats, Inc. | 965 | (*) | (*) | | | (*) | |
| T. L. Lay Packing Co. | 967 | (*) | | | | | |
| Greeley Capitol Packing Co. | 969 | (*) | | (*) | | | |
| Hawaii Meat Co., Ltd. | 970 | (*) | (*) | (*) | | | |
| Perlin Packing Co., Inc. | 974 | (*) | (*) | | (*) | | |
| National Food Stores, Inc. | 981 | (*) | | | | (*) | |
| Reitz Meat Products Co. | 983 | | | | | | |
| Eagle Packing Co. | 987 | (*) | | | | | |
| The Klarer Co. | 995 | (*) | (*) | | | | |
| Do. | 995A | | | | | (*) | |
| Do. | 995C | (*) | | | | (*) | |
| Valley Meat Co. | 1009 | (*) | (*) | (*) | | | |
| Armour and Co. | 1085 | (*) | (*) | | | | |
| Browns Packing House | 1154 | (*) | | | | (*) | |
| Landy Packing Co. | 1171 | (*) | | | | | |
| The Harris Packing Co. | 1175 | | | | | (*) | |
| A. F. Moyer and Sons, Inc. | 1311 | (*) | (*) | | | | |
| McCabe Packing Plant | 1312 | (*) | (*) | (*) | | | |
| Samuels and Co., Inc. | 1313 | (*) | | | | | |
| H and H Packing Co. | 1315 | (*) | (*) | | | | |
| Nebraska-Iowa Dressed Beef Co. | 1318 | (*) | | | | | |
| MCDE Packing and Processing Co., Inc. | 1353 | | (*) | | | (*) | |

Done at Washington, D.C., this 24th day of January 1961.

R. K. SOMERS,
*Acting Director,*
*Meat Inspection Division,*
*Agricultural Research Service.*

[F.R. Doc. 61-852; Filed, Jan. 30, 1961; 8:45 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP61-2]

## CHICAGO DISTRICT PIPELINE CO.

### Notice of Application and Date of Hearing

JANUARY 25, 1961.

Take notice that on July 5, 1960, Chicago District Pipeline Company (Applicant), 122 South Michigan Avenue, Chicago 3, Illinois, filed an application, as supplemented on July 21, 1960, in Docket No. CP61-2, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate a tap connection and metering facilities on its existing 36-inch Calumet Pipeline No. 3 in Manhattan Township, Will County, Illinois, in order to deliver natural gas to Northern Illinois Gas Company (Northern Illinois) for resale and distribution in the Village of Manhattan and environs in Manhattan Township near Chicago, Illinois, all as more fully set forth in the application and supplement on file with the Commission and open for public inspection.

The application shows that Northern Illinois will construct and operate a distribution system in the Village of Manhattan and the general surrounding area under a 50-year franchise granted by the Village.

Applicant states that it receives natural gas for the account of Northern Illinois from Natural Gas Pipeline Company of America and Midwestern Gas Transmission Company at points near Joliet and Elgin, Illinois, and delivers such gas to Northern Illinois at various points in the Chicago area. Applicant does not sell gas to Northern Illinois, but only transports gas for it.

The estimated cost of Applicant's proposed facilities is $9,000 which cost will be paid from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 27, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 17, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-855; Filed, Jan. 30, 1961; 8:45 a.m.]

[Docket No. CP60-119]

## CITY OF MUSCLE SHOALS, ALABAMA

### Notice of Application and Date of Hearing

JANUARY 25, 1961.

Take notice that on June 13, 1960, the City of Muscle Shoals, Alabama (Applicant) filed an application, pursuant to section 7(a) of the Natural Gas Act and on July 11, 1960, a supplement thereto, for an order directing Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) to establish physical connection of its transportation facilities with the facilities of, and sell natural gas to, Applicant or any gas board created by Applicant for distribution and resale in the City of Muscle Shoals and the surrounding territory, all as more fully described in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct, own and operate a natural gas system consisting of 4½ and 3½ O.D. transmission mains connecting with the main line of Alabama-Tennessee on 6th Street near the west corporate limits of Applicant and a distribution system within its corporate limits and the surrounding territory. Under the proposal, Alabama-Tennessee would construct its own metering station at the point of connection.

The estimated total cost of the proposed construction is $315,000, which Applicant proposes to finance by the issuance of 29 year 5½ percent natural gas revenue bonds.

Estimated annual and peak day requirements are as follows:

[In thousand cubic feet]

| | First year | Second year | Third year |
|---|---|---|---|
| Annual | 145,948 | 154,272 | 162,59 |
| Peak day | 750 | 815 | 88 |

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 6, 1961, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 21, 1961.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-856; Filed, Jan. 30, 1961; 8:45 a.m.]



[Docket No. 14871 etc.]

## TRANSWESTERN PIPELINE CO. ET AL.

### Order Fixing Date of Hearing and Procedure for Presentation of Evidence

JANUARY 25, 1961.

Transwestern Pipeline Co., Docket No. G-14871; Gulf Oil Corp., Docket Nos. G-14925, G-14940, G-14950, G-16139, G-16141, G-16218; Pure Oil Co., Docket No. G-15040; Monsanto Chemical Co., Docket No. G-15318; Humble Oil Refining Co., Docket No. G-15714; Sun Oil Co., Docket No. G-15791; Union Oil Co. of California, Docket No. G-15810; Warren Petroleum Co., Docket Nos. G-16030, G-16031; British American Oil Producing Co., Docket Nos. G-16091, G-16093, G-16103; Curtis R. Inman, Docket No. G-16106; Richardson & Bass, et al., Docket No. G-16137; G. H. Vaughn, Jr., et al., Docket No. G-16195; Cities Service Gas Co., Docket No. G-16216; Superior Oil Co., Docket No. G-16261; Magnolia Petroleum Co., Docket Nos. G-16367, G-16368, G-16432; Hunt Oil Co., Docket No. G-16445.

On January 12, 1961, the above-entitled proceedings were adjourned by the examiner after cross-examination of certain staff witnesses, subject to further order of the Commission.

The examiner indicated that, in view of conflicting assignments to other dockets, the earliest possible date upon which he would be available to reconvene the hearing would be March 28, 1961.

Counsel for the Southern California Companies,[1] interveners in the proceedings, indicated on the record that he desired to present testimony in rebuttal of testimony which had been presented by certain of the Applicants. He indicated, further, that such rebuttal testimony could be served by February 14, 1961. The examiner directed that any further rebuttal evidence on the part of the staff be served on or before March 1, 1961. The hearing was then recessed until March 28, 1961, subject to the approval of the Commission.

It appears from the record that certain of the producers who are parties to the instant proceeding have indicated the possibility of presenting evidence in "surrebuttal" to the evidence of the staff and interveners at some future hearing. However, in the interest of expediting the proceeding, we believe that such "surrebuttal" evidence can readily be served on or before March 15, 1961, and presented on March 28, 1961, or as soon thereafter following the submission of any remaining rebuttal by the staff and interveners and the cross-examination with respect thereto. The above-outlined procedure will afford all parties an adequate opportunity to complete the presentation of all relevant rebuttal evidence, without unnecessary delay and without the necessity for any further adjournment subsequent to March 28, 1961.

The Commission finds:

(1) Due to the conflict of dockets assigned to the presiding examiner in other proceedings, it is not feasible for the instant proceeding to be heard until March 28, 1961.

(2) It is necessary and appropriate in the public interest that the proceeding herein be expedited by requiring staff and interveners to complete the presentation of any further rebuttal evidence on the date the proceeding reconvenes, i.e., March 28, 1961, and upon completion of cross-examination with respect thereto that any further evidence which may properly be received as "surrebuttal" be presented by the Applicants.

The Commission orders:

(A) Further hearing in these proceedings will be reconvened on March 28, 1961.

(B) Any intervener desiring to introduce rebuttal evidence shall serve such evidence in the form of proposed testimony and exhibits on or before February 14, 1961.

(C) The staff shall serve any remaining testimony and exhibits for rebuttal on or before March 1, 1961.

(D) The order of procedure at the reconvened hearing shall be as follows:

The staff and interveners shall first introduce any rebuttal evidence previously served upon parties, to be followed immediately therafter by cross-examination. Following which, any relevant "surrebuttal" evidence shall be introduced and cross-examination with respect thereto shall proceed immediately thereafter.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-857; Filed, Jan. 30, 1961; 8:45 a.m.]

[1] (Southern California Gas Company, Southern Counties Gas Company of California and Pacific Lighting Gas Supply).

# DEPARTMENT OF COMMERCE

## Office of the Secretary

## FREDERICK L. GRAF

### Statement of Changes In Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: Reva Enterprises, Inc.

This statement is made as of January 13, 1961.

FREDERICK L. GRAF.

[F.R. Doc. 61-873; Filed, Jan. 30, 1961; 8:48 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 441]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 26, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63686. By order of January 23, 1961, the Transfer Board approved the transfer to Lomar Transportation Co., Inc., Philadelphia, Pa., of the operating rights remaining in Certificate No. MC 93313, issued December 23, 1955, to Louis Marianni, doing business as Lomar Transportation Co., Philadelphia, Pa., authorizing the transportation of: Household goods, green hides, salted and pickled, vending machines, sheepskins, artificial flowers, and green hides and skins, salted, from, to, or between specified points in Pennsylvania, Delaware, Maryland, New York, and New Jersey. Raymond A. Thistle, Jr., Suite 601, 226th South 16th Street, Philadelphia, Pa., attorney for applicants.

No. MC-FC 63845. By order of January 24, 1961, the Transfer Board approved the transfer to Kehe Motor Service, Inc., 29 North Hickory Avenue, Arlington Heights, Ill., of Certificate No. MC 63136, issued October 28, 1940, to Fred H. Kehe, doing business as Kehe Motor Service, 29 North Hickory Avenue, Arlington Heights, Ill., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and various specified commodities, between Chicago, Ill., and Palatine, Ill., with service to and from the intermediate points of Des Plaines, Mt. Prospect, and Arlington Heights, Ill.

No. MC-FC 63874. By order of January 23, 1961, the Transfer Board approved the transfer to Wright Motor Lines, Inc., Asheville, N.C., for Certificates in Nos. MC 74367 and MC 74367 Sub 2, issued July 29, 1943, and August 16, 1948, respectively, to Billy Palma Wright, doing business as Wright Motor Lines, Asheville, N.C., authorizing the transportation of: General commodities,

excluding household goods, commodities in bulk, and other specified commodities, between points in Buncombe Co., N.C., on the one hand, and, on the other, Baltimore, Md., Philadelphia and Conshohocken, Pa., and points in the New York, N.Y., Commercial Zone; and lumber and wooden products over irregular routes, from Asheville, N.C., to points in Virginia, Maryland, Deleware, Pennsylvania, New Jersey, New York, and the District of Columbia. Boyce A. Whitmire, Attorney, P.O. Box 908, Hendersonville, N.C.

No. MC–FC 63889. By order of January 24, 1961, the Transfer Board approved the transfer to Cook's Transportation Co., Inc., Fall River, Mass., of Certificate in No. MC 37843, issued March 6, 1941, to Albert E. Cook, doing business as Cook's Transportation Company, Fall River, Mass., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities over regular routes, between Boston, Mass., and Newport, R.I.; between Providence, R.I., and New Bedford, Mass., and General commodities with exceptions as specified above, over irregular routes, between Boston, Mass., and Providence, R.I. I. S. Levin, Levin & Levin, attorney for applicants, Fall River National Bank Building, Fall River, Mass.

No. MC–FC 63895. By order of January 24, 1961, The Transfer Board approved the transfer to Theodore Achtelstatter, doing business as Ridgewood Moving & Storage Co., New York, N.Y., of Certificate No. MC 93041, issued March 10, 1941, to John J. Prendergast, doing business as O'Reilly Motor Van Company, New York, N.Y., authorizing the transportation, of: over irregular routes, of household goods, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and Pennsylvania. Morris Honig, 150 Broadway, New York 38, N.Y., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–859; Filed, Jan. 30, 1961; 8:46 a.m.]



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U.S. GOVERNMENT PRINTING OFFICE: 1961

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VOLUME 26 NUMBER 20

Washington, Wednesday, February 1, 1961

THE UNIVERSITY OF MICHIGAN
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**Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.**

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 2—FILLING COMPETITIVE POSITIONS

### Career-Conditional and Career Appointments

*Correction*

In F.R. Doc. 61–191, appearing at page 181 of the issue for Wednesday, Jan. 11, 1961, the citation at the end of § 2.301(c)(2) should read "in Subpart C of Part 9 of this chapter" instead of "in Subpart C of this part".

## Title 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

### PART 481—RICE

### Subpart—Revision I of the Rice Export Program Payment-in-Kind (GR–369) Terms and Conditions

The terms and conditions of the rice export program, payment-in-kind (GR–369) (23 F.R. 9656) as amended (24 F.R. 4657) (24 F.R. 7807) (25 F.R. 3835) and (25 F.R. 7713) are further amended herein and are reissued as revision I, as follows:

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AUTHORITY: §§ 481.101 to 481.156 issued under sec. 5, 62 Stat. 1072; 15 USC 714c. Interpret or apply sec. 407, 63 Stat. 1051, as amended; sec. 201(a), 70 Stat. 188; 7 USC 1427, 1851.

GENERAL

**§ 481.101 General statement.**

Commodity Credit Corporation (referred to in this subpart as "CCC") will conduct an export program pursuant to the following terms and conditions (referred to in this subpart as the "program") under which an exporter may agree to export milled rice and brown rice, as defined in § 481.153, and after exportation may apply for an export payment in the form of a certificate which is redeemable in rice owned by CCC, or in corn, oats, rye, barley, or grain sorghums (such grains, except rice, are hereinafter referred to as feed grains), owned by CCC. The program is designed to encourage the exportation through normal trade channels of surplus rice held in private inventories and in CCC stocks in order (a) to aid the price support program by strengthening the domestic market price to producers, (b) to reduce the quantity of rice which would otherwise be taken into CCC's stocks under its price support program, (c) to promote the orderly liquidation of CCC stocks, and (d) to maintain and expand the market in friendly countries for United States produced rice. The program will be administered by Commodity Stabilization Service, United States Department of Agriculture (referred to in this subpart as CSS). Information pertaining to the program may be obtained from any CSS Commodity Office listed in § 481.140.

REQUIREMENTS FOR PARTICIPATION

**§ 481.105 General provisions.**

(a) Persons desiring to participate in this program shall submit offers as provided in § 481.106 to export rice (milled, or brown, or both) during a period of 120 days following acceptance of the offer by CCC at the export payment rates applicable to the rice exported, determined in accordance with § 481.110, in effect on the date the offer is accepted.

(b) Milled rice and brown rice exported under this program must have been produced in the United States.

(c) Milled rice and brown rice shall be exported under this program only to an eligible country as defined in § 481.150 and the milled rice or brown rice so exported shall not be transshipped or caused to be transshipped by the exporter to any country other than an eligible country.

(d) To be eligible for payment under this program, the exporter shall furnish documentary evidence of export of a quantity of milled rice or brown rice, as required in § 481.116, which evidence has not been used, or will not subsequently be used as evidence of export in connection with any other contract entered into pursuant to § 481.107 of this program or in connection with any other export program under which CCC has paid or has agreed to pay an export allowance, or in connection with any other export program which involves the sale of rice for export at prices which reflect any export allowance. Nothing herein shall be construed as precluding exportations of milled rice or brown rice under this program from fulfilling sales under Purchase Authorizations pursuant to Public Law 480, 83d Congress.

**§ 481.106 Submission of offers.**

(a) *Place and time.* Exporters desiring to participate in this program shall submit offers in writing, by letter, telegram, twx, or the tele-typewriter to:

Director, Grain Division, CSS, Room 3631, South Building, U.S. Department of Agriculture, Washington 25, D.C. TWX–WA 595

Such offers must be received in the Department of Agriculture by 3:30 p.m. (e.s.t. or e.d.t., whichever is in effect) of the day on which the exporter desires the offer to be considered by CCC for acceptance. Offers to export rice will be considered for acceptance hereunder beginning on the date this subpart is published in the FEDERAL REGISTER. Offers will be considered daily subsequent to such date, except that offers will not be considered for any Saturday, Sunday, or National Holiday, unless public announcement by CCC provides otherwise.

(b) *Form.* All offers must be signed by the exporter or his authorized agent and shall specifically state the following:

(1) The offer is subject to all of the terms and conditions of this subpart, and any amendments effective at the time the offer is submitted. The use of the term "GR–369, Revision I", in the offer and the word "Rice" shall signify that it is submitted subject to all such terms and conditions.

(2) The date for which the offer is submitted for acceptance.

NOTE: This date must show on the offer and may also appear in the lower left hand corner of the envelope in which written offers are submitted. An offer will be considered for acceptance only on the day speci-

fied and will not be considered on any other day unless the offer is resubmitted.

(3) The net quantity of rice to be exported, expressed in hundredweight.

(4) The CSS Commodity Office to which application for rice export payment certificates will be made.

(5) The name and address of the offerer. (*Example:* The following represents an offer to export 10,000 hundredweight of rice by John Doe Company: GR-369, Revision I—Rice. For consideration May 8, 10,000 hundredweight, Dallas Office.)

Signed: John Doe Export Company
By: Richard Roe, President,
400 Blank Street,
New York, N.Y.

(c) An exporter may separately submit more than one offer for consideration on any stated date. CCC reserves the right to waive any informality in connection with offers submitted for consideration. Offers will be considered in their entirety only, and offers containing conditions other than those authorized in this subpart will not be considered.

**§ 481.107 Acceptance by CCC.**

Upon acceptance of an exporter's offer, CCC will attempt to notify the exporter by telephone by 4:30 p.m. (e.s.t. or e.d.t., whichever is in effect) of the day on which the exporter desires the offer to be considered, and by the close of business of such day will forward to the exporter CCC Form 411, "Acceptance of Offer to Export," which shall constitute CCC's written acceptance of exporter's offer. The contract resulting from such acceptance shall consist of the exporter's offer, CCC's written acceptance, the terms and conditions of this subpart and any amendments in effect on the date of submission of the offer.

**§ 481.108 Exportation requirements.**

(a) (1) The exporter shall export or cause exportation within a 120-day period beginning on the date of CCC's acceptance of the exporter's offer or within any extension thereof approved in writing by the Vice President, CCC, of milled rice or brown rice to an eligible country in accordance with his contract with CCC. If an extension of the 120-day export period is approved, it may be made subject to such reduction in the export payment rate as may be specified by the Vice President, CCC.

(2) Exportation of rice by or to a United States Government agency[1] to or in a destination defined as an eligible country in § 481.150 shall not qualify as an exportation to an eligible country for the purposes of this program unless exportation is by or to the Army and Air Force Exchange Service or the Panama Canal Company, and an authorized official or employee of such agency certifies that the purchase price paid or to be paid by such service or such company for the rice exported is based in whole or in part upon an export price which reflects an export allowance under this program from which such service or company benefits.

(b) The exporter shall promptly furnish to CCC evidence of exportation as specified in § 481.116. Failure to furnish evidence of exportation within 150 calendar days from the date of CCC's acceptance of the exporter's offer or within 30 calendar days from the last date of any extension in time for exportation approved by the Vice President, CCC, pursuant to paragraph (a) of this section, whichever is later, shall constitute prima facie evidence of failure to export.

(c) (1) Failure of the exporter to export in accordance with the provisions of his contract with CCC shall constitute a default of his obligations to CCC. Exportation to an eligible country, and within the period of time specified in the exporter's contract with CCC or as approved by the Vice President, CCC, are of the essence of the contract and are conditions precedent to any right to payment under this program. Exportation to other than an eligible country, or during a period of time other than that specified in the exporter's contract with CCC or approved in writing by the Vice President, CCC, as provided in paragraph (a) of this section, shall not entitle the exporter to any payment under this subpart. Moreover, if the exporter does not export the quantity of rice specified in the exporter's contract with CCC, except as provided in § 481.109, such breach shall give rise to liquidated damages. Inasmuch as failure of the exporter to export will cause serious and substantial losses to CCC, such as damages to CCC's export and price support program, and the incurrence of storage, administrative and other costs, and it will be difficult, if not impossible to prove the exact amount of such damages, the exporter shall pay to CCC liquidated damages promptly upon demand for each hundredweight of rice not exported at the rate of $1.50 per hundredweight.

(2) The foregoing rate is agreed by the exporter and CCC to be a reasonable estimate of the probable actual damages that would be incurred by CCC. For the purposes of assessing liquidated damages, an exportation which has not been made within a period of 120 calendar days beginning on the date of CCC's acceptance of the exporter's offer or which has not been made by the last day of any extension in time for exportation approved in writing by the Vice President, CCC, whichever date is the later, shall be deemed not to have been made at all. In addition to the foregoing, an exporter may be denied the right to continue participating in this program for his failure to export in accordance with the provisions of his contract with CCC.

(d) If the exportation of any milled rice or brown rice pursuant to the exporter's contract with CCC does not qualify as an exportation to an eligible country as provided in paragraph (a) of this section, or if any milled rice or brown rice exported is reentered into the United States, including Alaska, Hawaii, or Puerto Rico, whether or not such reentry is caused by the exporter, or if any milled rice or brown rice exported is transshipped or caused to be transshipped by the exporter to any country excluded by § 481.150, the exporter shall be in default, shall refund any payment made by CCC, and with respect to any milled rice or brown rice reentered into the United States, shall pay to CCC the liquidated damages specified in paragraph (c) of this section. The exporter shall not be subject to such damages if he establishes to the satisfaction of CCC that (1) the reentry was not due to his fault or negligence and promptly after he received notice of reentry he exported the milled rice or brown rice required to be exported under his contract with CCC to an eligible country, or (2) the milled rice or brown rice reentered was lost, damaged, or destroyed and the physical condition is such that its reentry into the United States will not impair CCC's price support program.

**§ 481.109 Quantity tolerance.**

In the event an exporter exports or causes exportation in accordance with the requirements of § 481.108 of a net quantity of rice less than the net quantity provided in the exporter's contract with CCC, but not less than 95 percent of such quantity and submits a statement which establishes to the satisfaction of CCC that his failure to export the contract quantity is attributable to normal trade practices and not for the purpose of applying the quantity undershipped to a contract with CCC providing a higher export payment, he shall not be required to pay liquidated damages for failure to export the under-shipped quantity. In the event an exporter exports or causes exportation in accordance with the requirements of § 481.108 of a net quantity greater than the net quantity provided in the exporter's contract with CCC, but not in excess of 105 percent of such quantity and submits a statement which establishes to the satisfaction of CCC that exportation of the excess quantity is attributable to normal trade practices and not for the purpose of obtaining a higher export payment rate on the excess quantity than would otherwise be applicable, he may include such quantity in his application for export payment and receive payment for the quantity over-shipped at the same rate as provided in his contract with CCC. However, if the quantity exported is not more than ½ percent less or in excess of the contract quantity, no statement to establish that the under- or over-shipment was due to normal trade practices will be required.

**§ 481.110 Export payment rates.**

(a) CCC will issue rate schedules prior to the effective date of such schedules, listing the rates expressed in dollars and cents per hundredweight applicable to various classes and kinds of rice exported in accordance with this program. All rate schedules will be numbered, dated, and identified with the program, and will be effective for a period which shall be the longer of (1) the period specified in the rate schedules (which shall be not less than 7 calendar days), or (2) a period which ends on the calendar day preceding the effective date of the next rate schedule issued.

(b) Rates will be established for whole kernel milled rice of each class or variety and for the classes second heads, screenings and brewers milled rice. During 120-day periods each year, ending August 15 for varieties of rice produced in the Southern producing area and ending September 30 for varieties of rice produced in California, two subsidy rates will be in effect for rice of each class or variety and will be applicable to rice exported under contracts resulting from CCC's acceptance during such 120-day periods of offers to export rice under this program. As specified in the rate schedules, one rate established for each class or variety will apply to rice exported before the end of the 120-day period applicable to the class or variety exported and the second rate will apply to rice exported after the end of such 120-day period.

(c) The export payment rate per net hundredweight of milled rice or brown rice exported will be determined as follows:

(1) For milled rice other than second heads, screenings or brewers, grading U.S. No. 6 or better, the export payment rate will be computed by (i) multiplying the percent of whole kernels, as shown on the official lot inspection certificate, by the applicable whole kernel rate for the class or variety, (ii) multiplying the percent of broken kernels, as shown on the official lot inspection certificate, by the rate for second heads, and (iii) adding the results.

(2) For milled rice which does not grade U.S. No. 6 or better, the export payment rate will be computed by multiplying the applicable rates for whole kernels, second heads, and screenings and brewers, by the respective percentages of each, as shown on the official lot inspection certificate of the rice exported, and adding the results.

(3) For brown rice the export payment will be computed by multiplying the percentage of whole kernels and the percentage of broken kernels, as indicated by an official lot inspection certificate of the brown rice exported showing the milling yield, by the respective rates for the applicable class or variety of whole kernels and for second heads and adding the results.

(d) Nothing contained in this section shall be construed to extend the period for exportation specified in § 481.108.

RICE EXPORT PAYMENT CERTIFICATE

**§ 481.115 Application for Rice Export Payment.**

An original and two (2) copies of Application for Rice Export Payment, CCC Form 409, must be prepared and submitted together with the evidence of export, as provided in § 481.116, to the CSS Commodity Office shown on the acceptance of the exporter's offer. Supplies of CCC Form 409 and detailed instructions regarding the preparation and submission of the form may be obtained from the CSS Commodity Offices in Dallas and Portland (Oregon).

**§ 481.116 Documents required as evidence of export.**

(a) Each application for Rice Export Payment, CCC Form 409, must be supported by the following documents as applicable:

(1) Subject to the provisions of subparagraph (3) of this paragraph, if export is by water or air, a non-negotiable, duplicate copy of the applicable on-board commercial bill of lading signed by an agent of the export carrier, which shows the weight of the milled or brown rice, the identification of the export carrier, and that the rice is destined to an eligible country, together with, in the case of export by the Army and Air Force Exchange Service or the Panama Canal Company, the certification specified in § 481.108(a). In the case of rice in containers, a bill of lading showing the gross weight of the rice and the number of containers may be furnished, provided the bill of lading also shows the weight of the containers or the exporter furnishes an acceptable certification as to the weight of the containers. If exported under Public Law 480, 83d Congress, the purchase authorization number shall be shown on the bill of lading. Where loss, destruction, or damage to the rice occurs subsequent to loading aboard the export carrier but prior to issuance of on-board bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the bill of lading.

(2) Subject to the provisions of subparagraph (3) of this paragraph, if export is by rail or truck, and not under Public Law 480, 83d Congress, a Shipper's Export Declaration, authenticated by a representative of the Bureau of Customs at the port of export, which identifies the shipment(s), the date of clearance into the foreign country, and the weight of the rice or, if in containers, the weight of the rice less the weight of the containers, together with, in the case of export by the Army and Air Force Exchange Service or the Panama Canal Company, the certification specified in § 481.108(a). If export is under Public Law 480, 83d Congress, one unauthenticated copy of Shipper's Export Declaration (or photostat of an unauthenticated copy) which shall bear a statement certified by the exporter that "The authenticated copy of this Shipper's Export Declaration was forwarded to (name of banking institution) with my draft for financing of this shipment under P.A. No _____."

(3) If the export shipment is made by vessel, plane, truck, or other carrier, operated by a United States Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in subparagraphs (1) and (2) of this paragraph, the exporter may submit a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of carrier used, identification of the commodity, the quantity, and the export destination.

(4) One copy of an official lot inspection certificate-grade or lot inspection certificate-factor analysis, showing the variety and the percentage of whole kernels in the lot, properly identified to each cargo or carlot indicated in the export bill of lading or other documentary evidence of export, which was issued on the basis of an inspection (i) at the place and time of loading the rice to the export carrier, unless otherwise announced by CCC in writing prior to acceptance of the offer to export, or (ii) in the case of rice packed in bales or cases or where the total quantity of bagged rice on the export bill of lading is 500 cwt. or less, at any location, but not more than 45 days prior to export, if identifying markings peculiar to the lot of rice exported are shown on the inspection certificate, each export container, and the export bill of lading.

(5) On rice other than rice packed in bales or cases, a copy of an official loading weight certificate or a commodity examination report issued by the Agricultural Marketing Service which shows that the rice was check-weighed.

(6) Such additional evidence of export as CCC may require under the circumstances of any particular transaction to enable CCC to determine that there has been compliance with the export requirements hereof.

(b) If the shipper or consignor named in the on-board bill(s) of lading or the Shipper's Export Declaration(s) is other than the exporter named in the offer to export, waiver by such shipper or consignor of any interest in the application for payment in favor of such exporter is required. Such waiver must clearly identify the on-board bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence export.

(c) Where exportation of the rice has been made by anyone or transshipment made or caused by the exporter to one or more countries or areas to which a validated license is required by the Bureau of Foreign Commerce, U.S. Department of Commerce, the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, for such movement.

(d) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of rice which is applied against the exporter's contract with CCC, and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with CCC under this program, or under any other export program of CCC pursuant to which CCC has paid or agreed to pay an export allowance or has sold rice at prices which reflect any export allowance, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the exporter identifying all

[1] United States Government agency means any corporation wholly owned by the Federal Government and any department, bureau, administration or other unit of the Federal Government as, for example, the Departments of the Army, Navy and Air Force, the International Cooperation Administration, the Army and Air Force Exchange Service, and the Panama Canal Company. Sales of rice to foreign buyers, including foreign governments and not for transfer by such buyer to U.S. Government agency though financed with funds made available by a U.S. agency, such as the International Cooperation Administration or the Export-Import Bank, are not sales to a U.S. Government agency.

contracts with CCC to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract.

**§ 481.117 Description of certificate.**

Upon receipt of an Application for Rice Export Payment, CCC Form 409, and satisfactory evidence of export, the CSS Commodity Office will determine the amount of payment due and issue to the exporter a Rice Export Payment Certificate, CCC Form 410, hereinafter referred to as "certificate," for the amount due. Such certificate will be subject to the provisions contained therein and the applicable provisions of this subpart.

(a) *Payee.* Except as provided in § 481.137, the certificate will be issued only to the exporter whose offer to export has been accepted by CCC.

(b) *Face value.* The amount shown in the space provided for the face value of the certificate will be the amount obtained by multiplying the number of net hundredweight of rice exported in accordance with the exporter's contract with CCC by the appropriate export payment rate in effect on date exporter's offer was accepted by CCC.

(c) *Date of export.* The date of export shown on the certificate will be the date of export as defined in § 481.151.

REDEMPTION OF RICE EXPORT PAYMENT CERTIFICATE

**§ 481.120 General provisions.**

The certificate will be redeemable in rough rice which CCC makes available from its stocks for sale under this subpart either on a negotiated basis at the domestic market price, as determined by CCC, or on a bid basis, or will be redeemable in feed grains pursuant to the terms and conditions of Revision I of the Feed Grain Export Program—Payment-In-Kind (GR–368) (24 F.R. 7092) and any subsequent amendments thereto. The certificate may be presented to any of the CSS Commodity Offices which are designated by CCC to redeem certificates in rice or feed grains. The certificate may be transferred by endorsement subject to all terms and conditions contained in this section and §§ 481.121 to 481.150, which are applicable to the person or firm to whom it was originally issued.

**§ 481.121 Redemption value of certificates.**

A certificate will be accepted by CCC at face value if applied to the purchase of rice or feed grains under a contract with CCC entered into pursuant to this subpart which specifies a date of sale by CCC not more than 60 days after the date of export shown on the certificate. If a certificate is applied to a contract with CCC, as provided in this subpart, which specifies a date of sale by CCC more than 60 days after the date of export shown on the certificate, the value at which the certificate will be accepted will be the face value reduced by one-fiftieth of one percent for each day beginning on the 61st day after such date of export and ending on the date of sale specified in the CCC contract to which it is applied.

**§ 481.122 Offer to purchase rough rice with certificates.**

CCC will issue Schedules of Available Rough Rice showing variety, class, grade, milling yield, quantity, and location of rough rice for which offers may be submitted and will indicate any lots to be sold on a bid basis. Offers to purchase rough rice with certificates may be submitted by letter, telegram, or orally, except that offers for any lots to be sold on a bid basis must be submitted by letter or telegram, to the CSS Commodity Office from which the exporter desires delivery. The exporter must specify the kind of rough rice, class, grade, quality and quantity desired, and the desired delivery point. Notwithstanding anything contained in the Schedule of Available Rough Rice, CCC reserves the right to determine the kind of rough rice, classes, grades, qualities and quantities, and point of delivery for which offers to purchase rice on a negotiated basis will be considered, and to reject any offer, whether to purchase rice on a negotiated or bid basis, in whole or in part.

**§ 481.123 Creation of contracts.**

(a) Preliminary negotiations for the purchase of rough rice from CCC under this subpart, on a negotiated basis shall be confirmed by written Confirmation of Sale (hereinafter referred to, in connection with a sale on a negotiated basis, as "Confirmation") which shall be issued by the CSS Commodity Office in duplicate. One copy of such Confirmation shall be signed and returned by the exporter whose offer to purchase rough rice is accepted by CCC. Such Confirmation, together with the terms and conditions of this subpart and any amendments in effect on the date of sale, shall constitute the sales contract. Any provision of prior negotiations not contained in the Confirmation shall be of no effect. The term "date of sale", as used in this subpart and as applicable to a sale on a negotiated basis, shall mean the date that the parties concluded their preliminary negotiations, and such date will be specified in the Confirmation.

(b) Acceptance by CCC of bids for the purchase of rough rice under this subpart shall be by telegram (hereinafter referred to, in connection with a sale on a bid basis, as "Acceptance") which shall be filed in the telegraph office by the CSS Commodity Office. The exporter's bid, the Acceptance, the provisions of the applicable Schedule of Rough Rice which pertain to the lots of rough rice purchased on a bid basis, and the terms and conditions of this subpart and any amendments in effect on the date of sale, shall constitute the sales contract. The term "date of sale", as used in this subpart and as applicable to a sale on a bid basis, shall mean the date the Acceptance was filed in the telegraph office.

**§ 481.124 Purchase price.**

The purchase price shall be the current domestic market price as determined by CCC and specified in the Confirmation, basis point of delivery of the rough rice sold on a negotiated basis, or the bid price accepted by CCC and specified in the Acceptance, basis point of delivery of the rough rice sold on a bid basis.

**§ 481.125 Payment terms and financial arrangements.**

(a) The amount due CCC for rough rice purchased hereunder shall be paid by the exporter (referred to in §§ 481.125 through 481.131 as "purchaser"), by surrender to CCC within 90 days after the date of delivery of properly endorsed certificate(s). If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificates having the earliest dates of export shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a rice balance certificate which may be used on a subsequent purchase from CCC. The date of export shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of export shown on the balance certificate will be the latest date of export shown on a certificate applied to the purchase. The face value of the balance certificate will be determined by deducting from the face value of certificates surrendered to CCC, the purchase price of the rough rice and any discount applicable to the portion of the certificates being applied to the purchase as provided in § 481.121.

(b) Financial arrangements covering the purchase price specified in the confirmation or the acceptance of any rough rice purchased from CCC hereunder shall be made prior to delivery of the rough rice by CCC in one (or a combination) of the following ways:

(1) Surrender to the appropriate CSS Commodity Office of certificate(s) sufficient to pay for the rough rice.

(2) If a purchaser desires delivery prior to receipt by CCC of certificates, he may make payment in cash, certified check, or cashier's check for the rough rice to be delivered, or if delivery is to be made in store, he may request that CCC draw a sight draft on him through a named bank with warehouse receipts attached or request that CCC surrender the warehouse receipts to him in a simultaneous exchange for an acceptable remittance delivered at the CSS Commodity Office. To the extent that acceptable certificates are received by CCC within 90 days after delivery of the rough rice to the purchaser, CCC shall promptly make refund of funds received.

(3) If a purchaser desires delivery prior to receipt by CCC of certificates, he may establish an irrevocable commercial letter of credit acceptable to CCC for an amount equivalent to the total amount of the purchase price of the rough rice plus interest thereon for 60 days, against which CCC will not draw to the extent that the purchaser pays to CCC the purchase price of the rough rice and any applicable interest promptly upon presentation of invoices or prior to invoicing by CCC. To the extent that such payment is not made, CCC will draw drafts under the letter of credit for the amount remaining unpaid, supported by a statement specifying the amount due. When financial arrangements are made in this manner, the following shall apply:

(i) The letter of credit shall have an effective period of at least 60 days from the final date for delivery of the rough rice to the purchaser as specified in the confirmation or acceptance. If a single letter of credit is used for this purpose as well as for the upward adjustment in price required under paragraph (c) of this section, the effective period shall be 150 days from the final date for delivery.

(ii) Interest on the purchase price of the rough rice shall be paid in cash for the period from the date of delivery of the rough rice to the date CCC receives acceptable certificates or cash or, in the case of payments against sight drafts drawn by CCC, the date CCC estimates the draft will be paid. The rate of interest will be the rate in effect on the date of sale as announced in the CCC Monthly Sales List for sales made under the CCC credit sales program for periods up to 6 months. The interest shall be included in the amount of sight drafts drawn by CCC.

(iii) Unless otherwise requested by the purchaser, CCC shall, promptly after receiving cash for application on the purchase price and/or interest, or acceptable certificates for application on the purchase price, notify the bank which issued or confirmed the letter of credit that CCC consents to a reduction of such letter of credit in an amount equivalent to the amount of cash or acceptable certificates received.

(iv) To the extent acceptable, certificates are received by CCC within 90 days after delivery of the rough rice to the purchaser, CCC shall promptly make refund of any funds received representing the purchase price of the rice (but not any interest).

(c) The amount of the upward adjustment in price which is provided in § 481.130 for failure to submit certificates within 90 days after delivery shall be computed as of the date of sale, and shall be specified in the confirmation of sale or acceptance. Financial arrangements for such price adjustments shall be made in one of the following ways:

(1) Payment in cash, certified check, or cashier's check, or

(2) Establishment of an irrevocable commercial letter of credit acceptable to CCC which shall have an effective period of at least 150 days from the date for delivery specified in the Confirmation of Sale or Acceptance and upon which CCC will draw drafts for the amount of the upward adjustment in price resulting from such failure to submit certificates within 90 days after delivery, supported by a statement specifying the amount due CCC. Promptly after CCC receives acceptable certificates in payment of the rice purchased as provided in paragraph (b) (2) or (3) of this section, CCC shall notify the bank which issued or confirmed the letter of credit that CCC consents to a reduction of such letter of credit, unless otherwise requested by the purchaser, or shall make refund to the purchaser of funds received. Any such reduction or refund shall be in an amount equivalent to the purchaser's financial coverage under this subsection related to the quantity for which payment has been received in the form of acceptable certificates by CCC.

(d) The financial arrangements provided in paragraphs (b) and (c) of this section shall be made:

(1) Prior to delivery of the rough rice by CCC on purchases which provide for delivery within 5 days following the date of the sale, and

(2) On all other purchases, not less than 5 days prior to delivery of the rough rice by CCC, but in no event later than 30 days following the date of sale, unless CCC consents in writing to a different period.

(e) If the purchaser fails to make financial arrangements acceptable to CCC in accordance with paragraph (d) of this section, CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

**§ 481.126 Delivery.**

(a) The method, time, and place of delivery will be as specified in the confirmation or acceptance (which, in the case of the acceptance, shall be the same as was stated in the applicable Schedule of Available Rough Rice issued by CCC).

(b) If the rough rice is to be delivered in-store, delivery shall be accomplished by delivery to the purchaser of endorsed warehouse receipts, or other evidence of title. Delivery may be made by posting warehouse receipts in the mail. In the case of in-store delivery, the terms of continued storage thereafter shall be for determination between the purchaser and warehouseman. All warehouse charges accruing after delivery except loading-out charges to the extent prepaid shall be for the account of the purchaser.

(c) Title and risk of loss and damage shall pass to the purchaser upon delivery. All charges thereafter accruing shall be for the account of the purchaser: *Provided,* That if delivery is not made within 30 days after the date of sale, the purchaser shall make cash settlement with CCC for warehouse charges on the rough rice not delivered, at the rate specified in the Confirmation or Acceptance for the period beginning on the 31st day to and including the final date for delivery specified in the Confirmation or Acceptance, or any written extension thereof: *Provided further,* That the purchaser shall not be responsible for such charges accruing after such 30-day period as a result of delay on the part of CCC in making delivery which is not attributable to the fault of the purchaser.

(d) If, on deliveries other than in-store, the purchaser fails to take delivery of the rough rice within the delivery period specified in the confirmation or acceptance, or any written extension thereof, CCC may at its option deliver the rough rice in-store in a warehouse of its choice by delivery of endorsed warehouse receipts, or CCC shall have the right to deem the purchaser in default and the purchaser shall be liable to CCC for any loss or damages resulting from such default.

**§ 481.127 Specifications.**

(a) If the rough rice is to be delivered in-store, CCC shall deliver warehouse receipts, or other evidence of title, representing rough rice of the quantity, class, grade and/or quality stated in the confirmation or acceptance, and CCC shall have no responsibility in the event of failure of the warehouseman to deliver in accordance with the warehouse receipts or other evidence of title.

(b) If the rough rice is to be delivered other than in-store, the quantity, class, grade and/or quality delivered shall be that stated in the confirmation or acceptance. Determinations as to the class, grade, and/or quality of the rough rice delivered shall be made on the basis of official inspection at point of delivery, unless otherwise specified in the confirmation or acceptance. The method of determining the quantity delivered shall be as stated in the confirmation or acceptance. If the rough rice delivered is within the quality tolerance, if any, specified in the confirmation or acceptance, such delivery shall be accepted by the purchaser. If the rough rice delivered is not within the quality tolerance, if any, specified in the confirmation or acceptance, the rough rice may be rejected by the purchaser at the time of delivery or accepted subject to an adjustment in price for grade and quality difference in accordance with current market premiums and discounts, as determined by CCC. In case of rejection, CCC shall, upon request of the purchaser, replace such rejected quantity, if available, at a location acceptable to the purchaser. The purchaser may reject any over-deliveries in quantity. Over-deliveries in quantity accepted by the purchaser shall be settled for at the purchase price unless a different price has been agreed to between CCC and the purchaser. In case of under-deliveries, a balance certificate shall be issued by CCC. In the case of over-deliveries, the purchaser shall tender cash or certificates to CCC. If the value of rough rice delivered exceeds the value of certificates surrendered by $3.00 or less, no adjustment will be necessary. If the value of certificates surrendered exceeds the value of rough rice delivered by $3.00 or less, a balance certificate will not be issued unless requested.

**§ 481.128 Export requirements.**

(a) The purchaser shall, within 180 days after the date of sale of the rough rice or within such extension of that period as may for good cause be approved by the Vice President, CCC, in writing, before or after expiration of such 180-day period, export or cause exportation to an eligible country[2] of

[2] Exportation by or to a United States Government agency shall not constitute an exportation to an eligible country except as provided in § 481.108(a).

quantities of milled rice or brown rice of the same variety as the rough rice delivered by CCC as follows:

(1) Milled rice (except unpolished milled rice) equal to the total milling yield of the rough rice delivered, including a quantity of whole kernels not less than the whole kernel yield, based on official lot inspection certificates issued as specified in the confirmation or acceptance.

(2) Unpolished milled rice equal to 105 percent of the total milling yield of the rough rice delivered, including a quantity of whole kernels not less than 110 percent of the whole kernel yield, based on official lot inspection certificates issued as specified in the confirmation or acceptance.

(3) Brown rice sufficient to produce a quantity of total milled rice equal to the total milling yield of the rough rice delivered, including a quantity of milled whole kernels not less than the whole kernel yield, based on official lot inspection certificates issued as specified in the confirmation or acceptance, determined on the basis of the milling yield of the brown rice exported as evidenced by an official lot inspection certificate.

Milled rice or brown rice exported shall have been produced from rough rice grown in the continental United States. The rice exported shall not be reentered by anyone into the United States, including Alaska, Hawaii, or Puerto Rico, nor shall the purchaser cause the rice exported to be transshipped to any country excluded by § 481.150.

If the rough rice purchased was delivered to the purchaser in the Arkansas milling area (Arkansas, Mississippi, Missouri, and Tennessee), the equivalent milled rice or brown rice exported shall have been moved to export position from a mill point in the Arkansas milling area, or the identical rough rice purchased shall have been moved to a mill point outside of the Arkansas milling area, on or after the date of purchase of the rough rice and prior to submission of evidence of export. As evidence of compliance with this provision, the purchaser shall furnish a copy of the bill of lading covering such movement, properly identified with the lot of rice moved, together with the required evidence of export.

(b) The purchaser shall, within 30 days after export, furnish to the CSS Commodity Office evidence of such export, as required in § 481.129. Failure of the purchaser to furnish CCC evidence of export within 210 days after date of sale of the rough rice to him, or in the case of an extension of the time for export, within 30 days from the last date specified for export under such extension, shall constitute prima facie evidence of failure to export.

**§ 481.129 Evidence of export.**

(a) Evidence of export shall be furnished within the period specified in § 481.129(b), and shall consist of the following documents as applicable:

(1) Subject to the provisions of subparagraph (3) of this paragraph, if the export is by water or air, a non-negotiable, duplicate copy of the applicable on-board commercial bill of lading certified by the purchaser as true and correct and signed by an agent of the export carrier, which shows the weight of the milled or brown rice, the identification of the export carrier, that the rice is destined to an eligible country, and the CCC sales contract number, together with, in the case of export by the Army and Air Force Exchange Service or the Panama Canal Company, the certification specified in § 481.108(a). In the case of rice in containers, a bill of lading showing the gross weight of the rice and the number of containers may be furnished, provided the ocean bill of lading also shows the weight of the containers or the purchaser furnishes an acceptable certification as to the weight of the containers. Where loss, destruction, or damage to the rice occurs subsequent to loading aboard the export carrier but prior to issuance of on-board bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading.

(2) Subject to the provisions of subparagraph (3) of this paragraph, if export is by rail or truck, one unauthenticated copy of Shipper's Export Declaration (or photostat copy of an unauthenticated copy) which identifies the shipment(s), the date of clearance into the foreign country, the weight of the rice, or, if in containers, the weight of the rice less the weight of the containers, and the CCC sales contract number, together with, in the case of export by the Army and Air Force Exchange Service or the Panama Canal Company, the certification specified in § 481.108(a). The unauthenticated copy or photostat copy shall bear one of the following statements certified by the purchaser: "The authenticated copy of this Shipper's Export Declaration was forwarded to (name of banking institution) with my draft for financing under P. A. No. _____," or "The authenticated copy of this Shipper's Export Declaration was forwarded to (name of the CSS Commodity Office) with my application for Rice Export Payment under Acceptance of Offer No. _____."

(3) If the export shipment is made by vessel, plane, truck, or other carrier, operated by a United States Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in subparagraphs (1) and (2) of this paragraph, the purchaser may submit a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of carrier used, identification of the commodity, the quantity, and the export destination.

(4) One copy of an official lot inspection certificate-grade or lot inspection certificate-factor analysis, showing the variety and the percentage of whole kernels in the lot, properly identified to each cargo or carlot indicated in the export bill of lading or other documentary evidence of export, which was issued on the basis of an inspection (i) at the place and time of loading the rice to the export carrier unless otherwise announced by CCC in writing prior to acceptance of the offer to export, or (ii) in the case of rice packed in bales or cases or where the total quantity of bagged rice on the export bill of lading is 500 cwt. or less, at any location, but not more than 45 days prior to export, if identifying markings peculiar to the lot of rice exported are shown on the inspection certificate, each export container, and the export bill of lading.

(5) On rice other than rice packed in bales or cases, a copy of an official loading weight certificate or a commodity examination report issued by the Agricultural Marketing Service which shows that the rice was check-weighed.

(6) Such additional evidence of export as CCC may require under the circumstances of any particular transaction to enable CCC to determine that there has been compliance with the export requirements hereof.

(b) Where exportation of the rice has been made by anyone or transshipment made or caused by the purchaser to one or more of the countries or areas to which a validated license is required by the Bureau of Foreign Commerce, U.S. Department of Commerce, the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, for such movement.

(c) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of rice required to be exported under the purchaser's contract with CCC, and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different purchase contract with CCC under this program or under any other program of CCC requiring the export of a quantity of rice, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the purchaser identifying all such contracts with CCC to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract.

**§ 481.130 Adjusted sales price.**

(a) Sales of rough rice under this announcement are made at prices below the statutory minimum required under section 407 of the Agricultural Act of 1949, as amended, for sales for unrestricted use upon condition that payment in certificates is made as provided in § 481.125 and upon the further condition that there is compliance with all provisions of §§ 481.128 and 481.129. In the event of a failure to comply with such conditions, the sales price with respect to the quantity of rough rice involved shall be the highest of the following prices in effect on the date of sale:

(1) CCC's statutory minimum sales price for unrestricted use for the same kind, class, grade and quality of the rough rice, as determined by CCC, or

(2) The sales price, announced by CCC, for sale for unrestricted use of the same kind, class, grade and quality of the rough rice, or

(3) If no such sales price has been announced, the highest domestic market price at the point where CCC delivered the rough rice, as determined by CCC.

(b) The total amount of any upward adjustment in sales price arising under this section shall be paid in cash by the purchaser to CCC promptly upon demand plus interest at the rate of 6 percent per annum from the date of sale. An upward adjustment in sales price will not be made to the extent that the Vice President, CCC, or his designated representative, determines that

(1) The milled rice or brown rice has not been exported or has been reentered or transshipped into the Continental United States, Alaska, Hawaii, Puerto Rico, or Canada, due to causes without the fault or negligence of the purchaser and that the quantity of milled rice or brown rice involved was, pursuant to written approval of CCC, subsequently exported to an eligible country within the period specified by CCC, and that the purchaser submitted evidence of such exportation in accordance with § 481.129 hereof, or

(2) That milled rice or brown rice placed in transit to an export location for export pursuant to this announcement, or reentered or transshipped into the Continental United States, Alaska, Hawaii, or Puerto Rico was lost, damaged, destroyed, or deteriorated and the physical condition thereof is such that its entry into domestic market channels will not impair CCC's price support operations, or

(3) Rough rice or equivalent milled rice or brown rice, required by § 481.128 (a) to be moved from the Arkansas milling area, was not moved due to causes without the fault or negligence of the purchaser.

**§ 481.131 Inability to perform.**

CCC shall not be responsible for damages for any failure to deliver, or delay in delivery of, the rough rice due to any cause without the fault or negligence of CCC, including, but not restricted to, failure of warehousemen to meet delivery instructions. In case of delay in delivery due to any such causes, CCC shall make delivery to the purchaser as soon as practicable.

MISCELLANEOUS PROVISIONS

**§ 481.134 Covenant against contingent fees.**

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure acceptance of any offer under this subpart upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies. For breach or violation of this warranty, CCC shall have the right to annul the contract without liability or in its discretion to require the purchaser to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

**§ 481.135 Performance guarantee.**

CCC reserves the right to require the exporter to furnish a cash deposit, performance bond, or performance type letter of credit, acceptable to CCC, to guarantee performance of any of his obligations under this subpart.

**§ 481.136 Good faith.**

If the Vice President, CCC, after affording the exporter an opportunity to present evidence determines that such exporter has not acted in good faith in connection with any transaction under this subpart, such exporter may be denied the right to continue participation in this program or the right to receive payment under this subpart in connection with any transaction previously made under this program, or both. Any such action shall not affect any other right of the Department of Agriculture or the Government.

**§ 481.137 Assignments.**

No exporter shall, without the written consent of CCC assign any right to an export payment under this subpart, except that certificates received by him may be transferred by endorsement as provided in § 481.120.

**§ 481.138 Records and accounts.**

Each exporter shall maintain accurate records showing milled rice or brown rice exported or to be exported in connection with this program. Such records, accounts and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after date of export.

**§ 481.139 Reports.**

The exporter shall file such reports as may be required from time to time by the CCC subject to the approval of the Bureau of the Budget.

**§ 481.140 CSS Commodity Offices.**

Information concerning this program may be obtained from CSS Commodity Offices listed below:

Director, Commodity Stabilization Service, U.S. Department of Agriculture, 500 South Ervay Street, Dallas 1, Tex.

Director, Commodity Stabilization Service, U.S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oreg.

**§ 481.141 Officials not to benefit.**

No member or delegate to Congress, or resident Commissioner, shall be admitted to any benefit that may arise from any provision of this program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

**§ 481.142 Amendment and termination.**

This program may be amended or terminated by filing of such amendment or termination with the FEDERAL REGISTER for publication. Any such amendment or termination shall not be applicable to contracts made prior to the time such amendment or termination becomes effective.

DEFINITIONS

**§ 481.150 Eligible country.**

"Eligible country" means any destination outside the continental limits of the United States, excluding Alaska, Canada, Cuba, Hawaii, or Puerto Rico, and also excluding any country or area for which a license is required under regulations issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, unless a license for shipment or transshipment thereto has been obtained from such Bureau.

**§ 481.151 Export and exportation.**

"Export" and "exportation" means, except as hereinafter provided, a shipment from the continental United States destined to another area excluding Alaska, Hawaii, and Puerto Rico. The milled rice or brown rice so shipped shall be deemed to have been exported on the date which appears on the applicable on-board vessel export bill of lading or other document authorized by this subpart to be furnished in lieu of such bill of lading, or if shipment from the continental United States is by truck or rail, the date the shipment clears United States Customs. If milled rice or brown rice is lost, destroyed, or damaged after loading on board an export ship, exportation shall be deemed to have been made as of the date of the on-board ship ocean bill of lading or other document authorized by this subpart to be furnished in lieu of such bill of lading, or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction, or damage occurs subsequent to loading aboard ship but prior to issuance of on-board ship ocean bill of lading or such other document: *Provided*, That if the "lost" or "damaged" rice remains in the United States, it shall be considered as reentered rice and shall be subject to the provisions of § 481.108(d).

**§ 481.152 Exporter.**

"Exporter" means an individual, corporation, partnership, association, or other business entity, which is regularly engaged in the business of buying and selling rice and for this purpose maintains a bona fide business office in the continental United States, and therein has a person, principal or resident agent upon whom service of process may be had.

**§ 481.153 Rough rice, milled rice, and brown rice.**

"Rough rice, milled rice, and brown rice" means those commodities as defined in the official U.S. Standards for Rough Rice, Brown Rice, and Milled Rice. Classes and grades of rough rice, brown rice, and milled rice shall be as set forth in the official standards and as evidenced by official lot inspection certificates.

**§ 481.154 Official lot inspection certificate.**

"Official lot inspection certificate" means a certificate of inspection issued by or under the supervision of the Grain Division, Agricultural Marketing Service, in accordance with the Official U.S. Standards for Rough Rice, Brown Rice, and Milled Rice.

§ 481.155 United States.

"United States" unless otherwise qualified means the Continental United States, excluding Alaska.

§ 481.156 Vice President.

"Vice President" means the Executive Vice President of the Commodity Credit Corporation or his designee.

*Effective date.* This Revision I, Rice Export Program, Payment-In-Kind (GR-369), Terms and Conditions shall become effective on the date of publication in the FEDERAL REGISTER.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 26th day of January 1961.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

NOTICE TO EXPORTERS

[Revision of October 19, 1960]

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except bandages, gauze, and absorbent cotton with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East, including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country or Cuba, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.5) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC regulation (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

The above statement is with respect to the regulations of the Department of Commerce as of October 19, 1960. Exporters should consult the applicable regulations for more detailed information if desired and for any changes that may be made therein subsequent to such date.

[F.R. Doc. 61-920; Filed, Jan. 31, 1961; 8:49 a.m.]

# Title 7—AGRICULTURE

## Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 3]

## PART 722—COTTON

### Subpart—Regulations Pertaining to Acreage Allotments for the 1961 Crop of Extra Long Staple Cotton

DESIGNATION OF EXTRA LONG STAPLE COTTON COUNTY

*Basis and purpose.* The purpose of this amendment is to add Gila County, Arizona, to the list of counties designated as extra long staple cotton counties pursuant to section 347(a) of the Act. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). Notice of the proposed issuance of acreage allotment regulations for the 1961 crop of extra long staple cotton was published in the FEDERAL REGISTER on August 13, 1960 (25 F.R. 7760) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) prior to issuance of such regulations.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their assigned functions in an orderly manner, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.466(b) of the regulations pertaining to acreage allotments for the 1961 crop of extra long staple cotton (25 F.R. 9996, 12403, 12812) is amended by adding the following sentence at the end thereof which reads as follows:

Gila County, Arizona, is also designated as an extra long staple cotton county pursuant to section 347(a) of the Act.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies sec. 347, 63 Stat. 675, as amended; 7 U.S.C. 1347)

Done at Washington, D.C., this 26th day of January 1961.

H. D. GODFREY,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61-921; Filed, Jan. 31, 1961; 8:49 a.m.]

## PART 730—RICE

### Subpart—1961-62 Marketing Year

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM

Section 730.1209 is issued to announce the results of the rice marketing quota referendum for the marketing year August 1, 1961, through July 31, 1962, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for rice for the 1961-62 marketing year and announced that a referendum would be held on December 13, 1960 (25 F.R. 11086), to determine whether rice producers were in favor of or opposed to marketing quotas for the marketing year August 1, 1961, through July 31, 1962. Since the only purpose of this proclamation is to announce results of the referendum, it is found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

§ 730.1209 Proclamation of the results of the rice marketing quota referendum for the marketing year 1961-62.

In a referendum of farmers engaged in the production of rice for the 1960 crop held on December 13, 1960, 6088 farmers voted. Of those voting 5553 or 91.2 percent favored quotas for the marketing year beginning August 1, 1961. Therefore, rice marketing quotas will be in effect for the 1961-62 marketing year.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375)

Issued this 26th day of January 1961.

H. D. GODFREY,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61-922; Filed, Jan. 31, 1961; 8:49 a.m.]



## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 202, Amdt. 1]

## PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

*Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 914.502 (Navel Orange Regulation 202, 26 F.R. 581) are hereby amended to read as follows:

(ii) District 2: 375,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 27, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-919; Filed, Jan. 31, 1961; 8:49 a.m.]

## PART 1004—MILK IN CENTRAL ARIZONA MARKETING AREA

### Order Amending Order


Sec.
1004.0 Findings and determinations.

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AUTHORITY: §§ 1004.0 to 1004.111 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

### § 1004.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arizona marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat contained in (i) producer milk, and (ii) other source milk allocated to Class I pursuant to § 1004.45(a)(2) and (3), and (b), and each handler who operates a nonpool plant shall pay the applicable amount specified in § 1004.62 (a)(2) or (b)(2).

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than February 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Acting Deputy Administrator of the Agricultural Marketing Service was issued December 30, 1960, and the decision of the Assistant Secretary containing all amendment provi-

sions of this order, was issued January 19, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective February 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) or more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central Arizona marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

**§ 1004.1 Act.**

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

**§ 1004.2 Secretary.**

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

**§ 1004.3 Department.**

"Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

**§ 1004.4 Person.**

"Person" means any individual, partnership, corporation, association or any other business unit.

**§ 1004.5 Cooperative association.**

"Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk for its members.

**§ 1004.6 Central Arizona marketing area.**

"Central Arizona marketing area", hereinafter called the "marketing area", means all territory within the counties of Cochise, Graham, Greenlee, Maricopa, Pima and Pinal, and that part of Yuma County south of 33 degrees latitude (North from the Equator), all in the State of Arizona.

**§ 1004.7 Producer.**

"Producer" means any person, other than a producer-handler, who produces milk pursuant to the requirements specified in paragraph (a) or in paragraph (b) of this section, which milk is received directly from the farm at a pool plant or is caused to be diverted by a handler within the limits prescribed in § 1004.13:

(a) Produces milk, on a dairy farm subject to the regular inspection by a duly constituted state or municipal health authority, under a dairy farm permit or rating issued by such authority for the production of milk to be disposed of for fluid consumption;

(b) Produces milk which is acceptable to an agency of the Federal government for fluid consumption in its institution or bases. "Producer" does not mean any dairy farmer with respect to milk received by a handler who is partially exempted from the provisions of this part pursuant to § 1004.61.

**§ 1004.8 Pool plant.**

"Pool plant" means any milk plant:

(a) Approved by a duly constituted state or municipal health authority for the receipt or processing of Grade A milk or which supplies processed milk to an agency of the United States Government located within the marketing area, from which during the month:

(1) There are disposed of on routes fluid milk products equal to at least 50 percent of the total receipts at the plant (i) of milk qualified by inspection to become producer milk pursuant to § 1004.13(a), and (ii) from other milk plants and a cooperative association acting in the capacity of a handler pursuant to § 1004.10(c) in the form of fluid milk products qualified for fluid consumption; and

(2) There are disposed of on routes in the marketing area fluid milk products in a volume not less than 25 percent of such receipts and also greater than an average of 600 pounds per day.

(b) Any plant which ships fluid milk products approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume not less than 50 percent of its receipts of milk (from dairy farmers who would be producers if this plant qualifies as a pool plant) in the current month during the period of July through October or 20 percent in the current month during the period of November through June to a plant specified in paragraph (a) of this section: *Provided,* That if a plant qualifies in each of the months of July through October in the manner prescribed in this section such plant shall upon written application to the market administrator on or before October 31 following such compliance be designated as a pool plant until the end of the following June.

(c) A milk plant located within the marketing area at which milk may be received from the farms of dairy farmers holding permits or authorization issued by health authorities having jurisdiction in the marketing area and which is operated by a cooperative association qualified under § 1004.5 of this part which has 75 percent or more of its member producers' milk received at the pool plants of other handlers.

**§ 1004.9 Nonpool plant.**

"Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

**§ 1004.10 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant or of a nonpool plant from which Class I milk is disposed of on a route(s) in the marketing area;

(b) A cooperative association with respect to milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such association; or

(c) A cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for such milk.

**§ 1004.11 Producer-handler.**

"Producer-handler" means any person who is both a dairy farmer and the operator of a plant from which fluid milk products are disposed of in the marketing area, but who receives no milk from producers or other dairy farmers: *Provided,* That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled (other than that received from pool plants) is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (b) the operation of such plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

**§ 1004.12 Market administrator.**

"Market administrator" means the person designated pursuant to § 1004.20 as the agency for the administration of this part.

**§ 1004.13 Producer milk.**

"Producer milk" of each handler means all skim milk and butterfat produced by producers:

(a) With respect to receipts at a pool plant:



(1) Received directly from such producers; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions of paragraph (c) of this section;

(b) With respect to additional receipts of a cooperative association:

(1) For which such cooperative association is the handler pursuant to § 1004.10(b), subject to the limitations and conditions of paragraph (c) of this section; and

(2) For which the cooperative association is the handler pursuant to § 1004.10(c); and

(c) With respect to diversions to nonpool plants pursuant to (a)(2) and (b)(1) of this section:

(1) Such diversions may be without limit during the months of December through April, but shall not be for more than eight days' production of any producer during any other month, otherwise only milk of such producer received at a pool plant shall be producer milk;

(2) For purpose of location adjustments pursuant to §§ 1004.53 and 1004.73, milk so diverted shall be priced at the location of the plant to which diverted.

**§ 1004.14 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants and from a cooperative association in the capacity of a handler pursuant to § 1004.10(c), or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

**§ 1004.15 Fluid milk product.**

"Fluid milk product" means milk (including frozen or concentrated milk), skim milk, buttermilk, flavored milk, flavored milk drinks and cream in fluid form or any mixture in fluid form of milk, or skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, yogurt, ice cream mix and aerated cream).

**§ 1004.16 Route.**

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or a plant store) of milk or any milk product classified as Class I milk pursuant to § 1004.41(a) other than a delivery to a plant described in § 1004.8(a).

**§ 1004.17 Chicago butter price.**

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

**§ 1004.20 Designation.**

The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

**§ 1004.21 Powers.**

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

**§ 1004.22 Duties.**

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditions upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1004.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1004.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1004.30 through 1004.32 or payments pursuant to §§ 1004.80 through 1004.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of, the following:

(1) The 6th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the uniform price, and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS, AND FACILITIES

**§ 1004.30 Reports of sources and utilization.**

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his pool plants, and each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1004.10 (b) or (c), for such month in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from (i) other pool plants, and (ii) cooperative associations acting in the capacity of a handler pursuant to § 1004.10(c);

(3) Other source milk; and

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

**§ 1004.31 Other reports.**

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each pro-

ducer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any authorized deductions;

(2) On or before the 20th day after the end of the month, the payments made to a cooperative association pursuant to § 1004.80(d);

(3) On or before the first day other source milk is received in the form of a fluid milk product at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product,

(4) On or before the day prior to diverting producer milk pursuant to § 1004.7 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

(5) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

**§ 1004.32 Records and facilities.**

Each handler shall maintain and make available to the market administrator or his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorzied by producers, and disbursement of money so deducted.

**§ 1004.33 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain; *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

**§ 1004.40 Skim milk and butterfat to be classified.**

The skim milk and butterfat to be reported for pool plants pursuant to § 1004.30(a) shall be classified each month by the market administrator, pursuant to the provisions of §§ 1004.41 through 1004.45.

**§ 1004.41 Classes of utilization.**

Subject to the conditions set forth in §§ 1004.42 through 1004.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted and concentrated nonfat milk solids) and butterfat;

(1) Disposed of in the form of fluid milk products, except those classified pursuant to subparagraph (b)(3) of this section; and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Skim milk disposed of for livestock feed; and

(4) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 1004.13(a)(1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity of a handler pursuant to § 1004.10(c), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from pool plants of other handlers; plus

(iv) 2 percent of bulk receipts of other source milk in the form of fluid milk products; less

(v) 1.5 percent of disposition in bulk tank lots from pool plants to other milk plants; and plus

(vi) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 1004.10(c), unless the exception provided in (ii) of this § 1004.41(b)(4) applies. *Provided*, That if shrinkage of skim milk or butterfat is less than such total there shall be assigned to other source milk the proportion of total shrinkage that the result computed pursuant to (iv) of this subdivision bears to the total computed pursuant to (i) through (vi) of this subsection and the remainder shall be assigned to producer milk.

**§ 1004.42 Responsibility of handlers.**

All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

**§ 1004.43 Transfers.**

(a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Except as provided in paragraph (f) of this section any additional amounts of skim milk and butterfat shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1004.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the computations pursuant to § 1004.45(a)(4) and the corresponding step of (b);

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified as Class I milk;

(c) Skim milk and butterfat transferred to a nonpool plant in the form of fluid milk products in consumer packages shall be classified as Class I milk;

(d) Skim milk and butterfat diverted or transferred in bulk as milk, skim milk or cream to a nonpool plant located in the marketing area or in Imperial County, California, shall be classified as Class I milk, unless (1) the handler claims classification as Class II milk in his report filed with the market administrator pursuant to § 1004.30 for the month within which such transfer occurred; (2) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for purposes of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually utilized (including as Class II utilization any cream moved under the conditions specified in (e)(2) and (3) of this section) in the use indicated in such report in the nonpool plant or in a second such nonpool plant to which a transfer was made: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually utilized in such first or second nonpool plant(s) during the month in the use indicated, the pounds transferred in excess of such actual use shall be classified as Class I milk;

(e) Skim milk and butterfat diverted or transferred in bulk as milk, skim milk or cream to a nonpool plant located outside the marketing area and not in Imperial County, California, shall be classified as Class I milk, except that cream so transferred may be classified as Class II milk if (1) the handler claims classification as Class II milk in his report filed with the market administrator pursuant to § 1004.30 for the month within which such transfer is made, (2) the handler attaches tags or labels to each container of such cream bearing the words "Grade C cream for manufacturing use only" and the shipment is so invoiced, and (3) the handler gives the market administrator sufficient notice to allow him to verify the shipment; and

(f) Unless a different utilization is claimed by both handlers, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler pursuant to § 1004.10(c) or which operates a pool plant described in § 1004.8(c) shall be classified pro rata to the respective amounts thereof remaining in each class for such month at the pool plant(s) of the receiving handler after the computations pursuant to § 1004.45(a)(6) and the corresponding step of (b).

**§ 1004.44 Computation of skim milk and butterfat in each class.**

For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 1004.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That, the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

**§ 1004.45 Allocation of skim milk and butterfat classified.**

(a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1004.41(b);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk, received during the month in a form other than fluid milk products;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received during the month in the form of fluid milk products;

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;



(6) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1004.43(a);

(7) Subtract, pro rata from the pounds of skim milk remaining in each class, the pounds of skim milk to be classified pursuant to § 1004.43(f); and

(8) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk. Any amount so subtracted shall be called "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk;

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

**§ 1004.50 Basic formula price.**

The higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic, or field, prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 3.8:

*Present Operator and Location*

Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.8.

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department deduct 5.5 cents, multiply by 8.5, and then multiply by 0.962.

**§ 1004.51 Class prices.**

Subject to the provisions of §§ 1004.52 and 1004.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant(s) from producers during the month shall be as follows:

(a) *Class I milk price.* The basic formula price for the preceding month plus $2.75. This price shall be increased or decreased by a "supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the total receipts of producer milk in the second and third months preceding by the total gross volume of Class I milk (excluding interhandler transfers that would result in the same milk being accounted for a second time as Class I milk) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero,

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage":

| Month for which price applies | Months used in computation | Standard utilization percentages | |
|---|---|---|---|
| | | Minimum | Maximum |
| January | October–November | 113 | 117 |
| February | November–December | 114 | 118 |
| March | December–January | 115 | 119 |
| April | January–February | 115 | 119 |
| May | February–March | 115 | 119 |
| June | March–April | 115 | 119 |
| July | April–May | 114 | 118 |
| August | May–June | 113 | 117 |
| September | June–July | 112 | 116 |
| October | July–August | 111 | 115 |
| November | August–September | 111 | 115 |
| December | September–October | 112 | 116 |

(3) For a "minus net deviation" the Class I price shall be increased and for a "plus net deviation" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation, plus

(ii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation of opposite direction considered to be zero for purposes of computation of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent for the least of:

(*a*) Each such percentage point of net deviation,

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(b) *Class II milk price.* The Class II milk price shall be the "butter-powder" price computed pursuant to § 1004.50(b).

### § 1004.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.8 percent butterfat, the class prices calculated pursuant to § 1004.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.135; and

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.115.

### § 1004.53 Location differentials to handlers.

For that milk which is received from producers at a pool plant located 60 miles or more from the City Hall, Tucson, Arizona, by the shortest hard-surfaced highway distance as determined by the market administrator and classified as Class I milk, the price specified in § 1004.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

| Distance from the City Hall of Tucson, Ariz. (miles): | *Rate per hundredweight (cents)* |
|---|---|
| 60 but not more than 160 | 30.0 |
| 160 but not more than 260 | 40.0 |
| For each additional 10 miles or fraction thereof an additional | 1.0 |

### § 1004.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

## Application of Provisions

### § 1004.60 Producer-handler.

Sections 1004.40 through 1004.45, 1004.50 through 1004.53, 1004.70 through 1004.74, and 1004.80 through 1004.87 shall not apply to a producer-handler.

### § 1004.61 Plants subject to other Federal orders.

Upon application to the market administrator and a subsequent determination by the Secretary, any plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any pool plant which (1) would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, and (2) does not dispose of a greater volume of Class I milk to retail or wholesale outlets (except pool plants or nonpool plants) in the Central Arizona marketing area than in the marketing area regulated pursuant to such other order; and

(b) Any plant which (1) would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, and (2) qualified as a pool plant for each of the preceding months of July through October in accordance with the provisions of § 1004.8(b).

### § 1004.62 Handler operating a nonpool plant.

In lieu of the payments required pursuant to § 1004.80 through § 1004.86, each handler who operates during the month a nonpool plant from which is disposed of in the marketing area on a route(s) Class I milk in an amount greater than an average of 600 pounds per day, shall pay to the market administrator on or before the 25th day after the end of the month, the amounts calculated pursuant to paragraph (a) of this section unless the handler elects at the time of reporting pursuant to § 1004.30 to have his obligations computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund any plus amount remaining after deducting from the value that would have been computed pursuant to § 1004.70, if such handler had operated a pool plant, the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant or at any plant which serves as a supply plant for it; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1004.86 had such plant been a pool plant.

(b) The following amounts:

(1) To the producer-settlement fund an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rates provided in § 1004.86 with respect to Class I milk so disposed of in the marketing area.

## Determination of Uniform Prices to Producers

### § 1004.70 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1004.45 by the applicable class price, and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 1004.45(a)(8) and (b) by the applicable class price;

(c) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month, by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1004.45(a)(4) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1004.45(a)(4) and (b) for the current month, whichever is less; and

(d) If any other source milk has been subtracted from Class I pursuant to § 1004.45(a)(2) and the corresponding step of paragraph (b), add an amount equal to the difference between its value at the Class I and Class II price for the current month.

### § 1004.71 Computation of the uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk of 3.8 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 1004.70 for the producer milk of all handlers who submit reports prescribed in § 1004.30 and who are not in default of payments pursuant to § 1004.80 or § 1004.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.8 percent, or add, if such average butterfat content is less than 3.8 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 1004.72, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1004.73;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

### § 1004.72 Butterfat differential to producers.

The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.8 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1004.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.



### § 1004.73 Location differential to producers.

The applicable uniform prices computed pursuant to § 1004.71 to be paid for producer milk received at a pool plant located 60 miles or more from the City Hall at Tucson, Arizona, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the rates set forth in § 1004.53.

### § 1004.74 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price(s) computed pursuant to § 1004.71 and the butterfat differential computed pursuant to § 1004.72; and

(c) The amounts to be paid by such handler pursuant to §§ 1004.82, 1004.85, and 1004.86 and the amount due such handler pursuant to § 1004.83.

## Payments

### § 1004.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the 27th day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount not less than 1.3 times the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph,

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments: (i) Less payments made such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1004.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment from the market administrator pursuant to § 1004.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) the amount or rate and nature of any authorized deductions to be made from payments, and (iii) the amount and nature of payments due pursuant to § 1004.84; and

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1004.10(c) or as the operator of a pool plant shall, on or before the 2d day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received from such cooperative association during the first 15 days of the month at not less than 1.3 times the Class II price for the preceding month; and

(2) In final settlement, the value of such milk as classified pursuant to § 1004.43 at the applicable class prices, less payment made pursuant to subparagraph (d)(1) of this section.

### § 1004.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 1004.82 and § 1004.62 and out of which he shall make all payments pursuant to § 1004.83: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

### § 1004.82 Payments to the producer-settlement fund.

On or before the 13th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1004.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

### § 1004.83 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1004.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

### § 1004.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

### § 1004.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1004.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of such deductions and the amount of milk for which such deduction was computed for each producer.

**§ 1004.86 Expense of administration.**

On or before the 15th day after the end of each month each handler who operates a pool plant shall pay to the market administrator as his pro rata share of the expense of the administration hereof, 4 cents or such lesser amount as the Secretary may prescribe for each hundredweight of skim milk and butterfat contained in (a) producer milk, and (b) other source milk allocated to Class I pursuant to § 1004.45 (a) (2) and (3), and (b), and each handler who operates a nonpool plant shall pay the applicable amount specified in § 1004.62 (a) (2) or (b) (2).

**§ 1004.87 Termination of obligations.**

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the amount for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

**§ 1004.100 Effective time.**

The provisions of the part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

**§ 1004.101 Suspension or termination.**

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

**§ 1004.102 Continuing obligations.**

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

**§ 1004.103 Liquidation.**

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

**§ 1004.110 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

**§ 1004.111 Separability of provisions.**

If any provisions of this part, or its application to any person, or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C. this 27th day of January 1961, to be effective on and after the 1st day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-893; Filed, Jan. 31, 1961; 8:46 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

## PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

### Railroad Annual Report Form A

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 17th day of January A.D. 1961.

The matter of annual reports of line-haul and switching and terminal railroad companies of Class I being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

*It is ordered,* That § 120.11 of the order of January 27, 1960, in the matter of Railroad Annual Report Form A, be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1960, and subsequent years, to read as shown below.

*It is further ordered,* That 49 CFR 120.11, be, and it is hereby, modified and amended to read as follows:

**§ 120.11 Form prescribed for Class I railroads.**

Commencing with the year ended December 31, 1960, and for subsequent years thereafter, until further order, all line-haul and switching and terminal railroad companies of Class I, as described in 49 CFR 126.1, viz, all carriers with average annual operating revenues of $3,000,000 or more, subject to the provisions of section 20, part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form A,[1] which is attached to and made a part of this section. Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

*And it is further ordered,* That copies of this order and of Annual Report Form A shall be served on all line-haul and switching and terminal railroad companies of Class I, subject to the provisions of section 20, part I, of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad company, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-889; Filed, Jan. 31, 1961; 8:46 a.m.]

[1] Filed as part of the original document.

SUBCHAPTER C—CARRIERS BY WATER

## PART 301—REPORTS

### Annual Report Form M (Maritime Carriers)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 17th day of January A.D. 1961.

The matter of annual reports of maritime carriers being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

*It is ordered,* That § 301.20 of the order of January 9, 1959, in the matter of Annual Report Form M (Maritime Carriers), be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1960, and subsequent years, to read as shown below.

*It is further ordered,* That 49 CFR 301.20, be, and it is hereby, modified and amended to read as follows:

**§ 301.20 Form prescribed for maritime carriers.**

Commencing with the year ended December 31, 1960, and for subsequent years thereafter, until further order, all maritime carriers subject to section 313, part III, of the Interstate Commerce Act, are required to file annual reports in accordance with Annual Report Form M (Maritime Carriers),[1] which is attached to and made a part of this section. Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

(Sec. 304, 54 Stat. 933; 49 U.S.C. 904. Interpret or apply sec. 313, 54 Stat. 944, as amended; 49 U.S.C. 913)

*And it is further ordered,* That copies of this order and of Annual Report Form M shall be served on all maritime carriers subject to its provisions, and upon every receiver, trustee, executor, administrator, or assignee of any such maritime carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-890; Filed, Jan. 31, 1961; 8:46 a.m.]

[1] Filed as part of the original document.

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR Part 47 ]

### Notice of Hearing on Proposed Regulations

### DOCUMENTARY STAMP TAXES

Proposed regulations under sections 4301–4384 relating to documentary stamp taxes were published in the FEDERAL REGISTER for December 24, 1960.

A public hearing on the provisions of these proposed regulations will be held on Wednesday, February 15, 1961, at 10:00 a.m., e.s.t., in Room 5003, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by February 10, 1961.

[SEAL] MAURICE LEWIS,
*Director,*
*Technical Planning Division,*
*Internal Revenue Service.*

[F.R. Doc. 61–901; Filed, Jan. 31, 1961; 8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 27 ]

### COTTON

### Supervision of Inspection, Weighing and Sampling; Bona Fide Spot Markets

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Agricultural Marketing Service is considering amendments of the Regulations for Cotton Classification under Cotton Futures Legislation (7 CFR Part 27), pursuant to authority contained in section 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U.S.C. 4863) and in sections 203 and 205 of the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1622, 1624).

One of the purposes of the proposed amendments is to make available a new service under which employees of the Cotton Division of the Agricultural Marketing Service would give direct supervision to the inspection, sampling, and weighing of bales of cotton that are offered for classification and certification for delivery on cotton futures contracts. The New Orleans Cotton Exchange has requested that this new service be established.

The proposed amendments would also provide that all spot cotton markets designated as bona fide spot markets would be used for determining the differences above or below the contract price which receivers of cotton would pay for grades other than the basis grade delivered in settlement of any futures contract that makes provision for delivery at both interior and port locations. The new futures contract of the New Orleans Cotton Exchange comes within this category. In addition, the proposed amendments would delete various obsolete provisions in the regulations.

The proposed amendments are as follows:

1. Section 27.10 would be amended to read as follows:

**§ 27.10 Supervisor of cotton inspection.**

Upon request by an applicant for classification service or when otherwise necessary, authorized employees of the Cotton Division will act as supervisors of cotton inspection to supervise the inspection, weighing, and sampling of cotton to be classified and will perform such other duties as may be required of them for the purposes of this subpart.

**§ 27.14 [Amendment]**

2. The first two sentences in § 27.14 would be deleted and the following sentence substituted therefor: "Requests for classification shall be filed with the board of cotton examiners serving the location at which the cotton is stored."

3. Section 27.16 would be amended to read as follows:

**§ 27.16 Inspection; sampling; preparation.**

The inspection, weighing, and sampling of cotton for which classification is desired and the preparation and delivery of samples to the board of cotton examiners shall be (a) by or under the direction of a supervisor of cotton inspection, or (b) by or under the direction of an exchange inspection agency and subject to the supervision of a supervisor of cotton inspection.

**§§ 27.17 and 27.19 [Deletion]**

4. Sections 27.17 and 27.19 would be deleted in their entirety.

5. Section 27.20 would be amended to read as follows:

**§ 27.20 Drawing and handling of samples of cotton; inspection of bales.**

One sample shall be drawn from the top side of each bale and one from the bottom side. Each such sample shall weigh not less than 5 ounces, the two samples from each bale to weigh together not less than 10 ounces. The bale shall be inspected and any condition not fully indicated by the samples shall be explained by the supervisor of cotton inspection or exchange inspection agency in a written memorandum, which shall accompany the samples to the board of cotton examiners. Samples shall not be dressed or trimmed and shall be carefully handled in such manner as not to cause loss of leaf, and, or other material, or otherwise change their representative character. Any sample which does not meet the requirement of this section may be rejected by the supervisor of cotton inspection or the chairman of the board of cotton examiners.

**§ 27.24 [Amendment]**

6. The second sentence in § 27.24 would be amended to read as follows: "If there is no board of cotton examiners at the point where the cotton is sampled, the supervisor of cotton inspection or the exchange inspection agency shall forward the samples to the proper board."

**§§ 27.26 and 27.27 [Deletion]**

7. Sections 27.26 and 27.27 would be deleted in their entirety.

8. Section 27.28 would be amended to read as follows:

**§ 27.28 Disposition of samples.**

Samples submitted to a board of cotton examiners shall become the property of the Department and shall be disposed of in accordance with the property regulations of the Department when no longer needed for classification or Micronaire determination.

**§ 27.44 [Amendment]**

9. Section 27.44 would be amended by deleting the period at the end of the section and adding the following words: "or a supervisor of cotton inspection."

**§ 27.45 [Amendment]**

10. The third sentence in § 27.45 would be amended to read as follows: "Thereafter every cotton class certificate, if any, previously issued for cotton located or stored at such place shall be invalid for the delivery of such cotton on a section 4863 contract, unless the cotton shall be removed under the supervision of an exchange inspection agency, or a supervisor of cotton inspection, to a place which shall be suitable for the purpose."

**§ 27.64 [Amendment]**

11. Paragraph (a) of § 27.64 would be amended to read as follows:

(a) Every application for review of classification or for Micronaire determination under § 27.62 or § 27.63 shall be filed with the board of cotton examiners serving the location at which the cotton is stored. The application shall in each case be in the hands of such board within the time specified in § 27.62 or § 27.63 for applying for review: *Provided*, That any board of cotton examiners may designate any officer of the Cotton Division or a representative of an exchange inspection agency located at another point to receive applications, and in such cases the applications shall be in the hands of the persons so designated within the time specified. Any person making such application shall, upon call of the board or person with whom such application was filed under this section, surrender the cotton class certificates covering the cotton involved.

12. Section 27.73 would be amended to read as follows:

**§ 27.73 Supervision of transfers of cotton.**

Whenever the owner of any cotton inspected and sampled for classification pursuant to this subpart and for which he holds valid cotton class certificates, desires to transfer such cotton to a different delivery point, or to a different warehouse at the same delivery point, for the purpose of having it made available for delivery upon a section 4863 contract, such transfer shall be effected under the supervision of an exchange inspection agency or a supervisor of cotton inspection.

13. Section 27.80 would be amended to read as follows:

**§ 27.80 Fees; classification, Micronaire, and supervision.**

For services rendered by the Cotton Division pursuant to this subpart, whether the cotton involved is tenderable or not, the person requesting the services shall pay fees as follows:

(a) Initial classification and certification—25 cents per bale.
(b) Review classification and certification—50 cents per bale.
(c) Micronaire determination and certification—25 cents per bale.
(d) Combination service—60 cents per bale. (Initial classification, review classification, and Micronaire determination covered by the same request and only the review classification and Micronaire determination results certified on cotton class certificates.)
(e) Supervision, by a supervisor of cotton inspection, of the inspection, weighing, or sampling of cotton when any two or more of these operations are performed together—35 cents per bale.
(f) Supervision, by a supervisor of cotton inspection, of the inspection, weighing, or sampling of cotton when any one of these operations is performed individually—35 cents per bale.
(g) Supervision by a supervisor of cotton inspection of transfers of cotton to a different delivery point, including issuance of new cotton class certificates in substitution for prior certificates—$1.00 per bale.
(h) Supervision by a supervisor of cotton inspection of transfers of cotton to a different warehouse at the same delivery point, including issuance of new cotton class certificates in substitution for prior certificates—50 cents per bale.

14. Section 27.81 would be amended to read as follows:

**§ 27.81 Fees, certificates.**

For each new certificate issued in substitution for a prior certificate at the request of the holder thereof, for his business convenience, or when made necessary by the transfer of the cotton under the supervision of an exchange inspection agency as provided in § 27.73, the person making the request shall pay a fee of 15 cents for each certificate issued.

**§ 27.88 [Deletion]**

15. Section 27.88 would be deleted in its entirety.

16. Section 27.94 would be amended to read as follows:

**§ 27.94 Spot markets (for certain determinations only).**

The following are designated as spot markets for the purpose of determining, as provided in paragraph 4863(c) of the act, the differences above or below the contract price which the receiver shall pay for grades other than the basis grade tendered or delivered in settlement of a section 4863 contract:

(a) For cotton delivered in settlement of any such contract at delivery points on or near the Gulf of Mexico except for contracts under paragraph (c):

| | |
|---|---|
| Dallas, Tex. | Memphis, Tenn. |
| Galveston, Tex. | New Orleans, La. |
| Houston, Tex. | |

(b) For cotton delivered in settlement of any such contract at delivery points on the Atlantic coast except for contracts under paragraph (c):

| | |
|---|---|
| Atlanta, Ga. | Memphis, Tenn. |
| Augusta, Ga. | Montgomery, Ala. |
| Charleston, S.C. | |

(c) For cotton delivered at any delivery point in settlement of any such contract that provides for delivery at both interior and port locations:

All markets listed in § 27.93.

It is proposed that the amendments become effective on or about February 20, 1961.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of January 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F.R. Doc. 61–918; Filed, Jan. 31, 1961; 8:49 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Meer Corporation, 318 West 46th Street, New York 36, New York, proposing the issuance of a regulation permitting the safe use of safrole-free extract of sassafras as a flavoring agent in beverages at a level of not more than 30 parts per million (0.0030 percent) in the finished beverage.

Dated: January 25, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–894; Filed, Jan. 31, 1961; 8:46 a.m.]

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by E. I. du Pont de Nemours and Company, Wilmington 98, Delaware, proposing the issuance of a regulation to establish a tolerance of 4 parts per million (0.0004 percent) for residues of 3-(3,4-dichlorophenyl)-1,1-dimethylurea in dried citrus pulp as a result of the application of the pesticide to the growing agricultural crop.

Dated: January 25, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–895; Filed, Jan. 31, 1961; 8:46 a.m.]

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Archer-Daniels-Midland Company, 700 Investors Building, Minneapolis 40, Minnesota, proposing the issuance of a regulation permitting the safe use of erucyl amide as a slip-agent in polyolefin films used in packaging, processing, or holding food.

Dated: January 25, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–896; Filed, Jan. 31, 1961; 8:47 a.m.]

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Moore and Munger, Inc., 33 Rector Street, New York 6, New York, proposing the issuance of a regulation permitting the safe use of a syn-

thetic paraffin wax as an ingredient of coatings for food-packaging materials.

Dated: January 25, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-897; Filed, Jan. 31, 1961; 8:47 a.m.]

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[ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Dow Corning Corporation, Midland, Michigan, proposing the issuance of a regulation permitting the safe use of polysorbate 80 and sodium lauryl sulfate as emulsifiers in release agents employed in the manufacture of paper and paperboard food-packaging materials.

Dated: January 25, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-898; Filed, Jan. 31, 1961; 8:47 a.m.]

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[ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (5)), notice is given that a petition has been filed by American Viscose Corporation, 1617 Pennsylvania Boulevard, Philadelphia 3, Pennsylvania, proposing the issuance of a regulation permitting the use of uncoated and coated cellophane films in the packaging of food.

Dated: January 25, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-899; Filed, Jan. 31, 1961; 8:47 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 3 ]

[Docket No. 13852; RM-183]

## TABLE OF ASSIGNMENT FOR CERTAIN TELEVISION BROADCAST STATIONS

### Order Extending Time for Filing Reply Comments

In the matter of amendment of § 3.606, *Table of assignments*, Television Broadcast Stations, (Bangor, Presque Isle, Calais, and Augusta, Maine), Docket No. 13852; RM-183.

The Commission has before it for consideration a petition filed by Community Telecasting Service, licensee of Station WABI-TV, Bangor, Maine requesting that the time for filing of reply comments in the above-entitled proceeding be extended from February 3, 1961, to February 13, 1961. Petitioner states that the time for filing original comments expired on January 20, 1961; since that day was a legal holiday in Washington, D.C., because of the Inauguration, comments, therefore, were not filed until January 23, 1961. The additional time is required by the petitioner to adequately prepare and submit its reply comments.

It appears that good cause has been shown for the request of extension of time and that the public interest would be served by granting the requested extension.

In view of the foregoing: *It is ordered*, This 26th day of January 1961, that the request of the Community Telecasting Service for extension of time is granted and that the time for filing reply comments in this proceeding is extended to February 13, 1961.

Released: January 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-917; Filed, Jan. 31, 1961; 8:49 a.m.]

# FEDERAL HOME LOAN BANK BOARD

## Federal Savings and Loan Insurance Corporation

[ 12 CFR Part 563 ]

[FSLIC-1039]

## OPERATIONS

### Charges and Credits With Respect to Mortgage Loans, Profit on Real Estate Sold, and Related Items

JANUARY 26, 1961.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) be amended by an amendment the substance of which is as follows:

Part 563 aforesaid is hereby amended by adding thereto, immediately after § 563.23, the following new section:

**§ 563.23-1 Charges and credits with respect to mortgage loans, profit on real estate sold, and related items.**

(a) *Charges and credits with respect to mortgage loans.* All acquisition charges in connection with the making or acquisition of a mortgage loan by an insured institution shall be charged to such institution's expense for the accounting period in which such charges are incurred and shall not be deferred beyond the end of such accounting period. All acquisition credits in connection with the making or acquisition of any mortgage loan, or in connection with a commitment to make or acquire any mortgage loan which is made or acquired by an insured institution shall be deferred, shall be credited to an account descriptive of deferred income, and a proportionate amount thereof shall be credited to operating income, at least semiannually, over the term of the loan contract or over a period not less than the average life of such institution's installment mortgage loans: *Provided*, That, for the purposes of this section, acquisition credits in an amount not in excess of 3 percent of the amount of the loan if the loan is for the purpose of construction, and not in excess of 1½ percent of the amount of the loan if the loan is for any other purpose, will be deemed to be reimbursement to such institution of expenses incurred by it in connection with such loan and may be credited to operating income for that half of such institution's fiscal year in which such loan is made or acquired. A premium paid in connection with the acquisition of a mortgage loan may be charged off when paid or may be capitalized; if capitalized, a proportionate amount thereof shall be charged to operating expense at least semiannually over the term of the loan contract.

(b) *Repayment or sale of mortgage loans.* If a mortgage loan owned by an insured institution is repaid in full with funds derived from sources other than such institution or an affiliate of such institution, or if a mortgage loan owned by an insured institution is sold in whole or in part without loss to a purchaser other than an affiliate of such institution, and if acquisition credits in respect to such loan were being taken into income over the terms of such loan (rather than over the average life of such institution's installment mortgage loans), the balance of such credits then remaining deferred in respect to such loan or to such part of such loan may at that time be credited to such institution's income: *Provided*, That, if a construction loan made by an insured institution is repaid or refinanced in whole or in part by a mortgage loan made by such institution or by an affiliate of such institution on the security of property which was security for the construction loan, the deferred portion of acquisition credits applicable to that part of the construction loan so repaid or refinanced shall continue as a credit to deferred income on such institution's books, and a proportionate amount thereof shall be credited to such institution's operating income, at least semiannually, over the term of the repaying or refinancing loan contract, or over a period not less than the average life of such institution's installment mortgage loans. An insured institution that sells a mortgage loan in whole or in part at a loss or at a discount shall charge such loss or discount to the balance of any acquisition credits applicable to such loan that remain deferred at the time of such sale; any loss or discount in excess of such balance shall be charged to such institution's income for such period, to undivided profits, or to reserves.



(c) *Sale of real estate owned.* When an insured institution sells real estate owned by it, such institution's records shall disclose the book value of such real estate at the time of such sale and the price at which it is sold. If such sale results in a profit, such part of the profit as is not received by the institution in cash at the time of sale shall be deferred and credited to an account descriptive of unearned profit on real estate sold; thereafter such unearned profit shall be deemed to have been realized only to the extent of reduction of the unpaid balance of the sale contract or purchase money mortgage.

(d) *Definition of terms.* For the purposes of this section, (1) the term "mortgage loan" means any loan or contract or interest therein on the security of real estate; (2) the term "installment mortgage loan" means any mortgage loan that is repayable in regular periodic payments, equal or unequal, sufficient to retire the debt, interest and principal, within the contract period; (3) the term "amount of the loan" means the face amount of the obligation executed by the primary obligor on a mortgage loan, except that with respect to a mortgage loan acquired by an insured institution, such term means the principal balance of such loan at the time of its acquisition by such institution; (4) the term "acquisition charges" means finder's fee, buying commission, attorney's fee, and brokerage fee paid by an insured institution in connection with the making or acquisition of a mortgage loan, but does not mean a premium paid by such institution in connection with the purchase of a mortgage loan; (5) the term "acquisition credits" means any consideration, other than interest as provided by the loan contract, charged or received by an insured institution for or in connection with the making or acquisition of a mortgage loan or of a commitment to make or acquire a mortgage loan: *Provided*, That, the terms "acquisition charges" and "acquisition credits" do not include actual costs incurred by an insured institution in respect to a mortgage loan that are collected by such institution from the borrower (either by deduction from the proceeds of such loan or otherwise) and paid out by such institution to third parties for actual attorney's fee, title insurance premium, appraisal fee, credit report, survey, recording fees, or other necessary services, which costs are not expenses of, and the reimbursements of which costs are not income to, such institution; and (6) the term "affiliate" means an institution, corporation, person, partnership, or entity which directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with an insured institution.

(e) The provisions of this section shall become effective as to each insured institution as of the effective date of this section or as of the beginning of that half of such institution's fiscal year next succeeding the third anniversary of the date of insurance of the institution's accounts, whichever is later.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subject and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modefied and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D.C., not later than March 6, 1961, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
*Secretary.*

[F.R. Doc. 61-884; Filed, Jan. 31, 1961; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[ 17 CFR Part 250 ]

[Release No. 14359]

## EXEMPTION OF CERTAIN REGISTERED HOLDING COMPANIES

### Notice of Withdrawal of Proposed Rule Making

The Securities and Exchange Commission, in Holding Company Act Release No. 14107, gave notice that it had under consideration a proposal to adopt Rule 14 under sections 3(a) and 20(a) of the Public Utility Holding Company Act of 1935. The proposed rule would have exempted a registered holding company, as to which there was pending an application for an order of exemption under section 3(a)(5) of the Act and which was permitted to conduct an investment program by an order of the Commission which had been entered in connection with the conversion of such company into an investment company in compliance with section 11 of the Act, from all obligations, duties and liabilities imposed by the Act or any rule promulgated thereunder on such company as a registered holding company, with respect to the issue, sale or acquisition of shares of common stock of which it is the issuer; provided that such company, in effecting any such issue, sale or acquisition conformed to the requirements of the Investment Company Act of 1940.

It appears that, at the present time, there is no longer any registered holding company which has pending before the Commission an application for an order of exemption under section 3(a)(5) of the Act and which has been granted permission to conduct an investment program by an order of the Commission entered in connection with the conversion of such registered holding company into an investment company in compliance with section 11 of the Act. The Commission therefore announced that it had decided to withdraw the proposal to adopt § 250.14 (Rule 14).

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

JANUARY 24, 1961.

[F.R. Doc. 61-881; Filed, Jan. 31, 1961; 8:45 a.m.]

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[ 17 CFR Part 275 ]

[Release No. 111]

## INVESTMENT ADVISERS

### Requirement To Maintain Specified Books and Records

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 204-2 under the Investment Advisers Act of 1940. This rule would require investment advisers subject to registration to maintain specified books and records relating to their business.

Public Law 86-750 adopted in September 1960 amended the Investment Advisers Act of 1940 in many important respects. As amended, section 204 now provides that every investment adviser (other than one specifically exempted from registration pursuant to section 203(b)) shall make, keep and preserve such accounts, correspondence, memorandums, papers, books and other records, and make such reports, as the Commission by rules and regulations may prescribe as necessary or appropriate in the public interest or for the protection of investors. Under this section such books and other records are subject to inspection by Commission representatives.

Paragraph (a) of the proposed rule specifies the books and records which all investment advisers would be required to keep. These include the usual journals and ledger accounts; memorandums of orders given and instructions received for the purchase or sale of securities; and originals or copies of certain communications received or sent by the investment adviser.

Paragraph (b) of the rule would require investment advisers who have custody or possession of securities or funds of any client to maintain certain additional records, including a separate ledger account for each such client showing all purchases, sales, receipts and deliveries of securities, the date and price of each such purchase and sale, and all debits and credits to such account.

Paragraph (c) of the rule is applicable to investment advisers who render any investment supervisory or management service to any client. Such investment advisers would be required to maintain the additional records specified in that paragraph if the information is available to or can be obtained by the investment adviser. It is recognized that it may not always be possible for the investment adviser to obtain such information, but the proposed rule contemplates that the investment adviser would try to make some arrangement under which his client would furnish it to him promptly or direct the broker-

dealer effecting the transaction to furnish it to him.

Under paragraph (d) of the proposed rule an investment adviser who sends a copy of any written material to more than one person would not have to keep a separate copy of the material sent to each person, but only one copy of the material and a list of the names and addresses of the persons to whom it was sent. This should help to simplify particularly the record-keeping of investment advisers who publish analyses, reports, etc.

Paragraphs (f), (g) and (h) of the rule specify the period during which particular records must be preserved. It will be noted that under paragraph (g) an investment adviser, before ceasing to conduct business, would be required to arrange for and be responsible for the preservation of the books and records required to be maintained under the rule for the remainder of the period specified in the rule, and to notify the Commission of the place where such books and records will be maintained during such period.

Paragraph (i) would make it clear that members, brokers and dealers who are also investment advisers need not keep two sets of the same records. It would provide that a book or other record maintained in compliance with Rules 17a–3 and 17a–4 under the Securities Exchange Act of 1934 would be deemed to be maintained and preserved in compliance with the proposed rule if the record is substantially the same as the record required under this rule.

Section 210(c) of the Act provides that an investment adviser shall not be required to disclose, in the course of an ordinary inspection conducted by a Commission representative, certain information concerning any client to whom the investment adviser renders investment supervisory services. To help to preserve the anonymity of such clients, paragraph (e) of the proposed rule would provide that any books or records relating to such clients may be maintained in such manner that their identity may be indicated by numerical or alphabetical code, or by some similar designation.

The proposed rule would be adopted pursuant to the provisions of the Investment Advisers Act of 1940, as amended, and particularly sections 204 and 211(a) of the Act.

The text of the proposed rule is as follows:

**§ 275.204–2 Books and records to be maintained by investment advisers.**

(a) Every investment adviser who makes use of the mails or of any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser (other than one specifically exempted from registration pursuant to section 203(b) of the Act) shall make and keep true, accurate and current the following books and records relating to his business:

(1) A journal or journals, including cash receipts and disbursements records, and any other records of original entry forming the basis of entries in any ledger.

(2) General and auxiliary ledgers (or other comparable records) reflecting asset, liability, reserve, capital, income and expense accounts.

(3) A memorandum of each order given by the investment adviser for the purchase or sale of any security, and of any instruction received by the investment adviser from the client concerning any purchase, sale, receipt or delivery of a security. Such memorandum shall show the terms and conditions of the order or instruction and of any modification or cancellation thereof, the names of all persons connected with the investment adviser who recommended the transactions and of those who placed such order, and where appropriate, the account for which entered, the date and time of entry, the date and price at which executed, and the broker or dealer by or through whom executed. Orders entered pursuant to the exercise of discretionary power shall be so designated.

(4) All check books, bank statements, cancelled checks and cash reconciliations.

(5) All bills or statements (or copies thereof), paid or unpaid, relating to the business of such investment adviser.

(6) All trial balances, financial statements, and internal audit working papers relating to the business of such investment adviser.

(7) Originals of all written communications received and copies of all written communications sent by such investment adviser relating to (i) any recommendation made or to be made and any advice given or to be given, (ii) any receipt, disbursement, or delivery of funds or securities, or (iii) the placing or execution of any order to purchase or sell any security.

(8) A list of all accounts in which the investment adviser is vested with any discretionary power with respect to the funds, securities, or transactions of any client. For the purposes of this subparagraph, the term "discretionary power" shall not include discretion as to the price at which or the time when a transaction shall be effected, if, before the order is given by the investment adviser, the client has directed or approved the purchase or sale of a definite amount of the particular security.

(9) All powers of attorney and other evidences of the granting of any discretionary authority by any client.

(10) All written agreements (or copies thereof) entered into by the investment adviser with any client or otherwise relating to the business of such investment adviser.

(11) If the investment adviser publishes, gives publicity to, circulates, or distributes to 10 or more persons any notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication which recommends the purchase or sale of a specific security, the investment adviser shall maintain and preserve a copy thereof and a memorandum or other record indicating the factual basis and any other reasons for making such recommendation.

(b) If an investment adviser subject to paragraph (a) of this section has custody or possession of securities or funds of any client, the records required to be made and kept under paragraph (a) of this section shall include:

(1) A journal or other record showing all purchases, sales, receipts and deliveries of securities (including certificate numbers) for such accounts and all other debits and credits to such accounts; and

(2) A separate ledger account for each such client showing all purchases, sales, receipts and deliveries of securities, the date and price of each such purchase and sale, and all debits and credits.

(c) Every investment adviser subject to paragraph (a) of this section who renders any investment supervisory or management service to any client shall, to the extent that the information is available to or can be obtained by the investment adviser, make and keep true, accurate and current:

(1) Records showing separately for each such client the securities purchased and sold, and the date, amount and price of each such purchase and sale.

(2) A record for each security in which any such client has a position, which record shall show the name of each client having any interest in such security. If any such security is in the custody or possession of the investment adviser such records shall also show the amount of each such security and its location.

(3) Copies of confirmations of all transactions effected by or for the account of any such client.

(d) Whenever any circular, advertisement, publication or other written communication required to be made or kept under this rule is sent, circulated, distributed, or otherwise made available to more than one person it shall be sufficient compliance with this section to maintain and preserve one copy of such material, together with a list of the names and addresses of the persons to whom it was sent, circulated, distributed, or otherwise made available.

(e) Any books or records required by this rule may be maintained by the investment adviser in such manner that the identity of any client to whom such investment adviser renders investment supervisory services is indicated by numerical or alphabetical code or some similar designation.

(f) The books and records required under the provisions of this rule shall be maintained and preserved in the principal office of the investment adviser for the periods specified below.

(1) All books and records required to be made under paragraphs (a) to (d) of this section, for a period of not less than five years from the end of the fiscal year during which the last entry was made on such record, the first two years in an easily accessible place.

(2) Partnership articles and any amendments thereto, articles of incorporation, charters, minute books, and stock certificate books, until at least three years after termination of the enterprise and any successor enterprise.

(g) An investment adviser subject to paragraph (a) of this section, before ceasing to conduct or discontinuing business as an investment adviser shall arrange for and be responsible for the preservation of the books and records required to be maintained and preserved under this rule for the remainder of the period specified in this rule and shall notify the Commission in writing, at its principal office, Washington 25, D.C. of the exact address where such books and records will be maintained during such period.

(h) After a record or other document has been preserved for two years a photograph on film may be substituted for the balance of the required time.

(i) Any book or other record made, kept, maintained and preserved in compliance with Rules 17a–3 and 17a–4 under the Securities Exchange Act of 1934, which is substantially the same as the book or other record required to be made, kept, maintained and preserved under this section, shall be deemed to be made, kept, maintained and preserved in compliance with this section.

All interested persons are invited to submit their views and comments on the proposal in writing to the Securities and Exchange Commission, Washington 25, D.C. on or before March 1, 1961. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JANUARY 25, 1961.

[F.R. Doc. 61–882; Filed, Jan. 31, 1961; 8:45 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Foreign Assets Control

### IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM CANADA

### Available Certifications by the Government of Canada

Notice is hereby given that certificates of origin issued by the Department of Trade and Commerce of the Government of Canada under procedures agreed upon between that Government and the Foreign Assets Control are available with respect to the importation into the United States directly, or on a through bill of lading, from Canada of the following commodity:

Foodstuffs, Chinese type.

[SEAL] MARGARET W. SCHWARTZ,
*Acting Director,*
*Foreign Assets Control.*

[F.R. Doc. 61-961; Filed, Jan. 31, 1961; 8:50 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### NEBRASKA

### Correction

JANUARY 25, 1961.

The Notice of Proposed Withdrawal and Reservation of Lands published on page 13990 of the FEDERAL REGISTER, issue for December 30, 1960 (F.R. Doc. 60-12125; Filed, Dec. 29, 1960; 8:48 a.m.) is hereby corrected as to the land in T. 21 N., R. 27 W., 6th P.M. Nebraska, Signal Hill Natural Area, by deleting the W½W½ of Sec. 3, and replacing it with the W½E½ of Sec. 3. The other descriptions remain as originally published.

EUGENE L. SCHMIDT,
*Lands and Minerals Officer.*

[F.R. Doc. 61-900; Filed, Jan. 31, 1961; 8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

### SALES OF CERTAIN COMMODITIES

### January 1961 Monthly Sales List; Amendment

The price listing for the Commodity Credit Corporation Monthly Sales List for January 1961 is amended, effective January 24, 1961, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) by deleting the paragraph relating to tung oil and substituting the following:

| Commodity | Sales price or method of sale |
|---|---|
| Tung oil..... | Domestic or export—unrestricted use: Competitive bid on limited quantities weekly under Announcement DL-OP-11 by the Dallas CSS Commodity Office. |

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued January 26, 1961.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 61-923; Filed, Jan. 31, 1961; 8:50 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 10959]

### AAXICO AIRLINES, INC., AND AEROLINEAS PERUANAS, S.A., ENFORCEMENT PROCEEDING

### Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on February 15, 1961 at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 27, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-903; Filed, Jan. 31, 1961; 8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13920, 13921, FCC 61M-131]

### AMERICAN COLONIAL BROADCASTING CORP. (WKBM-TV) AND (WSUR-TV)

### Order Scheduling Hearing

In re applications of American Colonial Broadcasting Corporation (WKBM-TV), Caguas, Puerto Rico, Docket No. 13920, File No. BPCT-2801; American Colonial Broadcasting Corporation (WSUR-TV), Ponce, Puerto Rico, Docket No. 13921, File No. BPCT-2808; for construction permits to change existing facilities.

*It is ordered,* This 25th day of January 1961, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 28, 1961, in Washington, D.C.

Released: January 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-905; Filed, Jan. 31, 1961; 8:48 a.m.]

[Docket Nos. 13922, 13923; FCC 61M-134]

### FIRST CAROLINA CORP. AND PALMETTO RADIO CORP. (WNOK-TV)

### Order Scheduling Hearing

In re applications of First Carolina Corp., Columbia, South Carolina, Docket No. 13922, File No. BPCT-2803; for construction permit for new television broadcast station (Channel 25); Palmetto Radio Corporation (WNOK-TV), Columbia, South Carolina, Docket No. 13923, File No. BPCT-2820; for construction permit to change from Channel 67 to Channel 25.

*It is ordered,* This 26th day of January 1961, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 30, 1961, in Washington, D.C.

Released: January 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-906; Filed, Jan. 31, 1961; 8:48 a.m.]

[Docket No. 13853; FCC 61M-122]

### MID-KANSAS, INC.

### Order Continuing Hearing

In re applications of Mid-Kansas, Inc., Docket No. 13853; for construction permit for a common carrier microwave station at Manhattan, Kansas, File No. 2205-C1-P-60; for construction permit for a common carrier microwave station at Junction City, Kansas, File No. 2206-C1-P-60; for construction permit for a common carrier microwave station at Abilene, Kansas, File No. 2207-C1-P-60; for construction permit for a common carrier microwave station at St. Marys, Kansas, File No. 224-C1-P-61.

The Hearing Examiner having under consideration the informal request filed on January 24, 1961, by Topeka Broadcasting Association, Inc., for indefinite continuance of the hearing scheduled herein;

It appearing that all parties have consented to immediate consideration and grant of said request and that good cause for a grant thereof is shown in that it is represented that the applicant and protestant have arrived at a firm meeting of the minds with respect to settlement, subject to Commission approval, of the matters at issue herein and appropriate procedural steps are being taken looking toward dismissal of the proceeding;

*It is ordered,* This 24th day of January 1961, that the said request is granted and the hearing herein presently scheduled to commence on January 25, 1961, is continued without date.

Released: January 25, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-907; Filed, Jan. 31, 1961; 8:48 a.m.]

[Docket Nos. 12084-12086; FCC 61M-121]

### HERBERT MUSCHEL ET AL.

### Order Continuing Hearing

In re applications of Herbert Muschel, New York, N.Y., Docket No. 12084, File No. BPH-2184; Richard W. Brahm, d/b as Independent Broadcasting Co., New York, N.Y., Docket No. 12085, File No. BPH-2192; New Broacasting Company, Inc., New York, N.Y., Docket No. 12086, File No. BPH-2194; for construction permits.

The Hearing Examiner having under consideration a petition filed by New Broadcasting Company on January 12, 1961, for an extension of hearing date and a reply of Independent Broadcasting Company in opposition thereto filed on January 24, 1961;

It appearing that the hearing is currently scheduled to commence on February 27, 1961, and that counsel for New Broadcasting Company is involved with other commitments at approximately this time so that he desires additional time for the presentation of his client's case and has requested an extension until March 27, 1961; and

It further appearing that the present date of February 27 also presents a conflict in the Hearing Examiner's own schedule but that, as pointed out in the opposition, the circumstances in this case require that it proceed with all reasonable expedition so that even though a continuance is called for, the amount of time cannot be as great as that requested;

*It is ordered,* This 24th day of January 1961, that the request for extension is granted in part in that the hearing will be continued from February 27 to March 20, 1961, and in other respects is denied.

Released: January 25, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-908; Filed, Jan. 31, 1961; 8:48 a.m.]



[Docket Nos. 13649-13653; FCC 61M-123]

### RADIO CARMICHAEL ET AL.

### Order Scheduling Prehearing Conference

In re applications Radio Carmichael, Sacramento, California, Docket No. 13649, File No. BP-12031; Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON), Napa, California, Docket No. 13651, File No. BP-12306; Golden Gate Broadcasting Corporation (KSAN), San Francisco, California, Docket No. 13652, File No. BP-12376; John Matranga, d/b as Trans-Sierra Radio, Roseville, California, Docket No. 13653, File No. BP-12938; for construction permits.

The Hearing Examiner having under consideration the Chief Hearing Examiner's order released November 30, 1960, and the matter of establishing a further prehearing conference date in this proceeding,

*It is ordered,* This 25th day of January 1961, that a further prehearing conference will be held at 10:00 a.m., January 26, 1961.

Released: January 25, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-909; Filed, Jan. 31, 1961; 8:48 a.m.]

[Docket Nos. 13599, 13600; FCC 61M-129]

### A. S. RIVIERE AND RADIO GEORGIA

### Order Scheduling Prehearing Conference

In re applications of A. S. Riviere, Barnesville, Georgia, Docket No. 13599, File No. BP-12889; John P. Frew, Elizabeth H. Frew, Stephens B. McGarity, and Leslie E. Gradick, Jr., d/b as Radio Georgia, Thomaston, Georgia, Docket No. 13600, File No. BP-13051; for construction permits.

A hearing conference in the above-entitled proceeding will be held on Tuesday, February 14, 1961, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules in so far as they relate to the amended issues specified in the Commission's Memorandum Opinion and Order dated January 18, 1961, released January 23, 1961.

*It is so ordered,* This the 25th day of January 1961.

Released: January 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-910; Filed, Jan. 31, 1961; 8:48 a.m.]

[Docket Nos. 13749-13753; FCC 61M-119]

### ROLLINS BROADCASTING, INC., ET AL.

### Order Scheduling Hearing

In re applications of Rollins Broadcasting, Inc., Wilmington, Delaware, Docket No. 13749, File No. BPCT-2583; The Wilmington Television Co., Inc., Wilmington, Delaware, Docket No. 13750, File No. BPCT-2603; WHYY, Inc., Wilmington, Delaware, Docket No. 13751, File No. BPCT-2634; Metropolitan Broadcasting Corporation, Wilmington, Delaware, Docket No. 13752, File No. BPCT-2715; National Telefilm Associates, Inc., Wilmington, Delaware, Docket No. 13753, File No. BPCT-2769; for construction permits for new television broadcast stations (Channel 12).

The Hearing Examiner having under consideration the Chief Hearing Examiner's order released December 6, 1960, and the matter of establishing further dates in this proceeding; and

It appearing that counsel for the applicants have informally agreed to the date ordered below for the exchange of exhibits;

*It is ordered,* This 24th day of January 1961, that, pursuant to agreement of counsel as stated above and on the Hearing Examiner's own motion, the following dates for procedural steps shall govern in this proceeding:

Exchange of entire direct cases in written exhibit form under oath: February 17, 1961.
Commencement of hearing (securing of rulings on admissibility of exhibits): March 20, 1961 (10:00 a.m.).
Notification of witnesses desired for cross-examination: April 3, 1961.
Further hearing (cross-examination of witnesses): April 17, 1961 (10:00 a.m.).

Released: January 25, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-911; Filed, Jan. 31, 1961; 8:48 a.m.]

[Docket No. 13911; FCC 61M-107]

### SHERIDAN BROADCASTING CO., INC. (KROE)

### Order Scheduling Prehearing Conference

In re application of Sheridan Broadcasting Company, Inc. (KROE), Sheridan, Wyoming, Docket No. 13911, File No. BP-12676; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

*It is ordered,* This 23rd day of January 1961, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in

Washington, D.C., at 10:00 a.m., February 2, 1961.

Released: January 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-912; Filed, Jan. 31, 1961; 8:48 a.m.]

[Docket Nos. 13663, 13664; FCC 61M-132]

## NORMAN A. THOMAS AND GREENE COUNTY BROADCASTING CO., INC.

### Order Continuing Hearing

In re applications of: Norman A. Thomas, Greeneville, Tennessee, Docket No. 13663, File No. BP-12729; Greene County Broadcasting Company, Incorporated, Greeneville, Tennessee, Docket No. 13664, File No. BP-13271; for construction permits.

The Hearing Examiner having under consideration a "Petition for Continuance of Hearing" filed by Greene County Broadcasting Company, Incorporated on January 25, 1961, requesting that the hearing in this proceeding presently scheduled for February 1, 1961, be continued to February 8, 1961;

It appearing that a conflict in hearing dates has arisen which will be resolved by a brief continuance of the hearing in the instant proceeding; and

It further appearing that all the interested parties have agreed to the requested continuance and that good cause has been shown for a grant thereof;

*It is ordered*, This 26th day of January 1961, that the "Petition for Continuance of Hearing" filed on January 25, 1961, by Greene County Broadcasting Company, Incorporated, be, and the same is, hereby granted, and that the hearing in this proceeding presently scheduled for February 1, 1961, be, and the same is, hereby continued, to February 8, 1961.

Released: January 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-913; Filed, Jan. 31, 1961; 8:48 a.m.]

[Docket Nos. 13918, 13919; FCC 61M-130]

## UNITED BROADCASTING CO., INC., AND PURITAN BROADCAST SERVICE, INC.

### Order Scheduling Hearing

In re applications of United Broadcasting Co., Inc., Beverly, Massachusetts, Docket No. 13918, File No. BPH-3129; Puritan Broadcast Service, Inc., Lynn, Massachusetts, Docket No. 13919, File No. BPH-3185; for construction permits (FM).

*It is ordered*, This 25th day of January 1961, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 30, 1961, in Washington, D.C.

Released: January 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-914; Filed, Jan. 31, 1961; 8:48 a.m.]

[List No. 19; FCC 61-111]

## STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING PURSUANT TO SECTION 1.354(c) OF THE COMMISSION'S RULES

JANUARY 27, 1961.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on March 6, 1961, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to §§ 1.106(c)(1) and 1.361(b) of the Commission rules, an application, in order to be considered with any application appearing on the attached list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on March 3, 1961, or (b) if action is taken by the Commission on any listed application prior to March 3, 1961, no later than the close of business on the day preceding the date on which such action is taken, or (c) the day on which a conflicting application was "cut off" because it was timely filed for consideration with an application on a previous list.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(e) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: January 25, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

*Applications from the top of the processing line*

BP-13232 NEW, Carrington, N. Dak.
Central Broadcasting Co.
Req.: 1600 kc, 500 w, Day.

BP-13684 NEW, Isabela, P.R.
Sergio Martinez Caraballo.
Req: 1390 kc, 500 w, 1 kw-LS, U.

BP-13685 KIRX, Kirksville, Mo.
Community Broadcasters, Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-13686 WPLK, Rockmart, Ga.
Georgia Radio, Inc.
Has: 1220 kc, 250 w, Day.
Req: 1220 kc, 500 w, Day.

BP-13687 WDOR, Sturgeon Bay, Wis.
Door County Broadcasting Co., Inc.
Has: 910 kc, 500 w, Day.
Req: 910 kc, 1 kw, Day.

BP-13689 KSCO, Santa Cruz, Calif.
Radio Santa Cruz.
Has: 1080 kc, 500 w, 1 kw-LS, DA-N, U.
Req: 1080 kc, 500 w, 10 kw-LS, DA-N, U.

BP-13690 WENT, Gloversville, N.Y.
WENT Broadcasting Corp.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-13691 NEW, Waynesville, Mo.
South Central Broadcasters, Inc.
Req: 1390 kc, 1 kw, Day.

BP-13692 WPBC, Richfield, Minn.
Peoples Broadcasting Co.
Has: 980 kc, 1 kw, Day (Minneapolis, Minn.).
Req: 980 kc, 5 kw, DA-1, U (Richfield, Minn.).

BP-13694 NEW, Williams, Ariz.
Frank S. Barc, Jr.
Req: 730 kc, 250 w, Day.

BP-13695 NEW, Joplin, Mo.
William B. Neal.
Req: 1560 kc, 250 w, Day.

BP-13696 NEW, Hazlehurst, Ga.
Hazlehurst Radio.
Req: 1480 kc, 1 kw, Day.

BP-13697 KYOU, Greeley, Colo.
Meroco Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-13698 WNOG, Naples, Fla.
Radio Naples, Inc.
Has: 1270 kc, 500 w, Day.
Req: 1270 kc, 500 w, DA-N, U.

BP-13699 NEW, Havelock, N.C.
Radio-Marine.
Req: 1330 kc, 1 kw, Day.

BP-13701 NEW, Austell, Ga.
Crackerland Broadcasters.
Req: 1520 kc, 500 w, Day.

BP-13703 WELC, Welch, W. Va.
Pocahontas Broadcasting Co.
Has: 1150 kc, 1 kw, Day.
Req: 1150 kc, 5 kw, Day.

BP-12704 NEW, Black Mountain, N.C.
Blue Ridge Broadcasting Corp.
Req: 1010 kc, 10 kw, DA, Day.

BP-13705 NEW, Blytheville, Ark.
Day-Phil Broadcasting Co.
Req: 1300 kc, 500 w, Day.

BMP-8836 WKBR, Manchester, N.H.
Granite State Broadcasting Co., Inc.
Has CP: 1250 kc, 5 kw, DA-2, U.
Req MP: to modify daytime pattern.

BP-13707 NEW, Boynton Beach, Fla.
Boynton Beach Broadcasting Co.
Req: 1510 kc, 1 kw, Day.

BP-13710 KRE, Berkeley, Calif.
Central California Broadcasters, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, DA-D, U.

BP-13711 NEW, Waverly, Tenn.
Waverly Broadcasting Co.
Req: 1540 kc, 1 kw, 500 w (CH), Day.

BP-13713 WSBB, New Smyrna Beach, Fla.
Broadcasters, Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-13715 KUMA, Pendleton, Oreg.
Pendleton Broadcasting Co.
Has: 1290 kc, 5 kw, DA-2, U.
Req: 1290 kc, 5 kw, DA-N, U.

BP-13717 KFKF, Bellevue, Wash.
Bellevue Broadcasters.
Has: 1330 kc, 1 kw, Day.
Req: 1330 kc, 5 kw, Day.

BP-13718 NEW, Pocatello, Idaho.
Vernon G. Ludwig.
Req: 1050 kc, 1 kw, Day.

BP-13721 WCDJ, Edenton, N.C.
Colonial Broadcasting Co.
Has: 1260 kc, 1 kw, Day.
Req: 610 kc, 500 w, Day.



BP-13722 NEW, Nampa, Idaho.
Chester C. Whittington.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-13723 KDIA, Oakland, Calif.
KDIA, Inc.
Has: 1310 kc, 1 kw, U.
Req: 1310 kc, 5 kw, DA-1, U.

BP-13727 NEW, Wilmington, N.C.
Jefferay Broadcasting Corp.
Req: 1490 kc, 250 w, U.

BP-13728 WCSS, Amsterdam, N.Y.
Community Service Broadcasting Corp. of Amsterdam, N.Y.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-13732 NEW, Glendive, Mont.
King's Garden, Inc.
Req: 590 kc, 500 w, Day.

BP-13733 WRMS, Beardstown, Ill.
Beardstown Broadcasting Co.
Has: 790 kc, 500 w, Day.
Req: 790 kc, 1 kw, Day.

BP-13735 NEW, Camden, Ark.
Ouachita Valley Radio Corp.
Req: 610 kc, 500 w, Day.

BP-13737 NEW, Hazlehurst, Ga.
Jeff Davis Broadcasters, Inc.
Req: 920 kc, 500 w, Day.

BP-13739 NEW, Orange, Tex.
Radio Orange.
Req: 1510 kc, 1 kw, Day.

BP-13740 KCHV, Coachella, Calif.
Coachella Valley Broadcasting Co.
Has: 970 kc, 1 kw, Day.
Req: 970 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-13743 KXAR, Hope, Ark.
Hope Broadcasting Co.
Has: 1490 kc, 250 w, S.H.
Req: 1490 kc, 250 w, 1 kw-LS, S.H.

BP-13748 NEW, Mastic, N.Y.
Mastic Broadcasting Co.
Req: 1250 kc, 500 w, Day.

BP-13751 WCNH, Quincy, Fla.
The Big Bend Broadcasting Corp.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-13752 NEW, Chester, Va.
Virginia Regional Broadcasters.
Req: 1410 kc, 5 kw, Day.

BP-13754 NEW, Wakefield, Va.
Stuart W. Epperson.
Req: 1410 kc, 1 kw, Day.

BP-13757 KTKR, Taft, Calif.
Louise E. and Gerald K. Mann.
Has: 1310 kc, 500 w, Day.
Req: 1310 kc, 1 kw, Day.

BP-13758 WKST, New Castle, Pa.
WKST, Inc.
Has: 1280 kc, 1 kw, DA-N, U.
Req: 1280 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-13759 KEUN, Eunice, La.
Tri-Parish Broadcasting Co., Inc.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

*Applications on which 309(b) letters have been issued*

BP-13688 NEW, Hamburg, N.Y.
Leon Lawrence Sidell.
Req: 1300 kc, 1 kw, DA, Day.

BP-13709 WNOK, Columbia, S.C.
Palmetto Radio Corp.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-13749 NEW, Kent, Ohio.
Kent-Ravenna Broadcasting Co.
Req: 1520 kc, 1 kw, DA, Day.

BP-13755 NEW, Loves Park, Ill.
Loves Park Broadcasting Co.
Req: 1520 kc, 500 w, Day.

*Application deleted from Public Notice of January 21, 1960*

(FCC 60-52) (25 F.R. 663)

BP-12600 WKCB, Berlin, N.H.
McKee Broadcasting Company, Inc.
Has: 1230 kc, 250 w, U.
Req: 600 kc, 500 w, 5 kw-LS, U.
(Assigned new file number: BP-14482.)

[F.R. Doc. 61-915; Filed, Jan. 31, 1961; 8:48 a.m.]

[Docket No. 12782; FCC 61-122]

## STUDY OF RADIO AND TELEVISION NETWORK BROADCASTING

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of January 1961:

The Commission having before it the following:

(1) Petitions filed by Dick Fishell, Betty Langley, Mary Rothschild, Dick Fishell & Associates, and Promotions Unlimited on October 31, 1960; and filed by MCA Inc. and Taft B. Schreiber on October 28, 1960, seeking review and reversal of certain actions of the Presiding Officer, James D. Cunningham, in the instant proceeding;

(2) Memorandum Opinion adopted on November 25, 1960, by the Chief Hearing Examiner acting as Presiding Officer in the instant proceeding;

(3) Memorandum in Support of Opinion and Proposed Action and in Opposition to Petitions to Review, filed by the Broadcast Bureau on December 2, 1960;

(4) Letter dated December 8, 1960, filed with the Commission on December 13, 1960, by counsel for Dick Fishell, Betty Langley, Mary Rothschild, Dick Fishell & Associates, and Promotions Unlimited;

(5) Reply Petition of MCA Inc. and Taft B. Schreiber, filed on December 27, 1960.

This investigatory proceeding, a continuation and expansion of the Commission's Network Study, was initiated by Commission Order of February 27, 1959 (FCC 59-166, Mimeo 69484, 24 F.R. 1605), pursuant to section 403 of the Communications Act of 1934, as amended. Our Order directed that inquiry be made to determine the policies and practices pursued by networks and others in the acquisition, ownership, production, distribution, selection, sale and licensing of programs for television exhibition and the reasons and necessity in the public interest for said policies and practices. It further ordered that, for the purposes of said investigation, Chief Hearing Examiner, James D. Cunningham, constitute a board within the meaning of section 5(d) of the Communications Act of 1934, as amended (47 U.S.C.A. 155(d)—), and that he convene, conduct and carry on said proceeding at such times and places as he should determine would best facilitate the dispatch of the business of said proceeding and serve the ends of justice; that he preside over said proceeding, receive evidence, make a record thereof, and certify that record to the Commission; and in connection with said investigatory proceeding, James D. Cunningham, sitting as a board and Presiding Officer, as aforesaid, be authorized and empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of books, papers, correspondence, memoranda and other records deemed relevant to the inquiry and to perform all other duties in connection therewith as authorized by law. It was further ordered, that the said investigatory proceeding be a public proceeding except that the said Presiding Officer be empowered to order non-public sessions where and to the extent that said Presiding Officer should determine that the public interest, the proper dispatch of the business of said proceeding, or the ends of justice would be served thereby.

On November 10, 1959, the Commission issued its Supplemental Order for Investigatory Proceeding (FCC 59-1136, Mimeo 80097, 24 F.R. 9275), in which it ordered and directed that the said investigatory proceeding be amended and enlarged to determine the policies, practices, mechanics and surveillance pursued and carried out by networks, station licensees and others in connection with the acquisition, ownership, production, distribution, selection, sale and licensing of programs for radio and television exhibition and the policies and practices pursued by networks, station licensees and others in connection with the selection, presentation and supervision of advertising material for broadcast to the public and the reasons and necessity in the public interest for said policies and practices, and activities.

It was the intention of the Commission in issuing both of the above Orders to institute a broad and comprehensive inquiry to establish a public record of the relevant policies, practices, facts and circumstances involved in the production, creation, selection, sale, licensing and exhibition of programs broadcast through the facilities of its licensees. Although the Commission empowered the Presiding Officer to accept evidence, information and data on a nonpublic basis, it was the Commission's express intent that the proceedings be public and that the record be available to the public, station licensees, the broadcast industry, to the Commission and to Congress. We think it clear that all of such groups have a proper interest in the complex and generally unknown processes involved in the production, sale, distribution, et cetera, of broadcast programming and, more particularly, in the factual basis for any action—legislative, rule making or licensing—which the Commission may take as a result of its inquiry into these matters. Moreover, the policies and practices into

which inquiry is and has been made herein, involve many-sided transactions between diverse and partially competitive (but also partially complementary) components and members of the same industry, such as networks, advertising agencies, program producers, program packagers, talent agencies, etc. If we are to obtain a full and rounded picture of such transactions, it is highly desirable that the facts, information, data and opinion supplied by one group or individual be known to other groups and individuals involved, so that they may verify, refute, explain, amplify or supplement the record from their own diverse points of view. In our view, a public investigatory hearing is the most effective means to this end. For these reasons, among others, we determined that public proceedings should be the rule herein, and that non-public procedures should be used only in those extraordinary instances where disclosure would irreparably damage private, competitive interests and where such interests could be found by the Presiding Officer to outweigh the paramount interest of the public and the Commission in full public disclosure. It was not the Commission's intention that the non-public procedure be used, solely for their own convenience, by private persons who might be called as witneses. Nor was it the Commission's intention to accept any information on a basis which would prevent its disclosure if the public interest so requires.

Initial sessions of the instant proceeding were held in May 1959, at which the principal officers of the three national television networks (CBS, NBC, and ABC) testified and gave evidence, principally of a documentary nature. During the week beginning July 7, 1959, television executives of several major advertising agencies testified and gave other evidence, disclosing in depth and detail their activities in the television program selection process. Following the issuance of its Order of November 10, 1959, and beginning on December 7, 1959, the Commission en banc heard approximately one hundred witnesses representing virtually all interested segments of the listening and viewing public as well as many persons from the industry.

From October 10 through October 25, 1960, public sessions of the inquiry were held in Los Angeles, California, devoted to the receiving of testimony and other evidence concerning the activities, functions, policies and practices of a number of Hollywood-centered television production companies, talent agencies, talent representatives, program packagers and/or sales representatives, West-coast representatives of the National Association of Broadcasters, and several principal officers of Guilds which act as collective bargaining agents for performing and other talent in television programming. Also heard were representatives of companies and individuals who engaged in the business of seeking to "plug" various products and services as a part of the subject matter of television programming.

The Presiding Officer, as part of his duty under the said Orders, was empowered to make and enforce reasonable rules for the conduct of the proceeding. Pursuant to that authority the Presiding Officer established "ground rules" under which each witness was permitted to be accompanied by and to consult with counsel during the course of his testimony. Counsel were not permitted to participate directly in the proceedings by means of oral objections or arguments during the testimony, but were permitted to make appropriate motions directed to subpoenas. With a single insignificant exception, witnesses were uniformly permitted to consult with their counsel while they were on the stand, and to voice any objections or claim of right or privilege that counsel might suggest.

On October 17, 1960, the Presiding Officer issued a subpoena duces tecum directed to Taft Schreiber, Vice-President of MCA, Inc., commanding him to appear and produce certain documents. Schreiber appeared on October 21, 1960, and produced part of the material demanded by the subpoena. He refused a list of the programs as to which MCA, Inc., acts as "packager." Although he was in possession of the required document in the Courtroom, he refused to produce it unless the Commission agreed to accept it as "confidential." When directed to produce the document by the Presiding Officer, and to testify fully regarding matters relevant to the inquiry, Schreiber declined to proceed with his testimony and left the stand.

On October 18, 1960, the Presiding Officer issued a subpoena duces tecum to Promotions Unlimited and Dick Fishell & Associates, and subpoenas ad testificandum to Dick Fishell, Mary Rothschild and Betty Langley which were returnable at the Federal Courthouse in Los Angeles, California, on October 24, 1960. All the named persons appeared and their counsel moved to quash the subpoenas on the several grounds set forth in the record and in the pleadings herein. The motion was denied by the Presiding Officer. All such persons were sworn as witnesses and each declined, on the advice of counsel, to testify in the proceeding.

In his Memorandum Opinion, the Presiding Officer reaffirmed his view that the "ground rules" established for the participation of counsel were valid and found that the testimony and documents sought from the aforesaid persons were relevant to the inquiry and essential to the fulfillment of its purposes, that the requests for confidential treatment were without merit, and that the documents required of Promotions Unlimited and Dick Fishell & Associates were adequately described in the subpoenas addressed to them. He found further that Mr. Schreiber had acted in "complete defiance" of Commission authority and that the refusal of all the named witnesses to testify and to produce information and data called for by the subpoenas in question "constitutes contumacy and tends to frustrate this inquiry."

As stated earlier herein, all persons who refused to testify have now applied to the Commission pursuant to section 5(d)(2) of the Communications Act for review of the rulings and orders of the Presiding Officer.

Having reviewed the record and the pleadings herein, we have concluded that the rules, orders and directions of the Presiding Officer with regard to Taft Schreiber, MCA, Inc., Promotions Unlimited, Dick Fishell & Associates, Dick Fishell, Mary Rothschild and Betty Langley, were clearly valid and proper and within the authority of the Presiding Officer as set forth in the Commission's orders of February 27 and November 10, 1959. The refusal of all of the said witnesses to testify and produce the required information and data was without warrant in law and seriously impedes and frustrates the Commission's purposes as stated in those orders.

The contention of all the various petitioners that the information sought of them by the Commission should be treated as "confidential" is without merit. The claim that disclosure of such information would harm them irreparably is totally unsupported by their pleadings and contrary to the record. None of the information sought by the subpoenas now outstanding is detailed financial information of the sort involved in FCC v. Cohn, et al., 154 F. Supp. 899 (D. Ct., S.D.N.Y.). Moreover, it appears that information and testimony of exactly the same kind and type as that now offered as "confidential" by MCA was produced by witnesses for William Morris and other competitors of MCA without question as to its inclusion in the public record. Evidence similar to that sought from the other petitioners was freely given by another person engaged in a similar business. It appears further that, in eliciting testimony and requesting data from such other persons, the Presiding Officer and Commission counsel have made every effort to avoid public disclosure of detailed internal financial information or detailed contractual arrangements which might in fact irreparably harm private interests without sufficient compensating benefit to the public. We concur in the Presiding Officer's finding on this record that there is nothing of a confidential nature in the matters sought to be elicited from these petitioners which would require that their testimony be made part of the non-public docket.

The contention of all the various petitioners that the "ground rules" established by the Presiding Officer violate their "right to counsel" is likewise without merit. All witnesses, including petitioners, have been given a full and fair opportunity to consult with counsel while on the stand. We concur in the Presiding Officer's requirement that a witness request permission to consult with counsel. We have been shown nothing indicating that this requirement has impeded any witness's consultation with his counsel more than was necessary to maintain decorum and keep the proceeding under control. We also concur in the Presiding Officer's view that permitting counsel to make appropriate motions directed to subpoenas (prior to any testimony by the witness under subpoena) does not unduly disrupt the proceedings, but that to permit counsel for any and all witnesses to object to questions asked of their witnesses or other witnesses, to object to the receipt of documentary evidence or to the conduct of the proceedings in general, and to present argument in support of such objections or otherwise (all of which rights are requested by petitioners), would unduly disrupt, obstruct and prolong these broad investigatory proceedings. In view of (1) the nature and purpose of these proceedings, which are not intended to and cannot adjudicate the rights of any person, (2) the protection which the Presiding Officer's "ground rules" already accord the legitimate interests of all witnesses (which rules, as applied herein, have permitted participation by counsel for petitioners and others exceeding that afforded by many other investigatory bodies), and (3) the seriously disruptive effect of the additional rights of participation for which petitioners contend, we do not believe that section 6(a) of the Administrative Procedure Act, assuming that it is applicable to these proceedings, is violated by the procedures followed by the Presiding Officer and here confirmed and adopted.

We further reject the contention of petitioners MCA, Inc., and Taft Schreiber, raised for the first time in their reply pleadings, that these proceedings are a nullity as to them because of the failure of the Commission to publish rules of procedure for them of sufficient particularity. Section 1.10 of our rules, governing all investigations or other informal proceedings, is phrased in general terms to allow such procedure as we deem appropriate, because each such proceeding tends to be unique, requiring its own procedure. Section 1.10 is, moreover, supplemented by the procedural provisions of our Orders of February 27 and November 10, 1959, herein, both of which were published in the FEDERAL REGISTER. We think that such publication satisfies the requirements of section 3 of the Administrative Procedure Act, particularly in view of the fact that no person called as a witness in these proceedings could fail to be informed of the applicable procedures. Certainly petitioners are not being forced to pursue remedies which are not generally known. Nor is this a case in which, absent publication of more particularized rules of procedure or organization, some substantive or procedural right of petitioners to fair treatment would be placed in jeopardy.

Similarly, we reject the contention of petitioners Fishell, et al., as to the "vagueness" of the subpoenas duces tecum addressed to them. We think it clear that these petitioners, who state that they are engaged in a business which deals with "the problem of legitimate exposure to the public of products and services" are in position to supply the Commission with a list of those persons for whom they have performed such services by means of, or through, broadcast matter since September 1, 1958 (as required by the subpoenas outstanding), without further clarification.



This leaves the question of relevance of the specific matter sought to the inquiry herein. As to this question, the Commission finds:

(1) Evidence, information and data as to the packaging of programs and the policies, practices and activities of MCA, Inc., in connection with the production, casting, packaging, selection and sale of programs for television exhibition are relevant and essential to this proceeding. It is apparent from the record that MCA, Inc., (a) represents a large share of the talent, both acting and creative, engaged in television programming; (b) produces television programs; (c) packages and/or sells such programs; (d) maintains and leases production facilities for such programs and generally engages, on a large scale, in all facets of television program production. The record of the proceeding to date clearly establishes that failure fully to explore the policies, practices and activities of MCA, Inc., in connection with television programming would seriously impair if not render nugatory, any attempt on the Commission's part to understand and delineate the policies, practices and activities involved in the creation, production, sale and licensing of television filmed programs;

(2) The documentary evidence required by the subpoenas herein is essential and relevant to the subjects and matters set forth in the Commission's Orders, aforesaid;

(3) Evidence, information and data regarding the policies, practices, activities and relationships of Dick Fishell & Associates, Promotions Unlimited, Dick Fishell, Mary Rothschild, and Betty Langley, in connection with the production of programs for television exhibition and the selection of advertising material for broadcast to the public are relevant and essential to the Commission's inquiry;

(4) All subpoenas herein constitute valid and proper exercise of the Commission's authority to require by subpoena the attendance and testimony of witnesses and the production of books, papers, etc., relating to any matter under investigation as provided in section 409 (e) of the Communications Act of 1934, as amended; and said subpoenas were duly and lawfully served on petitioners herein and constitute lawful commands of the Commission requiring the applicants herein to attend and testify and produce the books, papers, documents and other things specified therein and said subpoenas continue and remain in full force and effect.

We have discussed the various questions raised by petitioners herein and have reaffirmed and elaborated the directions for the conduct of these proceedings as there seems to have been some doubt as to the correct interpretation of our prior orders herein. We have done so in order to make quite clear the Commission's intention and purposes in these proceedings. However, in view of the fact that neither the orders of the Presiding Officer nor those of the Commission can ultimately compel testimony or documents from petitioners, over their objections, without the aid of a Federal Court proceeding in which all petitioners' rights may be asserted and full review may be had, we hold that the orders and directions of the Presiding Officer as to relevance and public disclosure of evidence information and data are interlocutory in nature, do not of themselves "aggrieve" any person, and are not, as of right, appealable to the Commission.

*Accordingly, it is ordered,* That the petitions to review and reverse the orders and directions of the Presiding Officer, James D. Cunningham, herein be and hereby are dismissed and said orders and directions be and hereby are affirmed and adopted by the Commission;

That, the application by MCA, Inc. and Taft B. Schreiber for oral argument be and is hereby denied;

It is further ordered, That the said James D. Cunningham reconvene said investigatory proceeding at a time and place to be designated by him;

And, Dick Fishell, Betty Langley and Dick Fishell & Associates, Mary Rothschild and Promotions Unlimited, and MCA, Inc. and Taft B. Schreiber, and each of them is hereby commanded to appear before the said Presiding Officer at such time and place as he may designate and to testify in the instant proceeding regarding all matters deemed relevant by said Presiding Officer to this inquiry, as may be directed; and to produce all of the information and data required by the said subpoenas and such other information and data as may be deemed relevant and ordered or directed to be produced by the said Presiding Officer; all evidence, information and data deemed relevant by the Presiding Officer to be produced or provided as directed herein shall be included in the public record of these proceedings except in those instances where the Presiding Officer orders that evidence, information or data be produced on non-public basis as provided by our Orders in these proceedings. In the event the Presiding Officer so acts, such evidence, information and data shall not be publicly disclosed except by direction of the Commission;

*It is further ordered,* That in the event that the said persons or any of them shall fail to appear as directed, or having appeared shall fail fully to comply with this order, or shall fail to testify and produce the information and data as required by said subpoenas or by order or direction of the Presiding Officer herein, that an action be filed forthwith in the appropriate United States District Court to enforce compliance with said subpoenas and with the provisions of this order.

Released: January 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-916; Filed, Jan. 31, 1961; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-3693 etc.]

## ELLIOTT, INC. ET AL.

### Notice of Applications and Date of Hearing

JANUARY 26, 1961.

Elliott, Inc., formerly L. E. Elliott and Edna Elliott, Docket No. G-3693; Columbian Carbon Company, Docket No. G-14386; James A. Wood, Trustee, Operator, et al., Docket No. G-14387; J. E. Jones Drilling Company, Operator, et al., Docket No. G-14400; Sinclair Oil & Gas Company, Docket No. G-14401; Ralph W. Mace, Docket No. G-14423; W. H. Mossor, et al., d.b.a., Buzzard Oil & Gas Company, Docket No. G-14424; Emma Gas Company, Docket No. G-14425; Alice M. Vandergrift, et al., d.b.a., Jupiter Oil and Gas, Docket No. G-14426; Allegheny Land and Mineral Company, Docket No. G-14427; Beanridge Oil & Gas Company, Docket No. G-14428; P. P. Gunn, et al., Docket No. G-14429; Mutual Oil & Gas Company, Docket No. G-14431; Loris Swadley, et al., d.b.a., Guy B. Young, et al., Docket No. G-14432; Frank E. Rogers, et al., Docket No. G-14433; Pan American Petroleum Corporation, Docket No. G-14541; The Shamrock Oil and Gas Corporation, Docket No. G-14878; Pan American Petroleum Corporation, Docket No. G-15820; The Pure Oil Company, Docket No. G-16161; Pan American Petroleum Corporation, Docket No. G-16208; Pan American Petroleum Corporation, Docket No. G-16377; Pan American Petroleum Corporation, Docket No. G-16378; Pan American Petroleum Corporation, Docket No. G-16758; Pan American Petroleum Corporation, Docket No. G-16776; Pan American Petroleum Corporation, Docket No. G-17041; Pan American Petroleum Corporation, Docket No. G-17353; Pan American Petroleum Corporation, Docket No. G-17582; Pan American Petroleum Corporation, Docket No. G-17840; Gulf Oil Corporation,[1] Docket No. G-17857; Pan American Petroleum Corporation, Docket No. G-17956; Pan American Petroleum Corporation, Docket No. G-18061; Union Producing Company,[1] Docket No. G-18193; Parker Petroleum Company, Inc., Docket No. G-18372; Pan American Petroleum Corporation, Docket No. G-18589; Elliott Production Company, Docket No. G-18703; Southwest Natural Production Company, Docket No. G-19143; Union Producing Company,[1] Docket No. G-19450.

Pan American Petroleum Corporation, Docket No. G-19517; Pan American Petroleum Corporation, Docket No. G-19669; S. Ross and A. Goren Company, Docket No. G-19717; Hamilton Brothers, Ltd., Docket No. G-20565; Cabeen Exploration Corporation, et al. Docket No. CI60-92; Cabeen Exploration Corporation, Docket No. CI60-93; Smith and Barber Oil & Gas Company, Inc., Docket No. CI60-94; Southland Royalty Company, Operator, et al., Docket No. CI60-98; Shell Oil Company, Docket No. CI60-99; Graham-Michaelis Drilling Company, Operator, et al., Docket No. CI60-101; Phillips Petroleum Company, Docket No. CI60-106; Ancon Oil & Gas, Inc., Operator, et al., Docket No. CI60-111; Schermerhorn Oil Corporation, Operator, et al., Docket No. CI60-115; Murphy H. Baxter, Operator, et al., Docket No. CI60-116; B. L. Burge & Co., Docket No. CI60-118; Midhurst Oil Corporation, Operator, et al., Docket No. CI60-120; Dixon Management Corporation, et al., Docket No. CI60-125; Olin B. Wetzel, et al., Docket No. CI60-127; Columbian Carbon Company, Docket No. CI60-139; Delaware Gas Company, Docket No. CI60-145; Lamar Hunt, Docket No. CI60-150; Haroldson L. Hunt, Jr., Trust Estate, Docket No. CI60-151; H. L. Hunt, Docket No. CI60-152; Cabot Carbon Company, Docket No. CI60-153; Herbert L. Dillon, Jr., Operator, et al., Docket No. CI60-154; Stonestreet Lands Company, Docket No. CI60-157; Spencer Chemical Company, Docket No. CI60-159; Blake Hammack, et al., Docket No. CI60-164; Vernon Oil and Gas Company, Operator, et al., Docket No. CI60-166; Socony Mobil Oil Company, Inc., Docket No. CI60-168; Lawrence Jacob II, Operator, et al, Docket No. CI60-172; Strata Drilling, Inc., Operator, et al., Docket No. CI60-173; Lester Wilkonson, Docket No. CI60-178; Taylor Bowers Development Company, Docket No. CI60-192; Maxwell Oil Company, Operator, et al., Docket No. CI60-232; Carl E. Smith, Inc., Docket No. CI60-234; Stonestreet Lands Company, Docket No. CI60-235; Delta Drilling Company, Operator, et al., Docket No. CI60-241; Luray Land, Inc., Docket No. CI60-245; J. M. L. Smith, et al., Docket No. CI60-246; Northern Pump Company, Docket No. CI60-255; C. W. Coffey, Docket No. CI60-257; C. C. Gilger, Operator, et al., Docket No. CI60-260.

The Atlantic Refining Company, Docket No. CI60-264; Consolidated Oil & Gas Co., Inc., et al., Docket No. CI60-271; David W. Law, Kraus Well No. 1, Docket No. CI60-272; George R. Brown, Operator, et al., Docket No. CI60-274; J. Wes Johnson, d.b.a., Tower Oil & Gas Company of Texas, Docket No. CI60-277; Bel Oil Corporation, Operator, et al., Docket No. CI60-280; Ferrell L. Prior, Docket No. CI60-281; Apache Oil Corporation, Docket No. CI60-282; M. J. Brannon, Jr., Docket No. CI60-286; Durl Fluharty, et al., d.b.a., Laurel Fork Oil and Gas Company, Docket No. CI60-287; Luray Land, Inc., Docket No. CI60-288; W. G. Sampson, Agent, d.b.a, Kelley Gas Company, Docket No. CI60-289; Honaker-Davis Drilling Company, Operator, et al., Docket No. CI60-290; Ferrell L. Prior, Docket No. CI60-295; George B. Mertz, et al., Docket No. CI60-298; H. H. Howell, Operator, et al., Docket No. CI60-299; The Atlantic Refining Company, Docket No. CI60-300; Tex-Star Oil & Gas Corp., Operator, et al., Docket No. CI60-307; Cabot Carbon Company, Docket No. CI60-312; M. T. Moran, et al., Docket No. CI60-315; Slick Oil Corporation, Docket No. CI60-319; The Atlantic Refining Company, Docket No. CI60-320; Southland Company of Edinburg, Operator, et al., Docket No. CI60-326; C. H. Lyons, Sr., et al., Docket No. CI60-329; Tidewater Oil Company, Docket No. CI60-335; Apache Oil Corporation, Operator, et al., Docket No. CI60-337; S. W. Jack Drilling Company, et al., Docket No. CI60-427; S. W. Jack Drilling Company, et al., Docket No. CI60-437; Signet Operating and Exploration Co., Docket No. CI60-452; C. L. Norsworthy, Jr., et al., d.b.a., Payne, Ltd., Docket No. CI60-461; Bennett Oil and Gas Company, Docket No. CI60-514; Harper and Drake, Docket No. CI60-559; Socony Mobil Oil Company, Inc., Docket No. CI60-605; H. H. Blair, Docket No. CI60-705; Midhurst Oil Corporation, Operator, et al., Docket No. CI60-727; Empire States Drilling Corporation, Docket No. CI60-741; W. H. Mosser, d.b.a., Berdine Oil & Gas Company, Docket No. CI60-775; Fairman Drilling Company, et al., Docket No. CI60-794.

Fairman Drilling Company, Docket No. CI60-795; Mercury Drilling Company, Docket No. CI60-831; United Producing Company, Inc., Docket No. CI61-24; Big Injun Oil & Gas Company, Inc., Docket No. CI60-50; Zelma L. Connelly & Pauline Myer, Docket No. CI61-55; S. W. Jack Drilling Company, et al., Docket No. CI61-64; Gene Corbett, et al., d.b.a., Twin J. Drilling Company, Docket No. CI61-75; W. H. Mossor, d.b.a., Brent Maxwell Oil and Gas Company, Docket No. CI61-84; Harry S. Wallace Lease No. 1, Docket No. CI61-88; Antelope Gas Products Company, Docket No. CI61-92; Charter Lease, Docket No. CI61-163; Paul H. Ash, Docket No. CI61-179; Socony Mobil Oil Company, Inc., Docket No. CI61-187; E. B. Gum, Docket No. CI61-210; Hayhurst No. 1, Docket No. CI61-221; Robert L. Travis, Docket No. CI61-298; Continental Oil Company, Docket No. CI61-300; Ferrell Oil & Gas Corporation, Docket No. CI61-312; Olin B. Wetzel, Docket No. CI61-646; Olin B. Wetzel, et al., Docket No. CI61-647; Joe Blalack, et al., Docket No. CI61-666; Tennessee Gas Transmission Company, Docket No. CP61-22; Tennessee Gas Transmission Company, Docket No. CP61-133; Tennessee Gas Transmission Company, Docket No. CP61-140.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, amendments and supplements thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

*Docket Nos., Field and Location, Purchaser, and Price per Mcf*

G-3693; Acreage in Lea County, N. Mex.; El Paso Natural Gas Co.; 9.7432 cents at 15.025 psia.

G-14386; Reno District, Preston County, W. Va.; Hope Natural Gas Co.; 26.0 cents at 15.325 psia.

G-14387; South La Reforma, Starr County, Tex.; Tennessee Gas Transmission Co.; 12.12268 cents at 14.65 psia.

G-14400; Spraberry Trend, Upton County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.

G-14401; Perrytown, Ochiltree County, Tex.; Northern Natural Gas Co.; 15.5 cents at 14.65 psia.

G-14423; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G-14424; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G-14425; Triadelphia District, Logan County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G-14426; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G-14427; South West and Union Districts, Doddridge and Ritchie Counties, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G-14428; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G-14429; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G-14431; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G-14432; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G-14433; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G-14541; Rush Creek and Two Mile, Well County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 12.0 cents at 16.4 psia.

G-14878; McKee Gasoline Plant, Moore County, Tex.; Northern Natural Gas Co.; 15.0 cents at 14.65 psia.

G-15820; Otero Graneron, Rio Arriba County, N. Mex.; El Paso Natural Gas Co., formerly Pacific Northwest Pipeline Corp.; 13.0 cents at 15.025 psia.

G-16161; Aylesworth, Marshall County, Okla.; Lone Star Gas Co.; 11.0 cents at 14.65 psia.

G-16208; East Lisbon, Claiborne Parish, La.; Texas Gas Transmission Co.; 18.25 cents at 15.025 psia.

G-16377; West Waka, Ochiltree County, Tex.; Northern Natural Gas Co.; 15.5 cents at 14.65 psia.

G-16378; Blocker, Harrison County, Tex.; Arkansas Louisiana Gas Co.; 10.7182 cents at 14.65 psia.

G-16758; Florence, Vermilion Parish, La.; United Fuel Gas Co.; 19.35 cents at 15.025 psia.

G-16776; West Pureto Bay, San Patricio County, Tex.; Texas Eastern Transmission Corp.; 14.6 cents at 14.65 psia.

G-17041; North Lansing, Harrison County, Tex.; H. L. Hunt, et al.; 14.6 cents at 14.65 psia.

G-17353; South Forgan, Beaver County, Okla.; Panhandle Eastern Pipeline Co.; 16.0 cents at 14.65 psia.

G-17582; Minden, Webster Parish, La.; Texas Gas Transmission Corp.; 18.25 cents at 15.025 psia.

G-17840; Crosby-Devonian, Lea County, N. Mex.; El Paso Natural Gas Co.; 10.5 cents at 14.65 psia.

G-17857; N. Dubberly, Webster Parish, La.; Texas Gas Transmission Corp.; 18.25 cents at 15.025 psia.

G-17956; Mt. Sinai, Claiborne Parish, La.; Arkansas Louisiana Gas Co.; 12.54 cents at 15.025 psia.

G-18061; Little Worm Creek, Sweetwater County, Wyo.; Mountain Fuel Supply Co.; 12.0 cents at 15.025 psia.

G-18193; Lisbon, Claiborne Parish, La.; Texas Gas Transmission Corp.; 18.25 cents at 15.025 psia.

G-18372; Papalote Area, Bee County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.; 10.0 cents at 14.65 psia.

G-18589; Trend, Morgan County, Colo.; N. C. Ginther, Operator; 12.0 cents at 15.025 psia.

G-18703; Drinkard, Lea County, N. Mex.; Northern Natural Gas Co.; 10.7688 cents at 15.025 psia.

G-19143; Calhoun Area, Ouachita Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.

G-19450; Calhoun Area, Ouachita Parish; La.; Arkansas Louisiana Gas Co.; 18.75 cents at 15.025 psia.

G-19517; Angels Peak, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G-19669; Willow Springs, Gregg County, Tex.; Texas Eastern Transmission Corp.; 14.1 cents at 14.65 psia.

G-19717; Isonville Area, Elliott County, Ky.; Kentucky Gas Transmission Corp.; Predecessor's authorized rate.

G-20565; Acreage in Morton County, Kans.; Northern Natural Gas Co.; 12.0 cents at 16.4 psia.

CI60-92; West Amber, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 10.0 cents at 14.4 psia.

CI60-93; West Amber, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 3.0 cents at 16.4 psia.

CI60-94; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60-98; Cot-Ingham Area, Crockett County, Tex.; El Paso Natural Gas Co.; 10.6008 cents at 14.65 psia.

CI60-99; Carterville, Webster Parish, La.; Texas Gas Transmission Corp.; 18.25 cents at 15.025 psia.

CI60-101; Hugoton, Haskell County, Kans., Cities Service Gas Co.; 8.4 cents at 16.4 psia.

CI60-106; North Laward, Jackson County, Tex.; United Gas Pipe Line Co.; 14.179 cents at 14.65 psia.

CI60-111; Jones Creek, Wharton County, Tex.; Tennessee Gas Transmission Co.; 14.0 cents at 14.65 psia.

CI60-115; Davis Ranch, Barber County, Kans.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

CI60-116; Azalea, Midland County, Tex.; Phillips Petroleum Co.; 12.5 cents at 14.65 psia.

CI60-118; Lee District, Calhoun County, W. Va.; South Penn Oil Co.; 15.0 cents at 15.325 psia.

CI60-120; Hornbuckle and N. Laward, Jackson County, Tex.; United Gas Pipe Line Co.; 14.176390 cents at 14.65 psia.

CI60-125; Twin Basin, Wharton County, Tex.; Tennessee Gas Transmission Co.; 14.0 cents at 14.65 psia.

CI60-127; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60-139; Reno District, Preston County, W. Va.; Hope Natural Gas Co.; 26.0 cents at 15.325 psia.

CI60-145; Freeman's Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI60-150; West Pilgrim Church, Allen Parish, La.; United Gas Pipe Line Co.; 20.375 cents at 15.025 psia.

CI60-151; West Pilgrim Church, Allen Parish, La.; United Gas Pipe Line Co.; 20.375 cents at 15.025 psia.

CI60-152; West Pilgrim Church, Allen Parish, La.; United Gas Pipe Line Co.; 20.375 cents at 15.025 psia.

CI60-153; Hugoton, Seward County, Kansas and Texas County, Okla.; Cities Service Gas Co.; 16.0 cents at 14.65 psia.

CI60-154; Morales Area, Jackson County, Tex.; Trunkline Gas Co.; 12.25 cents at 14.65 psia.

CI60-157; Smithfield District, Roane County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60-159; Hugoton, Seward County, Kansas and Texas County, Okla.; Cities Service Gas Co.; 16.0 cents at 14.65 psia.

CI60-164; Smithfield District, Roane County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 14.65 psia.

CI60-166; North LaRosa, Refugio County, Tex.; United Gas Pipe Line Co.; 13.1664 cents at 14.65 psia.

CI60-168; Perryton, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI60-172; Treeman's Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI60-173; Childs, Stafford County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.

CI60-178; Hugoton, Seward County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 psia.

CI60-192; Henry District, Clay County, W. Va.; United Fuel Gas Co.; 23.0 cents at 15.325 psia.

CI60-232; Acreage in Upton County, Tex.; El Paso Natural Gas Co.; 10.6 cents at 14.65 psia.

CI60-234; Simmons, Smithfield District, Roane County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI160-235; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60-241; Colquitt, Claiborne Parish, La.; Arkansas-Louisiana Gas Co.; 11.246 cents at 15.025 psia.

CI60-245; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60-246; West Union District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60-255; Riverside South, Nueces County, Tex.; Tennessee Gas Transmission Co.; 17.24347 cents at 14.65 psia.

CI60-257; East Wearden, Jackson County, Tex.; Tennessee Gas Transmission Co.; 12.7193 cents at 14.65 psia.

CI60-260; South Crowley, Acadia Parish, La.; Transcontinental Gas Pipe Line Corp.; 12.5 cents at 15.025 psia.

CI60-264; Saturday Island, Plaquemines & Jefferson, La.; Southern Natural Gas Co.; 19.175 cents at 15.025 psia.

CI60-271; Center District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60-272; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60-274; South Lissie, Wharton County, Tex.; Trunkline Gas Co.; 15.0 cents at 14.65 psia.

CI60-277; Acreage in Regan County, Tex.; El Paso Natural Gas Co.; 11.1056 cents at 14.65 psia.

CI60-280; Northwest Oberline, Allen Parish, La.; United Gas Pipe Line Co.; 20.375 cents at 15.025 psia.

CI60-281; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60-282; Acreage in Hutchinson County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI60-286; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI60-287; Murphy District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

[1] The applications in Docket Nos. G-17857, G-18193 and G-19450 have been duly noticed heretofore, and are included herein for the purpose of hearing.

CI60–288; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI60–289; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI60–290; Acreage in Edwards County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.
CI60–295; Courthouse District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI60–298; Courthouse District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI60–299; Gabrysch, Jackson County, Tex.; United Gas Pipe Line Co.; 15.192 cents at 14.65 psia.
CI60–300; South Elsa, Hidalgo County, Tex.; Tennessee Gas Transmission Co.; 17.24347 cents at 14.65 psia.
CI60–307; South San Salvador, Hidalgo County, Tex.; Tennessee Gas Transmission Co.; 15.0 cents at 14.65 psia.
CI60–312; Zuletta & Spraberry, Regan County, Tex.; El Paso Natural Gas Co.; 11.1485 cents at 14.65 psia.
CI60–315; Courthouse District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI60–319; Hinkle, Harris County, Tex.; United Gas Pipe Line Co.; 14.0 cents at 14.65 psia.
CI60–320; Northeast Woodward, Woodward County, Okla.; Cities Service Gas Co.; 16.0 cents at 14.65 psia.
CI60–326; North Ross, Starr County, Tex.; Tennessee Gas Transmission Co.; 14.5 cents at 14.65 psia.
CI60–329; Johnson's Bayou, Cameron Parish, La.; Transcontinental Gas Pipe Line Corp.; 22.15 cents at 15.025 psia.
CI60–335; Felice Bayou, Plaquemines Parish, La.; Southern Natural Gas Co.; 20.75 cents at 15.025 psia.
CI60–337; North Moreland, Woodward County, Okla.; Cities Service Gas Co.; 16.0 cents at 14.65 psia.
CI60–427; Boone Mountain, Clearfield County, Pa.; New York State Natural Gas Corp.; 27.5 cents at 15.325 psia.
CI60–437; Boone Mountain, Clearfield County, Pa.; New York State Natural Gas Corp.; 27.5 cents at 15.325 psia.
CI60–452; Mt. Hope, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 7.0 cents at 16.4 psia.
CI60–461; Spraberry Trend Area, Reagan County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.
CI60–514; Union District, Ritchie County, W. Va.; Carnegie Natural Gas Co.; 20.0 cents at 15.325 psia.
CI60–559; Smithfield District, Roane County, W. Va.; United Fuel Gas Co.; 25.0 cents at 15.325 psia.
CI60–605; Jalmal, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 14.65 psia.
CI60–705; Hugoton, Morton County, Kans.; Panhandle Eastern Pipe Line Co.; 12.0 cents at 14.65 psia.
CI60–727; West Magnolia City, Jim Wells County, Tex.; Tennessee Gas Transmission Co.; Predecessors authorized rate.
CI60–741; Aztec-Fruitland, San Juan County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents at 15.025 psia.
CI60–775; Union District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI60–794; Boone-Mountain, Clearfield County, Pa.; New York State Natural Gas Corp.; 27.5 cents at 15.325 psia.
CI60–795; Boone-Mountain, Clearfield County, Pa.; New York State Natural Gas Corp.; 27.5 cents at 15.325 psia.
CI60–831; Doyle, Stephens County, Okla.; Lone Star Gas Co.; 14.0 cents at 14.65 psia.
CI61–24; Acreage in Grant and Haskell Counties, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI61–50; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–55; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–64; Boone-Mountain, Clearfield County, Pa.; New York State Natural Gas Corp.; 27.5 cents at 15.325 psia.
CI61–75; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–84; Southwest District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–88; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–92; Acreage in Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 10.0 cents at 16.9 psia.
CI61–163; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–179; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–187; Camrick, Beaver County, Okla.; Natural Gas Pipe Line Co. of America; 16.6 cents at 14.65 psia.
CI61–210; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–221; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–298; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–300; Hoot, Logan County, Colo.; Kansas Nebraska Natural Gas Co., Inc.; 14.0 cents at 16.4 psia.
CI61–312; Union District, Murphy County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–646; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–647; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–666; Willow Springs, Gregg County, Tex.; United Gas Pipe Line Co.; 9.6216 cents at 14.65 psia.
CP61–22; Doyle, Stephens County, Okla.; Lone Star Gas Co.; 14.0 cents at 14.65 psia.
CP61–133; Cotton Valley, Webster Parish, La.; United Gas Pipe Line Co.; 11.26876 cents at 14.65 psia.
CP61–140; West Huerfano Area, San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 2, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 14, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest petition be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.30 (b) (2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–878; Filed, Jan. 31, 1961; 8:45 a.m.]

[Docket Nos. G–12706, G–18841]

## TEXAS EASTERN TRANSMISSION CORP.

### Order Conditionally Approving Rate Settlement Agreement, Prescribing Refunds and Fixing Date of Hearing

JANUARY 25, 1961.

On May 10, 1957, pursuant to the provisions of section 4 of the Natural Gas Act, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing proposed increased rates for sales of natural gas for resale in interstate commerce.[1] The rates sought reflect, among other things, higher costs of purchased gas, a rate of return of 6¾ percent and other cost adjustments. The filings were suspended by Commission order issued June 7, 1957, and pursuant to the submittals of appropriate motions by Texas Eastern, were made effective November 10, 1957, subject to refund in Docket No. G–12706.

On May 28, 1959, Texas Eastern filed new tariff sheets proposing additional increased rates.[2]

[1] The tariff sheets proposed therein are designated as First Revised Sheets Nos. 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 21, 22, 23, 25, 26, 28, 30, 31, 32, 33, 35, 37, 38, 39, 41, 44, 46, 47, 48, 49, 51, 53, 54, 55, 57, 60, 64, 65B and 65C to Texas Eastern's FPC Gas Tariff, Second Revised Volume, No. 1; Second Revised Sheets Nos. 13, 18, 20, 27, 40, 43, 56 and 59 to its FPC Gas Tariff, Second Revised Volume No. 1; Third Revised Sheets Nos. 24 and 63 to its FPC Gas Tariff, Second Revised Volume No. 1; Fifth Revised Sheet No. 61 to its FPC Gas Tariff, Second Revised Volume No. 1 and First Revised Sheets Nos. 232 and 235 to its FPC Gas Tariff, Original Volume No. 2.

[2] The tendered tariff sheets are designated as Second Revised Sheets Nos. 7, 8, 9, 10, 11, 14, 15, 16, 17, 19, 21, 22, 23, 25, 30, 31, 32, 33, 35, 37, 38, 39, 41, 44, 46, 47, 48, 49, 51, 53, 54, 55, 57 and 65B to its FPC Gas Tariff, Second Revised Volume No. 1; Third Revised Sheets Nos. 27, 56 and 59, Fourth Revised Sheet No. 24, and Sixth Revised Sheet No. 61 to its FPC Gas Tariff, Second Revised Volume No. 1, and Second Revised Sheets Nos. 232 and 235 to its FPC Gas Tariff, Original Volume No. 2.



These filings were suspended by order issued June 26, 1959, in Docket No. G–18841, and concurrently therewith Second Revised Sheets Nos. 232 and 235 to Texas Eastern's FPC Gas Tariff, Original Volume No. 2 were allowed to take effect as of July 1, 1959. Pursuant to appropriate motion by Texas Eastern these filings were made effective as of December 1, 1959, subject to refund obligations.

The filings in Docket No. G–12706 represent an annual increase of $11,258,054, based on sales volumes for the year ended February 27, 1957, and the filings in Docket No. G–18841 reflect an increase of $16,548,848 annually over the proposed G–12706 rates, based on sales for the year ended February 28, 1959, as adjusted. No date for hearing has been set in either proceeding.

A field investigation was undertaken by Commission staff and conducted for a period of several months, after which time Texas Eastern proposed a conference to which all interested parties and the staff were invited. At the conference, held August 18, 1959, and attended by staff and major customers, Texas Eastern submitted a proposed settlement agreement relating to the proceedings in Docket Nos. G–12706 and G–18841. Pursuant to Texas Eastern's request, further conferences were held November 4, 5, 6, 17, 18, 19 and December 2–6, 1959, among Texas Eastern, customer companies, other interested parties and the Commission staff, the purpose being to explore bases upon which a settlement of the proceedings might be reached.

On December 8, 1960, Texas Eastern filed a Motion for Approval of Rate Settlement Agreement and appended thereto, as Exhibit "A", a Rate Settlement Agreement. That Agreement has been executed by 77 of Texas Eastern's customers (out of a total of 79 customers) who purchase approximately 99.44 percent of the annual volumes of gas sold by Texas Eastern. Brooklyn Union Gas Company has not executed the Agreement, but has indicated no objections to its approval. Ohio Valley Gas Corporation has not signed the Agreement and on December 19, 1960, filed an answer and cross-motion in opposition to the proposed settlement.[3]

We believe further study is required to determine whether the Federal Income Tax allowances included in the cost of service supporting this proposed settlement is appropriate.

Accordingly, upon investigation by the Commission, in the event the allowances for Federal Income Tax in Texas Eastern's cost of service supporting this settlement shall be found to be excessive, then Texas Eastern shall refund such amounts as may be ordered, together with interest thereon at the rate of 6 percent per annum and shall file revised rates, satisfactory to the Commission, to reflect the reduction in the cost of service resulting from such tax adjustments.

The proposed Rate Settlement Agreement (Agreement), which is attached hereto as Appendix "I",[4] provides, inter alia, as follows:

Upon issuance of Commission order approving the Agreement, Texas Eastern shall forthwith file revised sheets to its FPC Gas Tariff, Second Revised Volume No. 1, containing the schedule of rates hereinafter set forth: [5]

| | DCQ and GS | SGS [1] | ACQ | E | I | WS |
|---|---|---|---|---|---|---|
| | | *Cents* | *Cents* | *Cents* | *Cents* | |
| Zone A: | | | | | | |
| Demand | | | | | | $2.52. |
| Commodity | $1.60 | | | 20.86 | 26.2 | 40.33 cents. |
| Commodity for Winter Storage Gas. | 15.60 cents | | | | | 4.0 cents. |
| Zone B: | | | | | | |
| Demand | $2.45 | | | | | $2.52. |
| Commodity | 24.8 cents | 40.92 | | 32.86 | 26.2 | 40.33 cents. |
| Commodity for Winter Storage Gas. | | | | | | 4.0 cents. |
| Zone C: | | | | | | |
| Demand | $3.44 | | | | | $2.52. |
| Commodity | 26.2 cents | 48.83 | 33.77 | 37.52 | 26.2 | 40.33 cents. |
| Commodity for Winter Storage Gas. | | | | | | 4.0 cents. |
| Zone D: | | | | | | |
| Demand | $3.82 | | | | | $2.52. |
| Commodity | 27.8 cents | 52.93 | | 40.37 | 27.8 | 40.33 cents. |
| Commodity for Winter Storage Gas. | | | | | | 4.0 cents. |

[1] The minimum bill provisions will be eliminated from the SGS Rate Schedule.

The above-described filings shall be made effective as of September 1, 1960, thereby superseding the filings presently in effect subject to refund obligation in Docket No. G–18841. Any amounts collected after September 1, 1960, in excess of those amounts which would have been collected under the above-described filings shall be refunded within thirty (30) days from such date as the Commission's acceptance of the agreement becomes final.

Within thirty (30) days of the aforementioned date of Commission acceptance, Texas Eastern shall refund in Docket No. G–12706, to the customers indicated in Appendix "B" to the agreement attached herewith the amounts set forth therein, together with simple interest on such amounts at the rate of 6 percent per annum, computed from the date of actual payment of such amounts to Texas Eastern until the date refund checks are placed in the mail.

Further, any part of any increase, together with interest thereon, refunded in the pending proceedings involving Texas Eastern's gas suppliers as enumerated in Appendix "C" to the agreement, and attributable to gas purchased by Texas Eastern from the aforementioned suppliers between November 10, 1957, and December 1, 1959, shall, in turn, be refunded by Texas Eastern to the customers entitled to such refunds in the manner described in Article III of the agreement.

Within thirty (30) days from the date that Commission acceptance of the agreement becomes final, Texas Eastern shall refund to the customers that paid increased rates collected subject to refund obligation in Docket No. G–18841 from December 1, 1959, to August 31, 1960, the amounts shown in Appendix "E" to the agreement, together with simple interest on such refunds at the rate of 6 percent per annum, computed from the date of actual payment of such amounts to Texas Eastern until the date refund checks are placed in the mail.

Any part of any increase, together with interest thereon, refunded in the pending proceedings involving Texas Eastern's gas suppliers as enumerated in Appendix "C" to the agreement, and attributable to gas purchased by Texas Eastern from the aforementioned suppliers between December 1, 1959, and the effective date of the next rate increase filed by Texas Eastern shall be refunded to its jurisdictional customers in the manner described in Article V of the agreement.

If Texas Eastern's suppliers in the pending proceedings enumerated in Appendix "C" to the agreement should, during the period from September 1, 1960, to the effective date of Texas Eastern's next increase, reduce their prices for the future below the prices set forth in Appendix "C", then Texas Eastern shall file with the Commission changes in the commodity charges of its rates to reflect such reduction in prices paid to its suppliers in the manner described in Article VI of the agreement.

In the event that during the period from September 1, 1960, to the effective date of its next rate increase, Texas Eastern is required by order or orders of the Commission or the Courts in the proceedings in Docket Nos. G–18968, et al., to increase its rates for Winter Service above those approved by Commission order issued September 1, 1960, Texas Eastern shall file with the Commission reductions in the commodity charge in the rates in Zones "B", "C", and "D", other than the Winter Service rate, such reductions to reflect the increased revenues resulting from the increase in the Winter Service rate. The filing, which shall be made within thirty (30) days from the date such above-

1, and Second Revised Sheets Nos. 232 and 235 to its FPC Gas Tariff, Original Volume No. 2.

[3] Algonquin Gas Transmission Company, Consolidated Edison Company of New York, Inc., New Jersey Natural Gas Company, Philadelphia Electric Company, Public Service Electric and Gas Company and United Gas Improvement Company, as a condition to signing the Agreement have added that they disclaim any adoption or approval of the agreement of Texas Eastern, The Ohio Fuel Gas Company and The Manufacturers Light and Heat Company regarding a differential between Zones C and D of 3.41 cents per Mcf at 100 percent load factor. The condition is set forth in Appendix II hereto (filed as part of original document).

[4] Filed as part of original document.

[5] The pressure base is 15.025 psia.

described order or orders becomes final, shall be comprised of revised tariff sheets to its FPC Gas Tariff, Second Revised Volume No. 1, and shall be effective as of the effective date of its increased rates for Winter Service.

Furthermore, Texas Eastern agrees that it will not, prior to six (6) months from the date of issuance of this order, file any increase in the rates set forth in Appendix "A" to the agreement, unless, prior to such date, United Gas Pipe Line Company files an increase in its rates to Texas Eastern, in which event Texas Eastern may file increased rates prior to the end of the six-months' period: *Provided that* Such increase by Texas Eastern shall be limited to an amount approximately equal to Texas Eastern's increased gas purchase costs resulting from such increase by United Gas Pipe Line Company.

As heretofore noted, the only answer in opposition to the proposed settlement was filed by Ohio Valley Gas Corporation (Ohio Valley). In that answer Ohio Valley alleges that Texas Eastern's Zone "C" rates as proposed by the agreement are unreasonable and unduly discriminatory. That allegation is based on Ohio Valley's claim that Zone "C" is unreasonably large and that the size and extent of that zone should be reduced. Ohio Valley requests that Texas Eastern's motion for approval of the agreement be denied and that the Commission order a hearing on the issue of zone allocation and rates to give Ohio Valley the opportunity to be heard and to present evidence on such issue.

Our review of the terms of the Rate Settlement Agreement, and the cost of service studies appended thereto as Appendix "D" indicates that such agreement is in the public interest and should be approved. However, we will afford Ohio Valley an opportunity to be heard on its claim respecting the Zone "C" rates referred to above.

The Commission finds:

(1) The settlement of the proceedings in Docket Nos. G–12706, G–18841 on the basis of the Rate Settlement Agreement as submitted by Texas Eastern is reasonable, proper, and in the public interest in carrying out the provisions of the Natural Gas Act, and such agreement should be approved and made effective subject to the terms and conditions hereinafter provided and ordered.

(2) The rates and charges as contained in Texas Eastern's revised tariff sheets tendered for filing on May 10, 1957, and May 28, 1959, in Docket Nos. G–12706 and G–18841, respectively, are not just, reasonable or lawful under the terms and provisions of the Natural Gas Act and should be disallowed and denied as hereinafter provided and ordered, except as to the rates and charges presently effective as to Ohio Valley pending hearing and decision with respect only to the Zone "C" rate issue urged by Ohio Valley.

(3) Good cause exists for terminating the proceedings in Docket Nos. G–12706 and G–18841, subject only to the conditions hereinafter specified.

The Commission orders:

(A) The increased rates and charges filed by Texas Eastern on May 10, 1957, and May 28, 1959, in Docket Nos. G–12706 and G–18841, respectively, are hereby disallowed and denied except insofar as such rates and charges are applicable to sales and services to Ohio Valley.

(B) The settlement of the proceedings in Docket Nos. G–12706 and G–18841 as proposed in the Rate Settlement Agreement discussed above, is approved and made effective, as of the date of issuance of this order, subject to the terms and conditions hereinafter specified.

(C) Within thirty (30) days from the date of issuance of this order Texas Eastern shall revise its FPC Gas Tariff, Second Revised Volume No. 1, as to all sales and services rendered by it to its wholesale customers, except Ohio Valley, by filing in a form satisfactory to the Commission, the schedules of rates and charges provided for by Article I of the agreement and containing the rates set forth in Appendix "A" to that agreement. Upon acceptance by the Commission, such revised tariff sheets shall be effective as of September 1, 1960.

(D) Within thirty (30) days from the date of this order, Texas Eastern shall refund to its customers, except Ohio Valley, the amounts referred to in Article II and shown in Appendix "B" of the Rate Settlement Agreement, applicable to Docket No. G–12706, the amounts referred to in Article IV and shown in Appendix "E" of that agreement applicable to Docket No. G–18841, and the amounts collected after September 1, 1960, in excess of the rates provided in paragraph (C) above, as referred to in Article I of the agreement, all plus interest at the rate of 6 percent per annum, computed from the date of actual payment of such amounts to Texas Eastern until the date refund checks are placed in the mail.

(E) Texas Eastern shall refund to its customers, except Ohio Valley in accordance with the provisions of Article III of the agreement, all refunds plus interest it may receive from its suppliers, applicable to the period covered by Docket No. G–12706, and in accordance with Article V of that agreement, all refunds plus interest it may receive from its suppliers applicable to the period from December 1, 1959, to the effective date of the next rate increase filed by Texas Eastern. No additional interest shall be paid by Texas Eastern on these amounts.

(F) Texas Eastern shall tender for filing revised tariff sheets to its FPC Gas Tariff, Second Revised Volume No. 1, reducing the rates and charges prescribed by paragraph (C) above, to reflect, in accordance with Article VI of the agreement, the reductions in rates from its suppliers below the rates of those suppliers set forth in Appendix "C" to the agreement.

(G) In the event that Texas Eastern is required in Docket Nos. G–18968, et al., to increase its rates for Winter Service above the rates approved by the Commission in its order issued September 1, 1960, in Docket Nos. G–18968, et al., and accepts a certificate to render such service at the increased rates, then Texas Eastern, within thirty (30) days after such requirement is made final, shall file revised tariff sheets to its FPC Gas Tariff, Second Revised Volume No. 1, satisfactory to the Commission, to reflect reductions in the commodity charge in its rates, other than the Winter Service rate, in Zones "B", "C", and "D". Such reductions shall be computed in the manner set forth in Article VII to the Rate Settlement Agreement.

(H) The provisions of the orders of the Commission issued in Docket No. G–12706 on June 7, 1957 and February 3, 1958, and in Docket No. G–18841 on June 26, 1959, and April 6, 1960, insofar as applicable to sales of natural gas to Ohio Valley shall continue in full force and effect until further order of the Commission.

(I) In view of Ohio Valley's request for opportunity to be heard and present evidence in opposition to the rates proposed in the Agreement for Zone "C", a public hearing in these dockets shall be held on February 28, 1961, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the issue raised by Ohio Valley respecting the size and extent of Zone "C" and the allocation and rates applicable to that zone. At such hearing Ohio Valley shall first present its evidence on the issue it has raised. Following cross-examination of Ohio Valley's witnesses, other parties to the proceeding may offer such evidence as they deem necessary, which evidence, if any, Ohio Valley may rebut if it so desires, after cross-examination by any party to the proceeding on such evidence offered by other parties.

(J) The settlement herein approved shall not be deemed to dispose of the normalized tax treatment accorded liberalized depreciation under section 167 of the Internal Revenue Code. If ultimate judicial determination should hold such income tax normalization to be erroneous, further proceedings in these dockets may be had upon motion of any party hereto to determine the disposition of any amounts included by Texas Eastern in its cost of service for effect of liberalized depreciation and deferred taxes.

(K) The rates set forth in Article I and Appendix "A" of the Rate Settlement Agreement and the rate schedules to be filed in accordance therewith (See paragraph (C) above) will reflect the inclusion of $572,131 in Texas Eastern's total cost of service relating to the Texas Severance Beneficiary Tax which became effective September 1, 1959. The constitutionality of this tax is now the subject of judicial review. If the Texas Severance Beneficiary Tax is finally determined to be unconstitutional, then Texas Eastern will file with the Commission appropriate changes in the rates set forth in Article I of the Rate Settlement Agreement to reflect the reduction in tax liability and shall make refunds of the applicable portion of any refunds received by Texas Eastern from the State of Texas. The changes in rates and refunds shall be made in a manner satisfactory to the Commission.

(L) Texas Eastern shall furnish the Commission staff such data, books, records and tax returns as the latter may require to prepare the studies necessary for a determination whether the Federal Income Tax allowances included in the cost of service supporting the settlement are appropriate. Upon submittal of the staff's report, the Commission may order further proceedings to resolve the issue and if it is found that the income taxes included in the cost of service supporting the settlement herein are excessive, shall order appropriate refunds and revised rates as indicated on page 3 hereof.

(M) Within 45 days from the date of issuance of this order, Texas Eastern shall report to the Commission, in writing and under oath, the details of its calculations resulting in the refunds to be made pursuant to paragraph (D), together with copies of releases from its customers with respect to such refund. Texas Eastern shall file similar reports and releases, as applicable, on the refunds made pursuant to paragraph (E) within 15 days after making refunds thereunder to its customers.

(N) Upon full compliance by Texas Eastern with all the terms and provisions of this order, the proceedings in Dockets Nos. G–12706 and G–18841 shall be considered terminated, subject only to the conditions specifically set forth in paragraphs (H), (I), (J), (K), and (L) of this order.

(O) Texas Eastern shall, over the signature of a responsible officer, file with the Commission, within thirty (30) days from the date of issuance of this order, in writing and under oath, an original and one conformed copy of its acceptance of the terms and conditions of this order.

(P) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, Texas Eastern, or any affected party herein, in any proceeding now pending or hereafter instituted by or against Texas Eastern or any other company or person.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–879; Filed, Jan. 31, 1961; 8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1–4252]

### UNITED INDUSTRIAL CORP.

### Order Summarily Suspending Trading

JANUARY 25, 1961.

The Common Stock, $1 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange, and admitted to unlisted trading privileges on the Detroit Stock Exchange; and

The Series A Convertible Preferred Stock $8.50 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange; and

The Warrants to Purchase Common Stock of United Industrial Corporation (Delaware) being listed and registered on the American Stock Exchange and the Pacific Coast Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in each such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspensions are necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any of such securities, otherwise than on a national securities exchange;

*It is ordered,* Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said securities on the American Stock Exchange, the New York Stock Exchange, the Detroit Stock Exchange and the Pacific Coast Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, January 26, 1961, to February 4, 1961, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61–880; Filed, Jan. 31, 1961; 8:45 a.m.]

## FEDERAL TRADE COMMISSION

[File No. 21–198]

### HOUSEHOLD FURNITURE INDUSTRY

### Trade Practice Conference

A trade practice conference will be held in three sessions at the following times and places:

First Session—February 15, 1961, commencing at 10:00 a.m., p.s.t., in the Auditorium of the Los Angeles Home Furnishings Mart, 1933 South Broadway, Los Angeles, Calif.

Second Session—March 21, 1961, commencing at 10:00 a.m., c.s.t., in the Furniture Club Room of the American Furniture Mart, 666 North Lakeshore Drive, Chicago, Ill.

Third Session—May 8, 1961, commencing at 10:00 a.m., e.s.t., in the East Conference Room of the Southern Furniture Exposition Building, High Point, N.C.

under the auspices of the Federal Trade Commission. These conference sessions will be held under the general supervision of the Honorable Robert T. Secrest, Federal Trade Commissioner, and will constitute the first step in proceedings authorized by the Commission for the establishment of trade practice rules for the industry.

All members of the industry are cordially invited to attend and participate in one or more of these conference sessions. At these sessions opportunity will be afforded to the members to propose rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses violative of laws administered by the Commission, and to comment and make recommendations relating to rules proposed by others.

A draft of suggested rules for this industry, copy of which is attached,[1] has been prepared by a member of the Commission's Division of Trade Practice Conferences and such draft will be initially used as a basis for discussion at the conference sessions. It is emphasized, however, that such draft has not been considered or approved by the Commission and that industry members may suggest deletion or amendment of any of its provisions, and may propose different or additional rules. It is contemplated that rules established in these proceedings will not have application to products covered by trade practice rules heretofore promulgated and now in effect, and in this connection attention is directed to the definement of "industry products" which precedes the first rule of the attached draft. It is also contemplated that rules established in these proceedings will supersede and replace those promulgated for the industry on May 10, 1932.

Following the scheduled conference sessions, and before any rules for the industry are finally approved by the Commission and promulgated, a draft of proposed rules in appropriate form will be released by the Commission and made available to members of the industry and other interested or affected parties, including consumers and consumer organizations, and a public hearing thereon will be held for the purpose of affording them opportunity to present their views, criticisms, and suggestions regarding such proposed rules.

Issued: January 27, 1961.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 61–902; Filed, Jan. 31, 1961; 8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 151]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 27, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Devi-

[1] Available at the Federal Trade Commission.

ation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 525 (Deviation No. 1), ST. ANDREW'S BAY TRANSPORTATION COMPANY, 127 North Foster Street, Dothan, Ala., filed January 9, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dothan, Ala., over U.S. Highway 231 to the Alabama-Florida State line, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the named points over Alabama Highway 1.

No. MC 1124 (Deviation No. 4), HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex., filed January 12, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Lonoke, Ark., over Arkansas Highway 31 to junction Arkansas Highway 30 near Coy, Ark., thence over Arkansas Highway 30 to England, Ark., thence over Arkansas Highway 15 to junction U.S. Highway 79 near Pinebluff, Ark., thence over U.S. Highway 79 to Fordyce, Ark., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lonoke over U.S. Highway 70 to Little Rock, Ark., and thence over U.S. Highway 167 to Fordyce, and return over the same route.

No. MC 1658 (Deviation No. 3), NORWALK TRUCKLINES, INC., OF DELAWARE, Manheim Pike, Lancaster, Pa., filed January 16, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Scranton, Pa., over Interstate Highway 81 to Binghamton, N.Y., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Philadelphia, Pa., over U.S. Highway 611 to Portland, Pa., thence over Alternate U.S. Highway 611 (formerly U.S. Highway 611) to junction U.S. Highway 611, thence over U.S. Highway 611 via Bartonsville, Pa., to Scranton, Pa., and thence over U.S. Highway 11 to Binghamton, and return over the same routes.

No. MC 2306 (Deviation No. 7), STRICKLAND MOTOR FREIGHT LINES, INC., Post Office Box 5609, Dallas 2, Tex., filed December 8, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Richfield, Ohio, over U.S. Highway 21 to Interchange 11 of Ohio Turnpike, thence over the Ohio Turnpike to junction Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to Exit 24, near Valley Forge, Pa., thence over the Schuylkill Expressway to Philadelphia, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Richfield, Ohio, over U.S. Highway 21 to Cleveland, Ohio, thence over Ohio Highway 84 to junction Ohio Highway 46, thence over Ohio Highway 46 to Ashtabula, Ohio, thence over U.S. Highway 20 to junction New York Highway 78, thence over New York Highway 78 to junction New York Highway 33, thence over New York Highway 33 to Batavia, N.Y., thence over New York Highway 9J to junction U.S. Highway 9, thence over U.S. Highway 9 to Newark, N.J.; and from New York over U.S. Highway 9 to junction New Jersey Highway 34, thence over New Jersey Highway 79, thence over New Jersey Highway 79 to junction U.S. Highway 9, thence over U.S. Highway 9 to junction U.S. Highway 40 at Pleasantville, N.J., thence over U.S. Highway 40 to Atlantic City, N.J., and return over the same routes.

No. MC 3261 (Deviation No. 1), KRAMER BROS. FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich., filed January 9, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of United States Highways 23 and 112 near Ann Arbor, Mich., over Interstate Highway 94 to junction U.S. Highway 12 near Stevensville, Mich., and thence over U.S. Highway 12 to Chicago, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Detroit over U.S. Highway 112 to junction Michigan Highway 205 thence over Michigan Highway 205 to the Michigan-Indiana State line, thence over Indiana Highway 19 to Elkhart, Ind., and thence over U.S. Highway 20 to Chicago; from Flint, Mich., over U.S. Highway 23 to Toledo, Ohio; and from Lansing, Mich., over U.S. Highway 16 to Detroit, and return over the same routes.

No. MC 4963 (Deviation No. 3), JONES MOTOR CO., INC., 7950 Dix Avenue, Detroit 9, Mich., filed January 18, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 94 to Chicago, Ill., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Detroit over U.S. Highway 112 to junction Michigan Highway 205, thence over Michigan Highway 205 to the Michigan-Indiana State line, thence over Indiana Highway 19 to Elkhart, Ind., and thence over U.S. Highway 20 to Chicago, and return over the same route.

No. MC 10761 (Deviation No. 8), TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed January 9, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to Toledo, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Cincinnati and Toledo over U.S. Highway 25.

No. MC 28478 (Deviation No. 1), GREAT LAKES EXPRESS CO., 172 Davenport Street, Saginaw, Mich., filed January 11, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 94 to junction U.S. Highway 20 near Michigan City, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 12 via Michigan City, Ind., and New Buffalo and Ann Arbor, Mich., to Detroit (also from Chicago over U.S. Highway 20 to junction Indiana Highway 212, thence over Indiana Highway 212 to junction U.S. Highway 12 east of Michigan City, and also from Ann Arbor over Michigan Highway 17 to junction U.S. Highway 112, thence over U.S. Highway 112 via Dearborn, Mich., to Detroit) and return over the same route. From Niles, Mich., over Michigan Highway 60 to Jackson, Mich., and return over the same route.

No. MC 30204 (Deviation No. 5), HEMINGWAY BROTHERS INTERSTATE TRUCKING COMPANY, 438 Dartmouth Street, New Bedford, Mass., filed January 13, 1961. Attorney Francis E. Barrett, Jr., 25 Bryant Avenue, East, Milton, Mass. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over the Hartford-Springfield Expressway to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Springfield over U.S. Highway 5 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York; from Boston, Mass., over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 to Hartford, Conn. (also from Springfield over Alternate U.S. Highway 5), thence over Connecticut Highway 4 to Unionville, Conn.; from Boston to Hartford as specified above, thence over U.S. Highway 5 to New Haven, Conn., and thence over U.S. Highway 1 to New York, and return over the same routes.

No. MC 35628 (Deviation No. 9), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids 2, Mich., filed January 12, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over Interstate Highway 80 to Lincoln, Nebr., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Lincoln and Omaha over U.S Highway 6.

No. 35628 (Deviation No. 10), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids 2, Mich., filed January 16, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 94 to junction U.S. Highway 20 east of Michigan City, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is authorized to transport the same commodities over a pertinent service route as follows: From Chicago over U.S. Highway 12 to junction U.S. Highway 112, thence over U.S. Highway 112 to junction Michigan Highway 60, thence over Michigan Highway 60 to Jackson, Mich., and thence over U.S. Highway 12 to Detroit, Mich., and return over the same route.

No. MC 36151 (Deviation No. 2), HENRY JENKINS TRANSPORTATION CO., INCORPORATED, 32 Rigis Road, Boston, Mass., filed January 12, 1961. Attorney Francis E. Barrett, Jr., 25 Bryant Avenue, East Milton 86, Mass. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over the Hartford-Springfield Expressway to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston, Mass., over Massachusetts Highway 9 to Ware, Mass., thence over Massachusetts Highway 32 to Palmer, Mass., thence over U.S. Highway 20 to Springfield, Mass., and thence over U.S. Highway 5 to Hartford (also from Springfield over Alternate U.S. Highway 5 to Hartford) and return over the same route.

No. MC 67646 (Sub No. 2) (Deviation No. 11), HALL'S MOTOR TRANSIT COMPANY, P.O. Box 738, Sunbury, Pa., filed January 3, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Philadelphia, Pa., over Interstate Highway 80 to Scranton, Pa., thence over Interstate Highway 81 to Syracuse, N.Y., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Lancaster, Pa., over U.S. Highway 30 to Philadelphia; from Harrisburg, Pa., over U.S. Highway 230 to Lancaster; from Harrisburg over U.S. Highway 422 to Philadelphia; from Harrisburg over U.S. Highway 22 to Elizabeth, N.J.; from Philadelphia over U.S. Highway 309 to Allentown, Pa.; from Reading, Pa., over U.S. Highway 122 to Hamburg, Pa.; from Lancaster over U.S. Highway 222 to Allentown; from Harrisburg over U.S. Highway 11 to Scranton; from Sunbury over U.S. Highways 122, 22 and 1 to New York, N.Y.; from Harrisburg over U.S. Highways 11 and 15 to Northumberland, Pa., thence over U.S. Highway 15 to Buffalo, N.Y., also from Northumberland over Pennsylvania Highway 14 to Trout Run, Pa.; from Trout Run, over Pennsylvania Highway 14 to the Pennsylvania-New York State Line, thence over New York Highway 14 and New York Highway 13, to Cortland, N.Y., thence over U.S. Highway 11 to Syracuse, N.Y., also from Trout Run over Pennsylvania Highway 14, to the Pennsylvania-New York State Line, thence over New York Highway 14, to Geneva, N.Y., and thence over New York Highway 5 to Syracuse; from Trout Run over Pennsylvania Highway 14, to the Pennsylvania-New York State Line, thence over New York Highway 14 to junction New York Highway 17, thence over New York Highway 17 to Binghamton, N.Y., and thence over U.S. Highway 11 to Syracuse; from Endicott, N.Y., over New York Highway 17H and U.S. Highway 11 to Scranton, Pa., and return over the same routes.

No. MC 69275 (Deviation No. 8), THE M & M TRANSPORTATION COMPANY, 250 Mystic Avenue, Somerville, Mass., filed January 12, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over the Hartford-Springfield Expressway to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston, Mass., over U.S. Highway 20 to Springfield, thence over U.S. Highway 5 to East Hartford, Conn., thence over U.S. Highway 44 (formerly U.S. Highway 5) to Hartford, thence over Maple Avenue (formerly U.S. Highway 5) to junction U.S. Highway 5, south of Hartford (also from East Hartford over U.S. Highway 5 via Charter Oak Bridge to Hartford and thence to junction Maple Avenue south of Hartford), thence over U.S. Highway 5 to New Haven, Conn., and thence over U.S. Highway 1 to Philadelphia, Pa., and return over the same route.

No. MC 74120 (Deviation No. 2), PORTO TRANSPORT, INC., Post Office Box 5689, Dallas, Tex., filed January 13, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Hartford and Springfield over U.S. Highways 5 and 5A.

No. MC 105807 (Deviation No. 5), RED BALL TRANSFER CO., 527 South 21st Avenue, Omaha, Nebr., filed January 9, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Joseph, Mo., over Interstate Highway 29 to Kansas City, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Omaha, Nebr., over U.S. Highway 275 to Sidney, Iowa, thence over Iowa Highway 2 to Clarinda, Iowa, thence over U.S. Highway 71 to Kansas City, and return over the same route.

No. MC 108473 (Deviation No. 5), ST. JOHNSBURY TRUCKING CO., INC., 38 Main Street, St. Johnsbury, Vt., filed January 13, 1961. Attorney Francis E. Barrett, Jr., 25 Bryant Avenue, East Milton 86, Mass. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Boston, Mass., over Massachusetts Highway 9 to Worcester, Mass., thence over Massachusetts Highway 12 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 to East Hartford, Conn., and return over the same route.

No. MC 109972 (Deviation No. 2), HARRIS EXPRESS, INC., 1425 North Tryon Street, Charlotte 6, N.C., filed January 12, 1961. Carrier proposes to

operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Greensboro, N.C., over U.S. Highway 29 to junction U.S. Highway 58 at Danville, Va., thence over U.S. Highway 58 to junction Virginia Highway 304 near Riverdale, Va., thence over Virginia Highway 304 to junction U.S. Highway 360 near Scottsburg, Va., thence over U.S. Highway 360 to junction U.S. Highway 1 at Richmond, Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Greensboro over U.S. Highway 70 to Durham, N.C., thence over U.S. Highway 15 to Oxford, N.C., thence over U.S. Highway 158 to Henderson, N.C., thence over U.S. Highway 1 to Richmond, Va., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 58), THE GREYHOUND CORPORATION, 2600 Hamilton Avenue, Cleveland 14, Ohio, filed January 12, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From Jeffersonville, Ind., over Interstate Highway 65 to junction U.S. Highway 50 three miles east of Seymour, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Louisville, Ky., over U.S. Highway 31W to New Albany, Ind., thence over Indiana Highway 62 to junction Indiana Highway 231, thence over Indiana Highway 231 to junction U.S. Highway 31E, thence over U.S. Highway 31E to Sellersburg, Ind., thence over U.S. Highway 31 to junction of U.S. Highway 50, thence over U.S. Highway 50 to Seymour, Ind., thence over U.S. Higway 31A via Columbus, Ind., to junction U.S. Highway 31, thence over U.S. Highway 31 to Indianapolis, Ind.; from Sellersburg over U.S. Highway 31E to Louisville, Ky.; from Columbus, Ind., over U.S. Highway 31 to junction U.S. Highway 50 approximately three miles east of Seymour; from Indianapolis over new U.S. Highway 31 to junction old U.S. Highway 31, near Whiteland, Ind., and return over the same routes.

No. MC 1501 (Deviation No. 59), THE GREYHOUND CORPORATION, 1740 Main Street, Kansas City 8, Mo., filed January 16, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From St. Joseph, Mo., over Interstate Highway 29 to Platte City, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From St. Joseph over U.S. Highway 71 to Kansas City, Mo., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-886; Filed, Jan. 31, 1961; 8:45 a.m.]

[Notice 361]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 27, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub No. 368), filed December 12, 1960. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 3, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, trailer chassis* and *semi-trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial truckaway service, from Augusta, Kans. to points in the United States, except those in Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE: Common control may be involved.

*HEARING:* March 23, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 4405 (Sub No. 369), filed December 12, 1960. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 3, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, trailer chassis* and *semi-trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial truckaway service, from Savannah, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Maryland, Maine, Massachusetts, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Common control may be involved.

*HEARING:* March 23, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 4405 (Sub No. 370), filed December 12, 1960. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, trailer chassis* and *semi-trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial truckaway service, from Elba, Ala., to points in the United States except those in Alaska, Arizona, California, Hawaii, Idaho, Montana, New Mexico, Oregon, Nevada, Washington, and Wyoming.

*HEARING:* March 23, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William R Tyers.

No. MC 4405 (Sub No. 371), filed December 12, 1960. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, trailer chassis* and *semi-trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial truckaway movements, from Bradenton, Fla., to points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE: Common control may be involved.

*HEARING:* March 23, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 30844 (Sub No. 45), filed November 26, 1960. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt liquors, including, but not restricted to, ale, beer, beer tonic, porter, or stout*, in containers, from Denver, Golden, and Pueblo, Colo., to points in Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities above, on return.

*HEARING:* March 15, 1961, in the New Customs House, Denver, Colo., before Examiner Warren C. White.

No. MC 30887 (Sub No. 105), filed January 13, 1961. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, except cement, in bulk, in tank or hopper-type vehicles, between Baltimore, Md., Claymont, Del., Elizabeth and Edgewater, N.J., Syracuse, N.Y., and Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

NOTE: Duplication with present authority to be eliminated.

*HEARING:* February 23, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 52458 (Sub No. 154), filed January 18, 1961. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., U.S. Route 9 at Green Street, Woodbridge, N.J. Applicant's attorney: Paul J. Keeler, P.O. Box 457 Woodbridge, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk (except cement), between Boonton, Rahway, Edgewater, Elizabeth, Haledon, Newark, Passaic, Paulsboro, Whippany, and Bound Brook, N.J.; Philadelphia, Reynolds, Sunbury, and South Danville, Pa.; Stonewall and Hopewell, Va.; Atlas Point and Claymont, Del.; Fall River, Mass.; and Baltimore, Md., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, Connecticut, Massachusetts, and the District of Columbia.

NOTE: Duplication with present authority to be eliminated.

*HEARING:* February 23, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 66562 (Sub No. 1773), filed January 9, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Macon, Ga., and Adel, Ga., as follows: (1) from Macon over U.S. Highway 41 to Adel, and return over the same route, serving the intermediate points of Perry, Unadilla, Vienna, Cordele, Ashburn, Sycamore, Tifton, and Sparks, Ga.; and (2) from Perry, Ga., over U.S. Highway 341 to junction Georgia Highway 247, thence over Georgia Highway 247 to junction U.S. Highway 41, and return over the same route, serving no intermediate points, but serving the off-route point of Clinchfield, Ga. RESTRICTIONS: (1) The service to be performed by applicant shall be limited to service which is auxiliary or supplemental to air or rail express service of applicant; (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air; and (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operation to service which is auxiliary or supplemental to air or rail express service of applicant.

*HEARING:* March 29, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 101, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 76032 (Sub No. 150), filed February 29, 1960. Applicant: NAVAJO FREIGHT LINES, INC., 11205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, P.O. Box 1437, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *Class A and B explosives, ammunition* not included in Class A and B explosives, *component parts* of explosives and ammunition, and *shipper-owned gas trailers* loaded with compressed or liquefied gas (other than liquefied petroleum gas) *or empty*, and, excepting commodities in bulk, those of unusual value, uncrated household goods, and those requiring special equipment, between Indio, Calif., and Alamogordo, N. Mex. From Indio over U.S. Highway 99 to junction U.S. Highway 80 at or near El Centro, Calif., thence over U.S. Highway 80 to junction Arizona Highway 84 at or near Gila Bend, Ariz., thence over Arizona Highway 84 to junction U.S. Highway 80 at or near Tucson, Ariz., thence over U.S. Highway 80 to junction Arizona Highway 86 at or near Benson, Ariz., thence over Arizona Highway 86 to Arizona-New Mexico State line and junction New Mexico Highway 14, thence over New Mexico Highway 14 to junction U.S. Highway 80 at or near Road Forks, N. Mex., thence over U.S. Highway 80 to junction U.S. Highway 70 at or near Lordsburg, N. Mex., thence over U.S. Highway 70 to Alamogordo, N. Mex., and return over the same route, serving no intermediate or off-route points.

*HEARING:* March 27, 1961, in the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 167, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 87207 (Sub No. 6), filed January 24, 1961. Applicant: HARRY McKENZIE TRUCKING CO., a Corporation, 6446 East Saginaw, Selma, Calif. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, in bulk, between points in California.

*HEARING:* February 14, 1961, in Room 226-B, Old Mint Building, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 92983 (Sub No. 388), filed January 25, 1961. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages* and *spirits*, in bulk, in tank vehicles, between points in Kentucky on the one hand, and, on the other, points in Kansas, Michigan, and Wisconsin.

*HEARING:* March 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 96407 (Sub No. 1), filed January 16, 1961. Applicant: HOWARD O. LEE, doing business as LEE LUMBER HAULING, 9258 Muller Street, Downey, Calif. Applicant's attorney: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber;* between points in Los Angeles County, Calif., on the one hand, and, on the other, points in Clark County, Nev.

*HEARING:* March 7, 1961, at the Federal Building, Los Angeles, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 97264 (Sub No. 23), filed January 3, 1961. Applicant: M AND M TRANSPORTATION, INC., 6510 Brighton Road Commercetown, Colo. Applicant's attorney: Michael T. Corcoran 1360 Locust Street Denver 20, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Casper, Wyo., and points within 10 miles thereof, to Albuquerque, N. Mex., and points within 25 miles thereof.

*HEARING:* March 22, 1961, in the New Customs House, Denver, Colo., before Joint Board No. 403, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 103051 (Sub No. 103), filed January 3, 1961. Applicant: WALKER HAULING CO., INC. P.O. Box 13444, Station K 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424-35, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles; (a) from terminals on the Trans Southern Pipe Line in Alabama to points in Tennessee and Florida; (b) from terminals on the Trans Southern Pipe Line in Mississippi to points in Florida, Tennessee, and Arkansas; (c) from terminals on the Trans Southern Pipe Line in North Carolina to points in Virginia; and (d) from terminals on the Trans Southern Pipe Line in South Carolina to points in Tennessee.

*HEARING:* March 30, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 106398 (Sub No. 167), filed December 19, 1960. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings setup* or *portable building sections setup, with or without furnishings or equipment*, such as laundry machines, transported on shipper's undercarriage or on carrier's lowvoy trailers, from points in Alabama, Georgia, and Florida to points

in the United States, including Alaska, but excluding Hawaii, and *empty containers and other such incidental facilities* (not specified) used in transporting the commodities specified above, and *shipper's undercarriage*, on return.

*HEARING:* March 27, 1961, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 106557 (Sub No. 6), filed January 11, 1961. Applicant: PAMCO, INC., Frank Road and Scioto River, Columbus, Ohio. Applicant's attorney: Vernon L. Stouffer, Leveque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal hides and pelts*, green, salted and cured, and *rejected and damaged commodities, empty containers and such other incidental facilities* used in transporting the commodities specified in this application; between points in Indiana, Illinois, Michigan, Ohio, Pennsylvania, West Virginia, Kentucky, and Maryland, and (2) *animal hides and pelts*, green, salted and cured, *fats, entrails, bones, animal protein, meat and bone scrap, tankage, bone meal, residue of packinghouse offal (semi-processed), dried blood, greases, tallows, those processed articles and materials made from said commodities, fresh and frozen horsemeat, products of the slaughtering of horses not included in fresh and frozen horsemeat), equipment used in processing and packaging the above-described commodities*, and *used empty containers, used pallets*, and *returned shipments* of the above-described commodities; between points in Indiana, Illinois, Michigan, Ohio, Pennsylvania, West Virginia, Kentucky, and Maryland.

NOTE: Applicant is authorized to transport certain of the commodities shown in (2) above in Permit MC 106557 (Sub No. 5) limited to a transportation service to be performed, under a continuing contract, or contracts, with Inland Products, Inc., of Columbus, Ohio. Applicant requests that the restrictions limiting it to transporting solely for Inland Products, Inc., be removed from its Permit, No. MC-106557, Sub No. 5, to authorize it to transport presently authorized commodities and those applied for herein, for other shippers.

*HEARING:* March 3, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 107515 (Sub No. 360), filed December 22, 1960. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta (10) Ga. Applicant's attorney: Allan Watkins, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated shellacs*, in vehicles equipped with mechanical refrigeration, (1) from Chicago, Ill., to Mobile, Ala., and Pensacola and Orlando, Fla.; and (2) from Atlanta, Ga., to points in Alabama, Mississippi, Louisiana, North Carolina, South Carolina, Tennessee, and Florida.

*HEARING:* March 30, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 107934 (Sub No. 18), filed January 11, 1961. Applicant: BYRD MOTOR LINE, INCORPORATED, P.O. Box 441, Lexington, N.C. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 8, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 273–274, from points in that part of Virginia bounded by a line beginning at the Virginia-North Carolina State line and extending in a northerly direction to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Virginia-Tennessee State line, thence along the Virginia-Tennessee State line to the Virginia-North Carolina State line, and thence along the Virginia-North Carolina State line to point of beginning; points in that part of North Carolina on and west of U.S. Highway 15; and those in that part of South Carolina bounded by a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 178 to junction U.S. Highway 15, thence along U.S. Highway 15 to the North Carolina-South Carolina State line, and thence along the North Carolina-South Carolina State line to point of beginning, including points on the indicated portions of the highways specified, to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; and (2) *new furniture*, crated and uncrated, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 273–274; *lamps and shades;* and *foreign and domestic lumber, wood, plywood, and veneer*, from the above-described destination territory to the above-described origin territory.

*HEARING:* March 15, 1961, at the U.S. Court Rooms, Charlotte, N.C., before Examiner William R. Tyers.

No. MC 108068 (Sub No. 36), filed January 3, 1961. Applicant: U. S. A. C. TRANSPORT, INC., 457 West Fort Street, Detroit, Mich. Applicant's attorney: Ted V. McGuire, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, the transportation of which because of their size or weight, require the use of special equipment or special handling*, and *related machinery parts and related contractors materials and supplies*, when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment or special handling; (1) between points in Kansas, Oklahoma, Texas, Louisiana, and New Mexico, on the one hand, and, on the other, points in Oregon and Washington, and (2) between points in Nevada, on the one hand, and, on the other, points in Texas, Louisiana, Oklahoma, Arkansas, Kansas, and Missouri. RESTRICTION: Restricted against the transportation of commodities used in or in connection with the construction, repair, maintenance, servicing or dismantling of pipelines, including the stringing or picking up thereof.

*HEARING:* March 17, 1961, in the New Customs House, Denver, Colo., before Examiner Warren C. White.

No. MC 108068 (Sub No. 37), filed January 3, 1961. Applicant: U. S. A. C. TRANSPORT, INC., 457 West Fort Street, Detroit, Mich. Applicant's attorney: Ted V. McGuire, Suite 1014–18 Temple Building, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment or special handling, and related machinery parts and related contractors' materials and supplies, when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment or special handling, between points in California, Washington, Oregon, Arizona, Nevada, Idaho, Utah, Montana, Wyoming, and Colorado. RESTRICTION: Restricted against the transportation of commodities used in or in connection with the construction, repair, maintenance, servicing or dismantling of pipelines, including the stringing or picking up thereof.

*HEARING:* March 17, 1961, in the New Customs House, Denver, Colo., before Examiner Warren C. White.

No. MC 109397 (Sub No. 47) (CLARIFICATION), filed October 17, 1960, published in the FEDERAL REGISTER, issue of January 11, 1961. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring the use of special equipment, special handling or rigging, or special services not necessarily because of the size or weight of the commodity, *including related parts, materials, containers and supplies* when accompanying the foregoing commodities serving between the sites and facilities of the National Reactor Testing Station, other facilities of the U.S. Government, and U.S. Government contractors located in the counties of Alameda, Contra Costa, Los Angeles, Ventura, Santa Clara, and San Francisco, Calif.; Hartford, Middlesex, and New Haven, Conn.; Burke, Ga.; Butte and Jefferson, Idaho; Du Page, Ill.; Baltimore, Md.; Bristol and Middlesex, Mass.; Wayne, Mich.; Bernalillo and Los Alamos, N. Mex.; Schenectady, Suffolk, and Westchester, N.Y.; Hamilton, Licking, Montgomery, and Summit, Ohio; Allegheny, Centre and Westmoreland, Pa.; Anderson, Tenn.; Tooele, Utah; Campbell, Va.; and Benton, Wash.

*HEARING:* Remains as assigned February 20, 1961, in the Park East Hotel, Kansas City, Mo., before Examiner John B. Mealy.



No. MC 111196 (Sub No. 20), filed January 16, 1961. Applicant: R. KUNTZMAN, INC., 1805 West State Street, Alliance, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick, tile*, and *clay products;* from points in Maryland, West Virginia, and the District of Columbia and Winchester, Va. and points within five miles thereof, to points in that part of Pennsylvania, on the west of U.S. Highway 19, except Allegheny County, Pa. (2) *Stone, brick, tile*, and *clay products;* from points in Armstrong County, Pa., and that part of Pennsylvania on and east of a line commencing at the New York-Pennsylvania boundary, thence along U.S. Highway 219 to junction U.S. Highway 119, near DuBois, Pa., thence along U.S. Highway 119 to the Pennsylvania-West Virginia boundary, to points in Ohio. (3) *Stone and talc;* from points in Vermont to points in Ohio and in that part of Pennsylvania on and west of U.S. Highway 219; and *empty containers or other such incidental facilities*, used in transporting the commodities described in (1), (2) and (3) above, on return.

*HEARING:* March 3, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 113267 (Sub No. 35) filed December 9, 1960. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Charleston, S.C., and Tampa, Fla., to points in Georgia, Indiana, Iowa, Illinois, Missouri, Nebraska, North Carolina, South Carolina, and Tennessee.

*HEARING:* March 28, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 113832 (Sub No. 24) (AMENDMENT), filed December 27, 1960, published FEDERAL REGISTER issue of January 11, 1961. Applicant: SCHWERMAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from the plant sites of Marquette Cement Manufacturing Company; Huron Portland Cement Company; Penn Dixie Cement Company, Universal Atlas Cement Division of United States Steel Corporation and the Medusa Portland Cement Company, located in or near Milwaukee, Wis., to points in No Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, Whiteside, Lee, De Kalb, Kane, Du Page, and Cook Counties, Ill., and *empty containers or other such incidental facilities* (not specifically used in transporting the commodities specified, on return.

NOTE: This republication adds a shipper, namely, The Medusa Portland Cement Company.

*HEARING:* Remains as assigned March 2, 1961, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 114364 (Sub No. 52), filed November 28, 1960. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Street, Rocky Ford, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Broken Bow, Okla., and points within 10 miles thereof to points in Colorado and Wyoming.

NOTE: Common control may be involved.

*HEARING:* March 14, 1961, in the New Customs House, Denver, Colo., before Examiner Warren C. White.

No. MC 115826 (Sub No. 8), filed November 25, 1960. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing-house products* and *commodities used by packing houses* as classified in paragraphs A, B, C, and D of Appendix I, 61 M.C.C. 272; between Denver, Greeley, Colorado Springs, Pueblo, Colo., and Scottsbluff, Nebr., on the one hand, and, on the other, points in Arizona.

*HEARING:* March 20, 1961, in the New Customs House, Denver, Colo., before Examiner Warren C. White.

No. MC 115917 (Sub No. 8), filed December 30, 1960. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 348, Crossmore, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Winn, Iberia, and Lafayette Parishes, La., to points in Georgia, Tennessee, North Carolina, South Carolina, Florida, Alabama, and Kentucky.

*HEARING:* March 20, 1961, at the U.S. Court Rooms, Charlotte, N.C., before Examiner William R. Tyers.

No. MC 117990 (Sub No. 1), filed January 9, 1961. Applicant: BILL MATOBA TRUCKING CO., INC., 3420 Adams Street, Denver, Colo. Applicant's attorney: John R. Barry, 738 Majestic Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* and *exempt agricultural commodities;* between Mobile, Ala., and Galveston, Tex., and points within 10 miles of Denver, Colo., including Denver.

*HEARING:* March 16, 1961, in the New Customs House, Denver, Colo., before Examiner Warren C. White.

No. MC 123273, filed December 8, 1960. Applicant: NEAL R. WHITE, 34 Beachwood Road, Asheville, N.C. Applicant's attorney: Harry DuMont, 311 Jackson Building, Asheville, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, dogwood* and *Hickory Blocks* and *Billets*, from points in Virginia, Tennessee, Kentucky, South Carolina, Georgia, Alabama, and Mississippi, to Swannonoa, N.C., and *defective and rejected cull dogwood and Hickory blocks and billets* on return.

*HEARING:* March 14, 1961, at the U.S. Court Rooms, Charlotte, N.C., before Examiner William R. Tyers.

No. MC 123353, filed January 6, 1961. Applicant: STELLA TRUCKING, INC., MD 25, and McCall Place, Newburgh, N.Y. Applicant's representative: Charles N. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh bakery products*, from the plant site of Stella D'Oro Biscuit Co., Inc., New York, N.Y., to Schenectady, Buffalo, Elmira, Kingston, Rochester, Syracuse, and Utica, N.Y.; Darby, Easton, and Pittsburgh, Pa.; Laurel, Md.; Sayreville and Vineland, N.J.; Boston, Mass.; Hartford, Conn.; Kennebunk, Maine; Providence, R.I.; Cincinnati, and Cleveland, Ohio, and Detroit, Mich., and *empty shipping cartons and returned or damaged bakery goods*, on return.

NOTE: Applicant states service is under a continuing contract with the Stella D'Oro Biscuit Co., Inc.

*HEARING:* March 10, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 123383 (Sub. No. 1), filed January 19, 1961. Applicant: BOYLE BROTHERS, INC., 256 River Road, Edgewater, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, excluding cement, in tank or hopper type vehicles; between Atlas Point, Del., and Reynolds, Pa., and points within 10 miles of each, and Baltimore, Md., Bound Brook, Edgewater, Elizabeth, Haledon, Passaic, and Whippany, N.J., Johnsonburg, Newell, Philadelphia, and Sunbury, Pa. and Claymont, Del., Buffalo, N.Y., Hopewell, Va., and points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

*HEARING:* February 23, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

## APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

### MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub No. 36), filed January 23, 1961. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 8, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Atlanta, Ga., and Toccoa, Ga.; from Atlanta over U.S. Highways 23 and 123 to Toccoa, and return over the same route, serving no intermediate points, as an alternate

route for operating convenience only in connection with applicant's authorized regular-route operations.

No. MC 13367 (Sub No. 2), filed January 16, 1961. Applicant: ROBERT MERLEY, Box 1312, New Carlisle, Ind. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps, tankage*, and *dried blood*, from points in Indiana and the lower peninsula of Michigan to Milwaukee, Wis.

No. MC 59728 (Sub No. 6), filed January 16, 1961. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 East Jenkins Boulevard, Akron 6, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Muncie, Ind., and Richmond, Ind., over U.S. Highway 35, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

No. MC 66562 (Sub No. 1775), filed January 12, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek & Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service on express billings, between Salina, Kans. and Concordia, Kans.; from Salina north over U.S. Highway 81 to junction U.S. Highway 24, thence west over U.S. Highway 24 to Beloit, Kans., thence east over Kansas Highway 9 to Concordia, and return over U.S. Highway 81 from Concordia to Salina, serving the intermediate point of Beloit, Kans. RESTRICTIONS: The service to be performed by carrier shall be limited to that which is auxiliary to or supplemental of railway express or air service. Shipments to be transported by carrier shall be limited to those moving on a through bill of lading or express receipt.

NOTE: Applicant states that the instant application is for authority to substitute motor service for rail service in order to insure continued service to the points where rail service has been discontinued. As a pure substitute service, applicant considers that it effects no change in competitive conditions within the area involved.

No. MC 110117 (Sub No. 19) (CORRECTION), filed December 30, 1960, published in the FEDERAL REGISTER issue of January 18, 1961. Applicant: KENDRICK CARTAGE CO., a Corporation, Box 63, Salem, Ill. Applicant's attorney: Thomas F. Kilroy, Suite 610—1000 Connecticut Avenue, NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Benzol Forerunnings*, in bulk, in tank vehicles, from Milwaukee, Wis. to Terre Haute, Ind.; (2) *creosote oil*, in bulk, in tank vehicles, from Memphis, Tenn., to Terre Haute, Ind.; (3) *tar oil*, in bulk, in tank vehicles, from Terre Haute, Ind., to Chicago, Ill., and (4) *coal tar distillate*, in bulk, in tank vehicles, from Chicago, Ill., to Terre Haute, Ind.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 110117 (Sub No. 8). The purpose of this republication is to show that the above commodities will move in bulk, in tank vehicles.

No. MC 113094 (Sub No. 9), filed January 12, 1961. Applicant: R. A. GOULD, INC., Moab, Utah. Applicant's attorney: Calvin L. Rampton, Continental Bank Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Ore, ore concentrates, machinery, materials, supplies*, and *equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, production, mining and milling of ores and minerals, except Classes A and B explosives, household goods as defined by the Commission, petroleum products in bulk, and commodities requiring special equipment and shipments weighing less than 100 pounds, between the mill site of the Texas-Zinc Minerals Corp., near Mexican Hat, Utah, and Aguila, Ariz., and the mill site of the Thunderbird Metallurgical Corp. near Aguila; over Utah Highway 47 from Mexican Hat, to the Utah-Arizona border, thence over unnumbered Indian Reservation Highway to the junction with U.S. Highway 89, approximately 14 miles north of Cameron, Ariz.; thence over U.S. Highway 89 to Congress Junction, Ariz.; thence over Arizona Highway 71 to junction with U.S. Highway 60–70 to Aguila and thence over unnumbered Arizona Highway to the mill site near Aguila, serving all intermediate points and off-route points within 25 miles of the above described routes.

No. MC 114897 (Sub No. 29), filed January 16, 1961. Applicant: WHITFIELD TANK LINES, INC., 240 West Amador Street, Las Cruces, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alkyd resin solution*, in bulk, in tank vehicles; from Garland, Tex., to Albuquerque, N. Mex., and *rejected or refused shipments*, on return.

NOTE: Common control may be involved.

No. MC 117160 (Sub. No. 1), filed January 12, 1961. Applicant: PAUL A. SMITH, doing business as SMITH CARTAGING, 186 Ira Avenue, Akron 1, Ohio. Applicant's representative: John R. Meeks, 607 Copley Road, Akron 20, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Classes A and B explosives, restricted to shipments having a prior or subsequent movement by aircraft, between the Cleveland-Hopkins Airport and Akron-Canton Airport, Ohio, on the one hand, and, on the other, points in that part of Ohio bounded by a line beginning at Millersburg, Ohio, and extending east along Ohio Highway 39 to New Philadelphia, Ohio, thence along Ohio Highway 8 to junction Ohio Highway 80, thence along Ohio Highway 80 to junction U.S. Highway 30, thence along U.S. Highway 30 to Lisbon, Ohio, thence southwest along Ohio Highway 164 to junction Ohio Highway 9, thence south along Ohio Highway 9 to Jewett, Ohio, thence northwest along Ohio Highway 151 to junction U.S. Highway 36, thence along U.S. Highway 36 to Coshocton, Ohio, thence north along Ohio Highway 76 to Millersburg, the point of beginning, including all points located on the above-described boundary lines.

MOTOR CARRIERS OF PASSENGERS

No. MC 29957 (Sub No. 76), filed January 19, 1961. Applicant: CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, Alexandria, La. Applicant's attorney: Grove Stafford, P.O. Box 1711, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and baggage of passengers* in the same vehicle with passengers or in a separate vehicle, and in the same vehicle with passengers, *express and newspapers*, between Alexandria, La., and Archie, La.; from Alexandria over Louisiana Highway 28, and return over the same route, serving all intermediate points.

No. MC 29957 (Sub No. 77), filed January 19, 1961. Applicant: CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, Alexandria, La. Applicant's attorney: Grove Stafford, P.O. Box 1711, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and baggage of passengers* in the same vehicle with passengers or in a separate vehicle, and in the same vehicle with passengers, *express and newspapers*, between Montrose, Ark., and Greenville, Miss.; from Montrose, over U.S. Highway 82 to Greenville, and return over the same route, serving all intermediate points.

NOTE: Applicant states it is presently authorized to operate between Montrose and Greenville, serving the intermediate and off-route points of Lake Village and Ashton, Ark. The authority sought by this application would authorize service at all other intermediate points between Montrose and Greenville.

No. MC 30318 (Sub No. 2), filed January 16, 1961. Applicant: YANKEE TRAILS, INC., 95 Partition Street, Rensselaer, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, newspapers and mail*, in the same vehicle with passengers, between junction New York Highways 7 and 22 and Hoosick Falls, N.Y.; from junction New York Highways 7 and 22 over New York Highway 22 to Hoosick Falls, and return over the same route, serving all intermediate points.

NOTE: Hoosick Falls, N.Y., is located on New York Highway 22, approximately 4 miles from the intersection of New York Highways 22 and 7. Applicant is presently authorized to operate over Vermont Highway 9 and New York Highway 7, serving all intermediate points between Bennington, Vt., and Troy, N.Y.

NOTICE OF FILING OF PETITION

No. MC 29566 (PETITION TO CORRECT CERTIFICATE), dated January 18, 1961. Petitioner: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Petitioner's attorney: Thomas N. Dowd, 1007 Ring Building, Washington 6, D.C. Pursuant to a transfer proceeding, petitioner acquired certain authority now embraced in its Certificate MC 29566, dated November 27, 1959, which authorized the transportation of general commodities, with the usual exceptions, subject to the condition that the transportation would be *in truckload lots*. The territory involved is as follows: Between points in Iowa, Illinois, Oklahoma, and Kansas, on the one hand, and, on the other, specified points in Illinois, Kansas, and Missouri. The subject petition, dated January 18, 1961, seeks the removal of the restriction *in truckload lots*.

NOTE: Applicant has also tendered a Form BMC 78 application seeking to perform the operations without restriction as set forth above. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 7582. COURIER EXPRESS, INC.—CONTROL AND MERGER—SHORT LINE EXPRESS CO., INC., published in the July 7, 1960, issue of the FEDERAL REGISTER on page 6405. Amendment filed January 18, 1961, to show joinder of HUGH McKNIGHT NEWSOM, R. R. No. 5, Lafayette, Ind., as an additional person controlling vendee.

No. MC–F 7772. Authority sought for purchase by FURNITURE EXPRESS, INC., Fluvanna Road, R.D. No. 1, Jamestown, N.Y., and for acquisition by GEORGE E. RINDOSH, 19 Emory Drive, Jamestown, N.Y., of control of such rights through the purchase. Applicants' attorneys: Johnson, Peterson, Tener & Anderson, Attorneys at Law, Bank of Jamestown Building, Jamestown, N.Y. Operating rights sought to be transferred: *New furniture*, as a *common carrier* over regular routes, from Boston, Mass., to Waterville, Maine, serving all intermediate points restricted to delivery only; from Portland, Maine, to Bangor, Maine, serving all intermediate points, restricted to delivery only; *new furniture*, over irregular routes, from points in Chautauqua and Cattaraugus Counties, N.Y., to New York, N.Y., from Warren and Youngsville, Pa., and points in Chautauqua and Cattaraugus Counties, N.Y., to points in Middlesex, Union, Passaic, and Essex Counties, N.J.; *damaged and defective shipments of new furniture*, from the above-specified destination points to the described origin points, *household goods*, as defined in *Practices of Motor Common Carriers* of Household Goods, 17 M.C.C. 467, between points in Warren County, Pa., and those in Chautauqua and Cattaraugus Counties, N.Y., on the one hand, and, on the other, points in Middlesex, Union, Passaic, and Essex Counties, N.J.; from New York, N.Y., to points in Chautauqua, Cattaraugus, Erie, Chemung, Broome and Monroe Counties, N.Y.; *new furniture*, uncrated, from Jamestown, N.Y., to points in Nassau and Suffolk Counties, N.Y.; *new furniture*, from points and places in Chautauqua and Cattaraugus Counties, N.Y., to points and places in Connecticut, Massachusetts, and Rhode Island. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, New Jersey, Ohio, Maryland, Illinois, Indiana, Wisconsin, Michigan, Delaware, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7773. Authority sought for purchase by SOUTHWEST FREIGHT LINES, INC., principal office, 1621 West 50th Street, Kansas City 2, Mo., place of business, 1400 Kansas Avenue, Kansas City 5, Kan., of the operating rights of THEODORE SCHULTZ, doing business as SCHULTZ TRUCKING SERVICE, 508 South Adams, St. Francis, Kansas, and for acquisition by JOSEPH E. GRINPAS, 2521 Tomahawk Road, Shawnee Mission, Kansas, of control of such rights through the purchase. Applicant's representative: Vernon M. Masters, Southwest Freight Lines, Inc., Secretary & Traffic Manager, 1400 Kansas Avenue, Kansas City 5, Kansas. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods, but not excepting commodities in bulk, as a *common carrier* over regular routes between Denver, Colo., and Saint Francis, Kansas, serving no intermediate points, but serving Bird City, Kansas, as an off-route point; *general commodities*, with the above listed exceptions, over irregular routes, between points in Colorado east of the Continental Divide, on the one hand, and, on the other, points in Cheyenne County, Kansas. Vendee is authorized to operate as a *common carrier* in Illinois, Kansas, Missouri, Iowa, Arkansas, Oklahoma, Nebraska, Colorado, Wyoming, Indiana, South Dakota, Texas, Kentucky, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7774. Authority sought for purchase by BELBEY TRANSFER COMPANY, 305 Bergen Street, Harrison, N.J., of the operating rights of FRANK A. LUEDDEKE HAULAGE, 24 Foundry Street, Newark, N.J., and for acquisition by JOHN T. BELBEY and JOSEPH E. BELBEY, both of 305 Bergen Street, Harrison, N.J., of control of such rights through the purchase. Applicants' attorneys: George A. Olsen, 49 Tonnelle Avenue, Jersey City, N.J., and Bert Collins, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between points and places in Hudson, Bergen, Passaic, Essex, Middlesex, Union, and Morris Counties, N.J., on the one hand, and, on the other, New York, N.Y. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Massachusetts, Connecticut, Rhode Island, and Pennsylvania. Authority has been filed for temporary application under section 210a(b).

No. MC–F 7775. Authority sought for control by FOWLER & WILLIAMS, INC., 1300 Meylert Avenue, Scranton, Pa., of the operating rights and property of PERKIOMEN TRANSFER, INC., Allentown, Pa., and for acquisition by HILTON G. FOWLER, 1300 Meylert Avenue, Scranton, Pa., of control of such rights and property through the transaction. Applicant's attorney: Irving Klein, Esq., 280 Broadway, Room 402, New York 7, N.Y. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular and irregular routes, between Pennsburg, Pa., and New York, N.Y., serving certain intermediate and off-route points, between Philadelphia, Pa., and Pennsburg, Pa., serving all intermediate points; over several alternate regular routes, for operating conveniences only. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, Connecticut, Maryland, Virginia, Michigan, and the District of Columbia. Authority has not been filed for temporary application under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–887; Filed, Jan. 31, 1961; 8:45 a.m.]

## FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 27, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

AGGREGATE-OF-INTERMEDIATES

FSA No. 36864: *Passenger fares in the United States.* Filed by E. B. Padrick, Agent (No. 5), for interested rail carriers. Involving basic coach fares for the transportation of people, between points in the United States.

Grounds for relief: Maintenance of through one-factor rates in excess of lower combinations of intermediate

fares, due to the method of dispositions of fractions in proposed increased fares.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-885; Filed, Jan. 31, 1961; 8:45 a.m.]

## OFFICE OF CIVIL AND DEFENSE MOBILIZATION

### JAMES B. ROSSER

#### Employment Without Compensation and Statement of Business Interests

Pursuant to section 710(b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of James B. Rosser, Advisor (WOC), in the Program and Policy area in the Office of Civil and Defense Mobilization. Statement of his business interests is set forth below.

Dated: December 28, 1960.

LEO A. HOEGH, *Director.*

APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

I am a vice president of Pullman-Standard, a division of Pullman Incorporated, and in addition, I own 250 shares of Pullman, Inc., stock.

Furthermore, I own the following shares of stock in the companies shown below: 195 shares—National Lead Co.; 62 shares—American Bakeries Co.; 50 shares—Commonwealth Edison Co.; 2 shares—Northern Illinois Gas Co.

Other than the above connection with Pullman-Standard and the ownership of the stocks listed above, I do not have any affiliation, connection, or interest in any other corporation, partnership, or any other business.

Dated: December 28, 1960.

JAMES B. ROSSER.

[F.R. Doc. 61-875; Filed, Jan. 31, 1961; 8:45 a.m.]

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### RALPH E. CROSS, JR.

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions: None.
B. Additions: None.

This statement is made of Ralph E. Cross, Jr.

Dated: January 16, 1961.

RALPH E. CROSS, Jr.

[F.R. Doc. 61-876; Filed, Jan. 31, 1961; 8:45 a.m.]

### ROBERT M. TRUEBLOOD

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions: None.
B. Additions: None.

This statement is made of Robert M. Trueblood.

Dated: January 14, 1961.

ROBERT M. TRUEBLOOD.

[F.R. Doc. 61-877; Filed, Jan. 31, 1961; 8:45 a.m.]

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# FEDERAL REGISTER

VOLUME 26 NUMBER 21

*Washington, Thursday, February 2, 1961*

THE UNIVERSITY OF MICHIGAN
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Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.



FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[Docket No. 3666; Order 45]

### PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

### Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 11th day of January 1961.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing that Notice No. 45, dated November 17, 1960, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on November 24, 1960 (25 F.R. 11174), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said Notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred-to Notice No. 45 are deemed justified and necessary;

*It is ordered,* That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in Notice No. 45, dated November 17, 1960, as revised by the specific deletions and modifications set forth as follows:

1. Delete the entire proposed amendment of § 73.100(aa).

2. Delete the entire proposed amendment of § 73.206(c).

3. In § 73.314 paragraph (a), amend Note 19.

4. In § 73.315 paragraph (a), amend Note 9; delete the proposed amendments of paragraphs (i) (1) and (10) and footnote 1 thereto.

5. In § 73.414 paragraph (d), change the label.

6. In § 74.532 paragraph (j), amend subparagraph (2) (i).

7. In § 74.541 amend paragraph (b).

8. In § 74.589 amend the introductory text of paragraph (b).

9. In § 77.834 amend the introductory paragraph and subparagraph (1) of paragraph (l).

10. Delete the entire proposed amendment of § 78.165–8 paragraph (a) Table and footnote 4 thereto.

*It is further ordered,* That this order shall become effective April 10, 1961, and shall remain in effect until further order of the Commission;

*It is further ordered,* That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

*And it is further ordered,* That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 18 U.S.C. 831–835; 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

### PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 Commodity List (15 F.R. 8263, 8264, 8266, 8268, 8271, Dec. 2, 1950) (21 F.R. 4431, June 23, 1956) (24 F.R. 10109, Dec. 15, 1959) to read as follows:

**§ 72.5 List of explosives and other dangerous articles.**

(a) • • •

| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
|---|---|---|---|---|
| *(Add)* | | | | |
| Acetonitrile | F.L. | 73.118, 73.119 | Red | 10 gallons. |
| Blasting caps with metal clad mild detonating fuse—1,000 or less. | Expl. C | No exemption, 73.103. | | See § 73.86. |
| Blasting caps with metal clad mild detonating fuse—more than 1,000. | Expl. A | No exemption, 73.66(e), 73.67. | | Not accepted. |
| Blasting caps with safety fuse—more than 1,000. | do | do | | Do. |
| *Dispersant gas, n.o.s.* | See §§ 73.314 (a) Note 19, 73.315(a) Note 9. | | | |
| Magnesium-thorium alloys in formed shapes *(not powdered, and which shall contain not more than 4 percent nominal thorium 232).* | Pois. D | 73.392(c) | Radioactive material, Group 1, Red. | See § 73.391(b). |
| *Refrigerant gas n.o.s.* | See §§ 73.314 (a) Note 19, 73.315(a) Note 9. | | | |
| *(Cancel)* | | | | |
| Dispersant gas, n.o.s. | F.G. | 73.302, 73.306, 73.314. | Red Gas | 300 pounds. |
| Do | Nonf. G. | 73.302, 73.306, 73.314. | Green | Do. |
| Refrigerant gas, n.o.s. | F.G. | 73.302, 73.306, 73.314. | Red Gas | Do. |
| Do | Nonf. G. | 73.302, 73.306, 73.314. | Green | Do. |

### PART 73—SHIPPERS

#### Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.34 amend the introductory text of paragraph (p) (15 F.R. 8284, Dec. 2, 1950) to read as follows:

**§ 73.34 Qualification, maintenance, and use of cylinders.**

• • • • • •

(p) Rebuilding of ICC–4 series, and ICC–8 series, welded or brazed cylinders is authorized. Such rebuilding must be done by a manufacturer of this type of ICC cylinder and by a process similar to that used in its original manufacture and under the following specific requirements:

#### Subpart B—Explosives; Definitions and Preparation

1. In § 73.66 amend the heading and paragraphs (a) and (g)(1) (15 F.R. 8290, Dec. 2, 1950) (20 F.R. 8100, Oct. 28, 1955) to read as follows:

**§ 73.66 Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse, and electric blasting caps.**

(a) Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse, or electric blasting caps, in quantity of 1,000 or less, are classified as class C explosives. See § 73.103.

• • • • • •

(g) • • •

(1) Spec. 14, 15A, or 16A (§ 78.165, 78.168, or 78.185 of this chapter).

Wooden boxes (see § 73.67(a)(1), Note 1) or spec. 12H, 23F, or 23H (§ 78.209, 78.214, or 78.219 of this chapter) fiberboard boxes, with inside containers which must be pasteboard cartons containing not more than 100 caps each, or pasteboard tube inclosing each cap with wires or with the wires wrapped around the tube. Gross weight of wooden boxes containing pasteboard cartons or caps with wires 30 feet or more in length in pasteboard tubes must not exceed 150 pounds, except for export shipment. Gross weight of wooden boxes containing caps with wires less than 30 feet in length in pasteboard tubes must not exceed 75 pounds.

2. In § 73.67 amend the heading and introductory text of paragraph (a), and paragraphs (b) and (c) (15 F.R. 8290, Dec. 2, 1950) (16 F.R. 11776, Nov. 21, 1951) to read as follows:

**§ 73.67 Blasting caps with safety fuse and blasting caps with metal clad mild detonating fuse.**

(a) Ten or less of the interior containers of not more than 100 blasting caps each, containing not to exceed 50 grains of explosive composition each, packed as prescribed in § 73.66(c), in the same outside container with safety fuse or metal clad mild detonating fuse, must be shipped in containers complying with the following specifications:

* * * * *

(b) Each outside container must be plainly marked "(number) BLASTING CAPS WITH SAFETY FUSE—HANDLE CAREFULLY" or "(number) BLASTING CAPS WITH METAL CLAD MILD DETONATING FUSE—HANDLE CAREFULLY," as the case may be.

(Note 1 canceled.)

(c) Blasting caps with safety fuse and blasting caps with metal clad mild detonating fuse must not be offered for transportation by rail express, except as provided in §§ 73.86 and 75.675 of this chapter.

3. In § 73.102 amend paragraph (a) and add paragraphs (a) (1) and (2) (25 F.R. 3099, April 12, 1960) to read as follows:

**§ 73.102 Explosive cable cutters, explosive power devices, class C, or explosive release devices.**

(a) Explosive cable cutters, explosive power devices, class C, or explosive release devices must be packed in specification containers as follows:

(1) Spec. 12H, 23F, or 23H (§ 78.209, 78.214, or 78.219 of this chapter). Fiberboard boxes. Authorized gross weight not to exceed 65 pounds.

(2) In addition to specification containers prescribed in this section, explosive cable cutters, explosive power devices, class C, or explosive release devices may be shipped when packed in strong wooden or metal boxes, or other containers approved by the Bureau of Explosives.

4. In § 73.103 amend the heading and paragraph (a) (15 F.R. 8296, Dec. 2, 1950) to read as follows:

**§ 73.103 Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse, and electric blasting caps, not exceeding 1,000 caps.**

(a) Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse, and electric blasting caps, in quantity not exceeding 1,000 caps, must be packed and marked as prescribed in §§ 73.66 and 73.67.

5. In § 73.107 amend paragraph (c) (16 F.R. 5323, June 6, 1951) to read as follows:

**§ 73.107 Primers, percussion caps, and empty grenades, primed.**

* * * * *

(c) Small-arms primers containing anvils must be packed in cellular inside packages, with partitions separating the layers and columns of the primers, so that the explosion of a portion of the primers in the completed shipping package will not cause the explosion of all the primers. They must be packed as prescribed in paragraphs (a) of this section or in spec. 12B (§ 78.205 of this chapter) fiberboard boxes, and equipped with corrugated fiberboard liners having Mullen or Cady test equal to or exceeding that of the box, except liner is not required for full depth telescope style box which may be closed as specified by § 78.205–17(a)(2) of this chapter. Not more than 5,000 primers shall be packed in each fiberboard box.

## Subpart C—Flammable Liquids; Definition and Preparation

1. In § 73.119 amend paragraph (m) (1) (15 F.R. 8300, Dec. 2, 1950) to read as follows:

**§ 73.119 Flammable liquids not specifically provided for.**

* * * * *

(m) * * *

(1) Spec. 1A, 1D, or 1EX (single-trip) (§ 78.1, 78.4, or 78.6 of this chapter). Glass carboys, boxed or in plywood drums, capacity not over 5 gallons for spec. 1A (§ 78.1 of this chapter).

2. In § 73.125 amend paragraph (a)(7) (25 F.R. 10392, Oct. 29, 1960) to read as follows:

**§ 73.125 Alcohol.**

(a) * * *

(7) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples, or other projections, that could cause failures.

## Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

1. In § 73.164 amend paragraph (a)(2) (20 F.R. 4415, June 23, 1955) to read as follows:

**§ 73.164 Chromic acid.**

(a) * * *

(2) Spec. 17E, 17H, 37A, or 37B (§ 78.116, 78.118, 78.131, or 78.132 of this chapter). Metal drums (single-trip). Spec. 37A (§ 78.131 of this chapter) metal drums constructed of 22-gauge steel are authorized for a gross weight of 490 pounds when shipped in carload or truckload lots only.

2. In § 73.189 add paragraph (a)(3) (15 F.R. 8308, Dec. 2, 1950) to read as follows:

**§ 73.189 Phosphorus, amorphous, red.**

(a) * * *

(3) Spec. 29 (§ 78.226 of this chapter). Mailing tube having not more than 40 grams of phosphorus contained in an inside glass container sealed under nitrogen with an air tight closure. The glass container shall be packed in a metal can having air tight closure. Both the inside glass container and the metal can shall be surrounded on all sides with incombustible cushioning material.

3. In § 73.217 amend paragraph (b) (24 F.R. 904, Feb. 6, 1959) to read as follows:

**§ 73.217 Calcium hypochlorite compounds, dry, and lithium hypochlorite compounds, dry.**

* * * * *

(b) Strong outside wooden or fiberboard packages containing inside containers of glass, metal, or plastic bottles not over 5 pounds capacity each, except that metal inside containers not over 7½ pounds capacity each are authorized for material in tablet form only, are exempt from specification packaging, marking, and labeling when offered for transportation by rail freight, rail express, or highway. When for transportation by water, strong wooden or fiberboard containers with inside metal containers not over 5 pounds capacity each, or not over 7½ pounds capacity each of material in tablet form, are exempt from specification packaging only. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

4. In § 73.221 amend paragraph (a)(9) (25 F.R. 10393, Oct. 29, 1960) to read as follows:

**§ 73.221 Liquid organic peroxides, n.o.s., and liquid organic peroxide solutions, n.o.s. other than acetyl peroxide solution, acetyl benzoyl peroxide solution, cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butylisopropyl benzene hydroperoxide.**

(a) * * *

(9) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples, or other projections, that could cause failures.



## Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

1. In § 73.245 amend paragraph (a) (21) (25 F.R. 10393, Oct. 29, 1960) to read as follows:

**§ 73.245 Acids or other corrosive liquids not specifically provided for.**

(a) * * *

(21) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples, or other projections, that could cause failures.

2. In § 73.257 add paragraph (a)(14) (15 F.R. 8315, Dec. 2, 1950) to read as follows:

**§ 73.257 Electrolyte (acid) or corrosive battery fluid.**

(a) * * *

(14) Spec. 12B (§ 78.205 of this chapter). Corrugated fiberboard boxes with plastic bags as defined in § 78.205–37 of this chapter. Marking prescribed in § 73.401(c) shall not be required.

3. In § 73.263 amend paragraph (a) (23) (25 F.R. 10393, Oct. 29, 1960) to read as follows:

**§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.**

(a) * * *

(23) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples, or other projections, that could cause failures.

4. In § 73.272 amend paragraph (f)(8) (25 F.R. 10394, Oct. 29, 1960) to read as follows:

**§ 73.272 Sulfuric acid.**

* * * * *

(f) * * *

(8) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples, or other projections, that could cause failures.

5. In § 73.277 amend paragraph (a)(5) (25 F.R. 10394, Oct. 29, 1960) to read as follows:

**§ 73.277 Hypochlorite solutions.**

(a) * * *

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples, or other projections, that could cause failures.

## Subpart F—Compressed Gases; Definition and Preparation

1. In § 73.302 amend paragraph (a)(3) (22 F.R. 2226, April 4, 1957) to read as follows:

**§ 73.302 Exemptions for compressed gases.**

(a) * * *

(3) Inside nonrefillable metal containers charged with a solution of materials and compressed gas or gases, of capacity not exceeding 32 cubic inches. Contents of the container must be nonpoisonous and if flammable as provided in § 73.300(b) (2), (3), and (4), the flash point, as determined by Bureau of Explosives' Method, must be not less than 20° F. Pressure in the container must not exceed 75 pounds per square inch absolute at 70° F. and the liquid content of the material and gas must not completely fill the container at 130° F. However, if the pressure exceeds 55 pounds per square inch absolute at 70° F., a spec. 2P (§ 78.33 of this chapter) inside metal container must be used. Each completed container filled for shipment must have been heated until content reached a minimum temperature of 130° F. without evidence of leakage, distortion, or other defect.

2. In § 73.306 amend paragraph (a)(1) (22 F.R. 3925, June 5, 1957) to read as follows:

**§ 73.306 Liquefied gases, except acetylene in solution.**

(a) * * *

(1) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA, 4B240ET, 25,[1] 26,[1] or 38[1] (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.49, 78.50, 78.51, 78.55 of this chapter). Spec. 9, 40, or 41 (§§ 78.63, 78.66 or 78.67 of this chapter) inside metal containers may also be used, except that mixtures containing aluminum triethyl, aluminum trimethyl, carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin, zinc ethyl, or poisonous articles, class A, B, or C, as defined by this part are not permitted unless otherwise prescribed in this part. (See §§ 73.34 and 73.301(g).)

3. In § 73.307 amend paragraph (a)(2) (24 F.R. 10111, Dec. 15, 1959) to read as follows:

**§ 73.307 Nonliquefied gases, except gas in solution or poisonous gas.**

(a) * * *

(2) Spec. 3HT (§ 78.44 of this chapter) cylinders are authorized for nonflammable gases, for aircraft use only, for a maximum service life of 12 years, and must be equipped with safety relief devices as required by § 73.34(f). Only a frangible disc safety relief device, without fusible metal backing, shall be used with spec. ICC–3HT (§ 78.44 of this chapter) cylinders and the rated bursting pressure of the disc shall not exceed 90 percent of the minimum required test pressure of the cylinder with which the device is used. Cylinders must be shipped in strong outside containers.

4. In § 73.308 amend paragraph (a) Table and Note 15, add Note 16 (22 F.R. 11032, Dec. 31, 1957) (19 F.R. 8527, Dec. 14, 1954) (24 F.R. 10111, Dec. 15, 1959) (15 F.R. 8327, Dec. 2, 1950) to read as follows:

**§ 73.308 Compressed gases in cylinders.**

(a) * * *

| Kind of gas | Maximum permitted filling density (see Note 12) | Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e) |
|---|---|---|
| *(Change)* | *(Percent)* | |
| Dichlorodifluoromethane (see Note 16) | 119 | ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–4B240ET; ICC–9; ICC–41. |
| Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (see Note 16). | (2) | ICC–3A240; ICC–3AA240; ICC–3B240; ICC–4A240; ICC–4B240; ICC–4BA240; ICC–9. |
| Insecticide, liquefied gas (see Notes 8 and 16) | (2) | ICC–3A300; ICC–3AA300; ICC–3B300; ICC–4B300; ICC–4BA300; ICC–9; ICC–40; ICC–41. |
| Liquefied nonflammable gases, liquids other than those classified as flammable, corrosive, or poisonous and mixtures or solutions thereof, charged with nitrogen, carbon dioxide, or air (see Notes 10, 15, and 16). | (2) | ICC–3A300; ICC–3AA300; ICC–3HT300; ICC–4B300; ICC–4BA300; ICC–4D300; ICC–4DA500. |
| Monochlorodifluoromethane (see Note 16) | 105 | ICC–3A240; ICC–3AA240; ICC–3B240; ICC–4B240; ICC–4BA240; ICC–4B240ET; ICC–41. |

* * * * * * *

NOTE 15: Spec. 3HT (§ 78.44 of this chapter) cylinders are authorized for aircraft use only, for a maximum service life of 12 years, and must be equipped with safety relief devices as required by § 73.34(f). Only a frangible disc safety relief device, without fusible metal backing, shall be used with spec. 3HT (§ 78.44 of this chapter) cylinders and the rated bursting pressure of the disc shall not exceed 90 percent of the minimum required test pressure of the cylinder with which the device is used. Cylinders must be shipped in strong outside containers.

NOTE 16: Specs 4D, 4DA, 9, 40, and 41 (§§ 78.53, 78.58, 78.63, 78.66, and 78.67 of this chapter) spheres and cylinders must be shipped in strong outside containers.

5. In § 73.310 amend paragraph (a) (6) (20 F.R. 951, Feb. 15, 1955) to read as follows:

**§ 73.310 Fire extinguishers and component parts thereof.**

(a) • • •

(6) When spec. 2P (§ 78.33 of this chapter) inside metal containers are used for pressures not exceeding 85 pounds per square inch absolute, at 70° F. or 115 pounds per square inch absolute, at 130° F. the test requirements of paragraph (a) (5) of this section do not apply, but each container must be capable of having the contents heated to 130° F. without evidence of leakage or permanent distortion.

6. In § 73.312 amend paragraph (a) (1) (22 F.R. 7837, Oct. 3, 1957) to read as follows:

**§ 73.312 Liquefied petroleum gas.**

(a) • • •

(1) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA, 4B240X[1] (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.49, 78.50, 78.51 of this chapter) (see appendix A to Subpart C of Part 78), 4B240FLW, 4B240ET, 4E, 25,[1] 26,[1] 38[1] (§§ 78.54, 78.55, 78.68 of this chapter) cylinders, or 9 and 41 (§§ 78.63 and 78.67 of this chapter) inside containers. Cylinders authorized under § 73.34 (a) to (e) may be used.

(No change in Note 1.)

7. In § 73.314 amend paragraph (a) Table and Note 19 thereto (22 F.R. 2227, Apr. 4, 1957) (24 F.R. 10111, Dec. 15, 1959) (23 F.R. 2327, Apr. 10, 1958) (22 F.R. 7837, Oct. 3, 1957) to read as follows:

**§ 73.314 Compressed gases in tank cars.**

(a) • • •

| Kind of gas | Maximum permitted filling density, Note 1 | Required type of tank car, Note 2 |
|---|---|---|
| *(Change)* | *(Percent)* | |
| Difluoroethane | 79 | ICC–106A500, 106A500X, 110A500–W, Note 12. |
| | 84 | ICC–105A300–W. |
| Difluoromonochloroethane | 100 | ICC–106A500, 106A500X, 110A500–W, Note 12. |
| Liquefied petroleum gas (pressure not exceeding 225 pounds per square inch at 105° F.). | Note 3 | ICC–105A300–W, Notes 5 and 9. |
| *(Cancel)* | | |
| Dispersant gas, n.o.s | Note 16 | ICC–106A500, 106A500X, Notes 12 and 19.<br>ICC–110A500–W, Note 19.<br>ICC–105A300–W, Note 19. |
| Refrigerant gas, n.o.s | Note 16 | ICC–106A500, 106A500X, Notes 12 and 19.<br>ICC–110A500–W, Note 19.<br>ICC–105A300–W, Note 19. |

• • • • • • • •

NOTE 19: This gas may be transported in authorized tank car tanks stenciled "DISPERSANT GAS," OR "REFRIGERANT GAS."

8. In § 73.315 amend Note 9 of paragraph (a) Table; amend paragraphs (i) (1) and (10) and footnote 1 (25 F.R. 6627, July 14, 1960) (23 F.R. 2328, Apr. 10, 1958) to read as follows:

**§ 73.315 Compressed gases in cargo tanks and portable tank containers.**

(a) • • •

NOTE 9: This gas may be transported in authorized cargo tanks marked "DISPERSANT GAS," OR "REFRIGERANT GAS."

## Subpart G—Poisonous Articles; Definition and Preparation

1. In § 73.346 amend paragraph (a) (24) (25 F.R. 10395, Oct. 29, 1960) to read as follows:

**§ 73.346 Poisonous liquids not specifically provided for.**

(a) • • •

(24) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples, or other projections, that could cause failures.

2. In § 73.392 add paragraph (e) (15 F.R. 8324, Dec. 2, 1950) to read as follows:

**§ 73.392 Exemptions for radioactive materials.**

• • • • • • •

(e) Magnesium-thorium alloys containing not more than 4 percent nominal thorium 232, in formed shapes, must be in bundles, boxes, barrels or crates and as such are exempt from specification packaging but must be labeled as described in § 73.414(d). Other exemptions from loading, storage, and placarding are described in Parts 74, 75, and 77 of this chapter.

3. In § 73.394 add paragraph (c) (15 F.R. 8340, Dec. 2, 1950) to read as follows:

**§ 73.394 Radioactive materials labels.**

• • • • • • •

(c) Each bundle, box, barrel or crate of magnesium-thorium alloys in formed shapes must be labeled with a label as described in § 73.414(d) unless exempt by § 73.392 (a) and (b).

## Subpart H—Marking and Labeling Explosives and Other Dangerous Articles

1. In § 73.400 amend paragraph (f) (23 F.R. 7649, Oct. 3, 1958) to read as follows:

**§ 73.400 Explosives.**

• • • • • • •

(f) Each shipment of explosive power devices class B, igniters, jet thrust (jato), class B explosives, jet thrust units (jato), class B explosives, propellant explosives, class B, or starter cartridges, jet engine, class B explosives, when offered for transportation by carriers by rail express, must bear the label prescribed by § 73.412.

2. In § 73.402 paragraph (a) redesignate subparagraphs (10), (11), (12), and (13) as (11), (12), (13), and (14) respectively and add a new subparagraph (10) (17 F.R. 1562, Feb. 20, 1952) (15 F.R. 8341, Dec. 2, 1950) (24 F.R. 3599, May 5, 1959) to read as follows:

**§ 73.402 Labeling dangerous articles.**

(a) • • •

• • • • • • •

(10) "Radioactive materials" label as described in § 73.414(d) on bundles, boxes, barrels or crates of magnesium-thorium alloys as provided for by § 73.392(e).

(11) "Tear gas" label as described in § 73.409(a)(3) on containers of poisons, class C.

(12) "Bung label" as described in § 73.119(i) on metal barrels or drums containing flammable liquids with vapor pressure exceeding 16 pounds per square inch absolute.

(13) "Empty label" as described in § 73.413 must be applied to containers which have been emptied and on which the old label has not been removed, obliterated, or destroyed. It must be so placed on the container as to completely cover the old label.

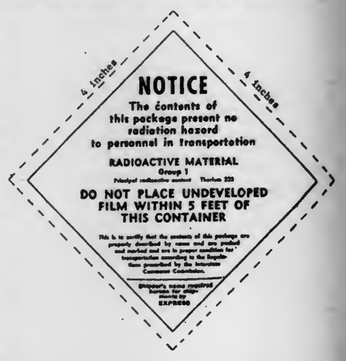
(14) Labels authorized for shipments of explosives and other dangerous articles by air, as shown in §§ 73.405(b), 73.406(b), 73.407(b), 73.408(b), 73.409 (b), 73.410(b), 73.411(b), 73.412(b), and 73.414(c), may be used in lieu of labels otherwise prescribed for surface transportation to or from airport.

3. In § 73.414 add paragraph (d) (15 F.R. 8343, Dec. 2, 1950) to read as follows.

**§ 73.414 Radioactive materials labels.**

• • • • • • •

(d) Label for radioactive material, such as magnesium-thorium alloys in formed shapes (see § 73.392(e)), must be of diamond shape, white in color, and with each side 4 inches long. Printing must be in red letters inside of a red-line border measuring 3½ inches on each side, as shown in this paragraph.






# PART 74—CARRIERS BY RAIL FREIGHT

## Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

1. In § 74.525 amend paragraph (a) (20 F.R. 952, Feb. 15, 1955) to read as follows:

**§ 74.525 Loading packages of explosives in cars, selection, preparation, inspection and certification.**

(a) Except as provided in § 74.526 (b), (n), and (o), explosives, class A, must be loaded in closed cars, certified and placarded "Explosives."

2. In § 74.532 amend entire paragraph (j) (22 F.R. 11032, Dec. 31, 1957) (15 F.R. 8348, Dec. 2, 1950) to read as follows:

**§ 74.532 Loading other dangerous articles.**

• • • • • • •

(j) Radioactive materials and radioactive ores, residues, and similar materials.

(1) Shipments of radioactive ores, residues or similar material as provided in § 73.392 of this chapter must be so loaded as to avoid spillage and scattering of loose material.

(i) The amount of radioactive ores, residues, and similar materials loaded in a car must be limited as provided in § 73.392 of this chapter.

(2) The amount of radioactive materials, other than radioactive ores, residues, or similar materials, loaded in a freight car shall be limited so that the quantity does not exceed 40 units as determined by totaling the number of units shown on the individual labels on the packages. (The requirements of this paragraph do not apply to bundles, boxes, barrels or crates of magnesium-thorium alloys described by § 73.392(e) of this chapter.)

NOTE 1: For purposes of these regulations, 1 unit equals 1 millitroentgen per hour at 1 meter for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mrhm of hard gamma rays of radium filtered by ½ inch of lead.

(i) Containers of radioactive material and/or manufactured articles containing radioactive material, which because of their weight, size, or design make them impracticable to load in a closed freight car, may be loaded on flat cars or in gondola cars (drop-bottom cars not authorized). Containers must be so blocked and braced that they cannot change position during transit.

(3) No persons shall remain in a car containing radioactive material unnecessarily and the shipper must furnish the carrier with such information and equipment as is necessary for the protection of the carrier's employees.

(4) Any loose radioactive material must be removed from the car and placed in a closed container in a segregated location and held for instructions from the shipper or the Bureau of Explosives.

## Subpart C—Placards on Cars

1. In § 74.541 amend paragraph (b) (22 F.R. 3926, June 5, 1957) to read as follows:

**§ 74.541 "Dangerous" placards; "Dangerous—Radioactive material" placards; or "Caution—Residual phosphorus" placards.**

• • • • • • •

(b) "Dangerous—Radioactive material" placards, as prescribed in § 74.553, must be applied to cars containing shipments of class D poisons as prescribed by §§ 73.392(c) and 73.393 of this chapter and bearing labels as described in § 73.414 (a), (b), and (c) of this chapter.

2. In § 74.544 add paragraph (a) (6) (15 F.R. 8351, Dec. 2, 1950) to read as follows:

**§ 74.544 Placards not required.**

(a) • • •

(6) Cars containing radioactive material bearing label described in § 73.414 (d) of this chapter.

3. In § 74.549 add paragraph (a) (6) (15 F.R. 8351, Dec. 2, 1950) to read as follows:

**§ 74.549 Application of placards.**

(a) • • •

(6) By application of adhesive tape, which shall be not more than 1¼ inches wide and which shall be applied around the entire perimeter of the placard so that approximately one-half the width of the tape adheres to the placard and one-half to the surface to which the placard is attached. Tape must be properly applied, weather-resistant, and capable of holding the placard securely in position under conditions normal to transportation. This method is authorized only when attachment of placards to metal surfaces is necessary and the metal surface is sufficiently smooth and of sufficient size to permit attachment of the placards in their proper position.

## Subpart E—Handling by Carriers by Rail Freight

1. In § 74.584 amend paragraph (a) table and add footnote 1 thereto (24 F.R. 5642, July 14, 1959) as follows:

**§ 74.584 Waybills, switching orders, or other billing.**

(a) • • •

| | Label notation to follow entry of the article on the billing | Placard notation to follow entry of the article on the billing | Placard endorsement must be ⅝" high and appear on the billing near the space provided for the car number |
|---|---|---|---|
| *(Change)* | | | |
| For radioactive materials, class D, poison. | Radioactive material label. | "Dangerous Radioactive material Placard." [1] | "Dangerous Radioactive material." [1] |

[1] These requirements do not apply to billing prepared for shipment of magnesium-thorium alloys described in § 73.392(e) of this chapter and bearing red label as described in § 73.414(d) of this chapter.

2. In § 74.586 add paragraph (h) Note 1 (22 F.R. 11032, Dec. 31, 1957) to read as follows:

**§ 74.586 Handling explosives and other dangerous articles.**

• • • • • • •

(h) • • •

(4) • • •

NOTE 1: The requirements of this paragraph shall not apply to magnesium-thorium alloy materials described in § 73.392(e) of this chapter. The location of bundles, boxes, barrels or crates of such material from packages of undeveloped film must be as stated on the label (see § 73.414(d) of this chapter).

3. In § 74.589 amend the introductory text of paragraph (b) (24 F.R. 5642, July 14, 1959) to read as follows:

**§ 74.589 Handling cars.**

• • • • • • •

(b) *Placards on cars.* A car requiring car certificates and "Explosives," "Dangerous," "Dangerous—Radioactive Material," "Poison Gas," "Flammable Poison Gas," "Dangerous—Empty Flammable Poison Gas," or "Caution—Residual Phosphorus" placards under the provisions of this part shall not be transported unless such freight car is at all times placarded and certificated as required. Placards and car certificates lost in transit shall be replaced at the next inspection point, and those not required shall be removed at the next terminal where the train is classified.

# PART 75—CARRIERS BY RAIL EXPRESS

In § 75.655 add paragraph (j) Note 1 (15 F.R. 8359, Dec. 2, 1950) to read as follows:

**§ 75.655 Protection of packages.**

• • • • • • •

(j) • • •

(7) • • •

NOTE 1: Except for subparagraph (7), the requirements of this paragraph shall not apply to magnesium-thorium alloy materials described in § 73.392(e) of this chapter. The location of bundles, boxes, barrels or crates of such material from packages of undeveloped film must be as stated on the label (see § 73.414(d) of this chapter).

# PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

## Subpart A—General Information and Regulations

1. In § 77.819 amend paragraph (b) (15 F.R. 8363, Dec. 2, 1950) to read as follows:

**§ 77.819 Certificate.**

• • • • • • •

(b) For the relief of shippers from multiplicity of certifications required for

packages which may move by various means of transportation, shipments may be certified for rail, motor vehicle, water, or air transportation by adding to the certificate required on the shipping document "and the Commandant of the Coast Guard," or "and the Administrator of the Federal Aviation Agency," as the case may be.

2. In § 77.823 amend the introductory text of paragraph (a) (21 F.R. 3013, May 5, 1956) to read as follows:

**§ 77.823 Marking on motor vehicles and trailers.**

(a) Every motor vehicle, other than tank motor vehicles, transporting any quantity of explosives, class A; poison gas, class A; or radioactive material, poison class D requiring red radioactive materials label except label described in § 73.414(d) of this chapter for which placards are not required; and every motor vehicle transporting 2,500 pounds gross weight or more of explosives, class B, flammable liquids, flammable solids or oxidizing materials, corrosive liquids, compressed gas, class B poisons, and tear gas, or 5,000 pounds gross weight or more of two or more articles of these groups shall be marked or placarded on each side and rear with a placard or lettering in letters not less than 3 inches high on a contrasting background as follows:

(No change in listing.)

**Subpart B—Loading and Unloading**

1. In § 77.834 amend paragraph (l) and add subparagraph (1) (23 F.R. 2329, April 10, 1958) to read as follows:

**§ 77.834 General requirements.**

* * * * *

(l) *Truck bodies or trailers equipped with heaters or automatic refrigeration apparatus.* Except as provided in subparagraph (1) of this paragraph flammable liquids (red label) and flammable gases (red label) must not be loaded in truck bodies or trailers equipped with heaters or automatic refrigerating apparatus unless the automatic apparatus be rendered inoperative. The fuel tanks for such apparatus shall be empty or removed from the vehicle, except that liquefied petroleum gas fuel tanks exterior to the vehicle body may have their valves closed and disconnected from the fuel feed lines in lieu of being emptied or removed.

(1) This probition does not apply, and heating or refrigeration apparatus may be operated on motor vehicles loaded with flammable liquids and flammable gases, when the lading space is equipped with no electrical apparatus other than of nonsparking or explosion-proof types, no combustion apparatus in the lading space, and no connection for return of air from the lading space to any combustion apparatus. The heating system must be such that no part of the lading is heated over 130° F., and conform to § 193.77 of this chapter.

2. In § 77.835 amend paragraph (g) (21 F.R. 4434, June 23, 1956) to read as follows:

**§ 77.835 Explosives.**

* * * * *

(g) *Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse and/or electric blasting caps in same vehicle with other explosives.* Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse and/or electric blasting caps, without limitation as to quantity except as limited in paragraph (m) of this section, may be transported in the same motor vehicle with high explosives (dynamites and similar explosives) when the net weight of the high explosives (dynamites and similar explosives) does not exceed 5,000 pounds, as follows: The blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse and electric blasting caps must be packed in authorized I.C.C. specification outside shipping containers, or in prescribed inside I.C.C. packages in an outside box made of 1 inch lumber lined with suitable padding material not less than ½ inch thick or a box made of not less than 12 gauge sheet metal lined with plywood or other suitable material not less than ⅜ inch thick so that no metal is exposed. Hinged cover and fastening device are required on boxes. These boxes must be loaded in motor vehicle so that contents or box will be immediately accessible for removal and so that other containers in the motor vehicle will not fall on them or otherwise damage them during transit. Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse or electric blasting caps when not packed in containers referred to above in this paragraph must be transported in containers as prescribed in spec. MC 201 (§ 78.318 of this chapter). See paragraph (m) of this section for shipment of blasting caps with liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate. Explosive projectiles with detonating fuzes assembled in place must not be transported unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government, or unless of a type approved by the Bureau of Explosives.

3. In § 77.841 add paragraph (d) Note 1 (15 F.R. 8367, Dec. 2, 1950) to read as follows:

**§ 77.841 Poisons.**

* * * * *

(d) * * *

(5) * * *

NOTE 1: The requirements of this paragraph shall not apply to magnesium-thorium alloy materials described in § 73.392(e) of this chapter. The location of bundles, boxes, barrels or crates of such material from packages of undeveloped film must be as stated on the label (see § 73.414(d) of this chapter).

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## PART 78—SHIPPING CONTAINER SPECIFICATIONS

**Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks, and Boxes**

In § 78.131–6 paragraph (a) amend table in its entirety; amend footnote 6 and add footnote 7 (24 F.R. 3600, May 5, 1959) (23 F.R. 4031, June 10, 1958) (22 F.R. 7842, Oct. 3, 1957) (22 F.R. 2234, Apr. 4, 1957) (21 F.R. 9363, Nov. 30, 1956) (20 F.R. 4419, June 23, 1955) (25 F.R. 10402, Oct. 29, 1960) to read as follows:

**§ 78.131 Specification 37A; steel drums.**

**§ 78.131–6 Capacities, weights, type, and gauges.**

(a) * * *

| Marked capacity not over (gallons) | Authorized gross weight not over (pounds) [6] | Type of container | Minimum thickness, uncoated sheets [1] (gauge) | | Minimum ring gauge bolted type [5] |
|---|---|---|---|---|---|
| | | | Body sheet [3] [4] | Head sheet [4] | |
| 5 | 60 | Straight side | 26 | 26 | Lug or plain ring seal. |
| 5 | 80 | do | 24 | 24 | |
| 10 | 160 | do | 24 | 24 | |
| 55 | 150 | do | 26 | 26 | 18, plain. |
| 55 | 275 | do | 24 | 24 | Do. |
| 55 | 350 | do | 24 | 24 | 16, 2 inch overlap. |
| 55 | [7] 490 | do | 22 | 22 | Do. |

[1] All gauges specified are minimum except as provided by Part 73 of this chapter. Heavier (but not lighter) gauges may be specified if shipper so desires.

[2] Equally efficient closing devices may be authorized by the Bureau of Explosives upon demonstration of their ability to withstand tests prescribed in § 78.131–11.

[3] Containers of 16 gallons capacity and over must have 2 swedged or corrugated rolling hoops of sufficient height to clear the closing device when the drum is rolled.

[4] Head sheet may have holes of suitable size to provide for protruding closures when drum is used as overpack for inside container, spec. 2S, 2SL, 2T, or 2TL (§ 78.35, 78.35a, 78.21 or 78.27). Drum not over 16 gallons capacity may have lug type closure for removable heads.

[5] Drum must be manufactured in accordance with gauge requirements applicable to gross weight and capacity as prescribed, except that gross weight restriction indicated by the gross weight embossment shall be waived when drum is used with inside plastic containers as prescribed by Part 73 of this chapter.

[6] When drum is used in conjunction with inside spec. 2S or 2SL (§ 78.35 or 78.35a) polyethylene container, two ¼-inch holes are permitted diametrically opposite each other in the drum body near the bottom chime and three holes not exceeding ¼-inch in diameter in the bottom head.

[7] A gross weight of 490 pounds is authorized when defined by Part 73 of this chapter (see § 73.164 (a)(2) of this chapter).

**Subpart E—Specifications for Wooden Barrels, Kegs, Boxes, Kits, and Drums**

In § 78.187–2 amend paragraph (a)(3) (25 F.R. 10403, Oct. 29, 1960) to read as follows:

**§ 78.187 Specification 16D; wooden wirebound overwrap for inside containers.**

**§ 78.187–2 Construction requirements.**

(a) * * *

(3) Where binding wire closure clinches contact inner container, 1½ inches wide water-resistant fabric cloth with plastic coated backing and pressure-sensitive adhesive or other suitable means shall be applied in a single strip across clinches, or other equally efficient methods may be used.



**Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes**

1. In § 78.205–17 amend paragraph (a)(2); add § 78.205–37 (25 F.R. 3106, April 12, 1960) (15 F.R. 8476, Dec. 2, 1950) to read as follows:

**§ 78.205 Specification 12B; fiberboard boxes.**

**§ 78.205–17 Closing for shipment.**

(a) * * *

(2) For fiberboard boxes containing not more than 1 inside metal can not exceeding 1 gallon nominal capacity, and as otherwise authorized by Part 73 of this chapter, by application of 2 strips of pressure-sensitive tape not less than ½ inch in width, 1 strip to be placed approximately equal distance over the seam of abutting outer flaps, the other at a right angle to the first and spaced approximately equal distance on the closure face; strips must be of sufficient length to extend not less than 1 inch beyond score lines on side and end panels. Tape shall have a minimum tensile strength of 160 pounds per inch of width; minimum adhesion value of 18 ounces per inch of width; and minimum elongation of 12 percent at break, or having a minimum longitudinal tensile strength of not less than 240 pounds per inch of width; minimum adhesion value of 18 ounces per inch of width and a minimum elongation of 3 percent at break.

* * * * *

**§ 78.205–37 Special box; with inside polyethylene or other suitable plastic bags for packaging of electrolyte (acid) or alkaline corrosive battery fluid only.**

(a) Box shall comply with this specification, except as follows: Box must be of one-piece construction of regular slotted style and be constructed of at least 275-pound test double-faced corrugated fiberboard with complete corrugated fiberboard liner, a scored and flanged bottom pad, and a scored and flanged top tray pad, reinforced, all of same material as box. Box may have die-cut areas of minimum size to provide access to inside closure part.

(b) Box must have 2 polyethylene or other suitable plastic bags, one within the other, with closure adequate to prevent leakage under conditions incident to transportation; maximum volumetric capacity not over 5 gallons. Bags shall be formed of tubing of virgin plastic material not less than 0.004 inch thick, with joints heat sealed.

(c) Representative samples of completely assembled boxes, with all parts closed as for shipment, must be capable of withstanding the following tests without leakage or serious damage to boxes. No one box shall be expected to withstand more than one of the following tests:

(1) Box with inside container filled with 5 gallons of a liquid of the same specific gravity as expected contents for shipment must be dropped twice from a height of 4 feet onto concrete, one drop to be made with the box positioned so as to strike flat on the box bottom, the other drop to be made so box will strike flat on the largest face.

(2) Box with inside container filled with 5 gallons of a solution which is compatible with the plastic bags, and remains liquid at 0° F. or lower shall be dropped once from a height of 4 feet onto concrete, when container and contents are at or below 0° F. Box shall be positioned so as to strike flat on the box bottom.

(3) Box with inside container filled as prescribed in subparagraph (1) of this paragraph shall be capable of withstanding a vibration test by placing the container on the vibration table anchored in such manner that all horizontal motion shall be restricted and only vertical motion allowed. The test shall be performed for one hour using an amplitude of one inch at a frequency that causes the test container to be raised from the floor of the table to such a degree that a piece of paper or flat steel strap or tape can be passed between the table and the container.

(d) Tests to be conducted by or for each plant assembling and filling boxes at the initial start of production and must be repeated at intervals of four months thereafter; initial tests must be witnessed by a representative of the Bureau of Explosives. Samples last tested must be dated with date of test and must be retained until subsequent tests are conducted. Empty boxes with liners may be shipped to a central point for assembling, filling and testing in which case the Bureau of Explosives must be advised of test location.

2. In § 78.209–8 amend paragraph (a)(3) (24 F.R. 5643, July 14, 1959) to read as follows:

**§ 78.209 Specification 12H; fiberboard boxes.**

**§ 78.209–8 Type authorized.**

(a) * * *

(3) Box to consist of 1-piece or 3-piece, without recessed heads, fitted with lining tube as prescribed in § 78.209–11, except that lining tube is not required for boxes used for shipment of electric blasting caps packed in accordance with § 73.66(g)(1) of this chapter. When outer flaps butt, inner flaps must also butt, except that they may overlap not to exceed ½ inch, or outer flaps may overlap a minimum of 2 inches to and including full overlap, and inner flaps may be of same length as outer flaps.

3. In § 78.218–13 add paragraph (b) (19 F.R. 6274, Sept. 29, 1954) to read as follows:

**§ 78.218 Specification 23C; special cylindrical fiberboard box for high explosives.**

**§ 78.218–13 Completed containers.**

* * * * *

(b) As an alternate to compression test requirements of paragraph (a) (1) and (2) of this section, samples must pass the following tests immediately after exposure for 2 weeks to 90 percent humidity at 75° F. or 70 percent humidity at 100° F.; loaded containers shall contain dummy contents of shape and weight same as expected contents. Static loading tests as specified herein must be conducted with the prescribed weight in place for at least 60 minutes, with deflection of container not in excess of the following:

(1) Three loaded samples to be tested. Each container must be capable of withstanding end-to-end pressure of at least 375 pounds without deflection over 1½ inches.

(2) Three loaded samples to be tested. Each container must be capable of withstanding side-to-side pressure of at least 350 pounds without deflection over ½ inch.

[F.R. Doc. 61–888; Filed, Feb. 1, 1961; 8:45 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

**Chapter I—Civil Service Commission**

## PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

**Post Office Department**

Effective upon publication in the FEDERAL REGISTER, paragraphs (a)(6) and (f) (1) and (2) of § 6.309 are amended, subparagraphs (10) through (15) are added to paragraph (a), subparagraphs (8) and (9) are added to paragraph (c), subparagraphs (5) and (6) are added to paragraph (f), and a new paragraph (h), subparagraphs (1) through (7) are added, as follows:

**§ 6.309 Post Office Department.**

(a) *Office of the Postmaster General.*

* * *

(6) Three Assistants to the Executive Assistant to the Postmaster General.

* * * * *

(10) One Confidential Administrative Assistant to the Postmaster General.

(11) One Private Secretary to each of the three Assistants to the Executive Assistant to the Postmaster General.

(12) One Administrative Assistant to the Executive Assistant to the Postmaster General.

(13) One Deputy Special Assistant to the Postmaster General (Information).

(14) One Confidential Assistant to the Special Assistant to the Postmaster General (Information).

(15) One Private Secretary to the Special Assistant to the Postmaster General (Information).

* * * * *

(c) *Bureau of Transportation.* * * *

(8) One Deputy Assistant Postmaster General.

(9) One Special Assistant to the Assistant Postmaster General.

* * * * *

(f) *Bureau of Operations.* (1) One Confidential Assistant to the Assistant Postmaster General.

(2) Three Special Assistants to the Assistant Postmaster General.

* * * * *

(5) Three Deputy Assistant Postmasters General.

(6) One Private Secretary to each of two Deputy Assistant Postmasters General.

* * * * *

(h) *Office of the Deputy Postmaster General.* (1) One Executive Assistant to the Deputy Postmaster General.

(2) One Assistant to the Deputy Postmaster General.

(3) Two Confidential Administrative Assistants to the Deputy Postmaster General.

(4) One Private Secretary to the Deputy Postmaster General.

(5) One Assistant to the Executive Assistant to the Deputy Postmaster General.

(6) One Private Secretary to the Executive Assistant to the Deputy Postmaster General.

(7) One Private Secretary to the Assistant to the Deputy Postmaster General.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-962; Filed, Feb. 1, 1961; 6:50 a.m.]

# Title 7—AGRICULTURE

## Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

## PART 723—CIGAR-FILLER TOBACCO, CIGAR BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

### Announcement of Amounts of and Apportionments of National Marketing Quotas for Cigar-Binder (Types 51 and 52) Tobacco and Cigar-Filler and Binder (Types 42, 43, 44, 53, 54, and 55) Tobacco for 1961–62 Marketing Year

Sec.
723.1201 Basis and purpose.
723.1202 Findings and determinations with respect to the national marketing quota for cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1961.
723.1203 Findings and determinations with respect to the national marketing quota for cigar-filler and cigar-binder (types 42, 43, 44, 53, 54, and 55) tobacco for the marketing year beginning October 1, 1961.

AUTHORITY: § 723.1201 to 723.1203 issued under secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 17, as amended; 66 as amended; 7 U.S.C. 1301, 1312, 1313, 1375.

**§ 723.1201 Basis and purpose.**

(a) The regulations contained in §§ 723.1201 to 723.1203 are issued (1) to establish the reserve supply level and the total supply of (i) cigar-binder (types 51 and 52) tobacco, and (ii) cigar-filler and cigar-binder (types 42, 43, 44, 53, 54, and 55) tobacco, for the marketing year beginning October 1, 1960; (2) to announce the national marketing quotas for (i) cigar-binder (types 51 and 52) tobacco, and (ii) cigar-filler and cigar-binder (types 42, 43, 44, 53, 54, and and 55) tobacco, for the marketing year beginning October 1, 1961 and (iii) to apportion the national marketing quotas for the 1961–62 marketing year among the several States. The findings and determinations by the Secretary contained in § 723.1202 and § 723.1203 have been made on the basis of the latest available statistics of the Federal Government and after due consideration of data, views, and recommendations received from cigar-binder and cigar-filler and cigar-binder tobacco producers and others as provided in a notice (25 F.R. 9901) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Since growers of cigar-binder (types 51 and 52) tobacco and of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco will soon be making their plans for 1961 production of these kinds of tobacco and need to know the 1961 acreage allotments for their farms, it is hereby found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the findings and determinations and the announcements and apportionments of the quotas contained herein shall become effective upon the date of their filing with the Director, Office of the Federal Register.

**§ 723.1202 Findings and determinations with respect to the national marketing quota for cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1961.[1]**

(a) *Reserve supply level.* The reserve supply level for cigar-binder (types 51 and 52) tobacco is 46.7 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 15.0 million pounds and a normal year's exports of 2.0 million pounds.

(b) *Total supply.* The total supply of cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1960 is 40.2 million pounds consisting of carry-over of 33.2 million pounds and estimated 1960 production of 7.0 million pounds.

(c) *Carry-over.* The estimated carry-over of cigar-binder (types 51 and 52) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1961, is 30.0 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1960, of 10.2 million pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of cigar-binder (types 51 and 52) tobacco which will make available during the marketing year beginning October 1, 1961, a supply of cigar-binder (types 51 and 52) tobacco equal to the reserve supply level of such tobacco is 16.7 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 16.7 million pounds would cause undue restriction of marketings during the 1961–62 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-binder (types 51 and 52) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1961, is 20.0 million pounds.

(e) *Apportionment of the quota.* The national marketing quota for cigar-binder (types 51 and 52) tobacco is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

| State: | *Acreage allotment* |
|---|---|
| Connecticut | 6,995.95 |
| Massachusetts | 3,676.43 |
| New York | 0.16 |
| Vermont | 5.23 |
| Reserve[1] | 107.67 |

[1] Acreage reserved for establishing allotments for new farms.

**§ 723.1203 Findings and determinations with respect to the national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for the marketing year beginning October 1, 1961.[1]**

(a) *Reserve supply level.* The reserve supply level for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco is 97.0 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 33.0 million pounds and a normal year's exports of 1.0 million pounds.

(b) *Total supply.* The total supply of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for the marketing year beginning October 1, 1960, is 95.7 million pounds consisting of carry-over of 64.1 million pounds and estimated 1960 production of 31.6 million pounds.

(c) *Carry-over.* The estimated carry-over of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1961, is 62.6 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1960, of 33.1 million pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco which will make available during the marketing year beginning October 1, 1961, a supply of cigar-filler and binder tobacco equal to the reserve supply level of such tobacco is 34.4 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 34.4 million pounds would cause undue restriction of marketings during the 1961–62 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1961, is 41.3 million pounds.

(e) *Apportionment of the quota.* The national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

| State: | *Acreage allotment* |
|---|---|
| Illinois | 7.16 |
| Indiana | 1.49 |
| Iowa | 8.61 |
| Minnesota | 246.12 |
| New York | 95.40 |
| Ohio | 5,524.17 |
| Pennsylvania | 268.38 |
| Wisconsin | 19,293.14 |
| Reserve[1] | 257.00 |

[1] Acreage reserved for establishing allotments for new farms.

Issued at Washington, D.C., this 30th day of January 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-985; Filed, Feb. 1, 1961; 8:51 a.m.]

## PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

### Announcement and Apportionment of National Marketing Quota for Burley Tobacco for 1961–62 Marketing Year

**§ 725.1203 Basis and purpose.**

(a) Sections 725.1203 to 725.1204 are issued (1) to establish the reserve supply level and the total supply of burley tobacco for the marketing year beginning October 1, 1960; (2) to announce the amount of the national marketing quota for burley tobacco for the marketing year beginning October 1, 1961; and (3) to apportion the national marketing quota for burley tobacco for the 1961–62 marketing year among the several States. The findings and determinations contained in § 725.1204 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from burley tobacco producers and others as provided in a notice (25 F.R. 9901) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Since burley tobacco producers will soon be making their plans for production of burley tobacco in 1961, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore, the announcement and apportionment of the national marketing quota for burley tobacco for the 1961–62 marketing year contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

**§ 725.1204 Findings and determinations with respect to the national marketing quota for burley tobacco for the marketing year beginning October 1, 1961.[1]**

(a) *Reserve supply level.* The reserve supply level for burley tobacco is 1,578.3 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 525.0 million pounds and a normal year's exports of 36.0 million pounds.

(b) *Total supply.* The total supply of burley tobacco for the marketing year beginning October 1, 1960, is 1,687.0 million pounds, consisting of carry-over of 1,191.4 million pounds and estimated 1960 production of 495.6 million pounds.

(c) *Carry-over.* The estimated carry-over of burley tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1961, is 1,131.6 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1960, of 555.4 million pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of burley tobacco which will make available during the marketing year beginning October 1, 1961, a supply of burley tobacco equal to the reserve supply level of such tobacco is 446.7 million pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 446.7 million pounds would result in undue restriction of marketings during the 1961–62 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for burley tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1961, is 536.0 million pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

| State: | *Acreage allotment* |
|---|---|
| Alabama | 32.66 |
| Arkansas | 56.59 |
| Georgia | 93.06 |
| Illinois | 6.30 |
| Indiana | 8,219.14 |
| Kansas | 96.35 |
| Kentucky | 212,947.25 |
| Missouri | 3,394.26 |
| North Carolina | 10,823.18 |
| Ohio | 10,582.91 |
| Pennsylvania | 2.12 |
| South Carolina | 4.36 |
| Tennessee | 67,256.10 |
| Texas | .42 |
| Virginia | 11,715.70 |
| West Virginia | 3,040.26 |
| Reserve[1] | 822.59 |

[1] Acreage reserved for establishing allotments for new farms.

(Secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375)

Issued at Washington, D.C., this 30th day of January 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-986; Filed, Feb. 1, 1961; 8:51 a.m.]

## PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

### National Marketing Quotas

Proclamation of national marketing quotas for (1) fire-cured (type 21) tobacco, (2) fire-cured (types 22, 23, and 24) tobacco, and (3) dark air-cured (types 35 and 36) tobacco for each of the three marketing years beginning October 1, 1961; and announcement and apportionment of the national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured (types 35 and 36) tobacco, and Virginia sun-cured (type 37) tobacco for the 1961–62 marketing year.

Sec.
725.1205 Basis and purpose.
725.1206 Findings and determinations with respect to the national marketing quota for fire-cured (type 21) tobacco for the marketing year beginning October 1, 1961.
725.1207 Findings and determinations with respect to the national marketing quota for fire-cured (types 22, 23, and 24) tobacco for the marketing year beginning October 1, 1961.
725.1208 Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1961.
725.1209 Findings and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1961.

AUTHORITY: §§ 725.1205 to 725.1209 issued under secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375.



[1] Rounded to the nearest tenth of a million pounds.

[1] Rounded to the nearest tenth of a million pounds.

§ 725.1205 Basis and purpose.

(a) Sections 725.1205 to 725.1209 are issued (1) to proclaim a national marketing quota for fire-cured (type 21) tobacco; fire-cured (types 22, 23, and 24) tobacco; and dark air-cured (types 35 and 36) tobacco, for each of the three marketing years beginning October 1, 1961; (2) to establish the reserve supply level and the total supply of fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco, respectively, for the marketing year beginning October 1, 1960; (3) to announce the amounts of the national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco for the marketing year beginning October 1, 1961; and (4) to apportion such national marketing quotas for the 1961–62 marketing year among the several States. The findings and determinations contained in §§ 725.1206 to 725.1209 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of the data, views, and recommendations received from fire-cured, dark air-cured, and Virginia sun-cured tobacco producers and others, as provided in a notice (25 F.R. 9901) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of referenda of fire-cured and dark air-cured tobacco growers within 30 days after issuance of the proclamation of a national marketing quota for each of such kinds of tobacco to determine whether such growers favor marketing quotas, and since tobacco farmers must be notified of 1961 crop year allotments as soon as possible, it is hereby found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the proclamation, announcements and apportionments of the national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco and Virginia sun-cured tobacco contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 725.1206 Findings and determinations with respect to the amount of the national marketing quota for fire-cured (type 21) tobacco for the marketing year beginning October 1, 1961.[1]

(a) *Reserve supply level.* The reserve supply level for fire-cured (type 21) tobacco is 28,586,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 6,300,000 pounds and a normal year's exports of 6,000,000 pounds.

(b) *Total supply.* The total supply of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1960, is 31,848,000 pounds consisting of carry-over of 22,176,000 pounds and estimated 1960 production of 9,672,000 pounds.

(c) *Carry-over.* The estimated carry-over of fire-cured (type 21) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1961, is 19,416,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1960, of 12,432,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* Since the 1960–61 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect on fire-cured (type 21) tobacco, a national marketing quota for such kind of tobacco for each of the three years beginning October 1, 1961, is hereby proclaimed pursuant to section 312(a)(2) of the Act. The amount of fire-cured (type 21) tobacco which will make available during the marketing year beginning October 1, 1961, a supply of fire-cured (type 21) tobacco equal to the reserve supply level of such tobacco is 9,170,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 9,170,000 pounds would result in undue restriction of marketings during the 1961–62 marketing year and such amount is hereby increased by 20 percent to 11,004,000 pounds. Pursuant to Public Law 85–705, this increased quota is further increased to 11,957,000 pounds. Therefore, the amount of the national marketing quota for fire-cured (type 21) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1961, is 11,957,000 pounds.

(e) *Apportionment of the quota.* Since fire-cured (type 21) tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313(a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota less 29,892 pounds reserved for establishing allotments for new farms, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313(g) of the Act into a State acreage allotment of 9,125.56 acres. Likewise, the reserve of 29,892 pounds for establishing allotments for new farms is hereby converted into 22.87 acres.

§ 725.1207 Findings and determinations with respect to the national marketing quota for fire-cured (types 22, 23 and 24) tobacco for the marketing year beginning October 1, 1961.[2]

(a) *Reserve supply level.* The reserve supply level for fire-cured (types 22, 23, and 24) tobacco is 130,600,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 29,000,000 pounds and a normal year's exports of 27,000,000 pounds.

(b) *Total supply.* The total supply of fire-cured (types 22, 23 and 24) tobacco for the marketing year beginning October 1, 1960, is 139,900,000 pounds consisting of carry-over of 101,200,000 pounds and estimated 1960 production of 38,700,000 pounds.

(c) *Carry-over.* The estimated carry-over of fire-cured (Types 22, 23 and 24) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1961, is 90,300,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1960, of 49,600,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* Since the 1960–61 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect on fire-cured (types 22, 23, and 24) tobacco, a national marketing quota for such kind of tobacco for each of the three years beginning October 1, 1961, is hereby proclaimed pursuant to Section 312(a)(2) of the Act. The amount of fire-cured (types 22, 23, and 24) tobacco which will make available during the marketing year beginning October 1, 1961, a supply of fire-cured (types 22, 23, and 24) tobacco equal to the reserve supply level of such tobacco is 40,300,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 40,300,000 pounds would result in undue restriction of marketings during the 1961–62 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured (types 22, 23, and 24) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1961, is 48,400,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota announced in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

| State: | *Acreage allotment* |
|---|---|
| Illinois | 0.24 |
| Kentucky | 15,405.41 |
| Tennessee | 17,332.33 |
| Reserve[1] | 82.08 |

[1] Acreage reserved for establishing allotments for new farms.

§ 725.1208 Findings and determinations with respect to the amount of the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1961.[3]

(a) *Reserve supply level.* The reserve supply level for dark air-cured tobacco is 77,000,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 21,500,000 pounds and a normal year's exports of 8,600,000 pounds.

(b) *Total supply.* The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1960, is 80,300,000 pounds consisting of carry-over of 60,900,000 pounds and estimated 1960 production of 19,400,000 pounds.

(c) *Carry-over.* The estimated carry-over of dark air-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1961, is 58,100,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1960, of 22,200,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* Since the 1960–61 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect on dark air-cured tobacco, a national marketing quota for such kind of tobacco for each of the three years beginning October 1, 1961, is hereby proclaimed pursuant to section 312(a)(2) of the Act. The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1961, a supply of dark air-cured tobacco equal to the reserve supply level of such tobacco is 18,900,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 18,900,000 pounds would result in undue restriction of marketings during the 1961–62 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for dark air-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1961, is 22,700,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

| State: | *Acreage allotment* |
|---|---|
| Kentucky | 13,478.92 |
| Tennessee | 2,269.36 |
| Indiana | 45.78 |
| Reserve[1] | 39.57 |

[1] Acreage reserved for establishing allotments for new farms.

§ 725.1209 Findings and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1961.[3]

(a) *Reserve supply level.* The reserve supply level for Virginia sun-cured tobacco is 8,692,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 2,650,000 pounds and a normal year's exports of 600,000 pounds.

(b) *Total supply.* The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1960, is 7,203,000 pounds consisting of a carry-over of 5,223,000 pounds and estimated 1960 production of 1,980,000 pounds.

(c) *Carry-over.* The estimated carry-over of Virginia sun-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1961, is 4,136,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1960, of 3,067,000 pounds from the total supply of such tobacco.

(d) *Proclamation and national marketing quotas.* The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1961, a supply of Virginia sun-cured tobacco equal to the reserve supply level of such tobacco is 4,556,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 4,556,000 pounds would result in undue restriction of marketings for the 1961–62 marketing year and such amount is increased by 20 percent to 5,467,000 pounds. Pursuant to Public Law 85–705, however, such increased quota is decreased to 4,684,000 pounds. Therefore, the amount of the national marketing quota for Virginia sun-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1961, is 4,684,000 pounds.

(e) *Apportionment of the quota.* Since Virginia sun-cured tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313(a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota, less 11,710 pounds reserved for establishing allotments for new farms, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313(g) of the Act into a State acreage allotment of 4,350.36 acres. Likewise, the reserve of 11,710 pounds for establishing allotments for new farms is hereby converted into 10.90 acres.

Issued at Washington, D.C., this 30th day of January 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61–987; Filed, Feb. 1, 1961; 8:51 a.m.]

[Amdt. 1]

## PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

### Marketing Quota Regulations, 1961–62 Marketing Year

This amendment is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311–15), and is issued to increase the acreage of Virginia sun-cured tobacco which may be used in 1961 to correct errors, provide allotments for overlooked farms, and to make equitable adjustments.

The amendment will permit the establishment of allotments for Virginia sun-cured tobacco which are fair and equitable. Section 725.1218 of the regulations (25 F.R. 6676) is hereby amended by changing the second sentence thereof to read as follows: "The acreage available in the State for increasing allotments as above described under this section, correction of errors, and providing acreage allotments for overlooked farms shall not exceed, in the case of burley, flue-cured, fire-cured and dark air-cured tobacco, one-tenth of one percent of the total acreage for such tobacco allotted to all tobacco farms in the State for the 1960–61 marketing year, and shall not exceed in the case of Virginia sun-cured tobacco four percent of the total acreage of such tobacco allotted to all tobacco farms in the State for the 1960–61 marketing year."

Since farmers are now making plans for growing Virginia sun-cured tobacco in 1961, it is imperative that they be advised as soon as possible of the tobacco acreage allotments for their farms and it is hereby found and determined that compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and the provisions of this amendment shall become effective upon filing with the Director, Office of the Federal Register.

(Secs. 313, 375, 52 Stat. 47, as amended, 66, as amended; 7 U.S.C. 1313, 1375)

Issued at Washington, D.C., this 27th day of January 1961.

H. D. GODFREY,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61–963; Filed, Feb. 1, 1961; 8:50 a.m.]

## PART 727—MARYLAND TOBACCO

### Announcement and Apportionment of National Marketing Quota for 1961–62 Marketing Year

§ 727.1201 Basis and purpose.

(a) Sections 727.1201 and 727.1202 are issued (1) to establish the reserve supply level and the total supply of Maryland tobacco for the marketing year beginning October 1, 1960; (2) to announce the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1961; and (3) to apportion the quota for the marketing year beginning October 1, 1961, among the several States. The findings and determinations by the Secretary contained in § 727.1202 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from Maryland tobacco producers and others as provided in a notice (25 F.R. 9901) given in accordance with the Ad-

[1] Rounded to the nearest thousand pounds, except in § 725.1206(a).

[2] Rounded to the nearest tenth of a million pounds.

[3] Rounded to nearest thousand pounds, except in § 725.1209(e).

ministrative Procedure Act (5 U.S.C. 1003).

(b) Since Maryland tobacco growers will soon be making their plans for producing Maryland tobacco in 1961, and need to know the Maryland tobacco acreage allotments for their farms, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the announcement and apportionment of the national marketing quota for Maryland tobacco for the 1961–62 marketing year, contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

**§ 727.1202 Findings and determinations with respect to the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1961.**[1]

(a) *Reserve supply level.* The reserve supply level for Maryland tobacco is 95.2 million pounds, calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 25.5 million pounds and a normal year's exports of 12.5 million pounds.

(b) *Total supply.* The total supply of Maryland tobacco for the marketing year beginning October 1, 1960, is 94.8 million pounds, consisting of estimated carry-over of 62.0 million pounds and estimated 1960 production of 32.8 million pounds.

(c) *Carry-over.* The estimated carry-over of Maryland tobacco on January 1, 1962, is 58.4 million pounds, calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1960, of 36.4 million pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of Maryland tobacco which will make available during the marketing year beginning October 1, 1961, a supply of Maryland tobacco equal to the reserve supply level of such tobacco is 36.8 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 36.8 million pounds would not meet market demands during the 1961–62 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Maryland tobacco in terms of the total quantity of tobacco which may be marketed during the marketing year beginning October 1, 1961, is 44.2 million pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

| State: | *Acreage allotment* |
|---|---|
| Maryland | 49,566.85 |
| Virginia | 33.85 |
| Delaware | 0.13 |
| Reserve[1] | 62.08 |

[1] Acreage reserved for establishing allotments for new farms.

(Secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46 as amended; 47 as amended; 66 as amended; 7 U.S.C. 1301, 1312, 1313, 1375)

Issued at Washington, D.C., this 30th day of January 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-988; Filed, Feb. 1, 1961; 8:51 a.m.]

[1] Rounded to the nearest tenth of a million pounds.

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

### PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

### Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

**§ 78.13 Modified certified brucellosis areas.**

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

*Alabama:* Calhoun, Chambers, Cherokee, Clay, Cleburne, Coffee, Covington, Dale, De Kalb, Etowah, Geneva, Henry, Houston, Jackson, Madison, Marshall, and Randolph Counties;

*Arizona:* The entire State;

*Arkansas:* Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Crawford, Dallas, Faulkner, Franklin, Fulton, Garland, Grant, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Johnson, Lafayette, Lincoln, Logan, Lonoke, Madison, Marion, Montgomery, Nevada, Newton, Ouachita, Perry, Pike, Poinsett, Polk, Pope, Prairie, Randolph, Saline, Sebastian, Scott, Searcy, Sevier, Sharp, Stone, Union, Van Buren, Washington, White, and Yell Counties;

*California:* Alameda, Amador, Alpine, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Inyo, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yuba, and Yolo Counties;

*Colorado:* Alamosa, Archuleta, Baca, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnison, Hinsdale, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

*Connecticut:* The entire State;

*Delaware:* The entire State;

*Florida:* Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

*Georgia:* The entire State;

*Idaho:* The entire State;

*Illinois:* Alexander, Boone, Bond, Bureau, Carroll, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, DuPage, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Greene, Grundy, Hamilton, Iroquois, Jackson, Jasper, Jefferson, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McHenry, McLean, Macon, Madison, Mason, Massac, Menard, Monroe, Montgomery, Moultrie, Ogle, Perry, Pulaski, Putnam, Richland, Stephenson, Tazewell, Union, Vermilion, Wabash, Washington, Whiteside, Will, Williamson, Woodford, and Winnebago Counties;

*Indiana:* The entire State;

*Iowa:* Delaware, Fayette, Mitchell, and Warren Counties;

*Kansas:* Cheyenne, Decatur, Franklin, Jefferson, Nemaha, Rawlins, Sheridan, Sherman, Smith, Thomas, and Wyandotte Counties;

*Kentucky:* Anderson, Barren, Boone, Boyd, Bracken, Breathitt, Breckinridge, Butler, Calloway, Campbell, Carlisle, Carter, Edmonson, Elliott, Floyd, Fulton, Gallatin, Graves, Greenup, Harrison, Hickman, Hopkins, Jackson, Jefferson, Johnson, Larue, Lawrence, Lincoln, McCracken, McLean, Marshall, Martin, Mercer, Metcalf, Morgan, Muhlenberg, Oldham, Perry, Robertson, Rockcastle, Rowan, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Warren, Webster, and Wolfe Counties;

*Louisiana:* Assumption, Claiborne, and St. Landry Parishes;

*Maine:* The entire State;

*Maryland:* The entire State;

*Massachusetts:* The entire State;

*Michigan:* The entire State;

*Minnesota:* The entire State;

*Mississippi:* Alcorn, Amite, Attala, Benton, Choctaw, Clay, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Lee, Lowndes, Marion, Monroe, Newton, Neshoba, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Smith, Stone, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

*Missouri:* Adair, Andrew, Bates, Barry, Bollinger, Boone, Buchanan, Butler, Caldwell, Cape Girardeau, Carroll, Carter, Cass, Charlton, Christian, Clinton, Cole, Cooper, Dade, Dallas, Daviess, Dent, Douglas, Franklin, Gasconade, Gentry, Greene, Henry, Hickory, Iron, Jackson, Jefferson, Johnson, Lafayette, Lawrence, Lincoln, Macon, Maries, Marion, McDonald, Mercer, Moniteau, Monroe, Montgomery, Morgan, Newton, Oregon, Osage, Ozark, Perry, Pettis, Phelps, Platte, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, St. Charles, St. Francois, St. Genevieve, St. Louis, Shelby, Stoddard, Stone, Texas, Warren, Washington, Wayne, Webster, Worth, and Wright Counties;

*Montana:* Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Silver Bow, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

*Nebraska:* Adams, Banner, Burt, Butler, Cass, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Fillmore, Franklin, Furnas, Gage, Hall, Hamilton, Harlan, Howard, Jefferson, Johnson, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

*Nevada:* The entire State;

*New Hampshire:* The entire State;

*New Jersey:* The entire State;

*New Mexico:* The entire State;

*New York:* The entire State;

*North Carolina:* The entire State;

*North Dakota:* Adams, Barnes, Benson, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Grant, Griggs, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Richland, Rolette, Sheridan, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

*Ohio:* Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Cuyahoga, Darke, Defiance, Fulton, Greene, Guernsey, Hancock, Henry, Hardin, Harrison, Hocking, Jackson, Knox, Logan, Lorain, Lucas, Marion, Mahoning, Meigs, Monroe, Montgomery, Morrow, Morgan, Muskingum, Noble, Ottawa, Paulding, Pickaway, Pike, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Van Wert, Vinton, Washington, Williams, Wood, and Wyandot Counties;

*Oklahoma:* Adair, Delaware, and Mayes Counties;

*Oregon:* The entire State;

*Pennsylvania:* The entire State;

*Rhode Island:* The entire State;

*South Carolina:* Abbeville, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Edgefield, Georgetown, Greenwood, Hampton, Horry, Lancaster, Laurens, Lee, Lexington, McCormick, Marion, Marlboro, Newberry, Pickens, Richland, Saluda, Sumter, Union, and York Counties;

*South Dakota:* Butte, Campbell, Clay, Codington, Custer, Day, Deuel, Edmonds, Faulk, Grant, Hamlin, Harding, Lawrence, Lincoln, Moody, Perkins, Roberts, Turner, Union, and Walworth Counties;

*Tennessee:* The entire State;

*Texas:* Bandera, Blanco, Borden, Brewster, Burnet, Coleman, Crane, Dallam, Ector, Gillespie, Glasscock, Hartley, Howard, Hudspeth, Irion, Jeff Davis, Kerr, Kimble, Lampasas, Llano, Loving, Mason, Menard, Midland, Pecos, Presidio, Reagan, San Saba, Schleicher, Shackelford, Stonewall, Sutton, Terrell, Upton, Ward, Winkler, and Young Counties;

*Utah:* The entire State;

*Vermont:* The entire State;

*Virginia:* Accomack, Alleghany, Amelia, Arlington, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Caroline, Carroll, Charles City, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dickenson, Essex, Fairfax, Fluvanna, Franklin, Giles, Gloucester, Greensville, Hanover, Henrico, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Page, Pittsylvania, Powhatan, Prince William, Princess Anne, Pulaski, Rappahannock, Richmond, Rockingham, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Westmoreland, Wise, Wythe, and York Counties; City of Hampton, and City of Newport News;

*Washington:* The entire State;

*West Virginia:* The entire State;

*Wisconsin:* The entire State;

*Wyoming:* Albany, Big Horn, Campbell, Fremont, Laramie, Lincoln, Niobrara, Park, Sweetwater, Uinta, Washakie, and Weston Counties; and Lower Arapahoe Cattle Association, Wind River Indian Reservation in Fremont County, Arapahoe Ranch Tribal Enterprise and Wind River Indian Reservation in Fremont and Hot Springs Counties;

*Puerto Rico:* The entire area;

*Virgin Islands of the United States:* The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693, 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

*Effective date.* The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment deletes Jasper and Ripley Counties in Missouri from the list of areas designated as modified certified brucellosis areas, because it has been determined that such counties no longer come within the definition of § 78.1(l), and adds the following additional areas which have been determined to come within such definition: Clay County in Arkansas; Gallatin and Madison Counties in Illinois; Alameda, Contra Costa, and Kings Counties in California; Breathitt, Edmonson, Gallatin, Harrison, Perry, Spencer, and Webster Counties in Kentucky; Lowndes and Stone Counties in Mississippi; Carter, Gentry, and Macon Counties in Missouri; Big Horn and Rosebud Counties in Montana; Polk County in Nebraska; Pembina County in North Dakota; Greene, Pickaway, and Preble Counties in Ohio; Richland County in South Carolina; Dallam, Ector, Glasscock, Hartley, Hudspeth, Irion, Kerr, Loving, Midland, Reagan, San Saba, Schleicher, Shackelford, Stonewall, Sutton, and Young Counties in Texas; Pittsylvania County and City of Newport News in Virginia; and Niobrara County in Wyoming.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of January 1961.

R. J. ANDERSON,
*Director, Animal Disease Eradication Division, Agricultural Research Service.*

[F.R. Doc. 61-945; Filed, Feb. 1, 1961; 8:47 a.m.]



# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55807]

### PART 16—LIQUIDATION OF DUTIES

### Countervailing Duties; Sugar From Australia

The following information is published pursuant to T.D. 54582 dated April 29, 1958 (23 F.R. 3034).

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the last 6 months of 1960 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

| 1960: | *Net amount of bounty per 2,240 pounds of sugar content* |
|---|---|
| July | A£36. 15. 0 |
| August | 29. 14. 0 |
| September | 32. 10. 0 |
| October | 32. 16. 0 |
| November | 34. 14. 0 |
| December | 38. 7. 0 |

The net amounts of bounties or grants on the above-described commodities which are manufactured or produced in Australia are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Collectors of customs shall assess and collect additional duties on the above-described commodities, whether imported directly or indirectly from that country, equal to the appropriate net amount of the bounty shown in the above table.

The table in section 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rates" in the column headed "Action".

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: January 25, 1961.

A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-960; Filed, Feb. 1, 1961; 8:50 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 13737; FCC 61-110]

## PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

### Bandwidth Specification for Certain Transmitters

1. On July 29, 1960, the Commission adopted a notice of proposed rule making in the above-entitled matter (FCC 60-983) setting forth proposed formulas for computing necessary bandwidth of composite transmissions and proposed modulation conditions for measuring the occupied bandwidth of composite transmissions.

2. "Necessary bandwidth" is defined in § 2.202(a) of the Commission's rules as follows: "The necessary bandwidth is the width of the frequency band which is necessary in the over-all system, including both transmitter and receiver, for the proper reproduction at the receiver of the desired information and does not necessarily indicate the interfering characteristics of an emission." Thus, necessary bandwidth encompasses all components of emissions useful for the proper reception of the signals. It does not, however, include an allowance for frequency instability of the transmitter or receiver, nor for any excess receiver bandwidth beyond that occupied by the useful components of the emission. The magnitudes of the useful components depend on the design of the respective systems; consequently, no minimum values for the useful components are specified by the Commission. It has, however, been found in this proceeding that formulas can be provided for calculation of the necessary bandwidth of composite transmissions.

3. Comments in response to the notice of proposed rule making were filed by the American Telephone and Telegraph Company (AT&T) and by the Microwave Section of the Electronic Industries Association (EIA). These comments indicated general agreement with the proposed rule changes, including the formulas. Additionally, AT&T suggested that it be stated that pre-emphasis is not involved in the bandwidth formulas and that transmitters being tested for occupied bandwidth should use the pre-emphasis networks, if any, which would be employed under normal service conditions. The Commission agrees with the foregoing suggestions of AT&T and is incorporating the latter in § 2.524(c)(6). With regard to the former, however, it is considered sufficient to state here that pre-emphasis is irrelevant to the necessary bandwidth formulas in § 2.202.

4. Further consideration of the proposed formulas has indicated the need for minor revisions in the details of the examples given, without altering the formulas or the substance of the proposal.

5. *Accordingly, it is ordered*, Under the authority provided in sections 4(i) and 303 of the Communications Act of 1934, as amended, that Part 2 of the Commission's rules is amended, effective February 1, 1961, as set forth below; and: *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: January 25, 1961.

Released: January 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

1. Section 2.1 *Definitions*, is amended by adding the following in the appropriate alphabetical order:

**§ 2.1 Definitions.**

* * * * *

*Baseband.* In the process of modulation, the baseband is the frequency band occupied by the aggregate of the modulating signals when first used to modulate a carrier.

2. Section 2.202(b) is amended by adding the following classifications:

**§ 2.202 Bandwidths.**

* * * * *

(b) *Table of necessary bandwidths.*

I. AMPLITUDE MODULATION

| Description and class of emission | Necessary bandwidth in cycles per second | Examples | |
|---|---|---|---|
| | | Details | Designation of emission |
| * * | * * | * * | * |
| Composite transmission: A9. | 2*M* (double sideband)..... | Television relay, video limited to 4 Mc, audio on 6.5 Mc. FM subcarrier, subcarrier deviation plus or minus 50 kilocycles. *M*=subcarrier frequency plus maximum deviation=6.55 Mc. Bandwidth: 13,100 kilocycles. | 13,100A9 |
| Composite transmission: A9. | 2*M* (double sideband)..... | Microwave relay system providing 10 telephone channels occupying baseband between 4 and 164 kilocycles. $M=164\times10^3$. Bandwidth: 328 kilocycles. | 328A9 |

II. FREQUENCY MODULATION

| Description and class of emission | Necessary bandwidth in cycles per second | Examples | |
|---|---|---|---|
| | | Details | Designation of emission |
| * * | * * | * * | * |
| Composite transmission: F9. | 2*M*+2*D* | Microwave relay system providing 240 telephone channels occupying baseband between 60 and 1050 kilocycles. $M=1.05\times10^6$. $D=2.35\times10^6$. Bandwidth: 6800 kilocycles. | 6800F9 |
| Composite transmission: F9. | 2*M*+2*D* | TV microwave relay, aural program on 7.5 Mc subcarrier; subcarrier deviation plus or minus 150 kilocycles. *M*=subcarrier frequency plus maximum deviation=(7.5 plus 0.15)$\times10^6$. $D=1\times10^6$ (visual) plus $0.3\times10^6$ (aural). Bandwidth: 17,900 kilocycles. | 17,900F9 |
| Composite transmission: F9. | 2*M*+2*D* | FM Broadcast with 2 FM subcarriers in multiplex at 41 and 67 kc, subcarrier deviation plus or minus 8 kc. $M=(67 \text{ plus } 8)\times10^3$. $D=52.5\times10^3$ (main) plus $2\times11.25\times10^3$ (subchannels)$=75\times10^3$. Bandwidth: 300 kc. | 300F9 |

III. PULSED EMISSIONS

| Description and class of emission | Necessary bandwidth in cycles per second | Examples | |
|---|---|---|---|
| | | Details | Designation of emission |
| * * | * * | * * | * |
| Composite transmission: P9. | $2\frac{K}{t}$ K=1.6 | Microwave relay, pulse-position modulated by 36 channel baseband: pulse width at half amplitude=0.4 microseconds. Bandwidth: 8000 kc. | 8000P9 |

3. Section 2.524 is amended by redesignating paragraph (c)(6) as (c)(8), and by adding new paragraph (c)(6) and (7), as follows:

**§ 2.524 Measurement data required for type acceptance.**

* * * * *

(c) * * *

(6) Transmitters in which the modulating baseband comprises more than three independent channels—when modulated with a test signal consisting of a band of random noise extending continuously from below 20 kilocycles to the highest frequency in the baseband. The level of the test signal shall be adjusted to provide RMS modulation which is 22.4 percent of the full rated peak modulation of the transmitter. The test signal shall be applied through any pre-emphasis networks used in normal service.

(7) Transmitters in which the modulating baseband comprises not more than three independent channels—when modulated by the full complement of signals for which the transmitter is rated. The level of modulation for each channel should be set to that prescribed in rule parts applicable to the services for which the transmitter is intended. If specific modulation levels are not set forth in the rules, the test levels should provide the manufacturer's maximum rated condition.

[F.R. Doc. 61-955; Filed, Feb. 1, 1961; 8:49 a.m.]



[Docket No. 13755; FCC 61-116]

## PART 3—RADIO BROADCAST SERVICES

### Noncommercial Educational FM Stations

1. This proceeding, which was begun by notice of proposed rule making issued August 2, 1960 (FCC 60-966), involves the question of extending to noncommercial educational FM broadcast stations permission to engage in specified kinds of non-broadcast activities on a multiplex basis, similar to permission granted to commercial FM stations by our Report and Order in Docket 12517 released in May 1960 (FCC 60-497, 19 Pike & Fischer R.R. 1619). In that document we amended § 3.293 of our rules so as to permit commercial FM stations to hold subsidiary communications authorizations (SCA's) for multiplex subsidiary services of two general types: (1) Transmission of programs of a broadcast nature but primarily of interest to limited segments of the public wishing to subscribe thereto (e.g., background music, storecasting, detailed weather forecasting, special time signals, and other material of a broadcast nature expressly intended for groups, such as business, educational, labor or religious groups, engaged in any lawful activity); and (2) transmission of signals directly related to the operation of FM broadcast stations (e.g., relaying of broadcast material to other broadcast stations, remote cueing and order circuits, remote control telemetering functions associated with authorized STL operation, and similar uses).

2. Eight parties filed comments in this proceeding, including the National Association of Educational Broadcasters (NAEB), four universities and two other noncommercial educational FM licensees, and the American Medical Association (AMA). All supported the general principle that permission to engage in subsidiary communications on a multiplex basis should be extended to noncommercial educational FM stations as it has been to commercial FM stations. The only reply comment filed merely restated the position of the commenting party. We have considered, in reaching our determination herein, the various contentions made in these comments.

3. In light of the comments and other pleadings, and our deliberations, it appears obvious that noncommercial educational FM stations should be permitted to engage in some types of subsidiary communications activities, along with commercial FM broadcast stations. There remains the question of how far such permission should extend, and we must consider this question within the framework of two concepts—first, the policy expressed in § 3.503 of our rules, that a noncommercial educational FM station "will be used for the advancement of an educational program" (paragraph (a)) and "shall furnish a nonprofit and noncommercial broadcast service" (paragraph (c)); and second, the fact that the subsidiary communications activities to be permitted herein will take place within a portion of the spectrum which has been allocated basically for broadcast service.

4. As to the first of these limiting concepts, in our Notice herein we noted that the NAEB's original petition for rule making appeared to contemplate both commercial and noncommercial subcarrier usage by noncommercial FM stations, and therefore the NAEB proposal was inconsistent with the provisions of § 3.503(c) just mentioned. We stated that the proposal to be considered herein is one for subchannel uses "for educational purposes which in all respects conform with basic policy underlying the established rules limiting the use of such stations to noncommercial educational service." No party commenting herein has sought to controvert this basic limitation; the NAEB in its comments states that it fully agrees therewith. We are of the view that—subject to the qualifications discussed in the next paragraph—rendition of service of a commercial character is inappropriate for stations using a portion of the spectrum specifically reserved for educational use, and that the same principle applies to subsidiary activities rendered on subcarrier channels as an adjunct to the main broadcast service. Therefore we adhere to the restriction set forth in the Notice, and in new §§ 3.593 and 3.595 which we adopt herein concerning SCA operation by noncommercial educational FM stations, we apply to such operations the limitations set forth in § 3.503 concerning main channel operation by these stations.

5. In limiting noncommercial FM stations to SCA operations of a "noncommercial" character, we do not mean either to preclude these stations from access to subchannels for communications activities directly related to station operation (for relaying, order and cueing circuits, etc.), or to prevent the presentation of material for which the only "consideration" received by the station is the furnishing of the material and/or the payment of line charges. Under § 3.293(a)(2), commercial FM stations are permitted to conduct on subchannels communications operations directly related to station operation. While it may be argued that some of these activities are "commercial" in the sense that commercial facilities such as telephone line or microwave circuits are available for such functions,[1] there appears no reason why noncommercial educational FM stations, any more than commercial FM stations, should be excluded from access to subchannels for such activities, provided no consideration is received in connection therewith. As to cases where the only consideration received by a station in connection with the presentation of material is the furnishing of the material itself or the payment of line charges by other parties, our rule for noncommercial educational television stations (§ 3.621) provides that such stations may present programs under these circumstances, and it is appropriate to make the same provision in the case of noncommercial educational FM stations. Extension of the prohibition against commercial activity into these areas would impose an unwarranted restriction upon useful transmissions by noncommercial FM stations. Accordingly, § 3.593 as herein adopted contains language permitting the types of activities mentioned above.

6. As to the second overall limitation which must be borne in mind—that the portion of the spectrum involved here is one allocated for broadcast activities—in our Report and Order in Docket 12517 we affirmed (par. 13) our previous position that "the character of the specialized operation should not run completely counter to that of a broadcast operation." We stated that we could not take action to permit in the FM band "operations which are completely unrelated to and different from broadcast activities," because such use of FM subcarrier channels would amount to a de facto reallocation of broadcast frequencies, a matter which could properly be approached only in a frequency reallocation proceeding. Therefore we limited commercial FM stations to the two general types of SCA uses specified in § 3.293, and we held activities such as radio paging or traffic light control to be inappropriate for SCA.

7. None of the parties commenting herein has explicitly sought to controvert this basic principle, and we adhere to this position. The reason for discussion of this point is that some of the uses proposed by some of the commenting parties would not appear to fall within the scope of operations which we could permit within this concept. For example, transmission of data from one university to another for processing, suggested by one commenting party as a possible subcarrier use, does not seem to meet the standard which must be applied. Here, as in Docket 12517, we do

[1] The National Association of Broadcasters (NAB) did not file comments in this rule making proceeding, but in earlier comments partially opposing the NAEB petition NAB apparently took the position that at least some of the communications activities mentioned in § 3.293(a)(2) are "commercial" and therefore should not be available to noncommercial educational FM stations. To the extent that NAB intended to make this contention, its argument is rejected, for the reason stated in the text.

not attempt to spell out precise standards of eligibility. Noncommercial educational FM licensees and permittees must in their SCA applications fully describe the purposes for which multiplexing will be used, and the licensee will be limited to those uses specified in the application (filing an application for modification of SCA if additional uses are desired). Marginal applications will be judged on a case-to-case basis. We emphasize that, while most of the uses proposed in the comments appear to be appropriate for SCA operations (programs designed for reception in classrooms or at meetings of professional groups, programs designed for a specialized audience such as members of a profession, relaying of programs between stations, etc.), it is true here, as in the case of commercial FM stations, that we cannot properly permit subcarrier frequencies within the FM broadcast band to be used for the rendition of nonbroadcast point-to-point communication service (except where communications relate directly to the operation of one or more noncommercial educational FM stations).

8. The suggestion was made in an earlier AMA petition, and while not specifically urged in the comments herein is implied in at least one of them, that SCA operation be permitted at any time regardless of whether or not the station's main channel is being programmed simultaneously. In this respect we must adhere to the position which we took in Docket 12517 (Report and Order, par. 17) with respect to commercial FM stations. Subcarrier operation under SCA is, and must be, an adjunct to broadcast operations. Use of the subchannels without simultaneous main-channel broadcast operation is inconsistent with this concept, and cannot be permitted here any more than with commercial FM stations. The new Rule therefore provides that SCA operations may be conducted only if the main channel is being programmed simultaneously.

9. Michigan State University in its comments herein suggests that the rules relating to noncommercial educational FM stations should make it clear—both as to subchannel and as to main channel operation—that such stations may present programs where the only consideration received by the station is the furnishing of the program material. For reasons stated above (par. 5), and in light of the provisions of section 317 (a)(1) of the Communications Act, recently enacted into law, we are of the view that this is appropriate. Accordingly, we include such a provision in new § 3.593, for SCA operations, and we are amending § 3.503, relating to main-channel operation, so as to make this point clear. Amendment of § 3.503 is not within the scope of the notice of proposed rule making in this proceeding; but the amendment adopted herein simply interprets and clarifies the provisions of present § 3.503. As interpretative in nature, this action does not require notice and rule making proceedings, under the provisions of section 4(a) of the Administrative Procedure Act.

10. The present proceeding does not deal with the matter of FM stereophonic "broadcasting", which is the subject of a separate rule making proceeding (Docket No. 13506). To the extent that noncommercial eduactional FM station licensees can demonstrate a need for FM stereophonic broadcasting, such need will be considered by the Commission in connection with that proceeding and subsequently.

11. The amendment to § 3.503 adopted herein is interpretative; the effect of the other amendments adopted is to relieve restrictions which preclude noncommercial eduactional FM stations from subchannel operation under SCA. Therefore, under the provisions of section 4(c) of the Administrative Procedure Act, these rules may be made effective less than 30 days after publication. We find that the public interest would be served by making the changes in and additions to the rules effective as early as possible.

12. Authority for the adoption of this Report and Order and associated rule amendments is contained in sections 301, 303 (b), (g), and (r) and 317(a)(1) of the Communications Act of 1934, as amended.

13. *It is ordered*, This 25th day of January 1961, that effective February 2, 1961, the Commission's rules are amended, as set forth below (amendment of § 3.503 (c), and new §§ 3.593, 3.594, 3.595).

14. *It is further ordered*, That proceedings in Docket 13755 are terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 317, 48 Stat. 1031, 1032, 74 Stat. 889; 47 U.S.C. 301, 303, 317)

Released: January 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

1. Section 3.503(c) is amended to read as follows:

**§ 3.503 Licensing requirements and service.**

* * * * *

(c) Each station shall furnish a nonprofit and noncommercial broadcast service. No sponsored or commercial programs shall be transmitted nor shall commercial announcements of any character be made. A station shall not transmit the programs of other classes of broadcast stations unless all commercial announcements and commercial references in the continuity are eliminated. The provisions of this paragraph shall not be considered to prohibit the broadcast of programs (without commercial announcements or references) where the only consideration received by the licensee is the furnishing of the program material and/or the payment of line charges.

2. Section 3.592 is reserved, and the following new §§ 3.593, 3.594, and 3.595 are added to Subpart C of Part 3:

**§ 3.592 [Reserved]**

**§ 3.593 Subsidiary Communications Authorizations.**

(a) A noncommerical educational FM broadcast licensee or permittee may apply for a Subsidiary Communications Authorization (SCA) to provide limited types of subsidiary service on a multiplex basis. Any use of SCA by such licensee or permittee must be consistent with the limitation on the purpose and operation of noncommercial educational FM stations contained in § 3.503: *Provided*, That uses permitted under this paragraph will not be considered "commercial" as long as no consideration for such use (other than the furnishing of the material transmitted and/or payment of line charges) is received by the licensee, directly or indirectly, and no commercial announcements or references are contained in the material transmitted under the SCA. Permissible uses must fall within one or both of the following categories:

(1) Transmission of programs which are noncommercial and in furtherance of an educational purpose, and which are of a broadcast nature but of interest primarily to limited segments of the station's audience. Illustrative services include: programs for presentation in classrooms, programs designed for specialized audiences such as doctors or other professional groups, and any use which would be permitted for a commercial FM station under § 3.293(a)(1), subject to the prohibitions against commercial operations and limitation as to purpose contained in this section and in § 3.503.

(2) Transmission of signals which are directly related to the operation of FM broadcast stations; for example, relaying of broadcast material to other broadcast stations, remote cueing and order circuits, remote control telemetering functions associated with authorized STL operation, and similar uses.

(b) Applications for Subsidiary Communications Authorization shall be submitted on FCC Form 318. An applicant for SCA shall specify the particular nature or purpose of the proposed use.

(c) SCA operations may be conducted without restriction as to time so long as the main channel is programmed simultaneously.

**§ 3.594 Nature of the SCA.**

(a) The SCA is of a subsidiary or secondary nature and shall not exist apart from the noncommercial educational FM license or permit. No transfer or assignment of it shall be made separate from the FM license or permit, and failure to transfer the SCA (through application on FCC Form 318) with the FM license or permit renders the SCA void. The licensee or permittee must seek renewal of FM license or permit; failure to renew the latter automatically terminates the SCA.

(b) The grant or renewal of a noncommercial educational FM license or permit will not be furthered or promoted by the proposed or past operation under an SCA; the licensee must establish that its broadcast operation is in the public interest wholly apart from the SCA activities. (Violation of rules applicable to the SCA operation would, of course, reflect on the licensee's qualifications to hold its broadcast license or permit).



**§ 3.595 Operation under the SCA.**

(a) The holder of the SCA must restrict its operation to the uses or purposes granted by the Commission in acting upon the SCA application; prior permission to engage in any additional or new activity must be obtained from the Commission.

(b) No consideration (other than the furnishing of the material transmitted and/or payment of line charges) may be received by the licensee, directly or indirectly, for the transmission of any matter under the SCA. No sponsored or commercial program shall be transmitted under the SCA, nor shall commercial announcements of any character be made. If programs from other stations are transmitted under the SCA, all commercial announcements and commercial references therein shall be deleted.

(c) Supersonic tones or other similar devices may be employed with respect to material transmitted under the SCA operation, with the station using appropriate actuating devices with receivers where desired.

(d) In all arrangements entered into under the SCA with outside parties, the licensee or permittee must pass on all material to be transmitted over the station's facilities, with the right to reject any material which it deems inappropriate or undesirable.

(e) The requirements of §§ 3.590 and 3.591 are equally applicable when the noncommercial educational FM licensee is engaged in operation pursuant to the SCA.

(f) The requirements of § 3.587 with respect to station identification announcements must be met by identification on the main carrier when a station is engaged in SCA operations. The licensee may prevent their reception on receivers adapted for SCA reception by the use of supersonic tones capable of deactivating these specialized receivers.

(g) The noncommercial educational FM licensee or permittee shall maintain logs for the SCA operations. In the program log, the following entries shall be made:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry describing the material transmitted in each hour segment. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(h) Operation under the SCA shall be conducted in compliance with the standards set forth in § 3.319 for SCA operation by commercial FM stations.

[F.R. Doc. 61-957; Filed, Feb. 1, 1961; 8:49 a.m.]

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[RM-185; FCC 61-117]

## PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

### Frequencies

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of January 1961;

The Commission having under consideration a petition, filed June 10, 1960, by American Telephone and Telegraph Company (RM-185) requesting the Commission to:

(1) Immediately reserve the frequencies 454.70–454.95 Mc and 459.70–459.95 Mc for exclusive assignment to the public air-ground two-way radiotelephone service;

(2) Provide a common carrier assignment of 454.990 Mc for operation of a signaling circuit with a transmitter deviation of ±5 kc;

(3) Grant air-ground authorizations on a provisional basis only, pending development of a coordinated national plan of ground station installations;

(4) Clear the frequencies 454.70–454.95 Mc and 459.70–459.95 Mc of assignments in the Domestic Public Land Mobile and Rural Radio Services, commencing July 1, 1961, in such areas and at such times as required to provide frequencies for public air-ground service; and

It appearing that preliminary studies indicate that establishment of a nationwide public air-ground radiotelephone service requires a minimum of 6 pairs of frequencies, which is equivalent to the spectrum space of 454.675–455.000 Mc and 459.675–460.000 Mc; and

It further appearing that the aforementioned frequencies are within the frequency bands wherein the Commission, by its Sixth Memorandum Report and Order in Docket No. 11959, provided for authorization of public air-ground service on frequencies which are shared with Domestic Public Land Mobile and Rural Radio Services by addition of footnote NG19 to the Table of Frequency Allocations in Part 2 of the rules; and

It further appearing that because of the heights at which aircraft normally operate, harmful interference between aircraft stations and co-channel stations on the surface of the earth is generally unavoidable and, therefore, it is not feasible for the air-ground service to operate simultaneously on the same frequencies with the Domestic Public Land Mobile and Rural Radio Services; and

It further appearing that because of the aforementioned interference considerations, the Commission, at an early date, intends to institute rule-making for public air-ground radiotelephone service which, among other things, will look toward designating a minimal number of frequencies, presently assignable on a shared basis pursuant to footnote NG19 in Part 2 of our rules, for assignment exclusively to the air-ground service; and

It further appearing that practically all current Domestic Public Land Mobile and Rural Radio Services station assignments in the 454.675–455.000 Mc and 459.675–460.000 Mc bands can be shifted to frequencies allocated for common carrier use immediately below these bands, which are also available for establishment of new facilities in such services; and

It further appearing that since frequencies in the 454.675–455.000 Mc and 459.675–460.000 Mc bands may soon have to be cleared of Domestic Public Land Mobile and Rural Radio Services operations to permit establishment of a nationwide public air-ground radiotelephone service on an interference-free basis, the public interest would be served by not permitting any new station authorizations to be issued in the Domestic Public Land Mobile and Rural Radio Services on these frequencies, pending promulgation of rules and regulations governing the public air-ground radiotelephone service at which time the aforementioned A. T. & T. rule-making petition (RM-185) will be considered further; and

It further appearing that, since this action is a necessary interim procedure which is required to be made effective at the earliest practicable date, pending later definitive proposed rule-making procedures, in accordance with section 4(a) of the Administrative Procedure Act, proposed rule-making at this time would be impracticable, unnecessary and contrary to the public interest, and, in accordance with section 4(c) of the Act, these rules should be made effective at once in the public interest and for the efficient conduct of our business; and

It further appearing that authority for the promulgation of these rules is set forth in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

*It is ordered*, That pending the institution and final disposition of anticipated later rule-making for public air-ground radiotelephone service, requests for authorizations in the Domestic Public Land Mobile Service and Rural Radio Service on the frequencies 454.675–455.000 Mc and 459.675–460.000 Mc will be considered in accordance with the following interim procedure, and shall be subject to further order of the Commission, as may hereafter appear necessary or appropriate:

(a) Applications, as described above, pending on the effective date of this Order, will not be acted upon by the Commission but will be placed in the pending files.

(b) Applications, as described above, hereafter tendered for filing, will not be accepted for filing but will be returned to the applicant.

*It is further ordered*, That §§ 21.501 (b) and 21.601(a) of Subparts G and H, respectively, of Part 21 of the Commission's rules are amended, effective January 25, 1961, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

1. Section 21.501(b) is amended to read as follows:

**§ 21.501 Frequencies.**

* * * * *

(b) For assignment, to stations of communication common carriers engaged also in the business of affording public landline message telephone service, for General and Dispatch Communications (provided that Signaling Com-

munications may also be furnished by any facility rendering such General or Dispatch Service): [11]

| Base station frequencies (Mc): | *Mobile and auxiliary station frequencies (Mc)* |
|---|---|
| 152.51 | 157.77 |
| 152.54 [2] | [2] 157.80 |
| 152.57 | 157.83 |
| 152.60 [1] | [1] 157.86 |
| 152.63 | 157.89 |
| 152.66 [1] | [1] 157.92 |
| 152.69 | 157.95 |
| 152.72 [2] | [1] 157.98 |
| 152.75 | 158.01 |
| 152.78 [1] | [1] 158.04 |
| 152.81 | 158.07 |
| 454.40 | 459.40 |
| 454.45 | 459.45 |
| 454.50 | 459.50 |
| 454.55 | 459.55 |
| 454.60 | 459.60 |
| 454.65 | 459.65 |
| 454.70 [2] | [2] 459.70 |
| 454.75 [2] | [2] 459.75 |
| 454.80 [2] | [2] 459.80 |
| 454.85 [2] | [2] 459.85 |
| 454.90 [2] | [2] 459.90 |
| 454.95 [2] | [2] 459.95 |

[1] This frequency becomes available for assignment on November 1, 1963; however, earlier assignment may be made when the transmitting equipment proposed to be installed is capable of meeting the technical standards set forth elsewhere in this part and applicable to equipment installed after November 1, 1963, and when the application is accompanied by an engineering showing which clearly indicates that the proposed station will not cause harmful interference to any station located within 75 miles of the proposed station and authorized to operate on frequencies removed by 30 kc or less from the proposed frequency. This showing shall include a notarized statement from each of such licensees setting forth their views as to the probability of harmful interference being caused thereby; if harmful interference is anticipated, the basis for the belief should be set forth by the licensee.

[2] Pending promulgation of rules and regulations to govern the public air-ground radiotelephone service, and subject to further Order of the Commission, frequencies in the 454.675–455.000 Mc. and 459.675–460.000 Mc bands are not available for operation of new radio facilities in the Domestic Public Land Mobile Radio Service. In the interim, the authorizations of stations using such frequencies may be renewed, subject to Commission determination relative to use of such frequencies by the public air-ground radiotelephone service.

2. Section 21.601(a) is amended to read as follows:

**§ 21.601 Frequencies.**

(a) The following frequencies are available primarily to the Domestic Public Land Mobile Radio Service and, on a secondary basis, to stations in the Rural Radio Service, provided no harmful interference is caused to stations in the Domestic Public Land Mobile Radio Service:

| Central office and inter-office station frequencies (Mc): | *Rural subscriber and inter-office station frequencies (Mc)* |
|---|---|
| 152.03 [2] | [2] 158.49 |
| 152.06 [2] | [2] 158.52 |
| 152.09 [2] | [2] 158.55 |
| 152.12 [2] | [2] 158.58 |
| 152.15 [2] | [2] 158.61 |
| 152.18 [2] | [2] 158.64 |
| 152.21 [2] | [2] 158.67 |
| 152.51 [1] | [1] 157.77 |
| 152.54 [1] | [1] 157.80 |
| 152.57 [1] | [1] 157.83 |
| 152.60 [1] | [1] 157.86 |
| 152.63 [1] | [1] 157.89 |
| 152.66 [1] | [1] 157.92 |
| 152.69 [1] | [1] 157.95 |
| 152.72 [1] | [1] 157.98 |
| 152.75 [1] | [1] 158.01 |
| 152.78 [1] | [1] 158.04 |
| 152.81 [1] | [1] 158.07 |
| 454.05 [2] | [2] 459.05 |
| 454.10 [2] | [2] 459.10 |
| 454.15 [2] | [2] 459.15 |
| 454.20 [2] | [2] 459.20 |
| 454.25 [2] | [2] 459.25 |
| 454.30 [2] | [2] 459.30 |
| 454.35 [2] | [2] 459.35 |
| 454.40 [1] | [1] 459.40 |
| 454.45 [1] | [1] 459.45 |
| 454.50 [1] | [1] 459.50 |
| 454.55 [1] | [1] 459.55 |
| 454.60 [1] | [1] 459.60 |
| 454.65 [1] | [1] 459.65 |
| 454.70 [1 2] | [1 2] 459.70 |
| 454.75 [1 2] | [1 2] 459.75 |
| 454.80 [1 2] | [1 2] 459.80 |
| 454.85 [1 2] | [1 2] 459.85 |
| 454.90 [1 2] | [1 2] 459.90 |
| 454.95 [1 2] | [1 2] 459.95 |

[1] This frequency is available for assignment only to stations of communication common carriers engaged also in the business of affording public landline message telephone service.

[2] This frequency is available for assignment only to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service. (NOTE: There is pending, in Docket 13847, a proposal to delete frequencies available for central office and inter-office stations for miscellaneous common carriers and to retain the frequencies for rural subscriber stations as designated by this footnote designator 2.)

[3] Pending promulgation of rules and regulations to govern the public air-ground radiotelephone service, and subject to further Order of the Commission, frequencies in the 454.675–455.000 Mc and 459.675–460.000 Mc bands are not available for operation of new radio facilities in the Rural Radio Service. In the interim, the authorizations of stations using such frequencies may be renewed, subject to Commission determination relative to use of such frequencies by the public air-ground radiotelephone service.

[F.R. Doc. 61–956; Filed, Feb. 1, 1961; 8:49 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Reg. Docket No. 510, Amdt. 60–22]

## PART 60—AIR TRAFFIC RULES

### VFR Minimum Weather Conditions

On September 14, 1960, notice was given in Draft Release No. 60–16 (25 F.R. 9060) that the Federal Aviation Agency proposed to re-establish the phrase "beneath the ceiling" in § 60.30 as it appeared in that section prior to Amendment 60–11; revise the definition "VFR conditions"; add a new definition entitled "Special VFR conditions."

In Civil Air Regulations Amendment 60–11, adopted August 7, 1958, §§ 60.30 and 60.31 were revised to provide for "Basic VFR Minimum Weather Conditions" in § 60.30 and "Special VFR Minimum Weather Conditions in Control Zones" in § 60.31.

The preamble of Amendment 60–11 made it clear, with one exception, the amendment did not contemplate the modification of the minimum VFR weather criteria. This is evident in the following statement quoted from the preamble of Amendment 60–11: "This amendment introduces the terms 'basic' and 'special' VFR flight but leaves unchanged the existing VFR weather minimums with the exception of the one-half mile rule for VFR flights which is eliminated."

Prior to the adoption of Amendment 60–11, Section 60.30 contained the phrase "beneath the ceiling." In the rule adopted by Amendment 60–11, this phrase, "beneath the ceiling," was inadvertently omitted. The significance of this omission is apparent as it would technically require the approval of Air Traffic Control for flights through the Control Zone, when the ceiling in the zone was less than 1,000 feet, even though the aircraft was above an undercast operating VFR-on-top. Such a requirement was not intended and would impose an unnecessary burden on pilots operating under VFR conditions, VFR-on-top, and also would create an unnecessary workload on air traffic control and communications facilities.

Amendment 60–11 incorporated the provisions for "special VFR" flight in § 60.31, which permitted a degree of flexibility to VFR flights when weather conditions were below the minimums specified for "basic VFR" in a control zone. While permitting greater flexibility, Amendment 60–11 did not distinguish by definition between "basic VFR" and "special VFR." Such a distinction is believed necessary in order to clearly define the difference.

The phrase "VFR conditions" is most commonly used in reference to "basic VFR minimum weather conditions;" therefore the definition of "VFR conditions" will reflect this concept. A definition for "special VFR" is added to define the term as meaning those special weather minimums as contained in § 60.31.

All relevant comments received in response to Draft Release 60–16 have been considered. These comments endorsed the proposal in varying degrees except one, which was based on a misconception of the intended result.

In consideration of the foregoing, Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) is hereby amended as follows:

1. By amending § 60.30(a)(1) to read as follows:

**§ 60.30 Basic VFR minimum weather conditions.**

* * * * *

(a) *Clearance from clouds*—(1) *In controlled airspace.* Aircraft shall not be flown VFR less than 500 feet vertically under, 1,000 feet vertically over, and 2,000 feet horizontally from any cloud formation except that, in the continental control area, aircraft shall not be flown VFR less than 1,000 feet vertically and one mile horizontally from any cloud formation. Aircraft shall not be flown VFR within a control zone beneath the ceiling when the ceiling is less than 1,000 feet.

§ 60.60 [Amendment]

2. By amending § 60.60 by revising the definition "VFR conditions" and by adding, in proper alphabetical order, a new definition "Special VFR conditions" to read as follows:

*VFR conditions (VFR minimum weather conditions).* Basic weather conditions prescribed in § 60.30 for flight under VFR.

* * * * *

*Special VFR conditions (special VFR minimum weather conditions).* Weather conditions which are less than basic VFR weather conditions and which permit flight under Visual Flight Rules as specified in § 60.31.

This amendment shall become effective March 3, 1961.

(Sec. 307(c), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 26, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61–926; Filed, Feb. 1, 1961; 8:45 a.m.]

## Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 588; Amdt. 245]

## PART 507—AIRWORTHINESS DIRECTIVE

### Continental Engines

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement of exhaust valves on certain Continental engines to prevent failures which can result in engine damage was published in 25 F.R. 12477.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Because of information subsequently provided by the manufacturer, an additional means of identifying satisfactory valves has been incorporated.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CONTINENTAL. Applies to all E165, E185, E225, and O–470 Series engines. (These engines may be found in such aircraft as Beech 35 Series, Cessna 180, 182, 310 and Navion.)

Compliance required at next engine top overhaul or overhaul, whichever occurs first after the effective date of this directive.

Unless already accomplished per Continental Motors Corporation Service Bulletin No. M60–1, remove exhaust valves, CMC P/N 40651, 537844, 538997, or 539449, and replace with CMC P/N 626540. P/N 626540 may be identified by the following:

(a) The part number on the top surface of the head, or

(b) The letter "H" or a triangle stamped or etched 0.06-inch high in two places 180 degrees apart on the valve stem between the keeper groove and the end of the valve.

This amendment shall become effective March 3, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 24, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61–927; Filed, Feb. 1, 1961; 8:45 a.m.]

[Reg. Docket No. 646; Amdt. 247]

## PART 507—AIRWORTHINESS DIRECTIVES

### Certain Hartzell Propellers

Several cases of cracked cylinders on Hartzell HC–93Z30–2D and HC–B3Z30–2D propellers have been reported. Recent incidents have involved emergency landings after automatic propeller feathering due to loss of engine oil through the cracked cylinders. Accordingly, in order to minimize the loss of propeller control and the fire hazard of leaking oil coming in contact with hot engine parts, it is necessary to require replacement of the B–1803 cylinders at the next propeller overhaul or within 400 hours' time in service, with repetitive inspections until the cylinders are replaced.

In the interest of safety notice and public procedure hereon are impracticable and good cause exists for making this amendment effective 10 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

HARTZELL. Applies to all HC–93Z30–2D and HC–B3Z30–2D propellers installed on Pratt and Whitney R–985 engines. (These may be found in such aircraft as Beech 18 series, Grumman G–21A, and Lockheed 12A.)

Compliance required as indicated.

Due to failure or cracking of several B–1803 cylinders in the threaded area, resulting in the loss of engine oil and control of the propeller, the following shall be accomplished, unless the replacement required in paragraph (b) has already been made:

(a) Check for oil leaks in the propeller hub within the next 25 hours' time in service and every 25 hours' time in service thereafter until the replacement required in paragraph (b) is accomplished. It is not necessary to remove the spinner for this inspection. If an oil leak is discovered replace the cylinder as provided in paragraph (b) before further flight.

(b) Unless already accomplished, replace cylinder B–1803 and collar 834–7 with cylinder B–1803–1 and collar 834–7A at the next propeller overhaul or within the next 400 hours of time in service, whichever occurs first. The hub model dash number is to be restamped –2E in place of the present –2D.

(Hartzell Bulletin No. 73 dated April 18, 1960, and Bulletin No. 73 amendment dated September 8, 1960, cover this subject.)

This amendment shall become effective February 13, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 26, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61–928; Filed, Feb. 1, 1961; 8:45 a.m.]

[Reg. Docket No. 571; Amdt. 246]

## PART 507—AIRWORTHINESS DIRECTIVES

### Vickers Viscount 745D Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring corrective measures to prevent failures of brake attachment flanges on the main landing gear ram foot fitting of certain Vickers Viscount 745D aircraft was published in 25 F.R. 11239.

Interested persons have been afforded an opportunity to participate in the making of the amendment. A comment was received to the effect that the only United States scheduled air carrier using aircraft affected is already taking the action required by the proposal, and that this carrier is the only American operator with this particular ram foot/brake combination. However, the FAA is aware that there are U.S. operators, other than the scheduled air carrier referred to above, using the Model 745–D aircraft affected by this AD. Therefore, the directive is considered necessary. The AD does not require further compliance if already accomplished.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

VICKERS. Applies to all Viscount Model 745D aircraft with Dunlop "Inorganic" AH.–50961/2 main wheel brake units.

Compliance required as indicated, unless already accomplished.

Due to failure of the main landing gear ram foot fitting brake attachment flange, pre-Mod D.2781 Standard, the following must be accomplished.

(a) All brake units P/N AH.50961/2 in service must be inspected at the next main wheel removal to ensure that shoulders of dowels (P/N AHO.36232) do not protrude above the surface of the torque plate, P/N AH.41181/2. Spare brake units must be inspected prior to installation.[1] Brake units on which the shoulders of the dowels are found to protrude above the surface of the torque plate are considered unairworthy until reworked in accordance with Vickers PTL No. 225 or FAA approved equivalent.

(b) When conducting the above inspection also inspect the ram foot fitting for cracks on the inside surface of the top portion of the brake attachment flange, with special

[1] Whenever a brake unit is reassembled or initially installed on the ram foot, precautionary measures as detailed in Vickers PTL No. 225 should be observed.

attention to the blend radius at the base of the flange, using dye penetrant or FAA approved equivalent. If cracks are found in an area of the flange between the brake attachment holes and the blend radius itself, the ram foot fitting must be replaced or repaired prior to further flight. The defective part may be repaired in accordance with Vickers Mod D. 3000 or FAA approved equivalent provided only one flange is cracked. The ram foot fitting must be replaced if both flanges are cracked.

(Vickers Preliminary Technical Leaflet No. 225 and Modification D.3000 cover this subject.)

This amendment shall become effective March 3, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 24, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-929; Filed, Feb. 1, 1961; 8:45 a.m.]

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SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-FW-114]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

### Modification

The purpose of this amendment to § 600.6037 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 37 between Savannah, Ga., and Allendale, S.C.

This segment of Victor 37 presently extends direct from the Savannah VOR to the Allendale VOR. Because of technical difficulties, the Allendale VOR 170° True radial is unusuable beyond 20 miles from the station. This defect cannot readily be corrected. Therefore, it is necessary to designate this segment via other radials so that aircraft may receive usable signals for navigation. Thus, the Federal Aviation Agency is modifying this segment of Victor 37 herein by realigning the airway via the Savannah VOR 346° True and the Allendale VOR 174° True radials. This action will add no appreciable distance to the airway (approximately one nautical mile). The control areas associated with Victor 37 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

For the reasons stated above, the Administrator finds that a situation exists requiring immediate action in the interest of safety and that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 600.6037 (14 CFR 600.6037, 25 F.R. 5377, 9701) "via the Allendale, S.C., VOR" is deleted and "via the INT of the Savannah VOR 346° True and the Allendale, S.C., VOR 174° True radials; Allendale VOR," is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on January 26, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-935; Filed, Feb. 1, 1961; 8:46 a.m.]

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[Airspace Docket No. 60-WA-170]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Designation of Control Zone; Modification

On November 26, 1960, there was published in the FEDERAL REGISTER (25 F.R. 11216) an amendment to Part 601 of the regulations of the Administrator. This amendment, to be effective February 9, 1961, designated the Oklahoma City, Okla. (Tinker AFB), control zone which is described in part utilizing the Spencer Fan Marker.

Subsequent to the publication of the amendment, the Department of the Air Force advised the Federal Aviation Agency that the Spencer Fan Marker had been decommissioned. It is necessary, therefore, to amend the description of the Tinker AFB control zone to delete the reference to this fan marker.

Consequently, the north extension of the Tinker control zone is modified herein to delete the reference to the Spencer Fan Marker and to substitute therefor a distance of 13 miles north of the Tinker VOR. No additional airspace is involved in this action.

Since this action effects no substantive change to the rule as initially adopted, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-WA-170 is hereby modified as follows:

In the text of § 601.2474 "to the Spencer FM," is deleted and "to 13 miles N of the VOR," is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 26, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-931; Filed, Feb. 1, 1961; 8:45 a.m.]

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[Airspace Docket No. 60-KC-5]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Area Extension

On August 20, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 8055) stating that the Federal Aviation Agency proposed to modify the Huron, S. Dak., control area extension. Subsequent to the closing date for comments, a Modification of Proposal was published on November 29, 1960, in the FEDERAL REGISTER (25 F.R. 12203) amending the original proposal. The time for submission of comments was extended to December 20, 1960.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.1259 is amended to read:

§ 601.1259 Control area extension (Huron, S. Dak.).

That area within a 20-mile radius of the Huron VOR extending clockwise from the 283° True radial to the 333° True radial of the VOR and within a 15-mile radius extending clockwise from the 333° True radial to the 283° True radial of the VOR.

This amendment shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 26, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-932; Filed, Feb. 1, 1961; 8:46 a.m.]

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[Airspace Docket No. 60-KC-85]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Zone

On November 19, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 11039) stating that the Federal Aviation Agency proposed to modify the Kansas City, Mo., control zone.

No adverse comments were received regarding the proposed amendment.



Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2056 (14 CFR 601.2056) is amended to read:

§ 601.2056 Kansas City, Mo., control zone.

Within a 5-mile radius of the Kansas City Municipal Airport (Latitude 39°-07'20" N., Longitude 94°35'30" W.), within 2 miles either side of the ILS localizer N course, extending from the 5-mile radius zone to the ILS OM and within 2 miles either side of the 185° True radial of the Kansas City VORTAC, extending from the 5-mile radius zone to the VORTAC.

This amendment shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 26, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-933; Filed, Feb. 1, 1961; 8:46 a.m.]

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[Airspace Docket No. 60-NY-97]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Zone

On November 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10777) stating that the Federal Aviation Agency (FAA) proposed to modify the Falmouth, Mass., control zone.

As stated in the notice, the FAA proposed to modify the Falmouth control zone as follows:

1. Modify the existing northeast control zone extension based on a line bearing 039° True from the Otis AFB, to extend from the 5-mile radius zone to 9 miles northeast of the air base.

2. Designate control zone extensions within 2 miles either side of the 030° True and 224° True radials from the Otis TACAN extending from the 5-mile radius zone to 8 miles northeast and southwest of the TACAN.

3. Designate control zone extensions within 2 miles either side of lines bearing 127°, 218°, and 307° True from air base extending from the 5-mile radius zone to 9 miles southeast, southwest and northwest of the air base.

4. Designate control zone extensions within 2 miles either side of the 139° True and 299° True radials from the TACAN extending from the 5-mile radius zone to 7 miles southeast and northwest of the TACAN.

5. Delete from the control zone designation the exclusion of the portion which coincides with the Camp Edwards, Mass., Restricted Area (R-14). This portion of the control zone, in addition to the portion which coincides with the Falmouth, Mass. (Otis AFB), Restricted Area/Military Climb Corridor (R-571), would be utilized when the restricted areas are not being used for their designated purposes.

The Air Line Pilots Association, Air Transport Association of America, and the Department of the Air Force concurred in the proposal. However, the Director of Aeronautics for the Massachusetts Aeronautics Commission and the Airspace Representative for the Aircraft Owners and Pilots Association/National Aviation Trades Association offered practically identical objections. A summary of these objections reveals that they are of the opinion that this modification as proposed will penalize a large volume of general aviation in order to provide more complete freedom of action for marginal performance military aircraft. They recommend that military aircraft orbit to altitude within the present control zone or climb in the "already protected fighter departure route". The Agency assumes they are referring to the military climb corridor.

The purpose of this control zone modification is not to permit complete freedom of action for marginal performance military aircraft but to permit an adequate margin of safety for heavily-laden tanker aircraft departing and arriving Otis AFB, Falmouth, while maneuvering at or below 1,000 feet above the terrain. The suggestion to use the military climb corridor to attain the desired 1,000 feet above the terrain is not practical. The entry base of the corridor is 2,000 feet above the terrain and this type aircraft cannot attain this altitude prior to entering the corridor. To require these heavily-laden aircraft to orbit at low altitudes within the basic control zone is impractical to the point of bordering on the unsafe. The burden this modification will impose on general aviation is very slight, if at all. As proposed, the control zone is expanded by three 4-mile extensions. To transit these extensions when the flight visibility is less than 3 miles will require a clearance. The FAA is of the opinion that this requirement, which will permit freedom of transit, is not a penalty at this stage of aviation progress.

The Agency has made a re-evaluation of the control zone requirements for Otis AFB and as a result, determined that the two 9-mile extensions based on runways 5-23 can be deleted. The majority of tanker aircraft departures use runways 14-32. The requirement for the 9-mile extensions on these runways is necessary to protect these aircraft when maneuvering below 1,000 feet above the terrain. The FAA is modifying the control zone herein, as proposed, with the exception of the two 9-mile extensions based on the 039° True and 218° True bearings (runways 5-23) from the airport, extending to 9 miles northeast and southwest of the air base.

No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, § 601.2254 (14 CFR 601.2254) is amended to read:

§ 601.2254 Falmouth, Mass., control zone.

Within a 5-mile radius of Otis AFB (latitude 41°38'54" N., longitude 70°31'12" W.), and within 2 miles either side of lines bearing 127° True and 307° True from the air base extending from the 5-mile radius zone to 9 miles SE and NW of the air base; within 2 miles either side of the 030° True and 224° True radials from the Otis AFB TACAN (latitude 41°39'43" N., longitude 70°30'43" W.) extending from the 5-mile radius zone to 8 miles NE and SW of the TACAN; and within 2 miles either side of the 139° True and 299° True radials of the TACAN extending from the 5-mile radius zone to 7 miles SE and NW of the TACAN. The portion of the control zone which coincides with the Camp Edwards, Mass., Restricted Area (R-14) and the Falmouth, Mass. (Otis AFB), Restricted Area/Military Climb Corridor (R-571) shall be used only after obtaining prior approval from the controlling agencies.

This amendment shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 26, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-934; Filed, Feb. 1, 1961; 8:46 a.m.]

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[Airspace Docket No. 60-WA-241]

## PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

### Modification of Coded Jet Routes

On October 14, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 9872) stating that the Federal Aviation Agency proposed to modify jet routes 55-V and 53-L between Jacksonville, Fla., and Charleston, S.C., via the Savannah, Ga., VOR and radio range, respectively.

No adverse comments were received regarding the proposed amendments.

Subsequent to publication of the notice, technical difficulty with the Savannah, Ga., radio range station has developed that cannot readily be corrected. Therefore, action is taken herein to re-

align J–53–L via True bearings between the Jacksonville and Charleston radio range stations, over Savannah, thus eliminating the Savannah radio range from the descriptions of J–53–L. This alignment occupies the same airspace as proposed in the Notice.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 602.555 (14 CFR 602.555, 25 F.R. 12552) "the Charleston, S.C., VOR;" is deleted and "the Savannah, Ga., VOR; Charleston, S.C., VORTAC;" is substituted therefor.

2. In the text of § 602.153 (14 CFR 602.153) "Charleston, S.C., RR;" is deleted and "INT of a line bearing 013° True from the Jacksonville, Fla., RR and a line bearing 225° True from the Charleston, S.C., RR; Charleston RR;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 26, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–930; Filed, Feb. 1, 1961; 8:45 a.m.]

# Proposed Rule Making

## FEDERAL AVIATION AGENCY

[ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 61–LA–1]

### FEDERAL AIRWAYS AND CONTROL AREAS

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6095 and 601.6095 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 95 extends in part from Phoenix, Ariz., to Winslow, Ariz. The Federal Aviation Agency is considering extending this airway and its associated control areas southwesterly from the Phoenix, Ariz., VORTAC to the Gila Bend, Ariz., VOR via the intersection of the Phoenix VORTAC 204° and the Gila Bend 096° True radials. This would facilitate air traffic management and simplify flight planning by providing a single numbered airway for the route being utilized between Phoenix and Gila Bend, a portion of which is presently off-airways.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 25, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–925; Filed, Feb. 1, 1961; 8:45 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### IDAHO

### Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 25, 1961.

The Department of Agriculture has filed an application, Serial Number Idaho 011823 for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, except the mineral leasing laws, subject to valid existing rights. The applicant desires the land for recreation areas, campground and picnic areas, a boat landing, a historical cemetery site, and organization sites in the Kaniksu, Nezperce and St. Joe National Forests.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

KANIKSU NATIONAL FOREST

*Garfield Bay Recreation Area*

T. 56 N., R. 1 W.,
Sec. 27; That portion of Lot 3 lying north of a line drawn between the centers of Sections 27 and 28;
Sec. 28; Lot 1, except west 20 acres and Lot 2, except west 20 acres.
Totaling approximately 37.18 acres.

*Huckleberry Campground*

T. 57 N., R. 2 E.,
Unsurveyed, but will be when surveyed:
Sec. 7; SW¼SW¼NE¼NW¼, SE¼SE¼NW¼NW¼, NE¼NE¼SW¼NW¼, NW¼NW¼SE¼NW¼.
Totaling 10 acres.

NEZPERCE NATIONAL FOREST

*Red River Recreation Area*

A strip of land 8 chains wide being 5 chains on the northerly side and 3 chains on the southerly side of the thread of Red River beginning at the point where Red River is closest to the center of unsurveyed Section 34, T. 28 N., R. 9 E., and extending approximately 4.5 miles upstream to the point where Red River crosses the section line between unsurveyed Section 24, T. 28 N., R. 9 E., and unsurveyed Section 19, T. 28 N., R. 10 E., and located wholly within the following subdivisions:

T. 28 N., R. 9 E.,
Unsurveyed, but will be when surveyed:
Sec. 23; E½SE¼;
Sec. 24; S½N½, W½SW¼;
Sec. 26; NE¼, S½NW¼, E½SW¼, NW¼SE¼;
Sec. 27; SE¼;
Sec. 34; NE¼.
Totaling 288 acres more or less.

*Papoose Creek Camp and Picnic Area*

T. 24 N., R. 1 W.,
Sec. 23; NE¼SW¼SE¼SE¼, NW¼SE¼SE¼SE¼, S½SE¼SE¼SE¼;
Sec. 24; SW¼SW¼SW¼SW¼;
Sec. 25; NW¼NW¼NW¼;
Sec. 26; NE¼NE¼NE¼NE¼.
Totaling 25 acres.

*Low Saddle Camp and Picnic Area*

T. 25 N., R. 1 W.,
Sec. 18; S½NW¼SW¼SE¼, SW¼SW¼SE¼, E½SE¼SE¼SW¼;
Sec. 19; N½NW¼NW¼NE¼.
Totaling 25 acres.

*Wind River Recreational Area*

T. 24 N., R. 4 E.,
Sec. 3; Lot 1.
Totaling 19.15 acres.

*Peter Ready Camp and Picnic Area*

T. 27 N., R. 3 E.,
Sec. 14; SE¼NE¼SW¼NW¼, NE¼SE¼SW¼NW¼, W½NW¼SE¼NW¼, NW¼SW¼SE¼NW¼.
Totaling 12.5 acres.

*Rocky Bluff Camp and Picnic Area*

T. 27 N., R. 4 E.,
Unsurveyed, but will be when surveyed:
Sec. 31; S½N½NE¼SW¼, S½NE¼NW¼SW¼.
Totaling 15 acres.

*Wildhorse Lake Recreation Area*

T. 27 N., R. 6 E.,
Unsurveyed, but will be when surveyed:
Sec. 24; SE¼SE¼;
Sec. 25; NW¼NE¼NE¼.
T. 27 N., R. 7 E.,
Unsurveyed, but will be when surveyed:
Sec. 19; NW¼SW¼SW¼.
Totaling 60 acres.

*Mackay Bar Recreation Area*

T. 24 N., R. 8 E.,
Unsurveyed, but will be when surveyed:
Sec. 29; NW¼SW¼SE¼NE¼, S½SW¼SE¼NE¼, W½NW¼NE¼SE¼, W½NW¼SW¼NE¼SE¼, E½NE¼NW¼SE¼, SW¼NE¼NW¼SE¼, NE¼SE¼NW¼SE¼.
Totaling 23.75 acres.

*Mackay Bar Boat Landing*

T. 24 N., R. 8 E.,
Unsurveyed, but will be when surveyed:
Sec. 29; SW¼SE¼SE¼SW¼, W½SE¼SE¼SE¼SW¼.
Totaling 3.75 acres.

*Sam's Creek Campground*

T. 25 N., R. 8 E.,
Unsurveyed, but will be when surveyed:
Sec. 5; S½NE¼SW¼NE¼.
Totaling 5 acres.

*Florence Cemetery Historical Site*

T. 25 N., R. 3 E.,
Sec. 13; SE¼SW¼NW¼NE¼, SW¼SE¼NW¼NE¼, NW¼NE¼SW¼NE¼, NE¼NW¼SW¼NE¼.
Totaling 10 acres.

ST. JOE NATIONAL FOREST

*Avery Landing Administrative Site*

T. 45 N., R. 5 E.,
Sec. 14; Lots 2, 3, 5.
Totaling 62.08 acres.

*Cedar Prospect Creek Campground*

T. 46 N., R. 4 E.,
Sec. 12; NE¼SW¼SW¼, S½SW¼SW¼, NW¼SE¼SW¼;
Sec. 13; NW¼NW¼NW¼;
Sec. 14; NE¼NE¼NE¼.
Totaling 60 acres.

*Slate-Horseshoe Organization Site*

T. 47 N., R. 4 E.,
Sec. 25; S½SW¼NW¼, S½NE¼NE¼SW¼, W½NE¼SW¼, SE¼NE¼SW¼, N½NW¼SW¼, N½S½NW¼SW¼, NE¼NW¼SE¼, S½NW¼NW¼SE¼, SW¼NW¼SE¼.
Totaling 110 acres.

*Rye Creek Campground*

T. 46 N., R. 5 E.,
Sec. 13; N½SE¼NE¼, SW¼SE¼NE¼.
Totaling 30 acres.

*Squaw-Stetson Creek Campground*

T. 46 N., R. 5 E.,
Sec. 25; S½S½S½SW¼;
Sec. 36; N½NE¼NW¼, NW¼NW¼.
Totaling 80 acres.

*Railroad Creek Picnic Area*

T. 47 N., R. 5 E.,
Sec. 28; N½SW¼NE¼, S½N½SE¼NE¼, N½S½SE¼NE¼.
Totaling 40 acres.

*Bullion Creek Organization Camp*

T. 47 N., R. 5 E.,
Sec. 36; S½NE¼SE¼, S½N½NW¼SE¼, E½SW¼NW¼SE¼, SE¼NW¼SE¼, N½NE¼SW¼SE¼, N½SE¼SE¼.
Totaling 70 acres.

*Triangle Point Campground*

T. 46 N., R. 6 E.,
Sec. 5; SE¼NE¼SE¼, NE¼SE¼SE¼.
Totaling 20 acres.

*Lucky Swede Gulch Picnic Area*

T. 46 N., R. 6 E.,
Sec. 6; W½ Lot 1 except patented mining claim SE¼ Lot 2.
Totaling 22 acres, more or less.

*Long Liz Campground*

T. 46 N., R. 6 E.,
Sec. 7; SE¼SE¼SW¼.
Totaling 10 acres.

*Cliff Creek Campground*

T. 46 N., R. 6 E.,
Sec. 10; S½NE¼NE¼, N½SE¼NE¼ less that portion of HES 685.
Totaling 32 acres more or less.

*Big Dick Creek Picnic Area*

T. 46 N., R. 6 E.,
Sec. 18; NW¼ of Lot 2.
Totaling 9.2 acres.





*Mozier Creek Recreation Area*

T. 47 N., R. 6 E.,
Sec. 31; N½ Lot 4 except that portion containing patented mining claim.
Totaling 13 acres more or less.

*Bird Creek Campground*

T. 45 N., R. 7 E.,
Unsurveyed, but will be when surveyed:
Sec. 5; NE¼SW¼NW¼, N½SE¼NW¼.
Totaling 30 acres.

*Lentz-Conrad Campground*

T. 44 N., R. 6 E.,
Sec. 14; W½NW¼SW¼NE¼, W½SE¼SW¼NE¼, E½NE¼SE¼NW¼, W½NE¼NW¼SE¼, N½SE¼NW¼SE¼.
Totaling 25 acres.

*Middle Quartz Creek Campground*

T. 45 N., R. 8 E.,
Unsurveyed, but will be when surveyed:
Sec. 17; S½N½S½SW¼, N½S½S½SW¼, SE¼SE¼SW¼SW¼, SW¼SW¼SE¼SW¼, S½NE¼SE¼, N½SW¼SE¼.
Totaling 85 acres.

*Entente Creek Campground*

T. 45 N., R. 8 E.,
Unsurveyed, but will be when surveyed:
Sec. 19; S½SE¼NW¼, N½NW¼NW¼SW¼.
Totaling 25 acres.

*Wahoo Creek Campground*

T. 43 N., R. 9 E.,
Sec. 6; W½NE¼SE¼NW¼, E½W½SE¼NW¼, W½NW¼NE¼SW¼, SW¼NE¼SW¼, NW¼SE¼SW¼, SE¼SE¼SW¼.
Totaling 50 acres.

*Indian Creek Campground*

T. 43 N., R. 9 E.,
Sec. 7; NW¼NW¼NE¼, NE¼NE¼NW¼.
Totaling 20 acres.

*Beaver Creek Campground*

T. 43 N., R. 9 E.,
Sec. 8; SE¼SE¼SW¼, S½NW¼SW¼SE¼, N½SW¼SW¼SE¼;
Sec. 17; NE¼NE¼NW¼.
Totaling 30 acres.

*Cave Rock Campground*

T. 43 N., R. 9 E.,
Sec. 17; SE¼NW¼NE¼.
Totaling 10 acres

*Midget Creek Campground*

T. 44 N., R. 9 E.,
Sec. 31; W½NE¼ Lot 3, SE¼NE¼ Lot 3, N½NW¼ Lot 3, SE¼ Lot 3.
Totaling 22.27 acres more or less.

*Heller Creek Campground*

T. 43 N., R. 10 E.,
Sec. 17; S½SE¼NE¼SE¼, E½SE¼SE¼;
Sec. 20; NE¼NW¼NE¼NE¼, W½NW¼NE¼NE¼.
Totaling 32.5 acres.

*Yankee Bar Campground*

T. 43 N., R. 10 E.,
Sec. 22; S½SE¼SW¼SW¼;
Sec. 27; S½NE¼NE¼NW¼, E½NW¼NE¼NW¼, NW¼NW¼NE¼NW¼, NE¼NE¼NW¼NW¼, except for portion of patented mining claim within these subdivisions.
Totaling 14.2 acres more or less.

*California Creek Campground*

T. 43 N., R. 10 E.,
Sec. 26; W½SW¼NE¼SE¼, except portion of patented claim.
Totaling 2.5 acres more or less.

The areas described aggregate 1,439.08 acres, more or less, located in Bonner, Idaho and Shoshone Counties, Idaho.

JOE T. FALLINI,
*State Supervisor.*

[F.R. Doc. 61-943; Filed, Feb. 1, 1961; 8:47 a.m.]

[W-076803]

### WYOMING

### Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 27, 1961.

The Federal Aviation Agency, Department of Commerce, has filed an application, Serial No. Wyoming 076803, for withdrawal of the lands described below from location and entry under the general mining laws of the United States. Grazing administration is to remain under the jurisdiction of the Bureau of Land Management.

The applicant desires the land for a Remote Controlled Air to Ground Communications Facility for the guidance of aircraft along the Federal Airways System.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the State Supervisor of the Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 22 N., R. 88 W.,
Sec. 10, SW¼SW¼.

Containing 40 acres more or less.

EUGENE L. SCHMIDT,
*Lands and Minerals Officer.*

[F.R. Doc. 61-944; Filed, Feb. 1, 1961; 8:47 a.m.]

[Serial No. Utah 060747]

### UTAH

### Order for the Opening of Public Lands

JANUARY 25, 1961.

Pursuant to the authority delegated to me by Order No. 541, Sec. 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F.R. 2473), the following-described lands reconveyed to the United States in an exchange of land made under the provisions of Sec. 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended, are hereby restored to disposition under applicable public land laws as hereinafter indicated:

(1) The conveyance to the United States of the following-described lands contained no provisions for the reservation of minerals, easements, of other rights:

T. 8 S., R. 6 W., SL Mer., Utah,
Sec. 20: E½NE¼, SW¼NE¼, S½SE¼, NW¼SE¼;
Sec. 29: N½NE¼.

Containing 320 acres.

Information as to any mineral rights reconveyed to the United States is of record in the Land Office, Bureau of Land Management, 3d Floor Darling Building, Salt Lake City 10, Utah.

The land subject to this order may be described as level to rolling in topography; devoid of water for livestock except such as may be obtained from snowfall; and covered with sagebrush, June grass, and a scattering of browse. It is predominatly suited for winter grazing of livestock.

No application for this land will be allowed under the homestead, desert land, small tract or any other nonmineral public land law, unless the land has already been classified as valuable, or suitable, for such type of application. Any application that is filed will be considered upon its merits. The lands will not be subject to occupancy until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

(1) Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the manager mentioned below, beginning at the date of this order. Such applications shall be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

a. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

b. All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws for lands listed above presented prior to 10:00 a.m. February 27, 1961, will be considered as simultaneously filed, and offers filed after that hour will be governed by the time of filing.

c. The lands listed above will be open to location under the United States mining laws beginning at 10:00 a.m., February 27, 1961.

Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in

Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 3d Floor Darling Building, P.O. Box 777, Salt Lake City 10, Utah.

VAL B. RICHMAN,
*State Supervisor.*

[F.R. Doc. 61-948; Filed, Feb. 1, 1961; 8:48 a.m.]

# DEPARTMENT OF THE TREASURY

## Bureau of Customs

[643.3-0]

### CHRISTMAS TREE ORNAMENTS FROM POLAND

#### Purchase Price; Constructed Value

JANUARY 27, 1961.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of Christmas tree ornaments imported from Poland is less or likely to be less than the constructed value, as defined by sections 203 and 206, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 165).

Customs officers are being authorized to withhold appraisement of entries of Christmas tree ornaments from Poland pursuant to § 14.9 of the Customs regulations (19 CFR 14.9).

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

[F.R. Doc. 61-958; Filed, Feb. 1, 1961; 8:49 a.m.]

[643.3-0]

### PORTLAND CEMENT FROM POLAND

#### Purchase Price; Foreign Market Value

JANUARY 27, 1961.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of Portland cement, other than white, non-staining Portland cement, imported from Poland is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of Portland cement, other than white, non-staining Portland cement, from Poland pursuant to § 14.9 of the Customs regulations (19 CFR 14.9).

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

[F.R. Doc. 61-959; Filed, Feb. 1, 1961; 8:49 a.m.]

# DEPARTMENT OF AGRICULTURE

## Commodity Stabilization Service

### FIRE-CURED (TYPES 21, 22, 23, and 24) TOBACCO AND DARK AIR-CURED (TYPES 35 AND 36) TOBACCO

#### Notice of Referenda

Notice is hereby given that on February 24, 1961, referenda will be held of farmers engaged in the production in 1960 of fire-cured (types 21, 22, 23, and 24) tobacco, and of dark air-cured (types 35 and 36) tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended. Notice that consideration would be given to establishing a date for holding the referenda was given in 25 F.R. 9901. The purpose of the referenda is to determine whether the farmers voting favor national marketing quotas for each of the 1961-62, 1962-63, and 1963-64 marketing years for each of such kinds of tobacco. The referenda will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas (23 F.R. 3432, 7285; 25 F.R. 5907).

In order that arrangements for holding the referenda may be made in an orderly manner and as much advance notice as possible be given to the date of the referenda, it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Office of the Federal Register.

Issued at Washington, D.C., this 30th day of January 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-984; Filed, Feb. 1, 1961; 8:51 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 11901]

### ARGONAUT AIRWAYS CORP.; ENFORCEMENT PROCEEDING

#### Notice of Change in Time and Place of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is reassigned to be held on February 15, 1961, at 10:00 a.m., local time, in the Allison Hotel, 6221 Collins Avenue, Miami Beach, Florida, before Examiner Edward T. Stodola.

Dated at Washington, D.C., January 27, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-950; Filed, Feb. 1, 1961; 8:48 a.m.]

[Docket 9843]

### NORTHEAST AIRLINES, INC.

#### Notice of Reassignment of Hearing

In the matter of the termination of the authority of Northeast Airlines, Inc., to serve Greenfield, Massachusetts.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding, noticed to be held in Washington, D.C., on February 8, 1961, is hereby reassigned and will be held on March 1, 1961, at 10:00 a.m., e.s.t., in the Demonstration Room, Western Massachusetts Electric Company, 45 Federal Street, Greenfield, Massachusetts, before Examiner Barron Fredricks.

Dated at Washington, D.C., January 27, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-951; Filed, Feb. 1, 1961; 8:48 a.m.]

[Docket 9767]

### SERVICE TO SHEBOYGAN COUNTY, WIS.

#### Notice of Hearing

In the matter of the application of Sheboygan County, Wis., for scheduled airline service under the provisions of Section 401 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearings in the above-entitled matter are assigned to be held on March 8, 1961, at 10:00 a.m., c.s.t., in the County Board Room in the Court House in the City of Sheboygan, Wis., before Examiner Edward T. Stodola.

Dated at Washington, D.C., January 27, 1961.

[SEAL] Francis W. Brown,
*Chief Examiner.*

[F.R. Doc. 61-952; Filed, Feb. 1, 1961; 8:48 a.m.]

# FARM CREDIT ADMINISTRATION

[Order No. 687]

### CERTAIN DESIGNATED OFFICIALS

#### Authority To Act as Governor

JANUARY 28, 1961.

1. In the event that the Governor is absent or is not able to perform the duties of his office for any other reason, the officer who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

(1) Harold T. Mason, Deputy Governor.

(2) M. H. Uelsmann, Deputy Governor and Director of Short-Term Credit Service.



(3) Glenn E. Heitz, Deputy Governor and Director of Cooperative Bank Service.

(4) Don H. Bushnell, Deputy Governor and Director of Land Bank Service.

(5) John C. Bagwell, General Counsel.

(6) Any Deputy Director of one of the above-named Services designated by the Governor.

2. This order shall be effective January 28, 1961, and supersedes Farm Credit Administration Order No. 684, dated November 16, 1960 (25 F.R. 11190).

R. B. TOOTELL,
*Governor,*
*Farm Credit Administration.*

[F.R. Doc. 61-946; Filed, Feb. 1, 1961; 8:48 a.m.]

# DEPARTMENT OF COMMERCE

## Office of the Secretary

### RAYMOND E. HEBERT

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of January 11, 1961.

RAYMOND E. HEBERT.

JANUARY 11, 1961.

[F.R. Doc. 61-949; Filed, Feb. 1, 1961; 8:48 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13916, 13917; FCC 61M-133]

### MARSHALL ROSENE AND COURT HOUSE BROADCASTING CO. (WCHI)

#### Order Scheduling Hearing

In re applications of Marshall Rosene, Celina, Ohio, Docket No. 13916, File No. BP-13305; The Court House Broadcasting Co. (WCHI), Chillicothe, Ohio, Docket No. 13917, File No. BP-14047; for construction permits.

*It is ordered,* This 26th day of January 1961, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 28, 1961, in Washington, D.C.

Released: January 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-953; Filed, Feb. 1, 1961; 8:49 a.m.]

[Docket No. 13649 etc.; FCC 61M-135]

### RADIO CARMICHAEL ET AL.

#### Order Scheduling Hearing

In re applications of Radio Carmichael, Sacramento, Calif., Docket No. 13649, File No. BP-12031; Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON), Napa, Calif., Docket No. 13651, File No. BP-12306; Golden Gate Broadcasting Corp. (KSAN), San Francisco, Calif., Docket No. 13652, File No. BP-12376; John Matranga, d/b as Trans-Sierra Radio, Roseville, Calif., Docket No. 13653, File No. BP-12938; for construction permits.

Pursuant to agreements reached by counsel for all participants at the further prehearing conference held on this date, and as fully explained on the record thus made,

*It is ordered,* This 26th day of January 1961, that the following dates for procedural steps shall govern in this proceeding:

Exchange of all exhibits of the applicants' direct cases with copies to the Hearing Examiner—February 16, 1961.
Notification of witnesses desired for cross-examination—February 23, 1961.
Commencement of hearing—February 28, 1961 (10:00 a.m.).

Released: January 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-954; Filed, Feb. 1, 1961; 8:49 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RI61-335]

### ATLANTIC REFINING CO.

#### Order Providing for Hearing on and Suspension of Proposed Change in Rate and Allowing Increased Rate To Become Effective Subject to Refund

JANUARY 26, 1961.

On December 28, 1960, The Atlantic Refining Company (Atlantic)[1] tendered for filing a proposed change in rate for sales of natural gas subject to the jurisdiction of the Commission. The filing proposes an increase from 20.686 cents[2] to 20.936 cents per Mcf[3] representing an annual increase of $1,533 for sales to Texas Gas Transmission Company from the producing area of Lewisburg Field, Acadia Parish, La., and is designated Supplement No. 9 to Atlantic's FPC Gas Rate Schedule No. 57. The proposed effective date is January 28, 1961.

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the above-described proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Supplement No. 9 to Atlantic's FPC Gas Rate Schedule No. 57, be allowed to take effect as of January 29, 1961, subject to refund upon the timely filing of its agreement and undertaking, as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the above-described proposed increased rate and charge contained in the above-designated supplement.

(B) Supplement No. 9 to The Atlantic Refining Company's FPC Gas Rate Schedule No. 57 shall be effective as of January 29, 1961: *Provided, however,* That within 20 days from the date of the issuance of this order, Atlantic shall file under Docket No. RI61-335 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall be signed by a responsible officer of the corporation accompanied by proper authorization from the Board of Directors and by a certificate showing service of copies upon all purchasers under the rate schedule involved. Unless Atlantic is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 10, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-937; Filed, Feb. 1, 1961; 8:46 a.m.]

[1] P.O. Box 2819, Dallas 21, Tex.
[2] Rate presently in effect subject to refund obligation in Docket No. G-11844.
[3] The pressure base is 15.025 psia.

[Docket No. CP61-29]

### CITIES SERVICE GAS CO.

#### Notice of Application and Date of Hearing

JANUARY 27, 1961.

Take notice that Cities Service Gas Company (Applicant), a Delaware cor-

poration with its principal office in Oklahoma City, Oklahoma, filed an application on July 28, 1960, in Docket No. CP61–29, pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to replace approximately 2.7 miles of its present 8-inch gas pipeline serving the Carthage, Missouri, area with a 16-inch gas pipeline and to construct approximately 2.7 miles of 10-inch gas pipeline to a plant to be built in Jasper County, Missouri, all as more particularly described in the application on file with the Commission and open to public inspection.

Exhibits attached to said application show the estimated peak day and annual gas requirements of the proposed service are as follows:

| Year: | Peak day Mcf | Annual Mcf |
|---|---|---|
| 1 | 13,610 | 2,940,000 |
| 2 | 15,055 | 3,750,000 |
| 3 | 16,500 | 5,148,000 |

The purpose of the proposed facilities is to enable Applicant to serve directly on an interruptible basis the gas requirements of the proposed Solar Nitrogen Chemicals, Inc. plant (Solar) in Jasper County. The gas is to be used for processing and reforming and for boiler fuel in the plant.

Applicant states that the Solar plant will manufacture ammonia and urea, both of which are used extensively in agriculture and in industry.

It appears from the application that Solar is required to keep standby fuel on hand at all times for boiler fuel and other purposes where standby fuel can be utilized.

Applicant proposes to serve the Solar plant under a contract dated June 9, 1960 providing for an average rate of 21.84 cents per Mcf in the first year. This price is subject to adjustment for taxes and Applicant's cost of purchased gas. Gross revenues to Applicant from the proposed sale at the 21.84-cent rate are estimated at $577,886 the first year. Net revenues before income taxes are estimated at $109,360. The 21.84-cent price exceeds the rate for resale in the area under Applicant's I–1 and I–2 rate schedules on file with the Commission.

The term of the contract is 15 years from the date of execution or December 23, 1960, whichever is earlier, and thereafter to June 22, 1976, but may be cancelled under certain conditions by either party after arbitration and after proper notice is given as called for under the terms thereof.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 2, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 20, 1961. Failure of any party to appear and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–938; Filed, Feb. 1, 1961; 8:46 a.m.]

[Docket Nos. RI61–342—RI61–345]

## SHELL OIL CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 26, 1961.

Shell Oil Co., Docket No. RI61–342; Socony Mobil Oil Co., Inc., Docket No. RI61–343; Samedan Oil Corp. (Operator), et al., Docket No. RI61–344; Samedan Oil Corp., Docket No. RI61–345.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes are designated as follows:

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI61–342 | Shell Oil Co., 50 West 50th Street, New York 20, N.Y. | [1] 241 | 2 | Colorado Interstate Gas Co. (Hugoton Field, Haskel County, Kans.). | $1,063 | 12–29–60 | [4] 1–29–61 | 6–29–61 | [2] 11.5 | 12.5 | |
| | Do | 241 | 3 | do | | 12–29–60 | [4] 1–29–61 | 6–29–61 | 11.0 | | |
| RI61–343 | Socony Mobil Oil Co., Inc., P.O. Box 900, Dallas 21, Tex. | 50 | 13 | Texas Eastern Transmission Corp. (Helen Gohlke Field, DeWitt County, Tex., R.R. District No. 2). | 121 | 12–30–60 | [4] 2–1–61 | 7–1–61 | 15.7778 | 16.1111 | RI60–176 |
| RI61–344 | Samedan Oil Corp. (Operator), et al., c/o Guy H. Woodward, 321 Pan American Building, Tulsa 3, Okla. | 2 | 3 | El Paso Natural Gas Co. (Blindberry and Drinkard Fields, Lea County, N. Mex.). | 28,200 | 12–30–60 | [4] 1–30–61 | 6–30–61 | 10.5 | [3] 15.5017 | |
| RI61–344 | Samedan Oil Corp. (Operator), et al. | 1 | 5 | El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.). | 16,290 | 12–30–60 | [4] 1–30–61 | 6–30–61 | 10.5 | [3] 15.5017 | |
| RI61–344 | Samedan Oil Corp. (Operator), et al. | 3 | 7 | El Paso Natural Gas Co. (Drinkard Field, Lea County, N. Mex.). | 5,257 | 1–6–61 | [4] 2–6–61 | 7–6–61 | 10.5 | [3] 15.5017 | |
| RI61–345 | Samedan Oil Corp. | 7 | [5] 3 | El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.). | 2,586 | 1–6–61 | [4] 2–6–61 | 7–6–61 | 10.53883 | [4] 15.5017 | |
| RI61–345 | Samedan Oil Corp. | 7 | 4 | do | | 1–6–61 | [4] 2–6–61 | 7–6–61 | | | |

[1] Supersedes Shell's FPC Gas Rate Schedule No. 76, as Supplemented.
[2] Previously reported as 11.59 cents per Mcf based on the Kansas Severance Tax which was subsequently invalidated, under Shell's Rate Schedule No. 76.
[3] Subject to a charge of 0.4467 cents per Mcf for compression by buyer.
[4] The stated effective date is the first day after expiration of the required 30 days notice.
[5] The stated effective date is the effective date proposed by respondent.
[6] Supplemental agreement.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated rate schedule and supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (13 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated rate schedule and supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated rate schedule and supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule and supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 13, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–940; Filed, Feb. 1, 1961; 8:47 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.



[Docket No. CP61–146]

## TENNESSEE GAS TRANSMISSION CO.

### Notice of Application and Date of Hearing

JANUARY 26, 1961.

Take notice that, on November 14, 1960, Tennessee Gas Transmission Company (Applicant) P.O. Box 2511, Houston 1, Tex., filed an application pursuant to section 7(c) of the Natural Gas Act for a Certificate of Public Convenience and Necessity authorizing applicant to render a natural gas storage service to Consolidated Edison Company of New York, Inc. (Con Edison) as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to render natural gas storage service to Con Edison commencing with the 1960–61 winter season, pursuant to its Storage Service Rate Schedule SS–5 which is on file with the Commission as part of Applicant's FPC Gas Tariff, Eighth Revised Volume No. 1. Under this proposal, Applicant will deliver to Con Edison a quantity of natural gas up to a daily storage quantity of 5,000 Mcf at 15.025 psia during the storage withdrawal period of November 1 through the next succeeding April 30. The total deliveries by Applicant to Con Edison during the storage withdrawal period will be limited to a winter storage quantity of 450,000 Mcf of natural gas at 15.025 psia. The gas delivered by Applicant to Con Edison during each storage withdrawal period will be made available to Applicant for injection into Applicant's underground storage fields by Con Edison prior to the commencement of each withdrawal period. This will be accomplished during the months of May through October by Con Edison electing to have Applicant inject in Applicant's underground storage fields, for the account of Con Edison, a portion of Con Edison's presently authorized contract demand volumes tendered by Applicant to Con Edison.

No additional facilities are required to render the proposed storage services.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on March 2, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests of petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 16, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–941; Filed, Feb. 1, 1961; 8:47 a.m.]

[Docket No. CP60–72 etc.]

## EL PASO NATURAL GAS CO. ET AL.

### Notice of Application and Date of Hearing

JANUARY 26, 1961.

El Paso Natural Gas Co., Docket No. CP60–72; Pan American Petroleum Corp., Docket No. G–19277; Humble Oil & Refining Co., Docket No. CI60–65; Humble Oil & Refining Co., Docket No. CI60–66; Belco Petroleum Corp., Docket No. CI60–475; Beneficial Oil Co., Docket No. CI61–729.

Take notice that each of the above applicants has filed an application for a Certificate of Public Convenience and Necessity, pursuant to section 7 of the Natural Gas Act. The respective applications and supplements thereto, are on file with the Commission and open to public inspection.

El Paso Natural Gas Company proposes to purchase at 17.5 and 18.5 cents per Mcf approximately 20.5 MMcf of natural gas daily from the above named producer applicants, and to construct and operate the following facilities in or near the Tip Top-Hogsback Field, Sublette and Lincoln Counties, Wyoming:

(1) Approximately 6.0 miles of 4½ and 7.1 miles of 6⅝-inch field lines.

(2) Thirteen well-ties and related dehydration and metering equipment.

(3) One 6⅝-inch river crossing.

The total cost of the facilities is estimated at $449,000 and is to be financed from current working funds or by short term bank loans.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on February 20, 1961, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 15, 1961.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–939; Filed, Feb. 1, 1961; 8:47 a.m.]

[Docket No. RI61–252]

## UNION OIL COMPANY OF CALIFORNIA

### Order Amending Order Providing for Hearing on and Suspension of Proposed Change in Rate and Allowing Increased Rate To Become Effective Subject to Refund

JANUARY 27, 1961.

On November 25, 1960, the Commission issued its order providing for hearing on and suspension of proposed change in rate and allowing increased rate to become effective subject to refund in the above-described proceeding. By its order, the Commission suspended for one day, Supplement No. 4 to Union Oil Company of California's (Union Oil) FPC Gas Rate Schedule No. 22 and made effective as of December 22, 1960, subject to refund obligation, the increased rate of 13.337 cents per Mcf [1] proposed therein.

The increased 13.337-cent rate is below the 14.0-cent area price levels for increased rates in Northern Louisiana as stated in our Statement of General Policy No. 61–1 as amended. However, as the Louisiana severance tax reimbursement appears to be questionable and the buyer, Arkansas Louisiana has notified the Commission that it does not agree with Union's interpretation of the tax clause in the rate schedule, the Commission found it appropriate to suspend the proposed increased rate.

The Commission finds: The Commission order issued November 25, 1960, should be amended as hereafter stated.

The Commission orders: The Commission order of November 25, 1960, is hereby amended to include the following paragraph: "Although the increased rate of 13.337 cents per Mcf is below the area price level in Northern Louisiana as

[1] At a pressure base of 15.025 psia.

stated in our Statement of General Policy No. 61–1 as amended, the increased rate includes 1.667 cents per Mcf reimbursement for the Louisiana severance tax which appears to be questionable and has been objected to by the buyer, Arkansas Louisiana Gas Co. The Commission is therefore of the opinion that this matter should be determined after hearing and is, therefore, suspending the proposed increased rate."

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-942; Filed, Feb. 1, 1961; 8:47 a.m.]

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Washington, Friday, February 3, 1961

THE UNIVERSITY OF MICHIGAN
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MAIN READING ROOM

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**1960–61 Edition**

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Published by the Office of the Federal Register, the National Archives and Records Service, General Services Administration

**817 pages—$1.50 a copy**

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of State

Effective upon publication in the FEDERAL REGISTER, paragraph (a)(25) is added to § 6.302 as set out below.

§ 6.302 Department of State.

(a) *Office of the Secretary.* • • •

(25) One Staff Assistant and one Private Secretary to the Chief of Protocol.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61–998; Filed, Feb. 2, 1961; 8:49 a.m.]

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of State

Effective upon publication in the FEDERAL REGISTER, paragraph (v), subparagraphs (1) and (2), is added to § 6.302 as set out below.

§ 6.302 Department of State.

• • • • • •

(v) *United States Disarmament Administration.*

(1) One Personal Assistant to the Director.

(2) One Private Secretary to the Deputy Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61–999; Filed, Feb. 2, 1961; 8:49 a.m.]

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, paragraph (h)(3) of § 6.111 is amended as set out below.

§ 6.111 Department of Agriculture.

• • • • • •

(h) *Agricultural Marketing Service*
• • •

(3) Positions of cotton classers GS–9 and below, clerks GS–2, and laborers, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C., Metropolitan Area. Employment under this authority (or under a combination of this authority and any other excepting authority) shall not exceed 160 working days a year in the case of cotton classers and laborers and 130 working days a year in the case of clerks; except that GS–5 cotton classers may be employed as trainees during their first appointment only for an initial period of six months for training purposes without regard to the above time limitation.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61–1000; Filed, Feb. 2, 1961; 8:49 a.m.]

## Title 41—PUBLIC CONTRACTS

### Chapter 1—Federal Procurement Regulations

### MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 1 of Title 41 is amended as set forth below:

### PART 1–1—GENERAL

#### Subpart 1–1.5—Contingent Fees

Section 1–1.503 is revised as follows:

§ 1–1.503 Covenant.

Executive agencies shall include in every negotiated or advertised contract (except as provided in section 1–16.406) a "covenant against contingent fees" substantially as follows (set forth as article 20 of Standard Form 32, General Provisions (Supply Contract), and Clause 17 of Standard Form 23A, General Provisions (Construction Contract)):

*Covenant against contingent fees.* The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage brokerage, or contingent fee.

### PART 1–2—PROCUREMENT BY FORMAL ADVERTISING

#### Subpart 1–2.2—Solicitation of Bids

Section 1–2.201(a) is revised as follows:

§ 1–2.201 Preparation of invitations for bids.

• • • • • •

(a) • • •

(8) The time of delivery or performance requirements (see section 1–1.316).

• • • • • •

(23) Pending revision of paragraphs 3 and 4 of the Terms and Conditions of the Invitation for Bids on the back of Standard Forms 30 (October 1957 edition) and 33 (October 1957 edition), the following provision shall be substituted, as to each form, for the cited paragraphs:

*Late bids and modifications or withdrawals.* Bids and modifications or withdrawals thereof received at the office designated in the invitation for bids after the exact time set for opening of bids will not be considered unless received before award and (a) they are submitted by mail (or by telegraph, if authorized) and (b) it is determined by the Government that late receipt was due solely to either (1) delay in the mails (or by the telegraph company, if telegraphic bids are authorized) for which the bidder was not responsible or (2) mishandling by the Government after receipt at the Government installation. However, a modification which is received from an otherwise successful bidder and which makes the terms of the bid more favorable to the Government will be considered at any time it is received and may thereafter be accepted.

### PART 1–7—CONTRACT CLAUSES

#### Subpart 1–7.6—Fixed-Price Construction Contracts

In § 1–7.601–1 *Price adjustment for suspension, delay, or interruption of the work,* in the penultimate sentence of paragraph (b) of the clause set out therein, substitute "final payment under" for "final settlement of," so that the sentence will read:

No claim under this clause shall be allowed (i) for any costs incurred more than twenty days before the Contractor shall have notified the Contracting Officer in writing of the act or failure to act involved (but this requirement shall not apply where a suspension order has issued), and (ii) unless the claim, in an amount stated, is asserted in writing as soon as practicable after the termination of such suspension, delay, or interruption but not later than the date of final payment under the contract.

### PART 1–10—BONDS AND INSURANCE

#### Subpart 1–10.1—Bonds

In § 1–10.102–4(a) *Invitations for bids provisions,* the second paragraph of the

provision set forth in paragraph (2) is revised to read as follows:

A bid guarantee shall be in the form of a firm commitment, such as a bid bond, postal money order, certified check, cashier's check, irrevocable letter of credit or, in accordance with Treasury Department regulations, bonds or notes of the United States. Bid guarantees, other than bid bonds, will be returned (a) to unsuccessful bidders as soon as practicable after the opening of bids, and (b) to the successful bidder upon execution of such further contractual documents and bonds as may be required by the bid as accepted.

## PART 1–16—PROCUREMENT FORMS

### Subpart 1–16.4—Forms for Advertised Construction Contracts

1. Section 1–16.401 (c) to (g) is revised as follows:

**§ 1–16.401 Forms prescribed.**

* * * * *

(c) Invitation for Bids (Construction Contract) (Standard Form 20, January 1961 edition).

(d) Bid Form (Construction Contract) (Standard Form 21, January 1961 edition).

(e) Instructions to Bidders (Construction Contract) (Standard Form 22, January 1961 edition).

(f) Construction Contract (Standard Form 23, January 1961 edition).

(g) General Provisions (Construction Contract) (Standard Form 23A, January 1961 edition).

2. Section 1–16.402–3 is revised as follows:

**§ 1–16.402–3 Contracts estimated to exceed $10,000.**

Standard Forms 19A, 20, 21, 22, 23, and 23A shall be used for contracts estimated to exceed $10.000.

3. In § 1–16.404 *Terms, conditions, and provisions*, in the first sentence of paragraph (a) thereof, substitute "invitations for bids" for "addenda to the forms," so that the sentence will read as follows:

(a) Additional terms, conditions, and provisions considered by any agency to be essential to its contractual relationships and not inconsistent with those contained in the forms prescribed in this Subpart 1–16.4 may be incorporated in invitations for bids in which these forms are used by so providing in invitations for bids, in the Alterations paragraph of Standard Form 23, in the schedule, or in the specifications, as appropriate, in accordance with agency implementing instructions.

4. In § 1–16.404 *Terms, conditions, and provisions*, in the last sentence of paragraph (b) thereof, substitute "invitations for bids" for "addenda to the forms," so that the sentence will read as follows:

When a deviation is authorized, changes shall be made in invitations for bids, in the Alterations paragraph of Standard Form 23, in the schedule, or in the specifications, as appropriate, in accordance with agency implementing instructions.

5. In § 1–16.404 *Terms, conditions, and provisions*, paragraph (e) is revised to read as follows:

(e) During periods of national emergency, agencies may, with the prior approval of the Administrator of General Services, amend paragraph (d) of Clause 5 (Termination for Default—Damages for Delay—Time Extensions) of Standard Form 23A by deleting the words "unforeseeable causes" in the two places where they appear in the first sentence, and substituting therefor the words, "causes, other than normal weather,".

6. Section 1–16.404–1 *Revision of Standard Form 23A*, is deleted.

7. Section 1–16.406 is revised as follows:

**§ 1–16.406 Covenant against contingent fees.**

Whenever Standard Form 19 is used, in accordance with this Subpart 1–16.4, for formally advertised contracts, the requirement of section 1–1.503, for inclusion of the Convenant against Contingent Fees clause, shall be inapplicable.

### Subpart 1–16.9—Illustrations of Forms

For the illustrations of Standard Forms 20, 21, 22, 23, and 23A, presently printed in §§ 1–16.901–20–23A, there are substituted the January 1961 editions of these forms.

**§ 1–16.901–20 Standard Form 20: Invitation for Bids (Construction Contract).**

STANDARD FORM 20
JANUARY 1961 EDITION
GENERAL SERVICES ADMINISTRATION
FED. PROC. REG. (41 CFR) 1–16.401

**INVITATION FOR BIDS**
**(CONSTRUCTION CONTRACT)**

REFERENCE

DATE

NAME AND LOCATION OF PROJECT

DEPARTMENT OR AGENCY

BY (*Issuing office*)

Sealed bids in for the work described herein will be received until

at

and at that time publicly opened.

Information regarding bidding material, bid guarantee, and bonds

SPECIMEN

Description of work

20-104 ☆ U.S. GOVERNMENT PRINTING OFFICE: 1960—O-577729



(b) Page 2 of Standard Form 21.

Receipt of Amendments: The undersigned acknowledges receipt of the following amendments of the invitation for bids, drawings, and/or specifications, etc. (*Give number and date of each*):

SPECIMEN

The bidder represents (*Check appropriate boxes*):

(1) That he ☐ is, ☐ is not, a small business concern. (*For this purpose, a small business concern is a business concern, including its affiliates, which (a) is independently owned and operated, (b) is not dominant in its field of operation, and (c) had average annual receipts for the preceding three fiscal years not exceeding $5,000,000. For additional information see governing regulations of the Small Business Administration.*)

(2) (a) That he ☐ has, ☐ has not, employed or retained any company or person (other than a full-time bona fide employee working solely for the bidder) to solicit or secure this contract, and (b) that he ☐ has, ☐ has not, paid or agreed to pay any company or person (other than a full-time bona fide employee working solely for the bidder) any fee, commission, percentage or brokerage fee, contingent upon or resulting from the award of this contract; and agrees to furnish information relating to (a) and (b) above as requested by the Contracting Officer.

(*For interpretation of the representation, including the term "bona fide employee," see Code of Federal Regulations, Title 41, Subpart 1–1.5.*)

(3) That he operates as an ☐ individual, ☐ partnership, ☐ joint venture, ☐ corporation, incorporated in State of

Enclosed is bid guarantee, consisting of

in the amount of

| | |
|---|---|
| NAME OF BIDDER (*Type or print*) | FULL NAME OF ALL PARTNERS (*Type or print*) |
| BUSINESS ADDRESS (*Type or print*) | |
| BY (*Signature in ink. Type or print name under signature*) | |
| TITLE (*Type or print*) | |

**DIRECTIONS FOR SUBMITTING BIDS**

Envelopes containing bids, guarantee, etc., must be sealed, marked, and addressed as follows:

*CAUTION: Bids should not be qualified by exceptions to the bidding conditions.*

★ U.S. GOVERNMENT PRINTING OFFICE: 1960—O-577729

**§ 1–16.901–21 Standard Form 21: Bid Form (Construction Contract).**

(a) Page 1 of Standard Form 21:

STANDARD FORM 21
JANUARY 1961 EDITION
GENERAL SERVICES ADMINISTRATION
FED. PROC. REG. (41 CFR) 1–16.401

**BID FORM**
**(CONSTRUCTION CONTRACT)**

REFERENCE

DATE OF INVITATION

*Read the Instructions to Bidders (Standard Form 22) before completing this form. Fill in all blanks. Submit bid in duplicate.*

NAME AND LOCATION OF PROJECT

NAME OF BIDDER (*Type or print*)

TO:

(Date)

In compliance with the above-dated invitation for bids, the undersigned hereby proposes to perform all work for

in strict accordance with the General Provisions (Standard Form 23–A), Labor Standards Provisions Applicable to Contracts in Excess of $2,000 (Standard Form 19–A), specifications, schedules, drawings, and conditions, for the following amount(s)

SPECIMEN

The undersigned agrees that, upon written acceptance of this bid, mailed or otherwise furnished within calendar days ( calendar days unless a different period be inserted by the bidder) after the date of opening of bids, he will within calendar days (unless a longer period is allowed) after receipt of the prescribed forms, execute Standard Form 23, Construction Contract, and give performance and payment bonds on Government standard forms with good and sufficient surety.

The undersigned agrees, if awarded the contract, to commence the work within calendar days after the date of receipt of notice to proceed, and to complete the work within calendar days after the date of receipt of notice to proceed.

(*Continue on other side*)

21-104

**§ 1–16.901–22 Standard Form 22: Instructions to Bidders (Construction Contract).**

**(a) Page 1 of Standard Form 22.**

STANDARD FORM 22
JANUARY 1961 EDITION
GENERAL SERVICES ADMINISTRATION
FED. PROC. REG. (41 CFR) 1–16.401

## INSTRUCTIONS TO BIDDERS

(CONSTRUCTION CONTRACT)

1. *Explanations to Bidders.* Any explanation desired by a bidder regarding the meaning or interpretation of the invitation for bids, drawings, specifications, etc., must be requested in writing and with sufficient time allowed for a reply to reach bidders before the submission of their bids. Any interpretation made will be in the form of an amendment of the invitation for bids, drawings, specifications, etc., and will be furnished to all prospective bidders. Its receipt by the bidder must be acknowledged in the space provided on the Bid Form (Standard Form 21) or by letter or telegram received before the time set for opening of bids. Oral explanations or instructions given before the award of the contract will not be binding.

2. *Conditions Affecting the Work.* Bidders should visit the site and take such other steps as may be reasonably neccessary to ascertain the nature and location of the work, and the general and local conditions which can affect the work or the cost thereof. Failure to do so will not relieve bidders from responsibility for estimating properly the difficulty or cost of successfully performing the work. The Government will assume no responsibility for any understanding or representations concerning conditions made by any of its officers or agents prior to the execution of the contract, unless included in the invitation for bids, the specifications, or related documents.

3. *Bidder's Qualifications.* Before a bid is considered for award, the bidder may be requested by the Government to submit a statement regarding his previous experience in performing comparable work, his business and technical organization, financial resources, and plant available to be used in performing the work.

4. *Bid Guarantee.* Failure to furnish a required bid guarantee in the proper form and amount, by the time set for opening of bids, may be cause for rejection of the bid.

A bid guarantee shall be in the form of a firm commitment, such as a bid bond, postal money order, certified check, cashier's check, irrevocable letter of credit or, in accordance with Treasury Department regulations, bonds or notes of the United States. Bid guarantees, other than bid bonds, will be returned (*a*) to unsuccessful bidders as soon as practicable after the opening of bids, and (*b*) to the successful bidder upon execution of such further contractual documents and bonds as may be required by the bid as accepted.

If the successful bidder withdraws his bid within the period specified therein for acceptance (sixty days if no period is specified) or, upon acceptance thereof by the Government, fails to enter into the contract and give bonds within the time specified (ten days if no period is specified) after the forms are presented to him, he shall be liable for any difference by which the cost of procuring the work exceeds the amount of his bid, and the bid guarantee shall be available toward offsetting such difference.

5. *Preparation of Bids.* (*a*) Bids shall be submitted on the forms furnished, or copies thereof, and must be manually signed. If erasures or other changes appear on the forms, each erasure or change must be initialed by the person signing the bid. Unless specifically authorized in the invitation for bids, telegraphic bids will not be considered.

(*b*) The bid form may provide for submission of a price or prices for one or more items, which may be lump sum bids, alternate prices, scheduled items resulting in a bid on a unit of construction or a combination thereof, etc. Where the bid form explicitly requires that the bidder bid on all items, failure to do so will disqualify the bid. When submission of a price on all items is not required, bidders should insert the words "no bid" in the space provided for any item on which no price is submitted.

(*c*) Unless called for, alternate bids will not be considered.

(*d*) Modifications of bids already submitted will be considered if received at the office designated in the invitation for bids by the time set for opening of bids. Telegraphic modifications will be considered, but should not reveal the amount of the original or revised bid.

6. *Submission of Bids.* Bids must be sealed, marked, and addressed as directed in the invitation for bids. Failure to do so may result in a premature opening of, or a failure to open, such bid.

**(b) Page 2 of Standard Form 22.**

7. *Late Bids and Modifications or Withdrawals.* Bids and modifications or withdrawals thereof received at the office designated in the invitation for bids after the exact time set for opening of bids will not be considered unless received before award and (*a*) they are submitted by mail (or by telegraph, if authorized) and (*b*) it is determined by the Government that late receipt was due solely to either (1) delay in the mails (or by the telegraph company, if telegraphic bids are authorized) for which the bidder was not responsible or (2) mishandling by the Government after receipt at the Government installation. However, a modification which is received from an otherwise successful bidder and which makes the terms of the bid more favorable to the Government will be considered at any time it is received and may thereafter be accepted.

8. *Withdrawal of Bids.* Bids may be withdrawn by written or telegraphic request received from bidders prior to the time set for opening of bids.

9. *Public Opening of Bids.* Bids will be publicly opened at the time set for opening in the invitation for bids. Their content will be made public for the information of bidders and others interested, who may be present either in person or by representative.

10. *Award of Contract.* (*a*) Award of contract will be made to that responsible bidder whose bid, conforming to the invitation for bids, is most advantageous to the Government, price and other factors considered.

(*b*) The Government may, when in its interest, reject any or all bids or waive any informality in bids received.

(*c*) The Government may accept any item or combination of items of a bid, unless precluded by the invitation for bids or the bidder includes in his bid a restrictive limitation.

11. *Contract and Bonds.* The bidder whose bid is accepted will, within the time established in the bid, enter into a written contract with the Government and, if required, furnish performance and payment bonds on Government standard forms in the amounts indicated in the invitation for bids or the specifications.

* U.S. GOVERNMENT PRINTING OFFICE : 1960 OF—570720

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**§ 1–16.901–23 Standard Form 23: Construction Contract.**

**(a) Page 1 of Standard Form 23.**

STANDARD FORM 23
JANUARY 1961 EDITION
GENERAL SERVICES ADMINISTRATION
FED. PROC. REG. (41 CFR) 1–16.401

**CONSTRUCTION CONTRACT**
(See instructions on reverse)

CONTRACT NO.

DATE OF CONTRACT

NAME AND ADDRESS OF CONTRACTOR

CHECK APPROPRIATE BOX
- ☐ Individual
- ☐ Partnership
- ☐ Joint Venture
- ☐ Corporation, incorporated in the State of _____

DEPARTMENT OR AGENCY

CONTRACT FOR (*Work to be performed*)

PLACE

CONTRACT PRICE (*Express in words and figures*)

ADMINISTRATIVE DATA (*Optional*)

SPECIMEN

The United States of America (hereinafter called the Government), represented by the Contracting Officer executing this contract, and the individual, partnership, joint venture, or corporation named above (hereinafter called the Contractor), mutually agree to perform this contract in strict accordance with the General Provisions (Standard Form 23–A), Labor Standards Provisions Applicable to Contracts in Excess of $2,000 (Standard Form 19–A), and the following designated specifications, schedules, drawings, and conditions:

| WORK SHALL BE STARTED | WORK SHALL BE COMPLETED |
|---|---|
| | |

**(b) Page 2 of Standard Form 23.**

*Alterations.* The following alterations were made in this contract before it was signed by the parties hereto:

SPECIMEN

In witness whereof, the parties hereto have executed this contract as of the date entered on the first page hereof.

THE UNITED STATES OF AMERICA

By _____

(Official title)

CONTRACTOR

_____
(Name of Contractor)

By _____
(Signature)

_____
(Title)

### INSTRUCTIONS

1. The full name and business address of the Contractor must be inserted in the space provided on the face of the form. The Contractor shall sign in the space provided above with his usual signature and typewrite or print his name under the signature.

2. An officer of a corporation, a member of a partnership, or an agent signing for the Contractor shall place his signature and title after the word "By" under the name of the Contractor. A contract executed by an attorney or agent on behalf of the Contractor shall be accompanied by two authenticated copies of his power of attorney or other evidence of his authority to act on behalf of the Contractor.

* U.S. GOVERNMENT PRINTING OFFICE : 1960 OF—570720

§ 1–16.901–23A Standard Form 23A: General Provisions (Construction Contract).

(a) Page 1 of Standard Form 23A.

STANDARD FORM 23–A
JANUARY 1961 EDITION
GENERAL SERVICES ADMINISTRATION
FED. PROC. REG. (41 CFR) 1–16.901

# GENERAL PROVISIONS
## (CONSTRUCTION CONTRACT)

**1. DEFINITIONS**

(a) The term "head of the agency" or "Secretary" as used herein means the Secretary, the Under Secretary, any Assistant Secretary, or any other head or assistant head of the executive or military department or other Federal agency; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the head of the agency or the Secretary.

(b) The term "Contracting Officer" as used herein means the person executing this contract on behalf of the Government and includes a duly appointed successor or authorized representative.

**2. SPECIFICATIONS AND DRAWINGS**

The Contractor shall keep on the work a copy of the drawings and specifications and shall at all times give the Contracting Officer access thereto. Anything mentioned in the specifications and not shown on the drawings, or shown on the drawings and not mentioned in the specifications, shall be of like effect as if shown or mentioned in both. In case of difference between drawings and specifications, the specifications shall govern. In case of discrepancy either in the figures, in the drawings, or in the specifications, the matter shall be promptly submitted to the Contracting Officer, who shall promptly make a determination in writing. Any adjustment by the Contractor without such a determination shall be at his own risk and expense. The Contracting Officer shall furnish from time to time such detail drawings and other information as he may consider necessary, unless otherwise provided.

**3. CHANGES**

The Contracting Officer may, at any time, by written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract if within its general scope. If such changes cause an increase or decrease in the Contractor's cost of, or time required for, performance of the contract, an equitable adjustment shall be made and the contract modified in writing accordingly. Any claim of the Contractor for adjustment under this clause must be asserted in writing within 30 days from the date of receipt by the Contractor of the notification of change unless the Contracting Officer grants a further period of time before the date of final payment under the contract. If the parties fail to agree upon the adjustment to be made, the dispute shall be determined as provided in Clause 6 of these General Provisions; but nothing provided in this clause shall excuse the Contractor from proceeding with the prosecution of the work as changed. Except as otherwise provided in this contract, no charge for any extra work or material will be allowed.

**4. CHANGED CONDITIONS**

The Contractor shall promptly, and before such conditions are disturbed, notify the Contracting Officer in writing of: (a) subsurface or latent physical conditions at the site differing materially from those indicated in this contract, or (b) unknown physical conditions at the site, of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in this contract. The Contracting Officer shall promptly investigate the conditions, and if he finds that such conditions do so materially differ and cause an increase or decrease in the Contractor's cost of, or the time required for, performance of this contract, an equitable adjustment shall be made and the contract modified in writing accordingly. Any claim of the Contractor for adjustment hereunder shall not be allowed unless he has given notice as above required; or unless the Contracting Officer grants a further period of time before the date of final payment under the contract. If the parties fail to agree upon the adjustment to be made, the dispute shall be determined as provided in Clause 6 of these General Provisions.

**5. TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS**

(a) If the Contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in this contract, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the Contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. In such event the Government may take over the work and prosecute the same to completion, by contract or otherwise, and may take possession of and utilize in completing the work such materials, appliances, and plant as may be on the site of the work and necessary therefor. Whether or not the Contractor's right to proceed with the work is terminated, he and his sureties shall be liable for any damage to the Government resulting from his refusal or failure to complete the work within the specified time.

(b) If fixed and agreed liquidated damages are provided in the contract and if the Government so terminates the Contractor's right to proceed, the resulting damage will consist of such liquidated damages until such reasonable time as may be required for final completion of the work together with any increased costs occasioned the Government in completing the work.

(c) If fixed and agreed liquidated damages are provided in the contract and if the Government does not so terminate the Contractor's right to proceed, the resulting damage will consist of such liquidated damages until the work is completed or accepted.

(d) The Contractor's right to proceed shall not be so terminated nor the Contractor charged with resulting damage if:

(1) The delay in the completion of the work arises from unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including but not restricted to, acts of God, acts of the public enemy, acts of the Government in either its sovereign or contractual capacity, acts of another contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, or delays of subcontractors or suppliers arising from unforeseeable causes beyond the control and without the fault or negligence of both the Contractor and such subcontractors or suppliers; and

(2) The Contractor, within 10 days from the beginning of any such delay (unless the Contracting Officer grants a further period of time before the date of final payment



(b) Page 2 of Standard Form 23A.

under the contract), notifies the Contracting Officer in writing of the causes of delay.

The Contracting Officer shall ascertain the facts and the extent of the delay and extend the time for completing the work when, in his judgment, the findings of fact justify such an extension, and his findings of fact shall be final and conclusive on the parties, subject only to appeal as provided in Clause 6 of these General Provisions.

(e) If, after notice of termination of the Contractor's right to proceed under the provisions of paragraph (a) of this clause, it is determined that the delay is excusable under the provisions of paragraph (d) of this clause, such notice of termination shall be deemed to have been issued pursuant to the clause of this contract entitled "Termination for Convenience of the Government," and the rights and obligations of the parties hereto shall in such event be governed by such clause. (This paragraph (e) applies only if this contract contains such termination clause.)

(f) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

**6. DISPUTES**

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the head of the agency involved. The decision of the head of the agency or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This Disputes clause does not preclude consideration of questions of law in connection with decisions provided for in paragraph (a) above. Nothing in this contract, however, shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

**7. PAYMENTS TO CONTRACTOR**

(a) The Government will pay the contract price as hereinafter provided.

(b) The Government will make progress payments monthly as the work proceeds, or at more frequent intervals as determined by the Contracting Officer, on estimates approved by the Contracting Officer. If requested by the Contracting Officer, the Contractor shall furnish a breakdown of the total contract price showing the amount included therein for each principal category of the work, in such detail as requested, to provide a basis for determining progress payments. In the preparation of estimates the Contracting Officer, at his discretion, may authorize material delivered on the site and preparatory work done to be taken into consideration. Material delivered to the Contractor at locations other than the site may also be taken into consideration (1) if such consideration is specifically authorized by the contract and (2) if the Contractor furnishes satisfactory evidence that he has acquired title to such material and that it will be utilized on the work covered by this contract.

(c) In making such progress payments, there shall be retained 10 percent of the estimated amount until final completion and acceptance of the contract work. However, if the Contracting Officer, at any time after 50 percent of the work has been completed, finds that satisfactory progress is being made, he may authorize any of the remaining progress payments to be made in full. Also, whenever the work is substantially complete, the Contracting Officer, if he considers the amount retained to be in excess of the amount adequate for the protection of the Government, at his discretion, may release to the Contractor all or a portion of such excess amount. Furthermore, on completion and acceptance of each separate building, public work, or other division of the contract, on which the price is stated separately in the contract, payment may be made therefor without retention of a percentage.

(d) All material and work covered by progress payments made shall thereupon become the sole property of the Government, but this provision shall not be construed as relieving the Contractor from the sole responsibility for all material and work upon which payments have been made or the restoration of any damaged work, or as waiving the right of the Government to require the fulfillment of all of the terms of the contract.

(e) Upon completion and acceptance of all work, the amount due the Contractor under this contract shall be paid upon the presentation of a properly executed voucher and after the Contractor shall have furnished the Government with a release, if required, of all claims against the Government arising by virtue of this contract, other than claims in stated amounts as may be specifically excepted by the Contractor from the operation of the release. If the Contractor's claim to amounts payable under the contract has been assigned under the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), a release may also be required of the assignee.

**8. ASSIGNMENT OF CLAIMS**

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payments to an assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff. (The preceding sentence applies only if this contract is made in time of war or national emergency as defined in said Act and is with the Department of Defense, the General Services Administration, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Federal Aviation Agency, or any other department or agency of the United States designated by the





(c) Page 3 of Standard Form 23A.

President pursuant to Clause 4 of the proviso of section 1 of the Assignment of Claims Act of 1940, as amended by the Act of May 15, 1951, 65 Stat. 41.)

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

**9. MATERIAL AND WORKMANSHIP**

(a) Unless otherwise specifically provided in this contract, all equipment, material, and articles incorporated in the work covered by this contract are to be new and of the most suitable grade for the purpose intended. Unless otherwise specifically provided in this contract, reference to any equipment, material, article, or patented process, by trade name, make, or catalog number shall be regarded as establishing a standard of quality and shall not be construed as limiting competition, and the Contractor may, at his option, use any equipment, material, article, or process which, in the judgment of the Contracting Officer, is equal to that named. The Contractor shall furnish to the Contracting Officer for his approval the name of the manufacturer, the model number, and other identifying data and information respecting the performance, capacity, nature, and rating of the machinery and mechanical and other equipment which the Contractor contemplates incorporating in the work. When required by this contract or when called for by the Contracting Officer, the Contractor shall furnish the Contracting Officer for approval full information concerning the material or articles which he contemplates incorporating in the work. When so directed, samples shall be submitted for approval at the Contractor's expense, with all shipping charges prepaid. Machinery, equipment, material, and articles installed or used without required approval shall be at the risk of subsequent rejection.

(b) All work under this contract shall be performed in a skillful and workmanlike manner. The Contracting Officer may, in writing, require the Contractor to remove from the work any employee the Contracting Officer deems incompetent, careless, or otherwise objectionable.

**10. INSPECTION AND ACCEPTANCE**

(a) Except as otherwise provided in this contract, inspection and test by the Government of material and workmanship required by this contract shall be made at reasonable times and at the site of the work, unless the Contracting Officer determines that such inspection or test of material which is to be incorporated in the work shall be made at the place of production, manufacture, or shipment of such material. To the extent specified by the Contracting Officer at the time of determining to make off-site inspection or test, such inspection or test shall be conclusive as to whether the material involved conforms to the contract requirements. Such off-site inspection or test shall not relieve the Contractor of responsibility for damage to or loss of the material prior to acceptance, nor in any way affect the continuing rights of the Government after acceptance of the completed work under the terms of paragraph (f) of this clause, except as hereinabove provided.

(b) The Contractor shall, without charge, replace any material or correct any workmanship found by the Government not to conform to the contract requirements, unless in the public interest the Government consents to accept such material or workmanship with an appropriate adjustment in contract price. The Contractor shall promptly segregate and remove rejected material from the premises.

(c) If the Contractor does not promptly replace rejected material or correct rejected workmanship, the Government (1) may, by contract or otherwise, replace such material or correct such workmanship and charge the cost thereof to the Contractor, or (2) may terminate the Contractor's right to proceed in accordance with Clause 5 of these General Provisions.

(d) The Contractor shall furnish promptly, without additional charge, all facilities, labor, and material reasonably needed for performing such safe and convenient inspection and test as may be required by the Contracting Officer. All inspection and test by the Government shall be performed in such manner as not unnecessarily to delay the work. Special, full size, and performance tests shall be performed as described in this contract. The Contractor shall be charged with any additional cost of inspection when material and workmanship are not ready at the time specified by the Contractor for its inspection.

(e) Should it be considered necessary or advisable by the Government at any time before acceptance of the entire work to make an examination of work already completed, by removing or tearing out same, the Contractor shall, on request, promptly furnish all necessary facilities, labor, and material. If such work is found to be defective or nonconforming in any material respect, due to the fault of the Contractor or his subcontractors, he shall defray all the expenses of such examination and of satisfactory reconstruction. If, however, such work is found to meet the requirements of the contract, an equitable adjustment shall be made in the contract price to compensate the Contractor for the additional services involved in such examination and reconstruction and, if completion of the work has been delayed thereby, he shall, in addition, be granted a suitable extension of time.

(f) Unless otherwise provided in this contract, acceptance by the Government shall be made as promptly as practicable after completion and inspection of all work required by this contract. Acceptance shall be final and conclusive except as regards latent defects, fraud, or such gross mistakes as may amount to fraud, or as regards the Government's rights under any warranty or guarantee.

**11. SUPERINTENDENCE BY CONTRACTOR**

The Contractor shall give his personal superintendence to the work or have a competent foreman or superintendent, satisfactory to the Contracting Officer, on the work at all times during progress, with authority to act for him.

**12. PERMITS AND RESPONSIBILITIES**

The Contractor shall, without additional expense to the Government, be responsible for obtaining any necessary licenses and permits, and for complying with any applicable Federal, State, and municipal laws, codes, and regulations, in connection with the prosecution of the work. He shall be similarly responsible for all damages to persons or property that occur as a result of his fault or negligence. He shall take proper safety and health precautions to protect the work, the workers, the public, and the property of others. He shall also be responsible for all materials delivered and work performed until completion and acceptance of the entire construction work, except for any completed unit of construction thereof which theretofore may have been accepted.



(d) Page 4 of Standard Form 23A.

**13. CONDITIONS AFFECTING THE WORK**

The Contractor shall be responsible for having taken steps reasonably necessary to ascertain the nature and location of the work, and the general and local conditions which can affect the work or the cost thereof. Any failure by the Contractor to do so will not relieve him from responsibility for successfully performing the work without additional expense to the Government. The Government assumes no responsibility for any understanding or representations concerning conditions made by any of its officers or agents prior to the execution of this contract, unless such understanding or representations by the Government are expressly stated in the contract.

**14. OTHER CONTRACTS**

The Government may undertake or award other contracts for additional work, and the Contractor shall fully cooperate with such other contractors and Government employees and carefully fit his own work to such additional work as may be directed by the Contracting Officer. The Contractor shall not commit or permit any act which will interfere with the performance of work by any other contractor or by Government employees.

**15. PATENT INDEMNITY**

Except as otherwise provided, the Contractor agrees to indemnify the Government and its officers, agents, and employees against liability, including costs and expenses, for infringement upon any Letters Patent of the United States (except Letters Patent issued upon an application which is now or may hereafter be, for reasons of national security, ordered by the Government to be kept secret or otherwise withheld from issue) arising out of the performance of this contract or out of the use or disposal by or for the account of the Government of supplies furnished or construction work performed hereunder.

**16. ADDITIONAL BOND SECURITY**

If any surety upon any bond furnished in connection with this contract becomes unacceptable to the Government, or if any such surety fails to furnish reports as to his financial condition from time to time as requested by the Government, the Contractor shall promptly furnish such additional security as may be required from time to time to protect the interests of the Government and of persons supplying labor or materials in the prosecution of the work contemplated by this contract.

**17. COVENANT AGAINST CONTINGENT FEES**

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

**18. OFFICIALS NOT TO BENEFIT**

No Member of Congress or resident Commissioner shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

**19. BUY AMERICAN**

(a) Agreement. In accordance with the Buy American Act (41 U.S.C. 10a–10d) and Executive Order 10582, December 17, 1954 (3 CFR Supp.), the Contractor agrees that only domestic construction material will be used (by the Contractor, subcontractors, materialmen, and suppliers) in the performance of this contract, except for nondomestic material listed in the contract.

(b) Domestic construction material. "Construction material" means any article, material, or supply brought to the construction site for incorporation in the building or work. An unmanufactured construction material is a "domestic construction material" if it has been mined or produced in the United States. A manufactured construction material is a "domestic construction material" if it has been manufactured in the United States and if the cost of its components which have been mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. "Component" means any article, material, or supply directly incorporated in a construction material.

(c) Domestic component. A component shall be considered to have been "mined, produced, or manufactured in the United States" (regardless of its source in fact) if the article, material, or supply in which it is incorporated was manufactured in the United States and the component is of a class or kind determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

**20. CONVICT LABOR**

In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor.

**21. NONDISCRIMINATION IN EMPLOYMENT**

(a) In connection with the performance of work under this contract, the Contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of the nondiscrimination clause.

(b) The Contractor further agrees to insert the foregoing provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

★ U.S. GOVERNMENT PRINTING OFFICE: 1961—O-572728

*Effective date.* These regulations are effective July 1, 1961, but may be observed earlier.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: January 14, 1961.

FRANKLIN FLOETE,
*Administrator of General Services.*

[F.R. Doc. 61–671; Filed, Jan. 19, 1961; 2:47 p.m.]

## Chapter 5—General Services Administration

### PART 5–2—PROCUREMENT BY FORMAL ADVERTISING

### Subpart 5–2.4—Opening of Bids and Award of Contract

MULTIPLE BIDDING

1. New §§ 5–2.404 and 5–2.407–6 are added, to read as follows:

§ 5–2.404 Rejection of bids.

§ 5–2.404–2 Rejection of individual bids.

For rejection involving multiple bidding see § 5–2.404–50.

§ 5–2.404–50 Multiple bidding.

When more than one bid is received from a person or firm, or affiliates thereof, in response to an invitation for bids, such bids shall be considered for award if responsive and otherwise acceptable. If the contracting officer determines that these bids would give such bidders an unfair advantage over other bidders or would otherwise be prejudicial to the best interests of the Government, such bids shall be rejected. See § 5–2.407–6 involving multiple bids which are equal low bids.

§ 5–2.407–6 Equal low bids, preferences.

For the purpose of applying the policy established by § 1–2.407–6 of this title and to preclude any bidder from gaining an unfair advantage through the submission of multiple bids which are equal in all respects to other low bids received under the same invitation for bids, only one such bid shall be considered in the award by lot. The selection of the bid (of the equal multiple bids received) to represent the person or firm, or affiliates thereof, shall be by lot.

*Effective date.* These regulations are effective immediately.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: January 30, 1961.

HAROLD F. HOLTZ,
*Acting Administrator.*

[F.R. Doc. 61–1003; Filed, Feb. 2, 1961; 8:50 a.m.]

# Title 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 884]

### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

§ 953.991 Lemon Regulation 884.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 24, 1961.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., February 5, 1961, and ending at 12:01 a.m., P.s.t., October 29, 1961, no handler shall handle any lemons, grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at right angles to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the lemons in any type of container may measure less than 1.82 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," "District 2," and "District 3" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 31, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1004; Filed, Feb. 2, 1961; 8:50 a.m.]

[Grapefruit Reg. 135]

### PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

### Limitation of Shipments

§ 955.396 Grapefruit Regulation 135.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on January 26, 1961, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., February 5, 1961, and ending at 12:01 a.m., P.s.t., March 12, 1961, no handler shall handle:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which measure less than 3 9/16 inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.925–51.955: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than 3 9/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 13/16 inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "handle" shall have the same meaning as when used in said amended marketing agreement and order; the term "U.S. No. 2" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 31, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1005; Filed, Feb. 2, 1961; 8:50 a.m.]



# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

YELLOW PRUSSIATE OF SODA (SODIUM FERROCYANIDE DECAHYDRATE)

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by International Salt Company, New York 1, New York, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive yellow prussiate of soda (sodium ferrocyanide decahydrate) as an anticaking and free-flowing agent in sodium chloride for human and animal consumption. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart D of the food additive regulations is amended by adding thereto the following new section:

§ 121.1032 Yellow prussiate of soda (sodium ferrocyanide decahydrate; $Na_4Fe(CN)_6 \cdot 10H_2O$).

The food additive yellow prussiate of soda (sodium ferrocyanide decahydrate; $Na_4Fe(CN)_6 \cdot 10H_2O$) may be safely used in or on food for human and animal consumption when incorporated therein in accordance with the following prescribed conditions:

(a) The additive contains a minimum of 99.0 percent by weight of sodium ferrocyanide decahydrate.

(b) It is used or intended for use as an anticaking agent in sodium chloride, whereby the amount of the additive in the sodium chloride does not exceed 5 parts per million (0.0005 percent), calculated as anhydrous sodium ferrocyanide.

(c) To assure safe use of the additive, the label and labeling of the food additive container or that of any intermediate premixes shall contain, in addition to the other information required by the act:

(1) The name of the additive, yellow prussiate of soda or sodium ferrocyanide decahydrate.

(2) A statement of the concentration of the additive contained therein.

(3) Adequate use directions to provide for a finished product that complies with the conditions prescribed in paragraph (b) of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 27, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61–994; Filed, Feb. 2, 1961; 8:48 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

### PART 18—REINSPECTION AND PREPARATION OF PRODUCTS

### PART 24—EXPORT STAMPS AND CERTIFICATES

### PART 25—TRANSPORTATION

### PART 27—IMPORTED PRODUCTS

### PART 29—INSPECTION AND HANDLING OF HORSE MEAT AND PRODUCT THEREOF

### Miscellaneous Amendments

On November 18, 1960, there was published in the FEDERAL REGISTER (25 F.R. 11007) a notice of proposed amendments of the Meat Inspection Regulations (9 CFR Chapter I, Subchapter A, as amended). After due consideration of all relevant matters submitted in connection with the notice, and pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U.S.C. 71–91), and Section 306 of the Tariff Act of 1930 (19 U.S.C. 1306), the aforesaid regulations are hereby amended as follows:

1. Section 18.13 is amended to read as follows:

§ 18.13 Mixtures containing product but not amenable to Meat Inspection Act.

Mixtures containing product but not classed as coming under the Meat Inspection Act shall not bear the inspection legend or any abbreviation or representation thereof unless prepared under the food inspection service provided for in Part 40 of this subchapter. When such mixtures are prepared in any part of an official establishment, the sanitation of that part of the establishment shall be supervised by Division employees and the preparation of such mixtures shall not cause any deviation from the requirement that no uninspected products be brought into the establishment.

2. Section 24.1 is amended by adding paragraph (d) to read as follows:

§ 24.1 [Amendment]

(d) A numbered meat-inspection stamp shall be affixed to each tank car of inspected and passed lard or similar edible product, and to each door of each railroad car or other closed vehicle containing inspected and passed loose

product shipped direct, to a foreign country.

3. Section 25.1 is amended to read as follows:

**§ 25.1 Interstate or foreign transportation prohibited without certificates; imported product prior to inspection excepted if properly identified.**[1]

No carrier shall transport or receive for transportation from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, any product derived wholly or in part from cattle, sheep, swine, or goats unless and until a certificate is made and furnished to such carrier in one of the forms prescribed therefor in this part: *Provided, however,* That any such product offered for importation into the United States may be transported and received for transportation from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, without such certificate, if such product is conveyed, prior to inspection, in cars, wagons, vehicles, or packages, sealed with special inspmeat seals of the Department of Agriculture or with customs or consular seals or otherwise identified as provided in Part 27 of this subchapter.

**§ 25.4 [Deletion]**

4. Section 25.4 is deleted.

5. Section 25.15 is amended to read as follows:

**§ 25.15 Certificates to be filed and retained by carriers for one year.**

All original certificates delivered to a carrier in accordance with this part shall be filed separate and apart from all its other papers and records or identified in some acceptable manner so as to be readily accessible for review and shall be retained by the carrier for one year in order that they may be readily checked as prescribed by the Director of the Division.

6. Section 27.2(b) is amended to read as follows:

**§ 27.2 Eligibility of foreign countries for importation of product into the United States.**

* * * * *

(b) It has been determined that product from the following countries, covered by foreign meat inspection certificates of the country of origin as required by § 27.6, except fresh, chilled or frozen or other product ineligible for importation into the United States from countries in which the contagious and communicable disease of rinderpest or of foot-and-mouth disease exists as provided in Part 94 of this chapter, is eligible for importation into the United States after inspection and marking as required by the applicable provisions of Parts 1 through 28 of this subchapter.

| | |
|---|---|
| Argentina. | Italy. |
| Australia. | Luxembourg. |
| Austria. | Mexico. |
| Belgium. | Netherlands. |
| Brazil. | New Zealand. |
| Canada. | Nicaragua. |
| Costa Rica. | Northern Ireland. |
| Czechoslovakia. | Norway. |
| Denmark. | Panama. |
| Dominican Republic. | Paraguay. |
| England and Wales. | Poland. |
| Finland. | Scotland. |
| France. | Spain. |
| Germany (Federal Republic). | Sweden. |
| | Switzerland. |
| Honduras. | Uruguay. |
| Iceland. | Venezuela. |
| Ireland (Eire). | Yugoslavia. |

**§§ 27.8, 27.9 [Amendment]**

7. Section 27.8(k) and the first sentence in § 27.9(a)(1) are amended by adding the following before the periods at the end of said section and sentence: "except when such sealing and identification are waived by the inspector in charge when special circumstances provide for other equally adequate controls."

8. Section 27.12 is amended by changing the heading and paragraphs (a) and (b) to read, respectively, as follows:

**§ 27.12 Product imported; samples; inspection of consignments; refusal of entry; marking.**

(a) Division inspectors may take, without cost to the United States, for laboratory examination, samples of any product which is subject to analysis from each consignment offered for importation, except that such samples shall not be taken of any product offered for importation without inspection under § 27.18 unless there is reason for suspecting the presence therein of a substance in violation of that section.

(b) If the inspection of the portion of product withdrawn from the consignment indicates that the consignment is unsound, unhealthful, unwholesome or otherwise unfit for human food, the consignment shall be refused entry.

9. Section 27.13 is amended to read as follows:

**§ 27.13 Receipts to importers for import meat samples.**

In order that importers may be assured that samples of foreign products collected for laboratory examination are to be used exclusively for that purpose, official receipts shall be issued and delivered to importers, or their agents, by inspectors for all samples of foreign products collected. The official receipt shall be prepared in duplicate, over the signature of the inspector who collects the samples, and shall show the name of the importer, country of origin, amount and kind of product collected, date of collection, and that the sample was collected for laboratory examination. The duplicate copy of the receipt shall be retained by inspectors in charge as their office record.

**§ 27.15 [Amendment]**

10. Section 27.15(b) is amended by adding the following before the period at the end thereof: "unless such sealing is waived by the inspector in charge when special circumstances provide for other equally adequate controls."

11. Section 27.18(a) is amended to read as follows:

**§ 27.18 Small importations for consignee's personal use; requirements.**

(a) Any product offered for importation in small quantity exclusively for the personal use of the consignee, and not for sale or distribution, which is sound, healthful, wholesome, and fit for human food, and contains no dye, chemical, preservative, or ingredient not permitted by Part 18 of this subchapter, may be admitted into the United States from any country without foreign meat-inspection certificates and without inspection and marking, upon compliance with requirements under Part 94 of this chapter and the Federal Food, Drug and Cosmetic Act, as amended; but Division employees may inspect any product offered for importation under this paragraph if there is reason for suspecting that it is unsound, unhealthful, unwholesome, or otherwise unfit for human food, or contains any dye, chemical, preservative, or ingredient not permitted by Part 18 of this subchapter.

**§ 29.10 [Amendment]**

12. Section 29.10(b) is amended by adding New Zealand to the list of foreign countries from which horse meat and horse meat food products may be imported into the United States.

(34 Stat. 1260–1264, 41 Stat. 241, sec. 306, 46 Stat. 689, as amended; 19 U.S.C. 1306, as amended, 21 U.S.C. 74, 83–86, 89, 96; 19 F.R. 74, as amended)

The foregoing amendments: (1) Delete Madagascar from the list of countries from which meat and meat food products may be imported into the United States because of the change in the political status of that country and the lack of current information on the status of its national meat inspection program; (2) impose certain other additional restrictions necessary to accomplish the purposes of the statutes under which the regulations were promulgated; (3) adds New Zealand to the list of foreign countries from which horse meat and horse meat food products may be imported into the United States; (4) relieve certain restrictions presently imposed under the regulations; (5) clarify certain provisions of the regulations; and (6) make certain changes in order to make the regulations in subchapter A of Chapter I consistent with certain other regulations of the Department in Title 9, Code of Federal Regulations.

These amendments should be made effective promptly in order to be of maximum benefit to persons subject to restrictions which are relieved, and to accomplish their purposes in the public interest. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The amendments shall become effective February 3, 1961.

Done at Washington, D.C., this 31st day of January 1961.

M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 61–1007; Filed, Feb. 2, 1961; 8:50 a.m.]

[1] Attention is directed to the fact that the Meat Inspection Act prohibits the interstate transportation of any product which has not been inspected and marked as required by the Act and makes a violation of the Act a criminal offense punishable by a fine of not more than $10,000 and imprisonment for not more than two years.



# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Reg. Docket No. 491; Amdt. 40–28]

## PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

### Oxygen Mask Requirements and Altitude Training for Flight Crewmembers Assigned to Duty on Turbine-Powered Airplanes Operated Above 25,000 Feet

The currently effective provisions of § 40.203–T(c) of Part 40 of the Civil Air Regulations require one pilot at the controls of a turbine-powered airplane to wear and use an oxygen mask when operating above 25,000 feet, and the remaining flight crewmembers to wear their masks in a position permitting immediate placing of the masks on their faces for use, properly secured and sealed. A proviso to the currently effective rule relieves the one pilot at the controls of the necessity of using a mask at or below 30,000 feet if all flight crewmembers are equipped with a "quick-donning" type of oxygen mask which is demonstrated to be satisfactory to a representative of the Administrator.

Civil Air Regulation Draft Release No. 60–15, dated August 24, 1960 (25 F.R. 8381), proposed certain amendments to the requirements for the use of oxygen masks by flight crewmembers and certain altitude training requirements for flight crewmembers assigned to duty on turbine-powered airplanes operated above 25,000 feet.

In Draft Release 60–15, it was proposed to retain that part of the currently effective rule requiring one pilot to wear and use an oxygen mask when operating above 25,000 feet and all other flight crewmembers to wear their masks in a position for ready use. However, it was proposed to amend the proviso to the current rule and increase the altitude above which one pilot must wear and use an oxygen mask from 30,000 feet to 35,000 feet, provided all flight crewmembers are equipped with a "quick-donning" type of oxygen mask and are wearing the same in a ready position for use. It was proposed to classify an oxygen mask as a "quick-donning" type only if the mask is demonstrated to be one capable of being immediately placed on the face from the position being worn, and is shown to meet the following criteria: (1) That the mask can be placed on the face for use, properly secured and sealed, with either hand; (2) that the action of donning the mask can be accomplished without disturbing glasses, headphones, or other equipment worn; and (3) that the action of donning the mask can be accomplished without distracting or delaying the flight crewmember from proceeding with his assigned emergency procedures.

Industry comments unanimously supported the proposal to raise the present limitation of 30,000 feet to 35,000 feet as the altitude above which one pilot at the controls must wear and use an oxygen mask at all times. It was recommended, however, that the altitudes be specified in terms of "flight levels," to accord with the terminology used in the air traffic rules of Part 60 for high altitude flights. This recommendation has been incorporated into the final rule.

The industry groups expressed opposition to the proposal to continue the requirement that above an altitude of 25,000 feet flight crewmembers on flight deck duty must wear an oxygen mask at all times. Comment was also critical of the other criteria proposed with respect to the donning of oxygen masks, particularly that set forth in the proviso of the proposed rule for the "quick-donning" type of mask.

In lieu of the donning criteria proposed, certain industry comment recommended, for several reasons, that the rule require only that oxygen masks be located in a ready position for placement on the face in a fully operative condition within a specific time limit, such as 5 seconds. Such a period of time is well within the period beyond which the lack of oxygen becomes a critical safety factor.

In light of the comments received, we have re-evaluated the requirement that oxygen masks must be worn, as well as the criteria proposed for classifying a mask as a "quick-donning" type. At the time the wearing of oxygen masks was originally prescribed, the use of turbine-powered airplanes in civil air transportation had just begun. Thus, the lack of previous operating experience with such airplanes and the type of oxygen masks then available justified a most conservative approach to the requirements for oxygen masks. Since that time we have accumulated many thousands of hours of experience in the operation of turbine-powered airplanes having pressurized cabins and the occurrence of sudden decompressions has been infrequent. Furthermore, certain oxygen masks and their harnesses have so advanced in design that they can meet the standards prescribed for the "quick-donning" concept. Upon consideration of these factors, we believe it is no longer necessary to require the oxygen mask to be worn on the person of flight crewmembers. However, above flight level 250 we consider it necessary to require that the oxygen masks, when not being used, be kept at all times in a condition for ready use, and so located as to be within the immediate reach at all times of the flight crewmembers while at their duty stations.

This final rule requires that, when operating above flight level 250, each flight crewmember be provided with an oxygen mask so designed that it is capable of being rapidly placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand. The mask must also be so designed that upon completion of the donning action it does not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system. If flight crewmembers are provided with oxygen masks which meet these standards, the regulation requires one pilot at the controls of the airplane to wear and use an oxygen mask at all times while operating above flight level 250. However, as stated in the proviso to the rule, if each flight crewmember on flight deck duty is provided with a quick-donning type of oxygen mask, the one pilot at the controls of the airplane need not wear and use an oxygen mask while at or below flight level 350.

Upon consideration of comments received, the criteria proposed for the quick-donning type of oxygen mask have been changed to specify a donning time of 5 seconds. The proposal to require a demonstration that the mask is capable of being donned without disturbing headphones has been deleted. However, the Agency considers it necessary to require, as criteria for the quick-donning type of oxygen mask, a demonstration: (1) That the mask is capable of being placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand and within 5 seconds; (2) that the donning of the mask can be accomplished without disturbing eye glasses and without delaying the flight crewmember from proceeding with his assigned emergency duties; and (3) that upon completion of the donning action, the oxygen mask does not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system.

The Agency has concluded that if all flight crewmembers are provided with an oxygen mask which qualifies as a quick-donning type of mask, they will be sufficiently equipped for protection against the dangers of hypoxia to justify not requiring one pilot at the controls to wear and use an oxygen mask while operating at or below flight level 350. Above that flight level, however, the time element becomes more critical and in the interest of safety we consider it necessary to require one pilot at the controls to wear and use an oxygen mask at all times.

The Agency believes that the initial and recurrent instructional training given flight crewmembers should include actual training and practice in the donning of the oxygen mask. If masks of the quick-donning type are provided by the air carrier, it should require each flight crewmember to demonstrate his ability to properly don the mask from its ready position, with one hand and within 5 seconds, and proceed with his emergency duties without delay. Such training and practice are equally as important to personal safety as the quick-donning characteristics of the mask which have been demonstrated by the air carrier.

Presently, the maximum certificated ceiling for transport category airplanes used in air carrier operations is 42,000 feet. If higher ceilings are authorized in the future for airplanes used in air carrier operations, the Agency will undertake to evaluate the present rules in light of such operations and, if necessary, prescribe additional oxygen equipment and operational procedures to insure the protection of all occupants of the airplane.

With regard to the proposal for pressure chamber indoctrination for each flight crewmember, after fully considering all comments received and all factors involved, we have concluded that such a requirement should not be adopted. We believe that the trainee experiencing hypoxia does not benefit from the experience as much as the persons who are objectively observing the occurrence; nor is he apt to recall what took place while under the effects of hypoxia. Flight crewmembers participating in the air carriers' approved training programs, which include films, lectures, and studies of all phases of the subject of high-altitude operations, will be equally well indoctrinated with the dangers attendant upon hypoxia and the need for compliance with the techniques and emergency procedures involved in the event of a rapid decompression.

Therefore, in lieu of experiencing the actual low pressure chamber indoctrination, we are requiring all flight crewmembers, as a part of their approved emergency training, to receive initial and recurrent instruction by means of lectures and films covering at least respiration, hypoxia, duration of consciousness at altitude when supplemental oxygen is not supplied, gas expansion, gas bubble formation, physical phenomena and incidents of decompression, and actual training and practice in the donning of the oxygen mask and operation of the oxygen equipment.

In lieu of the required films, the air carrier may use any other equivalent means of visual presentation which meets with the approval of a representative of the Administrator. One such means would be participation by flight crewmembers in actually observing other people undergoing high-altitude training in a low pressure chamber.

The rule also provides that each flight crewmember, prior to each flight, shall personally preflight his oxygen equipment to insure that the oxygen mask is functioning, fitted properly, and connected to appropriate supply terminals, and that the oxygen supply and pressure is adequate for use. Additionally, the rule requires that whenever it is necessary for one pilot to leave his station at the controls when operating above flight level 250, the remaining pilot shall don and use his oxygen mask until the other pilot has returned to his duty station.

Oxygen masks classified as quick-donning masks under the regulation in force prior to the effective date of this amendment will be considered as satisfactorily meeting the requirements prescribed by this amendment for quick-donning masks without further demonstration.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented. The Air Line Pilots Association (ALPA) requested that an industry-wide meeting be scheduled to review the subject of oxygen masks if the amendment adopted herein substantially differs from the intent of the proposals recommended by ALPA. Prior to publication of Draft Release 60–15, a conference was held by the Agency at which the ALPA and other representatives of the industry were afforded an opportunity to express their views and recommendations for the development of rules governing oxygen masks and their use. These views and recommendations were thoroughly considered in the preparation of proposals contained in Draft Release 60–15. In addition, interested persons also have been given an opportunity to submit written comments in response to Draft Release 60–15. All of the views and recommendations submitted in the conference and in response to the draft release have been carefully considered and evaluated in the preparation of this final rule. Moreover, as a result of this evaluation, many of these recommendations have been incorporated in the final rule. Accordingly, I find that additional rule making proceedings, as requested by the ALPA, are unnecessary for informed administrative action; and that this amendment should be adopted without further delay.

In consideration of the foregoing, Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) is amended as follows, effective March 3, 1961.

1. By amending § 40.203–T(c) to read as follows:

**§ 40.203–T Supplemental oxygen for emergency descent and for first aid; turbine-powered airplanes with pressurized cabins.**

* * * * *

(c) *Use of oxygen masks by flight crewmembers.* (1) When operating above flight level 250, each flight crewmember on flight deck duty shall be provided with an oxygen mask so designed that it is capable of being rapidly placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand; and so designed that upon completion of the donning action the oxygen mask does not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system. When not being used above flight level 250, the oxygen mask shall be kept at all times in a condition for ready use and so located as to be within the immediate reach at all times of the flight crewmember while at his duty station.

(2) When operating above flight level 250, one pilot at the controls of the airplane shall at all times wear and use an oxygen mask secured, sealed, and supplying oxygen: *Provided,* That the one pilot need not wear and use an oxygen mask while at or below flight level 350 if each flight crewmember on flight deck duty is provided with a quick-donning type of oxygen mask which the air carrier has demonstrated to the satisfaction of a representative of the Administrator is capable of being placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand and within 5 seconds. The air carrier shall also demonstrate that the donning of the mask can be accomplished without disturbing eye glasses and without delaying the flight crewmember from proceeding with his assigned emergency duties. Upon completion of the donning action, the oxygen mask shall not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system.

(3) Notwithstanding the provisions in subparagraph (2) of this paragraph, when operating above flight level 250, if at any time it is necessary for one pilot to leave his station at the controls of the airplane for any reason, the remaining pilot at the controls shall don and use his oxygen mask until the other pilot has returned to his duty station.

(4) Prior to takeoff of a flight, each flight crewmember shall personally preflight his oxygen equipment to insure that the oxygen mask is functioning, fitted properly, connected to appropriate supply terminals, and that the oxygen supply and pressure is adequate for use.

2. By amending § 40.286 by adding a new paragraph (c) to read as follows:

**§ 40.286 Initial crewmember emergency training.**

* * * * *

(c) All crewmembers performing duties on pressurized airplanes operated above flight level 250, shall, as a part of their approved emergency procedure training, receive instructions by means of lectures and films covering at least: Respiration, hypoxia, duration of consciousness at altitude when supplemental oxygen is not supplied, gas expansion, gas bubble formation, physical phenomena and incidents of decompression; and receive actual training and practice in the donning of the oxygen mask and operation of the oxygen equipment. In lieu of the required films, the air carrier may use any other equivalent means of visual presentation which, after demonstration, meets with the approval of a representative of the Administrator.

(Secs. 313(a), 601, 604, 72 Stat. 752, 775, 778, 49 U.S.C. 1354(a), 1421, 1424)

Issued in Washington, D.C., on January 19, 1961.

E. R. QUESADA,
*Administrator.*

[F.R. Doc. 61–966; Filed, Feb. 2, 1961; 8:45 a.m.]



[Reg. Docket No. 491; Amdt. 41–36]

## PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

### Oxygen Mask Requirements and Altitude Training for Flight Crewmembers Assigned to Duty on Turbine-Powered Airplanes Operated Above 25,000 Feet

The currently effective provisions of § 41.24a–T(c) of Part 41 of the Civil Air Regulations require one pilot at the controls of a turbine-powered airplane to wear and use an oxygen mask when operating above 25,000 feet, and the remaining flight crewmembers to wear their masks in a position permitting immediate placing of the masks on their faces for use, properly secured and sealed. A proviso to the currently effective rule relieves the one pilot at the controls of the necessity of using a mask at or below 30,000 feet if all flight crewmembers are equipped with a "quick-donning" type of oxygen mask which is demonstrated to be satisfactory to a representative of the Administrator.

Civil Air Regulation Draft Release No. 60–15, dated August 24, 1960 (25 F.R. 8381), proposed certain amendments to the requirments for the use use of oxygen masks by flight crewmembers and certain altitude training requirements for flight crewmembers assigned to duty on turbine-powered airplanes operated above 25,000 feet.

In Draft Release 60–15, it was proposed to retain that part of the currently effective rule requiring one pilot to wear and use an oxygen mask when operating above 25,000 feet and all other flight crewmembers to wear their masks in a position for ready use. However, it was proposed to amend the proviso to the current rule and increase the altitude above which one pilot must wear and use an oxygen mask from 30,000 feet to 35,000 feet, provided all flight crewmembers are equipped with a "quick-donning" type of oxygen mask and are wearing the same in a ready position for use. It was proposed to classify an oxygen mask as a "quick-donning" type only if the mask is demonstrated to be one capable of being immediately placed on the face from the position being worn, and is shown to meet the following criteria: (1) That the mask can be placed on the face for use, properly secured and sealed, with either hand; (2) that the action of donning the mask can be accomplished without disturbing glasses, headphones, or other equipment worn; (3) that the action of donning the mask can be accomplished without distracting or delaying the flight crewmember from proceeding with his assigned emergency procedures.

Industry comments unanimously supported the proposal to raise the present limitation of 30,000 feet to 35,000 feet as the altitude above which one pilot at the controls must wear and use an oxygen mask at all times. It was recommended, however, that the altitudes be specified in terms of "flight levels," to accord with the terminology used in the air traffic rules of Part 60 for high altitude flights. This recommendation has been incorporated into the final rule.

The industry groups expressed opposition to the proposal to continue the requirement that above an altitude of 25,000 feet flight crewmembers on flight deck duty must wear an oxygen mask at all times. Comment was also critical of the other criteria proposed with respect to the donning of oxygen masks, particularly that set forth in the proviso of the proposed rule for the "quick-donning" type of mask.

In lieu of the donning criteria proposed, certain industry comment recommended, for several reasons, that the rule require only that oxygen masks be located in a ready position for placement on the face in a fully operative condition within a specific time limit, such as 5 seconds. Such a period of time is well within the period beyond which the lack of oxygen becomes a critical safety factor.

In light of the comments received, we have re-evaluated the requirement that oxygen masks must be worn, as well as the criteria proposed for classifying a mask as a "quick-donning" type. At the time the wearing of oxygen masks was originally prescribed, the use of turbine-powered airplanes in civil air transportation had just begun. Thus, the lack of previous operating experience with such airplanes and the type of oxygen masks then available justified a most conservative approach to the requirements for oxygen masks. Since that time we have accumulated many thousands of hours of experience in the operation of turbine-powered airplanes having pressurized cabins and the occurrence of sudden decompression has been infrequent. Furthermore, certain oxygen masks and their harnesses have so advanced in design that they can meet the standards prescribed for the "quick-donning" concept. Upon consideration of these factors, we believe it is no longer necessary to require the oxygen mask to be worn on the person of flight crewmembers. However, above flight level 250 we consider it necessary to require that the oxygen masks, when not being used, be kept at all times in a condition for ready use, and so located as to be within the immediate reach at all times of the flight crewmembers while at their duty stations.

This final rule requires that, when operating above flight level 250, each flight crewmember be provided with an oxygen mask so designed that it is capable of being rapidly placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand. The mask must also be so designed that upon completion of the donning action it does not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system. If flight crewmembers are provided with oxygen masks which meet these standards, the regulation requires one pilot at the controls of the airplane to wear and use an oxygen mask at all times while operating above flight level 250. However, as stated in the proviso to the rule, if each flight crewmember on flight deck duty is provided with a quick-donning type of oxygen mask, the one pilot at the controls of the airplane need not wear and use an oxygen mask while at or below flight level 350.

Upon consideration of comments received, the criteria proposed for the quick-donning type of oxygen mask have been changed to specify a donning time of 5 seconds. The proposal to require a demonstration that the mask is capable of being donned without disturbing headphones has been deleted. However, the Agency considers it necessary to require, as criteria for the quick-donning type of oxygen mask, a demonstration: (1) That the mask is capable of being placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand and within 5 seconds; (2) that the donning of the mask can be accomplished without disturbing eye glasses and without delaying the flight crewmember from proceeding with his assigned emergency duties; and (3) that upon completion of the donning action, the oxygen mask does not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system.

The Agency has concluded that if all flight crewmembers are provided with an oxygen mask which qualifies as a quick-donning type of mask, they will be sufficiently equipped for protection against the dangers of hypoxia to justify not requiring one pilot at the controls to wear and use an oxygen mask while operating at or below flight level 350. Above that flight level, however, the time element becomes more critical and in the interest of safety we consider it necessary to require one pilot at the controls to wear and use an oxygen mask at all times.

The Agency believes that the initial and recurrent instructional training given flight crewmembers should include actual training and practice in the donning of the oxygen mask. If masks of the quick-donning type are provided by the air carrier, it should require each flight crewmember to demonstrate his ability to properly don the mask from its ready position, with one hand and within 5 seconds, and proceed with his emergency duties without delay. Such training and practice are equally as important to personal safety as the quick-donning characteristics of the mask which have been demonstrated by the air carrier.

Presently, the maximum certificated ceiling for transport category airplanes used in air carrier operations is 42,000 feet. If higher ceilings are authorized in the future for airplanes used in air carrier operations, the Agency will undertake to evaluate the present rules in light of such operations and, if necessary prescribe additional oxygen equipment and operational procedures to insure the protection of all occupants of the airplane.

With regard to the proposal for pressure chamber indoctrination for each flight crewmember, after fully considering all comments received and all factors involved, we have concluded that such a requirement should not be adopted. We believe that the trainee experiencing hypoxia does not benefit from the experience as much as the persons who are objectively observing the occurrence; nor is he apt to recall what took place while under the effects of hypoxia. Flight crewmembers participating in the air carriers' approved training programs, which include films, lectures, and studies of all phases of the subject of high-altitude operations, will be equally well indoctrinated with the dangers attendant upon hypoxia and the need for compliance with the techniques and emergency procedures involved in the event of a rapid decompression.

Therefore, in lieu of experiencing the actual low pressure chamber indoctrination, we are requiring all flight crewmembers, as a part of their approved emergency training, to receive initial and recurrent instruction by means of lectures and films covering at least respiration, hypoxia, duration of consciousness at altitude when supplemental oxygen is not supplied, gas expansion, gas bubble formation, physical phenomena and incidents of decompression, and actual training and practice in the donning of the oxygen mask and operation of the oxygen equipment.

In lieu of the required films, the air carrier may use any other equivalent means of visual presentation which meets with the approval of a representative of the Administrator. One such means would be participation by flight crewmembers in actually observing other people undergoing high-altitude training in a low pressure chamber.

The rule also provides that each flight crewmember, prior to each flight, shall personally preflight his oxygen equipment to insure that the oxygen mask is functioning, fitted properly, and connected to appropriate supply terminals, and that the oxygen supply and pressure is adequate for use. Additionally, the rule requires that whenever it is necessary for one pilot to leave his station at the controls when operating above flight level 250, the remaining pilot shall don and use his oxygen mask until the other pilot has returned to his duty station.

Oxygen masks classified as quick-donning masks under the regulation in force prior to the effective date of this amendment will be considered as satisfactorily meeting the requirements prescribed by this amendment for quick-donning masks without further demonstration.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented. The Air Line Pilots Association (ALPA) requested that an industry-wide meeting be scheduled to review the subject of oxygen masks if the amendment adopted herein substantially differs from the intent of the proposals recommended by ALPA. Prior to publication of Draft Release 60–15, a conference was held by the Agency at which the ALPA and other representatives of the industry were afforded an opportunity to express their views and recommendations for the development of rules governing oxygen masks and their use. These views and recommendations were thoroughly considered in the preparation of proposals contained in Draft Release 60–15. In addition, interested persons also have been given an opportunity to submit written comments in response to Draft Release 60–15. All of the views and recommendations submitted in the conference and in response to the draft release have been carefully considered and evaluated in the preparation of this final rule. Moreover, as a result of this evaluation, many of these recommendations have been incorporated in the final rule. Accordingly, I find that additional rule making proceedings, as requested by the ALPA, are unnecessary for informed administrative action; and that this amendment should be adopted without further delay.

In consideration of the foregoing, Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) is amended as follows, effective March 3, 1961.

1. By amending § 41.24a–T(c) to read as follows:

**§ 41.24a–T Supplmental oxygen for emergency descent and for first aid; turbine-powered airplanes with pressurized cabins.**

* * * * *

(c) *Use of oxygen masks by flight crewmembers.* (1) When operating above flight level 250, each flight crewmember on flight deck duty shall be provided with an oxygen mask so designed that it is capable of being rapidly placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand; and so designed that upon completion of the donning action the oxygen mask does not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system. When not being used above flight level 250, the oxygen mask shall be kept at all times in a condition for ready use and so located as to be within the immediate reach at all times of the flight crewmember while at his duty station.

(2) When operating above flight level 250, one pilot at the controls of the airplane shall at all times wear and use an oxygen mask secured, sealed, and supplying oxygen: *Provided,* That the one pilot need not wear and use an oxygen mask while at or below flight level 350 if each flight crewmember on flight deck duty is provided with a quick-donning type of oxygen mask which the air carrier has demonstrated to the satisfaction of a representative of the Administrator is capable of being placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand and within 5 seconds. The air carrier shall also demonstrate that the donning of the mask can be accomplished without disturbing eye glasses and without delaying the flight crewmember from proceeding with his assigned emergency duties. Upon completion of the donning action, the oxygen mask shall not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system.

(3) Notwithstanding the provisions in subparagraph (2) of this paragraph, when operating above flight level 250, if at any time it is necessary for one pilot to leave his station at the controls of the airplane for any reason, the remaining pilot at the controls shall don and use his oxygen mask until the other pilot has returned to his duty station.

(4) Prior to takeoff of a flight, each flight crewmember shall personally preflight his oxygen equipment to insure that the oxygen mask is functioning, fitted properly, connected to appropriate supply terminals, and that the oxygen supply and pressure is adequate for use.

2. By amending § 41.53e by adding a new paragraph (c) to read as follows:

**§ 41.53e Initial crewmember emergency training.**

* * * * *

(c) All crewmembers performing duties on pressurized airplanes operated above flight level 250 shall, as a part of their approved emergency procedure training, receive instructions by means of lectures and films covering at least: respiration, hypoxia, duration of consciousness at altitude when supplemental oxygen is not supplied, gas expansion, gas bubble formation, physical phenomena and incidents of decompression; and receive actual training and practice in the donning of the oxygen mask and operation of the oxygen equipment. In lieu of the required films, the air carrier may use any other equivalent means of visual presentation which, after demonstration, meets with the approval of a representative of the Administrator.

(Secs. 313(a), 601, 604; 72 Stat. 752, 775, 778, 49 U.S.C. 1354(a), 1421, 1424)

Issued in Washington, D.C., on January 19, 1961.

E. R. QUESADA,
*Administrator.*

[F.R. Doc. 61–967; Filed, Feb. 2, 1961; 8:45 a.m.]

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[Reg. Docket No. 491; Amdt. 42–31]

## PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

### Oxygen Mask Requirements and Altitude Training for Flight Crewmembers Assigned to Duty on Turbine-Powered Airplanes Operated Above 25,000 Feet

The currently effective provisions of § 42.27–T(c) of Part 42 of the Civil Air Regulations require one pilot at the controls of a turbine-powered airplane to wear and use an oxygen mask when operating above 25,000 feet, and the remaining flight crewmembers to wear their masks in a position permitting immediate placing of the masks on their faces for use, properly secured and sealed. A proviso to the currently effective rule relieves the one pilot at the controls of the necessity of using a mask at or below 30,000 feet if all flight crewmembers are equipped with a "quick-donning" type of oxygen mask which is demonstrated to be satisfactory to a representative of the Administrator.

Civil Air Regulation Draft Release No. 60–15, dated August 24, 1960 (25 F.R. 8381) proposed certain amendments to the requirements for the use of oxygen masks by flight crewmembers and certain altitude training requirements for flight crewmembers assigned to duty on turbine-powered airplanes operated above 25,000 feet.

In Draft Release 60–15, it was proposed to retain that part of the currently effective rule requiring one pilot to wear and use an oxygen mask when operating above 25,000 feet and all other flight crewmembers to wear their masks in a position for ready use. However, it was proposed to amend the proviso to the current rule and increase the altitude above which one pilot must wear and use an oxygen mask from 30,000 feet to 35,000 feet, provided all flight crewmembers are equipped with a "quick-donning" type of oxygen mask and are wearing the same in a ready position for use. It was proposed to classify an oxygen mask as a "quick-donning" type only if the mask is demonstrated to be one capable of being immediately placed on the face from the position being worn, and is shown to meet the following criteria: (1) That the mask can be placed on the face for use, properly secured and sealed, with either hand; (2) that the action of donning the mask can be accomplished without disturbing glasses, headphones, or other equipment worn; and (3) that the action of donning the mask can be accomplished without distracting or delaying the flight crewmember from proceeding with his assigned emergency procedures.

Industry comments unanimously supported the proposal to raise the present limitation of 30,000 feet to 35,000 feet as the altitude above which one pilot at the controls must wear and use an oxygen mask at all times. It was recommended, however, that the altitudes be specified in terms of "flight levels," to accord with the terminology used in the air traffic rules of Part 60 for high altitude flights. This recommendation has been incorporated into the final rule.

The industry groups expressed opposition to the proposal to continue the requirement that above an altitude of 25,000 feet flight crewmembers on flight deck duty must *wear* an oxygen mask at all times. Comment was also critical of the other criteria proposed with respect to the donning of oxygen masks, particularly that set forth in the proviso of the proposed rule for the "quick-donning" type of mask.

In lieu of the donning criteria proposed, certain industry comment recommended, for several reasons, that the rule require only that oxygen masks be located in a ready position for placement on the face in a fully operative condition within a specific time limit, such as 5 seconds. Such a period of time is well within the period beyond which the lack of oxygen becomes a critical safety factor.

In light of the comments received, we have re-evaluated the requirement that oxygen masks must be worn, as well as the criteria proposed for classifying a mask as a "quick-donning" type. At the time the wearing of oxygen masks was originally prescribed, the use of turbine-powered airplanes in civil air transportation had just begun. Thus, the lack of previous operating experience with such airplanes and the type of oxygen masks then available justified a most conservative approach to the requirements for oxygen masks. Since that time we have accumulated many thousands of hours of experience in the operation of turbine-powered airplanes having pressurized cabins and the occurence of sudden decompressions has been infrequent. Furthermore, certain oxygen masks and their harnesses have so advanced in design that they can meet the standards prescribed for the "quick-donning" concept. Upon consideration of these factors, we believe it is no longer necessary to require the oxygen mask to be worn on the person of flight crewmembers. However, above flight level 250 we consider it necessary to require that the oxygen masks, when not being used, be kept at all times in a condition for ready use, and so located as to be within the immediate reach at all times of the flight crewmembers while at their duty stations.

This final rule requires that, when operating above flight level 250, each flight crewmember be provided with an oxygen mask so designed that it is capable of being rapidly placed on the face from its ready position, properly secured, sealed, and supplying oxygen on demand. The mask must also be so designed that upon completion of the donning action it does not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system. If flight crewmembers are provided with oxygen masks which meet these standards, the regulation requires one pilot at the controls of the airplane to wear and use an oxygen mask at all times while operating above flight level 250. However, as stated in the proviso to the rule, if each flight crewmember on flight deck duty is provided with a quick-donning type of oxygen mask, the one pilot at the controls of the airplane need not wear and use an oxygen mask while at or below flight level 350.

Upon consideration of comments received, the criteria proposed for the quick-donning type of oxygen mask have been changed to specify a donning time of 5 seconds. The proposal to require a demonstration that the mask is capable of being donned without disturbing headphones has been deleted. However, the Agency considers it necessary to require, as criteria for the quick-donning type of oxygen mask, a demonstration: (1) That the mask is capable of being placed on the face from its ready position, properly secured, sealed, and supplying oxygen on demand, with one hand and within 5 seconds; (2) that the donning of the mask can be accomplished without disturbing eye glasses and without delaying the flight crewmember from proceeding with his assigned emergency duties; and (3) that upon completion of the donning action, the oxygen mask does not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system.

The Agency has concluded that if all flight crewmembers are provided with an oxygen mask which qualifies as a quick-donning type of mask, they will be sufficiently equipped for protection against the dangers of hypoxia to justify not requiring one pilot at the controls to wear and use an oxygen mask while operating at or below flight level 350. Above that flight level, however, the time element becomes more critical and in the interest of safety we consider it necessary to require one pilot at the controls to wear and use an oxygen mask at all times.

The Agency believes that the initial and recurrent instructional training given flight crewmembers should include actual training and practice in the donning of the oxygen mask. If masks of the quick-donning type are provided by the aircarrier, it should require each flight crewmember to demonstrate his ability to properly don the mask from its ready position, with one hand and within 5 seconds, and proceed with his emergency duties without delay. Such training and practice are equally as important to personal safety as the quick-donning characteristics of the mask which have been demonstrated by the air carrier.

Presently, the maximum certificated ceiling for transport category airplanes used in air carrier operations is 42,000 feet. If higher ceilings are authorized in the future for airplanes used in air carrier operations, the Agency will undertake to evaluate the present rules in light of such operations and, if necessary, prescribe additional oxygen equipment and operational procedures to insure the protection of all occupants of the airplane.

With regard to the proposal for pressure chamber indoctrination for each flight crewmember, after fully considering all comments received and all factors involved, we have concluded that such a requirement should not be adopted. We believe that the trainee experiencing hypoxia does not benefit from the experience as much as the persons who are objectively observing the occurrence; nor is he apt to recall what took place while under the effects of hypoxia. Flight crewmembers participating in the air carriers' approved training programs, which include films, lectures, and studies of all phases of the subject of high-altitude operations, will be equally well indoctrinated with the dangers attendant upon hypoxia and the need for compliance with the techniques and emergency procedures involved in the event of a rapid decompression.

Therefore, in lieu of experiencing the actual low pressure chamber indoctrination, we are requiring all flight crewmembers, as a part of their approved emergency training, to receive initial and

recurrent instruction by means of lectures and films covering at least respiration, hypoxia, duration of consciousness at altitude when supplemental oxygen is not supplied, gas expansion, gas bubble formation, physical phenomena and incidents of decompression, and actual training and practice in the donning of the oxygen mask and operation of the oxygen equipment.

In lieu of the required films, the air carrier may use any other equivalent means of visual presentation which meets with the approval of a representative of the Administrator. One such means would be participation by flight crewmembers in actually observing other people undergoing high-altitude training in a low pressure chamber.

The rule also provides that each flight crewmember, prior to each flight, shall personally preflight his oxygen equipment to insure that the oxygen mask is functioning, fitted properly, and connected to appropriate supply terminals, and that the oxygen supply and pressure is adequate for use. Additionally, the rule requires that whenever it is necessary for one pilot to leave his station at the controls when operating above flight level 250, the remaining pilot shall don and use his oxygen mask until the other pilot has returned to his duty station.

Oxygen masks classified as quick-donning masks under the regulation in force prior to the effective date of this amendment will be considered as satisfactorily meeting the requirements prescribed by this amendment for quick-donning masks without further demonstration.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented. The Air Line Pilots Association (ALPA) requested that an industry-wide meeting be scheduled to review the subject of oxygen masks if the amendment adopted herein substantially differs from the intent of the proposals recommended by ALPA. Prior to publication of Draft Release 60–15, a conference was held by the Agency at which the ALPA and other representatives of the industry were afforded an opportunity to express their views and recommendations for the development of rules governing oxygen masks and their use. These views and recommendations were thoroughly considered in the preparation of proposals contained in Draft Release 60–15. In addition, interested persons also have been given an opportunity to submit written comments in response to Draft Release 60–15. All of the views and recommendations submitted in the conference and in response to the draft release have been carefully considered and evaluated in the preparation of this final rule. Moreover, as a result of this evaluation, many of these recommendations have been incorporated in the final rule. Accordingly, I find that additional rule making proceedings, as requested by the ALPA, are unnecessary for informed administrative action; and that this amendment should be adopted without further delay.

In consideration of the foregoing, Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended), is amended as follows, effective March 3, 1961.

1. By amending § 42.27–T(c) to read as follows:

**§ 42.27–T Supplemental oxygen for emergency descent and for first aid; turbine-powered airplanes with pressurized cabins.**

* * * * *

(c) *Use of oxygen masks by flight crewmembers.* (1) When operating above flight level 250, each flight crewmember on flight deck duty shall be provided with an oxygen mask so designed that it is capable of being rapidly placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand; and so designed that upon completion of the donning action the oxygen mask does not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system. When not being used above flight level 250, the oxygen mask shall be kept at all times in a condition for ready use and so located as to be within the immediate reach at all times of the flight crewmember while at his duty station.

(2) When operating above flight level 250, one pilot at the controls of the airplane shall at all times wear and use an oxygen mask secured, sealed, and supplying oxygen: *Provided,* That the one pilot need not wear and use an oxygen mask while at or below flight level 350 if each flight crewmember on flight deck duty is provided with a quick-donning type of oxygen mask which the air carrier has demonstrated to the satisfaction of a representative of the Administrator is capable of being placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand and within 5 seconds. The air carrier shall also demonstrate that the donning of the mask can be accomplished without disturbing eye glasses and without delaying the flight crewmember from proceeding with his assigned emergency duties. Upon completion of the donning action, the oxygen mask shall not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system.

(3) Notwithstanding the provisions in subparagraph (2) of this paragraph, when operating above flight level 250, if at any time it is necessary for one pilot to leave his station at the controls of the airplane for any reason, the remaining pilot at the controls shall don and use his oxygen mask until the other pilot has returned to his duty station.

(4) Prior to takeoff of a flight, each flight crewmember shall personally preflight his oxygen equipment to insure that the oxygen mask is functioning, fitted properly, connected to appropriate supply terminals, and that the oxygen supply and pressure is adequate for use.

2. By amending § 42.45e by adding a new paragraph (c) to read as follows:

**§ 42.45e Initial crewmember emergency training.**

* * * * *

(c) All crewmembers performing duties on pressurized airplanes operated above flight level 250 shall, as a part of their approved emergency procedures training, receive instructions by means of lectures and films covering at least: respiration, hypoxia, duration of consciousness at altitude when supplemental oxygen is not supplied, gas expansion, gas bubble formation, physical phenomena and incidents of decompression; and receive actual training and practice in the donning of the oxygen mask and operation of the oxygen equipment. In lieu of the required films, the air carrier may use any other equivalent means of visual presentation which, after demonstration, meets with the approval of a representative of the Administrator.

(Secs. 313(a), 601, 604, 72 Stat. 752, 775, 778, 49 U.S.C. 1354(a), 1421, 1424)

Issued in Washington, D.C., on January 19, 1961.

E. R. QUESADA,
*Administrator.*

[F.R. Doc. 61–968; Filed, Feb. 2, 1961; 8:45 a.m.]

## Chapter III—Federal Aviation Agency

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–NY–84]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Points

On November 18, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 11010) stating that the Federal Aviation Agency proposed to revoke the segment of Red Federal airway No. 23, its associated control areas and reporting points, between Buffalo, N.Y., and the intersection of the east course of the New York (La Guardia), N.Y., radio range and the northeast course of the Peconic, Long Island, N.Y., radio range.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following actions are taken:

1. Section 600.223 (14 CFR 600.223) is amended to read:



**§ 600.223 Red Federal airway No. 23 (Lakehead, Ontario, Canada, to Buffalo, N.Y.).**

From the Lakehead, Ontario, Canada, RR via the Houghton, Mich., RR; Grand Marias, Mich., RR; Sault Ste. Marie, Mich., RR; Gore Bay, Ontario, Canada, RR; Wiarton, Ontario, Canada, RR; Toronto, Ontario, Canada, RR; to the Buffalo, N.Y., RR, excluding the portion that lies outside the United States.

2. Section 601.223 (14 CFR 601.223) is amended to read:

**§ 601.223 Red Federal airway No. 23 control areas (Lakehead, Ontario, Canada, to Buffalo, N.Y.).**

All of Red Federal airway No. 23.

3. Section 601.4223 (14 CFR 601.4223) is amended to read:

**§ 601.4223 Red Federal airway No. 23 (Lakehead, Ontario, Canada, to Buffalo, N.Y.).**

Houghton, Mich., RR; Sault Ste. Marie, Mich., RR.

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 30, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–970; Filed, Feb. 2, 1961; 8:46 a.m.]

[Airspace Docket No. 60–NY–94]

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Designation of Control Zone

On October 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10438) stating that the Federal Aviation Agency (FAA) proposed to designate a control zone at Belmar, N.J.

As stated in the notice, the FAA proposed to designate a control zone within a 3-mile radius of Monmouth County Airport, Belmar (latitude 40°11'05" N., longitude 74°07'20" W.); within 2 miles either side of 129° True and 309° True radials of the Belmar VOR (latitude 40°11'01" N., longitude 74°07'28" W.) extending from the 3-mile radius zone to 8 miles southeast and northwest of the VOR; within 2 miles either side of the 319° True radial of the Belmar VOR extending from the 3-mile radius zone to 12 miles northwest of the VOR; and within 2 miles either side of the 169° True radial of the Colts Neck, N.J., VOR extending from the 3-mile radius zone to the VOR. The designation of this control zone will provide protection for aircraft executing prescribed instrument/radar approach and departure procedures at the Monmouth County Airport.

The Air Line Pilots Association, Air Transport Association and the Department of the Air Force concurred in the Proposal. The Aircraft Owners and Pilots Association (AOPA) questioned whether the proposal would meet the criteria for establishment of a control zone. The AOPA further stated that assuming the control zone will meet established criteria, they recommended the elimination of one of the approaches from the northwest. They further requested that consideration be given to modifying the control zone to exclude two active general aviation airports in the immediate area of the Monmouth County Airport: Colts Neck, N.J., Airport and Asbury Park Air Terminal, N.J. Additional comments were received from the airport manager of Asbury Park Air Terminal and pilots operating from that field. Each requested that Asbury Park be excluded from the proposed control zone.

In answer to the comments stated above, The Monmouth County Airport does meet the requirements for control zone designation. Additionally, the Monmouth County Airport serves both military and civil aircraft. The radar approach and the approach based on the Belmar VOR (Army) provides for military aircraft and the Colts Neck VOR approach provides for civil aircraft. Therefore, it is not considered feasible to eliminate any of these approaches. With regard to the request that the Colts Neck Airport and the Asbury Park Air Terminal be excluded from the Belmar control zone, the FAA is excluding the airspace within a one-mile radius of the Asbury Park Air Terminal since this airspace is not needed to provide protection for the prescribed approach procedures. However, due to the location of the Colts Neck Airport, which lies within the confines of the control zone extension to the Colts Neck VOR, the FAA is unable to tailor the control zone to exclude this airport.

No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, Part 601 (14 CFR 601) is amended by adding the following section:

**§ 601.2457 Belmar, N.J., control zone.**

Within a 3-mile radius of the Monmouth County Airport, Belmar, N.J. (latitude 40°11'05" N., longitude 74°07'20" W.); within 2 miles either side of 129° True and 309° True radials of the Belmar VOR (latitude 40°11'01" N., longitude 74°07'28" W.) extending from the 3-mile radius zone to 8 miles SE and NW of the VOR; within 2 miles either side of the 319° True radial of the Belmar VOR extending from the 3-mile radius zone to 12 miles NW of the VOR; and within 2 miles either side of the 169° True radial of the Colts Neck, N.J., VOR extending from the 3-mile radius zone to the VOR, excluding the portion which would coincide with the area within a 1-mile radius of the Asbury Park Air Terminal, Asbury Park, N.J.

This amendment shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 27, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–969; Filed, Feb. 2, 1961; 8:45 a.m.]

# Title 29—LABOR

## Chapter V—Wage and Hour Division, Department of Labor

### PART 522—EMPLOYMENT OF LEARNERS

### Men's and Boys' Clothing Industry

Based upon my finding that provisions for the employment of learners at wages lower than $1.00 an hour are no longer necessary to prevent curtailment of opportunities for employment in the men's and boys' clothing industry, I have recently proposed a regulation requiring the denial of all applications for the employment of learners at wages lower than $1.00 an hour in that industry (25 F.R. 13724). After consideration of all such relevant matter as was presented, I have concluded that the proposal should be adopted without change.

Therefore, pursuant to authority in section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, 29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR, 1949–1953 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor, I hereby amend 29 CFR 522 by adding a centerhead and a new section to read as follows:

MEN'S AND BOYS' CLOTHING INDUSTRY

**§ 522.104 General denial policy.**

All applications for the employment of learners at wages lower than $1.00 an hour in the men's and boys' clothing industry shall be denied. For the purpose of this section, the men's and boys' clothing industry is defined as the industry which manufactures men's, youths', and boys' suits, coats, and overcoats.

As this regulation merely establishes a policy which will guide the Administrator in the future in issuing special certificates for the employment of learners it shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 30th day of January 1961.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 61–990; Filed, Feb. 2, 1961; 8:48 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

## PART 717—MUSTERING-OUT PAYMENTS

### Miscellaneous Amendments

*Scope and purpose:* Part 717 is brought up to date to conform with the enactment into law of Title 38 of the U.S. Code (Act of September 2, 1958, 72 Stat. 1105) and with current regulations of the Department of the Navy.

1. The authority note is revised to read as follows:

AUTHORITY: §§ 717 to 717.6 issued under sec. 2105, 72 Stat. 1224; 38 U.S.C. 2105. Interpret or apply secs. 101(9), 2101–2104, 72 Stat. 1106, 1222, 38 U.S.C. 101(9), 2101–2104.

§ 717.1 [Amendment]

2. Section 717.1(a) is revised to read as follows:

(a) Each member of the United States Navy or the United States Marine Corps who shall have been engaged in active service during the Korean conflict (June 27, 1950–January 31, 1955) and who is discharged or relieved from active service under honorable conditions, shall be eligible to receive mustering-out-payment, except as provided in paragraph (b) of this section.

3. Section 717.1(b)(3) is revised to read as follows:

(3) Any member who, at the time of discharge or relief from active service, is entitled to severance pay or is transferred or returned to the retired list with retired pay, retirement pay, retainer pay, or equivalent pay, or to a status in which he receives such pay, unless such retirement or separation is made pursuant to Title 10, U.S. Code, Chapter 61;

4. Section 717.1(b)(8) is revised to read as follows:

(8) Any commissioned officer unless he is discharged or relieved from active service before January 31, 1958; and

5. Section 717.5 is revised to read as follows:

§ 717.5 Payments, nonassignable; tax and claim exempt.

Mustering-out-payment is not assignable, and any payments made to or on account of a veteran are exempt from taxation and claims of creditors, including the United States, and are not subject to attachment, levy, or seizure by or under any legal or equitable process whatever either before or after receipt by the payee.

6. Section 717.6; the introductory paragraph is revised to read as follows:

§ 717.6 Delegation of authority.

The authority vested in the Secretary of the Navy by section 2105(b), 72 Stat. 1224, 38 U.S.C. 2105(b), to make decisions thereunder is delegated as follows:

7. Section 717.6(b) is revised to read as follows:

(b) The Chief of Naval Personnel, or the Commandant of the Marine Corps, or the Comptroller of the Navy, or such officer, or officers as may be designated by any one of them, shall make all other decisions necessary under the provisions of Title 38, U.S. Code, Chapter 43.

8. Section 717.6(c) is revised to read as follows:

(c) The Chief of Naval Personnel has authorized the Director, Assistant Director, and Technical Assistant, Enlisted Services and Records Division, Bureau of Naval Personnel, Washington 25, D.C. to make such determinations as the Chief of Naval Personnel is authorized to make under the regulations. Payments, other than initial payments, are made by the Navy Finance Center, Cleveland, Ohio.

(Secs. 2101–2105, 72 Stat. 1222; 38 U.S.C. 2101–2105)

Dated: January 27, 1961.

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
*Captain, U.S. Navy, Acting Judge Advocate General of the Navy.*

[F.R. Doc. 61–965; Filed, Feb. 2, 1961; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 914]

[Docket No. AO–245–A4]

### NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of the Amended Marketing Agreement and Order Regulating Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to the proposed amendment of the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), hereinafter referred to collectively as the "order," regulating the handling of navel oranges grown in Arizona and designated part of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the twentieth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by Pure Gold, Inc., Sunkist Growers, Inc., and Western Fruit Growers Sales Co. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that such public hearing would be held on October 26, 1960, in Room 535, Federal Building, 312 North Spring Street, Los Angeles, California, was published in the FEDERAL REGISTER (25 F.R. 9683) on October 8, 1960.

*Material issues.* The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Authorize marketing research and development projects;

(2) Revise the provisions relating to early maturity allotments;

(3) Redefine the prorate districts into which the production area is divided;

(4) Require a minimum of seven concurring votes to recommend an increase in the weekly allotment whenever such recommendation is not made at an assembled meeting of the administrative committee; and

(5) Require that the mandatory biennial referenda, to determine whether continuance of the order is favored by producers, be held upon recommendation of the committee.

*Findings and conclusions.* The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The provisions of the order should be amended to extend the scope of activities thereunder by authorizing the committee to undertake marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of navel oranges. The expenses of such projects, as authorized by the act, are to be paid out of assessment income.

Through the medium of research, the committee should be able to develop information on improved methods of handling and marketing navel oranges which would be of value to the industry in establishing more orderly marketing and expanding market outlets for oranges. It was indicated, at the hearing, that marketing research designed to expand and promote the marketing of navel oranges in new and existing market outlets needs to be undertaken. Also, new and better methods of controlling market diseases, particularly decay, need to be developed. It was pointed out, however, that the scope and character of the projects that may be undertaken should not be limited more than is specified in the act. The committee should be in a position to undertake any marketing research and development project, authorized by the act, as the circumstances indicate would tend to broaden the market for navel oranges.

The work in connection with any such marketing research and development project should, of course, be performed in the most economical and efficient manner possible. Thus, the committee should avail itself of the facilities of either public or private agencies in carrying out authorized research activities if it would be more economical or expeditious to do so. It is not intended that the research activities of the committee duplicate work already performed or underway by other agencies. However, it may be that additional research, or more intensive study than that underway, may be needed; in which case the committee should cooperate with the other agencies concerned in carrying out the particular project.

As the Secretary is charged with the responsibility for administration of the order, plans for research and development projects should be submitted for his approval prior to conduct of the work.

(2) The current provisions of the order relating to the issuance of early maturity allotment to handlers, when volume regulations are in effect, provide a method for repayment of such allotment after the oranges in the prorate district concerned reach general maturity. This required repayment has tended to lessen the usefulness of the early maturity allotment provisions.

Early maturity allotment is issued to the handlers in a prorate district who have oranges which are mature prior to the time of general maturity of the oranges in such district and who make application for such allotment. The provision for early maturity allotment was included in the order to facilitate the issuance and use of allotment at the time when all handlers do not have oranges of sufficient maturity for immediate handling. In addition, however, the entire industry benefits from the early shipment of oranges since this reduces the quantity of oranges to be marketed after the oranges attain general maturity.

It was testified at the hearing that handlers often have not applied for early maturity allotment since the required repayment, after general maturity of the oranges, would reduce the allotment such handlers otherwise would receive after such general maturity and the period over which such handlers' oranges are marketed would be longer than if no application for early maturity allotment was made. Deletion from the order of the provision requiring the early maturity allotment to be repaid should result in more handlers shipping oranges under early maturity allotment to the benefit, as indicated heretofore, of the entire industry.

Similarly, any permitted overshipment by handlers of the early maturity allotment issued to them should not be required to be deducted from subsequent allotment. The provisions of the order, so as to permit handlers a degree of flexibility of operation under regulations of this nature, allow each handler to overship the allotment issued to him by 10 percent or one carload, whichever is the greater. Such overshipments are required to be deducted from subsequent allotment. However, if early maturity allotment is not required to be repaid, no useful purpose will be served by requiring any such overshipment of early maturity allotment to be deducted from the subsequent allotment of handlers making such overshipments.

There are times when the administration of the allotment program is made more difficult by handlers applying for more early maturity allotment than they intend to utilize during the week for which such allotment is requested. This occurs under two circumstances. First, handlers anticipate the applications for

early maturity allotment will exceed the quantity that is advisable to be shipped under the existing demand conditions. Hence, some handlers will apply for more early maturity allotment than needed in the belief that their requests will be reduced to a quantity approximating that which they desire. If this is the case, it works to the disadvantage of other handlers who made application for early maturity allotment in the amount that they actually desired to ship but receive somewhat less than applied for. On the other hand, should all early maturity allotment applications be approved in full, the handlers filing inflated applications may carry over the portion of the allotment which actually was not desired into the next succeeding week.

Second, handlers anticipate that, since oranges are reaching general maturity, the issuance of early maturity allotment will be discontinued for the season and they apply for as much early maturity allotment as they believe may possibly be approved. Any portion of such allotment that is not used during the week for which it is issued may be carried over to the following week. In some instances it then is difficult to fix the first allotment of the season under general maturity conditions at a quantity large enough to make a reasonable allotment to all handlers and yet not be too large, when combined with the carry over of early maturity allotment, to assure that shipments will be reasonably in line with market demand.

In view of the foregoing, the order provisions should not continue to permit handlers to carry over into the following week early maturity allotment which is not used during the period for which it is issued. Also, so that handler application for early maturity allotment will reflect the quantity of oranges which each applicant desires to handle during the week concerned, the order should provide that the oranges available for current shipment of each handler, who has received early maturity allotment but has failed to use all such allotment, shall be adjusted by deducting therefrom a quantity of oranges equivalent to the early maturity allotment which such handler did not use.

It is concluded, therefore, that the provisions of the order relating to early maturity allotments should be amended as hereinafter set forth.

(3) The production area covered by the order is divided into prorate districts for the purpose of regulation as the oranges in such districts have different marketing seasons. Since the time such prorate districts were established, there have been additional plantings of oranges, some of which are near the boundaries of a prorate district. While not a problem at this time, the boundaries of the prorate districts should be changed, as hereinafter set forth, to assure that oranges having similar general maturity and marketing season will be in the same prorate district. The evidence of record indicates there are no plantings of oranges on or near the boundaries of the prorate districts, as hereinafter defined, nor is it likely that any future plantings will be so located.

(4) Provision is currently made in the order for increasing the quantity of oranges that may be handled during any week whenever such an increase is deemed desirable. Such increases often have been initiated by means of a telephone poll of the members of the committee. Evidence presented at the hearing shows that it is not possible, except at an assembled meeting of the committee, to make available to each committee member all of the most current information concerning the supply and demand conditions for oranges. It is important that the members of the committee have all of the available marketing information when considering the advisable quantity of oranges to be shipped since, otherwise, the committee may not reach the best decision concerning the volume of oranges that should be handled during the particular week. On the other hand, emergency situations can occur so it would not be practical to prohibit consideration of increases in the quantity of oranges permitted to be handled unless an assembled meeting of the committee is held.

It was proposed in the notice of hearing, and witnesses supported this proposal at the hearing, that when an increase in a weekly allotment is recommended on the basis of a telephone vote, an additional member be required to approve the increase over that required when such action is taken at an assembled meeting. It was contended that such a provision should result in the committee giving more serious consideration to its recommendation for volume limitation made at its weekly assembled meeting; and that the original recommendation, so made, would be for a quantity nearer to the quantity it was expected the market would take under the existing conditions than now is the case. This contention appears reasonable in view of the fact that a committee recommendation for an increase in the allotment originally fixed for a week, made by means of a telephone vote, would thus require approval of a slightly larger portion of the members of the committee. It would not, however, preclude the committee from recommending such an increase by means of the telephone vote if conditions were such as to clearly indicate an increase in the allotment would be advisable.

One witness, representing a large grower cooperative marketing organization, opposed the proposed change in the voting procedure. This organization is responsible for marketing over 70 percent of the oranges produced in the production area. Even so, it was pointed out, its representation on the committee equals only one-half of the total industry representation. Such division was accepted by this organization in a spirit of cooperation and with the belief that the program should be operated in such manner. It was testified that the committee at its regular weekly meeting is considering the quantity of oranges which the market will take two or three weeks later when the following week's shipments will be received in the principal markets. The information available to the committee may, for example, indicate the advisable quantity to be shipped is between 700 to 900 carloads. It was contended that, under such circumstances, the following week's shipments should be fixed at or near the 700 carload figure and such quantity increased, if the facts warrant, four or five days later when additional market information is available. The proposed change in voting procedure was opposed, therefore, on the grounds that it would be more difficult to operate the program on this basis since there would be less assurance that an increase in the weekly volume of shipments would be approved by the committee.

This contention also has considerable merit. It is difficult to conclude, however, on the basis of the available evidence, that the proposed change in voting procedure would adversely affect the operation of the program. The proposal relates only to the vote required for the committee to recommend an increase in allotment when an assembled meeting is not held. The proposal was so limited because those supporting its adoption did not believe any change is necessary where an assembled meeting is held and free discussion can be had in regard to all available market information. There is nothing in the order provisions to preclude further consideration at an assembled meeting of the committee, when the available marketing information could be freely discussed, of any proposal that has failed to obtain the requisite vote in a prior telephone poll of the committee members. Also, the evidence of record indicates that in the past there has been little, if any, difficulty in securing the proposed number of votes in a telephone poll of the committee members when conditions warranted an increase in the allotment. It does not appear that the situation would be changed greatly if the proposal were adopted.

While the proposal in the notice, and most of the evidence at the hearing, related to voting by telephone, it was shown also that the same conditions exist whenever an assembled meeting is not held. It is concluded, therefore, that the order should be amended to require at least seven concurring votes in order for the committee to recommend an increase in allotment whenever such votes are cast at other than an assembled meeting of the committee.

(5) The order currently provides for a biennial referendum to ascertain whether growers favor continuation of the order. Referenda have been conducted, as required, since the order was issued in 1953. Over 90 percent of the growers, in each instance, have voted in favor of continuing the order. Therefore, the expenditures necessary to the conduct of such referenda every two years do not appear to be warranted, particularly since the Secretary is required under the act to terminate the order whenever he finds such action is supported by the requisite number of growers. The order should be amended, therefore, to make such referenda mandatory only when requested by the committee. The requirements of the act concerning grower sentiment would, of course, continue to apply.

*General findings.* (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of navel oranges grown in the designated production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of navel oranges; and

(5) All handling of navel oranges grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*Rulings on proposed findings and conclusions.* December 5, 1960, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the findings and conclusions which should be drawn therefrom. No brief was filed.

*Recommended amendment of the amended marketing agreement and order.* The following amendment of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

§ 914.30 [Amendment]

1. Paragraph (a) of § 914.30 *Procedure* is revised to read as follows:

(a) A majority of the committee shall constitute a quorum and any action of the committee shall require at least six concurring votes except that at least seven concurring votes shall be required to recommend an increase in the quantity of oranges fixed under § 914.52 when the voting on such action is not at an assembled meeting.

2. A new § 914.33 is added as follows:

§ 914.33 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of navel oranges, the expense of such projects to be paid from funds collected pursuant to this part.

§ 914.55 [Amendment]

3. The second sentence in § 914.55 *Overshipments* is revised to read as follows: "The quantity of oranges so handled in excess of such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week: *Provided*, That such deduction shall not be made if such excess quantity was a proper overshipment of an early maturity allotment issued to such person under § 914.60."

§ 914.56 [Amendment]

4. The following is added at the beginning of the sentence in § 914.56: "Except as provided in § 914.60,".

§ 914.60 [Amendment]

5. The proviso and all subsequent language in § 914.60 *Early maturity allotments* are deleted and the following substituted in lieu thereof: "Early maturity allotments issued to any handler may be used only during the week for which issued and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early maturity allotments issued to him shall be adjusted by deducting therefrom a quantity of oranges equivalent to the total quantity of his oranges for which early maturity allotments were issued but were not used. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Early maturity allotments issued under this section shall be on a prorate district basis."

§ 914.66 [Amendment]

6. Paragraphs (a), (b), (c), and (d) of § 914.66 *Prorate districts* are deleted and the following substituted in lieu thereof:

(a) District 1 shall include that part of the State of California which is south of the 37th Parallel and north of a line drawn due east and west through the Post Office in Oildale, California.

(b) District 2 shall include that part of the State of California which is south of a line drawn due east and west through the Post Office in Gorman, California, and west of a line drawn due north and south through the Post Office in White Water, California.

(c) District 3 shall include the State of Arizona and that part of the State of California south and east of District 4 and east of District 2.

(d) District 4 shall include that part of the State of California which is south of District 1 and north of a line drawn due east and west through the Post Office in Gorman, California, but shall exclude that part of San Bernardino County located east of the 115th Meridian.

§ 914.83 [Amendment]

7. § 914.83(c)(3) is revised to read as follows:

(3) Upon recommendation of the committee, received not later than January 15 of an odd numbered year, the Secretary shall conduct a referendum prior to March 15 of such year to ascertain whether continuance of this part is favored by producers.

Dated: January 31, 1961.

ROY W. LENNARTSON,
*Deputy Administrator, Marketing Services, Agricultural Marketing Service.*

[F.R. Doc. 61-982; Filed, Feb. 2, 1961; 8:47 a.m.]

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## [ 7 CFR Part 968 ]

[Docket No. AO-173-A12]

## MILK IN WICHITA, KANSAS, MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Town House Motor Hotel, Broadway and Kellogg Streets, Wichita, Kansas, beginning at 10:00 a.m., local time on February 9, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Wichita, Kansas, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by The Southwest Milk Producers Association:

*Proposal No. 1.* Delete §§ 968.17, 968.18, 968.90, and 968.91 in their entirety, and delete references to "base" milk and "excess" milk from §§ 968.31(a) and 968.80(a), and change § 968.71 to provide for the computation of a uniform price.

*Proposal No. 2.* In § 968.41(c)(5), delete the first comma, and insert in lieu thereof, the following: "and from a cooperative association, if settlement is made upon the basis of farm tank calibration weights and butterfat samples taken from each producer's farm bulk cooling tank".

*Proposal No. 3.* At the end of § 968.51(a)(3), add the following paragraph: "The adjustment so determined shall not exceed the lowest amount indicated in § 968.51(a)(3)(i), (ii), or (iii) by more than 10 cents."

*Proposal No. 4.* In § 968.51(c)(1) delete "Borden Company, Fort Scott, Kansas."

Proposed by Sunflower Tip-Top Dairies, Hillsboro, Kansas:

*Proposal No. 5.* Amend § 968.53 to include Hillsboro, Kansas, as one of the points used in figuring location differentials.

Proposed by Steffen Dairy Foods Company:

*Proposal No. 6.* Amend § 968.15 to exclude dietary foods for use in weight control processed in a handler's plant.

*Proposal No. 7.* Amend § 968.41(c) by adding to subparagraph (2): "and dietary food for use in weight control processed in a handler's plant" so that subparagraph (2) will read as follows:

(2) Used for starter churning, wholesale baking and candy making and dietary food for use in weight control;

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 8.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Kenneth M. Fell, 2700 East Central, Wichita 2, Kansas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 31st day of January 1961.

ROY W. LENNARTSON,
*Deputy Administrator, Agricultural Marketing Service.*

[F.R. Doc. 61-981; Filed, Feb. 2, 1961; 8:47 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Parts 601, 608 ]

[Airspace Docket No. 60-WA-242]

## CONTROL AREAS AND RESTRICTED AREAS

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 608.19 of the regulations of the Administrator, the substance of which is stated below.

The Fort Stewart, Ga., Restricted Area (R-159) encompasses an area of approximately 411 square miles and is located to the west of Savannah, Ga. It is designated for continuous use from the surface to 40,000 feet MSL. The controlling agency is the Commanding General, Fort Stewart, Ga. The Federal Aviation Agency is considering altering this restricted area by revoking that portion east of longitude 81°30'00" W., redesignating the remaining portion for use from sunrise to sunset and designating the Federal Aviation Agency, Jacksonville Air Route Traffic Control Center as the controlling agency. In addition it is proposed to designate the airspace within Restricted Area (R-159) as control area.

A Federal Aviation Agency review of reports submitted by the Department of the Army concerning the use of the Fort Stewart Restricted Area indicates that insufficent justification exists for continued assignment of the portion east of longitude 81°30'00" W. for special use purposes. It appears that the activities in this portion could be conducted in the area west of longitude 81°30'00" W. In addition, retention of the restricted area during the hours of darkness does not appear to be justified.

Revocation of the portion of the restricted area east of longitude 81°30'00" W. would reduce its size by approximately 95 square miles and designation of the area as control area would permit full time utilization for the management of air traffic. This additional control area would provide protection west of Hunter AFB for radar vectored arrivals and departures, aircraft executing westbound departure procedures, and aircraft executing instrument approach procedures utilizing the Hunter AFB ILS. Utilization of the remainder of the restricted area on a joint use basis would permit aircraft to transit the area when it is not in use for its designated purpose.

The Fort Stewart, Ga., Restricted Area (R-159) would be redesignated as follows:

Description by geographical coordinates.

| | *Latitude N.* | *Longitude W.* |
|---|---|---|
| Beginning at | 31°54'00" | 81°30'00" |
| thence to | 31°51'20" | 81°36'00" |
| thence to | 31°55'30" | 81°53'00" |
| thence to | 31°57'00" | 81°53'15" |
| thence to | 31°59'45" | 81°51'06" |
| thence to | 32°04'40" | 81°50'00" |
| thence to | 32°07'00" | 81°43'30" |
| thence to | 32°06'15" | 81°31'30" |
| thence to | 32°05'30" | 81°31'30" |
| thence to | 32°04'00" | 81°30'00" |

thence to point of beginning.

Designated altitudes. Surface to 40,000 feet MSL.

Time of designation. Sunrise to Sunset.

Controlling agency. Federal Aviation Agency, Jacksonville Air Route Traffic Control Center.

Concurrently with this action, appropriate amendments would be made to Part 601 (14 CFR Part 601) designating as control area all the airspace encompassed by the present geographic boundaries of R-159. This would permit use of the restricted area for air traffic management purposes when not being used for its designated purposes.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 30, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-971; Filed, Feb. 2, 1961; 8:46 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 61-FW-2]

## CONTROL ZONES

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2151 of the regulations of the Administrator, the substance of which is stated below.

The Knoxville, Tenn., control zone is presently designated within a 5-mile radius of McGhee-Tyson Airport and within 2 miles either side of the north course of the Knoxville radio range extending from the 5-mile radius zone to the Inskip fan marker. The Federal Aviation Agency has under consideration alteration of the Knoxville control zone by revoking the extension to the north and designating extensions to the northeast and southwest. The extension to the north based on the north course of the radio range is in excess of that required for the protection of aircraft executing the prescribed instrument approach procedure based on the Knoxville radio range. The extensions to the northeast and southwest are required to provide protection for aircraft executing the prescribed instrument approach procedures based on the Knoxville ILS. The Knoxville control zone would be redesignated within a 5-mile radius of McGhee-Tyson Airport (latitude 35°48'42" N., longitude 83°59'35" W.) within 2 miles either side of the Knoxville ILS localizer southwest course extending from the 5-mile radius zone to the outer marker and within 2 miles either side of the Knoxville ILS northeast course extending from the 5-mile radius zone to the intersection of the ILS northeast course and the 135° True radial of the Knoxville VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 30, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-972; Filed, Feb. 2, 1961; 8:46 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60-HO-11]

## CONTROL ZONES

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2193 of the regulations of the Administrator, the substance of which is stated below.

The Kahului, Hawaii, control zone is designated within a 5-mile radius of Kahului Airport extending 2 miles either side of the north course of the Maui radio range to the Maui radio range station. The Federal Aviation Agency is considering altering this control zone by the addition of extensions within 2 miles either side of the 038° and 204° True radials of the Kahului VOR extending from the 5-mile radius zone to 12 miles northeast and southwest of the VOR. These additional extensions would provide protection for aircraft executing prescribed VOR instrument approach procedures at the Kahului Airport.

If these actions are taken, the Kahului control zone would be designated within a 5-mile radius of Kahului Airport (latitude 20°54'00" N., longitude 156°26'00" W.), within 2 miles either side of the





submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 30, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-973; Filed, Feb. 2, 1961; 8:46 a.m.]

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-LA-102]

## FEDERAL AIRWAYS AND CONTROL AREAS

### Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering designating VOR Federal airway No. 518 and its associated control areas from the Fillmore, Calif., VOR via the intersection of the Fillmore VOR 099° and the Palmdale, Calif., VOR 236° True radials; to the Palmdale VOR. This action would provide an additional inbound route to the Burbank/Van Nuys, Calif., terminal area from the northwest, north and northeast. The intersection of radials in the airway description would coincide with the Twin Lakes, Calif., Intersection (intersection of the Fillmore VOR 099° and the Gorman, Calif., VOR 156° True radials). This intersection is the primary holding point for aircraft destined for Van Nuys Municipal Airport and Lockheed Air Terminals.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 30, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-974; Filed, Feb. 2, 1961; 8:46 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by W. R. Grace and Company, Cambridge 40, Massachusetts, proposing the issuance of a regulation

permitting the safe use of one or more of the following as lubricants in the drawing of metals for food packaging:

| | |
|---|---|
| Ammonia. | Myristic acid. |
| *tert*-Butyl alcohol. | Paraffin, refined. |
| Castor oil. | Polyoxyethylene sorbitan monolaurate. |
| Citric acid. | |
| Corn oil. | Polyvinyl alcohol. |
| Cottonseed oil monoglyceride. | Propyl gallate. |
| Ethyl alcohol. | Sorbitan monolaurate. |
| Isopropyl alcohol. | |
| Lecithin. | Stearic acid. |
| Mineral oil, white. | Triethanol amine. |

Dated: January 30, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-995; Filed, Feb. 2, 1961; 8:49 a.m.]

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## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Olin Mathieson Chemical Corporation, 275 Winchester Avenue, New Haven 4, Connecticut, proposing the issuance of a regulation permitting the safe use of sodium lauryl sulfate as an emulsifier in polyvinylidene chloride copolymer dispersion coatings for food packaging materials.

Dated: January 30, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-996; Filed, Feb. 2, 1961; 8:49 a.m.]

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## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Fatty Acid Producers' Council, 295 Madison Avenue, New York 17, New York, proposing the issuance of a regulation permitting the safe use of the following food grade fatty acids in foods and in the manufacture of food components:

| | |
|---|---|
| Capric acid. | Oleic acid. |
| Caprylic acid. | Palmitic acid. |
| Lauric acid. | Stearic acid. |
| Myristic acid. | |

Dated January 30, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-997; Filed, Feb. 2, 1961; 8:49 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Classification No. 30]

### ALASKA PUBLIC SALE ACT

### Partial Cancellation

JANUARY 27, 1961.

1. Pursuant to the authority delegated to me under section 2.5 of Order No. 541 of April 21, 1954, Bureau of Land Management (19 F.R. 2473), as amended, Alaska Public Sale Classification No. 30 of March 18, 1959 (F.R. Doc. 59-2535), which classified the following lands, among others, for disposal under the Alaska Public Sale Act of August 30, 1949 (61 Stat. 679; 48 U.S.C. 364a-364e) for commercial and industrial purposes, is hereby cancelled in-so-far as it affects the following described land:

*U.S.S. 3233 (Kodiak Area)*

Tract 1: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 16—13.59 acres.

2. These lands will revert to their prior status of not being subject to change so far as applications, locations, settlement, entry or other forms of appropriation are concerned until further order of an authorized officer of the Bureau of Land Management as provided by the terms of Public Land Order No. 1245 of November 3, 1955 (F.R. Doc. 55-9053).

3. This order will take effect immediately.

L. T. MAIN,
*Operations Supervisor, Anchorage.*

[F.R. Doc. 61-989; Filed, Feb. 2, 1961; 8:48 a.m.]

## DEPARTMENT OF THE TREASURY

### Bureau of Narcotics

### NARCOTICS

### Excepted Narcotic Pharmaceutical Preparations

Notice is hereby given pursuant to the provisions of section 4702(a) of the Internal Revenue Code of 1954, as amended by section 4(c) of the Narcotics Manufacturing Act of 1960 (74 Stat. 58), and pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003), and after considering the report and recommendations of an advisory committee that a finding is proposed to be made that pharmaceutical preparations containing nalorphine or any of its salts, when combined with active or inactive nonnarcotic ingredients of the type used in medicinal preparations, do not possess an addiction-forming or addiction-sustaining liability sufficient to warrant imposition of all the requirements of the Federal narcotic laws and do not permit recovery of a narcotic drug having an addiction-forming or addiction-sustaining liability, with such relative technical simplicity and degree of yield as to create a risk of improper use. It is proposed also to designate such pharmaceutical preparations as Class "M" products to be subjected to such requirements as are indicated for Class "M" products in 26 CFR 151.421-151.428.

Consideration will be given to any written data, views, or arguments pertaining to the exception proposed for these preparations, which are received by the Commissioner of Narcotics prior to March 6, 1961. Any person desiring to be heard on the proposed exception for the named pharmaceutical preparations will be accorded the opportunity of a hearing in the office of the Commissioner of Narcotics, 1300 E Street NW., Washington 25, D.C., at 10:00 o'clock a.m., March 6, 1961, provided that such person furnishes written notice of his desire to be heard, to the Commissioner of Narcotics, Washington 25, D.C., not later than 20 days from the publication of this notice in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received within 20 days from the date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held.

[SEAL] H. J. ANSLINGER,
*Commissioner of Narcotics.*

Approved: January 27, 1961.

A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-993; Filed, Feb. 2, 1961; 8:48 a.m.]

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### Fiscal Service

### OFFICIALS AUTHORIZED TO ACT AS COMMISSIONER OF ACCOUNTS

### Order of Succession

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), it is hereby ordered that the following officials of the Bureau of Accounts, in the order of succession enumerated herein, shall have the authority to act as Commissioner of Accounts and to perform all the functions of that office, during the absence or disability of the Commissioner of Accounts or when there is a vacancy in such office:

1. Assistant Commissioner of Accounts.
2. Chief Disbursing Officer.
3. Chief Auditor.
4. Deputy Commissioner for Accounting Systems.
5. Assistant Chief Disbursing Officer (Senior).
6. Assistant Chief Disbursing Officer.
7. Deputy Commissioner for Deposits and Investments.
8. Assistant Commissioner for Administration.
9. Deputy Commissioner for Central Accounts.
10. Regional Disbursing Officer, Philadelphia, Pa.
11. Regional Disbursing Officer, Chicago, Ill.
12. Regional Disbursing Officer, Kansas City, Mo.
13. Regional Disbursing Officer, Salt Lake City, Utah.

This Order of Succession supersedes the previous Order of this Bureau, dated September 15, 1959 (24 F.R. 7710).

Dated: January 27, 1961.

[SEAL] H. R. GRAHART,
*Commissioner of Accounts.*

[F.R. Doc. 61-1008; Filed, Feb. 2, 1961; 8:51 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### YATES CENTER CATTLE & CALF AUCTION AND EL DORADO SALES CO.

### Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Yates Center Cattle & Calf Auction, Yates Center, Kans.
El Dorado Sales Co., El Dorado Springs, Mo.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 31st day of January 1961.

H. L. JONES,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61-1006; Filed, Feb. 2, 1961; 8:50 a.m.]

### Office of the Secretary

### MISSISSIPPI

#### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in Yazoo County, Mississippi, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C. this 27th day of January 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61–983; Filed, Feb. 2, 1961; 8:48 a.m.]

## ATOMIC ENERGY COMMISSION

### MANAGER, LOS ALAMOS AREA OFFICE

#### Delegation of Authority With Respect to Establishment and Development of a Community at White Rock, Los Alamos, New Mexico, and to Sale of Land Within Said Area for Housing Development

I hereby delegate to the Manager, Los Alamos Area Office, the following authority with respect to the establishment and development of a community at White Rock, County of Los Alamos, State of New Mexico:

1. To sell, from time to time, any part or parts not to exceed a total of 250 acres of land at White Rock.

2. To contract for development of White Rock and to do other things necessary or incidental to the program, including authority to execute Certificates of Eligibility or other documents as required to implement Public Law 86–774.

3. The authority delegated herein shall not be used to sell land for less than $25.00 per acre.

Actions heretofore taken consistent with the authorities granted by this delegation are hereby ratified and confirmed.

The authorities granted by this delegation may also be exercised by any person acting in the stead of the above-mentioned official.

Witness my hand this 16th day of January 1961.

A. R. LUEDECKE,
*General Manager, United States Atomic Energy Commission.*

[F.R. Doc. 61–964; Filed, Feb. 2, 1961; 8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 12063]

### FOREIGN AIR CARRIER PERMIT TERMS INVESTIGATION

#### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 23, 1961, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., January 31, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61–1001; Filed, Feb. 2, 1961; 8:50 a.m.]

[Docket 9403, et al.]

### INTERMEDIATE POINTS ON OZARK

#### Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that hearings in the above-entitled proceeding are assigned to be held before Hearing Examiner Leslie G. Donahue at the following cities, on the dates and at the times and places stated:

February 13, 1961, at 10:00 a.m., c.s.t., in the City Council Room, Sterling, Illinois.

February 16, 1961, at 10:30 a.m., c.s.t., in the Appellate Court, 14th and Main Streets, Mt. Vernon, Illinois.

Dated at Washington, D.C., January 30, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61–1002; Filed, Feb. 2, 1961; 8:50 a.m.]

## FEDERAL AVIATION AGENCY

[OE Docket No. 60–FW–1]

### CONSTRUCTION OF RADIO ANTENNA STRUCTURES

#### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposals to the aviation industry for comment and has conducted aeronautical studies to determine their effect upon the utilization of airspace:

1. The U.S. Coast Guard proposes to erect a Loran-C antenna structure to be located near Cape Hatteras, North Carolina, at latitude 35°14'30" N., longitude 75°31'30" W. The over-all height of the structure would be 625 feet above ground (635 feet MSL).

2. The U.S. Coast Guard proposes to erect a Loran-C antenna structure to be located near Jupiter Inlet, Florida, at latitude 26°56'42" N., longitude 80°04'48" W. The over-all height of the structure would be 625 feet above ground (644 feet MSL).

3. The Brunswick Pulp and Paper Company proposes to erect a radio antenna structure to be located near Screven, Georgia, at latitude 31°24'28" N., longitude 82°00'28" W. The over-all height of the structure would be 353 feet above ground (473 feet MSL).

No substantial aeronautical objections were received as a result of the circularizations. The aeronautical studies revealed that the proposed structures would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that these proposed structures would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection from an airspace utilization standpoint be interposed by the Agency, provided that each structure will be obstruction marked and lighted in accordance with presently applicable standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on January 25, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61–975; Filed, Feb. 2, 1961; 8:46 a.m.]

[OE Docket No. 60–KC–1]

### RADIO ANTENNA STRUCTURE EXTENSION PROPOSAL

#### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to consider its effect upon the utilization of airspace:

The American Telephone and Telegraph Company proposes to increase by 19 feet the over-all height of an existing radio antenna structure, located near Homestead, Iowa, at latitude 41°45'38" N., longitude 91°50'55" W. The new over-all height of the structure would be 164 feet above ground level (1,079 feet MSL).

No substantial aeronautical objection was received as a result of the circularization. The aeronautical study revealed that although the proposal exceeded criteria, no adverse effect upon aeronautical operations, procedures or minimum flight altitudes would result.

Therefore, it is the finding of the Federal Aviation Agency that no objection from an airspace utilization standpoint be interposed by the Agency to this proposal, provided that the structure will be obstruction marked and lighted in accordance with presently applicable standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on January 30, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61–976; Filed, Feb. 2, 1961; 8:46 a.m.]



## FEDERAL RESERVE SYSTEM

### BANK STOCK CORPORATION OF MILWAUKEE

#### Order Approving Application

In the matter of the application of Bank Stock Corporation of Milwaukee for prior approval of acquisition of voting shares of The Bank of Commerce, Milwaukee, Wis.

There having come before the Board of Governors pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), application on behalf of Bank Stock Corporation of Milwaukee, Milwaukee, Wis., for the Board's prior approval of the acquisition of 80 percent or more of the authorized and outstanding common stock of The Bank of Commerce, Milwaukee, Wis.; a Notice of Tentative Decision referring to a Tentative Statement on said application having been published in the FEDERAL REGISTER on January 5, 1961 (26 F.R. 56); the said notice having provided interested persons an opportunity, before issuance of the Board's final order, to file objections or comments upon the facts stated and the reasons indicated in the Tentative Statement; and the time for filing such objections and comments having expired and one such Objection having been filed by the United States Department of Justice and considered by the Board;

*It is hereby ordered,* For the reasons set forth in the Board's Statement[1] of this date, that the said application be and hereby is granted, and the acquisition by Bank Stock Corporation of Milwaukee of 80 percent or more of the authorized and outstanding common stock of The Bank of Commerce, Milwaukee, Wis., is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated at Washington, D.C., this 25th day of January 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 61–979; Filed, Feb. 2, 1961; 8:47 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank. Dissenting statements of Governors Szymczak and Robertson also filed as part of the original document and available upon request.

### FIRSTAMERICA CORP.

#### Statement To Accompany Order Approving Application

In the matter of the application of Firstamerica Corporation for prior approval of acquisition of voting shares of First Western Bank and Trust Company, Los Angeles, Calif.

The Board's Order approving an application on behalf of Firstamerica Corporation for the acquisition of voting shares of First Western Bank and Trust Company was published in the FEDERAL REGISTER on January 26, 1961 (26 F.R. 802). A statement of the reasons for that Order has now been issued and filed with the Division of the Federal Register. Copies are available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

Dated at Washington, D.C., this 27th day of January 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 61–980; Filed, Feb. 2, 1961; 8:47 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. CP61–58]

### ALABAMA-TENNESSEE NATURAL GAS CO.

#### Notice of Application and Date of Hearing

JANUARY 27, 1961.

Take notice that on August 25, 1960, Alabama-Tennessee Natural Gas Company (Applicant), P.O. Box 380, Florence, Ala., filed an application as supplemented on September 2, 1960, in Docket No. CP61–58, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate a new delivery point including a regulating and measuring station for its existing customer, the City of Decatur, Ala. (Decatur), in lieu of two existing delivery points, and for permission and approval to abandon by sale to Decatur 2.2 miles of existing 6-inch lateral pipeline extending from the proposed point of delivery near Applicant's main line eastward to the more easterly delivery point to Decatur, and Applicant's interest in the two existing meter station sites, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant states that Decatur desires the change in delivery point and that the purpose of the proposed relocation and abandonment is to deliver all natural gas to Decatur from one delivery point in lieu of two and to allow Decatur to use the 6-inch pipeline in its distribution system.

Applicant's interest in the two meter sites and the 2.2 mile section of pipeline will be sold to Decatur at a price of $37,000. The facilities to be removed from the meter sites will remain the property of the Applicant.

The total estimated cost of the construction of the proposed facilities for the new delivery point is $31,000, which cost will be paid from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 2, 1961, at 9:30 a.m. e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 20, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–977; Filed, Feb. 2, 1961; 8:46 a.m.]

[Docket No. RI60–92 etc.]

### OHIO OIL CO.

#### Order Severing and Terminating Proceeding

JANUARY 27, 1961.

On October 26, 1960, The Ohio Oil Company (Ohio Oil) filed a motion requesting the severance and termination of the proceeding in Docket No. G–14010 which was consolidated for hearing with these proceedings in Docket No. RI60–92, et al., by order of the Commission issued February 29, 1960.

The proposed increased rate subject to the proceeding in Docket No. G–14010 is contained in Supplement No. 2 to Ohio Oil's FPC Gas Rate Schedule No. 7 and was made subject to hearing and suspended by order issued therein December 26, 1957. Thereafter, upon motion pursuant to section 4(e) of the Natural Gas Act, the said increased rate became effective subject to refund on June 1, 1958. The basic sales price of 11.0 cents per Mcf contained in said Supplement is applicable to sales of natural gas produced in Denton Field, Lea County, New Mexico, which is sold to El Paso Natural Gas Company. The said proposed increased

rate is equal to or less than the applicable area price level as set forth in the Statement of General Policy No. 61–1.

The Commission finds: For the reasons heretofore stated it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the aforementioned Supplement No. 2 to Ohio Oil's FPC Gas Rate Schedule No. 7 be continued in effect without being subject to refund, that Ohio Oil be discharged from all obligations under its agreement and undertaking pertaining to said supplement, and that the proceeding in Docket No. G–14010 be severed from these consolidated proceedings and terminated.

The Commission orders:

(A) The rate and charge contained in Ohio Oil's above-mentioned Supplement No. 2 to its FPC Gas Rate Schedule No. 7 are hereby continued in effect, and Ohio Oil is hereby discharged from all obligations under its agreement and undertaking to refund excess charges collected thereunder.

(B) The proceeding in Docket No. G–14010 is hereby severed from these consolidated proceedings and is hereby terminated.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–978; Filed, Feb. 2, 1961; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 30, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36865: *Substituted service—IC for McCoy Truck Lines, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 296), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Council Bluffs, Iowa, and Waterloo, Iowa, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 150 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 223.

FSA No. 36866: *Substituted service—WAB. for Buckingham Express, Inc., Et Al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 297), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Chicago, Ill., and Kansas City, Mo., and between St. Louis, Mo., and Des Moines, Iowa, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 150 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 223.

FSA No. 36867: *Substituted service—PRR and WAB. for Cooper-Jarrett, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 298), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Kansas City, Mo., on the one hand, and Buffalo, N.Y., Cleveland, Ohio, and Pittsburgh, Pa., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 150 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 223.

FSA No. 36868: *Substituted service—C & NW for Buckinham Express, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 299), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Des Moines, Iowa, on the one hand, and Council Bluffs, Iowa and East St. Louis, Ill., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 150 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 223.

FSA No. 36869: *Substituted service—C & NW for Carstensen Freight Lines, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 300), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Chicago, Ill., and Cedar Rapids, Iowa, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 150 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 223.

FSA No. 36870: *Substituted service—CRI & P for England Bros. Truck Line, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 301), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Dallas, Tex., on the one hand, and Kansas City (Armourdale), Kans., and St. Louis, Mo., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 150 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 223.

FSA No. 36871: *Substituted service—CRI & P for Buckingham Express, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 302), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Kansas City (Armourdale), Kans., on the one hand, and St. Paul (Inver Grove), Minn., and Des Moines, Iowa, on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 150 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 223.

FSA No. 36872: *Substituted service—CRI&P for Arkansas-Best Freight System, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 303), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Dallas, Tex., and Houston, Tex., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 150 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 223.

FSA No. 36873: *Substituted service—C&NW for Brady Motorfrate, Inc., Et Al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 304), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between East St. Louis, Ill., on the one hand, and Council Bluffs, Iowa, and St. Paul, Minn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 150 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 223.

FSA No. 36874: *Substituted service—C&NW for Brady Motorfrate, Inc., Et Al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 305), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between East St. Louis, Ill., on the one hand, and Cedar Rapids, Des Moines, and Sioux City, Iowa, on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 150 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 223.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61–947; Filed, Feb. 1, 1961; 8:48 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 31, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.



LONG-AND-SHORT HAUL

FSA No. 36875: *Substituted service—PRR for Brada Cartage Company, Et Al.* Filed by Motor Carriers Tariff Bureau, Inc., Agent (No. 6), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Chicago, Ill., and Kearny, N.J., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 36876: *Woodpulp from Catawba, S.C., to official territory.* Filed by O. W. South, Jr., Agent (No. A–4061), for interested rail carriers. Rates on woodpulp, not powdered, in carloads, from Catawba, S.C., to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 3 to Southern Freight Association tariff I.C.C. S–143.

FSA No. 36878: *Asphalt from Colorado and Wyoming.* Filed by Western Trunk Line Committee, Agent (No. A–2163), for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum (other than paint, stain or varnish), in tank-car loads, from Casper, Cheyenne, Cody, Sinclair, and Thermopolis, Wyo., also Denver, Colo., to points in New Mexico on the AT&SF Ry.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 54 to Atchison, Topeka and Santa Fe Railway tariff I.C.C. 14812.

AGGREGATE-OF-INTERMEDIATES

FSA No. 36877: *Grain products from and to points in WTL territory.* Filed by Great Northern Railway Company (No. 1072), Minneapolis, St. Paul & Sault Ste. Marie Railroad Company (No. 91), Northern Pacific Railway Company (No. 115), jointly for themselves and interested rail carriers. Rates on products of rye or wheat, as described in the application, in carloads, from specified points in Minnesota, North Dakota, South Dakota, and Wisconsin, to Minneapolis, Minnesota Transfer, St. Paul, and Duluth, Minn., and Superior, Wis.

Grounds for relief: Maintenance of through one factor rates from named origins to destinations beyond named destinations not depressed by same competitive conditions as rates to named destinations.

Tariff: Supplement 59 to Great Northern Railway tariff I.C.C. A–8877, and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61–991; Filed, Feb. 2, 1961; 8:48 a.m.]

[Notice 442]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 31, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63863. By order of January 24, 1961, the Transfer Board approved the transfer to Bulk Carriers Limited, Toronto, Ontario, Canada, of a portion of Certificate No. MC 116889 Sub 1, issued October 2, 1958, to Samuel L. Gascho & Son, Limited, Burlington, Ontario, Canada, authorizing the transportation of: calcium chloride in bags, and in bulk, from Ludington, and Midland, Mich., to the United States-Canada Boundary Line at port of entry at or near Port Huron, Mich. Walter N. Bieneman, Guardian Building, Detroit, Mich., attorney for applicants.

No. MC–FC 63920. By order of January 27, 1961, the Transfer Board approved the transfer to Ralph W. Yeager and Earl A. Hicks, a partnership, doing business as Central Garage, Columbiana, Ohio of Certificate No. MC 114693 issued February 28, 1955, to The James A. Henderson Company, a corporation, Youngstown, Ohio, authorizing the transportation of wrecked or otherwise disabled motor vehicles, over irregular routes, from points in a territory of West Virginia and Pennsylvania on, north and west of a line beginning at Wheeling, W. Va., and extending along U.S. Highway 40 through Triadelphia, W. Va., and Claysville, Pa., to Washington, Pa., thence along U.S. Highway 19 through Clifton, Pa., to Pittsburgh, Pa., and thence along Pennsylvania Highway 8 through Butler and Titusville, Pa., to Erie, Pa., to Youngstown, Ohio. Lawrence W. Stacey, Citizen's Savings Bank, Columbiana, Ohio, attorney for applicants.

No. MC–FC 63924. By order of January 27, 1961, the Transfer Board approved the transfer to Florence Motor Express, a corporation, Florence, N.J., of Certificate No. MC 2888, issued April 8, 1958, to George Everett, doing business as Florence Motor Express, Florence, N.J., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Burlington, N.J., and Philadelphia, Pa., serving all intermediate points. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., practitioner for applicants.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61–992; Filed, Feb. 2, 1961; 8:48 a.m.]

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Washington, Saturday, February 4, 1961

THE UNIVERSITY OF MICHIGAN
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MAIN READING ROOM

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**Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.**



FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of Defense

Effective upon publication in the FEDERAL REGISTER, paragraph (c) (1) is added to § 6.104 as set out below.

§ 6.104 Department of Defense.

* * * * * *

(c) *Interdepartmental activities.* (1) Positions in support of National Security Programs and Space Council Activities.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1067; Filed, Feb. 3, 1961; 8:50 a.m.]

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of the Army

Effective upon publication in the FEDERAL REGISTER, subparagraph (12) is added to § 6.305 as set out below.

§ 6.305 Department of the Army.

(a) *Office of the Secretary.* * * *

(12) One Deputy for International Affairs to the Under Secretary of the Army.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1066; Filed, Feb. 3, 1961; 8:50 a.m.]

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 204]

### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

§ 914.504 Navel Orange Regulation 204.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, and orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting, the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 2, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 5, 1961, and ending at 12:01 a.m., P.s.t., February 12, 1961, are hereby fixed as follows:

(i) District 1: 400,000 cartons;
(ii) District 2: 400,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 2, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-1084; Filed, Feb. 3, 1961; 11:20 a.m.]

[Lemon Reg. 885]

### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

§ 953.992 Lemon Regulation 885.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during

the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 31, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 5, 1961, and ending at 12:01 a.m., P.s.t., February 12, 1961, are hereby fixed as follows:

(i) District 1: 13,950 cartons;

(ii) District 2: 158,100 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 2, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1054; Filed, Feb. 3, 1961; 8:49 a.m.]

[Orange Reg. 9]

## PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Limitation of Shipments

§ 1031.318 Orange Regulation 9.

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093), regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas, effective September 22, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the production area, are presently subject to regulation by grades, pack, and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on January 30, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade, pack, and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

(2) During the period beginning at 12:01 a.m., c.s.t., February 6, 1961, and ending at 12:01 a.m., c.s.t., February 20, 1961, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade at least U.S. No. 2;

(ii) Any variety of oranges, grown as aforesaid, which are of a size smaller than 2 7/16 inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 7/16 inches in diameter; or

(iii) Any box or carton of oranges of any variety, grown as aforesaid, unless such oranges are packed in accordance with the requirements of standard pack: *Provided,* That (*a*) the minimum and maximum diameters of the individual oranges in any container shall conform to the following applicable range of diameter measurements except that not to exceed 10 percent, by count, of the oranges in any such container may measure less than the minimum or more than the maximum applicable diameter limits specified for the particular size; and (*b*) with respect to any such box or carton with inside dimensions 19¾ x 13 x 13½ inches, 19¾ x 13 x 12½ inches, 19¾ x 13½ x 13½ inches, or 19¾ x 13 x 12¼ inches, such container is packed in accordance with one of the following pack sizes and contains the applicable number of oranges specified for the pack size: *Provided further,* That the provisions of this subdivision (iii) shall not apply to the oranges in any gift package of fruit.

| Pack sizes | Number of oranges | Diameter limits in inches | |
|---|---|---|---|
| | | Minimum | Maximum |
| 100 | 100 | 3 7/16 | 3 15/16 |
| 125 | 125 | 3 3/16 | 3 7/16 |
| 163 | 163 | 2 15/16 | 3 3/16 |
| 200 | 198 | 2 11/16 | 3 1/16 |
| 252 | 252 | 2 7/16 | 2 15/16 |

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 1, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1035; Filed, Feb. 3, 1961; 8:48 a.m.]

[Grapefruit Reg. 9]

## PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Limitation of Shipments

§ 1031.319 Grapefruit Regulation 9.

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093), regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas, effective September 22, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades, pack, and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on January 30, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade, diameter, and pack (including standard pack) when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.658 of this title): *Provided,* That, with respect to pack size 46, the term "fairly uniform in size" shall mean that not more than 10 percent, by count, of the fruit in any container vary more than 1 9/16 inch in diameter.

(2) During the period beginning at 12:01 a.m., c.s.t., February 6, 1961, and ending at 12:01 a.m., c.s.t., February 20, 1961, no handler shall handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy, U.S. No. 1 Bright, U.S. No. 1, or U.S. No. 2: *Provided,* That seedless grapefruit which grade U.S. Combination may also be handled if at least 60 percent, by count, of such grapefruit in such container grade at least U.S. No. 1;

(ii) Any seedless grapefruit, grown as aforesaid, which are of a size smaller than 3 9/16 inches in diameter, except that not more than ten (10) percent, by count, of such seedless grapefruit in any lot of containers, and not more than fifteen (15) percent, by count, of such seedless grapefruit in any individual container in such lot, may be of a size smaller than 3 9/16 inches in diameter: *Provided,* That none of such seedless grapefruit that is smaller than 3 9/16 inches in diameter may be smaller than 3 5/16 inches in diameter;

(iii) Any seeded grapefruit, grown as aforesaid, which are of a size smaller than 3 13/16 inches in diameter, except that not more than ten percent, by count, of such seeded grapefruit in any lot of containers, and not more than fifteen percent, by count, of such seeded grapefruit in any individual container in such lot, may be of a size smaller than 3 13/16 inches in diameter; or

(iv) Any box or carton of grapefruit of any variety, grown as aforesaid, unless such grapefruit are packed in accordance with the requirements of standard pack: *Provided,* That, with respect to any such box or carton of grapefruit that are in any container with inside dimensions of 19¾ x 13 x 13½ inches, 19¾ x 13 x 12½ inches, 19¾ x 13½ x 13½ inches, or 19¾ x 13 x 12¼ inches, such container is packed in accordance with one of the following pack sizes and contains the applicable number of grapefruit specified for the pack size: *Provided, further,* That the provisions of this subdivision (iv) shall not apply to the grapefruit in any gift package of fruit:

| Pack size: | *Number of grapefruit* |
|---|---|
| 46 | 48 |
| 54 | 56 |
| 64 | 64 |
| 70 | 72 |
| 80 | 80 |
| 96 | 96 |

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 1, 1961.

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[F.R. Doc. 61–1034; Filed, Feb. 3, 1961; 8:48 a.m.]



# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–WA–53]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Miscellaneous Amendments

On July 14, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6635) stating that the Federal Aviation Agency (FAA) was considering amendments to Parts 600 and and 601 of the regulations of the Administrator which would implement a new system of airways, and modify existing Federal airways. On October 18, 1960, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 9926) extending the period of time allotted for comments on the proposed amendments an additional 10 days.

As stated in the notice, these amendments would result in the following actions: designation of intermediate altitude VOR Federal airways; revocation of the transcontinental VOR Federal airways (Victor 1500 Series) and their associated control areas; designation of positive control route segments to coincide with segments of the proposed intermediate altitude airways; revocation of presently designated positive control route segments; redesignation of existing colored Federal airways and VOR Federal airways and their associated control areas to extend from 700 feet above the surface to, but not including, 14,500 feet MSL; redescription of domestic VOR reporting points as low altitude VOR reporting points; designation as Intermediate Altitude Reporting Points all VOR, VORTAC and TACAN navigational facilities named in the description of the proposed intermediate altitude airways; and designation as "Additional Intermediate Altitude Reporting Points" certain intersections in the airway structure.

As was anticipated in a proposal of this magnitude, considerable detailed comment has been received from representatives of the aviation industry and the military services. Although most of the comments received offer constructive suggestions for modifying the proposal, many of which are acceptable to the FAA, none of the comments contested or objected to the basic actions proposed. These comments, recommendations, and in some instances, particularized objections, were received from the Department of the Navy, the Department of the Air Force, the Air Transport Association of America (ATA), the Air Line Pilots Association (ALPA), and an individual representing operators of company-owned planes in Minneapolis, Minn.

Predominantly, the comments related to: The standard sixteen-mile width of the airways as proposed; conflict with military terminal area operations and with caution areas, warning areas and other areas of unusual or concentrated aerial activity; frequency allocation and protection requirements of navigational aids; coincidence of intermediate and low altitude airway alignment; and concern over coordination and informal meetings regarding implementation of the new airway system.

The width of the intermediate altitude airways is dictated by the factors of navigational accuracy and safety in the management of air traffic. In each case where a conflict in airspace utilization was apparent, the airways have been reduced in width to the extent that governing criteria would permit. This is not considered an extravagant assignment of airspace. The intermediate altitude airways will be contained within the continental control area in which all of

the airspace from 14,500 feet MSL upward is designated controlled airspace. As in the past, every effort has been made in designing the new airway structure to avoid or minimize conflict with terminal area procedures, particularly high altitude jet penetration procedures, as well as caution areas, warning areas and other areas of unusual or concentrated aerial activity. However, this could not be accomplished in all cases. Demands for the exclusive or preferential allotment of airspace are sometimes impracticable, if not impossible, to comply with. To an ever-increasing extent, airspace must be shared by all categories of users, and operational problems will continue to be resolved by the appropriate traffic control facility on a procedural basis. The effect of airway stratification and resulting demarcation of navigational facility service volume requirements will tend to alleviate any conflict in such requirements. The present Federal airway system extends to 24,000 feet MSL and supporting navigational aids must have frequency protection to that altitude. Following implementation of the intermediate altitude airway structure, navigational aids not used in this and the jet route structure will be studied for conversion to aids with frequency protection in the low altitude strata, unless otherwise required for jet terminal area operations.

Though no Washington informal hearing was conducted to discuss the actions taken herein, all FAA Air Traffic Management Field Divisions had previously been instructed to arrange meetings with airspace users at the local level to explain and discuss the purpose and impact of the implementation of the intermediate airway structure and associated actions. In addition to these meetings, coordination with all airspace users will continue during an indefinite evaluation period following designation of the intermediate airways.

The intermediate airways have been aligned to overlie low altitude airways where possible and practicable, particularly in terminal areas, to facilitate transit from the one structure to the other. All of the navigational aids named in the description of the intermediate airways are designated reporting points. Following post-designation evaluation of the system, it is expected that certain of these facilities may be eliminated as reporting points. Likewise, simplification of airway numbering may be indicated as a result of additional study of the system. Low frequency navigational aids will be available to aircraft operations and air traffic control in the intermediate strata where adequate and as required.

In addition to the comments referred to above, numerous detailed recommendations were submitted suggesting the deletion or realignment of certain airways or airway segments as proposed. All of the comments, recommendations and suggestions have been carefully considered, and many were found acceptable by the FAA and are incorporated in the amendments to the regulations of the Administrator as set forth in this rule. However, it would not be practicable in a document of this nature to tabulate each such response to the notice and to relate the consideration given them.

Of the numerous modifications to the actions as proposed in the Notice, the majority will result in narrowing the width of the intermediate airways. Some few other changes will slightly realign a limited numer of the airways. In a number of instances, it has been necessary to make corrections in radials and bearings used in describing the airways. These are minor corrections which were necessitated by the issuance of a revised edition of The Isogonic Tables which effected the conversion from Magnetic to True bearings and radials.

The notice stated that portions of several of the intermediate altitude airways as described in their entirety would extend beyond the continental limits of the United States, and that since the required coordination in accordance with Executive Order No. 10854 (24 F.R. 9565) had not been completed, such portions would be excluded from consideration at this time. The segments and portions of the intermediate altitude airways so affected have been redescribed herein so that they will conform to existing segments and portions of off-shore VOR Federal airways, and they may in this manner be designated without involving the assignment of any additional airspace and the consequent requirement for coordination. This will maintain continuity of the airway route structure and simplify flight planning. Following completion of this coordination, the off-shore structure of the intermediate altitude airways will again be proposed.

Modification of existing Federal airways and designation of the intermediate altitude airways will result in a three-level route structure, the third level being comprised of Coded Jet Routes established in Part 602 of the Regulations of the Administrator. Although not mentioned in the Notice, a requirement now exists to distinguish high altitude reporting points. This will be accomplished by the addition of a new section under Subpart G of Part 601 in which all of the navigational facilities named in the description of the Jet Routes are designated High Altitude Reporting Points.

The actions taken herein will require certain modifications to various introductory sections of Parts 600 and 601 of the regulations of the Administrator to maintain correctness and clarity. Some additional revisions, editorial in nature, have been made in the sections entitled "Explanation of Terms". These do not directly pertain to the basic actions taken herein, but are appropriate to this extensive revision of the parts. They do not involve the designation of airspace.

Normally a rule is made effective at 0001, e.s.t., on a given date. In order to minimize the impact on air traffic, these actions will be made effective at a time when comparatively little activity may be expected. Accordingly, this action shall become effective 0401, e.s.t., on April 6, 1961. This will result in these amendments being effective on the same date as the amendments lowering the continental control area (60–WA–123), with both rules corresponding with a routine Coast and Geodetic Survey charting date. CAR 60.25 provides for the use of an altimeter setting of 29.92" HG in the existing continental control area. The FAA is considering a revision of this regulation to require the use of this setting above 14,500 feet MSL. This proposed revision should be published for comment by the public in the near future.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

Parts 600 and 601 (14 CFR 600, 601) are amended as follows:

In Part 600:

§ 600.2 [Amendment]

1. In § 600.2 (14 CFR 600.2) the following changes are made:

a. In (c)(1) "Colored Federal Airways" is deleted and "Low Altitude Colored Federal Airways" is substituted therefor.

b. In (c)(2) "VOR Federal Airways" is deleted and "Low Altitude VOR Federal Airways" is substituted therefor.

c. (c)(3) is added to read:

(3) Intermediate VOR Federal Airways: (i) Even numbered Federal airways, (ii) odd numbered Federal airways.

d. (e) is amended to read:

(e) All bearings and radials shall be True from the point of origin.

e. Paragraph (o) is deleted and the following is substituted therefor:

(o) "MSL" shall mean mean sea level.

§ 600.3 [Amendment]

2. Section 600.3(a) (14 CFR 600.3) is amended to read:

(a) Unless otherwise specified in Subparts B and C of this Part, each Low Altitude Federal airway shall include the navigable airspace of the United States lying within 5 miles of the centerline prescribed for each such airway; and, unless otherwise specified in Subpart D of this Part, each Intermediate Altitude airway shall include the navigable airspace of the United States within 8 miles of the centerline prescribed for each such airway: *Provided*, That a Low Altitude Federal airway lying within the continental United States shall not include the airspace at and above 14,500 feet MSL, and that an Intermediate Altitude Federal airway lying within the continental United States shall include the airspace from 14,500 feet MSL to, but not including, 24,000 feet MSL: *Provided further*, That a Federal airway shall not include any of the airspace of a prohibited area as defined in Part 60 of this title.

3. Section 600.10 (14 CFR 600.10) is amended to read:

§ 600.10 Designation of Federal Airways.

The paths through the navigable airspace of the United States described in Subpart B, Subpart C and Subpart D are designated as Federal airways.

4. In Subpart B, *"Colored Federal Airways"* is deleted and *"Low Altitude Colored Federal Airways"* is substituted therefor.

5. In Subpart C, *"VOR Federal Airways"* is deleted and *"Low Altitude VOR Federal Airways"* is substituted therefor.

6. "Transcontinental VOR Federal Airways" is deleted and the following sections are revoked: §§ 600.6600, 600.6602, 600.6604, 600.6606, 600.6608, 600.6610, 600.6612, 600.6614, 600.6616, 600.6618, 600.6620, 600.6622, 600.6624, 600.6629, 600.6631, 600.6633, and 600.6635.

7. Subpart D is added to read:

## Subpart D—Intermediate Altitude VOR Federal Airways

§ 600.1502 VOR Federal airway No. 1502 (Seattle, Wash., to Boston, Mass.).

From the Seattle, Wash., VOR a 14 mile wide airway to the INT of the Ephrata, Wash., VOR 273° and the Ellensburg, Wash., VOR 358° radials; thence 10 mile wide airway via the Ephrata VOR; Spokane, Wash., VOR; to the Mullan Pass, Idaho, VOR; thence via Great Falls, Mont., VOR; Lewistown, Mont., VOR; Miles City, Mont., VOR; Dickinson, N. Dak., VOR; Bismarck, N. Dak., VOR; Jamestown, N. Dak., VOR; Alexandria, Minn., VOR; Minneapolis, Minn., VOR; Eau Claire, Wis., VOR; Green Bay, Wis., VOR; White Cloud, Mich., VOR; Saginaw, Mich., VOR; thence 10 mile wide airway via Peck, Mich., VOR; London, Ontario, VOR; to the Buffalo, N.Y., VOR; thence to the Syracuse, N.Y., VOR; thence 10 mile wide airway to the INT of the Syracuse VOR 100° and the Albany, N.Y., VOR 286° radials; thence 12 mile wide airway via the Albany VOR; INT of the Albany VOR 075° and the Manchester, N.H., VOR 276° radials; Manchester VOR; thence 10 mile wide airway via the INT of Manchester VOR 117° and the Boston, Mass., VOR 014° radials; to the Boston VOR, excluding the portion which lies over Canada.

§ 600.1503 VOR Federal airway No. 1503 (Miami, Fla., to Presque Isle, Maine).

From the Biscayne Bay, Fla., VOR via the West Palm Beach, Fla., VOR; Vero Beach, Fla., VOR; INT of the Daytona Beach, Fla., VOR 161° and the Orlando, Fla., VOR 123° radials; thence 10 mile wide airway via the Daytona Beach VOR; INT of the Daytona Beach VOR 360° and the Jacksonville, Fla., VOR 144° radials; Jacksonville VOR; INT of the Jacksonville VOR 027° and the Savannah, Ga., VOR 180° radials; Savannah VOR; Charleston, S.C., VOR; to the INT of the Charleston VOR 049° and the Florence, S.C., VOR 167° radials; thence via the INT of the Charleston VOR 049° and the Wilmington, N.C., VOR 234° radials; Wilmington VOR; thence 12 mile wide airway via the INT of the Wilmington VOR 014° and the Cofield, N.C., VOR 209° radials; thence 14 mile wide airway to the INT of the Cofield VOR 209° and the Rocky Mount, N.C., VOR 112° radials; thence 10 mile wide airway via the Cofield VOR; INT of the Cofield VOR 046° and the Cape Charles, Va., VOR 200° radials; Cape Charles VOR; Salisbury, Md., VOR; INT of the Woodstown, N.J., VOR 154° and the Coyle, N.J., VOR 203° radials; Coyle VOR; INT of the Coyle VOR 058° and the Riverhead, N.Y., VOR 218° radials; Riverhead VOR; INT of the Riverhead VOR 046° and the Boston, Mass., VOR 223° radials; Boston VOR; to the Kennebunk, Maine, VOR; thence 12 mile wide airway to the INT of the Kennebunk VOR 033° and the Bangor, Maine, VOR 232° radials; thence 10 mile wide airway via Bangor, VOR; Millinocket, Maine, VOR; to the Presque Isle, Maine, VOR.

§ 600.1504 VOR Federal airway No. 1504 (Seattle, Wash., to Nantucket, Mass.).

From the Seattle, Wash., VOR a 14 mile wide airway to the INT of the Ephrata, Wash., VOR 273° and the Ellensburg, Wash., VOR 358° radials; thence 10 mile wide airway via the Ephrata VOR; Spokane, Wash., VOR; to the Mullan Pass, Idaho, VOR; thence via Missoula, Mont., VOR; Helena, Mont., VOR; Billings, Mont., VOR; Sheridan, Wyo., VOR; Dupree, S. Dak., VOR; Watertown, S. Dak., VOR; Redwood Falls, Minn., VOR; Rochester, Minn., VOR; Lone Rock, Wis., VOR; thence 10 mile wide airway via the INT of the Lone Rock VOR 106° and the Milwaukee, Wis., VOR 270° radials; Milwaukee, Wis., VOR; to the Muskegon, Mich., VOR; thence to the INT of the Muskegon VOR 114° and the Salem, Mich., VOR 291° radials; Salem, VOR; thence 10 mile wide airway via the Windsor, Ont., VOR; to the Erie, Pa., VOR; thence to the Bradford, Pa., VOR; INT of the Bradford VOR 095° and the Wilkes-Barre, Pa., VOR 279° radials; INT of Thornhurst, Pa., VOR 310° and the Wilkes-Barre VOR 279° radials; thence 10 mile wide airway via Wilkes-Barre VOR; Poughkeepsie, N.Y., VOR; Putnam, Conn., VOR; Providence, R.I., VOR; to the Nantucket, Mass., VOR, excluding the portion which lies over Canada.

§ 600.1505 VOR Federal airway No. 1505 (Miami, Fla., to Boston, Mass.).

From the Biscayne Bay, Fla., VOR a 10 mile wide airway via the INT of the Biscayne Bay VOR 021° and the Vero Beach, Fla., VOR 143° radials; to the Vero Beach VOR; thence via the INT of the Daytona Beach, Fla., VOR 161° and the Orlando, Fla., VOR 123° radials; thence 10 mile wide airway via the Daytona Beach VOR; INT of the Daytona Beach VOR 360° and the Jacksonville, Fla., VOR 144° radials; Jacksonville VOR; INT of the Jacksonville VOR 027° and the Savannah, Ga., VOR 180° radials; Savannah VOR; Charleston, S.C., VOR; to the INT of the Charleston VOR 029° and the Florence, S.C., VOR 179° radials; thence via the Florence VOR; INT of the Florence VOR 002° and the Raleigh-Durham, N.C., VOR 225° radials; Raleigh-Durham VOR; Lawrenceville, Va., VOR; thence 10 mile wide airway to the Richmond, Va., VOR; 12 mile wide airway to the INT of the Richmond VOR 039° and the Nottingham, Md., VOR 153° radials; thence via the Kenton, Del., VOR; New Castle, Del., VOR; West Chester, Pa., VOR; Pottstown, Pa., VOR; thence 10 mile wide airway to the Solberg, N.J., VOR; thence via the INT of the Solberg VOR 051° and the Wilton, Conn., VOR 240° radials; Wilton VOR; Hartford, Conn., VOR; Putnam, Conn., VOR; thence 10 mile wide airway via the INT of the Putnam VOR 043° and the Boston, Mass., VOR 256° radials; to the Boston VOR. The portions of this airway which coincide with the Dahlgren Complex, Va., Restricted Areas (R–6611, R–6612, R–6613) are excluded during the times of designation of these restricted areas.

§ 600.1506 VOR Federal airway No. 1506 (Seattle, Wash., to New York, N.Y.).

From the Seattle, Wash., VOR via the Pendleton, Oreg., VOR; McCall, Idaho, VOR; DuBois, Idaho, VOR; DuNoir, Wyo., VOR; Boysen Reservoir, Wyo., VOR; Casper, Wyo., VOR; Chadron, Nebr., VOR; O'Neill, Nebr., VOR; Sioux City, Iowa, VOR; thence 10 mile wide airway to the INT of the Sioux City VOR 079° and the Neola, Iowa, VOR 354° radials; thence to the Fort Dodge, Iowa, VOR; Dubuque, Iowa, VOR; INT of the Dubuque VOR 095° and the Northbrook, Ill., VOR 273° radials; INT of the Northbrook VOR 273° and the Janesville, Wis., VOR 137° radials; thence 10 mile wide airway via the Northbrook VOR; to the INT of the Northbrook VOR 093° and the Chicago Heights, Ill., VOR 358° radials; thence to the INT of the Northbrook VOR 093° and the Keeler, Mich., VOR 271° radials; Keeler VOR; thence 10 mile wide airway to the INT of the Keeler VOR 094° and the Muskegon, Mich., VOR 155° radials; thence via the INT of the Keeler VOR 094° and the Carleton, Mich., VOR 271° radials; Carleton, Mich., VOR; thence 10 mile wide airway to the Jefferson, Ohio, VOR; thence to the Keating, Pa., VOR; INT of the Keating VOR 099° and the Tannersville, Pa., VOR 275° radials; thence 10 mile wide airway via the Tannersville VOR; INT of the Tannersville VOR 055° and the Sparta, N.J., VOR 300° radials; to the Sparta VOR, excluding the portion which lies over Canada.

§ 600.1507 VOR Federal airway No. 1507 (Key West, Fla., to Buffalo, N.Y.).

From the Key West, Fla., VOR 10 mile wide airway to the Miami, Fla., VOR; thence to the Pahokee, Fla., VOR; INT of the Orlando, Fla., VOR 162° and the Vero Beach, Fla., VOR 296° radials; thence 10 mile wide airway via the Orlando VOR; INT of the Orlando VOR 359° and the Jacksonville, Fla., VOR 167° radials; Jacksonville VOR; to the INT of the Jacksonville VOR 009° and the Savannah, Ga., VOR 195° radials; thence to the INT of the Savannah VOR 195° and the Alma, Ga., VOR 083° radials; thence 10 mile wide airway via the Savannah VOR; to the INT of the Savannah VOR 350° and the Charleston, S.C., VOR 243° radials; thence via the Allendale, S.C., VOR; thence 10 mile wide

airway to the INT of the Allendale VOR 013° and the Charleston VOR 293° radials; thence to the Columbia, S.C., VOR; thence 10 mile wide airway to the Fort Mill, S.C., VOR; thence via the Greensboro, N..C, VOR; INT of the Greensboro VOR 357° and the Elkins, W. Va., VOR 179° radials; Elkins VOR; Morgantown, W. Va., VOR; Pittsburgh, Pa., VOR; thence 10 mile wide airway to the INT of the Pittsburgh VOR 354° and the Tidioute, Pa., VOR 214° radials; thence via the Tidioute VOR; to the Buffalo, N.Y., VOR. The portion of this airway which coincides with the Key West Warning Area (W–173) is excluded.

**§ 600.1508 VOR Federal airway No. 1508 (Portland, Oreg., to New York, N.Y.).**

From the Portland, Oreg., VOR via the The Dalles, Oreg., VOR; Baker, Oreg., VOR; Boise, Idaho, VOR; thence 12 mile wide airway to Burley, Idaho, VOR; thence via Malad City, Idaho, VOR; Rock Springs, Wyo., VOR; Cherokee, Wyo., VOR; Rock River, Wyo., VOR; Sidney, Nebr., VOR; North Platte, Nebr., VOR; INT of the North Platte VOR 073° and the Wolbach, Nebr., VOR 266° radials; Wolbach VOR; thence 12 mile wide airway via Neola, Iowa, VOR; to the Newton, Iowa, VOR; thence 10 mile wide airway via the Cedar Rapids, Iowa, VOR; Polo, Ill., VOR; INT of the Polo VOR 088° and the Naperville, Ill., VOR 290° radials; to the Naperville VOR; thence to the South Bend, Ind., VOR; INT of the South Bend VOR 092° and the Waterville, Ohio, VOR 288° radials; Waterville VOR; INT of Waterville VOR 095° and the Carleton, Mich., VOR 162° radials; thence 10 mile wide airway to the INT of the Waterville VOR 095° and the Attica, Ohio, VOR 007° radials; thence via the Cleveland, Ohio, VOR; INT of the Cleveland VOR 091° and the Clarion, Pa., VOR 282° radials; to the Clarion, Pa., VOR; thence 10 mile wide airway via the Philipsburg, Pa., VOR; Selinsgrove, Pa., VOR; to the Tower City, Pa., VOR; thence 8 mile wide airway to the INT of the Tower City VOR 103° and the Allentown, Pa., VOR 245° radials; thence 10 mile wide airway via the Yardley, Pa., VOR; to the INT of the Yardley VOR 098° and the Idlewild, N.Y., VOR 212° radials.

**§ 600.1509 VOR Federal airway No. 1509 (Miami, Fla., to Sault Ste. Marie, Mich.).**

From the Miami, Fla., VOR via the Pahokee, Fla., VOR; INT of the Orlando, Fla., VOR 162° and the Vero Beach, Fla., VOR 296° radials; thence 10 mile wide airway via the Orlando VOR; INT of the Orlando VOR 359° and the Jacksonville, Fla., VOR 167° radials; Jacksonville VOR; to the INT of the Jacksonville VOR 009° and the Savannah, Ga., VOR 195° radials; thence to the INT of the Savannah VOR 195° and the Alma, Ga., VOR 083° radials; thence 10 mile wide airway via the Savannah VOR; to the INT of the Savannah VOR 350° and the Charleston, S.C., VOR 243° radials; thence via the Allendale, S.C., VOR; thence 10 mile wide airway to the INT of the Allendale VOR 013° and the Charleston VOR 293° radials; thence to the Columbia, S.C., VOR; thence 10 mile wide airway to the Fort Mill, S.C., VOR; thence via the Pulaski, Va., VOR; Parkersburg, W. Va., VOR; INT of the Parkersburg VOR 354° and the Navarre, Ohio, VOR 184° radials; Navarre VOR; Cleveland, Ohio, VOR; thence 10 mile wide airway via the Windsor, Ont., VOR; to the INT of the Windsor VOR 320° and the Saginaw, Mich., VOR 163° radials; thence via the Saginaw VOR; Traverse City, Mich., VOR; INT of the Traverse City VOR 018° and the Sault Ste. Marie, Mich., VOR 214° radials; thence 10 mile wide airway to the Sault Ste. Marie VOR, excluding the portion which lies over Canada.

**§ 600.1510 VOR Federal airway No. 1510 (San Francisco, Calif., to Nantucket, Mass.).**

From the San Francisco, Calif., VOR via the INT of the San Francisco, Calif., VOR 304° and the Sacramento, Calif., VOR 233° radials; Sacramento VOR; thence 10 mile wide airway to the INT of the Sacramento VOR 055° and the Reno, Nev., VOR 233° radials; thence to the Reno VOR; thence 10 mile wide airway to the Lovelock, Nev., VOR; thence to the Battle Mountain, Nev., VOR; thence 10 mile wide airway via the INT of the Battle Mountain VOR 062° and the Wells, Nev., VOR 256° radials; to the Wells VOR; thence to the INT of the Wells VOR 075° and the Ogden, Utah, VOR 276° radials; thence 10 mile wide airway to the Ogden VOR; thence to the INT of the Ogden VOR 082° and the Rock Springs, Wyo., VOR 259° radials; Rock Springs VOR; Laramie, Wyo., VOR; Cheyenne, Wyo., VOR; Sidney, Nebr., VOR; North Platte, Nebr., VOR; Grand Island, Nebr., VOR; thence 12 mile wide airway to the INT of the Grand Island VOR 084° and the Pawnee City, Nebr., VOR 335° radials; thence 10 mile wide airway via the Omaha, Nebr., VOR; to the Des Moines, Iowa, VOR; thence to the Moline, Ill., VOR; Joliet, Ill., VOR; thence 12 mile wide airway via the Chicago Heights, Ill., VOR; Goshen, Ind., VOR; to the Waterville, Ohio, VOR; thence to the INT of the Waterville VOR 095° and the Carleton, Mich., VOR 162° radials; thence 10 mile wide airway to the INT of the Waterville VOR 095° and the Attica, Ohio, VOR 007° radials; thence via the Cleveland, Ohio, VOR; INT of the Cleveland VOR 091° and the Clarion, Pa., VOR 282° radials; to the Clarion VOR; thence 10 mile wide airway via the Philipsburg, Pa., VOR; Selinsgrove, Pa., VOR; to the Tower City, Pa., VOR; thence 8 mile wide airway to the INT of the Tower City VOR 103° and the Allentown, Pa., VOR 246° radials; thence 10 mile wide airway via the Yardley, Pa., VOR; INT of the Yardley VOR 098° and the Idlewild, N.Y., VOR 212° radials; Idlewild, N.Y., VOR; INT of the Idlewild VOR 083° and the Nantucket, Mass., VOR 252° radials; thence to the Nantucket VOR.

**§ 600.1511 VOR Federal airway No. 1511 (Key West, Fla., to Detroit, Mich.).**

From the Key West, Fla., VOR 10 mile wide airway to the Fort Myers, Fla., VOR; thence to the Lakeland, Fla., VOR; thence 10 mile wide airway via the Ocala, Fla., VOR; INT of the Ocala VOR 349° and the Taylor, Fla., VOR 170° radials; Taylor VOR; to the Alma, Ga., VOR; thence to the INT of the Alma VOR 012° and the Augusta, Ga., VOR 170° radials; thence 10 mile wide airway to the Augusta VOR; thence via Spartanburg, S.C., VOR; Tri-City, Tenn., VOR; Charleston, W. Va., VOR; INT of the Charleston VOR 357° and the Tiverton, Ohio, VOR 161° radials; Tiverton VOR; Cleveland, Ohio, VOR; thence 10 mile wide airway via the INT of the Cleveland VOR 307° and the Salem, Mich., VOR 140° radials; to the Salem VOR; excluding that portion which lies over Canada. The portion of this airway which coincides with the Key West Warning Area (W–173) is excluded.

**§ 600.1512 VOR Federal airway No. 1512 (San Francisco, Calif., to Chicago, Ill.).**

From the INT of the Sacramento, Calif., VOR 232° and the Linden, Calif., VOR 269° radials; thence 10 mile wide airway via the Linden VOR; INT of the Linden VOR 046° and the Reno, Nev., VOR 208° radials; thence to Reno VOR; thence 10 mile wide airway to the Lovelock, Nev., VOR; thence to the Battle Mountain, Nev., VOR; thence 10 mile wide airway via the Elko, Nev., VOR; Bonneville, Utah, VOR; to the Salt Lake City, Utah, VOR; thence to the Myton, Utah, VOR; Kremmling, Colo., VOR; INT of the Kremmling VOR 081° and the Akron, Colo., VOR 272° radials; Akron VOR; Hayes Center, Nebr., VOR; Grand Island, Nebr., VOR; thence 12 mile wide airway to the INT of the Grand Island VOR 084° and the Pawnee City, Nebr., VOR 335° radials; thence 10 mile wide airway via the Omaha, Nebr., VOR; to the Des Moines, Iowa, VOR; thence to the Moline, Ill., VOR; thence 10 mile wide airway to the Naperville, Ill., VOR.

**§ 600.1513 VOR Federal airway No. 1513 (Miami, Fla., to Saginaw, Mich.).**

From the Biscayne Bay, Fla., VOR 10 mile wide airway via the INT of the Biscayne Bay VOR 021° and the Vero Beach, Fla., VOR 143° radials; Vero Beach VOR; thence to the INT of the Daytona Beach, Fla., VOR 161° and the Orlando, Fla., VOR 123° radials; thence 10 mile wide airway via the Daytona Beach VOR; INT of the Daytona Beach VOR 360° and the Jacksonville, Fla., VOR 144° radials; to the Jacksonville VOR; thence via the INT of the Jacksonville VOR 319° and the Alma, Ga., VOR 148° radials; Alma VOR; thence 10 mile wide airway to the INT of the Alma VOR 335° and the Norcross, Ga., VOR 146° radials; Norcross VOR; thence 10 mile wide airway to the INT of the Norcross VOR 011° and the Royston, Ga., VOR 270° radials; thence via the INT of the Norcross VOR 011° and the Knoxville, Tenn., VOR 181° radials; Knoxville VOR; London, Ky., VOR; Lexington, Ky., VOR; Cincinnati, Ohio, VOR; thence 10 mile wide airway to the Rosewood, Ohio, VOR, thence via the INT of the Rosewood VOR 018° and the Waterville, Ohio, VOR 190° radials; Waterville VOR; Carleton, Mich., VOR; Salem, Mich., VOR; INT of the Salem VOR 349° and the Saginaw, Mich., VOR 157° radials; to the Saginaw VOR.

**§ 600.1514 VOR Federal airway No. 1514 (Salt Lake City, Utah, to New York, N.Y.).**

From the Salt Lake City, Utah, VOR via the Myton, Utah, VOR; Kremmling, Colo., VOR; Denver, Colo., VOR; Thurman, Colo., VOR; INT of the Thurman VOR 100° and the Hill City, Kans., VOR 277° radials; Hill City VOR; Russell, Kans., VOR; thence 10 mile wide airway via the Salina, Kans., VOR; Topeka, Kans., VOR; to the Kansas City, Mo., VOR; thence to the Kirksville, Mo., VOR; INT of the Kirksville VOR 065° and the Bradford, Ill., VOR 247° radials; Bradford VOR; Joliet, Ill., VOR; thence 12 mile wide airway via the Chicago Heights, Ill., VOR; Goshen, Ind., VOR; to the Waterville, Ohio, VOR; thence to the INT of the Waterville VOR 095° and the Carleton, Mich., VOR 162° radials; thence 10 mile wide airway to the INT of the Waterville VOR 095° and the Attica, Ohio, VOR 007° radials; thence via the Cleveland, Ohio, VOR; INT of the Cleveland VOR 091° and the Clarion, Pa., VOR 282° radials; to the Clarion VOR; thence 10 mile wide airway via the Philipsburg, Pa., VOR; Selinsgrove, Pa., VOR; INT of the Selinsgrove VOR 083° and the Allentown, Pa., VOR 281° radials; Allentown VOR; Solberg, N.J., VOR; to the INT of the Solberg, N.J., VOR 086° and the Robbinsville, N.J., VOR 040° radials.

**§ 600.1515 VOR Federal airway No. 1515 (Key West, Fla., to Milwaukee, Wis.).**

From the Key West, Fla., VOR 10 mile wide airway via the INT of the Key West VOR 078° and the Miami, Fla., VOR 205° radials; Miami VOR; thence to the Pahokee, Fla., VOR; Vero Beach, Fla., VOR; INT of the Daytona Beach, Fla., VOR 161° and the Orlando, Fla., VOR 123° radials; thence 10 mile wide airway via the Daytona Beach VOR; INT of the Daytona Beach VOR 360° and the Jacksonville, Fla., VOR 144° radials; to the Jacksonville VOR; thence via the INT of the Jacksonville VOR 319° and the Alma, Ga., VOR 148° radials; Alma VOR; thence 10 mile wide airway to the INT of the Alma VOR 320° and the Allendale, S.C., VOR 247° radials; thence via the Macon, Ga., VOR; McDonough, Ga., VOR; thence 10 mile wide airway via the Norcross, Ga., VOR; to the INT of the Norcross VOR 011° and the Royston, Ga., VOR 270° radials; thence via the INT of the Norcross VOR 011° and the Knoxville, Tenn., VOR 181° radials; Knoxville VOR; thence 10 mile wide airway to the INT of Knoxville VOR 329° and the London, Ky., VOR 185° radials; thence via the Louisville, Ky., VOR; INT of the Louisville, Ky., VOR 333° and the Indianapolis, Ind., VOR 170° radials; INT of the Indianapolis VOR 170° and the Lewis, Ind., VOR 104° radials; thence 10 mile wide airway to the INT of the Indianapolis VOR 170° and the Lewis VOR 082° radials; thence via the Indianapolis VOR; INT of the Indianapolis VOR 312° and the Roberts, Ill., VOR 113° radials; Chicago Heights, Ill., VOR; INT of the Chicago Heights VOR 358° and the Milwaukee, Wis., VOR 137° radials; thence 10 mile wide airway to the Milwaukee VOR.

**§ 600.1516 VOR Federal airway No. 1516 (San Francisco, Calif., to New York, N.Y.).**

From the Oakland, Calif., VOR; a 10 mile wide airway via the INT of the Oakland, Calif., VOR 077° and the Stockton, Calif., VOR 268° radials; Stockton VOR; to the INT of the Stockton VOR 085° and the Linden, Calif., VOR 143° radials; thence via the Coaldale, Nev., VOR; Wilson Creek, Nev., VOR; Milford, Utah, VOR; Hanksville, Utah, VOR; La Sal, Utah, VOR; Gunnison, Colo., VOR; INT of the Pueblo, Colo., VOR 275° and the Colorado Springs, Colo., VOR 195° radials; thence 10 mile wide airway via the Pueblo VOR to the INT of the Pueblo VOR 094° and the Colorado Springs VOR 145° radials; thence via the Lamar, Colo., VOR; Russell, Kans., VOR; thence 10 mile wide airway via the Salina, Kans., VOR; Topeka, Kans., VOR; Kansas City, Mo., VOR; thence 12 mile wide airway via the INT of the Kansas City VOR 093° and the Hallsville, Mo., VOR 277° radials; to the Hallsville VOR; thence via Vandalia, Ill., VOR; thence 14 mile wide airway via the INT of the Vandalia VOR 073° and the Indianapolis, Ind., VOR 250° radials; INT of the Indianapolis VOR 250° and the Lewis, Ind., VOR 351° radials; thence 10 mile wide airway to the Indianapolis VOR; thence to the INT of the Indianapolis VOR 069° and the Rosewood, Ohio, VOR 261° radials; Rosewood VOR; Tiverton, Ohio, VOR; Navarre, Ohio, VOR; Tyrone, Pa., VOR; thence 10 mile wide airway via the INT of the Tyrone VOR 095° and the Tower City, Pa., VOR 279° radials; to the INT of the Tower City VOR 279° and the Harrisburg, Pa., VOR 011° radials; thence 8 mile wide airway via the Tower City VOR; to the INT of the Tower City VOR 103° and the Allentown, Pa., VOR 246° radials; thence 10 mile wide airway via the Yardley, Pa., VOR; to the INT of the Yardley VOR 098° and the Idlewild, N.Y., VOR 212° radials.

**§ 600.1517 VOR Federal airway No. 1517 (Miami, Fla., to Chicago, Ill.).**

From the Miami, Fla., VOR via the INT of the Miami VOR 316° and the Lakeland, Fla., VOR 154° radials; Lakeland VOR; thence 10 mile wide airway via the Ocala, Fla., VOR; INT of the Ocala VOR 343° and the Taylor, Fla., VOR 170° radials; Taylor VOR; Alma, Ga., VOR; INT of the Alma VOR 320° and the Allendale, S.C., VOR 247° radials; thence via the Macon, Ga., VOR; McDonough, Ga., VOR; thence 10 mile wide airway via the INT of the McDonough VOR 345° and the Royston, Ga., VOR 273° radials; thence via the Crossville, Tenn., VOR; Bowling Green, Ky., VOR; Lewis, Ind., VOR; thence 10 mile wide airway to the INT of the Lewis VOR 349° and the Indianapolis, Ind., VOR 288° radials; thence via the INT of the Peotone, Ill., VOR 168° and the Bradford, Ill., VOR 098° radials; thence 10 mile wide airway to the Peotone, Ill., VOR.

**§ 600.1518 VOR Federal airway No. 1518 (Minneapolis, Minn., to Washington, D.C.).**

From the Minneapolis, Minn., VOR via the Nodine, Minn., VOR; Lone Rock, Wis., VOR; INT of the Lone Rock VOR 147° and the Janesville, Wis., VOR 294° radials; thence 10 mile wide airway to the Janesville VOR; thence to the Naperville, Ill., VOR; Chicago Heights, Ill., VOR; thence 12 mile wide airway to the Goshen, Ind., VOR; thence to the INT of the Goshen VOR 108° and the Fort Wayne, Ind., VOR 068° radials; Attica, Ohio, VOR; Navarre, Ohio, VOR; INT of the Navarre VOR 126° and the Pittsburgh, Pa., VOR 286° radials; Pittsburgh VOR; Martinsburg, W. Va., VOR; to the Herndon, Va., VOR.

**§ 600.1519 VOR Federal airway No. 1519 (Miami, Fla., to Atlanta, Ga.).**

From the Miami, Fla., VOR via the Fort Myers, Fla., VOR; INT of the Fort Myers VOR 333° and the Lakeland, Fla., VOR., 202° radials; thence 10 mile wide airway to the St. Petersburg, Fla., VOR; Cross City, Fla., VOR; thence to the INT of the Cross City VOR 333° and the Tallahassee, Fla., VOR 090° radials; INT of the Albany, Ga., VOR 152° and the Marianna, Fla., VOR 058° radials; thence 10 mile wide airway to the Albany VOR; thence to the INT of the Atlanta, Ga., VOR 174° and the McDonough, Ga., VOR 234° radials; thence 10 mile wide airway to the Atlanta VOR.

**§ 600.1520 VOR Federal airway No. 1520 (Minneapolis, Minn., to Washington, D.C.).**

From the Minneapolis, Minn., VOR via the INT of the Minneapolis VOR 165° and the Rochester, Minn., VOR 334° radials; Rochester VOR; Rewey, Wis., VOR; INT of the Rewey VOR 123° and the Joliet, Ill., VOR 316° radials; Joliet VOR; Peotone, Ill., VOR; thence 12 mile wide airway to the Fort Wayne, Ind., VOR; thence via the Appleton, Ohio, VOR; INT of the Appleton VOR 111° and the Morgantown, W. Va., VOR 284° radials; Morgantown VOR; INT of the Morgantown VOR 109° and the Martinsburg, W. Va., VOR 253° radials; thence 10 mile wide airway via the Front Royal, Va., VOR, to the Herndon, Va., VOR.

**§ 600.1521 VOR Federal airway No. 1521 (Miami, Fla., to Farmington, Mo.).**

From the Miami, Fla., VOR via the INT of the Miami VOR 316° and the St. Petersburg, Fla., VOR 133° radials; INT of the St. Petersburg VOR 133° and the Lakeland, Fla., VOR 227° radials; thence 10 mile wide airway to the St. Petersburg VOR; Tallahassee, Fla., VOR; thence to the Tuskegee, Ala., VOR; Birmingham, Ala., VOR; Muscle Shoals, Ala., VOR; Paducah, Ky., VOR; to the Farmington, Mo., VOR.

**§ 600.1522 VOR Federal airway No. 1522 (Los Angeles, Calif., to New York, N.Y.).**

From the Los Angeles, Calif., VOR a 12 mile wide airway via the INT of

the Los Angeles VOR 059° and the Daggett, Calif., VOR 233° radials; Daggett VOR; thence 10 mile wide airway via the Las Vegas, Nev., VOR; to the Mormon Mesa, Nev., VOR; thence via Bryce Canyon, Utah, VOR; Hanksville, Utah, VOR; Grand Junction, Colo., VOR; Kremmling, Colo., VOR; Denver, Colo., VOR; Thurman, Colo., VOR; INT of the Thurman VOR 100° and the Hill City, Kans., VOR 277° radials; Hill City VOR; Mankato, Kans., VOR; thence 10 mile wide airway via the Pawnee City, Nebr., VOR; to the Lamoni, Iowa, VOR; thence via the Moline, Ill., VOR; Joliet, Ill., VOR; thence 12 mile wide airway via the Chicago Heights, Ill., VOR; Goshen, Ind., VOR; to the Waterville, Ohio, VOR; thence to the INT of the Waterville VOR 095° and the Carleton, Mich., VOR 162° radials; thence 10 mile wide airway to the INT of the Waterville 095° and the Attica, Ohio, VOR 007° radials; thence via the Cleveland, Ohio, VOR; INT of the Cleveland VOR 091° and the Clarion, Pa., VOR 282° radials; to the Clarion VOR; thence 10 mile wide airway via the Philipsburg, Pa., VOR; Selinsgrove, Pa., VOR; to the Tower City, Pa., VOR; thence 8 mile wide airway to the INT of the Tower City VOR 103° and the Allentown, Pa., VOR 246° radials; thence 10 mile wide airway via the Yardley, Pa., VOR; to the INT of the Yardley VOR 056° and the Solberg, N.J., VOR 135° radials.

**§ 600.1523 VOR Federal airway No. 1523 (New Orleans, La., to Salem, Mich.).**

From the New Orleans, La., VOR via the McComb, Miss., VOR; Jackson, Miss., VOR; Greenwood, Miss., VOR; Memphis, Tenn., VOR; thence 10 mile wide airway via the INT of the Memphis VOR 351° and the Dyersburg, Tenn., VOR 235° radials; to the Dyersburg VOR; thence via the Paducah, Ky., VOR; INT of the Paducah VOR 039° and the Evansville, Ind., VOR 227° radials; INT of the Evansville VOR 227° and the Samsville, Ill., VOR 178° radials; thence 10 mile wide airway to the Evansville VOR; thence via the INT of the Evansville VOR 033° and the Indianapolis, Ind., VOR 206° radials; Indianapolis VOR; Fort Wayne, Ind., VOR; to the Salem, Mich., VOR.

**§ 600.1524 VOR Federal airway No. 1524 (Los Angeles, Calif., to New York, N.Y.).**

From the Los Angeles, Calif., VOR; 10 mile wide airway via the Ontario, Calif., VOR; Hector, Calif., VOR; Goffs, Calif., VOR; thence via Peach Springs, Ariz., VOR; Tuba City, Ariz., VOR; Farmington, N. Mex., VOR; Alamosa, Colo., VOR; Lamar, Colo., VOR; Garden City, Kans., VOR; INT of the Garden City VOR 086° and the Anthony, Kans., VOR 340° radials; thence 10 mile wide airway via the Hutchinson, Kans., VOR; Emporia, Kans., VOR; to the INT of the Emporia VOR 050° and the Blue Springs, Mo., VOR 268° radials; thence 8 mile wide airway to the Blue Springs VOR; thence 12 mile wide airway to the INT of the Blue Springs VOR 095° and the Readsville, Mo., VOR 280° radials; thence via the Readsville VOR; Troy, Ill., VOR; INT of the Troy VOR 080° and the Lewis, Ind., VOR 250° radials; Lewis VOR; INT of the Lewis VOR 071° and the Cincinnati, Ohio, VOR 350° radials; thence 10 mile wide airway via the Dayton, Ohio, VOR; to the INT of the Dayton VOR 084° and the Rosewood, Ohio, VOR 123° radials; thence via the Appleton, Ohio, VOR; INT of the Appleton VOR 085° and the Parkersburg, W. Va., VOR 023° radials; thence 10 mile wide airway to the Pittsburgh, Pa., VOR; thence via the Johnstown, Pa., VOR; Harrisburg, Pa., VOR; thence 10 mile wide airway via the INT of the Harrisburg VOR 073° and the Allentown, Pa., VOR 245° radials; Allentown VOR; Solberg, N.J., VOR; to the INT of the Solberg VOR 086° and the Robbinsville, N.J., VOR 040° radials.

**§ 600.1525 VOR Federal airway No. 1525 (New Orleans, La., to Chicago, Ill.).**

From the New Orleans, La., VOR via the McComb, Miss., VOR; Jackson, Miss., VOR; Greenwood, Miss., VOR; Memphis, Tenn., VOR; thence 10 mile wide airway to the Walnut Ridge, Ark., VOR; thence via the Farmington, Mo., VOR; INT of the Farmington VOR 351° and the Troy, Ill., VOR 233° radials; thence 10 mile wide airway to the Troy VOR; thence via the Roberts, Ill., VOR; INT of the Roberts VOR 008° and the Bradford, Ill., VOR 098° radials; thence 10 mile wide airway to the INT of the Roberts VOR 008° and the Joliet, Ill., VOR 093° radials.

**§ 600.1526 VOR Federal airway No. 1526 (St. Louis, Mo., to Washington, D.C.).**

From the Troy, Ill., VOR via the Samsville, Ill., VOR; Nabb, Ind., VOR; York, Ky., VOR; Elkins, W. Va., VOR; thence 10 mile wide airway via Linden, Va., VOR; INT of the Linden VOR 095° and the Washington, D.C., VOR 245° radials; to the Washington VOR.

**§ 600.1527 VOR Federal airway No. 1527 (Houston, Tex., to Chicago, Ill.).**

From the Houston, Tex., VOR via the Lufkin, Tex., VOR; Gregg County, Tex., VOR; Texarkana, Ark., VOR; Pine Bluff, Ark., VOR; INT of the Pine Bluff VOR 037° and the Walnut Ridge, Ark., VOR 188° radials; Walnut Ridge VOR; Farmington, Mo., VOR; INT of the St. Louis, Mo., VOR 171° and the Troy, Ill., VOR 233° radials; thence 10 mile wide airway to the St. Louis VOR; thence via the Springfield, Ill., VOR; INT of the Springfield VOR 036° and the Joliet, Ill., VOR 204° radials; Joliet VOR; thence 10 mile wide airway to the Naperville, Ill., VOR.

**§ 600.1528 VOR Federal airway No. 1528 (San Francisco, Calif., to Dallas, Tex.).**

From the Oakland, Calif., VOR; 10 mile wide airway via the INT of the Oakland VOR 110° and the Stockton, Calif., VOR 246° radials; Stockton VOR; to the INT of the Stockton VOR 085° and the Linden, Calif., VOR 143° radials; thence via the Coaldale, Nev., VOR; Wilson Creek, Nev., VOR; Milford, Utah, VOR; Hanksville, Utah, VOR; Dove Creek, Colo., VOR; Alamosa, Colo., VOR; Clayton, N. Mex., VOR; Dalhart, Tex., VOR; thence 10 mile wide airway via Amarillo, Tex., VOR; to the Childress, Tex., VOR; thence via Wichita Falls, Tex., VOR; INT of the Wichita Falls VOR 122° and the Dallas, Tex., VOR 299° radials; to the Dallas VOR.

**§ 600.1529 VOR Federal airway No. 1529 (Dalhart, Tex., to Great Falls, Mont.).**

From the Dalhart, Tex., VOR via the Tobe, Colo., VOR; Pueblo, Colo., VOR; thence 10 mile wide airway via the INT of the Pueblo VOR 018° and the Kiowa, Colo., VOR 169° radials; Kiowa VOR; Denver, Colo., VOR; thence via the Laramie, Wyo., VOR; Rock River, Wyo., VOR; Casper, Wyo., VOR; Crazy Woman, Wyo., VOR; Sheridan, Wyo., VOR; Billings, Mont., VOR; INT of the Billings VOR 317° and the Great Falls, Mont., VOR 122° radials; to the Great Falls VOR.

**§ 600.1530 VOR Federal airway No. 1530 (Los Angeles, Calif., to Washington, D.C.).**

From the Long Beach, Calif., VOR; 10 mile wide airway via the Ontario, Calif., VOR; Hector, Calif., VOR; Goffs, Calif., VOR; thence via the Peach Springs, Ariz., VOR; Tuba City, Ariz., VOR; Farmington, N. Mex., VOR; Cimarron, N. Mex., VOR; Clayton, N. Mex., VOR; Liberal, Kans., VOR; INT of the Liberal VOR 090° and the Ponca City, Okla., VOR 280° radials; INT of the Ponca City VOR 280° and the Anthony, Kans., VOR 162° radials; thence 10 mile wide airway to the Ponca City VOR; thence via Oswego, Kans., VOR; Springfield, Mo., VOR; Farmington, Mo., VOR; Evansville, Ind., VOR; INT of the Evansville VOR 080° and the Louisville, Ky., VOR 269° radials; INT of the Louisville VOR 269° and the Nabb, Ind., VOR 214° radials; thence 10 mile wide airway to the Louisville VOR; thence via the Lexington, Ky., VOR; Charleston, W. Va., VOR; Montebello, Va., VOR; thence 10 mile wide airway to the Gordonsville, Va., VOR; thence via the INT of the Gordonsville VOR 020° and the Herndon, Va., VOR 220° radials; to the Herndon VOR.

**§ 600.1531 VOR Federal airway No. 1531 (Dallas, Tex., to Denver, Colo.).**

From the Dallas, Tex., VOR via the Ardmore, Okla., VOR; INT of the Ardmore VOR 342° and the Oklahoma City, Okla., VOR 154° radials; Oklahoma City VOR; thence 12 mile wide airway to the Gage, Okla., VOR; thence via Liberal, Kans., VOR; Lamar, Colo., VOR; Hugo, Colo., VOR; Kiowa, Colo., VOR; to the Denver, Colo., VOR.

**§ 600.1532 VOR Federal airway No. 1532 (Los Angeles, Calif., to New York, N.Y.).**

From the Los Angeles, Calif., VOR; 10 mile wide airway via the Ontario, Calif., VOR; INT of the Ontario VOR 080° and the Twenty Nine Palms, Calif., VOR 270° radials; Twenty Nine Palms VOR; to the INT of the Twenty Nine Palms VOR 058° and the Hector, Calif., VOR 131° radials; thence to the Needles, Calif., VOR; Prescott, Ariz., VOR; Winslow, Ariz., VOR; Zuni, N. Mex., VOR; INT of the Zuni VOR 087° and the Albuquerque, N. Mex., VOR 269° radials; Albuquerque VOR; Tucumcari, N. Mex., VOR; thence 10 mile wide airway via Amarillo, Tex., VOR; to the Sayre, Okla., VOR; thence via Oklahoma City, Okla., VOR; Tulsa, Okla., VOR; INT of the Tulsa VOR 059° and the Springfield, Mo., VOR 240° radials; Springfield VOR; Vichy, Mo., VOR; Troy, Ill., VOR; INT of the Troy VOR 080° and the Lewis, Ind., VOR 250° radials; Lewis VOR; INT of the Lewis VOR 071°and the Cincinnati, Ohio, VOR 350° radials; thence 10 mile wide airway via the Dayton, Ohio, VOR; to the INT of the Dayton VOR 084° and the Rosewood, Ohio, VOR 123° radials; thence to the Appleton, Ohio, VOR; INT of the Appleton VOR 085° and the Parkersburg, W. Va., VOR 023° radials; thence 10 mile wide airway to the Pittsburgh Pa., VOR; thence to the Johnstown, Pa., VOR; Harrisburg, Pa., VOR; West Chester, Pa., VOR; INT of the West Chester VOR 095° and the Woodstown, N.J., VOR 043° radials; thence 10 mile wide airway via the INT of the Woodstown VOR 043° and the Robbinsville, N.J., VOR 239° radials; to the Robbinsville VOR.

**§ 600.1533 VOR Federal airway No. 1533 (San Antonio, Tex., to Milwaukee, Wis.).**

From the San Antonio, Tex., VOR via the INT of the San Antonio VOR 002° and the Lometa, Tex., VOR 173° radials; Lometa VOR; Mineral Wells, Tex., VOR; thence 10 mile wide airway via the INT of the Mineral Wells VOR 355° and the Bridgeport, Tex., VOR 224° radials; to the Bridgeport, Tex., VOR; thence via Ardmore, Okla., VOR; Okmulgee, Okla., VOR; Tulsa, Okla., VOR; Oswego, Kans., VOR; thence 10 mile wide airway via the Butler, Mo., VOR; Blue Springs, Mo., VOR; to the INT of the Blue Springs VOR 016° and the Kansas City, Mo., VOR 060° radials; thence via the Kirksville, Mo., VOR; INT of the Kirksville VOR 050° and the Moline, Ill., VOR 233° radials; Moline VOR; Janesville, Wis., VOR; thence 10 mile wide airway to the Milwaukee, Wis., VOR.

**§ 600.1534 VOR Federal airway No. 1534 (Nashville, Tenn., to Boston, Mass.).**

From the Nashville, Tenn., VOR via the Bowling Green, Ky., VOR; INT of the Bowling Green VOR 063° and the Louisville, Ky., VOR 168° radials; Lexington, Ky., VOR; York, Ky., VOR; Parkersburg, W. Va., VOR; Morgantown, W. Va., VOR; Martinsburg, W. Va., VOR; INT of the Martinsburg VOR 081° and the Pottstown, Pa., VOR 237° radials; Pottstown VOR; thence 10 mile wide airway to the Solberg, N.J., VOR; thence to the INT of the Solberg VOR 051° and the Wilton, Conn., VOR 240° radials; Wilton VOR; Hartford, Conn., VOR; Putnam, Conn., VOR; thence 10 mile wide airway via the INT of the Putnam VOR 043° and the Boston, Mass., VOR 256° radials; to the Boston VOR.



**§ 600.1535 VOR Federal airway No. 1535 (Kansas City, Mo., to Duluth, Minn.).**

From the Blue Springs, Mo., VOR via 10 mile wide airway to the INT of the Blue Springs VOR 016° and the Kansas City, Mo., VOR 060° radials; thence via the INT of the Blue Springs VOR 016° and the Lamoni, Iowa, VOR 174° radials; Lamoni VOR; thence 10 mile wide airway to the Des Moines, Iowa, VOR; thence via the Mason City, Iowa, VOR; INT of the Mason City VOR 004° and the Minneapolis, Minn., VOR 165° radials; Minneapolis VOR; Duluth, Minn., VOR; via the Duluth VOR 336° radial to the United States/Canadian Border.

**§ 600.1536 VOR Federal airway No. 1536 (Los Angeles, Calif., to Jacksonville, Fla.).**

From the Long Beach, Calif., VOR; 10 mile wide airway via the Thermal, Calif., VOR; to the Blythe, Calif., VOR; thence to the INT of the Phoenix, Ariz., VOR 275° and the Gila Bend, Ariz., VOR 346°; thence 10 mile wide airway via the Phoenix VOR to the INT of the Phoenix VOR 066° and the Casa Grande, Ariz., VOR 031° radials; thence via the St. Johns, Ariz., VOR; INT of the St. Johns VOR 089° and the Albuquerque, N. Mex., VOR 198° radials; thence 10 mile wide airway to the Corona, N. Mex., VOR; thence to the INT of the Corona VOR 077° and the Texico, N. Mex., VOR 276° radials; thence 10 mile wide airway to the Texico VOR; thence via the Childress, Tex., VOR; Wichita Falls, Tex., VOR; Bridgeport, Tex., VOR; Dallas, Tex., VOR; Gregg County, Tex., VOR; INT of the Gregg County VOR 123° and the Alexandria, La., VOR 300° radials; INT of the Alexandria VOR 300° and the Monroe, La., VOR 207° radials; thence 10 mile wide airway via the Alexandria VOR; to the INT of the Alexandria VOR 126° and the Monroe VOR 183° radials; thence via the Baton Rouge, La., VOR; New Orleans, La., VOR; INT of the New Orleans VOR 070° and the McComb, Miss., VOR 154° radials; thence 10 mile wide airway to the INT of the New Orleans VOR 070° and the McComb VOR 140° radials; thence to the INT of the New Orleans VOR 070° and the Mobile, Ala., VOR 243° radials; Mobile VOR; thence 10 mile wide airway via the INT of the Mobile VOR 106° and the Crestview, Fla., VOR 246° radials; Crestview VOR; to the Marianna, Fla., VOR; thence to the Tallahassee, Fla., VOR; thence 10 mile wide airway via the Taylor, Fla., VOR to the Jacksonville, Fla., VOR.

**§ 600.1537 VOR Federal airway No. 1537 (Laredo, Tex., to Joliet, Ill.).**

From the Laredo, Tex., VOR a 10 mile wide airway via the Cotulla, Tex., VOR; INT of the Cotulla VOR 041° and the San Antonio, Tex., VOR 183° radials; San Antonio VOR; to the Austin, Tex., VOR; thence to the INT of the Austin VOR 016° and the Lometa, Tex., VOR 106° radials; thence 10 mile wide airway to the Waco, Tex., VOR; thence via the Dallas, Tex., VOR; INT of the Dallas VOR 324° and the Ardmore, Okla., VOR 176° radials; Ardmore VOR; McAlester, Okla., VOR; Fayetteville, Ark., VOR; Springfield, Mo., VOR; Hallsville, Mo., VOR; Peoria, Ill., VOR; to the Joliet, Ill., VOR.

**§ 600.1538 VOR Federal airway No. 1538 (Tulsa, Okla., to New York, N.Y.).**

From the Tulsa, Okla., VOR via the Fayetteville, Ark., VOR; Walnut Ridge, Ark., VOR; thence 10 mile wide airway to the Dyersburg, Tenn., VOR; thence via the Nashville, Tenn., VOR; thence 10 mile wide airway to the INT of Nashville VOR 102° and the Bowling Green, Ky., VOR 163° radials; thence via the Crossville, Tenn., VOR; INT of the Crossville VOR 107° and the Knoxville, Tenn., VOR 248° radials; thence 10 mile wide airway to the Knoxville VOR; thence via the Charleston, W. Va., VOR; Morgantown, W. Va., VOR; Johnstown, Pa., VOR; INT of the Johnstown VOR 067° and the Selinsgrove, Pa., VOR 260° radials; Selinsgrove VOR; thence 10 mile wide airway via the INT of the Selinsgrove VOR 083° and the Allentown, Pa., VOR 281° radials; Allentown VOR; Solberg, N.J., VOR; to the INT of the Solberg VOR 086° and the Robbinsville, N.J., VOR 040° radials.

**§ 600.1539 VOR Federal airway No. 1539 (Abilene, Tex., to Wichita, Kans.).**

From the Abilene, Tex., VOR via the Wichita Falls, Tex., VOR; INT of the Wichita Falls VOR 028° and the Ardmore, Okla., VOR 291° radials; thence 10 mile wide airway via the INT of the Wichita Falls VOR 028° and the Oklahoma City, Okla., VOR 202° radials; Oklahoma City VOR; Ponca City, Okla., VOR; INT of the Ponca City VOR 328° and the Wichita, Kans., VOR 190° radials; to the Wichita VOR.

**§ 600.1540 VOR Federal airway No. 1540 (San Diego, Calif., to Westminster, Md.).**

From the Mission Bay, Calif., VOR 12 mile wide airway to the INT of the Mission Bay VOR 090° and the Julian, Calif., VOR 130° radials; thence 10 mile wide airway via the El Centro, Calif., VOR; Yuma, Ariz., VOR; INT of the Yuma VOR 087° and the Gila Bend, Ariz., VOR 261° radials; Gila Bend VOR; Casa Grande, Ariz., VOR; thence 12 mile wide airway to the San Simon, Ariz., VOR; thence via the Deming, N. Mex., VOR; INT of the Deming VOR 112° and the Columbus, N. Mex., VOR 058° radials; thence 10 mile wide airway via the INT of the Deming VOR 112° and the Newman, Tex., VOR 272° radials; Newman VOR; to the INT of the Newman VOR 091° and the Salt Flat, Tex., VOR 312° radials; thence 12 mile wide airway to the INT of the Newman VOR 091° and the Salt Flat VOR 005° radials; thence via the Wink, Tex., VOR; INT of the Wink VOR 066° and the Big Spring, Tex., VOR 260° radials; Big Spring VOR; thence 10 mile wide airway via the Abilene, Tex., VOR; Mineral Wells, Tex., VOR; INT of the Mineral Wells VOR 078° and the Dallas, Tex., VOR 252° radials; to the Dallas, Tex., VOR; thence

via the INT of the Dallas VOR 079° and the Texarkana, Ark., VOR 256° radials; Texarkana VOR; Pine Bluff, Ark., VOR; INT of the Pine Bluff VOR 067° and the Memphis, Tenn., VOR 241° radials; Memphis VOR; INT of the Memphis VOR 066° and the Nashville, Tenn., VOR 252° radials; INT of the Nashville VOR 252° and the Muscle Shoals, Ala., VOR 002° radials; thence 10 mile wide airway to the Nashville VOR; thence via London, Ky., VOR; Bluefield, W. Va., VOR; thence 10 mile wide airway to the Montebello, Va., VOR; thence via the INT of the Montebello VOR 053° and the Herndon, Va., VOR 220° radials; Herndon VOR; thence 10 mile wide airway to the INT of the Herndon VOR 038° and the Martinsburg, W. Va., VOR 081° radials.

**§ 600.1541 VOR Federal airway No. 1541 (Midland, Tex., to Minot, N. Dak.).**

From the Midland, Tex., VOR 10 mile wide airway via the Lubbock, Tex., VOR; Amarillo, Tex., VOR; Gage, Okla., VOR; Anthony, Kans., VOR; Wichita, Kans., VOR; Emporia, Kans., VOR; to the Kansas City, Mo., VOR; thence to the INT of the Kansas City VOR 340° and the Lamoni, Iowa, VOR 277° radials; thence 10 mile wide airway to the Neola, Iowa, VOR; thence to the INT of the Neola VOR 322° and the Sioux City, Iowa, VOR 160° radials; thence 10 mile wide airway to the Sioux City VOR; thence via the Sioux Falls, S. Dak., VOR; Watertown, S. Dak., VOR; Jamestown, N. Dak., VOR; Minot, N. Dak., VOR; to the U.S./Canadian Border via the Minot VOR 335° radial. The portion of this airway which lies within the geographical limits of and between the designated altitudes of the Minot, N. Dak. (Minot AFB), Restricted Area/Military Climb Corridor (R–5403) is excluded during the restricted area's time of designation.

**§ 600.1542 VOR Federal airway No. 1542 (San Diego, Calif., to Florence, S.C.).**

From the Mission Bay, Calif., VOR 12 mile wide airway to the INT of the Mission Bay VOR 090° and the Julian, Calif., VOR 130° radials; thence 10 mile wide airway via the El Centro, Calif., VOR; Yuma, Ariz., VOR; the INT of the Yuma VOR 087° and the Gila Bend, Ariz., VOR 261° radials; Gila Bend VOR; Tucson, Ariz., VOR; to the INT of the Tucson VOR 095° and the San Simon, Ariz., VOR 241° radials; thence to the INT of the Deming, N. Mex., VOR 235° and the Columbus, N. Mex., VOR 277° radials; thence 8 mile wide airway via the Columbus VOR; El Paso, Tex., VOR; Salt Flat, Tex., VOR; to the Culberson, Tex., VOR; thence via the Fort Stockton, Tex., VOR; Junction, Tex., VOR; San Antonio, Tex., VOR; Houston, Tex., VOR; INT of the Houston VOR 075° and the Lake Charles, La., VOR 256° radials; Lake Charles VOR; INT of the Lake Charles VOR 089° and the New Orleans, La., VOR 275° radials; New Orleans VOR; INT of the New Orleans VOR 070° and the McComb, Miss., VOR 154° radials; thence 10 mile wide airway to the INT of the New Orleans VOR 070° and the McComb VOR 140° radials; thence via the INT of the New Orleans VOR 070° and the Mobile, Ala., VOR 243° radials; Mobile VOR; Evergreen, Ala., VOR; Montgomery, Ala., VOR; thence 10 mile wide airway via Tuskegee, Ala., VOR; INT of the Tuskegee VOR 078° and the Macon, Ga., VOR 271° radials; to the Macon VOR; thence to INT of the Macon VOR 056° and the Royston, Ga., VOR 164° radials; thence 10 mile wide airway to the Augusta, Ga., VOR; thence to the Columbia, S.C., VOR; thence 10 mile wide airway via the INT of the Columbia VOR 079° and the Florence, S.C., VOR 242° radials; to the Florence VOR.

**§ 600.1543 VOR Federal airway No. 1543 (El Paso, Tex., to Minneapolis, Minn.).**

From the El Paso, Tex., VOR, 8 mile wide airway to the INT of the El Paso VOR 271° and the Truth or Consequences, N. Mex., VOR 162° radials; thence via the Truth or Consequences VOR; INT of the Truth or Consequences VOR 017° and the Alberquerque, N. Mex., VOR 160° radials; Albuquerque VOR; Sante Fe, N. Mex., VOR; thence 10 mile wide airway to the INT of the Sante Fe VOR 010° and the Las Vegas, N. Mex., VOR 299° radials; thence via the INT of the Sante Fe VOR 010° and the Alamosa, Colo., VOR 183° radials; Alamosa VOR; Pueblo, Colo., VOR; Colorado Springs, Colo., VOR; INT of the Colorado Springs VOR 345° and the Denver, Colo., VOR 183° radials; thence 10 mile wide airway to the Denver VOR; thence via the Akron, Colo., VOR; North Platte, Nebr., VOR; O'Neill, Nebr., VOR; Sioux Falls, S. Dak., VOR; Redwood Falls, Minn., VOR; to the Minneapolis, Minn., VOR.

**§ 600.1544 VOR Federal airway No. 1544 (Dallas, Tex., to Gordonsville, Va.).**

From the Dallas, Tex., VOR via the INT of the Dallas VOR 079° and the Texarkana, Ark., VOR 256° radials; Texarkana VOR; INT of the Greenwood, Miss., VOR 272° and the Pine Bluff, Ark., VOR 148° radials; thence 10 mile wide airway to the Greenwood VOR; thence to the INT of the Columbus, Miss., VOR 270° and the Meridian, Miss., VOR 346° radials; thence 10 mile wide airway via the Columbus VOR; to the Birmingham, Ala., VOR; thence to the INT of the Birmingham VOR 100° and the Atlanta, Ga., VOR 267° radials; Atlanta VOR; Royston, Ga., VOR; Spartanburg, S.C., VOR; Greensboro, N.C., VOR; INT of the Greensboro VOR 051° and the Gordonsville, Va., VOR 207° radials; to the Gordonsville VOR.

**§ 600.1545 VOR Federal airway No. 1545 (Tucson, Ariz., to Reno, Nev.).**

From the Tucson, Ariz., VOR via 10 mile wide airway to the INT of the Tucson VOR 299° and the Casa Grande, Ariz., VOR 158° radials; Casa Grande VOR; Phoenix, Ariz., VOR; Prescott, Ariz., VOR; thence via the Needles, Calif., VOR; Goffs, Calif., VOR; Beatty, Nev., VOR; Coaldale, Nev., VOR; INT of the Reno, Nev., VOR 135° and the Lovelock, Nev., VOR 195° radials; thence 8 mile wide airway to the INT of the Reno VOR 135° and the Lovelock VOR 210° radials; thence to the Reno VOR.

**§ 600.1546 VOR Federal airway No. 1546 (Dallas, Tex., to Norfolk, Va.).**

From the Dallas, Tex., VOR via the INT of the Dallas VOR 097° and the Shreveport, La., VOR 275° radials; Shreveport VOR; Monroe, La., VOR; Jackson, Miss., VOR; INT of the Meridian, Miss., VOR 277° and the Greenwood, Miss., VOR 139° radials; thence 10 mile wide airway via the Meridian VOR; to the INT of the Meridian VOR 089° and the Tuscaloosa, Ala., VOR 213° radials; thence to the INT of the Meridian VOR 089° and the Montgomery, Ala., VOR 282° radials; thence 10 mile wide airway via the Montgomery VOR; Tuskegee, Ala., VOR; McDonough, Ga., VOR; to the INT of the McDonough VOR 066° and the Norcross, Ga., VOR 137° radials; thence to the Greenwood, S.C., VOR; INT of the Greenwood VOR 060° and the Fort Mill, S.C., VOR 227° radials; Fort Mill VOR; INT of the Fort Mill VOR 069° and the Raleigh-Durham, N.C., VOR 240° radials; Raleigh-Durham VOR; Rocky Mount, N.C., VOR; Cofield, N.C., VOR; thence 10 mile wide airway to the INT of the Cofield VOR 046° and the Cape Charles, Va., VOR 200° radials.

**§ 600.1547 VOR Federal airway No. 1547 (Los Angeles, Calif., to Pembina, N. Dak.).**

From the Los Angeles, Calif., VOR 12 mile wide airway via the INT of the Los Angeles VOR 059° and the Daggett, Calif., VOR 233° radials; Daggett VOR; INT of the Daggett VOR 072° and the Goffs, Calif., VOR 268° radials; to the Goffs VOR; thence via the Mormon Mesa, Nev., VOR; Milford, Utah, VOR; Myton, Utah, VOR; Cherokee, Wyo., VOR; Casper, Wyo., VOR; Dickinson, N. Dak., VOR; to the Pembina, N. Dak., Radio Range.

**§ 600.1548 VOR Federal airway No. 1548 (Laredo, Tex., to Boston, Mass.).**

From the Laredo, Tex., VOR a 10 mile wide airway via the Alice, Tex., VOR; Corpus Christi, Tex., VOR; Palacios, Tex., VOR; to the Houston, Tex., VOR; thence via the INT of the Houston VOR 075° and the Lake Charles, La., VOR 256° radials; Lake Charles VOR; McComb, Miss., VOR; INT of the Meridian, Miss., VOR 229° and the Jackson, Miss., VOR 135° radials; thence 10 mile wide airway to the Meridian VOR; thence via the INT of the Meridian VOR 040° and the Tuscaloosa, Ala., 239° radials; Tuscaloosa VOR; Birmingham, Ala., VOR; Chattanooga, Tenn., VOR; INT of the Chattanooga VOR 032° and the Knoxville, Tenn., VOR 248° radials; thence 10 mile wide airway to the Knoxville VOR; thence to the Tri-City, Tenn., VOR; Pulaski, Va., VOR; thence 14 mile wide airway to the Gordonsville, Va., VOR; thence 10 mile wide airway via the Nottingham, Md., VOR; Kenton, Del., VOR; Coyle, N.J., VOR; INT of the Coyle VOR 058° and the Riverhead, N.Y., VOR 218° radials; Riverhead VOR; INT of the Riverhead VOR 046° and the Boston, Mass., VOR 223° radials; to the Boston VOR.

**§ 600.1549 VOR Federal airway No. 1549 (Los Angeles, Calif., to Cut Bank, Mont.).**

From the Los Angeles, Calif., VOR a 12 mile wide airway via the INT of the Los Angeles VOR 059° and the Daggett, Calif., VOR 233° radials; Daggett VOR; INT of the Daggett VOR 072° and the Goffs, Calif., VOR 268° radials; to the Goffs VOR; thence via the Mormon Mesa, Nev., VOR; Milford, Utah, VOR; Delta, Utah, VOR; Provo, Utah, VOR; Salt Lake City, Utah, VOR; Ogden, Utah, VOR; Malad City, Idaho, VOR; Pocatello, Idaho, VOR; Dubois, Idaho, VOR; Dillon, Mont., VOR; Helena, Mont., VOR; Great Falls, Mont., VOR; Cut Bank, Mont., VOR; to the U.S./Canadian Border via the Cut Bank VOR 348° radial.

**§ 600.1550 VOR Federal airway No. 1550 (Albuquerque, N. Mex., to Evergreen, Ala.).**

From the Albuquerque, N. Mex., VOR via the INT of the Albuquerque VOR 120° and the Corona, N. Mex., VOR 311° radials; Corona VOR; thence 8 mile wide airway to the Roswell, N. Mex., VOR; thence 10 mile wide airway via the Hobbs, N. Mex., VOR; the Midland, Tex., VOR; to the San Angelo, Tex., VOR; thence to the Lometa, Tex., VOR; thence 10 mile wide airway to the INT of the Lometa VOR 106° and the Leona, Tex., VOR 264° radials; thence via the Leona VOR; Lufkin, Tex., VOR; INT of the Lufkin VOR 086° and the Lake Charles, La., VOR 348° radials; thence 10 mile wide airway to the Alexandria, La., VOR; thence via the McComb, Miss., VOR; to the Evergreen, Ala., VOR. The portion of this airway which coincides with the Big Spring, Tex., (Webb AFB) Restricted Area/Military Climb Corridor (R–6309) shall be used only after obtaining prior approval from appropriate authority.

**§ 600.1551 VOR Federal airway No. 1551 (San Francisco, Calif., to Minot, N. Dak.).**

From the Oakland, Calif., VOR 10 mile wide airway via the INT of the Oakland VOR 077° and the Stockton, Calif., VOR 268° radials; Stockton VOR; Linden, Calif., VOR; INT of the Linden VOR 046° and the Reno, Nev., VOR 208° radials; thence to Reno VOR; thence 10 mile wide airway to the Lovelock, Nev., VOR; thence to the Battle Mountain, Nev., VOR; thence 10 mile wide airway via the INT of the Battle Mountain VOR 062° and the Wells, Nev., VOR 256° radials; to the Wells VOR; thence via the Pocatello, Idaho, VOR; Du Noir, Wyo., VOR; Billings, Mont., VOR; Miles City, Mont., VOR; Dickinson, N. Dak., VOR; Minot, N. Dak., VOR; thence 10 mile wide airway via the Minot VOR 025° radial to the U.S./Canadian Border.

**§ 600.1553 VOR Federal airway No. 1553 (Sacramento, Calif., to Cut Bank, Mont.).**

From the Sacramento, Calif., VOR 10 mile wide airway to the INT of the Sacramento VOR 055° and the Reno, Nev., VOR 233° radials; thence to the Reno VOR; thence 10 mile wide airway via the Lovelock, Nev., VOR; Sod House, Nev., VOR; Rome, Oreg., VOR; to the Boise, Idaho, VOR; thence via McCall, Idaho, VOR; Missoula, Mont., VOR; Cut Bank, Mont., VOR; thence 10 mile wide airway via the Cut Bank VOR 059° radial to the U.S./Canadian Border.

**§ 600.1555 VOR Federal airway No. 1555 (San Francisco, Calif., to Mullan Pass, Idaho).**

From the San Francisco, Calif., VOR 10 mile wide airway via the INT of the San Francisco VOR 304° and the Ukiah, Calif., VOR 172° radials; to the Ukiah VOR; thence via the Red Bluff, Calif., VOR; INT of the Red Bluff VOR 015° and the Klamath Falls, Oreg., VOR 181° radials; Klamath Falls VOR; thence 10 mile wide airway to the INT of the Klamath Falls VOR 008° and the Lakeview, Oreg., VOR 273° radials; thence via Redmond, Oreg., VOR; Pendleton, Oreg., VOR; Mullan Pass, Idaho, VOR; via the Mullan Pass VOR 026° radial to the U.S./Canadian Border.

**§ 600.1557 VOR Federal airway No. 1557 (San Diego, Calif., to Bellingham, Wash.).**

From the Mission Bay, Calif., VOR 10 mile wide airway via the Los Angeles, Calif., VOR; to the Gorman, Calif., VOR; thence via the Bakersfield, Calif., VOR; thence 10 mile wide airway via Fresno, Calif., VOR; to the Linden, Calif., VOR; thence via the Sacramento, Calif., VOR; thence 10 mile wide airway via the INT of Sacramento VOR 346° and the Red Bluff, Calif., VOR 158° radials; to the Red Bluff VOR; thence via the INT of the Red Bluff VOR 342° and the Medford Oreg., VOR 176° radials; Medford VOR; Eugene, Oreg., VOR; INT of the Portland, Oreg., VOR 196° and the Newberg, Oreg., VOR 166° radials; thence 10 mile wide airway to the Portland, Oreg., VOR; thence via the INT of the Portland VOR 353° and the Seattle, Wash., VOR 197° radials; INT of the Seattle VOR 197° and the Hoquiam, Wash., VOR 095° radials; thence 10 mile wide airway to the Seattle, Wash., VOR; thence via the INT of the Seattle VOR 359° and the Bellingham, Wash., VOR 169° radials; Bellingham VOR; thence 10 mile wide airway via the Bellingham VOR 289° radial to the U.S./Canadian Border.

**§ 600.1559 VOR Federal airway No. 1559 (Long Beach, Calif., to Portland, Oreg.).**

From the INT of the Long Beach VOR 287° and the Fillmore, Calif., VOR 163° radials; a 10 mile wide airway via the Fillmore VOR; Avenal, Calif., VOR; Los Banos, Calif., VOR; Stockton, Calif., VOR; INT of the Stockton VOR 268° and the Oakland, Calif., VOR 077° radials; Oakland VOR; Point Reyes, Calif., VOR; INT of the Point Reyes VOR 352° and the Ukiah, Calif., VOR 147° radials; the Ukiah VOR; thence via the Fortuna, Calif., VOR; thence 10 mile wide airway to the Crescent City, Calif., VOR; thence via the North Bend, Oreg., VOR; INT of the North Bend VOR 044° and the Newberg, Oreg., VOR 225° radials; INT of the Newberg VOR 225° and the Eugene, Oreg., 360° radials; thence 10 mile wide airway via the Newberg VOR; to the Portland, Oreg., VOR. The portion of this airway which coincides with the San Rafael, Calif. (Hamilton AFB), Restricted Area/Military Climb Corridor (R–2522), shall be used only after obtaining prior approval from the controlling agency.

**§ 600.1602 VOR Federal airway No. 1602 (Fort Myers, Fla., to Vero Beach, Fla.).**

From the Fort Myers, Fla., VOR via the INT of the Fort Myers VOR 058° and the Vero Beach, Fla., VOR 224° radials; to the Vero Beach VOR.

**§ 600.1603 VOR Federal airway No. 1603 (North Bend, Oreg., to Eugene, Oreg.).**

From the North Bend, Oreg., VOR to the Eugene, Oreg., VOR.

**§ 600.1604 VOR Federal airway No. 1604 (St. Petersburg, Fla., to Daytona Beach, Fla.).**

From the St. Petersburg, Fla., VOR; 10 mile wide airway to the Orlando, Fla., VOR; thence to the Daytona Beach, Fla., VOR.

**§ 600.1605 VOR Federal airway No. 1605 (San Luis Obispo, Calif., to Red Bluff, Calif.).**

From the San Luis Obispo, Calif., VOR via the Paso Robles, Calif., VOR; Los Banos, Calif., VOR; thence 10 mile wide airway via the Oakland, Calif., VOR; INT of the Oakland VOR 004° and the Williams, Calif., VOR 191° radials; Williams VOR; INT of the Williams VOR 329° and the Red Bluff, Calif., VOR 179° radials; to the Red Bluff VOR.

**§ 600.1606 VOR Federal airway No. 1606 (Tallahassee, Fla., to Maytown, Fla.).**

From the Tallahassee, Fla., VOR via the Cross City, Fla., VOR; Ocala, Fla., VOR; thence 10 mile wide airway to the Orlando, Fla., VOR, thence to the INT of the Orlando VOR 071° and the Daytona Beach, Fla., VOR 161° radials.

**§ 600.1607 VOR Federal airway No. 1607 (Gaviota, Calif., to Point Reyes, Calif.).**

From the Gaviota, Calif., VOR; 10 mile wide airway via the San Luis Obispo, Calif., VOR; INT of the San Luis Obispo VOR 308° and the Big Sur, Calif., VOR 157° radials; Big Sur VOR; thence 12 mile wide airway via the INT of the Big Sur VOR 330° and the Point Reyes, Calif., VOR 153° radials; to the Point Reyes VOR.

**§ 600.1608 VOR Federal airway No. 1608 (Lake Charles, La., to Evergreen, Ala.).**

From the Lake Charles, La., VOR via the INT of the Lake Charles VOR 089° and the Baton Rouge, La., VOR 241° radials; Baton Rouge VOR; Picayune, Miss., VOR; to the Evergreen, Ala., VOR.

**§ 600.1609 VOR Federal airway No. 1609 (Santa Barbara, Calif., to Ellensburg, Wash.).**

From the Santa Barbara, Calif., VOR via the Paso Robles, Calif., VOR; thence 10 mile wide airway via the INT of the

Paso Robles VOR 314° and the Salinas, Calif., VOR 150° radials; Salinas VOR; Oakland, Calif., VOR; Point Reyes, Calif., VOR; to the INT of the Point Reyes VOR 352° and the Red Bluff, Calif., VOR 202° radials; thence via the Red Bluff VOR; INT of the Red Bluff VOR 031° and the Lakeview, Oreg., VOR 202° radials; Lakeview VOR; Redmond, Oreg., VOR; The Dalles, Oreg., VOR; INT of the The Dalles VOR 012° and the Seattle, Wash., VOR 129° radials; thence 10 mile wide airway to the Ellensburg, Wash., VOR.

**§ 600.1610 VOR Federal airway No. 1610 (El Paso, Tex., to Lake Charles, La.).**

From the El Paso, Tex., VOR; 8 mile wide airway via the INT of the El Paso VOR 132° and the Hudspeth, Tex., VOR 272° radials; to the Hudspeth VOR; thence via the INT of the Hudspeth VOR 117° and the Fort Stockton, Tex., VOR 274° radials; Fort Stockton VOR; thence 10 mile wide airway to the INT of the Fort Stockton VOR 112° and the Midland, Tex., VOR 202° radials; thence via the Rocksprings, Tex., VOR; INT of the Rocksprings VOR 090° and the San Antonio, Tex., VOR 309° radials; San Antonio VOR; INT of the San Antonio VOR 074° and the Houston, Tex., VOR 290° radials; Houston VOR; INT of the Houston VOR 044° and the Lake Charles, La., VOR 273° radials; to the Lake Charles VOR.

**§ 600.1611 VOR Federal airway No. 1611 (Baker, Oreg., to Spokane, Wash.).**

From the Baker, Oreg., VOR via the Pendleton, Oreg., VOR; to the Spokane, Wash., VOR.

**§ 600.1612 VOR Federal airway No. 1612 (Allendale, S.C., to Charleston, S.C.).**

From the Allendale, S.C., VOR; a 10 mile wide airway to the Charleston, S.C., VOR.

**§ 600.1613 VOR Federal airway No. 1613 (San Diego, Calif., to Las Vegas, Nev.).**

From the Mission Bay, Calif., VOR; 10 mile wide airway via the Thermal, Calif., VOR; Twenty Nine Palms, Calif., VOR; to the INT of the Twenty Nine Palms VOR 058° and the Goffs, Calif., VOR 200° radials; thence via the Goffs VOR; to the Las Vegas, Nev., VOR.

**§ 600.1614 VOR Federal airway No. 1614 (Salt Flat, Tex., to Oklahoma City, Okla.).**

From the Salt Flat, Tex., VOR via the INT of the Salt Flat VOR 055° and the Hobbs, N. Mex., VOR 242° radials; Hobbs VOR; thence 10 mile wide airway via the INT of the Hobbs VOR 077° and the Lubbock, Tex., VOR 188° radials; to the Lubbock VOR; thence via the Childress, Tex., VOR; INT of the Childress VOR 064° and the Oklahoma City, Okla., VOR 242° radials; to the Oklahoma City VOR.

**§ 600.1615 VOR Federal airway No. 1615 (McCall, Idaho, to Mullan Pass, Idaho).**

From the McCall, Idaho, VOR to the Mullan Pass, Idaho, VOR.

**§ 600.1616 VOR Federal airway No. 1616 (Macon, Ga., to Savannah, Ga.).**

From the Macon, Ga., VOR to the Savannah, Ga., VOR.

**§ 600.1617 VOR Federal airway No. 1617 (Yuma, Ariz., to Las Vegas, Nev.).**

From the Yuma, Ariz., VOR; 10 mile wide airway to the INT of the Yuma VOR 351° and the Gila Bend, Ariz., VOR 276° radials; thence via the Blythe, Calif., VOR; Rice, Calif., VOR; Needles, Calif., VOR; to the Las Vegas, Nev., VOR.

**§ 600.1618 VOR Federal airway No. 1618 (Roswell, N. Mex., to Wichita Falls, Tex.).**

From the Roswell, N. Mex., VOR via the INT of the Roswell VOR 063° and the Lubbock, Tex., VOR 277° radials; Lubbock VOR; Guthrie, Tex., VOR; to the Wichita Falls, Tex., VOR.

**§ 600.1619 VOR Federal airway No. 1619 (Needles, Calif., to Mormon Mesa, Nev.).**

From the Needles, Calif., VOR to the Mormon Mesa, Nev., VOR.

**§ 600.1620 VOR Federal airway No. 1620 (Atlanta, Ga., to Augusta, Ga.).**

From the Atlanta, Ga., VOR via the McDonough, Ga., VOR; to the Augusta, Ga., VOR.

**§ 600.1621 VOR Federal airway No. 1621 (Bonneville, Utah, to Burley, Idaho).**

From the Bonneville, Utah, VOR; 10 mile wide airway to the INT of the Bonneville VOR 354° and the Burley, Idaho, VOR 179° radials; thence to the Burley VOR.

**§ 600.1622 VOR Federal airway No. 1622 (Lubbock, Tex., to Monroe, La.).**

From the Lubbock, Tex., VOR; 14 mile wide airway via the INT of the Lubbock VOR 101° and the Abilene, Tex., VOR 327° radials; to the INT of the Abilene VOR 327° and the Big Spring, Tex., VOR 058° radials; thence via the Abilene, Tex., VOR; INT of the Abilene VOR 096° and the Britton, Tex., VOR 264° radials; Britton VOR; Gregg County, Tex., VOR; INT of the Gregg County VOR 091° and the Monroe, La., VOR 268° radials; to the Monroe VOR.

**§ 600.1623 VOR Federal airway No. 1623 (Ogden, Utah, to Burley, Idaho).**

From the Ogden, Utah, VOR to the Burley, Idaho, VOR.

**§ 600.1624 VOR Federal airway No. 1624 (Thermal, Calif., to Gage, Okla.).**

From the Thermal, Calif., VOR via the Rice, Calif., VOR; Prescott, Ariz., VOR; St. Johns, Ariz., VOR; INT of the St. Johns VOR 071° and the Albuquerque, N. Mex., VOR 253° radials; INT of the Albuquerque VOR 253° and the Grants, N. Mex., VOR 133° radials; thence 10 mile wide airway to the Albuquerque VOR; thence via the Santa Fe, N. Mex., VOR; Las Vegas, N. Mex., VOR; Dalhart, Tex., VOR; to the Gage, Okla., VOR.

**§ 600.1625 VOR Federal airway No. 1625 (Tucson, Ariz., to Salt Lake City, Utah).**

From the Tucson, Ariz., VOR, a 10 mile wide airway via the INT of the Tucson VOR 095° and the San Simon, Ariz., VOR 241° radials; San Simon VOR; thence via the Truth or Consequences, N. Mex., VOR; St. Johns, Ariz., VOR; Zuni, N. Mex., VOR; Farmington, N. Mex., VOR; Grand Junction, Colo., VOR; Myton, Utah, VOR; to the Salt Lake City, Utah, VOR.

**§ 600.1626 VOR Federal airway No. 1626 (Sayre, Okla., to Tulsa, Okla.).**

From the Sayre, Okla., VOR via the INT of the Kingfisher, Okla., VOR 251° and the Oklahoma City, Okla., VOR 298° radials; thence 8 mile wide airway via the Kingfisher VOR; the INT of the Kingfisher VOR 071° and the Tulsa, Okla., VOR 262° radials; thence 14 mile wide airway to the INT of the Tulsa VOR 262° and the Ponca City, Okla., VOR 150° radials; thence 10 mile wide airway to the Tulsa VOR.

**§ 600.1627 VOR Federal airway No. 1627 (Farmington, N. Mex., to Laramie, Wyo.).**

From the Farmington, N. Mex., VOR via the Gunnison, Colo., VOR; Kremmling, Colo., VOR; to the Laramie, Wyo., VOR.

**§ 600.1628 VOR Federal airway No. 1628 (San Simon, Ariz., to Fort Mill, S.C.).**

From the San Simon, Ariz., VOR via the INT of the San Simon VOR 124° and the Columbus, N. Mex., VOR 277° radials; INT of the Deming, N. Mex., VOR 235° and the Columbus VOR 277° radials; thence 8 mile wide airway via the Columbus VOR; El Paso, Tex., VOR; INT of the El Paso VOR 132° and the Hudspeth, Tex., VOR 272° radials; Hudspeth VOR; to the Culberson, Tex., VOR; thence via the INT of the Culberson VOR 090° and the Midland, Tex., VOR 243° radials; INT of the Midland VOR 243° and the Wink, Tex., VOR 107° radials; thence 10 mile wide airway via the Midland VOR; to the INT of the Midland VOR 080° and the Big Spring, Tex., VOR 139° radials; thence via the INT of the Midland VOR 080° and the Abilene, Tex., VOR 251° radials; Abilene VOR; Bridgeport, Tex., VOR; Dallas, Tex., VOR; INT of the Dallas VOR 061° and the Texarkana, Ark., VOR 271° radials; Texarkana VOR; Little Rock, Ark., VOR; Memphis, Tenn., VOR; Muscle Shoals, Ala., VOR; INT of the Muscle Shoals VOR 082° and the Birmingham, Ala., VOR 358° radials; thence 10 mile wide airway to the INT of the Muscle Shoals VOR 082° and the Birmingham VOR 020° radials; thence via Chattanooga, Tenn., VOR; Spartanburg, S.C., VOR; to the Fort Mill, S.C., VOR.

**§ 600.1629 VOR Federal airway No. 1629 (Albuquerque, N. Mex., to Billings, Mont.).**

From the Albuquerque, N. Mex., VOR via the Farmington, N. Mex., VOR; Grand Junction, Colo., VOR; Rock Springs, Wyo., VOR; Boysen Reservoir, Wyo., VOR; to the Billings, Mont., VOR.



**§ 600.1630 VOR Federal airway No. 1630 (Santa Fe, N. Mex., to Houston, Tex.).**

From the Santa Fe, N. Mex., VOR via the Las Vegas, N. Mex., VOR; Tucumcari, N. Mex., VOR; Texico, N. Mex., VOR; thence 10 mile wide airway via the INT of the Texico VOR 117° and the Lubbock, Tex., VOR 008° radials; Lubbock VOR; Big Spring, Tex., VOR; to the San Angelo, Tex., VOR; thence via the Austin, Tex., VOR; to the Houston, Tex., VOR.

**§ 600.1631 VOR Federal airway No. 1631 (Corona, N. Mex., to Santa Fe, N. Mex.).**

From the Corona, N. Mex., VOR to the Santa Fe, N. Mex., VOR.

**§ 600.1633 VOR Federal airway No. 1633 (Pueblo, Colo., to Scottsbluff, Nebr.).**

From the Pueblo, Colo., VOR via the Hugo, Colo., VOR; Thurman, Colo., VOR; Akron, Colo., VOR; Sidney, Nebr., VOR; to the Scottsbluff, Nebr., VOR.

**§ 600.1634 VOR Federal airway No. 1634 (Gaviota, Calif., to Palmdale, Calif.).**

From the Gaviota, Calif., VOR 10 mile wide airway via the Santa Barbara, Calif., VOR; INT of the Santa Barbara VOR 091° and the Fillmore, Calif., VOR 284° radials; Fillmore VOR; to the Palmdale, Calif., VOR.

**§ 600.1635 VOR Federal airway No. 1635 (Las Vegas, N. Mex., to Rapid City, S. Dak.).**

From the Las Vegas, N. Mex., VOR via the Cimarron, N. Mex., VOR; Pueblo, Colo., VOR; Colorado Springs, Colo., VOR; INT of the Colorado Springs VOR 345° and the Denver, Colo., VOR 183° radials; thence 10 mile wide airway to the Denver VOR; thence via the Cheyenne, Wyo., VOR; Scottsbluff, Nebr., VOR; Chadron, Nebr., VOR; Smithwick, S. Dak., VOR; thence 10 mile wide airway to the Rapid City, S. Dak., VOR.

**§ 600.1636 VOR Federal airway No. 1636 (Tuba City, Ariz., to Hutchinson, Kans.).**

From the Tuba City, Ariz., VOR via the Dove Creek, Colo., VOR; Gunnison, Colo., VOR; Kiowa, Colo., VOR; Thurman, Colo., VOR; INT of the Thurman VOR 100° and the Hill City, Kans., VOR 277° radials; Hill City VOR; to the Hutchinson, Kans., VOR.

**§ 600.1637 VOR Federal airway No. 1637 (Dalhart, Tex., to Lamoni, Iowa).**

From the Dalhart, Tex., VOR via the Liberal, Kans., VOR; Hutchinson, Kans., VOR; thence 14 mile wide airway via the INT of the Hutchinson VOR 062° and the Topeka, Kans., VOR 236° radials; to the INT of the Topeka VOR 236° and the Emporia, Kans., VOR 332° radials; thence 8 mile wide airway via the Topeka VOR; to the INT of the Topeka VOR 030° and the Kansas City, Mo., VOR 320° radials; thence 12 mile wide airway via the INT of the Topeka VOR 030° and the Lamoni, Iowa, VOR 229° radials; to the Lamoni VOR.

**§ 600.1638 VOR Federal airway No. 1638 (Paso Robles, Calif., to Bakersfield, Calif.).**

From the Paso Robles, Calif., VOR; 10 mile wide airway via the Avenal, Calif., VOR; to the Bakersfield, Calif., VOR.

**§ 600.1639 VOR Federal airway No. 1639 (Gage, Okla., to Garden City, Kans.).**

From the Gage, Okla., VOR to the Garden City, Kans., VOR.

**§ 600.1640 VOR Federal airway No. 1640 (Greensboro, N.C., to Raleigh-Durham, N.C.).**

From the Greensboro, N.C., VOR to the Raleigh-Durham, N.C., VOR.

**§ 600.1641 VOR Federal airway No. 1641 (Fort Worth, Tex., to Oklahoma City, Okla.).**

From the Bridgeport, Tex., VOR to the Oklahoma City, Okla., VOR.

**§ 600.1642 VOR Federal airway No. 1642 (Grand Junction, Colo., to Liberal, Kans.).**

From the Grand Junction, Colo., VOR via the Gunnison, Colo., VOR; INT of the Gunnison VOR 125° and the Alamosa, Colo., VOR 332° radials; Alamosa VOR; Tobe, Colo., VOR; to the Liberal, Kans., VOR.

**§ 600.1643 VOR Federal airway No. 1643 (Brownsville, Tex., to San Angelo, Tex.).**

From the Brownsville, Tex., VOR via the INT of the Brownsville VOR 339° and the Alice, Tex., VOR 171° radials; thence 12 mile wide airway via Alice VOR; INT of the Alice VOR 334° and the San Antonio, Tex., VOR 183° radials; INT of the San Antonio VOR 183° and the Cotulla, Tex., VOR 041° radials; thence 10 mile wide airway via San Antonio VOR; Junction, Tex., VOR; to the San Angelo, Tex., VOR.

**§ 600.1644 VOR Federal airway No. 1644 (Hugo, Colo., to Little Rock, Ark.).**

From the Hugo, Colo., VOR via the Garden City, Kans., VOR; Anthony, Kans., VOR; Ponca City, Okla., VOR; thence 10 mile wide airway via the Tulsa, Okla., VOR; Fort Smith, Ark., VOR; to the INT of the Fort Smith VOR 098° and the Fayetteville, Ark., VOR 173° radials; thence via the INT of the Fort Smith VOR 098° and the Little Rock, Ark., VOR 302° radials; to the Little Rock VOR.

**§ 600.1645 VOR Federal airway No. 1645 (Las Vegas, N. Mex., to North Platte, Nebr.).**

From the Las Vegas, N. Mex., VOR via the Tobe, Colo., VOR; Lamar, Colo., VOR; INT of the Lamar VOR 033° and the Hayes Center, Nebr., VOR 209° radials; Hayes Center VOR; to the North Platte, Nebr., VOR.

**§ 600.1646 VOR Federal airway No. 1646 (Kansas City, Mo., to Front Royal, Va.).**

From the Kansas City, Mo., VOR via the Macon, Mo., VOR; Springfield, Ill., VOR; Indianapolis, Ind., VOR; INT of the Indianapolis VOR 137° and the Cincinnati, Ohio, VOR 290° radials; Cincinnati VOR; thence 10 mile wide airway to the York, Ky., VOR; thence via the Charleston, W. Va., VOR; to the Elkins, W. Va., VOR; thence 10 mile wide airway via the INT of the Elkins VOR 076° and the Front Royal, Va., VOR 269° radials; to the Front Royal VOR.

**§ 600.1647 VOR Federal airway No. 1647 (Neola, Iowa, to Mason City, Iowa).**

From the Neola, Iowa, VOR via the Fort Dodge, Iowa, VOR; to the Mason City, Iowa, VOR.

**§ 600.1648 VOR Federal airway No. 1648 (Davenport, Calif., to Fresno, Calif.).**

From the INT of the Big Sur, Calif., VOR 330° and the Salinas, Calif., VOR 281° radials; 10 mile wide airway via the Salinas VOR; Los Banos, Calif., VOR; to the Fresno, Calif., VOR.

**§ 600.1649 VOR Federal airway No. 1649 (Lufkin, Tex., to Fayetteville, Ark.).**

From the Lufkin, Tex., VOR via the Shreveport, La., VOR; Texarkana, Ark., VOR; Page, Okla., VOR; to the Fayetteville, Ark., VOR.

**§ 600.1650 VOR Federal airway No. 1650 (Macon, Mo., to Bradford, Ill.).**

From the Macon, Mo., VOR via the INT of the Peoria, Ill., VOR 245° and the Macon VOR 062° radials; thence 10 mile wide airway to the Peoria VOR; thence to the Bradford, Ill., VOR.

**§ 600.1651 VOR Federal airway No. 1651 (Jackson, Miss., to Kansas City, Mo.).**

From the Jackson, Miss., VOR via the INT of the Jackson VOR 311° and the Pine Bluff, Ark., VOR 148° radials; Pine Bluff VOR; Little Rock, Ark., VOR; INT of the Little Rock VOR 302° and the Flippin, Ark., VOR 181° radials; Flippin VOR; Springfield, Mo., VOR; thence 10 mile wide airway via the Blue Springs, Mo., VOR; to the Kansas City, Mo., VOR.

**§ 600.1652 VOR Federal airway No. 1652 (Thurman, Colo., to Wolbach, Nebr.).**

From the Thurman, Colo., VOR via the Hayes Center, Nebr., VOR; INT of the Hayes Center VOR 059° and the Wolbach, Nebr., VOR 251° radials; to the Wolbach VOR.

**§ 600.1653 VOR Federal airway No. 1653 (New Orleans, La., to Nashville, Tenn.).**

From the New Orleans, La., VOR via the Picayune, Miss., VOR; INT of the Picayune VOR 021° and the Meridian, Miss., VOR 206° radials; Meridian VOR; INT of the Meridian VOR 040° and the Tuscaloosa, Ala., VOR 239° radials; Tuscaloosa VOR; Birmingham, Ala., VOR; Muscle Shoals, Ala., VOR; INT of the Muscle Shoals VOR 002° and the Nashville, Tenn., VOR 252° radials; thence 10 mile wide airway to the Nashville VOR.

**§ 600.1654 VOR Federal airway No. 1654 (Ukiah, Calif., to Reno, Nev.).**

From the Ukiah, Calif., VOR via the Williams, Calif., VOR; to the Reno, Nev., VOR.

**§ 600.1656 VOR Federal airway No. 1656 (Salt Lake City, Utah, to Myton, Utah).**

From the INT of the Salt Lake City, Utah, VOR 265° and the Provo, Utah, VOR 315° radials via the Provo VOR; to the Myton, Utah, VOR.

**§ 600.1657 VOR Federal airway No. 1657 (Tiverton, Ohio, to Traverse City, Mich.).**

From the Tiverton, Ohio, VOR via the Attica, Ohio, VOR; Waterville, Ohio, VOR; INT of the Waterville VOR 306° and the Pullman, Mich., VOR 112° radials; Pullman VOR; Muskegon, Mich., VOR; White Cloud, Mich., VOR; to the Traverse City, Mich., VOR.

**§ 600.1658 VOR Federal airway No. 1658 (Martinsburg, W. Va., to Baltimore, Md.).**

From the Martinsburg, W. Va., VOR; 10 mile wide airway via the Baltimore, Md., VOR to the INT of the Baltimore VOR 097° and the Kenton, Del., VOR 242° radials.

**§ 600.1659 VOR Federal airway No. 1659 (Milwaukee, Wis., to Green Bay, Wis.).**

From the Milwaukee, Wis., VOR to the Green Bay, Wis., VOR.

**§ 600.1660 VOR Federal airway No. 1660 (Appleton, Ohio, to Flat Rock, Va.).**

From the Appleton, Ohio, VOR via the INT of the Appleton VOR 111° and the Parkersburg, W. Va., VOR 321° radials; Parkersburg VOR; Elkins, W. Va., VOR; thence 10 mile wide airway to the INT of the Elkins VOR 092° and the Gordonsville, Va., VOR 323° radials; thence via Gordonsville VOR; to the Flat Rock, Va., VOR.

**§ 600.1661 VOR Federal airway No. 1661 (Crestview, Fla., to Norcross, Ga.).**

From the Crestview, Fla., VOR via the Montgomery, Ala., VOR; thence 12 mile wide airway via the INT of the Montgomery VOR 047° and the Atlanta, Ga., VOR 233° radials; to the Atlanta VOR; thence 10 mile wide airway to the Norcross, Ga., VOR.

**§ 600.1662 VOR Federal airway No. 1662 (Wells, Nev., to Casper, Wyo.).**

From the Wells, Nev., VOR via the Malad City, Idaho, VOR; Big Piney, Wyo., VOR; to the Casper, Wyo., VOR.

**§ 600.1663 VOR Federal airway No. 1663 (Fort Wayne, Ind., to Northbrook, Ill.).**

From the Fort Wayne, Ind., VOR via the Goshen, Ind., VOR; South Bend, Ind., VOR; INT of the South Bend VOR 314° and the Keeler, Mich., VOR 271° radials; INT of the Northbrook, Ill., VOR 093° and the Chicago Heights, Ill., VOR 358° radials; thence 10 mile wide airway to the Northbrook VOR.

**§ 600.1664 VOR Federal airway No. 1664 (Des Moines, Iowa, to Janesville, Wis.).**

From the Des Moines, Iowa, VOR; 8 mile wide airway to the Newton, Iowa, VOR; thence via the INT of the Newton VOR 068° and the Dubuque, Iowa, VOR 258° radials; Dubuque VOR; to the Janesville, Wis., VOR.

**§ 600.1665 VOR Federal airway No. 1665 (Tallahassee, Fla., to Macon, Ga.).**

From the Tallahassee, Fla., VOR to the Albany, Ga., VOR; thence 10 mile wide airway to the Macon, Ga., VOR.

**§ 600.1666 VOR Federal airway No. 1666 (Denver, Colo., to Hayes Center, Nebr.).**

From the Denver, Colo., VOR via the INT of the Denver VOR 061° and the Hayes Center, Nebr., VOR 276° radials; to the Hayes Center VOR.

**§ 600.1667 VOR Federal airway No. 1667 (Charlotte, N.C., to Lexington, Ky.).**

From the Fort Mill, S.C., VOR via the Tri-City, Tenn., VOR; to the Lexington, Ky., VOR.

**§ 600.1668 VOR Federal airway No. 1668 (Rock River, Wyo., to Chadron, Nebr.).**

From the Rock River, Wyo., VOR to the Chadron, Nebr., VOR.

**§ 600.1669 VOR Federal airway No. 1669 (Alma, Ga., to Florence, S.C.).**

From the Alma, Ga., VOR via the Allendale, S.C., VOR; thence 14 mile wide airway via the INT of the Allendale VOR 057° and the Florence, S.C., VOR 221° radials; to the Florence VOR.

**§ 600.1670 VOR Federal airway No. 1670 (Johnstown, Pa., to Binghamton, N.Y.).**

From the Johnstown, Pa., VOR via the Tyrone, Pa., VOR; Philipsburg, Pa., VOR; Williamsport, Pa., VOR; to the Binghamton, N.Y., VOR.

**§ 600.1671 VOR Federal airway No. 1671 (Pittsburgh, Pa., to Windsor, Ontario).**

From the Pittsburgh, Pa., VOR via the Akron, Ohio, VOR; INT of the Akron VOR 319° and the Windsor, Ontario, 121° radials; to the Windsor, Ontario, VOR, excluding the portion which lies over Canada.

**§ 600.1672 VOR Federal airway No. 1672 (Selinsgrove, Pa., to Kennebunk, Maine).**

From the Selinsgrove, Pa., VOR via the Thornhurst, Pa., VOR; thence 10 mile wide airway via Huguenot, N.Y., VOR; INT of the Wilton, Conn., VOR 295° and the Poughkeepsie, N.Y., VOR 236° radials; to the Poughkeepsie VOR; thence via the INT of the Poughkeepsie VOR 043° and the Manchester, N.H., VOR 255° radials; Manchester VOR; thence 10 mile wide airway to the Kennebunk, Maine, VOR.

**§ 600.1673 VOR Federal airway No. 1673 (Greensboro, N.C., to Syracuse, N.Y.).**

From the Greensboro, N.C., VOR via the INT of the Greensboro VOR 026° and the Montebello, Va., VOR 189° radials; Montebello VOR; Front Royal, Va., VOR; Martinsburg, W. Va., VOR; Philipsburg, Pa., VOR; INT of the Philipsburg VOR 031° and the Syracuse, N.Y., VOR 210° radials; to the Syracuse VOR.

**§ 600.1674 VOR Federal airway No. 1674 (Cleveland, Ohio, to Albany, N.Y.).**

From the Cleveland, Ohio, VOR via the Jefferson, Ohio, VOR; Erie, Pa., VOR; INT of the Erie VOR 079° and the Wellsville, N.Y., VOR 277° radials; Wellsville VOR; INT of the Wellsville VOR 090° and the Binghamton, N.Y., VOR 265° radials; Binghamton VOR; Rockdale, N.Y., VOR; to the Albany, N.Y., VOR.

**§ 600.1675 VOR Federal airway No. 1675 (Charleston, S.C., to Spartanburg, S.C.).**

From the Charleston, S.C., VOR via the INT of the Charleston VOR 300° and the Columbia, S.C., VOR 153° radials; Columbia VOR; to the Spartanburg, S.C., VOR.

**§ 600.1676 VOR Federal airway No. 1676 (Chicago, Ill., to Salem, Mich.).**

From the Northbrook, Ill., VOR via the South Bend, Ind., VOR; thence 10 mile wide airway to the INT of the South Bend VOR 075° and the Muskegon, Mich., VOR 157° radials; thence via the INT of the South Bend VOR 075° and the Salem, Mich., VOR 249° radials; to the Salem VOR.

**§ 600.1677 VOR Federal airway No. 1677 (Wilmington, N.C., to Flat Rock, Va.).**

From the Wilmington, N.C., VOR via the INT of the Wilmington VOR 352° and the Rocky Mount, N.C., VOR 191° radials; thence 14 mile wide airway to the INT of the Rocky Mount VOR 191° and the Raleigh-Durham, N.C., VOR 116° radials; thence to the Rocky Mount VOR; thence 10 mile wide airway via the INT of the Rocky Mount VOR 360° and the Flat Rock, Va., VOR 171° radials; to the Flat Rock VOR.

**§ 600.1678 VOR Federal airway No. 1678 (Chicago, Ill., to Peck, Mich.).**

From the Northbrook, Ill., VOR; 10 mile wide airway to the INT of the Northbrook VOR 078° and the Chicago Heights, Ill., VOR 358° radials; thence via the Pullman, Mich., VOR; thence 10 mile wide airway to the INT of the Pullman VOR 076° and the Muskegon, Mich., VOR 140° radials; thence via the INT of the Pullman VOR 076° and the Peck, Mich., VOR 250° radials; to the INT of the Peck VOR 250° and the Saginaw, Mich., VOR 149° radials; thence 10 mile wide airway to the Peck VOR.

**§ 600.1679 VOR Federal airway No. 1679 (Washington, D.C., to Massena, N.Y.).**

From the Herndon, Va., VOR via the Harrisburg, Pa., VOR; Selinsgrove, Pa., VOR; Williamsport, Pa., VOR; Binghamton, N.Y., VOR; Syracuse, N.Y., VOR; thence 10 mile wide airway to the INT of the Syracuse VOR 007° and the Massena, N.Y., VOR 230° radials; thence to the Massena VOR; thence 10 mile wide airway via the Massena VOR 051° radial to the U.S./Canadian Border.



**§ 600.1680 VOR Federal airway No. 1680 (Fortuna, Calif., to Red Bluff, Calif.).**

From the Fortuna, Calif., VOR to the Red Bluff, Calif., VOR.

**§ 600.1681 VOR Federal airway No. 1681 (Washington, D.C., to New York, N.Y.).**

From the Washington, D.C., VOR a 10 mile wide airway via the Baltimore, Md., VOR; INT of the Baltimore VOR 035° and the New Castle, Del., VOR 257° radials; New Castle VOR; Woodstown, N.J., VOR; INT of the Woodstown VOR 043° and the Pottstown, Pa., VOR 104° radials; to the Robbinsville, N.J., VOR.

**§ 600.1682 VOR Federal airway No. 1682 (New York, N.Y., to Boston, Mass.).**

From the Idlewild, N.Y., VOR; 10 mile wide airway via the INT of the Idlewild VOR 083° and the Hampton, N.Y., VOR 239° radials; Hampton VOR; INT of the Hampton VOR 059° and the Providence, R.I., VOR 212° radials; Providence VOR; to the INT of the Providence VOR 043° and the Boston, Mass., VOR 133° radials; to the Boston VOR.

**§ 600.1683 VOR Federal airway No. 1683 (Baltimore, Md., to Buffalo, N.Y.).**

From the Baltimore, Md., VOR; 10 mile wide airway to the Harrisburg, Pa., VOR; thence via the Philipsburg, Pa., VOR; Bradford, Pa., VOR; to the Buffalo, N.Y., VOR.

**§ 600.1684 VOR Federal airway No. 1684 (Mason City, Iowa, to Polo, Ill.).**

From the Mason City, Iowa, VOR via the Dubuque, Iowa, VOR to the Polo, Ill., VOR.

**§ 600.1685 VOR Federal airway No. 1685 (Salisbury, Md., to Syracuse, N.Y.).**

From the Salisbury, Md., VOR; 10 mile wide airway to the INT of the Salisbury VOR 340° and the Baltimore, Md., VOR 097° radials; thence via the New Castle, Del., VOR; West Chester, Pa., VOR; Pottstown, Pa., VOR; Allentown, Pa., VOR; Wilkes-Barre, Pa., VOR; INT of the Wilkes-Barre VOR 354° and the Syracuse, N.Y., VOR 151° radials; to the Syracuse VOR.

**§ 600.1686 VOR Federal airway No. 1686 (Bradford, Pa., to West Chester, Pa.).**

From the Bradford, Pa., VOR via the Selinsgrove, Pa., VOR; thence 10 mile wide airway to the Tower City, Pa., VOR; thence 8 mile wide airway to the INT of the Tower City VOR 128° and the Pottstown, Pa., VOR 286° radials; thence to the West Chester, Pa., VOR.

**§ 600.1687 VOR Federal airway No. 1687 (New York, N.Y., to Syracuse, N.Y.).**

From the Sparta, N.J., VOR via the Huguenot, N.Y., VOR; INT of the Huguenot VOR 340° and the Rockdale, N.Y., VOR 144° radials; Rockdale VOR; thence 10 mile wide airway via the INT of the Rockdale VOR 327° and the Syracuse, N.Y., VOR 117° radials; to the Syracuse VOR.

**§ 600.1688 VOR Federal airway No. 1688 (Casper, Wyo., to Eau Claire, Wis.).**

From the Casper, Wyo., VOR via the Rapid City, S. Dak., VOR; thence 10 mile wide airway to the INT of the Rapid City VOR 085° and the Dupree, S. Dak., VOR 185° radials; thence via the INT of the Rapid City VOR 085° and the Pierre, S. Dak., VOR 253° radials; Pierre VOR; Huron, S. Dak., VOR; Redwood Falls, Minn., VOR; INT of the Redwood Falls VOR 083° and the Eau Claire, Wis., VOR 258° radials; to the Eau Claire VOR.

**§ 600.1689 VOR Federal airway No. 1689 (Albany, N.Y., to Massena, N.Y.).**

From the Albany, N.Y., VOR to the Massena, N.Y., VOR.

**§ 600.1690 VOR Federal airway No. 1690 (Milwaukee, Wis., to Salem, Mich.).**

From the Milwaukee, Wis., VOR via the INT of the Milwaukee VOR 102° and the Pullman, Mich., VOR 303° radials; Pullman VOR; to the Salem, Mich., VOR.

**§ 600.1691 VOR Federal airway No. 1691 (New York, N.Y., to Plattsburgh, N.Y.).**

From the Coyle, N.J., VOR; 10 mile wide airway to the Idlewild, N.Y., VOR; thence via the INT of the Idlewild VOR 042° and the Wilton, Conn., VOR 185° radials; Wilton VOR; Poughkeepsie, N.Y., VOR; INT of the Poughkeepsie VOR 336° and the Albany, N.Y., VOR 186° radials; Albany VOR; thence 12 mile wide airway to the Plattsburgh, N.Y., VOR; thence 10 mile wide airway via the Plattsburgh VOR 341° radial to the U.S./Canadian Border.

**§ 600.1692 VOR Federal airway No. 1692 (Medford, Oreg., to Burley, Idaho).**

From the Medford, Oreg., VOR; 8 mile wide airway via the Klamath Falls, Oreg., VOR; thence via Lakeview, Oreg., VOR; Rome, Oreg., VOR; INT of the Rome VOR 099° and the Burley, Idaho, VOR 261° radials; to the Burley VOR.

**§ 600.1694 VOR Federal airway No. 1694 (Muskegon, Mich., to Peck, Mich.).**

From the Muskegon, Mich., VOR to the INT of the Peck, Mich., VOR 269° and the Saginaw, Mich., VOR 157° radials; thence 10 mile wide airway to the Peck VOR.

**§ 600.1695 VOR Federal airway No. 1695 (Poughkeepsie, N.Y., to Presque Isle, Maine).**

From the Poughkeepsie, N.Y., VOR via the INT of the Poughkeepsie VOR 043° and the Concord, N.H., VOR 231° radials; Concord VOR; Kennebunk, Maine, VOR; thence 12 mile wide airway to the INT of the Kennebunk VOR 033° and the Bangor, Maine., VOR 232° radials; thence 10 mile wide airway via the Bangor VOR; Millinocket, Maine, VOR; to the Presque Isle, Maine, VOR.

**§ 600.1696 VOR Federal airway No. 1696 (Buffalo, N.Y., to Somerset, N.J.).**

From the Buffalo, N.Y., VOR via the Wellsville, N.Y., VOR; INT of the Wellsville VOR 132° and the Williamsport, Pa., VOR 307° radials; Williamsport VOR; thence 10 mile wide airway via the Thornhurst, Pa., VOR; Tannersville, Pa., VOR; to the INT of the Tannersville VOR 114° and the Solberg, N.J., VOR 051° radials.

**§ 600.1697 VOR Federal airway No. 1697 (Nantucket, Mass., to Plattsburgh, N.Y.)**

From the Nantucket, Mass., VOR; 10 mile wide airway via the INT of the Nantucket VOR 339° and the Boston, Mass., VOR 133° radials; Boston VOR; Manchester, N.H., VOR; Concord, N.H., VOR; Burlington, Vt., VOR; Plattsburgh, N.Y., VOR; Plattsburgh VOR 341° radial to the U.S./Canadian Border.

**§ 600.1698 VOR Federal airway No. 1698 (Buffalo, N.Y., to Wilton, Conn.).**

From the Buffalo, N.Y., VOR via the INT of the Buffalo VOR 098° and the Binghamton, N.Y., VOR 300° radials; Binghamton VOR; to the Wilton, Conn., VOR.

**§ 600.1699 VOR Federal airway No. 1699 (Lakeland, Fla., to Cross City, Fla.).**

From the Lakeland, Fla., VOR to the Cross City, Fla., VOR.

**§ 600.1700 VOR Federal airway No. 1700 (Watertown, S. Dak., to Minneapolis, Minn.).**

From the Watertown, S. Dak., VOR to the Minneapolis, Minn., VOR.

**§ 600.1701 VOR Federal airway No. 1701 (Chattanooga, Tenn., to St. Louis, Mo.).**

From the Chattanooga, Tenn., VOR via the INT of the Chattanooga VOR 313° and the Crossville, Tenn., VOR 257° radials; thence 10 mile wide airway to the Nashville, Tenn., VOR; thence to the INT of the Nashville VOR 338° and the Evansville, Ind., VOR 144° radials; thence 10 mile wide airway to the Evansville VOR; thence to the INT of the Troy, Ill., VOR 118° and the Vandalia, Ill., VOR 180° radials; thence 10 mile wide airway to the Troy, Ill., VOR.

**§ 600.1702 VOR Federal airway No. 1702 (Buffalo, N.Y., to Paterson, N.J.).**

From the United States-Canadian Border via the Buffalo, N.Y., VOR 312° radial; Buffalo VOR; INT of the Buffalo VOR 124° and the Wilkes-Barre, Pa., VOR 299° radials; Wilkes-Barre VOR; thence 10 mile wide airway via the Sparta, N.J., VOR; to the INT of the Sparta VOR 111° and the Wilton, Conn., VOR 240° radials.

**§ 600.1703 VOR Federal airway No. 1703 (Dallas, Tex., to Ardmore, Okla.).**

From the Dallas, Tex., VOR via the INT of the Dallas VOR 283° and the Ardmore, Okla., 192° radials; to the Ardmore VOR.

**§ 600.1704 VOR Federal airway No. 1704 (Newberg, Oreg., to McCall, Idaho).**

From the Newberg, Oreg., VOR via the Redmond, Oreg., VOR; Baker, Oreg., VOR; to the McCall, Idaho, VOR.

**§ 600.1705 VOR Federal airway No. 1705 (Fresno, Calif., to Newberg, Oreg.).**

From the Fresno, Calif., VOR via the Reno, Nev., VOR; Lakeview, Oreg., VOR; Redmond, Oreg., VOR; to the Newberg, Oreg., VOR.

**§ 600.1706 VOR Federal airway No. 1706 (Miles City, Mont., to Salem, Mich.).**

From the Miles City, Mont., VOR via the Dupree, S. Dak., VOR; Pierre, S. Dak., VOR; Sioux Falls, S. Dak., VOR; Mason City, Iowa, VOR; INT of the Mason City VOR 095° and the Rewey, Wis., VOR 279° radials; Rewey VOR; INT of the Rewey VOR 099° and the Janesville, Wis., VOR 294° radials; thence 10 mile wide airway to the Janesville VOR; thence via the INT of the Janesville VOR 080° and the Pullman, Mich., VOR 282° radials; Pullman VOR; to the Salem, Mich., VOR.

**§ 600.1707 VOR Federal airway No. 1707 (Denver, Colo., to Laramie, Wyo.).**

From the Denver, Colo., VOR via the INT of the Denver VOR 359° and the Laramie, Wyo., VOR 131° radials; to the Laramie VOR.

**§ 600.1708 VOR Federal airway No. 1708 (Poughkeepsie, N.Y., to Norwich, Conn.).**

From the Poughkeepsie, N.Y., VOR via the Hartford, Conn., VOR to the INT of the Hartford VOR 101° and the Boston, Mass., VOR 223° radials.

**§ 600.1709 VOR Federal airway No. 1709 (Kiowa, Colo., to Crazy Woman, Wyo.).**

From the Kiowa, Colo., VOR via the INT of the Kiowa VOR 001° and the Cheyenne, Wyo., VOR 131° radials; Cheyenne VOR; INT of the Cheyenne VOR 347° and the Crazy Woman, Wyo., VOR 146° radials; to the Crazy Woman VOR.

**§ 600.1710 VOR Federal airway No. 1710 (The Dalles, Oreg., to Pendleton, Oreg.).**

From the The Dalles, Oreg., VOR; 10 mile wide airway via the INT of the The Dalles VOR 096° and the Pendleton, Oreg., VOR 254° radials; to the Pendleton VOR.

**§ 600.1711 VOR Federal airway No. 1711 (Houston, Tex., to Dallas, Tex.).**

From the Houston, Tex., VOR via the Leona, Tex., VOR; to the Dallas, Tex., VOR.

**§ 600.1712 VOR Federal airway No. 1712 (Massena, N.Y., to Plattsburgh, N.Y.).**

From the Massena, N.Y., VOR to the Plattsburgh, N.Y., VOR.

**§ 600.1713 VOR Federal airway No. 1713 (Hill City, Kans., to Cheyenne, Wyo.).**

From the Hill City, Kans., VOR via the Akron, Colo., VOR; to the Cheyenne, Wyo., VOR.

**§ 600.1714 VOR Federal airway No. 1714 (Naperville, Ill., to Peck, Mich.).**

From the Naperville, Ill., VOR via the Keeler, Mich., VOR; thence 10 mile wide airway to the INT of the Keeler VOR 061° and the Muskegon, Mich., VOR 142° radials; thence via the INT of the Keeler VOR 061° and Peck, Mich., VOR 250° radials; to the INT of the Peck VOR 250° and the Saginaw, Mich., VOR 149° radials; thence 10 mile wide airway to the Peck VOR.

**§ 600.1715 VOR Federal airway No. 1715 (Tobe, Colo., to Hugo, Colo.).**

From the Tobe, Colo., VOR to the Hugo, Colo., VOR.

**§ 600.1716 VOR Federal airway No. 1716 (Seattle, Wash., to Ephrata, Wash.).**

From the Seattle, Wash., VOR via the Ellensburg, Wash., VOR; thence 10 mile wide airway to the Ephrata, Wash., VOR.

**§ 600.1717 VOR Federal airway No. 1717 (Denver, Colo., to Sidney, Nebr.).**

From the Denver, Colo., VOR to the Sidney, Nebr., VOR.

**§ 600.1718 VOR Federal airway No. 1718 (Mullan Pass, Idaho, to Cut Bank, Mont.).**

From the Mullan Pass, Idaho, VOR to the Cut Bank, Mont., VOR.

**§ 600.1719 VOR Federal airway No. 1719 (Los Angeles, Calif., to Palmdale, Calif.).**

From the Los Angeles, Calif., VOR to the Palmdale, Calif., VOR.

**§ 600.1721 VOR Federal airway No. 1721 (Prescott, Ariz., to Malad City, Idaho).**

From the Prescott, Ariz., VOR via the Bryce Canyon, Utah, VOR; Delta, Utah, VOR; INT of the Delta VOR 004° and the Malad City, Idaho, VOR 179° radials; to the Malad City VOR.

**§ 600.1722 VOR Federal airway No. 1722 (Casper, Wyo., to Sioux Falls, S. Dak.).**

From the Casper, Wyo., VOR via the Smithwick, S. Dak., VOR; Winner, S. Dak., VOR; to the Sioux Falls, S. Dak., VOR.

**§ 600.1723 VOR Federal airway No. 1723 (Parkersburg, W. Va., to Pittsburgh, Pa.).**

From the Parkersburg, W. Va., VOR via the INT of the Parkersburg VOR 037° and the Pittsburgh, Pa., VOR 246° radials; to the Pittsburgh VOR.

**§ 600.1724 VOR Federal airway No. 1724 (Crazy Woman, Wyo., to Rapid City, S. Dak.).**

From the Crazy Woman, Wyo., VOR to the Rapid City, S. Dak., VOR.

**§ 600.1725 VOR Federal airway No. 1725 (Tiverton, Ohio, to Wellsville, N.Y.).**

From the Tiverton, Ohio, VOR via the INT of the Tiverton VOR 088° and the Clarion, Pa., VOR 222° radials; Clarion VOR; INT of the Clarion VOR 048° and the Bradford, Pa., VOR 222° radials; Bradford VOR; to the Wellsville, N.Y., VOR.

**§ 600.1726 VOR Federal airway No. 1726 (Gunnison, Colo., to Hill City, Kans.).**

From the Gunnison, Colo., VOR via the INT of the Kiowa, Colo., VOR 246° and the Colorado Springs, Colo., VOR 276° radials; Colorado Springs VOR; Hugo, Colo., VOR; to the Hill City, Kans., VOR.

**§ 600.1727 VOR Federal airway No. 1727 (Rosewood, Ohio, to Buffalo, N.Y.).**

From the Rosewood, Ohio, VOR via the Attica, Ohio, VOR; Cleveland, Ohio, VOR; Jefferson, Ohio, VOR; Erie, Pa., VOR; INT of the Erie VOR 058° and the Buffalo, N.Y., VOR 227° radials; to the Buffalo VOR.

**§ 600.1728 VOR Federal airway No. 1728 (San Luis Obispo, Calif., to Peach Springs, Ariz.).**

From the San Luis Obispo, Calif., VOR via the Gorman, Calif., VOR; thence 10 mile wide airway via Palmdale, Calif., VOR; Hector, Calif., VOR; the INT of the Hector VOR 091° and the Twenty Nine Palms, Calif., VOR 344° radials; thence via the Needles, Calif., VOR; to the Peach Springs, Ariz., VOR.

**§ 600.1729 VOR Federal airway No. 1729 (Pittsburgh, Pa., to Erie, Pa.).**

From the Pittsburgh, Pa., VOR; 10 mile wide airway to the INT of the Pittsburgh VOR 354° and the Tidioute, Pa., VOR 214° radials; thence to the Erie, Pa., VOR.

**§ 600.1730 VOR Federal airway No. 1730 (Prescott, Ariz., to Russell, Kans.).**

From the Prescott, Ariz., VOR via the Winslow, Ariz., VOR; Crown Point, N. Mex., VOR; Taos, N. Mex., VOR; Tobe, Colo., VOR; Garden City, Kans., VOR; to the Russell, Kans., VOR.

**§ 600.1731 VOR Federal airway No. 1731 (Greensboro, N.C., to Richmond, Va.).**

From the Greensboro, N.C., VOR via the INT of the Greensboro VOR 051° and the Flat Rock, Va., VOR 228° radials; Flat Rock VOR; to the Richmond, Va., VOR.

**§ 600.1732 VOR Federal airway No. 1732 (Linden, Calif., to Scottsbluff, Nebr.).**

From the Linden, Calif., VOR via the Mina, Nev., VOR; Currant, Nev., VOR; INT of the Delta, Utah, VOR 257° and the Milford, Utah, VOR 334° radials; thence 10 mile wide airway to the Delta VOR; thence via the INT of the Delta VOR 054° and the Myton, Utah, VOR 256° radials; Myton VOR; Laramie, Wyo., VOR; to the Scottsbluff, Nebr., VOR.

**§ 600.1733 VOR Federal airway No. 1733 (New Castle, Del., to New Brunswick, N.J.).**

From the New Castle, Del., VOR; 10 mile wide airway via the Yardley, Pa., VOR; to the INT of the Yardley VOR 056° and the Solberg, N.J., VOR 135° radials.

**§ 600.1734 VOR Federal airway No. 1734 (Salt Lake City, Utah, to Fort Bridger, Utah).**

From the Salt Lake City, Utah, VOR to the INT of the Salt Lake City VOR 065° and the Rock Springs, Wyo., VOR 259° radials.

**§ 600.1735 VOR Federal airway No. 1735 (Norwich, Conn., to Boston, Mass.).**

From the INT of the Boston, Mass., VOR 223° and the Putnam, Conn., VOR 195° radials; 10 mile wide airway via the Putnam VOR; INT of the Putnam VOR 043° and the Boston, Mass., VOR 256° radials; to the Boston VOR.

**§ 600.1736 VOR Federal airway No. 1736 (Provo, Utah, to Fort Bridger, Utah).**

From the Provo, Utah, VOR to the INT of the Provo VOR 045° and the Rock Springs, Wyo., VOR 259° radials.

**§ 600.1738 VOR Federal airway No. 1738 (Sacramento, Calif., to Reno, Nev.).**

From the Sacramento, Calif., VOR via the INT of the Sacramento VOR 040° and the Reno, Nev., VOR 257° radials; to the Reno VOR.

**§ 600.1739 VOR Federal airway No. 1739 (Chattanooga, Tenn., to Cincinnati, Ohio).**

From the Chattanooga, Tenn., VOR via the Crossville, Tenn., VOR; INT of the Crossville VOR 343° and the Bowling Green, Ky., VOR 073° radials; Louisville, Ky., VOR; to the Cincinnati, Ohio, VOR.

**§ 600.1740 VOR Federal airway No. 1740 (Albany, N.Y., to Hartford, Conn.).**

From the Albany, N.Y., VOR to the Hartford, Conn., VOR.

**§ 600.1741 VOR Federal airway No. 1741 (Chattanooga, Tenn., to Cincinnati, Ohio).**

From the Chattanooga, Tenn., VOR via Bowling Green, Ky., VOR; INT of the Bowling Green VOR 009° and the Nabb, Ind., VOR 215° radials; thence 10 mile wide airway to the Nabb VOR; thence to the Cincinnati, Ohio, VOR.

**§ 600.1742 VOR Federal airway No. 1742 (Duluth, Minn., to Green Bay, Wis.).**

From the Duluth, Minn., VOR to the Green Bay, Wis., VOR.

**§ 600.1743 VOR Federal airway No. 1743 (Pulaski, Va., to Elkins, W. Va.).**

From the Pulaski, Va., VOR to the Elkins, W. Va., VOR.



**§ 600.1744 VOR Federal airway No. 1744 (Boise, Idaho, to Cherokee, Wyo.).**

From the Boise, Idaho, VOR via the Pocatello, Idaho, VOR; Big Piney, Wyo., VOR; to the Cherokee, Wyo., VOR.

**§ 600.1745 VOR Federal airway No. 1745 (Lamar, Colo., to Hill City, Kans.).**

From the Lamar, Colo., VOR to the Hill City, Kans., VOR.

**§ 600.1746 VOR Federal airway No. 1746 (Texico, N. Mex., to Bridgeport, Tex.).**

From the Texico, N. Mex., VOR; 10 mile wide airway to the INT of the Texico VOR 117° and the Lubbock, Tex., VOR 008° radials; thence via the Guthrie, Tex., VOR; to the Bridgeport, Tex., VOR.

In part 601:

**§ 601.2 [Amendment]**

1. In § 601.2 (14 CFR 601.2) the following changes are made:

a. Paragraph (i) is amended to read:

(i) All bearings and radials shall be True from the point of origin.

b. Paragraph (s) is deleted and the following is substituted therefor:

(s) "MSL" shall mean mean sea level.

2. Section 601.9 (14 CFR 601.9) is amended to read:

**§ 601.9 Lateral extent of control areas.**

Where a point or intersection prescribed in this part for designating a control area coincides with a point or intersection specified in designating the center line of Federal airways, the control areas shall include all of the airspace within 5 miles, or as otherwise specified, either side of a straight line extended through the center of the points or intersections specified in designating the Federal airways and all of the airspace within a 5-mile radius of such points or intersections unless otherwise provided in Subpart B, C, and F of this part. In addition, such control areas shall include all the airspace between straight lines connecting the center of the points or intersections specified in designating the main and associated alternate VOR Federal airways unless otherwise specified.

3. In Subpart B, *"Colored Federal Airway Control Areas"* is deleted and *"Low Altitude Colored Federal Airway Control Areas"* is substituted therefor.

4. In Subpart E, *"Colored Federal Airway Reporting Points"* is deleted and *"Low Altitude Colored Federal Airway Reporting Points"* is substituted therefor.

5. In Subpart F, *"VOR Federal Airway Control Areas"* is deleted and *"Low Altitude VOR Federal Airway Control Areas"* is substituted therefor.

6. "Control Area Alterations" is deleted and the following sections are revoked: §§ 601.6600, 601.6602, 601.6604, 601.6606, 601.6608, 601.6610, 601.6612, 601.6614, 601.6616, 601.6618, 601.6620, 601.6622, 601.6624, 601.6629, 601.6631, 601.6633, and 601.6635.

**§ 601.7001 [Amendment]**

7. In § 601.7001 (14 CFR 601.7001) *"Domestic VOR reporting points"* is deleted and *"Low Altitude VOR reporting points"* is substituted therefor.

8. Section 601.7003 is added to read:

**§ 601.7003 Intermediate altitude VOR reporting points.**

All of the VOR, VORTAC and TACAN navigation facilities named in the description of Intermediate Altitude airways in Part 600 of this chapter are designated as Intermediate Altitude VOR reporting points.

Additional Intermediate Altitude VOR reporting points:

Junction City, Ga., INT: INT of the Macon, Ga., VOR 267° and the Atlanta, Ga., VOR 179° radials.

Montrose, Ga., INT: INT of the Alma, Ga., VOR 335° and the Macon, Ga., VOR 103° radials.

Elmira, N.Y., INT: INT of the Buffalo, N.Y., VOR 124° and the Wellsville, N.Y., VOR 090° radials.

Geneseo, N.Y., INT: INT of the Buffalo, N.Y., VOR 098° and the Binghamton, N.Y., VOR 300° radials.

Jamestown, N.Y., INT: INT of the Buffalo, N.Y., VOR 206° and the Wellsville, N.Y., VOR 277° radials.

Pinehurst, N.C., INT: INT of the Florence, S.C., VOR 001° and the Raleigh, N.C., VOR 226° radials.

Youngstown, Ohio, INT: INT of the Cleveland, Ohio, VOR 091° and the Jefferson, Ohio, VOR 171° radials.

Stony Fork, Pa., INT: INT of the Bradford, Pa., VOR 095° and the Williamsport, Pa., VOR 307° radials.

Vance, S.C., INT: INT of the Florence, S.C., VOR 221° and the Allendale, S.C., VOR 057° radials.

Nottley, Tenn., INT: INT of the Knoxville, Tenn., VOR 181° and the Chattanooga, Tenn., VOR 088° radials.

Parsons, Tenn., INT: INT of the Nashville, Tenn., VOR 253° and the Muscle Shoals, Ala., VOR 334° radials.

Springfield, Va., INT: INT of the Herndon, Va., VOR 145° and the Linden, Va., VOR 095° radials.

9. Section 601.7004 is added to read:

**§ 601.7004 High altitude VOR reporting points.**

All of the VOR, VORTAC and TACAN navigation facilities named in the description of Coded Jet Routes in Part 602 of this chapter are designated as High Altitude VOR reporting points.

10. Section 601.8001 (14 CFR 601.8001) is revoked and a new § 601.8001 is added to read:

**§ 601.8001 Positive control route segments.**

The portions of Federal airways described in this subpart and their associated control areas between 17,000 and 22,000 feet MSL inclusive are designated as positive control route segments; the portions of positive control route segments which underlie positive control areas (Subpart J of this part) are designated to include the altitudes from 17,000 to, but not including, 24,000 feet MSL.

*VOR Federal airway No. 1508 (Portland, Oreg., to New York, N.Y.) (see § 600.1508 of this chapter).* The portion of VOR Federal airway No. 1508 from the Naperville, Ill., VOR to the Waterville, Ohio, VOR.

*VOR Federal airway No. 1510 (San Francisco, Calif., to Nantucket, Mass.) (see § 600.1510 of this chapter).* The portion of VOR Federal airway No. 1510 from the Sacramento, Calif., VOR to the INT of the Yardley, Pa., VOR 098° and the Idlewild, N.Y., VOR 212° radials.

*VOR Federal airway No. 1512 (San Francisco, Calif., to Chicago, Ill.) (see § 600.1512 of this chapter).* The portion of VOR Federal airway No. 1512 from the Kremmling, Colo., VOR to the Grand Island, Nebr., VOR; also the portion of VOR Federal airway No. 1512 from the Des Moines, Iowa, VOR to the Naperville, Ill., VOR.

*VOR Federal airway No. 1516 (San Francisco, Calif., to New York, N.Y.) (see § 600.1516 of this chapter).* The portion of VOR Federal airway No. 1516 from the Russell, Kans., VOR to the Tower City, Pa., VOR.

*VOR Federal airway No. 1518 (Minneapolis, Minn., to Washington, D.C.) (see § 600.1518 of this chapter).* The portion of VOR Federal airway No. 1518 from Goshen, Ind., VOR to the Herndon, Va., VOR.

*VOR Federal airway No. 1520 (Minneapolis, Minn., to Washington, D.C.) (see § 600.1520 of this chapter).* The portion of VOR Federal airway No. 1520 from the Peotone, Ill., VOR to the Herndon, Va., VOR.

*VOR Federal airway No. 1522 (Los Angeles, Calif., to New York, N.Y.) (see § 600.1522 of this chapter).* The portion of VOR Federal airway No. 1522 from the INT of the Los Angeles, Calif., VOR 057° and the Long Beach, Calif., VOR 024° radials to the Kremmling, Colo., VOR.

*VOR Federal airway No. 1532 (Los Angeles, Calif., to New York, N.Y.) (see § 600.1532 of this chapter).* The portion of VOR Federal airway No. 1532 from the Ontario, Calif., VOR to the Prescott, Ariz., VOR.

*VOR Federal airway No. 1646 (Kansas City, Mo., to Front Royal, Va.) (see § 600.1646 of this chapter).* The portion of VOR Federal airway No. 1646 from the Kansas City, Mo., VOR to the Indianapolis, Ind., VOR.

*VOR Federal airway No. 1654 (Ukiah, Calif., to Reno, Nev.) (see § 600.1654 of this chapter).* The portion of VOR Federal airway No. 1654 from the Williams, Calif., VOR to the Reno, Nev., VOR.

*VOR Federal airway No. 1730 (Prescott, Ariz., to Russell, Kans.) (see § 600.1730 of this chapter).* The portion of VOR Federal airway No. 1730 from the Prescott, Ariz., VOR to the Russell, Kans., VOR.

These amendments shall become effective 0401 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 30, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1011; Filed, Feb. 3, 1961; 8:45 a.m.]

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[Airspace Docket No. 60-WA-194]

## PART 608—SPECIAL USE AIRSPACE

*Correction*

In F.R. Doc. 61-740, appearing at page 870 of the issue for Saturday, January 28, 1961, under § 608.25 the entry following R-2514 Merced, Calif., should read "R-2515 Muroc Lake, Calif.", instead of "R-2516 Muroc Lake, Calif.".

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 121—FOOD ADDITIVES

### SUBCHAPTER C—DRUGS

### PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

### Manganese Bacitracin in Animal Feed

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Grain Processing Corporation, Muscatine, Iowa, and other relevant material has concluded that the following amended regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive manganese bacitracin in chicken, turkey, and swine feed solely as an aid in stimulating the growth and improving the feed efficiency. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat; 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.203 is changed to read as follows:

**§ 121.203 Manganese bacitracin in animal feed.**

Manganese bacitracin may be safely used in chicken, turkey, and swine feed when incorporated therein in accordance with the following conditions:

(a) It is used or intended for use solely as an aid in stimulating the growth and improving the feed efficiency of chickens, turkeys, and swine when added to unmedicated feed or to feed containing medications which, by a regulation in this part, provide for such addition.

(b) The quantity of the additive used is such that the finished feed will contain the following:

(1) Not less than 10 grams per ton (11 parts per million, 0.0011 percent) nor more than 50 grams per ton (55 parts per million, 0.0055 percent) in swine feed;

(2) Not less than 5 grams per ton (5.5 parts per million, 0.00055 percent) nor more than 50 grams per ton (55 parts per million, 0.0055 percent) in chicken and turkey feed;

where the quantity referred to in this paragraph is that equivalent to the activity of the named amount of the bacitracin master standard as defined in § 146.1 of this chapter.

(c) To assure safe use of the additive, the label and labeling of the food additive container and any intermediate mixes shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive "manganese bacitracin."

(2) A statement of the concentration or strength of the additive contained therein.

(3) Adequate mixing directions to provide for a finished feed with the proper concentration of the additive, whether or not intermediate premixes are to be used.

(4) Adequate use directions to provide a finished feed labeled as provided in paragraph (d) of this section.

(d) To assure safe use of the additive, the label and labeling of the finished food shall bear, in addition to the other information required by the act, the following:

(1) A statement that manganese bacitracin has been added.

(2) A statement that the treated feed is to be used only for chickens, turkeys, and swine.

(Sec. 409(c)(1), 72 Stat. 1786, 21 U.S.C. 348(c)(1))

2. Based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that tolerance limitations are required to assure that the use of the food additive manganese bacitracin will not cause the edible tissues and eggs of turkeys consuming food treated with the additive in accordance with § 121.203(b) to be unsafe. Therefore, § 121.1005 is amended to insert the word "turkey" or turkeys" in paragraphs (a) and (b). As amended, the regulation reads as follows:

**§ 121.1005 Tolerances for residues of manganese bacitracin.**

(a) A tolerance of zero is established for residues of the food additive manganese bacitracin in or on the uncooked meat or meat products of chickens, turkeys, or swine that have been fed chicken, turkey, or swine feed treated with the additive pursuant to § 121.203.

(b) A tolerance of zero is established for residues of the food additive manganese bacitracin in the eggs of chickens and turkeys that have been fed chicken or turkey feed treated with the additive pursuant to § 121.203(b).

(Sec. 409(c)(4), 1786; 21 U.S.C. 348(c)(4))

3. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c)), and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), I find that manganese bacitracin medicated animal feed is safe and efficacious when used in the amounts and for the purposes prescribed in § 146.13. Therefore, *It is ordered*, That § 146.13 be amended by changing paragraphs (a) and (b) to read as follows:

**§ 146.13 Manganese bacitracin medicated animal feed.**

* * * * *

(a) It is intended for use solely as an aid in stimulating the growth and improving the feed efficiency of chickens, turkeys, and swine.

(b) It contains, per ton of feed, the equivalent of the following quantities of the bacitracin master standard as feed grade manganese bacitracin powder oral veterinary:

(1) For chickens and turkeys: Not less than 5 grams and not more than 50 grams.

(2) For swine: Not less than 10 grams and not more than 50 grams.

(Sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c))

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), (c)(4), 507(c), 72 Stat. 1786; 59 Stat. 463 as amended; 21 U.S.C. 348(c)(1), (c)(4), 357(c))

Dated: January 30, 1961.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-1018; Filed, Feb. 3, 1961; 8:46 a.m.]

# Title 24—HOUSING AND HOUSING CREDIT

## Chapter II—Federal Housing Administration, Housing and Home Finance Agency

### MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

### SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND SERVICEMEN'S MORTGAGE INSURANCE

### PART 221—MUTUAL MORTGAGE INSURANCE: ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

Section 221.19 is amended to read as follows:



**§ 221.19 Maximum interest rate.**

(a) The mortgage may bear interest at such rates as may be agreed upon by the mortgagee or mortgagor but in no case shall such interest rate exceed:

(1) 5¾ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner before February 2, 1961, or

(2) 5½ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after February 2, 1961.

(b) Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply Sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

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### PART 237—MORTGAGE INSURANCE FOR NURSING HOMES; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Section 237.29 is amended to read as follows:

**§ 237.29 Maximum interest rate.**

(a) The mortgage may bear interest at such rates as may be agreed upon by the mortgagee or mortgagor but in no case shall such interest rate exceed:

(1) 5¾ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner before February 2, 1961, or

(2) 5½ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after February 2, 1961.

(b) Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

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### PART 243—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

Section 243.11 is amended to read as follows:

**§ 243.11 Maximum interest rate.**

(a) The mortgage may bear interest at such rates as may be agreed upon by the mortgagee or mortgagor but in no case shall such interest rate exceed:

(1) 5¾ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner before February 2, 1961, or

(2) 5½ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after February 2, 1961.

(b) Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

Issued at Washington, D.C., February 2, 1961.

LESTER H. THOMPSON,
*Acting Federal Housing Commissioner.*

[F.R. Doc. 61-1055; Filed, Feb. 3, 1961; 8:50 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VI—Department of the Navy

### PART 701—AVAILABILITY OF OFFICIAL RECORDS

### Certificates of Full Faith and Credit

*Scope and purpose.* The following amendment incorporates in Part 701 an authorization (letter of the Secretary of the Navy dated January 19, 1961) intended to clarify existing authority to execute certificates of full faith and credit as they are usually employed, e.g., under Rule 44 of the Federal Rules of Civil Procedure (28 U.S.C. App. Rule 44) in connection with the use of copies of official records in court proceedings.

Part 701 is amended by insertion of the following new section:

**§ 701.4 Certificates of full faith and credit.**

The Judge Advocate General, the Deputy Judge Advocate General and any Assistant Judge Advocate General are hereby authorized each to execute certificates of full faith and credit certifying the signatures and authority of officers of the Department of the Navy.

(Sec. 5031, 70A Stat. 278, as amended, Rule 27 of Federal Rules of Criminal Procedure, Rule 44 of Federal Rules of Civil Procedure; 10 U.S.C. 5031, 18 U.S.C. App. Rule 27, 28 U.S.C. App. Rule 44)

By direction of the Secretary of the Navy.

ROBERT D. POWERS, Jr.,
*Captain, U.S. Navy, Acting Judge Advocate General of the Navy.*

JANUARY 31, 1961.

[F.R. Doc. 61-1010; Filed, Feb. 3, 1961; 8:45 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

### PART 204—DANGER ZONE REGULATIONS

### PART 207—NAVIGATION REGULATIONS

### Nantucket Sound, Mass.; Ohio River, Ky.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of

August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the title of § 204.5 is hereby changed and paragraph (a) governing the use and navigation of a danger zone in Nantucket Sound in the vicinity of Horseshoe Shoal, is hereby revoked effective on publication in the FEDERAL REGISTER since the danger zone is no longer required, as follows:

§ 204.5 Buzzards Bay, and adjacent waters, Mass.; danger zones for naval operations.

(a) [Revoked].

[Regs., Jan. 17, 1961, 285/91-ENGCW-O] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.301 is hereby prescribed establishing and governing the use and navigation of a restricted area in the Ohio River at Louisville, Kentucky, to be effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.301 Ohio River at Louisville, Ky.; restricted area.

(a) *The area.* The portion of the Ohio River from the Clark Memorial (Highway) Bridge, Mile 603.5, downstream to McAlpine Dam, Mile 604.4.

(b) *The regulations.* (1) No pleasure or fishing craft shall be operated within the restricted area at any time without prior permission of the enforcing agency except in case of emergency and except:

(i) For passage through the Louisville and Portland Canal;

(ii) For launching and docking at the Louisville, Kentucky Wharf within the restricted area; and

(iii) During open river conditions.

(2) The regulations in this section shall be enforced by the U.S. Coast Guard, Second Coast Guard District.

[Regs., Jan. 16, 1961, 285/91-ENGCW-O] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc 61-1023; Filed, Feb. 3, 1961; 8:47 a.m.]

# Proposed Rule Making

## FEDERAL AVIATION AGENCY

[ 14 CFR Parts 600, 601, 608 ]

[Airspace Docket No. 60-WA-277]

### FEDERAL AIRWAYS, CONTROL AREAS, CONTROL ZONES AND RESTRICTED AREAS

### Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and §§ 600.6045, 600.6229, 601.1265, 601.2081, 601.2324 and 608.41 of the regulations of the Administrator, the substance of which is stated below.

The Cherry Point, N.C., Restricted Area (R-123) is an area of approximately 4,063 square miles assigned to MCAS Cherry Point for strafing, bombing and missile firing from the surface to 55,000 feet MSL on a continuous basis.

The Cherry Point, N.C., Restricted Area (R-125) is an area of approximately 2,452 square miles assigned to MCAS Cherry Point, N.C., for night all-weather interceptor training from 6,000 feet MSL to 55,000 feet MSL, daily from sunset to sunrise. Restricted Area R-123 and portions of Warning Area W-122 are also utilized, when available, for this night training.

The Federal Aviation Agency has reviewed information submitted by the United States Marine Corps concerning the utilization of these restricted areas. The review indicates that the special use airspace assigned to the Marine Corps Air Station is in excess of that necessary to contain the activities conducted therein. Accordingly, the Federal Aviation Agency is considering the alteration of the assigned special use airspace within the Cherry Point complex as follows:

(1) Reduce the lateral and vertical dimensions of Restricted Area R-123 to the extent necessary to satisfy the minimum requirements for activities associated with following:

a. Bombing target BT-11 (instrumented target) located at latitude 35°-01'59" N., longitude 76°27'00" W.

b. Bombing target BT-9 (Brandt Island) located at latitude 35°12'30" N., longitude 76°26'30" W.

c. Rocket Range No. 2 located at latitude 34°54'00" N., longitude 76°26'20" W.

d. MAW/MAYS Target located at latitude 35°08'00" N., longitude 76°32'-23" W;

This action would reduce the size of R-123 to an area of approximately 753 square miles and place R-123 entirely within the lateral limits of Restricted Area R-125 as proposed herein. The Federal Aviation Agency is aware of the fact that the Marine Corps is planning construction of a new target at Pamlico Point. When this becomes a reality, the Federal Aviation Agency will review the requirements for possible further alteration of Restricted Area R-123.

(2) Designate a separate restricted area southeast of Jacksonville, N.C., to accommodate the artillery, mortar and rocket firing conducted by the United States Marine Corps at Camp Lejeune, N.C. This restricted area would be assigned a new number (R-15) and would cover approximately 117 square miles.

(3) Relocate Restricted Area R-125 to the east of its present location, revise its lateral dimensions and reduce its vertical dimensions to the extent necessary to satisfy the minimum requirements of the "lights out" night radar interceptor training mission. The "lights out" portion of this operation would be confined to altitudes between Flight Level 350 and Flight Level 550. Restricted Area R-125 would be designated on a temporary basis until such time as procedures can be developed similar to those employed by the Air Defense Command of the United States Air Force in conducting night radar interceptor training outside of special use airspace. In any event, the assignment of special use airspace for the proposed Restricted Area R-125 would automatically expire on December 31, 1961. Restricted Area (R-125) as proposed would include an area of approximately 2,596 square miles as compared to the 6,515 square miles presently available in Restricted Areas R-123 and R-125 for night training purposes above 35,000 feet MSL. The proposed action contained herein would result in a reduction of approximately 5,645 square miles of airspace below 35,000 feet MSL which could be released to other users.

The actions proposed herein have not been endorsed by the United States Marine Corps despite many months of mutual effort to arrive at a satisfactory solution to the problem. There are minor differences between the boundaries described herein to contain the activities for which the new Restricted Areas R-123 and R-15 are proposed, and those requested by the Marine Corps as necessary to meet their requirements. The Federal Aviation Agency studies indicate that the desired activities can be accommodated in the proposed restricted area without impairing the missions to be accomplished, with the exception of a few missile firings per year from the proposed Camp Le Jeune Area seaward into Warning Area W-122. It appears, however, that if such firings in this sector are necessary, they can be conducted in accordance with the "controlled firing concept".

The major difference of opinion between the findings of the Federal Aviation Agency in its study, and the stated requirements of the Marine Corps, involves the desire of the Marine Corps to retain the restricted airspace surrounding MCAS Cherry Point within the present R-123 extending from the proposed Restricted Area on the north to the proposed Restricted Area R-15 on the south. Their justification is based primarily upon the high volume of terminal area jet aircraft activity and the desirability of noninterference with training missions by transient air traffic.

It is contrary to the policy of the Federal Aviation Agency and to the national interest that large segments of restricted airspace be assigned to protect terminal area flight operations and routine flight training missions from interference and air traffic delays caused by the transit of the navigable airspace by other users. The normally acceptable level of air safety is properly attained through adherence to applicable regulations and rules of good operating practice, rather than by limiting or otherwise restricting the flow of traffic. It is notable in this regard that none of the military services chooses to confine operations of this nature or volume solely to restricted airspace.

In this connection, and as a part of this proposal, the Federal Aviation Agency is also considering the designation of a control area extension and control zone in the vicinity of Cherry Point. It is anticipated that approach control authority for the area and zone would be delegated to the MCAS Cherry Point RATCC by the Federal Aviation Agency. MCAS Cherry Point would also be the controlling agency for all three proposed restricted areas. It is understood that the Marine Corps would permit VFR air traffic to transverse the proposed restricted areas when they are not required for the purpose designated.

Concurrently with the alteration of Restricted Areas R-123 and R-125 as proposed it would be necessary to alter the descriptions of VOR Federal airways No. 45 and 229, the Edenton, N.C., control area extension and the New Bern, N.C., and Jacksonville, N.C., control zones which are presently bounded in part by or limited in extent by these restricted areas.

If these actions are taken, Restricted Areas R-123, R-125 and R-15 would be designated as follows:

Cherry Point, N.C., Restricted Area (R-123) (Norfolk Chart):

Description by geographical coordinates.

| | *Latitude N.* | *Longitude W.* |
|---|---|---|
| Beginning at | 35°24'00" | 76°26'30" |
| thence to | 35°04'30" | 76°04'30" |
| thence to | 34°46'45" | 76°24'45" |
| thence to | 35°08'45" | 76°42'00" |

thence to the point of beginning.

Designated altitudes. Surface to Flight Level 350.

Time of designation. Continuous.

Controlling agency. MCAS Cherry Point, N.C.

Cherry Point, N.C., Restricted Area (R-125) (Norfolk Chart):

Description by geographical coordinates.

| | Latitude N. | Longitude W. |
|---|---|---|
| Beginning at | 35°38'00" | 76°42'30" |
| thence to | 35°01'00" | 76°00'30" |
| thence southwesterly 3 nautical miles from and parallel to the coastline to | 34°38'30" | 76°48'30" |
| thence to | 34°52'30" | 77°12'30" |

thence to point of beginning.

Designated altitude. Flight Level 350 to Flight Level 550.

Time of use. Daily, from sunset to sunrise.

Controlling agency. MCAS Cherry Point, N.C.

NOTE: This restricted area would automatically expire on December 31, 1961.

Camp Le Jeune, N.C., Restricted Area (R-15) (Norfolk Chart):

Description by geographical coordinates.

| | Latitude N. | Longitude W. |
|---|---|---|
| Beginning at | 34°42'50" | 77°14'25" |
| thence to | 34°37'10" | 77°10'30" |
| thence to | 34°33'00" | 77°19'00" |
| thence to | 34°37'25" | 77°29'00" |
| thence to | 34°40'20" | 77°28'10" |
| thence to | 34°42'00" | 77°24'50" |
| thence to | 34°39'10" | 77°20'50" |
| thence to | 34°42'30" | 77°17'00" |

thence to the point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.

Time of use. Continuous.

Controlling agency. MCAS Cherry Point, N.C.

The Cherry Point, N.C., control area extension would be designated within a 60-mile radius of the Cherry Point VOR excluding restricted areas, the area west of VOR Federal airway No. 1 and the area outside of the United States. This would provide protection for aircraft arriving and departing airports in the Cherry Point terminal area.

The MCAS Cherry Point control zone would be designated within a 5-mile radius of MCAS Cherry Point (latitude 34°54'30" N., longitude 76°53'00" W.), within 2 miles either side of the 237° True radial of the MCAS Cherry Point VOR extending from the 5-mile radius zone to 12 miles southwest of the VOR; within 2 miles either side of the 034° True radial of MCAS Cherry Point VOR extending from the 5-mile radius zone to 12 miles northeast of the VOR; within 2 miles either side of the 130° True radial of the MCAS Cherry Point VOR extending from the 5-mile radius zone to 12 miles southeast of the VOR; and within 2 miles either side of the 143° True radial of the MCAS Cherry Point TACAN extending from the 5-mile radius zone to 8 miles southeast of the TACAN, excluding the portion which would coincide with Restricted Area R-125. This would provide protection for aircraft executing prescribed instrument approach procedures at MCAS Cherry Point.

VOR Federal airway No. 45 would be altered by deleting the sentence "The airspace above 5,500 feet MSL of that portion of this airway which lies beneath, and conflicts with the Cherry Point Restricted Area (R-125) is excluded daily from sunset to sunrise."

VOR Federal airway No. 229 would be altered by deleting the exclusion as stated in the text.

The description of the Edenton, N.C., control area extension (§ 601.1265) would be amended by substituting the proposed "Cherry Point control area extension" for "the Cherry Point Restricted Area (R-123)" as the south boundary.

The New Bern, N.C., control zone (§ 601.2324) would be amended by deleting the exclusions as stated in the text.

The Jacksonville, N.C., control zone (§ 601.2081) would be amended by deleting the exclusion as stated in the text and by adding the following, "excluding the portion which would coincide with Restricted Area R-15."

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 1, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-1019; Filed, Feb. 3, 1961; 8:47 a.m.]

## [ 14 CFR Part 608 ]

[Airspace Docket No. 61-WA-5]

## RESTRICTED AREAS

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.63 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering reducing the size of the Vieques Island, P.R., Restricted Area (R-367) (WAC 649 Chart). R-367 is an area of approximately 242 square miles overlying the entire island of Vieques and its territorial waters. It is designated for air to ground gunnery, live firing and amphibious landing exercises from the surface to 50,000 feet MSL. The controlling agency is the Department of the Navy.

From a review by the Federal Aviation Agency of the activities being conducted in this area, it appears that the Restricted Area is in excess of that required to contain the activities presently conducted by the Department of the Navy. This review also disclosed that all activities are conducted in the area east of longitude 65°26'11" W., and below 25,000 feet MSL. Therefore, it is proposed to alter the Vieques Restricted Area by revoking that portion which lies west of longitude 65°26'11" W., and reduce the designated altitude ceiling from 50,000 to 25,000 feet MSL.

The Vieques Island, P.R., Restricted Area (R-367) would be redesignated as follows:

Description. The airspace over Vieques Island and the surrounding waters within 3 nautical miles of the shoreline which lies east of longitude 65°26'11" W.

Designated altitudes. Surface to 25,000 feet MSL.

Time of designation. As published in Notams.

Controlling agency. The Commander Caribbean Sea Frontier.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 1, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-1020; Filed, Feb. 3, 1961; 8:47 a.m.]



# SMALL BUSINESS ADMINISTRATION

[ 13 CFR Part 121 ]

## SMALL BUSINESS SIZE STANDARDS

### Notice of Postponement of Hearing on Definition of Small Business for Household Movers Industry

On January 19, 1961 there was published in the FEDERAL REGISTER (26 F.R. 487) notice that the Small Business Administration proposed to hold a hearing on the definition of small business for the household movers industry for the purpose of Government procurement and SBA business loans. The public was advised that the hearing was to take place February 15, 1961 at the Washington office of the Small Business Administration.

Since publication of the aforementioned notice representatives of the household movers industry have requested that the hearing, so scheduled, be postponed until activities relating to this industry have been completed by other departments or agencies.

In view of the requests received, notice is hereby given that the aforementioned industry hearing is postponed. When a new hearing date is agreed upon, notice of such hearing will be published in the FEDERAL REGISTER.

LARRY D. GILBERTSON,
*General Counsel.*

JANUARY 25, 1961.

[F.R. Doc. 61-1016; Filed, Feb. 3, 1961; 8:46 a.m.]

# Notices

## DEPARTMENT OF STATE

[Public Notice 180; Delegation of Authority 23–E–2]

### PROCUREMENT TRANSACTIONS

#### Amendment of Delegation of Authority

Paragraph c of Delegation of Authority No. 23–E, dated July 11, 1960, Subject: Delegation of Authority for Procurement Transactions, is amended by substituting the following:

c. *Office of Foreign Buildings.* Deputy Assistant Secretary for Foreign Buildings, Office of Foreign Buildings; Assistant Director for Operations, Office of Foreign Buildings.

Limitations: (1) Transactions chargeable to funds available in the appropriation "Acquisition of Buildings Abroad" (after June 30, 1959, "Acquisition, Operation and Maintenance of Buildings Abroad") or in other appropriations available for foreign buildings operations.

(2) The following limitation as to dollar amount per transaction applies to the position indicated: Assistant Director for Operations, Office of Foreign Buildings, $2,500.

(3) No authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305(c) or paragraphs (11), (12), and (13) of section 302(c).

(4) The authority to authorize a cost, cost-plus-a-fixed-fee, or any other incentive-type contract, and to make the determinations and decisions specified in section 304(b) is delegated only to the Deputy Assistant Secretary for Foreign Buildings, Office of Foreign Buildings, and said delegation is limited to those contracts for supplies or services which are to be delivered to points outside the United States and its possessions.

Dated: January 13, 1961.

For the Secretary of State.

LANE DWINELL,
*Assistant Secretary for Administration.*

[F.R. Doc. 61–1022; Filed, Feb. 3, 1961; 8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[C–048805]

### COLORADO

#### Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 29, 1961.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 048805, for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as campgrounds and recreation area located in the Arapahoe, Pike, and Routt National Forests.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, 339 New Custom House, P.O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ARAPAHOE NATIONAL FOREST

*North Rock Creek Recreation Area*

T. 4 S., R. 78 W.,
Sec. 7, S½S½SE¼NE¼, SW¼NE¼, S½SE¼NW¼, N½NE¼SW¼, SE¼, E½SE¼SW¼;
Sec. 8, S½S½S½NE¼, N½N½N½SE¼, S½S½S½NW¼, N½SW¼, N½SE¼SW¼;
Sec. 18, Lots 2, 3, 4, NW¼NE¼, N½SW¼NE¼, E½NW¼, NE¼SW¼.
Area 721.52 acres.

T. 4 S., R. 79 W. (Unsurveyed),
Sec. 13, S½SE¼SE¼;
Sec. 24, N½N½.
Area 180 acres.

SIXTH PRINCIPAL MERIDIAN

PIKE NATIONAL FOREST

*Spruce Grove Campground*

T. 10 S., R. 72 W.,
Sec. 32, E½NW¼SE¼, W½NE¼SE¼, S½SW¼SE¼NE¼, S½SE¼SW¼NE¼.
Total area 50 acres.

*Falls Hill Picnic Ground and Campground*

T. 6 S., R. 74 W.,
Sec. 19, SW¼NE¼SE¼, NE¼SW¼SE¼, SE¼SE¼;
Sec. 29, NW¼NW¼NW¼, S½NW¼NW¼, SW¼NW¼. Less 12.85 acres lying in H.E.S. No. 51;
Sec. 30, NE¼NE¼NE¼.
Total area 127.15 acres, more or less.

SIXTH PRINCIPAL MERIDIAN

ROUTT NATIONAL FOREST

*Lower Bear River Recreation Area*

T. 1 N., R. 86 W.,
Sec. 1, S½SE¼NE¼, N½NE¼SE¼, SW¼NE¼SE¼, NE¼NW¼SE¼, S½NW¼SE¼, N½SW¼SE¼, NE¼SE¼SW¼, S½SE¼SW¼;
Sec. 11, E½SE¼NE¼, SW¼SE¼NE¼, N½NE¼SE¼, SW¼NE¼SE¼, E½NW¼SE¼, SW¼NW¼SE¼, N½SW¼SE¼, SW¼SW¼SE¼, S½SE¼SW¼;
Sec. 12, W½NE¼NW¼, E½NW¼NW¼, SW¼NW¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼;
Sec. 14, N½NE¼NE¼, SW¼NE¼NW¼, NW¼NW¼.
Total area 420 acres.

*Coal Creek Recreation Area*

T. 1 N., R. 86 W.,
Sec. 4, SW¼SW¼SW¼;
Sec. 9, N½NW¼NW¼.
Total area 30 acres.

*Middle Bear River Recreation Area*

T. 1 N., R. 86 W.,
Sec. 15, N½SE¼NW¼, SW¼SE¼NW¼, E½SW¼NW¼, SW¼SW¼NW¼;
Sec. 16, S½S½NE¼, N½NW¼SE¼, W½SW¼SE¼, SE¼SW¼, E½SW¼SW¼, NW¼SW¼, N½NE¼SW¼, S½S½NW¼;
Sec. 17, NE¼SE¼, S½NW¼SE¼, N½SE¼SE¼, SW¼SE¼SE¼, SW¼SE¼, SE¼SW¼, SE¼SW¼SW¼;
Sec. 20, N½NW¼NE¼;
Sec. 21, NW¼NW¼NE¼, N½NE¼NW¼, SW¼NE¼NW¼, E½NW¼NW¼.
Total area 560 acres.

*Lower Stillwater Recreation Area*

T. 1 N., R. 86 W.,
Sec. 18, Lot 4, SW¼SE¼SW¼;
Sec. 19, Lot 5, Lot 6, NE¼NE¼, S½NW¼NE¼, S½NE¼, N½NE¼NW¼, SE¼NE¼NW¼, SE¼NW¼.
Total area 316.45 acres.

*Upper Mandall Recreation Area*

T. 1 N., R. 87 W. (Unsurveyed),
Sec. 11, S½SE¼NE¼, E½SE¼, S½SW¼SE¼;
Sec. 12, SW¼SW¼NW¼, NW¼NW¼SW¼, S½NW¼SW¼, SW¼SW¼.
Total area 200 acres.

*Lower Mandall Recreation Area*

T. 1 N., R. 87 W. (Unsurveyed),
Sec. 13, NW¼NW¼, SW¼NE¼NW¼, S½NW¼, N½SW¼, N½S½SW¼, SW¼SW¼NE¼, W½NW¼SE¼, SE¼NW¼SE¼, SW¼NE¼SE¼, NW¼SE¼SE¼, E½SE¼SE¼;
Sec. 14, E½NE¼, E½W½NE¼, NW¼NW¼NE¼, NE¼SE¼, E½NW¼SE¼.
Total area 520 acres.

*Smith Lake Recreation Area*

T. 1 N., R. 87 W. (Unsurveyed),
Sec. 23, SE¼NE¼, E½SW¼NE¼, N½NE¼SE¼, NE¼NW¼SE¼.
Total area 90 acres.

*Upper Stillwater Recreation Area*

T. 1 N., R. 87 W.,
Sec. 24, SE¼SE¼NE¼, N½NE¼SE¼, SW¼NE¼SE¼, S½NW¼SE¼, NW¼SW¼SE¼, SE¼NE¼SW¼, SE¼SW¼SW¼;
Sec. 25, NW¼NW¼;
Sec. 26, E½NE¼NE¼, N½S½NE¼, SW¼SW¼NE¼, NW¼NW¼SE¼, S½SE¼NW¼, NE¼SE¼NW¼, N½SW¼, SW¼SW¼, N½SE¼SW¼, SW¼SE¼SW¼;
Sec. 35, N½NW¼NW¼.
Total area 450 acres.

*Causeway Recreation Area*

T. 1 N., R. 87 W.,
Unsurveyed:
Sec. 22, S½SW¼SE¼, SE¼SE¼SW¼;





Surveyed:
Sec. 27, E½W½NE¼, W½NW¼NE¼, NW¼SW¼NE¼, NE¼NW¼SE¼, NE¼NE¼NW¼.
Total area 120 acres.

*Rainbow Lake Recreation Area*

T. 1 N., R. 87 W.,
Surveyed:
Sec. 27, S½NE¼SE¼, SE¼NW¼SE¼, S½SE¼, SE¼SW¼, S½SW¼SW¼;
Unsurveyed:
Sec. 28, E½SE¼;
Sec. 33, NE¼NE¼, SE¼NW¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼, NE¼SW¼NE¼;
Sec. 34, N½N½NE¼, SW¼NW¼NE¼, NW¼.
Total area 550 acres.

*Mosquito Lake Recreation Area*

T. 1 N., R. 87 W. (Unsurveyed),
Sec. 33, E½E½SE¼;
Sec. 34, N½NE¼SW¼, SW¼NE¼SW¼, W½SW¼.
T. 1 S., R. 87 W. (Unsurveyed),
Sec. 4, W½E½NE¼, E½SW¼NE¼, NW¼NE¼SE¼, E½W½SE¼.
Total area 260 acres.

The above areas aggregate 4,595.12 acres.

J. ELLIOTT HALL,
*Lands and Minerals Officer.*

[F.R. Doc. 61–1014; Filed, Feb. 3, 1961; 8:46 a.m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

[Docket No. 931]

### ISBRANDTSEN STEAMSHIP CO., INC., ET AL.

#### Notice of Investigation, of Prehearing Conference, and of Hearing

On February 1, 1961, the Federal Maritime Board entered the following order:

Isbrandtsen Steamship Company, Inc., Isbrandtsen Company, Inc., and American Export Lines, Inc., have filed for approval pursuant to section 15 of the Shipping Act, 1916, an agreement (F.M.B. Agreement No. 8555) providing, among other things, (1) for the sale of the outstanding stock of Isbrandtsen Steamship Company, Inc., by Isbrandtsen Company, Inc., to American Export Lines, Inc., and (2) an arrangement for the sale of 14 ships by Isbrandtsen Company, Inc. (seller), to Isbrandtsen Steamship Company, Inc. (buyer). The latter arrangement provides that in consideration of the sale of said ships the seller agrees with the buyer that from and after the closing in connection with the last ship sold and purchased under the "Ship Contract" that seller will not without prior written consent of the buyer and American Export, directly or indirectly own, manage, operate or join in, or control or particiapte in the ownership, management, operation or control of any steamship business which in any manner, directly or indirectly, competes with the buyer in the operation of the common carrier steamship business presently operated by the seller, i.e., the Eastbound Round-the-World Service, and services between North Atlantic Great Lakes ports of the United States and Continental European and United Kingdom ports; *Provided, however,* That the seller and its present stockholders shall retain all rights to use the name "Isbrandtsen" other than in the operation of common carrier steamship services.

Pursuant to notice of the filing of the agreement in the FEDERAL REGISTER of December 9, 1960 (25 F.R. 12631) protest was filed by Prudential Steamship Corporation which alleges that the agreement will be a vehicle for controlled cargo routing, "blanketing the berth" and substantially increased control of sources of cargo by American Export Lines, Inc., all of which would be unjustly discriminatory as against Prudential and unfair to it. In its protest, Prudential petitions for a hearing.

A protest was also filed by William L. and Lillian Berger, owners of 1,000 shares of American Export Lines, Inc., stock, requesting a hearing in order to offer a detailed statement of fact and law with respect to the legality and propriety of the proposed sale and its impact on the American Export Lines, Inc., its stockholders, and on the commerce of the United States.

In view of the aforementioned protests, and in order to determine whether the proposed agreement will be unjustly discriminatory, unfair, or will operate to the detriment of the commerce of the United States within the meaning of section 15 of the Shipping Act, 1916, or will result in any violation of the Shipping Act, 1916;

*It is ordered,* Pursuant to sections 15 and 22 of the Shipping Act, 1916, as amended, that the Board, upon its own motion, enter upon an investigation and hearing to determine (1) whether Agreement No. 8555, if approved, would be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters of the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, within the meaning of section 15 of the Shipping Act, 1916, and (2) whether Agreement No. 8555, if approved, would subject any particular person, locality or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, and (3) whether the said Agreement will be in violation of any provision of said Act.

*It is further ordered,* That Isbrandtsen Company, Inc., Isbrandtsen Steamship Company, Inc., and American Export Lines, Inc., be, and they are hereby, made respondents in this proceeding.

*It is further ordered,* That this order be published in the FEDERAL REGISTER, and that a copy of such order be served upon said respondents.

*It is further ordered,* That a copy of such order be furnished each of the protestants.

*It is further ordered,* That this proceeding be assigned for hearing before an examiner of the Board's Office of Hearing Examiners.

Pursuant to the above order, notice is hereby given that a Prehearing Conference herein will be held before Chief Examiner G. O. Basham on February 8, 1961, at 10 a.m., in Room 4519, New GAO Building, 441 G Street NW., Washington, D.C. The hearing will be held at the same place beginning at 10 a.m., February 13, 1961, and will be conducted in accordance with the Board's rules of practice and procedure. An initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR § 201.74) of said rules.

Dated: February 2, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–1045; Filed, Feb. 3, 1961; 8:49 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50–58]

### OKLAHOMA STATE UNIVERSITY OF AGRICULTURE AND APPLIED SCIENCE

#### Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to License No. R–22. The amendment provides additional safeguards for the operation by the licensee of its reactor Model AGN–201, Serial No. 102, located on its campus in Stillwater, Oklahoma. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the operation of the reactor in accordance with the terms of the license as amended does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by de-

livery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see Docket No. 50–58 on file at the AEC's Public Document Room.

Dated at Germantown, Md., this 30th day of January 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[License No. R–22, Amdt. No. 4]

License No. R–22, as amended, which authorizes Oklahoma State University of Agriculture and Applied Science to operate its reactor Model AGN–201, Serial No. 102, located on its campus in Stillwater, Oklahoma, is hereby amended by adding the following additional conditions thereto:

1. A maximum of 0.25 percent excess reactivity may be loaded in the reactor with the glory hole empty and with the access ports containing their design loadings. The total worth of any experiments loaded in the reactor shall not exceed 0.4 percent excess reactivity. The excess reactivity loadings shall be determined at the operating temperature of the reactor.

2. The scram setting on the logarithmic scale micro-microammeter shall be set so that the power level at which the scram is to occur shall not exceed twice the licensed maximum power level and the period at which a scram is to occur shall not be less than five seconds.

3. The range selectors for the two linear channels shall be set so that the operator cannot switch to a scale on which the power level at which a scram is to occur is more than twice the licensed maximum power.

4. The reactor shall not be operated with any of the scram signals by-passed.

5. The licensee shall not conduct any experiment involving moving of the fixed fuel discs of the reactor unless authorized by an amendment to this license.

6. The control rod and safety rod magnet circuits shall reverse the current direction for the magnets at the time any scram relay is actuated.

7. The licensee shall, at least once during each month when the reactor is operated, check the ability of all safety rods and control rods to drop when the scram instrumentation is actuated. A record shall be made of each instance in which one or more rods fails to scram when called upon to do so.

8. If one or more of the safety or control rods fails to scram when called upon to do so, the reactor shall immediately be shut down and shall not be started up until:

A. The probable cause of the scram malfunction has been determined and remedied; and

B. Cognizant reactor supervisory personnel and, to the extent applicable, the local reactor hazards committee have reviewed and and concurred in the remedial action taken; and

C. A written record is made by the licensee of the events in A. and B. above.

9. The effectiveness of the corrective measures taken pursuant to condition 8 above shall be verified by scramming the rods, which had previously failed to scram, several times under conditions similar to those under which they had failed. A written record of these tests shall be made. Should the rod again fail to scram during the tests, the reactor shall be shut down and the steps described in condition 8 above and this condition 9 shall be repeated.

This amendment is effective thirty days after the date of issuance.

Date of issuance: January 30, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61–1009; Filed, Feb. 3, 1961; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13920, 13921; FCC 61M–144]

## AMERICAN COLONIAL BROADCASTING CORP. (WKBM–TV AND WSUR–TV)

### Order Scheduling Prehearing Conference

In re applications of American Colonial Broadcasting Corporation (WKBM–TV), Caguas, Puerto Rico, Docket No. 13920, File No. BPCT–2801; American Colonial Broadcasting Corporation (WSUR–TV), Ponce, Puerto Rico, Docket No. 13921, File No. BPCT–2808; for construction permits to change existing facilities.

On the Hearing Examiner's own motion: *It is ordered*, This 30th day of January 1961, pursuant to 47 CFR 1.111 that the parties or their counsel in the above-entitled proceeding are directed to appear for a prehearing conference at the offices of the Commission, Washington, D.C., at 2:00 p.m. on February 7, 1961.

In order to conserve time counsel are requested to confer beforehand with a view to reaching advance agreement upon such routine details as the manner of presentation, dates for exchange of exhibits and such other dates as may be deemed necessary. In view of the design of the prehearing conference procedure to encourage the formulation of agreements by the parties looking towards the elimination of unessentials, so that hearing may proceed with proper dispatch, it is requested that the parties or their counsel attend this conference prepared fully to discuss—and to agree upon—such matters as will conduce materially to the attainment of this objective.

Released: January 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1024; Filed, Feb. 3, 1961; 8:47 a.m.]

[Docket No. 13914; FCC 61M–151]

## AMERICAN TELEPHONE AND TELEGRAPH CO.

### Order for Prehearing Conference

In the matter of American Telephone and Telegraph Company, Docket No. 13914; regulations and charges for wide area telephone service (WATS).

A prehearing conference in the above-entitled proceeding will be held on Thursday, February 2, 1961, beginning at 2:00 p.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

*It is so ordered*, This the 30th day of January 1961.

Released: January 31, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1025; Filed, Feb. 3, 1961; 8:47 a.m.]

[Docket Nos. 12876, 12877; FCC 61M–147]

## AUDIOCASTING OF TEXAS, INC., AND HORACE K. JACKSON, SR.

### Order Continuing Hearing

In re applications of Audiocasting of Texas, Inc., Waco, Texas, Docket No. 12876, File No. BP–11851; Horace K. Jackson, Sr., Gatesville, Texas, Docket No. 12877, File No. BP–12550; for construction permits for new standard broadcast stations.

Formalizing agreements made on the record at the Pre-Hearing Conference on January 24, 1961: *It is ordered*, This 30th day of January 1961, that the hearing scheduled for January 27, 1961, is continued to February 6, 1961.

Released: January 31, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1026; Filed, Feb. 3, 1961; 8:47 a.m.]

[Docket Nos. 13676, 13679; FCC 60M–153]

## CIRCLE L, INC., AND ROCKY MOUNTAIN TELE STATIONS

### Order Continuing Hearing

In re applications of Circle L, Inc., Reno, Nevada, Docket No. 13676, File No. BPCT–2656; Harriscope, Inc., Irving B. Harris, Donald P. Nathanson and Benjamin Berger, d/b as Rocky Mountain Tele Stations, Reno, Nevada, Docket No. 13679, File No. BPCT–2750; for construction permits for new television broadcast stations (Channel 4).

The Hearing Examiner having under consideration a motion filed January 24, 1961, on behalf of Harriscope, Inc., Irving B. Harris, Donald P. Nathanson and Benjamin Berger, d/b as Rocky Mountain Tele Stations requesting that the evidentiary hearing now scheduled for February 6, 1961, be continued to February 8, 1961; and

It appearing that the reason for the requested continuance is the fact that counsel for movant will be out of the country on business and will not be able to return to Washington until February 7, 1961; and



It further appearing that counsel for Circle L, Inc., and Broadcast Bureau have consented to the grant of this motion and good cause for the requested continuance having been shown;

*It is ordered*, This the 30th day of January 1961, that the motion for continuance is granted and the evidentiary hearing now scheduled for February 6, 1961, is continued to February 8, 1961, beginning at 2:00 p.m., in the offices of the Commission, Washington, D.C.

Released: January 31, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1027; Filed, Feb. 3, 1961; 8:48 a.m.]

[Docket Nos. 13771–13774; FCC 61M–146]

## COLUMBIA RIVER BROADCASTERS, INC., ET AL.

### Order Continuing Hearing

In re applications of Columbia River Broadcasters, Inc., Mount Vernon, Washington, Docket No. 13771, File No. BP–11933; Henry Perozzo (KAYE), Puyallup, Washington, Docket No. 13772, File No. BP–12844; KBKW, Inc. (KBKW), Aberdeen, Washington, Docket No. 13773, File No. BP–13406; Carl-Dek, Inc., Kirkland, Washington, Docket No. 13774, File No. BP–13491; for construction permits.

The Hearing Examiner having under consideration a "Petition For Continuance" filed January 27, 1961, by the applicant herein, and

It appearing, that the Petition requests a continuance of a hearing now scheduled for January 27, 1961, in this matter until March 23, 1961, and

It further appearing, that for cause it is shown that a witness required for cross-examination is a member of the Washington State Legislature and cannot leave his official duties until approximately March 20, 1961, and

It further appearing, that all other parties have agreed to the continuance and that good cause therefor has been shown,

*It is ordered*, This 27th day of January 1961, that the aforesaid Petition For Continuance is granted and that the hearing in this matter be and it hereby is continued until 10:00 a.m., March 23, 1961, in the Commission's offices in Washington, D.C.

Released: January 31, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1028; Filed, Feb. 3, 1961; 8:48 a.m.]

[Docket No. 13929]

## ROBERT LEE COWART

### Order Designating Matter for Hearing

In the matter of Robert Lee Cowart, 512 Spruce Street, Myrtle Point, Oreg., suspension of Radiotelephone First-Class Operator License; Docket No. 13929.

The Commission having under consideration the suspension of Radiotelephone First-Class Operator License, P1–13C1554, issued to Robert Lee Cowart whose address appears above; and

It appearing, that acting in accordance with the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, the above-named party filed with the Commission a timely request for hearing on the Commission's Order of November 14, 1960, suspending for a period of three months (the remainder of his license term) his Radiotelephone First-Class Operator License; and

It further appearing, that under the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, the said licensee is entitled to a hearing in this matter and that upon the filing of a timely written application therefor, the Commission's Order of suspension is held in abeyance until the conclusion of the proceeding in this matter.

*It is ordered*, This 26th day of January 1961, that the matter of the suspension of the Radiotelephone First-Class Operator License of Robert Lee Cowart is hereby designated for hearing at the Commission's office in Washington, D.C., March 8, 1961, before a hearing examiner to be specified by further Order,[1] upon the following issues:

1. To determine whether Robert Lee Cowart violated section 301 of the Communications Act of 1934, as amended and § 13.69 of the Commission's rules in that during September and October 1958 he placed in operation apparatus for the transmission of energy for communications or signals by radio which was not licensed by the Commission, on Sugarloaf Mountain in the State of Oregon (legal description of location: T. 29 S., R. 12 W., W. M., Oregon Section 23, N.E. 1 quarter) on television channel 4 (66 Mc.–72 Mc.) without a radio station license for operation of such apparatus.

2. In the light of the evidence adduced in the preceding issue to determine whether the terms of the original order of suspension should be made final, rescinded, or modified.

*It is further ordered*, That a copy of this order be transmitted by Certified Mail, Return Receipt Requested, to Robert Lee Cowart and that he notify the Commission in writing within 10 days after the receipt of this order that he will appear in person or by counsel at said hearing.

Released: January 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1029; Filed, Feb. 3, 1961; 8:48 a.m.]

[1] If it is not possible for respondent to appear for hearing in the proceeding to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order.

[Docket No. 13900; FCC 61M–154]

## GENERAL TELEPHONE COMPANY OF CALIFORNIA

### Order Continuing Hearing

In re application of General Telephone Company of California, for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service at Santa Barbara, California (Station KME 440); Docket No. 13900, File No. 557–02–P–61.

Upon written request by General Counsel for General Telephone Company of California and with the concurrence of all other counsel: *It is ordered*, This 30th day of January 1961, that the prehearing conference in this proceeding now scheduled for January 31, 1961, be, and the same is hereby rescheduled for February 7, 1961, 10:00 a.m., in the Offices of the Commission, Washington, D.C.;

*It is further ordered*, That the hearing now scheduled for February 7, 1961, be, and the same is hereby rescheduled for February 23, 1961, 10:00 a.m., in the Offices of the Commission, Washington, D.C.

Released: January 31, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1030; Filed, Feb. 3, 1961; 8:48 a.m.]

[Docket Nos. 13856, 13857; FCC 61M–155]

## QUEEN CITY BROADCASTING CO. AND VAL VERDE BROADCASTING CO.

### Order Continuing Hearing

In re applications of Queen City Broadcasting Company, Del Rio, Tex., Docket No. 13856, File No. BP–12115; Eugene Albert Houghton and Alton W. Stewart, d/b as Val Verde Broadcasting Company, Del Rio, Tex., Docket No. 13857, File No. BP–13050; for construction permits.

The Hearing Examiner having under consideration a change of date for commencement of hearing;

It appearing that the date currently established is February 16, 1961, but that a prehearing conference was held on January 31, at which time a schedule was agreed upon;

*It is ordered*, This 31st day of January 1961, that the date for commencement of hearing is changed from February 16 to April 18, 1961.

Released: February 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1031; Filed, Feb. 3, 1961; 8:48 a.m.]

[Docket No. 13911; FCC 61M-150]

## SHERIDAN BROADCASTING CO., INC. (KROE)

### Order Continuing Hearing Conference

In re application of Sheridan Broadcasting Company, Inc. (KROE), Sheridan, Wyo., Docket No. 13911, File No. BP-12676; for construction permit.

The Hearing Examiner having under consideration motion filed by Sheridan Broadcasting Company, Inc., on January 27, 1961, requesting continuance of the prehearing conference scheduled herein;

It appearing, that counsel for all other parties have consented to immediate consideration and grant of the motion;

*It is ordered*, This 30th day of January 1961, that the above motion is granted; and the prehearing conference now scheduled for February 2, 1961, is continued until February 10, 1961, at 10:00 a.m.

Released: January 31, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1032; Filed, Feb. 3, 1961; 8:48 a.m.]

[Docket Nos. 13711, 13730; FCC 61-99]

## TRIANGLE PUBLICATIONS, INC. (WNHC)

### Memorandum Opinion and Order Amending Issues

In re applications of Triangle Publications, Inc. (WNHC), Radio and Television Division, New Haven, Conn., Docket No. 13711, File No. BP-12107; James N. Rodio and James Rodio, d/b as Rodio Radio, Hammonton, N.J., Docket No. 13730, File No. BP-13426; et al.; for construction permits.

1. The Commission has before it for consideration (1) a petition to enlarge issues, filed August 26, 1960, by WKAP, Inc. (WKAP) (Docket No. 13734); (2) Opposition to the petition filed October 7, 1960, by James N. Rodio and James Rodio d/b as Rodio Radio (Rodio); (3) a reply to petition filed October 7, 1960, by the Broadcast Bureau; and (4) a reply to oppositions to petition filed October 17, 1960, by WKAP.

2. By Order released August 5, 1960, the Commission designated twenty-six applicants for consolidated hearing on various issues. Rodio Radio has applied for a construction permit for a new standard broadcast station to operate on 1320 kc with power of 500 watts, DA, D, in Hammonton, N.J. Rodio was found to be financially qualified. The order of designation delegated to the Examiner the discretion to add an issue relative to the sufficiency of funds (the Evansville issue) if and where appropriate.

3. The petitioner requests the enlargement of issues to include a determination of the financial qualifications of Rodio Radio, both as to "A. *Availability of Funds*" and "B. *Sufficiency of Funds.*"

4. WKAP points out that Rodio Radio is a partnership consisting of James Rodio and his son, James N. Rodio; and that the partnership proposes to finance the requested station from alleged existing capital of $15,000 and deferred credit of $13,477. Each partner is committed to furnish $5,000 and the father has agreed to lend the partnership whatever funds are needed over and above the $10,000 committed by the partners and also to advance to his son whatever is needed to meet his son's $5,000 commitment.

5. Petitioner alleges that the balance sheet of the son in the application shows only $640 in liquid assets and liabilities of $300, thus, throwing the burden of virtually the entire $15,000 on the father and raising the question as to whether he is financially able to meet it from his own resources. This, petititoner suggests, is highly improbable since the father's balance sheet shows only $1,125 in cash and about $4,000 in a credit union and a profit sharing plan. He also has a 2½-acre berry farm, a homestead, and a 1959 Chevrolet; these latter three items are valued at $16,800.

6. The Commission has considered petitioner's request and arguments in support thereof and the responses to the petition. We are convinced, on such a review of the facts in this case, that the financial issue relative to Rodio should be added. It is noted, that Rodio estimates its cost of construction at $18,680 and its cost of operation for the first three months at $9,000. After consideration is given to the deferred payment agreement in the amount of $13,477, we find that Rodio will require cash of at least $14,203 to finance its instant proposal. No showing has been made that the assets relied upon can be converted to furnish these funds and this matter will have to be determined on the basis of an evidentiary hearing.

7. One final matter should be clarified. Much of the subject petition is directed to the sufficiency, as opposed to the availability, of Rodio Radio's funds. Such allegations and arguments are improperly directed to the Commission, for, as here, when the Commission delegates to the Hearing Examiner the discretionary authority to add an issue relative to the sufficiency of funds, original petitions concerning such matters will be entertained only by the Hearing Examiner and not by the Commission. While an incidental effect of our enlarging the issues to include the standard financial qualification issue will be to permit inquiry into both the availability and sufficiency of funds with respect to Rodio Radio, South Central Broadcasting Corp., 9 RR 1035 (1953), we express no opinion relative to the sufficiency aspects of the application. Had we not found merit in the allegations relative to the availability of funds relied upon by Rodio Radio, we would have dismissed the petition in toto.

*Accordingly, it is ordered*, This 25th day of January 1961, that the petition to enlarge issues, filed August 26, 1960, by WKAP, Inc., is granted; that the Commission's Order (FCC 60-942) in this proceeding is amended by renumbering Issues 11 and 12 as Issues 12 and 13, and that the following Issue 11 is adopted.

11. To determine whether James N. Rodio and James Rodio d/b as Rodio Radio, are financially qualified to construct and operate the proposed station at Hammonton, N.J.

Released: January 31, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1033; Filed, Feb. 3, 1961; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Project No. 2286]

## PUBLIC SERVICE COMPANY OF OKLAHOMA

### Notice of Application for License

JANUARY 30, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Public Service Company of Oklahoma, of 600 South Main Street, Tulsa, Okla., for license for proposed Project No. 2286, to be located on Sand Creek, a minor tributary of Arkansas River, and Keystone Reservoir (under construction on Arkansas River by the U.S. Corps of Engineers) in Osage and Tulsa Counties, Okla., near Sand Springs and Tulsa, and affecting lands of the United States acquired for the Keystone Dam and Reservoir.

The proposed project, which would be of the pumped-storage type utilizing water from Keystone Reservoir as the lower reservoir, would have a total initial and ultimate capacity of 200,000 kilowatts, and would consist of: an earth dam across the upper end of the Sand Creek storage basin with steel piling cutoff and impervious core; 3 dykes; a high-level reservoir with 7,500 acre-feet of usable storage between elevation 900 and 940 feet; a canal to a forebay; a vertical shaft in the forebay to a horizontal tunnel; a concrete junction box at the end of the tunnel; steel penstocks; a powerhouse located in a cove of Keystone Reservoir with four 78,000-horsepower reversible pump-turbines each connected to a 50,000 kilowatt generator installed therein; an excavated tailrace; step-up transformers; a switchyard; two double circuit 138 kv transmission lines, one extending 6½ miles to Applicant's Bartlesville line and the other extending 12½ miles to Applicant's Tulsa-Sand Spring line; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 17, 1961. The application is on file with the Commission for public inspection. This notice supersedes the notice issued January 12, 1961.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1012; Filed, Feb. 3, 1961; 8:45 a.m.]



[Project No. 2244]

## WASHINGTON PUBLIC POWER SUPPLY SYSTEM

### Notice of Application for Amendment of License

JANUARY 30, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Washington Public Power Supply System, licensee for Project No. 2244, for amendment of its license for the project to: (a) Increase the authorized installed capacity from 20,000 to 26,000 kw; (b) change the location and design of the dam and intake works by moving them approximately 1,000 feet down Lake Creek from the outlet of Packwood Lake; (c) change the location and modify the pipeline and tailrace canal wherever it will improve their hydraulic properties; and (d) change the powerhouse to a buried concrete structure in lieu of a semi-outdoor type.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 23, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1013; Filed, Feb. 3, 1961; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 811-941]

## FIRST PELHAM CORP.

### Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 30, 1961.

Notice is hereby given that The First Pelham Corporation ("Applicant"), Pelham, N.Y., a New York Corporation and a closed-end, diversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company.

Applicant makes the following representations in its application:

Applicant (formerly known as Sanborn Map Company) has engaged directly in the map business from the time of its incorporation in 1876 to December 31, 1959, when such business was transferred to Sanborn Map Company, Inc. ("Map Company"), all of whose common stock is owned by Applicant. Since the date of such transfer, Applicant has carried on the map business indirectly through Map Company. Over the years Applicant purchased securities with idle capital, which purchases coupled with appreciation of Applicant's investments resulted in the major parts of Applicant's assets and earnings being derived from investments rather than the map business. Applicant registered with this Commission as an investment company on April 25, 1960.

At a special meeting of stockholders of the Applicant held on May 17, 1960, its stockholders approved a plan for the purchase by Applicant of shares of its stock tendered by Applicant's stockholders, in exchange for the transfer to the selling stockholders of equity securities then in Applicant's portfolio, other than shares of common stock of Map Company. The proxy solicitation material used in connection with such meeting stated, among other things, that the plan submitted to stockholders permitted an election which gave stockholders having little interest in the map business an opportunity to realize on their holdings in the Applicant; and gave to stockholders whose primary interest was an investment in the map business an opportunity to retain their shares of Applicant, and so remain stockholders in a continuing enterprise. Such proxy material also stated that following consummation of the proposed plan, the corporation would reconsider its status, and if the circumstances should warrant such action, might file an application with the Commission for an order terminating its registration as an investment company.

The application indicates that on May 17, 1960, prior to consummation of the plan, Applicant held securities (excluding its investment in Map Company) with an aggregate market value of $6,410,004. In connection with the consummation of the plan on May 18, 1960, Applicant purchased 73,748 shares of its common stock in exchange for portfolio securities with a market value of $5,475,789 on the previous day. As a result of said purchases, the number of shares of Applicant's outstanding common stock, the only outstanding security of Applicant, was reduced to a total of 31,252 shares held by about 700 stockholders. On December 6, 1960, Applicant owned investment securities with a market value of $779,820, which was equivalent to about 31 percent of total assets (exclusive of United States Government securities and cash) of $2,486,929 as shown on Applicant's balance sheet at November 30, 1960. Of the latter amount, $1,706,621 represented the carrying value on Applicant's books of its investment in the map business of Map Company, which is equivalent to about 69 percent of such total assets, exclusive of United States Government securities and cash. Of Applicant's total income for the six months ended November 30, 1960, in the amount of $78,901, $47,250 or approximately 60 percent of such total was received as dividends from Map Company. The filing indicates that for the same period Applicant's investment income (including interest on United States Government obligations and excluding dividends from Map Company) aggregated $31,390, as compared to Map Company's net operating income in the amount of $36,929.

Applicant states that its portfolio continues to be inactive; that it has no present intention of building up its surplus from net income; and that without a surplus, it will have no source of funds for increasing its investment portfolio. On the basis of the foregoing, Applicant contends that it is not an investment company.

Applicant, which registered as an investment company under the Act on April 25, 1960, shortly before consummation of the plan for disposition of the main part of its portfolio of investment securities, has also requested relief from the reporting requirements applicable to registered investment companies.

Section 3(a) of the Act, generally speaking, defines an investment company as an issuer of securities which is (1) engaged primarily, or proposes to engage primarily in the business of investing, reinvesting or trading in securities; (2) is engaged or proposes to engage in the business of issuing face-amount certificates of the installment type, or has been so engaged and has any such certificate outstanding; or (3) is engaged or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash).

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given, that any interested person may, not later than February 13, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the showing contained in said application, unless an order for a hearing upon said application shall be

issued upon request or the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F.R. Doc. 61-1015; Filed, Feb. 3, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 443]

## MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 1, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63838. By order of January 30, 1961, the Transfer Board approved the transfer to William A. Lamenia, Philadelphia, Pa., of Certificate No. MC 119818, issued October 14, 1960, to William J. Ford, Philadelphia, Pa., authorizing the transportation, over irregular routes, paper and paper products, from Miquon, Pa., to Philadelphia, Pa., Bordentown, Camden, Linden, and Newark, N.J., Baltimore, Md., New York, N.Y., and Wilmington, Del. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., for applicants.

No. MC-FC 63893. By order of January 30, 1961, the Transfer Board approved the transfer to Roy Beck, doing business as Roy Beck's Transfer, Emporium, Pa., of Certificate in No. MC 18169, issued January 27, 1955, to William E. Housler and Robert M. Housler, a partnership, doing business as Emporium Trucking Co., Emporium, Pa., authorizing the transportation of: Household goods over irregular routes, between points in Cameron County, Pa., on the one hand, and, on the other, points in Ohio and New York. John E. Rydesky, First National Bank Building, Emporium, Pa., for applicants.

No. MC-FC 63896. By order of January 30, 1961, the Transfer Board approved the transfer to Carlson Truck Line, Inc., Clay Center, Kansas, of Certificate No. MC 117399 Sub 4, issued October 23, 1959, to Lee E. Champ, Junction City, Kansas, authorizing the transportation of general commodities, excluding household goods, and commodities in bulk, with the usual exceptions, over regular routes, between Junction City, Kans., and Kansas City, Mo., serving the intermediate point of Kansas City, Kans., and the off-route point of North Kansas City, Mo.; and livestock, over irregular routes, between Junction City, Kans., and points within 20 miles of Junction City, on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo. John E. Jandera, Townsend, Jandera & Hope, 641 Harrison Street, Topeka, Kans., attorney for applicants.

No. MC-FC 63897. By order of January 30, 1961, the Transfer Board approved the transfer to Bahr Grain Company, a corporation, doing business as Bahr Grain Company, Barneston, Nebr., of Certificate in No. MC 10672, issued January 2, 1959, to Eula Lee Bahr, doing business as Bahr Grain Co., Barneston, Nebr., authorizing the transportation of: Livestock, between Liberty, Nebr., and Topeka, Kans., serving intermediate and off-route points in Nebraska within 20 miles of Liberty; between Liberty, Nebr., and St. Joseph, Mo.; feed and seed, from St. Joseph, Mo., to Liberty, Nebr.; salt, from Kanopolis, Kans., to Liberty, Nebr.; potatoes from Fort Dodge, Iowa, to Liberty, Nebr.; animal and poultry feeds from Beatrice and Humboldt, Nebr., to points in Kansas; commercial feed and seed, from Kansas City, Mo., to Liberty, Nebr., and points in Nebraska within 20 miles of Liberty; grain and seed from Liberty, Nebr., and points in Nebraska within 20 miles thereof, and Kansas City, Mo.; petroleum products in bulk, in tank trucks, from Council Bluffs, Iowa, and points in Iowa within 10 miles thereof, to points in Nebraska; and rejected or damaged shipments of the immediately above-specified commodities, from above-specified destination points of Council Bluffs, Iowa; and refined petroleum products, in bulk, from points in Kansas to points in Nebraska. J. Max Harding, 605 South 12th Street, Lincoln, Nebr., attorney for applicants.

No. MC-FC 63902. By order of January 30, 1961, the Transfer Board approved the transfer to Lincoln Coach Co., Inc., Yonkers, New York, of Certificate in No. MC 34752, issued March 8, 1960, to Imperial Coach Corp., Far Rockaway, New York, authorizing the transportation of: Passengers and their baggage, with restrictions, from New York, N.Y., to points in Connecticut, New Jersey, Pennsylvania, Massachusetts, New Hampshire, Maine, and the District of Columbia, and return. Sidney J. Leshin, Attorney for Transferor, 608 Fifth Avenue, New York 20, N.Y.

No. MC-FC 63907. By order of January 30, 1961, the Transfer Board approved the transfer to James Pierce, doing business as P. & S. Trucking Co., Vineland, N.J., of Certificate No. MC 65423, issued August 5, 1960, to Edward I. Warren, doing business as Warren Trucking Company, Vineland, N.J., authorizing the transportation over irregular routes, of agricultural commodities, between points in New Jersey on and south of New Jersey Highway 33, including Asbury Park, N.J., on the one hand, and, on the other, Philadelphia, Pa., and New York, N.Y.; and between points in Maryland, Delaware, Virginia, Pennsylvania, New York, and the District of Columbia; dressed fowl, unfinished buttons, and button blanks, from points in Pittsgrove Township (Salem County), N.J., to New York, N.Y.; and seashells, from New York, N.Y., to points in Pittsgrove Township (Salem County), N.J.; feed, bags, tobacco, and spraying materials, between Vineland, N.J., on the one hand, and, on the other, Philadelphia, Pa., and New York, N.Y.; hardware, electrical appliances, crockery, poultry equipment and supplies, and farm machinery and equipment, between Vineland, N.J., on the one hand, and, on the other, Philadelphia, Pa. Irving Abrams, Brodsky and Lieberman, 1776 Broadway, New York, N.Y., attorney for applicants.

No. MC-FC 63915. By order of January 30, 1961, the Transfer Board approved the transfer to Phillips Specials, A Corporation, Jersey City, N.J., of Certificate No. MC 102838, issued October 7, 1943, to Charles Fuller and Hazel A. Fuller, a partnership, doing business as F & F Transportation Co., Jersey City, N.J., authorizing the transportation over irregular routes, of general commodities, excluding household goods, commodities in bulk, and various specified commodities, from Jersey City, N.J., and points in New Jersey within 10 miles of Jersey City to specified points in New York; barrels and barrel heads, from Hoboken, N.J., to Waterford, N.Y.; Graphite, clay, charcoal, and castings, from Ticonderoga, N.Y., to Jersey City, N.J. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., practitioner for applicants.

No. MC-FC 63916. By order of January 30, 1961, the Transfer Board approved the transfer to O. E. Poulson, Inc., Elm Creek, Nebraska, of Certificates Nos. MC 409 and MC 409 Sub 2, issued March 12, 1941, and May 13, 1940, respectively, to Ora E. Poulson, doing business as O. E. Poulson, Elm Creek, Nebr., authorizing the transportation, over irregular routes, of petroleum products, in bulk, from refining and distributing points in Kansas, to 20 specified towns in Nebraska, and petroleum products, in bulk, in tank trucks, from refining and distributing points in Kansas to Maxwell and Gibbon, Nebr. Duane W. Acklie, 605 South 12th Street, Lincoln 8, Nebr., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-1021; Filed, Feb. 3, 1961; 8:47 a.m.]



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THE UNIVERSITY OF MICHIGAN
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Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.



FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Dep. Reg. 108.459]

### PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

#### Miscellaneous Amendments

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is hereby amended in the following respects:

1. Section 41.114 is amended to provide discretionary authority for the waiver of personal appearance in cases of aliens classifiable under the visa symbols C–2, NATO–5 and NATO–7 and reads as follows:

**§ 41.114 Personnal appearance.**

Except as otherwise provided in this section, every alien who makes application for a nonimmigrant visa shall be required to appear in person before a consular officer. The requirement of personal appearance may be waived in the discretion of the consular officer in the case of any alien who is:

(a) Within a class of nonimmigrants classifiable under the visa symbols A–1, A–2, A–3, C–2, C–3, G–1, G–2, G–3, G–4, G–5, NATO–1, NATO–2, NATO–3, NATO–4, NATO–5, NATO–6, or NATO–7.

(b) An applicant for a diplomatic visa,

(c) An applicant for an official visa, or

(d) A child under ten years of age.

(Sec. 222, 66 Stat. 193; 8 U.S.C. 1202)

2. Section 41.120 is amended to authorize designated officers of the Department of State to issue visas to nonimmigrants in official or quasi-official status irrespective of whether the aliens are in the United States at the time of visa issuance and reads as follows:

**§ 41.120 Authority to issue visas.**

(a) *Issuance in the United States to nonimmigrants in official or quasi-official status.* The Director of the Visa Office of the Department and such other officers of the Department as he may designate are authorized, in their discretion, to issue nonimmigrant visas, including diplomatic visas, or to revalidate nonimmigrant visas previously issued, to qualified nonimmigrants classifiable under the visa symbols A–1, A–2, A–3, C–2, C–3, G–1, G–2, G–3, G–4, G–5, NATO–1, NATO–2, NATO–3, NATO–4, NATO–5, NATO–6, or NATO–7.

(b) *Issuance in the United States to certain other nonimmigrants.* The Director of the Visa Office of the Department and such other officers of the Department as he may designate are authorized, in their discretion, to issue nonimmigrant visas, including diplomatic visas, or to revalidate nonimmigrant visas previously issued, to qualified aliens in the United States who are within one of the following classes and who intend, after a temporary absence, to reenter the United States in the nonimmigrant status specified in the visa:

(1) Nonimmigrants classifiable under the visa symbol I who are bearers of passports containing an I, A, or G visa, and who have been duly accredited by a foreign information medium; or

(2) Nonimmigrants classifiable under the visa symbol E.

(c) *Issuance outside the United States.* Any consular officer is authorized to issue regular and official visas. Diplomatic visas may be issued only by:

(1) A consular officer attached to a diplomatic mission of the United States if he is authorized to do so by the chief of the mission, or

(2) A consular officer assigned to a consular office if so authorized by the Department or by the chief of the United States diplomatic mission to the foreign country in which such consular office is located.

*Effective date.* The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

HARRIS H. HUSTON,
*Acting Administrator, Bureau of Security and Consular Affairs.*

FEBRUARY 2, 1961.

[F.R. Doc. 61–1094; Filed, Feb. 6, 1961; 8:49 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 647; Amdt. 249]

### PART 507—AIRWORTHINESS DIRECTIVES

#### Bell Model 47J–2 Helicopters

Failures of the pinion gear on the inboard end of the cooling fan drive assembly have occurred. Such failures can cause jamming of the rotor drive gear train and result in loss of rotor rotation. As this condition represents a serious safety hazard, inspection is required to preclude additional failures.

In the interest of safety notice and public procedure hereon are impracticable and good cause exists for making this amendment effective 15 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BELL. Applies to all Bell Model 47J–2 helicopters.

Compliance required as indicated.

To preclude failures of the pinion gear on the inboard end of the P/N 47–620–539–1 cooling fan drive assembly which are associated with a poor tooth mesh condition, the following inspections and corrective action must be accomplished no later than the next 10 hours of flight time after the effective date of this directive, and by the completion of the 25 hour, 50 hour, 100 hour, and 300 hour flight time periods subsequent to the accomplishment of the initial inspection. Inspections accomplished in accordance with Bell Mandatory Service Bulletin 130SB prior to the effective date of this directive need not be repeated and only those remaining inspections necessary to complete the series are required.

(a) Remove cooling fan drive assembly, P/N 47–620–539–1, from transmission in accordance with instructions contained in Bell Model 47J–2 Maintenance and Overhaul Instructions, and inspect driven side of pinion gear teeth (P/N 47–620–530–1).

(b) Replace gear if conditions defined by Fig. 2 of Bell Service Bulletin 130SB are found.

(c) If replacement of the pinion gear is required, further disassembly as necessary and inspection of the cooling fan driving gear (P/N 47–620–207–1) must be conducted. If conditions defined by Fig. 4 of Bell Service Bulletin 130SB are found, this gear must also be replaced.

(d) If replacement of either gear is required, back lash and gear pattern must be established in accordance with instructions contained in Maintenance and Overhaul Instructions except that back lash in the plane of rotation must be 0.0052 to 0.0072 inch.

(e) Reassemble cooling fan drive assembly in accordance with Maintenance and Overhaul Instructions except that nut, P/N 47–620–565–1 shall be torqued to 960 inch-pounds and fan pulley bolt AN6H5A shall be torqued to 300 inch-pounds.

(f) If either or both gears are replaced, perform the above inspections at 10, 25, 50, 100 and 300 hours of flight time following gear replacement. This procedure must be reconducted until a satisfactory wear pattern on the pinion gear and drive gear is maintained through 300 hours of flight time, after which inspections in accordance with this directive may be discontinued.

(Bell Mandatory Service Bulletin 130SB covers this same subject.)

This amendment shall become effective February 22, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 31, 1961.

OSCAR BAKKE,
*Director, Bureau of Flight Standards.*

[F.R. Doc. 61–1038; Filed, Feb. 6, 1961; 8:45 a.m.]

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[Reg. Docket No. 597; Amdt. 248]

### PART 507—AIRWORTHINESS DIRECTIVE

#### Luscombe Model 8 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to in-

clude an airworthiness directive requiring inspection of the wing root area on Luscombe Model 8 Series aircraft for chafing between the aileron pulley and/or aileron cable and the forward wing tank fuel line was published in 25 F.R. 12844.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LUSCOMBE. Applies to all Model 8 Series aircraft incorporating wing fuel tanks.
Compliance required as indicated.
Within 50 hours' time in service after the effective date of this directive, remove the fairing at the wing root of each wing and inspect the wing root area for interference between the forward fuel line and the aileron cable and/or aileron pulley. Remove the trim panel over the forward door post and inspect the forward door post area for interference between the forward fuel line and the aileron cable and/or pulley. If any interference is found, bend fuel line sufficiently to provide the necessary clearance. Replace any worn fuel lines being careful to provide clearance when installing the replacement fuel line.

This amendment shall become effective March 9, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 31, 1961.

OSCAR BAKKE,
*Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-1039; Filed, Feb. 6, 1961; 8:45 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER G—ANIMAL BREEDS

## PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PURE-BRED ANIMALS

### Miscellaneous Amendments

Pursuant to paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U.S.C. 1201, par. 1606), the provisions in 9 CFR Part 151, as amended, are hereby amended as follows:

1. The list of breeds of animals and books of record contained in 9 CFR 151.9(a) is amended to read:

**§ 151.9 Recognized breeds and books of record.**

• • • • •

*(a) Breeds and books of record in countries other than Canada.*

• • • • •

CATTLE

| Code | Name of breed | Book of record | By whom published |
|---|---|---|---|
| 1101 | Aberdeen-Angus | Aberdeen-Angus Herd Book | Aberdeen-Angus Cattle Society, Hugh R. Nelson, secretary, Pedigree House, 17 Bon-Accord Sq., Aberdeen, Scotland. |
| 1102 | Africander | Africander Cattle Herd Book | The Africander Cattle Breeders' Society, under the supervision and authority of the South African Stud Book Association, E. L. Hounsham, secretary, 40 Henry St., Bloemfontein, Union of South Africa. |
| 1201 | Alderney | Herd Book of the Bailiwick of Guernsey (Alderney Branch). | Royal Alderney Agricultural Society (The Alderney Branch of the Royal Guernsey A. and H. Society), P. D. Sumner, secretary, The Bungalow, Butes, Alderney, Channel Isles. |
| 1202 | Ayrshire | Ayrshire Herd Book | Ayrshire Cattle Herd Book Society of Great Britain and Ireland, John Graham, secretary, 1 Racecourse Rd., Ayr, Scotland. |
| 1301 | Devon | Davy's Devon Herd Book | Devon Cattle Breeders' Society, Cyril Ernest Berry, secretary, Court House, The Square, Wivelscombe, Somerset, England. |
| 1302 | Dexter | Dexter Herd Book | Dexter Cattle Society, T. S. Pick, secretary, Manor Farm, Stubbs Lane, Lower Kingswood, Tadworth, Surrey, England. |
| 1103 | Belted Galloway | Belted Galloway Herd Book | Belted Galloway Cattle Society, J. Campbel Laing, secretary, Galloway Estate Office, Newton Stewart, Wigtownshire, Scotland. |
| 1104 | Galloway | Galloway Herd Book | Galloway Cattle Society of Great Britain and Ireland, Donald M. McQueen, secretary, Roughhills, Dalbeattie, Scotland. |
| 1203 | Guernsey | English Guernsey Herd Book | English Guernsey Cattle Society, J. W. Barker, secretary, Mappin House, Winsley St., Oxford St., London, W. 1, England. |
| 1204 | ....do | Herd Book of the Bailiwick of Guernsey (Guernsey Branch). | Royal Guernsey Agricultural and Horticultural Society, H. C. Le Page, secretary, States Arcade Balcony, St. Peter Port, Guernsey, Channel Isles. |
| 1105 | Hereford | Herd Book of Hereford Cattle. | Hereford Herd Book Society, R. J. Bentley, secretary, 3 Offa St., Hereford, England. |
| 1106 | Highland | Highland Herd Book | Highland Cattle Society of Scotland, Donald G. Noble, secretary, 17 York Pl., Perth, Scotland. |
| 1205 | Holstein-Friesian | Friesch Rundvee-Stamboek | Vereeniging: "Het Friesch Rundvee-Stamboek," Dr. J. M. Dijkstra, secretary, Zuiderplein 2-4, Leeuwarden, The Netherlands. |
| 1206 | ....do | Nederlandsch Rundvee-Stamboek. | Vereeniging: "Het Nederlandsche Rundvee-Stamboek," H. W. J. Dekker, Chief Administrator, Stadhouders-plantsoen 24, 's-Gravenhage, The Netherlands. |
| 1207 | Jersey | Jersey Herd Book | Royal Jersey Agricultural and Horticultural Society, H. G. Shepard, secretary, 3 Mulcaster St., St. Heller, Jersey, Channel Isles. |
| 1208 | ....do | Jersey Herd Book of United Kingdom. | Jersey Cattle Society of the United Kingdom, Edward Ashby, secretary, 19 Bloomsbury Sq., London, W.C. 1, England. |
| 1303 | Kerry | British Kerry Cattle Herd Book. | British Kerry Cattle Society, R. O. Hubi, secretary, The Milestone, Stanmore Hill, Stanmore, Middlesex, England. |
| 1304 | ....do | Kerry Cattle Herd Book | Royal Dublin Society, Horace H. Poole, registrar, Ball's Bridge, Dublin, Ireland. |
| 1305 | Lincoln Red | Lincoln Red Herd Book | Lincoln Red Cattle Society, W. Dunnaway, secretary, Agriculture House, Park St., Lincoln, England. |
| 1209 | Red Danish | Stambog over Kør af Rød Dansk Malkerace.<br>Stambog over Tyre af Rød Dansk Malkerace.<br>Register-Stambog over Kvæg af Rød Dansk Malkerace. | De Samvirkende Danske Landboforeninger, A. Wulff Pedersen, secretary, Vindegade 72, Odense, Denmark. |
| 1306 | Red Poll | Red Poll Herd Book | Red Poll Cattle Society of Great Britain and Ireland, Inc., A. C. Burton, secretary, 32 Princes St., Ipswich, Suffolk England. |
| 1307 | Shorthorn | Coates's Herd Book | Shorthorn Society of Great Britain and Ireland, Arthur Greenhalgh, secretary, Victoria House, Southampton Row, London, W.C. 1, England. |
| 1107 | South Devon | Herd Book of South Devon Cattle. | South Devon Herd Book Society, W. G. Turpitt, secretary, 16 Sherborne Rd., Newton Abbot, Devon, England. |
| 1308 | Sussex | Sussex Herd Book | Sussex Herd Book Society, A. G. Holland, secretary, 17 Devonshire St., London, W. 1, England. |
| 1309 | Welsh | Welsh Black Cattle Herd Book. | Welsh Black Cattle Society, G. Williams Edwards, secretary, 13 Bangor St., Caernarvon, No. Wales. |

HORSES

| Code | Name of breed | Book of record | By whom published |
|---|---|---|---|
| 2201 | Arabian | Arab Horse Stud Book | The Arab Horse Society, Col. R. C. de V. Askin, secretary, Beechmead, Rowledge, Farnham, Surrey, England. |
| 2202 | ....do | Polska Ksiega Stadna Koni, Arabskich Czystej Krwi. | Towarzystwo Hodowli Konia Arabskiego, Maria Brykczyńska, secretary, Kraków, Sarego 2, Poland. |
| 2203 | ....do | General Stud Book | Weatherby & Sons, 15 Cavendish Sq., London, W. 1, England. |
| 2204 | ....do | Registro-Matricula de Caballos de Pura Sangre. | Jefaturs de Cría Caballar y Remonta, Don Manuel Díaz Calderon, Secretario Stud-book, Ministerio del Ejército, Madrid, Spain. |
| 2205 | ....do | Stud Book Argentino | Ministerio de Hacienda de la Nacion, Loteria de Beneficencia Nacional y Casinos, Ricardo A. Maestri, Jefe, Av. Libertador General San Martin 4101, Capital Federal, República Argentina. |
| 2206 | ....do | Stud Book Français Registre des Chevaux de Pur Sang. | Commission du Studbook Français de Pur Sang, M. Maze-Sencier, Inspecteur Général, Chef, Service des Haras, Ministère de l'Agriculture, 78 rue de Varenne (7), Paris, France. |
| 2207 | ....do | Stud Book de Venezuela. | Instituto Nacional de Hipodromos, Jorge Call Nuñez, Jefe, Hipodromo "La Rinconada," Caracas, Venezuela. |



HORSES—Continued

| Code | Name of breed | Book of record | By whom published |
|---|---|---|---|
| 2208 | Arabian | The Arabian Stud Book. (Recognition of this book will be restricted to Arabian horses which originate from importations and their descendants to pure Arabian stock of that country.) | The Arabian Horse Club Registry of America, Inc., Henry B. Babson, secretary, 120 So. La Salle St., Chicago 3, Ill. |
| 2101 | Belgian | Stud-Book des Chevaux de Trait Belges. | Société Royale "Le Cheval de Trait Belge," Edgard Bedoret, Secrétaire général, 49a rue de l'Ecuyer, Brussels, Belgium. |
| 2209 | Cleveland Bay | Cleveland Bay Stud Book | Cleveland Bay Horse Society, Oswald Welford, The Angelus, Borby, Staithes, Saltburn, Yorkshire, England. |
| 2102 | Clydesdale | Clydesdale Stud-Book | Clydesdale Horse Society of Great Britain & Ireland, Robert Jarvis, secretary, 19 Hillington Gardens, Glasgow, S.W. 2, Scotland. |
| 2210 | Criolla | "Registre Definitivo Section" de Registro Genealogico para la Raza Criolla. | Sociedad Rural Argentina, E. F. Oliver Garay, Gerente Técnico, Florida 460, Buenos Aires, Argentina. |
| 2301 | Fjordhest (formerly known as Westland). | Stambok over Fjordhest | Statens Stambokkontor, Arne Hogstad, Statens Stambokfører, Munkedamsveien 35 VI, Oslo, Norway. |
| 2211 | Hackney | Hackney Stud Book | Hackney Horse Society, R. A. Brown, secretary, 16 Bedford Sq., London, W.C. 1, England. |
| 2212 | Holstein | Holsteinisches Gestütbuch | Verband der Züchter des Holsteiner Pferdes E.V., Hermann Neuhaus, Geschäftsführer, Elmshorn 98, Elmshorn, Germany. |
| 2103 | Percheron | British Percheron Stud Book | British Percheron Horse Society, A. E. Vyse, secretary, Owen Webb House, Gresham Rd., Cambridge, England. |
| 2104 | ....do | Stud-Book Percheron de France. | Société Hippique Percheronne de France, E. Lemarie, secrétaire général, 1 rue Villette-Gaté, Nogent-le-Rotrou (Eure-et-Loir), France. |
| 2302 | Shetland Pony | Shetland Pony Stud-Book | Shetland Pony Stud Book Society, Thomas H. Mykle, secretary, 61 George St., Perth, Scotland. |
| 2105 | Shire | Shire Horse Stud Book | Shire Horse Society, A. G. Holland, secretary, 17 Devonshire St., London, W. 1, England. |
| 2106 | Suffolk | Suffolk Stud-Book | Suffolk Horse Society, Raymond Keer, secretary, 6 Church St., Woodbridge, Suffolk, England. |
| 2213 | Thoroughbred | Australian Stud Book | Australian Jockey Club, McPadden, Keeper of the Stud Book, 6 Bligh St., Sydney, N.S.W., Australia. |
| 2214 | ....do | General Stud Book | Weatherby & Sons, 15 Cavendish Sq., London, W. 1, England. |
| 2215 | ....do | Jamaica Stud-Book | The Jockey Club of Jamaica, Miss L. Pike, secretary, 10 Duke St., Kingston, Jamaica, W.I. |
| 2216 | ....do | Stud Book de Chile | Club Hipico de Santiago, Casilla 3674, Santiago, Chile. |
| 2217 | ....do | Stud Book de Venezuela | Instituto Nacional de Hipodromos, Jorge Coll Nuñez, Jefe, Hipodromo "La Rinconada," Caracas, Venezuela. |
| 2218 | ....do | New Zealand Stud Book | New Zealand Racing Conference, A. M. McBeath, secretary, P.O. Box 1490, Wellington, C.1, New Zealand. |
| 2219 | ....do | Registro-Matricula de Caballos de Pura Sangre. | Jefatura de Cría Caballar y Remonta, Don Manuel Díaz Calderon, Secretario Stud-book, Ministerio del Ejército, Madrid, Spain. |
| 2220 | ....do | Stud Book Français Registre des Chevaux de Pur Sang. | Commission du Studbook Français de Pur Sang, M. Maze-Sencier, Inspecteur Général, Chef, Service des Haras, Ministère de l'Agriculture, 78 rue de Varenne (7), Paris, France. |
| 2221 | ....do | Libro Genealogico del Cavalli di Puro Sangue. | Jockey Club di Roma, Conte Federico Garofoli, Segretario, Corso Vittorio Emanuele 87, Rome, Italy. |
| 2222 | ....do | Registre des Chevaux de Pur Sang. | Jockey-Club de Belgique, Lt.-Col. Baron Jacques van Zuylen van Nyevelt, Secrétaire général, 1 rue Guimard, Brussels 4, Belgium. |
| 2223 | ....do | Stud Book Brasileiro | Jockey Club Brasileiro, Ricardo Xavier da Silveira, Diretor da Studbook, Av. Rio Branco 133, Rio de Janeiro, Brazil. |
| 2224 | ....do | Stud Book Peruano | Jockey Club del Perú, Alberto Alvarez Calderón, Gerente, Unión 1064, Lima, Perú. |
| 2225 | ....do | Stud Book Argentino | Ministerio de Hacienda de la Nacion, Loteria de Beneficencia Nacional y Casinos, Ricardo A. Maestri, Jefe, Av. Libertador General San Martin 4101, Capital Federal, República Argentina. |

HORSES—Continued

| Code | Name of breed | Book of record | By whom published |
|---|---|---|---|
| 2303 | Welsh Pony and Cob | Welsh Stud Book | Welsh Pony & Cob Society, J. A. George, secretary, Offices of the Royal Welsh Agricultural Society, Queen's Rd., Aberystwyth, Cardiganshire, Wales. |

ASSES

| Code | Name of breed | Book of record | By whom published |
|---|---|---|---|
| 3001 | Poitou | Jack and Jennet Section of Stud-Book ou Livre Généalogique des Animaux Mulassiers due Poitou. | Societe Centrale d'Agriculture des Deux-Sevres, R. Martinet, Secrétaire, Cite Administrative, rue Duguesclin, Niort (Deux-Sevres), France. |

SHEEP

| Code | Name of breed | Book of record | By whom published |
|---|---|---|---|
| 4101 | Border Leicester | Border Leicester Flock Book | Society of Border Leicester Sheep Breeders, Robert Jarvis, secretary, Room 273, 93 Hope St., Glasgow, C. 2, Scotland. |
| 4102 | Cheviot | Cheviot Sheep Flock Book | Cheviot Sheep Society, C. H. Armstrong, secretary, Commercial Bank Bldgs., Hawick, Scotland. |
| 4103 | Corriedale | Flock Book for Corriedale Sheep in Australia. | The Australian Corriedale Association, H. T. C. Woodfull, secretary, Royal Showgrounds, Epsom Road, Ascot Vale, W. 2, Victoria, Australia. |
| 4104 | ....do | Corriedale Flock Book (New Zealand). | The Corriedale Sheep Society, Inc., C. H. Lawrence, secretary, 154 Hereford St., Christchurch, New Zealand. |
| 4201 | Dorset Horn | Dorset Horn Flock Book | Dorset Horn Sheep Breeders' Association, E. F. B. Lucas, secretary, Bank Chambers, Dorchester, Dorset, England. |
| 4202 | Hampshire Down | Hampshire Down Sheep Flock Book | Hampshire Down Sheep Breeders' Association, Miss Doris M. Stanbury, secretary, 38 Endless St., Salisbury, Wilts., England. |
| 4105 | Kent or Romney Marsh | Kent or Romney Marsh Flock Book. | Kent or Romney Marsh Sheep-Breeders' Association, O. W. Tuffrey, secretary, Station Rd., Ashford, Kent, England. |
| 4203 | Kerry Hill | Kerry Hill Flock Book | Kerry Hill (Wales) Flock Society, Ralph P. Evans, secretary, c/o The Radnorshire Co., Ltd., Knighton, Radnorshire, Wales. |
| 4106 | Leicester | Leicester Flock Book | Leicester Sheep Breeders' Association, F. S. Aitchison, 41 Exchange Chambers, Exchange Arcade, Leeds 1, England. |
| 4107 | Lincoln | Flock Book of Lincoln Longwool Sheep. | Lincoln Longwool Sheep Breeders' Association, Brian Shelley, secretary, Westminster Bank Chambers, 8 Guildhall St., Lincoln, England. |
| 4204 | Oxford Down | Flock Book of Oxford Down Sheep. | Oxford Down Sheep Breeders' Association, Mrs. L. I. Deacon, secretary, Thornyfields, Long Rd., Binfield-on-the-Green, Northampton, England. |

Dogs—Continued

| Code | Name of breed | Book of record | By whom published |
|---|---|---|---|
| 7203 | Greyhound | Greyhound Stud Book | National Coursing Club, Sydney H. Dalton, secretary, College Hill Chambers, London, E.C. 4, England. |
| 7206 | do | Irish Greyhound Stud Book | Irish Coursing Club, Miss K. Butler, secretary, Davis Rd., Mount Merrion, Co. Dipperary, Ireland. |
| 7207 | Harrier and Beagle | Harrier and Beagle Stud Book | Association of Masters of Harriers and Beagles, J. J. Kirkpatrick, Hon. secretary, East Wing, Kirlington Park, Oxford, England. |
| 7304 | Rottweiler | Zucht- und Körbuch | Allgemeiner Deutscher Rottweiler-Klub, Mrs. Josephine Rieble, Sekretärin, Vorsetzstrasse 6, Stuttgart-West, Germany. |
| 7308 | St. Bernard | Bernhardiner-Zuchtbuch | St. Bernhardiklub e.V., Franz Hrachowina, Klinik Harlaching, Burgermeisterstrasse 36, München 12, Germany. |
| 7001 | Various recognized breeds. | Irish Kennel Club Stud Book | Irish Kennel Club, Miss Maud C. Fox, secretary, 23 Fitzwilliam Quay, Dublin 2, Ireland. |
| 7002 | do | Kennel Club Stud Book | English Kennel Club, E. Holland Buckley, secretary, 1–4 Clarges St., Piccadilly, London, W. 1, England. |
| 7003 | do | Livre des Origines Français | Société Centrale Canine pour l'Amélioration des Races de Chiens en France, Col. Raoul Nicolle, Directeur Administrateur, 3 Rue de Choiseul, Paris 2, France. |
| 7004 | do | Livre des Origines de la Société Royale Saint-Hubert. | Société Royale Saint-Hubert, R. Willocq, Secrétaire, 391 Chaussée Saint-Pierre, Brussels 4, Belgium. |
| 7005 | do | Norsk Kennelklubs Stambok | Norsk Kennel Klub, Olaf A. Rolf, secretary, Uranienborgveien 2, Oslo, Norway. |
| 7006 | do | Zuchtbuch des Klub für Terrier e.V. | Klub für Terrier e.V., Wilhelm Vorm, Schriftführer, Schöne Aussicht 5, Kelsterbach b. Frankfurt/Main, Germany. |
| 7007 | do | Schweizerisches Hunde-Stammbuch. | Schweizerische Kynologischen Gesellschaft, Carl Wittwer, secretary, Seestrasse 64, Kilchberg/Zurich, Switzerland. |
| 7008 | do | Svenska Kennelklubbens Register. | Svenska Kennelklubben, Ivan Swedrup, secretary, Limbogatan 26, Stockholm O, Sweden. |

Cats

| Code | Long-haired and short-haired. | The Governing Council of the Cat Fancy Stud Book. | The Governing Council of the Cat Fancy, W. A. Hansford, secretary, Roundwood Way, Banstead, Surrey, England. |
|---|---|---|---|
| 8001 | | | |

2. The list of breeds of animals and books of record contained in 9 CFR 151.9 (b) (1) is amended to read:

(b) *Breeds and books of record in Canada*—(1) *Animals generally.* * * *

| Code | Cattle | Code | Horses | Code | Sheep | Code | Goats | Code | Swine |
|---|---|---|---|---|---|---|---|---|---|
| 1108 | Aberdeen Angus. | 2227 | American Saddle Horse. | 4110 | Blackface. | * | (Alpine. | | (Berkshire. |
| 1210 | Ayrshire. | | Arabian. | 4111 | Cheviot. | | Angora. | | Chester White. |
| 1211 | Brown Swiss. | 2228 | Belgian Draft. | 4112 | Corriedale. | 5002 | Nubian. | | Duroc-Jersey. |
| 1212 | Canadian. | 2107 | Canadian. | 4113 | Cotswold. | | Saanen. | | Hampshire. |
| 1310 | Dexter. | 2229 | Clydesdale. | 4209 | Dorset Horn | | (Toggenburg. | 6003 | Large Black. |
| 1109 | Galloway. | 2108 | Hackney. | 4210 | Hampshire. | | | | Poland China. |
| 1213 | Hereford. | 2109 | Hackney Pony. | 4211 | Karakul. | | | | Tamworth. |
| 1111 | Highland. | 2304 | Percheron. | 4212 | Kerry Hill. | | | | Wessex Saddleback. |
| 1214 | Jersey. | | Shetland Pony. | 4114 | Leicester. | | | | Yorkshire. |
| 1311 | Lincoln Red. | 2110 | Shire. | 4115 | Lincoln. | | | | |
| 1312 | Red Poll | 2231 | Standardbred. | 4116 | Merino. | | | | |
| 1313 | Shorthorn. | 2111 | Suffolk. | 4213 | Oxford Down. | | | | |
| | | 2302 | Thoroughbred. | 4117 | Rambouillet. | | | | |
| | | 2305 | Welsh Pony and Cob. | 4214 | Shropshire. | | | | |
| | | | | 4215 | Southdown. | | | | |
| | | | | 4217 | Suffolk. | | | | |

Sheep—Continued

| Code | Name of breed | Book of record | By whom published |
|---|---|---|---|
| 4106 | Romney Marsh | New Zealand Romney Marsh Flock Book. | New Zealand Romney Marsh Sheep Breeders' Association, Inc., R. J. J. Campbell, secretary, 117 Kimbolton Rd., Feilding, New Zealand. |
| 4205 | Ryeland | Ryeland Flock Book | Ryeland Flock Book Society, Ltd., P. J. Hoskins, secretary, 20 King St., Hereford, England. |
| 4206 | Shropshire | Shropshire Flock Book | Shropshire Sheep Breeders' Association and Flock Book Society, Miss Gwen Mansell, secretary, College Hill, Shrewsbury, Shropshire, England. |
| 4207 | Southdown | Southdown Flock Book | Southdown Sheep Society, Inc., R. G. Noakes, secretary, Westways, Barming Woods, Maidstone, Kent, England. |
| 4208 | Suffolk | Suffolk Flock Book | Suffolk Sheep Society, Harry A. Byford, secretary, 30 Museum St., Ipswich, Suffolk, England. |
| 4100 | Wensleydale | Wensleydale Longwool Sheep Flock Book. | The Wensleydale Longwool Sheep Breeders' Association, W. Dickinson, secretary, "Cartmel," Church Walk, Ulverston, Lancashire, England. |
| 4001 | Various recognized breeds. | Flock Book for British Breeds of Sheep in Australia. | Australian Society of Breeders of British Sheep, H. T. C. Woodfull, secretary, Royal Show Grounds, Epsom Rd., Ascot Vale, W. 2, Victoria, Australia. |
| 4002 | do | New Zealand Flock Book | New Zealand Sheep Breeders' Association, H. M. Studholme, secretary, P.O. Box 9002, Addington, Christchurch, New Zealand. |

Goats

| Code | Name of breed | Book of record | By whom published |
|---|---|---|---|
| 5001 | Saanen and Toggenburg. | British Goat Society Herd Book (Saanen and Toggenburg Sections). | British Goat Society, Miss M. F. Rigg, secretary, Diss, Norfolk, England. |

Swine

| Code | Name of breed | Book of record | By whom published |
|---|---|---|---|
| 6001 | Irish Large White | Herd Book of Irish Large White Pigs. | Royal Dublin Society, Horace H. Poole, registrar, Ball's Bridge, Dublin, Ireland. |
| 6002 | Berkshire, Gloucestershire Old Spots, Large Black, Middle White, Tamworth, Wessex Saddleback | Herd Book of the National Pig Breeders' Association. | National Pig Breeders' Association, E. G. Wake, secretary, 60 Clarendon Rd., Watford, Herts., England. |

Dogs

| Code | Name of breed | Book of record | By whom published |
|---|---|---|---|
| 7301 | Boxer | Boxer-Zuchtbuch | Boxer-Klub e. V. Sitz München, Bernhard Schmitz, Präsident, 38 Ötkerstrasse, München 9, Germany. |
| 7201 | Dachshund | Teckel-Stammbuch | Deutscher Teckelklub e.V., Josef Chateau, Stammbuchführer, Rheinallee, Vallendar/Rhein, Haus Vorsorge, Germany. |
| 7202 | Foxhound | Foxhound Kennel Stud Book | Masters of Foxhounds Association, Lt. Col. J. Courtenay Mansfield, Hon. secretary, 31 Victoria St., London, S.W. 1, England. |
| 7203 | do | Welsh Hound Stud Book | Welsh Hound Association, Islwyn E. E. Davies, Hon. secretary, Berthddu, Llandinam, Montgomeryshire, East Wales. |
| 7302 | German Shepherd | Zuchtbuch für deutsche Schäferhunde (SZ). | Verein für deutsche Schäferhunde (SV), Hann Kremheimer, Hauptgeschäftsführer, Beim Deutscher Doggen-Klub, Richard Staudt, President, Eilerstrasse 22, Solingen-Ohligs, Germany. |
| 7303 | Great Dane | Zuchtbuch für Deutsche Doggen. | |
| 7204 | Greyhound | Australian Greyhound Stud Book. | The Australian and New Zealand Greyhound Association, Robert John Maidment, secretary, 249 Collins St., Melbourne, C. 1, Australia. |



3. The headnotes for the provisions in 9 CFR 151.9(b)(2) and (3) are amended, respectively, to read:

(2) *Holstein-Friesian cattle in Canada (Code 1215).* * * *

(3) *Dogs in Canada (Code 7009).* * * *

(Par. 1606, sec. 201, 46 Stat. 678, as amended; 19 U.S.C. 1201, par. 1606)

The amendments incorporate changes in the names and addresses of associations sponsoring or publishing recognized books of record and provide a numerical code for each such book of record. The numerical code is to facilitate record and reporting systems within the Department. In these respects the amendments are merely formal amendments. The amendments also provide for the recognition of the Arabian and Thoroughbred sections of the Stud Book de Venezuela, sponsored by the Junta de Fomento Equino, Ministerio de Agricultura y Cría, Republica de Venezuela. In this respect they relieve restrictions by providing for duty-free entry of horses registered therein. In order to be of maximum benefit to persons desiring to import such animals the amendments should be made effective as soon as possible. In view of the foregoing, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 31st day of January 1961.

M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 61-1017; Filed, Feb. 6, 1961; 8:45 a.m.]

SUBCHAPTER K—HUMANE SLAUGHTER OF LIVESTOCK

## PART 180—DESIGNATION OF METHODS

### Mechanical (Gunshot) Method

Pursuant to the authority conferred by the Humane Slaughter Act of August 27, 1958 (7 U.S.C. 1901 et seq.), § 180.16(b)(2) of the regulations relating to humane slaughter of livestock (9 CFR 180.16(b)(2)) is hereby amended to read as follows:

(2) *Special requirements.* Choice of firearms and ammunition with respect to caliber and choice of powder charge required to produce immediate unconsciousness of the animal may vary depending on age and sex of the animal. In the case of bulls, rams, and boars, small bore firearms may be used provided they are able to produce immediate unconsciousness of the animals. Small bore firearms are usually effective for stunning other cattle, sheep, swine, and goats, and calves, horses and mules.

This amendment redefines the special requirements for the use of firearms as a humane method of slaughtering and handling livestock under the Humane Slaughter Act. It relieves restrictions by permitting the use of small bore firearms for additional types of animals under the Act. It de-emphasizes the use of large caliber firearms and increases the safety of operating personnel without sacrificing humane slaughtering features. The modification in procedure provided for by the amendment should be made available for adoption by the industry as soon as possible, in order to be of maximum benefit to affected persons.

The redefinition of this method was recommended to the Department by the Advisory Committee established under the Act. The Department has given the matter careful consideration and it does not appear that new information would be made available to the Department by public rule-making procedure under section 4 of the Administrative Procedure Act (5 U.S.C. 1003).

Therefore, under section 4 of the Administrative Procedure Act, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and since the amendment relieves restrictions, it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of February 1961.

M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 61-1065; Filed, Feb. 6, 1961; 8:48 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER C—AIDS TO NAVIGATION

[CGFR 60-81]

## PART 62—UNITED STATES AID TO NAVIGATION SYSTEM

### Subpart 62.35—Maritime Radiobeacons

RADIOBEACON OPERATION AND CAUTIONS

The International Telecommunications Union Ordinary Administrative Radio Conference, Geneva, 1959, adopted new Radio Regulations, to which the United States is signatory, which revised the terminology used in describing the range of maritime radiobeacons. The purpose of the amendments in this document is to have these changes reflected in Coast Guard regulations and to clarify ambiguities found to exist.

1. Section 62.35–1 is amended to read as follows:

**§ 62.35–1 General.**

Maritime radiobeacons operate during specific intervals as published in Coast Guard List of Lights and Other Marine Aids. For station identification simple characteristics consisting of combinations of dots and dashes are used. Certain low-powered maritime radiobeacons use combinations of high and low tone dashes to provide additional distinction in their characteristics. The characteristics of markerbeacons are composed of series of dashes for part of a 15- or 30-second cycle, which is followed by a silent period to complete the cycle. The transmitted power of maritime radiobeacons is adjusted to provide a usable signal at the service range which meets the operational requirement. Markerbeacons are of low power for local use only. Coast Guard maritime radiobeacons operate within the frequency band 285–325 kilocycles.

2. Section 62.35–5 is amended to read as follows:

**§ 62.35–5 Carrier type operation.**

Some radiobeacons superimpose the characteristic code on a carrier which is on continuously during the period of transmission. This extends the usefulness of maritime radiobeacons to aircraft and ships employing automatic direction finders.

3. Section 62.35–20 is amended to read as follows:

**§ 62.35–20 Caution.**

A vessel steering a course for a radiobeacon should observe the same precautions that apply when steering for a light or any other mark. If the radiobeacon is aboard a lightship or on a submarine site, particular care should be exercised to avoid the possibility of collision.

(Sec. 92, 63 Stat. 503, as amended; 14 U.S.C. 92. Interpret or apply secs. 81, 87, 93, 633, 63 Stat. 500 as amended; 501, 503, 504, 545; 14 U.S.C. 81, 87, 93, 633)

Dated: January 31, 1961.

[SEAL] A. C. RICHMOND,
*Admiral,*
*U.S. Coast Guard, Commandant.*

[F.R. Doc. 61-1057; Filed, Feb. 6, 1961; 8:47 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2258]

[Juneau 011800]

### ALASKA

### Withdrawing Lands for Coast Guard for Administrative Site Purposes; Revoking Public Land Order No. 1465 of August 7, 1957

By virtue of the authority vested in the President and pursuant to Execu-

tive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described parcels of land in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the United States Coast Guard for administrative site purposes:

JUNEAU AREA

*U.S. Survey 3263*

Tract A, lot 4;
Tracts B, C, and D.

The tracts described aggregate 31.85 acres.

Public Land Order No. 1465 of August 7, 1957, which withdrew the lands for use of the Department of the Army in connection with the Alaska Communications System is hereby revoked.

JOHN A. CARVER, JR.
*Assistant Secretary of the Interior.*

FEBRUARY 1, 1961.

[F.R. Doc. 61–1041; Filed, Feb. 6, 1961; 8:45 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Piedmont National Wildlife Refuge, Georgia

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Sport fishing on the Piedmont National Wildlife Refuge, Georgia, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 4 acres or 0.0125 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, bream and other minor species permitted under State regulations.

(b) Open season: March 1, 1961, through October 31, 1961.

(c) Daily creel limits: No limitations on weight, size, etc.

1. Largemouth black bass, 15; bream, 70; other minor species as permitted by State regulations.

2. Total aggregate of all species shall not exceed 75 fish taken in one day.

(d) Methods of fishing: Pole and line, rod and reel, artificial and live baits (except live minnows) permitted. Row boats, canoes, and other floating devices permitted; boats with motors prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to November 1, 1961.

WALTER A. GRESH,
*Regional Director.*

JANUARY 30, 1961.

[F.R. Doc. 61–1040; Filed, Feb. 6, 1961; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### National Park Service

[ 36 CFR Part 6 ]

### VEHICLE, GUIDE, ADMISSION, AND MISCELLANEOUS FEES

### Combined Fees for Yellowstone and Grand Teton National Parks

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend 36 CFR, Part 6, by amending § 6.2. The purpose of this amendment is to provide a combined fee arrangement for Yellowstone and Grand Teton National Parks to facilitate entrance station operations in those two parks.

Section 6.2 is amended to change the present listing of parks under paragraphs (a), (b), and (c) by deleting the words "Yellowstone National Park" and inserting in lieu thereof "Yellowstone-Grand Teton National Parks (combined)" and, in addition, under paragraph (b) by deleting the line that reads "Grand Teton National Park---- 2.00 1.00."

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the National Park Service, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

FEBRUARY 1, 1961.

[F.R. Doc. 61–1042; Filed, Feb. 6, 1961; 8:45 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Pierre Kaltenbach Incorporated, 680 Fifth Avenue, New York 19, N.Y., agent for La Cellophane, 110 Boulevard Haussman, Paris 8e, France, proposing the issuance of a regulation permitting the use of uncoated and coated cellophane films in the packaging of food.

Dated: January 30, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–1047; Filed, Feb. 6, 1961; 8:46 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Silicone Products Department, General Electric Company, Waterford, N.Y., proposing the issuance of a regulation permitting the safe use of coatings for food-packaging materials including dimethylpolysiloxanes, polyvinyl alcohol, isooctylphenol, polyethoxyethanol, zinc oleate, zinc octoate, and formaldehyde.

Dated: January 30, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–1048; Filed, Feb. 6, 1961; 8:46 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Classification No. 6]

### ALASKA

### Fairbanks Land District; Small Tract Classification

JANUARY 30, 1961.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (10 F.R. 2473), as amended, I hereby classify the following described public lands, totaling 195 acres at Fairbanks, Alaska, as suitable for lease and sale for recreational purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

FAIRBANKS AREA

T. 1 S., R. 1 W.
Sec. 24: E½SW¼SW¼, SE¼NW¼SW¼, S½NE¼NW¼SW¼;
Sec. 25: W½W½.

Containing 195 acres.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except to applications under the mineral leasing laws or selections by the State of Alaska in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. The lands described in Paragraph One were restored from withdrawal by Public Land Order 796, dated January 23, 1952, but were retained in reserved status pending small tract classification and future opening.

4. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

RICHARD L. QUINTUS,
*Operations Supervisor, Fairbanks.*

[F.R. Doc. 61–1052; Filed, Feb. 6, 1961; 8:47 a.m.]

### National Park Service

### WHITMAN NATIONAL MONUMENT, WASHINGTON

### Addition of Certain Lands

Notice is hereby given that the United States, by virtue of authority contained in the act of May 1, 1958 (72 Stat. 101), has acquired title to the hereinafter described land and the same is hereby added to the Whitman National Monument, effective as of the date of this publication:

Beginning at the intersection of the South line of the Oregon-Washington Railroad & Navigation Company's right of way with the East line of the Whitman Mission Donation Claim in Section 32, Township 7 North of Range 35 East of the Willamette Meridian, at a point 19.78 chains South of the Northeast corner of said Whitman Mission Donation Claim, and running thence South 88°12' West, along the South line of said right of way, and distant 30 feet at right angles from the center line of the railroad tract 25.92 chains; thence South, parallel with the East line of said Whitman Mission Donation Claim 20.70 chains; thence South 87°26' East 10.72 chains; thence North 9.00 chains; thence East 9.47 chains; thence South 9.40 chains; thence South 87°26' East 5.69 chains to the East line of said Whitman Mission Donation Claim; thence North 22.70 chains along said East line to the point of beginning, together with all water rights awarded by court decree or otherwise, appurtenant to the land or any portion thereof.

Containing 46.71 acres, more or less, situated in the County of Walla Walla, State of Washington.

Subject only to existing easements for irrigation ditches, canals and pipe lines, streets, highways, alleys, sewer, gas, telephone and power lines, and other public utilities.

Dated this 30th day of January 1961.

CONRAD L. WIRTH,
*Director, National Park Service.*

[F.R. Doc. 61–1043; Filed, Feb. 6, 1961; 8:46 a.m.]

## ALASKA INTERNATIONAL RAIL AND HIGHWAY COMMISSION

### ORGANIZATION AND FUNCTIONS

The Alaska International Rail and Highway Commission (hereinafter called the Commission) was established by the Act of Congress entitled "An Act to Establish an Alaska International Rail and Highway Commission" (70 Stat. 888) as amended (48 U.S.C. 338), for the purpose of studying "the economic and military advantages of additional highway and rail transportation facilities connecting continental United States with central Alaska." The results of its studies and its recommendations will be submitted to the Congress.

The Commission consists of six (6) Members of the Congress of the United States, not more than four of whom are members of the same political party; four (4) members from the executive branch of the government, one each from the Departments of State, Interior, Commerce and Army; and three (3) public members. Members of the Commission serve without compensation but are reimbursed for travel, subsistence and other authorized expenses.

The Commission employs a staff without regard to the civil service laws and the Classification Act of 1949, consisting of an Executive Director and an Administrative Assistant and a part-time Assistant to the Chairman. The Assistant General Counsel for Transportation, Department of Commerce acts as General Counsel. A transport economist on the staff of the Under Secretary of Commerce for Transportation acts as Transport Economist. The Honorable B. Frank Heintzleman, former Governor of the Territory of Alaska and former Chief Forester of Alaska, acts as Alaskan Advisor. The Commission is authorized to utilize the facilities, information and personnel of the agencies of the executive branch of the government, and said agencies are authorized to furnish such assistance.

The Commission is authorized in carrying out its duties to hold hearings and take testimony. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission. Interested persons may secure information or make submittals or requests at the office of the Commission, Suite 705, 1809 G Street NW., the telephone STerling 3–0860, Extension 3014.

WARREN G. MAGNUSON,
*Chairman.*

[F.R. Doc. 61–1036; Filed, Feb. 6, 1961; 8:45 a.m.]

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T.D. 55308]

### FISH

### Tariff-Rate Quota, 1961

FEBRUARY 2, 1961.

In accordance with the proviso to item 717(b) of Part I, Schedule XX, of the General Agreement on Tariffs and Trade (T.D. 51802), it has been ascertained that the average aggregate apparent annual consumption in the United States of fish, fresh or frozen (whether or not packed in ice), filleted, skinned, boned, sliced, or divided into portions, not specially provided for: Cod, haddock, hake, pollock, cusk, and rosefish, in the three years preceding 1961, calculated in the manner provided for in the cited agreement, was 217,337,633 pounds. The quantity of such fish that may be imported for consumption during the calendar year 1961 at the reduced rate of duty established pursant to that agreement is, therefore, 32,600,645 pounds.

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

[F.R. Doc. 61–1056; Filed, Feb. 6, 1961; 8:47 a.m.]





## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Public Health Service

### LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from October 16, 1960 to January 15, 1961, inclusive.

These lists are supplementary to the lists of licensed establishments and products in effect on April 15, 1960, published on June 16, 1960 in 25 F.R. 5412, as amended by the lists of license actions taken from April 16, 1960 through October 15, 1960, published on August 6, 1960 in 25 F.R. 7470 and November 5, 1960 in 25 F.R. 10605.

ESTABLISHMENT LICENSES ISSUED

| Establishment | License No. | Date |
|---|---|---|
| Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. | 2 | 11–18–60 |
| The Wm. S. Merrell Co., Division of Richardson-Merrell, Inc., Cincinnati, Ohio. | 111 | 1–10–61 |
| Pitman-Moore Co., Division of The Dow Chemical Co., Indianapolis, Ind. | 110 | 1–10–61 |

PRODUCT LICENSES ISSUED

| Product | Establishment | License No. | Date |
|---|---|---|---|
| Anti-A, B blood grouping serum. | Community Blood Bank and Serum Service. | 295 | 10–26–60 |
| Tuberculin, purified protein derivative. | Connaught Medical Research laboratories. | 73 | 10–26–60 |
| Adenovirus vaccine. | Pitman-Moore Co., Division of Allied Laboratories, Inc. | 110 | 11– 3–60 |
| Adenovirus and influenza virus vaccines combined aluminum hydroxide adsorbed. | do | | |
| Anti-Rh typing serum, Anti-Rh,' (Anti-CD). | Community Blood Bank and Serum Service. | 295 | 11–10–60 |
| Anti-Rh typing serum, Anti-rh'' (Anti-E). | do | 295 | 12–22–60 |
| Anti-K serum (Anti-Kell). | Hospital University of Pennsylvania Blood Bank. | 289 | 1–10–61 |

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE

| Establishment | License No. | Date |
|---|---|---|
| Merck Sharp & Dohme, Division of Merck & Co., Inc., Philadelphia, Pa. | 2 | 11–18–60 |
| The William S. Merrell Co., Cincinnati, Ohio. | 111 | 1–10–61 |
| Physicians Blood Bank, Inc., Wichita, Kan. | 328 | 1–9–61 |
| Pitman-Moore Co., Division of Allied Laboratories, Inc., Zionsville, Ind. | 110 | 1–10–61 |

PRODUCT LICENSES REVOKED WITHOUT PREJUDICE

| Product | Establishment | License No. | Date |
|---|---|---|---|
| Citrated whole blood (human). | Physicians Blood Bank, Inc. | 328 | 1–9–61 |
| Single donor plasma (human). | do | | |
| Diphtheria antitoxin. | Pitman-Moore Co., Division of Allied Laboratories, Inc. | 110 | 1–10–61 |
| Antierysipeloid serum. | do | | |
| Bacterial vaccine made from acne bacillus, brucella abortus brucella suis, colon bacillus, brucella melitensis, gonococcus, micrococcus tetragenus, and staphylococcus albus. | do | | |
| Bacterial antigen made from colon bacillus, gonococcus, staphylococcus albus, staphylococcus aureus, and streptococcus. | do | | |
| Equine encephalomyelitis vaccine (eastern). | do | | |
| Equine encephalomyelitis vaccine (western). | do | | |
| Diphtheria toxin for Schick test. | do | | |
| Schick test control | do | | |
| Allergenic extracts | do | | |
| Poison ivy extract | do | | |
| Poison oak extract | do | | |

[SEAL] RODERICK MURRAY,
*Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U.S. Department of Health, Education, and Welfare.*

Approved:

J. STEWART HUNTER,
*Assistant to the Surgeon General for Information, Public Health Service, U.S. Department of Health, Education and Welfare.*

[F.R. Doc. 61–1046; Filed, Feb. 6, 1961; 8:46 a.m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

### JOHN S. VANDER HEIDE

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: Atlas Broadcasting Co.

This statement is made as of January 23, 1961.

JOHN S. VANDER HEIDE.

JANUARY 23, 1961.

[F.R. Doc. 61–1056; Filed, Feb. 6, 1961; 8:47 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50–98]

### UNIVERSITY OF DELAWARE

### Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to License No. R–43 issued to University of Delaware. The amendment provides additional safeguards for the operation by the licensee of its reactor Model AGN–201, Serial No. 113, located on its campus in Newark, Del. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the operation of the reactor in accordance with the terms of the license as amended does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see Docket No. 50–98 on file at the AEC's Public Document Room.

Dated at Germantown, Md., this 31st day of January, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[License No. R–43; Amdt. 2]

License No. R–43, as amended, which authorizes University of Delaware to operate its reactor Model AGN–201, Serial No. 113, located on its campus in Newark, Del., is hereby amended by adding the following additional conditions thereto:

1. A maximum of 0.25 percent excess reactivity may be loaded in the reactor with the glory hole empty and with the access ports containing their design loadings. The total worth of any experiments loaded in the reactor shall not exceed 0.4 percent reactivity. The excess reactivity loadings shall be determined at the operating temperature of the reactor.

2. The scram setting on the logarithmic scale micro-microammeter shall be set so that the power level at which the scram is to occur shall not exceed twice the licensed maximum power level and the period at

which a scram is to occur shall not be less than five seconds.

3. The range selectors for the two linear channels shall be set so that the operator cannot switch to a scale on which the power level at which a scram is to occur is more than twice the licensed maximum power.

4. The reactor shall not be operated with any of the scram signals bypassed.

5. The licensee shall not conduct any experiment involving moving of the fixed fuel discs of the reactor unless authorized by an amendment to this license.

6. The control rod and safety rod magnet circuits shall reverse the current direction for the magnets at the time any scram relay is actuated.

7. The licensee shall, at least once during each month when the reactor is operated, check the ability of all safety rods and control rods to drop when the scram instrumentation is actuated. A record shall be made of each instance in which one or more rods fails to scram when called upon to do so.

8. If one or more of the safety or control rods fails to scram when called upon to do so, the reactor shall immediately be shut down and shall not be started up until:

A. The probable cause of the scram malfunction has been determined and remedied; and

B. Cognizant reactor supervisory personnel and, to the extent applicable, the local reactor hazards committee have reviewed and concurred in the remedial action taken; and

C. A written record is made by the licensee of the events in A. and B. above.

9. The effectiveness of the corrective measures taken pursuant to condition 8 above shall be verified by scramming the rods, which had previously failed to scram, several times under conditions similar to those under which they had failed. A written record of these tests shall be made. Should the rod again fail to scram during the tests, the reactor shall be shut down and the steps described in condition 8 above and this condition 9 shall be repeated.

This amendment is effective thirty days after the date of issuance.

Date of issuance: January 31, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-1059; Filed, Feb. 6, 1961; 8:48 a.m.]

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[Docket No. 50-72]

## UNIVERSITY OF UTAH

### Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to License No. R-25. The amendment provides additional safeguards for the operation by the licensee of its reactor Model AGN-201, Serial No. 107, located on its campus in Salt Lake City, Utah. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the operation of the reactor in accordance with the terms of the license as amended does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see Docket No. 50-72 on file at the AEC's Public Document Room.

Dated at Germantown, Md., this 31st day of January 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[License No. R-25; Amdt. 2]

License No. R-25, as amended, which authorizes University of Utah to operate its reactor Model AGN-201, Serial No. 107, located on its campus in Salt Lake City, Utah, is hereby amended by adding the following additional conditions thereto:

1. A maximum of 0.25 percent excess reactivity may be loaded in the reactor with the glory hole empty and with the access ports containing their design loadings. The total worth of any experiments loaded in the reactor shall not exceed 0.4 percent excess reactivity. The excess reactivity loadings shall be determined at the operating temperature of the reactor.

2. The scram setting on the logarithmic scale micro-microammeter shall be set so that the power level at which the scram is to occur shall not exceed twice the licensed maximum power level and the period at which a scram is to occur shall not be less than five seconds.

3. The range selectors for the two linear channels shall be set so that the operator cannot switch to a scale on which the power level at which a scram is to occur is more than twice the licensed maximum power.

4. The reactor shall not be operated with any of the scram signals bypassed.

5. The licensee shall not conduct any experiment involving moving of the fixed fuel discs of the reactor unless authorized by an amendment to this license.

6. The control rod and safety rod magnet circuits shall reverse the current direction for the magnets at the time any scram relay is actuated.

7. The licensee shall, at least once during each month when the reactor is operated, check the ability of all safety rods and control rods to drop when the scram instrumentation is actuated. A record shall be made of each instance in which one or more rods fails to scram when called upon to do so.

8. If one or more of the safety or control rods fails to scram when called upon to do so, the reactor shall immediately be shut down and shall not be started up until:

A. The probable cause of the scram malfunction has been determined and remedied; and

B. Cognizant reactor supervisory personnel and, to the extent applicable, the local reactor hazards committee have reviewed and concurred in the remedial action taken; and

C. A written record is made by the licensee of the events in A. and B. above.

9. The effectiveness of the corrective measures taken pursuant to condition 8 above shall be verified by scramming the rods, which had previously failed to scram, several times under conditions similar to those under which they had failed. A written record of these tests shall be made. Should the rod again fail to scram during the tests, the reactor shall be shut down and the steps described in condition 8 above and this condition 9 shall be repeated.

This amendment is effective thirty days after the date of issuance.

Date of issuance: January 31, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-1060; Filed, Feb. 6, 1961; 8:48 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13920-13921; FCC 61M-156]

## AMERICAN COLONIAL BROADCASTING CORP. (WKBM-TV) AND AMERICAN COLONIAL BROADCASTING CORP. (WSUR-TV)

### Order Continuing Hearing Conference

In re applications of American Colonial Broadcasting Corporation (WKBM-TV), Caguas, Puerto Rico, Docket No. 13920, File No. BPCT-2801; American Colonial Broadcasting Corporation (WSUR-TV), Ponce, Puerto Rico, Docket No. 13921, File No. BPCT-2808; for construction permits to change existing facilities.

*It is ordered*, This 1st day of February 1961, on the Hearing Examiner's own motion and on the oral request of Counsel for the permittees (who stated he had obtained the consent of all other counsel), that the prehearing conference in the above-entitled proceeding which has been scheduled for Tuesday, February 7, 1961, at 2 p.m., at the Commission's Offices, Washington, D.C., is hereby rescheduled for Thursday, February 9, 1961, at the same time and place.

Released: February 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1061; Filed, Feb. 6, 1961; 8:48 a.m.]

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[Docket No. 13878; FCC 61M-139]

## CHEROKEE COUNTY RADIO STATION

### Order Continuing Hearing

In re application of Mac M. Thomas and Ruby Jo Clotfelter d/b as Cherokee County Radio Station, Centre, Ala. Docket No. 13878, File No. BP-13084; for construction permit.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date, *It is ordered*, This 26th day of January 1961, that the hearing presently scheduled for February 21, 1961, is continued to March 6, 1961, at 10 a.m., in Washington, D.C.

Released: January 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1062; Filed, Feb. 6, 1961; 8:48 a.m.]

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[Docket No. 13711 etc.; FCC 61M-158]

## TRIANGLE PUBLICATIONS, INC. (WNHC) ET AL.

### Order Scheduling Prehearing Conference

In re applications of Triangle Publications, Inc. (WNHC), Radio and Television Division, New Haven, Conn., Docket No. 13711, File No. BP-12107; James N. Rodio and James Rodio, d/b as Rodio Radio, Hammonton, N.J., Docket No. 13730, File No. BP-13426; et al. (Group B—Docket Nos. 13718, 13724, 13727, 13732, 13734) et al.; for construction permits.

The Hearing Examiner having under consideration a Memorandum Opinion and Order of the Commission in the above-entitled proceeding released January 31, 1961 (FCC 61-99), granting a petition filed August 26, 1960, by applicant WKAP, Inc. (WKAP) and enlarging the issues to include a financial qualifications issue directed against applicant Rodio Radio;

It appearing that the evidentiary hearing on all the issues except the newly added issue has been held with respect to all 7 of the Group B applications in this proceeding, i.e., those which do not have petitions for reconsideration and grant without hearing pending before the Commission, and that the record was closed on January 13, 1961; but that it is now necessary to reopen the record to take evidence solely with respect to Rodio Radio's financial qualifications;

*It is ordered*, This 1st day of February 1961, on the Hearing Examiner's own motion, that the record in the above-entitled proceeding is hereby reopened for the sole purpose of receiving evidence with respect to the financial qualifications of applicant Rodio Radio and that a prehearing conference is scheduled for the purpose of establishing a suitable date for trial on the said issue and for the other purposes specified in 47 CFR 1.111; said conference to be held 10 a.m., Thursday, February 9, 1961, at the Commission's Office, Washington, D.C.;

*It is ordered further*, That the parties concerned in the further hearing to be held are to be prepared especially at the prehearing conference to discuss stipulations designed to shorten the hearing;

*It is ordered further*, That proposed findings of fact and conclusions of law on all issues except the new issue added by the Commission shall be filed by the deadline date prescribed at the hearing session of January 13, 1961.

Released: February 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1063; Filed, Feb. 6, 1961; 8:48 a.m.]

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[Docket Nos. 13926, 13927; FCC 61-109]

## VALUE RADIO CORP (WOSH) AND HOWARD MILLER ENTERPRISES AND CONSULTANTS, INC. (WGEZ)

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Value Radio Corporation (WOSH), Oshkosh, Wis., Docket No. 13926, File No. BP-13268, Has: 1490 kc, 250 w, U, IV, Requests: 1490 kc, 250 w, 1 kw-LS, U, IV; Howard Miller Enterprises and Consultants, Inc. (WGEZ), Beloit, Wis., Docket No. 13927, File No. BP-13576, Has: 1490 kc, 250 w, U, IV, Requests: 1490 kc, 250 w, 1 kw-LS, U, IV; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 25th day of January 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, each of the above-captioned applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that, the Commission in a prehearing letter dated April 14, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that, the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that, the WOSH proposal was not timely filed with respect to the application of Paul A. Brandt (WCBQ, Whitehall, Mich., File No. BMP-8307), now in hearing, and that as a result, Paul A. Brandt is being made a party respondent to the instant proceeding; and,

It further appearing that, by letter dated July 25, 1960, the licensee of WDBQ, Dubuque, Iowa, has objected to interference that will be caused by a grant of either of the instant applications, and that by letter dated April 29, 1960, the licensee of WISM, Medford, Wis., has objected to a grant of the application of WGEZ; and

It further appearing that, by amendments dated November 19, 1960, and December 6, 1960, respectively, Howard Miller Enterprises and Consultants, Inc., has replaced Radio Beloit, Inc., as the applicant in BP-13576, Beloit, Wisconsin, such assignment having been approved by the Commission on September 28, 1960 in BAL-3891; and

It further appearing that, after consideration of the foregoing and the applicant's replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Stations WOSH and WGEZ and the availability of other primary service to such areas and populations.

(2) To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

(3) To determine whether the instant proposals would involve objectionable interference with existing stations or proposals with regard to which the applicant was not timely filed as outlined below, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

*Proposal and Existing Station or Proposal*

BP-13268 WCBQ, Whitehall, Mich.
1490 kc, 250 w, U, IV.
BMP-8307 (WCBQ), Whitehall, Mich.
1490 kc, 250 w, 1 kw-LS, U, IV.
WGEZ, Beloit, Wis.
1490 kc, 250 w, U, IV.

BP-13576 WDBQ, Dubuque, Iowa
1490 kc, 250 w, U, IV.
WOPA, Oak Park, Ill.
1490 kc, 250 w, U, IV.
WOSH, Oshkosh, Wis.
1490 kc, 250 w, U, IV.
WISM, Madison, Wis.
1480 kc, 1 kw, 5 kw-LS, DA-2, U, III.
BP-12135, Princeton, Ill.
1490 kc, 100 w, U, IV.
BP-12303 (WOPA)
1490 kc, 250 w, 1 kw-LS, U, IV.

(4) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair,

efficient and equitable distribution of radio service.

(5) To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

*It is further ordered,* That, the following licensees of the stations indicated are made parties to the proceeding with regard to their existing operations.

| *Licensee* | *Station* |
|---|---|
| Paul A. Brandt | WCBQ |
| Howard Miller Enterprises and Consultants, Inc | WGEZ |
| WDBQ Broadcasting Co | WDBQ |
| Village Broadcasting Co | WOPA |
| Value Radio Corp | WOSH |
| Heart O'Wisconsin Broadcasters, Inc | WISM |

*It is further ordered,* That, Paul A. Brandt, licensee of Station WCBQ, Russell Armentrout and Mildred Armentrout d/b as Bureau Broadcasting Company and Village Broadcasting Company be made parties to the proceeding with respect to their proposed operations.

*It is furthered ordered,* That, in the event that either or both of the proposals herein are granted, Permittees shall accept such interference as may be imposed by other existing Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered,* That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 31, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1064; Filed, Feb. 6, 1961; 8:48 a.m.]

# OFFICE OF CIVIL AND DEFENSE MOBILIZATION

## MINOR S. JAMESON

### Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

Savanna Creek Gas & Oil Limited.

This amends statement published July 28, 1960 (25 F.R. 7172).

Dated: January 12, 1961.

MINOR S. JAMESON.

[F.R. Doc. 61-1037; Filed, Feb. 6, 1961; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 10]

## APPLICATIONS FOR LOAN GUARANTIES

FEBRUARY 2, 1961.

Notice is hereby given of the filing of the following application under part V of the Interstate Commerce Act:

Finance Docket No. 21454 filed January 31, 1961, by Missouri-Kansas-Texas Railroad Company, 420 Gimblin Road, St. Louis 15, Mo., for guaranty by the Interstate Commerce Commission of a loan in amount not exceeding $16,000,000. Applicant's representative: William A. Thie, General Counsel, Missouri-Kansas-Texas Railroad Company, Barrett Building, Denison, Tex. Loan is for the purpose of reimbursing applicant's treasury for expenditures made from its own funds after January 1, 1957, for additions and betterments and other capital improvements.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-1049; Filed, Feb. 6, 1961; 8:47 a.m.]

[Notice 444]

## MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 2, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63818. By order of January 31, 1961, the Transfer Board approved the transfer to Virginia K. Simmons, doing business as Rheman Transport of Virginia, Portsmouth, Va., of Certificate No. MC 119624, issued September 2, 1960, to P. N. Simmons, doing business as Rheman Transport of Virginia, Portsmouth, Va., authorizing the transportation of: Petroleum products, in bulk, in tank vehicles, between Portsmouth, Va., and points within 10 miles thereof, on the one hand, and, on the other, points in North Carolina. Henry E. Ketner, State Planters Bank Building, Richmond 19, Va., for applicants.

No. MC-FC 63864. By order of January 31, 1961, the Transfer Board approved the transfer to A. Oughton & Sons, Inc., New Brunswick, N.J., of Certificate No. MC 63568, issued November 5, 1952, to Agnes Oughton, doing business as Oughton's Express, New Brunswick, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between New Brunswick, N.J., on the one hand, and, on the other, points in New Jersey within 15 miles of New Brunswick; and ventilating and heating equipment, and supplies, between New Brunswick, N.J., on the one hand, and, on the other, New York, N.Y., Philadelphia, and Chester, Pa., and points in Westchester and Nassau Counties, N.Y. Bert Collins, 140 Cedar Street, New York 6, N.Y., for applicants.

No. MC-FC 63899. By order of January 31, 1961, the Transfer Board approved the transfer to Great Western Trucking Co., Inc., Henderson, Tex., of the operating rights issued to Bennie W. Haskins, doing business as Haskins Trucking Company, Henderson, Texas, October 12, 1960, and December 14, 1960, respectively, in Certificates Nos. MC 119478 and MC 119478 Sub 2, authorizing the transportation, over irregular routes, of granite and marble, from points in Elbert and Pickens Counties, Ga., to points in Nebraska and Wyoming, and semifinished sawed granite slabs, semifinished polished granite slabs, and finished granite slab markers, monuments, and bases, from Rion, S.C., to points in Colorado, Oklahoma, and Texas. Mert Starnes, 401 Perry Brooks Building, Austin 1, Tex., for applicants.

No. MC-FC 63904. By order of January 31, 1961, the Transfer Board approved the transfer to Homer V. Werner, doing business as Werner Bus Lines, Phoenixville, Pa., of Certificates in Nos. MC 62296 and MC 62296 Sub 2, issued October 24, 1956 and January 27, 1959, respectively, to Homer H. Werner, doing business as Werner Bus Lines, Phoenixville, Pa., authorizing the transportation of: Passengers and their baggage, in special or charter operations, restricted to traffic originating in the territory indicated herein, from Phoenixville, Pa., and points within 10 miles thereof (not including Collegeville, Pa.), to points in Delaware, Maryland, New Jersey, New York, and the District of Columbia; and passengers and their baggage, in round-trip charter and special operations, over irregular routes, beginning and ending at Phoenixville, Pa., and points within 10 miles thereof, and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, and Louisiana, but not including service from Collegeville, Pa., to points in the described States and return, or from points in the Borough of Norristown, Pa., to points in Virginia and return. John H. Derby,



Transportation Consultant, 1201 Chestnut Street, Philadelphia 7, Pa.

No. MC-FC 63908. By order of January 31, 1961, the Transfer Board approved the transfer to R. D. Sorensen, doing business as Sorensen's Cattlecruisers, Albin, Wyo., of Certificate in No. MC 107303, issued July 24, 1957, to Sofus J. Sorensen and Robert D. Sorensen, a partnership, doing business as Sorensen & Son, Albin, Wyo., authorizing the transportation of: Feed, fertilizer, and farm machinery and implements and parts thereof, from points in Colorado, Nebraska, and Wyoming within 150 miles of Albin, to all unincorporated points in Nebraska and Wyoming situated within 40 miles of and including Albin; building materials, from Fort Collins, Longmont, and Loveland, Colo., and points within 5 miles of each and points in Weld County, Colo., to points in Nebraska and Wyoming within 25 miles of and including Albin; livestock and agricultural commodities, between points in Nebraska and Wyoming within 40 miles of and including Albin, Wyo., on the one hand, and, on the other, points in Colorado, Nebraska, and Wyoming within 150 miles of Albin.

No. MC-FC 63912. By order of January 31, 1961, the Transfer Board approved the transfer to Raymond A. Marks, doing business as Shaw Trucking, Benton Harbor, Mich., of Certificates in Nos. MC 109100 and MC 109100 Sub 3, issued January 10, 1955, and November 16, 1960, to Warren Williams and Howard Slenker, a partnership, doing business as Shaw Trucking, Coloma, Mich., authorizing the transportation of: Fertilizer, from points in the Chicago, Ill., Commercial Zone to Charlotte, Mich., and points in 7 counties in Michigan; fruits and vegetables from points in Berrien, Van Buren, and Cass Counties, Mich., to Chicago, Ill.; livestock, from points in Berrien County, Mich., to Chicago, Ill., household goods, as defined by the Commission, between points in Berrien County, Mich., on the one hand, and, on the other, points in LaPorte, Porter, and Lake Counties, Ind., and Cook County, Ill.; frozen fruits, frozen berries, and frozen vegetables, from parts of Berrien and Van Buren Counties, Mich., within 20 miles of Coloma, Mich., to Cleveland, Ohio, Chicago, Ill., and Milwaukee, Wis., and from Cleveland, Ohio, to Milwaukee, Wis. J. T. Hammond, 205-10 Gas Building, Benton Harbor, Mich., attorney for applicants.

No. MC-FC 63917. By order of January 31, 1961, the Transfer Board approved the transfer to Vincent J. Herzog, Honesdale, Pa., of a portion of Certificate in No. MC 59054, issued November 27, 1940, to Tri-State Carrier, Inc., Carlstadt, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities between points in Orange County, N.Y., on the one hand, and, on the other, New York, N.Y., and points in Sussex, Bergen, Passaic, Union, Hudson, Essex, and Morris Counties, N.J. John M. Zachara, Practitioner, P.O. Box 2860, Paterson 28, N.J.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-1051; Filed, Feb. 6, 1961; 8:47 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-XII-I (Revision 1)]

## BRANCH MANAGER, HONOLULU, HAWAII

### Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6) (25 F.R. 1706 and 7418, 26 F.R. 177), there is hereby redelegated to the Branch Manager, Honolulu Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000.

b. Participation business loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $20,000, but not to decline reconsiderations of applications for such loans.

3. To approve limited loan participation loans.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority such execution to read, as follows:

---
(Name)
*Administrator.*

By ---
(Name)
*Manager, Honolulu Branch Office.*

5. To cancel, reinstate, modify, or amend authorizations for business or disaster loans (within the above amount standards), by the issuance of Certificates of Modification.

6. To approve when requested in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the Loan Administration and Participation Agreements.

7. To approve service charges on business loans by participating banks not to exceed 2 percent per annum on the outstanding balance of construction loans or loans involving accounts receivable or inventory as collateral.

8. To take all necessary actions in connection with the administration, servicing and collection of current loans.

9. To take the following actions in the administration of fisheries' loans:

a. Amend loan authorizations.

b. Extend the period of disbursement of loans of $50,000, or less for a period of not to exceed four months.

c. Amend the hull insurance provisions of any authorization issued prior to September 3, 1958, for a loan of $10,000 or less.

d. Cancel loan authorizations prior to disbursement upon the written request of the applicant.

e. Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial releases of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims, when such checks are not being paid to the Government as a payment on a fishery loan.

B. *Procurement and technical assistance.* 1. To (a) determine joint set asides for Government procurements and sales; and (b) develop with Government procurement and disposal agencies required local procedures for implementing established inter-agency policy agreements.

C. *Administrative.* 1. To administer oaths of office.

2. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by GSA.

4. To administratively approve all types of vouchers, invoices, and bills submitted by public creditors of the Agency for articles or services rendered.

5. To (a) authorize or approve official travel and (b) administratively approve travel reimbursement claims.

6. In connection with establishment of Disaster Loan Offices to (a) rent necessary office equipment and (b) procure (without dollar limitation) emergency supplies and materials.

7. To (a) make emergency purchases chargeable to the administrative expense fund not in excess of $25 in any one object class in any one instance but not more than $50 in any one month for total purchases in all object classes, (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitation set forth in (a) of this paragraph, and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

D. *Correspondence.* To sign all nonpolicy making correspondence, but not Congressional correspondence, relating to the functions of the branch office.

II. The specific authority delegated in subsection I. A. 1, 3, 7, 8, and 9 may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Honolulu, Hawaii, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: January 23, 1961.

EDWARD L. TURKINGTON,
*Regional Director,*
*San Francisco Regional Office.*

[F.R. Doc. 61-1044; Filed, Feb. 6, 1961; 8:46 a.m.]

[Declaration of Disaster Area 305]

## WASHINGTON

### Declaration of Disaster Area

Whereas, it has been reported that during the month of January 1961, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Washington;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Acting Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Kitsap (rain, flood and landslide ocurring during the week of January 16, 1961).

Office: Small Business Administration Regional Office, Smith Tower, Room 1206, 506 Second Avenue, Seattle 4, Wash.

2. No special field offices will be established at this time.

3. Applications for disasters loans under the authority of this Declaration will not be accepted subsequent to July 31, 1961.

Dated: January 30, 1961.

FRANK STEMPLE,
*Acting Deputy Administrator.*

[F.R. Doc. 61-1053; Filed, Feb. 6, 1961; 8:47 a.m.]

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# FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 26 NUMBER 25

Washington, Wednesday, February 8, 1961

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Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (31) is added to § 6.304(a) as set out below.

**§ 6.304 Department of Defense.**

(a) *Office of the Secretary.* * * *

(31) One Private Secretary to the Principal Special Assistant to the Secretary of Defense.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1095; Filed, Feb. 7, 1961; 8:48 a.m.]

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of the Navy

Effective upon publication in the FEDERAL REGISTER, paragraph (a)(2) of § 6.306 is amended as set out below.

**§ 6.306 Department of the Navy.**

(a) *Office of the Secretary.* * * *

(2) Two private or confidential secretaries to the Secretary and one to the Under Secretary and to each Assistant Secretary of the Navy.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1096; Filed, Feb. 7, 1961; 8:48 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

### PART 74—SCABIES IN SHEEP

#### Miscellaneous Amendments

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 120, 121, 123, 125), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended in the following respects:

1. Subparagraph (3) of paragraph (a) of § 74.2 is amended to read:

(3) All counties in New Mexico except Bernalillo, Chaves, Eddy, and San Miguel.

2. Subparagraph (2) of paragraph (a) of § 74.3 is amended to read:

(2) The following counties in New Mexico: Bernalillo, Chaves, Eddy, and San Miguel.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 38 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 115, 117, 124, 126. 19 F.R. 74, as amended)

*Effective date.* The foregoing amendment shall become effective upon issuance.

The amendment deletes the Counties of Chaves and Eddy in New Mexico from the free areas and adds such Counties to the infected areas and to the eradication areas, as sheep scabies is known to exist in the area consisting of such Counties. Hereafter, the restrictions pertaining to the interstate movement of sheep from, into, and through infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to these Counties.

The amendment imposes certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of February 1961.

M. R. CLARKSON,
*Acting Administrator, Agricultural Research Service.*

[F.R. Doc. 61-1085; Filed, Feb. 7, 1961; 8:47 a.m.]

## Title 24—HOUSING AND HOUSING CREDIT

### Chapter II—Federal Housing Administration, Housing and Home Finance Agency

### SUBCHAPTER A—GENERAL

### PART 200—INTRODUCTION

#### Subpart D—Delegations of Basic Authority and Functions

ACTING COMMISSIONER

Section 200.51 is amended to read as follows:

**§ 200.51 Acting Commissioner.**

The Deputy Commissioner (Administration), the Deputy Commissioner (Operations), the Assistant Commissioner for Technical Standards, the General Counsel, and the Assistant Commissioner for Field Operations, in the order named, are designated by the Commissioner to act in his place and stead in the event of his absence or inability to act, having the title of "Acting Commissioner" with all the powers, duties, and rights conferred on the Commissioner by the National Housing Act, as amended by Reorganization Plan No. 3 of 1947, by any other act of Congress or by any Executive order.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 69 Stat. 651, as amended; sec. 907, 65 Stat. 301, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., February 2, 1961.

LESTER H. THOMPSON,
*Acting Federal Housing Commissioner.*

[F.R. Doc. 61-1102; Filed, Feb. 7, 1961; 8:49 a.m.]

## Title 39—POSTAL SERVICE

### Chapter I—Post Office Department

### PART 21—FIRST CLASS

#### Minimum Size Limit

In Federal Register Document 61-871, appearing at pages 890 and 891 of the issue for Saturday, January 28, 1961, under the amendment numbered "II-B", § 21.3 *Weight and size limits* is corrected by inserting "envelopes, cards, and" immediately preceding "self-mailers" in the second sentence of paragraph (b) of the note therein. As so corrected, § 21.3 (b) reads as follows:

**§ 21.3 Weight and size limits.**

* * * * *

(b) *Size.* No limit.

NOTE: Effective January 1, 1963, this paragraph will read:

(b) *Size, shape, ratio, and scaling.* There is no maximum limit of size. The following standards apply to envelopes, cards, and self-mailers having postage paid thereon at the first-class postage rate:

(1) Pieces less than 3 inches in width (height) or 4¼ inches in length are nonmailable.

(2) Pieces having shapes other than rectangular are nonmailable.

(3) Pieces having a ratio of width (height) to length of less than 1 to 1.414 (1 to the square root of 2) are not recommended.

(4) Pieces which are not sealed or secured on all four edges so that they may be handled by machines are not recommended.

NOTE: The corresponding Postal Manual section is 131.32.

(R.S. 161, as amended, secs. 501, 2502, 2503, 2510, 4251, 74 Stat. 580, 606, 607, 663 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 2502, 2503, 2510, 4251)

[SEAL] LEO C. KNOLL,
*Acting General Counsel.*

[F.R. Doc. 61-1081; Filed, Feb. 7, 1961; 8:47 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

[Ex Parte No. MC-40]

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

## PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

## PART 195—HOURS OF SERVICE OF DRIVERS

### Monthly Reports

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of December A.D. 1960.

The matter of revisions of Forms BMC 60, 61, and 62 (§§ 7.60, 7.61, 7.62) concerning carriers' monthly reports of drivers' hours of service, being under consideration, and, in connection therewith, the matter of revision of § 195.9, only insofar as it relates to the revision of these forms, being also under consideration; and

It appearing that these revisions concern primarily the consolidation and simplification of forms to be used by motor carriers to notify the Commission whether or not any excess hours of service have been incurred by drivers of the reporting carriers, and constitute an agency procedure, and, therefore, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) for good cause it is found that notice of proposed rule making is unnecessary;

*It is ordered,* That the order of April 14, 1952 (17 F.R. 4448), only insofar as § 195.9 prescribed therein refers to Forms 60, 61, and 62 (§§ 7.60, 7.61, 7.62), and the orders of July 29, 1955 (20 F.R. 8161) and July 9, 1958 (23 F.R. 5481) prescribing Forms BMC 60, 61, and 62 (§§ 7.60, 7.61, 7.62), be, and they are hereby, vacated.

*It is ordered,* That Forms BMC 60, 61, and 62 (49 CFR 7.60, 7.61, 7.62), be, and they are hereby, cancelled;

*It is further ordered,* That Forms BMC 60 and 60A, monthly hours of service reports (49 CFR 7.60, 7.60a), copies of which are attached hereto and made a part hereof,[1] are approved, adopted, and prescribed for appropriate use as required by § 195.9 (a), (b), (c), and (d).

*It is further ordered,* That 49 CFR 195.9 (a), (b), (c), (d), and (e) be, and it is hereby, cancelled in its entirety, and the following regulations substituted in lieu thereof:

**§ 195.9 Monthly reports.**

(a) Every motor carrier, other than a private carrier of property, shall file on Forms BMC 60 and BMC 60A (§§ 7.60, 7.60a of this chapter) a monthly report of every instance during the calendar month covered thereby in which a driver employed or used by it has been required or permitted to be on duty, or to drive or operate a motor vehicle in excess of the hours prescribed by §§ 195.3 and 195.4 and shall indicate therein the reasons for such excess hours.

(b) Every class I motor carrier of passengers and every class I and class II motor carrier of property, as defined by the Commission in prescribing the Uniform System of Accounts (§§ 181.02-1 and 182.01-1 of this subchapter) shall file on Forms BMC 60 and BMC 60A (§§ 7.60, 7.60a of this chapter) a report for every calendar month in which no driver employed or used by it has been required or permitted to be on duty, or to drive or operate a motor vehicle in excess of the hours prescribed by §§ 195.3 and 195.4.

(c) Form BMC 60, and Form BMC 60A (§§ 7.60, 7.60a of this chapter) shall be prepared in triplicate, shall be signed by the motor carrier or his or its agent, and the original and one copy thereof shall be filed by mailing or otherwise with the District Director, Bureau of Motor Carriers, Interstate Commerce Commission, for the district in which his or its principal place of business is located not later than the fifteenth day of the month next following the calendar month for which such report is made. One copy of each such report shall be retained in the files of the motor carriers for a period of three years.

(d) Motor carriers having their principal places of business outside the borders of the United States shall file the reports referred to in the preceding paragraphs, Forms BMC 60 and BMC 60A (§§ 7.60, 7.60a of this chapter) with the District Director of the Bureau of Motor Carriers as shown in § 190.40 of this subchapter, not later than the fifteenth day of the month next following the calendar month for which such report is made. One copy of each report shall be retained in the files of the motor carrier for a period of three years.

*It is further ordered,* That this order shall be effective July 1, 1961, and shall continue in effect until the further order of the Commission.

*It is further ordered,* That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order.

*And it is further ordered,* That notice of this order shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(49 Stat. 546, as amended; 49 U.S.C. 304)

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-1092; Filed, Feb. 7, 1961; 8:48 a.m.]

[1] Filed as part of original documents.

## PART 445—ANNUAL REPORTS

### Annual Report Form F-a (Class A Freight Forwarders)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 26th day of January A.D. 1961.

The matter of annual reports from Class A freight forwarders being under further consideration, and the changes to be effectuated by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

*It is ordered,* That § 445.1 of the order of November 27, 1957, in the matter of Annual Report Form F-a (Class A Freight Forwarders), be, and it is hereby, modified and amended with respect to reports for the year ended December 31, 1960, and subsequent years, to read as shown below.

*It is further ordered,* That § 445.1 be, and it is hereby, modified and amended, to read as follows:

**§ 445.1 Annual reports of Class A freight forwarders.**

Commencing with the year ended December 31, 1960, and for subsequent years thereafter, until further order, all Class A freight forwarders, as described in § 445.3, viz, forwarders having annual gross operating revenues of $100,000 or more, are required to file annual reports in accordance with Annual Report Form F-a (Class A Freight Forwarders), which is attached hereto and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31, of the year following the year to which it relates.

(Sec. 403, 56 Stat. 285; 49 U.S.C. 1003. Interpret or apply sec. 412, 56 Stat. 294, as amended; 49 U.S.C. 1012)

*And it is further ordered,* That copies of this order and of Annual Report Form F-a shall be served upon all Class A freight forwarders subject to its terms and upon every trustee, receiver, executor, administrator, or assignee of any such forwarder, and that notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-1093; Filed, Feb. 7, 1961; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by the Pillsbury Company, 608 Second Avenue South, Minneapolis, Minnesota, proposing the issuance of a regulation to establish a total tolerance of 50 parts per million (0.005 percent) of the antioxidant BHA (butylated hydroxyanisole) and/or the antioxidant BHT (butylated hydroxytoluene) in potato flakes.

Dated: February 2, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1086; Filed, Feb. 7, 1961; 8:47 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Chemagro Corporation, Post Office 4913, Hawthorn Road, Kansas City 20, Mo., proposing the issuance of a regulation to establish a tolerance of 5 parts per million (0.0005 percent) of *O,O*-diethyl *S*-2 (ethylthio) ethyl phosphordithioate in dehydrated sugar beet pulp for animal feed when present therein as a result of the application of the pesticide to the growing agricultural crop.

Dated: February 2, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1087; Filed, Feb. 7, 1961; 8:47 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Olin Mathieson Chemical Corporation, 275 Winchester Avenue, New Haven 4, Connecticut, proposing the issuance of a regulation to permit the safe use of uncoated and coated cellophane in the packaging of food.

Dated February 1, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1088; Filed, Feb. 7, 1961; 8:47 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 601 ]

[Airspace Docket No. 60-LA-58]

### CONTROL ZONES

### Alteration of Proposal

In a notice of proposed rule making published as Airspace Docket No. 60-LA-58 in the FEDERAL REGISTER on October 20, 1960 (25 F.R. 10035), it was stated that the Federal Aviation Agency was considering redesignating the Miramar control zone within a 5-mile radius of NAS Miramar and within 2 miles either side of the Miramar TACAN 078° True radial extending from the 5-mile radius zone to 12 miles east of the TACAN, excluding the area south of latitude 32°-49'30" N. It was also stated that the Federal Aviation Agency was considering redesignating the San Diego control zone within a 5-mile radius of Lindbergh Field, within a 5-mile radius of the NAS North Island TACAN, within 2 miles either side of the 287° True radial of the San Diego terminal VOR extending from the 5-mile radius zones to 12 miles northwest of the TVOR, and within 2 miles either side of the 120° True radial of the TACAN extending from the 5-mile radius zones to 6 miles southeast of the TACAN. The portion of the proposed NAS Miramar control zone south of latitude 32°49'30" N. was excluded to permit operations to be conducted at Montgomery Field under certain low visibility weather conditions with less rigid restrictions than those that would be imposed within a control zone.

Comments by the Departments of Navy and Air Force in response to publication of the Notice indicate objections to the deletion of the south portion of the proposed NAS Miramar 5-mile radius zone. The Departments of Navy and Air Force expressed concern that aircraft operating between Gillespie Field and Montgomery Field or between Gillespie Field and the Pacific Ocean might have difficulty remaining within the narrow corridor between the NAS Miramar and San Diego control zones during marginal weather conditions and might inadvertently stray into the traffic patterns of the all-weather operations at NAS Miramar. In addition, the Department of Navy stated that 3 TACAN instrument approach procedures at NAS North Island are being revised to provide for a minimum altitude of 1000 feet at 5 nautical miles from the TACAN on the 120°, 185° and 235° True radials. To protect aircraft executing these revised procedures, the Department of Navy requested that the proposed San Diego control zone be further altered to include the area within a 5 nautical mile radius of the TACAN instead of designating three separate extensions to the proposed 5 statute mile radius zone.

The majority of itinerant flights between San Diego and Los Angeles utilize the California coastline for navigational guidance. There is an urgent requirement for a corridor between NAS Miramar and Lindbergh Field to permit itinerant aircraft access to the coastline from both Gillespie Field and Montgomery Field. Otherwise, aircraft en route to Los Angeles from these airports would be required to bypass NAS Miramar to the east which would result in operation over mountainous terrain, or to bypass Lindbergh Field to the south and west which would add considerable mileage to the route and require operation 10 to 12 miles out to sea. Accordingly, it is proposed to delete the portion of the proposed San Diego 5-mile radius zone north of latitude 32°47'00" N. This additional area together with the area deleted from the proposed NAS Miramar 5-mile radius zone would provide a corridor 3 miles wide between the two zones which should be adequate to contain aircraft operating from Gillespie Field and Montgomery Field to the Pacific Ocean. This corridor would be within a presently designated control area. In altering the proposed San Diego control zone as requested by the Navy, it is proposed to add the necessary extensions to the existing control zone. Since only the area within the extensions would be used to provide protection for aircraft executing the revised procedures, increasing the zone to a 5 nautical mile radius of the TACAN would be unjustified as an assignment of airspace.

Notice is hereby given that the original proposal is amended by deleting that portion of the proposed San Diego 5-mile radius zone north of latitude 32°-47'00" N., and by adding extensions within 2 miles either side of the NAS North Island TACAN 165° and 235° True radials extending from the 5-mile radius zone to 6 miles south and southwest of the TACAN. The portion of this control zone which would coincide with Warning Area W-593 would be excluded. The balance of the San Diego control zone and the NAS Miramar control zone would remain as published in the original notice.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to February 23, 1961.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration of Airspace Docket No. 60-LA-58 is extended to February 23, 1961. Communications should be addressed to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; U.S.C. 1348).

Issued in Washington, D.C., on February 2, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-1071; Filed, Feb. 7, 1961; 8:45 a.m.]

[ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-WA-204]

### FEDERAL AIRWAYS AND CONTROL AREAS

### Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.18, 600.101, 600.102, 600.239, 600.626, 600.679, and 601.1310.

Civil turbojet aircarrier flights are presently operating between the United States and Alaska, between Canada and Alaska, and between Alaska and Japan. Except for the portions of the routes between Alaska and Japan, these operations are conducted along designated low frequency Federal airways and control area extensions. The civil turbojet aircarrier flights operate above 24,000 feet MSL, and while within control areas, are provided an additional traffic service which consists in part of radar vectors around other observed traffic. Because of operating characteristics at high altitudes, these high-speed flights cannot be contained within a 10-mile-wide airway and therefore cannot take full advantage of the additional traffic service. Accordingly, the Federal Aviation Agency has under consideration modifying the following low frequency airway segments by increasing their width to 16 miles either side of the airway centerline, at and above 24,000 feet MSL:

a. Green Federal airway No. 8 from King Salmon, Alaska, to Northway, Alaska, excluding the portion which would coincide with the Eagle River, Alaska, Restricted Area (R-2203). The portion of this airway which would coincide with the Anchorage, Alaska, Elmendorf AFB, Restricted Area/Military Climb Corridor (R-2201) shall be used only after prior approval from the controlling agency.

b. Amber Federal airway No. 1 from Sandspit, B.C., to McGrath, Alaska, excluding the portion within Canada and the portion which would coincide with the Eagle River, Alaska, Restricted Area (R-2203). The portion of this airway which would coincide with the Anchorage, Alaska, Elmendorf AFB Restricted Area/Military Climb Corridor (R-2201) shall be used only after obtaining prior approval from the controlling agency.

c. Amber Federal airway No. 2 from the intersection of the southeast course of the Northway, Alaska, radio range and the United States/Canadian border to Fairbanks, Alaska, excluding the portion which would coincide with the Big Delta, Alaska, Restricted Area (R-2202) and the Yukon, Alaska, Restricted Area (R-2205).

d. Red Federal airway No. 39 from Bethel, Alaska, to Fairbanks, Alaska.

e. Blue Federal airway No. 26 from Anchorage, Alaska, to Fairbanks, Alaska, excluding the portion which would coincide with the Eagle River, Alaska, Restricted Area (R-2203). The portion of this airway which would coincide with the Anchorage, Alaska, Elmendorf AFB Restricted Area/Military Climb Corridor (R-2201) shall be used only after obtaining prior approval from the controlling agency.

f. Blue Federal airway No. 79 from Sandspit, B.C., to Snag, B.C. The portion which would lie within Canada would be excluded.

The control areas associated with the above airways are so designated that they would automatically conform to the modified airways. Accordingly, no amendment relating to these control areas would be necessary.

It is also proposed to modify the Anchorage, Alaska, control area extension (601.1310) between Sandspit, B.C., and Whittier, Alaska, by extending the width to 16 miles either side of the centerline and by including additional area to accommodate high altitude turbojet operations. The portion of the control area extension between Whittier and Anchorage would require no modification because the width to be protected for civil turbojet aircarrier aircraft would be covered by modified Amber Federal airway No. 1. The Anchorage control area extension would be redesignated as follows:

a. Anchorage, Alaska, control area extension (601.1310), within 5 miles either side of a direct line extending from the Anchorage, Alaska, radio range to the intersection of the southeast course of the Anchorage radio range and the northwest course of the Hinchinbrook, Alaska, radio range (Whittier Intersection), thence within 16 miles either side of a direct line extending from the Whittier Intersection to the Middleton Island, Alaska, radio range to the Sandspit, B.C., radio range, including the additional area between lines which diverge at 5° angles from the centerline, extending southeastward from the Middleton Island radio range and northwestward from the Sandspit radio range, and which terminate at the intersecting points midway between Middleton Island and Sandspit; excluding that portion which would lie within Canada, and that portion which would coincide with the Middleton Island, Alaska, Warning Area (W-593).

Concurrently, with the modification of the airways and control areas as proposed, it would be necessary to modify the eastern boundaries of the Anchorage and Vancouver Oceanic Flight Information Regions/Oceanic Control areas by relocating their eastern boundaries westward to remain clear of the modified control area extension (601.1310). This would be accomplished through the International Civil Aviation Organization in accordance with standard practices.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 449, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on February 2, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-1072; Filed, Feb. 7, 1961; 8:45 a.m.]

[ 14 CFR Part 602 ]

[Airspace Docket No. 60-WA-89]

### CODED JET ROUTES

### Alteration of Proposal

In a notice of proposed rule making published as Airspace Docket No. 60-WA-89 in the FEDERAL REGISTER on August 31, 1960 (25 F.R. 8331), it was stated that the Federal Aviation Agency proposed to revoke the segment of Jet Route 30-V from Denver, Colo., to Sioux Falls, S. Dak., because of its low utilization. Subsequent to the publication of this Notice, it has been determined that a new requirement exists for a jet route between Denver, Colo., and Minneapolis,

Minn., for scheduled turbojet aircarriers. Therefore, the Federal Aviation Agency proposes to retain Jet Route 30–V, but to realign it so as to decrease the Denver-Minneapolis route distance and eliminate the North Platte VORTAC from the high altitude structure. Accordingly, the original proposal is hereby amended in that this segment of Jet Route 30–V would be realigned from the Denver VORTAC via the O'Neil, Nebr., VORTAC; to the Sioux Falls VORTAC. It is anticipated that radar flight advisory service could be provided for this segment with the exception of approximately 150 nautical miles between Denver and O'Neil.

In order to provide interested persons time to adequately evaluate this proposal, as altered herein, and an opportunity to submit additional written data, views or arguments, the closing date for filing such material will be extended to February 28, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 60–WA–89 is extended to February 28, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Ave., P.O. Box 90007, Airport Station, Los Angeles 45, Calif.

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 2, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–1070; Filed, Feb. 7, 1961; 8:45 a.m.]

# FEDERAL TRADE COMMISSION

[16 CFR Part 57]

[File No. 21–528]

## TRADE PRACTICE RULES FOR RESIDENTIAL ALUMINUM SIDING INDUSTRY

### Notice of Hearing and of Opportunity To Present Views, Suggestions or Objections

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, affected by or having an interest in the proposed trade practice rules for the Residential Aluminum Siding Industry, to present to the Commission their views concerning said rules and including such pertinent information, suggestions or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions or objections may be submitted by letter, memorandum, brief, or other communication to be filed with the Commission not later than March 22, 1961. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a.m., c.s.t., on Wednesday, March 22, 1961, in the Victorian Room of the Palmer House, State and Monroe Streets, Chicago, Ill., to any such persons, firms, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through this proceeding consists of primary manufacturers of aluminum; manufacturers or fabricators of residential aluminum siding; jobbers, wholesalers, and retailers of residential aluminum siding; contractors and applicators who sell and install residential aluminum siding; and manufacturers and marketers of prefabricated homes having aluminum siding. Persons who are not agents but who purport to act as agents of manufacturers or suppliers of industry products are also to be regarded as industry members.

The products of this industry consist of aluminum panels and boards suitable for use as siding for the exterior walls of existing or new residential structures.

These proceedings were instituted pursuant to an application of the Aluminum Siding Association and have for their purpose the establishment of a comprehensive set of trade practice rules directed to the maintenance of fair competitive conditions in the industry and to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission. A general trade practice conference for the industry was held in Chicago, Ill., at which proposed rules suggested by the Aluminum Siding Association were considered and discussed. Additional rules were also submitted for consideration and discussion at the conference. The announced hearing constitutes a further step in the proceedings.

Issued: January 7, 1961.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 61–1105; Filed, Feb. 7, 1961; 8:49 a.m.]

# Notices

# DEPARTMENT OF COMMERCE

## Federal Maritime Board

## AMERICAN PRESIDENT LINES, LTD. AND PACIFIC FAR EAST LINE, INC.

### Notice of Applications

Notice is hereby given that American President Lines, Ltd., and Pacific Far East Line, Inc. have applied to serve the Marshall Islands with freight ships operating in their respective Trans-Pacific Freight Services on Trade Route No. 29.

Any person, firm or corporation having an interest in subject applications and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should, by close of business on February 23, 1961, notify the Secretary, Federal Maritime Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Federal Maritime Board.

If no request for hearing and petition for leave to intervene is received within the specified time or if the Federal Maritime Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Federal Maritime Board will take such action as may be deemed appropriate.

Dated: February 3, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–1082; Filed, Feb. 7, 1961; 8:47 a.m.]

## TRANS-PACIFIC PASSENGER CONFERENCE ET AL.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 131–235, between the member lines of the Trans-Pacific Passenger Conference, modifies By-Law D–7 of the basic conference agreement (No. 131, as amended), to clarify the understanding of the member lines with respect to reductions to be allowed on passenger traffic interchanged with cooperating and connecting carriers, on one-way voyages which commence or terminate outside the scope of the conference or round-the-world voyages.

Agreement No. 7739–2, between The De La Rama Steamship Co., Inc., The Swedish East Asia Co., Ltd., Ocean Steam Ship Company Limited, The China Mutual Steam Navigation Company Limited, and Nederlandsche Stoomvaart Maatschappij "Oceaan" N.V., modifies approved joint service Agreement, No. 7739, as amended, which covers the trade between U.S. Atlantic, Gulf and Pacific Coast ports (not including transportation within the purview of the coastwise laws of the United States), and certain designated countries in the Far East. The purpose of the modification is to provide for (1) the elimination of Nederlandsche Stoomvaart Maatschappij "Oceaan" N.V., as a joint service party; (2) a redescription of the trading area in order to set forth the present day designations of the countries to be included therein; and (3) the inclusion of provisions for pooling of revenues as between the remaining parties in accordance with the terms and conditions set forth in the modification.

Agreement No. 3103–15, between the member lines of the Japan-Atlantic & Gulf Freight Conference, modifies the basic agreement of that conference (No. 3103, as amended), which covers the trade from Japan, Korea and Okinawa to U.S. Gulf ports and Atlantic Coast ports of North America. The purpose of the modification is to extend the trading area of the conference agreement to include the trade from Japan, Korea and Okinawa to United States and Canadian ports of the St. Lawrence River and Great Lakes.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 2, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–1083; Filed, Feb. 7, 1961; 8:47 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50–80]

## COLORADO STATE UNIVERSITY

### Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to License No. R–26. The amendment provides additional safeguards for the operation by the licensee of its reactor Model AGN–201, Serial No. 109, located on its campus in Fort Collins, Colorado. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the operation of the reactor in accordance with the terms of the license as amended does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see Docket No. 50–80 on file at the AEC's Public Document Room.

Dated at Germantown, Md., this 1st day of February 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[License No. R–26; Amdt. No. 2]

License No. R–26, as amended, which authorizes Colorado State University to operate its reactor Model AGN–201, Serial No. 109, located on its campus in Fort Collins, Colorado, is hereby amended by adding the following additional conditions thereto:

1. A maximum of 0.25 percent excess reactivity may be loaded in the reactor with the glory hole empty and with the access ports containing their design loadings. The total worth of any experiments loaded in the reactor shall not exceed 0.4 percent excess reactivity. The excess reactivity loadings shall be determined at the operating temperature of the reactor.

2. The scram setting on the logarithmic scale micro-microammeter shall be set so that the power level at which the scram is to occur shall not exceed twice the licensed maximum power level and the period at which a scram is to occur shall not be less than five seconds.

3. The range selectors for the two linear channels shall be set so that the operator cannot switch to a scale on which the power level at which a scram is to occur in more than twice the licensed maximum power.

4. The reactor shall not be operated with any of the scram signals bypassed.

5. The licensee shall not conduct any experiment involving moving of the fixed fuel

discs of the reactor unless authorized by an amendment to this license.

6. The control rod and safety rod magnet circuits shall reverse the current direction for the magnets at the time any scram relay is actuated.

7. The licensee shall, at least once during each month when the reactor is operated, check the ability of all safety rods and control rods to drop when the scram instrumentation is actuated. A record shall be made of each instance in which one or more rods fails to scram when called upon to do so.

8. If one or more of the safety or control rods fails to scram when called upon to do so, the reactor shall immediately be shut down and shall not be started up until:

A. The probable cause of the scram malfunction has been determined and remedied; and

B. Cognizant reactor supervisory personnel and, to the extent applicable, the local reactor hazards committee have reviewed and concurred in the remedial action taken; and

C. A written record is made by the licensee of the events in A. and B. above.

9. The effectiveness of the corrective measures taken pursuant to condition 8 above shall be verified by scramming the rods, which had previously failed to scram, several times under conditions similar to those under which they had failed. A written record of these tests shall be made. Should the rod again fail to scram during the tests, the reactor shall be shut down and the steps described in condition 8 above and this condition 9 shall be repeated.

This amendment is effective thirty days after the date of issuance.

Date of issuance: February 1, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director,*
*Division of Licensing and Regulation.*

[F.R. Doc. 61-1068; Filed, Feb. 7, 1961; 8:45 a.m.]

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[Docket No. PP-1]

## ELK RIVER POWER DEMONSTRATION REACTOR PROGRAM PROJECT

### Order and Notice of Hearing

On December 9, 1960, the Presiding Officer in the above entitled proceeding issued an "Order Postponing and Setting New Date for Hearing", pursuant to a motion for postponement of the hearing filed by the Atomic Energy Division of Allis-Chalmers Manufacturing Company, together with the Rural Cooperative Power Association. The movants requested that this hearing be postponed until March 7, 1961. The Staff of the Commission consented to the postponement.

In the order issued on December 9, it was provided that a subsequent order would be issued designating the time and place for the postponed hearing.

The Presiding Officer orders:

A. The hearing in this proceeding shall convene on March 7, 1961, at 10:30 a.m. in Courtroom 430 of the Federal Courts Building, Sixth and St. Peter Streets, St. Paul, Minnesota.

Issued: February 3, 1961, Germantown, Md.

ATOMIC ENERGY COMMISSION,
J. D. BOND,
*Hearing Examiner.*

[F.R. Doc. 61-1129; Filed, Feb. 7, 1961; 8:50 a.m.]

# FEDERAL POWER COMMISSION

[Project No. 2210]

## APPALACHIAN POWER CO.

### Notice of Application for Amendment of License

JANUARY 31, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia, licensee for Project No. 2210, for amendment of its license so as to show the detailed plans of the Lower Dam of the Smith Mountain Combination Project on the Roanoke River near Leesville, Virginia, as follows: Lower Dam, to be located at a site approximately 18 miles downstream from the Upper Dam, will be a concrete gravity structure about 90 feet high and 1,200 feet long, creating a reservoir with a surface area of about 3,400 acres and a capacity of about 110,000 acre-feet; a concrete overflow gated spillway section 224 feet long; a powerhouse at the foot of the dam with two turbines with a combined capacity of 44,000 kw; a substation; and appurtenant electrical and mechanical equipment.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 20, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1073; Filed, Feb. 7, 1961; 8:46 a.m.]

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[Docket No. CP61-11]

## CITIES SERVICE GAS CO.

### Notice of Application and Date of Hearing

FEBRUARY 1, 1961.

Take notice that on July 18, 1960, Cities Service Gas Company (Applicant), Oklahoma City, Oklahoma, filed an application, as supplemented on September 6, 1960, and November 3, 1960, in Docket No. CP61-11, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate on its existing 8-inch pipeline in Atchison County, Kansas, a meter and regulator setting and related appurtenances to enable Applicant to sell and deliver to the City of Lancaster, Kansas, (Lancaster) for resale in and near Lancaster, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

The application shows that Lancaster is located about two miles south of the proposed meter and regulator station. Lancaster will construct and operate a 1.5 mile 2-inch connecting pipeline and a distribution system in the town.

Applicant states that the peak day and annual natural gas requirements of the Lancaster area are estimated as follows:

Mcf at 14.73 psia

| | First year | Second year | Third year |
|---|---|---|---|
| Peak day | 107 | 120 | 130 |
| Annual | 9,589 | 10,791 | 11,666 |

The cost of Applicant's proposed facilities is estimated at $2,000, which cost is to be paid from treasury cash.

The total cost of Lancaster's transmission and distribution facilities is estimated at $40,040 which Lancaster proposes to finance from the proceeds of the sale of 20 year municipal gas revenue bonds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 6, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 24, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1074; Filed, Feb. 7, 1961; 8:46 a.m.]



[Docket Nos. G-20380, CI60-97]

## HOPE NATURAL GAS CO. AND COLUMBIAN CARBON CO.

### Notice Fixing Date of Hearing

FEBRUARY 1, 1961.

Take notice that the hearing concerning the matters involved in and the issues presented by the applications in the above captioned proceedings, originally set for 10:00 a.m., e.d.s.t, on September 27, 1960 and on September 23, 1960 continued, subject to further notice by the Secretary of the Commission, is hereby reset for February 23, 1961 at 9:30 a.m., e.s.t, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

Take further notice that following publication of the notice of applications on August 2, 1960 (25 F.R. 7264), Hope Natural Gas Company filed on August 31, 1960 a second supplement to its application, on October 3, 1960, a first amendment to its application and on January 19, 1961, a third supplement, which pleadings are on file with the Commission and open for public inspection.

In its second supplement, Hope amends its first supplement to show it will be necessary to construct approximately 3000 feet of gathering line, at an estimated cost of $6,000, which will enable it to connect the one developed well jointly owned by Hope and Columbian Carbon Company to Hope's existing gathering line system now in use. Hope states that it may be necessary to construct additional gathering lines in the future to receive gas from any additional producing wells which may be drilled, but that no additional drilling is contemplated in the immediate future. It is stated in the second supplement that the gas reserves available to Hope from the Blackwater Anticline-Northern Extension is estimated to be 7 billion cubic feet.

In said first amendment Hope states that it is filed for the purpose of making clear that the proposed sale and exchange of gas covered by the application includes not only the natural gas to be purchased from Columbian, but also Hope's own gas to be produced from the lands being developed by Columbian and Hope in said Blackwater Anticline-Northern Extension Field.

In said third supplement Hope states that in compliance with the temporary authorization issued October 3, 1960, in Docket No. G-20380, Hope has entered into an additional supplemental agreement to the agreement of November 1, 1956, as amended and supplemented, with Atlantic Seaboard Corporation and United Fuel Gas Company. This additional supplemental agreement, dated January 11, 1961, provides that that portion of winter gas and summer option gas which is produced and/or purchased in the northern extension of the Blackwater Anticline and sold to Atlantic Seaboard Corporation shall be sold at a rate of 26.91 cents per Mcf at 14.73 psia.

Columbian Carbon, in compliance with the temporary authority issued to it, has entered into an amendment to the gas purchase agreement between it and Hope dated October 9, 1959, providing that the price to be paid by Hope to Columbian for the gas delivered under said agreement shall be 26.91 cents per Mcf at 14.73 psia.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1075; Filed, Feb. 7, 1961; 8:46 a.m.]

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[Project No. 2287]

## PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

### Notice of Application for License

FEBRUARY 1, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Public Service Company of New Hampshire, 1087 Elm Street, Manchester, New Hampshire, for license for constructed Project No. 2287, located on Androscoggin River in the City of Berlin, Coos County, New Hampshire.

The project, known as the J. Brodie Smith Hydro-Electric Project, consists of a masonry and concrete gravity-type dam comprised of two overflow sections equipped with hinged steel flashboards, two overflow sections equipped with wood pipe supported flashboards, one overflow masonry abutment section; a concrete arch-type diversion dam located in a former river channel just upstream from the powerhouse; a small reservoir with an area of about 8 acres and a normal water surface at elevation 1009.7 feet (USGS datum); a canal about 500 feet long extending from the dam to an intake section; a steel pipeline from the intake to a surge tank; a surge tank; a penstock from the surge tank to the powerhouse; a powerhouse containing one 20,500-horsepower turbine connected to a 15,000-kilowatt generator; a step-up transformer; a short 115 kv transmission line extending to a substation; a control cable; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 20, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1076; Filed, Feb. 7, 1961; 8:46 a.m.]

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[Project No. 2288]

## PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

### Notice of Application for License

FEBRUARY 1, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Public Service Company of New Hampshire, 1087 Elm Street, Manchester, New Hampshire, for license for constructed Project No. 2288, located on Androscoggin River in the Town of Gorham, Coos County, New Hampshire.

The project, known as the Gorham Hydro-Electric Development, consists of an "L" shaped dam comprised of three sections, (1) a rock-filled timber-crib section faced with steel piling and normally surmounted by flashboards, (2) a rock-filled timber-crib section faced with wood planking and normally surmounted by hinged wood flashboards, and (3) a concrete gravity section normally surmounted with flashboards and including a gated log sluice-way; a reservoir with normal water surface at elevation 773.53 feet (USGS datum); a canal used as a forebay extending to the powerhouse intake section; a powerhouse containing two 583-horsepower turbines connected to 400-kilowatt generators and two 1,000-horsepower turbines connected to 675-kilowatt generators; a short transmission line extending to a substation; remote control operating equipment; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 20, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1077; Filed, Feb. 7, 1961; 8:46 a.m.]

# FEDERAL RESERVE SYSTEM

## CENTRAL WISCONSIN BANKSHARES, INC.

### Notice of Receipt of Application

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by Central Wisconsin Bankshares, Inc., Wausau, Wisconsin, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of action to become a bank holding company through acquisition by that corporation of 80 percent or more of the voting shares of the First American State Bank and the Wisconsin Valley Trust Co., both of Wausau, Wisconsin.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 1st day of February 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 61-1078; Filed, Feb. 7, 1961; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 811-961]

## AVIONICS INVESTING CORP.

### Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 1, 1961.

Notice is hereby given that Avionics Investing Corporation ("Applicant"), a District of Columbia corporation and a closed-end non-diversified investment company registered under the Investment Company Act of 1940 ("Act"), which is also a small business investment company licensed as such under the Small Business Investment Act of 1958 ("SBIA"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act, by virtue of the exception from such definition contained in section 3(c)(1) and Rule 3c-1 promulgated thereunder.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer (i) which is not making and does not propose to make a public offering of its securities and (ii) whose outstanding securities (other than short-term paper) are beneficially owned by not more than 100 persons and further provides, in essence, that for the purpose of calculating the number of such beneficial owners there shall be deemed to be included all the holders of securities of any company which holds ten per centum or more of the voting securities of such issuer.

Rule 3c-1 provides that an offering of capital stock by a small business investment company licensed under the SBIA, is not deemed to involve a public offering where such offer or sale is made in connection with the purchase of debenture bonds from a small business concern pursuant to the requirements of the SBIA and the stock is acquired by the small business concern for investment and not with a view to its distribution.

Applicant represents that it now has eight shareholders, all of whom are individuals except Sutro Bros. & Company, a partnership firm of investment bankers composed of twelve partners. On or about January 9, 1961, Sutro Bros. & Company acquired from existing shareholders a majority of the outstanding shares of the Applicant for investment and not with a view to any distribution. It intends to participate in the management of the Applicant and to make further investments or procure additional funds for the Applicant by means of a private offering of Applicant's securities which will not be subject to the registration requirements of the Securities Act of 1933.

Applicant also represents that it has requested the withdrawal of a registration statement under the Securities Act of 1933 (File No. 2-16799) in respect of a proposed offering of 250,000 shares of its capital stock. Such registration statement has not been declared effective and as a result of the request for withdrawal, Applicant contends that it is not presently proposing to offer any of its securities to the public. It also contends that it has not in the past offered its securities to the public; that it is not presently making such an offering and that its outstanding securities are owned beneficially by less than one-hundred persons.

Section 8(f) of the Act provides, in relevant part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 15, 1960 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1079; Filed, Feb. 7, 1961; 8:46 a.m.]

[File No. 24C-2259]

## FASTOFF CROWN CORP.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 1, 1961.

I. Fastoff Crown Corporation (Issuer), a corporation incorporated under the laws of the State of Indiana on May 14, 1956, with offices at Rockville, Indiana, filed with the Commission on June 29, 1960, a notification on Form 1-A, an offering circular and other material pertaining to a proposed offering by the Issuer of 2,669 shares of its $100.00 par value common stock at $100.00 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in the following respects:

1. The aggregate offering price of the securities to be offered, as computed in accordance with Rules 254 and 253(c), will exceed $300,000.

2. Copies of the provisions of the governing instruments defining the rights of holders of the securities being offered were not filed as an exhibit to Item 11(a) of the notification as required by Form 1-A.

3. The consent of the accountant who was named in the offering circular as having prepared the financial statements included therein was not filed as an exhibit to Item 11(g) of the notification as required by Form 1-A.

4. The notification was signed by counsel for the Issuer as attorney in fact, but no evidence of authority to sign the notification was filed as required by Rule 255(b).

5. The offering circular fails to state the amount of expenses to be borne by the Issuer as required by Item 4(a) of Schedule I.

6. The offering circular fails to include a reasonably itemized statement of the purposes for which the net cash proceeds to the Issuer from the sale of the securities are to be used, the amount to be used for each purpose and the order of priority in which the proceeds will be used for the respective purposes, as required by Item 6(a) of Schedule I.

7. The offering circular fails to state adequately the nature of the Issuer's proposed product, and fails to state the market therefor, the location and general character of the Issuer's plant or physical properties now held or intended to be acquired and the nature of the title under which such properties are held or proposed to be held, and fails to identify by serial number and date the patent allegedly held by the Issuer, all as required by Item 8C of Schedule I.

8. The offering circular fails to state the residence addresses of the officers and directors of the Issuer, their aggregate annual remuneration as a group, the annual remuneration of each of the three highest paid officers, and all direct and indirect interests of each said officers and directors in the Issuer and in material transactions and material proposed transactions with the Issuer, all as required by Item 9 of Schedule I.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose in the forepart of the offering circular certain factors regarding the speculative nature of the Issuer's proposed business.

2. The failure to disclose in the forepart of the offering circular certain factors affecting the value of the securities being offered.

3. The statements made regarding the Issuer's past and proposed business operations.

4. The failure to disclose the cost to officers, directors and promoters of patent rights transferred by them to the Issuer in return for cash to be paid and stock to be issued by the Issuer.

5. The failure to disclose that the Issuer has no funds with which to honor its offer of rescission, that such funds would necessarily have to come from the proceeds from the sale of the shares being offered for cash, and that consequently such funds would not be available for use by the Issuer in its proposed business operations.

C. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1080; Filed, Feb. 7, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 362]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 3, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time, unless otherwise specified.

### APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

#### MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Sub No. 167) (CORRECTION), published in the FEDERAL REGISTER of November 9, 1960, and republished on December 7, 1960. Applicant: HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. The subject BMC 78 application as originally filed, sought authority to transport *general commodities, including Classes A and B explosives*, between specified points in Louisiana and Mississippi. The application was later amended and broadened by the addition of a service point in Florida in traversing Alabama. The application as amended was republished, and, in error, it was indicated in that second notice that same remained as assigned for hearing before Joint Board No. 28, said Board being composed of representatives from the States of Louisiana and Mississippi. The purpose of this republication is to advise that the erroneous assignment of this application before the Joint Board is canceled and the application will be assigned at a later date before an Examiner.

No. MC 5483 (Sub No. 2), filed January 10, 1961. Applicant: ELK TRANSPORTATION COMPANY, INC., 916 Grand Street, Brooklyn, N.Y. Applicant's attorney: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, glassware, and glass articles*, from points in the New York, N.Y., Commercial Zone, to points in Nassau and Suffork Counties, N.Y., restricted to transportation having a prior movement in interstate commerce, and *empty containers or other such incidental facilities* used in connection with the above commodities, and *rejected, refused or returned shipments*, on return.

*HEARING:* April 3, 1961, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 8660 (Sub No. 1), (REPUBLICATION), filed June 22, 1960, published in the FEDERAL REGISTER, issue of October 12, 1960, and again on November 2, 1960. Applicant: DANTE F. MORI, doing business as C. WELLS TRANSPORTATION COMPANY, Barre, Vt. Applicant's attorney: Gelsie J. Monti, 107 North Main Street, Barre, Vt. By application filed June 22, 1960, applicant sought authority as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: (1) *gypsum* and *gypsum products*, from Wheatland, N.Y., to certain named counties in New Hampshire and Vermont, and (2) *ground talc*, in 50 pound paper bags, from Waterbury, Johnson, and Chester, Vt., to Gasport and Rochester, N.Y., and points in Erie County, Pa., and points in Cattaraugus, Chautauqua, Cayuga, Erie, Genesee, Livingston, Madison, Onondaga, Ontario, and Seneca Counties, N.Y. At the hearing, held December 14, 1960, at Boston, Mass., Hearing Examiner James A. McKiel presiding, the application was amended to include service involving the transportation of *ground talc*, in 50 pound paper bags, to four additional destination points, namely, the Counties of Monroe, Niagara, Oneida, and Orleans, N.Y. A Report and Order was served December 27, 1960, and became effective January 26, 1961, by operation of law. The purpose of this republication is to advise that any person or persons who might have been prejudiced by the allowance of the amendment broadening the application to include service to the additional destination counties named above, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 25708 (Sub No. 16), filed January 18, 1961. Applicant: BEARD-LANEY, INC., 1009 Church Street, P.O. Box 204, Camden, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquefied petroleum gas*, in bulk, in tank vehicles, (a) from terminals on the Trans Southern Pipe line in Georgia to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee; (b) from terminals on the Trans Southern Pipe line in South Carolina to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee; (c) from terminals on the Trans Southern Pipe line in North Carolina to points in Georgia, North Carolina, South Carolina, Tennessee, and Virginia; and (d) from terminals on the Trans Southern Pipe line in Virginia to points in North Carolina, Tennessee, Virginia, and West Virginia; and (2) *Empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, from the above-described destination points to the respective origin points.

*HEARING:* March 13, 1961, at 680 West Peachtree St., N.W., Atlanta, Ga., before Examiner James I. Carr.

No. MC 29955 (Sub No. 16), filed November 16, 1960. Applicant: ENGLAND BROS. TRUCK LINE, INC., 300 North Second Street, Fort Smith, Ark. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, serv-

ing the plant site of the Dierks Lumber Company located on U.S. Highway 70, approximately eight miles east of Broken Bow, Okla., as an off-route point, in connection with applicant's presently authorized regular route operations between Dallas, Tex., and Broken Bow, Okla., and other points on applicant's regular routes in Missouri, Tennessee, and Arkansas, on the one hand, and, on the other, Broken Bow, Okla.

*HEARING:* March 15, 1961, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 30226 (Sub No. 7), filed January 18, 1961. Applicant: HOWELL TRUCKING COMPANY, INC., 52 Eleventh Avenue, New York 11, N.Y. Applicant's attorney: Martin Werner, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *foods*, other than frozen, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank or hopper-type vehicles); from Secaucus, N.J., to points in Nassau, Putnam, Rockland, Suffolk, and Westchester Counties, N.Y.

NOTE: (1) Applicant states the proposed operation will be under continuing contracts with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate retail stores, the business of which is the sale of food. (2) The proposed authority to the extent that it duplicates any authority now held by the carrier shall not be construed as conferring more than a single operating right.

*HEARING:* April 7, 1961, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 35320 (Sub No. 72), filed December 16, 1960. Applicant: T. I. M. E. FREIGHT, INC., 2604 Texas Avenue, P.O. Box 1120, Lubbock, Tex. Applicant's attorney: W. D. Benson, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities, in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Memphis, Tenn., and Atlanta, Ga.; from Memphis over U.S. Highway 72 to its intersection with Alternate U.S. Highway 72; thence over Alternate U.S. Highway 72 to its intersection with U.S. Highway 31 at Decatur, Ala.; thence over U.S. Highway 31 to its intersection with Alabama Highway 67; thence over Alabama Highway 67 to its intersection with U.S. Highway 231; thence over U.S. Highway 231 to its intersection with U.S. Highway 278; thence over U.S. Highway 278 to Atlanta, serving no intermediate points as an Alternate route for operating convenience only, but co-ordinating such Alternate route with its existing routes.

*HEARING:* March 16, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Francis A. Welch.

No. MC 35320 (Sub No. 73), filed December 16, 1960. Applicant: T.I.M.E. FREIGHT, INC., 2604 Texas Avenue, P.O. Box 1120, Lubbock, Tex. Applicant's attorney: W. D. Benson, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Los Angeles, Calif., and Oklahoma City, Okla.; along existing routes to Aguila, Ariz. (U.S. 99 to Indio, U.S. 70 to Aguila); from Aguila, Ariz., over Arizona State Highway 71 to its intersection with U.S. Highway Alternate 89; thence over Alternate 89 to Flagstaff, Ariz.; and, from Aguila over Arizona State Highway 71 to its intersection with U.S. Highway 89; thence over U.S. Highway 89 to its intersection with U.S. Highway 66; thence over U.S. Highway 66 to Flagstaff; thence over U.S. Highway 66 to Oklahoma City, Okla.—as an alternate route for operating convenience only, serving no intermediate points between Aguila, Ariz., and Oklahoma City, Okla., and coordinating the Alternate route with its existing routes.

*HEARING:* March 17, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Francis A. Welch.

No. MC 36517 (Sub No. 8), filed January 27, 1961. Applicant: JAMES J. KEATING, INC., 58 State Street, Perth Amboy, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, excluding cement, in bulk, in tank or hopper type vehicles; between Atlas Point, Del., and Reynolds, Pa. and points within 10 miles of each, and Baltimore, Md., Bound Brook, Edgewater, Elizabeth, Haledon, Passaic, and Whippany, N.J., Johnsonburg, Newell, Philadelphia and Sunbury, Pa. and Claymont, Del., Buffalo, N.Y., Hopewell, Va., and points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

*HEARING:* February 23, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 42487 (Sub No. 472) (AMENDMENT), filed August 22, 1960, published FEDERAL REGISTER issue of January 5, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, as defined by the Commission, and *petroleum oils, synthetic resin and resin plasticizers*, in bulk, in tank vehicles, (1) between points in the St. Louis, Mo., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in California, and (2) from points in the St. Louis, Mo., Commercial Zone, to points in Arizona, Idaho, Nevada, Oregon, and Washington.

NOTE: The purpose of this republication is to show that "all" commodities shown above will move in bulk and in tank vehicles, and to eliminate "El Dorado, Ark." as previously published.

*HEARING:* Remains as assigned, March 9, 1961, at the New Customs House, Denver, Colo., before Examiner Parks M. Low.

No. MC 60122 (Sub No. 3), filed December 6, 1960. Applicant: JOHN VIANO AND EDWARD VIANO, doing business as VIANO BROTHERS, Harding Highway, Landisville, N.J. Applicant's attorney: Harry Adler, Bridgeton, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, and *malt beverages* in barrels, kegs, containers, packed in cartons and *empty malt beverage containers*, from points in the New York, N.Y., Commercial Zone, to points in Cumberland, Salem, Atlantic, Cape May, Gloucester, Camden, and Burlington Counties, N.J., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities above, on return.

*HEARING:* March 28, 1961, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Samuel Horwich.

No. MC 83539 (Sub No. 66), filed May 2, 1960. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, machinery, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products. (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipelines; and, (3) *Commodities*, other than those described above, the transportation of which because of their size or weight, require the use of special equipment or handling, and *parts thereof*, when moving in connection with such commodities, between points in Kansas and Oklahoma on the one hand, and, on the other, points in Oregon and Washington.

*HEARING:* March 20, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Francis A. Welch.

No. MC 83539 (Sub-No. 67), filed May 2, 1960. Applicant: C & H TRANSPORTATION CO., INC. 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size or weight, requires the use of special equipment or handling, and *parts* thereof when moving in connection with such commodities, restricted against the stringing and picking up of pipe in connection with main or trunk pipelines, between points in Nevada, on the one hand, and, on the other, points in Arkansas, Kansas, Missouri, Oklahoma, and Texas.



NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of industries other than when used in or in connection with the natural gas and petroleum industry. Applicant presently holds appropriate authority to transport the involved commodities in connection with the natural gas and petroleum industry.

*HEARING:* March 21, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Francis A. Welch.

No. MC 94201 (Sub No. 44), filed December 13, 1960. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, P.O. Box 155, East Gardsden, Ala. Applicant's attorney: H. Charles Ephraim, 1001 Fifteenth Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Pipe, pipe fittings and valves, iron, steel or fiber;* (1) from Holt, Ala., to points in Virginia, and (2) from Birmingham, Ala., and points within 65 miles of Birmingham, to points in New Jersey, Delaware, and Maryland, those in Pennsylvania on and east of U.S. Highway 15, those in New York on and south of U.S. Highway 6, and the District of Columbia, and *refused, damaged, rejected or returned shipments*, on return.

*HEARING:* March 27, 1961, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Frank J. Mahoney.

No. MC 95540 (Sub No. 351), filed January 12, 1961. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* from Ponchatoula, La., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Common control may be involved.

*HEARING:* April 6, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Frank J. Mahoney.

No. MC 96098 (Sub No. 22), filed December 30, 1960. Applicant: H. H. FOLLMER CONTRACT HAULING, INC., Route 15, White Deer Township, Union County, Pa. Applicant's attorney: Preston B. Davis, Milton, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles; printing paper*, other than newsprint, not printed or imprinted, in bales, boxes, bundles (on skids or otherwise), crates or rolls; *wrapping paper*, other than oiled, waxed or vegetable parchment, printed or imprinted or not printed or imprinted, in bales, boxes, bundles (on skids or otherwise), crates or rolls, and *pulpboard, woodpulp board, card board, tag board*, in bales, boxes, bundles (on skids or otherwise), crates or rolls, from the manufacturing plants of the New York and Pennsylvania Company, Inc., in Johnsonburg, Elk County, Pa., Lock Haven, and Castanea, Clinton County, Pa., to points in New York, New Jersey, and Connecticut; *paper scrap or waste* (not sensitized) in barrels, bags, boxes, crates or in bales, *including scrap or waste, fibreboard, pulpboard, strawboard, old directories, old magazines, old newspaper and old pamphlets*, folded flat, securely tied in bundles; *woodpulp*, not powdered, in packages; *cores, checks and canvas covers*, loose or in packages, *machinery and machinery parts, paper mill rolls*, loose or in boxes, *flour, cassava, sago or tapioca*, in bulk, in bags, barrels or boxes; *oil and greases*, in barrels, boxes, kits or steel pails or in metal cans in crates and *chemicals, chemical products and constituents*, used in the manufacture of woodpulp and paper or the processing thereof, on return.

*HEARING:* March 21, 1961, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Samuel Horwich.

No. MC 102806 (Sub No. 10), filed January 23, 1961. Applicant: PETROLEUM TRANSPORTATION, INCORPORATED, P.O. Box 232, Gastonia, N.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Terminals on the Trans Southern Pipe Lines, (1) in Georgia, to points in South Carolina and Tennessee, (2) in South Carolina, to points in North Carolina and Tennessee, and (3) in North Carolina, to points in South Carolina and Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* March 13, 1961, at 680 Peachtree Street NW., Atlanta, Ga., before Examiner James I. Carr.

No. MC 103051 (Sub No. 103), (REPUBLICATION), filed January 3, 1961, published in the FEDERAL REGISTER, issue of February 1, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444, Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles; (a) from terminals on the Trans Southern Pipe Line in Alabama to points in Tennessee and Florida; (b) from terminals on the Trans Southern Pipe Line in Mississippi to points in Florida, Tennessee, and Arkansas; (c) from terminals on the Trans Southern Pipe Line in North Carolina to points in Virginia; and (d) from terminals on the Trans Southern Pipe Line in South Carolina to points in Tennessee.

NOTE: The purpose of this republication is to show that the hearing date has been *advanced to March 13, 1961*, and reassigned before Examiner James I. Carr.

No. MC 103051 (Sub No. 104), filed January 25, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444, Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar*, and *blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from points in Dougherty County, Ga., to points in South Carolina, Louisiana, and Mississippi.

NOTE: Common control may be involved.

*HEARING:* March 24, 1961, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Examiner Frank J. Mahoney.

No. MC 103191 (Sub No. 10), filed January 24, 1961. Applicant: THE GEO. A. RHEMAN CO., INC., P.O. Box 2095, Station A, Charleston, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied Petroleum gases;* (a) from Pipe Line Terminals in Georgia to points in Georgia, North Carolina and South Carolina. (b) From Pipe Line Terminals in South Carolina to points in South Carolina, Georgia and North Carolina. (c) From Pipe Line Terminals in North Carolina to points in North Carolina, South Carolina and Georgia; and *empty containers or other such incidental facilities*, used in transporting the above-described commodity, on return, in connection with (a), (b) and (c) above.

*HEARING:* March 13, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 130, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 106398 (Sub No. 166), filed December 19, 1960. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings* complete or in sections set up, with or without furnishings or equipment (such as laundry machines), moving on undercarriage or shipper's trailer or on carrier's undercarriage or trailer in truckaway service; from points in Indiana, Ohio and Michigan, to points in the United States, excluding Hawaii, but including Alaska, and *shipper's undercarriages or trailers* returned to shipper at origin of shipment, on return.

*HEARING:* March 28, 1961, at the Federal Building, Detroit, Mich., before Examiner Walter R. Lee.

No. MC 106398 (Sub No. 173), filed January 25, 1961. Applicant: NA-

TIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Box 3096, Dawson Station, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camper bodies*, with or without equipment or furniture and appliances, from points in Kansas, to points in the United States, including Alaska but excluding Hawaii, and *damaged or refused camper bodies*, on return.

*HEARING:* March 22, 1961, at the Hotel Lassen, Wichita, Kans., before Examiner Wm. N. Culbertson.

No. MC 108207 (Sub No. 78), filed December 16, 1960. Applicant: FROZEN FOOD EXPRESS, P.O. Box 5888, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas;* from New Orleans, La., and Mobile, Ala., to points in Nebraska and Iowa.

*HEARING:* March 30, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Frank J. Mahoney.

No. MC 108409 (Sub No. 11), filed January 12, 1961. Applicant: J. V. GRIM, E. GLENN GRIM AND RICHARD R. GRIM, a partnership, doing business as GRIM BROS. TRUCKING COMPANY, 997 Loucks Mill Road, York, Pa. Applicant's attorney: John M. Musselman, State Street Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete, cinder and slag products;* from Harrisburg and York, Pa., to points in New York, and (2) *cast stone;* from York, Pa., to points in New York; and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return, in connection with (1) and (2) above.

*HEARING:* March 24, 1961, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Samuel Horwich.

No. MC 110325 (Sub No. 27), filed December 22, 1960. Applicant: TRANSCON LINES, a Corporation, 1206 S. Maple Avenue, Los Angeles 15, Calif. Applicant's attorney: Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; between Dallas, Tex., and Birmingham, Ala., from Dallas over U.S. Highway 80 to Meridian, Miss., thence over U.S. Highway 11 to Birmingham, Ala., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

*HEARING:* March 28, 1961, at the Baker Hotel, Dallas, Texas, before Examiner Francis A. Welch.

No. MC 110525 (Sub No. 434), filed December 28, 1960. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Millsdale, Ill. to points in Connecticut, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, and West Virginia, and *rejected shipments*, on return.

*HEARING:* March 28, 1961, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 111170 (Sub No. 66) (CORRECTION), filed December 12, 1960, published in the FEDERAL REGISTER, issue of January 18, 1961. Applicant: WHEELING PIPE LINE, INC., P.O. Box 270, El Dorado, Ark. Applicant's attorney: Thomas Harper, Kelley Bldg., P.O. Box 297, Fort Smith, Ark. The subject application, published in the FEDERAL REGISTER, issue of January 18, 1961, indicated that the transportation of liquefied petroleum products would be excepted. This was in error. The commodity excepted is liquefied petroleum gases (LPG).

*HEARING:* Remains as assigned March 30, 1961, in the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Edith H. Cockrill.

No. MC 111557 (Sub No. 24) (REPUBLICATION, as amended, May 12, and 19, 1960), filed March 30, 1960, published in the FEDERAL REGISTER issue of April 13, 1960. Applicant: KARL E. MOMSEN, doing business as MOMSEN TRUCKING CO., N. Highway 71 and 18, Spencer, Iowa. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. As originally filed and noticed in the FEDERAL REGISTER applicant sought authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brass, aluminum, and zinc ingots; zinc alloy ingots; magnesium sticks; aluminum flux; sheet steel, steel bars*, and *steel tubing*, between Chicago, Ill., on the one hand, and, on the other, points in Iowa. The application as amended seeks a certificate, as a *common carrier*, authorizing the transportation, over irregular routes, of *brass, aluminum, and zinc ingots; zinc alloy ingots; magnesium sticks, aluminum flux; sheet steel; steel bars;* and *steel tubing*, between points in the Chicago, Ill., commercial zone, on the one hand, and, on the other, Cherokee, Emmetsburg, Le Mars, Sheldon, Sioux City, Spencer, Storm Lake, Algona, Chariton, Grinnell, Estherville, Charles City, Clinton, Webster City, Waverly, Iowa Falls, Carroll, Oelwein, Fort Madison, Red Oak, Centerville, Clarinda, Fort Dodge, Perry, Atlantic, Waterloo, Boone, Marshalltown, Harlan, Denison, Albia, Maquoketa, Knoxville, Fairfield, Creston, Waukon, Decorah, Shenandoah, Manchester, Jefferson, Sprit Lake, Merrill, and Milford, Iowa.

*CONTINUED HEARING:* April 3, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner A. Lane Cricher.

No. MC 111812 (Sub No. 117), filed December 29, 1960. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packing-houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *hooks and racks*, the property of the shipper, (1) between Madison and Sioux Falls, S. Dak., Estherville and Ottumwa, Iowa, St. Louis, Mo., and Chicago, Ill., on the one hand, and, on the other, Arkansas City, and Kansas City, Kans., and (2) from Kansas City and Arkansas City, Kans., to points in Nevada, California, Oregon, Washington, Arizona, New Mexico, and Butte, Mont.

*HEARING:* March 29, 1961, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 111812 (Sub No. 118), filed January 9, 1961. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Caribou, Maine, to points in New York; (2) from points in that portion of New York State on and west of U.S. Highway 11 from Pennsylvania-New York State Line to Syracuse, N.Y., and on and west of New York Highway from Syracuse to Oswego, N.Y., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, and Wisconsin, and (3) from Greencastle, Pa., to Waseca, Minn.

NOTE: Applicant states purpose of application is for the right to combine the authority set forth in (1) and (2) above to provide through service.

*HEARING:* March 27, 1961, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 112020 (Sub No. 109), filed December 20, 1960. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins, paints*, and *paint materials, products and blends thereof*, in bulk, in tank vehicles, from points in the Commercial Zone of Dallas, Tex., to points in New Mexico, Colorado, and Arizona.

*HEARING:* March 24, 1961, at the Baker Hotel, Dallas, Tex., before Examiner Francis A. Welch.

No. MC 113255 (Sub No. 33), filed December 28, 1960. Applicant: MILK TRANSPORT, INC., Box 398, New Brighton, Minn. Applicant's attorney: Clay R. Moore, One Thousand First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oleo oil and oleo stock*, in bulk, in tank vehicles from points in New Jersey to points in Michigan, (2) *Petrolatum*, in bulk, in tank vehicles, from points in Pennsylvania to points in Wisconsin, Minnesota, Illinois, Iowa, North Dakota, South Dakota, and Nebraska, and *exempt commodities* of (1) and (2) above, on return.

*HEARING:* March 28, 1961, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Samuel Horwich.

No. MC 113865 (Sub No. 8), filed December 9, 1960. Applicant: ROBERT H. LEESER AND SYLBER RAY STAUFFER, a Partnership, doing business as LEESER & STAUFFER TRUCK SERVICE, Taylor, Mo. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feeds, animal and poultry mineral mixtures, animal and poultry tonics and medicines, dry earth paint, insecticides*, and *premiums and advertising* matter relating to such products; from the plant site of Moorman Manufacturing Company, Quincy, Ill., to points in Arkansas, Missouri, and Mississippi.

NOTE: Applicant states it presently holds a permit to transport the same commodities from Quincy, Ill., to Cameron, Clarence, Pilot Grove, and Villa Ridge, Mo., and no duplicating authority is sought by this application.

(2) *Such ingredients used in animal and poultry feeds, animal and poultry mineral mixtures, animal and poultry tonics and medicines, dry earth paint, and insecticides* as manufactured by Moorman Manufacturing Company and *bags and containers* as used by said shipper; from points in Kansas, Kentucky, Missouri, and Tennessee, to the plant site of Moorman Manufacturing Company, Quincy, Ill.

NOTE: Applicant states it is in process of forming a Missouri corporation whereby when completed an application will be filed to transfer applicant's present authority to the corporation and if completed before this application is processed appropriate request will be made to substitute parties. Corporate name will be Leeser & Stauffer Truck Service, Inc.

*HEARING:* March 20, 1961, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Walter R. Lee.

No. MC 114323 (Sub No. 1), filed January 5, 1961. Applicant: PAUL MARCKESANO & SONS CO., INC., 458 Lefferts Avenue, Brooklyn, N.Y. Applicant's attorney: Arthur J. Pikens, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Face brick, lime, cement, plasterboard, window frames, rock wool, wire lath, rock lath, sheet rock, sewer pipe, glazed tile*, and *glass brick;* from points in New York, N.Y., Commercial Zone, to points in Nassau, Suffolk, and Westchester Counties, N.Y., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, and *returned, refused or rejected* or *damaged shipments*, on return.

*HEARING:* April 4, 1961, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 115182 (Sub No. 3), filed November 30, 1960. Applicant: JEWETT SCOTT, 1208 North Tittle Avenue, P.O. Box 267, Mangum, Okla. Applicant's attorney: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building brick* and *structural facing tile*, glazed and unglazed, (1) from points on and east of U.S. Highway 283 from the Texas-Oklahoma State line to Brady, Tex., thence points on and east of U.S. Highway 87 from Brady to Fredericksburg, thence points on and north of U.S. Highway 290 east from Fredericksburg to Brenham, thence points on and west of Texas Highway 90 from Brenham to Madisonville, thence points on and north and west of Texas Highway 21 to the Texas-Louisiana State line; and (2) from Hope, Ark., to points in that part of Oklahoma on and west of U.S. Highway 81 and on and south of U.S. Highway 66.

NOTE: Applicant states the purpose of the application is to amend existing Certificate No. MC 115182 enlarging the points of origin from specific points to the area in Texas above-described, and to add structural facing tile, glazed and unglazed, as a commodity.

*HEARING:* March 15, 1961, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 15, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 115491 (Sub No. 22), filed October 31, 1960. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, Suite G, Cochrane Annex, P.O. Box 586, Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, from Leipsic, St. Marys and Toledo, Ohio, to points in Florida, Alabama, and Virginia.

*HEARING:* April 3, 1961, at the Main Post Office Building, 13th and Jefferson Streets, Toledo, Ohio, before Examiner Walter R. Lee.

No. MC 116004 (Sub No. 1) (AMENDMENT), filed October 31, 1960, published in the FEDERAL REGISTER issue of November 23, 1960. Applicant: TEXAS OKLAHOMA EXPRESS, INC., 1017 South Ackard Street, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except loose bulk commodities, livestock, Classes A and B explosives, currency, bullion, articles of virtu, commodities which exceed ordinary equipment and loading facilities and those injurious or contaminating to other lading: (1) Between Dallas, Tex., and Tulsa, Okla., from Dallas, over U.S. Highway 75 to its junction with U.S. Highway 169, thence over U.S. Highway 169 to Tulsa, Okla., and return over the same route; (2) Between Dallas, Tex., and Tulsa, Okla., from Dallas over U.S. Highway 80 (alternately over Dallas-Fort Worth Turnpike and Texas Highway 183) to junction with Texas Highway 121, thence over Texas Highway 121 to its junction with U.S. Highway 75 at a point south of McKinney, Tex., thence to Tulsa, Okla., over U.S. Highway 75 to its junction with U.S. Highway 169, thence over U.S. Highway 169 to Tulsa, and return over the same route; (3) Between Dallas, Tex., and the junction of U.S. Highways 377 and 77 at Denton, Tex., from Dallas over U.S. Highway 80 (alternately over Dallas-Fort Worth Turnpike or Texas Highway 183) to the junction with U.S. Highway 377, thence over U.S. Highway 377 to the junction of U.S. Highways 377 and 77 at Denton, returning over the same route; serving no intermediate points on the above routes, as alternate routes for operating convenience only, in connection with applicant's authorized regular route operations, but serving junctions of routes for purposes of joinder or tacking only.

*HEARING:* March 14, 1961, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 116702 (Sub No. 15), filed January 11, 1961. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, Box 700, Harrow, Ontario, Canada. Applicant's attorney: Eugene C. Ewald, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Veneer (a wood product)*; from Lynchburg and Portsmouth, Va., Edinburg and Indianapolis, Ind., and Martinsburg, W. Va., to Ports of Entry on the International Boundary Line between the United States and Canada at Detroit and Port Huron, Mich.

*HEARING:* March 27, 1961, at the Federal Building, Detroit, Michigan, before Examiner Walter R. Lee.

No. MC 117979 (Sub No. 1), filed January 9, 1961. Applicant: HAROLD W. BRACY, P.O. Box 82, Metairie, La. Applicant's attorney: J. Max Harding, IBM Building, 605, South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas;* from New Orleans, La., Gulfport, Miss., and Mobile, Ala., to points in North Dakota and Fergus Falls, Minn., and *exempt commodities*, on return.

*HEARING:* April 5, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Frank J. Mahoney.

No. MC 108001 (Sub No. 14), filed January 6, 1961. Applicant: OHIO TRI-COUNTY TRUCKING CO., a Corporation, 21262 Telegraph Road, Detroit 19, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *High temperature bonding mortar*, in bulk, and *dead burned magnesite*, in bulk, from points in Michigan to points in Illinois, Indiana, and Ohio, and *refused*,

*returned or rejected shipments*, on return.

*HEARING:* March 27, 1961, at the Federal Building, Detroit, Mich., before Examiner Walter R. Lee.

No. MC 118776 (Sub No. 2) filed December 23, 1960. Applicant: CARL L. CONNORS, doing business as C. L. CONNORS, 2204 Sycamore Street, Quincy, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone, trace minerals, and trace mineral ingredients;* between Quincy, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin.

*HEARING:* March 24, 1961, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Walter E. Lee.

No. MC 119251 (Sub No. 2), filed January 23, 1961. Applicant: N & K CARTAGE COMPANY, a Corporation, 2501 Henry Street, Muskegon, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank equipment, and bags, from St. Joseph, Mich., to points in Indiana.

*HEARING:* February 24, 1961, in Room 215 Federal Building, Lansing, Mich., before Joint Board No. 23.

No. MC 119944 (Sub No. 1), filed January 11, 1961. Applicant: BROCKWAY FAST MOTOR FREIGHT, INC., 568 Central Avenue, Somerville, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Sayreville, N.J., to points in Nassau, Putman, Rockland, Suffolk, Orange, and Westchester Counties, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application and *returned shipments* of brick, on return.

*HEARING:* April 6, 1961, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 123048 (Sub No. 18), filed December 27, 1960. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractor (except truck tractor) attachments and parts thereof*, and *parts for tractors (except truck tractors)*; from Wichita and Hutchinson, Kans., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, and *rejected shipments*, on return.

NOTE: Applicant states it presently has authority to transport tractors with or without attachments, but except truck tractors, from Wichita and Hutchinson, Kans., to the destination states listed. No duplication is intended by this application. The service here sought is for the purpose of rendering a complete service to the supporting shipper.

*HEARING:* March 28, 1961, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 123304 (Sub No. 1), filed December 20, 1960. Applicant: SOUTHERN COURRIERS, INC., 1316 North Carroll Street, Dallas, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commercial papers, documents and written instruments* (except currency, coin and bullion) as are used in the businesses of of banks and banking institutions; (1) Between points in Texas on and east of U.S. Highway 81 from the Oklahoma-Texas Boundary to Waco, Tex., and on and north of U.S. Highway 84 from Waco to the Louisiana-Texas State Line, those points in Louisiana on and north of U.S. Highway 84, and Texarkana, Ark. (2) Between points in Jefferson, Orange, and Harris Counties, Tex., points in Louisiana on and south of Louisiana Highway 8 from the Texas-Louisiana State Line to Zimmerman, La., thence from Zimmerman over Louisiana Highway 1 to New Roads, La., thence from New Roads over Louisiana Highway 10 to the Louisiana-Mississippi State Line. (3) Between points in Rapides Parish, La., points in Louisiana on and east of Louisiana Highway 19 from the Louisiana-Mississippi State Line to Baton Rouge, La., thence from Baton Rouge over Louisiana Highway 1 to the Gulf of Mexico, points in Mississippi on and south of U.S. Highway 80, points in Baldwin and Mobile Counties, Ala., and Pensacola, Fla. *Exposed and processed photographic film and prints* (other than for commercial, theatre or television exhibition), *complimentary replacement film* and *incidental supplies* used in and for shipping said film; (1) Between points in Dallas and Tarrant Counties, Tex., and those in Louisiana on and north of U.S. Highway 84. (2) Between points in Louisiana on and south of Louisiana Highway 8 from the Texas-Louisiana State Line to Zimmerman, La., thence from Zimmerman over Louisiana Highway 1 to New Roads, La., thence from New Roads over Louisiana Highway 10 to the Louisiana-Mississippi State Line, those in Mississippi on and south of U.S. Highway 80, those in Baldwin and Mobile Counties, Ala., and Pensacola, Fla. *Sales audit media consisting of cash register tapes, charge sales and cash tickets, applications and other documents involved in processing a day's business for sales audit media, payroll time sheets, employee personnel records, payroll checks including recaps of time sheets and payroll records;* Between Houston, Tex., and Lake Charles, La.

NOTE: Common control may be involved.

*HEARING:* April 3, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Frank J. Mahoney.

No. MC 123312, filed December 22, 1960. Applicant: MIDTOWN TRUCKING, a Corporation, 214 Route No. 130, Riverton, N.J. Applicant's attorney: Ralph C. Busser, Jr., 1607 Morris Building, 1421 Chestnut Street, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats;* (1) from Davenport, Spencer, Sioux City, Des Moines, Dennison, Red Oak, Storm Lake, Waterloo, Iowa, Scott's Bluff, and Omaha, Nebr., Chicago, Ill., South Bend and Columbus, Ind., and Wichita, Kans., to Philadelphia, Pa., (2) from Philadelphia, Pa., to Trenton, Newark, N.J., New York City, Long Island, Elmsford, Mt. Kisko, N.Y., Baltimore, Md., Washington, D.C., and Wilmington, Del., and (3) *bananas;* from Philadelphia, Pa., to Chicago, Ill.

*HEARING:* March 27, 1961, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Samuel Horwich.

No. MC 123317 (Sub No. 1) (CORRECTION), filed December 27, 1961, published in FEDERAL REGISTER issue of January 25, 1961. Applicant: LIVESTOCK CARTAGE, INC., 1636 State Street, Columbus, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing-house products and commodities used in packing-houses*, as described in Appendix I, *Descriptions in Motor Carrier Certificates* Ex Parte MC 45, in shipper-owned trailers only, from Columbus, Ind., to points in Ohio, including the commercial Zone of Cincinnati; Pennsylvania, and Illinois, and *empty cartons, materials and supplies, used or useful in the packing-house business, and empty shipper-owned trailers*, on return.

NOTE: The purpose of this republication is to include the "return movement" of the commodities, as shown above.

*HEARING:* Remains as assigned March 9, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Raymond V. Sar.

No. MC 123365, filed January 13, 1961. Applicant: THOMAS F. ATKINSON AND THOMAS H. ATKINSON, a Partnership, 50 Shadetree Lane, Levittown, Pa. Applicant's representative: Jacob Polin, 426 Barclay Building, City Line at Belmont Avenue, Bala-Cynwyd, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door assemblies*, and *materials, supplies, and equipment* used or useful in the manufacture or distribution of doors and door assemblies; between Milford, Del., and Bristol, Pa., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. RESTRICTION: The operations sought above are limited to a transportation service to be preformed, under a continuing contract, or contracts, with the following shippers: General Doors Corp. of Bristol, Pa., and Mil-Del Corp. of Milford, Del.

*HEARING:* March 28, 1961, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Samuel Horwich.

MOTOR CARRIERS OF PASSENGERS

No. MC 28680 (Sub No. 21), filed October 3, 1960. Applicant: JORDAN BUS COMPANY, a corporation, Jordan Terminal Building, Hugo, Okla. Applicant's attorney: Max G. Morgan, 442-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *mail*, in the same vehicle with passengers, serving Seminola, Okla., as an intermediate point in connection with applicant's authorized regular route operations in MC 28680 (Sub No. 17), together with *Petition to Dismiss Application* on the ground that applicant holds authority to serve Seminola, Okla.

*HEARING:* March 13, 1961, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 123350, filed January 3, 1961. Applicant: JOHN C. HALL and JEANNETTE R. HALL, 702 Sixth Street, Milford, Pa. Applicant's attorney: Sidney L. Krawitz, Milford, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, beginning and ending at Milford, Pa., and extending to points in New York and New Jersey.

NOTE: Applicant proposes to provide a limousine service.

*HEARING:* March 23, 1961, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 42, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

APPLICATIONS FOR WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub No. 37), filed January 23, 1961. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, Eight-O-Five Peachtree Building, Atlanta 8, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment; (1) between the junction of U.S. Highway 29 and Georgia Highway 72 northeast of Athens and Danielsville, Ga., serving Danielsville, and also serving the junction of U.S. Highway 29 and Georgia Highway 98 for joinder purposes, all over U.S. Highway 29, and (2) between Danielsville, Ga., and also the junction of U.S. Highway 29 and Georgia Highway 98, and Royston, Ga. over U.S. Highway 29 and Georgia Highway 281, serving the junction of U.S. Highway 29 and Georgia Highway 98 for joinder purposes.

NOTE: Applicant states that above routes are alternate routes for operating convenience only in connection with carrier's authorized regular-route operations. No point is proposed to be served except those to and from which carrier already has authority to serve in the interstate transportation of the same commodities.

No. MC 3009 (Sub No. 33), filed January 25, 1961. Applicant: WEST BROTHERS, 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Lucedale and Pascagoula, Miss.; from Lucedale, over Mississippi Highway 26 to junction of Mississippi Highway 63; thence over Mississippi Highway 63 to junction of U.S. Highway 90 near Pascagoula, thence to Pascagoula, over U.S. Highway 90, and return over the same routes, serving no intermediate or off-route points.

No. MC 3009 (Sub No. 34), filed January 30, 1961. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; serving points within five (5) miles of Baxterville, Miss., as off-route points in connection with applicant's presently authorized regular route operations.

NOTE: Applicant states it presently serves Baxterville, Miss., as an off-route point over an unnumbered highway from Purvis, Miss., between Hattiesburg, Miss., and New Orleans, La.; or from Lumberton, Miss., over Mississippi Highway 13. The distance from Lumberton to Baxterville is the same as from Purvis to Baxterville and the route used from these service points to Baxterville depends on the direction from which traffic originates.

No. MC 3379 (Sub No. 41), filed January 16, 1961. Applicant: SNYDER BROS. MOTOR FREIGHT, INC., P.O. Box 830, 363 Stanton Avenue, Akron, Ohio. Applicant's attorney: John S. Fessenden, 616 Perpetual Building, 1111 "E" Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Akron, Ohio, and Cleveland, Ohio, as follows, from Akron over Ohio Highway 176 to junction U.S. Highway 21, thence over U.S. Highway 21 to Cleveland, and return over the same route, serving all intermediate points. RESTRICTION: The proposed route is to be restricted to use solely for interchange of traffic with connecting-line carriers, which interchange is presently effected at Akron or Cleveland.

NOTE: Applicant states that the purpose of the instant application is to facilitate the interchange of traffic with such connecting-line carriers and to permit it to continue to provide the same service which it now provides through the interchange of freight with those carriers at Akron or Cleveland.

No. MC 86687 (Sub No. 59), filed January 23, 1961. Applicant: SEABOARD AIR LINE RAILROAD COMPANY, a corporation, 3600 West Broad Street, Richmond 30, Va. Applicant's attorney: Richard A. Hollander (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities;* serving East Greenwood, S.C., as an off-route point in connection with applicant's authorized regular-route authority between Greenwood, S.C., and Great Falls, S.C., in Certificate MC-86687.

No. MC 109637 (Sub No. 175), filed January 23, 1961. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Tennessee.

NOTE: Common control may be involved.

No. MC 111812 (Sub No. 121), filed January 12, 1961. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, serving Buffalo, N.Y., and the port of entry on the International Boundary line between the United States and Canada at Buffalo, as an intermediate point in connection with applicant's authorized regular route operations in MC 111812 (Sub No. 100), restricted against pick-up, delivery, and interchange at Buffalo.

No. MC 114067 (Sub No. 18), filed January 23, 1961. Applicant: FORE TRUCKING CO., INC., Foot of Paru Street, Alameda, Calif. Applicant's attorney: C. S. Sherburne, Central Tower Building, Suite 1700, 703 Market Street, San Francisco 3, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper ammonium hydroxide solution*, from Berkeley, Calif., to points in Lane and Wasco Counties, Oreg.

NOTE: Applicant states he will transport *edible and inedible animal fat and oils*, in bulk, from authorized points in Oregon and

Idaho, to authorized points in California, on return.

No MC 115179 (Sub No. 9), filed January 27, 1961. Applicant: GLACKEN TRANSPORTATION, INC., 4083 Farles Parkway, Decatur, Ill. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Resin plasticizer*, in bulk, in tank vehicles, from Decatur, Ill., to Jackson, Miss., and *damaged or rejected shipments* of the above-specified commodity, on return.

NOTE: Common control may be involved.

No. MC 123396, filed January 30, 1961. Applicant: ELDEN CORBAN, doing business as CORBAN TRANSPORTS, P.O. Box 9, Butler, Mo. Applicant's representative: Henry B. Vess, Jr., 216 East 10th Street, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bulk, or in bags, from points in Kansas on and east of U.S. Highway 81 and on and south of U.S. Highway 24, also from Hutchinson, Kans., and Blair, Nebr., to points in Arkansas, Illinois, Iowa, Missouri, Nebraska, Oklahoma, and Tennessee, and *returned or rejected shipments* of the above-specified commodities, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 123384, filed January 13, 1961. Applicant: DON M. CHAPIN, doing business as CHAPIN'S TRANSPORTATION SERVICE, 440 Thain Street, Lewiston, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage of passengers* in same vehicle with passengers, in charter operations: (1) between points in Nez Perce, Lewis, Latah, Idaho, and Clearwater Counties, Idaho, and points in Asotin, Whitman, and Garfield Counties, Wash.; and (2) between points in Nez Perce, Lewis, Latah, Idaho, and Clearwater Counties, Idaho, Asotin, Whitman, and Garfield Counties, Wash., on the one hand, and, on the other, points in Washington and Oregon on or east of U.S. Highway 97, points in Idaho, and points in Montana on or west of the Continental Divide.

APPLICATIONS FOR CERTIFICATES OF PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 9876 (Sub No. 18), filed January 26, 1961. Applicant: NATIONAL TRANSPORTATION COMPANY, a corporation, 251 State Street, Ext., Bridgeport, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467*, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; between points in Massachusetts.

NOTE: Directly related to a section 5 application entitled—National Transportation Company—Control and Merger—Lawson's Express, Inc., Docket No. MC-F-7776.

No. MC 59576 (Sub No. 2), filed January 26, 1961. Applicant: RUSSO TRUCKING CO., INC., 2501–29 94th Street, North Bergen, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Felt base carpeting;* between Yardville, N.J., on the one hand, and, on the other, points in Pennsylvania, Maryland, New York, Connecticut, Delaware, and the District of Columbia. (2) *Hard surface floor coverings;* from the site of the Bona Fide Mills, Inc., plant approximately three and one half miles from Yardville, Hamilton Township, N.J., to Washington, D.C., and points in Pennsylvania, New York, Maryland, Connecticut, and Delaware. (3) *Empty pallets;* from Washington, D.C., and points in Pennsylvania, New York, Maryland, Connecticut, and Delaware to the site of the Bona Fide Mills, Inc., plant approximately three and one-half miles from Yardville, Hamilton Township, N.J.

NOTE: Applicant states this application is filed with and related to the BMC 44 application, MC-F-7778, of Russo Trucking Co., Inc., to purchase portion of Hyer P. Larsen, Anton Larsen, Petra Larsen, and Marguerite Larsen doing business as Hyer Trucking Company, Limited. Applicant proposes to purchase a portion of the contract carrier permit which authorizes the same authority as is sought in this application. The application is filed for authority herein as a common carrier if the Commission should find that dual operations would not be consistent with the public interest in the acquisition proceeding. In such an event, applicant requests that this application be considered as a related matter to the section 5 proceeding to the end that proof be considered leading to the issuance of a certificate in lieu of the permit to be acquired by the applicant.

No. MC 123389, filed January 20, 1961. Applicant: CROUSE CARTAGE COMPANY, a corporation, Carroll, Iowa. Applicant's attorney: Russell H. Wilson, 602 Seventh Street, Des Moines 14, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, as set forth below, transporting: *General commodities*, between points in Iowa, as follows: (1)—(C-88)—between Fort Dodge, Dakota City, Humboldt, and Algona, Iowa; (2)—(C-403)—between Des Moines, Ankeny, Huxley, Ames, Blairsburg, Webster City, Highview, Duncombe, and Fort Dodge, Iowa, except locally between Des Moines, Ames, and points intermediate therto; (3)—(C-544)—between Fort Dodge, Sioux City, Manson, Pomeroy, Fonda, Newell, Sulphur Springs, Storm Lake, Laurens, and Cherokee, provided that freight shall not be transported locally between Fort Dodge, Manson, and Pomeroy; (4)—(C-650)—between Des Moines, Fort Dodge, Sioux City, Roberts, Otho, Lehigh, Burnside, Harcourt, Dayton, Pilot Mound, Boxholm, Ogden, Humboldt, Algona, Albert City, Manson, Pocahontas, Laurens, Livermore, Hardy, Badger, Bode, Ottosen, West Bend, Rodman, Somers, and Gowrie, Iowa, except for the transportation of freight originating at Sioux City and destined to Cherokee and Storm Lake, or originating at Cherokee and Storm Lake and destined to Sioux City. Authority leased to and from Storm Lake and Cherokee will be only in accordance with authority retained by Brady Motorfrate, Inc., under Iowa State Commerce Commission by Docket No. H-4016. Brady Motorfrate, Inc., will not accept freight originating or interlined at Des Moines or Fort Dodge destined to or from points shown as leased to Stomac Motor Express, Incorporated; (5)—C-874)—between the junction of Boone County Road G and U.S. Highway 169 to junction of Iowa Highway 64, thence over Iowa Highway 64 to Des Moines, for operating convenience only, with no service to intermediate points; (6)—(C-618)—between Eagle Grove, Woolstock, Kamrar, Stanhope, Stratford, Ames, and Des Moines; Des Moines and Eagle Grove; Fort Dodge and Eagle Grove; Eagle Grove and Goldfield; Junction Iowa Highway 3 and U.S. Highway 69 and Goldfield and points intermediate thereto. Except for the transportation of freight originating or interchanged at: Des Moines, Iowa, or Fort Dodge and destined to another of these points; freight originating or interchanged at Fort Dodge, Eagle Grove, or Goldfield or destined to another of these points, or for transfer to another carrier at any of these points; (7)—(C-29)—between Fort Dodge, Dakota City, and Humboldt; (8)—(C-115)—between Fort Dodge, Manson, Pomeroy, Pocahontas, Palmer, Blanden, Manson, and Fort Dodge; (9)—(C-102)—between Mason City, Clear Lake, Garner, Britt, and Algona, provided that no freight originating at points west of Britt shall be transported to points intermediate to Britt and Mason City; no freight originating at Mason City or Garner or points intermediate thereto shall be delivered to Britt; no freight originating at points between Mason City and Garner or at Garner shall be transported to points west of Britt; no freight shall be delivered to or from points intermediate to Britt and Mason City, and no freight originating at Mason City and consigned to Clear Lake, nor originating at Clear Lake and consigned to Mason City shall be transported; and (10)—(C-966)—between junction U.S. Highway 69 and Iowa Highway 3 and junction U.S. Highway 18 and U.S. Highway 69 over U.S. Highway 69, for operating convenience only with no service to intermediate points.

NOTE: This application is directly related to MC-F 7719. The notations, for example (C-88), preceding territorial descriptions refer to docket numbers assigned those portions by the Iowa State Commission.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).



MOTOR CARRIERS OF PROPERTY

No. MC-F 7717. (JOHN L. KEESHIN—CONTROL; RAILROAD TRANSFER SERVICE, INC.—CONTROL; ILLINOIS RAILROAD TRANSFER SERVICE, INC.—PURCHASE—FLASH CHARTER COACH CO.), published in the November 30, 1960, issue of the FEDERAL REGISTER on page 12273. Supplement filed January 26, 1961, to show joinder of FIDELITY INDUSTRIES, INC., 38 South Dearborn, Chicago, Ill., as additional party in control of vendee.

No. MC-F 7776. Authority sought for control and merger by NATIONAL TRANSPORTATION COMPANY, 251 State Street Extended, Bridgeport, Conn., of the operating rights and property of LAWSON'S EXPRESS, INC., P.O. Box 226, Ashland, Mass., and for acquisition by DAVID C. GOLD, RAYMOND PULVER, and THEODORE KRAMER, all of 251 State Street Extended, Bridgeport, Conn., of control of such rights and property through the transaction. Applicant's attorneys: Joseloff, Murrett, & Throwe, 410 Asylum Street, Hartford 3, Conn., and George C. O'Brien, Esq., 33 Broad Street, Boston, Mass. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Boston, Mass., and Framingham, Mass., serving certain intermediate and off-route points; between Somerville, Mass., and Boston, Mass., serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Boston, Brookline, Newton, Needham, Wellesley, and Dover, Mass.; *household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between Somerville, Mass., and points in Massachusetts within 15 miles of Somerville, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Vermont, Maine, Rhode Island, Connecticut, New York, and New Jersey. Operations under the Second Proviso of section 206(a)(1), of the Interstate Commerce Act, covering the transportation of *general commodities* as a *common carrier* over irregular routes between all points in the Commonwealth of Massachusetts. NATIONAL TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, and Maryland. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-9876 Sub 18 is a matter directly related.

No. MC-F 7777. Authority sought for purchase by W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y., of the operating rights and certain property of O'BRIEN TRANSPORTATION CO., INC., 600 Park Street, Stoughton, Mass., and for acquisition by LAWRENCE E. SMITH, 1152 Academy Street, Watertown, N.Y., of control of such rights and property through the purchase. Applicants' attorney: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston) Mass. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Boston, Mass., and Brockton, Mass., serving all intermediate points on specified routes and certain off-route points; between Brockton, Mass., and Worcester, Mass., serving all intermediate points; between Providence, R.I., and Taunton, Mass., serving certain intermediate and off-route points; *cotton, woolen*, and *rubberized cloth, paper products, asphalt, clay, wax, benches*, and *tables*, over irregular routes between Stoughton, Mass., and points in Massachusetts within 15 miles of Stoughton, on the one hand, and, on the other, Pawtucket, Hoxie, Woonsocket, and Providence, R.I. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Delaware, Rhode Island, Maryland, Illinois, Michigan, Ohio, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7778. Authority sought for purchase by RUSSO TRUCKING CO., INC., 2501–29 94th Street, North Bergen, N.J., of a portion of the operating rights of HYER P. LARSEN, ANTON LARSEN, PETRA LARSEN, and MARGUERITE LARSEN, a partnership, doing business as HYER TRUCKING COMPANY, LIMITED, Amboy Avenue, Perth Amboy, N.J., and for acquisition by ALBERT ETABILE, 2501–29 94th Street, North Bergen, N.J., of control of such rights through the purchase. Applicant's attorney: Bert Collins, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be transferred: *Felt base carpeting*, as a *contract carrier* over irregular routes between Yardville, N.J., on the one hand, and, on the other, points in Pennsylvania, Maryland, New York, Connecticut, Delaware, and the District of Columbia; *hard surface floor coverings*, from the site of the Bona Fide Mills, Inc., plant approximately three and one-half miles from Yardville, Hamilton Township, N.J., to Washington, D.C., and points in Pennsylvania, New York, Maryland, Connecticut, and Delaware; *empty pallets*, from Washington, D.C., and points in Pennsylvania, New York, Maryland, Connecticut, and Delaware to the site of the Bona Fide Mills, Inc., plant approximately three and one-half miles from Yardville, Hamilton Township, N.J. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Delaware, Maryland, Connecticut, Massachusetts, Rhode Island, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

NOTE: MC-59576 Sub 2 is a matter directly related.

No. MC-F 7779. Authority sought for control and merger by THE YOUNGSTOWN CARTAGE CO., 416 Covington Street, Youngstown, Ohio, of the operating rights and property of BIGLEY BROTHERS, INC., 2800 Secaucus Road, North Bergen, N.J., and for acquisition by WILLIAM F. WOLFF, 416 Covington Street, Youngstown, Ohio, of control of such rights and property through the transaction. Applicants' attorneys: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio, William D. Traub, 10 East 40th Street, New York 16, N.Y., and Charles L. Port, 342 Madison Avenue, New York 17, N.Y. Operating rights sought to be controlled and merged: *Building materials, steel, steel pipe, machinery, factory equipment*, and *contractors equipment*, as a *common carrier* over irregular routes between points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, the District of Columbia, and those in that part of Pennsylvania and Maryland on and east of U.S. Highway 15. THE YOUNGSTOWN CARTAGE CO., is authorized to operate as a *common carrier* in Pennsylvania, Ohio, West Virginia, New York, New Jersey, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7780. Authority sought for purchase by WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark., of a portion of the operating rights of REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Georgia, and for acquisition by WILLIS D. SHAW, Elm Springs, Ark., and JOHN G. WIRSIG, Fayetteville, Ark., of control of such rights through the purchase. Applicant's attorney: Allan Watkins, 214 Grant Building, Atlanta 3, Georgia. Operating rights sought to be transferred: *Frozen foods*, as a *common carrier* over irregular routes from Van Buren, Ark., to New Orleans, La., St. Louis and Kansas City, Mo., St. Paul and Minneapolis, Minn., and all points in Illinois, Oklahoma, and Texas; *frozen dough*, from Van Buren, Ark., to points in Alabama, Florida, Georgia, and Iowa; *frozen foods*, from Fayetteville, Ark., to points in Alabama, Georgia, Mississippi, Tennessee, Florida, North Carolina, and South Carolina; restriction, carrier shall not directly or indirectly combine or take the authority granted herein with any other authority held by it for the purpose of rendering through service. Vendee is authorized to operate as a *common carrier* in Arkansas, Washington, Oregon, California, Idaho, Nevada, Colorado, Arizona, and New Mexico. It has applied for authority under section 7(c) of the Transportation Act to continue transportation of frozen fruits, vegetables and berries in all of the above States except Nevada, plus the States of Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michi-

gan, Minnesota, Missouri, Mississippi, Nebraska, New Jersey, Oklahoma, Ohio, Pennsylvania, Tennessee, Texas, Utah, Virginia, New York, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7781. Authority sought for purchase by U.S. VAN LINES, INC., 59642 South U.S. 31, South Bend 14, Ind., of the operating rights of OLAF C. BRASETH and GERALDINE E. BRASETH, a partnership, doing business as LA GRANDE TRANSFER & WAREHOUSE CO., 1305 Jefferson Ave., La Grande, Oreg., and for acquistion by HAZEN H. STEVENS, 2909 Buford Highway, Atlanta, Ga., ALLEN A. METCALF, SR., and ALLEN A. METCALF, JR., both of 1255 East Highway 36, St. Paul, Minn., and ARCHIBALD H. STEVENS, 121 South Niagara, Saginaw, Mich., of control of such rights through the purchase. Applicant's attorney: Ramon S. Regan, 2255 Penobscot Building, Detroit 26, Mich. Operating rights sought to be transferred: *Household goods*, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, as a *common carrier* over irregular routes between points in Union and Wallowa Counties, Oregon, on the one hand, and, on the other, points in Idaho; between points in Union, Baker, and Wallowa Counties, Oregon, on the one hand, and, on the other, points in Washington. Vendee is authorized to operate as a *common carrier* in all states and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-1091; Filed, Feb. 7, 1961; 8:48 a.m.]

## FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 3, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36880: *Class rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 26), for itself, and interested carriers. Rates on various commodities moving on less-than-truckload class rates loaded in trailers and transported over joint motor-water, water-motor and motor-water-motor routes of applicant motor carriers and Sea-Land Service, Inc., between points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont on the one hand, and points in Florida on the other.

Grounds for relief: Rail competition.

Tariff: Sea-Land Service, Inc., tariff I.C.C. 278.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-1090; Filed, Feb. 7, 1961; 8:47 a.m.]

## FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 2, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36879: *Bituminous coal from West Virgina to Ohio.* Filed by The New York Central Railroad Company (No. 130), for itself, and interested rail carriers. Rates on bituminous coal, as described in the application, in carloads, from mines in West Virginia, to specified points in Ohio.

Grounds for relief: Maintain origin rate relationship.

Tariff: Supplement 110 to New York Central Railroad tariff I.C.C. 1206.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-1050; Filed, Feb. 6, 1961; 8:47 a.m.]

# OFFICE OF CIVIL AND DEFENSE MOBILIZATION

## H. BURKE HORTON

### Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

3,000 shares, $1.00 par, Teletrak Corp.

This amends statement published July 22, 1960 (25 F.R. 7005).

Dated: January 14, 1961.

H. BURKE HORTON.

[F.R. Doc. 61-1069; Filed, Feb. 7, 1961; 8:45 a.m.]



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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 26 NUMBER 26

Washington, Thursday, February 9, 1961

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**Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.**



FEDERAL REGISTER

Telephone WOrth 2-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

### PART 912—MILK IN DUBUQUE, IOWA, MARKETING AREA

#### Deletion of Part

Notice is hereby given that effective January 1, 1961, the order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area was merged with and superseded by the order, as amended, regulating the handling of milk in the Quad Cities-Dubuque marketing area (25 F.R. 12987; F.R. Doc. 60-11764), and therefore since that date the Dubuque, Iowa, order has not been effective as a separate order. Accordingly, the order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area should be deleted from the Code of Federal Regulations.

February 3, 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61-1116; Filed, Feb. 8, 1961; 8:47 a.m.]

### PART 925—PUGET SOUND, WASHINGTON

### PART 971—DAYTON-SPRINGFIELD, OHIO

### PART 973—MINNEAPOLIS-ST. PAUL, MINNESOTA

### PART 978—NASHVILLE, TENNESSEE

### PART 988—KNOXVILLE, TENNESSEE

### PART 1000—CHATTANOOGA, TENNESSEE

### PART 1002—GREATER WHEELING, WEST VIRGINIA

### PART 1009—CLARKSBURG, WEST VIRGINIA

#### Determination of Equivalent Price for "Cheddars" on the Wisconsin Cheese Exchange

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and to the applicable provisions of the orders, as amended, regulating the handling of milk in the aforesaid milk marketing areas (7 CFR Part 900), hereinafter to as the "orders" it is hereby found and determined as follows:

(1) Inasmuch as there was no trading in "Cheddars" on the Wisconsin Cheese Exchange on the weekly trading session on Friday, January 27, 1961, and the average of prices for "Cheddars" on other trading days during the month is not representative of such price for January 1961, it is hereby determined that the equivalent price for "Cheddars" on the Wisconsin Cheese Exchange for January 1961 to be used in orders as factors in the formulas for computing class prices shall be 36.75 cents.

(2) Notice of proposed rule making, public procedure thereon and 30 days' prior notice to the effective date hereof are impractical, unnecessary and contrary to the public interest, in that (a) there was no trading in "Cheddars" on the Wisconsin Cheese Exchange on the weekly trading session on Friday, January 27, 1961, and the average of prices for "Cheddars" on other trading days during the month is not representative of such price for January 1961; (b) the determination of an equivalent price immediately is necessary to make possible the announcement of class prices under the orders in valuing producer milk received by handlers during January and February 1961; (c) an essential purpose of this determination is to give all interested persons notice that the average of the prices for "Cheddars" on the Wisconsin Cheese Exchange in January 1961 is not being used for the purpose of the price computations required in connection with the computation of class prices under the aforesaid orders; and (d) this determination does not require substantial or extensive preparation of any person.

Issued at Washington, D.C., this 3d day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1117; Filed, Feb. 8, 1961; 8:47 a.m.]

[Tangerine Reg. 222]

### PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS, GROWN IN FLORIDA

#### Limitation of Shipments

§ 933.1050 Tangerine Regulation 222.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 7, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810-51.1834 of this title; 25 F.R. 8216).

(2) Tangerine Regulation No. 221 (§ 933.1046; 26 F.R. 282) is hereby terminated at 12:01 a.m., e.s.t., February 10, 1961.

(3) During the period beginning at 12:01 a.m., e.s.t., February 10, 1961, and ending at 12:01 a.m., e.s.t, July 31, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 8, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1212; Filed, Feb. 8, 1961; 11:37 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

SUBCHAPTER C—CLAIMS AND ACCOUNTS

## PART 836—CLAIMS AGAINST THE UNITED STATES

### Air National Guard Claims

New §§ 836.300 to 836.315 are added as follows:

Sec.
836.300 Purpose.
836.301 Explanation of terms.
836.302 Scope of employment and negligence.
836.303 Cognizable claims.
836.304 Claims not cognizable.
836.305 Claims cognizable under other directives.
836.306 Compensation for personal injury or death.
836.307 Claimants excluded.
836.308 Subrogation claims.
836.309 Procedure for processing claims.
836.310 When claim must be presented.
836.311 Settlement agreement.
836.312 Settlement authority.
836.313 Finality of action.
836.314 Appeals.
836.315 Claims for more than $1,000.00.

AUTHORITY: §§ 836.300 to 836.315 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 32 U.S.C. 715.

SOURCE: AFR 112–14, November 1, 1960.

**§ 836.300 Purpose.**

Sections 836.300 to 836.315 outline procedures for administrative settlement of claims against the Air National Guard that arise for damage to or loss of property, or for personal injury or death resulting from the negligent act or omission of Air National Guard military or civilian personnel while acting within the scope of their employment, or otherwise incident to Air National Guard noncombat activities.

**§ 836.301 Explanation of terms.**

Terms used in §§ 836.300 to 836.315 are defined in §§ 836.200 to 836.220.

**§ 836.302 Scope of employment and negligence.**

(a) *Noncombat activities.* A determination that the authorized act or omission giving rise to a claim was within the scope of employment or the result of Air National Guard negligence is not required if the cause of the damage, injury, or death is "otherwise incident to noncombat activities" of the Air National Guard.

(b) *Other activities.* Claims resulting from other than Air National Guard "noncombat activities" require a determination that the act or omission giving rise to the claim was within the scope of employment and the result of Air National Guard negligence.

**§ 836.303 Cognizable claims.**

The following type claims arising on or after September 13, 1960 are cognizable under §§ 836.300 to 836.315.

(a) *Personal injury and death.* Claims for personal injury and wrongful death, as well as pain and suffering preceding death (see §§ 836.200 to 836.220).

(b) *Property.* Claims for damage or loss of property include:

(1) Real property used and occupied, except as excluded by § 836.304(n).

(2) Personal property bailed to the Air National Guard under an agreement, expressed or implied, unless the owner has expressly assumed the risk of damage or loss (see § 836.304 (k) and (l)).

(3) Registered or insured mail in the possession of the Air National Guard, even though the loss was caused by a criminal act. (Claims accruing while the mail is in the possession of the Post Office Department or caused by APO personnel are not cognizable under the provisions of §§ 836.300 to 836.315). Provisions of this section do not apply to ordinary mail or to "minimum fee" insured mail not requiring an insurance number or receipt, unless such mail has a money value and it is determined that loss occurred while in Air National Guard custody (see subparagraph (2) of this paragraph).

**§ 836.304 Claims not cognizable.**

Sections 836.300 to 836.315 do not apply to a claim which arises:

(a) Before September 13, 1960.

(b) From combat activities of military forces during time of war or armed conflict.

(c) Wholly or partly from the negligent or wrongful act of the claimant, his agent, or his employee. The doctrine of comparative negligence is not applicable.

(d) For property damage occurring to, or injury or death of military personnel incident to their service.

(e) For injury or death of a civilian employee cognizable under the Federal Employees' Compensation Act (39 Stat. 742; 5 U.S.C. 751), or the Longshoremen's and Harbor Workers Compensation Act (44 Stat. 1424; 33 U.S.C. 901), as made applicable to certain civilian employees of nonappropriated fund instrumentalities of the United States Armed Forces (66 Stat. 138; 5 U.S.C. 150k) under the Act of July 18, 1958 (72 Stat. 397; 5 U.S.C. 150k–1).

(f) In a foreign country and presented by a claimant to the authorities of a foreign country and final action taken thereon under Article VIII of the NATO Status of Forces Agreement, Article XVIII of the Japanese Administrative Agreement, or other similar treaty or agreement.

(g) From a transaction purely contractual in nature.

(h) From private, as distinguished from Government, transactions.

(i) Solely from compassionate grounds.

(j) For patent infringement.

(k) For war trophies, and articles intended directly or indirectly for persons other than the claimant or members of his immediate family, such as articles acquired to be disposed of as gifts or for sale to another, voluntarily bailed to the Air National Guard, except registered or insured mail. No allowance will be made for any item when evidence indicates that the acquisition, possession, or transportation thereof was in violation of any regulation or directive.

(l) For precious jewels and other articles of extraordinary value, voluntarily bailed to the Air National Guard, unless within the provisions of § 836.303 (b)(3). Allowance for articles acquired by barter will not be more than the cost of the articles tendered in barter.

(m) From the operations of a nonappropriated fund activity, unless arising from acts or omissions of military personnel while performing assigned military duties, or civilian employees paid from appropriated funds while performing official duties (see §§ 836.161 to 836.165).

(n) For rent, damage, or other payments involving the acquisition, possession, and disposition of real property or interests therein by and for the Air National Guard (see §§ 836.200 to 836.220).

(o) From claims for taking of private property by trespass resulting from the flight of aircraft.

**§ 836.305 Claims cognizable under other directives.**

Sections 836.11 to 836.27, 836.31 to 836.47, 836.61 to 836.77, 836.90 to 836.101, 836.141 to 836.148, 836.161 to 836.165, or AFR 182–7 (Shortages or Excesses in Postal Account) take precedence over §§ 836.300 to 836.315 as to any claim cognizable thereunder.

**§ 836.306 Compensation for personal injury or death.**

As to any claim, allowable compensation will not include reimbursement for medical, hospital, or burial expenses furnished at the expense of the United States.



**§ 836.307 Claimants excluded.**

A national or an ally, or a corporation controlled by a national or an ally, of a country at war or engaged in armed conflict with the United States, or of any country allied with such country, is excluded as a claimant, unless the approving authority considering the claim or the local military commander, subject to review by the approving authority, shall determine that the claimant was at the time of the incident, and is, friendly to the United States. A prisoner of war or an interned enemy alien is not excluded as to a claim for damage to or loss or destruction of personal property in the custody of the Air National Guard otherwise cognizable under §§ 836.300 to 836.315.

**§ 836.308 Subrogation claims.**

Such claims are cognizable under §§ 836.300 to 836.315 and will be processed as prescribed by §§ 836.200 to 836.220.

**§ 836.309 Procedure for processing claims.**

The procedure set forth in §§ 836.200 to 836.220 will be followed if not inconsistent with §§ 836.300 to 836.315.

**§ 836.310 When claim must be presented.**

(a) A claim may be settled under §§ 836.300 to 836.315 only if presented in writing within 2 years after it accrues, except that if it accrues in time of war or armed conflict, or if war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented within 2 years after the cause ceases to exist, but not later than 2 years after the war or armed conflict is terminated.

(b) As used in this section, a war or armed conflict is one in which any United States Armed Force is engaged. The dates of commencement and termination of an armed conflict shall be as established by concurrent resolution of the Congress or by determination of the President.

**§ 836.311 Settlement agreement.**

See §§ 836.200 to 836.220.

**§ 836.312 Settlement authority.**

See AFR 112–1 (Organization, Responsibilities and Authority).

**§ 836.313 Finality of action.**

The action of the approving authority is final and conclusive on the claimant, in the absence of his appeal to the Secretary of the Air Force.

**§ 836.314 Appeals.**

On disapproval of a claim, in whole or in part, the approving authority will notify the claimant of the action taken and the reason therefor. He will also advise the claimant of his right to appeal to the Secretary of the Air Force, through the approving authority, within 30 days after the date of mailing such notification. The claimant also will be advised that he should state the grounds on which he bases his appeal.

**§ 836.315 Claims for more than $1,000.**

See AFR 112–1 (Organization, Responsibilities and Authority) and §§ 836.200 to 836.220.

R. J. PUGH,
*Colonel, U.S. Air Force,*
*Deputy Director of Administrative Services.*

[F.R. Doc. 61–1120; Filed, Feb. 8, 1961; 8:48 a.m.]

# Title 41—PUBLIC CONTRACTS

## Chapter 1—Federal Procurement Regulations

## PART 1–7—CONTRACT CLAUSES

### Subpart 1–7.6—Fixed-Price Construction Contracts

*Correction*

In F.R. Doc. 61–671, appearing at page 1045 of the issue for Friday, February 3, 1961, the amendatory language introducing an amendment in § 1–7.602–1 should begin "In § 1–7.602–1" instead of "In § 1–7.601–1".

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–FW–112]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Control Zone

The purpose of this amendment to § 601.1984 of the regulations of the Administrator is to revoke the Salt Flat, Tex., control zone.

Weather reporting service is not available at the Salt Flat Airport. In addition, direct communications with aircraft descending to and operating on the airport surface are no longer available. Therefore, action is taken herein to revoke the Salt Flat control zone.

Since the change effected by this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 601.1984 (14 CFR 601.1984) "Salt Flat, Tex.: FAA intermediate field." is deleted.

This amendment shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 2, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–1101; Filed, Feb. 8, 1961; 8:45 a.m.]

[Reg. Docket No. 625; Amdt. 203]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| BZN-VOR | BN-LFR | Direct | 7000 | T-dn | 1000-1 | 1000-1 | 1000-1 |
| | | | | C-dn | 1000-1 | 1000-1 | 1000-1½ |
| | | | | A-dn | 1500-2 | 1500-2 | 1500-2 |

Procedure turn N side W crs, 259° Outbnd, 079° Inbnd, 7000′ within 10 miles. (Nonstandard due to terrain.)
Minimum altitude over facility on final approach crs, 5500′.
Crs and distance, facility to airport, 313°—1.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left climb to 9000′ on W crs within 20 miles of BN-LFR.

City, Bozeman; State, Mont.; Airport Name, Gallatin Field; Elev., 4461′; Fac. Class., SBMRAZ; Ident., BN; Procedure No. 1, Amdt. 6; Eff. Date, 11 Feb. 61; Sup. Amdt. No. 5; Dated, 3 Sep. 1955

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Pittsburgh Surveillance Radar | Within 40 miles of Greater Pittsburgh Airport. | | 3000 | T-dn | 300-1 | 300-1 | |
| | | | | C-d | 600-1 | 600-1 | |
| Pittsburgh Surveillance Radar Fix, 5 mi. from BTP RBN. | BTP-RBN (Final) | 005—5 | 2400 | C-n | 600-1½ | 600-1½ | |
| | | | | A-dn | NA | NA | |
| Ellwood City VOR | BTP-RBN | Direct | 3000 | | | | |

NOTE: Radar transition may be conducted by Pittsburgh surveillance radar. Descent to final approach altitude authorized upon intercepting 005° Inbnd crs to Butler and passing 5-mile fix as determined by surveillance radar. Approach not authorized if Pittsburgh Radar inoperative.
Procedure turn E side of crs, 185° Outbnd, 005° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport 005—4.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing Butler RBn, make left climbing turn to 3000′ and proceed direct to BTP RBn. Hold north, 1 min., left turns on the 185° Inbnd brng PTP RBn.
CAUTION: Unlighted tower 1491′ 1 mile ESE of runway 25.

City, Butler; State, Pa.; Airport Name, Butler-Graham; Elev., 1248′; Fac. Class., MHW; Ident., BTP; Procedure No. 1, Amdt. 4; Eff. Date, 11 Feb. 61; Sup. Amdt. No. 3; Dated, 1 Apr. 54

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Detroit LFR | FRD RBn or °Ford Int | Direct | 2700 | T-dn | 300-1 | 300-1 | 300-1 |
| Salem VOR | FRD RBn or °Ford Int | Direct | 2700 | C-dn | 400-1 | 500-1 | 500-1½ |
| Milan Int | FRD RBn or °Ford Int | Direct | 2700 | S-dn-23R and L | 400-1 | 400-1 | 400-1 |
| Park Int | FRD RBn or °Ford Int | Direct | 2700 | A-dn | 800-2 | 800-2 | 800-2 |
| Bridgewater Int | FRD RBn or °Ford Int | Direct | 2700 | | | | |
| Rouge Int | FRD RBn or °Ford Int (Final) | Direct | 1700 | | | | |
| Belle Int | Rouge | Direct | 2700 | | | | |

NOTE: Radar transitions to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3 N miles from FRD RBn. Refer to Willow Run Radar Approach Procedure if detailed information on sector altitudes is desired.
Procedure turn, N side of crs, 050° Outbnd 230° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to Runway 23L, 230°—3.9 mi; to Runway 23R, 231°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi of Ford RBn, climb to 2000′ on W crs Detroit LFR within 20 miles or, when directed by ATC, (1) climb to 2300′, proceed to YIP LOM; (2) climb to 2300′, proceed to DTW LOM; (3) make left turn climbing to 2000′, proceed to CRL VOR.
CAUTION: Tower 1749′ 15 mi NE Ford RBn.
°Int NE crs YIP ILS and SVM VOR R-143.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716′; Fac. Class., MHW; Ident., FRD; Procedure No. 2, Amdt. 8; Eff. Date, 11 Feb. 61; Sup. Amdt. No. 7; Dated, 26 Dec. 59

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Erie VOR | ERI Rbn | 061°—10.8 | 2000 | T-dn | 300-1 | 300-1 | 300-1 |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-24 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn North side of crs, 059° Outbnd, 239° Inbnd, 2300′ within 10 miles.
Minimum altitude, facility to airport, 2300′.
Crs and distance, facility to airport, 239°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi after passing ERI-MHW, make a right climbing turn to 3000′ and return to ERI-MHW. Hold NE on 059° bearing of Erie MHW, one minute, right turns.

City, Erie; State, Pa.; Airport Name, Port Erie; Elev., 732′; Fac. Class., MHW; Ident., ERI; Procedure No. 1, Amdt. Orig.; Eff. Date, 11 Feb. 61



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| HUF-VOR | HUF-RBn | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-23 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn North side of crs, 045° Outbnd, 225° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 225°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2000′ on crs of 225° within 20 miles, or when directed by ATC, make left turn proceed to Lewis VOR at 2000′.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., BH; Ident., HUF; Procedure No. 1, Amdt. 1; Eff. Date, 11 Feb. 61; Sup. Amdt. No. Orig.; Dated, 9 May 59

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Goodsprings HW | LAS-VOR | Direct | 7000 | T-dn | 800-2 | 800-2 | 800-2 |
| Las Vegas LFR | LAS-VOR | Direct | 5100 | C-dn | 600-1 | 600-1 | 600-1½ |
| Las Vegas LFR/Z | LAS-VOR (Final) | Direct | °2800 | A-dn | 800-2 | 800-2 | 800-2 |
| Kids Int | LAS-VOR | Direct | 5100 | | | | |
| Erie Int | LAS-VOR | Direct | 6100 | | | | |
| Boulder City Int | LAS-VOR | Direct | 6000 | | | | |
| Jean Int | LAS-VOR | Direct | 6700 | | | | |

Procedure turn East side crs, 013° Outbnd, 193° Inbnd, 5100′ within 15 miles (within 5 miles LS-LFR). Beyond 15 miles NA.
°Minimum altitude over LS-LFR/Z on final approach crs, 4600′; over VOR on final approach crs, 2800′.
Facility at airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left, climb to 6000′ on R-065 within 15 miles or, when directed by ATC, climb to 6000′ on R-210 within 10 miles. All turns South of crs.
CAUTION: 4054′ terrain 4 miles SE of LFR.
°Descent beldw 4600′ authorized only if position over LFR or Z marker positively determined inbound on final approach.

City, Las Vegas; State, Nev.; Airport Name, McCarran; Elev., 2171′; Fac. Class., BVORTAC; Ident., LAS; Procedure No. 1, Amdt. 10; Eff. Date, 11 Feb. 61; Sup. Amdt. No. 9; Dated, 31 Dec. 60

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T-dn | 300-1 | 300-1 | |
| | | | | C-d# | 700-1 | 700-1 | |
| | | | | C-n# | 700-1½ | 700-1½ | |
| | | | | S-d-5# | 700-1 | 700-1 | |
| | | | | S-n-5# | 700-1½ | 700-1½ | |
| | | | | A-dn | 800-2 | 800-2 | |
| | | | | #Following minimums apply after passing R-163 LAF-VOR: | | | |
| | | | | C-d | 600-1 | 600-1 | |
| | | | | C-n | 600-1½ | 600-1½ | |
| | | | | S-d-5 | 500-1 | 500-1 | |
| | | | | S-n-5 | 500-1 | 500-1½ | |
| | | | | A-dn | 800-2 | 800-2 | |

Procedure turn South side of crs, 217° Outbnd, 037° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 037°—9.6 mi.
Minimum altitude after passing LAF-VOR R-163 on final approach crs, 1100′.
Crs and distance after passing LAF-VOR R-163 to airport, 037°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.6 miles of EPT-VOR or 4.4 miles of LAF R-163, climb to 2300′ on R-037 within 20 mi.
AIR CARRIER NOTE: Use of sliding scale reduction in landing visibility, or reduction in takeoff minimums not authorized for night operations, or for day operations when visibility below ¾ mile.
MAJOR CHANGE: Deletes transition from LAF VOR.
#Dual omni receivers required for lower minimums.

City, West Lafayette; State, Ind.; Airport Name, Purdue University; Elev., 607′; Fac. Class., VOR; Ident., EPT; Procedure No. 2, Amdt. 4; Eff. Date, 11 Feb. 61; Sup. Amdt. No. 3; Dated, 30 Oct. 59

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| COL-VOR | BLM-VOR | Direct | 1600 | T-dn | 300-1 | 300-1 | 200-½ |
| NEL-LFR | BLM-VOR | Direct | 1600 | C-dn | 500-1 | 600-1 | 600-1½ |
| Woolf Int | BLM-VOR | Direct | 1600 | S-dn-14 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | NA | NA | NA |

Procedure turn West side of crs, 330° Outbnd, 150° Inbnd, 1500′ within 10 mi.
Facility on airport. °600′ after crossing Int BLM-VOR R-330 and COL-VOR R-195 or 230° crs to NEL LFR.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1600′ on R-150, turn right and return to BLM-VOR at 1600′.
MAJOR CHANGE: Delete note on civil aircraft landing.
°Descent below 700′ not authorized if intersection not identified.

City, Belmar; State, N.J.; Airport Name, Monmouth County; Elev., 155′; Fac. Class., LVOR; Ident., BLM; Procedure No. TerVOR-14, Amdt. 1; Eff. Date, 11 Feb. 61; Sup Amdt. No. Orig.; Dated, 24 Dec. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| COL-VOR | BLM-VOR | Direct | 1600 | T-dn | 300-1 | 300-1 | 200-½ |
| NEL-LFR | BLM-VOR | Direct | 1600 | C-dn | 500-1 | 600-1 | 600-1½ |
| Woolf Int | BLM-VOR | Direct | 1600 | °S-dn-32 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | NA | NA | NA |

Procedure turn East side of crs, 140° Outbnd, 320° Inbnd, 1600′ within 10 mi SE of BLM-VOR.
Facility on airport. Maintain 1600′ until after passing BLM FM inbnd on final.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over BLM-VOR, climb outbound on R-320 to 1000′ within 10 mi, then turn left, climbing to 1600′ and return to BLM-VOR.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.
MAJOR CHANGE: Delete note on civil aircraft landing.
°Descent below circling minimums not authorized if Belmar FM not identified inbound on final.

City, Belmar; State, N.J.; Airport Name, Monmouth County; Elev., 155′; Fac. Class., LVOR; Ident., BLM; Procedure No. TerVOR-32, Amdt. 1; Eff. Date, 11 Feb. 61; Sup. Amdt. No. Orig.; Dated, 24 Dec. 60

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Detroit LFR | Ford Int or Ford RBn* | Direct | 2700 | T-dn | 300-1 | 300-1 | 200-½ |
| Salem VOR | Ford Int or Ford RBn* | Direct | 2700 | C-dn | 400-1 | 500-1 | 500-1½ |
| Milan Int | Ford Int or Ford RBn* | Direct | 2700 | S-dn-23L-RBn | 400-1 | 400-1 | 400-1 |
| Bridgewater Int | Ford Int or Ford RBn* | Direct | 2700 | A-dn | 800-2 | 800-2 | 800-2 |
| Rouge Int | Ford Int or Ford RBn (Final)* | Direct | 1700 | | | | |
| Park Int | Ford Int or Ford RBn* | Direct | 2700 | | | | |
| Belle Int | Rouge Int | Direct | 2700 | | | | |

Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach course at least 3 miles from *Ford Int. Refer to Willow Run Radar procedure if detailed information on sector altitudes is desired.
Procedure turn North side of crs, 050° Outbnd, 230° Inbnd, 2700′ within 10 miles.
Minimum altitude over *Ford Int or Ford RBn, 1700′.
Crs and distance, *Ford Int or Ford RBn to Rnwy 23L, 230°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles climb to 2000′ on W crs Detroit LFR within 20 miles or, when directed by ATC, (1) Climb to 2300′, proceed to YIP LOM, (2) Climb to 2300′, proceed to DTW LOM, (3) Climb to 2000′, proceed to CRL VOR.
CAUTION: TV tower 1740′ 15 mi NE of Ford Int.
*Ford Int: Int NE crs YIP ILS and SVM VOR R-143.
#Crs and distance, *Ford Int or Ford RBn to Rny 23R, 231°—4.0 mi.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716′; Fac. Class., ILS; Ident., IYIP; Procedure No. ILS-23R and L, Amdt. 2; Eff. Date, 11 Feb. 61; Sup. Amdt. No. 1; Dated, 26 Dec. 60



6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| 1.7 mi either side of 140° radial BLM-VOR. | Radar Site | Within 7 mi | 1500 | | *Precision approach* | | |
| 1.7 mi either side of 320° radial BLM-VOR. | Radar Site | 7 mi | 1500 | T-dn-32 and 14 | 300-1 | 300-1 | 200-½ |
| | | | | C-dn-14 and 32 | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-32 | 200-½ | 200-½ | 200-½ |
| | | | | A-dn-32 and 14 | NA | NA | NA |
| | | | | | *Surveillance approach* | | |
| | | | | C-dn-32 | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-32 and 14 | 400-1 | 400-1 | 400-1 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
*Runway 32:* Climb on heading of 320° to 1000′ within 10 miles, then turn left, climbing to 1500′ and return to BLM-VOR at 1500′.
*Runway 14:* Climb on heading 140° to 1000′ within 10 miles, then turn right climbing to 1500′ and return to BLM-VOR at 1500′.
MAJOR CHANGE: Delete note on civil aircraft landing.

City, Belmar; State, N.J.; Airport Name, Monmouth County; Elev., 155′; Fac. Class., Monmouth Co.; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 11 Feb. 61; Sup. Amdt. No. Orig.; Dated, 24 Dec. 60

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Radar terminal area maneuvering sectors and altitudes | | | | | | | | | | | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| From | To | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | | | | | | | | | | | 65 knots or less | More than 65 knots | |
| 000 | 210 | 25 | 3000 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | | *Precision approach* | | |
| 210 | 090 | 25 | 2500 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | T-dn-18# | @ 300-1 | @ 300-1 | °300-1 |
| | | | | | | | | | | | | | | C-dn | 500-1 | 700-1 | 700-1½ |
| | | | | | | | | | | | | | | S-dn-18°° | 400-1 | 400-1 | 400-1 |
| | | | | | | | | | | | | | | A-dn-18 | 600-2 | 700-2 | 700-2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right climbing turn, climb to 2500′ and intercept the 310° bearing of Farley "H". Proceed to and hold at FRY "H" or, when directed by ATC, (1) Make right climbing turn, climb to 2500′ on SW crs KS-LFR within 20 miles. (2) If VHF equipped only, make right climbing turn, climb to 2500′ on R-210 MKC-VOR within 20 miles.
CAUTION: Grain elevators 903′ MSL and Railroad Floodlights 857′ ¼ mi NNE of Runway 18. Cracking plant and stack ½ mi WNW of airport. Congested buildings 1429′ MSL 1 mi SSE of airport. TV tower 1949′ MSL 4.3 mi SE of airport, and TV tower 2.5 mi S of airport.
#Takeoffs to S or SW when weather is below 1000-3 will intercept a 210° ADF crs from ILS-LMM or R-185 MKC-VOR as soon as practicable. After takeoff maintain course until reaching 2500′ MSL prior to making left turn due to 2049′ tower 2.5 mi S of airport. When KMBC TV tower not visible (4.3 mi SE of airport) on N or NE takeoff, climb to 2500′ MSL on 090° ADF course from KS-LFR prior to turning towards tower.
*AIR CARRIER NOTE: 200-½ authorized on Runway 36 only.
**When approach lights are inoperative, circling minimums apply to all aircraft except more than 2-engine type which are authorized only 700-1.
@No reduction in 2-engine or less takeoff minimums except on Runway 36.

City, Kansas City; State, Mo.; Airport Name, Kansas City Municipal; Elev., 758′; Fac. Class., Kansas City; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 11 Feb. 61; Sup. Amdt. No. Orig.; Dated, 24 Dec. 60

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | *Precision approach* | | | |
| | | | | T-dn-21 | 300-1 | 300-1 | 200-½ |
| | | | | S-dn-21 | 200-½ | 200-½ | 200-½ |
| | | | | A-dn-21 | 600-2 | 600-2 | 600-2 |

ASR portion of procedure controlled by Spokane RAPCON in accordance with approved patterns.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 5000' on the South crs of the Spokane LFR within 20 miles or, when directed by ATC, climb on R-300 of the Spokane VOR to 4500' within 20 miles. All turns to the West of R-360.
NOTE: Military facility. Hours of Operation: Continuous during IFR weather; 40 minutes standby service at other times.
MAJOR CHANGE: Deletes Military note.

City, Spokane; State, Wash.; Airport Name, Spokane International; Elev., 2372'; Fac. Class., Spokane; Ident., RADAR-PAR; Procedure No. 2, Amdt. 2; Eff. Date, 11 Feb. 61; Sup. Amdt. No. 1; Dated, 15 Oct. 60

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on January 10, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-337; Filed, Feb. 8, 1961; 8:45 a.m.]

[Reg. Docket No. 642; Amdt. 204]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | T-d | 800-1 | 800-1 | 800-1 |
| | | | | T-n | 1000-1 | 1000-1 | 1000-1 |
| | | | | C-d | 900-1½ | 900-1½ | 900-1½ |
| | | | | C-n | 1000-2 | 1000-2 | 1000-2 |
| | | | | A-dn | 1000-2 | 1000-2 | 1000-2 |

Talofofo Radio Beacon (CAA).
Instrument approach to be conducted in accordance with current U.S. Navy procedure as published on Chart AL-2146-ADF-3.

City, Agana; State, Guam; Airport Name, NAS Agana; Elev., 280'; Fac. Class., BHH; Ident., ZET; Procedure No. 2, Amdt. 1; Eff. Date, 18 Feb. 61; Sup. Amdt. No. Proc. No. 3, Orig. (this procedure renumbered No. 2); Dated, 27 Dec. 58



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Chattanooga VOR | CQN RBn | Direct | 2300 | T-dn | 300-1 | 300-1 | #200-½ |
| Chickamauga Int | CQN RBn | Direct | 2300 | C-dn | 600-1½ | 700-1½ | 700-2 |
| Whitwell Int | CQN RBn | Direct | 3400 | S-dn-19 | 500-1 | 500-1 | 500-1 |
| Bridgeport Int | CQN RBn | Direct | 3400 | A-dn | 800-2 | 800-2 | 800-2 |
| Coalmont Int | CQN RBn | Direct | 3400 | | | | |
| Georgetown Int | CQN RBn | Direct | 2900 | | | | |
| Crandall Int | CQN RBn | Direct | 2900 | | | | |
| Haletown Int | CQN RBn | Direct | 3400 | | | | |
| Dunlap Int | CQN RBn | Direct | 3400 | | | | |

Procedure turn E side of crs, 015° Outbnd, 195° Inbnd, 2900' within 10 mi of CQN RBn. (Nonstandard due to terrain west.)
Minimum altitude inbnd over CQN RBn, 2200'; over OM, 1600'; over MM, 1200'. If OM not received, descent below 1600' NA.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.7 miles after passing CQN RBn, climb to 3000' on crs of 195° within 15 mi.
Distances to runway: CQN 7.7 mi, OM 4.1 mi, MM 0.6 mi.
#Takeoff on Rnys 14-32 with less than 300-1 NA.

City, Chattanooga; State, Tenn.; Airport Name, Lovell Field; Elev., 682'; Fac. Class., MHW; Ident., CQN; Procedure No. 1, Amdt. 9; Eff Date, 18 Feb. 61; Sup. Amdt. No. 8; Dated, 28 Jan. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Alaska FM | LOM | Direct | 2900 | T-dn | 300-1 | 300-1 | *300-1 |
| Wayland Int | LOM | Direct | 2900 | C-d | #500-1 | 500-1 | 500-1½ |
| GRR-LFR | LOM | Direct | 2900 | C-n | #500-1½ | 500-1½ | 500-1½ |
| | | | | S-dn-36R | 500-1 | 500-1 | 500-1 |
| | | | | S-dn-36L% | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn West side of crs, 176° Outbnd, 356° Inbnd, 2900' within 10 mi.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 356°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 mi after passing LOM, climb to 2200' on crs of 356° from LOM within 20 mi or, when directed by ATC, (1) make right climbing turn to 2200' on SE crs GRR-LFR to Alaska FM, (2) make left climbing turn, proceed on NW crs GRR LFR to 1900' within 10 mi.
CAUTION: 1180' tower 5.0 miles South, 1820' tower 10 mi NNE, 905' stack 0.5 mi West, and 913' tower 1.7 mi South of airport.
*200-½ authorized on 18L and 36R only.
%Crs and distance, OM to Rnwy 36L, 354°—5.6 mi.

City, Grand Rapids; State, Mich.; Airport Name, Kent County; Elev., 692'; Fac. Class., LOM; Ident., GR; Procedure No. 1, Amdt. 5; Eff. Date, 18 Feb. 61; Sup. Amdt. No. 4 (ADF portion of Comb. ILS-ADF); Dated, 25 July 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Woodland FM | SVY RBn | Direct | 3200 | T-dn* | 300-1 | 300-1 | 200-½ |
| LaCenter FM/Int | SVY RBn | Direct | 3200 | C-dn# | 700-1 | 700-1 | 700-1½ |
| Portland VOR | SVY RBn | Direct | 3200 | A-dn | 800-2 | 800-2 | 800-2 |
| Portland LFR | SVY RBn | Direct | 3200 | | | | |
| Willamette FM | SVY RBn | Direct | 3200 | | | | |
| Newberg VOR | SVY RBn | Direct | 3200 | | | | |
| Scappoose Int | SVY RBn (Final) | Direct | 2200 | | | | |
| St Helens Int | SVY RBn | Direct | 3200 | | | | |
| North Plains Int | SVY RBn | Direct | 3200 | | | | |

Radar transitions and vectoring using Portland Radar authorized in accordance with approved radar patterns.
Procedure turn South side of crs, 278° Outbnd, 098° Inbnd, 3200' within 10 mi of Sauvies Island RBn. Beyond 10 mi NA.
Minimum altitude over SVY RBn on final approach crs, 2200'; over OM, 1100'; over LMM, 900'.
Crs and distance, facility to Airport, 098°—9.4 mi; OM to airport, 098°—4.0 mi; LMM to airport, 098°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mi of LMM, climb to 2100' on crs 098° within 10 mi of LMM.
*200-½ authorized on Runways 10/28 only. 700-2 required on Runways 11/20.
#CAUTION: 600' terrain 1.8 mi SE of airport.

City, Portland; State, Oreg.; Airport Name, Portland International; Elev., 23'; Fac. Class., MHW; Ident., SVY; Procedure No. 1, Amdt. 8; Eff. Date, 18 Feb. 61; Sup. Amdt. No. 7 (ADF portion of Comb. ILS-ADF); Dated, 6 Apr. 57

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| RID-VOR | RID RBn | Direct | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-6 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | NA | NA | NA |

Procedure turn South side of crs, 234° Outbnd, 054° Inbnd, 2200' within 10 mi.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 054°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, turn right, climb to 2200' on crs of 234° within 10 miles of Richmond MH facility.
NOTES: Richmond "H" facility must be continuously monitored during approach. No voice on this facility. All aircraft except scheduled air carriers obtain altimeter setting from Dayton, Ohio radio prior to IFR approach.

City, Richmond; State, Ind.; Airport Name, Municipal; Elev., 1141'; Fac. Class., MH; Ident., RID; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Feb. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SL-LFR | Lake RBn | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| STL-VOR | Lake RBn | Direct | 2000 | C-d | 500-1 | 500-1 | 500-1½ |
| ST LOM | Lake RBn | Direct | 2000 | C-n | 500-2 | 500-2 | 500-2 |
| MTS-VOR | Lake RBn | Direct | 1800 | S-d-6 | 500-1 | 500-1 | 500-1 |
| | | | | S-n-6 | 500-2 | 500-2 | 500-2 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar transitions to final approach course authorized. Radar terminal area transitions altitudes on radar procedure.
Procedure turn South side of crs, 238° Outbnd, 058° Inbnd, 2000' within 10 miles of Lake "H".
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 058°—3.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing Lake "H", climb to 1800' on crs of 058° to LOM or, when directed by ATC, make left (North) turn, climb to 2000' direct to STL-VOR.
CAUTION: Bright mercury vapor lights on Interstate Highway 70 approximately 1400' from approach end of Rnwy 6 may be mistaken for runway when breaking clear of overcast from Lake approach at night.
AIR CARRIER NOTE: Sliding scale NA at night.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571'; Fac. Class., HW; Ident., LAQ; Procedure No. 2, Amdt. 6; Eff. Date, 18 Feb. 61; Sup. Amdt. No. 5; Dated, 24 Dec. 60

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 600-1 | 600-1½ |
| | | | | S-dn-ray 30 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn West side crs, 110° Outbnd, 290° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′
Crs and distances, facility to airport, 290°—6.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles, turn left and climb to 2000′ on R-110 within 20 miles.

City, Merced; State, Calif.; Airport Name, Municipal; Elev., 155′; Fac. Class., VORW; Ident., MER; Procedure No. 1, Amdt. 3; Eff. Date, 18 Feb. 61; Sup. Amdt. No. 2; Dated, 3 July 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| GH-LFR | SBN-VOR | Direct | 2500 | T-dn | 300-1 | 300-1 | 200-½ |
| SN-LFR | SBN-VOR | Direct | 2000 | C-dn | 400-1 | 500-1 | 500-1½ |
| N. Liberty Int | SBN-VOR | Direct | 2000 | S-dn-34 | 400-1 | 400-1 | 400-1 |
| Int W crs SN-LFR and R-253 | SBN-VOR | Direct | 2000 | A-dn | NA | NA | NA |
| Int N crs SN-LFR and R-350 | SBN-VOR | Direct | 2000 | | | | |

Procedure turn South side of crs, 226° Outbnd, 046° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 046°—5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles, make left turn, climb to 2000′ return to SBN-VOR or, when directed by ATC, climb to 2000′ on SBN-VOR R-046 within 20 miles.
NOTE: Weather at Jerry Tyler Memorial Airport not available to general public. Obtain South Bend weather before making approach.

City, Niles; State, Mich., Airport Name, Jerry Tyler Memorial; Elev., 743′; Fac. Class., BVORTAC; Ident., SBN; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Feb. 61

3. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| BN-LFR | BZN-VOR | Direct | 7000 | T-dn | 1000-1 | 1000-1 | 1000-1 |
| | | | | C-dn | 1000-1 | 1000-1 | 1000-1½ |
| | | | | A-dn | 1500-2 | 1500-2 | 1500-2 |

Procedure turn North side of crs, 259° Outbnd, 079° Inbnd, 7000′ within 10 miles. Nonstandard due to high terrain South.
Facility on airport.
Minimum altitude over facility on final approach crs, 5500′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left climbing turn to 9000′ on R-259 within 20 miles of BZN-VOR.

City, Bozeman; State, Mont.; Airport Name, Gallatin Field; Elev., 4461′; Fac. Class., BVOR; Ident., BZN; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Feb. 61; Sup. Amdt. No. VOR Proc. No. 1, Amdt. 1; Dated, 3 Sept. 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Camden Int | RID-VOR | Direct | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| Arba VHF Int | RID-VOR | Direct | 2400 | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-6 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | NA | NA | NA |
| | | | | If Int° received, landing minimums are: | | | |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-6 | 400-1 | 400-1 | 400-1 |

Procedure turn South side of crs, 243° Outbnd, 063° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′; over Int°, 1600′.
Crs and distance, breakoff point to approach end of Runway, 054°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make right climbing turn, climb to 2400′ on R-063 within 10 mi of RID-VOR.
NOTE: All aircraft except scheduled air carrier obtain altimeter setting from Dayton, Ohio radio prior to IFR approach.
°Int RID-VOR R-243 and 150° brng to RID "H" facility.

City, Richmond; State, Ind. Airport Name, Municipal; Elev., 1141′; Fac. Class., BVOR; Ident., RID; Procedure No. TerVOR-6, Amdt. Orig.; Eff. Date, 18 Feb. 61



TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Camden Int | RID-VOR | Direct | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| Arba VHF Int | RID-VOR | Direct | 2400 | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-24 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | NA | NA | NA |

Procedure turn North side of crs, 045° Outbnd, 225° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, breakoff point to approach end of Runway, 235°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2400′ on RID-VOR R-245 within 10 miles of VOR.
NOTE: All aircraft except scheduled air carrier obtain altimeter setting from Dayton, Ohio radio prior to IFR approach.
City, Richmond; State, Ind.; Airport Name, Municipal; Elev., 1141′; Fac. Class., BVOR; Ident., RID; Procedure No. TerVOR-24, Amdt. Orig.; Eff. Date, 18 Feb. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Murdock Int | SRQ-VOR | Direct | 1200 | T-dn | 300-1 | 300-1 | 200-½ |
| Hansen Int | SRQ-VOR | Direct | 1200 | C-dn | 500-1 | 500-1 | 500-1½ |
| Egmont RBn | SRQ-VOR | Direct | 1200 | S-dn-13 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn# | 800-2 | 800-2 | 800-2 |

Procedure turn South side of crs, 304° Outbnd, 124° Inbnd, 1200′ within 10 miles.
Minimum altitude over facility on final approach crs, 500′.
Crs and distance, breakoff point to appr end of Runway 13, 132°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1200′ on R-124 within 20 miles.
AIR CARRIER NOTE: Procedure may be authorized only for air carriers having approval of their arrangements for weather service at this airport.
#Limited weather information available to public. Alternate usage authorized for air carriers only.

City, Sarasota; State, Fla.; Airport Name, Sarasota-Bradenton; Elev., 24′; Fac. Class., VORW; Ident., SRQ; Procedure No. TerVOR-13, Amdt. Orig.; Eff Date, 18 Feb. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Jessey Int | MVY-VOR | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-33 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | NA | NA | NA |

Procedure turn East side of crs, 157° Outbnd, 337° Inbnd, 1300′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 326°—0.43 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make left climbing turn to 1300′, intercept and hold on R-196 MVY-VOR, one minute pattern, left turns.
NOTE: Alternate weather minimums of 800-2 authorized for those who have an approved arrangement for weather service at the airport.

City, Vineyard Haven; State, Mass.; Airport Name, Martha's Vineyard; Elev., 68′; Fac. Class., VOR; Ident., MVY; Procedure No. TerVOR-33, Amdt. 2; Eff. Date, 18 Feb. 61; Sup. Amdt. No. 1; Dated, 19 Nov. 60

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedures, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| DN-LFR | LOM | Direct | 7000 | T-dn | 300-1 | 300-1 | 200-½ |
| DEN VOR | LOM | Direct | 7000 | C-dn | #400-1 | 500-1 | 500-1½ |
| Aurora "H" | LOM | Direct | 7000 | S-dn-26L%° | 200-½ | 200-½ | 200-½ |
| Dupont Int | LOM | Direct | 7000 | A-dn | 600-2 | 600-2 | 600-2 |
| Strasburg Int | LOM | Direct | 7000 | | | | |
| Kiowa VOR | Watkins Int | Direct | 7500 | | | | |
| Watkins Int | LOM (Final) | Direct | 7000 | | | | |
| Westminister Int | LOM | Direct | 7000 | | | | |

Radar transitions and vectoring using Denver Radar authorized in accordance with approved radar patterns.
Procedure turn North side E crs, 7000′ within 10 miles, 076° Outbnd, 256° Inbnd.
Minimum altitude at G.S. int Inbnd, 7000′.
Altitude of G.S. and distance to approach end of Runway at OM, 6974′—5.5 mi; at MM, 5551′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right climbing turn and climb to 6600′ on GLL R-188 within 15 mi of N. Dupont Int or, when directed by ATC, turn right, proceed to DEN-VOR, climbing to 6500′ on R-031 within 20 mi or turn right and climb to 6000′ on North crs DN-LFR within 20 mi.
CAUTION: 5911′ MSL radio tower 4.7 mi ESE of Runway 26L. Do not descend below 6300′ MSL until 1.5 mi West of LOM on final when glide slope not used.
NOTE: Narrow localizer course—4°.
MAJOR CHANGES: Deletes transitions from See Bee Int, Byers Int and Pinecliffe Int. Prohibits procedure turn to S.
#500-1 required for circling south of airport due to 5579′ MSL tank 0.8 mi SE of MM.
°400-1 required when glide slope not used.
%Runway Visual Range 2600′ also authorized for takeoff and landing on Runway 26L; provided that all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below 6531′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331′; Fac. Class., ILS; Ident., I-DEN; Procedure No. ILS-26L, Amdt. 23; Eff. Date, 18 Feb. 61; Sup. Amdt. No. 22; Dated, 7 Feb. 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Alaska FM | LOM | Direct | 2900 | T–dn | 300–1 | 300–1 | #300–1 |
| Short Int* | LOM | Direct | 2900 | C–d | @500–1 | 500–1 | 500–1½ |
| Wayland Int | LOM | Direct | 2900 | C–n | @500–1½ | 500–1½ | 500–1½ |
| GRR–LFR | LOM | Direct | 2900 | S–dn–36R$ | 300–¾ | 300–¾ | 300–¾ |
| City Int** | LOM | Direct | 2900 | S–dn–36L%$ | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 600–2 | 600–2 | 600–2 |

Procedure turn West side of crs, 176° Outbnd, 356° Inbnd, 2900′ within 10 mi. (Nonstandard due to ATC separation requirement.)
Minimum altitude at G.S. int inbnd, 2200′.
Altitude of G.S. and distance to approach end of Rnwy at LOM, 2309°—5.0 mi; at LMM, 933′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2200′ on North crs GRR ILS within 20 miles or, when directed by ATC, (1) make right climbing turn to 2200′ on SE crs GRR LFR to Alaska FM, (2) make left climbing turn, proceed on NW crs GRR LFR to 1900′ within 10 mi.
AIR CARRIER NOTE: No approach lights.
CAUTION: 1139′ tower 5.0 mi South; 1520′ tower 10 mi NNE; 905′ stack 0.5 mi West; 913′ tower 1.7 mi. South.
*Int SW crs GRR–LFR and S crs ILS.
**Int NW crs GRR–LFR and N crs ILS.
#200–½ authorized on 18L and 36R only.
@400′ ceiling is authorized for circling if all turns prior to landing are made East and North of airport.
%Crs and distance, OM to Rnwy 36L, 354°—5.6 mi.
$ 500–1 required when glide slope not used.

City, Grand Rapids; State, Mich.; Airport Name, Kent County; Elev., 692′; Fac. Class., ILS; Ident., I–GRR; Procedure No. ILS–36R–L, Amdt. 6; Eff. Date, 18 Feb. 61; Sup. Amdt. No. 5; Dated, 29 Oct. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Fremont FM–HW | Hayward HW (Final) | Direct | 2600 | T–dn* | 300–1 | 300–1 | 200–½ |
| OK LFR | Hayward HW | Direct | 3500 | C–dn | 500–1 | 600–1 | 600–1½ |
| OAK VOR | Hayward HW | Direct | 3500 | S–dn–27R% | 200–½ | 200–½ | 200–½ |
| Bay Point FM** | Hayward HW | Direct | 6000 | S–dn–27L# | 400–1 | 400–1 | 400–1 |
| Altamont Int** | Hayward HW | Direct | 5000 | A–dn | 600–2 | 600–2 | 600–2 |
| Sunol Int | Hayward HW (Final)*** | Direct | 5000 | | | | |

Radar transitions and vectoring authorized using Oakland Radar in accordance with approved Radar patterns.
Procedure turn #S side E crs, 095° Outbnd, 275° Inbnd, 3500′ within 10 mi of HWD HW. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd 2600′.
Altitude of glide slope and distance to approach end of runway at HWD HW, 2500′—8.2 mi at OM, 1320′—4.1; at MM, 230′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ in a one-minute right turn holding pattern on either the NW crs of the OK LFR (124° Inbnd, 304° Outbnd, all turns W side of crs), or R–300 OAK VOR (120° Inbnd, 300° Outbnd, all turns W side of crs). Missed approaches must cross OK LFR or OAK VOR not above 1500′.
MAJOR CHANGE: Deletes transition from Hayward HW.
*300–1 required for takeoff on Runway 28.
**These transitions authorized day on top only, unless radar vectoring is utilized.
***Descend on glide slope to cross Hayward HW at 2590′.
#Crs and distance, OM to Rwy 27L, 274°—4.1 mi.
##All turns to be made on the S side of crs; high terrain to North.
%Runway Visual Range 2600′ also authorized for takeoff and landing on Runway 27R; provided that all components of the ILS, hi-intensity runway lights, approach lights, condenser-discharge flasher, middle compass locator, outer marker, Hayward HW and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 205′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland Int'l.; Elev., 5′; Fac. Class., ILS; Ident., I–OAK; Procedure No. ILS–27R/L, Amdt. 15; Eff. Date, 18 Feb. 61; Sup. Amdt. No. 14; Dated, 8 Oct. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Woodland FM | SVY RBn | Direct | 3200 | T–dn* | 300–1 | 300–1 | 200–½ |
| La Center FM or Int | SVY RBn | Direct | 3200 | C–dn% | 700–1 | 700–1 | 700–1½ |
| PO–LFR | SVY RBn | Direct | 3200 | S–dn–10# | 200–½ | 200–½ | 200–½ |
| Willamette FM | SVY RBn | Direct | 3200 | A–dn | 700–2 | 700–2 | 700–2 |
| UBG VOR | SVY RBn | Direct | 3200 | | | | |
| PDX VOR | SVY RBn | Direct | 3200 | | | | |
| Scappoose Int | SVY RBn (Final) | Direct | 3000 | | | | |
| St. Helens Int | SVY RBn | Direct | 3200 | | | | |
| North Plains Int | SVY RBn | Direct | 3200 | | | | |

Radar transitions and vectoring using Portland Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 3200′ within 10 mi of SVY–RBN. NA beyond 10 mi.
Minimum altitude at G.S. int inbnd, 2000′.
Altitude of G.S. and distance to approach end of Runway at SVY RBn, 3000′—9.4 mi; at OM, 1357′—3.9 mi; at MM, 280′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2100 on SE crs. to Gresham Int.
NOTE: Narrow localizer course—4°.
*200–½ authorized Runways 10/28 only. 700–2 required on Runways 11/20.
#500–¾ required when glide slope not used.
%CAUTION: 600′ terrain 1.8 mi SE of airport.

City, Portland; State, Oreg.; Airport Name, International; Elev., 23′; Fac. Class., ILS; Ident., I–PDX; Procedure No. ILS–10, Amdt. 8; Eff. Date, 18 Feb. 61; Sup. Amdt. No. 7 (ILS portion Comb. ILS–ADF); Dated, 6 Apr. 57

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| St Louis LFR | Lake RBn | Direct | 2000 | T–dn | 300–1 | 300–1 | 200–½ |
| St Louis VOR | Lake RBn | Direct | 2000 | C–d | 500–1 | 500–1 | 500–1½ |
| St Louis LOM | Lake RBn | Direct | 2000 | C–n | 500–2 | 500–2 | 800–2 |
| Int R–180 STL–VOR and SW crs ILS | Lake RBn | Direct | 2000 | S–d–6 | 500–1 | 500–1 | 800–1 |
| Int R–180 STL–VOR and SW crs ILS | Lake RBn (Final) | Direct | 1500 | S–n–6 | 500–2 | 500–2 | 500–2 |
| Maryland Heights VOR | SW crs ILS (Final) | R–072 MTS–VOR | 1800 | A–dn | 800–2 | 800–2 | 800–2 |

Radar transitions to final approach course authorized. Information for radar terminal area transition altitudes on radar procedure.
Procedure turn S side SW crs, 238° Outbnd, 058° Inbnd, 2000′ within 10 mi of Lake "H".
No glide slope or markers. Alt. over Lake "H", 1500′. Distance from Lake "H" to Rnwy 6, 3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing Lake "H", climb to 1800′ on NE crs ILS to LOM or, when directed by ATC, make left (North) turn, climb to 2000′ direct to STL–VOR.
CAUTION: Bright mercury vapor lights on Interstate Highway 70 approximately 1400′ from approach end of Rnwy 6 may be mistaken for runway, when breaking clear of overcast from Lake approach at night.
AIR CARRIER NOTE: Sliding scale NA at night.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., ILS; Ident., I–STL; Procedure No. ILS–6, Amdt. 12; Eff. Date, 18 Feb. 61; Sup. Amdt. No. 11; Dated, 24 Dec. 60



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| St Louis VOR | LOM | Direct | 1800 | T–dn* | 300–1 | 300–1 | 200–½ |
| St Louis LFR | LOM | Direct | 1800 | C–dn | 500–1 | 500–1 | 500–1½ |
| Jerseyville Int | LOM | Direct | 2000 | S–dn–24* | 200–½ | 200–½ | 200–½ |
| Wood River Int | LOM | Direct | 1800 | A–dn* | 600–2 | 600–2 | 600–2 |
| Wood River Int | NE crs ILS (Final) (to intercept ILS crs 2 mi from LOM). | Direct | 1800 | | | | |
| Lake RBn | LOM | Direct | 2000 | | | | |
| Cora Int | LOM (Final) | Direct | 1800 | | | | |
| Academy Int | NE crs ILS (Final) | Direct | 1900 | | | | |
| Mitchell Int | LOM | Direct | 1800 | | | | |
| Maryland Hgts VOR | LOM | Direct | 2000 | | | | |
| Prairie Int | LOM | Direct | 2000 | | | | |
| Godfrey Int | NE crs ILS (Final) | Direct | 1900 | | | | |

Radar transitions to final approach course authorized. Information for radar terminal area transition altitudes on St. Louis radar procedure.
Procedure turn N side NE crs, 058° Outbnd, 238° Inbnd, 1900′ within 10 mi.
Minimum altitude at glide slope int inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM, 1782—4.1; at MM, 748—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on SW crs of ILS to Lake "H" or, when directed by ATC, make right (North) turn, climb to 2000′ direct to STL–VOR.
*Runway visual range 2600 feet also authorized for takeoff and landing on runway 24; provided, that all components of the ILS or PAR, high-intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 771 MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., ILS; Ident., I–STL; Procedure No. ILS–24, Amdt. 21; Eff. Date, 18 Feb. 61; Sup. Amdt. No. 20; Dated, 24 Dec. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Dover Int | LOM | Direct | 3000 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 600–1 | 600–1½ |
| | | | | S–dn–13* | 300–¾ | 300–¾ | 300–¾ |
| | | | | A–dn | 600–2 | 600–2 | 600–2 |

Procedure turn North side of crs, 305° Outbnd, 125° Inbnd, 2200′ within 10 mi.
Minimum altitude at G.S. int inbnd, 2200′.
Altitude of G.S. and distance to approach end of Rnwy at LOM 2030′—3.9 mi; at MM 1078′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2400′ on SE crs of ILS within 15 miles or, when directed by ATC, turn left, climbing to 2300′, proceed to TOP–VOR and hold on R–035, or turn left, climbing to 2300′ and proceed to TOP–VOR and hold on R–130.
MAJOR CHANGES: Deletes transitions from Forbes LFR to MHW, Int. 252° crs. from TOP–VOR and NW crs. Forbes LFR to MHW, and Topeka VOR to MHW.
*400–¾ required when operating under the provisions of inoperative ILS components. No reduction in 2-engine or less T.O. minimums authorized with ILS or precision radar inoperative.

City, Topeka; State, Kans.; Airport Name, Phillip Billard Municipal; Elev., 880′; Fac. Class., ILS; Ident., I–TOP; Procedure No. ILS–13, Amdt. 13; Eff. Date, 18 Feb. 61; Sup. Amdt. No. 12 (ILS portion Comb. ILS–ADF); Dated, 1 June 54

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| TOP–VOR | Powerhouse Int | Direct | 2200 | T–dn* | 300–1 | 300–1 | 200–½ |
| TOP LOM | Powerhouse Int | Direct | 2400 | C–dn | 500–1 | 600–1 | 600–1½ |
| Clinton Int | Richland Int | Direct | 2300 | S–dn–31 | 500–1 | 500–1 | 500–1 |
| Richland Int | Powerhouse Int (Final) | Direct | 1700 | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn East side of crs, 125° Outbnd, 305° Inbnd, 2500′ within 10 mi.
No glide slope. No outer marker. No middle marker.
Minimum altitude over Powerhouse Int on final approach crs, 1700′.
Crs and distance, Powerhouse Int to airport, 305°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 mi, climb to 2400′ on NW crs ILS within 20 mi or, when directed by ATC, turn right, proceed direct to TOP–VOR climbing to 2300′ and hold on R–035, or turn right climbing to 2200′, proceed to TOP–VOR and hold on R–130.
MAJOR CHANGES: Deletes transitions from Int NE crs. TOE–LFR and 259° crs. to TOP VOR; Int. SE crs. ILS and SW crs. MKC–LFR to Powerhouse Int, and Forbes LFR and Powerhouse Int.
*No reduction in 2-engine or less T.O. minimums authorized with ILS or precision radar inoperative.

City, Topeka; State, Kans.; Airport Name, Phillip Billard Municipal; Elev., 880′; Fac. Class., ILS; Ident., I–TOP; Procedure No. ILS–31, Amdt. 2; Eff. Date, 18 Feb. 61; Sup. Amdt. No. 1; Dated, 1 June 54

5. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| 100–190 | | Within 25 mi. | *2200 | Surveillance approach | | | |
| 190–100 | | Within 25 mi. | 2000 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 600–1½ |
| | | | | S–dn | 500–1 | 500–1 | 600–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |
| | | | | Precision approach | | | |
| | | | | T–dn# | 300–1 | 300–1 | 200–½ |
| | | | | S–dn–24# | 200–½ | 200–½ | 200–½ |
| | | | | A–dn | 600–2 | 600–2 | 600–2 |

Radar terminal area transition altitudes: All bearings and distances are from the radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on W crs SL–LFR to St. Peters Int or, when directed by ATC, (1) climb to 2000', proceed direct to STL–VOR; (2) climb to 2000' direct to MTS–VOR.

*2000' within 3 mi of 1649' TV tower 10.7 mi S of airport.

#Runway Visual Range 2000' also authorized for takeoff and landing on Runway 24; provided, that all components of the ILS or PAR, high-intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 771' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571'; Fac. Class., St. Louis; Ident., Radar; Procedure No. 1, Amdt. 5; Eff. Date, 18 Feb. 61; Sup. Amdt. No. 4; Dated, 24 Dec. 60

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on January 19, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61–741; Filed, Feb. 8, 1961; 8:45 a.m.]



# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

### Dietitian

Section 24.10 is amended as set out below:

**§ 24.10 Dietitian, GS–630–0 (all grades).**

(a) *Educational requirement.* Applicants must have a bachelor's degree from an accredited college or university. The course of study must have included or have been supplemented by courses and semester hours in accordance with Plan I, Plan II, or Plan III below:

PLAN I

| Subject group | Hours | Courses |
|---|---|---|
| Chemistry | 12 | General Inorganics.[1]<br>Organic.[1]<br>Physiological Chemistry with Laboratory.[1] |
| Biology | 6 | Human Physiology.[1]<br>Bacteriology.[1] |
| Social Sciences | 9 | At least 2 of the following:<br>Psychology.<br>Sociology.<br>Economics. |
| Education | 3 | At least 1 of the following:<br>Educational Psychology.<br>Methods of Teaching.<br>Principles of Education. |
| Foods | 6 | Food Selection and Preparation.[1]<br>Meal Planning and Service.[1] |
| Nutrition and Dietetics. | 6 | Nutrition.[1]<br>Diet in Disease.[1] |
| Institution Management. | 6 | Quantity Cookery.[1]<br>Organization and Management.[1] |

PLAN II

Sixty total semester hours are required with no less than the minimum number of hours indicated for each group.

| | Semester hours |
|---|---|
| Group I | 8 |
| Basic foods (required). | |
| Nutrition (required). | |
| Group II | 20 |
| Inorganic chemistry. | |
| Organic chemistry. | |
| Human physiology. | |
| Bacteriology. | |
| Physiological or biological chemistry. | |
| Food chemistry. | |
| Physics. | |
| Other advanced nutrition courses. | |
| Group III | 12 |
| Psychology. | |
| Education. | |
| Sociology. | |
| Anthropology. | |
| Economics. | |
| Personnel relations. | |
| Group IV | 12 |
| Experimental foods. | |
| Diet therapy (required). | |
| Quantity cookery. | |
| Institution equipment. | |
| Purchasing. | |
| Organization and management. | |
| Accounting. | |
| Cost control. | |

PLAN III

The Core plus *one* Emphasis, plus *one* Concentration, constitutes the requirements. (For employment in hospitals which do not have adequate pre-professional training facilities, applicants who meet the requirements of Plan III only by counting credits in Concentration 3 must, in addition, have completed an American Dietetic Association-approved internship to be eligible for consideration.)

| Core Subjects (all required)<br>22 Semester hours—Basic minimum | Semester hours |
|---|---|
| Natural sciences | 14 |
| Human physiology and bacteriology | 6 |
| Chemistry | 8 |
| Food (This subject must cover selection, meal planning, and service.) | 6 |
| Nutrition | 2 |

**Emphases**
**9 Semester hours—Basic minimum**

1. Food service management.
   - Organization and management.[1]
   - Quantity food production and service.[1]
   - Advanced food production management.
   - Equipment selection, maintenance, and layout.
   - Principles of accounting.
   - Purchasing.

   *or*

2. Education (business and industry, clinic, college, extension, school, and public health).
   - Educational principles and techniques.[1]
   - Educational psychology.[1]
   - Anthropology.
   - Child psychology.
   - Sociology.

   *or*

3. Food—Experimental and developmental.
   - Experimental foods.[1]
   - Advanced bacteriology.
   - Consumer economics.
   - Cultural aspects of food.
   - Food styling.
   - Quantity food production and service.
   - Psychology of advertising.
   - Technology of food.
   - Theory and technique of communications.

**CONCENTRATIONS**

**15 Semester hours—Basic minimum**

1. Therapeutic and Administrative Dietetics:
   - Nutrition, 2 semester hours[1] (biochemistry prerequisite or concurrent).
   - Personnel management or industrial psychology.[1]
   - Principles of learning or educational psychology.[1]
   - Diet Therapy.[1]
   - Advanced food production management.
   - Equipment selection, maintenance and layout (if not used in Emphasis 1).
   - Foods: Cultural, experimental, or technological.
   - Principles of accounting (if not used in Emphasis 1).
   - Purchasing (if not used in Emphasis 1).

   *or*

2. Science—Foods and Nutrition:
   - Advanced nutrition, 6 semester hours.[1]
   - Biochemistry with laboratory.[1]
   - Foods: Cultural, experimental or technological.[1]
   - Diet Therapy.[1]
   - Child growth and nutrition.
   - Community nutrition.
   - Principles of learning or educational psychology.
   - Statistics.
   - Food processing and preservation.

   *or*

3. Business Administration:
   - Advanced accounting.[1]
   - Advanced food production management[1] (if not used in Emphasis 1).
   - Equipment selection, maintenance and layout[1] (if not used in Emphasis 1).
   - Personnel management.[1]
   - Purchasing[1] (if not used in Emphasis 1).
   - Remainder of credit:
     - Business law.
     - Communications.
     - Human relations.
     - Industrial psychology.
     - Labor economics.

(b) *Duties.* The position of dietitian includes the following and related duties: Planning and directing the preparation and service of a regular and modified diet to patients or domiciled members and a regular diet to personnel attached to a hospital, domiciliary, sanatorium, clinic, or other institution; instructing patients in the requirements of prescribed diets; performing research and investigative studies regarding the use of diet in the treatment of disease; training others in the performance of dietetic work; or performing consultative or staff advisory work in connection with administering or participating in the administration of a dietetic program for several or all hospitals and/or other institutions under the jurisdiction of a Federal agency. The degree of responsibility will vary with the grade of the position.

(c) *Knowledge and training requisite for performance of duties.* The duties of dietitian cannot be performed successfully without a knowledge of (1) the physiology and digestive processes of the human body, (2) the nutritional requirements of individuals of varying ages and occupations, (3) the special diet requirements of persons suffering from a variety of diseases, (4) bacteriological principles as applied to food spoilage and sanitation, (5) the sciences in order to assist the medical staff in research into the use of diet in treatment of disease, and (6) the organization and administration of a hospital dietary department. These knowledges can be gained only through a directed course of study in an accredited college or university.

[1] At least one course in each of these is required.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61–1130; Filed, Feb. 8, 1961; 8:49 a.m.]

# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 120 ]

### TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Diuron; Notice of Filing of Petition for Establishment of Tolerance for Residues

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by E. I. du Pont de Nemours and Company, Wilmington 98, Delaware, proposing the establishment of a tolerance of 1 part per million for residues of diuron (3-(3,4-dichlorophenyl)-1,1-dimethylurea) in or on citrus fruits (including citrus citron, grapefruit, kumquats, lemons, limes, oranges, tangerines, and tangelos).

The analytical methods proposed in the petition are those of Bleidner et al. published in the Journal of Agricultural and Food Chemistry, volume II, page 476 (1954) for monuron, with modification for diuron, and the chromatographic separation technique of Bleidner (ibid., page 682).

Dated: February 2, 1961.

[SEAL] ROBERT S. ROE,
*Director, Bureau of Biological and Physical Sciences.*

[F.R. Doc. 61-1121; Filed, Feb. 8, 1961; 8:48 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[Order 67 (Rev. 2)]

### SIGNING THE COMMISSIONER'S NAME OR ON HIS BEHALF

### Delegation Order

Effective as of noon, January 20, 1961, all outstanding authorizations to sign the name of, or on behalf of, former Commissioner Latham, are hereby amended to authorize the signing of the name of, or on behalf of, Charles I. Fox, Acting Commissioner of Internal Revenue.

This order supersedes Delegation Order No. 67 (Revised), issued November 5, 1958.

Date of issue: January 19, 1961.

Effective date: January 20, 1961.

[SEAL] CHARLES I. FOX,
*Acting Commissioner.*

[F.R. Doc. 61-1119; Filed, Feb. 8, 1961; 8:48 a.m.]

### Office of the Secretary

[Dept. Circ. 570, 1960 Rev. Supp. 8]

### SPRINGFIELD FIRE AND MARINE INSURANCE CO.

### Surety Companies Acceptable on Federal Bonds

FEBRUARY 6, 1961.

Springfield Fire and Marine Insurance Company, a Massachusetts corporation, has formally changed its name to Springfield Insurance Company, effective 11:59 p.m., December 31, 1960. A copy of the amendment to the company's Charter, approved by the First Deputy Commissioner of Insurance and the Commissioner of Corporations and Taxation of Massachusetts and filed in the Office of the Secretary of the Commonwealth of Massachusetts, changing the name of Springfield Fire and Marine Insurance Company to Springfield Insurance Company, has been received and filed in the Treasury.

The change in name of Springfield Fire and Marine Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to its authority under the Act of Congress approved July 30, 1947 (6 U.S.C., secs. 6-13), to qualify as sole surety on such obligations.

The name of the company will appear as Springfield Insurance Company, Springfield, Massachusetts, in the next annual revision of this circular (Treasury Department Circular No. 570) which lists the companies authorized to act as acceptable sureties on bonds in favor of the United States.

[SEAL] W. T. HEFFELFINGER,
*Fiscal Assistant Secretary.*

[F.R. Doc. 61-1122; Filed, Feb. 8, 1961; 8:48 a.m.]

[1961 Dept. Cir. 1057]

### 3¼ PERCENT TREASURY NOTES OF SERIES G-1962

### Offering of Notes

FEBRUARY 6, 1961.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, subject to allotment, at par and accrued interest, from the people of the United States for notes of the United States, designated 3¼ percent Treasury Notes of Series G-1962. The amount of the offering under this circular is $6,900,000,000, or thereabouts. Treasury Certificates of Indebtedness of Series A-1961, maturing February 15, 1961, will be accepted at par in payment or exchange, in whole or in part, for the notes subscribed for, to the extent such subscriptions are allotted by the Treasury. The books will be open only on February 6, 1961, for the receipt of subscriptions for this issue.

II. *Description of notes.* 1. The notes will be dated February 15, 1961, and will bear interest from that date at the rate of 3¼ percent per annum, payable semi-annually on August 15, 1961, and February 15 and August 15, 1962. They will mature August 15, 1962, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital, surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from commercial and other banks for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign states, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Government Investment Accounts, and the Federal Reserve Banks. Subscriptions from all others must be accompanied by payment (in cash or in Treasury Certificates of Indebtedness of Series A-1961, maturing February 15, 1961, at par) of 2 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue, until after midnight February 6, 1961.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. Subject to these reservations, all

subscriptions from States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign states, Government Investment Accounts, and the Federal Reserve Banks will be allotted in full. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before February 15, 1961, or on later allotment. In every case where payment is not so completed, the payment with application up to 2 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any notes allotted hereunder in cash or by exchange of Treasury Certificates of Indebtedness of Series A–1961, maturing February 15, 1961, which will be accepted at par. Where payment is made with Treasury Certificates of Indebtedness of Series A–1961, coupons dated February 15, 1961, should be detached from such certificates by holders and cashed when due.

V. *General Provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
*Secretary of the Treasury.*

[F.R. Doc. 61–1123; Filed, Feb. 8, 1961; 8:48 a.m.]

# DEPARTMENT OF AGRICULTURE

## Office of the Secretary

## TEXAS

### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in Waller County, Texas, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 3d day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61–1118; Filed, Feb. 8, 1961; 8:47 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Classification No. 120]

## NEVADA

### Small Tract Classification: Amendment

Effective January 31, 1961, Federal Register Document 56–7064 appearing on page 6681 of the issue for September 5, 1956, is amended to include the following paragraph:

4. All valid applications filed prior to May 28, 1956, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

CHARLES E. HANCOCK,
*Acting State Supervisor.*

JANUARY 31, 1961.

[F.R. Doc. 61–1106; Filed, Feb. 8, 1961; 8:46 a.m.]

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[Classification No. 195]

## NEVADA

### Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described public lands, totalling 387.5 acres in Elko County, Nevada, as suitable for direct sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

MOUNT DIABLO PRINCIPAL MERIDIAN

T. 47 N., R. 64 E.,
Sec. 1, N½NW¼SW¼NE¼, N½NE¼SW¼NE¼, SW¼NE¼SW¼NE¼, E½SW¼SW¼NE¼, SW¼SW¼SW¼NE¼, N½SE¼SW¼NE¼, SW¼SE¼SW¼NE¼, W½SE¼SW¼NW¼, W½NE¼NW¼SW¼, S½NE¼NE¼SW¼, E½SW¼NW¼SW¼, SW¼SW¼NW¼SW¼, NW¼SE¼NW¼SW¼, SE¼NE¼SW¼, SW¼NW¼SW¼SW¼, NW¼SW¼SW¼SW¼, E½NW¼SE¼SW¼, NE¼SE¼SW¼, E½W½NW¼SE¼, E½NW¼SE¼, W½NW¼SW¼SE¼, SW¼SW¼SE¼, N½NE¼SW¼SE¼, SE¼NE¼SW¼SE¼;
Sec. 11, E½NE¼NE¼, E½SW¼NE¼NE¼, SW¼SW¼NE¼NE¼, SE¼NE¼, E½SE¼SW¼NE¼, N½NE¼SE¼, E½NE¼NW¼SE¼, N½S½NE¼SE¼, NE¼SE¼NW¼SE¼;
Sec. 12, SW¼NE¼NW¼NW¼, S½NW¼, N½N½SW¼, N½S½N½SW¼.

Containing 387.5 acres, subdivided into 142 tracts, of which 14 are covered by applications from persons entitled to preference under 43 CFR 257.5(a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. All valid applications filed prior to January 31, 1961, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

CHARLES E. HANCOCK,
*Acting State Supervisor.*

JANUARY 31, 1961.

[F.R. Doc. 61–1107; Filed, Feb. 8, 1961; 8:46 a.m.]

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[Utah (I–33)]

## UTAH

### Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 1, 1961.

The National Park Service, U.S. Department of the Interior, has filed an application, Serial No. U–060732, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, subject to valid existing rights. The land is to be under the jurisdiction of that agency. Grazing will be permitted to the extent it is compatible with the purpose of the withdrawal.

The applicant agency desires the withdrawal of these lands as an addition to the Natural Bridge National Monument to provide for proposed expansion and development of the Monument under the Mission 66 program, to facilitate administration, protection and public use of park values. The proposal is to enlarge the area first withdrawn by Presidential Proclamation on April 16, 1908, No. 804, and further defined by Presidential Proclamation on September 25, 1909, No. 861, and which will be referred to hereafter in this notice as the Monument. The additional land is needed to provide suitable space for the development and construction of facilities which include a portion of the new entrance road, a Monument road system, a visitor center, and other necessary headquarter facilities. Also included in the lands proposed for withdrawal are numerous prehistoric Indian ruins and other features of interest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections or comments in writing to the State Supervisor for Utah, Bureau of Land Management, Darling Building, P.O. Box 777, Salt Lake City 10, Utah. If any objections are filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the proposed withdrawal may state their views, and where proponents may explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 36 S., R. 17 E.,
Sec. 25: NE¼, S½ (that portion outside the Monument);
Sec. 26: E½SW¼, SE¼ (that portion outside the Monument);
Sec. 34: NE¼NE¼, SE¼SW¼, S½NE¼ (that portion outside the Monument), SE¼ (that portion outside the Monument);
Sec. 35: That portion outside the Monument.
T. 37 S., R. 17 E. (Unsurveyed except for township boundaries and school sections),
Secs. 1, 2, 3: Those portions outside the Monument;
Sec. 4: E½;
Sec. 10: N½NW¼, E½ (that portion outside the Monument);
Sec. 11: That portion outside the Monument;
Sec. 12: NW¼ (surveyed);
Sec. 14: N½;
Sec. 15: NE¼.
T. 36 S., R. 18 E.,
Secs. 30 and 31.
T. 37 S., R. 18 E. (Unsurveyed except for township boundaries and school sections),
Sec. 6: NW¼.

The area described contains approximately 4,841.55 acres.

EVAN L. RASMUSSEN,
*Acting State Supervisor.*

[F.R. Doc. 61–1108; Filed, Feb. 6, 1961; 8:46 a.m.]

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[Classification No. 56]

## NEW MEXICO

### Small Tract Classification

FEBRUARY 3, 1961.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby offer the small tracts described below for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended.

2. The lands are located approximately 5.5 miles west of the intersection of U.S. Highways 285 and 380 in the City of Roswell, Chaves County, New Mexico, on top of Six Mile Hill along the south side of U.S. Highway 380, at an elevation of 3,570 feet. The climate is moderate with annual precipitation of 12 inches, an average annual temperature of 59 degrees, and an average frost-free period of 208 days. Culinary water is accessible from wells at reasonable depths. Utilities are available at reasonable cost; and school, church, recreation and shopping facilities are readily accessible in Roswell. Some of the tracts have excellent views of the Pecos Valley, Walker Air Force Base, the City of Roswell, and the Capitan Mountains.

3. The appraised value per individual lot, its size and rights-of-way are shown below. All minerals in the lands shall be reserved to the United States.

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 S., R. 23 E., Sec. 4, Lots described as follows:

| Lot No. | Acreage | Rights-of-way reservations: 33 Feet | Rights-of-way reservations: 10 Feet | Appraised value |
|---|---|---|---|---|
| 51 [1] | 2.09 | S. Boundary | W. Boundary | $2,000 |
| 52 | 2.09 | W. and S. Boundary | E. and N. Boundary | 2,500 |
| 53 [1] | 2.08 | W. Boundary | N. Boundary | 2,500 |
| 54 | 2.08 | E. and S. Boundary | do | 2,250 |
| 55 | 2.74 | S. Boundary | do | 2,000 |
| 56 | 2.73 | do | do | 2,250 |
| 57 | 2.72 | S. and W. Boundary | do | 2,500 |
| 58 | 2.71 | E. Boundary | do | 2,250 |
| 59 | 2.51 | do | S. Boundary | 1,250 |
| 60 | 2.52 | N. and W. Boundary | do | 1,250 |
| 61 | 2.53 | N. Boundary | do | 1,250 |
| 62 [1] | 2.53 | do | do | 1,600 |
| 63 [1] | 1.88 | N. and E. Boundary | do | 1,300 |
| 64 | 1.89 | W. Boundary | do | 1,300 |
| 65 | 1.90 | N. Boundary | S. and E. Boundary | 1,300 |
| 66 [1] | 1.90 | do | W. Boundary | 1,250 |
| 22 | 2.54 | S. Boundary | do | 1,400 |
| 21 | 2.54 | do | N. and E. Boundary | 1,500 |
| 20 | 2.53 | W. and S. Boundary | N. Boundary | 1,500 |
| 19 [1] | 2.53 | E. and S. Boundary | do | 1,500 |
| 18 [1] | 2.52 | S. Boundary | do | 1,500 |
| 17 [1] | 2.52 | do | do | 1,500 |
| 16 [1] | 2.51 | W. and S. Boundary | do | 1,500 |
| 15 | 2.51 | E. Boundary | do | 1,250 |
| 30 | 2.51 | do | S. Boundary | 1,800 |
| 29 | 2.51 | W. and N. Boundary | do | 1,800 |
| 28 | 2.52 | N. Boundary | do | 1,500 |
| 27 | 2.52 | do | do | 1,500 |
| 26 | 2.53 | N. and E. Boundary | do | 1,250 |
| 25 [1] | 2.53 | W. and N. Boundary | do | 1,250 |
| 24 | 2.54 | N. Boundary | S. and E. Boundary | 1,400 |
| 23 | 2.54 | do | W. Boundary | 1,250 |
| 67 | 2.54 | S. Boundary | do | 1,250 |
| 68 [1] | 2.54 | do | N. and E. Boundary | 1,000 |
| 69 [1] | 2.54 | W. and S. Boundary | N. Boundary | 1,250 |
| 70 | 2.53 | E. and S. Boundary | do | 1,250 |
| 71 | 2.53 | S. Boundary | do | 1,250 |
| 72 | 2.52 | do | do | 1,250 |
| 73 | 2.52 | W. and S. Boundary | do | 1,250 |
| 74 | 2.52 | E. Boundary | do | 1,250 |
| 75 | 2.51 | do | S. Boundary | 1,250 |
| 76 [1] | 2.52 | W. and N. Boundary | do | 1,250 |
| 77 [1] | 2.52 | N. Boundary | do | 1,250 |
| 78 [1] | 2.53 | do | do | 1,250 |
| 79 | 2.53 | N. and E. Boundary | do | 1,250 |
| 80 | 2.53 | N. and W. Boundary | do | 900 |
| 81 | 2.54 | N. Boundary | S. and E. Boundary | 1,000 |
| 82 | 2.54 | do | W. Boundary | 1,200 |
| 83 [1] | 2.54 | S. Boundary | do | 1,250 |
| 84 | 2.54 | do | W. and N. Boundary | 1,000 |
| 85 [1] | 2.54 | W. and S. Boundary | N. Boundary | 1,000 |
| 86 [1] | 2.53 | E. and S. Boundary | do | 750 |
| 87 [1] | 2.53 | S. Boundary | do | 1,100 |
| 88 [1] | 2.52 | do | do | 1,100 |
| 89 [1] | 2.52 | W. and S. Boundary | do | 1,000 |
| 90 [1] | 2.51 | E. Boundary | do | 1,000 |
| 91 | 2.51 | do | S. Boundary | 750 |
| 92 | 2.52 | W. and N. Boundary | do | 600 |
| 93 | 2.52 | N. Boundary | do | 750 |
| 94 | 2.53 | do | do | 750 |
| 95 | 2.53 | E. and N. Boundary | do | 750 |
| 96 | 2.53 | W. and N. Boundary | do | 1,000 |
| 97 | 2.54 | N. Boundary | E. and S. Boundary | 1,100 |
| 98 | 2.55 | do | W. Boundary | 1,000 |
| 99 | 2.36 | S. Boundary | do | 500 |
| 100 [1] | 2.38 | do | E. and N. Boundary | 500 |
| 101 | 2.40 | W. and S. Boundary | N. Boundary | 650 |
| 102 | 2.42 | E. and S. Boundary | do | 650 |
| 103 | 2.44 | S. Boundary | do | 650 |
| 104 | 2.46 | do | do | 750 |
| 105 [1] | 2.48 | W. and S. Boundary | do | 750 |
| 106 [1] | 2.50 | E. Boundary | do | 750 |
| 107 | 2.50 | do | S. Boundary | 750 |
| 108 | 2.49 | W. and N. Boundary | do | 750 |
| 109 | 2.47 | N. Boundary | do | 500 |
| 110 [1] | 2.44 | do | do | 650 |
| 111 [1] | 2.43 | N. and E. Boundary | do | 750 |
| 112 | 2.40 | N. and W. Boundary | do | 750 |
| 113 | 2.38 | N. Boundary | S. and E. Boundary | 650 |
| 114 | 2.36 | do | W. Boundary | 650 |
| 115 | 2.36 | S. Boundary | do | 650 |
| 116 | 2.38 | do | N. and E. Boundary | 650 |
| 117 [1] | 2.40 | W. and S. Boundary | N. Boundary | 750 |
| 118 [1] | 2.42 | E. and S. Boundary | do | 900 |
| 119 [1] | 2.44 | S. Boundary | do | 750 |
| 120 [1] | 2.47 | do | do | 750 |
| 121 [1] | 2.49 | W. and S. Boundary | do | 750 |
| 122 [1] | 2.50 | E. and S. Boundary | do | 750 |
| 123 | 2.50 | N. Boundary | S. Boundary | 750 |
| 124 | 2.49 | do | do | 650 |
| 125 | 2.47 | do | do | 650 |
| 126 | 2.44 | do | do | 750 |
| 127 | 2.43 | N. and E. Boundary | do | 750 |
| 128 | 2.40 | N. and W. Boundary | do | 750 |
| 129 | 2.38 | N. Boundary | E. and S. Boundary | 750 |
| 130 | 2.37 | do | W. Boundary | 750 |
| 131 | 2.37 | S. Boundary | do | 650 |
| 132 | 2.38 | do | N. and E. Boundary | 650 |
| 133 | 2.40 | W. and S. Boundary | N. Boundary | 750 |
| 134 | 2.43 | E. Boundary | do | 650 |
| 135 | 2.42 | do | S. Boundary | 650 |
| 136 | 2.41 | N. and W. Boundary | do | 750 |
| 137 | 2.38 | N. Boundary | E. and S. Boundary | 750 |

[1] Covered by application from persons entitled to preference under 43 CFR 257.5.

NEW MEXICO PRINCIPAL MERIDIAN—Continued

T. 11 S., R. 23 E., Sec. 4, Lots described as follows—Continued

| Lot No. | Acreage | Rights-of-way reservations | | Appraised value |
|---|---|---|---|---|
| | | 33 Feet | 10 Feet | |
| 138[1] | 2.37 | N. Boundary | W. Boundary | $750 |
| 139 | 2.37 | S. Boundary | do | 750 |
| 140 | 2.38 | do | N. Boundary | 750 |
| 141 | 2.41 | W. and S. Boundary | do | 650 |
| 142 | 2.42 | E. and S. Boundary | do | 750 |
| 143 | 2.43 | N. Boundary | S. Boundary | 650 |
| 144[1] | 2.41 | do | do | 650 |
| 145 | 2.39 | do | S. and E. Boundary | 750 |
| 146 | 2.37 | do | W. and S. Boundary | 750 |

[1] Covered by application from persons entitled to preference under 43 CFR 257.5.

4. The above-described tracts will be sold at public auction at a public sale to be held at the Federal Court Room, Post Office Building, Roswell, New Mexico, at 10 a.m., April 6, 1961. Tracts covered by applications from persons entitled to preference under 43 CFR 257.5 will also be offered on the above date in case the preference right applicants fail to exercise their preference prior to the date of the sale. Bids may be made personally by the applicant or his agent at the sale or may be mailed. Bids sent by mail will be considered only if received at the Santa Fe, New Mexico, Land Office prior to 10:00 a.m., April 4, 1961. No sealed bid will be accepted if it is less than the appraised value of the tract. No oral bid will be accepted if it is less than the appraised value of the tract. Sealed bids must be in units of $5.00. Oral bidding will be in increments of not less than $10.00. See paragraph 3 for appraised values.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. Each bid sent by mail must clearly show (a) the name and post office address of the bidder, (b) Offer No. 14, and (c) the land description of the tract for which the bid is made, described in accordance with paragraph 3 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. Each bid must be enclosed in a separate envelope, but payment need only accompany the highest bid, provided all other bids designate the envelope containing the payment. Each envelope must carry on its reverse the following information and nothing else: (a) "Offer No. 14, April 6, 1961", (b) the description of the tract for which the bid is made, described in accordance with paragraph 3 of this order.

7. Each tract will be awarded to the highest qualified bidder. If the highest bid is oral, the bidder will be required to make payment for the tract at the close of bidding, and a personal check will be acceptable for that purpose. Any person who is declared high bidder for any tract will automatically be disqualified from consideration for other tracts at the sale.

8. Inquiries concerning these lands should be addressed to the Manager, Land Office, Post Office Box 1251, Santa Fe, New Mexico.

E. R. SMITH,
*State Supervisor.*

[F.R. Doc. 61-1128; Filed, Feb. 8, 1961; 8:49 a.m.]

[Bureau Order 668]

## DIRECTOR, BUREAU OF LAND MANAGEMENT

### Delegation of Authority in Connection With Appeals

FEBRUARY 2, 1961.

SECTION 1. Pursuant to the authority and subject to the limitation contained in Order No. 2583 of the Secretary of the Interior the Appeals Officer of the Bureau of Land Management is authorized to sign all decisions involving appeals to the Director, Bureau of Land Management, filed pursuant to 43 CFR Part 221.

SEC. 2. Bureau Order No. 587 of April 12, 1955, is hereby revoked.

KARL S. LANDSTROM,
*Director.*

[F.R. Doc. 61-1109; Filed, Feb. 8, 1961; 8:46 a.m.]

[Anchorage 051594]

## ALASKA

### Order Providing for Opening of Public Lands

FEBRUARY 3, 1961.

1. Pursuant to the authority delegated to me by Order No. 541 of the Director, Bureau of Land Management, dated April 21, 1954 (19 F.R. 2473), as amended, the following-described lands included in the revocation made by Public Land Order No. 1404 of April 3, 1957, are hereby restored to disposition as hereinafter indicated:

*Cape Greville—Cape Chiniak Area*

Beginning at a point on line of mean high tide on the west shore of the Gulf of Alaska, 57°34'08" North Latitude and 152°11'54" West Longitude, as shown on United States Coast and Geodetic Survey Chart No. 8535, December 1935, thence, by metes and bounds, north 8,000 feet to a point; west 7,000 feet approximately to Longitude 152°13' West and the Point of Beginning; thence:
west, 28,000 feet to a point;
north, 8,470 feet to a point on the line of mean high tide on south shore of Kalsin Bay;
southeasterly, with meanders of Kalsin Bay, Isthmus Bay, and Chiniak Bay to a point on line of mean high tide and Longitude 152°13' west;
south, on said Longitude, 7,800 feet to the Point of Beginning.
Excepting therefrom the following:
U.S. Survey No. 3471: All;
U.S. Survey No. 3472: All;
U.S. Survey No. 3473: Lots 1-6, inc., 10-12, inc.

Containing 134.96 acres.
Aggregating 6,522.04 acres.

2. The lands are located from 25 to 35 miles southeasterly of the City of Kodiak on Kodiak Island. They are situated on Cape Chiniak which is the most easterly portion of the island. They are mostly located on bluffs rising 100 feet or more above Chiniak Bay and the Gulf of Alaska. The area is accessible by the Cape Chiniak road, a secondary but all-weather type of road. The terrain is mostly rolling with a gradual rise in elevation to a maximum of about 500 feet. Vegatative cover consists primarily of Bluejoint grass with Sitka Spruce stands limited largely to protected drainageways.

3. Pursuant to section 202(b) of the act of July 28, 1956 (70 Stat. 709, 711; U.S.C. 46-3(b), and subject to the requirements of said acts and applicable regulations in 43 CFR Part 76, the State of Alaska shall be entitled until 10:00 a.m., on May 5, 1961, to a preferred right of selection of the lands except as against prior existing rights, or as against equitable claims subject to allowance and confirmation.

4. The lands are embraced within an existing grazing lease, Anchorage 011391.

5. Inquiries concerning the lands shall be addressed to the Manager, Anchorage Land Office, Cordova Building, Anchorage, Alaska.

L. T. MAIN,
*Operations Supervisor.*

[F.R. Doc. 61-1126; Filed, Feb. 8, 1961; 8:49 a.m.]

[California No. 614]

## CALIFORNIA

### Small Tract Classification Order

FEBRUARY 2, 1961.

1. Pursuant to the authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part 11, Document 4, California State Office, dated November 19, 1954 (19 F.R. 7697), I hereby classify the following described public land, totaling approximately 312.49 acres in Yuba County, California, as suitable for title transfer under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 19 N., R. 6 E.
Sec. 10:
NE¼NE¼, excluding patented M.S. 5983;
W½NE¼ and SE¼NW¼, excluding patented M.E. 320;
N½NW¼, SW¼NW¼;
Lot 1, excluding patented 0.94 acres in NE¼ portion of Lot 1.



Containing approximately 312.49 acres of which 10 acres are covered by 2 applications from persons entitled to preference under 43 CFR, 257.5(a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to applications under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. All valid applications filed prior to February 2, 1961, will be granted, as soon as possible, the preference right provided for by 43 CFR, 257.5(a).

R. G. SPORLEDER,
*Officer-in-Charge, Northern Field Group, Sacramento 14, California.*

[F.R. Doc. 61-1127; Filed, Feb. 8, 1961; 8:49 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-83]

## UNIVERSITY OF FLORIDA

### Notice of Amendment to Facility License

Please take notice that the Atomic Energy Commission has issued to University of Florida, Amendment No. 2, set forth below, to Facility License No. R-56, as requested by application amendments dated December 12 and 21, 1960. Amendment No. 2 revises paragraph 1. in License No. R-56 in order to authorize certain minor modifications in the University's training reactor facility.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since modification of the facility as proposed does not present any change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see (1) the applications for license amendment dated December 12 and 21, 1960, submitted by University of Florida, and (2) a hazards analysis prepared by the hazards evaluation staff of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room. A copy of item (2) may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 2d day of February 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[License No. R-56; Amdt. 2]

Paragraph 1. of Facility License No. R-56, as amended, is hereby amended to read as follows:

1. This license applies to the Argonaut type graphite moderated and reflected light water cooled, nuclear reactor (hereinafter referred to as "the reactor") which is owned by the applicant and located at Gainesville, in Alachua County, Florida, and described in the application dated August 20, 1957, the amendment thereto dated May 26, 1958, two amendments thereto both dated November 12, 1958, amendments thereto dated February 10 and 18, 1959, application amendment affirmed October 3, 1960, and amendments thereto dated December 12 and 21, 1960 (hereinafter collectively referred to as "the application") and is made subject to the conditions and limitations contained therein.

Date of issuance: Feb. 2, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-1097; Filed, Feb. 8, 1961; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 10946]

## SPECIFIC COMMODITY RATES

### Agreements Adopted by Traffic Conferences of the International Air Transport Association

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 and Joint Conference 1-2 of the International Air Transport Association (IATA), adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreements cancel specific commodity rates within the Western Hemisphere to/from Cuba and name an additional rate from Athens to New York.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find the subject agreements, which incorporate the following IATA Memoranda, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

| *C.A.B. agreement* | *IATA memoranda* |
|---|---|
| 14827, R-9 | TC1/Rates 1152 |
| 14358, R-31 | JT12/Rates 2542 |

*Accordingly, it is ordered,* That:

1. Agreement C.A.B. 14827, R-9, is approved.

2. Agreement C.A.B. 14358, R-31, is approved, provided that such approval shall not necessarily constitute approval for purposes of tariff publication.

3. Any air carrier party to the agreement or any interested person, may, within 15 days from the date hereof, submit statements in writing, containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action by subsequent order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
*Secretary.*

[F.R. Doc. 61-1124; Filed, Feb. 8, 1961; 8:49 a.m.]

## SPECIFIC COMMODITY RATES

### Agreement Adopted by Traffic Conference of the International Air Transport Association

[Docket No. 10946]

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement was adopted at the fourteenth meeting of the Traffic Conference 1 Commodity Rates Board held on December 6 and 7, 1960, and has been assigned the above designated C.A.B. Agreement number.

The agreement (1) extends the validity of rates currently in effect pursuant to unprotested cable notices to the carriers, (2) names additional rates under currently effective commodity descriptions, (3) cancels a limited number of rates, and (4) proposes amendments in certain existing descriptions. In addition, the carriers amended their rules of procedure so as to provide that any specific commodity rate filed to/from Panama City will be applicable to/from Balboa, except insofar as rates between Balboa and other United States points are concerned.

In the past, the Board disclaimed jurisdiction over agreements relating to commodity rates to/from Panama City, other than to/from United States points, since by terms of the pertinent enabling resolution, combination thereof with rates to and from the United States has been precluded. By virtue of the above-described amendment all such agreements will, in the future, affect air trans-

portation as defined by the Act since they will automatically apply to Balboa which is under the jurisdiction of the United States. It is pointed out, therefore, that under the terms of the conditions presently attached to the Board's approval of Resolution 590 [1] all commodity rates to/from Panama City must be filed with the Board under section 412 of the Act and approved by the Board prior to being placed in effect.

In addition, the Board's approval of the agreement will be conditioned so as to insure publication of all specific commodity rates here involved in the carriers' tariffs in a proper manner.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Agreement C.A.B. 14827 to be adverse to the public interest or in violation of the Act, provided that approval thereof shall be subject to the condition hereinafter ordered.

*Accordingly, it is ordered,* That:

1. Agreement C.A.B. 14827 is approved, provided that such approval shall not necessarily constitute approval of any specific commodity description contained therein for purposes of tariff publication.

2. Any air carrier party to the agreement or any interested person, may, within 15 days from the date hereof, submit statements in writing containing reasons deemed appropriate, together with supporting material, in support of or in opposition to the Board's action herein. An original and nineteen copies of such statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board

[SEAL] ROBERT C. LESTER,
*Secretary.*

[F.R. Doc. 61-1125; Filed, Feb. 8, 1961; 8:49 a.m.]

[1] Order E-12305 of March 31, 1958.

# FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-2]

## CONSTRUCTION OF RADIO ANTENNA STRUCTURES

### No Airspace Objection

The Federal Aviation Agency has circularized the following proposals to the aviation industry for comment and has conducted aeronautical studies to determine their effect upon the utilization of airspace:

1. The Abbeville Radio, Inc., proposes to erect a radio antenna structure to be located near Abbeville, Alabama, at latitude 31°35'17" north, longitude 85°16'-51" west. The overall height of the structure would be 674 feet above mean sea level (206 feet above ground level).

2. The Columbus Broadcasting Company proposes to erect a radio antenna structure to be located in Columbus, Georgia, at latitude 32°28'20" north, longitude 84°58'26" west. The overall height of the structure would be 475 feet above mean sea level (180 feet above ground level).

3. The Southern Railway System proposes to erect a radio antenna structure to be located at Mt. Alto, Georgia, at latitude 34°13'59" north, longitude 85°-14'02" west. The overall height of the structure would be 1,761 feet above mean sea level (280 feet above ground level).

4. The Mike Hicks Tools and Cementing, Inc., proposes to erect a radio antenna structure to be located near Crowley, Louisiana, at latitude 30°12'-00" north, longitude 92°23'10" west. The overall height of the structure would be 372 feet above mean sea level (350 feet above ground level).

No substantial aeronautical objections were received as a result of the circularizations. The aeronautical studies by the Agency revealed that the proposed structures would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that these proposed structures, at the locations and mean sea level elevations specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection from an airspace utilization standpoint be interposed by the Agency, provided that each structure will be obstruction marked and lighted in accordance with presently applicable standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 2, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-1100; Filed, Feb. 8, 1961; 8:45 a.m.]

[OE Docket No. 61-KC-1]

## CONSTRUCTION OF RADIO ANTENNA STRUCTURES

### No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace: Beacon Broadcasting Company, Milwaukee, Wisconsin, proposes to erect three equal height radio antenna structures, spaced 404 feet apart, near Grafton, Wisconsin, at latitude 43°21'43" north, longitude 87°59'53" west. The overall height of the structures would be 1131 feet above mean sea level (249 feet above ground).

Aeronautical objections were received, as a result of the circularization on the basis of possible interference with potential expansion of the Grob Airport, Grafton, Wisconsin, to the north toward the proposed antenna structure array. The aeronautical study by the Agency failed to reveal any definitive plans for such expansion, and did reveal that the proposed structures would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that these proposed structures would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection from an airspace utilization standpoint be interposed by the Agency, provided that each structure will be obstruction marked and lighted in accordance with presently applicable standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 3, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-1098; Filed, Feb. 8, 1961; 8:45 a.m.]

[OE Docket No. 61-FW-4]

## CONSTRUCTION OF RADIO TOWERS

### No Airspace Objection

The Federal Aviation Agency has circularized the following proposals to the aviation industry for comment and has conducted aeronautical studies to determine their effect upon the utilization of airspace:

1. The State of Oklahoma, Department of Highways, proposes to erect a radio antenna structure to be located near Turley, Oklahoma at latitude 36° 15'12" north, longitude 95°59'14" west. The overall height of the structure would be 1120 feet above mean sea level (170 feet above ground level).

2. The State of Oklahoma, Department of Highways, proposes to erect a radio antenna structure to be located near Cushing, Oklahoma, at latitude 35°58'10" north, longitude 96°47'15" west. The overall height of the structure would be 1218 feet above mean sea level (150 feet above ground level).

No substantial aeronautical objections were received as a result of the circularizations. The aeronautical studies by the Agency revealed that the proposed structures would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that these proposed structures, at the locations and mean sea level elevations specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection from an airspace utilization standpoint be interposed by the Agency, provided that each structure will be obstruction marked and lighted in accordance with presently applicable standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 3, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-1099; Filed, Feb. 8, 1961; 8:45 a.m.]



[OE Docket No. 60-FW-2]

## CONSTRUCTION OF RADIO ANTENNA STRUCTURES

### No Airspace Objection

The Federal Aviation Agency has circularized the following proposals to the aviation industry for comment and has conducted aeronautical studies to determine their effect upon the utilization of airspace:

1. The World Christian Radio Foundation, Inc., proposes to erect an FM radio tower near Park Blvd., Pinellas, Florida, at latitude 27°51'26" north, longitude 82°46'10" west. The overall height of the structure would be 503 feet above ground (513 feet MSL).

2. The Southern Bell Telephone & Telegraph Company proposes to erect a microwave radio tower at Columbus, Miss., at latitude 33°35'33" north, longitude 88°26'44" west. The overall height of the structure would be 205 feet above ground (405.4 feet MSL).

3. The Givens Construction Company, Inc., proposes to erect a radio tower at Opelousas, Louisiana, at latitude 30°31'10" north, longitude 92°06'45" west. The overall height of the structure would be 210 feet above ground (280 feet MSL).

No substantial aeronautical objections were received as a result of the circularization. The aeronautical studies revealed that the proposed structures would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that these proposed structures would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection from an airspace utilization standpoint be interposed by the Agency, provided that each structure will be obstruction marked and lighted in accordance with presently applicable standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 3, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-1114; Filed, Feb. 8, 1961; 8:47 a.m.]

[OE Docket No. 61-NY-1]

## CONSTRUCTION OF RADIO ANTENNA STRUCTURE

### No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace: The U.S. Coast Guard proposes to erect a Loran-C antenna structure to be located on Nantucket Island, Mass., at latitude 41°15'16" north, longitude 69°58'33" west. The overall height of the structure would be 640 feet above mean sea level (625 feet above ground). This proposal in effect is a relocation of an existing Loran-C antenna structure located on Martha's Vineyard Island, Mass., at latitude 41°19'59" north, longitude 70°48'45" west with an overall height of 700 feet MSL.

Aeronautical objections were received as a result of the circularization based on the following factors:

1. The proposed structure would be located within the control zone established for Nantucket Airport.

2. The proposed structure would exceed existing airport obstruction criteria.

3. The proposed structure would adversely affect low visibility Visual Flight Rules air traffic activity at Nantucket Airport.

The aeronautical study by the Agency determined that the effect of the proposed structure on the utilization of airspace would be as follows:

1. It would require an increase in the procedure turn altitude from 1,300 feet above mean sea level to 1,600 feet above mean sea level of the Standard Instrument approach utilizing the Nantucket, Mass., VOR. However, the study disclosed that this increase in procedure turn altitude would not require aircraft executing this instrument approach to exceed a safe rate of descent.

2. It would require an increase in the holding pattern altitude over the Nantucket VOR from 1,500 feet above mean sea level to 1,600 feet above mean sea level. However, the study revealed that this increase in holding pattern altitude would have no substantial adverse effect upon aeronautical operations.

3. It would require an increase from 1,500 feet above mean sea level to 1,600 feet above mean sea level in the Instrument Flight Rules minimum en route altitude on the segment of VOR Federal airway No. 141 between the Nantucket VOR and the Hyannis, Mass., VOR. However, the study disclosed that this increase in minimum en route altitude would have no substantial adverse effect upon aeronautical operations as the primarily important "cardinal" altitude of 2,000 feet above mean sea level would be retained.

4. It would require an increase from 1,500 feet above mean sea level to 1,600 feet above mean sea level in the Instrument Flight Rules minimum obstruction clearance altitude on the segment of VOR Federal airways Nos. 30 and 46 between the Nantucket VOR and Jessey intersection. However, the study revealed that this increase in minimum obstruction clearance altitude would have no substantial adverse effect upon aeronautical operations as the minimum en route altitude on the airway segment is 2,000 feet above mean sea level and there is no operational requirement to utilize the lower minimum obstruction clearance altitude.

5. It would be located 4.37 statute miles east of the Nantucket Memorial Airport and would penetrate the inner conical surface of the "Joint Industry Government Tall Structures Committee Final Report" criteria by 197 feet. This criteria is not limiting in nature but requires aeronautical study of such cases. In this instance, the aeronautical study discloses no substantial adverse effect upon Visual Flight Rules air traffic operations.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with applicable rules and standards and provided that the existing antenna tower structure at a height of 700 feet above mean sea level located at latitude 41°19'59" north, longitude 70°48'45" west be dismantled within 90 days after transmission is commenced from the new tower.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 3, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-1115; Filed, Feb. 8, 1961; 8:47 a.m.]

# FEDERAL POWER COMMISSION

[File No. G-12153 etc.]

## NORTHERN NATURAL GAS CO. AND PERMIAN BASIN PIPELINE CO.

### Order Amending Order Establishing Date of Hearing

FEBRUARY 2, 1961.

Northern Natural Gas Company, Docket Nos. G-12153, G-15335; Permian Basin Pipeline Company, Docket No. G-15336.

On January 19, 1961, the Commission issued an order requiring Northern Natural Gas Company (Northern) and Permian Basin Pipeline Company (Permian) to serve their rebuttal evidence on all parties to these proceedings on or before February 10, 1961, and ordered the hearing to reconvene on February 20, 1961.

Thereafter, on January 27, 1961, Northern and Permian filed a joint motion to amend the Commission's order issued January 19, 1961, to provide that the hearing in the above-entitled proceedings reconvene on February 27, 1961, and that Northern and Permian be permitted to serve their rebuttal evidence on all parties to these proceedings on or before February 17, 1961.

Northern and Permian, in support of their joint motion, state that their counsel must appear in the United States Court of Appeals, Third Circuit, at Philadelphia, Pennsylvania, on February 20, 1961, to present oral arguments in the case of Northern Natural Gas Company, et. al. v. F.P.C., No. 13317. In addition, numerous customer companies who are interveners in these proceedings are likewise involved in the above-mentioned case.

The Commission finds: Good cause has been shown for amending the Commis-

sion's order issued herein on January 19, 1961, to provide that the hearing in these proceedings be reconvened on February 27, 1961, and to permit Northern and Permian to serve their rebuttal evidence on all parties on or before February 17, 1961.

The Commission orders: Northern and Permian shall serve their rebuttal evidence on all parties to these proceedings on or before February 17, 1961, and the hearing shall reconvene on February 27, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1103; Filed, Feb. 8, 1961; 8:45 a.m.]

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[Project No. 2290]

## SOUTHERN CALIFORNIA EDISON CO.

### Application for License

FEBRUARY 2, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Southern California Edison Company, 601 West 5th Street, Los Angeles, California, for license for constructed Project No. 2290, located on Kern River, Salmon Creek and Corral Creek in Kern and Tulare Counties, California, in the vicinity of Bakersfield, Bodfish, Isabella, Kernville, and Weldon, California, and affecting lands of the United States within Sequoia National Forest.

The project, known as Kern River No. 3, consists of an overflow concrete gravity dam across Kern River, 26 feet high and 270 feet long, with a fish ladder; a main conduit extending 68,515 feet to a forebay above the powerhouse and consisting of a concrete sand box 449 feet long, 3,862 feet of covered and 1,705 feet of open concrete flume, 60,171 feet of concrete lined tunnel, a 45-foot long concrete spillway section at the siphon inlet, a 1,143 foot steel pile siphon and 1,140 feet of reinforced concrete pipe; two steel penstocks each 2,511 feet long from the forebay to the powerhouse; a small concrete dam on Salmon Creek, 60 feet long and 5 feet high, a steel pipe 228 feet long from Salmon Creek Dam to the main conduit; a small concrete dam on Corral Creek, 36 feet long and 6 feet high, a steel pipe 904 feet long from Corral Creek Dam to the main conduit; a powerhouse on the Kern River containing two Pelton reaction turbines of 25,000 horsepower each, connected to generators of 16,000 kilowatts each, a 66 KV double circuit transmission line about 44.5 miles long from the powerhouse to the Vestal Substation; a 66 KV single circuit transmission line about 17.25 miles long from the powerhouse to the Borel Powerhouse; a telephone line between the powerhouse and intake works with superimposed alarm and telemark circuits; a multicircuit control and power line between the powerhouse and forebay; access roads; operators village; and appurtenant electrical and mechanical equipment.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 20, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1104; Filed, Feb. 8, 1961; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4252]

## UNITED INDUSTRIAL CORP.

### Order Summarily Suspending Trading

FEBRUARY 3, 1961.

In the matter of trading on the American Stock Exchange, the Detroit Stock Exchange, the New York Stock Exchange, and the Pacific Coast Stock Exchange in common stock, $1 par value, series A convertible preferred stock, $8.50 par value, warrants to purchase common stock of United Industrial Corporation (Delaware), File No. 1-4252.

The Common Stock, $1 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange, and admitted to unlisted trading privileges on the Detroit Stock Exchange; and

The Series A Convertible Preferred Stock $8.50 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange; and

The Warrants to Purchase Common Stock of United Industrial Corporation (Delaware) being listed and registered on the American Stock Exchange and the Pacific Coast Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in each such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspensions are necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any of such securities, otherwise than on a national securities exchange;

*It is ordered,* Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said securities on the American Stock Exchange, the New York Stock Exchange, the Detroit Stock Exchange, and the Pacific Coast Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, February 5, 1961, to February 14, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-1113; Filed, Feb. 8, 1961; 8:47 a.m.]

# DEPARTMENT OF LABOR

## Office of the Secretary

## PUERTO RICO EMPLOYMENT SECURITY LAW

### Approval

The Commonwealth of Puerto Rico submitted on December 30, 1960, its unemployment compensation law, entitled the Puerto Rico Employment Security Act, for approval under section 3304(a) of the Federal Unemployment Tax Act (68A Stat. 443, 26 U.S.C. (I.R.C. 1954) 3304(a)), as amended by the Social Security Amendments of 1960 (sec. 543(b), 74 Stat. 924).

Pursuant to the aforesaid section 3304(a) of the Federal Unemployment Tax Act, I have examined the Puerto Rican Act, and find that, among others, it contains the following provisions:

(1) All compensation is to be paid through public employment offices.

(2) No compensation is payable with respect to any day of unemployment occurring before January 1, 1959.

(3) All money received in the unemployment fund shall (except for sums erroneously paid into such fund and except for refunds paid in accordance with the provisions of section 3305(b) of the Federal Unemployment Tax Act) immediately upon such receipt be paid over to the Secretary of the Treasury to the credit of the Unemployment Trust Fund established by section 904 of the Social Security Act (49 Stat. 640; 52 Stat. 1104, 1105; 42 U.S.C. 1104).

(4) All money withdrawn from the unemployment fund shall be used solely in the payment of unemployment compensation, exclusive of expenses of administration, and for refunds of sums erroneously paid into such fund and refunds paid in accordance with the provisions of section 3305(b); except that—

(a) An amount equal to the amount of employee payments into the unemployment fund of a State may be used in the payment of cash benefits to individuals with respect to their disability, exclusive of expenses of administration; and

(b) The amounts specified by section 903(c)(2) of the Social Security Act may, subject to the conditions prescribed in such section, be used for expenses incurred by the State for administration of its unemployment compensation law and public employment offices.

(5) Compensation shall not be denied to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(b) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(c) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fida labor organization.

(6) All rights, privileges, or immunities conferred by such law or by acts done pursuant thereto exist subject to the power of the legislature to amend or repeal such law at any time.

(7) On or before February 1, 1961, there be paid over to the Secretary of the Treasury, for credit to the Puerto Rico account in the Unemployment Trust Fund, an amount equal to the excess of—

(a) The aggregate of the moneys received in the Puerto Rico unemployment fund before January 1, 1961, over

(b) The aggregate of the moneys paid for such fund before January 1, 1961, as unemployment compensation or as refunds of contributions erroneously paid.

(8) The Puerto Rico Employment Security Law was in effect and included such provisions on January 1, 1961.

In view of the foregoing findings, I hereby approve the Puerto Rico Employment Security Act under subsection (a) of section 3304 of the Federal Unemployment Tax Act; subject, however, to the provisions of subsections (c) and (d) of that section.

Signed at Washington, D.C., this 19th day of January 1961.

JAMES P. MITCHELL,
*Secretary of Labor.*

[F.R. Doc. 61-1112; Filed, Feb. 8, 1961; 8:47 a.m.]

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## Wage and Hour Division

## CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.



Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Benjamin and Johnes, Inc., 410 Ashe Avenue, Dunn, N.C.; effective 1-18-61 to 1-17-62 (foundations).

Big-Dad Manufacturing Co., Inc., Starke, Fla.; effective 1-23-61 to 1-22-62 (work pants).

Calloway Manufacturing Co., Second and Poplar Streets, Murray, Ky.; effective 1-21-61 to 1-20-62 (men's and boys' cotton work trousers).

Cluett, Peabody and Co., Inc., Lewiston, Pa.; effective 2-1-61 to 1-31-62 (men's sport shirts).

Colshire Manufacturing Co., Inc., Morgantown, W. Va.; effective 2-1-61 to 1-31-62 (men's pajamas).

The Enro Shirt Co., 133 Center Street, Madisonville, Ky.; effective 2-1-61 to 1-31-62 (men's sport shirts).

Hebron Pants Factory, Hebron, Md.; effective 2-4-61 to 2-3-62 (men's work pants).

Huggins Garment Co., Donalds, S.C.; effective 1-29-61 to 1-28-62 (men's sport shirts).

Huggins Garment Co., Inc., Due West, S.C.; effective 1-26-61 to 1-25-62 (men's sport shirts).

Powellville Pants Factory, Powellville, Md.; effective 1-27-61 to 1-26-62 (men's and boys' work pants).

Publix Shirt Corp., Hazleton, Pa.; effective 1-30-61 to 1-29-62 (men's and boys' dress and sport shirts).

Ro-Joan Sportswear, Inc., Lincolnton Garment, Inc., Lincolnton, Ga.; effective 1-16-61 to 1-15-62 (women's and children's sportswear; men's raincoats).

Soperton Manufacturing Co., Soperton, Ga.; effective 1-29-61 to 1-28-62 (men's sport shirts).

Sturgis Clothing Co., Sixth and Main Streets, Sturgis, Ky.; effective 2-1-61 to 1-31-62. Learners may not be engaged at special minimum wage rates in the manufacture of men's topcoat interlinings (men's single pants).

Summerville Dress Co., Inc., Summerville, S.C.; effective 1-19-61 to 1-18-62 (children's dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

City Shirt Co., 19-21 West Vine Street, Mahanoy City, Pa.; effective 2-1-61 to 1-31-62; 10 learners (men's dress, sport and uniform shirts).

Eileen Hope, Inc., Liverpool, Pa.; effective 1-19-61 to 1-18-62; 10 learners (women's cotton dresses).

Solomon Bros. Co., Thomaston, Ala.; effective 1-23-61 to 1-22-62; 10 learners (men's sport shirts).

Willards Shirt Co., Willards, Md.; effective 1-29-61 to 1-28-62; 10 learners (men's work shirts and pants).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Onslow Garment Industries, Jacksonville, N.C.; effective 1-17-61 to 7-16-61; 30 learners (ladies' and children's slacks, pedal pushers, and jamaica shorts).

So-Rite Lingerie, Bright Building, Keyser, W. Va.; effective 1-17-61 to 7-16-61; 10 learners (ladies' pajamas and dusters).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Auburn Hosiery Mills, Inc., No. 2, Adairville, Ky.; effective 1-19-61 to 7-18-61; five learners for plant expansion purposes (full-fashioned).

Barber Hosiery Mills, Inc. 1078 South Main Street, Mt. Airy, N.C.; effective 2-2-61 to 2-1-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Belmont Hosiery Mills, Inc., Belmont, N.C.; effective 2-1-61 to 1-31-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Durham Hosiery Mills, Plant No. 14—100 South Corcoran Street, Durham, N.C.; effective 1-25-61 to 1-24-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Van Raalte Co., Inc., Blue Ridge, Ga.; effective 1-25-61 to 1-24-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Royal Manufacturing Co., Inc., Crawfordville, Ga.; effective 2-7-61 to 2-6-62; five learners for normal labor turnover purposes (men's and boys' drawers and cotton shorts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 27th day of January 1961.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 61-1110; Filed, Feb. 8, 1961; 8:46 a.m.]

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## CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certifi-

cates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alma Dress Co., Inc., 207-211 South Main Street, Shenandoah, Pa.; effective 1-10-61 to 1-9-62 (dresses).

Archbald Sewing Co., 140 Cherry Street, Archbald, Pa.; effective 1-21-61 to 1-20-62 (children's dresses).

Biltmore Manufacturing Co., Inc., Sweeten Creek Road, Biltmore, N.C.; effective 1-11-61 to 1-10-62. Learners may not be engaged at special minimum wage rates in the production of separate skirts (women's dungarees, pedal pushers, etc.).

Blue Bell, Inc., 626 South Elm Street, W. Lee and Fuller Streets, Greensboro, N.C., and Banks and Taylor Streets, Stokesdale, N.C.; effective 1-21-61 to 1-20-62. Learners may not be engaged at special minimum wage rates in the production of separate skirts (misses', girls' and kiddies shorts, pedal pushers and slacks).

Campus Shirt Co., 130 East South Street, Barnesville, Ohio; effective 1-23-61 to 1-22-62 (men's and boys' sport shirts).

Cowden Manufacturing Co., Stanford, Ky.; effective 1-19-61 to 1-18-62 (men's and boys' cotton denim dungarees).

Donlin Sportswear, Inc., New Tazewell, Tenn.; effective 1-17-61 to 1-16-62 (men's sport shirts).

Elder Manufacturing Co., McLeansboro, Ill.; effective 1-16-61 to 1-15-62 (men's and boys' shirts).

The H. D. Lee Co., Inc., 600 East State Street, Trenton, N.J.; effective 1-13-61 to 1-12-62 (men's work clothing).

Lorrie Lee Fashions, Inc., 92 South Empire Street, Wilkes-Barre, Pa.; effective 1-13-61 to 1-12-62 (women's dresses).

Martin Manufacturing Co., Inc., 202 Broadway, Martin, Tenn.; effective 1-11-61 to 1-10-62 (men's shirts and jackets).

Mount Airy Pants Factory, Mount Airy, Md.; effective 1-23-61 to 1-22-62 (men's work pants).

Smith Bros. Manufacturing Co., St. Joseph, Mo.; effective 1-23-61 to 1-22-62 (overalls, coveralls, dungarees, and jackets).

H. B. Spoont Co., 12-18 East Coal Street, Shenandoah, Pa.; effective 1-30-61 to 1-29-62 (ladies' carcoats and sportswear).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Devil Dog Manufacturing Co., Inc., Middlesex, N.C.; effective 1-12-61 to 1-11-62; 10 learners (ladies' and children's sportswear).

G & M Sportswear, Inc., Washington and Bower Streets, Shenandoah, Pa.; effective 1-16-61 to 1-15-62; six learners (ladies' dresses).

Smith Bros. Manufacturing Co., Lamar, Mo.; effective 1-23-61 to 1-22-62; 10 learners (men's and boys' dungarees and men's work jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

McAdoo Manufacturing Co., Inc., S. Hancock Street, McAdoo, Pa.; effective 1-12-61 to 7-11-61; 60 learners (men's and children's polo shirts).

Wallace Sewing Co., Wallace, N.C.; effective 1-16-61 to 7-15-61; 45 learners (women's and children's sportswear).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars, Inc., Morgan Street, Selma, Ala.; effective 1-20-61 to 1-19-62; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Indianapolis Glove Co., Inc., Mt Ida, Ark.; effective 1-22-61 to 1-21-62; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Grenada Industries, Inc., Grenada, Miss.; effective 1-25-61 to 1-24-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Kingsboro Mills, Inc., Lafayette, Tenn.; effective 1-16-61 to 1-15-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

International Shoe Co., Eldon, Mo.; effective 1-10-61 to 1-9-62; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' leather welt shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Caribbean Manufacturing Co., San Sebastian, P.R.; effective 12-21-60 to 6-20-61; 80 learners for plant expansion purposes, in the occupations of sewing machine operators and final pressers, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 67 cents an hour for the remaining 240 hours (children's dresses).

Caribe Sports Co., Inc., San German, P.R.; effective 12-27-60 to 4-10-61; 55 learners for plant expansion purposes, in the occupations of: (1) sewing machine operators, and hand lacers, each for a learning period of 320 hours at the rates of 47 cents an hour for the first 160 hours and 55 cents an hour for the remaining 160 hours; (2) die and clicker machine operators for a learning period of 160 hours at the rate of 47 cents an hour (baseball gloves and mitts).

Granada Mills, Inc., Km. 34.2 Villa Blanca, Caguas, P.R.; effective 12-27-60 to 6-26-61; 50 learners for plant expansion purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (ladies' panties and slips).

Janrico, Inc., Rincon, P.R.; effective 12-20-60 to 6-19-61; 28 learners for plant expansion purposes, in the occupations of: (1) sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours; (2) machine operations other than sewing machine for a learning period of 160 hours at the rate of 70 cents an hour. (brassieres).

The following learner certificate was issued in the Virgin Islands to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed are as indicated.

St. Croix Textile Mills, Inc., Christiansted, St. Croix, V.I.; effective 12-20-60 to 12-19-61; five learners for normal labor turnover purposes, in the single occupation of basic hand and/or machine production operations for a learning period of 240 hours at the rate of 55 cents an hour (spinning of yarn from wool top).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 25th day of January 1961.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 61-1111; Filed, Feb. 8, 1961; 8:45 a.m.]



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VOLUME 26 NUMBER 27

Washington, Friday, February 10, 1961

THE UNIVERSITY OF MICHIGAN
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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) is added to paragraph (d) of § 6.114 as set out below.

§ 6.114 Department of Health, Education, and Welfare.

* * * * *

(d) *Social Security Administration.* * * *

(3) Not to exceed 50 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: *Provided*, That employment under this authority shall be temporary and no employment shall be made under it after March 31, 1962.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1170; Filed, Feb. 9, 1961; 8:51 a.m.]

## Title 7—AGRICULTURE

### Chapter VI—Soil Conservation Service, Department of Agriculture

### PART 601—GREAT PLAINS CONSERVATION PROGRAM

#### Subpart—General Program Provisions

MISCELLANEOUS AMENDMENTS

The regulations governing the Great Plains Conservation Program, 22 F.R. 6851, as amended, are hereby further amended as provided herein.

1. Section 601.11(c) is amended by deleting the proviso at the end of the last sentence and inserting in lieu thereof the following: "*Provided*, That average costs will be developed and reviewed on a continuing basis and changes made during the year as needed: *Provided further*, That average costs will be approved annually no later than March 1."

2. That part of the first sentence of § 601.12(a) preceding the second proviso is amended to read as follows: "(a) The maximum cost-share which the Secretary will bear of the cost of carrying out an eligible conservation practice on an operating unit shall not exceed 80 percent of the average cost, or of the actual cost not to exceed the average cost, of carrying out each eligible conservation practice planned for the conservation treatment unit, and the contract shall specifically provide with respect to each eligible conservation practice included therein whether cost-share payments are to be made on the basis of the average cost, or of the actual cost not to exceed the average cost: *Provided*, That if the average cost of carrying out an eligible conservation practice in effect at the time of initial action to carry out such practice is less than the average cost of carrying out such practice at the time the contract was entered into as set out in the contract, the average cost applicable to such practice will be the lesser:"

(Sec. 4, 49 Stat. 164, as amended, 16 U.S.C. 590d)

Done at Washington, D.C., this 7th day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1173; Filed, Feb. 9, 1961; 8:51 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

### PART 74—SCABIES IN SHEEP

#### Interstate Movement

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 120, 121, 123, 125), a new subparagraph (3) is added to paragraph (a) of § 74.3, Part 74, Title 9, Code of Federal Regulations, to read as follows:

(3) The entire State of New York.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 115, 117, 124, 126. 19 F.R. 74, as amended)

*Effective date.* The foregoing amendment shall become effective on February 10, 1961.

The State of New York is presently included in the infected areas as sheep scabies is known to exist in this State. This amendment adds the State of New York to the eradication areas since a cooperative sheep scabies eradication program is now being conducted in the State. Hereafter, the restrictions pertaining to the interstate movement of sheep from, into, and through infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to this State.

The amendment imposes certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of February 1961.

M. R. CLARKSON,
*Acting Administrator, Agricultural Research Service.*

[F.R. Doc. 61-1172; Filed, Feb. 9, 1961; 8:51 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 649; Amdt. 252]

### PART 507—AIRWORTHINESS DIRECTIVES

#### Brantly Model B-2 Helicopter

Several cases of failure of the bolts which transmit torque from the centrifugal clutch to the free-wheeling clutch have occurred. The failures resulted when the centrifugal clutch did not release at engine shutdown and subsequent restarting sheared the bolts. Failure of these bolts presents a severe safety hazard since it can result in complete loss of torque from the engine to the drive system thereby jeopardizing the control of the helicopter. Accordingly, a directive is necessary requiring inspection of the bolts and installation of a placard providing for a check of clutch freedom prior to each engine start.

Since safety of the helicopter is involved, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective 10 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BRANTLY. Applies to all B-2 helicopters.

Compliance required as indicated.

Instances have occurred wherein the centrifugal clutch has failed to release at engine shutdown and subsequent restarting has sheared the bolts which transmit torque from the B2-8-14 clutch disc assembly into the fabric coupling and from the fabric coupling into the lugs of the free-wheeling clutch housing. To preclude recurrence of this condition the following must be accomplished:

(a) Within the next 10 hours of flight time after the effective date of this directive, inspect all 6 of the AN-4-10A bolts which secure the fabric coupling to the B2-8-14 clutch disc assembly and to the free-wheeling clutch housing for shear failure. This inspection is to be accomplished by inserting an appropriately sized wrench through the lubrication access hole in the B2-7-17 clutch dust cover and checking each bolt for snugness. Any sheared bolts must be replaced prior to further operation.

(b) Within the next 10 hours of flight time after the effective date of this directive a placard shall be installed immediately aft or incorporated with the operating limitations placard located between the fuel mixture control and the carburetor heat control levers to read: "Prior to Each Engine Start, Turn Rotor Backward by Hand Through 30 Degrees Minimum to Check Clutch Freedom". The purpose of this placard is to insure that these coupling bolts are not subjected to damage resulting from failure of the clutch to release.

(Brantly Service Bulletin No. 6 covers this same subject.)

This amendment shall become effective February 22, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 2, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-1134; Filed, Feb. 9, 1961; 8:45 a.m.]

---

[Reg. Docket No. 555; Amdt. 290]

## PART 507—AIRWORTHINESS DIRECTIVES

### Douglas DC-6 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive superseding Amendment 180 (25 F.R. 7015) for Douglas DC-6, DC-6A, and DC-6B aircraft was published in 25 F.R. 10577.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received which objected to restricting the means of inspection to "visual" and not permitting ferry flights to suitable repair facilities. Changes have been made to cover these objections. It was requested that the upper center spar caps be included in the inspection of lower front and center spar caps so that operators could take advantage of the increased inspection intervals subsequent to rework in accordance with Service Bulletin Nos. 569 and 724. This is not being permitted since on the basis of the substantiation provided by the manufacturer it is considered necessary that the same inspection frequency be maintained for both the upper front and upper center spar caps. It was also requested that inspections be permitted at convenient overhaul periods nearest the specified time. Since in some cases this could mean a considerable increase in inspection intervals, on the basis of the manufacturers recommendations it was not permitted. The inspection time specified is now at the maximum safe interval substantiated by the manufacturer. Accordingly, the amendment will become effective 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all DC-6, DC-6A and DC-6B aircraft; Fuselage No. 1 up to and including Fuselage No. 722, having in excess of 9,000 hours' time in service.

Compliance required as indicated.

There have been numerous cases reported of spar cap cracking on DC-6 Series aircraft. Cracking usually occurs in spar cap tangs in the area of the Station 60 attachments and progresses chordwise. In addition, service experience has shown that the temporary repair of the above service difficulties per Douglas Rework Drawing 5611387 does not have the service life originally anticipated. As a result of this service experience, the upper and lower, front and center spar caps in the area of wing Station 60, with special attention to the spar cap tangs between wing Stations 55 and 65, must be inspected for cracks as follows:

(a) The upper and lower, front and center spar caps must be inspected within the next 450 hours' time in service unless already accomplished. Aircraft inspected prior to issuance of this AD must also comply with the repetitive inspections rework and/or repairs specified in (b), (c), (d), and (e).

(b) The upper front and center spar caps on all DC-6, DC-6A, and DC-6B aircraft, Fuselage Nos. 1 through 722, must be reinspected at intervals not to exceed 1,600 hours' time in service.

(c) The lower front and center spar caps must be reinspected as follows:

(1) Model DC-6 aircraft, Fuselage Nos. 1 through 172, which have not been reworked in accordance with DC-6 Service Bulletin Nos. 569 and 724, at intervals not to exceed 1,600 hours' time in service.

(2) Model DC-6 aircraft, Fuselage Nos. 1 through 172, which have been reworked in accordance with DC-6 Service Bulletin Nos. 569 and 724, at intervals not to exceed 3,250 hours' time in service.

(3) Model DC-6, DC-6A and DC-6B aircraft, Fuselage Nos. 174 through 722, at intervals not to exceed 3,250 hours' time in service.

(d) If cracks are found, FAA approved permanent rework or temporary repair as recommended by the manufacturer or FAA approved equivalent is required prior to further flight except ferry flight in accordance with the provisions of CAR 1.76. Temporary repairs may be made per Douglas Rework Drawing 5611387, or FAA approved equivalent, providing crack limitations as established on this drawing have not been exceeded.

(e) Aircraft incorporating a temporary repair must be reinspected at intervals not to exceed 750 hours' time in service pending the accomplishment of the FAA approved manufacturer's recommended permanent rework or FAA approved equivalent. Such rework or equivalent must be accomplished within 4,200 hours' time in service after incorporating the temporary repair.

(f) The inspections required by this AD may be discontinued for any area reworked in accordance with FAA approved permanent repair instructions.

(Douglas Alert Service Bulletin A-678 revised June 3, 1960, covers this subject.)

This supersedes Amendment 180, 25 F.R. 7015.

This amendment shall become effective March 14, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 2, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-1135; Filed, Feb. 9, 1961; 8:45 a.m.]

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[Reg. Docket No. 587; Amdt. 251]

## PART 507—AIRWORTHINESS DIRECTIVES

### Lockheed Model PV-1 and B-34 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring repetitive inspections for cracks and looseness of the main landing gear drag strut attach plates on Lockheed PV-1 and B-34 aircraft was published in 25 F.R. 12478.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received, however an equivalent means of compliance which was suggested by an operator is being included.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Model PV-1 and B-34 aircraft with main landing gear drag strut attach plates, P/N 112900 or P/N 12665.

Compliance required as indicated. (It will be necessary for operators to maintain a record of landings in order to ascertain compliance with this AD.)

Investigation has shown that failure of the main landing gear drag strut attach plate, P/N 112900 has caused the main landing gear to collapse. The B-34 main landing gear drag strut attach plate, P/N 12665, is the same as the PV-1. As a result of this service experience the following shall be accomplished:

(a) Inspection in accordance with either (1) or (2) below is required:

(1) Within the next 25 landings and every 50 landings thereafter, inspect the main landing gear drag strut attach plates, P/N 112900, or P/N 12665, in place on the aircraft for cracks and looseness.[1] Dye penetrant or FAA approved equivalent must be used for crack detection. If the drag strut attach plate is loose, then it must be visually inspected for elongation of the bolt holes and the attaching bolts visually inspected for cracks, or deformation. If cracks or elongation of the bolt holes are found in the drag strut attach plate, it must be replaced prior to the next flight. Deformed or cracked bolts must be replaced prior to the next flight.

(2) Within the next 25 landings, unless already accomplished within the last 125 landings and every 150 landings thereafter, remove the main landing gear drag strut attach plates, P/N 112900, or P/N 12665, and conduct an X-ray or dye penetrant, or FAA approved equivalent, inspection for cracks. The bolt holes in the drag strut attach plate must be visually inspected for elongation and the attaching bolts inspected for cracks or deformation. If cracks or elongation of the bolt holes are found in the drag strut attach plate, it must be replaced prior to the next flight. Deformed or cracked bolts must be replaced prior to the next flight.

(b) The special inspections contained in this AD may be discontinued after the Howard Aero, Inc., replacement main landing gear drag strut attach plates, P/N 5-802006, or FAA approved equivalents, are installed using 180,000 p.s.i. minimum ultimate tensile strength attaching bolts.

This amendment shall become effective March 14, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 2, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-1136; Filed, Feb. 9, 1961; 8:45 a.m.]

[1] A method of inspection for looseness is to check for gapping of 0.010 inch or greater, between the drag strut plate and the backing plate at a point approximately 4.5 inches above the lower edge of the attach plate. Insert a feeler gage between the attach plate and the backing plate from the outboard side to make this check.

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# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER C—DRUGS

## PART 146—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

### Changes in Warning Statements and Labeling

The Commissioner of Food and Drugs, following extensive investigations, has concluded that revisions of the warning statements in the labeling of chloramphenicol-containing preparations (other than those for external or ophthalmic use) are necessary to protect the public health. These conclusions have been reviewed by a panel of distinguished physicians appointed by the National Research Council at the Commissioner's request. That group agreed that these revisions are necessary. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(f)(2), 507, 52 Stat. 1051, 59 Stat. 463, as amended 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; 21 U.S.C. 352(f)(2), 357, and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered,* That the regulations for the certification of chloramphenicol and chloramphenicol-containing drugs be amended as set forth below:

1. Section 146d.301(c) is amended to read as follows:

§ 146d.301 Chloramphenicol.

* * * * *

(c) *Labeling*—(1) *If it is packaged for dispensing and it is intended for use by man.* In addition to the labeling prescribed by § 1.106(b) of this chapter, issued pursuant to section 502(f) of the act, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container:

(*a*) The statement, "Warning—Blood dyscrasias may be associated with the use of chloramphenicol. It is essential that adequate blood studies be made. (See enclosed warnings and precautions)."

(*b*) The statement "Expiration date ----------," the blank being filled in with the date which is 60 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container.

(ii) The circular or other labeling within or attached to the package bearing directions, precautions, and warnings for its use by physicians shall begin with the following statements, which shall be underscored or italicized:

(*a*) "Warning—Serious and even fatal blood dyscrasias (aplastic anemia, hypoplastic anemia, thrombocytopenia, granulocytopenia) are known to occur after the administration of chloramphenicol. Blood dyscrasias have occurred after both short-term and prolonged therapy with this drug. Bearing in mind the possibility that such reactions may occur, chloramphenicol should be used only for serious infections caused by organisms that are susceptible to its antibacterial effects. Chloramphenicol should not be used when other less potentially dangerous agents will be effective; or in the treatment of trivial infections such as colds, influenza, or viral infections of the throat; or as a prophylactic agent."

(*b*) "Precautions—It is essential that adequate blood studies be made during treatment with the drug. While blood studies may detect early peripheral blood changes, such as leukopenia or granulocytopenia, before they become irreversible, such studies cannot be relied upon to detect bone marrow depression prior to development of aplastic anemia."

(2) *If it is packaged for dispensing and it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph except subdivisions (i)(*a*) and (ii); and in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions, precautions, and warnings adequate for the veterinary use of the drug by the laity.

(3) *If it is packaged solely for manufacturing use and/or repacking.* Each package shall bear on its outside wrapper or container and the immediate container the following:

(i) The number of micrograms of chloramphenicol per milligram or per gram and the number of grams or kilograms in the immediate container.

(ii) The batch mark.

(iii) The statement "Caution: Federal law prohibits dispensing without prescription."

2. Section 146d.302(c) is amended to read as follows:

§ 146d.302 Chloramphenicol capsules.

* * * * *

(c) *Labeling*—(1) *If it is intended for use by man.* In addition to the labeling prescribed by § 1.106(b) of this chapter, issued pursuant to section 502(f) of the act, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container:

(*a*) The statement, "Warning—Blood dyscrasias may be associated with the use of chloramphenicol. It is essential that adequate blood studies be made. (See enclosed warnings and precautions.)"

(*b*) The statement "Expiration date ----------," the blank being filled in with the date that is 60 months after the month during which the batch was certified.

(ii) The circular or other labeling within or attached to the package, bearing directions, precautions, and warnings for its use by physicians, shall begin with the following statements, which shall be underscored or italicized:

(*a*) "Warning—Serious and even fatal blood dyscrasias (aplastic anemia, hypoplastic anemia, thrombocytopenia, granulocytopenia) are known to occur after the administration of chloramphenicol. Blood dyscrasias have occurred after both short-term and prolonged therapy with this drug. Bearing in mind the possibility that such reactions may occur, chloramphenicol should be used only for serious infections caused by organisms that are susceptible to its antibacterial effects. Chloramphenicol should not be used when other less potentially dangerous agents will be effective; or in the treatment of trivial infections such as colds, influenza, or viral infections of the throat; or as a prophylactic agent."

(*b*) "Precautions—It is essential that adequate blood studies be made during treatment with the drug. While blood studies may detect early peripheral blood changes, such as leukopenia or granulocytopenia, before they become irreversible, such studies cannot be relied on to detect bone marrow depression prior to development of aplastic anemia."

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph except subdivisions (i)(*a*) and (ii), and in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions, precautions, and warnings adequate for the veterinary use of the drug by the laity.

3. Section 146d.306(c) is amended to read as follows:

**§ 146d.306 Chloramphenicol palmitate oral suspension.**

* * * * *

(c) *Labeling*—(1) *If it is intended for use by man.* In addition to the labeling prescribed by § 1.106(b) of this chapter, issued pursuant to section 502(f) of the act, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container:

(*a*) The statement, "Warning—Blood dyscrasias may be associated with the use of chloramphenicol. It is essential that adequate blood studies be made. (See enclosed warnings and precautions.)"

(*b*) The statement "Expiration date ----------," the blank being filled in with the date that is 48 months after the month during which the batch was certified or with the date that is 24 months after the month during which the batch was certified if it contains one or more vitamin substances.

(ii) The circular or other labeling within or attached to the package, bearing directions, precautions, and warnings for its use by physicians, shall begin with the following statements, which shall be underscored or italicized:

(*a*) "Warning—Serious and even fatal blood dyscrasias (aplastic anemia, hypoplastic anemia, thrombocytopenia, granulocytopenia) are known to occur after the administration of chloramphenicol. Blood dyscrasias have occurred after both short-term and prolonged therapy with this drug. Bearing in mind the possibility that such reactions may occur, chloramphenicol should be used only for serious infections caused by organisms that are susceptible to its antibacterial effects. Chloramphenicol should not be used when other less potentially dangerous agents will be effective; or in the treatment of trivial infections such as colds, influenza, or viral infections of the throat; or as a prophylactic agent."

(*b*) "Precautions—It is essential that adequate blood studies be made during treatment with the drug. While blood studies may detect early peripheral blood changes, such as leukopenia or granulocytopenia, before they become irreversible, such studies cannot be relied on to detect bone marrow depression prior to development of aplastic anemia."

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph, except subdivisions (i) (*a*) and (ii), and in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions, precautions, and warnings adequate for the veterinary use of the drug by the laity.

(3) On the label and labeling, if it contains one or more vitamin substances, after the name "chloramphenicol palmitate oral suspension," wherever it appears, the words "with vitamin ----------," the blank being filled in with the name of the vitamin ingredient used, or "with vitamins," if it contains more than one vitamin ingredient, in juxtaposition with such name.

4. Section 146d.307(c) is amended to read as follows:

**§ 146d.307 Chloramphenicol solution; chloramphenicol for aqueous injection.**

* * * * *

(c) *Labeling*—(1) *If it is intended for use by man.* In addition to the labeling prescribed by § 1.106(b) of this chapter, issued pursuant to section 502(f) of the act, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container:

(*a*) The statement, "Warning—Blood dyscrasias may be associated with the use of chloramphenicol. It is essential that adequate blood studies be made. (See enclosed warnings and precautions.)"

(*b*) The statement "Expiration date ----------," the blank being filled in with the date that is 24 months after the month during which the batch was certified if it is the solution of the drug, or 48 months after the month during which the batch was certified if it is the dry mixture of the drug: *Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container.

(c) If it is the dry mixture of the drug, the statement "For intramuscular use only."

(ii) On the outside wrapper or container, if it is the solution of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)."

(iii) The circular or other labeling within or attached to the package, bearing directions, precautions, and warnings for its use by physicians, shall begin with the following statements, which shall be underscored or italicized:

(*a*) "Warning—Serious and even fatal blood dyscrasias (aplastic anemia, hypoplastic anemia, thrombocytopenia, granulocytopenia) are known to occur after the administration of chloramphenicol. Blood dyscrasias have occurred after both short-term and prolonged therapy with this drug. Bearing in mind the possibility that such reactions may occur, chloramphenicol should be used only for serious infections caused by organisms that are susceptible to its antibacterial effects. Chloramphenicol should not be used when other less potentially dangerous agents will be effective; or in the treatment of trivial infections such as colds, influenza, or viral infections of the throat; or as a prophylactic agent."

(*b*) "Precautions—It is essential that adequate blood studies be made during treatment with the drug. While blood studies may detect early peripheral blood changes, such as leukopenia or granulocytopenia, before they become irreversible, such studies cannot be relied on to detect bone marrow depression prior to development of aplastic anemia."

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph except subdivisions (i) (*a*) and (iii), and in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions, precautions, and warnings adequate for the veterinary use of the drug by the laity.

5. Section 146d.309(a)(4) is amended to read as follows:

**§ 146d.309 Chloramphenicol-streptomycin capsules; chloramphenicol-dihydrostreptomycin capsules.**

(a) * * *

(4) Its expiration date shall be 48 months after the month during which the batch was certified.

6. Section 146d.311(b) is amended to read as follows:

**§ 146d.311 Chloramphenicol palmitate-streptomycin oral suspension; chloramphenicol palmitate-dihydrostreptomycin oral suspension.**

(a) * * *

(4) Its expiration date shall be 48 months after the month during which the batch was certified.

Notice and public procedure would be contrary to the public interest because the labeling revisions have been developed with the advice of a panel of distinguished physicians, the needs for labeling revision have been called to the attention of the firms producing the drug in the United States, and the revisions are necessary adequately to insure the safety of the drug.

*Effective date.* This order shall become effective on the date of its publication in the FEDERAL REGISTER since the protection of the public health so requires. However, to facilitate the orderly transition from the labeling heretofore used to the new labeling, the Commissioner will, for a period of 30 days, certify chloramphenicol preparations bearing packaging labels adopted on basis of the recommendation of the National Research Council in 1952, upon a showing that the person requesting certification has disseminated to all practitioners licensed by law to administer the drugs, a brochure containing the new warnings. At the end of the 30-day period, certification will be allowed only for products meeting all requirements of the revised regulations.

(Secs. 502(f)(2), 507, 52 Stat. 1051, 59 Stat. 463, as amended; 21 U.S.C. 352(f)(2), 357)

Dated: February 3, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-1156; Filed, Feb. 9, 1961; 8:49 a.m.]



# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2259]

### ALASKA

### Reserving Lands for Use of the Alaska Railroad, and the Federal Aviation Agency; Partly Revoking Executive Order No. 4778 of December 5, 1927 (Indian Reserve, Eklutna)

By virtue of the authority vested in the President by Section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority vested in the Secretary of the Interior by section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), as amended, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn, as indicated:

(a) Under the jurisdiction of the Department of Interior, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, for use of the Alaska Railroad for railroad purposes:

[Anchorage 024207]

SEWARD MERIDIAN

T. 16 N., R. 1 W.,
Sec. 24: S½NE¼SW¼, SE¼SW¼, and that part of the S½NW¼SE¼ lying northwesterly of the right-of-way of the Alaska Railroad.

The areas described aggregate 63.20 acres.

(b) Under the jurisdiction of the Federal Aviation Agency, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, in the maintenance of air navigation facilities, for a radio transmitting station:

[Anchorage 024222]

SEWARD MERIDIAN

T. 16 N., R. 1 E.,
Sec. 19; E½SE¼NW¼.

The tract described contains 20 acres.

2. Executive Order No. 4778 of December 5, 1927, as amended by Executive Order No. 6734 of June 8, 1934, which withdrew lands at Eklutna, Alaska, for use of the United States Bureau of Education for educational purposes is hereby revoked so far as it effects any of the lands described in paragraph 1 of this order.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

FEBRUARY 3, 1961.

[F.R. Doc. 61-1148; Filed, Feb. 9, 1961; 8:46 a.m.]

[Public Land Order 2260]

[Sacramento 060744]

[Sacramento 064640]

### CALIFORNIA

### Withdrawing Lands for Use of Department of the Army for Flood Control Purposes

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in California, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for use of the Department of the Army for flood control purposes in connection with the construction, operation, and maintenance of the New Hogan Dam and Reservoir, authorized by the act of December 22, 1944 (58 Stat. 887):

MOUNT DIABLO MERIDIAN

T. 3 N., R. 11 E.,
Sec. 6; that portion of the SW¼SE¼ lying east of Alice No. 1 Mine, M.S. No. 5099, and West of Lot 9;
Sec. 17; lot 14;
Sec. 18; E½W½NE¼.
T. 4 N., R. 11 E.,
Sec. 13; lot 1, exclusive of patented Mineral Survey 5956, and lot 2;
Sec. 20; E½ of lot 5, E½ of lot 8.

The areas described aggregate 179.84 acres.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

FEBRUARY 6, 1961.

[F.R. Doc. 61-1144; Filed, Feb. 9, 1961; 8:46 a.m.]

# Title 25—INDIANS

## Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

### PART 221—OPERATION AND MAINTENANCE CHARGES

### Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington

FEBRUARY 1, 1961.

On December 30, 1960, there was published in the daily issue of the FEDERAL REGISTER, Volume 25, Number 253, page 13980, notice of intention to amend § 221.86, Subchapter T, Chapter I of the Code of Federal Regulations Title 25. This section deals with the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington. Interested persons were thereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or argument in writing to Don C. Foster, Area Director, within thirty days from the date of publication of the notice. Written comments, unsupported by factual data, were received from the Yakima Tribal Council. After giving due consideration to these comments, it was determined that sufficient justification existed for the proposed rate increase and, accordingly, § 221.86 of Title 25, Code of Federal Regulations, Chapter I, Bureau of Indian Affairs, Subchapter T, is amended as follows:

**§ 221.86 Charges.**

Pursuant to the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, for the calendar year 1961 and subsequent years until further notice are hereby fixed as follows:

| | |
|---|---|
| (a) Minimum charges for all tracts in noncontiguous single ownership | $7.25 |
| (b) Flat rate upon all farm units or tracts for each assessable acre | 7.00 |
| (c) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre | .50 |

DON C. FOSTER,
*Area Director.*

[F.R. Doc. 61-1142; Filed, Feb. 9, 1961; 8:46 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[FCC 61-153]

### PART 1—PRACTICE AND PROCEDURE

### Forfeitures by Broadcast Licensees and Permittees

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of February 1961;

The Commission having under consideration Public Law 86-752, 86th Congress, 2d Session, which was enacted into law on September 13, 1960, and the necessity for promulgating rules to implement amendments to sections 503 and 504 of the Communications Act of 1934 (as previously amended) contained in that law;

It appearing that the amendments to the rules ordered herein implementing the new provisions of sections 503 and 504 of the Act are procedural in nature,

and that therefore the provisions of section 4 of the Administrative Procedure Act are inapplicable; and

It further appearing that the authority for the adoption of these rules is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

*It is ordered*, That, effective February 13, 1961, Part 1 of the Commission's Rules and Regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1062, as amended; 47 U.S.C. 303)

Released: February 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

New undesignated center head and new § 1.370 are added as follows:

FORFEITURES RELATING TO BROADCAST LICENSEES AND PERMITTEES

**§ 1.370 Forfeitures relating to broadcast licensees and permittees.**

(a) Whenever the Commission finds that grounds exist to support a suit for collection of forfeiture provided by section 503(b) of the Communications Act of 1934, as amended, a written notice of apparent liability shall be issued by the Commission and shall be sent by the Commission by registered or certified mail to the last known address of the licensee or permittee. The notification shall specify the date or dates, facts, and the nature of the alleged act or acts, omission or omissions with which the licensee or permittee is charged, and shall specifically identify the particular provision or provisions of the law, rule, or regulation or the license, permit, or cease and desist order involved and shall set forth the amount of the forfeiture. The notification shall inform the licensee or permittee that:

(1) He may admit liability by paying the amount specified therein;

(2) He has a right under section 503(b)(2) of the Act to show in writing why he should not be held liable; and

(3) If he admits liability but considers the amount of the forfeiture excessive he may submit in writing the reasons therefor.

(b) Payment must be made, or a written statement in duplicate in response to a notification of apparent liability must be submitted, within 30 days from the receipt of the notification or the attempted delivery thereof. After consideration of the statement, an order shall be entered declaring non-liability or establishing the amount of the forfeiture. If the licensee or permittee fails to take any action in respect to a notification of apparent liability for forfeiture, an order shall be entered establishing the forfeiture as the amount set forth in the notice of apparent liability. Orders of forfeiture shall also advise the party or parties of the Commission's authority under section 504(b) of the Act to remit or mitigate such forfeitures upon application therefor. The Commission shall serve orders of forfeiture or orders of nonliability upon the licensee or permittee involved.

(c) Orders of forfeiture may be satisfied by payment, within 30 days from the date of receipt of the order, of the amount specified therein. Applications for mitigation or remission shall be filed within 30 days from the date of receipt of the order of forfeiture. The application must state the facts relied upon and must be in duplicate. After considering the application, an order remitting the entire amount, mitigating the forfeiture or denying relief shall be served on the licensee or permittee. Such orders may be satisfied by payment within 30 days from the date of receipt of the notification of the amount specified therein.

(d) If the licensee or permittee fails to take any action in respect to an order imposing or mitigating a forfeiture or denying relief, the case may be referred by the Commission to the Attorney General of the United States for appropriate civil action to recover the forfeiture in accordance with the provisions of section 504(a) of the Act.

(e) Payment of forfeitures shall be made by check or similar means drawn to the order of the Treasurer of the United States and mailed to the Commission.

(f) Factual material contained in statements or applications submitted by the licensee or permittee in accordance with the provisions of this section shall, except for material of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof.

[F.R. Doc. 61-1179; Filed, Feb. 9, 1961; 8:51 a.m.]

# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 120 ]

### PARATHION IN OR ON RICE

### Establishing Tolerances for Residues

The Agricultural Extension Service in the State of California has requested that action be taken to establish a tolerance for parathion on rice to permit application of this pesticide to rice fields to control mosquitoes. They find that 0.1 pound of actual parathion per acre is effective for this purpose.

The U.S. Department of Agriculture advises that parathion is useful for the purpose proposed and that the residues of parathion on harvested rice would not exceed 1 part per million. Such residues on rice will not involve a hazard to man or animals.

Accordingly, the Commissioner of Food and Drugs, on his own initiative and under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 514; 21 U.S.C. 346a (b), (e)), vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (25 F.R. 8625) proposes that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.-121; 25 F.R. 6878) be amended by adding rice to the list of commodities in § 120.121. As amended, § 120.121 reads as follows:

**§ 120.121 Tolerances for residues of parathion.**

A tolerance of 1 part per million is established for residues of parathion (*O,O*-diethyl *O*-*p*-nitrophenyl thiophosphate) in or on the following raw agricultural commodities: Alfalfa, barley, clover, corn forage, garlic, grass for forage, hops, oats, olives, pea forage, rice vetch, wheat.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing parathion may request, within 30 days from publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug and Cosmetic Act.

Any interested person may, within 30 days from the date of the publication of this notice in the FEDERAL REGISTER, file, in quintuplicate, with the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C., written views or comments on this proposal.

Dated: February 3, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-1154; Filed, Feb. 9, 1961; 8:48 a.m.]

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[ 21 CFR Part 120 ]

### SODIUM PROPIONATE

### Exemption From Requirement of Tolerances

Data in possession of the Food and Drug Administration indicate that sodium propionate has been used as a fungicide in the production of garlic. When sodium propionate is so used it does not constitute a hazard to the public health.

Accordingly, the Commissioner of Food and Drugs, on his own initiative and under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (25 F.R. 8625), proposes that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) be amended by adding the following new section:

**§ 120.185 Sodium propionate; exemption from the requirement of a tolerance for residues.**

Sodium propionate is exempted from the requirement of a tolerance for residues when used as a fungicide in the production of garlic.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing sodium propionate may request, within 30 days from publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

All documents shall be filed in quintuplicate.

Dated: February 3, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-1155; Filed, Feb. 9, 1961; 8:48 a.m.]

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[ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by The Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to provide for the safe use of erythromycin thiocyanate in combination with zoalene in chicken feed.

Dated: February 3, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1147; Filed, Feb. 9, 1961; 8:47 a.m.]

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[ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Hercules Powder Company, Inc., Wilmington 99, Delaware, proposing the issuance of a regulation to provide for the safe use of alkyl ketene dimers in paper and paperboard for food packaging.

Dated: February 3, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1148; Filed, Feb. 9, 1961; 8:47 a.m.]

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[ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by The Dow Chemical

Company, Midland, Michigan, proposing the issuance of a regulation to permit the safe use of oleandomycin in combination with zoalene in chicken feed.

Dated: February 6, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1149; Filed, Feb. 9, 1961; 8:47 a.m.]

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Goodyear Tire and Rubber Company, 1144 East Market Street, Akron 16, Ohio, proposing the issuance of a regulation to provide for the safe use of polysorbate 80 in films used for food packaging.

Dated: February 6, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1150; Filed, Feb. 9, 1961; 8:47 a.m.]

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Allegheny Refining Company, Plum Street, Verona, Pennsylvania, proposing the issuance of a regulation permitting the safe use of dipropylene glycol as an auxiliary lubricant in the rolling of aluminum sheet and foil for food packaging.

Dated: February 6, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1151; Filed, Feb. 9, 1961; 8:47 a.m.]

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Lilly Varnish Company, 666 South California Street, Indianapolis 7, Indiana, proposing the issuance of a regulation permitting in the formulation of food container coatings, in addition to certain substances previously listed as being subject to extension actions under § 121.87 and published in the FEDERAL REGISTER of March 17, 1960 (25 F.R. 2204), the following:

Alkylated melamine-formaldehyde resin.
Butylated urea-formaldehyde resin.
Cerium-lanthanum napthenate.
Diphenylamine.
Ethyl polysiloxane (viscosity 30,000 centipoises).
Phenol o-cresol-formaldehyde resin.
Pine wood resin derivative.
Polyoxyethylene glycol 400 monooleate.
Sodium dioctylsulfosuccinate.

Dated: February 6, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1152; Filed, Feb. 9, 1961; 8:48 a.m.]

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Merck and Company, Inc., Rahway, New Jersey, proposing the issuance of a regulation to provide for the safe use of amprolium in medicated turkey feed, with or without penicillin and streptomycin.

Dated: February 6, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1153; Filed, Feb. 9, 1961; 8:48 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 Parts CFR 600, 608 ]

[Airspace Docket No. 60-AN-32]

## FEDERAL AIRWAYS AND RESTRICTED AREAS

### Designation of Restricted Area/Military Climb Corridor; Alteration of Federal Airway

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 608.22 and 600.102 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of the Air Force for the designation of a Restricted Area/Military Climb Corridor at Eielson Air Force Base, Fairbanks, Alaska. The military climb corridor, designated as a restricted area, would confine high-speed, high rate-of-climb Century series aircraft departing from the airbase on active air defense missions within a relatively small area. These aircraft would operate to and from the Eielson AFB and the Base Commander would be designated the Using Agency. The restricted area would provide protection for these aircraft and other users of the airspace during the initial climb phase of the air defense mission. The proposed Restricted Area/Military Climb Corridor would be centered on the 016° True radial of the Eielson Air Force Base TACAN and would extend from 5 statute miles north of the airbase to 32 statute miles north of the airbase expanding uniformly from a width of 2 statute miles at the beginning to 4.6 statute miles at the outer extremity. The lower altitude limits would extend in graduated steps from 3,500 feet MSL to 16,000 feet MSL. The upper altitude limits would extend in graduated steps from 15,000 feet MSL to 27,000 feet MSL. The time of designation would be continuous.

The controlling agency would be Fairbanks Approach Control. The controlling agency would authorize aircraft to operate within the restricted area when not in use for active air defense missions.

If this action is taken, R-2207 Fairbanks, Alaska (Eielson Air Force Base) Restricted Area/Military Climb Corridor would be designated as follows:

*Boundaries.* That area centered on the 016° True radial of the Eielson Air Force Base TACAN extending from 5 statute miles north of the airbase to 32 statute miles north of the airbase having a width of 2 statute miles at the beginning and a width of 4.6 statute miles at the outer extremity.

*Designated altitudes.*
3,500' MSL to 15,000' MSL from 5 statute miles N of the airbase to 6 statute miles N of the airbase.
3,500' MSL to 24,000' MSL from 6 to 7 statute miles N of the airbase.
5,500' MSL to 27,000' MSL from 7 to 9 statute miles N of the airbase.
7,000' MSL to 27,000' MSL from 9 to 15 statute miles N of the airbase.
10,000' MSL to 27,000' MSL from 15 to 20 statute miles N of the airbase.
13,000' MSL to 27,000' MSL from 20 to 25 statute miles N of the airbase.
16,000' MSL to 27,000' MSL from 25 to 32 statute miles N of the airbase.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Fairbanks Approach Control.

*Using agency.* Commander, Eielson AFB, Alaska.

Concurrently with this action it is proposed to alter § 600.102 to include in the description of Amber Federal airway No. 2, "The portion of this airway that coincides with R-2207 Fairbanks, Alaska (Eielson AFB) Restricted Area/Military Climb Corridor shall be used only after obtaining prior approval from the appropriate authority."

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 3, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-1140; Filed, Feb. 9, 1961; 8:46 a.m.]



## [ 14 CFR Part 601 ]

[Airspace Docket No. 60-WA-264]

## POSITIVE CONTROL AREAS

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.9011 of the regulations of the Administrator, the substance of which is stated below.

The (Chicago, Ill.-Indianapolis, Ind.), positive control area is presently designated as that airspace within the continental control area, from 24,000 feet MSL to flight level 350, bounded by a line beginning at:

Latitude 41°45'30" N., longitude 83°10'45" W., thence to latitude 41°39'30" N., longitude 83°15'15" W., thence to latitude 41°00'00" N., longitude 82°30'00" W., thence to latitude 40°32'00" N., longitude 81°40'00" W., thence to latitude 39°12'00" N., longitude 81°25'00" W., thence to latitude 38°40'00" N., longitude 82°00'00" W., thence to latitude 37°51'00" N., longitude 84°00'00" W., thence to latitude 37°40'00" N., longitude 87°30'00" W., thence to latitude 39°45'00" N., longitude 88°11'00" W., thence to latitude 40°18'00" N., longitude 89°00'00" W., thence to latitude 41°00'00" N., longitude 89°50'00" W., thence to latitude 42°00'00" N., longitude 90°15'00" W., thence to latitude 43°00'00" N., longitude 90°00'00" W., thence to latitude 43°25'00" N., longitude 89°00'00" W., thence to latitude 43°20'00" N., longitude 87°43'20" W., thence to latitude 43°14'20" N., longitude 87°44'30" W., thence to latitude 43°14'55" N., longitude 87°30'00" W., thence to latitude 41°53'00" N., longitude 86°08'00" W., thence to the point of beginning.

The Federal Aviation Agency is presently conducting an evaluation program ("Operation Pathfinder") of the concepts, techniques and procedures of area positive control of high altitude air traffic between the altitudes of 24,000 feet MSL and Flight Level 350 within the Chicago-Indianapolis positive control area. Information available at this time indicates that it is feasible to raise the upward limits of the Chicago-Indianapolis positive control area to Flight Level 600. Accordingly, the Federal Aviation Agency proposes to alter the upward limits of the area to extend from 24,000 feet MSL to Flight Level 600. However, no final rule making action will be effected until completion of the evaluation program.

This alteration would afford positive control to aircraft conducting high altitude flight activities in this area above Flight Level 350, but would not alter the presently designated lateral dimensions of the Chicago-Indianapolis positive control area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 3, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-1137; Filed, Feb. 9, 1961; 8:45 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60-WA-187]

## CONTROL AREAS

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1215 of the regulations of the Administrator, the substance of which is stated below.

The Galveston, Tex., control area extension is presently designated as all that area extending from the Houston, Tex., control area (§ 601.1053) to the New Orleans, La., Oceanic control area, bounded on the west by a line from latitude 29°04'40" N., longitude 95°-00'00" W., to latitude 28°02'20" N., longitude 94°20'00" W., and bounded on the east by a line from latitude 29°16'00" N., longitude 94°43'15" W., to latitude 28°15'00" N., longitude 92°42'00" W., excluding that portion below 2,500 feet between the United States shoreline and the New Orleans Oceanic control area. The Federal Aviation Agency is considering altering this control area extension by increasing the width of the area to provide additional airspace for the protection of aircraft operating under instrument flight rule conditions along recently approved additional routes between the Houston terminal area and Central and South American terminals.

If this action is taken, the Galveston, Tex., control area extension would be designated within the area bounded by a line beginning at latitude 29°02'10" N., longitude 95°05'00" W.; extending northeast 3 nautical miles from and parallel to the United States shoreline to latitude 29°19'00" N., longitude 94°-40'30" W.; thence southeast to latitude 28°15'00" N., longitude 92°07'00" W.; thence west to latitude 28°15'00" N., longitude 94°00'00" W.; thence southwest to latitude 27°32'00" N., longitude 95°09'00" W.; thence south-southwest to latitude 26°50'20" N., longitude 95°-30'00" W.; thence north to latitude 27°00'00" N., longitude 95°30'00" W.; thence north-northeast to point of beginning; excluding that portion below 2,500 feet mean sea level.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 3, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-1138; Filed, Feb. 9, 1961; 8:45 a.m.]

[ 14 CFR Part 601 ]

[Airspace Docket No. 60-AN-31]

## CONTROL AREAS

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1275 of the regulations of the Administrator, the substance of which is stated below.

The Fairbanks, Alaska, control area extension is designated within a 25-mile radius of Ladd Air Force Base, within 5 miles either side of the east course of the Fairbanks radio range extending to a point 25 miles east of the Chena, Alaska, radio beacon, and within 15 miles on the southwest side of the centerline of Amber Federal airway No. 2 extending from the Big Delta, Alaska, radio range to the Fairbanks 25-mile radius control area extension, excluding the portion which lies within and overlaps Big Delta Restricted Area R-2202.

The Federal Aviation Agency is considering altering this control area extension as follows:

1. Revoke the portion of the control area extension based on the east course of the Fairbanks radio range. This extension is no longer required since the instrument approach procedure at Ladd AFB utilizing the east course of the Fairbanks radio range has been cancelled.

2. Revoke the portion of the control area extension which coincides with the segment of Amber Federal airway No. 2 between Fairbanks and Big Delta. This would eliminate a dual designation of control areas.

3. Add an extension southeast of Fairbanks within 9 miles southwest of and 20 miles northeast of a line bearing 299° and 199° True from the Big Delta, Alaska, radio range, extending from 12 miles northwest to 45 miles southeast of the radio range. This extension would provide protection for aircraft executing high altitude holding procedures prior to executing a prescribed instrument approach to Eielson AFB.

4. Add an extension within a 50-mile radius of Ladd AFB extending clockwise from the southwest boundary of Amber 2, southeast of Fairbanks to the south boundary of Green 7. This extension would provide protection for aircraft departing Eielson AFB and for aircraft executing prescribed instrument approach procedures at Eielson AFB.

5. Add an extension within 9 miles north and 15 miles south of the Nenana, Alaska, VOR 105° and 285° True radials extending from 12 miles east to 45 miles west of the VOR. This extension would provide protection for aircraft executing high altitude holding procedures prior to executing prescribed instrument approach procedures at Eielson AFB. If these actions are taken, the Fairbanks, Alaska, control area extension would be designated within a 25-mile radius of Ladd Air Force Base, Alaska (latitude 64°50'15" N., longitude 147°36'45" W.), extending clockwise from the southern boundary of Green Federal airway No. 7 to the southwestern boundary of Amber Federal airway No. 2, southeast of Fairbanks; within a 50-mile radius of Ladd AFB extending clockwise from the southwestern boundary of Amber 2, southeast of Fairbanks, to the southern boundary of Green 7; within 9 miles north and 15 miles south of the Nenana, Alaska, VOR 105° and 285° True radials extending from 12 miles east to 45 miles west of the VOR; within 9 miles southwest and 20 miles northeast of a line bearing 299° and 119° True from the Big Delta, Alaska, radio range station, extending from 12 miles northwest to 45 miles southeast of the radio range station; and the area bounded on the northeast by Amber 2, on the southeast by a line extending from the Big Delta radio range station to the northeast corner of Restricted Area R-2202, on the southwest by Restricted Area R-2202 and on the northwest by the 50-mile radius control area extension. The portion of the proposed control area extension which would coincide with Restricted Area R-2202 would be excluded. That portion which would coincide with the Fairbanks, Alaska (Eielson AFB) Restricted Area/Military Climb Corridor proposed for designation in Airspace Docket No. 60-AN-32 would be used only after obtaining prior approval from the appropriate authority.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 3, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-1139; Filed, Feb. 9, 1961; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 3 ]

[Docket No. 13945 (RM-218); FCC 61-152]

## TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

### Princeton and Vincennes, Ind.

1. Notice is hereby given of proposed rule making concerning changes in the UHF television channel assignments, as discussed below.

2. The Commission has under consideration a petition filed December 19, 1960 by Vincennes University, Vincennes, Indiana, looking toward amendment of § 3.606 *Table of assignments*, Television Broadcast Stations so as to effectuate the allocation of Channel 52 to Vincennes, Indiana. Petitioner seeks the following changes:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Princeton, Ind. | 52+ | 44+ |
| Vincennes, Ind. | 44+ | 52+ |

3. The purpose of the proposed reallocation between Princeton and Vincennes is to enable Vincennes University to apply for and operate a partly commercial and partly educational station on Channel 52 utilizing the equipment of Southern Indiana Telecasting, Inc., which held a CP on Channel 52 in Princeton until December 23, 1960.

4. Petitioner, a community junior college, asserts that it is engaged in an expansion program, that it "desires to enter the television field and by use of this medium to extend its educational service to the Vincennes community and surrounding area," that assignment of Channel 52 to Vincennes not only will enable it to acquire and use the Southern Indiana equipment at greatly reduced cost but that there are a "number of receiver sets already tuned to Channel 52 which will provide an immediate audience for the proposed station."

5. The Commission is of the view that there is merit in the petitioner's proposal. The overall allocation pattern would not be disturbed to any significant degree; the proposed allocation holds promise of contributing a valuable service to the Vincennes community and of conveniencing members of the public who now own sets which are tunable to Channel 52.

6. As petitioner points out, the proposed allocation of Channel 52 to Vincennes at the site that petitioner intends to use results in Channel 52 in Vincennes being 58 miles short of the reference point in Washington, Indiana, where Channel 60 is allocated but not used. Petitioner, nevertheless, states that there is a substantial area within which a transmitter could be located in Washington and meet the minimum separation requirements of the Commission's rules. Rather than waive the rules with respect to separation, the substitution of Channel 76+ for 60+ in Washington, Indiana, would more effectively accomplish the allocation of Channel 52+ to Vincennes.

7. Accordingly, the Commission is of the view that rule making should be instituted looking toward the following changes in the Television Table of Assignments:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Vincennes, Ind. | 44+ | 52+ |
| Princeton, Ind. | 52+ | 44+ |
| Washington, Ind. | 60+ | 76+ |

8. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules interested persons may file comments on or before March 2, 1961, and reply comments on or before March 17, 1961. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

10. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: February 2, 1961.

Released: February 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1176; Filed, Feb. 9, 1961; 8:51 a.m.]

[ 47 CFR Part 3 ]

[Docket Nos. 13858, 13859]

## TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS; NEW YORK AND PENNSYLVANIA

### Order Extending Time for Filing Comments

In the matter of amendment of § 3.606 *Table of Assignments*, Television Broadcast Stations (Syracuse, Rochester, Elmira, Binghamton and Corning, New York; and Williamsport, Pennsylvania and Rochester, New York).

1. Transcontinent Television Corporation, licensee of Station WROC-TV, Rochester, New York, in a petition filed January 25, 1961, has requested the Commission to extend the time for filing comments in the above-entitled proceedings from February 15, 1961 until April 15, 1961, or until thirty days after the Commission clarifies and amplifies its notices of proposed rule making in accordance with petitioner's previous request.

2. In its Order of December 27, 1960, extending the original date for filing comments in this proceeding, the Commission recognized that the public interest would be served by making available to interested parties before comments are filed the views of the Canadian Government on certain relevant matters. Since the Canadian views have not yet been made available to interested parties, the public interest will be served by further extending the time for filing comments in these proceedings.

3. *Accordingly, it is ordered*, This 3d day of February 1961, that the above-mentioned petition of Transcontinent Television Corporation is granted to the extent ordered herein, and that the time for filing comments in these proceedings is extended from February 15, 1961, to March 31, 1961, and that the time for filing reply comments is extended from February 27, 1961, to April 11, 1961.

Released: February 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1177; Filed, Feb. 9, 1961; 8:51 a.m.]

[ 47 CFR Part 11 ]

[Docket No. 13930; FCC 61-132]

## BUSINESS RADIO SERVICE

### Certain "Tertiary" Channels

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. This proceeding is being instituted by the Commission in order to obtain the views and comments of interested persons with regard to the following proposal:

(a) Further "channel splitting" between the frequencies 151.625–151.955 Mc and 154.540–154.600 Mc, whereby thirteen (13) new tertiary or 15 kc channels will become available for assignment on a regular (rather than as heretofore, developmental) basis, to qualified applicants in the Business Radio Service.

3. The extremely rapid rate of growth which has been experienced in the Business Radio Service since its creation in August of 1958, has led to many problems of frequency scarcity and resultant congestion. In recent months it has become manifest that more frequency space in the 150 Mc range is needed by the Service in order to alleviate pockets of congestion that have developed in many areas. However, since additional frequency space is not available, and in view of the mutual sharing envisioned for and attained in the Business Service, it appears that the best approach towards alleviation of the problem is to provide for a higher degree of carrier frequency selection within the available bands.

4. It will be recalled that by reason of Commission action in Dockets 11253, 12169, and 12295, narrow-band technical standards were adopted and applied immediately to the majority of the frequency space being considered herein. Such standards permit operation in the same general area with 30 kc separation and greatly facilitate operations on 15 kc separations with minimum geographical separations.

5. It is in view of the need of the Business Radio Service and our present ability to satisfy this need to some extent, that the instant proposal to further split these channels is put forward.

6. The channel splitting to be accomplished in the 151.625–151.955 Mc band will result in 11 new tertiary (15 kc) frequencies. All of these tertiary or derived channels will be located within the confines of a frequency band that is allocated to the exclusive use of the Business Radio Service. Thus, no adjacent service coordination or interference problems will result. Nor are any interservice channel sharing problems presented. However, with reference to the frequencies 154.555 and 154.585 Mc which will be derived from the band 154.540–154.600 Mc, an adjacent Service situation should be noted. In the above-noted band, the frequency 154.570 is currently shared by the Business and Forest Products Radio Services. The channels to be derived (154.555 and 154.585 Mc) will therefore be adjacent to a frequency that is utilized concurrently with another Service. This other Service, however, utilizes the 154.570 Mc channel on a basis secondary to that of the Business Service, at low power, and without protection from Business Service licensees operating on the channel. It does not appear therefore that any detrimental effect will be experienced by Forest Products Radio Service licensees on this channel should our proposal herein be adopted. Rather, it appears that prospective Business Service licensees may afford the Forest Products Service a measure of protection not heretofore available, by reason of the fact that they may operate adjacent to, rather than directly upon, a channel that is now shared.

7. There remains for disposition the "General Reference" and assignment "limitations" which should apply to the frequencies proposed. In the first of the subject bands, viz, 151.625–151.955 Mc, there are presently 12 assignable frequencies. Of these 12, one has been set aside for Itinerant use, 9 for Permanent use and 2 are for General use. The tertiary frequencies proposed to be made available in this band are 11 in number. Of these 11 we are proposing 8 for Permanent use and 3 for General use. Because of the proximity of two of the new General frequencies to existing Itinerant and Permanent use frequencies, operation on the new General use frequencies 151.640 Mc and 151.910 Mc would be limited to a maximum plate power input of 180 watts to the final radio frequency stage. The other new General use tertiary frequency at 151.940 Mc, being adjacent to existing General use frequencies with permissable power of 600 watts, will not be limited to the 180 watt figure. The balance of 8 new tertiary frequencies are designated for Permanent use subject to the power and restricted permanent area type operations presently specified as assignment limitations in our frequency table, and applicable to all Permanent use frequencies. Insofar as

the derived frequencies 154.555 Mc and 154.585 Mc are concerned, we propose, in keeping with the uses to which their immediate adjacencies may be placed, that a Low Power General use be designated, and that the assignment limitations applicable to other Low Power General use frequencies be in like manner applied to the new tertiary channels.

8. Our specific proposal is set forth below.

9. Authority for promulgation of the proposed amendments set forth in detail below, is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

10. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any persons desiring to support this proposal may file with the Commission on or before March 15, 1961, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last day for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments are established. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission's consideration will not be limited solely to the comments filed in this proceeding.

11. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, and comments filed shall be furnished the Commission.

Adopted: February 1, 1961.

Released: February 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

1. It is proposed that § 11.554(a) be amended by deleting from the tabulation of frequencies, entries beginning 151.625 Mc and ending 154.600 Mc, and substituting the following:

| Frequency or band | Class of station | General reference | Limitations |
|---|---|---|---|
| *Mc* | | | |
| 151.625 | Base or mobile | Itinerant use | 10, 12 |
| 151.640 | do | General use | 10 |
| 151.655 | do | Permanent use | 10, 11 |
| 151.670 | do | do | 10, 11 |
| 151.685 | do | do | 10, 11 |
| 151.700 | do | do | 10, 11 |
| 151.715 | do | do | 10, 11 |
| 151.730 | do | do | 10, 11 |
| 151.745 | do | do | 10, 11 |
| 151.760 | do | do | 10, 11 |
| 151.775 | do | do | 10, 11 |
| 151.790 | do | do | 10, 11 |
| 151.805 | do | do | 10, 11 |
| 151.820 | do | do | 10, 11 |
| 151.835 | do | do | 10, 11 |
| 151.850 | do | do | 10, 11 |
| 151.865 | do | do | 10, 11 |
| 151.880 | do | do | 10, 11 |
| 151.895 | do | do | 10 |
| 151.910 | do | General use | |
| 151.925 | do | do | |
| 151.940 | do | do | |
| 151.955 | do | do | |
| 152.000 | do | Permanent use | 15 |
| 152.360 | do | do | 15 |
| 152.420 | do | do | 15 |
| 154.540 | do | do | 10, 11 |
| 154.555 | Mobile | Low power general use | 13, 14 |
| 154.570 | do | do | 13, 14 |
| 154.585 | do | do | 13, 14 |
| 154.600 | do | do | 13, 14 |

[F.R. Doc. 61-1178; Filed, Feb. 9, 1961; 8:51 a.m.]

# Notices

## DEPARTMENT OF JUSTICE

### Office of Alien Property

### ALEKSANDER TOOK

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Aleksander Took, a/k/a Aleksander Tuk, Lodz, Poland; $797.00 in the Treasury of the United States.

Vesting Order No. 3153; Claim No. 37064.

Executed at Washington, D.C., on January 31, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Acting Director,*
*Office of Alien Property.*

[F.R. Doc. 61-1156; Filed, Feb. 9, 1961; 8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

### National Park Service

[Order 2]

### MOUNT McKINLEY NATIONAL PARK, ALASKA; ADMINISTRATIVE ASSISTANT AND PROCUREMENT AND PROPERTY MANAGEMENT ASSISTANT

### Delegation of Authority To Execute and Approve Certain Contracts

1. *Administrative Assistant.* The Administrative Assistant may excute and approve contracts not in excess of $25,000 for construction, supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised in behalf of any office or area under the supervision of the Superintendent of Mount McKinley National Park.

2. *Procurement and Property Management Assistant.* The Procurement and Property Management Assistant may execute and approve contracts not in excess of $10,000 for construction, supplies, equipment and services in conformity with regulations and statutory authority and subject to availability of appropriations. This authority may be exercised in behalf of any office or area under the supervision of the Superintendent of Mount McKinley National Park.

3. *Revocation.* This order supersedes Order No. 1 issued February 4, 1957.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C., 1952 ed. sec. 2, as amended. Region Four Order No. 3 of February 17, 1956)

SAMUEL A. KING,
*Superintendent,*
*Mount McKinley National Park.*

MARCH 17, 1960.

[F.R. Doc. 61-1145; Filed, Feb. 9, 1961; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### DE WITT AUCTION ET AL.

### Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

De Witt Auction, De Witt, Ark.
Norwood Stock Yard, Norwood, N.C.
Central Wisconsin Co-operative Livestock Sales Association, Terminal Stockyards, Green Bay, Wis.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of February 1961.

H. L. JONES,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61-1171; Filed, Feb. 9, 1961; 8:51 a.m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

### HOWARD C. HOLMES

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of January 29, 1961.

HOWARD C. HOLMES.

JANUARY 30, 1961.

[F.R. Doc. 61-1161; Filed, Feb. 9, 1961; 8:49 a.m.]

### JOHN GEORGE KAIN

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: International Paper Company, Dorsey Corp.

This statement is made as of January 25, 1961.

JOHN GEORGE KAIN.

JANUARY 25, 1961.

[F.R. Doc. 61-1131; Filed, Feb. 9, 1961; 8:45 a.m.]

### ARTHUR W. WINSTON

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of January 29, 1961.

ARTHUR W. WINSTON.

JANUARY 30, 1961.

[F.R. Doc. 61-1133; Filed, Feb. 9, 1961; 8:45 a.m.]

## FRANK R. BAILEY

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 1, 1961.

FRANK R. BAILEY.

FEBRUARY 1, 1961.

[F.R. Doc. 61-1146; Filed, Feb. 9, 1961; 8:46 a.m.]

## TIMOTHY A. LYNCH

### Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Timothy A. Lynch.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: January 11, 1961.

4. Title of position: Assistant Director for Mobilization Planning, Aluminum & Magnesium Div.

5. Name of private employer: Reynolds Metal Company, Richmond, Virginia.

CARLTON HAYWARD,
*Director of Personnel.*

DECEMBER 21, 1960.

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Aluminum Distributors, Inc.
Aluminum Hardware, Inc.
Alumestate, Inc.
Allegheny Corp.
Chase-Manhattan Bank-New York.
1st Natl. City Bank & Trust Co.-New York
Cockshutt F. & M. Co.
Clevite Corp.
Consolidated-Edison Co.
U.S. Foil "B".
Reynolds Metals Co.
Highlands (N.J.) Basin Co.
Roosevelt Automobile Co., Inc.
Bank deposits.

TIMOTHY A. LYNCH.

JANUARY 26, 1961.

[F.R. Doc. 61-1132; Filed, Feb. 9, 1961; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 9973]

## NEW YORK SHORT-HAUL COACH INVESTIGATION

### Notice of Oral Argument

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on March 1, 1961 at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., February 7, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-1168; Filed, Feb. 9, 1961; 8:50 a.m.]

[Docket 11914]

## NATIONAL AIRLINES, INC.; SUSPENSION OF SERVICE AT MARIANNA, FLA.

### Notice of Prehearing Conference

In the matter of the application of National Airlines, Inc., for temporary suspension and abandonment of service at Marianna, Florida.

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on February 15, 1961, at 10:00 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., February 7, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-1169; Filed, Feb. 9, 1961; 8:50 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[FCC 61-154]

## STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

### Forfeitures

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of February 1961;

The Commission having under consideration Public Law 86-752, 86th Congress, 2d Session, which was enacted into law on September 13, 1960, and which, inter alia, amends sections 503 and 504 of the Communications Act of 1934 (as previously amended) by adding provisions concerning forfeitures by broadcast station licensees and permittees;

It appearing that it is necessary to amend section 0.292(e) of the rules of the Commission so as to make it clear that the authority delegated therein to the Chief of the Safety and Special Radio Services Bureau to remit and mitigate maritime forfeitures is limited to such forfeitures and does not apply to remission and mitigation of broadcast station forfeitures; and

It further appearing that the amendment to the rules ordered herein implementing the new provisions of sections 503 and 504 relates to internal Commission organization and procedure, and that therefore the provisions of section 4 of the Administrative Procedure Act are inapplicable; and

It further appearing that the amendment herein is issued pursuant to the authority of sections 4(i), 5(d) and 303(r) of the Communications Act of 1934, as amended;

*It is ordered*, That effective February 13, 1961, the Commission's Statement of Organization, Delegations of Authority, and Other Information is amended as set forth below.

Released: February 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

1. Paragraph (e) of § 0.292 is amended to read as follows:

SEC. 0.292 *Other matters delegated.* The Chief of the Safety and Special Radio Services Bureau is delegated authority to act upon the following applications, requests and other matters:

* * * * *

(e) Applications made pursuant to section 504(b) of the Communications Act of 1934, as amended, for mitigation or remission of forfeitures imposed under sections 364, 386 and 507 of the Act.

[F.R. Doc. 61-1174; Filed, Feb. 9, 1961; 8:51 a.m.]

[Docket No. 12782; FCC 61M-173]

## STUDY OF RADIO AND TELEVISION NETWORK BROADCASTING

Pursuant to the order of the Commission released January 27, 1961 (FCC 61-122; Mimeo. No. 99337): *It is hereby ordered*, This 3d day of February 1961, that the public sessions of this investigatory proceeding be reconvened at 10:00 a.m., Wednesday, March 8, 1961, in the courtroom of the United States Court of Appeals for the Ninth Circuit, United States Courthouse and Post Office Building, 312 North Spring Street, Los Angeles, California, and that such sessions continue from day to day thereafter as ordered by the Presiding Officer; and Dick Fishell, Betty Langley, Dick Fishell & Associates, Mary Rothschild and Promotions Unlimited, MCA, Inc., and Taft B. Schreiber, and each of them, is hereby commanded to appear at the said time and place and to testify in the proceeding in accordance with the order of the Commission aforementioned and the orders and directions of the Presiding Officer herein and to produce all of the information and data required by the subpoenas heretofore duly served upon them and each of them in the proceeding.

Released: February 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1175; Filed, Feb. 9, 1961; 8:51 a.m.]



[Docket Nos. 13931-13933; FCC 61-134]

## BURLINGTON BROADCASTING CO. ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of William S. Halpern and Louis N. Seltzer, d/b as Burlington Broadcasting Company, Burlington, New Jersey, requests: 1460 kc, 5 kw, DA-2, U, Docket No. 13931, File No. BP-12580; Burlington County Broadcasting Company, Mt. Holly, New Jersey, requests: 1460 kc, 5 kw, DA-2, U, Docket No. 13932, File No. BP-13871; John J. Farina tr/as Mt. Holly-Burlington Broadcasting Company, Mt. Holly, New Jersey, requests: 1460 kc, 5 kw, DA-2, U, Docket No. 13933, File No. BP-13952; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of February 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. Owing to problems of electrical interference, the three proposals herein are mutually exclusive.

2. Although one of the three proposals specifies Burlington, New Jersey, and the other two proposals specify Mt. Holly, New Jersey, as the city to be served, the actual service areas of the three appear to be substantially the same. Accordingly, a question is raised as to whether considerations relating to section 307(b) of the Communications Act of 1934, as amended, are applicable.

3. Each of the three proposals causes objectionable interference to existing Station WFPG, Atlantic City, New Jersey. The licensee of WFPG has requested that it be made a party to any hearing held with regard to the applications.

4. Each of the three proposals receives interference from existing stations WFPG, Atlantic City, New Jersey, WCMB, Harrisburg, Pennsylvania, and WEMD, Easton, Maryland.

5. Each of the three proposals receives an unusually large amount of interference due to a nighttime RSS limitation of 22.4 mv/m. The area and population losses so involved are as follows:

| Proposal | Area loss | Population loss |
|---|---|---|
| | *Percent* | *Percent* |
| BP-12580 | 87.4 | 79.1 |
| BP-13871 | 86.5 | 85.0 |
| BP-13952 | 86.6 | 79.9 |

Although these proposals would provide first standard broadcast facilities to communities not having such a facility and thus fall within one of the express exceptions to § 3.28(c) of the Commission rules, a question still obtains as to whether, in accordance with § 3.24(b) of the rules, any one of the proposals represents an efficient utilization of this channel.

6. Additionally, a question obtains as to whether the aforementioned nighttime limitation contour of 22.4 mv/m for each of the proposals will, in each case, adequately serve the respective cities.

(A) BP-12580, Burlington Broadcasting Company: As originally filed, this proposal involved no problems as to adequate nighttime coverage of Burlington, New Jersey. However, by amendment filed September 14, 1960, the applicant specified a new transmitter site which does involve a question of adequate nighttime coverage.

(B) BP-13871, Burlington County Broadcasting Company: By Commission letter of July 20, 1960, the applicant was notified that the calculated nighttime RSS limitation contour would cover only around 40 percent of Mount Holly, New Jersey, and, as a result, the proposed operation might not provide adequate nighttime service to this city.

By amendment received September 12, 1960, the applicant made minor changes in its proposed nighttime directional antenna, thus increasing the proposed RMS radiation. According to accompanying data submitted by the applicant, the result of this increase would be to increase service so that 98.1 percent of the area within the Mount Holly city limits would be within the nighttime limitation contour.

(C) BP-13952, Mt. Holly-Burlington Broadcasting Company: By Commission letter of July 20, 1960, the applicant in BP-13952 was informed that the calculated nighttime RSS limitation contour would cover only approximately 60 percent of Mt. Holly and that, as a result, the proposed operation may not provide adequate nighttime service to this city. By an amendment filed on September 13, 1960, the applicant submitted measurement data and stated that the proposed operation will serve the entire area and population of the community. However, further study indicates that applicant's plot of measurement data in Figure 2 of the amendment does not include points numbered 1, 2, and 13. Applicant did not indicate that the three measured points should not be considered valid. In addition, an insufficient number of measured points were made within the first mile to adequately establish the inverse distance field intensity.

In view of these facts, the measurement data submitted by the Mt. Holly-Burlington Broadcasting Company does not conclusively establish that adequate nighttime coverage would be provided to Mt. Holly.

7. It does not appear that the proposals of the Burlington Broadcasting Company and the Mt. Holly-Burlington Broadcasting Company will serve the business areas of their respective cities with a daytime or nighttime signal of 25 mv/m or greater as required by § 3.188(b)(1) of the Commission rules.

It is noted that additional measurement data submitted does not, for reasons identical to those noted in 6(C) above, conclusively establish 25 mv/m coverage of the Mt. Holly business area.

It further appearing that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the subject proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether each instant proposals would cause objectionable interference to Station WFPG, Atlantic City, New Jersey, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposals of the Burlington Broadcasting Company and the Mt. Holly-Burlington Broadcasting Company will serve the business areas of their respective cities with a daytime and nighttime signal of 25 mv/m or greater, as required by § 3.188(b)(1) of the Commission rules.

5. To determine whether, because of interference received, each of the proposed operations would be consistent with § 3.24(b) of the rules, and, if not,

whether circumstances exist which would warrant a waiver of said section.

6. To determine whether the nighttime RSS limitation contour of each of the proposed operations will provide adequate coverage of the respective cities sought to be served.

7. To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable to the instant proceeding, and, if so, whether a choice between the applications herein can be reasonably based thereon, and, if so, whether the proposal for Burlington, New Jersey, or one of the proposals for Mt. Holly, New Jersey, would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the event it is concluded that a choice between the instant applications cannot be made on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would best serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the instant applications.

9. To determine, in the event it is concluded pursuant to Issue No. 7 that one of the proposals for Mt. Holly should be favored, which of the two proposals for that city would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

*It is further ordered,* That, Eastern Broadcasting Company, Licensee of Station WFPG, Atlantic City, New Jersey, is made a party to the proceeding.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered,* That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1180; Filed, Feb. 9, 1961; 8:51 a.m.]

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[Docket No. 13929; FCC 61M-169]

## ROBERT LEE COWART

### Order Scheduling Hearing

In the matter of Robert Lee Cowart, 512 Spruce Street, Myrtle Point, Oregon, Docket No. 13929, suspension of radiotelephone first-class operator license.

*It is ordered,* This 2d day of February 1961, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is scheduled to commence on March 8, 1961, in Washington, D.C.

Released: February 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1181; Filed, Feb. 9, 1961; 8:51 a.m.]

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[Docket No. 13659; FCC 61M-176]

## W. R. FRIER (WBHF)

### Order Continuing Hearing

In re application of W. R. Frier WBHF), Cartersville, Georgia, Docket No. 13659, File No. BP-12264; for construction permit.

The examiner having before him a petition for continuance of hearing filed by the above-entitled applicant on February 1, 1961, seeking either an indefinite continuance or a continuance of 60 days in order to afford the Commission opportunity to pass upon a petition for reconsideration and grant filed by the applicant with the Commission on November 8, 1960; and

It appearing that other parties to the proceeding interpose no objection to grant of the instant pleading; and

It further appearing that favorable consideration of the petition pending before the Commission would obviate hearing;

*It is ordered,* This 2d day of February 1961, that the petition for continuance filed by W. R. Frier (WBHF) on February 1, 1961, is granted insofar as it seeks 60 day continuance; and the hearing now scheduled for February 3, 1961, is continued to April 3, 1961.

Released: February 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1182; Filed, Feb. 9, 1961; 8:51 a.m.]

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[Docket No. 13598 etc.; FCC 61-147]

## GILA BROADCASTING CO.

### Memorandum Opinion and Order Amending Issues

In re applications of Gila Broadcasting Company, Docket No. 13598, File No. BR-2128; Docket No. 13617, File No. BR-2441; Docket No. 13618, File No. BR-970; Docket No. 13619, File No. BR-2731; Docket No. 13620, File No. BR-973; Docket No. 13621, File No. BRH-851; for renewal of licenses of Stations KCKY, Coolidge, KCLF, Clifton, KGLU, Safford, KVNC, Winslow, KZOW, Globe and KWJB-FM, Globe, all in Arizona.

1. The Commission has before it for consideration in the Gila Broadcasting Company (Gila hereafter) renewal proceeding (I) the Broadcast Bureau's petition to enlarge issues, filed September 2, 1960; Gila's reply filed October 13, 1960; Earl Perrin Company's (Perrin hereafter) response,[1] filed October 17, 1960; the Bureau's response to Gila's reply, filed October 14, 1960; and the Bureau's motion to strike Perrin's response, filed October 21, 1960; (II) Gila's petition for reconsideration of the renewal applications and grant without hearing, filed October 19, 1960; the Bureau's opposition, filed November 18, 1960; and Gila's reply, filed December 2, 1960; (III) Perrin's petition to review the Acting Chief Hearing Examiner's decision, filed November 14, 1960; the Bureau's opposition, filed November 28, 1960; and (IV) the Bureau's second petition to enlarge, filed November 18, 1960.

*Background.* 2. Gila Broadcasting Company is the licensee of the several above-listed broadcasting stations, whose renewal applications were designated for hearing by an Order published July 2, 1960, 25 F.R. 6308. In essence, Issues 1 to 3 concern violations of section 310(b) of the Communications Act, as amended, which forbids the transfer of a station's license without Commission approval; Issue 4 is to ascertain if from March 1952, to April 1960, contract and ownership reports had been filed as required by the Commission's Rules; Issue 5 is to determine if, from March 1952, to April 1960, misrepresentations had been made in various reports and applications; Issue 6 asks whether Gila's stations have been operated contrary to various sections of the Commission's Rules and Regulations; and Issue 7 concerns character qualifications based on the fact that Gila's principal stockholder was convicted of a Federal Income Tax violation. After Gila's renewal applications had been designated for hearing, Perrin, by an agreement entered into November 27, 1959, acquired an option to purchase Gila's stations subject to Commission approval. The agreement was filed with the Commission for consent thereto,[2] and Perrin, on August 18, 1960, requested a conference with the Broadcast Bureau. Following this conference the Bureau requested that the Commission enlarge the issues in the renewal proceeding to ascertain if control of Gila's stations had been relinquished to Perrin without authorization; and subsequently Perrin's request to intervene in the renewal hearing was denied by the Acting Chief Hearing Examiner.[3] The pleadings now before the Commission with regard to the renewal hearing fall into four groups and will be discussed in the following order: (1) the Bureau's first petition to enlarge; (2) Gila's petition for reconsideration; (3) Perrin's petition to review the denial of its right to intervene; and (4) the Bureau's second petition to enlarge.

(I) *The Bureau's first petition to enlarge.* 3. The Broadcast Bureau requests the following additional issue: "To determine whether during the period from November 27, 1959, to August 31, 1960, the applicant relinquished control of the above-captioned stations to Earl Perrin Company and its officers and employees contrary to the provisions of section 310(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies promulgated thereunder," and modification of Issues (4) and (5) to include the period March 1952, to August 31, 1960. The Bureau bases its request to enlarge issues upon information developed at a conference requested by Mr. Earl Perrin, Sr., which it is alleged indicates an unauthorized transfer of Gila's stations to Perrin. The Bureau contends that a transcript of the conference reveals that Mr. Earl Perrin, Jr., the son of the major stockholder of Perrin Company of Chicago, has established residence in Safford, Arizona, headquarters of Gila; has had daily contact with the management of Gila's stations; has been making "suggestions"; has acted as a "one-man watch dog" on behalf of Perrin Company; must countersign all of Gila's checks; and at his suggestion, $19,674 worth of technical equipment needed in the operation of the stations was purchased by his father. The Bureau also states that while the record is not clear on this point, Perrin, Sr., personally guaranteed Gila's note for $30,000 and received in return only an extension of the option agreement; that Perrin, Sr., also, advanced $12,000 in May to cover operations for the previous month; $10,000 in June; $7,000 in July; and $6,000 in August; that in addition, he has furnished two station wagons for Gila's use. Finally, the Bureau alleges that a new program format dependent upon the availability of Perrin's funds has been established and that the representatives of Perrin Company have approached members of the community to explain the effect of their new approach. Gila does not contest the Bureau's assertions, but it does request that the Commission postpone a decision on this petition until Gila and Perrin submit other pleadings, and Perrin makes a similar request. The Bureau opposes the request, and moves to strike Perrin's response because even Perrin concedes it is not a party to the Gila renewal hearing.

4. Information has been presented indicating possible unauthorized relinquishment of control to Perrin and, therefore, justifying enlarging the issues in order to make a determination in this regard. This information justifies enlarging the issues to ascertain if Gila relinquished control to Perrin without Commission authorization. Perrin's response must be stricken since even Perrin concedes, in the pleading we are striking, that it is not a party to the renewal proceeding.

(II) *Gila's petition for reconsideration.* 5. Gila has asked for reconsideration of its renewal applications and grant without a hearing,[4] attaching to the petition several affidavits, attempting to answer all the issues designated for hearing, and to show that the public interest will be served by a grant of the applications without a hearing. The Broadcast Bureau replies that all of the evidence presented by Gila was before the Commission at the time the applications were designated for hearing.

6. At the time the renewal applications were designated for hearing, the Commission had before it Gila's reply to a Commission letter sent pursuant to former section 309(b) of the Communications Act of 1934, as amended. At that time the Commission could not find that the public interest would be served by granting the applications without a hearing. Much of the evidence Gila has presented in its request for reconsideration was before us at that time. In addition, since that time another major issue (paragraphs 4–5, supra) has been added, and it has not been answered by Gila. The Commission has carefully considered Gila's petition, its affidavits, its reply, and is still unable to find the public interest would be served by granting the applications without hearing. The petition for reconsideration must therefore be denied.

(III) *Perrin's petition to review denial of its right to intervene.* 7. Perrin contends that error was committed when its petition to intervene was denied. Perrin claims it is entitled to intervene as a matter of right because it is a "party in interest" within the meaning of section 309(b) of the Communications Act of 1934, as amended. It attempts to demonstrate an interest by pointing to the option agreement to purchase Gila's stations, and by asserting that it has made substantial expenditures and therefore stands to suffer tangible economic injury if renewal of Gila's licenses is not granted. The Broadcast Bureau replies that, as the Acting Chief Hearing Examiner decided, the general principles relied on by Perrin are not applicable to the present factual situation. The Bureau also notes that the Examiner did not decide what right to intervene Perrin would have after the Commission acted on the petition to enlarge issues to ascertain if Gila had reliniquished control to Perrin.

8. Without deciding whether the facts existing at the time Perrin filed its petition would have merited its intervention, we believe that the enlargement of the issues ordered herein confers on Perrin sufficient interest in the proceeding to warrant its admission as a party respondent. In view of our order herein to that effect, the Examiner's earlier action in denying intervention and Perrin's petition for review thereof are rendered moot.

(IV) *The Bureau's second petition to enlarge.* 9. The following additional issue is requested by the Broadcast Bureau: "To determine whether Gila Broadcasting Company, Inc. has failed to maintain service of its broadcasting facilities without Commission authorization and if so whether it is qualified to be a broadcast licensee." The Bureau bases this request on the fact that five of Gila's stations which had been denied authority to go off the air went silent on October 29, 1960, and have so remained since that time. Subsequent to the filing of the Bureau's pleading, the Commission has decided to grant a separate petition by Gila to reconsider the Commission's denial of the stations' request to cease broadcasting. This order by the Commission serves to remove the factual basis upon which the Bureau's request is predicated, and its second petition to enlarge will therefore be denied.

*Accordingly, it is ordered,* This 2d day of February 1961, that the petition for reconsideration and grant, filed by the Gila Broadcasting Company, October 19, 1960, is denied; and

*It is further ordered,* That the motion of the Broadcast Bureau to strike the "Response of the Earl Perrin Company", filed October 21, 1960, is granted; and

*It is further ordered,* That the petition to enlarge issues, filed by the Broadcast Bureau, on September 2, 1960, is granted: that the designation order published July 2, 1960, 25 F.R. 6308, is amended by modifying issues (4) and (5) to read as follows:

4. To determine whether, during the period from March 1952 to August 1960, the applicant failed to file various reports and agreements as required by the

[1] Perrin concedes in this pleading that it is not a party to the Gila renewal; but states that because it stands to suffer substantial economic damages if renewal is not granted, the pleading should be considered.

[2] File Nos. BAL-3750 et al.

[3] Memorandum Opinion and Order, released November 4, 1960 (FCC 60M-1894).

[4] In this petition Gila also requests simultaneous grant of the applications now pending for assignment of its licenses to Perrin. First, it must be noted that this request violates § 1.12 of the Commission's rules and regulations which requires separate pleadings for different requests. In addition, the Commission has decided to hold in abeyance the question of immediate favorable action on the assignment of Gila's licenses pending disposition of the several petitions concerning the renewal hearing now before the Commission. (Public Notice of Broadcast Actions, No. 3663, January 4, 1961, Mimeo. No. 98385.)

provisions of §§ 1.342 and 1.343 of the Commission's rules and regulations.

5. To determine whether, during the period from March 1952 to August 1960, the applications and reports filed by the applicant contained misrepresentations and omissions of material facts.

*It is further ordered*, That Issue 8 is renumbered as Issue 9, and the following issue is added:

8. To determine whether during the period from November 27, 1959, to August 31, 1960, the applicant relinquished control of the above-captioned stations to Earl Perrin Company and its officers and employees contrary to the provisions of section 310(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies promulgated thereunder.

*It is further ordered*, That the petition to enlarge issues, filed on November 18, 1960, by the Broadcast Bureau is denied; and

*It is further ordered*, That Earl Perrin Company is hereby made a party respondent.

Released: February 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1183; Filed, Feb. 9, 1961; 8:51 a.m.]

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[Docket Nos. 13673, 13674; FCC 61M-162]

## HENNEPIN BROADCASTING ASSOCIATES AND ROBERT E. SMITH

### Order Continuing Hearing

In re applications of Albert S. Tedesco and Patricia W. Tedesco, d/b as Hennepin Broadcasting Associates, Minneapolis, Minnesota, Docket No. 13673, File No. BP-12416; Robert E. Smith, River Falls, Wisconsin, Docket No. 13674, File No. BP-13339; for construction permits.

The Hearing Examiner having under consideration a petition filed January 31, 1961, in the above-entitled proceeding by applicant Hennepin Broadcasting Associates requesting a continuance of the hearing for 30 days, until March 15, 1961;

It appearing that the request for the continuance is predicated on the fact that the applicants have reached an agreement as of January 10, 1961, subject to Commission approval, which looks toward the dismissal of the Robert E. Smith application and the payment by petitioner to Smith of the out-of-pocket expenses legitimately and prudently expended and to be expended by him in prosecuting and preparing his application;

It appearing further that petitioner alleges that the joint request to the Commission and supporting documents for approval of the aforesaid agreement may not be filed until February 20, 1961, by which time the Chief Hearing Examiner is authorized under the Commission's newly adopted revisions of its rules to pass upon such joint petitions and to terminate the proceeding, and therefore that there may be no need for the hearing to convene in this proceeding;

It appearing further that the circumstances outlined above sufficiently support a finding of good cause to warrant a grant of the relief requested and that all parties to the proceeding have consented to the continuance requested;

*It is ordered*, This 1st day of February 1961, that the petition of Hennepin Broadcasting Associates for a continuance of hearing is hereby granted; and that the hearing in the above-entitled proceeding which is presently scheduled to commence at 10 a.m., February 13, 1961, at the Commission's Offices, Washington, D.C., is rescheduled to commence on Wednesday, March 15, 1961, at the same time and place.

Released: February 2, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1184; Filed, Feb. 9, 1961; 8:52 a.m.]

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[Docket Nos. 13934-13939; FCC 61-135]

## SAUL M. MILLER ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Saul M. Miller, Reading, Pennsylvania, requests: 1550 kc, 1 kw, Day, Docket No. 13934, File No. BP-12660; Arthur W. Arundel, Charles Town, West Virginia, requests: 1550 kc, 5 kw, Day, Docket No. 13935, File No. BP-12762; Suburban Broadcasting Corp., Elkton, Maryland, requests: 1550 kc, 250 w, DA-Day, Docket No. 13936, File No. BP-12981; H. Clay Esbenshade, tr/as Lancaster County Broadcasters, Lancaster, Pennsylvania, requests: 1550 kc, 1 kw, DA-Day, Docket No. 13937, File No. BP-13106; Horace J. Elias and Irving E. Robinson, d/b as Elias and Robinson, Glen Burnie, Maryland, requests: 1550 kc, 250 w, DA-2, U, Docket No. 13938, File No. BP-13111; North Penn Broadcasting Company, Quakertown, Pennsylvania, requests: 1550 kc, 250 w, Day, Docket No. 13939, File No. BP-13160; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of February 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; except North Penn Broadcasting Company (BP-13160) may not be financially qualified to construct and operate its proposal; and

It further appearing that by letter dated January 30, 1960, H. Clay Esbenshade, tr/as Lancaster County Broadcasters (BP-13106) requested a 20 day extension in order to reply to the Commission's letter of January 13, 1960; that by letter dated February 9, 1960, the Commission denied Clay Esbenshade's request for extension of time; that by letter dated March 17, 1960, Esbenshade's application was dismissed in accordance with § 1.312(b) of the rules for failure to respond to the Commission's letters of January 13 and February 9, 1960; but that further study of Esbenshade's application indicated circumstances warranting reinstatement of the application and, therefore, on March 28, 1960, the said application was reinstated; and

It further appearing that the Commission, in a prehearing letter dated January 13, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that the transmitter site proposed by Elias and Robinson is near the site specified by Southfield Broadcasting Company, Inc. (BP-12372) requesting operation of 1590 kc, Glen Burnie, Maryland; that in the event of a grant of both applications, problems of cross-modulation and reradiation may occur and that, accordingly, an appropriate condition should be included in the construction permits issued to Elias and Robinson and Southfield Broadcasting Company, Inc.; and

It further appearing that by the aforementioned prehearing letter, Elias and Robinson was notified that the nighttime interference to their proposed operation would exceed 10 percent; however, they assert that they come within an express exception to § 3.28(c) of the Commission rules since their proposal would bring the first local nighttime service to Glen Burnie; that inasmuch as the proposal of Elias and Robinson will result in a loss of 88 percent of the population and 90 percent of the area within the normally protected nighttime service contour (2.5 mv/m), a question obtains as to whether the channel will be used efficiently pursuant to § 3.24(b) of the Commission rules; and

It further appearing that by amendment filed February 2, 1960, North Penn Broadcasting Company (BP-13160) filed additional comments regarding the problem of the 2 mv/m contour of Station WBUX, Doylestown, Pennsylvania, overlapping the 25 mv/m contour of North Penn Broadcasting Company; but, that the Commission is of the opinion that additional measurement data are required to establish that no such overlap would occur since no measurements have been submitted which would conclusively establish the extent of the proposed 25 mv/m contour in a direction toward WBUX; and

It further appearing that by amendments filed February 2 and 8, 1960, replying to the Commission's letter of January 13, 1960, the applicant in BP-13160 submitted data purporting to show that it was financially qualified to construct and operate its proposed station, but that on the basis of the information filed, it cannot be found that the applicant has shown sufficient funds available to finance the construction and early operation of the proposed station since the applicant shows that it will need approximately $53,569 (plus the cost of the land) to put the station on the air and operate for at least three months; that funds of $52,500 are shown to be available; that these funds include loans of $27,500 on which the loan agreements therefor are not signed under oath by the lender nor does it appear that Robert and Isabelle Senderowitz have the cash or liquid assets available to make the loan over and above these needed to cover their liabilities in compliance with section III, paragraphs 4 (c) and (d) of the application form; that, moreover, the loan agreements to lend monies to Martin H. Philip are not signed under oath by the lenders as required, nor does it appear that he has adequate funds available to cover his commitment in the instant application and, in addition, sufficient funds to fulfill his obligations in connection with Station WLPS, Lehighton, Pennsylvania, which was granted July 27, 1960; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

*It is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals for a broadcast station and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of Elias and Robinson (BP-13111) would involve objectionable interference with Station WBOF, Virginia Beach, Virginia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of North Penn Broadcasting Company (BP-13160) would involve objectionable interference with Stations WJMJ, Philadelphia, Pennsylvania, and WBUX, Doylestown, Pennsylvania, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28 (c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether, because of nighttime interference received, the proposed operation of Elias and Robinson would be consistent with § 3.24(b) of the Commission rules, and, if not, whether conditions exist which would warrant a waiver of said section.

7. To determine whether the North Penn Broadcasting Company is financially qualified to construct and operate its proposed station.

8. To determine whether overlap of the 25 mv/m and 2 mv/m contours would occur between the proposal of North Penn Broadcasting Company (BP-13160) and WBUX, Doylestown, Pennsylvania, in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

9. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

*It is further ordered*, That Metro-WBOF, Inc., WBUX Broadcasting Company, WJMJ Broadcasting Corporation, licensees of Stations WBOF, WBUX and WJMJ, respectively, are made parties to the proceeding.

*It is further ordered*, That in the event of favorable action by the Commission upon the proposal in BP-13111 and the proposal of Southfield Broadcasting Company, Inc., both to be located in Glen Burnie, Maryland, that an appropriate condition be included in the construction permits to prevent problems of cross-modulation and reradiation, and the permittees shall submit, before the issuance of program test authority, sufficient field intensity measurement data made before and after the installation of necessary equipment, showing that the operation of one has no adverse effect upon that of the other.

*It is further ordered*, That to avail themselves of the opportunity to be heard, each of the instant applicants and party respondents, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1185; Filed, Feb. 9, 1961; 8:52 a.m.]

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[Docket No. 13940, FCC 61-144]

## EDWARD WALTER PISZCZEK AND JEROME K. WESTERFIELD

### Order Designating Application for Hearing on Stated Issues

In re application of Edward Walter Piszczek and Jerome K. Westerfield, Des Plaines, Illinois, req: 96.7 Mc, No. 244; 1 kw; 246 ft., Docket No. 13940, File No. BPH-3201; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of February 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below; the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the proposed station, but that the proposed operation may cause interference to Stations WBBM-FM, WJOL-FM, and WNIB(FM), Chicago, Joliet, and Chicago, Illinois, respectively; and

It further appearing that the applicant's antenna structure proposal has been referred to the Federal Aviation Agency, but that the Federal Aviation Agency has not yet completed its aeronautical study of such proposal; and

It further appearing that the Federal Aviation Agency should be made a party to the proceeding herein, so that it may participate if it desires to do so in the event its determination with respect to the proposed antenna structure is adverse; and

It further appearing that Edward Walter Piszczek is employed as sales manager, announcer, and copywriter at Station WFMF (FM), Chicago, Illinois, and in the event of a grant of the application the construction permit should

include the condition hereinafter specified; and

It further appearing that after consideration of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below:

*It is ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the area and population within the 1 mv/m contour, the area and population therein which would be served by the proposed station, and the availability of other FM services (at least 1 mv/m) to such proposed service area.

2. To determine whether the instant proposal would involve objectionable interference with Stations WBBM–FM, WJOL–FM, WNIB, Chicago, Joliet, and Chicago, Illinois, respectively, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other FM service of at least 1 mv/m to such areas and populations.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by the applicant would constitute a menace to air navigation.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-described application should be granted.

*It is further ordered,* That the Federal Aviation Agency, the Columbia Broadcasting System, Inc. licensee of Station WBBM–FM, Chicago, Illinois; WJOL, Inc., licensee of Station WJOL–FM, Joliet, Illinois; and the Northern Illinois Broadcasting Company, Inc., licensee of Station WNIB, Chicago, Illinois, are made parties to the proceeding.

*It is further ordered,* That in the event of a grant of the application, program tests will not be authorized until the permittee has submitted evidence to prove that Edward Walter Pisczek has severed all connections with Station WFMF, Chicago, Illinois.

*It is further ordered,* That to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1186; Filed, Feb. 9, 1961; 8:52 a.m.]

[Docket Nos. 13926, 13927; FCC 61M–168]

## VALUE RADIO CORP. (WOSH) AND HOWARD MILLER ENTERPRISES AND CONSULTANTS, INC. (WGEZ)

### Order Scheduling Hearing

In re applications of Value Radio Corporation (WOSH), Oshkosh, Wisconsin, Docket No. 13926, File No. BP–13268; Howard Miller Enterprises and Consultants, Inc. (WGEZ), Beloit, Wisconsin, Docket No. 13927, File No. BP–13576; for construction permits.

*It is ordered,* This 2d day of February 1961, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 5, 1961, in Washington, D.C.

Released: February 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1187; Filed, Feb. 9, 1961; 8:52 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. G–9510 etc.]

## CITIES SERVICE PRODUCTION CO. ET AL.

### Order Setting Date for Resumption of Hearing and Establishing Date for Service of Testimony and Exhibits

FEBRUARY 6, 1961.

Upon consideration of the motion filed herein by staff counsel on January 13, 1961, for an extension of time for resumption of the hearing in these proceedings, and for the establishment of a date for service of additional staff testimony and exhibits and Respondents' answer to said motion, good cause exists for extending the time as hereinafter ordered.

The Commission orders: The staff of the Commission shall serve its additional testimony and exhibits in these proceedings on or before April 10, 1961, and the time heretofore fixed for resumption of the hearing herein is hereby extended to May 9, 1961, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1162; Filed, Feb. 9, 1961; 8:50 a.m.]

[Docket No. CP61–19]

## EL PASO NATURAL GAS CO.

### Notice of Application and Date of Hearing

FEBRUARY 6, 1961.

Take notice that El Paso Natural Gas Company (Applicant), El Paso Natural Gas Building, El Paso, Texas, filed an application on July 25, 1960, in Docket No. CP61–19, as supplemented on October 17, 1960, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the Applicant to construct and operate natural gas facilities and to sell natural gas to Rio Grande Gas Company (Rio Grande), for resale subject to the jurisdiction of the Commission, all as more fully set forth in the application and supplement on file with the Commission, and open to public inspection.

Applicant states it proposes to sell natural gas to Rio Grande Gas Company on a firm as well as an interruptible basis, for resale and general distribution near Las Cruces, Dona Ana County, New Mexico, and also to construct and operate a sales meter station and its related appurtenances at approximately Mile Post 227 on El Paso's 26-inch main California transmission system to render the proposed service. Rio Grande is to be a new customer of El Paso.

The area to be served is primarily agricultural and the gas will be used primarily in irrigation operations.

The application recites the proposed peak day service of 5,079 Mcf of natural gas by El Paso to Rio Grande is based on a 15 year service agreement dated July 18, 1960. Rio Grande proposes to construct and operate its own transmission system of about 50 miles of 8-inch, 6-inch, 2⅜-inch, 1¼-inch, and ¾-inch of high pressure main line plus distribution facilities and related appurtenances which will extend from the connection with El Paso to Radium Springs, New Mexico. Rio Grande further proposes to distribute the gas in the Rio Grande Valley area extending approximately 12 miles north and 14 miles south of the City of Las Cruces, New Mexico, but not the City of Las Cruces.

Rio Grande's estimated maximum day and annual requirements for the first three years in Mcf at 14.73 psia are as follows:

| Year | Maximum day | Annual |
|---|---|---|
| 1st | 4,668 | 639,312 |
| 2d | 4,878 | 704,604 |
| 3d | 5,079 | 729,704 |

The bulk of the required volumes (annual and maximum day) is to be used for pumping wells for irrigation. The remainder is for residential and commercial uses.

Applicant proposes to construct and operate a double 4-inch sales meter station on its 26-inch and 30-inch California transmission system about two miles north of the Town of Chamberino to serve Rio Grande. The cost of the proposed meter station and its appurtenances is estimated at $6,400, which Applicant proposes to finance out of its current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 10, 1961 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 24, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the immediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1163; Filed, Feb. 9, 1961; 8:50 a.m.]



[Docket No. CP61–76]

## NORTHERN NATURAL GAS CO.

### Notice of Application and Date of Hearing

FEBRUARY 6, 1961.

Take notice that on September 15, 1960, Northern Natural Gas Company (Applicant), with its principal office at 2223 Dodge Street, Omaha, Nebraska, filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 12½ miles of 10-inch pipeline extending from Applicant's existing 24-inch pipeline to the proposed Sheldon Power Station (Sheldon Station) of Consumers Public Power District (Consumers Power District) and a measuring and regulating station near Hallam, Nebraska.

The purpose of the proposed construction, according to the application, is to sell and deliver natural gas on an interruptible basis to Central Electric and Gas Company (Central Electric) an existing customer for resale to Consumers Power District for use in an electric generating station (Sheldon Station), which is presently being constructed near Hallam. The proposed line will parallel an existing 8-inch lateral serving Hallam and other communities including Schuyler. It appears that the existing lateral is inadequate for rendition of the power plant service in addition to the existing service. The proposed line also may be used to supply gas to presently served communities north and west of Hallam. Applicant's proposed line will connect with a short line to be built by Central Electric extending to the power plant.

The estimated cost of Applicant's proposed construction is $403,750, which will be paid from cash on hand and cash generated from operations. Central Electric has agreed to reimburse Applicant for $175,000 of the cost of the proposed facilities. Consumers Power District will pay $87,500 toward this contribution by Central Electric.

Applicant estimates initial requirements of the Sheldon Station at 24,000 Mcf per day and anticipates that it will increase to 48,000 Mcf per day by 1962. Annual sales to the power plant are estimated to be 1,048,610 Mcf in 1961, 1,762,520 Mcf in 1962, and 940,400 Mcf in 1963. An agreement between Applicant and Central Electric dated July 21, 1960 calls for a minimum quantity of 5,700,000 Mcf to be purchased by Central Electric from Applicant for the Sheldon Station during the period from January 27, 1961, to January 27, 1966, the term of the contract. The 1961 estimate is based on 8 months service being initiated in April and running through December.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 20, 1961, at 10:00 a.m., e.s.t, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application herein.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 27, 1961.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1164; Filed, Feb. 9, 1961; 8:50 a.m.]

[Docket No. G–8288, etc.]

## SUN OIL CO. ET AL.

### Order Granting Motion for Continuance

FEBRUARY 3, 1961.

On January 9, 1961, the Commission staff filed a motion requesting that the hearing in the above designated consolidated proceeding be reconvened on April 17, 1961, instead of February 27, 1961, for the purpose of cross-examination, if any, of the witnesses for the staff and the interveners, and that the time within which the parties may comply with the Presiding Examiner's order issued December 16, 1960, to adduce additional evidence be extended from February 1 to March 31, 1961. By order issued January 23, 1961, the Presiding Examiner extended the time within which the parties are to comply with the Presiding Examiner's order, aforesaid, as requested by staff. On January 25, 1961, Sun Oil Company, the respondent herein, filed a joinder to staff's motion for a continuance. On January 27, 1961, the Examiner referred to us that portion of staff's motion requesting a continuance of the reconvening of the hearing.

The Commission finds: Good cause exists to grant the motion filed herein by staff on January 9, 1961, to continue the recess in this consolidated proceeding to April 17, 1961, instead of February 27, 1961.

The Commission orders: The motion of the staff be and the same is hereby granted and the hearing in this consolidated proceeding shall be reconvened at the hour and place formerly fixed by the Presiding Examiner on April 17, 1961, instead of February 27, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1165; Filed, Feb. 9, 1961; 8:50 a.m.]

[Project No. 2249]

## MONTANA

### Notice of Land Withdrawal

FEBRUARY 7, 1961.

In the matter of Lewis-Clark Generation & Transmission Cooperative, Inc. and Long Meadow and Lower Yaak River Hydroelectric Projects, Project No. 2249.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States are included in power Project No. 2249 (Long Meadow and Lower Yaak River Hydroelectric Projects). The Lewis-Clark Generation & Transmission Cooperative, Inc., of Walla Walla, Washington, filed an application for a preliminary permit covering the Long Meadow Project on August 18, 1958; and an application for amendment of the preliminary permit (issued for that project on June 30, 1959), covering the Lower Yaak River developments, on November 2, 1959. Under said Section 24 all lands of the United States lying within the boundaries of the project as delimited on the maps filed in support thereof, are from said date of filing reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

PRINCIPAL MERIDIAN, MONTANA

Only those unpatented portions of the following described subdivisions falling below the 3,114-foot contour elevation as depicted on map exhibit "H & I" (FPC No. 2249–1), entitled "Long Meadow Hydroelectric Project, Yaak River, Montana," filed with the Federal Power Commission on August 18, 1958:

T. 36 N., R. 31 W. (surveyed),
Sec. 5;
Sec. 6;
Sec. 7;
Sec. 8;
Sec. 17;
Sec. 18;
Sec. 19;
Sec. 20;
Sec. 29;
Sec. 30;
Sec. 31;
Sec. 32.

T. 37 N., R. 31 W. (surveyed),
Sec. 22;
Sec. 23;
Sec. 27;
Sec. 28;
Sec. 29;
Sec. 32;
Sec. 33.
T. 35 N., R. 32 W. (unsurveyed),
Sec. 1;
Sec. 2;
Sec. 3;
Sec. 4;
Sec. 5;
Sec. 9;
Sec. 10;
Sec. 11;
Sec. 12.
T. 36 N., R. 32 W. (unsurveyed),
Sec. 29;
Sec. 32;
Sec. 33;
Sec. 34;
Sec. 35;
Sec. 36.

All portions of the following described subdivisions lying within the project boundaries as delimited on map exhibit "H & I, Sheet 2" (FPC No. 2249–2), entitled "Lower Yaak River Hydroelectric Project, Yaak River, Montana," filed with the Federal Power Commission on November 2, 1959:

T. 33 N., R. 33 W. (unsurveyed),
Sec. 3: NW¼;
Sec. 4: Unpatented portion of E½, SW¼;
Sec. 8: SE¼;
Sec. 9: W½, NE¼;
Sec. 16: NW¼;
Sec. 17: Unpatented portions of E½ and SW¼;
Sec. 18: SE¼;
Sec. 19: All;
Sec. 20: NW¼;
Sec. 30: N½, unpatented portion S½;
Sec. 31: Unpatented portion N½, SW¼.
T. 34 N., R. 33 W. (unsurveyed),
Sec. 27: Unpatented portions S½NE¼ and SE¼;
Sec. 33: Unpatented portion SE¼;
Sec. 34: Unpatented portions N½ and SW¼, SE¼.
T. 32 N., R. 34 W. (surveyed),
Sec. 4: All.
T. 33 N., R. 34 W. (surveyed),
Sec. 36: E½.

The area of United States lands reserved pursuant to the filing of this application and amendment is approximately 8,190.95 acres, wholly within the Kootenai National Forest—none of which has been previously withdrawn for purposes of power development.

Copies of the project map exhibits "H & I" and "H & I, Sheet No. 2" (FPC Nos. 2249–1 and 2249–2) have been transmitted to the Bureau of Land Management, Forest Service, Geological Survey, U.S. Corps of Engineers and Department of the Air Force.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1166; Filed, Feb. 9, 1961; 8:50 a.m.]

[Docket No. DA–1012–California]

## GENERAL SERVICES ADMINISTRATION

### Lands Withdrawn in Project No. 2246

FEBRUARY 6, 1961.

The General Services Administration has requested us to make a review of the land withdrawals made pursuant to the filing of application for preliminary permits by Sheridan County Water District and the County of Yuba for proposed Projects No. 2238 and 2246, respectively, which would permit disposal of those lands of the Beale Air Force Base declared surplus by the Department of Defense.

Under date of October 25, 1960, in view of the aforesaid request and having been apprised by Sheridan County Water District that it was no longer interested in Project No. 2238, we issued an order completing the vacation of the land withdrawal effected under section 24 of the Federal Power Act by the filing of the application for Project No. 2238.

Some 17 tracts of the lands presently under consideration, comprising 605 acres, more or less, may be required for conduit location, the exact location of which has not been definitely established by the County of Yuba. It appears from the plans submitted that the remaining tracts, comprising about 5,681 acres, will be occupied, whole or in part, by waters impounded by the development of the Waldo Dam Site, located within the diminished Beale Air Force Base. However, the afore-mentioned conduit, due to the topography of the lands proposed for occupancy will necessarily be by tunnel rather than by open conduit, and thus the incompatability in the surface use of the lands, the primary value of which is for grazing purposes, would be insignificant.

The development of the Waldo Site on Dry Creek by construction of a dam creating a reservoir with a gross capacity of 300,000 arce-feet, and a water surface of about 4,200 acres would involve the use of approximately 2,719 acres of the subject surplus lands; the remainder of the lands to be flooded being located within the confines of the area retained in the Base. The remainder of the project facilities would be located for the major part upon privately-owned lands and upon some small area of public lands beyond the limits of the Base as now re-established. According to various plans of development, normal flow line of the reservoir will be at an altitude of 437 feet (M.S.L.) to which we believe 3 feet should be added as allowance for freeboard. Indications are that quite some time may elapse prior to beginning of construction of this project.

The Commission finds: The value of the lands described immediately below will not be materially injured or destroyed for purposes of power development by their disposal subject to the prior right of the United States, its permittees or licensees, pursuant to section 24 of the Federal Power Act, as amended, to use any portion of said lands for the construction, operation and maintenance of a tunnel, the right-of-way for which is not to exceed a width of 200 feet:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 15 N., R. 6 E.,
Sec. 4; lots 1, 2, 7, 8, 13, W½SE¼, E½SW¼;
Sec. 9: those portions of lots 1, 2, 3, 4, E½NW¼, NE¼SW¼ lying east of highway.
T. 16 N., R. 6 E.,
Sec. 33: those portions of the SW¼SE¼ lying south and west of highway.

The Commission determines: The value of the next-described lands lying below an elevation of 440 feet will not be injured or destroyed for purposes of power development by disposal, subject to section 24 of the Federal Power Act, as amended, and subject to the condition that the United States, its permittees or licensees shall not be held liable for any damage to the improvements placed thereon resulting from the construction, operation and maintenance of any power project works thereon:

T. 14 N., R. 6 E.,
Sec. 2: lot 4, S½NW¼, W½SE¼, SW¼;
Sec. 3: All;
Sec. 10: NE¼NW¼;
Sec. 11: W½NE¼, NE¼NW¼.
T. 15 N., R. 6 E.,
Sec. 9: lot 4;
Sec. 16: W½SE¼, and those portions of E½NW¼ lying north and east of highway;
Sec. 21: NE¼, and fractional SE¼ east of highway;
Sec. 22: SW¼NE¼, S½NW¼, W½SE¼, SW¼;
Sec. 23; SE¼;
Sec. 25: W½NW¼, SW¼SE¼, SW¼;
Sec. 26: E½, W½NW¼, SE¼NW¼, SW¼;
Sec. 27: All;
Sec. 28: Fractional E½, east of highway;
Sec. 33: Fractional NE¼, north and east of highway;
Sec. 34: All;
Sec. 35: All;
Sec. 36: N½N½, SW¼NW¼, NW¼SW¼.

The Commission orders: The existing power withdrawal under section 24 of the Federal Power Act pursuant to the filing of application for preliminary permit for Project No. 2246 pertaining to those portions of the lands immediately described above which lie above elevation 440 feet is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1167; Filed, Feb. 9, 1961; 8:50 a.m.]

## HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

### DESIGNATION OF ACTING DIRECTOR, DIVISION OF HOUSING FOR THE ELDERLY

#### Ratification

William E. Murray, Deputy Director, Division of Housing for the Elderly, is hereby designated to serve as Acting Director, Division of Housing for the Elderly, during the present vacancy in the position of Director, Division of Housing for the Elderly, with all the powers, functions, and duties delegated or assigned to the Director.

Acts consistent with this designation taken by the Deputy Director under the title of Director or Acting Director between December 27, 1960, and January 30, 1961, are hereby ratified and effective as if authorized on the date taken.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 30th day of January 1961.

[SEAL] LEWIS E. WILLIAMS,
*Acting Housing and Home Finance Administrator.*

[F.R. Doc. 61–1157; Filed, Feb. 9, 1961; 8:49 a.m.]



## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 7, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36882: *Anhydrous ammonia to Florida points.* Filed by Southwestern Freight Bureau, Agent (No. B–7962), for interested rail carriers. Rates on anhydrous ammonia, in tank-car loads, from Lake Charles, La., and Houston, Tex., to specified points in Florida.

Grounds for relief: Barge competition.

Tariff: Supplement 130 to Southwestern Freight Bureau tariff I.C.C. 4290.

FSA No. 36883: *Crushed stone from Colorado and Wyoming to WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A–2166), for interested rail carriers. Rates on crushed stone, as described in the application, in carloads, from Bosler, Wyo., Parkdale, Salida and Texas Creek, Colo., to points in western trunk-line territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 154 to Western Trunk Line tariff I.C.C. A–4123.

FSA No. 36884: *Cinders from Rocky Flats, Colo., to WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A–2164), for interested rail carriers. Rates on cinders, clay or shale, as described in the application, in carloads, from Rocky Flats, Colo., to points in Western trunk-line territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 154 to western Trunk Line Committee tariff I.C.C. A–4123.

FSA No. 36885: *Soda ash from Westvaco, Wyo., to South Addison, Ill.* Filed by Western Trunk Line Committee, Agent (No. A–2165), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk or in bulk in bags, barrels, boxes or pails, in carloads, from Westvaco, Wyo., to South Addison, Ill.

Grounds for relief: Market Competition.

Tariff: Supplement 154 to Western Trunk Line Committee tariff I.C.C. A–4123.

FSA No. 36886: *Perlite from Antonito, Colo., to WTL and southwestern territories.* Filed by Western Trunk Line Committee, Agent (No. A–2168), for interested rail carriers. Rates on perlite, other than crude, in carloads, from Antonito, Colo., to points in western trunk-line and southwestern territories.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplement 154 to Western Trunk Line Committee tariff I.C.C. A–4123, and supplement 150 to Southwestern Freight Bureau tariff I.C.C. 4252.

FSA No. 36887: *Perlite mix from Antonito, Colo., and Malad, Idaho.* Filed by Western Trunk Line Committee, Agent (No. A–2167), for interested rail carriers. Rates on perlite mix, as described in the application, from Antonito, Colo., and Malad, Idaho, to points in southwestern and western trunkline territories.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Western Trunk Line Committee tariff I.C.C. A–4362, and supplement 41 to Southwestern Freight Bureau tariff I.C.C. 4157.

FSA No. 36888: *Substituted service—PRR and NH for Cooper-Jarrett, Inc.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 180), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Cincinnati, Columbus and Toledo, Ohio, on the one hand, and Hartford and New Haven, Conn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 8 to Eastern Central Motor Carriers Association, Inc., tariff MF–I.C.C. A–185.

FSA No. 36889: *Substituted service—D & H, et al., for Spector Freight System, Inc.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 182), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Watervliet, N.Y., on the one hand, and Chicago, Ill., or Hammond, Ind., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 8 to Eastern Central Motor Carriers Association, Inc., tariff MF–I.C.C. A–185.

AGGREGATE-OF-INTERMEDIATES

FSA No. 36881: *Passenger fares—The New York, New Haven and Hartford Railroad Company.* Filed by The New York, New Haven and Hartford Railroad Company. (No. 5), for interested rail carriers. Relating to transportation of passengers, between points in Massachusetts on the line of the New York, New Haven and Hartford Railroad Company, and points on the lines of connecting carriers.

Grounds for relief: Establishment of new local fares and the maintenance of present fares of connecting carriers.

Tariff: The New York, New Haven and Hartford Railroad Company's tariff I.C.C. A–9686, and Agent W. H. Clifford's tariffs I.C.C. 1076 and 1064.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61–1159; Filed, Feb. 9, 1961; 8:49 a.m.]

[Notice 445]

## MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 7, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63536. By order of February 1, 1961, the Transfer Board approved the transfer to Penn Transportation Corp., Cambridge, Mass., of Certificate No. MC 118019, issued September 29, 1960, to Vincent Panniello, doing business as Penn Transportation Company, Arlington, Mass., authorizing the transportation of: Bananas, from port facilities in the New York, N.Y., Commercial Zone, and from Baltimore, Md., to Boston, Mass. Gerard J. Donovan, 37 Leighton Road, Hyde Park 36, Mass., for applicants.

No. MC–FC 63653. By order of February 2, 1961, the Transfer Board approved the transfer to Seuring Transit, Inc., Freeport, Ill., of a portion of the operating rights in Certificate No. MC 105272 Sub 1, issued September 26, 1947, to Lowell Seuring, doing business as Lowell Seuring Transfer Co., Freeport, Ill., authorizing the transportation of: building materials, from Freeport, Ill., to points in Wisconsin; and, between Warren, Ill., on the one hand, and, on the other, points in Indiana, Kansas, Michigan, Minnesota, Nebraska, Ohio, Pennsylvania, and South Dakota. George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill., for applicants.

No. MC–FC 63756. By order of February 2, 1961, the Transfer Board approved the transfer to Edward E. Buxton, doing business as Buxton's Worcester & Westboro Express, 10 Walnut Street, Shrewsbury, Mass., of Certificate No. MC 69590, issued January 21, 1941, to Warren E. Buxton, doing business as Buxton's Worcester & Westboro Express, 10 Walnut St., Shrewsbury, Mass., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between Worcester, Mass., and Westboro,

Mass., serving the intermediate points of Northboro and Shrewsbury, Mass.

No. MC–FC 63903. By order of February 1, 1961, the Transfer Board approved the transfer to Chester Carriers, Inc., a Delaware corporation, East Petersburg, Pa., of Certificates Nos. MC 76478, MC 76478 Sub 2, and MC 76478 Sub 3, issued May 22, 1953, September 29, 1958, and August 16, 1960, respectively, in the name of Chester Carriers, Inc., a Pennsylvania corporation, East Petersburg, Pa., authorizing the transportation of stone, soil or earth, sand gravel, bricks, cinders, cinder blocks, and bituminous concrete, in dump trucks, over irregular routes, between points in Delaware, Montgomery, Bucks, Chester, and Philadelphia Counties, Pa., on the one hand, and, on the other, points in New Jersey and Delaware; stone and soil or earth, in bulk, from points in East Caln Township, Chester County, Pa., to points in Cecil, Kent, Queen Annes, Talbot, and Caroline Counties, Md.; sand, from points in Cecil County, Md., to points in Chester County, Pa.; and concrete materials and add mixtures, in readymix vehicles, from Lititz, Kennett Square, and Oxford, Pa., to points in Delaware and Maryland within 20 miles of Kennett Square or Oxford. Bernard N. Gingerich, Quarryville, Pa., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–1160; Filed, Feb. 9, 1961; 8:49 a.m.]

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# FEDERAL REGISTER

VOLUME 26 NUMBER 28

Washington, Saturday, February 11, 1961

THE UNIVERSITY OF MICHIGAN
FEB 14 1961
MAIN READING ROOM

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Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.



FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 205]

### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

**§ 914.505 Navel Orange Regulation 205.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, and orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting, the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 9, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 12, 1961, and ending at 12:01 a.m., P.s.t., February 19, 1961, are hereby fixed as follows:

(i) District 1: 400,000 cartons;
(ii) District 2: 425,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 10, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1306; Filed, Feb. 10, 1961; 11:39 a.m.]

[Orange Reg. 384]

### PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

#### Limitation of Shipments

**§ 933.1048 Orange Regulation 384.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of such Florida oranges as will be in the public interest; will tend to effectuate the declared policy of the act; and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 7, 1961; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; the provisions of the act require that the minimum standards of quality and maturity, as set forth herein, be made effective when the seasonal average price to growers for such oranges exceeds the parity level specified in section 2(1) of the act; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth and at the commencement thereof, so as not to permit the unrestricted shipment thereafter of Florida oranges, including Temple oranges, as such unrestricted shipments would not be conducive to the orderly marketing of such oranges as will be in the public interest and would not tend to effectuate the declared policy of the act; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1178 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., February 13, 1961, and ending at 12:01 a.m., e.s.t., March 13, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than a size that will pack 324 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2;

(iv) Any Temple oranges, grown in the production area, which are of a size smaller than 2$^{9}/_{16}$ inches in diameter, except that a tolerance of ten (10) percent, by count, for Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 9, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1264; Filed, Feb. 10, 1961; 8:51 a.m.]

[Grapefruit Reg. 336]

## PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

**§ 933.1049 Grapefruit Regulation 336.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 7, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., February 13, 1961, and ending at 12:01 a.m., e.s.t., March 13, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3$^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than 3$^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 9, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1263; Filed, Feb. 10, 1961; 8:51 a.m.]

[Tangelo Reg. 28]

## PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

**§ 933.1051 Tangelo Regulation 28.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of such Florida tangelos as will be in the public interest; will tend to effectuate the declared policy of the act; and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 7, 1961; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; the provisions of the act require that the minimum standards of quality and maturity, as set forth herein, be made effective when the seasonal average price to growers for such tangelos exceeds the parity level specified in section 2(1) of the act; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth and at the commencement thereof, so as not to permit the unrestricted shipment thereafter of Florida tangelos, as such unrestricted shipments would not be conducive to the orderly marketing of such tangelos as will be in the public interest and would not tend to effectuate the declared policy of the act; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1178 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., February 13, 1961, and ending at 12:01 a.m., e.s.t., July 31, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangelos, grown in the production area, which do not grade at least U.S. No. 2 Russet.



(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 9, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1265; Filed, Feb. 10, 1961; 8:51 a.m.]

[Lemon Reg. 886]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

**§ 953.993 Lemon Regulation 886.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 6, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 12, 1961 and ending at 12:01 a.m., P.s.t., February 19, 1961, are hereby fixed as follows:

(i) District 1: 13,950 cartons;

(ii) District 2: 139,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 9, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1262; Filed, Feb. 10, 1961; 8:51 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–LA–83]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

### Modification

On October 29, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 10435) stating that the Federal Aviation Agency proposed to modify VOR Federal airways Nos. 23, 107, and 299.

No adverse comments were received regarding the proposed amendments.

In conjunction with the modification of Victor 107, the name of the Panoche, Calif., VOR has been changed to the Los Banos, Calif., VOR. Action is taken herein to reflect this change in the description of Victor 107.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

**§ 600.6023 [Amendment]**

1. In the text of § 600.6023 (14 CFR 600.6023, 25 F.R. 632, 2041) "intersection of the Long Beach omnirange 287° True and the Los Angeles omnirange 123°

True radials;" is deleted and "INT of the Long Beach VORTAC 287° True and the Los Angeles, Calif., VOR 139° True radials;" is substituted therefor.

2. § 600.6107 (14 CFR 600.6107, 25 F.R. 2010) is amended to read:

**§ 600.6107 VOR Federal airway No. 107 (Los Angeles, Calif., to Oakland, Calif.).**

From the Los Angeles, Calif., VOR via the INT of the Los Angeles VOR 139° True and the Long Beach, Calif., VORTAC 287° True radials; INT of the Long Beach VORTAC 287° True and the Fillmore, Calif., VORTAC 163° True radials; Fillmore VORTAC; INT of the Fillmore VORTAC 318° True and the Avenal, Calif., VOR 151° True radials; Avenal VOR; Los Banos, Calif., VOR; to the Oakland, Calif., VORTAC.

3. § 600.6299 (14 CFR 600.6299) is amended to read:

**§ 600.6299 VOR Federal airway No. 299 (Los Angeles, Calif., to Bakersfield, Calif.).**

From the Los Angeles, Calif., VOR via the Gorman, Calif., VORTAC, including a W alternate from the Los Angeles VOR to the Gorman VORTAC via the INT of the Los Angeles VOR 139° True and the Long Beach, Calif., VORTAC 287° True radials, the INT of the Long Beach VORTAC 287° True and the Fillmore, Calif., VORTAC 163° True radials, Fillmore VORTAC; to the Bakersfield, Calif., VORTAC.

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 6, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1199; Filed, Feb. 10, 1961; 8:46 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter I—Bureau of the Census, Department of Commerce

## PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

### Fee Structures for Unpublished Data From 1960 Censuses of Population and Housing

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing of this fee schedule and postponement of the effective date thereof are impracticable and unnecessary for the reason that such procedure, because of the nature of the rules, serves no useful purpose.

In accordance with the provisions of the act authorizing the Department of Commerce to make special statistical surveys and studies, and to perform other specified services upon the payment of the cost thereof, the fee structure published July 9, 1960 (25 F.R. 6463), is amended by adding the following item 6 to § 50.30 *Fee structure for unpublished data from the 1960 Population and Housing Census.* No transcript of any record will be furnished under authority of these acts which would violate existing or future acts requiring that information furnished be held confidential.

**§ 50.30 Fee structure for unpublished data from the 1960 Population and Housing Census.**

The Bureau of the Census is willing to furnish from the 1960 Censuses of Population and Housing the foregoing data from tabulations not to be published provided that there is no serious interruption of its regular work program.

* * * * *

| Data available | Date of availability | Fee |
|---|---|---|
| 6. Population and housing characteristics for enumeration districts—Complete-count data for each of the 270,000 enumeration districts into which the United States has been divided. The population data relate to age, sex, color, marital status, and relationship. The housing data relate to tenure, vacancy status, color of occupants, condition and plumbing, number of rooms, number of persons, persons per room, value of property, and contract rent. | At present.. | $13.50 for photocopies per 100,000 inhabitants or fraction thereof, with a minimum order of $67.50. |

To obtain the data, write a letter to the Director, Bureau of the Census, Washington 25, D.C., enclosing a check based on the fee structure and made payable to Census, Department of Commerce. Other special tabulations of data may be arranged.

(Sec. 3, Stat. 293, as amended: 15 U.S.C. 192a. Interprets or applies sec. 1, 40 Stat. 1256, as amended, sec. 1, 49 Stat. 292, sec. 8, 68 Stat. 1013, as amended, 15 U.S.C. 192, 189a, 13 U.S.C. 8)

ROBERT W. BURGESS,
*Director, Bureau of the Census.*

[F.R. Doc. 61-1227; Filed, Feb. 10, 1961; 8:50 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 6889]

## PART 13—PROHIBITED TRADE PRACTICES

### Alhambra Motor Parts et al.

Subpart—Discriminating in price under section 2, Clayton Act—Knowingly inducing or receiving discriminating price under 2(f): § 13.855 *Inducing and receiving discriminations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, C. E. Long et al. trading as Alhambra Motor Parts (Alhambra, Calif.) et al., Docket 6889, October 28, 1960]

Order requiring a trade association in Los Angeles, Calif., and its 59 jobber members to cease knowingly inducing and receiving discriminatory prices from manufacturers and suppliers of automotive parts and accessories in violation of section 2(f) of the Clayton Act, by using their association as a device to obtain volume discounts on the aggregate purchases of all members.

The order to cease and desist is as follows:

*It is ordered,* That respondents C. E. Long, Glenn L. Long and J. T. Prochaska, Jr., co-partners doing business as Alhambra Motor Parts, Edward Gaughn, an individual, doing business as Allied Motor Parts, Laura Kleopfer, Gloria Kleopfer and Gwendolyn D. Ockey, co-partners doing business as Automotive Parts Co., E. P. Feschrach, F. G. Orm and E. R. Eckert, co-partners doing business as Automotive Supply, B. B. & H. Motor Parts, Inc., a corporation, and its officers, Percy T. Lyon, an individual doing business as Barlow Motor Supply Co., Beacon Auto Parts, Inc., a corporation, and its officers, Beedee Auto Parts, Inc., a corporation, and its officers, Jack Bidinger, an individual doing business as Jack Bidinger Auto Parts, Frank G. Boggs and Rollin McBurney, co-partners doing business as Boggs & McBurney Auto Parts, Burbank Auto Parts, Inc., a corporation, and its officers, Art Cole, an individual, doing business as Art Cole Auto Parts, E. L. Covey, an individual doing business as Covey Auto Parts, Curtis & Christensen, Inc., a corporation, and its officers, Wolford Drye, an individual doing business as Drye Automotive Parts, Donald M. Blackmore, Arrell S. McPartland, Otis Ludwick and Margaret A. Ludwick, co-partners doing business as Dale's Auto Parts, Henry A. Mannington and Ethel C. Mannington, co-partners doing business as Dyer Bros., Eckdahl Auto Parts Co., a corporation, and its officers, El Monte Auto Parts, Inc., a corporation, and its officers, C. E. Encell Auto Parts Service, Inc., a corporation, and its officers, Flammer Auto Parts, Inc., a corporation, and its officers, Frazier Wright Co., a corporation, and its officers, Fullerton Motor Parts, Inc., a corporation, and its officers, Curtis C. Gibson and J. Leonard Gibson, co-partners doing business as Gibson Motor Parts, Graves Automotive Supply, a corporation, and its officers, Carl D. Haase, an individual, doing business as Haase Auto Parts Company, John J. Hartman, an individual, doing business as Hartman Auto Parts, K. A. McFarland, an individual, doing business as Hibbard & Rodgers, Hillcrest Auto Supply Co., a corporation, and its officers, Dora L. Huffaker, an individual, doing business as Huffaker's Auto Parts, Clarence R. Ryan, an individual, doing business as Long Beach Auto Parts Co., John F. Dixon, Inc., a corporation, and its officers, L. C. Haskins, R. B. Sharpe and Willard Wedeking, co-partners doing business as Masters Automotive Supply, Bert C. Bussey and James E. Bussey, co-partners doing business as Bussey Auto Parts, Charles M. Darling, an individual, doing business as Mission Auto Supply, D. T. Johnston and Charles G. Russell, co-partners doing business as Motor Parts Depot, A. C. Brown and Mable S. Brown, co-partners doing business as Motor Parts & Equipment Co., Henry C. Neufeld, Elmer M. Anderson and Dona Jane Senn, co-partners doing business as Neufeld's Auto Parts, John C. Weatherway and Lester L. Congdon, co-partners doing business as North Long Beach Motor Supply Company, Loren K. Patty, an individual, doing business as Owl Auto Supply, P. & W. Parts Store, Inc., a corporation, and its officers, Loy G. Cabe and Roy L. Cabe, co-partners doing business as Parts Service Company, Pomona Motor Parts, a corporation, and its officers, Stewart J. Bryant, Elizabeth H. Bryant and F. Ray Bryant, co-partners doing business as Paso Robles Auto Parts, Howard L. Phoenix and Ross L. Mossman, co-partners doing business as Phoenix Motor Parts, Santa Ana Motor Parts & Machine Works, Inc., a corporation, and its officers, Edward L. Kenworthy, an individual, doing business as Santa Barbara Motor Parts, San Bernardino Motor Parts, a corporation, and its officers, James W. H. Sparks, Floyd A. Sparks, Carlos A. Sparks and Willie D. Sparks, co-partners doing business as Sparks Auto Parts Service, Sturtevant Auto Parts, Inc., a corporation, and its officers, Robert Dopyera, James R. Barber and Victor Lesovsky, co-partners doing business as Tasco Auto Parts, Mac Johnson, an individual, doing business as Torrance Auto Parts, Triangle Motor Parts, a corporation, and its officers, Valley Auto Supply of San Bernardino, Inc., a corporation, and its officers, Glenn Wellington, an individual, doing business as Glenn Wellington Auto Parts, Wilke Machine & Auto Parts, a corporation, and its officers, Dunn Supply Co., Inc., a corporation, and its officers, Jack A. Monteverde and Ruth B. Monteverde, co-partners doing business as Monte's Auto Parts, Ben McConnell, an individual, doing business as McConnell Motor Parts, and their respective agents, representatives and employees; and the individual respondents Randall W. Brownell, Arthur D. Brownell, Wilma M. Brownell, E. Floyd Hubbard, Elwin A. Hubbard, Juanita Firth, A. C. Peschke, J. Peschke, E. E. McCreary, Jack W. Morse, Earl W. Morse, Jewell T. Morse, F. J. Curtis, Mable B. Curtis, H. C. Kelly, Burdette T. Eckdahl, F. A. Guffin, A. D. Shaw, Ruela B. Sutton, Earl Crawford, James Whitelock, Mary R. Encell, Pearl C. Zittle, Theodore B. Whitmore, Edwin T. Flammer, Edna M. Flammer, William R. Gallagher, Roy Wright, Emma F. Wright, Cecil D. Penn, Joe W. Johnson, Velda L. Johnson, Lemuel A. Graves, William T. Dingle, William H. Sharpe, Lorraine E. Sharpe, Mable M. Brown, John F. Dixon, Brian S. A. Heenan, Helen Dixon, Otha Luster, William H. Woodcock, Lee R. Anthony, John F. Arthur, J. K. Wilkinson, Helen Bates, C. Ed Thomas, Evelyn J. Thomas, Frank N. Sellers, Peter B. Long, George E. Osborn, John H. Buchenau, Sabin B. Sturtevant, G. E. Lee, S. P. Sturtevant, Robert Heffner, Roy Baugh, Milton A. Souders, John Wilson, Paul Clammer, Arthur Lindholm, H. P. Wilke, N. Alta Wilke, Muriel Merritt, J. Elmo Dunn, Nancy Jane Dunn, and Dewey A. Dunn, and their respective agents, representatives and employees, in connection with the offering to purchase or purchase of any automotive parts, accessories or supplies or other similar products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

(1) Knowingly inducing, or knowingly receiving or accepting, any discrimination in the price of such products by directly or indirectly inducing, receiving or accepting from any seller a net price known by respondents to be below the net price at which said products of like grade and quality are being sold by such seller to other customers where the seller is competing with any other seller for respondents' business or where respondents are competing with other customers of the seller.

(2) Maintaining, managing, controlling or operating respondent Southern California Jobbers, Inc., or any other organization of like character, as a means or instrumentality to knowingly induce, or knowingly receive or accept, any discrimination in the price of automotive parts, accessories or supplies, by directly or indirectly inducing, receiving or accepting from any seller a net price known by respondents to be below the net price at which said products and supplies of like grade and quality are being sold by such seller to other customers where the seller is competing with any other seller for respondents' business or where respondents are competing with other customers of the seller.

*It is further ordered,* That respondent Southern California Jobbers, Inc., a corporation, and its respective members, officers, agents, representatives and employees; and the individual respondent James M. Polhamus, and his representatives, agents, and employees, in connection with the offering to purchase, or purchase, of any automotive parts, accessories or supplies or other similar products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

(1) Knowingly inducing, or knowingly receiving or accepting, any discrimination in price of such products by directly or indirectly inducing, receiving or accepting from any seller a net price known by respondents to be below the net price at which said products and supplies of like grade and quality are being sold by such seller to other customers where the seller is competing with any other seller for respondents' business or where respondents are competing with other customers of the seller.

For the purpose of determining the "net price" under the terms of this order, there should be taken into account discounts, rebates, allowances, deductions or other terms and conditions of sale by which net prices are effected.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 28, 1960.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 61-1200; Filed, Feb. 10, 1961; 8:46 a.m.]

[Docket 6966 c.]

## PART 13—PROHIBITED TRADE PRACTICES

### Exquisite Form Brassiere, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses:* [Discriminating in price under section 2, Clayton Act]—Furnishing services or facilities for processing, handling, etc., under 2(e): § 13.835 *Demonstrators.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Exquisite Form Brassiere, Inc., New York, N.Y., Docket 6968, October 31, 1960]

Order requiring an industry leader in the manufacture and sale of brassieres, with annual sales in excess of $10 million, to cease discriminating in price between competing customers in violation of sections 2(d) and 2(e) of the Clayton Act by paying advertising allowances and furnishing "stylists" to certain large retailer customers while not making either available on proportionally equal terms to competing smaller customers.

The order to cease and desist is as follows:

*It is ordered,* That respondent Exquisite Form Brassiere, Inc., a corporation, its officers, directors, representatives, agents and employees, directly or through any corporate or other device, in or in connection with the sale of brassieres in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Paying, or contracting to pay to or for the benefit of any customer, an advertising allowance, push money or anything of value as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of respondent's products, unless such payment or consideration is offered and otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such products;

2. Discriminating, directly or indirectly, among competing purchasers of its products, by contracting to furnish, furnishing, or contributing to the furnish-

ing of the services of stylists or any other services or facilities connected with the processing, handling, sale or offering for sale of respondent's products, to any purchaser from respondent of such products bought for resale, unless such services or facilities are offered and otherwise made available on proportionally equal terms to all purchasers competing in the distribution or resale of such products.

By "Final Order", report of compliance was required as follows:

*It is further ordered*, That respondent, Exquisite Form Brassiere, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 31, 1960.

By the Commission (Commissioner Tait dissenting in part).

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 61-1201; Filed, Feb. 10, 1961; 8:46 a.m.]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

## PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

## PART 279—FORMS PRESCRIBED UNDER THE INVESTMENT ADVISERS ACT OF 1940

### Miscellaneous Amendments

FEBRUARY 3, 1961.

On December 16, 1960, the Securities and Exchange Commission published its proposal to amend Form ADV (§ 279.1), the form of application for registration as an investment adviser or to amend such an application, and to amend Rule 204–1 (§ 275.204–1) which provides for the filing of supplements and amendments to such applications. The proposal also contemplated the adoption of a new Form ADV–SUP (§ 279.1), to be filed by investment advisers already registered and those who have applications pending on the date when the form becomes effective. The Commission has considered all the comments and suggestions received, has amended Form ADV and Rule 204–1, and has adopted Form ADV–SUP, all to be effective May 1, 1961.

In September 1960, the Investment Advisers Act was amended in many important respects. Among other things, it now provides new grounds for denying, suspending, or revoking the registration of an investment adviser. Before the amendments were adopted the provisions of section 203(d) of the Act provided, in substance, that the Commission could deny, suspend or revoke the registration of an investment adviser if it found that such action was in the public interest and that the investment adviser, or any partner, officer, director or controlling person: (1) within 10 years of the order, was convicted of a felony or misdemeanor involving the purchase or sale of a security or arising out of activities as an investment adviser, underwriter, broker or dealer, or as an affiliated person or employee of an investment company, bank or insurance company; or (2) was subject to an injunction based upon similar conduct or activity; or (3) had wilfully made any untrue statement or misleading omission of a material fact in any application or report filed with the Commission. As amended, the Act now provides additional bases for denial, suspension or revocation of registration: (1) conviction of a felony or misdemeanor involving mail fraud; fraud by wire, telephone, radio or television; or embezzlement, fraudulent conversion or misappropriation of funds or securities; (2) wilful violation of any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, or any rule or regulation under any of such acts; or (3) aiding or abetting any other person's violation of any of such acts, rules or regulations. The amendments also provide that any of the above disqualifications by a controlled person, including an employee (as well as by a partner, officer, director or controlling person), may also be a basis for denial, suspension or revocation.

As Form ADV is amended, Item 8 requires the furnishing of information to disclose whether any of the persons mentioned above is subject to any disqualification under the Act, as amended. Some other changes have been made to the form to obtain certain additional information, to clarify the instructions, to simplify its use, and to simplify its processing at the Commission. Thus, Item 10 requests more specific information concerning the investment adviser's business; Item 11 has been revised to reflect the amendment of section 208(c) of the Act, which changes the conditions under which an investment adviser may use the designation or title "investment counsel"; and Item 9 requires the furnishing of information concerning the education and experience of key personnel.

The principal reason for amending Rule 204–1 (§ 275.204–1) is to require every investment adviser whose registration is effective on May 1, 1961 (the date when the amendment becomes effective) and every investment adviser who has an application for registration pending on that date, to file Form ADV–SUP as a supplement to his application not later than June 30, 1961. Form ADV–SUP requests the same information as Form ADV, as amended, but the first page is different to permit the form to be used as a supplement.

The Commission's action amending Form ADV and Rule 204–1, and adopting Form ADV–SUP was not made effective until May 1, 1961 to allow time for the new forms to be printed and distributed to the Commission's Regional Offices, and also to allow registered investment advisers an opportunity to gather the information necessary to complete and file Form ADV–SUP. It is expected that copies of the amended Form ADV, and copies of Form ADV–SUP, will be available at the Commission's Regional Offices by the middle of April. After the forms are available the Commission will permit their use, even before May 1, 1961.

*Statutory basis.* Paragraphs (a) and (b) of Rule 204–1 are hereby amended as stated below, Form ADV is hereby amended as provided in copies thereof marked "Revised May 1, 1961", and Form ADV–SUP is hereby adopted. Such action is taken pursuant to the Investment Advisers Act of 1940, particularly sections 203(c), 204, and 211(a), the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary and appropriate in the exercise of its functions and powers under the Act. All of such action shall be effective May 1, 1961: *Provided, however*, That if Form ADV, as amended, or Form ADV–SUP is available it may be filed by investment advisers prior thereto.

**§ 275.204–1 Supplement and amendments to applications.**

(a) *Supplement.* Every investment adviser whose registration is effective on May 1, 1961, or whose application for registration is pending on that date, shall file a supplement on Form ADV–SUP not later than June 30, 1961.

(b) *Amendment.* If the information contained in any application for registration filed on Form ADV, in any amendment filed on such form, or in any supplement filed on Form ADV–SUP, becomes inaccurate for any reason, the investment adviser shall promptly file an amendment on Form ADV correcting such information.

By the Commission.

ORVAL L. DUBOIS,
*Secretary.*

FEBRUARY 3, 1961.

[F.R. Doc. 61-1209; Filed, Feb. 10, 1961; 8:47 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Extension of Effective Date

Under the authority provided in Public Law 86–139 (73 Stat. 388, 7 U.S.C. 135 et seq.), the Commissioner of Food and Drugs has extended the effective date of this statute as it affects section 408 of the Federal Food, Drug, and Cosmetic Act for certain specified uses of nematocides, plant regulators, defoliants, or desiccants. The lists previously published in § 120.35 are amended by adding thereto the following item:

**§ 120.35 Extension of effective date of Public Law 86–139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.**

* * * * *

| *Product* | *Specified uses or restrictions* |
|---|---|
| Sodium chlorate with added magnesium chloride. | On tomatoes as a defoliant. |

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 were contemplated by the statute as a relief of restrictions on the agricultural industry.

*Effective date.* This order shall become effective on the date of signature.

(Sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a). Applies sec. 3(b), Public Law 86–139 (73 Stat. 288; 7 U.S.C. 135 et seq.))

Dated: February 6, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-1217; Filed, Feb. 10, 1961; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

DIETHYLCARBAMAZINE IN ANIMAL FOOD

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Corn Products Company, R.D. No. 2, Waverly, New York, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the food additive diethylcarbamazine as an anthelmintic in dog food. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart C of the food additive regulations (21 CFR Part 121) is amended by adding thereto the following new section:

**§ 121.214 Diethylcarbamazine in animal food.**

Diethylcarbamazine may be safely used in animal food when incorporated therein in accordance with the following conditions:

(a) It is used or intended for use as an aid in the control of large roundworms (ascarids) in dogs.

(b) The quantity of the additive permitted to be used or to remain in or on the finished medicated food shall be 66 parts per million (0.0066 percent), or 30 milligrams per pound.

(c) To assure safe use of the additive in medicated dog food, the label and labeling on the additive, or that of any intermediate premixes, shall contain, in addition to the other information required by the act, the following:

(1) The name of the additive, diethylcarbamazine.

(2) A statement that the medicated food is to be used as an anthelmintic for the elimination of large roundworms (ascarids) in dogs.

(3) A statement of the concentration or strength of the additive contained therein.

(4) The word "medicated," prominently and conspicuously, wherever the term "food" or "premix" is used, and in juxtaposition therewith.

(5) A prominent statement that the preparation is for use in medicated dog food only.

(6) Adequate mixing directions to provide for a final food with the proper concentration of the additive, whether or not intermediate mixes are to be used.

(7) Adequate use directions to provide a finished food labeled as provided in paragraph (d) of this section.

(d) To assure safe use of the additive the label and labeling of the finished medicated food shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive, diethylcarbamazine.

(2) A statement that the medicated food is to be used as an anthelmintic for the elimination of large roundworms (ascarids) in dogs.

(3) A statement of the concentration of the additive contained therein.

(4) The word "medicated," prominently and conspicuously, wherever the word "food" is used, and in juxtaposition therewith.

(5) Adequate directions to provide for the proper intended use of the medicated food.

(6) A prominent statement that the preparation is a medicated food for dogs only.

(7) A prominent statement that the medicated food is not to be fed to dogs 18 months of age or older.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 6, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-1215; Filed, Feb. 10, 1961; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

HYGROMYCIN B IN ANIMAL FEED

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Elanco Products Company, Division of Eli Lilly and Company, Indianapolis 6, Indiana, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the food additive hygromycin B as an anthelmintic in animal feed. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 3625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart C the following new section:

**§ 121.213 Hygromycin B in animal feed.**

Hygromycin B may be safely used in medicated feed when incorporated therein in accordance with the conditions prescribed in this section:

(a) It is used or intended for use as an aid in the control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria columbae*) in chickens, as follows:

(1) The finished medicated feed shall contain 4,000 units of hygromycin B per pound, equivalent to 8 grams (0.00088 percent) of hygromycin B activity per ton.

(2) The finished medicated feed shall not be fed continuously for more than 8 weeks.

(b) It is used or intended for use in combination with chlortetracycline in swine feed in the amount and in accordance with the conditions prescribed in § 121.208.

(c) To assure safe use of the additive, the label and labeling of the food additive container, or that of any intermediate premix prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive provided for in this section.

(2) A statement of the concentration or strength of the additive contained therein.

(3) The word "medicated," prominently and conspicuously, wherever the term "feed" or "premix" is used, and in juxtaposition therewith.

(4) Adequate mixing directions to provide for a finished feed with the proper concentration of the additive, whether or not intermediate premixes are to be used.

(5) Adequate use directions to provide a finished feed labeled as provided in paragraph (d) of this section.

(d) To assure safe use of the additive, the label and labeling of the finished medicated feed shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive provided for in this section.

(2) A statement of the appropriate concentration or strength of the additive contained therein.

(3) The word "medicated," prominently and conspicuously, wherever the term "feed" appears on the label.

(4) If the additive is to be used as prescribed in paragraph (a) of this section, the label and labeling shall also include:

(i) A statement that the medicated feed should not be used for laying hens.

(ii) A statement that the medicated feed must be withdrawn 48 hours prior to slaughter.

(5) If the additive is to be used as prescribed in paragraph (b) of this section, the label and labeling shall conform to § 121.208(e)(5).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

2. Based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that where chickens have been fed hygromycin B in accordance with § 121.213, a tolerance limitation is required in order to assure that the edible products of such chickens are safe for human food. Therefore, § 121.1024 is amended to read as follows:

**§ 121.1024 Tolerance for residues of hygromycin B.**

A tolerance of zero is established for residues of the food additive hygromycin B in or on eggs of poultry and the uncooked edible tissues and byproducts of swine and poultry.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 6, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-1216; Filed, Feb. 10, 1961; 8:48 a.m.]

# Title 42—PUBLIC HEALTH

## Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

## PART 51—GRANTS TO STATES FOR PUBLIC HEALTH SERVICES

### Payments to States

Notice of proposed rule making, public rule making procedures and delay in effective date have been omitted as unnecessary in the issuance of the following amendments to this subpart which relate solely to grants for cancer control.

Pursuant to section 314(j) of the Public Health Service Act, as amended (58 Stat. 695, 42 U.S.C. 246(j)), these amendments are made after consultation with, and with the agreement of, a conference of the State health authorities. The purpose of these amendments is to delete the limitation on the amount of funds that may be paid to a State in either the third or the fourth quarter of the fiscal year for cancer control programs and to delete as unnecessary the provision relating to the availability of unpaid cancer control allotments.

*Effective date.* These amendments shall be effective on the date of publication in the FEDERAL REGISTER.

1. Subparagraph (3) of paragraph (d) of § 51.8 is amended to read as follows:

**§ 51.8 Payments to States; to cooperating agencies.**

* * * * *

(d) Subject to the foregoing limitations, payments shall be made as follows: * * *

(3) Payment for subsequent quarters from the allotments for the final six-month period shall be made once in each quarter and shall be based upon an application for funds showing the estimated requirements for such quarter and the estimated unencumbered balance of the respective fund in the State treasury (or with respect to the heart disease control program, in the treasury of the cooperating agency) at the beginning of the quarter for which payment is to be made. All such payments shall be in the amount of the differences between the estimated requirement and the estimated unencumbered cash balance.

2. Subparagraph (4) of paragraph (d) of § 51.8 is omitted and subparagraphs (5) and (6) of paragraph (d) are renumbered (4) and (5) respectively.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 314, 58 Stat. 693, as amended; 42 U.S.C. 246)

Dated: January 18, 1961.

[SEAL] L. E. BURNEY,
*Surgeon General.*

Approved: February 6, 1961.

ABRAHAM RIBICOFF,
*Secretary.*

[F.R. Doc. 61-1219; Filed, Feb. 10, 1961; 8:50 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2262]

[Anchorage 032066]

## ALASKA

### Reserving Lands on Umnak Island for Use of Federal Aviation Agency

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Federal Aviation Agency for airport purposes:

UMNAK ISLAND

FORT GLENN AND VICINITY

Beginning at a point on the east shore of Umnak Island at latitude 53°21'21" North and longitude 167°54'47" West, thence;

West, 13,488.2 feet to Corner No. 1;
N. 9°24'28" E., 15,583.00 feet to Corner No. 2;
East, 30,208.00 feet approximately to Corner No. 3;
S. 47°33'05" W., 6,164.47 feet to Corner No. 4;
S. 44°51'48" W., 9,380.26 feet to Corner No. 5;
S. 60°52'54" W., 9,368.80 feet to the point of beginning.

Containing approximately 7,550 acres, excluding tidelands. Bearings are true.

BERRY FIELD AND VICINITY

Beginning at a point on the northeast shore of Umnak Island at latitude 53°31'33" North and longitude 167°55'33" West, thence;

East, 7,275.88 feet to Corner No. 1;
South, 5,000.00 feet to Corner No. 2;
S. 42°55'30" W., 12,035.00 feet to Corner No. 3;
West, 1,369.00 feet to Corner No. 4;
N. 9°24'28" E., 14,000.00 feet to the point of beginning.

Containing in all, approximately 1,843 acres, excluding tidelands. Bearings are true.

The areas total in the aggregate approximately 9,393 acres.

The Bureau of Land Management, Department of the Interior, shall continue to manage the surface and subsurface resources of the lands. Disposals of such resources, however, shall be restricted to such times and in such manner as will not interfere with the primary use of the lands for airport purposes.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

FEBRUARY 7, 1961.

[F.R. Doc. 61-1205; Filed, Feb. 10, 1961; 8:46 a.m.]



[Public Land Order 2263]

## ALASKA; AIR NAVIGATION SITE WITHDRAWALS NOS. 105 AND 170

### Partly Revoking Public Land Order No. 899 of June 15, 1952. Revoking in Whole or in Part Certain Departmental Orders, Which Withdrew Lands for Air Navigation Site Purposes

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Public Land Order No. 899 of June 15, 1953, which excluded lands from the Tongass National Forest, is hereby revoked so far as it withdrew the following excluded lands for classification, and for other public purposes:

[Juneau 012027]

ELFIN COVE

U.S. Survey 2946,
Lots 1 to 15, incl., 4A, 13A, 13B, and 15A.
U.S. Surveys 2947, 2948, and 2949.
U.S. Survey 2950,
Lot 36A, 37 to 40, incl.
U.S. Surveys 2951 and 2952.
U.S. Survey 2953
Lots 51 to 56, incl., 50A and 74.
U.S. Surveys 2954, 2955, and 2956.

The tracts described, aggregating approximately 80 acres, are in part patented.

[1633903]

2. The departmental order of April 20, 1936, as amended by the departmental order of April 11, 1938, establishing Air Navigation Site Withdrawal No. 105, is hereby revoked so far as it affects the following-described lands:

McGRATH

Beginning at Corner No. 1, an iron pipe which is South 88°35' East 1235.18 feet from the northeast corner of U.S. Survey No. 1962, which corner is marked with an iron pipe and is situated on the left limit of the Kuskokwim River at McGrath in latitude 62°57'32" N. and longitude 155°37' W.; thence

N. 13°43' E., 1201.2 feet to Corner No. 2, an iron pipe;
N. 8°22' E., 803.51 feet to Corner No. 3, an iron pipe;
N. 17°18' E., 1202.34 feet to Corner No. 4, an iron pipe;
N. 13°43' E., 798.8 feet to Corner No. 5, an iron pipe;
S. 76°17' E., 500 feet to Corner No. 6, an iron pipe;
S. 13°43' W., 4,000 feet to Corner No. 7, an iron pipe;
N. 76°17' W., 500 feet to the point of beginning.

The tract described contains 47.63 acres.

[Fairbanks 024336]

3. The departmental orders of November 28, 1941, January 5, 1942, March 4, 1947, and December 30, 1947, which established, enlarged, and modified Air Navigation Site Withdrawal No. 170, are hereby revoked so far as they affect the following-described lands:

TANACROSS

a. Beginning at a spruce post 4 in. square on the left bank of the Tanana River at the north end of the center line of the constructed runway of the existing landing field, approximately ½ mile southwest of the village of Tanacross, Alaska, in approximate latitude 63°23' North, longitude 143°21' West. Thence by metes and bounds:

N. 57°45' E., 600.00 feet;
S. 77°15' E., 353.6 feet;
S. 32°15' E., 1,300.0 feet;
N. 57°45' E., 4,000.0 feet;
S. 32°15' E., 19,400.0 feet;
S. 57°45' W., 6,650.0 feet;
N. 32°15' W., 21,750.0 feet, to the left bank of the Tanana River; thence along the left bank of the Tanana River, upstream 2,040 feet to place of beginning, containing approximately 3,025 acres. (Now U.S. Survey 2631)

TRACT

b. Beginning at a point on line 5-6 of U.S. Survey 2631 from which corner No. 5 bears N. 32°48' W. 2,226.4 feet, thence by metes and bounds:

N. 86°52' E., 2,921.4 feet;
S. 32°48' E., 3,102.0 feet;
S. 57°11' W., 2,552.23 feet to line 5-6 on U.S. Survey 2631;
N. 32°48' W., 4,523.5 feet along line 5-6 to point of beginning.

The area as described contains 223.39 acres.

The tracts described total in the aggregate 3,248.39 acres, of which 1,377 acres are included in an application (Fairbanks 024241) filed by the State of Alaska for Airport Conveyance under the provisions of section 16 of the Federal Airport Act, and 108 acres are withdrawn by Public Land Order No. 1768 of December 5, 1958, for use of the Bureau of Land Management, for administrative site purposes.

4. The lands described in paragraph 1 of this order are situated in and around Elfin Cove, off Cross Sound on the northwesterly tip of Chichagof Island, some 100 miles southwest of Juneau. Those in paragraph 2, are on the right bank of the Kuskokwim River, approximately 275 miles southwest of Fairbanks, and those in paragraph 3, lie on both sides of the Alaska Highway, approximately 12 miles west of Tok Junction.

5. Subject to any valid existing rights and the requirements of applicable law, the unreserved, unappropriated lands released from withdrawal by this order are hereby opened to settlement, and to filing of applications, selections, and locations in accordance with the following, the unsurveyed lands being opened to such forms of application, selection, and location as are allowable on unsurveyed lands:

a. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws, may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers, will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on May 9, 1961, the State of Alaska shall be entitled to select the lands or portions thereof in accordance with and subject to the provisions of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339; Public Law 85-508).

(3) All valid applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws, other than from the State, presented prior to 10:00 a.m. on March 15, 1961, will be considered as simultaneously filed at that hour. Rights under such applications, selections, and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to settlement under the Homestead and Alaska Homesite laws, and to location under the United States mining laws, beginning at 10:00 a.m. on May 9, 1961.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Juneau, Alaska, as to the lands described in paragraph 1 of this order, and Fairbanks, Alaska, as to those described in paragraphs 2 and 3, hereof.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

February 7, 1961.

[F.R. Doc. 61-1206; Filed, Feb. 10, 1961; 8:47 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

## PART 174—SURETY BONDS AND POLICIES OF INSURANCE

### Motor Common Carriers; Cargo Liability

Processing of the order of April 13, 1951, in Ex Parte No. MC-5, in the matter

of security for protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the Act, having resulted in paragraph (b) of § 174.2 *Insurance, minimum amounts,* (49 CFR 174.2), being erroneously deleted from the Code of Federal Regulations, such paragraph (b), as shown below, is hereby republished to reflect correctly the regulations appearing therein.

§ 174.2 Insurance, minimum amounts.

* * * * *

(b) *Motor common carriers; cargo liability.* Security required to compensate shippers or consignees for loss of or damage to property belonging to shippers or consignees and coming into the possession of motor common carriers in connection with their transportation service, (1) for loss of or damage to property carried on any one motor vehicle—$1,000; (2) for loss of or damage to or aggregate of losses or damages of or to property occurring at any one time and place—$2,000.

(Sec. 215, 49 Stat. 557; 49 U.S.C. 315)

[SEAL] HAROLD D. McCOY, *Secretary.*

FEBRUARY 7, 1961.

[F.R. Doc. 61-1225; Filed, Feb. 10, 1961; 8:50 a.m.]

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SUBCHAPTER D—FREIGHT FORWARDERS

## PART 405—SURETY BONDS AND POLICIES OF INSURANCE

### Other Corporations

Processing of the order of November 14, 1955, in Ex Parte No. 159, in the matter of security for protection of the public as provided in Part IV of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to Part IV of the Act, having resulted in paragraph (b) of § 405.4, Surety bonds (49 CFR 405.4), being erroneously deleted from the Code of Federal Regulations, such paragraph (b) as shown below, is hereby republished to reflect correctly the regulations appearing therein.

§ 405.4 Surety bonds.

* * * * *

(b) *Other corporations.* A corporation, other than a surety company described in paragraph (a) of this section, seeking to act as surety on any bond must establish to the satisfaction of the Commission its corporate authority and financial ability to assume and discharge the obligations involved, and that it has by written power of attorney appointed some person residing in each State wherein such suretyship is to be undertaken, who shall be a citizen of that State, as its agent upon whom may be served lawful process against the said corporation with respect to any obligation arising out of its undertaking. Duplicate originals of such powers of attorney, duly certified and authenticated, must be filed with the Commission. It shall be the duty of such corporation to maintain agents in each State wherein its surety obligations exist for such time as the surety bond or bonds is or are in effect, and to notify the Commission with respect to any changes in its agency appointments.

(56 Stat. 285; 49 U.S.C. 1003)

[SEAL] HAROLD D. McCOY, *Secretary.*

FEBRUARY 7, 1961.

[F.R. Doc. 61-1226; Filed, Feb. 10, 1961; 8:50 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 922 ]

[Docket No. AO-250-A2]

### HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of the Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to the proposed amendment of the marketing agreement and Order No. 22, as amended (7 CFR Part 922), hereinafter referred to collectively as the "order," regulating the handling of Valencia oranges grown in Arizona and designated part of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the twentieth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by Pure Gold, Inc., Sunkist Growers, Inc., and Western Fruit Growers Sales Co. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that such public hearing would be held on October 26, 1960, in Room 535, Federal Building, 312 North Spring Street, Los Angeles, California, was published in the FEDERAL REGISTER (25 F.R. 9684) on October 8, 1960.

*Material issues.* The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Authorize marketing research and development projects;

(2) Revise the provisions relating to early maturity allotments;

(3) Redefine the prorate districts into which the production area is divided;

(4) Require a minimum of seven concurring votes to recommend an increase in the weekly allotment whenever such recommendation is not made at an assembled meeting of the administrative committee; and

(5) Require that the mandatory biennial referenda, to determine whether continuance of the order is favored by producers, be held upon recommendation of the committee.

*Findings and conclusions.* The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The provisions of the order should be amended to extend the scope of activities thereunder by authorizing the committee to undertake marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Valencia oranges. The expenses of such projects, as authorized by the act, are to be paid out of assessment income.

Through the medium of research, the committee should be able to develop information on improved methods of handling and marketing Valencia oranges which would be of value to the industry in establishing more orderly marketing and expanding market outlets for oranges. It was indicated, at the hearing, that marketing research designed to expand and promote the marketing of Valencia oranges in new and existing market outlets needs to be undertaken. Also, new and better methods of controlling market diseases, particularly decay, need to be developed. It was pointed out, however, that the scope and character of the projects that may be undertaken should not be limited more than is specified in the act. The committee should be in a position to undertake any marketing research and development project, authorized by the act, as the circumstances indicate would tend to broaden the market for Valencia oranges.

The work in connection with any such marketing research and development project should, of course, be performed in the most economical and efficient manner possible. Thus, the committee should avail itself of the facilities of either public or private agencies in carrying out authorized research activities if it would be more economical or expeditious to do so. It is not intended that the research activities of the committee duplicate work already performed or underway by other agencies. However, it may be that additional research, or more intensive study than that underway, may be needed; in which case the committee should cooperate with the other agencies concerned in carrying out the particular project.

As the Secretary is charged with the responsibility for administration of the order, plans for research and development projects should be submitted for his approval prior to conduct of the work.

(2) The current provisions of the order relating to the issuance of early maturity allotment to handlers, when volume regulations are in effect, provide a method for repayment of such allotment after the oranges in the prorate district concerned reach general maturity. This required repayment has tended to lessen the usefulness of the early maturity allotment provisions.

Early maturity allotment is issued to the handlers in a prorate district who have oranges which are mature prior to the time of general maturity of the oranges in such district and who make application for such allotment. The provision for early maturity allotment was included in the order to facilitate the issuance and use of allotment at the time when all handlers do not have oranges of sufficient maturity for immediate handling. In addition, however, the entire industry benefits from the early shipment of oranges since this reduces the quantity of oranges to be marketed after the oranges attain general maturity.

It was testified at the hearing that handlers often have not applied for early maturity allotment since the required repayment, after general maturity of the oranges, would reduce the allotment such handlers otherwise would receive after such general maturity and the period over which such handlers' oranges are marketed would be longer than if no application for early maturity allotment was made. Deletion from the order of the provision requiring the early maturity allotment to be repaid should result in more handlers shipping oranges under early maturity allotment to the benefit, as indicated heretofore, of the entire industry.

Similarly, any permitted overshipment by handlers of the early maturity allotment issued to them should not be required to be deducted from subsequent allotment. The provisions of the order, so as to permit handlers a degree of flexibility of operation under regulations of this nature, allow each handler to overship the allotment issued to him by 10 percent or one carload, whichever is the greater. Such overshipments are required to be deducted from subsequent allotment. However, if early maturity allotment is not required to be repaid, no useful purpose will be served by requiring any such overshipment of early maturity allotment to be deducted from the subsequent allotment of handlers making such overshipments.

There are times when the administration of the allotment program is made more difficult by handlers applying for more early maturity allotment than they intend to utilize during the week for which such allotment is requested. This

occurs under two circumstances. First, handlers anticipate the applications for early maturity allotment will exceed the quantity that is advisable to be shipped under the existing demand conditions. Hence, some handlers will apply for more early maturity allotment than needed in the belief that their requests will be reduced to a quantity approximating that which they desire. If this is the case, it works to the disadvantage of other handlers who made application for early maturity allotment in the amount that they actually desired to ship but receive somewhat less than applied for. On the other hand, should all early maturity allotment applications be approved in full, the handlers filing inflated applications may carry over the portion of the allotment which actually was not desired into the next succeeding week.

Second, handlers anticipate that, since oranges are reaching general maturity, the issuance of early maturity allotment will be discontinued for the season and they apply for as much early maturity allotment as they believe may possibly be approved. Any portion of such allotment that is not used during the week for which it is issued may be carried over to the following week. In some instances it then is difficult to fix the first allotment of the season under general maturity conditions at a quantity large enough to make a reasonable allotment to all handlers and yet not be too large, when combined with the carryover of early maturity allotment, to assure that shipments will be reasonably in line with market demand.

In view of the foregoing, the order provisions should not continue to permit handlers to carry over into the following week early maturity allotment which is not used during the period for which it is issued. Also, so that handler application for early maturity allotment will reflect the quantity of oranges which each applicant desires to handle during the week concerned, the order should provide that the oranges available for current shipment of each handler, who has received early maturity allotment but has failed to use all such allotment, shall be adjusted by deducting therefrom a quantity of oranges equivalent to the early maturity allotment which such handler did not use.

It is concluded, therefore, that the provisions of the order relating to early maturity allotments should be amended as hereinafter set forth.

(3) The production area covered by the order is divided into prorate districts for the purpose of regulation as the oranges in such districts have different marketing seasons. Since the time such prorate districts were established, there have been additional plantings of oranges, some of which are near the boundaries of a prorate district. While not a problem at this time, the boundaries of the prorate districts should be changed, as hereinafter set forth, to assure that oranges having similar general maturity and marketing season will be in the same prorate district. The evidence of record indicates there are no plantings of oranges on or near the boundaries of the prorate districts, as hereinafter defined, nor is it likely that any future plantings will be so located.

(4) Provision is currently made in the order for increasing the quantity of oranges that may be handled during any week whenever such an increase is deemed desirable. Such increases often have been initiated by means of a telephone poll of the members of the committee. Evidence presented at the hearing shows that it is not possible, except at an assembled meeting of the committee, to make available to each committee member all of the most current information concerning the supply and demand conditions for oranges. It is important that the members of the committee have all of the available marketing information when considering the advisable quantity of oranges to be shipped since, otherwise, the committee may not reach the best decision concerning the volume of oranges that should be handled during the particular week. On the other hand, emergency situations can occur so it would not be practical to prohibit consideration of increases in the quantity of oranges permitted to be handled unless an assembled meeting of the committee is held.

It was proposed in the notice of hearing, and witnesses supported this proposal at the hearing, that when an increase in a weekly allotment is recommended on the basis of a telephone vote, an additional member be required to approve the increase over that required when such action is taken at an assembled meeting. It was contended that such a provision should result in the committee giving more serious consideration to its recommendation for volume limitation made at its weekly assembled meeting; and that the original recommendation, so made, would be for a quantity nearer to the quantity it was expected the market would take under the existing conditions than now is the case. This contention appears reasonable in view of the fact that a committee recommendation for an increase in the allotment originally fixed for a week, made by means of a telephone vote, would thus require approval of a slightly larger portion of the members of the committee. It would not, however, preclude the committee from recommending such an increase by means of the telephone vote if conditions were such as to clearly indicate an increase in the allotment would be advisable.

Representatives of a large grower cooperative marketing organization opposed the proposed change in the voting procedure. This organization is responsible for marketing over 70 percent of the oranges produced in the production area. Even so, it was pointed out, its representation on the committee equals only one-half of the total industry representation. Such division was accepted by this organization in a spirit of cooperation and with the belief that the program should be operated in such manner. It was testified that the committee at its regular weekly meeting is considering the quantity of oranges which the market will take two to three weeks later when the following week's shipments will be received in the principal markets. The information available to the committee may, for example, indicate the advisable quantity to be shipped is between 700 to 900 carloads. It was contended that, under such circumstances, the following weeks shipments should be fixed at or near the 700 carload figure and such quantity increased, if the facts warrant, four or five days later when additional market information is available. The proposed change in voting procedure was opposed, therefore, on the grounds that it would be more difficult to operate the program on this basis since there would be less assurance that an increase in the weekly volume of shipments would be approved by the committee.

This contention also has considerable merit. It is difficult to conclude, however, on the basis of the available evidence, that the proposed change in voting procedure would adversely affect the operation of the program. The proposal relates only to the vote required for the committee to recommend an increase in allotment when an assembled meeting is not held. The proposal was so limited because those supporting its adoption did not believe any change is necessary where an assembled meeting is held and free discussion can be had in regard to all available market information. There is nothing in the order provisions to preclude further consideration at an assembled meeting of the committee, when the available marketing information could be freely discussed, of any proposal that has failed to obtain the requisite vote in a prior telephone poll of the committee members. Also, the evidence of record indicates that in the past there has been little, if any, difficulty in securing the proposed number of votes in a telephone poll of the committee members when conditions warranted an increase in the allotment. It does not appear that the situation would be changed greatly if the proposal were adopted.

While the proposal in the notice, and most of the evidence at the hearing, related to voting by telephone, it was shown also that the same conditions exist whenever an assembled meeting is not held. It is concluded, therefore, that the order should be amended to require at least seven concurring votes in order for the committee to recommend an increase in allotment whenever such votes are cast at other than an assembled meeting of the committee.

(5) The order currently provides for a biennial referendum to ascertain whether growers favor continuation of the order. Referenda have been conducted, as required, since the order was issued in 1954. Over 90 percent of the growers, in each instance, have voted in favor of continuing the order. Therefore, the expenditures necessary to the conduct of such referenda every two years do not appear to be warranted, particularly since the Secretary is required under the act to terminate the order whenever he finds such action is supported by the requisite number of growers. The order should be amended, therefore, to make such referenda mandatory only when requested by the committee. The requirements of the act concerning grower sentiment would, of course, continue to apply.



*General findings.* (1) The marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of Valencia oranges grown in the designated production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Valencia oranges; and

(5) All handling of Valencia oranges grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*Rulings on proposed findings and conclusions.* December 5, 1960, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the findings and conclusions which should be drawn therefrom. No brief was filed.

*Recommended amendment of the marketing agreement and order.* The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the aforesaid conclusions may be carried out:

**§ 922.30 [Amendment]**

1. Paragraph (a) of § 922.30 *Procedure* is revised to read as follows:

(a) A majority of the committee shall constitute a quorum and any action of the committee shall require at least six concurring votes except that at least seven concurring votes shall be required to recommend an increase in the quantity of oranges fixed under § 922.52 when the voting on such action is not at an assembled meeting.

2. A new § 922.33 is added as follows:

**§ 922.33 Research and development.**

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Valencia oranges, the expense of such projects to be paid from funds collected pursuant to this part.

**§ 922.55 [Amendment]**

3. The second sentence in § 922.55 *Overshipments* is revised to read as follows: "The quantity of oranges so handled in excess of such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week: *Provided*, That such deduction shall not be made if such excess quantity was a proper overshipment of an early maturity allotment issued to such person under § 922.60."

**§ 922.56 [Amendment]**

4. The following is added at the beginning of the sentence in § 922.56: "Except as provided in § 922.60,".

**§ 922.60 [Amendment]**

5. The proviso and all subsequent language in § 922.60 *Early maturity allotments* are deleted and the following substituted in lieu thereof: "Early maturity allotments issued to any handler may be used only during the week for which issued and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early maturity allotments issued to him shall be adjusted by deducting therefrom a quantity of oranges equivalent to the total quantity of his oranges for which early maturity allotments were issued but were not used. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Early maturity allotments issued under this section shall be on a prorate district basis."

**§ 922.66 [Amendment]**

6. Paragraphs (a), (b), and (c) of § 922.66 *Prorate districts* are deleted and the following substituted in lieu thereof:

(a) District 1 shall include that part of the State of California which is south of the 37th Parallel and north of a line drawn due east and west through the Post Office in Gorman, California, but shall exclude that part of San Bernardino County located east of the 115th Meridian.

(b) District 2 shall include that part of the State of California which is south of District 1 and west of a line drawn due north and south through the Post Office in White Water, California.

(c) District 3 shall include the State of Arizona and that part of the State of California south and east of District 1 and east of District 2.

**§ 922.83 [Amendment]**

7. § 922.83(c)(3) is revised to read as follows:

(3) Upon recommendation of the committee, received not later than August 15 of an even numbered year, the Secretary shall conduct a referendum prior to October 15 of such year to ascertain whether continuance of this part is favored by producers.

Dated: February 8, 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 61-1213; Filed, Feb. 10, 1961; 8:48 a.m.]

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## [ 7 CFR Parts 935, 1013 ]

[Docket Nos. AO-86-A11, AO-279-A2]

## MILK IN OMAHA-LINCOLN-COUNCIL BLUFFS AND PLATTE VALLEY, NEBRASKA, MARKETING AREAS

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at The Town House, 7000 Dodge Street, Omaha, Nebraska, beginning at 10:00 a.m., on March 7, 1961, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Omaha-Lincoln-Council Bluffs and Platte Valley, Nebraska, marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposal to combine under one order the Omaha-Lincoln-Council Bluffs and Platte Valley, Nebraska, marketing areas and additional territory contemplates suspension of all provisions of Order No. 113 (Platte Valley) with a merger of the administrative funds and producer-settlement funds. This proposal also raises the issue whether the present provisions of either Order No. 113 or Order No. 35, if amended in accordance with the proposals set forth below, would tend to effectuate the declared policy of the Act, if they are applied to the marketing area proposed to be redefined, and if not, what modifications of the provisions of either of the orders would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Nebraska-Iowa Non-Stock Cooperative Milk Association:

*Proposal No. 1.* Combine under one order the Omaha-Lincoln-Council Bluffs and Platte Valley, Nebraska, marketing areas and additional territory described in Proposal No. 2; merge the administrative funds and producer-settlement funds; and make such conforming changes as are necessary to integrate the two orders.

*Proposal No. 2.* Delete § 935.3 and substitute the following:

**§ 935.3 Nebraska-Iowa marketing area.**

Nebraska-Iowa marketing area, hereinafter called the "marketing area" means all of the territory within the counties of Cass, Fremont, Harrison, Mills, Montgomery, Page, Pottawattamie, and Shelby, in the State of Iowa; and the counties of Adams, Boone, Buffalo, Burt, Butler, Cass, Clay, Colfax, Cuming, Custer, Dawson, Dodge, Douglas, Fillmore Franklin Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Howard, Jefferson, Johnson, Kearney, Keith, Lancaster, Lincoln, Madison, Merrick, Nance, Nemaha, Nuckolls, Phelps, Otoe, Pawnee, Platte, Polk, Red Willow, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Washington, Webster, Valley and York, in the State of Nebraska; including territory within such boundaries which is occupied by government (municipal, state or federal) reservations, installations, institutions, or other establishments.

(Opportunity to present evidence with respect to proposed inclusion of Richardson County, Nebraska, in the defined marketing area will be given at a time and place to be announced later.)

*Proposal No. 3.* Delete § 935.5 and substitute the following:

**§ 935.5 Producer.**

"Producer" means any person, irrespective of whether such person is also a handler, who produces milk in compliance with the Grade A inspection requirements of, or acceptable to, a duly constituted health authority, having jurisdiction in the marketing area, or acceptable to a federal agency located within the marketing area and whose milk is (a) received at a pool plant directly from the farm or (b) caused to be diverted from a pool plant to a nonpool plant by a handler or cooperative association for the account of such handler or cooperative association any number of days during the months of March through June or for a period not in excess of 16 days production during each of the months of August through February. Milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

*Proposal No. 4.* Delete § 935.6 and substitute the following:

**§ 935.6 Handler.**

Handler means: (a) Any person in his capacity as the operator of one or more distributing or supply plants, or (b) any cooperative association which operates a pool plant, or with respect to the milk from producers diverted by the association for the account of such association from a pool plant to a nonpool plant. In the case of recognized divisions of a corporation which are operated as separate business units each such division shall be deemed to be a handler.

*Proposal No. 5.* Adopt the following definitions:

**§ 935.__ Distributing plant.**

"Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

**§ 935.__ Supply plant.**

"Supply plant" means a plant from which milk, skim milk, or cream, which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label, is shipped during the month to a pool plant qualified pursuant to § 935.07.

*Proposal No. 6.* Delete § 935.7 and substitute the following:

**§ 935.7 Pool plant.**

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 40 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 5 percent of such receipts are so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 40 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk at such plant during the immediately preceding period of August through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year: *And provided further*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(c) A plant operated by a cooperative association from which 60 percent or more of the milk received from producers who are members of the association is delivered to pool plants of other handlers in any month.

*Proposal No. 7.* Delete § 935.12 and substitute the following:

**§ 935.12 Other source milk.**

"Other source milk" means milk, all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products, except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

*Proposal No. 8.* Delete § 935.13.

*Proposal No. 9.* Define "Fluid milk product" as follows:

"Fluid milk product" means milk, skim milk, buttermilk, yogurt, milk drinks (plain or flavored), concentrated milk (frozen or fresh), cream, eggnog, cultured sour cream, or any mixture in fluid form of skim milk and cream (except frozen cream, aerated cream products, ice cream mix, frozen desert mixes, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

*Proposal No. 10.* Define "Base zone" as follows:

"Base zone" means all the territory east of a line formed by the indefinite extension of the eastern boundary of Dawson County, Nebraska.

*Proposal No. 11.* Amend § 935.22 by adding thereto the following:

On or before the 10th day after the end of the month, report to each cooperative association, which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class.

*Proposal No. 12.* Delete §§ 935.40 and 935.41 and substitute the following:

**§ 935.40 Skim milk and butterfat to be classified.**

The skim milk and butterfat which are required to be reported pursuant to § 935.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 935.41 to 935.47.

**§ 935.41 Classes of utilization.**

Subject to the conditions set forth in § 935.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce a product other than a fluid milk product, (2) skim milk disposed of for livestock feed, (3) contained in inventory of fluid milk products on hand at the end of the month, (4) in shrinkage up to 2 percent of receipts from producers, and (5) in shrinkage of other source milk.

*Proposal No. 13.* Delete § 935.44 and substitute the following:



**§ 935.44 Transfers.**

Skim milk or butterfat disposed of each month from an approved plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants on the reports submitted for a month to the market administrator pursuant to § 935.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 935.47 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 935.47(a)(2) and the corresponding step in paragraph (b) thereof: *And provided further*, That if other source milk was received at either or both plants the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest point in the marketing area; and

(d) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest point in the marketing area, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 935.30 for the month within which such transactions occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market adminisrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products so transferred or diverted and classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and other orders issued pursuant to the Act is more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at an approved plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

*Proposal No. 14.* Delete § 935.45.

*Proposal No. 15.* Delete § 935.50 and substitute the following:

**§ 935.50 Basic formula price.**

The higher of the prices computed pursuant to paragraph (a) or (b) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic of field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Market Administrator or the Department:

*Present Operator and Location*

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Northfield, Minn.
Carnation Co., Morrison, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Waverly, Iowa.
Dean Milk Co., Pecatonica, Ill.
Pet Milk Co., Shullsburg, Wis.
United Milk Products Co., Argo Fay, Ill.

(b) The price computed for the preceding month pursuant to § 935.51(b).

*Proposal No. 16.* Delete § 935.51 and substitute the following:

**§ 935.51 Class prices.**

Subject to the provision of § 935.52 the class prices per hundredweight shall be as follows:

(a) *Class I milk.* The price per hundredweight of Class I milk containing 3.5 percent butterfat shall be the basic formula price for the preceding month, plus $1.40: *Provided*, That for milk received from producers at a pool plant west of the base zone the price otherwise applicable pursuant to this paragraph shall be increased fifteen cents.

(b) *Class II milk.* The price per hundredweight of Class II milk containing 3.5 percent butterfat shall be the higher of the prices determined by the Market Administrator (1) in accordance with § 935.50(a) for the current month, or (2) as follows:

(i) Multiply the Chicago butter price by 4.24;

(ii) Multiply by 8.2 the weighted average of carlot prices for nonfat dry milk solids for human consumption, spray process, f.o.b. manufacturing plants in the Chicago areas as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month;

(iii) Add into one sum the amounts obtained in subparagraphs (a) and (b) of this paragraph; and

(iv) Subtract 60 cents therefrom.

*Proposal No. 17.* Delete § 935.53 and substitute the following:

**§ 935.53 Butterfat differentials to handlers.**

If the average butterfat content of the milk received from producers classified, respectively, in Class I or Class II milk for a handler is more or less than 3.5 percent, there shall be added to, or subtracted from, the respective class price computed pursuant to § 935.51 for each one-tenth of one percent that such weighted average butterfat content is above or below 3.5 percent, a butterfat differential rounded to the nearest one-tenth cent computed as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the current month by 0.125.

(b) *Class II milk.* Multiply the Chicago butter price for the current month by 0.115.

*Proposal No. 18.* Delete paragraph (b) of § 935.57.

*Proposal No. 19.* Amend § 935.60 by adding the following paragraph:

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lessor of (1) the hundredweight of producer milk classified in Class II less shrinkage during the preceding month or (a) the hundredweight of milk subtracted from Class I pursuant to § 935.47 and the corresponding step of (b).

*Proposal No. 20.* Adopt new §§ 935.58 and 935.59 as follows:

**§ 935.58 Handler operating a nonpool plant.**

In lieu of the payments required pursuant to §§ 935.65 and 935.73, each handler, other than a producer-handler or a handler exempt pursuant to § 935.56, who operates a nonpool plant during the month, shall pay to the market administrator on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 935.30, to pay the amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in

§ 935.73 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) To the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 935.50 if such handler had operated a pool plant the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant or at a plant which serves as a supply plant; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 935.73 had such plant been a pool plant, except that if such plant is also a nonpool plant under another order issued pursuant to the Act, and his Class I sales in such other marketing area exceed these made in the Nebraska-Iowa marketing area, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payments under the other order.

**§ 935.59 Rate of payment on unpriced milk.**

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by substracting the Class II price adjusted by the Class II differential, from the Class I price, adjusted by the butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk.

*Proposal No. 21.* Delete § 935.65 and substitute the following:

**§ 935.65 Time and method of payment.**

Each handler shall make payment as follows:

(a) On or before the 12th day after the end of each month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 935.61, adjusted by the butterfat differential computed pursuant to § 935.66, and less the following amounts (1) the payments made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 935.75, and (3) any deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 935.70 he may reduce his total payment to all producers uniformly but not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(b) On or before the 27th day of each month to each producer (1) for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section and (2) who had not discontinued shipping milk to such handler before the 18th day of the month, an advance payment with respect to milk received from such producer during the first 15 days of the month at the approximate value of such milk, not to be less than the uniform price for 3.5 percent milk for the preceding month, without deduction for hauling;

(c) To a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 26th day of the month, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section less any deductions authorized in writing by such cooperative association;

(2) On or before the 11th day after the end of each month an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less proper deductions authorized in writing by such cooperative association;

(d) On or before the 11th day after the end of each month, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 935.06, not less than the value of such milk as classified pursuant to § 935.44(a) at the applicable respective class price(s).

(e) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 935.65 and 935.66;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 935.75 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(f) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

*Proposal No. 22.* Delete § 935.66 and substitute the following:

**§ 935.66 Butterfat differentials to producers.**

The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent if the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 935.47 by the respective butterfat differentials for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resulting figure to the nearest one-tenth cent.

*Proposal No. 23.* Delete § 935.67.

*Proposal No. 24.* Delete § 935.73 and substitute the following:

**§ 935.73 Expense of administration.**

As his pro rata share of the expense of administration of the order each handler on or before the 12th day after the end of each month shall pay to the market administrator 2 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe with respect to receipts during the month of (1) producer milk, (2) other source milk allocated to Class I pursuant to § 935.47, and (3) the quantities of milk at handlers' nonpool plants as specified in § 935.58.

*Proposal No. 25.* Insert new § 935.75.

**§ 935.75 Marketing services.**

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 935.65 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

*Proposal No. 26.* Make such changes as may be necessary to make the entire marketing agreements and orders to conform with any amendments thereto that may result from the hearing.

Proposed by the Elkhorn Valley Non-Stock Cooperative Milk Association:

*Proposal No. 27.* Include the Nebraska counties of Dixon, Madison, Stanton, and Wayne in the marketing area.

Proposed by the Beatrice Foods Company:

*Proposal No. 28.* Amend § 935.41 so as to classify yogurt, eggnog, skim milk or butterfat disposed of to bakeries, soup manufacturers and other wholesale food products manufacturers as Class II milk.



*Proposal No. 29.* Amend § 935.44, Transfers, so as to provide, when skim milk or butterfat is transferred in any form from the pool plant of a handler under Order No. 35, to a nonpool plant which is fully regulated by another order issued pursuant to the Act, that such skim milk and butterfat be classified and assigned to the use class to which such skim milk or butterfat was assigned by the market administrator of the order regulating the nonpool plant which received the skim milk and butterfat so transferred.

*Proposal No. 30.* Amend § 935.47, Allocation of Skim Milk and Butterfat Classified, so as to provide for allocation direct to Class I fluid milk products received in consumer or institutional type packages by a pool plant from a plant fully regulated by another order provided such milk was subject to the Class I (or its equivalent) pricing provisions of another order issued pursuant to the Act.

*Proposal No. 31.* That consideration be given to changing the basic butterfat content for pricing purposes from 3.8 percent to 3.5 percent.

Proposed by the Roberts Dairy Company:

*Proposal No. 32.* That the definition of "handler" be amended and any other necessary amendments, additions or deletions be made to the effect that a cooperation association shall be classified as a "handler" with respect to the milk of its member producers delivered to the pool plant of another handler in a tank truck owned or operated by, or under contract to, such cooperative association.

Proposed by the Fairmont Foods Company:

*Proposal No. 33.* Adopt § 1013.61 of the Platte Valley, Nebraska, order which reads as follows:

Milk received at the plant of a handler at which the handling of milk is fully subject during the delivery period to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Platte Valley marketing area shall be exempted for such delivery period from all provisions of this part except §§ 1013.31, 1013.32, and 1013.33.

Proposed by the National Cheese Company:

*Proposal No. 34.* That sour cream manufactured from milk subject to the price and pooling of the Chicago, Illinois, marketing Order No. 41, be allocated to Class I at plants of handlers under Order No. 35, where such sour cream is received, handled and distributed in the same consumer or institutional size packages in which it is received.

Copies of this notice of hearing and the order may be procured from the Market Administrators, Kenneth M. Fell, P.O. Box 383, Grand Island, Nebraska; and Wayne McPherren, P.O. Box 57, West Dodge Station, Omaha, Nebraska, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 8th day of February 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F.R. Doc. 61-1214; Filed, Feb. 10, 1961; 8:48 a.m.]

# DEPARTMENT OF COMMERCE

## Federal Maritime Board and Maritime Administration

### [ 46 CFR Part 201 ]

[General Order 41, 2d Rev., Amdt. 5]

## RULES OF PRACTICE AND PROCEDURE

### Prehearing Conference; Written Evidence

Notice of proposed rule making (F.R. Doc. 57-1841) appeared in the FEDERAL REGISTER issue of March 12, 1957 (22 F.R. 1588) in which all interested persons were permitted to submit written data, views, or arguments. Because of the lapse of time involved, the addition of new practitioners before the Federal Maritime Board and the Maritime Administration, and in consideration of comments received in this matter, notice is hereby given, in accordance with section 4, Administrative Procedure Act (5 U.S.C. 1003), that the Federal Maritime Board and the Maritime Administrator are reconsidering amendment of paragraph (a) of §§ 201.94 and 201.157, respectively, as set forth below:

1. Amend § 201.94(a) to read as follows:

**§ 201.94 Prehearing conference.**

(a) Prior to any hearing the Board or presiding officer may direct all interested parties, by written notice, to attend one or more prehearing conferences for the purpose of considering any settlement under § 201.91, formulating the issues in the proceeding to determine other matters to aid in its disposition.

* * * * *

2. Amend § 201.157(a) to read as follows:

**§ 201.157 Written evidence.**

(a) The use of written statements in lieu of oral testimony shall be resorted to where the Examiner in his discretion rules that such procedure is appropriate. The statements shall be numbered in paragraphs, and each party in his rebuttal shall be required to list the paragraphs to which he does not object, those to which he does not object apart from argumentative or procedural matter, and those to which he objects, giving an indication of his reasons for objecting. Statistical exhibits shall contain a short commentary explaining the conclusions which the offeror draws from the data. Any portion of such testimony which is argumentative shall be excluded. Where written statements are used, copies of the statement and any rebuttal statement shall be furnished to all parties, as shall copies of exhibits. The Examiner shall fix respective dates for the exchange of such written statements and exhibits and of such written rebuttal statements and exhibits in advance of the hearing to enable study by the parties of such testimony. Thereafter the parties shall endeavor to stipulate as many of the facts set forth in the written testimony as they may be able to agree upon. Oral examination of witnesses shall thereafter be confined to facts which remain in controversy, and a reading of the written statements at the hearing will be dispensed with unless the presiding officer otherwise directs.

All interested persons may submit written data, views, or arguments to the Secretary, Federal Maritime Board/Maritime Administration, Washington 25, D.C., within thirty (30) days after publication hereof in the FEDERAL REGISTER.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Federal Maritime Board and the Maritime Administrator.

Dated: February 8, 1961.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-1221; Filed, Feb. 10, 1961; 8:50 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

### [ 21 CFR Part 120 ]

## TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Copper Sulfate Pentahydrate; Notice of Proposal To Exempt From the Requirement of Tolerances

The Food and Drug Administration has received a request for clarification of the status of residues of copper sulfate pentahydrate in or on raw agricultural commodities from preharvest application.

On the basis of evidence taken at the spray residue hearings in 1950, residues of certain specified copper compounds were exempted from the requirement of tolerances when such residues occurred from application of the copper compounds to growing crops in accordance with good agricultural practice (21 CFR 120.6). That evidence also warrants including copper sulfate pentahydrate in the list of copper compounds so exempted.

By virtue of the authority vested in the Secretary of Health, Education, and

Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 511, 514; 21 U.S.C. 346a (b), (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625) it is proposed by the Commissioner, on his own initiative, that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.6) be amended by inserting in alphabetical order, the item, "copper sulfate pentahydrate" to the list of exempted copper compounds in paragraph (b)(1). As amended, § 120.6(b)(1) would read as follows:

**§ 120.6 Exemptions from the requirement of a tolerance.**

* * * * *

(b) * * *

(1) The following copper compounds: Bordeaux mixture, copper acetate, basic copper carbonate (malachite), copperline mixtures, copper oleate, copper oxychloride, copper silicate, copper sulfate basic, copper sulfate monohydrate, copper sulfate pentahydrate, copper-zinc chromate, cuprous oxide, tetra copper calcium oxychloride.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide and Rodenticide Act containing copper sulfate pentahydrate may request, within 30 days from publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5640, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

All documents shall be filed in quintuplicate.

Dated: February 6, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner, of Food and Drugs.*

[F.R. Doc. 61-1218; Filed, Feb. 10, 1961; 8:49 a.m.]

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**[ 21 CFR Part 121 ]**

**FOOD ADDITIVES**

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by E. I. du Pont de Nemours and Company, 1007 Market Street, Wilmington 98, Delaware, proposing the issuance of a regulation to provide for the safe use of dibutyl phthalate, dicyclohexyl phthalate, and toluenesulfonamide formarlehyde resin in nitrocellulose lacquers used on cellulosic substrates to produce heat-sealing packaging materials for various types of solid foods.

Dated: February 7, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1230; Filed, Feb. 10, 1961; 8:50 a.m.]

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**[ 21 CFR Part 121 ]**

**FOOD ADDITIVES**

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Harry Miller Corporation, Fourth and Bristol Streets, Philadelphia 40, Pennsylvania, proposing the issuance of a regulation to provide for the safe use of mineral oil as a component of lubricants used in the drawing and forming of sanitary can components for food packaging.

Dated: February 7, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1231; Filed, Feb. 10, 1961; 8:50 a.m.]

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**[ 21 CFR Part 121 ]**

**FOOD ADDITIVES**

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Sterwin Chemicals, Inc., a subsidiary of Sterling Drug, Inc., 1450 Broadway, New York 18, New York, proposing the issuance of a regulation to provide for the safe use of a combination of bithionol and methiotriazamine as a coccidiostat in chicken feeds.

Dated: February 7, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1232; Filed, Feb. 10, 1961; 8:50 a.m.]

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# ATOMIC ENERGY COMMISSION

**[ 10 CFR Part 100 ]**

**REACTOR SITE CRITERIA**

**Notice of Proposed Guides**

*Statement of considerations.* On May 23, 1959, the Atomic Energy Commission published in the FEDERAL REGISTER a notice of proposed rule making that set forth general criteria for the evaluation of proposed sites for power and testing reactors. Many comments were received from interested persons reflecting, generally, opposition to the publication of site criteria, as an AEC regulation, both because such a regulation would, to some extent, incorporate arbitrary limitations and because it appeared that in view of the lack of available experimental and empirical data specific criteria could not be established.

Judgment of suitability of a reactor site for a nuclear plant is a complex task. In addition to normal factors considered for any industrial activity, the possibility of release of radioactive effluents requires that special attention be paid to physical characteristics of the site, which may cause an incident or be of significant importance in increasing or decreasing the hazard resulting from an incident. Moreover, the inherent characteristics and the specifically designed safeguard features of the reactor are of paramount importance in reducing the possibility and consequences of accidents which might result in the release of radioactive materials. All of these features of the reactor plus its purpose and method of operation must be considered in determining whether location of a proposed reactor at any specific site would create an undue hazard to the health and safety of the public.

Recognizing that it is not possible at the present time to define site criteria with sufficient definiteness to eliminate the exercise of agency judgment, the proposed guides set forth below are designed primarily to identify a number of factors considered by the Commission and the general criteria which are utilized as guides in evaluating proposed sites.

The basic objectives which it is believed can be achieved under the criteria set forth in the proposed guides, are:

(a) Serious injury to individuals offsite should be avoided if an unlikely, but still credible, accident should occur.

(b) Even if a more serious accident (not normally considered credible) should occur, the number of people killed should not be catastrophic.

(c) The exposure of large numbers of people in terms of total population dose should be low. The Commission intends to give further study to this problem in an effort to develop more specific guides on this subject. Meanwhile, in order to give recognition to this concept the population center distances to very large cities may have to be greater than those suggested by these guides.

Notice is hereby given that adoption of the following guides is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed guides should send them to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation, within 120 days after publication of this notice in the FEDERAL REGISTER.

GENERAL PROVISIONS

Sec.
100.1 Purpose.
100.2 Scope.
100.3 Definitions.

SITE EVALUATION FACTORS

100.10 Factors to be considered when evaluating sites.
100.11 Determination of exclusion area, low population zone, and population center distance.



GENERAL PROVISIONS

**§ 100.1 Purpose.**

It is the purpose of this part to describe the criteria which guide the Commission in its evaluation of the suitability of proposed sites for power and testing reactors subject to Part 50 of this chapter. Because it is not possible to define such criteria with sufficient definiteness to eliminate the exercise of agency judgment in the evaluation of these sites, this part is intended primarily to identify a number of factors considered by the Commission and the general criteria which are utilized as guides in approving or disapproving proposed sites.

**§ 100.2 Scope.**

(a) This part applies to applications filed under Part 50 of this chapter for construction permits and operating licenses for power and testing reactors.

(b) The site criteria contained in this part apply primarily to reactors of a general type and design on which experience has been developed, but can also be applied with additional conservatism to other reactors. For reactors which are novel in design, unproven as prototypes, and do not have adequate theoretical and experimental or pilot plant experience, these criteria will need to be applied more conservatively. This conservatism will result in more isolated sites—the degree of isolation required depending upon the lack of certainty as to the safe behavior of the reactor. It is essential, of course, that the reactor be carefully and competently designed, constructed, operated, and inspected.

**§ 100.3 Definitions.**

As used in this part:

(a) "Exclusion area" means the area surrounding the reactor, access to which is under the full control of the reactor licensee. This area may be traversed by a highway, railroad, or waterway, provided these are not so close to the facility as to interfere with normal operations, and provided appropriate and effective arrangements are made to control traffic on the highway, railroad, or waterway, in case of emergency, to protect the public health and safety. Residence within the exclusion area shall normally be prohibited. In any event, residents shall be subject to ready removal in case of necessity. Activities unrelated to operation of the reactor may be permitted in an exclusion area under appropriate limitations, provided that no significant hazards to the public health and safety will result.

(b) "Low population zone" means the area immediately surrounding the exclusion area which contains residents the total number and density of which are such that there is a reasonable probability that appropriate protective measures could be taken in the event of a serious accident. These guides do not specify a permissible population density or total population within this zone because the situation may vary from case to case. Whether a specific number of people can, for example, be evacuated from a specific area, or instructed to take shelter, on a timely basis will depend on many factors such as location, number and size of highways, scope and extent of advance planning, and actual distribution of residents within the area.

(c) "Population center distance" means the distance from the reactor to the nearest boundary of a densely populated center containing more than about 25,000 residents.

(d) "Power reactor" means a nuclear reactor of a type described in §§ 50.21(b) or 50.22 of this chapter designed to produce electrical or heat energy.

(e) "Testing reactor" means a "testing facility" as defined in § 50.2 of this chapter.

SITE EVALUATION FACTORS

**§ 100.10 Factors to be considered when evaluating sites.**

In determining the acceptability of a site for a power or testing reactor, the Commission will take the following factors into consideration:

(a) Population density and use characteristics of the site environs, including, among other things, the exclusion area, low population zone, and population center distance.

(b) Physical characteristics of the site, including, among other things, seismology, meteorology, geology and hydrology. For example:

(1) The design for the facility should conform to accepted building codes or standards for areas having equivalent earthquake histories. No facility should be located closer than ¼ to ½ mile from the surface location of a known active earthquake fault.

(2) Meteorological conditions at the site and in the surrounding area should be considered.

(3) Geological and hydrological characteristics of the proposed site may have a bearing on the consequences of an escape of radioactive material from the facility. Unless special precautions are taken, reactors should not be located at sites where radioactive liquid effluents might flow readily into nearby streams or rivers or might find ready access to underground water tables.

Where some unfavorable physical characteristics of the site exist, the proposed site may nevertheless be found to be acceptable if the design of the facility includes appropriate and adequate compensating engineering safeguards.

(c) Characteristics of the proposed reactor, including proposed maximum power level, use of the facility, the extent to which the design of the facility incorporates well proven engineering standards, and the extent to which the reactor incorporates unique or unusual features having a significant bearing on the probability or consequences of accidental releases of radioactive material.

**§ 100.11 Determination of exclusion area, low population zone, and population center distance.**

(a) As an aid in evaluating a proposed site, an applicant should assume a fission product release from the core as illustrated in Appendix "A" of this part, the expected demonstrable leak rate from the containment, and meteorological conditions pertinent to his site to derive an exclusion area, a low population zone and a population center distance. For the purpose of this analysis, the applicant should determine the following:

(1) An exclusion area of such size that an individual located at any point on its boundary for two hours immediately following onset of the postulated fission product release would not receive a total radiation dose to the whole body in excess of 25 rem or a total radiation dose in excess of 300 rem to the thyroid from iodine exposure.

(2) A low population zone of such size that an individual located at any point on its outer boundary who is exposed to the radioactive cloud resulting from the postulated fission product release (during the entire period of its passage) would not receive a total radiation dose to the whole body in excess of 25 rem or a total radiation dose in excess of 300 rem to the thyroid from iodine exposure.

(3) A population center distance of at least 1½ times the distance from the reactor to the outer boundary of the low population zone. In applying this guide due consideration should be given to the population distribution within the population center. Where very large cities are involved, a greater distance may be necessary because of total integrated population dose considerations.

The whole body dose of 25 rem referred to above corresponds to the once in a lifetime accidental or emergency dose for radiation workers which, according to NCRP recommendations, may be disregarded in the determination of their radiation exposure status. (See Addendum dated April 15, 1958 to NBS Handbook 59.) The NCRP has not published a similar statement with respect to portions of the body, including doses to the thyroid from iodine exposure. For the purpose of establishing areas and distances under the conditions assumed in these guides, the whole body dose of 25 rem and the 300 rem dose to the thyroid from iodine are believed to be conservative values.

(b)(1) Appendix "A" of this part contains an example of a calculation for hypothetical reactors which can be used as an initial estimate of the exclusion area, the low population zone, and the population center distance.

(2) The calculations described in Appendix "A" of this part are a means of obtaining preliminary guidance. They may be used as a point of departure for consideration of particular site requirements which may result from evaluations of the particular characteristics of the reactor, its purpose, method of operation, and site involved. The numerical values stated for the variables listed in Appendix "A" of this part represent approximations that presently appear reasonable, but these numbers may need to be revised as further experience and technical information develops.

Dated at Germantown, Maryland, this 8th day of February 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
*Secretary.*

APPENDIX "A"

Example of a calculation of reactor siting distances:

1. The calculations of this Appendix are based upon the following assumptions:

a. The fission product release to the atmosphere of the reactor building is 100 percent of the noble gases, 50 percent of the halogens and 1 percent of the solids in the fission product inventory. This release is equal to 15.8 percent of the total radioactivity of the fission product inventory. Of the 50 percent of the halogens released, one-half is assumed to adsorb onto internal surfaces of the reactor building or adhere to internal components.

b. The release of radioactivity from the reactor building to the environment occurs at a leak rate of 0.1 percent per day of the atmosphere within the building and the leakage rate persists throughout the effective course of the accident which, for practical purposes, is until the iodine activity has decayed away.

c. In calculating the doses which determine the distances, fission product decay in the usual pattern has been assumed to occur during the time fission products are contained within the reactor building. No decay was assumed during the transit time after release from the reactor building.

d. No ground deposition of the radioactive materials that leak from the reactor building was assumed.

e. The atmospheric dispersion of material leaking from the reactor building was assumed to occur according to the following relationship:

$$X=\frac{Q}{\pi u\sigma_y\sigma_z}$$

where Q is rate of release of radioactivity from the containment vessel, the ("source term,"):

$X$ is the atmospheric concentration of radioactivity at distance $d$ from the reactor
$u$ is the wind velocity
$\sigma_y$ and $\sigma_z$ are horizontal and vertical diffusion parameters resp.

f. Meteorological conditions of atmospheric dispersion were assumed to be those which are characteristic of the average "worst" (least favorable) weather conditions for average meteorological regimes over the country. For the purposes of these calculations, the parameters used in the equation in section e. above were assigned the following values:

$u=1$m/sec;
$\sigma_y=[\frac{1}{2}C_y{}^2d^{2-n}]^{1/2}$;
$\sigma_z=[\frac{1}{2}C_z{}^2d^{2-n}]^{1/2}$;
$C_y=0.40$;
$C_z=0.07$;
$n=0.5$

g. The isotopes of iodine were assumed to be controlling for the low population zone distance and population center distance. The low population zone distance results from integrating the effects of iodine 131 through 135. The population center distance equals the low population zone distance increased by a factor of one-third.

h. The source strength of each iodine isotope was calculated to be as follows:

| Isotope | Exclusion Q (curies/megawatt) | Low population Q (curies/megawatt) |
|---|---|---|
| $I^{131}$ | 0.55 | 76.4 |
| $I^{132}$ | .68 | 1.40 |
| $I^{133}$ | 1.19 | 18.5 |
| $I^{134}$ | .72 | .91 |
| $I^{135}$ | 1.04 | 5.4 |

These source terms combine the effects of fission yield under equilibrium conditions, radioactive decay in the reactor building, and the release rate from the reactor building, all integrated throughout the exposure time considered.

i. For the exclusion distance, doses from both direct gamma radiation and from iodine in the cloud escaping from the reactor building were calculated, and the distance established on the basis of the effect requiring the greater isolation.

j. In calculating the thyroid doses which result from exposure of an individual to an atmosphere containing concentrations of radioactive iodine, the following conversion factors were used to determine the dose received from breathing a concentration of one curie per cubic meter for one second:

| Isotope | Dose (rem) |
|---|---|
| $I^{131}$ | 329 |
| $I^{132}$ | 12.4 |
| $I^{133}$ | 92.3 |
| $I^{134}$ | 5.66 |
| $I^{135}$ | 25.3 |

k. The whole body doses at the exclusion and low population zone distances due to direct gamma radiation from the fission products released into the reactor building were derived from the following relationships:

$$D=483\frac{Be^{-\mu r}}{4\pi r^2}\int t^{-0.2}dt$$

where $D$ is the exposure dose in roentgens per megawatt of reactor power
$r$ is the distance in meters
$B$, the scattering factor, is equal to $\left(1+\mu r+\frac{\mu^2r^2}{3}\right)$
$\mu$ is the air attenuation factor (0.01 for this calculation)
$t$ is the exposure time in seconds.

In this formulation it was assumed that the shielding and building structures provided an attenuation factor of 10.

2. On the basis of calculation methods and values of parameters described above, initial estimates of distances for reactors of various power levels have been developed and are listed below.

| Power level (thermal megawatt) | Exclusion distance (miles) | Low population zone distance (miles) | Population center distance (miles) |
|---|---|---|---|
| 1500 | 0.70 | 13.3 | 17.7 |
| 1200 | .60 | 11.5 | 15.3 |
| 1000 | .53 | 10 | 13.3 |
| 900 | .50 | 9.4 | 12.5 |
| 800 | .46 | 8.6 | 11.5 |
| 700 | .42 | 8. | 10.7 |
| 600 | .38 | 7.2 | 9.6 |
| 500 | .33 | 6.3 | 8.4 |
| 400 | .29 | 5.4 | 7.2 |
| 300 | .24 | 4.5 | 6 |
| 200 | .21 | 3.4 | 4.5 |
| 100 | .18 | 2.2 | 2.9 |
| 50 | .15 | 1.4 | 1.9 |
| 10 | .08 | .5 | .7 |

[F.R. Doc. 61-1233; Filed, Feb. 10, 1961; 8:50 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-NY-150]

## FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

### Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Blue Federal airway No. 40 extends from Lebanon, N.H., to Burlington, Vt. The Federal Aviation Agency is considering revoking this airway. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Lebanon to Burlington is adequately served by VOR Federal airway No. 151. In addition, the Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows a maximum of five aircraft movements on Blue 40. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Blue 40 and its associated control areas. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with Blue 40. Any proposal to discontinue one or more of these aids would be processed in accordance with current Agency procedures. In addition, § 601.4640 relating to reporting points on Blue 40 would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-1198; Filed, Feb. 10, 1961; 8:46 a.m.]



# INTERSTATE COMMERCE COMMISSION

## [ 49 CFR Parts 176, 188 ]

[Ex Parte Nos. MC-1, MC-19]

## PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS; PAYMENT OF RATES AND CHARGES OF MOTOR CARRIERS

### Notice of Proposed Rule Making

JANUARY 16, 1961.

There is reason to believe that it may be advisable to make certain revisions and additions to the regulations governing the practices of motor common carriers engaged in the transportation of household goods in interstate or foreign commerce, and to provide an exception with respect to the collection of charges by such carriers in the regulations dealing with the payment of charges of motor carriers generally. The changes proposed herein are designed to give greater protection to shippers.

It is proposed, among other things, to require carriers of household goods to notify shippers of delay beyond a specified expected date of delivery, and also of the amount of the charges where they exceed by more than 10 percent any estimate given, this notice to be given by telegraph or telephone at the carriers' expense. The required use of a prescribed estimate sheet is proposed. Also proposed is a rule requiring a carrier to relinquish possession of a shipper's goods upon payment of the estimated charges when the actual charges exceed the estimate, with collection of the remainder deferred at least 10 days. A prohibition is proposed against the sale of insurance to shippers by carriers. Another proposal requires carriers to pay, decline, or offer settlement of loss or damage claims within 120 days of their receipt, with notice to the shipper and to the Commission's field staff in each instance in which this cannot be done. Other changes in and additions to the regulations, minor in character, are proposed.

Concurrently herewith an order is being issued in Ex Parte No. MC-61, Released Rates of Motor Common Carriers of Household Goods, instituting a proceeding to determine whether all outstanding orders relating to the establishment of released rates by household goods carriers should be canceled and superseded by a new order as outlined therein. Certain of the changes and additions proposed in the Ex Parte No. MC-19, proceeding, such as the prohibition against the sale of insurance to shippers by carriers, and the carrier liability portions of the information statements to be supplied to shippers, are contingent on the action taken in the Ex Parte No. MC-61 proceeding, and should be so read. A copy of the order in Ex Parte No. MC-61 is attached to this notice as information.

Accordingly, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), notice is hereby given of the Commission's proposal to amend, renumber, and revise Part 176, Transportation of Household Goods in Interstate or Foreign Commerce (49 CFR Part 176) as shown below; and to amend § 188.1 of Part 188 Extension of Credit to Shippers (49 CFR 188.1) to read as follows:

**§ 188.1 Relinquishment of freight prior to collection of charges.**

(a) *Permissible credit period.* (No change in body of rule.)

(b) *Exception; carriers of household goods.* The provisions of paragraph (a) of this section shall not apply in any instance in which the carrier shall be required by § 176.10(e) of this chapter to relinquish possession of a shipment of household goods in advance of the payment of the total amount of the tariff charges.

(Secs. 204, 223, 49 Stat. 546 as amended, 565; 49 U.S.C. 304, 323)

The matter will be assigned for hearing jointly with the proceeding in Ex Parte No. MC-61, Released Rates of Motor Common Carriers of Household Goods, at a time and place to be hereafter fixed.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

Amend § 176.3(c) to read as follows:

**§ 176.3 Determination of weights.**

* * * * *

(c) *Driver's weight certificate.* Whenever weights are required to be obtained pursuant to these rules, the carrier shall cause to be executed a weight certificate for each shipment, in the form specified below, at the time the last necessary weight is obtained, and the original or a copy of such certificate shall be carried in the vehicle transporting the shipment and shall be displayed upon request of the party paying the carrier's charges. The original of such certificate shall be maintained by the carrier as part of its record of shipment.

DRIVER'S WEIGHT CERTIFICATE

Date _____
Name of carrier _____
Vehicle identification _____
Name of shipper _____
Origin of shipment _____
Destination of shipment _____
Gross weight of loaded vehicle (without the crew thereon) _____ pounds
Tare weight of vehicle (without the crew thereon, including full fuel tank and all necessary pads, chains, dollies, hand trucks, and other equipment) _____ pounds
Net weight of the shipment _____ pounds
The above gross and tare weights were obtained at scales
Gross:
_____
(Name of scales)
_____
(Location)
Tare:
_____
(Name of scales)
_____
(Location)
as shown by attached weight ticket(s) prepared by the weighmaster. (Attach only gross weight ticket if tare weight is obtained from a weight ticket on shipments listed below.)
List of shipments, if any, on vehicle at time above weights were obtained:

| Shipper | Net weight |
|---|---|
| | |
| | |
| | |

I certify the above entries are true and correct.

Amend §§ 176.7 to 176.10 inclusive, as follows:

**§ 176.7 Selling of insurance to shippers prohibited.**

No such common carrier or any employee, agent, or representative thereof, shall sell, or offer to sell, or procure for any shipper, any kind of insurance, under any type of policy, covering loss or damage to a shipment or shipments of household goods to be transported in interstate or foreign commerce by such carrier, but this section shall not preclude such a carrier from procuring in its own name insurance covering its liability for such loss or damage.

**§ 176.8 Receipt or bill of lading; information thereon; delivery date.**

(a) *Issuance of receipt or bill of lading.* No such common carrier shall issue a receipt or bill of lading for household goods to be transported in interstate or foreign commerce prior to receiving such household goods for such transportation; but common carriers must issue such receipt or bill of lading when such household goods are received.

(b) *Information required on receipt or bill of lading.* Whenever a receipt or bill of lading is issued in compliance with paragraph (a) of this section, the carrier shall cause to be included therein the following information:

(1) The name of the motor carrier (not the agent's name) which will transport the shipment; if shipment is to be interlined, the names of the connecting carriers provided they are known when the shipment is received.

(2) The name, address, and telephone number of the office of the carrier that should be contacted in relation to the shipment, should there be a need for such contact.

(3) The name, address, and telephone number of a person to whom notification provided for in paragraph (c) of this section shall be given, except when this cannot be obtained from the shipper.

(4) The date delivery of the shipment is expected to be made at destination.

(5) The time and manner in which payment of charges will be required.

(c) *Notification of delay in delivery.* Whenever a carrier is unable to make delivery of a shipment of household goods on the expected delivery date specified in the receipt or bill of lading, the carrier shall notify the shipper, or person designated by the shipper, by telegram or telephone, at the carrier's expense, of the date on which delivery of the shipment will be made; such notification to be given not less than 24 hours prior to the expected delivery date shown on the receipt or bill of lading except when the circumstances causing the delay occur

at a later time: *Provided*, That the requirement of this paragraph shall not apply where the carrier is unable to obtain from the shipper an address or telephone number for such notification.

Revoke § 176.9 (b) and (c) and renumber § 176.9(d) as § 176.9(b).

Amend § 176.10 (a) and (b) to read as follows:

**§ 176.10 Estimates of charges.**

(a) *Estimates by the carrier.* Whenever an estimate of the charges for a proposed service shall be given by a carrier to a prospective shipper of household goods, the estimate shall be made only after a visual inspection of the goods by the estimator. Such estimate shall be in the form hereinafter set forth,[1] and across the top of each form there shall be imprinted, in red letters not less than one-half inch high, the words "Estimated Cost of Services." The form shall be fully executed as appropriate in each case in accordance with the instructions therein. The original of each estimate form prepared in accordance with this paragraph shall be delivered to the shipper; a copy thereof shall be carried in the vehicle transporting the shipment, and a copy thereof shall be maintained by the carrier as part of its record of shipment. The shipper shall not be permitted or required to sign the "Estimated Cost of Services" form.[1]

* * * * *

(c) *Specific request of shipper for notification.* Whenever the shipper specifically requests notification of the actual weight and charges on a shipment, the carrier shall comply with such request immediately upon determining the actual weight and charges, by telephone or telegraph if so requested. Such notification shall be at the carrier's expense in instances in which notification would be required under paragraph (d) of this section, and in all other instances unless the carrier provides in its tariff that the actual cost of such notification shall be collected from the shipper.

Renumber § 176.10(d) as § 176.10(f).

Add three new rules numbered § 176.10 (d), (e), and (g) respectively, reading as follows:

(d) *Notification to shipper where charges exceed estimate.* In each instance in which the actual charges on any shipment exceed by more than 10 percent any estimate of charges given by the carrier to the shipper, immediately upon determining the actual charges, the carrier shall inform the shipper of the amount thereof, by telegram or telephone at the carrier's expense: *Provided*, That the requirement of this paragraph shall not apply (1) where credit is to be extended by the carrier, or (2) where the shipper has not supplied, upon request by the carrier, an address or telephone number at which the communication provided for would be received.

(e) *Delivery upon payment of estimated charges.* Whenever the total tariff charges on a shipment shall exceed the amount of an estimate of charges on that shipment given by the carrier, such carrier shall, upon request of the shipper, relinquish possession of the shipment upon payment of the amount of the estimated charges, and shall defer demand for the remainder of the tariff charges for a period of at least 10 days.

(g) *Order for services shall not show charges or estimates.* There shall not be shown on any form in the nature of a "Moving Order" or "Order for Service" which may be used by carriers of household goods any charges or estimates of charges nor any reference to any estimate of charges given to the shipper.

Amend § 176.12 to read as follows:

**§ 176.12 Information for prospective shippers.**

(a) *Summary of information.* During the course of the first interview with every prospective shipper, every carrier of household goods shall cause to be given to the prospective shipper a summary of information in the form specified below. Such summary shall be printed on one sheet in not less than eight-point bold or full-faced type, and shall contain only the heading "Important Notice to Shippers of Household Goods" and the information shown below under that heading. The carrier's name, address, and telephone number may be shown on the sheet if that is desired. If no personal interview is had with a shipper, the carrier shall cause such summary to be mailed to the shipper on or prior to the day on which service is ordered. The carrier shall make an appropriate notation on the receipt or bill of lading that such summary has been furnished.

IMPORTANT NOTICE TO SHIPPERS OF HOUSEHOLD GOODS

The Interstate Commerce Commission requires that this notice and accompanying general information be furnished to all prospective shippers of household goods in interstate or foreign commerce.

*Estimates.* Carriers cannot determine what your move will cost you until all packing has been completed and the goods are loaded on a vehicle and weighed. They make estimates to try to approximate the cost for you. To get a reasonably accurate estimate you must show the estimator everything you intend to ship. An estimate is not a bid nor a contract, and choosing the carrier submitting the lowest estimate will not assure you the lowest cost move. Regardless of any estimate, the actual weight of your goods and the actual amount of packing and other services performed by the carrier will determine the final amount you must pay for your moving.

*Carrier responsibility for loss or damage.* Under its lowest rates the carrier is liable for loss or damage caused by it to a maximum of 60 cents per pound or $500, whichever is greater. If you pay an additional charge based on the declared value of your goods, the carrier's liability will be increased accordingly. If you wish to ship under this higher carrier liability you must declare the higher value before loading begins.

*Notification of charges and delay.* The carrier is required to notify you by telegram or telephone of any delays in delivery. Also of the amount of the charges if you request it or if they exceed the estimate by more than 10 percent. Be sure to give the carrier an address or telephone number where such messages can be sent.

*Packing.* Many articles must be packed in barrels, cartons, or crates so that they can be handled safely. Wardrobes are usually supplied for garments. There is a charge per container for these services. You may do your own packing. However, the carrier is not responsible for damage resulting from faulty packing you perform. The carrier will unpack containers it has packed, if you wish, but not those you have packed. Be sure mechanisms of refrigerators, washers, etc., are serviced to prevent damage.

*Payment and delivery.* The carrier will require payment in cash, money order, or certified check before unloading your goods unless credit arrangements were made beforehand. If the amount of the total charges exceeds the amount of an estimate of charges given by the carrier, the goods must be delivered by the carrier upon your payment of the amount of the estimate, if you so request, and the carrier must give you at least 10 days in which to pay the remainder.

*Claims.* Be sure to check your goods as they are delivered. Note any lost articles or damage on the receipt which you will sign upon completion of the delivery. If other loss or damage is discovered later notify the carrier immediately. If you wish to file a claim, request forms from the carrier.

(b) *Statement of general information.* Whenever the carrier receives an order for service, written or orally, it shall furnish the shipper immediately a printed statement, in not less than eight-point type, containing the information set forth below. Such statement in every instance shall be placed in the hands of the shipper prior to the time the goods are loaded. The carrier shall make an appropriate notation on the receipt or bill of lading that such statement has been furnished.

GENERAL INFORMATION FOR SHIPPERS OF HOUSEHOLD GOODS

This statement is of importance to you as a shipper of household goods and is being furnished by the carrier pursuant to a requirement of the Interstate Commerce Commission. It relates to the transportation of household goods, in interstate or foreign commerce by motor carriers frequently called "Movers" but hereinafter referred to as carriers. Some carriers perform the transportation themselves. Others act as agents for the carriers which do the actual hauling. In some instances, the transportation is arranged by brokers. You should be sure to obtain the complete and correct name, home address, and telephone number of the carrier which is to transport your shipment, and keep that carrier informed as to how and where you may be reached at all times until the shipment is delivered.

Before completing arrangements for the shipment of your household goods, all of the information herein should be considered carefully by you.

*Estimates.* Regardless of any prior estimate received, for the carriage of your shipment, you will be obligated to pay transportation charges and other charges computed in accordance with tariffs filed by the carrier with the Interstate Commerce Commission. The total charges which you must pay may be more, or less, than the estimate received from the carrier. If the total charges exceed the estimate the carrier is required to deliver your goods upon your payment of the estimated charges, if you so request, and give you at least 10 days in which to pay the remainder. If you do not pay the total charges within that time the carrier may bring a lawsuit to collect the unpaid amount.

*Tariffs.* These are publications, in book form, containing the rates, charges, and rules of the carriers. The tariffs of all carriers are not the same, but all of them are open to public inspection and may be examined at the carrier's office. All tariffs contain rules and regulations, and those in the tariff of the carrier serving you must be considered in determining the charges on your shipment. Among the rules and regulations normally appearing in published tariffs will be found special provisions applicable to "Shipments picked up or delivered at more than one place"; "Packing and marking"; "Diversion of shipments enroute"; and "Additional services", the charges for which are called accessorial charges, and which include services such as packing, unpacking, the furnishing of boxes or other containers, and carrying pianos up or down steps. The tariff of the carrier serving you will also probably have rules relating to the subjects which follow.

*Preparing articles for shipment.* Some articles such as stoves, refrigerators, and washing machines may require disconnection and usually require special servicing to protect their mechanisms during movement. It is your responsibility to have this done. Some carriers upon your request will arrange to have this servicing done at your expense. You should arrange to take down all blinds, draperies, window cornices, mirrors, and other items attached to the walls, and to take up carpets which are tacked down. The charge for such service is not included in the transportation charge and will be performed by the carrier only at an extra per-hour charge. Under no circumstances should you pack jewelry, money, or valuable papers with your other belongings or matches, inflammables, or other dangerous articles.

*Transportation rates and released values.* Rates are stated in amounts per hundred pounds, depending upon the distance involved. The carriers' charges generally vary according to the released or declared value of the shipment. Their tariffs usually provide that unless the shipper shall declare a higher value and pay excess valuation charges thereon, the carrier's maximum liability shall be

(a) $500 for loss or damage to an article or articles in a single shipment, or

(b) 60 cents per pound for the actual weight of any lost or damaged article or articles in a shipment,

*whichever is greater;* and that if loss or damage to an article or articles in a single shipment does not exceed $500 the carrier assumes full liability for the actual loss or damage. If you wish the carrier to assume a greater liability you may declare a higher value on your goods, in which case an additional charge will be made dependent upon the value declared.

*Weights.* The transportation charges will be determined on the basis of the weight of your shipment. Ordinarily, the carrier will weigh its empty or partially loaded vehicle prior to the loading of your goods. After loading, it will again weigh the vehicle and determine the weight of your shipment. If your shipment weighs less than 1,000 pounds, the carrier may weigh it prior to loading.

If you so request, the carrier will notify you of the weight of your shipment and the charges as soon as the weight has been determined. Usually this will be at your expense. However, where it develops that the actual charges exceed by more than 10 percent an estimate of charges given to you by the carrier, the carrier is required to notify you immediately of the amount of the actual charges, by telegraph or telephone at the carrier's expense.

If you question the weight reported by the carrier, you may request that the shipment be reweighed prior to delivery. Reweighing will be accomplished only where it is practicable to do so. An extra charge may be made for reweighing, but only if the difference between the two net weights obtained does not exceed 100 pounds (if your shipment weighs 5,000 pounds or less) or does not exceed 2 percent of the lower net weight (if your shipment weighs more than 5,000 pounds). The lower of the two net weights must be used in determining the charges.

*Exclusive use of the vehicle.* If you do not desire to have the goods belonging to someone else transported with your shipment, you may direct the carrier to grant you the exclusive use of the vehicle. In such event, however, the charges will probably be much greater.

*Expedited service.* Carriers are not ordinarily required to make delivery on a certain date or within a definite period of time. However, their tariffs generally contain a rule to the effect that, upon request of the shipper, goods weighing more than a designated weight—usually 5,000 pounds—will be delivered on or before the date specified by the shipper. Such expedited service on shipments weighing less than that amount usually may be obtained only by paying charges based on 5,000 pounds.

*Expected delivery date—delay.* Unless expedited service is to be rendered, as mentioned just above, the carrier is not obligated to deliver your goods on any particular day. However, the carrier is required to specify an expected delivery date on the bill of lading when your goods are loaded. If the carrier finds that it cannot deliver by that date it is required to notify you by telegraph or telephone at least 24 hours in advance if that is possible.

*Small shipments.* If your shipment weighs less than the minimum weight prescribed in the carrier's tariff, it will be subject to the minimum charge provided therein. If your shipment weighs substantially less than the minimum weight prescribed by the carrier, you should give consideration to the possibility that it may be shipped more reasonably by other means of transportation, even if the expense of crating the items are taken into consideration.

*Storage in transit.* In case you desire that your household goods be stored in transit, and delivered at a later date, you may usually obtain such service upon specific request. The length of time a shipment may be stored in transit is limited by the carrier's tariff, and additional charges are normally made for such service. At the end of the designated storage-in-transit period, and in the absence of final delivery instructions, the shipment will be placed in permanent storage, and the carrier's liability in respect thereof will cease. Any further service must be made the subject of a separate contract with the warehouseman. If you do not specifically request storage-in-transit from the carrier, but arrange with someone other than the carrier to pickup your goods for storage, you will be required to pay such other person for such service. Some warehouses make separate charges for checking goods out of storage, and collect dock charges from carriers for the space occupied by their vehicles while being loaded. Such charges are passed on to the shipper.

*Bill of lading.* Before your shipment leaves point of origin, you should obtain from the carrier a bill of lading or receipt, signed by you and the carrier. Be sure that this shows the carrier's name and address and the telephone number at which you can reach the carrier; an address and telephone number furnished by you to which the carrier can send messages regarding your shipment; the location to which your goods are moving; the date of loading and the expected date of delivery; and the declared or released valuation of the goods.

*Payment of charges—freight bill.* Unless you have made arrangements beforehand for credit, the carrier will require payment in cash or by money order or certified check. If an estimate of charges is given and the total actual charges are more than the estimate, the carrier must deliver your goods upon your payment of the amount of the estimated charges and give you at least 10 days in which to pay the remainder if you so request. You should make arrangements to pay the remainder as quickly as possible, however, since the carrier is obligated to collect it even if this requires a lawsuit.

When paying charges, you should obtain a receipt for the amount paid setting forth the gross and tare weights of the vehicle; the net weight of your shipment, the mileage; the applicable rate per 100 pounds; and the charges for transportation, additional protection, and any accessorial services performed. Such receipt is called a freight bill or expense bill. In the event of loss or damage to the shipment, be sure to have the driver place appropriate notations on the freight bill. If the driver will not make such notations, you should have some disinterested party inspect the damage in the driver's presence and report same in writing to the home office of the carrier.

*Loss or damage.* All claims for loss or damage must be filed with the carrier, in writing. The carrier is required to acknowledge claims within 30 days and to either pay, decline, or make a firm compromise settlement offer within 120 days of receipt. If some reason beyond the carrier's control delays action on your claim for a longer time, the carrier is required to notify you then as to its status and each 30 days thereafter until final action is taken.

The Interstate Commerce Commission has no authority to compel carriers to settle claims for loss or damage and will not undertake to determine whether the basis for, or the amount of, such claims is proper, nor will it attempt to determine the carrier liable for such loss or damage. If the carrier will not voluntarily pay such claims, the only recourse of the shipper is the filing of a suit in a Court of Law. The names of the carrier's agents for service of process in each State may be obtained by writing the Interstate Commerce Commission, Washington 25, D.C.

(Secs. 204, 216, 217, 49 Stat. 546, as amended, 558, as amended, 560, as amended, 49 U.S.C. 304, 316, 317)

Add a new rule numbered § 176.14 to read as follows:

**§ 176.14 Claims for loss or damage.**

(a) *Acknowledgment of claims.* Every common carrier of household goods which receives a written claim for loss of or damage to property transported by it shall acknowledge receipt of such claim in writing to the claimant within 30 calendar days after its receipt by the carrier or the carrier's agent. The carrier shall at the time such claim is received, cause the date of receipt to be recorded on the claim.

(b) *Handling by carrier.* Every such carrier which receives a written claim for loss or damage to household goods transported by it shall pay, decline, or make a firm compromise settlement offer in writing to the claimant within 120 days after receipt of the claim by the carrier or its agent: *Provided*, That if for reasons beyond the control of the carrier the claim cannot be processed and disposed of within 120 days after the receipt thereof, the carrier shall at that time and at the expiration of each succeeding thirty-day period while the claim remains pending, advise the claimant of the status of the claim and the reasons for the delay in making final disposition thereof.

[1] Filed as part of the original document.

(c) *Report of pending claims.* Every such carrier shall report to the District Supervisor, Interstate Commerce Commission, Bureau of Motor Carriers, of the area in which the carrier has its principal place of business, on a form prescribed by the Commission, each instance in which a claim filed with it is not paid, declined, or a firm compromise settlement offered in writing within 120 days after the receipt of the claim, with the reasons therefor, such report to be submitted within 15 days after the expiration of the 120-day period.

(d) *Register of loss and damage claims.* Every common carrier of household goods shall comply with § 182.01–22(e) of this chapter relating to the maintenance of a freight claim register.

(Secs. 204, 216, 217, 219, 220, 49 Stat. 546, as amended, 558, as amended, 560, as amended, 563, as amended; 49 U.S.C. 304, 316, 317, 319, 320)

[F.R. Doc. 61–1224; Filed, Feb. 10, 1961; 8:50 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 250]

### EXEMPTION OF CERTAIN NON-UTILITY SUBSIDIARY COMPANIES AND AFFILIATES OF REGISTERED HOLDING COMPANIES TRANSFORMING TO INVESTMENT COMPANIES

#### Proposed Rescission

FEBRUARY 2, 1961.

Notice is hereby given that the Securities and Exchange Commission is considering a proposal to rescind Rule U–3D–15 (§ 250.3d–15) adopted under the Public Utility Holding Company Act of 1935 on January 24, 1941 (Holding Company Act Release No. 2514). The rule provides that if, at the time of registration of any holding company, any subsidiary companies thereof are substantially engaged in any branch of the petroleum business or in any business accessory thereto, in the real estate business, or in the production and transportation of natural gas, any such subsidiary company which is not a public utility company or a holding company shall be exempt from certain provisions of the Act. The rule is applicable only to companies which became subject to the Act after its effective date, January 24, 1941.

The proposal to rescind the rule is made pursuant to the provisions of sections 3(d), 9(c), 12(b), 12(f), and 20(a) of the Public Utility Holding Company Act of 1935.

It appears that the provisions of the rule, which is a rule of special and limited application, are no longer applicable to any company which is a subsidiary company of a company which registered as a holding company subsequent to the effective date of the rule.

All interested persons are invited to file written views and comments with respect to this proposal. Such views and comments should be submitted to the Securities and Exchange Commission, Washington 25, D.C., on or before March 15, 1961.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 1, 1961.

[F.R. Doc. 61–1210; Filed, Feb. 10, 1961; 8:47 a.m.]

[17 CFR Part 250]

[U–3D–15]

### RULES OF SPECIAL AND LIMITED APPLICATION

#### Proposed Rescission

FEBRUARY 2, 1961.

Notice is hereby given that the Securities and Exchange Commission is considering a proposal to rescind Rule 13 (§ 250.201) adopted under the Public Utility Holding Company Act of 1935 on December 24, 1953 (Holding Company Act Release No. 12276). The rule exempts every subsidiary company or affiliate of a registered holding company (which subsidiary company or affiliate is not (a) a holding company, (b) a public-utility company, (c) an investment company, or (d) a service company) from all the obligations, duties and liabilities imposed upon it by the Act as a subsidiary company or affiliate of a registered holding company, provided the company so exempted became a subsidiary or affiliate by reason of the acquisition of its voting securities after October 31, 1953, by a registered holding company, and also provided that such acquisition was in accordance with an investment program permitted by an order of the Commission entered pursuant to section 11 of the Act in connection with the conversion of such registered holding company into an investment company in compliance with section 11 of the Act.

The proposal to rescind the rule is made pursuant to the provisions of sections 3(d) and 20(a) of the Public Utility Holding Company Act of 1935.

At the time of the adoption of the rule there were two registered holding companies, which, with Commission approval, were in the process of converting into investment companies and there were two other registered holding companies which had indicated an intention to convert into an investment company if so permitted by the Commission. At the present time there are no registered holding companies which are in the process, or have indicated an intention, of converting into investment companies. It therefore appears that the provisions of the rule are no longer applicable, and will not become applicable, to any subsidiary company or affiliate of a registered holding company.

All interested persons are invited to file written views and comments with respect to this proposal. Such views and comments should be submitted to the Securities and Exchange Commission, Washington 25, D.C., on or before March 15, 1961.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 1, 1961.

[F.R. Doc. 61–1211; Filed, Feb. 10, 1961; 8:47 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[AA 643.3–C]

### RAYON STAPLE FIBER FROM NORWAY

#### Determination of No Sales at Less Than Fair Value

FEBRUARY 6, 1961.

A complaint was received that rayon staple fiber from Norway was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that rayon staple fiber from Norway is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons:* Rayon staple fiber from Norway is purchased outright by the importer.

The quantity of rayon staple fiber sold in Norway for home consumption, in the same condition as imported, was determined to be so small, in relation to the quantity sold for exportation to countries other than the United States, as to be an inadequate measure for fair value. Therefore, purchase price was compared with the price at which rayon staple fiber was sold to countries other than the United States.

Purchase price was calculated by deduction of ocean freight, insurance, duty, and commission from the on-dock, duty-paid, price. Third country price was based on the average f.o.b. shipping port price to third countries, adjusted for moisture regain.

Purchase price was determined to be not less than fair value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F.R. Doc. 61–1220; Filed, Feb. 10, 1961; 8:50 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50–180]

### GENERAL DYNAMICS CORP.

#### Notice of Filing of Application for Utilization Facility Export License

Please take notice that General Dynamics Corporation, P.O. Box 608, San Diego, California, has submitted an application dated January 6, 1961, for a license authorizing the export of a 100 kilowatt TRIGA Mark II nuclear research reactor to Kauppa-Ja Teollisuusministerio (Ministry of Trade and Industry), Finland for installation at the Teknillinen Korkeakoulu (Institute of Technology) in Otaniemi, Finland.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Ch. 1, Part 50, "Licensing of Production and Utilization Facilities", and upon finding that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an Agreement for Cooperation between the United States of America and the International Atomic Energy Agency, the Commission may issue a facility export license authorizing the export of the reactor to Finland.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactor.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission by the applicant or an intervener within 30 days after the filing of this notice with the Office of the Federal Register. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 7th day of February 1961.

For the Atomic Energy Commission.

R. L. KIRK, *Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61–1188; Filed, Feb. 10, 1961; 8:45 a.m.]

[Docket No. 50–181]

### MARTIN CO.

#### Notice of Proposed Issuance of Construction Permit

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or an intervener as provided by the Commission's rules of practice (Title 10, Ch. 1, Part 2), the Commission proposes to issue a construction permit substantially as set forth below. The permit would authorize The Martin Company to construct a production facility for processing multi-kilocurie quantities of irradiated material containing special nuclear material into forms suitable for isotopic power sources at a site it has leased in Quehanna, Pennsylvania. The proposed construction consists of installation of chemical processing equipment in existing hot cells located in The Curtiss-Wright Nuclear Research Laboratory of The Pennsylvania State University.

Petitions for leave to intervene or requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by The Martin Company and (2) a hazards analysis prepared by the Radiation Safety staff of the Division of Licensing and Regulation on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room and upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licesning and Regulation.

Dated at Germantown, Md., this 6th day of February 1961.

For the Atomic Energy Commission.

H. L. PRICE, *Director, Division of Licensing and Regulation.*

1. By application dated January 25, 1961, as amended January 30, 1961, incorporating by reference an application dated September 22, 1960 (hereinafter collectively referred to as "the application"), The Martin Company requested a Class 104c license, defined in Part 50, "Licensing of Production and Utilization Facilities", Title 10, Ch. 1, CFR, authorizing construction and operation on a leased site in Quehanna, Pennsylvania, of a production facility (hereinafter referred to as "the facility") for processing multi-kilocurie quantities of irradiated materials containing special nuclear material into forms suitable for isotopic power sources.

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The facility will be a production facility as defined in the Commission's regulations contained in Title 10, Ch. 1, CFR, Part 50, "Licensing of Production and Utilization Facilities";

B. The facility will be used in the conduct of research and development activities of the types specified in Section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act");

C. The Martin Company is financially qualified to construct the facility in accordance with the regulations contained in Title 10, Chapter 1, CFR.

D. The Martin Company is technically qualified to design and construct the facility;

E. The Martin Company has submitted sufficient information to provide reasonable assurance that the facility can be constructed

and operated at the proposed location without undue risk to the health and safety of the public; and

F. The issuance of a construction permit to The Martin Company will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Ch. 1, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to The Martin Company to construct the facility in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is April 1, 1961. The latest completion date of the facility is December 31, 1961. The term "completion date", as used herein, means the date on which construction of the facility is completed except for the introduction of the material to be processed.

B. The facility shall be constructed and located in The Curtiss-Wright Nuclear Research Laboratory of The Pennsylvania State University in Quehanna, Pennsylvania, as specified in the application.

C. The Martin Company shall submit to the Commission, by amendment of the application, a report on results of pre-operational checks of the equipment in the facility.

4. Upon completion (as defined in paragraph 3.A. above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of the report required under paragraph 3.C. above and any additional information needed to bring the original application up-to-date, upon finding that the facility authorized has been constructed and will operate in conformity with the application, as amended, and in conformity with the provisions of the Act and of the rules and regulations of the Commission, upon the filing of proof of financial protection in an amount to be determined by the Commission and in the absence of any good cause being shown to the contrary, the Commission will issue a Class 104 license to The Martin Company pursuant to section 104c of the Act, which license shall expire -- years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

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[F.R. Doc. 61-1189; Filed, Feb. 10, 1961; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-4676]

## SMALL INDUSTRIAL PLANTS, INC.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 7, 1961.

I. Small Industrial Plants, Inc. (Issuer), a New York corporation, 348 Main Street, Farmingdale, New York, filed with the Commission on May 8, 1958, a notification on Form 1-A and offering circular relating to a proposed public offering of $150,000 in 8 percent debentures, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Regulation A, promulgated under section 3(b) of the Act.

II. The Commission has reasonable cause to believe that:

The terms and conditions of Regulation A have not been complied with, in that:

1. The issuer violated Rule 256(a) in that securities were sold to approximately 41 persons without providing them with a copy of an offering circular containing the information required by Schedule I of Form 1-A.

2. The issuer violated Rule 256(c) in that securities were sold by use of an advertisement and circular which failed to state from whom an offering circular could be obtained.

3. The issuer has violated Rule 261(a)(7) in that its officers have failed to cooperate with the Commission in supplying requested information and have repeatedly ignored communications and correspondence from members of the staff.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1207; Filed, Feb. 10, 1961; 8:47 a.m.]

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[File No. 812-1362]

## STERLING INVESTMENT FUND, INC.

### Notice of Filing of Application

FEBRUARY 6, 1961.

Notice is hereby given that Sterling Investment Fund, Inc. ("Sterling"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the assets, which consist of cash and cash items of J. T. Beaty Company ("Beaty").

Shares of Sterling, a North Carolina corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent upon the amount purchased. As of November 10, 1960, the net assets of Sterling adjusted for dividends and distribution subsequently paid amounted to $3,994,068.72.

Beaty, a North Carolina corporation, is an investment company which is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Sterling and Beaty, substantially all of the assets owned by Beaty with a value of approximately $87,981 as of August 9, 1960, will be transferred to Sterling in exchange for shares of the latter's capital stock. The shares acquired by Beaty are to be distributed to its shareholder, who intends to take such shares for investment with no present intention of distribution or redemption. The number of shares of Sterling to be delivered to Beaty will be determined by dividing the net asset value per share of Sterling in effect at the closing time into the book value of the 95 issued and outstanding shares of the capital stock of Beaty after provision for all debts and taxes of Beaty and after provision for any unpaid expenses in connection with the merger have been made; the quotient resulting from said division shall represent the number of shares of common stock of Sterling to be so exchanged, provided that any fraction will be disregarded. The estimated cost of investing the funds received by Sterling will be borne by Beaty as an expense of the merger.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of Sterling are to be issued to Beaty at a price other than the public offering price stated in the prospectus, which lists a sales charge of 3.24 percent for sales from $50,000 to $99,999.99.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

According to an exhibit to this application, a resolution approving the proposed merger plan was adopted by the shareholders at a special stockholders meeting on November 10, 1960.

Notice is further given that any interested person may, not later than February 28, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1208; Filed, Feb. 10, 1961; 8:47 a.m.]



# GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 392]

## SECRETARY OF DEFENSE

### Authority To Represent Interests of Executive Agencies of the Federal Government

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of Application of San Diego Gas & Electric Company For Increase in Gas Rates, Application No. 42887, before the California Public Utilities Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective January 27, 1961.

HAROLD F. HOLTZ, *Acting Administrator.*

FEBRUARY 6, 1961.

[F.R. Doc. 61-1202; Filed, Feb. 10, 1961; 8:46 a.m.]

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[Delegation of Authority No. 393]

## SECRETARY OF DEFENSE

### Authority To Represent Interests of Executive Agencies of the Federal Government

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of Application of United Gas Pipe Line Company For Increase in Gas Rates and Town Border Sales, New Orleans Zone Docket No. 8358, before the Louisiana Public Service Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective January 25, 1961.

HAROLD F. HOLTZ, *Acting Administrator.*

FEBRUARY 6, 1961.

[F.R. Doc. 61-1203; Filed, Feb. 10, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 8, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 36890: *Substituted service—PRR and WAB. for Spector Freight System, Inc.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 183), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Decatur, Ill., on the one hand, and Baltimore, Md., Kearny, N.J., Harrisburg, and Philadelphia, Pa., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 8 to Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-185.

FSA No. 36891: *Scoria or slag from Coyote and Carrizozo, N. Mex.* Filed by Southwestern Freight Bureau, Agent (No. B-7963), for interested rail carriers. Rates on volcanic scoria or slag, in carloads, from Coyote and Carrizozo, N. Mex., to points in southwestern, Illinois and western trunk-line territories, also Memphis, Tenn., Natchez and Vicksburg, Miss.

Grounds for relief: Market competition.

Tariffs: Supplements 78 and 92 to Southwestern Freight Bureau tariffs I.C.C. 4331 and 4330, respectively.

FSA No. 36892: *Substituted service—C&NW for Emery Transportation Company.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 181), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Chicago, Ill., on the one hand, and East St. Louis, Ill., Madison and Milwaukee, Wis., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 8 to Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-185.

FSA No. 36893: *Substituted service—L&N for Dixie Ohio Express, Inc.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 50), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Atlanta, Ga., Covington and Louisville, Ky., and Nashville, Tenn., on the one hand, and specified points in Alabama, Kentucky, and Tennessee, on the other, on traffic originating at such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Southern Motor Carriers Rate Conference tariff MF-I.C.C. 1121, I.C.C. 34.

FSA No. 36894: *Substituted service—L&N and SAL for Herrin Transportation Company.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 51), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Jacksonville, Fla., and New Orleans, La., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Southern Motor Carriers Rate Conference tariff MF-I.C.C. 1121, I.C.C. 34.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-1222; Filed, Feb. 10, 1961; 8:50 a.m.]

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[Ex Parte No. MC-61]

## RELEASED RATES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of January A.D., 1961.

There being under consideration Released Rates Applications Nos. MC–3, MC–489, MC–513, MC–573, and MC–692, or as amended, and Released Rates Orders Nos. MC–2–B, MC–309, MC–362, and MC–429 entered therein, respectively, on April 21, 1953, March 28, 1950, May 22, 1951, May 24, 1954, and September 26, 1958, under which motor common carriers authorized to perform the specialized service of household goods carriers are authorized to establish and maintain rates and charges dependent upon released value; and

It appearing that there is reason to believe that it may be desirable to issue in place of the orders described above a new released rates order containing in substance the language set forth below, or some modification thereof or substitute therefor as may be proposed by any party to this proceeding or as may be deemed appropriate:

*It is ordered*, That a proceeding be instituted on the Commission's own motion, under sections 20(11), 204(a), and 219 of the Interstate Commerce Act (49 U.S.C. 20(11), 304(a), and 319), to consider the desirability and feasibility of rescinding the released rates orders described in the first paragraph of this order, and of substituting in lieu thereof a released rates order reading substantially as set forth in the appendix hereto, or some modification thereof or substitute therefor as may be proposed by any party to this proceeding or as may be deemed appropriate;

*It is further ordered*, That the matter be assigned for hearing jointly with the proceedings in Ex Parte No. MC–19 and Ex Parte No. MC–1, dealing with proposals to revise and modify certain regulations governing the practices of motor common carriers of household goods and the payment of rates and charges of motor carriers, at a time and place to be hereafter fixed;

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

*It is ordered*, That subject to the conditions specified in succeeding paragraphs hereof, each motor common carrier authorized to perform the specialized service of a household goods carrier be, and it is hereby, authorized to establish and maintain by filing and posting in the manner required by the Interstate Commerce Act, commodity rates for the transportation in interstate or foreign commerce, and charges for accessorial services in connection therewith, of household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, said rates and charges to be applicable only when the value of the property as declared by the shipper in writing, or agreed upon in writing as the released value thereof is as follows:

| Released values and liability limitations | Transportation rate basis | Storage in transit rate basis |
|---|---|---|
| Released to a value not exceeding $500 for loss or damage to an article or articles in a single shipment, or 60 cents per pound for the actual weight of any lost or damaged article or articles in a shipment, whichever is greater. | Base transportation rate. | Base storage rate for the first 60-day period of storage. Thereafter, base storage rate plus a value charge of 10 cents per $100 or fraction thereof of declared or released value for each storage period of 30 days or fraction thereof. |
| Released to a value exceeding $500 for loss or damage to an article or articles in a single shipment, or exceeding 60 cents per pound for the actual weight of any lost or damaged article or articles in a shipment. | Base transportation rate with a value charge of 50 cents for each $100 or fraction thereof of the excess declared or released value. | Do. |
| The total parts comprising any article knocked down or taken apart for handling or loading shall constitute one article for the purpose of determining the carrier's liability as above provided. | | |

*It is further ordered*, That changes may be made in the rates or charges established under the authority of this order, but the released values provided herein may not be decreased, nor may the value charges as specified herein be increased without specific authority of this Commission.

*It is further ordered*, That the order for services and the bill of lading issued for any shipment accepted for transportation and storage at released rates and charges established and maintained under authority of this order, shall have printed in distinctive color in bold-face type on the face thereof a statement reading as follows:

Unless shipper shall declare a higher value and pay excess valuation charges thereon, the carrier's maximum liability shall be $500 for loss or damage to an article or articles in a single shipment, or 60 cents per pound for the actual weight of any lost or damaged article or articles in a shipment, whichever is greater.

If loss or damage to an article or articles in a single shipment does not exceed $500, carrier assumes full liability for the actual loss or damage.

*It is further ordered*, That tariffs containing rates or charges established under authority of this order shall specifically provide that—

Unless the shipper shall declare a higher value and pay excess valuation charges thereon, the carrier's maximum liability shall be—

(a) $500 for loss or damage to an article or articles in a single shipment, or

(b) 60 cents per pound for the actual weight of any lost or damaged article or articles in a shipment,

whichever is greater.

If loss or damage to an article or articles in a single shipment does not exceed $500, carrier assumes full liability for the actual loss or damage.

*It is further ordered*, That tariffs containing rates or charges established under authority of this order shall show in connection therewith the following notations:

The released value must be entered on the bill of lading in the following form:

The agreed or declared value of the property is hereby specifically stated by the shipper to be ----------.

Rates or charges herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Order No. MC-------- of -------, subject to complaint or suspension.

*And it is further ordered*, That Released Rates Orders Nos. MC–2–B of April 21, 1953, MC–309 of March 28, 1950, MC–330 of May 22, 1951, MC–362 of May 24, 1954, and MC–429 of September 26, 1958, be, and they are hereby, rescinded effective ----------.

This order does not constitute authority for the establishment of released rates or charges on any description of traffic other than herein specifically indicated, nor on traffic originating in an adjacent foreign country destined to points in the United States.

The Commission does not hereby approve the lawfulness, except under sections 20(11) and 219 of the Interstate Commerce Act, of any rate or charge which may be filed under authority of this order.

[F.R. Doc. 61–1223; Filed, Feb. 10, 1961; 8:50 a.m.]

## OFFICE OF CIVIL AND DEFENSE MOBILIZATION

### JOSEPH D. KEENAN

#### Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since report of August 1, 1960, published August 11, 1960 (25 F.R. 7665).

Dated: February 1, 1961.

JOSEPH D. KEENAN.

[F.R. Doc. 61–1190; Filed, Feb. 10, 1961; 8:45 a.m.]

### RUSSELL C. McCARTHY

#### Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Deletions: Gerber Products Inc., Groller Inc., Monsanto Chemical, Riley Stoker Corp., Colonial Energy, Electronics Investment Corp.

Additions: Union Carbide, Food Fair Stores Inc., Rochester Gas & Electric Corp., Standard Oil of New Jersey, Taylor Instrument Cos.



This amends statement published August 11, 1960 (25 F.R. 7665).

Dated: February 1, 1961.

RUSSELL C. McCARTHY.

[F.R. Doc. 61–1191; Filed, Feb. 10, 1961; 8:45 a.m.]

### PHILIP N. POWERS

#### Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published August 11, 1960 (25 F.R. 7665).

Dated: February 1, 1961.

PHILIP N. POWERS.

[F.R. Doc. 61–1192; Filed, Feb. 10, 1961; 8:45 a.m.]

### E. D. REEVES

#### Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published August 11, 1960 (25 F.R. 7665).

Dated: February 1, 1961.

E. D. REEVES.

[F.R. Doc. 61–1193; Filed, Feb. 10, 1961; 8:45 a.m.]

### THOMAS R. REID

#### Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published August 26, 1960 (25 F.R. 10282).

Dated: February 1, 1961.

THOMAS R. REID.

[F.R. Doc. 61–1194; Filed, Feb. 10, 1961; 8:45 a.m.]

### STANLEY RUTTENBERG

#### Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published August 11, 1960 (25 F.R. 7665).

Dated: February 1, 1961.

STANLEY RUTTENBERG.

[F.R. Doc. 61–1195; Filed, Feb. 10, 1961; 8:45 a.m.]

### WILLIAM WEBSTER

#### Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Investments—

Add: Chesapeake Bay Bridge & Tunnel; Detroit, Mich. Water Rev.

Delete: Gunnar Mines; Steep Rick Iron Mines; State Street Bank & Trust Co.; First Nat'l Bank of Bel Air.

Positions—

Federal Reserve Bank of Boston, Class C Director; The Rand Corp., Trustee; Scientific Engineering Institute,. Trustee; State St. Bank & Trust Co., Director; Charlestown Savings Bank, Corporator.

This amends statement published August 11, 1960 (25 F.R. 7665).

Dated: February 1, 1961.

WILLIAM WEBSTER.

[F.R Doc. 61–1196; Filed, Feb. 10, 1961; 8:45 a.m.]

### R. CARTER WELLFORD

#### Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

William Wrigley, Jr.
Montgomery Ward.
Julius Garfinkle.
Universal Leaf Tobacco.
Fidelity Fund.
Mass. Investors Trust.
Frederick County Products.
American Tobacco Co.
Bethlehem Steel.
Tidewater Telephone Co.
General Motors Corp.
Lawyer's Title.
Fairbanks Whitney.
Fauquier National Bank.
Northern Neck Grain Co-op.
Virginia Carolina Chemical Co.
Jim Walters Bonds.
E. I. du Pont de Nemours & Co.
Standard Oil of New Jersey.

This amends statement published August 11, 1960 (25 F.R. 7666).

Dated: February 1, 1961.

R. CARTER WELLFORD.

[F.R. Doc. 61–1197; Filed, Feb. 10, 1961; 8:45 a.m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

### JAMES A. BRANDT

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Olin Mathieson Chemical Co.
B. Additions: Transitron Electronics Corp.

This statement is made as of January 27, 1961.

JAMES A. BRANDT.

JANUARY 30, 1961.

[F.R. Doc. 61–1228; Filed, Feb. 10, 1961; 8:50 a.m.]

### LOUIS A. SCHLUETER

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No.
B. Additions: No.

This statement is made as of February 1, 1961.

LOUIS A. SCHLUETER.

[F.R. Doc. 61–1229; Filed, Feb. 10, 1961; 8:50 a.m.]

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VOLUME 26 NUMBER 29

Washington, Tuesday, February 14, 1961

THE UNIVERSITY OF MICHIGAN
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MAIN READING ROOM

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Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.



**FEDERAL REGISTER**

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10917

### ABOLISHING CERTAIN COMMITTEES ON GOVERNMENT ORGANIZATION AND MANAGEMENT IMPROVEMENT

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. The President's Advisory Committee on Government Organization, established by Executive Order No. 10432 of January 24, 1953, and the Advisory Committee on Management Improvement, established by Section 3 of Executive Order No. 10072 of July 29, 1949, are hereby abolished.

SEC. 2. Such functions of the President's Advisory Committee on Government Organization as are necessary for the orderly termination of its affairs are hereby transferred to the Director of the Bureau of the Budget. All necessary steps pertaining to such termination shall be taken by or under the direction of the Director, and shall be performed in such manner as he may determine.

SEC. 3. (a) Executive Order No. 10432 of January 24, 1953, is hereby revoked.

(b) Executive Order No. 10072 of July 29, 1949, is hereby amended by deleting Section 3 thereof.

JOHN F. KENNEDY

THE WHITE HOUSE,
*February 10, 1961.*

[F.R. Doc. 61-1348; Filed, Feb. 13, 1961; 10:17 a.m.]

# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lettuce Reg. 1]

### PART 1034—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

#### Limitation of Handling

**§ 1034.302 Lettuce Regulation No. 1.**

(a) *Findings.* (1) Pursuant to Marketing Agreement No. 144 and Order No. 134 (7 CFR Part 1034), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas (Cameron, Hidalgo, Starr and Willacy Counties), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the South Texas Lettuce Committee, established under the said Marketing Agreement and Order, and upon other available information, it is hereby found that the limitation on the handling of such lettuce, as hereinafter specified, will tend to effectuate the declared policy of the act.

(2) (i) It is hereby further found that it is impractical and contrary to the public interest to give preliminary notice, engage in public rule making procedure and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (Administrative Procedure Act, 5 U.S.C. 1001–1011), because the time intervening between the time information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth.

(ii) The committee held an open meeting on February 6, 1961, to consider supply and market conditions for lettuce and the need for regulations; interested persons were accorded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulations during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section including its effective time are identical with the aforesaid recommendations of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such lettuce. It is necessary in order to effectuate the declared policy of the act to make this section effective during the period herein specified. Compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The total quantity of lettuce grown in the Lower Rio Grande Valley of South Texas which may be handled by all handlers during the weekly period beginning February 13, 1961 through February 18, 1961, is hereby fixed at 173,859 cartons. Allotments of this quantity among individual handlers shall be made in accordance with and subject to §§ 1034.111–1034.114 of the rules and regulations issued January 4, 1961 (26 F.R. 123).

(2) No person shall package more than one-sixth of his total weekly allotment of lettuce during any one day of the foregoing weekly period.

(3) Terms used in this section shall have the same meaning as when used in the said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 8, 1961.

FLOYD F. HEDLUND,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 61–1267; Filed, Feb. 13, 1961; 8:48 a.m.]

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (13) is added to paragraph (a) of § 6.311 as set out below.

**§ 6.311 Department of Agriculture.**

(a) *Office of the Secretary.* * * *

(13) One Private Secretary and Administrative Assistant to the Assistant to the Secretary (Agricultural Programs).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61–1274; Filed, Feb. 13, 1961; 8:49 a.m.]

### PART 37—GROUP LIFE INSURANCE

#### Cancellation of Waiver of Life Insurance Coverage

Paragraph (b) of § 37.6 is amended as set out below.

**§ 37.6 Cancellation of waiver of life insurance coverage.**

* * * * *

(b) Such an employee shall be insured at the time he actually enters on duty on his first day in a pay status in a position wherein he is not excluded from insurance by law or regulation, following the approval of his request for insurance; provided the approval shall be revoked automatically and the employee shall not be insured unless he acquires such a duty and pay status effective within 31 days following the date of such approval.

(Sec. 11, 68 Stat. 742; 5 U.S.C. 2100)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61–1234; Filed, Feb. 13, 1961; 8:45 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter II—Civil Aeronautics Board

#### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–322]

### PART 225—TARIFFS OF CERTAIN CERTIFICATED AIRLINES; TRADE AGREEMENTS

#### Air Carriers Furnishing Route-Type Air Transportation Between Hawaii and South Sea Islands

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of February 1961.

Part 225 of the Board's Economic regulations permits certificated route air carriers in the categories defined in § 225.1, as amended, to exchange air transportation for advertising goods and services.

A petition has been filed by South Pacific Air Lines (SPAL), Docket 11500, requesting in the alternative (1) that it be exempted from section 403 of the Act and Part 221 of the regulations insofar as these provisions would forbid it to furnish air transportation in exchange for advertising services or goods, or (2) that Part 225 be amended to include air carriers certificated for passenger service between Hawaii and Tahiti.[1] No other air carrier is currently certificated for this route. SPAL inaugurated service to Tahiti on April 1, 1960, and it is not subsidized. It is the first United States route air carrier to operate to the Society Islands, Samoa and Fiji.

SPAL alleged that the weekly round-trip service to Tahiti, operated by it, requires vigorous development effort; that the average passenger ticket on this route represents a much greater expenditure on the part of the passenger than does the average ticket sold by the carriers now included in Part 225, and that most of the tickets are sold in connection with packaged tours. Tahiti is a vacation and tourist spot, with negligible business or industrial traffic potential. Unlike commercial traffic, which is to some extent self-generating, the achievement of a profitable volume of tourist traffic to a new area requires stimulation by publicity. These factors result in relatively high advertising and promotion costs.

The Board finds that these are unusual circumstances affecting SPAL's operations of the aforestated route which would make enforcement of the provisions of section 403 and Part 221 of the Board's regulations, insofar as they would prevent SPAL from entering into "trade agreements" as defined in Part 225, an undue burden on the carrier. SPAL's operations require an unusual amount of advertising since they are largely in competition with other pleasure and tourist travel offered to the public. Its advertising will benefit air carriers operating between Hawaii and the Mainland and will to some extent help generate traffic to the points on its route for all carriers. These factors are equally present in respect of the recent extension of SPAL's route to Samoa and Fiji. The Board therefore finds that it is in the public interest to extend the applicability of Part 225 to certificated route air carriers operating between Hawaii, the Society Islands, Samoa and Fiji, limiting the total value of each trade agreement under Part 225 to $20,000 each year.

To the extent not granted herein, the application of SPAL is hereby denied. This document shall be served on SPAL.

Inasmuch as this amendment does not impose a regulatory burden on any person and grants an exemption, the Board finds that notice and public procedure hereon are unecessary and the amendment may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 225 of the Economic regulations (14 CFR Part 225) effective February 14, 1961.

1. By amending the definition of "Airline" in § 225.1(a) by adding a new subparagraph (5) to read as follows:

**§ 225.1 Definitions.**

(a) "Airline" means:

* * * * *

(5) Any certificated route air carrier furnishing air transportation for persons and their baggage between points in the State of Hawaii on the one hand and points in Christmas Island, the Society Islands, American Samoa, Western Samoa, or Fiji on the other hand.

[1] Since then the Board, by Order E–16286 of January 18, 1961 (Docket 7723), has extended SPAL's route, in pertinent part, from the Society Islands to the intermediate points American Samoa and Western Samoa and the terminal point Fiji, effective March 20, 1961.





**§ 225.6 [Amendment]**

2. By amending § 225.6(b) to read:

(b) $20,000 in the aggregate each year for those airlines identified under § 225.1(a) (4) and (5).

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 403 and 416, 72 Stat. 758, 760, 771; 49 U.S.C. 1373, 1374, 1386)

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
*Secretary.*

[F.R. Doc. 61–1279; Filed, Feb. 13, 1961; 8:49 a.m.]

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 591; Amdt. 253]

### PART 507—AIRWORTHINESS DIRECTIVES

#### Fairchild F–27 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement of Walter Kidde Chemical Drier Housings used on Fairchild F–27 Series aircraft was published in 25 F.R. 12571.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment was received relative to the two-year time limit, since it was felt that the life limit should be based only on the number of hours flown. The two-year limit is the manufacturer's recommendation based on substantiating tests. The housing is subjected to chemical reactions and corrosion and the life of the article is determined by the cumulative effects of both cycling and aging. Therefore, a calendar service limit is necessary on those aircraft which do not rapidly accumulate flying hours. Accordingly, the directive is being adopted as proposed and will become effective 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

FAIRCHILD. Applies to Walter Kidde Company Chemical Drier Housings P/N 890395, used on Fairchild F–27 Series aircraft. Compliance required as indicated.

It has been determined that Walter Kidde Chemical Drier Housings P/N 890395 is subject to cycling failure at a time limit lower than that originally established by the manufacturer. Accordingly, the following must be accomplished:

Chemical Drier Housings, which have been in service 2,000 hours or two years, must be removed from service and replaced with new housings within 30 days from the effective date of this directive. Thereafter, all housings must be removed from service at each 2,000 hours' time in service or two years whichever occurs first.

NOTE: Removed housings should be destroyed or mutilated so as to preclude the possibility of their being returned to service.

The housing must be visually inspected at each cartridge change during service life. If cracking, distortion or corrosion is evidenced, the housing must be removed for a detailed inspection. Cracks or distortion in either the housing tube or end caps, or corrosion in the threaded areas is cause for immediate replacement of the entire unit. Units having corrosion, in other than the threaded areas, which can be removed without reducing the wall thickness below 0.160 inch, may be repaired and returned to service.

(Fairchild Aircraft and Missiles Division Service Bulletin No. 36–6 covers this same subject.)

This amendment shall become effective March 17, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 7, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61–1241; Filed, Feb. 13, 1961; 8:45 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 7911 c.o.]

### PART 13—PROHIBITED TRADE PRACTICES

#### E & J Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155–5 *Additional charges unmentioned;* § 13.260 *Terms and conditions:*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, E & J Corporation, et al., Washington, D.C., Docket 7911, October 31, 1960]

*In the Matter of E & J Corporation, a Corporation Trading as City Auto Sales, and Arthur J. Bisogne, Also Known as Sonny Bisogne, Individually and as an Officer of Said Corporation*

Consent order requiring used car dealers in Washington, D.C., to cease misrepresenting down payments, monthly terms, and guarantees on their used cars, made by such typical statements in newspaper and radio advertising as "1.00 Down", "No Money Down As Low as $15 per Mo.", "All Cars Guaranteed".

The order to cease and desist is as follows:

*It is ordered,* That respondents E & J Corporation, a corporation, trading as City Auto Sales, or under any other name, and its officers, and Arthur J. Bisogne, also known as Sonny Bisogne, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of used automobiles in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Their used automobiles can be purchased with a minimum down payment of one dollar or any other amount not in accord with the facts;

2. Their used automobiles are guaranteed when no guarantee is given to the purchaser;

3. Their used automobiles are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and truthfully set forth;

4. Terms as low as $15.00 per month or any other amount per month are available to purchasers, unless such is the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is further ordered*, That the respondents, E & J Corporation, a corporation, and Arthur J. Bisogne, also known as Sonny Bisogne, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in the aforesaid initial decision.

Issued: October 31, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 61-1255; Filed, Feb. 13, 1961; 8:47 a.m.]

# Title 22—FOREIGN RELATIONS

## Chapter I—Department of State

[Dept. Reg. 108.460]

## PART 53—TRAVEL CONTROL OF CITIZENS AND NATIONALS IN TIME OF WAR OR NATIONAL EMERGENCY

### Exemptions to Regulations

Pursuant to the authority vested in me by paragraph 126 of Executive Order No. 7856 dated March 31, 1938, issued under the authority of section 1 of the act of Congress approved July 3, 1926 (44 Stat. 887; 22 U.S.C. 211(a)); section 4 of the act of May 26, 1949 (63 Stat. 111; 5 U.S.C. 151(c)), and Presidential Proclamation No. 3004 dated January 17, 1951 issued under the authority of section 215 of the act of Congress, approved June 27, 1952 (66 Stat. 190; 8 U.S.C. 1185), I hereby amend paragraph (g) of § 53.3 of Part 53, Exceptions to Regulations in § 53.2 of Title 22 of the Code of Federal Regulations to read as follows:

(g) When the citizen or person is:

(1) A child under 12 years of age who is departing from the United States and is included in the foreign passport of an alien parent, or

(2) A child under 21 years of age of an official or employee of a foreign government, or the United Nations, and who is in possession of or included in a foreign passport;

Section 53.3 is further amended by the addition of a new paragraph (h) to read as follows:

(h) When specifically authorized by the Secretary of State through appropriate official channels, to depart from or enter the United States, as defined in § 53.1. The fee for granting an exception under this subsection is $25.

The regulation contained in this order shall become effective thirty days from date of publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the provisions thereof involve foreign affairs functions of the United States.

Dated: January 27, 1961.

For the Secretary of State.

LOY W. HENDERSON,
*Deputy Under Secretary for Administration.*

[F.R. Doc. 61-1260; Filed, Feb. 13, 1961; 8:48 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

## PART 808—COMPETITION WITH CIVILIAN BANDS

### Air Force Bands

Part 808 is revised as follows:

Sec.
808.1 Use of Air Force bands.
808.2 Use of volunteer units.

AUTHORITY: §§ 808.1 and 808.2 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply sec. 8634, 8635, 70A Stat. 532; 10 U.S.C. 8634, 8635.

SOURCE: AFR 190-21, Nov. 30, 1960.

### § 808.1 Use of Air Force bands.

(a) *Limitations.* The use, employment, or assignment of Air Force bands off military reservations is governed by the following:

(1) U.S. Code, Title 10, Section 8634. "No Air Force band or member thereof may receive remuneration for furnishing music outside the limits of an air base in competition with local civilian musicians."

(2) U.S. Code, Title 10, Section 8635. "No enlisted member of the Air Force on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise, if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession."

(3) The Secretary of Defense. The Secretary of Defense has set forth policies for effective and economical utilization of Armed Forces bands in connection with public events, demonstrations, ceremonies, and other activities in the civilian domain. Except as otherwise indicated in this part, the Secretary of Defense retains the authority to approve participation by Air Force bands within the geographic limits of the United States in:

(i) Public events in the Washington, D.C. area.

(ii) Events of national or international significance.

(iii) Events of more than local significance which involve two or more of the Armed Forces.

(iv) In tours or other activities in the civilian domain outside the area of the base of assignment involving bands, choral groups, or vocálists.

All requests for performance which fall within the purview of the Secretary of Defense as indicated in this section will be forwarded with full information concerning the performance(s) to: Secretary of the Air Force (SAFOI) Washington 25, D.C., for the approval of the Assistant Secretary of Defense (Public Affairs). Normally, requests should be submitted to arrive not less than 30 days before the occasion.

(4) For command areas outside the continental limits of the United States, the authority reserved for the Secretary of Defense as outlined in subparagraph (3) of this paragraph has been delegated to the Commanders-in-Chief of the unified commands. Notice of activities planned by an oversea commander which involve Air Force band participation in events of national or international character, or those requiring coordination among the Armed Forces or with other agencies of the Federal Government, will be forwarded with full information concerning the performance to the unified command before final commitment. In this connection, Department of Defense Directive 5410.6 is quoted for the information and guidance of all concerned: "These commanders-in-chief shall consult with the Assistant Secretary of Defense (Public Affairs) regarding requests or plans for participation in events of major international interest or importance."

(5) On plans for performances in oversea commands by Air Force bands stationed in the United States, the Director of Information will obtain coordination of the Assistant Secretary of Defense (Public Affairs) before any commitments are made.

(b) *Responsibilities.* Commanders exercising operational control over Air Force bands will determine whether the use of the band at a public gathering conflicts with the provisions quoted in paragraph (a) of this section and will enforce instructions governing the use of Air Force bands. Such commanders are authorized to approve participation of Air Force bands in local events or activities in the vicinity of the installation at no cost to the Government. Commanders approving such participation will be guided by the following examples of suitability:

(1) For all uses on military and naval installations or vessels, and other places or circumstances when on duty with military forces.



(2) When music is a part of occasions officially sponsored and attended by senior Government or military dignitaries in the performance of their official duties. Music may be broadcast or telecast with the other features of the program. Such occasions do not include social activities and entertainments these officers attend as guests—such as dinners and luncheons given by civilians or civic associations.

(3) Broadcasts and telecasts of concerts, when such programs are not for commercial purposes and originate on military or naval reservations or vessels.

(4) Broadcasts and telecasts originating on or off a military reservation or vessel:

(i) When such programs are of value to the Service concerned, provided all proper clearances are secured by the sponsors with respect to musical rights, labor agreements, etc., and provided the programs are not for commercial purposes.

(ii) When such programs are for purely recruiting drives or to present to the public certain matters which the Air Force considers important enough to require radio or television dissemination.

(5) Musical programs at any United States Government hospital for the entertainment of patients.

(6) Concerts in the Capitol grounds, Government buildings, and public parks of the City of Washington, D.C., which are open to the public free of charge.

(7) Free social and entertainment activities conducted exclusively for the benefit of enlisted personnel and their guests in Service clubs and social centers maintained for the use of enlisted personnel on active duty.

(8) Official occasions and free social and entertainment activities held off military installations, if such activities are conducted exclusively for the benefit of military personnel on active duty and their guests.

(9) Parades and ceremonies incident to patriotic occasions, or gatherings of personnel of the Armed Forces, veterans, or patriotic organizations, which are nonpolitical community affairs, nonsectarian, and nonprofit.

(10) Fund drives for officially recognized Armed Forces relief or charitable organizations, and for civilian charitable organizations, such as the United Givers Fund, Community Chest, Red Cross, National Health Agencies, and Joint Crusade as a group, when the benefits are donated to these agencies.

NOTE: Fund drives of a local party, sect, or similar group whether for charitable or other purposes, are not considered appropriate occasions for the use of Air Force bands.

(11) Athletic contests in which one or more Armed Forces teams are participating. Band participation is not authorized in professional sports events such as basketball, baseball, or football games or in events which have no connection with the military mission and are sponsored and conducted to promote commercial interests, such as Christmas shopping parades.

(12) In connection with purely recruiting activities for the Armed Forces.

(13) Local, State, and regional fairs, exhibitions, or similar events, provided the presentation is open to the public at no charge other than the general admission, and the bands do not perform any service for which civilian musicians would have been hired.

(14) Use of Air Force bands or choral groups in support of commercial motion picture premieres and other showings in the civilian domain is not authorized.

### § 808.2 Use of volunteer units.

The provisions of § 808.1, governing the use of Air Force bands, apply to all volunteer units.

R. J. PUGH,
*Colonel, U.S. Air Force, Deputy Director of Administrative Services.*

[F.R. Doc. 61-1236; Filed, Feb. 13, 1961; 8:45 a.m.]

SUBCHAPTER G—PERSONNEL

## PART 887—APPOINTMENT OF OFFICER PERSONNEL

### Appointment of Medical and Dental Officers in the Regular Air Force

Sections 887.1 to 887.7 supersede §§ 887.1 to 887.7 (25 F.R. 1309) as follows:

Sec.
887.1 Purpose.
887.2 Grade determination.
887.3 Eligibility for appointment.
887.4 Probationary period.
887.5 Application period.
887.6 Action by the applicant.
887.7 Action by Headquarters USAF.

AUTHORITY: §§ 887.1 to 887.7 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 8284, 8294.

SOURCE: AFR 36-21, Nov. 7, 1960.

### § 887.1 Purpose.

Sections 887.1 to 887.7 tell who is eligible to apply for appointment as a commissioned officer in the Regular Air Force, and explain how to apply. These sections apply to all non-Regular medical officers on extended active duty or to any doctor of dentistry qualified and interested in applying for Regular Air Force appointment with a view to designation as a dental officer.

### § 887.2 Grade determination.

(a) *Service credit*—(1) *Professional service date.* Doctors of medicine and dentistry will be given a professional service date based upon the date they completed formal academic requirements for graduation. Those who completed the requirements:

(i) During December, January, or February will be given a date of March 1 following the date they completed the requirements.

(ii) During May or June, a date of July 1.

(iii) During any other period, the first day of the month following completion of academic requirements.

(2) *Promotion list service date.* The promotion list service date will be determined by subtracting 4 years from the professional service date determined in subparagraph (1) of this paragraph. For example, if the professional service date is July 1, 1952, the promotion list service date would be July 1, 1948.

(3) *Promotion list service credit.* The promotion list service credit will be determined by subtracting the promotion list service date from date of appointment. For example, if the promotion list service date is July 1, 1948, and the person was appointed on July 1, 1958, his promotion list service credit would be 10 years.

(i) Notwithstanding any other provision of law, a person who was a cadet at the United States Air Force Academy or the United States Military Academy, or a midshipman at the United States Naval Academy, may not be originally appointed in a commissioned grade in the Regular Air Force before the date on which his classmates at the academy are graduated and appointed as officers.

(ii) A person who was enrolled at an academy but did not graduate may not be credited upon appointment as a commissioned officer of the Regular Air Force with longer service than that credited to any member of his class at that academy whose service in the Air Force, or in the Army and the Air Force, has been continuous since graduation.

(b) *Permanent grades.* (1) Based on promotion list service credit:

| Appointees with service credit of: | *Will be appointed in the grade of—* |
|---|---|
| Less than 7 years | First lieutenant. |
| 7 but less than 14 years | Captain. |
| 14 but less than 21 years | Major. |
| 21 or more years | Lieutenant colonel. |

(2) Sometimes the Surgeon General, USAF, determines that the applicant has had outstanding professional training or experience and recommends that he be appointed in a higher grade. In such cases, the applicant may be appointed in a higher grade than shown in subparagraph (1) of this pargraph, but not to exceed the grade of colonel. Exception: Dental appointments in the grade of major and above normally will require the individual to be certified by an American Specialty Board and/or to have outstanding qualifications for a special position as determined by the Surgeon General, USAF.

(3) Each person appointed under the provisions of §§ 887.1 to 887.7 will be given date of rank, as appropriate, and his name will be placed on the promotion list below any other officer who has the same or the next greater amount of service credit.

(c) *Temporary grade.* (1) Medical and dental officers initially appointed in the permanent grade of first lieutenant will be appointed in the temporary grade of captain if they have completed 12 months of professional experience since graduation form a medical or dental school. The temporary grade of captain will be effective the date they are ordered to active duty.

(2) Appointment in the Regular Air Force will not affect a higher temporary grade or date of rank in temporary grade held by appointee.

(3) A Reserve of the Air Force commission or Regular warrant officer appointment will be vacated on the day before date of execution of oath of office as a Regular Air Force officer.

(4) An officer accepting a Regular Air Force appointment who is serving on active duty in a Reserve grade equivalent to or higher than his Regular grade will be given a temporary USAF appointment in a grade equal to his Reserve grade, with no change in current active duty date of rank.

(5) Officers appointed in a Regular grade higher than their temporary grade will vacate their temporary grade and assume the higher grade on date of acceptance of Regular appointment.

**§ 887.3 Eligibility for appointment.**

Each person selected for appointment under §§ 887.1 to 887.7 must meet the eligibility requirements outlined below and in separate instructions to be issued as required by Headquarters USAF.

(a) *Current status.* Physicians must hold a valid commission in the Reserve of the Air Force, be serving on extended active duty for a period of 12 months, or more, and be currently designated to perform medical duties. A dental applicant may apply direct from civilian status or as a commissioned officer.

(b) *Age.* At time of appointment, an applicant may not exceed the age of 35 by more than the number of years, months, and days he has served on active duty as a commissioned officer in the Armed Services of the United States. This age requirement may be waived upon recommendation of the Surgeon General, USAF.

(c) *Education*—(1) *Medical.* Each applicant must:

(i) Be a graduate of a medical school acceptable to the Surgeon General, USAF.

(ii) Have completed an internship acceptable to the Surgeon General, USAF, or be able to show its equivalent in practical or professional experience as determined by the Surgeon General, USAF.

(2) *Dental.* Each applicant must be a graduate of a dental school acceptable to the Surgeon General, USAF, or be within nine months of completing the requirements for graduation. An applicant not on extended active duty who graduated from dental school more than one year before the date of application must possess a license to practice dentistry in a State or territory of the United States or in the District of Columbia.

(d) *Citizenship.* To be eligible for appointment an individual must be a citizen of the United States. If he is not a citizen by birth, he must furnish a certificate by an officer, notary public, or other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original Certificate of Citizenship number ------ (or certified copy of court order establishing citizenship) stating that ---------- was admitted to
(Full name)
United States citizenship by the ---------- Court of ----------;
(District or County)
----------, on ----------.
(State) (Date)

NOTE: Facsimiles or copies, photographic or otherwise, of naturalization certificates will not be made under any circumstances. 18 U.S.C. 1426(h) provides that "whoever, without lawful authority, prints, photographs, makes or executes any print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(e) *Medical.* After selection, an applicant must be qualified in accordance with the physical standards for commission. Such qualification will be determined by the Surgeon General, USAF.

(f) *Background.* (1) The appointee must be of such background, character, and reputation to insure that appointment into the Regular Air Force is clearly consistent with the best interests of the Air Force. Each applicant for Regular Air Force appointment must have been the subject a favorable national agency check made not more than 6 months prior to entry on his current tour of extended active duty; if he has not been the subject of such a check, it must be made before he is tendered a Regular Air Force appointment.

(2) Persons who resign, or who are dismissed from an officer training program of the Army, Navy, or Air Force for reasons of Honor Code violation, military inaptitude, indifference, undesirable traits of character, or disciplinary reasons, are not eligible under §§ 887.1 to 887.7. However, superintendents of service academies and commanders of officer training programs may recommend waivers of this policy to Headquarters USAF in exceptional cases which are worthy of consideration.

**§ 887.4 Probationary period.**

The appointment of any person under §§ 887.1 to 887.7 is probationary for three years, and may be revoked by the Secretary of the Air Force at any time before the third anniversary of the acceptance of such appointment.

**§ 887.5 Application period.**

(a) Applications may be submitted under §§ 887.1 to 887.7 at any time. About 6 to 9 months are normally required to process an application and tender a Regular Air Force appointment.

(b) An applicant who is not favorably considered may reapply not sooner than one year after date of previous application, provided all eligibility requirements are met at that time. All required documents must be submitted when reapplying.

**§ 887.6 Action by the applicant.**

An applicant must comply with the following instructions:

(a) An application consists of the following completed documents:

(1) Two copies of AF Form 17, Application for Appointment in the Regular Air Force, and AF Form 17A, Supplement to Application for Commission in the USAF—Medical Service.

(2) A current photograph, head and shoulders type, not smaller than 3 by 5 inches. The applicant's name and current service number, if any, will be printed or typed on the back of the photograph.

(3) Five completed copies of DD Form 398, Statement of Personal History, and one completed FD Form 258, FBI Applicant Fingerprint Card.

(i) The FD Form 258 will be submitted at time of application by Reserve Officers on active duty.

(ii) An applicant not on active duty will be requested to complete FD Form 258 at time of screening.

(iii) A Reserve of the Air Force officer, currently on active duty with the Air Force, who has been the subject of a national agency check or complete background investigation during his current tour of active duty need not fill out these forms.

(4) If applicable, certificate verifying citizenship by naturalization as required by § 887.3(d).

(5) Applicant will forward a copy of the following letter to each person listed in paragraph 5 of his AF Form 17A. One of these persons must be the dean of the appropriate medical or dental school.

Dear ----------:

I am submitting an application for a commission in the Regular Air Force.

My application must be indorsed by members of our profession who can render a personal evaluation of my suitability for such an appointment, professional capabilities and potential (relative class standing),[1] personal attributes, and any other comments deemed appropriate. I have listed your name for such reference. May I, therefore, request that you furnish this information which will be held in strict confidence. The contents of your letter will not be made known to me.

It should be addressed to: Hq USAF (AFCSG–25.2), Washington 25, D.C.

May I express my appreciation for your prompt and considerate cooperation in this matter.

Sincerely,

(6) A statement that the applicant has not resigned or been dismissed from any officer training program of the Army, Navy, or Air Force for reason of Honor Code violation, military inaptitude, indifference, undesirable traits of character, or disciplinary reason. (Any person who cannot validly make the above statement is not eligible to apply unless his application for Regular appointment is supported by a favorable recommendation for waiver submitted by the superintendent or commander of the officer training program from which the applicant was disenrolled; such a waiver will be attached to the application.)

(b) In addition to the above, each dental applicant other than a Reserve officer currently serving on extended active duty in the Air Force, will submit the following documents:

(1) Copy of diploma awarding DDS degree.

(2) Evidence of State license by the dental applicant when required by § 887.3(c)(2).

(3) If applicable, copy of discharges and certificates of service for prior military service.

[1] (Include only in letter to the dean.)



(4) If applicable, documentary evidence of post-graduate or residency training.

(5) An approved conditional resignation from the parent service, if applicant holds a Reserve commission under the jurisdiction of any department other than the Air Force.

(c) Applications will be submitted as follows:

(1) A Reserve officer currently on extended active duty in the Air Force will submit the application to his organization commander.

(2) All other applicants will submit their applications to Headquarters USAF (AFPTR–P–3A).

(d) *Withdrawing applications.* An applicant may withdraw his application any time before acceptance of Regular appointment by submitting a written request to Headquarters USAF (AFPTR–P–3A). Headquarters USAF will return the application and allied papers.

(e) *Change of address.* If an applicant has a permanent change of address between submission of application and notification of final action, he must notify Headquarters USAF (AFPTR–P–3A).

(f) *Replying to communications.* An applicant who does not promptly reply to and comply with all communications and instructions regarding his application will be considered as no longer interested in a Regular commission and his application will be returned.

**§ 887.7 Action by Headquarters USAF.**

(a) A board of senior Regular officers will be convened at Headquarters USAF to select the best qualified applicants within each promotion list service group to meet the requirements of the Regular Air Force structure. The board will be instructed to select the best qualified applicants.

(b) After selection, Headquarters USAF will:

(1) Notify each selected applicant of his selection, and request any additional information required before consummation of appointment.

(2) Prepare nomination lists, containing the names of the successful applicants, for submission to the President of the United States and the Senate for confirmation.

(3) Following confirmation by the United States Senate, tender appointments.

R. J. PUGH,
*Colonel, U.S. Air Force, Deputy Director of Administrative Services.*

[F.R. Doc. 61–1235; Filed, Feb. 13, 1961; 8:45 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2261]

[1944437]

### NEW YORK

### Abolishing New York Wildlife Management Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The New York Wildlife Management Areas established by Executive Order No. 9234 of August 31, 1942, are hereby abolished.

The areas aggregate approximately 47,187 acres.

Jurisdiction over the lands involved was transferred to the Department of Agriculture for use, administration, and disposition in accordance with the provisions of Title III, and related provisions of Title IV of the Bankhead-Jones Farm Tenant Act, by an order of August 29, 1960, of the Director of the Bureau of the Budget, the transfer to become effective when this order is signed.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

FEBRUARY 6, 1961.

[F.R. Doc. 61–1275; Filed, Feb. 13, 1961; 8:49 a.m.]

# Title 32A—NATIONAL DEFENSE, APPENDIX

## Chapter X—Oil Import Administration, Department of the Interior

[Revision 2, Amdt. 5]

### OIL IMPORT REGULATION 1

### Residual Fuel Oil To Be Used as Fuel

Paragraph (b) of section 9 of Oil Import Regulation 1 (Revision 2) as amended (26 F.R. 782) is revoked. The time prescribed in this paragraph of the regulation with respect to the making of allocations of imports of residual fuel oil to be used as fuel would not permit the completion of a review which has been undertaken on the matter of allocations of imports of residual fuel oil to be used as fuel. It is, therefore, impracticable to give notice of proposed rule making in connection with, or to delay the effective date of, this amendment and this amendment shall be effective immediately.

STEWART L. UDALL,
*Secretary of the Interior.*

FEBRUARY 11, 1961.

[F.R. Doc. 61–1346; Filed, Feb. 13, 1961; 10:14 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 52 ]

### FROZEN SPECKLED BUTTER (LIMA) BEANS [1]

### United States Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering the issuance of the United States Standards for Grades of Frozen Speckled Butter (Lima) Beans (§§ 52.5241–52.5250) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than January 1, 1962.

The proposed standards are:

PRODUCT DESCRIPTION AND GRADES


Sec.
52.5241 Product description.
52.5242 Grades of frozen beans.

FACTORS OF QUALITY

52.5243 Ascertaining the grade of a sample unit.
52.5244 Ascertaining the rating for the factors which are scored.
52.5245 Color.
52.5246 Defects.
52.5247 Character.

METHODS AND ANALYSIS

52.5248 Cooking procedure.

LOT INSPECTION AND CERTIFICATION

52.5249 Ascertaining the grade of a lot.

SCORE SHEET

52.5250 Score sheet for frozen speckled butter (lima) beans.


AUTHORITY: §§ 52.5241 to 52.5250 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION AND GRADES

### § 52.5241 Product description.

(a) "Frozen speckled butter (lima) beans" means the frozen product prepared from the clean, sound, freshly-vined (but not "seed-dry") seed of the speckled butter (lima) bean plant (Phaseolus limensis). The skins of the seed are pigmented and the external colors range from variegated speckling of green, pink, red, and/or lavender to purple. The product is prepared by shelling the pods; by washing, blanching, and properly draining the seed which may have been sorted and blended or otherwise prepared in accordance with good commercial practice; and is frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

(b) Frozen speckled butter (lima) beans, hereinafter referred to as "frozen beans", mean any of the varieties of frozen speckled butter beans or speckled lima beans.

### § 52.5242 Grades of frozen beans.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen beans that possess a good flavor; that possess a good color; that are practically free from defects; that possess a good character; and that score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen beans that possess a normal flavor; that possess a reasonably good color; that are reasonably free from defects; that possess a reasonably good character; and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen beans that fail to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

### § 52.5243 Ascertaining the grade of a sample unit.

(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factor not rated by score points*—(i) *Flavor.* (*a*) "Good flavor" means that the product—before and after cooking—has a good, characteristic flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(*b*) "Normal flavor" means that the product may be slightly lacking in good flavor but is free from objectionable flavors and objectionable odors of any kind.

(2) *Factors rated by score points.* (i) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

| Factors: | Points |
|---|---|
| Color | 30 |
| Defects | 40 |
| Character | 30 |
| Total score | 100 |

(ii) The scores for the factors of color and absence of defects are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The evaluation of the factor of character is made after the product is cooked. (See § 52.5248.)

### § 52.5244 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "27 to 30 points" means 27, 28, 29, or 30 points).

### § 52.5245 Color.

(a) *General.* The evaluation of color shall be determined on the thawed product. The color is based upon the exterior skin color of the beans.

(b) *Color characteristics.* (1) "Similar color characteristics" means the beans are of the speckled type. Very young succulent beans that contain only slight speckling of the skins or a mixture of various speckled varieties are considered as beans with "similar color characteristics."

(c) (*A*) *classification.* Frozen beans that possess a good color may be given a score of 27 to 30 points. "Good color" means that the overall color is bright and typical for speckled types of similar color characteristics; that not more than 15 percent, by weight, of the beans may possess a light tan to tan color: *Provided,* That there may be present no more than 6 beans per 10 ounces that are light brown to brown or a pronounced mottled brown; or that the presence of abnormally colored beans does not materially affect the overall color.

(d) (*B*) *classification.* If the frozen beans possess a reasonably good color, a score of 24 to 26 points may be given. Frozen beans that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the overall color may be slightly dull or possess a light tan to tan color but which is typical of speckled types: *Provided,* That there may be present no more than 12 beans per 10 ounces that are light brown to brown or a pronounced mottled brown; or that the presence of abnormally colored beans does not seriously affect the overall color.

(e) (*SStd*) *classification.* Frozen beans that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

### § 52.5246 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous vegetable material, from pieces of beans, shriveled beans, sprouted beans, and from beans that are blemished or seriously blemished.

(b) *Definition of defects.* (1) "Harmless extraneous vegetable material" means:

(i) Predominantly flat or predominantly cylindrical, green, tender vegetable material, such as pieces of pods or leaves and stems of the bean plant; and

(ii) Predominantly spherical vegetable material such as seeds from other plants.

(2) "Piece of bean" (broken bean) means:

(i) A whole bean from which one-half or more of a cotyledon or the equivalent thereof has become detached;

(ii) Two detached whole cotyledons;

(iii) Pieces of detached broken cotyledons aggregating the equivalent of one average size whole cotyledon; and

(iv) A whole detached skin or portions of detached skin aggregating the equivalent of an average size whole skin.

(3) "Shriveled" means beans that are materially wrinkled and are not of normal plumpness.

(4) "Sprouted" means beans that show an external shoot protruding prominently beyond the cotyledon or skin.

(5) "Blemished" means blemished to the extent that the appearance or eating quality of the bean is materially affected.

(6) "Seriously blemished" means blemished or discolored to such an extent that the appearance or eating quality of the bean is seriously affected.

(c) (*A*) *classification.* Frozen beans that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that:

(1) There may be present no more than the specified defects in Table I of this subpart for this grade classification; and

(2) Notwithstanding the allowances for such specific defects the presence of harmless extraneous vegetable material, pieces of beans, shriveled and sprouted beans, and blemished and seriously blemished beans, individually or collectively, does not materially affect the appearance or eating quality of the product.

(d) (*B*) *classification.* If the frozen beans are reasonably free from defects, a score of 32 to 35 points may be given. Frozen beans that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) There may be present no more than the specified defects in Table I of this subpart for this grade classification; and

(2) Notwithstanding the allowances for such specific defects the presence of harmless extraneous vegetable material, pieces of beans, shriveled and sprouted beans, and blemished and seriously blemished beans, individually or collectively, does not seriously affect the appearance or eating quality of the product.

(e) (*SStd.*) *classification.* Frozen beans that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 32 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—MAXIMUM ALLOWANCES FOR DEFECTS

| Grade classification | Harmless extraneous vegetable material: Flat type (Per 10 ounces net weight) | Harmless extraneous vegetable material: Cylindrical (Per 10 ounces net weight) | Harmless extraneous vegetable material: Spherical type per 30 ounces net weight | Pieces (Per 10 ounces net weight) | Shriveled; sprouted (Per 10 ounces net weight) | Blemished; seriously blemished (Per 10 ounces net weight) |
|---|---|---|---|---|---|---|
| A | 3/16 square inch aggregate on one surface. | ½ inch aggregate length. | 1 piece not more than ¼ inch diameter. | 20 | 2 | 10 Total, but no more than 5 seriously blemished of which no more than 1 may be accompanied by material discoloration. |
| B | ¾ square inch aggregate on one surface. | 1 inch aggregate length. | 3 pieces not more than ¼ inch diameter each. | 40 | 8 | 20 Total, but no more than 10 seriously blemished of which no more than 2 may be accompanied by material discoloration. |

### § 52.5247 Character.

(a) *General.* The evaluation of character is based on the degree of tenderness of the skins and cotyledons and the uniformity of such tenderness and texture after cooking the product by the prescribed cooking precedure (See § 52.5248).

(b) (*A*) *classification.* Frozen beans that possess a good character may be given a score of 27 to 30 points. "Good character" means the beans are reasonably tender and are practically uniform in texture and tenderness.

(c) (*B*) *classification.* If the frozen beans possess a reasonably good character, a score of 24 to 26 points may be given. Frozen beans that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means the beans are fairly tender and may be variable in texture and tenderness, and the cotyledons may be "mealy" but are not hard.

(d) (*SStd*) *classification.* Frozen beans that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

METHODS OF ANALYSIS

### § 52.5248 Cooking procedure.

(a) The cooking procedure that follows is not intended to be a recipe for purposes of food preparation but is for the purposes of ascertaining compliance with requirements for applicable quality factors as outlined in this subpart.

(b) Place 10 ounces of the thawed or free-flowing product in a two-quart sauce pan containing 400 milliliters of tap water (without the addition of salt) which has been brought to a boil. Continue to heat rapidly until the water begins to boil again. Cover the pan and boil for 40 minutes, reducing the heat to maintain a constant boil, except that very young succulent beans may be cooked for a lesser length of time.

(c) Immediately after cooking pour the product on to a flat receptacle and spread out to facilitate cooling. The product should be checked for flavor, odor, tenderness, and texture while still warm.

LOT INSPECTION AND CERTIFICATION

### § 52.5249 Ascertaining the grade of a lot.

The grade of a lot of frozen beans covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

### § 52.5250 Score sheet for frozen speckled butter (lima) beans.

Size and kind of container ____
Container marks or identification ____
Label ____
Net weight (ounces) ____

| Factors | | Score points | |
|---|---|---|---|
| Color | 30 | (A) | 27–30 |
| | | (B) [1] | 24–26 |
| | | (SStd.) [1] | 0–23 |
| Defects | 40 | (A) | 36–40 |
| | | (B) [1] | 32–35 |
| | | (SStd.) [1] | 0–31 |
| Character | 30 | (A) | 27–30 |
| | | (B) [1] | 24–26 |
| | | (SStd.) [1] | 0–23 |
| Total score | 100 | | |

Grade ____
Flavor ____

[1] Indicates limiting rule.

Dated: February 8, 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 61–1266; Filed, Feb. 13, 1961; 8:45 a.m.]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Dept. Circ. 570, 1960 Rev. Supp. No. 9]

### GRAIN DEALERS MUTUAL INSURANCE CO.

#### Surety Company Acceptable on Federal Bonds

FEBRUARY 9, 1961.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $1,016,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1961. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

*State in Which Incorporated, Name of Company and Location of Principal Executive Office*

INDIANA

Grain Dealers Mutual Insurance Company, Indianapolis, Indiana.

[SEAL] ROBERT V. ROOSA,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61–1273; Filed, Feb. 13, 1961; 8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

### RESIDUAL FUEL OIL TO BE USED AS FUEL

#### Notice of Public Hearing

In connection with a review now underway of the matter of allocating imports of residual fuel oil to be used as fuel a public hearing will be held on Monday, February 20, 1961, at 9:30 a.m., in the Auditorium of the Interior Building, C Street NW., between 18th and 19th Streets NW., Washington, D.C. This hearing will afford interested persons an opportunity to express their views on this subject. Written comments may be submitted. The views of interested persons with respect to Amendment 4 to Oil Import Regulation 1 (Revision 2) issued January 19, 1961 (26 F.R. 782), are particularly invited.

Persons who intend to appear and testify at the hearing are requested to notify the Administrator, Oil Import Administration, Washington 25, D.C., before the day of the hearing.

STEWART L. UDALL,
*Secretary of the Interior.*

FEBRUARY 11, 1961.

[F.R. Doc. 61–1347; Filed Feb. 13, 1961; 10:14 a.m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### LOUISIANA

#### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following parishes in the State of Louisiana a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

LOUISIANA

| | |
|---|---|
| Acadia. | Morehouse. |
| Caddo. | Ouachita. |
| Caldwell. | Pointe Coupee. |
| Evangeline. | St. Landry. |
| Franklin. | St. Martin. |

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named parishes after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61–1268; Filed, Feb. 13, 1961; 8:48 a.m.]

### MISSOURI

#### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of Missouri a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSOURI

| | |
|---|---|
| Putnam. | Schuyler. |

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61–1269; Filed, Feb. 13, 1961; 8:48 a.m.]

## DEPARTMENT OF COMMERCE

### Maritime Administration

### TRADE ROUTE NO. 24; U.S. PACIFIC/EAST COAST SOUTH AMERICA

#### Notice of Tentative Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that on February 7, 1961, the Maritime Administrator acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 24, and in accordance with his action of July 27, 1956 ordered that the following tentative conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 24 as described below is reaffirmed as an essential foreign trade route of the United States:

*Trade Route No. 24—U.S. Pacific/East Coast South America.* Between U.S. Pacific ports (Washington-California inclusive) and ports on East Coast South America (Argentina, Brazil, Paraguay and Uruguay).

NOTE: Calls may be made at nearby Canadian Pacific ports in conjunction with sailings on the route.

2. Requirements for United States flag operations on Trade Route No. 24 are approximately two freighter sailings per month.

3. Existing C–3 type freight ships are suitable for operation to the full range of Trade Route No. 24 ports pending replacement.

4. Replacement freighters will need to be superior in speed and have about the same capacity as C–3 type ships, including adequate refrigerated space.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views or request a hearing thereon, should submit same in writing in triplicate to the Chief, Office of Government Aid, Maritime Administration, Department of Commerce, Washington 25, D.C., by close of business on March 1, 1961. In the event a hearing is requested, a statement must be included giving the reasons therefor. Any hearing thereby afforded will be before an examiner on an informal basis only. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: February 9, 1961.

By order of the Maritime Administrator.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–1272; Filed, Feb. 13, 1961; 8:48 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 12027]

### AEREOLINEAS EL SALVADOR, S.A.

#### Notice of Prehearing Conference

In the matter of the application of Aereolineas El Salvador, S.A. for a foreign air carrier permit authorizing it to engage in foreign air transportation of persons, property and mail between a point or points in El Salvador, the intermediate points Belize, British Honduras, Cozumel, Mexico and the terminal point Miami, Florida.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on March 1, 1961, at 10:00 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Curtis C. Henderson.

Dated at Washington, D.C., February 8, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61–1276; Filed, Feb. 13, 1961; 8:49 a.m.]

[Dockets 11751, 12067]

### INI & CIA, S.A., AEROLINEAS

#### Notice of Prehearing Conference

In the matter of the application of INI & CIA, S.A., Aerolineas for amendment of its foreign air carrier permit so as to authorize it to engage in off-route charter service. Docket 11751.

In the matter of the application of INI & CIA, S.A., Aerolineas for renewal of its foreign air carrier permit to engage in the air transportation of persons, property and mail between Buenos Aires, Argentina, and Miami, Florida, United States of America, via intermediate points Santiago, Chile, Antofagasta, Chile, Lima, Peru, Guayaquil, Ecuador and Panama City, Panama. Docket 12067.

Notice is hereby given that a prehearing conference on the above-entitled applications is assigned to be held on February 28, 1961, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., February 8, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61–1277; Filed, Feb. 13, 1961; 8:49 a.m.]

[Docket 11665]

### LUFTHANSA ENFORCEMENT PROCEEDING

#### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be heard on March 7, 1961, at 10:00 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., February 9, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61–1278; Filed, Feb. 13, 1961; 8:49 a.m.]

## FARM CREDIT ADMINISTRATION

[FCA Order 688]

### DEPUTY DIRECTOR OF LAND BANK SERVICE ET AL.

#### Authorization To Approve Loans by Federal Land Banks

FEBRUARY 8, 1961.

1. Authorization to approve loans by Federal land banks in excess of $100,000 as required by section 12 Seventh of the Federal Farm Loan Act, as amended (12 U.S.C., Supp. I, 771 Seventh), is hereby given to each Deputy Director of Land Bank Service, chief of appraisals, associate chief of appraisals, assistant chief of appraisals, and any reviewing appraiser assigned to the Washington office. As to loans in excess of $100,000 but not over $400,000, such authorization to approve is also hereby given to the reviewing appraisers assigned to the respective farm credit districts.

2. This order shall be effective on the date above written and supersedes Farm Credit Administration Orders No. 531 (16 F.R. 9053) and No. 506 (14 F.R. 6450).

R. B. TOOTELL,
*Governor,*
*Farm Credit Administration.*

[F.R. Doc. 61–1261; Filed, Feb. 13, 1961; 8:48 a.m.]

## FEDERAL AVIATION AGENCY

[OE Docket No. 61–FW–5]

### PROPOSED RELOCATION OF RADIO ANTENNA STRUCTURES

#### No Airspace Objection

The Federal Aviation Agency has circularized the following proposals to the aviation industry for comment and has conducted aeronautical studies to determine their effect upon the utilization of airspace.

1. The Storer Broadcasting Company, Radio Station WGBS, proposes to relocate its six radio antenna structures (array of six antenna towers) from a location near Miami, Florida, at latitude 25°52'57" north, longitude 80°20'59" west, to a location near Miami at latitude 25°58'07" north, longitude 80°22'44" west. The overall height of the relocated antenna structures would be 349 feet above mean sea level (344 feet above ground level).

2. The Bi-Stone Fuel Company proposes to relocate its radio antenna structure from a location near Teague, Texas, at latitude 31°37'02" north, longitude 96°14'45" west, to a location near Teague, at latitude 31°37'33" north, longitude 96°15'55" west. The overall height of the relocated antenna structure would be 750 feet above mean sea level (225 feet above ground level).

3. Radio Station KTRN proposes to relocate its radio antenna structures (array of four radio antenna towers) from a location near Wichita Falls, Texas, at latitude 33°57'25" north, longitude 98°32'32" west, to a location near Wichita Falls, at latitude 33°57'38" north, longitude 98°33'42" west. The overall height of the relocated antenna structures would be 1,217 feet above mean sea level (200 feet above ground level).

No substantial aeronautical objections were received as a result of the circularizations. The aeronautical studies by the Agency revealed that the proposed structures would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that these proposed structures, at the locations and mean sea level elevations specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection from an airspace utilization standpoint be interposed by the Agency, provided that each structure will be obstruction marked and lighted in accordance with presently applicable standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 8, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61–1237; Filed, Feb. 13, 1961; 8:45 a.m.]

[OE Docket No. 61–FW–8]

### CONSTRUCTION OF RADIO ANTENNA STRUCTURES

#### No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airpace: The WCPC Broadcasting

Company proposes to erect three radio antenna structures (array of three antenna towers) to be located near Houston, Mississippi, at latitude 33°56'00" north, longitude 89°00'33" west. The over-all height of each structure would be 883 feet above mean sea level (556 feet above ground level).

An aeronautical objection was received as a result of the circulation, based on the fact that by reason of their location and height, the proposed structures would not conform to the applicable criteria of the "Memorandum of Agreement Between the Broadcast and Aviation Interests Regarding the Erection of Tall Structures" of the Joint Industry/Government Tall Structures Committee, dated July 12, 1957. However, the aeronautical study by the Agency revealed that the proposed structures would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that these proposed structures, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection from an airspace utilization standpoint be interposed by the Agency, provided that each structure will be obstruction marked and lighted in accordance with presently applicable standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 8, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-1238; Filed, Feb. 13, 1961; 8:45 a.m.]

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[OE Docket No. 61-FW-10]

## CONSTRUCTION OF RADIO ANTENNA STRUCTURE

### No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace: The Porter Communications Service proposes to erect a radio antenna structure to be located near Beeville, Texas, at latitude 28°25'05" north, longitude 97°59'25" west. The over-all height of the structure would be 653 feet above mean sea level (348 feet above ground).

No substantial aeronautical objections were received as a result of the circularization. The aeronautical study revealed that the proposed structure would require the Instrument Flight Rules minimum en route altitude on the segment of VOR Federal Airway No. 68 between Burnell Intersection and Skidmore Intersection to be increased from 1400 feet above mean sea level to 1700 feet above mean sea level. However, the study disclosed that this increase in minimum en route altitude would have no substantial adverse effect upon aeronautical operations, as the primarily important "cardinal" altitude of 2,000 feet above mean sea level would be retained. In addition, the study indicated that the proposed structure would have no adverse effect upon terminal area operations in the vicinity.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with presently applicable rules and standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 8, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-1239; Filed, Feb. 13, 1961; 8:45 a.m.]

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[OE Docket No. 61-KC-4]

## CONSTRUCTION OF RADIO ANTENNA STRUCTURE

### No Airspace Objection

The Federal Aviation Agency placed the following proposal on the agenda of an informal airspace meeting held December 15, 1960, in Kansas City, Missouri, to give the aviation industry an opportunity to comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace: The University of Kansas, operator of radio station KANU, proposes to erect an antenna structure to be located near Lawrence, Kansas, at latitude 38°57'18" north, longitude 95°15'-57" west. The over-all height of the structure would be 1632 feet above mean sea level (603 feet above ground).

No substantial aeronautical objections were received as a result of the informal airspace meeting. The aeronautical study revealed that the proposed structure would require an increase from 2500 feet above mean sea level to 2600 feet above mean sea level in the procedure turn altitude for the back course localizer standard instrument approach procedure for the Philip Billard Airport, Topeka, Kansas. However, the study disclosed that this increase in procedure turn altitude would not adversely affect aircraft executing this standard instrument approach.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with presently applicable rules and standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 8, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-1240; Filed, Feb. 13, 1961; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13780; FCC 61M-197]

## AMERICAN TELEPHONE AND TELEGRAPH CO.

### Order Continuing Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 13780; regulations and charges for special arrangements provided as part of the communications system used in the Ballistic Missile Early Warning System (BMEWS) and regulations and charges for switching and signaling arrangements provided as part of the Command Post Alerting Network (COPAN).

The Hearing Examiner having under consideration motion filed January 19, 1961, on behalf of American Telephone and Telegraph Company and response thereto filed January 23, 1961, on behalf of Chief, Common Carrier Bureau and reply to the motion filed January 27, 1961, on behalf of the U.S. Air Force;

It appearing that the pleading requests an indefinite continuance of the hearing herein now presently scheduled for February 14, 1961; the Bureau supports the motion and the Air Force is opposed thereto;

It further appearing that the regulation and charges here under investigation relate to certain new and special services provided the Air Force in connection with the rearward communication requirements of the Ballistic Missile Early Warning System (BMEWS) and certain switching and signaling arrangements provided for the Command Post Alerting Network (COPAN) with the Air Force being the only subscriber to said services;

It further appearing that the service in connection with the first unit of the BMEWS system was started on September 1, 1960, and currently the petitioner is undertaking to supply equipment and arrangements for a second site of BMEWS system which installation is scheduled for completion in the summer of 1961;

It further appearing that reengineering of the facilities involved are presently under way but more definite information regarding the effect of the changes in the system will also be available sometime during the summer of 1961;

It further appearing that the rates currently under investigation are based on the initial installations and revisions and additions are contemplated prior to the additional facilities being put into service;

It further appearing that if the investigation is to continue at this time that it by necessity, time, effort and work would have to be duplicated as a result of the second installation to the petitioner's one customer, the Air Force;

It further appearing that good and sufficient cause exists and the motion should be granted;

*Accordingly, it is ordered,* This 7th day of February 1961, that the motion for continuance is granted and the hearing now scheduled for February 14, 1961, be, and the same is hereby continued to a date to be hereinafter determined.

Released: February 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1243; Filed, Feb. 13, 1961; 8:45 a.m.]

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[Docket No. 13914; FCC 61M-200]

## AMERICAN TELEPHONE AND TELEGRAPH CO.

### Order Continuing Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 13914; regulations and charges for Wide Area Telephone Service (WATS).

Pursuant to agreements reached at the prehearing conference held February 2, 1961, the evidentiary hearing in the above-entitled proceeding is continued from Wednesday, March 15, 1961, to Tuesday, March 28, 1961, beginning at 2:00 p.m. in the offices of the Commission, Washington, D.C.

*It is so ordered,* This the 7th day of February 1961.

Released: February 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1244; Filed, Feb. 13, 1961; 8:46 a.m.]

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[Docket No. 13688; FCC 61M-185]

## CENTRAL WISCONSIN TELEVISION, INC.

### Order Continuing Hearing

In re application of Central Wisconsin Television, Inc., Wausau, Wisconsin, Docket No. 13688, File No. BPCT-2738; For construction permit for new television broadcast station (Channel 9).

The hearing examiner having under consideration a petition filed February 1, 1961, on behalf of Central Wisconsin Television, Inc., requesting that the time for exchanging exhibits be extended from February 1 to March 1, 1961, and that the hearing be continued from February 23 to March 17, 1961; and

It appearing that counsel for the Broadcast Bureau, the only other party to the proceeding, has informally consented to immediate consideration and grant of the petition and that a grant thereof will conduce to the orderly dispatch of the Commission's business;

*It is ordered,* This 6th day of February 1961, that the subject petition is granted, that the time for the exchange of exhibits is extended from February 1 to March 1, 1961, and that the hearing now scheduled to be commenced on February 23, 1961, is continued to 10:00 a.m. March 17, 1961.

Released: February 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1245; Filed, Feb. 13, 1961; 8:46 a.m.]

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[Docket Nos. 13338, 13870; FCC 61M-182]

## DIXIE RADIO, INC., AND HARRY LLEWELLYN BOWYER, JR.

### Order Continuing Hearing

In re applications of Dixie Radio, Inc., Brunswick, Georgia, Docket No. 13338, File No. BP-13854; Harry Llewellyn Bowyer, Jr., Brunswick, Georgia, Docket No. 13870, File No. BP-12507; for construction permits.

The Hearing Examiner having under consideration a "Petition for Continuance", filed February 1, 1961, by Dixie Radio, Inc., requesting that the procedural dates heretofore scheduled be continued for two weeks in each instance;

It appearing that the relief requested by the aforementioned petition is necessitated by illness of the sole stockholder in Dixie Radio, Inc.; and

It further appearing, that counsel for all parties whose appearances were filed in this proceeding, have informally consented to a grant of the instant petition and have also waived the 4-day waiting requirement of § 1.43 of the rules, and that good cause has been shown for the requested continuance in dates;

*Accordingly, it is ordered,* This 6th day of February 1961, that the subject "Petition for Continuance" is granted, and that the pertinent procedural dates are continued as follows:

| Procedure | Continued from— | To— |
|---|---|---|
| Exchange of Dixie Radio, Inc., proposed exhibits | Feb. 7, 1961 | Feb. 21, 1961 |
| Notification re witnesses for cross-examination | Feb. 17, 1961 | Mar. 3, 1961 |
| Commencement of hearing | Feb. 23, 1961 | Mar. 9, 1961 |

Released: February 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1246; Filed, Feb. 13, 1961; 8:46 a.m.]

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[Docket Nos. 13922, 13923; FCC 61M-188]

## FIRST CAROLINA CORP. AND PALMETTO RADIO CORP. (WNOK-TV)

### Order for a Prehearing Conference

In re applications of First Carolina Corp., Columbia, South Carolina, Docket No. 13922, File No. BPCT-2803; for construction permit for new television broadcast station (Channel 25); Palmetto Radio Corporation (WNOK-TV), Columbia, South Carolina, Docket No. 13923, File No. BPCT-2820; for construction permit to change from Channel 67 to Channel 25.

On the Hearing Examiner's own motion: *It is ordered,* This 6th day of February 1961, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, on February 21, 1961, at 10:00 a.m., in the offices of the Commission at Washington, D.C.

The prehearing conference will be concerned with the pertinent topics specified in § 1.111 of the rules and such other matters as will be conducive to the expeditious conduct of the hearing. In this connection, attention is also called to the provisions of the Commission's "Hearing Manual for Comparative Broadcast Proceedings".

Released: February 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1247; Filed, Feb. 13, 1961; 8:46 a.m.]

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[Docket Nos. 13884-13886; FCC 61M-191]

## "JET" BROADCASTING CO., INC. (WJET) ET AL.

### Order Continuing Hearing

In re applications of The "Jet" Broadcasting Co., Inc. (WJET), Erie, Pennsylvania, Docket No. 13884, File No. BP-12188; WBNY, Incorporated (WBNY), Buffalo, New York, Docket No. 13885, File No. BP-13285; Lake Shore Broadcasting Company, Inc., (WDOE), Dunkirk, New York, Docket No. 13886, File No. BP-13300; for construction permits.

*It is ordered,* This 6th day of February 1961, that hearing in the above-entitled proceeding now scheduled for February 16, 1961, is continued to a date to be determined at a pre-hearing conference to be held on February 16, 1961.

Released: February 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1248; Filed, Feb. 13, 1961; 8:46 a.m.]

[Docket Nos. 12919, 12920; FCC 61M-194]

## ROBERT L. LIPPERT AND GORDON BROADCASTING OF SAN FRANCISCO, INC. (KQBY)

### Order Continuing Hearing Conference

In re applications of Robert L. Lippert, Fresno, California, Docket No. 12919, File No. BP-10345; Gordon Broadcasting of San Francisco, Inc. (KQBY), San Francisco, California, Docket No. 12920, File No. BP-12744; for construction permits.

On the oral request of counsel for applicant Gordon Broadcasting of San Francisco, Inc. (KQBY) and without objection by counsel for the other parties:

*It is ordered*, This 7th day of February 1961, that the further prehearing conference scheduled for today is rescheduled to Tuesday, February 21, 1961 at 11 a.m., in the offices of the Commission, Washington, D.C.

Released: February 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1249; Filed, Feb. 13, 1961; 8:46 a.m.]

[Docket No. 13910; FCC 61M-192]

## WACO BROADCASTING CORP. (WACO-FM)

### Order Continuing Hearing

In re application of Waco Broadcasting Corporation, (WACO-FM), Waco, Texas, Docket No. 13910, File No. BPH-3136; for construction permit.

Pursuant to the prehearing conference in this proceeding; *It is ordered*, This 6th day of February 1961, that there will be an exchange of the affirmative written cases of the parties on or before March 7, 1961;

*It is further ordered*, That parties will notify the respective parties on or before February 14, 1961, which witnesses are desired for cross-examination at the hearing;

*It is further ordered*, That the hearing now scheduled for February 20, 1961, be, and the same is hereby rescheduled for Monday, March 20, 1961, 10:00 a.m., in the Offices of the Commission, Washington, D.C.

Released: February 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1251; Filed, Feb. 13, 1961; 8:46 a.m.]

[Docket Nos. 13747, 13748; FCC 61M-186]

## OREGON TELEVISION, INC., AND WILLAMETTE-LAND TELEVISION, INC.

### Order Continuing Hearing

In re applications of Oregon Television, Inc., Salem, Oregon, Docket No. 13747, File No. BPCT-2611; Willamette-Land Television, Inc., Salem, Oregon, Docket No. 13748, File No. BPCT-2651; for construction permits for new television broadcast stations (Channel 3).

The Hearing Examiner having under consideration a "Petition for Extension of Procedural Hearing Dates" filed February 2, 1961, by Willamette-Land Television, Inc., and

It appearing that the Broadcast Bureau and the other applicant have no objection to the granting of the petition,

*It is ordered*, This 6th day of February 1961, that the petition is granted, and that according thereto the dates of this proceeding are changed as follows:

(a) Exchange of exhibits—from February 2, 1961, to March 2, 1961.

(b) Notification of witnesses for cross-examination—from February 9, 1961, to March 16, 1961.

(c) Hearing—from February 14, 1961, to March 28, 1961.

Released: February 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1250; Filed, Feb. 13, 1961; 8:46 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-18148 etc.]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Order Redesignating Proceeding and Permitting Interventions [1]

FEBRUARY 7, 1961.

Natural Gas Pipeline Company of America, Docket Nos. G-18148, G-18149, RP60-5, and RP61-8.

On October 17, 1960, Natural Gas Pipeline Company of America (Natural Gas) filed a motion to substitute party in Docket No. G-18149, requesting that it (Natural Gas) be substituted for Peoples Gulf Coast Natural Gas Pipeline Company (Peoples Gulf) [2] as a party in that proceeding on the ground that the two companies had merged on October 11, 1960, in accordance with the authority granted by the Commission in its order issued September 29, 1960, Docket No. CP60-97, with Natural Gas the surviving company. Docket No. G-18149, together with all the other dockets listed above, involve rate-increase applications under section 4 of the Natural Gas Act.

The following petitions to intervene have been filed in the above-entitled proceedings:

| Petitioner | Docket Number(s) | Date of filing |
|---|---|---|
| Northern Indiana Public Service Co. | G-18148 and G-18149, RP60-5, RP61-8. | Apr. 10, 1960 |
| City of Chicago | G-18148 and G-18149, RP61-8. | Apr. 13, 1960<br>Oct. 17, 1960<br>Apr. 13, 1960 |
| Northern Illinois Gas Co. | G-18148 and G-18149, RP60-5, RP61-8. | Oct. 27, 1960<br>Apr. 13, 1960 |
| Iowa Electric Light and Power Co. | G-18148, RP60-5, RP61-8. | May 2, 1960<br>Oct. 21, 1960<br>Apr. 23, 1960 |
| Central Illinois Electric and Gas Co. | G-18148, RP60-5. | Apr. 18, 1960<br>Oct. 24, 1960<br>Apr. 24, 1960<br>June 3, 1960 |
| Iowa-Illinois Gas and Electric Co. | G-18148, RP60-5, RP61-8. | May 18, 1960<br>Apr. 6, 1960<br>Oct. 12, 1960 |
| Interstate Power Co. | G-18148, RP60-5, RP61-8. | May 22, 1960<br>Apr. 11, 1960<br>Oct. 26, 1960 |
| Nebraska City, Nebr., and Wilson Gas Co., Inc. | G-18148, RP60-5, RP61-8. | Sept. 14, 1960<br>May 4, 1960<br>Dec. 22, 1960 |
| Iowa Power and Light Co. | G-18148, RP60-5, RP61-8. | Dec. 7, 1960<br>Apr. 20, 1960<br>Oct. 19, 1960 |
| Illinois Power Co. | G-18148, RP60-5, RP61-8. | Oct. 28, 1960<br>May 5, 1960<br>Oct. 28, 1960 |
| Iowa Southern Utilities Co. | RP60-5, RP61-8. | Apr. 18, 1960<br>Oct. 17, 1960 |
| Wisconsin Southern Gas Co., Inc. | RP61-8. | Oct. 21, 1960 |

In addition, a number of petitions to intervene were filed in Docket No. RP61-9, Peoples Gulf Coast Natural Gas Pipeline Company. The proceeding in Docket No. RP61-9 was terminated by the order issued November 23, 1960, as the result of the merger of Peoples Gulf into Natural Gas, and the proposed increased rates and charges involved in the terminated proceeding are now part of the proceeding in Docket No. RP61-8 as the result of tariff revisions filed by Natural Gas. Since all the petitioners in Docket No. RP61-9 are granted intervention in Docket No. RP61-8 by this order, there is no need to act on the petitions in Docket No. RP61-9.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act to redesignate the proceeding in Docket No. G-18149 to be entitled Natural Gas Pipeline Company of America.

(2) The participation of the above-named petitioners in the proceedings indicated may be in the public interest.

The Commission orders:

(A) The title of the proceeding in Docket No. G-18149 is hereby changed from Peoples Gulf Coast Natural Gas Pipeline Company to Natural Gas Pipeline Company of America, and the latter company is hereby substituted as Respondent in place of the former company.

(B) The above-named petitioners are hereby permitted to become interveners in the proceedings in which they have petitioned to intervene, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of the said interveners shall be limited to the matters affecting asserted rights and interests specifically set forth in their petitions to intervene: *And provided, further*, That the admission of these interveners shall not be construed as recognition by the Commission that such interveners might be aggrieved because of any order or orders of the Commission which may hereafter be entered in the proceedings in which intervention is granted.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1252; Filed, Feb. 13, 1961; 8:46 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the matters covered herein, nor should it be so construed.

[2] The rate-increase filing in Docket No. G-18149 was originally made by Texas Illinois Natural Gas Pipeline Company. The proceeding was redesignated by order issued March 14, 1960, to reflect the acquisition of Texas Illinois by Peoples Gulf.



[Docket No. CP60-21]

## NORTHERN NATURAL GAS CO.

### Notice of Amended Application and Date of Hearing

FEBRUARY 7, 1961.

Take notice that Northern Natural Gas Company, Applicant, 2223 Dodge Street, Omaha, Nebraska, filed an application on February 2, 1960,[1] as amended on May 12, 1960, pursuant to section 7 of the Natural Gas Act for a Certificate of Public Convenience and Necessity authorizing applicant to construct and operate tap and measuring facilities on its Dodge City, Kansas, 8-inch line near the community of Copeland and to sell and deliver natural gas to a new customer, Wheatland Natural Gas Company (Wheatland) for resale on an interuptible basis to irrigation customers and a small volume on a firm basis for resale to domestic customers in Gray and Haskell Counties, Kansas, as hereinafter described and as more fully described in the application as amended on file with the Commission and open to public inspection.

Northern estimates annual sales to Wheatland as follows during the first three years of operation of the proposed facilities:

| | Mcf at 14.73 psia | | |
|---|---|---|---|
| | 1 | 2 | 3 |
| Firm | 1,745 | 1,745 | 1,745 |
| Interruptible—irrigation | 82,000 | 102,500 | 133,250 |
| Total | 83,745 | 104,245 | 134,995 |

The interruptible volumes will be required only for the period from March through October, when the gas would be used in the operation of irrigation pumps. The firm peak day requirement is estimated to be 20 Mcf.

Applicant in its original application proposed to sell gas to Wheatland at a rate of 25 cents per Mcf for interruptible gas and 40 cents per Mcf for firm gas. The rate to be charged by Wheatland is not subject to Commission's jurisdiction but is regulated by the Kansas Corporation Commission. On March 30, 1960, the Kansas Corporation Commission sent a letter to this Commission stating that applicant's rate filing with the Kansas Commission for the proposed sale to Wheatland was rejected and requested that applicant's application in Docket No. CP60-21 be denied because the proposed 25 cent rate for interruptible service was too high.

The amendment filed by applicant on May 12, 1960, states that it has now filed with the Kansas Commission a new contract with Wheatland dated April 7, 1960, superseding the previous contract and providing for a rate of 24 cents per Mcf for interruptible gas and 40 cents for firm gas. Applicant states that the revised contract was approved by the Kansas Commission which has affirmed this statement in a letter to this Comission filed April 22, 1960.

The amended application states that the estimated cost of facilities required for delivery of gas to Wheatland is $3,905 which will be financed from cash on hand. Wheatland will pay to applicant $500 as a connection charge. Applicant estimates net revenues after taxes and operating expenses of $10,238 for the first year of operation.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 17, 1961 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 27, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1253; Filed, Feb. 13, 1961; 8:46 a.m.]

[1] The original application herein was duly noticed by publication in the FEDERAL REGISTER on March 31, 1960 (25 F.R. 2742), and scheduled for hearing to be held on April 28, 1960. By notice of postponement of hearing dated April 20, 1960, said hearing was postponed to a date to be fixed by further notice.



[Docket No. RI61-350]

## TEKOIL CORP.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

FEBRUARY 7, 1961.

On January 13, 1961, Tekoil Corporation [1] (Tekoil) tendered for filing proposed changes in its presently effective rate schedules for its jurisdictional sales of natural gas to Hugoton Plains Gas and Oil Company from the Hugoton Field, Texas County, Oklahoma. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Rate schedule designation:
(1) Supplement No. 1 to Tekoil's FPC Gas Rate Schedule No. 5;
(2) Supplement No. 1 to Tekoil's FPC Gas Rate Schedule No. 6;
(3) Supplement No. 1 to Tekoil's FPC Gas Rate Schedule No. 7;
(4) Supplement No. 1 to Tekoil's FPC Gas Rate Schedule No. 8.
Amount of annual increase: (1) $1,113; (2) $176; (3) $599; and (4) $446.
Proposed increased rate: From 8.7062 cents per Mcf to 19.4257 cents per Mcf at 14.65 psia.[2]
Effective date: February 13, 1961 (effective date is the first day after expiration of the required thirty days' notice).

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearing and decision thereon, the above-designated supplements are hereby suspended and the use thereof deferred until February 14, 1961, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That Supplement No. 1 to Tekoil's FPC Gas Rate Schedules Nos.

[1] Address is: 1515 Classen Blvd., Oklahoma City, Okla.

[2] Revenue-sharing increase based on Buyer's arbitrated rate to Northern Natural Gas Company.

5, 6, 7, and 8, respectively, shall become effective on February 14, 1961, if within 20 days from the date of the issuance of this order Tekoil shall execute and file under Docket No. RI61–350 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Tekoil is advised to the contrary with 15 days after the filing of each agreement and undertaking its agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 22, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1254; Filed, Feb. 13, 1961; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1370]

## BROAD STREET INVESTING CORP.

### Notice of Filing of Application for Order Exempting Sale by Open-End Company of Its Shares at Other Than Public Offering Price in Exchange for Assets of Private Investment Company

FEBRUARY 6, 1961.

Notice is hereby given that Broad Street Investing Corporation ("Broad Street"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Western Railway Equipment Company ("Western").

Shares of Broad Street, a Maryland corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of September 30, 1960, the net assets of Broad Street amounted to $192,114,730.

Western, a Delaware corporation, is a private investment company having one stockholder, with approximately 16 other persons having beneficial interests in its stock, which engages in the business of investing and reinvesting its funds. Western is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Broad Street and Western, substantially all of the cash and securities of Western, with a total value of $1,570,735 as of September 30, 1960, will be transferred to Broad Street in exchange for shares of stock of Broad Street. The shares acquired by Western are to be distributed immediately to its shareholders, who intend to take such shares for investment with no present intention of distribution or redemption, except that one of the beneficial owners, who will receive approximately 20 percent of the shares, may dispose of not more than 15 percent of the shares received by him. The number of shares of Broad Street to be delivered to Western will be determined by dividing the net asset value per share of Broad Street in effect at the closing time into the value of the Western assets to be exchanged (with certain adjustments as set forth below).

Since the exchange will be tax free for Western and its shareholders, Broad Street's cost basis for tax purposes on the assets acquired from Western will be the same as for Western, rather than the price actually paid by Broad Street for the assets. Of the assets to be acquired from Western, Broad Street intends to retain in its portfolio, subject to changes in investment conditions and considerations, securities having a value as of September 30, 1960, of $357,559, including unrealized appreciation of $233,574. Other securities to be acquired from Western will be sold by Broad Street after acquisition. As of September 30, 1960, the market value of these securities was $588,176 and the unrealized capital gain thereon was $303,739. As of September 30, 1960, Broad Street had unrealized appreciation of $43,872,445 and undistributed realized gains of $3,091,218.

Because Broad Street will acquire securities from Western at a tax-cost basis less than the price actually paid therefor, their sale after acquisition will result in artificial capital gains and consequent tax liability thereon to the present shareholders of Broad Street. As an offset to this unfavorable tax consequence, the acquisition of the Western assets will result in a potential tax benefit to the present shareholders of Broad Street by reason of a reduction in the net unrealized appreciation applicable to their shares. An adjustment, which takes into account the tax consequences of the exchange, is to be made in the value of the Western assets in accordance with the following formula:

(1) In respect of the securities of Western that Broad Street presently intends to sell and the resulting artificial capital gain thereon, there shall be determined the difference between net unrealized taxable capital gain on said securities and the portion of the realized but undistributed taxable long-term capital gain of Broad Street allocable to the aggregate shares of Broad Street to be issued to Western. (Such difference, as of September 30, 1960, amounted to approximately $279,000.)

(2) In respect of the securities of Western that Broad Street presently intends to hold following acquisition, there shall be determined the difference between net unrealized taxable capital gain on said securities and the portion of Broad Street's unrealized appreciation applicable to the aggregate shares of Broad Street to be issued to Western determined on a pro forma basis giving effect to the acquisition of the assets of Western. (Such difference as of September 30, 1960, amounted to a negative amount of approximately $116,000.)

(3) The amount computed under (1) shall be increased by the amount, if positive, or decreased by 50 percent of the amount, if negative, computed under (2), and 12½ percent of the resulting amount (approximately $221,000 as of September 30, 1960), which is the adjustment for excess unrealized appreciation of Western, shall be applied to reduce the value of the assets of Western to be acquired. If the valuation under the agreement had taken place on September 30, 1960, the adjustment to the market value of the assets of Western to be acquired would have amounted to approximately $28,000.

The application, in the foregoing formula, of a 50 percent factor to the reduction in unrealized appreciation resulting from the acquisition of the Western assets, is intended to recognize that this will be of full benefit to the present shareholders of Broad Street only in the indefinite future at such time, if any, as all the present unrealized appreciation in Broad Street's portfolio is realized, whereas an immediate tax liability will result from the realization of artificial capital gains upon the sale after acquisition of certain securities acquired from Hudson. The rate of 12½ percent applied to the excess unrealized appreciation of Western is used as an estimated measure of the average tax rate payable on capital gains by Broad Street shareholders.

Applicant points out that the proposed acquisition is in the best interests of its shareholders because the resulting increase in its assets will tend to reduce per share expenses, since it is furnished investment research and administrative facilities and services at cost.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between Broad Street and Western. The application further states that there is no affiliation or relationship of any kind between the officers and directors of Broad Street and the officers, directors, and stockholders of Western.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of Broad Street are to be issued to Western at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2.22 percent for sales of $250,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 23, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61–1257; Filed, Feb. 13, 1961; 8:47 a.m.]

[File No. 70–3936]

## CENTRAL AND SOUTH WEST CORP. AND PUBLIC SERVICE COMPANY OF OKLAHOMA

### Notice of Filing Regarding Proposed Issuance and Sale of Common Stock by a Subsidiary Company and Acquisition Thereof by Holding Company

FEBRUARY 7, 1961.

Notice is hereby given that Central and South West Corporation ("Central and South West"), a registered holding company and its electric utility subsidiary company, Public Service Company of Oklahoma ("Public Service"), have filed a joint application-declaration with this Commission designating sections 6, 9, 10, and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 20, 23, 43, 50, and 100 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Public Service proposes to issue and sell 200,000 shares of its authorized but unissued common stock (par value $10 per share) to Central and South West, the owner of all the outstanding common stock of Public Service, and Central and South West proposes to purchase such shares for $2,000,000 in cash.

The proceeds from the sale will be used by Public Service to finance in part the cost of additions to its electric utility plant scheduled to be made in 1961.

It is stated that the Corporation Commission of the State of Oklahoma has jurisdiction over the proposed issuance of common stock by Public Service and that a copy of that commission's order will be filed by amendment. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Fees and expenses in connection with the proposed transactions are estimated to aggregate $2,800.

Notice is further given that any interested person may, not later than February 23, 1961, at 5:30 p.m., request in writing that a hearing be held on the matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the joint application-declaration, as it will be amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61–1258; Filed, Feb. 13, 1961; 8:47 a.m.]

[File No. 54–231]

## GEORGIA POWER CO. AND SOUTHERN CO.

### Notice of Filing and Order for Hearing

FEBRUARY 6, 1961.

Notice is hereby given that the Division of Corporate Regulation ("Division") of the Securities and Exchange Commission has proposed, pursuant to section 11(d) of the Public Utility Holding Company Act of 1935 ("Act"), a plan for the purpose of effectuating compliance with the order of the Commission of August 1, 1947 (Holding Company Act Release No. 7615), issued under section 11(b)(1) of the Act directing The Southern Company ("Southern") a registered holding company, among other things, to cease to own, operate, control or have any interest, direct or indirect, in the transportation properties and business of Georgia Power Company ("Georgia"), a subsidiary company of Southern.

All interested persons are referred to the plan, a copy of which is appended hereto.[1] Said plan, which is on file at the office of the Commission, is summarized as follows:

Upon the entry of an order by a court of competent jurisdiction ("Court") finding that the proposed plan is fair and equitable, the Court will take exclusive jurisdiction and possession of all the buses and related facilities now owned and operated by Georgia in furnishing transportation service in Rome, Georgia, and appoint a trustee to hold and administer such assets. The trustee will, after due public notice as prescribed by the Court, hold a public sale of said assets. Subject to confirmation by the Court, the proceeds received from the sale of the assets will be transferred to Georgia for use in its electric operations.

Georgia shall pay such fees and expenses as may be incurred in connection with the Plan and in proceedings before the Commission and the courts to such persons as the Commission may approve.

It appearing appropriate pursuant to the provisions of section 11(d) of the Act that a hearing be held to afford all interested persons an opportunity to be heard as to whether the plan should be approved by the Commission.

*It is hereby ordered;* That a hearing be held on the 21st day of March 1961, at 10:00 a.m., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., in such room as may be designated on such date by the hearing room clerk. Any persons desiring to be heard in connection with these proceedings or proposing to intervene therein shall file with the Secretary of the Commission, on or before March 10, 1961, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice.

*It is further ordered,* That Irving Schiller or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18(c) of said Act and to a hearing officer under the Commission's rules of practice.

The Division has advised the Commission that it appears to the Division that the following matters and questions are presented for consideration, without prejudice to the specification by the Commission of additional matters and questions upon appropriate request by any interested person:

(1) Whether the Plan complies with the Commission's order of August 1, 1947, issued pursuant to section 11(b)(1) of the Act; and, if not, in what respects the Plan should be modified or what other type of plan is required.

(2) Whether the Plan, as filed, or as it may be modified, is fair and equitable to the persons affected thereby; and, if not, in what respects the terms of the Plan should be modified to make it fair and equitable.

[1] Filed as part of original document.

(3) Whether, in the event that the Commission shall not approve such Plan as filed or as it may be modified, the Commission shall approve for purposes of section 11(d) any plan that may be proposed by any person having a bona fide interest in the proceeding.

(4) Whether the Plan is in all respects in the public interest and in the interest of investors and complies with all applicable provisions of the Act and the rules and regulations thereunder.

*It is further ordered*, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in this proceeding and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

*It is further ordered*, That notice of the action taken herein shall be given by registered mail to Georgia, Southern, the Governor of the State of Georgia, the Georgia Public Service Commission, and the City Manager of the City of Rome; that notice shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER, and that a general release of the Commission in respect of this notice and order shall be distributed to the press and mailed to the persons on the mailing list of the Commission for releases under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1259; Filed, Feb. 13, 1961; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 9, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 36895: *Iron and steel articles to Texas and Louisiana points.* Filed by Southwestern Freight Bureau, Agent (No. B-7965), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from points in Alabama, Colorado, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Oklahoma, Pennsylvania, West Virginia, and Virginia, to points in Texas.

Grounds for relief: Market competition.

Tariff: Supplement 164 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 36896: *Iron and steel articles to Bobsher, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-7966), for interested rail carriers. Rates on iron or steel articles, as described in the application, in carloads, from points in Georgia and Tennessee, to Bobsher, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 163 to Southwestern Freight Bureau tariff I.C.C. 4308.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-1270; Filed, Feb. 13, 1961; 8:48 a.m.]

[Notice 446]

## MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 9, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63587. By order of February 7, 1961, the Transfer Board approved the transfer to South Shore Motor Transportation Company, Inc., Riverhead, N.Y., of Certificate No. MC 73015, issued February 20, 1959, to G & F Trucking Co., Inc., North Patchogue, New York, authorizing the transportation of: agricultural commodities, fish, chemicals, fertilizer, grain, fertilizer materials, petroleum products, in containers, empty petroleum containers, and seed potatoes, from and to specified points in New York, New Jersey, and Pennsylvania. Charles H. Trayford, 155 East 40th Street, New York 16, N.Y., Transportation consultant for applicants.

No. MC-FC 63648. By order of February 3, 1961, the Transfer Board approved the transfer to Ray Stanley, doing business as Stanley Transfer, 405 Rochester Avenue, Middlesboro, Ky., of Permit No. MC 110047, issued January 26, 1949, to Ray Ely, 924 East Cumberland Avenue, Middlesboro, Ky., authorizing the transportation, over irregular routes, of such merchandise as is dealt in by retail mail order houses, hardware stores, and department stores, from Middlesboro, Ky., to points in Tennessee and Virginia within 75 miles of Middlesboro.

No. MC-FC 63759. By order of February 7, 1961, the Transfer Board approved the transfer to Maddox Transfer and Storage, Inc., Portland Oreg., of Certificates Nos. MC 94427 and MC 94427 Sub 1 issued March 22, 1941 and September 5, 1945, respectively to L. H. Maddox, doing business as Maddox Transfer & Storage, Portland, Oreg., authorizing the transportation of household goods as defined by the Commission, and used pianos, over irregular routes, between Portland, Oreg., and Vancouver, Wash.; new and used pianos and household goods as defined by the Commission, over irregular routes, between Portland, Oreg., on the one hand, and, on the other, points in Clark, Skamania, Cowlitz, and Wahkiakum Counties, Wash.; and general commodities, including household goods and commodities in bulk, with no exceptions, between points in Portland, Oreg. Henry A. Carey, Jr., 501 Pacific Building, Portland 4, Oreg., attorney for applicants.

No. MC-FC 63849. By order of February 7, 1961, the Transfer Board approved the transfer to Kendall A. Bailey and Milton A. Bailey, a partnership, doing business as Parker K. Bailey and Sons, Houlton Road (U.S. Route No. 1), Presque Isle, Maine, of Certificate No. MC 41531 Sub 1, issued July 10, 1957, to Parker K. Bailey, Kendall A. Bailey, and Milton A. Bailey, a partnership, doing business as Parker K. Bailey & Sons, 53 Blake Street, Presque Isle, Maine, authorizing the transportation, over irregular routes, of household goods, between points in Maine, on the one hand, and, on the other, points in Massachusetts, Connecticut, New Hampshire, Rhode Island, New York, and Vermont.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-1271; Filed, Feb. 13, 1961; 8:48 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

## CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.



Atwood, Inc., Mooresville, N.C.; effective 2-5-61 to 2-4-62 (pants and work shirts).

Belfast Manufacturing Co., 64 Anderson Street, Belfast, Maine; effective 2-1-61 to 1-31-62 (men's trousers).

Custom Sportswear, Inc., 10th and Spring Streets, Reading, Pa.; effective 1-24-61 to 1-23-62 (men's, women's and children's sportswear).

Gateway Manufacturing Co., 215 West Church Street, Masontown, Pa.; effective 2-11-61 to 2-10-62 (ladies' blouses).

The H. W. Gossard Co., Ishpeming, Mich.; effective 2-9-61 to 2-8-62 (ladies' foundation garments).

Kinston Shirt Co., East King Street, Kinston, N.C.; effective 1-27-61 to 1-26-62 (dress and sport shirts).

Monleigh Garment Co., Inc., Yadkinville Highway, Mocksville, N.C.; effective 2-6-61 to 2-5-62 (women's lingerie).

Nettleton Garment Co., Inc., Nettleton, Miss.; effective 1-30-61 to 1-29-62 (men's dress and work pants; boys' dress and sport pants).

Regent Co., Inc., Grant and High Streets, Manheim, Pa.; effective 1-25-61 to 1-24-62 (boys' shirts).

Rosebud Manufacturing Co., Inc., Vidalia, Ga.; effective 2-1-61 to 1-31-62 (women's lingerie).

Solomon Bros. Co., Thomasville, Ala.; effective 1-26-61 to 1-25-62 (sport shirts).

Levi Strauss and Co., Warsaw, Va.; effective 1-30-61 to 1-29-62 (men's cotton work pants).

I. Taitel and Son, Drew, Miss.; effective 1-27-61 to 1-26-62 (men's and boys' jackets).

Tennessee Overall Co., Inc., 401 North Atlantic, Tullahoma, Tenn.; effective 1-23-61 to 1-22-62 (men's pants).

Twin City Manufacturing Co., Twin City, Ga.; effective 1-24-61 to 1-23-62 (men's dress and sport shirts).

Vidalia Garment Co., Inc., Vidalia, Ga.; effective 1-30-61 to 1-29-62 (men's dress and sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Century Manufacturing Corp., 3 North Main Street, Sandwich, Ill.; effective 1-24-61 to 1-23-62; 10 learners (overalls and dungarees).

Clayton Garment Co., Clayton, Ala.; effective 2-10-61 to 2-9-62; 10 learners (men's sport shirts and ladies' blouses).

The H. W. Gossard Co., corner Pine and Jasper Streets, Gwinn, Mich.; effective 2-9-61 to 2-8-62; 10 learners (ladies' foundation garments).

Major Sportswear Corp., 1106 Cunnius Street, Freeland, Pa.; effective 1-30-61 to 1-29-62; 10 learners (men's and boys' sport jackets).

Fred Ronald Manufacturing Co., North Eighth Street, Neodesha, Kans.; effective 1-24-61 to 1-23-62; 10 learners (shirts).

Selro Manufacturing Co., Hurlock, Md.; effective 2-7-61 to 2-6-62; 10 learners (ladies' blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

H. D. Lee of Virginia, Inc., Broadway, Va.; effective 1-29-61 to 7-28-61; 200 learners (leisure and work pants).

Newton Grove Manufacturing Co., Newton Grove, N.C.; effective 1-27-61 to 7-26-61; 35 learners (dresses).

Fred Ronald Manufacturing Co., North Eighth Street, Neodesha, Kans.; effective 1-24-61 to 7-23-61; 25 learners (shirts).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Belmont Knitting Co., Belmont, N.C.; effective 1-30-61 to 1-29-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Burlington Industries, Inc., Scottsboro Hosiery Co., Scottsboro, Ala.; effective 1-27-61 to 7-26-61; 25 learners for plant expansion purposes (seamless).

Wadesboro Hosiery Co., Wadesboro, N.C.; effective 1-21-61 to 7-20-61; 50 learners for plant expansion purposes (full-fashioned and seamless).

Wadesboro Hosiery Co., Wadesboro, N.C.; effective 1-21-61 to 1-20-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Mullins Textile Mills, Inc., 301 Cypress St., Mullins, S.C.; effective 1-30-61 to 1-29-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport shirts and underwear).

Rocky Mount Undergarment Co., 1526 Boone Road, Rocky Mount, N.C.; effective 1-27-61 to 7-26-61; 25 learners for plant expansion purposes (lingerie).

Russell Manufacturing Corp., Lebanon, Va.; effective 2-14-61 to 2-13-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Farmington Shoe Co., Division of Breed Sandal, Inc., Farmington, Maine; effective 1-31-61 to 1-30-62; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's novelty shoes).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 3d day of February 1961.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 61-1256; Filed, Feb. 13, 1961; 8:47 a.m.]

## CUMULATIVE CODIFICATION GUIDE—FEBRUARY

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VOLUME 26 NUMBER 30

Washington, Wednesday, February 15, 1961

THE UNIVERSITY OF MICHIGAN
FEB 21 1961
MAIN READING ROOM

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3392

### PAN AMERICAN DAY AND PAN AMERICAN WEEK, 1961

**By the President of the United States of America**

**A Proclamation**

WHEREAS on April 14, 1961, the peoples of the American Republics will honor the seventy-first anniversary of the founding of an organization for inter-American cooperation, now known as the Organization of American States; and

WHEREAS the people of the United States view with sympathy and urgency the aspirations of their good neighbors of this Hemisphere for a way of life which promises increased political, spiritual, cultural, and economic well-being; and

WHEREAS the ideals of peace, freedom, and human progress are again threatened by forces intent on subverting them, and a rededication of those determined to strengthen the inter-American system is required; and

WHEREAS the United States of America is proud to participate within the framework of the inter-American system in the formulation of new cooperative measures for social improvement and economic development to help meet the desires of the peoples of this Hemisphere for a better way of life and to preserve and strengthen the free and democratic institutions in the American Republics:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim Friday, April 14, 1961, as Pan American Day, and the period from April 9 to April 15, 1961, as Pan American Week; and I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to issue similar proclamations.

I also urge our citizens and all interested organizations to share in the celebration of Pan American Day and Pan American Week, in testimony of the historical ties and friendly relations which unite the people of this country with the peoples of other American Republics.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of February in the year of our Lord nineteen hundred and [SEAL] sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 61-1378; Filed, Feb. 13, 1961; 1:39 p.m.]

### Proclamation 3393

### NATIONAL DEFENSE TRANSPORTATION DAY, 1961

**By the President of the United States of America**

**A Proclamation**

WHEREAS adequate transportation facilities are vital to our Nation's economy and to its military strength; and

WHEREAS it is appropriate that recognition be given to the development and maintenance of the American transportation system, which has contributed so extensively to the growth, culture, and prosperity of our people in peaceful trade and commerce, and in effective logistic support of our armed forces; and

WHEREAS the Congress, by a joint resolution approved May 16, 1957 (71 Stat. 30), has requested the President annually to issue a proclamation designating the third Friday of May of each year as National Defense Transportation Day and urging the people of the United States—including labor, management, users, and investors in all communities served by any of the various forms of transportation by land, by water, and by air—to observe this occasion by appropriate ceremonies:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate Friday, May 19, 1961, as National Defense Transportation Day, and I urge our people to join in the observance of this day, in collaboration with the transportation industry and representatives of the armed forces and other governmental agencies, and to participate in the observance of this occasion by appropriate ceremonies.

I invite the Governors of the States to provide for the observance of National Defense Transportation Day in such manner as will afford an opportunity for the citizens of each community to recognize and appreciate fully the vital role of a great modern transportation system in their daily lives and in our national defense.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of February in the year of our Lord nineteen hundred and [SEAL] sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 61-1379; Filed, Feb. 13, 1961; 1:39 p.m.]

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Treasury Department

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of § 6.103(c) is amended as set out below.

§ 6.103 Treasury Department.

* * * * *

(c) *Coast Guard.* * * *

(2) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian and one Cadet Hostess at the Coast Guard Academy, New London, Connecticut.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1324; Filed, Feb. 14, 1961; 8:51 a.m.]

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of Justice

Effective upon publication in the FEDERAL REGISTER, subparagraph (9) is added to § 6.308(a) as set out below.

§ 6.308 Department of Justice.

(a) *Office of the Attorney General.* * * *

(9) Two confidential assistants to the Attorney General.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1323; Filed, Feb. 14, 1961; 8:51 a.m.]

### Chapter III—Foreign and Territorial Compensation

[Departmental Reg. 108.461]

### PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

#### Designation of Differential Posts

Section 325.15 *Designation of differential posts*, is amended as follows, effective February 19, 1961:

1. Paragraph (a) is amended by the deletion of the following:

Chichi Jima, Bonin Islands.

2. Paragraph (b) is amended by the deletion of the following:

India, all posts except Anand, Banaras (Varanasi), Bangalore, Bhopal, Bikaner, Bombay, Chandigarh, Hyderabad, Izatnagar-Bareilly, Kharagpur, Karnal, Lucknow, Ludhiana, Madras, Nagarjunasagar Dam, Nangal (Ganguwal), New Delhi, Poona, Rajkot, Sehore, Tarai (Phoolbagh), Trivandrum, Udaipur, and Vellore.

3. Paragraph (c) is amended by the deletion of the following:

Derna, Libya.

4. Paragraph (a) is amended by the addition of the following:

Jabalpur, India.
La Fragua, Guatemala.
Sabour, India.

5. Paragraph (b) is amended by the addition of the following:

Chichi Jima, Bonin Islands.
Derna, Libya.
India, all posts except Anand, Banaras (Varanasi), Bangalore, Bhopal, Bikaner, Bombay, Chandigarh, Hyderabad, Izatnagar-Bareilly, Jabalpur, Kharagpur, Karnal, Lucknow, Ludhiana, Madras, Nagarjunasagar Dam, Nangal (Ganguwal), New Delhi, Poona, Rajkot, Sabour, Sehore, Tarai (Phoolbagh), Trivandrum, Udaipur, and Vellore.

(Secs. 102, 401, E.O. 10000, 18 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

Washington, D.C., February 2, 1961.

For the Secretary of State.

LANE DWINELL,
*Assistant Secretary.*

[F.R. Doc. 61-1312; Filed, Feb. 14, 1961; 8:49 a.m.]

## Title 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

#### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 6, Barley]

### PART 421—GRAINS AND RELATED COMMODITIES

#### Subpart—1960-Crop Barley Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3570, 4445, 4894, 5263, 8179, 9197, 12282, 14010, and 26 F.R. 577, and containing the specific requirements for the 1960-crop barley price support program are hereby amended as follows:

Section 421.5087(b) is amended by increasing the support rate for Berrien County, Michigan, from $0.83 to $0.86 per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended. Title II, 73 Stat. 178, 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Issued this 10th day of February 1961.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 61-1339; Filed, Feb. 14, 1961; 8:53 a.m.]

## Title 7—AGRICULTURE

### Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 10]

### PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

#### Land Removed From Agricultural Production

*Basis and purpose.* This amendment is issued pursuant to sections 375(b) and 378(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(a) and 1378(b)) and section 124 of the Soil Bank Act (7 U.S.C. 1812) to prescribe the conditions under which a farm reconstitution is not required when a change in ownership occurs on a farm tract and the land involved was not or could not have been acquired under the right of eminent domain and is to be used for nonagricultural purposes.

Since reconstitutions which have resulted or will result in changes in the allotment, history, and soil bank base acreages established for the 1961 crop year have been and are currently being made, it is hereby found that compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that this amendment shall become effective upon publication in the FEDERAL REGISTER.

Section 719.7(h) (25 F.R. 1065) is amended to read as follows:

§ 719.7 Reconstitution of farm allotments, history, and soil bank base acreages.

* * * * *

(h) *Land removed from agricultural production (not acquired under right of eminent domain.* When (1) the ownership of a tract of land is transferred from a parent farm, (2) the tract transferred is to be used for non-agricultural purposes, and (3) such tract was not or could not have been acquired under right of eminent domain, the farm shall not be reconstituted and the allotment, history, and soil bank base acreages shall remain with the parent farm: *Provided*, That the county committee determines, on the basis of an agreement signed by all persons interested in the transfer, that the land transferred is in fact to be changed to non-agricultural uses during the current or succeeding year. In all such cases, the farmland and cropland data shall be corrected on all appropriate records for the parent farm. If an agreement as prescribed in this paragraph is not obtained, the farm shall be reconstituted in accordance with the farm definition and the allotment, history, and soil bank base acreages shall be redetermined. The provisions herein prescribed shall apply beginning with reconstitutions which became effective for the 1960 crop year and for any reconstitutions made during the calendar year of 1960 which were effective for a prior year.

(Secs. 375, 378, 52 Stat. 66, as amended; 72 Stat. 995; sec. 124, 70 Stat. 198; 7 U.S.C. 1375, 1378, 1812)

Done at Washington, D.C., this 9th day of February 1961.

H. D. GODFREY,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61-1343; Filed, Feb. 14, 1961; 8:54 a.m.]

[Amdt. 9]

### PART 728—WHEAT

#### Subpart—Regulations Pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat

1962 FARM BASE ACREAGE AND ALLOTMENT DETERMINATIONS

*Basis and purpose.* The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of farm base acreages and allotments for the 1962 crop of wheat.

The farm base acreage determinations provided for herein shall be in effect only for the 1962 crop of wheat. Provision for determining base acreages for 1963 and subsequent crops of wheat will be contained in amendments to the regulations in this subpart. Prior to preparing the amendments herein, public notice (25 F.R. 10137) was given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) of the Department's proposals for determining 1962 farm base acreages and allotments for wheat. The data, views and recommendations pertaining to these amendments which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended. The basis and considerations for the amendments herein were set out in said notice.

1. A new § 728.1017b is added between §§ 728.1017a and 728.1018 to read as follows:

§ 728.1017b Determination of base acreages for old farms for the 1962 crop of wheat.

(a) The county committee shall, in accordance with the regulations in this section, determine a 1962 base acreage for each old farm which will reflect the factors of past acreage of wheat, tillable acres, crop-rotation practices, type of soil and topography. For substantially all farms, these factors are determined to be adequately reflected for the 1962 crop in the 1961 base acreages for regular rotation farms and in the 1960 base acreages for odd and even rotation farms and the wheat history acreage for 1960, weighted and adjusted as provided for in this section. For the small number of farms where special provisions are necessary as provided in subparagraphs (3), (4), (5), and (6) of paragraph (b) of this section, the computed base acreage determined in accordance with the provisions of such subparagraphs have been determined adequately to reflect these factors.

(b) *Computed base acreage.* The county committee shall establish for each farm a computed base acreage which shall be:

(1) For a regular rotation farm, 80 per centum of the 1961 base acreage which was determined for the farm under § 728.1017a, plus 20 per centum of the 1960 wheat history acreage as determined for the farm under § 728.1011(f)(6).

(2) For any farm having an odd and even crop rotation as defined in § 728.1011(d), 80 per centum of the 1960 base acreage which was determined for the farm under § 728.1017, plus 20 per centum of the 1960 wheat history acreage as determined for the farm under § 728.1011(f)(6).

(3) For a farm for which a new farm allotment was established for the first time for the 1961 crop, the product obtained by multiplying the final 1961 wheat acreage allotment for the farm by the reciprocal of a decimal fraction which is 100 per centum of the county proration factor used in adjusting old farm base acreages in 1961 to the 1961 county acreage allotment as determined under § 728.1018.

(4) For a farm which had established a new odd and even crop-rotation system for 1961 as provided in § 728.1017a(b)(6), the base acreage recommended by the county committee as applicable for 1962 for such farm.

(5) For an old farm having a crop-rotation system under which the acreage devoted to the production of wheat for harvest as grain has varied in a set pattern from year to year over a three- or four-year period, the previous base acreage selected by the county committee as applicable for 1962 for such farm under such rotation system.

(6) For any farm in the Tulelake Area of California to which the provisions of Public Law 86-385 were applicable, the acreage determined as provided in subdivision (viii) of § 728.1011(f)(6) for the 1961 crop of wheat.

(7) For those farms for which the penalty on 1959 excess wheat was postponed or avoided by storage of the excess but on which the penalty became due after determination of the 1961 allotment, the farm base acreage for 1962 shall be computed in accordance with subparagraph (1) of this paragraph on the basis of a wheat history acreage for 1959 determined by using the 1959 allotment instead of the 1959 base acreage resulting in a 1961 farm base acreage determined by using such recomputed 1959 wheat history acreage.

(c) *Tentative farm base acreage.* The tentative base acreage for a farm shall be the computed base acreage determined under paragraph (b) above, as adjusted under this paragraph (c). The county committee may make adjustments not to exceed 10 percent in the computed base acreage for the farm when it is determined that such computed farm base acreage is too low or too high when compared with base acreages on similar farms similarly operated which have had very similar crop-rotation practices in the past and have relatively the same type of soil and topography and approximately the same amount of cropland. Such adjustments are subject to the following conditions:

(1) The computed farm base acreage may not be adjusted above the cropland for the farm.

(2) No adjustment shall be made for the purpose of offsetting the effects of exceeding the 1959 or 1960 farm acreage allotment(s).

(3) An adjustment may be made to reflect the loss in county history caused by those farms for which the base acreage is determined under § 728.1017b(b)(4) or (5) which had excess wheat acreage on which the penalty became due for either the 1959 or 1960 crops of wheat.

A zero tentative base acreage shall be established for any farm if the county committee determines that the land will not be used for agricultural production in 1962 because it has been devoted to non-agricultural use.

(d) *The 1962 base acreage.* The 1962 base acreage shall be that acreage determined under paragraphs (a) through (c) of this section, adjusted to the approved county base. If the sum of the indicated 1962 tentative base acreages for all old farms in the county does not equal (within rounding tolerance) the 1962 final county base acreage used in apportioning the State acreage allotments to counties contained in § 728.1207, such indicated base acreage shall be adjusted up or down by that percentage which the sum of the indicated base acreages for all old farms in the county is less or more than the 1962 county base acreage: *Provided*, That the 1962 base acreage for any farm shall not exceed the total cropland for the farm, except for any farm where less than 15 percent of the cropland on the farm has been acquired under the right of eminent domain. As so adjusted, the 1962 tentative base acreage for the farm shall become the 1962 base acreage for the farm.

§ 728.1018 [Amendment]

2. Section 728.1018 is amended by striking out the period at the end thereof

and inserting in lieu thereof a comma and the language "and § 728.1017b for 1962."

(Secs. 334, 375, 377, 52 Stat. 53, as amended, 66, 71 Stat. 592, 73 Stat. 993; 7 U.S.C. 1334, 1375, 1377)

Issued at Washington, D.C., this 10th day of February 1961.

H. D. GODFREY,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61-1344; Filed, Feb. 14, 1961; 8:54 a.m.]

## Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

## PART 1102—AGRICULTURAL CONSERVATION; PUERTO RICO

### Subpart—1961

The soil and water resources of the farmlands of our Nation must be protected and conserved. This is essential in order that farms will continue to have the capacity to produce sufficient food and other raw materials to meet the future needs of the Nation.

All the people of this Nation, not the farmers alone, have a stake in, and a part of the responsibility for protecting and conserving, our farmlands. Recognizing this, the Congress appropriates funds to share with farmers the cost of carrying out needed soil and water conservation measures. The Agricultural Conservation Program is a means of making this Federal cost-sharing available to farmers.

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Sec.
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AUTHORITY: §§ 1102.1100 to 1102.1173 issued under Sec. 4, 49 Stat. 164, secs. 7–17, 49 Stat. 1148, as amnded, 71 Stat. 176, 71 Stat. 426, 72 Stat. 864, 74 Stat. 232; 16 U.S.C. 590d, 590g–590q.

INTRODUCTION

### § 1102.1100 Introduction.

(a) Through the 1961 Agricultural Conservation Program for Puerto Rico (referred to in this subpart as the "1961 program"), administered by the Department of Agriculture, the Federal Government will share with farmers of Puerto Rico the cost of carrying out approved conservation practices in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

(b) Information with respect to the several practices for which costs will be shared when carried out on a particular farm, and the exact specifications and rates of cost-sharing for such practices, are set forth in this subpart. Any additional information may be obtained at the ASC district offices, or at the local offices of the Soil Conservation Service with respect to practices 1 to 14, 18, 26, 27, 29, and 30 (§§ 1102.1141 to 1102.1154, 1102.1158, 1102.1166, 1102.1167, 1102.1169, and 1102.1170) and at the offices of the Forest Service with respect to practices 15, 31, and 32 (§§ 1102.1155, 1102.1171, and 1102.1172).

(c) The 1961 program was developed by the ASC State Office, the Territorial Director of the Soil Conservation Service for the Caribbean Area, the Forest Service official having jurisdiction of farm forestry in Puerto Rico, the Director of Agricultural Extension Service, and representatives of the Department of Agriculture of the Commonwealth of Puerto Rico.

GENERAL PROGRAM PRINCIPLES

### § 1102.1101 General program principles.

The 1961 Agricultural Conservation Program for Puerto Rico has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the soil and water conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit.

(b) The program is designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1961 on lands where they are to be applied.

(c) Costs will be shared with a farmer only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing are the minimum required to result in substantially increased performance of needed soil and water conservation practices.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland by measures such as drainage, irrigation, and land clearing. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the Public Treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers otherwise would not perform but which are essential to sound soil and water conservation, the farmers should assume responsibility for the upkeep and maintenance of those practices through their lifespans. Cost-shares are not applicable, after they are initially utilized, to undertake a practice during its normal lifespan unless the practice has failed to serve for its normal lifespan due to conditions beyond the control of the farm operator.

ALLOCATION OF FUNDS

### § 1102.1102 Allocation of funds.

The amount of funds available for conservation practices under this program is $873,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1102.1118.

SELECTION OF PRACTICES, RESPONSIBILITY FOR TECHNICAL PHASES, AND BULLETINS, INSTRUCTIONS, AND FORMS

### § 1102.1103 Selection of practices.

The practices included in this subpart are those for which the ASC State Office, the Soil Conservation Service, and the Forest Service agree that cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out.

### § 1102.1104 Responsibility for technical phases of practices.

(a) The Soil Conservation Service is responsible for the technical phases of practices 1 to 14, 18, 26, 27, 29, and 30 (§§ 1102.1141 to 1102.1154, 1102.1158, 1102.1166, 1102.1167, 1102.1169, and 1102.1170). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance for all requirements of the practice except those for which certification by the farmer is to be accepted in accordance with instructions issued by the Administrator, ACPS. Complete specifications for practices 1 to 12 (§§ 1102.1141 to 1102.1152) are contained in a document entitled "Detailed Specifications for Conservation Practices—Puerto Rico" prepared by the Soil Conservation Service, Caribbean Area Office, and available at the SCS work unit offices and the ASC district offices. The Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities. The Soil Conservation Service will utilize to the full extent available resources of the State forestry agencies in carrying out its assigned responsibilities for practice 14 (§ 1102.1154).

(b) The Forest Service is responsible for the technical phases of practices 15, 31, and 32 (§§ 1102.1155, 1102.1171, and 1102.1172). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through the ASC State Office, determining performance in meeting these specifications. This responsibility also includes (i) a finding that the practice is needed and practicable on the farm, (ii) necessary site selection, other preliminary work, and layout work of the practice, (iii) necessary supervision of the installation, and (iv) certification of performance. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities, but services of State forestry agencies will be utilized to the full extent such services are available.

### § 1102.1105 Bulletins, instructions, and forms.

The Administrator, ACPS, is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1961 program as it applies to Puerto Rico, and forms will

be made available at the State and district ASC offices. Persons wishing to participate in this program should obtain all information needed from the offices mentioned in this subpart in order to comply with all provisions of the program.

APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS

**§ 1102.1106 Opportunity for requesting cost-sharing.**

Each farmer shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance on his farm.

**§ 1102.1107 Prior request for cost-sharing.**

(a) Costs will be shared only for those practices for which cost-sharing is requested by the farmer before performance thereof is started, except that for practices to meet new conservation problems and emergency conservation measures to restore to productive use land damaged by natural disasters, the Administrator, ACPS, may authorize the acceptance of requests for cost-sharing filed within a reasonable period after performance thereof is started, such period to be stated in the practice wording. For practices for which (1) approval was given under the 1960 Agricultural Conservation Program, (2) performance was started but not completed during the 1960 program year, and (3) the ASC State Office believes the extension of the approval to the 1961 program is justified under the 1961 program regulations and provisions, the filing of the request for cost-sharing under the 1960 program may be regarded as meeting the requirement of the 1961 program that a request for cost-sharing be filed before performance of the practice is started.

(b) Any farmer who wishes to participate in the 1961 program must file Cert. Form No. 39 (Revised), Request for Cost-Shares.

(c) This form may be obtained and filed at any of the ASC district offices, field offices of the Soil Conservation Service (SCS), field offices of the Extension Service, district offices of the Farmers Home Administration, and field offices of the Department of Agriculture of the Commonwealth of Puerto Rico.

(d) This form must be filed on or before June 30, 1961, or such extension thereof as determined by the ASC State Office, but not extending beyond July 31, 1961, except for cases of hardship as determined by the ASC State Office.

**§ 1102.1108 Method and extent of approval.**

The ASC State Office will determine, or may delegate to the district offices authority to determine, the extent to which Federal funds will be available to share the cost of each approved practice on each farm, taking into consideration the available funds, the conservation problems of the individual farm and other farms, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1961. Prior approval of the ASC State Office is required for all practices, except as otherwise authorized by § 1102.1107 for practices to meet new conservation problems and emergency conservation measures. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. The maximum Federal cost-share for a farm shall be equal to the total of the cost-shares for all practices approved for the farm and carried out in accordance with the specifications for such practices. No practice may be approved for cost-sharing except as authorized by the program contained in this subpart, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a farm or acreage-quota basis, but shall be directed to the accomplishment of the most enduring conservation benefits attainable.

**§ 1102.1109 Initial establishment or installation of practices.**

(a) Federal cost-sharing may be authorized under the 1961 program only for the initial establishment or installation of the practices contained in this subpart. The initial establishment or installation of a practice, for the purposes of the 1961 program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed since the 1953 program if the practice has served for its normal lifespan, or if all of the following conditions exist:

(1) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(2) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(3) The ASC State Office believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

(b) With normal upkeep and maintenance, practices 1 to 23, 26, 27, and 29 to 32 (§§ 1102.1141 to 1102.1163, 1102.1166, 1102.1167, and 1102.1169 to 1102.1172) carried out under the 1954 or a subsequent program would not have served their lifespans by the end of the 1961 program year. Accordingly, cost-sharing for reestablishment or replacement of these practices may be authorized only under the conditions set forth in this section.

**§ 1102.1110 Repair, upkeep, and maintenance of practices.**

Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

**§ 1102.1111 Pooling agreements.**

Farmers in any local area may agree in writing, with the approval of the ASC State Office, to perform designated amounts of practices which, by conserving or improving the agricultural resources of the community, will solve a mutual conservation problem on the farms of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the persons who performed the practices.

PRACTICE COMPLETION REQUIREMENTS

**§ 1102.1112 Completion of practices.**

Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1102.1113 and 1102.1114, practices must be completed during the program year in order to be eligible for cost-sharing.

**§ 1102.1113 Practices substantially completed during program year.**

Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1961 program year, if the ASC State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions.

**§ 1102.1114 Practices involving the establishment or improvement of vegetative cover.**

Costs for practices involving the establishment or improvement of vegetative cover, including trees, may be shared even though a good stand is not established, if the ASC State Office determines, in accordance with standards approved by the ASC State Office, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm operator. The ASC State Office may require as a condition of cost-sharing in such cases that the area be reseeded or replanted, or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

FEDERAL COST-SHARES

**§ 1102.1115 Conservation materials and services.**

(a) *Availability.* (1) Part or all of the Federal cost-share for an approved practice may be in the form of conservation materials or services furnished through the program for use in carrying out the practice. Materials or services may not be furnished to persons who are indebted to the Federal Government as indicated by the register of indebtedness maintained in the ASC State Office, except in those cases where the agency to which the debt is owed waives its right to setoff



in order to permit the furnishing of materials and services. Purchase orders may be obtained by filing an application for such orders. Applications are available at the ASC district offices, field offices of the Extension Service, field offices of the Department of Agriculture of the Commonwealth Government of Puerto Rico, field offices of the Soil Conservation Service, and district offices of the Farmers Home Administration.

(2) Title to any material furnished through the Agricultural Conservation Program shall vest in the Federal Government until the material is applied or all charges for same are satisfied.

(3) When the material consists of ground limestone and the same is purchased direct by the farmer rather than obtained through a duly issued purchase order, the receipts or invoices, in triplicate, showing the purchase and calcium carbonate content of the ground limestone applied, properly dated and signed by the vendor, as well as a copy of the certificate of pH determination issued by the Agricultural Extension Service, Vocational Agriculture, or any other agency designated for this purpose by the ASC State Office, shall be retained by the farmer for presentation upon request of the ASC State Office.

(4) When the material consists of fertilizer and the same is purchased direct by the farmer, rather than obtained through a duly issued purchase order, the receipts or invoices, in triplicate, showing the purchase and analysis of the fertilizer applied, properly dated and signed by the vendor, shall be retained by the farmer for presentation upon request of the ASC State Office.

(b) *Cost to farmer.* The farmer shall pay that part of the cost of the material or service, as established under instructions issued by the Administrator, ACPS, which is in excess of the Federal cost-share attributable to the use of the material or service. The Federal cost-share increase on the amount of the Federal cost-share attributable to the use of the material or service may be advanced as a credit against that part of the cost of the material or service required to be paid by the farmer.

(c) *Discharge of responsibility for materials and services.* (1) The person to whom a material or service is furnished under the 1961 program will be relieved of responsibility for the material or service upon determination by the ASC State Office that the material or service was used in performing the practice for which it was furnished. If the person uses any material or service for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost of the material or service borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares otherwise due him under the program.

(2) Any person to whom materials are furnished shall be responsible to the Federal Government for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If the materials are abandoned or not used during the program year, they may, in accordance with instructions issued by the Administrator, ACPS, be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the material, or be retained by the person for use in a subsequent program year.

**§ 1102.1116 Practices carried out with State or Federal aid.**

The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the ASC State Office determines was furnished by a State or Federal agency. Materials or services furnished through the 1961 program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

**§ 1102.1117 Division of Federal cost-shares.**

(a) *Federal cost-shares.* The Federal cost-share attributable to the use of conservation materials or services furnished under purchase orders shall be credited to the person to whom the materials or services are furnished, and it shall have priority over payment for other practices. Other Federal cost-shares shall be credited to the person who carried out the practices by which such Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the ASC State Office determines they contributed to the carrying out of the practices. In making this determination, the ASC State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the ASC State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended (Part 1108 of this chapter).

**§ 1102.1118 Increase in small Federal cost-shares.**

For practices other than emergency conservation measures, the sum of the Federal cost-shares computed for any person with respect to any farm shall be increased as follows:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.00.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1.00, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1.00 or more shall be increased in accordance with the following schedule:

| Amount of cost-share computed: | Increase in cost-share |
|---|---|
| $1 to $1.99 | $0.40 |
| $2 to $2.99 | .80 |
| $3 to $3.99 | 1.20 |
| $4 to $4.99 | 1.60 |
| $5 to $5.99 | 2.00 |
| $6 to $6.99 | 2.40 |
| $7 to $7.99 | 2.80 |
| $8 to $8.99 | 3.20 |
| $9 to $9.99 | 3.60 |
| $10 to $10.99 | 4.00 |
| $11 to $11.99 | 4.40 |
| $12 to $12.99 | 4.80 |
| $13 to $13.99 | 5.20 |
| $14 to $14.99 | 5.60 |
| $15 to $15.99 | 6.00 |
| $16 to $16.99 | 6.40 |
| $17 to $17.99 | 6.80 |
| $18 to $18.99 | 7.20 |
| $19 to $19.99 | 7.60 |
| $20 to $20.99 | 8.00 |
| $21 to $21.99 | 8.20 |
| $22 to $22.99 | 8.40 |
| $23 to $23.99 | 8.60 |
| $24 to $24.99 | 8.80 |
| $25 to $25.99 | 9.00 |
| $26 to $26.99 | 9.20 |
| $27 to $27.99 | 9.40 |
| $28 to $28.99 | 9.60 |
| $29 to $29.99 | 9.80 |
| $30 to $30.99 | 10.00 |
| $31 to $31.99 | 10.20 |
| $32 to $32.99 | 10.40 |
| $33 to $33.99 | 10.60 |
| $34 to $34.99 | 10.80 |
| $35 to $35.99 | 11.00 |
| $36 to $36.99 | 11.20 |
| $37 to $37.99 | 11.40 |
| $38 to $38.99 | 11.60 |
| $39 to $39.99 | 11.80 |
| $40 to $40.99 | 12.00 |
| $41 to $41.99 | 12.10 |
| $42 to $42.99 | 12.20 |
| $43 to $43.99 | 12.30 |
| $44 to $44.99 | 12.40 |
| $45 to $45.99 | 12.50 |
| $46 to $46.99 | 12.60 |
| $47 to $47.99 | 12.70 |
| $48 to $48.99 | 12.80 |
| $49 to $49.99 | 12.90 |
| $50 to $50.99 | 13.00 |
| $51 to $51.99 | 13.10 |
| $52 to $52.99 | 13.20 |
| $53 to $53.99 | 13.30 |
| $54 to $54.99 | 13.40 |
| $55 to $55.99 | 13.50 |
| $56 to $56.99 | 13.60 |
| $57 to $57.99 | 13.70 |
| $58 to $58.99 | 13.80 |
| $59 to $59.99 | 13.90 |
| $60 to $185.99 | 14.00 |
| $186 to $199.99 | (1) |
| $200 and over | (2) |

[1] Increase to $200.
[2] No increase.

**§ 1102.1119 Maximum Federal cost-share limitation.**

(a) For practices other than emergency conservation measures, the total of all Federal cost-shares under the 1961 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Puerto Rico and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried

out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1961 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

**§ 1102.1120 Persons eligible to file application.**

Any person who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

**§ 1102.1121 Time and manner of filing application and required information.**

(a) It shall be the responsibility of persons participating in the program to submit to the ASC district offices forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to the ASC district offices and making copies available to the press. Other means of notification, including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the ASC district offices not later than February 28, 1962, except that the ASC State Office may accept an application filed after February 28, 1962, but not later than December 31, 1962, in cases where the failure to timely file was not the fault of the applicant. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the ASC district office within the applicable time limit. Receipts or invoices required by the wording of practices as evidence of performance shall be retained by the applicant for presentation to the ASC State Office for a period of two years following the end of the program year.

(c) If an application for a farm is filed within the time prescribed, any person on the farm who did not sign the application may subsequently file an application, provided he does so on or before December 31, 1962.

**§ 1102.1122 Appeals.**

(a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the ASC State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm. If he is dissatisfied with the decision of the ASC State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the ASC State Office. The decision of the Administrator, ACPS, shall be final. All appeals shall be considered as soon as practicable after they are filed, and prompt written notice of the decision shall be given to the appellant. Written notice of any decision rendered under this section by the ASC State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided*, That the Secretary, upon the recommendation of the Administrator, ACPS, and the ASC State Office, may allow cost-shares for performance not meeting all program requirements, where not prohibited by statute, if in his judgment such action is needed to permit a proper disposition of the appeal. Such action may be taken only where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the ASC State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the conservation purpose of the practice. The amount of the cost-share in such cases shall be computed on the actual performance and shall not exceed the amount to which the farmer would have been entitled if the performance rendered had met all requirements for the practice.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

**§ 1102.1123 Compliance with regulatory measures.**

Persons who carry out conservation practices under the 1961 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

**§ 1102.1124 Maintenance and use of practices.**

The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1961 program will be subject to the condition that the person with whom the costs are shared will maintain and use such practices for the conservation purpose for which cost-sharing was authorized throughout their normal lifespans in accordance with good farming practices as long as the land on which they are carried out is under his control, unless the ASC State Office determines that good farming practice does not require such maintenance and use, or that the failure to so maintain and use the practices was due to conditions beyond his control.

**§ 1102.1125 Practices defeating purposes of programs.**

If the ASC State Office finds that any person has adopted or participated in any practice during the 1961 program year which tends to defeat the purposes of the 1961 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1961 program.

**§ 1102.1126 Depriving others of Federal cost-shares.**

If the ASC State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1961 program.

**§ 1102.1127 Filing of false claims.**

If the ASC State Office finds that any person has knowingly supplied false information, or has knowingly filed a false claim, including a claim for payment of the Federal cost-share under the program for practices not carried out or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1961 program and shall refund all amounts that may have been paid to him under the 1961 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

**§ 1102.1128 Misuse of purchase orders.**

If the ASC State Office finds that any person has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-share under the 1961 program and shall refund all amounts that may have been paid to him under the 1961 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.



**§ 1102.1129 Federal cost-shares not subject to claims.**

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1102.1130, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 13 of this title)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**§ 1102.1130 Assignments.**

Any person who may be entitled to any Federal cost-share under the 1961 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1961, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

DEFINITIONS

**§ 1102.1133 Definitions.**

For the purposes of the 1961 Agricultural Conservation Program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Commonwealth of Puerto Rico.

(d) "ASC State Office" means the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(f) "Farm" means that area of land considered as a farm under the current definition of farm applicable to marketing quota and acreage allotment programs.

(g) "Coffee farm" means the same as "farm," except that it shall contain at least 0.5 acre of coffee in production in any one contiguous area.

(h) "Sugarcane farm" means any farm that has sugarcane growing in 1961.

(i) "Cropland" means that land considered as cropland under the current definition of cropland applicable to marketing quota and acreage allotment programs.

(j) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(k) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(l) "Program year" means the period from September 1, 1960, through December 31, 1961.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

**§ 1102.1135 Authority.**

The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U.S.C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1961.

**§ 1102.1136 Availability of funds.**

(a) The provisions of the 1961 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1961 program will not be available for paying Federal cost-shares for which applications are filed in the ASC district offices after December 31, 1962.

**§ 1102.1137 Applicability.**

(a) The provisions of the 1961 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing land administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b)(6) of this section; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

**§ 1102.1140 Concurrent operation of 1960 and 1961 Agricultural Conservation Programs for Puerto Rico.**

The practices, specifications, and rates of cost-sharing included in this sub-part are applicable to practices carried out on or after January 1, 1961. The practices, specifications, and rates of cost-sharing contained in the 1960 Agricultural Conservation Program for Puerto Rico are applicable to practices carried out on or before December 31, 1960.

**§ 1102.1141 Practice 1: Initial establishment of permanent sod waterways to dispose of excess water without causing erosion.**

In order to qualify for Federal cost-sharing, the establishment of natural waterways or disposal areas and the construction of outlet channels must conform with specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

*Maximum Federal cost-share.* (a) $2.25 per 1,000 square feet, when established by shaping and planting cuttings, runners, stolons, or broadcasting seed.

(b) $9.75 per 1,000 square feet, when established by shaping and sodding.

(c) $0.30 per cubic yard of earth moved, when a channel is constructed by excavation and vegetation is established.

**§ 1102.1142 Practice 2: Constructing continuous terraces to detain or control the flow of water and check soil erosion on sloping land.**

In order to qualify for Federal cost-sharing, a channel or Nichols type terrace shall be constructed on land of from 2 to 12 percent slope. The terrace system must also comply with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

*Maximum Federal cost-share.* $1.25 per 100 linear feet of terrace.

**§ 1102.1143 Practice 3: Establishing field diversion ditches or diversion terraces to intercept surface runoff from the watershed above and divert it into protected outlets to prevent erosion and protect lower lying cultivated areas.**

No Federal cost-sharing will be allowed for this practice if the cultivation of the lower lying areas does not follow the approximate contour. Necessary protected outlets must be established in accordance with the specifications for practice 1 (§ 1102.1141) prior to construction of field diversion ditches. In order to qualify for Federal cost-sharing, the establishment of field diversion ditches or diversion terraces must conform with the specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

*Maximum Federal cost-share.* $0.20 per cubic yard of earth moved.

**§ 1102.1144 Practice 4: Constructing or enlarging permanent open drainage systems to dispose of excess water.**

(a) Federal cost-sharing will be allowed for both new ditches and for clearing and/or enlarging old channels where there is poor drainage and flood damage due to poor conditions of natural streams of extremely low gradients, or to impaired carrying capacity because of vegetative or woody growth or irregularities in channel gradients, and where a new straight channel would have excessive gradient.

(b) No Federal cost-sharing will be allowed for ditches, the primary purpose of which is to bring new land into agricultural production. This practice is not applicable to land other than that devoted to the production of cultivated crops or crops normally seeded to hay or pasture during at least 2 of the 5 years preceding that in which the practice is applied: *Provided, however,* That upon a showing by a farmer applicant for this practice that the land on which the practice is to be applied was in cultivated crops or seeded pasture 2 years out of 10 years preceding the application applied for, he may be allowed cost-shares as to such land. The installation of this practice on eligible land shall not be ineligible for cost-shares because its use results in incidental drainage on ineligible land. No Federal cost-shares are allowable for cleaning a ditch, installing crossing structures, or for other structures primarily for the convenience of the farm operator. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat. No Federal cost-sharing will be allowed for permanent open farm drainage ditches constructed or enlarged on sugarcane land, except where such drainage is carried out as a community project under a pooling agreement approved by the ASC State Office. No Federal cost-sharing will be allowed for this practice where there is any likelihood that it will create an erosion or flood hazard.

(c) Construction or improvement of channels under this practice will not be approved where the watershed being drained discharges large quantities of sand or silt creating a sedimentation problem in drainage channels, unless protective measures are applied in the contributing watershed such as vegetative cover on sand or silt contributing areas and/or silt detention reservoirs or desilting basins established prior to construction of ditches.

(d) In order to qualify for Federal cost-sharing, the construction or enlargement of permanent open drainage systems must conform with the specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

*Maximum Federal cost-share.* (a) $0.20 per cubic yard of earth moved.

(b) $15.00 per acre for clearing existing channel and 15 feet beyond each bank, but not to exceed 50 percent of actual cost of clearing. (Receipts or records showing payment for labor will be required by the inspector as evidence of accomplishment under this rate of cost-sharing.)

**§ 1102.1145 Practice 5: Installing permanent underground tile drainage systems to dispose of excess water.**

(a) This practice will be applicable where internal drainage is needed, soils are adaptable, and all possible surface drainage consistent with farming practices has been completed.

(b) No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring new land into agricultural production. This practice is not applicable to land other than that devoted to the production of cultivated crops or crops normally seeded to hay or pasture during at least 2 of the 5 years preceding that in which the practice is applied: *Provided, however,* That upon a showing by a farmer applicant for this practice that the land on which the practice is to be applied was in cultivated crops or seeded pasture 2 years out of 10 years preceding the application applied for, he may be allowed cost-shares as to such land. The installation of this practice on eligible land shall not be ineligible for cost-shares because its use results in incidental drainage on ineligible land. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat.

(c) Regardless of the size of tile used, Federal cost-sharing shall not exceed $50.00 per acre. No Federal cost-sharing will be allowed for repairing or maintaining existing tile drainage systems.

(d) In order to qualify for Federal cost-sharing, acceptable size and grade of tile shall be laid to a predesigned depth, grade, and alinement, and covered, all in a workmanlike manner. An acceptable outlet must be provided.

(e) The tile drainage system must comply with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

*Maximum Federal cost-share.* (a) $0.08 per linear foot for 4-inch tile.

(b) $0.10 per linear foot for 6-inch tile.

(c) $0.12 per linear foot for 8-inch tile.

(d) $0.15 per linear foot for 10 but less than 12-inch tile.

(e) $0.20 per linear foot for 12-inch tile and above.

**§ 1102.1146 Practice 6: Constructing hillside ditches with or without vegetative barriers to detain or control the flow of water and check erosion on sloping land.**

(a) In order to qualify for cost-sharing, the hillside ditch system must be established on fields where plantings and cultivation follow the approximate contour or in orchards of 2 to 40 percent slope in accordance with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

(b) No Federal cost-sharing will be allowed under this practice if the Commonwealth Government shares in the cost under any other program.

*Maximum Federal cost-share.* (a) $1.00 per 100 linear feet of ditches without vegetative barriers.

(b) $1.30 per 100 linear feet of ditches with vegetative barriers.

**§ 1102.1147 Practice 7: Constructing rock barriers to form and support bench terraces and control the flow of water and check erosion on sloping land.**

In order to qualify for Federal cost-sharing, the rock barriers must be constructed in accordance with specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

*Maximum Federal cost-share.* $1.50 per cubic yard of rock used.

**§ 1102.1148 Practice 8: Constructing, enlarging, or sealing dams, pits, or ponds as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.**

(a) The dams, pits, or ponds must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management or make practicable the utilization of the land for vegetative cover.

(b) In order to qualify for Federal cost-sharing, the construction, enlarging, or sealing of dams, pits, or ponds must conform with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

*Maximum Federal cost-share.* (a) $0.20 per cubic yard of earth moved in the construction of an earth dam, pond, or pit.

(b) $15.00 per cubic yard of concrete or rubble masonry used in the construction of a concrete dam or in lining any part of an excavated pond or pit when the permeability of the soil makes such lining desirable, or in the construction of a masonry dam.



(c) $22.00 per cubic yard of steel reinforced concrete used for cutoff walls, headwalls, outlet structures, and/or risers.

(d) 50 percent of actual cost of conduits and metal cutoff collars. (Receipts or invoices showing the purchase of these materials will be required by the inspector as evidence of accomplishment under this rate of cost-sharing.)

**§ 1102.1149 Practice 9: Constructing, enlarging, or sealing dams, pits, or ponds to impound surface water for irrigation.**

(a) The purpose of this practice is to conserve agricultural water or to provide water necessary for the conservation of soil resources. No Federal cost-sharing will be allowed for constructing or lining dams, pits, or ponds, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years.

(b) In order to qualify for Federal cost-sharing, the construction, enlarging, or sealing of dams, pits, or ponds for irrigation water must conform with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

*Maximum Federal cost-share.* (a) $0.20 per cubic yard of earth moved in the construction of an earth dam, pond, or pit.

(b) $15.00 per cubic yard of concrete or rubble masonry used in the construction of a concrete dam or in lining any part of an excavated pond or pit when the permeability of the soil makes such lining desirable, or in the construction of a masonry dam.

(c) $22.00 per cubic yard of steel reinforced concrete used for box culvert, cradle, cutoff walls, headwalls, outlet structures, and/or risers.

(d) 50 percent of actual cost of conduits, slide gates, and metal cutoff collars. (Receipts or invoices showing the purchase of these materials will be required by the inspector as evidence of accomplishment under this rate of cost-sharing.)

**§ 1102.1150 Practice 10: Planting vegetative barriers on cultivated land, orchards, or coffee groves of 10 percent or more slope.**

No Federal cost-sharing will be allowed on cultivated land if plantings and cultivation do not follow the approximate contour. Cost-sharing will be allowed when the grasses forming the barrier are planted in accordance with the following specifications:

(a) Grasses listed under the specifications for practice 6 (§ 1102.1146) may be used and must be planted along contour lines.

(b) The vertical distance between the barriers must not exceed 9 feet.

(c) When cuttings of stiff-stemmed grasses are used, two rows 6 inches apart must be planted. When clump divisions of such grasses are used, the rows must be approximately 6 inches wide.

(d) When sod-forming grasses are used, the planted rows must be approximately 3 feet wide.

(e) No Federal cost-sharing will be allowed under this practice if the Commonwealth Government shares in the cost under any other program.

*Maximum Federal cost-share.* $0.20 per 100 linear feet.

**§ 1102.1151 Practice 11: Initial establishment of contour stripcropping on nonterraced land to protect soil from water erosion by planting alternate strips of clean-tilled crops and noncultivated grasses or legumes which will prevent soil washing.**

No cost-sharing will be allowed on cultivated land if plantings and cultivation do not follow the approximate contour. Contour lines must be established and all cultural operations performed as nearly as practicable on the contour. The spacing and width of the strips must be in accordance with the recommendations of the Soil Conservation Service. The width of the clean-tilled area must not exceed twice the width of the noncultivated area of vegetation.

*Maximum Federal cost-share.* $6.00 per acre.

**§ 1102.1152 Practice 12: Leveling land for more efficient use of irrigation water and to prevent erosion.**

(a) The purpose of this practice is to alter the slope or topography of irrigated land in such a manner as to (1) hold erosion damage to the minimum, (2) make maximum use of rainfall, (3) obtain effective use of irrigation water, and (4) facilitate soil and water management.

(b) Federal cost-sharing will not be approved for routine floating or restoration of grade, or on any land for which cost-sharing for leveling was given under a previous program. Federal cost-sharing will not be approved if the primary purpose of the leveling is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. The leveling must be carried out in accordance with a plan approved by the responsible technician.

(c) The practice must be recommended, supervised, and approved by a Soil Conservation Service representative, and performed to meet the requirements of SCS Conservation Practice Engineering Specifications on "Land Leveling for Irrigation."

*Maximum Federal cost-share.* $0.20 per cubic yard, not to exceed $30.00 per acre.

**§ 1102.1153 Practice 13: Constructing or installing miscellaneous permanent structures such as dams, chutes, drops, flumes, or similar structures to prevent or heal gullying, or in connection with farm drainage systems, or in connection with the reorganization of farm irrigation systems.**

(a) In order to qualify for cost-sharing, measures performed under this practice must be in accordance with technical standards approved by the Soil Conservation Service, Caribbean Area Office.

(b) The reorganization of farm irrigation systems (a change for the better in the method of conveying water to and in fields) must be in accordance with a plan approved by an SCS technician. No Federal cost-sharing will be allowed for structures installed for crossings, or for other structures primarily for the convenience of the farm operator.

(c) No Federal cost-sharing will be allowed for structures constructed or installed in connection with irrigation if the primary purpose is to bring additional land under irrigation or to reorganize a system not used during at least 2 of the last 5 years.

(d) No Federal cost-sharing will be allowed for structures constructed or installed in connection with drainage, the primary purpose of which is to bring new land into agricultural production.

*Maximum Federal cost-share.* (a) $0.20 per cubic yard of earth moved in the construction of earth dams.

(b) $15.00 per cubic yard of rubble masonry.

(c) $22.00 per cubic yard of steel reinforced concrete.

(d) 50 percent of the actual cost of materials used other than concrete and rubble masonry. (Receipts or invoices showing the purchase of these materials will be required by the inspector as evidence of accomplishment under this rate of cost-sharing.)

**§ 1102.1154 Practice 14: Initial establishment of a stand of trees for erosion control and/or for windbreaks.**

For erosion control, trees must be planted on the contour and be protected from fire and grazing. A permanent cover of grass, legumes, or mulch must be maintained under the trees. For windbreaks, the trees must be planted in such a pattern as to constitute an effective barrier against the prevailing winds. They must afford protection for adjacent areas which are devoted to agricultural purposes.

*Maximum Federal cost-share.* (a) $0.10 per fruit tree, not to exceed 200 trees per farm.

(b) $0.04 per tree for other than fruit trees, provided not less than 150 trees per farm are planted.

**§ 1102.1155 Practice 15: Planting of trees on farmland for purposes other than the prevention of wind or water erosion.**

In order to quality for Federal cost-sharing, at least ¼ acre must be planted, and the trees are to be spaced no wider than 8 by 8 feet. Plantings must be protected from fire and grazing. Competing vegetative growth within one foot of the trees must not be more than 6 inches in height. Federal cost-sharing may be authorized for fences, where needed to protect the trees being planted, but shall be limited to permanent fences. Boundary and road fences and the repair, replacement, or maintenance of existing fences are excluded. The fences must be constructed with new materials. The posts must be spaced not more than 8 feet apart with the corner posts adequately braced. Three strands of barbed wire, No. 12½ gauge or heavier, properly stretched must be used.

*Maximum Federal cost-share.* (a) $4.00 per 100 trees living at the time of inspection, not to exceed 1,750 trees per acre.

(b) $3.00 per 100 linear feet of fences.

**§ 1102.1156 Practice 16: Controlling competitive shrubs to permit growth of adequate desirable vegetative cover for soil protection on pasturelands.**

(a) This practice is eligible only on pastures of the grasses and legumes specified in practice 20 (§ 1102.1160). In order to qualify for the cost-share allowed under this practice, all competitive shrubs, such as the following, must be eliminated by uprooting or through the use of herbicides: Santa Maria, Zarzas, Tunas, Margarita, Albahaca, Cadillo, Guayabo, Jaraguazo, Verbena, Aroma, Escoba, Mesquite.

(b) On areas where it is determined that the control of competitive shrubs will reduce the vegetative cover to such an extent as to induce erosion, the practice will not be approved unless followed by seeding or other approved erosion control measures.

(c) Cost-sharing for carrying out this practice is limited to farms located within the North Area, comprising the municipalities of Tao Baja, Bayamon, Catano, Guaynabo, Carolina, Rio Piedras, Trujillo Alto, and Dorado; the West Area, comprising the municipalities of Aguada, Aguadilla, Anasco, Rincon, Moca, Mayaguez, Cabo Rojo, Hormigueros, and San German; the Southeast Area, comprising the municipalities of Arroyo, Cayey, Guayama, and Salinas; the Southwest Area, comprising the municipalities of Guanica, Lajas, Sabana Grande, and Yauco; the South Area, comprising the municipalities of Guayanilla, Penuelas, Juana Diaz, Villalba, Santa Isabel, and Ponce; the East Area, comprising the municipalities of Humacao, Juncos, Las Piedras, Naguabo, Patillas, Yabucoa, and Maunabo; the Central East Area, comprising the municipalities of Gurabo, Aguas Buenas, Cidra, Caguas, and San Lorenzo; and the Northeast Area, comprising the municipalities of Loiza, Luquillo, Rio Grande, Fajardo, Ceiba, Vieques, and Culebra.

(d) No Federal cost-sharing will be allowed for carrying out this practice on any acreage for which cost-sharing for eliminating the same competitive shrubs was allowed by the Commonwealth Government under a previous program. No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

*Maximum Federal cost-share.* $6.00 per acre.

**§ 1102.1157 Practice 17: Constructing permanent fences as a means of protecting vegetative cover.**

(a) This practice may be approved only where fencing will contribute to better distribution of livestock and seasonal use of the forage. Fences between pasture and other land will not qualify for cost-sharing. Fences must have pasture or range land on both sides of the fence.

(b) Cost-sharing will be allowed only for new fences constructed entirely of new materials. Cost-sharing will not be allowed for the repair, replacement, or maintenance of existing fences.

(c) Eligible fences are generally those which are constructed for the purpose of dividing an original field into two or more small fields between which livestock will be rotated. If it is necessary to construct some boundary or road fence, as well as the dividing fence, to accomplish the needed protection of the vegetative cover, cost-sharing will be allowed for the boundary or road fence.

(d) Hardwood, steel, or concrete posts or living tree posts shall be used. Posts must be spaced not more than 8 feet apart with corner posts adequately braced. For barbed wire fences, three strands of No. 12½ standard gauge or heavier wire must be used and tightly stretched. For woven wire fences, the wire must be not less than 4 feet high with a top and bottom strand of No. 10 standard gauge wire, and No. 12½ standard gauge in all intermediate wires and with stay wires 12 inches apart. The woven wire must be tightly stretched.

(e) Cost-sharing for carrying out this practice is limited to farms located within the eight areas mentioned in practice 16 (§ 1102.1156).

(f) No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

*Maximum Federal cost-share.* $3.00 per 100 linear feet.

**§ 1102.1158 Practice 18: Installing pipelines for livestock water as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.**

(a) The pipelines must deliver water to locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management or make practicable the utilization of the land for vegetative cover.

(b) Cost-sharing will be allowed when the pipeline carries water to areas where no other water supply for livestock is available and proper drinking troughs have been provided; and where the pipe used is new galvanized or comparable pipe meeting the following minimum specifications: (1) Metal pipes (galvanized, wrought iron, welded steel, lead, copper, or brass) meeting specifications as adopted by all reputable pipe manufacturers; (2) plastic pipes either flexible or rigid as specified in standards established by the Society of Plastic Industry. The pipe will be buried sufficiently deep to prevent damage by farm machinery where crossings are needed.

(c) Receipts or invoices showing the purchase of new pipe, properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

(d) Cost-sharing for carrying out this practice is limited to farms located within the eight areas mentioned in practice 16 (§ 1102.1156).

(e) No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

*Maximum Federal cost-share.* (a) $0.10 per linear foot when new pipes of from ½ to 1 inch diameter are used.

(b) $0.15 per linear foot when new pipes of from 1¼ to 1¾ inches diameter are used.

(c) $0.25 per linear foot when new pipes of 2 inches or more diameter are used.

**§ 1102.1159 Practice 19: Applying ground limestone, or its equivalent, to permit the initial establishment of grasses and legumes under practice 20 (§ 1102.1160) and the improvement of established permanent pastures under practice 22 (§ 1102.1162) or to improve pastures established prior to 1961.**

(a) Cost-sharing for the application of ground limestone is based on soil pH as follows: (1) If the pH determination shows 5.2 or less, cost-sharing will be allowed for applying up to 4 tons per acre. (2) If the pH determination shows more than 5.2, but not more than 5.8, cost-sharing will be allowed for applying up to 2 tons per acre. (3) If the pH determination shows more than 5.8, no cost-sharing will be allowed.

(b) Cost-sharing for carrying out this practice is limited to farms located within the eight areas mentioned in practice 16 (§ 1102.1156).

(c) No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

*Maximum Federal cost-share.* $4.00 per ton of ground limestone containing at least 80 percent calcium carbonate equivalent.

**§ 1102.1160 Practice 20: Initial establishment of improved permanent pasture for erosion control by seeding, sodding, or sprigging perennial legumes or self-reseeding annual or perennial grasses, or a mixture of legumes and perennial grasses, or other approved forage plants.**

(a) Commercial fertilizers of formulas other than 12–6–10 or 12–6–8 may be accepted if approved by the ASC State Office.

(b) The varieties of grasses and legumes planted must be well adapted to the conditions of the particular area. Plantings must be carried out on not less than ½ acre to qualify for cost-sharing. The land must be properly prepared by plowing, harrowing (if necessary), and furrowing on approximate contour lines, or by hand preparation. Sufficient clump divisions, sprigs, cuttings, or seeds must be used to secure a good ground cover at maturity.

(c) When a Guinea grass pasture is established by using seed, the rate of seeding should not be less than 20 pounds per acre. When Guinea and/or Molasses grass is seeded in mixtures with Tropical Kudzu, the rate of seeding will be as follows: (1) Molasses grass, 5 pounds per acre, Tropical Kudzu, 4 pounds per acre; (2) Guinea grass, 8 pounds per acre, Tropical Kudzu, 4 pounds per acre.

(d) When grass pasture is established by using slips or cuttings, the distance between the rows must not be more than 3 feet. On land of 2 percent or more slope, the plantings and all cultivating must be as near as practicable along the contour lines.

(e) Cost-sharing for carrying out this practice is limited to farms located within the eight areas mentioned in practice 16 (§ 1102.1156).

(f) No Federal cost-sharing will be allowed for any component of this practice for which the Commonwealth of Puerto Rico shares in the cost under any other program.

*Maximum Federal cost-share.* (a) $15.00 per acre for planting Para, Guinea, Gramalote, Pangola, Giant St. Augustine, Buffel, or Merker grass, or any combination of these grasses.

(b) $18.00 per acre for planting Tropical Kudzu in combination with Molasses, Guinea, Gramalote, or Para grass, or a combination of these grasses.

(c) $30.00 per ton of 12–6–10 or 12–6–8 fertilizer applied to permit the initial establishment of grasses and legumes under rates (a) and (b), but not exceeding 1,000 pounds per acre.

**§ 1102.1161 Practice 21: Initial application of refuse from sugar mill grinding operations, known as filter cake, to permit the initial establishment of pasture under practice 20 (§ 1102.1160) for soil protection and moisture conservation.**

(a) Farms from which more than 100 acres of sugarcane are harvested in 1961, and any farm operated by a producer-processor as defined under the Sugar Program, are not eligible for cost-sharing under this practice.

(b) The filter cake should be spread over the land and plowed under with the second plowing and before furrowing. A certificate from the mill showing the tons of filter cake delivered to the participating farmer must be retained for presentation to the farm inspector at the time of inspection. If such certificate is not obtainable, the farmer must request the corresponding ASC district office to inspect the filter cake before it is spread over the land.

(c) Cost-sharing for carrying out this practice is limited to farms located within the eight areas mentioned in practice 16 (§ 1102.1156).

(d) No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

*Maximum Federal cost-share.* $0.50 per ton, but not exceeding 20 tons per acre.

**§ 1102.1162 Practice 22: Improvement of established permanent pasture of Molasses, Guinea, Gramalote, and Para grass by seeding Tropical Kudzu for soil or watershed protection.**

(a) Commercial fertilizers of formulas other than 12–6–10 or 12–6–8 may be accepted if approved by the ASC State Office.

(b) To qualify for cost-sharing, the seeding must be carried out on not less than ½ acre and the Tropical Kudzu must occupy at least 40 percent of the area in pasture to be improved.

(c) Cost-sharing for carrying out this practice is limited to farms located within the eight areas mentioned in practice 16 (§ 1102.1156).

(d) No Federal cost-sharing will be allowed for any component of this practice for which the Commonwealth of Puerto Rico shares in the cost under any other program.

*Maximum Federal cost-share.* (a) $10.00 per acre for seeding at a rate of not less than 4 pounds of Tropical Kudzu. This rate of cost-sharing applies to the total area occupied by the Tropical Kudzu and the established pasture.

(b) $30.00 per ton of 12–6–10 or 12–6–8 fertilizer applied to the area seeded to Tropical Kudzu, but not exceeding 500 pounds per acre.

**§ 1102.1163 Practice 23: Development of permanent woodland cover for erosion control on steep slopes and for watershed protection through the initial establishment of coffee groves.**

(a) In order to qualify for cost-sharing, all components which are needed must be carried out on the 1961 area designated for the initial establishment of the coffee groves.

(b) Only the leguminous species commonly known as guaba del pais, guaba venezolana, guama, moca, bucare enano, and madre del cacao shall be used for the initial establishment of shade trees. Not more than 50 shade trees shall be planted per acre and they should be well distributed throughout the area in order to provide, when grown, an average of 30 percent shade. By the time of inspection, the shade trees shall be well established, free from vines and weeds and at least 18 inches high. If the coffee farmer plants his coffee trees under an existing stand of shade trees, he must clear the area of all excessive shade leaving only around 50 young trees measuring around 6 inches in diameter at breast height per acre. The remaining trees should be of the aforesaid leguminous species and distributed throughout the area in order to provide, when grown, an average of 30 percent shade.

(c) Under no circumstances will cost-sharing be allowed if the coffee plantings are made with spontaneous seedlings (wildings). From 700 to 1,200 trees shall be planted per acre in rows 8 to 10 feet apart. The varieties of coffee trees to be planted shall be selections of the arabica species, namely, Seleccion Puerto Rico, Columnaris, Bourbon, Caturra, Mundo Nuevo, Villalobos, Villa Sarchi, or any other variety as determined by the Agricultural Experiment Station or the Commonwealth Department of Agriculture. The trees to be planted shall have been grown by the farmer himself or by some other person or entity in properly established nurseries, either in open ground or in individual pots. Only the best coffee land within the coffee area of the farm should be devoted to new coffee plantings. The field to be planted to new coffee trees should be selected jointly by the participating farmer and the agricultural technicians serving the community, namely, County Agricultural Agents of Extension Service, Teachers of Vocational Agriculture, Soil Conservation Service Technicians, and Coffee Supervisors of the Commonwealth Department of Agriculture. Planted trees should be at least 18 inches high by the time of inspection and free of weeds, insects, and diseases to such an extent as is considered desirable by the aforesaid technicians. Coffee trees may be planted under an existing stand of old coffee trees or under bananas and plantains, serving as temporary shade, provided such old coffee trees or the bananas and plantains are removed after such period of time as is recommended by the aforesaid technicians, but in no event later than after the second year. The acreage of bearing coffee where the new plantings are carried out is not eligible to participate under practice 25 (§ 1102.1165).

(d) Fertilizer formulas other than those specified in this practice may be accepted only upon request and with the approval of the ASC State Office.

(e) No Federal cost-sharing will be allowed for any component of this practice for which the Commonwealth of Puerto Rico shares in the cost under any other program.

*Maximum Federal cost-share.* (a) Initial establishment of permanent shade trees or improvement of an existing stand of shade trees:

(1) $0.04 per tree planted in 1961, but in no event for more than 50 trees per acre.

(2) $8.00 per acre for the improvement of an existing stand of shade trees.

(b) $30.00 per ton of fertilizer applied of the formulas 9–10–5 or 10–10–8, but for not more than 500 pounds per acre.

**§ 1102.1164 Practice 24: Development of permanent woodland cover for erosion control on steep slopes and for watershed protection through the application of fertilizer to coffee groves more than 1 year old but not more than 4 years old.**

(a) Fertilizer formulas other than those specified in this practice may be accepted only upon request and with the approval of the ASC State Office.

(b) Cost-shares will be allowed only for acreage rejuvenated or initially established in prior years and which is still less than 4 years old.

(c) The coffee trees shall be healthy trees free of diseases and harmful insects, to such an extent as is considered desirable by the agricultural technicians. Where necessary to maintain the coffee trees in a healthy condition, spraying or dusting must be carried out in accordance with specifications approved by the ASC State Office.

(d) No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

*Maximum Federal cost-share.* $30.00 per ton of fertilizer applied of formulas 12–6–10, 12–6–16, 12–8–14, or 10–6–20, but for not more than 1,000 pounds per acre.

**§ 1102.1165 Practice 25: Improving the woodland protection which coffee groves provide for steep slopes by applying to coffee trees fertilizer of formulas 12–6–10, 12–6–16, 12–8–14, or 10–6–20.**

(a) Fertilizer formulas other than those specified in this practice may be accepted only upon request and with the approval of the ASC State Office.

(b) For farms with less than 4 acres of bearing coffee, the maximum number of pounds of fertilizer allowed will be as follows:

| Acres of bearing coffee: | *Pounds of fertilizer* |
|---|---|
| 0.5 to 1.0 | 300 |
| 1.1 to 2.0 | 400 |
| 2.1 to 3.9 | 500 |

For farms with 4 acres or more of bearing coffee, the maximum number of pounds of fertilizer allowed shall be the product of (i) 500 times (ii) 25 percent of the actual number of bearing coffee acres on the farm or 35 acres, whichever is smaller.

(c) The live ground cover (grass and herbs) shall not be cut to a height of less than about 3 inches. Dead ground cover and the forest litter accumulated shall not be removed, except to the extent necessary for carrying out harvesting operations. The coffee trees must be properly pruned by removing surplus young shoots growing on the tree trunks and non-bearing and dead branches. Shade trees shall be kept so pruned or thinned as to provide approximately 30 percent cover for the area. Old and non-productive coffee trees, as well as old shade trees, shall be removed and replaced with sound seedlings.

(d) No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

*Maximum Federal cost-share.* $30.00 per ton of fertilizer applied.

**§ 1102.1166 Practice 26: Installing sprinkler irrigation in permanent pasture to develop forage so as to encourage rotation grazing and better pasture management for protection of all grazing land in the farm against overgrazing and erosion.**

(a) Installation of sprinklers must be solely for irrigation in connection with the initial establishment or improvement of old or new permanent pastures on steep slopes and in accordance with a written plan approved by an SCS field engineer prior to the installation.

(b) No Federal cost-sharing will be allowed under this practice if the Commonwealth Government shares in the cost under any other program.

*Maximum Federal cost-share.* 33 percent of the cost of plain or perforated pipe, sprinklers, and fittings, but not over $100 per acre. (Receipts or invoices showing the purchase of these materials will be required as evidence of accomplishment under this practice.)

**§ 1102.1167 Practice 27: Shaping or land grading to permit effective drainage.**

(a) No Federal cost-sharing will be allowed for any shaping or grading which is performed through farming operations in connection with land preparation for planting or cultivation of crops. No Federal cost-sharing will be allowed for shaping or land grading on land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years.

(b) The practice must be recommended, supervised, and approved by a Soil Conservation Service representative, and performed to meet the requirements of SCS Conservation Practice Engineering Specifications on "Land Grading for Drainage."

*Maximum Federal cost-share.* $0.20 per cubic yard, not to exceed $25.00 per acre.

**§ 1102.1168 Practice 28: Establishment of vegetative cover for green manure and for protection from erosion.**

(a) Federal cost-sharing will be limited to acreages of annual or perennial legumes, seeded during the 1961 program year. A good stand and good growth must be obtained.

(b) Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed. Volunteer stands will not qualify for cost-sharing. Plantings must be carried out on not less than ½ acre to qualify for cost-sharing.

(c) The practice is applicable only to cropland that in the course of normal rotation is shifted from crop production to green manure and cover crops.

(d) The following legumes are eligible for cost-sharing under this practice: Jackbeans, Crotalaria, Velvetbeans, Kudzu, and Indigo.

*Maximum Federal cost-share.* 50 percent of the current local cost of seed and fertilizer. (Receipts or invoices must be furnished as evidence of accomplishment.)

**§ 1102.1169 Practice 29: Developing springs or seeps for livestock as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.**

(a) The springs or seeps must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management or make practicable the utilization of the land for vegetative cover.

(b) In order to qualify for cost-sharing, measures performed under this practice must be in accordance with technical standards approved by the Soil Conservation Service, Caribbean Area Office.

*Maximum Federal cost-share.* 60 percent of actual cost of materials used in establishing the practice. (Receipts or invoices showing the purchase of these materials will be required by the inspector as evidence of accomplishment under this rate of cost-sharing.)

**§ 1102.1170 Practice 30: Lining irrigation ditches with concrete or other suitable material to prevent erosion and loss of water by seepage.**

(a) This practice is limited to ditches that are properly located and constructed as a part of an irrigation system which has been in use during at least 2 of the last 5 years.

(b) No Federal cost-sharing will be allowed for lining irrigation ditches on sugarcane lands, except where such lining is carried out as a community project under a pooling agreement approved by the ASC State Office.

(c) All lining must be in accordance with plans and specifications developed prior to performance and approved by the Soil Conservation Service, Caribbean Area Office.

(d) Federal cost-sharing under this practice will not exceed $250 per farm.

*Maximum Federal cost-share.* (a) $0.25 per square yard for 1½-inch lining.
(b) $0.35 per square yard for 2-inch lining.
(c) $0.45 per square yard for 2½-inch lining.
(d) $0.70 per square yard for 3-inch lining and above.

**§ 1102.1171 Practice 31: Cleaning of young forest plantations on farmland to assure their successful establishment.**

In order to qualify for Federal cost-sharing, at least ¼ acre must be cleaned, the plantation must be no more than 32 months of age at the end of the practice year, and there must be at least 600 living planted trees per acre. Plantings must be protected from fire and grazing. Weeding must keep competing vegetation within one foot of the planted trees to a height of no more than 6 inches. Normally, this will require at least two weedings per year.

*Maximum Federal cost-share.* $8.00 per acre.

**§ 1102.1172 Practice 32: Improvement of a stand of forest trees on farmland for the production of timber.**

(a) In order to qualify for Federal cost-sharing, at least one acre of forest must be improved, and the work must be carried out under the supervision of the Department of Agriculture of Puerto Rico. All areas improved must be protected from fire and grazing. Improvement practices include thinning, the release of desirable tree seedlings, and the preparation of forestland for natural reseeding. Trees may be removed by felling, girdling, or poisoning. Federal cost-sharing for the preparation of forestland for natural reseeding will be limited to areas which have a sufficient number of desirable trees for natural reseeding which will not restock unless brush, dense litter, and other material on the forest soil is broken up or removed so that the soil is exposed, and on which the seed trees will be left until the area is restocked. This practice is limited to stands of five years or more.

(b) Federal cost-sharing may be authorized for fences, where needed, to protect the improved area, but shall be limited to permanent fences. Boundary and road fences and the repair, replacement, or maintenance of existing fences are excluded.

(c) The fences must be constructed with new materials. The posts must be spaced not more than 8 feet apart, with the corner posts adequately braced. Three strands of barbed wire No. 12½ gauge or heavier, properly stretched, must be used.

*Maximum Federal cost-share.* (a) $10.00 per acre.
(b) $3.00 per 100 linear feet of fences.

**§ 1102.1173 Practice 33: Emergency conservation measures to restore to productive use land damaged by natural disasters.**

(a) *General provisions.* (1) This practice is applicable only in District No. 1, which includes the municipalities of Caguas, Aguas Buenas, Rio Piedras, San Lorenzo, Trujillo Alto, Carolina, Ceiba, Fajardo, Gurabo, Juncos, Las Piedras, Loiza, Luquillo, Naguabo, Rio Grande, Cidra, Humacao, and Yabucoa.

(2) The cost-share computed for any person for this practice shall not be increased in accordance with § 1102.1118, and shall not be included with the cost-shares computed for such person for other practices in applying the maximum Federal cost-share limitation in § 1102.1119.

(3) The total of all Federal cost-shares for this practice to any person shall not exceed the sum of $2,500, except that, with the written prior approval of the Caribbean Area ASC Office, a higher maximum may be approved in individual cases upon justification by the farmer on the basis of exceptional need and his inability to otherwise carry out the work.

(4) Costs for this practice will be shared only for eligible measures carried out on or after September 6, 1960, and only if requested by the farm operator within 30 days after the practice is publicly announced for use in District No. 1, or before the date on which performance of the eligible measures is started, whichever is the later.

(5) With the approval of the Caribbean Area ASC Office, costs of performing this practice may be shared with farmers who carry out eligible measures on their lands or, with the permission of the owners or operators of adjacent or nearby lands, on such adjacent or nearby lands.

(6) Responsibility for the technical phases of this practice is assigned to the Soil Conservation Service. This responsibility shall include (i) a finding that the practice is needed and practicable on the farm, (ii) necessary site selection, other preliminary work, and layout work of the practice, (iii) necessary supervision of the installation, and (iv) certification of performance for all requirements of the practice, except those for which certification by the farmer is to be accepted in accordance with instructions issued by the Administrator, ACPS.

(7) This practice applies only on land which immediately prior to the flood was in cultivated crops or pasture.

(8) Federal cost-sharing will be allowed under this practice only for restoration or replacement needed to solve conservation problems arising from the floods of September 5–6, 1960.

(b) *Eligible conservation measures*—(1) *Repair or replacement of permanent farm drainage ditches or channels damaged or impaired by floods.* This practice is applicable only to the repairing or replacement of ditches or channels which were adequate to meet the normal conservation problem of the area before the floods. Newly constructed ditches or channels must meet technical standards adopted by the Soil Conservation Service. It is not required that the new ditch or channel be on the exact location of the structure which was destroyed or damaged by the floods. The filling up of the destroyed or damaged ditch or channel will be eligible for cost-sharing. The obstructing materials, such as sand, gravel, brush, trees, logs, or other debris that cause flow to be retarded or diverted, must be properly disposed of, i.e., so as to remove the danger of its getting back into the ditch or channel. The ditches or channels must be cleared so that normal water carrying capacity is restored and the banks smoothed and graded to prevent serious sloughing.

*Maximum Federal cost-share.* (a) $0.20 per cubic yard of earth moved.
(b) 50 Percent of actual costs for removing debris. (Receipts or records showing actual costs must be furnished as evidence of accomplishment under this rate of cost-sharing.)

(2) *Restoring hillside ditches where the usefulness of such ditches was destroyed or materially impaired by flood or excessive rain.* Federal cost-sharing will be allowed only in connection with the restoration of ditches constructed previously as part of a hillside ditch system meeting the standards of the Soil Conservation Service.

*Maximum Federal cost-share.* $1.00 per 100 linear feet of ditches restored.

(3) *Restoring flood damaged furrows.* Cost-sharing will be allowed only on land that at the time immediately prior to the flood damage was in cultivated crops planted on the ridge.

*Maximum Federal cost-share.* $2.00 per acre.

(4) *Restoring dikes previously constructed for protection from erosion or flood damage.* This measure is applicable to restoration of channel or stream dikes which were adequate to meet the normal conservation problem on the area before their usefulness was destroyed or materially impaired by floods. In addition, it must meet the standards adopted by the Soil Conservation Service.

*Maximum Federal cost-share.* 50 percent of the actual cost. (Itemized cost invoices must be furnished by the farmer before payment is made.)

(5) *Removal of debris deposited by flood.* The volume of the debris must be of such size or of such other physical characteristics that it cannot be incorporated into the soil through normal cultural operations. Debris must be removed from the area, effecting complete disposal. The method of disposal may include piling, burying, or burning, where feasible. No debris should be piled or buried where it interferes with existing drainage facilities or with normal cultural operations. Itemized cost invoices must be furnished by the farmer before payment is made.

*Maximum Federal cost-share.* (a) 50 percent of the actual cost of removing high accumulation of debris, not to exceed $60.00 per acre.
(b) 50 percent of the actual cost of removing medium accumulation of debris, not to exceed $30.00 per acre.
(c) 50 percent of the actual cost of removing low accumulation of debris, not to exceed $15.00 per acre.

(6) *Deep plowing to turn under flood deposits of silt, sand, or gravel to permit the utilization of the land for agricultural production.* Federal cost-sharing will be allowed only on land where the quantity of deposits is such that deep plowing is necessary to bring the land into agricultural production. The plowing must be sufficiently deep to bring a minimum of 6 inches of the original topsoil to the surface, thereby making the land suitable for the production of crops normally grown in the area. Itemized cost invoices or records must be furnished by the farmer before payment is made.

*Maximum Federal cost-share.* 50 percent of the actual cost, not to exceed $6.00 per acre.

(7) *Restoring natural grade to land affected by accumulations of earth, silt, etc. brought about by floods.* The purpose of this practice is to restore the surface smoothness of land which has been affected by deposits as a result of floods to such an extent that the surface unevenness prevents or hinders normal cultural operations on the land. Restoration measures may include the removal or spreading of deposits and smoothing of the land.

*Maximum Federal cost-share.* $0.20 per cubic yard of earth moved.

Done at Washington, D.C., this 9th day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61–1308; Filed, Feb. 14, 1961; 8:49 a.m.]



# Title 17—COMMODITY AND SECURITIES EXCHANGES

[Release No. 3187]

## Chapter II—Securities and Exchange Commission

## PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

### Offering of Common Stock to the Public at a Per Share Price Substantially in Excess of the Net Asset Value of the Stock

The Commission has noted that recently there have been a few instances in which a small business investment company, registered under the Investment Company Act of 1940, proposed to offer to the public common stock, not previously offered to the public, at a per share price substantially in excess of the net asset value of the stock. Since the promoters in these cases paid no more than the net asset value for their shares, the purpose of the higher offering price appears to be principally to benefit the promoters by the resultant increase in the net asset value of their shares.[1] Unless some other and more legitimate purpose in these situations can be shown, it is the Commission's view that public offerings at such prices may not lawfully be made

[1] For example, if a company privately sells 50,000 shares of its stock to its promoters at the asset value of $10 per share and thereafter, when the net asset value is still $10 per share, sells 200,000 shares to the public at a net price of $20 per share, the net asset value, after the public sale of the shares held by the promoters, climbs to $18 per share, while that of the shares purchased by the public at $20 net price is also $18.

under the Investment Company Act of 1940.

Section 1 of the Investment Company Act of 1940 makes clear that, so far as feasible, the provisions contained in the Act should be interpreted to prohibit the operation of investment companies in the interests of their officers, directors and other insiders. Section 17(e)(1) makes it unlawful for an affiliated person of a registered investment company, acting as agent, to accept compensation (other than a regular salary or wages from such registered company) from any source for the purchase or sale of any property to or for such registered company except in the course of such person's business as an underwriter or broker. Section 23(a) of the Act states in part that no closed-end investment company shall issue stock for services. Section 48(a) makes it unlawful for any person to do or cause to be done indirectly that which it is unlawful to do directly.

The Commission believes that the foregoing sections prohibit the offering of securities of closed-end investment companies in the manner set forth in the instances described above.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 6, 1961.

[F.R. Doc. 61-1302; Filed, Feb. 14, 1961; 8:47 a.m.]

# Title 19—CUSTOMS DUTIES

[T.D. 55315]

## Chapter I—Bureau of Customs, Department of the Treasury

## PART 16—LIQUIDATION OF DUTIES

### Union of South Africa Removed From the List of Quarterly Rate Countries

The Federal Reserve Bank of New York has advised the Bureau that the Bank was informed that under the South African Decimal Coinage Act the currency of the Union of South Africa, effective February 14, 1961, will be placed on a decimal basis by the introduction of a new unit of currency to be styled the Rand.

The Bank's intention is to discontinue, effective February 14, 1961, the daily certification of the South African Pound and to certify on a daily basis a rate of exchange of the South African Rand, which is to be the equivalent of ten shillings in the existing currency or one-half of the present Pound.

Therefore, the Union of South Africa, designated in § 16.4(d) of the Customs Regulations (19 CFR 16.4(d)) as a country whose currency shall be subject to conversion for customs purposes at the rate first certified by the Bank for a day within each calendar quarter, is hereby removed effective February 14, 1961, from the list of such countries pursuant to section 522(c)(1)(B) of the Tariff Act of 1930, as amended (31 U.S.C. 372(c)(1)(B)).

The list of quarterly-rate countries set forth at the end of paragraph (d) of § 16.4 of the Customs Regulations is amended by deleting Union of South Africa, effective on the date this Treasury decision is published in the FEDERAL REGISTER but not before February 14, 1961

Publication of notice and public procedure under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is found to be impracticable because it is imperative in the proper administration of the above-mentioned provision of the Tariff Act of 1930, as amended, that this Treasury decision be put into effect without delay. This urgency is also found to be good cause for not deferring the effective date pursuant to section 4(c) of the Administrative Procedure Act.

(R.S. 251, secs. 522, 624, 46 Stat. 379, as amended, 759; 19 U.S.C. 66, 1624, 31 U.S.C. 372)

If the occasion for further instructions arises, they will be issued as soon as practicable with respect to the rate or rates applicable for customs purposes as to exportations occurring on dates on and after February 14, 1961, and prior to the effective date of this Treasury decision.

[SEAL] LAWTON M. KING, *Acting Commissioner of Customs.*

Approved: February 13, 1961.

DOUGLAS DILLON, *Secretary of the Treasury.*

[F.R. Doc. 61-1430; Filed, Feb. 14, 1961; 10:38 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Tolerances for Residues of O,O-Diethyl S-2-(Ethylthio) Ethyl Phosphorodithioate

A petition was filed with the Food and Drug Administration by Chemagro Corporation, Post Office Box 4913, Kansas City 20, Missouri, requesting the establishment of tolerances for residues of *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate in or on raw agricultural commodities as follows:

2.0 parts per million in or on sugar beet tops.
0.5 part per million in or on sugar beets.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended as indicated below:

§ 120.3 [Amendment]

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e)(5) is amended by adding as the third item in the list of cholinesterase-inhibiting compounds the name:

*O,O*-Diethyl *S*-2-(ethylthio) ethyl phosphorodithioate.

2. Part 120 is amended by adding thereto the following new section:

§ 120.183 Tolerances for residues of *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate.

Tolerances for residues of *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate in or on raw agricultural commodities are established as follows:

2 parts per million in or on sugar beet tops.
0.5 part per million in or on sugar beets.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 8, 1961.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-1304; Filed, Feb. 14, 1961; 8:48 a.m.]



SUBCHAPTER C—DRUGS

## PART 146c—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

## PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

### Penicillin V, Streptomycin-Nystatin for Oral Suspension; Changes in Expiration Dates

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR 146a.103, 146c.236) are amended as follows:

1. Section 146a.103(c)(3) is amended to read as follows:

§ 146a.103 Penicillin V (phenoxymethyl penicillin).

* * * * * * *

(c) *Labeling.* * * *

(3) The statement "Expiration date ——," the blank being filled in with the date that is 24 months after the month in which the batch was certified, except that the blank may be filled in with the date that is 36 months or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

2. In § 146c.236, paragraph (c) is amended by extending the expiration date of the drug from 12 months to 18 months, under certain conditions. As amended, § 146c.236(c) reads as follows:

§ 146c.236 Tetracycline-nystatin for oral suspension.

* * * * * * *

(c) Each package shall bear on its label and labeling the total number of grams of tetracycline and the total number of units of nystatin contained therein, and the number of milligrams of tetracycline and the number of units of nystatin per milliliter when reconstituted as directed in the labeling. The expiration date of the drug shall be 12 months, except that the date that is 18 months after the month during which the batch was certified may be used if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

*Effective date.* This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: February 7, 1961.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-1305; Filed, Feb. 14, 1961; 8:48 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

### CONTINUANCE IN EFFECT OF ALL CURRENT REGULATIONS AND OTHER FORMAL ISSUES AND CONFIRMATION OF ISSUES PROMULGATED BY OR PURSUANT TO THE AUTHORITY OF SUMNER G. WHITTIER TO BECOME EFFECTIVE AFTER TERMINATION OF HIS APPOINTMENT

All current Veterans Administration regulations, manuals, instructions, bulletins, circulars, Administrator's decisions, delegations of authority and other issues applicable to the Veterans Administration shall remain in full force and effect.

In addition all Veterans Administration issues applicable to the Veterans Administration which were approved by or pursuant to the authority of Sumner G. Whittier to become effective on a date subsequent to the termination of his appointment as Administrator of Veterans Affairs are hereby confirmed and approved as though the same had been approved by me.

All the above issues shall remain in full force and effect until such time as they may be specifically amended or revoked.

[SEAL] J. S. GLEASON, Jr., *Administrator of Veterans Affairs.*

[F.R. Doc. 61-1345; Filed, Feb. 14, 1961; 8:54 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2264]
[Anchorage 017473]

## ALASKA

### Correcting Public Land Order No. 1762 of December 2, 1958

The lands in sec. 12 referred to in the fifth line of paragraph 3(c) of subject order, appearing at pages 9485-86 of the FEDERAL REGISTER of December 6, 1958, are a part of Township 13 N., Range 3 W., Seward Meridian, rather than Township 13 N., Range 2 W., and the said order is hereby corrected accordingly.

JOHN A. CARVER, Jr., *Assistant Secretary of the Interior.*

FEBRUARY 8, 1961.

[F.R. Doc. 61-1296; Filed, Feb. 14, 1961; 8:47 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Carolina Sandhills National Wildlife Refuge, South Carolina

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH CAROLINA

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Sport fishing on the Carolina Sandhills National Wildlife Refuge is permitted only on the areas designated by signs as open fishing. This open area, comprising 64 acres or 0.0013 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, jackfish (Eastern pickerel), crappie, catfish and other minor species permitted by State regulations.

(b) Open season: Martins Pond, March 15 through October 15; Twin Lakes, Triple Lakes, Lakes 12, 16, and 17, February 15 through November 30. Daylight hours only. Fishing on Sunday prohibited.

(c) Daily creel limits:
Black bass, 8.
Game fish other than bass, 20.
No creel limit on catfish.

(d) Methods of fishing:

1. Pole and line, rod and reel, artificial and live baits permitted.

2. Rowboats and canoes permitted. Gasoline powered motors prohibited; electric motors permitted.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to December 1, 1961.

WALTER A. GRESH, *Regional Director, Bureau of Sport Fisheries and Wildlife.*

FEBRUARY 7, 1961.

[F.R. Doc. 61-1321; Filed, Feb. 14, 1961; 8:51 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Coast Guard

**[ 33 CFR Part 82 ]**

**[ 46 CFR Parts 30–35, 37, 52, 54–58, 71–78, 91–93, 95–98, 110–113, 144, 146, 147, 157, 160–164, 167, 177, 182 ]**

[CGFR 61–3]

### NAVIGATION AND VESSEL INSPECTION REGULATIONS

### Public Hearing on Proposed Changes

1. The Merchant Marine Council will hold a Public Hearing on Monday, March 27, 1961, commencing at 9:30 a.m., in the Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C., for the purpose of receiving comments, views, and data on the proposed changes to the vessel inspection rules and regulations as set forth in Items I to XII, inclusive, of the Merchant Marine Council Public Hearing Agenda, CG–249, dated March 27, 1961. This Agenda contains the changes proposed, and for certain items the present and proposed regulations are set forth in comparison form, together with the reasons for the changes where necessary.

2. This document contains a general description of the proposed changes in the navigation and vessel inspection regulations, together with the statutory authorities for making such changes. The complete description of the proposed changes are set forth in a separate pamphlet entitled "Merchant Marine Council Public Hearing Agenda" (CG–249), dated March 27, 1961. Copies of this pamphlet Agenda are mailed to persons and organizations who have expressed a continued interest in the subjects under consideration and have requested that copies be furnished to them. Copies of the Agenda will be furnished, upon request to the Commandant (CMC), United States Coast Guard, Washington 25, D.C., so long as they are available. After the supply of extra copies is exhausted, copies will be available for reading purposes only in Room 4104, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

3. Comments on the proposed regulations are invited. If it is believed a comment, view, or suggestion clarifies or improves a proposed regulation or amendment, it is changed accordingly, and, after adoption by the Commandant, the revised regulation is published in the FEDERAL REGISTER. Each person who desires to submit written comments, views or suggestions in connection with the proposed regulations as set forth in the Agenda should submit them so that they will be received prior to March 20, 1961, by the Commandant (CMC), U.S. Coast Guard Headquarters, Washington 25, D.C. Comments, views or suggestions may be presented orally or in writing at the hearing before the Merchant Marine Council on March 27, 1961. In order to insure consideration of comments and facilitate checking and recording, it is essential that each comment be submitted on a separate Form CG–3287, showing the section number, the proposed change, the reason or basis, and the name, business firm or organization (if any), and the address of the submitter. A small quantity of Form CG–3287 is attached to each copy of the pamphlet Agenda. Additional copies of this form may be obtained upon request from the Commandant (CMC) or from any Coast Guard District Commander, or it may be reproduced by typewriter or otherwise.

4. Each item in the Agenda has been given a general title, intended to encompass the specific proposals presented. It is urged that each item be read completely because the application of proposals to specific employment or types of vessels may be found in more than one item. For example, Item VII contains proposals applicable only to tank vessels, but Items I, II, V, VIII, IX, X, and XI also contain proposals affecting tank vessels.

#### ITEM I—SHIPBOARD CARGO GEAR

5. The proposed amendments in this Item are designed to provide a uniformity of standards and to afford more specific information for the inspection, examination and testing of shipboard cargo gear. Insofar as it has been possible, the proposed regulations have been formulated in accordance with standards and procedures presently employed by cargo gear testing organizations approved by the Commandant. In general these standards have not been exceeded, and to this end the American Bureau of Shipping and the International Cargo Gear Bureau, Inc., have been consulted.

6. A need for the proposed regulations is evident as a result of the added emphasis placed on the safe handling of cargo abroad ships, both in the United States and by many of the other maritime nations. The maritime industry has progressed in the development of new means and methods for handling cargo, including the redesigning of vessels and use of special types of cargo gear intended for handling "container" cargo. Another development has been the employment of vessels originally designed for handling bulk cargoes of inflammable or combustible liquids in the tank-vessel trade for the carriage of different types of dry cargo in bulk (such as grain), or for packaged cargo. As the use of hoisting machinery installed on vessels has increased, the proposed regulations include special provisions for inspection, examination and testing of cranes and hoists together with related equipment.

7. The applicability of the vessel inspection regulations will be revised. It is proposed to have tank vessels (primarily inspected under R.S. 4417a, as amended, 46 U.S.C. 391a, as vessels carrying only liquid cargoes in bulk), meet similar requirements applicable to dry cargo vessels since such vessels are carrying dry cargo and have installed shipboard cargo gear. In addition, the proposed regulations will revise and expand current requirements applicable to cargo and miscellaneous vessels and passenger vessels.

8. Several maritime nations have similar requirements to these proposals in one form or another. During recent years many foreign nations have applied to United States vessels loading or unloading in their ports the applicable provisions of the Convention Concerning the Protection Against Accident of Workers Employed in Loading or Unloading Ships (Revised), otherwise commonly referred to as the International Labor Organization (ILO) Convention No. 32. These nations often require certificates and/or registers attesting to the strength and safety of shipboard cargo gear. Therefore, it is proposed to have the Commandant recognize and approve, as in the past, certain specified inspections and examinations by private non-profit organizations. The American Bureau of Shipping, The National Cargo Bureau, Inc., The International Cargo Gear Bureau, Inc., and The Universal Cargo Gear Survey and Certification Bureau, Inc., are now authorized to conduct inspections and examinations of cargo gear used on shipboard and to issue certificates and registers attesting to such inspections and examinations. These certificates and registers may be accepted as prima facie evidence of the condition and suitability of such cargo gear as described therein. The standards to be followed will be those set forth in the proposed regulations. By this action these cargo gear certificates and registers will have the benefit of both national recognition and authority. Additionally, such certificates and registers signifying compliance with Coast Guard regulations will also signify compliance with the standards for shipboard cargo gear as set forth in the Convention Concerning the Protection Against Accident of Workers Employed in Loading or Unloading Ships (Revised) (ILO Convention No. 32) so they may be recognized and accepted by foreign countries.

9. In the Cargo and Miscellaneous Vessel Regulations (CG–257), it is proposed to amend 46 CFR 91.25–25(a) regarding inspections and certifications to include specific requirements for cargo gear registers and certificates. The amendment proposed to 46 CFR 91.55–5 (b) will add requirements regarding the plans of cargo gear needed to be submitted with other plans showing the construction, etc., for new cargo and miscellaneous vessels. It is proposed to add a new subpart designated 46 CFR Subpart 91.37, consisting of §§ 91.37–1 to 91.37–65, inclusive, setting forth these proposed requirements as "Inspection of Cargo Gear." These proposals include such requirements as to when the inspections shall be made, the plans required; factors of safety; certificates regarding loose gear and their tests; certificates regarding tests for wire rope; proof test of cargo gear as a unit; the markings placed on booms and cranes; use of wire rope and chains; annealing of wrought iron used in various parts of the cargo gear; authorization for additions, alterations, renewals or repairs of cargo gear; responsibility of ships' officers for inspection of cargo gear; vessel's records of cargo gear inspections; and advance notice to the Coast Guard when cargo gear testing is desired. It is proposed to have these regulations identical with the proposed requirements for tank vessels and passenger vessels, described in the following paragraphs 10 and 11.

10. In the Tank Vessel Regulations (CG–123), it is proposed to amend 46 CFR 31.01–1(b) by inserting under "inspection and certification" new requirements for inspection, examination and testing of shipboard cargo gear. It is proposed to insert a new section designated 46 CFR 31.10–16 describing the "inspection of cargo gear," and a section designated 46 CFR 31.10–5 describing the plans of cargo gear needed to be submitted with other plans showing the construction, etc., for new tank vessels. These proposed regulations are identical with the proposed requirements for dry cargo vessels and miscellaneous vessels.

11. In the Passenger Vessel Regulations (CG–256), it is proposed to amend 46 CFR 71.25–25(a) regarding inspections and certifications to include specific requirements for cargo gear registers and certificates. The amendment proposed to 46 CFR 71.65–5(b) will add requirements regarding the plans of cargo gear needed to be submitted with other plans showing the construction, etc., for new passenger vessels. It is proposed to add a new subpart designated 46 CFR Subpart 71.47, consisting of §§ 71.47–1 to 71.47–65, inclusive, setting forth these proposed requirements as "Inspection of Cargo Gear." These proposed regulations are identical with the proposed requirements for cargo and miscellaneous vessels.

12. The authority to prescribe regulations generally with respect to shipboard cargo gear is in R.S. 4405, as amended, and 4462, as amended (46 U.S.C. 375, 416). With respect to shipboard cargo gear on cargo and miscellaneous vessels and passenger vessels, the regulations interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4423, as amended, 4426, as amended, 4433, as amended, 4453, as amended, 4481, as amended, section 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 66 Stat. 675; 46 U.S.C. 361, 362, 391, 382, 399, 400, 404, 411, 435, 481, 366, 395, 363, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp. With respect to tank vessels, the regulations interpret or apply R.S. 4417a, as amended, sec. 3, 66 Stat. 675; 46 U.S.C. 391a, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

#### ITEM II—POWER-OPERATED INDUSTRIAL TRUCKS

13. The use of power-operated industrial trucks in handling cargo in the holds or on the decks of merchant vessels has increased in the past several years. It is now desired to have such use regulated by general regulations. It is proposed to specify minimum safety features in the design of such trucks, as well as to establish minimum safety standards governing the use of such equipment when on board certain categories of vessels or when handling dangerous cargo on any type of vessel. This proposal will replace the individual authorizations or permits given to certain vessels or facilities under present practices.

14. It is proposed to add new regulations to the vessel inspection requirements for cargo and miscellaneous vessels, tank vessels, and passenger vessels, as well as to the Dangerous Cargo Regulations. These proposed regulations are the results based on the comments, views and suggestions previously submitted by interested persons and organizations when the Merchant Marine Council considered this subject as Item VIII of the Merchant Marine Council Public Hearing Agenda at the Public Hearing held April 27, 1959. So many requests were received asking extension of time for submission of comments that the deadline for their submission was extended until May 1, 1960. Briefly, the revised proposals in the Agenda:

A. Describe application of requirements, which consist of two parts. First, describe the requirements governing the design features of industrial trucks permitted. Second, set forth the requirements governing the vessel when using industrial trucks in handling cargo in holds or on decks.

B. Define power-operated industrial trucks. For the purposes of these regulations, power-operated industrial trucks are considered to be tractors, lift trucks and other specialized industrial trucks used for material handling on board a vessel.

C. Provide for approved power-operated industrial trucks. Such trucks will be those having a specific designation of a recognized testing laboratory. The proposals will recognize the Underwriters' Laboratories, Inc., as a recognized testing laboratory and will permit the use of trucks bearing its designations E, EE, EX, G, GS, LPS, D, and DS.

D. Describe permissible areas of use on board tank vessels, cargo and miscellaneous vessels and passenger vessels. Areas containing explosives or flammable liquids are forbidden areas except under specifically described conditions.

E. Establish requirements governing refueling, charging or replacing of batteries, and stowage of both trucks and fuel.

F. Establish special design requirements for trucks in service prior to July 1, 1962, on vessels which did not require special authorizations or permits. These requirements will apply to bulldozers on board ore carriers, as well as to lift trucks used in handling general cargo on board vessels that are owned by stevedoring companies.

G. Permit permissive compliance with requirements when published in the FEDERAL REGISTER and require mandatory compliance on and after July 1, 1962. Where previous requirements required a special authorization or permit to use power-operated industrial trucks in the handling of dangerous cargo or the use on board specific categories of vessels, such as tank vessels, the permissive compliance to be permitted will require (1) the design features of such trucks used prior to or after July 1, 1962, shall be met, and (2) special operating conditions applicable to the vessel shall be met.

15. In the Tank Vessel Regulations (CG–123), it is proposed to revise 46 CFR 30.01–5, regarding application of regulations, to specifically state that the proposed requirements for power-operated industrial trucks and their use on shipboard will apply to both domestic and foreign flag tank vessels. It is proposed to add a new subpart to the regulations designated 46 CFR Subpart 35.70, consisting of §§ 35.70–1 to 35.70–90, inclusive, entitled "Power-Operated Industrial Trucks." These proposals describe application, what is meant by approved power-operated industrial trucks, permissible areas of use, types of cargo permitted to be handled by trucks, refueling of trucks, charging or replacing batteries on trucks, stowage of trucks aboard a vessel, stowage of fuel-handling devices aboard a vessel, and special conditions for power-operated industrial trucks placed in service prior to July 1, 1962.

16. In the Cargo and Miscellaneous Vessel Regulations (CG–257), it is proposed to add a new subpart designated 46 CFR Subpart 97.70, consisting of §§ 97.70–1 to 97.70–90, inclusive, entitled "Power-Operated Industrial Trucks." These proposals describe the application of regulations, what is meant by approved power-operated industrial trucks, use of power-operated industrial trucks in various locations, special operating conditions for trucks, refueling of trucks, charging or replacing batteries on trucks, stowage of trucks aboard a vessel, stowage of fuel handling devices aboard a vessel, and special requirements for power-operated industrial trucks placed in service prior to July 1, 1962. These proposed regulations are to be identical with the proposed requirements for power-operated industrial trucks used on passenger vessels.

17. In the Passenger Vessel Regulations (CG–256), it is proposed to add new requirements designated 46 CFR Subpart 78.70, consisting of §§ 78.70–1 to 78.70–90, inclusive, entitled "Power-Operated Industrial Trucks." The texts of these proposed regulations are to be the same as for cargo and miscellaneous vessels in 46 CFR Subpart 97.70 as described in paragraph 16. It is proposed that any change made in 46 CFR Subpart 97.70

will also be made to the requirements proposed in this subpart.

18. It is proposed to revise the Dangerous Cargo Regulations to specifically state requirements for approved power-operated trucks and their use on shipboard. These regulations are in a separate volume of the Code of Federal Regulations, Title 46—Shipping, Parts 146 to 149 (revised as of January 1, 1960), with a Pocket Supplement dated January 1, 1961. These proposals describe which power-operated industrial trucks may be used in holds or compartments in which dangerous cargoes are stowed, including the handling thereof, and are similar to the requirements designated 46 CFR Subpart 97.70 as described in paragraph 16. A new section designated 46 CFR 146.09–15 is proposed which will define approved power-operated industrial trucks; describe the type designations and approval of the Underwriter's Laboratory, Inc., as a recognized testing laboratory; specify the operating conditions under which such trucks may be used; specify conditions governing refueling and stowage of such trucks aboard vessels; and provide for charging of batteries for electric trucks under controlled conditions. The proposed amendments or new requirements designated 46 CFR 146.20–35, 146.21–57, 146.22–7, 146.23–13, 146.24–27, 146.25–43, 146.26–35, 146.27–35 authorize the use of power-operated industrial trucks in holds or compartments in which specific classes of dangerous cargoes are stowed, including the handling thereof. The proposed amendment to 46 CFR 147.05–100 adds requirements which will permit and provide for the carriage of fuel for the power-operated equipment as "ships' stores and supplies."

19. The authority to issue regulations generally with respect to power-operated industrial trucks is in R.S. 4405, as amended, and 4462, as amended (46 U.S.C. 375, 416). With respect to the proposals regarding power-operated industrial trucks, the regulations interpret or apply R.S. 4417a, as amended, 4426, as amended, 4472, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, and sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 170, 481, 489, 367, 1333, 50 U.S.C. 198. With respect to the use of power-operated industrial trucks on board tank vessels, cargo and miscellaneous vessels, and passenger vessels, the regulations interpret or apply R.S. 4417a, as amended, 4426, as amended, 4472, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, and sec. 3, 68 Stat. 676; 46 U.S.C. 391a, 404, 170, 481, 367, 1333, 390b, 50 U.S.C. 198.

ITEM III—DANGEROUS CARGOES

20. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been necessitated by corresponding changes made in the Interstate Commerce Commission's regulations governing land transportation of the same commodities. R.S. 4472, as amended (46 U.S.C. 170), requires that the Coast Guard accept and adopt the definitions, descriptions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification of explosives or other dangerous articles or substances to the extent as are or may be established from time to time by the Interstate Commerce Commission insofar as such requirements should apply to shippers by carriers engaged in interstate and foreign commerce by water. 46 CFR 146.02–19 makes these Dangerous Cargo Regulations applicable to all types of carriers. Therefore, amendments applying only to shippers' requirements upon which the Interstate Commerce Commission has already complied with the Administrative Procedure Act are not included in this Agenda (CG–249), but will be published as amendments in a separate document in the FEDERAL REGISTER. In this agenda are set forth those proposed amendments to these Dangerous Cargo Regulations other than those containing ICC shippers' requirements, which include provisions for water shipment of new articles of commerce, editorial changes to existing regulations, and other proposed changes.

21. It is proposed to add "titanium sulfate solution containing not more than 45 percent sulfuric acid" to the commodity list in 46 CFR 146.04–5. This item is classed as a corrosive liquid and will require a "white" label. It is also proposed to add shipping requirements for this commodity to the table in 46 CFR 146.23–100.

22. The present requirements provide for shipment of dangerous cargoes on trainships, trailerships or containerships or combinations thereof. It is now being proposed to permit shipment of dangerous cargoes as "containerized cargo" in all types of cargo vessels. To accomplish this it is proposed to revise descriptions of applicability in 46 CFR 146.07–1, 146.07–5 and 146.07–10, as well as to revise 46 CFR 146.07–25 to exempt from labeling the individual packages in the container if such packages are not removed from the container while aboard the vessel. The proposed change designated 46 CFR 146.07–35 is editorial in nature and is contingent on the adoption of a permit requirement in 46 CFR 146.22–40 regarding nitro carbo nitrate.

23. The proposed changes to the Coast Guard container specifications for construction of magazines and portable magazines for stowage of explosives are designated 46 CFR 146.09–2(c) and 146.09–6(c), respectively, and will permit spacing uprights on 24-inch centers when ¾-inch plywood is used as bulkhead material for magazines, and by the addition of the words "and arrangement" in specification for portable magazines it will permit the requirements to cover the spacing of the framework for the magazines.

24. When loading or discharging nitro carbo nitrate packages in burlap bags, multi-wall paper bags, or other non-rigid combustible containers, the regulations require that an isolated location remotely situated from populous and congested areas be used. It is proposed that 46 CFR 146.22–40 be amended to require that the vessel's owner, agent, charterer, master or person in charge obtain a permit for such loading or discharging of nitro carbo nitrate from the Coast Guard prior to the commencement of such work. This procedure is considered necessary so that the Coast Guard will have knowledge of and be able to better control these operations. This work is under the control of the Captain of the Port who should be informed of this work and he would then approve the facility in advance to the actual loading or discharging of nitro carbo nitrate packed in combustible containers.

25. It is proposed to revise 46 CFR 146.24–55(a), regarding the stowage of compressed gases with explosives and other dangerous articles, to clarify the requirements when such cargoes are stowed "on deck."

26. It is proposed to revise the requirements for "motor fuel antiknock compound" in 46 CFR 146.25–200 to better define the composition of such compound by including in the description "tetramethyl lead."

27. It is proposed to revise 46 CFR 146.27–25(b) to provide for the shipment of high-density baled cotton linters with bagging on the soft sides only. These shipments have been permitted over a period of two years under special permits granted to shippers meeting certain standards. To date no incident of fire in this type of a bale has been reported. This proposal will incorporate into the regulations the conditions specified in the special permits.

28. It is proposed to add new requirements designated 46 CFR 146.27–30 to cover automobiles or other self-propelled vehicles offered for transportation with fuel tanks containing gasoline. This proposal will permit the acceptance for transportation of such vehicles under controlled conditions. The changes proposed in 46 CFR 146.27–100 for hazardous articles will: (a) provide for the carriage of vehicles with fuel in the tanks under specified conditions; (b) add a new shipping container for solid caustic potash; (c) refer to conditions established for baled cotton linters, and (d) accept the spelling of the word "sulphur" as an acceptable shipping name for "sulfur."

29. The authority for dangerous cargo regulations is in R.S. 4405, as amended, 4462, as amended, and 4472, as amended (46 U.S.C. 375, 416, 170). These regulations also interpret or apply section 3, 68 Stat. 675 (50 U.S.C. 198); E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

ITEM IV—MARINE ENGINEERING

30. Certain proposed amendments to the Marine Engineering Regulations (CG–115), as set forth in Subchapter F (Marine Engineering) of 46 CFR Chapter I, deal with boilers, unfired pressure vessels and welding and are intended to bring these regulations into substantial agreement with the latest rules of the American Bureau of Shipping and the American Society of Mechanical Engineers: Boiler and Unfired Pressure Vessel Codes. Certain proposals will revise requirements regarding bilge and ballast piping, fuel oil systems, steering gear, and nuclear vessels. It is proposed to permit



an alternate pump to be used for emergency bilge service when the main circulating pump is not considered suitable. In general these proposals will permit certain equivalents to be acceptable in bilge and ballast systems, thereby providing greater flexibility in evaluating the safety of such systems. These proposals are also in agreement with the actions taken by the 1960 International Conference on Safety of Life at Sea. The majority of the proposals do not impose additional restrictions on the industry. However, in certain cases additional requirements are proposed where improved safety is considered desirable.

31. It is proposed to amend 46 CFR 52.05–10 by adding a new formula for cylindrical shells 24 inches in diameter and below, as well as providing additional changes to bring corresponding regulations into agreement with this proposal. The proposed amendment to 46 CFR 52.20–5(b) will clarify which specific diameter is to be accepted in determining the minimum radius of the flange of a dished head. The proposed amendment to 46 CFR 52.20–10(a) will provide a more precise definition of the minor axis for ellipsoidal heads. The proposed amendment to 46 CFR 52.20–20(a) will clarify the depth requirements of the flange for a flanged-in manhole opening in a dished head. The proposed amendment to 46 CFR 52.50–15(a) will permit some tolerance in the dimensions where the minimum required thickness approaches the maximum limit of $^{13}/_{16}$ inch in the furnace shell thickness. The proposed amendment to 46 CFR 52.55–10(a) will permit a lesser thickness for tubes in way of tube sheets. The proposed amendment to 46 CFR 52.60–15(a) will change these requirements to agree with the proposed changes in 46 CFR 52.05–10 for the design of the superheater and water wall economizer heaters.

32. It is proposed to cancel 46 CFR 54.01–1(g) regarding installation of ASME unfired pressure vessels on board inspected vessels when such pressure vessels are not manufactured in accordance with Coast Guard regulations. It is proposed to revise 54.03–10 so that these requirements will be in conformance with current industrial standards.

33. It is proposed to revise 46 CFR 55.07–25(d) regarding the use of heat sensitive materials in piping systems which penetrate watertight subdivision bulkheads. It is proposed to revise in its entirety 46 CFR 55.10–25 regarding bilge and ballast piping. The proposals: (a) include specific requirements for drainage of specific compartments and will permit equivalent arrangements under the 1948 Safety of Life at Sea Convention; (b) require additional remote controls together with appropriate markings in order to obtain use of remaining bilge pumps; (c) require bilge pipes under fuel oil tanks to be made of acceptable material in order to minimize the hazards in the event of fire; (d) permit an alternate pump in lieu of main circulating pump; (e) require an oil and water separator under certain conditions when it is not practicable to avoid putting water in the fuel oil tanks in order to prevent or minimize oil pollution; and, (f) have special requirements for the bilge and ballast systems in wood vessels which will require that ballast tanks in such vessels be of independent construction. This proposal regarding ballast tanks in wood vessels will also be included in an amendment to 46 CFR 182.20–1 and a new § 182.20–15. The effective date will be January 1, 1962, for all new vessels contracted for after that date, and for conversions to inspected vessels.

34. It is proposed to revise 46 CFR 55.10–30 regarding the bilge pumps required for self-propelled vessels. These proposals include prohibiting use of hand pumps for bilge service; revising requirements governing the pump for bilge service; prescribing the capacity of power bilge pumps; and prohibiting the location of emergency bilge pumps forward of the collision bulkhead. It is proposed to revise 46 CFR 55.10–70(i) to prohibit the use of lead or heat sensitive materials in piping systems outboard of the shell valves in order to minimize the danger of flooding in event of a fire.

35. It is proposed to revise 46 CFR 56.01–30 regarding welded joint efficiencies to permit a 100 percent joint efficiency for double welded butt joints for unfired pressure vessels if the joint is fully radiographed in accordance with proposed standards. It is proposed to revise 46 CFR 56.05–3 to amplify the procedures for radiographic tests. It is proposed to revise 46 CFR 56.05–5 regarding nondestructive tests so that the regulations will be in agreement with current acceptable industrial standards.

36. It is proposed to revise 46 CFR 57.01–10 to establish a lower limit on the flash point of fuel oil used in internal combustion engines on passenger vessels. The fuel oil for both main propulsion or auxiliary machinery should have a flash point exceeding 110° F. in order to reduce fire hazards. It is proposed to revise 46 CFR 57.05–5 to require all vessels to have sufficient power for going astern in order to secure proper control of the ship in all normal circumstances.

37. It is proposed to add a new regulation designated 46 CFR 57.10–15 which will describe specific requirements for the design, construction and installation of gas turbines of merchant vessels. It is desired to establish standards in order to obtain uniformity in requirements and to provide adequate safety.

38. It is proposed to revise 46 CFR 57.25–5, 57.25–10, 57.25–20, 57.25–25, and 57.25–45 containing requirements regarding steering apparatus. It is proposed to revise these requirements with a view to improving the handling or steering characteristics of vessels. These proposals include changes to: (a) clarify requirements; (b) specify capacity of auxiliary steering gear; (c) require a rudder angle indicator if steering gear is power operated; (d) require all main power steering gear to meet rudder movement criteria for speed; (e) reduce size criterion of rudder stock from 14 to 9 inches for auxiliary steering gear on passenger vessels; (f) require each power unit to have full capacity of the main steering gear; (g) have requirements apply equally to tank, cargo and passenger vessels; and (h) require a means of communication between bridge and after steering station.

39. It is proposed to require nuclear vessels to submit a "Safety Assessment" and an "Operating Manual." These documents are considered to be necessary in order to permit the regulatory agencies to properly evaluate the safety of the nuclear plant and the nuclear vessel as a whole. It is proposed to revise 46 CFR 57.30–10 and 57.30–20 to provide requirements for the design of the reactor installation and to transfer revised requirements to new sections. New regulations designated 46 CFR 57.30–25, 57.30–30, and 57.30–35 are proposed to cover such proposed requirements as radiation protection, safety assessment, and Operating Manual.

40. To clarify the requirements for furnace repairs, it is proposed to revise 46 CFR 58.15–1. These changes are proposed in order to have consistency in the interpretation and application of these requirements.

41. It is proposed to require certain machinery to be fitted with remote controls so that such equipment may be stopped in the event of fire. To accomplish this, it is proposed to add a new regulation designated 46 CFR 61.05–25 and entitled "means of stopping machinery."

42. The specification for boiler safety valves in 46 CFR Subpart 162.001 currently requires relieving devices by which the valve disc may be lifted from its seat at a pressure of not more than 75 percent of the set pressure of the valve. This is in conflict with other Coast Guard requirements and the ASME Boiler Code. To clarify the requirements it is proposed to revise 46 CFR 52.65–15(e)(1), 54.07–5(d), and 162.001–5(f) by making the wording similar in every section. For safety valves and relief valves it is proposed to require a substantial lifting device so the disc may be lifted from its seat at a pressure of 75 percent of the set pressure of the valve.

43. It is proposed to revise 46 CFR 98.25–5 and 98.25–10, which govern the transportation of anhydrous ammonia, to permit the movement of refrigerated anhydrous ammonia when carried at atmospheric pressures in non-pressure vessel tanks. It is proposed to remove the minimum design pressure of 90 p.s.i. for refrigerated anhydrous ammonia cargo tanks, which is consistent with the requirements for other refrigerated compressed gases, such as propane and butane.

44. It is proposed to revise 46 CFR 35.15–1 in the Tank Vessel Regulations (CG–123), 46 CFR 78.07–1 in the Passenger Vessel Regulations (CG–256), and 46 CFR 97.07–1 in the Cargo and Miscellaneous Vessel Regulations (CG–257), by adding regulations which will: (a) provide for a required notice of casualty and voyage records for nuclear ships; and (b) require the masters of nuclear vessels to immediately inform the Commandant of any accident or incident which may lead to an environmental hazard. These proposals are also in agreement with the requirements in

the 1960 Safety of Life at Sea Convention.

45. The regulations with respect to marine engineering and material specifications are issued under R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. These regulations also interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4472, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 1544, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 404–409, 411, 412, 435, 170, 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

ITEM V—ELECTRICAL ENGINEERING

46. The proposed changes to 46 CFR Parts 110–113, inclusive (Subchapter J), which are the Electrical Engineering Regulations (CG–259), are intended to clarify, correct, bring up-to-date, or bring into agreement the regulations with reference standards, etc. These changes in general do not impose additional restrictions on the industry. Where consistent with safety, some of the proposals will permit wider latitude in arrangements. These proposals have already had wide circulation among representative groups of industry and reflect the primary comments received from members of the American Institute of Electrical Engineers, the American Bureau of Shipping, and the American Petroleum Institute.

47. The proposed regulation designated 46 CFR 110.05–3 will state a policy regarding the effective date in which revisions or amendments to the regulations will become effective. Unless specifically stated otherwise, the proposals provide that requirements in amendments or revisions to the regulations will be applicable only to new vessels or new installations placed on both new and existing vessels on or after the effective date of such changes. The amendment to 110.10–1(b) will bring the reference publications up-to-date.

48. With respect to general requirements for electrical systems, it is proposed to amend 46 CFR 111.05–15 (f), 111.10–1(b), 111.25–5(b), 111.35–1, 111.35–5, 111.35–25(f), 111.45–5, 111.45–20, 111.45–30(e), 111.50–1(a), 111.50–5(d), 111.50–10(d), 111.50–15, 111.55–1(b), 111.55–5(a), 111.55–15, 111.60–1(d), 111.60–10(b), 111.60–35, 111.60–40, 111.65–5(b), 111.65–30(f), and 111.70–10(c).

49. With respect to emergency lighting and power systems, it is proposed to amend 46 CFR 112.05–1(a), 112.05–5, 112.05–10(c), 112.15–5, 112.40–1(a), 112.45–1(a), 112.50–1, and 112.55–15.

50. With respect to communication and alarm systems and equipment, it is proposed to amend 46 CFR 113.25–5(b), 113.25–15, 113.30–15(f), 113.40–5(a), and 113.70–10(a).

51. In the Tank Vessel Regulations (CG–123), it is proposed to revise 46 CFR 32.45–1 and 32.25–1 to bring these requirements up to date and into agreement with the electrical engineering regulations. The change to § 32.45–1 is also in accordance with a recommendation of the American Petroleum Institute. It is proposed to add regulations designated 46 CFR 35.40–6, 35.10–7, and 35.10–15, which will set up new requirements for emergency lights on all tank vessels, and electric power-operated lifeboat winches, emergency lighting and power systems for all tank ships. These proposals are in agreement with requirements in the electrical engineering regulations and requirements applicable to other vessels for these same items.

52. It is proposed to revise 46 CFR 77.20–1(a), 96.20–1(a), 113.65–1, and 113.65–5 in order to permit the primary means of operating the ship's whistle to be other than strictly mechanical. Recent developments have established effective means for operating the ship's whistle other than by mechanical means. One proposed operation of such whistles is by hydraulic controls. This will permit such controls to be lead under deck and it will permit elimination of the requirement for the use of mechanical contrivances which are vulnerable to damage.

53. With respect to the specification for fire-protective systems, it is proposed to revise 46 CFR 161.002–15(c) to permit the electrical power for the smoke detecting system to be supplied from an emergency light and power distribution panel. This arrangement is to be in lieu of a separate circuit from the emergency switchboard.

54. The regulations with respect to electrical engineering are issued under R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. These regulations interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418 as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1 and 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 481, 489, 366, 395, 363, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

ITEM VI—BULK GRAIN CARGOES

55. The present regulations governing bulk grain cargoes in 46 CFR Part 144 include those requirements initially adopted October 19, 1952, when the implementing regulations to the 1948 Safety of Life at Sea Convention were promulgated, plus special equivalent provisions subsequently adopted. In recent years, it has become clear that there are additional alternative means for stowing grain cargoes safely, although not specifically covered by the present regulations. As a result of the experiences gained from observing vessels using all types of stowage and a study of a vessel's stability as affected by shifting of bulk grain cargo, it is proposed to provide a rational and flexible basis for requirements applicable to a specific vessel. To a large degree these proposals reflect arrangements which have already been accepted as alternatives under the present rules. It is believed these proposals will be of economic benefit to United States' shipping without comprising the standard of safety presently attained.

56. With respect to feeders, bins and bulkheads, it is proposed to revise 46 CFR 144.10–70. With respect to loading and stowage requirements, it is proposed to redesignate 46 CFR 144.20–1 to § 144.20–2 and to insert a new § 144.20–1 to describe the requirements for trimming of holds or compartments to prevent the grain from shifting. With respect to stowage, it is proposed to cancel 46 CFR 144.20–10, 144.20–20, 144.20–30, and 144.20–40, and to substitute revised requirements designated 46 CFR 144.20–10, 144.20–20, 144.20–22, 144.20–24, 144.20–26, 144.20–28, 144.20–30, 144.20–32, 144.20–34, and 144.20–36. The proposed amendment to 46 CFR 144.30–1 is to clarify requirements governing vessels when shifting from one port to another. With respect to equivalents, it is proposed to cancel the present rules designated 46 CFR 144.40–1 to 144.40–50, inclusive. It is considered desirable that these proposals be made effective as quickly as possible. Therefore, it is also proposed that these amendments be effective one month after the date of publication in the FEDERAL REGISTER of the final requirements. It should be noted that these proposed changes also take into account the discussions and actions taken with respect to grain cargoes at the 1960 International Conference on Safety of Life at Sea.

57. The authority to prescribe regulations generally is set forth in R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. These regulations regarding bulk grain cargoes interpret or apply R.S. 4417, as amended, sec. 1, 2, 49 Stat. 1544, 1545, as amended, and sec. 3, 68 Stat. 675; 46 U.S.C. 391, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

ITEM VII—TANK VESSELS

58. It is proposed to revise and bring up-to-date the fire-fighting requirements in the Tank Vessel Regulations (CG–123) in 46 CFR Parts 30 to 35, inclusive, as well as to change the arrangement of these regulations to follow more closely that used in the Cargo and Miscellaneous Vessel Regulations (CG–257). The proposed changes for fire-fighting on tank vessels represent the recommendations of an industrial group which studied the subject at the request of the Coast Guard. This study included a review of all presently known methods of fire-fighting. It is felt these proposals reflect the benefit of this study. The proposals revise 46 CFR Part 34, entitled "Fire-Fighting Equipment," in its entirety, with a proposed effective date of January 1, 1962. The changes provide more detailed specifications for various types of fire-fighting equipment



than are presently provided. For new vessels it is proposed to make a deck foam system mandatory for the protection of all cargo tank spaces. Such a system offers more versatility and possible protection than any other currently known system. The use of steam smothering systems will be prohibited in new vessels, and it is felt that other presently approved fire-extinguishing systems offer greater protection, as well as the distinct advantage of taking less time to be placed in operation. Another essential need in fire extinguishing, as well as for the protection of the fire fighters, is an adequate supply of water. For new vessels it is proposed to require a greater capacity and pressure to be maintained on the fire main system, consistent with the size of the vessel. This will also assure satisfactory performance of the approved spray nozzles. For existing vessels the policy in 46 CFR 30.01–15(b) will be followed with respect to fire-fighting equipment presently installed and used. This policy is that any changes in specification requirements shall not apply to equipment which has been passed as satisfactory until replacement shall become necessary, unless a specific finding is made that such equipment is unsafe or hazardous and has to be removed from tank vessels. With respect to the inspection of fire-fighting equipment, it is proposed to transfer from 46 CFR Part 34 certain requirements which more appropriately belong in 46 CFR Part 31. In this connection new regulations designated 46 CFR 31.10–18, 31.10–19, 31.10–20, and 31.10–50 are proposed and include such subjects as general requirements and testing for fire-fighting equipment, testing of fire hose and pumps, and the inspection of bilges. It is proposed to insert a new section designated 46 CFR 32.85–1 regarding fire-proofing of lamp, oil, and paint rooms, which is similar to present 46 CFR 34.22–1. It is proposed to insert a new section designated 46 CFR 35.01–85 regarding repairs or alterations to fire-fighting equipment, which is similar to present 46 CFR 34.01–5. It is also proposed to add 46 CFR 35.40–17 to require the markings on the vessel to include "foam hose or monitor station" in red letters and figures not less than 2-inches high.

59. The authority for prescribing regulations governing tank vessels is in R.S. 4405, as amended, 4417a, as amended, and 4462, as amended; 46 U.S.C. 375, 391a, 416. These regulations also interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; and E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

ITEM VIII—FIRE-FIGHTING EQUIPMENT OR FIRE PREVENTION

60. In order to assure a reasonable degree of safety, it is proposed to require that all new vessels, which carry more than 150 passengers, or more than 12 passengers on international voyages, shall be of the fire retardant construction. This proposal will apply to (a) all vessels which carry more than 150 passengers, regardless of gross tonnages of the vessels; (b) all vessels carrying more than 12 passengers, which are on international voyages; and (c) all vessels of 100 gross tons and over (as presently required). It is also proposed that these requirements shall apply to all such vessels contracted for on or after January 1, 1962 and for major repairs and major alterations. For vessels contracted for prior to January 1, 1962, the proposals provide that existing structure, arrangements, and materials previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection, having jurisdiction, with the understanding that only minor repairs and minor alterations may be made to the same standards as the original construction.

61. In order to minimize the fire risk where large numbers of persons are involved and where the effects of panic are most serious, it is proposed to require higher fire-retardant standards. Further, these proposals will assure better strength and watertight integrity in these vessels. In the event of a collision this additional strength will reduce the danger to the persons aboard. When such vessels are of wood construction there is also a danger resulting from splintering of the wood hull. Other changes are also proposed for the purpose of clarifying the requirements and bringing them up-to-date. To accomplish this the regulations in 46 CFR 72.05–1 to 72.05–90, inclusive, will be amended. In addition the regulation designated 46 CFR 72.10–45(a), regarding weather deck communications, will be amended to permit vertical ladders in special cases where the use is limited to the crew only.

62. The requirements for most small passenger vessels of not more than 65 feet in length are prescribed under the Act of May 10, 1956 (P.L. 519, 84th Congress), and are in a separate Subchapter T in 46 CFR Chapter I. In order to prevent confusion, it is proposed that a small vessel which carries more than 150 passengers will comply with the provisions in Subchapter T (Small Passenger Vessels), and certain portions of the regulations in Subchapter H (Passenger Vessels), Subchapter F (Marine Engineering), and Subchapter J (Electrical Engineering) of 46 CFR Chapter I as determined by the Commandant. For the fire protection of such passenger vessels, it is proposed that the general construction requirements set forth in 46 CFR 175.05–1 and 177.05–5 be revised to agree with the proposed requirements in Paragraphs 60 and 61.

63. The structural fire protection standards followed in the construction of a majority of the larger cargo vessels in recent years have been in excess of the minimum requirements specified in the Cargo and Miscellaneous Vessel Regulations (CG–257). It is proposed to revise the present structural fire protection requirements and to add a new subpart entitled "General Fire Protection" and designated 46 CFR 92.07, consisting of §§ 92.07–1 to 92.07–90, inclusive, under the heading "structural fire protection." These proposals in addition to establishing minimum standards, will require the elimination of drafts and flue effects as one of the methods of fire control which may be accomplished by requiring means for closing off stairway openings. These standards will apply to all cargo vessels of 4,000 gross tons and over contracted for on or after January 1, 1962. For such cargo vessels contracted prior to January 1, 1962, the existing structural arrangements and materials previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection, having jurisdiction, with the understanding that minor repairs and minor alterations may be made to the same standard as used in the original construction. The proposals will: (a) include a statement of application, definition of common terms and construction requirements; (b) require the hull and superstructure, structure bulkheads, decks and deckhouses to be constructed with steel but the Commandant may permit use of other materials having in mind the risk of fire; (c) since open stairways form flues that will carry the fire from deck to deck, require automatic doors to be installed in order to assure prompt closure at all levels; (d) to control the spread of fire and to reduce it as much as possible, require ceilings, linings, insulation, etc., to be constructed of approved incombustible materials; (e) limit the use of wood hatches to "between cargo spaces" or "between stores spaces," while in other spaces hatch covers shall be of steel or equivalent metal construction; and (f) require tonnage openings to be closed by means of steel plates.

64. Regarding the use of motion picture film and equipment on board passenger vessels and cargo and miscellaneous vessels, it is proposed to establish new regulations designated 46 CFR 78.70–1 and 97.55–1. These proposals are in general agreement with present practices followed by most ship operators. The proposals will prohibit the exhibition of films made of nitrocellulose film. The motion picture film which may be used should be acetate film or slow-burning film. The projectors for motion picture film will be required to be of an approved type.

65. It is proposed to establish a new specification designated 46 CFR Subpart 164.012, consisting of §§ 164.012–1 to 164.012–15, inclusive, which will set forth the fire protection standards for "interior finishes" which may be applied to "bulkhead panels" or "incombustible materials." This term "interior finish" means any coating, overlay or veneer except standard paint which is applied for decorative or other purposes. It includes not only the visible finish but all material used in its composition and its application to the bulkhead panel or incombustible materials which are approved under specifications designated 46 CFR Subpart 164.008 or 164.009. Paint may be applied to one or both sides of bulkhead panels or incombustible material but paint shall never be applied as an internal layer in sandwich or laminar construction. These proposals apply generally to the manufacturer of any interior finish, bulkhead panels, or incombustible materials. No general

Coast Guard approval will be granted in each case, but the manufacturer will be required to demonstrate to the Officer in Charge, Marine Inspection, having jurisdiction, that his interior finish has successfully complied with the specified test requirements. If the product bears a label of the Underwriters' Laboratories, Incorporated, Chicago, Illinois, which identifies the material and states it complies with the requirements in this specification, such materials will normally be accepted without further proof of compliance.

66. The use of steam as a fire-extinguishing or smothering medium has been reviewed and certain disadvantages noted. The conditions noted were:

a. It takes an excessive length of time to introduce sufficient steam into a space to control combustion in most types of fires.

b. The use of steam adds heat to the space containing the fire.

c. After the fire is out the steam must be continued to be introduced into the space until the space is cooled to below the re-ignition temperature of the fire. If the use of steam is discontinued too soon, the condensation forming on the ship's sides, bulkheads, decks and other cool areas draws into the space fresh air which defeats any inerting accomplished by the steam.

d. The quantity of steam required for smothering a fire for a prolonged period of time often exceeds the capacity of vessel's boilers to produce fresh water and steam for such fire-fighting purposes.

e. The steam generated by the vessel's boilers is very often not sufficient in quantity to permit the vessel to operate and to fight a fire simultaneously. In fighting certain types of fires it may take several days, or in fact, to effectively smother the fire by steam may never be accomplished. In such a situation it becomes necessary for the vessel's officers to decide whether to stop the vessel and attempt to smother the fire or to disregard the fire and attempt to reach a port.

f. An economic factor also exists which is that, if a fire is successfully extinguished by steam, the water damage to the cargo may exceed the actual fire damage.

67. To assure adequate fire protection for all vessels, it is proposed to revise the fire-fighting requirements in 46 CFR subchapters H (Passenger Vessels), I (Cargo and Miscellaneous Vessels), and R (Nautical Schools) to prohibit the use of steam as a permissible means for fire extinguishing on new vessels or for new fire-extinguishing systems installed on existing vessels. The reasons are set forth in paragraph 66. In conjunction with this a similar modification is proposed in Item VII regarding use of steam for fire-fighting purposes on new tank vessels. At the 1960 Safety of Life at Sea Conference the use of steam as a fire-extinguishing medium was considered. The revised 1960 Convention will prohibit the use of steam as an extinguishing medium on new passenger vessels. Steam is also prohibited to be used in holds where explosives are carried in cargo vessels. Where steam smothering will be permitted, it will be necessary for the vessel to have sufficient steam capacity immediately available (not dependent upon the lighting of boilers) to satisfy the fire-fighting needs without interfering with the normal operation of the vessel, including propulsion. The supply of steam and ability of the vessel to provide or produce fresh water for the boilers must be sufficient for continuous fire fighting and simultaneous normal operation of the vessel, which must last until the vessel can reach a port. From a practical standpoint, these proposed requirements in the 1960 SOLAS will probably eliminate steam smothering even for a new cargo vessel.

68. With respect to steam smothering systems on passenger vessels, it is proposed to revise the requirements in 46 CFR 76.05–1, 76.05–20, 76.13–1, 76.13–5, 76.13–10, and 76.13–90. With respect to steam smothering systems on cargo and miscellaneous vessels, it is proposed to revise 46 CFR 95.05–10, 95.13–1, 95.13–5, 95.13–10, and 95.13–90. With respect to steam smothering systems on nautical school ships, it is proposed to revise 46 CFR 167.45–1. These proposals are in line with the revised requirements in the 1960 Convention for the Safety of Life at Sea.

69. It is proposed to add more detailed requirements regarding the conducting and logging of fire and boat drills. The changes will require:

a. Additional log entries with respect to the drills conducted.

b. The holding of drills within a specified time period after a large percentage of the crew members has been replaced on either a tank vessel or a cargo vessel.

c. A monthly check of the lifeboat equipment at the time of the lifeboat drill on every tank vessel and cargo vessel.

d. The swinging out of the lifeboats during lifeboat drills conducted in port as well as at sea.

e. For every tank vessel, during lifeboat drills, require the lowering of every lifeboat at least once every three months. (This is presently required for other types of vessels.)

70. To accomplish the changes described in paragraph 69, it is proposed to revise 46 CFR 35.10–5 in the Tank Vessel Regulations (CG–123), 46 CFR 78.17–50 in the Passenger Vessel Regulations (CG–256), and 46 CFR 97.15–35 in the Cargo Vessel Regulations (CG–257). These proposals are also in agreement with the revised requirements for practice musters and drills contained in the 1960 International Convention for Safety of Life at Sea (see Chapter III, Regulation 26).

71. On some vessels there is no means of direct communication between the pilothouse and those spaces containing smoke detecting cabinets. In order to improve safety on a vessel, it is considered desirable that the detection of a possible fire be reported to the bridge as quickly as possible and immediate steps taken to control the fire if present or to ascertain the cause of the smoke reported. It is proposed to revise 46 CFR 76.33–20 in the Passenger Vessel Regulations (CG–256) to require on new vessels and on installations installed on existing vessels after January 1, 1962, that some means of direct communication be installed between the pilothouse and those spaces containing smoke detecting cabinets where such cabinets are not located in the pilothouse. This will be in addition to the visual indication and automatic alarm now required in the pilothouse.

72. The authority to prescribe regulations dealing with fire-protection equipment and fire prevention is in R.S. 4405, as amended, 4462, as amended, 4488, as amended, and 4491, as amended; 46 U.S.C. 375, 416, 481, 489. These regulations also interpret or apply R.S. 4417a, as amended, 4426, as amended, 4427, as amended, sections 1 and 2, 49 Stat. 1544, 1545, as amended, section 3, 54 Stat. 347, as amended, section 3, 70 Stat. 152, and section 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 405, 367, 1333, 390b, 50 U.S.C. 198; and E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

### Item IX—Lifesaving Appliances

73. With respect to lifesaving appliances the statutory requirements were revised by the Act of September 9, 1958, which amended section 4488 of the Revised Statutes (46 U.S.C. 481), and other sections of law. The specific purpose for this law was to revise the archaic and preclusive requirements. In this act was a repeal of section 4482 of the Revised Statutes pertaining to the use of wood floats on river steamers. The existing passenger vessels presently permitted to use wood floats and not required to provide children's life preservers are river steamers, river steam ferryboats, and the passenger barges in tow of steamers on other than those in ocean or coastwise service. It is proposed to require all passenger vessels to carry children's life preservers. It is also proposed to withdraw the permission to river steamers, river steam ferryboats and passenger barges while in tow of steamers to install and use wood floats in lieu of life preservers in the future. For those vessels presently equipped with wood floats, they will be permitted to continue using such floats so long as they are in good and serviceable condition, but when replacement becomes necessary, approved life preservers will be used. To accomplish this it is proposed to revise 46 CFR 75.40–1 to 75.40–90, inclusive, in the Passenger Vessel Regulations (CG–256).

74. The weight testing of lifeboat installations on tank and cargo vessels is proposed. Because of the "aging" of many of these vessels, there is a need for a practical method to determine if the lifeboat installation will hold up in the event of an emergency. The present Tank Vessel Regulations (CG–123) do not contain a requirement for weight testing lifeboats at inspection for certification. The present Cargo Vessel Regulations (CG–257) require a testing of lifeboat installations but only if it is practicable. It is proposed to make such a test mandatory at 2-year intervals for both tank and cargo vessels. In the Tank Vessels Regulations (CG–123), it is proposed to insert a new regulation designated 46 CFR 33.01–27. In the Cargo Vessel Regulations (CG–257), it is proposed to amend 46 CFR 91.25–15(a).

75. The specifications for buoyant cushions permitted on motorboats of Classes A, 1, or 2 not carrying passengers for hire which apply primarily to manufacturers are set forth in 46 CFR Subpart 160.048 or 160.049. The proposals will change the requirements for kapok, fibrous glass and unicellular plastic foam buoyant cushions by (a) prohibiting the use of unsupported plastic film for use as cover, gusset or strap material because of the poor performance of such material; (b) revising and standardizing requirements to improve the quality of cover, gusset and strap materials; and (c) making other minor changes to bring these specification requirements up-to-date. To accomplish these changes it is proposed to revise 46 CFR 160.048–1, 160.048–3, 160.048–4, 160.048–6, 160.049–1, 160.049–3, 160.049–4, and 160.049–6. In order to discourage the wearing of buoyant cushions on the user's back and their use by non-swimmers, it is proposed to require that the markings on buoyant cushions contain appropriate warnings.

76. The specification for inflatable life rafts is designated 46 CFR Subpart 160.051. It is proposed to clarify the procedures for establishing an approved servicing facility and to require that certain records be established and maintained at such approved facilities. To accomplish this it is proposed to revise 46 CFR 160.051–6.

77. With the acceptance of inflatable life rafts as an approved lifesaving appliance, it is necessary that vessels equipped with such rafts have on board and readily available a boat which can be used as a "man overboard" boat and for similar purposes. It is proposed to establish a specification for a small boat, which can be used as a "rescue boat," and at the same time meet the required maneuverability standards considered necessary or desirable for use with inflatable life rafts. This specification will be designated 46 CFR Subpart 160.056, consisting of §§ 160.056–1 to 160.056–7, inclusive, and entitled "Rescue Boat." This specification applies primarily to the manufacturers of such equipment, and sets forth general requirements for rescue boats, construction requirements, fittings and equipment, approval tests of prototype rescue boat required, factory inspections, name plate required to be placed on rescue boats, and procedures for obtaining approval. It is proposed that the Officer in Charge, Marine Inspection, having jurisdiction of the place of manufacture will issue a letter to the manufacturer indicating that approval of the rescue boat has been granted and will include any conditions imposed. It is not presently contemplated that a Certificate of Approval will be issued to the manufacturer by Coast Guard Headquarters at Washington, D.C.

78. The authority to prescribe regulations with respect to lifesaving appliances is in R.S. 4405, as amended, 4462, as amended, 4488, as amended, and 4491, as amended; 46 U.S.C. 375, 416, 481, 489. These proposals also interpret or apply R.S. 4417a, as amended, 4426, as amended, sections 1 and 2, 49 Stat. 1544, 1545, as amended, sections 6 and 17, 54 Stat. 164, 166, as amended, section 3, 70 Stat. 152, and section 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 367, 526e, 526p, 1333, 390b, 50 U.S.C. 198; and E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

### Item X—Construction and Inspection

79. It is proposed to revise the Passenger Vessel Regulations (CG–256) regarding the construction, arrangement, subdivision and stability of passenger vessels constructed on and after January 1, 1962, in order to bring these regulations into closer agreement with current practices, to provide improved safety where this can be done without economic burden, to define certain requirements more clearly, and to provide for greater flexibility in administration. Some of these proposals are based on interpretations and findings that permit these changes as equivalents under the provisions of the 1948 Convention for the Safety of Life at Sea. If the proposal designated 46 CFR 74.10–15(c)(7) with respect to unsymmetrical flooding with assumed side damage less than 30 feet, plus .03L is adopted, a formal notice of acceptance as an equivalent will be forwarded to nations signatory to the Convention. Since a large portion of these proposals are also consistent with the provisions of the 1960 Safety of Life at Sea Convention (SOLAS), the corresponding 1960 SOLAS regulation numbers are indicated for convenience in making comparisons. It is felt that this agreement between regulations and 1960 SOLAS will be advantageous to owners of new vessels which may be constructed after January 1, 1962, but before the date the new Convention comes into effect, as well as to keep to a minimum the changes which will be necessary when the Convention becomes effective. The proposals for subdivision include certain provisions to permit comparable treatment of lifeboatage on United States and foreign vessels on short international voyages. The stability proposals include requirements regarding desirability of automatic equalization and operation of necessary controls from above the bulkhead deck.

80. With respect to hull structure of passenger vessels, it is proposed to revise 46 CFR 72.01–25. With respect to watertight subdivision for passenger vessels, it is proposed to revise 46 CFR 73.05–1, 10, 73.25–5, 73.30–1, 73.35–5, 73.35–10, 73.35–15, 73.35–20, 73.35–25, 73.40–20, 73.45–1, 73.90–1, 78.17–35, and 78.45–1, as well as to add new regulations designated 46 CFR 73.10–65, 73.35–17, 73.45–5, 73.45–10, 78.47–37(b) and 78.47–38. With respect to stability of passenger vessels, it is proposed to revise regulations designated 46 CFR 74.05–1, 74.10–15, 74.15–10, 74.20–1, and 74.20–15. In order to permit United States vessels on short international voyages, which meet special watertight subdivision requirements, to obtain special relaxations with respect to lifeboatage accorded to foreign vessels, it is also proposed to revise certain requirements designated 46 CFR 75.10–10 regarding lifeboat requirements for vessels in ocean and coastwise service.

81. It is proposed to revise the Cargo and Miscellaneous Vessel Regulations (CG–257) in 46 CFR 93.10–1 and 93.15–5 with respect to the stability information available to operating personnel and the stability letter in order to provide up-to-date information.

82. With respect to the specification requirements for watertight sliding doors and door controls in 46 CFR 163.001, it is proposed to revise and bring this specification up to date. These proposals include requiring automatic sequential operation with time limitations to insure rapid securing of doors. These specification requirements govern the manufacturer of watertight doors which are required to be approved by the Coast Guard prior to installation on board merchant vessels. It is proposed to require that these changes become effective for all doors installed on or after January 1, 1962, on merchant vessels. The proposed changes will revise regulations designated 46 CFR 163.001–3, 163.001–4, 163.001–5 and 163.001–6.

83. The authority to prescribe regulations regarding vessel construction, arrangement, subdivision, and stability is in R.S. 4405, as amended, and 4462, as amended. These proposals also interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, section 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, section 2, 45 Stat. 1493, as amended, section 2, 49 Stat. 888, as amended, section 5, 49 Stat. 1384, as amended, sections 1 and 2, 49 Stat. 1544, 1545, as amended, section 3, 54 Stat. 347, as amended, section 3, 70 Stat. 152, and section 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 489, 363, 85a, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

84. In connection with a study into the causes of certain casualties which resulted in loss of life, the requirements regarding the gas freeing, inspections and testing of holds, compartments, etc., when making repairs, alterations, etc., involving hotwork were considered. The casualties studied indicated that serious consequences do result when inadequate or improper practices or procedures for gas freeing of compartments occur in which hotwork may be performed. To reduce the hazards it is proposed to revise the requirements to assure the maintenance of a safe condition throughout the operation. Another hazard observed in this study of casualties was with respect to preservative coatings which had been applied to surfaces prior to completion of the alterations, repairs or operations which involved riveting, welding, burning or other fire or spark-producing actions. Therefore, it is proposed to revise the Tank Vessel Regulations (CG–123), the Passenger Vessel Regulations (CG–256), and the Cargo and Miscellaneous Vessel Regulations (CG–257) by revising the regulations designated 46 CFR 35.01–1, 71.60–1, and 91.50–1, respectively, to include requirements that gas freeing conditions established at the outset of the work be maintained during entire operation; to clarify intent of re-

quirements, and to amplify inspections and testing required.

85. The factory inspections by Coast Guard marine inspectors at manufacturers' plants making deck coverings, bulkhead panels and incombustible materials are proposed in order that the Coast Guard may spot check the manufacturer's production of such equipment or materials which are subject to specifications designated 46 CFR 164.006, 164.008, or 164.009. This factory inspection is in line with the Coast Guard practices and procedures for other types of equipment or materials required to meet standard specifications. The proposals will amend 46 CFR 164.006–4, 164.008–3, and 164.009–3.

86. It is proposed to change the Passenger Vessel Regulations (CG–256) to require that vessels on international voyages shall be drydocked at 12-month intervals in lieu of the present 18-month interval by a revision of 46 CFR 71.50–1. This proposal will recognize the requirement for an inspection of the outside of the ship's bottom once every 12 months as required by Regulation 7 of Chapter I of the 1948 International Convention for Safety of Life at Sea. In effect this change will not result in more frequent drydockings for those passenger vessels engaged on international voyages since Coast Guard records show that practically all such vessels are now being drydocked at least once in every 12 months.

87. It is proposed to change the Cargo and Miscellaneous Vessel Regulations (CG–257) with respect to drydocking such vessels by revising 46 CFR 91.40–1 in order to permit a 48-month interval in lieu of the present 36-month interval for those vessels in salt water not more than 3 months out of a 12-month period. This proposal takes into account the vessels which normally operate in fresh water but which occasionally make voyages on salt water.

88. The authority to prescribe regulations regarding gas freeing, inspection and testing of holds, etc., in which hotwork will be performed, and drydocking of vessels is in R.S. 4405, as amended, 4462, as amended, and 4488, as amended; 46 U.S.C. 375, 416, 481. These regulations also interpret or apply R.S. 4417, as amended, 4417a, as amended, 4418, as amended, sections 1 and 2, 49 Stat. 1544, 1545, as amended, section 3, 54 Stat. 347, as amended, and section 3, 68 Stat. 675; 46 U.S.C. 391, 391a, 392, 367, 1333; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

ITEM XI—MANNING OF VESSELS

89. An investigation of a recent collision casualty revealed that certain vessels were being navigated at times with only the licensed officers required by the certificates of inspection on watch in the pilothouse, especially when such vessels were steered by automatic pilot. In order to assure sufficient personnel to safely navigate such vessels under all circumstances, it is proposed to require pilothouse watches for tank and cargo vessels which carry unlicensed deck crews of 6 or more members. On such a vessel it is proposed to require that a quartermaster or helmsman will be in or near the pilothouse in addition to the licensed officer or pilot. This crew member is to be available in emergencies, and shall be qualified to handle the navigation under the direction of the licensed officer or pilot. To accomplish this new regulations designated 46 CFR 35.25–17 will be added to the Tank Vessel Regulations (CG–123), and 46 CFR 97.27–1 will be added to the Cargo Vessel Regulations (CG–257). These requirements are similar to present regulations in 46 CFR 78.30–5 for passenger vessels.

90. The general authority to prescribe regulations with respect to a pilothouse watch required on tank vessels and cargo vessels is in R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. These regulations also interpret or apply R.S. 4417a, as amended, 4453, as amended, 4463, as amended, sections 1 and 2, 49 Stat. 1544, 1545, as amended, section 3, 54 Stat. 347, as amended, and section 3, 68 Stat. 675; 46 U.S.C. 391a, 435, 222, 367, 1333, 50 U.S.C. 198.

91. There is a need to have the minimum manning standards for safe navigation of special service vessels specified in the regulations. At present the manning for certain special service vessels, such as cable ships, oceanographic survey vessels, etc., which are inspected and certificated by the Coast Guard but usually are not documented vessels of the United States, may not be placed on the Certificates of Inspection. Depending on the size of the vessel and/or waters on which operated, it appears this omission may be a reason for unintentional violations of certain manning laws or internationl conventions. Therefore, it is proposed to revise 46 CFR Part 157 to describe by reference the laws which specify minimum manning standards, as well as jurisdiction and authority for manning requirements, and to provide minimum manning standards for inspected and certificated special service vessels. The changes to 46 CFR 157.01–10, 157.05–1, and 157.15–1 are intended to accomplish these proposals.

92. The manning standards for uninspected motor-propelled vessels of over 200 gross tons, such as those engaged in the fishing industry, which operate on long voyages have been requested as one means to facilitate the filing of lists of officers with the Collector of Customs as required under 46 CFR 157.18–15. It is proposed to establish a standard in the amendment to 46 CFR 157.30–10 for the guidance of all concerned. The Officers' Competency Certificates Convention, 1936, and the implementing law in title 46, U.S. Code, Section 224a do not specifically stipulate the minimum number of licensed officers which must be carried. The law requires that the person in charge on the bridge or in the pilothouse must be licensed and the person in charge of the engine room must be licensed. Obviously, it is humanly impossible for the licensed master and licensed chief engineer to be "in charge of the watch" continuously. This means, therefore, that when the master must of necessity be absent from the bridge or pilothouse and the chief engineer must be absent from the engine room, the persons, whoever they may be, who are left "in charge of the watch" must be licensed to perform their respective duties. Consequently, from a practical point of view, it is considered necessary that a vessel on a long voyage shall carry a minimum of two licensed deck officers (one the master) and two licensed engineers (one the chief engineer).

93. The general authority to prescribe these manning regulations is in R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. These proposals also interpret or apply R.S. 4438a, as amended, 4453, as amended, 4463, as amended, sections 1 and 2, 49 Stat. 1544, 1545, as amended, section 3, 54 Stat. 347, as amended, and section 3, 68 Stat. 675; 46 U.S.C. 224a, 435, 222, 367, 1333, 50 U.S.C. 198.

ITEM XII—RULES OF THE ROAD

94. In view of major increases in boating activity in certain areas along the California coast, the need for established lines of demarcation to delineate the areas where International and Inland Rules apply has been urged as a safety measure. This proposal will establish specific lines of dividing the high seas from inland waters for the purposes of applying the "Inland Rules" to waters now subject to "International Rules," as set forth in "Rules of the Road—International—Inland" (CG–169). It is proposed to add new sections designated 33 CFR 82.126, 82.127 and 82.128 for Crescent City Harbor; Arcata—Humboldt Bay; Bodega Bay—Tomales Point; respectively, in California.

95. For the Monterey Bay area, California, two alternate proposals are presented. The "First Alternate" would permit the use of Inland Rules for the Monterey Bay area as a whole. The "Second Alternate" would permit International Rules to be used generally within the Bay area and Inland Rules specified for designated harbor areas. Comments as to which alternate is considered preferable are also desired. With respect to the "First Alternate," it is proposed to establish a new section designated 33 CFR 82.131A for Monterey Bay. For the "Second Alternate" it is proposed to add new regulations designated 33 CFR 82.131B for Santa Cruz Harbor, Moss Landing Harbor, and Monterey Harbor for three designated areas. The other proposed lines of demarcation for specific harbors have been designated 33 CFR 82.132 for Estero—Morro Bay; 82.133 for San Luis Obispo Bay; 82.134(a) for Santa Barbara Harbor; 82.134(b) for Port Hueneme; 82.134(c) for Playa del Rey; 82.134(d) for Redondo Harbor; 82.136 for Newport Bay; 82.145 for Isthmus Cove (Santa Catalina Island); and 82.146 Avalon Bay (Santa Catalina Island).

96. The authority for regulations describing the lines dividing the high seas from rivers, harbors, and inland waters is in section 2, 28 Stat. 672, as amended; 33 U.S.C. 151.

Dated: February 6, 1961.

[SEAL] A. C. RICHMOND,
*Admiral, U.S. Coast Guard, Commandant.*

[F.R. Doc. 61–1319; Filed, Feb. 14, 1961; 8:51 a.m.]



# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

[7 CFR Part 902]

[Docket No. AO–293–A3]

## MILK IN WASHINGTON, D.C., MARKETING AREA

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Washington, D.C., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Washington, D.C., on September 28 and 29, 1960, pursuant to notice thereof which was issued September 6, 1960 (25 F.R. 8745).

The material issues on the record of the hearing relate to:

1. Modification of the definition of "handler" to cover a cooperative association with respect to farmers' milk delivered to pool plants in trucks owned, operated, or controlled by the association;
2. Permitting unlimited diversion of a producer's milk in certain circumstances;
3. Accounting for milk received from a nonpool plant to which producer milk is diverted from a pool plant;
4. Accounting for shrinkage;
5. The price level for Class I milk;
6. The price for milk used in the manufacture of butter and cheese;
7. Establishment of a base-excess plan; and
8. Miscellaneous provisions.

Issue No. 5 was dealt with in a recommended decision issued December 20, 1960 (25 F.R. 13720). Proposals 9 and 10 in the notice of hearing were not supported by any testimony at the hearing and accordingly no findings or conclusions with respect to those proposals are contained herein.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Cooperative association as handler on bulk tank milk.* The definition of handler should not be changed to make a cooperative association a handler on bulk tank milk "caused to be delivered" to other handlers' pool plants.

A proprietary handler proposed that a cooperative association should be the receiving handler with respect to bulk tank milk of a farmer member which the cooperative causes to be delivered to a pool plant of another handler in a tank truck owned, operated, or controlled by the association. This proposal was offered to reduce problems in accounting for such milk, particularly as to weights, butterfat tests, and recordkeeping.

In this market, most of the milk received at pool plants is delivered from farms in tank trucks. A large percentage of the producers are members of cooperative associations. In some cases member milk is delivered largely to the association's plant(s) while members of other associations deliver their milk directly to pool plants not owned or controlled by the association. There was no instance shown in which trucks are owned by a cooperative association or in which truckers are employees of, or under contract to, an association.

The truck drivers are licensed weighers and samplers under the regulations of the State in which they pick up the milk at the farm. Such drivers, who measure milk at the farm and take milk samples, are not under the authority or control of the cooperative association of which the farmer is a member. From time to time the association provides an employee to ride on the truck with the driver to check the measuring and sampling operation. The employee observes but does not have authority to command the driver. The same opportunity for surveillance is available also to the handler who purchases the milk from the association.

When milk is delivered to a plant in a tank truck, the driver leaves at the plant an individual weight ticket for each producer. Such weight shown on the ticket is a derived figure arrived at by converting the dip-stick measurement made at the farm to a figure in terms of pounds of milk. The driver also leaves samples at the plant which, in the case of one cooperative association, are later picked up by an employee of the association for transportation to a laboratory.

In view of the above circumstances, we find no basis in the record for placing on any cooperative association in the market greater responsibility than exists at present for the handling and accounting of bulk tank milk from the time it leaves the farm until delivered to a pool plant. The proposed change in the handler definition therefore should not be adopted.

2. *Diversions.* No change should be made in the periods during which milk of a producer may be diverted.

A handler proposed that a cooperative association should be allowed to divert a member producer's milk to a nonpool plant on each day of the month if 70 percent of the membership of the cooperative association are producers whose milk is regularly delivered to pool plants. This proposal was intended to assure a steady supply of milk to his manufacturing plant at Frederick, Maryland. Cottage cheese, nonfat dry milk and condensed milk are produced at the plant and fluid cream is shipped therefrom to his Washington plant.

Since the pool plant provisions of the order were amended November 1, 1959, to add § 902.9(c), the Frederick plant has qualified as a pool plant pursuant to this provision. Under this provision the plant qualifies on the basis that it makes shipments of cream to a pool plant distributing in the market and all milk received at such plant from dairy farmers is from members of a cooperative association of which 70 percent or more of the members are qualified producers whose milk is regularly received at other pool plants qualified pursuant to § 902.9(a). The proposal to allow unlimited diversions was offered so that if in any month the plant failed to qualify as a pool plant it could continue, as a nonpool plant, to receive all the milk of the same producers.

The diversion provision in the order, contained in the definition of "producer", allows for unlimited diversion of producer milk to a nonpool plant during March through September, and on 8 days of any month during October through February.

The plant in question is located in an area of heavy milk production where many of the dairy farmers are producers under this order and have supplied the Washington market over a long period. The proponent handler claimed, however, that if the plant became a nonpool plant, maintenance of producer status for the farmers now supplying the plant would entail uneconomical hauling. For 22 days of each 30-day month during the October–March period each farmer's milk would need to be hauled to a pool plant to qualify the farmer as a producer.

The diversion of producer milk to nonpool plants by cooperative associations or pool plant operators is recognized as a means of promoting the orderly handling of reserve milk for the market. The proposal contemplates that the plant would be continuously served by the same group of dairy farmers during periods of nonpool status as have normally served it during pool status. The situation could develop, therefore, that the plant would be continuously in nonpool status but the dairy farmers supplying it nevertheless would continue in producer status.

The identification of dairy farmers with the market as producers who shall receive the uniform price has been based on delivery of their milk to a pool plant to an extent which establishes their association with the market as an essential part of its supply. The proposal would establish a different basis for qualifying producers in that such status could be based on continuous delivery to a nonpool plant. It is apparent, also, that pool or nonpool status of the plant in question could depend upon the choice of the handler operating the plant. For

these reasons the proposal does not give an appropriate basis for qualifying the dairy farmers delivering to the plant as producers.

The proposal was not addressed to a reconsideration of the basis on which the plant may or may not qualify as a pool plant. Furthermore, the evidence does not show difficulty exists in qualifying the plant under the current order provision. The problem of inadvertence in the receipt of milk which might disqualify the plant is a matter which can be controlled with ordinary business methods.

3. *Classification of milk received from nonpool plants.* The application of compensatory payments should be modified in the case of other source milk received from a nonpool plant which receives milk from a pool plant.

A handler proposed that milk received at a pool plant from a nonpool plant be accounted for as producer milk to the extent that producer milk is diverted from a pool plant to the nonpool plant. Proponent operates a manufacturing plant (previously referred to) which currently qualifies as a pool plant under § 902.9(c).

The purpose of the proposal is to guarantee that if at any time the plant fails to qualify as a pool plant and yet receives milk of producers' diverted to it, cream derived from such producer milk and shipped to the city bottling plant will not be treated as other source milk subject to compensatory payments.

At a hearing held September 23, 1959, consideration was given to a basis on which this plant might qualify as a pool plant. Previously it had been a nonpool plant. At the time of the hearing its only supply was producer milk diverted to it. About half of the butterfat from such milk was moving to the handler's pool plant in the form of cream. Since the amendment of November 1, 1959, the plant has qualified continuously as a pool plant on the basis previously described. It has received, besides producer milk, also milk from plants regulated under other orders.

If there is sufficient identification of the various types of receipts and dispositions at the nonpool plant from which milk is moved, as well as at the pool plant to which it is moved, the obligation of the handler operating the pool plant may be computed in a manner which reflects the order pricing of milk received at the nonpool plant. For this purpose a more specific assignment of receipts at the nonpool plant to appropriate use classifications is necessary.

For producer milk diverted to nonpool approved plants, or milk transferred thereto from pool plants in the form of products specified in § 902.41(a)(1), the order now provides a system of assignment in § 902.44(c). This provision assigns such receipts first to any Class I disposition from the nonpool plant into the marketing area. Remaining quantities of such receipts are assigned to the highest remaining uses at the nonpool plant after prior assignment of milk received from dairy farmers whom the market administrator determines constitute the regular source of supply for the plant.

The more specific assignment of milk transferred or diverted to a nonpool approved plant should provide that it will be assigned first to Class I route disposition in the marketing area by the nonpool plant. This would be before assignment of any other receipts at the nonpool plant. Secondly, such milk transferred or diverted to the nonpool approved plant would be assigned to Class I milk disposition of the nonpool plant made in the form of transfers to pool plants. Such transfers are classified under the allocation procedure in § 902.46(a)(3). The latter provision allocates at the transferee pool plant such milk as a receipt of "other source milk". Any remainder of the transfer and diversion to the nonpool plant would be assigned to the extent possible to other Class I use at the nonpool plant after prior assignment of milk from nonproducer dairy farmers whom the market administrator determines constitute the regular fluid milk supply of the nonpool plant. A nonpool plant may receive in the same month milk in the form of both transfers and diversions. In this case the milk transferred and milk diverted to the nonpool plant should share pro rata the classification to be arrived at under the system just described.

When milk is received at a pool plant from a nonpool approved plant not regulated under any order, the system of assignment just described will recognize the extent to which such milk already has been priced as Class I milk under this order. Compensatory payments should not apply on milk so priced in computing the obligation of the pool plant receiving such other source milk.

4. *Shrinkage.* No change should be made in the method of accounting for shrinkage.

Two handler proposals were made to change the method of accounting for shrinkage. One of these was designed to fit order changes contemplated in another proposal which would make a cooperative association a handler with respect to milk it causes to be delivered to pool plants in tank trucks. This proposal would (1) increase from 1/5 percent to 2 percent the allowable amount of producer milk shrinkage which may be classified as Class II milk; and (2) divide the 2 percent shrinkage allowance in the case of milk transferred between handlers to allow the receiving handler (plant operator or cooperative association) 0.5 percent and the processing handler the remaining 1.5 percent. A shrinkage proposal sponsored by other handlers would simply increase the total allowance from 1.5 percent to 2 percent.

In the decision issued May 1, 1959 (24 F.R. 3630) the Assistant Secretary recognized that small, unavoidable losses are experienced in the handling of milk and concluded that such losses should be accounted for under a Class II shrinkage allowance. A shrinkage allowance was adopted such that shrinkage of producer milk not exceeding 1.5 percent producer milk would be classified as Class II milk and any producer milk shrinkage in excess of that quantity would be classified as Class I milk. Since handlers may receive other source milk, the total shrinkage was prorated between the receipts of producer milk and other source milk. Under this system none of the shrinkage is assigned to milk received from other pool plants, since shrinkage of such milk is allowed to the transferor-handler. All shrinkage prorated to other source milk is Class II milk.

The average shrinkage at all milk bottling plants during the first year of order operation, was 1.71 percent. During the first 6 months of order operation, the average shrinkage was 2.27 percent and during the second 6 months, 1.49 percent. Although these figures do not include shrinkage at plants where milk is received but not processed, such receiving milk plants furnish only a small fraction of the milk supply for city distributing plants in this market. Most of the milk for the city distributing plants is received directly from farms.

Data presented in the record by proponent handlers to support a division of the total shrinkage allowance between (1) a cooperative association as a receiving handler of bulk tank milk and (2) the handler to whose plant such milk is delivered, were offered to show the amount of loss or difference in measurements which could occur between the quantity of milk measured at the farm and the quantity as measured at the plant. Since it has been concluded elsewhere in this decision that there is no basis for making a cooperative association a handler with respect to bulk tank milk, such corollary proposal to divide the shrinkage allowance between the first handler and second handler should not be adopted.

Denial of the proposal to make a cooperative association a handler on bulk tank milk would not preclude relief to handlers on the total shrinkage allowance if such relief were justified. The record does not show, however, that any increase in the shrinkage allowance is needed. For the most recent 6 months of record which include the months of highest seasonal level of production when milk handling is likely to involve a higher percentage of loss, average marketwide shrinkage for all bottling plants averaged 1.49 percent of receipts.

5. *Butter-cheese class price.* No change should be made in the price for milk used in the manufacture of butter or hard cheese.

A handler who operates a milk manufacturing plant asked for a special class price for milk used to manufacture butter and hard cheese. Proponent argued that loss could be avoided if the applicable class price were low enough to permit the sale of surplus cream for butter or cheese manufacture. The handler did not specify a formula for arriving at such class price, but indicated that the applicable price should be less than the present Class II price and competitive with prices paid by unregulated milk manufacturers. As a basis for arriving at such a competitive level of price, proponent offered data on prices for butter in New York City and prices on sales of cream outside this market.



No butter or hard cheese is manufactured by the proponent handler. His manufacturing plant produces principally cottage cheese, cream for use in cottage cheese and to supply the fluid market in Washington, and condensed skim milk for use in ice cream. No ice cream is made, however, in this plant. The entire operation results in an excess of butterfat in the form of cream. This generally has been sold to a cooperative association which uses it in its manufacturing plant. Although butter is among the products produced at the association's manufacturing plant, none of this butter is marketed. Instead it is stored for later use in the processing of ice cream mix. The association plant does not manufacture any hard cheese.

Only once was any of the excess butterfat sold to a plant other than that of the association. Except for this rather minor disposition to a butter manufacturer, none of the butterfat in producer milk finds its way into butter in commercial trade channels. Also, no producer milk is used for the manufacture of hard cheese. The loss the proponent handler may experience with respect to excess butterfat does not represent a condition generally affecting the handling of reserve milk in this market. The butterfat involved in the months of January 1960 through July 1960 represented 7.8 percent of the total butterfat in Class II producer milk during those months.

Any change in an order price, as requested, must be viewed in the light of whether (a) it would be an incentive to bring additional milk supplies under the marketwide pool even though such supplies are not needed; (b) the prevailing Class II price level permits the market to clear its reserve supply; and (c) the loss of which the handler complains is incurred largely because of the nature of his operations. In view of the present adequacy of supply, any lowering of the price for reserve milk in a manner which would tend to increase the supply is not justified. Except for the instance presented by the handler, there has been no indication of any difficulty in disposing of reserve milk at the order prices. Although in proponent's operations butterfat is to a degree an excess product, it is part of the regular manufacturing operation of the plant where it is used in ice cream mix. The quantity of butterfat on which the handler complains of loss represents only a minor part of the use he makes of the milk from which such butterfat is obtained. The importance of a loss on butterfat to a handler must be considered in relation to whether the whole milk from which the butterfat is derived was reasonably priced.

It is concluded that the Class II price formula as presently constituted reasonably represents the value of Class II milk in this market. The disposition of butterfat for butter or cheese manufacture is the infrequent exception to the rule of disposition of reserve milk for the higher-valued Class II uses which are available in this market. Any relaxing of the price formula could result in greater problems in the handling of reserve milk.

6. *Base plan.* The order should provide for payment in certain months to each producer for base milk and excess milk depending on such producer's deliveries in a prior period.

A producer association which represents a large part of the supply for the market proposed that in the months of April, May and June producers be paid on "base" and "excess" milk. A base would be earned by each producer on his deliveries during the preceding period of July through December. The base would be computed by dividing the total pounds of the producer's deliveries during such period by the number of days on which he delivered, but not less than 154. Such a computation would thus make some allowance for accidents which might prevent a producer from making deliveries during the entire six-month period.

Prior to the establishment of a Federal order in this market, the proponent association operated a "take-out and payback" plan to foster more even seasonal production. Such a plan was not included in the order. Proponent requests that a base plan be adopted in the order at this time to encourage producers to retain their relatively good production pattern.

Deliveries per day per dairy during the July–December period 1959 varied from a low of 1,001 pounds per day in November to 1,096 pounds in August, or an average of 1,053 pounds. During April, May and June of 1960 deliveries per day per producer varied from 1,186 to 1,298, or an average of 1,225 pounds. These spring months represent the highest seasonal level of production. Deliveries per day per dairy in the April–June period averaged 116 percent of the rate of delivery during the previous July–December period.

While only moderate seasonal changes in production occur in this market, a base plan such as proposed would tend to maintain or improve the evenness of production and thus assist in assuring adequate market supplies at all times. The six-month base-earning period suggested provides full opportunity for each producer to earn a base. A producer who enters the market as late as 31 days after the beginning of the earning period may be accommodated by a provision that his base would be calculated by dividing his total deliveries during the July–December period by the number of days from the first day of delivery through December 31, but not less than 154 days.

Because this market and the Upper Chesapeake Bay market draw milk from the same supply areas, dairy farmers from time to time may shift from one market to the other. Ideally, base plans in both markets should be arranged so as to not materially inhibit the shifting of farmers in either direction. Bases for farmers who transfer to this market can be computed in a manner which neither favors nor inhibits such a shift. Such a farmer, if he is a producer whose milk is received under this order during the months of October, November and December, should be allotted a base computed from deliveries which include those made in the preceding months of July, August and September to any pool plant under Order No. 127. The requirement of receipt of his milk under this order for the October–December period is a reasonable measure of association with this market.

Provision should be made for bases to be assigned to farmers who become producers after the beginning of the base-earning period for the reason that the plant to which they deliver becomes a pool plant. In such instances, records made available to the market administrator showing deliveries during the July–December period, including deliveries prior to the time the farmer became a producer, should be used in computing the producer's base.

One of the problems of seasonality in the Washington market has been the result of the operation of a base plan in the Upper Chesapeake Bay market which has given dairy farmers seeking a fluid market an additional incentive to gravitate to the Washington market for the relatively higher return available to a new producer here in the summer months in the absence of a base plan. Adoption of the plan in this market will provide a better alignment of prices to producers throughout the year in the two markets.

Another provision should apply to producers who during the months of July, August and September would have been "dairy farmers for other markets" if they had delivered their milk to the same plant at which it is received each month during the following October through December. Any such producer should be assigned a base equal to the total of his deliveries to the handler during the July–December period divided by the number of days from the first day of delivery through December 31, but not less than 154.

To implement the distribution of returns to producers in accordance with the bases they have earned, the order should provide for computation of a base price and an excess price in certain months. The excess price should be computed by assigning the total excess milk of all producers first to Class II producer milk, any remainder of excess milk to be assigned to Class I producer milk. The value of the excess milk should be computed according to such class assignments, and the excess price by dividing such value by the total hundredweight of excess milk. The remaining value of producer milk in each class should be assigned to base milk, and after the subtraction of not less than 4 cents nor more than 5 cents for reserve, the result should be divided by the total hundredweight of base milk to arrive at the uniform base price. Since the excess price ordinarily would represent a surplus milk value, producer location differentials should not apply to it. Location differentials should apply to the base price.

The base plan should become effective for payments beginning in April, 1962. Thus, producers will have full opportunity to be prepared for making base-earning deliveries beginning in July, 1961.

Rules should be provided for the transfer of a base, along with the farm, from one producer to another. To prevent manipulation in the earning of base con-

trary to the purpose of the plan, if a herd, land, buildings, or equipment are used jointly by more than one person for the production of milk on a farm or farms, only one base would be assigned. A producer operating more than one farm should be required to establish a separate base for each farm.

7. The table of skim milk values in the Class II milk price provision should be corrected by inserting, in proper sequence, a price bracket of $0.086 to $0.095 for nonfat dry milk. The corresponding skim milk value should be $0.225. The skim milk values for the lower nonfat dry milk price brackets should decrease 7.5 cents for each bracket, consecutively.

Milk received from a "dairy farmer for other markets" is treated as other source milk. Along with revision of the allocation procedure required herein by other proposed amendments, it should be provided that milk from dairy farmers for other markets will be subtracted concurrently with any other source milk received in the form of products specified in § 902.41(a)(1) from nonpool plants not fully subject to the pricing provisions of another order.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order.* The following order amending the order regulating the handling of milk in the Washington, D.C., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 902.22 [Amendment]

1. In § 902.22 delete the word "and" at the end of § 902.22(j)(2), change the period at the end of § 902.22(k) to a semicolon and add the word "and", and add a new paragraph as follows:

(l) On or before February 20 of each year (beginning in 1962), notify:

(1) Each cooperative association of the daily base established by each producer member of such association; and

(2) Each nonmember producer of the daily base established by such producer.

2. Add a new § 902.19 as follows:

§ 902.19 Base and excess milk.

(a) "Base milk" means milk received at a pool plant from a producer during any of the months of April through June which is not in excess of such producer's daily base computed pursuant to §902.63 multiplied by the number of days in such month on which such producer's milk was received at such pool plant: *Provided*, That with respect to any producer on every-other-day delivery, a day of nondelivery following a day on which delivery is made shall be considered as a day of delivery for purpose of this paragraph.

(b) "Excess milk" means milk received at a pool plant from a producer during any of the months of April through June which is in excess of base milk received from such producer during such month.

§ 902.44 [Amendment]

3. In § 902.44 delete paragraph (c) and substitute the following:

(c) As Class I milk if transferred in the form of any product designated as Class I milk pursuant to § 902.41(a)(1) to a nonpool approved plant or if in producer milk diverted to such nonpool approved plant, unless otherwise classified pursuant to subparagraphs (1) through (4) of this paragraph, in which case all milk diverted and transferred to the nonpool plant shall share pro rata in such classification:

(1) As Class I milk to the extent of such nonpool plant's disposition of skim milk and butterfat, respectively, as Class I milk on routes in the marketing area;

(2) Any remaining quantities of skim milk and butterfat as Class I milk equal to the extent of assignment to Class I pursuant to § 902.46 (a)(3) and (b) of transfers from the nonpool plant to pool plants; and

(3) Any further remaining quantities of skim milk and butterfat as Class I milk to the extent of remaining Class I utilization in the nonpool plant after prior assignment of receipts at such nonpool plant from nonproducer dairy farmers whom the market administrator determines constitute its regular source of fluid milk supply to such Class I utilization.

(4) Any further remaining quantities of skim milk and butterfat may be assigned to Class II milk.

§ 902.50 [Amendment]

4. In § 902.50(b), delete subparagraph (2) and substitute the following:

(2) *Skim milk.* The average of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as reported for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture shall determine the skim values as follows:

| Average price per pound of nonfat dry milk-spray and roller process: | Skim value |
|---|---|
| $0.065 or below | $0.00 |
| $0.066 to $0.075 | .075 |
| $0.076 to $0.085 | .15 |
| $0.086 to $0.095 | .225 |
| $0.096 to $0.105 | .30 |
| $0.106 to $0.115 | .375 |
| $0.116 to $0.125 | .45 |
| $0.126 to $0.135 | .525 |
| $0.136 to $0.145 | .60 |
| $0.146 to $0.155 | .675 |
| $0.156 to $0.165 | .75 |
| $0.166 to $0.175 | .825 |
| $0.176 to $0.185 | .90 |
| $0.186 to $0.195 | .975 |

§ 902.62 [Amendment]

5. In § 902.62 delete paragraph (b) and substitute the following:

(b) Each pool handler who received at his pool plant other source milk which is allocated pursuant to § 902.46 (a)(3) and (b) shall make payment on the quantity so allocated to Class I milk which is in excess of the quantities of skim milk and butterfat, respectively, assigned to Class I milk pursuant to § 902.44(c)(2) in milk and milk products received at the nonpool plant, at the difference between the Class I price and the Class II price applicable at the location of the nearest nonpool plants (as determined by the application of the location differential schedule set forth in § 902.52) from which an equivalent amount of such other source milk was received; and

6. Insert new sections numbered §§ 902.63 and 902.64 as follows:

§ 902.63 Computation of base for each producer.

For each of the months of April through June of each year beginning in 1962 the market administrator shall compute a base for each producer as follows, subject to the rules set forth in § 902.64:

(a) Except as provided in paragraphs (b), (c), and (d) of this section divide the total pounds of milk received by all



pool handler(s) from such producer during the months of July through December of the preceding year by the number of days from the first day of receipt through December 31, but not less than 154 days;

(b) The base of any producer whose milk during the preceding July–December period was received at a plant which became a pool plant during such base-earning period shall be computed by dividing the total pounds of milk received from such dairy farmer at the plant and at pool plants as producer milk, both during such July–December period, by the number of days from the first day of such receipt through December 31, but not less than 154;

(c) The base of any producer who was a producer during all the months of October, November, and December of the preceding year, and during any of the just preceding months of July, August, and September qualified under the Upper Chesapeake Bay Federal milk Order No. 127 as a "producer" as defined in that order, shall be computed by dividing the total pounds of milk received from such farmer during all of such months (July through December, inclusive) at pool plants under both orders by the number of days from the first day of receipt through December 31, but not less than 154; and

(d) The base of any producer who is not described in paragraphs (b) and (c) of this section but who was a producer in each of the months of October, November, and December of the preceding year and whose milk was received during each of these months at a pool plant at which receipt of his milk in the just preceding months of July, August, and September would have (or did) qualify him as a "dairy farmer for other markets", shall be computed by dividing the total pounds of milk received from such producer at the pool plant during such months of July through December and verified receipts at the nonpool plant of the handler during such months of July through September, inclusive, by the number of days from the first day of receipt through December 31, but not less than 154.

§ 902.64 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to § 902.63 may be transferred in its entirety upon written notice to the market administrator on or before the last day of the month of transfer, but only if a producer sells, leases or otherwise conveys his herd to another producer and it is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this part;

(b) If a producer operates more than one farm, each delivering milk to a pool plant, he shall establish a separate base with respect to producer milk delivered from each such farm; and

(c) Only one base shall be allotted with respect to milk produced by one or more persons where the herd, land, buildings, and equipment used are jointly owned or operated: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of an application signed by all joint holders or their heirs, or assigns.

7. In § 902.71 delete the language preceding paragraph (a) and substitute the following:

§ 902.71 Computation of the uniform price.

For each month prior to April 1962, and thereafter for each of the months of July through March, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. market as follows:

8. Insert a new section numbered § 902.72 as follows:

§ 902.72 Computation of uniform prices for base milk and excess milk.

For each of the months of April through June, beginning with April 1962, the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f.o.b. market, shall be as follows:

(a) Compute the aggregate value of excess milk for all handlers who made reports prescribed in § 902.30(a), and who are not in default of payments pursuant to § 902.84 for the preceding month as follows: (1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the remaining hundredweight quantity of excess milk by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(c) Subtract the value of excess milk computed pursuant to paragraph (b) of this section from the total value of producer milk for the month as determined according to the calculations set forth in § 902.71 (a) through (d);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk for handlers included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content f.o.b. market.

§ 902.80 [Amendment]

9. In § 902.80 delete paragraph (a) and substitute the following:

(a) Except as provided in paragraph (b) of this section each pool handler on or before the 15th day after the end of each month shall make payment to each producer for milk which was received from such producer during the month at not less than the uniform price computed pursuant to § 902.71 for each month prior to April 1962 and thereafter for the months of July through March, and at not less than the price for base milk computed pursuant to § 902.72(b) with respect to base milk received from such producer, and not less than the excess price determined pursuant to § 902.72(a) for excess milk received from such producer for the months of April through June (beginning in 1962) subject to the following adjustments: (1) The butterfat differential computed pursuant to § 902.81, (2) less the location differential computed pursuant to § 902.82, and (3) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 902.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

10. Delete § 902.82 and substitute the following:

§ 902.82 Location differential to producers.

In making payments to producers or to a cooperative association pursuant to § 902.80 (a) and (b) except with respect to excess milk, a handler shall deduct with respect to all such milk received at pool plants located 75 miles by shortest highway distance from the zero milestone in the District of Columbia, as determined by the market administrator, 12 cents per hundredweight plus 1.5 cents for each 10-mile additional distance, or fraction thereof, which such plant is located from such milestone.

Issued at Washington, D.C., this 10th day of February 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61-1336; Filed, Feb. 14, 1961; 8:53 a.m.]



[7 CFR Part 909]

## HANDLING OF ALMONDS GROWN IN CALIFORNIA

### Proposed Revision of Salable and Surplus Percentages for 1960–61 Crop Year

Notice is hereby given that there is under consideration a proposal to increase the salable percentage for California almonds during the 1960–61 crop year which began July 1, 1960, from 75 percent (25 F.R. 8711) to 84 percent, with a corresponding decrease in the surplus percentage. The proposed revisions are based on recommendations of the Almond Control Board and other available information, and would be established under provisions of amended Marketing Agreement No. 119 and Order No. 9 (7 CFR Part 909), regulating the handling of almonds grown in California. Said amended marketing agreement and order are effective under the provisions

of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C., 601–674).

Control Board data as of December 31, 1960, indicate that trade demand for California almonds in 1960–61 may reach 55 million pounds rather than 50 million as estimated when the present percentages were proposed on August 13, 1960, (25 F.R. 7760, 8711) and later established. Other estimates remain essentially unchanged. The proposed increase in the salable percentage is based on the following estimates (in terms of kernel weight) for the crop year beginning July 1, 1960: (1) production of 54 million pounds; (2) trade demand for domestic almonds of 55 million pounds (based on a total trade demand of 55.5 million pounds less 500,000 pounds of imported almonds); (3) a handler carryover of 22.6 million pounds on July 1, 1960; (4) provision for a handler carryover of 13.1 million pounds on June 30, 1961; (5) total trade demand and carryover requirements for 1960 crop of 45.5 million pounds; and (6) a surplus supply of 8.5 million pounds.

Consideration will be given to written data, views and arguments pertaining thereto which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

Dated: February 9, 1961.

FLOYD F. HEDLUND,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 61–1334; Filed, Feb. 14, 1961; 8:52 a.m.]

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## [ 7 CFR Parts 923, 1012 ]

[Docket Nos. AO–251–A3, AO–278–A4]

## MILK IN APPALACHIAN AND BLUEFIELD MARKETING AREAS

### Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Bristol, Virginia, on April 12–13, 1960, and Bluefield, West Virginia, on April 14, 1960, pursuant to notice thereof issued on March 23, 1960 (25 F.R. 2579).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on December 2, 1960 (25 F.R. 12558; F.R. Doc. 60–11393), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Consolidation of the Bluefield order with the Appalachian order.
2. Provisions in the consolidated Appalachian order with respect to:
   (a) Marketwide pooling for distribution of proceeds among producers;
   (b) Milk to be priced and pooled;
   (c) Classification and allocation of milk;
   (d) Class prices;
   (e) Payments on other source milk;
   (f) Producer-settlement fund;
   (g) Base and excess plan; and
   (h) Administrative provisions.
1. Consolidation of the Bluefield order with the Appalachian order.

Order No. 112 regulating the handling of milk in the Bluefield marketing area should be consolidated with Order No. 23 regulating the handling of milk in the Appalachian marketing area.

The Appalachian and Bluefield marketing areas are composed of nine counties, three of which are in Southwestern Virginia, and the remainder in adjoining or nearby areas in West Virginia, Kentucky, and Tennessee. Tazewell County in Virginia, which comprises the southern part of the Bluefield marketing area, extends to within a few miles of Washington County which is in the Appalachian marketing area. The two marketing areas thus constitute a nearly continuous territory except for Harlan County, Kentucky, and Wise County, Virginia, which are a part of the Appalachian marketing area but separated from the rest by intervening counties.

The Appalachian order was made effective October 1, 1954, and the Bluefield order on October 1, 1956. Since the issuance of the Bluefield order, developments in the marketing system for milk in both areas have tended to bring the markets into closer relationship with respect to both supplies and sales.

Plants regulated under the Appalachian order and handling more than half of the milk regulated under the order are in competition with the four Bluefield handlers. An Appalachian handler with a plant at Bristol, Virginia, maintains a distribution point at Richlands, Virginia, in the Bluefield marketing area. Another Appalachian handler with a plant at Big Stone Gap, Virginia, distributes milk on routes in the Bluefield marketing area. There are also regular movements of packaged milk from an Appalachian order plant at Bristol, Virginia, to a Bluefield order plant at Welch, West Virginia, both of which are operated by the same company. This handler is one of the largest of the four handlers regulated by the Bluefield order.

Members of the cooperative association represent approximately 85 percent of all producers on the markets, supplying 90 percent of the fluid milk requirements of handlers under both orders. This association also operates a milk receiving plant presently regulated under the Appalachian order. Shipments of milk from this plant are made to plants under both orders to supply variable day-to-day fluid milk requirements.

The Bluefield marketing area is located north of the Appalachian marketing area. The supply for the Bluefield market comes from farms located in the counties in the marketing area and counties to the south and southeast of the marketing area. Some of these counties adjoin the Appalachian marketing area. In large part, handlers serving the two markets now depend upon a common supply. The milk deliveries of producers whose farms are located between or approximately equidistant from the two marketing areas are commonly shifted back and forth among handlers in the two markets according to individual handlers' daily needs. This accommodation of handlers' requirements is provided for by the proponent producer association. The association also arranges for the disposition of the surplus milk of both markets by diversion to manufacturing plants or shipment of milk to other markets after the milk is accumulated at its receiving plant.

Handlers in these markets are engaged mainly in fluid milk operations, although several have minor manufacturing operations, mostly for cottage cheese. They receive at their plants only that milk needed for such uses. From time to time, as their requirements vary, they call upon the cooperative association for milk from additional producers. The disposition of the standby reserve of milk has become the primary responsibility of the cooperative association. The association also has become the primary agency for disposing of the normal seasonal surplus of milk.

The cooperative association has adopted the policy of reblending the proceeds from the sale of its members' milk. Some members objected to this arrangement and withdrew from the association. This has increased the burden of market surplus carried by the remaining members. The proposed consolidation of the two markets, along with a change to marketwide pooling, will result in a proportionate sharing of the burden of surplus milk by producers.

The Appalachian and Bluefield orders should be consolidated to cover the combined territory of the existing marketing areas. The administrative and marketing service accounts under both orders should be consolidated also. At the time the new order is made effective, some handlers will owe producers certain monies for preceding months. Any such amount owed by handlers should be paid into the producer-settlement fund; on the other hand, audit adjustments with respect to underpayment of individual producers for milk delivered prior to order consolidation should be paid to the producers to whom the money is owed. Producers thus will receive all monies owed them for milk delivered in prior periods.

2. Provisions in the consolidated Appalachian order.

Provisions in the Appalachian and Bluefield orders are substantially similar and the Appalachian order provisions are appropriate as the terms and provisions of the consolidated order except as hereinafter discussed. The following findings and conclusions describe the instances in which provisions of the consolidated order would differ from the provisions of the present Appalachian order.

(a) *Marketwide pooling.* Individual-handler pools have been operated under both the Appalachian and Bluefield orders since their inception. Handlers have continued to be primarily distributors of fluid milk, and have little in the way of manufacturing operations except cottage cheese for their own route disposition. At the time the orders were established it was the practice of handlers to divert seasonal or week-end surplus of milk to nearby manufacturing plants.

The cooperative association, representing about eighty-five percent of the producers for these markets, now has assumed the responsibility for balancing supplies among handlers. This is accomplished through operation of truck routes to bring the milk from producers' farms to handler's plants, the operation of an association plant to carry short-time standby reserves, and diversion of unneeded milk to manufacturing plants. As a result of carrying on this operation of balancing supplies among handlers and disposing of surplus milk, the association has found it necessary to reblend returns from all sales of their members' milk. Otherwise, members delivering milk to the association plant would receive less than fluid, or Class I, milk prices for a larger proportion of their milk than members delivering to other handlers' plants.

Some members of the association have objected to the reblending of proceeds, and one group of producers whose milk is delivered to a high utilization handler have cancelled their membership. Under individual-handler pooling such producers have received virtually a straight Class I price for their milk while the burden of carrying the balancing supplies of the market reserves has fallen on the association. As a result the association members receive a significantly lower blended return than nonmember producers.

To yield an equitable sharing by all producers of the lower returns realized from the necessary seasonal excess and reserve supplies of milk by all producers delivering milk to plants regulated under the consolidated Appalachian order, marketwide pooling should be provided.

(b) *Milk to be priced and pooled.* The intent and precise application of the order regulation will be facilitated by definitions of the terms "producer", "handler", "pool plant", and other terms as needed. The term "plant" should be defined as the lands, buildings, surroundings, facilities and equipment, whether owned and operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products are received, processed, or packaged. It is intended that this definition will include not only the plants at which handlers receive and bottle milk for distribution, but also any plant at which the operation consists merely of receiving the milk into holding tanks and shipping the milk out to other plants. In the case of a manufacturing facility handling milk not qualified for the fluid market and operated in conjunction with a facility for handling milk for the fluid market, the two facilities would be considered as one plant unless they are physically separated in a manner which would preclude any commingling of the two milk supplies and separate records are maintained in a manner satisfactory to the market administrator. A facility should not be considered a plant if it serves solely as a place or shelter for transferring milk from one truck to another truck without any other facility for holding and processing the milk on the premises. Use of a building primarily for holding bottled (packaged) milk or products in finished form would not qualify it as a "plant".

The establishment of a marketwide pool requires definition of pool plants. Pool plants should be defined in a manner which qualifies any plant which is substantially associated with the market. Except for the cooperative association plant, all plants upon which the market now depends for fluid milk are engaged primarily in distributing milk on routes in and near the marketing area. Such manufacturing operations as exists are used almost exclusively for the manufacture of cottage cheese. Most of the milk supply of local plants comes directly from producers' farms. Some milk, however, moves through the association plant to proprietary handlers' plants.

Although in the present situation all plants from which distribution is made in the marketing area are largely engaged in only this business, the order should provide standards whereby any plant may qualify as a pool plant if it is substantially associated with the fluid business of the market. Any plant which has as its major function the distribution of milk for fluid use would qualify under these standards, provided it also has a substantial portion of its fluid milk business in the marketing area. On the other hand, if a plant has only a minor portion of its business in the marketing area, it would not be subject to regulation. Regulation of such plants is unnecessary to accomplish the purposes of the order and might place such plants at a competitive disadvantage with respect to unregulated markets with which they are more closely associated.

In line with these general principles, any plant which uses 50 percent of its milk receipts for fluid distribution should be considered as primarily engaged in the fluid milk business. In making such a percentage determination, the receipts to be included should be all receipts of milk qualified under some health authority for use for fluid distribution, whether received directly from producers' farms or from a cooperative association of producers in its capacity as a handler. With respect to the percentage of a pool plant's fluid distribution in the marketing area, at least 10 percent of the business should be on routes in the marketing area. This is sufficient to establish a substantial association with the market.

A requirement of 20 percent of the fluid business in the marketing area, as proposed by the producer association, is unnecessary and could result in administrative problems in the case of any plant which had a large part of such required percentage of its business in the area but failed to meet the total requirement. Although plants now operating in the marketing area generally have enough fluid sales in the area to more than exceed such a percentage, consideration must be given to the possibility of new handlers entering the marketing area and the fact that some of the existing handlers have a large portion of their sales outside the marketing area and may extend such operations. Any plant which distributes milk in the marketing area but fails to meet the requirements of the pool plant definition should be subject to certain obligations under the order regulation with respect to sales in the marketing area. The necessity for such requirements is explained in another part of the findings and conclusions.

The pool plant definition should also include a plant which has insufficient or no direct distribution in the marketing area but which ships 50 percent of its receipts from qualified dairy farmers and cooperative associations to pool plants which distribute milk in the marketing area. This percentage requirement should apply on a month-to-month basis, except that any plant which has so qualified as a pool plant for the months of August through March should be allowed to continue as a pool plant for the succeeding months of April through July. This provision for the months of April through July is in recognition of the seasonal nature of milk production, which for this market tends to be higher during these months than in other times of the year. Normally plants which supply a market through shipments to distributing plants are located at a greater distance from the marketing area than the location of farmers whose milk could be moved directly from their farms to the distributing plants. Consequently, it is normal that the distributing plants will have their requirements more fully met by the direct receipts from farmers during the April through July period, and receive a lesser quantity from the shipping plants upon which they nevertheless must depend during other months. The automatic pooling of a shipping plant during the April through July period would apply unless the plant operator notified the market administrator of his desire to withdraw the plant from the pool.

In the case of a plant operated by a cooperative association which is used to meet the day-to-day requirements of handlers, special provision should be made for pooling. Such a plant is now operated under the Appalachian order to serve both Appalachian and Bluefield handlers. Not enough milk is shipped from the plant to qualify it for pooling under the regular percentage standards, since handlers' changing needs are met largely by adjustments in routes and deliveries direct from producers' farms. In instances where the precise requirements of handlers cannot be met by such direct deliveries, milk received at the association plant is transferred from there to such handlers. Irregularities in handlers' bottling requirements and frequent requests for partial loads are principal reasons for such transfers. Thus, the plant serves as a normal part of the supply system for the market. Further,

intermittent deliveries to this plant from dairy farmers who otherwise regularly supply pool handlers is a regular part of the operation of balancing supplies among all handlers and assuring a readily available reserve.

Another part of the milk handling operation by this plant is the accumulation of loads for shipment to other fluid markets. This business has not interfered with its function in supplying the Appalachian and Bluefield markets. If the association plant were a pool plant under the consolidated order, it would follow that all utilization of producer milk at the plant, including transfers to other fluid markets, must be accounted for in the marketwide pool at class prices. This requirement may affect the ability of the association to compete for sales in unregulated markets. It is not possible, however, to separate the milk disposed of to outside markets from that disposed of to these two markets so that the former would be unregulated and the latter subject to the order. All of the milk handled in the plant is supplied by dairy farmers who are regular producers for the Appalachian-Bluefield markets and accordingly should be accounted for in the same manner as all other producer milk received by pool plants under the order.

It is necessary that the order definition of pool plant apply uniformly to all plants which may become associated with the market, regardless of ownership or location. Accordingly, specific standards should be provided for the determination of whether a plant operated by any cooperative association qualifies as a pool plant. The function of the existing association plant as part of the market supply system is definitely related to the fact that most of the milk of association members is needed by handlers in their pool plants, and most frequently moves directly from producers' farms to handlers' plants. The volume of such milk deliveries and the amount of milk shipped from the association plant to other handlers' plants should be used as a measurement of the relationship of the cooperative association plant to the market.

The association proposed that when member deliveries and shipments from its plant amount to 50 percent of the total milk deliveries of all members to all plants (regulated and unregulated), the association plant should qualify as a pool plant. Although the amount of member milk delivered to pool plants has usually been over the 70 percent requirement adopted in the recommended decision, producer exceptions claim that this requirement cannot be met in every month. The exceptions also point out that this kind of requirement might inhibit efficient utilization of the milk supply by encouraging delivery of more milk than needed to pool plants and limiting association business in other markets. A different method of establishing a substantial association of this plant with the market will meet these objections. The plant should be pooled if the milk received by pool plants from member producers and from the association plant equals 70 percent or more of the Class I disposition of such pool plants.

In order to facilitate the application of the definition of pool plant, the order should contain a definition of the term "route". A "route" should be defined as any delivery to retail or wholesale outlets (including delivery by a vendor or sale from a plant or plant store) of any milk or milk products classified as Class I milk other than a delivery to a plant. This definition will cover the normal Class I disposition of distributing plants to customers such as stores, homes, restaurants, and hotels, and will exclude transfers of milk whether in bulk or packaged form to other plants. Contract sales to military installations or Government institutions which are Class I milk business would, of course, be considered "route" disposition.

The term "producer" should apply to any person who produces milk which meets the requirements of a duly constituted health authority for distribution in the marketing area and which is received at a pool plant.

The definitions of "producer" and "producer milk" also should provide for diversion of producer milk to a nonpool plant. If the handler who is an operator of the pool plant diverts the milk for his account, such milk should be deemed to have been received by such handler at the pool plant from which it is diverted. If a cooperative association diverts producer milk from a pool plant which the cooperative association does not operate, the milk should be deemed to have been received by the cooperative association at the location of the pool plant from which diverted.

Because of the limited nature of the manufacturing operations in handlers' plants, it is often necessary that milk in excess of handlers' immediate needs be moved to some unregulated manufacturing plant. It often would be inefficient for such milk to be moved first through a handler's plant, or through the plant operated by the cooperative association, and thence to the manufacturing plant. Diversion of milk so that it moves directly from the producer's farm to the manufacturing plant is the most efficient method of handling, and should be provided for so as to allow the dairy farmer to retain producer status during temporary periods when his milk is not needed in handlers' plants. There should be some general requirement in the order, however, that producers whose milk is diverted have a substantial association with the market, so that the marketwide pool would not at any time become burdened with surplus supplies of milk accumulated by handlers and accounted for continuously under a diversion provision. Although no specific recommendation was made on the record, it is reasonable that producer milk should not be diverted for a greater period during the months of August through February than the period during which the milk is received at pool plants. These are months when producer receipts are just adequate for Class I fluid milk requirements plus the necessary reserve; therefore, diversions of milk should be limited to few occasions. Producers would lose status for the month once diversions exceeded 15 days during any one of the above months. It is so provided in the attached order language.

The term "producer" should also include dairy farmers whose milk is received by a cooperative association in its capacity as a handler for milk it assembles from farms in tank trucks and delivers to pool plants.

The definition of "producer milk" should provide that all milk which a handler receives at his pool plant directly from producers shall be producer milk. In the case of bulk tank milk for which a cooperative association is a handler, the milk shall be producer milk considered to have been received by the cooperative association at the location of the pool plant to which it is delivered.

The term "handler" should include the operator of a pool plant, and the operator of a nonpool plant from which milk is disposed of on routes in the marketing area. With respect to producer milk diverted from a pool plant, if it is diverted by the plant operator, he would be the handler who must account for such milk. If the milk is diverted by a cooperative association, then the association should be the handler to account for such milk.

A cooperative association requested that it be allowed to be the handler with respect to milk picked up at farms in tank trucks which it subsequently delivers to handlers' plants if such collection of milk from the farms is performed under the control of the cooperative association. The principal cooperative association in these markets is already performing such collection function as explained in detail in the previous findings. The measurement of the amount of milk collected at each farm, the taking of samples for butterfat tests, and decisions as to the destination of such milk are under the close supervision of the cooperative association. So that the order may be effective in identifying milk which is producer milk, and establishing responsibility for receipt of milk and its accurate measurement and testing, it is desirable in this market that the cooperative association be the responsible handler for bulk tank milk. This will facilitate record keeping and accounting for deliveries of milk from producers whose milk goes to different handlers on different days during the month, and in cases where a tank truckload is split between two or more pool plants. Under this arrangement the cooperative association, as a handler, will be responsible to the marketwide pool for such milk at class prices.

The payment provisions of the order should require the pool plant operator to pay the cooperative association for milk so delivered at not less than the class prices. These provisions will implement the requirement of the Act that cooperative associations receive for their member milk at least the minimum class prices which all handlers must pay.

The definition of a "producer-handler" should be modified from that now contained in both the Appalachian and Bluefield orders which specifies that a producer-handler is a person who operates a dairy farm and an approved plant from which Class I milk is disposed of in the marketing area, and who receives no milk from other dairy farmers. It is intended that the term "producer-handler" apply to a person dependent primarily upon his own farm production as a supply for a fluid milk business. Such a person from time to time may obtain supplemental supplies from pool plants. Since it is the nature of the producer-handler's business that he would normally need such supplemental milk for Class I use, the classification provisions of the order should provide for the transfer of Class I milk from pool plants to producer-handlers. A producer-handler might also look to unregulated sources for supplemental milk for his fluid milk requirements. To allow producer-handlers to obtain unpriced milk for fluid milk requirements, would be inequitable to pool handlers who must account for milk at class prices. The term "producer-handler" therefore should not include operators who receive other source milk for utilization as Class I milk.

(c) *Classification and allocation of milk.* The definitions of Class I and Class II milk under the Appalachian and Bluefield orders are identical and may be adopted in the consolidated order with only slight modification.

Handlers proposed that fluid milk products used as animal feed should be classified as Class II milk. The orders now provide that the skim milk portion of any product disposed of for livestock feed may be so classified. In support of their proposal, handlers testified that such packaged products as homogenized milk and chocolate milk, when returned from stores, are ordinarily disposed of for animal feed. Handlers have found it impossible to separate and salvage the butterfat from such route returns.

Both the skim milk and butterfat portions of homogenized milk and milk drinks (plain and flavored) disposed of for animal feed should be classified as Class II milk. Such classification should be based upon specific records showing the amounts of skim milk and butterfat so disposed of, which are made available to the market administrator for verification of such disposition.

The provision for allowance of shrinkage in Class II now in the Bluefield order should be adopted in the same form in the consolidated order. This provision differs slightly from that in the Appalachian order in that proration of shrinkage to Class I and Class II is not affected by use of diverted milk in nonpool plants. Milk received at a pool plant from a cooperative association in its capacity as a handler on bulk tank milk would be included along with producer milk receipts at the pool plant for the purposes of computing the shrinkage allowance.

The classification provisions now in the orders with respect to transfers of milk from pool plants to other pool plants or nonpool plants may be adopted largely in the same form in the consolidated order. The mileage limitation of 200 miles, which was originally adopted in the Bluefield order as the distance within which transfers to unregulated plants would be classified on the basis of actual use, should apply under the consolidated order. The greater distance of 300 miles adopted in the amendment to the Bluefield order April 1, 1959, is no longer applicable to the present market situation. The places of reference from which distance is measured should be the City Hall of Bluefield, West Virginia, and the city limits of Kingsport, Tennessee.

Provision should be made for the classification in Class I of Class I milk products transferred from a pool handler to a producer-handler.

In the case of concentrated milk products which result from the removal of any of the water contained in the original milk or skim milk from which the product has been prepared, the handler should account for the receipt and utilization of such product on the basis of the quantity of skim milk contained in the original milk used to produce such product. The pounds of skim milk to be accounted for as received and utilized in the case of such concentrated products should, therefore, be the weight of the nonfat milk solids contained in the product plus all of the water originally associated with such solids.

A more refined allocation procedure should be adopted than presently provided for in the two orders. The new procedure would maintain the general principles that producer milk receipts should be given priority in assignment to Class I use. Accordingly, other types of milk receipts, except packaged receipts as explained hereinafter, should be subtracted first from the gross Class II utilization of the pool plant, or the class agreed upon under the applicable rules in the case of transfers between pool plants. In the subtraction of other source milk, distinction should be made between processed forms of milk products specified in the definition of Class II milk as compared with fluid forms specified in the definition of Class I milk. This distinction is needed to recognize that the former type of milk product may originate within the plant and enters into the accounting only because it is reprocessed or converted to another product during the month. It follows that if such products are used in Class I disposition, there would be no basis for application of the Class I location allowance thereon. A further distinction should be made between other source milk which originates at plants regulated under another Federal order and other source milk which originates at plants not regulated by any Federal order. This should be done so as to give limited priority in Class I assignment to milk which has been priced under another order. Such a priority is now acknowledged between the Appalachian and Bluefield orders.

Exceptions received from handlers asked that the allocation provisions include an assignment to Class I milk of milk or milk products in consumer-type packages received from a plant other than a pool plant under this order. Under the proposed provision submitted by handlers, the amount so assigned would be limited to the amount of milk classified as Class I milk and transferred to such nonpool plant or its distribution stations by the Appalachian order plant. While such provision is similar to a provision now in the Appalachian order, handlers' exceptions make clear that the specific intent is to accommodate packaged milk received from a Knoxville order pool plant.

Milk received in consumer packages from a Knoxville order (Order No. 88) plant where it has been classified and priced as Class I milk, and disposed of from the Appalachian order pool plant as Class I milk in the same packages, should be subtracted from the total Class I disposition of the Appalachian pool plant prior to assignment of other types of receipts. The suggestion by handlers to apply such allocation to packaged products received from any plant (regulated or unregulated) not under the Appalachian order has not been justified by any relevant circumstances. The proposed limitation of such allocation dependent on transfer of an equivalent quantity of Class I milk from the Appalachian order plant to the Knoxville handler is not pertinent to the proper allocation of packaged receipts originating under another Federal order.

Handlers also requested that producer milk should not have complete priority for Class I assignment with respect to other receipts from a plant regulated under another Federal order. It was requested that an amount of Class II utilization equal to 5 percent of the receipts of producer milk at the plant be set aside prior to the assignment of such other Federal order milk. Such a provision is adopted in a modified form so as to allow handlers sufficient flexibility in obtaining needed supplies for their fluid business during periods when the market supply of producer milk is relatively close to the volume of Class I sales. The special assignment should apply only when receipts of producer milk for the current or preceding month are less than 105 percent of the net Class I disposition of pool plants. (The term "net" is used to indicate that in the case of milk transferred between handlers the same milk would not be accounted for twice in arriving at the amount of Class I disposition of pool plants.) When the producer milk supply has equalled or exceeded 105 percent of the Class I disposition, it has not been necessary to procure other source milk for fluid needs. Whenever this special allocation provision applies, the amount of Class II utilization which had been set aside would be re-entered in the total amount of utilization being accounted for after the subtraction of other Federal order milk. Provision should be made in the allocation procedure to assure clearance of inventories each month. This may be accomplished by providing that opening inventory shall be allocated to Class II only to the extent that remaining Class II utilization exceeds closing inventory. This procedure will simplify the determination of the appropriate amount of any reclassification payment due on opening inventory assigned to Class I in the current month and assure that no such payment is assessed on

other Federal order milk in inventory which was originally classified and priced in Class I in the originating market. Inventories of Class I milk products on hand at a plant which is first pooled during the month should be allocated as other source milk received at the plant during the month.

(d) *Class prices—Class I price.* The Class I price should be the basic formula price plus differentials of $2.10 for the months of August through February, and $1.66 for the months of March through July.

The basic formula prices under the two orders are similar and are continued under the consolidated order in essentially the same form. The basic formula price is the highest of (1) the average price paid by certain Midwest condenseries adjusted to a four percent butterfat test, (2) a price resulting from a formula based on market prices for butter and nonfat dry milk, and (3) the Class II price. The only difference in the basic formula price under the two orders is that in the computation of the Class II price a different list of manufacturing plant pay prices is used. The list to be used under the consolidated order is discussed under the findings on the Class II price. It is not expected that any of the changes in the list of plants would have any immediate effect on the level of Class I price. Since January 1958 the average pay price of all such plants has been considerably lower than the other alternatives for computing the basic formula price. The list of Midwest condensery plants used should omit the plant at Mount Pleasant, Michigan, which has ceased operations.

The proposed revision in the butter-nonfat dry milk basic price formula presented by producers should not be adopted. This revision would have increased the average monthly Class I price approximately 9 cents in 1958 and 8 cents in 1959. Since the purpose of the basic formula price is to arrive at a proper Class I price, the propriety of any such increase in the basic formula price depends entirely on the level at which the Class I price should be established. The level of Class I prices is discussed below.

Since the Appalachian order was made effective October 1, 1954, the Class I price differentials have been $2.10 for the months of August through February and $1.70 for all other months. The Class I price differentials under the Bluefield order, which were made effective October 1, 1956, have been the same as those under the Appalachian order except that in the months of April, May and June, they have been 25 cents less. This has resulted in an annual average of Class I differentials under the Bluefield order of $1.871 as compared with $1.913 under the Appalachian order.

The schedule of Class I differential adopted herein would result in an annual average differential of $1.917 per hundredweight. It is expected that this would return approximately the same total money to producers under the consolidated order as is now received under the two orders. Since the largest producer association, which represents about 85 percent of the producers delivering to plants in the two markets, has established the practice of payment to producer members at a blended average price based on payments made by handlers in the two areas, the prices adopted herein should result in little change, if any, in the blended returns to producers.

Consolidated statistics of the two markets show a reasonable relationship of producer milk supplies to Class I milk for the years 1957, 1958, and 1959. Substantial quantities of producer milk have been available for shipment during the past two years to other southern markets, primarily for fluid use. In addition, it has been necessary on other occasions to divert producer milk to local manufacturing plants. In view of current supplies, which may be characterized as ample but not burdensome to the market, the proposal of the cooperative association to use the present higher Appalachian Class I price differential for the consolidated Appalachian order, should not be adopted.

A handler proposal which would have established two pricing districts, one for the present Appalachian marketing area and another for Bluefield under the consolidated order was abandoned by proponents at the hearing. Nevertheless, such a pricing arrangement should be reviewed because of the lower Class I price during April, May and June which has applied under the Bluefield order as compared to the Appalachian Class I price for the same months.

The separate price district for the Bluefield area is not established under the consolidated order largely because the location of supply areas and the movement of milk within the consolidated marketing area are more in agreement with the plan for a single price level for the entire area. A large part of the supply for the Bluefield handlers comes from producers with farms located on the side of the Bluefield area nearest to the present Appalachian marketing area. Milk of many of these farmers is shifted between the markets from time to time. Also, there are regular movements of milk from the plant of one Appalachian handler to his plant in the Bluefield area. The common conditions of supply for the present Bluefield and Appalachian marketing areas support a common price under the consolidated order.

*Class II price.* The list of manufacturing plants specified in the Bluefield order plus the Franklin Milk Company, Jonesboro, Tennessee, should be used for the purposes of establishing the Class II price during the months of March through August and as an alternative to the butter-powder formula price in the months of September through February under the consolidated order. These Class II formula prices are also used as an alternative basic formula price.

The Class II price under each of the Appalachian and Bluefield orders is an average of selected manufacturing plant prices during March through August and the higher of this price or a butter-powder formula price during September through February. The butter-powder formula price is identical in both orders, and no change is herein recommended for the consolidated order. The list of manufacturing plants for the Class II pricing formula under the Bluefield order contains nine plants, two of which are Kraft Foods Company plants located at Independence, Virginia and Greeneville, Tennessee. The list of nine manufacturing plants in the Class II pricing formula under the Appalachian order contains seven of the same plants as under the Bluefield order, and two Pet Milk Company plants at Mayfield and Bowling Green, Kentucky instead of the two Kraft Food Company plants.

Proponents of the consolidated Appalachian order proposed the addition of the prices reported by the Franklin Milk Company plant located at Jonesboro, Tennessee, to the prices reported by the nine manufacturing plants under the Bluefield order. This series was proposed as a more representative value of manufacturing milk in this area. Handlers supported the use of the ten listed manufacturing plants.

During 1959, the proposed annual average Class II price would have exceeded the Appalachian order Class II price by approximately 2 cents and the Bluefield order Class II price by 1 cent. During the period November 1958 to February 1960, manufacturing plant prices were the effective Class II price in 12 months. The butter-powder formula portion of the Class II price exceeded the manufacturing plant prices in September, October, November and December 1959.

Premiums are paid in excess of reported pay prices of manufacturing plants for ungraded milk. The cooperative association has received prices in excess of these prices for surplus milk. The plant at Jonesboro, Tennessee added to the list of manufacturing plants under the order is within the marketing area and serves as an outlet for surplus milk. In view of these considerations, it is concluded that the ten plants being more representative of the price level for manufacturing milk in the consolidated area should be used for Class II pricing purposes.

*Location differentials.* The City Hall, Harlan, Kentucky, should be included along with the City Limits, Kingsport, Tennessee (under the present Appalachian order); City Halls of Bluefield and Welch, West Virginia, and the County Courthouse, Princeton, West Virginia (under the Bluefield order) as points for determining producer and handler location differentials.

This system of multiple basing points should provide equitable pricing of milk throughout this marketing area consisting of a number of widely scattered communities. The addition of the City Hall, Harlan, Kentucky to those presently under the two orders provides points throughout the consolidated marketing area. The present rate of differentials, which are the same under both orders, should be continued for the consolidated order.

(e) *Payments on other source milk.* The consolidated order should provide



for payments on other source milk allocated to Class I milk in pool plant(s), and on Class I milk distributed on routes in the marketing area through a nonpool plant, which is in excess of such plant's receipts of milk from Federal order plants, classified and priced as Class I milk.

Compensatory payment provisions are necessary in orders with marketwide pooling to protect the integrity of regulation and to deter the displacement of regular producer milk by unpriced milk. Regulation of all milk disposed of in the marketing area or the drawing of marketing area boundaries to include the total distribution areas of all handlers doing business in a particular marketing area, is neither practical nor possible.

Full regulation applies only to milk received at pool plants under this order. Special provision is made for plants which distribute minor volumes of milk in this marketing area. Nonpool fluid milk plants distributing fluid milk products on routes in the marketing area in amounts which do not exceed 10 percent of their total fluid milk sales are not required to equalize. These plants, with only a small proportion of their route distribution in the regulated market, should be considered as primarily associated with outside markets. Such plants could be at a serious disadvantage in competition with other nonpool plants in their normal market if they were required to pay order prices for all of their fluid milk. On the other hand, the requirement that Class I milk sales in the marketing area by nonregulated handlers be accounted for at the Class I price by payments to the pool as herein recommended will negate any pricing advantage on such milk.

This provision offers protection from the use of seasonal surplus milk at less than class prices. If handlers were permitted to use surplus milk at a cost less than that provided under the order, such milk would tend to displace producer milk. If other markets could dispose of their seasonal surplus in this market for Class I use, without an equalization payment, regular producer milk would be displaced in Class I use. The supply of milk for this market would be jeopardized, unstable market prices would prevail, and adequate production of milk for the market would be in doubt. These marketing conditions would be contrary to the purposes of the Agricultural Marketing Agreement Act. Therefore, an essential provision of this order is one that neutralizes the advantage created for unpriced other source milk, in order to insure the effectiveness of the classified pricing program and to promote orderly marketing of milk.

The Class II price under the recommended order represents the prevailing price for milk for manufacturing purposes. Similarly, the Class II price reflects the value of surplus milk in adjacent fluid milk markets which is disposed of through manufacturing plants. Thus, payment which reflects the difference between Class I and Class II prices will assure producers and fully regulated handlers that Class I milk disposed of in the marketing area will be priced the same to all handlers as required by the Act.

A proposal was made at the hearing that handlers operating pool plants make payments into the producer-settlement fund on any amount of other source milk which, under the allocation procedure, was allocated to Class I disposition.

Payments would not apply to other source milk which originated under another order where such milk had been classified and priced as Class I milk. The standards used by the Secretary to establish Class I prices under other orders are those used to determine Class I prices under this order. Alignment of Class I prices under the orders can be achieved through adjustment of the prices as recommended herein rather than by assignment of equalization payments on such milk.

Payments should be made on other source milk received at a pool plant in the form of Class II milk products and allocated to Class I milk, such payments to be at the rate of the difference between the applicable Class I price and Class II price for the location of the pool plant. Similarly, payments should be made on other source milk not classified and priced as Class I milk under another Federal order which is received at a pool plant in the form of products specified in the Class I milk definition and which is allocated under this order to Class I milk. The rate of payment should be at the difference between the Class I and Class II price, subject to the location differential applicable at the nearest nonpool plants from which such other source milk is received.

Handlers asked in their exceptions that they be relieved of any compensatory payments on other source milk described in the immediately preceding paragraph when receipts of producer milk for the current month are less than 110 percent of the net Class I utilization of pool plants. They contend that a supply of producer milk less than 10 percent over the Class I needs of the market does not provide adequate reserves for meeting fluctuating Class I requirements. A provision in this form is adopted such that the exemption would apply when the ratio of producer receipts to Class I utilization is less than 105 percent. As previously mentioned, when the producer milk supply has equalled or exceeded 105 percent of the Class I disposition, it has not been necessary to procure other source milk for fluid needs.

The foregoing exemption does not apply to the payments required to be made by handlers operating nonpool plants on milk they distribute as Class I milk in the marketing area. The rate of payment on such milk would be the difference between the Class I price and Class II price at the location of the nonpool plant.

Exceptions in behalf of certain handlers who distribute milk in the proposed combined marketing area, but which do not have sales of sufficient volume in the area to qualify as pool plants, asked that exemption from all regulation under the order apply to any plant selling less than a thousand pounds daily or less than 2 percent of the plant's approved milk as Class I milk in the marketing area.

Under the proposed order any plant from which the Class I milk disposition on routes in the marketing area is less than 10 percent of its total Class I milk route disposition would be exempted from the marketwide pool, unless, of course, it otherwise qualified as a shipping plant. The handler operating such nonpool plant would be required to make payments into the producer-settlement fund, however, with respect to his sales in the marketing area to the extent that such sales exceed his receipts of milk classified and priced as Class I milk under this or any other Federal order. Such payments would be at the rate per hundredweight which is the difference between the Class I price adjusted for location of the plant and the Class II price. These provisions are designed to achieve a substantially equitable situation between pool and nonpool handlers. Accordingly, there is no justification for the exemption requested.

(f) *Producer-settlement fund.* Provision for the establishment of the producer-settlement fund is necessary under the marketwide pooling arrangement adopted in the consolidated order. The producer-settlement fund, administered by the market administrator, is the repository for payments from handlers of the difference that the value of their milk according to utilization is greater than the amount required to be paid to producers or cooperative associations at the uniform price, payments on unpriced milk made by operators of nonpool plants, and adjustments of errors in previous payments. Payments are made to handlers from the producer-settlement fund, for distribution to producers through the uniform price, when the handlers' total value of milk according to utilization is less than the amount required to be paid to producers or cooperative associations, and for adjustments due to errors in payments.

Money should be retained in the producer-settlement fund to maintain a reserve to compensate for late payments, moneys due a handler on the basis of audit, and the fraction remaining from the computation of the uniform price to the nearest full cent. The maintenance of a reserve will facilitate the orderly operation of the pool. This reserve should be accumulated by deducting between 4 and 5 cents from the uniform price, after adding an amount equal to one-half of the unobligated balance to the pool from which the uniform price is computed.

Payments by handlers operating pool or nonpool plants should be made to the producer-settlement fund on or before the 12th day after the end of each month. Payments out of the producer-settlement fund to handlers operating pool plants should be made before the 13th day after the end of the month.

(g) *Base and excess plan.* The base and excess provisions presently in the two orders are the same as herein adopted with one exception. Base rules should be revised to provide for the establishment of bases for producers who deliver milk to a plant which first be-

comes regulated either during or after the base-forming months (September through February). Establishment of bases under this provision would depend on the operator of the new plant furnishing to the market administrator the necessary records for each producer.

Producers' representatives proposed that provision be made for bases for producers delivering to a plant operated by a cooperative association which obtained pooling status after the start of the base-forming period.

The purpose of a base-excess plan is to encourage more even production throughout the year in line with the seasonal requirements of Class I milk. This purpose will nevertheless be implemented by providing opportunity for the operator of a newly regulated plant to establish the seasonality of receipts and hence bases for each of his producers. However, the operator should be required to furnish the market administrator the necessary records to verify his receipts from each producer during the base-forming months. Without such a provision, as was pointed out by representatives of the cooperative association, producers delivering to newly regulated plants would receive excess prices for their milk during the months of April through July. The base rules have been so revised.

(h) *Administrative provisions.* The consolidated order is redrafted to incorporate new or revised language consistent with the order revisions, conforming and clarifying changes, and to facilitate application of various provisions.

The milk on which the expense of administration is charged should be revised to exclude milk under another order on which administrative assessment has been paid under another Federal order. Handlers regulated under the Knoxville Federal order proposed elimination of assessment under both orders for milk distributed in parts of the consolidated marketing area. The functions of the market administrator, for which the administrative assessment provides the necessary funds, are sufficiently performed under one Federal order and the resulting information can be made available to additional Federal orders if there is a need for such information regarding milk distributed in the various Federal order marketing areas. Therefore, milk distributed in this marketing area from another Federal order market and subject to the administrative assessment in the market where the milk is under full regulation is excluded from such assessment under this order.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Appalachian Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Appalachian Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Referendum order; determination of representative period; and designation of referendum agent.* It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Appalachian marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of December 1960 is hereby determined to be the representative period for the conduct of such referendum.

Wiley M. Richardson is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., this 9th day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the Appalachian Marketing Area*


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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.




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AUTHORITY: §§ 923.0 to 923.111 issued under Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

**§ 923.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Appalachian and Bluefield marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The Appalachian order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the Appalachian marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The Appalachian order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe as follows:

(a) Each handler in his capacity as operator of a pool plant with respect to (1) all receipts of producer milk and receipts of milk from a cooperative association in its capacity as a handler pursuant to § 923.10(d), and (2) receipts of other source milk which are classified as Class I milk and not subject to administrative assessment under another Federal order: *Provided,* That if such handler elects two accounting periods within the month, the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

(b) Each handler operating a nonpool plant with respect to Class I milk disposed of during the month on routes in the marketing area from a nonpool plant except from a plant pursuant to § 923.61.

*Order relative to handling. It is therefore ordered,* That on and after the effective date hereof, the Appalachian and Bluefield orders (Parts 923 and 1012) shall be merged under one order and the handling of milk in the consolidated marketing area, which shall be named "Appalachian Marketing Area", shall be in conformity to and in compliance with the terms and conditions of Order No. 23 as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

**§ 923.1 Act.**

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

**§ 923.2 Secretary.**

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

**§ 923.3 Department.**

"Department" means the United States Department of Agriculture.

**§ 923.4 Person.**

"Person" means any individual, partnership, corporation, association or other business unit.

**§ 923.5 Cooperative association.**

"Cooperative Association" means any cooperative marketing association of dairy farmers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

**§ 923.6 Appalachian marketing area.**

"Appalachian marketing area" hereinafter called the marketing area, means all of the territory geographically located within the perimeters of the counties of Greene, Sullivan, and Washington in Tennessee; Tazewell, Washington, and Wise in Virginia; McDowell and Mercer in West Virginia; and Harlan in Kentucky.

**§ 923.7 Route.**

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or sale from a plant or plant store) of any milk or milk products classified as Class I milk pursuant to § 923.41(a) other than a delivery to a plant.

**§ 923.8 Plant.**

"Plant" means the land, buildings, surroundings, facilities and equipment whether owned and operated by one or more persons constituting a single operating unit or establishment at which milk or milk products are received and processed or packaged: *Provided,* That this definition shall not be deemed to include any separate building, premises or facilities the primary function of which is to hold or store packaged milk or milk products in finished form in transit on routes.

**§ 923.9 Pool plant.**

"Pool plant" means any plant except the plant of a producer-handler or a plant described in § 923.61:

(a) From which during the month:

(1) Total disposition of Class I milk is equal to not less than 50 percent of the milk approved or recognized by a duly constituted health authority for distribution within the marketing area which is received from dairy farmers

and from cooperative associations who deliver such milk to such plant in the manner described in § 923.10(d); and

(2) Disposition of Class I milk on routes in the marketing area is equal to not less than 10 percent of its total Class I milk disposition on routes both inside and outside the marketing area;

(b) From which milk or milk products approved or recognized by a duly constituted health authority for distribution within the marketing area in an amount equal to not less than 50 percent of its receipts of such milk or milk products from dairy farmers and from cooperative associations who deliver such milk to such plant in the manner described in § 923.10(d) are shipped as milk, skim milk or cream in fluid form to plants specified in paragraph (a) of this section: *Provided*, That any plant which qualifies as a pool plant pursuant to this paragraph in each of the months of August through March shall be a pool plant for the following months of April through July unless the operator of such plant files with the market administrator prior to the first day of any month of April through July a written request for nonpool status for such month; or

(c) Which is operated by a cooperative association, if the total pounds of milk, skim milk or cream approved or recognized by a duly constituted health authority for distribution within the marketing area which are transferred from such plant to pool plants qualified pursuant to paragraph (a) or (b) of this section and which are received at similarly qualified pool plants from producers who are members of the association are equal to not less than 70 percent of the pounds of Class I utilization at such other pool plants.

**§ 923.10 Handler.**

"Handler" means (a) any person in his capacity as the operator of a pool plant; (b) any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of on routes in the marketing area or from which milk, skim milk or cream in fluid form is shipped to a plant which disposes of Class I milk on routes in the marketing area; (c) any cooperative association of producers with respect to producer milk diverted by it from a pool plant to a nonpool plant; and (d) any cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, under contract to, or under control of such cooperative association, if the cooperative association, *prior to delivery*, furnished written notice to the market administrator and to the handler to whose plant the milk is delivered that it will be the handler for the milk. The milk so delivered shall be considered to have been received by such cooperative association at the location of the pool plant to which it is delivered.

**§ 923.11 Producer.**

"Producer" means any person except a producer-handler, who produces milk in compliance with the requirements of a duly constituted health authority for distribution within the marketing area, which milk is (a) received at a pool plant, or (b) received by a cooperative association in its capacity as a handler pursuant to § 923.10(d), or (c) diverted from a pool plant to a nonpool plant other than a plant of a producer-handler: (1) Any day during the months of March through July, and (2) on not more than 15 days during any of the months of August through February: *Provided*, That the milk so diverted shall be deemed to have been received at the pool plant from which diverted if diverted for the account of the operator of such plant, or at the location of the pool plant from which diverted if diverted for the account of a cooperative association.

**§ 923.12 Producer milk.**

"Producer milk" means only that skim milk or butterfat contained in (a) milk received at a pool plant directly from producers, (b) milk from producers diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 923.11(c), or (c) milk received by a cooperative association pursuant to § 923.10(d).

**§ 923.13 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 923.41(a) except (1) such products which are received from pool plants, (2) milk received from a cooperative association for which it is the handler pursuant to § 923.10(d), or (3) producer milk; and

(b) Products designated as Class II milk pursuant to § 923.41(b)(1) from any source (including those from a pool plant's own production), which are reprocessed or converted to another product in the plant during the month.

**§ 923.14 Producer-handler.**

"Producer-handler" means any person who operates a dairy farm and a plant from which Class I milk is disposed of on routes in the marketing area whose only source of supply for Class I milk is milk of his own production and products designated as Class I milk pursuant to § 923.41(a) from pool plants.

**§ 923.15 Chicago butter price.**

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

**§ 923.16 Base milk.**

"Base milk" means producer milk received from a producer during any of the months of April through July which is not in excess of such producer's base for the month computed pursuant to § 923.81.

**§ 923.17 Excess milk.**

"Excess milk" means either (a) producer milk received from a producer during the months of April through July which is in excess of base milk received from such producer during the month, or (b) milk received during the month from a producer for whom no base can be computed pursuant to § 923.80.

MARKET ADMINISTRATOR

**§ 923.20 Designation.**

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

**§ 923.21 Powers.**

The market administrator shall have the following powers with respect to this part:

(a) Administer its terms and provisions;

(b) Receive, investigate, and report to the Secretary complaints of violations;

(c) Make rules and regulations as are necessary to effectuate its terms and provisions; and

(d) Recommend amendments to the Secretary.

**§ 923.22 Duties.**

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon duty and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer terms and provisions of this part;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 923.98, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 923.97, that are necessarily incurred by him in the maintenance and functioning of his office, and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or payments required by this part;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(h) Prepare and disseminate to producers, handlers, and the public, information as he deems necessary;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so request in writing, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

(j) Verify all reports and payments of each handler, by audit or such other investigation, as may be necessary, of such handler's records and facilities and of the records and facilities of any person upon whose utilization the classification of skim milk and butterfat depends; and

(k) On or before the date specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following: (1) The 6th day of each month, the Class I milk price, and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential; both for the preceding month; and (2) the 10th day of each month, the uniform price, or the uniform prices for base milk and excess milk and the producer butterfat differential, all for the preceding month.

REPORTS, RECORDS, AND FACILITIES

**§ 923.30 Reports of receipts and utilization.**

(a) On or before the 6th day after the end of each month, each handler shall report to the market administrator, for each of his pool plants and for each accounting period elected in such month, in the detail and on forms prescribed by the market administrator, as follows:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk and the aggregate quantities of base milk and excess milk;

(2) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 923.41(a)(1) received from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 923.10(d);

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) The inventories of skim milk and butterfat in products designated as Class I milk pursuant to § 923.41(a) on hand at the beginning and end of the month;

(5) The utilization of all skim milk and butterfat required to be reported by this part, including a separate statement of the disposition of Class I milk outside the marketing area; and

(6) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

(b) On or before the 6th day after the end of each month, each cooperative association, with respect to milk for which it is a handler pursuant to § 923.10 (c) or (d), shall report to the market administrator for such month, and for each accounting period elected in such month, in the detail and on forms prescribed by the market administrator, as follows:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk; and

(2) The quantities of skim milk and butterfat contained in milk delivered to each pool plant and in the milk diverted to each nonpool plant.

(c) Each handler who submits reports on the basis of an accounting period of less than a month, as described in § 923.35, shall submit a summary report of the same information for the entire month.

**§ 923.31 Other reports.**

(a) Each producer-handler and each handler operating a nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler operating a pool plant shall report to the market administrator on or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product.

**§ 923.32 Payroll reports.**

On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of milk for the preceding month for each of his pool plants which shall show: (a) The name and address of each producer, (b) the total pounds and the average butterfat test of milk received from such producer, including, for the months of April through July, the total pounds of base and excess milk, (c) the days on which milk was received from such producer if less than a full month, (d) the rate and net amount of payment to each producer, and (e) the amount and nature of any deductions or charges involved in such payments.

**§ 923.33 Records and facilities.**

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

**§ 923.34 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

**§ 923.35 Accounting periods.**

A handler may account for receipts of milk, utilization and classification of milk at any of his pool plants for two periods within a month, either period not to be less than seven days, in the same manner as for a month, if he provides to the market administrator in writing not later than 24 hours prior to the end of an accounting period notification of his intention to use two accounting periods.

CLASSIFICATION

**§ 923.40 Skim milk and butterfat to be classified.**

All skim milk and butterfat which is required to be reported pursuant to §§ 923.30 and 923.31 shall be classified each month by the market administrator, pursuant to the provisions of §§ 923.41 through 923.46.

**§ 923.41 Classes of utilization.**

Subject to the condition set forth in §§ 923.42, 923.43 and 923.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except sterilized products in hermetically sealed containers, ice cream mix, and eggnog); (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) contained in homogenized and chocolate milk disposed of for animal feed; (3) contained in (skim milk only) products disposed of for animal feed, other than those in (2) of this paragraph; (4) dumped (skim milk only) during the months of April, May, June or July: *Provided*, That the handler shall give the market administrator such advance notice of intention to dump as the market administrator may require; (5) con-

tained in inventory of products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of the month; and (6) in shrinkage assigned to Class II pursuant to § 923.42.

**§ 923.42 Shrinkage.**

The market administrator shall determine for the pool plants of a handler the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of butterfat and skim milk;

(b) Multiply the pounds of skim milk and butterfat in producer milk (except milk diverted pursuant to § 923.11(c)), milk received from a cooperative association pursuant to § 923.10(d), and other source milk by 0.02;

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk, respectively, classified pursuant to § 923.41(a) (1) and (2), and (b) (1), (2), (3) and (4) (excluding that in milk diverted pursuant to § 923.11(c) and shrinkage determined pursuant to paragraph (a) of this section) which is in Class II milk. The resulting amounts of skim milk and butterfat shall be classified as Class II milk; and

(d) Assign the shrinkage of skim milk and butterfat classified as Class II milk pro rata to (1) producer milk, (2) milk received from a cooperative association pursuant to § 923.10(d), and (3) other source milk.

**§ 923.43 Responsibility of handlers and reclassification of milk.**

(a) All skim milk and butterfat shall be Class I milk unless the handlers who first received such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

**§ 923.44 Transfers.**

Skim milk or butterfat shall be classified:

(a) As Class I milk if transferred from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 923.10(d) in the form of products designated as Class I milk in § 923.41(a) (1) to a pool plant of another handler unless utilization as Class II milk is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 923.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of milk pursuant to § 923.46 (a) (1) through (8) and (b), and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk if transferred from a pool plant in the form of products as designated in § 923.41(a) to a producer-handler:

(c) As Class I milk if transferred or diverted in bulk form as milk or skim milk from a pool plant to a nonpool plant unless:

(1) Such nonpool plant is located not more than 200 miles from the City Hall in Bluefield, West Virginia, or from the city limits of Kingsport, Tennessee, such mileage to be the shortest highway distance as determined by the market administrator;

(2) The handler claims classification in Class II in his report;

(3) The operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat, respectively, was actually used as Class II milk in such transferee plant: *Provided*, That the same Class II utilization of butterfat and skim milk, respectively, shall not be claimed for receipts from other pool plants under this or any other Federal order; and

(d) As Class I milk if transferred from a pool plant in bulk form as cream to a nonpool plant unless:

(1) Such cream is transferred without Grade A certification of any health authority;

(2) The handler claims classification in Class II in his report;

(3) The operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat, respectively, was actually used as Class II milk in such transferee plant: *Provided*, That the same Class II utilization of butterfat and skim milk, respectively, shall not be claimed for receipts from other plants fully regulated under this or any other Federal order.

**§ 923.45 Computation of the skim milk and butterfat in each class.**

For each month, the market administrator shall correct for mathematical and for other obvious errors, the reports of receipts and utilization of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made has been removed before the product is received, utilized or disposed of by a handler, the pounds of skim milk to be accounted for as received, utilized or disposed of shall be the weight of the nonfat milk solids contained in the product, plus all of the water originally associated with such solids.

**§ 923.46 Allocation of skim milk and butterfat classified.**

After making the computations pursuant to § 923.45, the market administrator shall determine the classification of each handler's producer milk received at his pool plants as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 923.42(d);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk in products classified and priced as Class I milk under the Knoxville, Tennessee, Federal milk order (Order No. 88) which were received in consumer packages and disposed of in the same packages as Class I milk;

(3) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk pursuant to § 923.13(b): *Provided*, That if the receipts of skim milk in such other source milk are greater than the remaining pounds of skim milk in Class II milk, the amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk pursuant to § 923.13(a) received from nonpool plants and not subject to the classification and pricing provisions of another Federal order: *Provided*, That if the receipts of skim milk in such other source milk are greater than the remaining pounds of skim milk in Class II milk, the amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(5) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the the pounds of skim milk in producer milk and milk received from a cooperative association pursuant to § 923.10(d) by 0.05, whichever is less, whenever total producer receipts in the month, or preceding month, are less than 105 percent of net Class I milk utilization of all pool plants (including diverted milk) during the corresponding month.

(6) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk subject to the classification and pricing provisions of another Federal order and not subtracted pursuant to subparagraph (2) of this paragraph: *Provided*, That if the receipts of skim milk in such other source milk are greater than the remaining pounds of skim milk in Class II milk, the amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(7) Add to Class II milk the pounds of skim milk subtracted pursuant to subparagraph (5) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in Class II milk, in excess of the pounds of skim milk contained in inventory of products designated as Class I milk pursuant to § 923.41(a) (1) on hand at the end of the month, the pounds of skim milk in inventory of



such products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk utilization the difference shall be subtracted from the pounds of skim milk in Class I milk;

(9) Subtract from the remaining pounds of skim milk in each class the skim milk received from the pool plants of other handlers or from a cooperative association in its capacity as a handler pursuant to § 923.10(d) in the form of products designated as Class I milk in § 923.41(a) (1), according to its classification as determined pursuant to § 923.44(a);

(10) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(11) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

**§ 923.50 Basic formula price.**

The highest of the prices computed pursuant to paragraph (a) or (b) of this section and § 923.51(b), rounded to the nearest whole cent, shall be the basic formula price.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month:

*Present Operator and Location*

Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Sparta, Mich.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the Chicago butter price for the month by 0.8.

(b) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.8 and add to such sum 3¾ cents for each full ½ cent that the average of carlot prices per pound of nonfat dry milk, spray and roller process, for human consumption, f.o.b. Chicago area manufacturing plants, as reported by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month, is above 5 cents.

**§ 923.51 Class prices.**

Subject to the provisions of §§ 923.52 and 923.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.66 during the months of March through July; and $2.10 during all other months.

(b) *Class II milk price.* For the months of March through August, the Class II milk price shall be the price computed pursuant to subparagraph (1) of this paragraph, and for all other months the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the month.

*Company and Location*

Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S.C.
Carnation Co., Galax, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N.C.
Franklin Milk Co., Jonesboro, Tenn.
Kraft Foods Co., Independence, Va.
Kraft Foods Co., Greeneville, Tenn.
Pet Milk Co., Greeneville, Tenn.
Pet Milk Co., Abingdon, Va.

(2) Add the amounts obtained pursuant to subdivisions (i) and (ii) of this subparagraph, and subtract 75 cents therefrom.

(i) Multiply the Chicago butter price by 4.8;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department.

**§ 923.52 Butterfat differential to handlers.**

For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 923.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows;

(a) *Class I price.* Multiply the Chicago butter price for the previous month by 0.12, and round to the nearest one-tenth cent.

(b) *Class II price.* Multiply the Chicago butter price for the previous month by 0.11, and round to the nearest one-tenth cent.

**§ 923.53 Location differentials to handlers.**

For that milk which is received from producers at a pool plant located 50 miles or more from the nearest of the following listed places, by shortest hard surfaced highway distance as determined by the market administrator and is assigned to Class I milk the price specified in § 923.51(a) shall be reduced at the rate of 10 cents per hundredweight for a distance of not less than 50 miles but less than 60 miles, plus 1.5 cents per hundredweight additional for each 10 miles, or fraction thereof, beyond 60 miles, according to the location of the pool plant where such milk is received from producers;

County Courthouse, Princeton, W. Va.
City Hall, Bluefield, W. Va.
City Hall, Welch, W. Va.
City Limits, Kingsport, Tenn.
City Hall, Harlan, Ky.

*Provided*, That for the purpose of calculating such location differentials, products so designated as Class I milk which are transferred between pool plants shall first be allotted to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 923.46(a) (1) through (8) and the comparable steps in § 923.46(b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat, respectively, contained in producer milk and milk from a cooperative association pursuant to § 923.10(d) received at the transferee-plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

**§ 923.54 Use of equivalent prices.**

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

**§ 923.60 Producer-handlers.**

Sections 923.50 through 923.54, 923.62, 923.70 through 923.73, 923.80 through 923.83, and 923.90 through 923.99 shall not apply to a producer-handler.

**§ 923.61 Plants subject to other Federal orders.**

A plant specified in paragraph (a) or (b) of this section shall be exempt from regulation under this order except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 923.30), and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 923.9(a) which would be fully regulated under the provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant on routes in the Appalachian marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 923.9 (b) or (c) which would be fully

regulated under the provisions of another order issued pursuant to the Act unless such plant was a pool plant pursuant to § 923.9 (b) or (c) for each month during the preceding August through March period.

**§ 923.62 Payments on other source milk.**

Each handler shall make payments on other source milk in the manner described in paragraphs (a) through (d): *Provided*, That such payments shall not apply pursuant to paragraphs (a), (b), and (c) if the receipts of producer milk for the current month are less than 105 percent of the net Class I utilization of pool plants for that month.

(a) Each handler operating a pool plant who received other source milk which is allocated to Class I pursuant to § 923.46 (a) (3) and (b), shall make payment on the quantity so allocated at the difference between the Class I price and the Class II price adjusted for butterfat content and location of his pool plant qualified pursuant to § 923.9(a);

(b) Each handler operating a pool plant who received other source milk which is allocated to Class I pursuant to § 923.46 (a) (4) and (b), shall make payment on the quantity so allocated at the difference between the Class I price, and the Class II price applicable at the nearest nonpool plant(s) from which an equivalent amount of such other source milk is received;

(c) Each handler operating a pool plant who received other source milk which is allocated to Class I milk pursuant to § 923.46 (a) (6) and (b) shall make payment on the amount so allocated which exceeds the milk so received and classified and priced as Class I milk under another Federal order, at the difference between the Class I price and the Class II price applicable at the location of the nearest Federal order plants (as determined by the applicable location differential rate) from which an equivalent amount of such other source milk was received; and

(d) Each handler operating a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act, shall, on or before the 12th day after the end of the month, make payment to the market administrator for deposit into the producer-settlement fund, on the quantity of skim milk and butterfat disposed of as Class I milk pursuant to § 923.41(a) from such nonpool plant on routes in the marketing area during the month, which is in excess of his receipts of skim milk and butterfat, respectively, classified and priced as Class I milk under this or any other Federal order, at the difference between the Class I price and the Class II price applicable at the location of such plant.

DETERMINATION OF UNIFORM PRICE

**§ 923.70 Computation of the value of milk for each handler.**

The net obligation of each handler for milk received at his pool plants and of any cooperative association with respect to milk for which it is a handler pursuant to § 923.10 (c) or (d) each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class by the applicable class price and total the resulting amounts;

(b) Add any plus amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 923.46 (a) (11) and (b) by the applicable class price;

(c) Add the amount of any payment due from such handler pursuant to § 923.62 (a), (b), and (c);

(d) Add any plus amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month less allowable shrinkage allocated pursuant to § 923.46(a) (1) in such month, or the hundredweight of milk subtracted from Class I milk pursuant to § 923.46 (a) (8) and (b) for the current month, whichever is less;

(e) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of milk allocated to Class I pursuant to § 923.46 (a) (8) and (b) for the current month which is in excess of (1) the hundredweight of milk for which an adjustment was made pursuant to paragraph (d) of this section and (2) the hundredweight of milk assigned to Class II pursuant to § 923.46 (a) (6) and (b) for the previous month and which was classified and priced as Class I under another Federal order.

**§ 923.71 Computation of the uniform price.**

For each of the months of August through March, the market administrator shall compute the uniform price per hundredweight of producer milk of 4.0 percent butterfat content, f.o.b. basing points, as follows:

(a) Combine into one total the values computed pursuant to § 923.70 for the milk of all handlers who submit reports prescribed in § 923.30 and who are not in default of payments pursuant to § 923.90 or § 923.94;

(b) Add the total of the location differential deductions to be made pursuant to § 923.92;

(c) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 923.91, and multiply the result by the total hundredweight of such milk;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers.

**§ 923.72 Computation of the uniform prices for base milk and for excess milk.**

For each of the months of April through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, f.o.b. basing points, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 923.30, and who are not in default of payments pursuant to § 923.90 or § 923.94 as follows: (1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the price for Class II milk of 4.0 percent butterfat content, (2) multiply the remaining hundredweight quantity of excess milk by the price for Class I milk of 4.0 percent butterfat content, (3) add together the resulting amounts, and (4) add any amount indicated pursuant to the proviso of paragraph (d) of this section;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content, f.o.b. basing points;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section times the hundredweight of excess milk from the total value of producer milk for the month as determined by the procedure set forth in § 923.71 (a) through (d);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (a) of this section to the extent that the excess price shall not exceed the base price as calculated herein. Any additional value remaining shall be prorated to the respective volume of base and excess milk; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content, f.o.b. basing points.

**§ 923.73 Notification of handlers.**

On or before the 10th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 923.30, at his last known address, a statement showing:



(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of April through July the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 923.71 and 923.72 and the butterfat differential computed pursuant to § 923.91; and

(d) The amounts to be paid by such handler pursuant to §§ 923.62, 923.94, 923.97, and 923.96 and the amount due such handler pursuant to § 923.95.

BASE RATING

**§ 923.80 Determination of daily base.**

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received from such producer at all pool plants during the months beginning with September of the previous year through February of the current year by the number of days from the first day milk is received from such producer during said months to the last day of February, inclusive, but not less than 120 days.

**§ 923.81 Computation of base.**

The base of each producer to be applied during the months of April through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days such producer's milk was received by such handler during the month: *Provided*, That if the producer's milk was not received on a daily basis, the daily base shall be multiplied by the number of days during the month for which the milk production of such producer was received by such handler.

**§ 923.82 Base rules.**

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to each producer for whose account milk is received at a pool plant during the months beginning with September of the preceding year through February of the current year.

(b) A base may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(3) The entire daily base of a producer may be removed from one handler to another handler regulated under this part.

(c) The daily base of any producer whose milk was received at a plant which becomes first qualified as a pool plant after September 1, of the previous year shall be computed under § 923.80 on the basis of such producer's deliveries to such plant during the months beginning with the September preceding the current year through February of the current year, if such records are made available to the market administrator.

**§ 923.83 Announcement of established bases.**

On or before April 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

**§ 923.90 Time and method of payment for producer milk.**

(a) Except as provided in paragraph (b) and (c) of this section, each handler shall make payment to each producer for milk received during the month as follows: On or before the 15th day after the end of the month, an amount equal to not less than the applicable uniform price(s) adjusted by the butterfat and location differentials to producers, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(1) Less marketing service deductions made pursuant to § 923.97, and

(2) Less proper deductions authorized in writing by such producer;

(b) In the case of a cooperative association which has so requested the handler in writing, such handler shall, on or before the second day prior to the date payments are due to individual producers pursuant to paragraph (a) of this section, pay the association for milk received during the month from the producer-members of such association an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section, less any deductions authorized in writing by such association: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) On or before the second day prior to the date payments are due individual producers, each handler shall pay a cooperative association for milk received at his pool plant from such association for which the association is the handler not less than the value of such milk computed at the applicable minimum class prices for the location of the pool plant of the buying handler; and

(d) In making the payments to producers pursuant to paragraph (a) or (b) of this section, each handler shall furnish each producer from whom he had received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer, including, for the months in which base and excess prices apply, the pounds of base and excess milk;

(3) The minimum rate or rates at which payment to the producer or cooperative association is required pursuant to this part;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount payment to the producer or cooperative association.

**§ 923.91 Butterfat differential to producers.**

The applicable uniform prices to be paid each producer pursuant to § 923.90 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 923.46(b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

**§ 923.92 Location differential to producers.**

In making payment to producers pursuant to § 923.90, the applicable uniform prices to be paid for producer milk received at a pool plant located 50 miles or more from the nearest of the following listed places by the shortest hard surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the following rate: County Courthouse, Princeton, West Virginia; City Hall, Bluefield, West Virginia; City Hall, Welch, West Virginia; City Limits of Kingsport, Tennessee; City Hall of Harlan, Kentucky:

| Distance in miles | Rate per hundredweight (cents) |
|---|---|
| 50 but less than 60 | 10 |
| For each additional 10 miles (or fraction thereof) an additional | 1.5 |

**§ 923.93 Producer-settlement fund.**

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 923.62(d), 923.94, and 923.96 and out of which he shall make all payments pursuant to §§ 923.95 and 923.96: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

**§ 923.94 Payments to the producer-settlement fund.**

On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which his obligation as computed pursuant to § 923.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

**§ 923.95 Payments out of the producer-settlement fund.**

On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which his obligation computed pursuant to § 923.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

**§ 923.96 Adjustment of errors in payment.**

Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 923.94, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 923.95, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 923.90, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

**§ 923.97 Marketing services.**

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 923.90, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments, to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions computed for each producer.

**§ 923.98 Expense of administration.**

As his pro rata share of the expense of administration of this part each handler shall pay to the market administrator, on or before the 15th day after the end of the month, for such month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe as follows:

(a) Each handler in his capacity as operator of a pool plant with respect to (1) all receipts of producer milk and receipts of milk from a cooperative association in its capacity as a handler pursuant to § 923.10(d), and (2) receipts of other source milk which are classified as Class I milk and not subject to administrative assessment under another Federal order: *Provided*, That if such handler elects two accounting periods within the month, the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

(b) Each handler operating a nonpool plant with respect to Class I milk disposed of during the month on routes in the marketing area from a nonpool plant except from a plant pursuant to § 923.61.

**§ 923.99 Termination of obligations.**

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

**§ 923.100 Effective time.**

The provisions of this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 923.101.

**§ 923.101 Suspension or termination.**

The Secretary may suspend or terminate this part or any provisions thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

**§ 923.102 Continuing obligations.**

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

**§ 923.103 Liquidation.**

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.



MISCELLANEOUS PROVISIONS

**§ 923.110 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

**§ 923.111 Separability of provisions.**

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 61-1335; Filed, Feb. 14, 1961; 8:53 a.m.]

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## [7 CFR Parts 949, 952, 998]

[Docket Nos. AO-232-A9; AO-256-A5; AO-259-A4]

## MILK IN SAN ANTONIO, AUSTIN-WACO, AND CORPUS CHRISTI, TEXAS, MARKETING AREAS

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements, and orders regulating the handling of milk in the San Antonio, Austin-Waco, and Corpus Christi, Texas, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, were formulated, was conducted at San Antonio, Texas, on January 16, 1961, pursuant to notice thereof which was issued January 9, 1961 (26 F.R. 225).

The material issue on the record of the hearing relates to the Class II pricing provisions of the three orders.

*Findings and conclusions.* The following findings and conclusions on the material issue is based on evidence presented at the hearing and the record thereof:

Class II prices under the Austin-Waco and San Antonio, Texas, orders during the months of April, May and June should be the higher of the present Class II butter-powder formula price, less 14 cents or a Cheddar cheese formula price (identical to that used to price Class II-A milk under the San Antonio order) and for all other months, the higher of the butter-powder formula price or the Cheddar cheese formula price. Class II prices under the Corpus Christi, Texas, order for the months of March, April, May and June should be the higher of the present order butter-powder formula price, less 12 cents or the Class II-A price (Cheddar cheese formula price) and for all the other months, the higher of the butter-powder formula price or the Class II-A price.

The Class II price under each of the three orders presently reflects prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from dairy farmers at plants operated by the Carnation Company, Sulphur Springs, Texas, the Borden Company, Mount Pleasant, Texas, and Lamar Creamery Company, Paris, Texas. The average of these manufacturing plant pay prices is the Class II price for the months of March, April, May, and June under the Corpus Christi, Texas, order, and for the months of April, May, and June under the Austin-Waco and San Antonio, Texas, orders. During other months of the year the Class II price is the higher of the butter-powder formula price or the specified manufacturing plant prices.

Changes in the operation of these plants reporting prices paid dairy farmers for ungraded milk seriously impair their usefulness in the Class II pricing provisions of these orders. The Borden Company plant at Mount Pleasant, Texas, has ceased operation. The Lamar Creamery Company at Paris, Texas, no longer receives ungraded milk from dairy farmers. The volume of ungraded milk handled at the three manufacturing plants dropped from an average of 2.7 million pounds per month in 1957 to about 1.4 million pounds per month in 1959. While no volume figures were reported on the record for 1960 it is likely that the quantity of ungraded milk receipts decreased still further during the year, and with only one plant now operating such receipts will be still less in 1961.

Producer proponents contend that while they do not at this time question the appropriateness of the Class II prices provided by the respective orders in 1960, they are unwilling, and believe it inappropriate, to continue to have their Class II milk priced on the basis of a single plant's reported pay prices. They proposed therefore that the Class II price, during the specified flush months of production, be computed on the basis of the alternative butter-powder formula presently provided for pricing such milk in other months of the year less 14 cents in the case of the San Antonio and Austin-Waco orders and 12 cents in the case of the Corpus Christi order. They further proposed that a cheese formula price identical to that presently provided for pricing milk disposed of for Cheddar cheese (Class II-A) under the San Antonio and Corpus Christi orders be the effective Class II price in each of the markets in any month in which such price exceeds the butter-powder formula price.

Producers' proposals would have provided the same Class II price level ($3.266 under the Austin-Waco order and $3.26 under the Corpus Christi and San Antonio orders) during 1960 as was in effect under each of the respective orders. In addition, they would also have provided Class II prices virtually identical with the actual Class II prices in effect in the years 1958 and 1959. Since they meet the objectives of providing a more representative basis for pricing Class II milk their adoption is appropriate.

The inclusion of the alternative cheese pricing formula (presently used in pricing Class II-A milk under the San Antonio and Corpus Christi orders) provides assurance to producers that the Class II price adequately reflects the supply-demand situation for milk for manufacturing uses on a national basis. While the Cheddar cheese pricing formula would not have established the Class II price in any month during the period 1956–1960 the price for milk processed into Cheddar cheese has strengthened significantly in the latter part of 1960. It is possible therefore, that in some future period such price may exceed a price computed on the basis of a butter-powder formula. Cheddar cheese is generally recognized as one of the residual use values for fluid milk and substantial volumes of producer milk in each of these markets from time to time have been disposed of for Cheddar cheese. Since facilities are available to each of the three respective markets for disposition of the surplus or reserve milk for Cheddar cheese there is no reason why the price for such milk should at any time be less than the price of milk utilized in Cheddar cheese.

*Rulings on proposed findings and conclusions.* No briefs were filed on behalf of interested parties.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and

wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which hearings have been held.

*Recommended marketing agreements and orders amending the orders.* The following orders amending the orders regulating the handling of milk in the San Antonio, Austin-Waco and Corpus Christi, Texas, marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

San Antonio, Texas, Order:

§ 949.52 [Amendment]

1. Delete paragraph (a) and substitute therefor the following:

(a) *Class II milk.* During April, May, and June, the price per hundredweight for Class II milk shall be the price computed pursuant to subparagraph (1) of this paragraph, less 14 cents or the price computed pursuant to paragraph (b) of this section, whichever is higher. During all other months, the Class II price shall be the price computed pursuant to subparagraph (1) of this paragraph or paragraph (b) of this section, whichever is higher.

(1) The sum of the amounts computed pursuant to subdivisions (i) and (ii) of this subparagraph, rounded to the nearest cent:

(i) Multiply by 4.4, the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month;

(ii) From the average of the carlot prices per pound of nonfat dry milk for human consumption spray process, f.o.b. manufacturing plants in the Chicago area as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the current month, subtract 5 cents and multiply by 8.16.

Austin-Waco Order:

1. Delete § 952.51 and substitute therefor the following:

§ 952.51 Class II milk.

Subject to provisions of § 952.52 the minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class II milk shall be the price computed pursuant to paragraph (a) of this section, less 14 cents or the price computed pursuant to paragraph (b) of this section, whichever is higher, during April, May, and June; and for each of the other months, the price computed pursuant to paragraph (a) or paragraph (b) of this section, whichever is higher:

(a) The sum of the plus values computed as follows:

(1) Subtract 3 cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

(b) The price per hundredweight computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month and rounding to the nearest cent.

Corpus Christi, Texas, Order:

§ 998.50 [Amendment]

1. Delete paragraph (b) and substitute therefor the following:

(b) *Class II milk price.* The minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class II milk shall be the price computed pursuant to subparagraph (1) of this paragraph, less 12 cents or the price computed pursuant to paragraph (c) of this section, whichever is higher, for the months of March, April, May, and June; and for each of the other months, the price computed pursuant to subparagraph (1) of this paragraph or paragraph (c) of this section, whichever is higher:

(1) The sum of the plus values computed as follows:

(i) Subtract 3 cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0; and

(ii) From the simple average as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture deduct 5.5 cents and multiply by 8.16.

Issued at Washington, D.C., this 10th day of February 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61-1337; Filed, Feb. 14, 1961; 8:53 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

[ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by the Upjohn Company, Kalamazoo, Michigan, proposing the issuance of a regulation to provide for the safe use of a combination of procaine penicillin, novobiocin, neomycin, dihydrostreptomycin, prednisolone, and chlorobutanol, suspended in 2 percent peanut oil with aluminum monostearate, intended for intramammary, intrauterine, otic, and dermal use in animals.

Dated: February 8, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1303; Filed, Feb. 14, 1961; 8:48 a.m.]

# FEDERAL AVIATION AGENCY

[ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-AN-22]

## FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

### Modification and Designation of Federal Airways, Associated Control Areas and Reporting Points

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601; §§ 600.6436, 600.6438, 600.6456, 601.6436, 601.6438, 601.6456, and 601.7001 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the following actions:

1. VOR Federal airway No. 436 extends from the Kenai, Alaska, VOR via the Anchorage, Alaska, VOR to the intersection of the Anchorage VOR 347° True radial with the northeast course of the Skwentna, Alaska, radio range. It is proposed to modify this airway and its associated control areas by extending it southward from the Kenai VOR via the intersection of the Kenai VOR 217° and the Homer, Alaska, VOR 269° True radials; intersection of the Homer VOR 269° True radial and the direct radial between the Anchorage VOR and a VOR to be installed approximately June 15, 1961, in the vicinity of King Salmon, Alaska, at latitude 58°43'31" N., longitude 156°45'00" W., to the King Salmon VOR, including an east alternate from the Kenai VOR to the intersection of the Kenai VOR 217° and the Homer VOR 269° True radials via the Homer VOR, including the area within 16 miles either side of the centerline at and above 24,000 feet MSL. The portion of this airway which would coincide with the Anchorage, Alaska, (Elmendorf AFB) Restricted Area/Military Climb Corridor (R-2201) would be used only after obtaining prior approval from the controlling agency.

2. VOR Federal airway No. 438 extends from the intersection of the southeast course of the Kenai, Alaska, radio range with the Anchorage, Alaska, VOR 199° True radial (Skilak Intersection) via the Anchorage VOR, to the Talkeetna, Alaska, radio beacon. It is proposed to modify this airway and its associated control areas by redesignating and extending it from the Anchorage VOR via the intersection of the Anchorage VOR 198° and the Homer, Alaska, VOR 027° True radials to the Homer VOR; thence direct to the Shuyak, Alaska, radio beacon, including the area within 16 miles either side of the centerline at and above 24,000 feet MSL. The portion of this airway which would coincide with the Eagle River, Alaska, Restricted Area (R-2203) would be excluded. The portion of this airway which would coincide with the Anchorage, Alaska (Elmendorf AFB) Restricted Area/Military Climb Corridor (R-2201) would be used only after obtaining prior approval from the controlling agency.

3. VOR Federal airway No. 456 extends from the intersection of the west course of the Kenai, Alaska, radio range with the Anchorage, Alaska, VOR 241° True radial to the Anchorage VOR. It is proposed to modify this airway and its associated control areas by redesignating it direct from the King Salmon, Alaska, VOR to the Anchorage VOR, including the area within 16 miles either side of the centerline at and above 24,000 feet MSL. The portion of this airway which would coincide with the Anchorage, Alaska (Elmendorf AFB), Restricted Area/Military Climb Corridor (R-2201) would be used only after obtaining prior approval from the controlling agency.

4. It is proposed to designate VOR Federal airway No. 506, and its associated control areas, from a VOR to be installed approximately May 15, 1961, in the vicinity of Bethel, Alaska, at latitude 60°-47'08" N., longitude 161°49'20" W., direct to the King Salmon, Alaska, VOR, including the area within 16 miles either side of the centerline at and above 24,000 feet MSL.

5. It is proposed to designate VOR Federal airway No. 508, and its associated control areas, from the Kenai, Alaska, VOR direct to the Middleton Island, Alaska, VOR, including the area within 16 miles either side of the centerline at and above 24,000 feet MSL, excluding the portion which would coincide with the Middleton Island, Alaska, Warning Area (W-533).

6. It is also proposed to amend § 601.7001, Domestic VOR Reporting Points, as follows:



Add:

"Bethel, Alaska, VOR."

"Chinitna Intersection: The intersection of the Kenai, Alaska VOR 217° and the Homer, Alaska, VOR 269° True radials."

"Copper Intersection: The intersection of the Homer, Alaska, VOR 269° True radial and the King Salmon, Alaska, VOR to the Anchorage, Alaska, VOR direct radial."

"Harriet Intersection: The intersection of the Homer, Alaska, VOR 330° True radial and the King Salmon, Alaska, VOR to the Anchorage, Alaska, VOR direct radial."

"Homer, Alaska, VOR."

"Inlet Intersection: The intersection of the Kenai, Alaska, VOR 345° True radial and the King Salmon, Alaska, VOR to the Anchorage, Alaska, VOR direct radial."

"Kenai, Alaska, VOR."

"King Salmon, Alaska, VOR."

"Ninilchik Intersection: The intersection of the Kenai, Alaska, VOR 217° and the Homer, Alaska, VOR 330° True radials."

"Seward Intersection: The intersection of the Anchorage, Alaska, VOR 163° True radial and the Kenai, Alaska, VOR to the Middleton Island, Alaska, VOR direct radial."

"Shoal Intersection: The intersection of the Kenai, Alaska, VOR 026° True radial and the King Salmon, Alaska, VOR to the Anchorage, Alaska, VOR direct radial."

Amend to read:

Skilak Intersection: "The intersection of the Anchorage, Alaska, VOR 198°, the Homer, Alaska, VOR 027° True radials and the Kenai, Alaska, VOR to the Middleton Island, Alaska, VOR direct radial."

Delete: Redoubt Bay Intersection.

The VOR airways as proposed, with the exception of a segment of Victor 456 and Victor 436 east alternate, would coincide with or closely parallel portions of the present L/MF airway structure. The proposed airways would provide navigational guidance for VOR equipped aircraft operating along these airways. Civil turbojet aircarrier flights operate above 24,000 feet MSL, and while within control areas, are provided an additional traffic service which consists in part of radar vectors around other observed traffic. Because of operating characteristics at high altitudes, these high-speed flights cannot be contained within 10-mile wide airways and therefore cannot take full advantage of the additional traffic service. Extension of the airway width to 16 miles either side of the centerline at and above 24,000 feet MSL would provide control area protection for civil turbojet aircarrier operations on these airways. The caption of §§ 600.6436 and 601.6436 would be modified by the substitution of Peters, Alaska, for Talkeetna, Alaska, to more accurately describe the northern terminus of Victor 436.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 8, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-1287; Filed, Feb. 14, 1961; 8:46 a.m.]

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[ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-NY-152]

## FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

### Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Blue Federal airway No. 23 extends from Norfolk, Va., to Chincoteague, Va. The Federal Aviation Agency is considering revoking Blue 23. It is the policy of this agency to revoke L/MF airways whenever adequate VOR airways are available, and it appears that the route from Norfolk to Chincoteague is adequately served by VOR Federal airways No. 139 and No. 1. In addition, the Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows a maximum of five aircraft movements on Blue 23. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Blue 23 and its associated control areas from Norfolk to Chincoteague. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigation aids associated with Blue 23. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures. In addition, § 601.4623, relating to reporting points on Blue 23, would be revoked.

Interested persons may submit such written data, views or arguments as they

may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 8, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-1288; Filed, Feb. 14, 1961; 8:46 a.m.]

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## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-NY-153]

## FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

### Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Blue Federal airway No. 45 extends from Montpelier, Vt., to Newport, Vt. The Federal Aviation Agency is considering revoking Blue 45. It is the policy of the Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Montpelier to Newport would be adequately served by VOR Federal airway No. 447. In addition, the Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows no aircraft movements on this airway. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Blue 45 and its associated control areas. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with Blue 45. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures. In addition § 601.4645 relating to reporting points on Blue 45 would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 8, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-1289; Filed, Feb. 14, 1961; 8:46 a.m.]

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## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-HO-5]

## FEDERAL AIRWAY AND REPORTING POINTS

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.287 and 601.4287 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 87 (Hawaiian Islands) presently extends from the intersection of the northwest course of the Port Allen, Hawaii, radio range and a point 100 miles northwest of the Port Allen radio range station via the Port Allen radio range station; the intersection of the southeast course of the Port Allen radio range and the west course of the Honolulu, Hawaii, radio range; Honolulu radio range station; Maui, Hawaii, radio range station; the intersection of the southeast course of the Maui radio range and the north course of the Hilo, radio range; Hilo radio range station to the intersection of the east course of the Hilo radio range and the southeast course of the Maui radio range. The portion of this airway at 5,000 feet MSL and below which lies within the Bonham, T.H., restricted area and warning area (R-509 and W-510) are excluded.

The Federal Aviation Agency has under consideration the alteration of Red Federal airway No. 87 (Hawaii) as follows:

1. Realign Red 87 from the intersection of the 288° True bearing from the Port Allen, Hawaii, radio beacon with longitude 161°15'00" W., via the Port Allen radio beacon; intersection of the 130° True bearing from the Port Allen radio beacon and the 261° True bearing from the Honolulu, Hawaii, radio range; the Honolulu radio range station; Maui, Hawaii, radio range station; intersection of the southeast course of the Maui radio range and the north course of the Hilo, Hawaii, radio range, to the Hilo radio range station.

2. Revoke the segment of R-87 from the Hilo radio range to the intersection of the east course of the Hilo radio range and the southeast course of the Maui radio range. Concurrently with this action, revoke the reporting point designated at the intersection of the east course of the Hilo radio range and the southeast course of the Maui radio range.

3. Redesignate the reporting points associated with Red 87 as follows:

The intersection of the 288° True bearing from the Port Allen, Hawaii, radio beacon with longitude 161°15'00" W.; Port Allen radio beacon; intersection of the 130° True bearing from the Port Allen radio beacon and the 261° True bearing from the Honolulu, Hawaii, radio range; Honolulu radio range station; Maui, Hawaii, radio range station; intersection of the southeast course of the Maui radio range and the north course of the Hilo, Hawaii, radio range; Hilo radio range station.

These alterations would facilitate air traffic management by providing a realigned route which would more closely coincide with the Hawaiian VOR airway structure. The control areas associated with Red 87 are so designated that they would automatically conform with the modified airway. Therefore, no amendment relating to the associated control areas would be necessary.

A Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows that there were no aircraft movements on the segment of Red 87 from the Hilo radio range station to the intersection of the east course of the Hilo radio range and the southeast course of the Maui radio range. On the basis of the survey, it appears that the retention of this segment of Red 87 is unjustified as an assignment of airspace and the revocation thereof would be in the public interest.



If these actions are taken, Red Federal airway No. 87 (Hawaii) would be modified by realigning it from the intersection of the 288° True bearing from the Port Allen radio beacon with longitude 161°15'00" W., via the Port Allen radio beacon; intersection of the 130° True bearing from the Port Allen radio beacon and the 261° True bearing from the Honolulu, Hawaii, radio range; Honolulu radio range station; Maui, Hawaii, radio range station; intersection of the southeast course of the Maui radio range and the north course of the Hilo, Hawaii, radio range, to the Hilo radio range station. The portions of this airway at 5,000 feet MSL and below which coincide with Bonham One, Hawaii, Restricted Area (R-509) and Bonham Two, Hawaii, Warning Area (W-510) are excluded.

The segment of Red 87 from the Hilo radio range station, to the intersection of the east course of the Hilo radio range and the southeast course of the Maui radio range, would be revoked. Also, the reporting point designated at the intersection of the east course of the Hilo radio range and the southeast course of the Maui radio range would be revoked.

In addition, the reporting points associated with Red 87 would be redesignated as follows:

The intersection of the 288° True bearing from the Port Allen, Hawaii, radio beacon and longitude 161°15'00" W.; Port Allen radio beacon; the intersection from the Port Allen 130° True bearing and the 261° True bearing from the Honolulu, Hawaii, radio range; Honolulu, Hawaii, radio range station; Maui radio range station; the intersection of the southeast course of the Maui radio range and the north course of the Hilo, Hawaii, radio range; the Hilo radio range station.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 4009, Honolulu 12, Hawaii. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 8, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-1290; Filed, Feb. 14, 1961; 8:46 a.m.]

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## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-WA-185]

## FEDERAL AIRWAYS AND REPORTING POINTS

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.19, 600.113, and 601.4019 of the regulations of the Administrator, the substance of which is stated below.

Green Federal airway No. 9 (Hawaiian Islands) presently extends from the intersection of the west course of the Honolulu, Hawaii, radio range and the south course of the Port Allen, Hawaii, radio range, via the Honolulu radio range station to the intersection of the northeast course of the Honolulu radio range with longitude 155°46'00" W.

Amber Federal airway No. 13 (Hawaiian Islands) presently extends from the intersection of south course of the Port Allen radio range and a line bearing 246° True from the Honolulu, Hawaii, radio range to the Port Allen, Hawaii, radio range station.

The Federal Aviation Agency has under consideration the alteration of these airways as follows:

1. Realign Green 9 from the intersection of the 180° True bearing from the Port Allen, Hawaii, radio beacon and the 261° True bearing from the Honolulu, Hawaii, radio range; via the Honolulu radio range station; to the intersection of 058° True bearing from the Honolulu radio range and the 011° True bearing from the Maui, Hawaii, radio range. In addition, redesignate the following reporting points associated with Green 9: the intersection of the 180° True bearing from the Port Allen, Hawaii, radio beacon and the 261° True bearing from the Honolulu, Hawaii, radio range; intersection of the 261° True bearing from the Honolulu radio range and the 222° True bearing from the Kahuku Point, Hawaii, radio beacon; Honolulu radio range station; the intersection of the 058° True bearing from the Honolulu radio range and the 011° True bearing from the Maui, Hawaii, radio range.

2. Realign Amber 13 from the Port Allen, Hawaii, radio beacon via the intersection of the 145° True bearing from the Port Allen radio beacon and the 253° True bearing from the Makapuu Point, Hawaii, radio beacon, to the Makapuu Point radio beacon.

The control areas associated with Green 9 and Amber 13 are so designated that they would automatically conform to the modified airways. Therefore, no amendments relating to these control areas would be necessary.

These alterations would facilitate air traffic management by providing realigned routes which would more closely coincide with the Hawaiian VOR airway structure.

If these actions are taken, the following modifications would be accomplished:

1. Green Federal airway No. 9 (Hawaii) would be realigned from the intersection of the 180° True bearing from the Port Allen, Hawaii, radio beacon and the 261° True bearing from the Honolulu, Hawaii, radio range, via the Honolulu radio range station, to the intersection of the 058° True bearing from the Honolulu radio range and the 011° True bearing from the Maui, Hawaii, radio range.

2. The reporting points associated with Green 9 would be redesignated as follows:

The intersection of the 180° True bearing from the Port Allen radio beacon and the 261° True bearing from the Honolulu radio range; intersection of the 261° True bearing from the Honolulu radio range and the 222° True bearing from the Kahuku Point, Hawaii, radio beacon; Honolulu radio range station; the intersection of the 058° True bearing from the Honolulu radio range and the 011° True bearing from the Maui, Hawaii, radio range.

3. Amber Federal airway No. 13 (Hawaii) would be realigned from the Port Allen, Hawaii, radio beacon, via the intersection of the 145° True bearing from the Port Allen radio beacon and the 253° True bearing from the Makapuu Point, Hawaii, radio beacon; to the Makapuu Point radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 4009, Honolulu 12, Hawaii. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 8, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-1291; Filed, Feb. 14, 1961; 8:46 a.m.]

# Notices

## DEPARTMENT OF STATE

[Public Notice 182]

[Delegation of Authority No. 85-10]

### DELEGATION OF FUNCTIONS UNDER MUTUAL SECURITY ACT OF 1954 AND CERTAIN RELATED ACTS

By virtue of the authority vested in me by the Mutual Security Act of 1954 (68 Stat. 832), Executive Order No. 10893 (25 F.R. 220), Executive Order No. 10900 (26 F.R. 143), and section 4 of the Act of May 26, 1949 (63 Stat. 111), it is ordered as follows:

SECTION 1. *Functions relating to the Mutual Security Act of 1954.* (a) The Under Secretary of State for Economic Affairs shall, on behalf of the Secretary of State, carry out the following functions:

(1) The function vested in the Secretary of State by section 523(c) of the Mutual Security Act of 1954 of providing continuous supervision and general direction of the assistance programs authorized by that Act, including but not limited to determining whether there shall be a military assistance program for a country and the value thereof.

(2) The function vested in the Secretary of State by section 301 of Executive Order No. 10893 of directing and controlling certain functions and entities, including the International Cooperation Administration, and the function of coordinating the functions of that agency with the other affairs of the Department of State.

(3) So much of the functions vested in the Secretary of State by section 101(a) of Executive Order No. 10893 and section 205(a) of the Mutual Security Act of 1954 as relate to directing and supervising the Development Loan Fund and to furnishing foreign policy guidance to the Board of Directors thereof, respectively.

(4) So much of the functions vested in the Secretary of State by sections 101 (a) and 301(2) of Executive Order No. 10893 as relate to the Mutual Defense Assistance Control Act of 1951, including the functions vested by that Act in the Administrator created by that Act.

(5) The function vested in the Secretary of State by section 527(d) of the Mutual Security Act of 1954 with regard to the appointment of alien clerks and employees.

(6) All other functions vested in the Secretary of State and the Department of State by sections 101, 102(b), 106, 107, 109(b), 301(2), and 302(b) of Executive Order No. 10893.

(b) The Under Secretary of State for Economic Affairs or, in his absence, disability, or if he is on leave, such person as he shall designate, is designated Chairman and Member of the Board of Directors of the Development Loan Fund, under section 205(a) of the Mutual Security Act of 1954, and shall carry out the functions related thereto.

(c) The Under Secretary of State for Economic Affairs is designated the officer to whom the Inspector General and Comptroller shall be responsible under section 533A(a) of the Mutual Security Act of 1954, and who may vest other duties in the Inspector General and Comptroller under section 533A(c)(10) of that Act.

(d) The Under Secretary of State for Economic Affairs shall carry out the functions vested in the Department of State by section 107 of Executive Order No. 10893 with respect to the conduct of certain studies.

(e) Under the direction and supervision of the Under Secretary of State for Economic Affairs, the bureaus and offices concerned within the Department of State, other than the International Cooperation Administration, shall, except as may be inconsistent with this Delegation of Authority or unless otherwise directed by appropriate authority, continue to exercise those functions under the Mutual Security Act of 1954 which they were authorized to exercise as of November 7, 1960, by the applicable provisions of the Organization Manual of the Department of State.

SEC. 2. *Functions relating to the Agricultural Trade Development and Assistance Act of 1954.* The Under Secretary of State for Economic Affairs shall, on behalf of the Secretary of State, carry out the following functions:

(1) The function vested in the Secretary of State by section 3(b) of Executive Order No. 10900 of insuring that all functions under the Agricultural Trade Development and Assistance Act of 1954 are carried out consistent with the foreign policy of the United States.

(2) The functions vested in the Secretary of State by section 2 of Executive Order No. 10900 with respect to title II of the Agricultural Trade Development and Assistance Act of 1954.

(3) The function which the Department of State is authorized to carry out by section 4(a)(1) of Executive Order No. 10900 of allocating or transferring foreign currencies to the Development Loan Fund.

(4) The function vested in the Department of State by section 4(d)(3) of Executive Order No. 10900 relating to foreign currencies generated to carry out the purposes of section 104(c) of the Agricultural Trade Development and Assistance Act of 1954.

(5) The function vested in the Department of State by section 4(d)(4) of Executive Order No. 10900 of carrying out the purposes of sections 104(d) and 104(e) of the Agricultural Trade Development and Assistance Act of 1954 except to the extent that section 104(e) pertains to the loans referred to in section 4(d)(5) of Executive Order No. 10900.

(6) The functions conferred upon the Department of State and the Secretary of State by sections 4(d)(7)(i) and 4(d)(7)(ii), respectively, of Executive Order No. 10900 relating to foreign currencies available to carry out the purposes of section 104(g) of the Agricultural Trade Development and Assistance Act of 1954.

(7) The function conferred upon the Secretary of State by section 4(d)(7)(iii) of Executive Order No. 10900 of supervising and directing the Development Loan Fund with respect to that order.

SEC. 3. *Reallocation of funds.* Subject to the authorities of the Under Secretary of State for Economic Affairs provided for in this Delegation of Authority, there are hereby reallocated to the Director of the International Cooperation Administration the funds allocated to the Secretary of State by section 109(a)(1) of Executive Order No. 10893.

SEC. 4. *Redelgation of functions.* (a) The Under Secretary of State for Economic Affairs may, to the extent consistent with law, delegate or assign any of the functions delegated or assigned to him by this Delegation of Authority to subordinate officers of the Department of State, including the Director of the International Cooperation Administration, and may authorize such officers to whom functions are so delegated or assigned sucessively to redelegate or reassign any of such functions.

(b) The Under Secretary of State for Economic Affairs may authorize the Director of the International Cooperation Administration or his designees to promulgate from time to time, to the extent consistent with law, such rules and regulations as may be necessary and proper to carry out any functions of the International Cooperation Administration or the Director or agencies, officers, or employees thereof.

SEC. 5. *Successorship.* Except as may be otherwise provided from time to time by the Under Secretary of State for Economic Affairs and consistent with law, the International Cooperation Administration and the Director thereof shall be deemed to be the successors of the Foreign Operations Administration and the Director thereof, respectively, with respect to all functions delegated to the International Cooperation Administration or the Director thereof by the Under Secretary of State for Economic Affairs.

SEC. 6. *Reservation of functions.* There are hereby excluded from the functions delegated by the foregoing provisions of this Delegation of Authority the functions of negotiating, entering into, and terminating international agreements under the Mutual Security Act of 1954, the Mutual Defense Assistance Control Act of 1951, and the

Agricultural Trade Development and Assistance Act of 1954.

SEC. 7. *General provisions.* (a) This Delegation of Authority shall become effective immediately upon the date of signature.

(b) Any reference in this Delegation of Authority to any Act or order shall be deemed to be a reference to such Act or order as amended from time to time.

(c) This Delegation of Authority supersedes Delegation of Authority No. 85 of June 30, 1955, as amended by Delegations of Authority No. 85–1 through 85–8, and the Interim Authorization of January 7, 1961: *Provided*, That, except as may be expressly provided to the contrary in this Delegation of Authority, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this Delegation of Authority and not revoked, superseded, or otherwise made inapplicable before the effective date of this Delegation of Authority shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

DEAN RUSK,
*Secretary of State.*

FEBRUARY 2, 1961.

[F.R. Doc. 61–1310; Filed, Feb. 14, 1961; 8:49 a.m.]

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[Public Notice 183]

[Redelegation of Authority No. 85–10A]

## REDELEGATION OF FUNCTIONS UNDER MUTUAL SECURITY ACT OF 1954 AND CERTAIN RELATED ACTS

By virtue of the authority vested in me by Delegation of Authority No. 85–10, entitled "Delegation of Functions under Mutual Security Act of 1954 and Certain Related Acts", it is ordered as follows:

SECTION 1. *International Cooperation Administration.* (a) Exclusive of functions otherwise redelegated, or excluded from redelegation, by this Redelegation of Authority, there are hereby redelegated to the Director of the International Cooperation Administration all functions conferred upon the Under Secretary of State for Economic Affairs by Delegation of Authority No. 85–10.

(b) The Director of the International Cooperation Administration is authorized to promulgate from time to time, to the extent consistent with law, such rules and regulations as may be necessary and proper to carry out any functions of the International Cooperation Administration or the Director or agencies, officers, or employees thereof.

(c) The Office of Small Business and the functions vested in it by law shall be in the International Cooperation Administration.

SEC. 2. *Assistant Secretary of State for Economic Affairs.* In the absence or the disability of the Under Secretary of State for Economic Affairs, or if he is on leave, the Assistant Secretary of State for Economic Affairs, or in the event of his absence, disability, or being on leave, the individual acting as such, is designated Chairman and Member of the Board of Directors of the Development Loan Fund, and shall carry out the functions related thereto.

SEC. 3. *Employment of personnel.* The Director of the International Cooperation Administration and the Secretary of Defense are authorized to perform any of the functions specified in section 527(c)(1) of the Mutual Security Act of 1954 to the extent that they relate to other functions under that Act administered by the International Cooperation Administration and the Department of Defense, respectively.

SEC. 4. *Consultation.* The Director of the International Cooperation Administration and the Managing Director of the Development Loan Fund shall each consult with the National Advisory Council on International Monetary and Financial Problems in respect of policies relating to assistance to be furnished on terms of repayment by the International Cooperation Administration and the Development Loan Fund, respectively.

SEC. 5. *Allocation of funds.* The Director of the International Cooperation Administration and the officers concerned within the Department of State are authorized to allocate or transfer, as appropriate, their respective funds to any agency, or part thereof, for obligation or expenditure thereby consistent with applicable law, subject, however, to the provisions of section 110(2) of Executive Order No. 10893.

SEC. 6. *Reservation of functions.* (a) There are hereby excluded from the functions redelegated by the foregoing provisions of this Redelegation of Authority:

(1) The function of providing continuous supervision and general direction of the assistance programs authorized by the Mutual Security Act of 1954, including but not limited to determining whether there shall be a military assistance program for a country and the value thereof.

(2) The functions of directing and controlling the International Cooperation Administration and of coordinating the functions of that agency with the other affairs of the Department of State.

(3) The functions of directing and supervising the Development Loan Fund and of furnishing foreign policy guidance of the Board of Directors thereof.

(4) The functions vested by the Mutual Defense Assistance Control Act of 1951 in the Administrator created by that Act and the functions vested in the President by the second proviso in section 103(b) of that Act.

(5) The function of insuring that all functions, however vested, delegated, or assigned, under the Mutual Security Act of 1954, relevant provisions of Acts appropriating funds under that Act, the Mutual Defense Assistance Control Act of 1951, the United States Information and Educational Exchange Act of 1948, and the Agricultural Trade Development and Assistance Act of 1954 are carried out consistent with the foreign policy of the United States.

(6) The function of supervising and directing the Development Loan Fund with respect to Executive Order No. 10900.

(7) The function of directing and supervising the bureaus and offices concerned within the Department of State, other than the International Cooperation Administration.

(8) The functions of making determinations under sections 2(f), 105(b)(4), 143, 202(c), 407, and 510 of the Mutual Security Act of 1954 and under section 108 of the Mutual Security and Related Agencies Appropriation Act, 1961.

(9) The function of making and transmitting reports under sections 2(f) and 513 of the Mutual Security Act of 1954 and under sections 101(a) and 101(b) of the Mutual Security and Related Agencies Appropriation Act, 1961.

(10) The function of approving the maintenance of special missions or staffs abroad and related matters provided for by section 101(d) of Executive Order No. 10893.

(11) The function of consulting with the National Advisory Council on International Monetary and Financial Problems in respect of policies relating to assistance to be furnished on terms of repayment by the offices and bureaus concerned within the Department of State, other than the International Cooperation Administration, and by the Department of Defense.

(12) The function of authorizing any agency to perform functions under section 527(c)(1) of the Mutual Security Act of 1954.

(13) The function provided for by section 407 of the Mutual Security Act of 1954 relating to a report concerning Palestine refugees in the Near East.

(14) The functions provided for by section 107 of Executive Order No. 10893 relating to the conduct of certain studies.

(15) The function provided for by section 502(c) of the Mutual Security Act of 1954 relating to a program to preserve the cultural monuments of the Upper Nile.

(16) The function of determining the personnel necessary in the Department of State, other than the International Cooperation Administration, provided for by section 527(a) of the Mutual Security Act of 1954.

(b) The Under Secretary of State for Economic Affairs shall:

(1) Determine the number of personnel in the operating agencies to be compensated at the rates authorized by section 527(b) of the Mutual Security Act of 1954.

(2) Allocate among the offices and bureaus concerned within the Department of State, including the International Cooperation Administration, the offices established by section 101(d) of Reorganization Plan No. 7 of 1953.

(3) Approve the amount of funds to be used by the operating agencies for the purposes authorized by sections 537(a)(6) and 537(a)(8) of the Mutual Security Act of 1954.

(4) Approve any agreement, or resolve and disagreement, between the International Cooperation Administration and the Development Loan Fund with regard to their respective use of foreign currencies under section 104(g) of the Agricultural Trade Development and Assistance Act of 1954.



SEC. 7. *Successive delegation of functions.* Any officer to whom functions are delegated or assigned by this Redelegation of Authority may, to the extent consistent with law, delegate or assign any such functions to his subordinates and authorize any of his subordinates to whom functions are so delegated or assigned successively to redelegate or reassign any of such functions.

SEC. 8. *General provisions.* (a) This Redelegation of Authority shall become effective immediately upon the date of signature.

(b) Any reference in this Redelegation of Authority to any Act or order shall be deemed to be a reference to such Act or order as amended from time to time.

(c) This Redelegation of Authority supersedes Redelegation of Authority No. 85–9 of April 12, 1960: *Provided*, That, except as may be expressly provided to the contrary in this Redelegation of Authority, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this Redelegation of Authority and not revoked, superseded, or otherwise made inapplicable before the effective date of this Redelegation of Authority shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

GEORGE W. BALL,
*Under Secretary of State for Economic Affairs.*

FEBRUARY 2, 1961.

[F.R. Doc. 61–1311; Filed, Feb. 14, 1961; 8:49 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Document No. 238]

[Classification No. 74]

### ARIZONA

### Small Tract Classification

FEBRUARY 3, 1961.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (10 F.R. 2473), I hereby classify the following described public lands, totaling 280 acres, in Pinal County, Arizona, as suitable for disposal in tracts of 2½ acres under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682A), as amended:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 8 E.,
Sec. 36: NW¼, NE¼SW¼, N½SE¼.

Containing 280 acres subdivided into 112 tracts of which 56 are covered by applications from persons entitled to preference under 43 CFR 257.5.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedures.

4. All valid applications filed prior to September 24, 1959, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

Dated: February 3, 1961.

E. I. ROWLAND,
*State Supervisor.*

[F.R. Doc. 61–1322; Filed, Feb. 14, 1961; 8:51 a.m.]

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[Classification No. 126]

### NEVADA

### Small Tract Classification: Amendment

Effective February 6, 1961, paragraph 1 of Federal Register Document 57–3346 appearing on page 2921 of the issue for April 25, 1957, is amended to exclude the following described land:

MOUNT DIABLO PRINCIPAL MERIDIAN

T. 22 S., R. 63 E.,
Sec. 20, W½SW¼SW¼.

Containing 20 acres.

The above land has been examined and found suitable for disposal to the Clark County School District under the Recreation or Public Purposes Act for school purposes.

E. J. PALMER,
*State Supervisor.*

FEBRUARY 6, 1961.

[F.R. Doc. 61–1295; Filed, Feb. 14, 1961; 8:47 a.m.]

# DEPARTMENT OF THE TREASURY

## Bureau of Customs

[643.3–0]

### MOLASSES FROM CUBA

### Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value or Constructed Value

FEBRUARY 13, 1961.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of molasses imported from Cuba is less or likely to be less than the foreign market value or constructed value, whichever is applicable, as defined by sections 203, 205, and 206, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162, 164, and 165).

Customs officers are being authorized to withhold appraisement of entries of molasses from Cuba pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

[F.R. Doc. 61–1420; Filed, Feb. 14, 1961; 9:37 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

### WILSON AND JACKSON COMMISSION CO. ET AL.

### Stockyards; Deposting and Change of Name

I. *Deposting of stockyards.* It has been ascertained, and notice is hereby given, that the stockyards named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act for the reason that they are no longer being conducted or operated as public markets, and are, therefore, no longer subject to the provisions of the act.

| *Name and Location of Stockyard; Date of Posting* |
|---|
| Wilson and Jackson Commission Co., Pontotoc, Miss., February 9, 1959. |
| Crockett Livestock Auction, Crockett, Tex., January 16, 1957. |
| Brooks Sales Stables, Bellows Falls, Vt., November 16, 1959. |
| Chickering Livestock Corp., Westminister, Vt., November 16, 1959. |

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days, after publication in the FEDERAL REGISTER.

*II. Change in name of posted stockyard.* It has been ascertained, and notice is hereby given, that the name of the livestock market posted on February 10, 1959, as the Pontotoc Sales Company, Pontotoc, Mississippi, as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), was changed to Wilson and Jackson Commission Company, Pontotoc, Mississippi, on January 4, 1961. As set forth above, the facilities formerly known as the Wilson and Jackson Commission Company, Pontotoc, Mississippi, are being deposted.

The foregoing notices shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 9th day of February 1961.

H. L. JONES,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural marketing Service.*

[F.R. Doc. 61-1307; Filed, Feb. 14, 1961; 8:48 a.m.]

## Agricultural Research Service

## IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

### Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 (25 F.R. 5863) the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the act (26 F.R. 957) for January and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| Swift and Co. | 3T | (*) | (*) | | | | |
| Vols Packing Co. | 93S | (*) | | | | | |
| G. Erhardt's Sons, Inc. | 81O | (*) | (*) | | | | |

Done at Washington, D.C., this 9th day of February 1961.

C. H. PALS,
*Director, Meat Inspection Division, Agricultural Research Service.*

[F.R. Doc. 61-1309; Filed, Feb. 14, 1961; 8:49 a.m.]

# DEPARTMENT OF COMMERCE

## Federal Maritime Board

## STOCKHOLMS REDERIAKTIEBOLAG SVEA

### Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 7918-3, between Stockholms Rederiaktiebolag Svea, Rederiaktiebolaget Fredrika and Eckert Steamship Corp., modifies the approved joint service Agreement No. 7918, as amended, under which said parties operate as the "Fresco Line" in the trade between Canadian and U.S. Atlantic and U.S Gulf ports, on the one hand, and ports of Spain, Portugal, the Azores, North Africa and the Mediterranean, on the other hand. The purpose of this modification is to provide for (1) the elimination of Eckert Steamship Corp. as a party to the joint service, and Thor. Eckert & Company, Inc., as the general agents thereof; and (2) amendment of certain other provisions of the agreement to set forth the understanding of the two remaining parties with respect to continuing the joint service operation under terms and conditions set forth in such modification.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 10, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-1320; Filed, Feb. 14, 1961; 8:51 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-9]

## CONSTRUCTION OF MICROWAVE ANTENNA TOWER

### No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace: The University of Texas proposes to erect a microwave antenna tower to be located near Austin, Texas, at latitude 30°16'52" north, longitude 97°44'08" west. The over-all height of the structure would be 1,049 feet above mean sea level (519 feet above ground).

No substantial aeronautical objections were received as a result of the circularization. The aeronautical study disclosed that the proposed structure would have no effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 9, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-1283; Filed, Feb. 14, 1961; 8:45 a.m.]

[OE Docket No. 61-FW-7]

## CONSTRUCTION OF RADIO ANTENNA STRUCTURE

### No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to consider its effect upon the utilization of airspace: The Communications Engineering Company (Radio Baroid) proposes to erect a radio antenna structure to be located near Estelle, Louisiana, at latitude 29°49'56" north, longitude 90°06'23" west. The over-all height of the antenna structure would be 454.4 feet above mean sea level (449 feet above ground level).

No substantial areonautical objections were received as a result of the circularization. The aeronautical study by the Agency revealed that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with presently applicable standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 9, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-1284; Filed, Feb. 14, 1961; 8:45 a.m.]



[OE Docket No. 61-FW-6]

## CONSTRUCTION OF TELEVISION ANTENNA STRUCTURE

### No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace: The Midland Telecasting Company proposes to erect a television antenna structure to be located on top of an existing building in Midland, Texas, at latitude 31°59'54" north, longitude 102°04'30" west. The overall height of the antenna structure would be 3,245 feet above mean sea level (the antenna structure would extend 100 feet above an existing building having an overall height of 345 feet above ground level).

No substantial aeronautical objections were received as a result of the circularization. The aeronautical study by the Agency revealed that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection from an airspace utilization standpoint be interposed by the Agency.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 9, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-1285; Filed, Feb. 14, 1961; 8:45 a.m.]

[OE Docket No. 61-NY-2]

## INCREASE IN HEIGHT OF TELEVISION ANTENNA STRUCTURE

### No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace: The Capital Cities Broadcasting Corporation, operator of television Station WPRO-TV, proposes to increase the height of its television antenna structure near Providence, Rhode Island, at latitude 41°48'18" north, longitude 71°28'24" west. The over-all height of the existing structure would be increased from 849 feet above mean sea level (557 feet above ground) to 1,049 feet above mean sea level (757 feet above ground).

No substantial aeronautical objections were received as a result of the circularization. The aeronautical study by the Agency revealed that the proposed increase in height of the WPRO-TV antenna structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this proposed increase in height of the WPRO-TV antenna structure at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency provided that the structure will be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 9, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-1286; Filed, Feb. 14, 1961; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13771; FCC 61M-146]

## COLUMBIA RIVER BROADCASTERS, INC.

### Order Deleting Portion of Previous Order

In re application of Columbia River Broadcasters, Inc., Mount Vernon, Washington, Docket No. 13771, File No. BP-11933; for construction permits.

*It is ordered*, this 2d day of February 1961, that, in the Hearing Examiner's order of January 27, 1961 (FCC 61M-146; 99812) the titles of all the applications and their docket and file numbers, except that of Columbia River Broadcasters, Inc., be and they hereby are deleted.

Released: February 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1326; Filed, Feb. 14, 1961; 8:52 a.m.]

[Docket Nos. 13874-13876; MCC 61M-203]

## FRANKLIN BROADCASTING CO., INC. (KMAR) ET AL.

### Order Continuing Hearing

In re applications of Franklin Broadcasting Co., Inc. (KMAR), Winnsboro, Louisiana, Docket No. 13874, File No. BP-12937; John Anthony Lazarone and Irving Ward-Steinman, d/b as Leesville Broadcasting Company (KLLA), Leesville, Louisiana, Docket No. 13875, File No. BP-13165; Yam Broadcasting Company, Incorporated, Opelousas, Louisiana, Docket No. 13876, File No. BP-13864; for construction permits.

Pursuant to the agreements reached at the prehearing conference held February 7, 1961, the evidentiary hearing now scheduled to begin on Monday, February 13, 1961, is continued to Tuesday, April 4, 1961.

*It is so ordered*, This the 7th day of February 1961.

Released: February 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1327; Filed, Feb. 4, 1961; 8:52 a.m.]

[Docket No. 13900; FCC 61M-198]

## GENERAL TELEPHONE COMPANY OF CALIFORNIA

### Order Continuing Hearing

In re application of General Telephone Company of California, Docket No. 13900, File No. 557-02-P-61; for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service at Santa Barbara, California (Station KME 440).

Pursuant to a prehearing conference in this proceeding as of this date, *It is ordered*, This 7th day of February 1961, that:

1. The exchange of the written affirmative cases of both the applicant and protestant shall be accomplished on or before February 28, 1961.

2. Each party shall notify the other parties of the witnesses that are desired for cross-examination on or before March 7, 1961.

3. The exchange of the written rebuttal testimony shall be accomplished on or before March 13, 1961.

*It is further ordered*, That the hearing now scheduled for February 23, 1961, be, and the same is hereby rescheduled for March 23, 1961, 2:00 p.m., in the Offices of the Commission, Washington, D.C.

Released: February 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1328; Filed, Feb. 14, 1961; 8:52 a.m.]

[Docket No. 13947]

## ALFRED J. HENDERSON

### Order To Show Cause

In the matter of Alfred J. Henderson, 745 Thayer Avenue, Silver Spring, Maryland, Docket No. 13947; order to show cause why there should not be revoked the license for radio station 24WO587 in the Citizens Radio Service.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

On August 29, 1960, an Official Notice of Violation was mailed to the above-named licensee, charging that his radio

station 24WO587 was observed on August 23, 1960, transmitting a carrier frequency which was not maintained within the frequency tolerances specified in § 19.33 of the Commission's rules.

It further appearing that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated October 20, 1960, and sent by Certified Mail, Return Receipt Requested (No. 7922753), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee, Alfred J. Henderson, on October 24, 1960, to a Post Office Department return receipt; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

*It is ordered*, This 7th day of February 1961, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

*It is further ordered*, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested to the said licensee.

Released: February 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1329; Filed, Feb. 14, 1961; 8:52 a.m.]

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[Docket No. 13946]

## LLOYD M. McMULLEN

### Order To Show Cause

In the matter of Lloyd M. McMullen, dba Lloyd's TV, 621 North State Road 7, Margate, Florida, Docket No. 13946; order to show cause why there should not be revoked the license for radio station 7W0423 in the Citizens Radio Service.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

On August 12, 1960, an Official Notice of Violation was mailed to the above-named licensee charging that (1) the current station authorization was not posted as required by § 19.72(a) of the Commission's rules; (2) the mobile and fixed transmitters were not within frequency tolerances specified in § 19.33 of such rules; and (3) there were no tags or plates affixed to the mobile transmitter containing the information required by § 19.72(b) of these rules.

It further appearing that, the above-named licensee, received said official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated September 19, 1960, and sent by Certified Mail, Return Receipt Requested (No. 877936), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, James L. Corcoran on September 20, 1960, to a Post Office Department return receipt; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

*It is ordered*, This 7th day of February 1961, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

*It is further ordered*, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested to the said licensee.

Released: February 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1330; Filed, Feb. 14, 1961; 8:52 a.m.]

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[Docket No. 13855; FCC 61M-204]

## MANDAN RADIO ASSOCIATION

### Order Continuing Hearing

In the matter of Revocation of License of Mandan Radio Association, for Standard Broadcast Station KBOM, Bismarck-Mandan, North Dakota, Docket No. 13855.

*It is ordered*, This 8th day of February 1961, that hearing in the above-entitled matter heretofore scheduled to commence in Bismarck, North Dakota, on February 15, 1961, is hereby rescheduled to commence in the same city at 10:00 a.m., April 5, 1961, at a place to be later designated.

Released: February 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1331; Filed, Feb. 14, 1961; 8:52 a.m.]

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[Docket Nos. 13941-13943; FCC 61-149]

## SOUTH TEXAS TELECASTING CO., INC. (KVDO-TV) ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: South Texas Telecasting Company, Inc. (KVDO-TV), Corpus Christi, Texas, Docket No. 13941, File No. BPCT-2793, for construction permit to change existing facilities; Tropical Telecasting Corporation, Corpus Christi, Texas, Docket No. 13942, File No. BPCT-2797, Nueces Telecasting Company, Corpus Christi, Texas, Docket No. 13943, File No. BPCT-2798, for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 2d day of February, 1961;

The Commission having under consideration the above-captioned application of South Texas Telecasting Company, Inc. for a construction permit to change existing facilities of Station KVDO-TV from Channel 22 to Channel 3 and the above-captioned applications of Tropical Telecasting Corporation and Nueces Telecasting Company requesting construction permits for new television broadcast stations to operate on Channel 3, assigned to Corpus Christi, Texas; and

It appearing that the applications of South Texas Telecasting Company, Inc., Tropical Telecasting Corporation, and Nueces Telecasting Company, are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing that South Texas Telecasting Company, Inc., has requested waiver of § 3.613(a) of the Commission's rules to locate its main studio outside Corpus Christi, and has shown good cause for the requested waiver; and

It further appearing that the applicants fail to provide a signal of city grade intensity, as required by § 3.685(a) of the rules, to all of Corpus Christi, but that the area which does not receive such a signal lies over the water of Nueces Bay and Corpus Christi Bay, so that § 3.685(a) of the rules is effectively satisfied; and

It further appearing that, upon due consideration of the above-captioned applications and the amendments thereto, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that South Texas Telecasting Company, Inc., Tropical Telecasting Corporation and Nueces Telecasting Company are legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast stations;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of South Texas Telecasting Company, Inc., Tropical Telecasting Corporation and Nueces Telecasting Company are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, on the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in the light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming services proposed in each of the above-captioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

*It is further ordered*, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of the facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

*It is further ordered*, That to avail themselves of the opportunity to be heard South Texas Telecasting Company, Inc., Tropical Telecasting Corporation, and Nueces Telecasting Company, pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

Released: February 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1332; Filed, Feb. 14, 1961; 8:52 a.m.]

[1] Dissenting statement of Commissioner Cross filed as part of original document.



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[Docket No. 13944; FCC 61-150]

## UNITED TELEVISION COMPANY OF NEW HAMPSHIRE (WMUR-TV)

### Order Designating Application for Hearing on Stated Issues

In re application of: United Television Company of New Hampshire (WMUR-TV), Manchester, New Hampshire, Docket No. 13944, File No. BPCT-2770; for construction permit to change existing facilities.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of February 1961;

The Commission having under consideration (1) the above-captioned application of United Television Co. of New Hampshire for modification of construction permit to change transmitter location, make changes in antenna system, and reduce antenna height; (2) a "Petition of The Outlet Company to Designate Application for Hearing" filed on July 26, 1960, by The Outlet Company (petitioner), licensee of Television Broadcast Station WJAR-TV, Channel 10, Providence, Rhode Island, directed against a grant of the subject application; (3) a "Statement of United Television Co. of New Hampshire with Respect to Petition of The Outlet Company to Designate Application for Hearing" filed on October 4, 1960, by the applicant; and (4) a "Response of The Outlet Company to 'Statement of United Television Co. of New Hampshire with Respect to Petition of The Outlet Company to Designate Application for Hearing'" filed on October 31, 1960, by petitioner; and

It appearing that, as a result of the proposed move, Station WMUR-TV would no longer serve substantial areas and populations to the north and west of its principal city; and

It further appearing that the applicant justifies its proposed move on the basis that it is necessary in order to correct an antenna orientation problem which arises due to the fact that receiving antennas in Manchester are oriented toward Boston so that reception of Station WMUR-TV is degraded because of the lack of gain off the end of the receiving antennas and further complicated by ghosts caused from reflections entering the front of the antennas and that the only known solution is to move the transmitter so that its signals will enter from the same direction as Boston; and

It further appearing that, upon due consideration of the above-captioned application and the reasons adduced in support of its grant, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that United Television Co. of New Hampshire is legally, technically, financially and otherwise qualified to construct, own and operate Station WMUR-TV as proposed except with respect to issue "1" below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of United Television Co. of New Hampshire is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the extent and nature of the areas and populations which will gain or lose television service and the other television services available within the area which will gain service and lose service as a consequence of a grant of the above-captioned application.

2. To determine in the light of the evidence adduced pursuant to the foregoing issue whether a grant of the above-captioned application would serve the public interest, convenience and necessity.

*It is further ordered*, That The Outlet Company is hereby made a party to the proceeding.

*It is further ordered*, That, to avail itself of the opportunity to be heard, United Television Co. of New Hampshire and The Outlet Company, pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1333; Filed, Feb. 14, 1961; 8:52 a.m.]

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# FEDERAL POWER COMMISSION

[Docket No. CP61-188]

## OHIO FUEL GAS CO.

### Notice of Application and date of Hearing

FEBRUARY 8, 1961.

Take notice that Ohio Fuel Gas Company (Applicant), 99 North Front Street, Columbus 15, Ohio, filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application in Docket No. CP61-188, which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon its White Compressor Station located on its system in Belmont County, Ohio. The application states that through merger effective January 1, 1957, Applicant acquired certain property and facilities in eastern Ohio (including White Station), formerly owned and operated by its affiliate, Natural Gas Company of West Virginia (Natural). The 480 horsepower White Compressor Station was constructed by Natural in 1920 to compress gas produced and purchased in the local area for transportation to markets north of White Station. The application further states that gas from local sources has dropped to approximately 100 Mcf per day and it is

no longer necessary to operate the said White Compressor Station. The available gas is absorbed by local nearby markets; the more distant markets that formerly used this gas can be supplied from other sources.

The estimated cost of removing the facilities is $3,000 and the salvage value is estimated to be $4,800. The engines and auxiliary equipment are obsolete and will be sold as junk. The buildings and land will also be sold.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 16, 1961 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests of petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 28, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1292; Filed, Feb. 14, 1961; 8:46 a.m.]

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[Docket No. G-9446 etc.]

## SHELL OIL CO. ET AL.

### Order Granting Continuance

FEBRUARY 8, 1961.

On January 27, 1961, the presiding examiner in this proceeding certified to the Commission a motion requesting that the hearing resume on March 21, 1961, for the purpose of cross-examination of Shell Oil Company's direct case. The primary reason for the requested extended recess is the conflicting engagements of counsel. Although it is appropriate to grant the requested continuance, no further continuances will be granted because of other conflicting engagements of counsel.

The Commission orders: The hearing in Docket No. G-9446 etc., shall reconvene at 10:00 a.m., e.s.t., March 21, 1961, at 441 G Street NW., Washington, D.C., and shall go forward to the completion of cross-examination of Shell Oil Company's direct presentation.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1293; Filed, Feb. 14, 1961; 8:46 a.m.]

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[Docket Nos. CI60-582, CI60-583]

## TARPON OIL CORP. ET AL.

### Notice of Postponement of Hearing

FEBRUARY 7, 1961.

The Tarpon Oil Corporation, Docket No. CI60-582; the Shallow Oil Company, Inc., Operator, et al., Docket No. CI60-583.

Upon consideration of the motion filed February 2, 1961, by Counsel for The Tarpon Oil Corporation and The Shallow Oil Company, Inc., Operator, et al. for postponement of the hearing now scheduled for February 27, 1961, in the above-designated matters;

The hearing now scheduled for February 27, 1961, is hereby postponed to March 29, 1961, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1294; Filed, Feb. 14, 1961; 8:46 a.m.]

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[Docket Nos. CP60-72 etc.]

## EL PASO NATURAL GAS CO. ET AL.

### Notice of Postponement of Hearing

FEBRUARY 13, 1961.

El Paso Natural Gas Co., Docket No. CP60-72; Pan American Petroleum Corp., Docket No. G-19277; Humble Oil & Refining Co., Docket Nos. CI60-65, CI60-66; Belco Petroleum Corp., Docket No. CI60-475; Beneficial Oil Co., Docket No. CI61-729.

Notice is hereby given that the hearing in the above-entitled proceeding, which was scheduled to commence on February 20, 1961, pursuant to a notice of the Secretary issued January 26, 1961, and duly published in the FEDERAL REGISTER on February 2, 1961 (26 F.R. 1041), is postponed to be held on March 21, 1961, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1419; Filed, Feb. 14, 1961; 9:19 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-778]

## BANGOR AND AROOSTOOK RAILROAD CO.; COMMON STOCK

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

FEBRUARY 9, 1961.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: There are only 158 holders of 22,473 shares, exclusive of the holdings by Bangor & Aroostook Corporation.

Upon receipt of a request, on or before February 24, 1961 from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-1297; Filed, Feb. 14, 1961; 8:47 a.m.]

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[File No. 24A-1340]

## DIVERSIFIED COLLATERAL CORP.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 9, 1961.

I. Diversified Collateral Corporation (issuer), a Florida corporation, 420 Lincoln Road, Miami Beach, Florida, filed with the Commission on February 24, 1960, a notification on Form 1-A and an offering circular relating to a proposed public offering of 75,000 shares of 10 cents par value common stock at $4.00 per share for an aggregate amount of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3(b) and Regulation A promulgated thereunder. The offering was originally commenced on April 25, 1960, without an underwriter, but the filing was subsequently amended to name The Tager Company of New York City as principal underwriter and the offering was re-commenced on Augusut 24, 1960.

II. The Commission has reasonable cause to believe that:

A. Regulation A is unavailable to the issuer in that Neil James & Co., Inc., 44 Beaver Street, New York, New York, and Banner Securities, Inc., 26 Broadway, New York 4, New York, became and in fact were underwriters of this issue while subject to orders issued by the United States District Court for the Southern District of New York temporarily restraining or permanently enjoining such firms from further violations of certain provisions of the Securities Exchange Act of 1934 or from engaging in or continuing business as a broker-dealer while in violation of such requirements.

B. The terms and conditions of Regulation A have not been complied with in that the issuer failed to amend Items 4, 6, 7, and 11 (b) and (c) of its notification on Form 1-A and paragraph 5 of Schedule I to disclose the required information with respect to the two additional underwriters.

C. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading, particularly with respect to the issuer's failure to disclose the names and addresses of additional underwriters, the terms and conditions of any agreements between the issuer and the additional underwriters, and any material relationship between the issuer and such underwriters.

D. The issuer, through one of the underwriters of this issue of securities, in the distribution of such securities, has engaged in transactions, practices and a course of business which would operate and did operate as a fraud and deceit upon the purchasers of such securities, in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is order by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-1298; Filed, Feb. 14, 1961; 8:47 a.m.]

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[File No. 1-3372]

## LA CONSOLIDADA, S.A.

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

FEBRUARY 9, 1961.

In the matter of La Consolidada, S.A., American preferred shares representing 6 percent cumulative preferred stock and the underlying shares, File No. 1-3372.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: The Deposit Agreement has terminated and transfer facilities in New York City are no longer available.

Upon receipt of a request, on or before February 24, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-1299; Filed, Feb. 14, 1961; 8:47 a.m.]



[Files Nos. 7-2133, 7-2134]

## LUKENS STEEL CO. AND NATIONAL CAN CORP.

### Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 9, 1961.

In the matter of applications of the Philadelphia-Baltimore Stock Exchange, for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Lukens Steel Co., File 7-2133.
National Can Corp., File 7-2134.

Upon receipt of a request, on or before February 24, 1961, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such requests should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-1300; Filed, Feb. 14, 1961; 8:47 a.m.]

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## REINSURANCE INVESTMENT CORP.

### Notice of Filing of Application for Order Exempting Company From All Provisions of the Act

FEBRUARY 8, 1961.

Notice is hereby given that Reinsurance Investment Corporation ("Applicant"), a Delaware corporation, has filed an application for an Order under section 6(c) of the Investment Company Act of 1940 ("Act") exempting it from all the provisions of the Act on the grounds that it is primarily engaged, through subsidiary companies, in the insurance business. The application contains the following representations:

As of September 30, 1960, applicant's total assets were valued at $5,596,722,

and consisted of 1,152,000 shares of Loyal American Life Insurance Co., Inc. ("Loyal American") valued at $3,312,000 and 189,495 shares of American Income Life Insurance Co. ("American") valued at $1,184,950, with the balance of its assets consisting in the main of government securities and cash.

In November 1957, Applicant acquired approximately 51 percent of the outstanding stock of Pan-Coastal Life Insurance Company ("Pan-Coastal"), took control of the management, and began a program of financial rehabilitation. On May 1, 1958, Pan-Coastal merged with Loyal American, with the latter the surviving corporation, and in connection therewith applicant acquired 1,152,000 of the then outstanding 2,267,478 shares of Loyal American, constituting slightly over 50 percent.

Until September 1960, applicant continued to own more than 50 percent of Loyal American. Subsequently Loyal American exchanged additional shares of its common stock for shares of another insurance company and for the shares of an insurance sales company. As a result of the issuance of approximately 420,000 additional shares by Loyal American, as of November 21, 1960, applicant's holdings had been reduced to 42.81 percent of the shares outstanding. Within one year applicant intends to acquire a sufficient number of additional shares of Loyal American so as to constitute Loyal American as a majority-owned subsidiary.

Consistent with its policy of active participation in operations of subsidiaries, applicant became directly involved in Loyal American's management. At present six of applicant's directors are members of Loyal American's Board of 13; applicant's president is president of Loyal American, and two of applicant's officers are vice-presidents of Loyal American. Loyal American also recently organized in New York State a wholly-owned life insurance subsidiary and applicant has been active in the organization, planning and management of this company.

On May 12, 1960, applicant purchased 39.4 percent of the outstanding common stock of American. Contemporaneously, eight of the directors of applicant and/or Loyal American were elected to American's fifteen-man board. Applicant subsequently acquired additional shares of American and now owns, including directors' shares which it has the right to acquire, 42.62 percent of American's stock. Through a proxy arrangement with the president of American, applicant controls the voting of an additional 13.03 percent of American's shares, giving it voting control of 55.65 percent of such shares. Applicant also intends, its funds permitting, to increase its holdings in American to over 50 percent by purchases in the open market.

Applicant falls within the definition of an investment company contained in section 3(a)(3) of the Act which defines an investment company as one which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of the company's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For the purposes of this section, "investment securities" are defined as including all securities except, among others, securities issued by majority-owned subsidiaries which are not investment companies.

Section 3(c)(7) of the Act, so far as here relevant, excepts from the definition of an investment company any company primarily engaged, through majority-owned subsidiaries, in the insurance business.

Generally speaking, section 6(c) of the Act provides that the Commission by order upon application may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is neccessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that even though its subsidiaries are not presently majority-owned this is only a temporary condition, and that it is primarily engaged in the insurance business. Applicant also points out that in the event that it acquires sufficient additional shares of Loyal American to constitute that company a majority-owned subsidiary, which it intends to do within one year, it will no longer own investment securities in an amount large enough to fall within the definition of an investment company contained in section 3(a)(3) of the Act. It requests that, in the event its application for full exemption is denied, it be granted a conditional exemption for a period of one year in order to achieve majority control of Loyal American.

Notice is further given that any interested person may, not later than February 24, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–1301; Filed, Feb. 14, 1961; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 152]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 10, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Deviation No. 5), HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex., filed January 23, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 45 and U.S. Highway 75 near Dallas, Tex., over Interstate Highway 45 to junction U.S. Highway 75 north of Fairfield, Tex., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the same points over U.S. Highway 75.

No. MC 29250 (Deviation No. 4), NEW ENGLAND TRANSPORTATION COMPANY, 54 Meadow Street, New Haven 6, Conn., filed January 23, 1961, Attorney George E. Gill, 54 Meadow Street, New Haven 6, Conn. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over the Hartford-Springfield Expressway to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate point. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston, Mass., over Massachusetts Highway 9 to Worcester, Mass., thence over Massachusetts Highway 12 to junction U.S. Highway 20 at Auburn, Mass., thence over U.S. Highway 20 via Sturbridge and Palmer, Mass., to Springfield, thence over U.S. Highway 5 via Hartford, Conn., to New Haven, Conn., thence over U.S. Highway 1 via Milford and Port Chester, N.Y., to New York, and return over the same route.

No. MC 32474 (Deviation No. 2), KEESHIN TRANSPORT SYSTEM, INC., 321 Wabash Street, Toledo 2, Ohio, filed January 19, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Ypsilanti, Mich., over Interstate Highway 94 to junction Michigan Highway 60, approximately one mile west of Jackson, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Jackson over U.S. Highway 12 to junction Michigan Highway 17, and thence over Michigan Highway 17 to Ypsilanti; and from Jackson over Michigan Highway 60 to junction U.S. Highway 131, thence over U.S. Highway 131 to junction U.S. Highway 112, and return over the same routes.

No. MC 35628 (Deviation No. 11), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue Southwest, Grand Rapids 2, Mich., filed January 23, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Edens Expressway and Interstate Highway 294 over Interstate Highway 294 to junction Interstate Highway 94 thence over Interstate Highway 94 to junction U.S. Highway 41 south of the Illinois-Wisconsin State line, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over U.S. Highway 41 to Milwaukee, Wis., and return over the same route.

No. MC 44592 (Sub–1) (Deviation No. 7), MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 West Main Street, New Britain, Conn., filed January 23, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Hartford and Springfield over U.S. Highways 5 and 5A.

No. MC 106904 (Deviation No. 2), TOPEKA MOTOR FREIGHT, INC., 705 East Highway 24, Topeka, Kans., filed January 24, 1961. Attorney Jeff A. Robertson, Suite 610, First National Building, Topeka, Kans. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Topeka, Kans., over U.S. Highway 24 to Lawrence, Kans., thence over the Kansas Turnpike to Kansas City, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodites between Topeka and Kansas City over U.S. Highway 40.

No. MC 108587 (Deviation No. 3), SCHUSTER'S EXPRESS INC., 48 Norwich Avenue, Colchester, Conn., filed January 26, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Hartford over Connecticut Boulevard to East Hartford, Conn., and thence over U.S. Highway 5 to Springfield, and return over the same route.

No. MC 110683 (Deviation No. 1), SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., P.O. Box 1000 Staunton, Va., filed January 25, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over the Hartford-Springfield Expressway to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Hartford over U.S. Highway 44 (formerly U.S. Highway 5) to junction U.S. Highway 5, thence over U.S. Highway 5 to junction unnumbered Highway (formerly U.S. Highway 5) thence over unnumbered highway via South Windsor, Conn., to the junction U.S. Highway 5, thence over U.S. Highway 5 to Springfield, Mass., thence over U.S. Highway 20 to junction unnumbered highway (formerly U.S. Highway 20), thence over unnumbered highway to Sturbridge, Mass., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC–1501 (Deviation No. 60) THE GREYHOUND CORPORATION, 1740 Main Street, Kansas City 8, Mo., filed January 23, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From St. Louis, Mo., over U.S. Highway 40 to junction U.S. Highway 61 near Frontenac, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From St. Louis over Missouri Highway 100 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 40, and return over the same route.

No. MC 39211 (Deviation No. 1), THE OHIO BUS LINE COMPANY, 2435 Reading Road, Cincinnati 2, Ohio, filed January 26, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to Dayton, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is authorized to transport passengers, over pertinent service routes, as follows: From Dayton over U.S. Highway 25 to junction Ohio Highway 73, thence over Ohio Highway 73 to Middletown, Ohio, thence over Ohio Highway 4 to Cincinnati, and from Cincinnati over U.S. Highway 25 to Franklin, Ohio, and return over the same routes.

No. MC 45626 (Deviation No. 3), VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt., filed January 23, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over pertinent deviation routes as follows: (A) From Hopkinton, N.H., over Interstate Highway 89 to Warner, N.H.; and (B) from Brattleboro, Vt., over Interstate Highway 91 to Greenfield, Vt., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Hopkinton over New Hampshire Highway 103 to Warner; and from the junction of U.S. Highway 5 and Vermont Highway 9 over U.S. Highway 5 to Greenfield, and return over the same routes.

No. MC 45626 (Deviation No. 4), VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt., filed January 23, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a pertinent service route as follows: From Montpelier, Vt., over Interstate Highway 91 to Waterbury, Vt., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Montpelier and Waterbury over U.S. Highway 2.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–1314; Filed, Feb. 14, 1961; 8:50 a.m.]

[Notice 363]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 10, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passen-

gers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub No. 373), filed December 30, 1960. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers* and *trailer chassis*, except those designed to be drawn by passenger automobiles, in initial movements, by truckaway and driveaway service; from Modesto, Calif., to points in Alaska, California, Washington, Oregon, Wyoming, Idaho, Kansas Montana, Utah, Colorado, Nevada, Nebraska, North Dakota, Arizona, Texas, Oklahoma, South Dakota, and New Mexico, and (2) *tractors*, in secondary driveaway movements, only when drawing trailers or trailer chasis moving in initial driveaway movements, over irregular routes; from Modesto, Calif., to points in Alaska, Arizona, Nevada, and Oregon.

*HEARING:* April 5, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 5709 (Sub No. 8), filed January 19, 1961. Applicant: PEHLER AND SONS, INC., Arcadia, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fermented malt beverages*, from St. Louis, Mo., to Arcadia, Wis., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities on return.

*HEARING:* March 21, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Dallas B. Russell.

No. MC 8973 (Sub No. 5), filed January 26, 1961. Applicant: METROPOLITAN TRUCKING, INC., 468 Oak Street, Ridgefield, N.J. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Edgewater and Irvington, N.J., to points in Pennsylvania, Delaware, Maryland, Virginia, Rhode Island, Massachusetts, Ohio, and that part of New York outside of a 150 mile radius of Columbus Circle, New York, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* March 23, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heineman.

No. MC 11723 (Sub No. 3), filed January 13, 1961. Applicant: ARVLE J. BOWERS, doing business as BOWERS TRUCK COMPANY, 146 West Elm, Albion, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feeds*, from St. Louis, Mo., to points in Marion, Clay, Richland, Lawrence, Effingham, Jasper, and Crawford Counties, Ill., and those in Gibson County, Ind.; (2) *Animal and poultry sanitation supplies and medicines*, shipped in mixed loads only with animal and poultry feeds, from St. Louis, Mo., to points in Wabash, Edwards, Wayne, Jefferson, Marion, Clay, Richland, Lawrence, Effingham, Jasper, and Crawford Counties, Ill., and those in Gibson County, Ind.; and (3) *Exempt commodities*, from the above-specified destination points to the respective origin points.

NOTE: Applicant indicates the instant application will be supported by Ralston Purina Mills, Inc., of St. Louis, Mo., with whom applicant will enter into a contract for the proposed service.

*HEARING:* April 28, 1961, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 160.

No. MC 14297 (Sub No. 17), filed January 23, 1961. Applicant: GIACOMAZZI BROS. TRANSPORTATION CO., a corporation, P.O. Box 729, San Jose, Calif. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Final sugar beet molasses residuum*, in bulk, in tank vehicles, from San Jose, Calif.; (2) *molasses*, in bulk, in tank vehicles, from Richmond and Stockton, Calif., and (3) *mixed shipments of the described commodities*, in bulk, in tank vehicles, from San Jose, Richmond, and Stockton, Calif., to points in Nevada, and *contaminated or returned shipments of final sugar beet molasses residuum and molasses, and mixed shipments of such commodities*, on return.

*HEARING:* April 6, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 31600 (Sub No. 490), filed January 18, 1961. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., 216 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from Bainbridge, N.Y., to the International Boundary Line between the United States and Canada at the Niagara and St. Lawrence Rivers for export to Canada. (2) *Resins*, in bulk, in tank vehicles, from Springfield, Mass., to Corinth, N.Y., and (3) *refused* and *rejected shipments* of (1) and (2) above, on return.

*HEARING:* March 20, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 31600 (Sub No. 491), filed February 1, 1961. Applicant: P. B. MUTRIE MOTOR TRANSPORATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: H. C. Ames, Jr., Ames, Hill & Ames, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand, feldspar and mica*, in bulk or in bags, from Middletown, Conn., to points in Rhode Island, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, and Maryland, and *returned or rejected shipments*, on return.

*HEARING:* March 1, 1961, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner James O'D. Moran.

No. MC 39167 (Sub No. 2), filed January 19, 1961. Applicant: CHARLES J. ROGERS TRANSPORTATION COMPANY, a corporation, 2947 Greenfield Road, Melvindale, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, insulating materials, lime*, and *materials necessary for the installation or application of the previously described commodities;* from River Rouge, Mich., to points in that part of northeastern Indiana lying within the western boundaries of Elkhart, Kosciusko, Wabash, and Grant Counties and within the southern boundaries of Grant, Blackford, and Jay Counties; and to points in that part of northern Ohio lying within the southern boundaries of the Counties of Mercer, Auglaize, Shelby, Logan, Union, Delaware, Knox, Holmes, Stark, and Mahoning, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. RESTRICTION: The proposed service shall be restricted to flatbed equipment without sides or top.

*HEARING:* April 19, 1961, in Room 215, Federal Building, Lansing, Mich., before Joint Board No. 9.

No. MC 43654 (Sub No. 49), filed January 16, 1961. Applicant: DIXIE OHIO EXPRESS, INC., 237 Fountain Street, P.O. Box 750, Akron 9, Ohio. Applicant's attorney: R. J. Reynolds, Jr., 1424 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Melton Hill Dam, and points within five (5) miles thereof, located on the Clinch River aproximately 4½ miles from the Loudon County junction of U.S. Highways 70 and 11, southwest of Knoxville, Tenn., as off-route points in connection with applicant's regular route operations (1) between Chattanooga, Tenn., and Knoxville, Tenn., and (2) between Chattanooga, Tenn., and Lexington, Ky.

NOTE: Applicant states that the above dam site can be reached from the above-specified highways via Tennessee Highway 95, from which the Tennessee Valley Authority is building an access road. Applicant further states that in the future the new Interstate Highway 40 will cross State Highway 95 near the Melton Hill Dam Site.

*HEARING:* March 22, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 238, or, if the Joint Board waives its right to participate, before Examiner Maurice S. Bush.

No. MC 46737 (Sub No. 37), filed January 19, 1961. Applicant: GEO. F. ALGER COMPANY, a corporation, 3050 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, insulating materials, lime*, and *materials necessary for the installation or application of the previously described commodities;* from Rouge River, Mich., to points in that part of northeastern Indiana lying within the western boundaries of Elkhart, Kosciusko, Wabash, and Grant Counties and within the southern boundaries of Grant, Blackford, and Jay Counties, and to points in that part of northern Ohio lying within the southern boundaries of the Counties of Mercer, Auglaize, Shelby, Logan, Union, Delaware, Knox, Holmes, Stark, and Mahoning, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. RESTRICTION: The proposed service shall be restricted to flatbed equipment without sides or top.

*HEARING:* April 19, 1961, at the Federal Building, Room 215, Lansing, Mich., before Joint Board No. 9.

No. MC 52862 (Sub No. 7), filed January 30, 1961. Applicant: EDWARD J. BOYLE, doing business as E. J. BOYLE, 622 Arlington Street, Tamaqua, Pa. Applicant's attorney: William J. Wilcox, 624 Commonwealth Building, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, for monuments, tombstones and markers, from the site of the plant of M & W Polishing Company, Barre, Vt., to the site of the plant of Lansford Marble and Granite Company at Lansford, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

*HEARING:* March 17, 1961, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner David Waters.

No. MC 58954 (Sub No. 35), filed January 16, 1961. Applicant: McNAMARA MOTOR EXPRESS, INC., 433 East Parsons Street, Kalamazoo, Mich. Applicant's attorney: Floyd F. Shields, Suite 2900, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; serving the site of the Archer-Daniels-Midland Company plant at Mapleton, Ill., located approximately 7.3 miles from Peoria, Ill., and 3.3 miles from Pekin, Ill., as an off-route point in connection with applicant's regular route operations to and from Peoria, Ill.

*HEARING:* April 26, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 78042 (Sub No. 13), filed February 1, 1961. Applicant: BEAROFF BROTHERS, INC., Swedeland Road, P.O. Box 21, Bridgeport, Pa. Applicant's representative: Jacob Polin, 426 Barclay Building, City Line at Belmont Avenue, Bala-Cynwyd, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke* and *sulphate of ammonia*, from Philadelphia, Pa., to points in Virginia, and *returned or rejected shipments*, of the above-specified commodities, on return.

*HEARING:* March 17, 1961, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner David Waters.

No. MC 78632 (Sub No. 113), filed January 17, 1961. Applicant: HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Nashville, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, and those requiring special equipment; serving the site of Melton Hill Dam of the Tennessee Valley Authority, located southwest of Knoxville, Tenn., on the Clinch River (about 4½ miles from the Loudon County junction of U.S. Highways 70 and 11) and points within five miles thereof, as off-route points in connection with applicant's presently authorized regular route operations between Knoxville, Tenn., and Nashville, Tenn.

*HEARING:* March 24, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Maurice S. Bush.

No. MC 78786 (Sub. No. 229), filed January 3, 1961. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 65 Market Street, San Francisco 5, Calif. Applicant's attorney: John MacDonald Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except Classes A and B explosives and household goods as defined by the Commission, but subject to the conditions set forth in applicant's certificate in MC 78786 Sub 218 (see restriction below), between San Rafael, Calif., and Eureka, Calif.; from San Rafael over U.S. Highway 101 to Eureka, and return over the same route, serving all intermediate and off-route points which are stations on the line of Northwestern Pacific Railroad Company between said termini. RESTRICTION: The service to be performed by carrier shall be limited to that which is auxiliary to; or supplemental of, rail or railway express service. Carrier shall not serve any point not a station on the lines of Northwestern Pacific Railroad. Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict carrier's operations to service which is auxiliary to, or supplemental of, rail or railway express service. The authority sought herein to the extent that it duplicates any heretofore granted to carrier shall not be construed as conferring more than one operating right and shall not be deemed severable by sale or otherwise.

NOTE: (1) Applicant states it is wholly-owned and controlled subsidiary of Southern Pacific Company, a carrier by railroad. (2) Applicant presently holds contract carrier authority in MC-78787 and Subs thereunder.

*HEARING:* April 5, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 83539 (Sub No. 66) (CORRECTION), filed May 2, 1960, published July 7, 1960, and republished February 8, 1961. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products. (2) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipelines; and, (3) *Commodities*, other than those described above, the transportation of which, because of their size or weight, require the use of special equipment or handling, and *parts thereof*, when moving in connection with such commodities, between points in Kansas and Oklahoma on the one hand, and, on the other, points in Oregon and Washington.

NOTE: The purpose of this republication is to correctly designate the commodity in Item (1) as *materials*, previously referred to as *machinery* in error.

*HEARING:* Remains as assigned March 20, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Francis A. Welch.

No. MC 89723 (Sub No. 22) (REPUBLICATION), filed September 26, 1960,

published in the FEDERAL REGISTER, issue of October 19, 1960. Applicant: MISSOURI PACIFIC FREIGHT TRANSPORT COMPANY, 1218 Olive Street, St. Louis 3, Mo. Applicant's attorney: Toll R. Ware, Missouri Pacific Building, St. Louis 2, Mo. Notice of the filing of the subject application as originally published in the FEDERAL REGISTER indicated that authority was sought as a common carrier, by motor vehicle, of general commodities, between Potosi, Mo., and Pea Ridge, Mo., from Potosi over Missouri Highway 155 to junction unnumbered county road, thence over unnumbered county road to the plant site of Meracec Mining Company, Pea Ridge (approximately 25 miles), and return over the same route, serving all intermediate points which are on the new line of the Missouri Pacific Railroad Company. A Report and Order of Joint Board No. 179 composed of the Honorable H. Burks Davis of Missouri, served January 17, 1961, which became effective by operation of law February 7, 1961, finds that the present and future public convenience and necessity require operation by applicant as a *comomn carrier* by motor vehicle, in interstate or foreign commerce, of *general commodities*, except livestock, commodities in bulk, and household goods as defined by the Commission, between Potosi, Mo., and Pea Ridge, Mo., from Potosi over Missouri Highway 155 to junction unnumbered county road, thence over unnumbered county road through the plant site of Meramac Mining Company, to Pea Ridge, and return over the same route, serving intermediate points, subject to the restrictions set forth in applicant's Certificate No. MC-89723 Sub 15, except that the key point restrictions specified therein shall not be applicable to applicant's operations between St. Louis, Mo., and Pea Ridge, Mo. Accordingly, the notice of hearing, as originally published which, in effect, restricted the proposed transportation to shipments having a prior or subsequent movement by rail, was in error. The purpose of this republication is to advise that any person or persons who might have been prejudiced by the original erroneous notice as published in the FEDERAL REGISTER, may, within 30 days from the date of this republication, file an appropriate pleading.

No. MC 98749 (Sub No. 10) and (Sub No. 11), (REPUBLICATION), filed February 8, 1960, and May 19, 1960, respectively. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, 100 South Second, Longview, Tex. Applicant's attorney: Austin L. Hatchell, 1009 Perry-Brooks Building, Austin 1, Tex. As originally filed and noticed in the FEDERAL REGISTER applicant sought authority in Sub No. 10, commoditywise, to transport: *Chemicals*, as defined in *The Maxwell Co.,—Extension—Addyston*, 63 M.C.C. 677, (but not limited to liquids), in bulk, in specialized motor vehicle equipment, and in Sub No. 11, *Chemicals*, as defined in *The Maxwell Co.,—Extension—Addyston*, 63 M.C.C. 677. A Report and Order of Division 1, decided January 24, 1961, modifies the commodity descriptions employed in the applications and authorizes the transportation in MC 98749 (Sub No. 10) of operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes of *chemicals*, in bulk, from the plant site of the Texas Eastman Company near Longview, Tex., to points in Arizona, Idaho, Montana, Nevada, New Mexico, North Dakota, South Dakota, Utah, and Wyoming; and in No. MC 98749 (Sub No. 11) of operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *chemicals*, in bulk, from Kingsport, Tenn., to the plant site of the Texas Eastman Company near Longview, Tex., and provides for the issuance of appropriate certificates after the elapse of 30 days from the date of this republication in the FEDERAL REGISTER, provided, however, that any person or persons who might have been prejudiced by lack of proper notice of the authority actually sought, may, within 30 days from the date of this republication, file an appropriate pleading.

No. MC 103993 (Sub No. 143), filed January 23, 1961. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from all points in Minnesota (except St. Paul, Red Lake Falls, and Park Rapids, Minn.), to all points in the United States, including Alaska, but excluding Hawaii.

*HEARING:* March 24, 1961, at the Metropolitan Building, Room 926, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Hugh M. Nicholson.

No. MC 103993 (Sub No. 144), filed January 23, 1961. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesh, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from all points in Kansas (except Arkansas City, McPherson, Great Bend, Hutchinson, Coffeyville, Wichita, and Newton, Kans.) to all points in the United States, including Alaska but excluding Hawaii.

*HEARING:* March 22, 1961, at the Hotel Lassen, Wichita, Kans., before Examiner William N. Culbertson.

No. MC 107376 (Sub No. 9), filed December 30, 1960. Applicant: TELISCHAK TRUCKING, INC., 12300 Farmington Road, Livonia, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete slabs and beams* of such size and weight as to require *special equipment, and accessories and materials incidental to the installation thereof*, from Livonia, Mich., to points in Williams, Fulton, Lucas, Ottawa, Defiance, Henry, Wood, Sandusky, Paulding, Putnam, Hancock, Seneca, Wyandot, Crawford, Van Wert, Allen, Erie, Huron Counties, Ohio, and *empty containers, returned and rejected shipments or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* April 18, 1961, at 11:00 o'clock a.m., in Room 215, Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 107500 (Sub No. 53), filed December 29, 1960. Applicant: BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, between the plant site of Iowa Ordnance Plant at or near Middletown, Iowa, on the one hand, and, on the other, Burlington, Iowa, from Middletown over U.S. Highway 34 to Burlington, and return over the same route, serving no intermediate points.

*HEARING:* May 1, 1961, at the Old Federal Office Building, Room 401, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 108449 (Sub No. 119), filed December 27, 1960. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Mr. Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bulk (2) *cement*, in bags or in packages, *palletized or unpalletized*, (3) *mixed shipments of items in* (1) *and* (2), and (4) *pallets used in connection with the outbound transportation* in (2) and (3); (1) from Duluth, Minn. to points in South Dakota, North Dakota, Minnesota, Wisconsin, Iowa, and the Upper Peninsula of Michigan; (2) and (3) from Duluth, Minn., to points in Minnesota, North Dakota, South Dakota, Wisconsin, Iowa, and the Upper Peninsula of Michigan and (4) from the destinations named in (2) and (3) to Duluth, Minn., and *rejected or returned shipments* of commodities named in (1), (2) and (3) *and pallets* in (4) above, on return.

NOTE: Applicant has authority to transport cement, in bulk, in hopper type vehicles, from Duluth, Minn., to points in South Dakota, North Dakota, Minnesota, Wisconsin, and Iowa. Purpose of this part is to remove the hopper type vehicles restriction and add the destination area of the Upper Peninsula of Michigan.

*HEARING:* April 5, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Dallas B. Russell.

No. MC 108449 (Sub No. 120), filed December 27, 1960. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Mr. Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass or plastic containers, bottles, jars, packing glasses, jelly tumblers, with or without their equipment of caps, covers, stoppers or tops;* in straight or mixed truckloads; or in mixed truckloads with corrugated paper boxes or paper containers, knocked down, from Rosemount, Minn., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, the Upper Peninsula of Michigan, Wisconsin, and Muskogee, Okla., and Lapel, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.



*HEARING:* April 6, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Dallas B. Russell.

No. MC 109540 (Sub No. 14), filed June 9, 1958. Applicant: YEARY TRANSFER COMPANY, INC., Booneboro Pike, Winchester, Ky. Applicant's attorney: William Hays, McEldowney Building, Winchester, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries* and *frozen vegetables*, between points in the District of Columbia, Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Wisconsin, and West Virginia.

*HEARING:* March 29, 1961, at the Kentucky Hotel, Louisville, Ky., before Examiner Maurice S. Bush.

No. MC 109637 (Sub No. 172), filed December 8, 1960. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank, hopper and dump vehicles, from Louisville, Ky. to points in Alabama, Indiana, Louisiana, Mississippi, Tennessee, and West Virginia.

*HEARING:* March 27, 1961, at the Kentucky Hotel, Louisville, Ky., before Examiner Maurice S. Bush.

No. MC 109637 (Sub No. 176), filed February 3, 1961. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank, hopper, and dump vehicles; from Site of TVA Power Plant near Bridgeport, Ala., Site of TVA Power Plant near Pride, Ala., Site of TVA Power Plant near Grahamville, Ky., Site of TVA Power Plant near Paradise, Ky., Site of TVA Power Plant near Gallatin, Tenn., Site of TVA Power Plant near Johnsonville, Tenn., Site of TVA Power Plant near Kingston, Tenn., and Site of TVA Power Plant near Rogersville, Tenn., to points in Alabama, Kentucky, and Tennessee, and *rejected shipments*, on return.

*HEARING:* March 21, 1961, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 284.

No. MC 109708 (Sub No. 10), filed January 19, 1961. Applicant: ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION COMPANY, 4524 Reisterstown Road, Baltimore, Md. Applicant's attorney: Harry C. Ames, Jr., 216 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice*, in bulk, in tank vehicles, from Brooksville, Fla., to Boston, Mass., New York, N.Y., Detroit, Mich., Cleveland and Akron, Ohio, Plymouth, Ind., Chicago, Ill., and Glen Roy, Pa.

*HEARING:* March 21, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 112846 (Sub No. 29), filed January 27, 1961. Applicant: CLARE M. MARSHALL, INC., P.O. Box 611, Rouseville Road, Oil City, Pa. Applicant's attorney: Paul F. Barnes, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Emlenton, Karns City, Petrolia, and Oil City, Pa., and points within fifteen (15) miles of Oil City, to points in Cook County, Ill.

*HEARING:* March 24, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 113336 (Sub No. 42) (AMENDMENT), filed January 10, 1961, published in the FEDERAL REGISTER issue of January 18, 1961. Applicant: PETROLEUM TRANSIT COMPANY, INC., Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles; (a) from Terminals on the Trans Southern Pipe line in Alabama to points in Alabama and Georgia. (b) From Terminals on the Trans Southern Pipe line in Georgia to points in Alabama, Florida, Georgia, South Carolina, and Tennessee. (c) From Terminals on the Trans Southern Pipe line in South Carolina to points in Georgia, North Carolina, and South Carolina. (d) From Terminals on the Trans Southern Pipe line in North Carolina to points in Georgia, North Carolina, South Carolina, and Virginia.

NOTE: Common control may be involved. The purpose of this republication is to include Virginia as a destination State in (d) above.

*CONTINUED HEARING:* March 13, 1961, at 630 West Peachtree Street NW., Atlanta, Ga., before Examiner James I. Carr.

No. MC 113410 (Sub No. 28), filed December 22, 1960. Applicant: DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul 4, Minn. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles; between points in the Minneapolis-St. Paul, Minn., Commercial Zone and points within 10 miles thereof and Milwaukee, Wis., and points in Illinois and Indiana.

*HEARING:* April 4, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Dallas B. Russell.

No. MC 114107 (Sub No. 4), filed December 30, 1960. Applicant: CEMENT TRANSPORT, INC., Kosmosdale, Ky. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Indiana and Kentucky within 70 miles of Cincinnati, Ohio.

*HEARING:* March 28, 1961, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 208, or, if the Joint Board waives its right to participate, before Examiner Maurice S. Bush.

No. MC 115018 (Sub No. 4), filed January 23, 1961. Applicant: LEWIS W. OWEN, Lawrenceville, Va. Applicant's attorney: John C. Goddin, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden pallets and skids*, from plant site of Brunswick Box Co., Inc., near Lawrenceville, Va., to Bound Brook, Camden, and Newark, N.J., and (2) *Wooden pallets and skids and wooden pallet and skid materials*, in mixed loads, from plant site of Brunswick Box Co., Inc., near Lawrenceville, Va., to Canfield, Ohio.

*HEARING:* March 22, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 115322 (Sub No. 17), filed January 31, 1961. Applicant: J. M. BLYTHE, doing business as BLYTHE MOTOR LINES, P.O. Box 489, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen or unfrozen; from points in Chautauqua County, N.Y., and Erie County, Pa., to points in Virginia.

*HEARING:* March 22, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 116459 (Sub No. 22), filed January 18, 1961. Applicant: RUSS TRANSPORT, INC., P.O. Box 8292, Chattanooga, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in tank or hopper or specialized equipment; from sites of Tennessee Valley Authority plants in Tennessee, Alabama, and Kentucky, to points in Alabama, Kentucky, and Tennessee.

*HEARING:* March 22, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 284, or, if the Joint Board waives its right to participate, before Examiner Maurice S. Bush.

No. MC 117966 (Sub No. 1), filed December 13, 1960. Applicant: PRODUCE FORWARDING, INC., 2930 Arkins

Court, Denver, Colo. Applicant's attorney: Herbert M. Boyle, 736 Majestic Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, and *exempt agricultural products*, between Galveston, Tex., and Mobile, Ala., and points within 10 miles of Denver, Colo., including Denver.

*HEARING:* March 16, 1961, at the New Customs House, Denver, Colo., before Examiner Warren C. White.

No. MC 118415 (Sub No. 3), filed January 19, 1961. Applicant: WILLIAM E. HUSBY, doing business as HUSBY TRUCKING SERVICE, Route No. 1, Box 124, Menomonie, Wis. Applicant's attorney: W. P. Knowles, Doar & Knowles, New Richmond, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, between the Plant site of Whitehall Packing Company, Whitehall, Wis., and points in New York, New Jersey, Pennsylvania, Michigan, and Illinois.

NOTE: Applicant states that it will transport *returned, rejected, and refused loads of meat and meat scraps* purchased by Whitehall Packing Company for use at points in Wisconsin, on return.

*HEARING:* March 22, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Dallas B. Russell.

No. MC 119317 (Sub No. 6), filed January 23, 1961. Applicant: GROSS AND SONS TRANSPORT COMPANY, a corporation, 1706 Arlington Street, Independence, Mo. Applicant's attorney: Frank W. Taylor, Jr., 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, sherbet, ice milk* and *frozen confections*, in temperature controlled vehicles; from Kansas City, Mo., to Denver, Colo., Omaha, Nebr., Smith Center, Belleville, Topeka, Lawrence, Parsons, and Pittsburg, Kans., Des Moines, Waterloo, Cedar Rapids, and Davenport, Iowa, Rock Island, Moline, and Peoria, Ill., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, and *rejected, outdated, and spoiled or damage shipments*, on return.

*HEARING:* March 17, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner William N. Culbertson.

No. MC 119399 (Sub No. 7), filed December 27, 1960. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. Applicant's attorney: Thomas F. Kilroy, Suite 610, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass or plastic containers, bottles, jars, packing glasses, jelly tumblers*, with or without their equipment of *caps, covers, stoppers or tops;* in straight or mixed truckloads; or in mixed truckloads with *corrugated paper boxes or paper containers*, knocked down; from Rosemount, Minn., to points in Illinois, Iowa, Kansas, Upper Peninsula of Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Muskogee, Okla., and Lapel, Ind., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

NOTE: Applicant presently holds authority to conduct temporary operations as a contract carrier in MC-16007 Sub 22, therefore dual operations may be involved.

*HEARING:* April 6, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Dallas B. Russell.

No. MC 119527 (Sub No. 1) (AMENDMENT), filed October 27, 1960, published in the FEDERAL REGISTER issue of December 14, 1960. Applicant: LEE GRAHAM, doing business as LOCK HAVEN TRANSFER, 380 Irvin Street, Lock Haven, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, printing*, other than newsprint, not printed or imprinted in bales, boxes, bundles, (on skids or otherwise), crates or rolls. *Paper, scrap or waste* (not senitized), in barrels, bags, boxes, crates or in bales, including *scrap or waste, fibreboard, pulpboard, strawboard, old directories, old magazines, old newspapers* and *old pamphlets*, folded flat, securely tied in bundles. *Woodpulp*, not powdered, in packages. *Cores, chocks* and *canvas covers*, loose or in packages. *Machinery* and *machinery parts*. *Paper mill rolls*, loose or in boxes. *Flour:* Cassave, sago or tapioca, in bulk, in bags, barrels or boxes. *Oil and greases*, in barrels, boxes, kits or steel pails or in metal cans in crates. *Chemicals, chemical products and constituents* used in the manufacture of woodpulp and paper or in the processing thereof, between the plant sites of the New York and Pennsylvania Co., Inc., in Lock Haven, Pa., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, and Michigan, except articles and commodities which, because of size, shape or weight, require the use of special equipment to load, unload, or transport; and except liquids in bulk, in tank vehicles, under a continuous or continuing contract with New York and Pennsylvania Co., Inc.

*HEARING:* March 20, 1961, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Samuel Horwich.

No. MC 119863 (Sub No. 2), filed December 15, 1960. Applicant: MYRON RICHARD GRAHAM, doing business as LEMONI REFRIGERATED EXPRESS, Box 24, Davis City, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and commodities* used in packing houses, as described in Appendix I, descriptions in Motor Carrier Certificates 61 M.C.C. 209, from Lamoni, Iowa to Chicago, Ill., in truckload shipments only, and from Chicago, Ill., to Ames, Burlington, Cedar Falls, Cedar Rapids, Clinton, Davenport, Dubuque, Des Moines, Lamoni, Ottumwa, and Waterloo, Iowa, in less than truckload shipments only.

*HEARING:* May 2, 1961, at the Old Federal Office Bldg., Room 401, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 53.

No. MC 120651 (Sub No. 1), filed January 16, 1961. Applicant: HIRES TRUCKING CO., INC., 726 North Collett, Danville, Ill. Applicant's attorney: Ray M. Foreman, 704–710 Baum Building, Danville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, and household goods as defined by the Commission, between points in the Commercial Zone of Chicago, Ill., and points in Iroquois, Ford, Champaign, Vermilion, Douglas, Edgar, and Clark Counties, Ill. Applicant is presently operating under a second proviso registration pursuant to the provisions of section 206(a)(1) of Part II of the Interstate Commerce Act. The application is being filed primarily for the purpose of permitting applicant to provide direct service to those points in Indiana that are situated in the Chicago Commercial Zone.

*HEARING:* April 24, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 123067 (Sub No. 1), filed February 8, 1961. Applicant: M & M TANK LINE, INC., P.O. Box 4174, North Station, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (a) from Terminals on the Trans Southern Pipe Line at or near Pineville and Sanford, N.C., to points in Georgia, North Carolina, South Carolina, and Virginia; and (b) from Terminals on the Trans Southern Pipe Line at or near Anderson, S.C., to points in Georgia, North Carolina, South Carolina, and Virginia.

NOTE: Common control may be involved.

*HEARING:* March 13, 1961, at 600 West Peachtree Street NW., Atlanta, Ga., before Examiner James I. Carr.

No. MC 123117 (CORRECTION), filed October 7, 1960, published in FEDERAL REGISTER, issue of January 25, 1961. Applicant: ANGELO DITELLO, doing business as NATIONAL TRANSIT CARTAGE CO., 2702 South Sixth Street, Milwaukee 15, Wis. Applicant's attorney: William C. Dineen, 746 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Core oil, silicate, and foundry core compound liquid*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Illinois, Indiana, Michigan, Ohio, Iowa, and Minnesota, and *range oil, silicate, and foundry core compound liquid*, in bulk, in tank vehicles, from points in Illinois, Indiana, Michigan, Ohio, Iowa, and Minnesota, to Milwaukee, Wis.

NOTE: The purpose of this republication is to remove the "comma" from between the words "core" and "oil" as shown in previous publication.

*HEARING:* Remains as assigned March 17, 1961, in the Hotel Schroeder, Milwaukee, Wis., before Examiner Hugh M. Nicholson.

No. MC 123131, filed October 13, 1960. Applicant: R. C. WILSON, doing business as WILSON TRUCK SERVICE, Gratiot, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, poultry feed, twine, building materials, drain tile and fertilizer*, between Gratiot, Wis., and points within seven miles thereof, on the one hand, and, on the other, points in Illinois, Dubuque and Clinton, Iowa, and Duluth, Minn., with only *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* March 20, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Dallas B. Russell.

No. MC 123246 (Sub No. 1), filed December 15, 1960. Applicant: J. A. MORGAN, doing business as M & E TRUCKING COMPANY, 832 East Main Street, Danville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and fertilizer*, except liquid fertilizer, in tank type vehicles, from Danville, Ill., to points in Indiana as follows: An area bounded on the South by U.S. Route 40, on the East by Indiana State Route 9, and on the North by the northern boundary of Indiana and on the West by the western boundary of Indiana.

*HEARING:* April 28, 1961, at the U.S. Court Rooms, and Federal Building, Springfield, Ill., before Joint Board No. 21.

No. MC 123260, filed December 5, 1960. Applicant: P. C. PARKER AND L. E. COX, a partnership, doing business as P. M. C. COMPANY, 227 West Depot Street, Greeneville, Tenn. Applicant's attorney: Walter A. Curtis, Jr., Maupin, Berry & Curtis, Greeneville, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Peppers*, in cans and barrels; from Limestone, Tenn., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, and *exempt commodities, mostly produce*, on return.

*HEARING:* March 23, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Maurice S. Bush.

No. MC 123263, filed December 7, 1960. Applicant: DEAN YOHO AND HOWARD ARNDT, doing business as BELGIUM TRUCKING CO., Belgium, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed specialties*, such as, but not restricted to, mice breeder chow, dog chow, mink chow, zoo feed, etc., in bulk and package, between Davenport, Iowa, on the one hand, and, on the other, points in Wisconsin and the upper peninsula of Michigan, and Wadsworth, Ill.

*HEARING:* March 21, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Dallas B. Russell.

No. MC 123322, filed December 23, 1960. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, Washington, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper products*, and *materials* and *supplies* used in the manufacture of paper products, from Pittsburgh and Washington, Pa., to Winchester and Harrisonburg, Va., points in Frederick, Clarke, Rockingham, and Shenandoah Counties, Va., and that part of West Virginia on and east of a line beginning at the West Virginia-Maryland State line and extending along U.S. Highway 219 to Thomas, W. Va., thence along West Virginia Highway 32 to Harman, W. Va., thence along U.S. Highway 33 to Mouth of Seneca, W. Va., and thence along West Virginia Highway 28 to the West Virginia-Virginia State line; (2) *Damaged, defective, rejected, or returned shipments* of the commodities specified above, from the above-designated destination points to Pittsburgh and Washington, Pa.; (3) *Paper products*, and *materials, supplies*, and *equipment* (except machinery), used or useful in the manufacture of paper products, between Pittsburgh and Washington, Pa., on the one hand, and, on the other, Clarksburg and Grafton, W. Va.; (4) *Corrugated fibre products*, from Pittsburgh, Pa., to points in that part of Ohio and West Virginia, within two (2) miles of the Ohio River beginning at the Ohio-Pennsylvania State line (near East Liverpool, Ohio), and extending to Moundsville, W. Va.; and (5) *Refused, rejected or damaged shipments* of corrugated fibre products, from the above-described destination territory to Pittsburgh, Pa.

NOTE: Applicant also has common carrier authority under MC 78062 and Subs thereunder. A proceeding has been instituted under section 212(c) in No. MC 78062 (Sub No. 30) to determine whether applicant's status is that of a common or contract carrier. Dual authority under section 210 may be involved.

*HEARING:* March 17, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 123353 (AMENDMENT), filed January 6, 1961, published FEDERAL REGISTER issue of February 1, 1961. Applicant: STELLA TRUCKING, INC., MD 25, and McCall, Newburgh, N.Y. Applicant's representative: Charles N. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh bakery products*, from the plant site of Stella D'Oro Biscuit Co., Inc., New York, N.Y., to Schenectady, Buffalo, Elmira, Kingston, Rochester, Syracuse, and Utica, N.Y.; Darby, Easton, and Pittsburgh, Pa.; Laurel, Md.; Old Bridge and Franklinville, N.J.; North Cambridge, Mass.; East Hartford, Conn.; Kennebunk, Maine; Providence, R.I.; Cincinnati and Cleveland, Ohio, and Detroit, Mich., and *empty shipping cartons and returned or damaged bakery goods*, on return.

NOTE: Applicant states service is under a continuing contract with the Stella D'Oro Biscuit Co., Inc. This republication changes and redesignates four (4) destination points.

*HEARING:* Remains as assigned March 10, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 123372 (Sub No. 2), filed January 30, 1961. Applicant: CARTAGE SERVICES, INC., 26380 Van Born, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Baked goods*, from Lansing and Kalamazoo, Mich., to Watervliet, Mich., and points within three (3) miles thereof.

NOTE: Applicant states the proposed transportation service will be rendered under a continuing contract with Schafer's Lansing Bakery, Inc., and Schafer's Kalamazoo Bakery, Inc. Applicant also has common carrier authority under MC 118504 and subs thereunder, therefore dual operations may be involved.

*HEARING:* April 20, 1961, in Room 215, Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 123388, filed January 23, 1961. Applicant: CENTRAL IOWA STORAGE CO., 11 East Church Street, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Washers, dryers, ranges, ironers, freezers*, and *refrigerators*, and *parts thereof*, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, between Marshalltown, Iowa, and Newton, Iowa; from Marshalltown over U.S. Highway 14 to Newton, and return over the same route, serving no intermediate points.

*HEARING:* May 1, 1961, at the Old Federal Office Building, Room 401, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 123394, filed January 25, 1961. Applicant: RICHARD M. NEWMAN, doing business at 123 11th Street, Plainwell, Mich. Applicant's attorney: L. F. RICHARDSON, Michigan National Tower, Lansing, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities*, used by packing houses, as described in Appendix I, to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 61 M.C.C. 766, (1) from Plainwell, Mich. and points within two (2) miles thereof, to points in Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio,

Pennsylvania, and Wisconsin and in the District of Columbia, and (2) from Decatur, Mich., to points in the District of Columbia, and *empty containers, rejected and returned shipments or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

*HEARING:* March 21, 1961, at the Federal Building, Room 215, Lansing, Mich., before Examiner Raymond V. Sar.

No. MC 123398, filed January 30, 1961. Applicant: WAYNE E. LONG, 2219 St. Francis Street, Joliet, Ill. Applicant's attorney: Ernst John Watts, Delavan, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and building materials*, as defined in Appendix VI to the Report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, from the site of Wickes Lumber Company, located approximately two (2) miles Northwest of Plainfield on State Highway 30, in Plainfield, Will County, Ill., to points in Lake, Porter, LaPorte, Starke, Pulaski, Jasper, Newton, White, Tippecanoe, Benton and Warren Counties, Ind., and to the Wickes Lumber Yard located 2 miles Southwest of Elkhorn, Wis. in Delavan, Walworth County, Wis., and *rejected shipments*, on return.

*HEARING:* April 26, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 123401, filed January 30, 1961. Applicant: MORRIS ISENBERG, 21910 Sunset, Oak Park 37, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* and *dairy supplies*, from Detroit, Mich., to points in Ohio, and *empty milk containers or other such incidental facilities*, used in transporting the above commodities, on return.

NOTE: Applicant proposes to perform service exclusively for United Dairies, Inc., Detroit, Michigan.

*HEARING:* April 20, 1961, in Room 215, Federal Building, Lansing Mich., before Joint Board No. 57.

MOTOR CARRIER OF PASSENGERS

No. MC 61993 (Sub No. 1), filed January 5, 1961. Applicant: KEYSTONE TOURS, INC., Bath, Pa. Applicant's attorney: Raymond A. Thistle, Jr., Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, from points in Northampton and Lehigh Counties, Pa., to points in Wisconsin, Illinois, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Indiana, Michigan, Ohio, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia, and return.

NOTE: Applicant states that carrier presently has special operations authority from Bath and Easton, Pa., and points within 20 miles of Bath and Easton, to New York and Niagara Falls, N.Y., Atlantic City and Cape May, N.J., and points in the District of Columbia and return. Carrier does not desire to create any duplicating authority and if the present application is granted, such duplicating authority should be cancelled.

*HEARING:* March 15, 1961, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner David Waters.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 4027 (Sub No. 5), filed February 6, 1961. Applicant: RALPH ERNEST RIEMENSNIDER, doing business as IBERIA TRANSFER CO., Iberia, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Iberia and Springfield, Mo., on traffic originating at, or destined to points outside Missouri and with the privilege of interchanging traffic with other carriers at Springfield, but restricted that applicant may not tack such operations to, or combine them with those authorized in Certificate No. MC-4027, for the purpose of providing through transportation, between Springfield, Mo., and authorized points of service on carrier's Iberia, Mo.-East St. Louis, Ill., route as reflected in said certificate.

No. MC 65419 (Sub No. 6), filed February 6, 1961. Applicant: ARMORED CAR COMPANY, INC., 1031 South Sixth Street, Louisville, Ky. Applicant's attorney: Earl C. Frankenberger, Commonwealth Building, Louisville, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Money, bullion, securities, bonds*, and *other commodities and articles of unusual value;* between Louisville, Ky., on the one hand, and, on the other, points in Clark, Crawford, Dubois, Floyd, Harrison, Jackson, Jefferson, Lawrence, Martin, Orange, Perry, Scott, Switzerland, and Washington Counties, Ind.

No. MC 66562 (Sub No. 1776), filed January 13, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, PRIN. OFFICE: 219 East 42d Street, New York 17, N.Y., LOCAL OFFICE: 1004 Farnam Street, Omaha 2, Nebr. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Sioux Falls, S. Dak., and Alliance, Nebr., from Sioux Falls north over U.S. Highway 77 to Brookings, S. Dak., thence west over U.S. Highway 14 to junction U.S. Highway 281, thence north over U.S. Highway 281 to Redfield, S. Dak., thence west over U.S. Highway 212 to junction U.S. Highway 83, thence south over U.S. Highway 83 to junction U.S. Highway 14 (also from junction U.S. Highway 14 and 281 west over U.S. Highway 14 to junction U.S. Highway 83), thence west over U.S. Highway 14 to Rapid City, S. Dak., thence south over South Dakota Highway 79 to junction U.S. Highway 385, thence south over U.S. Highway 385 to Alliance, Nebr., and return over the same routes, serving the intermediate points of Brookings, Arlington, Lake Preston, De Smet, Iroquois, Huron, Redfield, Faulkton, Gettysburg, Onida, Wolsey, Miller, Highmore, Blunt, Pierre, Midland, Philip, Wall, Wasta, and Rapid City, S. Dak. RESTRICTIONS: (1) The service to be performed shall be limited to that which is auxiliary to, or supplemental of, express service; (2) Shipments transported shall be limited to those moving on through bills of lading or express receipts; and (3) Such further conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, express service from and to the points as described above.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F 7772. (FURNITURE EXPRESS, INC.—PURCHASE—NORMAN L. LAWSON (ALFRED G. FORD TRUSTEE)), published in February 1, 1961, issue of the FEDERAL REGISTER on page 1009. Application filed February 3, 1961, for temporary authority under section 210a(b).

No. MC-F 7782. Authority sought for purchase by SIGNAL TRUCKING SERVICE, LTD., 4455 Fruitland Avenue, Los Angeles 58, Calif., of the operating rights and property of EDW. P. WHITE, RICHARD I. PROSSER, ANTHONY E. PERRY, MARIE C. BROWN, and WILLIAM N. COEY, co-partners, doing business as C. A. WORTH & CO., 350 Second Street, San Francisco 7, Calif., and for acquisition by JOHN E. CARROLL, 4455 Fruitland Avenue, Los Angeles 58, Calif., of control of such rights and property through the purchase. Applicants' attorney: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, covering the transportation of *general commodities*, with certain exceptions, as a *common carrier* over irregular routes between points in the San Francisco-East Bay Cartage Zone. Vendee is authorized to operate as a *common carrier* in California, and is also authorized to operate in that state under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act. Application has not been filed for temporary authority under section 210a(b).



No. MC-F 7783. Authority sought for purchase by SMITH TRANSIT, INC., 1528 Main Street, Dallas 1, Texas, of the operating rights of TRANSPORTERS, INC., 305 Simons Building, Dallas 1, Texas, and for acquisition by RAY SMITH, 3d Floor, Simons Building, Dallas, Texas, and W. D. WHITE, as trustee for Dorothy Smith, Nancy Smith and Sophie Smith, 1900 Mercantile Dallas Building, Dallas 1, Texas, of control of such rights through the purchase. Applicants' attorney: Rollo E. Kidwell, 2130 Fidelity Union Tower, Dallas 1, Texas. Operating rights sought to be transferred: *Barite ore* (barytes), in bulk, in tank or hopper-type vehicles, as a *common carrier* over irregular routes between points in Louisiana, on the one hand, and, on the other, points in Texas. Vendee is authorized to operate as a *common carrier* in Texas, Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Arizona, Colorado, Utah, Iowa, Nebraska, Oregon, Washington, California, Illinois, Kentucky, Indiana, Ohio, and Florida. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7784. Authority sought for purchase by L. D. EASTER, E. M. EASTER, M. E. EASTER, L. W. EASTER, L. B. EASTER and M. M. EASTER, a partnership, doing business as HIGHWAY TRANSPORT COMPANY, 4143 East 43d Street, Des Moines 17, Iowa, of a portion of the operating rights of DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend 21, Ind. Applicants' attorneys: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa, and Charles Pieroni, 4000 West Sample Street, South Bend, Ind. Operating rights sought to be transferred: *New automobiles, new trucks* and *automobile* and *truck parts* and *accessories*, when moving with new automobiles and new trucks, in secondary movements, in truckaway and driveaway service, as a *common carrier* over irregular routes, from points in that part of Colorado on and south of U.S. Highway 50 and on and east of U.S. Highway 285, to points in New Mexico, Arizona, and California. Vendee is authorized to operate as a *common carrier* in Wisconsin, Colorado, Kansas, Nebraska, Iowa, Nevada, and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7785. Authority sought for purchase by HOLMAN TRANSFER COMPANY, 49 Southeast Clay Street, Portland 14, Oregon, of a portion of the operating rights of SILVER EAGLE COMPANY NW. St. Helens Road and 57th Avenue, Portland 10, Oreg., and for acquisition by H. M. CLARK, SR., and H. M. CLARK, JR., both of 6106 Southeast 32d Avenue, Portland, Oreg., and L. P. CLARK, 5800 Southwest Arrow Wood Lane, Portland, Oreg., of control of such rights through the purchase. Applicants' attorney: James P. Cronan, Jr., 1026 Public Service Building, Portland 4, Oreg. Operating rights sought to be transferred: *Corn syrup* and *liquid sugar*, in bulk, in tank vehicles, as a *common carrier* over regular routes, from Portland, Oreg., to points in Oregon and Washington. Vendee is authorized to operate as a *common carrier* in Washington and Oregon. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7786. Authority sought for purchase by SECURITY VAN LINES, INC., 120 West Airline Highway, P.O. Box 825, Kenner, Louisiana, of the operating rights of CLARENCE C. CURTH, JR., doing business as L. CURTH & SONS, 13 Meryll Place, Bethpage, New York, and for acquisition by SECURITY STORAGE & VAN COMPANY, INC. (LA. CORP.), and, in turn by, HOWARD WOLCHANSKY, both of P.O. Box 825, Kenner, La., of control of such rights through the purchase. Applicants' attorneys: Kretsinger & Kretsinger, 1014-18 Temple Building, Kansas City 6, Missouri, and Robert W. Cauldwell, 165 Broadway, New York 6, New York. Operating rights sought to be transferred: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a *common carrier* over irregular routes from New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., and those in New York, New Jersey, and Connecticut within 50 miles of New York, N.Y., to points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Pennsylvania, Delaware, Maryland, Maine, New Hampshire, Vermont, Kentucky, Missouri, Iowa, Illinois, Ohio, Michigan, North Carolina, South Carolina, Georgia, Florida, Virginia, West Virginia, Indiana, and the District of Columbia, from points in the above-specified destination territory, to points in Connecticut, Massachusetts, Rhode Island, Delaware, and New Jersey, and those in New York, Pennsylvania, and Maryland within 225 miles of New York, N.Y. Vendee is authorized to operate as a *common carrier* in Florida, Georgia, Alabama, Mississippi, Texas, Oklahoma, Louisiana, Tennessee, Arizona, California, Oregon, Washington, Arkansas, Missouri, Illinois, South Carolina, North Carolina, Virginia, Maryland, New Jersey, New York, New Mexico, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7787. Authority sought for purchase by HIGHWAY TRANSPORT COMPANY, INC., 4143 East 43d Street, Des Moines 17, Iowa, of the operating rights and property of L. D. EASTER, E. M. EASTER, M. E. EASTER, L. W. EASTER, L. B. EASTER, and M. M. MORSE, a partnership, doing business as HIGHWAY TRANSPORT COMPANY, 4143 East 43d Street, Des Moines 17, Iowa, and for acquisition by E. M. EASTER, Winterset, Iowa, M. E. EASTER, 2315 45th Street, Des Moines, Iowa, L. W. EASTER, 4052 Ashby, Des Moines, Iowa, L. D. EASTER, 720 35th Street, Des Moines, Iowa, L. B. EASTER, 7204 Colby, Des Moines, Iowa, and M. M. MORSE, Norwalk, Iowa, of control of such rights and property through the purchase. Applicants' attorney: William A. Landau, Post Office Box 1634, Des Moines 6, Iowa. Operating rights sought to be transferred: *Automobiles*, in initial movements, in truckaway service, and *automobile show equipment, automobile show paraphernalia*, and *advertising matter* used in connection with the distribution and sale of motor vehicles, as a *common carrier* over irregular routes from Kenosha, Wis., to points in Colorado, Kansas, and Nebraska, *new automobiles*, and *parts*, in initial movements, in truckway service, from Kenosha, Wis., to certain points in Iowa, *livestock*, between Nevada, Iowa, and points within 10 miles of Nevada north of U.S. Highway 30, on the one hand, and, on the other, Chicago, Ill., from Cambridge, Iowa, and points (including Jordan, Iowa) south of U.S. Highway 30 within 25 miles of Cambridge, to Chicago, Ill., *egg cases and fillers*, from Chicago, Ill., to Colo, Iowa, *foreign-made automobiles*, in truckaway service, from Kenosha, Wis., to points in Colorado, Nebraska, Kansas, and certain points in Iowa. Vendee holds no authority from this Commission, however, its controlling stockholders control, through stock ownership, ACE LINES, INC., 4143 East 43d Street, Des Moines 17, Iowa, which is authorized to operate as a *common carrier* in Minnesota, North Dakota, Iowa, Illinois, Nebraska, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-1315; Filed, Feb. 14, 1961; 8:50 a.m.]

[Notice 447]

## MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 10, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63906. By order of February 8, 1961, the Transfer Board approved the transfer to Wilbur T. Wildes, South Portland, Maine, of Certificate No. MC 37457 Sub 1, issued October 11, 1946, to Gordon W. Creelman, Portland, Maine, authorizing the transportation, over irregular routes, of household goods, between Portland, Maine, and points within 15 miles of Portland, on the one hand, and, on the other, points in Massachusetts and New Hampshire. Robert A. Wilson, 85 Exchange Street, Portland, Main, for applicants.

No. MC-FC 63929. By order of February 8, 1961, the Transfer Board approved

the transfer to Local Film Delivery, Inc., Seattle, Wash., of Certificate No. MC 44648 Sub 1, issued November 9, 1951, to Chas. D. Lawson, doing business as Local Film Delivery, Seattle, Wash., authorizing the transportation, of motion picture film, supplies, equipment, and merchandise, incidental to the operation and maintenance of motion picture theaters, over a regular route, between Seattle, Wash., and McChord Field, Wash. George H. Hart, 827 Central Building, Seattle 4, Wash., for applicants.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-1316; Filed, Feb. 14, 1961; 8:50 a.m.]

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[Ex Parte No. MC-62]

## LEGISLATIVE RECOMMENDATIONS RE PRACTICES OF HOUSEHOLD GOODS CARRIERS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of January A.D. 1961.

There being under consideration the operations and practices of common carriers by motor vehicle engaged in the transportation of household goods, manner and method in which such transportation is performed, and the desirability of transmitting to the Congress legislative recommendations dealing with the operations and practices of such carriers;

*It is ordered*, That an investigation be, and it is hereby, instituted under section 204(a)(7) of the Interstate Commerce Act into the practices of, and the manner and methods of the performance of service by, motor common carriers subject to the Interstate Commerce Act, engaged in the transportation of household goods and into the desirability of transmitting to the Congress recommendations for the enactment of legislation dealing with the operations and practices of such carriers, including, but not limited to, legislation which would provide:

(a) That each such carrier shall publish and file with the Commission tariffs which shall state the maximum rates and charges of the carrier, and the lawful charges for transportation and other services on any shipment shall be either (1) the charges determined in accordance with such tariffs, (2) any charges upon which the carrier and the shipper have agreed in writing, or (3) the charges stated in any written estimate given to the shipper by the carrier, whichever will result in the lowest charge to the shipper.

(b) That penalties and forfeitures be imposed to prevent excessive underestimation of charges.

*It is further ordered*, That this proceeding be consolidated for joint hearing and determination on a common record with the proceedings in Ex Parte No. MC-19 and Ex Parte No. MC-1, which are the subject of a Notice of Proposed Rule Making dated January 16, 1961, dealing with proposals to revise and modify certain regulations governing the practices of motor common carriers of household goods and the payment of rates and charges of such carriers, and with the proceedings in Ex Parte No. MC-61, Released Rates of Motor Common Carriers of Household Goods;

*It is further ordered*, That the Bureau of Inquiry and Compliance shall participate in the consolidated proceedings for the purpose of developing the facts and issues;

*It is further ordered*, That the consolidated proceedings be assigned for hearing at a time and place to be hereafter fixed;

*It is further ordered*, That the consolidated proceedings be and they are hereby assigned to Commissioner Webb for administrative handling;

*And it is further ordered*, That notice of the institution of this proceeding and of the other matters covered herein shall be given to motor common carriers of household goods and to the general public by posting a copy of this order for public inspection in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-1317; Filed, Feb. 14, 1961; 8:56 a.m.]

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[No. 33440]

## PREVENTION OF RAIL-HIGHWAY GRADE-CROSSING ACCIDENTS INVOLVING RAILWAY TRAINS AND MOTOR VEHICLES

### Corrected Order [1]

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 6th day of February A.D. 1961.

It appearing that upon consideration of a petition filed September 21, 1960, by the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors and Brakemen, and the Brotherhood of Railroad Trainmen and Switchmen's Union of North America, requesting reconsideration of a Commission order dated August 15, 1960, denying a general investigation to determine what rules, regulations, facilities or other measures are necessary to prevent accidents at railroad crossings between railway trains and motor vehicles carrying petroleum, petroleum products and similar dangerous flammable liquids; of a petition in support of said petition for reconsideration, of 41 railroads in the Western District filed September 26, 1960; of a reply of the Central Committee on Highway Transportation of the American Petroleum Institute filed October 28, 1960; and of a petition filed December 20, 1960, to allow the late-filing of a statement by National Tank Truck Carriers, Inc., in reply to the petition for reconsideration, and such statement;

*It is ordered*, That the petition requesting approval for the late filing of the statement in reply to the petitions for reconsideration be, and it is hereby, granted, and that such statement in reply be, and it is hereby, accepted for filing;

*It is further ordered*, That upon consideration of all the aforementioned pleadings, the petitions for reconsideration be, and they are hereby, granted, for the reason that the interest of public safety requires a general investigation to determine the adequacy of the Commission's present safety regulations for the purpose of reducing and possibly eliminating these accidents in the future, and determining whether additional legislation should be recommended;

*It is further ordered*, That under the authority of sections 12(1), 25, and 204(a)(1), (2), (3), and (7) of the Interstate Commerce Act (49 U.S.C. 12(1), 26, and 304(a)(1), (2), (3), and (7)) and 18 U.S.C. 831-835, (Public Law 86-710) a proceeding be, and it is hereby, instituted by the Commission on its own motion into and concerning accidents at railroad-highway crossings involving railway trains and highway motor vehicles transporting liquid petroleum and liquid petroleum products, explosives, flammable or oxidizing liquids and solids, flammable or poisonous compressed gases, volatile liquids and solids which emit poisonous fumes, corrosive liquids, and radioactive materials, for the purpose of determining what further safety requirements can or should be made, within the authority of the Commission; what additional legislation may be necessary, and for the further purpose of focusing public attention on the gravity of the safety problem occasioned by collisions at railroad crossings between railway trains and such motor vehicles;

*It is further ordered*, That all railroads and all carriers by motor vehicle of liquid petroleum and liquid petroleum products, explosives, flammable or oxidizing liquids and solids, flammable or poisonous compressed gases, volatile liquids and solids which emit poisonous fumes, corrosive liquids, and radioactive materials, subject to regulation under the Interstate Commerce Act with respect to safety of operation, be and they are hereby, made respondents in this proceeding; that State Regulatory Commissions and State, county, and municipal authorities having jurisdiction over railroads or motor vehicle operations with respect to safety of operation, railroad and motor carrier associations, railway and motor carrier labor organizations, and other interested persons are invited to participate in the proceeding with the view of developing a complete and informative record; that the Bureau of Inquiry and Compliance be, and it is hereby, authorized and directed to participate as a party herein and to present evidence and make representations on the issues involved; and that notice of this proceeding be given to respondents and to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D.C., for public inspection, and by filing a copy with the Director of the Division of the Federal Register for publication in the FEDERAL REGISTER. Any person desiring to receive notice by mail of hearings or other procedures, or copies of notices, reports and orders, in this proceeding shall file requests therefor in writing with the Secretary of the Commission;

*And it is further ordered*, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter direct.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-1318; Filed, Feb. 14, 1961; 8:50 a.m.]

[1] The third ordering paragraph is corrected by the interpolation of "(Public Law 86-710)". The fourth ordering paragraph is corrected to show that notice to respondents, as well as the general public, is provided by publication in the FEDERAL REGISTER.

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## FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 10, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36897: *Substituted service—NH for Lake Refrigerated Service.* Filed by The New York, New Haven and Hartford Railroad Company (No. 220), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Harlem River, N.Y., on the one hand, and New Haven, Conn., Boston and Springfield, Mass., and Providence, R.I., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 36898: *Carbide of calcium residue from Woodstock, Tenn.* Filed by O. W. South, Jr., Agent (No. A4063), for interested rail carriers. Rates on carbide of calcium residue, in bulk or in packages, in carloads, from Woodstock, Tenn., to points in southern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 142 to Southern Freight Association tariff I.C.C. 1345.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-1313; Filed, Feb. 14, 1961; 8:50 a.m.]

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# OFFICE OF CIVIL AND DEFENSE MOBILIZATION

## LeROY LUTES

### Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

I hold no active position with any corporation. I am a retired Vice President of the Mansfield Tire and Rubber Company, Mansfield, Ohio, and consultant thereto.

Security holdings at present time are common stock of:

Boeing Aircraft Corp.
North American Aircraft Corp.
J. I. Case Implement Co.
Fairbanks-Whitney Co.
Trans-Continental Pipe Line Co.
Atlas Corp.

This amends statement published August 25, 1960 (25 F.R. 8173).

Dated: February 5, 1961.

LEROY LUTES.

F.R. Doc. 61-1282; Filed, Feb. 14, 1961 8:45 a.m.

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# ATOMIC ENERGY COMMISSION

[Docket No. 50-13]

## BABCOCK & WILCOX CO.

### Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to License No. CX-10. The amendment authorizes The Babcock & Wilcox Company, as requested in its applications for license amendment dated November 2, 1960 and December 22, 1960, to change the water tank critical facility located in Bay 2 in the licensee's Critical Experiment Laboratory located near Lynchburg, Virginia, to accomodate heavy water systems and to conduct therein certain experiments at power levels up to 1,000 watts (thermal) on reactor systems containing mixtures of light and heavy water. As a condition to the conduct of the experiments, the amendment requires that the licensee submit certain written reports to the Commission concerning measured nuclear parameters of the facility. The amendment also authorizes the receipt, possession and use of the special nuclear material and source material which will be used in the licensed operations. The Commission has found that conduct of the activities in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed activities does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene or requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the applications for license amendment dated November 2, 1960 and December 22, 1960, submitted by The Babcock & Wilcox Company, and (2) a hazards analysis prepared by the hazards evaluation staff of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 7th day of February 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director,*
*Division of Licensing and Regulation.*

[License No. CX-10; Amdt. 3]

License No. CX-10 issued to The Babcock & Wilcox Company is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. CX-10, as amended, The Babcock & Wilcox Company is authorized, as requested in its applications for license amendment dated November 2, 1960, and December 22, 1960, to change the water tank critical facility located in Bay 2 in the licensee's Critical Experiment Laboratory located near Lynchburg, Virginia, to accommodate heavy water systems and to conduct therein certain experiments at power levels up to 1000 watts (thermal) on reactor systems containing mixtures of light and heavy water.

The activities shall be conducted in accordance with the procedures and subject to the limitations in License No. CX-10, as amended and in the applications for license amendment dated November 2, 1960 and December 22, 1960.

2. A new paragraph 2c. is hereby added as follows:

Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material" to possess and use in connection with operation of the facility up to 305 kilograms of contained uranium 235 and up to 80 grams of plutonium contained in plutonium-beryllium neutron sources.

3. A new paragraph 2d. is hereby added as follows:

Pursuant to the Act and Title 10, CFR, Chapter 1, Part 40, "Control of Source Material", to receive, possess and use in connection with operation of the facility up to 2600 kilograms of contained thorium.

4. The first paragraph of paragraph 4 is hereby amended to read as follows: "This license shall be deemed to contain and be subject to the conditions specified in § 40.24 of Part 40, § 50.54 of Part 50, and § 70.32 of Part 70, Title 10, Chapter 1, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:"

5. A new paragraph 4e(1) is hereby added as follows:

(1) As promptly as practicable, but no later than 60 days after the initial criticality of the TUPE and NMSR critical assemblies, respectively, the licensee shall submit written reports to the Commission describing the measured values of the nuclear parameters listed below and evaluating any significant variation of a measured parameter from the corresponding predicted value:

(a) Total rod worth;

(b) Minimum shutdown margin both at room and operating temperature;

(c) Maximum worth of the single control rod of highest reactivity value; and

(d) Maximum total and individual worth of any fixed or movable experiments inserted in the reactor.

(2) The licensee shall promptly submit a written report to the Commission whenever, during operation of the facility subsequently to initial criticality, any of the nuclear characteristics of the facility, including those described in paragraph 4e(1) above and the application, is observed to vary significantly from its predicted value.

This amendment is effective as of the date of issuance.

Date of issuance: February 7, 1961.

For the Atomic Energy Commission.

[F.R. Doc. 61-1280; Filed, Feb. 14, 1961; 8:45 a.m.]

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[Docket No. 50-60]

## BETHESDA NAVAL HOSPITAL

### Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to License No. R-27 issued to Bethesda Naval Hospital. The amendment provides additional safeguards for the operation by the licensee of its reactor Model AGN-201, Serial No. 105, located on its site in Bethesda, Maryland. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the operation of the reactor in accordance with the terms of the license as amended does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see Docket No. 50-60 on file at the AEC's Public Document Room.

Dated at Germantown, Md., this 7th day of February 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[License No. R-27 Amdt. 3]

License No. R-27, as amended, which authorizes Bethesda Naval Hospital to operate its reactor Model AGN-201, Serial No. 105, located on its site in Bethesda, Maryland, is hereby amended by adding the following additional conditions thereto:

1. The control rod and safety rod magnet circuits shall reverse the current direction for the magnets at the time any scram relay is actuated.

2. The licensee shall, at least once during each month when the reactor is operated, check the ability of all safety rods and control rods to drop when the scram instrumentation is actuated. A record shall be made of each instance in which one or more rods fails to scram when called upon to do so.

3. If one or more of the safety or control rods fails to scram when called upon to do so, the reactor shall immediately be shut down and shall not be started up until:

A. The probable cause of the scram malfunction has been determined and remedied; and

B. Cognizant reactor supervisory personnel and, to the extent applicable, the local reactor hazards committee have reviewed and concurred in the remedial action taken; and

C. A written record is made by the licensee of the events in A. and B. above.

4. The effectiveness of the corrective measures taken pursuant to condition 3 above shall be verified by scramming the rods, which had previously failed to scram, several times under conditions similar to those under which they had failed. A written record of these tests shall be made. Should the rod again fail to scram during the tests, the reactor shall be shut down and the steps described in condition 3 above and this condition 4 shall be repeated. This amendment is effective thirty days after the date of issuance.

Date of issuance: February 7, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-1281; Filed, Feb. 14, 1961; 8:45 a.m.]

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# FEDERAL REGISTER

VOLUME 26 NUMBER 31

Washington, Thursday, February 16, 1961

THE UNIVERSITY OF MICHIGAN
FEB 21 1961
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Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.



FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 7, Wheat]

### PART 421—GRAINS AND RELATED COMMODITIES

#### Subpart—1960-Crop Wheat Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (25 F.R. 3915, 4631, 7479, 7731, 8321, 9137, 9138, 9196, 12282, 13682, and 26 F.R. 576) containing the specific requirements of the 1960-crop wheat price support program are hereby amended as follows:

Section 421.5047(b) is amended by increasing the following basic county support rates:

| County | Rate per bushel From— | To— |
|---|---|---|
| **INDIANA** | | |
| Cass | $1.86 | $1.88 |
| Elkhart | 1.85 | 1.87 |
| Fulton | 1.86 | 1.92 |
| Jasper | 1.89 | 1.92 |
| Kosciusko | 1.85 | 1.87 |
| Lake | 1.91 | 1.93 |
| La Porte | 1.88 | 1.93 |
| Marshall | 1.85 | 1.93 |
| Miami | 1.85 | 1.87 |
| Newton | 1.87 | 1.90 |
| Porter | 1.91 | 1.94 |
| Pulaski | 1.87 | 1.91 |
| St. Joseph | 1.85 | 1.93 |
| Starke | 1.86 | 1.94 |
| Warren | 1.85 | 1.87 |
| White | 1.88 | 1.91 |
| **MICHIGAN** | | |
| Berrien | $1.85 | $1.89 |
| Mason | 1.73 | 1.75 |
| **MINNESOTA** | | |
| Big Stone | $1.90 | $1.91 |
| Traverse | 1.90 | 1.91 |
| **NORTH DAKOTA** | | |
| Dickey | $1.85 | $1.86 |
| Emmons | 1.80 | 1.81 |
| La Moure | 1.84 | 1.85 |
| Richland | 1.89 | 1.90 |
| **SOUTH DAKOTA** | | |
| Grant | $1.89 | $1.90 |
| McPherson | 1.84 | 1.85 |

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended; Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 10th day of February 1961.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 61-1341; Filed, Feb. 15, 1961; 8:45 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 5, Rye]

### PART 421—GRAINS AND RELATED COMMODITIES

#### Subpart—1960-Crop Rye Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (25 F.R. 3781, 4895, 6497, 9196, 12282, 13682 and 26 F.R. 577) containing the specific requirements of the 1960-crop rye price support program are hereby amended as follows:

Section 421.5387(b) is amended by increasing the following basic county support rates:

| County | Rate per bushel From— | To— |
|---|---|---|
| **MICHIGAN** | | |
| Berrien | $0.97 | $1.01 |
| Isabella | .90 | .91 |
| Lake | .89 | .91 |
| Mason | .89 | .91 |
| Mecosta | .89 | .91 |
| Missaukee | .87 | .88 |
| Oceana | .89 | .91 |
| Osceola | .88 | .91 |
| Wexford | .88 | .89 |
| **MINNESOTA** | | |
| Big Stone | $0.88 | $0.89 |
| Traverse | .88 | .89 |
| **NORTH DAKOTA** | | |
| Emmons | $0.79 | $0.80 |
| McIntosh | .80 | .81 |
| Richland | .87 | .88 |
| **SOUTH DAKOTA** | | |
| Roberts | $0.87 | $0.88 |

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 10th day of February 1961.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 61-1340; Filed, Feb. 15, 1961; 8:45 a.m.]

## Title 7—AGRICULTURE

### Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

### PART 401—FEDERAL CROP INSURANCE

#### Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published September 23, 1960, which were designated for barley crop insurance for the 1962 crop year.

IDAHO

Lincoln. Power.

MINNESOTA

Chippewa. Red Lake.
Mahnoman. Roseau.
Pennington.

PENNSYLVANIA

York.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. MCCARTNEY,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 61-1404; Filed, Feb. 15, 1961; 8:52 a.m.]

### PART 401—FEDERAL CROP INSURANCE

#### Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for citrus crop insurance for the 1962 crop year.

FLORIDA

Brevard. Orange.
Indian River. Polk.
Lake. St. Lucie.

TEXAS

Cameron. Willacy.
Hidalgo.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. MCCARTNEY,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 61-1405; Filed, Feb. 15, 1961; 8:52 a.m.]

### PART 401—FEDERAL CROP INSURANCE

#### Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR COMBINED CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for combined crop insurance for the 1962 crop year. The crops on which insurance is offered are shown opposite the name of the county.

| *State and county* | *Crop(s)* |
|---|---|
| Iowa: | |
| Delaware | Corn, oats, soybeans. |
| Emmett | Do. |
| Howard | Do. |
| Humboldt | Do. |
| Ida | Do. |
| Tama | Corn, soybeans. |
| Union | Do. |
| Warren | Do. |
| Winnebago | Do. |
| Worth | Do. |

| | |
|---|---|
| Louisiana: | |
| Vermilion | Cotton, rice. |
| Minnesota: | |
| Dakota | Corn, oats, soybeans. |
| Goodhue | Do. |
| Kandiyohi | Do. |
| McLeod | Do. |
| Stearns | Barley, corn, oats, soybeans. |
| Stevens | Barley, corn, flax, oats, soybeans. |
| Swift | Corn, soybeans, flax, oats. |
| Nebraska: | |
| Antelope | Corn, oats. |
| North Dakota: | |
| Barnes | Barley, flax, oats, rye, wheat. |
| Dickey | Barley, flax, oats, wheat. |
| Grand Forks | Do. |
| La Moure | Do. |
| Pierce | Barley, flax, oats, rye, wheat. |
| Ransom | Barley, flax, oats, wheat. |
| Richland | Barley, corn, flax, oats, rye, soybeans, wheat. |
| Sargent | Barley, flax, oats, wheat. |
| Steele | Do. |
| South Dakota: | |
| Bon Homme | Barley, corn, oats, rye, wheat. |
| Day | Barley, corn, flax, oats, rye, wheat. |
| Deuel | Barley, corn, flax, oats, rye, soybeans, wheat. |
| Hamlin | Do. |
| Hutchinson | Barley, corn, oats, rye, soybeans, wheat. |
| Kingsbury | Barley, corn, flax, oats, wheat. |
| Lake | Barley, corn, flax, oats, rye, soybeans, wheat. |
| McCook | Do. |
| Miner | Barley, corn, flax, oats, rye, wheat. |
| Tennessee: | |
| Franklin | Corn, cotton. |
| Wisconsin: | |
| Fond du Lac | Barley, corn, oats. |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. McCARTNEY,
*Manager, Federal Crop Insurance Corporation.*

[F.R. Doc. 61-1406; Filed, Feb. 15, 1961; 8:53 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR CORN CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for corn crop insurance for the 1962 crop year.

| | |
|---|---|
| COLORADO | |
| Larimer. | Weld. |
| Morgan. | |
| ILLINOIS | |
| Adams. | Clinton. |
| Bond. | Douglas. |
| Carroll. | Effingham. |
| Cass. | Fayette. |
| Christian. | Ford. |
| Fulton. | Monroe. |
| Greene. | Montgomery. |
| Grundy. | Morgan. |
| Hancock. | Pike. |
| Jasper. | St. Clair. |
| Jersey. | Sangamon. |
| Livingston. | Schuyler. |
| McDonough. | Scott. |
| McLean. | Shelby. |
| Macoupin. | Tazewell. |
| Madison. | Vermilion. |
| Mason. | Winnebago. |
| Menard. | |
| INDIANA | |
| Allen. | Madison. |
| Blackford. | Marshall. |
| Boone. | Miami. |
| Carroll. | Montgomery. |
| Clinton. | Noble. |
| Clay. | Pulaski. |
| Decatur. | Randolph. |
| De Kalb. | Ripley. |
| Delaware. | Rush. |
| Fountain. | Shelby. |
| Howard. | Sullivan. |
| Huntington. | Vigo. |
| Jackson. | Wayne. |
| Johnson. | Wells. |
| Kosciusko. | Whitley. |
| IOWA | |
| Adair. | Jones. |
| Audubon. | Kossuth. |
| Boone. | Linn. |
| Bremer. | Lyon. |
| Buchanan. | Madison. |
| Buena Vista. | Mahaska. |
| Calhoun. | Mitchell. |
| Carroll. | O'Brien. |
| Cass. | Osceola. |
| Cerro Gordo. | Polk. |
| Chickasaw. | Poweshiek. |
| Clay. | Shelby. |
| Clayton. | Sac. |
| Crawford. | Sioux. |
| Delaware. | Story. |
| Emmett. | Tama. |
| Fayette. | Union. |
| Floyd. | Warren. |
| Franklin. | Washington. |
| Fremont. | Webster. |
| Guthrie. | East Pottawattamie. |
| Hancock. | West Pottawattamie. |
| Hardin. | Winnebago. |
| Howard. | Winneshiek. |
| Humboldt. | Worth. |
| Ida. | |
| KANSAS | |
| Atchison. | Jackson. |
| Bourbon. | Linn. |
| Brown. | Marshall. |
| Doniphan. | Nemaha. |
| Franklin. | Washington. |
| MARYLAND | |
| Kent. | Queen Annes. |
| MICHIGAN | |
| Branch. | Lenawee. |
| Calhoun. | Monroe. |
| Gratiot. | Saginaw. |
| Hillsdale. | St. Clair. |
| Jackson. | St. Joseph. |
| Kalamazoo. | Washtenaw. |
| MINNESOTA | |
| Blue Earth. | Jackson. |
| Brown. | Kandiyohi. |
| Chippewa. | Lac Qui Parle. |
| Cottonwood. | Lincoln. |
| Dakota. | Lyon. |
| Dodge. | McLeod. |
| Faribault. | Martin. |
| Goodhue. | Meeker. |
| Mower. | Rock. |
| Murray. | Stearns. |
| Nicollet. | Steele. |
| Nobles. | Stevens. |
| Pipestone. | Swift. |
| Redwood. | Wabasha. |
| Renville. | Watonwan. |
| Rice. | Yellow Medicine. |
| MISSOURI | |
| Andrew. | Jasper. |
| Atchison. | Johnson. |
| Audrain. | Lafayette. |
| Bates. | Lawrence. |
| Buchanan. | Lincoln. |
| Calloway. | Marion. |
| Carroll. | Macon. |
| Cass. | Monroe. |
| Charlton. | Nodaway. |
| Cooper. | Pettis. |
| Daviess. | Pike. |
| De Kalb. | Ralls. |
| Franklin. | St. Charles. |
| Gentry. | Saline. |
| Henry. | Shelby. |
| Howard. | Vernon. |
| Holt. | Worth. |
| NEBRASKA | |
| Boone. | Nemaha. |
| Butler. | Pawnee. |
| Cass. | Pierce. |
| Cedar. | Richardson. |
| Colfax. | Saunders. |
| Cuming. | Stanton. |
| Dodge. | Washington. |
| Gage. | Wayne. |
| Lancaster. | York. |
| OHIO | |
| Allen. | Mercer. |
| Ashland. | Montgomery. |
| Auglaize. | Morrow. |
| Delaware. | Paulding. |
| Erie. | Pickaway. |
| Fayette. | Preble. |
| Greene. | Putnam. |
| Hancock. | Sandusky. |
| Hardin. | Seneca. |
| Henry. | Stark. |
| Huron. | Tuscarawas. |
| Knox. | Union. |
| Licking. | Van Wert. |
| Marion. | Wayne. |
| Medina. | Williams. |
| PENNSYLVANIA | |
| Chester. | Lebanon. |
| Lancaster. | York. |
| SOUTH DAKOTA | |
| Brookings. | Minnehaha. |
| Clay. | Moody. |
| Kingsbury. | Union. |
| Lincoln. | Yankton. |
| TENNESSEE | |
| Obion. | |
| WISCONSIN | |
| Columbia. | |
| Dane. | Lafayette. |
| Fond du Lac. | Pierce. |
| Grant. | Rock. |
| Green. | Sauk. |
| Iowa. | Trempealeau. |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. McCARTNEY,
*Manager, Federal Crop Insurance Corporation.*

[F.R. Doc. 61-1407; Filed, Feb. 15, 1961; 8:53 a.m.]



## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR COTTON CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for cotton crop insurance for the 1962 crop year.

| | |
|---|---|
| ALABAMA | |
| Blount. | Lawrence. |
| Cherokee. | Limestone. |
| Colbert. | Madison. |
| Cullman. | Marshall. |
| De Kalb. | Morgan. |
| Etowah. | Pickens. |
| Hale. | Tuscaloosa. |
| Jackson. | |
| ARKANSAS | |
| Arkansas. | Monroe. |
| Craighead. | Phillips. |
| Crittenden. | Poinsett. |
| Jefferson. | Saint Francis. |
| Lincoln. | |
| CALIFORNIA | |
| Tulare. | |
| GEORGIA | |
| Brooks. | Tift. |
| Bulloch. | Worth. |
| Colquitt. | |
| KENTUCKY | |
| Fulton. | |
| LOUISIANA | |
| Avoyelles. | Natchitoches. |
| Caddo. | Rapides. |
| East Carroll. | Richland. |
| Evangeline. | Saint Landry. |
| Franklin | Vermilion. |
| Morehouse. | |
| MISSISSIPPI | |
| Alcorn. | Monroe. |
| Bolivar. | Panola. |
| Coahoma. | Pontotoc. |
| De Soto. | Prentiss. |
| Hinds. | Quitman. |
| Holmes. | Sunflower. |
| Humphreys. | Tallahatchie. |
| Jefferson Davis. | Tunica. |
| Lee. | Union. |
| Leflore. | Washington. |
| Madison. | Yazoo. |
| NEW MEXICO | |
| Chaves. | Eddy. |
| Dona Ana. | |
| NORTH CAROLINA | |
| Cleveland. | Nash. |
| Edgecombe. | Robeson. |
| Franklin. | Rutherford. |
| Harnett. | Sampson. |
| Iredell. | Warren. |
| Johnston. | Wayne. |
| Lincoln. | Wilson. |
| Mecklenburg. | |
| OKLAHOMA | |
| Beckham. | Washita. |
| Tillman. | |
| SOUTH CAROLINA | |
| Anderson. | Dillon. |
| Calhoun. | Florence. |
| Chester. | Greenville. |
| Chesterfield. | Lee. |
| Clarendon. | Marlboro. |
| Darlington. | Marion. |
| Orangeburg. | Williamsburg. |
| Spartanburg. | York. |
| Sumter. | |
| TENNESSEE | |
| Carroll. | Lauderdale. |
| Dyer. | McNairy. |
| Fayette. | Madison. |
| Gibson. | Obion. |
| Hardeman. | Shelby. |
| Haywood. | Tipton. |
| Lake. | Weakley. |
| TEXAS | |
| Bailey. | Hunt. |
| Bell. | Lamar. |
| Cameron. | Lamb. |
| Castro. | Limestone. |
| Collin. | Lubbock. |
| Crosby. | McLennan. |
| Denton. | Milam. |
| Ellis. | Navarro. |
| Falls. | Nueces. |
| Fannin. | San Patricio. |
| Floyd. | Swisher. |
| Fort Bend. | Travis. |
| Grayson. | Wilbarger. |
| Hale. | Willacy. |
| Hidalgo. | Williamson. |
| Hill. | Wharton. |
| Hockley. | |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. McCARTNEY,
*Manager, Federal Crop Insurance Corporation.*

[F.R. Doc. 61-1408; Filed, Feb. 15, 1961; 8:53 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR DRY EDIBLE BEAN CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for dry edible bean crop insurance for the 1962 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

| *State and County* | *and Class(es) of Beans Insured* |
|---|---|
| COLORADO | |
| Dolores, Pinto. | Morgan, Pinto. |
| Larimer, Pinto. | Weld, Pinto. |
| Montezuma, Pinto. | |
| IDAHO | |
| Cassia, Great Northern, Pinto, Small Red. | |
| Gooding, Great Northern, Pinto, Small Red. | |
| Jerome, Great Northern, Pinto, Small Red. | |
| Lincoln, Great Northern, Pinto, Small Red. | |
| Minidoka, Great Northern, Pinto, Small Red. | |
| Twin Falls, Great Northern, Pinto, Small Red. | |
| MICHIGAN | |
| Bay, Pea and Medium White. | |
| Gratiot, Pea and Medium White. | |
| Huron, Pea and Medium White. | |
| Saginaw, Pea and Medium White. | |
| St. Clair, Pea and Medium White. | |
| Sanilac, Pea and Medium White. | |
| Shiawassee, Pea and Medium White. | |
| NEBRASKA | |
| Morrill, Great Northern, Pinto. | |
| Scotts Bluff, Great Northern, Pinto. | |
| Box Butte, Great Northern, Pinto. | |
| WASHINGTON | |
| Grant, Great Northern, Pinto, Small Red, Flat Small White. | |
| WYOMING | |
| Goshen, Great Northern, Pinto. | |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. McCARTNEY,
*Manager, Federal Crop Insurance Corporation.*

[F.R. Doc. 61-1409; Filed, Feb. 15, 1961; 8:53 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR FLAX CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for flax crop insurance for the 1962 crop year.

| | |
|---|---|
| MINNESOTA | |
| Becker. | Norman. |
| Big Stone. | Pennington. |
| Brown. | Pipestone. |
| Chippewa. | Polk, East. |
| Clay. | Polk, West. |
| Cottonwood. | Pope. |
| Grant. | Red Lake. |
| Jackson. | Redwood. |
| Kittson. | Renville. |
| Lac qui Parle. | Rock. |
| Lincoln. | Roseau. |
| Lyon. | Stevens. |
| Mahnomen. | Swift. |
| Marshall. | Traverse. |
| Martin. | Wilkin. |
| Murray. | Yellow Medicine. |
| Nobles. | |
| NORTH DAKOTA | |
| Barnes. | Nelson. |
| Benson. | Pembina. |
| Bottineau. | Pierce. |
| Cass. | Ramsey. |
| Cavalier. | Ransom. |
| Dickey. | Richland. |
| Eddy. | Rolette. |
| Emmons. | Sargent. |
| Foster. | Steele. |
| Grand Forks. | Stutsman. |
| Griggs. | Towner. |
| La Moure. | Traill. |
| Logan. | Walsh. |
| McIntosh. | Ward. |
| McLean. | Wells. |
| SOUTH DAKOTA | |
| Brookings. | Grant. |
| Brown. | Hamlin. |
| Clark. | Kingsbury. |
| Codington. | Marshall. |
| Day. | Roberts. |
| Deuel. | |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. McCARTNEY,
*Manager, Federal Crop Insurance Corporation.*

[F.R. Doc. 61-1410; Filed, Feb. 15, 1961; 8:53 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for grain sorghum crop insurance for the 1962 crop year.

KANSAS

Finney. Stafford.

OKLAHOMA

Caddo. Washita.

TEXAS

Hale. Wilbarger.
Lubbock. Williamson.
Nueces.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. MCCARTNEY,
*Manager, Federal Crop Insurance Corporation.*

[F.R. Doc. 61-1411; Filed, Feb. 15, 1961; 8:53 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR OAT CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for oat crop insurance for the 1962 crop year.

IOWA

Delaware. Humboldt.
Emmett. Ida.
Howard.

MICHIGAN

Gratiot. Jackson.

MINNESOTA

Dakota. McLeod.
East Polk. Stearns.
Goodhue. Stevens.
Kandiyohi. Swift.

NORTH DAKOTA

Dickey. Ransom.
Grand Fork. Sargent.
La Moure. Steele.

SOUTH DAKOTA

Grant. Kingsbury.

WISCONSIN

Fond du Lac.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. MCCARTNEY,
*Manager, Federal Crop Insurance Corporation.*

[F.R. Doc. 61-1412; Filed, Feb. 15, 1961; 8:53 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTY DESIGNATED FOR ORANGE CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county has been designated for orange crop insurance for the 1962 crop year.

CALIFORNIA

Tulare.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. MCCARTNEY,
*Manager, Federal Crop Insurance Corporation.*

[F.R. Doc. 61-1413; Filed, Feb. 15, 1961; 8:53 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTY DESIGNATED FOR PEACH CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county has been designated for peach crop insurance for the 1962 crop year.

SOUTH CAROLINA

Spartanburg.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. MCCARTNEY,
*Manager, Federal Crop Insurance Corporation.*

[F.R. Doc. 61-1414; Filed, Feb. 15, 1961; 8:54 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR RICE CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for rice crop insurance for the 1962 crop year.

ARKANSAS

Arkansas. St. Francis.
Poinsett.

LOUISIANA

Evangeline. Vermilion.
St. Landry.

TEXAS

Fort Bend. Wharton.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. MCCARTNEY,
*Manager, Federal Crop Insurance Corporation.*

[F.R. Doc. 61-1415; Filed, Feb. 15, 1961; 8:54 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for soybean crop insurance for the 1962 crop year.

ARKANSAS

Arkansas. Phillips.
Crittenden. Poinsett.
Jefferson. St. Francis.

ILLINOIS

Adams. McLean.
Bond. Macoupin.
Cass. Madison.
Christian. Mason.
Clinton. Menard.
Douglas. Monroe.
Effingham. Montgomery.
Fayette. Morgan.
Ford. Pike.
Fulton. St. Clair.
Greene. Sangamon.
Grundy. Schuyler.
Hancock. Scott.
Jasper. Shelby.
Jersey. Tazewell.
Livingston. Vermilion.
McDonough. Winnebago.

INDIANA

Allen. Madison.
Blackford. Marshall.
Boone. Miami.
Clay. Montgomery.
Carroll. Noble.
Clinton. Pulaski.
Decatur. Randolph.
De Kalb. Ripley.
Delaware. Rush.
Fountain. Shelby.
Howard. Sullivan.
Huntington. Vigo.
Jackson. Wayne.
Johnson. Wells.
Kosciusko. Whitley.

IOWA

Adair. Jones.
Audubon. Kossuth.
Boone. Linn.
Bremer. Lyon.
Buena Vista. Madison.
Buchanan. Mahaska.
Calhoun. Mitchell.
Carroll. O'Brien.
Cass. Osceola.
Cerro Gordo. Polk.
Chickasaw. Pottawattamie, East.
Clay. Pottawattamie, West.
Crawford. Poweshiek.
Delaware. Sac.
Emmett. Shelby.
Fayette. Sioux.
Floyd. Story.
Franklin. Tama.
Fremont. Union.
Guthrie. Warren.
Hancock. Washington.
Hardin. Webster.
Howard. Winnebago.
Humboldt. Winneshiek.
Ida. Worth.

KANSAS

Bourbon. Linn.
Franklin.

MARYLAND

Queen Annes.



MICHIGAN

Gratiot. Saginaw.
Lenawee. St. Joseph.
Monroe. Washtenaw.

MINNESOTA

Big Stone. Murray.
Blue Earth. Nicollet.
Brown. Nobles.
Chippewa. Pipestone.
Cottonwood. Pope.
Dakota. Redwood.
Dodge. Renville.
Faribault. Rice.
Goodhue. Rock.
Jackson. Stearns.
Kandiyohi. Steele.
Lac qui Parle. Stevens.
Lincoln. Swift.
Lyon. Traverse.
McLeod. Wabasha.
Martin. Watonwan.
Meeker. Yellow Medicine.
Mower.

MISSISSIPPI

Bolivar. Quitman.
Leflore. Sunflower.

MISSOURI

Andrew. Johnson.
Audrain. Lafayette.
Bates. Lincoln.
Buchanan. Macon.
Calloway. Marion.
Carroll. Monroe.
Cass. Nodaway.
Chariton. Pettis.
Cooper. Pike.
Daviess. Ralls.
De Kalb. St. Charles.
Gentry. Saline.
Henry. Shelby.
Holt. Vernon.
Howard. Worth.

NEBRASKA

Washington.

NORTH CAROLINA

Beaufort.

OHIO

Allen. Medina.
Ashland. Mercer.
Auglaize. Montgomery.
Delaware. Morrow.
Erie. Paulding.
Fayette. Pickaway.
Greene. Putnam.
Hancock. Sandusky.
Hardin. Seneca.
Henry. Union.
Huron. Van Wert.
Knox. Wayne.
Licking. Williams.
Marion.

SOUTH CAROLINA

Calhoun. Orangeburg.
Marlboro.

SOUTH DAKOTA

Clay. Union.
Lincoln.

TENNESSEE

Lake. Obion.
Lauderdale.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. MCCARTNEY,
*Manager, Federal Crop Insurance Corporation.*

[F.R. Doc. 61-1416; Filed, Feb. 15, 1961; 8:54 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR TOBACCO CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for tobacco crop insurance for the 1962 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the name of the county.

| | |
|---|---|
| **CONNECTICUT** | |
| Hartford | 51, 52 |
| **FLORIDA** | |
| Alachua | 14 |
| Columbia | 14 |
| Hamilton | 14 |
| Madison | 14 |
| Suwannee | 14 |
| **GEORGIA** | |
| Appling | 14 |
| Bacon | 14 |
| Berrien | 14 |
| Brooks | 14 |
| Bulloch | 14 |
| Candler | 14 |
| Coffee | 14 |
| Colquitt | 14 |
| Cook | 14 |
| Irwin | 14 |
| Lanier | 14 |
| Lowndes | 14 |
| Mitchell | 14 |
| Pierce | 14 |
| Tift | 14 |
| Ware | 14 |
| Worth | 14 |
| **KENTUCKY** | |
| Adair | 31 |
| Allen | 31, 35 |
| Anderson | 31 |
| Barren | 31 |
| Bath | 31 |
| Bourbon | 31 |
| Bracken | 31 |
| Breckenridge | 31 |
| Caldwell | 22, 31, 35 |
| Calloway | 23, 35 |
| Casey | 31 |
| Christian | 22, 31, 35 |
| Clark | 31 |
| Daviess | 31, 36 |
| Fleming | 31 |
| Franklin | 31 |
| Garrard | 31 |
| Grant | 31 |
| Graves | 23, 31, 35 |
| Green | 31 |
| Harrison | 31 |
| Hart | 31 |
| Henry | 31 |
| Larue | 31 |
| Lincoln | 31 |
| Logan | 22, 31, 35 |
| Mason | 31 |
| Mercer | 31 |
| Metcalfe | 31 |
| Montgomery | 31 |
| Nelson | 31 |
| Nicholas | 31 |
| Owen | 31 |
| Pendleton | 31 |
| Pulaski | 31 |
| Robertson | 31 |
| Russell | 31 |
| Scott | 31 |
| Simpson | 31, 35 |
| Spencer | 31 |
| Todd | 22, 31, 35 |
| Warren | 31, 35 |
| Washington | 31 |
| Wayne | 31 |
| Woodford | 31 |
| **MARYLAND** | |
| Charles | 32 |
| Calvert | 32 |
| St. Marys | 32 |
| **MASSACHUSETTS** | |
| Hampshire | 52 |
| **NORTH CAROLINA** | |
| Alamance | 11a |
| Beaufort | 12 |
| Bladen | 13 |
| Brunswick | 13 |
| Buncombe | 31 |
| Caswell | 11a |
| Columbus | 13 |
| Cumberland | 13 |
| Davidson | 11a |
| Duplin | 12 |
| Edgecombe | 12 |
| Forsyth | 11a |
| Franklin | 11b |
| Granville | 11b |
| Greene | 12 |
| Guilford | 11a |
| Harnett | 11b |
| Iredell | 11a |
| Jones | 12 |
| Johnston | 12 |
| Lee | 11b |
| Lenoir | 12 |
| Madison | 31 |
| Martin | 12 |
| Moore | 11b |
| Nash | 12 |
| Person | 11a |
| Pitt | 12 |
| Robeson | 13 |
| Rockingham | 11a |
| Sampson | 12 |
| Stokes | 11a |
| Surry | 11a |
| Vance | 11b |
| Wake | 11b |
| Warren | 11b |
| Wayne | 12 |
| Wilson | 12 |
| Yadkin | 11a |
| **OHIO** | |
| Adams | 31 |
| Brown | 31 |
| Highland | 31 |
| **PENNSYLVANIA** | |
| Lancaster | 41 |
| Lebanon | 41 |
| York | 41 |
| **SOUTH CAROLINA** | |
| Chesterfield | 13 |
| Clarendon | 13 |
| Darlington | 13 |
| Dillon | 13 |
| Florence | 13 |
| Horry | 13 |
| Lee | 13 |
| Marion | 13 |
| Marlboro | 13 |
| Sumter | 13 |
| Williamsburg | 13 |
| **TENNESSEE** | |
| Clairborne | 31 |
| De Kalb | 31 |
| Dickson | 22 |
| Franklin | 31 |
| Grainger | 31 |
| Greene | 31 |
| Hamblen | 31 |
| Hawkins | 31 |
| Johnson | 31 |
| Loudon | 31 |
| Marshall | 31 |
| McMinn | 31 |
| Maury | 31 |
| Monroe | 31 |

TENNESSEE—Continued

| | |
|---|---|
| Montgomery | 22, 31 |
| Obion | 23, 35 |
| Putnam | 31 |
| Robertson | 22, 31, 35 |
| Sevier | 31 |
| Smith | 31 |
| Stewart | 22, 31 |
| Sullivan | 31 |
| Sumner | 22, 31, 35 |
| Trousdale | 31 |
| Unicoi | 31 |
| Washington | 31 |
| Weakley | 23, 35 |
| Williamson | 31 |
| Wilson | 31 |

VIRGINIA

| | |
|---|---|
| Appomattox | 11a, 21 |
| Brunswick | 11a, 21 |
| Campbell | 11a, 21 |
| Charlotte | 11a, 21 |
| Cumberland | 11a, 21, 37 |
| Dinwiddie | 11a, 21 |
| Halifax | 11a |
| Lee | 31 |
| Lunenburg | 11a |
| Mecklenburg | 11a |
| Nottoway | 11a, 21 |
| Pittsylvania | 11a |
| Prince Edward | 11a, 21, 37 |
| Russell | 31 |
| Scott | 31 |
| Washington | 31 |

WISCONSIN

| | |
|---|---|
| Dane | 54 |
| Vernon | 55 |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. MCCARTNEY,
*Manager, Federal Crop Insurance Corporation.*

[F.R. Doc. 61-1417; Filed, Feb. 15, 1961; 8:54 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published September 23, 1960, which were designated for wheat crop insurance for the 1962 crop year.

IDAHO

Lincoln.

ILLINOIS

Hancock.

KANSAS

| | |
|---|---|
| Allen. | Johnson. |
| Anderson. | Labette. |
| Chase. | Lyon. |
| Chautauqua. | Miami. |
| Coffey. | Neosho. |
| Crawford. | Osage. |
| Doniphan. | Pottawatomie. |
| Douglas. | Riley. |
| Elk. | Shawnee. |
| Geary. | Wabaunsee. |
| Greenwood. | Wilson. |
| Jefferson. | Woodson. |

MICHIGAN

Washtenaw.

MINNESOTA

| | |
|---|---|
| Chippewa. | Red Lake. |
| Pennington. | Roseau. |

MISSOURI

Lincoln.

MONTANA

Toole. Stillwater.

OKLAHOMA

| | |
|---|---|
| Craig. | Ottawa. |
| Nowata. | Pawnee. |
| Osage. | Washington. |

PENNSYLVANIA

York.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. MCCARTNEY,
*Manager, Federal Crop Insurance Corporation.*

[F.R. Doc. 61-1418; Filed, Feb. 15, 1961; 8:54 a.m.]

## Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 7]

## PART 729—PEANUTS

### Allotment and Marketing Quota Regulations for 1959 and Subsequent Crops

I. *Basis and purpose.* (a) The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of revising § 729.1023(c), 729.1024(a) and 729.1024(b) of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567) to include closing dates relating to the beginning of the normal planting season for peanuts and to the release and reapportionment of acreage allotted for peanuts. Such closing dates shall be effective for the 1961 and subsequent crops of peanuts until changed or superseded.

(b) It is essential that the closing dates established by this document be made known to peanut producers as soon as possible because such producers are currently making operating plans for the 1961 crop of peanuts. It is therefore hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of Section 4 of the Administrative Procedure Act (5 U.S.C. 1003), is impracticable and contrary to the public interest and this amendment shall be effective upon the filing of this document with the Director, Office of the Federal Register.

II. Paragraph (c) of § 729.1023 is hereby amended to read as follows:

**§ 729.1023 Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.**

* * * * *

(c) Any reduction made under this section shall be made with respect to the current year farm allotment, provided it can be made at least 30 days prior to the beginning of the normal planting season for the county in which the farm is located. If the reduction can not be made effective with respect to the current year crop, such reduction shall be made with respect to a farm allotment subsequently established for the farm. This section shall not apply if the farm allotment for any prior year was reduced on account of the same violation. For purposes of this section the following dates are hereby established as the beginning of the normal planting season for peanuts.

| State | Date |
|---|---|
| Alabama | Mar. 25 |
| Arizona | Mar. 20 |
| Arkansas | May 15 |
| California: | |
| Imperial and Riverside Counties | Mar. 15 |
| San Joaquin Valley Counties | May 15 |
| Florida | Feb. 15 |
| Georgia | Mar. 25 |
| Louisiana | June 1 |
| Mississippi | Apr. 20 |
| Missouri | Apr. 15 |
| New Mexico | May 1 |
| North Carolina | May 1 |
| Oklahoma | May 10 |
| South Carolina | May 15 |
| Tennessee | May 1 |
| Virginia | May 1 |

TEXAS, ZONE I, MARCH 10

Comprised of the counties of:

| | |
|---|---|
| Atascosa. | Kleberg. |
| Bandera. | La Salle. |
| Bee. | Live Oak. |
| Bexar. | McMullen. |
| Brooks. | Maverick. |
| Cameron. | Medina. |
| Comal. | Nueces. |
| Dimmit. | Real. |
| Duval. | San Patricio. |
| Edwards. | Starr. |
| Frio. | Uvalde. |
| Hidalgo. | Val Verde. |
| Jim Hogg. | Webb. |
| Jim Wells. | Willacy. |
| Kendall. | Wilson. |
| Kenedy. | Zapata. |
| Kerr. | Zavala. |
| Kenney. | |

TEXAS, ZONE II, APRIL 3

Comprised of the counties of:

| | |
|---|---|
| Anderson. | Crane. |
| Andrews. | Crockett. |
| Angelina. | Culbertson. |
| Aransas. | Dallas. |
| Archer. | Dawson. |
| Austin. | Delta. |
| Bastrop. | Denton. |
| Bell. | De Witt. |
| Blanco. | Eastland. |
| Borden. | Ector. |
| Bosque. | Ellis. |
| Bowie. | El Paso. |
| Brazoria. | Erath. |
| Brazos. | Falls. |
| Brewster. | Fannin. |
| Brown. | Fayette. |
| Burleson. | Fisher. |
| Burnet. | Fort Bend. |
| Caldwell. | Franklin. |
| Calhoun. | Freestone. |
| Callahan. | Gaines. |
| Camp. | Galveston. |
| Cass. | Gillespie. |
| Chambers. | Glasscock. |
| Cherokee. | Goliad. |
| Clay. | Gonzales. |
| Coke. | Grayson. |
| Coleman. | Gregg. |
| Collin. | Grimes. |
| Colorado. | Guadalupe. |
| Comanche. | Hamilton. |
| Concho. | Hardin. |
| Cooke. | Harris. |
| Coryell. | Harrison. |



TEXAS, ZONE II, APRIL 3—Continued

| | |
|---|---|
| Hays. | Panola. |
| Henderson. | Parker. |
| Hill. | Pecos. |
| Hood. | Polk. |
| Hopkins. | Presidio. |
| Houston. | Rains. |
| Howard. | Reagan. |
| Hudspeth. | Red River. |
| Hunt. | Reeves. |
| Irion. | Refugio. |
| Jack. | Robertson. |
| Jackson. | Rockwall. |
| Jasper. | Runnels. |
| Jeff Davis. | Rusk. |
| Jefferson. | Sabine. |
| Johnson. | San Augustine. |
| Jones. | San Jacinto. |
| Karnes. | San Saba. |
| Kaufman. | Schleicher. |
| Kimble. | Scurry. |
| Lamar. | Shackelford. |
| Lampasas. | Shelby. |
| Lavaca. | Smith. |
| Lee. | Somervell. |
| Leon. | Stephens. |
| Liberty. | Sterling. |
| Limestone. | Sutton. |
| Llano. | Tarrant. |
| Loving. | Taylor. |
| McCulloch. | Terrell. |
| McLennan. | Titus. |
| Madison. | Tom Green. |
| Marion. | Travis. |
| Martin. | Trinity. |
| Mason. | Tyler. |
| Matagorda. | Upshur. |
| Menard. | Upton. |
| Midland. | Van Zandt. |
| Milam. | Victoria. |
| Mills. | Walker. |
| Mitchell. | Waller. |
| Montague. | Ward. |
| Montgomery. | Washington. |
| Morris. | Wharton. |
| Nacogdoches. | Wichita. |
| Navarro. | Williamson. |
| Newton. | Winkler. |
| Nolan. | Wise. |
| Orange. | Wood. |
| Palo Pinto. | Young. |

TEXAS, ZONE III, APRIL 17

Comprised of the counties of:

| | |
|---|---|
| Armstrong. | Hockley. |
| Bailey. | Hutchinson. |
| Baylor. | Kent. |
| Briscoe. | King. |
| Carson. | Knox. |
| Castro. | Lamb. |
| Childress. | Lipscomb. |
| Cochran. | Lubbock. |
| Collingsworth. | Lynn. |
| Cottle. | Moore. |
| Crosby. | Motley. |
| Dallam. | Ochiltree. |
| Deaf Smith. | Oldham. |
| Dickens. | Parmer. |
| Donley. | Potter. |
| Floyd. | Randall. |
| Foard. | Roberts. |
| Garza. | Sherman. |
| Gray. | Stonewall. |
| Hale. | Swisher. |
| Hall. | Terry. |
| Hansford. | Throckmorton. |
| Hardeman. | Wheeler. |
| Hartley. | Wilbarger. |
| Haskell. | Yoakum. |
| Hemphill. | |

III. Paragraph (a) of § 729.1024 is hereby amended to read as follows:

**§ 729.1024 Release and reapportionment.**

(a) *Release of acreage allotments.* Any part of the acreage allotted for the current year to an individual farm in any county under the provisions of § 729.1018 on which peanuts will not be produced and which the operator of the farm voluntarily surrenders in writing to the county committee shall be deducted from the allotment to such farm, provided such acreage is surrendered not later than the applicable of the closing dates specified below. If any part of the farm allotment is permanently released (i.e., for the current year and all subsequent years), such release shall be in writing and signed by the owner and operator of the farm. If the entire current year farm allotment is permanently released, the farm shall not thereafter during the current year be eligible for a farm allotment as either an old farm or as a new farm, and the farm peanut history acreages and farm allotments for the current year and prior years shall not be considered in establishing an allotment for the farm for any subsequent year. The following dates are hereby established as the closing dates for releasing acreage which will not be used on the farm for which allotted.

| State | Date |
|---|---|
| Alabama | Mar. 15 |
| Arizona | Mar. 1 |
| Arkansas | May 15 |
| California: | |
| Imperial and Riverside Counties | Mar. 16 |
| San Joaquin Valley Counties | May 15 |
| Florida | Mar. 15 |
| Georgia | Apr. 1 |
| Louisiana | May 29 |
| Mississippi | May 1 |
| Missouri | May 1 |
| New Mexico | May 6 |
| North Carolina | Apr. 30 |
| Oklahoma | May 29 |
| South Carolina | May 1 |
| Tennessee | Apr. 1 |
| Virginia | Apr. 15 |

TEXAS, ZONE I, MARCH 1

Comprised of the counties of:

| | |
|---|---|
| Aransas. | Karnes. |
| Atascosa. | Kendall. |
| Austin. | Kenedy. |
| Bandera. | Kerr. |
| Bee. | Kinney. |
| Bexar. | Kleberg. |
| Brazoria. | La Salle. |
| Brooks. | Lavaca. |
| Calhoun. | Liberty. |
| Cameron. | Live Oak. |
| Chambers. | McMullen. |
| Colorado. | Matagorda. |
| Comal. | Maverick. |
| De Witt. | Medina. |
| Dimmit. | Nueces. |
| Duval. | Orange. |
| Edwards. | Real. |
| Fort Bend. | Refugio. |
| Frio. | San Patricio. |
| Galveston. | Starr. |
| Goliad. | Uvalde. |
| Gonzales. | Val Verde. |
| Guadalupe. | Victoria. |
| Hardin. | Waller. |
| Harris. | Webb. |
| Hidalgo. | Wharton. |
| Jackson. | Willacy. |
| Jefferson. | Wilson. |
| Jim Hogg. | Zapata. |
| Jim Wells. | Zavala. |

TEXAS, ZONE II, APRIL 4

Comprised of the counties of:

| | |
|---|---|
| Anderson. | Archer. |
| Andrews. | Bastrop. |
| Angelina. | Bell. |

TEXAS, ZONE II, APRIL 4—Continued

| | |
|---|---|
| Blanco. | Limestone. |
| Borden. | Llano. |
| Bosque. | Loving. |
| Bowie. | McCulloch. |
| Brazos. | McLennan. |
| Brewster. | Madison. |
| Brown. | Marion. |
| Burleson. | Martin. |
| Burnet. | Mason. |
| Caldwell. | Menard. |
| Callahan. | Midland. |
| Camp. | Milam. |
| Cass. | Mills. |
| Cherokee. | Mitchell. |
| Clay. | Montague. |
| Coke. | Montgomery. |
| Coleman. | Morris. |
| Collin. | Nacogdoches. |
| Comanche. | Navarro. |
| Concho. | Newton. |
| Cooke. | Nolan. |
| Coryell. | Palo Pinto. |
| Crane. | Panola. |
| Crockett. | Parker. |
| Culberson. | Pecos. |
| Dallas. | Polk. |
| Dawson. | Presidio. |
| Delta. | Rains. |
| Denton. | Reagan. |
| Eastland. | Red River. |
| Ector. | Reeves. |
| Ellis. | Robertson. |
| El Paso. | Rockwall. |
| Erath. | Runnels. |
| Falls. | Rusk. |
| Fannin. | Sabine. |
| Fayette. | San Augustine. |
| Fisher. | San Jacinto. |
| Franklin. | San Saba. |
| Freestone. | Schleicher. |
| Gaines. | Scurry. |
| Gillespie. | Shackelford. |
| Glasscock. | Shelby. |
| Grayson. | Smith. |
| Gregg. | Somervell. |
| Grimes. | Stephens. |
| Hamilton. | Sterling. |
| Harrison. | Sutton. |
| Hays. | Tarrant. |
| Henderson. | Taylor. |
| Hill. | Terrell. |
| Hood. | Titus. |
| Hopkins. | Tom Green. |
| Houston. | Travis. |
| Howard. | Trinity. |
| Hudspeth. | Tyler. |
| Hunt. | Upshur. |
| Irion. | Upton. |
| Jack. | Van Zandt. |
| Jasper. | Walker. |
| Jeff Davis. | Ward. |
| Johnson. | Washington. |
| Jones. | Wichita. |
| Kaufman. | Williamson. |
| Kimble. | Winkler. |
| Lamar. | Wise. |
| Lampasas. | Wood. |
| Lee. | Young. |
| Leon. | |

TEXAS, ZONE III, APRIL 18

Comprised of the counties of:

| | |
|---|---|
| Armstrong. | Garza. |
| Bailey. | Gray. |
| Baylor. | Hale. |
| Briscoe. | Hall. |
| Carson. | Hansford. |
| Castro. | Hardeman. |
| Childress. | Hartley. |
| Cochran. | Haskell. |
| Collingsworth. | Hemphill. |
| Cottle. | Hockley. |
| Crosby. | Hutchinson. |
| Dallam. | Kent. |
| Deaf Smith. | King. |
| Dickens. | Knox. |
| Donley. | Lamb. |
| Floyd. | Lipscomb. |
| Foard. | Lubbock. |

TEXAS, ZONE III, APRIL 18—Continued

| | |
|---|---|
| Lynn. | Sherman. |
| Moore. | Stonewall. |
| Motley. | Swisher. |
| Ochiltree. | Terry. |
| Oldham. | Throckmorton. |
| Parmer. | Wheeler. |
| Potter. | Wilbarger. |
| Randall. | Yoakum. |
| Roberts. | |

IV. Paragraph (b) of § 729.1024 is hereby amended to read as follows:

§ 729.1024 Release and reapportionment.

* * * * *

(b) *Reapportionment of released acreage allotment.* The acreage released under paragraph (a) of this section may be reapportioned by the county committee, to other farms in the same county receiving allotments, in amounts determined by the county committee to be fair and reasonable on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts; except that, any acreage allotment released from a farm which is covered in whole or in part by a Soil Bank Conservation Reserve Contract or for which an application is pending for a Conservation Reserve Contract, shall not be reapportioned by the county committee to any other farm. In the following States a farm shall be eligible to receive a reapportionment of released acreage only if an application is filed by the farm owner or operator with the county committee not later than the applicable of the dates specified.

| *State* | *Date* |
|---|---|
| Alabama | Mar. 15 |
| Florida | Mar. 31 |
| Georgia | Apr. 1 |
| New Mexico | May 13 |
| North Carolina | Apr. 30 |
| South Carolina | May 31 |
| Tennessee | Apr. 15 |
| Virginia | Apr. 15 |

TEXAS, ZONE I, MARCH 1

Comprised of the counties of:

| | |
|---|---|
| Aransas. | Jim Hogg. |
| Atascosa. | Jim Wells. |
| Austin. | Karnes. |
| Bandera. | Kendall. |
| Bee. | Kenedy. |
| Bexar. | Kerr. |
| Brazoria. | Kinney. |
| Brooks. | Kleberg. |
| Calhoun. | La Salle. |
| Cameron. | Lavaca. |
| Chambers. | Liberty. |
| Colorado. | Live Oak. |
| Comal. | McMullen. |
| De Witt. | Matagorda. |
| Dimmit. | Maverick. |
| Duval. | Medina. |
| Edwards. | Nueces. |
| Fort Bend. | Orange. |
| Frio. | Real. |
| Galveston. | Refugio. |
| Goliad. | San Patricio. |
| Gonzales. | Starr. |
| Guadalupe. | Uvalde. |
| Hardin. | Val Verde. |
| Harris. | Victoria. |
| Hidalgo. | Waller. |
| Jackson. | Webb. |
| Jefferson. | Wharton. |

TEXAS, ZONE I, MARCH 1—Continued

| | |
|---|---|
| Willacy. | Zapata. |
| Wilson. | Zavala. |

TEXAS, ZONE II, APRIL 4

Comprised of the counties of:

| | |
|---|---|
| Anderson. | Lampasas. |
| Andrews. | Lee. |
| Angelina. | Leon. |
| Archer. | Limestone. |
| Bastrop. | Llano. |
| Bell. | Loving. |
| Blanco. | McCulloch. |
| Borden. | McLennan. |
| Bosque. | Madison. |
| Bowie. | Marion. |
| Brazos. | Martin. |
| Brewster. | Mason. |
| Brown. | Menard. |
| Burleson. | Midland. |
| Burnet. | Milam. |
| Caldwell. | Mills. |
| Callahan. | Mitchell. |
| Camp. | Montague. |
| Cass. | Montgomery. |
| Cherokee. | Morris. |
| Clay. | Nacogdoches. |
| Coke. | Navarro. |
| Coleman. | Newton. |
| Collin. | Nolan. |
| Comanche. | Palo Pinto. |
| Concho. | Panola. |
| Cooke. | Parker. |
| Coryell. | Pecos. |
| Crane. | Polk. |
| Crockett. | Presidio. |
| Culberson. | Rains. |
| Dallas. | Reagan. |
| Dawson. | Red River. |
| Delta. | Reeves. |
| Denton. | Robertson. |
| Eastland. | Rockwall. |
| Ector. | Runnels. |
| Ellis. | Rusk. |
| El Paso. | Sabine. |
| Erath. | San Augustine. |
| Falls. | San Jacinto. |
| Fannin. | San Saba. |
| Fayette. | Schleicher. |
| Fisher. | Scurry. |
| Franklin. | Shackelford. |
| Freestone. | Shelby. |
| Gaines. | Smith. |
| Gillespie. | Somervell. |
| Glasscock. | Stephens. |
| Grayson. | Sterling. |
| Gregg. | Sutton. |
| Grimes. | Tarrant. |
| Hamilton. | Taylor. |
| Harrison. | Terrell. |
| Hays. | Titus. |
| Henderson. | Tom Green. |
| Hill. | Travis. |
| Hood. | Trinity. |
| Hopkins. | Tyler. |
| Houston. | Upshur. |
| Howard. | Upton. |
| Hudspeth. | Van Zandt. |
| Hunt. | Walker. |
| Irion. | Ward. |
| Jack. | Washington. |
| Jasper. | Wichita. |
| Jeff Davis. | Williamson. |
| Johnson. | Winkler. |
| Jones. | Wise. |
| Kaufman. | Wood. |
| Kimble. | Young. |
| Lamar. | |

TEXAS, ZONE III, APRIL 18

Comprised of the counties of:

| | |
|---|---|
| Armstrong. | Childress. |
| Bailey. | Cochran. |
| Baylor. | Collingsworth. |
| Briscoe. | Cottle. |
| Carson. | Crosby. |
| Castro. | Dallam. |

TEXAS, ZONE III, APRIL 18—Continued

| | |
|---|---|
| Deaf Smith. | Lipscomb. |
| Dickens. | Lubbock. |
| Donley. | Lynn. |
| Floyd. | Moore. |
| Foard. | Motley. |
| Garza. | Ochiltree. |
| Gray. | Oldham. |
| Hale. | Parmer. |
| Hall. | Potter. |
| Hansford. | Randall. |
| Hardeman. | Roberts. |
| Hartley. | Sherman. |
| Haskell. | Stonewall. |
| Hemphill. | Swisher. |
| Hockley. | Terry. |
| Hutchinson. | Throckmorton. |
| Kent. | Wheeler. |
| King. | Wilbarger. |
| Knox. | Yoakum. |
| Lamb. | |

No application need be filed in other States to make a farm eligible to receive a reapportionment of released acreage.

(Secs. 358, 359, 375, 55 Stat. 88, as amended, 90, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1359, 1375)

Done at Washington, D.C., this 10th day of February 1961.

H. D. GODFREY,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61-1342; Filed, Feb. 15, 1961; 8:45 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

## PART 1—GENERAL RULES OF PRACTICE

### Motor Carrier Boards

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 7th day of February A.D. 1961.

The Commission on the date hereof having created three boards of employees, designated collectively as the Motor Carrier Boards, to which certain classes of proceedings that have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits have been assigned, and the matter of revising the special rules of procedure of other employee boards to include and apply to the Motor Carrier Boards being under consideration:

*It is ordered*, That, to implement the action creating the Motor Carrier Boards, § 1.225 (a) and (b) of Chapter I of Title 49 of the Code of Federal Regulations (49 CFR 1.225) is revised to read as follows:

§ 1.225 Special rules of practice governing the procedure of the Temporary Authorities Board, the Transfer Board, the Finance Boards, the Safety and Service Boards, and the Motor Carrier Boards.

(a) The proceedings of the Temporary Authorities Board, the Transfer Board, the Finance Boards, the Safety and Service Boards, and the Motor Carrier Boards shall be informal. No transcription of such proceedings will be made. Subpoenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) A petition for reconsideration of an order of the Temporary Authorities Board, the Transfer Board, a Finance Board, or a Safety and Service Board, or of an order, requirement or other action by a Motor Carrier Board may be filed by any interested person. Such petition and the reply thereto will be governed by the Commission's general rules of practice, except as otherwise provided in paragraphs (c), (d) and (e) of this section.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended; secs. 204, 205, 49 Stat. 546, as amended, 548, as amended; sec. 304, 54 Stat. 933; sec. 403, 56 Stat. 285; 49 U.S.C. 12, 17, 304, 305, 904, 1003)

*It is further ordered*, That the foregoing amendments shall become effective February 21, 1961.

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-1372; Filed, Feb. 15, 1961; 8:48 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 654; Amdt. 254]

## PART 507—AIRWORTHINESS DIRECTIVES

### Fairchild F-27 Series Aircraft

Amendment 167 (25 F.R. 4803), required repetitive inspection of the rudder rib web in the vicinity of the tab hinge attach fitting on Fairchild F-27 aircraft. The manufacturer has developed a modification to eliminate the free balance tab condition which caused the rib failures, and such a modification will be incorporated on all aircraft beginning with Serial No. 84 by the manufacturer. It has been determined that when the modification is incorporated, the special repetitive inspections are no longer necessary. Accordingly, Amendment 167 is being amended to provide for the modification and discontinuance of the inspections when the modification is accomplished.

Since the amendment provides for an optional means of compliance and imposes no additional burden, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489) § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 167, Fairchild F-27 Series aircraft, 25 F.R. 4803, is amended as follows:

(1) By revising the applicability statement to read "Fairchild. Applies to F-27 aircraft Serial Nos. 1 to 83, inclusive."

(2) By adding a new paragraph "c" following the final parenthetical statement as follows:

(c) When the modifications specified below for the rudder balance tab control system have been made, the repetitive inspections specified in this AD may be discontinued.

(1) Airplanes with Serial Nos. 1 to 65 inclusive:

(i) Remove bushing, P/N NAS75-3-009, from balance-tab bellcrank, P/N 27-728448-1 or -11, and install block, P/N 27-728448-3.

(ii) Remove rudder bellcrank fin attachment plate (aluminum alloy), P/N 27-232108-45 or -57, by opening lower skin on left and right side of fin adjacent to attachment plate and install new steel attachment plate, P/N 27-232108-63.

(2) On airplanes with Serial Nos. 1 to 83 inclusive, install guide assembly, P/N 27-232109-31, to rudder bellcrank fin attachment plate.

NOTE: On airplanes on which the rudder bellcrank was previously modified in accordance with Fairchild Service Letter F27-178 dated May 13, 1959, ensure that block and bellcrank will fully engage slot in fin attachment plate.

(Fairchild Service Bulletin No. 27-30 dated October 13, 1960, covers this subject.)

This amendment shall become effective February 16, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 9, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-1351; Filed, Feb. 15, 1961; 8:45 a.m.]

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-NY-116]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Control Zone

On December 8, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 12574) stating that the Federal Aviation Agency proposed to revoke the Blackstone, Va., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, § 601.1983 (14 CFR 601.1983) is amended by deleting the following:

Blackstone, Va.: Blackstone AAF.

This amendment shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 9, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1352; Filed, Feb. 15, 1961; 8:45 a.m.]

[Airspace Docket No. 60-NY-130]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas and Reporting Points

On December 8, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 12572) stating that the Federal Aviation Agency proposed to revoke Blue Federal airway No. 66 in its entirety, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended as follows:

1. Section 600.666 *Blue Federal airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N.Y.)* is revoked.

2. Section 601.666 *Blue Federal airway No. 66 control areas (Bridgeport Conn., to Poughkeepsie, N.Y.)* is revoked.

3. Section 601.4666 *Blue Federal airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N.Y.)* is revoked.

These amendments shall become effective 0001 e.s.t, April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 9, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1353; Filed, Feb. 15, 1961; 8:45 a.m.]

[Airspace Docket No. 60-NY-115]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas and Reporting Points

On December 10, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 12712) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 73 in its entirety, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the Notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by revoking the following sections:

1. Section 600.273 *Red Federal airway No. 73 (Baltimore, Md., to Millville, N.J.).*
2. Section 601.273 *Red Federal airway No. 73 control areas (Baltimore, Md., to Millville, N.J.).*
3. Section 601.4273 *Red Federal airway No. 73 (Baltimore, Md., to Millville, N.J.).*

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 9, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1354; Filed, Feb. 15, 1961; 8:45 a.m.]

[Airspace Docket No. 60-WA-260]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Points

On November 11, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 10774) stating that the Federal Aviation Agency proposed to revoke the segment of Green Federal airway No. 2, its associated control areas and reporting points, between Minneapolis, Minn., and Detroit, Mich.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following actions are taken:

§ 600.12 [Amendment]

1. In § 600.12 (14 CFR 600.12; 25 F.R. 9242; 26 F.R. 715) the following changes are made:

(a) In the caption "*(Seattle, Wash., to Windsor, Ontario, Canada, and Clear Creek, Ontario, Canada, to Dunkirk, N.Y.).*" is deleted and "*(Seattle, Wash., to Minneapolis, Minn., and Detroit, Mich., to Dunkirk, N.Y.).*" is substituted therefor.

(b) In the text "Minneapolis, Minn., radio range station; La Crosse, Wis., radio range station; the intersection of the southeast course of the La Crosse, Wis., radio range and the west course of the Madison, Wis., radio range; Madison, Wis., radio range station; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; the intersection of the east course of the Lansing, Mich., radio range and the north course of the Detroit, Mich., radio range; Detroit, Mich., radio range station to the Windsor, Ontario, Canada, radio range station. From the Clear Creek, Ontario, Canada, RBN to the Dunkirk, N.Y., RBN." is deleted and "to the Minneapolis, Minn., RR. From the Detroit, Mich., RR via the Windsor, Ontario, Canada, RR; Clear Creek, Ontario, Canada, RBN to the Dunkirk, N.Y., RBN, excluding the portion that lies outside the United States." is substituted therefor.

2. Section 601.12 (14 CFR 601.12; 26 F.R. 715) is amended to read:

§ 601.12 Green Federal airway No. 2 control areas (Seattle, Wash., to Minneapolis, Minn., and Detroit, Mich., to Dunkirk, N.Y.).

All of Green Federal airway No. 2.

§ 601.4012 [Amendment]

3. In § 601.4012 (14 CFR 601.4012; 25 F.R. 9242; 26 F.R. 715) the following changes are made:

(a) In the caption "*(Seattle, Wash., to Windsor, Ontario, Canada, and Clear Creek, Ontario, Canada, to Dunkirk, N.Y.).*" is deleted and "*(Seattle, Wash., to Minneapolis, Minn., and Detroit, Mich., to Dunkirk, N.Y.).*" is substituted therefor.

(b) In the text "La Crosse, Wis., radio range station; the intersection of the southeast course of the La Crosse, Wis., radio range and the west course of the Madison, Wis., radio range; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station;" is deleted.

These amendments shall become effective 0002 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 9, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1355; Filed, Feb. 15, 1961; 8:45 a.m.]

[Airspace Docket No. 60-NY-117]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas and Reporting Points

On December 8, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 12573) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 51 in its entirety, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, Parts 600 and 601 (14 CFR 600, 601) are amended by revoking the following sections:

1. Section 600.251 *Red Federal airway No. 51 (Blackstone, Va., to Norfolk, Va.).*
2. Section 601.251 *Red Federal airway No. 51 control areas (Blackstone, Va., to Norfolk, Va.).*
3. Section 601.4251 *Red Federal airway No. 51 (Blackstone, Va., to Norfolk, Va.).*

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 9, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1356; Filed, Feb. 15, 1961; 8:45 a.m.]



[Reg. Docket No. 648; Amdt. 205]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| PROCEDURE CANCELLED, EFFECTIVE 25 FEBRUARY 1961, OR UPON DECOMMISSIONING OF FACILITY. | | | | | | | |
| City, Gage; State, Okla.; Airport Name, Municipal; Elev., 2223'; Fac. Class., SBRAZ; Ident., GAG; Procedure No. 1, Amdt. 3; Eff. Date, 16 Aug. 54; Sup. Amdt. No. 2; Dated, 2 Aug. 60 | | | | | | | |
| McDonald Pass FM | HN-LFR | Direct | 8500 | T-d | 800-2 | 800-2 | 800-2 |
| HLN-VOR | HN-LFR | Direct | 8000 | T-n | 800-2 | 800-2 | 800-2 |
| Winston FM | HN-LFR (Final)* | Direct | 6000 | C-d | 1600-2 | 1600-2 | 1600-2 |
| | | | | C-n | 1600-3 | 1600-3 | 1600-3 |
| | | | | A-d | 2000-2 | 2000-2 | 2000-2 |
| | | | | A-n | 2000-3 | 2000-3 | 2000-2 |

Procedure turn North side SE crs, 100° Outbnd, 280° Inbnd, 8000' within 10 miles. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 6000'.
Crs and distance, facility to airport, 521°—1.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles, make right climbing turn to SE crs, climb to 8000' within 10 miles of HN-LFR.
*Maintain at least 8500' until 1.2 mi past Winston FM.

City, Helena; State, Mont.; Airport Name, Helena County-City; Elev., 3882'; Fac. Class., SBMRAZ; Ident., HN; Procedure No. 1, Amdt. 6; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 5; Dated, 2 Feb. 57

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Lubbock VOR | LX-LFR | Direct | 4500 | T-dn | 800-1 | 800-1 | 800-1½ |
| | | | | C-d | 700-1 | 700-1 | 700-1½ |
| | | | | C-n | 700-1½ | 700-1½ | 700-2 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of W crs, 258° Outbnd, 078° Inbnd, 4500' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 4300'.
Crs and distance, facility to airport, 075°—10.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.1 mi, climb to 4500' on E crs (078°) within 20 mi.
NOTE: This procedure not approved for ADF approach.
MAJOR CHANGE: Deletes transition from Roundup FM.

City, Lubbock; State, Tex.; Airport Name, Municipal; Elev., 3256'; Fac. Class., SBMRLZ; Ident., LX; Procedure No. 1, Amdt. 10; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 9; Dated, 23 July 55

PROCEDURE CANCELLED, EFFECTIVE 25 FEBRUARY 1961, OR UPON CLOSING OF LOBB FIELD.

City, Rochester; State, Minn.; Airport Name, Lobb Field; Elev., 1041'; Fac. Class., SMBRLZ; Ident., RST; Procedure No. 1, Amdt. 11; Eff. Date, 23 Apr. 60; Sup. Amdt. No. 10; Dated, 23 Apr. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Stockton VOR | SK-LFR | Direct | 1500 | T-dn | 300-1 | 300-1 | 300-1 |
| | | | | C-dn | 300-1 | 600-1 | 600-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E side S crs, 147° Outbnd, 327° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 281°—2.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles, climb to 2000' on West crs within 15 miles.
NOTE: ADF procedure not authorized.
MAJOR CHANGES: Deletes Caution Note. Deletes restriction to takeoff on Runway 34.

City, Stockton: State, Calif.; Airport Name, Stockton; Elev., 27'; Fac. Class., BMRLZ; Ident., SK; Procedure No. 1, Amdt. 7; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 6; Dated, 27 Aug. 59

**2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:**

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| AUS VOR | LOM | Direct | 2000 | T–dn# | 300–1 | 300–1 | 200–½ |
| AUS RBn | LOM | Direct | 2000 | C–dn | 400–1 | 500–1 | 500–1½ |
| Smithville Int | LOM | Direct | 2000 | S–dn–30 L | 400–1 | 400–1 | 400–1 |
| Bergstrom RBn | LOM | Direct | 2000 | A–dn | 800–2 | 800–2 | 800–2 |

Radar terminal area maneuvering altitude within 20 mi and clockwise around AUS radar antenna site: 345° to 215°—2000'; 215° to 345°—2500'.
Radar control must provide 3 mi or 1000' vertical separation; or 3 to 5 mi and 500' vertical separation from radio towers 1680' MSL 23 mi WNW, 2049' MSL 9 mi NW and 1054' MSL 14 mi N.
Procedure turn E side SE crs, 125° Outbnd, 305° Inbnd, 2000' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1700'
Crs and distance, facility to airport, 305°—4.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles, climb to 3000' on crs 305° from LOM within 20 miles or, when directed by ATC, turn right, climb to 2000' and proceed to AUS VOR or AUS Rbn.
#All aircraft are restricted to 300–1 for takeoff on runways 3–21, 16L–34R, and 12L–30R.

City, Austin; State, Tex.; Airport Name, Mueller; Elev., 631'; Fac. Class., LOM; Ident., AU; Procedure No. 1, Amdt. 18; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 17; Dated, 13 June 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| CRP VOR | LOM | Direct | 1400 | T–dn | 300–1 | 300–1 | 200–½ |
| CP LFR | LOM | Direct | 1400 | C–dn | *400–1 | *500–1 | *500–1½ |
| Robstown Int | LOM | Direct | 1800 | S–dn–13 | *400–1 | *400–1 | *400–1 |
| Sinton Int | LOM | Direct | 1400 | A–dn | 800–2 | 800–2 | 800–2 |

Radar terminal transition altitude 1400' within 20 miles. Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of tower 792' msl 6 miles West of airport.
Procedure turn W side of NW crs, 307° Outbnd, 127° Inbnd, 1800' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 127°—4.8 mi; #Tank Fix to airport, 1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles, turn right, climb to 1800' on CRP VOR R–227 within 20 miles or, when directed by ATC, turn left, climb to 1500' direct to CRP–VOR and proceed outbound on R–045 within 20 miles.
*If #Tank Fix not received, ceiling minimum is 600'.
#Tank Fix: Brng 127° from LOM and CRP–VOR R–210.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44'; Fac. Class., LOM; Ident., CR; Procedure No. 1, Amdt. 4; Eff. Date, 25 Feb. 61; Sup Amdt. No. 3; Dated, 7 Jan. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Aurora "H" | LOM | Direct | 7000 | T–dn | 300–1 | 300–1 | 200–½ |
| Denver LFR | LOM | Direct | 7000 | C–dn* | 500–1 | 500–1 | 600–1½ |
| Denver VOR | LOM | Direct | 7000 | S–dn–26L/R* | 500–1 | 500–1 | 500–1 |
| Dupont Int | LOM | Direct | 7000 | A–dn | 800–2 | 800–2 | 800–2 |
| Strasburg Int | LOM | Direct | 7000 | | | | |
| Kiowa VOR | Watkins Int | Direct | 7000 | | | | |
| Watkins Int | LOM (Final) | Direct | 7000 | | | | |
| Westminster Int | LOM | Direct | 7000 | | | | |

Radar transitions and vectoring using Denver Radar authorized in accordance with approved radar patterns.
Procedure turn North side of crs, 076° Outbnd, 256° Inbnd, 7000' within 10 mi.
Minimum altitude over facility on final approach crs, 7000'.
Crs and distance, facility to airport, 256°—5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM, turn right, climb to 6600' on North crs DN–LFR within 20 miles or, when directed by ATC, turn right, climb to 6600' on East crs DN–LFR within 20 miles.
CAUTION: 5911' MSL radio tower 4.7 mi ESE of Rwy 26L. 5570' MSL tank 0.8 mi SE of MM.
*Do not descend below 6300' until 1.5 mi W of LOM on final.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331'; Fac. Class., LOM; Ident., DE; Procedure No. 1, Amdt. 22; Eff. Date, 25 Feb. 61; Sup Amdt. No. 21; Dated, 13 Dec. 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Carter ILS–LOM | GPR–RBn | Direct | 1900 | T–dn | 300–1 | 300–1 | 200–½ |
| Dallas RBn | GPR–RBn | Direct | 1900 | C–dn | 400–1 | 500–1 | 500–1½ |
| | | | | S–dn–35 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar terminal area transition altitude, 2000' within 20 mi.
Radar control must provide 3 mi or 1000' vertical separation; or 3 to 5 mi and 500' vertical separation from radio towers 2349' msl 15 mi SSE, 1743' msl 12 mi WSW, and 1221' msl 6 mi N.
Procedure turn W side of crs, 196° Outbnd, 016° Inbnd, 2500' within 10 mi (nonstandard due to traffic).
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 349°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 mi, turn left, climb to 1900' on crs of 309° within 15 mi of Carter ILS–LOM or when directed by ATC, climb to 2200' on crs of 349° within 20 mi of Grand Prairie MHW.
MAJOR CHANGE: Deletes transition from Farmers Branch Int.

City, Ft. Worth; State, Tex.; Airport Name, Ft. Worth International (Amon Carter Field); Elev., 568'; Fac. Class., MHW; Ident., GPR; Procedure No. 2, Amdt. 5; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 4; Dated, 26 Sept. 57

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| GLS–VOR | GLS RBn | Direct | 1300 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 400–1 | 500–1 | 500–1½ |
| | | | | S–dn–13 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side of crs, 303° Outbnd, 123° Inbnd, 1600' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 123°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, climb to 1300' on crs of 123° within 15 mi.
CAUTION: 231' MSL radio tower 7000' NE of airport.

City, Galveston; State, Tex.; Airport Name, Scholes Field; Elev., 7'; Fac. Class., BHH; Ident., GLS; Procedure No. 1, Amdt. 2; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 1; Dated, 30 May 59



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Honolulu LFR | LOM | Direct | 3600 | T–dn | 300–1 | 300–1 | 200–½ |
| Honolulu VOR | LOM | Direct | 3600 | C–dn* | 500–1 | 500–1 | 500–1½ |
| Southgate Int (via 10 mi DME clockwise arc). | Int 079° brng to LOM and 10 mi DME Fix. | | 2000 | S–dn–8 | 500–1 | 500–1 | 500–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |
| Int W crs HL–LFR and 10 mi DME Fix or 020° brng to PFI. | Int 079° brng to LOM and 020° brg to PFI or 9.0 mi DME Fix. | Direct | 3000 | | | | |
| Breakers VHF Int | Int 079° brng to LOM and 10 mi DME fix or 021° brng to PFI. | Direct | 2000 | | | | |
| Int 079° brng to LOM and 10 mi DME fix or 021° brng to PFI. | LOM (Final) | Direct | 2000 | | | | |
| Int 079° brng to LOM and 7.9 mi DME fix or 020° brng to PFI. | LOM (Final | Direct | 2000 | | | | |

Procedure turn South side of crs, 259° Outbnd, 079° Inbnd, 3600' within 10 miles. Procedure turn not required with radar transition from Southgate Int. Radar transition authorized at 2000'.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 079°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 mi of LOM, make right turn, climbing to 2000' and proceed via S crs HL–LFR to Southgate LF Int.
CAUTION: (1) Rwy 8 at HNL airport equipped with hi-intensity lights. Do not confuse with closed Rwy 7 at Hickam. (2) Terrain rises sharply on N side final approach crs; within 2.2 mi 1000', 4.1 mi 2566', 5.4 mi 3098'.
*Circling north of airport not authorized because of terrain 385', 1.5 mi north and 524' 2 mi NE.

City, Honolulu; State, Hawaii; Airport Name, International; Elev., 10'; Fac. Class., LOM; Ident., HN; Procedure No. 1, Amdt. 2; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 1; Dated, 10 Dec. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | 300–1 | |
| | | | | C–d | 700–1 | 700–1 | |
| | | | | C–n | 700–1½ | 700–1½ | |
| | | | | A–dn | 800–2 | 800–2 | |

Procedure turn N side of crs, 205° outbnd, 025° inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make a climbing right turn to 2800' and hold SW of the London BMH at 2800' within 10 miles.
MAJOR CHANGE: Deletes transition from Corbin VAR.

City, London; State, Ky.; Airport Name, London; Elev., 1201'; Fac. Class., BMH; Ident., LOZ; Procedure No. 1, Amdt. 1; Eff. Date, 25 Feb. 61; Sup. Amdt. No. Orig.; Dated, 24 Aug. 57

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Lubbock VOR | LOM | Direct | 4500 | T–dn | 300–1 | 300–1 | 200–½ |
| Lubbock LFR | LOM | Direct | 4500 | C–dn | 400–1 | 500–1 | 500–1½ |
| Int R–018 LBB and brg 169° to LOM | LOM | Direct | 4500 | S–dn–17 | 400–1 | 400–1 | 400–1 |
| Int E crs LX LFR and brg 349° to LOM | LOM | Direct | 4500 | A–dn | 800–2 | 800–2 | 800–2 |
| Int R–114 LBB and brg 349° to LOM | LOM | Direct | 4500 | | | | |

Procedure turn E side N crs, 349° Outbnd, 169° Inbnd, 4500' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 4300'.
Crs and distance, facility to airport, 169°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 5100' on crs 169° within 20 miles or, when directed by ATC, turn left, climb to 4500' on E crs of LX LFR within 20 miles.
CAUTION: 4085' MSL tower 7.5 miles S of airport on missed approach.
MAJOR CHANGE: Deletes transition from Roundup FM.

City, Lubbock; State, Tex.; Airport Name, Municipal; Elev., 3256'; Fac. Class., LOM; Ident., LB; Procedure No. 1, Amdt. 6; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 5; Dated, 3 Jan. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Midland VOR | LMM | Direct | 4200 | T–dn | 300–1 | 300–1 | #200–½ |
| Midland LFR | LMM | Direct | 4000 | C–dn | 400–1 | 500–1 | 500–1½ |
| | | | | S–dn–4 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn South side of crs, 223° Outbnd, 043° Inbnd, 4400' within 10 miles. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 3300'*.
Crs and distance, facility to airport, 043°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 miles after passing LMM, climb to 4400' on crs of 043° within 20 miles.
#300–1 required on Runways 16L and 34R.
*If outer marker not received, minimum altitude over LMM 3900', and straight-in minima not authorized.

City, Midland; State, Tex.; Airport Name, Air Terminal; Elev., 2867'; Fac. Class., LMM; Ident., AF; Procedure No 1, Amdt. 10; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 9; Dated, 25 Oct. 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Minneapolis LFR | LOM | Direct | 2200 | T–dn | 300–1 | 300–1 | 200–½ |
| Minneapolis VOR | LOM | Direct | 2500 | C–dn | 500–1 | 500–1 | 500–1½ |
| Farmington VOR | Island Int* | Direct | 2200 | S–dn–29L | 400–1 | 400–1 | 400–1 |
| Island Int | LOM (Final) | Direct | 2000 | A–dn | 800–2 | 800–2 | 800–2 |
| Prior Int | LOM | Direct | 2200 | | | | |
| St Paul Int | LOM | Direct | 2500 | | | | |
| Farmington VOR | LOM | Direct | 2200 | | | | |
| Radar transitions as directed by ATC | Radar site | Within 20 mi | 2500 | | | | |

Procedure turn East side of crs, 115° Outbnd, 295° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 295°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles of LOM, climb to 2800' on crs of 295° to Int. R–221 MSP–VOR and NW ILS crs or, when directed by ATC:
1. Make left climbing turn, climb to 2500' on crs of 241° within 22 miles.
2. Make left climbing turn, climb to 2200 feet and return to LOM.
CAUTION: Tower 1223' MSL 6 miles Southeast of Outer Marker (LOM–MS).
MAJOR CHANGES: Deletes transitions from Houlton Int, White Bear Int, Elmo Int, and Stanton RBn.
*Island Int: R–035 Farmington VOR and 115° brng from MS LOM.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International (Wold-Chamberlain); Elev., 840'; Fac. Class., LOM; Ident., MS; Procedure No. 1, Amdt. 3; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 2; Dated, 20 Feb. 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn South side of crs, 261° Outbnd, 081° Inbnd, 1600′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over AH LFR–Z Marker on final approach crs, 1000′*.
Crs and distance, AH LFR–Z Marker to Airport, 081°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of ALI–VOR, turn right, climb to 1600′ on R-250 within 10 miles of VOR.
*If AH LFR–Z Marker not identified on final, descent below 1000′ not authorized.

City, Alice; State, Tex.; Airport Name, Alice-Jim Wells Co. Municipal; Elev., 178′; Fac. Class., BVOR; Ident., ALI; Procedure No. 1, Amdt. 2; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 1; Dated, 7 Nov. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Anderson RBn | Anderson VOR | Direct | 2000 | T-dn | 300-1 | 300-1 | |
| Royston VOR | AND–VOR (Final) | Direct | 2000 | C-dn | 400-1 | 500-1 | |
| Peiter Int | AND–VOR | Direct | 2200 | S-dn-5 | 400-1 | 400-1 | |
| | | | | A-dn | 800-2 | 800-2 | |

Procedure turn South side of crs, 219° Outbnd, 039° Inbnd, 2000′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 039°—5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles, climb to 2200′ on R–039 AND–VOR, make left turn, returning to AND–VOR via R–039.

City, Anderson; State, S.C.; Airport Name, Anderson Municipal; Elev., 783′; Fac. Class., BVOR; Ident., AND; Procedure No. 1, Amdt. Orig.; Eff. Date, 25 Feb. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Austin RBn | AUS–VOR | Direct | 2000 | T-dn | 300-1 | 300-1 | *300-1 |
| 8 mi DME fix R–355 | AUS–VOR (Final) | Direct | 1600 | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-16R | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar terminal area maneuvering altitude within 20 mi and clockwise around AUS Radar antenna site: 345° to 215°—2000′; 215° to 345°—2500′.
Radar control must provide 3 mi or 1000′ vertical separation; or 3 to 5 mi and 500′ vertical separation from radio towers 1680′ msl 23 mi WNW, 2049′ msl 9 mi NW and 1054′ msl 14 mi N.
Procedure turn W side crs, 355° Outbnd, 175° Inbnd, 2000′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1700′; AUS FM or DME fix 2.4 on R–175 AUS VOR 1300′.**
Crs and distance, facility to airport, 175°—4.9 mi VOR to airport; 175°—2.5 mi from 2.4 DME fix to airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 mi, turn right, climb to 3000′ on R–180 within 15 mi or, when directed by ATC, turn left, climb to 2000′ on R–125 within 20 mi.
CAUTION: Tank 855′ MSL 1.2 mi W final approach crs 2.3 mi NW of airport.
*200–½ authorized on Runways 16R, 34L, 12R, and 30L only.
**Descent below 1300′ authorized only after passing AUS FM, DME fix 2.4 on R–175.

City, Austin; State, Tex.; Airport Name, Mueller; Elev., 631′; Fac. Class., BVORTAC; Ident., AUS; Procedure No. 1, Amdt. 10; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 9; Dated, 29 Aug. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-1½ |
| | | | | C-d | 600-1 | 600-1 | 600-1½ |
| | | | | C-n | 600-2 | 600-2 | 600-2 |
| | | | | S-dn-17 | 600-1 | 600-1 | 600-1 |
| | | | | A-dn‡ | 800-2 | 800-2 | 800-2 |

Procedure turn West side of crs, 346° Outbnd, 166° Inbnd, 2100′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 166°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi, make immediate right turn and climb to 2100′. Return to BVO–VOR and contact ARTC.
NOTES: (1) Public weather service not available. (2) All pilots using this procedure requested to close IFR flight plans immediately upon completion of approach with Tulsa Radio. Trans 122.1 Rec 122.2 or BVO Radio or commercial facilities.
AIR CARRIER NOTE: Runway 5–23 Not Authorized for air carrier operations. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction into or landing minima authorized for cargo or ferry flights. Procedure may be authorized only for carriers having approval of their requirement for weather service at this airport.
‡Alternate usage authorized for Air Carrier only.

City, Bartlesville; State, Okla.; Airport Name, Phillips; Elev., 715′; Fac. Class., BVOR; Ident., BVO; Procedure No. 1, Amdt. 1; Eff. Date, 25 Feb. 61; Sup. Amdt. No. Orig.; Dated, 11 July 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | ‡200-½ |
| | | | | C-dn | 600-1½ | 700-1½ | 700-2 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E side of crs, 151° Outbnd, 331° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 331°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 mi, turn right, climb to 3000′ on CHA–VOR R-009 within 15 miles or, when directed by ATC, turn right and return to CHA–VOR at 2500′.
‡Takeoff on Runways 14–32 with less than 800–1 NA.

City, Chattanooga; State, Tenn.; Airport Name, Lovell Field; Elev., 682′; Fac. Class., BVORTAC; Ident., CHA; Procedure No. 1, Amdt. 2; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 1; Dated, 28 Jan. 61



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| CP LFR | CRP VOR | Direct | 1400 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 700-1 | 700-1 | 700-1½ |
| | | | | S-dn | 700-1 | 700-1 | 700-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar terminal transition altitude 1400′ within 20 miles. Radar control will provide 1000′ vertical clearance within a 3-mile radius, or 500′ vertical clearance within a 3- to 4-mile (inclusive) radius of tower 792′ MSL 5 miles West of airport.
Procedure turn W side of crs, 011° Outbnd, 191° Inbnd, 1400′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 191°—7.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles, turn right, climb to 1800′ on R–227 CRP–VOR within 20 mi or, when directed by ATC, turn left, climb to 1500′ on R–045 within 20 mi.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44′; Fac. Class., BVORTAC; Ident., CRP; Procedure No. 1, Amdt. 3; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 2; Dated, 19 Nov. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| McDonald Pass FM | HLN–VOR | Direct | 8500 | T-d | 800-2 | 800-2 | 800-2 |
| Helena LFR | HLN–VOR | Direct | 7500 | T-n | 800-2 | 800-2 | 800-2 |
| | | | | C-d | 1500-2 | 1500-2 | 1500-2 |
| | | | | C-n | 1500-3 | 1500-3 | 1500-3 |
| | | | | A-d | 1500-2 | 1500-2 | 1500-2 |
| | | | | A-n | 1500-3 | 1500-3 | 1500-3 |

Procedure turn S side of crs, 070° Outbnd, 250° Inbnd, 7500′ within 10 miles. NA beyond 10 miles. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 6700′.
Crs and distance, facility to airport, 253°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mile after passing HLN–VOR, right climbing turn to 7500′ on R–070 within 10 mi of HLN–VOR.
MAJOR CHANGE: Deletes transition from Winston FM.

City, Helena; State, Mont.; Airport Name, Helen County-City; Elev., 3882′; Fac. Class., BVOR; Ident., HLN; Procedure No. 1, Amdt. 1; Eff. Date, 25 Feb. 61; Sup. Amdt. No. Orig.; Dated, 12 Mar. 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 300-1 |
| | | | | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn | 500-1 | 600-1 | 600-1½ |
| | | | | A-dn | NA | NA | NA |

Procedure turn West side of crs, 300° Outbnd, 120° Inbnd, 2300′ within 10 mi.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 120°—5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles, climb to 2800′ on crs 120° within 20 mi, turn north and return to FOD VOR.
SHUTTLE: Descend in Standard Two Minute Holding Pattern on FOD VOR 120° Inbnd.
CAUTION: 1773′ msl radio tower located 3.7 miles SSW of airport.

City, Fort Dodge; State, Iowa; Airport Name, Municipal; Elev., 1160′; Fac. Class., BVOR; Ident., FOD; Procedure No. 1, Amdt. 1; Eff. Date, 25 Feb. 61; Sup. Amdt. No. Orig.; Dated, 14 Dec. 57

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Int LAF R–312 and KNV R–037 | LAF–VOR (Final) | Direct | 1800 | T-dn | 300-1 | 300-1 | |
| | | | | C-d | 1000-1 | 1000-1 | |
| | | | | C-n | 1000-2 | 1000-2 | |
| | | | | A-dn | 1000-2 | 1000-2 | |
| | | | | Following minimums apply after passing R–019 EPT–VOR‡: | | | |
| | | | | C-d | 600-1 | 600-1 | |
| | | | | C-n | 600-1½ | 600-1½ | |
| | | | | A-dn | 800-2 | 800-2 | |

Procedure turn West side of final approach crs, 323° Outbnd, 143° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1800′; over EPT–VOR R–019, 1500′.
Crs and distance, facility to airport, 143°—10.4 mi; EPT–VOR R–019 to airport, 143°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 mi of LAF–VOR or 3.4 mi of EPT R–019, climb to 2000′ on LAF–VOR R–143 within 20 miles.
AIR CARRIER NOTE: Use of sliding scale reduction in landing visibility, or reduction in takeoff minimums not authorized for night operations, or for day operations when visibility below ¾ mi.
‡Dual operating Omni receivers required for lower minimums.

City, Lafayette; State, Ind.; Airport Name, Purdue University; Elev., 607′; Fac. Class., BVOR; Ident., LAF; Procedure No. 1, Amdt. 4; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 3; Dated, 16 July 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn * | 500-1 | 500-1 | 500-1 |
| | | | | C-d | 600-1½ | 600-1½ | 600-1½ |
| | | | | C-n | 700-2 | 700-2 | 700-2 |
| | | | | A-dn | 1000-2 | 1000-2 | 1000-2 |

Procedure turn East side of crs, 030° Outbnd, 210° Inbnd, 2200′ within 10 miles.
Minimum altitude over Int LIH R–030 and 145° brng from Kilauea Point RBn, 700′.
Crs and distance, facility to airport, 328°—0.9 mi (not a flight track).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished three miles before reaching station or at the intersection** of the VOR 030 radial and the 145° brng from Kilauea Point RBn, make left turn climb to 3000′ on R–030 within 20 miles, reverse course, climbing to 4000′ over the VOR station.
AIR CARRIER NOTE: Sliding scale not authorized.
CAUTION: (1) Terrain 725′ high, 1.3 mi NW and 786′, 1.75 mi South of airport. (2) Circling to west not authorized.
*Takeoff on Runway 21 restricted to 600–2 day, 700–2 night.
**NSME 3-mile fix may be used in lieu of 145° brng from Kilauea on final approach course.

City, Lihue; State, Kauai; Airport Name, Lihue Airport; Elev., 148′; Fac. Class., BVOR–NSME; Ident., LIH; Procedure No. 1, Amdt. 4; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 3; Dated, 15 Dec. 56

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | 300–1 | NA |
| | | | | C–d | 700–1 | 700–1 | NA |
| | | | | C–n | 700–1½ | 700–1½ | NA |
| | | | | S–dn–5 | 400–1 | 400–1 | NA |
| | | | | A–dn | 800–2 | 800–2 | NA |

Procedure turn S side of crs, 205° Outbnd, 025° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 025°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles, make a right climbing turn and return to London VOR at 2800′.

City, London; State, Ky.; Airport Name, London; Elev., 1201′; Fac. Class., BVORTAC; Ident., LOZ; Procedure No. 1, Amdt. 2; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 1; Dated, 12 Sept. 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Lubbock LFR | LBB–VOR | Direct | 4500 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 400–1 | 500–1 | 500–1½ |
| | | | | S–dn–12 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side of crs, 291° Outbnd, 111° Inbnd, 4500′ within 10 miles. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 4300′.
Crs and distance, facility to airport, 111°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles, climb to 4500 on R–111 within 20 miles.
MAJOR CHANGE: Deletes transition from Roundup FM.

City, Lubbock; State, Tex.; Airport Name, Lubbock; Elev., 3256′; Fac. Class., BVORTAC; Ident., LBB; Procedure No. 1, Amdt. 4; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 3; Dated, 2 July 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Lufkin, RBN | LFK–VOR | Direct | 1600 | T–dn | 300–1 | 300–1 | |
| | | | | C–dn | 400–1 | 500–1 | |
| | | | | S–dn–33 | 400–1 | 400–1 | |
| | | | | A–dn | 800–2 | 800–2 | |

Procedure turn E side of crs, 149° Outbnd, 329° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 329°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, turn left, climb to 1700′ on R–310 within 10 mi.
NOTE: Radio Tower 558′ MSL 3 mi ENE of airport. 548′ Radio Tower 3 mi SW of airport 3 mi W final approach crs. 731′ Radio Tower 4.5 mi NE of airport.

City, Lufkin; State, Tex.; Airport Name, Angelina County; Elev., 290′; Fac. Class., BVOR; Ident., LFK; Procedure No. 1, Amdt. 4; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 3; Dated, 14 Nov. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| DAY–VOR | RSD–VOR | Direct | 2300 | T–dn | 300–1 | 300–1 | |
| TPC–RBn | RSD–VOR | Direct | 2300 | C–dn | 700–1 | 700–1 | |
| | | | | A–dn | NA | NA | |

Procedure turn North side of crs, 063° Outbnd, 243° Inbnd, 2300′ within 10 mi.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 243°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles, make climbing left turn to 2300′ and return to RSD–VOR.
CAUTION: No weather service available.

City, Sidney; State, Ohio; Airport Name, Willman; Elev., 1020′; Fac. Class., BVORTAC; Ident., RSD; Procedure No. 1, Amdt. Orig.; Eff. Date, 25 Feb. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Linden VOR | Stockton VOR | Direct | 1500 | T–dn | 300–1 | 300–1 | 300–1 |
| Stockton LFR | Stockton VOR | Direct | 1500 | C–dn | 500–1 | 600–1 | 600–1½ |
| | | | | S–dn–29 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn South side of crs, 123° Outbnd, 303° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 304°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, make a left climbing turn and climb to 2000′ on R–290 within 15 miles.
MAJOR CHANGES: Deletes Caution Note. Deletes restriction to takeoff on Runway 34.

City, Stockton; State, Calif.; Airport Name, Stockton; Elev., 27′; Fac. Class., VORTAC; Ident., SCK; Procedure No. 1, Amdt. 1; Eff. Date, 25 Feb. 61; Sup. Amdt. No. Orig.; Dated, 27 Aug. 59



4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Abram Int* or 4.6 mi radar fix | VOR (Final) | 012–4.6 | **1000 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | O–dn** | 400–1 | 500–1 | 500–1½ |
| | | | | S–dn–35** | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar transition altitude within 20 mi radius of radar site 2000′ MSL. Radar control must provide 3 mi or 1000′ vertical separation; or 3 to 5 mi and 500′ vertical separation from radio towers: 2349′ MSL 15 mi SSE, 1743′ MSL 12 mi WSW, 1221′ MSL 6 mi N.
Procedure turn W side of crs, 192° Outbnd, 012° Inbnd, 2000′ within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 1000′**.
Crs and distance, breakoff point to approach end of Rnwy 35, 350°—0.92 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing VOR, turn left, climbing to 2000′ on ACF R–310 within 20 mi or, when directed by ATC, turn left, climb to 2000′ to Hurst Int via ADS R–230.
*Int ACF–VOR R–192 and EWX–VOR R–115/Brng 090° to GPR RBn.
**If Abram Int or 4.6 mile radar fix not received, descent below 1600′ NA.
†Procedure turn nonstandard due obstruction.

City, Fort Worth; State, Tex.; Airport Name, Ft. Worth International (Amon Carter Field); Elev., 568′; Fac. Class., BVORTAC; Ident., ACF; Procedure No. TerVOR–35, Amdt. 3; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 2; Dated, 29 Aug. 59

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| CRP–VOR | LOM | Direct | 1400 | T–dn | 300–1 | 300–1 | 200–½ |
| CP–LFR | LOM | Direct | 1400 | C–dn | 400–1 | 500–1 | 500–1½ |
| Robstown Int | LOM | Direct | 1800 | S–dn–13 | 200–½ | 200–½ | 200–½ |
| Sinton Int | LOM | Direct | 1400 | A–dn | 600–2 | 600–2 | 600–2 |

Radar terminal transition altitude 1400′ within 20 miles. Radar control will provide 1000′ vertical clearance within a 3-mile radius, or 500′ vertical clearance within a 3 to 5-mile (inclusive) radius of tower 792′ MSL 6 miles West of airport.
Procedure turn W side of NW crs, 307° Outbnd, 127° Inbnd, 1800′ within 10 mi. Beyond 10 mi NA.
Altitude of glide slope and distance to approach end of Rnwy at LOM, 1400′—4.8 mi; at LMM, 244′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 1800′ on CRP–VOR R–327 within 20 miles or, when directed by ATC, turn left, climb to 1500′ direct to CRP–VOR and proceed outbound on R–045 within 20 miles.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44′; Fac. Class., ILS; Ident., I–CRP; Procedure No. ILS–13, Amdt. 2; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 1; Dated, 19 Nov. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| IND VOR | LOM | Direct | 2000 | T–dn** | 300–1 | 300–1 | 200–½ |
| IL–LFR | LOM | Direct | 2000 | C–dn | 400–1 | 500–1 | 500–1½ |
| Int E crs IL LFR and NE crs ILS | LOM | Direct | 2000 | S–dn–4** | 200–½ | 200–½ | 200–½ |
| Int IND–VOR R–205 and SW crs ILS | LOM (Final) | Direct | 2000 | A–dn | 600–2 | 600–2 | 600–2 |
| Shelbyville VOR via R–276 | LOM | Direct | 2300 | | | | |

Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound approach course at least 3.0 miles from LOM. Information for Radar terminal area transition altitudes on Indianapolis Radar procedure.
Procedure turn S side SW crs, 224° Outbnd, 044° Inbnd, 2000′ within 10 mi of LOM.
Minimum altitude at G.S. int Inbnd, 1900′.
Altitude of G.S. and distance to appr end of rny at OM 1900—3.9, at MM 980—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ and proceed via the NE crs ILS to R–293 SHB–VOR, then via R–293 to SHB–VOR or, when directed by ATC, (1) climb to 3000′ on NE crs ILS and proceed to Castleton Int; (2) make left turn, climb to 3000′ and proceed direct to IND–VOR.
*200–½ required when G.S. inoperative.
**Runway Visual Range 2600′ also authorized for takeoff and landing on Runway 4; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 997′ msl shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 797′; Fac. Class., ILS; Ident., I–IND; Procedure No. ILS–4, Amdt. 5; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 4; Dated, 3 Dec. 60

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| | | | | Precision approach | | | |
| | | | | T-d | 800-1 | 800-1 | 800-1 |
| | | | | T-n | 1000-1 | 1000-1 | 1000-2 |
| | | | | C-d | 800-1½ | 800-1½ | 800-1½ |
| | | | | C-n | 1000-2 | 1000-2 | 1000-2 |
| | | | | S-dn-6L | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 1000-2 | 1000-2 | 1000-2 |
| | | | | Surveillance approach not authorized | | | |

Instrument approach to be conducted in accordance with USN GCA standard instrument approach. Approach not authorized for civil aircraft when GCA approach is in progress for Andersen AFB.

City, Agana; State, Guam, M.I., Airport Name, Agana NAS; Elev., 280'; Fac. Class., Agana NAS; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 25 Feb. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 260 | 120 | Within 20 mi | *2300 | Surveillance approach | | | |
| 120 | 260 | Within 20 mi | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-All | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | Precision approach | | | |
| | | | | T-dn** | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-4** | 200-½ | 200-½ | 200-½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—All Runways: Climb to 3000' and proceed via R-285 of Shelbyville to Shelbyville VOR or, when directed by ATC, (1) Climb to 3000' on NE crs ILS and proceed to Castleton Int; (2) Climb to 3000' and proceed direct to Ind-VOR.

*2300' within 3 miles of two 1849' towers NE of airport; 2900' within 3 miles of 1852' tower E and NE of airport.

**Runway Visual Range 2600' also authorized for takeoff and landing on Runway 4; provided that all components of the PAR, high-intensity runway lights, approach lights condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 997' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 797'; Fac. Class., Weir Cook; Ident., Radar; Procedure No. 1, Amdt. 10; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 9; Dated, 24 Dec. 60

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Radar terminal area maneuvering sectors and altitudes: From | To | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | Surveillance approach | | | |
| All sectors | | 10 mi | 1900 | | | | | | | | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | 15 mi | *2000 | | | | | | | | | | | C-dn | 500-1 | 600-1 | 600-1½ |
| | | 30 mi | *2300 | | | | | | | | | | | S-dn-4, 22, 33, 35 | 500-1 | 500-1 | 500-1 |
| | | | | | | | | | | | | | | A-dn | 800-2 | 800-2 | 800-2 |

*Radar control will provide 1000' vertical clearance within a 3-mile radius of 500' vertical clearance within a 3- to 5-mile (inclusive) radius of tower 2215' MSL 14 miles WNW of airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Proceed direct to the LIT-VOR or, when directed by LIT RAPCON, to the LT-LFR (N and NW-bnd aircraft right turns), climbing to 2000'. Contact ATC for further clearance.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257'; Fac. Class., Little Rock; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 25 Feb. 61



RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| | | | | Surveillance approach | | | |
| All sectors | Radar site | Within 25 mi | *2500 | T-dn | 300-1 | 300-1 | 200-½ |
| 180° clockwise to 260° | Radar site | Within 16 mi | 2000 | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-1, 19, and 7R | 400-1 | 400-1 | 400-1 |
| | | | | S-dn-13 | 500-1 | 500-1 | 500-1 |
| | | | | S-dn-25L and 31 | 600-1 | 600-1 | 600-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 1—climb to 2700' on N crs MW-LFR within 20 mi. Runway 19—Climb to 2000' on localizer crs to LOM. Runways 7R-13—right turn climb to 2000' and proceed to the LOM. Runways 25L-31—left turn climb to 2000' and proceed to LOM.

CAUTION: TV towers 1685' MSL 7.8 NM N of airport, 1735' MSL 9.2 NM N of airport, and 1746' MSL 15.2 NM N of airport.

*3 mi lateral separation required from 1685' TV tower 7.8 NM N of airport and from 1735' TV tower 9.2 NM N of airport and from 1746' TV tower 15.2 NM N of airport.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell; Elev., 703'; Fac. Class., Milwaukee; Ident., Radar; Procedure No. 1; Amdt. 4; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 3; Dated, 12 Dec. 59

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on January 26, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-936; Filed, Feb. 15, 1961; 8:45 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

## MORATORIUM ON APPLICATIONS AND PETITIONS FOR PUBLIC LANDS

CROSS REFERENCE: For moratorium on applications and petitions for public lands, see F.R. Doc. 61-1443, Office of the Secretary, Department of the Interior, in the Notices section, *infra*.

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

## PART 150—ORDERS OF THE COMMODITY EXCHANGE COMMISSION

### Addition of Interpretive Note To Order Establishing Limits on Position and Daily Trading in Eggs for Future Delivery

The Commodity Exchange Commission has interpreted its order establishing limits on position and daily trading in eggs for future delivery (17 CFR 150.5) as applicable to shell eggs only and not to frozen eggs. Accordingly, there is added to the said order, immediately after paragraph (c) thereof, the following:

NOTE: The Commodity Exchange Commission has interpreted this order as applicable to shell eggs only and not to frozen eggs.

Issued this 13th day of February 1961.

COMMODITY EXCHANGE COMMISSION,
ORVILLE L. FREEMAN,
*Secretary of Agriculture, Chairman.*

[F.R. Doc. 61-1403; Filed, Feb. 15, 1961; 8:52 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter II—National Bureau of Standards, Department of Commerce

### SUBCHAPTER B—STANDARD SAMPLES

## PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY NATIONAL BUREAU OF STANDARDS

## Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

DESCRIPTIVE LIST

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These amendments are effective from the date of publication in the FEDERAL REGISTER.

In § 230.11 *Descriptive list:*

1. Paragraph (b) *Ores* is amended to add sample number 103a (Chrome Ore) to read as follows:

| Sample No. | Name | Approximate weight of sample in grams | Price per sample |
|---|---|---|---|
| 103a | Chrome ore | 60 | $5.00 |

2. Paragraph (c) *Steel-making alloys* is amended by the revision of sample number 64b (Ferrochromium) to read as follows:

| Sample No. | Name | Approximate weight of sample in grams | Price per sample |
|---|---|---|---|
| 64b | Ferrochromium | 100 | $5.00 |

3. Paragraph (p) *Standard rubbers and rubber compounding materials* is amended by the revision of sample number 386 (Styrene-butadiene, type 1500) to read as follows:

| Sample No. | Name | Approximate weight of sample in grams | Price per sample |
|---|---|---|---|
| 3360 | Styrene-butadiene, type 1500. | 24,000 | $12.00 |

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: February 2, 1961.

A. V. ASTIN,
*Director.*

[F.R. Doc. 61-1386; Filed, Feb. 15, 1961; 8:50 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Big Lake National Wildlife Refuge, Arkansas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Big Lake National Wildlife Refuge is permitted only in the areas designated by signs as open to fishing. This open area, comprising 3,500 acres or 35 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, striped bass, crappie, bream and other minor species permitted by State regulations.

(b) Open season: March 1, 1961, through October 31, 1961. Sunrise to sunset.

(c) Daily creel limits:

Black bass, 8.
Striped bass, 15.
Bream, 20.
Crappie, 15.

Other minor species as permitted by State regulations.

Total aggregate of all game fish shall not exceed 35 by any person during one day. No limitations on weight, size, etc.

(d) Methods of fishing:

1. Pole and line, rod and reel, artificial and live baits permitted.

2. Row boats, canoes, skiffs and boats with motors permitted.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to November 1, 1961.

WALTER A. GRESH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

FEBRUARY 7, 1961.

[F.R. Doc. 61-1363; Filed, Feb. 15, 1961; 8:47 a.m.]

## PART 33—SPORT FISHING

### St. Marks National Wildlife Refuge, Florida

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Marks National Wildlife Refuge, Florida, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 44,000 acres or 80 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, bream, pickerel and other minor species permitted by State regulations.

(b) Open season: St. Marks and Wakulla Units, May 1, 1961, through October 15, 1961. Certain described areas of the Panacea Unit, February 16, through October 15, 1961. The Panacea Unit shall be temporarily closed from April 1, 1961, through April 9, 1961. Fishing permitted one-half hour before sunrise until sunset on all units during respective open season.

(c) Daily creel limits:

Largemouth bass, 10.
Bream, 35.
Pickerel, 15.

Other creel limits for minor species are as prescribed for State regulations.

(d) Methods of fishing:

1. Pole and line, rod and reel, artificial and live baits permitted.

2. Row boats, canoes and other floating devices without motors permitted. Boats must be removed from the refuge at the close of each day's legal fishing hours.

3. Trot lines as permitted by the State for sport fishing are allowed, except lines shall be taken up prior to closing hour of fishing daily.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to October 16, 1961.

WALTER A. GRESH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

FEBRUARY 7, 1961.

[F.R. Doc. 61-1364; Filed, Feb. 15, 1961; 8:47 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket Nos. 13610-13613; FCC 61-182]

## PART 3—RADIO BROADCAST SERVICES

### Table of Assignments, Television Broadcast Stations; Certain Cities in Pennsylvania, Delaware, New Jersey, and Maryland

1. The Commission has under consideration the proposals outlined in its Memorandum Opinion and Order and Notice of Proposed Rule Making (FCC 60-734) adopted on June 23, 1960, and published in the FEDERAL REGISTER on June 30, 1960 (25 F.R. 6143). The proposals under consideration include those made in a petition filed by WHP, Inc. (RM-170) to assign Channel 21 to Harrisburg, Pennsylvania, by making other changes in the Table of Assignments, and a statement by Rossmoyne Corporation, Harrisburg, supporting the WHP proposal and also requesting the assignment of Channel 33 to Harrisburg. The proposals are outlined below:

| City | WHP "Plan I" | | WHP "Plan II" | | Rossmoyne (supplemental to WHP "Plan I") | |
|---|---|---|---|---|---|---|
| | Delete | Add | Delete | Add | Delete | Add |
| Harrisburg, Pa. | 55+ | 21+ | 55+ | 21+ | | 33+ |
| Lancaster, Pa. | 21+ | 55+ | 21+ | 33+ | | |
| Dover, Del. | 40 | 48- | | | | |
| Wildwood, N.J. | 48- | 40 | | | | |
| Reading, Pa. | | | 33+ | 55+ | 33+ | 68 |
| Baltimore, Md.[1] | | | 18 | 66 | 18 | *68+ |
| State College, Pa. and either | | | | | *48+ | |
| Williamsport, Pa. | 36- | 73 | 36- | 73 | | |
| or | | | | | | |
| Williamsport, Pa. | 36- | 26+ | 36- | 26+ | | |
| Shinglehouse, Pa. | 26+ | 60+ | 26+ | 60+ | | |

(With the exception of paragraphs 19 and 20, offsets are omitted in the ensuing material.)

[1] WHP and Rossmoyne suggested that since Baltimore would gain Channel 66 and lose Channel 18 under two proposals, the unused educational reservation might be shifted from Channel 24 to Channel 66 so that the permittee on Channel 18 (WTLF) would go from 18 to 24 instead of to 66.



2. The proposals outlined above would affect the authorizations for Stations WLAN-TV, Channel 21 at Lancaster, Pennsylvania, WRAK-TV, Channel 36 at Williamsport, Pennsylvania, and WTLF, Channel 18 at Baltimore, Maryland. In view of this, the permittees of these stations were ordered to show cause in a related proceeding (Dockets 13611, 13612, and 13613) why their authorizations should not be modified to accomplish the changes requested in the proposals. By Order released June 7, 1960, the Commission designated the applications of Peoples Broadcasting Company (WLAN-TV) and WGAL, Inc. (WRAK-TV) for Oral Argument to determine whether further extensions of time within which to construct were warranted.

3. Comments were invited upon the various UHF channel changes set forth except for the assignment of Channel 55 to Reading and upon the following questions:

(a) Whether Channel 21, or Channel 33, or both, should be assigned to Harrisburg.

(b) If Channel 33 is to be removed from Reading, what channel could be used to replace it at that city, and, if none is available, whether the public interest would be served by the assignment of only one channel at that city;

(c) In the case of permittees supporting or opposing any of the channel assignment changes, what use they would make of the channels they seek to get or retain, including specific details as to the past and proposed construction and operation of their facilities.

4. Comments were filed by United Broadcasting Company of Eastern Maryland, Inc. (WTLF, Baltimore, Md.), Rossmoyne Corporation, (WDTV, Harrisburg, Pa.), Susquehanna Broadcasting Company (WSBA-TV, York, Pa.), Peoples Broadcasting Company (WLAN-TV, Lancaster, Pa.), WHP, Inc. (WHP-TV, Harrisburg, Pa.), Joint Council on Educational Television (JCET), and Triangle Publications, Inc. (WLYH-TV, Lebanon, Pa.). Reply comments were filed by WHP, Inc., Rossmoyne, Peoples, and Penn Traffic Company.

5. It may be helpful at the start to review briefly the purpose of the proposals made herein and the status of assignments in the pertinent communities. Petitioner seeks a lower UHF channel for the Channel 55 on which it presently operates Station WHP-TV at Harrisburg and Rossmoyne seeks a lower channel also for its station WDTV, also at Harrisburg, presently off the air. Likewise Susquehanna seeks a lower channel for its Station WSBA-TV at York which operates on Channel 43.

6. Harrisburg, Pa. is the 57th ranking metropolitan area market with a population of 292,241 persons.[1] It has assigned to it Channels 27, 55 and 71. WTPA is in operation on Channel 27, petitioner operates WHP-TV on Channel 55, and Rossmoyne holds a construction permit for Station WDTV on Channel 71. Reading is the 74th ranking market and has a population of 255,740. It has been assigned Channels 33 and 61. There is no outstanding grant for Channel 33 and a construction permit for Station WHUM-TV on Channel 61. York is the 89th ranking market and has a population of 202,737. It has been assigned Channels 43 and 49. There is an outstanding permit for Station WNOW-TV on the latter and Station WSBA-TV operates on the former. Lancaster has been assigned Channels 8 and 21. WLAN-TV holds a construction permit for Channel 21 and WGAL-TV operates on Channel 8.

7. In support of its proposal to assign Channel 21 to Harrisburg in lieu of Channel 55, WHP states that, in addition to competing with WGAL-TV on Channel 8 in Lancaster, it also competes with WTPA on Channel 27 at Harrisburg, WLYH-TV on Channel 15 at Lebanon and WSBA-TV on Channel 43 at York, all of which are lower channels. It urges that the substitution requested would permit it to operate on a more competitive basis since it would help to overcome the technical deficiencies of the high-band UHF especially as regards the older all-channel UHF receivers in the area. WHP states that it has no objection to the addition of Channel 33 to Harrisburg but submits that the WHP proposal should not suffer as a result of the Channel 33 proposal. It supports this proposal even if no alternate channel can be found for Reading on the ground that Reading does not now have an operating UHF station and may not in the near future due to the fact that this city is within the reception area of three satisfactory VHF signals from Philadelphia. A method for assigning a second channel at Reading to replace Channel 33, in the event this channel is assigned to Harrisburg is suggested. This plan would assign Channel 55 to Bridgeport, Conn. instead of Channel 49 and would assign Channel 49 to Stamford, Conn. in lieu of Channel 27.[2] Finally, WHP urges that either plan would serve the public interest without any adverse effect of any permittee since those affected have not indicated any desire to operate their authorized facilities.

8. Rossmoyne supports the proposals to assign both Channels 21 and 33 to Harrisburg. It urges that the proposal would give the Harrisburg area the best available facilities for the development and growth of UHF; that they can be made in full conformance with the rules; and that they should be adopted even though another channel cannot be found for Reading.[3] It submits that it is the intention of the present owners to return WDTV to the air if the lower channels become available and if there is adequate program material available to permit a sound operation.

9. Susquehanna urges that Channel 33 be assigned to Harrisburg but that Channel 21 be assigned to York by interchanging Channels 43 and 21 between York and Lancaster. It submits that neither Channel 33 at Reading or Channel 21 at Lancaster is in use; that experience shows that there is no need for additional UHF channels in Reading; and that the plan can be effected without any other changes in the Table. It argues that WSBA-TV has earned the right to the lower channel because of its pioneering in the UHF band and that it should be preferred over all other stations in the area.

10. United indicates that it has agreed to accept the assignment of Channel 24 in lieu of Channel 18 but that it opposes the assignment of Channel 66 in lieu of 18. JCET objects to the substitution of Channel 69 for 48 at State College, Pennsylvania, and Channel 66 for Channel 24 at Baltimore, Maryland, for the educational reservations in these communities. It contends that more effective coverage can be obtained on the lower channels and cites the findings of TASO in support of this view. With regard to State College, JCET points out that the terrain is rugged and this creates a problem for a station on the high channels. In Baltimore the presence of three VHF stations presents a deterrant for educational TV in that city but "it is hoped, however, that it may proceed soon and a station be built to use reserved Channel 24."

11. Triangle supports the proposal to delete Channel 33 from Reading and assign it to Harrisburg but opposes the proposal to shift Channel 21 from Lancaster to Harrisburg. Triangle requests that the Commission incorporate by reference and consider in this proceeding the Petition for Rule Making filed by WHP on July 14, 1960 (RM-128), and the Petition for Rule Making filed by Penn Traffic Company on April 1, 1960 (RM-172), which petitions request deintermixture of the central Pennsylvania area by making it all-UHF. Triangle urges that the proposals made in this proceeding are mere palliatives and will afford little relief in the basic quality of TV service in the Harrisburg area. Peoples opposes the deletion of Channel 21 from Lancaster, as well as the deletion of Channel 33 from Reading. It argues that the changes proposed in this proceeding for the substitution of low UHF

[1] 1950 U.S. Census.

[2] The assignment of Channel 55 to Reading would have conflicted with a proposal for rule making (Docket 13476) looking toward the assignment of Channel 55 at Stamford. In view of the fact that there did not appear to be any reasonably feasible alternative to the Docket 13476 proposal we rejected the assignment of Channel 55 to Reading in our Notice in this proceeding. By Report and Order (Docket 13476) released November 7, 1960, Channel 55 was assigned to Stamford. The proposal of WHP to substitute Channel 55 for 33 at Reading would have required WHUM-TV to shift to Channel 55 and would in addition have required that a future station on Channel 55 in Bridgeport select a site about 3 miles out of the city in order to meet the 20 mile requirement from New Haven.

[3] Rossmoyne suggests that if the alternative for Williansport is adopted, Channel 73 could be assigned to Reading in lieu of 33. This would require either a waiver of the separation rules or that sites be selected in Reading and Camden which would meet the required spacing for Channels 73 in Reading and Channel 80 in Camden (60 miles). It would also require the substitution of Channel 45 for Channel 59 at Wilmington, Delaware.

channels for higher ones will not solve the problems of the stations involved but that rather the problem is one of allocation principles. It urges as does Triangle that such proposals are mere temporary ones not going to the heart of the problem which is the need for making the central Pennsylvania area all-UHF as proposed by others. Before proceeding on the presently proposed course Peoples urges that the Commission consider in one proceeding all the methods which have been suggested for stimulating television's growth in this populous and important area.

12. In reply comments Penn Traffic states that it supports the comments filed by others which would make the Harrisburg-Lancaster-York-Lebanon area all-UHF and would reassign Channel 8 to the Johnstown-Altoona and Philadelphia-Wilmington areas as proposed by it in its Plan 2 (RM-172). Rossmoyne states that it concurs in the request of Triangle to expand the proceeding at this time to consider the deletion of Channel 8 from Lancaster and the complete deintermixture of the central Pennsylvania area. Peoples contends that the comments of WHP and Rossmoyne make it clear that the proposed shift of Channels 21 and 33 to Harrisburg would not solve the basic inequality with the VHF station in Lancaster. Peoples argues that WGAL-TV, located in the heart of the central Pennsylvania area, provides a Grade A VHF service to Harrisburg, York, Lebanon, and Lancaster and thus makes it difficult for UHF stations in those cities. It urges therefore that the basic problem in this area is one of allocations whereas the proposed UHF changes have little impact on the allocations structure but at most are put forth on the basis of private equity. WHP submits that none of the other parties have directed their attention to the issue of what use will be made of the channels they seek to get or retain. It urges that Susquehanna, which seeks Channel 21 for itself, does not have local competition and has not alleged that it is losing money and as a result the public interest would better be served by assigning this channel to Harrisburg. It further urges that the contention of Peoples that the assignment of the lower channels would not help WHP-TV is without merit. WHP is of the opinion that it would in fact help reduce its losses and would in no way prejudice any ultimate solution which may be found. In reply to JCET, WHP points out that no applications have been filed for the educational reservations in State College or Baltimore; that the only activity there have been studies or planning; and that in any event a channel would remain in each city for educational purposes.

13. The Commission has carefully considered the comments filed in this proceeding and is of the opinion that it is in the public interest to adopt WHP "Plan I" (with the Shinglehouse alternative) and the Rossmoyne proposal (with the shift of the educational reservation in Baltimore from Channel 24 to Channel 66 and the assigning of Channel 24 to WTLF in Baltimore as stated in footnote 1 herein) and to delete Channel 71 in Harrisburg. This would permit WHP-TV in Harrisburg to operate on a more competitive basis with other stations in the area, and would encourage the return to the air of WDTV in Harrisburg by assigning it a low-band UHF channel, thus bringing about more service to the Harrisburg market. This allocation would also be of convenience to the public by having UHF reception in the area on channels located close together in frequency (WTPA, Harrisburg, operates on Channel 27; WLYH-TV, Lebanon, operates on Channel 15; and WSBA-TV, York, operates on Channel 43). We are of the opinion that the public interest will be better served by assigning Channel 21 to WHP-TV in Harrisburg rather than to WSBA-TV in York in view of the sizes of the two markets and the more effective use of the available UHF channels which results from the decision adopted herein for both cities. In addition, it would appear that assigning Channel 33 to Harrisburg in lieu of Channel 71, a channel difference of 38, is of greater potential service to the public than assigning Channel 33 to York in lieu of either 43 or 49, which would result in channel differences of either 10 or 16. The Commission favors the encouragement of educational television, but in view of the public interest in making lower channels available to Harrisburg, and in view of the absence of steps to use the educational reservations in Baltimore and State College, we believe that the public interest would best be served by the suggested reallocation since we are retaining educational reservations in both of the latter cities.[4] We are not unmindful of the fact that this reallocation herein removes one channel from the city of Reading without replacement by another channel. However, no harm results in view of the fact that no UHF stations now operate there and that there is little likelihood of such operation in the near future because of the four VHF services received by that city (three VHF services from Philadelphia and one from Lancaster). Though the point of replacement of Channel 33 if it were removed from Reading was specifically mentioned as an item for comment in the Notice issued herein, no party suggested the need for such a replacement. If such a need should ever exist, steps may then be taken to fill it.

14. As indicated in footnote 1, page 1, of the Memorandum Opinion and Order and Notice of Proposed Rule Making herein, it is not the intention of the Commission to consider in this proceeding pending petitions seeking changes in VHF assignments at Harrisburg and Lancaster. For this reason, the proposals of combining this proceeding with others for the purpose of considering complete deintermixture in the central Pennsylvania area are rejected.

15. In connection with this proceeding show cause orders were issued to Station WLAN-TV at Lancaster, WRAK-TV at Williamsport and WTLF at Baltimore (Docket Nos. 13611, 13612 and 13613). Station WLAN-TV objected to modification of its construction permit to specify operation on Channel 33 or 55 instead of Channel 21; and Station WRAK-TV agreed to modification of its construction permit to specify operation on Channel 26 rather than Chanel 36, but objected to the substitution of Channel 73 for Channel 36. However, in view of the fact that the application for an extension of time to construct the facilities of WLAN-TV has been denied,[5] the question of modification need not be considered for that station. Because of this denial and forfeiture of the construction permit for WLAN-TV, substitution of Channel 55 for Channel 21 in Lancaster adversely affects no party. Furthermore, no affected city is deprived of a channel since a substitution is made in lieu of the deleted channel.

16. By action taken today, the Commission reconsidered its action denying the application of WGAL, Inc. to extend the time within which to construct WRAK-TV, Williamsport. As stated in paragraph 15 above, a show cause order has been issued to the permittee of this station, in response to which the permittee agreed to modification of its construction permit to specify operation on Channel 26 rather than Channel 36. In view of the fact that the proposed station is partially constructed, we propose to reassign Channel 26 from Shinglehouse to Williamsport with the expectation that the construction of WRAK-TV will be completed at an early date. Channel 26 at Shinglehouse will be replaced with Channel 60 as a result of this action. Because permittee consents to modification, no show cause order is necessary.

17. In response to the order to show cause mentioned in paragraph 15 above, United Broadcasting Company of Eastern Maryland, Inc., agreed to accept the assignment of Channel 24 in lieu of Channel 18. Inasmuch as WHP, Inc., has requested modification of its authorization to specify operation of Station WHP-TV on Channel 21 rather than on Channel 55, it becomes unnecessary to issue a show cause order, its request constituting consent to the modification. Similarly, no show cause order would have needed issuance to Rossmoyne for modification of its construction permit to specify operation on Channel 33 instead of Channel 71 since Rossmoyne requested such modification. No order of modification, however, should issue with regard to Rossmoyne since on December 28, 1960, consent was granted by the Commission for voluntary assignment of the Rossmoyne construction permit to Hudson Broadcasting Corporation of Harrisburg, Pennsylvania (File No. BAPCT-295, Re WDTV), which assignment was consummated on December 31, 1960 (Rossmoyne having taken steps to merge with Hudson, the same individuals still to have the same percentage of control with regard to WDTV). By letter filed with the Commission on January 24, 1961, Hudson has adopted as its own the action of Rossmoyne requesting the channel change and has waived its right to a notice to show cause and a hearing under Section 316 of the Communications Act of 1934, as amended. An order of modification of the operation of Station WDTV should therefore be directed to Hudson and may be issued without a show cause order.

18. Authority for the adoption of the amendment proposed herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

19. In view of the foregoing: *It is ordered*, That, effective March 17, 1961, the Table of Assignments, contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned, to read as follows:

| City | Channel assignments |
|---|---|
| Dover, Del. | 48– |
| Baltimore, Md. | 2+, 11–, 13+, 24+, *66, 72– |
| Wildwood, N.J. | 40 |
| Harrisburg, Pa. | 21+, 27–, 33+ |
| Lancaster, Pa. | 8–, 55+ |
| Reading, Pa. | 61– |
| State College, Pa. | *69+ |
| Williamsport, Pa. | 26+ |
| Shinglehouse, Pa. | 60+ |

20. *It is further ordered*, That, effective March 17, 1961, pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding authorization held by WHP, Inc. for Station WHP-TV is modified to specify operation in Harrisburg on Channel 21+ instead of Channel 55+, the outstanding authorization held by Hudson Broadcasting Corporation for Station WDTV is modified to specify operation in Harrisburg on Channel 33+, instead of Channel 71+, the outstanding authorization held by United Broadcasting Corporation of Eastern Maryland, Inc., for Station WTLF is modified to specify operation in Baltimore on Channel 24+ instead of Channel 18, and the outstanding authorization held by WGAL, Inc., for Station WRAK-TV is modified to specify operation in Williamsport on Channel 26+ instead of Channel 36–, the four modifications being subject to the following conditions:

(a) WHP, Inc., Hudson Broadcasting Corporation, United Broadcasting Company of Eastern Maryland, and WGAL, Inc., shall advise the Commission in writing by March 10, 1961, whether they accept the modifications of their authorizations for operation of Stations WHP-TV, WDTV, WTLF, and WRAK-TV, respectively;

(b) WHP, Inc., shall submit to the Commission by March 10, 1961, all necessary information for the preparation of modified authorization to operate on Channel 21+; and

(c) WHP-TV may continue to operate in accordance with its present authorization until it is ready to commence operation on the new frequency in accordance with the orders of modification herein; and shall submit in triplicate, proof-of-performance measurement data necessary to demonstrate compliance with the applicable technical performance requirements of the rules of the type normally required to be furnished in an application for a television license, at least ten days prior to the date on which it is desired to begin program operations, with the proviso that program operations of Station WHP-TV on Channel 21+ are not to be commenced until specifically authorized by the Commission after its evaluation and acceptance of such data.

21. *It is further ordered*, That, the following show cause order be dismissed: Order to Peoples Broadcasting Company to show cause why the construction permit of Station WLAN-TV, Lancaster, Pennsylvania, should not be modified to specify Channel 33 or Channel 55 instead of Channel 21 (Docket No. 13611).

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: February 9, 1961.

Released: February 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1387; Filed, Feb. 15, 1961; 8:51 a.m.]

[Docket No. 13905; FCC 61-176]

## PART 3—RADIO BROADCAST SERVICES

### Table of Assignments, Governing Television Broadcast Stations; Columbia, Camden, and Lancaster, S.C.

1. The Commission has under consideration the proposal outlined in its Notice of Proposed Rule Making (FCC 60-1552) adopted on December 21, 1960, and published in the FEDERAL REGISTER on December 31, 1960 (25 F.R. 14049). The proposal is that made in a petition filed by Palmetto Radio Corporation (RM-202) to assign Channels 14 and 31 to Columbia, South Carolina, by making other changes in the Table of Assignments. This proposal is outlined below:

| City | Channels | |
|---|---|---|
| | Present | Proposed |
| Columbia, S.C. | 10–, *19+, 25–, 67+ | 10–, 14, 25–, *31–, 67+ |
| Camden, S.C. | 14 | 19+ |
| Lancaster, S.C. | 31– | |

Petitioner also requested that it be ordered to show cause why its authorization should not be modified to specify operation on Channel 14 instead of Channel 67. In the Notice issued in this proceeding the Commission deferred action on the request for a show cause order until such time as it had reached a decision on the proposal to amend the rules.

2. Also before the Commission for consideration are the "Comments and Counterproposal of Palmetto Radio Corporation" filed after the issuance of the Notice herein. The counterproposal would assign Channel 31 to Columbia, South Carolina, by making the following change in the Table of Assignments:

| City | Channels | |
|---|---|---|
| | Present | Proposed |
| Columbia, S.C. | 10–, *19+, 25–, 67+ | 10–, 19+, 25–, *31–, 67+ |
| Lancaster, S.C. | 31– | |

The counterproposal also requests that Palmetto be ordered to show cause why its authorization should not be modified to specify operation on Channel 19 instead of Channel 67. It will be noted that the counterproposal is simpler than the original proposal. We are giving consideration to both proposals at this time without the issuance of a further Notice of Proposed Rule Making.

3. As can be seen above, petitioner seeks a lower channel than Channel 67 on which it presently operates Station WNOK-TV at Columbia, S.C. The reason stated is that operation on a high-band UHF channel is beset with various difficulties. Although the disadvantages of high-band UHF television broadcasting have been somewhat resolved because of technological developments in recent years so that there appears to be less basis now than formerly for regarding low-band UHF channels as preferable to high-band UHF channels, it seems that the public interest and convenience would be served by the changes proposed since the only other operating station in Columbia is a VHF station, and as many as ten VHF stations serve at least part of the service area of Station WNOK-TV.

4. Contrary to the usual situation in which the lowest possible UHF channel is sought, petitioner in its counterproposal requests Channel 19 rather than Channel 14 (which it requested in its original petition), stating that the propagation and antenna advantages of the lower channel are outweighed by UHF tuner and converter problems. Since the filing of its petition, it has come to the attention of Palmetto through conversations with personnel of five stations operating on Channels 14 or 15 that those stations have experienced problems because some UHF tuners and converters do not tune all the way down to Channel 14 or Channel 15 without, at least, further adjustments. Members of the public who encounter this problem find difficulty in picking up the channel.

[4] In RM-224 filed with the Commission on December 30, 1960, Pennsylvania State University requests an amendment of the rules so as to allocate VHF Channel 3 to State College, Pa., and reserve it for educational use. We do not here pass on that petition, but from its contents it appears that the University regards UHF as unsuitable to the State College area because of the terrain, because the area is VHF saturated and because there are no UHF receivers in the area and conversions highly unlikely. Hence they request the substitution of Channel 3 for Channel 48. The allocation proposed in the instant proceeding leaves State College with a UHF channel and RM-224 is of no significance herein.

[5] FCC 60-1394, released November 28, 1960. A petition for reconsideration of this action was dismissed by an Order adopted today.

5. There are no operating stations on Channel 14 in Camden or Channel 31 in Lancaster (cities with populations of 6,769 and 7,998 respectively according to preliminary 1960 Census figures) and no applications for the use of these channels are pending. With regard to the four channels presently assigned to Columbia (the metropolitan area of which has a population of 257,961 according to preliminary 1960 Census figures), Station WIS–TV operates on Channel 10, Palmetto operates on Channel 67, and Channel 19 is not in use and no application for its use is pending. First Carolina Corporation has submitted an application (BPCT–2803) for the fourth channel assigned to Columbia, Channel 25. Palmetto feels that its difficulties on Channel 67 are such that it must have a lower channel and has therefore submitted an application for a construction permit (BPCT–2820) to change from Channel 67 to Channel 25 which it intends to withdraw if successful in the present proceeding. These mutually exclusive applications were on January 18, 1961, designated by the Commission for consolidated hearing (Dockets 13922 and 13923).

6. Palmetto Radio Corporation filed "Comments and Counterproposal" and reply comments urging adoption of the counterproposal. First Carolina Corporation filed comments which support the original proposal of Palmetto and the counterproposal if the latter does not cause any substantial delay through further proceedings. A letter from the General Manager of the South Carolina Educational Television Center states that the Center has no objection to the proposed change in the educational reservation in Columbia from Channel 19 to Channel 31. The only other document received, "Reply Comments of First Carolina Corporation," was accompanied by a "Petition for Leave to File Reply Comments" since the document was not timely filed. We find that the information contained therein is of an elaborative nature and that no sufficiently good reason for permitting the late filing was adduced. Therefore leave to file is denied.

7. The Commission has carefully considered the comments filed in this proceeding and is of the opinion that it is in the public interest to adopt petitioner's counterproposal and modify its license to specify operation on Channel 19 in lieu of Channel 67. This action would permit Station WNOK–TV in Columbia to operate on a more competitive basis with other stations serving all or part of its service area, resulting in benefits to the public. Adoption of this plan rather than the original proposal would also serve the public interest by avoiding tuner and converter difficulties encountered on some UHF sets with regard to Channel 14. In addition, the withdrawal by petitioner of its application for Channel 25 enhances the possibilities of having a third station serve the large Columbia market. There is no loss of service by the reallocation inasmuch as none of the channels (except Channel 67) affected is occupied by an operating station. The channel removed from Lancaster is replaced by another channel. An educational reservation remains in Columbia, and the change in the reservation from Channel 19 to Channel 31 has not been objected to. Since Palmetto has requested a modification of its authorization to specify operation of Station WNOK–TV on Channel 19 rather than on Channel 67, no show cause order need issue, its request constituting consent to the modification.

8. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

9. In view of the foregoing: *It is ordered*, That, effective March 17, 1961, the Table of Assignments, contained in Section 3.606 of the Commission's Rules and Regulations, is amended, insofar as the communities named are concerned, to read as follows:

| City | Channel No. |
|---|---|
| Columbia, S.C. | 10–, 19+, 25–, *31–67+ |
| Lancaster, S.C. | |

10. *It is further ordered*, That, effective March 17, 1961, pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding authorization held by Palmetto Radio Corporation for Station WNOK–TV is modified to specify operation in Columbia, South Carolina, on Channel 19+ instead of Channel 67+ subject to the following conditions:

(a) Palmetto Radio Corporation shall advise the Commission in writing by March 10, 1961, whether it accepts the modification of its authorization for operation of Station WNOK–TV;

(b) Palmetto Radio Corporation shall withdraw its application for a construction permit to change from Channel 67+ to Channel 25— in Columbia, South Carolina (BPCT–2820);

(c) Palmetto Radio Corporation shall submit to the Commission by March 10, 1961, all necessary information for the preparation of modified authorization to operate on Channel 19+; and

(d) Palmetto Radio Corporation may continue to operate Station WNOK–TV in accordance with its present authorization until it is ready to commence operation on the new frequency in accordance with the order of modification herein; and shall submit in triplicate proof-of-performance measurement data necessary to demonstrate compliance with the applicable technical performance requirements of the rules of the type normally required to be furnished in an application for a television license, at least ten days prior to the date on which it is desired to begin program operations, with the proviso that program operations of Station WNOK–TV on Channel 19+ are not to be commenced until specifically authorized by the Commission after its evaluation and acceptance of such data.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: February 8, 1961.

Released: February 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1388; Filed, Feb. 15, 1961; 8:51 a.m.]

## PART 9—AVIATION SERVICES

### Miscellaneous Amendments

The Commission, having under consideration, the amendment of Part 9—Aviation Services, to effect the editorial changes described below; and

It appearing that the Commission, by Report and Order, Docket 13083 released July 22, 1960, and Memorandum Opinion and Order, Docket 13083 released November 8, 1960, adopted interim technical standards which would govern, during the interim period until such time as rules are promulgated on a regular basis, the granting of applications for the use of microwave frequencies above 952 Mc for private communications systems, excluding broadcasters; and

It further appearing that the public interest would be served by amending Part 9 of the Commission's rules to conform to these technical standards in the manner herein ordered; and

It further appearing that in view of the editorial nature of the amendments herein ordered, issuance of a Notice of Proposed Rule Making under section 4(a) of the Administrative Procedure Act is unnecessary and would serve no useful purpose; and

It further appearing that the authority for issuance of this Order is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Delegations of Authority;

*It is ordered*, This 10th day of February 1961, that, effective February 13, 1961, Part 9 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: February 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

1. That portion of § 9.180(a) preceding subparagraph (1) is amended to read as follows:

**§ 9.180 Frequency stability.**

(a) Except for microwave stations, for which the frequency stability is specified in § 9.190, the carrier frequency of each station in the Aviation Services shall be maintained within the applicable following percentage of the assigned frequency:



2. Section 9.181(b) is amended by redesignating the present paragraph as (b)(1) and adding the following subparagraph (2):

**§ 9.181 Types of emission.**

* * * * * *

(b) * * *

(2) Maximum bandwidths for microwave stations on frequencies above 952 Mc are set forth in § 9.190.

3. Add new § 9.190 as follows:

**§ 9.190 Interim technical standards governing use of microwave frequencies.**

The interim technical standards indicated in the table in this section shall govern, beginning July 20, 1961, the issuance of authorizations for private microwave systems using frequencies above 952 Mc. However, these standards shall not be applicable to transmitting equipment (including antennas) which were authorized to be operated on these frequencies prior to July 20, 1961, or for which an authorization is issued based on an application filed with the Commission prior to July 20, 1961. Such licensees of equipment and systems not subject to these interim technical standards, including their successors or assigns in business, will be permitted to utilize such equipment provided such operation does not result in harmful interference to another station or system which is conforming to these technical standards. In case of such harmful interference, such non-conforming licensee will be required to take whatever corrective measures are necessary to alleviate the interference.

| Frequency band Mc | Power watts [1] | Tolerance (percent) | Bandwidth [2] | Beamwidth [3] |
|---|---|---|---|---|
| 952–960 | 30 | 0.0005 | 100 kc | 20° |
| 1850–1990 | 18 | .02 | 8 Mc | 10° |
| 2110–2200 | 15 | .02 | (7) | 10° |
| 2450–2500 [4] | 12 | (5) | (6) | (5) |
| 2500–2700 | 12 | .02 | 4 Mc | 10° |
| 6425–6575 [4] | 7 | .02 | 25 Mc | 7° |
| 6575–6875 | 7 | .02 | 10 Mc | 5° |
| 10,550–10,700 [8] | 5 | (5) | 25 Mc | 4° |
| 12,200–12,700 | 5 | .05 | 20 Mc | 4° |
| Above 16,000 | 5 | (5) | 50 Mc | (5) |

[1] Maximum rated power output of transmitter. Power in excess of that shown herein will be authorized only under exceptional circumstances based upon a factual showing of need. For pulsed systems average power shall be limited to the values shown, peak power shall not exceed five times this limit.

[2] Maximum bandwidth (necessary or occupied, whichever is greater) which will be authorized. Except for the band 2110–2200 Mc, consideration will be given, on a case-by-case basis, to requests for additional adjacent channels based upon a complete and specific factual showing of unique or unusual circumstances, apart from economic considerations, requiring such additional channels. In the band 952–960 Mc, bandwidths up to 500 kc may be authorized.

[3] Maximum beamwidth of major lobe between 0.5 power points in horizontal plane. Exceptions may be granted for stations in remote areas or until harmful interference is caused to other stations operating in accordance with these provisions.

[4] Subject to no protection from ISM equipment on 2450 Mc.

[5] To be specified in authorization.

[6] Limited to mobile operations and temporary service between fixed points.

[7] To be determined in Docket 13083.

[F.R. Doc. 61–1389; Filed, Feb. 15, 1961; 8:51 a.m.]

## PART 9—AVIATION SERVICES
## PART 10—PUBLIC SAFETY RADIO SERVICES
## PART 16—LAND TRANSPORTATION RADIO SERVICES

### Miscellaneous Amendments

The Commission having under consideration the desirability of making certain editorial changes in Parts 9, 10, and 16 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), (5)(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

*It is ordered*, This 10th day of February 1961, that, effective February 13, 1961, Parts 9, 10, and 16 of the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: February 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

I. Part 9 is amended as follows:

Subparagraphs (2) and (3) of § 9.914(d) are amended to delete obsolete references, as follows:

**§ 9.914 Operator requirements.**

* * * * * *

(d) * * *

(2) Except under the circumstances specified in paragraphs (a) and (b) of this section, and subject to the provisions of subparagraphs (4), (5), and (6) of this paragraph, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a land mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc: *Provided, however*, That an unlicensed person, after being authorized to do so by the station licensee, may operate such a land mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc while it is associated with and under the operational control of a base station of the same station licensee.

(3) Except under the circumstances specified in paragraphs (a) and (b) of this section, and subject to the provisions of subparagraphs (4), (5), and (6) of this paragraph, land stations shall be operated when transmitting during the course of normal rendition of service by a person holding a commercial radio operator license or permit of any class, which licensed operator may permit other persons to transmit or to communicate over the facilities of the station in accordance with the terms of the station license: *Provided*, That the licensed operator shall remain in full control of and shall be fully responsible for the emission of that station and shall suspend the radiation of the transmitter immediately when there is a deviation from the terms of the station license: *And provided further*, That the person manipulating the telegraph key for the transmission by manual or semiautomatic means of telegraphy by any type of the Morse Code by such station shall hold a class of radiotelegraph operator's license which is valid for the operation of that station.

II. Part 10 is amended as follows: In order to reflect the fact that certain technical exemptions applicable to United States territories continue to apply to Hawaii, even though it is now a State, the text of paragraph (c) preceding the table in § 10.102; subparagraph (6) of § 10.104(b); and paragraph (d) of § 10.105 are amended to read as follows:

**§ 10.102 Frequency stability.**

* * * * * *

(c) In lieu of meeting the requirements of paragraph (a) of this section for the frequency ranges shown below, transmitters authorized prior to August 1, 1958, and transmitters which are operationally integrated with existing radiocommunication systems authorized prior to August 1, 1958, may conform to the following frequency tolerances until not later than October 31, 1963, provided that authorized operation continues on the same frequency. In addition, transmitters of any radiocommunication system operated at locations wholly within the limits of one or more of the territories or possessions of the United States, or in Alaska, or Hawaii, and transmitters of a system authorized prior to August 1, 1958, which system is required to move to a different frequency due to the reallocation of frequencies previously assigned, may also conform to the following frequency tolerances until not later than October 31, 1963:

**§ 10.104 Emission limitations.**

* * * * * *

(b) * * *

(6) In lieu of meeting the requirements of subparagraph (2) of this paragraph, for all F3 emission, transmitters of any radiocommunication system authorized for operation in the 25 to 50 Mc or 152 to 162 Mc range and operated at locations wholly within the limits of one or more of the territories or possessions of the United States, or in Alaska or Hawaii, may be operated with a maximum authorized bandwidth of 40 kc and a

maximum frequency deviation of 15 kc, until not later than October 31, 1963.

**§ 10.105 Modulation requirements.**

* * * * *

(d) For the frequency ranges 25 to 50 Mc and 150.8 to 162 Mc: Except as otherwise provided in this paragraph, each transmitter first authorized or installed after July 31, 1958, other than transmitters operationally integrated with existing radiocommunication systems authorized prior to August 1, 1958, and each transmitter operating after October 31, 1963, which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, also shall be provided with an audio low-pass filter. Such filter shall be installed between the modulation limiter and the modulated stage and shall meet the specifications contained in paragraph (g) of this section. The provisions of this paragraph do not apply until November 1, 1963, to transmitters of licensed radiocommunication systems authorized prior to August 1, 1958, and transmitters which are operationally integrated with existing radio systems so authorized, when such a system is required to move to a different frequency due to the reallocation of the frequency previously assigned, nor to transmitters of any radiocommunication system operated on frequencies in the range 25 to 50 Mc or 152 to 162 Mc at locations wholly within the limits of one or more of the territories or possessions of the United States, or Alaska or Hawaii.

III. Part 16 is amended as follows:

1. In order to reflect the fact of Hawaii's becoming a State, paragraph (b) of § 16.8; text of paragraph (c) preceding the table in § 16.102; subparagraphs (3) and (4) of paragraph (b) of § 16.104; and paragraph (d) of § 16.105 are amended to read as follows:

**§ 16.8 Policy governing the assignment of frequencies.**

* * * * *

(b) In the States of Alaska and Hawaii, and in areas outside the continental limits of the United States and the waters adjacent thereto, frequencies above 150.8 Mc, listed elsewhere in this part as available for assignment to base stations or mobile stations in particular services, are further available for assignment to operational fixed stations in the same services on the condition that no harmful interference be caused to mobile service operations.

**§ 16.102 Frequency stability.**

* * * * *

(c) In lieu of meeting the requirements of paragraph (a) of this section for the frequency bands shown below, transmitters of stations authorized prior to November 1, 1963, for operation wholly within the limits of one or more of the territories or possessions of the United States or the States of Alaska or Hawaii, and transmitters operationally integrated with existing radiocommunication systems authorized prior to August 1, 1958, for operation in areas other than those indicated above, may conform to the following frequency tolerances until not later than October 31, 1963: *Provided*, That in areas other than the territories or possessions of the United States or the States of Alaska or Hawaii, either (1) the operation takes place on frequencies which were specifically assigned to stations of the respective systems prior to August 1, 1958 or (2) the operation takes place on frequencies which are directly substituted for specific frequencies in the same frequency range which were assigned to stations of the respective systems prior to August 1, 1958, and which are no longer available for assignment to the station or stations involved:

**§ 16.104 Emission limitations.**

* * * * *

(b) * * *

(3) In lieu of meeting the requirements of subparagraph (2) of this paragraph, transmitters authorized prior to November 1, 1963, to utilize type F3 emission for operation wholly within the limits of one or more of the territories or possessions of the United States or the States of Alaska or Hawaii on frequencies within the ranges 25–50 Mc and 152–162 Mc, and transmitters operationally integrated with existing radiocommunication systems authorized prior to August 1, 1958, to utilize type F3 emission for operation in areas other than those indicated above on frequencies within the range 25–42 Mc, may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc until not later than October 31, 1963: *Provided*, That in areas other than the territories or possessions of the United States or the States of Alaska or Hawaii, the operation takes place on frequencies which were specifically assigned to stations of the respective systems prior to August 1, 1958. (Note special conditions contained in § 16.503(e).)

(4) In lieu of fully meeting the requirements of subparagraph (2) of this paragraph, transmitters of stations in areas other than the territories or possessions of the United States or the States of Alaska or Hawaii which are operationally integrated with existing radiocommunication systems authorized prior to August 1, 1958, to utilize type F3 emission and to operate on frequencies within the range 42–50 Mc or 152–162 Mc may be operated with any resultant bandwidth not exceeding 40 kc but limited to a maximum frequency deviation of 5 kc until not later than October 31, 1963, provided either (i) that the operation takes place on frequencies which were specifically assigned to stations of the respective systems prior to August 1, 1958, or (ii) that the operation takes place on frequencies which are directly substituted for specific frequencies in the same frequency range which were assigned to stations of the respective systems prior to August 1, 1958, and which are no longer available for assignment to the station or stations involved.

**§ 16.105 Modulation requirements.**

* * * * *

(d) Each transmitter which is operated on a frequency in the range 25 to 50 Mc, or 152 to 162 Mc, and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low-pass filter in accordance with the provisions of paragraph (g) of this section: *Provided*, That this requirement shall not apply until November 1, 1963, to transmitters of stations operated wholly within the limits of one or more of the territories or possessions of the United States or the States of Alaska or Hawaii; and in addition this requirement shall not apply until November 1, 1963, to transmitters which are operationally integrated with existing radiocommunications systems which were authorized prior to August 1, 1958, in those cases where either (i) the operation takes place on frequencies which were specifically assigned to stations of the respective systems prior to August 1, 1958, or (ii) the operation takes place on frequencies which are directly substituted for specific frequencies in the same frequency range which were assigned to stations of the respective systems prior to August 1, 1958, and which are no longer available for assignment to the station or stations involved.

**§ 16.256 [Amendment]**

2. Since the amortization period allowed former licensees in the Highway Truck Radio Service expired March 15, 1960, delete paragraph (a) of § 16.256 and drop the designator (b) from paragraph (b).

[F.R. Doc. 61–1390; Filed, Feb. 15, 1961; 8:51 a.m.]

# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

**[ 21 CFR Part 120 ]**

### RESIDUES OF MALEIC HYDRAZIDE

**Notice of Filing of Petition for Establishment of Tolerances**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by United States Rubber Company, in care of Arthur, Dry, and Dole, 1230 Sixth Avenue, New York 20, New York, proposing the establishment of tolerances for residues of maleic hydrazide in or on cranberries at 20 parts per million and in or on peaches at 15 parts per million.

The analytical method proposed in the petition for determining residues of maleic hydrazide is a modification of the method by P. R. Wood, published in Analytical Chemistry, Volume 25, page 1879 (1953).

Dated: February 9, 1961.

[SEAL] ROBERT S. ROE,
*Director, Bureau of Biological and Physical Sciences.*

[F.R. Doc. 61–1377; Filed, Feb. 15, 1961; 8:49 a.m.]

**[ 21 CFR Part 121 ]**

### FOOD ADDITIVES

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Mead Johnson and Company, St. Joseph and Pennsylvania Streets, Evansville 21, Indiana, proposing the issuance of a regulation permitting the safe use of polyethylene glycol 6000 as an ingredient of tablets for food use.

Dated: February 9, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–1373; Filed, Feb. 15, 1961; 8:48 a.m.]

**[ 21 CFR Part 121 ]**

### FOOD ADDITIVES

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Harry Miller Corporation, Fourth and Bristol Streets, Philadelphia 40, Pennsylvania, proposing the issuance of a regulation permitting the safe use of paraffin, polyethylene glycol 400 (10 percent dioleate), methyl oleate, stearic acid, and alcohol as components of defoamer formulations used in the manufacture of paper and paperboard for food packaging.

Dated: February 9, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–1374; Filed, Feb. 15, 1961; 8:48 a.m.]

**[ 21 CFR Part 121 ]**

### FOOD ADDITIVES

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Monsanto Chemical Company, 812 Monsanto Avenue, Springfield 2, Massachusetts, proposing the issuance of a regulation permitting the safe use of styrenemethacrylic acid copolymer as an ingredient of coatings, and adhesives for paper and paperboard used in the packaging, processing, and holding of food.

Dated: February 9, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–1375; Filed, Feb. 15, 1961; 8:49 a.m.]

**[ 21 CFR Part 121 ]**

### FOOD ADDITIVES

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Elanco Products Company, Division of Eli Lilly and Company, Indianapolis 6, Indiana, proposing the issuance of a regulation to provide for the safe use of tylosin tartrate in drinking water for chickens as an aid in the treatment of chronic respiratory disease in boilers and replacement flocks, or for the prevention of chronic respiratory disease at the time of vaccination or other stress.

Dated: February 9, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–1376; Filed, Feb. 15, 1961; 8:49 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13860; FCC 61–175]

**[ 47 CFR Part 3 ]**

### TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS; CERTAIN CITIES IN NEBRASKA

**Further Notice of Proposed Rule Making**

1. On December 5, 1960, the Commission released a Notice of Proposed Rule Making (FCC 60–1426), in response to a petition of Bi-States Company, licensee of Stations KHOL–TV, Kearney, Nebraska, and KHPL–TV (a satellite of KHOL–TV), Hayes Center, Nebraska, looking toward the amendment of § 3.606 by allocating Channel 4+ to Superior Nebraska. Comments objecting to the proposed change were filed by the Nebraska Council for Educational Television, Inc., KTIV Television Company, licensee of KTIV–TV, Sioux City, Iowa, and Mia Enterprises, Inc., licensee of Radio Station KWBE, Beatrice, Nebraska. Reply comments were also filed by Transcontinent Television Corporation, licensee of WDAF–TV, Channel 4, Kansas City, Missouri. Nebraska Council for Educational Television in objecting to Bi-States' proposal also requested institution of rule making looking toward the following reservation of channels for educational use:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Kearney, Nebr. | ---------- | *4 |
| Bassett, Nebr. | ---------- | *3 |
| Albion, Nebr. | ---------- | *8 |
| Alliance, Nebr. | 13 | *13 |
| North Platte, Nebr. | 9 | *9 |

Mia's comments also suggested that Channel 4 be left available for use by Mia at Beatrice, Nebraska, and that Bi-States utilize Channel 9 at Beloit, Kansas rather than at Superior, Nebraska.

2. On January 6, 1961, Bi-States filed an additional request for rule making (RM–225) looking toward allocation of Channel 8+ to Albion, Nebraska, where they propose to operate another satellite of KHOL–TV. They also suggest that with the allocation of Channel 8 to Albion that the location of a transmitter site at Brookings, South Dakota, to which Channel 8 is also allocated, be at least 5 miles north of Brookings.

3. On January 13, 1961, the Commission issued an Order Extending Time For Filing Reply Comments in the Superior, Nebraska, proceeding (RM–199, Docket No. 13860) to February 17, 1961.

4. In view of the fact that the petitions in RM–199 and RM–225 and the request

for rule making contained in the comments of the Nebraska Council for Educational Television are in certain respects conflicting, the Commission is of the view that consolidation of these matters into one proceeding is appropriate. In order to afford interested parties an opportunity to submit their views and relevant data, the Commission is hereby instituting rule making inviting comments on the following proposed changes in the Television Table of Assignments.

| | Bi-States Proposal | |
|---|---|---|
| | Present | Proposed |
| Superior, Nebr. | | 4+ |
| Albion, Nebr. | | 8+ |
| | **NCET Proposal** | |
| Kearney, Nebr. | | *4 |
| Basset, Nebr. | | *3 |
| Albion, Nebr. | | *8 |
| Alliance, Nebr. | 13— | *13— |
| North Platte, Nebr. | 9+ | *9+ |

5. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested persons may file comments on or before March 13, 1961, and reply comments on or before March 27, 1961. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

7. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: February 8, 1961.

Released: February 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1392; Filed, Feb. 15, 1961; 8:51 a.m.]

# Notices

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13948; FCC 61-167]

### HARFORD COUNTY BROADCASTING CO. (WAMD)

### Order Designating Application for Hearing on Stated Issues

In re application of John L. Allen, tr/as Harford County Broadcasting Company (WAMD), Aberdeen, Maryland, has: 970 kc, 500 w, DA, Day, requests: 970 kc, 500 w, DA-2, U, Docket No. 13948, File No. BP-12529; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of February, 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to construct and operate his instant proposal; and

It further appearing that the Commission, in a prehearing letter dated April 11, 1960, and incorporated herein by reference, notified the instant applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that a timely reply to the Commission's letter was filed by the applicant; and

It further appearing that, in the aforementioned letter, it was noted that the applicant has indicated that 73.3 percent of the population within the 4 mv/m nighttime contour will not receive service due to interference received; that the Commission is of the opinion that a question obtains as to whether, under § 3.24 (b) of the rules, this proposal represents an efficient utilization of the channel; and that the Commission is unable to make a determination in this matter on the basis of the information before it and is of the opinion that an evidentiary hearing is necessary to obtain complete information relative to the above-captioned proposal and the grounds in support of the applicant's belief that a grant of the application would serve the public interest; and

It further appearing that, in view of the foregoing, the Commission is of the opinion that the application must be designated for hearing on the issues specified below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WAMD as proposed and the availability of other primary service to such areas and populations.

2. To determine whether, because of interference received, the proposed operation of WAMD would be consistent with § 3.24(b) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

*It is further ordered*, That, in the event of a grant of the instant application, the construction permit shall contain the condition that before program tests are authorized, the permittee shall submit antenna current distribution measurements to establish that the antenna towers have been top-loaded to produce the electrical characteristics of 87.5 degree towers as proposed.

*It is further ordered*, That, to avail himself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1394; Filed, Feb. 15, 1961; 8:51 a.m.]

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[Docket No. 13949; FCC 61-169]

### JEFFERSON COUNTY BROADCASTING CO.

### Order Designating Application for Hearing on Stated Issues

In re application of Paul Metcalfe, Kenneth Dearstone and Ray Smith, d/b as the Jefferson County Broadcasting Company, Jefferson City, Tennessee, requests: 1480 kc, 500 w, Day, Docket No. 13949, File No. BP-12824; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of February 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing That, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that, the Commission, in a pre-hearing letter dated August 5, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from instant proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Jefferson County Broadcasting Company would cause objectionable interference to Station WMSJ, Sylva, North Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

*It is further ordered*, That WMSJ, Inc., licensee of Station WMSJ, Sylva, North Carolina, is made a party to the proceeding.

*It is further ordered*, That, to avail themselves of the opportunity to be

[1] Dissenting statement of Commissioner King filed as part of original document.

heard, the applicant and party respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1395; Filed, Feb. 15, 1961; 8:51 a.m.]

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[Docket Nos. 13950, 13951; FCC 61-170]

## SANTA FE BROADCASTING CO. AND VALLEY BROADCASTERS

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of Jim H. Speck, tr/as Santa Fe Broadcasting Co., Santa Fe, New Mexico, requests: 970 kc, 1 kw, Day, Docket No. 13950, File No. BP-12411; E. Boyd Whitney and John Burroughs d/b as Valley Broadcasters, Espanola, New Mexico, requests: 970 kc, 1 kw, Day, Docket No. 13951, File No. BP-13008; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of February 1961;

The Commission having under consideration the above-captioned and described applications:

It appearing that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; that the Santa Fe Broadcasting Co. is financially qualified but that Valley Broadcasters may not be financially qualified; and

It further appearing that by letter dated July 2, 1959, Radio Station KMIN, Grants, New Mexico, objected to a grant of the Santa Fe Broadcasting Co. application (File No. BP-12411) on the ground that the proposal would involve objectionable interference with KMIN and requested that KMIN be made party to any proceeding involving the subject application; and

It further appearing that, the Commission, in a prehearing letter dated July 19, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that, by amendment received on November 23, 1960, the applicant for Espanola, New Mexico changed its name from B & M Broadcasters, Incorporated, N.S.L., to E. Boyd Whitney and John Burroughs d/b as Valley Broadcasters (a partnership), Mr. Whitney having held a 60 percent interest in the former applicant and being a 50 percent partner at present; and that said transfer of control was approved by the Commission in BTC-3480 on October 20, 1960; and,

It further appearing that, Mr. Burroughs, of Valley Broadcasters, has submitted a verified statement, dated November 6, 1960, purporting to show that he has available either in cash or in readily saleable stocks, funds in excess of $35,000, which would be adequate to meet the estimated initial cost of $20,360, consisting of a down payment on equipment of $5,000, building, $4,000, miscellaneous expenses of $2,360, and working capital of $9,000; and that, however, such statement does not appear to be in compliance with the requirements of section III, pg. 2, paragraph 4(d) of the application form, which requires that a financial statement show all liabilities as well as assets, and contain current and liquid assets sufficient in amount to meet current liabilities (including amounts payable during the next year on long term liabilities) an in addition, to indicate financial ability to comply with the terms of the agreement; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below:

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposals herein and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of Santa Fe Broadcasting Co. would involve objectionable interference with Station KMIN, Grants, New Mexico, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether Valley Broadcasters are financially qualified to construct and operate its proposed station.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

*It is further ordered*, That, Grants Broadcasting Co., Inc., licensee of Station KMIN, Grants, New Mexico, is made a party to the proceeding.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and party respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1396; Filed, Feb. 15, 1961; 8:51 a.m.]

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[Docket No. 13711, etc.; FCC 61M-211]

## TRIANGLE PUBLICATIONS, INC. (WNHC ET AL.)

### Order Scheduling Hearing

In re applications of Triangle Publications, Inc. (WNHC), Radio and Television Division, New Haven, Connecticut, Docket No. 13711, File No. BP-12107; James N. Rodio and James Rodio, d/b as Rodio Radio, Hammonton, New Jersey, et al., Docket Nos. 13730, 13713, 13715, 13716, 13718, 13722, 13724, 13725, 13726, 13727, 13732, 13734; File No. BP-13426; for construction permits.

The Hearing Examiner having under consideration his order released February 1, 1961 (FCC 61M-158) reopening the record in the above-entitled proceeding and scheduling a further prehearing conference for February 9, pursuant to 47 CFR 1.111, for the purpose of establishing dates and procedures for the hearing to be held with regard to the financial qualifications of applicant Rodio Radio; and the proceedings held February 9;



*It is ordered*, This 9th day of February 1961, that a further hearing limited to the matter of Rodio Radio's financial qualifications is hereby scheduled to commence at 10 a.m., Thursday, March 2, 1961, at the Commission's offices, Washington, D.C.

*It is ordered further*, In accordance with the stipulations and commitments of counsel of record during the February 9 prehearing conference, that Rodio Radio's affirmative presentations under the issue is to be made under oath in written form, one copy of each exhibit to be provided counsel who were present at the prehearing conference and to the Hearing Examiner, by the date or dates specified during the prehearing conference; and that notification of witnesses to be called for cross-examination is likewise to be accomplished by February 27 and 28 as stipulated;

*It is ordered further*, That the agreements and commitments of counsel have the approval of the Hearing Examiner and that the transcript of the prehearing conference proceedings shall control as to the scope and construction of the agreements and commitments made and is therefore incorporated herein by reference.

Released: February 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1397; Filed, Feb. 15, 1961; 8:52 a.m.]

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[Docket Nos. 13289, 13290; FCC 61M-208]

## WALMAC CO.

### Order Continuing Hearing Conference

In re applications of Howard W. Davis, tr/as the Walmac Company, San Antonio, Texas, for renewal of licenses of stations KMAC (AM) and KISS (FM), Docket No. 13289, File No. BR-411; Docket No. 13290, File No. BRH-691.

The Hearing Examiner having under consideration the transcript record of the further prehearing conference held on November 16, 1960; and

It appearing that, pursuant to agreements then reached by the parties, counsel for the Broadcast Bureau was to submit a draft of proposed stipulations, that the Hearing Examiner was to be notified by February 15, 1961 as to those areas in which no stipulations could be reached, and that on the basis of such commitment a further prehearing conference was scheduled to be held on March 1, 1961; and

It further appearing that as a result of informal discussions with counsel for the parties the Hearing Examiner deems it advisable to schedule an earlier further prehearing conference to discuss further the matter of possible stipulations;

*It is ordered*, This 9th day of February 1961, on the Hearing Examiner's own motion, that a further prehearing conference in this proceeding shall be held at 1:30 p.m., February 13, 1961, at the offices of the Commission in Washington, D.C.; and

*It is further ordered*, That the further prehearing conference now scheduled for March 1, 1961, is continued to a date to be fixed at the February 13, 1961 prehearing conference.

Released: February 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1398; Filed, Feb. 15, 1961; 8:52 a.m.]

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# DEPARTMENT OF AGRICULTURE

## Commodity Credit Corporation

## SALES OF CERTAIN COMMODITIES

### February 1961 Monthly Sales List

*Notice to buyers.* Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, as well as herein, the commodities listed below are available for sale on the price basis set forth.

Major changes in the list for February are the offering, as announced January 17 (press release USDA-113-61), of tung oil for unrestricted use (formerly offered for export only); the dropping of soybeans from the list because remaining CCC stocks consist only of scattered odd lots; and the dropping of butter from both the sales and the barter list because all stocks have been sold or committed.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for export sale under the CCC Export Credit Sales Program.

The following commodities are currently eligible for barter: Nonfat dry milk, cotton, tobacco, rice (milled), wheat, corn, barley, rye, oats, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for February 1961 are 3¼ percent for periods up to six months, 3¾ percent for periods from over six and up to 18 months, and 4¼ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Commodity Stabilization Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated CSS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate CSS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United

States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

*Notice to exporters.* The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except bandages, gauze, and absorbent cotton with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country or Cuba, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

The above statement is with respect to the regulations of the Department of Commerce as of October 19, 1960. Exporters should consult the applicable regulations for more detailed information if desired and for any changes that may be made therein subsequent to such date.

| Commodity | Sales price or method of sale |
|---|---|
| Nonfat dry milk | Sales are in carlots only in store at storage location of products.<br>Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.<br>Domestic, unrestricted use; announced prices, under LD-29 as amended:<br>Spray process, U.S. extra grade, 15.00 cents per pound.<br>Roller process, U.S. extra grade, 13.00 cents per pound.<br>Export:<br>Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland CSS Commodity Offices.<br>Announced prices under LD-35: When sales are made under LD-33, as amended, above any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday. Sales under both announcements may be applied to arrangements for barter and approved credit sales. |
| Cotton, upland | Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement CN-A (revised June 3, 1960), as amended (sales by local sales agencies of 1960-crop Choice (A) cotton for unrestricted use), Announcement NO-C-14, as amended (sale of 1959 and prior crops cotton for unrestricted use), and Announcement NO-C-15, as amended (sale of 1960-crop Choice (A) cotton for unrestricted use). Under CN-A (revised) cotton to be sold at highest price offered but in no event at less than 110 per cent of the applicable 1960 Choice (B) support price plus carrying charges. Under NO-C-14, as amended, cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the applicable 1960 Choice (B) support price plus carrying charges. Under NO-C-15, as amended, cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 110 percent of the applicable 1960 Choice (B) support price plus carrying charges. |
| Cotton, extra long staple | Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcements NO-C-6 (revised July 22, 1960), as amended, and NO-C-10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges or (2) the domestic market price as determined by CCC. |
| Catalogs | Catalogs for upland cotton (except cotton offered under CN-A (revised June 3, 1960), as amended) and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. Catalogs or lists of cotton offered under CN-A (revised June 3, 1960), as amended, may be obtained from local sales agencies. |
| Wheat, barley, rye, grain sorghums, bulk: | Domestic, unrestricted use: Market price basis in store, but not less than the applicable 1960 loan rate plus the applicable amount shown below. If delivery is outside the area of production, applicable freight will be added to the above. |

| Commodity | Unit | Received by— | | Examples of minimum prices (exrail or barge) | | |
|---|---|---|---|---|---|---|
| | | Truck | Rail or barge | Terminal | Class and grade | Price |
| | | *Cents* | *Cents* | | | |
| Wheat (commercial area) [1] | Bushel | 21 | 18 | Chicago | No. 1 RW | $2.26 |
| | | | | Minneapolis | No. 1 DNS | 2.33 |
| | | | | Kansas City | No. 1 HW | 2.26 |
| | | | | Portland | No. 1 SW | 2.17 |
| Barley | Do | 15 | 13 | Minneapolis | No. 2 or better | 1.13 |
| Rye | Do | 17 | 14 | do | No. 2 or better (or No. 3 on TW only). | 1.26 |
| Grain sorghums | Hundredweight | 31 | 28 | Kansas City | No. 2 or better | 2.13 |

Available CSS Commodity Offices located in producing areas. (See page 10 for addresses of commodity offices handling grain.)
Export:
Wheat:
(1) Under Announcement GR-345 (revised June 30, 1960), as amended, for redemption of certificates under payment-in-kind program, (2) under Announcement GR-212 (revision 2, January 9, 1961), for specified offerings as announced (i.e., current East Coast flat Spring Wheat offerings through Evanston CSS Commodity Office under Announcement EV-10) and (3) as wheat under Announcement GR-261 (revision 2, January 9, 1961), or as flour under Announcement GR-262 (revision 2, January 9, 1961), for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily.
Barley, rye, grain sorghums:
Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain payment-in-kind program, and under Announcement GR-313 (revision 2, Jan. 9, 1961), for application to arrangements for barter and approved credit and emergency sales.
Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.

| Commodity | Unit | In store at— | | Examples of minimum prices | | |
|---|---|---|---|---|---|---|
| | | Point of production | Other point | Terminal | Class and grade | Price |
| | | *Cents* | *Cents* | | | |
| Corn and oats, bushel | Domestic, unrestricted use: Market price, basis in store,[2] but not less than the 1960 applicable loan rate plus the amount shown below. For grain in store at other than the point of production the rail freight from point of production to the present point of storage must also be added. | | | | | |
| Corn | Bushel | 13 | 16 | Chicago | No. 2 yellow, 13.3% moisture, 1.4% f.m. | [3] $1.38½ |
| | | | | Minneapolis | | [4] 1.29½ |
| Oats | Do | 13 | 15 | Chicago | No. 3 | [3] .73½ |
| | | | | Minneapolis | No. 3 | [4] .64½ |

Nonstorable corn, unrestricted use (as available): At not less than market price as determined by CCC. At bin sites through ASC County Offices. At other locations, through the Commodity Offices indicated on following page.

See footnotes at end of table.



| Commodity | Sales price or method of sale |
|---|---|
| Corn and oats (continued) | Export:<br>Under Announcement GR-212 (revision 2, Jan. 9, 1961); for application to arrangements for barter and approved credit and emergency sales and under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain payment-in-kind program.<br>Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. |
| Rice, milled (as available) | Domestic, unrestricted use: Market price but not less than the equivalent 1960 loan rate for rough rice, by varieties and grades, plus 5 percent, adjusted for milling, plus 30 cents per hundredweight, basis in store.<br>Export:<br>Under GR-379, as amended, for application to arrangements for barter and approved credit sales.<br>Available Dallas CSS Commodity Office. |
| Rice, broken (as available) | Domestic or export, unrestricted use:<br>Competitive bid but not less than $4.78 per hundredweight in bags ($4.63 bulk) basis U.S. No. 4 brewers rice f.o.b. mills and warehouses.<br>Prices and quantities of milled rice including brokens available by varieties and grades may be obtained from Dallas and Portland CSS Commodity Offices. |
| Rice, rough (as available) | Domestic, unrestricted use: Market price but not less than the applicable 1960 loan rate plus 5 percent, by varieties and grades, plus 31 cents per hundredweight, basis in store.<br>Export:<br>As milled or brown under Announcement GR-369, as amended, Rice Export Program Payment-in-Kind, and under GR-379, as amended, for approved credit sales.<br>Prices, quantities, and varieties of rough rice available from Dallas and Portland CSS Commodity Offices. |
| Peanuts, shelled (as available), all types. | Domestic, unrestricted use: 1960 support price plus 5 percent, adjusted for milling, plus reasonable carrying charges under Peanut Announcement 3 as shown below or market prices, whichever is higher: *Cents per lb.*<br>Virginias:<br>Extra large kernels 25.92<br>Medlums[1] 22.27<br>No. 1's 20.16<br>S.E. Runner, No. 1's 20.13<br>S.E. Spanish, No. 1's 20.51<br>S.W. Spanish, No. 1's 20.79. |
| Peanuts, shelled and unshelled, farmers stock (as available). | Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (revised Feb. 16, 1959), as amended. |
| Tung oil | Domestic or export, unrestricted use:<br>Competitive bid and under the terms and conditions of tung oil Announcement DL-OP-11.<br>Available Dallas CSS Commodity Office. |
| Gum turpentine (bulk in tanks) | Domestic, unrestricted use: Offer and acceptance basis in the stated quantities and in the designated storage tanks and subject to the prices, terms and conditions of Announcement TB-21-60 and supplements thereto which will be issued monthly. Available through ATFA, Valdosta, Ga.<br>Export: Competitive bid for turpentine, bulk in storage tanks, subject to Announcement TB-21-60 and supplements thereto. Available through Naval Stores Branch, Tobacco Division, CSS, U.S. Department of Agriculture. |

[1] Noncommercial producing area wheat shall be on the same basis as commercial producing area wheat except increase applicable support rate by 33 percent before adding amount shown above.
[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements.
[3] Includes average paid in freight from Woodford County, Ill.
[4] Includes average paid in freight from Redwood County, Minn.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: February 10, 1961.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 61-1338; Filed, Feb. 15, 1961; 8:45 a.m.]

# DEPARTMENT OF THE TREASURY

## Internal Revenue Service

[Order No. 67 (Rev. 3)]

## SIGNATURE OF THE COMMISSIONER

### Amendment of Authorization To Sign for Commissioner, or on Behalf of Commissioner

Effective as of Noon, e.s.t., February 7, 1961, all outstanding authorizations to sign the name of, or on behalf of, Charles I. Fox, Acting Commissioner of Internal Revenue, are hereby amended to authorize the signing of the name of, or on behalf of, Mortimer M. Caplin, Commissioner of Internal Revenue.

This order supersedes Delegation Order No. 67 (Rev. 2), issued January 19, 1961.

Date of issue: February 7, 1961.

Effective date: February 7, 1961.

[SEAL] MORTIMER M. CAPLIN,
*Commissioner.*

[F.R. Doc. 61-1402; Filed, Feb. 15, 1961; 8:52 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 10959]

## AAXICO AIRLINES, INC., AND AEROLINEAS PERUANAS, S.A.; ENFORCEMENT PROCEEDING

### Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter now assigned to be held on February 15, 1961 is indefinitely postponed.

Dated at Washington, D.C., February 10, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-1399; Filed, Feb. 15, 1961; 8:52 a.m.]

[Docket 12077; Order No. E-16353]

## MOHAWK AIRLINES, INC.

### Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of February 1961.

By tariff to be effective February 10, 1961, Mohawk Airlines, Inc. (Mohawk) proposes round-trip excursion fares for individual travel between all points on its system other than Poughkeepsie. The fares are set at 75 percent of normal round-trip fares, are to be applicable to travel between midnight Friday and midnight Sunday unless operational circumstances so prevent, and are subject to the requirement that the return portion of the trip be completed within 60 days. The tariff is marked to expire June 30, 1961.

By complaint of January 26, 1961, American Airlines, Inc. (American) has requested investigation of this tariff and suspension pending decision therein. In summary, the carrier alleges a lack of any indication that the reduced fares will produce a commensurate compensatory increase in traffic and that, as a consequence, Mohawk could break even only at the expense of its competitors. Additionally, American protests the inclusion of Sundays, generally one of the higher traffic days, among the days upon which the fares are to be available, and alleges a resulting unjustifiable and unprofitable diversion from the normal fare services of both Mohawk and its competitors.

Upon consideration of the matters of record, the Board finds that the complaint does not set out facts sufficient to warrant investigation and that American's request therefor, and consequently its request for suspension, should be denied. The tariff, which is to be effective for a limited period only, reflects a significant promotional effort on the part of the carrier consistent with the general program of fare experimentation which the Board has encouraged, and in our view merits testing. As a means of providing the Board and interested carriers with current data concerning these fares, the Board is herein directing Mohawk to file such data each month.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204 and 1002 thereof: *It is ordered*, That:

1. The complaint of American Airlines, Inc. in Docket 12077 is dismissed.

2. Mohawk Airlines, Inc., is directed to file reports with the Board which set forth the number of passengers carried at these excursion fares between each pair of points on its system and the time interval expressed in number of days be-

tween the going and returning portions of such travel.

3. Mohawk Airlines, Inc., is directed to file such reports in ten copies with the Board's Docket Section not later than ten days after the close of the month covered by the report.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LASTER,
*Secretary.*

[F.R. Doc. 61-1400; Filed, Feb. 15, 1961; 8:52 a.m.]

[Docket 12095]

## NETHERLANDS ANTILLES AIR TRANSPORT

### Notice of Prehearing Conference

In the matter of the application of Netherlands Antilles Air Transport for a foreign air carrier permit to operate an unscheduled service carrying property and mail between terminal points in Netherlands Antilles, via intermediate points Ciudad Trujillo, Port au Prince, Kingston, Montego Bay, Camaguey, Havana, and the terminal point Miami.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on February 27, 1961, at 10:00 a.m., e.s.t. in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., February 13, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-1401; Filed, Feb. 15, 1961; 8:52 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP61-181]

## ALABAMA-TENNESSEE NATURAL GAS CO.

### Notice of Application and Date of Hearing

FEBRUARY 9, 1961.

Take notice that on January 3, 1961, Alabama-Tennessee Natural Gas Company (Applicant), Post Office Box 380, Florence, Alabama, filed in Docket No. CP61-181 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 3.6 miles of 6-inch lateral pipeline extending from Applicant's 10-inch main transmission pipeline near Cherokee, Colbert County, Alabama, to an ammonia manufacturing plant to be built by Armour and Company (Armour) near Barton, Alabama, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities are to be used to enable Applicant to deliver natural gas to Armour directly on an interruptible basis for use in the aforesaid ammonia plant as a raw material, for process purposes and as fuel.

Estimated basic requirements of Armour for this plant are 3,500 Mcf of natural gas per day, in addition to which Applicant desires to supply up to 15,100 Mcf per day for testing and other purposes, when available. Estimated annual sales to Armour are 558,000 Mcf in 1962, and 355,000 Mcf in the year 1963 and the year 1964.

The estimated total cost of Applicant's proposed project is $131,600 which will be financed from funds on hand and from earnings.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 14, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 3, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1357; Filed, Feb. 15, 1961; 8:46 a.m.]

[Docket No. G-2306, etc.]

## AMERICAN LOUISIANA PIPE LINE CO. ET AL.

### Order Denying Motion for Severance and Consolidation, Granting Consolidation, Permitting Withdrawal of Application, Permitting Intervention, and Notice of Applications

FEBRUARY 9, 1961.

American Louisiana Pipe Line Company, Docket No. G-2306; Michigan Wisconsin Pipe Line Company, Docket No. G-2327; American Louisiana Pipe Line Company, Docket No. G-10396; Panhandle Eastern Pipe Line Company, Docket No. G-11061; Trunkline Gas Company, Docket No. CP60-22 (Phase Two); Panhandle Eastern Pipe Line Company, Docket No. CP60-40; Panhandle Eastern Pipe Line Company, Docket No. CP60-60; Panhandle Eastern Pipe Line Company, Docket No. CP60-126; Village of Tremont, Illinois, Docket No. CP61-8; Panhandle Eastern Pipe Line Company, Docket No. CP61-36; Citizens Gas Company, Docket No. CP61-54; City of La Cygne, Kansas, Docket No. CP61-68; Central Illinois Light Company, Docket No. CP61-114; Central Illinois Light Company, Docket No. CP61-115; Panhandle Eastern Pipe Line Company, Docket No. CP61-136; Illinois Power Company, Docket No. CP61-160; Citizens Gas Company, Docket No. CP61-191; Citizens Gas Company, Docket No. CP61-192.

In Docket Nos. G-2306, et al., the Commission issued an order on December 1, 1960, severing proceedings, consolidating proceedings, fixing the date of hearing for January 31, 1961, and specifying procedure. Notice was published in the FEDERAL REGISTER on December 6, 1960 (25 F.R. 12489-12494). On January 6, 1961, the Commission issued in Docket Nos. G-2306, et al., a notice of applications and order consolidating proceedings, permitting withdrawal of proceedings, fixing date of hearing for January 31, 1961, and specifying procedure. Notice was published in the FEDERAL REGISTER on January 13, 1961 (26 F.R. 267). On January 13, 1961, the Commission issued in Docket Nos. G-2306, et al., an order fixing date of conference, modifying procedure and permitting participations and interventions. Notice was published in the FEDERAL REGISTER on January 19, 1961 (26 F.R. 494).

In Docket Nos. G-2306, et al., Panhandle Eastern Pipe Line Company (Panhandle), on January 16, 1961, filed a Notice of Withdrawal of its application in Docket No. CP60-126 wherein it sought authorization for the sale of natural gas to Johns Manville Fiber Glass, Inc., in Ohio.

In Docket CP61-191, Citizens Gas Company (Citizens Gas), an Illinois corporation of Tuscola, Illinois, filed on January 16, 1961, an application pursuant to section 7(a) of the Natural Gas Act for an order directing Panhandle to extend and improve its transportation facilities, to establish physical connection of its transportation facilities with the proposed facilities of Citizens Gas and to sell and deliver natural gas to Citizens Gas for distribution and resale in the Village of Hume, Illinois, and surrounding area, all as more fully set forth in the application.

Citizens Gas Proposes to make interconnection with the pipeline facilities of Panhandle at a tap approximately 1,300 feet south of Hume, Illinois. A complete distribution system will be constructed within Hume and its environs at a cost of $63,242.35. In addition, it is estimated that additional distribution facilities to provide adequate service for the first five years of operation and other miscellaneous items will cost approximately $74,000.00.

The estimated natural gas requirements for the above service area are as follows:



| Year | 1st | 2d | 3d | 4th | 5th |
|---|---|---|---|---|---|
| Peak day (Mcf)..... | 114 | 131 | 149 | 205 | 212 |
| Annual (Mcf)..... | 12,639 | 14,500 | 15,683 | 22,646 | 23,745 |

In Docket No. CP61-192, Citizens Gas filed on January 16, 1961, an application pursuant to section 7(a) of the Natural Gas Act for an order directing Panhandle to extend and improve its transportation facilities, to establish physical connection of its transportation facilities with the proposed facilities of Citizens Gas and to sell and deliver natural gas to Citizens Gas for distribution and resale in the Village of Tolono, Illinois, and surrounding area, all as more fully set forth in the application.

Citizens Gas proposes to make interconnection with the pipeline facilities of Panhandle at a tap approximately 4,280 feet east of Tolono, Illinois. A complete distribution system will be constructed within Tolono and its environs at a vost of $153,113.40. In addition, it is estimated that additional distribution facilities to provide adequate service for the first five years of operation and other miscellaneous items will cost approximately $175,000.

The estimated natural gas requirements for the above service area are as follows:

| Year | 1st | 2d | 3d | 4th | 5th |
|---|---|---|---|---|---|
| Peak day (Mcf)..... | 272 | 463 | 584 | 645 | 705 |
| Annual (Mcf)..... | 29,327 | 49,999 | 63,024 | 69,384 | 75,764 |

The applications referred to herein are on file with the Commission and are open for public inspection. This order shall constitute notice of the filing of the applications in Docket Nos. CP61-191 and CP61-192.

In Docket Nos. G-2306, et al., Citizens, on January 25, 1961, filed a Motion for Consolidation of its applications in Docket Nos. CP61-191 and CP61-192 with the proceedings in Docket Nos. G-2306, et al.

On December 30, 1959, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) and Northern Natural Gas Company (Northern) filed applications in Docket Nos. G-20572 and G-20571, respectively, for certificates of public convenience and necessity seeking authorization to construct and operate facilities to enable Northern to deliver and sell 75,000 Mcf of natural gas per day to Michigan Wisconsin near Janesville, Wisconsin. The Commission, by notice of June 1, 1960, consolidated the applications for hearing with two other Northern applications in Docket Nos. G-20570 and G-18576. Panhandle was granted leave to intervene in the Northern-Michigan Wisconsin proceeding, hearing of which was commenced on July 6, 1960, and was completed on October 5, 1960. Briefs have been submitted and the consolidated proceedings are now pending before the hearing examiner for decision.

Panhandle, on January 16, 1961, filed a Motion to sever the application of Michigan Wisconsin in Docket No. G-20572 from the applications of Northern in Docket Nos. G-20570, G-20571, and G-18756 and to consolidate the application in Docket No. G-20572 with the proceedings in Docket Nos. G-2306, et al. Answers to the motion were filed by Michigan Wisconsin and Public Service Commission of Wisconsin on January 23, 1961; Wisconsin Fuel and Light Company on January 25, 1961; jointly by Fuels Research Council, Inc., National Coal Association, United Mine Workers of America, The Chesapeake and Ohio Railway Company and Mid-West Coal Producers Institute, Inc., on January 26, 1961, and by Northern on January 26, 1961.

There are no applications in Docket Nos. G-2306, et al., which seek authorization to supply natural gas to Michigan Wisconsin in conflict with the application of Northern in Docket No. G-20571. The applications do not compete for the same market. There is no economical mutual exclusivity. The gas supply of Michigan Wisconsin may be in issue in the consolidated proceedings in Docket Nos. G-2306, et al., but a comparative hearing is not necessary for such a determination; if a certificate of public convenience and necessity is granted in Docket No. G-20572, the increase in Michigan Wisconsin's supply will be a matter of record and can be considered in the consolidated proceedings. If it is denied, the non-availability of such supply can be considered.

Further, since Docket No. G-20572 has already been heard in a proceeding in which Panhandle was an intervener and was fully represented, and it is now pending before the hearing examiner for decision, severence and consolidation would only complicate and delay the administrative process and is not warranted.

Fuels Research Council, Inc., on September 19, 1960, filed a petition seeking leave to intervene in Docket No. CP60-40 in the consolidated proceedings in Docket Nos. G-2306, et al.

Illinois Commerce Commission, on January 17, 1961, filed a petition seeking leave to intervene in the consolidated proceedings in Docket Nos. G-2306, et al.

In Docket No. CP60-60, on January 23, 1961, Panhandle filed an amendment to its application modifying certain aspects of its expansion program. This amendment incorporated a request for authorization for the transportation and sale, on an interruptible basis, of natural gas to the Ford Motor Company at its plants in Dearborn, Michigan, all as more fully set forth in the amendment to the application.

The sale to Ford Motor Company will be made pursuant to an industrial gas contract which provides, among other things, for delivery of up to 35,000 Mcf of gas per day at a price of 35 cents per Mcf until December 31, 1961, with a redetermination thereafter. The term of the contract is for ten years from date of first delivery. According to the contract the gas will be used as fuel in the Ford plants located in Dearborn, Michigan.

The amendment referred to herein is on file with the Commission and is open for public inspection. This order shall constitute notice of the request for authorization to transport natural gas for sale and delivery to Ford Motor Company incorporated in Docket No. CP60-60.

The Commission finds:

(1) It is necessary and appropriate in the public interest that Panhandle be permitted to withdraw the application filed by it in Docket No. CP60-126.

(2) The applications in Docket Nos. CP61-191, CP61-192, and G-2306, et al., are all related and should be consolidated.

(3) The issues presented by the applications filed in the proceedings in Docket Nos. G-20572 and G-2306, et al., are not mutually exclusive and severance and consolidation as requested are not warranted.

(4) It is desirable to allow Fuels Research Council, Inc., and Illinois Commerce Commission to intervene in the proceedings indicated in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) Panhandle Eastern Pipe Line Company is permitted to withdraw its application filed in Docket No. CP60-126.

(B) The motion of Citizens Gas Company for consolidation is granted.

(C) The motion of Panhandle Eastern Pipe Line Company for additional severance and consolidation is denied.

(D) Fuels Research Council, Inc., and the Illinois Commerce Commission are permitted to intervene in Docket Nos. CP60-40 and G-2306, et al., respectively, subject to the rules and regulations of the Commission. *Provided, however,* That the participation of each intervener shall be limited to matters affecting such rights and interests as may be established: *And provided further,* That the admission of such interveners be not construed as recognition by the Commission that they or either of them, might be aggrieved by any order or orders entered in these consolidated proceedings.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1358; Filed, Feb. 15, 1961; 8:46 a.m.]

[Docket No. CP61-182]

## EL PASO NATURAL GAS CO.

### Notice of Application and Date of Hearing

FEBRUARY 9, 1961.

Take notice that El Paso Natural Gas Company (Applicant), El Paso Natural Gas Company Building, El Paso, Texas, filed an application on January 4, 1961, pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more

fully described in the application in Docket No. CP61–182, which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon natural gas facilities used to render natural gas service to Utah Gas Service Company (Utah), for resale to Calvert Drilling Company (Calvert) for use in drilling a well in San Juan County, Utah. The facilities to be abandoned consist of a main line tap and a portable meter station installed at the tap.

The application states that Applicant began service through these facilities on October 13, 1960, pursuant to its budget type certificate authorization issued in Docket No. G–20052. Upon completion of the well-drilling project by Calvert on December 18, 1960, the service rendered by Applicant to Utah was terminated.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 16, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 28, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1359; Filed, Feb. 15, 1961; 8:46 a.m.]

[Docket No. CP61–98]

## MICHIGAN GAS STORAGE CO.

### Notice of Application and Date of Hearing

FEBRUARY 9, 1961.

Take notice that Michigan Gas Storage Company (Applicant) 212 West Michigan Avenue, Jackson, Michigan, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the establishment of a new delivery point as hereinafter described subject to the jurisdiction of the Commission all as more fully described in the application in Docket No. CP61–98 which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate metering and regulating facilities on Panhandle Eastern Pipeline Company's (Panhandle) transmission facilities near the community of Shields in Saginaw County, Michigan, for the delivery of gas to Consumers Power Company (Consumers), its sole existing consumer. The proposed delivery point will permit Consumer to provide retail natural gas service in the villages of St. Charles and Chesaning, the Community of Shields, and the industrial plant of Dow Chemical Company all in Saginaw County, Michigan. The new delivery point will also be used by Consumers to provide an additional source of gas supply to its customers in and around the City of Saginaw which Consumers presently service.

Through the proposed facilities, Panhandle will deliver gas to Storage and Storage will deliver such gas to Consumer for resale and distribution in the three communities and the Dow Plant. The natural gas requirements of this market are estimated as follows:

| Year | Requirements in Mcf | |
|---|---|---|
| | Peak day | Annual |
| 1961 | 2,951 | 507,047 |
| 1962 | 3,124 | 532,142 |
| 1963 | 3,297 | 556,700 |

The estimated cost of the proposed facilities is $33,000. Panhandle will construct the tap on its line under the budget type authorization requested in Docket No. CP61–119 for which it has received temporary authorization and will be reimbursed by storage for the cost of such tap.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 16, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 28, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1360; Filed, Feb. 15, 1961; 8:46 a.m.]

[Docket No. CP61–170]

## OHIO FUEL GAS CO.

### Notice of Application and Date of Hearing

FEBRUARY 9, 1961.

Take notice that the Ohio Fuel Gas Company (Applicant) 99 North Front Street, Columbus 15, Ohio, filed an application on December 22, 1960, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities for the delivery of natural gas as hereinafter described subject to the jurisdiction of the Commission all as more fully described in the application in Docket No. CP61–170 which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate 875 feet of 2⅜ inch lateral line and appurtenant metering and regulating equipment at a point of connection with applicants existing Canfield lateral line in Mahoning County to the Nease Chemical Company Plant now under construction near Salem, Ohio. The proposed delivery will be on an interruptible basis and will be used principally for steam generation in processing organic chemicals for the pharmaceutical industry. Applicant states that gas has been found to be the most suitable fuel for the economic operation of the plant.

Estimated sales to Nease are as follows:

| | Maximum day, Mcf | Annual, Mcf |
|---|---|---|
| First year | 500 | 90,000 |
| Second year | 600 | 120,000 |
| Third year | 700 | 160,000 |

The estimated cost of the proposed facilities is $6,540 financed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 16, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 28, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1361; Filed, Feb. 15, 1961; 8:46 a.m.]



[Docket No. CP61–154]

## SOUTHERN NATURAL GAS CO.

### Notice of Application and Date of Hearing

FEBRUARY 9, 1961.

Take notice that on November 25, 1960, Southern Natural Gas Company (Applicant), Watts Building, Birmingham, Alabama, filed an application, as supplemented on December 9, 1960, in Docket No. CP61–154, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to sell and deliver, on an interruptible basis, up to 50,000,000 Mcf of natural gas[1] to Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in application, as supplemented, on file with the Commission and open to public inspection.

The application shows that deliveries by Applicant to Texas Eastern are to be made at two existing points of interconnection between the two pipeline systems near Lucky, Bienville Parish, Louisiana and near Kosciusko, Attala County, Mississippi.

Applicant states that the reduction in coal prices and coal freight rates, as well as the drop in the general level of industrial activity in areas where it serves natural gas, have contributed to a recent reduction in its sales of natural gas. Expected continued reduction in sales in 1961 and 1962 have placed Applicant in a position where it has to take-or-pay for more gas than it expects to sell in those years.

Applicant states that the total volumes of gas which it may have to pay for but not take, through December 31, 1962, add up to approximately a minimum of 30,000,000 Mcf or a maximum of 50,000,000 Mcf, and that, although most of its gas purchase contracts contain a two-year make-up provision, it is doubtful whether Applicant can make use of the provision within the required time.

Pursuant to Applicant's proposed Rate Schedule I–1, the sale will be made at a rate of 22.95 cents per Mcf.

[1] At 14.73 psia.

Applicant recites that it will be able to render the proposed service without affecting its ability to render its authorized service to existing customers.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 16, 1961 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 6, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1362; Filed, Feb. 15, 1961; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File Nos. 812–379, 812–943]

## INVESTORS DIVERSIFIED SERVICES, INC.

### Notice on Application To Modify Prior Orders Permitting Loans and Advances to Certain Persons

FEBRUARY 8, 1961.

Notice is hereby given that Investors Diversified Services, Inc. ("IDS"), a face amount certificate company, registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to sections 6(c) and 17(b) of the Act for an order amending the terms and conditions of Commission orders dated March 20, 1951; August 8, 1955; October 21, 1957; and June 26, 1958 (Investment Company Act Release Nos. 1599, 2211, 2617, and 2736, respectively), exempting from the provisions of section 17(a)(3) certain transactions between IDS and persons engaged in the offering and sale of securities for which IDS is the underwriter.

The order of March 20, 1951, as amended by orders of the above dates, granted the application for an exemption from the provisions of section 17(a)(3) of the Act with respect to the lending of money in the form of periodic advances or secured lump sum loans from time to time by IDS to its divisional managers, district managers, and sales representatives whose income was derived from the sale of securities for which IDS is the underwriter, subject to the following terms and conditions:

(1) The only persons eligible to borrow money or receive periodic advances on commissions from Investors Diversified Services, Inc., under this order shall be salesmen (district managers for the purpose of this order are considered in the same class as salesmen) and divisional managers engaged in the sale of securities underwritten by Investors Diversified Services, Inc., whose compensation is based only on the sale of such securities and who are not directors or officers of the applicant or of any of its subsidiary or affiliated companies.

(2) Weekly, semi-monthly or monthly advances (hereinafter termed periodic advances) to salesmen shall not exceed $600 per month and advances to divisional managers shall not exceed $1,500 per month, except that advances to those persons who at the time of such advance have future accruing commissions on business previously sold may equal the amount of such future accruing commissions but may not exceed the limitation set forth in paragraph 4 below. In no event shall any periodic advances be made to part-time salesmen.

(3) Lump-sum loans shall not at any one time aggregate for a salesman more than $5,000 or for a divisional manager more than $10,000. The same individual may have both periodic advances and lump-sum loans available to him at the same time but in no event shall the aggregate of such loans and advances to any one individual exceed the limits set forth in paragraph 4 below. The aggregate lump-sum loans to a part-time salesman shall not exceed the amount of renewal commissions from business currently produced by such part-time salesman.

(4) The maximum debt balance of periodic advances and lump-sum loans shall at no time exceed an aggregate of $7,000 for any one salesman or district manager or $15,000 for any one divisional manager. The aggregate amount of all loans and advances outstanding at any one time shall not exceed $1,500,000.

(5) Each lump-sum loan shall be evidenced by a promissory note of the borrower and a commission deduction authorization in the form set forth as Exhibit B to the application. The agreement covering such a loan shall provide for payment within a period of twenty-four months from the date of the loan in substantially equal installments not more than two months apart the first of which shall be due and payable not more than sixty days from the date of the loan. Each such loan to a salesman shall be guaranteed by such salesman's divisional manager to the extent of at least one-third of any loss to Investors Diversified Services, Inc., resulting from such loan or advance.

Applicant states that developments subsequent to the dates of the Commission's original and modifying orders have again made it necessary to request further modification of the terms and conditions quoted above and at the same time to request a further and somewhat different permissive condition to the original exemption. Such developments include the commencement of operations in late 1958 of IDS's wholly-owned insurance company, Investors Syndicate Life Insurance and Annuity Company

and the licensing of members of IDS's sales organization to sell insurance, so that it is desirable in the interest of clarity that the language of condition (1) be modified to recognize insurance commissions as a source of "compensation"; an increase in the functions of district managers in certain localities so that such position approaches the importance of the divisional manager and it is desirable to add a separate category for district managers in conditions (2), (3), and (4), and remove the parenthetical clause in condition (1); and a further decline in the purchasing power of the dollar so that it is desirable to increase the dollar limitations specified in the above conditions and to extend the maximum period for repayment of lump-sum loans by district and divisional sales managers.

Applicant requests that the order be modified to increase the maximum permissible advances per month in condition (2) to $1,000 for sales representatives, $1,500 for district sales managers, and $2,000 for divisional sales managers; to establish a maximum debit for lump-sum loans in condition (3) of $7,500 for district sales managers (the present limits of $5,000 and $10,000 for sales representatives and divisional managers, respectively, being retained) and to increase the maximum periods for the repayment of lump-sum loans to 36 months for sales representatives, to 48 months for district managers and 60 months for divisional managers instead of the flat 24 months' notes specified in condition (5) of the order with respect to all classes of persons covered by the order; and to establish new maximum debits for the aggregate of periodic advances plus lump-sum loans in condition (4) of $7,500 for sales representatives, $10,000 for district sales managers and $20,000 for divisional sales managers.

Applicant also requests that the order be modified to enable divisional and district managers to conduct a program of modernization and upgrading of sales office facilities. To make this program workable, it represents that it will in some cases be necessary to make additional loans for leasehold improvements, and perhaps also for furniture and fixtures, which loans would be repayable over negotiated and rather extended periods. Accordingly, authority is being requested to make furniture and fixture and leasehold improvement loans to divisional and district sales managers who need such financing, the maximum amount of such a loan to any district manager being $7,500 and to any divisional manager being $20,000, repayable over a period not to exceed 60 months in the case of a district manager and 120 months in the case of a divisional manager. Such loans, however, would be included in determining the aggregate amount of all loans and advances outstanding for the purposes of the last sentence of condition (4), and to allow for this additional type of loan applicant requests that the maximum figure specified in this sentence be increased from $1,500,000 to $2,000,000.

IDS which is also registered with this Commission as a broker-dealer under the provisions of the Securities Exchange Act of 1934, is the underwriter and distributor of securities issued by Investors Syndicate of America, Inc., a registered face-amount certificate company and a wholly-owned subsidiary of IDS, and of securities issued by five registered management investment companies which were organized and promoted by IDS and which are affiliated with the latter. By definition under the Act, employees of a company are affiliated persons of such a company. Section 17(a) (3) of the Act prohibits an affiliated person or promoter of, or principal underwriter for, a registered investment company or an affiliated person of such person from borrowing money or other property from such registered company or from any company controlled by such registered company, subject to certain exceptions not here pertinent, unless the Commission, upon application pursuant to section 17(b) of the Act, grants an exemption from the provisions of section 17(a). Under the terms of section 17(b) an exemption shall be granted by the Commission if evidence establishes: that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act; and that the proposed transaction is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than February 23, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–1366; Filed, Feb. 15, 1961; 8:47 a.m.]

[File No. 70–3935]

## NEW ENGLAND ELECTRIC SYSTEM ET AL.

### Notice of Filing Regarding Issue and Sale of Promissory Notes by Subsidiary Companies to Banks and to Parent Company

FEBRUARY 8, 1961.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary companies ("the borrowing companies"), namely, Central Massachusetts Gas Company ("Central Mass."), Granite State Electric Company ("Granite"), Lawrence Gas Company, ("Lawrence"), Lynn Electric Company ("Lynn Electric"), Lynn Gas Company ("Lynn Gas"), Massachusetts Electric Company ("Massachusetts"), Merrimack-Essex Electric Company ("Merrimack"), The Mystic Power Company ("Mystic"), Mystic Valley Gas Company ("Mystic Valley"), The Narragansett Electric Company ("Narragansett"), New England Power Company ("NEPCO"), Northampton Gas Light Company ("Northampton Gas"), North Shore Gas Company ("North Shore"), Norwood Gas Company ("Norwood"), Suburban Electric Company ("Suburban"), and Wachusett Gas Company ("Wachusett"). NEES and the borrowing companies have designated sections 6(a), 7, 9(a), 10, and 12(f) of the Act and Rules 42(b)(2), 43, 45(b)(1), 50(a)(2), and 50(a)(3) thereunder as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies propose to issue, from time to time through December 31, 1961, unsecured promissory notes to banks and/or NEES in the maximum aggregate amount of $64,225,000 to be outstanding at any one time. The proceeds of the proposed borrowings are to be used to pay then outstanding notes due to banks and/or to NEES (outstanding in the principal amount of $37,905,000 at January 1, 1961), and to provide new money for construction expenditures or to reimburse the treasury therefor. The proposed notes will bear interest at not in excess of the prime rate in effect at the time of issuance, will mature in less than one year and in any event on or prior to March 31, 1962, and will be prepayable at any time, in whole or in part, without premium.

The subsidiary companies may prepay their notes to banks, in whole or in part, with borrowings from NEES, or vice versa. Any notes issued to NEES for such prepayment of notes to banks will bear interest at the prime rate, but not in excess of the interest rate on the notes being prepaid, to the date of their maturity. In the case of notes issued to banks for such prepayment of notes to NEES, if the interest rate exceeds that of the notes to be prepaid, NEES will credit the borrowing company with the difference between the interest rate on the new note to be issued to the bank and the interest rate on the note to be prepaid for the period from the date of the issuance of such new note to the normal maturity date of the note payable to NEES which is to be prepaid.

The following table shows for each borrowing company the estimated maximum amount of notes to be outstanding with banks and/or with NEES at any one time.

| Borrowing company | Estimated maximum amount of notes to be outstanding (in thousands) | | |
|---|---|---|---|
| | Banks | NEES | Banks or NEES |
| Central Mass. | $1,200 | | |
| Granite | 1,825 | | |
| Lawrence | 1,825 | | |
| Lynn Electric | 600 | | $1,700 |
| Lynn Gas | 955 | | |
| Massachusetts | 6,250 | $5,690 | 4,860 |
| Merrimack | 3,400 | | 2,000 |
| Mystic | 825 | | |
| Mystic Valley | 4,550 | | |
| Narragansett | 6,600 | | |
| NEPCO | 12,750 | | 1,250 |
| North Shore | 1,800 | | |
| Northampton Gas | | 890 | |
| Norwood | | 1,205 | |
| Suburban | 700 | | 2,500 |
| Wachusett | 850 | | |
| Total | 44,130 | 7,785 | 12,310 |

The proposed bank borrowings will be made from the following banks in the aggregate maximum amounts indicated:

| | |
|---|---|
| The First National City Bank of New York | $8,400,000 |
| The First National Bank of Boston | [1] 39,620,000 |
| Naumkeag Trust Co., Salem, Mass | 150,000 |
| Merchants - Warren National Bank, Salem, Mass | 100,000 |
| Industrial National Bank of Providence | 3,550,000 |
| Rhode Island Hospital Trust Co. | 1,900,000 |
| First National Bank of Malden | 150,000 |
| Malden Trust Co | 100,000 |
| Middlesex County National Bank, Everett, Mass | 250,000 |
| Worcester County National Bank, Worcester, Mass | 750,000 |
| The Mechanics National Bank of Worcester | 300,000 |
| Guaranty Bank & Trust Co., Worcester, Mass | 400,000 |
| South Shore National Bank, Quincy, Mass | 375,000 |
| Norfolk County Trust Co., Quincy, Mass | 200,000 |
| Quincy Trust Co., Quincy, Mass. | 75,000 |
| Attleboro Trust Co., Attleboro, Mass | 40,000 |
| First National Bank, Attleboro, Mass | 80,000 |
| Total | 56,440,000 |

[1] Includes $12,310,000 which may be borrowed from the bank or from NEES.

Incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated at not exceeding $400 for each applicant-declarant.

Appropriate action has been taken by the Public Utilities Commission of New Hampshire with respect to the notes proposed to be issued by Granite. No further action by any regulatory commission, other than this Commission is necessary to carry out the proposed transactions.

Notice is further given that any interested person may, not later than February 23, 1961, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–1367; Filed, Feb. 15, 1961; 8:47 a.m.]

[File No. 70–3933]

## SOUTHERN CO. ET AL.

### Notice of Filing Regarding Agreement Providing for Allocation of Consolidated Federal Income Tax Liability Among System Companies

FEBRUARY 8, 1961.

In the matter of The Southern Company, Alabama Power Company, Gulf Power Company, Mississippi Power Company, Georgia Power Company, Southern Electric Generating Company, Alabama Property Company, Southern Services, Inc.; File No. 70–3933.

Notice is hereby given that The Southern Company, a registered holding company, and its subsidiary companies, Alabama Power Company ("Alabama"), Alabama Property Company, Georgia Power Company ("Georgia"), Gulf Power Company ("Gulf"), Mississippi Power Company ("Mississippi"), Southern Electric Generating Company ("SEGCO"), and Southern Services, Inc., have filed with this Commission a joint declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding a proposed agreement providing for the allocation of their consolidated Federal income tax liabilities, and have designated section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Declarants, who as a group join in the filing of consolidated Federal income tax returns, propose to enter into an agreement governing the allocation among said companies of their consolidated Federal income tax liabilities for the years 1960 through 1966 and which will differ from the provisions of Rule 45(b)(6). SEGCO owns, is constructing, and will operate a steam electric generating plant, certain associated transmission facilities, and certain coal mines. Two generating units and related facilities were completed and began operations in 1960, and other facilities will be completed in 1961 and 1962. Fifty percent of the outstanding capital stock of SEGCO is owned by each of Alabama and Georgia, which companies have also entered into a Power Contract with SEGCO under which they are each entitled to one-half of the capacity and energy of such generating plant and are obligated to pay therefor an amount sufficient to pay all of SEGCO's operating expenses and a 6 percent return on its net plant investment. Such amount includes an amount equal to SEGCO's income taxes and provisions for deferred taxes arising from the deduction, pursuant to section 167 of the Internal Revenue Code of 1954, as amended, of liberalized depreciation while taking straight-line depreciation for financial accounting purposes.

By reason of the deductibility by SEGCO, for income tax purposes, of interest and other expenses during the period of construction of its plant, SEGCO incurred deficits in its taxable income for each of the years 1956 through 1959; and by reason of similar deductions together with the commencement of deductions for liberalized depreciation in 1960, the company is expected to incur further deficits in its taxable income during the years 1960 through 1962. These deficits in SEGCO's taxable income have resulted, and for the years 1960 through 1962 are expected to result further, in reductions of the consolidated tax liabilities of the Southern Company group of companies. Such tax reductions for the year 1959 and prior years have inured to the benefit of Alabama, Georgia, Gulf, and Mississippi. Because of its tax deficits and the five-year carry-over provisions of the Internal Revenue Code, SEGCO will have no taxable income until 1966. As a consequence, the declaration states that the foregoing situation will give rise to certain inequities in the future allocation of consolidated income taxes among the members of the group if effected pursuant to the provisions of Rule 45(b)(6) under the Act.

Accordingly, the proposed agreement provides that (a) commencing with the tax return for 1960 any deficit in the taxable income of SEGCO shall be applied to reduce by 50 percent thereof the amount of taxable income otherwise contributed by each of Alabama and Georgia to the consolidated taxable income for such year; and (b) during subsequent years (estimated to be the years 1963 through 1966) in which some of the consolidated taxable income will be attributable to SEGCO but no liability for

income tax will be allocable to SEGCO by reason of clause (i) of Rule 45(b)(6), the amount of income tax liability which would be allocated to SEGCO but for clause (i) shall be apportioned among Alabama, Georgia, Gulf, and Mississippi, such apportionment to be in the same proportion as the aggregate reduction in income tax liability resulting to each such company as a result of deficits in SEGCO's net taxable income during the years 1958 through 1962 bears to the aggregate reductions to all of such companies during such years from such deficits, except that in no such year shall the resulting income tax liability of any such company exceed its tax liability based on a separate return computed as if such company had always filed its income tax returns on a separate return basis.

The fees and expenses to be incurred with respect to the proposed transactions are estimated at not to exceed $2,250, consisting of service company charges of $750 and counsel fees and expenses of $1,500.

The joint declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 28, 1961, request in writing that a hearing be held in respect of the joint declaration, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the Commission may permit to become effective the joint declaration, as filed or as it may be amended, pursuant to the provisions of Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1368; Filed, Feb. 15, 1961; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 13, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36899: *Coarse grains and grain products from Kansas and Nebraska.* Filed by The Denver and Rio Grande Western Railroad Company (No. 2), for itself, and interested rail carriers. Rates on coarse grains and grain products, as described in the application, in carloads, from points in Kansas and Nebraska, to points in Colorado.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 11 to Denver and Rio Grande Western Railroad tariff I.C.C. 1045.

FSA No. 36900: *Starch or dextrine to Palatka, Fla.* Filed by O. W. South, Jr., Agent (No. A4062), for interested rail carriers. Rates on starch or dextrine, as described in the application, in carloads, from points in Illinois, Indiana, Iowa, and Missouri, to Palatka, Fla.

Grounds for relief: Truck and rail-truck competition.

Tariff: Supplement 37 to Southern Freight Association tariff I.C.C. S-116, and other schedules listed in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-1369; Filed, Feb. 15, 1961; 8:47 a.m.]

[Notice 448]

## MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 10, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63881. By order of February 10, 1961, the Transfer Board approved the transfer to The Epstein Transfer Company, a corporation, Thompsonville, Conn., of Certificate No. MC 69300, issued March 20, 1956, to S. Raymond Epstein, doing business as The Epstein Transfer Co., Thompsonville, Conn., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between Springfield, Mass., and Enfield, Conn., serving all intermediate points and certain specified off-route points, and, household goods, between points in the Townships of Enfield, Suffield, East Granby, Windsor Locks, Windsor, East Windsor, and Somers, Conn., on the one hand, and, on the other, points in New York, Massachusetts, and Rhode Island. Sidney L. Goldstein, 109 Church Street, New Haven, Conn., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-1370; Filed, Feb. 15, 1961; 8:48 a.m.]

## ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK

### Miscellaneous Amendments

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 7th day of February A.D. 1961.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of the law being under consideration, with a view to providing for the elimination from the assignment of work to Division 1 of initial jurisdiction over certain classes of proceedings which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, concurrent with the creation of three Motor Carrier Boards and assignment of such proceedings to such boards, providing further for the designation of Division 1 as an appellate division to consider applications for rehearing, reargument, or reconsideration of any decisions, orders, requirements, or other actions of the Motor Carrier Boards, the decisions of said appellate division to be administratively final and not subject to review by the Commission:

*It is ordered,* That the Organization Minutes of the Interstate Commerce Commission relating to the Organization of Divisions and Boards and Assignment of Work, issue of January 1, 1959, as amended (24 F.R. 2506, 4070, 5667, 9230, 25 F.R. 96, 3608, and 26 F.R. 241, 861), be, and they are hereby amended in the following particulars:

1. Under the heading Assignment of Duties to Division, in Item 4.2 *Division One—Operating Rights Division,* delete paragraphs (b), (c), (p), (r), and (u), and substitute in lieu thereof the following paragraphs:

(b) Section 204(a) (1), (2), (3), (3a), and (5), so far as relates to reasonable requirements with respect to continuous and adequate service and transportation of baggage and express by common carriers, and to qualifications and maximum hours of service of employees, safety of operation and equipment, and comfort of passengers, for motor carriers, but not including requirements for the safe transportation of explosives and other dangerous articles, and not including matters assigned to and determined by a Motor Carrier Board pursuant to Item 7.8.

(c) Section 204(a)(4) and section 211 (a) to (c), inclusive, relating to the regulation of brokers (other than their accounts, records, and reports, the transfer of brokers' licenses, changes in control of corporations or associations holding brokers' licenses and security for the protection of the public).

* * * * *

(p) Section 215 and section 211(c), relating to security for the protection of the public, except matters assigned to and determined by a Motor Carrier Board pursuant to Item 7.8.

* * * * *

(r) Section 403 (c) and (d) relating to authority to prescribe reasonable rules and regulations governing the filing of surety bonds, policies of insurance, etc., by freight forwarders, except matters assigned to and determined by a Motor Carrier Board pursuant to Item 7.8.

* * * * *

(u) Section 204 (e) and (f), and section 204(a)(6) so far as it relates to the lease and interchange of vehicles by motor carriers, including authority to act on applications for approval of contract carrier rental contracts under § 207.6(b) of the lease and interchange regulations (49 CFR 207.6(b)), except, in each case, matters assigned to and determined by a Motor Carrier Board pursuant to Item 7.8.

2. Under the heading Assignment of Duties to Individual Commissioners, amend Item 6.8 by deleting paragraph (a) thereof in its entirety, and substituting paragraph (b) in lieu of the deleted material.

3. Under the heading Assignment to Boards, add the following item, to be designated 7.8 *Motor Carrier Boards:*

(a) Motor Carrier Board No. 1:

(1) Section 211(c) relating to bonds or other security to assure financial responsibility of brokers, section 215 with respect to the furnishing by motor carriers of bonds, insurance, or other security, for the protection of the public, and section 403 (c) and (d) with respect to the furnishing by freight forwarders of bonds, insurance, or other security for the protection of the public, except matters which involve or have involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(2) Section 221 (a) and (c) relating to the designation by motor carriers and brokers of persons upon whom orders and notices may be served and the designation of agents upon whom service of process may be made, except matters which involve or have involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(b) Motor Carrier Board No. 2:

(1) Section 204(a) (1), (2), (3), (3a), and (5) so far as relates to reasonable requirements with respect to qualifications and maximum hours of service of employees, safety of operation and equipment, and comfort of passengers under section 204(a)(3a), for motor carriers, including the issuance and release of motor carrier accident investigation reports, but not including requirements for the safe transportation of explosives and other dangerous articles, not including the entering into arrangements for the making of tests and experiments by other governmental agencies or the use of facilities of other governmental agencies where the cost thereof is to be paid by the Commission, and not including matters which involve or have involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(2) Section 222(d) relating to authorizing or directing the disclosure of information concerning motor carrier accidents and compliance by motor carriers with the safety regulations (49 CFR parts 190–198) coming to the knowledge of Commission employees during the course of inspections made under authority of section 220, except when the authorizing or directing of the disclosure involves or has involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(c) Motor Carrier Board No. 3: Section 204 (e) and (f) and section 204(a)(6) so far as they relate to the lease and interchange of vehicles by motor carriers, including authority to act on applications for approval of contract carrier rental contracts under § 207.6(b) of the lease and interchange regulations (49 CFR 207.6(b)), except, in each case, matters which involve or have involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(d) Any matter referred to a Motor Carrier Board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(e) Any Motor Carrier Board may certify to Division 1 any matter which in the Board's judgment should be passed on by that division, or the Commission, and Division 1 may recall any matter from a Motor Carrier Board.

4. Under the heading Rehearings and Further Proceedings, delete Item 8.5, and in lieu thereof substitute the following:

8.5 Division One is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action, or requirement of the Temporary Authorities Board under paragraphs (a) and (b) of Item 7.4, and of the Motor Carrier Boards under paragraphs (a), (b), and (c), of Item 7.8 shall be assigned or referred for disposition, (except as otherwise provided in Item 7.4(a)) and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

5. Under the heading Bureaus and Offices of the Commission, add to Item 9.8 Motor Carriers, the following:

(f) Motor Carrier Boards—Chairman of the respective Boards.

*It is further ordered,* That the foregoing amendments shall become effective February 21, 1961.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-1371, Filed, Feb. 15, 1961; 8:48 a.m.]



# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## NEVADA

### Order Providing for Opening of Public Lands

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g) as amended, the following described lands have been conveyed to the United States:

MOUNT DIABLO MERIDIAN

[Nevada 056270, 053623, 053625]

T. 27 N., R. 18 E.,
Sec. 1, NE¼;
Sec. 10, NE¼NE¼;
Sec. 11, W½;
Sec. 13, S½.

[Nevada 056280, 056256, 056264]

T. 42 N., R. 19 E.,
Sec. 13, SE¼;
Sec. 21, N½SW¼;
Sec. 31, NE¼NW¼.

[Nevada 046429]

T. 32 N., R. 32 E.,
Sec. 3, lots 1 and 2 of NE¼, lot 2 of NW¼.
T. 33 N., R. 32 E.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, and 33;
Sec. 35, N½, SW¼, N½SE¼, SW¼SE¼, NE¼NE¼SE¼SE¼, W½NE¼SE¼SE¼, NW¼SE¼SE¼, NW¼SW¼SE¼SE¼.
T. 33 N., R. 33 E.,
Sec. 5, lots 1 and 2 of NW¼, S½;
Sec. 7;
Sec. 9, NW¼, S½;
Sec. 17;
Sec. 19, N½, SW¼, N½SE¼, N½SW¼SE¼, SW¼SW¼SE¼, NW¼SE¼SW¼SE¼, N½N½SE¼SE¼;
Sec. 21, N½, N½SW¼, N½NW¼SW¼SW¼, SE¼NW¼SW¼SW¼, E½SW¼SW¼, SW¼, E½SW¼SW¼, SE¼SW¼, SE¼.
T. 35 N., R. 38 E.,
Sec. 1, W½ of lot 2, W½ of lot 5, S½ of lot 7, lots 3 and 4, SW¼NE¼, S½NW¼, NE¼SW¼, S½SW¼, N½NW¼SE¼, SW¼NW¼SE¼, W½SW¼SE¼.
T. 36 N., R. 38 E.,
Sec. 1, S½, except 3.90 acres conveyed to Western Pacific Railway Company by Deed dated November 27, 1908, and except a strip of land 400 feet wide, containing 46.92 acres, lying equally on each side of Central Pacific Railway Company's railroad as now constructed;
Secs. 11, 13, 15, 23, 25, 27, and 35.
T. 35 N., R. 39 E.,
Secs. 5, 7, 9, and 17.
T. 36 N., R. 39 E.,
Sec. 5, all, except 25.33 acres conveyed to Western Pacific Railway Company by Deeds dated November 27, 1908, March 2, 1909 and November 11, 1924, and except a strip of land 400 feet wide, containing 47.99 acres, lying equally on each side of Central Pacific Railway Company's railroad as now constructed;
Secs. 7, 17, 19, 29, and 31.
T. 32 N., R. 40 E.,
Secs. 1, 11, 13, and 23;
Sec. 25, N½.
T. 33 N., R. 40 E.,
Secs. 1, 3, 11, 13, and 15;
Sec. 23, lots 1, 3, and 4, E½, NE¼NW¼, W½W½, SE¼SW¼;
Secs. 25, 27, and 35.
T. 34 N., R. 40 E.,
Sec. 1;
Sec. 11;
Sec. 13, lots 1, 2, 3, and 4, N½N½, SE¼NE¼, S½NW¼, NW¼SW¼, E½SE¼, SW¼SE¼;

Secs. 15, 23, and 27;
Sec. 29, E½;
Sec. 31, lots 2, 3, and 4, E½SW¼, S½SE¼.
T. 35 N., R. 40 E.,
Secs. 11, 13, and 23;
Sec. 25, NE¼NE¼, NE¼NW¼NE¼, S½NW¼NE¼, NW¼NE¼NW¼, S½NE¼NW¼, NW¼NW¼, S½N½, S½;
Sec. 35.
T. 31 N., R. 41 E.,
Secs. 1, 3, 9, and 11;
Sec. 13, N½, SW¼.
T. 32 N., R. 41 E.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35.
T. 33 N., R. 41 E.,
Sec. 1, lots 2, 3, 4, 5, 6, and 7, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Secs. 3, 7, 11, and 13;
Sec. 15, N½, NE¼SW¼, S½SW¼, SE¼;
Sec. 17;
Sec. 19;
Sec. 21, NW¼NE¼, S½NE¼, NW¼, S½;
Secs. 23, 25, 27, 29, 31, 33, and 35.
T. 34 N., R. 41 E.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, and 35.
T. 35 N., R. 41 E.,
Sec. 1, lots 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, and 17, E½SW¼, W½SE¼;
Secs. 3, 5, 7, and 9;
Sec. 11, S½NE¼, NW¼, S½;
Sec. 13;
Sec. 15, N½, SW¼, W½SE¼;
Sec. 17, NE¼, NE¼NW¼, E½SE¼NW¼, E½SW¼, SE¼;
Sec. 19, lots 1, 2, 3, and 4;
Sec. 21, N½, SW¼, NE¼SE¼, S½SE¼;
Sec. 23, E½, N½NW¼, SE¼NW¼, E½SW¼;
Sec. 25;
Sec. 27;
Sec. 29, E½, E½W½, NW¼NW¼, SW¼SW¼;
Sec. 31, lots 1, 2, 3, and 4, NE¼NE¼, S½NE¼, E½NW¼, SE¼;
Sec. 33;
Sec. 35.
T. 36 N., R. 41 E.,
Sec. 21, lots 3, 4, and 5, NW¼SE¼;
Sec. 23, all, except 0.64 acres lying within 200 feet of center line of Central Pacific Railroad Company's railroad as now constructed;
Secs. 25, 27, 29, and 31.
T. 34 N., R. 42 E.,
Secs. 5, 7, 9, 17, 19, 21, 29, and 33.
T. 36 N., R. 42 E.,
Sec. 31, all, except a strip of land 400 feet wide, containing 47.66 acres, lying equally on each side of Central Pacific Railroad Company's railroad as now constructed and except 2.83 acres located in the NE¼SE¼ described as follows: Beginning at the northeast corner of the SE¼NE¼SE¼ of said sec. 31, thence west 425 feet to the northeasterly boundary of the excluded strip of land 400 feet wide, thence southeasterly along said northeasterly boundary to the east line of said sec 31, thence north 680 feet to the point of beginning.

[Nevada 056036, 056275]

T. 32 N., R. 49 E.,
Sec. 23, SE¼;
Sec. 25, NW¼;
Sec. 27, SE¼;
Sec. 35, NW¼.
T. 39 N., R. 51 E.,
Sec. 1, SE¼NE¼.
T. 39 N., R. 52 E.,
Sec. 6, lots 5 and 6, S½NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.

[Nevada 056039]

T. 38 N., R. 54 E.,
Sec. 15, SE¼;
Sec. 23, N½.
T. 38 N., R. 55 E.,
Sec. 9, N½, SW¼;
Sec. 17, N½, SW¼;
Sec. 19, lots 1, 2, 3, and 4, NE¼, E½W½.

[Nevada 056259, 056266, 056265]

T. 44 N., R. 57 E.,
Sec. 31, lots 1, 2, and 3, S½NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 32, S½NW¼, SW¼.
T. 43 N., R. 63 E.,
Sec. 9, SE¼NE¼.
T. 11 N., R. 66 E.,
Sec. 33, NE¼NW¼.

[Nevada 056272, 056265]

T. 21 N., R. 66 E.,
Sec. 28, NW¼SW¼.
T. 12 N., R. 67 E.,
Sec. 11, SE¼NE¼, SW¼SE¼;
Sec. 22, SW¼SE¼;
Sec. 27, W½NE¼, NW¼SE¼;
Sec. 28, SE¼NE¼, NE¼SE¼.
T. 14 N., R. 67 E.,
Sec. 5, lot 2, SW¼NE¼, E½SW¼;
Sec. 8, E½W½;
Sec. 17, E½W½;
Sec. 20, E½NW¼;
Sec. 29, E½NW¼, SW¼;
Sec. 32, E½W½.

[Nevada 056253, 056265, 056272]

T. 15 N., R. 67 E.,
Sec. 8, SE¼NE¼;
Sec. 17, N½NW¼, NW¼NE¼;
Sec. 32, W½SE¼.
T. 25 N., R. 67 E.,
Sec. 30, lot 1.

[Nevada 056251, 056255]

T. 2 N., R. 69 E.,
Sec. 24, NW¼NE¼.
T. 10 N., R. 70 E.,
Sec. 14, SW¼NW¼.

The above tracts aggregate 103,899.92 acres more or less.

2. The conveyances to the United States included the minerals in the following described lands only:

MOUNT DIABLO MERIDIAN

T. 27 N., R. 18 E.,
Sec. 1, NE¼;
Sec. 10, NE¼NE¼;
Sec. 11, W½;
Sec. 13, S½.
T. 42 N., R. 19 E.,
Sec. 21, N½SW¼.
T. 39 N., R. 51 E.,
Sec. 1, SE¼NE¼.
T. 39 N., R. 52 E.,
Sec. 6, lots 5 and 6, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼.
T. 44 N., R. 57 E.,
Sec. 31, lots 1, 2, and 3, S½NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 32, S½NW¼, SW¼.
T. 11 N., R. 66 E.,
Sec. 33, NE¼NW¼.
T. 21 N., R. 66 E.,
Sec. 28, NW¼SW¼.
T. 12 N., R. 67 E.,
Sec. 11, SE¼NE¼, SW¼SE¼;
Sec. 22, SW¼SE¼;
Sec. 27, W½NE¼, NW¼SE¼;
Sec. 28, SE¼NE¼, NE¼SE¼.
T. 14 N., R. 67 E.,
Sec. 5, lot 2, SW¼NE¼, E½SW¼;
Sec. 8, E½W½;
Sec. 17, E½W½;
Sec. 20, E½NW¼;
Sec. 29, E½NW¼, SW¼;
Sec. 32, E½W½.
T. 15 N., R. 67 E.,
Sec. 8, SE¼NE¼;
Sec. 17, N½NW¼, NW¼NE¼;
Sec. 32, W½SE¼.
T. 25 N., R. 67 E.,
Sec. 30, lot 1.
T. 10 N., R. 70 E.,
Sec. 14, SW¼NW¼.

3. The conveyances to the United States included only the gas, coal, oil and oil shale in the following described lands:

MOUNT DIABLO MERIDIAN

T. 42 N., R. 19 E.,
Sec. 13, SE¼.

4. The land in T. 27 N., R. 18 E., is located from approximately 3 to 6½ miles northwest of Flanigan, Nevada, in Honey Lake Valley. The elevation is about 4,000 feet above sea level. The land varies from flat to rolling with soil grading from rocky to clay loam. The average annual precipitation is 7 inches. The land does not appear to be valuable for agricultural purposes.

5. The land in T. 42 N., R. 19 E., lies south of Vya, Nevada, is relatively level, with some land situated on a rocky bench which ascends into fairly steep slopes. Elevation is from 5,000 feet to 6,000 feet. Soil is rocky to sandy clay loam covered with sagebrush, bluebunch, wheatgrass, bluegrass, annual weeds and flowers, with scattered juniper and pinon trees. Agricultural development of the land does not appear feasible.

6. The land in Tps. 32 and 33 N., R. 32 E., and T. 33 N., R. 33 E., is located west and north of Rye Patch Reservoir in Pershing County, Nevada. Access is provided by a gravel road that leaves Highway 40 one mile southwest of Imlay, Nevada. Soils are primarily clay loams with stony gravel fans, supporting shadscale, white sage, bluegrass and other annual grasses. Elevation varies from 4,113 feet to 5,000 feet above sea level. The area does not have any potential value for agricultural development.

7. The land in Tps. 35 and 36 N., Rs. 38 and 39 E., is situated east of Winnemucca, Nevada, adjacent to or nearby Highway 40. Elevation is from 4,500 feet to the west, to 9,000 feet in the Sonoma Range to the east. The western portion is a fan descending from the Sonoma Range. The soil grades from stony and gravelly near the Sonoma Range to sandy loam in the lower reaches, and supports shadscale, white sage, bluegrass and other annual grasses.

8. The land in Tps. 32, 33, 34 and 35 N., R. 40 E.; Tps. 31, 32, 33, 34, 35, and 36 N., R. 41 E., and Tps. 34 and 36 N., R. 42 E., lies in Pershing and Humboldt Counties south and east of Golconda, Nevada. Elevation varies from 8,008 feet in the mountain ranges to 4,500 feet in the intervening valleys. Vegetation cover consists of shadscale, white sage, bluegrass, and other annual grasses. Agricultural development of the area does not appear feasible.

9. The land in T. 32 N., R. 49 E., is located approximately 3 miles northeast of Beowawe, Nevada, at an elevation of 4,800 feet. The topography varies from bottom valley land to steep hillsides with about a 40 percent slope. The vegetation consists of sagebrush, rabbitbrush, greasewood, cheatwood and some bluegrass. Moderate to heavy sheet erosion is evidenced with gullies 2 to 3 feet deep.

10. The land in T. 39 N., Rs. 51 and 52 E., lies on a broad plain at an elevation of 6,000 feet, with a gentle slope to the southeast. It is approximately 3 miles southeast of Tuscarora, Nevada. The annual precipitation is 14 inches. The soil is sandy loam of good depth and supports a growth of sagebrush, rabbitbrush, perennial rye grass, annual brome grass and perennial weeds.

11. The land in T. 38 N., Rs. 54 and 55 E., is located approximately 21 to 24 miles, airline distance, north of Elko, Nevada, and is accessible by State Highways. The elevation is about 5,900 feet with an average annual precipitation of 11 to 12 inches. The land is level to hilly with a dense stand of sagebrush, rabbitbrush, interspersed with giant wild rye grass and squirreltail grass. As all irrigation water appears to be appropriated, development for agricultural purposes does not seem feasible.

12. The land in T. 44 N., R. 57 E., is situated in low rolling foothill country, 2 miles east of Mount Velma, 60 miles north of Elko, Nevada. The land is 6,500 feet above sea level with shallow, rocky soil, and bedrock extruding in many places. Vegetation is mainly buckbrush and sagebrush, with a dense understory of wheatgrass, bluegrass and miscellaneous forbs. The land does not appear to be of value for agricultural development.

13. The land in T. 43 N., R. 63 E., is located about 10 miles southwest of Contact, Nevada, in Jakes Creek Valley. The land is level with a slight facing slope and is approximately 5,000 feet above sea level. Vegetation consists of greasewood, sagebrush and rabbitbrush. Agricultural development does not appear feasible.

14. The land in T. 11 N., R. 66 E., is 35 miles southeast of Ely, Nevada, in the rolling foothills of Schell Creek Range at an elevation of 6,600 feet. The soil is rocky clay with no agricultural possibilities. Vegetation consists of sagebrush with scattered juniper.

15. The land in T. 21 N., R. 66 E., is situated in the northern end of Spring Valley, about 45 miles northeast of Ely, Nevada. The land has no apparent value for agricultural development because of the very rocky soil, which supports only a sparse growth of semi-desert plants.

16. The land in T. 12 N., R. 67 E., is 36 miles southeast of Ely, Nevada, in the Shoshone area of Spring Valley, adjoining Scotty Meadows. The terrain is relatively level, being in the center of a broad valley. Elevation is 6,500 feet. Soil is a heavy alkaline clay and supports rabbitbrush, greasewood and shadscale. The land has no apparent agricultural possibilities.

17. The land in Tps. 14 and 15 N., R. 67 E., is 20 to 50 miles southeast of Ely, Nevada, in central Spring Valley. Elevation is from 6,400 to 6,500 feet above sea level. The soil varies from sandy clay to a heavy clay, highly alkaline and subject to severe sheet erosion. Vegetation is sagebrush, rabbitbrush, greasewood, with some saltgrass present. The land does not appear to have any value for agricultural development.

18. The land in T. 25 N., R. 67 E., is situated in the Antelope Range, about 54 miles northeast of Ely, Nevada, in an extremely mountainous area. The soil in part is deep, fertile loam, but due to the limited acreage and apparent lack of water, cultivation does not seem feasible. Vegetative covering consists of sagebrush, rabbitbrush, wild rye, and numerous annual forbs.

19. The land in T. 2 N., R. 69 E., is located in Eagle Valley, in a canyon not over ½ mile wide, about 20 miles northeast of Pioche, Nevada. The soil is a rich, sandy loam, but due to erosion and high water from the existing stream, a channel has been gouged to a depth of 15 feet and 25 feet wide in many places, therefore, agricultural development does not seem practicable. Vegetation consists chiefly of big sage, rabbitbrush, black sage, perennial forbs and grasses.

20. The land in T. 10 N., R. 70 E., is about 23 miles southwest of Garrison, Utah, in White Pine County, Nevada. The terrain is fairly flat with gentle slopes to the east and northeast. Vegetation consists of rabbitbrush, greasewood and some saltgrass.

21. Pursuant to the authority delegated to me by Order No. 541, Section 3.5 of the Director, Bureau of Land Management, of April 21, 1954, and subject to valid existing rights and requirements of applicable law, the lands described above are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws for all lands described above, and applications and offers under applicable mineral leasing laws for lands described in paragraphs 2 and 3 above, may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All other valid applications and selections under the non-mineral public land laws, and applications and offers under applicable mineral leasing laws for the lands described in paragraphs 2 and 3 above, presented prior to 10:00 a.m., on March 16, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

22. The lands described in paragraph 2 above will be open to location under the United States Mining laws, beginning 10:00 a.m., on March 16, 1961.

23. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice, can be found in Title 43 of the Code of Federal Regulations.

24. Inquiries concerning the restored lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box No. 1551, Reno, Nevada.

J. E. KEOGH,
*Manager, Land Office.*

FEBRUARY 8, 1961.

[F.R. Doc. 61-1365; Filed, Feb. 15, 1961; 8:47 a.m.]



## Office of the Secretary

### GLENN J. HALL

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 23, 1961.

Dated: January 23, 1961.

GLENN J. HALL.

[F.R. Doc. 61-1381; Filed, Feb. 15, 1961; 8:50 a.m.]

### ROBERT R. REND

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) The Montana Power Co., American Telephone & Telegraph Co., Investors Mutual Inc., New York Life Insurance Co.
(3) None.
(4) None.

This statement is made as of January 1, 1961.

Dated: January 24, 1961.

ROBERT R. REND.

[F.R. Doc. 61-1382; Filed, Feb. 15, 1961; 8:50 a.m.]

### RAYMOND V. SELANDER

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 23,1961.

Dated: January 23, 1961.

RAYMOND V. SELANDER.

[F.R. Doc. 61-1383; Filed, Feb. 15, 1961; 8:50 a.m.]

### HARRY R. WALL

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No longer am I an officer nor director of Allegan Water Power Association.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 27, 1960.

Dated: December 27, 1960.

HARRY R. WALL.

[F.R. Doc. 61-1384; Filed, Feb. 15, 1961; 8:50 a.m.]

## PUBLIC LANDS

### Moratorium on Applications and Petitions

Whereas the public lands administered by the Bureau of Land Management constitute an important segment of the economy of the West and of Alaska and their proper and efficient administration is important to the expansion of that economy and

Whereas the privilege of filing of applications and petitions under the public land laws has been abused by unethical land locators and promoters at the cost of millions of dollars to the public and

Whereas the unrestricted privilege of filing of applications has seriously impeded both the orderly and expeditious disposal of public lands suitable therefor to States, local governmental units, private organizations, and individuals and the orderly and efficient management of those lands best suited for continued Federal administration in the public interest and

Whereas the processing of applications and petitions under current procedure is wasteful of public funds and

Whereas the Executive and the Congress are considering legislation to promote the efficient management of the public lands, therefore,

1. Pursuant to the authority granted to the Secretary of the Interior by sections 453 and 2478 of the Revised Statutes (43 U.S.C. 2 and 1201), as amended, and otherwise, it is hereby directed that, until September 1, 1962, all petitions for classification and applications for rights and privileges described in paragraph 2 hereof, submitted after the date this order is published in the FEDERAL REGISTER, except those submitted by or for States and local governments and by or for holders of scrip rights, will not be accepted, will not be considered as filed, and will be returned to the petitioner or applicant, together with all documents and remittances submitted therewith, unless or until the lands described in such petitions or applications have first been classified by the authorized officer and opened to such petitions or applications.

2. The petitions and applications referred to in paragraph 1 of this order are those which require for their allowance classification and opening or offer under or pursuant to sections 7, 8, or 14 of the act of June 23, 1934 (48 Stat. 1272; 43 U.S.C. 315f, 315g, and 1171), as amended, or the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a-e), as amended, or the act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869 et seq.), as amended.

3. Pursuant to the authority cited in paragraph 1 of this order, it is further directed that all petitions and applications of the types referred to in paragraph 2 of this order and pending in the various land offices of the Bureau of Land Management as of the date this order is published in the FEDERAL REGISTER will, as promptly as possible, be considered on their merits by the appropriate land office manager. Where such manager approves such petition or application, the lands will be opened or offered at the earliest possible time. Where such manager rejects such petition or application for reasons involving the proper classification of lands, the decision of the manager will be sustained by the Director, Bureau of Land Management, on appeal if the appellant does not submit to the Director positive and substantial evidence that the classification is in error. Where the Director sustains decision of a manager on the grounds that the appellant had not submitted positive and substantial evidence that the classification is in error, the decision of the Director will be sustained by the Secretary of the Interior if he finds that the appellant had not submitted to the Director, in his appeal to that official, positive and substantial evidence that the classification is in error.

STEWART L. UDALL,
*Secretary of the Interior.*

FEBRUARY 14, 1961.

[F.R. Doc. 61-1443; Filed, Feb. 15, 1961; 8:55 a.m.]

# DEPARTMENT OF COMMERCE

## Federal Maritime Board

### STATES STEAMSHIP CO. AND AMERICAN PRESIDENT LINES, LTD.

#### Notice of Applications

Notice is hereby given that States Steamship Company and American President Lines, Ltd., have applied to serve Midway Islands with freight ships operating in their Trans-Pacific Freight Services on Trade Route No. 29.

Any person, firm or corporation desiring to comment upon said applications of States Steamship Company and American President Lines, Ltd., should, by close of business on March 3, 1961, notify the Secretary, Federal Maritime Board in writing, in triplicate, of the nature of the interest of such person, firm or corporation regarding said applications and submit such comments thereon as may be desired.

After giving due consideration to any comments received, or if no comments are received, the Federal Maritime Board will take such action as it deems appropriate.

Dated: February 13, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-1380; Filed, Feb. 15, 1961; 8:50 a.m.]

## Office of the Secretary

### ROBERT JOSEPH WILLIAMS

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Kelsey Hayes, Cadillac DC Corp., Cadillac Products of Canada, Ltd.
B. Additions: Granite City Steel Corp., Consolidated Paper Co., Briggs Manufacturing Co.

This statement is made as of January 31, 1961.

ROBERT JOSEPH WILLIAMS.

JANUARY 31, 1961.

[F.R. Doc. 61-1385; Filed, Feb. 15, 1961; 8:50 a.m.]

### WALLACE H. ADAMSON

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of January 30, 1961.

WALLACE H. ADAMSON.

JANUARY 31, 1961.

[F.R. Doc. 61-1349; Filed, Feb. 15, 1961; 8:45 a.m.]



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Washington, Friday, February 17, 1961

THE UNIVERSITY OF MICHIGAN
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Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Treasury Department

Effective upon publication in the FEDERAL REGISTER, subparagraph (11) is added to § 6.303(a) as set out below.

**§ 6.303 Treasury Department.**

(a) *Office of the Secretary.* • • •

(11) One Deputy Assistant to the Secretary for Congressional Relations.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1456; Filed, Feb. 16, 1961; 8:49 a.m.]

## Title 7—AGRICULTURE

### Subtitle A—Office of the Secretary of Agriculture

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11.60 Delegations by Administrator.
11.61 Further information.

AUTHORITY: §§ 11.51 to 11.61 issued under sec. 104(a), 68 Stat. 456, as amended; 7 U.S.C. 1704(a). E.O. 10560, 19 F.R. 5927, 3 CFR, 1954 Supp; 19 F.R. 74.

**§ 11.51 Definition of terms.**

For the purpose of this subpart:

(a) "The act" means the Agricultural Trade Development and Assistance Act of 1954, as amended.

(b) A "cooperative program agreement" is an agreement by FAS and a cooperator to cooperate generally in the development of foreign markets for surplus agricultural commodities, more detailed provisions for such development to be embodied in cooperative project agreements.

(c) A "cooperative project agreement" is an agreement by FAS and a cooperator pursuant to which FAS contributes foreign currencies derived under the act and the cooperator contributes or causes to be contributed dollars, foreign currencies, property, services, or combinations thereof, all to be used in a cooperative project.

(d) A "cooperative project" is a project, as described under paragraph (i) of this section, operated by a cooperator, part of the financing being provided by FAS in accordance with the applicable cooperative project agreement.

(e) "Developing new markets" means creating new foreign markets for United States agricultural commodities as well as maintaining or expanding such foreign markets already in existence.

(f) "FAS" means the Foreign Agricultural Service, United States Department of Agriculture.

(g) "FAS contract" is a contract between FAS and a contractor, different from a cooperative agreement, pursuant to which FAS procures, for a stated consideration, property and services needed in developing markets for United States agricultural commodities.

(h) "FAS project" is a project as described under paragraph (i) of this section, operated directly by FAS with its own personnel or through direct procurement of property and services for needed market development.

(i) A "project" is a unit of market development work which constitutes the basis for programming as well as for budgeting and accounting for expenditures. A project may be directed at: (1) market promotion, that is, expanding and maintaining a market for United States agricultural commodities in foreign countries using such techniques as market studies, general publicity, commodity promotions, and exchanges of know-how and personnel; (2) marketing assistance, that is, assistance to foreign importers, processors and wholesale and retail dealers on distribution or technical problems; or (3) marketing research and surveys. A project may be a "cooperative project" or an "FAS project," as defined under paragraphs (d) and (h) of this section, respectively.

**§ 11.52 Legal basis.**

Section 104(a) of the act, as amended (7 U.S.C. 1704(a)), authorizes the President to use, or enter into agreements with friendly nations or organizations of nations to use, the foreign currencies which accrue under Title I of the act to help develop new markets for United States agricultural commodities on a mutually benefiting basis. By Executive Order 10560, dated September 9, 1954 (19 F.R. 5927), as amended, the President delegated the functions conferred upon him by Title I to the Secretary of Agriculture. The Administrator, FAS, is authorized to develop foreign markets for agricultural commodities pursuant to section 104(a) of the act by delegation of authority from the Secretary of Agriculture, 19 F.R. 74, except for utilization research which has been delegated by the same delegation to the Agricultural Research Service of the Department of Agriculture.

**§ 11.53 Participation in projects.**

As far as practicable, the United States Department of Agriculture relies upon representatives of private trade and agricultural groups in the United States and foreign countries as cooperators to carry out section 104(a) projects. In appropriate cases, such as where research or surveys are required, projects may be carried out in cooperation with, or under contract with, colleges, foundations, and similar educational institutions. Generally, cooperative agreements are not entered into with individual United States or foreign firms, except (a) on an experimental or pilot basis, or (b) where a trade group designates a particular firm to represent and act on behalf of the group. FAS projects are established where it is considered desirable to have the work done and where it is impracticable to establish a project on a cooperative basis.

**§ 11.54 Contributions by cooperators.**

In accordance with the policy established by the Foreign Agricultural Service, cooperators shall, and third parties making agreements with cooperators may, be required to contribute to project activities in accordance with cooperative agreements made by FAS and cooperators.

**§ 11.55 Third party agreements.**

When a cooperator carries out a share or all of a cooperative project agreement through a third party, the cooperator continues to be responsible for the project.

**§ 11.56 Offices abroad.**

With the approval of FAS, the cooperator may establish field offices in foreign countries to develop, supervise, and conduct market development activities.

**§ 11.57 Reports.**

A cooperator shall make reports, as required by FAS, in the course of the operation of the projects as well as upon their completion.

**§ 11.58 Initiation of projects.**

Market development projects may be initiated upon the suggestion of cooperators, FAS personnel, or other individuals or groups within or outside the Department of Agriculture.

**§ 11.59 Consideration of project proposals.**

Suggested projects are undertaken only if it is determined that such projects give promise of contribution to the effective creation, expansion, or maintenance of markets abroad for United States agricultural commodities, with primary emphasis on commercial markets.

§ 11.60 Delegations by Administrator.

(a) Authority to execute cooperative project agreements as defined in § 11.51 (c) is delegated by the Administrator, FAS, to the Assistant Administrator for Market Development and Programs.

(b) Authority to execute all other agreements, including FAS contracts as defined in § 11.51(g), pursuant to section 104(a) of the act is delegated by the Administrator, FAS, to the Assistant Administrator for Management, except that the Administrator, FAS, executes cooperative program agreements, as defined in § 11.51(b), and except that agreements for utilization research are executed by the Agricultural Research Service (see § 11.52).

(c) These authorities may not be redelegated.

§ 11.61 Further information.

Further information as to entering into agreements to develop new markets for United States agricultural commodities and as to operations under such agreements can be obtained, upon request, from the Director, Foreign Trade Promotion Division, FAS, U.S. Department of Agriculture, Washington 25, D.C.

Done at Washington, D.C., this 10th day of February 1961.

MAX MYERS,
*Administrator,*
*Foreign Agricultural Service.*

[F.R. Doc. 61-1453; Filed, Feb. 16, 1961; 8:49 a.m.]

## PART 14—SALES OF AGRICULTURAL COMMODITIES ON CREDIT UNDER LONG-TERM SUPPLY CONTRACTS

### Subpart A—Regulations Governing the Financing of Commercial Export Sales of Surplus Agricultural Commodities on Credit

Sec.
14.1 General statement.
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14.16 Responsibilities of banking institutions.
14.17 CSS Commodity Offices.

AUTHORITY: §§ 14.1 to 14.17 issued under sec. 406, 73 Stat. 610; sec. 102, 68 Stat. 455, as amended, 69 Stat. 44; 7 U.S.C. 1736; 7 U.S.C. 1702; E.O. 10900, 26 F.R. 143. Interpret or apply secs. 401, 402, 404, 406, 73 Stat. 610; secs. 102, 106, 68 Stat. 455, 457; 7 U.S.C. 1731, 1732, 1734, 1736; 7 U.S.C. 1702, 1706.

§ 14.1 General statement.

(a) This subpart (hereinafter called the regulations) contains the regulations governing the sale and exportation of surplus agricultural commodities and the products thereof pursuant to authority contained in Title IV of Public Law 480, Agricultural Trade Development and Assistance Act of 1954, as amended. The regulations set forth procedures to be followed by importing countries in making application for purchase authorizations, the issuance of purchase authorizations by the Administrator, Foreign Agricultural Service, and the financing by Commodity Credit Corporation of the sale and exportation of such commodities and products thereof through private trade channels following agreements entered into by the governments of importing countries and the United States of America covering such financing of the sale and exportation of surplus agricultural commodities and products thereof for specified supply periods, including certain ocean transportation costs. Such agreements between importing countries and the United States will provide for repayment in United States dollars of the amount financed plus accrued interest thereon.

(b) After approval of the importing country's application therefor, purchase authorization(s) will be issued by the Administrator, Foreign Agricultural Service. The importing country through its authorized importers or agents will procure the commodities from U.S. private trade sources and will arrange for shipment in U.S.-flag vessels when such vessels are required to be used. Following issuance of credit purchase authorizations and upon application therefor, the Controller, Commodity Credit Corporation, will issue letters of commitment to U.S. banking institutions designated by the importing country. Prior approval for the use of all vessels must be obtained from the applicable office of the Commodity Stabilization Service, United States Department of Agriculture. The advice of vessel approval will state whether or not the cost of ocean transportation will be financed by Commodity Credit Corporation and the amount, if any, of the freight differential approved for each vessel. The U.S. suppliers will receive payment under letters of credit opened or requested by the approved applicant in the importing country, issued, confirmed or advised by the U.S. bank, for the cost of the commodities and, when authorized and included as a part of the commodity cost, the cost of ocean transportation and insurance. When the cost of ocean transportation is approved for financing and is to be financed separately from the commodity cost, the supplier will obtain payment from the importing country or its assignee. Commodity Credit Corporation will reimburse U.S. banks for payments made under letters of commitment and will reimburse the importing country or its assignee for the cost of ocean transportation which is financed separately from the commodity cost. The U.S. bank will forward documents and advice of the amount financed by Commodity Credit Corporation to the approved applicant which will notify the importing country.

(c) General information pertaining to this program or to the development and negotiation of agreements pursuant to Title IV of Public Law 480 may be obtained upon request to the General Sales Manager, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C. Information pertaining to credit purchase authorizations and related operations under this program may be obtained upon request to the Director, Programs Operations Division, FAS, United States Department of Agriculture, Washington 25, D.C. Information relating to financing operations under the program including forms prescribed for use thereunder, may be obtained upon request to the Controller, CCC, United States Department of Agriculture, Washington 25, D.C. Foreign Agricultural Service will make public, with respect to each credit purchase authorization, information necessary to enable suppliers to initiate negotiations for sales under the program. Such information will be issued daily or as often as necessary in the form of a public release.

§ 14.2 Definition of terms.

Terms used in this subpart are defined as follows:

(a) *Terms relating to the United States, its agencies and officials.* (1) "AMS" shall mean the Agricultural Marketing Service, United States Department of Agriculture.

(2) "CCC" shall mean the Commodity Credit Corporation, United States Department of Agriculture.

(3) "The Controller, CCC" shall mean the Controller, Commodity Credit Corporation, or his designee.

(4) "CSS" shall mean the Commodity Stabilization Service, United States Department of Agriculture.

(5) "CSS Offices" shall mean the CSS Divisions, the CSS Commodity Offices listed in § 14.17, and any other offices or agencies which may succeed to the functions of such offices.

(6) "FAS" shall mean the Foreign Agricultural Service, United States Department of Agriculture.

(7) "The Administrator" shall mean the Administrator of the Foreign Agricultural Service, or his designee.

(8) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(b) *Terms relating to ocean transportation.* (1) Categories of carriers:

(i) "Dry bulk carriers" shall mean irregularly scheduled vessels, other than tankers, commonly referred to as "tramps". They go where full cargoes offer. Rates are negotiated by charter arrangements covering the movement of a specific quantity of a specific commodity, at a specific time from specific port or ports to specific destination port or ports. Cargoes under this category generally include grain, coal, fertilizers, lumber, pitch, salt, sugar, etc.

(ii) "Dry cargo liners" shall mean regularly scheduled vessels on specific trade routes. Any cargo can be shipped in this service including part-cargoes (parcels) of such bulk items as grain, coal, etc., generally not exceeding 60 percent of the capacity of the vessel. Petroleum, vegetable oils, and similar bulk liquids carried in deep tanks of dry cargo liner vessels are classified as liner cargoes.

(iii) "Tankers" shall mean vessels which are designed to carry full cargoes of liquids. Because of compartmentation, tankers can carry a combination of such cargoes, including bulk grain. Rates are negotiated by charter arrangements in the same manner as with dry bulk carriers.

(2) "CCC Form 106" shall mean "Advice of Vessel Approval" CCC Form 106-1 (Supplier of Commodity (except cotton)-yellow), 106-2 (ocean carrier-blue), or 106-3 (cotton-white) or any or all of them, as applicable.

(3) "Ocean bill of lading" shall mean a nonnegotiable copy (or photostat) of an "On-Board" bill of lading, or other type of ocean bill of lading with an "on-board" endorsement dated and signed or initialed on behalf of the carrier.

(4) "Ocean transportation" shall mean, and is interchangeable with, the term, "ocean freight".

(c) *Terms relating to purchase authorizations.* (1) "Credit purchase authorization" shall mean Form LTC 501, Credit Purchase Authorization Surplus Agricultural Commodities (Title IV, P.L. 480) issued to an importing country.

(2) "Purchase authorization" shall mean either Credit Purchase Authorization Form LTC 501, or Transportation Purchase Authorization Form LTC 502, or both forms.

(3) "Transportation purchase authorization" shall mean Form LTC 502, Credit Purchase Authorization for Ocean Transportation, issued to an importing country.

(d) *Other terms:* (1) "Affiliate" shall mean (i) a supplier which is a United States branch office of the importer, (ii) an importer which is owned or controlled by the supplier, or (iii) a firm (a corporation, partnership, individual or other legal entity) which (a) owns or controls the importer or supplier; (b) is owned or controlled by the importer or supplier; or (c) is owned or controlled by the same firm which owns or controls the importer or supplier.

(2) "Approved applicant" shall mean the bank in the importing country or other agency named in any letter of commitment issued to a banking institution under this subpart and shall include any agent authorized to act on behalf of such an applicant.

(3) "Banking institution" shall mean a banking institution organized under the laws of the United States, any State, or the District of Columbia.

(4) "Commodity" shall mean the surplus agricultural commodity or product thereof specified in the applicable purchase authorization.

(5) "Copy" shall mean a copy or photostat of an original document showing all data shown on the original, including signature or the name of the person signing the original, or if the signature or name is not shown on the copy, a statement that the original was signed.



(6) "Delivery" shall mean the transfer to or for the account of an importer of custody and right of possession of the commodity in export channels as specified in the credit purchase authorization.

(7) "Importer" shall mean any person or organization, governmental or otherwise, to which an importing country issues a subauthorization under a purchase authorization.

(8) "Importing country" shall mean any nation with which an agreement has been negotiated pursuant to Title IV.

(9) "Letters of credit" shall mean irrevocable commercial letters of credit issued, confirmed or advised by a banking institution on behalf of an approved applicant.

(10) "Supplier" shall mean any individual, partnership, corporation, or other legal entity who or which sells any agricultural commodity or products thereof to an importer under the terms of a credit purchase authorization for delivery to such an importer in export channels, or who or which sells ocean transportation to an importer or supplier under the terms of a purchase authorization.

(11) "Title IV" shall mean Title IV of the Agricultural Trade Development and Assistance Act of 1954, as amended.

§ 14.3 Purchase authorizations.

(a) *Application.* The importing country shall submit an Application for Authorization to Purchase Surplus Agricultural Commodities and Authorization to Procure Ocean Transportation (Form LTC 501-1) for each commodity to the Administrator. The application shall be submitted in triplicate and shall include such information as may be required by the Administrator. Upon request by the Administrator, the importing country shall submit such supplementary information as is required.

(b) *Issuance of purchase authorizations.* Upon approval of the application by the Administrator, appropriate purchase authorizations will be issued to the importing country as follows:

(1) Credit Purchase Authorization, Form LTC 501.

(2) Transportation Purchase Authorization, Form LTC 502.

(c) *Provisions of purchase authorizations*—(1) *Credit purchase authorizations.* Each credit purchase authorization will specify the commodity to be purchased, the approximate quantity and the maximum dollar amount, the CSS office which will administer the financing operation on behalf of CCC, the periods during which contracts between importers and suppliers may be entered into and during which deliveries may be made and any other provisions deemed necessary.

(2) *Transportation purchase authorizations.* Each transportation purchase authorization will specify the commodity to be shipped, the delivery period, the maximum dollar amount and any other provisions deemed necessary.

(3) *Applicability of this subpart.* In addition to the provisions of the particular purchase authorization, each purchase authorization shall be subject to the provisions of the regulations in this subpart to the same extent as though fully set forth in the purchase authorization.

(d) *Modification or revocation.* The Administrator reserves the right at any time for any reason or cause whatsoever to supplement, modify or revoke any purchase authorization, including the termination of deliveries thereunder. CCC shall reimburse suppliers, who would otherwise be entitled to be financed, for costs incurred in connection with firm sales contracts, and not otherwise recovered, as the result of such action by the Administrator: *Provided, however,* That such reimbursement shall not be made to a supplier if the Administrator determines that such action was taken because the supplier failed to comply with the requirements of these regulations or the applicable credit purchase authorizations.

§ 14.4 Subauthorizations.

The importing country will issue subauthorizations to importers within the terms of each credit purchase authorization. The importing country, in subauthorizing, shall instruct importers to use the credit purchase authorization number in placing orders, and shall specify to importers all the provisions of the credit purchase authorization which are applicable to the subauthorization. Each importer to whom a subauthorization has been issued by his government must inform his supplier that the transaction is to be financed under Title IV and must give to his supplier the credit purchase authorization number that has been given to him. Copies of credit purchase authorizations may be obtained from FAS. The importer must also inform his supplier of any special provisions which affect the supplier in carrying out the transaction.

§ 14.5 Eligible commodities.

(a) *Commodities grown or processed in the United States.* Only surplus agricultural commodities grown in the United States and, if processed, only the products of the surplus agricultural commodities grown and processed in the United States are eligible for financing.

(b) *Commodity description and specification.* Only the commodity described and specified in the purchase authorization shall be eligible for financing.

§ 14.6 Contracts between suppliers and importers.

(a) *Eligibility for financing.* In order to be eligible for financing under Title IV, contracts shall comply with the following requirements:

(1) Contracts between importers and suppliers must be entered into within the contracting period specified in the purchase authorization and shall provide for deliveries to the importer in accordance with the delivery terms and during the delivery period specified in the credit purchase authorization, unless an extension of such contracting or delivery period is granted in writing by the Administrator.

(2) Any contract for a commodity, under a credit purchase authorization which limits contracting to f.o.b. or f.a.s. terms, must be separate and apart from

the contract for ocean transportation of such commodity.

(3) The contracted price must not be on a cost plus-a-percentage-of-cost basis.

(4) The supplier must be engaged in the business of selling for export from or furnishing ocean transportation from the United States, must maintain a bona fide business office in the United States, and must have a person, principal or agent upon whom service of judicial process may be had in the United States.

(b) *Invitations to bid.* (1) Importers may make purchase through negotiation with a supplier or suppliers of the importer's choice or on the basis of invitations to submit competitive offers. If competitive offers are invited, such invitations shall not limit the right to submit offers to any specified group or class of suppliers but shall permit submission of offers by any supplier who meets the requirements of paragraph (a) (4) of this section.

(2) An importer's request for offers pursuant to which an export sales contract is entered into must not preclude such offers from being made for shipment from any United States port(s). This requirement does not preclude the importer from accepting offers on the basis of shipment from port(s) which result in the lowest total landed cost of the commodity.

(c) *Shipment prior to letter of credit.* It is the responsibility of the supplier to assure that he does not make shipments or deliveries of commodities until he has been informed by a banking institution in the United States that a letter of credit has been issued, confirmed or advised in his favor.

### § 14.7 Price provisions.

(a) *Maximum price.* The supplier's sales price must not exceed the prevailing range of export market prices (or such other maximum price level as may be specified in the credit purchase authorization) as applied to the terms of sale at the time of sale, as determined by CCC. "Time of sale" shall mean the day as of which the sales price is established in or pursuant to the contract between the importer and the supplier. In addition to the foregoing, the sales price for commodities sold to an affiliate of the supplier shall not be in excess of the aggregate amount of the following:

(1) The initial cost to the supplier for acquisition from U.S. sources;

(2) The actual cost, if available, otherwise the average cost incurred for any handling, processing and transportation to point of delivery; and

(3) Any markup regularly and customarily charged.

(b) *Refund of excess price.* In the event the sales price exceeds the maximum permissible under paragraph (a) of this section, the supplier shall refund the amount of such excess to CCC promptly after determination and notification of the amount thereof by CCC. If not promptly refunded, such amount may be set-off by CCC against monies owed by it to the supplier. CCC will credit the account of the importing country with the amount of the refund or set-off. The making of any such refund to CCC, or any set-off by CCC, shall not, however, prejudice the right of the supplier to challenge the correctness of such determination in a court action brought against CCC for recovery of the amount refunded or set-off.

(c) *Cotton.* In the case of cotton the following shall apply in lieu of the provisions of paragraph (b) of this section:

(1) The supplier shall, within 5 days after the date of export sale, forward to the Director, CSS Commodity Office, Wirth Building, 120 Marais Street, New Orleans 16, Louisiana, a copy of the sales confirmation furnished by the supplier to his purchaser, and if the supplier fails to do so, CCC shall have the right to refuse to finance the sale under the program.

(2) The CSS Commodity Office will undertake, on behalf of CCC, to check the sales confirmation as to price and to inform the supplier, within 3 business days from receipt of the sales confirmation, whether such price is in conformance with paragraph (a) of this section.

(i) If the CSS Commodity Office determines the sales price is in conformance with paragraph (a) of this section, the supplier will promptly be informed by telegram of the registration number assigned to the sale by CCC.

(ii) Failure by the CSS Commodity Office to so notify the supplier by telegram within 5 business days after receipt of the copy of the sales confirmation will indicate that the sales price is not acceptable and the sale will not be financed under the program unless the supplier satisfies CCC that the sales price is in conformance with paragraph (a) of this section.

### § 14.8 Adjustment refunds.

(a) *Credit purchase authorizations.* (1) All claims by importers against suppliers for adjustment refunds representing amounts financed by CCC arising out of the terms of the contract or out of the normal customs of the trade, including arbitration and appeal awards, amicable allowances, and claims for overpayment of ocean transportation included in the commodity price, shall be settled by payment by the supplier to the banking institution to which the supplier presented the documents covering the original transaction.

(2) The remittance to the banking institution shall be identified with the date and amount of the original payment, the applicable letter of credit number, and the applicable credit purchase authorization number.

(3) The banking institution shall remit the refund to the Controller, CCC, as provided in § 14.16(a)(9) and shall advise the approved applicant in writing of the amount of the refund and that the refund will be remitted to CCC as required by the regulations in this subpart.

(b) *Transportation purchase authorization.* (1) The supplier for whom ocean transportation is financed by CCC separately from the commodity cost shall remit directly to the Controller, CCC, the amount of any refunds due the contractor (charterer or booking agent) because of overpayments of ocean transportation. Suppliers shall advise the contractor of the amount of the refund.

(2) The remittance to the Controller and the advice to the contractor shall be identified with the name of the vessel, the date and amount of the original payment, and the applicable transportation purchase authorization number.

(c) *Credit to account of importing country.* CCC will credit the account of the importing country with the amount of refunds received by CCC pursuant to (a) and (b) above.

### § 14.9 Insurance on c.i.f. sales for account of importer.

The provisions of this Section apply only to transactions under credit purchase authorizations that specifically authorize c.i.f. sales in which the cost of insurance is included in the net c.i.f. invoice price of the commodity financed. When the supplier furnishes insurance in favor of or for the account of the importer, the policies or certificates of insurance shall include a loss payable clause which provides that all claims shall be paid in United States dollars to the Controller, CCC. Such payments shall be accompanied by advice of the credit purchase authorization number, the names and addresses of the supplier and importer, the nature of the claim, the quantity of the commodity involved in the claim, the date of shipment, the bill of lading number, and the name of the vessel. CCC will credit the account of the importing country with the amount of such payments received and will promptly notify the importing country of amounts so received and credited.

### § 14.10 Fees, discounts, commissions, and ship's dollar disbursements.

(a) *Consular fees.* Consular fees imposed in connection with the exportation of commodities for the issuance or legalization of consular invoices or certificates will not be financed by CCC.

(b) *Discounts.* If a contract provides for one or more discounts (including but not limited to trade or quantity discounts and discounts for prompt payment) whether expressed as such or as "commissions" to the importer, only the invoice amount after discount (supplier's contracted price less all discounts) will be eligible for financing.

(c) *Commissions.* (1) A commission to a bona fide commercial or selling agent employed or engaged by the supplier to obtain a contract will be financed to the extent that such commission is not in excess of the rate or percentage customarily and usually charged for the services performed and the commodity involved, as determined by CCC.

(2) If the supplier has employed any person or firm, other than a bona fide established commercial or selling agent, to obtain a contract under any agreement for a commission, percentage, or contingent fee, only the amount of the contract less the amount of any such commission, percentage or contingent fee will be eligible for financing.

(3) No commission paid or to be paid, to any agent, broker, or other representative of the importer will be eligible for financing, whether included in the price of the commodity or separately stated. This is not applicable to ocean transportation brokerage commissions otherwise allowable under subparagraph (4) of this paragraph.

(4) With respect to ocean transportation, CCC will not finance:

(i) Address commissions, or

(ii) Brokerage commissions in excess of 2½ percent of the freight charged.

(d) *Ship's dollar disbursements.* CCC will not finance ship's dollar disbursements.

### § 14.11 Reimbursement for ocean transportation.

(a) *General.* CCC will reimburse importing countries for the cost of ocean transportation which is financed separately from the commodity cost, to the extent authorized in the transportation purchase authorization and as provided in § 14.13.

(b) *Assignment.* (1) The right to receive reimbursement under a transportation purchase authorization may be assigned by the importing country to any bank, trust company or other financing institution in the United States by sending a completed Instrument of Assignment, CCC Form 335, in an original and one copy, to the assignee.

(2) An original and two copies of the Notice of Assignment, CCC Form 334, must be prepared by the assignee and, together with one signed copy of the Instrument of Assignment, filed with the Controller, CCC. The signed copy of the Instrument of Assignment submitted with the Notice of Assignment must contain all of the signatures, seals, acknowledgments, etc., which appear on the original.

(c) *Limitation on assignment.* The assignment may be made only to a bank, trust company, or other financing institution in the United States. The assignment shall cover all amounts payable under the transportation purchase authorization and not already paid, shall not be made to more than one party, and shall not be subject to further assignment, except that any such assignment may be made to one party as agent or trustee for two or more parties participating in the financing.

(d) *Protection of assignee.* No supplement, modification or revocation of a transportation purchase authorization shall become effective as to irrevocable obligations issued by the assignee until the receipt by it from the Controller, CCC of written notice of such supplement, modification or revocation and such supplement, modification or revocation shall in no event affect or impair the right to obtain reimbursement to the extent of any payments made by such assignee prior to receipt of such notice, or any irrevocable obligation incurred under a letter of credit issued or confirmed by such assignee prior to receipt of such notice, for which the assignee has not been repaid by the importing country (without, however, any obligation on its part to obtain such repayment). The term "purchase authorization" as used in any assignment of the right to receive reimbursement under a transportation purchase authorization shall be deemed to include each such supplement or modification from and after receipt by the assignee from the Controller, CCC, of written notice of the same, subject always, however, to the foregoing terms and provisions preserving rights of reimbursement in its behalf.

(e) *Requests for reimbursement.* (1) All requests for reimbursement, supported by the required documentation, shall be submitted to the CSS Office named in the transportation purchase authorization not later than 210 days after expiration of the delivery period specified in such transportation purchase authorization or any extension thereof granted by the Administrator.

(2) One copy of each Notice of Assignment, CCC Form 334, bearing a receipt of notice executed by CCC must be attached to the first voucher or invoice for reimbursement submitted to CCC by an assignee.

(f) *Collection of improper payments.* Amounts improperly paid to an assignee by CCC may be collected by CCC by set-off from amounts due the assignee under the same transportation purchase authorization. Such overpayments may also be collected by CCC by set-off against amounts due the same assignee under other transportation purchase authorizations issued to the same importing country provided such assignee is notified of the amount to be collected by set-off at the time receipt of the assignment is acknowledged by CCC.

### § 14.12 Letters of Commitment to Banking Institutions.

(a) *General.* (1) Letters of commitment issued by the Controller, CCC, to banking institutions designated by the importing country will assure reimbursement to the banking institution, in accordance with the terms of such letters of commitment, for payments, not in excess of the amount specified in the letter of commitment, made under letters of credit for the account of the approved applicant.

(2) Each letter of commitment will name the Federal Reserve Bank(s) to which drafts shall be presented by the banking institution in order to obtain reimbursement of amounts paid under the letters of credit, and will name the CSS Office which will administer the financing operation under the letter of commitment on behalf of CCC.

(b) *Application.* (1) *Original applications.* The importing country shall apply for a letter of commitment by submitting the signed original of the Application for Letter of Commitment or Amendment, CCC Form 327, to the Controller, CCC. This form will identify the U.S. bank designated to receive the letter of commitment and the approved applicant, and show the maximum amount to be financed under the letter of commitment.

(2) *Amendments.* The importing country shall submit the signed original of CCC Form 327 to the Controller, CCC, to request changes in letters of commitment, except for reductions in amounts which may be made by banking institutions in accordance with paragraph (f) of this section.

(c) *Issuance.* Upon approval of the importing country's original application for a letter of commitment, the Controller, CCC, will issue the original and one copy of CCC Form 528, Letter of Commitment, to the designated banking institution. Upon approval of the importing country's application for an amendment of a letter of commitment, the Controller, CCC will issue the original and one copy of CCC Form 328–1, Amendment to Letter of Commitment, to the designated banking institution.

(d) *Acceptance by banking institution.* All letters of commitment and all amendments thereof issued in accordance with paragraph (c) of this section, except amendments which increase the amounts of letters of commitment, shall be accepted or rejected by the banking institution. The banking institution shall promptly return to CCC the copy of CCC Form 528, or CCC Form 328–1, indicating acceptance or rejection.

(e) *Advice to importing country.* The Controller, CCC, will send to the importing country a copy of each letter of commitment or amendment accepted by the banking institution, as well as amendments increasing the amounts of letters of commitment.

(f) *Reduction by banking institution.* The amount of a letter of commitment may be reduced by a banking institution, when so requested by the importing country, by issuing a Notice of Reduction of Letter of Commitment, CCC Form 328–2. The request of the importing country to the banking institution may be made by letter or telegram or other method acceptable to the banking institution. Instructions to the banking institution for the preparation and distribution of this form are contained on the form.

(g) *Successors.* The letter of commitment shall inure to the benefit of the banking institution's legal successors and assigns.

(h) *Issuance of letters of credit.* In issuing, confirming, or advising letters of credit pursuant to a letter of commitment, the banking institution shall observe the following:

(1) *General.* The application or request for, and any agreement relating to, any letter of credit issued, confirmed, or advised in connection with a letter of commitment to a banking institution, may contain such terms and provisions as the approved applicant and the banking institution may agree upon, and the approved applicant and the banking institution may agree to any extension of the life of, or any other modification of, or variation from the terms of any such letter of credit: *Provided*, That such terms and provisions and any such extension, modification or variance shall be in no respect inconsistent with or contrary to the terms and provisions of the letter of commitment. In case of any such inconsistency, or conflict, the terms and provisions of the letter of commitment shall prevail. In any event, every application for a letter of credit shall provide for submission to the banking institution of the documentation required by this

subpart and by the credit purchase authorization.

(2) *Identification.* Each letter of credit, modification, or extension shall bear the numbers of the applicable letter of commitment and credit purchase authorization.

(3) *Commodity description.* The commodity description in letters of credit shall not be inconsistent with the description in the credit purchase authorization. In making payments under letters of credit the banking institution shall, on the basis of the description contained in the required documents, other than Form CCC–529, Invoice-and-Contract Abstract, act in accordance with good commercial practice.

(i) *Availability of information to CCC.* The banking institution shall make available to CCC upon request, a copy of each letter of credit issued, confirmed, or advised by it, and of any extension or modification thereof, a copy of each application and agreement relating to such letter of credit, a copy of each document in its possession received by it under the letter of credit, and detailed advice of the interest, commissions, expenses, or other items charged by it in connection with each such letter of credit.

(j) *Acceptability of documents.* Acceptance by the banking institution of any documents in the ordinary course of business in good faith as being genuine and valid and sufficient in the premises, and the delivery thereof to the Federal Reserve Bank, or the CSS Office as required, shall constitute full compliance by the banking institution with any provision of this subpart, the credit purchase authorization, or the letter of commitment requiring delivery of a document of the sort that the document actually so delivered purports to be. The banking institution shall be entitled to receive and retain reimbursement of the amount of all payments made by it against documents so accepted, notwithstanding that such payments may be made in connection with a cotton sale for which a sales confirmation has not been furnished CCC as required by § 14.7(c)(1), or a sale of any commodity at a price in excess of the maximum specified in § 14.7.

(k) *Truth or accuracy of supplier's statements.* The banking institution shall have no responsibility for the truth or accuracy of the statements contained in the supplier's certificate or invoice-and-contract abstract. The rights of the banking institution under the letter of commitment will not be affected by the fact that such abstracts may be incomplete, or may indicate noncompliance with any provision of this subpart, or of the credit purchase authorization or of the letter of commitment, or may be inconsistent with other required documents.

(l) *Notice of supplement, modification or revocation.* No supplement, modification or revocation of any credit purchase authorization or letter of commitment shall become effective as to the banking institution until the receipt by it from the Controller, CCC, of written notice of such supplement, modification or revocation, and such supplement, modification or revocation shall in no event affect or impair the right of reimbursement to the extent of any payments made prior to receipt of such notice, or obligation incurred under a letter of credit, issued or confirmed by it, prior to receipt of such notice, for which the banking institution has not been repaid by the approved applicant (without, however, any obligation on its part to obtain such repayment). The term "credit purchase authorization" as used in a letter of commitment shall be deemed to include each such supplement or modification from and after receipt by the banking institution from the Controller, CCC, of written notice of the same, subject always, however, to the foregoing terms and provisions preserving the rights of reimbursement in its behalf.

(m) *Compliance with changes in credit purchase authorizations.* In the event the Administrator shall revoke a credit purchase authorization, or supplement or modify the same in relation to the disposition of any document(s) and the Controller, CCC, shall give the banking institution written notice thereof, the banking institution shall in all respects comply with the instruction of the Controller, CCC, to the extent it may do so without impairing or affecting any irrevocable obligation or liability theretofore incurred by it under any letter of credit issued or confirmed by it, and it shall be repaid and reimbursed by CCC for the costs, expenses and liabilities paid or incurred by it in relation to such instruction. Such repayment and reimbursement shall be made by CCC upon application therefor filed with the CSS Office named in the letter of commitment and supported by an itemized statement of the costs, expenses, and liabilities certified to by an officer of the banking institution. The banking institution shall have no obligation whatsoever to the approved applicant for anything done or omitted to be done by it pursuant to such instructions of the Controller, CCC.

(n) *Payments in anticipation of letter of commitment.* Payments made by a banking institution in anticipation of a letter of commitment, and falling within the scope of payments authorized by such letter of commitment when issued, will be deemed to be payments to be reimbursed thereunder.

(o) *Deadline for submission of drafts.* Drafts drawn by banking institutions on CCC shall be presented not later than 210 days after expiration of the delivery period specified in the applicable credit purchase authorization or any extension thereof granted by the Administrator.

### § 14.13 Ocean transportation.

(a) *General.* Unless otherwise specifically provided in the applicable credit purchase authorization or unless otherwise requested by CSS, the terms of all proposed charters (whether single voyage charters, consecutive voyage charters or time charters) and all proposed liner bookings must be submitted to the appropriate CSS Office for review and approval prior to the fixture of the vessel. Tentative advance approvals may be obtained by telephone or telegram, provided CCC Form 105, Ocean Shipment Data, is furnished promptly confirming the information supplied by telephone or telegram. Approvals of charters and liner bookings will be given on CCC Form 106, Advice of Vessel Approval. The CCC Form 106 will state whether the vessel is a dry cargo liner, dry bulk carrier, or tanker, and whether or not financing of ocean transportation by CCC is authorized. If the credit purchase authorization requires that a part of the commodity shall be shipped on privately-owned United States-flag commercial vessels, the Director of the CSS Office shall determine the quantity of the commodity under each sale which must be shipped on such United States-flag vessel.

(b) *Request for vessel approval.* In order to obtain approval of proposed vessel bookings the following forms shall be submitted in duplicate to the office indicated:

(1) For cotton—CCC Form 105 (Cotton), Ocean Shipment Data, shall be submitted to the Director, CSS Commodity Office, U.S. Department of Agriculture, Wirth Building, 120 Marais Street, New Orleans 16, Louisiana.

(2) For commodities other than cotton—CCC Form 105, Ocean Shipment Data, shall be submitted to the Director, Transportation and Storage Services Division, CSS, U.S. Department of Agriculture, Washington 25, D.C.

(c) *Special requirements for charter parties on required U.S.-flag vessels.* Where a charter is involved in connection with the required use of a U.S.-flag vessel, a copy of the charter party shall be forwarded immediately after its execution to the Director, Transportation and Storage Services Division, for review and approval prior to issuance of CCC Form 106–2. In the event there is any conflict between the provisions of this subpart and the charter party, the provisions of this subpart shall prevail. Each charter party for a United States-flag chartered vessel shall:

(1) Show the name of each party participating in the ocean freight brokerage commission (if any) and the percentage payable to each party;

(2) Provide that if there is any failure on the part of the supplier of ocean transportation to perform the charter party after the vessel has tendered at the loading port, the charterer shall be entitled to inour all expenses which in the judgment of the Administrator are required to enable the vessel to undertake and carry out her obligations under the charter party, including, but not limited to, expenses for lifting any liens asserted against the vessel.

(3) Provide that such expenses may be deducted from the freight earned under the charter party notwithstanding any prior assignments of freight made by the owner or operator; and

(4) Provide that the supplier of ocean transportation shall release a copy of the ocean bill of lading to the supplier of the commodity promptly upon completion of loading of the vessel.

(d) *Notice of arrival.* A notice of arrival when required by § 14.14(d)(2) must be furnished promptly by the importing country or its designated agent, and must include the name of the vessel, the purchase authorization number, the name of first port of discharge, and the date of arrival.

(e) *Advice of vessel approval.* Advice of vessel will be issued as follows:

(1) *For cotton*—CCC Form 106–3 (white) signed for the Director, New Orleans CSS Commodity Office, will be issued to the supplier of the commodity on sales made on a c.i.f. or c.&f. basis. In the event the shipment of cotton is to be made on an f.o.b. or f.a.s. basis, two signed original copies of this form will be issued—one to the supplier of the commodity and the other to the ocean carrier.

(2) *For commodities other than cotton*—CCC Form 106 signed for the Director, Transportation and Storage Services Division, will be issued as follows:

(i) On shipments to be made on an f.o.b. or f.a.s. basis the original of CCC Form 106–1 (yellow) will be issued to the supplier of the commodity and the original of CCC Form 106–2 (blue) will be issued to the ocean carrier.

(ii) On shipments to be made on a c.i.f. or c.&f. basis the original of CCC Form 106–1 (yellow) will be issued to the supplier of the commodity.

(f) *Non U.S.-flag vessels.* CCC will not finance the cost of ocean transportation on flag vessels of the importing country, either as a part of the contracted price or separate therefrom. The cost of ocean transportation will be financed by CCC on flag vessels of other than the importing country only when specifically provided for in the applicable credit purchase authorization.

(g) *U.S.-flag vessels.* Where it is required that the commodity be shipped on a United States-flag vessel, CCC Form 106 will set forth the amount of the ocean freight differential, if any, which the Director of the CSS Office determines to exist between the prevailing foreign-flag vessel rate and the United States-flag vessel rate. The amount of such ocean freight differential is authorized to be reimbursed by CCC to the extent of the tonnage for which the ocean freight is authorized to be financed by CCC.

(h) *Ocean transportation financed by CCC.* Where ocean transportation will be financed by CCC, either separately from or as part of the contracted price, the following shall apply:

(1) Loading, trimming, other related shipping expenses, and dues and taxes assessed by the importing country against the cargo will not be financed by CCC as items separate from the dollar cost of ocean transportation. Discharge costs may be included in the dollar cost of ocean transportation financed separately by CCC or be for the account of the vessel when ocean transportation is financed as part of the contract price only when in accordance with trade customs. The cost of "dead freight" will not be financed by CCC.

(2) In the case of transshipment from a United States-flag vessel to a foreign-flag vessel, the cost of ocean freight from the port of transshipment to the importing country will not be financed by CCC.

(3) The ocean freight will be financed only to the extent that the rate charged does not exceed any of the following rates: The prevailing United States-flag rate for similar contracts; the rate paid to the supplier for similar services during the same period of time by other customers similarly situated; or in the case of dry cargo liner shipment, the conference rate for such service, if any.

(4) Reimbursement will be made for the cost of shipment from points of loading to points of discharge at rates established in the applicable charter party or liner booking contract but not to exceed, in the case of dry cargo liner shipments, the conference rate for such service, if any.

(5) If the charter party or liner booking contract provides for more than one rate because of optional ports of loading or discharge, alternate routes, or any other option arising from ocean transportation, CCC will finance initially the lowest of such rates. Increased amounts (if any) due because of the use of the higher-rated port, route, or other option will be financed by CCC when reimbursement is requested therefor in accordance with the provisions of § 14.14(d)(7). Notwithstanding the foregoing provisions of this subparagraph, if the option is exercised conclusively prior to the issuance of ocean bills of lading, and such exercise of the option is clearly reflected in such ocean bills of lading, the rate applicable to the option so exercised will be financed initially by CCC.

(i) *Ocean transportation financed separately from the commodity price.* Reimbursement for the cost of ocean transportation will be made by CCC, subject to the following: *Provided*, That the pertinent documentation required in § 14.14 is submitted:

(1) In the case of liner booking contracts, reimbursement will be made for 100 percent of the dollar cost of ocean transportation if the carrier's invoice includes a certification by the carrier that the contract does not provide for dispatch earnings. When the invoice does not include a certification by the carrier that the liner booking contract does not provide for dispatch earnings, reimbursement will be made for not to exceed 90 percent of the dollar cost of ocean transportation.

(2) In the case of bookings covered by charter parties, notice of vessel's arrival at first port of discharge is required as a condition of reimbursement for any part of the cost of ocean freight, unless such requirement for notice is waived by the Controller, CCC, as provided for in this paragraph or in § 14.14(d)(2). Reimbursement will be made for not to exceed 90 percent of the dollar cost of ocean transportation upon notice from the importing country or its designated agent of the vessel's arrival at first port of discharge. If the supplier of ocean transportation furnishes to CCC financial coverage in the form of an acceptable letter of credit or freight refund bond, the Controller, CCC will waive the requirement for the notice of arrival as a condition for reimbursement of 90 percent of the cost of ocean freight. The amount of such financial coverage to be furnished should be not less than:

(i) 90 percent of the cost of ocean freight based upon the related on-board ocean bill of lading, a copy of which bill of lading must be furnished to the Controller, CCC, if coverage is furnished after loading, or

(ii) an amount determined by multiplying the rate per ton by the quantity in the charter party, without tolerance, if coverage is furnished before loading.

(3) Reimbursement for any balance of the cost of ocean freight, not included in payments made under subparagraphs (1) and (2) of this paragraph, will be made upon submission of the documents required by § 14.14(d)(6).

(4) Demurrage incurred in excess of dispatch earnings will not be financed. Amounts earned for dispatch shall be credited first against demurrage, if any, incurred in connection with the same voyage; any balance of dispatch shall be deducted from the amount of the final request for reimbursement. Discharge costs may be for the account of the vessel only when in accordance with trade customs.

(5) Contracts for ocean transportation shall not be eligible for financing by CCC if the supplier of the ocean transportation is also the supplier of the commodity, or is an affiliate of such supplier of the commodity, unless the supplier of ocean transportation is the owner of the vessel named in the CCC Form 106 or is the operator of such vessel by time charter, and the ocean freight rate for which reimbursement is claimed is not in excess of the rate originally contracted for with the importer.

(j) *Ocean transportation financed as part of the contracted price.* (1) The cost of ocean transportation will be financed as part of the contracted price only to the extent specifically provided in the applicable credit purchase authorization. In the absence of a specific provision in the applicable credit purchase authorization, the cost of ocean transportation will not be financed by CCC as part of the contract price and must not be covered by the net invoice price.

(2) CCC Form 106 issued for vessels for which the cost of ocean transportation will not be financed by CCC, will require that the supplier's detailed invoice covering the commodity shipped on such vessels show a deduction for ocean transportation.

### § 14.14 Documentation.

(a) *General.* Requests for payment submitted to banking institutions by suppliers, and requests submitted to CCC for reimbursement of ocean transportation, shall be supported by the documents required by this section unless previously submitted to CCC, except when and to the extent the Controller, CCC, determines that the intended purpose of a document is served by documents otherwise available to or under the control of CCC, or by alternate documents specified in such determination. The documents required herein are in addition to any other documents the supplier may be required to submit to a

bank under the applicable letter of credit.

(b) *Identification.* (1) Each document must be identified as provided below with the appropriate purchase authorization number or be readily identifiable therewith:

(i) Documents to be submitted by suppliers to banking institutions with request for payment of commodity price (including ocean transportation and insurance when covered by the commodity price) shall be identified with the credit purchase authorization number.

(ii) Documents to be submitted to CCC to obtain reimbursement under a transportation purchase authorization shall be identified with the transportation purchase authorization number, including the "OT" suffix, except that the copy of the ocean bill of lading may bear the credit purchase authorization number.

(2) The supplier must put the appropriate purchase authorization number on all documents specified in this section which are prepared under his control. He should arrange for the appropriate purchase authorization number to be put on all other required documents at the time of their preparation.

(c) *Documents relating to commodity price (including ocean transportation and insurance when covered by the commodity price) to be submitted by suppliers.* (1) Signed originals of supplier's certificates, with invoice-and-contract abstract on the reverse side (CCC Form 529) as follows:

(i) When the cost of ocean transportation is financed by CCC, in whole or in part, two CCC Forms 529 are required:

(a) One covering the supplier's net invoice price expressed in dollars (to be executed by the supplier of the commodity), and

(b) One covering the cost of ocean transportation expressed in dollars (to be executed by the ocean carrier).

(ii) When no part of the cost of ocean transportation is being financed by CCC, only one CCC Form 529 covering the supplier's net invoice price for the commodity expressed in dollars, executed by the supplier of the commodity, is required.

(2) One copy of the ocean bill of lading.

(3) One copy of supplier's detailed invoice showing quantity, description, contracted price and net invoice price expressed in dollars and basis of delivery (e.g., f.o.b. vessel, c. & f.) of the commodity. In the event the importer procured the commodity through his affiliate, this copy of the invoice shall include an itemization of the amounts specified in § 14.7(a) or the supplier must furnish such information in a separate signed statement to the CSS Office named in the purchase authorization. Whenever the CCC Form 106 provides for an ocean freight rate differential on a c. & f. or c.i.f. sale and authorizes financing of ocean transportation costs by CCC, the supplier's detailed invoice shall show a computation of the dollar amount of ocean freight differential. In arriving at the net invoice price there shall be deducted:

(i) The cost of ocean transportation, or portion thereof, which is not being financed by CCC when the cost of ocean transportation is included in the contracted price.

(ii) All discounts from the supplier's contracted price through payments, credits, or other allowances made or to be made to the importer, his agent or consignee.

(iii) All purchasing agents' commissions applicable.

(4) Signed original of CCC Form 106–1 or 106–3.

(5) One nonnegotiable copy of the insurance certificate or policy where the cost of insurance is covered by the price of the commodity to be financed by CCC. Such certificate or policy must contain a loss payable clause running to CCC as provided in § 14.9.

(6) Signed original of CCC Form 329–3, Statement of Transmittal of Ocean Bills of Lading, showing that two nonnegotiable copies of ocean bills of lading have been sent to the Administrator, Foreign Agricultural Service, USDA, Washington 25, D.C.

(7) Requests for additional payments, submitted in connection with transactions for which all or part of the required documents have been previously submitted to the banking institution shall be suported by the following documents as applicable:

(i) The supplier's certificate, with the invoice-and-contract abstract on the reverse and the supplier's detailed invoice, as required by subparagraphs (1) and (3) of this paragraph, covering the additional amount requested. The supplier's invoice must show the date, serial number and the amount of the original invoice and the basis for the additional amount claimed.

(ii) If the payment is stated to be due because of the exercise of a higher-rated option provided in a liner booking contract or charter party, a statement signed by the ship's master or owner (or agent of either of them) showing exercise of the higher-rated option. An agent's signature is acceptable.

(8) Any additional or substitute documentation that may be required by the purchase authorization or the letter of commitment.

(d) *Documents required for reimbursement of ocean transportation which is financed separately from commodity price.* (1) Signed original of supplier's certificate, with invoice-and-contract abstract on the reverse side (CCC Form 529) to be executed by the carrier, covering the dollar cost of ocean transportation.

(2) One copy of the ocean bill of lading and, if required by the related CCC Form 106–2, a notice of arrival at the first port of discharge of the vessel named in the CCC Form 106–2, except that a notice of arrival will not be required in the event the vessel is lost or unable to proceed to destination after completion of loading because of damage caused by perils of the sea or other waters, collisions, stranding, jettison, wreck, fire from any cause, Act of God, public enemies or pirates, or by arrest or restraint of princes, rulers or peoples without the fault of the supplier of the ocean transportation, wars, public disorders, captures or detention by public authority in the interest of public safety, provided the owner or operator supplies evidence satisfactory to CCC of such disability. Upon receipt of satisfactory evidence of force majeure the Controller, CCC, will waive the requirement for the notice of arrival. The requirement for the notice of arrival may also be waived by the Controller, CCC, under § 14.13 (i) (2).

(3) One copy of carrier's detailed invoice marked "Paid".

(4) Signed original of the 106–2 or 106–3 in the case of cotton.

(5) One copy of the charter party in the case of shipment by dry bulk cargo vessel or tanker.

(6) Requests for payment of any balance claimed on a shipment involving dispatch after initial reimbursement of 90 percent of the dollar cost of ocean transportation as provided in § 14.13(i) (2) shall be supported by the following documents:

(i) A copy of the carrier's final invoice marked "Paid".

(ii) A copy of the laytime statement(s) signed by the ship's master or owner and the charterer or consignee. Agent's signatures are acceptable.

(iii) If a copy of the charter party was not presented pursuant to subparagraph (5) of this paragraph, a copy of the freight contract showing the terms of dispatch and demurrage.

(iv) Supplier's certificate for the balance claimed.

(7) Requests for payment of any amounts claimed because of the exercise of a higher-rated option following payment of a lower-rated option pursuant to § 14.13(h) (5) shall be supported by the following documents:

(i) Copy of the carrier's detailed invoice marked "Paid".

(ii) Supplier's certificate for the balance claimed.

(iii) A statement signed by the ship's master or owner showing the exercise of the higher-rated option. An agent's signature is acceptable.

(8) Any additional or substitute documents that may be required by the purchase authorization.

(e) *Weight certificates.* Whenever a copy of a weight certificate is required by the purchase authorization, the supplier shall submit a weight certificate issued by or on authority of a State or other governmental Weighing Department, Chamber of Commerce, Board of Trade, Grain Exchange, or other independent organization or firm providing public weighing services (1) having qualified, impartial, paid employees who are stationed at storage or other facilities where weights customarily are determined, one of whom performed the weighing covered by the certificate, or (2) having qualified, independent, impartial, supervised weighmasters stationed at storage or other facilities where weights are customarily determined one of whom supervised the employees of such a facility in the performance of the weighing covered by the certificate.



(f) *Inspection certificate.* The terms of the credit purchase authorization will specify the particulars of any required inspection certificate.

### § 14.15 Documents in support of drafts drawn on CCC by banking institutions.

Drafts drawn on CCC by banking institutions under letters of commitment for reimbursement of amounts disbursed to suppliers shall be supported by the following documents:

(a) *Documents to be obtained from suppliers.* Documents specified in § 14.14 and such additional or substitute documents as may be required with respect to any particular transaction as specified in the credit purchase authorization or in the letter of commitment. A banking institution holding a letter of commitment is not required by CCC to obtain from suppliers any documents other than those specified in § 14.14.

(b) *Document originated by banking institutions.* CCC Form 331, "Advice of Payment or Acceptance of Draft", signed by an officer of the banking institution.

### § 14.16 Responsibilities of banking institutions.

(a) For transactions under letter of commitment, the banking institution is responsible only for the following:

(1) *Delivery of documents.* The banking institution shall deliver to the Federal Reserve Bank named in the credit purchase authorization documents required by this subpart, the letter of commitment and the credit purchase authorization.

(2) *Advice to approved applicant.* The banking institution shall give advice of the amount of dollar disbursement to the approved applicant, which advice shall accompany documents transmitted thereto. There shall be included in the transmittal a request that the approved applicant notify his Government that "the net amount of the supplier's invoice financed by CCC under the transaction is $------."

(3) *Examination of documents.* The banking institution shall examine documents in accordance with good commercial practice.

(4) *Delivery date.* The banking institution shall ascertain that the shipping documents bear a date within the delivery period specified in the credit purchase authorization.

(5) *Destination.* The banking institution shall ascertain that the required documents are consistent, under good commercial practice, with shipment or transshipment to the importing country shown in the credit purchase authorization.

(6) *Description.* Section 14.12(h) (3) provides that the commodity description in letters of credit shall not be inconsistent with the description in the credit purchase authorization. In making payment under letters of credit the banking institution shall, on the basis of the description contained in the required documents other than Form CCC 529, Invoice-and-Contract Abstract, act in accordance with good commercial practice.

(7) *Verification of computation of ocean freight differential and notification to approved applicant.* Whenever CCC Form 106 provides for an ocean freight rate differential on a c.&f. or c.i.f. sale and authorizes financing of ocean transportation costs by CCC, the banking institution shall determine that the supplier's detailed invoice shows a computation of the dollar amount of ocean freight differential; shall verify the computation of such amount of differential, using the rate stated in CCC Form 106 and the gross weight shown on the supplier's detailed invoice or the bill of lading, whichever is less; and shall include with the advice of dollar disbursement under the letter of credit a request that the approved applicant notify his Government that: "The amount of $------ paid to the beneficiary includes an ocean freight differential of $------. The importing country is indebted to the Government of the United States for the net amount of $------." (See also § 14.6(a) (2).)

(8) *Reimbursement of CCC for losses.* Upon demand therefor made by the CSS Office named in the letter of commitment, the banking institution shall promptly reimburse CCC for any losses sustained as a direct result of failure on the part of the banking institution to carry out its responsibilities as required by this section.

(9) *Adjustment refunds.* The banking institution shall, at the end of each calendar quarter, remit to the Controller, CCC, the total amount of any adjustment refunds received during the quarter. A copy of each advice sent to approved applicants or agents shall accompany each quarterly report. (See also § 14.8(a) (3).)

(10) *Credit purchase authorization number.* The banking institution shall examine required documents to determine that they bear the appropriate credit purchase authorization number or are readily identifiable therewith.

(11) *Additional requirements.* Any additional particulars for which the banking institution is to be responsible will be specified in the credit purchase authorization or letter of commitment as (i) additional required documents, (ii) additional statements to be contained in the required documents or (iii) additional actions to be performed.

(b) The banking institution shall have limited responsibilities for transactions under letter of commitment as follows:

(1) *Contracting.* Section 14.6(a) provides that contracts must meet certain specified requirements in order to be eligible for financing. The banking institution is responsible only to the extent of ascertaining that the required documents show delivery terms as required by the credit purchase authorization (f.o.b., f.a.s., c.&f. or c.i.f.). The banking institution has no responsibility under § 14.6(b) with regard to invitations to bid.

(2) *Vessel approval.* The banking institution shall not make payment under the letter of credit unless the name of the vessel shown on CCC Form 106 is identical with the name of the vessel shown on the bill of lading. The banking institution is not required to verify the signature appearing on CCC Form 106 or to make an independent inquiry as to the correctness of the information shown thereon.

(3) *Discounts, purchasing agent's commissions and consular fees.* The banking institution is not required to make independent inquiry as to whether the net invoice price includes either discounts (whether expressed as such or as "commissions" to the importer, or made or to be made through payments, credits or other allowances to the buyer or consignee), commissions payable to purchasing agents, or consular fees, but shall not honor any such items when disclosed by the required documents other than Form CCC–529, Invoice-and-Contract Abstract. The provisions of § 14.10(c) regarding commissions are included primarily for the instruction of suppliers, and banking institutions are not responsible for compliance therewith except to the extent set forth above.

(4) *Weight certificate.* The banking institution is responsible for ascertaining that a weight certificate is included in the documentation when required by the credit purchase authorization and that the quantity invoiced does not exceed the weight shown on the certificate. The banking institution is not responsible for ascertaining that the weight certificate meets the requirement of § 14.14(e).

(5) *Insurance.* The banking institution shall be responsible for determining compliance with § 14.9 only to the extent of ascertaining that the policy or certificate of insurance includes a loss payable clause which provides for payment of any claims in United States dollars to the Controller, CCC.

(6) *Deduction for ocean transportation on c.&f. or c.i.f. invoices.* If CCC Form 106 provides that the cost of ocean transportation is not to be financed by CCC, the banking institution shall not make payment under the letter of credit unless a deduction for the cost of ocean transportation is shown on the CCC copy of the supplier's detailed invoice. The banking institution is not required to verify the correctness of the amount(s) of such deduction(s).

(c) For transactions under a letter of commitment, the banking institution is not responsible for the following:

(1) *Supplier's certification.* The banking institution shall have no responsibility for the truth or accuracy of the statements contained in the supplier's certificates or in any special certification required by this subpart, the terms of the purchase authorization or the letter of commitment. The banking institution is entitled to rely on such certifications.

(2) *Invoice-and-contract abstract.* The banking institution is not responsible for the truth or accuracy of information contained in the invoice-and-contract abstract, for the sufficiency or completeness of such information, or for any indication by such information of noncompliance with any provision of this subpart or of the purchase authorization, or for any inconsistency with other required documents.

(3) *Contracting period.* The credit purchase authorization specifies the

period during which contracts may be entered into by suppliers and importers. A banking institution has no responsibility with regard to compliance with this requirement.

(4) *Other required documents.* The banking institution is not responsible for the truth or accuracy of the statements contained in any of the required documents. A banking institution is not obliged to look beyond these documents nor to make independent investigation as to the accuracy of statements made therein.

(5) *Affiliate.* The banking institution is not responsible for determining whether or not the supplier and the importer are affiliates. Also the banking institution is not responsible for the furnishing or verification of any information required to be furnished pursuant to § 14.14(c)(3).

(d) *Responsibilities under reimbursement method of financing for transportation purchase authorizations.* Purchase authorizations for the procurement of ocean transportation are of the reimbursement type. No letters of commitment are issued for such purchase authorizations.

§ 14.17 CSS Commodity Offices.

The addresses of the CSS Commodity Offices are as follows:

CSS Commodity Office, U.S. Department of Agriculture, 222 East Central Parkway, Cincinnati 2, Ohio.

CSS Commodity Office, U.S. Department of Agriculture, 500 South Ervay Street, Dallas, Tex.

CSS Commodity Office, U.S. Department of Agriculture, 2201 Howard Street, Evanston, Ill.

CSS Commodity Office, U.S. Department of Agriculture, 560 Westport Road, Kansas City 41, Mo.

CSS Commodity Office, U.S. Department of Agriculture, 6400 France Avenue, South, Minneapolis 10, Minn.

CSS Commodity Office, U.S. Department of Agriculture, 120 Marais Street, New Orleans 16, La.

CSS Commodity Office, U.S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oreg.

*Effective date.* Done at Washington, D.C., this 13th day of February 1961. Witness my hand and the seal of the Department of Agriculture.

[SEAL] ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1437; Filed, Feb. 16, 1961; 8:47 a.m.]

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## Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 11]

## PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENT, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

### Transfer of Allotment From the Pool

*Basis and purpose.* This amendment is issued pursuant to section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)) and section 124 of the Soil Bank Act (7 U.S.C. 1812) and interprets and applies section 378 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1378). The purpose of the amendment is to make the procedures for the transfer of allotment from the pool under 7 U.S.C. 1378 more effective in preventing the sale of allotments from the pool or the transfer of allotments from the pool for the benefit of some person other than the displaced owner.

Since applications under 7 U.S.C. 1378 are now pending and many more will be filed in the near future, it is hereby determined that compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall become effective upon publication in the FEDERAL REGISTER.

Section 719.12(d)(2) (23 F.R. 7694) is amended to read as follows:

(2) *Transfer of allotment from the pool.* Upon written application by the displaced owner by August 29, 1961 or within three years after such owner is displaced, whichever is later, to the county committee of the county in which the farm which is to receive allotment from the pool is located, the county committee shall determine whether the transaction by which the displaced owner claims to have acquired the farm to which it is requested that the allotment be transferred and the requested transfer is for the purpose of reestablishing the farming operations of the displaced owner or is a scheme or device to sell the allotment or to transfer the allotment for the benefit of some person other than the displaced owner. The application for transfer shall contain a certification by the applicant that he has made no side agreement with any person for the purpose of obtaining an allotment from the allotment pool for a person other than himself. Before an application is acted upon by the county committee the applicant shall personally appear before the county committee after reasonable notice and bring with him all pertinent documents for examination by the committee and answer all pertinent questions bearing on the proposed transfer; unless the State committee determines from facts presented to it on behalf of the applicant that the applicant would be unduly inconvenienced by such an appearance on account of illness or other good cause and an appearance by the applicant before the county committee would serve no useful purpose. If an allotment is transferred hereunder and it is later determined by the county committee that the transfer was obtained by misrepresentation by or on behalf of the applicant the allotment for the farm shall be reduced by the amount of the transfer for each year the transfer purportedly was in effect and if the time for withdrawal from the pool has not expired the amount of the reduction shall be returned to the pool. The action of the county committee in approving or disapproving an application or in reducing the allotment for misrepresentation shall be effective only upon approval of the State committee or its representative and the issuance of an appropriate allotment notice under the applicable commodity regulations. If the county committee determines that the transaction by which the displaced owner acquired the farm to which the allotment is to be transferred and the proposed transfer is for the bona fide purpose of reestablishing the farming operations of the displaced owner and is not a scheme or device to sell the allotment or to transfer the allotment for the benefit of some person other than the displaced owner the county committee shall determine the allotment or increase of allotment to be transferred from the pool to such farm. The allotment to be transferred for a commodity shall be no greater than an amount required to establish an allotment comparable with allotments determined for other farms in the same area which are similar except for the past acreage of the commodity, taking into consideration the land, labor and equipment available for the production of the commodity, crop-rotation practices, and the soil and other physical factors affecting the production of the commodity: *Provided, however,* That the acreage transferred from the pool shall not exceed the allotment most recently established for the farm acquired from the applicant and placed in the pool. When all or a part of the allotment placed in the pool is transferred and used to establish or increase the allotment for other farms owned or purchased by the displaced owner, all or the proportionate part of the past acreage history for the farm from which the owner was displaced shall be transferred to, and considered for purposes of future allotments, to have been planted on the farm for which an allotment is established or increased under this section. If only a part of the available allotment is transferred from the pool, the remaining part of the allotment and past acreage history shall remain in the pool for transfer to other farms of the displaced owner until all such allotment acreage has been transferred or until the period of eligibility for establishing or increasing allotments under this section has expired.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375; sec. 124, 70 Stat. 198; 7 U.S.C. 1812 interprets and applies sec. 378, 72 Stat. 988, as amended; 7 U.S.C. 1378)

Done at Washington, D.C., this 14th day of February, 1961.

H. D. GODFREY,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61-1452; Filed, Feb. 16, 1961; 8:48 a.m.]

# Title 10—ATOMIC ENERGY

## Chapter I—Atomic Energy Commission

## PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

### Types of Financial Protection

A comprehensive revision of the financial protection requirements in Part 140 was published in the FEDERAL REGISTER on April 7, 1960 (25 F.R. 2944).

The revision of Part 140 established fixed amounts of financial protection to be required of licensees of reactors having relatively low power levels. For power and testing reactors having a higher thermal power level, Part 140 prescribed a formula for computing financial protection. The basic elements of the formula were thermal power level and reactor location.

Early in 1960, representatives of the nuclear energy liability insurance syndicates ("NELIA" and "MAELU") urged the Commission to adopt a financial protection formula which would, in most cases, require reactor licensees to maintain higher levels of financial protection than those required under the revised Part 140. The recommendations of the insurance industry are embodied in a letter dated January 22, 1960, from Mr. Charles J. Haugh, Vice President, Travelers Insurance Company.

In prescribing the revised financial protection requirements in Part 140 as published April 7, 1960, the Commission announced that it planned to re-evaluate, no later than December 31, 1960, its financial protection requirements in light of comments and suggestions submitted to the Commission by the insurance industry and by interested members of the public. The Commission further requested that interested persons submit their comments on the proposals filed by the nuclear energy liability insurance syndicates.

The Commission has completed the re-evaluation of its financial protection requirements. In connection therewith careful consideration has been given to the insurers' proposal and to all comments and suggestions submitted by the insurers, the reactor industry, and other interested persons.

As a result of its study the Commission has concluded that:

a. Revision of the fixed amounts of financial protection presently prescribed by Part 140 would not be justified;

b. With respect to the formula prescribed by § 140.12 of Part 140, for determining amounts of financial protection other than the fixed amounts prescribed by §140.11, revision of the population factor of the formula is desirable for the reasons given herein; and that revision of the value assigned in the formula to the base amount of financial protection would not be justified.

The amended financial protection formula set forth below does not vary, therefore, from the formula presently prescribed by Part 140 with respect to the base amount of financial protection required ($150 per kilowatt of thermal energy capacity). The base amount prescribed by Part 140 is consistent with the principle that the quantity of fission products that could escape in the event of an incident varies roughly in direct proportion to power level.

The range specified for the location (population) factor in the formula, however, has been extended from 1 to 1.5 to a range of 1 to 2. The NELIA–MAELU proposal of January 22, 1960 urged that a more realistic range would be 1 to 4. Both the insurers and the Commission agree, however, that since no scientific basis is possible for either range of values, any range used must necessarily reflect a substantial element of judgment.

Statistics compiled from hazards summary reports for some 19 power reactors in operation, under construction or presently planned, indicate that population densities within areas surrounding the reactor sites actually differ by a factor of approximately 10. Therefore, on the basis of adjacent population alone, it appears that a location factor ranging from 1 to 1.5 is too narrow. However, surrounding population is not the only parameter pertinent to the prescription of the "location factor" to be used in the financial protection formula. Credit must also be given to those safeguards that are inherently part of the reactor design or that have been specially engineered into the plant complex in recognition of the proximity and density of population surrounding the reactor site. No scientific basis exists, however, for determining the relative value that might be assigned to such safeguards. The value, therefore, must necessarily be based largely upon subjective evaluation. After careful study, the Commission has concluded that the range presently specified in Part 140 (1 to 1.5) gives more limited effect, and that proposed by the insurance syndicates (1 to 4) gives greater effect to differences in location than is believed justified. In the absence, however, of any scientific method for determining what the range should be, the Commission has concluded that, in any case, an increase in the span of the range is required and that a difference of 100 percent between the upper and lower limits is reasonable. The Commission has, therefore, adopted a location factor range of 1 to 2. The following amendment to 10 CFR 140 gives effect to this broader range.

Effective 60 days after publication in the FEDERAL REGISTER, 10 CFR Part 140, § 140.12(b)(4)(ii), is amended to read as follows:

(ii) *Step 2.* Identify all minor civil divisions according to the same census which are in whole or in part within the circle determined in Step 1. Determine the population of each such minor civil division (according to the same census or later data available from the Bureau of the Census). For each minor civil division, divide its population by the square of the estimated distance to the nearest mile from the reactor to the geographic center of the minor civil division: *Provided,* That no such distance shall be deemed to be less than one mile. If the sum of the quotients thus obtained for all minor civil divisions wholly or partly within the circle is 1,000 or less, the population factor is 1. If the sum of these quotients is more than 1,000 but not more than 3,000, the population factor is 1.2. If the sum of these quotients is more than 3,000 but not more than 5,000, the population factor is 1.4. If the sum of these quotients is more than 5,000 but not more than 7,000, the population factor is 1.6. If the sum of these quotients is more than 7,000 but not more than 9,000, the population factor is 1.8. If the sum of these quotients is more than 9,000 the population factor is 2.0.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply sec. 4, Pub. Law 85-256)

Dated at Germantown, Md., this 7th day of February 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
*Secretary.*

[F.R. Doc. 61-1438; Filed, Feb. 16, 1961; 8:47 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Reg. Docket No. 443; Amdt. 60-23]

## PART 60—AIR TRAFFIC RULES

### Re-establishment of the Base of Continental Control Area

Draft Release No. 60-12, published in the FEDERAL REGISTER on July 14, 1960 (25 F.R. 6634), gave notice that the Federal Aviation Agency proposed the adoption of an amendment to Part 60 of the Civil Air Regulations to re-establish the lower limit of the continental control area.

The reasons for the amendment were set forth in detail in the draft release. It recalled that at the time the continental control area was implemented, a second phase was anticipated when the air traffic control system reached the degree of proficiency which would permit it to accept the greater demands which would result from lowering the floor of the continental control area. It stated that the additional trained personnel, the new and improved radar systems and displays, the additional peripheral radio communications facilities and the semi-automatic calculating equipment were some of the improvements in the air traffic control system which now make this action possible. The draft release pointed out that higher Visual Flight Rules (VFR) minimum weather criteria would apply within the newly designated continental control area. The minimum visibility for VFR flight would be 5 miles, while the clearance-from-clouds minimums would be 1,000 feet vertically and 1 mile horizontally. These more stringent minimums are considered both reasonable and necessary in view of the high performance aircraft which typically operate at the higher flight levels. The increased capability of air traffic control to provide services to pilots who desire to operate aircraft under Instrument Flight Rules (IFR) would preclude, for the most part, any adverse effect upon flight operations within the new continental control area.

In addition, the rule adopted herein was stated to be consistent with the overall airspace planning of the Agency which contemplates the establishment of a three level route structure. Specific proposals regarding the establishment of

this system were published for comment in a separate rule making action (Airspace Docket No. 60–WA–53). Since comments in response to that proposal will be recognized in consideration of the airspace rule, it is not appropriate to discuss in detail either the content of that proposal or comments relative thereto.

The majority of the comments received in response to Draft Release No. 60–12 endorse the concepts of the proposal. The Aircraft Owners and Pilots Association and the National Aviation Trades Association, however, tempered their endorsement with the recommendation that the base of the new continental control area be established in such a manner as to retain the use of 14,500 feet m.s.l. as a VFR cruising altitude without the more stringent visibility and clearance-from-clouds minimums applicable to VFR flight conducted within the continental control area. It was contended that the requirement to observe the higher minimums would impose an unnecessary and undue hardship upon VFR pilots. These recommendations were considered valid. Section 60.30, Basic VFR Minimum Weather Conditions, is therefore revised herein to stipulate that, should the base of controlled airspace be coincident with a VFR cruising altitude prescribed in § 60.32, the provisions of § 60.30 applicable to the immediately underlying airspace shall apply.

The Department of the Air Force also concurred with the proposal to lower the floor of the continental control area. However, it stated that its concurrence is qualified with respect to action taken relative to Airspace Docket No. 60–WA–53. Since this is a separate rule making proposal, comments relative thereto and the final action taken are not considered directly relevant to this proposal.

The Department of the Army did not establish a definite position relative to the proposed amendment except to recommend that the proposed definition of the continental control area be amended to provide for the exclusion of flight test areas. Their recommendation was based upon "the adverse effects by the imposition of airway traffic control above 14,500 feet m.s.l. within the Fort Rucker flight test area." The flight test areas, as described in the Flight Information Manual, are approved by the Administrator for the purpose of confining these activities to sparsely populated areas and areas of light air traffic. However, flights by local or itinerant pilots within these areas are not prohibited. The proposed continental control area would impose no greater restrictions upon flight testing activities than those which are currently applicable to flight testing operations conducted within the present continental control area. Therefore, lowering the base of the continental control area should impose no significant adverse effect upon the flight testing activity conducted within the Fort Rucker flight test area.

The Department of the Navy also stated that it agrees with the basic proposal to re-establish the base of the continental control area. However, it recommended that provision be made for recognition of "Caution Areas" which extend above 14,500 feet m.s.l. "Caution Areas" were established by the Airspace Panel of the now dissolved Air Coordinating Committee (ACC). They were defined in the terms of reference of that group as "an area established by the appropriate agency, upon recommendation of the Panel, in which a visible hazard to aircraft exists." The terms of reference went on to state "although flight is not restricted in Caution Areas, hazards exist therein which may be avoided if proper vigilance is exercised by local and transiting aircraft." "Caution Areas" as such, are not officially recognized by the FAA. It is considered that flight vigilance must be maintained at all times and that "vigilance" is essentially a consummate condition and not subject to appreciable increase. Publication of a "Caution Area," established by the ACC, on aeronautical charts in no way precludes the utilization of such areas by pilots of aircraft totally uninformed as to the existence of the area or the reason for which it was established.

The Department of the Navy cited certain of these areas which would be affected, mentioning C–488 and C–198, as well as Warning Area W–155. Since Warning Areas are established only outside the continental limits of the United States, the amendment adopted herein will not affect such areas in any way. The Department of the Navy contended that, in view of an existing and continuing need for airspace of a "Caution Area" category, the rule should be amended to recognize the existence of those Caution Areas which extend above 14,500 feet m.s.l. It further recommended that the weather minimums for VFR flight within the controlled airspace of such areas remain at 3 miles visibility with proximity to cloud minimums remaining at 500 feet beneath, 1,000 feet above and 2,000 feet horizontally from clouds. The Agency is currently giving consideration to the establishment of airspace similar to "Caution Areas"; however, the requirement for and the provisions attendant to the use of such airspace have not been determined. If appropriate, this matter will later become the subject of a separate rule making proposal.

Minor editorial changes have been made in the definition of continental control area for purposes of clarity and in consideration of comments received.

In consideration of the foregoing, Part 60 of the Civil Air Regulations is amended as follows:

1. By amending the introductory text of § 60.30 to read as follows:

**§ 60.30 Basic VFR minimum weather conditions.**

Aircraft shall not be flown VFR in weather conditions below those specified herein except as provided in § 60.31. When VFR flight operations are conducted in accordance with the provisions of § 60.32 at an altitude coincident with the designated base of the continental control area, control area or transition area, the visibility and clearance-from-cloud requirements applicable to the immediately underlying airspace shall govern.

2. By amending the definition of "continental control area" to read as follows:

**§ 60.60 Definitions.**

* * * * *

*Continental Control Area.* The Continental Control Area consists of the airspace of the continental United States at and above 14,500 feet MSL but excludes: (1) The State of Alaska, (2) the airspace less than 1,500 feet above terrain, and (3) prohibited and restricted areas except those restricted areas specified in Part 601 of this Title.

These amendments shall become effective on April 6, 1961.

(Sec. 307; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 13, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61–1422; Filed, Feb. 16, 1961; 8:45 a.m.]

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[Reg. Docket No. 656]

## PART 60—AIR TRAFFIC RULES

### Reports of Navigation and Communications Equipment Malfunctions; Special Civil Air Regulation

Under this special regulation, pilots in command of aircraft being operated in controlled airspace under the instrument flight rules (IFR) must report immediately any malfunctions of navigation or communications equipment to Air Traffic Control.

Part 60 of the Civil Air Regulations contains the Air Traffic Rules and prescribes in § 60.2 that the pilot in command of an aircraft is directly responsible for that aircraft and "shall have final authority" as to its operation. This authority includes the responsibility to utilize available facilities at his disposal when a malfunction occurs which curtails the pilot's ability to navigate by reference to ground radio aids or communicate with ground facilities while operating under instrument flight rules.

Information regarding the airborne malfunction of a component which may affect the ability to navigate or communicate should be made available immediately to Air Traffic Control in order that the system will be alerted to the fact that the pilot may not be able to fully comply with the requirements of the system, or that an emergency situation may develop. Such immediate notification will permit a more complete utilization of the resources of the system.

For many years, it has been a common practice for pilots to report malfunctions of communications or navigation equipment to Air Traffic Control. However, there have been instances wherein an equipment malfunction has not been communicated to Air Traffic Control and where subsequent handling of the aircraft might conceivably have been more effective if the circumstances had been properly reported. It is, therefore, no longer feasible to continue the reporting relationship on a voluntary basis for IFR operations in controlled airspace. Accordingly, this regulation is being promulgated.



The exact nature and degree of assistance available and appropriate from the air traffic control system will vary considerably. In areas where extensive ATC radar surveillance capability exists, it will be possible to provide greater assistance than in areas with little or no radar coverage. The volume of IFR traffic under ATC jurisdiction will also be a factor in the handling of the reporting aircraft. It should be emphasized that the efficient provision of ATC assistance is dependent upon a complete understanding between the pilot and the controller as to the nature and extent of the assistance needed, as well as the nature and extent of the service available. If it is possible to maintain radar and communications contact with the pilot, the controller can render considerable assistance during en route operations, during entry into holding patterns, during holding, and during the approach and landing.

It is important that the distinction between the ATC "special handling" of aircraft with malfunctioning equipment and the "priority handling" of aircraft in emergencies be noted. "Special handling" means that the air traffic controller will provide the maximum amount of assistance, consistent with the equipment at his disposal and the proper performance of his control functions with respect to other IFR aircraft. Should the circumstances warrant greater attention and priority handling with respect to other IFR aircraft, the pilot should declare an emergency in accordance with § 60.2 of Part 60.

This regulation requires reports concerning the loss or malfunction of VOR, TACAN, ADF, or low frequency navigation receivers, the total or partial loss of ILS receiver capability, and any malfunction affecting air/ground communications capability.

The application and results obtained from this regulation will be closely monitored and its benefits evaluated. After a reasonable period, a notice of proposed rule making will be issued, proposing an amendment to Part 60 to incorporate the salient points of this special regulation, as modified in the light of experience gained.

Since events have recently occurred which establish a requirement for the immediate adoption of this regulation for the safety of air commerce, I find it contrary to the public interest to comply with the notice and public procedure provisions of the Administrative Procedure Act and that good cause exists for making this special regulation effective immediately.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted and is effective February 17, 1961:

1. *Applicability.* This Special Civil Air Regulation applies to the operation of aircraft within controlled airspace under the Instrument Flight Rules of Part 60 of the Civil Regulations.

2. *Malfunction reports.* The pilot in command shall report immediately to Air Traffic Control any inflight malfunction of navigation or air/ground communications equipment as listed below:

(a) Loss of VOR, TACAN, ADF, or low frequency navigation receiver capability; or

(b) Complete or partial loss of ILS receiver capability; or

(c) Impairment of air/ground communications capability.

3. *Substance of reports.* Each report required under paragraph 2 hereof shall include the following:

(a) Aircraft identification;

(b) The equipment affected;

(c) The degree to which the capability of the pilot to operate IFR in the air traffic control system is impaired; and

(d) The nature and extent of assistance desired from Air Traffic Control.

(Sec. 307 of the Federal Aviation Act of 1956; 72 Stat. 749; 49 U.S.C. 1343)

Issued in Washington, D.C., on February 13, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61–1439; Filed, Feb. 16, 1961; 8:47 a.m.]

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## Chapter III—Federal Aviation Agency

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–WA–123]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

## PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

### Modification of Continental Control Area

On August 2, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 7261) stating that the Federal Aviation Agency (FAA) proposed to lower the base of the continental control area to 14,500 feet MSL, excluding the airspace less than 1,500 feet above the terrain. The Notice further stated that restricted areas otherwise designated as controlled airspace above 14,500 feet MSL would not be excluded from the continental control area. Such restricted areas are herein limited to restricted area/military climb corridors and those restricted areas designated as controlled airspace for which the FAA is designated as the controlling agency. On October 18, 1960, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 9926) extending the time for comments to October 24, 1960.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.7101 (14 CFR 601.7101) is amended to read:

**§ 601.7101 Designation of Continental Control Area.**

The Continental Control Area consists of the airspace of the continental United States at and above 14,500 feet MSL but excludes: (1) The State of Alaska, (2) the airspace less than 1,500 feet above terrain, and (3) prohibited and restricted areas except all restricted area/military climb corridors and those restricted areas listed below:

| | |
|---|---|
| R–4001 | Aberdeen, Md. |
| R–2902 | Banana River, Fla. |
| R–6601 | Camp A. P. Hill, Va. |
| R–3801 | Camp Claiborne, La. |
| R–2503 | Camp Pendleton, Calif. |
| R–6611 | Dahlgren Complex, Va. |
| R–6613 | Dahlgren Complex, Va. |
| R–3704 | Fort Knox, Ky. |
| R–5202 | Gardiners Island, N.Y. |
| R–2104 | Huntsville, Ala. |
| R–5802 | Indiantown Gap, Pa. |
| R–4105 | No Man's Land Island, Mass. |
| R–6304 | Reese AFB, Tex. |
| R–6305 | Reese AFB, Tex. |
| R–3202 | Sailor Creek, Idaho. |
| R–6308 | Webb AFB, Tex. |
| R–6308 | Webb AFB, Tex. |
| R–6307 | Webb AFB, Tex. |
| R–5503 | Wilmington, Ohio. |
| R–5504 | Wilmington, Ohio. |

§ 601.2 [Amendment]

2. Section 601.2(c) (14 CFR 601.2(c)) is amended to read:

(c) "Continental control area" consists of the airspace of the continental United States at and above 14,500 feet MSL but excludes: (1) The State of Alaska, (2) the airspace less than 1,500 feet above terrain, and (3) prohibited and restricted areas except those restricted areas specified in Subpart H of this part.

§ 602.2 [Amendment]

3. Section 602.2(e) (14 CFR 602.2(e)) is amended to read:

(e) "Continental control area" consists of the airspace of the continental United States at and above 14,500 feet MSL but excludes: (1) The State of Alaska, (2) the airspace less than 1,500 feet above terrain, and (3) prohibited and restricted areas except those restricted areas specified in Subpart H of Part 601 of this title.

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 30, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–1423; Filed, Feb. 16, 1961; 8:45 a.m.]

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[Reg. Docket No. 665; Amdt. 71]

## PART 610—MINIMUM EN ROUTE IFR ALTITUDES

### Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafter have been coordi-

nated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days notice. Part 610 is amended as follows:

Section 610.14 *Green Federal airway 4* is amended to delete:

From Zanesville, Ohio, LF/RBN; to Wheeling, W. Va., LF/RBN; MEA 2,600.
From Wheeling, W. Va., LF/RBN; to Pittsburgh, Pa., LFR; MEA 2,500.
From Pittsburgh, Pa., LFR; to *New Alexandria, Pa., LF/RBN; MEA 3,000. *4,000—MCA New Alexandria LF/RBN eastbound.
Fro New Alexandria, Pa., LF/RBN; to Altoona, Pa., LFR; MEA 4,500.
From Altoona, Pa., LFR; to Harrisburg, Pa., LFR; MEA 4,000.
From New Kingston, Pa., FM; to Harrisburg, Pa., LFR eastbound only; MEA 2,500.
From Harrisburg, Pa., LFR; to Lancaster INT, Pa.; MEA 2,000.
From Lancaster INT, Pa.; to Boothwyn INT, Pa.; MEA 2,000.
From Boothwyn INT, Pa., to Philadelphia, Pa., LFR; MEA 1,800.

Section 610.14 *Green Federal airway 4* is amended to read in part:

From North Hampton INT, Ohio; to Columbus, Ohio, LFR; MEA 2,500.

Section 610.15 *Green Federal airway 5* is amended to delete:

From Columbus, N. Mex., LFR; to El Paso, Tex., LFR; MEA 8,500.
From El Paso, Tex., LFR; to Salt Flat, Tex., LFR; MEA 8,000.
From *Salt Flat, Tex., LFR; to Wink, Tex., LFR; MEA 10,000. *9,100—MCA Salt Flat LFR, eastbound.
From Guadalupe Pass, Tex., FM; to Wink, Tex., LFR, eastbound only; MEA 8,000.
From Wink, Tex., LFR; to Midland INT, Tex.; MEA 4,900.
From Midland INT, Tex.; to Big Spring, Tex., LFR; MEA 4,000.
From Big Spring, Tex., LFR; to Colorado City INT, Tex.; MEA 4,000.
From Colorado City INT, Tex.; to Abilene, Tex., LFR; MEA 3,600.
From Abilene, Tex., LFR; to Mineral Wells, Tex., LF/RBN; MEA 3,200.
From Mineral Wells, Tex., LF/RBN; to Ft. Worth, Tex., LFR; MEA 2,500.

Section 610.16 *Green Federal airway 6* is amended to read:

From Greensboro, N.C., LFR; to Blackstone, Va., LFR; MEA 2,300.
From Blackstone, Va., LFR; to Richmond, Va., LFR; MEA 1,500.

Section 610.103 *Amber Federal airway 3* is deleted:

Section 610.106 *Amber Federal airway 6* is amended to delete:

From Cincinnati, Ohio, LFR; to South Solon INT, Ohio; MEA 2,200.
From South Solon INT, Ohio; to W. Jefferson INT, Ohio; MEA 2,400.

Section 610.618 *Blue Federal airway 18* is deleted.

Section 610.620 *Blue Federal airway 20* is deleted.

Section 610.647 *Blue Federal airway 47* is deleted.

Section 610.1001 *Direct routes—U.S.* is amended to read in part:

From Richmond, Ind., LF/RBN; to Arba INT, Ohio; MEA 2,300.
From Richmond, Ind., LF/RBN; to Cincinnati, Ohio, VOR; MEA 2,400.
From Richmond, Ind., LF/RBN; to Cincinnatti, Ohio, LFR; MEA 2,400.
From Richmond, Ind., LF/RBN; to Dayton, Ohio, VOR or ILS/LOM; MEA 2,400.
From Columbus, Ohio, LFR; to Dayton, Ohio, VOR; MEA 2,500.
From Columbus, Ohio, LFR; to Springfield, Ohio, LF/RBN; MEA 2,500.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From Crabapple INT, Ga.; to Crossville, Tenn., VOR; MEA 6,000.
From Crabapple INT, Ga.; to Chattanooga, Tenn., VOR; MEA 4,000.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From Biscayne Bay, Fla., VOR; to Bradley INT, Fla.; MEA 2,000.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From *Pine Log INT, Ga.; to **Dalton INT, Ga.; MEA ***4,000. *5,000—MRA. **4,000—MRA. ***3,500—MOCA.
From Macon, Ga., VOR; to *Loraine INT Ga.; MEA 2,000. *2,500—MRA.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From *Lovelock, Nev., VORTAC; to Battle Mountain, Nev., VOR; MEA 12,000. *8,500—MCA Lovelock VORTAC, northeastbound.
From *Lovelock, Nev., VORTAC via N alter.; to Battle Mountain, Nev., VOR via N alter.; MEA 11,000. *8,500—MCA Lovelock VORTAC, northeastbound.
From Fallon, Nev., VOR via S alter.; to *Lovelock, Nev., VORTAC via S alter.; MEA 8,000. *8,500—MCA Lovelock VORTAC, northeastbound.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From *Hammock INT, Fla.; to **Bunker INT, Fla.; MEA ***1,500. *2,000—MRA. **1,500—MRA. ***1,200—MOCA.
From Bunker INT, Fla.; to Ft. Myers, Fla., VOR; MEA 1,200.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From *Adena INT, Ohio; to Wheeling, W. Va., VOR; MEA 2,600. *3,500—MRA.

Section 610.6013 *VOR Federal airway 13* is amended to read in part:

From New Waverly INT, Tex., via W alter.; to Kickapoo INT, Tex., via W alter; MEA *2,800. *1,500—MOCA.
From Kickapoo INT, Tex., via W alter.; to Lufkin, Tex., VOR via W alter.; MEA *2,800. *1,700—MOCA.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From Bismarck, N. Dak., VOR via W alter.; to Garrison INT, N. Dak., via W alter.; MEA *5,000. *3,300—MOCA.
From Garrison INT, N. Dak., via W alter.; to *Douglas INT, N. Dak., via W alter.; MEA **5,000. *5,800—MRA. **3,500—MOCA.
From Douglas INT, N. Dak., via W alter.; to Minot, N. Dak., VOR via W alter.; MEA *5,000. *4,100—MOCA.
From Barclay INT, Tex., via W alter.; to Waco, Tex., VOR via W alter.; MEA 2,500.

Section 610.6017 *VOR Federal airway 17* is amended to read in part:

From Barclay INT, Tex., via E alter.; to Waco, Tex., VOR via E alter.; MEA 2,500.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From Lewistown, Mont., VOR; to *Great Falls, Mont., VOR; MEA 9,000. *6,800—MCA Great Falls VOR, eastbound.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Beaumont, Tex., VOR via N alter.; to Peveto INT, Tex., via N alter.; MEA 1,400.
From Peveto INT, Tex., via N alter.; to Orange INT, La., via N alter.; MEA 1,500.
From Orange INT, La., via N alter.; to *Sulphur INT, La., via N alter.; MEA 1,400. *1,600—MRA.
From Lake Charles, La., VOR via S alter.; to *Grand Lake INT, La., via S alter.; MEA **2,200. *2,200—MRA. **1,300—MOCA.

Section 610.6022 *VOR Federal airway 22* is amended by adding:

From Houston, Tex., VORTAC; to Sabine Pass, Tex., VOR; MEA 1,500.
From Sabine Pass, Tex., VOR; to Holly Beach INT, La.; MEA 1,300.
From Holly Beach INT, La.; to *Redfish Point INT, La.; MEA **6,000. *4,200—MRA. **1,300—MOCA.
From Redfish Point INT, La.; to Tibby, La., VOR; MEA *4,200. *1,400—MOCA.
From Holly Beach INT, La., via N alter.; to Lake Charles, La., VOR via N alter.; MEA 1,300.
From Lake Charles, La., VOR via N alter.; to *Grand Lake INT, La., via N alter.; MEA **2,200. *2,200—MRA. **1,300—MOCA.
From Grand Lake INT, La., via N alter.; to *Redfish Point INT, La., via N alter.; MEA **2,200. *4,200—MRA. **1,300—MOCA.
From Tibby, La., VOR; to New Orleans, La., VORTAC; MEA 1,500.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From Ft. Jones, Calif., VOR via E alter.; to Klamath Junction INT, Oreg., via E alter.; MEA 10,000.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From *Red Bluff, Calif., VORTAC; to Klamath Falls, Oreg., VORTAC; MEA **11,000. *5,000—MCA Red Bluff VORTAC, southbound. **9,200—MOCA.

Section 610.6029 *VOR Federal airway 29* is amended to read in part:

From Salisbury, Md., VOR; to Ridgely INT, Md.; MEA 1,700.
From Ridgely INT, Md.; to Kenton, Del., VOR; MEA 1,300.

Section 610.635 *VOR Federal airway 35* is amended to read in part:

From Asheville, N.C., VOR via W alter.; to Erwin INT, Tenn., via W alter.; MEA 8,000.
From Erwin INT, Tenn., via W alter.; to Tri-City, Tenn., VOR via W alter.; MEA 6,000.
From Macon, Ga., VOR; to *Eatonton INT, Ga.; MEA 2,000. *2,300—MRA.

Section 610.6039 *VOR Federal airway 39* is amended to read in part:

From Allentown, Pa., VOR; to Tannersville, Pa., VORTAC; MEA 2,700.
From Tannersville, Pa., VORTAC; to Poughkeepsie, N.Y.; MEA 3,000.

Section 610.6042 *VOR Federal airway 42* is amended to delete:

From Johnstown, Pa., VOR; to Martinsburg, W. Va., VOR; MEA 4,500.



From Martinsburg, W. Va., VOR; to Dawsonville INT, Va.; MEA 3,000.
From Dawsonville INT, Va.; to Washington, D.C., TVOR; MEA 2,000.

Section 610.6051 *VOR Federal airway 51* is amended to read in part:

From Biscayne Bay, Fla., VOR via E alter.; to Flagler INT, Fla., via E alter.; MEA 1,400.
From Flagler INT, Fla., via E alter.; to Oakland INT, Fla., via E alter.; MEA 2,000.
From *Hillsboro INT, Fla., via E alter.; to **Shawnee INT, Fla., via E alter.; MEA ***3,000. *1,800—MRA. **3,000—MRA. ***1,100—MOCA.
From Shawnee INT, Fla., via E alter.; to *Pluto INT, Fla., via E alter.; MEA **3,000. *1,500—MRA. **1,100—MOCA.
From *Pine Log INT, Ga., via W alter.; to **Dalton INT, Ga., via W alter.; MEA ***4,000. *5,000—MRA. **4,000 MRA. ***3,500—MOCA.
From Macon, Ga., VOR; to *Loraine INT, Ga.; MEA 2,000. *2,500—MRA.

Section 610.6053 *VOR Federal airway 53* is amended to read in part:

From Monticello INT, S.C.; to *Union INT, S.C.; MEA 2,300. *2,500—MRA.
From Union INT, S.C.; to *Buffalo INT, S.C.; MEA 2,300. *2,500—MRA.
From Buffalo INT, S.C.; to Spartanburg, S.C., VOR; MEA 2,300.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From Spartanburg, S.C., VOR; to *Gaffney INT, S.C.; MEA 2,100. *3,000—MRA.

Section 610.6056 *VOR Federal airway 56* is amended to read in part:

From Monetta INT, S.C., via N alter.; to Columbia, S.C., VOR via N alter.; MEA 1,700.

Section 610.6058 *VOR Federal airway 58* is amended by adding:

From Salem INT, Conn.; to *Watch Hill INT, R.I.; MEA 2,000. *2,500—MRA.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From Athens, Ga., VOR; to Iva INT, S.C.; MEA *2,000. *1,900—MOCA.
From *Union INT, S.C.; to Ft. Mill, N.C., VOR; MEA **2,500. *2,500—MRA. **2,000—MOCA.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From Junction, Tex., VOR; to Comfort INT, Tex.; MEA *3,600. *3,400—MOCA.

Section 610.6074 *VOR Federal airway 74* is amended to read in part:

From Ponca City, Okla., VOR via S alter.; to Okmulgee, Okla., VOR via S alter.; MEA *3,000. *2,400—MOCA.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From *Sabinal INT, Tex.; to **Haby INT, Tex.; MEA ***4,700. *5,500—MRA. **5,000—MRA. ***3,500—MOCA.

Section 610.6081 *VOR Federal airway 81* is amended to read in part:

From *Hale INT, Tex.; to **Plainview INT, Tex.; MEA 5,500. *8,000—MRA. **9,500—MRA.

Section 610.6082 *VOR Federal airway 82* is amended to read in part:

From Lydia INT, Minn., via S alter.; to *New Prague INT, Minn., via S alter.; MEA **4,300. *3,500—MRA. **2,400—MOCA.

Section 610.6084 *VOR Federal airway 84* is amended to read in part:

From Pullman, Mich., VORTAC; to Orangeville INT, Mich.; MEA 2,900.
From *Orangeville INT, Mich.; to Lansing, Mich., VOR; MEA 2,300. *2,800—MCA Orangeville INT, westbound.

Section 610.6089 *VOR Federal airway 89* is amended to read in part:

From *Silo INT, Colo.; to Denver, Colo., VORTAC; MEA **10,000. *11,200—MCA Silo INT, southwestbound. **9,500—MOCA.
From Guffey INT, Colo.; to *Lake George INT, Colo.; MEA **16,300. *14,000—MRA. *15,000—MCA Lake George INT, southwestbound. **13,000—MOCA.

Section 610.6095 *VOR Federal airway 95* is amended to read in part:

From *Trout Creek INT, Colo.; to **Lake George INT, Colo.; MEA ***15,500. *14,800—MCA Trout Creek INT, southwestbound. **14,000—MRA. ***14,000—MOCA.

Section 610.6100 *VOR Federal airway 100* is amended to read in part:

From *Wheatland INT, Wyo.; to Chadron, Nebr., VOR; MEA **9,000. *9,500—MRA. *9,200—MCA Wheatland INT, westbound. ***7,000—MOCA.

Section 610.6108 *VOR Federal airway 108* is amended to read in part:

From *Linden, Calif., VORTAC; to Mina, Nev., VOR; MEA 14,000. *6,000—MCA Linden VORTAC, eastbound.

Section 610.6120 *VOR Federal airway 120* is amended to read in part:

From *Great Falls, Mont., VOR; to Lewistown, Mont., VOR; MEA 9,000. *6,800—MCA Great Falls VOR, eastbound.

Section 610.6122 *VOR Federal airway 122* is amended to read in part:

From Klamath Junction INT, Oreg.; to Pinehurst INT, Oreg.; MEA *10,500. *9,500—MOCA.

Section 610.6131 *VOR Federal airway 131* is amended to read in part:

From Tulsa, Okla., VOR; to Chanute, Kans., VOR; MEA 2,200.

Section 610.6133 *VOR Federal airway 133* is amended to read in part:

From Hickory, N.C., VOR; to Wilkesboro INT, N.C.; MEA 5,000.
From Wilkesboro INT, N.C.; to Sugar Grove INT, N.C.; MEA 7,000.

Section 610.6139 *VOR Federal airway 139* is amended to read in part:

From Plum Island INT, N.Y.; to *Watch Hill INT, R.I.; MEA **2,500. *2,500—MRA. **1,500—MOCA.
From Watch Hill INT, R.I.; to Providence, R.I., VOR; MEA *2,500. *1,500—MOCA.

Section 610.6140 *VOR Federal airway 140* is amended to read in part:

From Tulsa, Okla., VORTAC via N alter.; to Adair INT, Okla., via N alter.; MEA *2,200. *2,000—MOCA.

Section 610.6151 *VOR Federal airway 151* is amended by adding:

From Keene, N.H., VOR via W alter.; to Hartness INT, Vt., via W alter.; MEA *5,000. *3,800—MOCA.
From Hartness INT, N.H., via W alter.; to Lebanon, N.H., VOR via W alter.; MEA 5,000.

Section 610.6158 *VOR Federal airway 158* is amended to read in part:

From Dubuque, Iowa, VOR; to Polo, Ill., VOR; MEA 3,300.

Section 610.6159 *VOR civil airway 159* is amended to read in part:

From *Shellman INT, Ga.; to **Sawmill INT, Ga.; MEA 1,700. *2,500—MRA. **2,300—MRA.

Section 610.6164 *VOR Federal airway 164* is amended to read in part:

From Williamsport, Pa., VOR; to Tannersville, Pa., VORTAC; MEA 4,000.

Section 610.6170 *VOR Federal airway 170* is amended to read in part:

From Nodine, Minn., VOR; to Dells, Wis., VOR; MEA 2,400.
From Dells, Wis., VOR; to Milwaukee, Wis., VORTAC; MEA 2,600.

Section 610.6188 *VOR Federal airway 188* is amended to read in part:

From Thornhurst, Pa., VOR; to Tannersville, Pa., VORTAC; MEA 3,500.

Section 610.6194 *VOR Federal airway 194* is amended to read in part:

From *Union INT, S.C.; to Fort Mill, N.C., VOR; MEA **2,500. *2,500—MRA. **2,000—MOCA.

Section 610.6217 *VOR Federal airway 217* is amended to read in part:

From Milwaukee, Wis., ILS loc.; to Harbor INT, Wis.; MEA 2,000.
From Harbor INT, Wis.; to Lake Park INT, Wis.; MEA 2,300.

Section 610.6220 *VOR Federal airway 220* is amended to read in part:

From Ward INT, Colo.; to *Longmont INT, Colo.; MEA 16,500. *13,000—MRA. *16,500—MCA Longmont INT, westbound.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From *Silsbee INT, Tex., via N alter.; to Orange INT, La., via N alter.; MEA **2,200. *2,200—MRA. **2,000—MOCA.

Section 610.6232 *VOR Federal airway 232* is amended to read in part:

From Milton, Pa., VOR; to Tannersville, Pa., VORTAC; MEA 4,000.
From Tannersville, Pa., VORTAC; to Somerset INT, N.J.; MEA 2,500.

Section 610.6243 *VOR Federal airway 243* is amended to read in part:

From *Pine Log INT, Ga.; to **Dalton INT, Ga.; MEA ***4,000. *5,000—MRA. **4,000—MRA. ***3,500—MOCA.
From Roberta INT, Ga.; to Atlanta, Ga., VORTAC; MEA 2,300.

Section 610.6246 *VOR Federal airway 246* is amended to read in part:

From Rosewood, Ohio, VOR; to Ridgeway INT, Ohio; MEA 2,800.
From Ridgeway INT, Ohio; to Marion INT, Ohio; MEA, 2,700.

Section 610.6268 *VOR Federal airway 268* is amended to read in part:

From Price INT, Md.; to Ridgely INT, Md.; MEA *2,500. *1,700—MOCA.
From Ridgely INT, Md.; to Salisbury, Md., VOR; MEA 1,700.

Section 610.6278 *VOR Federal airway 278* is amended to read in part:

From Texico, N. Mex., VOR; to *Plainview INT, Tex.; MEA **9,500. *9,500—MRA. **5,200—MOCA.

Section 610.6293 *VOR Federal airway 293* is amended to read in part:

From W. Palm Beach, Fla., VORTAC via W alter.; to *Shawnee INT, Fla., via W alter.; MEA 1,300. *3,000—MRA.

From Shawnee INT, Fla., via W alter.; to *Clewiston INT, Fla., via W alter.; MEA 1,300. *1,700—MRA.

Section 610.6295 *VOR Federal airway 295* is amended to read in part:

From Hopkins INT, Fla., via E alter.; to Orlando, Fla., VOR via E alter.; MEA *2,000. *1,300—MOCA.

Section 610.6300 *VOR Federal airway 300* is amended by adding:

From U.S. Canadian Border; to Whitefish, Mich., VOR; MEA 6,000.

From Whitefish, Mich., VOR; to Sault Ste. Marie, Mich., VOR; MEA 2,300.

From Whitefish, Mich., VOR via N alter.; to Sault Ste. Marie, Mich., VOR via N alter.; MEA 2,300.

Section 610.6462 *VOR Federal airway 462* is added to read:

From Houghton, Mich., VOR; to Whitefish, Mich., VOR; MEA 3,000.

From Whitefish, Mich., VOR; to Sault Ste. Marie, Mich., VOR; MEA 2,300.

Section 610.64501 *VOR Federal airway 501* is added to read:

From Martinsburg, W. Va., VORTAC; to St. Thomas, Pa., VOR; MEA 4,000.

From St. Thomas, Pa. VOR; to Philipsburg, Pa., VORTAC; MEA 4,500.

From Philipsburg, Pa., VORTAC; to Slate Run, Pa., VOR; MEA 4,500.

From Slate Run, Pa., VOR; to Wellsville, N.Y., VOR; MEA 4,500.

Section 610.6514 *VOR Federal airway 514* is added to read:

From Tobe, Colo., VORTAC; to Garden City, Kans., VORTAC; MEA 9,000.

From Garden City, Kans., VORTAC; to Russell, Kans., VOR; MEA *5,000 *4,200—MOCA.

Section 610.6516 *VOR Federal airway 516* is added to read:

From Tobe, Colo., VORTAC; to State Line INT, Kans.; MEA *8,500. *7,300—MOCA.

From State Line INT, Kans.; to Liberal, Kans., VOR; MEA 4,500.

From Liberal, Kans., VOR; to Englewood INT, Kans.; MEA 4,500.

From Englewood INT, Kans.; to *Aetna INT, Kans.; MEA **10,500. *10,300—MRA. **3,500—MOCA.

From Aetna INT, Kans.; to *Capron INT, Okla.; MEA **9,500. *4,500—MRA. **3,500—MOCA.

From Capron INT, Okla.; to Ponca City, Okla., VORTAC; MEA *4,500. *2,500—MOCA.

From Ponca City, Okla., VORTAC; to Oswego, Kans., VOR; MEA 2,500.

Section 610.6809 *VOR Federal airway 809* is added to read:

From Olympia, Wash., VOR; to Toledo INT, Wash., southbound, MEA 5,000; northbound, MEA 4,000.

From Toledo INT, Wash.; to *Silver Lake INT, Oreg.; MEA 5,000. *6,500—MRA.

From Silver Lake INT., Oreg.; to Portland, Oreg., VORTAC; MEA 5,000.

From Portland, Oreg., VORTAC; to Eugene, Oreg., VORTAC; MEA 4,000.

From Eugene, Oreg., VORTAC; to Medford, Oreg., VORTAC; MEA 8,000.

From Medford, Oreg., VORTAC; to *Talent INT, Oreg.; northbound, MEA 8,000; southbound, MEA 10,000. *10,500—MEA.

From Talent INT, Oreg.; to Ft. Jones, Calif., VOR; MEA 10,000.

From Ft. Jones, Calif., VOR; to Delta INT, Calif.; MEA 10,000.

From Delta INT, Calif.; to Red Bluff, Calif., VORTAC; MEA 8,000.

From Delta INT, Calif.; to Redding, Calif., FM southbound only; MEA 7,000.

From Redding, Calif., FM; to Red Bluff, Calif., VORTAC, southbound only; MEA 3,000.

From *Red Bluff, Calif., VORTAC; to **Lakeport INT, Calif.; MEA 9,000. *5,000—MCA Red Bluff VORTAC, southbound. **9,000—MRA.

From *Lakeport INT, Calif.; to Geyserville INT, Calif.; MEA **12,000. *11,000—MCA Lakeport INT, southbound. **7,000—MOCA.

From *Geyserville INT, Calif.; to Point Reyes, Calif., VOR; MEA 6,000. *12,000—MCA Geyserville INT, northbound.

Section 610.6810 *VOR Federal airway 810* is added to read:

From Crockett INT, Calif.; to Cordelia INT, Calif.; MEA 5,000.

From Cordelia INT, Calif.; to Guinda INT, Calif.; MEA 6,000.

From Guinda INT, Calif.; to Williams, Calif., VORTAC; MEA 5,000.

From Williams, Calif., VORTAC; to *Valley INT, Calif.; MEA 4,000. *8,500—MCA Valley INT, eastbound.

From Valley INT, Calif.; to Reno, Nev., VOR; MEA 11,000.

From Reno, Nev., VOR; to Lovelock, Nev., VORTAC; MEA 10,000.

From Lovelock, Nev., VORTAC; to Battle Mountain, Nev., VOR; MEA 12,000.

From Battle Mountain, Nev., VOR; to Elko, Nev., VORTAC; MEA 11,000.

From *Elko, Nev., VORTAC; to Bonneville, Utah, VOR; MEA 13,000. *11,500—MCA Elko VORTAC, eastbound.

From Bonneville, Utah, VOR; to Salt Lake City, Utah, VORTAC; MEA 9,000.

From *Salt Lake City, Utah, VORTAC; to **Henefer INT, Utah; MEA 12,000. *11,000—MCA Salt Lake City VORTAC, northeastbound. **14,000—MRA.

From Henefer INT, Utah; to *Evanston INT, Wyo.; MEA 12,000. *14,000—MRA.

From Evanston INT, Wyo.; to Ft. Bridger, Wyo., VOR; MEA 12,000.

From Ft. Bridger, Wyo., VOR; to Rock Springs, Wyo., VORTAC; MEA 10,000.

From Rock Springs, Wyo., VORTAC; to Cherokee, Wyo., VOR; MEA 10,000.

From Cherokee, Wyo., VOR; to Rock River, Wyo., VOR; MEA 11,000.

From Rock River, Wyo., VOR; to *Wheatland INT, Wyo.; MEA 11,000. *9,500—MRA.

From *Wheatland INT, Wyo.; to Chadron, Nebr., VOR; MEA **9,000. *9,200—MCA Wheatland INT, westbound. *7,000—MOCA.

From Chadron, Nebr., VOR; to O'Neill, Nebr., VORTAC; MEA 10,000.

From O'Neill, Neb., VORTAC; to Sioux City, Iowa, VOR; MEA *4,700. *3,700—MOCA.

From Sioux City, Iowa, VOR; to Ft. Dodge, Iowa, VOR; MEA 3,000.

From Ft. Dodge, Iowa, VOR; to Alden INT, Iowa; MEA 2,300.

From Alden INT, Iowa; to Waterloo, Iowa, VORTAC; MEA *2,500. *2,300—MOCA.

From Waterloo, Iowa, VORTAC; to Jessup INT, Iowa; MEA 2,100.

From Jessup INT, Iowa; to Dubuque, Iowa, VOR; MEA 2,500.

From Dubuque, Iowa, VOR; to Freeport INT, Ill.; MEA 2,600.

From Freeport INT, Ill.; to Rockford, Ill., VORTAC; MEA 2,500.

From Rockford, Ill., VORTAC; to Crystal INT, Ill.; MEA 2,500.

From Crystal INT, Ill.; to Northbrook, Ill., VORTAC; MEA 2,200.

Section 610.6813 *VOR Federal airway 813* is added to read:

From Marin INT, Calif.; to Bodega INT, Calif.; MEA 4,000.

From Bodega INT, Calif.; to *Ft. Ross INT, Calif.; MEA 6,000. *10,500—MRA.

From Ft. Ross INT, Calif.; to Ukiah, Calif., VOR; MEA 6,000.

From Ukiah, Calif., VOR; to Fortuna, Calif., VOR; MEA *6,700. *6,000—MOCA.

From Fortuna, Calif., VOR; to Crescent City, Calif., VOR; MEA 3,500.

From Crescent City, Calif., VOR; to *Rogue River INT, Oreg.; MEA **8,000. *11,200—MRA. **6,400—MOCA.

From Rogue River INT, Oreg.; to North Bend, Oreg., VOR; MEA *6,000. *6,400—MOCA.

From North Bend, Oreg., VOR; to Eugene, Oreg., VORTAC; MEA 5,000.

From Eugene, Oreg., VORTAC; to Portland, Oreg., VORTAC; MEA 4,000.

From Portland, Oreg., VORTAC; to *Silver Lake INT, Oreg.; MEA 5,000. *6,500—MRA.

From Silver Lake INT, Wash.; to Seattle, Wash., VORTAC; MEA southbound, 5,000; northbound, 3,000.

Section 610.6830 *VOR Federal airway 830* is added to read:

From Dallas, Tex., VORTAC; to Tidwell INT, Tex.; MEA 1,800.

From Tidwell INT, Tex.; to Avery INT, Tex.; MEA *5,500. *1,700—MOCA.

From Avery INT, Tex.; to Texarkana, Ark., VORTAC; MEA 1,700.

From Pine Bluff, Ark., VOR; to Almyra INT, Ark.; MEA 1,500.

From Almyra INT, Ark.; to Memphis, Tenn., VORTAC; MEA *2,500. *1,500—MOCA.

From Memphis, Tenn., VORTAC; to Jacks Creek, Tenn., VOR; MEA 2,000.

From Jacks Creek, Tenn., VOR; to Graham, Tenn., VOR; MEA 2,000.

From Graham, Tenn., VOR; to Nashville, Tenn., VORTAC; MEA 3,000.

From Nashville, Tenn., VORTAC; to *Lebanon INT, Tenn.; MEA 2,000. *2,300—MRA.

From Lebanon INT, Tenn.; to *Hartsville INT., Tenn.; MEA 2,000. *2,400—MRA.

From Hartsville INT, Tenn.; to London, Ky., VORTAC; MEA *4,500. *3,800—MOCA.

From London, Ky., VORTAC; to Bluefield, W. Va., VOR; MEA 6,000.

From Bluefield, W. Va., VOR; to Montebello, Va., VOR; MEA 6,000.

From Montebello, Va., VOR; to Gordonsville, Va., VORTAC; MEA 6,000.

From Gordonsville, Va., VORTAC; to *Locust Grove INT, Va.; MEA 1,500. *2,000—MRA.

From Locust Grove INT, Va.; to Ironsides INT, Va.; MEA 1,500.

Section 610.6837 *VOR Federal airway 837* is added to read:

From Picayune, Miss., VOR; to *Citro INT, Ala.; MEA **3,500. *2,500—MRA. **1,600—MOCA.

From Citro INT, Ala.; to Evergreen, Ala., VOR; MEA 1,500.

From Evergreen, Ala., VOR; to *Pine Apple INT, Ala.; MEA 1,800. *2,600—MRA.

From Pine Apple INT, Ala.; to *Greenville INT, Ala.; MEA 1,800. *3,700—MRA.

From Greenville INT, Ala.; to *Calhoun INT, Ala.; MEA 1,800. *3,900—MRA.

From Calhoun INT, Ala.; to Montgomery, Ala., VORTAC; MEA 1,800.

From Montgomery, Ala., VORTAC; to Kent INT, Ala.; MEA 2,000.

From Kent INT, Ala.; to LaGrange, Ga., VOR; MEA 2,100.

From LaGrange, Ga., VOR; to Atlanta, Ga., VORTAC; MEA 2,100.

From Atlanta, Ga., VORTAC; to Lithonia INT, Ga.; MEA 2,200.

From Lithonia INT, Ga.; to Royston, Ga., VOR; MEA 2,700.

From Royston, Ga., VOR; to Spartanburg, S.C., VOR; MEA 2,300.

From Spartanburg, S.C., VOR; to Waco INT, S.C.; MEA 2,700.

From Waco INT, S.C.; to Barber INT, S.C.; MEA *3,000. *2,400—MOCA.



From Barber INT, S.C.; to Greensboro, N.C., VOR; MEA 2,400.

From Greensboro, N.C., VOR; to Reid INT, N.C.; MEA 2,500.

From Reid INT, N.C.; to So. Boston, Va., VOR; MEA 2,300.

From So. Boston, Va., VOR; to Gordonsville, Va., VORTAC; MEA 3,000.

From Gordonsville, Va., VORTAC; to *Locust Grove INT, Va.; MEA 1,500. *2,000—MRA.

From Locust Grove INT, Va.; to Nottingham, Md., VOR; MEA 1,500.

From Nottingham, Md., VOR; to Kenton, Del., VORTAC; MEA 1,500.

From Kenton, Del., VORTAC; to Vineland INT, N.J.; MEA 1,600.

From Vineland INT, N.J.; to *Hammonton INT, N.J.; MEA 1,500. *2,000—MRA.

From Hammonton INT, N.J.; to Coyle, N.J., VOR; MEA 1,500.

From Coyle, N.J., VOR; to Woolf INT, N.J.; MEA 1,500.

From Woolf INT, N.J.; to *Patchogue INT, N.Y.; MEA **2,000. *4,000—MRA. **1,500—MOCA.

From Patchogue INT, N.Y.; to Mastic INT, N.Y.; MEA *6,000. *1,500—MOCA.

From Mastic INT, N.Y.; to Hampton, N.Y., VOR; MEA 1,500.

From Hampton, N.Y., VOR; to Plum Island INT, N.Y.; MEA 1,500.

From Plum Island INT, N.Y.; to Providence, R.I., VOR; MEA *2,500. *1,500—MOCA.

From Providence, R.I., VOR; to Cohasset INT, Mass; MEA 2,000.

Section 610.6843 *VOR Federal airway 843* is added to read:

From Peotone, Ill., VORTAC; to Danville, Ill., VOR; MEA 1,900.

From Danville, Ill., VOR; to Lewis, Ind., VOR; MEA 2,000.

From Lewis, Ind., VOR; to Scotland, Ind., VORTAC; MEA, 2,000.

From Scotland, Ind., VORTAC; to *Baden INT, Ind.; MEA 2,000. *2,500—MRA.

From Baden INT, Ind.; to Bowling Green, Ky., VOR; *3,000. *2,500—MOCA.

From Bowling Green, Ky., VOR; to *Hartsville INT, Tenn.; MEA **2,400. *2,400—MRA. **2,000—MOCA.

From Hartsville INT,. Tenn.; to *Liberty INT, Tenn.; MEA **5,500. *5,000—MRA. **4,200—MOCA.

From Liberty INT, Tenn.; to McMinnville INT, Tenn.; MEA *5,000. *4,200—MOCA.

From McMinnville INT, Tenn.; to Chattanooga, Tenn., VORTAC; MEA 4,400.

From Chattanooga, Tenn., VORTAC; to *Dalton INT, Ga.; MEA 3,000. *4,500—MRA.

From Dalton INT, Ga.; to *Pine Log INT, Ga.; MEA **4,000. *5,000—MRA. **3,500—MOCA. *3,500—MOCA.

From Pine Log INT, Ga.; to Kennesaw INT, Ga.; MEA *4,000.

From Kennesaw INT, Ga.; to Atlanta, Ga., VORTAC; MEA 3,000.

From Atlanta, Ga., VORTAC; to Concord INT, Ga.; MEA 2,100.

From Concord INT, Ga.; to *Junction City INT, Ga.; MEA **3,000. *3,000—MRA. **2,200—MOCA.

From Junction City INT, Ga.; to Americus INT, Ga.; MEA *3,000. *1,600—MOCA.

From Americus INT, Ga.; to Albany, Ga., VOR; MEA *1,800. $1,600—MOCA.

From Albany, Ga., VOR; to *Sale INT, Ga.; MEA 1,700. *1,800—MRA.

From Sale INT, Ga.; to *Hartsfield INT, Ga.; MEA **3,000. *2,000—MRA. **1,500—MOCA.

From Hartsfield INT, Ga.; to Quitman INT, Ga.; MEA *3,000. *1,500—MOCA.

From Quitman INT, Ga.; to Greenville INT, Fla.; MEA *4,500. *1,300—MOCA.

From Greenville INT, Fla.; to Cross City, Fla., VOR; MEA *2,800. *1,200—MOCA.

From Cross City, Fla., VOR; to Homo INT, Fla.; MEA *1,500. *1,300—MOCA.

From Homo INT, Fla.; to Dade City INT; MEA *2,000. *1,500—MOCA.

From Dade City INT, Fla.; to Katy INT, Fla.; MEA 1,500.

From Katy INT, Fla.; to Lakeland, Fla., VOR; MEA *1,500. *1,300—MOCA.

From Lakeland, Fla., VOR; to *Brewster INT, Fla.; MEA **2,000. *2,500—MRA. **1,300—MOCA.

From Brewster INT, Fla.; to Ft. Myers, Fla., VOR; MEA *2,000. *1,300—MOCA.

From Ft. Myers, Fla., VOR; to *Copeland INT, Fla.; MEA **2,500. *2,500—MRA. **1,400—MOCA.

From Copeland INT, Fla.; to *Pine INT, Fla.; MEA **2,500. *2,500—MRA. **1,200—MOCA.

From Pine INT, Fla.; to *Chester INT, Fla.; MEA **1,500. *2,800—MRA. **1,200—MOCA.

From Chester INT, Fla.; to Miami, Fla., VORTAC; MEA *1,500. *1,200—MOCA.

Section 610.6845 *VOR Federal airway 845* is added to read:

From Joliet, Ill., VORTAC; to Bradford, Ill., VOR; MEA 2,100.

From Bradford, Ill., VOR; to Burlington, Iowa, VOR; MEA 2,100.

From Burlington, Iowa, VOR; to Quincy, Ill., VORTAC; MEA 2,600.

From Quincy, Ill., VORTAC; to Hallsville, Mo., VOR; MEA 2,000.

From Hallsville, Mo., VOR; to Wilton INT, Mo.; MEA 2,600.

From Wilton INT, Mo.; to Springfield, Mo., VORTAC; MEA *3,500. *2,500—MOCA.

From Springfield, Mo., VORTAC; to Neosho, Mo., VOR; MEA 2,500.

From Neosho, Mo., VOR; to Pryor INT, Okla.; MEA 2,500.

From Pryor INT, Okla.; to Okmulgee, Okla., VOR; MEA 2,700.

From Okmulgee, Okla., VOR; to Pharoah INT, Okla.; MEA *2,500. *2,100—MOCA.

From Pharoah INT, Okla.; to Ardmore, Okla., VOR; MEA *5,000. *2,700—MOCA.

From Ardmore, Okla. VOR; to *Gainesville INT, Tex.; MEA 2,200. *2,500—MRA.

From Gainesville INT, Tex.; to Dallas, Tex., VORTAC; MEA *2,500. *2,100—MOCA.

Section 610.6846 *VOR Federal airway 846* is added to read:

From Polo, Ill., VORTAC; to Charlotte INT, Ill.; MEA 2,200.

From Charlotte INT, Ill.; to Cedar Rapids, Iowa, VORTAC; MEA *2,500. *2,200—MOCA.

From Cedar Rapids, Iowa, VORTAC; to Newton, Iowa, VOR; MEA 2,200.

From Newton, Iowa, VOR; to Elkhart INT, Iowa; MEA 2,000.

From Elkhart INT, Iowa; to Dallas Center INT, Iowa; MEA 2,400.

From Dallas Center INT, Iowa; to *Menlo INT, Iowa; MEA **3,600. *4,500—MRA. **2,600—MOCA.

From Menlo INT, Iowa; to Avoca INT, Iowa; MEA 2,600.

From Avoca INT, Iowa; to Neola, Iowa, VORTAC; MEA 2,300.

From Neola, Iowa, VORTAC; to *Fremont INT, Nebr.; MEA **3,500. *3,000—MRA. **2,700—MOCA.

From Fremont INT, Nebr.; to Wolbach, Nebr., VOR; MEA *3,500. *3,000—MOCA.

From Wolbach, Nebr., VOR; to *Eddyville INT, Nebr.; MEA **5,400. *4,800—MRA. **3,500—MOCA.

From Eddyville INT, Nebr.; to Hayes Center, Nebr., VORTAC; MEA *4,600. *4,100—MOCA.

From Hayes Center, Nebr., VORTAC; to Akron, Colo., VOR; MEA 5,600.

From Akron, Colo., VOR; to Denver, Colo., VORTAC; MEA 7,000.

Section 610.6854 *VOR Federal airway 854* is added to read:

From Polo, Ill., VORTAC; to Dubuque, Iowa, VOR; MEA 3,300.

From Dubuque, Iowa, VOR; to Waterloo, Iowa, VORTAC; MEA 2,500.

From Waterloo, Iowa, VORTAC; to Alden INT, Iowa; MEA *2,500. *2,300—MOCA.

From Alden INT, Iowa; to Fort Dodge, Iowa, VOR; MEA 2,300.

From Fort Dodge, Iowa, VOR; to Sioux City, Iowa, VOR; MEA 3,000.

From Sioux City, Iowa, VOR; to O'Neill, Nebr., VORTAC; MEA *4,700. *3,700—MOCA.

From O'Neill, Nebr., VORTAC; to Chadron, Nebr., VOR; MEA 10,000.

From Chadron, Nebr., VOR; to *Wheatland INT, Wyo.; MEA **9,000. *9,200—MCA Wheatland INT, westbound. *9,500—MRA. **7,000—MOCA.

From Wheatland INT, Wyo.; to Rock River, Wyo., VOR; MEA 11,000.

From Rock River, Wyo., VOR; to Cherokee, Wyo., VOR; MEA 11,000.

From Cherokee, Wyo., VOR; to Rock Springs, Wyo., VORTAC; MEA 10,000.

From Rock Springs, Wyo., VORTAC; to Fort Bridger, Wyo., VOR; MEA 10,000.

From Fort Bridger, Wyo., VOR; to *Almy INT, Utah; MEA 12,000. *13,000—MRA.

From Almy INT, Utah; to *Lost Creek INT, Utah; MEA 12,000. *14,000—MRA.

From Lost Creek INT, Utah; to *Ogden, Utah, VOR; MEA 12,000. *11,000—MCA Ogden VOR, eastbound.

From Ogden, Utah, VOR; to *Promontory Pt. INT, Utah; eastbound, MEA 11,000; westbound, MEA 9,000. *10,000—MCA Promontory Pt. INT, eastbound.

From Promontory Pt. INT, Utah; to Lucin, Utah, VOR; MEA 9,000.

From Lucin, Utah, VOR; to Wells, Nev., VOR; northeastbound, MEA 11,000; southwestbound, MEA 12,000.

From Wells, Nev., VOR; to Battle Mountain, Nev., VOR; MEA 11,000.

From Battle Mountain, Nev., VOR; to Lovelock, Nev., VORTAC; MEA 12,000:

From Lovelock, Nev., VORTAC; to *Reno, Nev., VOR; MEA, 10,000. *12,000—MCA Reno VOR, southwestbound.

From Reno, Nev., VOR; to Tahoe INT, Calif.; MEA 13,000.

From Tahoe INT, Calif.; to *Coloma INT, Calif.; northeastbound, MEA 13,000; southwestbound, MEA 9,500. *9,500—MCA Coloma INT, northeastbound.

From Coloma INT, Calif.; to Folsom INT, Calif.; northeastbound, MEA 9,500; southwestbound, MEA 5,000.

From Folsom INT, Calif.; to Sacramento, Calif., VORTAC; MEA 3,000.

From Sacramento, Calif., VORTAC; to Oakland, Calif., VORTAC; MEA 4,000.

Section 610.6875 *VOR Federal airway 875* is added to read:

From Boston, Mass., VORTAC; to Natick INT, Mass.; MEA *3,000. *2,300—MOCA.

From Natick INT, Mass.; to Millbury INT, Mass.; MEA *3,000. *2,200—MOCA.

From Millbury INT, Mass.; to Hartford, Conn., VOR; MEA 2,400.

From Hartford, Conn., VOR; to Wilton, Conn., VOR; MEA 2,000.

From Wilton, Conn., VOR; to Solberg, N.J., VORTAC; MEA 2,000.

From Solberg, N.J., VORTAC; to West Chester, Pa., VORTAC; MEA 2,000.

From West Chester, Pa., VORTAC; to Westminster, Md., VOR; MEA 2,000.

From Westminster, Md., VOR; to Herndon, Va., VORTAC; MEA 2,500.

From Herndon, Va., VORTAC; to Casanova, Va., VORTAC; MEA 3,000.

From Casanova, Va., VORTAC; to Rochelle INT, Va.; MEA 4,000.

From *Rochelle INT, Va.; to Montebello, Va., VOR; MEA 5,500. *5,500—MCA Rochelle INT, southwestbound.

From Montebello, Va., VOR; to Hollins, Va., VORTAC; MEA 6,000.

From Hollins, Va., VORTAC; to Pulaski, Va., VOR; MEA 5,300.

From Pulaski, Va., VOR; to Konnarock INT, Va.; MEA 7,700.

From *Konnarock INT, Va.; to Tri-City, Tenn., VOR; MEA 6,000. *7,000—MCA Konnarock INT, northeastbound.

From Tri-City, Tenn., VOR; to *Telford INT, Tenn.; MEA 6,000. *9,000—MRA.

From Telford INT, Tenn.; to *Ottway INT, Tenn.; MEA 4,000. *7,200—MRA.

From Ottway INT, Tenn.; to *White Pine INT, Tenn.; MEA 4,000. *5,000—MRA.

From White Pine INT, Tenn.; to *Piedmont INT, Tenn.; MEA 4,000. *8,000—MRA.

From Peidmont INT, Tenn.; to Knoxville, Tenn., VORTAC; MEA 3,000.

From Knoxville, Tenn., VORTAC; to Chattanooga, Tenn., VORTAC; MEA 3,000.

From Chattanooga, Tenn., VORTAC; to Lehigh INT, Ala.; MEA 4,000.

From Lehigh INT, Ala.; to Birmingham, Ala., VORTAC; MEA 2,500.

From Birmingham, Ala., VORTAC; to Tuscaloosa, Ala., VOR; MEA 2,000.

From Tuscaloosa, Ala., VOR; to Meridian, Miss., VORTAC; MEA *2,000. *1,800—MOCA.

From Meridian, Miss., VORTAC; to *Rose Hill INT, Miss.; MEA 1,800. *3,000—MRA.

From Rose Hill INT, Miss.; to *Olive INT, Miss.; MEA 1,800. *2,000—MRA.

From Olive INT, Miss.; to McComb, Miss., VOR; MEA 1,800.

From McComb, Miss., VOR; to Folsom INT, La.; MEA 1,700.

From Folsom INT, La.; to Madison INT, La.; MEA 1,400.

Section 610.6885 *VOR Federal airway 885* is added to read:

From Baltimore, Md., VORTAC; to Kenton, Del., VORTAC; MEA 1,500.

From Kenton, Del., VORTAC; to Vineland INT, N.J.; MEA 1,600.

From Vineland INT, N.J.; to *Hammonton INT, N.J.; MEA 1,500. *2,000—MRA.

From Hammonton INT, N.J.; to Coyle, N.J., VOR; MEA 1,500.

From Coyle, N.J., VOR; to Woolf INT, N.J.; MEA 1,500.

From Woolf INT, N.J.; to *Patchogue INT, N.Y.; MEA **2,000. *4,000—MRA. **1,500—MOCA.

From Patchogue INT, N.Y.; to Mastic INT, N.Y.; MEA *6,000. *1,500—MOCA.

From Mastic INT, N.Y.; to Hampton, N.Y., VOR; MEA 1,500.

From Hampton, N.Y., VOR; to Plum Island INT, N.Y.; MEA 1,500.

From Plum Island INT, N.Y.; to Providence, R.I., VOR; MEA *2,500. *1,500—MOCA.

From Providence, R.I., VOR; to Cohasset INT, Mass.; MEA 2,000.

Section 610.6887 *VOR Federal airway 887* is added to read:

From Casanova, Va., VORTAC; to Rochelle INT, Va.; MEA 4,000.

From *Rochelle INT, Va.; to Montebello, Va., VOR; MEA 5,500. *5,500—MCA Rochelle INT, southwestbound.

From Montebello, Va., VOR; to Bluefield, W. Va., VOR; MEA 6,000.

From Bluefield, W. Va., VOR; to London, Ky., VORTAC; MEA 6,000.

From London, Ky., VORTAC; to *Hartsville INT, Tenn.; MEA **4,500. *2,400—MRA. **3,800—MOCA.

From Hartsville INT, Tenn.; to *Lebanon INT, Tenn.; MEA 2,000. *2,300—MRA.

From Lebanon INT, Tenn., to Nashville, Tenn., VOR; MEA 2,000.

From Nashville, Tenn., VOR; to Graham, Tenn., VOR; MEA 3,000.

From Graham, Tenn., VOR; to Jacks Creek, Tenn., VOR; MEA 2,000.

From Jacks Creek, Tenn.; to Memphis, Tenn., VORTAC; MEA 2,000.

From Memphis, Tenn., VORTAC; to Almyra INT, Ark.; MEA *2,500. *1,500—MOCA.

From Almyra INT, Ark., to Pine Bluff, Ark., VOR; MEA 1,500.

From Pine Bluff, Ark., VOR; to Grapevine INT, Ark.; MEA 1,500.

From Grapevine INT, Ark.; to *Sparkman INT, Ark.; MEA **3,200. *4,000—MRA. **1,500—MOCA.

From Sparkman INT, Ark.; to Emmett INT, Ark.; MEA *3,200. *1,500—MOCA.

From Emmett INT, Ark.; to Texarkana, Ark., VORTAC; MEA 1,700.

From Texarkana, Ark., VORTAC; to Sulphur Springs, Tex., VOR; MEA *1,800. *1,700—MOCA.

From Sulphur Springs, Tex., VOR; to Majors INT, Tex.; MEA 1,800.

From Majors INT, Tex.; to Dallas, Tex., VORTAC; MEA 1,600.

Section 610.6604 *VOR Federal airway 1504* is amended to read in part:

From *Lovelock, Nev., VORTAC; to Battle Mountain, Nev., VOR; MEA 12,000. *8,500—MCA Lovelock VORTAC, northeastbound.

Section 610.6606 *VOR Federal airway 1506* is amended to read in part:

From *Wheatland INT, Wyo.; to Chadron, Nebr., VOR; MEA **9,000. *9,500—MRA. *9,200—MCA Wheatland INT, westbound. **7,000—MOCA.

Section 610.6612 *VOR Federal airway 1512* is amended to read in part:

From *Adena INT, Ohio; to Wheeling, W. Va., VOR; MEA 2,600. *3,500—MRA.

Section 610.6614 *VOR Federal airway 1514* is amended to read in part:

From *Adena INT, Ohio; to Wheeling, W. Va., VOR; MEA 2,600. *3,500—MRA.

Section 610.6620 *VOR Federal airway 1520* is amended to read in part:

From Texico, Tex., VOR; to Childress, Tex., VOR; MEA *6,000. *5,200—MOCA.

Section 610.6631 *VOR Federal airway 1531* is amended to read in part:

From Dickinson, N. Dak., VORTAC; to *Makoti INT, N. Dak.; MEA 4,100. *6,400—MRA.

From Makoti INT, N. Dak.; to Minot, N. Dak., VOR; MEA 4,100.

From *Lovestock, Nev., VORTAC; to Battle Mountain, Nev. VOR; MEA 12,000. *8,500—MCA Lovelock VORTAC, northeastbound.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a) 1348(c))

These rules shall become effective March 9, 1961.

Issued in Washington, D.C., on February 9, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-1350; Filed, Feb. 16, 1961; 8:45 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

## PART 10—PUBLIC SAFETY RADIO SERVICES

## PART 16—LAND TRANSPORTATION RADIO SERVICES

### Miscellaneous Amendments

The Commission having under consideration the desirability of making certain editorial changes in Parts 10 and 16 of its rules and regulations; and

It appearing that, by its Report and Order (FCC–60–891) in Docket No. 13083, In the Matter of Technical Standards Governing the Grant of Applications for the Use of Microwave Frequencies for Private Communications Systems, excluding Broadcasters, adopted July 20, 1960, as affirmed and partially modified by its Memorandum Opinion and Order (FCC–60–1301) in the same proceeding adopted November 2, 1960, the Commission, inter alia, amended Parts 10 and 16 to conform with the determinations made in said proceeding, the formal codification of such changes to be accomplished by a subsequent order of the Commission; and

It further appearing that formal codification of the changes herein ordered in Parts 10 and 16 conform without any substantive change, to the terms in the above-described orders and, being editorial in nature, the prior public notice and the effective date provisions of section 4 of the Administrative Procedure Act are inapplicable; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

*It is ordered,* This 10th day of February 1961, that Parts 10 and 16 of the Commission's rules are amended as set forth below, effective February 13, 1961.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: February 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

I. Part 10 of the Commission's rules, Public Safety Radio Services, is amended by adding a new § 10.111 to read as follows:



**§ 10.111 Interim technical standards governing use of microwave frequencies.**

The interim technical standards indicated in the table in this section shall govern, beginning July 20, 1961, the issuance of authorizations for private microwave systems using the frequency bands above 952 Mc listed in the table. However, these standards shall not be applicable to transmitting equipment (including antennas) which were authorized to be operated on these frequencies prior to July 20, 1961, or for which an authorization is issued based on an application filed with the Commission prior to July 20, 1961. Such licensees of equipment and systems not subject to these interim technical standards, including their successors or assigns in business, will be permitted to utilize such equipment provided such operation does not result in harmful interference to another station or system which is conforming to these technical standards. In case of such harmful interference, such non-conforming licensee will be required to take whatever corrective measures are necessary to alleviate the interference.

| Frequency band, MC | Power watts [1] | Tolerance (percent) | Bandwidth [2] | Beamwidth [3] |
|---|---|---|---|---|
| 952–960 | 30 | 0.0005 | 100 kc | 20° |
| 1850–1990 | 18 | .02 | 8 Mc | 10° |
| 2110–2200 | 15 | .02 | (7) | 10° |
| 2450–2500 [4] | 12 | (5) | (5) | (5) |
| 2500–2700 | 12 | .02 | 4 Mc | 10° |
| 6525–6575 [6] | 7 | .02 | 25 Mc | 7° |
| 6575–6875 | 7 | .02 | 10 Mc | 5° |
| 10,550–10,700 [6] | 5 | (6) | 25 Mc | 4° |
| 12,200–12,700 | 5 | .05 | 20 Mc | 4° |
| Above 16,000 | 5 | (6) | 50 Mc | (7) |

[1] Maximum rated power output of transmitter. Power in excess of that shown herein will be authorized only under exceptional circumstances based upon a factual showing of need. For pulsed systems average power shall be limited to the values shown, peak power shall not exceed five times this limit.

[2] Maximum bandwidth (necessary or occupied, whichever is greater) which will be authorized. Except for the band 2110–2200 Mc, consideration will be given, on a case-by-case basis, to requests for additional adjacent channels based upon a complete and specific factual showing of unique or unusual circumstances, apart from economic considerations, requiring such additional channels. In the band 952–960 Mc, bandwidths up to 500 kc may be authorized.

[3] Maximum beamwidth of major lobe between 0.5 power points in horizontal plane. Exceptions may be granted for stations in remote areas or until harmful interference is caused to other stations operating in accordance with these provisions.

[4] Subject to no protection from ISM equipment on 2450 Mc.

[5] To be specified in the station authorization.

[6] Limited to mobile operations and temporary service between fixed points.

[7] To be determined in Docket No. 13083.

II. Part 16, Land Transportation Radio Services, is amended as follows:

1. The tables in paragraphs (a) and (b) of § 16.102 are amended to read as follows:

**§ 16.102 Frequency stability.**

(a) * * *

| Frequency range | All fixed and base stations | All mobile stations | |
|---|---|---|---|
| | | Over 3 watts | 3 watts or less |
| | *Percent* | *Percent* | *Percent* |
| Below 25 Mc | 0.01 | 0.01 | 0.02 |
| 25–50 Mc | .002 | .002 | .005 |
| 50–952 Mc | .0005 | .0005 | .005 |
| Above 952 Mc | (1) | (1) | (1) |

[1] As specified in § 16.111

(b) * * *

| Frequency range | Transmitter power | |
|---|---|---|
| | Over 3 watts | 3 watts or less |
| | *Percent* | *Percent* |
| 50–150.8 Mc | 0.005 | 0.01 |
| 162–220 Mc | .005 | .01 |
| 220–952 Mc | (1) | (1) |
| Above 952 Mc | (2) | (2) |

[1] To be specified in the station authorization.
[2] As specified in § 16.111.

2. The table in paragraph (b) (2) of § 16.104 is amended to read as follows:

**§ 16.104 Emission limitations.**

(b) * * *
(2) * * *

| Frequency band Mc | Authorized bandwidth (Kc) | Frequency deviation (Kc) |
|---|---|---|
| 25–50 Mc | 20 | 5 |
| | 40 | 15 |
| 150–450 Mc | 20 | 5 |
| | 40 | 15 |
| 450–952 Mc | (1) | (1) |
| Above 952 Mc | | |

[1] As specified in § 16.111.

3. The table in paragraph (b) of § 16.106 is amended to read as follows:

**§ 16.106 Power and antenna height.**

* * * * * * *

(b) * * *

| Frequency: | *Maximum plate power input to the final radio frequency stage (watts)* |
|---|---|
| 30–100 Mc | 500 |
| 100–500 Mc | [1] 120 |
| 500–952 Mc | (2) |
| Above 952 Mc | (2) |

[1] In the frequency band 450–470 Mc, maximum plate power input in excess of 120 watts but not in excess of 600 watts may be authorized in accordance with the provision of Subpart E of this part, upon submission of the required showings.

[2] To be specified in the station authorization.

[3] As specified in § 16.111.

4. A new § 16.111 is added to read as follows:

**§ 16.111 Interim technical standards governing the use of microwave frequencies.**

The interim technical standards indicated in the table in this section shall govern, beginning July 20, 1961, the issuance of authorizations for private microwave systems using frequency bands above 952 Mc listed in the table. However, these standards shall not be applicable to transmitting equipment (including antennas) which were authorized to be operated on these frequencies prior to July 20, 1961, or for which an authorization is issued based on an application filed with the Commission prior to July 20, 1961. Such licensees of equipment and systems not subject to these interim technical standards, including their successors or assigns in business, will be permitted to utilize such equipment provided such operation does not result in harmful interference to another station or system which is conforming to these technical standards. In case of such harmful interference, such non-conforming licensee will be required to take whatever corrective measures are necessary to alleviate the interference.

| Frequency band, MC | Power watts [1] | Tolerance (percent) | Bandwidth [2] | Beamwidth [3] |
|---|---|---|---|---|
| 952–960 | 30 | 0.0005 | 100 kc | 20° |
| 1850–1990 | 18 | .02 | 8 Mc | 10° |
| 2110–2200 | 15 | .02 | (7) | 10° |
| 2450–2500 [4] | 12 | (5) | (5) | (5) |
| 2500–2700 | 12 | .02 | 4 Mc | 10° |
| 6525–6575 [6] | 7 | .02 | 25 Mc | 7° |
| 6575–6875 | 7 | .02 | 10 Mc | 5° |
| 10,550–10,709 [6] | 5 | (6) | 25 Mc | 4° |
| 12,200–12,700 | 5 | .05 | 20 Mc | 4° |
| Above 16,000 | 5 | (6) | 50 Mc | (7) |

[1] Maximum rated power output of transmitter. Power in excess of that shown herein will be authorized only under exceptional circumstances based upon a factual showing of need. For pulsed systems averaged power shall be limited to the values shown, peak power shall not exceed five times this limit.

[2] Maximum bandwidth (necessary or occupied, whichever is greater) which will be authorized. Except for the band 2110–2200 Mc, consideration will be given, on a case-by-case basis, to requests for additional adjacent channels based upon a complete and specific factual showing of unique or unusual circumstances, apart from economic considerations, requiring such additional channels. In the band 952–960 Mc, bandwidths up to 500 kc may be authorized.

[3] Maximum beamwidth of major lobe between 0.5 power points in horizontal plane. Exceptions may be granted for stations in remote areas or until harmful interference is caused to other stations operating in accordance with these provisions.

[4] Subject to no protection from ISM equipment on 2450 Mc.

[5] To be specified in the station authorization.

[6] Limited to mobile operations and temporary service between fixed points.

[7] Standard bandwidth to be determined later. In the meantime, bandwidth will be specified in the station authorization.

[F.R. Doc. 61–1391; Filed, Feb. 16, 1961; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### National Park Service

### [36 CFR Part 7]

### FORT CAROLINE NATIONAL MEMORIAL, FLORIDA

### Fishing and Restricted Area

*Basis and purpose.* Notice is hereby given that pursuant to section 4(a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238; 5 U.S.C., 1003); authority contained in § 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C., 3); National Park Service Order No. 14 (19 F.R. 8824); and Regional Director, Region One, Order No. 3 (21 F.R. 1493), it is proposed to add a new section to Title 36 CFR 7 as set forth below. The purpose of this amendment is to add to Part 7 a new section that will control fishing, and the closing of a certain area of the Park to the public.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Fort Caroline National Memorial, Route 1, Box 310, Jacksonville 11, Florida, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

JOHN R. DE WEESE,
*Superintendent,*
*Fort Caroline National Memorial.*

Part 7 is amended by adding § 7.61.

**§ 7.61 Fort Caroline National Memorial.**

(a) *Fishing.* Fishing is prohibited within the Memorial.

(b) *Restricted area.* The slopes on the north and east sides of the area known as St. Johns Bluff within the Memorial are closed to public entry at all times, except when authorized in writing by the Superintendent.

[F.R. Doc. 61-1429; Filed, Feb. 16, 1961; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [7 CFR Part 913]

[Docket No. AO-23-A20]

### MILK IN GREATER KANSAS CITY MARKETING AREA

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Greater Kansas City marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Kansas City, Missouri, on November 15–16, 1960, pursuant to notice thereof which was issued November 1, 1960 (25 F.R. 10573).

The material issues on the record of the hearing relate to:

1. The pricing of Class II milk;
2. Class butterfat differentials;
3. Shrinkage allowance on bulk tank milk for which a cooperative association is the handler;
4. Allocation of packaged sour cream priced under another order;
5. Classification of dip specialty products;
6. Unfair methods of competition;
7. Miscellaneous administrative and conforming changes;
8. Location adjustments to handlers and producers;
9. Qualifications for obtaining pool plant status; and
10. Accounting for fortified products.

This decision is concerned with all the issues except 8, 9 and 10 which are reserved for future decision.

*Findings and Conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class II price.* Producer cooperative associations proposed to increase the level of the Class II price by 4 cents per hundredweight.

The Class II price presently is the higher of an average of local plant posted paying prices, plus 15 cents per hundredweight, or a butter-powder formula price which includes a "make allowance" of 78 cents. The proposal would have increased the 15-cent addition to 19 cents, and have decreased the 78-cent "make allowance" to 74 cents.

The 15 cents presently added to local plant posted pay prices is to represent the average payment made by manufacturing plants in addition to posted prices for such items as mechanical refrigeration and minimum volume of delivery. The average cost of such cooling and volume payments made by a cooperative association handling substantial volumes of milk for manufacturing is now 19 cents per hundredweight, a figure which now represents the market average for such payments. Experience of this association shows that a "make allowance" of 74 cents is now appropriate under the butter-powder formula alternative. This alternative price has seldom been the effective price.

Handlers who opposed any change in the Class II pricing formula offered no specific evidence with respect to cooling and volume premium costs or manufacturing costs related to the aforementioned factors contained in the Class II pricing formula. The principal contention of the handlers with respect to Class II pricing was that present prices are bringing in more than a sufficient supply of producer milk, and that recent changes in price support levels are increasing the price.

The predominant influence on the level of market supply is the level of Class I price rather than the Class II price. Changes in the general level of manufacturing milk prices that may be brought about by changes in support prices will also affect costs of supplies from alternative sources. The Class II pricing formula is designed to reflect such changes in the prices paid for manufactured dairy products. The increase proposed at this time would reduce the margin between the price paid for milk used in Class II products and the prices received for the manufactured products regardless of the level of prices paid for such products.

The Class II price should be such as to lead to the manufacture of available reserve supplies of Grade A milk but should not be so low that the handling of such milk is generally a profitable operation which encourages handlers to procure supplies of Grade A milk for manufacturing use. The proposed increase in the Class II price relative to prices of manufactured dairy products is necessary to prevent undue encouragement to handlers for acquiring milk primarily for manufacturing.

A substantial proportion of the Class II milk in the Kansas City market is handled, or processed by, the cooperative associations proposing the increase in prices. It is evident that they can realize the price proposed for such milk, other handlers can be expected to experience a similar return. The proposed increase should be adopted. Some slight additional increase may occur from use of the 3.5 percent pay prices of local plants, but this should not be sufficient to require any adjustment.

2. *Class butterfat differentials.* Butterfat differentials used to adjust for butterfat content Class I and Class II milk prices to handlers should be revised. In order that this may be done without change in the cost of Class I milk of the average butterfat content in the market, the basic butterfat test of the order should be changed from 3.8 percent to 3.5 percent and the Class I price differentials should be revised.

At present the Class I butterfat differential is equal to 0.130 times the Chicago 92-score butter price of the preceding month. The Class II butterfat differential is 0.120 times the current month butter price during September through February and 0.115 times such price in other months. It was proposed that the Class I butterfat differential factor be 0.120 and that the Class II factor be 0.115 in all months.

A Class I butterfat differential of 0.120 times the butter price will reduce the value of the butterfat component of Class I milk. At the present butterfat differential the value of butterfat in Class I milk has been overstated and the value of skim milk correspondingly understated. A butterfat differential of 0.120 times the butter price will correspond more closely with those in nearby Federal order markets.

Without corresponding changes in the basic butterfat test and Class I price differentials a reduction in the Class I butterfat differential factor would increase the cost of Class I milk to handlers at the present average test of the market. The Kansas City Class I price is presently announced at a basic test of 3.8 percent. The average butterfat test of Class I milk has averaged 3.596 during the most recent 3-year period. During this period the Chicago butter price has averaged 59.115 cents per pound, so that the proposed decrease of the butterfat differential would have resulted in an increase of 1.2 cents per hundredweight of 3.596 percent Class I milk.

Handler testimony suggested that the basic butterfat test of the order should be changed to 3.5 percent. Use of such a basic test is more general than the 3.8 percent test of the Kansas City order. A change to this basic test would, however, decrease the value of Class I milk at the average test. This is because the present order basic formula price for 3.8 percent milk is determined for most months by direct ratio conversion of a 3.5 percent condensery price. For the past three years use of a 3.8 percent Class I price adjusted to a 3.596 percent test by use of a .130 butterfat differential has resulted in a price 3.7 cents higher than would have resulted from adjusting a 3.5 percent Class I price to this test by use of a .120 butterfaf differential. Use of a 3.5 percent basic test will require a compensating increase in the Class I price differential to return to producers the same amount for Class I milk of the average test of the market. Increasing the $1.45 differential effective for eight months to $1.49 and the $1.15 differential effective for four months to $1.18 will accomplish this adjustment.

It is concluded that the Class I butterfat differential factor should be .120, that the basic test should be changed to 3.5 percent and that the Class I price differential should be $1.18 for the months of April through July and $1.49 for all other months.

The seasonal variation in the Class II butterfat differential factor was included in the order when a fixed seasonal change in the Class II price was provided. Since seasonal variations in the Class II price now depend only on seasonal changes in prices to producers of manufacturing milk or in market prices of dairy products, it is appropriate that seasonality of the butterfat differential depend solely on the market price of butter. The 0.115 factor is appropriate for all months of the year.

In conformity with the conclusions relative to the Class I butterfat differential, Class II milk prices and producer prices will be announced at a 3.5 percent basic test.

3. *Shrinkage.* The order presently provides that where farm bulk tank milk is received by a cooperative association acting in the capacity as handler for such milk and is transferred to a pool plant the handler of the pool plant is permitted up to 1½ percent shrinkage allowance and the remaining one-half of one percent is retained by the cooperative association. Provisions should be made in the order to allow the full 2 percent shrinkage to the receiving pool plant handler if the handler elects to purchase such milk from the cooperative association on the basis of farm bulk tank weights determined by farm bulk tank calibrations, and notification of this option is filed with the market administrator. Under this option the cooperative association would have no need for a shrinkage allowance.

4. *Allocation of packaged sour cream.* A regulated handler under the Kansas City order proposed that sour cream manufactured from milk subject to the pricing and pooling provisions of Order No. 3 for the St. Louis, Missouri, marketing area should be allocated directly to Class I at pool plant(s) under the Kansas City order when such cream is received, handled and distributed in the same consumer packages in which it was received. Sour cream is not processed in the Kansas City plant of the proponent handler and his entire supply of sour cream is received from a handler regulated under the St. Louis order.

A similar proposal relating to packaged sour cream priced and pooled under the Chicago Order No. 41 was presented by a handler regulated under such order. This handler has been engaged in the movement of packaged sour cream from the Chicago market to a handler in the Kansas City market on a regular biweekly or weekly basis since April 1958.

Present provisions of the Kansas City order give priority of all Class I utilization to producer milk. Receipts of packaged sour cream priced and pooled under Order No. 3 and Order No. 41 are allocated to Class II to the extent possible under the Kansas City order. While all cream products under the Chicago order are classified as Class II, under the accounting and pricing system of such order this class is the equivalent of the Class I classification and pricing under the accounting system of the Kansas City order. Cream products are classified as Class I under the St. Louis order.

Inasmuch as the Class I price in the Kansas City marketing area will be generally aligned with prices under other Federal orders, there is little chance that handlers in the Chicago and St. Louis markets will achieve a substantial competitive advantage with respect to sales of packaged sour cream in this area over handlers under this order. The seasonal and daily reserves necessary to supply the exact quantities of packaged sour cream received from the St. Louis and Chicago markets are generally carried by the producers respectively identified with such markets. Yet under the current provisions of the Kansas City order any receipts of packaged sour cream from the St. Louis and Chicago markets are first assigned to Class II and an equivalent amount of Kansas City producer milk is assigned to Class I.

Receipts of sour cream priced as Class I under other orders and priced as Class II under Order No. 41 and disposed of in the same consumer or institutional size packages as received should be allocated to the Class I utilization of the receiving handler. Although the testimony on this issue related primarily to shipments of sour cream from Chicago and St. Louis, there appears to be no reason to confine the provision to the shipments from these Federally regulated markets only. If shipments of sour cream in consumer packages are received from other Federal order markets where sour cream is classified as Class I the same considerations would apply. The proponent handler regulated under the Kansas City order proposed that such allocation should be provided only when sour cream is not made during the month at the pool plant of the handler. This proviso should be adopted. Another handler regulated under the Kansas City order proposed a provision applicable to all packaged Class I products and all orders. The preponderance of evidence was directed to the allocation of packaged sour cream priced under other orders and movement of other products was not specified in sufficient detail to provide a basis for such broad provision.

5. *Classification of dip specialty products.* Handlers proposed that dip specialty products be classified as Class II. These products manufactured in the Kansas City market consist of various blends of nonfat milk solids, cultured milk and cream, cheese and nondairy food ingredients such as onion, celery, bacon and horse-radish. Under the present order these specialty items are considered as fluid milk products and are classified as Class I. Similar products which have been permitted to be made from ungraded milk in other markets are now being marketed in the Kansas City market.

Existing laws for Missouri do not require the manufacture of such specialty products to be made from Grade A milk. Handlers regulated under the Kansas City order, therefore, because they must pay the Class I price for those items, are at a competitive disadvantage and may lose their market to outside suppliers.

It was proposed that the classification of such specialty items in Class II be limited to those products containing not more than 15 percent butterfat and not less than 3 percent cheese and other nondairy food ingredients. One manufacturer of dip specialty products opposed the percentage limitations contained in the proposal since this handler is presently selling such products in the Kansas City market, that contain over 15 percent butterfat. There is no evidence in the record to support the need for establishing any limit with respect to butterfat content of such specialty products. It is important, however, that fluid milk products to which have been added only small amounts of seasoning are not included under the category subject to classification in Class II. Onion, celery, garlic or such other food items when added in lesser amounts than 3 percent of the finished product are considered to be primarily for purposes of seasoning, and sour cream products to which is added less than 3 percent of cheese and/or other nondairy food ingredients should be classified as Class I. In view of these considerations it is therefore concluded that "dip specialty products" consisting of cultured sour mixtures of cream and milk or skim milk to which cheese or any food substance other than a milk product has been added in an amount equal to 3 percent or more of the finished product should be classified and priced under the Kansas City order as Class II milk.

6. *Unfair methods of competition.* Proponent cooperative associations representing a majority of the producers supplying the Kansas City Grade A market proposed the addition of a new provision in the order to the effect that handlers shall refrain from acts which constitute unfair methods of competition through the transportation of milk for, or the supplying of goods and services to, producers from whom milk is received, which tend to defeat the purpose and intent of the Act. The principal evidence in the record relating to unfair competitive practices in the Kansas City market is that concerning a handler alleged to have subsidized the hauling on one bulk tank route. Proponents contend that hauling subsidies as premiums constitute an unfair basis of payments to producers in that such payments to certain producers should be uniformly paid to all producers supplying any such handler.

Proponents further cited provisions of the Act as justification for order provisions relating to unfair methods of competition, and that a provision identical with that proposed is included in Order No. 3 for the St. Louis marketing area.

The Act authorizes the Secretary to fix minimum prices that handlers must pay to producers. This is accomplished by present order language. A handler may, if he desires, pay more than such minimum price. This he may do in money, free transportation, goods, or services so long as he pays the minimum prices fixed by the order. Regulation of premiums which might be paid above order minimum prices is not a function of Federal milk orders and proponent cooperative associations failed to show in the record how premium payments to some producers in the form of hauling subsidies and services impair the system of minimum pricing.

The provision as proposed is identical to language presently contained in the St. Louis order; no such language is included in any other order established under the Act. This language in the St. Louis order is of a residual nature in that the provision and a related provision were incorporated in the order in 1936 when the St. Louis milk license under the Agricultural Adjustment Act of 1933 was replaced by the milk order. The related provision was deleted from the St. Louis order in 1953 and only that portion of such provisions as is presently proposed by the proponents has carried over to the present. There has been no change in this language since 1936 and no application of this provision since its inclusion in the order. The language of the proposed provision is too vague to provide feasible administration and would add no restraint to unfair competitive practices in the market that is not already incorporated in the order.

7. *Administrative changes.* A number of changes should be made to clarify order language and to increase conformity between various sections of the order.

Definitions of "producer milk" and "other source milk" should be revised to clarify the status of bulk tank milk for which a cooperative association is the handler. In view of the extent to which bulk handling by a cooperative may result in some operators of pool plants receiving their entire supply from another handler, changes have been made in the allocation and inventory accounting provisions to accommodate this situation as it affects shrinkage and inventory reclassifications. Advance payment to cooperatives for such milk, at the same rate as to individual producers should be required for milk delivered during the first 15 days of each month.

Provisions should be made for including in the producer settlement fund potential receipts from the administrator of the Neosho Valley order. Payments collected under that order from Kansas City handlers will then be returnable for distribution to Kansas City producers.

Compensatory payment provisions should be clarified to insure that such payments are not assessed with respect to inventory reclassification of milk priced as Class I under another order, and that the location of the plant from which such milk was received is used in determining the rate of payment.

Language of the supply-demand provision should be made consistent with the amendment already in effect with respect to the months whose receipts and sales determine adjustment.

Producers proposed the inclusion of an "approved milk" definition as a conforming change to their other proposals for change in shrinkage and pool plant qualification provisions of the order. The recommended amendment to the shrinkage provisions does not require this definition and a decision with respect to amendment of the pool plant definition is being deferred to a later date.

The limitation of "approved plant" to that portion of a plant with health approval should be deleted, so that all pertinent factors may be considered in the determination as to what constitutes a regulated plant.

For simplicity, class prices at basic test should be rounded to the nearest cent rather than one-tenth cent.

No change should be made with respect to interest on over due accounts. This is presently added (one-half percent per month) beginning with the first of the month following the due date. It was proposed that this be the day following the due date. The principal late payments cited were to producers and cooperative associations. The market administrators would not be in position to establish that interest should be added on this basis before payments were made to such persons. For this reason the proposal should be denied.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforsaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order.* The following order amending the order regulating the handling of milk in the Greater Kansas City marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 913.9 [Amendment]

1. In the language preceding paragraph (a) delete the words "or portion thereof".

2. Delete § 913.13 and substitute the following:

§ 913.13 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers; (b) received by a cooperative association in its capacity as a handler pursuant to § 913.11 (c) or (d); or (c) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 913.7.

§ 913.14 [Amendment]

3. Delete § 913.14(a) and substitute therefor the following:

(a) Receipts during the delivery period of fluid milk products except:

(1) Fluid milk products received from other pool plants and cooperative associations acting in the capacity of handler pursuant to § 913.11 (c) and (d), or

(2) Producer milk; and

4. Delete § 913.18 and substitute therefor the following:

§ 913.18 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, fortified milk or skim milk, reconstituted milk or skim milk, sweet or sour cream and any mixture of such cream and milk or skim milk (including such mixtures containing less than the required butterfat standard for cream but not including any cultured sour mixtures to which cheese or any food substance other than a milk product has been added in an amount not less than 3 percent by weight of the finished product) and concentrated (frozen or fresh) milk, flavored milk, or flavored milk drinks which are neither sterilized nor in hermetically sealed cans.

§ 913.41 [Amendment]

5. Delete § 913.41(b)(6) and substitute therefor the following:

(6) In shrinkage allocated to receipts specified in § 913.42(b)(1) but not to exceed the following:

(i) 2 percent of receipts of skim milk and butterfat in milk received from producers, including that which is received by a cooperative association in its capacity as a handler pursuant to § 913.11 (c) or (d) but not including producer milk diverted in cans to a nonpool plant(s) pursuant to § 913.7; plus

(ii) 1.5 percent of skim milk and butterfat, respectively, received in bulk tank lots from other pool plants; plus

(iii) 1.5 percent of skim milk and butterfat, respectively, received directly from a cooperative association which is a handler pursuant to § 913.11(c) except that if the handler operating the pool plant files with the market administrator notice that the purchase of such milk is on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be 2 percent; less

(iv) 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk tank lots from pool plants to other milk plants; and less

(v) 1.5 percent of skim milk and butterfat, respectively, disposed of to plants by a cooperative association which is the handler pursuant to § 913.11(c) unless the exception provided in (iii) of this § 913.41(b)(6) applies in which case the applicable percentage shall be 2 percent; and

§ 913.42 [Amendment]

5a. In § 913.42(b)(1) change "§ 913.11 (c)" to read "§ 913.11 (c) and (d)".

§ 913.46 [Amendment]

6. Delete § 913.46(a)(3) and substitute therefor the following:

(3) Subtract the pounds of skim milk in other source milk received from a plant(s) fully regulated under another order issued pursuant to the Act, as specified:

(i) If sour cream was not processed or packaged in the pool plant during the month, subtract from the pounds of skim milk in Class I milk the pounds of skim milk in sour cream packaged in consumer or institutional size packages, classified and priced either as Class I milk pursuant to another order issued pursuant to the Act or as Class II milk pursuant to Order No. 41, regulating the handling of milk in the Chicago, Illinois, marketing area (Part 941 of this chapter), and disposed of in the same packages as received;

(ii) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk, other than that subtracted pursuant to (i) of this subparagraph, received from such a plant(s), and classified and priced as Class I milk under such other order(s).

7. In § 913.46(a) redesignate subparagraphs "(5)" and "(6)" as "(6)" and "(5)", respectively.

§ 913.50 [Amendment]

8. In § 913.50(a) delete the words "divided by 3.5 and multiplied by 3.8".

9. In §§ 913.50(b)(1); 913.51(b)(1); 913.52; 913.71 (d) and (f); 913.72 (d), (e), (f) and (i); 913.80(b)(2); and 913.82 delete "3.8" wherever it appears and substitute therefor "3.5".

§ 913.51 [Amendment]

10. In the language preceding paragraph (a) delete the words "one-tenth of a".

11. In the portion of § 913.51(a) preceding § 913.51(a)(1) delete "$1.15" and "$1.45" and substitute therefor "$1.18" and "$1.49" respectively.

12. Delete § 913.51(a)(1) and substitute therefor the following:

(1) Divide the total receipts of producer milk in the second and third months preceding by the total gross volume of Class I milk at pool plants (excluding interhandler transfers) for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage".

13. In § 913.51(b)(1) delete the phrase "plus 15 cents" and substitute therefor "plus 19 cents".

14. In § 913.51(b)(2)(i) delete "4.60" and substitute therefor "4.24".

15. In § 913.51(b)(2)(iii) delete the phrase "subtract 78 cents" and substitute therefor "subtract 74 cents".

§ 913.52 [Amendment]

16. (a) In § 913.52(a) delete "1.3" and substitute therefor "1.2".

(b) Delete § 913.52(b) and substitute therefor the following:

(b) For Class II milk, multiply the butter price specified in § 913.50(b)(1) by 1.15, divide the result by 10, and round to the nearest one-tenth of a cent.

§ 913.70 [Amendment]

17. Delete § 913.70 (c) and (d) and substitute therefor the following:

(c) Add an amount computed by multiplying the hundredweight of skim milk and butterfat pursuant to subparagraph (1) or (2) of this paragraph, whichever is less, by a rate equal to the difference between the Class II price for the preceding delivery period and the Class I price for the current delivery period: (1) that remaining in Class II after the computations pursuant to § 913.46(a)(4) and the corresponding step of § 913.46(b) for the preceding delivery period, or (2) that subtracted from Class I milk pursuant to § 913.46 (a)(4) and (b); and

(d) Add an amount computed by multiplying the hundredweight of skim milk and butterfat specified in subparagraphs (1) and (2) of this paragraph by a rate computed at the difference between the Class II price and the Class I price applicable at the location of the nearest nonpool plant(s) from which an equivalent volume of such other source milk was received: *Provided*, That such calculation shall not apply if the total receipts of producer milk at pool plants during the delivery period are not more than 120 percent of the total Class I utilization of such plants for the delivery period.

(1) That subtracted from Class I pursuant to § 913.46 (a)(2) and (b); and

(2) That subtracted from Class I pursuant to § 913.46 (a)(4) and (b), which is in excess of the sum of (i) skim milk and butterfat applied pursuant to paragraph (c) of this section; and (ii) the skim milk and butterfat subtracted from Class II pursuant to § 913.46 (a)(3)(ii), and (b) in the preceding month.

§ 913.80 [Amendment]

18. Delete § 913.80(d) and substitute therefor the following:

(d) To a cooperative association with respect to milk for which such association is acting in the capacity of a handler pursuant to § 913.11 (c) and/or (d):

(1) On or before the 20th day of the delivery period an amount equal to the rate specified in paragraph (b) times the volume received during the first 15 days of the delivery period; and

(2) On or before the 14th day after the end of each delivery period an amount equal to not less than the value of such milk as classified pursuant to § 913.44(a) at the applicable respective class price(s) less payment made pursuant to paragraph (d)(1) of this section.

19. Delete § 913.83 and substitute therefor the following:

**§ 913.83 Producer-settlement fund.**

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all funds received pursuant to paragraph (a) and (b) of this section and out of which he shall make all payments required pursuant to paragraph (c) of this section.

(a) Payments made by handlers pursuant to § 913.61 (a) (1) and (b) (1), and §§ 913.84 and 913.86.

(b) Payments received from the administrator of another order issued pursuant to the Act which have been required under such order with respect to milk distributed in the marketing area regulated by such other order from pool plants regulated by this order.

(c) Payments due handlers pursuant to §§ 913.85 and 913.86: *Provided*, That payments due any handler shall be offset by payments due from such handler pursuant to §§ 913.61, 913.84, 913.86, 913.87 and 913.88.

Issued at Washington, D.C., this 14th day of February 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61-1450; Filed, Feb. 16, 1961; 8:48 a.m.]

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## [7 CFR Part 947]

[Docket No. AO-313-A2]

## MILK IN SUBURBAN ST. LOUIS MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Broadview Hotel, 5th and Broadway, East St. Louis, Illinois, beginning at 9:00 a.m., local time, on February 21, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Suburban St. Louis marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Beatrice Food Company:

*Proposal No. 1.* Amend § 947.43 by adding a new subparagraph thereto to read as follows: "As Class I milk if transferred in the form of cream to a nonpool plant, unless the handler claims classification as Class II milk, establishes the fact that such cream was transferred without Grade A certification, the container was labeled or tagged to indicate that the contents was for manufacturing use only, and the shipment was so invoiced."

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 2.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fred L. Shipley, 2710 Hampton Avenue, St. Louis 39, Missouri, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 14th day of February 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F.R. Doc. 61-1436; Filed, Feb. 16, 1961; 8:47 a.m.]

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# FEDERAL AVIATION AGENCY

## [14 CFR Parts 40, 41, 42, 46]

[Reg. Docket No. 652; Draft Release No. 61-2]

## DAILY MECHANICAL REPORTS

### Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C., prior to April 20, 1961. Thereafter, such comments will be available in the Docket Section to all interested persons. After examination of the original comments received, interested persons may submit such additional comments in response thereto as they may desire. Such additional comments must be submitted prior to May 22, 1961. (Photostatic copies of comments on file in the Docket Section may be obtained upon payment of the cost of such copies.) All original comments and additional comments in response thereto received by the dates specified for receipt thereof will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received.

The currently effective provisions of Parts 40, 41, 42, and 46 require operators to submit daily a report known as a Daily Mechanical Report (DMR) which contains information concerning each failure, malfunctioning, or other defect, regardless of where detected, which may reasonably be expected by the air carrier to cause a serious hazard in the operation of an airplane.

The foremost objective of a reporting system is to warn industry and government of incidents of an "alert" type which may be common to aircraft, systems, or components of the same or similar type. Any failure or malfunction falls into this category when it results in a hazardous condition, or when good maintenance practice dictates the inspection of the fleet to prevent the occurrence of similar incidents in other equipment. Such reporting serves accident prevention in two ways: First, the knowledge of these incidents prompts other operators to take action for the prevention of similar incidents in their own equipment. Second, the statistical record of all such incidents and the related information provide the manufacturer with knowledge which will allow the source of such incidents to be "designed out" of new structures, systems, and components.

Another objective of a reporting system is the determination of the frequency of flight incidents arising from mechanical deficiencies, a knowledge of which would serve to give warning of unsafe operating conditions prior to the occurrence of hazards or accidents.

The final objective is to confine the nature of items to be reported to those directly related to the safety of operations and the number of items within practicable limitations so that complete, accurate, and uniform reporting is ensured throughout the industry.

With the foregoing objectives in mind, the Civil Aeronautics Board circulated, on March 1, 1957, Civil Air Regulations Draft Release No. 57-3 (22 F.R. 1613) which proposed more definitive standards to be used by the air carriers in determining when, and in what manner, a particular condition must be reported. In addition, Draft Release 57-3 proposed the deletion of that portion of the current regulations which leaves entirely to the air carriers the determination of which mechanical difficulties need be reported.

Numerous comments were received in response to Draft Release 57-3, among which was a strong objection from the Air Transport Association on behalf of its member air carriers. In lieu of the adoption of an amended regulation, the air carriers proposed a list of guide material which would be used voluntarily by them in the preparation of Daily Mechanical Reports.

At a joint airline-government meeting on December 9, 1958, it was agreed that no immediate regulatory action would be taken, but the air carrier industry would be given the opportunity to report on a trial basis in accordance with its own guide material for at least six months, starting February 1, 1959. After that date the government would reevaluate the reports for completeness and a decision would be made as to whether or not amended regulations were needed.

The Bureau of Flight Standards, in reassessing the reports submitted during the trial and subsequent period, found that while there was some improvement in the quality, uniformity, and completeness of the reports submitted by the air carriers, the reporting was still not satisfactory. There apparently still exists among air carriers a wide divergence of views as to what constitutes a reportable hazard and when it should be reported. For example, one air carrier will report a certain hazardous incident, while another air carrier experiencing the same type of incident may not submit a report because, in its opinion, either the incident is not hazardous, or, since one air carrier already has alerted the industry, a further report would not be necessary. The Bureau believes that such nonuniform reporting can cause misinterpretations as to the seriousness of the incident, or can cause a false sense of security in that the incident might be thought to be an isolated one. In addition, the Bureau continues to receive reports which have no "alert" value which would enable operators to take action to prevent the repetition of such incidents in their own equipment. A typical example is a report which merely indicates the occurrence of an engine failure as evidenced by foreign material in the sump. Obviously, nonuniform and incomplete reporting of this nature does not satisfy the objectives of a good reporting system.

The aforementioned conclusions led to an informal industry-government conference in August 1960, to discuss contemplated changes in the daily mechanical reporting procedure. The changes informally proposed by the Bureau at the conference were opposed by the airlines with the main objection being aimed at that portion of the proposal which would require the reporting of all failures, malfunctions, or defects regardless of importance. The air carriers believed that such a requirement would subject them to an unwarranted exposure to violation action, unless they adopted the policy of submitting a report on every malfunction or defect which occurred. The air carriers pointed out that such voluminous reporting would destroy the entire purpose of the daily mechanical reporting system.

The Bureau has recognized the validity of the points raised by the air carriers, and the proposed regulatory guidance material hereinafter contained does not require the reporting of all malfunctions or defects, but establishes specific types of occurrences which are to be reported. The establishment of such guidelines on a regulatory basis will ensure a uniform and complete reporting of those occurrences most directly related to the continued safe operation of aircraft engaged in air transportation. The proposal still retains the feature which gives air carriers the latitude to report any other item or incident which, in their opinion, would constitute a hazardous or potentially hazardous condition in an aircraft.

In consideration of the foregoing, it is proposed to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations as follows:

1. By amending § 40.508 of Part 40 to read as follows:

**§ 40.508 Daily mechanical reports.**

(a) Each air carrier shall report the occurrence or detection of those failures, malfunctions, or defects specified in paragraph (b) of this section. In addition, each air carrier shall report any other failure, malfunction, or defect which occurs or is detected at any time in an airplane or airplane component (including appliances, powerplants, and propellers) used by the air carrier, when, in the air carrier's opinion, such failure, malfunction, or defect has seriously endangered or may seriously endanger the safe operation of an airplane used by the air carrier. The report shall be in written form, shall cover a 24-hour period beginning and ending at midnight of each day, and shall be submitted to the Federal Aviation Agency maintenance inspector assigned to the air carrier by 12 o'clock midnight of the day following the occurrence or detection of the failure, malfunction, or defect: *Provided*, That reports which are due on Saturday or Sunday may be submitted on the following Monday and in the case of legal holidays on the following workday.

NOTE: Failures, malfunctions, or defects reported in accordance with the accident reporting provisions of Part 320 of the Regulations of the Civil Aeronautics Board need not be included.

(b) Each air carrier shall report the occurrence or detection of the following failures, malfunctions, or defects:

(1) Occurrences of airplane or airplane component failures, malfunctions, or defects resulting in the accumulation or circulation of smoke, oil vapor, or toxic or noxious fumes in the cockpit or cabin during flight;

(2) Occurrences of fires and information as to whether the related fire-warning system did or did not function properly during flight;

(3) Occurrences of false fire warnings during flight;

(4) Occurrences during flight of engine exhaust system failures or defects that result in damage to adjacent structure, equipment, or components;

(5) Engine shutdowns during flight necessitated or caused by airplane component failure, malfunction, or defect;

(6) Occurrences of malfunctioning of the fuel or fuel-dumping system during flight;

(7) Failures of the landing gear to extend or to retract properly during flight;

(8) Failures of brake system components or losses of brake actuating force while the aircraft is in motion on the ground;

(9) Failures of the airplane structure;

(10) Turbine engine flameouts during flight;

(11) Cracks, permanent deformation, or corrosion of airplane structure which exceed the maximum acceptable limits prescribed by the manufacturer or by the Federal Aviation Agency;

(12) Failure or malfunctions during flight which result in the inability to feather or to control overspeeding of propellers; and

(13) Failures, malfunctions, or defects in an airplane or airplane component which result in the use of emergency procedures.

(c) Reports required by paragraph (a) of this section shall be transmitted in a manner and on a form convenient to the air carrier's system of communication and procedure, and shall include as much of the following information as is available on the first daily report:

(1) Type and identification number of airplane, name of the operator, date, flight number, and stage during which the incident occurred; e.g., preflight, takeoff, climb, cruise, descent, landing, inspection, etc.;

(2) Emergency procedure effected; e.g., unscheduled landing, emergency descent, etc.;

(3) Nature of conditions; e.g., fire, structural failure, etc;

(4) Identification of part and system involved, including type designation of the major component and time since overhaul;

(5) Apparent cause of trouble; e.g., wear, crack, design deficiency, personnel error, etc.;

(6) Disposition; e.g., repaired, replaced, airplane grounded, part sent to manufacturer, etc.; and

(7) Brief narrative summary of other pertinent information necessary for more complete identification, determination of seriousness, and corrective action.

(d) Reports required by paragraph (a) of this section shall not be withheld pending accumulation of all information specified in paragraph (c) of this section. When additional information is obtained relative to the incident, it shall be expeditiously submitted as a supplement to the original report, reference being made to the date and place of submission of the first report.

2. By amending §§ 41.130, 42.96, and 46.508 of Parts 41, 42, and 46, respectively, to read in substance the same as proposed in paragraph 1 above.

3. By deleting the rules prescribed in §§ 41.130-1 and 42.96-1 of Parts 41 and 42 respectively.

(Secs. 311, 313(a), 601, 605 of the Federal Aviation Act of 1958; (72 Stat. 751, 752, 775, 778, 49 U.S.C. 1352, 1354, 1421, 1425))

Issued in Washington, D.C., on February 8, 1961.

OSCAR BAKKE,
*Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-1441; Filed, Feb. 16, 1961; 8:47 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[ 17 CFR Part 250 ]

## EXEMPTION OF CERTAIN NONUTILITY SUBSIDIARY COMPANIES AND AFFILIATES OF REGISTERED HOLDING COMPANIES TRANSFORMING TO INVESTMENT COMPANIES

### Proposed Rescission; Correction

Correction of documents published at 26 F.R. 1230, February 11, 1961.

In F.R. Doc. 61–1210, the first sentence of the first paragraph should commence as follows: "Notice is hereby given that the Securities and Exchange Commission is considering a proposal to rescind Rule U–3D–15 (§ 250.201)".

In F.R. Doc. 61–1211, the first sentence of the first paragraph should commence as follows: "Notice is hereby given that the Securities and Exchange Commission is considering a proposal to rescind Rule 13 (§ 250.13)".

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

FEBRUARY 13, 1961.

[F.R. Doc. 61–1442; Filed, Feb. 16, 1961; 8:47 a.m.]

# Notices

# DEPARTMENT OF THE TREASURY

### Office of the Secretary

[AA 643.3–W]

## PORTABLE TYPEWRITERS FROM WEST GERMANY

### Determination of No Sales at Less Than Fair Value

FEBRUARY 13, 1961.

A complaint was received that portable typewriters from West Germany were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that portable typewriters from West Germany are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* The home market sales of portable typewriters were adequate in quantity to furnish the basis for a fair value comparison. The sales to the United States were under circumstances requiring the application of exporter's sales price. The price comparisons for the purpose of the fair value comparison, therefore, were between home market price, adjusted as required by the statute, and exporter's sales price.

In the determination of adjusted home market price, there were deducted from the gross price to the dealers a cash discount and the cost attributable to the to the guarantee of the typewriters by the manufacturer. A weighted average of the price to each major dealer resulting from the foregoing deductions was then arrived at by considering the quantity sold to each dealer over the period of a year at the applicable price. From such weighted-average price there were deducted the cost of after-sales services absorbed by the manufacturer on behalf of the dealers, and the costs of packing, inland freight, and inland insurance.

In the determination of exporter's sales price, there were deducted certain of the importer's costs of doing business in the United States, including delivery, servicing, advertising, overhead, etc., ocean freight, insurance, cartage, and packing, and inland freight, insurance, and f.o.b. costs in Germany. The tax refunds to the manufacturer and to the exporter on exportation were added as required by law.

In each instance, with respect to each model of portable typewriter considered, exporter's sales price was not lower than the adjusted home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61–1431; Filed, Feb. 16, 1961; 8:46 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 12116; Order No. E–16367]

## SHULMAN, INC. AND WESTERN TRANSPORTATION CO., INC.

### Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of February 1961.

In the matter of an agreement between Shulman, Inc. and Western Transportation Co., Inc. d/b/a W.T.C. Air Freight, Agreement CAB 12652, Docket 12116; filed with the Civil Aeronautics Board pursuant to section 412 of the Federal Aviation Act.

By Order E–13588, March 9, 1959, the Board approved a joint loading agreement[1] entered into between the air freight forwarders, Shulman, Inc. (Shulman) and Western Transportation Co., Inc. (Western). The agreement filed with the Board was in the form of a memorandum of an "oral understanding," and provided generally that Shulman and Western would pool their freight as suited their mutual convenience for the purpose of securing the lowest possible weight rate from the direct air carrier. The agreement also provided that the forwarder consigning the larger portion of the joint load would be the "master biller" and appear as the "shipper and consignee on the direct carrier airbill." The other participant would pay his pro rata share of the charges to the master biller.

The agreement, as approved by the Board also provided: "Nothing in this understanding shall be construed to prevent the participation of any other authorized air freight forwarder in joint loading with either Shulman, Inc. or WTC Air Freight, or both."

By an endorsement on a letter of Shulman, Inc., the ABC Airfreight Company (ABC) agreed to "become a party to CAB Agreement No. 12652." A duplicate copy of this letter, transmitted to the Board by a letter of Shulman dated October 13, 1960, was received on October 17, 1960. The joint loading agreement which was framed to be "open-end" has thus been expanded to include an additional party.

On January 6, 1961, there was filed with the Board a protest of Allied Air Freight, Inc. (Allied), an air freight forwarder,[2] stating that it had offered to join in the joint loading agreement, CAB 12652, as approved by Board Order E–13588, but that Shulman had rejected such offer. Shulman, through its attorneys, has advised the Board that it does not consider itself under any obligation to admit other air freight forwarders to the joint loading agreement.

The foregoing raises two questions: (1) Whether Shulman, by its interpretation of the agreement, has, in effect, changed the terms of the agreement since its approval by the Board. If so, the agreement as so changed by interpretation becomes a new agreement which must be submitted for Board approval under the provisions of section 412. (2) Whether, in accordance with the provisions of section 412(b) of the Act, the "Board shall by order disapprove any such contract or agreement whether or not previously approved by it, that it finds to be adverse to the public interest * * *".

In giving consideration or reconsideration to the approval of any agreement under the provisions of section 412, the Board is required to weigh the agreement in the light of various factors that go into determining where the public interest lies. The Board's assessment of the public interest is governed by the broad considerations set forth in section 102 of the Act and by due regard for antitrust policies and principles.[3]

In approving the original agreement by Order E–13588, the Board was satisfied that the agreement did not involve any significant antitrust factors, since it specifically noted that "nothing in the understanding shall be construed to prevent the participation of any other air freight forwarder in joint loading with either party or both." The action of Shulman in excluding Allied is based on its interpretation of the agreement that any of the parties has the right to exclude the participation of any other air freight forwarder. This is clearly not the agreement approved by the Board.[4] Such an agreement is contrary to declared Board policy[5] and runs counter

[1] Section 296.1(c) of the Economic Regulations provides: "'Joint Loading' means an agreement between two or more indirect air carriers of the same subclassification, which provides for the pooling of shipments and their delivery to a direct air carrier for transportation as one shipment in accordance with the filed tariff rules of such direct air carrier."

[2] Allied holds Board Operating Authorization No. 11 as an air freight forwarder.

[3] The Board is required to give due regard to the policies and principles of the antitrust laws in recognition of the fact that pursuant to section 414 of the Act an order of approval under section 412 grants immunity from such laws to all persons affected by the order. Air Freight Tariff Agreement Case, 14 CAB 424, 425 (1951); Local Cartage Agreement Case, 15 CAB 850, 852 (1952).

[4] Even if it were, the Board, as previously noted, has the statutory power to disapprove any agreement previously approved by it, if it finds such agreement to be adverse to the public interest.

[5] In Economic Regulations, Draft Release No. 85, dated March 26, 1957, the Board, in considering the question of joint loading agreements, stated its view of the purposes to be served by the proposed amendment to Part 296:

"* * * the further suggestion made * * * that all joint loading agreements be publicly filed possesses merit. Such a requirement would * * * also serve the purpose of notifying other potential participants of the existence of such agreements. (p. 8)

to general antitrust principles. As such, it should not be approved unless it is clearly shown to be required by a serious public transportation need, or in order to secure important public benefits. Local Cartage Agreement Case, 15 CAB 850, 854–855.

The Board does not intend to permit the use of joint loading agreements by some air freight forwarders, as a competitive weapon against air freight forwarders deliberately excluded from its benefits. Adverse factors in such event may outweigh the benefits to air transportation served by the use of joint loading agreements. Accordingly, the Board tentatively finds that Agreement CAB 12652, as construed and implemented by Shulman, is violative of general antitrust principles and is adverse to the public interest because it prevents other air freight forwarders from becoming parties to it.

On February 6, 1961, Shulman, Inc., filed a petition requesting the Board to institute a proceeding forthwith for a declaratory order to find that the joint loading agreement is not open-end, and that other air freight forwarders are not entitled to participate therein, in the absence of the consent of the parties. Leaving aside the legal question of the Board's power under section 5 of the Administrative Procedure Act to issue a declaratory order in this type of case, it is clear that the institution of a proceeding for such order is a matter which, under section 5(d) of that Act, rests within the sound discretion of the Board. Inasmuch as the instant controversy can and will be determined by the Board by the show cause procedure provided herein, and all parties, including Shulman, will have adequate opportunity to present their positions to the Board, the institution of a proceeding for a declaratory order would be redundant. Accordingly, the Board will deny the petition. Therefore: *It is ordered:*

1. That Shulman, Western and ABC, and all other persons having an interest herein, including Allied, show cause why Agreement CAB 12652 should not on reconsideration be disapproved, or why its continued approval should not be made subject to a condition which would, inter alia, require that it be open to other forwarders;

2. That Shulman's petition for the institution of a proceeding for a declaratory order be and it is hereby denied;

3. That Shulman, Western and ABC shall file with the Board in quadruplicate within 10 days after the issuance of this order a report, compiled in summary form, of the information required to be preserved under § 249.10 of the regulations regarding joint loading, as follows:

a. The identity of all freight forwarders who have joined with Shulman, Western and ABC in contributing to any joint loading of air freight;

b. The total poundage on a quarterly basis of all joint loaded shipments of the parties to the joint loading agreement;

c. On a quarterly basis, the poundage which each party to the agreement contributed to the joint load shipments;

d. On a quarterly basis, the names of the direct air carriers and the total joint load poundage shipped by each of them;

e. On a quarterly basis, the total amount of charges made by the respective air carriers for transportation and other services rendered;

f. On a quarterly basis, the total amount of such charges paid to said respective direct air carriers; and

g. On a quarterly basis, the point of origin and the point of destination by poundage of the joint load shipments.

4. That any interested person desiring to file comments shall file such comments within 20 days from the date hereof. Such comments shall conform with the general requirements of the Board's rules of practice in Economic Proceedings;

5. That a copy of this order shall be served upon Shulman, Western, ABC and Allied; and

6. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
*Secretary.*

[F.R. Doc. 61–1454; Filed, Feb. 16, 1961; 8:49 a.m.]

"• • • the Board has not prescribed all permissible terms and conditions of joint loading agreements so that it will be necessary to scrutinize each such agreement in order to determine whether a particular agreement is adverse to the public interest or in violation of the Act." (p. 9)
The amendment defining joint loading agreements and providing for their filing under section 412 was thereafter issued. (Amendment No. 1 to Part 296, Effective April 23, 1958 (Regulation No. ER–231).)

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13920–13921; FCC 61M–214]

## AMERICAN COLONIAL BROADCASTING CORP. (WKBM–TV) AND (WSUR–TV)

### Order Following Prehearing Conference

In re applications of American Colonial Broadcasting Corporation (WKBM–TV), Caguas, Puerto Rico, Docket No. 13920, File No. BPCT–2801; American Colonial Broadcasting Corporation (WSUR–TV), Ponce, Puerto Rico, Docket No. 13921, File No. BPCT–2808; for construction permits to change existing facilities.

The Hearing Examiner having under consideration the prehearing conference in the above-entitled proceeding held February 9, 1961, in accordance with the order of the Hearing Examiner released January 30, 1961 (FCC 61M–144), as modified by further order released February 1, 1961 (FCC 61M–156);

*It is ordered,* This 10th day of February 1961, that by request of the applicant-permittee and the protestant alike, with the consent of the Commission's Broadcast Bureau, the hearing previously scheduled to commence February 28, 1961, is hereby continued until 10 a.m., Tuesday, March 14, 1961, at the Commission's offices, Washington, D.C.;

*It is ordered further,* In accordance with the agreements and commitments of the parties, which have the approval of the Hearing Examiner, that as much of the presentations as feasible both in support of the protestant's case-in-chief and in rebuttal is to be cast in written exhibit form under oath of the person or persons having personal knowledge of the facts; that protestant's exhibits are to be completed at least in draft and exchanged among all counsel, with one copy of each exhibit provided the Hearing Examiner, by not later than March 1, 1961; and that rebuttal exhibits are to be exchanged similarly by March 10, 1961;

*It is ordered further,* That in all respects the agreements and commitments of counsel as set forth in the transcript record of the February 9, 1961, prehearing conference, which is hereby incorporated by reference herein, shall govern in the regulation of the future course of this proceeding including any questions appertaining thereto that may arise.

Released: February 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1444; Filed, Feb. 16, 1961; 8:48 a.m.]

[Docket Nos. 13931–13933; FCC 61M–219]

## BURLINGTON BROADCASTING CO., ET AL.

### Order Scheduling Hearing

In re applications of William S. Halpern and Louis N. Seltzer d/b as Burlington Broadcasting Company, Burlington, New Jersey, Docket No. 13931, File No. BP–12580; Burlington County Broadcasting Company, Mount Holly, New Jersey, Docket No. 13932, File No. BP–13871; John J. Farina, tr/as Mt. Holly-Burlington Broadcasting Company, Mt. Holly, New Jersey, Docket No. 13933, File No. BP–13952, for construction permits.

*It is ordered,* This 10th day of February 1961, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 5, 1961, in Washington, D.C.

Released: February 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1445; Filed, Feb. 16, 1961; 8:48 a.m.]

[Docket Nos. 13934–13939; FCC 61M–220]

## SAUL M. MILLER, ET AL.

### Order Scheduling Hearing

In re applications of Saul M. Miller, Reading, Pennsylvania, Docket No. 13934, File No. BP–12660; Arthur W. Arundel, Charles Town, West Virginia, Docket No. 13935, File No. BP–12762; Suburban Broadcasting Corp., Elkton, Maryland, Docket No. 13936, File No. BP–12981; H. Clay Esbenshade, tr/as Lancaster County Broadcasters, Lancaster, Pennsylvania, Docket No. 13937, File No. BP–13106; Horace J. Elias and Irving E. Robinson, d/b as Elias and Robinson, Glen Burnie, Maryland, Docket No. 13938, File No. BP–13111; North Penn Broadcasting Company, Quakertown, Pennsylvania, Docket No. 13939, File No. BP–13160; for construction permits.

*It is ordered,* This 10th day of February 1961, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 10, 1961, in Washington, D.C.

Released: February 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1446; Filed, Feb. 16, 1961; 8:48 a.m.]

[Docket No. 13944; FCC 61M–222]

## UNITED TELEVISION COMPANY OF NEW HAMPSHIRE (WMUR–TV)

### Order Scheduling Hearing

In re application of United Television Company of New Hampshire (WMUR–TV), Manchester, New Hampshire, Docket No. 13944, File No. BPCT–2770, for Construction permit to change existing facilities (Channel 9).

*It is ordered,* This 10th day of February 1961, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 27, 1961, in Washington, D.C.

Released: February 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1449; Filed, Feb. 16, 1961; 8:48 a.m.]

[Change List No. 1]

## DOMINICAN REPUBLIC

### Notification of New and Changed Standard Broadcast Assignments

JANUARY 3, 1961.

Notification of new and changed standard broadcast assignments in the Dominican Republic in accordance with part III section F of the North American Regional Broadcasting Agreement, Washington, D.C., 1950.

DOMINICAN BROADCAST STATIONS

| Call letters | Location | Power kw | Antenna | Schedule | Class | Expected date of commencement of operation |
|---|---|---|---|---|---|---|
| | | *580 kilocycles* | | | | |
| HIMS (New) | Ciudad Trujillo, 69°54′ W., 18°18′ N. | 0.5 | ND | U | III | 3–2–61. |
| | | *760 kilocycles* | | | | |
| HIMD (New) | Pena Prov. Santiago, 70°-42′ W., 19°28′ N. | 1 D/0.1 N | ND | U | III | In operation. |
| | | *860 kilocycles* | | | | |
| HIU (New) | Ciudad Trujillo, 69°54′ W., 18°18′ N. | 5 | ND | U | II | Do. |
| | | *1020 kilocycles* | | | | |
| HIJP (New) | do | 1 D/0.1 N | ND | U | III | Do. |
| | | *1100 kilocycles* | | | | |
| HIMC (New) | San Cristobal, 70°08′ W., 18°25′ N. | 0.5 D/0.1 N | ND | U | III | Do. |
| | | *1120 kilocycles* | | | | |
| HIRM (New) | San Francisco de Macoris, 70°14′ W., 19°18′ N. | 1 D/0.1 N | ND | U | III | Do. |
| | | *1150 kilocycles* | | | | |
| HI3S (New) | Ciudad Trujillo, 69°54′ W., 18°18′ N. | 1 | ND | U | III | Do. |
| | | *1160 kilocycles* | | | | |
| HIFD (change in call letters and frequency—previously HIF on 1310 kc/s). | Puerto Plata, 70°41′ W., 19°48′ N. | 1 D/0.1 N | ND | U | III | Do. |
| | | *1190 kilocycles* | | | | |
| HIDV (New) | Santo Cerro La Vega, 70°-21′ W., 19°04′ N. | 0.5 D/0.1 N | ND | U | III | Do. |
| | | *1240 kilocycles* | | | | |
| HI4V (New) | Barahona, 71°06′ W., 18°-13′ N. | 0.25 | ND | U | IV | Do. |
| | | *1270 kilocycles* | | | | |
| HIUA (New) | Santiago, 70°42′ W., 19°-28′ N. | 5 | ND | U | III | Do. |
| | | *1300 kilocycles* | | | | |
| HIUB (New) | Dajabon, 71°42′ W., 19°-34′ N. | 1 | ND | U | III | Do. |
| | | *1310 kilocycles* | | | | |
| HIUE (New) | El Seibo, 69°02′ W., 18°-46′ N. | 1 | ND | U | III | Do. |
| | | *1330 kilocycles* | | | | |
| HIPD (New) | San P. Macoris, 69°18′ W., 18°26′ N. | 1 | ND | U | III | 3–2–61. |
| | | *1340 kilocycles* | | | | |
| HIUC (New) | Barahona, 71°06′ W., 18°-13′ N. | 1 | ND | U | IV | In operation. |
| | | *1360 kilocycles* | | | | |
| HI6T (change in call letters and location—previously HI8T at La Vega). | Santiago, 70°42′ W., 19°-28′ N. | | | U | III | Do. |
| | | *1380 kilocycles* | | | | |
| HI8T (change in call letters and location—previously HI6T at Santiago). | La Vega, 70°31′ W., 19°-04′ N. | | | U | III | Do. |
| | | *1400 kilocycles* | | | | |
| HIUD (New) | San Juan, 71°15′ W., 19°-53′ N. | 1 | ND | U | IV | Do. |
| | | *1440 kilocycles* | | | | |
| HI5K (change in frequency and location—previously 1360 kc/s at Barahona). | Ciudad Trujillo, 69°54′ W., 18°18′ N. | 0.25 | ND | U | III | Do. |
| HI2A (change in power and location — previously 40 watts at Salcedo). | San Juan, 71°15′ W., 19°-53′ N. | 0.25 | ND | U | III | Do. |

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1393; Filed, Feb. 16, 1961; 8:45 a.m.]

[Docket Nos. 13749–13753; FCC 61–165]

## ROLLINS BROADCASTING, INC., ET AL.

### Memorandum Opinion and Order Amending Issues

In re applications of Rollins Broadcasting, Inc., Wilmington, Delaware, Docket No. 13749, File No. BPCT–2583; The Wilmington Television Co., Inc., Wilmington, Delaware, Docket No. 13750, File No. BPCT–2603; WHYY, Inc., Wilmington, Delaware, Docket No. 13751, File No. BPCT–2634; Metropolitan Broadcasting Corporation, Wilmington, Delaware, Docket No. 13752, File No. BPCT–2715; National Telefilm Associates, Inc., Wilmington, Deleware, Docket No. 13753, File No. BPCT–2769; for construction permits for new television broadcast stations.

1. The Commission has for consideration a petition for reconsideration of its Memorandum Opinion and Order adopted on November 22, 1960 (FCC 60–1370), filed by Metropolitan Broadcasting Corporation on December 6, 1960; together with pleadings properly filed in response thereto.

2. Although the positions of the parties expressed in the various pleadings now before us are not unlike their positions expressed in the pleadings which terminated in our Memorandum Opinion and Order adopted November 22, 1960, the instant pleadings contain specifications of fact which were not presented in the earlier pleadings, and it is these specific factual allegations which have persuaded us to modify the issues in the manner set forth infra. Our evaluation of the legal considerations involved remains unchanged.

3. Briefly, WHYY is of the view that the service area of the proposed Wilmington stations has a need for the type of programming it proposes and that such need is not being met by the programming of existing facilities serving the area. It has contended that it will be able to prove the existence of the need for its proposed programming, but that in order to prove that such need is not already being adequately satisfied it must introduce evidence as to the programming of existing stations. In a case such as this, where an educational applicant has been permitted to file in competition for a non-educational channel, we regard the suggested basis of comparison as being of sufficient substance to permit the eduactional applicant to introduce evidence, Johnston Broadcasting Company v. FCC, 175 F. 2d 351 (1949). For that reason our Order adopted November 22, 1960, enlarged the issues, and because WHYY had alleged that the Wilmington service area was receiving the signals of existing Philadelphia VHF stations while its opponents had failed to identify any other facilities serving the area, the enlargement exactly followed the restrictive language suggested by WHYY.

4. The instant pleadings disclose that the area which will be served by the several Wilmington proposals is not in fact served only by the VHF stations in Philadelphia, but, in part, is within the Grade B contour of a large number of stations. Clearly, in determining whether existing facilities already are meeting the needs which WHYY proposes to demonstrate, evidence as to the programming of all such stations would be not only relevant but essential, for it could not be said that evidence that some such stations are not meeting a specific need would be tantamount to establishing that such need is not being satisfied by any station. Thus, an applicant seeking to make a meaningful showing as to how an established reception need is or is not being met by existing programming would necessarily have to introduce evidence as to the relevant programming of all stations serving the area, and the issues herein must be modified to permit such showing.

5. In the pleadings under consideration the assumption is made that any existing station encompassing a portion of the proposed Wilmington service area within its Grade B contour is, in fact, presently serving such area. For the purpose of the issue at hand this assumption cannot be accepted. Existing programming becomes significant in this case only if there is a reasonable likelihood that it is actually received, and would be without relevance to the extent that the existing signal is subject to interference within that portion of its Grade B service area encompassing part of the Wilmington service area. The Commission's plan of allocation for television stations is based on a table of geographical assignments recognizing that some degree of interference may exist between stations, but limiting such interference by controlling the maximum power and antenna heights with which the stations may be operated. Therefore, the Commission's Rules contain no provision relating to television stations comparable to those which define the interference-free contour of standard broadcast stations. However, for the purpose of the present issue it is apparent that some standard for determining interference must be established. Therefore, in determining whether any portion of an existing station's Grade B service area encompassing a part of the Wilmington area is interference-free, estimates will be based on the interference ratios and field strength charts which appear in the Third Notice of Further Proposed Rule Making in the matters of amendment of Section 3.606 of the Commission's Rules and Regulations in Docket Nos. 8736, 8975, 8976, 9175 (16 F.R. 3072).[1]

6. We are not unmindful of Metropolitan's contentions that the issue in question may involve extended testimony, and that because the evidence may deal with the programming of existing stations, such stations should be admitted as parties in order that they may defend their performance. These contentions appear to stem from the basic misconception that the issue in question contemplates a comparison, in the conventional sense, of existing and proposed programming. To the contrary, condition precedent to the introduction of any evidence as to existing programming must be a demonstration of the need for the specialized programming proposed by an applicant. Assuming, arguendo, that such need will be established, it would not appear necessary to introduce evidence as to all existing programming, but only evidence as to programming of the type for which the special need has been established, for the fact to be proven would be whether or not a given type of programming is now being received in the area in question, and, if not, it would be immaterial to establish what other type of program is being received. The evidence would be limited to whether the need is being met for a specialized type of programming quite different from the balanced schedule already found to be in the public interest with respect to each of the existing stations which may serve the Wilmington service area. The issue herein could not involve a qualitative comparison between existing and proposed programming.

7. In summary, we believe that WHYY should be afforded an opportunity to show that the area to be served has need for a specific type of programming; that such need is not being met by the programming of existing stations serving the area; and that it will serve such need better than would the other applicants herein. We believe that these objectives can best be accomplished by a modification of Issue 7(d) in the manner hereinabove discussed, and we reemphasize that the subject issue is merely one of the comparative criteria to be judged herein, the ultimate weight of which can only be determined at the conclusion of the hearing.

*Accordingly, it is ordered,* This 8th day of February 1961, that the petition for reconsideration filed by Metropolitan Broadcasting Corporation on December 6, 1960, is denied; and

*It is further ordered,* on the Commission's own motion, that Issue 7(d) is deleted, and the following issue is substituted therefor:

7(d) The programming service proposed in each of the applications as considered in the light of the following factors:

(1) Whether there are particular types or classes of programs for which there is an unfulfilled need in the area proposed to be served.

(2) The extent to which the program proposal of each applicant would meet such needs.

Released: February 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F. R. Doc. 61–1448; Filed, Feb. 16, 1961; 8:48 a.m.]

[1] The utilization of this method of estimation is solely for the purpose of providing a workable yardstick for the resolution of the subject issue and is not to be construed to imply that all individuals within Grade B contours receive a viewable picture or that all individuals in an interference area (as defined) will be deprived of such a picture. See Section II C of the Third Notice.

[2] Dissenting statement of Commissioner Charles King filed as part of original document.



[Docket No. 13940; FCC 61M–221]

## EDWARD WALKER PISZCZEK AND JEROME K. WESTERFIELD

### Order Scheduling Hearing

In re application of Edward Walter Piszczek & Jerome K. Westerfield, Des Plaines, Illinois, Docket No. 13940, File No. BPH–3201, for construction permit (FM).

*It is ordered,* This 10th day of February 1961, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 10, 1961, in Washington, D.C.

Released: February 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1447; Filed, Feb. 16, 1961; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. RI61–346—RI 61–349]

## GRARIDGE CORP. ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates and in Allowing Proposed Increased Rates [1] To Become Effective Subject to Refund

FEBRUARY 10, 1961.

Graridge Corporation (Operator), et al., Docket No. R161–346; The Atlantic Refining Company, Docket No. RI61–347; Humble Oil & Refining Company (Operator), et al., Docket No. R161–348; Socony Mobil Oil Company, Inc., Docket No. RI61–349.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia with the exception of Graridge Corporation (Operator), et al., which is sold at 15.025 psia.

The increase proposed by Graridge from 10.422 cents to 10.9967 cents per Mcf (at 15.025 psia) is below the Commission's area price (General Policy No. 61–1). Since the rate proposed to be changed includes Louisiana severance tax of questionable amounts the supplement should be suspended for one day. The increase proposed by Atlantic from 5.5 cents to 7.0 cents per Mcf is below the Commission area price. However, since the proposed increase is based upon the buyer's resale rate, supplement should be suspended for one day. The increase proposed by Socony, in Supplement No. 9 to its FPC Gas Rate Schedule No. 35 from 9.4599 cents to 10.45129 cents per Mcf is below the Commission's area price. However, since the proposed rate is based upon Phillips resale rate the supplement should be suspended for one day.

The proposed changes are designated as follows:

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI61–346 | Graridge Corp. (Operator) et al., P.O. Box 752, Breckenridge, Tex. | 1 | 6 | Texas Gas Transmission Corp. (Mallard Bay Field), Cameron Parish, La. (Southern Louisiana). | $16,601 | 1–12–61 | [1] 3–1–61 | [2] 3–2–61 | [3] 10.4222 | [3] 10.9967 | RI60–460 |
| RI61–347 | The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex. | 126 | 1 | Orange Grove Gas Gathering Co. (Orange Grove Field), Jim Wells County, Tex. (R.R. District No. 4). | 1,170 | 1–13–61 | 2–13–61 | [4] 2–14–61 | 5.5 | [5] 7.0 | ---------- |
| RI61–348 | Humble Oil & Refining Co. (Operator) et al., P.O. Box 2180, Houston 1, Tex. | 10 | 19 | Texas Eastern Transmission Corp. (Helen Gohlke Field), DeWitt County, Tex. (R.R. District No. 2). | 1,615 | 1–13–61 | [6] 2–13–61 | 7–13–61 | 15.3765 | [7] 15.7099 | RI60–146 |
| RI61–349 | Socony Mobil Oil Co., Inc., P.O. Box 900, Dallas 21, Tex. | 35 | 9 | Phillips Petroleum Co. (Hugoton Field), Texas County, Okla. | 56 | 1–16–61 | [8] 3–7–61 | [9] 3–8–61 | 9.4599 | 10.45129 | RI61–230 |
| | Socony Mobil Oil Co., Inc. | 148 | 28 | Warren Petroleum Corp. (Panhandle Field), Wheeler County, Tex. (R.R. District No. 10). | 49 | 1–16–61 | [6] 2–16–61 | 7–16–61 | 11.3057 | [10] 11.553 | RI61–39 |
| | do | 147 | 26 | do | 102 | 1–16–61 | [6] 2–16–61 | 7–16–61 | 11.3057 | [10] 11.553 | RI61–39 |

[1] Or on the date that 20,000,000 Mcf has been received, whichever is later.
[2] Or such later date as 20,000,000 Mcf of gas is delivered from the properties covered by the rate schedule shall have been accomplished.
[3] Includes 0.225 cents per Mcf for dehydration charged by seller.
[4] Suspended for one day from February 13, 1961, the date of expiration of the 30-day statutory notice.
[5] Revenue-sharing increase based on buyer's rate to Peoples Gulf Coast Natural Gas Pipeline Co. (effective subject to refund in Docket No. G–19936).
[6] The stated effective date is the first day after expiration of the required 30 days' notice.
[7] Includes 0.5 cents per Mcf for gathering and dehydrating charged by seller.
[8] The stated effective date is the effective date proposed by respondent.
[9] Suspended for one day from March 7, 1961, or from such later date as the related rate of Phillips Petroleum Co., is made effective in Docket No. RI60–349 in the manner prescribed by the Natural Gas Act.
[10] Redetermined increase based on weighted average wellhead price in Panhandle Field as determined by Railroad Commission.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated rate supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. 1), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated rate supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That Supplement No. 6 to Graridge Corporation's FPC Gas Rate Schedule No. 1, Supplement No. 1 to The Atlantic Refining Company's FPC Gas Rate Schedule No. 126, Supplement No. 9 to Socony Mobil Oil Company, Inc. FPC Gas Rate Schedule No. 35 shall become effective on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order said Respondents shall execute and file under their respective above-designated docket numbers with the Secretary of the Commission their agreements and undertakings to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless said Respondents are advised to the contrary within 15 days after the filing of such agreements and undertakings, their agreements and undertakings shall be deemed to have been accepted.

(C) Supplement No. 6 to Graridge (Operator), et al.'s FPC Gas Rate Schedule No. 1 (proposing increased rates which reflect questionable tax and rate amounts) shall be effective as stated

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

hereinbefore, with only the Louisiana severance tax reimbursement portion of the proposed rates being subject to refund.

(D) Neither the rate supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 26, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1424; Filed, Feb. 16, 1961; 8:45 a.m.]

[Docket No. CP61-166]

## IOWA-ILLINOIS GAS AND ELECTRIC CO.

### Application and Date of Hearing

FEBRUARY 10, 1961.

Take notice that Iowa-Illinois Gas and Electric Company (Applicant), 206 East Second Street, Davenport, Iowa, filed an application on December 13, 1960, pursuant to section 7 of the Natural Gas Act for a disclaimer of jurisdiction or, in the alternative, a certificate of public convenience and necessity authorizing Applicant to construct and operate approximately 14.75 miles of natural gas facilities as hereinafter described, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct 14.75 miles of 10-inch gas pipeline and appurtenant facilities between the facilities of Natural Gas Pipeline Company of America (Natural), located in Henry County, Illinois, and Applicant's existing facilities on the western bank of the Mississippi River in Scott County, Iowa, where such facilities will be interconnected with the existing facilities of Applicant's Davenport (Iowa) and Illinois distribution Districts. The application states that such facilities will enable Applicant to perform its distribution functions more efficiently and surely.

The construction and operation of the proposed facilities are not dependent upon any new gas reserves or gas supply. The total estimated cost of the proposed facilities is $690,682, which Applicant will finance from funds on hand.

Applicant requests that the application herein be disposed of pursuant to the provisions of the Commission's rules of practice and procedure, providing for shortened procedures and waives oral hearing and opportunity for filing exceptions to the decisions of the Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 22, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 3, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1425; Filed, Feb. 16, 1961; 8:45 a.m.]

[Docket No. G-14562 etc.]

## TENNESSEE GAS TRANSMISSION CO. ET AL.

### Filing of Amended Application and Fixing Date of Hearing

FEBRUARY 10, 1961.

Tennessee Gas Transmission Company, Docket No. G-14562; Continental Oil Company, Docket No. G-13680; Magnolia Petroleum Company (Socony Mobil Oil Company), Docket No. G-13827; Newmont Oil Company, Docket No. G-13948.

Take notice that Tennessee Gas Transmission Company (Tennessee) filed on September 9, 1960, as supplemented on December 13, 1960, and January 23, 1961, an amendment to its application for a certificate of public convenience and necessity in Docket No. G-14562, wherein Tennessee now proposes to acquire natural gas properties in place by purchase from Socony Mobil Oil Company (Socony) (formerly Magnolia Petroleum Company), Continental Oil Company (Continental) and Newmont Oil Company (Newmont), in lieu of purchasing gas from these producers. Tennessee proposes to construct and operate the facilities necessary to attach such gas reserves to its system.

Tennessee, in its initial application of February 25, 1958, sought authority to construct and operate facilities extending into the Gulf of Mexico off the coast of Louisiana, so as to purchase and transport to its main transmission system natural gas produced by the aforesaid producers in specified acreage in Vermilion and Cameron Parishes, Louisiana. Certificate applications for said sale were filed by the independent producers herein.[1]

Notice of the applications and an order permitting intervention having been issued, the hearing of these consolidated dockets commenced on July 10, 1958, ostensibly as an uncontested proceeding. However, in view of the issues raised by some of the interveners and the inability of the applicants to proceed with the presentation of their respective direct cases, the Examiner, on the same date, continued the hearing subject to further order of the Commission.

Subsequently, Tennessee and the producers herein concluded negotiations whereby a majority of the gas reserves committed to Tennessee by the gas purchase contracts contained in the instant dockets, would be purchased in place by Tennessee for the sum of $68,339,272. Consistent with these negotiations, Continental, Socony and Newmont all filed on September 9, 1960, notices of withdrawal of their instant applications. Tennessee now requests authorization to construct and operate the facilities necessary to transport the gas produced in the subject acreage to its main line system. The cost of such facilities is estimated at $2,302,000.

The proposed sale of the producing properties to Tennessee will actually be effected through an intermediate affiliated company, Tennessee Gas Supply Company (Supply Company). Tennessee proposes to make an initial cash payment of $8,319,688, and a payment of 16 annual promissory notes totalling $80,019,584, to Supply Company. The latter will then make the scheduled payments to the producers over a 16-year period and transfer its title in the producing properties to Tennessee. Tennessee estimates that the net cost of service, after credit for condensates, would be 22.51 cents per Mcf plus 2.25 cents severance tax, in the first year of service. This would vary in future years.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 27, 1961, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 10, 1961.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1426; Filed, Feb. 16, 1961; 8:45 a.m.]

[1] Continental filed on 11-8-57, Magnolia filed on 11-29-57 and Newmont filed on 12-13-57.



[Docket No. CP61-148]

## TEXAS GAS TRANSMISSION CORP.

### Application and Date of Hearing

FEBRUARY 10, 1961.

Take notice that Texas Gas Transmission Corporation (Applicant), 416 West Third Street, Owensboro, Kentucky, filed an application on November 14, 1960, as supplemented on December 27, 1960, and January 16, 1961, for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities for the delivery and sale of natural gas in interstate commerce as hereinafter described, all as more fully described in the supplemented application which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate a tap and meter setting on an existing 18-inch line near Gallion, Louisiana, for the delivery and sale of additional volumes of gas to an existing customer, Louisiana Gas Service Company (Louisiana Gas). Louisiana Gas will resell such gas to Coastal Contracts, Inc. (Coastal) for use at the latter's plant at Gallion, Louisiana.

The gas will be delivered by Applicant directly into Coastal's plant for the account of Louisiana Gas. The estimated requirements of the asphalt plant are 80,000 Mcf per year and a maximum of 400 Mcf per day, all on an interruptible basis.

The application states that the use of natural gas in the manufacture and preparation of asphalt products permits more flexible and responsive temperature control which, in turn, results in a higher quality product than obtainable from other fuels.

The estimated cost of the proposed facilities is $3,170, which will be paid by Applicant from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 22, 1961 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests of petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 3, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1427; Filed, Feb. 16, 1961; 8:45 a.m.]

[Docket No. RP61-16]

## UNITED GAS PIPE LINE CO.

### Order Suspending Proposed Tariff Sheets and Providing for Hearing

FEBRUARY 10, 1961.

United Gas Pipe Line Company (United) on January 18, 1961, pursuant to section 4 of the Natural Gas Act and the regulations thereunder, particularly Part 154 thereof, tendered for filing Fifth Revised Sheets Nos. 34, 35, 44, and 45, Sixth Revised Sheets Nos. 8 and 14, and Seventh Revised Sheets Nos. 4, 6, 10, 12, 16, 17, 17-A, 18, 19, 20, 21, 23, 25, 27, 28, 30, and 32 to its FPC Gas Tariff, First Revised Volume No. 1. The tariff changes contained in the tendered filing propose an increase of $4,639,799 (3.7 percent) annually over the rates presently in effect subject to refund in Docket No. RP60-2. United requests that should this filing be suspended, that such suspension be for a period ending not later than June 15, 1961, five months from the effective date proposed for the rejected filing.[1]

United states that the increase is necessitated primarily by increased costs of purchased gas. United also claims a need for a 6¾ percent rate of return.

The increased rates and charges contained in the above-designated revised tariff sheets tendered by United on January 18, 1961 may be unjust, unreasonable, unduly discriminatory, and preferential, or otherwise unlawful. Several customers, as well as two State Commissions, oppose the proposed increase.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications and services contained in United's FPC Gas Tariff First Revised Volume No. 1, as proposed to be amended by Fifth Revised Sheets Nos. 34, 35, 44, and 45, Sixth Revised Sheets Nos. 8 and 14, and Seventh Revised Sheets Nos. 4, 6, 10, 12, 16, 17, 17-A, 18, 19, 20, 21, 23, 25, 27, 28, 30, and 32 and that said proposed revised tariff sheets; except Seventh Revised Sheets Nos. 16, 17, 17-A, 18, 19, and 20[2] be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be hereafter fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in United's FPC Gas Tariff, Original Volume No. 1 as proposed to be amended by the aforenamed revised tariff sheets tendered for filing by United on January 18, 1961.

(B) Pending such hearing and decision thereon, United's proposed revised tariff sheets, except the aforementioned Seventh Revised Sheets Nos. 16, 17, 17-A, 18, 19, and 20 hereby are suspended and their use deferred until June 15, 1961, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 31, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1428; Filed, Feb. 16, 1961; 8:46 a.m.]

[1] The filing replaces an increase which was tendered on December 15, 1960, but was rejected by the Commission's letter of January 13, 1961.

[2] Such tariff sheets relate to sales for resale for industrial use only and are not subject to suspension under section 4(e) of the Natural Gas Act.

# CIVIL SERVICE COMMISSION

## CERTAIN HEALTH PHYSICS POSITIONS THROUGHOUT THE UNITED STATES

### Increases in Minimum Rates of Pay

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U.S.C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for positions at GS-5 and GS-7 in Health Physics Series, GS-1306-0. The new rate for GS-5 has been set at $5,335 and for GS-7 at $6,345. The increases are effective the first day of the second pay period which begins after February 17, 1961, and apply to these positions throughout the United States.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1455; Filed, Feb. 16, 1961; 8:49 a.m.]

# TARIFF COMMISSION

[7-103]

## ALSIKE CLOVER SEED

### Investigation and Hearing

*Investigation instituted.* Upon application of Oregon Alsike Seed Growers, and others, received February 6, 1961, the United States Tariff Commission, on the 13th day of February 1961, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to

determine whether Alsike clover seed, provided for in paragraph 763 of the Tariff Act of 1930, is, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

*Public hearing ordered.* A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t., on June 6, 1961, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

*Inspection of application.* The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse, where it may be read and copied by persons interested.

Issued: February 14, 1961.

By order of the Commission.

[SEAL] DONN N. BENT,
*Secretary.*

[F.R. Doc. 61-1434; Filed, Feb. 16, 1961; 8:46 a.m.]

[7-104]

## WILTON, VELVET, AND SIMILAR FLOOR COVERINGS

### Investigation and Hearing

*Investigation instituted.* Upon application of the American Carpet Institute, Inc., New York City, New York, received February 3, 1961, the United States Tariff Commission, on the 13th day of February 1961, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to determine whether Wilton carpets, rugs, and mats; Brussels carpets, rugs, and mats; velvet or tapestry carpets, rugs, and mats; and carpets, rugs, and mats of like character or description, provided for in paragraph 1117(a) of the Tariff Act of 1930, are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

*Public hearing ordered.* A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t., on May 23, 1961, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

*Inspection of application.* The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse, where it may be read and copied by persons interested.

Issued: February 14, 1961.

By order of the Commission.

[SEAL] DONN N. BENT,
*Secretary.*

[F.R. Doc. 61-1435; Filed, Feb. 16, 1961; 8:47 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## PIKES PEAK STOCKMEN'S CENTER ET AL.

### Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Pikes Peak Stockmen's Center,
Colorado Springs, Colo.
G. & L. Sale Barn,
Hopedale, Ill.
Price's Livestock Marketing Co.,
Shelbyville, Ill.
Valley Livestock Sales,
Lebanon, Oreg.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of February 1961.

H. L. JONES,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61-1451; Filed, Feb. 16, 1961; 8:48 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-64]

## UNIVERSITY OF AKRON

### Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to License No. R-24 issued to The University of Akron. The amendment provides additional safeguards for the operation by the licensee of its reactor Model AGN-201, Serial No. 104, located on its campus in Akron, Ohio. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of the proposed issuance of this amendment is not necessary in the public interest since the operation of the reactor in accordance with the terms of the license as amended does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see Docket No. 50-64 on file at the AEC's Public Document Room.

Dated at Germantown, Md., this 10th day of February 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[License No. R-24, Amdt. 3]

License No. R-24, as amended, which authorize the University of Akron to operate its reactor Model AGN-201, Serial No. 104, located on its campus in Akron, Ohio, is hereby amended by adding the following additional conditions thereto:

1. The control rod and safety rod magnet circuits shall reverse the current direction for the magnets at the time any scram relay is actuated.

2. The licensee shall, at least once during each month when the reactor is operated, check the ability of all safety rods and control rods to drop when the scram instrumentation is actuated. A record shall be made of each instance in which one or more rods fails to scram when called upon to do so.

3. If one or more of the safety or control rods fails to scram when called upon to do so, the reactor shall immediately be shut down and shall not be started up until:

A. The probable cause of the scram malfunction has been determined and remedied; and

B. Cognizant reactor supervisory personnel and, to the extent applicable, the local reactor hazards committee have reviewed and concurred in the remedial action taken; and

C. A written record is made by the licensee of the events in A. and B. above.

4. The effectiveness of the corrective measures taken pursuant to condition 3. above shall be verified by scramming the rods, which had previously failed to scram, several times under conditions similar to those under which they had failed. A written record of these tests shall be made. Should the rod again fail to scram during the tests, the reactor shall be shut down and the steps described in condition 3 above and this condition 4 shall be repeated.

This amendment is effective thirty days after the date of issuance.

Date of issuance: February 10, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-1421; Filed, Feb. 16, 1961; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 14, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 36901: *Liquid fertilizers—Idaho and Utah to Colorado and Wyoming.* Filed by Colorado-Utah Committee, Agent (No. 4), for interested rail carriers. Rates on liquid fertilizers, as described in the application, in tank-car loads, from Utah Common Points, also Don and Georgetown, Idaho, to points in Colorado and Wyoming.

Grounds for relief: Market competition, short-line distance formula, and grouping.

Tariffs: Supplement 141 to Colorado-Utah Committee tariff I.C.C. 26, and Supplement 117 to Union Pacific Railroad Company's tariff I.C.C. 5332.

FSA No. 36902: *Grains and products thereof—Southwest to Colorado, Utah and Wyoming.* Filed by Southwestern Freight Bureau, Agent (No. B-7967), for interested rail carriers. Rates on barley, corn (not pop corn), oats, and sorghum grains, also products thereof, in carloads, as described in the application, from specified points in New Mexico, Oklahoma and Texas, to D&RGW and UP stations in Colorado, Utah, and Wyoming.

Grounds for relief: Itinerant truck competition, short-line distance formula and grouping.

Tariff: Supplement 257 to Southwestern Freight Bureau tariff I.C.C. 4136.

FSA No. 36903: *T.O.F.C. service from and to Decatur and Rockford, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-7964), for interested rail carriers. Rates on various commodities, moving on class rates, loaded in or on trailers and transported on railroad flat cars, between Decatur and Rockford, Ill., on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 97 to Southwestern Freight Bureau tariff I.C.C. 4312.

FSA No. 36904: *Crude rubber—Beaumont and Spindletop, Tex., to interstate points.* Filed by Southwestern Freight Bureau, Agent (No. B-7973), for interested rail carriers. Rates on crude rubber, artificial, synthetic or neoprene, loose or in packages, in straight or mixed carloads, from Beaumont and Spindletop, Tex., to interstate points in the United States.

Grounds for relief: Grouping and short-line distance formula.

Tariffs: Supplement 41 to Southwestern Freight Bureau tariff I.C.C. 4342, and other schedules named in the application.

FSA No. 36905: *T.O.F.C. service between points in Southwestern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7969), for interested carriers. Rates on empty freight and/or tank trailers, new and used, including freight trailers NOIBN, as described in item 92900 of Uniform Freight Classification No. 5, as described in the application, between points in southwestern territory, including Memphis, Tenn., and Natchez, Miss.

Grounds for relief: Motor-truck competition and short-line distance formula.

Tariffs: Supplements 28 and 13 to Southwestern Freight Bureau tariffs I.C.C. 4353 and 4362, respectively.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-1432; Filed, Feb. 16, 1961; 8:46 a.m.]

[Notice 449]

## MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 14, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63771. By order of February 10, 1961, the Transfer Board approved the transfer to Donald W. Winland, doing business as Winland Trucking, R.R. # 1 Georgetown, Ill., of Certificate No. MC 116198, issued March 21, 1958, to Don's Trucking, Inc., R.R. # 1, Georgetown, Ill., authorizing the transportation of: Lumber, from Centerville and Fulton, Ala., Joyce, La., Forest, Louisville, and Union, Miss., and Crossett, Delight, Little Rock, and Prescott, Ark., to points in Daviess, Gibson, Greene, Jasper, Knox, Martin, Montgomery, Parke, Sullivan, and Warren Counties, Ind., and those in Champaign, Clark, Clay, Douglas, Edgar, Iroquois, La Salle, Macon, Piatt, Richland, and Vermilion Counties, Ill.

No. MC-FC 63919. By order of February 10, 1961, the Transfer Board approved the transfer to Charles I. Cutler, doing business as Bean's Express, Lexington, Mass., of Certificate No. MC 68677, issued March 24, 1954, to J. Warren Bean, doing business as J. A. Bean, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Lexington, Arlington, Somerville, Cambridge, and Boston, Mass. Theodore E. Shasta, One Court Street, Boston 8, Mass., attorney for applicants.

No. MC-FC 63931. By order of February 10, 1961, the Transfer Board approved the transfer to George H. Wood, Jr., Philadelphia, Pa., of Certificate in No. MC 11431, issued February 14, 1941, to George H. Wood, Philadelphia, Pa., authorizing the transportation of: Gears and gear wheels, drugs, sheet metal products, and iron fencing and accessories, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other points in Delaware and New Jersey. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., practitioner for applicants.

No. MC-FC 63933. By order of February 10, 1961, the Transfer Board approved the transfer to Malcolm C. Bailey, doing business as Bailey Truck Line, Brookhaven, Miss., of Permit No. MC 117485 Sub 1, issued September 28, 1959, to Clyde Bailey and Malcolm C. Bailey, a Partnership, doing business as Bailey Truck Line, Brookhaven, Miss., authorizing the transportation, over irregular routes, of clay products, from Brookhaven, Miss., to points in Baldwin, Escambia, and Mobile Counties, Ala., and points in 28 specified counties in Louisiana. Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss., attorney for applicants.

No. MC-FC 63938. By order of February 10, 1961, the Transfer Board approved the transfer to M. R. Buell, Incorporated, Guilford, Conn., of Certificate No. MC 72149, issued June 9, 1960, to Merton R. Buell, Guilford, Conn., authorizing the transportation, over irregular routes, of household goods, between New Haven, Conn., and points in Connecticut within 15 miles of New Haven, on the one hand, and, on the other, points in Connecticut, Massachusetts, New York, and New Jersey. Sid-

ney L. Goldstein, 109 Church Street, New Haven, Conn., attorney for applicants.

No. MC–FC 63939. By order of February 10, 1961, the Transfer Board approved the transfer to Frank Valenti, Jr., doing business as Eagle Transportation, Brighton, N.Y., of a portion of Certificate No. MC 38514, issued November 3, 1958, to Blanchard Moving & Storage Company, Inc., Rochester, N.Y., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and the usual exceptions, over regular routes, between Rochester, N.Y., and junction Alternate U.S. Highway 20 and New York Highway 39, about 2 miles southwest of Leicester, N.Y., serving the intermediate points of Scottsville, Wheatland, Mumford, LeRoy, Pavilion, Wyoming, Warsaw, Silver Springs, and Perry, N.Y., but serving junction of Alternate U.S. Highway 20 and New York Highway 30 for the purpose of joinder only; and between junction Alternate U.S. Highway 20 and New York Highway 39, about 2 miles southwest of Leicester, N.Y., and junction New York Highways 5 and 36, near Caledonia, N.Y., serving no intermediate points, but serving termini for purpose of joinder only. The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of rail service of the Baltimore and Ohio Railroad, hereafter called the railroad. Raymond A. Richards, 35 Curtice Park, Webster, N.Y., for applicants.

No. MC–FC 63948. By order of February 10, 1961, the Transfer Board approved the transfer to George B. Todd, Kearny, N.J., of a portion of Certificate No. MC 22005, issued September 29, 1949, to George Ventre, doing business as Ventre Trucking Co., Newark, N.J., authorizing the transportation of metal, over irregular routes, between Newark, N.J., on the one hand, and, on the other, Philadelphia and Eddystone, Pa., and Bridgeport, New Haven, Meriden, Milford, and Springdale, Conn. Bert Collins, 140 Cedar Street, New York, N.Y., attorney for applicants.

No. MC–FC 63952. By order of February 10, 1961, the Transfer Board approved the transfer to Metal Haulage, Inc., Brooklyn, N.Y., of a portion of Certificate No. MC 55809, issued August 30, 1957, to Bob Marcus Transportation, Inc., New York, N.Y., authorizing the transportation of scrap metals, iron castings, steel sheets, drums, rails, wire and rods, over irregular routes, between Newark, N.J., New York, N.Y., and points in New Jersey within 10 miles of Newark, N.J., on the one hand, and, on the other, Albany and Binghamton, N.Y., and points in that part of New Jersey, New York, Pennsylvania, and Connecticut, within 125 miles of Newark, N.J. David Brodsky, 1776 Broadway, New York 19, N.Y., attorney for applicants.

No. MC–FC 63955. By order of February 10, 1961, the Transfer Board approved the transfer to Wayne Trucking Company, a corporation, Toledo, Ohio of Permit No. MC 115051, issued April 5, 1956, to John T. Edwards, doing business as Tom Edwards, 641 Elmdale Street, Toledo 9, Ohio, authorizing the transportation of cinder blocks, concrete blocks, uncrated casement windows, and mortar in bags, from the site of the plant of National Cement Products Company at Toledo, Ohio, to points in Monroe, Lenawee, Hillsdale, Branch, Wayne, Washtenaw, Jackson, and Calhoun Counties, Mich., and Steuben, DeKalb, and Allen Counties, Ind.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–1433; Filed, Feb. 16, 1961; 8:46 a.m.]

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VOLUME 26 NUMBER 33

Washington, Saturday, February 18, 1961

THE UNIVERSITY OF MICHIGAN
FEB 21 1961
MAIN READING ROOM

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10918

### ESTABLISHING THE PRESIDENT'S ADVISORY COMMITTEE ON LABOR-MANAGEMENT POLICY

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. There is hereby established the President's Advisory Committee on Labor-Management Policy (hereinafter referred to as the Committee). The Committee shall be composed of the Secretary of Labor, the Secretary of Commerce, and nineteen other members who shall be designated by the President from time to time. Of the nineteen designated members, five shall be from the public at large, seven shall be from labor, and seven shall be from management. The Secretary of Labor and the Secretary of Commerce shall each alternatively serve as chairman of the Committee for periods of one year, the Secretary of Labor to so serve during the first year following the date of this order.

SEC. 2. The Committee shall study, and shall advise with and make recommendations to the President with respect to, policies that may be followed by labor, management, or the public which will promote free and responsible collective bargaining, industrial peace, sound wage and price policies, higher standards of living, and increased productivity. The Committee shall include among the matters to be considered by it in connection with its studies and recommendations (1) policies designed to ensure that American products are competitive in world markets, and (2) the benefits and problems created by automation and other technological advances.

SEC. 3. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Committee and to furnish it such information and assistance, not inconsistent with law, as it may require in the performance of its duties.

SEC. 4. Consonant with law, the Department of Labor and the Department of Commerce shall, as may be necessary for the effectuation of the purposes of this order, furnish assistance to the Committee in accordance with section 214 of the act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691). Such assistance may include detailing employees to the Committee, one of whom may serve as executive officer of the Committee, to perform such functions, consistent with the purposes of this order, as the Committee may assign to them, and shall include the furnishing of necessary office space and facilities to the Committee by the Department of Labor.

JOHN F. KENNEDY

THE WHITE HOUSE,
*February 16, 1961.*

[F.R. Doc. 61-1542; Filed, Feb. 17, 1961; 9:50 a.m.]

# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1956 C.C.C. Grain Price Support Bulletin 1, Amdt. 1]

### PART 421—GRAINS AND RELATED COMMODITIES

#### Subpart—General Provisions 1956-Crop Price Support Programs for Grains and Related Commodities

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service (21 F.R. 3997) containing regulations of a general nature with respect to price support programs for certain grains and other commodities produced in 1956 are amended with respect to their application to the 1956 Crop Corn Extended Reextended Reseal Loan Program (25 F.R. 2047 and 4710).

Section 421.1611 is amended by adding the following sentence: "Notwithstanding the above provisions and the provisions and terms of the Producer's Note and Supplemental Loan Agreement, extended reextended reseal loans on 1956 crop corn maturing after December 31, 1960, shall bear interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment, except that where there has been a fraudulent representation by the producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement."

Issued this 15th day of February 1961.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 61-1506; Filed, Feb. 17, 1961; 8:52 a.m.]

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[1957 C.C.C. Grain Price Support Bulletin 1, Amdt. 1]

### PART 421—GRAINS AND RELATED COMMODITIES

#### Subpart—General Provisions 1957-Crop Price Support Programs for Grains and Related Commodities

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service (22 F.R. 2321) containing regulations of a general nature with respect to price support programs for certain grains and other commodities produced in 1957 are amended with respect to their application to the 1957 Crop Reextended Reseal Loan Program for Corn and Wheat (25 F.R. 2051 and 4710).

Section 421.2211 is amended by adding the following sentence: "Notwithstanding the above provisions and the provisions and terms of the Producer's Note and Supplemental Loan Agreement, reextended reseal loans on 1957 crop corn and wheat maturing after December 31, 1960, shall bear interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment, except that where there has been a fraudulent representation by the producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement."

Issued this 15th day of February 1961.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 61-1507; Filed, Feb. 17, 1961; 8:52 a.m.]

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[1958 C.C.C. Grain Price Support Bulletin 1, Amdt. 3]

### PART 421—GRAINS AND RELATED COMMODITIES

#### Subpart—General Provisions 1958-Crop Price Support Programs for Grains and Related Commodities

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service (23 F.R. 2663, 5257 and 8043) containing regulations of a general nature with respect to price support programs for certain grains and other commodities produced in 1958 are amended with respect to their application to the 1958 Crop Extended Reseal Loan Programs for Barley, Corn, Grain Sorghums, Oats and Wheat (25 F.R. 3613 and 4710).

Section 421.3011 is amended by adding the following sentence: "Notwithstanding the above provisions and the provisions and terms of the Producer's Note and Supplemental Loan Agreement, extended reseal loans on 1958 crop barley, corn, grain sorghums, oats and wheat maturing after December 31, 1960, shall bear interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment, except that where there has been a fraudulent representation by the producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement."

Issued this 15th day of February 1961.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 61-1506; Filed, Feb. 17, 1961; 8:52 a.m.]

[1959 C.C.C. Grain Price Support Bulletin 1, Amdt. 1]

### PART 421—GRAINS AND RELATED COMMODITIES

#### Subpart—General Provisions 1959-Crop Price Support Programs for Grains and Related Commodities

The regulations issued by the Commodity Credit Corporation and Commodity Stabilization Service (23 F.R. 9651) containing regulations of a general nature with respect to price support programs for certain grains and other commodities produced in 1959 are amended with respect to their application to the 1959 Crop Reseal Loan Programs for Barley, Corn, Grain Sorghums, and Wheat (25 F.R. 2049 and 4856).

Section 421.4011 is amended by adding the following sentence: "Notwithstanding the above provisions and terms of the Producer's Note and Supplemental Loan Agreement reseal loans on 1959 crop barley, corn, grain sorghums, and wheat maturing after December 31, 1960, shall bear interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment, except that where there has been a fraudulent representation by the producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement."

Issued this 15th day of February 1961.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 61-1509; Filed, Feb. 17, 1961; 8:52 a.m.]

## Title 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 621, 4th Revision]

### PART 301—DOMESTIC QUARANTINE NOTICES

#### Subpart—Pink Bollworm

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREA

Pursuant to § 301.52-2 of the regulations supplemental to the pink bollworm quarantine (7 CFR 301.52-2), issued under section 8 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161), administrative instructions appearing as 7 CFR 301.52-2a are hereby revised to read as follows:

**§ 301.52-2a Administrative instructions designating regulated area, eradication area, and generally infested area under the pink bollworm quarantine.**

(a) Infestations of the pink bollworm have been determined to exist, in the quarantined States, in the civil divisions and premises or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, the localities listed are hereby designated as the pink bollworm regulated area within the meaning of the provisions in this subpart:

*Arizona.* Counties of Cochise, Gila, Graham, Greenlee, Maricopa, Pima, Pinal, Santa Cruz, and Yavapai.

*Arkansas.* All counties or parts of counties lying west of a line beginning in Ashley County at a point on the Arkansas-Louisiana boundary, 2½ miles west of the intersection of the Missouri Pacific Railway and the Arkansas-Louisiana State line, the intersection lying southwest of Wilmot, said line extending north along the east line of R. 6 W. to the intersection of the southern boundary of Lincoln County, thence due west along the southern boundary of Lincoln County and a westward prolongation of this line into Cleveland County to a point where it intersects State Highway 15, thence north along said Highway 15 to the southern city limits of Pine Bluff, thence along the eastern city limit of said city to its intersection with the Arkansas River, thence northwest along the Arkansas River to the city limits of North Little Rock, thence along the eastern city limit of North Little Rock to its intersection with the Missouri Pacific Railway, thence northeast along said railway to the Little Red River, thence northwestward along the Little Red River to its intersection with the Cleburne-Van Buren County line, thence north along the Cleburne-Van Buren County line to the intersection of the Cleburne, Van Buren and Stone County lines, thence westward along the northern county boundary lines of Van Buren, Pope, Johnson, Franklin, and Crawford Counties to the intersection of the eastern county line of Washington County, thence northward along the eastern boundary line of Washington County to the northern boundary line of Washington County, thence westward along the northern boundary line of Washington County to the Arkansas-Oklahoma State line.

That portion of Clay County bounded by a line beginning at the intersection of the Black River and the Arkansas-Missouri State line and extending eastward and southeastward along the Arkansas-Missouri State line to its intersection with the St. Louis Southwestern Railroad, thence southwestward along said Railroad to its intersection with the Clay and Greene County boundary line, thence north and west along the southern boundary line of Clay County to its intersection with State Highway 135, thence northward along State Highway 135 to its intersection with U.S. Highway 62, thence west along U.S. Highway 62 to its intersection with Black River, thence northeastward along the Black River to the point of beginning, excluding the towns of Piggott, Greenway, Rector, and St. Francis.

Those portions of Craighead and Mississippi Counties bounded by a line beginning at the intersection of the St. Francis River with the northern boundary line of Craighead County and the Arkansas-Missouri State boundary, and extending eastward along the Arkansas-Missouri State line to its intersection with the northeast corner of Big Lake National Wildlife Refuge, thence southward along the east side of Big Lake National Wildlife Refuge and the Right Hand Chute of Little River to the southeastern corner of Craighead County, thence west along the south boundary line of Craighead County to its intersection with the St. Francis River, thence northward along the St. Francis River to the point of beginning.

That part of St. Francis County bounded by a line beginning at the point where the L'Anguille River intersects the northern boundary line of St. Francis County and extending eastward to the St. Francis River, thence southward along the St. Francis River to the Round Pond Internal Control Channel, thence south along the Round Pond Internal Control Channel to its southern intersection with the St. Francis River, thence continuing south along the St. Francis River to the southern boundary line of St. Francis County, thence west along the southern boundary line of St. Francis County to its intersection with the L'Anguille River, thence northward along the L'Anguille River to the point of beginning.

*Louisiana.* Parishes of Allen, Beauregard, Bienville, Bossier, Cado, Calcasieu, Cameron, Clairborne, De Soto, Grant, Jackson, Jefferson Davis, Lincoln, Natchitoches, Rapides, Red River, Sabine, Union, Vermilion, Vernon, Webster, Winn, and that portion of Ouachita lying west of the Ouachita River.

*New Mexico.* All counties in the State.

*Oklahoma.* All counties in the State.

*Texas.* All counties in the State.

(b) *Eradication area.* All regulated area within the States of Arizona, Arkansas, and Louisiana is hereby designated as eradication area.

(c) *Generally infested area.* All regulated area within the States of New Mexico, Oklahoma, and Texas is hereby designated as generally infested area.

(Sec. 8, 37 Stat. 318, as amended, 7 U.S.C. 161, 19 F.R. 74, as amended; 7 CFR 301.52-2)

These administrative instructions shall become effective March 1, 1961, when they shall supersede P.P.C. 621, 3d Revision, 7 CFR 301.52-2a, effective April 12, 1960.

The revision adds to the regulated area Gila County, Arizona, and a part of Saint Francis County, Arkansas. It removes from the regulated area the parishes of Iberia, Lafayette, and Saint Martin, in Louisiana; all localities heretofore included in the counties of Baxter, Benton, Boone, Carroll, Greene, Madison, Marion, Newton, Searcy, and Stone, and parts of the counties of Clay, Cleburne, Craighead, Mississippi, and White, in Arkansas.

This revision relieves restrictions insofar as it revokes the designation of certain localities as regulated area. It must be made effective promptly in order to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated articles from the localities being removed from designation as regulated area. The revision also imposes restrictions supplementing pink bollworm quarantine regulations already effective. It must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing revision are impracticable and unnecessary, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of February 1961.

[SEAL] LEO G. K. IVERSON,
*Acting Director,*
*Plant Pest Control Division.*

[F.R. Doc. 61-1505; Filed, Feb. 17, 1961; 8:52 a.m.]

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### PART 362—REGULATIONS FOR ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

#### Economic Poisons Highly Toxic to Man

On August 3, 1960, there was published in the FEDERAL REGISTER (25 F.R. 7286) a notice of proposed rule making concerning the amendment of § 362.8 of the regulations for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (7 CFR 362.8). Interested persons were given a period of thirty days within which to submit written data, views, or arguments. After due consideration of all relevant matters presented, and pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135d), said § 362.8 is hereby amended as follows:

1. By adding thereto a new paragraph reading as follows:

(d) If the Secretary finds, after opportunity for hearing, that available data on human experience with any economic poison indicate a toxicity greater than that indicated from the above described tests on animals, the human data shall take precedence and, if he finds that the protection of the public health so requires, the Secretary shall declare such an economic poison to be highly toxic to man for the purposes of this Act and the regulations thereunder.

2. By inserting the phrase "within fourteen days" after the word "death" each time the latter word appears in paragraphs (a), (b), and (c) of said § 362.8.

These amendments establish an additional standard and further define the present standards for determining economic poisons which are highly toxic to man within the meaning of the Act.

The foregoing amendments shall become effective thirty days after publication in the FEDERAL REGISTER.

(Sec. 6, 61 Stat. 168; 7 U.S.C. 135d)

Done at Washington, D.C., this 15th day of February 1961.

LEO G. K. IVERSON,
*Acting Director,*
*Plant Pest Control Division.*

[F.R. Doc. 61-1479; Filed, Feb. 17, 1961; 8:48 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 3]

## PART 903—MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

### Order Amending Order


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AUTHORITY: §§ 903.0 to 903.103 issued under Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

### § 903.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act.

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2½ cents per hundredweight or such amount not to exceed 2½ cents per hundredweight as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk, (b) Grade A other source milk (except other source milk which was subject to another order issued pursuant to the Act) which is allocated to Class I, or (c) Class I milk distributed in the marketing area from a nonpool plant.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than March 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Acting Deputy Administrator of the Agricultural Marketing Service was issued July 28, 1960, a revised recommended decision of the Acting Deputy Administrator was issued November 15, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued January 18, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (section 4(c) Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative assocations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:



DEFINITION

### § 903.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

### § 903.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

### § 903.3 Department.

"Department" means the United States Department of Agriculture.

### § 903.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

### § 903.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales or marketing milk or its products for its members.

### § 903.6 St. Louis, Missouri, marketing area.

"St. Louis, Missouri, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the cities of St. Louis and St. Charles and the territory within St. Louis County, all in Missouri; and the territory within Scott Military Reservation, and East St. Louis, Centreville, Canteen, and Stites Townships, and the City of Belleville, all in St. Clair County, Illinois.

### § 903.7 Producer.

"Producer" means any person, except a producer-handler or a dairy farmer for other markets, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is:

(a) Delivered from a farm to a pool plant, or

(b) Diverted to a nonpool plant which is not a pool plant under the terms of another order issued pursuant to the Act:

(1) By a cooperative association in its capacity as a handler pursuant to § 903.12(b) any number of days during the months of March through July or for a period not in excess of 16 days' production during each of the months of August through February; or

(2) By a handler who operates a pool plant any number of days during the months of March through July: *Provided*, That milk so diverted pursuant to subparagraphs (1) and (2) of this paragraph shall be deemed to have been received by the diverting handler at the plant from which diverted.

### § 903.8 City plant.

"City plant" means a plant in which milk is processed and packaged and from which milk, skim milk, or cream is disposed of during the month as Class I milk in the marketing area on routes.

### § 903.9 Country plant.

"Country plant" means a plant from which approved milk is supplied during the month to a plant qualified pursuant to § 903.10(a).

### § 903.10 Pool plant.

"Pool plant" means:

(a) A city plant from which not less than 50 percent of the receipts of approved milk in the form of fluid whole milk is distributed during the month as Class I milk on routes, and from which not less than 25 percent of such receipts are distributed as Class I milk during the month in the marketing area on routes: *Provided*, That a plant which qualifies as a pool plant pursuant to this paragraph during any month shall be a pool plant during the following month; or

(b) Subject to subparagraphs (1), (2), and (3) of this paragraph a country plant from which no less than 50 percent of receipts during the month of approved milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 903.12(c) is shipped to city plants which are pool plants pursuant to paragraph (a) of this section;

(1) If the pooled city plants to which milk is shipped from the country plant have received other source approved whole milk during the month, the applicable pooling shipments for the country plant shall be the lesser of:

(i) Fifty percent of its receipts of approved milk from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 903.12(c) plus the hundredweight of approved other source whole milk received at the city plant prorated to each country plant which ships approved milk to such city plants and which meets the 50 percent shipping requirement; or

(ii) Seventy-five percent of its receipts of approved milk from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 903.12(c);

(2) A country plant which qualifies as a pool plant in each of the months of September through February shall be a pool plant in each of the following months of March through August unless the operator of such plant submits a written request to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following receipt of such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments;

(3) All country plants which have been pool plants during the 12 preceding months and which are operated by one handler or for which one handler is responsible for the movement of milk to city plants under a marketing arrangement certified to the market administrator by the operators of such plants may be considered as a unit for determining pool status upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration should apply. A plant which is a pool plant as part of a system pursuant to this subparagraph may be a nonpool plant whenever the operator of such plant submits a written request to the market administrator that such plant not be a pool plant, such nonpool status to be effective until the plant qualifies as a pool plant on the basis of shipments.

### § 903.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

### § 903.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a city plant or a country plant;

(b) Any cooperative association with respect to milk from producers diverted for its account from a pool plant to a nonpool plant; and

(c) Any cooperative association with respect to the milk of its members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to such cooperative association, if the cooperative association, prior to assuming the function as the handler, furnishes written notice to the market administrator and to the handler to whose plant the milk is delivered, that it will be the handler for the milk. The written notice shall specify the day on which and the period for which the cooperative association shall assume the function of handler. Milk so delivered shall be deemed to have been received by the cooperative association at the pool plant to which it is delivered.

### § 903.13 Producer-handler.

"Producer-handler" means any person who operates a city plant and who processes milk from his own farm production, distributing all or a portion of such milk within the marketing area as Class I milk, but who receives no other source milk or milk from other dairy farmers.

### § 903.14 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant from producers, or from a cooperative association in its capacity as a handler pursuant to § 903.12 (c) or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 903.7.

### § 903.15 Approved milk.

"Approved milk" means any skim milk or butterfat contained in milk, skim milk, or cream which is approved by a duly constituted health authority for distribution as Class I milk.

**§ 903.16 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 903.41(a), except (1) such products approved by a duly constituted health authority for distribution as Class I milk which are received from pool plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 903.41(b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

**§ 903.17 Dairy farmer for other markets.**

"Dairy farmer for other markets" means any dairy farmer whose milk is received at a pool plant during any of the months of March through August from a farm from which approved milk which was not producer milk was received by the handler, an affiliate of the handler or any person who controls or is controlled by the handler during the preceding months of September through February.

**§ 903.18 Route.**

"Route" means disposition of Class I products (including disposition through a vendor and sales from a plant or plant store) to a wholesale or retail stop other than to a pool or nonpool plant.

**§ 903.19 Chicago butter price.**

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter as reported during the month by the Department.

MARKET ADMINISTRATOR

**§ 903.20 Designation.**

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

**§ 903.21 Powers.**

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

**§ 903.22 Duties.**

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds received pursuant to § 903.87, the cost of his bond and of the bonds of his employees, his own compensation and all other expenses (except those incurred under § 903.88) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section and submit such books and records to examination by the Secretary as requested;

(f) Furnish such information and such verified reports as the Secretary may request;

(g) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this part as do not reveal confidential information;

(h) Publicly disclose to handlers and producers, at his discretion, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 903.30 through 903.33 or payments pursuant to §§ 903.80 through 903.87;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk, pursuant to § 903.51(a), and the Class I butterfat differential, pursuant to § 903.53(a), both for the current month; and the minimum price for Class II milk, pursuant to § 903.51(b), and the Class II butterfat differential, pursuant to § 903.53(b), both for the preceding month;

(2) The 10th day after the end of each month, the uniform price, pursuant to § 903.71, and the producer butterfat differential, pursuant to § 903.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

REPORTS, RECORDS, AND FACILITIES

**§ 903.30 Reports of receipts and utilization.**

On or before the 7th day after the end of each month, each handler for each of his pool plants, and each association in its capacity as a handler pursuant to § 903.12 (b) and (c) shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in (1) producer milk, (2) milk in the form of Class I products received from pool plants and (3) other source milk;

(b) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 903.7;

(c) The quantities of skim milk and butterfat contained in inventories of Class I products on hand at the beginning and end of the month; and

(d) The utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (a) and (b) of this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(e) The name and address of each producer from whom milk was not received during the previous month, and the date of which milk was first received from such producer;

(f) The name and address of each producer who discontinues deliveries of milk, and the date on which milk was last received from such producer;

(g) Such other information with respect to receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

**§ 903.31 Other reports.**

(a) On or before the 7th day after the end of the month, each handler, except a producer-handler, who operates a nonpool plant from which Class I milk is disposed of during the month in the marketing area on routes shall report to the market administrator the quantities of skim milk and butterfat so disposed of, and shall make such other reports with respect to receipts of milk and utilization thereof as are requested by the market administrator.

(b) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

**§ 903.32 Reports of milk received from producers.**

(a) On or before the 25th day of each month, each handler shall report to the market administrator, on forms approved by the market administrator his producer payroll, which shall show the total pounds of milk received from each producer during the first 15 days of such month;

(b) On or before the 20th day after the end of each month each handler shall report to the market administrator for such month on forms approved by the market administrator, his producer payroll, which shall show for each producer from whom milk was received:



(1) The total pounds and butterfat content of milk received from such producer;

(2) The price and the total amount paid for milk received from such producer, together with the amount and nature of any deduction; and

(3) The amount and nature of payments made pursuant to §§ 903.80 and 903.86.

**§ 903.33 Reports to cooperative associations.**

Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 903.80 (b) shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(a) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month;

(b) On or before the 7th day of the following month:

(1) The pounds of milk received each day, and the total for the month, together with the butterfat content of such milk;

(2) The amount or rate and nature of deductions.

**§ 903.34 Reports of transportation rates.**

On or before the 10th day after a request is received from the market administrator, each handler who makes deductions from payments to producers for hauling shall submit a schedule of transportation rates which are charged and paid for such transportation of milk from the farm of the producer to such handler's plant(s). Any changes made in this schedule of transportation rates and the effective dates thereof shall be reported to the market administrator within 10 days.

**§ 903.35 Records and facilities.**

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as the market administrator deems necessary to verify or establish the correct data which are required to be reported pursuant to §§ 903.30 through 903.34 and the payments required to be made pursuant to §§ 903.80 through 903.89.

**§ 903.36 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

**§ 903.40 Basis of classification.**

All skim milk and butterfat which is required to be reported pursuant to § 903.30 shall be classified by the market administrator pursuant to the provisions of §§ 903.41 through 903.47.

**§ 903.41 Classes of utilization.**

Subject to the conditions set forth in §§ 903.42 and 903.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), concentrated milk, fortified milk or skim milk, reconstituted milk or skim milk, cream (sweet or sour) and mixtures of milk, skim milk or cream (except frozen dessert mixes, eggnog, aerated cream, sterilized products in hermetically sealed containers, and cultured sour mixtures to which cheese or another food substance other than a milk product has been added and which contain butterfat equal to not more than 15 percent of the finished product); and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Accounted for and used to produce any product other than those specified as Class I in paragraph (a)(1) of this section:

(2) In inventory of products designated as Class I milk in paragraph (a) of this section on hand at the end of the month:

(3) In actual shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of that received from dairy farmers excluding that which is diverted pursuant to § 903.7; plus

(ii) One and one-half percent of that contained in milk received in bulk tank lots excluding that contained in milk received from dairy farmers; less

(iii) One and one-half percent of that contained in milk disposed of in bulk tank lots to other plants excluding milk diverted pursuant to § 903.7;

*Provided*, That shrinkage of skim milk and butterfat not in excess of the percentages specified herein shall be assigned pro rata pursuant to this subparagraph to skim milk and butterfat, respectively, in approved milk received from producers and from other pool plants and in other source milk.

**§ 903.42 Responsibility of handlers and reclassification of milk.**

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk and butterfat shall be classified in another class.

(b) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler (except a producer-handler) in another class.

**§ 903.43 Transfers.**

Skim milk and butterfat transferred or diverted in bulk form as any product designated in § 903.41(a) from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 903.12 (b) and (c) shall be classified as follows:

(a) As Class I milk if transferred to a pool plant unless:

(1) The transferee and transferor handlers claim Class II utilization in their reports submitted pursuant to § 903.30;

(2) The transferee plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively, after the subtractions pursuant to § 903.45(a) (1), (2), (3), and (4) and the corresponding subtractions pursuant to § 903.45(b):

*Provided*, That if the transferor plant receives other source milk, the classification of the skim milk and butterfat transferred results in the highest valued class utilization to milk of producers; and

(3) The transfer is by a cooperative association in which case the skim milk and butterfat so transferred shall be allocated pro rata to each class in the proportion remaining after the subtraction pursuant to § 903.45(a)(7) and the corresponding step of § 903.45(b).

(b) As Class I milk if moved to the plant of a producer-handler.

(c) As Class I milk (except that contained in cream which is moved to a nonpool plant pursuant to paragraph (e) of this section) if moved to a nonpool plant which is not the plant of a producer-handler unless:

(1) The transferee plant is located within 110 airline miles from the City Hall in St. Louis, Missouri, or in the State of Missouri south of the Missouri River or in Fulton County, Arkansas;

(2) The transferor handler claims classification of such skim milk and butterfat in Class II in his report submitted pursuant to § 903.30;

(3) The operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat received in any form at such plant, which are made available if requested by the market administrator for the purpose of verification;

(d) As Class I milk (except that contained in cream which is moved to a nonpool plant pursuant to paragraph (e) of this section) if moved to a nonpool plant to the extent of the pro rata quantity of skim milk and butterfat pursuant to the following computations if the skim milk and butterfat, respectively, is not classified as Class I milk pursuant to paragraph (c) of this section:

(i) From the total skim milk and butterfat, respectively, disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this part applied to such nonpool plant, subtract the skim

milk and butterfat received at such plant directly from dairy farmers who are approved to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant (if the nonpool plant is a pool plant pursuant to the terms of another Federal order also subtract Class I transfers to that plant which are priced and pooled pursuant to the terms of the same Federal order);

(ii) From the remaining amount of skim milk and butterfat, respectively, classified as Class I milk at such nonpool plant subtract any Class I milk received in consumer-type packages from a plant fully regulated by this or another Federal order issued pursuant to the Act;

(iii) Prorate the remaining Class I milk to bulk receipts at the nonpool plant which are allocated to Class I pursuant to this and other Federal milk orders issued pursuant to the Act;

(iv) The quantity of such Class I prorated to receipts from pool plants subject to this part shall be further prorated to such plants in accordance with the quantities claimed to be moved to such nonpool plant as Class II milk; and

(v) If any skim milk or butterfat is disposed of from the first receiving nonpool plant in the form of bulk milk, skim milk, or cream to another nonpool plant(s), the market administrator shall determine in the same manner the classification of such skim milk and butterfat at the nonpool plant where actually used or processed when necessary to support a claim of Class II classification.

(e) As Class II milk if moved in fluid form as cream to a nonpool plant which is not located within the area specified in paragraph (c)(1) of this section; if the following conditions are met:

(1) The transferor-handler establishes that such cream was transferred without Grade A certification;

(2) The shipment was invoiced accordingly; and

(3) The market administrator was given sufficient notice to allow him to verify the conditions of shipment.

**§ 903.44 Computation of skim milk and butterfat in each class.**

For each month, the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler, or in the case of a cooperative association for that milk received pursuant to § 903.12(c) or diverted to a nonpool plant pursuant to § 903.12(b): *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

**§ 903.45 Allocation of skim milk and butterfat classified.**

(a) The pounds of skim milk remaining in each class after making the following computations, with respect to each handler shall be the pounds of skim milk in such class allocated to the producer milk received by each handler.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in approved milk from producers and other pool plants classified as Class II milk pursuant to § 903.41(b)(3);

(2) Subtract from the pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which is not classified and priced as Class I under the terms of another order issued pursuant to the Act (with that which is subject to another order but not classified and priced as Class I subtracted last);

(3) Subtract from the pounds of skim milk remaining in Class II milk an amount equal to the lesser of such remainder or the product obtained by multiplying by 0.05 the pounds of skim milk contained in receipts of producer milk and receipts from plants qualified pursuant to § 903.10(b) which were producer milk;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which is classified and priced as Class I under the terms of another order issued pursuant to the Act;

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (3) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of products designated as Class I in § 903.41(a) on hand at the beginning of the month;

(7) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) Subtract the pounds of skim milk in items designated in Class I milk pursuant to § 903.41(a) received from other pool plants and from cooperative associations which are the handlers for the milk pursuant to § 903.12(a) from the pounds of skim milk in the respective classes in which such skim milk is classified pursuant to § 903.43(a); and

(9) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining, in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk.

**§ 903.46 Determination of producer milk in each class.**

For each class, add the pounds of skim milk and the pounds of butterfat allocated to producer milk, pursuant to § 903.45, and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

**§ 903.50 Basic formula price.**

The basic formula price for each month to be used in determining the price set forth in § 903.51(b) shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest cent.

(a) Determine the average of the basic, or field, prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or the Department of Agriculture:

CONCERNS AND LOCATIONS

Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Ava, Mo.
Carnation Co., Seymour, Mo.
Carnation Co., Sparta, Mich.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Litchfield Creamery Co., Litchfield, Ill.
Pet Milk Co., Greenville, Ill.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight obtained by adding any plus amounts obtained pursuant to subparagraphs (1) and (2) of this paragraph;

(1) Multiply the Chicago butter price by 3.5, add 20 percent thereof;

(2) From the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, subtract 5½ cents and multiply by 7.0.

**§ 903.51 Class prices.**

Subject to the provisions of §§ 903.52 and 903.53, the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The Class I price shall be equal to the price for Class I milk established for the same month under Federal Order No. 41 regulating the handling of milk in the Chicago, Illinois, marketing area, plus 50 cents, and plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph:

(1) If the utilization percentage calculated pursuant to subparagraph (2) of this paragraph exceeds 130 subtract, or if it is less than 130 add, an amount calculated by multiplying the difference between such percentage and 130 by 2 cents;



(2) For each month calculate a utilization percentage by dividing the net pounds of Class I milk disposed of from all pool plants plus the Class I milk disposed of in the marketing area from nonpool plants, all for the 12-month period ending with the beginning of the preceding month, into the total pounds of producer milk during such 12-month period; multiplying by 100; adding or subtracting, respectively, any amount by which such result is greater or less than a comparable 12 month utilization percentage as computed for the third month preceding; and rounding the resultant figure to the nearest whole percent.

(b) *Class II milk price.* For the months of August through February, the Class II milk price shall be the basic formula price. For all other months, the Class II price shall be an amount computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of 93-score bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for 93-score butter, the highest of the prices reported for 92-score butter for that day shall be used in lieu thereof;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 81 cents.

**§ 903.52 Location differentials to handlers.**

For producer milk which is received at a pool plant located more than 30 airline miles from the City Hall in St. Louis, Missouri, which is classified as Class I milk, the price specified in § 903.51(a) shall be reduced at the rate set forth in the following schedule:

| | *Rate per hundredweight (cents)* |
|---|---|
| Distance (miles): | |
| More than 30 but not more than 40 miles | 16 |
| For each additional 10 miles or fraction thereof an additional | 1 |

*Provided*, That for the purpose of calculating such location differential with respect to approved milk transferred between pool plants, the Class II approved milk which is producer milk received from pool plants and producers remaining in the transferee plant (except skim milk or butterfat in such plant which was subtracted pursuant to § 903.45(a)(1) and (b)) after deducting therefrom the amount of such milk or an amount equivalent to 0.05 times the producer milk at such plant, whichever is less, shall be assigned to approved milk from other plants in sequence according to the location differential applicable at each plant from which approved milk was received, beginning with the plant having the largest differential, and then to producer milk: *And provided further*, That any approved milk transferred between city plants as Class II milk, which is to be assigned to receipts of approved milk from other plants pursuant to this section, shall be assigned to approved milk received from such other plants by either city plant so as to yield the greatest return to producers.

**§ 903.53 Butterfat differentials to handlers.**

If the average butterfat test of Class I milk or Class II milk, as calculated pursuant to § 903.46, is more or less than 3.5 percent, there shall be added to, or subtracted from as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such average butterfat test is above or below 3.5 percent, a butterfat differential calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.120 and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply the Chicago butter price for the month by 0.115 and round to the nearest one-tenth cent.

**§ 903.54 Use of equivalent prices.**

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

**§ 903.55 Rate of payment on unpriced milk.**

The rate of payment per hundredweight on unpriced Class I milk shall be calculated as follows:

(a) For the months of March through July subtract the Class II price, adjusted by the Class II butterfat differential, from the applicable Class I price, adjusted by the Class I butterfat differential and the Class I location differential at the location of the plant from which such milk is supplied.

(b) For the months of August through February, subtract the uniform price, adjusted by the producer butterfat and location differentials, from the Class I price adjusted by the Class I butterfat differential and the Class I location differentials at the location of the plant from which such milk is supplied.

APPLICATION OF PROVISIONS

**§ 903.60 Producer-handlers.**

Sections 903.40 through 903.47, 903.50 through 903.55, 903.70 through 903.72, and 903.80 through 903.89 shall not apply to a producer-handler.

**§ 903.61 Plants subject to other Federal orders.**

The provisions of this part shall not apply to a plant specified in paragraphs (a) or (b) of this section except as follows: The operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(a) Any city plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualifies as a pool plant pursuant to § 903.10(a) and the Secretary determines that more Class I milk is disposed of from such plant in the St. Louis marketing area on routes than in the marketing area regulated pursuant to such other order.

(b) Any country plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualifies as a pool plant pursuant to § 903.10(b)(2).

**§ 903.62 Handlers operating nonpool plants.**

On or before the 15th day after the end of each month, each handler, except a producer-handler, operating a nonpool plant shall pay to the market administrator for deposit into the producer-settlement fund the amount obtained by multiplying the hundredweight of skim milk and butterfat disposed of from such nonpool plant as Class I milk in the marketing area on routes by the rate of payment of unpriced milk pursuant to § 903.55.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

**§ 903.70 Computation of the obligation of each handler.**

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 903.46 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments in location differential allowance required pursuant to § 903.52;

(b) Add an amount computed as follows: Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 903.45(a)(2) and (b) by the rate of payment on unpriced milk pursuant to § 903.55 adjusted by the location differential applicable at the nearest plant(s) from which an equivalent amount of other source milk was received;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class, pursuant to § 903.45(a)(9) and (b), by the applicable class price; and

(d) Add the amounts computed under subparagraphs (1) and (2) of this paragraph.

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the month by the pounds of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 903.45(a)(6) and the corresponding step of § 903.45(b) for the preceding month, or the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 903.45(a)(6) and the

corresponding step of § 903.45(b) for the month, whichever is less:

(2) Multiply the rate of payment on unpriced milk pursuant to § 903.55 by the pounds of Class I milk subtracted from Class I pursuant to § 903.45(a)(6) and the corresponding step of § 903.45(b), which are in excess of the sum of (i) the pounds of skim milk and butterfat respectively on which a payment is applicable pursuant to subparagraph (1) of this paragraph, and (ii) the pounds of skim milk and butterfat assigned in the preceding month to Class II pursuant to § 903.45(a)(4) and the corresponding step of § 903.45(b).

**§ 903.71 Computation of the uniform price.**

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers at plants located not more than 30 airline miles from the City Hall in St. Louis, Missouri, as follows:

(a) Combine into one total the values computed pursuant to § 903.70 for all handlers who made the reports prescribed in § 903.30 and who are not in default of payments pursuant to § 903.84;

(b) For each of the months of April, May, June, and July subtract an amount equal to 10 cents per hundredweight on the total amount of producer milk included in these computations, which amount is to be retained in the producer-settlement fund and disbursed according to the provisions of paragraph (c) of this section;

(c) For each of the months of October, November, and December, add one-third of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Add an amount equivalent to the total deductions made pursuant to § 903.82;

(e) Subtract if the weighted average butterfat content of milk received from producers is more than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the producer butterfat differential by the difference between 3.5 and the average butterfat content of producer milk, and multiplying the resulting figure by the total hundredweight of such milk;

(f) Add an amount equivalent to one-half of the unobligated balance in the producer-settlement fund;

(g) Divide the resulting amount by the total hundredweight of producer milk; and

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section.

**§ 903.72 Notification of handlers.**

On or before the 10th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 903.71 and the producer butterfat differential computed to § 903.81; and

(c) The amounts to be paid by such handler pursuant to §§ 903.84, 903.87, and 903.88, and the amount due such handler pursuant to § 903.85.

**§ 903.80 Time and method of payment for producer milk.**

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer for milk received during the month as follows:

(1) On or before the last day of each month to each such producer who did not discontinue shipping milk to such handler before the 25th day of the month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph;

(2) On or before the 17th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments: (i) Less payments made such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 903.88, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized by such producer: *Provided*, That if by such date such handler has not received full payment pursuant to § 903.85 from the market administrator for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following the receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which has so requested any handler in writing, such handler shall make payment to the cooperative association for milk received during the month from the producer members of such association as follows:

(1) On or before the 25th day of the month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received during the first 15 days of the month from producer members who did not discontinue delivering milk to such handler before the 25th day of the month, less proper deductions authorized in writing by such cooperative association to be made from payments due pursuant to this subparagraph;

(2) On or before the 14th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer members during the month, subject to the following adjustments: (i) Less payments made such cooperative association pursuant to subparagraph (1) of this paragraph, (ii) plus or minus adjustments for errors made in previous payments to such cooperative association, and (iii) less proper deductions authorized in writing by such cooperative association: *Provided*, That if by such date such handler has not received full payment pursuant to § 903.85 from the market administrator for such month, he may reduce pro rata his payments to the cooperative association by not more than the amount of such underpayment. Payments to the cooperative association shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(c) On or before the 14th day of the following month, each handler shall pay a cooperative association for milk received by him during the month from such association for which the association is the handler not less than the minimum prices for milk in each class subject to the applicable location and butterfat differentials.

**§ 903.81 Butterfat differential to producers.**

In making payments for milk received from producers pursuant to § 903.80, the uniform price shall be adjusted by adding or subtracting for each one-tenth of 1 percent by which the average butterfat content of such milk is more or less, respectively, than 3.5 percent, an amount equal to the butterfat differential computed pursuant to § 903.53(b).

**§ 903.82 Location differentials to producers.**

In making payments for milk received from producers at a pool plant located more than 30 airline miles from the City Hall in St. Louis, Missouri, the uniform price computed to § 903.71 shall be reduced at the rate set forth in the following schedule:

| | *Rate per hundredweight* (cents) |
|---|---|
| Distance (miles): | |
| More than 30 but not more than 40 miles | 16 |
| For each additional 10 miles or fraction thereof an additional | 1 |

**§ 903.83 Producer-settlement fund.**

The market administrator shall establish and maintain a separate fund to be known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 903.62, 903.84, and 903.86, and out of which he shall make payments due handlers pursuant to §§ 903.71, 903.85, and 903.86.

**§ 903.84 Payments to the producer-settlement fund.**

On or before the 12th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of milk for such handler, pursuant to § 903.70 exceeds the obligations of such handler for milk received from producers, pursuant to § 903.80.



**§ 903.85 Payments out of the producer-settlement fund.**

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount by which the obligation of such handler for milk received from producers, pursuant to § 903.80 exceeds the value of milk for such handler calculated pursuant to § 903.70, less any unpaid balances due the market administrator from such handler pursuant to §§ 903.84, 903.86, 903.87, or 903.88: *Provided*, That if the unobligated balance in the producer-settlement fund is insufficient to make full payment to all handlers entitled to payment pursuant to this paragraph, the market administrator shall reduce such payments at a uniform rate and shall complete such payments as soon as the appropriate funds are available.

**§ 903.86 Adjustment of accounts.**

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses that money is due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall make payments to such handler of any amounts due the handler, or shall notify the handler of any amount due the market administrator or producers or cooperative associations, and such payments shall be made on or before the next date for making payments as set forth in the provisions relating to the payments which were in error.

**§ 903.87 Expense of administration.**

As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of each month for such month 2½ cents, or such lesser amount as the Secretary may prescribe, for each hundredweight of skim milk and butterfat contained in (a) producer milk, (b) Grade A other source milk (except other source milk which was subject to another order issued pursuant to the Act) which is allocated to Class I, or (c) Class I milk distributed in the marketing area from a nonpool plant.

**§ 903.88 Marketing services.**

(a) *Deduction of marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers, pursuant to § 903.80, shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers (excluding such handler's own production) during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from such producers and to provide them with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler, in lieu of the deductions specified in paragraph (a) of this section, shall:

(1) If the cooperative association is not receiving payment for its producer members pursuant to § 903.80(b), make the deductions from the payments made pursuant to § 903.80(a)(2), which are authorized by its producer members, and pay any money so deducted to the cooperative association on or before the 15th day after the end of the month in which the milk was received from producers; or

(2) If the cooperative association is receiving payment for its producer members pursuant to § 903.80(b), make no marketing service deductions.

**§ 903.89 Adjustment of overdue accounts.**

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 903.84, 903.85, 903.87, or 903.88 shall be increased one-half of one percent for each month or portion thereof that such payment is overdue.

EFFECTIVE TIME, SUSPENSION, AND TERMINATION

**§ 903.90 Effective time.**

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 903.91.

**§ 903.91 Suspension and termination.**

Any or all provisions of this part, or any amendment to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

**§ 903.92 Continuing power and duty.**

(a) If, upon the suspension or termination pursuant to § 903.91, there are any obligations rising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

**§ 903.93 Liquidation after suspension or termination.**

Upon the suspension or termination pursuant to § 903.91, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

**§ 903.100 Unfair methods of competition.**

Each handler shall refrain from acts which constitute unfair methods of competition by way of indulging in any practices with respect to the transportation of milk for, and the supplying of goods and services to, producers from whom milk is received, which tend to defeat the purpose and intent of the terms and provisions of this part.

**§ 903.101 Separability of provisions.**

If any provision of this part, or its application to any person or circumstance is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

**§ 903.102 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

**§ 903.103 Termination of obligations.**

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved under such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the

handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received in an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

Issued at Washington, D.C., this 15th day of February to be effective on and after the 1st day of March 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1504; Filed, Feb. 17, 1961; 8:52 a.m.]

[Navel Orange Reg. 206]

## PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

**§ 914.506 Navel Orange Regulation 206.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, and orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 16, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 19, 1961, and ending at 12:01 a.m., P.s.t., February 26, 1961, are hereby fixed as follows:

(i) District 1: 350,000 cartons;

(ii) District 2: 475,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 17, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-1553; Filed, Feb. 17, 1961; 11:44 a.m.]

[Lemon Reg. 887]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

**§ 953.994 Lemon Regulation 887.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 14, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 19, 1961, and ending at 12:01 a.m., P.s.t., February 26, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 186,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 15, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-1525; Filed, Feb. 17, 1961; 8:54 a.m.]

[Amdt. 3]

## PART 1031—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

### Containers

*Findings.* 1. Pursuant to the Marketing Agreement No. 141 and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and such amendment relieves restrictions on the handling of grapefruit.

*It is, therefore, ordered,* That paragraph (a) of § 1031.307 (Container Regulation; 25 F.R. 12505; 26 F.R. 581, 948) is hereby amended by adding at the end thereof a new subparagraph (13) reading as follows:

(13) Bags having a capacity for three (3) pack size 64 grapefruit: *Provided,* That such containers may be used only for the shipment of grapefruit, and each bag shall contain 3 grapefruit of pack size 64–70 of at least U.S. No. 1 quality. Pack size shall have the same meaning as is given that term in the United States Standards for Grapefruit (Texas and States Other than Florida, California, and Arizona; 20 F.R. 7803).

The provisions of this amendment shall become effective at 12:01 a.m., c.s.t., February 20, 1961.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–647)

Dated: February 15, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-1524; Filed, Feb. 17, 1961; 8:54 a.m.]

[Orange Reg. 10]

## PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Limitation of Shipments

**§ 1031.320 Orange Regulation 10.**

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093), regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas, effective September 22, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the production area, are presently subject to regulation by grades, pack, and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on February 13, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade, pack, and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

(2) During the period beginning at 12:01 a.m., c.s.t., February 20, 1961, and ending at 12:01 a.m., c.s.t., March 6, 1961, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade at least U.S. No. 2;

(ii) Any variety of oranges, grown as aforesaid, which are of a size smaller than 2 3/16 inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2 4/16 inches in diameter; or

(iii) Any oranges of any variety, grown as aforesaid, packed in a box or carton having inside dimensions of 19¾ x 13 x 13½ inches, 19¾ x 13 x 12½ inches, 19¾ x 13½ x 13½ inches, or 19¾ x 13 x 12¼ inches, unless such container is packed in accordance with one of the following pack sizes and contains the applicable number of oranges specified for the pack size:

| Pack sizes | Number of oranges | Diameter limits in inches | |
|---|---|---|---|
| | | Minimum | Maximum |
| 100 | 100 | 3 1/16 | 3 5/16 |
| 126 | 126 | 3 5/16 | 3 9/16 |
| 163 | 163 | 2 15/16 | 3 3/16 |
| 200 | 198 | 2 11/16 | 2 15/16 |
| 252 | 252 | 2 7/16 | 2 11/16 |
| 324 | 324 | 2 3/16 | 2 7/16 |

or any oranges of any variety, grown as aforesaid, packed in any other size box or carton, unless the minimum and maximum diameters of the individual oranges in any such container conform to the foregoing applicable range of diameter measurements, except that not to exceed 10 percent, by count, of the oranges in any such container may measure less than the minimum or more than the maximum applicable diameter limits specified for the particular size, and such oranges otherwise meet the requirements of standard pack: *Provided*, That the provisions of this subdivision (iii) shall not apply to the oranges in any gift package of fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 15, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1526; Filed, Feb. 17, 1961; 8:55 a.m.]

[Grapefruit Reg. 10]

## PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Limitation of Shipments

**§ 1031.321 Grapefruit Regulation 10.**

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective September 22, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades, pack, and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on February 13, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade, diameter, and pack (including standard pack) when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.658 of this title): *Provided*, That, with respect to pack size 46, the term "fairly uniform in size" shall mean that not more than 10 percent, by count, of the fruit in any container vary more than $^{10}/_{16}$ inch in diameter.

(2) During the period beginning at 12:01 a.m., c.s.t., February 20, 1961, and ending at 12:01 a.m., c.s.t., March 6, 1961, no handler shall handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy, U.S. No. 1 Bright, U.S. No. 1, or U.S. No. 2: *Provided*, That grapefruit of any variety which grade U.S. Combination may also be handled if at least 60 percent, by count, of such grapefruit in such container grade at least U.S. No. 1;

(ii) Any grapefruit of any variety, grown as aforesaid, which are of a size smaller than $3^{9}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than $3^{9}/_{16}$ inches in diameter: *Provided*, That none of such grapefruit that is smaller than $3^{9}/_{16}$ in diameter may be smaller than $3^{9}/_{16}$ inches in diameter; or

(iii) Any grapefruit of any variety, grown as aforesaid, packed in a container having inside dimensions of 19¾ x 13 x 13½ inches, 19¾ x 13 x 12½ inches, 19¾ x 13½ x 13½ inches, or 19¾ x 13 x 12¼ inches, unless such container is packed in accordance with one of the following pack sizes and contains the applicable number of grapefruit specified for the pack size:

| Pack size: | Number of grapefruit |
|---|---|
| 46 | 48 |
| 54 | 56 |
| 64 | 64 |
| 70 | 72 |
| 80 | 80 |
| 96 | 96 |

or any grapefruit of any variety, grown as aforesaid, packed in any other size box or carton, unless such grapefruit are packed in accordance with the requirements of standard pack: *Provided*, That the provisions of this subdivision (iii) shall not apply to the grapefruit in any gift package of fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 15, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1523; Filed, Feb. 17, 1961; 8:54 a.m.]

[Lettuce Reg. 2]

## PART 1034—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

### Limitation of Handling

**§ 1034.303 Lettuce Regulation No. 2.**

(a) *Findings.* (1) Pursuant to Marketing Agreement No. 144 and Order No. 134 (7 CFR Part 1034), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas (Cameron, Hidalgo, Starr, and Willacy Counties), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the South Texas Lettuce Committee, established under the said Marketing Agreement and Order, and upon other available information, it is hereby found that the limitation on the handling of such lettuce, as hereinafter specified, will tend to effectuate the declared policy of the act.

(2) (i) It is hereby further found that it is impractical and contrary to the public interest to give preliminary notice, engage in public rule making procedure and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (Administrative Procedure Act, 5 U.S.C. 1001–1011), because the time intervening between the time information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth.

(ii) The committee held an open meeting on February 13, 1961, to consider supply and market conditions for lettuce and the need for regulations; interested persons were accorded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulations during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section including its effective time are identical with the aforesaid recommendations of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such lettuce. It is necessary in order to effectuate the declared policy of the act to make this section effective during the period herein specified. Compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The total quantity of lettuce grown in the Lower Rio Grande Valley of South Texas which may be handled by all handlers during the weekly period beginning February 20, 1961, through February 25, 1961, is hereby fixed at 200,125 cartons. Allotments of this quantity among individual handlers shall be made in accordance with and subject to §§ 1034.111 to 1034.114 of the rules and regulations issued January 4, 1961 (26 F.R. 123).

(2) No person shall package more than one-sixth of his total weekly allotment of lettuce during any one day of the foregoing weekly period.

(3) Terms used in this section shall have the same meaning as when used in the said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 15, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1603; Filed, Feb. 17, 1961; 8:52 a.m.]

# Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter I—Small Business Administration

[Amdt. 1 (Rev. 2)]

## PART 121—SMALL BUSINESS SIZE STANDARDS

### Trucking and Warehousing Contracts

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812) is hereby amended by adding new subparagraph (7) to § 121.3–8(a) as follows:

**§ 121.3–8 Definition of small business for Government procurement.**

(a) *Small business definitions.* * * *

(7) *Trucking and warehousing contracts.* For the purpose of bidding on contracts for trucking, warehousing, packing and crating any concern is small if its annual receipts are $3,000,000 or less.

NOTE: Pending further study of the relationship between large interstate van lines and small household movers, freight forwarders, booking and hauling agents, packers and craters and similar enterprises, no such concern will be denied small business status for the purpose of Government procurement solely because of its relationship with an interstate van line, provided that its annual receipts have not exceeded $3,000,000 during the concerns most recently completed fiscal year, and provided further no more than 50 percent of such annual receipts are directly attributable to the applicants relationship with an interstate van line. When applying for a small business size determination, the applicant, at the time of filing its application, shall submit therewith documentary evidence showing the percentage of its annual receipts attributable to its relationship with an interstate van line.

Effective date: This amendment shall become effective upon publication in the FEDERAL REGISTER.

JOHN E. HORNE,
*Administrator.*

FEBRUARY 9, 1961.

[F.R. Doc. 61–1475; Filed, Feb. 17, 1961; 8:47 a.m.]

[Amdt. 2]

## PART 121—SMALL BUSINESS SIZE STANDARDS

### Miscellaneous Amendments

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812) as amended *supra*, is hereby further amended by:

1. Adding new paragraphs (p) and (q) to § 121.3–2 as follows:

**§ 121.3–2 Definition of terms used in this part.**

* * * * *

(p) "Areas of Substantial Labor Surplus" means geographical areas within the United States which:

(1) At the time the financial or other assistance is granted by SBA or a small business investment company, or

(2) In case of a Government procurement, at the time the contract is awarded, or

(3) In case of a sale or other disposal of Government property, at the time the sale or other disposal is consummated, are classified by the Department of Labor as "Areas of Substantial Labor Surplus" and are listed as such by that Department in conjunction with its bimonthly publication "Area Labor Market Trends" or, if an area is so classified and listed, is individually certified by the Department of Labor as an Area of Substantial Labor Surplus.

(q) "Substantial Labor Surplus Area Concern" is a concern which maintains and operates a plant, facility or other business establishment within an area of Substantial Labor Surplus, and which agrees:

(1) To utilize the financial or other assistance granted by SBA or by a small business investment company in the course of its regular business activities within the Area of Substantial Labor Surplus, or

(2) In case of a Government procurement, (A) to perform a part of the contract in such plant, facility or other establishment, and to perform with its own facilities or cause to be performed by subcontract, manufacturing or other operations equal to not less than fifty percent of the cost of all manufacturing or other operations required to be performed under the contract, within an Area of Substantial Labor Surplus, or (B) to deliver the end item from stock regularly maintained in such plant, facility or other establishment, or

(3) In case of the sale or other disposal of Government property, to utilize the said property in connection with its regular business activities within an Area of Substantial Labor Surplus.

2. Deleting § 121.3–7 and substituting in lieu thereof the following new § 121.3–7:

**§ 121.3–7 Differentials.**

(a) *Alaska.* If an applicant for a size determination is a concern located in Alaska, then, whenever "annual sales or annual receipts" are used in any size definition contained in this part, said dollar limitation shall be increased by twenty-five percent (25%) of the amount set forth therein.

(b) *Areas of Substantial Labor Surplus.* Notwithstanding any other provision of this part, the size standards contained herein for determining the small business status of a concern shall be increased by twenty-five percent (25%) whenever the concern qualifies as a Substantial Labor Surplus Area Concern.

Effective date: This amendment shall become effective upon publication in the FEDERAL REGISTER.

JOHN E. HORNE,
*Administrator.*

FEBRUARY 14, 1961.

[F.R. Doc. 61–1539; Filed, Feb. 17, 1961; 8:55 a.m.]

# Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 659; Amdt. 255]

## PART 507—AIRWORTHINESS DIRECTIVES

### Fairchild F–27 Aircraft

Amendment 28 (24 F.R. 5416), AD 59–12–6, requires repetitive inspection of the wing of Fairchild F–27 aircraft to detect cracks and the installation of fatigue meters to determine actual flight loads. Inspections conducted in accordance with the AD indicated no cracks, and the manufacturer has now submitted data to verify that the structure is fail-safe. Therefore, Amendment 28 (24 F.R. 5416), AD 59–12–6, no longer serves any useful purpose and is hereby rescinded.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489),

§ 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by rescinding Amendment 28 (24 F.R. 5416) AD 59-12-6.

This amendment shall become effective February 18, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 13, 1961.

GEORGE G. PFELL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-1459; Filed, Feb. 17, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-KC-81]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Points

On October 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10435) stating that the Federal Aviation Agency (FAA) proposed to revoke the segment of Green Federal airway No. 4 between Wichita, Kans., and Zanesville, Ohio, its associated control areas and reporting points.

The Air Transport Association of America (ATA) objected to the revocation of the segment of Green 4 between Columbus, Ohio, and Dayton, Ohio, due to its utilization by the Dayton and Columbus control towers for the tower en route control function. The ATA stated that its present member carrier schedule between these terminals is 50 flights per day and prior to the utilization of Green 4, westbound flights constantly received clearances via a VOR airway routing that added approximately 30 percent to the route mileage. The ATA further stated that VOR Federal airway No. 12 does not serve as a replacement airway for Green 4 between these terminals and the indication that it can serve as such a replacement does not appear realistic unless air traffic control resorts again to lengthy circuitous routings.

The FAA is of the opinion that Victor 12 is an adequate replacement for Green 4 between Columbus and Dayton since these airway segments overlap from the Columbus radio range to the Dayton VORTAC. This overlap prohibits the simultaneous use of the same altitudes on these airway segments. Consequently, the revocation of this segment of Green 4 would have no adverse effect on the volume of traffic that could be handled on Victor 12 and would not result in the return to a lengthy circuitous routing as mentioned by the ATA.

The Department of the Air Force interposed no objection to the proposal. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.14 [Amendment]

1. In § 600.14 (14 CFR 600.14; 25 F.R. 2011, 8741; 26 F.R. 643) the following changes are made:

(a) In the caption "*(Los Angeles, Calif., to Amarillo, Tex., and Wichita, Kans., to Zanesville, Ohio)*" is deleted and "*(Los Angeles, Calif., to Amarillo, Tex.)*" is substituted therefor.

(b) In the text "From the Wichita, Kans., RR via Kansas City, Mo., RR; the intersection of the northeast course of the Kansas City, Mo., radio range and the west course of the Columbia, Mo., radio range; Columbia, Mo., radio range station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., RBN; Indianapolis, Ind., radio range station; the intersection of the east course of the Indianapolis, Ind., radio range and the west course of the Columbus, Ohio, radio range; Columbus, Ohio, radio range station; to the Zanesville, Ohio, RBN." is deleted.

2. Section 601.14 (14 CFR 601.14; 25 F.R. 2011; 26 F.R. 643) is amended to read:

§ 601.14 Green Federal airway No. 4 control areas (Los Angeles, Calif., to Amarillo, Tex.).

All of Green Federal airway No. 4.

3. Section 601.4014 (14 CFR 601.4014; 25 F.R. 2011, 7620; 26 F.R. 643) is amended to read:

§ 601.4014 Green Federal airway No. 4 (Los Angeles, Calif., to Amarillo, Tex.).

The INT of the SW course of the Newhall, Calif., RR and the NW course of the Burbank, Calif., RR; Newhall RR; Palmdale, Calif., RR; Daggett, Calif., RR; Needles, Calif., RR; Prescott, Ariz., RR; Winslow, Ariz., RR; El Morro, N. Mex., RR; Albuquerque, N. Mex., RR; INT of the E course of the Otto, N. Mex., RR and the SW course of the Las Vegas, N. Mex., RR; Tucumcari, N. Mex., RR; Amarillo, Tex., RR.

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 13, 1961.

D. D. THOMAS,
*Director, Bureau of*
*Air Traffic Management.*

[F.R. Doc. 61-1462; Filed, Feb. 17, 1961; 8:45 a.m.]

[Airspace Docket No. 60-WA-175]

## PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

### Establishment of Coded Jet Route

On September 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 9296) stating that the Federal Aviation Agency (FAA) proposed to establish VOR/VORTAC jet route No. 105 from Dallas, Tex., to Milwaukee, Wis.-Chicago, Ill., terminal areas.

The Department of the Air Force (USAF) recommended that the proposal to designate this route be withdrawn and that existing jet routes be used for Dallas/Chicago air traffic. This recommendation was based on the fact that the portion of J-105-V between Dallas and Springfield, Mo., will conflict with a high density, high performance, jet interceptor training area in the vicinity of Perrin AFB, Tex. USAF further stated that if the jet route were implemented as proposed, the training activities would be intermixed with civil jet flights, since fuel range limitations will not permit movement of these training activities to more distant locations.

The FAA is cognizant of the enroute and terminal activities that exist in the area of concern to the USAF. Civil jet traffic presently bypasses a portion of the training area by utilizing VOR/VORTAC jet routes Nos. 25 and 87. However, military jet flights normally fly direct between Dallas and Springfield even though these aircraft are not participants in the Perrin AFB training activities. A long range radar facility is commissioned and operated at Perrin AFB and is manned jointly by FAA and USAF personnel. The FAA personnel perform approach control functions, operate area control as a remoted sector of the Ft. Worth, Tex., Air Route Traffic Control Center and provide radar flight advisory service on existing jet routes in the area. The personnel and the equipment have the capability to manage traffic on the proposed route in relation to local traffic generated by Perrin AFB.

The Agency is of the opinion that the designation of J-105-V in this area is justified in order to more efficiently exercise air traffic management for both en route traffic and terminal traffic at Perrin AFB. This action should not be withheld because of a segment of activity which is a part of the entire complex and to which air traffic management procedures also apply. Therefore, the FAA is designating J-105-V herein as proposed.

No other adverse comments were received regarding the proposed amendment. The Air Transport Association of America concurred in the notice.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, Part 602 (14 CFR Part 602) is amended by adding the following section:

§ 602.5105 VOR/VORTAC jet route No. 105 (Dallas, Tex., to Milwaukee, Wis.).

From the Dallas, Tex., VORTAC via the Springfield, Mo., VORTAC; Moline, Ill., VORTAC; INT of the Moline VORTAC 042° True and the Milwaukee, Wis., VORTAC 228° True radials; to the Milwaukee VORTAC.

This amendment shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 13, 1961.

D. D. THOMAS,
*Director, Bureau of*
*Air Traffic Management.*

[F.R. Doc. 61-1461; Filed, Feb. 17, 1961; 8:45 a.m.]



## Chapter V—National Aeronautics and Space Administration

## PART 1209—BOARDS AND COMMITTEES

### Source Evaluation Boards

Subpart 2, Source Selection Boards, is hereby rescinded.

Subpart 2, Source Evaluation Boards, is hereby added.

### Subpart 2—Source Evaluation Boards

Sec.
1209.200 Scope of subpart.
1209.201 Establishment of board.
1209.202 Appointment of members.
1209.203 Board procedures.
1209.204 Selection of source.
1209.205 Disclosure of private interests of board members.
1209.206 Disclosure of information.

AUTHORITY: §§ 1209.200 to 1209.206 issued under 42 U.S.C. 2473(b)(1).

§ 1209.200 Scope of subpart.

This subpart prescribes procedures for the establishment and operation of Source Evaluation Boards and for the appointment of members thereto.

§ 1209.201 Establishment of board.

(a) *Use of Source Evaluation Boards.* Source Evaluation Boards are appropriate for competitive negotiated procurement for research and development:

(1) When the estimated cost of the contract will exceed $1,000,000;

(2) When the estimated cost of the contract will not exceed $1,000,000 but it is likely that the source selected will receive other contracts for later phases of the same project which together would total more than $1,000,000; or

(3) When other factors make the use of Source Evaluation Board procedures desirable, such as selection of companies with which to place study contracts.

(b) *Appointing authorities*—(1) *Associate Administrator.* The Associate Administrator will appoint Source Evaluation Boards under the following conditions:

(i) When the estimated cost of the procurement will exceed $5,000,000 and the approved procurement plan calls for use of a Source Evaluation Board.

(ii) When the head of a field installation has referred a procurement plan to the Associate Administrator for approval, and such plan calls for use of a Source Evaluation Board.

(2) *Head of field installation.* Except for those procurements requiring appointment of a Source Evaluation Board by the Associate Administrator in subparagraph (1) of this paragraph, the head of a field installation will appoint a Source Evaluation Board when the approved procurement plan calls for the use of such a board.

§ 1209.202 Appointment of members.

(a) Appointment of members to a Source Evaluation Board shall be made promptly upon approval of a procurement plan calling for the use of such a board, and prior to the issuance of requests for proposals.

(b) Source Evaluation Boards shall be composed chiefly of technical staff members who are familiar with the technical details of the procurement. However, each board shall also include one or more representatives of the business management staff.

(c) When Source Evaluation Boards are appointed by the head of a field installation, at least one representative from the Headquarters technical and business management staffs, respectively, shall be selected by appropriate Headquarters offices to serve on the board, unless the Headquarters offices determine otherwise.

(d) The appointing authority shall designate one board member to serve as chairman.

§ 1209.203 Board procedures.

The NASA internal procedures to be followed by Source Evaluation Boards are set forth in the Manual of Procedures for NASA Source Evaluation Boards.

§ 1209.204 Selection of source.

(a) When Source Evaluation Board procedures are utilized, the selection of a source for negotiation shall be made by the appointing authority, except that when the Associate Administrator is the appointing authority, the selection shall be made by the Administrator.

(b) In rare instances, the appointing authority may select more than one source for the submission of additional data to NASA prior to selecting the source with which to conduct negotiations. These instances will be strictly confined to situations where it is clearly in NASA's interest to acquire more information from companies submitting the best proposals before making the selection.

§ 1209.205 Disclosure of private interests of board members.

Any member of a Source Evaluation Board or any of its advisory committees who, at any time following his appointment, finds that he has an interest in or connection with a company submitting a proposal for evaluation by the board or committee on which he serves shall promptly report the fact of his interest or connection, and the nature of it, to the appointing authority. A reportable interest or connection shall include the following:

(a) Ownership of a company's securities by a member or his wife;

(b) Close family relationship to an official of a company;

(c) Any other interest in or connection with a company which might tend to subject NASA to criticism on the basis that such interest or connection would impair the objectivity of a member's participation on a board or committee. The appointing authority shall determine in each case whether the board or committee member making such a report will be excused from serving on the board or committee, or take other appropriate action.

§ 1209.206 Disclosure of information.

Participants in the proceedings of Source Evaluation Boards or any of its advisory committee shall observe the provisions of 41 CFR Part 18-3[1] regarding disclosure of information.

*Effective date.* The provisions of this subpart are effective February 1, 1961.

HUGH L. DRYDEN,
*Deputy Administrator.*

[F.R. Doc. 61-1464; Filed, Feb. 17, 1961; 8:45 a.m.]

# Title 20—EMPLOYEES' BENEFITS

## Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

## PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950- )

### Representative Payees

Section 404.903 of Regulations No. 4 of the Social Security Administration (20 CFR 404.1 et seq.) is amended to read as follows:

§ 404.903 Submission of evidence and accounting by representative payee.

Before any amount shall be certified for payment to any person for and on behalf of another individual, such person shall submit to the Administration such evidence as may be required of his authority to receive such payment or of his relationship to, or his responsibility for the care of, the individual on whose behalf payment is made. The Administration may, at any time thereafter, require evidence of the continued existence of such authority, relationship, or responsibility. Such representative payee shall also submit a written report in such form and at such intervals as the Administration may require, accounting for the funds he has received for and

[1] In process of preparation.

on behalf of the entitled individual. Where the person to whom payment is made is a court-appointed fiduciary and, as such, is required to make an accounting annually, a true copy of each such account filed with the court may be submitted in lieu of the accounting form prescribed by the Administration. If the representative payee fails to submit the required evidence or accounting, unless for good cause shown, within a reasonable period of time after it is requested, payments to him shall be discontinued.

*Effective date.* This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 205(a), 53 Stat. 1368, as amended, and 1102, 49 Stat. 647, as amended; 42 U.S.C. 405(a), 1302; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18. Applies sec. 205(j), 53 Stat. 1371, as amended, 42 U.S.C. 405(j))

[SEAL] JOSEPH H. MEYERS,
*Acting Commissioner of Social Security.*

FEBRUARY 14, 1961.

Approved: February 1, 1961.

IVAN A. NESTINGEN,
*Acting Secretary of Health, Education, and Welfare.*

[F.R. Doc. 61-1492; Filed, Feb. 17, 1961; 8:50 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use in foods of certain additives for which tolerances have not yet been established or petitions therefor denied.

1. Section 121.86 (21 CFR 121.86) is amended by adding thereto the following items:

**§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.**

* * * * * * *

| Product | Limits | Specified uses or restrictions |
|---|---|---|
| 2-Acetylamino-5-nitrothiazole | 0.05 percent | In turkey feed. |
| Fumaric acid | 0.2 percent | Used as a preservative. |
| Torula yeast, dried | 0.4 milligram of folic acid per day in food for special dietary use. | Special dietary use. |
| Do | 1 percent | As a flavoring in food. |
| Do | | In animal feed. |
| Yeast, dried | 0.4 milligram of folic acid per day in food for special dietary use. | Special dietary use. |
| Do | 1 percent | As a flavoring in food. |
| Do | | In animal feed. |

2. Section 121.87 (21 CFR 121.87) is amended by adding to paragraph (a) the following item:

**§ 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.**

* * * * * * * * *

(a) *General list.* * * *

| Product | Limits | Specified uses or restrictions |
|---|---|---|
| Propylene glycol-n-butyl ether | 4 percent in felt cleaner | In felt cleaning compounds used in the manufacture of paper and paperboard. |

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

*Effective date.* This order shall become effective as of the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: February 13, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-1491; Filed, Feb. 17, 1961; 8:50 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart B—Substances Generally Recognized as Safe Under the Conditions and With the Limitations Prescribed

TRACE MINERALS IN ANIMAL FEED

On July 9, 1960, there was published in the FEDERAL REGISTER (25 F.R. 6483) a list of substances which the Commissioner of Food and Drugs proposed to list in Subpart B, above identified, as safe for use in foods, subject to the limitations specified. The Commissioner's proposal provided an opportunity for the filing of comments.

After careful consideration of the views and comments filed, some of which are accepted in whole or in part, and some of which are rejected, the Commissioner has concluded that the substances named in the above proposal may properly be added to the list of substances generally recognized as safe. Accordingly, the proposals are adopted as published with (1) minor changes of nomenclature and (2) removal of limitation of levels of cobalt and copper, except that such levels shall be consistent with good feeding practice.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409(c), 701(a), 52 Stat. 1055, as amended; 72 Stat. 1786; 21 U.S.C. 348(c), 371(a)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), *It is ordered*, That § 121.101 be amended by adding thereto the following new paragraph (f):

**§ 121.101 Substances that are generally recognized as safe under the conditions and with the limitations prescribed.**

* * * * * * *

(f) *Trace minerals added to animal feeds.*[1] These substances added to animal feeds as nutritional dietary supplements are generally recognized as safe when added at levels consistent with good feeding practice.

| *Element* | *Source compounds* |
|---|---|
| Cobalt | Cobalt acetate. |
| | Cobalt carbonate. |
| | Cobalt chloride. |
| | Cobalt oxide. |
| | Cobalt sulfate. |
| Copper | Copper carbonate. |
| | Copper chloride. |
| | Copper gluconate. |
| | Copper hydroxide. |
| | Copper orthophosphate. |
| | Copper oxide. |
| | Copper pyrophosphate. |
| | Copper sulfate. |
| Iodine | Calcium iodate. |
| | Calcium iodobehenate. |
| | Cuprous iodide. |
| | 3,5-Diiodosalicylic acid. |
| | Ethylenediamine dihydroiodide. |
| | Potassium iodate. |
| | Potassium iodide. |
| | Sodium iodate. |
| | Sodium iodide. |
| | Thymol iodide. |
| Iron | Iron ammonium citrate. |
| | Iron carbonate. |
| | Iron chloride. |
| | Iron gluconate. |
| | Iron oxide. |
| | Iron phosphate. |
| | Iron pyrophosphate. |
| | Iron sulfate. |
| | Reduced iron. |
| Manganese | Manganese acetate. |
| | Manganese carbonate. |
| | Manganese citrate (soluble). |
| | Manganese chloride. |
| | Manganese gluconate. |
| | Manganese orthophosphate. |
| | Manganese phosphate (dibasic). |
| | Manganese sulfate. |
| | Manganous oxide. |
| Zinc | Zinc acetate. |
| | Zinc carbonate. |
| | Zinc chloride. |
| | Zinc oxide. |
| | Zinc sulfate. |

[1] All substances listed may be in anhydrous or hydrated form.



*Effective date.* This order shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: February 13, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-1490; Filed, Feb. 17, 1961; 8:50 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER T—SALE, LEASE OR USE AND ACQUISITIONS

[Circular 2057]

## PART 259—DISPOSAL OF TIMBER AND MINERAL RESOURCES

### Trespass; Penalty for Unauthorized Removal of Materials

On page 12606 of the FEDERAL REGISTER of December 9, 1960, there was published a notice and text of a proposed amendment of § 259.71 of Title 43, Code of Federal Regulations. The purpose of the amendment is to more clearly define a trespass of timber or mineral materials.

No objections were received within the thirty day period. Written comments indicated that a reference to Part 288 of Title 43, CFR would be desirable, and is added.

This amendment will become effective as set forth below at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
*Secretary of the Interior.*

FEBRUARY 13, 1961.

Section 259.71 is amended to read as follows:

**§ 259.71 Trespass; penalty for unauthorized removal of materials.**

The extraction, severance, injury, or removal of timber or mineral materials from public lands under the jurisdiction of the Department of the Interior, except when authorized by law and the regulations of the Department, is an act of tresspass. Trespassers will be liable in damages to the United States, and will be subject to prosecution for such unlawful acts. See Part 288 this chapter.

[F.R. Doc. 61-1465; Filed, Feb. 17, 1961; 8:46 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2265]

[Washington 03205]

## WASHINGTON

### Withdrawing Lands for Use of Atomic Energy Commission

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Washington are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Atomic Energy Commission in connection with its Hanford Works:

WILLAMETTE MERIDIAN

T. 13 N., R. 24 E.
Sec. 14, S½NW¼ and SW¼.

The areas described aggregate 240 acres.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

FEBRUARY 13, 1961.

[F.R. Doc. 61-1466; Filed, Feb. 17, 1961; 8:46 a.m.]

[Public Land Order 2266]

[86258]

## OREGON

### Partially Revoking Departmental Order of October 30, 1908, Which Withdrew Certain Lands for Use of the Forest Service as an Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The departmental order of October 30, 1908, which withdrew certain lands within the Whitman National Forest for use of the Forest Service, Department of Agriculture, is hereby revoked so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

BIG SPRINGS ADMINISTRATIVE SITE

T. 8 S., R. 32 E.,
Sec. 10, N½N½NW¼.

The area described contains 40 acres.

2. The lands were transferred to the Umatilla National Forest by Public Land Order No. 347 of January 31, 1947. They shall be open, subject to valid existing rights and the requirements of applicable law, to such applications, selections, and locations as are permitted on national forest lands effective at 10:00 a.m. on March 21, 1961.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

FEBRUARY 13, 1961.

[F.R. Doc. 61-1467; Filed, Feb. 17, 1961; 8:46 a.m.]

[Public Land Order 2267]

[Juneau 011580]

## ALASKA

### Partly Revoking Certain Executive Orders Which Withdrew Lands for Lighthouse Purposes

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The following-described Executive orders which withdrew lands in Southeastern Alaska for lighthouse purposes, are hereby revoked to the extent indicated:

a. The Executive order of January 4, 1901, so far as it affects lands at:

(1) Ralston Island (52 acres).
(2) Yasha Island, near junction of Frederick Sound and Chatham Strait (16.80 acres).

b. The Executive order of September 16, 1905, so far as it affects lands at Gravina Island, but not including that portion known as East Clump Island (239.69 acres).

c. Executive Order No. 3406 of February 13, 1921, so far as it affects the following-described parcels:

| *Parcel No.* | |
|---|---|
| 3 | Surprise Point, Nakat Inlet (110.40 acres). |
| 13 | Hump Island, Cholmondeley Sound (30 acres). |
| 14 | Lyman Point, Clarence Strait (2.86 acres). |
| 25 | Anchor Point, Wrangell Strait (0.916 acre). |
| 31 | The Brothers Island, Stephens Passage (80 acres). |
| 37 | Middle Point, Stephens Passage, Dungias Island (2.25 acres). |
| 46 | Dewey Rocks, Cordova Bay (1.0 acre). |
| 50 | Klawak Reef, San Alberto Bay (1.0 acre). |
| 58 | Strait Island, Sumner Strait (80 acres). |
| 63 | Pybus Bay, Frederick Sound (17.95 acres). |
| 67 | Point Ellis, Chatham Strait, Bay of Pillars (1.0 acre). |
| 70 | Red Bluff Bay, Baranof Island, Chatham Strait (6 acres). |
| 74 | Killisnoo Harbor Southern Entrance Chatham Strait (1.0 acre). |
| 80 | Hawk Inlet Entrance, Chatham Strait (1.0 acre). |
| 96 | Cape Edwards, Kukkan Bay (40 acres). |
| 155 | Point Francis, Behm Canal (18 acres). |

d. Executive Order No. 4257 of June 27, 1925, so far as it affects the following-described parcels:

| *Parcel No.* | |
|---|---|
| 13 | Fannie Island, Port Snettisham (12 acres). |
| 17 | Guide Island, Tlevak Strait (1.0 acre). |
| 22 | Kasaan Bay, Clarence Strait (60 acres). |
| 31 | Point St. Mary, Lynn Canal (50 acres). |
| 32 | Point Styleman, Stephens Passage (12 acres). |

The areas described total in the aggregate 836.87 acres. The lands, with the exception of Gravina Island, described in paragraph 1b., above, are within the Tongass National Forest. The national forest lands shall at 10:00 a.m., on March 21, 1961, be open to such forms of appropriation by the public generally as may by law be made of national forest lands.

2. Subject to any existing valid rights and the requirements of applicable law, the public lands described in paragraph 1b. of this order are hereby opened to settlement and to filing of such applications, selections, and locations as are allowable for unsurveyed lands, in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on

the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m., on May 15, 1961, the State of Alaska shall have a preferred right to select the public lands opened by this order in accordance with and subject to the provisions of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339). During this period the State may also apply to select such of the national forest lands as may be adjacent to established communities or suitable for prospective community centers and recreational areas, in accordance with the provisions of section 6(a) of the Alaska Statehood Act, supra.

(3) All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws other than from the State presented prior to 10:00 a.m. on March 21, 1961, will be considered as simultaneously filed at that hour. Rights under such applications, selections, and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to settlement under the homestead and Alaska homesite laws, and to location, under the United States mining laws, beginning at 10:00 a.m., on May 15, 1961.

3. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Juneau, Alaska.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

FEBRUARY 13, 1961.

[F.R. Doc. 61–1468; Filed, Feb. 17, 1961; 8:46 a.m.]

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[Public Land Order 2268]

[Nevada 055813]

## NEVADA

### Partially Revoking Stock Driveway Withdrawal No. 37 (Nevada No. 7)

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300) as amended, it is ordered as follows:

1. The departmental order of September 13, 1918, reserving land for use by the general public as a stock driveway, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 42 N., R. 52 E.,
Sec. 16, NW¼NW¼, S½NW¼, E½SW¼, and SW¼SE¼;
Sec. 26, SW¼SW¼;
Sec. 35, SE¼SW¼ and SE¼.
T. 43 N., R. 52 E.,
Sec. 1, N½, N½SW¼, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 10, E½E½ and SW¼SE¼;
Sec. 12, N½NE¼ and SE¼NE¼;
Sec. 14, SE¼NW¼;
Sec. 15, NE¼, NE¼NW¼, S½NW¼, NE¼SW¼, and N½SE¼;
Sec. 21, NE¼ and SW¼;
Sec. 28, NW¼, N½S½, and SE¼SE¼;
Sec. 33, NE¼NE¼, S½NE¼, W½SW¼, and SE¼;
Sec. 34, W½SW¼.

The areas described aggregate 2,841.20 acres.

2. The SW¼SW¼ of sec. 26, T. 42 N., R. 52 E. and the SE¼NE¼ of sec. 12, T. 43 N., R. 52 E., are patented.

3. The lands are located in northwestern Elko County and consist of a discontinuous strip of public lands with intermingled private lands. The topography is generally rough with only small areas of reasonably level land along the streams tributary to the Snake River to the north and the Humboldt River to the south. The predominate vegetation is northern desert shrubs with an understory of cheat grass and native perennial grasses.

4. Subject to any valid existing rights and the requirements of applicable law, the unreserved, unappropriated public lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m., on March 21, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws and to locations under the mining laws, subject to the regulations in 43 CFR 185.35–185.36.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of the Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

FEBRUARY 13, 1961.

[F.R. Doc. 61–1469; Filed, Feb. 17, 1961; 8:46 a.m.]

# Title 24—HOUSING AND HOUSING CREDIT

## Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER D—MULTIFAMILY AND GROUP HOUSING INSURANCE

## PART 243—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

### Maximum Interest Rate

Section 243.11 is amended to read as follows:

§ 243.11 Maximum interest rate.

(a) The mortgage may bear interest at such rates as may be agreed upon by the mortgagee or mortgagor but in no case shall such interest rate exceed:

(1) 5¾ percent with respect to mortgages endorsed for insurance pursuant to project applications received by the Commissioner before February 2, 1961, or

(2) 5½ percent with respect to mortgages endorsed for insurance pursuant to project applications received by the Commissioner on or after February 2, 1961.

(b) Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

Issued at Washington, D.C., February 15, 1961.

JAMES B. CASH, Jr.,
*Acting Federal Housing Commissioner.*

[F.R. Doc. 61–1493; Filed, Feb. 17, 1961; 8:51 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[ 26 CFR Part 1 ]

### REAL ESTATE INVESTMENT TRUSTS

### Notice of Hearing on Proposed Regulations

Proposed regulations under various sections of the Code, relating to real estate investment trusts, were published in the FEDERAL REGISTER, page 603, for Friday, January 20, 1961.

A public hearing on the provisions of these proposed regulations will be held on Wednesday, March 8, 1961, at 10:00 a.m., e.s.t, in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by March 6, 1961.

[SEAL] MAURICE LEWIS,
*Director,*
*Technical Planning Division,*
*Internal Revenue Service.*

[F.R. Doc. 61–1528; Filed, Feb. 17, 1961; 8:54 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ 43 CFR Part 196 ]

### PHOSPHATE LEASING, PROSPECTING PERMITS AND USE PERMITS

### Notice of Hearing

On October 12, 1960, there was published in the FEDERAL REGISTER on pages 9767–9771, as a proposed rule making proposed amendments of 43 CFR Part 196, relating to the issuance of phosphate leases, prospecting permits and use permits covering the public domain lands.

That notice afforded all interested parties 30 days from date of publication within which to submit, in triplicate, to the Director, Bureau of Land Management, Washington 25, D.C., written comments, suggestions or objections with respect to the proposed amendments.

In view of the interest shown in the proposed amendments and of the requests for an extension of time to submit written comments, suggestions or objections to the proposed amendments and for an opportunity to be heard orally in connection therewith, it appears appropriate, in the circumstances, to grant the requests for such hearing.

Therefore, notice is hereby given that a hearing on the proposed amendments will be held on the 22d day of March 1961, at 9 o'clock in the forenoon of said day in the Secretary's Conference Room 5160, Department of the Interior, 18th and C Streets NW., Washington 25, D.C., for the purpose of considering the proposed amendments of the regulations.

All parties intending to appear, or to testify at the hearing are requested to submit to the Director, Bureau of Land Management, Washington 25, D.C., at least 7 days prior to the date set for the hearing, a statement setting forth the substance of their proposed presentation. All comments received heretofore as well as those which may be received prior to and on the date of the hearing will be considered before final approval of the regulations.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

FEBRUARY 13, 1961.

[F.R. Doc. 61–1470; Filed, Feb. 17, 1961; 8:46 a.m.]

## DEPARTMENT OF LABOR

### Division of Public Contracts

[ 41 CFR Part 50–202 ]

### MISCELLANEOUS CHEMICAL PRODUCTS AND PREPARATIONS INDUSTRY

### Hearing To Determine Prevailing Minimum Wages

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), and section 10(a) of the Walsh-Healey Public Contracts Act (66 Stat. 308, 41 U.S.C. 43a), notice is hereby given that a hearing to determine the prevailing minimum wages in the miscellaneous chemical products and preparations industry under section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. 35) will be held before a hearing examiner on March 21, 1961, at 10:00 a.m., in Conference Room C, Departmental Auditorium, on Constitution Avenue between Twelfth Street and Fourteenth Street NW., Washington, D.C.

The miscellaneous chemical products and preparations industry is tentatively defined as that industry which manufactures (including packaging) or furnishes: Specialty cleaning, polishing, and sanitation preparations (such as metal polishes, including automobile waxes; household, institutional and industrial plant insecticides, disinfectants and deodorants; and dry cleaning preparations); surface active agents, finishing agents, and sulfonated oils and assistants (such as wetting agents, emulsifiers, and penetrants); agricultural chemicals (such as trace elements, soil conditioners, and ready-to-use agricultural pest control chemicals including insecticides, fungicides, and herbicides); adhesives, glues, mucilage, cements and sizes; gelatin (except dessert preparations); household tints, dyes, and bleaches; bluings; writing inks; essential oils; industrial compounds (such as boiler and heat insulating compounds, metal, oil and water treating compounds, waterproofing compounds, and chemical supplies for foundries); automotive chemicals (such as cooling system chemicals including antifreeze, synthetic base hydraulic fluids, and de-icing and defrosting compounds); evaporated salt (except by-product salt); and pyrotechnics and fireworks except display (such as fusees, flares, signals, and railroad torpedoes).

Products and preparations excluded from the definition are: Basic industrial inorganic and organic chemicals including industrial gases and basic plastic materials; bone black, carbon black, and lamp black; cyclic coal tar crudes; display fireworks; explosives and ammunition; fatty acids; fertilizers; fissionable materials; floor and furniture waxes and polishes; gum and wood chemicals; inorganic color pigments; paint and varnish removers; paints, varnishes, lacquers, japans and enamels; perfumes, cosmetics, and toilet preparations; petroleum crudes; prepared photographic developers, fixers and toners; printing ink; soap, glycerin, and synthetic organic detergents for household and institutional use; cleansers, washing compounds and other cleaning agents and compounds containing any soap and/or synthetic organic detergents; synthetic fibers; synthetic rubber; whiting, putty and wood fillers; and solid fuel propellants.

Interested persons may appear at the time and place specified in this notice, and submit evidence with respect to the following subjects and issues: (1) Any amendments which should be made to the tentative definition of the industry; (2) whether, upon the basis of the geographic area or areas of competition for contracts subject to the Walsh-Healey Public Contracts Act in this industry, there should be made a single determination of minimum wages for the entire area in which the industry operates or separate determinations of minimum wages for smaller geographic areas; and if the latter, how such geographic areas should be delimited; (3) what are the prevailing minimum wages in the industry; and (4) whether there should be included in any determination for this industry a provision for the employment of probationary workers at wages lower than the prevailing minimum wages, and, if so, on what terms or limitations such employment should be permitted.

Employment and wage data in this industry for the payroll period ending nearest June 15, 1959, have been gathered by the Department of Labor. Information relating to competition in this industry for Government contracts has also been gathered. These data will be submitted for consideration at the

hearing. They are now available to interested persons upon request.

Written statements may be filed in quadruplicate (original and three copies) with the Chief Hearing Examiner at any time prior to the date of the hearing by persons who cannot appear personally. Every such statement shall include the reason or reasons for non-appearance. Every such statement shall be under oath or affirmation, and shall be offered in evidence at the hearing. If objection is made to its admission in evidence, the hearing examiner shall rule upon its admissibility.

To the extent possible, the evidence of each witness and the sworn or affirmed statement of persons who cannot appear personally should permit evaluation on a plant-by-plant basis, and state: (1) (a) The number and location of establishments in the industry to which the testimony of such witness or such written statement is applicable, (b) the number of workers in each such establishment, (c) the minimum wage paid to covered workers (presently and, if possible, on June 15, 1959), and the number of covered workers at each such establishment receiving such wages, (d) the minimum wages paid to probationary workers in each such establishment, the scale of wages paid during probationary periods, the length of such periods, and the number of workers receiving such wages; (2) the identity of any product not now included in the definition of the industry which should be included, and of any product now included which should not be included; (3) the geographic area or areas of competition for contracts subject to the Walsh-Healey Public Contracts Act within this industry; and (4) any change in the minimum wages paid since June 15, 1959, to persons employed in this industry.

The hearing will be conducted pursuant to the rules of practice for minimum wage determinations under the Walsh-Healey Public Contracts Act published in 41 CFR 50-203.15-203.22.

Signed at Washington, D.C., this 15th day of February 1961.

ARTHUR J. GOLDBERG,
*Secretary of Labor.*

[F.R. Doc. 61-1533; Filed, Feb. 17, 1961; 8:55 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

## Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Hazleton Laboratories, Post Office Box 30, Falls Church, Virginia, proposing the issuance of a regulation to provide for the safe use of certain defoaming agents used in the manufacture of paper and paperboard for food packaging, as follows:

I. Fatty triglycerides, including the fatty acids, alcohols, stearines, and dimers derived therefrom:

Beef tallow.
Castor oil.
Coconut oil.
Corn oil.
Cottonseed oil.
Lard oil.
Linseed oil.
Mustardseed oil.
Palm oil.
Peanut oil.
Rapeseed oil.
Ricebran oil.
Soybean oil.
Tall oil.

II. Marine oils, including fatty derivatives therefrom:

Fish oil.
Sperm oil.

III. Fatty triglycerides, rosin, and marine oils, including fatty acids and alcohols derived therefrom (I and II) reacted with one or more of the following:

Ammonia (amides).
Butanol (esters).
Butoxy polyoxypropylene glycol (esters).
Butylene glycol (esters).
Diethanolamine (amides).
Diethylene glycol (esters).
Ethylene glycol (esters).
Ethylene oxide (esters).
Glycerin (mono- and diglycerides).
Hydrogen (hydrogenated).
Hydrogen (amine, primary, secondary, or tertiary from nitrile).
Isobutyl alcohol (esters).
Isopropanol (esters).
Methanol (esters).
Methylene glycol (esters).
Morpholine (soaps).
Oxygen (air-blown oils).
Pentaerythritol (esters).
Polyoxyethylene glycol (esters).
Polyoxyethylene sorbitan (esters).
Polyoxypropylene glycol (esters).
Potassium hydroxide (soaps).
Propyl alcohol (esters).
Propylene glycol (esters).
Propylene oxide (esters).
Sodium hydroxide (soaps).
Sorbitol esters.
Sulfuric acid (sulfonated).
Triethanolamine (amides or soaps).
Triisopropanolamine (amides or soaps).
Trimethylolethane (esters).

IV. Emulsifiers (in addition to those that fall under III):

Alkyl benzene sodium sulfonate.
Alkyl phenol polyoxyethylene condensate.
Lecithin.
Methyl taurine oleic acid condensate.
Petroleum sulfonate.
Polyoxyethylene ester of rosin-octylphenol.
Polyoxyethylene and ethylene oxide condensates of ethylenediamine.
Polyoxyethylene (5–15 mols) ether of octylphenol (1 mol).
Polyoxyethylene glycol di-(2-ethylhexoate).
Polyoxyethylene glycol ester of rosin (15 mols).
Polyoxyethylene (1.5–15 mols) ether of nonylphenol (1 mol).
Polyoxyethylene (5–15 mols) ether of tridecyl alcohol (1 mol).
Potassium salt of a saponified sulfated castor oil.
Sodium dioctylsulfosuccinate.
Sodium dodecylbenzene sulfonate.
Sodium lauryl sulfate.

V. Hydrocarbons:

Hydrocarbon oil (deodorized) kerosene aliphatic type.
Kerosene.
Mineral oil.
Montan wax.
Naphtha (aliphatic type).
Petrolatum.
Polyethylene, oxidized.
Polyethylene wax.
Wax, microcrystalline and paraffin.

VI. Alcohols, ethers, esters:

Alcohol byproduct $C_{12}$–$C_{18}$.
Amyl alcohol.
Butoxypolyoxypropylene glycol (molecular weight 1000–2500).
Capryl alcohol.
Cyclohexanol.
Diethanolamine.
Ethanol.
2-Ethyl hexanol.
Glycerin.
Heavy oxo-fraction.
Hexylene glycol.
Isobutanol.
Isooctyl alcohol byproduct.
Isopropanol.
Methanol.
Myristyl alcohol.
Oleyl alcohol.
Propylene glycol.
Polyoxyethylene polyoxypropylene diols.
Polyoxypropylene glycol (molecular weight 200–2000).
Sorbitol.
Stearyl alcohol.
Tridecyl alcohol.

VII. Metallic salts made by the reaction of those metals in subdivision (a) with an acid or triglyceride, to form the salt as listed under subdivision (b).

(a) *Metals.*

Aluminum.
Calcium.
Magnesium.
Zinc.

(b) *Salts.*

Oleate.
Palmitate.
Resinate.
Ricinoleate.
Stearate.
Tallate.

VIII. Preservatives and antioxidants (not to exceed 0.3 percent of defoamer formulation):

Butylated hydroxyanisole.
Butylated hydroxytoluene.
di-*tert*-Butyl hydroquinone.
*p*-Chlorometacresol.
Formaldehyde.
β-Naphthol.
o-Phenylphenol.
Potassium pentachlorophenate.
Potassium trichlorophenate.
Sodium benzoate.
Sodium o-phenylphenate.
Sodium pentachlorophenate.
Sodium salt of 2-mercaptobenzothiazole.
Sodium trichlorophenate.
Sorbic acid.

IX. Stabilizers:

Bentonite.
Ethylenediamine tetraacetic acid tetrasodium salt.
Lignin sulfonate, sodium and calcium salt.
Silica.
Sodium salt of napthalenesulfonic acid condensed with formaldehyde.

X. Miscellaneous:

Acetic acid.
di-Acetyltartaric ester of tallow monoglyceride.
Aluminum stearate.
Aluminum octoate.
Aluminum trihydrate.
Ammonium hydroxide.
Calcium chloride.
Carboxymethylcellulose.
Citric acid.
Diethylene triamine.
2,6-Dimethyl heptanol-4, nonyl alcohol.
Dimethylolysiloxane (100–350 centistokes viscosity).
Dodecylbenzene sulfonic acid.
Ethylene oxide condensates of propylene glycol.
di-(2-Ethylhexyl) phthalate.
tri-(2-Ethylhexyl) phosphate.
Guar gum.
2-Heptadecenyl-4-methyl-4-hydroxymethyl-2-oxazoline.
Isooctyl oleate.
Isopropyl stearate.
Locust bean flour.
Methyl *p*-hydroxybenzoate.
Methylhydroxy stearic acid.
Methyl taurine oleic acid condensate.
Monoethanolamine.
Morpholine.
Pine oil.
Polyvinyl pyrrolidone.
Potassium hydroxide.
Sodium hydroxide.
Sulfuric acid.
Tributyl phosphate.
Triethanolamine.
Triethylene glycol di(2-ethyl hexoate).
Triisopropanolamine.
Wool grease.
Zinc stearate.

Dated: February 13, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1478; Filed, Feb. 17, 1961; 8:47 a.m.]



# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 507 ]

[Reg. Docket No. 658]

## VICKERS

## Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of the bolt forming the forward attachment of the outboard diagonal strut on the inboard engine nacelle structure of Vickers Viscount 745D Series aircraft. There have been reported cases of failures occurring after approximately 5,000 hours' time in service. In order to accomplish an adequate inspection, the bolts must be removed. The diagonal strut joined by this bolt is an important load carrying member and complete failure of the bolt can seriously impair the load carrying properties of the nacelle structure as a whole.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before March 21, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. The proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

VICKERS. Applies to all Viscount 745D Series aircraft.

Compliance required as indicated. (It will be necessary to maintain a record of flights to ascertain compliance with this AD. If past records are unavailable, the number of flights prior to this AD may be estimated.)

As a result of reported failures of the bolt, P/N 80216-627, forming the forward attachment of the outboard diagonal strut on the inboard engine nacelle structure the following must be accomplished on the structure of both inboard engine nacelles.

(a) Bolts P/N 80216-627 or bolts P/N 70116-9,[1] as applicable, having 4,000 or more hours' time in service must be removed not later than the next 600 flights and inspected for cracks by magnetic particle inspection or FAA approved equivalent method. Particular attention should be given to the area at the junction of the head and shank and also to the thread undercut.

(b) Bolts found cracked must be replaced prior to further flight.

(c) Compliance with "The Action" paragraphs of Vickers-Armstrongs Preliminary Technical Leaflet (PTL 228) (700 Series) is required when accomplishing the inspection of paragraph (a).

(Vickers-Armstrongs PTL No. 228 (700 Series) covers this subject.)

Issued in Washington, D.C., on February 13, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-1460; Filed, Feb. 17, 1961; 8:45 a.m.]

[1] Bolts P/N 80216-627 were incorporated by Mod. 1306 and on later production aircraft. Pre-Mod. standard bolts P/N 70116-9 are identical except 1/32 inch less in diameter.

## [ 14 CFR Part 507 ]

[Reg. Docket No. 657]

## DOUGLAS

## Airworthiness Directives

A number of DC-6 and DC-7 Series airplanes have had the fuel system antifuel transfer check valves removed or deactivated. In some airplanes they were never installed. When these check valves are not in the fuel lines, transfer of fuel between tanks through the cross feed system can result in overpressurization and rupture of tanks if inadvertent overfilling occurs, in addition to loss of fuel overboard through the vent system. Transfer of fuel is prohibited in the limitations section of the FAA approved airplane flight manual and check valves are included in the description of the fuel system in the operations procedure section. Since the AFM as it now reads, would indicate that check valves are present in the system, we find that a revision to the AFM deleting the item stating that check valves are installed is necessary to preclude misleading the operators of the aircraft. Therefore, in the interest of safety the following measures are necessary to guard against inadvertent transfer and possible overfilling of tanks on airplanes which do not have antifuel transfer check valves installed.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before March 21, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. The proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DOUGLAS. Applies to all DC-6 and DC-7 Series airplanes which do not have antifuel transfer check valves installed in the fuel system.

Compliance required within the next 330 hours' time in service.

(a) Install a placard in the flight compartment in full view of the pilot to read as follows: "Fuel Transfer in Flight Prohibited."

(b) Revise the operations procedures section covering fuel system management in the FAA approved airplane flight manual to incorporate fuel system operation procedures in accordance with the above placard and delete the item which states that check valves are installed. Flight manual revisions must be approved by FAA.

When check valves to prevent transfer of fuel are installed, this AD is no longer applicable.

(Douglas Service Bulletin No. DC-6-294 dated November 19, 1948, revised February 17, 1950, covers an acceptable installation of check valves.)

Issued in Washington, D.C., on February 13, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-1463; Filed, Feb. 17, 1961; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 2 ]

[Docket No. 11959]

## REALLOCATION OF CERTAIN FIXED, LAND MOBILE AND MARITIME MOBILE BANDS

### Order Extending Time for Filing Reply Comments

In the matter of amendment of Part 2 of the Commission's rules and regulations; reallocation of certain fixed, land mobile and maritime mobile bands between 25 and 470 Mc.

The Commission has before it for consideration requests from the National Association of Broadcasters to extend the time for filing reply comments in the above proceeding to February 22, 1961.

It appearing that additional time is required to permit study and preparation of reply to a counter-proposal offered by United Press International about which the Association has doubts as to whether the proposal offered by UPI is within the scope of the subject proceeding; and that the National Association of Broadcasters held a Board of Directors' meeting (February 6–10), which required most of the staff to be absent from the city, which makes it difficult for the Association to file reply comments within the present time allowed; and

It further appearing that the public interest will be served by providing additional time to enable interested parties to submit reply comments;

*It is ordered*, This 13th day of February 1961, pursuant to section 0.322(b) of the Commission's Statement of Delegations of Authority, that the time for filing reply comments in this proceeding is extended to February 22, 1961.

Released: February 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1494; Filed, Feb. 17, 1961; 8:51 a.m.]

# Notices

# ATOMIC ENERGY COMMISSION

[Docket No. 50–183]

## GENERAL ELECTRIC CO.

### Notice of Application for Construction Permit and Utilization Facility License

Please take notice that General Electric Company, 2151 South First Street, San Jose, California, under section 104.b of the Atomic Energy Act of 1954, as amended, has submitted an application for license authorizing construction and initial operation at 12.5 megawatts (thermal), of an experimental steam superheat nuclear reactor at its Vallecitos Atomic Laboratory, Alameda County, California. The reactor has been designated by the applicant as the Vallecitos Experimental Superheat Reactor.

A copy of the application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 13th day of February 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61–1457; Filed, Feb. 17, 1961; 8:45 a.m.]

# DEPARTMENT OF COMMERCE

## Federal Maritime Board

[Docket No. 869]

## PACIFIC COAST-HAWAII AND ATLANTIC/GULF-HAWAII GENERAL INCREASE IN RATES

### Notice of Supplemental Order

The Federal Maritime Board, on February 2, 1961, entered the following Forty-third Supplemental Order to the original order in this proceeding, dated September 10, 1959, which appeared in the FEDERAL REGISTER of September 23, 1959 (24 F.R. 7656):

It appearing that by Original Order dated September 10, 1959, as supplemented by additional orders in this proceeding, the Board instituted an investigation into the reasonableness and lawfulness of certain tariff schedules of respondent carriers; and

It further appearing that the Sixth paragraph in the Original Order herein dated September 10, 1959, the Eighth paragraph in the Fourth Supplemental Order dated October 12, 1959, the Eleventh paragraph in the Tenth Supplemental Order dated November 30, 1959, the Seventh paragraph in the Twenty-third Supplemental Order dated February 8, 1960, the Fourth paragraph in the Twenty-fourth Supplemental Order dated February 8, 1960, the Fourth paragraph in the Thirty-third Supplemental Order dated May 12, 1960, and the Tenth paragraph in the Thirty-ninth Supplemental Order dated September 10, 1960, provide, as amended, that no change shall be made in the rates or other matters which result in increases in rates or charges named in said tariff schedules, until this investigation has been terminated by final order of the Board; unless otherwise authorized by special permission of the Board;

*Now therefore, it is ordered*, That the Sixth paragraph in the Original Order dated September 10, 1959, the Eighth paragraph in the Fourth Supplemental Order dated October 12, 1959, the Eleventh paragraph in the Tenth Supplemental Order dated November 30, 1959, the Seventh paragraph in the Twenty-Third Supplemental Order dated February 8, 1960, the Fourth paragraph in the Twenty-Fourth Supplemental Order dated February 8, 1960, the Fourth paragraph in the Thirty-Third Supplemental Order dated May 12, 1960, and the Tenth paragraph in the Thirty-Ninth Supplemental Order dated September 10, 1960, be and they are hereby deleted; and

*It is further ordered*, That said orders, as so modified, remain in full force and effect as issued; and

*It is further ordered*, That a copy of this order shall be forthwith served upon all respondents, protestants, and interveners herein; and that this order be published in the FEDERAL REGISTER.

Dated: February 14, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–1483; Filed, Feb. 17, 1961; 8:48 a.m.]

[Docket No. 881]

## GENERAL INCREASES IN ALASKAN RATES AND CHARGES

### Notice of Supplemental Order

The Federal Maritime Board, on February 2, 1961, entered the following Thirteenth Supplemental Order, to the original order in this proceeding dated January 7, 1960, which appeared in the FEDERAL REGISTER of January 15, 1960 (25 F.R. 364):

It appearing that by Original Order dated January 7, 1960, as supplemented by additional orders in this proceeding, the Board instituted an investigation into the reasonableness and lawfulness of certain tariff schedules of respondent carriers; and

It further appearing that the Sixth paragraph in the Original Order dated January 7, 1960, the Eighth paragraph in the First Supplemental Order dated February 29, 1960, and the Sixth paragraph in the Third Supplemental Order dated May 17, 1960, each provide, as amended, that no change shall be made in rates or other matters which result in increases in rates or charges named in said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board:

*Now therefore, it is ordered*, That the Sixth paragraph in the Original Order dated January 7, 1960, the Eighth paragraph in the First Supplemental Order dated February 29, 1960, and the Sixth paragraph in the Third Supplemental Order dated May 17, 1960, be and they are hereby deleted; and

*It is further ordered*, That said orders, as so modified, remain in full force and effect as issued; and

*It is further ordered*, That a copy of this order shall be forthwith served upon all respondents, protestants and interveners herein; and that this order shall be published in the FEDERAL REGISTER.

Dated: February 14, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–1484; Filed, Feb. 17, 1961; 8:48 a.m.]

[Docket No. 901]

## GENERAL INCREASES IN RATES, PACIFIC-ATLANTIC/GUAM TRADE

### Notice of Supplemental Order

The Federal Maritime Board, on February 2, 1961, entered the following Fourteenth Supplemental Order to the original order in this proceeding, dated March 21, 1960, which appeared in the FEDERAL REGISTER of April 1, 1960, (25 F.R. 2780):

It appearing that by Original Order dated March 21, 1960, as supplemented by additional orders in this proceeding, the Board instituted an investigation into the reasonableness and lawfulness of certain tariff schedules of respondent carriers; and

It further appearing that the Fourth paragraph of the Third Supplemental Order dated April 28, 1960 provides, as amended, that no change shall be made in the rates or other matters which result in increases in rates or charges named in said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board;

*Now therefore, it is ordered*, That the Fourth paragraph in the Third Supplemental Order dated April 28, 1960, be and it is hereby deleted; and

*It is further ordered*, That said order, as so modified, remain in full force and effect as issued; and

*It is further ordered*, That a copy of this order shall be forthwith served upon all respondents, protestants and interveners herein; and that this order shall be published in the FEDERAL REGISTER.

Dated: February 14, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-1485; Filed, Feb. 17, 1961; 8:48 a.m.]

[Docket No. 912]

## MATSON NAVIGATION CO.; INVESTIGATION OF CONTAINER FREIGHT TARIFFS

### Notice of Supplemental Order

The Federal Maritime Board, on February 2, 1961, entered the following First Supplemental Order to the original order in this proceeding, dated July 7, 1960, which appeared in the FEDERAL REGISTER of July 19, 1960 (25 F.R. 6855):

It appearing that by Original Order dated July 7, 1960, the Board instituted an investigation into the reasonableness and lawfulness of certain tariff schedules of respondent carrier; and

It further appearing that the Original Order dated July 7, 1960, contains a provision "that no change shall be made in rates or other matters which result in increases in rates or charges named in said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board";

*Now therefore, it is ordered*, That the Seventh paragraph in the Original Order dated July 7, 1960, be and it is hereby deleted; and

*It is further ordered*, That said order, as so modified, remain in full force and effect as issued; and

*It is further ordered*, That a copy of this order shall be forthwith served upon all respondents, protestants and interveners herein; and that this order shall be published in the FEDERAL REGISTER.

Dated: February 14, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-1486; Filed, Feb. 17, 1961; 8:49 a.m.]

## SCHENKERS INTERNATIONAL FORWARDERS, INC., AND R. G. HOBELMANN AND CO., INC.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreements 8563, 8564 and 8566 are between Schenkers International Forwarders, Inc., and R. G. Hobelmann & Co., Inc.

Schenkers is located in New York, New York; Hobelmann has offices in Toledo, Ohio, Baltimore, Maryland, and Philadelphia, Pennsylvania.

Agreement No. 8563 is with the Toledo office; No. 8564 the Baltimore office, and No. 8566 the one in Philadelphia. The terms of the agreements are identical and provide that Hobelmann shall perform all necessary freight forwarding services on shipments referred to it by Schenkers, moving through the respective port involved.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 14, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-1487; Filed, Feb. 17, 1961; 8:49 a.m.]

## SCHENKERS INTERNATIONAL FORWARDERS, INC., AND MARKLEY EXPORT CORP.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8579 between Schenkers International Forwarders, Inc., New York, New York, and Markley Export Corporation, New Orleans, Louisiana.

Under this agreement Markley Export will perform the necessary freight forwarding services in connection with shipments moving through New Orleans, referred to it by Schenkers.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 14, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-1488; Filed, Feb. 17, 1961; 8:49 a.m.]

# CIVIL AERONAUTICS BOARD

[Public Notice PN 14 Rev., Amdt. 1]

## STATEMENT OF ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

### Miscellaneous Amendments

The Civil Aeronautics Board hereby amends Public Notice PN 14 Revised, effective August 1, 1960 (25 F.R. 12918), as follows:

(1) By amending section 3.3 *Delegated authority of the Chief Examiner*, to read as follows:

SEC. 3.3 *Delegated authority of the Chief Examiner.* By delegation of authority from the Board, the Chief Examiner is authorized to:

A. Approve or disapprove requests for changes in procedural requirements in economic cases for good cause shown, provided that an extension of time for filing documents shall not be granted within three days of the date originally set for the filing except in cases involving unusual hardship on the requesting party or parties.

B. Subject to modification or reversal by the Board on its own motion or upon petition or application by any air carrier or other person affected by or having a substantial interest in his action, to grant or deny intervention in formal proceedings.

C. Consolidate, upon recommendation of the Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate), into one proceeding cases involving the investigation of a tariff or of complaints concerned with related tariffs.

D. With the concurrence of the Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate): Dismiss applications or complaints (except those involving Part 302, Subpart B of the Procedural Regulations) when such dismissal is requested or consented to by the applicant or complainant, or where such party has failed to prosecute such application or complaint; consolidate into one proceeding for the purpose of hearing and decision, and approve applications for such consolidation, of cases arising under sections 401, 402, 408, 409, and 412 of the Federal Aviation Act; approve or deny any request for the severance of a previous application consolidated in accordance with the preceding authority; and dismiss proceedings upon his finding that the proceeding has become moot or that no further basis for continuation exists.

E. The Chief Examiner also has all the authority delegated to Hearing Examiners generally as listed in section 3.8.

(2) By amending section 3.4 *Redelegation of authority*, to read as follows:

SEC. 3.4 *Redelegation of authority.* The Chief Examiner is authorized to redelegate the authority cited in subsections 3.3B and 3.3C above.

(3) By amending subsection 4.3E(5) to read as follows:

(5) To issue foreign aircraft permits provided for in sections 375.41, 375.42, and 375.70 of the Special Regulations if he finds that applications for such permits are in order and meet the requirements of the sections.

(4) By amending section 5.5 *Functions of the Safety Investigation Division*, to correct the addresses of two of the field offices listed below opposite the territory for which each office is responsible.

| *Field Office* | *Address and Territory* |
|---|---|
| Suite No. 206, 6525 West North Avenue, Oak Park, Ill.: | Ohio, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Minnesota, North Dakota. |
| 100 North University Drive, Room 219, University Plaza Building, Fort Worth 7, Tex.: | Texas, Oklahoma, Arkansas, and Louisiana. |

(5) By amending section 6.7, *Functions of the Field Audits Division*, to correct the address of the field office in Miami, Florida from 324 NE. First Avenue, Miami 32, Florida, to 327 NE. First Avenue, Miami 32, Florida.

(6) By adding a new subsection 7.3 G. as follows:

G. To grant or deny by letter requests submitted under section 302.11(b) (i) and (ii) of the Procedural Regulations, by persons who have been formerly associated with the Board, for interpretations of facts under paragraph (i) and for leave to represent a party to a proceeding or matter before the Board under paragraph (ii).

[SEAL] JOHN B. RUSSELL,
*Chief, Office of Administration.*

[F.R. Doc. 61-1502; Filed, Feb. 17, 1961; 8:51 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13841; FCC 61M-236]

## COASTAL BROADCASTING CO. (WLAT)

### Order Continuing Hearing

In re application of Loys Marsdon Hawley and Herman Lee Hanks, d/b as Coastal Broadcasting Company (WLAT), Conway, South Carolina, has 1330 kc, 5 kw, D, requests 1330 kc, 500 w, 5 kw-LS, DA-N, U, Docket No. 13841, File No. BMP-8480, for construction permit.

The Hearing Examiner having under consideration a "Motion for Continuance of Hearing" filed February 13, 1961, by Coastal Broadcasting Company, requesting that the hearing heretofore scheduled for February 14, 1961, be continued to March 10, 1961;

It appearing, that deferral of the hearing date as sought could result in stipulation on engineering matters and thus shorten the hearing record;

It further appearing, that counsel for the Broadcast Bureau has agreed to the proposed continuance, and has waived the 4-day waiting requirement of Section 1.43 to permit immediate consideration of the instant motion; and

It further appearing, that good cause has been shown for granting the requested continuance;

*Accordingly, it is ordered*, This 13th day of February 1961, that the February 13, 1961, motion for continuance of Coastal Broadcasting Company is granted, and the hearing heretofore scheduled for February 14, 1961, is hereby continued to March 10, 1961, at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: February 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1495; Filed, Feb. 17, 1961; 8:51 a.m.]

[Docket No. 13598 etc.; FCC 61M-224]

## GILA BROADCASTING CO.

### Order Scheduling Prehearing Conference

In re applications of Gila Broadcasting Company, for renewal of licenses of Stations KCKY, Coolidge, Docket No. 13598, File No. BR-2128; KCLF, Clifton, Docket No. 13617, File No. BR-2441; KGLU, Safford, Docket No. 13618, File No. BR-970; KVNC, Winslow, Docket No. 13619, File No. BR-2731; KZOW, Globe, Docket No. 13620, File No. BR-973; and KWJB-FM, Globe Docket No. 13621, File No. BRH-851; all in Arizona.

The Hearing Examiner having under consideration the matters of record in the above-entitled proceeding;

It appearing, that by Memorandum Opinion and Order released on February 6, 1961, disposition was made of the various interlocutory pleadings pending herein which resulted in an indefinite continuance of the proceeding and accordingly the matter may properly proceed to hearing;

*It is ordered*, This 10th day of February 1961, on the Hearing Examiner's own motion that a further prehearing conference will be held herein on March 9, 1961, commencing at 10:00 a.m., in the offices of the Commission at Washington, D.C., the purpose of such conference being to seek areas of stipulation, to resolve the questions of availability and relevancy of Commission records discussed in the prehearing conference herein of September 6, 1960, and to consider such other matters specified in § 1.111 of the Commission's rules as may tend to orderly and expeditious disposition of the proceeding.

Released: February 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1496; Filed, Feb. 17, 1961; 8:51 a.m.]



[Docket No. 13947; FCC 61M-227]

## ALFRED J. HENDERSON

### Order Scheduling Hearing

In the matter of Alfred J. Henderson, 745 Thayer Avenue, Silver Spring, Maryland, Docket No. 13947, order to show cause why there should not be revoked the License for Radio Station 24WO587 in the Citizens Radio Service.

*It is ordered*, This 10th day of February 1961, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 2:00 p.m., April 6, 1961, in Washington, D.C.

Released: February 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1497; Filed, Feb. 17, 1961; 8:51 a.m.]

[Docket Nos. 13830-13836; FCC 61M-229]

## MIDDLE TENNESSEE BROADCASTING CO. (WKRM) ET AL.

### Order Continuing Hearing

In re applications of The Middle Tennessee Broadcasting Company (WKRM), Columbia, Tennessee, Docket No. 13830, File No. BP-12393; WBAC, Inc. (WBAC), Cleveland, Tennessee, Docket No. 13831, File No. BP-12478; Florence Broadcasting Company, Incorporated (WJOI), Florence, Alabama, Docket No. 13832, File No. BP-12838; Cullman Broadcasting Company, Incorporated (WKUL), Cullman, Alabama, Docket No. 13833, File No. BP-13149; Radio Greeneville, Inc. (WGRV), Greeneville, Tennessee, Docket No. 13834, File No. BP-13167; WKGN, Inc. (WKGN), Knoxville, Tennessee, Docket No. 13835, File No. BP-13485; Franklin County Radio and Broadcasting Company, Inc. (WCDT), Winchester, Tennessee, Docket No. 13836, File No. BP-13677; for construction permits.

Upon oral motion of WKGN, Inc., and with the consent of the other parties to this proceeding: *It is ordered*, This 13th day of February, 1961, that the procedural dates agreed upon at a prehearing conference on December 13, 1960, be, and the same are, hereby changed as follows:

The date for the exchange of exhibits shall be changed from February 16, 1961, to March 16, 1961;

Futher prehearing conference and notification of witnesses will be changed from March 9, 1961, to April 10, 1961; and

Formal hearing presently scheduled for March 28, 1961, is hereby cancelled and rescheduled for April 28, 1961.

Released: February 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1498; Filed, Feb. 17, 1961; 8:51 a.m.]

[Docket No. 13946; FCC 61M-226]

## LLOYD C. McMULLEN

### Order Scheduling Hearing

In the matter of Lloyd M. McMullen, dba Lloyd's TV, 621 North State Road 7, Margate, Florida, Docket No. 13946; order to show cause why there should not be revoked the license for radio station 7W0423 in the Citizens Radio Service.

*It is ordered*, This 10th day of February 1961, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 10:00 a.m., April 6, 1961, in Washington, D.C.

Released: February 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1499; Filed, Feb. 17, 1961; 8:51 a.m.]

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[Docket No. 13941-13943; FCC 61M-225]

## SOUTH TEXAS TELECASTING CO., INC. (KVDO-TV) ET AL.

### Order Scheduling Hearing

In re applications of South Texas Telecasting Company, Inc., (KVDO-TV) Corpus Christi, Texas, Docket No. 13941, File No. BPCT-2793; for construction permit to change existing facilities; Tropical Telecasting Corporation, Corpus Christi, Texas, Docket No. 13942, File No. BPCT-2797; and Nueces Telecasting Company, Corpus Christi, Texas, Docket No. 13943, File No. BPCT-2798; for construction permits for new television broadcast stations. (Channel 3).

*It is ordered*, This 10th day of February 1961, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 20, 1961, in Washington, D.C.

Released: February 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1500; Filed, Feb. 17, 1961; 8:51 a.m.]

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[Docket Nos. 13868, 13869; FCC 61M-234]

## WSTV, INC. (WBOY) AND COMMUNITY RECORD, INC.

### Order Continuing Hearing

In re applications of WSTV, Inc. (WBOY), Clarksburg, West Virginia, Docket No. 13868, File No. BP-13116; Community Radio, Inc., Spencer, West Virginia, Docket No. 13869, File No. BP-14102; for construction permits.

The Hearing Examiner having under consideration a petition filed jointly on February 9, 1961, by the two applicants in the above-entitled proceeding requesting that the hearing presently scheduled for February 16, 1961, be continued without date and that the order of the Hearing Examiner released January 24, 1961 (FCC 61M-109), be modified by deleting the requirement therein that either the engineering evidence to be offered be exchanged or a petition for reconsideration and grant of the applications without hearing be on file not later than 5 p.m., February 9, 1961;

It appearing, that petitioners assert they propose to file a joint petition for reconsideration of their applications and the grant thereof without hearing on February 10, 1961, "thereby obviating the need for pursuing the hearing process until such time as the Commission acts upon the Petition" and that such a "Joint Petition for Reconsideration and Grant" has in fact been filed and is now pending before the Commission;

It appearing further, that counsel for all other parties to this proceeding who have filed appearances in accordance with 47 CFR 1.140 consent to the immediate grant of the relief requested and that good cause may be found for granting such relief;

*It is ordered*, This 14th day of February 1961, that the aforesaid "Joint Petition" filed by WSTV, Inc. (WBOY) and Community Radio, Inc., is hereby granted; and that the hearing and all other proceedings before the Hearing Examiner are continued pending further order in the premises.[1]

Released: February 14. 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1501; Filed, Feb. 17, 1961; 8:51 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-230, 59-2]

## AMERICAN ELECTRIC POWER COMPANY, INC.

### Notice of Filing of Plan and Notice of Opportunity for Hearing

FEBRUARY 13, 1961.

Notice is hereby given that American Electric Power Company, Inc. ("American"), a registered holding company, has filed a plan (File No. 54-230) pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act"). All interested persons are referred to said plan for a statement of the proposed transactions which are summarized below.

The plan provides for the divestment from the American holding-company system of certain nonutility assets consisting of (1) the stone-quarrying properties owned and operated by Radford Limestone Company, Incorporated ("Radford"), a nonutility subsidiary company of Appalachian Power Company ("Appalachian"), which is an electric utility subsidiary company of American, and (2) two small parcels of limestone land, which are owned by Appalachian, are contiguous to the Radford properties, and are operated by Radford as part of its quarrying business. All of the shares of the common stock of Appalachian are owned by American, and Radford is a wholly-owned subsidiary company of Appalachian.

The quarrying business of Radford had its origin in connection with the building of, and is located near, the Claytor Dam owned by Appalachian. In its Findings and Opinion of December 26, 1945 (21 S.E.C. 575), the Commission found that the quarrying business conducted by Radford was retainable under the standards of section 11(b)(1) of the Act by the American holding-company system as a business incidental to the operations of its integrated electric utility system only because, in the then existing state of the art, blasting and quarrying by a nonaffiliated operator might seriously endanger the Claytor Dam (see 21 S.E.C. at 590-591, 598).

The plan states that, since the above finding was made, more efficient, accurate, and safer methods of blasting and quarrying have been developed under which the desired results can be obtained by the use of a series of smaller blasts. As a consequence, it is now possible to obtain assurances that operation of the Radford quarrying business by a nonaffiliated owner will not jeopardize the Claytor Dam. American therefore believes that the conditions upon which the earlier finding of the Commission was predicated no longer exist and that, accordingly, retention of the quarrying business is not now permissible under the provisions of section 11(b)(1) of the Act. In view of this, American has entered into an agreement with B. R. De Witt, an individual of Pavilion, New York, for the divestment of the quarrying business. De Witt, who is in no way affiliated with the American system, owns other quarrying operations in the area of Radford. The proposed agreement contains provisions designed to give complete assurance that operation of the Radford business by De Witt or his successors will be carried out without any danger to the Claytor Dam.

To carry out the divestment of Radford, it is proposed that Appalachian will transfer to American, by way of a dividend, all of the outstanding shares of capital stock of Radford, consisting of 1,250 shares of $100 par value common stock. The assets of Radford will then be transferred to American in complete liquidation of Radford; and, immediately thereafter, American will sell to De Witt or to Radford Stone Corp., a new Virginia corporation organized by De Witt, the quarrying properties of Radford for $467,600 in cash in installment payments and Appalachian will sell to De Witt or to Radford Stone Corp. the contiguous parcels owned by Appalachian for $2,400 in cash. Radford will then be dissolved.

The plan states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

American has requested that the Commission find and in its order recite that the transactions contemplated by the plan are necessary or appropriate to the integration or simplification of the holding-company system of which American is a member and necessary or appropriate to effectuate the provisions of section 11(b)(1) of the Act, all in accordance with the meaning and requirements of sections 1081(b), 1081(f), and 4382(b)(2) of the Internal Revenue Code of 1954.

It appearing to the Commission that the proceeding with respect to the plan (File No. 54-230) is related to the proceedings (File No. 59-2) instituted by the Commission to determine what action, if any, should be required to be taken by American and its subsidary companies to conform the operations of the American holding-company system to the standards of section 11(b)(1) of the Act, and that the two proceedings should be consolidated:

*It is ordered*, That the proceeding with respect to the plan (File No. 54-230) and the section 11(b)(1) proceeding (File No. 59-2) be, and the same hereby are, consolidated, the Commission reserving the right to separate, in whole or in part, any of the matters and questions which may arise in these consolidated proceedings or to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

The Commission being required by the provisions of section 11(e) of the Act before approving any plan thereunder to find, after notice and opportunity for hearing, that the plan, as submitted or as modified, is necessary to effectuate the provisions of section 11(b) and is fair and equitable to the persons affected thereby; and it appearing appropriate to the Commission that such notice be given to afford all interested persons an opportunity to be heard with respect thereto; and

It further appearing that notice should be given to afford all interested persons an opportunity to be heard as to whether (a) pursuant to the provisions of the penultimate sentence of section 11(b) of the Act, the conditions upon which the order of December 26, 1945 (File No. 59-2) was predicated do not exist and (b) the Commission should enter an order, pursuant to the provisions of section 11(b)(1) of the Act, requiring that American and its subsidiary companies take appropriate action to cease to have any interest, direct or indirect, in those properties of Radford and of Appalachian which are operated as a quarrying business.

Notice is therefore given that any interested person may, not later than February 28, 1961, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised in the consolidated proceedings which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after that date, the Commission may approve the plan, as filed or as it may hereafter be amended, and may take such other action with respect to the issues in the consolidated proceedings as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-1471; Filed, Feb. 17, 1961; 8:46 a.m.]

[1] That is, subject to action to be taken by the Commission on the pending petition for reconsideration.

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[File No. 812-1344]

## FLORIDA CAPITAL CORP.

### Notice of Application for Order Exempting Transactions Between Affiliates

FEBRUARY 13, 1961.

Notice is hereby given that Florida Capital Corporation ("Florida Capital"), a registered small business investment company has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act"), requesting an order exempting from the provisions of section 17(a) of the Act a debenture loan in the amount of $200,000 to North Palm Beach Utilities, Inc. ("Utilities").

The application contains the following representations: Utilities is a utility company engaged in the business of supplying water and sewer services in the general area of North Palm Beach, Florida, a relatively new community of over 3,000 residents eight miles north of West Palm Beach. The terms of the loan provide that the principal will be repaid in five years in equal annual installments, with interest at the rate of ten percent per annum. The proposed loan agreement imposes restrictions on the manner and method in which Utilities may conduct its financial operations. Utilities may not, without the approval of Florida Capital, pledge or incumber its assets, be a party to any corporate consolidation or merger, pay any salaries, expense accounts or bonuses to its officers, directors, or stockholders, suffer to exist any mortgage lien on its properties, declare any dividend on its capital stock or make any distribution to any stockholders or other parties, redeem or otherwise acquire any of its capital stock, increase its authorization of capital stock or issue any additional shares or change or amend its charter or by-laws in any way.

Utilities will use the proceeds of the loan to extend its lines under agreements with various developers who own property in its franchised area, and for general corporate purposes. The agreements will provide for recovery of the costs of the extension, plus fifteen percent profit, by an individual lot assessment against the developer when the lot is sold to a third party. The profit margin is said to be sufficient to carry the interest on Utilities' borrowing from Florida Capital. It is estimated that the assessment per lot will average seven to eight hundred dollars and that a sufficient number of lots will be sold during the term of the loan to enable Utilities to repay the $200,000 borrowed from Florida Capital from this source.

As security for the loan, Florida Capital will receive a second mortgage on the plants, buildings and equipment of Utilities, with a book value of about $1,400,000 and subject to a first mortgage obligation of $990,000, as of June 30, 1960. As additional security Florida Capital will receive from Northlake Properties, a general partnership, a first mortgage on 3,235 feet of frontage (96 acres) on U.S. Highway 1 in North Palm Beach, appraised at $640,000. The loan will be further individually guaranteed by four individuals having an interest in the partnership, Richard E. Ross, Herbert A. Ross, Jay H. White, and John A. Schwencke, each of whom are stated to have a substantial net worth.

John A. Schwencke is a director and Vice-President of Florida Capital, and owns 63,982 shares of the 365,612 shares outstanding of Utilities (17 percent). Section 2(a)(3) of the Act defines an "affiliated person" of another person as any person directly or indirectly owning, controlling or holding with power to vote, 5 percent or more of the outstanding voting securities of such other person, and any officer or director, of such other person.

Section 17(a) of the Act, in pertinent part, prohibits an affiliated person or an affiliated person of such a person from borrowing money from such registered investment company unless exempted under the Act. In view of the affiliation of John A. Schwencke, the $200,000 loan from Florida Capital to Utilities is prohibited unless exempted under the Act. The Commission, upon application pursuant to section 17(b) may grant an exemption from the provision of section 17(a) if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

In support of the application it is pointed out that the security for the proposed loan is greater than the average for similar loans of this type and the guarantees further substantiate the fairness and reasonableness of the loan; that the proposed transaction is fully consistent with the policy of Florida Capital and with its investment policies; that full disclosure has been made to all directors of Florida Capital and that a majority of the disinterested directors have approved the loan.

Notice is further given that any interested person may, not later than February 24, 1961, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after such date, as provided by Rule O-5 of the rules and regulations promul-

gated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc 61-1472; Filed, Feb. 17, 1961; 8:47 a.m.]

[File No. 24D-2368]

## SORRELS-JOHNSON CORP.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 14, 1961.

I. Sorrels-Johnson Corporation, a Colorado corporation, Box 62, West End Station, Colorado Springs, Colorado, and Timber Ridge Ranch, Woodland Park, Colorado, filed with the Commission on April 8, 1959, a notification on Form 1-A and an offering circular relating to an offering of 188,000 shares of its $1 par value common stock at $1 per share for an aggregate of $188,000, and filed various amendments thereto, for the purpose of obtaining an exemption from registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that Sorrels-Johnson Corporation has offered and sold its securities by the use of sales material not filed with the Commission pursuant to Rule 258 of Regulation A.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the acquisition of a license to manufacture and market a hypodermic needle and information with respect to the license and its acquisition.

2. The failure to disclose the establishment of a plant in Beverly, Massachusetts.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, in that the issuer in the unfiled sales literature represented:

1. That the securities were worth $4 per share;

2. That the company would very shortly register with the Commission 100,000 shares to be sold at $4 per share;

3. That the company could list its stock on a securities exchange probably by the end of 1960 and held out the prospect of such listing.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days herefrom; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1473; Filed, Feb. 17, 1961; 8:47 a.m.]

[File No. 1-4252]

## UNITED INDUSTRIAL CORP.

### Order Summarily Suspending Trading

FEBRUARY 14, 1961.

The Common Stock, $1 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange, and admitted to unlisted trading privileges on the Detroit Stock Exchange; and

The Series A Convertible Preferred Stock $8.50 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange; and

The Warrants to Purchase Common Stock of United Industrial Corporation (Delaware) being listed and registered on the American Stock Exchange and the Pacific Coast Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in each such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspensions are necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any of such securities, otherwise than on a national securities exchange;

*It is ordered*, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said securities on the American Stock Exchange, the New York Stock Exchange, the Detroit Stock Exchange and the Pacific Coast Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, February 15, 1961, to February 24, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1474; Filed, Feb. 17, 1961; 8:47 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (Rev. 6), Amdt. 3]

## REGIONAL DIRECTORS

### Delegation Relating to Financial Assistance, Investment Program, Procurement and Technical Assistance and Administration

Delegation of Authority No. 30 (Revision 6), as amended, (25 F.R. 1706 and 7418, 26 F.R. 177), is hereby further amended by:

1. Adding the following new subsection I.D. 17:

17. To approve in-service training where the cost of such training does not exceed $50.00, exclusive of travel and per diem costs, for each employee concerned.

2. Deleting section II in its entirety and substituting the following in lieu thereof:

II. The specific authority in subsection I.A. 9; subsection I.C. 2; and subsections I.D. 2, 3, 4, 5, 6 (b), (c) and (d) 10(b), 13, 14, 15, and 17 may not be redelegated.

Effective date: February 7, 1961.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 61-1476; Filed, Feb. 17, 1961; 8:47 a.m.]

[Delegation of Authority 3 (Rev. 2), Amdt. 1]

## DIRECTOR, OFFICE OF PERSONNEL

### Delegation Relating to Personnel

Delegation of Authority No. 3 (Revision 2), dated October 16, 1956, as amended January 1, 1958, and June 1, 1960, is hereby further amended by:

1. Adding the following new subsection I.B. 7:

7. To approve all training, except in-service training for field office employees for $50.00 or less exclusive of travel and per diem costs.

2. Deleting section II in its entirety and substituting the following in lieu thereof:



II. The specific authorities delegated in I.B. 3, I.B. 4(c), I.B. 6, and I.B. 7 may not be redelegated.

Effective date: February 7, 1961.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 61-1477; Filed, Feb. 17, 1961; 8:47 a.m.]

# GENERAL SERVICES ADMINISTRATION

## PARTIALLY PROCESSED QUARTZ CRYSTALS HELD IN NATIONAL STOCKPILE

### Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 6,125,082 pieces of partially processed quartz crystals now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling these quartz crystals. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that the material is obsolescent for use in time of war.

General Services Administration proposes to transfer the quartz crystals to other Government agencies, or to offer them for sale on a competitive basis, beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

The plan and date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: February 14, 1961.

BERNARD L. BOUTIN, *Acting Administrator.*

[F.R. Doc. 61-1489; Filed, Feb. 17, 1961; 8:49 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 15, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 36906: *T.O.F.C. rates between Kansas and Missouri and southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7968), for interested rail carriers. Rates on airplane parts, NOIBN, other than cloth and wood or metal combined; braced and racked in trailers and transported on railroad flat cars, between points in Kansas and Missouri, on the one hand, and points in southwestern territory, also Natchez, Miss., Memphis, Tenn., and Kansas and Missouri, on the other

Grounds for relief: Motor-truck competition.

Tariff: Supplement 13 to Southwestern Freight Bureau tariff I.C.C. 4362.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-1480; Filed, Feb. 17, 1961; 8:48 a.m.]

[Notice 450]

## MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 15, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63812. By order of February 10, 1961, the Commission, Division 4, acting as an Appellate Division, approved the transfer to Phoenix Moving & Storage, Inc., New London, Conn., of a portion of the operating rights in Certificate No. MC 42475, issued June 18, 1951, to "B" Line Transportation Company, Inc., New London, Conn., authorizing the transportation of household goods as defined by the Commission, over irregular routes, between New London, Conn., and points within 15 miles of New London, on the one hand, and, on the other, points in Massachusetts, Rhode Island, New York, and New Jersey; and between New London, Conn., and points in Connecticut within 15 miles of New London, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Vermont, Maine, Rhode Island, New York, and New Jersey. Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford 3, Conn., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-1481; Filed, Feb. 17, 1961; 8:48 a.m.]

[Docket No. 33659]

## RAIL RATES AND PRACTICES ON LUMBER

### Petition for Investigation

FEBRUARY 10, 1961.

Petitioners: Southeastern Pine Marketing Institute, Southern Lumber Traffic Committee, Carolina-Georgia Lumbermen's Association, Eastern North Carolina Lumber Manufacturers Association, Inc., Florida-Georgia Quality Pine Products, and Georgia Forestry Association, Inc.

Petitioners' attorney: James K. Knudson, 1821 Jefferson Place NW., Washington 6, D.C.

By a petition filed January 23, 1961, petitioners request that the Interstate Commerce Commission in response to the petition, upon its own motion, institute an investigation into the lawfulness of the rail rates and practices on lumber from trans-continental territory to official territory, southeastern territory, and southwestern territory and from southeastern and southwestern territories to official territory.

Petitioners' reasons for requesting the investigation are as follows: the rate relationships have been distorted by the hold-downs in the Ex Parte proceedings, the rail rate structure is not properly related to the comparative rail costs from the two producing areas to their common principal markets thereby preferring western shippers and prejudicing southern shippers, and there are still unregulated pressures being brought to bear on both shippers and railroads to further aggravate and intensify the discrimination in investigable terms of costs, diversion, minimum weights, intercarrier competition, traffic flow, etc.

Any person or persons desiring to participate in this matter may file representations supporting or opposing the relief sought by March 31, 1961. An original and fourteen copies of such representations must be filed for the use of the Commission. Copies of the petition may be obtained from Mr. James K. Knudson, 1821 Jefferson Place NW., Washington 6, D.C.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-1482; Filed, Feb. 17, 1961; 8:48 a.m.]

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VOLUME 26 NUMBER 34

Washington, Tuesday, February 21, 1961

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10919

### CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE PAN AMERICAN WORLD AIRWAYS, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Pan American World Airways, Inc., a carrier, and certain of its employees represented by the Flight Engineers' International Association, PAA Chapter, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of airline employees or any carrier.

The board shall report its findings to the President with respect to the dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Pan American World Airways, Inc., or by its employees, in the conditions out of which the dispute arose.

JOHN F. KENNEDY

THE WHITE HOUSE,
*February 17, 1961.*

[F.R. Doc. 61-1582; Filed, Feb. 20, 1961; 10:07 a.m.]

### Executive Order 10920

### REVOKING EXECUTIVE ORDER NO. 10700[1] OF FEBRUARY 25, 1957, AS AMENDED

By virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is ordered that Executive Order No. 10700 of February 25, 1957, entitled "Further Providing for the Operations Coordinating Board", as amended, be, and it is hereby, revoked.

JOHN F. KENNEDY

THE WHITE HOUSE,
*February 18, 1961.*

[F.R. Doc. 61-1583; Filed, Feb. 20, 1961; 10:07 a.m.]

[1] 3 CFR, 1957 Supp., p. 60; 22 F.R. 1111.

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of Defense

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (19) of § 6.304 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1538; Filed, Feb. 20, 1961; 8:48 a.m.]

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 886, Amdt. No. 1]

### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

*Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.993 (Lemon Regulation 886, 26 F.R. 1209) are hereby amended to read as follows:

(ii) District 2: 186,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 15, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-1527; Filed, Feb. 20, 1961; 8:46 a.m.]

---

[Amdt. 4]

### PART 1032—CARROTS GROWN IN SOUTH TEXAS

#### Limitation of Shipments

The currently effective limitation of shipments regulation issued pursuant to Marketing Agreement No. 142 and Order No. 132, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), sets forth, inter alia, certain pack requirements applicable to the handling of carrots grown in certain designated counties of South Texas as therein specified (§ 1032.301(d)(2)(iii)). It has been determined (1) that such pack requirements erroneously distinguish between a master container designated therein as crate No. 3820 and a "half val" crate and that such designations in fact identify the same master container and (2) that such pack requirements do not include crate No. 5055 currently in use as a master container in the production area. Therefore, this amendment is necessary to properly identify containers in current use in the production area.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) this amendment is necessary to properly identify containers in current use in the production area, (2) the amendment imposes no additional restrictions on the handling of carrots grown in the production area, and (3) compliance with the amendment will not require any special preparation on the part of handlers.

*Order as amended.* In § 1032.301 (25 F.R. 11207, 12828, 13631; 26 F.R. 220), delete paragraph (d) and substitute in lieu thereof a new paragraph (d) as set forth below.

§ 1032.301 Limitation of shipments.

* * * * *

(d) *Pack requirements.* (1) Master containers for 1 pound or 2 pound packages shall contain the following number of packages only:
(i) 24 1-pound packages;
(ii) 48 1-pound packages; or
(iii) 24 2-pound packages.

(2) The net weight of contents plus tare allowance for weight of a master container shall not exceed the following tolerances;

(i) Master containers of packages weighing 1 pound or less shall not exceed an average of 20 percent;

(ii) Master containers of packages weighing over 1 pound and up to and including 2 pounds shall not exceed an average of 15 percent; and

(iii) Master containers of packages weighing over 2 pounds shall not exceed an average of 10 percent. The net weight of contents for master containers shall be determined by multiplying the average number of packages in the master containers by the weight classification of such packages. Tare allowances for master containers shall be 4 pounds for crates Nos. 4015 and 3820 or their equivalents in other containers, and 2 pounds for crate No. 5055 or the equivalent in other containers. Crates Nos. 4015, 3820, and 5055 mean carrier containers designated by such numbers.

(3) Containers weighing 25 pounds or more shall not exceed an average of 10 percent of the net weight of contents.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

*Effective date.* This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: February 16, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division.*

[F.R. Doc. 61-1540; Filed, Feb. 20, 1961; 8:48 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Reg. Docket No. 656; Special Civil Air Reg. SR-445]

### PART 60—AIR TRAFFIC RULES

#### Reports of Navigation and Communications Equipment Malfunctions; Special Civil Air Regulation

*Correction*

In F.R. Doc. 61-1439, appearing at page 1398 of the issue for Friday, February 17, 1961, that part of the heading which is enclosed in brackets should read as set forth above.





## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

#### Tolerances for Residues of Toxaphene

A petition was filed with the Food and Drug Administration by Hercules Powder Company, Wilmington 99, Delaware, requesting the establishment of tolerances for residues of toxaphene at 7 parts per million in or on collards, kale, and spinach.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.138) are amended by adding collards, kale, and spinach to the list of raw agricultural commodities for which tolerances have been established. All paragraph designations are deleted to facilitate the insertion of new tolerances. As amended, § 120.138 reads as follows:

§ 120.138 Tolerances for residues of toxaphene.

Tolerances are established for residues of toxaphene (chlorinated camphene containing 67 percent–69 percent chlorine) in or on raw agricultural commodities from preharvest or preslaughter application, as follows:

7 parts per million in or on cranberries; collards; fat of meat from cattle, goats, hogs, and sheep; hazelnuts; hickory nuts; horseradish; kale; parsnips; pecans; peppers; pimentos; rutabagas; spinach; walnuts.

5 parts per million in or on barley, oats, rice, rye, sorghum grain, wheat.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 15, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-1522; Filed, Feb. 20, 1961; 8:46 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

### PART 33—SPORT FISHING

#### Kentucky Woodlands National Wildlife Refuge, Kentucky

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

Special regulations; sport fishing; for individual wildlife refuge areas.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Sport fishing on the Kentucky Woodlands National Wildlife Refuge, Kentucky, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 7,500 acres or 11 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, rock bass, sauger, rockfish, crappie, and bream; and other minor species permitted by State regulations.

(b) Open season: Duncan Bay and interior lakes Hematite, Honker, Empire, and Esselstyne—April 1, 1961, through October 15, 1961. Daylight hours only in interior lakes.

(c) Daily creel limits:

| | |
|---|---|
| Black bass | 10 |
| Rock bass | 15 |
| Sauger | 10 |
| Rockfish | 1 |
| White bass | 60 |
| Crappie | 60 |
| Bream | No limit |

Other minor species as permitted by State regulations.

(d) Methods of fishing:

1. Pole and line, rod and reel, artificial and live baits permitted.

2. Row boats, canoes and other floating devices with motors permitted in Duncan Bay. Gasoline powered boats prohibited on interior lakes. Electric motors permitted.

3. Bow and arrows may be used for taking non-game fish as prescribed by Kentucky Regulation KFWR–F–25.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to October 16, 1961.

WALTER A. GRESH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

FEBRUARY 9, 1961.

[F.R. Doc. 61-1535; Filed, Feb. 20, 1961; 8:48 a.m.]

## Title 32A—NATIONAL DEFENSE, APPENDIX

### Chapter VI—Business and Defense Services Administration, Department of Commerce

[Rules of Practice 1—Revocation]

### RP 1—RULES OF PRACTICE BEFORE HEARING COMMISSIONERS

#### Revocation

BDSA RP 1, Rules of Practice Before Hearing Commissioners (formerly NPA Rules of Practice 1, revised March 17, 1953) is hereby revoked.

(Sec. 704, 64 Stat. 816, as amended, P.L. 86-560, 74 Stat. 282; 50 U.S.C. App. 2154)

This revocation is effective February 15, 1961.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
WILLIAM A. WHITE, Sr.,
*Administrator.*

FEBRUARY 15, 1961.

[F.R. Doc. 61-1529; Filed, Feb. 20, 1961; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Parts 943, 966 ]

[Docket Nos. AO-231-A14, AO-257-A6]

### MILK IN NORTH TEXAS AND NORTHERN LOUISIANA MARKETING AREAS

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the North Texas and Northern Louisiana marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 3rd day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, were formulated, was conducted at Dallas, Texas, on January 18, 1961, pursuant to notice thereof which was issued January 9, 1961 (26 F.R. 225).

The material issues on the record of the hearing relate to:

1. Modification of the Class II and Class I pricing formulas under the North Texas order.

2. Modification of the Class II and Class I pricing formulas under the Northern Louisiana order.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Issue No. 1. Revision of the Class II pricing formula and the basic formula used in determining the Class I price under the North Texas order.

The Class II pricing formula should be revised to provide that during the months of April, May and June, the Class II price shall be the higher of the prices resulting from the butter-powder formula component of the basic formula price, less 14 cents, or a Cheddar cheese formula price identical to that presently provided in the San Antonio and Corpus Christi orders for pricing Class II-A (Cheddar cheese) milk. In all other months such price should be the higher of the butter-powder formula price or the Cheddar cheese formula price. The local Texas manufacturing plant pay price should be deleted as an alternative pricing mechanism in the basic formula price.

Under the present order provisions the Class II price during the months of April, May and June is the higher of the average pay prices of three local Texas manufacturing plants or the butter-powder formula price less 20 cents. In all other months of the year, the Class II price is the higher of the butter-powder formula price or the average of the local manufacturing plant pay prices. The local plant pay prices, the butter-powder formula and the Midwest condensery pay price are components of the basic formula price.

The average of the local manufacturing pay prices normally has been the effective Class II price during the months of April, May and June and in all other months the butter-powder formula price has been the effective price. The local manufacturing plant pay price has never been effective in determining the basic formula price.

Changes in the operation of local manufacturing plants reporting prices paid dairy farmers for ungraded milk seriously impair their usefulness in the pricing provisions of the order. The Borden Company plant at Mount Pleasant, Texas, has ceased operation. The Lamar Creamery Company plant at Paris, Texas, no longer receives ungraded milk from dairy farmers. The volume of ungraded milk handled at the three manufacturing plants dropped from an average of 2.7 million pounds per month in 1957 to about 1.4 million pounds per month in 1959. On the basis of volume figures reported on the record through May 1960, it is apparent that the quantity of ungraded milk receipts decreased still further during 1960, and with only one plant now operating such receipts will be still less in 1961.

Producer proponents contend that while they do not at this time question the appropriateness of the Class II prices provided under the order during 1960, they are unwilling, and believe it inappropriate, to continue to have their Class II milk priced on the basis of a single plant's reported pay price. They propose, therefore, that the Class II price, during the specified flush months of production, be the higher of the butter-powder formula component of the basic formula price, less 14 cents, or a Cheddar cheese formula price. They further proposed that in all other months the Cheddar cheese formula price be the effective Class II price in any month in which such price exceeds the butter-powder formula price.

Producer's proposal would have provided the same Class II price level of $3.266 during 1960 as was in effect under the present order provisions. In addition, it would also have provided Class II prices virtually identical with the actual Class II prices in effect in the years 1958 and 1959. Since their proposal meets the objective of providing a more representative basis for pricing Class II milk, its adoption is appropriate.

The inclusion of the alternative cheese pricing formula [prices paid per pound of Cheddar cheese at Wisconsin Primary markets times 8.4] provides assurance to producers that the Class II price adequately reflects the supply-demand situation for milk for manufacturing uses on a national basis. While the Cheddar cheese pricing formula would not have established the Class II price in any month during the period 1956–1960, the price for milk processed into Cheddar cheese has strengthened significantly in the latter part of 1960. It is possible, therefore, that in some future period such price may exceed the price computed on the basis of the butter-powder formula. Cheddar cheese is generally recognized as one of the residual use values for fluid milk. Since the facilities are available to the market for disposition of the surplus reserve milk for Cheddar cheese, there is no reason why the price for such milk should at any time be less than the price of milk utilized in Cheddar cheese.

One handler recommended that the lower Class II price be extended to include the month of March. He contended that such modification would align the Class II prices for the flush production months with the months when producers are paid base and excess prices. Producer proponents pointed out, however, that they were presently engaged in a reappraisal of the Class II price level and expected that they would submit their conclusions in the form of proposals for hearing within a few months. If a change in the seasonality of Class II prices is desirable, it should be considered at a later hearing.

The basic formula price used in determining Class I prices under the order is presently the highest of the butter-powder formula price, the Midwest condensery pay price or the local manufacturing plant pay price. For reasons previously stated the local manufacturing plant pay price no longer can be presumed to constitute a representative price for manufacturing milk. While such price has never been effective in establishing the Class I price, it nevertheless has provided assurance to producers that their Class I price would reflect competitive manufacturing milk values. The use of the Cheddar cheese formula price as a component of the basic pricing formula, in lieu of the manufacturing plant pay price would not serve this purpose. The Cheddar cheese formula proposed would never have been effective as a Class I price determinant and it is difficult, if not impossible, to conceive of circumstances under which such price could be higher than either the existing butter-powder formula price or the Midwest condensery pay price. Hence, inclusion of this formula could serve no useful purpose. The deletion of the local manufacturing plant pay price as a component of the basic pricing formula is not expected to affect the level of Class I prices provided by the order.

Issue No. 2. Revision of the Class II pricing formula and the basic formula price used in determining the Class I price under the Northern Louisiana order.

The Class II pricing formula should be revised to provide that during the months of March, April, May, and June, the Class II price shall be the price resulting from the existing butter-powder formula price component of the basic formula price, less 5 cents, and in all other months, the butter-powder formula price. The average of pay prices of three Texas manufacturing plants should be deleted as an alternative pricing mechanism in determination of the basic formula price in the Class I pricing provisions.

Under the present order provisions, the Class II price during the months of March, April, May, and June is the average of the pay prices of the three local Texas manufacturing plants, and in all other months the higher of such price or the butter-powder formula price. The basic formula price used to determine the Class I price is the highest of the butter-powder formula price, the Midwest condensery pay price or the local Texas manufacturing plant pay price.

Producer proponents in the Northern Louisiana market took an identical position to that of North Texas producers relative to the continued use of the Texas local manufacturing plants pay prices as a pricing mechanism for Class I and Class II milk. Unlike North Texas producers, however, their proposed Class II pricing mechanism would have increased the Class II price about 7 cents per hundredweight during the months of March, April, May and June, 1960. They modified their proposal during the hearing to provide that the Class II price be established on the basis of the existing butter-powder formula in all months of the year, without adjustment.

The deletion of the local Texas manufacturing plants pay prices as a component of both the Class I and Class II pricing formulas is desirable for the identical reasons previously set forth in the discussion of Issue No. 1. Since the butter-powder formula generally has been effective in setting the Class II price in the months of July through February, the use of this formula as the sole pricing mechanism during such months is not expected to affect the level of Class II price in such months. While the use of a butter-powder formula price adjusted downward by five cents during the other four months would have increased the Class II price by approximately 7 cents during such months in 1960, this increase is fully justified on the basis of the existing market situation.

The market situation in the Northern Louisiana market is substantially different than that in the North Texas market. The proponent association supplies all handlers with their full requirements for both Class I and Class II uses. Regulated handlers, however, have very limited Class II use. The bulk of the producer milk supply, in excess of the market's Class I needs, is disposed of by the association to nonpool plants for manufacturing uses. During the past several years, the association has been able to realize a return on such excess milk in excess of the order Class II prices. During the months of March through June 1960, the association received as much as 34.5 cents over the Class II price on milk disposed of to manufacturing plants. The association indicated that it will have no difficulty in disposing of all of the surplus milk during 1961 at prices at least as high as that resulting from their amended proposal.

Under normal circumstances there should be no reason why producers' amended proposal could not be adopted. However, it must be recognized that regulated handlers do use limited volumes of Class II milk and adoption of producers' amended proposal would have increased the cost of such milk during the months of March through June 1960 by 12 cents per hundredweight. This hearing was held at Dallas, Texas. No handlers were present at the hearing. Producer proponents, however, stated on the record that they had fully discussed their original proposal for a Class II price based on the butter-powder formula price less 5 cents, during the four flush production months, with handlers individually and that they were not opposed to such a proposal.

While the hearing notice indicated that the hearing would consider appropriate modifications of the proposals set forth in the notice, handlers had little reason to expect that producers would modify their proposals previously discussed with them. There is reason to think that the handlers did not attend the hearing called at a distant place in reliance on producers representation that only the proposals as set forth in the hearing notice would be supported by testimony. Therefore, revision in the Class II price to a level higher than that set forth in the notice would not be appropriate in these particular circumstances.

The prices paid by a single local manufacturing plant do not provide a representative price for purposes of pricing Class I milk under the order. It is desirable, therefore, that this component of the basic formula price be deleted. Since the local manufacturing pay price has never been effective in establishing the Class I price, this modification of the basic pricing formula is not expected to affect the level of Class I price provided by the order.

*Rulings on proposed findings and conclusions.* A brief and proposed findings and conclusions were filed on behalf of certain interested parties. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which hearings have been held.

*Recommended marketing agreements and orders amending the orders.* The following orders amending the orders regulating the handling of milk in the North Texas and Northern Louisiana marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

North Texas Order:

§ 943.50 [Amendment]

1. In the first sentence of § 943.50 delete the phrase "highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section" and substitute therefor the phrase "higher of the prices computed pursuant to paragraphs (a) and (b) of this section."

2. Delete paragraph (c).

§ 943.51 [Amendment]

3. Delete paragraph (b) and substitute therefor the following:

(b) *Class II milk.* The Class II price per hundredweight, rounded to the nearest one-tenth cent, shall be as follows:

(1) For each of the months of April, May and June the higher of:

(i) the price computed pursuant to § 943.50(b) less 14 cents; or

(ii) The price computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month.

(2) For each of the months of July through March, the higher of the prices computed pursuant to § 943.50 (b) or subdivision (ii) of subparagraph (1) of this paragraph.

Northern Louisiana Order:

1. Delete § 966.50 and substitute therefor the following:

§ 966.50 Basic formula price.

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest one-tenth cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 4.0.

| Present Operator and Location |
|---|
| Borden Co., Orfordville, Wis. |
| Borden Co., New London, Wis. |
| Carnation Co., Sparta, Mich. |
| Carnation Co., Richland Center, Wis. |
| Carnation Co., Oconomowoc, Wis. |
| Pet Milk Co., Wayland, Mich. |
| Pet Milk Co., Coopersville, Mich. |
| Pet Milk Co., New Glarus, Wis. |
| Pet Milk Co., Belleville, Wis. |
| White House Milk Co., Manitowoc, Wis. |
| White House Milk Co., West Bend, Wis. |

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0;

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

§ 966.51 [Amendment]

2. Delete paragraph (b) and substitute therefor the following:

(b) *Class II price.* The minimum price shall be the price computed pursuant to § 966.50(b), minus 5 cents per hundredweight for the months of March, April, May and June, and the price computed pursuant to § 966.50(b) for all other months, rounded in each case to the nearest one-tenth cent.

Issued at Washington, D.C., this 16th day of February 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R Doc. 61-1541; Filed, Feb. 20, 1961; 8:48 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by E. R. Squibb and Sons, Division of Olin Mathieson Chemical Corporation, Georges Road, New Brunswick, New Jersey, proposing the issuance of a regulation to provide for the safe use of nystatin in medicated chicken feed at a level of 50 grams per ton for prevention and 100 grams per ton for treatment of crop mycosis and/or mycotic diarrhea in chickens and laying hens.

Dated: February 14, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1520; Filed, Feb. 20, 1961; 8:46 a.m.]

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Anchor Serum Company, 2400 Frederick Avenue, St. Joseph, Missouri, proposing the issuance of a regulation to provide for the safe use of dihydrostreptomycin, nemycin, and polymyxin B in the treatment of mastitis in milk-producing dairy cows.

Dated: February 14, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1521; Filed, Feb. 20, 1961; 8:46 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 514 ]

[Reg. Docket No. 661]

## TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

### Stall Warning Instruments

Pursuant to the authority delegated to me by the Administrator (14 CFR 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the Regulations of the Administrator by adopting a new Technical Standard Order. A notice of proposed rule making establishing minimum performance standards for stall warning instruments to be used on civil aircraft of the United States was published in 23 F.R. 8315.

Subsequent to publication of the proposal, it was determined that substantive changes were necessary. These changes consist of incorporating thermal shock and sealing performance tests to insure reliability and safety of the instruments, requiring a positive means for indicating to the pilot when a power loss malfunction occurs, and addition of a quality control statement. Accordingly, this proposal will replace the notice of proposed rule making, 23 F.R. 8315, which is hereby withdrawn.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before April 7, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further publication as a draft release.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By adding § 514.53 as follows:

§ 514.53 Stall warning instruments—TSO-C54.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for stall warning instruments which specifically are required to be approved for use on civil aircraft of the United States. New models of stall warning instruments manufactured for installation on civil aircraft on or after the effective date of this section shall meet the standards set forth in SAE Aeronautical Standard AS-403A, "Stall Warning Instrument", revised July 15, 1958,[1] with exceptions, and additions to the standards listed in subparagraph (2) of this paragraph.

(2) *Exceptions and additions.* (i) The following specifically numbered parts in AS 403A do not concern minimum performance and therefore are not essential to compliance with this section: Parts 3.1; 3.1.1; 3.1.2; 3.2 (a), (b), (c), (d), (e), and (f).

(ii) In lieu of Part 7, it is a requirement that stall warning instrument covered by this section be capable of successfully passing the tests in Parts 7.1 through 7.7.

(iii) Thermal shock: This test shall apply to any hermetically sealed component. The component shall be subjected to four cycles of exposure to water at 85°±2° C. and 5°±2° C. without evidence of moisture penetration or damage to coating or enclosure. Each cycle of the test shall consist of immersing the component in water at 85°±2° C. for a period of 30 minutes, and then within 5 seconds of removal from the bath, the component shall be immersed for a period of 30 minutes in the other bath maintained at 5°±2° C. This cycle shall be repeated continuously, one cycle following the other until four cycles have been completed. Following this test, the indicator shall be subjected to the Sealing test specified in (iv). No indicator leakage shall occur as a result of this test.

(iv) Sealing: This performance test shall apply to each hermetically sealed instrument. The instrument shall be immersed in a suitable liquid, such as water. The absolute pressure of the air above the liquid shall then be reduced to approximately 1 inch of mercury (Hg) and maintained for 1 minute, or until air bubbles cease to be given off by the liquid, whichever is longer. The absolute pressure shall then be increased by 2½ inches Hg. Any bubbles coming from within the indicator case shall be considered as leakage and shall be cause for rejection. Bubbles which are the result of entrapped air in the various exterior parts of the case shall not be considered as leakage. A helium leak detector or other means of test, at least equal in sensitivity to the immersion method described, may be used. Where a leak detector is employed for conducting the test, the leak rate shall not exceed 1 microcubic foot per hour at a pressure differential of approximately 1 atmosphere. If the instrument incorporates nonhermetically sealed appurtenances, such as a case extension, these appurtenances may be removed prior to the sealing test.

(v) Power malfunction indication: Means shall be incorporated in the instrument to indicate when adequate power (voltage and/or current) is not being made available to all phases required for the proper operation of the instrument. The indicating means shall indicate a failure or a malfunction in a positive manner, and be readily discernible under any lighting condition normally encountered in aircraft.

(b) *Marking.* In addition to the markings specified in § 514.3 range or rating (voltage) shall be shown.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product.

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C.

(i) Manufacturer's operating instructions and instrument limitations.

(ii) Drawings of major components or photographs showing exploded views of instruments.

(iii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications, including any limitations, restrictions, or other conditions pertinent to installation.

(iv) One copy of the manufacturer's test report.

(d) *Quality control.* Each stall warning instrument shall be produced under a quality control system, established by the manufacturer, which will assure that each stall warning instrument is in conformity with the requirements of this section and is in condition for safe operation. This system shall be described in the data required under paragraph (c)(2). A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this standard.

(e) *Previously approved equipment.* Stall warning instruments approved by the Administrator prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

Issued in Washington, D.C., on February 14, 1961.

GEORGE C. PRILL
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-1510; Filed, Feb. 20, 1961; 8:45 a.m.]

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, N.Y.

## [ 14 CFR Part 515 ]

[Reg. Docket No. 653; Draft Release No. 61-3]

## MAINTENANCE STANDARD ORDERS FOR AIRCRAFT MAINTENANCE

### Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposed new Part 515 of the regulations of the Administrator, Maintenance Standard Orders for Aircraft Maintenance, as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C., prior to April 20, 1961. Thereafter, such comments will be available in the Docket Section to all interested persons. After examination of the original comments received, interested persons may submit such additional comments in response thereto as they may desire. Such additional comments must be submitted prior to May 22, 1961. (Photostatic copies of comments on file in the Docket Section may be obtained upon payment of the cost of such copies.) All original comments and additional comments in response thereto received by the dates specified for receipt thereof will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received.

Maintenance Standard Orders (MSO's) would set forth minimum standards for maintenance, the equipment and facilities for such maintenance, and the periods for and the manner in which such maintenance shall be made. Such Maintenance Standard Orders would particularly implement the provisions of section 601(a)(3) of the Federal Aviation Act of 1958, which require the Administrator to prescribe, in addition to reasonable rules and regulations, "minimum standards governing, in the interest of safety, (A) the inspection, servicing, and overhaul of aircraft, aircraft engines, propellers, and appliances; (B) the equipment and facilities for such inspection, servicing, and overhaul; and (C) in the discretion of the Administrator, the periods for, and the manner in, which such inspection, servicing, and overhaul shall be made . . ." The term "maintenance," as used in this proposal, is defined in Part 18 of the Civil Air Regulations as follows: "Maintenance, which includes preventive maintenance, is the inspection, overhaul, repair, upkeep, and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts."

The regulations which govern the maintenance of civil aircraft are found in various parts of the Civil Air Regulations, such as Parts 18, 40, 41, 42, 43, 46, and 52. However, only Part 18 is applicable to all certificated civil aircraft, and all persons who operate or maintain certificated civil aircraft are required to comply with the appropriate provisions thereof. Section 18.30 requires that "All maintenance, repairs, and alterations shall be accomplished in accordance with methods, techniques, and practices approved by or acceptable to the Administrator," thus, it is appropriate that a uniform means be provided to state the approved standard of maintenance to be achieved by the use of such methods, techniques, and practices.

Heretofore, no clearly established and uniform means have been provided whereby persons affected by Part 18 could clearly determine that they were, in fact, in compliance with the provisions of section 18.30. Extensive information on maintenance methods, tech-

niques, and practices has been published from time to time in the form of interpretations and policies in § 18.30 of Civil Aeronautics Manual 18. In addition, other information of similar nature on the same subject has been disseminated by circular letters, directives, or other policy material. It is now intended gradually to remove such material, and to issue MSO's setting forth the approved standards for the maintenance of certificated civil aircraft. The MSO's would contain only minimum conditions which must be met by persons affected thereby, and would not prohibit or hinder the use of maintenance to provide a higher level of safety or to provide for more maintenance than would be required by the minimum conditions.

Each new or amended MSO would be issued in accordance with the Administrative Procedure Act in the same manner as this proposal and other regulations. In addition, insofar as possible, interested persons within the industry would be afforded the opportunity of participating in the development of the substance of individual Maintenance Standard Orders before formal rule making action is proposed. Such participation usually would be afforded by prior correspondence, meetings, or conferences.

A substantial number of persons participated in an informal public Maintenance Requirements Conference held in Washington, D.C., on August 3, 4, and 5, 1960, in which the nature and purpose of the MSO were discussed. This meeting was initiated by the Bureau of Flight Standards to acquaint the aviation industry with the contemplated rule changes, and to seek constructive comments. The results of this meeting were well publicized in the aviation press, thus affording all interested persons preliminary notice of possible rule making action.

The most significant recommendation made at the conference concerned the acceptability of equivalent means of complying with the provisions of an MSO, particularly where these might involve methods, techniques, and practices. The informal proposal presented by the Bureau in the form of a sample MSO contained, in addition to minimum standard criteria, such methods, techniques, and practices which were working details intended to achieve the prescribed standard of maintenance. The proponents of the proposal stated that the purpose of an MSO would be to prescribe, to the maximum extent possible, a minimum end quality of maintenance. They also stated that the MSO was not intended to prescribe detailed methods, techniques, and practices as mandatory requirements, but that in some cases, it might not be possible to avoid this entirely. Accordingly, as proposed herein, each MSO will establish, as far as possible, only minimum standards which will provide a measure of quality governing the end product of maintenance. Detailed methods, techniques, or practices for the performance of maintenance will not be incorporated in MSO's, except for purposes of clarity or explanation, or as recommendations where absolutely necessary to define a standard. In this latter case, they will be incorporated in the form of nonmandatory notes or references to the substance of the MSO. In any case where a method, technique, or practice is incorporated into an MSO, and the Director, Bureau of Flight Standards, or his authorized representative, can find that a proposed alternative will produce an equivalent result, he may accept the alternative in lieu of the specified method, technique, or practice.

Even though Part 18 includes rules for the accomplishment of alterations as well as maintenance, the Maintenance Standard Orders would pertain solely to maintenance. It is contemplated that the matter of alterations will be the subject of separate and subsequent regulatory proposals.

This proposal comprises a Subpart A and a Subpart B. Subpart A contains the general provisions applicable to all Maintenance Standard Orders, while Subpart B contains required standards governing specific conditions or types of maintenance.

The Subpart B, which is a part of this notice of proposed rule making, sets forth proposed standards for the retreading of high-speed tires for use on civil aircraft of United States registry having ground speeds in excess of 160 miles per hour. Such proposed standards are related to the standards for the manufacture of high-speed aircraft tires as set forth in a separate and previous notice of proposed rule making as a Technical Standard Order. Because of this relationship, a substantial portion of this proposal has been the subject of prior discussion with interested tire manufacturers. Additional comments have been received on the specific subject of retreading high-speed tires by interested persons who are engaged in the business of retreading such tires. Such discussion and comments have been considered in the preparation of the proposed standards for tire retreading and, insofar as possible, they have been incorporated herein. Therefore, it is anticipated that such standards will be found to be in close accord with existing retreading practices. However, based on the comment of at least one manufacturer of high-speed aircraft tires, the proposed standard is considerably less stringent than that manufacturer would like to see as a means of retaining the standard of excellence in tires which, at least, that manufacturer would like to maintain. In this connection, it must be remembered that the MSO sets forth only minimum standards as a reasonable means of insuring safe operation of civil aircraft. As noted elsewhere in this notice, any person who would be affected by the proposed MSO for retreading high-speed tires may voluntarily utilize higher standards than set forth herein, but if this proposal is adopted, no person may use standards which are lower than those specified in such MSO.

In consideration of the foregoing, it is proposed to promulgate the new Part 515 of the regulations of the Administrator set forth below.

(Secs. 313(a), 601, 604, 605, and 607 of the Federal Aviation Act of 1958; 72 Stat. 752, 775, 778, 779; 49 U.S.C. 1354(a), 1421, 1424, 1425, 1427)

Issued in Washington, D.C., on February 8, 1961.

OSCAR BAKKE,
*Director, Bureau of Flight Standards.*

## PART 515—MAINTENANCE STANDARD ORDERS FOR AIRCRAFT MAINTENANCE

### Subpart A—General

**§ 515.1 Basis.**

Sections 601, 604, 605, and 607 of the Federal Aviation Act of 1958, and § 18.30 of this title.

**§ 515.2 Scope.**

Subpart B of this part prescribes standards for the accomplishment of maintenance, the equipment and facilities for such maintenance, and the periods for and the manner in which such maintenance is made.

**§ 515.3 Applicability.**

Unless otherwise specified in Subpart B of this part, Maintenance Standard Orders issued pursuant to this part shall be applicable to all certificated civil aircraft of the United States.

### Subpart B—Maintenance Standard Order MSO–A–1

**§ 515.10 Retread high-speed tires—MSO–A–1.**

(a) *Scope and applicability.* Standards of this Maintenance Standard Order [1] are for the retreading of high-speed tires for use on civil aircraft of United States registry. They shall apply to all tires installed on aircraft having ground speeds in excess of 160 miles per hour.

(b) *General.* Each retreaded tire shall comply with subparagraphs (1) through (3) of this paragraph. In addition, each tire shall be retreaded with materials and under a quality control in compliance with paragraphs (g) and (h) of this section to insure that it is in a condition enabling it to meet the tests prescribed in paragraph (e) of this section.

(1) *Condition of tire to be retreaded.* Tires having breaks in the fabric, due to flat spots, cuts, cracks, abrasions, etc., shall not be retreaded unless it is determined or demonstrated that such breaks will not adversely affect the safe operation of the retreaded tire. Damaged tires shall be determined to be acceptable for retreading in accordance with acceptable practices.

(2) *Marking.* The retread tire shall be permanently marked and shall include the markings listed in subdivisions (i) through (v) of this subparagraph. The marking data required of the original tire manufacturer shall not be obliterated.

[1] Copies may be obtained upon request addressed to: Aeronautical Reference Branch, Correspondence Inquiry Section, MS–126, Federal Aviation Agency, Washington 25, D.C.



(i) The letter "R" followed by a numeral "1", "2", etc., to signify the first, second, etc., time the tire has been retreaded.

(ii) If the dynamometer retread qualification speed is less than the new tire qualification speed, the retread speed shall be indicated in front of the letter "R".

(iii) The month and year of tread application.

(iv) The name of the retreading company.

(v) Applicable Maintenance Standard Order (MSO number).

(3) *Balance.* Each retreaded tire shall be balanced to determine that the static unbalance, in inch-ounces, does not exceed the following moment values:

(i) Actual tire diameters ($d$) up to and including 28 inches: $M=0.01d^2+0.38d$.

(ii) Actual tire diameters ($d$) greater than 28 inches; $M=0.034d^2-0.304d$.

(c) *Proof of qualification.* Critical tires shall be selected in accordance with paragraph (d) of this section and tested in accordance with paragraph (e) of this section. The tires shall be tested on each aircraft type and shall withstand the tests without failure or visible signs of deterioration other than expected tread wear. In establishing proof of qualification, the provisions of subparagraphs (1) through (4) of this paragraph shall apply.

(1) Substantiation of retread tires shall be based upon the aircraft manufacturer's data [2] showing the aircraft's characteristics in terms of weight, speed, deceleration, and groundroll distance.

(2) The aircraft data indicated in subparagraph (1) of this paragraph shall be used in establishing conservatively representative load-speed-time schedules [3] to be followed during the tests prescribed in paragraph (e) of this section. The representative load-speed-time schedules shall be established in terms of parameters defined in subdivisions (i) through (viii) of this subparagraph.

(i) $S_1$—initial dynamometer test speed in miles per hour;

(ii) $S_2$—speed in miles per hour at which the average deceleration between $S_1$ and $S_2$ does not exceed the specified value;

(iii) $D$—constant rate of deceleration in feet/second² between $S_1$ and $S_2$ speeds;

(iv) $RD$—roll distance in feet as determined from the aircraft data;

(v) $L_1$—initial tire load in pounds corresponding with the intersection of the two lines representing the load-time curve from the aircraft data (see subparagraph (3) of this paragraph);

(vi) $L_2$—maximum rated static load of tire in pounds;

(vii) $T_1$—time in seconds for applying load $L_1$;

(viii) $T_2$—elapsed time in seconds in applying load $L_2=\frac{S_1-\sqrt{S_1^2-2D(RD)}}{D}$

(3) The critical load-time curve taken from the aircraft data shall be represented for test purposes by enveloping straight lines originating from the zero load point and the $L_2$ point.

(4) The critical speed-time (deceleration) curve taken from the aircraft data shall be represented for test purposes by a straight line between the speeds $S_1$ and $S_2$ in such a manner that the speed at any given load is not less than the speed at that load indicated by the aircraft data.

(d) *Selection of tires for testing.* For any specific tire size having different ply ratings, a critical tire shall be selected for testing. The tire considered critical shall be the one having the highest value of $L_1/L_2$ ratio (see paragraph (c)(2)(v) and (vi)). All tires of the same size having all equal or lower $L_1/L_2$ ratio, as well as an equal or lesser static load rating than the tire tested, shall be considered as having been substantiated by test. If a tire with a greater static load rating is to be substantiated, it shall be tested at that static load rating, and the value of $L_1$ in the test schedule shall be adjusted to result in the highest $L_1/L_2$ ratio of all tires of the same size being substantiated.

(e) *Dynamometer tests.* A critical tire, selected in accordance with paragraph (d) of this MSO shall comply with the conditions of subparagraph (1) of this paragraph and shall withstand the tests prescribed in subparagraph (2) of this paragraph without failure or visible signs of deterioration other than expected tread wear. In lieu of the applicable load-speed-time schedules specified herein, dynamometer tests incorporating a variable loading procedure which more realistically simulates actual airplane performance on the runway may be used.

(1) *Conditions for tests.* The conditions of subdivisions (i) through (vi) of this subparagraph shall apply.

(i) Only a manufacturer's approved tire shall be used for testing. Prior to retreading, the tire shall be at least 90 percent worn or, alternatively, shall have simulated service use by having been subjected to the tests prescribed in subparagraph (2) of this paragraph.

(ii) The dynamometer qualification speed for which the carcass was designed. The minimum dynamometer test speeds $S_1$ for the corresponding operational groundspeed ranges shall be as follows:

| Maximum operational ground speed of aircraft, mph.: | *Dynamometer test speed $S_1$, mph.* |
|---|---|
| 160–180 | 180 |
| 181–200 | 200 |
| 201–225 | 225 |
| 226–250 | 250 |

(iii) In applying the dynamometer test schedule, a tolerance of ±1 second shall be permissible for the $T_1$, and a tolerance of +10 percent shall be permissible for the time $T_2$. (See paragraph (c)(2)(vii) and (viii) of this section.) When $T_2$ is calculated by the formula (see paragraph (c)(2)(viii) of this section), $S_2$ may be ignored and $D$ is assumed constant throughout the roll distance $RD$ (Ref. Figure 2).

(iv) The tire inflation during the tests shall be that necessary to give the same deflection on the flywheel under the $L_2$ load as the flat plate deflection of the tire at its rated static load and inflation.

(v) The measurement of carcass temperatures, as required by subparagraph (2) of this paragraph, shall be within one inch above the rim flange and in the shoulder or crown area.

(vi) It shall be permissible to run the tests on a test drum of a fixed mass, provided that the speeds, loads, and roll distance are identical to those which would exist if the tests were conducted on an inertia type dynamometer.

(2) *Execution of tests.* The tests shall consist of not less than 50 cycles of Test A as prescribed in subdivision (i) of this subparagraph, and 50 cycles of Test B as prescribed in subdivision (ii) of this subparagraph. The time between cycles of Test A and Test B shall be the minimum to insure carcass peak temperatures of not less than 160° F. or contained air peak temperatures of not less than 140° F. for each run. Unavoidable deviations from these temperatures shall be noted in the substantiating test data.

(i) *Test A.* Each cycle of the test shall include a speed cycle and a load cycle in accordance with (*a*) and (*b*) of this subdivision.

(*a*) *Speed cycle.* The tire shall be landed against the dynamometer flywheel rotating at a peripheral speed of $S_1$ mph. Immediately thereafter, the flywheel peripheral speed shall be decreased at an average deceleration of $D$ ft./sec.² until a value of $S_2$ is reached. No specific deceleration need be required below the speed $S_2$. The peripheral speed of the flywheel shall be decreased until the roll distance of $RD$ feet has been covered, at which time the tire shall be unlanded.

(*b*) *Load cycle.* Upon landing the tire against the dynamometer flywheel, the load shall be increased from zero to $L_1$ pounds within $T_1$ seconds and further increased linearly with time to a value of $L_2$ pounds within $T_2$ seconds after landing, or at the moment of unlanding, whichever occurs first. If the required roll distance $RD$ feet is not reached until after $T_2$, the load shall be maintained at $L_2$ pounds until $RD$ is covered (Ref. Figure 1).

(ii) *Test B.* Each cycle of the test shall include a speed cycle and a load cycle in accordance with (*a*) and (*b*) of this subdivision. In executing this test, the dynamometer flywheel weight shall be such that the kinetic energy stored up in the dynamometer shall correspond with a speed of 120 mph and the rated maximum static load of the

[2] Aircraft manufacturer's data applicable for the substantiation of retread tires indicate the aircraft's ground performance for the most critical combinations of takeoff weights, speeds, and center of gravity positions, with due consideration to operations at high ambient temperatures and from airports at high elevations.

[3] Illustrations of representative load-speed-time schedules are contained in Figures 1 and 2 of this MSO. It should be noted that in some instances the form of aircraft data available from the manufacturer needs replotting to put it into the form of Figures 1 and 2.

tire. The kinetic energy shall be computed as follows:

$$KE = CWV^2;$$

where
$KE$ = kinetic energy, ft.-lbs.,
$C$ = 0.011,
$W$ = tire load, lbs.,
$V$ = 120 mph.

If the number of flywheel plates does not result in the exact calculated kinetic energy, a greater number of plates may be used and the landing speed decreased accordingly.

(a) *Speed cycle.* The tire shall be landed against the dynamometer flywheel rotating at a peripheral speed of 90 mph and unlanded at zero speed.

(b) Upon landing the tire against the dynamometer flywheel, the rated maximum static load of the tire shall be applied and held until the tire is unlanded.

(f) *Modified tread.* Tires having skid depths or undertread thickness greater than those previously qualified shall not be acceptable unless they are substantiated by showing compliance with paragraph (e) of this section.

(g) *Materials.* Materials shall be of a quality which service experience and/or tests have demonstrated to be suitable and dependable for use in high-speed tires.

(h) *Quality control.* A quality control system shall be established by the renovating company to insure that each tire is in conformity with the provisions of this section and is in condition for safe operation. The retreading facility shall maintain a current file of complete data describing the inspection and test procedures applicable to his system. The Administrator shall be immediately notified of any subsequent changes to the system as it might affect the quality control. A representative of the Administrator shall be permitted to make such inspections and tests at the renovating facilities as might be necessary to determine compliance with the provisions of this section. Workmanship shall be consistent with high grade aircraft tire retreading practices.

(i) *Conformance with aircraft type design limits.* (1) Retreaded tires intended for use on a specific aircraft must conform to type design limitations of such aircraft as may be applicable.[4]

(2) Changes in tread design adversely affecting heat dissipation, which in turn could cause tread breakdown or separation, shall be substantiated by the applicable dynamometer test requirements contained herein.

[4] This is intended to alert the retreader to giving due consideration to conditions such as excessive dimensional and weight changes of the tire in the retreading process.

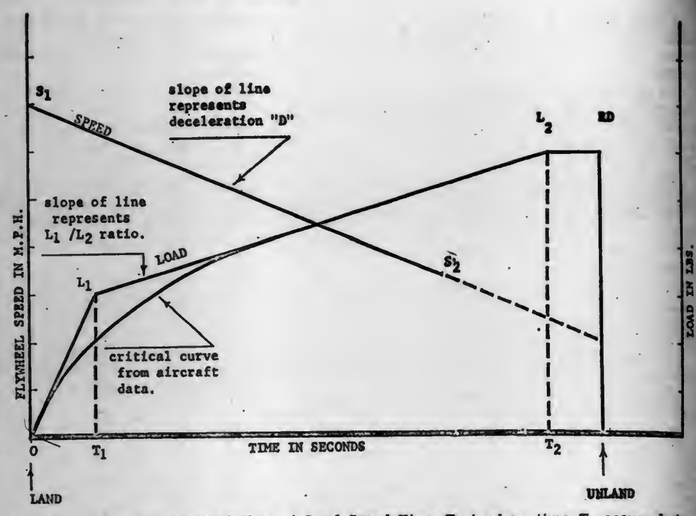



FIGURE 1—*Graphic representation of Load-Speed-Time Test when time $T_2$ occurs before required roll distance is completed.*

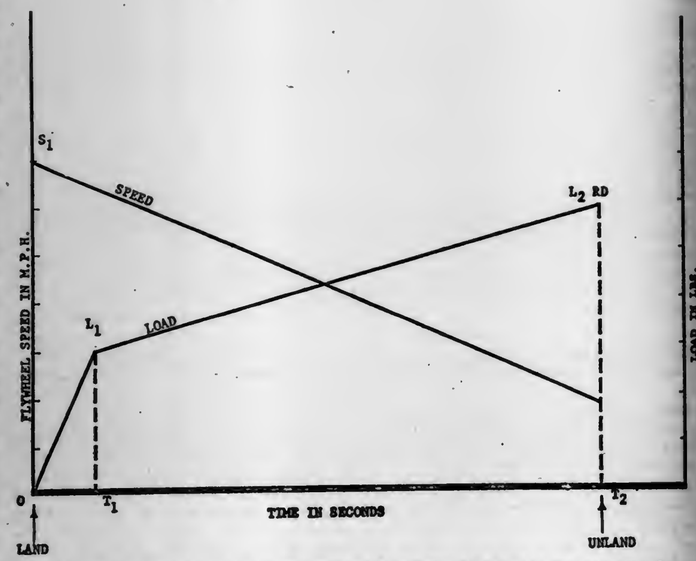



FIGURE 2—*Graphic representation of Load-Speed-Time Test when $T_2$ is calculated.*

[F.R. Doc. 61-1440; Filed, Feb. 20, 1961; 8:45 a.m.]

# Notices

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3938]

### AMERICAN NATURAL GAS CO.

### Notice of Filing Regarding Charter Amendment, Increase in Authorized Shares of Common Stock, Two and One-half for One Common Stock Split, and Solicitation of Proxies

FEBRUARY 14, 1961.

Notice is hereby given that American Natural Gas Company ("American Natural"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a), 7, and 12(e) of the Act and Rule 62 thereunder as applicable to the proposed transactions, which are summarized as follows:

American Natural proposes to amend its Certificate of Incorporation to change its authorized common stock from 6,000,000 shares of $25 par value each to 15,000,000 shares of $10 par value each; and to issue to its stockholders of record at the close of business on May 8, 1961, three additional shares of common stock for each two shares of such stock held. The stockholders will not be required to surrender outstanding stock certificates. The proposed transactions will result in changing American Natural's presently outstanding 5,884,517 shares of $25 par value each into 14,711,292 shares of $10 par value each.

No fractional shares are to be issued but, with respect to one-half share interests, American Natural proposes to issue non-transferable Order Forms which will enable stockholders, on or before July 3, 1961, to instruct The First National City Bank of New York, Agent, to purchase one-half share interests in order to make up full shares, or to sell one-half share interests covered by the Order Forms. All shares held to cover one-half share interests with respect to which the Agent does not receive completed Order Forms before the close of business on July 3, 1961, will be sold in due course for the account of the holders thereof, and checks for the proceeds will be mailed to the stockholders entitled thereto at their last known addresses. All expenses in connection with the above-described transactions will be defrayed by American Natural.

American Natural states that the proposed amendment to its Certificate of Incorporation will require the favorable vote of two-thirds in interest of stockholders present or represented and voting thereon. A special meeting of stockholders for this purpose will be held concurrently with the annual meeting of stockholders on April 26, 1961. Solicitation material and proxy forms in connection therewith will be submitted later for Commission approval.

The fees and expenses to be incurred in connection with the transactions are estimated at $147,000, including Agent's fees of $85,000; registrar's fees of $18,000; stock listing fee of $22,000; printing expenses of $15,000; counsel fees and expenses of $5,000; and miscellaneous expenses of $2,000.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 2, 1961, request this Commission in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-1516; Filed, Feb. 20, 1961; 8:45 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-V-4 (Rev. 1)]

### REGIONAL COUNSEL

### Delegation Relating to Legal Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6), as amended, (25 F.R. 1706, 7418 and 26 F.R. 177) there is hereby redelegated to the Regional Counsel the following authority:

A. *Legal.* To disburse all approved loans.

B. *Administrative.* To approve annual and sick leave, except advance annual and sick leave, for employees under his supervision.

C. *Correspondence.* To sign all nonpolicymaking, routine correspondence, except Congressional correspondence, relating to the legal functions of the regional office.

II. The specific authority in I.A. and B. may not be redelegated. The authority in I.C. may be redelegated, such delegation being limited to routine correspondence only.

III. The authority delegated herein may be exercised by any SBA employee designated as Acting Regional Counsel.

IV. All previous authority delegated by the Regional Director to the Regional Counsel is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Effective date: January 16, 1961.

JAMES F. HOLLINGSWORTH,
*Regional Director,*
*Atlanta Regional Office.*

[F.R. Doc. 61-1517; Filed, Feb. 20, 1961; 8:46 a.m.]

### BRANCH COUNSEL, JACKSON, MISSISSIPPI

### Delegation Relating to Legal Functions

I. Pursuant to the authority delegated to the Branch Manager by Delegation of Authority No. 30-V-11 (Revision 2), (26 F.R. 499) there is hereby redelegated to the Branch Counsel, Jackson Branch Office, the following authority:

A. *Legal.* To disburse all approved loans.

B. *Correspondence.* To sign routine correspondence relating to the legal functions of the branch office, except:

(a) Congressional correspondence, and

(b) Correspondence to other SBA offices and other Government agencies.

II. The authority delegated herein may not be redelegated.

III. The authority delegated herein may be exercised by any SBA employee designated as Acting Branch Counsel.

Effective date: January 16, 1961.

GEORGE A. FIELD,
*Branch Manager,*
*Atlanta Regional Office.*

[F.R. Doc. 61-1518; Filed, Feb. 20, 1961; 8:46 a.m.]

[Delegation of Authority No. 30-V-9 (Rev. 2)]

### CHIEF, LOAN PROCESSING SECTION, FINANCIAL ASSISTANCE DIVISION

### Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation of Authority No. 30-V-1 (Revision 2) (26 F.R. 499), there is hereby redelegated to the Chief, Loan Processing Section, the following authority:

A. *Financial assistance.* 1. To approve disaster loans and limited partici-

pation loans in an amount not exceeding $20,000.

2. To approve but not decline business participation loans in an amount not exceeding $25,000.

3. To approve but not decline direct business loans.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
*Chief, Loan Processing Section, FAD.*

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

B. *Administration.* 1. To approve annual and sick leave, except advance annual and sick leave, for employees under his supervision.

C. *Correspondence.* To sign all nonpolicymaking, routine correspondence relating to the loan processing functions, except Congressional correspondence.

II. The specific authority delegated in I.A. and B. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Processing Section, Financial Assistance Division.

IV. All previous authority delegated by the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: January 16, 1961.

A. B. LYNCH,
*Chief, Financial Assistance Division, Atlanta Regional Office.*

[F.R. Doc. 61-1519; Filed, Feb. 20, 1961; 8:46 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 12085]

## TRANSFER OF LAV AND AVENSA PERMITS TO VIASA

### Notice of Prehearing Conference

In the matter of the application of Linea Aeropostal Venezolana (LAV) and Aerovias Venezolanas, S.A. (AVENSA) for permission to transfer foreign air carrier permits to Venezolana Internacional de Aviacion, S.A. (VIASA).

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 28, 1961, at 10:00 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William Cusick.

Dated at Washington, D.C., February 16, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-1537; Filed, Feb. 20, 1961; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RP61-19]

## MIDWESTERN GAS TRANSMISSION CO.

### Order Instituting Investigation and Providing for Hearing

FEBRUARY 13, 1961.

Midwestern Gas Transmission Company (Midwestern), a Delaware corporation with its principal place of business at Houston, Texas, is engaged in the transportation and sale of natural gas in interstate commerce for resale and is, therefore, a natural-gas company within the meaning of the Natural Gas Act, as heretofore found by the Commission in Opinion No. 320, issued May 12, 1959, in Midwestern Gas Transmission Company, et al., Docket Nos. G-16841, et al., 21 F.P.C. 653, 663.

In Opinion No. 320, the Commission provided that "* * * We shall arrange that shortly after the expiration of a year and a month from the commencement of operations a hearing shall be scheduled under section 5(a) of the Natural Gas Act so as to permit prompt inquiry into the justness and reasonableness of the rate filed with" * * * the Commission pursuant to paragraph (E) of the order accompanying Opinion No. 320. On December 14, 1960, Midwestern filed a statement and supporting data in purported compliance with the aforesaid paragraph (E) in which the Commission had provided and required that Midwestern should file rates satisfactory to the Commission within one month after the end of the first year of operation of its Southern System.

The Commission finds:

(1) Midwestern's tender of December 14, 1960, does not appear to meet the requirements imposed by Opinion 320, issued May 12, 1960, in Docket No. G-16841.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that an investigation be instituted by the Commission, upon its own motion, into and concerning the rates, charges, or classifications demanded, charged, or collected by Midwestern for or in connection with any transportation or sale of natural gas subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges or classifications.

The Commission orders:

(A) An investigation of Midwestern be and it hereby is instituted under the provisions of the Natural Gas Act, for the purpose of enabling the Commission to determine with respect to Midwestern's operations, whether in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential.

(B) If after hearing has been had, the Commission finds that any rates, charges, or classifications, rules, regulations, practices, or contracts applicable to Midwestern's operations in its Southern System are unjust, unreasonable, unduly discriminatory, or preferential, the Commission shall thereupon determine, fix and prescribe by appropriate order or orders, just, reasonable, nondiscriminatory, and non-preferential rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force in Midwestern's Southern System.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 14, 15, and 16 thereof, and the Commission's rules of practice and procedure, a public hearing be held at a date later to be designated by notice from the Secretary of the Commission in a hearing room of the Commission at 441 G Street NW., Washington 25, D.C., concerning the matters specified in paragraph (A) above.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 31, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1511; Filed, Feb. 20, 1961; 8:45 a.m.]

[Docket Nos. RI61-351—RI61-356]

## SOCONY MOBIL OIL CO., INC., ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 14, 1961.

Socony Mobil Oil Company, Inc., Docket No. RI61-351; Woods Petroleum Corporation, et al., Docket No. RI61-352; Sinclair Oil & Gas Company, Docket Nos. RI61-353; RI61-354; Kansas Natural Gas Inc. (Operator), et al., Docket No. RI61-355; Sunray Mid-Continent Oil Company, Docket No. RI61-356.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each instance the sales are made at 14.65 psia. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.



| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date [1] unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI61-351 | Socony Mobil Oil Co., Inc. (operator) et al., P.O. Box 900, Dallas 21, Tex. | 67 | 14 | Phillips Petroleum Co. (Hugoton Field, Sherman and Hansford Counties, Tex.). | $49,508 | 1-16-61 | 3- 7-61 | [2] | 9.5876 | 10.59238 | RI61-231 |
| RI61-352 | Woods Petroleum Corp., et al., c/o John I. Snider, attorney, 2700 First National Building, Oklahoma City 2, Okla. | 3 | 2 | Cities Service Gas Co. (Eureka Field, Alfalfa County, Okla.). | 1,820 | 1-17-61 | 2-26-61 | 7-26-61 | 12.0 | 13.0 | ---------- |
| RI61-353 | Sinclair Oil & Gas Co., P.O. Box 521, Tulsa 2, Okla. | 178 | 2 | Panhandle Eastern P/L Co. (Hugoton Field, Texas County, Okla.). | 220 | 1-18-61 | 3-22-61 | 8-22-61 | 16.4 | 16.8 | ---------- |
| RI61-354 | Sinclair Oil & Gas Co. | 109 | 2 | Phillips Petroleum Co. (Panhandle Field, Hutchinson County, Tex.). | 208 | 1-18-61 | 3- 3-61 | 8- 3-61 | 11.0 | 12.0 | ---------- |
| RI61-355 | Kansas Natural Gas, Inc. (operator), et al., c/o Dale E. Doty, attorney, 1028 Connecticut Ave., Washington 6, D.C. | 25 | 2 | Kansas-Colorado Utilities, Inc. (Hugoton Field, Grant and Stevens Counties, Kans.). | 5,649 | 1-23-61 | 3- 1-61 | 8- 1-61 | 11.0 | 12.0 | ---------- |
| RI61-356 | Sunray Mid-Continent Oil Co., P.O. Box 2039, Tulsa 2, Okla. | 135 | 6 | Natural Gas P/L Co. of America (Camrick Field, Beaver County, Okla.). | 118 | 1-23-61 | 3-21-61 | 8-21-61 | 16.8 | 17.0 | RI60-131 |

[1] The pressure base is 14.65 p.s.i.a.
[2] The rate is suspended until March 8, 1961, or until such time as the related resale rate of Phillips Petroleum Co. in Docket No. RI60-349 becomes effective, whichever is later.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 30, 1961.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1513; Filed, Feb. 20, 1961; 8:45 a.m.]

[Docket No. RI61-134 etc.]

## PHILLIPS PETROLEUM CO. ET AL.

### Order Permitting Withdrawal of Rate Filings, Terminating Proceedings, and Cancelling Hearing

FEBRUARY 14, 1961.

Phillips Petroleum Company (Operator), et al., Docket No RI61-134; Tidewater Oil Company, Docket No. RI61-158; Humble Oil & Refining Company, Docket No. RI61-340; Pan American Petroleum Corporation, (Operator), et al., Docket No. RI61-341.

On October 17 and 19, 1960, the Commission suspended certain rate filings containing proposed increased rates of 24.659 cents per Mcf for the jurisdictional sales of gas to United Fuel Gas Company from the Erath Fields, Vermilion Parish, Southern Louisiana. The rate filings are designated Supplement No. 11 to Humble Oil & Refining Company (Humble) FPC Gas Rate Schedule No. 23, Supplement No. 12 to Phillips Petroleum Company (Operator), et al. (Phillips) FPC Gas Rate Schedule No. 273, Supplement No. 4 to Pan American Petroleum Corporation (Operator), et al. (Pan American) FPC Gas Rate Schedule No. 219, and Supplement No. 13 to Tidewater Oil Company (Tidewater) FPC Gas Rate Schedule No. 26. These supplements were suspended and the use thereof deferred until April 1, 1961. By order issued January 19, 1961, the Commission granted a motion of the United Gas Improvement Company for an immediate hearing concerning the rate proposals; a consolidated hearing was set for February 20, 1961.

On February 7 and 8, 1961, Humble, Pan American, Phillips, and Tidewater filed notices of withdrawal of the subject rate filings without prejudice to later refiling. Phillips, Humble, and Tidewater state they are unable to prepare for the immediate hearing. Also, Pan American, Humble and Tidewater state they are withdrawing lest they interfere with the early scheduling of an area rate hearing for Southern Louisiana.

The Commission finds:

Good cause exists for permitting the withdrawal of the above-designated rate filings without prejudice to later refiling, for terminating the above-designated proceedings, and for cancelling the scheduled consolidated hearing in said proceedings.

The Commission orders:

(A) The withdrawal of Supplement No. 11 to Humble's FPC Gas Rate Schedule No. 23, Supplement No. 12 to Phillips' FPC Gas Rate Schedule No. 273, Supplement No. 4 to Pan American's FPC Gas Rate Schedule No. 219, and Supplement No. 13 to Tidewater's FPC Gas Rate Schedule No. 26 is hereby permitted without prejudice to later refiling.

(B) The proceedings in Docket Nos. RI61-134, RI61-158, RI61-340, and RI61-314 are hereby terminated.

(C) The consolidated hearing scheduled for February 20, 1961, in said proceedings is hereby cancelled.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1512; Filed, Feb. 20, 1961; 8:45 a.m.]

[Docket Nos. RI61-323 etc.]

## SUNRAY MID-CONTINENT OIL CO. ET AL.

### Correction

FEBRUARY 8, 1961.

Sunray Mid-Continent Oil Company, et al., Docket Nos. RI61-323 etc.; Cumberland Gas Corporation, Docket No. RI61-328.

In the order providing for hearing on and suspension of proposed changes in rates and in allowing proposed increased rates to become effective subject to refund, issued January 12, 1961, and published in the FEDERAL REGISTER on January 19, 1961 (F.R. Doc. 61-422; 26 F.R. 498): Under column entitled "Amount

of Annual Increase" on line for RI61-328, change "18,312" to read "3,431."

JOSEPH H. GUTHRIE,
*Secretary.*

[F.R. Doc. 61-1514; Filed, Feb. 20, 1961; 8:45 a.m.]

# DEPARTMENT OF THE INTERIOR

## Office of the Secretary

### MAXIMUM LEVEL—IMPORTS OF RESIDUAL FUEL OIL TO BE USED AS FUEL

### Districts I–IV for the Period January 1, 1961 Through March 31, 1961

Pursuant to paragraph (e) section 2 of Presidential Proclamation 3279, as amended, the maximum level of imports into Districts I–IV of residual fuel oil to be used as fuel shall be 630,000 barrels daily for the allocation period January 1, 1961, through March 31, 1961. This action constitutes an adjustment upward of the maximum level (530,000 barrels daily) now in effect in those Districts. Neither the present level nor the adjusted level includes residual fuel oil withdrawn from bonded warehouse for ships' supplies or for exportation.

STEWART L. UDALL,
*Secretary of the Interior.*

FEBRUARY 16, 1961.

[F.R. Doc. 61-1560; Filed, Feb. 17, 1961; 2:11 p.m.]

# DEPARTMENT OF JUSTICE

## Office of Alien Property

### OSKAR TEUBER

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Oskar Teuber, Salzburg, Austria; $1,245,715.85 in the Treasury of the United States. The following securities, presently in custody of the Safekeeping Department of the Federal Reserve Bank, New York:

Atchison, Topeka and Sante Fe Railway Co., 4% General Mortgage 100 year Gold Coupon Bonds due 1995, Nos. 2789, 15418, 23132, 10000 at $500 each, 32269, 82067, 110145, 119619, 48645, 62845, 62844, 38299, 117387, 117383, 107363, 118945, 118944, 42417, 60212, 119618, 25404, and 37982 at $1,000 each.

Atlantic Refining Co., common stock, certificate Nos. A31438/9 and A30224/5 for 100 shares each, A011123/4 for 5 shares each.

The Chesapeake and Ohio Railway Co., common stock, certificate Nos. 427880/1 for 35 shares each.

Insurance Co. of North America, $5.00 par value stock, certificate Nos. PA/O 88921 for 10 shares, PA/O 8794 for 44 shares, PA/O 41085 for 8 shares and 162996 for 62 shares.

The Pennsylvania Railroad Co., 4½% General Mortgage Gold Bonds due 1965, Nos. 92300, 87930, 62970, 62971 and 62972 at $1,000 each.

The Pennsylvania Railroad Co., 4¼% General Mortgage Gold Bonds due 1981, 46027/33 and 46034/41 at $1,000 each.

School District of Philadelphia 3% Loan of August 1, 1939 due 1964, Nos. 63/70 at $1,000 each.

All right, title, interest, and claim of any kind or character whatsoever of Emerich (Imre) Teuber, Emerika Teuber and Oskar Teuber in and to the trust estate created under the Will of Brinton Coxe, deceased.

Mortgage secured by premises 1809 Wallace St., Philadelphia, Pennsylvania.

1/24th interest in real property known as 801-07 Arch St., Philadelphia, Pennsylvania.

Improved real property known as 5227 Walnut St., Philadelphia, Pennsylvania.

Improved real property known as 1541 No. 60th St., Philadelphia, Pa.

Undivided fractional interests in various parcels of land in Carbon, Columbia, Luzerne, Northumberland, and Schuykill Counties, Pa.

Claim No. 37788.

Vesting Order Nos. 1104 and 4266 and 1130.

Executed at Washington, D.C., on February 15, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Acting Director,*
*Office of Alien Property.*

[F.R. Doc. 61-1534; Filed, Feb. 20, 1961; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 16, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36907: *Pulpwood from Roanoke, Ala.* Filed by O. W. South, Jr., Agent (No. A4064), for interested rail carriers. Rates on pulpwood, as described in the application, in carloads, from Roanoke, Ala., to Chattahoochee, Fla. (Applicable only on traffic destined to Port St. Joe, Fla.)

Grounds for relief: Carrier competition.

Tariff: Supplement 15 to Central of Georgia tariff I.C.C. 3383.

FSA No. 36908: *Joint motor-rail rates between the East and West.* Filed by Rocky Mountain Motor Tariff Bureau, Inc., Agent (No. 6), for interested carriers. Rates on various commodities moving on class and commodity rates, over joint routes of applicant rail and motor carriers, between points in transcontinental territory, also Alberta and British Columbia, on the one hand, and points in the United States, east of such points, on the other.

Grounds for relief: Rail-truck competition.

Tariffs: 3d revised page 14 to Rocky Mountain Motor Tariff Bureau, Inc., tariff MF-I.C.C. 123, and other schedules named or referred to in the application.

FSA No. 36909: *Motor vehicles from Kenosha, Wis., to Texas points.* Filed by National Automobile Transporters Association, Agent (No. 1), for interested carriers. Rates on motor vehicles, freight or passenger, in truckloads, as described in the application, from Kenosha, Wis., to points in Texas.

Grounds for relief: Rail-motor competition.

Tariff: National Automobile Transporters Association, tariff I.C.C. 7.

FSA No. 36910: *Sugar from South Atlantic ports.* Filed by O. W. South, Jr., Agent (No. A4065), for interested rail carriers. Rates on sugar, beet, or cane, in bulk, in covered hopper cars, from Fernandina and Jacksonville, Fla., Brunswick, Port Wentworth, and Savannah, Ga., Moorehead City and Wilmington, N.C., and Charleston, S.C., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Restore rate relationship with New Orleans, La., and market competition.

Tariff: Supplement 33 to Southern Freight Association tariff I.C.C. N-12.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-1531; Filed, Feb. 20, 1961; 8:47 a.m.]

[Notice 451]

## MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 16, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63714. By order of February 10, 1961, the Transfer Board approved the transfer to Albert Ochroch and Charles Ochroch, doing business as Ochroch Transportation Co., Philadelphia, Pa., of Certificate No. MC 117210, issued July 2, 1958, to Comet Express, Inc., Philadelphia, Pa., authorizing the transportation of: Paper products, and such commodities as are dealt in by wholesale and retail dry goods and grocery houses, between Philadelphia, Pa., on the one hand, and, on the other, Newark, New Brunswick, Trenton, Perth Amboy, Passaic, and Paterson, N.J., and points in the New York, N.Y., Commercial Zone. Jacob Polin, 426 Barclay Building, City Line at Belmont Avenue, Bala-Cynwyd, Pa., Practitioner for applicants.

No. MC-FC 63776. By order of February 13, 1961, the Transfer Board approved the transfer to Alert Motor Freight, Inc., Riverton, N.J., of Certificate No. MC 56344, issued January 30, 1959, to Marie F. Grubb, Philadelphia, Pa., authorizing the transportation of: Heaters and parts, radiators, enamel ware, plumbing supplies, sheet metal, and corrugated metal products, from Philadelphia, Pa., to points in Delaware, Maryland, New Jersey, and the District of Columbia. V. Baker Smith, 226 South 16th Street, Philadelphia 2, Pa., attorney for applicants.

No. MC-FC 63951. By order of February 13, 1961, the Transfer Board approved the transfer to William E. Fry, Westphalia, Kansas, of Certificate No. MC 29605, issued February 26, 1941, to Emil Ludolph, Westphalia, Kansas, authorizing the transportation, over irregular routes, of agricultural implements and parts, hardware, fertilizer, flour, iron and steel articles, fencing materials, roofing, feed, and seeds, from Kansas City, Mo., and Kansas City, Kans., to Westphalia, Kans., and points within 10 miles of Westphalia, and livestock, between Kansas City, Mo., and Kansas City, Kans., on the one hand, and, on the other, points in the above-specified territory.

No. MC-FC 63962. By order of February 13, 1961, the Transfer Board approved the transfer to Murray B. Glickstein and Rose Glickstein, a partnership, doing business as Moed's Transfer Company, 616 Fields Avenue, Jacksonville 4, Fla., of Certificates Nos. MC 111400 and MC 111400 Sub 1, both issued May 11, 1950, to I. M. Lieberman and Murray B. Glickstein, a partnership, doing business as Moed's Transfer Co., 616 Fields Avenue, Jacksonville, Fla., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Jacksonville, Fla., household goods, between Jacksonville, Fla., on the one hand, and, on the other, points in Florida within 50 miles of Jacksonville, meat, meat products, meat by-products, dairy products, and articles distributed by meat packing houses, from Jacksonville, Fla., to points in Florida within 100 miles of Jacksonville.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-1532; Filed, Feb. 20, 1961; 8:47 a.m.]



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# FEDERAL REGISTER

VOLUME 26 NUMBER 35

Washington, Wednesday, February 22, 1961

THE UNIVERSITY OF MICHIGAN
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Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.



**FEDERAL REGISTER**

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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# Rules and Regulations

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[File No. 21-335]

### PART 36—POULTRY HATCHING AND BREEDING INDUSTRY

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

*It is now ordered*, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of February 22, 1961.

*Statement by the Commission.* Trade practice rules for the Poultry Hatching and Breeding Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute a revision and extension of the trade practice rules for the Poultry Hatching and Breeding Industry promulgated by the Commission on June 30, 1956, and supersede the 1956 rules.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations engaged in the marketing of any kind or kinds of live poultry for growing or breeding for egg or meat production, and of poultry eggs for hatching use. The live poultry mentioned includes, but is not limited to, chicks, poults, goslings, and ducklings.

The rules are directed to the prevention and elimination of various practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings for the establishment of these rules were instituted upon applications of the American Poultry and Hatchery Federation and of the National Plans Conference of 1960 (National Poultry and Turkey Improvement Plans). After due consideration of proposals received, proposed rules for the Poultry Hatching and Breeding Industry were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer and to be heard in the premises. Pursuant to such notice, a public hearing was held at Lafayette, Indiana, on October 25, 1960, and all matters there presented, or otherwise received in the proceedings, were duly considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the Group I and Group II rules as hereinafter set forth.

Such rules become operative thirty (30) days from the date of promulgation.

*The rules.* These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

*Group I.* The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

*Group II.* Compliance with trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of Group II rules does not per se constitute violation of law. Where, however, the practice of not complying with such rules is followed in a manner as to result in unfair methods of competition or unfair or deceptive acts or practices in commerce, corrective proceedings in respect thereto may be instituted by the Commission as in the case of violation of Group I rules.

Sec.


36.0 The industry and its products defined.

GROUP I

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36.26 Prohibited discrimination.
36.27 Aiding or abetting use of unfair trade practices.

GROUP II

36.101 Shipping chicks to fictitious consignees, etc.


AUTHORITY: §§ 36.0 to 36.101 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

**§ 36.0 The industry and its products defined.**

Members of the industry to which the rules have application are persons, firms, corporations, and organizations engaged in the marketing of any kind or kinds of live poultry for growing or breeding for egg or meat production, and of poultry eggs for hatching use. The live poultry mentioned includes, but is not limited to, chicks, poults, goslings, and ducklings.

NOTE: As used in these rules, the word "chicks" shall be construed to include all kinds of live poultry.

GROUP I

**§ 36.1 Misrepresentation of products.**

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any member of the industry to make or publish, or cause to be made or published, any statement or representation (whether in the form of advertisement, trade promotional literature, mark, stamp, brand, label, depiction, photograph, illustration, radio or television broadcast, or otherwise) concerning:

(a) The grade, quality, quantity, breed, strain, cross, pedigree, type, sex,

sexing, culling, quick maturity, uniform development, livability, vigor, strength, character, price, nature, origin, weight, color, size, egg-producing, meat-producing, disease-resisting, or other qualities of such products; or

(b) The production, sale, distribution, or delivery thereof, including the terms or conditions of sale; or

(c) The supervision, endorsement, or approval of any poultry breeding, hatching, or other operation by Federal, State, or other authority, or any official connection with such Federal, State, or other authority, including random sample, standard laying, or other test results; or

(d) Any other matter relating to the poultry hatching or breeding business or to any of its products—which, directly or by implication, is false, misleading, or deceptive in any respect.

NOTE: The inhibitions of this section are to be understood as applicable to representations or implications, such as "A," "AA," "AAA," etc., that any industry product conforms to the requirements of any grade or quality standard when (1) no such grade or quality standard exists, or (2) no disclosure of the identity of such standard, whether private, official, or otherwise, is made, or (3) when the member's product does not conform to such grade or quality standard.

[Rule 1]

**§ 36.2 Deceptive concealment of material facts.**

(a) In advertising, offering for sale, or selling industry products, it is an unfair trade practice for any member of the industry to fail to disclose any material facts relating to such products when such failure has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers of such products.

(b) Among the practices prohibited by this section are the following:

(1) Filling chick orders with chicks which are wholly or predominantly cockerels, or are of a different stock or quality than offered for sale, without having disclosed this fact to the purchaser prior to sale.

(2) Shipping chicks upon dates different from those specified or implied in the orders without disclosure or notice of such changes prior to shipment.

(3) Representing that the parent flocks of chicks contain certain desirable types of males or females without disclosure of the approximate percentage or proportion of the flocks accounted for by such types. [Rule 2]

**§ 36.3 Deceptive claims relating to National Poultry Improvement Plan or National Turkey Improvement Plan.**

(a) In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to represent or imply that he is a participant in the National Poultry Improvement Plan [1] or the National Turkey Improvement Plan,[1] when such is not the fact.

NOTE: In order to avoid deception of purchasers or prospective purchasers of industry products, all industry members discontinuing participation in the National Poultry Improvement Plan, or the National Turkey Improvement Plan, shall immediately remove and discontinue the use of all signs, promotional literature, labels, and other representations or indications that they are still participating in such Plan or Plans.

(b) In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use any of the terminology of the National Poultry Improvement Plan or the National Turkey Improvement Plan (such as "U.S. Approved," "U.S. Pullorum-Typhoid Clean," etc.), or any abbreviation or simulation of such terminology, as descriptive of industry products to which such terms are not fully applicable in accordance with the requirements therefor specified in such Plans. [Rule 3]

**§ 36.4 Misrepresentation concerning a breeder's name, trade name, strain or combination of strains, or other breeding combination, etc.**

(a) It is an unfair trade practice to make false or deceptive representations, directly or by implication, in advertising or otherwise, concerning a breeder's name, trade name, strain or combination of strains or other breeding combination, or the progeny or stock of such breeding combination.

(b) It is also an unfair trade practice to represent, directly or by implication, through advertising or otherwise, chicks or hatching eggs as being of a particular breeder's pure strain, strain cross, breed cross, or other breeding combination, unless such chicks or hatching eggs are from flocks composed of birds hatched from eggs produced under the direct supervision of the breeder or a multiplier designated by the breeder.

NOTE: (1) The term "Strain" as used in this section means poultry bearing a given name produced through at least five generations of closed flock breeding.

(2) The term "Stock" is used in this section to identify the progeny of a specific breeding combination of chickens or turkeys. These breeding combinations may include pure strains, strain crosses, breed crosses, or other breeding combinations.

[Rule 4]

**§ 36.5 Deceptive claims respecting freedom or immunity from disease.**

(a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to advertise, describe, or otherwise represent or imply, that chicks or hatching eggs are free from any or all diseases when such is not the fact.

NOTE: At present there exist no tests, inoculations, vaccinations, etc., which poultry pathologists consider adequate to assure that chicks or hatching eggs are completely and absolutely free from any or all poultry diseases. Accordingly, such claims as "disease free," "pullorum free," or "100 percent pullorum free," must not be made by industry members.

Requirements applicable to claims and representations respecting tests, inoculations, vaccinations, and treatments for poultry diseases are set forth in paragraphs (b) and (c) of this section.

(b) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to advertise, describe, or otherwise represent or imply, that chicks or hatching eggs come from birds or flocks which have been tested for pullorum, typhoid, and/or other disease or diseases, when:

(1) Such birds or flocks have not been tested for the particular disease or diseases during the past twelve months; or

(2) The tests applied are not recognized by poultry pathologists as effective; or

(3) The methods used in making the tests, the number, timing, or manner of applying them, the qualifications of the person or persons making them, or other attendant circumstances, are not such as to assure the effectiveness of the tests.

(c) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to advertise, describe, or otherwise represent or imply, that chicks have been vaccinated, inoculated, or treated for any disease or diseases, when such is not the fact, or when the vaccination, inoculation, or treatment applied is of a kind not recognized by poultry pathologists as effective, or when the methods used, the timing or the extent thereof, the qualifications of the person or persons making the same, or other attendant circumstances, are not such as to assure their effectiveness. (See the first paragraph of the note following paragraph (a) of this section, and see also paragraph (b) of this section.) [Rule 5]

**§ 36.6 Deceptive representations as to performance, earnings, etc.**

It is an unfair trade practice to make false or deceptive statements or representations, directly or by implication, in advertising or otherwise, regarding performance, opportunities for making money, or actual or probable earnings, income, profits, etc.

NOTE: In the interest of avoiding deception of purchasers or prospective purchasers, industry members desiring to make use, in advertising or otherwise, of any facts or figures published in the official reports concerning random sample, standard laying, or other tests shall state or otherwise employ such facts or figures only in a full, adequate and nondeceptive manner.

[Rule 6]

**§ 36.7 Misrepresentation as to yields of eggs, as to chicks from hens with purported high egg-laying records, as to chicks from high egg-producing stock, etc.**

(a) *Misrepresentation as to yields of eggs.* It is an unfair trade practice to represent, directly or by implication, through advertising or otherwise, that high yields of eggs are received from all or any flocks of a particular seller or producer when such is not the fact.

(b) *Misrepresentation as to chicks from hens with purported high egg-laying records.* It is an unfair trade practice to represent, directly or by implication, through advertising or otherwise, that chicks are produced by hens having certain purported high egg-laying records when the records of such hens have not been adequately established and the period of time and the method used for computation are not clearly disclosed in the advertising.

(c) *Misrepresenting chicks as from high egg-producing stock, etc.* It is an unfair trade practice to represent, directly or by implication, through advertising or otherwise, that chicks offered for sale are from high egg-producing stock or blood lines when such fact has not been established, or when such representation is otherwise false, misleading, or deceptive. [Rule 7]

**§ 36.8 Misrepresenting chicks as from high-performance stock.**

It is an unfair trade practice to advertise, describe, or otherwise represent, directly or by implication, that chicks sold or offered for sale are the progeny of or are descended from high-performance stock, when such is not the fact. [Rule 8]

**§ 36.9 Misrepresentation as to terms "crossbred," "inbred line," "incrossbred," "hybrid," etc.**

(a) It is an unfair trade practice to make false or deceptive statements or representations, directly or by implication, in advertising or otherwise, relative to the breeding incident to the production of chicks or hatching eggs, or to use any term or designation as descriptive thereof which conveys or tends to convey an erroneous impression as to the kind or extent of the breeding employed.

(b) For the purpose of this section and in its application, the following terms are acceptable when used in accordance with their respective definitions:

(1) *"Crossbred".* The first generation poultry, chicks, or eggs produced by crossing two different breeds or varieties, or first-generation combinations of breeds or varieties.

(2) *"Inbred line".* A group of inbred chicks resulting from breeding closely related poultry and in which the individuals in question have an average coefficient of inbreeding of 37.5 percent (equivalent to two generations of brother-sister matings).

(3) *"In-crossbred".* The first generation poultry, chicks, or eggs produced by crossing two inbred lines, first-generation combinations of inbred lines, or the crossing of an inbred line with a first-generation combination of inbred lines.

NOTE: To some purchasers and prospective purchasers of chicks and hatching eggs, the term "hybrid" implies application of genetic principles similar to those employed in the production of hybrid seed corn, and to others the application of a selective system of breeding dissimilar to that employed in the production of hybrid seed corn.

The term is generally regarded as denoting a superior quality and vigor resulting from systematic breeding and shall only be used to describe chicks and hatching eggs having such superior quality and vigor.

In the interest of avoiding deception of purchasers and prospective purchasers, industry members desiring to use the term "hybrid" as descriptive of such chicks and hatching eggs shall, in addition, confine the use thereof to established industry products obtained by crossing different inbred lines, or by crossing different breeds, varieties, strains, or lines, and shall qualify the word "hybrid" by stating in immediate conjunction therewith the type of cross used in the production of the industry product, such as "inbred line-cross hybrid" or "inbred hybrid," "cross-bred hybrid," "strain-cross hybrid," "line-cross hybrid," etc.

Industry members will be expected to maintain adequate breeding records showing the establishment of the advertised product.

[Rule 9]

**§ 36.10 Misuse of term "dominant white," etc.**

It is an unfair trade practice to represent, through advertising or otherwise, directly or by implication, chickens as "dominant white," or by similar expressions, unless such chickens, when used as either male or female parents in combination with any chickens, produce only progeny that is generally predominantly white in color: *Provided, however,* That when the surface color of such progeny is other than white, the under color must be white. [Rule 10]

**§ 36.11 Misrepresentation respecting new breed of poultry.**

(a) It is an unfair trade practice to offer for sale, sell, advertise, describe, or otherwise represent, directly or by implication, any chicks or other poultry as being a new breed or as being the progeny of a new breed, when such is not the fact.

(b) This section shall not be construed as preventing chicks or other poultry from being described as a new breed if and when they meet the following definition or specification for a new breed as proposed by the industry and no deception is practiced in relation to such designation or description.

*New breed.* A group of birds which are of similar size, shape, and skin color and differ from existing breeds in these characters or in the combination of these characters, and the varieties within the breed have similar plumage color and pattern, comb type, and other distinguishing physical characteristics, all of the characteristics of the breed and variety being demonstrated as having been reproduced with a high degree of uniformity.

[Rule 11]

**§ 36.12 Deception as to transportation or c.o.d. charges.**

(a) It is an unfair trade practice to sell or offer to sell chicks, through advertising or otherwise, in such manner as to have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the belief that the prices quoted for such chicks are the prepaid or delivered prices when such is not the fact.

(b) It is an unfair trade practice, by failing correctly to inform customers, or by other deception, to cause purchasers to believe that transportation costs will not be charged against them in c.o.d. charges or otherwise, when such is not true in fact. [Rule 12]

**§ 36.13 Misrepresenting offer as "special," etc.**[2]

It is an unfair trade practice to represent an offer as "special" with reference to price, terms, or otherwise, when it is in fact a regular offer; or otherwise to use the term "special" or any term or word of similar import, as descriptive of any offer, in a manner, or under conditions, having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the true nature of the offer. [Rule 13]

**§ 36.14 Deceptive testimonials.**

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to use or cause to be used, any testimonial which is false or misleading in any material respect. Among the kinds of testimonials prohibited by this section are the following:

(a) Testimonials containing inaccurate statements as to results obtained from industry products of any certain kind or type; or

(b) Testimonials regarding results obtained from industry products purchased from a certain seller or sellers which, by reason of inaccurate statements therein contained, or absence of disclosure of relevant facts, have the capacity and tendency or effect of deceiving purchasers or prospective purchasers of industry products. [Rule 14]

**§ 36.15 Defamation of competitors or false disparagement of their products.**

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the products of competitors in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 15]

**§ 36.16 False or misleading price quotations, etc.**

It is an unfair trade practice for any member of the industry to publish or circulate price quotations, price lists, or terms or conditions of sale or purchase, which directly, or by reason of concealment of any material limitations, have the capacity and tendency or effect of deceiving purchasers or prospective purchasers. [Rule 16]

[1] These Plans have been promulgated by the United States Department of Agriculture and are contained in the Code of Federal Regulations, 9 CFR, Parts 145, 146, and 147.

[2] The Commission on October 2, 1958, adopted "Guides Against Deceptive Pricing," copies of which will be mailed to industry members upon request. Such Guides supply specific guidance respecting pricing representations and are to be considered as supplementing this section.

**§ 36.17 Deception by means of "bogus independents," "chick outlets," etc.**

It is an unfair trade practice for any member of the industry:

(a) To represent, directly or by implication, that a certain chick outlet is independent of, or in competition with, said member, when such is not the fact; or

(b) To fail to disclose that any such outlet is not independent of, or not in competition with, said member, under circumstances where the failure to make such disclosure has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. [Rule 17]

**§ 36.18 Misuse of words "hatchery," "chickery," "chick nursery," "farm," "poultry farm," "breeding farm," and related representations.**

In the sale, offering for sale, or distribution of chicks, it is an unfair trade practice for any member of the industry, by trade or corporate name, through advertising or otherwise:

(a) To hold himself out as owning or operating a hatchery, chickery, chick nursery, poultry farm, poultry breeding business, or as being the producer of chicks, or as operating incubators or producing chicks under claimed or specified conditions, when such is not the fact; or

(b) To use the terms "hatchery," "farm," "poultry farm," "breeding farm," or similar representations, in such manner as to have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the belief that the chicks have been produced in a hatchery or on a farm, poultry farm, or breeding farm, of said industry member, when such is not the fact.

NOTE: Nothing in this section, however, shall be construed as prohibiting an industry member, who actually owns and operates a farm primarily devoted to the production of chicks, from selling, offering for sale, or distributing, under a trade, corporate, or other name containing the word "farm," chicks produced from flocks of cooperating farms along with chicks produced on such member's own farm, if and when the industry member has and exercises direct supervision and control over all operations and conditions material to the quality, health, and vigor of all said chicks, including selection of the breeding stock of which such chicks are the progeny, and all breeding and disease-control practices.

[Rule 18]

**§ 36.19 Guarantees, warranties, etc.**

(a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member:

(1) To represent that any industry product is guaranteed unless, in close conjunction with such representation, the identity of the guarantor, the extent and nature of the guarantee, and any material conditions or limitations relating to the liability of the guarantor under the guarantee, are adequately and nondeceptively disclosed; or

(2) To offer or use any guarantee respecting an industry product under which the guarantor fails to observe his obligations; or

(3) To offer or use any guarantee which is otherwise deceptive or unfair.

(b) This section shall be applicable not only to guarantees but also to warranties, to purported guarantees and warranties, and to any promise or representation in the nature of a guarantee or warranty.

NOTE: The Commission on April 26, 1960, adopted "Guides Against Deceptive Advertising of Guarantees," copies of which will be mailed to industry members upon request. Such Guides supply specific guidance respecting guarantee representations and are to be considered as supplementing this section.

[Rule 19]

**§ 36.20 Fictitious prices.**[2]

It is an unfair trade practice to sell or offer for sale industry products at prices purported to be reduced from what are in fact fictitious prices, or to sell or offer for sale such products at a purported reduction in price when such purported reduction is in fact fictitious or is otherwise misleading or deceptive. [Rule 20]

**§ 36.21 Substitution of products.**

(a) It is an unfair trade practice to advertise, describe, or otherwise represent, directly or by implication, any industry product as being of a certain stock, grade, sex, trade name, or quality, and, upon receipt of orders for it, filling the same with any other industry product of a different stock, grade, sex, trade name, or quality, without first obtaining the consent of the purchaser to such substitution.

(b) It is also an unfair trade practice, upon receiving orders for industry products of a certain stock, grade, sex, trade name, or quality, to fill such orders with a different stock, grade, sex, trade name, or quality, without first obtaining the consent of the purchasers to such substitution. [Rule 21]

**§ 36.22 Use of the word "free."**

In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to purchasers or prospective purchasers, as descriptive of any product or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" product or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure:

(b) When, with respect to any product required to be purchased in order to obtain the "free" product or service, the offerer (1) increases the ordinary and usual price of such industry product, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Rule 22]

**§ 36.23 Prohibited sales below cost.**

(a) The practice of selling industry products at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Of seasonal goods near the conclusion of the season; (2) of perishable goods in respect to which deterioration is imminent; (3) of obsolescent goods; (4) made under judicial process; or (5) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 23]

[2] See footnote to § 36.13.



**§ 36.24 Prohibited forms of trade restraints (unlawful price fixing, etc.).**[1]

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any products or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion, to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 24]

**§ 36.25 Tie-in sales; coercing purchase of one product as a prerequisite to the purchase of other products.**

The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 25]

**§ 36.26 Prohibited discrimination.**[5]

(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such products are to such purchasers sold or delivered.

NOTE: *Cost justification to be based on net savings in cost of manufacture, sale or delivery.* Cost justification under subparagraph (2) of this paragraph depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to, actual or imminent deterioration of perishable goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: Subsection (b) of Section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

(b) *Examples of prohibited price differential practices.* The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use, and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a) (2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a) (4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a) (5) of this section).

*Example No. 1.* The granting of a percentage discount on a purchase made by a customer which is not granted on purchases made by all other customers, or which is not granted in the same percentage on the purchases of all other customers.

*Example No. 2.* At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of such customer's purchases during the period and fails to grant a discount of the same percentage to all other customers on their purchases during such period.

*Example No. 3.* An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like products. It is immaterial whether or not such discrimination is attended by misrepresentation as to the grade and quality of the product sold.

*Example No. 4.* Terms of 2 percent, if payment is made by the 10th of the following month, are granted by an industry member to some customers on products purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take an additional discount when making payment to the industry member within the time prescribed.

NOTE: As previously indicated, the foregoing are examples of practices to be considered violative of the prohibitions of paragraph (a) of this section when involving goods of like grade and quality and when not subject to the other exemptions, exclusions, or defenses set forth in this paragraph.

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[5] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions, or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: See subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section.

(f) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any person engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of paragraphs (a) to (e) of this section. [Rule 26]

**§ 36.27 Aiding or abetting use of unfair trade practices.**

It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 27]

GROUP II

**§ 36.101 Shipping chicks to fictitious consignees, etc.**

The industry condemns the practice of disposing of chicks by shipping them to fictitious consignees or without an order from, or consent of, the consignee, necessitating the sale of such undeliverable shipments at public auction by agents of the common carrier in order to secure payment for transportation costs. Such practice is deemed by the industry to be harmful to the chicks and to facilitate the spread of disease. [Rule A]

Issued: February 21, 1961.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 61-1515; Filed, Feb. 21, 1961; 8:45 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6548]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Expenditures

On December 21, 1960, a notice of proposed rule making prescribing Income Tax Regulations under section 180 (relating to expenditures by farmers for fertilizer, lime, etc.), and conforming changes to the Income Tax Regulations under sections 162 (relating to expenses of farmers), 175 (relating to soil and water conservation expenditures), and 263 (relating to capital expenditures) of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (25 F.R. 13140). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the regulations as so published are hereby adopted.

[SEAL] CHARLES I. FOX,
*Acting Commissioner of Internal Revenue.*

Approved: February 16, 1961.

HENRY H. FOWLER,
*Acting Secretary of the Treasury.*

PARAGRAPH 1. The following regulations are hereby prescribed under section 180 of the Internal Revenue Code of 1954:

**§ 1.180 Statutory provisions; expenditures by farmers for fertilizer, etc.**

SEC. 180 *Expenditures by farmers for fertilizer, etc.*—(a) *In general.* A taxpayer engaged in the business of farming may elect to treat as expenses which are not chargeable to capital account expenditures (otherwise chargeable to capital account) which are paid or incurred by him during the taxable year for the purchase or acquisition of fertilizer, lime, ground limestone, marl, or other materials to enrich, neutralize, or condition land used in farming, or for the application of such materials to such land. The expenditures so treated shall be allowed as a deduction.

(b) *Land used in farming.* For purposes of subsection (a), the term "land used in farming" means land used (before or simultaneously with the expenditures described in subsection (a)) by the taxpayer or his tenant for the production of crops, fruits, or other agricultural products or for the sustenance of livestock.

(c) *Election.* The election under subsection (a) for any taxable year shall be made within the time prescribed by law (including extensions thereof) for filing the return for such taxable year. Such election shall be made in such manner as the Secretary or his delegate may by regulations prescribe. Such election may not be revoked except with the consent of the Secretary or his delegate.

[Sec. 180 as added by sec. 6, Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1001)]

**§ 1.180-1 Expenditures by farmers for fertilizer, etc.**

(a) *In general.* A taxpayer engaged in the business of farming may elect, for any taxable year beginning after December 31, 1959, to treat as deductible expenses those expenditures otherwise chargeable to capital account which are paid or incurred by him during the taxable year for the purchase or acquisition of fertilizer, lime, ground limestone, marl, or other materials to enrich, neutralize, or condition land used in farming, and those expenditures otherwise chargeable to capital account paid or incurred for the application of such items and materials to such land. No election is required to be made for those expenditures which are not capital in nature. Section 180, § 1.180-2, and this section are not applicable to those expenses which are deductible under section 162 and the regulations thereunder or which are subject to the method described in section 175 and the regulations thereunder.

(b) *Land used in farming.* For purposes of section 180(a) and of paragraph (a) of this section, the term "land used in farming" means land used (before or simultaneously with the expenditures described in such section and such paragraph) by the taxpayer or his tenant for the production of crops, fruits, or other agricultural products or for the sustenance of livestock. See section 180(b). Expenditures for the initial preparation of land never previously used for farming purposes by the taxpayer or his tenant (although chargeable to capital account) are not subject to the election. The principles stated in §§ 1.175-3 and 1.175-4 are equally applicable under this section in determining whether the taxpayer is engaged in the business of farming and whether the land is used in farming.

**§ 1.180-2 Time and manner of making election and revocation.**

(a) *Election.* The claiming of a deduction on the taxpayer's return for an amount to which section 180 applies for amounts (otherwise chargeable to capital account) expended for fertilizer, lime, etc., shall constitute an election under section 180 and paragraph (a) of § 1.180-1. Such election shall be effective only for the taxable year for which the deduction is claimed.

(b) *Revocation.* Once the election is made for any taxable year such election may not be revoked without the consent of the district director for the district in which the taxpayer's return is required to be filed. Such requests for consent shall be in writing and signed by the taxpayer or his authorized representative and shall set forth—

(1) The name and address of the taxpayer;

(2) The taxable year to which the revocation of the election is to apply;

(3) The amount of expenditures paid or incurred during the taxable year, or portions thereof (where applicable), previously taken as a deduction on the return in respect of which the revocation of the election is to be applicable; and

(4) The reasons for the request to revoke the election.

PAR. 2. Section 1.162-12 is amended to read as follows:

**§ 1.162-12 Expenses of farmers.**

A farmer who operates a farm for profit is entitled to deduct from gross income as necessary expenses all amounts actually expended in the carrying on of the business of farming. The cost of ordinary tools of short life or small cost, such as hand tools, including shovels, rakes, etc., may be deducted. The purchase of feed and other costs connected with raising livestock may be treated as expense deductions insofar as such costs represent actual outlay, but not including the value of farm produce grown upon the farm or the labor of the taxpayer. Where a farmer is engaged in producing crops which take more than a year from the time of planting to the process of gathering and disposal, expenses deducted may, with the consent of the Commissioner (see section 446 and the regulations thereunder), be determined upon the crop method, and such deductions must be taken in the taxable year in which the gross income from the crop has been realized. If a farmer does not compute income upon the crop method, the cost of seeds and young plants which are purchased for further development and cultivation prior to sale in later years may be deducted as an expense for the year of purchase, provided the farmer follows a consistent practice of deducting such costs as an expense from year to year. The preceding sentence does not apply to the cost of seeds and young plants connected with the planting of timber. See section 611 and the regulations thereunder. The cost of farm machinery, equipment, and farm buildings represents a capital investment and is not an allowable deduction as an item of expense. Amounts expended in the development of farms, orchards, and ranches prior to the time when the productive state is reached may be regarded as investments of capital. For the treatment of soil and water conservation expenditures as expenses which are not chargeable to capital account, see section 175 and the regulations thereunder. For taxable years beginning after December 31, 1959, in the case of expenditures paid or incurred by farmers for fertilizer, lime, etc., see section 180 and the regulations thereunder. Amounts expended in purchasing work, breeding, or dairy animals are regarded as investments of capital, and shall be depreciated unless such animals are included in an inventory in accordance with § 1.61-4. The purchase price of an automobile, even when wholly used in carrying on farming operations, is not deductible, but is regarded as an investment of capital. The cost of gasoline, repairs, and upkeep of an automobile if used wholly in the business of farming is deductible as an expense; if used partly for business purposes and partly for the pleasure or convenience of the taxpayer or his family, such cost may be apportioned according to the extent of the use for purposes of business and pleasure or convenience, and only the proportion of such cost justly attributable to business purposes is deductible as a necessary expense. If a farm is operated for recreation or pleasure and not on a commercial basis, and if the expenses incurred in connection with the farm are in excess of the receipts therefrom, the entire receipts from the sale of farm products may be ignored in rendering a return of income, and the expenses incurred, being regarded as personal expenses, will not constitute allowable deductions. (See § 1.61-4, and paragraph (b) of § 1.167(a)-6, and sections 165 and 270 and the regulations thereunder.)

PAR. 3. Paragraphs (b) (1) and (2) of § 1.175-2 are amended to read as follows:

**§ 1.175-2 Definition of soil and water conservation expenditures.**

* * * * *

(b) *Expenditures not subject to section 175 treatment.* (1) The method described in section 175 applies only to expenditures for nondepreciable items. Accordingly, a taxpayer may not deduct expenditures for the purchase, construction, installation, or improvement of structures, appliances, or facilities subject to the allowance for depreciation. Thus, the method does not apply to depreciable nonearthen items such as those made of masonry or concrete (see section 167). For example, expenditures in respect of depreciable property include those for materials, supplies, wages, fuel, hauling, and dirt moving for making structures such as tanks, reservoirs, pipes, conduits, canals, dams, wells, or pumps composed of masonry, concrete, tile, metal, or wood. However, the method applies to expenditures for earthen items which are not subject to a depreciation allowance. For example, expenditures for earthen terraces and dams which are nondepreciable are deductible under section 175. For taxable years beginning after December 31, 1959, in the case of expenditures paid or incurred by farmers for fertilizer, lime, etc., for purposes other than soil or water conservation, see section 180 and the regulations thereunder.

(2) The method does not apply to expenses deductible apart from section 175. Adoption of the method is not necessary in order to deduct such expenses in full without limitation. Thus, the method does not apply to interest (deductible under section 163), nor to taxes (deductible under section 164). It does not apply to expenses for the repair of completed soil or water conservation structures, such as costs of annual removal of sediment from a drainage ditch. It does not apply to expenditures paid or incurred primarily to produce an agricultural crop even though they incidentally conserve soil. Thus, the cost of fertilizing (the effectiveness of which does not last beyond one year) used to produce hay is deductible without adoption of the method prescribed in section 175. For taxable years beginning after December 31, 1959, in the case of expenditures paid or incurred by farmers for fertilizer, lime, etc., for purposes other than soil or water conservation, see section 180 and the regulations thereunder. However, the method would apply to expenses incurred to produce vegetation primarily to conserve soil or water or to prevent erosion. Thus, for example, the method would apply to such expenditures as the cost of dirt moving, lime, fertilizer, seed and planting stock used in gulley stabilization, or in stabilizing severely eroded areas, in order to obtain a soil binding stand of vegetation on raw or infertile land.

PAR. 4. In § 1.263(a), section 263(a)(1) is amended by revising subparagraphs (B) and (C), adding subparagraph (D), and adding a historical note to the section. As amended § 1.263(a) reads as follows:

**§ 1.263(a) Statutory provisions; capital expenditures; general rule.**

SEC. 263 *Capital expenditures*—(a) *General rule.* No deduction shall be allowed for—

(1) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate. This paragraph shall not apply to—

(A) Expenditures for the development of mines or deposits deductible under section 616,

(B) Research and experimental expenditures deductible under section 174,

(C) Soil and water conservation expenditures deductible under section 175, or

(D) Expenditures by farmers for fertilizer, etc., deductible under section 180.

* * * * *

[Sec. 263 as amended by sec. 6, Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1001)]

PAR. 5. Paragraph (c) of § 1.263(a)-1 is amended by revising subparagraphs (2) and (3) and by adding a subparagraph (4). These added and revised provisions read as follows:

**§ 1.263(a)-1 Capital expenditures; in general.**

* * * * *

(c) The provisions of paragraph (a)(1) of this section shall not apply to expenditures deductible under—

* * * * *

(2) Section 174 and §§ 1.174-1 through 1.174-4, relating to research and experimentation,

(3) Section 175 and §§ 1.175-1 through 1.175-6, relating to soil and water conservation, and

(4) Section 180 and §§ 1.180-1 and 1.180-2, relating to expenditures by farmers for fertilizer, lime, etc.

PAR. 6. Paragraph (b) of section 1.263(a)-3 is amended by redesignating subparagraphs (5) through (8) as (6) through (9) and by adding a subparagraph (5). These added and redesignated provisions read as follows:

**§ 1.263(a)–3 Election to deduct or capitalize certain expenditures.**

* * * * *

(b) The sections referred to in paragraph (a) of this section include:

* * * * *

(5) Section 180 (expenditures by farmers for fertilizer, lime, etc.).

(6) Section 248 (organizational expenditures of a corporation).

(7) Section 266 (carrying charges).

(8) Section 615 (exploration expenditures).

(9) Section 616 (development expenditures).

(Secs. 7805, 180(c), Internal Revenue Code of 1954; 68A Stat. 917, 26 U.S.C. 7805; 74 Stat. 1001, 26 U.S.C. 180)

[F.R. Doc. 61–1564; Filed, Feb. 21, 1961; 8:48 a.m.]

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6550]

## PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUORS

### Redemption of Stamps in Puerto Rico

On December 10, 1960, a notice of proposed rule making with respect to the amendment of 26 CFR Part 170 was published in the FEDERAL REGISTER (25 F.R. 12710). No objections to the rules proposed having been received within the 30-day period prescribed in the notice, the regulations as so published are hereby adopted.

This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days after date of publication in the FEDERAL REGISTER.

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: February 16, 1961.

HENRY H. FOWLER,
*Acting Secretary of the Treasury.*

The purpose of this Treasury decision is to provide regulations for the redemption, in Puerto Rico, of certain stamps which, by reason of the amendment of 26 CFR Part 250, are no longer required. In order to accomplish this, the regulations in 26 CFR Part 170 are amended by adding, immediately following § 170.618, a new Subpart V, as follows:

### Subpart V—Redemption of Stamps in Puerto Rico

*Preamble.* The regulations in this part shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of the regulations in this subpart.

Sec.
170.631 Scope of subpart.
170.632 Meaning of terms.

REDEMPTION OF STAMPS IN PUERTO RICO

170.633 Stamps eligible for redemption.
170.634 Claim, Form 843.
170.635 Time for filing claim.
170.636 Authorized claimant.

AUTHORITY: §§ 170.631 to 170.636 issued under sec. 7805, I.R.C., 68A Stat. 917; 26 U.S.C. 7805. Provisions of section 6805 I.R.C., 68A Stat. 830, 26 U.S.C. 6805, interpreted.

**§ 170.631 Scope of subpart.**

The regulations in this subpart provide for the allowance or redemption, by refund of monies paid therefor, of unused special Puerto Rican rectification stamps and of unused rectification tax sheet stamps procured by bottlers in Puerto Rico.

**§ 170.632 Meaning of terms.**

When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Words in the plural shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine.

*Chief, Collection Branch.* The principal revenue officer in Puerto Rico charged with the duty of collecting internal revenue taxes, in Puerto Rico, under the jurisdiction of the Director of the Office of International Operations, Internal Revenue Service, Treasury Department, Washington, D.C.

*I.R.C.* The Internal Revenue Code of 1954, as amended.

*Person.* An individual, trust, estate, partnership, association, company, or corporation.

*U.S.C.* The United States Code.

REDEMPTION OF STAMPS IN PUERTO RICO

**§ 170.633 Stamps eligible for redemption.**

Subject to the provisions of section 6805, I.R.C., and of this subpart, unused Puerto Rican special rectification stamps, or unused rectification tax sheet stamps, may be redeemed if claim is filed within 3 years of the date of purchase of the stamps.

**§ 170.634 Claim, Form 843.**

Redemption of unused stamps under this subpart shall be allowed by the Chief, Collection Branch, pursuant to a claim on Form 843, for refund of the amount paid for unused stamps and shall be made only to the person or his legal representative, who purchased such stamps from the Government. The claim shall be filed with the Chief, Collection Branch. Separate claims shall be filed for each of the premises for which the stamps were procured. The stamps for which claim is made shall be attached to the Form 843, and the class, number, and denomination thereof shall be listed in the claim or in an attachment thereto. If the claim includes stamps which had been destroyed, evidence satisfactory to the Chief, Collection Branch, establishing such destruction must accompany the claim.

**§ 170.635 Time for filing claim.**

No claim for the redemption of stamps eligible for redemption under § 170.633 shall be allowed unless presented within 3 years after the purchase of such stamps from the Government.

**§ 170.636 Authorized claimant.**

Claims should be made in the name of the purchaser of the stamps, except that in the case where such person is deceased the claim should be made in the name of the executor or administrator. Certified copies of the letters of administration or letters testamentary, or other similar evidence, should be attached to the claim to show that the claimant is the executor, etc. If the claim is signed by an attorney-in-fact for an individual, partnership, association, or corporation, or by one of the members of a partnership or association, or, in the case of a corporation, by an officer or other person, the authority for such signing must be evidenced by a duly authenticated copy of the power of attorney conferring authority upon the person signing the document to execute the same or, in the case of a corporation, by properly certified copies of extracts of the minutes of meetings of the board of directors authorizing certain officers or other persons to sign for the corporation: *Provided,* That such evidence of authority to sign need not be submitted with the claim where such document has previously been filed by the claimant with the Chief, Collection Branch. Powers of attorney shall be executed on Form 1534.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 61–1566; Filed, Feb. 21, 1961; 8:48 a.m.]

[T.D. 6549]

## PART 197—DRAWBACK ON DISTILLED SPIRITS USED IN MANUFACTURING NONBEVERAGE PRODUCTS

### Miscellaneous Amendments

On December 2, 1960, a notice of proposed rule making with respect to amendments to 26 CFR Part 197 was published in the FEDERAL REGISTER (25 F.R. 12362). No objection to the rules proposed having been received within the 30-day period prescribed in the notice, the regulations as so published are hereby adopted.

This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: February 16, 1961.

HENRY H. FOWLER,
*Acting Secretary of the Treasury.*

The purposes of this Treasury decision are (1) to delete strictly internal management instructions, (2) to amend provisions relating to special tax claims to conform to changes effected in the Internal Revenue Code by Public Law 85–859, (3) to prescribe a retention period for records and forms, (4) to correct certain obsolete forms references, (5) to conform certain provisions relating to stamps on distilled spirits containers to related changes in other regulations, and (6) to add a cross-reference to the provisions of Subpart U of 26 CFR Part 170 respecting the recovery of distilled spirits.

Pursuant to the above:



**§§ 197.44, 197.45 [Deletion]**

1. Sections 197.44 and 197.45 are deleted.

2. The undesignated center heading immediately following § 197.54 is revised to read: "Adjustment or Refund of Special Tax".

**§ 197.55 [Amendment]**

3. Section 197.55 is amended:

(A) By striking the second sentence and inserting in lieu thereof a new sentence which reads: "On payment of the special tax at the higher rate, the manufacturer may surrender the special tax stamp showing payment of $25, to the district director to whom such tax was paid, with a claim on Form 843 for refund."; and

(B) By revising the citation of authority at the end of the section to read: "(68A Stat. 791; 26 U.S.C. 6402)".

**§ 197.56 [Amendment]**

4. Section 197.56 is amended:

(A) By striking, in the first sentence, the phrase, "for redemption of the stamp", and inserting in lieu thereof the phrase, "for refund"; and

(B) By revising the citation of authority at the end of the section to read: "(68A Stat. 791; 26 U.S.C. 6402)".

5. Section 197.57 is revised to read as follows:

**§ 197.57 Absence of liability, refund of special tax.**

The special tax paid may be refunded if it is established that the taxpayer did not file a claim for drawback for the period covered by the special tax stamp. Where claim for drawback was filed, the special tax may be refunded if it is established that no drawback was paid or allowed for the period covered by the stamp.

6. The undesignated center heading immediately following § 197.57 is deleted.

**§ 197.58 [Amendment]**

7. Section 197.58 is amended:

(A) By changing the section heading to read: "Filing of claims.";

(B) By striking from the first sentence the phrase "for redemption of a special tax stamp", and inserting in lieu thereof the phrase "for refund of special tax"; and

(C) By revising the citation of authority at the end of the section to read: "(68A Stat. 791; U.S.C. 6402)".

8. Section 197.59 is revised to read as follows:

**§ 197.59 Time limit for filing claim.**

No claim for refund of special tax shall be allowed unless presented within three years next after the payment of the tax.

(68A Stat. 808; 26 U.S.C. 6511)

**§ 197.66 [Amendment]**

9. Section 197.66 is amended:

(A) By striking from the first sentence the last part thereof which begins "in Treasury Department Form 356," and inserting in lieu thereof "as set forth in the current revision of Treasury Department Circular 570." and

(B) By striking from the second sentence "Form 356" and inserting in lieu thereof "Circular 570".

**§ 197.75 [Amendment]**

10. Section 197.75 is amended by striking from the last sentence the words ", Form 1490, or a notice of release, Form 1491" and inserting in lieu thereof the words "or release on Form 1490".

**§ 197.79 [Amendment]**

11. Section 197.79 is amended:

(A) By striking the first sentence and inserting in lieu thereof "Upon determination that the bond on Form 1730 may be terminated (a) where a superseding bond has been approved, (b) where the principal has discontinued filing monthly claims, or (c) where the surety has made application for release from bond as provided in § 197.76, the assistant regional commissioner will execute, on Form 1490, a notice of termination or release of bond." and

(B) By striking from the second sentence, immediately following the words "termination or", the words "the notice of".

**§ 197.80 [Amendment]**

12. Section 197.80 is amended by striking from the first sentence the words "Forms 1490 and 1491 of the termination of such bonds" and inserting in lieu thereof the words "Form 1490 of the termination or release of such bonds".

13. Section 197.112 is revised to read as follows:

**§ 197.112 Distilled spirits received in tank cars or tank trucks.**

Each claim covering distilled spirits received in tank cars or tank trucks will be accompanied by a statement showing in respect of each shipment received: The date of receipt; the name and address of the vendor; the number or other identification mark of the tank car or tank truck; the serial number of the distilled spirits stamp and the date it was affixed to the tank car or tank truck; the name of the producer; and the kind, quantity, and proof of the spirits. If the tank car or tank truck is received without the stamp affixed thereto, the vendee shall note such fact on the bill of lading, if any, or on Form 179, and immediately notify the assistant regional commissioner who will cause such inquiry to be made respecting the shipment and receipt of the conveyance as he may deem appropriate. (The distilled spirits stamp shall be completely destroyed when the distilled spirits have been removed from the tank car or tank truck.)

14. Section 197.113 is revised to read as follows:

**§ 197.113 Distilled spirits received in barrels, drums, or other portable containers.**

Each claim covering distilled spirits received in barrels, drums, or other portable containers bearing distilled spirits stamps shall be accompanied by a statement showing: The date of receipt; the name and address of the vendor; the kind and serial number of the stamp affixed to the container and the date the stamp was issued or affixed as stated on the stamp; the serial number, if any, of the container; the name of the producer; and the kind, quantity, and proof of the spirits. (When the container is emptied, the stamp shall be completely destroyed.)

**§ 197.117 [Amendment]**

15. Section 197.117 is amended by adding immediately after the last sentence the following parenthetical sentence, "(For additional provisions respecting the recovery of distilled spirits and the records relating thereto, see Subpart U of 26 CFR Part 170.)"

**§ 197.130 [Amendment]**

16. Section 197.130 is amended by changing paragraph (c) to read:

(c) Kind of container (such as tank car, drum, case of bottles) and serial number thereof, and the kind and serial number of the stamp affixed to the container (serial numbers of strip stamps if spirits are in bottles).

**§ 197.132 [Amendment]**

17. Section 197.132 is amended by striking the last sentence thereof.

18. A new § 197.133, as follows, is added:

**§ 197.133 Retention of records.**

Each manufacturer shall retain for a period of not less than two years all records required by this part, all Forms 179 received by him evidencing tax determination of the spirits, and all bills of lading received by him in respect of shipment of the spirits. In addition, a copy of each approved formula returned to the manufacturer shall be retained by him for not less than two years from the date he files his last claim for drawback under such formula. Such records, forms, and formulas shall be readily available during the manufacturer's regular business hours for examination and taking abstracts therefrom by internal revenue officers.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 61–1565; Filed, Feb. 21, 1961; 8:48 a.m.]

[T.D. 6551]

## PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

### Return System for Payment of Taxes in Puerto Rico

On December 7, 1960, a notice of proposed rule making with respect to the amendment of 26 CFR Part 250 was published in the FEDERAL REGISTER (25 F.R. 12511).

In accordance with the notice interested parties were afforded an opportunity to submit written comments or suggestions or to request a public hearing. No comments or suggestions or requests for a public hearing were received within the 30 days prescribed in the notice. However, it has been administratively determined to make certain changes which are clarifying and editorial in nature. Accordingly, the amend-

ments as published in the FEDERAL REGISTER are hereby adopted, subject to the following changes:

1. Section 250.11a is changed.
2. Section 250.76 is changed.
3. The amendment to § 250.146 is changed.

(C) By striking, where it appears twice in the last sentence, the word "treasurer" and inserting in lieu thereof the word "Secretary".

This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days after date of publication in the FEDERAL REGISTER.

[SEAL] DANA LATHAM,
*Commissioner of Internal Revenue.*

D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: February 16, 1961.

HENRY H. FOWLER,
*Acting Secretary of the Treasury.*

In order to (1) establish a return system for the payment of internal revenue taxes in Puerto Rico on liquors and articles of Puerto Rican manufacture which are to be withdrawn from insular bond for shipment to the United States, and (2) conform to administrative organizational changes, the regulations in 26 CFR Part 250, "Liquors and Articles From Puerto Rico and the Virgin Islands," are amended as follows:

A new section, reading as follows, is inserted immediately following § 250.11.

**§ 250.11a Delegate.**

The term "Secretary, or his delegate," means the Secretary, or any officer or employee of the Department of the Treasury of Puerto Rico duly authorized by the Secretary to perform the function mentioned or described in this part.

**§ 250.20 [Deletion]**

Section 250.20 is deleted.

A new section, reading as follows, is inserted immediately following § 250.21.

**§ 250.21a Officer-in-Charge.**

"Officer-in-Charge" shall mean the principal revenue officer in Puerto Rico charged with the duty of collecting internal revenue taxes, in Puerto Rico, under the jurisdiction of the Director of the Office of International Operations, Internal Revenue Service, Treasury Department, Washington, D.C.

Three new sections, reading as follows, are inserted immediately following § 250.26.

**§ 250.26a Revenue agent.**

"Revenue agent" shall mean any duly authorized Commonwealth Internal Revenue Agent of the Department of the Treasury of Puerto Rico.

**§ 250.26b Secretary.**

"Secretary" shall mean the Secretary of the Treasury of Puerto Rico.

**§ 250.26c Taxpaid.**

"Taxpaid", as used in this part with respect to liquors or articles of Puerto Rican manufacture, shall include liquors or articles on which the tax was computed but with respect to which payment was deferred under the provisions of Subpart E of this part.

**§ 250.27 [Deletion]**

Section 250.27 is deleted.

Section 250.30 is amended to read:

**§ 250.30 United States Internal Revenue Service office.**

"United States Internal Revenue Service office," as used in this part, shall mean the United States Internal Revenue Service office in Puerto Rico operating under the direction of the Director of the Office of International Operations, Internal Revenue Service, Treasury Department, Washington, D.C.

**§ 250.38 [Amendment]**

Section 250.38 is amended as follows:

(A) By striking, in the third sentence, the reference to "§ 250.77", and inserting in lieu thereof "§ 250.86".

(B) By striking the statutory citation at the end of the section and inserting in lieu thereof "(72 Stat. 1374; 26 U.S.C. 5301)."

Section 250.42 is amended to read:

**§ 250.42 Destruction of stamps.**

All stamps must remain on packages until the contents are emptied. When a package of distilled spirits is emptied, the internal revenue stamp thereon must be completely effaced and obliterated.

(68A Stat. 830, 72 Stat. 1358; 26 U.S.C. 6804, 5205)

**§ 250.55 [Amendment]**

Section 250.55 is amended by striking the word "treasurer" and inserting in lieu thereof the word "Secretary".

Subpart E is amended to read:

**Subpart E—Taxpayment in Puerto Rico of Liquors Withdrawn Before Rectification or Bottling**

BONDS


Sec.
250.61 General.
250.62 Corporate surety.
250.63 Deposit of securities in lieu of corporate surety.
250.64 Consents of surety.
250.65 Authority to approve bonds and consents of surety.
250.66 Bond, Form 2896—Distilled spirits and rectification.
250.67 Bond, Form 2897—Wine.
250.68 Bond, Form 2898—Beer.
250.69 Strengthening bonds.
250.70 New or superseding bonds.

TERMINATION OF BONDS

250.71 Termination of bonds.
250.72 Application of surety for relief from bond.
250.73 Relief of surety from bond.
250.74 Release of pledged securities.
250.75 Form 1490, Notice of Termination or Release of Bond.

PERMITS REQUIRED

250.76 Insular permits.

DISTILLED SPIRITS

250.77 Subject to tax.
250.78 Application and permit, Form 2899.
250.79 Computation and payment of tax.
250.80 Action by Officer-in-Charge.
250.81 Action by Secretary.
250.82 Release of spirits.
250.83 Bottling of distilled spirits.
250.84 Stamping bottles.
250.85 Rectification tax.

PACKAGES OF DISTILLED SPIRITS

250.86 Authority for shipment.
250.87 Evidence of taxpayment.
250.88 Application for distilled spirits stamps.
250.89 Issuance of distilled spirits stamps.
250.90 Affixing stamps to packages.
250.91 Release of packages.

WINE

250.92 Subject to tax.
250.93 Application and permit, Form 2900.
250.94 Computation and payment of tax.
250.95 Action by Officer-in-Charge and by the Secretary.
250.96 Release of wine.
250.97 Marking containers of wine.

LIQUEURS, CORDIALS, OR SIMILAR COMPOUNDS CONTAINING WINE

250.98 Insular permits required.
250.99 Taxpayment.
250.100 Permit to ship required.

BEER

250.101 Subject to tax.
250.102 Application and permit, Form 2900.
250.103 Computation and payment of tax.
250.104 Action by Officer-in-Charge and by the Secretary.
250.105 Release of beer.
250.106 Marking containers of beer.

ARTICLES

250.107 Taxable status.
250.108 Application for permit, Form 2899 and/or Form 2900.
250.109 Taxpayment.
250.110 Release of liquors.

PAYMENT OF TAX BY RETURN

250.111 General.
250.112 Taxes to be collected by returns for semimonthly periods.
250.113 Returns for prepayment of taxes.

PERMIT TO SHIP LIQUORS AND ARTICLES

250.114 Permit to ship required.
250.115 Application, Form 487B.
250.116 Issuance of permit, Form 487B, and customs inspection.

PROCEDURE AT PORT OF ARRIVAL

250.117 Action by carrier.
250.118 Inspection by collector of customs at port of arrival.
250.119 Disposition of forms by collector of customs.


## Subpart E—Taxpayment in Puerto Rico of Liquors Withdrawn Before Rectification or Bottling

BONDS

**§ 250.61 General.**

Every person filing a bond under this subpart, or a consent of surety on such bond, shall file it with the Officer-in-Charge.

**§ 250.62 Corporate surety.**

Surety bonds may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary of the Treasury of the United States, as set forth in United States Treasury Department Circular 570. Powers of attorney and other evidence of appointment of agents and officers to execute bonds or to consent to changes in the terms of bonds on behalf of corporate sureties are required to be filed with, and passed on by, the Commissioner of Accounts, Surety Bonds Branch, United States Treasury Department, Washington 25, D.C.

(61 Stat. 648; 6 U.S.C. 6, 7)

**§ 250.63 Deposit of securities in lieu of corporate surety.**

In lieu of corporate surety, the principal may pledge and deposit, as surety for his bond, securities which are transferable and are guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650; 6 U.S.C. 15)

**§ 250.64 Consents of surety.**

Consents of surety to changes in the terms of bonds shall be executed on Form 1533 by the principal and by the surety with the same formality and proof of authority as is required for the execution of bonds.

**§ 250.65 Authority to approve bonds and consents of surety.**

The Officer-in-Charge is authorized to approve all bonds and consents of surety filed under this part.

**§ 250.66 Bond, Form 2896—Distilled spirits and rectification.**

(a) *Withdrawal of distilled spirits from bonded storage in Puerto Rico.* Where the proprietor of a bonded warehouse or a bonded processing room intends to withdraw, for purpose of shipment to the United States, distilled spirits of Puerto Rican manufacture from bonded storage in Puerto Rico on computation, but before payment, of the tax imposed by section 7652(a), I.R.C., equal to the tax imposed in the United States by section 5001(a)(1), I.R.C., he shall, before making any such withdrawal, furnish a bond, Form 2896, to secure payment of such tax, at the time and in the manner prescribed in this subpart, on all distilled spirits so withdrawn. The bond shall be executed in a penal sum not less than the amount of unpaid tax which, at any one time, is chargeable against the bond: *Provided*, That the penal sum of such bond shall not exceed $1,000,000, but in no case shall the penal sum be less than $1,000.

(b) *Rectification in Puerto Rico.* Where the proprietor of a rectifying plant in Puerto Rico intends to ship rectified products to the United States and desires that the tax imposed by section 7652(a), I.R.C., equal to the tax imposed in the United States by section 5021 and/or section 5022, I.R.C., be computed at the time the bottling and casing is completed, but payment thereof be deferred, he shall furnish a bond, Form 2896, to secure payment of such tax, at the time and in the manner prescribed in this subpart, on all rectified spirits and wines so bottled and cased. The bond shall be executed in a penal sum not less than the amount of unpaid tax which, at any one time, is chargeable against the bond: *Provided*, That the penal sum of such bond shall not exceed $100,000, but in no case shall the penal sum be less than $1,000.

(c) *Blanket bond.* Any person who is the proprietor of more than one bonded warehouse, bonded processing room, or rectifying plant in Puerto Rico, may, in lieu of furnishing two or more separate bonds on Form 2896, as required by paragraphs (a) and/or (b) of this section, furnish a blanket bond on Form 2896. The penal sum of such blanket bond shall be equal to the sum of the penal sums of all the bonds in lieu of which it is given. Such blanket bond on Form 2896 shall show each bonded warehouse and/or bonded processing room and/or rectifying plant to be covered by the bond, and the part of the total penal sum (computed in accordance with paragraphs (a) and/or (b) of this section) to be allocated to each of the designated premises. If the penal sum of the bond allocated to a designated premises is in an amount less than the maximum prescribed in paragraphs (a) and/or (b) of this section, transactions at such premises shall not exceed the quantity permissible, as reflected by the penal sum allocated in the bond to such premises. Such blanket bond shall contain the terms and conditions of the bonds in lieu of which it is given and shall be conditioned that the total amount of the bond shall be available for satisfaction of any liability incurred under the terms and conditions of such bond.

(68A Stat. 775, 847, 906, 907; 26 U.S.C. 6302(b), 7101, 7102, 7651(2)(B), 7652(a))

**§ 250.67 Bond, Form 2897—Wine.**

Where a proprietor intends to withdraw, for purpose of shipment to the United States, wine of Puerto Rican manufacture from bonded storage in Puerto Rico on computation, but before payment, of the tax imposed by section 7652(a), I.R.C., equal to the tax imposed in the United States by section 5041, I.R.C., he shall, before making any such withdrawal, furnish a bond, Form 2897, to secure payment of such tax, at the time and in the manner prescribed in this subpart, on all wine so withdrawn. The bond shall be executed in a penal sum not less than the amount of unpaid tax which, at any one time, is chargeable against the bond: *Provided*, That the penal sum of such bond shall not exceed $250,000, but in no case shall the penal sum be less than $500.

(68A Stat. 775, 847, 906, 907; 26 U.S.C. 6302(b), 7101, 7102, 7651(2)(B), 7652(a))

**§ 250.68 Bond, Form 2898—Beer.**

Where a brewer intends to withdraw, for purpose of shipment to the United States, beer of Puerto Rican manufacture from bonded storage in Puerto Rico on computation, but before payment, of the tax imposed by section 7652(a), I.R.C., equal to the tax imposed in the United States by section 5051, I.R.C., he shall, before making any such withdrawal, furnish a bond, Form 2898, to secure payment of such tax, at the time and in the manner prescribed in this subpart, on all beer so withdrawn. The bond shall be executed in a penal sum not less than the amount of unpaid tax which, at any one time, is chargeable against the bond: *Provided*, That the penal sum of such bond shall not exceed $500,000, but in no case shall the penal sum be less than $1,000.

(68A Stat. 775, 847, 906, 907; 26 U.S.C. 6302(b), 7101, 7102, 7651(2)(B), 7652(a))

**§ 250.69 Strengthening bonds.**

In all cases where the penal sum of any bond becomes insufficient, the principal shall either give a strengthening bond with the same surety to attain a sufficient penal sum, or give a new bond to cover the entire liability. Strengthening bonds will not be approved where any notation is made thereon which is intended, or which may be construed, as a release of any former bond, or as limiting the amount of any bond to less than its full penal sum. Strengthening bonds shall show the current date of execution and the effective date.

**§ 250.70 New or superseding bonds.**

New bonds shall be required in case of insolvency or removal of any surety, and may, at the discretion of the Officer-in-Charge, be required in any other contingency affecting the validity or impairing the efficiency of an existing bond. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, shall execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. Where, under the provisions of § 250.72, the surety on any bond given under this subpart has filed an application to be relieved of liability under said bond and the principal desires or intends to continue the operations to which such bond relates, he shall file a valid superseding bond to be effective on or before the date specified in the surety's notice. New or superseding bonds shall show the current date of execution and the effective date.

TERMINATION OF BONDS

**§ 250.71 Termination of bonds.**

Any bond given under the provisions of this subpart may be terminated as to future transactions—

(a) Pursuant to application of surety as provided in § 250.72;

(b) On approval of a superseding bond;

(c) On notification by the principal to the Officer-in-Charge that he has discontinued transactions under the bond; or

(d) On notification by the principal to the Officer-in-Charge that he has discontinued business.

**§ 250.72 Application of surety for relief from bond.**

A surety on any bond given under the provisions of this subpart may at any time in writing notify the principal and the Officer-in-Charge that he desires, after a date named, to be relieved of liability under said bond. Such date shall be not less than 10 days after the date the notice is received by the Officer-in-Charge. The surety shall also file with the Officer-in-Charge an acknowledgment or other proof of service on the principal. If such notice is not thereafter in writing withdrawn, the rights of the principal as supported by said bond shall be terminated on the date named in the notice, and the surety shall be relieved from liability to the extent set forth in § 250.73.

**§ 250.73 Relief of surety from bond.**

Where the surety on a bond given under the provisions of this subpart has filed application for relief from liability, as provided in § 250.72, the surety shall be relieved from liability for transactions occurring wholly subsequent to the date specified in the notice, or the effective date of a new bond, if one is given.

**§ 250.74 Release of pledged securities.**

Securities of the United States pledged and deposited as provided in § 250.63, shall be released only in accordance with the provisions of 31 CFR Part 225. Such securities will not be released by the Officer-in-Charge until the liability under the bond for which they were pledged has been terminated. When the Officer-in-Charge is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities, the Officer-in-Charge may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650; 6 U.S.C. 15)

**§ 250.75 Form 1490, Notice of Termination or Release of Bond.**

When the Officer-in-Charge is satisfied that any bond given under the provisions of this subpart may be terminated or released, he shall issue Form 1490, Notice of Termination or Release of Bond, and shall forward copies to the principal and to the surety. The Officer-in-Charge shall appropriately modify Form 1490 to show his title in lieu of that of the "Assistant Regional Commissioner, Alcohol and Tobacco Tax."

PERMITS REQUIRED

**§ 250.76 Insular permits.**

Before liquors or articles of Puerto Rican manufacture may be shipped to the United States, an insular permit, Form 2899 (for distilled spirits) or Form 2900 (for wine or beer), to compute the taxes imposed by section 7652(a), I.R.C., and to withdraw the products from the bonded establishment where they may be deposited, must be obtained from the Secretary, and such products may not be shipped to the United States until a permit to ship, on Form 487B, is applied for and obtained from the Secretary.

DISTILLED SPIRITS

**§ 250.77 Subject to tax.**

Distilled spirits of Puerto Rican manufacture, and any products containing such spirits, coming into the United States and withdrawn for consumption or sale are subject to a tax equal to the internal revenue tax imposed in the United States by sections 5001(a)(1), 5021, and 5022, I.R.C.

(68A Stat. 907; 26 U.S.C. 7652)

**§ 250.78 Application and permit, Form 2899.**

Application for permit to compute the tax on, and to withdraw, distilled spirits shall be made on Form 2899, in quintuplicate, by the proprietor of the bonded warehouse or bonded processing room. The applicant shall forward all copies of the form to the Secretary. If the application is properly prepared and is otherwise in order, the Secretary, or his delegate, shall execute his permit, retain one copy for his files, and forward the original and remaining copies of the form to the revenue agent at the bonded warehouse or bonded processing room where the spirits are stored. The revenue agent shall gauge the spirits, make a report of his gauge on Form 2630, in quadruplicate, and deliver all copies of Forms 2899 and 2630 to the applicant.

**§ 250.79 Computation and payment of tax.**

(a) *Deferred payment.* Where the distilled spirits are to be withdrawn from bonded storage on computation of tax, payment of which is to be deferred under bond, Form 2896, given by the proprietor of such bonded storage, such proprietor shall compute the tax, enter the amount of such computed tax on all copies of Form 2899, and execute the agreement to pay the amount of tax which has been computed and entered. He shall also certify under the penalties of perjury that he is not in default of any payment of tax chargeable against his bond, and that his bond is in the maximum penal sum or that it is sufficient to cover the amount of tax on the distilled spirits described on the form in addition to all other amounts chargeable against his bond. The proprietor shall forward the original and two copies of Forms 2899 and 2630 to the Officer-in-Charge, and shall retain a copy of each form for his files. Where the penal sum of his bond is less than the maximum prescribed in § 250.66(a) or where the penal sum allocated to his premises under § 250.66(c) is less than the prescribed maximum, the proprietor shall maintain an account of his bond. He shall charge the bond with the amount of liability he accepts at the time he executes Form 2899, and shall credit the bond for the same amount at the time he files his return, Form 2901, and remittance to cover payment of the tax on the distilled spirits covered by such Form 2899.

(b) *Withdrawal after payment.* Where the distilled spirits are to be withdrawn from bonded storage after payment of the computed tax, the proprietor shall enter the amount of such computed tax on all copies of Form 2899, and execute the statement that such tax is being prepaid. He shall then prepare Form 2925, in quadruplicate, and send the original and two copies of Forms 2899, 2925, and 2630, together with his remittance in full for such tax, to the Officer-in-Charge, and retain a copy of each form for his files.

**§ 250.80 Action by Officer-in-Charge.**

(a) *Deferred payment.* On receipt of Forms 2899 and 2630, covering application to withdraw distilled spirits from bonded storage, on computation, but before payment, of the tax, the Officer-in-Charge shall, if the proprietor has on file a good and sufficient bond, Form 2896, execute his certificate of approval on all copies of Form 2899, and forward two copies of Forms 2899 and 2630 to the Secretary, retaining the originals of each form for his records. Where the Officer-in-Charge finds that the proprietor does not have proper and sufficient coverage on bond, Form 2896, or where the Officer-in-Charge finds that the proprietor is in default of payment of any taxes previously charged to his bond, he shall, without approval, return all copies of Forms 2899 and 2630 to the proprietor, giving his reasons for withholding approval.

(b) *Prepayment.* On receipt of Forms 2899, 2925, and 2630, with remittance, covering prepayment of tax on distilled spirits to be withdrawn from bonded storage, the Officer-in-Charge shall execute his certificate of receipt on all copies of Form 2925, and his certificate of approval on all copies of Form 2899. He shall then forward two copies of Forms 2899, 2925, and 2630 to the Secretary and retain the originals of each form for his files.

**§ 250.81 Action by the Secretary.**

On receipt of Forms 2899 and 2630, and Form 2925 where required, from the Officer-in-Charge, the Secretary, or his delegate, shall authorize the release of the spirits on both copies of Form 2899, retain a copy of each form for his files, and forward a copy of each form to the proper revenue agent.

**§ 250.82 Release of spirits.**

On receipt of Form 2899 from the Secretary, authorizing the release of the distilled spirits, the revenue agent will release the spirits for bottling or withdrawal in accordance with procedures prescribed in this part for bottling and shipment. Distilled spirits released from bonded storage under this section may not be shipped to the United States until permit for such shipment has been obtained from the Secretary as provided in §§ 250.114 through 250.116.

**§ 250.83 Bottling of distilled spirits.**

On receipt of Form 2899 from the Secretary authorizing the release of distilled spirits for bottling, the revenue agent will so release the spirits. Spirits which are to be bottled without rectification may not be removed through the bonded processing room to the bottling house, but must be removed directly from the bonded warehouse to the bottling house. The bottling operations will be conducted under supervision of the revenue agent.

**§ 250.84 Stamping bottles.**

Every bottle of distilled spirits of Puerto Rican manufacture to be shipped to the United States must have affixed thereto a red strip stamp of proper size bearing the name of the distiller, rectifier, or bottler. Red strip stamps will be procured, overprinted, and used as provided in Subpart G of this part.

(72 Stat. 1358; 26 U.S.C. 5205)

**§ 250.85 Rectification tax.**

(a) *Computation.* When rectified spirits on which distilled spirits tax equal to the tax imposed in the United States by section 5001(a)(1), I.R.C., has been paid or deferred (as prescribed in § 250.79) have been bottled and cased, the rectifier shall prepare Form 2926, in quadruplicate. He shall compute on Form 2926 the rectification tax (equal to the tax imposed in the United States by section 5021 and/or section 5022, I.R.C.) incurred on the spirits so rectified and bottled and cased. He shall then submit all copies of the form to the revenue agent who, after verifying the computation of the tax, will return all copies to the rectifier.

(b) *Deferred payment.* When payment of the rectification tax is to be deferred under bond, Form 2896, given by the rectifier, he shall execute, on Form 2926, the agreement to pay the amount of tax which has been computed and entered. He shall also certify under penalties of perjury that he is not in default of any payment of tax chargeable against his bond, and that his bond is in the maximum penal sum or that it is sufficient to cover the amount of the rectification tax entered on the form in addition to all other amounts chargeable against his bond. The rectifier shall forward the original and two copies of Form 2926 to the Officer-in-Charge and retain a copy for his files. The provisions of § 250.79(a) shall be applicable with respect to keeping an account of the bond.

(c) *Prepayment.* When the rectification tax is to be prepaid on completion of bottling and casing, the rectifier shall execute the statement on Form 2926 that such tax is being prepaid. He shall then prepare Form 2925, in quadruplicate, and send the original and two copies of Forms 2925 and 2926, together with his remittance in full for such tax, to the Officer-in-Charge and retain a copy of each form for his files.

(d) *Procedures applicable.* The applicable provisions of §§ 250.80 and 250.81 shall govern the processing of Forms 2925 and 2926 by the Officer-in-Charge and the Secretary.

PACKAGES OF DISTILLED SPIRITS

**§ 250.86 Authority for shipment.**

The laws of Puerto Rico provide that distilled spirits of Puerto Rican manufacture may be shipped or exported from Puerto Rico only in containers holding not more than one gallon, except that where any rectifier presents to the Secretary a sworn application, in duplicate, stating that he wishes to withdraw from business and to liquidate his stock of rum, the Secretary, or his delegate, may authorize the sale of such stock in barrels of forty gallons or more for shipment to the United States. Therefore, subject to the approval of such application by the Secretary, or his delegate, and pursuant to the provisions of this part, rum of Puerto Rican manufacture may be shipped to the United States in such bulk containers.

**§ 250.87 Evidence of taxpayment.**

Where, under the provisions of § 250.86, a rectifier has made application to the Secretary for authority to ship packages of Puerto Rican rum to the United States, he shall, at the same time, submit sworn evidence to the Secretary that the distilled spirits tax has been paid or will be paid, as provided in § 250.79, and that all rectification taxes incurred have been paid or will be paid in the same manner as provided in § 250.85 for rectified spirits bottled and cased, or he shall submit application, Form 2899, for permit to pay such taxes, as provided in this subpart. When satisfied that the rectifier has complied with all provisions of this part relating to the payment of taxes on such distilled spirits, the Secretary, or his delegate, shall note his approval on both copies of the sworn application, and return one copy to the applicant. On receipt of the approved application, the rectifier shall submit application for permit to ship, Form 487B, as prescribed in §§ 250.114 through 250.116.

**§ 250.88 Application for distilled spirits stamps.**

On receipt of approved Form 487B from the Secretary, the rectifier shall make written request in triplicate to the Officer-in-Charge for issuance of distilled spirits stamps for the packages. Such requests shall show the name and address of the packer, the serial number of each package and the proof gallon contents thereof, the serial number of the Form 2901 and/or Form 2925 pursuant to which tax was paid, and shall identify the permit, Form 487B, pursuant to which the packages are to be shipped. The request and the permit, Form 487B, shall be submitted to the revenue agent who, if satisfied that the request has been correctly prepared and that the requirements of this subpart relating to the payment of taxes have been met, will note his approval on all copies of the request and return them and Form 487B to the proprietor. The proprietor shall forward all copies of the approved request and Form 487B to the Officer-in-Charge.

**§ 250.89 Issuance of distilled spirits stamps.**

On receipt of the approved request therefor, and permit Form 487B, the Officer-in-Charge shall issue the required number of distilled spirits stamps. He shall enter, on each stamp, the name of the proprietor removing the spirits, the serial number of the container for which the stamp is issued and, where rectification tax has been paid (as provided in this subpart), the words "Rectified Product." When the stamps have been issued, the issuing officer shall enter the serial numbers thereof, preceded by the symbols "DS" on each copy of the request; return Form 487B and one copy of the request, with the stamps, to the applicant; forward one copy of the request to the Secretary; and retain the original for his files.

**§ 250.90 Affixing stamps to packages.**

At the time the proprietor affixes the stamp to the package he shall enter on the stamp the date the stamp is affixed. The stamps shall be securely affixed by the proprietor, under supervision of a revenue agent, to the heads of the packages. The revenue agent shall then cancel the stamps by drawing or otherwise imprinting a line (not less than one-eighth inch wide) in durable red ink diagonally across the stamp. When the stamps have been affixed and canceled, the proprietor shall immediately cover them with a transparent coat of shellac, lacquer, varnish, or other equally suitable material, to protect the markings on the stamps.

**§ 250.91 Release of packages.**

On stamping of packages of spirits authorized for shipment to the United States as provided in § 250.86, the revenue agent shall release the packages for shipment.

WINE

**§ 250.92 Subject to tax.**

Wine of Puerto Rican manufacture coming into the United States and withdrawn for consumption or sale is subject to a tax equal to the internal revenue tax imposed in the United States on wine by section 5041, I.R.C.

(68 Stat. 907; 26 U.S.C. 7652)

**§ 250.93 Application and permit, Form 2900.**

When wine of Puerto Rican manufacture is to be withdrawn for shipment to the United States, or for use in making any rectified product or article for shipment to the United States, application for permit to compute the tax on, and to withdraw, the wine shall be made on Form 2900, in quintuplicate, by the proprietor of the bonded premises where the wine is stored. If the withdrawal is to be made in casks, barrels, kegs, or similar containers, the applicant shall enter the name of the winemaker producing the wine, the serial numbers of the packages, the total number of wine gallons contained therein, and the taxable grade of the wine, i.e., "not more than 14%" if the wine contains not more than 14 percent of alcohol by volume, "14–21%" if the wine contains more than 14 percent and not exceeding 21 percent of alcohol by volume, "21–24%" if the wine contains more than 21 percent but not exceeding 24 percent of alcohol by volume. On wines containing more than 24 percent of alcohol by volume, the true percentage of alcohol by volume shall be stated. If the application covers more than one taxable grade of wine, the quantity in each taxable grade shall be reported separately. If the withdrawal is to consist of bottled wine, the applicant shall show the number of cases, size of the bottles, the number of bottles per case, the total quantity in wine gallons, and the taxable grade of the wine in the manner stated above. The applicant shall forward all copies of the form to the Secretary. If the application is properly prepared and is otherwise in order, the Secretary, or his delegate, shall execute his permit, retain one copy for his files, and return the original and three copies to the applicant.

**§ 250.94 Computation and payment of tax.**

(a) *Deferred payment.* When wine is to be withdrawn from bonded storage on computation of tax, payment of which is to be deferred under bond, Form 2897, given by the proprietor of such bonded storage, such proprietor shall compute the tax, enter the amount of the computed tax on all copies of Form 2900, and execute the agreement to pay the amount of tax which has been computed and entered. He shall also certify under the penalties of perjury that he is not

in default of any payment of tax chargeable against his bond, and that his bond is in the maximum penal sum or that it is sufficient to cover the amount of tax described on the form in addition to all other amounts chargeable against his bond. The proprietor shall forward the original and two copies of Form 2900 to the Officer-in-Charge, and shall retain one copy for his files. Where the penal sum of his bond is less than the maximum prescribed in § 250.67, the proprietor shall maintain an account of his bond. He shall charge the bond with the amount of liability he accepts at the time he executes Form 2900, and shall credit the bond for the same amount at the time he files his return, Form 2927, and remittance to cover payment of the tax on the wine covered by such Form 2900.

(b) *Withdrawal after payment.* Where the wine is to be withdrawn from bonded storage after payment of the computed tax, the proprietor shall enter such computed tax on all copies of Form 2900, and execute the statement that such tax is being prepaid. He shall then prepare Form 2928, in quadruplicate, and send the original and two copies of Forms 2900 and 2928, together with his remittance in full for such tax, to the Officer-in-Charge, and retain a copy of each form for his files.

**§ 250.95 Action by Officer-in-Charge and by the Secretary.**

The procedures prescribed in §§ 250.80 and 250.81 with respect to the processing of Forms 2899 and 2925 by the Officer-in-Charge and by the Secretary, shall be applicable to the processing, by such persons, of Forms 2900 and 2928.

**§ 250.96 Release of wine.**

On receipt of Form 2900 from the Secretary authorizing the release of the wine, the revenue agent shall release the wine. Wine may not be shipped to the United States until a permit to ship, Form 487B, has been obtained as provided in §§ 250.114 through 250.116.

**§ 250.97 Marking containers of wine.**

Containers of wine of Puerto Rican manufacture which are to be shipped to the United States must be marked with the name of the winemaker, the serial number of the container, the kind and taxable grade of the wine, the gallon content, and the serial number of the withdrawal permit, Form 487B, prefixed by the number of such form, e.g. "487B–61–3."

LIQUEURS, CORDIALS, OR SIMILAR COMPOUNDS CONTAINING WINE

**§ 250.98 Insular permits required.**

(a) *Distilled spirits.* When distilled spirits of Puerto Rican manufacture are to be withdrawn for use in the manufacture of liqueurs, cordials, or similar compounds containing wine which are to be shipped to the United States, an insular permit, Form 2899, must first be obtained from the Secretary, in the manner prescribed in § 250.78.

(b) *Wine.* When wine of Puerto Rican manufacture is to be used in the manufacture of liqueurs, cordials, or similar compounds which are to be shipped to the United States, an insular permit, Form 2900, must first be obtained from the Secretary, in the manner prescribed in § 250.93.

**§ 250.99 Taxpayment.**

(a) *Distilled spirits.* Gauge of distilled spirits withdrawn for use in the manufacture of liqueurs, cordials, or similar compounds containing wine shall be made and reported by the revenue agent in the manner prescribed in § 250.78, and the tax on such spirits, equal to the tax imposed in the United States by section 5001(a)(1), I.R.C., will be computed and paid in accordance with the provisions of § 250.79.

(b) *Wine.* The tax on the wine withdrawn for use in the manufacture of liqueurs, cordials, and similar compounds, equal to the tax imposed in the United States by section 5041, I.R.C., will be computed and paid in accordance with the provisions of § 250.94.

(c) *Finished product.* If the finished product is subject to rectification tax equal to that imposed in the United States by section 5021 or section 5022, I.R.C., such tax will be computed and paid in accordance with the applicable provisions of § 250.85. Containers of liqueurs, cordials, or similar compounds shall bear red strip stamps as provided in Subpart G of this part.

**§ 250.100 Permit to ship required.**

Before liqueurs, cordials, or similar compounds may be shipped from Puerto Rico to the United States, a permit to ship must be obtained as provided in §§ 250.114 through 250.116.

BEER

**§ 250.101 Subject to tax.**

Beer of Puerto Rican manufacture coming into the United States and withdrawn for consumption or sale is subject to a tax equal to the internal revenue tax imposed on beer in the United States by section 5051, I.R.C.

(68A Stat. 907; 26 U.S.C. 7652)

**§ 250.102 Application and permit, Form 2900.**

When beer of Puerto Rican manufacture is to be withdrawn for shipment to the United States, or for use in making an article for shipment to the United States, application for permit to compute the tax on, and to withdraw, the beer shall be made by the brewer on Form 2900, in quintuplicate. If the withdrawal is to be made in hogsheads, barrels, or kegs, the brewer shall enter the total number of each size, according to capacity, of containers which it is desired to withdraw. If the withdrawal is to be made in bottles, the brewer shall enter the number of cases, size of bottles, number of bottles per case, the total contents thereof in gallons (liquid measure), and the equivalent thereof in barrels and fractions of barrels of 31 gallons each. The brewer shall forward all copies of the form to the Secretary. If the application is properly prepared and is otherwise in order, the Secretary, or his delegate, shall execute his permit, retain one copy for his files, and return the original and three copies to the brewer.

**§ 250.103 Computation and payment of tax.**

(a) *Deferred payment.* When beer is to be withdrawn from bonded storage on computation of tax, payment of which is to be deferred under bond, Form 2898, given by the brewer, such brewer shall compute the tax, enter the amount of the computed tax on all copies of Form 2900, and execute the agreement to pay the amount of tax which has been computed and entered. He shall also certify under the penalties of perjury that he is not in default of any payment of tax chargeable against his bond, and that his bond is in the maximum penal sum or that it is sufficient to cover the amount of tax described on the form in addition to all other amounts chargeable against his bond. The brewer shall forward the original and two copies of Form 2900 to the Officer-in-Charge, and shall retain one copy for his files. Where the penal sum of his bond is less than the maximum prescribed in § 250.68, the brewer shall maintain an account of his bond. He shall charge the bond with the amount of liability he accepts at the time he executes Form 2900, and shall credit the bond for the same amount at the time he files his return, Form 2929, and remittance to cover payment of the tax on the beer covered by such Form 2900.

(b) *Withdrawal after payment.* Where the beer is to be withdrawn from bonded storage after payment of the computed tax, the brewer shall enter such computed tax on all copies of Form 2900, and execute the statement that such tax is being prepaid. He shall then prepare Form 2930, in quadruplicate, and send the original and two copies of Forms 2900 and 2930, together with his remittance in full for such tax, to the Officer-in-Charge, and retain a copy of each form for his files.

**§ 250.104 Action by Officer-in-Charge and by the Secretary.**

The procedures prescribed in §§ 250.80 and 250.81 with respect to the processing of Forms 2899 and 2925 by the Officer-in-Charge and by the Secretary, shall be applicable to the processing, by such persons, of Forms 2900 and 2930.

**§ 250.105 Release of beer.**

On receipt of Form 2900 from the Secretary authorizing the release of the beer, the revenue agent shall release the beer. Beer may not be shipped to the United States until a permit to ship, Form 487B, has been obtained as provided in §§ 250.114 through 250.116.

**§ 250.106 Marking containers of beer.**

Containers of beer of Puerto Rican manufacture which are to be shipped to the United States must be marked with the name of the brewer; the serial number, capacity, and size of the container; the kind of beer; and the serial number of the withdrawal permit, Form 487B, prefixed by the number of such form, e.g. "487B–61–3."



ARTICLES

**§ 250.107 Taxable status.**

Articles of Puerto Rican manufacture which are to be shipped to the United States and which are not exempt from tax under the provisions of § 250.36 are subject, under section 7652(a), I.R.C., to a tax equal to the tax imposed by the internal revenue laws of the United States on the distilled spirits, wine, or beer contained therein. A formula and process covering the manufacture of each such product shall be filed by the manufacturer in accordance with Subpart D of this part.

**§ 250.108 Application for permit, Form 2899 and/or Form 2900.**

(a) *Distilled spirits.* Where distilled spirits of Puerto Rican manufacture are to be used in the manufacture of the articles to be shipped to the United States, the manufacturer shall make application on Form 2899, in accordance with the applicable provisions of § 250.78.

(b) *Wine and/or beer.* Where wine and/or beer of Puerto Rican manufacture is to be used in the manufacture of the articles to be shipped to the United States, the manufacturer shall make application on Form 2900, in accordance with the applicable provisions of §§ 250.93 and/or 250.102. Wine and beer may be included in the same application.

(c) *Approval of applications.* The Secretary, or his delegate, shall approve and dispose of the applications in the manner prescribed in §§ 250.78, 250.93, and/or 250.102, as the case may be.

**§ 250.109 Taxpayment.**

(a) *Distilled spirits.* The tax on distilled spirits used in the manufacture of the articles to be shipped to the United States, equal to the tax imposed in the United States by section 5001(a)(1), I.R.C., shall be computed and paid as prescribed in § 250.79.

(b) *Wine.* The tax on wine used in the manufacture of the articles to be shipped to the United States, equal to the tax imposed in the United States by section 5041, I.R.C., shall be computed and paid as prescribed in § 250.94.

(c) *Beer.* The tax on beer used in the manufacture of articles to be shipped to the United States, equal to the tax imposed in the United States by section 5051, I.R.C., shall be computed and paid as prescribed in § 250.103.

**§ 250.110 Release of liquors.**

On receipt of authorization from the Secretary, the revenue agent shall release the liquors. A permit must be obtained as provided in §§ 250.114 through 250.116 before the articles manufactured from such liquors may be shipped to the United States.

PAYMENT OF TAX BY RETURN

**§ 250.111 General.**

All taxes imposed by section 7652(a), I.R.C., and which, under the provisions of this part, are paid in Puerto Rico, shall be paid and collected on the basis of a semimonthly or prepayment return as provided in this subpart. Any tax which has been paid in accordance with the provisions of this part in effect at the time of such payment, and before provision was made in the part for payment of such tax by return, shall be deemed to have been prepaid as prescribed in this part.

**§ 250.112 Taxes to be collected by returns for semimonthly periods.**

(a) *Distilled spirits.* The taxes imposed by section 7652(a), I.R.C. (equal to the taxes imposed in the United States by sections 5001(a)(1), 5021, and 5022, I.R.C.), the payment of which has been deferred under the provisions of §§ 250.79 (a) and 250.85(b), shall be paid pursuant to a return on Form 2901 prepared in quadruplicate. The proprietor shall list on his return the serial numbers of all Forms 2899 and 2926 covered by the return.

(b) *Wine.* The taxes imposed by section 7652(a), I.R.C. (equal to the taxes imposed in the United States by section 5041, I.R.C.), the payment of which has been deferred under the provisions of § 250.94(a), shall be paid pursuant to a return on Form 2927 prepared in quadruplicate. The proprietor shall list on his return the serial numbers of all Forms 2900 covered by the return.

(c) *Beer.* The taxes imposed by section 7652(a), I.R.C. (equal to the taxes imposed in the United States by section 5051, I.R.C.), the payment of which has been deferred under the provisions of § 250.103(a), shall be paid pursuant to a return on Form 2929 prepared in quadruplicate. The brewer shall list on his return the serial numbers of all Forms 2900 covered by the return.

(d) *Periods.* The periods to be covered by returns on Forms 2901, 2927, and 2929, shall be semimonthly; such periods to run from the 1st day through the 15th day of each month and from the 16th day through the last day of each month.

(e) *Filing.* The original and two copies of returns on Forms 2901, 2927, and 2929, with remittance covering the full amount of the tax, shall be filed with the Officer-in-Charge not later than the 3d business day next succeeding the last day of the return period. Where the return and remittance are delivered by United States mail to the office of the Officer-in-Charge, the date of the official postmark of the United States Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery.

(f) *Default.* Where a taxpayer has defaulted in any payment of tax under this section, during the period of such default and until the Officer-in-Charge finds that the revenue will not be jeopardized by deferred payment of tax under this section, the tax shall be prepaid by such taxpayer in accordance with the provisions of § 250.113.

**§ 250.113 Returns for prepayment of taxes.**

(a) *General.* If a proprietor does not have on file with the Officer-in-Charge an approved bond covering the deferred payment of taxes, or if such bond is in an insufficient penal sum, or if there is default by him in any payment of tax under this subpart, liquors shall not be released from bonded storage before the proprietor has paid the tax thereon.

(b) *Remittances.* Remittances submitted to cover prepayment of taxes under this subpart shall be in cash, United States postal money orders, certified checks, or cashier's checks.

(c) *Distilled spirits.* In all cases where taxes equal to the taxes imposed in the United States by sections 5001(a)(1), 5021, and 5022, I.R.C., are to be paid before distilled spirits may be withdrawn from bonded storage, the proprietor shall pay such taxes pursuant to a return on Form 2925, and as prescribed in § 250.79(b) and/or § 250.85(c).

(d) *Wine.* In all cases where taxes equal to the taxes imposed in the United States by section 5041, I.R.C., are to be paid before wine may be withdrawn from bonded storage, the proprietor shall pay such taxes pursuant to a return on Form 2928, and as prescribed in § 250.94(b).

(e) *Beer.* In all cases where taxes equal to the taxes imposed in the United States by section 5051, I.R.C., are to be paid before beer may be withdrawn from bonded storage, the brewer shall pay such taxes pursuant to a return on Form 2930, and as prescribed in § 250.103(b).

(f) *Applicable procedures.* The procedures of § 250.112(e) with respect to returns delivered by United States mail shall apply to returns and remittances filed under the provisions of this section.

PERMIT TO SHIP LIQUORS AND ARTICLES

**§ 250.114 Permit to ship required.**

Before liquors and articles of Puerto Rican manufacture, upon which all internal revenue taxes have been paid or deferred as prescribed in this subpart, may be shipped to the United States, a permit to ship, Form 487B, must be obtained from the Secretary as provided in §§ 250.115 and 250.116.

**§ 250.115 Application, Form 487B.**

Application for permit to ship to the United States liquors and articles of Puerto Rican manufacture on which all taxes have been paid or deferred as prescribed in this subpart shall be made by the shipper on Form 487B, in sextuple. Each Form 487B will be given a serial number, by the applicant, beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive. This serial number will be prefixed by the last two digits of the calendar year, e.g. "61–1." All copies of the form shall be delivered to the revenue agent for execution of his certification thereon and forwarding of all copies to the Secretary within sufficient time to allow for the issuance of the permit and customs inspection as provided in § 250.116.

**§ 250.116 Issuance of permit, Form 487B, and customs inspection.**

If the application has been properly executed and the Secretary, or his delegate, finds that all internal revenue taxes imposed under section 7652(a), I.R.C., have been computed under the provisions of this part and have been paid or, pursuant to a sufficient bond, have been de-

ferred under the applicable provisions of this part, he will execute his permit on all copies thereof, retain one copy of the form, return two copies to the shipper, and send three copies to the collector of customs in Puerto Rico. The shipper will submit the two copies of the Form 487B to the collector at least six hours prior to the intended lading of the merchandise. The collector will then inspect the merchandise covered by the Form 487B after which he will execute his certificate on each copy of Form 487B indicating all exceptions. If discrepancies appear indicating differences between the quantity covered by Form 487B and the quantity actually contained in the shipment or the improper taxpayment of the merchandise, he will withhold release of the shipment and notify the Secretary of such discrepancies. Thereupon, such discrepancies must be corrected in the shipping documents and additional tax paid, if required, prior to release of the merchandise. The collector, upon release of the merchandise for shipment, will retain one copy of the Form 487B, return two copies to the shipper, and send two copies to the collector of customs at the port of arrival in the United States, one of which should be mailed and the other dispatched on the vessel concerned for the guidance of the inspector who will handle the cargo. After the shipment has been cleared by the collector of customs in Puerto Rico, the shipper shall retain one copy of the Form 487B and send one copy thereof, with other shipping documents, to the collector of customs at the port of arrival.

PROCEDURE AT PORT OF ARRIVAL

**§ 250.117 Action by carrier.**

The carrier of the merchandise specified on the Form 487B shall, at the time of unlading at the port of arrival in the United States, segregate and arrange the cases of liquors or articles for convenient customs examination and will assume any expense incurred in connection therewith.

**§ 250.118 Inspection by collector of customs at port of arrival.**

On receipt of properly executed Form 487B from the shipper and the copies of Form 487B from the collector of customs in Puerto Rico, the collector of customs at the port of arrival shall inspect the merchandise to determine whether the quantity specified on the Form 487B is contained in the shipment. He will then execute his certificate on each copy of Form 487B received and indicate thereon any exceptions found at the time of discharge. The statement of exceptions should show the serial number of each case or other shipping container which sustained a loss, the quantity of liquor reported shipped in such container and the quantity lost. Losses occurring as the result of missing bottles, cases, or other containers should be listed separately from empty containers and containers which have sustained losses due to breakage. Where the statement is made on the basis of bottles missing or lost due to other cause, the number and size of bottles lost should be shown. If the collector finds that the full amount of the taxes due has not been paid, he will require the difference due to be paid prior to release of the merchandise in accordance with the applicable provisions of this part. When the proper inspection of the merchandise has been effected, and any additional taxes found to be due on the liquors or articles collected, the merchandise will be released.

**§ 250.119 Disposition of forms by collector of customs.**

Two copies of the Form 487B will be forwarded to the United States Internal Revenue Service office, and one copy of the form will be retained by the collector of customs and be available for inspection by internal revenue officers. If the taxpayer files a claim for refund of tax on losses, the Officer-in-Charge will forward to the assistant regional commissioner of the region in which the port of arrival is located a copy of the completed Form 487B with the claim for refund.

**§§ 250.127, 250.142 [Amendments]**

Sections 250.127 and 250.142 are amended by striking, wherever it appears, the phrase "insular internal revenue agent" and inserting in lieu thereof the words "revenue agent".

**§§ 250.143, 250.144 [Amendments]**

Sections 250.143 and 250.144 are amended as follows:

(A) By striking, wherever it appears, the phrase "insular internal revenue agent" and inserting in lieu thereof the words "revenue agent".

(B) By changing the statutory citations to read "(72 Stat. 1358; 26 U.S.C. 5205)".

**§ 250.146 [Amendment]**

Section 250.146 is amended as follows:

(A) By striking, in the first sentence, the phrase "Insular internal revenue agents" and inserting in lieu thereof the words "Revenue agents".

(B) By striking, in the fourth sentence, the words "insular internal".

(C) By striking, where it appears twice in the last sentence, the word "treasurer" and inserting in lieu thereof the word "Secretary".

Section 250.180 is amended to read:

**§ 250.180 Applicable procedure.**

Distilled spirits of less than 190 degrees of proof, wines, and beer of Puerto Rican manufacture (hereinafter referred to as "liquors" unless otherwise indicated) intended for shipment to the United States, which are withdrawn from producing or storage premises for entry into bonded rectification sections, bottling sections, or bonded warehouses, in accordance with the Spirits and Alcoholic Beverages Act, as amended, of Puerto Rico, shall be subject to the provisions of this subpart, and §§ 250.1 through 250.165, in so far as such sections may be applicable.

Section 250.182 is amended to read:

**§ 250.182 Alcoholic constituents.**

The alcoholic constituents of all liquors constituting a specific bottling lot shall be ascertained from records maintained in accordance with insular requirements. The revenue agent will verify the accuracy of the amount of tax entered on Form 2899 and/or Form 2900, as the case may be. The formula number under which the liquors were produced or manufactured for shipment to the United States will also be shown on the Form 2899 and/or Form 2900.

Section 250.183 is amended to read:

**§ 250.183 Basis for computing tax on distilled spirits.**

The taxes on distilled spirits to be withdrawn under this subpart shall be computed on the basis of wine gallons, if below proof, or proof gallons, if 100 proof or above, in accordance with the proof ascertained by the revenue agent prior to entry of the spirits into the bonded rectification section, or bonded bottling section, pursuant to appropriate entries in records prescribed by the insular authorities.

(68A Stat. 907, 72 Stat. 1314; 26 U.S.C. 7652(a), 5001)

Section 250.184 is amended to read:

**§ 250.184 Procedural requirements.**

Taxes shall be computed and paid at the rate(s) prescribed by law. The provisions of Subpart E of this part relative to bonds shall be applicable to liquors withdrawn under this subpart and for which payment of tax is to be deferred. The provisions of Subpart E of this part relative to the procurement of permits on Form 2899 and/or Form 2900, computation and payment of tax, release of liquors, procurement of permit to ship to the United States, and release for shipment, action by carrier, inspection by customs, and disposition of forms shall be applicable to liquors on which the tax is computed and paid on withdrawal after rectification or bottling.

Section 250.186 is amended to read:

**§ 250.186 Withdrawal for shipment to United States.**

Withdrawal of liquors for shipment to the United States may be made only after all taxes have been paid or deferred as prescribed in this part.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 61-1567; Filed, Feb. 21, 1961; 8:48 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—GENERAL

[CGFR 61-2]

## PART 1—GENERAL PROVISIONS

## Subpart 1.25—Fees and Charges for Copying, Certifying, or Searching Records and for Duplicate Documents and Certificates

MISCELLANEOUS AMENDMENTS

By virtue of the authority described with the regulations below, the following amendments in this document are prescribed and shall become effective 30 days after the date of publication of this document in the FEDERAL REGISTER:

1. Section 1.25-10 is amended to read as follows:

**§ 1.25-10 Authority.**

(a) The regulations in this subpart are issued pursuant to Title V of the Independent Offices Appropriation Act of 1952 (sec. 501, 65 Stat. 290, 5 U.S.C. 140). The act of June 25, 1936, as amended (secs. 3, 7, 49 Stat. 1934, 1936; 46 U.S.C. 643(h), 689) provides fees shall be charged for duplicate continuous discharge books, merchant mariner's documents, and certificates of discharge. The act of August 1, 1939, as amended (sec. 7, 53 Stat. 1147; 46 U.S.C. 247) authorizes regulations to be prescribed establishing the fees to be charged for duplicate certificates of registry as staff officers.

(b) The regulations in this subpart are also in accordance with the general policies and instructions of the Bureau of the Budget. (See Bureau of the Budget Circular No. A-25, dated September 23, 1959, on subject "User Charges.")

(Sec. 501, 65 Stat. 290; 5 U.S.C. 140)

2. Section 1.25-25(b) is amended to read as follows:

**§ 1.25-25 Fees for services.**

* * * * *

(b) The fee of $2.25 shall be charged for the services necessary in searching Coast Guard records for the information desired when such information cannot be found.

(Sec. 501, 65 Stat. 290, 5 U.S.C. 140)

3. Section 1.25-35 is amended to read as follows:

**§ 1.25-35 Fees when work is not performed by the Coast Guard.**

(a) If for any reason the Coast Guard is unable to furnish a copy of the records requested, the person submitting the request will be so informed. If permitted by law or regulation, the record will be made available to the requester for reading purposes during office hours and the Coast Guard may permit the copying or reproduction of the record or document by a private individual or concern authorized by the Coast Guard.

(b) When the copying or reproduction of a record or document by a private individual or concern is authorized, the Coast Guard fees charged shall consist of the cost of the actual time of the Coast Guard employee or employees involved in supervising the performance of such work. The minimum fee charged shall be $1.25.

(c) In this copying or reproduction work the fees of the private individual or concern actually performing the work shall be paid directly by the person requesting the information.

(Sec. 501, 65 Stat. 290, 5 U.S.C. 140)

4. Section 1.25-40 is amended to read as follows:

**§ 1.25-40 Excerpts from official documents or records.**

(a) The fees for photostatic copies of excerpts from official documents or records, such as logs of Coast Guard units, sketches, charts, course recorder graphs, assistance reports, weather data reports, etc., shall be $0.60 for each sheet 18" x 24" or smaller that is used, and $1.25 for each sheet larger than 18" x 24" that is used. The minimum fee charged shall be $1.25.

(b) The fees for copies of excerpts from official documents or records by any other method shall be $0.60 for each copy of a page 8" x 10½" or smaller or $1.25 for each copy of a page larger than 8" x 10½" in size, plus the costs of charts, graphs, etc., which may be used. The minimum fee charged shall be $1.25.

(Sec. 501, 65 Stat. 290, 5 U.S.C. 140)

5. Section 1.25-45 is amended to read as follows:

**§ 1.25-45 Marine casualty or accident record.**

(a) The fees for the transcript of the record of a marine casualty or accident, including exhibits, charts, etc., conducted under 46 CFR Part 136 shall be $0.60 for each page of typewritten copy, 8" x 10½" or smaller (which may be an original or carbon copy), and $0.25 for each additional copy furnished at the same time to the same person; $0.60 for each sheet of photostat or other copy process 18" x 24" or smaller that may be used; and $1.25 for each sheet of photostat or other copy process larger than 18" x 24" which may be used. The minimum fee charged shall be $1.25.

(Sec. 501, 65 Stat. 290, 5 U.S.C. 140)

6. Section 1.25-50 is amended to read as follows:

**§ 1.25-50 Suspension and revocation proceeding record.**

(a) The fees for the transcript of the record of a suspension or revocation proceeding, including exhibits, charts, etc., conducted under 46 CFR Part 137, shall be $0.60 for the first copy of each page of typewritten copy (8" x 10½" or smaller), which may be an original or carbon copy, and $0.25 for each page of additional copy furnished at the same time to the same person; $0.60 for each sheet of photostat or other copy process 18" x 24" or smaller which may be used, and $1.25 for each sheet of photostat or other copy process larger than 18" x 24" which may be used. The minimum fee charged shall be $1.25.

(Sec. 501, 65 Stat. 290, 5 U.S.C. 140)

7. Section 1.25-55 is amended to read as follows:

**§ 1.25-55 Excerpts from certain merchant marine records.**

(a) The fees for certain types of excerpts from merchant marine records are as follows:

(1) For each copy of an entry or excerpt from merchant vessel log book, the fee shall be $1.25 for each entry or excerpt with a minimum fee of $3.25.

(2) For each transcript of service of a merchant seaman prepared in letter form for some one other than the mercant seaman whose service is described therein, the fee shall be $0.30 for each entry with a minimum fee of $3.25.

(3) For a transcript of service of a merchant seaman which is furnished to the seaman on Form CG-723, the fee is $0.50 for the first entry and $0.10 for each additional entry requested at the same time.

(Sec. 501, 65 Stat. 290, 5 U.S.C. 140)

8. Section 1.25-60 is amended to read as follows:

**§ 1.25-60 Shipping articles.**

(a) For a photostat copy of a shipping article the fee shall be $1.25 for each sheet of photostat used, with a minimum fee of $3.25 for each request.

(b) For each excerpt from a shipping article, the fee shall be $0.30 for each excerpt, with a minimum fee of $3.25 for each request.

(Sec. 501, 65 Stat. 290, 5 U.S.C. 140)

9. Section 1.25-65 is amended to read as follows:

**§ 1.25-65 Duplicate merchant marine documents or certificates.**

(a) The fees to obtain certain duplicate merchant marine documents or certificates are as follows:

(1) *Certificate of registry as staff officer (Form CG-887).* The fee for a duplicate certificate of registry as staff officer is $1.75. (See 46 CFR 10.25-7(1).)

(2) *Continuous discharge book (Form CG-719A).* The fee for a duplicate continuous discharge book is $1.75. (See 46 CFR 12.02-23.)

(3) *Merchant Mariner's document (Form CG-2838).* The fee for a duplicate merchant mariner's document is $1.75. (See 46 CFR 12.02-23.)

(4) *Certificate of discharge to merchant seaman (Form CG-718A).* The fee for a duplicate certificate of discharge is $0.50. (See 46 CFR 12.02-23(b).)

(5) *Certificate of seaman's service (Form CG-723).* The fee for furnishing a merchant seaman with a chronological record of service on Form CG-723, in lieu of issuing individual certificates of discharge on Form CG-718A or in lieu of making duplicate service entries in a seaman's continuous discharge book, as authorized by 46 CFR 154.07, is $0.50 for the first entry and $0.10 for each additional entry requested at the same time. (See 46 CFR 12.02-23(b).)

(Sec. 501, 65 Stat. 290, 5 U.S.C. 140. Interpret or apply R.S. 4551, as amended, sec. 7, 49 Stat. 1936, as amended, sec. 7, 53 Stat. 1147, as amended; 46 U.S.C. 643, 689, 247)

10. Section 1.25-70 is amended by revising paragraphs (b), (c), and (d) to read as follows:

**§ 1.25-70 Certification or validation of records or documents.**

* * * * *

(b) The fee for certification or validation with appropriate Treasury Department seal shall be $5.50.

(c) The fee for certification or validation with appropriate Coast Guard seal,

when performed at Headquarters in Washington, D.C., shall be $3.25. The fee for other certification or validation with appropriate Coast Guard seal shall be $2.75. The fee for certification or validation without a Coast Guard seal shall be $1.25.

(d) When the record or document is copied or duplicated by some one other than the Coast Guard and it is requested that such record or document be certified as a true copy of the Coast Guard record or document, the fee for such certification, without Coast Guard seal, shall be $1.25 for each page or less. If the certification includes the appropriate Treasury Department or Coast Guard seal, the fees in paragraphs (b) and (c) of this section will also apply.

(Sec. 501, 65 Stat. 290, 5 U.S.C. 140)

Dated: January 31, 1961.

[SEAL] A. C. RICHMOND,
*Admiral,*
*U.S. Coast Guard, Commandant.*

Approved: February 15, 1961.

A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-1568; Filed, Feb. 21, 1961; 8:48 a.m.]

# Proposed Rule Making

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13928; FCC 61-121]

[47 CFR Part 2]

### FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

### Notice of Proposed Rule Making

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The new international Radio Regulations, signed at Geneva December 21, 1959, and scheduled to come into force on May 1, 1961, have not yet been ratified by the United States. Such regulations are ratified by the President, following the receipt of advice and consent to ratification from the Senate. Unfortunately, time did not permit Senate consideration of this matter prior to the adjournment of Congress. Hence, ratification of the Radio Regulations can not occur earlier than January 1961, when the new session of Congress convenes. Therefore, despite this lack of ratification, the Commission considers it necessary in the public interest to put forth proposals based on the Geneva (1959) Radio Regulations, realizing fully that certain of the proposals may later require modification as a result of conditions attached to the ratification of the Regulations by the United States. No amendment will be made effective except as permitted by and under the terms of the President's ratification with the advice and consent of the Senate.

3. On April 16, 1958, the Commission adopted a notice of proposed rule making in Docket No. 12404 setting forth a number of proposed changes in frequency allocation between 108 and 40,000 Mc. A limited number of those proposed changes were later modified by further notices or were finalized by subsequent Commission actions. For the most part, however, action was withheld on individual proposed changes pending the outcome of the Administrative Radio Conference, Geneva, 1959. Although the proposals presented by the United States at Geneva, 1959 were accepted generally, there is sufficient difference between the allocation table adopted by the Conference and that proposed by the United States to warrant a fresh appraisal of the currently outstanding proposals in Docket No. 12404. Additionally, Docket No. 10988 dealing with the subject of VLF and LF radio-positioning was terminated by Commission Order on May 18, 1960, because the proposals originally set forth therein were not consistent with the results of the Geneva Conference.

4. The Table of Frequency Allocations contained in the Geneva (1959) Radio Regulations is presented in a format which, by means of different styles of print, indicates the various degrees of status afforded to different radio services to which bands are allocated. Further, the definitions of services and stations in the Radio Regulations have been changed appreciably, both editorially and in number.

5. In view of the factors in paragraphs 3 and 4 above it appears advisable to (1) terminate the proceedings in Docket No. 12404 and (2) issue in a recapitulative form those changes in Part 2 considered necessary to align, insofar as practicable, Part 2 of the Rules and the Geneva (1959) Radio Regulations.

6. Accordingly, set forth below is a proposed revision of Subparts A and B of Part 2 of the Commission's Rules, in toto. In Subpart A, all new definitions and those definitions which have been modified are preceded by an asterisk. In Subpart B, that portion preceding the Table of Frequency Allocations represents a change in format and, to a limited degree, a change in concept insofar as the relative status of different services is concerned. With respect to the Table of Frequency Allocations, it will be recognized that the material in columns 1 through 4 is not subject to change by the Commission since this represents the allocations adopted by the Geneva Conference, as they apply to Region 2 (the Americas). In the remaining columns, 5 through 11, there will be found both editorial and substantive changes.

7. The bands below 25 Mc in which there are substantive changes may be divided into the following specific categories:

A. *Standard frequency bands.*

| kc | kc |
|---|---|
| 19.95–20.05 | 14,990–15,010 |
| 2495–2505 | 19,990–20,010 |
| 4995–5005 | 24,990–25,010 |
| (9995–10,003 | |
| 10,003–10,005) | |

The band 19.95–20.05 kc is newly allocated to the standard frequency service. The remaining bands above will continue to be allocated on a primary basis to the standard frequency service but each has also been allocated, on a secondary basis, to the radio astronomy service. Additionally, the bands 10,003–10,005 and 19,990–20,010 kc will also be available to the earth-space and space services, on a secondary basis, for research purposes only.

B. *Radiolocation bands.*

| kc | kc |
|---|---|
| 70–90 | 1605–1715 |
| 110–130 | 1715–1750 |
| | 1750–1800 |

The allocation within these bands would be changed only in that they would also become available to the radiolocation service.

C. *Maritime mobile ship telegraph bands.*

| kc | kc |
|---|---|
| 4133–4177 | 12,400–12,531 |
| 6200–6265.5 | 16,530–16,706 |
| 8265–8354 | 22,070–22,220 |

Under Atlantic City, the above bands were designated as passenger ship working bands. Under Geneva, they have been subdivided as indicated in the Table to provide for wideband telegraphy, facsimile and special transmission systems; a limited number of single sideband telephone channels; and, in those bands above 8 Mc, one double sideband telephony calling channel. These provisions are, of course, in addition to provisions for manual telegraphy. It should be noted that these changes do not represent any change in total bandwidth of the allocation to the maritime mobile service but merely a redistribution of space between segments of that service. The Geneva Conference allocated the band 25,070–25,110 kc on a world-wide basis to the maritime mobile service for ship stations using A-1 or F-1 emission. This allocation resulted from proposals put forth by a number of European adminisrations rather than by the United States. This band is now used extensively within the United States by the petroleum industry for geophysical purposes using relatively low power equipment. Therefore, until such time as the maritime mobile service establishes a U.S. need for this band, the Commission proposes to continue its availability to the present users. It should be noted however, that after the Geneva Radio Regulations come into force the geophysical operations will be required to afford interference protection to the maritime mobile service of other countries. Also, after that date, stations in the petroleum service in this band will be required to accept any harmful interference that might be experienced from stations in the maritime mobile service. It is anticipated that this will prove to be a workable arrangement for at least 5 to 7 years inasmuch as the maritime mobile service will find this band most useful during periods of high solar activity and we are now on the downward slope of the cyclic curve.

D. *Maritime mobile coast telegraph bands.*

| kc | kc |
|---|---|
| 4238–4368 | 12,714–13,130 |
| 6357–6525 | 16,952–17,290 |
| 8476–8745 | 22,400–22,650 |

The only change in the allocation table, insofar as these bands are concerned, is to make it clear that they are available for facsimile as well as conventional telegraphy.

E. *Mobile distress and calling.* 2170–2194 kc. Unlike Atlantic City, where the frequency 2182 kc was mentioned only by footnote to the Table and no definite guard-band was set, the Geneva Radio Regulations provide a specific world-wide allocation of 2170–2194 kc for "Mobile (distress and calling)". The

guard-band for 2182 kc is automatically established and standardized throughout the world by a provision of the Geneva Radio Regulations which forbids all transmissions on frequencies between 2170 and 2194 kc except for those authorized on 2182 kc.

8. A comparison between the existing Table of Frequency Allocations and the proposals herein shows that the bulk of the changes contemplated occur above 25 Mc, and more particularly above 1000 Mc which is a natural consequence of progress in the state of the art. There is no basis for comparison between 30,000 and 40,000 Mc, of course, inasmuch as the existing Table does not allocate above 30,000 Mc. Despite the fact that there are very many changes contemplated above 25 Mc, all fall within one of the following eight categories:

A. *Radio astronomy bands.*

| Mc | Mc |
|---|---|
| 40.66–40.7 | 4990–5000 |
| 73.0–74.6 | 10,680–10,700 |
| 404–406 | 15,350–15,400 |
| 1400–1427 | 19,300–19,400 |
| 2690–2700 | 31,300–31,500 |

It should be noted that the proposal to afford allocation status to the radio astronomy service in the above bands, other than 1400–1427 Mc, represents a departure from the original U.S. proposal which was presented for consideration by the Administrative Radio Conference, Geneva (1959). The U.S. proposal was modified during the course of the Conference and, after modification, contemplated provision for the above bands through the medium of footnotes to the allocation table, again excluding the specific band 1400–1427 Mc. Although the Conference did adopt the footnote concept of treating this matter, it has since become the opinion of the Commission that it would be virtually impossible, from an administrative standpoint, to permit sharing between the radio astronomy service and other radio services, with very few exceptions. This becomes particularly evident when confronted with the extremely low signal levels with which the radio astronomy service is concerned. It is anticipated that radio astronomers, within the next ten years, will have a capability of utilizing field strengths of approximately 20 micromicrovolts per meter. For this reason, it is proposed to make exclusive allocations to radio astronomy above 25 Mc, to the extent practicable. It should be noted that the degree of protection to be afforded the radio astronomy service from extra-band radiations will be no greater than is now afforded other services. It is also proposed to permit stations now authorized in the proposed radio astronomy bands to continue to operate but to authorize no new transmitting stations in those bands. Attention is invited to the fact that the radio astronomy bands would be available to both Government and non-Government users.

B. *Space and Earth-Space bands.*

| Mc | Mc |
|---|---|
| 136–137 | 2290–2300 |
| 400–401 | 8400–8500 |
| 1427–1429 | 15,150–15,250 |
| 1700–1710 | 31,500–31,800 |

The U.S. proposals with respect to the earth-space and space services did not receive the degree of support hoped for. Although the above bands were adopted by the Conference, for the most part they represent narrower bands than were proposed, secondary rather than primary status was given the services, and in all instances their use is limited to research. Nonetheless, in the national Table it is proposed to afford these services primary status insofar as practicable. As is the case with radio astronomy, all bands allocated to the earth-space and space services would be available to both Government and non-Government users.

C. *Allocations replacing footnotes.*

| Mc | Mc |
|---|---|
| (25.33–25.6 | 5350–5650 |
| 25.6–26.1) | 9000–9200 |
| 74.6–75.4 | 9300–9500 |
| 2450–2500 | |

At first glance, the allocations proposed for the above bands appear to be substantive changes but they are primarily editorial in nature. For example, in the existing Table, footnote NG17 provides for the radiolocation service (formerly called radiopositioning) on a non-interference basis. This secondary status can now be portrayed in the Table itself by the style of print used. From the substantive standpoint, it will be noted that the "temporary" designator has been removed from the 75 Mc marker beacon by the deletion of footnote US4. In the band 9000–9200 Mc the term "radionavigation" has been amended to "aeronautical radionavigation" to more clearly show the actual use being made of the band.

D. *Industrial, scientific and medical (ISM) frequencies.*

| Mc | Mc |
|---|---|
| 5800 vice 5850 | 22,125 vice 18,000 |

Under Atlantic City (1947), ISM use of 5850 Mc was provided for in Region 2 and a limited number of countries outside the Region. Since Atlantic City allocated only up to 10,500 Mc, there was no international provision for ISM at 18,000 Mc. On the basis of testimony submitted to the Commission in Docket No. 11866, the U.S. proposed 22,235 Mc at Geneva (1959) for ISM rather than 18,000 Mc. In order to reach world-wide agreement however, the Conference adopted 5800 Mc vice 5850 Mc and 22,125 vice 22,235 Mc for ISM.

E. *Amateur bands.*

3300–3500 Mc

By Commission Order of April 16, 1958, the amateur service allocation 3300–3500 Mc was shifted upward to 3500–3700 Mc, a shift which was subsequently proposed at Geneva (1959) by the U.S. The Conference did not adopt this proposal but retained the 3300–3500 Mc allocation to the amateur service. It is now proposed to change the national Table to once again align it with the international Table.

| Mc | Mc |
|---|---|
| 14,000–14,400 | 24,250–25,250 |

The above bands were adopted by Geneva (1959) for the radio-navigation service. It is proposed to reflect that allocation in the national Table.

G. *Aeronautical radionavigation bands for airborne devices.*

| Mc | Mc |
|---|---|
| 5000–5250 | 15,400–15,700 |

The allocation of the above bands to the aeronautical radionavigation service is the result of a U.S. proposal which is embodied in Geneva footnote 341 which reads: "The bands 960–1215 MC, 1535–1660 Mc, 4200–4400 Mc, 5000–5250 Mc and 15,400–15,700 Mc are reserved on a world-wide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based facilities." The latter two bands are the only ones not already allocated to the aeronautical radionavigation service in the national Table.

H. *Consequential redistribution between G and NG.*

| Mc | Mc |
|---|---|
| 1660–1670 G | 17,700–19,300 NG |
| 2700–2900 G | 19,400–19,700 NG |
| 5250–5350 G | 25,250–27,525 G |
| 15,700–17,700 G | 27,525–31,300 NG |

The bands shown above are essentially the result of re-aligning band edges between G and NG bands after taking into account allocation changes adopted at Geneva (1959).

9. As a separate matter, apart from the alignment of Part 2 with the Geneva Radio Regulations, attention is invited to the proposed changes in the bands 2110–2200, 3700–4200, 5925–6425 and 10,700–11,700 Mc. At the time these bands were designated for common carrier fixed operations, it was clearly intended that their use be limited to domestic operations. Because of the advent of tropospheric scatter techniques and to make it clear that the latter three bands are not intended for use by international control and/or international fixed stations, it appears advisable to indicate in the Table of Frequency Allocations that (1) the common carrier fixed stations referred to in Column 9 for the band 2110–2200 Mc are domestic fixed public stations and (2) the common carrier fixed stations shown in Column 9 for the bands 3700–4200, 5925–6425 and 10,700–11,700 Mc include only those in the domestic fixed public service, as will be indicated by the entry in Column 11. It will be noted, however, that a new footnote, NG41, has been proposed to permit international fixed public and international control stations to use these three higher bands in the Caribbean area.

10. Attention is invited to the fact that the NG and US footnotes to the Table of Frequency Allocations have been renumbered herein to eliminate gaps in the numerical sequence.

11. Attention is invited particularly to the fact that the Geneva (1959) Radio Regulations are not scheduled to come into force until May 1, 1961. Nonetheless, in the interest of an orderly program to implement those Regulations on the date scheduled, the Commission is prepared to adopt in Part 2 of its rules, for national use prior to May 1, 1961, as much of the Geneva Table of Frequency Allocations as appears practicable. However, it is emphasized that none of the amendments proposed will be made effective except as permitted by and under the terms of the President's ratification with the advice and consent of the Senate.

12. Interested parties filing comments in this proceeding are requested to confine their comments to those portions wherein a change of substance is indicated.

13. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in sections 303(c), (f) and (r) of the Communications Act of 1934, as amended.

14. All interested persons are invited to file, on or before March 14, 1961, documents supporting or opposing the proposals set out in this Notice, or submitting any modifications or counter-proposals the parties may wish to submit. Comments in reply thereto may be submitted by March 24, 1961. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding.

15. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, the original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: January 25, 1961.

Released: February 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

NOTE: While in proposal form, new or changed definitions are indicated by an asterisk.

## Subpart A—Definitions

**§ 2.1 Definitions.**

The following definitions are issued:

*Aeronautical advisory station.* An aeronautical station used for advisory and civil defense communications with private aircraft stations.

*Aeronautical fixed service.* A fixed service intended for the transmission of information relating to air navigation, preparation for and safety of flight.

*Aeronautical fixed station.* A station in the aeronautical fixed service.

**Aeronautical mobile service.* A mobile service between aeronautical stations and aircraft stations, or between aircraft stations, in which survival craft may also participate.

*Aeronautical radionavigation service.* A radionavigation service intended for the benefit of aircraft.

*Aeronautical search and rescue mobile station.* A mobile station used for communication with aircraft engaged in search and rescue operations.

**Aeronautical station.* A land station in the aeronautical mobile service. In certain instances an aeronautical station may be placed on board a ship.

**Aeronautical telemetering land station.* A telemetering land station used in the flight testing of manned or unmanned aircraft, missiles, or major components thereof.

**Aeronautical telemetering mobile station.* A telemetering mobile station used in the flight testing of manned or unmanned aircraft, missiles, or major components thereof.

*Aeronautical utility land station.* A land station located at airdrome control towers and used for control of ground vehicles and aircraft on the ground at airdromes.

*Aeronautical utility mobile station.* A mobile station used for communication at airdromes, with the aeronautical utility land station, ground vehicles, and aircraft on the ground.

*Aircarrier aircraft station.* An aircraft station aboard an aircraft engaged in, or essential to, transportation of passengers or cargo for hire.

**Aircraft station.* A mobile station in the aeronautical mobile service on board an aircraft.

*Airdrome control station.* An aeronautical station providing communication between an airdrome control tower and aircraft.

*Amateur service.* A service of self-training, intercommunication and technical investigations carried on by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

*Amateur station.* A station in the amateur service.

*Authorized frequency.* The frequency assigned to a station by the Commission and specified in the instrument of authorization.

*Authorized power.* The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the International Telecommunication Union.

*Aviation services.* Aviation services are primarily for the safe, expeditious and economical operation of aircraft. They include the aeronautical fixed service, aeronautical mobile service, aeronautical radionavigation service, and secondarily, the handling of public correspondence to and from aircraft.

*Baseband.* In the process of modulation, the baseband is the frequency band occupied by the aggregate of the modulating signals when first used to modulate a carrier.

*Base station.* A land station in the land mobile service carrying on a service with land mobile stations.

**Broadcasting service.* A radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmissions.

*Broadcasting station.* A station in the broadcasting service.

*Carrier.* In a frequency stabilized system, the sinusoidal component of a modulated wave whose frequency is independent of the modulating wave; or the output of a transmitter when the modulating wave is made zero; or a wave generated at a point in the transmitting system and subsequently modulated by the signal; or a wave generated locally at the receiving terminal which, when combined with the side bands in a suitable detector, produces the modulating wave.

*Carrier frequency.* The frequency of the carrier.

*Citizens radio service.* A radiocommunication service of fixed, land, and mobile stations intended for personal or business radiocommunications, radio signalling, control of remote objects or devices by means of radio, and other purposes not specifically prohibited.

*Civil Air Patrol land station.* A land station used exclusively for communications of the Civil Air Patrol.

*Civil Air Patrol mobile station.* A mobile station used exclusively for communications of the Civil Air Patrol.

**Coast station.* A land station in the maritime mobile service.

*Common carrier fixed station.* A fixed station open to public correspondence.

*Disaster communications service.* A service of fixed, land, and mobile stations licensed or authorized to provide essential communications incident to or in connection with disaster or other incidents which involve loss of communications facilities normally available or which require the temporary establishment of communications facilities beyond those normally available.

**Domestic fixed public service.* A fixed service, the stations of which are open to public correspondence, for radiocommunications originating and terminating solely at points all of which lie within: (a) the State of Alaska, or (b) the State of Hawaii, or (c) the contiguous 48 states and the District of Columbia, or (d) a single possession of the United States. Generally, in cases where service is afforded on frequencies above 72 Mc, radiocommunications between the contiguous 48 states (including the District of Columbia) and Canada or Mexico, or radiocommunications between the State of Alaska and Canada, are deemed to be in the domestic fixed public service.

**Domestic fixed public station.* A fixed station in the domestic fixed public service.

*Domestic public radiocommunication services.* The land mobile and domestic fixed public services the stations of which are open to public correspondence.

**Duplex operation.* Operating method in which transmission is possible simultaneously in both directions.

**Earth-Space service.* A radiocommunication service between earth stations and space stations.

**Earth station.* A station in the earth-space service located either on the earth's surface or on an object which is limited to flight between points on the earth's surface.

**Experimental station.* A station utilizing radio waves in experiments with a view to the development of science or technique. This definition does not include amateur stations.

**Facsimile.* A system of telecommunication for the transmission of fixed images, with or without half-tones, with

a view to their reproduction in a permanent form.

*Facsimile broadcasting station.* A broadcasting station utilizing facsimile primarily.

*Fixed public control service.* A fixed service carried on for the purpose of transmitting intelligence between transmitting or receiving stations in the public radiocommunication services and the message centers or control points associated therewith.

*Fixed service.* A service of radiocommunication between specified fixed points.

*Fixed station.* A station in the fixed service.

*Flight test station.* An aeronautical station used for the transmission of essential communications in connection with the testing of aircraft or major components of aircraft: Provided, however, flight test stations, when operating on the frequency 3281 kc, are designated as land stations, only with respect to operation on the frequency 3281 kc.

*Flying school station.* An aeronautical station used for radiocommunication pertaining to instructions to students or pilots while actually operating aircraft.

*FM broadcast STL station.* A fixed station utilizing telephony to transmit from a studio of an FM broadcasting station to the transmitter of that broadcasting station, programs to be broadcast by that station.

*FM broadcasting station.* A broadcasting station utilizing telephony by means of frequency modulation, and when authorized under a Subsidiary Communications Authorization (SCA), utilizing F9 emissions.

*FM inter-city relay station.* A fixed station used for the transmission of FM broadcasting programs from one FM broadcasting station to other FM broadcasting stations to provide simultaneous network FM broadcasting and operated only by FM broadcast licensees.

**Gc (gigacycle).* A gigacycle (Gc) means one thousand megacycles.

**Harmful interference.* Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with regulations in this part.

**Industrial radio services.* Any service of radiocommunication essential to, operated by, and for the sole use of, those enterprises which for purposes of safety or other necessity require radiocommunication in order to function efficiently, the radio transmitting facilities of which are defined as fixed, land, mobile or radiolocation stations.

**Industrial, scientific and medical equipment (ISM equipment).* Devices which use radio waves for industrial, scientific, medical, or any other purposes including the transfer of energy by radio and which are neither used nor intended to be used for radiocommunication.

**Instrument landing system.* A radionavigation system which provides aircraft with horizontal and vertical guidance just before and during landing and, at certain fixed points, indicates the distance to the reference point of landing.

**Instrument landing system glide path.* A system of vertical guidance embodied in the instrument landing system which indicates the vertical deviation of the aircraft from its optimum path of descent.

**Instrument landing system localizer.* A system of horizonal guidance embodied in the instrument landing system which indicates the horizontal deviation of the aircraft from its optimum path of descent along the axis of the runway.

*International broadcasting station.* A broadcasting station employing frequencies allocated to the broadcasting service between 5950 kc and 26100 kc, whose transmissions are intended to be received directly by the general public in foreign countries.

*International control station.* A fixed station in the fixed public control service associated directly with the international fixed public radiocommunication service.

**International fixed public radio service.* A fixed service, the stations of which are open to public correspondence and which, in general, is intended to provide radiocommunication between any one of the contiguous 48 states (including the District of Columbia) and the State of Alaska, or the State of Hawaii, or any U.S. possession or any foreign point; or between any U.S. possession and any other point; or between the State of Alaska and any other point; or between the State of Hawaii and any other point. In addition, radiocommunications within the contiguous 48 states (including the District of Columbia) in connection with the relaying of international traffic between stations which provide the above service, are also deemed to be in the international fixed public radiocommunication service; provided, however, that communications solely between Alaska, or any one of the contiguous 48 states (including the District of Columbia), and either Canada or Mexico are not deemed to be in the international fixed public radiocommunication service when such radiocommunications are transmitted on frequencies above 72 Mc.

**International fixed public station.* A fixed station in the international fixed public radio service.

*Interzone station.* A fixed station in the public safety (police) radio service using radiotelegraphy (A1 emission) for communication with zone stations within the zone and with interzone stations in other zones.

**Ionospheric scatter.* The propagation of radio waves by scattering as a result of irregularities or discontinuities in the ionization of the ionosphere.

*Kc (kilicycle).* A kilocycle (kc) means one kilocycle per second and is equal to one thousand cycles per second.

*Land mobile service.* A mobile service between base stations and land mobile stations, or between land mobile stations.

*Land mobile station.* A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

**Land station.* A station in the mobile service not intended to be used while in motion.

*Land transportation radio service.* Any private service of radiocommunication essential to the conduct of certain land transportation activities and operated for the use of persons engaged in those activities, the transmitting facilities of which are defined as fixed, land, mobile or radiolocation stations.

*Localizer station.* A radionavigation land station in the aeronautical radionavigation service which provides signals for the lateral guidance of aircraft with respect to a runway center line.

*Loran station.* A long distance radionavigation land station transmitting synchronized pulses. Hyperbolic lines of position are determined by the measurement of the difference in the time of arrival of these pulses.

*Marine radiobeacon station.* A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction in relation to the marine radiobeacon station.

**Maritime mobile service.* A mobile service between coast stations and ship stations, or between ship stations, in which survival craft stations may also participate.

*Maritime radionavigation service.* A radionavigation service intended for the benefit of ships.

**Marker beacon.* A transmitter in the aeronautical radionavigation service which radiates vertically a distinctive pattern for providing position information to aircraft.

*Mc (megacycle).* A megacycle (Mc) means one thousand kilocycles.

**Meteorological aids service.* A radiocommunication service used for meteorological, including hydrological, observations and exploration.

*Mobile, except television pickup, station.* Any mobile station other than a television pickup station.

*Mobile service.* A service of radio communication between mobile and land stations, or between mobile stations.

*Mobile station.* A station in a mobile service intended to be used while in motion or during halts at unspecified points.

*Modulation.* The process of producing a wave some characteristic of which varies as a function of the instantaneous value of another wave, called the modulating wave.

*Omni-directional range station.* A radionavigation land station in the aeronautical radionavigation service providing direct indication of the bearing (omni-bearing) of that station from an aircraft.

*Operational fixed station.* A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation service.

**Port operations.* Communications in or near a port, or in locks or waterways, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the movement and safety of ships and, in emergency, to the safety of persons.



*Primary standard of frequency.* The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of station WWV of the National Bureau of Standards.

*Private aircraft station.* An aircraft station on board an aircraft not operated as an air carrier.

*Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

**Public safety radio service.* Any service of radiocommunication essential either to the discharge of non-federal governmental functions or the alleviation of an emergency endangering life or property, the radio transmitting facilities of which are defined as fixed, land, mobile, or radiolocation stations.

*Racon.* A radionavigation system transmitting, automatically or in response to a predetermined received signal, a pulsed radio signal with specific characteristics.

*Racon station.* A radionavigation land station which employs a racon.

**Radar.* A radiodetermination system based on the comparison of reference signals with radio signals reflected, or re-transmitted, from the position to be determined.

**Radio.* A general term applied to the use of radio waves.

**Radio altimeter.* A radionavigation equiment, on board an aircraft, which makes use of the reflection of radio waves from the ground to determine the height of the aircraft above the ground.

**Radio astronomy.* Astronomy based on the reception of radio waves of cosmic origin.

**Radio astronomy service.* A service involving the use of radio astronomy.

**Radiobeacon station.* A station in the radionavigation service the emissions of which are intended to enable a mobile station to determine its bearing or direction in relation to the radiobeacon station.

**Radiocommunication.* Telecommunication by means of radio waves.

**Radiodetermination.* The determination of position, or the obtaining of information relating to position, by means of the propagation properties of radio waves.

**Radiodetermination service.* A service involving the use of radiodetermination.

**Radiodetermination station.* A station in the radiodetermination service.

**Radio direction-finding.* Radiodetermination using the reception of radio waves for the purpose of determining the direction of a station or object.

**Radio direction-finding station.* A radiodetermination station using radio direction-finding.

**Radiolocation.* Radiodetermination used for purposes other than those of radionavigation.

**Radiolocation land station.* A station in the radiolocation service not intended to be used while in motion, or during halts at unspecified points.

**Radiolocation mobile station.* A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

*Radiolocation service.* A radiodetermination service involving the use of radiolocation.

**Radionavigation.* Radiodetermination used for the purposes of navigation, including obstruction warning.

**Radionavigation land station.* A station in the radionavigation service not intended to be used while in motion.

*Radionavigation mobile station.* A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

**Radionavigation service.* A radiodetermination service involving the use of radionavigation.

*Radio range station.* A radionavigation land station in the aeronautical radionavigation service providing radial equisignal zones.

**Radiosonde.* An automatic radio transmitter in the meteorological aids service usually carried on an aircraft, free balloon, kite or parachute, and which transmits meteorological data.

*Radiosonde station.* A station in the meteorological aids service employing a radiosonde.

**Radio waves (or Hertzian waves).* Electromagnetic waves of frequencies lower than 3000 Gc [3,000,000 Mc], propagated in space without artificial guide.

*Remote pickup broadcast base station.* A base station, licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

*Remote pickup broadcast mobile station.* A land mobile station, licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

**Safety service.* A radiocommunication service used permanently or temporarily for the safeguarding of human life and property.

**Ship station.* A mobile station in the maritime mobile service located on board a vessel, other than a survival craft, which is not permanently moored.

**Simplex operation.* Operating method in which transmission is made possible alternately in each direction, for example, by means of manual control.

**Space service.* A radiocommunication service between space stations.

**Space station.* A station in the earth-space service or the space service located on an object which is beyond, or intended to go beyond, the major portion of the earth's atmosphere and which is not intended for flight between points on the earth's surface.

*Standard broadcasting station.* A broadcasting station operated on a frequency in the band 535–1605 kilocycles.

**Standard frequency service.* A radiocommunication service for scientific, technical and other purposes, providing the transmission of specified frequencies of stated high precision, intended for general reception.

**Survival craft station.* A mobile station in the maritime or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, life-raft or other survival equipment.

*Telecommunication.* Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio visual or other electromagnetic systems.

**Telegraphy.* A system of telecommunication which is concerned in any process providing transmission and reproduction at a distance of documentary matter, such as written or printed matter or fixed images, or the reproduction at a distance of any kind of information in such a form. The foregoing definition appears in the International Telecommunication Convention, but, for the purposes of the Commission's Rules, telegraphy shall mean, unless otherwise specified, "A system of telecommunication for the transmission of written matter by the use of a signal code."

**Telemetering.* The use of telecommunication for automatically indicating or recording measurements at a distance from the measuring instrument.

*Telemetering fixed station.* A fixed station, the emissions of which are used for telemetering.

*Telemetering land station.* A land station; the emissions of which are used for telemetering.

*Telemetering mobile station.* A mobile station, the emissions of which are used for telemetering.

*Telephony.* A system of telecommunication set up for the transmission of speech or, in some cases, other sounds.

*Television.* A system of telecommunication for transmission of transient images of fixed or moving objects.

*Television broadcasting station.* A broadcasting station utilizing both television and telephony to provide combination and simultaneous visual and aural programs intended to be received directly by the general public.

*Television inter-city relay station.* A fixed station used for intercity transmission of television program material and related communications for use by television broadcast stations.

*Television pickup station.* A land mobile station used for the transmission of television program material and related communications from the scenes of events occurring at points removed from television broadcast station studios to television broadcast stations.

*Television STL station (studio-transmitter link).* A fixed station used for the transmission of television program material and related communications from a studio to the transmitter of a television broadcast station.

**Tropospheric scatter.* The propagation of radio waves by scattering as a result of irregularities or discontinuities in the physical properties of the troposphere.

*Zone station.* A fixed station in the public safety (police) radio service using

radiotelegraph (A1 emission) for communication with other similar stations in the same zone and with an interzone station.

## Subpart B—Allocation, Assignment and Use of Radio Frequencies

### § 2.100 International regulations in force.

The Atlantic City (1947) Radio Regulations continue in force until May 1, 1961 and shall be controlling in the resolution of international problems until that time. The Geneva (1959) Radio Regulations shall become effective May 1, 1961. The latter have been incorporated into Subparts A and B of this part to the extent practicable and are applicable nationally effective immediately unless otherwise indicated.

### § 2.101 Nomenclature of frequencies.

Frequencies are expressed in kilocycles per second (kc) at and below 25,000 kilocycles per second and in megacycles per second (Mc) above this frequency.

| Band number | Frequency subdivision | Frequency range |
|---|---|---|
| 4 | VLF (very low frequency). | below 30 kc. |
| 5 | LF (low frequency) | 30 to 300 kc. |
| 6 | MF (medium frequency). | 300 to 3000 kc. |
| 7 | HF (high frequency) | 3000 to 30,000 kc. |
| 8 | VHF (very high frequency). | 30 Mc to 300 Mc. |
| 9 | UHF (ultra high frequency). | 300 Mc to 3000 Mc. |
| 10 | SHF (super high frequency). | 3000 Mc to 30,000 Mc. |
| 11 | EHF (extremely high frequency). | 30,000 Mc to 300,000 Mc. |

### § 2.102 Assignment of frequencies.

(a) Except as otherwise provided in this section, the assignment of frequencies and bands of frequencies to all stations and classes of stations and the licensing and authorizing of the use of all such frequencies between 10 kc and 40,000 Mc, and the actual use of such frequencies for radiocommunication or for any other purpose, including the transfer of energy by radio shall be in accordance with the Table of Frequency Allocations in § 2.106.

(b) On the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations the following exceptions to paragraph (a) of this section may be authorized:

(1) In individual cases the Commission may, without rule-making proceedings, authorize on a temporary basis only, the use of frequencies not in accordance with the Table of Frequency Allocations for projects of short duration or emergencies where the Commission finds that important or exceptional circumstances require such utilization: *Provided*, That such authorizations are not intended to develop a service to be operated on frequencies other than those allocated such service.

(2) A station for the development of techniques or equipment to be employed by services or classes of stations set forth in columns 8 and 9 of the Table of Frequency Allocations may be authorized the use of frequencies allocated to those services or classes of stations.

(3) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio may be authorized the use of any frequency which is in a band allocated to the fixed, land mobile or broadcasting services or to one of these services shared with another service.

(4) Experimental stations engaged solely in ionospheric sounding by means of the technique of sweeping a band of frequencies may be authorized the use of any band or bands of frequencies.

(5) Experimental stations to be operated pursuant to a contractual agreement with the United States Government and intended for the sole and express purpose of developing equipment or a technique to be employed by stations belonging to and operated by the United States may be authorized the use of any frequency.

(6) Experimental stations intended for the sole and express purpose of developing equipment or a technique to be employed by stations under the jurisdiction of a foreign government may be authorized the use of any frequency which is not in a band allocated to the amateur service.

(7) In the event a band is reallocated so as to delete its availability for use by a particular service, the Commission may provide for the further interim use of the band by stations in that service for a temporary, specific period of time.

(c) The use of frequencies in the bands above 25 Mc allocated exclusively to Government stations and the use of frequencies below 25 Mc which may not be in accordance with § 2.104 may be authorized to non-Government stations in those instances where the Commission finds, after consultations with the appropriate Government agency or agencies, that such assignment is necessary for intercommunication with Government stations or where such use by non-Government stations is required for coordination with Government activities.

(d) Aircraft stations may communicate with stations of the maritime mobile service. They shall then conform to those provisions of the Radio Regulations which relate to the maritime mobile service. For this purpose aircraft stations should use the frequencies allocated to the maritime mobile service. However, having regard to interference which may be caused by aircraft stations at high altitudes, maritime mobile frequencies in the bands above 30 Mc shall not be used by aircraft stations in any specific area without the prior agreement of all administrations of the area in which interference is likely to be caused. In particular, aircraft stations operating in Region 1 should not use frequencies in the bands above 30 Mc allocated to the maritime mobile service by virtue of any agreement between administrations in that Region.

(e) Non-Government services operating on frequencies in the band 25–50 Mc must recognize that it is shared with various services of other countries; that harmful interference may be caused by skywave signals received from distant stations of all services of the United States and other countries radiating power on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

(f) The stations of a service shall use frequencies so separated from the limits of a band allocated to that service as not to cause harmful interference to the service to which the frequency bands immediately adjoining are allocated.

(g) In the bands above 25 Mc which are allocated to the non-Government land mobile service, fixed stations may be authorized on the following conditions:

(1) That such stations are authorized in the service shown in Column 11 of the Table of Frequency Allocations in the band in question;

(2) That harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

### § 2.103 Government use of non-Government frequencies.

(a) Government stations may be authorized to use non-Government frequencies in the bands above 25 Mc if the Commission finds that such use is necessary for communication between Government and non-Government stations, or that such use is necessary for coordination of Government and non-Government activities: *Provided, however*, That:

(1) Government operation on non-Government frequencies shall conform with the conditions agreed upon by the Commission and the Office of Civil and Defense Mobilization (the more important of which are contained in subparagraphs (2), (3), and (4) of this paragraph), a complete list of which is available for public examination at each of the Commission's Field Engineering and Monitoring Bureau Field Offices;

(2) Such operations shall be in accordance with Commission rules governing the service to which the frequencies involved are allocated;

(3) Such operations shall not cause harmful interference to non-Government stations and, should harmful interference result, that the interfering Government operation shall immediately terminate; and

(4) Government operation has been certified as necessary by the non-Government licensees involved and this certification has been furnished, in writing, to the Government agency with which communication is required.

### § 2.104 Application of the Table of Frequency Allocations.

(a) In the Table of Frequency Allocations below 25 Mc, the authority extended to stations in the fixed service, unless otherwise specified, extends only to those stations in the following categories of service:

(1) Aeronautical fixed.

(2) Fixed (in U.S. possessions and Alaska).

(3) International fixed public.

(b) In the Table of Frequency Allocations between 5,000 and 25,000 kc, the authority extended to stations in the mobile service, unless otherwise specified, extends only to those stations in the following categories of service:

(1) Aeronautical mobile.

(2) Maritime mobile.

### § 2.105 Format of the Table of Frequency Allocations.

(a) Columns 1, 2, 3, and 4 of the Table of Frequency Allocations indicate the allocation applicable on a world-wide basis or in Region 2 in accordance with the Geneva Radio Regulations.

(b) In Column 6 (above 25 Mc) the letter G means Federal Government radio stations, i.e., those belonging to and operated by the United States. The symbol NG means other than Federal Government radio stations, i.e., those whose frequencies are assigned by the Commission.

(c) Column 10 lists certain frequencies which have national or international significance and are used for specific standardized purposes. These frequencies may be made available for assignment to stations which conform to the nature of service or station listed in Column 11 opposite the assignable frequency. The assignment and use of the frequencies listed in Column 10 is limited to those stations which, by definition, are included in the services and classes of stations (Column 8 or 9) to which the frequency band (Column 7) is allocated.

(d) In Column 11 "SERVICES" are in large block print and "Stations" in small print.

(e) Where, in Columns 2, 4, and 8, a band is indicated as allocated to more than one service, such services are listed in the following order:

(1) Services, the names of which are printed in all capital letters (example: FIXED); these services are called "primary" services;

(2) Services, the names of which are italicized and are printed with the first letter capitalized and all others small type (example: *Radionavigation*); these services are called "permitted" services;

(3) Services, the names of which are printed as in (2) above, but not italicized (example: Mobile); these are called "secondary" services, which are on a non-interference basis to the primary and permitted services.

Note: 1. Geneva Radio Regulation No. 138: Permitted and primary services have equal rights, except that, in the preparation of frequency plans, the primary service, as compared with the permitted service, shall have prior choice of frequencies.

Note 2. Geneva Radio Regulation No. 139: Stations of a secondary service: (a) Shall not cause harmful interference to stations of primary or permitted services to which frequencies are already assigned or to which frequencies may be assigned at a later date; (b) cannot claim protection from harmful interference from stations of a primary or permitted service to which frequencies are assigned at a later date; (c) can claim protection however, from harmful interference from stations of the same or other secondary service(s) to which frequencies may be assigned at a later date.

(f) The following symbols are used to designate footnotes in the Table of Frequency Allocations.

(1) Any footnote consisting only of digits, e.g., (170), denotes a paragraph in the Geneva (1959) Radio Regulations. Where such a footnote is applicable, without modification, to the national Table of Frequency Allocations, the symbol appears in the national table as well as in Column 1, 2, 3, or 4.

(2) Any footnote consisting of one or more digits, e.g., US1, denotes a stipulation the application of which is a matter of agreement between the Commission and other appropriate Government agencies.

(3) Any footnote consisting of the letters NG followed by one or more digits, e.g., NG1, is a stipulation applicable to non-Government stations.

### § 2.106 Table of Frequency Allocations.

| World wide | | Region 2 | | United States | | Federal Communications Commission | | |
|---|---|---|---|---|---|---|---|---|
| Band (kc) | Service | Band (kc) | Service | Band (kc) | Allocation | Band (kc) | Class of station | Frequency (kc) | Nature of service of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| Below 10 (157) | (Not allocated.) | | | Below 10 | (Not allocated.) | Below 10 | (Not allocated.) | | |
| 10-14 | RADIONAVIGATION. Radiolocation. | | | | | 10-14 | Radionavigation land. Radionavigation mobile. | | RADIONAVIGATION. |
| 14-19.95 (160) | FIXED. MARITIME MOBILE. (158) | | | | | 14-19.95 | Fixed. | | INTERNATIONAL FIXED PUBLIC. |
| 19.95-20.05 (159) | STANDARD FREQUENCY. (160) | | | | | 19.95-20.05 | Standard frequency. | 20 | Standard frequency. |
| 20.05-70 (160) (161) | FIXED. MARITIME MOBILE. (158) | | | | | 20.05-70 | Fixed. | | INTERNATIONAL FIXED PUBLIC. |
| 70-90 | | 70-90 (164) | FIXED. MARITIME MOBILE. (158) MARITIME RADIO NAVIGATION. (163) Radiolocation. | | | 70-90 | Fixed. Radiolocation land. Radiolocation mobile. | | INTERNATIONAL FIXED PUBLIC. RADIOLOCATION. |
| 90-110 (166) | RADIONAVIGATION. | 90-110 (166) | RADIONAVIGATION. FIXED. Maritime mobile. (166) | | | 90-110 (166) | Radionavigation land. Radionavigation mobile. | | RADIONAVIGATION. |

| World wide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (kc) | Service | Band (kc) | Service | Band (kc) | Allocation | Band (kc) | Service | Class of station | Frequency (kc) | Nature {OF SERVICE of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 110–130 | | 110–130 (164) (168) | FIXED. (167) MARITIME MOBILE. (167) MARITIME RADIONAVIGATION. (162) Radiolocation. | | | 110–130 | FIXED. MARITIME MOBILE. (167) Radiolocation. | Coast. Fixed. Radiolocation land. Radiolocation mobile. Ship. | | FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. RADIOLOCATION. |
| 130–160 | | 130–160 (167) | FIXED. MARITIME MOBILE (171). | | | 130–160 (167) | FIXED. MARITIME MOBILE. (171) | Coast. Fixed. Ship. | | FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. |
| 160–200 | | 160–200 (179) | FIXED. | | | 160–200 | FIXED. | Fixed. | | FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. |
| 200–285 | | 200–285 | AERONAUTICAL RADIONAVIGATION. Aeronautical mobile. | | | 200–285 | AERONAUTICAL RADIONAVIGATION. (US18) Aeronautical mobile. | Aeronautical. Aircraft. Radionavigation land. | | AERONAUTICAL MOBILE. AERONAUTICAL RADIONAVIGATION. |
| 285–315 | MARITIME RADIONAVIGATION (radiobeacons). Aeronautical radionavigation. | | | | | 285–325 | MARITIME RADIONAVIGATION. (US16) (US18) | Radionavigation land. | | MARITIME RADIONAVIGATION. |
| 315–325 | | 315–325 | MARITIME RADIONAVIGATION (radiobeacons). Aeronautical radionavigation. | | | | | | | |
| 325–405 | AERONAUTICAL RADIONAVIGATION. Aeronautical mobile. (181) | | | | | 325–405 | AERONAUTICAL RADIONAVIGATION. (US18) Aeronautical mobile. | Aeronautical. Aircraft. Radionavigation land. | | AERONAUTICAL MOBILE. AERONAUTICAL RADIONAVIGATION. |
| 405–415 | | 405–415 | MARITIME RADIONAVIGATION (radio direction-finding). *Aeronautical radionavigation.* Aeronautical mobile. | | | 405–415 (US18) | MARITIME RADIONAVIGATION (radio direction-finding). Aeronautical radionavigation. Aeronautical mobile. (US19) | Aeronautical. Aircraft. Radionavigation land. Radionavigation mobile. | 410 | Radio direction-finding. |
| 415–490 | MARITIME MOBILE (185) (186) | | | | | 415–490 | MARITIME MOBILE | Coast. Ship. | | MARITIME MOBILE (telegraphy). |
| 490–510 | MOBILE (distress and calling). (187) | | | | | 490–510 | MOBILE. | Coast. Mobile. | 500 | Distress and calling. |
| 510–525 | | 510–525 | MOBILE. *Aeronautical radionavigation.* (188) | | | 510–535 (US14) | | | | |
| 525–535 | | 525–535 | MOBILE. *Broadcasting.* (191) *Aeronautical radionavigation.* (188) | | | | | | | |
| 535–1604 | BROADCASTING. | | | | | 535–1605 (US15) (NG16) | BROADCASTING. | | | Standard broadcasting. |



| World wide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (kc) | Service | Band (kc) | Service | Band (kc) | Allocation | Band (kc) | Service | Class of station | Frequency (kc) | Nature {OF SERVICE of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 1605–1800 | | 1605–1800 | FIXED. MOBILE. AERONAUTICAL RADIONAVIGATION. Radiolocation | | | 1605–1715 | AERONAUTICAL RADIONAVIGATION. (NG17) FIXED. LAND MOBILE. MARITIME MOBILE. RADIOLOCATION. (NG18) | Base. Mobile. Fixed. Land mobile. Radionavigation land. | 1638 1708 | AERONAUTICAL FIXED. AERONAUTICAL RADIONAVIGATION. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY. RADIOLOCATION. Remote pickup bpadcast base. Remote pickup broadcast mobile. Radionavigation land. Do. |
| | | | | | | 1715–1750 | FIXED. LAND MOBILE. MARITIME MOBILE. RADIOLOCATION. | Base Mobile. Fixed. Land mobile. Ship. | | AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY. RADIOLOCATION. Remote pickup broadcast base. Remote pickup broadcast mobile. |
| | | | | | | 1750–1800 (NG14) | FIXED. MOBILE. RADIOLOCATION. | Fixed. Land. Mobile. | | DISASTER. RADIOLOCATION. |
| 1800–2000 | | 1800–2000 (196) | AMATEUR. FIXED. MOBILE except aeronautical mobile. RADIONAVIGATION. | | | 1800–2000 (196) (NG15) | RADIONAVIGATION. Amateur. | Amateur. Loran. | | AMATEUR. Loran. |
| 2000–2065 | | 2000–2065 | FIXED. MOBILE. | | | 2000–2035 | MARITIME MOBILE. (NG19) | Coast. Ship. | | MARITIME MOBILE. |
| | | | | | | 2035–2065 | MARITIME MOBILE. | Coast. | | Coast (telegraphy). |
| 2065–2107 | | 2065–2107 | MARITIME MOBILE. (200) | | | 2065–2107 | MARITIME MOBILE. | Ship. | | Ship (telegraphy). |
| 2107–2170 | | 2107–2170 | FIXED. MOBILE. | | | 2107–2170 | FIXED. (NG19) LAND MOBILE. MARITIME MOBILE. | Base. Coast. Fixed. Land mobile. Ship. | | AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY. |
| 2170–2194 | MOBILE (distress and calling). (201) | | | | | 2170–2194 | MOBILE. (NG22) (201) | Aircraft. Coast. Ship. Survival craft. | 2182 | AERONAUTICAL MOBILE (telephony). MARITIME MOBILE (telephony). Distress and calling frequency. |

| World wide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (kc) | Service | Band (kc) | Service | Band (kc) | Allocation | Band (kc) | Service | Class of station | Frequency (kc) | Nature of service |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 2194–2300 | | 2194–2300 | FIXED.<br>MOBILE. | | | 2194–2495 | FIXED. (NG19)<br>LAND MOBILE.<br>MARITIME MOBILE. | Base.<br>Coast.<br>Fixed.<br>Land mobile.<br>Ship. | | AERONAUTICAL FIXED.<br>FIXED (in Alaska).<br>INDUSTRIAL.<br>INTERNATIONAL FIXED PUBLIC.<br>MARITIME MOBILE.<br>PUBLIC SAFETY. |
| 2300–2495 | | 2300–2495 | FIXED.<br>MOBILE.<br>BROADCASTING. (202) | | | | | | | |
| 2495–2505 | | 2495–2505 (203) (204) | STANDARD FREQUENCY. | | | 2495–2505 | STANDARD FREQUENCY.<br>Radio astronomy. (US74). | Radio astronomy.<br>Standard frequency. | 2500 | RADIO ASTRONOMY.<br>Standard frequency. |
| 2505–2625 | | 2505–2625 | FIXED.<br>MOBILE. | | | 2505–2850 | FIXED.<br>LAND MOBILE.<br>MARITIME MOBILE. (NG20) | Base.<br>Coast.<br>Fixed.<br>Land mobile.<br>Ship. | | AERONAUTICAL FIXED.<br>FIXED (in Alaska).<br>INDUSTRIAL.<br>INTERNATIONAL FIXED PUBLIC.<br>MARITIME MOBILE. |
| 2625–2850 | | 2625–2850 | FIXED.<br>MOBILE. | | | | | | 2638<br>2738<br>2804<br>2808<br>2812 | Intership (telephony).<br>Do.<br>PUBLIC SAFETY.<br>Zone and interzone police.<br>Do.<br>Do. |
| 2850–3025 | AERONAUTICAL MOBILE. (R) | | | | | 2850–3025 | AERONAUTICAL MOBILE. (R) | Aeronautical.<br>Aircraft. | | AERONAUTICAL MOBILE. |
| 3025–3155 | AERONAUTICAL MOBILE. (OR) | | | | | 3025–3155 | AERONAUTICAL MOBILE. (OR) | Aeronautical.<br>Aircraft. | | AERONAUTICAL MOBILE. |
| 3155–3200 | FIXED.<br>MOBILE except aeronautical mobile. (R) | | | | | 3155–3200 | FIXED.<br>LAND MOBILE.<br>MARITIME MOBILE. | Base.<br>Coast.<br>Fixed.<br>Land mobile.<br>Ship. | | AERONAUTICAL FIXED.<br>FIXED (in Alaska and Puerto Rico).<br>INDUSTRIAL.<br>INTERNATIONAL FIXED PUBLIC.<br>MARITIME MOBILE.<br>PUBLIC SAFETY. |
| 3200–3230 | FIXED.<br>MOBILE except aeronautical mobile. (R)<br>BROADCASTING. (202) | | | | | 3200–3230 (NG20) | FIXED.<br>LAND MOBILE.<br>MARITIME MOBILE. | Base.<br>Coast.<br>Fixed.<br>Land mobile.<br>Ship. | | AERONAUTICAL FIXED.<br>FIXED (in Alaska).<br>INDUSTRIAL.<br>INTERNATIONAL FIXED PUBLIC.<br>MARITIME MOBILE.<br>PUBLIC SAFETY. |
| 3230–3400 | FIXED.<br>MOBILE except aeronautical mobile.<br>BROADCASTING. (202) | | | | | 3230–3240 | FIXED.<br>LAND MOBILE.<br>MARITIME MOBILE. | Base.<br>Coast.<br>Fixed.<br>Land mobile.<br>Ship. | | AERONAUTICAL FIXED.<br>FIXED (in Alaska).<br>INDUSTRIAL.<br>INTERNATIONAL FIXED PUBLIC.<br>MARITIME MOBILE.<br>PUBLIC SAFETY. |
| | | | | | | 3240–3400 | FIXED.<br>LAND MOBILE.<br>MARITIME MOBILE.<br>MOBILE. | Base.<br>Coast.<br>Fixed.<br>Land.<br>Land mobile.<br>Mobile.<br>Ship. | | AVIATION (flight test and aeronautical fixed only).<br>FIXED (in Alaska).<br>INDUSTRIAL.<br>INTERNATIONAL FIXED PUBLIC.<br>MARITIME MOBILE.<br>PUBLIC SAFETY. |



| World wide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (kc) | Service | Band (kc) | Service | Band (kc) | Allocation | Band (kc) | Service | Class of station | Frequency (kc) | Nature of service |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 3400–3500 | AERONAUTICAL MOBILE. (R) | | | | | 3400–3500 | AERONAUTICAL MOBILE. (R) | Aeronautical.<br>Aircraft. | | AERONAUTICAL MOBILE. |
| 3500–4000 | | 3500–4000 | AMATEUR.<br>FIXED.<br>MOBILE except aeronautical mobile. (R) | | | 3500–4000 | AMATEUR. | Amateur. | | AMATEUR. |
| 4000–4063 | FIXED. | | | | | 4000–4063 | FIXED. | Fixed. | | AERONAUTICAL FIXED.<br>FIXED (in Alaska).<br>INTERNATIONAL FIXED PUBLIC. |
| 4063–4438 | MARITIME MOBILE. (208) (209) | | | | | 4063–4133 (NG29) | MARITIME MOBILE. | Ship. | | Ship (telephony). |
| | | | | | | 4133–4140 | MARITIME MOBILE. | Ship. | | Ship (SSB telephony). |
| | | | | | | 4140–4160 | MARITIME MOBILE. | Ship. | | Ship (wideband telegraphy, facsimile and special). |
| | | | | | | 4160–4177 | MARITIME MOBILE. | Ship. | | Ship (telegraphy). |
| | | | | | | 4177–4187 | MARITIME MOBILE. | Ship. | | Ship calling (telegraphy). |
| | | | | | | 4187–4238 | MARITIME MOBILE. | Ship. | | Ship (telegraphy). |
| | | | | | | 4238–4368 | MARITIME MOBILE. | Coast. | | Coast (telegraphy and facsimile). |
| | | | | | | 4368–4438 (NG29) | MARITIME MOBILE. | Coast. | | Coast (telephony). |
| 4438–4650 | | 4438–4650 | FIXED.<br>MOBILE except aeronautical mobile. (R) | | | 4438–4650 | FIXED.<br>MOBILE. | Base.<br>Fixed.<br>Mobile. | | AERONAUTICAL FIXED.<br>FIXED (in Alaska).<br>INDUSTRIAL.<br>INTERNATIONAL FIXED PUBLIC. |
| 4650–4700 | AERONAUTICAL MOBILE. (R) | | | | | 4650–4700 | AERONAUTICAL MOBILE. (R) | Aeronautical.<br>Aircraft. | | AERONAUTICAL MOBILE. |
| 4700–4750 | AERONAUTICAL MOBILE. (OR) | | | | | 4700–4750 | AERONAUTICAL MOBILE. (OR) | Aeronautical.<br>Aircraft. | | AERONAUTICAL MOBILE. |
| 4750–4850 | | 4750–4850 | FIXED.<br>BROADCASTING. (202) | | | 4750–4850 | FIXED. | Fixed. | | AERONAUTICAL FIXED.<br>FIXED (in Alaska).<br>INTERNATIONAL FIXED PUBLIC. |
| 4850–4995 | FIXED.<br>LAND MOBILE.<br>BROADCASTING. (202) | | | | | 4850–4995 | FIXED. | Fixed. | | AERONAUTICAL FIXED.<br>FIXED (in Alaska).<br>INTERNATIONAL FIXED PUBLIC. |
| 4995–5005 | STANDARD FREQUENCY. (204) (210) | | | | | 4995–5005 | STANDARD FREQUENCY.<br>Radio astronomy. (US74) | Radio astronomy.<br>Standard frequency. | 5000 | RADIO ASTRONOMY.<br>Standard frequency. |
| 5005–5060 | FIXED.<br>BROADCASTING. (202) | | | | | 5005–5450 | FIXED. | Fixed. | | AERONAUTICAL FIXED.<br>FIXED (in Alaska).<br>INTERNATIONAL FIXED PUBLIC.<br>Zone and interzone police. |
| 5060–5250 | FIXED. | | | | | | | | | |
| 5250–5450 | | 5250–5450 | FIXED.<br>LAND MOBILE. | | | | | | | |

| World wide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (kc) | Service | Band (kc) | Service | Band (kc) | Allocation | Band (kc) | Service | Class of station | Frequency (kc) | Nature of service of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 5450–5480 | | 5450–5480 | AERONAUTICAL MOBILE. (R) | | | 5450–5680 | AERONAUTICAL MOBILE. (R) | Aeronautical. Aircraft. | | AERONAUTICAL MOBILE. |
| 5480–5680 | AERONAUTICAL MOBILE. (R) | | | | | | | | | |
| 5680–5730 | AERONAUTICAL MOBILE. (OR) | | | | | 5680–5730 | AERONAUTICAL MOBILE. (OR) | Aeronautical. Aircraft. | | AERONAUTICAL MOBILE. |
| 5730–5950 | FIXED. | | | | | 5730–5950 | FIXED. | Fixed. | | AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. |
| 5950–6200 | BROADCASTING. | | | | | 5950–6200 | BROADCASTING. | International broadcasting. | | International broadcasting. |
| 6200–6525 (211) | MARITIME MOBILE. | | | | | 6200–6211 | MARITIME MOBILE. | Ship. | | Ship (SSB telephony). |
| | | | | | | 6211–6240 (NG25) | MARITIME MOBILE. | Ship. | | Ship (wideband telegraphy, facsimile and special). |
| | | | | | | 6240–6265.5 (NG25) | MARITIME MOBILE. | Ship. | | Ship (telegraphy). |
| | | | | | | 6265.5–6280.5 | MARITIME MOBILE. | Ship. | | Ship calling (telegraphy). |
| | | | | | | 6280.5–6357 | MARITIME MOBILE. | Ship. | | Ship (telegraphy). |
| | | | | | | 6357–6525 (NG27) | MARITIME MOBILE. | Coast. | | Coast (telegraphy and facsimile). |
| 6525–6685 | AERONAUTICAL MOBILE. (R) | | | | | 6525–6685 | AERONAUTICAL MOBILE. (R) | Aeronautical. Aircraft. | | AERONAUTICAL MOBILE. |
| 6685–6765 | AERONAUTICAL MOBILE. (OR) | | | | | 6685–6765 | AERONAUTICAL MOBILE. (OR) | Aeronautical. Aircraft. | | AERONAUTICAL MOBILE. |
| 6765–7000 | FIXED. | | | | | 6765–7000 | FIXED. | Fixed. | | AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. |
| 7000–7100 | AMATEUR. | | | | | 7000–7300 | AMATEUR. | Amateur. | | AMATEUR. |
| 7100–7300 | FIXED. | 7100–7300 | AMATEUR. | | | 7300–8195 | FIXED. | Fixed. | | AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. Zone and interzone police. |
| 7300–8195 | | | | | | | | | | |
| 8195–8815 | MARITIME MOBILE. (213) | | | | | 8195–8265 (NG29) | MARITIME MOBILE. | Ship. | | Ship (telephony). |
| | | | | | | 8265–8273 | MARITIME MOBILE. | Ship. | | Ship calling (DSB telephony). |
| | | | | | | 8273–8280 | MARITIME MOBILE. | Ship. | | Ship (SSB telephony). |
| | | | | | | 8280–8320 | MARITIME MOBILE. | Ship. | | Ship (wideband telegraphy, facsimile and special). |
| | | | | | | 8320–8354 | MARITIME MOBILE. | Ship. | | Ship (telegraphy). |
| | | | | | | 8354–8374 | MARITIME MOBILE. | Ship. | | Ship calling (telegraphy). |
| | | | | | | 8374–8476 | MARITIME MOBILE. | Ship. | | Ship (telegraphy). |
| | | | | | | 8476–8745 | MARITIME MOBILE. | Coast. | | Coast (telegraphy and facsimile). |
| | | | | | | 8745–8815 | MARITIME MOBILE. | Coast. | | Coast (telephony). |





| World wide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (kc) | Service | Band (kc) | Service | Band (kc) | Allocation | Band (kc) | Service | Class of station | Frequency (kc) | Nature of service of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 8815–8965 | AERONAUTICAL MOBILE. (R) | | | | | 8815–8965 | AERONAUTICAL MOBILE. (R) | Aeronautical. Aircraft. | | AERONAUTICAL MOBILE. |
| 8965–9040 | AERONAUTICAL MOBILE. (OR) | | | | | 8965–9040 | AERONAUTICAL MOBILE. (OR) | Aeronautical. Aircraft. | | AERONAUTICAL MOBILE. |
| 9040–9500 | FIXED. | | | | | 9040–9500 | FIXED. | Fixed. | | AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. |
| 9500–9775 | BROADCASTING. | | | | | 9500–9775 | BROADCASTING. | International broadcasting. | | International broadcasting. |
| 9775–9995 | FIXED. | | | | | 9775–9995 | FIXED. | Fixed. | | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |
| 9995–10005 | STANDARD FREQUENCY. 204) (214) (215) | | | | | 9995–10003 | STANDARD FREQUENCY. Radio astronomy. (US74) | Radio astronomy. Standard frequency. | 10000 | RADIO ASTRONOMY. Standard frequency. |
| | | | | | | 10003–10005 | STANDARD FREQUENCY. Earth-Space. (US76) Radio astronomy. (US74) Space. (US76) | Earth. Radio astronomy. Space. Standard frequency. | | EARTH-SPACE. RADIO ASTRONOMY. SPACE. Standard frequency. |
| 10005–10100 | AERONAUTICAL MOBILE. (R) | | | | | 10005–10100 | AERONAUTICAL MOBILE. (R) | Aeronautical. Aircraft. | | AERONAUTICAL MOBILE. |
| 10100–11175 | FIXED. | | | | | 10100–11175 | FIXED. | Fixed. | | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |
| 11175–11275 | AERONAUTICAL MOBILE. (OR) | | | | | 11175–11275 | AERONAUTICAL MOBILE. (OR) | Aeronautical. Aircraft. | | AERONAUTICAL MOBILE. |
| 11275–11400 | AERONAUTICAL MOBILE. (R) | | | | | 11275–11400 | AERONAUTICAL MOBILE. (R) | Aeronautical. Aircraft. | | AERONAUTICAL MOBILE. |
| 11400–11700 | FIXED. (216) | | | | | 11400–11700 | FIXED. | Fixed. | | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |
| 11700–11975 | BROADCASTING. | | | | | 11700–11975 | BROADCASTING. | International broadcasting. | | International broadcasting. |
| 11975–12330 | FIXED. | | | | | 11975–12330 | FIXED. | Fixed. | | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |
| 12330–12300 | MARITIME MOBILE. (213) | | | | | 12330–12400 | MARITIME MOBILE. | Ship. | | Ship (telephony). |
| | | | | | | 12400–12407 | MARITIME MOBILE. | Ship. | | Ship calling (DSB telephony. |
| | | | | | | 12407–12421 | MARITIME MOBILE. | Ship. | | Ship (SSB telephony). |
| | | | | | | 12421–12471 | MARITIME MOBILE. | Ship. | | Ship (wideband telegraphy, facsimile and special). |
| | | | | | | 12471–12531 | MARITIME MOBILE. | Ship. | | Ship (telegraphy). |
| | | | | | | 12531–12561 | MARITIME MOBILE. | Ship. | | Ship calling (telegraphy). |
| | | | | | | 12561–12714 | MARITIME MOBILE. | Ship. | | Ship (telegraphy). |
| | | | | | | 12714–13180 | MARITIME MOBILE. | Coast. | | Coast (telegraphy and facsimile). |
| | | | | | | 13180–13200 | MARITIME MOBILE. | Coast. | | Coast (telephony). |

| World wide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (kc) | Service | Band (kc) | Service | Band (kc) | Allocation | Band (kc) | Service | Class of station | Frequency (kc) | Nature of service (of stations) |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 13200–13260 | AERONAUTICAL MOBILE. (OR) | | | | | 13200–13260 | AERONAUTICAL MOBILE. (OR) | Aeronautical. Aircraft. | | AERONAUTICAL MOBILE. |
| 13260–13360 | AERONAUTICAL MOBILE. (R) | | | | | 13260–13360 | AERONAUTICAL MOBILE. (R) | Aeronautical. Aircraft. | | AERONAUTICAL MOBILE. |
| 13360–14000 (217) | FIXED. | | | | | 13360–14000 | FIXED. | Fixed. | 13560 | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. Industrial, scientific and medical equipment. |
| 14000–14350 | AMATEUR. (218) | | | | | 14000–14350 | AMATEUR. | Amateur. | | AMATEUR. |
| 14350–14990 | FIXED. | | | | | 14350–14990 | FIXED. | Fixed. | | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |
| 14990–15010 | STANDARD FREQUENCY. (204) (219) | | | | | 14990–15010 | STANDARD FREQUENCY. Radio astronomy. (US74). | Radio astronomy. Standard frequency. | 15000 | RADIO ASTRONOMY. Standard frequency. |
| 15010–15100 | AERONAUTICAL MOBILE. (OR) | | | | | 15010–15100 | AERONAUTICAL MOBILE. (OR) | Aeronautical. Aircraft. | | AERONAUTICAL MOBILE. |
| 15100–15450 | BROADCASTING | | | | | 15100–15450 | BROADCASTING. | International broadcasting. | | International broadcasting. |
| 15450–16460 | FIXED. | | | | | 15450–16460 | FIXED. | Fixed. | | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |
| 16460–17360 | MARITIME MOBILE. (213) | | | | | 16460–16530 | MARITIME MOBILE. | Ship. | | Ship (telephony). |
| | | | | | | 16530–16537 | MARITIME MOBILE. | Ship. | | Ship calling (DSB telephony). |
| | | | | | | 16537–16562 | MARITIME MOBILE. | Ship. | | Ship (SSB telephony). |
| | | | | | | 16562–16622 | MARITIME MOBILE. | Ship. | | Ship (wideband telegraphy, facsimile and special). |
| | | | | | | 16622–16708 | MARITIME MOBILE. | Ship. | | Ship (telegraphy). |
| | | | | | | 16708–16748 | MARITIME MOBILE. | Ship. | | Ship calling (telegraphy). |
| | | | | | | 16748–16952 | MARITIME MOBILE. | Ship. | | Ship (telegraphy). |
| | | | | | | 16952–17290 | MARITIME MOBILE. | Coast. | | Coast (telegraphy and facsimile). |
| | | | | | | 17290–17360 | MARITIME MOBILE. | Coast. | | Coast (telephony). |
| 17360–17700 | FIXED. | | | | | 17360–17700 | FIXED. | Fixed. | | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |
| 17700–17900 | BROADCASTING. | | | | | 17700–17900 | BROADCASTING. | International broadcasting. | | International broadcasting. |
| 17900–17970 | AERONAUTICAL MOBILE. (R) | | | | | 17900–17970 | AERONAUTICAL MOBILE. (R) | Aeronautical. Aircraft. | | AERONAUTICAL MOBILE. |
| 17970–18030 | AERONAUTICAL MOBILE. (OR) | | | | | 17970–18030 | AERONAUTICAL MOBILE. (OR) | Aeronautical. Aircraft. | | AERONAUTICAL MOBILE. |
| 18030–19990 | FIXED. | | | | | 18030–19990 | FIXED. | Fixed. | | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |



| World wide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (kc) | Service | Band (kc) | Service | Band (kc) | Allocation | Band (kc) | Service | Class of station | Frequency (kc) | Nature of service (of stations) |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 19990–20010 | STANDARD FREQUENCY. (204) (220) (221) | | | | | 19990–20010 | STANDARD FREQUENCY. Earth-space. (US76) Radio astronomy. (US74) Space. (US76) | Earth. Radio astronomy. Space. Standard frequency. | 20000 | Standard frequency. |
| 20010–21000 | FIXED. | | | | | 20010–21000 | FIXED. | Fixed. | | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |
| 21000–21450 | AMATEUR. | | | | | 21000–21450 | AMATEUR. | Amateur. | | AMATEUR. |
| 21450–21750 | BROADCASTING. | | | | | 21450–21750 | BROADCASTING. | International broadcasting. | | International broadcasting. |
| 21750–21850 | FIXED. | | | | | 21750–21850 | FIXED. | Fixed. | | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |
| 21850–22000 | AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (R) | | | | | 21850–22000 | AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (R) | Aeronautical. Aeronautical fixed. Aircraft. | | AERONAUTICAL FIXED. AERONAUTICAL MOBILE. |
| 22000–22720 | MARITIME MOBILE. | | | | | 22000–22070 | MARITIME MOBILE. | Ship. | | Ship (telephony). |
| | | | | | | 22070–22078 | MARITIME MOBILE. | Ship. | | Ship calling (DSB telephony). |
| | | | | | | 22078–22100 | MARITIME MOBILE. | Ship. | | Ship (SSB telephony). |
| | | | | | | 22100–22148 | MARITIME MOBILE. | Ship. | | Ship (wideband telegraphy, facsimile and special). |
| | | | | | | 22148–22220 | MARITIME MOBILE. | Ship. | | Ship (telegraphy). |
| | | | | | | 22220–22270 | MARITIME MOBILE. | Ship. | | Ship calling (telegraphy). |
| | | | | | | 22270–22400 | MARITIME MOBILE. | Ship. | | Ship (telegraphy). |
| | | | | | | 22400–22650 | MARITIME MOBILE. | Coast. | | Coast (telegraphy and facsimile). |
| | | | | | | 22650–22720 | MARITIME MOBILE. | Coast. | | Coast (telephony). |
| 22720–23200 | FIXED. | | | | | 22720–23200 | FIXED. | Fixed. | | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |
| 23200–23350 | AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (OR) | | | | | 23200–23350 | AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (OR) | Aeronautical. Aeronautical fixed. Aircraft. | | AERONAUTICAL FIXED. AERONAUTICAL MOBILE. |
| 23350–24990 | FIXED. LAND MOBILE. (222). | | | | | 23350–24990 | FIXED. | Fixed. | | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |

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|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc) | Service | Band (Mc) | Service | Band (Mc) | Allocation | Band (Mc) | Service | Class of station | Frequency (Mc) | Nature of services |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 24.99–25.01 | STANDARD FREQUENCY. (204) (223) | | | 24.99–25.01 | G, NG. | 24.99–25.01 (US62) (US74) | STANDARD FREQUENCY. Radio astronomy. | Radio astronomy. Standard frequency. | 25.0 | RADIO ASTRONOMY. Standard frequency. |
| 25.01–25.07 | FIXED. MOBILE except aeronautical mobile. | | | 25.01–25.33 | NG. | 25.01–25.33 | LAND MOBILE. | Base. Land mobile. | 25.02–25.32 (NG32) | INDUSTRIAL. |
| 25.07–25.11 | MARITIME MOBILE. (220) | | | | | | | | | |
| 25.11–25.6 | FIXED. MOBILE except aeronautical mobile. | | | 25.33–25.6 | G. | | | | | |
| 25.6–26.1 | BROADCASTING. | | | 25.6–26.1 | G, NG. | 25.6–26.1 (US28) | BROADCASTING. | International broadcasting | | International broadcasting. |
| 26.1–27.5 | FIXED. MOBILE except aeronautical mobile. | | | 26.1–26.48 | NG. | 26.1–26.48 | LAND MOBILE. | Base. Land mobile. | 26.11–26.47 (NG32) | Remote pickup broadcast base; remote pickup broadcast mobile. |
| | | | | 26.48–26.95 (US10) | G. | | | | 26.62 | Civil air patrol land; civil air patrol mobile. |
| | | | | 26.95–27.54 | NG. | 26.95–26.96 | FIXED. | Fixed. | 26.955 | INTERNATIONAL FIXED PUBLIC. |
| (225) (226) | | | | | | 26.96–27.23 (225) | CITIZENS. (US1) | Fixed. Land. Mobile. | 27.12 | Industrial, scientific and medical equipment. |
| | | | | | | 27.23–27.28 (225) | FIXED. MOBILE. | Fixed. Land. Mobile. | | |
| | | | | | | 27.28–27.54 | LAND MOBILE. | Base. Land mobile. | 27.29–27.53 (NG32) | INDUSTRIAL. |
| 27.5–28.00 | | 27.5–28.00 | METEOROLOGICAL AIDS. FIXED. MOBILE. | 27.54–28.00 | G. | | | | | |
| 28.00–29.7 | AMATEUR. | | | 28.0–29.7 | AMATEUR. (US1) | 28.0–29.7 | AMATEUR. | Amateur. | | AMATEUR. |
| 29.7–41 (234) (235) | FIXED. (228) (229) (230) (231) (232) MOBILE. | | | 29.7–29.89 | NG. | 29.7–29.8 | LAND MOBILE. | Base. Land mobile. | 29.71–29.79 (NG32) | INDUSTRIAL. |
| | | | | | | 29.8–29.89 (232) | FIXED. | Fixed. | 29.81–29.88 (NG31) | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |
| | | | | 29.89–29.91 (232) | G. | | | | | |
| | | | | 29.91–30 | NG. | 29.91–30 (232) | FIXED. | Fixed. | 29.92–29.99 (NG31) | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |
| | | | | 30–30.56 | G. | | | | | |
| | | | | 30.56–32 | NG. | 30.56–32 | LAND MOBILE. | Base. Land mobile. | 30.58–30.62 | INDUSTRIAL. Do. |
| | | | | | | | | | 30.66–30.82 (NG33) | INDUSTRIAL. LAND TRANSPORTATION. |



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|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc) | Service | Band (Mc) | Service | Band (Mc) | Allocation | Band (Mc) | Service | Class of station | Frequency (Mc) | Nature of services |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | | | | 30.86–31.14 (NG33) | LAND TRANSPORTATION. PUBLIC SAFETY. |
| | | | | | | | | | 31.18–31.98 (NG33) | PUBLIC SAFETY. |
| | | | | 32–33 (231) | G. | | | | | |
| | | | | 33–34 | NG. | 33–34 | LAND MOBILE. | Base. Land mobile. | 33.02<br>33.06<br>33.10 | PUBLIC SAFETY.<br>Do.<br>Do. |
| | | | | | | | | | 33.14–33.38 (NG33) | INDUSTRIAL. |
| | | | | | | | | | 33.42–33.98 (NG33) | PUBLIC SAFETY. |
| | | | | 34–35 (231) | G. | | | | | |
| | | | | 35–36 | NG. | 35–36 | LAND MOBILE. | Base. Land mobile. | 35.02–35.18 (NG32) | INDUSTRIAL. |
| | | | | | | | | | 35.22–35.66 (NG32) | DOMESTIC PUBLIC. |
| | | | | | | | | | 35.7–35.98 (NG32) | INDUSTRIAL. |
| | | | | 36–37 (231) | G. | | | | | |
| | | | | 37–38 | NG. | 37–38 | LAND MOBILE. | Base. Land mobile. | 37.02–37.42 (NG33) | PUBLIC SAFETY. |
| | | | | | | | | | 37.46–37.86 (NG33) | INDUSTRIAL. |
| | | | | | | | | | 37.90<br>37.94<br>37.98 | PUBLIC SAFETY.<br>Do.<br>Do. |
| | | | | 38–39 | G. | | | | | |
| | | | | 39–40 | NG. | 39–40 | LAND MOBILE. | Base. Land mobile. | 39.02–39.98 (NG33) | PUBLIC SAFETY. |
| | | | | 40–40.66 | G. | | | | | |
| (236) | | | | 40.66–40.7 (236) (US21) (US74) (US76) | G, NG. | 40.66–40.7 | RADIO ASTRONOMY. | Radio astronomy. | 40.68 | RADIO ASTRONOMY. Industrial, scientific and medical equipment. |
| | | | | 40.7–42 | G. | | | | | |
| 41–50 | | 41–50 | FIXED. (228) (230) (237) MOBILE. | 42–46.6 | NG. | 42–42.96 | LAND MOBILE. | Base. Land mobile. | | PUBLIC SAFETY. |
| | | | | | | 42.96–43.2 | LAND MOBILE. | Base. Land mobile. | | INDUSTRIAL. |
| | | | | | | 43.2–43.66 | LAND MOBILE. | Base. Land mobile. | | DOMESTIC PUBLIC. |

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|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc) | Service | Band (Mc) | Service | Band (Mc) | Allocation | Band (Mc) | Service | Class of station | Frequency (Mc) | Nature of services of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | 43.69–44.61 | LAND MOBILE. | Base. Land mobile. | | LAND TRANSPORTATION. |
| | | | | | | 44.61–46.6 | LAND MOBILE. | Base. Land mobile. | | PUBLIC SAFETY. |
| | | | | 46.6–47 | G. | | | | | |
| | | | | 47–49.6 | NG. | 47–47.43 | LAND MOBILE. | Base.<br>Land mobile. | | PUBLIC SAFETY. |
| | | | | | | 47.43–47.69 | LAND MOBILE. | Base.<br>Land mobile. | | PUBLIC SAFETY.<br>INDUSTRIAL. |
| | | | | | | 47.69–49.6 | LAND MOBILE. | Base.<br>Land mobile. | | INDUSTRIAL. |
| | | | | 49.6–50 | G. | | | | | |
| 50–54 | | 50–54 | AMATEUR. | 50–54 | AMATEUR. (US1) | 50–54 | AMATEUR. | Amateur. | | AMATEUR. |
| 54–68 | | 54–68 | FIXED. (228) (237)<br>MOBILE.<br>BROADCASTING. | 54–72 (US24) | NG. | 54–72 | BROADCASTING. | Television broadcasting. | 55.25<br>59.75<br>61.25<br>65.75<br>67.25<br>71.75 | Video } Channel 2.<br>Sound }<br>Video } Channel 3.<br>Sound }<br>Video } Channel 4.<br>Sound } |
| 68–74.6 | | 68–74.6 | FIXED.<br>MOBILE.<br>BROADCASTING. | | | | | | | |
| | | | | 72–73 (US30) | NG. | 72–73 | FIXED. (NG1) (NG3) | Operational fixed. | 72.02–72.98 (NG33) | Operational fixed. |
| | | (253) | | 73–74.6 (US21) (US74) | G, NG. | 73–74.6 | RADIO ASTRONOMY. | Radio astronomy. | | RADIO ASTRONOMY. |
| 74.6–75.4 | | 74.6–75.4 (259) | AERONAUTICAL RADIONAVIGATION. | 74.6–75.4 | G, NG. | 74.6–75.4 | AERONAUTICAL RADIONAVIGATION. | Aeronautical radionavigation. | 75 | Marker beacon |
| 75.4–88 | | 75.4–88 | FIXED<br>MOBILE.<br>BROADCASTING. | 75.4–76 (US20) | NG. | 75.4–76 | FIXED. (NG1) (NG3) | Operational fixed. | 75.42–75.98 (NG33) | Operational fixed. |
| | | | | 76–88 (US23) | NG. | 76–88 (NG21) | BROADCASTING. | Television broadcasting. | 77.25<br>81.75<br>83.25<br>87.75 | Video } Channel 5.<br>Sound }<br>Video } Channel 6.<br>Sound } |
| 88–100 | | 88–100 | BROADCASTING. | 88–108 (US23) | NG. | 88–108 (NG21) | BROADCASTING. | FM broadcasting. (NG2). | 88.1–107.9 (NG36) | FM Channel 201.<br>FM Channel 300. |
| 100–108 | | 100–108 | BROADCASTING. | | | | | | | |
| 108–117.975 | AERONAUTICAL RADIONAVIGATION. | | | 108–117.975 | G, NG. | 108–117.975 | AERONAUTICAL RADIONAVIGATION. | Radionavigation land. | 108.1<br>108.2<br>108.3<br>111.8<br>111.9 | Localizer.<br>Omni-directional range.<br>Localizer.<br>Omni-directional range.<br>Localizer. |
| | | | | | | | | | 112.0–117.9 (NG35) | Omni-directional range. |



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|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc) | Service | Band (Mc) | Service | Band (Mc) | Allocation | Band (Mc) | Service | Class of station | Frequency (Mc) | Nature of services of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 117.975–132 | AERONAUTICAL MOBILE. (R) (273) | | | 117.975–121.975 (273) (US26) (US27) (US28) | G, NG. | 117.975–121.975 | AERONAUTICAL MOBILE. (R) | Aeronautical. Aircraft. | 118–121.4 (NG34) | Airdrome control. |
| | | | | | | | | | 121.5 | AERONAUTICAL MOBILE. |
| | | | | | | | | | 121.6 | Aeronautical search and rescue mobile; aeronautical utility land; aeronautical utility mobile. |
| | | | | | | | | | 121.65–121.95 (NG34) | Aeronautical utility land; aeronautical utility mobile. |
| | | | | 121.975–123.075 (US29) (US30) (US31) | NG. | 121.975–123.075 | AERONAUTICAL MOBILE. | Aeronautical. Aircraft. | 122.0–123.05 (NG34) | Private aircraft. |
| | | | | 123.075–128.825 ((US26) (US32) (US33) | G, NG. | 123.075–128.825 | AERONAUTICAL MOBILE. | Aeronautical. Aircraft. | 123.1<br>123.15<br>123.2<br>123.25<br>123.3<br>123.35<br>123.4<br>123.45<br>123.5<br>123.55 | Flight test; flying school.<br>Flight test.<br>Do.<br>Do.<br>Flight test; flying school.<br>Flight test.<br>Do.<br>Do.<br>Flight test; flying school.<br>Flight test. |
| | | | | | | | | | 123.6–128.8 (NG34) | AERONAUTICAL MOBILE. |
| | | | | 128.825–132 (US2) | NG. | 128.825–132 | AERONAUTICAL MOBILE. (R) | Aeronautical. Aircraft. | 128.85–132 (NG34) | AERONAUTICAL MOBILE. |
| 132–136 | | 132–136 | FIXED.<br>MOBILE. (276) | 132–135 (US2) (US3) (US4) | G, NG. | 132–135 | AERONAUTICAL MOBILE. | Aeronautical. Aircraft. | 132.05–134.95 (NG34) | AERONAUTICAL MOBILE. |
| | | | | 135–136 (US4) | G. | | | | | |
| 136–137 | SPACE. (280)<br>FIXED.<br>MOBILE.<br>EARTH-SPACE. (280) (281) | | | 136–137 (US60) (US64) (US70) | G, NG. | 136–137 | EARTH-SPACE.<br>SPACE. | Earth.<br>SPACE. | | EARTH-SPACE.<br>SPACE. |
| 137–144 | | 137–144 | FIXED.<br>MOBILE.<br>*Radiolocation.* | 137–144 (US10) | G. | | | | 143.91 | Civil air patrol land; civil air patrol mobile. |
| 144–146 | AMATEUR. | | | 144–148 | AMATEUR. (US1) | 144–148 | AMATEUR. | Amateur. | | AMATEUR. |
| 146–148 | | 146–148 | AMATEUR. | | | | | | | |

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|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc) | Service | Band (Mc) | Service | Band (Mc) | Allocation | Band (Mc) | Service | Class of station | Frequency (Mc) | Nature {OF SERVICES of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 148–174 | | 148–174 | FIXED. MOBILE. | 148–150.8 (US10) | G. | | | | 148.14 | Civil air patrol land; civil air patrol mobile. |
| | | | | 150.8–162 | NG. | 150.8–150.98 | LAND MOBILE. | Base. Land mobile. | | LAND TRANSPORTATION. |
| | | | | | | 150.98–151.49 | LAND MOBILE. | Base. Land mobile. | | PUBLIC SAFETY. |
| | | | | | | 151.49–152 | LAND MOBILE. | Base. Land mobile. | | INDUSTRIAL. |
| | | | | | | 152–152.24 | LAND MOBILE. | Base. Land mobile. | | DOMESTIC PUBLIC. |
| | | | | | | 152.24–152.48 (NG38) | LAND MOBILE. | Base. Land mobile. | | LAND TRANSPORTATION. |
| | | | | | | 152.48–152.84 | LAND MOBILE. | Base. Land mobile. | | DOMESTIC PUBLIC. |
| | | | | | | 152.84–153.7325 | LAND MOBILE. | Base. Land mobile. | | INDUSTRIAL. (NG4) |
| | | | | | | 153.7325–154.46 | LAND MOBILE. | Base. Land mobile. | | PUBLIC SAFETY. (NG26) |
| | | | | | | 154.46–154.6275 | LAND MOBILE. | Base. Land mobile. | | INDUSTRIAL. |
| | | | | | | 154.6275–156.25 | LAND MOBILE. | Base. Land mobile. | | PUBLIC SAFETY. |
| | | | | | | 156.25–157.45 (NG5) (US77) | MARITIME MOBILE. | Coast. Ship. | 156.3<br>156.35<br>156.4<br>156.45<br>156.5<br>156.55<br>156.6<br>156.65<br>156.7<br>156.8<br>156.9<br>156.95<br>157.0<br>157.05<br>157.1<br>157.15<br>157.2–157.4 (NG34) | MARITIME MOBILE.<br>MARITIME MOBILE. (NG24)<br>MARITIME MOBILE.<br>MARITIME MOBILE. (NG24)<br>MARITIME MOBILE.<br>MARITIME MOBILE. (NG24)<br>MARITIME MOBILE.<br>Do.<br>Do.<br>MARITIME MOBILE (calling & safety).<br>MARITIME MOBILE.<br>Do.<br>Do.<br>GOVERNMENT.<br>Do.<br>Do.<br>MARITIME MOBILE. |
| (287) | | | | (287) | | | | | | |
| | | | | (US9) | | | | | | |
| | | | | | | 157.45–157.74 (NG5) (NG38) | LAND MOBILE. | Base. Land mobile. | | LAND TRANSPORTATION. |
| | | | | | | 157.74–158.1 | LAND MOBILE. | Base. Land mobile. | | DOMESTIC PUBLIC. |
| | | | | | | 158.1–158.46 | LAND MOBILE. | Base. Land mobile. | | INDUSTRIAL. |
| | | | | | | 158.46–158.7 | LAND MOBILE. | Base. Land mobile. | | DOMESTIC PUBLIC. |





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|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc) | Service | Band (Mc) | Service | Band (Mc) | Allocation | Band (Mc) | Service | Class of station | Frequency (Mc) | Nature {OF SERVICES of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | 158.7–159.48 | LAND MOBILE. | Base. Land mobile. | | PUBLIC SAFETY. |
| | | | | | | 159.48–161.575 | LAND MOBILE. | Base. Land mobile. | | LAND TRANSPORTATION. (NG 6) (NG 26) (NG28) |
| | | | | | | 161.575–161.625 (US77) | MARITIME MOBILE. | Coast. | 161.6 | MARITIME MOBILE. (NG6) (NG26) |
| | | | | | | 161.625–161.775 | LAND MOBILE. | Base. Land mobile. | | Remote pickup broadcast base; remote pickup broadcast mobile. (NG6) (NG26) |
| | | | | (US12) | | 161.775–162.0 (NG5) | MARITIME MOBILE. | Coast. | 161.8<br>161.85<br>161.9<br>161.95<br>162.0 | Coast. (NG26) (NG37)<br>Do.<br>Coast.<br>Do.<br>Do. |
| | | | | 162–174 (US8) (US11) (US12) (US13) | G. | | | | 166.25<br>170.15 | PUBLIC SAFETY; Remote pickup.<br>Do. |
| | | | | | | | | | 170.425<br>170.475<br>170.575<br>171.425<br>171.475<br>171.575<br>171.225<br>172.275<br>172.375 | PUBLIC SAFETY.<br>Do.<br>Do.<br>Do.<br>Do.<br>Do.<br>Do.<br>Do.<br>Do. |
| | | | | (US9) | | 173.2–173.4 | FIXED. LAND MOBILE. | Base. Fixed. Land mobile. | | INDUSTRIAL. |
| 174–216 | (294). | 174–216 | FIXED. MOBILE. BROADCASTING. | 174–216 | NG. | 174–216 | BROADCASTING. | Television broadcasting. | 175.25 Video<br>179.75 Sound } Channel 7.<br>181.25 Video<br>185.75 Sound } Channel 8.<br>187.25 Video<br>191.75 Sound } Channel 9.<br>193.25 Video<br>197.75 Sound } Channel 10.<br>199.25 Video<br>203.75 Sound } Channel 11.<br>205.25 Video<br>209.75 Sound } Channel 12.<br>211.25 Video<br>215.75 Sound } Channel 13. | |
| 216–220 | | 216–220 | FIXED. MOBILE. RADIOLOCATION. | 216–220 (US5) | G. | | | | 217.425<br>217.475<br>217.525<br>217.550<br>217.575<br>217.625<br>217.675<br>218.225<br>219.375<br>219.425<br>219.450<br>219.475<br>219.525<br>219.575 | Telemetering land; telemetering mobile.<br>Do.<br>Do.<br>Do.<br>Do.<br>Do.<br>Do.<br>Do.<br>Do.<br>Do.<br>Do.<br>Do.<br>Do.<br>Do. |

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|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc) | Service | Band (Mc) | Service | Band (Mc) | Allocation | Band (Mc) | Service | Class of station | Frequency (Mc) | Nature of stations / OF SERVICES |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 220–225 | | 220–225 | AMATEUR. RADIOLOCATION. | 220–225 | G, NG. (US34) | 220–225 (NG13) | Amateur. | Amateur. | | AMATEUR. |
| 225–235 | | 225–235 | FIXED. MOBILE. | 225–328.6 (309) (310) (US17) | G. | | | | | |
| 235–328.6 (309) (310) | FIXED. MOBILE. | | | | | | | | 243 | Survival craft and equipment. |
| 328.6–335.4 (310) | AERONAUTICAL RADIONAVIGATION. (311) | | | 328.6–335.4 (310) (311) | G, NG. | 328.6–335.4 | AERONAUTICAL RADIONAVIGATION. | Radionavigation land. | | Glide path. |
| 335.4–400 | FIXED. MOBILE. | | | 335.4–400 | G. | | | | | |
| 400–401 | METEOROLOGICAL AIDS. SPACE. (280) EARTH-SPACE. (280) | | | 400–401 | G, NG. | 400–401 (US64) (US70) (US76) | EARTH-SPACE. METEOROLOGICAL AIDS. SPACE. | Earth. Radiosonde. Space. | | EARTH-SPACE. SPACE. Radiosonde. |
| 401–406 (317) | METEOROLOGICAL AIDS. Fixed. Mobile except aeronautical mobile. | | | 401–404 (US70) | G, NG. | 401–404 | METEOROLOGICAL AIDS. | Radiosonde. | | Radiosonde. |
| | | | | 404–406 (US70) (US74) | G, NG. | 404–406 | METEOROLOGICAL AIDS. Radio astronomy. | Radio astronomy. Radiosonde. | | RADIO ASTRONOMY. Radiosonde. |
| 406–420 (317) | FIXED. MOBILE except aeronautical mobile. | | | 406–420 (US13) | G. | | | | | |
| 420–450 | | 420–450 (318) | RADIOLOCATION. Amateur. | 420–450 (US6) (US7) (US35) | G, NG. | 420–450 | Amateur. | Amateur. | | AMATEUR. |
| 450–470 (318) | FIXED. MOBILE. | | | 450–470 (US6) | NG. | 450–451 | LAND MOBILE. | Base. Land mobile. | | Remote pickup broadcast base; remote pickup broadcast mobile. |
| | | | | | | 451–452 | LAND MOBILE. | Base. Land mobile. | | INDUSTRIAL. |
| | | | | | | 452–453 | LAND MOBILE. | Base. Land mobile. | | LAND TRANSPORTATION. |
| | | | | | | 453–454 | LAND MOBILE. | Base. Land mobile. | | PUBLIC SAFETY. |
| | | | | | | 454–455 (NG12) | LAND MOBILE. | Base. Land mobile. | | DOMESTIC PUBLIC. |
| | | | | | | 455–456 | LAND MOBILE. | Base. Land mobile. | | Remote pickup broadcast base; remote pickup broadcast mobile. |
| | | | | | | 456–457 | LAND MOBILE. | Base. Land mobile. | | INDUSTRIAL. |
| | | | | | | 457–458 | LAND MOBILE. | Base. Land mobile. | | LAND TRANSPORTATION. |
| | | | | | | 458–459 | LAND MOBILE. | Base. Land mobile. | | PUBLIC SAFETY. |
| | | | | | | 459–460 (NG12) | LAND MOBILE. | Base. Land mobile. | | DOMESTIC PUBLIC. |



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|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc) | Service | Band (Mc) | Service | Band (Mc) | Allocation | Band (Mc) | Service | Class of station | Frequency (Mc) | Nature of stations / OF SERVICES |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | 460–462.525 | LAND MOBILE. | Base. Land mobile. | | INDUSTRIAL. |
| | | | | | | 462.525–463.225 | FIXED. MOBILE. | Fixed. Land. Mobile. | | CITIZENS. |
| | | | | | | 463.225–464.725 | LAND MOBILE. | Base. Land mobile. | | INDUSTRIAL. CITIZENS. |
| | | | | | | 464.725–466.475 | FIXED. MOBILE. | Fixed. Land. Mobile. | | CITIZENS. |
| | | | | | | 466.475–470 | LAND MOBILE. | Base. Land mobile. | | INDUSTRIAL. CITIZENS. (NG39) |
| 470–890 | | 470–890 | BROADCASTING. | 470–890 | NG. | 470–890 (NG30) | BROADCASTING. | Television broadcasting. | | |
| 890–942 | | 890–942 (340) | FIXED. RADIOLOCATION. | 890–942 (340) (US36) | G. | | | | 915 | Industrial, scientific, and medical equipment. |
| 942–960 | | 942–960 | FIXED. | 942–960 | NG. | 942–952 (NG8) (NG40) | FIXED. | AM broadcast. STL FM broadcast. STL (NG 9) International aeronautical fixed (Alaska, Hawaii, and U.S. possessions only). International fixed public (Alaska, Hawaii, and U.S. possessions only). Television STL (audio only). | | |
| | | | | | | 952–960 (NG10) | FIXED. | International fixed public (Puerto Rico and Virgin Islands only). International control. Operational fixed. | | |
| 960–1215 | AERONAUTICAL RADIONAVIGATION. (341) | | | 960–1215 | G, NG. (341) | 960–1215 | AERONAUTICAL RADIONAVIGATION. | | | |
| 1215–1300 | RADIOLOCATION. Amateur. | | | 1215–1300 | G, NG. (US37) | 1215–1300 | Amateur. | Amateur. | | AMATEUR. |
| 1300–1350 | AERONAUTICAL RADIONAVIGATION. (346) Radiolocation. | | | 1300–1350 | G, NG. (346) (US38) | 1300–1350 | AERONAUTICAL RADIONAVIGATION. | | | |
| 1350–1400 | | 1350–1400 | RADIOLOCATION. | 1350–1400 | G. | | | | | |
| 1400–1427 | RADIO ASTRONOMY. | | | 1400–1427 | G, NG. (US74) | 1400–1427 | RADIO ASTRONOMY. | | | |
| 1427–1429 | SPACE. (280) FIXED. MOBILE except aeronautical mobile. EARTH-SPACE. (280) | | | 1427–1429 | G, NG. (US60) (US 64) (US73) (US76) | 1427–1429 | EARTH-SPACE. SPACE. | | | |
| 1429–1435 | | 1429–1435 | FIXED. MOBILE. | 1429–1435 | G. | | | | | |
| 1435–1535 | | 1435–1535 | MOBILE. Fixed. | 1435–1535 | G, NG. (US75) | 1435–1535 | MOBILE. | Aeronautical telemetering. | | AVIATION. |

| Worldwide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc) | Service | Band (Mc) | Service | Band (Mc) | Allocation | Band (Mc) | Service | Class of station | Frequency (Mc) | Nature of services of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 1535–1660 | AERONAUTICAL RADIONAVIGATION. (341) | | | 1535–1660 | G, NG. (341) (US39) | 1535–1660 | AERONAUTICAL RADIONAVIGATION. | | | |
| 1660–1700 | METEOROLOGICAL AIDS. FIXED. MOBILE except aeronautical mobile. | | | 1660–1670 | G. | | | | | |
| | | | | 1670–1700 | G, NG. | 1670–1700 | METEOROLOGICAL AIDS. | Radiosonde. | | Radiosonde. |
| 1700–1710 | | 1700–1710 | FIXED. MOBILE. Space. (280) Earth-Space. (280) | 1700–1710 | G, NG. (US60) (US63) (US76) | 1700–1710 | EARTH-SPACE. SPACE. | | | |
| 1710–2290 | | 1710–2290 | FIXED. MOBILE. | 1710–1850 | G. | | | | | |
| | | | | 1850–2200 | NG. | 1850–1990 (NG8) | FIXED. | International control. Operational fixed. | | |
| | | | | | | 1990–2110 (NG11) | FIXED. MOBILE. | Television pickup. Television STL. | | |
| | | | | | | 2110–2200 (NG8) (NG23) | FIXED. | Domestic fixed public. International control. Operational fixed. | | |
| | | | | 2200–2290 | G. | | | | | |
| 2290–2300 | | 2290–2300 | FIXED. MOBILE. Space. (280). Earth-Space. (280). | 2290–2300 | G, NG. (US60) (US63) (US76) | 2290–2300 | EARTH-SPACE. SPACE. | | | |
| 2300–2450 (357) | | 2300–2450 | RADIOLOCATION. Amateur. Fixed. Mobile. | 2300–2450 | G, NG. (357) (US40) | 2300–2450 | Amateur. | Amateur. | | |
| 2450–2550 (357) | | 2450–2550 | FIXED. MOBILE. RADIOLOCATION. | 2450–2500 | NG. (357) (US41) | 2450–2500 | FIXED. MOBILE. Radiolocation. | | 2450 | Industrial, scientific and medical equipment. |
| | | | | 2500–2690 | NG. | 2500–2690 (NG8) | FIXED. | International control. Operational fixed. | | |
| 2550–2700 (365) | FIXED. MOBILE. | | | 2690–2700 | G, NG. (US22) (US74) | 2690–2700 | RADIO ASTRONOMY. | | | |
| 2700–2900 (366) | AERONAUTICAL RADIONAVIGATION. (346). Radiolocation. | | | 2700–2900 | G. (346)(366) (US42) (US43) | | | | | |
| 2900–3100 | RADIONAVIGATION. (367). Radiolocation. | | | 2900–3100 | G, NG. (US44) | 2900–3100 | MARITIME RADIONAVIGATION. Radiolocation. | | | |
| 3100–3300 (369) | RADIOLOCATION. | | | 3100–3300 | G. (369) (US45) (US46) | | | | | |
| 3300–3500 | | 3300–3500 | RADIOLOCATION. Amateur. | 3300–3500 | G, NG. (US61) | 3300–3500 | Amateur. | Amateur. | | AMATEUR. |
| 3500–3700 | | 3500–3700 | FIXED. MOBILE. RADIOLOCATION. | 3500–3700 | G. | | | | | |



| Worldwide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc) | Service | Band (Mc) | Service | Band (Mc) | Allocation | Band (Mc) | Service | Class of station | Frequency (Mc) | Nature of services of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 3700–4200 | | 3700–4200 | FIXED. MOBILE. | 3700–4200 | NG. | 3700–4200 | FIXED. | Common carrier fixed. | | DOMESTIC PUBLIC. (NG41) |
| 4200–4400 | AERONAUTICAL RADIONAVIGATION. (341) | | | 4200–4400 | G, NG. (341) (US47) | 4200–4400 | AERONAUTICAL RADIONAVIGATION. | Altimeter. | | |
| 4400–5000 (365) | FIXED. MOBILE. | | | 4400–4990 | G. | | | | | |
| | | | | 4990–5000 | G, NG. (US68) (US74) | 4990–5000 | RADIO ASTRONOMY. | Radio astronomy. | | |
| 5000–5250 | AERONAUTICAL RADIONAVIGATION. (341) | | | 5000–5250 | G, NG. (341) | 5000–5250 | AERONAUTICAL RADIONAVIGATION. | | | |
| 5250–5255 | RADIOLOCATION. Space. (280) Earth-Space. (280) | | | 5250–5350 | G. | | | | | |
| 5255–5350 | RADIOLOCATION. | | | | | | | | | |
| 5350–5460 | AERONAUTICAL RADIONAVIGATION. (385) Radiolocation. | | | 5350–5460 | G, NG. (385) (US48) | 5350–5460 | AERONAUTICAL RADIONAVIGATION. RADIOLOCATION. | | | |
| 5460–5470 | RADIONAVIGATION. (385) Radiolocation. | | | 5460–5470 | G, NG. (385) (US49) (US65) | 5460–5470 | RADIONAVIGATION. Radiolocation. | | | |
| 5470–5650 (387) | MARITIME RADIONAVIGATION. Radiolocation. | | | 5470–5600 | G, NG. (US50) (US65) | 5470–5600 | MARITIME RADIONAVIGATION. Radiolocation. | | | |
| | | | | 5600–5650 | G, NG. (387) (US51) (US65) | 5600–5650 | MARITIME RADIONAVIGATION. METEOROLOGICAL AIDS. Radiolocation. | | | |
| 5650–5850 (391) | RADIOLOCATION. Amateur. | | | 5650–5925 | G, NG. (391) (US52) | 5650–5925 | Amateur. | Amateur. | 5800 | Industrial, scientific and medical equipment. |
| 5850–5925 (391) | | 5850–5925 | RADIOLOCATION. Amateur. | | | | | | | |
| 5925–8400 | FIXED. MOBILE. | | | 5925–7125 | NG. | 5925–6425 | FIXED. | Common carrier fixed. | | DOMESTIC PUBLIC. (NG41) |
| | | | | | | 6425–6575 | MOBILE. | Land. (NG7) MOBILE (except television pickup). | | |
| | | | | | | 6575–6875 (NG8) | FIXED. | International control. Operational fixed. | | |
| | | | | | | 6875–7125 | FIXED. MOBILE. | Television pickup. Television STL. (NG11) | | |
| | | | | 7125–8400 | G. | | | | | |
| 8400–8500 | FIXED. MOBILE. Space. (280) Earth-Space. (280) | | | 8400–8500 | G, NG. (US62) (US63) (US67) (US76) | 8400–8500 | EARTH-SPACE. FIXED. MOBILE. SPACE. | | | |

| Worldwide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc) | Service | Band (Mc) | Service | Band (Mc) | Allocation | Band (Mc) | Service | Class of station | Frequency (Mc) | Nature of service of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 8500–8750 | RADIOLOCATION. | | | 8500–9000 | G. (US53) | | | | | |
| 8750–8850 | RADIOLOCATION. AERONAUTICAL RADIONAVIGATION. (306) | | | | | | | | 8800 | Airborne doppler radar. |
| 8850–9000 | RADIOLOCATION. | | | | | | | | | |
| 9000–9200 | AERONAUTICAL RADIONAVIGATION. (346) Radiolocation. | | | 9000–9200 | G, NG. (346) (US54) (US55) | 9000–9200 | AERONAUTICAL RADIONAVIGATION. Radiolocation. | | | |
| 9200–9300 | RADIOLOCATION. | | | 9200–9300 | G. (US45) | | | | | |
| 9300–9500 (309) | RADIONAVIGATION. Radiolocation. | | | 9300–9500 | G, NG. (US56) (US66) (US67) (US71) | 9300–9500 | RADIONAVIGATION. Meteorological aids. Radiolocation. | | | |
| 9500–9800 | RADIOLOCATION. | | | 9500–10000 | G. (US57) | | | | | |
| 9800–10000 | RADIOLOCATION. Fixed. | | | | | | | | | |
| 10000–10500 | RADIOLOCATION. Amateur. | | | 10000–10500 | G, NG. (US58) | 10000–10500 | Amateur. Radiolocation. (NG42) | Amateur. Radiolocation land. Radiolocation mobile. | | AMATEUR. RADIOLOCATION. |
| 10500–10550 | | 10500–10550 (404) | RADIOLOCATION. | 10500–10550 | G, NG. (US59) | 10500–10550 | RADIOLOCATION. | | | RADIOLOCATION. |
| 10550–10700 (405) | FIXED. MOBILE. Radiolocation. | | | 10550–10680 | NG. | 10550–10680 | FIXED. MOBILE. | | | |
| | | | | 10680–10700 | G, NG. (US74) | 10680–10700 | RADIO ASTRONOMY. | | | |
| 10700–11700 | FIXED. MOBILE. | | | 10700–11700 | NG. | 10700–11700 | FIXED. | Common carrier fixed. | | DOMESTIC PUBLIC. (NG41) |
| 11700–12700 | FIXED. MOBILE except aeronautical mobile. BROADCASTING. | | | 11700–13250 | NG. | 11700–12200 | MOBILE. | Land. (NG7) Mobile (except television pickup). | | |
| | | | | | | 12200–12700 (NG8) | FIXED. | International control. Operational fixed. | | |
| 12700–13250 | FIXED. MOBILE. | | | | | 12700–13200 | FIXED. MOBILE. | Television pickup. Television. STL (NG11) | | |
| | | | | | | 13200–13250 | FIXED. MOBILE. | | | |
| 13250–13400 | AERONAUTICAL RADIONAVIGATION. (406) | | | 13250–13400 | G, NG. (406) | 13250–13400 | AERONAUTICAL RADIONAVIGATION. | | | Airborne doppler radar. |
| 13400–14000 | RADIOLOCATION. | | | 13400–14000 | G. | | | | | |
| 14000–14400 | RADIONAVIGATION. | | | 14000–14400 | G, NG. | 14000–14400 | RADIONAVIGATION. | | | |
| 14400–15150 | FIXED. MOBILE. | | | 14400–15150 | G. | | | | | |
| 15150–15250 | SPACE. (280) EARTH-SPACE. (280) Fixed. Mobile. | | | 15150–15250 | G, NG. (US60) (US62) (US76) | 15150–15250 | EARTH-SPACE. SPACE. | | | |



| Worldwide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc) | Service | Band (Mc) | Service | Band (Mc) | Allocation | Band (Mc) | Service | Class of station | Frequency (Mc) | Nature of service of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 15250–15400 (405) | FIXED. MOBILE. | | | 15250–15350 | G. | | | | | |
| | | | | 15350–15400 | G, NG. (US63) (US74) | 15350–15400 | RADIO ASTRONOMY. | | | |
| 15400–15700 | AERONAUTICAL RADIONAVIGATION. (341) | | | 15400–15700 | G, NG. (341) | 15400–15700 | AERONAUTICAL RADIONAVIGATION. | | | |
| 15700–17700 | RADIOLOCATION. | | | 15700–17700 | G. | | | | | |
| 17700–21000 (406) | FIXED. MOBILE. | | | 17700–19300 | NG. | 17700–19300 | FIXED. MOBILE. | | | |
| | | | | 19300–19400 | G, NG. (US74) | 19300–19400 | RADIO ASTRONOMY. | | | |
| | | | | 19400–19700 | NG. | 19400–19700 | FIXED. MOBILE. | | | |
| | | | | 19700–21000 | G. | | | | | |
| 21000–22000 | AMATEUR. | | | 21000–22000 | AMATEUR. | 21000–22000 | AMATEUR. | Amateur. | | AMATEUR. |
| 22000–23000 (410) | FIXED. MOBILE. | | | 22000–23000 | G. (410) | | | | 22125 | Industrial, scientific and medical equipment. |
| 23000–24250 | RADIOLOCATION. | | | 23000–24250 | G. | | | | | |
| 24250–25250 | RADIONAVIGATION. (411) | | | 24250–25250 | G, NG. (411) (US72) | 24250–25250 | RADIONAVIGATION. | | | |
| 25250–31500 (405) | FIXED. MOBILE. | | | 25250–27525 | G. | | | | | |
| | | | | 27525–31300 | NG. | 27525–31300 | FIXED MOBILE. | | | |
| | | | | 31300–31500 | G, NG. (US74). | 31300–31500 | RADIO ASTRONOMY. | | | |
| 31500–31800 | SPACE. (280) EARTH-SPACE. (280) Fixed. Mobile. | | | 31500–31800 | G, NG. (US60) (US62) (US76) | 31500–31800 | EARTH-SPACE. SPACE. | | | |
| 31800–33400 | RADIONAVIGATION. | | | 31800–33400 | G, NG. (US69) | 31800–33400 | RADIONAVIGATION. | | | |
| 33400–36000 | RADIOLOCATION. | | | 33400–36000 | G. | | | | | |
| 36000–40000 | FIXED. MOBILE. | | | 36000–36600 | G. | | | | | |
| | | | | 36600–40000 | NG. | 36600–40000 | FIXED. MOBILE. | | | |
| Above 40000 | Not allocated. | | | Above 40000 | G, NG. | | | Amateur. Experimental. | | |

FOOTNOTES

GENEVA FOOTNOTES

(157) Administrations authorizing the use of frequencies below 10 kc for special national purposes shall ensure that no harmful interference is caused thereby to the services to which the bands above 10 kc are allocated (see also Article 14, No. 699).

(158) Limited to coast telegraph stations (A1 and F1 only).

(159) The stations of services to which the bands between 14 and 70 kc are allocated may transmit standard frequency and time signals. Such stations shall be afforded protection from harmful interference. In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the frequencies 25 kc and 50 kc will be used for this purpose under the same conditions.

(160) The standard frequency is 20 kc.

(161) In the U.S.S.R., frequencies in the band 60–80 kc may be used for industrial, scientific and medical purposes subject to the condition that interference is not caused to stations of services to which this band is allocated.

(162) Limited to continuous wave systems.

(164) The establishment and operation of maritime radionavigation stations shall be subject to agreements between administrations whose services, operating in accordance with the Table, may be affected. However, the fixed, maritime mobile and radiolocation services shall not cause harmful interference to maritime radionavigation stations established under such agreements.

(166) The development and operation of long distance radionavigation systems are authorized in this band, which will become exclusively allocated, wholly or in part, to the radionavigation service for the use of any one such system as soon as it is internationally adopted. Other considerations being equal, preference should be given to the system requiring the minimum bandwidth for world-wide service and causing the

least harmful interference to other services. If a pulse radionavigation system is employed, the pulse emissions shall nevertheless be confined within the band 90–110 kc and shall not cause harmful interference outside the band to stations operating in accordance with the Regulations. In Region 1 and 3, during the period prior to the international adoption of any long distance radionavigation system, the operation of specific radionavigation stations shall be subject to agreements between administrations whose services, operating in accordance with the Table, may be affected. Once established under such agreements radionavigation stations shall be protected from harmful interference.

(167) Only classes A1 or F1, A4 or F4 emissions are authorized in the band 90–160 kc for stations of the fixed and maritime mobile services.

(168) Aeronautical stations may use frequencies in the bands 110–112 kc, 115–126 kc and 129–130 kc on a permitted basis for high-speed communications to aircraft.

(171) The frequency 143 kc is the calling frequency for stations in the maritime mobile service using the band 90–160 kc. The conditions for its use are prescribed in Article 32.

(179) In northern areas which are subject to auroral disturbances the aeronautical fixed service is the primary service.

(181) Norwegian fixed stations situated in northern areas subject to auroral disturbances are allowed to continue operation on two frequencies in the band 385–395 kc for transmissions chiefly composed of weather messages.

(185) In the European Maritime Area, subject to the conditions specified in the Final Acts of the European Maritime Conference (Copenhagen 1948), and any subsequent revision of that agreement, the administrations concerned may keep in the bands 415–485 kc and 515–525 kc such of the following broadcasting stations as will not cause harmful interference to the maritime mobile service: Hamar, Innsbruck, Oestersund, Oulu.

(186) Limited to radiotelegraphy.

(187) The frequency 500 kc is the international distress and calling frequency for radiotelegraphy. The conditions for its use are prescribed in Article 32.

(188) In operating stations of the aeronautical radionavigation service, the administrations concerned shall take all the technical steps necessary to avoid harmful interference to the maritime mobile service.

(191) The carrier power of broadcasting stations in this band shall not exceed 250 watts.

(198) In Region 2 the Loran system has priority. Other services to which the band is allocated may use any frequency in this band provided that they do not cause harmful interference to the Loran system.

In Region 3 the Loran system in any particular area operates either on 1850 or 1950 kc, the bands occupied being 1825–1875 kc and 1925–1975 kc respectively. Other services to which the band 1800–2000 kc is allocated may use any frequency therein on condition that no harmful interference is caused to the Loran system operating on 1850 or 1950 kc.

(200) In Region 2, limited to ship stations using radiotelegraphy.

(201) The frequency 2182 kc is the international distress and calling frequency for radiotelephony. The conditions for the use of this frequency are prescribed in Article 35.

(202) For the conditions of use of this band by the broadcasting service see Nos. 135, 136, and 423 to 428.

(203) Standard frequency is 2500 kc.

(204) The standard frequency guard-bands at 2.5 Mc, 5 Mc, 10 Mc, 15 Mc, 20 Mc, and 25 Mc may be used by the radio astronomy service. The radio astronomy service shall be protected from harmful interference from services operating in other bands in accordance with the provisions of these Regulations, only to the extent that these services are protected from each other.

(208) In the U.S.S.R., in the bands 4063–4133 kc and 4408–4438 kc, fixed stations of limited power may operate provided that, in order to minimize the possibility of causing harmful interference to the maritime mobile service, they are situated at least 600 km from the coast. A limited power station is one whose power and antenna characteristics are so adjusted that the field strength established at any point in any direction does not exceed that obtainable with a nondirective antenna and a peak envelope power of 1 kw.

(209) On condition that harmful interference is not caused to the maritime mobile service, the frequencies between 4063 and 4438 kc may be used exceptionally by fixed stations communicating only within the boundary of the country in which they are located, with a mean power not exceeding 50 watts; however, in Regions 2 and 3, between 4238 and 4368 kc, a mean power not exceeding 500 watts may be used by such fixed stations.

(210) The standard frequency is 5000 kc.

(211) On condition that harmful interference is not caused to the maritime mobile service, the frequencies between 6200 and 6525 kc may be used exceptionally by fixed stations, communicating only within the boundary of the country in which they are located, with a mean power not exceeding 50 watts. At the time of notification of these frequencies, the attention of the International Frequency Registration Board will be drawn to the above conditions.

(213) Between 8615 and 8815 kc, 12,925 and 13,200 kc, and between 17,160 and 17,360 kc, the U.S.S.R. will meet their special requirements for the fixed service with due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference to the maritime mobile service. Coast stations in the maritime mobile service will also have due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference to the fixed service in the U.S.S.R. The International Frequency Registration Board will be consulted regarding this subject.

(214) The standard frequency is 10,000 kc.

(215) The band 10,003–10,005 kc is also allocated, on a secondary basis, to the space and earth-space services for research purposes.

(216) In the U.S.S.R., the band 11,400–11,450 kc is also allocated to the aeronautical mobile (OR) service.

(217) The frequency 13,560 kc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(218) In the U.S.S.R., the band 14,250–14,350 kc is also allocated to the fixed service.

(219) The standard frequency is 15,000 kc.

(220) The standard frequency is 20,000 kc.

(221) The band 19,990–20,010 kc is also allocated, on a secondary basis, to the space and earth-space services for research purposes.

(222) Intership radiotelegraphy may be used in the maritime mobile service between the frequencies 23,350 and 24,000 kc.

(223) The standard frequency is 25,000 kc.

(224) Limited to ship stations employing A1 or F1 emissions.

(225) The frequency 27,120 kc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.6 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(226) In Region 2, Australia and New Zealand, the amateur service may operate between the frequencies 26,960 and 27,230 kc.

(228) Stations designed to use ionospheric scatter may operate only subject to agreements between administrations concerned and those whose services, operating in accordance with the Table, may be affected.

(229) Systems designed to use ionospheric scatter or other fixed service systems designed to operate over distances exceeding 800 km shall confine their emissions to the following bands:

| Region 1 | Region 2 | Region 3 |
|---|---|---|
| 32.6–33 | 32.6–33 | 32.6–33 |
| 36.2–36.6 | 34.6–35 | 34.6–35 |
| 39 –39.4 | 36.4–36.8 | 36.4–36.8 |

and shall have priority in Region 2 in the bands shown above for such use in that Region.

(230) In the case of the bands referred to in No. 229, which are limited to a particular Region the provisions of No. 117 shall apply and administrations shall avoid beaming such transmissions towards another Region unless specifically coordinated otherwise.

(231) Ionospheric scatter stations, existing on 1 January 1960, and not causing harmful interference to the other services to which the band is allocated, may continue to operate on frequencies now assigned until reaccommodated.

(232) Conventional (F2) long distance fixed service use of the band 29.7–30 Mc is not excluded in Region 2 provided that such use is coordinated between the administrations concerned.

(234) As regards the use of the frequencies 38 Mc and 40.68 Mc by the radio astronomy service, see Recommendation No. 31.

(235) The band 39.986–40.002 Mc is also allocated, on a secondary basis, to the space and earth-space services for research purposes.

(236) The frequency 40.68 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(237) Systems designed to use ionospheric scatter which may cause harmful interference to the broadcasting service are prohibited.

(253) In Region 2, the band 73–74.6 Mc may be used by the radio astronomy service. Administrations assigning frequencies to stations of services to which this band is allocated should take all practicable measures to avoid harmful interference to radio astronomy observations.

(259) The frequency 75 Mc is assigned to aeronautical marker beacons. Administrations shall refrain from assigning frequencies close to the limits of the guard-band to stations of other services which, because of their power or geographical position, might cause harmful interference to marker beacons.

(273) The frequency 121.5 Mc is the aeronautical emergency frequency in this band; mobile stations of the maritime mobile service may communicate on this frequency for safety purposes with stations of the aeronautical mobile service.

(276) In Region 2 in the band 132–135 Mc, the aeronautical mobile (R) service shall operate on a primary basis subject to coordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

(280) For research purposes.

(281) In the band 136–137 Mc, the aeronautical mobile (OR) service will be the primary service for as long as it continues to operate in this band. On discontinuation of this service, the space and earth-space services will be the primary services. In Bulgaria, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., this band is allocated on a primary basis to the aeronautical mobile service.

(287) The frequency 156.8 Mc is the international safety and calling frequency for the maritime mobile VHF radiotelephone service. Administrations shall ensure that a guard-band of 75 kc on each side of the frequency 156.8 Mc is provided. The conditions for the use of this frequency are contained in Article 35.

In the bands, 156.025–157.425 Mc, 160.625–160.975 Mc and 161.475–162.025 Mc, each administration shall give priority to the maritime mobile service on only such frequencies as are assigned to stations of the maritime mobile service by that administration (see Article 35).

(294) The band 183.6 Mc ±0.5 Mc is also allocated to the space and earth-space services for research purposes subject to causing no harmful interference.

(309) The frequency 243 Mc is the frequency in this band for use by survival craft stations and equipment used for survival purposes.

(310) Radio astronomy observations on the Deuterium line (322–329 Mc) are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of this band.

(311) Limited to Instrument Landing Systems (glide path).

(317) The band 404–410 Mc in Regions 2 and 3, and the band 406–410 Mc in Region 1 are also allocated to the radio astronomy service. An appropriate continuous band within these limits shall be designated on a national or area basis. In making assignments to stations of other services to which these bands are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference. The radio astronomy service shall be protected from harmful interference from services opearting in other bands in accordance with the provisions of these Regulations, only to the extent that these services are protected from each other.

(318) Radio altimeters may also be used, temporarily, in the band 420–460 Mc until they are able to operate in a band allocated to the aeronautical radionavigation service or until they are no longer required.

(340) In Region 2, the frequency 915 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±25 Mc of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(341) The bands 960–1215 Mc, 1535–1660 Mc, 4200–4400 Mc, 5000–5250 Mc and 15.4–15.7 Gc are reserved on a world-wide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based facilities.

(346) The use of the bands 1300–1350 Mc, 2700–2900 Mc and 9000–9200 Mc by the aeronautical radionavigation service is restricted to ground-based radars and, in the future, to associated airborne transponders which transmit only on frequencies in these bands and only when actuated by radars operating in the same band.





(357) The frequency 2450 Mc is designated for industrial, scientific and medical purposes except in Albania, Bulgaria, Hungary, Poland, Rumania, Czechoslovakia, and the U.S.S.R., where the frequency 2375 Mc is used. Emissions must be confined within ±50 Mc of the frequencies designated. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(365) The bands 2690–2700 Mc and 4990–5000 Mc are also allocated to the radio astronomy service. In making assignments to stations of other services to which these bands are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference. The radio astronomy service shall be protected from harmful interference from services operating in other bands in accordance with the provisions of these Regulations, only to the extent that these services are protected from each other.

(366) In the band 2700–2900 Mc ground-based radars used for meteorological purposes are authorized to operate on the basis of equality with stations of the aeronautical radionavigation service.

(367) The use of the band 2900–3100 Mc by the aeronautical radionavigation service is limited to ground-based radars.

(369) In the band 3100–3300 Mc, existing racons and shipborne radars in merchant ships may operate within the band 3100–3266 Mc.

(385) The use of the band 5350–5470 Mc by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

(387) Between 5600 and 5650 Mc, ground-based radars used for meteorological purposes are authorized to operate on the basis of equality with stations of the maritime radionavigation service.

(391) The frequency 5800 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±75 Mc of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(396) The use of the band 8750–8850 Mc by the aeronautical radionavigation service is limited to airborne Doppler navigation aids on a centre frequency of 8800 Mc.

(399) The use of the band 9300–9500 Mc by the aeronautical radionavigation service is limited to airborne weather radars, and ground-based radars. In this band ground-based radars used for meteorological purposes have priority over other radiolocation devices.

(404) Limited to continuous wave systems.

(405) The bands 10.68–10.7 Gc, 15.35–15.4 Gc, 19.3–19.4 Gc and 31.3–31.5 Gc are also allocated to the radio astronomy service. In making assignments to stations of other services to which these bands are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference. The radio astronomy service shall be protected from interference from services operating in other bands in accordance with the provisions of these Regulations, only to the extent that these services are protected from each other.

(406) Limited to Doppler navigation aids.

(410) The frequency 22.125 Gc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±125 Mc of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(411) In the band 24.25–25.25 Gc, ground-based radionavigation aids are not permitted except where they operate in cooperation with airborne or shipborne radionavigation devices.

NG FOOTNOTES

NG1 Operational fixed stations may be authorized to use frequencies in this band in accordance with columns 10 and 11 of the Table of Frequency Allocations, on the condition that harmful interference will not be caused to the reception of television stations on Channels 4 or 5. In any area in the continental United States (excluding Alaska), the aviation service and marine service may each be authorized to use four of the frequencies in the bands 72–73 and 75.4–76 Mc listed in column 10 for operational fixed stations in these services.

NG2 Facsimile broadcasting stations may be authorized in the band 88–108 Mc.

NG3 Fixed stations in the domestic fixed public service and control stations in the domestic public radio services may be authorized to use any of the frequencies in the band 72–73 and 75.4–76 Mc indicated in column 10 on the conditions that (a) harmful interference will not be caused to the reception of television stations on channels 4 or 5 and (b) that harmful interference will not be caused to operational fixed stations.

NG4 The use of the frequencies in the band 152.84–153.35 Mc may be authorized, in any area, to remote pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to the industrial radio services.

NG5 Licensees in the public safety radio services holding a valid authorization on June 30, 1958, to operate in the frequency band 156.27–157.47 Mc or on the frequencies 161.85, 161.91 or 161.97 Mc may, upon proper application, continue to be authorized for such operation, including expansion of existing systems, until such time as harmful interference is caused to the operation of any authorized station other than those licensed in the public safety radio service.

NG6 Stations in the public safety radio services authorized as of June 30, 1958, to use frequencies in the band 159.51–161.79 Mc in areas other than Puerto Rico and the Virgin Islands may continue such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to stations in the services to which these bands are allocated. In Puerto Rico and the Virgin Islands this authority is limited to frequencies in the band 160.05–161.37 Mc. No new public radio service system will be authorized to operate on these frequencies.

NG7 Only those land stations which communicate with mobile (except television pickup) stations, are authorized to use frequencies in this band.

NG8 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the Table of Frequency Allocations.

NG9 FM inter-city relay stations may be authorized to use the band 942–952 Mc on the condition that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations.

NG10 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the highest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the Table of Frequency Allocations.

NG11 Television inter-city relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations.

NG12 Frequencies in the bands 454.40–455 Mc and 459.40–460 Mc may be assigned to domestic public land and mobile stations to provide a two-way air-ground public radio telephone service.

NG13 In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53′ N., on the east by longitude 105°40′ W., on the north by parallel 33°24′ N., and on the west by longitude 106°40′ W., the frequency band 220–225 Mc is not available for use by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday thorugh Friday inclusive of each week. However, the entire frequency band 220–225 Mc shall be available in all areas to those amateur stations authorized to operate in an organized civil defense network during all periods when civil defense emergencies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth above may be made upon mutual agreement between the Federal Communications Commission Engineer in Charge at Dallas, Texas, and the Area Frequency Coordinator at White Sands, New Mexico, if it appears necessary to conduct such drills. Such arrangements shall specify dates and times, and will depend upon the degree of use of the frequency band at White Sands at any particular time.

NG14 Stations in the radiolocation service shall not cause harmful interference to stations in the disaster communications service between sunset and sunrise or at any time during an actual or imminent disaster. Conversely, stations in the disaster communications service shall not cause harmful interference to stations in the radiolocation service between sunrise and sunset except during an actual or imminent disaster.

NG15 (a) The amateur service may use in any area, whichever bands, 1800–1825 or 1975–2000 kc, are not required for Loran in that area, in accordance with the following conditions:

(1) The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (Loran) service;

(2) The amateur service shall not cause harmful interference to the radionavigation (Loran) service;

(3) Only types A1 and A3 emissions shall be employed;

(4) Amateur operation shall be limited to:

| Area | Bands (kc) | DC plate input power in watts | |
|---|---|---|---|
| | | Day | Night |
| Minnesota, Iowa, Wisconsin, Michigan, Pennsylvania, Maryland, Delaware, and States to the north of these including the District of Columbia | 1800–1825 | 500 | 200 |
| North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and States to the west of these States (except State of Washington) | 1975–2000 | 500 | 200 |
| State of Washington | 1975–2000 | 200 | 50 |
| Oklahoma, Kansas, Missouri, Arkansas, Illinois, Indiana, Kentucky, Tennessee, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Texas, (West of 99° W. or North of 32° N.) | 1800–1825 | 500 | 50 |
| State of Hawaii | 1975–2000 | 500 | 200 |
| Texas (East of 99° W. and South of 32° N.) Louisiana, Mississippi, Alabama, Alaska, Georgia, Florida, Puerto Rico, Virgin Islands, Guam, and other Territories and Possessions of the U.S. not listed above. | None | No operation | |

(b) The provisions of (a) above shall be considered as temporary in the sense that they shall remain subject to cancellation or to revisions, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

NG16 For conditions which apply to the use of this band, refer to the North American Regional Broadcasting Agreement.

NG17 The aeronautical radionavigation service may be authorized the use of the frequencies 1638 kc and 1708 kc only.

NG18 In the band 1605–1715 kc, stations in the radiolocation service shall not cause harmful interference to stations in the aeronautical radionavigation service.

NG19 Fixed stations associated with the maritime mobile service may be authorized, for purposes of communication with coast stations, to use frequencies assignable to ship stations in this band on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG20 Fixed stations in the public safety radio service may be authorized the use of frequencies in this band which are authorized to base and mobile stations of this service on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG21 In Hawaii, the frequency bands 76–88 Mc and 98–108 Mc are allocated exclusively to the fixed service for use by common carrier fixed stations for inter-island communications only. Spacing between assignable frequencies is not specified.

NG22 The frequency 2182 kc may be authorized to fixed stations associated with the maritime mobile service for the sole purpose of transmitting distress calls and distress traffic, and urgency and safety signals and messages.

NG23 Frequencies in the band 2110–2200 Mc may also be assigned to stations in the international fixed public radio service located south of 25°30′ north latitude in the State of Florida and in U.S. Possessions in the Caribbean area.

NG24 On the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations, land stations authorized and used primarily as coast stations (not open to public correspondence) and associated land mobile stations may be authorized to use, on a secondary basis, the frequencies 156.35, 156.45 and 156.55 Mc: *Provided*, That, in each case, the frequency assignment will be common to the maritime mobile and land mobile services and that the maritime mobile service shall be protected from harmful interference from the land mobile service.

NG25 The frequency 6240 kc may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG26 In Puerto Rico and the Virgin Islands only, the bands 154.04 Mc to 154.46 Mc and 161.40 Mc to 161.85 Mc are allocated exclusively to (a) aeronautical fixed service, (b) domestic fixed public service, and (c) international fixed public service. Spacings between assignments in these services are unspecified.

NG27 The frequency 6455 kc may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG28 The frequency band 160.86–161.40 Mc is available for assignment to remote pickup base and remote pickup mobile stations in Puerto Rico and the Virgin Islands only, on a shared basis with the land transportation radio service.

NG29 The frequencies 4067, 4372.4 and 8205.5 kc may be authorized for use by either ship or coast radiotelephone stations operating in the Mississippi River system.

NG30 Stations in the international fixed public radiocommunication service in Florida, south of 25°30′ north latitude, may be authorized to use frequencies in the band 716–890 Mc on the condition that harmful interference will not be caused to the broadcasting service of any country. This is an interim allocation the termination of which will later be specified by the Commission when it is determined that equipments are generally available for use in bands allocated internationally to the fixed service.

NG31 The spacing between frequency assignments in this band shall be 10 kc. The first and last assignable frequencies are those indicated in column 10.

NG32 The spacing between frequency assignments in this band shall be 20 kc. The first and last assignable frequencies are those indicated in column 10.

NG33 The spacing between frequency assignments in this band shall be 40 kc. The first and last assignable frequencies are those indicated in column 10.

NG34 The spacing between frequency assignments in this band shall be 50 kc. The first and last assignable frequencies are those indicated in column 10.

NG35 The spacing between frequency assignments in this band shall be 100 kc The first and last assignable frequencies are those indicated in column 10.

NG36 The spacing between frequency assignments in this band shall be 200 kc. The first and last assignable frequencies are those indicated in column 10.

NG37 The frequencies 161.8 and 161.85 Mc are not available for assignment to the maritime mobile service in Puerto Rico or the Virgin Islands.

NG38 The frequencies 152.3, 152.36, 152.42, 157.56, 157.62, and 157.68 Mc may be assigned exclusively to stations in the industrial radio service outside standard metropolitan areas of 50,000 or more population.

NG39 Citizens radio service operations may be authorized only in the 466.475–467.475 Mc portion of this band.

NG40 Non-Government fixed stations which were authorized on April 16, 1958, to use frequencies in the band 890–942 Mc may, upon the showing that interference is being caused by or to their assignments, be authorized to use frequencies in the band 942–952 Mc provided the bandwidth of emission does not exceed 1100 kc and provided that an engineering study by the Commission indicates that the proposed frequency assignment for such stations in the band 942–952 Mc is likely to result in the elimination of the interference occurring in the band 890–942 Mc, and will not cause interference to existing operations in the band 942–952 Mc.



NG41 Frequencies in the bands 3700–4200 Mc, 5925–6425 Mc, and 10,700–11,700 Mc may also be assigned to stations in the international fixed public and international control services located in U.S. Possessions in the Caribbean area.

NG42 Non-Government stations in the radiolocation service shall not cause harmful interference to the amateur service.

U.S. FOOTNOTES

US1 Pulsed emissions prohibited.

US2 The frequency 132.0 Mc may be authorized to non-Government stations only.

US3 The Government fixed, mobile and radiolocation services are permitted in the band 132.0–135.0 Mc on condition that harmful interference is not caused to the aeronautical mobile (R) service.

US4 The frequency 135.0 Mc may be authorized for Government aeronautical mobile communications, other than air traffic control communications, when requirements cannot be satisfied within the band 132–135 Mc, on condition that harmful interference is not caused to other services operating in accordance with the Table of Frequency Allocations.

US5 Until January 1, 1963, the frequencies 217.425 through 217.675 Mc and 219.325 through 219.575 Mc, inclusive, may be authorized for use by non-Government telemetering mobile stations aboard aircraft and telemetering land stations, for telemetering to and from aircraft in flight, when an engineering study indicates that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations.

US6 Radio altimeters will not be permitted to use the band 420–460 Mc after February 15, 1963.

US7 The power to be employed by amateur stations in this band will not exceed 50 watts DC plate power input to the final stage of the transmitter.

US8 The use of the frequencies 170.475, 171.425, 171.575, and 172.275 Mc east of the Mississippi River, and 170.425, 170.575, 171.475, 172.225, and 172.875 Mc west of the Mississippi River may be authorized to fixed, land and mobile stations operated by non-Federal forest fire-fighting agencies. In addition, land stations and mobile stations operated by non-Federal conservation agencies, for mobile relay operation only, may be authorized to use the frequency 172.275 Mc east of the Mississippi Rver and the frequency 171.475 Mc west of the Mississippi River. The use of any of the foregoing nine frequencies shall be on the condition that no harmful interference will be caused to Government stations.

US9 In order to provide for intercommunication for safety purposes between Government and non-Government stations in the maritime mobile service, the frequencies 157.05, 157.1 and 157.15 Mc are allocated exclusively in all areas, to Government stations in the fixed and mobile services, and the frequencies 173.225, 173.25, 173.275, 173.3, 173.325, 173.35, and 173.375 Mc are allocated exclusively in all areas, to non-Government stations in the fixed and land mobile services.

US10 The use of the frequencies 26.62 Mc (in Hawaii), 143.91 Mc (in the continental United States excluding Alaska), and 148.14 Mc (in all areas) may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations on the condition that harmful interference will not be caused to Government stations.

US11 The use of the frequencies 166.250 and 170.50 Mc may be authorized to non-Government remote pickup broadcast base and land mobile stations and to non-Government base, fixed and land mobile stations in the public safety radio services (the sum of the bandwidth of emission and tolerance not to exceed 60 kc) in the continental United States (excluding Alaska) only, except within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30′ N., and on the east and south by that arc of the circle with center at Springfield, Ill., and radius equal to the airline distance between Springfield, Ill., and Montgomery, Ala., subtended between the foregoing west and north boundaries, on the condition that harmful interference will not be caused to Government stations present or future in the Government band 162–174 Mc. The use of these frequencies by remote pickup broadcast stations will not be authorized for locations within 150 miles of New York City; and the use of these frequencies by the public safety radio services will not be authorized except for locations within 150 miles of New York City.

US12 The use of the frequency 162.0 Mc may be authorized to non-Government coast stations only.

US13 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the Federal Government, the following frequencies may be authorized to non-Government fixed stations on the condition that harmful interference will not be caused to Government stations:

| *Mc* | *Mc* | *Mc* | *Mc* |
|---|---|---|---|
| 169.425 | 170.325 | 171.825 | 406.250 |
| 169.475 | 170.375 | 171.875 | 406.350 |
| 169.525 | 171.025 | 171.925 | 412.450 |
| 169.575 | 171.075 | 171.975 | 412.550 |
| 170.225 | 171.125 | 406.050 | 412.650 |
| 170.275 | 171.175 | 406.150 | 412.750 |

US14 This frequency band is not available to non-Government stations, except that, in Regions 1 and 3 only, the frequency 512 kc may be authorized for use by non-Government ship telegraph stations as a working frequency and, when 500 kc is being used for distress purposes, as a supplementary calling frequency.

US15 The use of the frequency 540 kc is subject to the conditions that no harmful interference is caused to the services operating on 500 kc, and in the band 510–535 kc.

US16 Airdrome control stations may continue to be authorized to use frequencies in the band 290–325 kc on the condition that harmful interference will not be caused to stations of services operating in accordance with the Table of Frequency Allocations.

US17 For the radiolocation activities of the petroleum industry only, radiolocation land stations and radiolocation mobile stations making use of SHORAN equipment may be authorized the use of the frequencies 230 Mc, 250 Mc and 310 Mc at locations within 150 miles of the respective shorelines of California, Alaska, and the Gulf of Mexico provided that no harmful interference is caused to services operating in accordance with the Table of Frequency Allocations and provided that SHORAN operations are coordinated locally in advance with Federal Government authorities making use of frequencies in this band in the same area.

US18 Navigation aids in U.S. and possessions between 200 and 415 kc are normally operated by the U.S. Government. However, authorizations may be made by the Commission for non-Government operation in this band subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned and upon special showing of need for service which the Government is not yet prepared to render.

US19 In the band 405–415 kc, stations in the aeronautical mobile service shall not cause harmful interference to stations in the radionavigation service.

US20 In Alaska, Government stations in the fixed service may be authorized to use frequencies in the band 72–73 and 75.4–76 Mc on the condition that harmful interference will not be caused to the reception of TV channel 4.

US21 Existing Government operations and non-Government stations authorized in this band as of ---------- may continue to so operate and shall not be required to afford protection to the radio astronomy service.

US22 Existing stations holding a valid authorization to operate in this band as of ---------- may continue to so operate and shall not be required to afford protection to the radio astronomy service in this band.

US23 In Alaska, the frequency bands 76–88 Mc and 88–100 Mc are allocated to Government radio services and the non-Government fixed service.

US24 Government fixed stations in the Midway Islands use frequencies in the band 54.0–54.4 Mc; U.S. stations in the broadcasting service will not be authorized to use frequencies in the band 54–60 Mc at any island in the Pacific Ocean west of the Island of Oahu, non-Government experimental stations, other than contract developmental stations, will not be authorized to use frequencies in the band 54.0–54.4 Mc at any island in the Pacific Ocean west of the Island of Oahu. This note does not apply to Alaska.

US25 The use of frequencies in the band 25.85–26.1 Mc may be authorized in any area to non-Government remote pickup broadcast base and mobile stations on the condition that harmful interference is not caused to stations in the broadcasting service.

US26 The bands 117.975–121.425 and 123.575–126.825 Mc are for air traffic control communications.

US27 The frequency 121.5 Mc is for search and rescue communications. Aeronautical utility land and mobile stations may use this frequency on the condition that no harmful interference is caused to search and rescue communications during any period of search and rescue operations in the locale involved.

US28 The band 121.65–121.975 Mc is for use by aeronautical utility land and mobile stations, and for air traffic control communications.

US29 The current use of the band 121.975–123.075 Mc by military aircraft is temporary and may continue until they are moved to an appropriate band.

US30 The band 121.975–123.075 Mc is available to FAA aircraft for communications pursuant to flight inspection functions in accordance with the Federal Aviation Act of 1958.

US31 The band 121.975–123.075 Mc is for use by private aircraft stations. The frequencies 122.8 and 123.0 Mc may also be used by aeronautical advisory stations.

US32 The band 123.075–123.575 Mc is for (a) non-Government operations in accordance with the Commission's Rules and (b) for FAA communications incident to flight test activities pertinent to aircraft certification.

US33 The band 123.075–123.575 Mc is for use by flight test and flying school stations.

US34 The only non-Government service permitted in the band 220–225 Mc is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US35 Except as provided by footnote (US6), the only non-Government service permitted in the band 420–450 Mc is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US36 Each non-Government station in the fixed service, authorized to operate in the band 890–942 Mc and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date, and shall be protected from harmful interference from the radiolocation service during such term. Renewals of such authorizations, however,

shall be contingent upon the condition that each such fixed station (1) accept any harmful interference that may be experienced from the operation of ISM equipments on 915 Mc, (2) accept any harmful interference that may be experienced from the radiolocation service and (3) shall not cause harmful interference to the radiolocation service.

US37 The only non-Government service permitted in the band 1215–1300 Mc is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US38 The non-Government use of the band 1300–1350 Mc is limited to the aeronautical radionavigation service.

US39 Radio altimeters are permitted in the band 1600–1660 Mc until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

US40 The only non-Government service permitted in the band 2300–2450 Mc is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US41 The Government radiolocation service is permitted in the band 2450–2500 Mc on the condition that harmful interference is not caused to non-Government services.

US42 Temporarily, and until certain operations of the radiolocation service in the band 2700–2900 Mc can be transferred to other appropriate frequency bands, the aeronautical radionavigation and meteorological aids services may, in certain geographical areas, be subject to receiving some degree of interference from the radiolocation service.

US43 Non-Government land based radars in the aeronautical radionavigation service may be authorized in the band 2700–2900 Mc, subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned, and upon special showing of need for service which the Government is not yet prepared to render.

US44 The non-Government radiolocation service may be authorized in the band 2900–3100 Mc on the condition that no harmful interference is caused to Government services.

US45 Each non-Government radiolocation land or radiolocation mobile station authorized to operate in the band 3100–3246 Mc, 3266–3300 Mc, or 9200–9300 Mc and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station shall not cause harmful interference to Government services.

US46 Each non-Government radionavigation station authorized to operate a shipborne radar in the band 3100–3246 Mc, and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station must accept any harmful interference that might be experienced from Government services in that band.

US47 The band 4200–4400 Mc is reserved exclusively for radio altimeters until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

US48 The non-Government radiolocation service may be authorized in the band 5350–5460 Mc on the condition that it does not cause harmful interference to the aeronautical radionavigation service or to the Government radiolocation service.

US49 The non-Government radiolocation service may be authorized in the band 5460–5470 Mc on the condition that it does not cause harmful interference to the aeronautical or maritime radionavigation services or to the Government radiolocation service.

US50 The non-Government radiolocation service may be authorized in the band 5470–5600 Mc on the condition that it does not cause harmful interference to the maritime radionavigation service or to the Government radiolocation service.

US51 In the band 5600–5650 Mc, the non-Government radiolocation service shall not cause harmful interference to the Government radiolocation service.

US52 The only non-Government service permitted in the band 5650–5925 Mc is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US53 In the band 8750–8850 Mc, Government and non-Government airborne doppler radars in the aeronautical radionavigation service may be authorized temporarily until moved to a frequency band allocated to the aeronautical radionavigation service, and meanwhile must accept any harmful interference that may be experienced from the radiolocation service.

US54 Temporarily, and until certain operations of the radiolocation service in the band 9000–9200 Mc can be transferred to other appropriate frequency bands, the aeronautical radionavigation service may, in certain geographical areas, be subject to receiving some degree of interference from the radiolocation service.

US55 The non-Government radiolocation service may be authorized in the band 9000–9200 Mc on the condition that harmful interference is not caused to the aeronautical radionavigation service or the Government radiolocation service.

US56 The non-Government radiolocation service may be authorized in the band 9300–9500 Mc on the condition that harmful interference is not caused to the Government radiolocation service.

US57 In the band 9750–9850 Mc, Government and non-Government airborne doppler radars in the aeronautical radionavigation service may be authorized temporarily until moved to a frequency band allocated to the aeronautical radionavigation service, and meanwhile must accept any harmful interference that may be experienced from the radiolocation service.

US58 In the band 10,000–10,500 Mc, pulsed emissions are prohibited. The amateur service and non-Government radiolocation services, which shall not cause harmful interference to the Government radiolocation service, are the only non-Government services permitted in this band. The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed one watt into the antenna.

US59 The band 10,500–10,550 Mc is restricted to systems using other than pulsed emissions with a power not to exceed 40 watts into the antenna.

US60 The use of this band by non-Government services is limited to the space and earth-space services.

US61 The use of this band by non-Government services is limited to the amateur service.

US62 The use of this band by Government services is limited to space and earth-space services.

US63 The use of this band in the space and earth-space services is primarily for communications other than telemetering and tracking.

US64 The use of this band in the space and earth-space services is primarily for telemetering and tracking.

US65 The use of the band 5460–5650 Mc by the maritime radionavigation service is limited to shipborne radars.

US66 The use of the band 9300–9500 Mc by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

US67 The use of the band 9300–9500 Mc by the meteorological aids service is limited to ground-based radars. Radiolocation installations will be coordinated with the meteorological aids service and, insofar as practicable, will be adjusted to meet the requirements of the meteorological aids service.

US68 The non-Government use of this band is limited to the radio astronomy service.

US69 In the band 31,800–33,400 Mc, ground-based radionavigation aids are not permitted except where they operate in cooperation with airborne or shipborne radionavigation devices.

US70 The meteorological aids service allocation in the band 400–406 Mc does not preclude the operation therein of associated ground transmitters.

US71 In the band 9300–9320 Mc, low-powered maritime radionavigation stations shall be protected from harmful interference caused by the operation of land-based equipment.

US72 In the band 24,250–25,250 Mc, Government radiolocation devices (A5DE) are permitted between 24,250–24,470 Mc on a shared basis.

US73 Where protection of space or earth-space operations is necessary at specific ground receiving stations from fixed and mobile service operations in the band 1427–1429 Mc, coordination will be effected with agencies concerned to accomplish such local protection.

US74 The radio astronomy service shall be protected from harmful interference from services operating in other bands only to the extent that these services are protected from each other.

US75 Except as provided by footnote US21, the non-Government use of this band is limited to the radio astronomy service.

US76 The allocation to the space and earth-space services is for research purposes only.

US77 The frequencies 156.6 and 156.7 Mc for use on a simplex basis and the frequency pair 157.0/161.6 Mc for ship and coast stations, respectively, for use on a duplex basis, may also be authorized to Government stations in the maritime mobile service for port operations only.

US78 In the band 1435–1535 Mc, the frequencies between 1435 and 1485 Mc will be assigned primarily for the flight testing of manned aircraft, or major components thereof; the frequencies between 1485 and 1535 Mc will be assigned primarily for the flight testing of unmanned aircraft and missiles or major components thereof. Specifically included as permissible usage for aeronautical telemetering stations in the band 1435–1535 Mc is telemetry associated with launching and reentry into the earth's atmosphere, as well as any incidental orbiting prior to reentry, of manned or unmanned objects undergoing flight tests.

[F.R. Doc. 61–1089; Filed, Feb. 21, 1961; 8:45 a.m.]



## [ 47 CFR Part 3 ]

[Docket No. 13960 (RM–219); FCC 61–221]

## TABLE OF ASSIGNMENTS

### Television Broadcast Station in Ogden, Utah

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has under consideration a petition filed December 20, 1960 by the Ogden City Board of Education asking that Channel 24 now assigned to Ogden, Utah, be reserved for noncommercial educational use in that community. Channels 9+, *18– and 24 are now assigned to Ogden which has a population of 70,197 according to the 1960 U.S. Census. Commercial station KVOG–TV has been authorized to use Channel 9 and educational station KWCS–TV operated by The Weber County School District has been authorized to operate on Channel 18. Both of these stations now have license applications pending. No application has been filed for Channel 24.

3. Petitioner states it has for some time been considering the use of television for educational purposes. Such use has also been considered by a committee consisting of 50 educators and laymen which has for the past two years been studying the curriculum of the Ogden Public Schools. Following this study, petitioner has authorized an application to be made for a television station on Channel 24 and desires the channel be reserved for educational use.

4. For the past year and a half the Ogden Public Schools have been making use of the educational programming provided by educational station KUED, Channel 7, Salt Lake City, Utah, operated by the University of Utah. Salt Lake City has a population of 182,121 according to the 1960 U.S. Census and is located some 30 miles north from Ogden. About 1,000 Ogden students have been receiving the foreign language programs provided by Station KUED and many other students have been using other programs from this station. The Ogden Public Schools have provided some of the programs broadcast by Station KUED.

5. Petitioner asserts that, while it is cooperating with the Weber County School District in its planned operation of educational Station KWCS–TV in Ogden, an additional television station is needed to provide a more inclusive offering of television instruction for students in the Ogden area.

6. The Commission is of the view that a rule making proceeding should be instituted so that all interested parties may submit their views upon the Ogden City Board of Education proposal.

7. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested persons may file comments on or before March 15, 1961, and reply comments on or before March 24, 1961. In reaching its decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of comments on record, but will take into account all relevant information obtained in any manner from informed sources.

9. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: February 15, 1961.

Released: February 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1571; Filed, Feb. 21, 1961; 8:49 a.m.]

## [ 47 CFR Parts 7, 8, 9, 10, 11, 16 ]

[Docket No. 13953; FCC 61–200]

## CERTAIN FREQUENCY PAIRING AND OMNIDIRECTIONAL OPERATIONS

### Notice of Proposed Rule Making

In the matter of amendment of Parts 7, 8, 9, 10, 11, and 16 of the Commission's rules to provide for frequency pairing in the 952–960 Mc frequency band, and to make the channel 952.5 Mc available to public safety radio licensees for omnidirectional operations.

1. In its Report and Order in Docket No. 11866, released August 6, 1959, the Commission considered the use of microwave frequencies for omnidirectional antenna systems and, on the basis of information then before it, determined that the use of such systems would probably curtail substantially the use which might otherwise be made of microwave frequencies. However, it noted that there appeared to be a need for such systems by public safety organizations. It, therefore, decided that, since it appeared that such systems probably would be confined to intracity areas, frequencies above 16,000 Mc could be utilized for such operations. Accordingly, it was provided that applications for such systems would be considered on a case-by-case basis and authorizations therefor would be issued only upon complete and specific factual showing by applicants of exception and unique circumstances requiring the use of such systems.

2. Simultaneously with the release of the above-mentioned Report and Order, the Commission released a Notice of Proposed Rule Making in Docket No. 13083 setting forth certain proposed technical standards governing the grant of applications for the use of microwave frequencies above 952 Mc for private microwave systems, excluding broadcasters. Several parties filed comments in such proceeding specifically directed to the use of microwave frequencies for omnidirectional systems. In its Report and Order in Docket No. 13083, released July 22, 1960, the Commission adopted certain of the interim technical standards, effective January 1, 1961.[1] However, it pointed out that the question of the use of microwave frequencies for omnidirectional systems was beyond the scope of that proceeding and stated that the action taken therein was without prejudice to any action which might subsequently be taken on this matter.

3. In the interim, since the release of the Commission's Report and Order in Docket 11866, there has come to the attention of the Commission information which indicates the advisability of reviewing the question as to the use of microwave frequencies in the band 952–960 Mc, in addition to the 16,000 Mc band, for the use of omnidirectional antenna systems by public safety organizations. This rule making proposal is, therefore, directed toward consideration of this problem as well as the problem of channeling assignable frequencies in the Safety and Special Radio Services in the 952–960 Mc band.

4. With respect to this latter point, one of the Commission's determinations in the Report and Order in Docket 13083 was that the frequency band 952–960 Mc should be divided so as to create channels having a bandwidth of 100 kc. The Commission has considered several alternate means of effectuating this finding, cognizant that any such action should meet the following criteria: (a) maximum utilization of the band; (b) minimum inconvenience to presently authorized microwave systems, and (c) conformity with the provisions of § 2.104(a)(5), footnote NG 15, of Part 2 of the Commission's rules. This footnote which governs the frequency band 952–960 Mc reads as follows:

> Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the highest frequency in band is assigned which will not cause interference to stations in that area already assigned frequencies in accordance with the Table of frequency allocations.

5. In light of these criteria, the Commission is proposing that in each of the Services governed by the above-captioned rules parts the frequencies between 952–960 Mc be assignable as follows:

| *Paired frequencies* | | *Paired frequencies* | |
|---|---|---|---|
| 959.9 | 956.3 | 958.1 | 954.5 |
| 959.8 | 956.2 | 958.0 | 954.4 |
| 959.7 | 956.1 | 957.9 | 954.3 |
| 959.6 | 956.0 | 957.8 | 954.2 |
| 959.5 | 955.9 | 957.7 | 954.1 |
| 959.4 | 955.8 | 957.6 | 954.0 |
| 959.3 | 955.7 | 957.5 | 953.9 |
| 959.2 | 955.6 | 957.4 | 953.8 |
| 959.1 | 955.5 | 957.3 | 953.7 |
| 959.0 | 955.4 | 957.2 | 953.6 |
| 958.9 | 955.3 | 957.1 | 953.5 |
| 958.8 | 955.2 | 957.0 | 953.4 |
| 958.7 | 955.1 | 956.9 | 953.3 |
| 958.6 | 955.0 | 956.8 | 953.2 |
| 958.5 | 954.9 | 956.7 | 953.1 |
| 958.4 | 954.8 | 956.6 | 953.0 |
| 958.3 | 954.7 | 956.5 | 952.9 |
| 958.2 | 954.6 | 956.4 | 952.8 |

[1] As a result of a petition for reconsideration, the Commission in a Memorandum Opinion and Order released November 8, 1960, agreed, inter alia, to postpone the effective date to July 20, 1961.

| *Unpaired frequencies* | | | |
|---|---|---|---|
| 952.7 | [1] 952.5 | 952.3 | 952.1 |
| 952.6 | 952.4 | 952.2 | |

[1] Available for omnidirectional use by licensees authorized under Part 10 of this chapter.

6. The result of this assignment plan would be the creation of 36 pairs of frequencies in this band and would conform to the present informal policy of pairing now followed by the Commission. In other words, adoption of this plan would not require any frequency shifting by systems presently authorized in this band.

7. It should be noted that this assignment plan leaves seven frequencies unpaired: 952.7, 952.6, 952.5, 952.4, 952.3, 952.2, and 952.1 Mc. As indicated in paragraph two above, in their comments filed pursuant to the Commission's Notice of Proposed Rule Making in Docket No. 13083, both Electronic Industries Association (EIA), Washington, D.C., and Motorola, Inc., Chicago, Illinois, pointed out that various Public Safety Radio Systems had a need for omnidirectional antenna operations in the frequency band 952–960 Mc, particularly to control traffic lights. In the past, municipalities desiring to establish any centralized control over their traffic lights were forced to rely on cable since radio equipment and frequencies for this purpose were not available. The increasingly prohibitive cost of laying this cable has brought this method of controlling traffic lights to a virtual standstill. However, the problem of traffic flow in and out of metropolitan areas has worsened considerably in recent years. The movement of large numbers of urban workers into rural and suburban areas has intensified the need of bigger municipalities to be able to control the traffic volume throughout this metropolitan area. An appropriately coordinated system of radio-controlled traffic lights would, to a large extent, enable these governmental entities to solve this traffic problem over the entire metropolitan area. Adopting this approach, entities such as Washington, D.C., and Seattle, Washington, have established omnidirectional antenna traffic light systems. They are presently authorized to operate on the frequency 952.5 Mc on a developmental basis (i.e., one year licenses). The omnidirectional aspect appears to be necessary to enable the licensees to obtain adequate coverage and control in every direction; that is, over the whole metropolitan area to be served. Other such entities have recently expressed interest in installing similar systems. Use of an omnidirectional antenna is requested both from the standpoint of financial practicability and wide metropolitan area coverage. The experience of those licensees referred to above indicates that omnidirectional operation on the frequency 952.5 Mc has resulted in adequate area coverage with no interference to other systems in the 952–960 Mc band.

8. In light of the proposed frequency assignment plan set forth above and in view of the apparent immediate need by governmental entities for a channel in this band for omnidirectional traffic light control, it appears that the public interest may be served by making the frequency 952.5 Mc available for such usage by licensees in the Public Safety Radio Services. As a result of the comments submitted in this proceeding, the Commission may make some, or all, of the remaining six frequencies available for omnidirectional use by these Part 10 licensees or by any other group which satisfactorily demonstrates a similar need. Attention, however, should be directed to the factors enumerated in Paragraph 7, supra, which indicates to the Commission that public safety licensees may have an immediate valid requirement for omnidirectional usage in the 952–960 Mc frequency band over and above any need and requirement for the use of frequencies in the bands above 16,000 Mc. Of course, this proceeding also affords an opportunity for interested parties to advance other potential uses which can be carried out on one of these unpaired frequencies.

9. Authority for the rule amendments proposed herein is contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

10. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before May 15, 1961, a written statement or brief setting forth his comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of section 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding. If comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

11. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, and comments filed shall be furnished the Commission.

Adopted: February 15, 1961.

Released: February 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1572; Filed, Feb. 21, 1961; 8:49 a.m.]

## [ 47 CFR Parts 31, 33, 34, 35 ]

[Docket No. 11913; FCC 61-195]

## USE OF ACCELERATED DEPRECIATION FOR INCOME TAX PURPOSES

### Accounting for Income Tax Differentials

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of February 1961;

The Commission having under consideration the rule making proceeding in the above-captioned matter which was instituted on January 17, 1957 concerning the accounting to be followed by carriers subject to this Commission's uniform systems of accounts (Parts 31, 33, 34 and 35 of the Commission's rules and regulations) with respect to their use of accelerated depreciation for income tax purposes;

It appearing that comments were timely filed on the rule making proposal by fifteen parties and there were no comments or briefs filed in reply to the original comments received; and

It further appearing that relatively few communication common carriers subject to our accounting rules and regulations are using accelerated depreciation for income tax purposes; that interest in such use of accelerated depreciation by communication common carriers has diminished since the commencement of this proceeding; and that, therefore, it is neither necessary nor desirable under these circumstances to amend our various systems of accounts to give specific accounting treatment to this subject;

It further appearing that with respect to any communication common carrier who currently or hereafter may use accelerated depreciation for income tax purposes, it may apply to the Commission for specific waiver of our accounting rules and regulations in the event it believes that such rules and regulations do not adequately accommodate its accounting requirements, as heretofore has been done from time to time in the case of a few such companies;

It further appearing that, in view of the foregoing reasons no useful purpose would be served by holding oral argument in this matter;

*It is ordered*, That the request of the Wisconsin Public Service Commission for oral argument should be, and it is hereby, denied; and

*It is further ordered*, That the proceeding in this matter is terminated.

Released: February 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1573; Filed, Feb. 21, 1961; 8:49 a.m.]

# Notices

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### CABBAGE

### Notice of Purchase Program BMP 45a

In order to encourage domestic consumption of cabbage by diversion from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, a cabbage purchase program was made effective on January 25, 1961, and will continue as needed but no later than March 15, 1961. Purchases under this program will be made in producing areas where surpluses are causing serious marketing problems. Cabbage so purchased will be distributed to nonprofit school lunch programs and other eligible outlets. The quantity to be purchased will depend upon marketing conditions at the time of purchase, the availability of outlets for the use of cabbage without waste, and upon the amount of funds available for such purchases. Information relative to this purchase program may be obtained from: Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D.C.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: February 16, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-1554; Filed, Feb. 21, 1961; 8:47 a.m.]

[P. & S. Docket No. 1246]

## ST. LOUIS NATIONAL STOCKYARDS CO.

### Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on March 2, 1959 (18 A.D. 228), authorizing the respondent, St. Louis National Stockyards Company, to assess the current temporary schedule of rates and charges to and including June 30, 1961, unless modified or extended by further order before the latter date.

On Febrary 10, 1961, a petition was filed on behalf of the respondent requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requesting that the current schedule, as so modified, be continued in effect to and including June 30, 1963.

SECTION I

YARDAGE CHARGES

| | *Rate per Head* *Present* | *Proposed* |
|---|---|---|
| A. Livestock sold or resold in the Commission Division: | | |
| Cattle (except bulls weighing 800 lbs. or over) | $1.00 | $1.10 |
| Calves (400 lbs. or under) | .56 | .62 |
| Hogs (except boars) | .36 | .39 |
| Sheep and Goats | .24 | .28 |
| Bulls weighing 800 lbs. or over | 1.65 | 1.80 |
| Boars | 1.00 | 1.15 |
| B. Livestock received directly by packers through the yards: | | |
| Cattle (except bulls weighing 800 lbs. or over) | .50 | .55 |
| Calves (400 lbs. or under) | .28 | .31 |
| Hogs (except boars) | .18 | .20 |
| Sheep and Goats | .12 | .14 |
| Bulls weighing 800 lbs. or over | .83 | .90 |
| Boars | .50 | .58 |

SECTION I–C

DELIVERY CHARGE

Delivery of hogs from truck unloading chutes to market agency pens, 2½ cents [presently 1½ cents] per head.

Delivery of sheep and goats from truck unloading chutes to Market Agency pens, 3 cents per head. [new]

This charge will be assessed against the market agency receiving the livestock.

* * * * *

Section VII

SALE PAVILION CHARGES

*Present*

This Company maintains special premises for the handling of purebred and other auction sales of cattle, calves, hogs, sheep or goats, but special arrangements for the care of such operations must be made in advance.

In addition to yardage, the charges will be:

Cattle—$1.00 per head ring fee; sheep, goats, or hogs—as per special contract.

Regular charges for all feed.

*Proposed*

Charges on regular auction sales of stocker and feeder cattle and calves held under the auspices of the market interests, will be the regular cattle yardage charge published herein, plus a ring fee of 25 cents per head with a maximum ring fee of $5.00 per lot.

Regular charges for all feed.

Arrangements and charges for use of facilities for special sales must be arranged with Stockyards Company.

NOTE: Section I calf yardage rates do not apply to calves sold in auction.

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 17th day of February 1961.

LEE D. SINCLAIR,
*Acting Director, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61-1560; Filed, Feb. 21, 1961; 8:49 a.m.]

### Office of the Secretary

### ARKANSAS, MINNESOTA, AND TEXAS

### Designation of Areas for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the States of Arkansas, Minnesota, and Texas production disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Independence.

MINNESOTA

Big Stone. Swift.
Chippewa.

TEXAS

Castro. Hockley.
Hale.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of February, 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1555; Filed, Feb. 21, 1961; 8:47 a.m.]

### NORTH DAKOTA

### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of North Dakota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative

lending agencies, or other responsible sources.

NORTH DAKOTA

| | |
|---|---|
| Adams. | Logan. |
| Bottineau. | McHenry. |
| Bowman. | McIntosh. |
| Burke. | McKenzie. |
| Burleigh. | McLean. |
| Cass. | Morton. |
| Cavalier. | Mountrail. |
| Dickey. | Pierce. |
| Divide. | Ransom. |
| Dunn. | Renville. |
| Emmons. | Sheridan. |
| Golden Valley. | Sioux. |
| Grant. | Slope. |
| Hettinger. | Stark. |
| Kidder. | Stutsman. |
| LaMoure. | Williams. |

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1556; Filed, Feb. 21, 1961; 8:47 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12876, 12877; FCC 61M-250]

## AUDIOCASTING OF TEXAS, INC., AND HORACE K. JACKSON, SR.

### Order Continuing Hearing

In re applications of Audiocasting of Texas, Inc., Waco, Texas, Docket No. 12876, File No. BP-11851; Horace K. Jackson, Sr., Gatesville, Texas, Docket No. 12877, File No. BP-12550; for construction permits for new standard broadcast stations.

The Hearing Examiner having before him a Petition for Extension of Time for hearing in the above-entitled proceeding, filed by Audiocasting of Texas, Inc., on February 14, 1961; and

It appearing that the other parties to the proceeding have consented to grant of the requested extension of time and have also consented to immediate consideration of that request;

*It is ordered*, This 15th day of February 1961, that the Petition for Extension of Time filed by Audiocasting of Texas, Inc., on February 14, 1961, is granted; and the hearing now scheduled for February 15, 1961, is continued to February 28, 1961, at 9:00 a.m.

Released: February 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1574; Filed, Feb. 21, 1961; 8:49 a.m.]

[Docket No. 13014 etc.; FCC 61M-257]

## BUREAU BROADCASTING CO. ET AL.

### Notice of Further Prehearing Conference

In re applications of Russell Armentrout and Mildred Armentrout, d/b as Bureau Broadcasting Company, Princeton, Illinois, Docket No. 13014, File No. BP-12135; Chief Pontiac Broadcasting Co. (WPON), Pontiac, Michigan, Docket No. 13020,[1] File No. BP-12236; Booth Broadcasting Company (WIBM), Jackson, Michigan, Docket No. 13026,[1] File No. BP-12349; Harmon Leroy Stevens and John F. Wismer, d/b as Stevens-Wismer Broadcasting Company (WHLS), Port Huron, Michigan, Docket No. 13028,[1] File No. BP-12368; Midwestern Broadcasting Company (WATZ), Alpena, Michigan, Docket No. 13048,[1] File No. BP-13081; WPAR, Inc. (WPAR), Parkersburg, West Virginia, Docket No. 13050,[1] File No. BP-13113; Dover Broadcasting Company, Inc. (WJER), Dover, Ohio, Docket No. 13051,[1] File No. BP-13127; Cleveland Broadcasting Company, Sandusky, Ohio, Docket No. 13052,[1] File No. BP-13142, et al., Docket Nos. 13016, 13017, 13018, 13019, 13021, 13022, 13023, 13025, 13027, 13029, 13030, 13031, 13032, 13033, 13034, 13035, 13036, 13038, 13039, 13040, 13041, 13042, 13044, 13045, 13046, 13047, 13049, 13053, 13648; for construction permits.

There will be a further prehearing conference in Group VIII, on Friday February 24, 1961, at 9 a.m., in the offices of the Commission, Washington, D.C.

Dated: February 16, 1961.

Released: February 17, 1961

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1575; Filed, Feb. 21, 1961; 8:49 a.m.]

[Docket No. 13948; FCC 61M-246]

## HARFORD COUNTY BROADCASTING CO. (WAMD)

### Order Scheduling Hearing

In re application of John L. Allen, tr/as Harford County Broadcasting Company (WAMD), Aberdeen, Maryland, Docket No. 13948, File No. BP-12529; for construction permit.

*It is ordered*, This 15th day of February 1961, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 17, 1961, in Washington, D.C.

Released: February 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1576; Filed, Feb. 21, 1961; 8:49 a.m.]

[1] Group VIII.

[Docket No. 13949; FCC 61M-247]

## JEFFERSON COUNTY BROADCASTING CO.

### Order Scheduling Hearing

In re application of Paul Metcalfe, Kenneth Dearstone, and Ray Smith, d/b as Jefferson County Broadcasting Company, Jefferson City, Tennessee, Docket No. 13949, File No. BP-12824; for construction permit.

*It is ordered*, This 15th day of February 1961, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 12, 1961, in Washington, D.C.

Released: February 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1577; Filed, Feb. 21, 1961; 8:49 a.m.]

[Docket Nos. 13950, 13951; FCC 61M-248]

## SANTA FE BROADCASTING CO. AND VALLEY BROADCASTERS

### Order Scheduling Prehearing Conference

In re applications of Jim H. Speck, tr/as Santa Fe Broadcasting Co., Santa Fe, New Mexico, requests: 970 kc, 1 kw, Day, Docket No. 13950, File No. BP-12411; E. Boyd Whitney and John Burroughs d/b as Valley Broadcasters, Espanola, New Mexico, requests: 970 kc, 1 kw, Day, Docket No. 13951, File No. BP-13008; for construction permits.

*It is ordered*, This 15th day of February 1961, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 12, 1961, in Washington, D.C.

Released: February 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1578; Filed, Feb. 21, 1961; 8:49 a.m.]

[Docket Nos. 13918, 13919; FCC 61M-245]

## UNITED BROADCASTING CO., INC., AND PURITAN BROADCAST SERVICE, INC.

### Order Scheduling Prehearing Conference

In re applications of United Broadcasting Co., Inc., Beverly, Massachusetts, Docket No. 13918, File No. BPH-3129; Puritan Broadcast Service, Inc., Lynn, Massachusetts, Docket No. 13919, File No. BPH-3185; for construction permits (FM).

*It is ordered*, This 15th day of February 1961, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 2:00 p.m., on March 9, 1961, in the offices of the Commission at Washington, D.C.

Released: February 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1579; Filed, Feb. 21, 1961; 8:49 a.m.]

[Docket No. 13944; FCC 61M-240]

## UNITED TELEVISION COMPANY OF NEW HAMPSHIRE (WMUR-TV)

### Order Scheduling Prehearing Conference

In re application of United Television Company of New Hampshire (WMUR-TV), Manchester, New Hampshire, Docket No. 13944, File No. BPCT-2770; for construction permit to change existing facilities (Channel 9).

*It is ordered*, This 14th day of February 1961, that a prehearing conference, pursuant to § 1.111 of the Commission's rules, will be held in the above-entitled matter at 10:00 a.m., March 2, 1961, in the Commission's offices in Washington, D.C.

Released: February 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1580; Filed, Feb. 21, 1961; 8:49 a.m.]

[Canadian List 155]

## CANADIAN BROADCAST STATIONS

### List of Changes, Proposed Changes and Corrections in Assignments

JANUARY 30, 1961.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in Assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

| Call letters | Location | Power kw | Antenna | Schedule | Class | Expected date of commencement of operation |
|---|---|---|---|---|---|---|
| | | *600 kilocycles* | | | | |
| CFCH | North Bay, Ontario | 10 kw D/5 kw N | DA-2 | U | III | NIO with increased power. |
| | | *850 kilocycles* | | | | |
| New | Windsor, Ontario | 1 | DA-D | D | II | EIO January 15, 1962. |
| CKRD (PO: 850 kc 1 kw DA-1). | Red Deer, Alberta | *10 kw* D/1 kw N | *DA-N* | U | II | Do. |
| | | *930 kilocycles* | | | | |
| CFBC | St. John, New Brunswick | 10 kw D/5 kw N | DA-2 | U | III | NIO with increased daytime power. |
| | | *1050 kilocycles* | | | | |
| CJIC | Sault Ste. Marie, Ontario | 10 kw D/2.5 kw N | DA-N | U | II | Do. |
| | | *1060 kilocycles* | | | | |
| CJLR (PO: 1060 kc 5 kw DA-1). | Sillery, Quebec | *10 kw* | DA-1 | U | II | EIO January 15, 1962. |

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1581; Filed, Feb. 21, 1961; 8:50 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 12109]

## COMPANIA DE AVIACION "FAUCETT", S.A.

### Notice of Prehearing Conference

In the matter of the application of Compania de Aviacion "Faucett", S.A. for a foreign air carrier permit to operate a scheduled service carrying passengers, property and mail from Peru via Panama to Miami, Florida and Washington, D.C.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 1, 1961, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., February 17, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-1570; Filed, Feb. 21, 1961; 8:49 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## NEVADA

### Notice of Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 14, 1961.

The Department of the Navy filed an application for withdrawal and reservation of lands, serial number Nevada 032396, on February 3, 1955. The applicant agency has canceled the application in its entirety. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m., on March 22, 1961, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 9 S., R. 41 E., unsurveyed.
Tps. 9 and 10 S., R. 42 E., unsurveyed.

CHARLES E. HANCOCK,
*Acting State Supervisor,*
*Post Office Box 1551, Reno, Nev.*

[F.R. Doc. 61-1550; Filed, Feb. 21, 1961; 8:45 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RI61-335]

## ATLANTIC REFINING CO.

### Order Providing for Hearing on and Suspension of Proposed Change in Rate and Allowing Increased Rate To Become Effective Subject to Refund; Correction

FEBRUARY 15, 1961.

In the Order Providing For Hearing On And Suspension Of Proposed Change In Rate And Allowing Increased Rate To Become Effective Subject To Refund, issued January 26, 1961, and published in the FEDERAL REGISTER on February 2, 1961 (F.R. Doc. 61-937; 26 F.R. 1039): Add the following sentence to the first paragraph: "The 0.25¢ per Mcf increase represents a dehydration allowance which the buyer has agreed to pay."

Ordering paragraphs "(B), (C), and (D)" should be redesignated paragraphs "(C), (D), and (E)" respectively. The following ordering paragraph "(B)" should be inserted:

(B) Pending hearing and decision thereon, Supplement No. 9 to Atlantic's FPC Gas Rate Schedule No. 57 is hereby suspended and the use thereof deferred until January 29, 1961, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1545; Filed, Feb. 21, 1961; 8:45 a.m.]

[Docket No. CP61-176]

## UNITED GAS PIPE LINE CO.

### Notice of Application and Date of Hearing

FEBRUARY 15, 1961.

Take notice that on December 23, 1960, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed an application, as supplemented on January 11, 1961, in Docket No. CP61-176, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate 0.012 of a mile of

4-inch pipeline extending from its existing 6-inch Mineola-Van Field supply lateral to the Town of Van, Texas (Van) and a meter station, all in Van Zandt County, Texas, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant proposes to use these facilities to sell and deliver natural gas to United Gas Corporation (United) for resale and distribution in Van.

Applicant states that Van is now receiving natural gas service from Pure Oil Company (Pure) in conjunction with Pure's lease operations in the Van Field; however, due to a change in such operations Pure will cease serving Van at an early date. The application shows that United will acquire from Pure the distribution system in Van; the initial cost of acquiring and placing the Van distribution system in operation is estimated at $36,228.

The estimated natural gas requirements of Van are as follows:

| Year: | Mcf at 14.9 psia Peak day | Annual |
|---|---|---|
| 1 | 1,200 | 71,500 |
| 2 | 1,225 | 73,000 |
| 3 | 1,250 | 74,500 |

The proposed service will be rendered at a rate of 24.2 cents per Mcf by Applicant to United under a service agreement, dated December 19, 1960.

Applicant estimated the total capital cost of its proposed project at $7,058, which cost will be financed out of current working funds.

The application recites that Pure has advised that it requires no abandonment authorization from any regulatory body within the State of Texas to cease service to Van and that United has advised that it does not require any authorization to commence service to Van other than the 30-year franchise which has been granted by Van.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 20, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 10, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1546; Filed, Feb. 21, 1961; 8:45 a.m.]

# FEDERAL RESERVE SYSTEM

## NEW YORK HOLDING CORP.

### Notice of Receipt of Application

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by New York Holding Corporation, White Plains, New York, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of action whereby, pursuant to a Plan under which it would acquire the capital stock of the proposed Wall Street Trust Company, New York, New York, and the proposed Main Street Trust Company, White Plains, New York, New York Holding Corporation would become a bank holding company.

This application has been filed in conjunction with applications by Bankers Trust Company, New York, New York, and County Trust Company, White Plains, New York, filed pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), for the Board's prior written consent to merge, respectively, with the proposed Wall Street Trust Company and the proposed Main Street Trust Company, the shares of which banks New York Holding Corporation herein proposes to acquire.

In determining whether to approve the application submitted pursuant to section 3(a) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 16th day of February 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 61-1547; Filed, Feb. 21, 1961; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 364]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 17, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., United States standard time, unless otherwise specified.

### APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

#### MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub No. 118) (AMENDMENT), filed May 2, 1960, published in the FEDERAL REGISTER issue of November 9, 1960. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in bulk, bags or packages, from points in Bannock, Caribou, and Bear Lake Counties, Idaho, and Salt Lake and Utah Counties, Utah, on the one hand, and, on the other, points in Oregon, Idaho, Montana, Utah, Washington, Nevada, Colorado, and California.

*HEARING:* April 19, 1961, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Frank R. Saltzman.

No. MC 2392 (Sub No. 21), filed December 15, 1960. Applicant: WHEELER TRANSPORT SERVICE, INC., Genoa, Nebr. Applicant's attorney: R. E. Powell, 1005-06 Trust Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia, nitrogen fertilizer solutions, urea solutions, fertilizer ammoniating solutions, mixed fertilizer solutions and other fertilizer solutions*, in bulk, in tank vehicles, (1) from the plant site of the Allied Chemical Corporation at or near LaPlatte, Nebr., and from Omaha, Nebr., to points in Iowa, Kansas, South Dakota, Illinois, Minnesota, Missouri, and Nebraska, and (2) from Jefferson, Iowa, and points within 10 miles thereof, to points in Iowa, Kansas, South Dakota, Illinois, Missouri, Nebraska, and Minnesota, and *damaged or rejected shipments* of above-described commodities from the above-specified destination points to their respective origin points.

*HEARING:* March 24, 1961, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Jerry F. Laughlin.

No. MC 4405 (Sub No. 374) (CORRECTION), filed January 3, 1961, published in the FEDERAL REGISTER issue of January 25, 1961. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers*, and *trailer chassis*, except those designed to be drawn by passenger automobiles, in initial movements, by truckaway and driveaway service; from points in El Paso County, Tex., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, and (2) *tractors*, in secondary driveaway movements, only when drawing trailers or trailer chassis moving in initial driveaway movements, over irregular routes; from points in El Paso County, Tex., to points in Alaska, Arizona, Nevada, and Oregon.

NOTE: This republication corrects the origin territory to read "points in El Paso County, Texas", in lieu of El Paso, Tex.

*HEARING:* Remains as assigned March 20, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 20992 (Sub No. 10), filed January 6, 1961. Applicant: WILLIAM DOTSETH, Rural Route, Knapp, Wis. Applicant's attorney: W. P. Knowles, New Richmond, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and sawed lumber, poles, ties, pallets, flooring, and manufactured wood products*, from points in that part of Wisconsin north of U.S. Highway 16 and west of State Trunk Highway 53, to points in Illinois, Iowa and Minnesota, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* May 4, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Frank R. Saltzman.

No. MC 25708 (Sub No. 16) (AMENDMENT), filed January 18, 1961, published in the FEDERAL REGISTER, issue of February 8, 1961. Applicant: BEARDLANEY, INC., 1009 Church Street, P.O. Box 204, Camden, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquefied petroleum gas*, in bulk, in tank vehicles, (a) from the Jonesboro Terminal on the Trans-Southern Pipe Line near Atlanta, Ga., to points in Georgia, North Carolina, and South Carolina; (b) from the Anderson Terminal on the Trans-Southern Pipe Line near Anderson, S.C., to points in Georgia, North Carolina, and South Carolina; (c) from the Pineville Terminal on the Trans-Southern Pipe Line near Charlotte, N.C., to points in North Carolina, South Carolina, and Virginia; and (d) from the Sanford Terminal on the Trans-Southern Pipe Line near Sanford, N.C., to points in North Carolina, South Carolina, and Virginia; and (2) *Empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, from the above-described destination points to the respective origin points.

*HEARING:* Remains as assigned March 13, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner James I. Carr.

No. MC 26396 (Sub No. 35), filed October 21, 1960. Applicant: STAR TRANSFER COMPANY, a corporation, 4034 South Billings Boulevard, Billings, Mont. Applicant's attorney: J. F. Meglen, 204-205 Behner Building, 2822 Third Avenue, North, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Safflower meal* and *animal feeds*; in bulk and in bags, in truckload lots, from Culbertson, Mont., to points in Idaho, Wyoming, Colorado, Nebraska, South Dakota, and North Dakota, and *contaminated or rejected shipments* of the above-specified commodities on return; and (2) *Cement*, in bulk and in bags, not to include cement for building materials, from Trident, Mont., to points in Big Horn and Park Counties, Wyo., and *contaminated or rejected* shipments of cement on return.

*HEARING:* April 25, 1961, at the Yellowstone County Court House, Billings, Mont., before Examiner Frank R. Saltzman.

No. MC 29934 (Sub No. 11), filed February 7, 1961. Applicant: LOBIONDO BROTHERS MOTOR EXPRESS, INC., R.F.D. No. 6, Landis Avenue, Bridgeton, N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Glenshaw, Pa., to Bridgeton, N.J., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, and *rejected, returned or damaged shipments*, on return.

*HEARING:* March 30, 1961, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Samuel Horwich.

No. MC 31600 (Sub No. 492), filed February 13, 1961. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: H. C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum oil, mineral oil* and *petrolatum;* from Karns City, Pa., to the ports of entry on the United States-Canadian International Boundary at or near Rooseveltown, Fort Covington, and Champlain, N.Y., restricted to shipments moving to points in the Province of Quebec, Canada. (2) *Petroleum oil, mineral oil* and *petrolatum;* from Petrolia, Pa., to the ports of entry on the United States-Canadian International Boundary at or near Buffalo, Niagara Falls, Alexandria Bay, Ogdensburg, Rooseveltown, Fort Covington, and Champlain, N.Y., restricted to shipments moving to points in the Provinces of Ontario and Quebec, Canada. (3) *Chemicals;* from the ports of entry on the United States-Canadian International Boundary at or near Alexandria Bay, Ogdensburg, Rooseveltown, and Champlain, N.Y., for delivery to points in New York, restricted to shipments moving from the Province of Quebec, Canada; and *refused and rejected shipments*, on return, in connection with (1), (2) and (3) above.

*HEARING:* March 20, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 42261 (Sub No. 46), filed February 9, 1961. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk (except cement) and *returned or rejected shipments;* between Boonton, Rahway, Edgewater, Elizabeth, Haledon, Newark, Passaic, Paulsboro, Whippany, and Bound Brook, N.J.; Buffalo and Syracuse, N.Y.; Baltimore, Md.; Philadelphia, Sunbury, Johnsonburg, Newell, South Danville, Reynolds, and points within 10 miles of Reynolds, Pa.; Claymont, Atlas Point, and points within 10 miles of Atlas Point, Del.; Stonewall, Hopewell, and points within 15 miles of Hopewell, Va.; and Fall River, Mass.; on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

*HEARING:* February 23, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 43716 (Sub No. 23), filed February 2, 1961. Applicant: BIGGE DRAYAGE CO., a corporation, 10700 Bigge Avenue, San Leandro, Calif. Applicant's attorney: Frank Loughran, Suite 1620, Russ Building, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, the transportation of which because of size or weight, requires the use of special equipment;* between points in Idaho, Nevada, Oregon, and in California, except points in San Bernardino, Orange, Los Angeles, Riverside, San Diego, and Imperial Counties, Calif.

*HEARING:* April 17, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 44178 (Sub No. 1), filed January 3, 1961. Applicant: SMITH BROTHERS EXPRESS, INC., Hackettstown, N.J. Applicant's representative: George A. Olsen, 69 Toninele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by

the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Hackettstown, N.J., and points in Warren and Sussex Counties, N.J.

*HEARING:* March 29, 1961, at the U.S. Court Rooms, Newark, N.J., before Examiner Leo A. Riegel.

No. MC 52709 (Sub No. 125), filed February 8, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine and brandy*, in bulk, in tank vehicles, in straight loads; between points in California, on the one hand, and, on the other, points in Wisconsin, Minnesota, North Dakota, South Dakota; (2) *grape flavoring materials, non-potable*, not over 21 percent alcohol by volume, between points in California, on the one hand, and, on the other, Atlanta, Ga., and (3) *returned, rejected and contaminated shipments*, between points as shown in (1) and (2) above.

*HEARING:* April 10, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 52964 (Sub No. 6), filed January 23, 1961. Applicant: FREIGHT TRANSIT COMPANY, a corporation, 2600 University Avenue SE., Minneapolis 14, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass or plastic containers, bottles, jars, packing glasses, jelly tumblers*, with or without their equipment of *caps, covers, stoppers or tops*, in straight or mixed truckloads, or in mixed truckloads with *corrugated paper boxes or paper containers*, knocked down; from Rosemont and Valley Park (near Savage), Minn., to points in Illinois, Iowa, Kansas, Upper Peninsula of Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Muskogee, Okla. and Lapel, Ind.

*HEARING:* May 2, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Frank R. Saltzman.

No. MC 61403 (Sub No. 60), filed February 3, 1961. Applicant: THE MASON DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, including liquid glue*, in bulk, in tank vehicles; from Meredosia, Ill., and points within 10 miles thereof, to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

*HEARING:* March 7, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 102806 (Sub No. 10) (AMENDMENT), filed January 23, 1961, published in the FEDERAL REGISTER issue of February 8, 1961. Applicant: PETROLEUM TRANSPORTATION, INCORPORATED, P.O. Box 232, Gastonia, N.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from the Jonesboro Terminal on the Trans-Southern Pipe Line near Atlanta, Ga., to points in Georgia, South Carolina, and Tennessee; (2) from the Anderson Terminal on the Trans-Southern Pipe Line near Anderson, S.C., to points in Georgia, North Carolina, South Carolina, and Tennessee; (3) from the Pineville Terminal on the Trans-Southern Pipe Line near Charlotte, N.C., to points in North Carolina, South Carolina, Tennessee, and Virginia; and, (4) from the Sanford Terminal on the Trans-Southern Pipe Line near Sanford, N.C., to points in North Carolina, Tennessee, and Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* Remains as assigned March 13, 1961, at 680 Peachtree Street NW., Atlanta, Ga., before Examiner James I. Carr.

No. MC 103191 (Sub No. 10) (AMENDMENT), filed January 24, 1961, published in the FEDERAL REGISTER issue of February 8, 1961. Applicant: THE GEO. A. RHEMAN CO., INC., P.O. Box 2095, Station A, Charleston, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied* petroleum gas, in bulk, in tank vehicles; (a) from the Jonesboro Terminal on the Trans-Southern Pipe Line near Atlanta, Ga., to points in Georgia, North Carolina, and South Carolina; (b) from the Anderson Terminal on the Trans-Southern Pipe Line near Anderson, S.C., to points in Georgia, North Carolina, and South Carolina; (c) from the Pineville Terminal on the Trans-Southern Pipe Line near Charlotte, N.C., to points in North Carolina, South Carolina, and Virginia; and (d) from the Sanford Terminal on the Trans-Southern Pipe Line near Sanford, N.C., to points in North Carolina, South Carolina, and Virginia; and *empty containers or other such incidental facilities*, used in transporting the above-described commodity, on return, in connection with (a), (b), (c), and (d) above.

*HEARING:* March 13, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner James I. Carr.

No. MC 105045 (Sub No. 7), filed January 7, 1961. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 201 Southeast First Street, Evansville, Ind. Applicant's attorney: Thomas N. Woods, 1301 Ambassadoe Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, the loading, unloading or transportation of which, because of size, weight, or shape, require the use of special equipment or handling; parts and attachments* of the commodities described above, when moving in connection with shipments of such commodities; *machinery, equipment, materials and supplies*, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; and *machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; between points in Alaska, Arizona, Colorado, Montana, Nevada, New Mexico, Utah, and Wyoming, on the one hand, and, on the other, points in Michigan and Wisconsin.

*HEARING:* April 17, 1961, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Frank R. Saltzman.

No. MC 107107 (Sub No. 159), filed January 10, 1961. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, 2424 Northwest 46th Street, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, and (2) *meats, meat products, meat by-products*, and *dairy products*, as defined by the Commission, from New York, N.Y., and those points in New Jersey within fifteen (15) miles thereof, to points in Alabama, Louisiana, and Mississippi.

*HEARING:* April 3, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 107544 (Sub No. 37), filed February 9, 1961. Applicant: LEMMON TRANSPORT COMPANY, INC., P.O. Box 580, Marion, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals on the Trans-Southern Pipe Line in North Carolina to points in Georgia, North Carolina, South Carolina, Tennessee, and Virginia; (2) from terminals on the Trans-Southern Pipe Line in South Carolina to points in Georgia, North Carolina, South Carolina, Tennessee, and Virginia, and (3) from terminals on the Trans-Southern Pipe Line in Virginia to points in North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

*HEARING:* March 13, 1961, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner James I. Carr.

No. MC 107670 (Sub No. 1), filed January 30, 1961. Applicant: ALMAC MOVING & STORAGE, INC., 400 Franklin Street, Framingham, Mass. Applicant's attorney: Charles R. Mason, 61 North Washington Street, North Attleboro, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods as defined by the Commission, uncrated new furniture, new office and store fixtures, new household fixtures and appliances, new school furniture and equipment, new household and office furnishings, and the return of damaged or refused shipments*, between points in Massachusetts, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and New York.

*HEARING:* April 11, 1961, at the New Post Office and Court House Building, Boston, Mass., before Examiner Leo A. Riegel.

No. MC 108449 (Sub No. 119) (REPUBLICATION), filed December 27, 1960, published in FEDERAL REGISTER, issue of February 15, 1961. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement and lime*, in bulk, in straight or mixed shipments, from Duluth, Minn., to points in South Dakota, North Dakota, Minnesota, Wisconsin, Iowa, and the Upper Peninsula of Michigan; (2) *Cement and lime*, in bags or in packages, in straight or mixed shipments, palletized or unpalletized, from Duluth, Minn., to points in Minnesota, North Dakota, South Dakota, Wisconsin, Iowa, and the Upper Peninsula of Michigan, and (3) *Mixed* shipments of items in (1) and (2) above, from Duluth, Minn., to points in Minnesota, North Dakota, South Dakota, Wisconsin, Iowa, and the Upper Peninsula of Michigan, and (4) *Pallets*, used in connection with the outbound transportation in (2) and (3) above, from points in Minnesota, North Dakota, South Dakota, Wisconsin, Iowa, and the Upper Peninsula of Michigan to Duluth, Minn. The purpose of this republication is to add the commodity "lime" in (1) and (2) above.

*HEARING:* Remains as assigned April 5, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Dallas B. Russell.

No. MC 109584 (Sub No. 87), filed January 27, 1961. Applicant: ARIZONA PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Sodium chlorate*, dry, in bulk, in tank vehicles, from Henderson, Nev., to points in California (except Kern and Fresno Counties), and *returned, rejected or contaminated shipments*, of the above-specified commodity, on return.

*HEARING:* April 26, 1961, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 109637 (Sub No. 179), filed February 13, 1961. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages and spirits*, in bulk, in tank vehicles, between points in Kentucky, on the one hand, and, on the other, points in Kansas, Michigan, and Wisconsin.

*HEARING:* March 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 111402 (Sub No. 9), filed February 8, 1961. Applicant: FAWLEY MOTOR LINES, INC., Broadway, Va. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed materials*, from Newfield, N.J., and Lewes, Del., to points in Virginia, on and west of U.S. Highway 29, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* April 4, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 111812 (Sub No. 117) (REPUBLICATION), filed December 29, 1960, published FEDERAL REGISTER, issue of February 8, 1961, at page 1140. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packing-houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *hooks and racks*, the property of the shipper, (1) between Madison and Sioux Falls, S. Dak., Estherville and Ottumwa, Iowa, St. Louis, Mo. and Chicago, Ill., on the one hand, and, on the other, Arkansas City, and Kansas City, Kans., and from Kansas City and Arkansas City, Kans., to points in Nevada, California, Oregon, Washington, Arizona, New Mexico, and Butte, Mont.

NOTE: Applicant is agreeable to a statement in any certificate that may be issued that where any duplication may exist with present authority it shall not be construed as conferring more than one operating right. Applicant seeks the right to join the separate sections of this application for the purpose of performing through service. The purpose of this republication is to add the applicant's note, which was inadvertently omitted.

*HEARING:* Remains as assigned, March 29, 1961, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 111812 (Sub No. 118) (CORRECTION), filed January 9, 1961, published in the FEDERAL REGISTER, issue of February 8, 1961, at page 1140. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Caribou, Maine, to points in New York; (2) from points in that portion of New York State on and west of U.S. Highway 11 from Pennsylvania-New York State Line to Syracuse, N.Y., and on and west of New York Highway 57 from Syracuse to Oswego, N.Y., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, and Wisconsin, and (3) from Greencastle, Pa., to Waseca, Minn.

NOTE: The purpose of this republication is to advise that applicant proposes to provide the service stated in (1) as well as to provide the service stated in (2), and also to provide a thorough service by combining (1) and (2); and to specify 57, as the number of the New York Highway inadvertently omitted in previous publication.

*HEARING:* Remains as assigned, March 27, 1961, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 112617 (Sub No. 84), filed February 13, 1961. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages* and *spirits*, in bulk, in tank vehicles, and *returned and rejected shipments*, between points in Kentucky on the one hand, and, on the other, points in Kansas, Michigan, and Wisconsin.

*HEARING:* March 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 113524 (Sub No. 21), filed February 3, 1961. Applicant: JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3818 Pulaski Highway, Baltimore, Md. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green salted hides, pelts and skins;* between points in Delaware, Maryland, New Jersey, Pennsylvania, and Virginia, on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, New York, Ohio, Rhode Island, and Louisville, Ky., and St. Louis, Mo.

*HEARING:* March 28, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 113832 (Sub No. 24), (CORRECTION) filed December 27, 1960, published in the FEDERAL REGISTER, issue of January 11, 1961, and republished February 1, 1961. Applicant: SCHWERMAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Due to a typographical error, the republication of the subject proceeding in the FEDERAL REGISTER erroneously designated one of the destination counties as "No Daviess County". The correct designation of that County is "Jo Daviess County".

*HEARING:* Remains as assigned March 2, 1961, at the U.S. Custom House,

Room 852, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 114106 (Sub No. 27), filed February 15, 1961. Applicant: MAYBELLE TRANSPORT COMPANY, P.O. Box 573, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminal on the Trans Southern Pipe Line in South Carolina to points in North Carolina, and (2) from terminals on the Trans Southern Pipe Line in North Carolina to points in South Carolina and Virginia.

NOTE: Applicant holds contract carrier authority under Permit No. MC 115176.

*HEARING:* March 13, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 130, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 115841 (Sub No. 77), filed February 3, 1961. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, requiring refrigeration in transit, between points in Kentucky, Tennessee, West Virginia, those in Virginia on and west of U.S. Highway 15, and Chambersburg, Pa., and points within fifteen (15) miles thereof.

*HEARING:* March 28, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 115841 (Sub No. 78), filed February 3, 1961. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chambersburg, Pa., and points in Pennsylvania within fifteen (15) miles thereof, to points in Illinois, Indiana, and Ohio on and South of U.S. Highway 40.

*HEARING:* March 29, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 115931 (Sub-No. 2), filed October 24, 1960. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue North, Billings, Mont. Applicant's attorney: James L. Sandall, 203–209 Securities Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* used/or useful in the production, transmission or storage of electrical power, water or natural gas, between points in Yellowstone, Carbon, and Big Horn Counties, Mont.

*HEARING:* April 24, 1961, at the Yellowstone County Court House, Billings, Mont., before Joint Board No. 92, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 116171 (Sub No. 1), filed February 8, 1961. Applicant: MALONEY HAULING COMPANY, INC., a corporation, 3100 K Street NW., Washington, D.C. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in bulk, in dump type vehicles, from points in the Washington, D.C., Commercial Zone as defined by the Commission, to points in the District of Columbia and points in the Commonwealth of Virginia and Maryland within 75 miles of the District of Columbia.

*HEARING:* March 24, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 117250 (Sub No. 3), filed February 6, 1961. Applicant: JAMES WILSON, doing business as JAMES WILSON & SONS, 2 Baltic Street, Brooklyn 1, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers of paints, colors, chemicals, and pigments, and *materials and supplies* used in connection therewith, in containers; from points in the New York, N.Y. Commercial Zone, Kearny and Newark, N.J., to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., and return of *empty shipper's trailers* from the above specified destination points to the above specified origin points, on return. RESTRICTIONS: (1) Restricted to a transportation service to be performed under a continuing contract or contracts, with Sherwin-Williams Company. (2) Restricted to the transportation of the above specified commodities in shipper's trailers.

NOTE: Applicant states it presently holds Permit MC 117250 to transport the same commodities for the same shipper from Brooklyn, N.Y., to the destination Counties shown. All duplicating authority to be eliminated.

*HEARING:* April 10, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 117954 (Sub No. 5), filed February 2, 1961. Applicant: H. L. HERRIN, JR., 101 Airline Highway, P.O. Box 456, Metairie, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La. and Mobile, Ala., to points in Minnesota, North Dakota, and South Dakota.

*HEARING:* May 5, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Frank R. Saltzman.

No. MC 118159 (Sub No. 4), filed February 2, 1961. Applicant: EVERETT LOWRANCE, 101 Airline Highway, Metairie, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Mobile, Ala., to points in Idaho, Montana, Oregon, and Washington.

*HEARING:* April 18, 1961, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Frank R. Saltzman.

No. MC 118159 (Sub No. 5), filed February 2, 1961. Applicant: EVERETT LOWRANCE, 101 Airline Highway, P.O. Box 9199, Metairie, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Mobile, Ala., to points in Utah.

*HEARING:* April 18, 1961, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Frank R. Saltzman.

No. MC 118554 (Sub No. 3), filed February 13, 1961. Applicant: EDWIN E. CLARKE, doing business as CLARKE BULK TRANSFER, 300 West Elm Street, Norristown, Pa. Applicant's attorney: William J. Wilcox, 624 Commonwealth Building, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in pneumatically equipped hopper type trucks or trailers, from points in Cumberland, Dauphin, Lancaster, Lebanon, and York Counties, Pa., to Passaic, N.J., and New York, N.Y., and *refused or rejected shipments* of the above-specified commodity on return.

*HEARING:* March 30, 1961, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Samuel Horwich.

No. MC 119113 (Sub No. 1), filed December 13, 1960. Applicant: F. N. RUMBLEY COMPANY, a corporation, 2100 South Van Ness Avenue, Fresno, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas;* from the site of Tidewater Oil Company plant at Avon, Coalinga Nose, Kettleman Hills, Coles Levee, Paloma, Mayo Spur, Ventura, Wadstrom, Belridge, and El Segundo, Calif., to site of the Sierra Pacific Power Company plant, Reno, Nev. (said plant being located approximately two miles east of Reno).

NOTE: Applicant presently holds common carrier authority in MC–108941 and Subs thereunder, therefore dual operations may be involved.

*HEARING:* April 26, 1961, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 119632 (Sub No. 7), filed February 6, 1961. Applicant: REED LINES, INC., 210 North Clinton Street, Defiance, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned milk, evaporated milk and products thereof*, from Bryan, Ohio, to Washington, D.C., and to points in New York, Maryland, New Jersey, Tennessee, Connecticut, Delaware, Kentucky, Massachusetts, Rhode Island, Virginia, and to those in Pennsylvania, on and east of U.S. Highway 219, and to those in West Virginia, on, east, and south of U.S. Highway 50 and U.S. Highway 119, and *returned shipments, empty containers or other incidental facilities* (not specified), used in transporting the commodities specified above, on return.

*HEARING:* March 30, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 119906 (Sub No. 1), filed September 26, 1960. Applicant: HAROLD JACKSON, doing business as JACKSON EQUIPMENT, 2221 McCarran Avenue, Las Vegas, Nev. Applicant's attorney: William W. Morris, Suite 105 Friedman Building, 300 Fremont, Las Vegas, Nev. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap metals* and *scrap paper*, from points in Clark County, Nev., to points in Los Angeles County, Calif., and *empty containers or other such incidental facilities*, used in transporting the above described commodities, on return. (2) *Steer manure* and *building materials* (as specified in MCC 61–209 Appendix) and *empty containers or other such incidental facilities*, used in transporting the above described commodities, between points in Los Angeles County, Calif., and points in Clark County, Nev.

*HEARING:* April 25, 1961, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 123077 (AMENDMENT), filed September 19, 1960, published in the FEDERAL REGISTER, issue of October 26, 1960. Applicant: PETER CHERKOS, JR., doing business as DEL VAL ENTERPRISES, P.O. Box 442, Fort Dix Avenue, Wrightstown, N.J. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in a drive-away and tow-away service including services such as: Gas, oil and grease; overhauls; repairs; wash, polish; battery replacements; tune-up; tire changes and replacements; installation of windshield wipers; installation of hub caps; obtaining of license plates; pick-up at or delivery to steamship piers; and clearance through Customs if necessary, between Wrightstown, Fort Dix, and McGuire Air Force Base, N.J., on the one hand, and, on the other, Philadelphia, Pa. and the New York, N.Y., Commercial Zone, as defined by the Commission. RESTRICTION: Applicant states the proposed service shall be restricted to (1) providing service to military personnel only. (2) Tow-away service to be provided only in the event vehicles are not in condition to be driven.

*HEARING:* April 6, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 123115 (Sub No. 1), filed January 19, 1961. Applicant: BEN PACKER, doing business as PACKER TRANSPORTATION CO., 465 South 17th Street, Sparks, Nev. Applicant's attorney: Royal A. Stewart, 6 State Street, P.O. Box 2942, Reno, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, finished and unfinished; *timber*, rough or surfaced; *wooden moulding, shelving, jambs and casings; box shook; wooden columns; wooden doors; doors and frames combined; door sills; flooring; door or window frames; mouldings; boards or sheets (flat) consisting of sawdust or ground wood with added resin binder; wooden fence pickets; props or timbers; wooden piling; poles; wooden posts; wooden rafters; wooden roof trusses; wooden shingles; railroad ties; veneer, wood buildup or combined with plywood;* and *wooden palates;* (a) from points in Washoe and Douglas Counties, Nev., to points in California; (b) from points in California to points in Nevada through Washoe and Douglas Counties, including points in Washoe and Douglas Counties, Nev.; (c) from points in Washoe County, Nev., to points in Nevada, including Washoe County; and (d) from points in California through Washoe and Douglas Counties, Nev., to points in California.

*HEARING:* April 27, 1961, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 123195, filed November 7, 1960. Applicant: JORAE, INC., 76 Perrin Avenue, Pompton Lakes, N.J. Applicant's attorney: Leon E. Greenhouse, Raymond Commerce Building, 11 Commerce Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Re-manufactured automobile parts* and *used components* and *parts* to be used in re-manufacturing, *old cores* or *shells* which must be identified and sorted because of valuation, obsolescence and use, which are being returned to the shipper for re-manufacturing purposes, between points in New Jersey, New York, Connecticut, and Massachusetts.

*HEARING:* March 29, 1961, at the U.S. Court Rooms, Newark, N.J., before Examiner Leo A. Riegel.

No. MC 123235, filed November 23, 1960. Applicant: FARRELL OLLIS, Route No. 2, Bakersville, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber;* from Harlan, Ky., to Crossville, Morristown, Newport, Knoxville, and Johnson City, Tenn., Barbourville and Lexington, Ky., Cincinnati, Ohio, Bluefield, W. Va., Asheville, Rocky Mount, Black Mountain, Morganton, Marion, Lexington, Winston-Salem, Hudson, Lenoir, Statesville, and Lincolnton, N.C., Bristol and Marion, Va., and *empty containers or other such incidental facilities*, used in transporting lumber, on return.

*HEARING:* March 20, 1961, at the U.S. Court Rooms, Charlotte, N.C., before Examiner William R. Tyers.

No. MC 123322 (REPUBLICATION AND CORRECTION), filed December 23, 1960, published FEDERAL REGISTER issue of February 15, 1961. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, Washington, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper products*, and *materials* and *supplies* used in the manufacture of paper products, from Pittsburgh and Washington, Pa., to Winchester and Harrisonburg, Va., points in Frederick, Clarke, Rockingham, and Shenandoah Counties, Va., and that part of West Virginia on and east of a line beginning at the West Virginia-Maryland State line and extending along U.S. Highway 219 to Thomas, W. Va., thence along West Virginia Highway 32 to Harman, W. Va., thence along U.S. Highway 33 to Mouth of Seneca, W. Va., and thence along West Virginia Highway 28 to the West Virginia-Virginia State line; (2) *Damaged, defective, rejected, or returned shipments* of the commodities specified above, from the above-designated destination points to Pittsburgh and Washington, Pa.; (3) *Paper products*, and *materials, supplies*, and *equipment* (except machinery), used or useful in the manufacture of paper products, between Pittsburgh and Washington, Pa., on the one hand, and, on the other, Clarksburg and Grafton, W. Va.; (4) *Corrugated fibre products*, from Pittsburgh, Pa., to points in that part of Ohio and West Virginia within two (2) miles of the Ohio River beginning at the Ohio-Pennsylvania State line (near East Liverpool, Ohio), and extending to Moundsville, W. Va.; and (5) *Refused, rejected or damaged shipments* or corrugated fibre products, from the above-described destination territory to Pittsburgh, Pa.

NOTE: The purpose of this republication is to clarify the issues involved. The subject application is filed in accordance with the provisions contained in an order of Division 1, dated September 20, 1960, entered in the proceeding MC 78062 (Sub No. 30), a conversion proceeding instituted under section 212(c) of the Act. The filing of the instant application reflects applicant's election of an option to convert its Permit MC 78062 (Sub No. 44), not embraced in the previously referred to conversion proceeding, to common carrier authority. If the authority sought in this application is granted, applicant is willing that the corresponding permit be cancelled.

The "Note" appended to the previous publication is superseded in its entirety.

*HEARING:* Remains as assigned March 17, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 123341 (Sub No. 2), filed January 11, 1961. Applicant: I. L. & C. CORP., 4535 North Kedzie Avenue, Chicago, Ill. Applicant's attorney: Bernard F. Flynn, Jr., Industrial Building,

1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Video tape plants, machines, tape recording devices, accessories, parts and supplies thereof and thereto*, loose and in packages; *wearing apparel, materials and equipment used in, or pertaining* to the manufacture thereof, loose or in containers, and *containers;* between New York, N.Y., and Logansport and Huntington, Ind., Ishpeming, Mich., and Chicago, Ill.

*HEARING:* March 28, 1961, at the U.S. Court Rooms, Newark, N.J., before Examiner Leo A. Riegel.

No. MC 123352, filed January 6, 1961. Applicant: FREDERICK F. HIGGINS, doing business as MARK I MOBILE TRANSPORT, INC., 453 North Bedford Street, East Bridgewater, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes* and *pleasure craft*, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities; between points in Maine, New Hampshire, and Massachusetts, on the one hand, and, on the other, points in Florida.

*HEARING:* April 11, 1961, at the New Post Office and Court House Building, Boston, Mass., before Examiner Leo A. Riegel.

No. MC 123359 (Sub No. 1), filed January 24, 1961. Applicant: P. & J. TRUCKING CORPORATION, 454 Westchester Avenue, Bronx 56, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, (1) from New York, N.Y., to Newark, Paterson, Hawthorne, and Elizabeth, N.J., and (2) from Newark, N.J., to New York, N.Y.

*HEARING:* April 7, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 123374, filed January 16, 1961. Applicant: PAUL SCALICE, 92 Elizabeth Street, New York 13, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers of office supplies, from the site of shipper's plant in Elizabeth, N.J., to New York, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. RESTRICTION: The operations proposed herein will be under a continuing contract with Wilson Jones Company of New York, N.Y.

NOTE: Applicant states he has served shipper in New York City for over nine years and shipper moving plant to Elizabeth, N.J.

*HEARING:* April 10, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 123405, filed February 1, 1961. Applicant: FOOD TRANSPORT, INC., P.O. Box 1041, York, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and confectionery products*, in mechanically refrigerated trailers, from points in Derry Township, Dauphin County, Pa., to points in Florida.

*HEARING:* March 27, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 123425, filed February 13, 1961. Applicant: SUBURBAN PROPANE GAS CORPORATION, P.O. Box 206, Whippany, N.J. Applicant's attorney: F. Trowbridge vom Baur, 1700 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the sites of the terminals on the Trans Southern Pipe Lines, (1) at Hattiesburg, Miss., to points in Florida; (2) at Demopolis, Ala., to points in Alabama and Florida; (3) at Alexander City, Ala., to points in Alabama, Florida, Georgia, and Tennessee; (4) at Jonesboro, Ga., to points in Alabama, Florida, Georgia, South Carolina, and Tennessee; (5) at Anderson, S.C., to points in North Carolina, South Carolina, and Tennessee; (6) at Pineville, N.C., to points in North Carolina, South Carolina, Tennessee, and Virginia; (7) at Sanford, N.C., to points in North Carolina, Tennessee, and Virginia; (8) at Hawkinsville, Ga., to points in Alabama, Florida, Georgia, and South Carolina, and (9) at Waycross, Ga., to points in Alabama, Florida, Georgia, and South Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* March 13, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner James I. Carr.

MOTOR CARRIERS OF PASSENGERS

No. MC 668 (Sub No. 71), filed January 18, 1961. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) between Midland Park, N.J., and New York, N.Y., from junction Central Avenue and Godwin Avenue in Midland Park, over Godwin Avenue to junction Goffle Avenue in Midland Park, thence over Goffle Avenue through Wyckoff to junction Goffle Avenue and Goffle Road at the Hawthorne-Wyckoff Municipal line, thence over Goffle Road to junction New Jersey Highway 208 in Hawthorne, N.J., thence over New Jersey Highway 208 through Glen Rock and Fair Lawn, N.J., to junction New Jersey Highway 4, thence over New Jersey Highway 4 to junction New Jersey Highway 17 in Paramus, N.J., thence over New Jersey Highway 17 to junction New Jersey Highway 3 in Rutherford, N.J., thence over New Jersey Highway 3 and the Lincoln Tunnel to New York, and return over the same route, serving the intermediate points of Wyckoff, Hawthorne, Glen Ridge, and Fair Lawn, N.J.; and (2) between Midland Park, N.J., and New York, N.Y., from junction Central Avenue and Godwin Avenue in Midland Park to junction New Jersey Highways 208 and 4 in Fair Lawn, as specified above, thence over New Jersey Highway 4 and the George Washington Bridge through Paramus, River Edge, Hackensack, Teaneck, Englewood, Englewood Cliffs, and Fort Lee, N.J., to New York, N.Y., and return over the same route, serving all intermediate points.

*HEARING:* April 4, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 3.

No. MC 3647 (Sub No. 300), filed January 26, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, 180 Boyden Avenue, Maplewood, N.J. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at Newark, Paterson, Hackensack and Jersey City, N.J., and extending to points in Nassau and Suffolk Counties, N.Y.

*HEARING:* April 18, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 3.

No. MC 3647 (Sub No. 301), filed January 31, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, 180 Boyden Avenue, Maplewood, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round trip ski tours, beginning and ending at Newark, N.J., and extending to points in New York, Pennsylvania, Massachusetts, Vermont, and New Hampshire.

*HEARING:* March 27, 1961, at the U.S. Court Rooms, Newark, N.J., before Examiner Leo A. Riegel.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2633 (Sub No. 47), filed February 7, 1961. Applicant: WILLIAM F. CROSSETT, INC., P.O. Box 899, 404 Warren National Bank Building, Warren, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from the Plant of Esso Standard Division Humble Oil & Refining Co., Pittsburgh, Pa., to the Plants of New Process Gear Corporation, Syracuse and East Syracuse, N.Y.



No. MC 3261 (Sub No. 27), filed February 8, 1961. Applicant: KRAMER BROS. FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier, by* motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, livestock, household goods as defined by the Commission, and those requiring special equipment, between Painted Post, N.Y., and Mansfield, Pa., serving no intermediate points, and for the purpose of joinder only; from Painted Post, N.Y., over U.S. Highway 15 to Mansfield, Pa., and return over the same route.

No. MC 29866 (Sub. No. 1), filed February 7, 1961. Applicant: WHITE STAR TRUCKING LINES, INC., 39 North Burbank Drive, Snyder 21, N.Y. Applicant's representative: William D. Traub, 350 Fifth Avenue, New York 1, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise dealt in by food business houses;* from Niagara Falls and Buffalo, N.Y., to Erie and Oil City, Pa., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. RESTRICTION: Limited to a serve to be performed under a continuing contract, or contracts, with the National Biscuit Company.

NOTE: Applicant states that it is presently authorized to transport bakery products and cereals between the same points. No duplicating authority is requested.

No. MC 89684 (Sub. No. 33), filed January 13, 1961. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second Street, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, 721 Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Telephone billing and accounting records*, such as toll tickets, cash stubs and service orders, moving in express service, between the offices of the Mountain States Telephone & Telegraph Company located in Idaho south of the Salmon River, and the Accounting Center of said Telephone & Telegraph Company, at Salt Lake City, Utah.

No. MC 113908 (Sub No. 75), filed February 14, 1961. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White III, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus juice*, in bulk, in tank vehicles, from Weslaco, Tex., to points in the United States except Alaska and Hawaii.

No. MC 115691 (Sub No. 13), filed February 13, 1961. Applicant: R. J. COKER, doing business as COKER TRUCKING COMPANY, P.O. Box 398, Demopolis, Ala. Applicant's attorney: H. A. Lloyd, Lloyd & Dinning Building, Demopolis, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Wisconsin to points in Alabama, Mississippi, Louisiana, Tennessee, Florida, and Georgia, and *damaged or defective shipments of canned goods*, on return.

No. MC 123135 (Sub No. 3), filed February 10, 1961. Applicant: CHARLES BEIL & SONS, INC., Millstadt, Ill. Applicant's attorney: Delmar Knoebel, 608–11 Spivey Building, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry flour, whey and starch*, in bulk, between St. Louis, Mo., and East St. Louis, Ill., and Millstadt, Ill.

No. MC 123371, filed February 6, 1961. Applicant: J. F. EDLIN, CHARLES R. EDLIN AND JOSEPH G. EDLIN, a partnership, doing business as J. F. EDLIN AND SONS, Route 2, New Haven, Ky. Applicant's attorney: Herbert D. Liebman, 403 West Main Street, P.O. Box 233, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty, used, whiskey barrels*, from Frankfort, Ky., and points in Jessamine, Anderson, Woodford, and Franklin Counties, Ky., to points in Indiana, Illinois, Michigan, Ohio, Tennessee, and Kentucky, and *empty containers or other such incidental facilities*, used in transporting the above-specified commodities, on return.

No. MC 123413, filed February 6, 1961. Applicant: ROBERT L. MARX, doing business as MARX TRUCK LINE, 2400 South Royce Street, Sioux City, Iowa. Applicant's attorney: Wallace W. Huff, 314 Security Building, Sioux City, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packing house products and other commodities dealt in by packing houses and packing house equipment, material and supplies*, from Sioux City, Iowa, to points in the Commercial Zone of Madison, Wis., and points in the Commercial Zone of Milwaukee, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

No. MC 123421, filed February 7, 1961. Applicant: GLENDYL W. STONE, doing business as STONE TRUCKING COMPANY, Box 206, Dale, Ind. Applicant's attorney: Harry J. Harman, 1110–1112 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Cannelton, Ind., to points in Illinois, Indiana, and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting clay products, on return.

NOTE: Applicant has contract carrier authority under MC 109723 and subs thereunder. A proceeding has been instituted under MC 109723 (Sub No. 7) to determine whether applicant's status is that of a common or contract carrier. Dual authority under Section 210 may be involved.

MOTOR CARRIER OF PASSENGERS

No. MC 45626 (Sub No. 44), filed February 13, 1961. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Proctorsville, Vt., and Ascutney, Vt.; from Proctorsville over Vermont Highway 131 to Ascutney, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTICE OF FILING OF PETITION

No. MC 38541 (PETITION SEEKING REOPENING, RECONSIDERATION, AND MODIFICATION OF ITS "GRANDFATHER" RIGHTS), filed February 3, 1961. Petitioner: WHITE MOTOR EXPRESS, INC., Lafayette, Tenn. Petitioner's attorneys: Clarence Evans, 710 Third National Bank Building, Nashville 3, Tenn., and Richard Gleaves, 106 State Office Building, Nashville, Tenn. Petitioner is authorized in Certificate No. MC 38541 to conduct operations, which are here pertinent, as follows: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over regular routes, between Louisville, Ky., and Lebanon, Tenn., as follows: From Louisville over U.S. Highway 31W to Elizabethtown, Ky., thence over Kentucky Highway 61 to Hodgenville, Ky., thence over U.S. Highway 31E to Westmoreland, Tenn., thence over Tennessee Highway 52 to Lafayette, Tenn., and thence over Tennessee Highway 10 to Lebanon; and return from Lebanon over Tennessee Highway 26 to Smithville, Tenn., thence over Tennessee Highway 56 to junction unnumbered highway, thence over unnumbered highway to Chestnut Mound, Tenn., thence over Tennessee Highway 53 to Celina, Tenn., thence over Tennessee Highway 52 to Lafayette, Tenn., and thence to Louisville as specified above. Service is authorized to and from all intermediate points in Tennessee; and the off-route points of La Guardo, Carthage, Dixon Springs, Pleasant Shade, Difficult, Whiteyville, Gordonsville, and Willette, Tenn. The subject petition, filed February 3, 1961, requests the Commission enter an order reopening and setting the matter for further hearing if the Commission deems a hearing necessary, and authorize petitioner to conduct operations transporting the above-named commodities as follows: Between Louisville, Ky., and Lebanon, Tenn., as follows: (a) From Louisville over U.S. Highway 31W to Elizabethtown, Ky., thence over Kentucky Highway 61 to Hodgenville, Ky., thence over U.S. Highway 31E to Westmoreland, Tenn., thence over U.S. Highway 52 to Lafayette, Tenn., and thence over Tennessee Highway 10 to Lebanon; (b) and also between Lafayette, Tenn., and Lebanon, Tenn., as follows: From Lafayette over Tennessee Highway 52 to Celina, thence over Ten-

nessee Highway 53 to Gainesboro, thence over Tennessee Highway 56 to Smithville, thence over Tennessee Highway 26 to Lebanon; (c) service is also authorized over irregular routes between all points lying within the area within Tennessee bounded by Route (b) above and that portion of Route (a) above lying between Lebanon and Lafayette, Tenn., all on the one hand, and, on the other hand, all points lying on either Route (a) or Route (b) above; (d) service is authorized to and from all intermediate points in Tennessee along Routes (a) and (b) above; (e) service is authorized in either direction over any route or combination of routes. All of the foregoing comprises one grant of authority, but with the parts thereof hereinabove to be used together to perform service, and the authority herein granted may also be used by joining with all other operating authority now held. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 7724. Correction. (CONSOLIDATED COPPERSTATE LINES—PURCHASE (PORTION)—PAUL W. NIELSEN (DALE M. BELTS, RECEIVER), published in the December 14, 1960, issue of the FEDERAL REGISTER on page 12860. The commodity description sought to be transferred should read as follows: "*General commodities*, except household goods as defined by the Commission, commodities of unusual value, those requiring the use of special equipment, livestock, and petroleum products, in bulk, in tank vehicles * * *."

No. MC–F 7772. (Correction). FURNITURE EXPRESS, INC.—PURCHASE—NORMAN L. LAWSON (ALFRED G. FORD, TRUSTEE), published in the February 1, 1961, issue of the FEDERAL REGISTER on page 1009. The following authority should be deleted: *New furniture*, over regular routes from Boston, Mass., to Waterville, Maine, serving all intermediate points restricted to delivery only, and from Portland, Maine, to Bangor, Maine, serving all intermediate points restricted to delivery only. Application for temporary authority under section 210a(b) was published in the February 15, 1961, issue of the FEDERAL REGISTER.

No. MC–F 7784. (Correction) (HIGHWAY TRANSPORT CO.—PURCHASE (PORTION)—DALLAS & MAVIS FORWARDING CO., INC.) published in the February 15, 1961, issue of the FEDERAL REGISTER on page 1331. The name of M. M. MORSE should have been shown in lieu of M. M. Easter.

No. MC–F 7788. Authority sought for purchase by KENNETH K. ZECHMAN and HARRY E. ZECHMAN, a partnership, doing business as BLUE DIAMOND COMPANY, 4401 East Fairmount Ave., Baltimore 24, Md., of the operating rights of THOMAS F. BUZBY, an individual, doing business as MARYLAND-PENNSYLVANIA EXPRESS, 2001 Wells Manor Avenue, Baltimore 7, Md. Applicants' attorney: Bernard N. Gingerich, Quarryville, Pa. Operating rights sought to be transferred: *Salt*, as a *common carrier* over irregular routes from Ludlowville, Silver Springs and Watkins Glen, N.Y., to points in Maryland and Virginia (except points in those parts of Maryland and Virginia south of the Chesapeake and Delaware Canal and east of the Chesapeake Bay), and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Ohio, New York, Maryland, Delaware, Virginia, New Jersey, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7790. Authority sought for control and merger by BRUCE MOTOR FREIGHT, INC., 2011 Easton Boulevard, Des Moines 11, Iowa, of the operating rights and property of HENNEPIN TRANSPORTATION CO., INC., 23 Northeast Fourth Street, Minneapolis 13, Minn., and for acquisition by E. W. HARLAN, 2011 Easton Boulevard, Des Moines 11, Iowa, of control of such rights and property through the transaction. Applicants' attorneys: Rex H. Fowler, Des Moines 9, Iowa, and Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Minneapolis, Minn., and Chicago, Ill., serving certain intermediate and off-route points, restricted to southbound traffic only, between Hudson, Wis., and Milwaukee, Wis., serving certain intermediate and off-route points, and several alternate routes for operating convenience only. *General commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes between points in Minnesota within 35 miles of Minneapolis, Minn., including Minneapolis, Minn., between points in Illinois north of U.S. Highway 30, and points in Indiana north of U.S. Highway 30 and west of Indiana Highway 51, including specified points, on the one hand, and, on the other, points on the regular service routes specified above. *Butter, eggs, poultry, dressed rabbits, meat, canned goods, paper*, and *junk*, to certain specified points in Minnesota. BRUCE MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Minnesota, Iowa, Missouri and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7791. Authority sought for purchase by DONALD LEE WALKER, doing business as LEE WALKER, OILFIELD CONTRACTOR, 922 North Closner, Edinburg, Texas, is the same as LEE WALKER, holder of certificate No. MC–85445 Sub 1, of the operating rights of RIG MOVERS, INC., 1000 North Closner, Edinburg, Texas. Applicant's attorneys and representative respectively: Rogers Kelley, Kelley, Looney, McLean & Lettleton, Woodroof Building, Edinburg, Texas, Wilson, Woods & Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C., and Donald Lee Walker, P.O. Drawer 268, Edinburg, Texas. Operating rights sought to be transferred: *Machinery, materials, supplies*, and *equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a *common carrier* over irregular routes between points in Texas. Vendee is authorized to operate as a *common carrier* in Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7792. Authority sought for purchase by NORTHEASTERN TRUCKING COMPANY, Route 11, McDonald Road, Charlotte, N.C., of the operating rights and certain property of BLUME, INC. OF NEW JERSEY, 4325 Bath Street, Philadelphia, Pa., and for acquisition by JOHN F. GUIGNARD, 1967 Maryland Avenue, Charlotte, N.C., of control of such rights and property through the purchase. Applicants' attorney: Daniel B. Johnson, 522 Transportation Building, Washington 6, D.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, commodities in bulk, but not excepting household goods, as a *common carrier* over irregular routes between Philadelphia, Pa., on the one hand, and, on the other, points in Connecticut, New York (not including New York, N.Y.), New Jersey, and Pennsylvania. Vendee is authorized to operate as a *common carrier* in North Carolina, Virginia, Maryland, Pennsylvania, New Jersey, New York, Illinois, and South Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7793. Authority sought for purchase by LOMBARD BROS., INCORPORATED, 249 Mill St., Waterbury 20, Conn., of the operating rights of EVERETT M. MILLIS, doing business as AYER MOTOR EXPRESS, 39 Central Avenue, Ayer, Mass., and for acquisition by JOSEPH R. LOMBARD, and CLOTILDA LOMBARD, both of New Haven Road, Prospect, Conn., and GIOCONDA LOMBARD, 764 Bunker Hill Avenue, Waterbury, Conn., and by (JOSEPH R. LOMBARD, LOUIS L. LOMBARD AND CLOTILDA LOMBARD, EXECUTORS) of the Estate of Nicholas Lombard, of control of such rights through the purchase. Applicants' attorneys: Joseloff, Murrett & Throwe, 410 Asylum Street, Hartford 3, Conn. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route between Boston, Mass., and Fitchburg, Mass., serving all intermediate and certain off-route points. Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, covering the transportation of general and specific commodities in a radial area within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, Connecticut, Pennsylvania, New Jersey, Rhode Island, and New York. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC–42289 Sub 4 is a matter directly related, and will be published in the FEDERAL REGISTER at a later date.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–1561; Filed, Feb. 21, 1961; 8:47 a.m.]



[Notice 452]

## MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 17, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 35358. By order of February 15, 1961, the Transfer Board approved the lease for a period of one year, to Michael J. Toro and Nicholas Toro, a partnership, doing business as Toro Bros. Trucking, New Haven, Conn., of Certificate in No. MC 109899 Sub 1, issued December 29, 1952, to Albert Zampiello, doing business as A. Z. Trucking Company, East Haven, Conn., authorizing the transportation of: Paper, paper articles, wooden boxes, electric fixtures, new furniture and materials and supplies used in the manufacture of new furniture, and household goods, from, to, or between, specified points in Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., attorney for applicants.

No. MC–FC 35360. By order of February 15, 1961, the Transfer Board approved the lease to Frank Hall Trucking Company, Inc., Seminole, Okla., of Certificate No. MC 60157, issued June 27, 1955, to C. A. White Trucking Company, a corporation, Oklahoma City, Okla., authorizing the transportation, over irregular routes, of machinery, equipment, materials and supplies used in the discovery, development, production, refining, manufacture, process storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in Oklahoma, Kansas, and Texas, and between points in Seminole and Potawatomie Counties, Okla., on the one hand, and, on the other, points in Arkansas and Illinois. Rufus H. Lawson, P.O. Box 7342, Oklahoma City, Okla., attorney for applicants.

No. MC–FC 63710. By order of February 15, 1961, the Transfer Board approved the transfer to Harold Causley, doing business as Causley Trucking Company, Fairgrove, Mich., of a portion of Certificate No. MC 106893 Sub 11, issued June 14, 1954, to Phillip G. Wiederhold and Edward E. Wiederhold, doing business as Wiederhold Brothers, Elkton, Michigan, authorizing the transportation of: Canned fruits and vegetables, from Rochelle, DeKalb and Mendota, Ill., to Alpena and Pontiac, Mich., and points in Michigan on, north, and east of a line extending from Port Huron along Michigan Highway 21 through Lapeer and Davison to Flint, Mich., thence along U.S. Highway 10 through Pine Run to Saginaw, Mich., and thence along Michigan Highway 47 to Saginaw Bay. Ralph I. Selby, 506 Bay City Bank Building, Bay City, Mich., attorney for applicants.

No. MC–FC 63817. By order of February 15, 1961, the Transfer Board approved the transfer to M. F. Butler, Jr., and M. F. Butler, Sr., a partnership, doing business as Oswego Lime Delivery Company, P.O. Box 174, Oswego, Oreg., of Certificate No. MC 106580 Sub 1, issued November 27, 1946, to M. F. Butler, Jr., P.O. Box 174, Oswego, Oreg., authorizing the transportation, over irregular routes, of ground limestone, in bulk and in sacks, from Oswego, Oreg., to points in six specified counties in Washington.

No. MC–FC 63944. By order of February 15, 1961, the Transfer Board approved the transfer to Crouse Cartage Company, a corporation, Carroll, Iowa, of Certificates Nos. MC 85882 Sub 1 and MC 85882 Sub 6, issued January 18, 1957, and May 16, 1958, respectively, to Paul Crouse, doing business as Crouse Cartage Company, Carroll, Iowa, authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and the usual exceptions over regular routes, between Omaha, Nebr., and Carroll, Iowa, serving all intermediate points and the off-route points of Arcadia and Halbur, Iowa; between Sioux City, Iowa, and Des Moines, Iowa, serving all intermediate points between Sioux City and Bagley, Iowa, and specified off-route points; between Denison, Iowa, and Des Moines, Iowa; between Mapleton, Iowa, and Carroll, Iowa, serving all intermediate points and specified off-route points; between Auburn, Iowa, and Fort Dodge, Iowa, serving specified intermediate points; between Jefferson, Iowa, and Council Bluffs, Iowa; between Omaha, Nebr., and Jefferson, Iowa, serving all intermediate points and specified off-route points; between Jefferson, Iowa, and Denison, Iowa, serving all intermediate points and specified off-route points; between Denison, Iowa, and Ida Grove, Iowa, serving all intermediate points and the off-route point of Kiron, Iowa; between Manning, Iowa, and Omaha, Nebr., serving all intermediate points and specified off-route points; general commodities, excluding household goods and the usual exceptions, over irregular route, between Walnut, Iowa, and points within 20 miles of Walnut, on the one hand, and, on the other, Omaha, Nebr. Russell H. Wilson, 602 Seventh Street, Des Moines 14, Iowa, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–1562; Filed, Feb. 21, 1961; 8:47 a.m.]

## TEXAS MOTOR EXPRESS AND FILM CARRIERS ASSOCIATION

### Application for Approval of Agreement

FEBRUARY 17, 1961.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed: February 10, 1961, by J. L. Burch, Jr., 717 Frost Bank Building, San Antonio 5, Tex.

Agreement involved: Agreement between and among common carriers by motor vehicle, members of Texas Motor Express and Film Carriers Association, relating to joint consideration, initiation, change, or publication of rates, exceptions to classifications, ratings, rules, regulations, or practices governing the transportation of property between points in the United States.

The complete application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–1563; Filed, Feb. 21, 1961; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1376]

## BROAD STREET INVESTING CORP.

### Notice of Filing of Application

FEBRUARY 15, 1961.

Notice is hereby given that Broad Street Investing Corporation ("Broad Street"), New York, New York, a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of The Jessel Corporation ("Jessel").

Shares of Broad Street, a Maryland corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of December 31, 1960, the net assets of Broad Street amounted to $206,637,542.

Jessel, a Tennessee corporation, is an investment company having six stockholders, with one other person having a beneficial interest in its stock, which engages in the business of investing and reinvesting its funds. Jessel is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Broad Street and Jessel substantially all of the cash and securities of Jessel, with a total value of $3,625,771 as of December 31, 1960, will be transferred to Broad Street in exchange for shares of stock of Broad Street. The shares acquired by Jessel are to be distributed immediately to its shareholders, who intend to take such shares for investment with no present intention of distribution or redemption. The number of shares of Broad Street to be delivered to Jessel will be determined by dividing the net asset value per share of Broad Street in effect at the closing time into the value of the Jessel assets to be exchanged (with certain adjustments as set forth below).

Since the exchange will be tax free for Jessel and its shareholders, Broad Street's cost basis for tax purposes on the assets acquired from Jessel will be the same as for Jessel, rather than the price actually paid by Broad Street for the assets. Of the assets to be acquired from Jessel, Broad Street intends to retain in its portfolio, subject to changes in investment conditions and considerations, securities having a value as of December 31, 1960, of $1,517,206 including unrealized appreciation of $271,681. Other securities to be acquired from Jessel will be sold by Broad Street after acquisition. As of December 31, 1960, the market value of these securities was $1,808,565 and the unrealized capital gain thereon was $528,065. As of December 31, 1960, Broad Street had unrealized appreciation of $57,133,621 and no undistributed realized gains.

Because Broad Street will acquire securities from Jessel at a tax-cost basis less than the price actually paid therefor, their sale after acquisition will result in artificial capital gains and consequent tax liability thereon to the present shareholders of Broad Street. As an offset to this unfavorable tax consequence, the acquisition of the Jesse' assets will result in a potential tax benefit to the present shareholders of Broad Street by reason of a reduction in the net unrealized appreciation applicable to their shares. An adjustment, which takes into account the tax consequences of the exchange, is to be made in the value of the Jessel assets in accordance with the following formula:

(1) In respect of the securities of Jessel that Broad Street presently intends to sell and the resulting artificial capital gain thereon, there shall be determined the difference between net unrealized taxable capital gain on said securities and the portion of the realized but undistributed taxable long-term capital gain of Broad Street allocable to the aggregate shares of Broad Street to be issued to Jessel. (Such difference, as of December 31, 1960, amounted to approximately $528,065.)

(2) In respect of the securities of Jessel that Broad Street presently intends to hold following acquisition, there shall be determined the difference between net unrealized taxable capital gain on said securities and the portion of Broad Street's unrealized appreciation applicable to the aggregate shares of Broad Street to be issued to Jessel determined on a pro forma basis giving effect to the acquisition of the assets of Jessel. (Such difference as of December 31, 1960, amounted to a negative amount of approximately $700,765.)

(3) The amount computed under (1) shall be increased by the amount, if positive, or decreased by 50 percent of the amount, if negative, computed under (2), and 12½ percent of the resulting amount, if any (approximately $177,682 as of December 31, 1960), which is the adjustment for excess unrealized appreciation of Jessel, shall be applied to reduce the value of the assets of Jessel to be acquired. If the valuation under the agreement had taken place on December 31, 1960, the adjustment to the market value of the assets of Jessel to be acquired would have amounted to approximately $22,210.

The application, in the foregoing formula, of a 50 percent factor to the reduction in unrealized appreciation resulting from the acquisition of the Jessel assets, is intended to recognize that this will be of full benefit to the present shareholders of Broad Street only in the indefinite future at such time, if any, as all the present unrealized appreciation in Broad Street's portfolio is realized, whereas an immediate tax liability will result from the realization of artificial capital gains upon the sale after acquisition of certain securities acquired from Jessel. The rate of 12½ percent applied to the excess unrealized appreciation of Jessel is used as an estimated measure of the average tax rate payable on capital gains by Broad Street shareholders.

Applicant points out that the proposed acquisition is in the best interests of its shareholders because the resulting increase in its assets will tend to reduce per share expenses, since it is furnished investment research and administrative facilities and services at cost.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between Broad Street and Jessel. The application further states that there is no affiliation or relationship of any kind between the officers and directors of Broad Street and the officers, directors, and stockholders of Jessel.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of Broad Street are to be issued to Jessel at a price other than the public offering price stated in the prospectus, which lists a sales charge of 1.8 percent for sales of $500,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 3, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1548; Filed, Feb. 21, 1961; 8:45 a.m.]

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[File 7-2135]

## ARMOUR AND CO.

### Notice of Application for Unlisted Trading Privileges and Opportunity for Hearing

FEBRUARY 16, 1961.

In the matter of application of the Pacific Coast Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock and warrants of the following company, which securities are listed and registered on one or more other national securities exchanges:

Armour and Company (Del.), File 7-2135.

Upon receipt of a request, on or before March 3, 1961, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views of any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by Order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1549; Filed, Feb. 21, 1961; 8:45 a.m.]

# DEPARTMENT OF COMMERCE

## Federal Maritime Board

[Docket No. 933]

## PUGET SOUND-ALASKA VAN LINES, INC.; INCREASED RATES ON BLASTING CAPS AND HOUSEHOLD GOODS

### Notice of Investigation and Hearing

On February 9, 1961, the Federal Maritime Board entered the following order:

It appearing that there have been filed with the Federal Maritime Board by Puget Sound-Alaska Van Lines, Inc., consecutively numbered revised pages to Freight Tariffs F.M.B.-F. No. 1 and F.M.B.-F. No. 4, setting forth increased rates on certain designated commodities between ports in the States of California and Washington and ports in the State of Alaska to become effective February 10, 1961, designated as follows:

(1) Tariff No. 1, F.M.B.-F. No. 1, 2d and 3d Revised Pages No. 13, 1st and 2d Revised Pages No. 15, 1st and 2d Revised Pages No. 38.

(2) Tariff No. 4, F.M.B.-F. No. 4, 1st and 2d Revised Pages No. 11, 1st and 2d Revised Pages No. 13, 1st and 2d Revised Pages No. 34.

It further appearing that a protest has been received from the State of Alaska petitioning the Board to suspend said increases; and

It further appearing that upon consideration of the said schedules, there is reason to believe that they would, if permitted to become effective, result in rates and charges, rules and regulations or practices which would be unjust and unreasonable or otherwise unlawful in violation of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, as amended; and good cause appearing therefor;

*It is ordered,* That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, charges, rules, regulations, and practices contained in said schedules with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

*It is further ordered,* That the operation of said schedules be, and they are hereby suspended in full, and that the use thereof be deferred to and including June 9, 1961, unless otherwise ordered by the Board; and

*It is further ordered,* That the schedules hereby suspended may not be changed until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired, unless otherwise authorized by the Board; and

*It is further ordered,* That there shall be filed immediately with the Board by the Puget Sound-Alaska Van Lines, Inc., a consecutively-numbered supplement to Tariff F.M.B.-F. No. 1 and Tariff F.M.B.-F. No 4 which shall reproduce the portion of this Order wherein the suspended designated schedules are described, and shall state that such schedules are suspended and that the rates, charges, rules, regulations and practices therein stated may not be used until the tenth day of June 1961, unless otherwise authorized by the Board; and that neither the rates, charges, rules, regulations and practices hereby deferred nor those sought to be altered thereby, may be changed during the period of suspension or any extension thereof, unless otherwise authorized by the Board; and

*It is further ordered,* That copies of this order shall be filed with said tariff schedules in the Office of Regulations of the Federal Maritime Board; and

*It is further ordered,* That the investigation herein ordered be assigned for hearing before an examiner of the Board's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner; that Puget Sound-Alaska Van Lines, Inc., be, and is hereby made respondent in this proceeding; that a copy of this order shall be forthwith served upon respondent and protestant; that respondent and protestant be duly notified of the time and place of the hearing herein ordered; and that this order be published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Board's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR § 201.74) of said rules.

Dated: February 16, 1961.

By order of the Federal Maritime Board.

THOMAS LISI, *Secretary.*

[F.R. Doc. 61-1551; Filed, Feb. 21, 1961; 8:46 a.m.]

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## BRISTOL CITY LINE OF STEAMSHIPS LTD. ET AL.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8567, between Bristol City Line of Steamships Ltd., and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Bristol Channel ports to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement No. 8567, upon approval, will supersede and cancel approved Agreement No. 7803, between Bristol City Line and Bull Insular Line, Inc., in the same trade.

Agreement No. 8568, between Flota Argentina De Navegacion De Ultramar (Dodero Lines) and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Argentina, Uruguay, and Brazil to Puerto Rico with transhipment at New York, Baltimore, or Philadelphia. Agreement No. 8568, upon approval, will supersede and cancel approved Agreement No. 8381, between Flota and Bull Insular Line, Inc., in the same trade.

Agreement No. 8569, between A/S J. Ludwig Mowinckels Rederi and A. H. Bull Steamship Co. covers a through billing arrangement in the trade from ports in the French North Atlantic Range, Bordeaux-Dunkirk, to Puerto Rico, with transhipment at New York, Baltimore, or Philadelphia. Agreement No. 8569, upon approval, will supersede and cancel approved Agreement No. 7815, between A/S J. Ludwig Mowinckels Rederi and Bull Insular Line, Inc., in the same trade.

Agreement No. 8571, between Nederlandsch-Amerikaansche Stoomvaart Maatschappij Holland-Amerika Lijn (Holland-America Line) and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Belgium and Holland to Puerto Rico with transhipment at New York, Baltimore or Philadelphia. Agreement No. 8571, upon approval, will supersede and cancel approved Agreement No. 7686, between Holland America Line and Bull Insular Line, Inc., in the same trade.

Agreement No. 8572, between Den Norske Amerikalinje A/S (The Norwegian American Line) and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Norway and Denmark to Puerto Rico with transhipment at New York, Baltimore or Philadelphia. Agreement No. 8572, upon approval, will supersede and cancel approved Agreement No. 7827, between Norwegian American Line and Bull Insular Line, Inc., in the same trade.

Agreement No. 8573, between Thos. & Jno. Brocklebank Ltd. (Brocklebanks Cunard Service) and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from India and Pakistan to Puerto Rico, with transhipment at New York, Baltimore, or Philadelphia. Agreement No. 8573, upon approval, will supersede and cancel approved Agreement No. 8038, between Brocklebank and Bull Insular Line, Inc., in the same trade.

Agreement No. 8574, between Anchor Line, Limited, and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from the United Kingdom of Great Britain and Northern Ireland to Puerto Rico, with transhipment at New York, Baltimore, or Philadelphia. Agreement No. 8574, upon approval, will supersede and cancel approved Agreement No. 7804, between Anchor Line and Bull Insular Line, Inc., in the same trade.

Agreement No. 8576, between Compagnie Maritime Des Chargeurs Reunis and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from French Equatorial Africa to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement No. 8576, upon approval, will supersede and cancel approved Agreement No. 8287, as amended, between Compagnie Maritime and Bull Insular Line, Inc., in the same trade.

Agreement No. 8577, between Black Diamond Steamship Corp., and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Belgium and Holland to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement No. 8577, upon approval, will supersede and cancel approved Agreement No. 7681, between Black Diamond and Bull Insular Line, Inc., in the same trade.

Agreement No. 8578, between Cunard Steam-Ship Co., Ltd., and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from the United Kingdom of Great Britain and Northern Ireland to Puerto Rico, with transhipment at New York, Baltimore, or Philadelphia. Agreement No. 8578, upon approval, will supersede and cancel approved Agreement No. 7682, as amended, between Cunard and Bull Insular Line, Inc., in the same trade.

Agreement No. 8582, between A/B Svenska Amerika Linien (Swedish American Line) and Rederiaktiebolaget Transatlantic (The Transatlantic Steamship Co., Ltd.) as one party only, and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Norway, Sweden, Finland, Denmark, and Poland to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement No. 8582, upon approval, will supersede and cancel approved Agreement No. 7868, between Swedish American, Transatlantic and Bull Insular Line, Inc., in the same trade.

Agreement No. 8583, between Moore-McCormack Lines, Inc., and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Norway, Sweden, Finland, Denmark, and Poland to Puerto Rico, with transhipment at New York, Baltimore, or Philadelphia. Agreement No. 8583, upon approval, will supersede and cancel approved Agreement No. 7811, between Moore-McCormack and Bull Insular Line, Inc., in the same trade.

Agreement No. 8584, between Moore-McCormack Lines, Inc., and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Uruguay, Brazil, and Argentina to Puerto Rico, with transhipment at New York, Baltimore, or Philadelphia. Agreement No. 8584, upon approval, will supersede and cancel approved Agreement No. 8272, between Moore-McCormack and Bull Insular Line, Inc., in the same trade.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 16, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-1552; Filed, Feb. 21, 1961; 8:46 a.m.]

### Office of the Secretary

### JAMES B. COOK, JR.

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 8, 1961.

Dated: February 8, 1961.

JAMES B. COOK, Jr.

[F.R. Doc. 61-1557; Filed, Feb. 21, 1961; 8:47 a.m.]

### JAMES F. REID, SR.

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 9, 1961.

Dated: February 9, 1961.

JAMES F. REID, Sr.

[F.R. Doc. 61-1558; Filed, Feb. 21, 1961; 8:47 a.m.]

### JAMES P. WHITLOCK

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of January 30, 1961.

Dated: February 7, 1961.

JAMES P. WHITLOCK.

[F.R. Doc. 61-1559; Filed, Feb. 21, 1961; 8:47 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-84]

### REGENTS OF UNIVERSITY OF CALIFORNIA

#### Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to License No. R-30. The amendment provides additional safeguards for the operation by the licensee of its reactor Model AGN-201, Serial No. 112, located on its campus in Berkeley, California. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the operation of the reactor in accordance with the terms of the license as amended does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR, Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see Docket No. 50-84 on file at the AEC's Public Document Room.

Dated at Germantown, Md., this 15th day of February 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[License No. R-30; Amdt. 2]

License No. R-30, as amended, which authorizes The Regents of The University of California to operate their reactor Model AGN-201, Serial No. 112, located on the campus of the University of California in Berkeley, California, is hereby amended by adding the following additional conditions thereto:

1. A maximum of 0.25 percent excess reactivity may be loaded in the reactor with the glory hole empty and with the access ports containing their design loadings. The total worth of any experiments loaded in the reactor shall not exceed 0.4 percent excess reactivity. The excess-reactivity loadings shall be determined at the operating temperature of the reactor.

2. The scram setting on the logarithmic scale micro-microammeter shall be set so that the power level at which the scram is to occur shall not exceed twice the licensed maximum power level and the period at which a scram is to occur shall not be less than five seconds.

3. The range selectors for the two linear channels shall be set so that the operator cannot switch to a scale on which the power level at which a scram is to occur is more than twice the licensed maximum power.

4. The reactor shall not be operated with any of the scram signals by-passed.

5. The licensee shall not conduct any experiment involving moving of the fixed fuel discs of the reactor unless authorized by an amendment to this license.

6. The control rod and safety rod magnet circuits shall reverse the current direction for the magnets at the time any scram relay is actuated.

7. The licensee shall, at least once during each month when the reactor is operated, check the ability of all safety rods and control rods to drop when the scram instrumentation is actuated. A record shall be made of each instance in which one or more rods fails to scram when called upon to do so.

8. If one or more of the safety or control rods fails to scram when called upon to do so, the reactor shall immediately be shut down and shall not be started up until:

A. The probable cause of the scram malfunction has been determined and remedied; and

B. Cognizant reactor supervisor personnel and, to the extent applicable, the local reactor hazards committee have reviewed and concurred in the remedial action taken; and

C. A written record is made by the licensee of the events in A and B above.

9. The effectiveness of the corrective measures taken pursuant to condition 8 above shall be verified by scramming the rods, which had previously failed to scram, several times under conditions similar to those under which they had failed. A written record of these tests shall be made. Should the rod again fail to scram during the tests, the reactor shall be shut down and the steps described in condition 8 above and this condition 9 shall be repeated.

This amendment is effective thirty days after the date of issuance.

Date of issuance: February 15, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-1543; Filed, Feb. 21, 1961; 8:45 a.m.]



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VOLUME 26 NUMBER 36 MAR 1 1961

Washington, Friday, February 24, 1961


THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

THE UNIVERSITY OF MICHIGAN MAIN READING ROOM

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Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.



FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10921

### ESTABLISHING A COMMISSION TO INQUIRE INTO A CONTROVERSY BETWEEN CERTAIN AIR CARRIERS AND CERTAIN OF THEIR EMPLOYEES

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. There is hereby established a Presidential commission to consider differences that have arisen regarding the performance of the flight engineer's function, the job security of employees performing such function, and related representation rights of the unions, namely, the Flight Engineers International Association and the Airlines Pilots Association on the following carriers: Pan American World Airways, American Airlines, Trans World Airways, Eastern Airlines, National Airlines and Flying Tigers. The commission shall be composed of three public members who are hereby appointed as follows: Professor Nathan Feinsinger, Chairman; Professor Richard Lester and Professor J. Keith Mann.

SEC. 2. The commission is authorized and directed to investigate and to inquire into such issues with the objective of making a report to the President, including its findings and recommendations with respect thereto and assisting in achieving an amicable settlement and agreement with respect to such issues involving the above-mentioned parties. In connection with its inquiry, the commission is authorized to hold such public hearings and to hear such witnesses as it may deem appropriate.

SEC. 3. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the commission in its work and to furnish the commission with such information and assistance, not inconsistent with law, as it may require in the performance of its duties.

SEC. 4. The chairman and members of the commission shall receive such compensation and expense allowances as the President shall hereafter fix, in a manner to be hereafter determined.

JOHN F. KENNEDY

THE WHITE HOUSE,
*February 21, 1961.*

[F.R. Doc. 61-1708; Filed, Feb. 23, 1961; 12:17 p.m.]

# Rules and Regulations

## Title 15—COMMERCE AND FOREIGN TRADE

### Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

### PART 201—ELECTRICITY

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These changes are effective from February 13, 1961.

1. Part 201 is revised to read as follows:

NOTE: The calibration service covered by this part includes the determinations of the corrections for standard electrical measuring apparatus and their range-extending auxiliaries used at power and audio frequencies (i.e., up to 30 kc/s).

The National Bureau of Standards does not test, except occasionally for other agencies of the Federal Government, electrical devices or supplies not directly related to the field of measurement. Tests of power transformers, motors, generators, relays, wiring, appliances, etc., should not be requested.

The National Bureau of Standards does not calibrate portable self-contained test equipment having relatively low accuracy such as portable potentiometers, resistance test sets, and double-bridge ohmmeters. The accuracy of these devices is such that a complete detailed determination of corrections is not economically feasible. Apparatus of this type may be spot-checked by measuring known voltages or resistances with them. Adequate calibration services of this type can be obtained from a number of commercial testing laboratories.

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- 201.500 Dielectric constant, power factor.

AUTHORITY: §§ 201.100 to 201.403 issued under sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a.

RESISTANCE MEASUREMENTS

INVOLVING PRECISION WIRE-WOUND RESISTORS

### § 201.100 General.

In general, §§ 201.101 and 201.102 apply only to apparatus embodying the following essential features:

(a) The resistance material should have a low temperature coefficient, should not change its resistance appreciably with time, and for low-values coils should have a small thermoelectric power against copper.

(b) All wire standard resistors and the more important section of resistance apparatus for use in d-c circuits should be wound on metal or ceramic supports, preferably in a single layer. Electrical connections to the resistance material should be brazed in all cases in which the total resistance is less than 1,000 ohms. The resistance material should be protected against oxidation and other chemical action and should be annealed or aged by baking after winding.

(c) Precision standard resistors should be so adjusted as to give an accuracy of at least 0.02 percent without corrections. Precision resistance apparatus should be adjusted within 0.05 percent of nominal value.

(d) Because comparatively rapid changes in resistance take place in new apparatus, it is not advisable to calibrate new or repaired apparatus until at least two months after the resistors have been annealed and adjusted. Precision apparatus, known to be new, will be held in the laboratory (in the absence of other instructions) for at least a month, when the measurements will be repeated to determine the drift in value, if any. No extra charge is made for these later measurements. However, if not so held, or if measurements indicate instability a report rather than a certificate will usually be issued.

(e) Unless otherwise stated, the tests listed are generally made using a direct current of such magnitude as to cause only a negligible heating of the resistance material. Calibrations of standard resistors, bridges and decade resistors consist of determinations of the resistance of the standards or of the resistance of the elements of the bridges or similar apparatus from which values corresponding to all possible readings can be computed. Measurements of potentiometers consist of determinations from which the ratios of the resistances corresponding to all possible readings can be computed. Precision standard resistors are ordinarily measured at a temperature of 25° C., while resistance apparatus is measured at room temperature, usually from 22° to 25° C.

### § 201.101 Precision standard resistors.

Standards of 1 ohm and less of the precision type provided with amalgamated current terminals and designed for oil immersion must be of the four-terminal type, that is, must have both current and potential terminals. The resistance of each standard will be given to as many figures as are significant at the time of measurement and will be certified to an accuracy designed to indicate the degree of dependence which may ordinarily be placed on the standard for a period of one year. The certified accuracy will vary from 0.0002 percent to 0.01 percent depending on the nominal value of the standard, its type, age, and previous history. Well-aged standards in good condition having nominal values in the range 0.001 ohm to 10,000 ohms will usually be certified to 0.002 percent.

| Item | Description | Fee |
|---|---|---|
| 201.101a | Determination of resistance in oil bath at 25° C. For all standards having resistances in the range 0.0001 to 100,000 ohms, inclusive, provided they are adjusted within 0.05 percent of a nominal value which is itself a decimal multiple (or submultiple) of 1 ohm | $20.00 |
| 201.101b | Determination of resistance in oil bath at 25° C. For odd-valued standards not falling within the scope of item 201.101a | 30.00 |
| 201.101c | Measurement of resistance in oil bath at 20, 25, and 30° C., and determination of temperature coefficient. Such measurements are made only when it is shown that the small changes in resistance resulting from necessary variations of the temperature from 25° C. are of importance | 75.00 |
| 201.101z | For special calibrations not covered by the above schedule, advance arrangements must be made. Fees will be charged dependent on the time involved in making a calibration. | |

### § 201.102 Precisions resistance apparatus.

Corrections pertinent to apparatus of suitable quality submitted under this section will ordinarily be determined to such an accuracy that results obtained with the apparatus may be relied upon to 0.01 percent for a period of one year. Calibrations will be made at room temperature, usually 22° to 25° C.

| Item | Description | Fee |
|---|---|---|
| 201.102a | Precision decade and plug boxes, calibration and certification of corrections for decades not exceeding 10,000 ohms per step: (1) First point in each box; (2) Each additional point in same resistance box | $10.00; 3.00 |
| 201.102b | Megohm box, 10 sections each 100,000 ohms—calibration and certification of corrections | 100.00 |
| 201.102c | Wire-wound 0.1 to 100 megohm boxes with 10 equal sections—calibration and certification of value with all sections in parallel | 30.00 |
| 201.102d | Precision Wheatstone and calorimetric bridges of all kinds—calibration and certification of corrections | 260.00 |
| 201.102e | Potentiometers, minimum steps 10 microvolts or more—calibration and certification of corrections | 150.00 |
| 201.102f | Potentiometers, minimum steps less than 10 microvolts—calibration and certification of corrections | 270.00 |
| 201.102g | Kelvin bridge ratio box—calibration and certification of corrections | 90.00 |
| 201.102h | Double ratio set for Kelvin bridge, with double set of fixed and variable arms—calibration and certification of corrections | 255.00 |
| 201.102z | For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged dependent on the time involved in making the tests. | |

RESISTANCE STANDARDS OTHER THAN WIRE-WOUND

### § 201.103 Multi-megohm resistance standards—except wire-wound.

Measurements made on resistors submitted under this section are accurate to 0.1 percent at the time of test if nominal values are in the range $10^6$ to $10^{12}$ ohms; for higher-valued resistors the accuracy is 0.5 percent. In order that the reported results be of significance it is necessary that standards submitted for tests be made of suitable materials processed in such a manner that resistance values do not change rapidly with time. They should be so constructed and treated that the effect of relative humidity is minimized. The resistance of these standards usually depends on the magnitude of the applied voltage; the test voltage should therefore be specified. Each resistor should have an identifying number engraved on, or permanently attached to it. Reports of test, not certificates, will be issued.

| Item | Description | Fee |
|---|---|---|
| 201.103a | Determination of resistance of a resistor at 1 voltage (1.5 to 250 volts) at room temperature (23° C.) and humidity (50% R.H. or less) when the resistor has a nominal value between $10^6$ and $10^{10}$ ohms | $20.00 |
| 201.103b | Determination of resistance of a resistor at 1 voltage (1.5 to 250 volts) at standard laboratory temperature (23° C.) and humidity (50% R.H. or less) when the resistance is higher than $10^{10}$ ohms but the current involved is not less than $10^{-13}$ ampere | 30.00 |
| 201.103c | Determination of resistance of a resistor at each voltage (1.5 to 250 volts) at standard laboratory temperature (23° C.) and humidity (50% R.H. or less) when the current involved is less than $10^{-13}$ ampere but not less than $10^{-15}$ ampere | 40.00 |
| 201.103z | For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged dependent on the time involved in making the test. | |

INDUCTANCE AND CAPACITANCE MEASUREMENTS

NOTE: Tests at radio frequencies are performed at the NBS Boulder Laboratories, Boulder, Colo.

### § 201.104 Standard inductors.

(a) Inductors for use in a-c bridges are ordinarily tested at 100, 400, 1000, or 10,000 cps at a room temperature of 24° C. and a relative humidity of 50 percent or less. Measurements at 10,000 cps are limited to standard inductors of value 0.1 henry or less. Most inductors used at 60 cps can be tested at 100 cps since the variation of inductance with frequency in this range is usually negligible. Purchase orders should state which frequency or frequencies are to be used for calibration purposes. A metal encased standard is calibrated with the case connected to the "low" terminal of the inductor unless other conditions are specified. Variable inductors used as circuit elements in laboratory set-ups are low-accuracy devices which do not come within the purview of the schedule and should not be submitted for calibration. "Q" values are not supplied for inductors calibrated under this schedule. Inductors intended for use as "Q" standards at radio frequencies should be referred to our Boulder Laboratories. Mutual inductors used in magnetic testing for calibrating ballistic galvanometers should be calibrated with direct current under item 201.403a.

(b) Accuracy: Inductance values and accuracy statements given in certificates depend upon three factors: (1) The accuracy of the comparison of the customer's inductor with the national working standards of inductance; (2) the uncertainty in the derivation of the unit of inductance which is embodied in the national working standards; (3) probable stability of the inductor tested. In general, inductance values will be given to as many significant figures as are justified at the time of measurement and are indicative of the precision or repeatability of the comparisons made at the NBS on the date of test. The accuracy figure stated takes into account factors in subparagraphs (2) and (3) of this paragraph. This figure will vary from 0.03 percent to 0.2 percent depending upon the nominal value of the inductor, and the frequency employed. It is expected that the inductance value given will be reliable to the accuracy stated for a period of at least one year from the date of calibration.

(c) Inductors can usually be shipped safely express but should be carefully packed to avoid damage to the coil fastenings and terminals.

| Item | Description | Fee |
|---|---|---|
| 201.104a | Determination of self or mutual inductance of a fixed inductor with non-magnetic core at one frequency, 100, 400, 1,000, or 10,000 cps | $25.00 |
| 201.104b | Determination at an additional frequency 100, 400, 1,000, or 10,000 cps, on an inductor tested under 201.104a | 15.00 |
| 201.104z | For special calibrations not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the calibration. | |

### § 201.105 Standard capacitors; tests with alternating current.

(a) Calibrations are ordinarily performed at 65, 100, 400, 1,000, and 10,000 cps with an ambient temperature of about 24° C. and a relative humidity of 50 percent or less.

(b) In general the accuracy stated on the certificate or report is set by the performance characteristics of the capacitor itself and is sufficiently broad to allow for variations in the stray capacitance at the connectors, variations in temperature of a few degrees C., considerable variation in relative humidity and atmospheric pressure and frequency deviations of a few percent from the stated test conditions. Over the above frequency range and in the capacitance range from 0.01 pf to 100 μf the available accuracy usually lies in the range 0.1 to 0.01 percent.

(c) The capacitance value given is the equivalent parallel capacitance. In general a determination of the equivalent parallel conductance with high accuracy is not feasible; however, for solid dielectric capacitors an approximate value is given without additional charge.

| Item | Description | Fee |
|---|---|---|
| 201.105a | Determination of either direct or grounded capacitance of a fixed capacitor or 1 section of a subdivided capacitor, with alternating current at 1 frequency from those listed above (201.105) | $25.00 |
| 201.105b | Determination of either direct or grounded capacitance of each additional point on the same subdivided capacitor submitted under item 201.105a | 15.00 |
| 201.105z | For special calibrations not covered by the above schedule, advance arrangements must be made. Fees will be charged dependent on the time involved in making the calibration. | |

ELECTROCHEMISTRY

### § 201.201 Standard cells.

(a) Unsaturated type cells normally require about two weeks for a complete calibration. The cells are kept in a thermally insulated cabinet and readings of their emf are taken daily for a period of ten days after the values have become reasonably constant. If the emf continues to fluctuate, or is abnormally low, or if the cell shows other indications of poor quality, a report is issued in lieu of a certificate and the nature of the failure is indicated. Cells of the unsaturated type are not likely to be injured by normal transportation (mail or express), if they are carefully packed. Shipment during very cold weather should be avoided because of the possible hazard from freezing.

(b) Saturated type cells should be transported by messenger because they should never be inverted. It is desirable that such cells be kept in NBS temperature-controlled oil baths where they are measured for a period of several weeks or months in order to make sure that the final average values are truly representative of the high accuracy of which such saturated cells are capable.

| Item | Description | Fee |
|---|---|---|
| 201.201a | Cadmium standard cell (unsaturated type), determination of electromotive force with accuracy of 0.01 percent | $20.00 |
| 201.201b | Cadmium standard cell (saturated type), measurement of the first cell of a group at a fixed temperature of 25° C., in a thermostatically controlled oil bath or at a fixed temperature in a thermoregulated air bath | 40.00 |
| 201.201c | Each additional saturated cell of a group | 20.00 |
| 201.201d | Cadmium standard cell (saturated type), measurement of the first cell of a group at any temperature between 20° C. and 35° C., except 25° C., in a thermostatically controlled oil bath | 48.00 |
| 201.201e | Each additional cell of a group (at temperatures between 20° C. and 35° C., except 25° C., in a thermostatically controlled oil bath) | 24.00 |
| 201.201z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

ELECTRICAL INSTRUMENTS

## § 201.300 General.

(a) NBS ordinarily accepts for calibration only instruments of ¼ percent accuracy class or better (ASA C-39.1)[1] that are to be used as standards for testing other instruments.

(b) D-C instruments: All standards laboratories should be equipped with a potentiometer and accessories[2] for accurate d-c measurements. Because of this and to avoid the hazards of frequent shipment of delicate instruments, NBS accepts d-c instruments for test only in unusual circumstances and by advance arrangement. It is recommended that d-c instruments be tested by the user in his own standards laboratory.

(c) AC-DC instruments: (1) Most a-c instruments in accuracy classes ¼ percent or better such as electrodynamic, electrostatic, and thermocouple instruments, and thermal converters respond to the rms value and can be used on direct as well as alternating current. They are best tested by determining their ac-dc difference and then making periodic reversed d-c tests. Such reversed d-c tests (made by taking the average for the two directions of current through the instrument) can in most cases be carried out in the user's standards laboratory with a potentiometer and accessories. Thus NBS accepts such instruments only for ac-dc difference calibrations, except in unusual circumstances and by advance arrangement.

(2) An ac-dc difference test consists of determining the difference between the quantities (current, voltage or power) required to deflect the instrument under test to the same scale point on alternating current and on reversed direct current, as determined by an ac-dc transfer standard. It is expressed as a percentage of the reading. The alternating quantity, $Q_a$, required for a given deflection is then:

$$Q_a = Q_d(1+S)$$

Where $Q_a$ is the average quantity required for this deflection on reversed direct current as determined by d-c tests, and $S$ is the small fractional ac-dc difference.

(3) Usually ac-dc difference tests are made at only one or two scale points on each range of an instrument. The ac-dc differences depend on the ratios of the reactances to the resistances of the instrument components, and normally do not vary appreciably with scale position. They increase with frequency, but are small and relatively permanent over the rated frequency range of a well designed instrument. Once their stability has been established, ac-dc differences should not need to be redetermined at intervals of less than five years, and then only if the instrument is to be used over the upper part of its frequency range. The ac-dc differences are not appreciably affected by ordinary changes in room temperatures.

(d) A-C instruments: It is recommended that the calibration of a-c instruments which do not respond to direct current be checked periodically by the user with an ac-dc transfer instrument. Instruments which respond to average or peak values with scales marked in rms values for a sine wave are ordinarily not accepted at NBS for test, because their readings depends upon the form factor or crest factor as well as the magnitude of the applied voltage or current. Because they are sensitive to harmonics, the user should test them with the actual wave form that will be used. Such a-c calibrations should of course be repeated periodically.

(e) Instrument scales: The scales of instruments in the better accuracy classes are individually marked by the manufacturer by first locating the correct positions for the cardinal divisions (the indicated quantity being measured electrically), and then placing the intercardinal marks by an appropriate mechanical dividing process. The correction of intercardinal readings by linear interpolation from measured corrections at the cardinal divisions can be justified only if the intercardinal divisions are properly placed in accordance with the scale law of the instrument. If an instrument is to be used as a laboratory standard (for example, to check the calibration of other instruments), the user should inspect its intercardinal markings, and verify that they are located to properly subdivide the scale between each pair of cardinal markings. Having done this he should check the instrument calibration at each of the cardinal points used by the maker in laying out the scale. Where the same scale is used for more than one instrument range, calibration checks should be made at two cardinal points on each added range of interest. From the ratio of results on the base range and second range, a multiplying factor can be determined by which the values obtained for the cardinal points on the base range can be used to determine values for corresponding points on the second range.

(f) Packing for shipment: (1) Electrical measuring instruments such as ammeters, voltmeters, wattmeters and watthour meters contain extremely delicate jewels and pivots, upon which the operation of the instrument depends. These delicate parts must be carefully protected from mechanical shocks and jars during shipment. Sensitive instruments will not arrive in satisfactory operating condition unless great care is taken in packing. Every effort is made to handle and to repack these instruments carefully at the Bureau, and whenever possible the return shipment is made in the original container.

(2) Before each instrument is packed, all binding posts should be tightened, and any externally operated clamping device for the moving system should be switched to the "clamp" or "transit" position. Plugs and other small accessories should be enclosed in a small separate container tied to the instrument. Glass windows of instruments lacking protective cases should be protected by pieces of thin wood or heavy cardboard before wrapping. Each instrument should then be wrapped in heavy manila paper or similar covering and sealed with gummed tape to exclude dust and excelsior.

(3) Boxes in which instruments are packed should be strong, preferably of wood, with screwed-on tops to avoid damage to pivots or jewels, which may be caused by a hammer or nail puller.

(4) Clean, fresh excelsior or its equivalent in special packaging material should be used as the shock-absorbing material. A layer of excelsior at least 3 to 4 inches deep, pressed down firmly, should surround each wrapped instrument. Instruments having pivoted components should be packed upside down.

(5) High-grade pivoted instruments of the laboratory standard type, which have comparatively heavy moving systems without clamping devices, should be packed with special care and should always be individually shipped in wooden boxes with the equivalent of 4 to 6 inches of excelsior around the wrapped instrument. Portable standard watthour meters (rotating standards) should also be individually packed. A wedge made of a folded piece of cardboard may be placed between the rotating disc and the magnets to protect the meter bearings in transit.

(6) Certain heavy accessories used with instruments, such as ammeter shunts, current transformers, and voltage (potential) transformers, should be packed in separate boxes to avoid possible damage to the instruments. Heavy pieces should always be shipped in wooden boxes and held in place, if necessary, by checks or cleats. Large transformers, especially those having oil-filled iron cases, should be crated separately and arranged whenever possible so that the terminals can be made accessible for tests without removing the entire crate.

(7) The tops of boxes and crates must be marked "This Side Up". Boxes containing delicate instruments should be marked "Fragile, Handle With Care". Those containing any glass parts should be marked "Glass". Failure to use such markings precludes recourse in the event of loss or damage in shipping.

## § 201.301 Standard resistors for current measurements.

(a) *Certification.* NBS normally issues certificates only on resistors of 0.04 percent accuracy or better which are properly designed and for which the measured values lie within the maker's claimed accuracy. Test results at currents above 1,000 amperes or for resistors less than 100 microhoms are normally not certified. For resistors accepted for test but not meeting the above requirements, test reports will be issued rather than certificates. Test results for suitable standard resistors for current measurements are usually certified to an accuracy of 0.01 percent.

(b) *Design.* A standard resistor for current measurements is a 4-terminal resistor, for which the resistance is defined as the ratio of the open-circuit potential difference between the potential terminals to the current through the current terminals. The resistance value will be definite and reproducible only if the current flow-pattern at the potential terminals is completely reproduced. This flow-pattern should be fixed by resistor design to be independent of the way in which current is introduced at the current terminals and the location of leads on the potential terminals. In some instances where this has not been done the type and location of connections to the current terminals can be specified adequately to fix the flow-pattern at the potential terminals.

(c) *High-current resistors.* (1) Resistors for high currents (above about 1,000 amperes) require considerable power, so that their temperature rise between low and rated current, and the resulting change in resistance, will depend not only on their design, including the means provided for dissipating heat, but also on the connecting bus bars and their junctions to the resistor. Bus bars of generous cross-section may carry away a significant part of the heat generated in the resistor; inadequate bus bars may actually contribute to the heating of the resistor. In addition, contact resistance at the points of connection to the bus bars, unless carefully minimized, may contribute appreciably to the heating. (Contact resistance of bolted connections depends on area of contact, cleanness of surfaces, and pressure.) Resistance determinations made in the laboratory at rated current may therefore be of little value because the working temperature conditions cannot be duplicated. The best experimental procedure to use in such cases is to place the standard in a temperature-controlled enclosure and measure its resistance with a comparatively low test current when it is heated uniformly to temperatures approximating that at which it will operate in service (201.301 d and e). From data at two or more elevated temperatures combined with that at room temperature, a curve can be plotted from which the resistance at the operating temperature can be read, provided this temperature is determined by the user with the resistor under the actual operating conditions.

(2) Changes in resistance may also result from strains in the resistance element produced by mechanical forces incidental to clamping the resistor connections, as well as from inherent internal expansion constraints on resistor parts, or forces from the magnetic field produced by the current.

(d) *Test schedule.* Resistors when first submitted for test should be tested with about 20 percent of rated current and with full rated current; normally when resubmitted for test, determinations need be made only with 20 percent of rated current; once stability is proved, the resistor need not be recalibrated at intervals of less than two years.

| Item | Description | Fee |
|---|---|---|
| 201.301a-1 | Initial determination of resistance of a single-range resistor or one range of a multirange resistor, at 30 percent rated current or less (current rating not to exceed 300 amperes) | $30.00 |
| 201.301a-2 | Same as a-1 except current rating above 300 amperes but not to exceed 1,000 amperes | 50.00 |
| 201.301b | Determination of resistance on another range of a multirange resistor, at 30 percent rated current or less (current rating not to exceed 300 amperes) | 10.00 |
| 201.301c | Test according to item 201.301a or 201.301b having been made, for additional determination at another test current (not to exceed 1,000 amperes) | 15.00 |
| 201.301d | Additional determination of resistance at temperatures above room temperature at a current not greater than 30 percent rated, for first elevated temperature | 50.00 |
| 201.301e | Additional determination of resistance of each additional elevated temperature, at a current not greater than 30 percent rated | 12.00 |
| 201.301f | Twenty determinations of resistances corresponding to 9 plug positions and 11 slider positions of an adjustable low resistance standard, at 30 amperes | 150.00 |
| 201.301z | For determinations of resistance at currents larger than 1,000 amperes and requiring unusual setups or procedures, and for special tests not covered by the above schedule advance arrangements must be made. Fees for such tests will depend upon the nature of the test. | |

## § 201.302 D-C ammeters, millivoltmeters and voltmeters (up to 100 amperes and 600 volts).

NOTES: D-C instruments will be accepted for test only under unusual circumstances and by advance arrangement. See § 201.300.

| Item | Description | Fee |
|---|---|---|
| 201.302a | Test at 5 scale points on 1 range | $30.00 |
| 201.302b | Test at 1 scale point on an additional range | 10.00 |
| 201.302c | Test at each additional scale point on one of the ranges tested under 201.302 a or b | 5.00 |
| 201.302z | For tests at higher currents and voltages and for special tests not covered by the above schedule, fees will be charged dependent on the nature of the test. For tests at higher voltages see 201.304. | |

## § 201.303 A-C and AC-DC ammeters, voltmeters and thermal converters (20 to 30,000 c/s, up to 100 amperes and 600 volts).

Ordinarily instruments equally suitable for use on direct and alternating current will be tested only for ac-dc difference by the procedures of items 201.303d–f, since periodic tests can then be made by the user on reversed direct current. Such reversed d-c tests will be made at NBS only under unusual circumstances and by advance arrangement. Instruments suitable for use only on alternating current will be given a-c tests by the procedures of items 201.303a–c. Instruments which respond to average or peak values or which are not in ASA accuracy class ¼ percent or better are not usually accepted for test. See § 201.300.

| Item | Description | Fee |
|---|---|---|
| 201.303a | Test at 5 scale points on 1 range using reversed direct current or alternating current of one frequency | $45.00 |
| 201.303b | Test at 1 scale point on an additional range or frequency, using direct current or alternating current | 12.00 |
| 201.303c | Test at each additional scale point on the same range and frequency used in 201.303 a or b | 5.00 |
| 201.303d | Determination of the difference between the reading on reversed direct current and the reading on alternating current at the first scale point at which this difference is determined | 25.00 |
| 201.303e | Determination of this difference at the first scale point on an additional range or frequency | 7.00 |
| 201.303f | Determination at an additional scale point with the same combination of range and frequency used in 201.303 d or e | 5.00 |
| 201.303z | For tests at higher currents or frequencies and for special tests not covered by the above schedule advance arrangements must be made. Fees will be charged depending upon the nature of the test. For tests at higher voltages see 201.304. | |

## § 201.304 D-C and A-C kilovoltmeters (up to 100 kv).

| Item | Description | Fee |
|---|---|---|
| 201.304a | Test at 5 scale points on 1 range, using 60 cycle alternating voltage or direct voltage of one polarity to ground | $60.00 |
| 201.304b | Test at 1 scale point on an additional range | 15.00 |
| 201.304c | Test at additional scale point on one of the ranges tested in 201.304 a or b | 5.00 |
| 201.304z | For special tests advance arrangements must be made. Fees will be charged depending upon the nature of the test. | |

## § 201.306 Wattmeters (20 to 60 c/s, up to 50 amperes and 500 volts).

(a) Ordinarily only single phase wattmeters of ASA ¼ percent accuracy class or better are accepted for test. Electrodynamic wattmeters equally suitable for use on direct and alternating current and with current ranges of 1 to 10 amperes will be tested only for ac-dc difference by the procedures of items 201.306d–f, since periodic tests can then be made by the user on reversed direct current. Such d-c tests will be made at NBS only under unusual circumstances

[1] C-39.1—American Standard Requirements for Electrical Indicating Instruments, American Standards Association, New York City.

[2] When a large number of instruments must be tested on a routine basis, the use of an appropriate digital voltmeter as a reference instrument has much appeal. However, it must be realized that, in their present state of development, the continuing accuracy of digital voltmeters can be assured only by frequent periodic tests with a potentiometer in the user's laboratory.

and by advance arrangement. Wattmeters with other current ranges or with built-in transformers will be tested on alternating current by the procedures of items 201.306a–c.

(b) AC–DC difference tests should be made at 1 scale point at unity and 0.5 power factor, current lagging on combinations of one current range with each voltage range, and one voltage range with each other current range. Tests at a second scale point on one combination of ranges at unity and 0.5 power factor are also desirable.

| Item | Description | Fee |
|---|---|---|
| 201.306a | Test at 5 scale points on 1 range using reversed direct current or alternating current at one frequency and power factor | $60.00 |
| 201.306b | Test at 1 scale point on an additional range, or (for alternating current) at an additional frequency or power factor | 15.00 |
| 201.306c | Test at each additional scale point on the same combination of range frequency and power factor used in 201.306 a or b | 5.00 |
| 201.306d | Determination of the difference between the reading on reversed direct current and the reading on alternating current at the first scale point at which this difference is determined, at currents not to exceed 10 amperes | 30.00 |
| 201.306e | Determination of this difference at 1 scale point on an additional range, frequency or power factor, at currents not to exceed 10 amperes | 10.00 |
| 201.306f | Determination at each additional scale point with the same combination of range, frequency and power factor, at currents not to exceed 10 amperes | 4.00 |
| 201.306z | For frequencies greater than 70 c/s and for special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the test. | |

## § 201.307 Watthour meters.

Except under unusual circumstances, only portable standard watthour meters (rotating standards) will be accepted for test. Tests consist of determinations of the percentage registration of the meter "as received". If meters are to be cleaned and adjusted this must be done before they are submitted for test. NBS does not undertake the cleaning and adjustments of meters and does not knowingly begin tests on faulty meters. Before tests can be started the test conditions must be completely specified by the user as to current and voltage ranges to be tested, frequency, applied voltage and current, and power factor. A guide listing a limited yet adequate schedule of tests is available at no charge. Test voltages should be chosen from the following values: 1, 2, or 4 times 110, 115, 120, 125, and 130 volts. Test currents should be chosen from the following values: 1, 10, or 100 times 0.25, 0.5, 0.75, 1, 1.25, 1.5, 2, 2.5, 3, 3.75, 4, 5, 7.5 amperes (but not to exceed 100 amperes). Tests at other voltages or currents or at power factors other than 1.0 and 0.5 current lagging, will be considered as special tests, because rearrangements of circuits are required. (See item 201.307z.) Unless otherwise specified, test runs on portable standard watthour meters (rotating standards) are approximately 100-seconds duration. The meters are energized for at least 30 minutes at rated voltage and current on one range before starting the test.

| Item | Description | Fee |
|---|---|---|
| 201.307a | Test at 60 c/s on one combination of range, applied voltage, and power factor, at not more than five current loads | $40.00 |
| 201.307b | Additional test on the same or an additional combination of range, applied current, voltage, and power factor | 6.00 |
| 201.307z | For special tests not covered by the above schedule advance arrangements must be made. Fees charged will depend upon the time required for the test. | |

## § 201.309 Current transformers.

(a) Certification: The NBS normally issues certificates only for current transformers of high quality for use as reference standards. Qualification for certification may be determined by either of two criteria: (1) If the name plate states that the transformer is compensated for a specified burden, its accuracy at this burden may be the criterion; (2) if the transformer quality is stated in terms of ASA accuracy classes, certification will normally be limited to transformers stated to be in the 0.3 percent class for one or more ASA burdens. Test reports rather than certificates are issued when transformers are accepted for test which are not adequately compensated under criterion in subparagraph (1) of this paragraph or which do not qualify for certification under criterion in subparagraph (2) of this paragraph. NBS reserves the right to decline tests which are not to be used for establishing or checking a reference standard. The NBS equipment is primarily designed for testing current transformers whose rated secondary current is five amperes. Results obtained at frequencies near 60 c/s will normally be certified to 0.05 percent in ratio and 1 minute in phase angle. However, in some instances the ratio can be certified to 0.03 percent.

(b) Test information: Tests cannot be started until information is furnished concerning the following conditions: (1) Test frequency, (2) secondary test currents, (3) secondary burdens, (4) ranges to be tested. It is customary to make tests at secondary currents of 0.5, 1, 2, 3, 4, and 5 amperes.

(c) Transformer burden: (1) Current transformers should be tested with burdens equivalent to the impedances imposed when the transformer is used as a reference standard. Inclusion of tests at ASA burdens, is not recommended. The burdens listed in the American Standard for Instrument Transformers, C–57.13 are for rating purposes only and differ from the instrument burdens imposed on a reference standard. Large errors in measurement can result if the values of ratio and phase angle obtained with an ASA burden are used for the transformer when it supplies only an instrument burden.

(2) Preferably the burden should be specified in terms of the measured resistance and inductance, including the leads to connect the instruments to the secondary of the transformer. If this measurement cannot be made conveniently, it will suffice in most cases to state the name of the maker, the type, range and serial number of each instrument used in the burden, and the length and size of the wire of the leads used in the secondary circuit. Alternatively the burden may be stated in terms of the volt-amperes and power factor of the secondary circuit at the test frequency.

(3) The test equipment regularly used at NBS Washington imposes a minimum test burden of about 0.16 ohm with a minimum inductance of about 10$\mu$h (if the burden inductance is larger than 10$\mu$h, the minimum resistance is increased above 0.16 ohm). Special test equipment and procedures must be used for burdens lower than 0.16 ohm, so that advance arrangements must be made and higher fees must be charged. In planning for the tests of a transformer it is therefore desirable to select a low burden, but one larger than this minimum, preferably not less than 0.2 ohm. The required total may be made up by incorporating resistance in the leads to the instruments.

(d) Multirange current transformers, in which the same sections of primary windings are used in series and in parallel, usually have phase angles and ratio factors which are equal on the several ranges to within the accuracy needed for almost any measurement purpose. Hence a test at six values of secondary current on one range is nearly always sufficient to determine the characteristics of the transformer. Further tests, often made at 0.5 and 5 secondary amperes on each additional range, merely serve as a safeguard by means of which mistakes in winding may be detected. When the various ranges of a multirange transformer are obtained by taps on either winding, this relation does not necessarily hold, particularly in the case of secondary taps; and tests in addition to the initial six-point test on one range should be made, using two values of secondary current on each of the ranges so obtained. Transformers of some designs, however, show very little difference in ratio factor and phase angle on the various ranges, and the Bureau should be consulted before tests on a large number of ranges are ordered.

(e) Demagnetization: Unless otherwise specified, current transformers will be demagnetized before being tested. If it is desired to have a transformer tested as submitted (without demagnetization), this fact should be specifically stated.

(f) Test limitation at frequencies greater than 60 c/s: At 400 c/s, the maximum current range for which tests are made is about 200 amperes and the phase angle values are normally certified to 3 minutes; at 800 c/s there is a further reduction in the current range and accuracy. If the burdens at these higher frequencies are specified in terms of volt-amperes and power factor, the frequency for which these values are stated must be clearly indicated so that the proper burden resistance and inductance can be duplicated.

(g) Recalibration: At room temperature the ratio and phase angle under a specified test condition should be repeatable unless the core is magnetized. Once stability has been demonstrated a current transformer should not require recalibration at intervals less than five years.



| Item | Description | Fee |
|---|---|---|
| 201.309a-1 | Determinations of the ratio and phase angle of a current transformer on one range at 1 frequency and 1 burden (not less than 0.2 ohm resistance) at not more than 6 values of secondary current, namely, 0.5, 1, 2, 3, 4, and 5 amperes unless otherwise specified; primary current not to exceed 500 amperes | $60.00 |
| 201.309a-2 | Same as a-1 except primary current greater than 500 amperes but not to exceed 8,000 amperes | 85.00 |
| 201.309b-1 | Determinations of the ratio and phase angle at 1 value of secondary current on an additional combination of frequency, range and burden (not less than 0.2 ohm resistance); primary current not to exceed 500 amperes | 12.00 |
| 201.309b-2 | Same as b-1 except primary current greater than 500 amperes but not to exceed 8,000 amperes | 20.00 |
| 201.309c | Determinations of ratio and phase angle at an additional value of secondary current with the same combination of frequency, range and burden used in 201.309 a or b, primary current not to exceed 8,000 amperes | 6.00 |
| 201.309z | For tests of current transformers at frequencies other than 25, 50, or 60 c/s, or with burdens less than 0.2 ohm resistance, or with primary currents greater than 8,000 amperes, and for special tests not covered by the above schedule advance arrangements must be made. Fees will be charged depending upon the nature of the test. | |

## § 201.310 Voltage transformers.

(a) *Certification.* The NBS normally issues certificates only for voltage transformers of high quality for use as reference standards. Qualification for certification may be determined by either of two criteria: (1) If the name plate states that the transformer is compensated for a specified burden, the accuracy at this burden may be used as a criterion; (2) if the transformer quality is rated in terms of ASA accuracy classes, certification will be limited normally to transformers stated to be within the 0.3 percent accuracy class for one or more ASA burdens. Test reports rather than certificates are issued when transformers are accepted for test which are not adequately compensated under criterion in subparagraph (1) of this paragraph or which do not qualify for certification under criterion in subparagraph (2) of this paragraph. The NBS reserves the right to decline tests which are not to be used for establishing or checking a reference standard. Results of tests at or near 60 c/s will normally be certified to 0.03 percent in ratio and 1 minute in phase angle.

(b) *Test information.* Tests cannot be started until information is furnished concerning the following test conditions; (1) test frequency, (2) secondary test voltages, (3) secondary burdens, (4) ranges to be tested.

(c) *Transformer burdens.* The ratio and phase angle of a voltage transformer vary linearly with secondary current under conditions of constant voltage, frequency, and power factor within its rating. Hence, if values of ratio and phase angle are determined on open circuit (zero burden) and at one burden having a particular power factor, values at other current burdens with the same power factor (and at the same voltage and frequency) can be found by linear interpolation. If the ratio and phase angle of a voltage transformer are known both on open circuit (zero burden) and at a single unity power-factor burden, the ratio and phase angle for any burden within its ratings at any power factor (at the same voltage and frequency) can be computed with sufficient accuracy for many measurement purposes by the following formulas:

$$F=F_0+\frac{I}{I_1}[(F_1-F_0)\cos\Phi+(\gamma_0-\gamma_1)\sin\Phi],$$

and

$$\gamma=\gamma_0+\frac{I}{I_1}[(F_1-F_0)\sin\Phi-(\gamma_0-\gamma_1)\cos\Phi].$$

Where $I_1$ and $I$ are the secondary currents at the known unity power factor burden and the desired burden, respectively; $F_0$, $F_1$, and $F$ are the ratio correction factors at zero burden, the known unity power-factor burden and the desired burden, respectively; $\gamma_0$, $\gamma_1$, and $\gamma$ are the corresponding phase angles in radians; and cos $\Phi$ is the power factor of the desired burden ($\Phi$ being taken as positive for inductive burdens). The following conversion factors apply:

1 minute 0.000291 radian
1 radian 3438 minutes

The "standard burdens" of the ASA Standard for Instrument Transformers (C57.13) are for rating purposes only, and are not recommended for use as test burdens in calibrating a voltage transformer for use as a reference standard. Values of ratio and phase angle at any ASA burden can be computed with sufficient accuracy for rating purposes by using the above formulas. The test burdens recommended are stated in items 201.310 a, b, or c below. In these items, the instrument burden "to be specified by the user", should preferably be the burden with which the transformer will be used as a reference standard, in the test circuit, and may be stated either in terms of volt-amperes and power factor at a specified voltage and frequency, or the resistance and reactance of the test circuit elements.

(d) *Test voltages.* When a secondary burden of fixed impedance is used, the ratio and phase angle of a well designed voltage transformer are nearly independent of the secondary voltage within its normal operating range. Hence, tests at a single voltage are sufficient unless the transformer is to be operated over an extended voltage range. In extended-range operation the variations of ratio factor and phase angle with voltage are identical for any constant-impedance burden. Hence, it should be sufficient to make ratio and phase-angle determinations at the extremes of the expected voltage-range of operation and at one or perhaps two intermediate voltage points on one burden (preferably zero burden). Tests at all additional burdens need be made at only a single voltage.

(e) *Multirange transformer.* When multiple ranges are provided by series-parallel primary connections, the ratio correction factors and phase angles (for constant secondary voltage, burden, and frequency) are practically identical for all ranges so obtained. (Hence a single determination on each range after the first serves to completely define the transformer performance when the added ranges are obtained by primary series-parallel combinations.) When multiple ranges are obtained by tapping a portion of one of the windings, or by secondary series-parallel combinations, the ratio correction factors and phase angles are not necessarily the same on the various ranges.

(f) *Fuses.* It is recommended that voltage transformers intended as reference standards be used without fuses, because fuse resistance affects both ratio and phase angle values so that fuse deterioration or replacement may alter the values. When a fused transformer is submitted, tests with the fuses in place will be made only if this is specifically requested by the customer.

(g) *Tests at 400 c/s.* Ratio and phase angle determinations at 400 c/s can be made up to 9,000 volts. Results of such tests will normally be certified to 0.03 percent in ratio and 3 minutes in phase angle. Fees for 400 c/s tests are double those charged for corresponding tests at 60 c/s.

(h) *Recalibration.* The ratio and phase angle of a voltage transformer for a given burden, voltage, and frequency should not change significantly with time unless the transformer is damaged. Once stability has been demonstrated, a transformer should not require recalibration at intervals less than five years.

| Item | Description | Fee |
|---|---|---|
| 201.310a-1 | Determinations of the ratio and phase angle of a voltage transformer at 1 frequency, 1 range and 1 secondary voltage, with not more than 4 values of secondary burden; namely, those giving zero, half and full rated noninductive load at rated voltage, and with 1 instrument burden to be specified by the user; primary voltage not to exceed 25,000 volts | $65.00 |
| 201.310a-2 | As in a-1 except primary voltage greater than 25,000 volts but not to exceed 100,000 volts | 85.00 |
| 201.310a-3 | As in a-1 except primary voltage greater than 100,000 volts but not to exceed 250,000 volts | 190.00 |
| 201.310b | Determination of ratio and phase angle at 1 value of secondary voltage on an additional range or frequency, and with any of the burdens used in 201.310a | 12.00 |
| 201.310c | Determination of ratio and phase angle with an additional burden (already used in 201.310a) and with the same combination of range, frequency and voltage used in 201.310b | 10.00 |
| 201.310d | Determination of ratio and phase angle at an additional burden other than those used in 201.310a | 30.00 |
| 201.310e | Determination of ratio and phase angle at an additional value of secondary voltage on the same combination of range, freqnency and burden used in 201.310 a, b, or c | 6.00 |
| 201.310z | For tests of voltage transformers at frequencies other than 25, 50, or 60 c/s, or with primary voltage greater than 250,000 volts, and for other special tests not covered by the above schedule advance arrangements must be made. Fees will be charged depending on the nature of the test. At 400 c/s, test fees are normally double those at 60 c/s. | |

**§ 203.311 Volt boxes (Fixed ratio voltage dividers).**

A volt box is a resistive voltage divider used to extend the range of the voltage measured by a potentiometer. Its ratio for any range is obtained by dividing the voltage across its input terminals by the open-circuit voltage across the section to be connected to the potentiometer.

(a) *Certification.* NBS normally issues certificates on volt boxes for which the maker's stated ratio accuracy is 0.04 percent or better, when all the ratio values at equilibrium, at low and rated voltage, lie within the limits of the claimed accuracy. Values of ratio are normally certified to an accuracy of 0.01 percent. Test reports rather than certificates are issued for volt boxes of nominal accuracy class of 0.04 percent or better, when one or more of the low or rated voltage values lie outside the limits of the claimed accuracy class, or when volt boxes of and accuracy class poorer than 0.04 percent are accepted for test.

(b) *Humidity effects.* The insulating structure of a volt box is equivalent to a network of high resistances in parallel with one or more of its wire-wound precision resistance elements. Thus, changes in insulation resistance as a result of variations in surface or volume moisture may affect the ratios. Such ratio changes are normally less on low than on high ratios. This effect can be reduced or eliminated by constructions which provide built-in guard electrodes, maintained at appropriate potentials. Another effect of humidity is to produce changes in the values of the precision wire-wound resistors. The magnitude of this effect varies with coil construction and with wire size and coating. Because humidity effects may reach equilibrium only after days (or even weeks), it is recommended that laboratory humidity be held continuously at or below 50 percent.

(c) *Ambient temperature and self-heating effects.* Changes in ambient temperature should have little effect on ratio if all the resistance elements have the same temperature coefficient. However, self-heating as a result of sustained operation may significantly change the ratios because of unequal temperature rise in the various resistors. The magnitude of this effect depends on construction and coil arrangement, and on the power dissipated. It should: (1) Be less for low than for high ranges, (2) be greater for volt boxes that require higher current at rated voltage, (3) increase approximately with the square of the applied voltage, and (4) be entirely negligible at 20 percent of rated voltage on all ranges.

(d) *Suggested test schedule.* (1) Volt boxes should be tested at rated voltage. The first calibration test should also include a test at 20 percent rated voltage on one or more of the higher ranges, which are preferably selected by NBS. The equilibrium values at 20 and 100 percent rated voltage may be used to estimate the magnitude of the self-heating effects for the various ranges. Tests having once been made at 20 and 100 percent rated voltage, subsequent determinations need be made only at rated voltage, since the self-heating effect should not change with time.

(2) Once stability has been established, a volt box should not require recalibration at intervals less than two years.

| Item | Description | Fee |
|---|---|---|
| 201.311a | Determination of ratio on 1 range at rated voltage, not to exceed 1,500 volts, and at a ratio not to exceed 5,000/1 | $45.00 |
| 201.311b | Determination of ratio at rated voltage on an additional range | 10.00 |
| 201.311c | Determination at a reduced voltage on a range tested in 201.311 a or b | 6.00 |
| 201.311z | For tests on volt boxes at voltages exceeding 1,500 volts, for ratios greater than 5000/1 and for special tests not covered by the above schedule advance arrangements must be made. Fees will be charged depending upon the nature of the test. | |

**§ 201.312 Instrument transformer comparators (testing sets).**

| Item | Description | Fee |
|---|---|---|
| 201.312a | Determination of the values of current ratio and phase angle for settings of the dials of a current transformer comparator for 60 c/s (not exceeding 13 points on ratio dial and 15 on phase angle dial) | $200.00 |
| 201.312b | Determination according to 201.312a having been made, for 10 determinations at 25 c/s or for determinations on the second range of a double range comparator | 30.00 |
| 201.312c | Determination of values of the voltage ratio and phase angle for settings of the dials of a portable voltage transformer comparator at 60 c/s (not exceeding 11 points on ratio dial and 13 on phase angle dial) | 250.00 |
| 201.312d | Determination according to item 201.312c having been made, for each determination at an additional setting of ratio and phase angle or for verification of performance if rated also at 25 c/s | 10.00 |
| 201.312z | For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the test. | |

MAGNETIC MEASUREMENTS

**§ 201.400 General.**

(a) A general discussion of magnetic principles and methods used in magnetic testing is given in NBS Circular 456, Magnetic Testing, issued in 1946. Copies can be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D.C., price 10 cents.

(b) Tests in this field are for the most part made on standard samples which serve to coordinate work in various laboratories and thus secure uniformity in commercial testing. For this purpose it is essential that the standard bars be very uniform in their magnetic properties. The National Bureau of Standards does not normally make routine acceptance tests of magnetic materials unless these specimens are to be used, at least temporarily, as standards. The standard dimensions of magnetic test specimens are given in §§ 201.401 and 201.402. It is occasionally possible to test specimens of unusual materials or shapes where the services of the National Bureau of Standards are needed in the development of new test procedures which are likely to be of importance in the industry. In such cases a full understanding of the problem should be developed by correspondence, or preferably by a visit which will permit direct discussion between the engineers concerned and our staff.

**§ 201.401 General magnetic measurements; normal induction and hysteresis.**

Specimens submitted for test should be of rectangular cross-section, width not to exceed 3.0 cm (1⅛ in.); thickness not to exceed 1.0 cm (⅜ in.); for magnetizing forces from 0 to 300 or 0 to 5,000 oersteds, length to be not less than 25.4 cm (10 in.); for magnetizing forces in the range 100 to 5,000 oersteds, length to be not less than 7 cm (2⅝ in.). Specimens whose permeability is not greater than 4 may be of circular cross section, diameter not to exceed 1.27 cm (½ in.) but in any event cross-sectional area must be not less than 0.2 sq. cm (0.031 sq. in.).

| Item | Description | Fee |
|---|---|---|
| 201.401a | Determination of data for normal induction curve in the range 0–300 oersteds | $35.00 |
| 201.401b | Determination of data for normal induction curve in the range 100–5,000 oersteds | 35.00 |
| 201.401c | Determination of data for normal induction curve in the range 0–5,000 oersteds | 60.00 |
| 201.401d | Determination of data for demagnetization curve, 1 value of magnetizing force | 45.00 |
| 201.401e | Same as 201.401d, each additional value of maximum magnetizing force | 30.00 |
| 201.401f | Determination of permeability for specimens whose permeability is less than 4; first specimen | 15.00 |
| 201.401g | Each additional specimen submitted at the same time | 6.00 |
| 201.401z | For examination of material found to be unsuitable for test, or for special tests not covered by the above schedule, fees will be charged dependent on the cost of such examination or special test. | |

**§ 201.402 Magnetic materials; a-c permeability and core loss.**

Test specimens should consist of the proper number of strips 3 cm (1³⁄₁₆ in.) wide and either 28 cm (11¹⁄₃₂ in.) to 30.5 cm (12 in.), or 50 cm (19¹¹⁄₁₆ in.) long prepared in accordance with the specifications of the American Society for Testing Materials, A–34.

| Item | Description | Fee |
|---|---|---|
| 201.402a | Determination of total core loss at 60 c/s at 1 value of maximum induction | $35.00 |
| 201.402b | Same as 201.402a, each additional value of maximum induction | 12.00 |
| 201.402c | Determination of a-c permeability at 60 c/s at 1 value of maximum induction | 35.00 |
| 201.402d | Same as 201.402c, each additional value of maximum induction | 12.00 |
| 201.402z | For examination of material found to be unsuitable for test, or for special tests not covered by the above schedule, fees will be charged dependent on the cost of such examination or special test. | |



**§ 201.403 Magnetic testing apparatus; mutual inductors, search coils, and fluxmeters.**

| Item | Description | Fee |
|---|---|---|
| 201.403a | Determination of mutual induction by direct current | $23.00 |
| 201.403b | Same as 201.403a, each additional inductor submitted at the same time or each additional value for variable or tapped inductors | 10.00 |
| 201.403c | Determination of the area-turns of a search coil, first coil | 23.00 |
| 201.403d | Each additional search coil submitted at the same time | 10.00 |
| 201.403e | Calibration of fluxmeter at not more than 5 points on 1 range | 35.00 |
| 201.403f | Calibration of fluxmeter at 1 scale point on an additional range | 8.00 |
| 201.403g | Calibration of Standard Magnets | 25.00–50.00 |
| 201.403z | For examination of appartus unsuitable for test, or for special tests not covered by the above schedule, fees will be charged dependent on the cost of such examination or special test. | |

DIELECTRIC MEASUREMENTS

**§ 201.500 Dielectric constant and dissipation factor.**

NOTE: In general, the NBS will make tests of insulating and dielectric properties of materials only on: (1) Specimens of known composition of pure materials for which values are considered of use by the Bureau, or by other government agencies; and (2) dielectric reference standards made from materials exhibiting reproducible behavior under specified environmental conditions (such as humidity), when such standards are needed for improving methods of measurement. Measurements are not made on the effective insulation resistance, dielectric constant or dissipation factor of structures and assemblies of insulation, or on electric breakdown generally. Inquiries giving comprehensive information regarding any tests desired from low frequencies up to 30 kc/s should be directed to the National Bureau of Standards, Washington 25, D.C. Inquiries concerning tests above 30 kc/s should be addressed to the National Bureau of Standards, Boulder, Colo.

Dated: February 8, 1961.

A. V. ASTIN,
*Director.*

[F.R. Doc. 61–1530; Filed, Feb. 23, 1961; 8:45 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 3—ADJUDICATION

## PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

Parts 3 and 4 are revoked and a new Part 3 is added to read as follows:

**Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation**

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AUTHORITY: §§ 3.1 to 3.1822 issued under 72 Stat. 1114; 38 U.S.C. 210.

## Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

### GENERAL

**§ 3.1 Definitions.**

(a) "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including their Reserve components.

(b) "Reserve component" means the Army, Naval, Marine Corps, Air Force, and Coast Guard Reserves and the National and Air National Guard of the United States.

(c) "Reserves" means members of a Reserve component of one of the Armed Forces.

(d) "Veteran" means a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable. For compensation and dependency and indemnity compensation the term "veteran" includes a person who died in active service.

(e) "Veteran of any war" means any veteran who served in the active military, naval or air service during a period of war as set forth in § 3.2.

(f) "Period of war" means the periods described in § 3.2.

(g) "Secretary concerned" means:

(1) The Secretary of the Army, with respect to matters concerning the Army;

(2) The Secretary of the Navy, with respect to matters concerning the Navy or the Marine Corps;

(3) The Secretary of the Air Force, with respect to matters concerning the Air Force;

(4) The Secretary of the Treasury, with respect to matters concerning the Coast Guard;

(5) The Secretary of Health, Education, and Welfare, with respect to matters concerning the Public Health Service; and

(6) The Secretary of Commerce, with respect to matters concerning the Coast and Geodetic Survey.

(h) "Discharge or release" includes retirement from the active military, naval, or air service.

(i) "State" means each of the several States, possessions of the United States, the District of Columbia, and Commonwealth of Puerto Rico.

(j) "Marriage" means a marriage valid under the law of the place where the parties resided at the time of marriage, or the law of the place where the parties resided when the right to benefits accrued. (38 U.S.C. 103(c))

(k) "Service-connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty in the active military, naval, or air service.

(l) "Non-service-connected" means, with respect to disability or death, that such disability was not incurred or aggravated, or that the death did not result from a disability incurred or aggravated, in line of duty in the active military, naval, or air service.

(m) "In line of duty" means an injury or disease incurred or aggravated during a period of active military, naval or air service unless such injury or disease was the result of the veteran's own willful misconduct. Requirements as to line of duty are not met if at the time the injury was suffered or disease contracted the veteran was:

(1) Avoiding duty by desertion, or was absent without leave which materially interfered with the performance of his military duty.

(2) Confined under a sentence of court-martial involving an unremitted dishonorable discharge.

(3) Confined under sentence of a civil court for a felony as determined under the laws of the jurisdiction where the person was convicted by such court. (38 U.S.C. 105)

(n) "Willful misconduct" means an act involving conscious wrongdoing or known prohibited action. (malum in se or malum prohibitum). Mere technical violation of police regulations or ordinances will not per se constitute willful misconduct. (See § 3.300 series.)

CROSS REFERENCES: Pension. See § 3.3.
Compensation. See § 3.4.
Dependency and indemnity compensation. See § 3.5.

(a) *Indian wars.* January 1, 1817, through December 31, 1898, inclusive. Service must have been rendered with the United States military forces against Indian tribes or nations. (See § 3.3(b).)

(b) *Spanish-American War.* April 21, 1898, through July 4, 1902, inclusive. If the veteran served with the United States military forces engaged in hostilities in the Moro Province, the ending date is July 15, 1903. The Philippine Insurrection and the Boxer Rebellion are included.

(c) *World War I.* April 6, 1917, through November 11, 1918, inclusive. If the veteran served with the United States military forces in Russia, the ending date is April 1, 1920. Service after November 11, 1918 and before July 2, 1921 is considered World War I service if the veteran served in the active military, naval, or air service after April 5, 1917 and before November 12, 1918.

(d) *World War II.* December 7, 1941, through December 31, 1946, inclusive. If the veteran was in service on December 31, 1946, continuous service before July 26, 1947 is considered World War II service.

(e) *Korean conflict.* June 27, 1950, through January 31, 1955, inclusive.

(f) *Future dates.* The period beginning on the date of any future declaration of war by the Congress and ending on a date prescribed by Presidential proclamation or concurrent resolution of the Congress. (38 U.S.C. 101)

**§ 3.3 Pension.**

(a) *Pension.* This term means a monthly payment made by the Veterans Administration to a veteran because of service, age, or nonservice-connected disability, or to a widow or child of a veteran because of the nonservice-connected death of the veteran. Pension is not payable unless the veteran was discharged under conditions other than dishonorable from the period of service on which the claim is based. (38 U.S.C. 101(2), (15)) (See § 3.252 as to annual income limitations for disability and death pension.)

(b) *Service pension; Indian and Spanish-American Wars*—(1) *Indian wars.* Basic entitlement exists if the veteran served for 30 days or more, or for the duration of an Indian war in any military organization, whether or not mustered into the service of the United States, under the authority of or by the approval of the United States or any State. (38 U.S.C. 511)

(2) *Spanish-American War.* Basic entitlement exists if the veteran:

(i) Had 70 (or 90) days or more active service during the Spanish-American War; or

(ii) Was discharged or released from such service for a service-connected disability. (38 U.S.C. 512)

(c) *Disability pension; World War I and later wars.* Basic entitlement exists if the veteran:

(1) Served 90 days or more in either World War I, World War II, or the Korean conflict; or

(2) Was discharged or released from such service for a service-connected disability; and

(3) Is permanently and totally disabled from nonservice-connected disability not due to his own willful misconduct or vicious habits. (38 U.S.C. 521)

(d) *Death pension*—(1) *Indian war.* Basic entitlement exists for the widow or child of a deceased veteran of an Indian war if the veteran's service meets the requirements of paragraph (b) (1) of this section. (38 U.S.C. 534, 535)

(2) *Spanish-American War.* Basic entitlement exists for the widow or child of a deceased veteran if the veteran:

(i) Had 90 days or more active service during the Spanish-American War; or

(ii) Was discharged or released from such service for a service-connected disability. (38 U.S.C. 536, 537)

(3) *World War I.* Basic entitlement exists for the widow or child of a deceased veteran of World War I if the veteran's service meets the requirements of paragraph (c) (1) or (2) of this section or the veteran was, at the time of death, receiving or entitled to receive compensation or retirement pay based on a service-connected disability. (38 U.S.C. 541, 542)

(4) *World War II or Korean conflict.* Basic entitlement exists for the widow or

child of a deceased veteran of World War II or the Korean conflict if the veteran's service meets the requirements of paragraph (c) (1) or (2) of this section and at the time of his death the veteran:

(i) Had a service-connected disability for which compensation would have been payable if disabling to a degree of 10 per centum or more; or

(ii) Was receiving or entitled to receive compensation or retirement pay based upon a service-connected disability. (38 U.S.C. 543, 544)

**§ 3.4 Compensation.**

(a) *Compensation.* This term means a monthly payment made by the Veterans Administration to a veteran because of service-connected disability, or to a widow, child, or parent of a veteran because of the service-connected death of the veteran occurring before January 1, 1957, or under the circumstances outlined in paragraph (c) (2) of this section. If the veteran was discharged or released from service, the discharge or release must have been under conditions other than dishonorable. (38 U.S.C. 101(2), (13))

(b) *Disability compensation.* (1) Basic entitlement for a veteran exists if the veteran is disabled as the result of a personal injury or disease (including aggravation of a condition existing prior to service) while in active service if the injury or the disease was incurred or aggravated in line of duty. (38 U.S.C. 310, 331)

(2) An additional amount of compensation may be payable for a wife, child, and/or dependent parent where a veteran is entitled to compensation based on disability evaluated as 50 per centum or more disabling. (38 U.S.C. 315, 335)

(c) *Death compensation.* Basic entitlement exists for a widow, child or children, and dependent parent or parents if:

(1) The veteran died before January 1, 1957; or

(2) The veteran died on or after May 1, 1957, if at the time of death a policy of United States Government life insurance or National Service life insurance was in effect under waiver of premiums under 38 U.S.C. 724 unless the waiver was granted under the first proviso of section 622(a) of the National Service Life Insurance Act of 1940, and the veteran died before his return to military jurisdiction or within 120 days thereafter. (38 U.S.C. 321, 341, 417(a)) (See § 3.5(d) as to Public Health Service.)

(d) *Wartime rates under special conditions.* Compensation is payable at wartime rates if the veteran was disabled or dies as the result of injury or disease received in line of duty:

(1) As a direct result of armed conflict; or

(2) While engaged in extra hazardous service including conditions simulating war; or

(3) After December 31, 1946, and before July 26, 1947. (38 U.S.C. 336, 343)

**§ 3.5 Dependency and indemnity compensation.**

(a) "Dependency and indemnity compensation" means a monthly payment made by the Veterans Administration to a widow, child, or parent:

(1) Because of a service-connected death occurring after December 31, 1956, or

(2) Pursuant to the election of a widow, child, or parent, in the case of such a death occurring before January 1, 1957. (38 U.S.C. 101(14))

(3) Subject to the limitations resulting from payment of Old Age and Survivors Insurance under the Social Security Act, payments under the Railroad Retirement Act, and payments of special allowance (See § 3.804) as set out in 38 U.S.C 411(b), a widow with two or more children under age 18 (including a child not in the actual or constructive custody of the widow and a child who enters active military, air, or naval service), may be entitled to an additional amount of dependency and indemnity compensation.

(b) Basic entitlement for a widow, child or children, and parent or parents of a veteran, except those specified in § 3.4(c), exists, if:

(1) Death occurred on or after January 1, 1957; or

(2) Death occurred prior to January 1, 1957, and the claimant was receiving or eligible to receive death compensation on December 31, 1956 (or, as to a parent, would have been eligible except for his income), under laws in effect on that date or who subsequently becomes eligible by reason of a death which occurred prior to January 1, 1957. (38 U.S.C. 410, 416)

(c) No person eligible for dependency and indemnity compensation by reason of a death occurring on or after January 1, 1957, shall be eligible by reason of such death for death pension or compensation under any other law administered by the Veterans Administration. (38 U.S.C. 417(b))

(d) No dependency and indemnity compensation or death compensation shall be paid to any widow, child, or parent based on the death of a commissioned officer of the Public Health Service or Coast and Geodetic Survey whose death occurs on or after May 1, 1957, if any amounts are payable under the Federal Employees' Group Life Insurance Act of 1954 (Pub. Law 598, 83d Congress) based on the same death. (Section 501(c)(2), Pub. Law 881, 84th Congress.)

**§ 3.6 Duty periods.**

(a) *"Active military, naval, and air service".* This includes active duty, and period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty, and any period of inactive duty training during which the individual concerned was disabled or died from an injury incurred or aggravated in line of duty.

(b) *"Active duty".* This means:

(1) Full-time duty in the Armed Forces, other than active duty for training;

(2) Full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service:

(i) On or after July 29, 1945, or

(ii) Before that date under circumstances affording entitlement to "full military benefits," or

(iii) At any time, for the purposes of dependency and indemnity compensation.

(3) Full-time duty as a commissioned officer of the Coast and Geodetic Survey:

(i) On or after July 29, 1945, or

(ii) Before that date:

(*a*) While on transfer to one of the Armed Forces, or

(*b*) While, in time of war or national emergency declared by the President, assigned to duty on a project for one of the Armed Forces in an area determined by the Secretary of Defense to be of immediate military hazard, or

(c) In the Philippine Islands on December 7, 1941, and continuously in such islands thereafter, or

(iii) At any time, for the purposes of dependency and indemnity compensation.

(4) Service at any time as a cadet at the United States Military, Air Force, or Coast Guard Academy, or as a midshipman at the United States Naval Academy (where entitlement to disability or death benefits arises solely under this subparagraph, benefits may not be paid for any period prior to January 1, 1959); and

(5) Authorized travel to or from such duty or service.

(6) Whenever a person is discharged or released on or after January 1, 1957, from a period of active duty, he is considered to be on active duty for the period of time which immediately followed the date of his discharge or release from such duty determined by the Secretary concerned to be required for him to proceed to his home by the most direct route, and, in all instances, until midnight of the date of such discharge or release. (38 U.S.C. 106(c)) Where entitlement to disability benefits arises solely under this subparagraph, benefits may not be paid for any period prior to January 1, 1959.

(c) *Active duty for training.* (1) Full-time duty in the Armed Forces performed by Reserves for training purposes;

(2) Full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service:

(i) On or after July 29, 1945, or

(ii) Before that date under circumstances affording entitlement to "full military benefits," or

(iii) At any time, for the purposes of dependency and indemnity compensation;

(3) Full-time duty performed by members of the National Guard or Air National Guard of any State, under 32 U.S.C. 316, 502, 503, 504, or 505, or the prior corresponding provisions of law (where entitlement to disability benefits arises solely under this subparagraph, benefits may not be paid for any period prior to January 1, 1959); and

(4) For the purposes of dependency and indemnity compensation, annual training duty to which ordered for a period of 14 days or more by a member of a Reserve Officers' Training Corps (38 U.S.C. 403); and

(5) Authorized travel to or from such duty.

The term does not include duty performed as a temporary member of the Coast Guard Reserve.

(d) *Inactive duty training.* This means:

(1) Duty (other than full-time duty) prescribed for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by the Secretary concerned under 37 U.S.C. 301 or any other provision of law; and

(2) Special additional duties authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

(3) Duty (other than full-time duty) performed by a member of the National Guard or Air National Guard of any State, under 32 U.S.C. 316, 502, 503, 504, or 505, or the prior corresponding provisions of law. (Where entitlement to disability benefits arises solely under this subparagraph, benefits may not be paid for any period prior to January 1, 1959.)

The term "inactive duty training" does not include:

(i) Work or study performed in connection with correspondence courses;

(ii) Attendance at an educational institution in an inactive status, or

(iii) Duty performed as a temporary member of the Coast Guard Reserve.

(e) *Travel status; training duty (disability or death from injury incurred on or after January 1, 1957).* Any member of a Reserve Component:

(1) Who, when authorized or required by competent authority, assumes an obligation to perform active duty for training or inactive duty training; and

(2) Who is disabled or dies from an injury incurred on or after January 1, 1957, while proceeding directly to or returning directly from such active duty for training or inactive duty training shall be deemed to have been on active duty for training or inactive duty training, as the case may be. The Veterans Administration will determine whether such individual was so authorized or required to perform such duty, and whether he was disabled or died from injury so incurred. In making such determinations, there shall be taken into consideration the hour on which he began to proceed or return; the hour on which he was scheduled to arrive for, or on which he ceased to perform, such duty; the method of travel performed, his itinerary; the manner in which the travel was performed; and the immediate cause of disability or death. Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this paragraph, the burden of proof shall be on the claimant. (38 U.S.C. 106(d)) (Where entitlement to disability benefits arises solely under this paragraph, benefits may not be paid for any period prior to January 1, 1959.)



**§ 3.7 Persons included.**

The following are included:

(a) *Aerial transportation of mail (Pub. Law 140, 73d Congress).* Persons who were injured or died while serving under conditions set forth in Public Law 140, 73d Congress.

(b) *Aliens.* A veteran discharged for alienage during a period of hostilities if he proves he did not request his discharge. Evidence shall be such as to affirmatively show he was not discharged at his own request and service department records which are silent are not sufficient to prove the discharge was not at his request. A veteran who was discharged for alienage after a period of hostilities and whose service was honest and faithful is not barred from benfits if he is otherwise entitled. A discharge changed prior to January 7, 1957, to honorable by a board established under authority of section 301, Public Law 346, 78th Congress, as amended, or section 207, Public Law 601, 79th Congress, as amended (now 10 U.S.C. 1552 and 1553) will be considered as evidence that the discharge was not at the alien's request. (See § 3.12.)

(c) *Army field clerks.* Included as enlisted men.

(d) *Army Nurse Corps, Navy Nurse Corps, and female dietetic and physical therapy personnel.* (1) Army and Navy nurses (female) on active service under order of the service department.

(2) Dietetic and physical therapy (female) personnel, excluding students and apprentices, appointed with relative rank on or after December 22, 1942, or commissioned on or after June 22, 1944.

(e) *Aviation camps.* Students who were enlisted men during World War I.

(f) *Cadets and midshipmen.* See § 3.6(b)(4).

(g) *Coast and Geodetic Survey.* See § 3.6(b)(3).

(h) *Coast Guard.* Active service in Coast Guard on or after January 29, 1915, while under jurisdiction of either Treasury or Navy Department. (Where entitlement to benefits arises solely under this paragraph benefits may not be paid for any period prior to January 1, 1958.)

(i) *Contract surgeons.* For compensation and dependency and indemnity compensation, if the disability or death was the result of disease or injury contracted in line of duty during a war period while actually performing the duties of assistant surgeon or acting assistant surgeon with any military force in the field, or in transitu or in hospital.

(j) *Field clerks, Quartermaster Corps.* Included as enlisted men.

(k) *Lighthouse service personnel.* Transferred to the service and jurisdiction of War or Navy Departments by Executive order under the Act of August 29, 1916. Effective July 1, 1939, service was consolidated with the Coast Guard.

(l) *Male nurses.* Persons who were enlisted men of Medical Corps.

(m) *National Guard.* Members of the National Guard of the United States and Air National Guard of the United States are included as Reserves. See § 3.6 (c) and (d) as to training duty performed by members of a State National Guard, and paragraph (o) of this section as to disability suffered after being called into Federal service and before enrollment.

(n) *Persons heretofore having a pensionable or compensable status.* (38 U.S.C. 352, 504)

(o) *Persons ordered to service.* (1) Any person who has

(i) Applied for enlistment or enrollment in the active military, naval, or air service and who is provisionally accepted and directed, or ordered, to report to a place for final acceptance into the service, or

(ii) Been selected or drafted for such service, and has reported according to a call from his local draft board and before final rejection, or

(iii) Been called into Federal service as a member of the National Guard, but has not been enrolled for Federal service, and

(iv) Suffered injury or disease in line of duty while going to, or coming from, or at such place for final acceptance or entry upon active duty,

is considered to have been on active duty and therefore to have incurred such disability in active service.

(2) The injury or disease must be due to some factor relating to compliance with proper orders. Draftees and selectees are included when reporting for preinduction examination or for final induction on active duty. Such persons are not included for injury or disease suffered during the period of inactive duty, or period of waiting, after a final physical examination and prior to beginning the trip to report for induction. Members of the National Guard are included when reporting to a designated rendezvous.

(p) *Philippine Scouts and others.* See § 3.8.

(q) *Public Health Service.* See § 3.6 (a) and (b).

(r) *Reserves.* See § 3.6 (a), (b), and (c).

(s) *Revenue Cutter Service.* While serving under direction of Secretary of the Navy in cooperation with the Navy.

(t) *Training camps.* Members of training camps authorized by section 54 of the National Defense Act, except members of Student Army Training Corps Camps at the Presidio of San Francisco, and Plattsburg, New York and Fort Sheridan, Illinois, from July 18, 1918 to September 16, 1918.

(u) *Women's Army Auxiliary Corps and Women's Army Corps—(1) Women's Army Auxiliary Corps.* A member of the Women's Army Auxiliary Corps who had 90 days or more service in such corps and who prior to October 1, 1943, was honorably discharged for disability incurred in line of duty.

(2) *Women's Army Corps.* Service on or after July 1, 1943.

(v) *Women's Reserve of Navy, Marine Corps, and Coast Guard.* Service on or after November 8, 1943, in the Women's Reserve of Navy or Marines and service on or after December 23, 1943, in the Women's Reserve of the Coast Guard.

**§ 3.8 Philippine and Insular Forces.**

(a) *Regular Philippine Scouts.* Service in the Philippine Scouts (except that described in paragraph (b) of this sec-

tion), the Insular Force of the Navy, Samoan Native Guard, and Samoan Native Band of the Navy is included for pension, compensation, dependency and indemnity compensation, and burial allowance. Benefits are payable in dollars.

(b) *Other Philippine Scouts.* Service of persons enlisted under section 14, Public Law, 190, 79th Congress (Act of October 6, 1945), is included for compensation and dependency and indemnity compensation. Such benefits are payable at the rate of one Philippine peso for each dollar authorized under the law. All enlistments and reenlistments of Philippine Scouts in the Regular Army between October 6, 1945 and June 30, 1947, inclusive were made under the provisions of Public Law 190 as it constituted the sole authority for such enlistments during that period. This paragraph does not apply to officers who were commissioned in connection with the administration of Public Law 190.

(c) *Commonwealth Army of the Philippines.* (1) Service is included, for compensation, dependency and indemnity compensation, and burial allowance, from and after the dates and hours, respectively, when they were called into service of the Armed Forces of the United States by orders issued from time to time by the General Officer, United States Army, pursuant to the military order of the President of the United States dated July 26, 1941. Service as a guerrilla under the circumstances outlined in paragraph (d) of this section is also included. Service on or after July 1, 1946, is not included. Benefits are payable at the rate of one peso for each dollar authorized under the law.

(2) Unless the record shows examination at time of entrance into the Armed Forces of the United States, such persons are not entitled to the presumption of soundness. This also applies upon reentering the Armed Forces after a period of inactive service.

(d) *Guerrilla service.* (1) Persons who served as guerrillas under a commissioned officer of the United States Army, Navy or Marine Corps, or under a commissioned officer of the Commonwealth Army recognized by and cooperating with the United States Forces are included. (See paragraph (c) of this section.) Service as a guerrilla by a member of the Philippine Scouts or the Armed Forces of the United States is considered as service in his regular status. (See paragraph (a) of this section.)

(2) The following certifications by the service department will be accepted as establishing guerrilla service;

(i) Recognized guerrilla service;

(ii) Unrecognized guerrilla service under a recognized commissioned officer only if the person was a former member of the United States Armed Forces (including the Philippine Scouts), or the Commonwealth Army. This excludes civilians.

A certification of "Anti-Japanese Activity" will not be accepted as establishing guerrilla service.

(e) *Combined service.* Where a veteran who had Commonwealth Army or guerrilla service and also had other service, wartime or peacetime, in the Armed Forces of the United States, has disabilities which are compensable separately on a dollar and a peso basis, and the disabilities are combined under the authority contained in 38 U.S.C. 357, the evaluation for which dollars are payable will be first considered and the difference between this evaluation and the combined evaluation will be the basis for computing the amount payable in pesos.

CROSS REFERENCE: Computation of service. See § 3.15.

### § 3.9 Philippine service.

(a) For regular components of Philippine Commonwealth Army while serving with Armed Forces of United States, the period of active service will be from the date certified by the Armed Forces as the date of enlistment or date of report for active duty whichever is later to date of release from active duty, discharge, death, or June 30, 1946, whichever was earlier. Release from active duty includes:

(1) Leaving one's organization in anticipation of or due to the capitulation.

(2) Escape from prisoner-of-war status.

(3) Parole by the Japanese.

(4) Beginning of missing-in-action status, except where factually shown at that time he was with his unit or death is presumed to have occurred while carried in such status.

(5) Capitulation on May 6, 1942, except that periods of recognized guerrilla service or unrecognized guerrilla service under a recognized commissioned officer or periods of service in units which continued organized resistance against Japanese prior to formal capitulation will be considered return to active duty for period of such service.

(b) Active service of a Regular Philippine Scout or a member of the Philippine Commonwealth Army serving with the Armed Forces of the United States will include the following:

(1) A "prisoner-of-war" status immediately following a period of active duty, or a period of recognized guerrilla service or unrecognized guerrilla service under a recognized commissioned officer.

(2) A period of inactive service following release from active duty as set forth in paragraph (a) of this section where the Veterans Administration finds as a fact that the veteran's injury or death by the Japanese was because of anti-Japanese activities or his former service in the Armed Forces of the United States; such injury or death may be held to have been incurred in active service. Determination shall be based on all available evidence, including service department reports. Due consideration shall be given to the character and length of the veteran's former active service in the Armed Forces of the United States.

(c) A prisoner-of-war status based upon arrest during general zonification will not be sufficient of itself to bring a case within the definition of return to military control.

(d) The active service of members of the irregular forces "guerrilla" will be the period certified by the service department.

### § 3.11 Homicide.

Any person who has intentionally and wrongfully caused the death of another person is not entitled to pension, compensation, or dependency and indemnity compensation or increased pension, compensation, or dependency and indemnity compensation by reason of such death.

CROSS REFERENCE: Forfeiture; servicemen's indemnity. See § 3.1816.

### § 3.12 Character of discharge.

(a) If the veteran did not die in service, pension, compensation, or dependency and indemnity compensation is not payable unless the period of service on which the claim is based was terminated by discharge or release under conditions other than dishonorable. (38 U.S.C. 101(2))

(b) The following types of separations or releases are considered to be under dishonorable conditions unless it is found the person was insane at the time of committing the offense causing such separation or release.

(1) Mutiny, spying, or an offense involving moral turpitude or willful and persistent misconduct.

(2) By reason of sentence of a general court-martial.

(3) Acceptance of an undesirable discharge to escape trial by general court-martial.

(4) Resignation by an officer for the good of the service.

(5) As a deserter.

(6) As a conscientious objector who refused to perform military duty, wear the uniform, or comply with lawful orders of competent military authorities.

(7) As an alien during a period of hostilities unless it is affirmatively shown he did not request his release. (See § 3.7(b).)

(8) Discharge under other than honorable conditions, if the Veterans Administration determines that such separation or release was because of willful and persistent misconduct. Where service was otherwise honest, faithful, and meritorious, a discharge or separation other than dishonorable because of a minor offense shall not constitute willful and persistent misconduct. (38 U.S.C. 3103)

(c) Homosexual acts or tendencies generally will be considered a discharge under dishonorable conditions.

CROSS REFERENCES: Validity of enlistments. See § 3.14.

Revision of decisions. See § 3.105.

### § 3.13 Discharge to change status.

(a) A discharge to accept appointment as a commissioned or warrant officer, or to change from a Reserve or Regular commission to accept a commission in the other component, or to reenlist is a conditional discharge if it was issued during one of the following periods:

(1) World War I; prior to November 11, 1918.

(2) World War II or Korean conflict; prior to the date the person was eligible for discharge under the point or length of service system, or under any other criteria in effect.



(3) Peacetime service; prior to the date the person was eligible for an unconditional discharge.

(b) The entire period of service under the circumstances stated in paragraph (a) of this section constitutes one period of service and entitlement will be determined by the character of the final termination of active service.

### § 3.14 Validity of enlistments.

Service is valid unless the enlistment is voided by the service department.

(a) *Enlistment not prohibited by statute.* Where an enlistment is voided by the service department for reasons other than those stated in paragraph (b) of this section, service is valid from the date of entry upon active duty to the date of voidance by the service department. Benefits may not be paid, however, unless the discharge is held to have been under conditions other than dishonorable. Generally discharge for concealment of a physical defect which would have prevented enlistment will be held to be under dishonorable conditions.

(b) *Statutory prohibition.* Where an enlistment is voided by the service department because the person did not have legal capacity to contract for a reason other than minority (as in the case of an insane person) or because the enlistment was prohibited by statute (a deserter or person convicted of a felony), benefits may not be paid based on that service even though a disability was incurred during such service. An undesirable discharge by reason of the fraudulent enlistment voids the enlistment from the beginning.

(c) *Misrepresentation of age.* Active service which was terminated because of concealment of minority or misrepresentation of age is honorable if the veteran was released from service under conditions other than dishonorable. Service is valid from the date of entry upon active duty to the date of discharge.

(d) *Honorable discharges.* Determinations as to honorable service will be made by the service departments and the finding shall be binding on the Veterans Administration, but, in the case of an alien, the effect of the discharge will be governed by § 3.7(b).

### § 3.15 Computation of service.

For nonservice-connected or service-connected benefits, active service is countable exclusive of time spent on an industrial, agricultural or indefinite furlough, time lost on absence without leave (without pay), under arrest (without acquittal), in desertion or while undergoing sentence of court-martial. Time spent in a hospital on sick furlough or as a prisoner-of-war is included. In claims based on Spanish-American War service, leave authorized under General Order No. 130, War Department, is included.

### § 3.16 Service pension.

(a) *Indian wars.* See § 3.3(b)(1).

(b) *Spanish-American War.* In computing the 70 or 90 days required under § 3.3(b)(2), active service which began before or extended beyond the war period will be included if such service was continuous. Broken periods of service during a war period may be added together to meet the requirement of length of service.

### § 3.17 Disability and death pension; World War I, World War II and Korean conflict.

In computing the 90 days' service required by § 3.3(c), there will be included active service which began before and extended into World War I, or began or ended during World War II or the Korean conflict, if such service was continuous. Broken periods of service during a single war period may be added together to meet the requirement of 90 days' service.

## RELATIONSHIP

### § 3.50 Wife or widow.

(a) *Wife.* "Wife" means a person whose marriage to the veteran meets the requirements of § 3.1(j).

(b) *Widow.* Except as provided in § 3.52, "widow" means a person whose marriage to the veteran meets the requirements of § 3.1(j) and who was the lawful wife of the veteran at the time of his death and who lived with him continuously from the date of marriage to the date of his death (except where there was a separation which was due to the misconduct of, or procured by, the veteran without the fault of the wife) and who has not remarried (unless the purported remarriage is void). (38 U.S.C. 101(3))

CROSS REFERENCE: Marriage. See § 3.205.

### § 3.51 Dependent husband or widower.

(a) *General.* The term "wife" includes the husband of any female veteran if such husband is incapable of self-maintenance and is permanently incapable of self-support due to physical or mental disability. The term "widow" includes the widower of any female veteran if such widower is incapable of self-maintenance and was permanently incapable of self-support due to physical or mental disability at the time of the veteran's death. (38 U.S.C. 102(b)) Determinations of dependency will be made under the criteria stated in § 3.250.

(b) *Entitlement.* A dependent husband or widower meeting the requirements of paragraph (a) of this section is in the same status as a wife or widow of a male veteran and is eligible to receive the same benefits, if otherwise entitled, in a claim for pension, compensation, or dependency and indemnity compensation.

### § 3.52 Marriages deemed valid.

Where an attempted marriage of a claimant to the veteran was invalid by reason of a legal impediment, the marriage will nevertheless be deemed valid if:

(a) The marriage occurred 5 or more years before the veteran died, and

(b) The claimant entered into the marriage without knowledge of the impediment, and

(c) The claimant cohabited with the veteran continuously from the date of marriage to the date of his death as outlined in § 3.53, and

(d) No claim has been filed by a legal widow who has been found entitled to gratuitous benefits. (38 U.S.C. 103(a)).

CROSS REFERENCE: Marriages deemed valid. See § 3.205(c).

### § 3.53 Continuous cohabitation.

(a) *General.* The requirement that there must be continuous cohabitation from the date of marriage to the date of death of the veteran will be considered as having been met when the evidence shows there was no separation due to the fault of the widow. Temporary separations which ordinarily occur, including those caused for the time being through fault of either party, will not break the continuity of the cohabitation.

(b) *Findings of fact.* The statement of the widow as to the reason for the separation will be accepted in the absence of contradictory information. If the evidence establishes that the separation was by mutual consent and that the parties lived apart for purposes of convenience, health, business, or any other reason which did not show an intent on the part of the widow to desert her husband, the continuity of the cohabitation will not be considered as having been broken. State laws will not control in determining questions of desertion; however, due weight will be given to findings of fact in court decisions made during the life of the veteran on issues subsequently involved in the application of this section.

### § 3.54 Marriage dates.

A widow may qualify for pension, compensation, or dependency and indemnity compensation if the marriage to the veteran occurred before or during his service or, if married to him after his separation from service, before the applicable date stated in this section.

(a) *Pension.* Death pension may be paid to a widow who was married to the veteran:

(1) Five or more years prior to his death, or

(2) For any period of time if a child was born of the marriage, or

(3) Prior to the applicable delimiting dates, as follows:

(i) Civil War—June 27, 1905.

(ii) Indian Wars—March 4, 1917.

(iii) Spanish-American War—January 1, 1938.

(iv) World War I—December 14, 1944.

(v) World War II—January 1, 1957.

(vi) Korean conflict—February 1, 1965.

(38 U.S.C. 532(d), 534(c), 536(c), 541(b), 543(b))

(b) *Compensation.* Death compensation may be paid to a widow who, with respect to date of marriage, could have qualified as a widow for death compensation under any law administered by the Veterans Administration in effect on December 31, 1957, or who was married to the veteran:

(1) Before the expiration of 10 years after termination of the period of service in which the injury or disease which caused his death was incurred or aggravated, or

(2) Five or more years, or

(3) For any period of time if a child was born of the marriage. (38 U.S.C. 302)

(c) *Dependency and indemnity compensation.* Dependency and indemnity compensation may be paid to the widow of a veteran who died on or after January 1, 1957, who was married to the veteran:

(1) Before the expiration of 15 years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated, or

(2) For 5 or more years, or

(3) For any period of time if a child was born of the marriage. (38 U.S.C. 404)

(d) *Child born of the marriage.* The term "child born of the marriage" means a birth subsequent to the marriage on which the widow's entitlement is predicated. The term includes a fetus advanced to the point of gestation required to constitute a birth under the law of the jurisdiction in which the fetus was delivered.

(e) *More than one marriage to veteran.* For periods commencing on or after January 1, 1958, where a widow has been married legally to a veteran more than once, the date of the original marriage will be used in determining whether the statutory requirement as to marriage has been met. (38 U.S.C. 103(b))

**§ 3.55 Remarried widows.**

Pension, compensation, or dependency and indemnity compensation may be paid to a widow who has remarried only if:

(a) The remarriage was void, or

(b) The claimant was eligible for pension or compensation as a "former" or "remarried" widow of a veteran of the Spanish-American War or prior wars under laws in effect prior to January 1, 1958, and was receiving such benefit as a former widow on December 31, 1957, or was entitled thereto by reason of a claim pending on that date or a claim filed within 1 year from the date of the veteran's death which establishes entitlement prior to January 1, 1958. Entitlement under this paragraph will be terminated permanently in the event of a subsequent remarriage, unless such remarriage is void.

CROSS REFERENCES: Widow. See § 3.50(b).
Annulment of void remarriages of widows. See § 3.207.
Void remarriage of widow. See § 3.402(c).
In receipt of or entitled to receive benefits on December 31, 1958. See § 3.953(a).

**§ 3.57 Child.**

(a) *General.* The term "child" of the veteran means an unmarried person:

(1) Who is a legitimate child, a legally adopted child, a stepchild who is a member of a veteran's household or was a member of his household at the time of his death, or an illegitimate child; and

(2) Who is under the age of 18 years; or

(3) Who, before reaching the age of 18 years, became permanently incapable of self-support; or

(4) Who, after reaching the age of 18 years and until completion of education or training (but not after reaching the age of 21 years) is pursuing a course of instruction at an approved educational institution.

(b) *Stepchild.* The term means a legitimate or an illegitimate child of the veteran's wife or widow, if the child was under the age of 18 years at the time the child became a member of the veteran's household.

CROSS REFERENCES: Child's relationship. See § 3.210.
Helplessness. See § 3.403(a).
Helplessness. See § 3.503(c).
School attendance. See § 3.677.
Helpless children; Spanish-American and prior wars. See § 3.950.

**§ 3.58 Child adopted out of family.**

A child of a veteran adopted out of the family of the veteran either prior or subsequent to the veteran's death is nevertheless a "child" within the meaning of that term as defined by § 3.57 and is eligible for benefits payable under all laws administered by the Veterans Administration.

CROSS REFERENCE: Veteran's benefits not apportionable. See § 3.458.

**§ 3.59 Parent.**

(a) The term "parent" means a natural mother or father (including the mother of an illegitimate child or the father of an illegitimate child if the usual family relationship existed), mother or father through adoption, or a person who for a period of not less than 1 year stood in the relationship of a parent to a veteran at any time before his entry into active service.

(b) Foster relationship must have begun prior to the veteran's 21st birthday. Not more than one father and one mother, as defined, will be recognized in any case. If two persons stood in the relationship of father or mother for 1 year or more, the person who last stood in such relationship before the veteran's last entry into active service will be recognized as the "parent". (38 U.S.C. 101(5))

ADMINISTRATIVE

**§ 3.100 Delegations of authority.**

(a) All adjudication officers, assistant adjudication officers, authorization officers, employees designated to act as authorization officers, section chiefs and unit chiefs, are delegated authority to make findings and decisions under the applicable laws, regulations, precedents, and instructions, as to entitlement of claimants to benefits under all laws administered by the Veterans Administration governing the payment of monetary benefits to veterans and their dependents, within the jurisdiction of Compensation and Pension Service.

(b) The Chairman, Board on Waivers and Forfeitures, Section Chairman, Board on Waivers and Forfeitures, Chairmen and Section Chairmen, Committees on Waivers, are delegated authority to take final action in the waiver of the recovery of payments from any person pursuant to the provisions of 38 U.S.C. 3102 subject to any limitations imposed by current Veterans Administration regulations and instructions.

(c) The authority delegated by paragraphs (a) and (b) of this section, will terminate upon separation from service or change to a position not designated in paragraphs (a) and (b) of this section. (38 U.S.C. 212(a))

**§ 3.101 Decisions to conform.**

All decisions will conform to the laws, regulations, Administrator's decisions, and defined policies as enunciated by the Administrator. All opinions of the General Counsel which constitute a precedent are contained in Administrator's decisions or opinions which are approved by the Administrator. Conclusions reached in individual cases are frequently influenced by peculiar facts or local statutes and, consequently, will not be followed as precedents. However, where it is apparent beyond question that the situation is identical, such conclusions may be followed as a matter of consistency in the adjudication of claims under the law or regulations applicable.

**§ 3.102 Reasonable doubt.**

It is the defined and consistently applied policy of the Veterans Administration to administer the law under a broad interpretation, consistent, however, with the facts shown in every case. When, after careful consideration of all procurable and assembled data, a reasonable doubt arises regarding service origin, the degree of disability, or any other point, such doubt will be resolved in favor of the claimant. By reasonable doubt is meant one which exists by reason of the fact that the evidence does not satisfactorily prove or disprove the claim, yet a substantial doubt and one within the range of probability as distinguished from pure speculation or remote possibility. It is not a means of reconciling actual conflict or a contradiction in the evidence; the claimant is required to submit evidence sufficient to justify a belief in a fair and impartial mind that his claim is well grounded. Mere suspicion or doubt as to the truth of any statements submitted, as distinguished from impeachment or contradiction by evidence or known facts, is not a justifiable basis for denying the application of the reasonable doubt doctrine if the entire, complete record otherwise warrants invoking this doctrine. The reasonable doubt doctrine is also applicable even in the absence of official records, particularly if the basic incident allegedly arose under combat, or similarly strenuous conditions, and is consistent with the probable results of such known hardships.

**§ 3.103 Information to be furnished claimants.**

The claimant will be informed of his entitlement or nonentitlement, the reason, his right of appeal, and of the time limit within which an appeal may be filed.

**§ 3.104 Finality of decisions.**

(a) The decision of a duly constituted rating agency or other agency of original jurisdiction will be final and binding upon all field offices of the Veterans Administration and will not be subject to revision except by duly constituted appellate authorities or except as provided in § 3.105.



(b) Current determinations of line of duty, character of discharge, relationship, dependency, domestic relations questions, homicide and findings of fact of death or presumptions of death made in accordance with existing instructions by either an Adjudication activity, a Vocational Rehabilitation and Education activity, or an Insurance activity are binding one upon the other in the absence of clear and unmistakable error.

(c) A decision of an agency of original jurisdiction which is not appealed within 1 year from the date of notice of the disallowance will be final. Where an appeal is timely filed, the disallowance, if affirmed, does not become final until the date of the appellate decision. (38 U.S.C. 4004(a) and 4005(b))

**§ 3.105 Revision of decisions.**

The provisions of this section apply except where there is fraud; a change in law; a change in interpretation of law specifically stated in a Veterans Administration issue; or the evidence establishes that service connection was clearly illegal.

(a) *Error.* Previous determinations on which an action was predicated, including decisions of service connection, degree of disability, age, marriage, relationship, service, dependency, line of duty, and other issues will be accepted as correct in the absence of clear and unmistakable error. Where evidence establishes such error, the prior decision will be reversed or amended. The rating or other adjudicative decision which constitutes a reversal of a prior decision on the grounds of clear and unmistakable error has the same effect as if the corrected decision had been made on the date of the reversed decision.

(b) *Difference of opinion.* Whenever an adjudicative agency is of the opinion that a revision or an amendment of a previous decision is warranted, a difference of opinion being involved rather than a clear and unmistakable error, the proposed revision will be recommended to Central Office.

(c) *Character of discharge.* A determination as to character of discharge or line of duty which would result in discontinued entitlement is subject to the provisions of paragraph (d) of this section.

(d) *Severance of service connection.* Service connection will be severed only where evidence establishes that it is clearly and unmistakably erroneous (the burden of proof being upon the Government). A change in diagnosis may be accepted as a basis for severance action if the examining physician or physicians or other proper medical authority certifies that, in the light of all accumulated evidence, the diagnosis on which service connection was predicated is clearly erroneous. This certification must be accompanied by a summary of the facts, findings and reasons supporting the conclusion. When severance of service connection is considered warranted, a rating proposing severance will be prepared setting forth all material facts and reasons and submitted to Central Office for review without notice to claimant or representative. Ratings for carious or missing teeth, pyorrhea, or Vincent's disease will not be submitted. If the proposal is approved on review by Central Office, the claimant will be notified of the contemplated action and furnished detailed reasons therefor and will be given a reasonable period, not to exceed 60 days from the date on which notice is mailed to his last address of record, for the presentation of additional evidence.

(e) *Reduction in disability evaluation.* Where the reduction in rating a service-connected disability is considered warranted by a change in physical or mental condition, the reduction will not be effected for 60 days from date of rating to permit submission of additional evidence. The letter of notification to the veteran will bear the same date as the rating.

CROSS REFERENCE: Effective dates. See § 3.400 series.

**§ 3.106 Renouncement.**

(a) Any person entitled to pension, compensation, or dependency and indemnity compensation under any of the laws administered by the Veterans Administration may renounce his right to that benefit. The renouncement will be in writing over the person's signature. Upon receipt of such renouncement in the Veterans Administration, payment of such benefits and the right thereto will be terminated, and such person will be denied any and all rights thereto from such filing. (38 U.S.C. 3106(a))

(b) The renouncement will not preclude the person from filing a new application for pension, compensation, or dependency and indemnity compensation at any future date. Such new application will be treated as an original application, and no payments will be made thereon for any period before the date such new application is received in the Veterans Administration. (38 U.S.C. 3106(b))

(c) The renouncement of dependency and indemnity compensation by one beneficiary will not serve to increase the rate payable to any other beneficiary in the same class.

(d) The renouncement of dependency and indemnity compensation by a widow will not serve to vest title to this benefit in children under the age of 18 years or to increase the rate payable to a child or children over the age of 18 years.

**§ 3.107 Awards where all dependents do not apply.**

Except as provided in § 3.251(b)(2), in any case where claim has not been filed by or on behalf of all dependents who may be entitled, the awards (original or amended) for those dependents who have filed claim will be made for all periods at the rates and in the same manner as though there were no other dependents. However, if the file reflects that there is a child or children under 18 years of age for whom no claim has been filed, the award will be made only at the apportioned rate, if as to such children it is possible for a claim to be filed under which benefits may be awarded for a period prior to date of filing claim. If, at the expiration of the period allowed, claims for such additional children have not been filed, the award to the widow or child will be amended to provide for payment at the full rate over the period affected.

**§ 3.108 State Department as agent of Veterans Administration.**

Diplomatic and consular officers of the Department of State are authorized to act as agents of the Veterans Administration and therefore a formal or informal claim or evidence submitted in support of a claim filed in a foreign country will be considered as filed in the Veterans Administration as of the date of receipt by the State Department representative.

CROSS REFERENCE: Evidence from foreign countries. See § 3.202.

**§ 3.109 Time limit.**

(a) *Notice of time limit for filing evidence.* (1) If a claimant's application is incomplete, the claimant will be notified of the evidence necessary to complete the application. If the evidence is not received within 1 year from the date of such notification, pension, compensation, or dependency and indemnity compensation may not be paid by reason of that application. (38 U.S.C. 3003(a))

(2) The provisions of this paragraph are applicable to original applications, formal or informal, and to applications for increased benefits by reason of increased disability, age, or the existence of a dependent and to applications for reopening or resumption of payments. If substantiating evidence is required with respect to the veracity of a witness or the authenticity of documentary evidence timely filed, there will be allowed for the submission of such evidence 1 year from the date of the request therefor. However, any evidence to enlarge the proofs and evidence originally submitted is not so included.

(b) *Failure to furnish claim form or notice of time limit.* Failure to furnish a potential claimant any form or information concerning the right to file claim for pension, compensation, or dependency and indemnity compensation, or to furnish notice of the time limit for the submission of evidence, or to furnish notice of the time limit for the filing of an appeal will not extend the period allowed for these actions.

**§ 3.110 Computation of time limit.**

In computing the time limit for the filing of claims or evidence requested by the Veterans Administration, the first day of the specified period will be excluded and the last day included. This rule is applicable in cases in which the time limit expires on a workday. Where the time limit would expire on a Saturday, Sunday or holiday, the next succeeding workday will be included in the computation.

**§ 3.111 Appeals on simultaneously contested claims.**

(a) Where one claim is allowed and one denied, or the allowance of one claim would result in payment of a lower rate to another claimant, the person adversely affected may file an appeal within 60 days from the date of the letter of denial.

(b) If an appeal is received and it is indicated that additional evidence is to be submitted, a period of 60 days (90 days in cases of claimants residing outside the continental limits of the United States) will be allowed to submit such evidence. This may be extended not to exceed an additional 60 days (90 days to those residing outside the continental limits of the United States) if good cause is shown.

(c) Upon the filing of an appeal, the allowed claimant will be notified and when all evidence has been submited by the appellant, the other claimant will be informed of its substance and will be allowed 30 days (60 days if residing outside the continental limits of the United States) within which to file a brief or argument in answer.

(d) If no appeal is timely filed, an award will be made to the claimant whose entitlement has been established.

(e) Notices as required by this section will be forwarded to the parties in interest to the latest known address of record. (38 U.S.C. 4007)

**§ 3.112 Fractions of one cent.**

In all cases where the amount to be paid under any award involves a fraction of a cent, the fractional part will be excluded.

**§ 3.113 Signature by mark.**

All signatures by mark or thumb print must be witnessed by two persons who can write and who have signed their names and addresses.

CLAIMS

**§ 3.150 Forms to be furnished.**

(a) Upon request made in person or in writing by any person applying for benefits under the laws administered by the Veterans Administration, the appropriate application form will be furnished. (38 U.S.C. 3002)

(b) Upon receipt of notice of death of a veteran, the appropriate application form will be forwarded for execution by or on behalf of any dependent who has apparent entitlement to pension, compensation, or dependency and indemnity compensation. If it is not indicated that any person would be entitled to such benefits, but there is payable an accrued benefit not paid during the veteran's lifetime, the appropriate application form will be forwarded to the preferred dependent. Notice of the time limit will be included in letters forwarding applications for benefits.

(c) When disability or death is due to Veterans Administration hospital treatment, training, medical or surgical treatment, or examination, a specific application for benefits will not be initiated.

(d) When it is apparent that any child of record may be entitled to dependency and indemnity compensation in its own right due to termination of the widow's entitlement (e.g., by reason of death or marriage), any written statement showing intent to claim in behalf of such child will constitute sufficient application. In the absence of a written statement constituting a claim, the appropriate application form will be forwarded.

CROSS REFERENCE: Failure to furnish claim form or notice of time limit. See § 3.109(b).

**§ 3.151 Claims for disability benefits.**

A specific claim in the form prescribed by the Administrator must be filed in order for benefits to be paid to any individual under the laws administered by the Veterans Administration (38 U.S.C. 3001(a)). A claim by a veteran for compensation may be considered to be a claim for pension; and a claim by a veteran for pension may be considered to be a claim for compensation. The greater benefit will be awarded, unless the claimant specifically elects the lesser benefit.

CROSS REFERENCE: Informal claims. See § 3.155(b).

**§ 3.152 Claims for death benefits.**

(a) A specific claim in the form prescribed by the Administrator (or jointly with the Secretary of Health, Education, and Welfare, as prescribed by § 3.153) must be filed in order for death benefits to be paid to any individual under the laws administered by the Veterans Administration. (38 U.S.C. 3001(a))

(b)(1) A claim by a widow or child for compensation or dependency and indemnity compensation will also be considered to be a claim for death pension and accrued benefits, and a claim by a widow or child for death pension will be considered to be a claim for death compensation or dependency and indemnity compensation and accrued benefits. (38 U.S.C. 3001(b)(1))

(2) A claim by a parent for compensation or dependency and indemnity compensation will also be considered to be a claim for accrued benefits. (38 U.S.C. 3001(b)(2))

(c)(1) Where a child's entitlement to dependency and indemnity compensation arises by reason of termination of a widow's right to dependency and indemnity compensation or by reason of attaining the age of 18 years, a claim will be required. (38 U.S.C. 3010(d)) Where the award to the widow is terminated by reason of her death, a claim for the child will be considered a claim for any accrued benefits which may be payable.

(2) A claim filed by a widow who does not herself have entitlement will be accepted as a claim for a child or children in her custody named in the claim.

(3) Where a claim of a widow is disallowed for any reason whatsoever and where evidence requested in order to determine entitlement of a child or children named in the widow's claim is submitted within 1 year from date of request, requested either before or after disallowance of the widow's claim, an award for the child or children will be made as though the disallowed claim had been filed solely on their behalf. Otherwise, payments may not be made for the child or children for any period prior to the date of receipt of a new claim.

CROSS REFERENCE: State Department as agent of Veterans Administration. See § 3.108.

**§ 3.153 Claims filed with Social Security.**

An application on a form jointly prescribed by the Administrator and the Secretary of Health, Education, and Welfare filed with the Social Security Administration on or after January 1, 1957, will be considered a claim for death benefits, and to have been received in the Veterans Administration as of the date of receipt in Social Security Administration. The receipt of such an application (or copy thereof) by the Veterans Administration will not preclude a request for any necessary evidence. (38 U.S.C. 3005)

**§ 3.154 Injury due to hospital treatment, etc.**

Any statement in a communication, showing an intent to file a claim for additional disability or for death benefits resulting from training, hospitalization, medical or surgical treatment, or examination, filed within 2 years after the injury or aggravation was suffered, or death occurred, may be accepted as a claim. (38 U.S.C. 351)

**§ 3.155 Informal claims.**

(a) Any communication or action, indicating an intent to apply for one or more benefits under the laws administered by the Veterans Administration, from a claimant, his duly authorized representative, a Member of Congress, or some person acting as next friend of a claimant who is not sui juris may be considered an informal claim. Such informal claim must identify the benefit sought. Upon receipt of an informal claim, if a formal claim has not been filed, an application form will be forwarded to the claimant for execution. If received within 1 year from the date it was sent to the claimant, it will be considered filed as of the date of receipt of the informal claim.

(b) A communication received from a service organization, an attorney, or agent may not be accepted as an informal claim if a power of attorney was not executed at the time the communication was written.

(c) When a claim has been filed which meets the requirements of § 3.151 or 3.152, an informal application for increase or reopening will be accepted as a claim.

CROSS REFERENCE: State Department as agent of Veterans Administration. See § 3.108.

**§ 3.156 New and material evidence.**

(a) New and material evidence, relating to the same factual basis (such as, in the case of a living veteran, the same disease or injury) as that of the disallowed claim, submitted subsequent to the final disallowance of the claim, will constitute a new claim and have all the attributes thereof: (38 U.S.C. 3004(a)) *Provided*, That the evidence or the accompanying communication meets the requirements as to what shall constitute an informal claim under § 3.155.

(b) The adjudicating agency of original jurisdiction will determine whether the evidence is new and material and, if determined to be so, will proceed with adjudication upon the basis of all the evidence.

(c) A formal application will not be required; however, additional information or evidence which is required must be submitted within 1 year from the date of request.

(d) Evidence received prior to the expiration of the appeal period, or prior to the appellate decision, will be considered by the adjudicating agency of original jurisdiction and will be considered as having been filed in connection with the claim which was pending at the beginning of the appeal period.

(e) Where the new and material evidence consists of a supplemental report from the service department, received before or after the decision has become final, the former decision will be reconsidered by the adjudicating agency of original jurisdiction. This comprehends official service department records which presumably have been misplaced and have now been located and forwarded to the Veterans Administration. Also included are corrections by the service department of former errors of commission or omission in the preparation of the prior report or reports and identified as such. The retroactive evaluation of disability resulting from disease or injury subsequently service connected on the basis of the new evidence from the service department must be supported adequately by medical evidence. Where such records clearly support the assignment of a specific rating over a part or the entire period of time involved, a retroactive evaluation will be assigned accordingly except as it may be affected by the filing date of the original claim.

(f) Awards pursuant to claims comprehended in this section will be governed by the § 3.400 series relating to the effective dates of awards based upon original claims.

(g) Evidence which is solely cumulative or repetitious in character will not serve as the basis for reconsideration of the previous decision. When evidence relates to the same specific fact to which proof previously was adduced of a like character, it is cumulative but not when it relates to a new fact respecting the general question or point in issue. To constitute material evidence, the facts offered must relate and go to the issue or have a legitimate and effective influence or bearing on the decision in question.

CROSS REFERENCES: Effective dates—general. See § 3.400.

Correction of military records. See § 3.400 (g).

**§ 3.157 Report of physical examination or hospitalization as claim for increase or to reopen.**

(a) *General.* Effective date of pension or compensation benefits, if otherwise in order, will depend on the date of receipt of the evidence or the date when entitlement arose, whichever is the later.

(b) *Claim.* Once a formal claim for pension or compensation has been allowed or a formal claim for compensation disallowed for the reason that the service-connected disability is not compensable in degree, receipt of one of the following will be accepted as an informal claim for increased benefits or an informal claim to reopen. The evidence listed will also be accepted as an informal claim for pension previously denied for the reason the disability was not permanently and totally disabling.

(1) *Report of Veterans Administration examination and hospitalization at Veterans Administration expense.* The date of examination or date of admission to a Veterans Administration hospital or date of admission to a non-Veterans Administration hospital if previously authorized will be accepted. If subsequently authorized the date the Veterans Administration received notice of admission to a non-Veterans Administration hospital will be accepted.

(2) *Evidence from a private physician or layman.* The date of receipt of such evidence will be accepted when the evidence furnished by or in behalf of the claimant is within the competence of the physician or lay person and shows the reasonable probability of entitlement to benefits. This must be verified by official examination prior to granting such benefits.

(3) *State and other institutions.* When submitted by or on behalf of the veteran and entitlement is shown, date of receipt by the Veterans Administration of physical examination reports, clinical records, and transcripts of records may be accepted if received from State, county, municipal, recognized private institutions or other Government hospitals. These records must be authenticated by an appropriate official of the institution. Benefits will be granted if the records are adequate for rating purposes; otherwise findings will be verified by official examination. Reports received from private institutions not listed by the American Hospital Association must be certified by the Chief Medical Officer of the Veterans Administration or his physician designee.

**§ 3.158 Abandoned claims.**

(a) In an original claim or a claim for increase in which no response has been made within 1 year after the request for the evidence or order for physical examination by the Veterans Administration, the claimant's failure or disregard will constitute abandonment of the claim and sufficient grounds for its disallowance. After the expiration of 1 year, further action will not be taken unless a new claim is received. Should the claim be finally established, pension, compensation, or dependency and indemnity compensation shall commence not earlier than the date of filing the new claim.

(b) Where the veteran fails without adequate reason to respond to an order to report for physical examination within 1 year from the date of request and payments for a nonstatic condition have been discontinued, the claim for such benefits will be considered abandoned.

(c) Where payments of pension, compensation, or dependency and indemnity compensation have not been made or have been discontinued because a payee's present whereabouts is unknown for a period of 1 year or more, payments will not be made for any period prior to the date the evidence showing the payee's present whereabouts is received in the Veterans Administration, if otherwise in order.

CROSS REFERENCE: Disappearance of incompetent veteran. See § 3.656.

EVIDENCE REQUIREMENTS

**§ 3.200 Testimony certified or under oath.**

(a) Claimants and witnesses in their behalf will be duly sworn before presenting oral testimony before any rating, authorization, or appellate body.

(b) All written testimony submitted by the claimant or in his behalf for the purpose of establishing a claim for service connection will be certified or under oath. This includes records, examination reports and transcripts material to the issue received by the Veterans Administration at the instance of the claimant or in his behalf or requested by the Veterans Administration from state, county, municipal, recognized private institutions, and contract hospitals.

**§ 3.201 Exchange of evidence; Social Security and Veterans Administration.**

(a) Evidence received in the Social Security Administration in support of a claim filed on or after January 1, 1957, for benefits under Title II of the Social Security Act will be considered to have been received in the Veterans Administration as of the date of receipt in the Social Security Administration. Where such evidence is needed in a claim for dependency and indemnity compensation, a copy or certification will be requested from the Social Security Administration.

(b) A copy or certification of evidence filed in the Veterans Administration in support of a claim for dependency and indemnity compensation will be furnished the Social Security Administration upon request from the agency. (38 U.S.C. 3005)

CROSS REFERENCE: Claims filed with Social Security. See § 3.153.

**§ 3.202 Evidence from foreign countries.**

(a) Except as provided in paragraph (b) of this section, where an affidavit or other document is executed by or before an official in a foreign country, the signature of that official must be authenticated by a United States Consular Officer in that jurisdiction or by the State Department. Where the United States has no consular representative in a foreign country, such authentication may be made as follows:

(1) By a consular agent of a friendly government whereupon the signature and seal of the official of the friendly government may be authenticated by the State Department; or

(2) By the nearest American consul who will attach a certificate showing the result of his investigation concerning its authenticity.

(b) Authentication will not be required:

(1) On documents approved by the Deputy Minister of Veterans Affairs, Department of Veterans Affairs, Ottawa, Canada; or

(2) When it is indicated that the attesting officer is authorized to administer oaths for general purposes and the document bears his signature and seal; or

(3) When the document is executed before a Veterans Administration employee authorized to administer oaths; or

(4) When a copy of a public or church record from any foreign country purports to establish birth, marriage, divorce, or death provided it bears the signature and seal of the custodian of such record and there is no conflicting evidence in the file which would serve to create doubt as to the correctness of the record; or

(5) When a copy of the public or church record from one of the countries comprising the United Kingdom, namely: England, Scotland, Wales, or Northern Ireland, purports to establish birth, marriage, or death, provided it bears the signature or seal or stamp of the custodian of such record and there is no evidence which would serve to create doubt as to the correctness of the records; or

(6) When affidavits prepared in the Republic of the Philippines are certified by a Veterans Administration representative located in the Philippines having authority to administer oaths.

CROSS REFERENCE: State Department as agent of Veterans Administration. See § 3.108.

**§ 3.203 Service records as evidence of discharge.**

(a) For the purpose of securing authoritative information in regard to discharge for potential payment of compensation, dependency and indemnity compensation, or burial allowance, any one of the following documents will be accepted by the Veterans Administration as credible evidence:

(1) Certificate of discharge.

(2) Authoritative notice from the service department as to the facts of such discharge.

(3) Any copy or abstract of the certificate of discharge certified by a notary public or other official having authority under the law to administer oaths.

(b) Evidence as enumerated in paragraph (a) of this section will be accepted as authoritative proof of the facts contained therein for the purpose of making awards of compensation, dependency and indemnity compensation, and burial allowance. Such facts need not be verified unless there is some reason to question the genuineness of the document or the accuracy of the information contained therein.

(c) The evidence as enumerated in paragraph (a) of this section will not be accepted as establishing the period of service of a veteran for the purpose of making awards of pension except in those cases where the veteran was discharged for disability incurred in service in line of duty. Specific request will be made of the service department for a complete statement of service showing the time spent on an industrial, agricultural, or indefinite furlough; time lost on absence without leave (without pay); under arrest (without acquittal); in desertion and while undergoing sentence of court-martial: *Provided*, That, where available case file evidence establishes service of 9 months or more, or there is substantial evidence of 90 days creditable service, such as a service department record of hospitalization for 90 days for a line of duty condition, award action otherwise in order may be had without awaiting return of official information.

**§ 3.204 Secondary evidence.**

(a) *Marriage or birth.* The classes of evidence to be requested for the purpose of establishing marriage, age, or relationship are indicated in §§ 3.205 and 3.209 in the order of preference. Failure to furnish the higher class, however, does not preclude the acceptance of a lower class if the evidence furnished is sufficient to prove the point involved.

(b) *Marriage, birth, or death.* A certified copy or abstract of a record referred to in §§ 3.205, 3.209, and 3.211, which is not certified over the signature and official seal of the person having custody of the record, will be accepted nevertheless if:

(1) The person having custody of the record has no official seal, and the copy or abstract bears his signature and is either sworn to by him or is on a blank printed especially for that purpose; or

(2) The copy is made by a field examiner or other employee of the Veterans Administration who is authorized to administer oaths.

(c) *Photostats.* Photostats of original documents or of certified copies of records will be acceptable if the original would be acceptable.

**§ 3.205 Marriage.**

(a) *Proof of marriage.* Marriage should be established by one of the following types of evidence:

(1) Copy of the public record of marriage, certified or attested, or by an abstract of the public record, containing sufficient data to identify the parties, the date and place of the marriage, and the number of prior marriages by either party if shown on the official record, issued by the officer having custody of the record or one authorized to act for him, bearing the seal of such office, or otherwise properly identified, or a certified copy of the church record of marriage.

(2) Official report from service department as to marriage which occurred while the veteran was in service.

(3) The affidavit of the clergyman or magistrate who officiated.

(4) The original certificate of marriage accompanied by proof of its genuineness and the authority of the person to perform the marriage.

(5) The affidavits of two or more eyewitnesses to the ceremony.

(6) In jurisdictions where marriages other than by ceremony are recognized the affidavits of one or both of the parties to the marriage, if living, setting forth all of the facts and circumstances concerning the alleged marriage, such as the agreement between the parties at the beginning of their cohabitation, the period of cohabitation, places and dates of residences, and whether children were born as the result of the relationship. This evidence should be supplemented by affidavits from two or more persons who know as the result of personal observation the reputed relationship which existed between the parties to the alleged marriage including the periods of cohabitation, places of residences, whether the parties held themselves out as husband and wife, and whether they were generally accepted as such in the communities in which they lived.

(b) *Valid marriage.* A marriage may be recognized as valid only when it is shown that prior marriages have been dissolved. The burden of proof of the validity of marriage is on the claimant. Responsibility for determining whether the claimant has met this burden is that of the Veterans Administration. In addition to proof of marriage as outlined in paragraph (a) of this section, the termination of all prior marriages of each party is to be shown by certified copies of final decrees of divorce or annulment, certified abstracts thereof (specifically reciting the effect of the judgment), or by proof of death.

(c) *Marriages deemed valid.* In a widow's claim where she has submitted proof of marriage in accordance with paragraph (a) of this section and also meets the requirements of § 3.52, her signed statement that she had no knowledge of an impediment to her marriage to the veteran will be accepted, in the absence of information to the contrary, as proof of that fact. In such cases evidence of the dissolution of prior marriages of either party will not be required.

CROSS REFERENCE: Marriages deemed valid. See § 3.52.

**§ 3.206 Divorce decree.**

(a) A divorce decree, regular on its face and granted either within or without the matrimonial domicile, will be accepted for pension, compensation, or dependency and indemnity compensation purposes in determining marital status unless there is a protest or there is reason for further inquiry. Where there is a protest or reason for further inquiry, it will be accepted as effecting a change in the marital status of the parties if the defendant was "personally served" by a method authorized by law as sufficient to support a judgment in personam against such defendant, or appeared in person or by counsel authorized by the defendant:

(1) Where the decree was entered in a Federal court; or

(2) Where the decree was entered in a State of the United States (its territories or possessions) in which it is not subject to direct or collateral attack.

(b) If the decree is subject to direct or collateral attack in the State of the United States (its territories or possessions) in which it was granted, notwithstanding personal service as described in paragraph (a) of this section, or it is established that the plaintiff to whom the divorce was granted was not a bona fide resident of the jurisdiction wherein the decree was granted, the decree will not be accepted as effecting a change in the marital status of the parties for the purposes of this section.



**§ 3.207 Annulment of void remarriages of widows.**

Where the remarriage of a widow who seeks benefits as an unremarried person has been annulled by court decree, there should be furnished certified copies of:

(a) The petition to the court for annulment;

(b) The answer, if any;

(c) A transcript of the testimony, if available; and

(d) The court decree of annulment.

**§ 3.208 Claims based on attained age.**

In claims for pension where the age of the veteran or widow is material, the statements of age will be accepted where they are in agreement with other statements in the record as to age. However, where there is a variance in such records, the youngest age will be accepted subject to the submission of evidence as outlined in § 3.209.

**§ 3.209 Birth.**

Age or relationship should be established by one of the following types of evidence: *Provided*, That, if the name of the person appearing on the copy of a record is not the same as that appearing on the records of the Veterans Administration, an affidavit will be required identifying the person having the changed name as the person whose name appears in the record:

(a) A copy or abstract of the public record of birth, certified by the custodian of such records. Such a record established more than 4 years after the birth will be accepted as proof of age or relationship if, it is not inconsistent with material of record with the Veterans Administration, or if it shows on its face that it is based upon evidence which would be acceptable under this section.

(b) A copy of the church record of baptism, certified by the custodian of such records. Such a record of baptism performed more than 4 years after birth will not be accepted as proof of age or relationship unless it is consistent with material of record with the Veterans Administration, which will include at least one reference to age or relationship made at a time when such reference was not essential to establishing entitlement to the benefit claimed.

(c) Official report from the service department as to birth which occurred while the veteran was in service.

(d) Affidavit of the physician or midwife in attendance at birth.

(e) Copy of Bible or other family record certified to by a notary public or other officer with authority to administer oaths, who should state in what year the Bible or other book in which the record appears was printed, whether the record bears any erasures or other marks of alteration, and whether from the appearance of the writing he believes the entries to have been made at the time purported.

(f) Affidavits of two or more persons, preferably disinterested, who will state their ages, showing the name, date, and place of birth of the person whose age or relationship is being established, and that to their own knowledge such person is the child of such parents (naming the parents) and stating the source of their knowledge.

(g) Other evidence which is adequate to establish the facts in issue, including census records, original baptismal records, hospital records, insurance policies, school, employment, immigration, or naturalization records.

CROSS REFERENCE: Secondary evidence. See § 3.204.

**§ 3.210 Child's relationship.**

(a) *Legitimate child.* Where it is necessary to determine the legitimacy of a child, evidence will be required to establish the legality of the marriage of the mother of the child to the veteran or to show that the child is otherwise legitimate by State laws together with evidence of birth as outlined in § 3.209. Where the legitimacy of a child is not a factor, evidence to establish legitimacy will not be required: *Provided*, That, evidence is on file which meets the requirements of paragraph (b) of this section sufficient to warrant recognition of the relationship of the child without regard to legitimacy.

(b) *Illegitimate child.* (1) As to the mother of an illegitimate child, proof of birth is all that is required. As to the father, proof of relationship of an illegitimate child will consist of:

(i) An acknowledgment in writing signed by him; or

(ii) Evidence that he has been judicially ordered or decreed to contribute to the child's support; or

(iii) Evidence that the veteran has been, prior to his death, judicially decreed to be the putative father of the child; or

(iv) Other satisfactory evidence that the veteran is the putative father of the child, which may include but is not limited to:

(*a*) A certified copy of the public record of birth showing that the veteran was named as father of the child.

(*b*) Statements of persons who know that the veteran accepted the child as his; or

(c) Information obtained from public records, such as school or welfare agencies, which shows that the veteran was reputed to be the father of the child.

(2) The sufficiency of evidence will be determined in accordance with the facts in the individual case.

(3) When none of the evidence outlined in subparagraph (1) (i), (ii), or (iii) of this paragraph has been submitted and evidence is on file which is considered adequate to establish the reputed paternity of an illegitimate child as contemplated by subparagraph (1) (iv) of this paragraph, the determination will be made by an official authorized to approve such determinations.

(c) *Adopted child.* Evidence of relationship will include a certified copy of the final decree of adoption and such other evidence as may be necessary.

(d) *Stepchild.* Evidence of relationship of a stepchild will consist of proof of birth as outlined in § 3.209, evidence of the legal marriage of the veteran to the mother of the child, and evidence that the child is a member of the veteran's household or was a member of his household at the date of his death.

**§ 3.211 Death.**

Death should be established by one of the following types of evidence:

(a) (1) A copy of the public record of the State or community where death occurred certified by the custodian of such records.

(2) A certified copy of a coroner's report of death or a verdict of a coroner's jury of the State or community where death occurred, provided such report or verdict properly identified the deceased.

(b) Where death occurs in a hospital or institution under the control of the United States Government:

(1) A death certificate signed by a medical officer; or

(2) A clinical summary or other report showing fact and date of death signed by a medical officer.

(c) An official report of death of a member of a uniformed service from the Secretary of the department concerned where death occurs while deceased was on the retired list, in an inactive duty status, or in the active service.

(d) Where death occurs abroad:

(1) A United States consular report of death bearing the signature and seal of the United States consul; or

(2) A certified copy of the public record of death authenticated (see § 3.202 (b) (4) for exception) by the United States consul or other agency of the State Department; or

(3) An official report of death from the head of the department concerned, where the deceased person was, at the time of death, a civilian employee of such department.

(e) If the foregoing evidence cannot be furnished, the reason must be stated. The fact of death may then be established by the affidavits of persons who have personal knowledge of the fact of death, have viewed the body of the deceased, know it to be the body of the person whose death is being established, setting forth all the facts and circumstances concerning the death, place, date, time, and cause thereof.

(f) If proof of death, as defined in paragraphs (a) through (e) of this section cannot be furnished, a finding of fact of death, where death is otherwise shown by competent evidence, may be made by an official authorized to approve such findings. Where it is indicated that the veteran died under circumstances which precluded recovery or identification of the body, the fact of death should be established by the best evidence, which from the nature of the case must be supposed to exist.

**§ 3.212 Unexplained absence for 7 years.**

(a) If satisfactory evidence is produced establishing the fact of the continued and unexplained absence of any individual from his home and family for a period of 7 years or more and that a diligent search disclosed no evidence of his existence after the date of disappearance, and if evidence as provided in § 3.211 cannot be furnished, the death of such individual as of the expiration of

such period may be considered as sufficiently proved.

(b) No State law providing for presumption of death will be applicable to claims for benefits under laws administered by the Veterans Administration and the finding of death will be final and conclusive except where suit is filed for insurance under 38 U.S.C. 784. (38 U.S.C. 108)

**§ 3.213 Change of status affecting entitlement.**

(a) *General.* For the purpose of reducing or discontinuing pension, compensation, or dependency and indemnity compensation, statements of a specific date of change of status which would result in a reduction or discontinuance of such benefits will be accepted as follows:

(1) *Veteran.* A statement by the veteran setting forth the date of death of a wife, child, or dependent parent.

(2) *Widow.* A statement by the widow or remarried widow setting forth the date of remarriage and her present name. (An award for a child or children who are otherwise entitled may be made to commence the day following the date of discontinuance of payments to the widow.)

(3) *Child.* A statement by the veteran or widow (where an additional allowance is being paid to the veteran or widow for a child), or fiduciary, setting forth the date of the child's death, marriage, or discontinuance of school attendance. A similar statement by a child who is receiving payments directly will be accepted to establish his marriage or the discontinuance of school attendance. Where appropriate, the date of discontinuance of school attendance will be required in addition to date of death or marriage.

(b) *Definite date not reported.* If a definite date (year, month, and day) of death, marriage, or discontinuance of school attendance of a child is not given, the award will be discontinued effective date of last payment and information as to the exact date of the event will be required. If the month only is reported, the award will be adjusted as of the first day of that month. Unless the payee furnishes a statement within 30 days from the date of request showing a definite date, the award will be discontinued.

(c) *Contradictory information.* Where there is reason to believe that the death, marriage, or discontinuance of school attendance may have occurred at an earlier date, formal proof will be required.

CROSS REFERENCE: Notice of material increase in income or change in status. See § 3.253.

DEPENDENCY AND INCOME

**§ 3.250 Dependency.**

(a) *Income—(1) Conclusive dependency.* Dependency of a parent (other than one who is residing in a foreign country) will be held to exist where the monthly income does not exceed:

(i) $105 for a mother or father not living together;

(ii) $175 for a mother and father, or remarried parent and spouse, living together;

(iii) $45 for each additional "member of the family" as defined in paragraph (b)(2) of this section. (38 U.S.C. 102(a)(2))

(2) *Combined income.* Where the mother and father are living together, the combined income will be considered.

(3) *Excess income.* Where the income exceeds the monthly amounts stated in subparagraph (1) of this paragraph dependency will be determined on the facts in the individual case under the principles outlined in this section.

(4) *Foreign residents.* There is no conclusive presumption of dependency. Dependency will be determined on the facts in the individual case under the principles outlined in this section.

(b) *Basic rule.* Dependency will be held to exist if the father or mother of the veteran does not have an income sufficient to provide reasonable maintenance for such father or mother and members of his or her family under legal age and for dependent adult members of the family if the dependency of such adult member results from mental or physical incapacity.

(1) "Reasonable maintenance" includes not only housing, food, clothing, and medical care sufficient to sustain life, but such items beyond the bare necessities as well as other requirements reasonably necessary to provide those conveniences and comforts of living suitable to and consistent with the parents' reasonable mode of life.

(2) "Member of the family" means a person (other than spouse) including a relative in the ascending as well as descending class, whom the father or mother is under moral or legal obligation to support. In determining whether other members of the family under legal age are factors in necessary expenses of the mother or father, consideration will be given to any income from business or property (including trusts) actually available, directly or indirectly, to the mother or father for the support of the minor but not to the corpus of the estate or the income of the minor which is not so available.

(c) *Income included.* The following will be included as income:

(1) Total income from sources such as wages, salaries, earnings, bonuses from employers, income from a business or profession, or from investments or rents.

(i) Salary is not determined by "take-home" pay, but includes deductions made under a retirement act or plan and amounts withheld by virtue of income tax laws. The value of salary received in kind, including a fair value for maintenance, is also included.

(ii) The gross income from a business or profession may be reduced by the necessary operating expenses, such as cost of goods sold, or expenditures for rent, taxes, and upkeep. Depreciation is not a deductible expense. The cost of repairs or replacement may be deducted.

(iii) A loss sustained in operating a business, profession, or farm or from investments may not be deducted from income derived from any other source.

(iv) Where personal services are received in lieu of rent, the fair rental value of the property will be considered income.

(2) Earnings of members of the family under legal age.

(3) Contributions of any character toward the family expenses by the adult members.

(4) Disability, accident, or health insurance (less payment of medical or hospital expenses resulting from the disease or accident for which payments are made).

(5) Compensation paid by the Bureau of Employees' Compensation, Department of Labor (of the United States), or pursuant to any workmen's compensation or employer's liability statute, or damages collected because of personal injury or death less medical, legal, or other expenses incident to the injury or death, or the collection or recovery of such moneys. Where monthly payments of employees' compensation payable by a Federal or State agency are withheld until the value equals a lump sum paid as damages by a third party, it will be considered that the claimant is receiving the income on a monthly basis.

(6) Retirement benefits paid under a Federal, State, municipal, or private business or industrial plan, including Old-Age and Survivors' Insurance and disability insurance under title II of the Social Security Act but excluding old-age assistance. Where the payments received consist of part principal and part interest, interest will not be counted separately. No reduction will be made for the amount of the parent's contribution. (See paragraph (d)(4) of this section as to limitations on recognition of waiver of retirement benefits for dependency purposes.)

(7) Retirement pay received direct from a service department. (See paragraph (d)(5) of this section.)

(8) Proceeds of bequests and inheritances received in the settlement of estates. However, such property, including stocks and bonds received by inheritance or otherwise, will not be considered as income until the property, or other property acquired in lieu thereof by exchange or barter, has been converted into cash. Where such property is converted into cash, the amount of the claimant's personal contribution will be deducted in determining the net income. (See paragraph (h) of this section.)

(9) Gifts.

(10) Family allowances authorized by service personnel.

(11) Reasonable value of allowances to a person in military or naval service in addition to base pay, such as clothing, subsistence, and quarters.

(12) Insurance paid under the Merchant Marine Act of 1936, as amended.

(d) *Income excluded.* The following will be excluded:

(1) Six-months' death gratuity from a service department.

(2) Bonus or similar cash gratuity by any State based on service in the Armed Forces of the United States.

(3) Mustering out pay.

(4) Amounts of pension or retirement pay which have been waived pursuant to a Federal statute, from the following sources:

(i) Civil Service Retirement and Disability Fund.

(ii) Railroad Retirement Board.

(iii) District of Columbia, firemen or policemen.

(iv) District of Columbia, public school teachers.

(v) Former Lighthouse Service.

(5) Annuities received under chapter 73 of title 10 of the United States Code (formerly the Uniformed Services Contingency Option Act). (10 U.S.C. 1441)

(6) Any payments by the United States Government under laws administered by the Veterans Administration:

(i) Because of disability or death.

(ii) World War adjusted compensation.

(iii) Proceeds of matured endowment policies and dividends (including special and termination dividends) of Government insurance.

(7) Where the claimant is being maintained in a rest home (including a convalescent or nursing home, a home for the aged, or other establishment of similar character), money paid to the home or to the claimant to cover the cost of maintenance which is not in remuneration for services, is not to be considered income, regardless of whether it is furnished by a charitable organization (civic or governmental) or by a friend or relative. This expense is not deductible, however, if it is paid from income of the claimant.

(8) Proceeds of a fire insurance policy.

(9) The rental value of property owned and resided in by the claimant.

(10) The value of an increase in stock inventory of a business at the end of the year.

(11) Charitable donations from public or private relief or welfare organizations. This includes the value of maintenance furnished by a friend or relative or by a charitable organization (civic or governmental) and social security benefits such as old-age assistance, aid to dependent children, and aid to the needy blind. Old-Age and Survivors' Insurance and disability insurance paid by Social Security Administration are considered income.

(e) *Corpus of estate.* If there is a conclusive presumption of dependency under paragraph (a)(1) of this section, the corpus of the claimant's estate will be disregarded. If the claimant is not conclusively presumed to be dependent, but might otherwise be considered dependent under paragraph (b) of this section, the corpus of the estate must be considered. Dependency will not be considered to exist if the property or estate is of such character that it would be reasonable that some part of it be sold and the proceeds used for the claimant's maintenance.

(f) *Inception of dependency.* The fact that the veteran has made habitual contributions to his father or mother, or both, is not conclusive evidence that dependency existed but will be considered in connection with all other evidence. In death claims, it is not material whether dependency arose prior or subsequent to the veteran's death. (38 U.S.C. 102(a)) (See § 3.1000(d)(3) as to accrued.)

(g) *Remarriage.* Dependency will not be denied solely because of remarriage (38 U.S.C. 102(a)(2)). Compensation may be continued if the parent submits evidence to show that dependency exists, considering the combined income and expenses of the parent and spouse.

(h) *State property laws.* State property laws as to ownership of real or personal property, such as community property laws, are not for application. "Ownership" will be determined as a question of fact on the basis of the claimant's personal contribution to the purchase price or the terms of bequest or inheritance.

**§ 3.251 Income of parents, dependency and indemnity compensation.**

(a) *Annual income limitation.* (1) Dependency and indemnity compensation is not payable to a parent whose annual income exceeds the following limitations:

(i) $1,750, one parent alone;

(ii) $1,750, separately, two parents not living together;

(iii) $2,400, combined income, two parents living together or remarried parent living with spouse. (38 U.S.C. 415)

(2) Where the claim is based on service in the Commonwealth Army of the Philippines, or as a guerrilla or as a Philippine Scout under section 14, Public Law 190, 79th Congress, the income limitation will be computed at the rate of one Philippine peso for each dollar.

(b) *Application of limitations—(1) Remarried parents—(i) Living with spouse.* The total combined income of the parent and his or her spouse will determine the rate of dependency and indemnity compensation payable to the parent. This rule is equally applicable where both parents have remarried and each is living with his or her spouse.

(ii) *Not living with spouse.* If the remarriage of a parent has been terminated, or the parent is separated from his or her spouse, the rate of dependency and indemnity compensation for the parent will be that which would be payable if there were one parent alone or two parents not living together, whichever is applicable.

(2) *One parent does not file claim.* Where there are two parents living and only one parent has filed claim, the rate of dependency and indemnity compensation will be that which would be payable if both parents had filed claim.

(c) *Basic rule.* Payments of any kind or from any source will be counted as income unless specifically excluded. Total income for the full calendar year will be considered. The amount of the claimant's income is subject to reduction for unusual medical expenses as provided in paragraph (f) of this section.

(d) *Income included.* The following will be included as income:

(1) Total income from sources such as wages, salaries, earnings, bonuses from employers, income from a business or profession or from investments or rents.

(i) Salary is not determined by "take-home" pay, but includes deductions made under a retirement act or plan and amounts withheld by virtue of income tax laws. The value of salary received in kind, including a fair value for maintenance, is also included.

(ii) The gross income from a business or profession may be reduced by the necessary operating expenses, such as cost of goods sold, or expenditures for rent, taxes, and upkeep. Depreciation is not a deductible expense. The cost of repairs or replacement may be deducted.

(iii) A loss sustained in operating a business, profession, or farm or from investments may not be deducted from income derived from any other source.

(iv) Where personal services are received in lieu of rent, the fair rental value of the property will be considered income.

(2) Commercial life insurance consisting of lump-sum or installment payments; disability, accident, or health insurance (less payment of medical or hospital expenses resulting from the disease or accident for which such insurance payments are made). (See paragraph (h) of this section.)

(3) Compensation paid by the Bureau of Employees' Compensation, Department of Labor (of the United States), or pursuant to any workmen's compensation or employer's liability statute, or damages collected because of personal injury or death, less medical, legal, or other expenses incident to the injury or death or the collection or recovery of such moneys. Where monthly payments of employees' compensation payable by a Federal or State agency are withheld until the value equals a lump sum paid as damages by a third party, it will be considered that the claimant is receiving the income on a monthly basis.

(4) Retirement benefits paid under a Federal, State, municipal, or private business or industrial plan, including Social Security benefits (Federal Old-Age and Survivors' Insurance and disability insurance benefits). Where the payments received consist of part principal and part interest, interest will not be counted separately. Where the retirement benefit is based on the claimant's own employment, the payments will not be considered income until the amount of the claimant's personal contribution (as distinguished from amounts contributed by the employer) has been received. After he has received an amount equal to his personal contribution all payments will be considered income. Benefits received by a widow based on her husband's employment will be considered income as received. (See paragraph (e)(7) of this section as to limitations on recognition of waiver of retirement benefits for pension purposes.)

(5) Retirement pay received direct from a service department.

(6) Proceeds of bequests and inheritances received in the settlement of estates. However, such property, including stocks and bonds received by inheritance or otherwise, will not be considered as "annual income" until the property, or other property acquired in lieu thereof by exchange or barter, has been converted into cash. Where such

property is converted into cash, the amount of the claimant's personal contribution will be deducted in determining the net income. (See paragraph (k) of this section.)

(7) Gifts.

(8) Family allowances authorized by service personnel.

(9) Reasonable value of allowances to a person in military or naval service in addition to base pay, such as clothing, subsistence, and quarters.

(10) Insurance paid under the Merchant Marine Act of 1936, as amended.

(11) Payments received from the Veterans Administration (other than disability and death compensation and dependency and indemnity compensation), such as disability and death pension, World War adjusted compensation, Veterans Administration insurance, and servicemen's indemnity.

(12) Payments under chapter 73 of Title 10 of the United States Code (formerly the Uniformed Services Contingency Option Act). (10 U.S.C. 1441)

(e) *Income excluded.* The following will be excluded:

(1) Six-months' death gratuity from a service department.

(2) Bonus or similar cash gratuity by any State based on service in the Armed Forces of the United States.

(3) Charitable donations from public or private relief or welfare organizations. This includes the value of maintenance furnished by a friend or relative or by a charitable organization (civic or governmental) and benefits such as old-age assistance, aid to dependent children, and aid to the needy blind. Old-Age and Survivors' Insurance and disability insurance paid by Social Security Administration are considered income.

(4) Dependency and indemnity compensation.

(5) Disability or death compensation under any law administered by the Veterans Administration.

(6) Lump-sum death payments under title II of the Social Security Act.

(7) Amounts of pension or retirement annuity which have been waived pursuant to a Federal statute, from the following sources:

(i) Civil Service Retirement and Disability Fund.

(ii) Railroad Retirement Board.

(iii) District of Columbia, firemen or policemen.

(iv) District of Columbia, public school teachers.

(v) Former lighthouse service.

(38 U.S.C. 415(g)(1))

(f) *Unusual medical expenses.* There will be excluded from the amount of a claimant's annual income any amounts paid for unusual medical expenses. (38 U.S.C. 415(g)(2)) This includes expenses paid by a parent by reason of his illness and those paid by the parent for members of his family. "Members of his family" means those persons, including relatives in the ascending as well as descending class, whom the parent is under moral or legal obligation to support and who are members of his household.

(1) A determination of whether the circumstances in the individual case represent "unusual" expenses will be made on the pertinent facts. Generally this situation will encompass expenses incurred by reason of chronic invalidism or for surgery or prolonged illness. Brief periods of illness with moderate medical expenses, which did not materially interfere with a normal mode of living, are not included.

(2) Expenses paid by a parent for maintenance of the parent or paid by the parent for maintenance of a member of his family (who is actually or constructively a member of his household) in a nursing or convalescent home may be deducted.

(3) Except as provided in subparagraph (4) of this paragraph, the exclusion of unusual medical expenses is applicable only to amounts actually paid. Expenses incurred but unpaid are not deductible. It is not material that the expenses were incurred by reason of illness in a prior year. Deductions are limited to amounts paid in a particular calendar year. In the absence of doubtful circumstances the claimant's statement as to amounts paid will be accepted.

(4) Where a claimant indicates that he expects to have medical expenses which meet the requirements of this paragraph (e.g., maintenance in a nursing home), an estimate of amounts which will be paid for such expenses may be accepted for the purpose of determining the rate of dependency and indemnity compensation. Where an estimate of such expenses has been accepted for the purpose of authorizing prospective payments, any necessary adjustment in the award of dependency and indemnity compensation will be made upon receipt of an amended estimate or after the end of the calendar year upon receipt of an income questionnaire.

(g) *Income for full calendar year considered.* (1) Where dependency and indemnity compensation is payable from the day following the veteran's death or from the date of filing claim, the claimant's income for the full calendar year will be considered, whether received prior or subsequent to such date.

(2) Where the marital status of a parent changes (e.g., from a parent alone to a remarried parent or from a remarried parent to a parent alone), entitlement and the rate of dependency and indemnity compensation for each period will be determined on the basis of the parent's income (or the joint income of the parent and spouse) for the full calendar year, without regard to the date of receipt of such income, whether prior or subsequent to the change in marital status.

(h) *Insurance; commercial or governmental*—(1) *Received by purchaser.* Where an annuity or payment of endowment insurance is received by the purchaser, no part of the payments received will be considered annual income until the full amount of the consideration has been received, after which the full amount of such payments will be considered income.

(2) *Received by beneficiary.* Life insurance received by a beneficiary will be considered as income in the calendar year in which the payment is received.

(i) *Income received in installments.* Income will be determined by the total amount received or anticipated during the full calendar year.

(j) *Deferred determinations.* Where there is doubt as to the amount of the anticipated income, dependency and indemnity compensation will be allowed at the lowest appropriate rate or will be withheld, as may be appropriate, until the end of that calendar year, when the total income received during the year may be determined.

(k) *State property laws.* State property laws as to ownership of real or personal property, such as community property laws, are not for application. "Ownership" will be determined as a question of fact on the basis of the claimant's personal contribution to the purchase price or the terms of bequest or inheritance.

CROSS REFERENCE: INCOME. See § 3.660.

### § 3.252 Annual income; pension; World War I, World War II, and Korean conflict.

(a) *Annual income limitation*—(1) *General.* Pension is not payable to an unmarried veteran, or to a widow without a child, or to or on account of a child, whose annual income exceeds 1,400; or to a married veteran or a veteran with a child, or to a widow with a child, whose annual income exceeds $2,700. (38 U.S.C. 522(a) and 545(a))

(2) *Widow with a child*—(i) *Child.* The term "child" means a child as defined in § 3.57. The term does not include a child adopted by the widow after the veteran's death. Where a posthumous child is involved, the widow will not be considered a widow with a child prior to the date of birth of the child.

(ii) *Veteran's child not in widow's custody.* Where the veteran was survived by a widow and by a child, the statutory annual income limitation of $2,700 is applicable, even though the child is not the child of the widow and not in her custody.

(iii) *Income of child.* The separate income received by a child or children, regardless of custody, will not be considered in computing the widow's income. Where the separate income of the child is turned over to the widow, only so much of the money as is left after deducting any expenses for maintenance of the child will be considered the widow's income.

(b) *Basic rule.* Total income for the full calendar year will be considered except as provided in paragraph (e) of this section.

(c) *Income included.* The following will be included as income:

(1) Total income from sources such as wages, salaries, earnings, bonuses from employers, income from a business or profession or from investments or rents.

(i) Salary is not determined by "take-home" pay, but includes deductions made under a retirement act or plan and amounts withheld by virtue of income tax laws. The value of salary received in kind, including a fair value for maintenance, is also included.

(ii) The gross income from a business or profession may be reduced by the necessary operating expenses, such as cost of goods sold, or expenditures for rent, taxes, and upkeep. Depreciation is not a deductible expense. The cost of repairs or replacement may be deducted.

(iii) A loss sustained in operating a business, profession, or farm or from investments may not be deducted from income derived from any other source.

(iv) Where personal services are received in lieu of rent, the fair rental value of the property will be considered income.

(2) Commercial life insurance consisting of lump-sum or installment payments; disability, accident or health insurance (less payment of medical or hospital expenses resulting from the disease or accident for which such insurance payments are made). (See paragraph (f) of this section.)

(3) Compensation paid by the Bureau of Employees' Compensation, Department of Labor (of the United States), or pursuant to any workmen's compensation or employer's liability statute, or damages collected because of personal injury or death, less medical, legal, or other expenses incident to the injury or death or the collection or recovery of such moneys. Where monthly payments of employees' compensation payable by a Federal or State agency are withheld until the value equals a lump sum paid as damages by a third party, it will be considered that the claimant is receiving the income on a monthly basis.

(4) Retirement benefits paid under a Federal, State, municipal, or private business or industrial plan, including social security benefits (Federal Old-Age and Survivors' Insurance and disability insurance benefits). Where the payments received consist of part principal and part interest, interest will not be counted separately. Where the retirement benefit is based on the claimant's own employment, the payments will not be considered income until the amount of the claimant's personal contribution (as distinguished from amounts contributed by the employer) has been received. After he has received an amount equal to his personal contribution all payments will be considered income. Benefits received by a widow based on her husband's employment will be considered income as received. (See paragraph (d)(5) of this section as to limitations on recognition of waiver of retirement benefits for pension purposes.)

(5) Retirement pay received direct from a service department. (See paragraph (d)(6) of this section.)

(6) Proceeds of bequests and inheritances received in the settlement of estates. However, such property, including stocks and bonds received by inheritance or otherwise, will not be considered as "annual income" until the property, or other property acquired in lieu thereof by exchange or barter, has been converted into cash. Where such property is converted into cash, the amount of the claimant's personal contribution will be deducted in determining the net income. (See paragraph (i) of this section.)

(7) Gifts.

(8) Family allowances authorized by service personnel.

(9) Reasonable value of allowances to a person in military or naval service in addition to base pay, such as clothing, subsistence, and quarters.

(10) Insurance paid under the Merchant Marine Act of 1936, as amended.

(11) Charitable donations from any source except as provided in paragraph (d) (2) and (8) of this section. This includes benefits such as old-age assistance, aid to dependent children, and aid to the needy blind. Additional allowances received by a claimant from a charitable welfare or relief agency for members of his or her family may not be divided per capita in determining the amount of the claimant's income.

(12) Subsistence allowance under title II, Public Law 346, 78th Congress, and such education and training allowance under 38 U.S.C., Ch. 33, as is in excess of amounts expended for training.

(d) *Income excluded (38 U.S.C. 503).* The following will be excluded:

(1) Six-months death gratuity from a service department.

(2) Value of maintenance furnished by a friend or relative or by a charitable organization (civic or governmental).

(3) Bonus or similar cash gratuity by any State based on service in the Armed Forces of the United States.

(4) Mustering-out pay.

(5) Amounts of pension or retirement annuity which have been waived pursuant to a Federal statute, from the following sources:

(i) Civil Service Retirement and Disability Fund.

(ii) Railroad Retirement Board.

(iii) District of Columbia, firemen or policemen.

(iv) District of Columbia, public school teachers.

(v) Former Lighthouse Service.

(6) Annuities received under chapter 73 of title 10 of the United States Code (formerly the Uniformed Services Contingency Option Act). (10 U.S.C. 1441)

(7) Any payments by the United States Government under laws administered by the Veterans Administration:

(i) Because of disability or death.

(ii) World War adjusted compensation.

(iii) Proceeds of matured endowment policies and dividends (including special and termination dividends) of Government insurance.

(8) Where the claimant is being maintained in a rest home (including a convalescent or nursing home, a home for the aged, or other establishment of similar character), money paid to the home or to the claimant to cover the cost of maintenance which is not in remuneration for services, is not to be considered income, regardless of whether it is furnished by a charitable organization (civic or governmental) or by a friend or relative. This expense is not deductible, however, if it is paid from income of the claimant.

(9) Proceeds of a fire insurance policy.

(10) The rental value of property owned and resided in by the claimant.

(11) The value of an increase in stock inventory of a business at the end of a year.

(12) In claims for disability pension, overtime pay received by Government employees. (In claims for death pension, these payments are considered income.)

(13) The separate income of the wife of a disabled veteran.

(e) *Proportionate computations.* Income will be computed on a proportionate basis for the calendar year where:

(1) The income of the claimant exceeds $1,400 or $2,700, whichever applies.

(i) In the claim of a veteran, where there is no entitlement from the first of the calendar year, the computation will be on a proportionate basis from the date of entitlement.

(ii) In the claim of a widow or the child of a deceased veteran filed within 1 year from the date of the veteran's death, the computation will be on a proportionate basis from the date of the veteran's death. If pension is payable only from the date of filing claim, the claimant's income for the full calendar year will be considered except where her status changed within the calendar year from a widow without a child to a widow with a child, in which event her income will be computed proportionately from the change of status.

(2) There is a status change affecting income limitation and the income of the claimant exceeds $1,400 but not $2,700.

(i) From the date the status of a veteran changes in the course of a calendar year from that of a married person (or a person with a minor child or children) to that of an unmarried person (or a person without a minor child or children).

(ii) From the date the status of a widow changes in the course of a calendar year from that of a widow with a child so that she becomes a widow without a child.

(iii) From the date the status of a widow changes in the course of a calendar year from that of a widow without a child so that she becomes a widow with a child. (Where the change of status arises incident to the birth of a posthumous child, the widow will be considered as a widow without a child for the period prior to the date of the child's birth.)

(iv) In determining entitlement under the circumstances outlined in subdivisions (i) through (iii) of this subparagraph, the proportionate computations will be applied to each period separately and will not be combined to afford a total applicable to the entire calendar year. The amount of income received within each separate period will determine entitlement to pension for that period.

(f) *Commercial insurance*—(1) *Received by purchaser.* Where an annuity or payment of endowment insurance is received by the purchaser, no part of the payments received will be considered annual income until the full amount of the consideration has been received, after which the full amount of such payments will be considered income.

(2) *Received by beneficiary.* (i) Where the beneficiary received commercial life insurance in a lump sum or had the right to elect settlement in a lump sum, the insurance will be considered to have been received in a lump sum in the calendar year in which the veteran died.

(ii) Where insurance is received by a beneficiary in the manner specified by an option elected by the insured, other than in a lump sum, it will be considered income for the calendar year in which the money is actually received.

(3) *Interest on life insurance.* Where it is considered that life insurance has been received in a lump sum in the calendar year in which the veteran died and payments are actually received in succeeding years, no part of the payments received in succeeding years will be considered income until an amount equal to the lump-sum face value of the policy has been received, after which the full amount of such payments will be considered income.

(g) *Income received in installments.* Income will be determined on the total amount received or anticipated during the full calendar year.

(h) *Deferred determinations.* Where there is doubt as to whether the anticipated income will exceed the statutory limitation, payment of pension will not be made before the end of the calendar year, when the total income received during such year may be determined.

(i) *State property laws.* State property laws as to ownership of real or personal property, such as community property laws, are not for application. "Ownership" will be determined as a question of fact on the basis of the claimant's personal contribution to the purchase price or the terms of bequest or inheritance.

CROSS REFERENCES: Income. See § 3.660. Income questionnaires. See § 3.661.

**§ 3.253 Notice of material increase in income or change in status.**

(a) *General.* A new determination will be made whenever there is received notice of a change in income, dependency, marital status, or the status of dependents which would affect the payment of pension, compensation or dependency and indemnity compensation.

(b) *Dependency and indemnity compensation.* If, after approval of an award of dependency and indemnity compensation or the submission of an annual income questionnaire, the payee begins to receive additional income which will cause his income to exceed the income limitation applicable to the rate of dependency and indemnity compensation being paid or by reason of a change in marital status he would not be eligible to receive the rate of dependency and indemnity compensation which was awarded, he must promptly notify the Veterans Administration of such fact. Failure to furnish such notice promptly will result in an overpayment. Where parents were living together, an overpayment will be established for each parent who was in receipt of dependency and indemnity compensation. The award to each payee will be adjusted retroactively as of January 1 of the calendar year in which the additional income was received or the commencing date of the award, whichever is later. Where change in marital status is involved and was reported promptly, reduction or discontinuance will be effective the date of last payment or date of change in status, whichever is later; if not reported promptly, the date of change in status. Any overpayment created under this paragraph will be subject to recovery if not waived. (38 U.S.C. 415(f))

(c) *Compensation to dependent parent.* If, after approval of an award of compensation to a dependent parent, the payee's status changes either as to income, property, dependents, or any other factor so that dependency no longer exists, he must promptly notify the Veterans Administration of such fact. If notice is furnished promptly, discontinuance will be effective date of last payment or the date of change in status, whichever is later; if not reported promptly, the date dependency ceased.

(d) *Pension.* If after approval of an award or the submission of an annual income questionnaire, the payee begins to receive additional income which will cause his income to exceed $1,400 or $2,700, whichever applies, or by reason of change of status of dependents he is no longer eligible for pension, he must promptly notify the Veterans Administration of such fact. Failure to furnish notice of additional income promptly will result in an overpayment effective January 1 of the calendar year in which the additional income was received or the commencing date of the award, whichever is later. Where change in status of dependents is involved and was reported promptly, discontinuance will be effective the date of last payment or date of change in status, whichever is later; if not reported promptly, the date of change in status. Any overpayment created under this paragraph will be subject to recovery if not waived.

(e) *Prompt notice.* Prompt notice will be determined on the facts in each case. However, a report will be considered as prompt notice if received within 30 days from the date the payee had knowledge that his income for the calendar year would exceed the statutory limitation or increment or within 30 days from the change in status. A payee who negotiates two regular monthly pension, compensation, or dependency and indemnity compensation checks before notifying the Veterans Administration of a material increase in income or change in status will not be considered as having furnished prompt notice.

(f) *Evidence required to establish change in status.* In the absence of contradictory information, the statement of the claimant or payee will be accepted as to:

(1) The fact and date of marriage or remarriage;

(2) The date two parents or a parent and spouse ceased living together;

(3) The date two parents or a parent and spouse resumed living together following a period of separation;

(4) Divorce or death of a spouse;

(5) Death of a dependent;

(6) Any event which reduces the rate or terminates entitlement due to change of status.

If the change in status would result in payment of a higher rate of dependency and indemnity compensation, the best proof available to establish the fact in issue will be required.

CROSS REFERENCES: Dependency of parent. See § 3.500(h). Income. See § 3.660.

**§ 3.256 Annual income questionnaires.**

A questionnaire will be sent once each calendar year to each payee (except minors and incompetents) who is receiving pension or dependency and indemnity compensation, whose entitlement is subject to an annual income limitation. (38 U.S.C. 415(e) and 522(b))

**§ 3.257 Children; no widow entitled.**

Where pension is not payable to a widow because her annual income exceeds $2,700, payments will be made to or for the child or children as if there were no widow. (38 U.S.C. 545(b))

CROSS REFERENCE: Children; no widow entitled. See § 3.662.

RATINGS AND EVALUATIONS; BASIC ENTITLEMENT CONSIDERATIONS

**§ 3.301 Line of duty and misconduct.**

(a) *Line of duty.* Direct service connection may be granted only when a disability or cause of death was incurred or aggravated in line of duty, and not the result of the veteran's own willful misconduct. (38 U.S.C. 105)

(b) *Vicious habits.* Disability pension is not payable for any condition due to the veteran's own willful misconduct or vicious habits. A vicious habit is a corrupt or immoral act which has been repeated so that it has become a regular and fixed mode of action. A single incident however vicious is not a vicious habit. (38 U.S.C. 521)

(c) *Venereal diseases*—(1) *Incurred in service.* Unless affirmatively shown to have been innocently acquired, venereal disease will be held to be due to willful misconduct unless all of the following requirements are met:

(i) The initial infection must have been incurred in active service;

(ii) The person must have reported promptly to proper authority at the earliest manifestation of the disease; and

(iii) The person must have submitted to the treatment prescribed and continued such treatment until the approved conclusion thereof (unless the treatment is interrupted by discharge).

(2) *Not incurred in service.* Increase in service of manifestations of venereal disease will usually be held due to natural progress unless the facts of record indicate the increase in manifestation was precipitated by trauma (recurrent in service infection will be reconsidered under subparagraph (1) of this paragraph) or by the conditions of veteran's service, in which event service connection may be established by aggravation. Medical principles pertaining to incubation period and its relation to the course of the disease, i.e., initial or acute manifestation, or period and course of secondary and late residuals manifested, will be considered when time of incurrence of venereal disease prior to or after entry into service is at issue. (38 U.S.C. 105(a))

CROSS REFERENCES: In line of duty. See § 3.1(m). Willful misconduct. See § 3.1(n)



**§ 3.302 Service connection for mental unsoundness in suicide.**

(a) *General definitions.* (1) In order for suicide to constitute willful misconduct, the act of self-destruction must be intentional.

(2) A person of unsound mind is incapable of forming an intent (mens rea, or guilty mind, which is an essential element of crime of willful misconduct).

(3) In determining willful misconduct in a case of suicide the question for determination is whether the person was of sound mind or unsound mind at the time of the commission of the act of self-destruction.

(4) It is a constant requirement for favorable action that the mental unsoundness, when shown, be service connected or due to service-connected disability.

(b) *Evidence of mental unsoundness.* (1) Whether a person, at the time of suicide, was so unsound mentally that he did not realize the consequence of such an act, or was unable to resist such impulse, is a question to be determined in each individual case, based on all available lay and medical evidence pertaining to his mental condition at the time of suicide.

(2) The act of suicide is not in itself sufficient to justify a finding of mental unsoundness. Perhaps the majority of those who take their own lives are suffering from a pronounced emotional upheaval at the time and not infrequently for a period of time prior to the actual commission of the act. However, certainly not all who commit suicide are unsound mentally at the time. It is believed that there are certain individuals in our culture who are prompted to commit suicide (and actually accomplish the act) because of some ethical code which completely dominates their behavior. There are others, who might be classified as personality disorder types but who are neither psychotic nor neurotic, who make preparations for suicide for the purpose of impressing others and then, through some accidental happening, actually accomplish the act.

(3) Mental unsoundness should generally be conceded when medical examination has demonstrated a psychotic or a psychoneurotic reaction with disturbance of behavior or other psychiatric manifestations frequently symptomatic of an acquired mental disorder recognized as causing mental unsoundness, and it is held that the person had such mental disorder at the time of suicide. Also, mental unsoundness should generally be conceded when organic brain disease is known to exist. In the absence of a record of the existence of a definite psychiatric disorder prior to suicide, a finding of mental unsoundness at the time of suicide will be warranted where there is satisfactory lay or medical evidence of a change of personality with disturbance of behavior or other psychiatric manifestations symptomatic of an acquired mental disorder recognized as causing mental unsoundness, and it is held that such mental disorder existed at the time of suicide. The existence of a personality disorder or primary mental deficiency should not be considered as establishing mental unsoundness. However, a finding of mental unsoundness would be warranted when the evidence shows symptoms of a superimposed, acquired mental disorder recognized as causing mental unsoundness, and it is held that such acquired mental disorder was present at the time of suicide.

(4) The greatest of care will be taken to apply the principles in subparagraphs (1) through (3) of this paragraph and those following in certain pattern situations in which suicide may otherwise be attributable to an intention of maturing insurance, securing monetary benefits or escaping punishment or disgrace, to loss of fortune or a member of one's family, or to marital discord or other environmental stresses.

(5) In instances of suicide apparently attributable to ill health and without a medical record or other acceptable evidence of definite psychiatric disorder, as outlined in subparagraph (3) of this paragraph, consideration should be given to the nature and extent of the disease or injury and concomitant symptoms causing ill health, in relation to a determination as to whether an acquired mental disorder of toxic or other etiology had developed and was such as to warrant a finding of mental unsoundness at the time of suicide.

(c) *Evaluation of evidence.* (1) In any case where the rating agency is unable to reach a determination as to whether an acquired mental disorder recognized as causing mental unsoundness existed at the time of suicide, an advisory opinion may be secured by reference of the case to the nearest installation of the Department of Medicine and Surgery having a psychiatric unit. Reference for advisory medical opinion may also be helpful in determining the etiology, character, and significance of any psychiatric symptomatology existent at the time of suicide in instances where the person was suffering from a service-connected malignant tumor, such as carcinoma or sarcoma or other profoundly symptomatic disease or injury with seemingly hopeless prognosis.

(2) In reference to service department records, in which information is furnished by an investigation officer or board as a result of an investigation of suicide, oftentimes conclusions are reached that the veteran was morbid, depressed, worried, restless, and the like, with little or no testimony adduced or available to support such conclusions. Since the investigator or board was the Government's duly authorized representative to ascertain the facts, due credence should be given such evidence unless there is serious doubt or other contradictory evidence available to impeach the evidence detailed. Moreover, it must be borne in mind that the investigator or board may have had the advantage of firsthand observations and certain impressions that may be helpful in making a finding as to suicide and the mental status of the veteran, which may not be completely portrayed in the data set forth by the service department. (Affirmative evidence is necessary to justify reversal of service department findings where Veterans Administration criteria do not otherwise warrant contrary findings.)

(3) Each case should be decided upon its own merits in the light of common sense and with a view of substantial justice, both to the claimant and to the Government. In the case of suicide of a veteran with combat service or with service hardships, stresses and strains, which may be significant in evaluating behavior contrasts and in arriving at the etiology of mental disease, very little definite proof of mental unsoundness should ordinarily be required.

CROSS REFERENCE: Cause of death. See § 3.312.

RATINGS AND EVALUATIONS; SERVICE CONNECTION

**§ 3.303 Principles relating to service connection.**

(a) *General.* Service connection connotes many factors but basically it means that the facts, shown by evidence, establish that a particular injury or disease resulting in disability was incurred coincident with service in the Armed Forces, or if preexisting such service, was aggravated therein. This may be accomplished by affirmatively showing inception or aggravation during service or through the application of statutory presumptions. Each disabling condition shown by a veteran's service records, or for which he seeks a service connection must be considered on the basis of the places, types and circumstances of his service as shown by service records, the official history of each organization in which he served, his medical records and all pertinent medical and lay evidence. Determinations as to service connection will be based on review of the entire evidence of record, with due consideration to the policy of the Veterans Administration to administer the law under a broad and liberal interpretation consistent with the facts in each individual case.

(b) *Chronicity and continuity.* With chronic disease shown as such in service (or within the presumptive period under § 3.307) so as to permit a finding of service connection, subsequent manifestations of the same chronic disease at any later date however remote, are service connected, unless clearly attributable to intercurrent causes. This rule does not mean that any manifestation of joint pain, any abnormality of heart action or heart sounds, any urinary findings of casts, or any cough, in service will permit service connection of arthritis, disease of the heart, nephritis, or pulmonary disease, first shown as a clear-cut clinical entity, at some later date. For the showing of chronic disease in service there is required a combination of manifestations sufficient to identify the disease entity, and sufficient observation to establish chronicity at the time, as distinguished from merely isolated findings or a diagnosis including the word "Chronic." When the disease identity is established (leprosy, tuberculosis, multiple sclerosis, etc.), there is no requirement of evidentiary showing of continuity. Continuity of symptomatology is required only where the condition noted during service (or in the presumptive period) is not, in fact, shown to be

chronic or where the diagnosis of chronicity may be legitimately questioned. When the fact of chronicity in service is not adequately supported, then a showing of continuity after discharge is required to support the claim.

(c) *Preservice disabilities noted in service.* There are medical principles so universally recognized as to constitute fact (clear and unmistakable proof), and when in accordance with these principles existence of a disability prior to service is established, no additional or confirmatory evidence is necessary. Consequently with notation or discovery during service of such residual conditions (scars; fibrosis of the lungs; atrophies following disease of the central or peripheral nervous system; healed fractures; absent, displaced or resected parts of organs; supernumerary parts; congenital malformations or hemorrhoidal tags or tabs, etc.) with no evidence of the pertinent antecedent active disease or injury during service the conclusion must be that they preexisted service. Similarly, manifestation of lesions or symptoms of chronic disease from date of enlistment, or so close thereto that the disease could not have originated in so short a period will establish preservice existence thereof. Conditions of an infectious nature are to be considered with regard to the circumstances of the infection and if manifested in less than the respective incubation periods after reporting for duty, they will be held to have preexisted service. In the field of mental disorders, personality disorders which are characterized by developmental defects or pathological trends in the personality structure manifested by a lifelong pattern of action or behavior, chronic psychoneurosis of long duration or other psychiatric symptomatology shown to have existed prior to service with the same manifestations during service, which were the basis of the service diagnosis, will be accepted as showing preservice origin. Congenital or developmental defects, refractive error of the eye, personality disorders and mental deficiency as such are not diseases or injuries within the meaning of applicable legislation.

(d) *Postservice initial diagnosis of disease.* Service connection may be granted for any disease diagnosed after discharge, when all the evidence, including that pertinent to service, establishes that the disease was incurred in service. Presumptive periods are not intended to limit service connection to diseases so diagnosed when the evidence warrants direct service connection. The presumptive provisions of the statute and Veterans Administration regulations implementing them are intended as liberalizations applicable when the evidence would not warrant service connection without their aid.

**§ 3.304 Direct wartime service connection.**

(a) *General.* The basic considerations relating to service connection are stated in § 3.303. The criteria in this section apply only to disabilities which may have resulted from service in a period of war.

(b) *Presumption of soundness.* War veterans will be considered to have been in sound condition when examined, accepted and enrolled for service, except as to defects, infirmities or disorders noted at entrance into service, or where clear and unmistakable (obvious or manifest) evidence demonstrates that an injury or disease existed prior thereto. Only such conditions as are recorded in examination reports are to be considered as noted. (38 U.S.C. 311)

(1) History of preservice existence of conditions recorded at the time of examination does not constitute a notation of such conditions but will be considered together with all other material evidence in determinations as to inception. Determinations should not be based on medical judgment alone as distinguished from accepted medical principles, or on history alone without regard to clinical factors pertinent to the basic character, origin and development of such injury or disease. They should be based on thorough analysis of the evidentiary showing and careful correlation of all material facts, with due regard to accepted medical principles pertaining to the history, manifestations, clinical course, and character of the particular injury or disease or residuals thereof.

(2) History conforming to accepted medical principles should be given due consideration, in conjunction with basic clinical data, and be accorded probative value consistent with accepted medical and evidentiary principles in relation to value consistent with accepted medical evidence relating to incurrence, symptoms and course of the injury or disease, including official and other records made prior to, during or subsequent to service, together with all other lay and medical evidence concerning the inception, development and manifestations of the particular condition will be taken into full account.

(3) Signed statements of veterans relating to the origin, or incurrence of any disease or injury made in service if against his own interest is of no force and effect if other data do not establish the fact. Other evidence will be considered as though such statement were not of record. (10 U.S.C. 1219)

(c) *Development.* The development of evidence in connection with claims for service connection will be accomplished when deemed necessary but it should not be undertaken when evidence present is sufficient for this determination. In initially rating disability of record at the time of discharge, the records of the service department, including the reports of examination at enlistment and the clinical records during service, will ordinarily suffice. Rating of combat injuries or other conditions which obviously had their inception in service may be accomplished pending receipt of copy of the examination at enlistment and all other service records.

(d) *Combat.* Satisfactory lay or other evidence that an injury or disease was incurred or aggravated in combat will be accepted as sufficient proof of service connection if the evidence is consistent with the circumstances, conditions or hardships of such service even though there is no official record of such incurrence or aggravation. (38 U.S.C. 354(b))

(e) *Prisoners of war.* Where disability compensation is claimed by a former prisoner of war, omission of history or findings from clinical records made upon repatriation is not determinative of service connection, particularly if evidence of comrades in support of the incurrence of the disability during confinement is available. Special attention will be given to any disability first reported after discharge, especially if poorly defined and not obviously of intercurrent origin. The circumstances attendant upon the individual veteran's confinement and the duration thereof will be associated with pertinent medical principles in determining whether disability manifested subsequent to service is etiologically related to the prisoner of war experience.

**§ 3.305 Direct peacetime service connection.**

(a) *General.* The basic considerations relating to service connection are stated in § 3.303. The criteria in this section apply only to disabilities which may have resulted from service other than in a period of war.

(b) *Presumption of soundness.* A peacetime veteran who has served 6 months or more will be considered to have been in sound condition when examined, accepted and enrolled for service, except as to defects, infirmities or disorders noted at the time thereof, or where evidence or medical judgment, as distinguished from medical fact and principles, establishes that an injury or disease preexisted service. Any evidence acceptable as competent to indicate the time of existence or inception of the condition may be considered. Determinations based on medical judgment will take cognizance of the time of inception or manifestation of disease or injury following entrance into service, as shown by proper service authorities in service records, entries or reports. Such records will be accorded reasonable weight in consideration of other evidence and sound medical reasoning. Opinions may be solicited from Veterans Administration medical authorities when considered necessary.

(c) *Campaigns and expeditions.* In considering claims of veterans who engaged in combat during campaigns or expeditions satisfactory lay or other evidence of incurrence or aggravation in such combat of an injury or disease, if consistent with the circumstances, conditions or hardships of such service will be accepted as sufficient proof of service connection, even when there is no official record of incurrence or aggravation. Service connection for such injury or disease may be rebutted by clear and convincing evidence to the contrary.

**§ 3.306 Aggravation of preservice disability.**

(a) *General.* A preexisting injury or disease will be considered to have been aggravated by active military, naval, or air service, where there is an increase in disability during such service, unless there is a specific finding that the increase in disability is due to the natural progress of the disease. (38 U.S.C. 353)

(b) *War service.* Clear and unmistakable evidence (obvious or manifest) is required to rebut the presumption of aggravation where the preservice disability underwent an increase in severity during service. This includes medical facts and principles which may be considered to determine whether the increase is due to the natural progress of the condition. Aggravation may not be conceded where the disability underwent no increase in severity during service on the basis of all the evidence of record pertaining to the manifestations of the disability prior to, during and subsequent to service.

(1) The usual effects of medical and surgical treatment in service, having the effect of ameliorating disease or other conditions incurred before enlistment, including postoperative scars, absent or poorly functioning parts or organs, will not be considered service connected unless the disease or injury is otherwise aggravated by service.

(2) Due regard will be given the places, types, and circumstances of service and particular consideration will be accorded combat duty and other hardships of service. The development of symptomatic manifestations of a preexisting disease or injury during or proximately following action with the enemy or following a status as a prisoner of war will establish aggravation of a disability. (38 U.S.C. 354)

(c) *Peacetime service.* The specific finding requirement that an increase in disability is due to the natural progress of the condition will be met when the available evidence of a nature generally acceptable as competent shows that the increase in severity of a disease or injury or acceleration in progress was that normally to be expected by reason of the inherent character of the condition, aside from any extraneous or contributing cause or influence peculiar to military service. Consideration will be given to the circumstances, conditions, and hardships of service.

**§ 3.307. Presumptive wartime service connection for chronic or tropical disease.**

(a) *General.* When a chronic disease listed in § 3.309(a), in the case of a veteran who served for 90 days or more during a period of war, becomes manifest to a degree of 10 percent or more within 1 year (multiple sclerosis, Hansen's disease (leprosy) and tuberculosis within 3 years), from the date of separation from service in a period of war or where service continued after the war, within such period from the end of the war, or when a tropical disease listed in § 3.309 (b) becomes manifest to a degree of 10 percent or more within 1 year from date of separation from service; or at a time when standard accepted treatises indicate that the incubation period thereof commenced during such service, it will be considered to have been incurred in such service even though there is no evidence of such disease during the period of service. The resultant disorders or diseases originating because of therapy administered in connection with tropical disease or as a preventative thereof, may also be service connected. No conditions other than those referred to in this paragraph will be considered chronic. (38 U.S.C. 312)

(b) *Evidentiary basis.* The factual basis may be established by medical evidence, competent lay evidence or both. Medical evidence should set forth the physical findings and symptomatology elicited by examination within the applicable period. Lay evidence should describe the material and relevant facts as to the veteran's disability observed within such period, not merely conclusions based upon opinion. The chronicity and continuity factors outlined in § 3.303(b) will be considered. The diseases listed in § 3.309(a) will be accepted as chronic, even though diagnosed as acute because of insidious inception and chronic development, except (1) where they result from intercurrent causes, for example, cerebral hemorrhage due to injury, or active nephritis or acute endocarditis due to intercurrent infection (with or without indentification of the pathogenic micro-organism); or (2) where a disease is the result of drug ingestion or a complication of some other condition not related to service. Thus, leukemia will be accepted as a chronic disease whether diagnosed as acute or chronic. Unless the clinical picture is clear otherwise, consideration will be given as to whether an acute condition is an exacerbation of a chronic disease.

(c) *Prohibition of certain presumptions.* No presumptions may be invoked on the basis of advancement of the disease when first definitely diagnosed for the purpose of showing its existence to a degree of 10 percent within the applicable period, except pulmonary tuberculosis under § 3.371. This will not be interpreted as requiring that the disease be diagnosed in the presumptive period, but only that there be then shown by acceptable medical or lay evidence characteristic manifestations of the disease to the required degree, followed without unreasonable time lapse by definite diagnosis. Symptomatology shown in the prescribed period may have no particular significance when first observed, but in the light of subsequent developments it may gain considerable significance. Cases in which a chronic condition is shown to exist within a short time following the applicable presumptive period, but without evidence of manifestations within the period, should be developed to determine whether there was symptomatology which in retrospect may be identified and evaluated as manifestation of the chronic disease to the required 10 percent degree. The consideration of service incurrence provided for chronic diseases will not be interpreted to permit any presumption as to aggravation of a preservice disease or injury after discharge.

(d) *Rebuttal of service incurrence.* Evidence which may be considered in rebuttal of service incurrence of a chronic or tropical disease will be any evidence of a nature usually accepted as competent to indicate the time of existence or inception of disease, and medical judgment will be exercised in making determinations relative to the effect of intercurrent injury or disease. The expression "affirmative evidence to the contrary" will not be taken to require a conclusive showing, but such showing as would, in sound medical reasoning and in the consideration of all evidence of record, support a conclusion that the disease was not incurred in service. As to tropical diseases the fact that the veteran had no service in a locality having a high incidence of the disease may be considered as evidence to rebut the presumption, as may residence during the period in question in a region where the particular disease is endemic. The known incubation periods of tropical diseases should be used as a factor in rebuttal of presumptive service connection as showing inception before or after service. (38 U.S.C. 313)

**§ 3.308 Presumptive peacetime service connection.**

(a) *Chronic disease.* There is no provision for peacetime presumptive service connection for chronic disease as distinguished from tropical diseases referred to in paragraph (b) of this section.

(b) *Tropical disease.* A veteran of 6 months or more service other than in a period of war who contracts a tropical disease listed in § 3.309(b) or a resultant disorder or disease originating because of therapy administered in connection with a tropical disease or as a preventative thereof, will be considered to have incurred such disability in service when it is shown to exist to the degree of 10 percent or more within 1 year after separation from active service, or at a time when standard and accepted treatises indicate that the incubation period commenced during active service unless shown by clear and unmistakable evidence not to have been of service origin. (38 U.S.C. 333)

**§ 3.309 Disease subject to presumptive service connection.**

(a) *Chronic diseases.* The diseases which may be considered for service connection although not otherwise established as incurred in service but which are manifested to a compensable degree within the applicable time limits following service in a period of war under § 3.307 are:

Anemia, primary.
Arteriosclerosis.
Arthritis.
Atrophy, progressive muscular.
Brain hemorrhage.
Brain thrombosis.
Bronchiectasis.
Calculi of the kidney, bladder, or gallbladder.
Cardiovascular-renal disease, including hypertension. (This term applies to combination involvement of the type of arteriosclerosis, nephritis, and organic heart disease, and since hypertension is an early symptom long preceding the development of those diseases in their more obvious forms, a disabling hypertension within the 1 year period will be given the same benefit of service connection as any of the chronic diseases listed.)
Cirrhosis of the liver.
Coccidioidomycosis.
Diabetes mellitus.
Encephalitis lethargica residuals.
Endocarditis. (This term covers all forms of valvular heart disease.)
Endocrinopathies.

Epilepsies.
Hodgkin's disease.
Leprosy.
Leukemia.
Myasthenia gravis.
Myelitis.
Myocarditis.
Nephritis.
Other organic diseases of the nervous system.
Osteitis deformans (Paget's disease).
Osteomalacia.
Palsy, bulbar.
Paralysis agitans.
Psychoses.
Purpura idiopathic, hemorrhagic.
Raynaud's disease.
Sarcoidosis.
Scleroderma.
Sclerosis, amyotrophic lateral.
Sclerosis, multiple.
Syringomyelia.
Thromboangiitis obliterans (Buerger's disease).
Tuberculosis, active.
Tumors, malignant, or of the brain or spinal cord or peripheral nerves.
Ulcers, peptic (gastric or duodenal). (A proper diagnosis of gastric or duodenal ulcer (peptic ulcer) is to be considered established if it represents a medically sound interpretation of sufficient clinical findings warranting such diagnosis and provides an adequate basis for a differential diagnosis from other conditions with like symptomatology; in short, where the preponderance of evidence indicates gastric or duodenal ulcer (peptic ulcer). Whenever possible, of course, laboratory findings should be used in corroboration of the clinical data.)

(b) *Tropical diseases.* The diseases which may be considered for service connection as a result of tropical service, although not otherwise established as incurred in service but which are manifested to a compensable degree within the applicable time limit following service in a period of war or other service under § 3.307 or § 3.308 are:

Amebiasis.
Blackwater fever.
Cholera.
Dracontiasis.
Dysentery.
Filariasis.
Leishmaniasis, including kala-azar.
Leprosy.
Loiasis.
Malaria.
Onchocerciasis.
Oroya fever.
Pinta.
Plague.
Schistosomiasis.
Yaws.
Yellow fever.

Resultant disorders or diseases originating because of therapy administered in connection with such diseases or as a preventative thereof.

### § 3.310 Proximate results, secondary condition.

Disability which is proximately due to or the result of a service-connected disease or injury will be service connected. When service connection is thus established for a secondary condition, the secondary condition will be considered a part of the original condition.

### § 3.311 Disability or death from armed conflict or extrahazardous duty in peacetime. (38 U.S.C. 336)

(a) Criteria governing service connection are those applicable to disabilities incurred or aggravated in service other than in time of war. Decisions under this section control rates of payment under § 3.4(d).

(b) "As a direct result of armed conflict" means any situation in which death, injury, or disease is incurred in line of duty and the primary, contributory, or proximate cause thereof results directly from the use of any instrumentality employed as a weapon in a war, expedition or occupation, battle, skirmish, raid, invasion, rebellion, insurrection, guerrilla action, etc. The concept relates to the actual use of firearms or other instrumentalities of war including submarine or aircraft by a belligerent nation or faction with which the United States is not at war, under circumstances endangering the lives or safety of members of our forces.

(c) "Extrahazardous service, including such service under conditions simulating war" means service which is more hazardous than normal peacetime service. It contemplates only service where the extra hazard is an inherent part of the military duty. It includes service:

(1) Under conditions simulating war (maneuvers, etc.).

(2) Recognized as involving risks beyond ordinary peacetime service (dangerous testing of weapons, duty on aircraft, submarine, unusual climatic conditions, etc.).

(3) In campaigns, expeditions, occupations and similar duty which is inherently more dangerous than usual peacetime duty.

CROSS REFERENCE: Wartime rates under special conditions. See § 3.4(d).

### § 3.312 Cause of death.

(a) *General.* The death of a veteran will be considered as having been due to a service-connected disability when the evidence establishes that such disability was either the principal or a contributory cause of death. The issue involved will be determined by exercise of sound judgment, without recourse to speculation, after a careful analysis has been made of all the facts and circumstances surrounding the death of the veteran, including, particularly, autopsy reports.

(b) *Principal cause of death.* The service-connected disability will be considered as the principal (primary) cause of death when such disability, singly or jointly with some other condition, was the immediate or underlying cause of death or was etiologically related thereto.

(c) *Contributory cause of death.* (1) Contributory cause of death is inherently one not related to the principal cause. In determining whether the service-connected disability contributed to death, it must be shown that it contributed substantially or materially; that it combined to cause death; that it aided or lent assistance to the production of death. It is not sufficient to show that it casually shared in producing death, but rather it must be shown that there was a causal connection.

(2) Generally, minor service-connected disabilities, particularly those of a static nature or not materially affecting a vital organ, would not be held to have contributed to death primarily due to unrelated disability. In the same category there would be included service-connected disease or injuries of any evaluation (even though evaluated as 100 percent disabling) but of a quiescent or static nature involving muscular or skeletal functions and not materially affecting other vital body functions.

(3) Service-connected diseases or injuries involving active processes affecting vital organs should receive careful consideration as a contributory cause of death, the primary cause being unrelated, from the viewpoint of whether there were resulting debilitating effects and general impairment of health to an extent that would render the person materially less capable of resisting the effects of other disease or injury primarily causing death. Where the service-connected condition affects vital organs as distinguished from muscular or skeletal functions and is evaluated as 100 percent disabling, debilitation may be assumed.

(4) There are primary causes of death which by their very nature are so overwhelming that eventual death can be anticipated irrespective of coexisting conditions, but, even in such cases, there is for consideration whether there may be a reasonable basis for holding that a service-connected condition was of such severity as to have a material influence in accelerating death. In this situation, however, it would not generally be reasonable to hold that a service-connected condition accelerated death unless such condition affected a vital organ and was of itself of a progressive or debilitating nature.

CROSS REFERENCES: Reasonable doubt. See § 3.102.
Service connection for mental unsoundness in suicide. See § 3.302.

### § 3.314 Basic pension and eligibility determinations.

(a) *Pension*—(1) *Prior to World War I.* While pensions are granted based on service prior to World War I, the only rating factors in claims therefor are:

(i) Claims based on service of less than 90 days in the Spanish-American War require a rating determination as to whether the veteran was discharged or released from service for a service-connected disability. Eligibility in such cases requires a finding that the disability was incurred in or aggravated by service in line of duty without benefit of presumptive provisions of law or Veterans Administration regulations. (38 U.S.C. 512)

(ii) Veterans entitled to pension on the basis of service in the Indian wars or the Spanish-American War may be entitled to an increased rate of pension if rated as being in need of regular aid and attendance. (38 U.S.C. 502(b), 511, 512)

(2) *World War I and subsequent wars.* Nonservice-connected disability and death pensions may be paid based on service in World War I, World War II, and the Korean conflict. Rating determinations in such claims will be required in the following situations:

(i) Claims based on service of less than 90 days may require a determination as to whether the veteran was discharged or released from service for a service-connected disability. Eligibility in such cases requires a finding that the disability was incurred in or aggravated by service in line of duty without benefit of presumptive provisions of law or Veterans Administration regulations (38 U.S.C. 521(f)(2)) unless, in the case of death pension, the veteran was, at the time of his death, receiving (or entitled to receive) compensation or retirement pay based upon a wartime service-connected disability (38 U.S.C. 541(a) and 542(a), as amended by Pub. Law 86–211).

(ii) Determinations of permanent total disability for pension purposes will be based on service-connected or nonservice-connected disability not the result of willful misconduct or vicious habits.

(iii) Veterans entitled to nonservice-connected disability pension may be entitled to an increased rate of pension if rated as being in need of regular aid and attendance. (38 U.S.C. 502(b), 521)

(iv) For pensionable periods prior to the effective date of Public Law 86–211, July 1, 1960, entitlement to nonservice-connected death pension, based on service in World War II or the Korean conflict, requires a rating determination that the veteran, at the time of his death, had an ascertainable service-connected disability unless, at the time of his death, he was receiving (or entitled to receive) compensation or retirement pay based upon a service-connected disability.

(b) *Eligibility; widower, dependent husband; "child" over 18, education, unemployment benefits and loans*—(1) *Widower.* Eligibility of a widower of a female veteran for benefits provided for a "widow" under title 38, United States Code (except chapters 19 and 33), requires a rating determination that the widower was permanently incapable of self-support due to physical or mental disability at the time of the veteran's death. (38 U.S.C. 102)

(2) *Dependent husband.* Eligibility of a husband of a female veteran to qualify as a "wife" for purposes of benefits under title 38, United States Code (except chapters 19 and 33), requires a rating determination that the husband is permanently incapable of self-support due to physical or mental disability. (38 U.S.C. 102)

(3) *"Child" over 18 years old.* A child of a veteran may continue to be considered a "child" after age 18 for purposes of benefits under title 38, United States Code (except chapter 19 and section 5202(b) of chapter 85), if found by a rating determination to have become, prior to age 18, permanently incapable of self-support. (38 U.S.C. 101(4)(B))

(4) *Education, unemployment benefits and loans.* Where there was less than 90 days of service, eligibility of veterans of the Korean conflict for educational benefits under chapter 33 of title 38, United States Code, or for unemployment benefits under chapter 41 of title 38, United States Code, or of veterans of World War II or the Korean conflict for home, farm and business loans under chapter 37 of title 38, United States Code, depends upon a rating determination that the veteran was discharged or released on account of a service-connected disability. For the purpose of loan eligibility, the presumptions applicable under 38 U.S.C. 311 apply in making determinations of service connection. For the purpose of educational or unemployment benefits, the disability must have been actually incurred in or agravated by service; i.e., without resort to any presumptions of incurrence or aggravation.

CROSS REFERENCES: Ascertainable service-connected disability in existence at death for pension purposes. See § 3.325.
Permanent and total disability ratings for pension purposes. See § 3.342.
Special monthly pension ratings. See § 3.351.
Determination of need for regular aid and attendance and "permanently bedridden". See § 3.352.
Considerations which determine permanent incapacity for self-support. See § 3.356.

### § 3.321 General rating considerations.

(a) *Use of rating schedule.* The 1945 Schedule for Rating Disabilities will be used for evaluating the degree of disabilities in claims for disability compensation, disability and death pension, and in eligibility determinations. The provisions contained in the rating schedule will represent as far as can practicably be determined, the average impairment in earning capacity in civil occupations resulting from disability. (38 U.S.C. 355)

(b) *Exceptional cases.* Ratings shall be based as far as practicable, upon the average impairments of earning capacity with the additional proviso that the Administrator shall from time to time readjust this schedule of ratings in accordance with experience. To accord justice, therefore, to the exceptional case where the schedular evaluations are found to be inadequate, the Chief Benefits Director, or the Director, Compensation and Pension Service, upon field station submission, is authorized to approve on the basis of the criteria set forth in this paragraph an extra-schedular evaluation commensurate with the average earning capacity impairment due exclusively to the service-connected disability or disabilities. The governing norm in these exceptional cases is: A finding that the case presents such an exceptional or unusual disability picture with such related factors as marked interference with employment or frequent periods of hospitalization as to render impractical the application of the regular schedular standards. In any pension case where the evidence of record establishes that an applicant for pension who is basically eligible fails to meet the disability requirements based on the percentage standards of the rating schedule but is found to be unemployable by reason of his disability(s), age, occupational background and other related factors, the Chief Benefits Director or the Director, Compensation and Pension Service, upon field station submission, is authorized to approve on an extra-schedular basis a permanent and total disability rating for pension purposes. The effective date of these extra-schedular evaluations granting or increasing benefits will be in accordance with the facts found but not earlier than the date of claim.

(c) *Advisory opinion.* Cases in which application of the schedule is not understood may be submitted to Central Office for advisory opinion.

CROSS REFERENCES: Effective dates; disability benefits. See § 3.400(b).
Effective dates; increases. See § 3.400(o).

### § 3.322 Rating of disabilities aggravated by service.

(a) *Aggravation of preservice disability.* In cases involving aggravation by active service, the rating will reflect only the degree of disability over and above the degree of disability existing at the time of entrance into active service, whether the particular condition was noted at the time of entrance into active service, or whether it is determined upon the evidence of record to have existed at that time. It is necessary to deduct from the present evaluation the degree, if ascertainable, of the disability existing at the time of entrance into active service, in terms of the rating schedule except that if the disability is total (100 percent) no deduction will be made. If the degree of disability at the time of entrance into service is not ascertainable in terms of the schedule, no deduction will be made.

(b) *Aggravation of service-connected disability.* Where a disease or injury incurred in peacetime service is aggravated during service in a period of war, or conversely, where a disease or injury incurred in service during a period of war is aggravated during peacetime service, the entire disability flowing from the disease or injury will be service connected based on the war service.

CROSS REFERENCES: Principles relating to service connection. See § 3.303.
Aggravation of preservice disability. See § 3.306.

### § 3.323 Combined ratings.

(a) *Compensation*—(1) *Same type of service.* When there are two or more service-connected compensable disabilities a combined evaluation will be made following the tables and rules prescribed in the 1945 Schedule for Rating Disabilities.

(2) *Wartime and peacetime service.* Evaluation of wartime and peacetime service-connected compensable disabilities will be combined to provide for the payment of wartime rates of compensation. (38 U.S.C. 357)

(b) *Pension*—(1) *Nonservice-connected disabilities.* Evaluation of two or more nonservice-connected disabilities not the result of the veteran's own willful misconduct or vicious habits will be combined as provided in paragraph (a)(1) of this section.

(2) *Service-connected and nonservice-connected disabilities.* Evaluations for wartime or peacetime service-connected disabilities may be combined with evaluations for disabilities not shown to be service connected and not the result of the veteran's own willful misconduct or vicious habits.

CROSS REFERENCES: "Willful misconduct." See § 3.1(n).
Pension. See § 3.3.
Line of duty and misconduct. See § 3.301.
Service connection for mental unsoundness in suicide. See § 3.302.

**§ 3.324 Multiple noncompensable service-connected disabilities.**

Whenever a veteran is suffering from two or more separate permanent service-connected disabilities of such character as clearly to interfere with his normal employability, even though none of the disabilities may be of compensable degree under the 1945 Schedule for Rating Disabilities the rating agency is authorized to apply a 10-percent rating, but not in combination with any other rating. In instances of this character where there is wartime disability and peacetime disability, the statutory provision for payment of wartime compensation will apply. (38 U.S.C. 357)

**§ 3.325 Ascertainable service-connected disability in existence at time of death.**

(a) *Service connection.* Where rating determination is required under § 3.314(a)(2)(iv), any disability properly service connected, either directly or presumptively, will qualify if, at time of death, it met the criteria under paragraph (b) of this section.

(b) *Criteria for ascertainable disability.* The term "disability" shall comprehend:

(1) Any disease or injury existing at death for which the former Schedule of Disability Ratings, 1925 and Extensions thereto (adopted as a reference list only) prescribed an evaluation of 1 per centum or more under any occupational variant.

(2) The diseases included in § 3.309(a) and the following conditions, without necessity of affirmative evidence of existence at death:

(i) Acidosis.
(ii) Arthritis, traumatic.
(iii) Beri-beri.
(iv) Creative organ, loss of use of, or a disease or injury with resultant orchitis followed by a definitely atrophied testicle as distinguished from an anatomical variation from normal.
(v) Diabetes, insipidus.
(vi) Dysentery, amebic, acute or chronic (amebiasis).
(vii) Gout.
(viii) Hemochromatosis.
(ix) Hemoglobinuria (paroxysmal).
(x) Hemophilia.
(xi) Hemorrhoids, even if followed by hemorrhoidectomy, unless adequate examination of the pile-bearing area has clearly shown complete and permanent elimination of the hemorrhoidal condition.
(xii) Neurological diseases.
(xiii) Psychiatric disease, for this purpose only, includes the psychoses, psychoneuroses and neuroses, vasomotor and trophic disorders.
(xiv) Obesity.
(xv) Ochronosis.
(xvi) Pellagra.
(xvii) Polycythemia (erythremia).
(xviii) Rickets.
(xix) Scars, resulting from lacerated wounds, not of combat origin, if service department records or other evidence shows the character of injury and duration of treatment such as to warrant a conclusion that there was loss of deep fascia or muscle substance. Included are any through and through gunshot wounds.
(xx) Scurvy.
(xxi) Systolic (including aortic) murmur, if organic and not functional. If aortic systolic murmur is due to syphilitic aortitis, consideration will be given under § 3.301.
(xxii) Varicose veins, irrespective of effects of excision, ligation, injection of foreign material, or wearing of prosthetic appliances.
(xxiii) Weak feet, pes planus, clawfoot, pes cavus, symptomatic during service.
(xxiv) Wound or injury incurred in action with an enemy or as the result of an act of an enemy as shown by official records or other competent evidence, if the wound or injury required medical treatment during service or resulted in a scar or other permanent residual. The issuance of a purple heart for the condition will be accepted as evidence of incurrence and medical treatment during service if the indication of incurrence and medical treatment during service is not rebutted by other evidence. If the information of such issuance is first noted in discharge or other papers, official confirmation by the service department is required. Included are gunshot and other wounds; gas inhalation, gas burns, or gas poisoning; shell-shock; injuries received in accidents, explosions and the like; burns, fractures and dislocations from falls and the like; lacerations by barbed-wire entanglements; and similiar injuries.

NOTE: The disabilities listed in this subparagraph include diagnoses contained in the second proviso of section 200, World War Veterans Act, 1924, as amended, page 75 of the 1925 Schedule of Disability Ratings and Extension 6 thereto, although some may not now be recognized diagnoses.

(3) Any of the following conditions, if shown to exist at death.
(i) Abdominal adhesions, symptomatic.
(ii) Colitis, chronic, symptomatic.
(iii) Cystitis, chronic, symptomatic.
(iv) Eardrum, dry perforation of, without loss of hearing.
(v) Enteritis, chronic, symptomatic.
(vi) Enterocolitis, chronic, symptomatic.
(vii) Eye conditions, chronic, symptomatic.
(viii) Fractured bones, residuals of, slight, symptomatic.
(ix) Hernia, abdominal wall, no truss or belt prescribed as contradistinguished from the existence of an enlarged abdominal ring or the nonsymptomatic residuals of a herniotomy.
(x) Laryngitis, chronic, symptomatic.
(xi) Otitis media, chronic, symptomatic, or loss of hearing of 1 foot or more (conversational voice), or loss of 20 decibels or more (adjusted speech decibel loss), or average loss of 15 decibels or more or one more than 30 (pure tone audiometry decibel loss).
(xii) Pharyngitis, chronic, symptomatic.
(xiii) Pleurisy, chronic, symptomatic.
(xiv) Scars, postoperative, incisional, mildly symptomatic, manifesting slight pain and tenderness on objective demonstration or poorly nourished with ulceration.
(xv) Scars of face and neck with slight disfigurement resulting from lacerated wounds not of combat origin.
(xvi) Sinusitis, chronic, symptomatic.
(xvii) Tonsillitis, chronic, symptomatic.
(xviii) Variococele, symptomatic.
(4) A tropical disease (38 U.S.C. 301(4)) other than those referred to in subparagraph (2) of this paragraph, which is disabling or symptomatic as an identifiable residual or recurrence at time of death. When there is medical evidence of a recurrence within 2 years prior to death, medical evidence confirming recurrence at reasonably separated intervals, or a residual once medically identified and later found as no longer existing, and in addition there is acceptable lay or medical evidence of a recurrence or symptomatic manifestation of the disease within the 12-month period preceding death, disability at time of death will be conceded. When a veteran has resided continuously in a tropical area where these diseases are endemic, attention should be given to factual evidence of reinfection.

(c) *Caution on service connection.* Paragraph (b) of this section is definitive of disability only and should not in any instance be used or cited (except as to paragraph (b)(2)(xxiv) of this section) as authority for service connection which must be established in accordance with the laws and Veterans Administration regulations governing the period of service involved.

(d) *Cases not covered.* Where there is no provision for an evaluation of the disease or injury as a disability and the condition is not a disability within the meaning of the instructions issued defining the term "disability" as used in paragraph (b) of this section, but it is clear that the disease or injury constituted a definitely ascertainable disability, the rating agency will outline the evidence and influencing reasons relied on to show the existence of a disability in a recommendatory submission to Central Office, together with the XC-folder for review and decision.

CROSS REFERENCES: Civil service preference ratings. See § 3.357(b).
Basic pension and eligibility determinations. See § 3.314.

**§ 3.326 Original examinations.**

(a) *General.* In original claims for disability compensation or pension a Veterans Administration examination will be authorized when there is evidence indicating the reasonable probability of a valid claim. Hospital reports described in § 3.157(b)(1) and (3) are included in the definition of Veterans Administration examinations for the purpose of rating original claims.

(b) *Personal appearance by claimant.* Where the claimant appears personally and preliminary inquiry establishes the reasonable probability of a valid claim an immediate physical examination will be requested.

(c) *Private physician's statement (veterans 65 years of age).* A statement from a private physician which is adequate for rating purposes may be accepted for rating the pension claim of a veteran not younger than age 65. If the statement is not adequate for rating, but establishes reasonable probability of a valid claim an official examination will be authorized.

(d) *Private physician's statement (serious illness).* A statement from a private physician may be accepted for rating the pension claim of a veteran of any age where the following conditions are met:

(1) The statement includes clinical manifestations and substantiation of the diagnosis by findings of diagnostic techniques generally accepted by medical authorities, such as pathological studies, X-rays or laboratory tests, as appropriate and

(2) The statement shows permanent total disability precluding travel and requiring bedside examination. This is intended to be limited to serious illness cases where the evidence shows that recovery is doubtful such as cancer, cerebral vascular accident, coronary occlusions or thrombosis.

(e) *Claim filed within 6 months of discharge.* When a claim is filed within 6 months from date of separation it may be rated initially on the records of the service department. Otherwise no rating will be made without first obtaining a Veterans Administration examination.

(f) *Liberal interpretation.* In determining the reasonable probability of a valid claim a liberal interpretation will be applied to permit simultaneous development of evidence including request for service records and request for examination.

(g) *Prisoner of war.* Rating action which would result in denying monetary benefits to a former prisoner of war will not be made without a complete physical examination by the Veterans Administration.

**§ 3.327 Reexaminations.**

(a) *General.* Reexamination will be requested whenever evidence indicates there has been a material increase in disability since the last examination, or where the disability is likely to improve materially in the future.

(b) *Compensation cases—(1) Scheduling reexaminations.* It is required that at least one Veterans Administration examination be made in every case except as provided in § 3.326 (c) and (d). When a case is initially rated on the records of the service department (§ 3.326), initial Veterans Administration examination will be scheduled, in convalescent rating cases, in 6 months; otherwise, in 1 year.

(i) Following initial Veterans Administration examination, reexamination if in order will be scheduled based on the combined nonstatic disabilities as follows:

Rating 80—100 percent in 2 years.
Rating 40— 70 percent in 3 years.
Rating 10— 30 percent in 5 years.

(ii) Following any scheduled future or other examination, reexamination, if in order, will be scheduled as follows:

(a) If the disability is increased so as to warrant 10 percent or more increase in the rating, according to the new rating in subdivision (i) of this subparagraph.

(b) If the disability is decreased so as to warrant 10 percent or more decrease in the rating, in 2 years, regardless of rating, subject to the exceptions contained in subdivision (iii) of this subparagraph.

(c) If the disability is unchanged so as to warrant continuation of the same percentage rating, 5 years after the date of initial examination or 5 years after the date of the first examination disclosing the current percentage of disability.

(iii) Scheduled future examinations may deviate from the periods set forth in subdivisions (i) and (ii) of this subparagraph where there is evidence pertinent to the individual case that the disability is likely to improve materially in a shorter or longer period. The rating board will determine the appropriate reexamination date and justify their action on the rating decision.

(2) *No future examinations will be requested.* In service-connected cases, no reexamination will be scheduled (i) when the disability is established as static; (ii) when the findings and symptoms are shown by examinations scheduled in subparagrah (1)(i) of this paragraph or other examinations and hospital reports to have persisted without material improvement for a period of 5 years or more; (iii) where the disability from diease is permanent in character and of such nature that there is no likelihood of improvement; (iv) in cases of veterans over 55 years of age, except under unusual circumstances; (v) when the rating is a prescribed scheduled minimum rating; or (vi) where a combined disability evaluation would not be affected if the future examination should result in reduced evaluation for one or more conditions.

(c) *Pension cases.* In nonservice-connected cases, rated permanent total, based on other than obviously static disabilities, reexamination will be conducted within 30 months of the date the permanent total rating was first effective. However, in the cases of veterans over 55 years of age, reexamination will be requested only under unusual circumstances, for example, tuberculosis. Where initial entitlement was established on a private physician's statement under § 3.326(d) reexamination by the Veterans Administration will be scheduled in 1 year. In other cases further examination will not be requested routinely and will only be accomplished if considered necessary based upon the particular facts of the individual case. In cases in which the permanent total disability is confirmed by reexamination or by the history of the case, or with obviously static disabilities, further reexaminations will not be requested.

(d) *Supplementary examinations and medical opinions.* The policy as to reexaminations will not be construed as modifying in any way the right of rating agencies to request such additional medical opinions, examinations, or periods of hospital observation as may be necessary to furnish complete evidence on which rating decisions will be based.

**§ 3.328 Reexaminations in claims for increase.**

Reexamination should be authorized when a claim for increased benefits is accompanied by or supplemented by medical or lay evidence indicating a reasonable probability that an increased rating will result.

**§ 3.329 Claimants required to report when requested.**

Every person applying for or in receipt of compensation or pension shall submit to examinations, including periods of hospital observation, when required by the Veterans Administration under Veterans Administration regulations or other proper authority.

CROSS REFERENCE: Failure to report for physical examination. See § 3.655.

**§ 3.330 Resumption of rating when veteran subsequently reports for physical examination.**

Such ratings will be governed by the provisions of § 3.158, "Abandoned claims" and § 3.655, "Failure to report for physical examination." The period following the termination or reduction for which benefits are precluded by the cited regulations will be stated in the rating. If the evidence is insufficient to evaluate disability during any period following the termination or reduction for which payments are not otherwise precluded, the rating will contain a notation reading "Evidence insufficient to evaluate from _____ to _____."

CROSS REFERENCE: Failure to report for physical examination. See § 3.655.

**§ 3.340 Total and permanent total ratings and unemployability.**

(a) *Total disability ratings—(1) General.* Total disability will be considered to exist when there is present any impairment of mind or body which is sufficient to render it impossible for the average person to follow a substantially gainful occupation. Total disability may or may not be permanent. Total ratings will not be assigned, generally, for temporary exacerbations or acute infectious diseases except where specifically prescribed by the schedule.

(2) *Schedule for rating disabilities.* Total ratings are authorized for any disability or combination of disabilities for which the 1945 Schedule for Rating Disabilities prescribes a 100 percent evaluation or, with less disability, where the requirements of paragraph 16, page 5 of the rating schedule are present or where, in pension cases, the requirements of paragraph 17, page 5 of the schedule are met.

(3) *Ratings of total disability on history.* In the case of disabilities which have undergone some recent improvement, a rating of total disability may be made, provided:

(i) That the disability must in the past have been of sufficient severity to warrant a total disability rating;

(ii) That it must have required extended, continuous, or intermittent hospitalization, or have produced total industrial incapacity for at least 1 year, or

be subject to recurring, severe, frequent, or prolonged exacerbations; and

(iii) That it must be the opinion of the rating agency that despite the recent improvement of the physical condition, the veteran will be unable to effect an adjustment into a substantially gainful occupation. Due consideration will be given to the frequency and duration of totally incapacitating exacerbations since incurrence of the original disease or injury, and to periods of hospitalization for treatment in determining whether the average person could have reestablished himself in a substantially gainful occupation.

(b) *Permanent total disability.* Permanence of total disability will be taken to exist when such impairment is reasonably certain to continue throughout the life of the disabled person. The permanent loss or loss of use of both hands, or of both feet, or of one hand and one foot, or of the sight of both eyes, or becoming permanently helpless or bedridden constitutes permanent total disability. Diseases and injuries of long standing which are actually totally incapacitating will be regarded as permanently and totally disabling when the probability of permanent improvement under treatment is remote. Permanent total disability ratings may not be granted as a result of any incapacity from acute infectious disease, accident, or injury, unless there is present one of the recognized combinations of permanent loss of use of extremities or sight, or the person is in the strict sense permanently helpless or bedridden, or when it is reasonably certain that a subsidence of the acute or temporary symptoms will be followed by irreducible totality of disability by way of residuals. The age of the disabled person may be considered in determining permanence.

(c) *Insurance ratings.* A rating of permanent and total disability for insurance purposes will have no effect on ratings for compensation or pension.

### § 3.341 Total disability ratings for compensation purposes.

Total compensation ratings may be assigned under the provisions of § 3.340. However, if the total rating is based on a disability or combination of disabilities for which the 1945 Schedule for Rating Disabilities provides an evaluation of less than 100 percent, it must be determined that the service-connected disabilities are the principal cause of unemployability without regard to advancing age.

CROSS REFERENCE: Exceptional cases. See § 3.321(b).

### § 3.342 Permanent and total disability ratings for pension purposes.

(a) *General.* Permanent total disability ratings for pension purposes are authorized for disabling conditions not the result of the veteran's own willful misconduct or vicious habits whether or not they are service connected.

(b) *Criteria.* In addition to the criteria for determining total disability and permanency of total disability contained in § 3.340, the following special considerations apply in pension cases:

(1) Permanent total disability pension ratings will be authorized for congenital, hereditary or familial conditions characterized by increase in disabling manifestations as distinguished from those purely static, provided the other requirements for entitlement are met.

(2) The permanence of total disability will be established as of the earliest date consistent with the evidence in the case. Active pulmonary tuberculosis not otherwise established as permanently and totally disabling will be presumed so after 6 months' hospitalization without improvement. The same principle may be applied with other types of disabilities requiring hospitalization for indefinite periods, and the need for hospitalization over a longer period than 6 months may be a proper basis for determining permanence. Where, in application of this principle, it is necessary to employ a waiting period to determine permanence of totality of disability and an examination report received at the end of such period shows the veteran's condition is unimproved, permanence may be established as of the first day following the expiration of the waiting period. Where a further waiting period is required and at the end of this period the veteran is still hospitalized, permanency of disability will be conceded and the rating will be effective the day after expiration of the second waiting period. In other cases the rating will be effective the date the evidence establishes permanence.

(3) Special consideration must be given the question of permanence in the case of veterans under 40 years of age. For such veterans, permanence of total disability requires a finding that the end result of treatment and adjustment to residual handicaps (rehabilitation) will be permanent disability of the required degree precluding more than marginal employment. Severe diseases and injuries, including multiple fractures or the amputation of a single extremity, should not be taken to establish permanent and total disability until it is shown that the veteran after treatment and convalescence, has been unable to secure or follow employment because of the disability and through no fault of his own.

(4) Employment as a member-employee or similar employment obtained only in competition with disabled persons, will not be considered as evidence of employability.

(5) The authority granted the Administrator under 38 U.S.C. 502(a)(2) to classify as permanent and total those diseases and disorders, the nature and extent of which, in his judgment, will justify such determination, will be exercised on proper submission under § 3.321(b).

### § 3.343 Continuance of total disability ratings.

Total disability ratings, when warranted by the severity of the condition and not granted purely because of hospital, surgical, or home treatment, or individual unemployability will not be reduced, in the absence of clear error, without examination showing material improvement in physical or mental condition. Examination reports showing material improvement must be evaluated in conjunction with all the facts of record, and consideration must be given particularly to whether the veteran attained improvement under the ordinary conditions of life, i.e., while working or actively seeking work or whether the symptoms have been brought under control by prolonged rest or, generally, by following a regimen which precludes work, and, if the latter, reduction from total disability ratings will not be considered pending reexamination after a period of employment (3 to 6 months). In service-connected cases, total ratings for active tuberculosis which has reached arrest will be continued for a period of 2 years after date of inactivity. However, where in the opinion of the rating board the veteran at the expiration of the 2 years during which a total rating is provided will not be able to maintain arrest or inactivity under the ordinary conditions of life, the case will be submitted under § 3.321. In reducing a rating of 100 percent service-connected disability based on individual unemployability, the provisions of § 3.105(e) are for application but caution must be exercised in such a determination that actual employability is established by clear and convincing evidence. When in such a case the veteran is undergoing vocational rehabilitation, education or training, the rating will not be reduced by reason thereof unless there is received evidence of marked improvement or recovery in physical or mental conditions or of employment progress, income earned, and prospects of economic rehabilitation, which demonstrates affirmatively the veteran's capacity to pursue the vocation or occupation for which the training is intended to qualify him, or unless the physical or mental demands of the course are obviously incompatible with total disability. Where a service-connected disability evaluated at 100 percent is subject to reduction as a result of a change in the rating schedule, consideration will be given to the veteran's employment status. If there is unemployability in such cases and the percentage requirements of the rating schedule are met, rating will continue at the total disability level but on the basis of unemployability.

CROSS REFERENCE: Protection, total disability. See § 3.951.

### § 3.344 Stabilization of disability evaluations.

(a) *Examination reports indicating improvement.* Rating agencies will handle cases affected by change of medical findings or diagnosis, so as to produce the greatest degree of stability of disability evaluations consistent with the laws and Veterans Administration regulations governing disability compensation and pension. It is essential that the entire record of examinations and the medical-industrial history be reviewed to ascertain whether the recent examination is full and complete, including all special examinations indicated as a result of general examination and the entire case history. This applies to treatment of intercurrent diseases and exacerbations, including hospital reports, bedside examinations, examinations by designated physicians, and examinations in the absence of, or without taking full advantage of, laboratory facilities and the cooperation of specialists in related lines. Examinations less full and complete than those on which payments were authorized or continued will not be used as a basis of reduction. Ratings on account of diseases subject to temporary or episodic improvement, e.g., manic depressive or other psychotic reaction, epilepsy, psychoneurotic reaction, arteriosclerotic heart disease, bronchial asthma, gastric or duodenal ulcer, many skin diseases, etc., will not be reduced on any one examination, except in those instances where all the evidence of record clearly warrants the conclusion that sustained improvement has been demonstrated. Ratings on account of diseases which become comparatively symptom free (findings absent) after prolonged rest, e.g., residuals of phlebitis, arteriosclerotic heart disease, etc., will not be reduced on examinations reflecting the results of bed rest. Moreover, though material improvement in the physical or mental condition is clearly reflected, the rating agency will be considered whether the evidence makes it reasonably certain that the improvement will be maintained under the ordinary conditions of life. When syphilis of the central nervous system or alcoholic deterioration is diagnosed following a long prior history of psychosis, psychoneurosis, epilepsy, or the like, it is rarely possible to exclude persistence, in masked form, of the preceding innocently acquired manifestations. Rating boards encountering a change of diagnosis will exercise caution in the determination as to whether a change in diagnosis represents no more than a progression of an earlier diagnosis, an error in prior diagnosis or possibly a disease entity independent of the service-connected disability. When the new diagnosis reflects mental deficiency or personality disorder only, the possibility of only temporary remission of a superimposed psychiatric disease will be borne in mind.

(b) *Doubtful cases.* If doubt remains, after according due consideration to all the evidence developed by the several items discussed in paragraph (a) of this section, the rating agency will continue the rating in effect, citing the former diagnosis with the new diagnosis in parentheses, and following the appropriate code there will be added the reference "Rating continued pending reexamination ------ months from this date, § 3.344." The rating agency will determine on the basis of the facts in each individual case whether 18, 24 or 30 months will be allowed to elapse before the reexamination will be made.

(c) *Disabilities which are likely to improve.* The provisions of paragraphs (a) and (b) of this section apply to ratings which have continued for long periods at the same level (5 years or more). They do not apply to disabilities which have not become stabilized and are likely to improve. Reexaminations disclosing improvement, physical or mental, in these disabilities will warrant reduction in rating.



RATINGS FOR SPECIAL PURPOSES

### § 3.350 Special monthly compensation ratings.

(a) *Ratings under 38 U.S.C. 314(k).* The special monthly compensation provided by 38 U.S.C. 314(k) is payable for anatomical loss or loss of use of one hand, one foot, both buttocks, a creative organ or blindness of one eye having only light perception. The monthly rate of $47 based on war service ($38 peacetime) is applicable only once in any one case when payable in addition to compensation under 38 U.S.C. 314 (a) through (j). However, when there is entitlement under 38 U.S.C. 314 (l) through (n) or an intermediate rate under (p) such additional allowance is payable for each anatomical loss or loss of use existing in addition to the requirements for the basic rates, provided the total does not exceed $450 per month ($360 peacetime) independent of additional compensation for dependents under 38 U.S.C. 315, or the special allowance for aid and attendance provided by 38 U.S.C. 314(r).

(1) *Creative organ.* (i) Loss of a creative organ will be shown by acquired absence of one or both testicles (other than undescended testicles) or ovaries or other creative organ. Loss of use of one testicle will be established when examination by a board finds that:

(*a*) The diameters of the affected testicle are reduced to one-third of the corresponding diameters of the paired normal testicle, or

(*b*) The diameters of the affected testicle are reduced to one-half or less of the corresponding normal testicle and there is alteration of consistency so that the affected testicle is considerably harder or softer than the corresponding normal testicle; or

(c) If neither of the conditions (*a*) or (*b*) is met, when a biopsy, recommended by a board including a genitourologist and accepted by the veteran, establishes the absence of spermatozoa.

(ii) When loss or loss of use of a creative organ resulted from wounds or other trauma sustained in service, or resulted from operations in service for the relief of other conditions, the creative organ becoming incidentally involved, the benefit may be granted.

(iii) Loss or loss of use traceable to an elective operation performed subsequent to service, will not establish entitlement to the benefit. If, however, the operation after discharge was required for the correction of a specific injury caused by a preceding operation in service, it will support authorization of the benefit. When the existence of disability is established meeting the above requirements for nonfunctioning testicle due to operation after service, resulting in loss of use, the benefit may be granted even though the operation is one of election. An operation is not considered to be one of election where it is advised on sound medical judgment for the relief of a pathological condition or to prevent possible future pathological consequences.

(iv) Atrophy resulting from mumps followed by orchitis in service is service connected. Since atrophy is usually perceptible within 1 to 6 months after infection subsides, an examination more than 6 months after the subsidence of orchitis demonstrating a normal genitourinary system will be considered in determining rebuttal of service incurrence of atrophy later demonstrated. Mumps not followed by orchitis in service will not suffice as the antecedent cause of subsequent atrophy for the purpose of authorizing the benefit.

(2) *Foot and hand.* (i) Loss of use of a hand or a foot will be held to exist when no effective function remains other than that which would be equally well served by an amputation stump at the site of election below elbow or knee with use of a suitable prosthetic appliance. The determination will be made on the basis of the actual remaining function, whether the acts of grasping, manipulation, etc., in the case of the hand, or of balance, propulsion, etc., in the case of the foot, could be accomplished equally well by an amputation stump with prosthesis; for example:

(*a*) Extremely unfavorable complete ankylosis of the knee, or complete ankylosis of two major joints of an extremity, or shortening of the lower extremity of 3½ inches or more, will constitute loss of use of the hand or foot involved.

(*b*) Complete paralysis of the external popliteal nerve (common peroneal) and consequent footdrop, accompanied by characteristic organic changes including trophic and circulatory disturbances and other concomitants confirmatory of complete paralysis of this nerve, will be taken as loss of use of the foot.

(3) *Both buttocks.* (i) Loss of use of both buttocks shall be deemed to exist when there is severe damage by disease or injury to muscle group XVII, bilateral, (diagnostic code 5317) and additional disability rendering it impossible for the disabled person, without assistance, to rise from a seated position and from a stooped position (fingers to toes position) and to maintain postural stability (the pelvis upon head of femur). The assistance may be rendered by the person's own hands or arms, and, in the matter of postural stability, by a special appliance. (38 U.S.C. 314(k))

(ii) Special monthly compensation for loss or loss of use of both lower extremities (38 U.S.C. (l) through (n)) will not preclude additional compensation under 38 U.S.C. 314(k) for loss of use of both buttocks where appropriate tests clearly substantiate that there is such additional loss.

(4) *Eye.* Loss of use or blindness of one eye, having only light perception, will be held to exist when there is inability to recognize test letters at 1 foot and when further examination of the eye reveals that perception of objects, hand movements, or counting fingers cannot be accomplished at 3 feet. Lesser extents of vision, particularly perception of objects, hand movements, or counting fingers at distances less than 3 feet is considered of negligible utility.

(b) *Ratings under 38 U.S.C. 314(l).* The special monthly compensation provided by 38 U.S.C. 314(l) is payable for

anatomical loss or loss of use of both hands, both feet, one hand and one foot, blindness in both eyes with visual acuity of 5/200 or less or being permanently bedridden or so helpless as to be in need of regular aid and attendance. The monthly rate is $309 ($247 peacetime).

(1) *Extremities.* The criteria for loss and loss of use of an extremity contained in paragraph (a)(2) of this section are applicable.

(2) *Eyes, bilateral.* 5/200 visual acuity or less bilaterally qualifies for entitlement under 38 U.S.C. 314(l). However, evaluation of 5/200 based on acuity in excess of that degree but less than 10/200 (paragraph 15, page 54, 1945 Schedule for Rating Disabilities), does not qualify. Concentric contraction of the field of vision beyond 5 degrees in both eyes is the equivalent of 5/200 visual acuity.

(3) *Need for aid and attendance.* The criteria for determining that a veteran is so helpless as to be in need of regular aid and attendance are contained in § 3.352(a).

(4) *Permanently bedridden.* The criteria for rating are contained in § 3.352(a). Where possible, determinations should be on the basis of permanently bedridden rather than for need of aid and attendance (except where 38 U.S.C. 314(r) is involved) to avoid reduction during hospitalization where aid and attendance is provided in kind.

(c) *Ratings under 38 U.S.C. 314(m).* The special monthly compensation provided by 38 U.S.C. 314(m) is payable for anatomical loss or loss of use of two extremities at a level or with complications preventing natural elbow or knee action with prosthesis in place; or for blindness in both eyes having only light perception; or for blindness in both eyes rendering him so helpless as to be in need of regular aid and attendance. The monthly rate is $359 (or $287).

(1) *Natural elbow or knee action.* In determining whether there is natural elbow or knee action with prosthesis in place, consideration will be based on whether use of the proper prosthetic appliance requires natural use of the joint, or whether necessary motion is otherwise controlled, so that the muscles affecting joint motion, if not already atrophied, will become so. If there is no movement in the joint, as in ankylosis or complete paralysis, use of prosthesis is not to be expected, and the determination will be as though there were one in place.

(2) *Eyes, bilateral.* With visual acuity 5/200 or less or the vision field reduced to 5 degree concentric contraction in both eyes, entitlement on account of need for regular aid and attendance will be determined on the facts in the individual case.

(d) *Ratings under 38 U.S.C. 314(n).* The special monthly compensation provided by 38 U.S.C. 314(n) is payable for the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or anatomical loss of both eyes. The rate is $401 per month (or $321). Amputation is a prerequisite. If a prosthesis cannot be worn at the present level of amputation but could be applied if there were a reamputation at a higher level the requirements of this paragraph are not met; instead consideration will be given to loss of natural elbow or knee action.

(e) *Ratings under 38 U.S.C. 314(o).* The special monthly compensation provided by 38 U.S.C. 314(o) is payable for conditions entitling to two or more of the rates (no condition being considered twice) provided in 38 U.S.C. 314 (l) through (n) or for deafness in combination with blindness with bilateral visual acuity 5/200 or less. The monthly rate is $450 (or $360).

(1) *Paraplegia.* Paralysis of both lower extremities together with loss of anal and bladder sphincter control will entitle to the maximum rate under 38 U.S.C. 314(o), through the combination of loss of use of both legs and helplessness.

(2) *Combination. Determinations* must be based upon separate and distinct disabilities. This requires, for example, that where a veteran who had suffered the loss or loss of use of two extremities is being considered for the maximum rate on account of helplessness requiring regular aid and attendance, the latter must be based on need resulting from pathology other than that of the extremities. If the loss or loss of use of two extremities or being permanently bedridden renders the person helpless, increase is not in order on account of this helplessness. Under no circumstances will the combination of "being permanently bedridden" and "being so helpless as to require regular aid and attendance" without separate and distinct anatomical loss, or loss of use, of two extremities, or blindness, be taken as entitling to the maximum benefit. The fact, however, that two separate and distinct entitling disabilities, such as anatomical loss, or loss of use of both hands and both feet, result from a common etiological agent, for example, one injury or rheumatoid arthritis, will not preclude maximum entitlement.

(3) *Helplessness.* The maximum rate, as a result of including helplessness as one of the entitling multiple disabilities, is intended to cover, in addition to obvious losses and blindness, conditions such as the loss of use of two extremities with absolute deafness and nearly total blindness or with severe multiple injuries producing total disability outside the useless extremities, these conditions being construed as loss of use of two extremities and helplessness.

(f) *Intermediate rates; 38 U.S.C. 314(p)*—(1) *Extremities.* (i) Anatomical loss or loss of use of one extremity with the anatomical loss or loss of use of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m); monthly rate $334 (or $267).

(ii) Anatomical loss or loss of use of one extremity with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate equal to 38 U.S.C. 314(m); rate $359 (or $287).

(iii) Anatomical loss or loss of use of extremity at a level preventing natural elbow or knee action with prosthesis in place with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate intermediate between 38 U.S.C. 314 (m) and (n); rate $380 (or $304).

(2) *Eyes, bilateral.* (i) Blindness of one eye with 5/200 visual acuity or less and blindness of the other eye having only light perception will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m); rate $334 (or $267).

(ii) Blindness of one eye with 5/200 visual acuity or less and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement of the other eye, will entitle to a rate equal to 38 U.S.C. 314(m); rate $359 (or $287).

(iii) Blindness of one eye having only light perception and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement of the eye, will entitle to a rate intermediate between 38 U.S.C. 314 (m) and (n); rate $380 ($304).

(iv) Total blindness of both eyes having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement will entitle to a rate equal to 38 U.S.C. 314(m); rate $401 (or $321).

(3) *Additional independent 50 percent disabilities.* In addition to the statutory rates payable under 38 U.S.C. 314 (l) through (n) and the intermediate rate provisions outlined above, additional single permanent disability or combinations of permanent disabilities (with the usual prohibition against pyramiding) independently ratable at 50 percent or more will entitle to the next higher intermediate rate or if already entitled to an intermediate rate to the next higher statutory rate under 38 U.S.C. 314, but not above the (o) rate.

(i) The graduated ratings for arrested tuberculosis (38 U.S.C. 356) will not be utilized in this connection, but the permanent residuals of tuberculosis may be utilized.

(ii) Where the independently ratable disability has been the basis for entitlement under 38 U.S.C. 314(k) it may not be used in 50 percent combination to produce an intermediate rate under 38 U.S.C. 314(p).

(4) *Additional independent 100 percent ratings.* In addition to the statutory rates payable under 38 U.S.C. 314(l) through (n) and the intermediate rate provisions outlined above additional single permanent disability independently ratable at 100 percent apart from any consideration of individual unemployability will entitle to the next higher statutory rate under 38 U.S.C. 314 or if already entitled to an intermediate rate to the next higher intermediate rate, but in no event higher than the rate for (o).

(i) Where the multiple loss or loss of use entitlement to a statutory or intermediate rate between 38 U.S.C. 314 (l) and (o) is caused by the same etiological disease or injury, that disease or injury may not serve as the basis for the independent 50 percent or 100 percent unless it is so rated without regard to the loss or loss of use.

(g) *Inactive tuberculosis (complete arrest); 38 U.S.C. 314(q).* The rating criteria for purposes of 38 U.S.C. 314(q) are set out in § 3.375. Monthly rate is $64 (or $54). This is a minimum special monthly compensation not to be combined with or added to any other disability compensation.

(h) *Special aid and attendance benefit in maximum monthly compensation cases; 38 U.S.C. 314(r).* A veteran receiving special monthly compensation under 38 U.S.C. 314(o) or the maximum rate of special monthly compensation under 38 U.S.C. 314(p) who is in need of regular aid and attendance is entitled to an additional allowance during periods he is not hospitalized at Federal Government expense. Rate is $150 (or $120). Determination of this need is subject to the criteria of § 3.352. This additional allowance is payable whether or not the need for regular aid and attendance was a partial basis for entitlement under 38 U.S.C. 314 (o) or (p), or was based on an independent factual determination.



### § 3.351 Special monthly pension ratings.

(a) *General.* Additional pension by reason of the need of regular aid and attendance is provided for Indian war veterans (38 U.S.C. 511); Spanish-American War veterans (38 U.S.C. 512); and veterans of World War I, World War II, or the Korean conflict (38 U.S.C. 521). The statutory provision for the benefit is that the veteran be considered in need of regular aid and attendance if he is helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person. (38 U.S.C. 502(b))

(b) *Aid and attendance.* Aside from the blindness requirement (see paragraph (c) of this section) the criteria for determining need for aid and attendance are set out in § 3.352.

(c) *Aid and attendance based on blindness.* The pensioned veteran will be considered blind or so nearly blind as to need regular aid and attendance when there is found to be corrected visual acuity of 5/200 or less, both eyes, or concentric contraction of the visual field to 5 degrees or less, without a showing of the actual need of aid and attendance.

Cross References: Basic pension and eligibility determinations. See § 3.314.

Determination of need for regular aid and attendance and "permanently bedridden". See § 3.352.

### § 3.352 Determination of need for regular aid and attendance and "permanently bedridden".

(a) *Basic criteria.* The following will be accorded consideration in determining the need for regular aid and attendance: Inability of claimant to dress or undress himself, or to keep himself ordinarily clean and presentable; frequent need of adjustment of any special prosthetic or orthopedic appliances which by reason of the particular disability cannot be done without aid (this will not include the adjustment of appliances which normal persons would be unable to adjust without aid, such as supports, belts, lacing at the back, etc.); inability of the claimant to feed himself through loss of coordination of upper extremities or through extreme weakness; inability to attend to the wants of nature; or incapacity, physical or mental, of the claimant to protect himself from hazards of dangers incident to his daily environment. "Total blindness" as well as "bedridden", will be a proper basis for the determination. For the purpose of this section "bedridden" will be that condition which, through its essential character, actually requires that the claimant remain in bed. The fact that claimant has voluntarily taken to bed or that a physician has prescribed rest in bed for the greater or lesser part of the day to promote convalescence or cure will not suffice. It is not required that all of the disabling conditions enumerated in this paragraph be found to exist before a favorable rating may be made. The particular personal functions which the veteran is unable to perform should be considered in connection with his condition as a whole. It is only necessary that the evidence establish that the veteran is so helpless as to need regular aid and attendance, not that there be a constant need. Determinations that the veteran is so helpless, solely by reason of service-connected compensable diseases or injuries (38 U.S.C. 310 and 331) or without regard to service connection (38 U.S.C. 511 and 512) as to be in need of regular aid and attendance will not be based solely upon an opinion that the claimant's condition is such as would require him to be in bed. They must be based on the actual requirement of personal assistance from others. If the claimant is able to be out of bed and can walk around entirely unassisted by others, he cannot generally be regarded as meeting the requirements of the law and VA regulations; however, the other enumerated types of personal assistance must be considered.

(b) *Hospitalization at veteran's expense.* Where a beneficiary is hospitalized at his own expense in a private institution, the same criteria will be necessary in determining the need for regular aid and attendance as would be required were he at his home, and the hospitalization will not be considered as a fact indicating the existence of the need.

(c) *Attendance by relative.* The performance of the necessary nursing or attendant's service by a relative of the beneficiary or other member of his household will not prevent the granting of the additional allowance.

### § 3.353 Determinations of incompetency and competency.

(a) *Definition of mental incompetency.* A mentally incompetent person is one who because of injury or disease lacks the mental capacity to contract or to manage his own affairs, including disbursement of funds.

(b) *Authority.* Rating agencies are authorized to make official determinations of competency and incompetency for the purpose of existing laws, VA regulations and VA instructions. Such determinations will be controlling for purposes of insurance (38 U.S.C. 722), the discontinuance and payment of amounts withheld because of an estate in excess of $1,500 (§ 3.556(b)), and direct payment of current benefits, unless the claimant is under legal disability. Where the veteran is rated incompetent the Chief Attorney of jurisdiction will be informed of the necessity for the appointment or recognition of a fiduciary. The Chief Attorney will develop information as to the veteran's social, economic and industrial adjustment. If the Chief Attorney upon review of this evidence concurs in the rating of incompetency he will proceed to effect the appointment of a fiduciary, or if the veteran is married, to recommend release of payments to the veteran's wife as provided in § 13.57 of this chapter. (38 U.S.C. 3202(f)) If the Chief Attorney is of the opinion that the veteran is capable of administering the funds payable, the evidence on which that opinion is based will be referred to the rating agency with a statement as to his conclusion. The rating agency will consider this evidence together with all other evidence of record in determining whether its prior decision should be revised or continued. Reexamination may be requested as provided in § 3.327(d) if necessary to properly evaluate the extent of disability.

(c) *Medical opinion.* Rating agencies will make no determinations of incompetency without a definite expression regarding the question by the responsible medical authorities. The expression of medical opinion will be in accordance with the principles in paragraph (a) of this section. Determinations relative to incompetency should be based upon all evidence of record and there should be a consistent relationship between the percentage of disability, facts relating to commitment or hospitalization and the holding of incompetency.

(d) *Presumption in favor of competency.* Where there is doubt as to whether the veteran is capable of administering his funds such doubt will be resolved in favor of competency.

### § 3.354 Determinations of insanity.

(a) *Definition of insanity.* An insane person is one who, while not mentally defective or constitutionally psychopathic, except when a psychosis has been engrafted upon such basic condition, exhibits, due to disease, a more or less prolonged deviation from his normal method of behavior; or who interferes with the peace of society; or who has so departed (become antisocial) from the accepted standards of the community to which by birth and education he belongs as to lack the adaptability to make further adjustment to the social customs of the community in which he resides.

(b) *Insanity causing discharge.* When a rating agency is concerned with determining whether a veteran was insane at the time he committed an offense lead-

ing to his court-martial, discharge or resignation (38 U.S.C. 3103(b)), it will base its decision on all the evidence procurable relating to the period involved, and apply the definition in paragraph (a) of this section.

**§ 3.355 Testamentary capacity for insurance purposes.**

When cases are referred to a rating agency involving the testamentary capacity of the insured to execute designations or changes of beneficiary, or designations or changes of option, the following considerations will apply:

(a) Testamentary capacity is that degree of mental capacity necessary to enable a person to perform a testamentary act. This, in general, requires that the testator reasonably comprehend the nature and significance of his act, that is, the subject and extent of his disposition, recognition of the object of his bounty, and appreciation of the consequence of his act, uninfluenced by any material delusion as to the property or persons involved.

(b) Due consideration should be given to all facts of record, with emphasis being placed on those facts bearing upon the mental condition of the testator (insured) at the time or nearest the time he executed the designation or change. In this connection, consideration should be given to lay as well as medical evidence.

(c) Lack of testamentary capacity should not be confused with insanity or mental incompetence. An insane person might have a lucid interval during which he would possess testamentary capacity. On the other hand, a sane person might suffer a temporary mental aberration during which he would not possess testamentary capacity. There is a general but rebuttable presumption that every testator possesses testamentary capacity. Therefore reasonable doubts should be resolved in favor of testamentary capacity.

**§ 3.356 Conditions which determine permanent incapacity for self-support.**

(a) *Basic determinations*—(1) *Widower.* A widower must be shown to be incapable of self-maintenance and permanently incapable of self-support due to physical or mental disability at the time of the veteran's death.

(2) *Husband.* A husband may be shown to be incapable of self-maintenance and permanently incapable of self-support due to physical or mental disability at any time.

(3) *Child.* A child must be shown to be permanently incapable of self-support by reason of mental or physical defect at the date of attaining the age of 18 years.

(b) *Rating criteria.* Where the husband or widower has income, as from investments or otherwise, and is therefore being self maintained, there is no question for the rating agency. Rating determinations will be made solely on the basis of whether he is permanently incapable of self-support through his own efforts by reason of physical or mental defects. The question of permanent incapacity for self-support is one of fact for determination by the rating agency on competent evidence of record in the individual case. Rating criteria applicable to disabled veterans are not controlling. Principal factors for consideration are:

(1) The fact that a claimant is earning his or her own support is prima facie evidence that he or she is not incapable of self-support. Incapacity for self-support will not be considered to exist when the husband, widower or child by his or her own efforts is provided with sufficient income for his or her reasonable support.

(2) A person shown by proper evidence to have been permanently incapable of self-support prior to the critical date applicable to widowers and children may be so held at a later date even though there may have been a short intervening period or periods when his or her condition was such that he or she was employed, provided the cause of incapacity is the same as that upon which the original determination was made and there were no intervening diseases or injuries that could be considered as major factors. Employment which was only casual, intermittent, tryout, unsuccessful, or terminated after a short period by reason of disability, should not be considered as rebutting permanent incapability of self-support otherwise established.

(3) It should be borne in mind that employment of a child prior or subsequent to the delimiting age may or may not be a normal situation, depending on the educational progress of the child, the economic situation of the family, indulgent attitude of parents, and the like. In those cases where the extent and nature of disability raises some doubt as to whether they would render the average person incapable of self-support, factors other than employment are for consideration. In such cases there should be considered whether the daily activities of the child in the home and community are equivalent to the activities of employment of any nature within the physical or mental capacity of the child which would provide sufficient income for reasonable support. Lack of employment of the child either prior to the delimiting age or thereafter should not be considered as a major factor in the determination to be made, unless it is shown that it was due to physical or mental defect and not to mere disinclination to work or indulgence of relatives or friends.

(4) The capacity of a child for self-support is not determinable upon employment afforded solely upon sympathetic or charitable considerations and which involved no actual or substantial rendition of services.

CROSS REFERENCE: Basic pension and eligibility determinations. See § 3.314.

**§ 3.357 Rating of noncompensable disabilities.**

(a) *General.* In every instance where the minimum scheduler evaluation requires residuals and the schedule does not provide a no-percent evaluation, a no-percent evaluation will be assigned when the required residuals are not shown.

(b) *Civil service preference ratings.* For the purpose of civil service disability preference certifications, an evaluation of less than 10 percent may be made. Except for disabilities incurred in combat, some extent of service-connected disability is required. In considering a less than 10-percent rating, the list of injuries and diseases cited in § 3.325(b) may be used as a guide.

**§ 3.358 Determinations for disability or death from hospitalization, medical or surgical treatment, examinations or vocational rehabilitation training (§ 3.800).**

(a) *General.* Where it is determined that there is additional disability resulting from a disease or injury or an aggravation of an existing disease or injury suffered as a result of training, hospitalization, medical or surgical treatment, or examination, compensation will be payable for such additional disability. (38 U.S.C. 351)

(b) *Additional disability.* In determining that additional disability exists, the following considerations will govern:

(1) The beneficiary's physical condition immediately prior to the disease or injury on which the claim for compensation is based will be compared with the subsequent physical condition resulting from the disease or injury, each body part involved being considered separately.

(i) As applied to examinations, the physical condition prior to the disease or injury will be the condition at time of beginning the physical examination as a result of which the disease or injury was sustained.

(ii) As applied to medical or surgical treatment, the physical condition prior to the disease or injury will be the condition which the specific medical or surgical treatment was designed to relieve.

(2) Compensation will not be payable under 38 U.S.C. 351 for the continuance or natural progress of disease or injuries for which the training, or hospitalization, etc., was authorized.

(c) *Cause.* In determining whether such additional disability resulted from a disease or an injury or an aggravation of an existing disease or injury suffered as a result of training, hospitalization, medical or surgical treatment, or examination, the following considerations will govern:

(1) It will be necessary to show that the additional disability is actually the result of such disease or injury or an aggravation of an existing disease or injury and not merely coincidental therewith.

(2) The mere fact that aggravation occurred will not suffice to make the additional disability compensable in the absence of proof that it resulted from disease or injury or an aggravation of an existing disease or injury suffered as the result of training, hospitalization, medical or surgical treatment, or examination.

(3) Compensation is not payable for either the usual or the unusual after results of approved medical care properly administered, in the absence of a showing that the disability proximately resulted through carelessness, accident, negligence, lack of proper skill, error in judgment, or similar instances of indicated fault on the part of the Veterans Administration.

(4) If the disability resulted from transportation while in a hospitalized status, compensation will be payable only where the injury or death proximately resulted from the carelessness, negligence, lack of proper skill, error in judgment, or similar instances of indicated fault on the part of the Veterans Administration, or an employee of the Veterans Administration.

(5) When the proximate cause of the injury suffered was the claimant's willful misconduct or failure to follow instructions, it will bar him from receipt of compensation under this section except in the case of incompetent claimants.

(6) Compensation for disability resulting from the pursuit of vocational rehabilitation is not payable unless there is established a direct (proximate) causal connection between the injury or aggravation of an existing injury and some essential activity or function which is within the scope of the vocational rehabilitation course, not necessarily limited to activities or functions specifically designated by the Veterans Administration in the individual case, since ordinarily it is not to be expected that each and every different function and act of a veteran pursuant to his course of training will be particularly specified in the outline of his course or training program. For example, a disability resulting from the use of an item of mechanical or other equipment is within the purview of the statute if training in its use is implicit within the prescribed program or course outlined or if its use is implicit in the performance of some task or operation the trainee must learn to perform, although such use may not be especially mentioned in the training program. In determining whether the element of direct or proximate causation is present, it remains necessary for a distinction to be made between an injury arising out of an act performed in pursuance of the course of training, that is, a required "learning activity", and one arising out of an activity which is incident to, related to, or coexistent with the pursuit of the program of training. For a case to fall within the statute there must have been sustained an injury which, but for the performance of a "learning activity" in the prescribed course of training, would not have been sustained. A meticulous examination into all the circumstances is required, including a consideration of the time and place of the incident producing the injury.

RATING CONSIDERATIONS RELATIVE TO SPECIFIC DISEASES

**§ 3.370 Pulmonary tuberculosis shown by X-ray in active service.**

(a) *Active disease.* X-ray evidence alone may be adequate for grant of direct service connection for pulmonary tuberculosis. When under consideration, all available service department films and subsequent films will be secured and read by specialists at designated stations, who should have a current examination report and X-ray. Resulting interpretations of service films will be accorded the same consideration for service-connection purposes as if clinically established, however, a compensable rating will not be assigned prior to establishment of an active condition by approved methods.

(b) *Inactive disease.* Where the veteran was examined at time of entrance into active service but X-ray was not made or, if made, is not available and there was no notation or other evidence of active or inactive reinfection type pulmonary tuberculosis existing prior to such entrance, it will be assumed that the condition occurred during service and direct service connection will be in order for inactive pulmonary tuberculosis shown by X-ray evidence during service in the manner prescribed in paragraph (a) of this section, providing minimal lesions are first shown after at least 6 months active service, moderately advanced lesions after 9 months active service, or far advanced lesions after 12 months such service.

(c) *Primary lesions.* Healed primary type tuberculosis shown at the time of entrance into active service will not be taken as evidence to rebut direct or presumptive service connection for active reinfection type pulmonary tuberculosis.

**§ 3.371 Criteria for presumptive wartime service connection for tuberculous disease.**

(a) *Pulmonary tuberculosis.* (1) For the purpose of § 3.307, active pulmonary tuberculosis diagnosed by approved methods during the fourth year will be held to have preexisted the diagnosis 6 months in minimal (incipient) cases, 9 months in moderately advanced cases and 12 months in far advanced cases.

(2) Evidence of activity on comparative study of X-ray films showing the required degree of advancement within the presumptive period shown under subparagraph (1) of this paragraph will be taken as establishing service connection for active pulmonary tuberculosis subsequently diagnosed by approved methods but service connection and evaluation may be assigned only from the date of such diagnosis or other evidence of clinical activity.

(3) A notation of inactive tuberculosis of the reinfection type at induction or enlistment definitely prevents the grant of service connection under § 3.307 for active tuberculosis, regardless of the fact that it was shown within the appropriate presumptive period.

(b) *Pleurisy with effusion.* Pleurisy with effusion, without other obvious cause and if followed by active pulmonary tuberculosis diagnosed by approved methods including physical examination, will be taken, in the absence of evidence to the contrary, as evidencing active pulmonary tuberculosis of minimal advancement. If the pleurisy occurred during the 6 months period provided in paragraph (a)(1) of this section, it will establish service connection for the tuberculosis.

(c) *Tuberculous pleurisy and endobronchial tuberculosis.* Tuberculous pleurisy and endobronchial tuberculosis fall within the category of pulmonary tuberculosis for the purpose of service connection on a presumptive basis. Either will be held incurred in service when initially manifested within 36 months of the end of the claimant's wartime service. If diagnosed as active by approved methods during the fourth year, they will be held to have preexisted the diagnosis 6 months. As to tuberculous pleurisy, the effective date of the extension of presumption 6 months beyond the 3-year period will be September 5, 1958.

(d) *Miliary tuberculosis.* Service connection for miliary tuberculosis involving the lungs is to be determined in the same manner as for other active pulmonary tuberculosis.

**§ 3.372 Initial grant following inactivity of tuberculosis.**

When service connection is granted initially on an original or reopened claim for pulmonary or nonpulmonary tuberculosis and there is satisfactory evidence that the condition was active previously but is now inactive or arrested, it will be presumed that the disease continued to be active for 1 year after the last date of established activity, provided there is no evidence to establish activity or inactivity in the intervening period. The beginning date of graduated ratings will commence at the end of the 1-year period. This section is not applicable to running award cases.

**§ 3.373 Association of certain diseases with tuberculosis.**

(a) *Bronchitis.* A condition diagnosed as chronic bronchitis over an extended period of time with subjective symptoms, such as inability to carry on one's usual occupation, loss of time, and gradual loss of weight which is readily regained on rest, and developing, without substantial break in the continuity, into a condition identified as active pulmonary tuberculosis, may generally be considered to have been tuberculous from the beginning, unless unusual and expert means have been resorted to in the exclusion of tuberculosis.

(b) *Pneumonia.* Where pulmonary tuberculosis occurs after acute pneumonia, it is reasonable to conclude that a tuberculous focus in the lungs existed before the development of pneumonia.

(c) *Secondary pleurisy.* The secondary pleurisies occurring in cases of intrathoracic neoplasms, cardiac and renal diseases have no essential relationship to pulmonary tuberculosis.

**§ 3.374 Effect of diagnosis of active tuberculosis.**

(a) *Service diagnosis.* Service department diagnosis of active pulmonary tuberculosis will be accepted unless a board of medical examiners or the Director of Clinic certifies, after considering all the evidence, including that favoring or opposing tuberculosis and activity, that such diagnosis was incorrect. Doubtful cases may be referred to the Chief Medical Director in Central Office.

(b) *Veterans Administration diagnosis.* Diagnosis of active pulmonary tuberculosis by the medical authorities of the Veterans Administration as the result of examination, observation, or treatment

will be accepted for rating purposes. Reference to the Director of Clinic will be in order in questionable cases and, if necessary, to the Chief Medical Director in Central Office.

(c) *Private physician's diagnosis.* Diagnosis of active pulmonary tuberculosis by private physicians on the basis of their examination, observation or treatment will not be accepted to show the disease was initially manifested after discharge from active service unless confirmed by acceptable clinical, X-ray or laboratory studies, or by findings of active tuberculosis based upon acceptable hospital observation or treatment.

**§ 3.375 Determination of "complete arrest" (inactivity) in tuberculosis.**

(a) *Pulmonary tuberculosis.* The requirement for application of the statutory ratings or of the statutory award is "complete arrest" of the disease. For these purposes a veteran determined to have had active pulmonary tuberculosis will be held to have reached a condition of complete arrest when the diagnosis is other than active; providing, that for a period of 6 months preceding the date of examination or hospital report there has been no evidence of local or constitutional symptoms, or of an unstable lesion or cavity, or of tubercle bacilli in the sputum or gastric contents (38 U.S.C. 356; 38 U.S.C. 314(q)). Following the determination of complete arrest under this criteria, the finding of tubercle bacilli in an occasional specimen of sputum or gastric contents will not of itself establish activity of the disease unless confirmed by a diagnosis of an active tuberculosis lesion.

(b) *Nonpulmonary diseases.* Determination of complete arrest of nonpulmonary tuberculosis requires absence of evidence of activity for 6 months. Where there has been surgical excision of the lesion or organ, the date of complete arrest will be the date of discharge from the hospital, or 6 months from the date of excision, whichever is later. If there are two or more foci of such tuberculosis, one of which is active, the statutory award for arrest will not be made until the tuberculous process has reached arrest in its entirety.

**§ 3.378 Changes from activity in pulmonary tuberculosis pension cases.**

A permanent and total disability rating in effect during hospitalization will not be discontinued before hospital discharge on the basis of a change in classification from active. At hospital discharge, the permanent and total rating will be discontinued unless (a) the medical evidence does not support a finding of complete arrest (§ 3.375) or (b) where complete arrest is shown but the medical authorities recommend that employment not be resumed or be resumed only for short hours (not more than 4 hours a day for a 5-day week). If either of the two aforementioned conditions is met, discontinuance will be deferred pending examination in 6 months. Although complete arrest may be established upon that examination, the permanent and total rating may be extended for a further period of 6 months provided the veteran's employment is limited to short hours as recommended by the medical authorities (not more than 4 hours a day for a 5-day week). Similar extensions may be granted under the same conditions at the end of 12 and 18 month periods. At the expiration of 24 months after hospitalization, the case will be submitted under § 3.321 if continued short hours of employment is recommended or if other evidence warrants submission. If the case is submitted under § 3.321 the permanent and total disability rating will be continued pending receipt of decision from Central Office.

**§ 3.379 Anterior poliomyelitis.**

If the first manifestations of acute anterior poliomyelitis present themselves in a veteran within 35 days of termination of active military service, it is probable that the infection occurred during service. If they first appear after this period, it is probable that the infection was incurred after service.

**§ 3.380 Diseases of allergic etiology.**

Diseases of allergic etiology, including bronchial asthma and urticaria, may not be disposed of routinely for compensation purposes as constitutional or developmental abnormalities. Service connection must be determined on the evidence as to existence prior to enlistment and, if so existent, a comparative study must be made of its severity at enlistment and subsequently. Increase in the degree of disability during service may not be disposed of routinely as natural progress nor as due to the inherent nature of the disease. Seasonal and other acute allergic manifestations subsiding on the absence of or removal of the allergen are generally to be regarded as acute diseases, healing without residuals. The determination as to service incurrence or aggravation must be on the whole evidentiary showing.

**§ 3.381 Determination of service connection for dental disabilities.**

(a) *General.* Service connection for dental conditions will not be considered as having been established when the evidence clearly shows that the disabilities existed or were recorded at the time of enlistment, subject to the provisions of paragraph (b) of this section or originated subsequent to discharge from causes not related to service. Each missing or defective tooth and each disease of the investing tissues will be considered separately, and service connection will be granted for disease or injury of individual teeth and of the investing tissues, shown by the evidence to have been incurred in or aggravated by service.

(b) *Treatment in service.* The furnishing of treatment or prosthesis for noncompensable dental conditions during service will not be considered per se as aggravation of a dental condition shown to have existed prior to entrance into active service. Teeth noted at entry into active service as carious restorable will not be held as service connected, either direct or by aggravation, notwithstanding enlargement of the original cavity or development of additional cavitation on the same or another surface; nor on the basis of the insertion of a filling during service, unless new caries develop after expiration of a reasonable time after the original cavity has been filled, amelioration rather than worsening or aggravation ensuing in such cases. Service connection by aggravation will be conceded in such teeth, carious restorable at entry into service, whether or not filled, but which necessitate extraction after the expiration of a reasonable time after entry into active service. A filling recorded at induction followed by a reasonable period of service and extraction or replacement because of new caries will entitle the veteran to a finding of direct service connection for the new condition. Likewise, aggravation is allowed where pyorrhea is noted at enlistment but after reasonable service necessitates extraction of a tooth or teeth during service. Conversely, service connection by aggravation will not be conceded if the tooth at enlistment was classified as defective but was not restorable.

(c) *Associated diseases.* Effective principles relating to the establishment of service connection for dental diseases and injuries by reason of their relationship to other associated service-connected diseases or injuries will be observed in the adjudication of claims based upon dental conditions where a determination to that effect is properly in order.

(d) *Presumption of soundness.* The statutory presumptions as to soundness of condition at time of entrance into active service will not be applicable in cases of dental conditions not disabling to a compensable degree.

(e) *Combat, trauma, prisoner-of-war status.* As to each noncompensable service-connected dental condition, a determination will be made as to whether it was due to combat wound or other service trauma. Where service connection is granted for noncompensable dental conditions, it will be determined whether the veteran involved was a prisoner of war, but not which of such conditions are attributable to the prisoner-of-war experience. (38 U.S.C. 612(b)(3)).

**§ 3.382 Evidence to establish service connection for dental disabilities.**

(a) *Requirements.* Service connection for dental disabilities will be established by service records, documentary evidence in the form of reports of examinations (dental or physical), duly certified statements of dentists or physicians, or certified statements of fact from two or more disinterested parties. The disability must be shown to have been incurred in or aggravated by service as provided in this section. Statements certified by dentists or physicians must give the claimant's full name, the date he was first examined or treated, the date of subsequent treatments, if any, and contain a complete and detailed statement of the symptoms observed and diagnosis made. The name or number of all defective or missing teeth noted and the character and extent of any



pathological condition of the investing tissues observed should be included. If exact dates cannot be given, an approximate date may be used. Certified statements from disinterested parties must show the circumstances under which knowledge of the claimant's disability was obtained and as far as possible describe the symptoms and location of the disability observed.

(b) *Exceptional case.* Where after all sources of information have been exhausted and all variations in the records reconciled, there remains notation of filled teeth at time of release from active service and there was no notation of these teeth as defective or filled at entrance into service, service connection may be granted in exceptional cases for such teeth, notwithstanding there is no record of treatment during service, if the veteran alleges treatment in service, giving the time and place of treatment, and the conditions and circumstances of his service support his allegation, and inception in service is consistent with sound dental judgment. Exceptional cases contemplated in this category are where the veteran had a considerable period of service, particularly in a combat area where records of treatment may not always have been recorded due to the stress and strain encountered under battle conditions or where extenuating circumstances are shown in those instances where the veteran served in this country or in other than combat.

(c) *Limitations.* Salivary deposits is a type of routine dental condition which has no relation to service. Malposed teeth with no pathology shown will not be service connected. Service connection should not be granted for the 3d molars at any time unless there is a definite record showing such teeth to have been diseased after a reasonable period of service. The 3d molars shown as present at induction and missing at discharge will not be granted service connection unless there is an actual record of extraction for reasons other than malposition or impaction. Vincent's disease should not be granted service connection if the service records are entirely negative. To warrant favorable action on Vincent's disease, chronicity, continuity of treatment, or the residual thereof, that is, periodontoclasia or pyorrhea, should be shown by the service records as chronic. Vincent's disease with infrequent episodes of short duration in the active service should be considered as an acute condition and may not be service connected. Gingivitis is not considered a disease entity and is not ratable. Diagnosis of pyorrhea in service after a reasonable period of service will require confirmation by a Veterans Administration examination, including X-ray, before grant of service connection, unless examination is contraindicated by factors such as extraction of all pyorrhectic teeth. Pyorrhea shown during service after a reasonable period of service, involving one or more teeth necessitating extraction, is a sufficient basis for grant of service connection for the tooth or teeth involved.

EFFECTIVE DATES

**§ 3.400 General.**

Except as otherwise provided, the effective date of an evaluation and award of pension, compensation or dependency and indemnity compensation will be the date of receipt of claim or the date evidence shows entitlement whichever is the later. The commencing date of an award of pension or compensation will be the same as the effective date of evaluation, except where there is a bar to payment. (38 U.S.C. 3010)

(a) *Unless specifically provided.* On basis of facts found.

(b) *Disability benefits*—(1) *Disability pension* (§ 3.3(c)). Date of receipt of claim or date entitlement arose, whichever is later.

(2) *Disability compensation*—(i) *Direct service connection* (§ 3.4(b)). Day following separation from active service or date entitlement arose if claim is received within 1 year after separation from the period of service in which the disability was incurred or aggravated; otherwise, date of receipt of claim, or date entitlement arose, whichever is later.

(ii) *Presumptive service connection.* Date entitlement arose, if claim is received within 1 year after separation from active duty; otherwise date of receipt of claim, or date entitlement arose, whichever is later.

(c) *Death benefits*—(1) *Death in service* (§§ 3.4(c), 3.5(b)). Day following the date fixed by the Secretary concerned as the date of actual or presumed death, if claim is received within 1 year after the date the initial report of actual death or finding of presumed death was made; however, benefits based on a report of actual death are not payable for any period for which the claimant has received, or is entitled to receive, an allowance, allotment, or service pay of the veteran.

(2) *Death after separation from service* (§§ 3.3(d), 3.4(c), 3.5(b)). Day following the veteran's death if claim is received within 1 year after that date; otherwise, date of receipt of claim.

(3) *Dependency and indemnity compensation*—(i) *Deaths prior to January 1, 1957* (§ 3.702). Date of receipt of election or date dependency and indemnity compensation becomes the greater monthly benefit if election is received within (generally) 120 days before that date.

(ii) *Child.* Date on which entitlement arose if claim is received within 1 year after that date; otherwise, date of receipt of claim.

(d) *Age; veteran 65, widow 70* (§ 3.208). In other than original claims date of receipt of claim or 65th (or 70th) birthday, whichever is later, if evidence filed within 1 year after date of request; otherwise, date of receipt of evidence.

(e) *Apportionment* (§ 3.450). On original claims, in accordance with the facts found. On other than original claims from first day of month (in Philippine cases, the first day of the second month) following month in which notice of estrangement of veteran and his wife, or that the child is not in the actual or constructive custody of the payee, is received.

(f) *Bureau of Employees' Compensation cases* (§ 3.708). Day following date of last payment by the Bureau of Employees' Compensation.

(g) *Correction of military records* (38 U.S.C. 3004(a)). Where entitlement is established because of the correction, change, or modification of a military record or of a discharge or dismissal, or because of other corrective action by competent military, naval, or air authority, the award will be effective from the later of these dates: (1) Date application for change, correction, or modification was filed with the service department, in either an original or a disallowed claim; (2) Date of receipt of claim if claim was disallowed; or (3) August 1, 1956.

(h) *Difference of opinion* (§ 3.105). Date of Central Office approval authorizing a favorable decision. However, where the initial determination for the purpose of death benefits is favorable, the commencing date will be determined without regard to the fact that the action may reverse, on a difference of opinion, an unfavorable decision for disability purposes by an adjudicative agency other than the Board of Veterans Appeals, which was in effect at the date of the veteran's death.

(i) *Disability or death due to hospitalization, etc.* (§ 3.800)—(1) *Disability.* Date of claim.

(2) *Death.* Day following date of death if a claim is received within 1 year following the date of death.

(j) *Election of Veterans Administration benefits* (§§ 3.701, 3.702). Day following date of discontinuance of benefits under other law.

(k) *Error* (§ 3.105). Date from which benefits would have been payable if the corrected decision had been made on the date of the reversed decision.

(l) *Foreign residence.* (See § 3.653.)

(m) *Forfeiture* (§§ 3.901, 3.902). Day following date of last payment on award to payee who forfeited.

(n) *Guardian.* Day following date of last payment to prior payee or fiduciary.

NOTE: Award to guardian shall include amounts withheld for possible apportionments as well as money in Personal Funds of Patients.

(o) *Increases* (§§ 3.156, 3.157). Increase (amending, reopening, or supplementing a previous award authorizing any payments not previously authorized to the individual involved) will be fixed in accordance with the facts found but not earlier than the date of receipt of the evidence establishing entitlement. A retroactive increase or additional benefit will not be awarded after basic entitlement has been terminated, such as by severance of service connection or forfeiture.

(p) *Liberalizing issues.* Unless otherwise provided, the date of an amended regulation or a Veterans Administration issue approved by the Administrator or by his direction. If issue is applied on initiative of Veterans Administration,

award will be effective the date of administrative determination, e.g., the date the evaluation is made.

(q) *New and material evidence* (§ *3.156*)—(1) *Other than service department records*—(i) *Received within appeal period or prior to appellate decision.* The effective date will be as though the original decision had not been rendered and will be in accordance with § 3.104(c).

(ii) *Received after the appeal period.* Date of receipt of evidence which constitutes a new claim or date entitlement arose, whichever is later.

(2) *Service department records.* To agree with evaluation (since it is considered these records were lost or mislaid) or date of receipt of claim on which prior evaluation was made, whichever is later, subject to rules on original claims filed within 1 year after separation from service.

(r) *Pending claims on January 1, 1959 (Section 9, Public Law 85–857)*—(1) *Entitlement solely by reason of Public Law 85–857.* Not earlier than January 1, 1959.

(2) *Entitlement under prior laws.* In accordance with provisions of prior law.

(s) *Renouncement* (§ *3.106*). Date of receipt of new claim.

(t) *Servicemen's indemnity* (§ *3.705* (c)). Dependency and indemnity compensation may begin if otherwise in order the day following the due date of the final installment of servicemen's indemnity which is payable.

(u) *Whereabouts now known* (§§ *3.158, 3.458*(i))—(1) *Whereabouts unknown for less than 1 year.* Day following date of last payment.

(2) *Whereabouts unknown for 1 year or more.* Date the evidence showing the payee's present whereabouts is received in the Veterans Administration.

### § 3.401 Veterans.

Awards of pension or compensation payable to or for a veteran will be effective as follows:

(a) *Aid and attendance* (§ *3.552*). (1) Date of receipt of claim or date entitlement arose, whichever is later. (See also § 3.400(b)(2).) (2) Date of departure from hospital, institution, or domiciliary.

(b) *Dependents, additional compensation for* (§ *3.4*(b)(2)). Commencing date of veteran's award if dependent shown on claim and evidence is received within 1 year after date of request. (Increases, see § 3.400(o).)

(c) *Divorce of veteran and wife.* (See § 3.501(d).)

(d) *Institutional awards* (§ *3.852*)—(1) *Chief officer of non-Veterans Administration hospital or institution.* From first day of month in which award is approved or day following date of last payment to veteran, whichever is later.

NOTE: If apportionment under § 3.452(c) and 3.454 is in order or payment to wife under § 3.850(a), Personal Funds of Patients account will not be set up but difference withheld for dependents.

(2) *Manager of a Veterans Administration hospital or domiciliary.* From day following date of last payment to veteran where veteran previously received payments. On initial or resumed payments from date of entitlement to benefits subject to any amounts payable to or withheld for apportionments for dependents.

(e) *Retirement pay* (§ *3.750*)—(1) *Election.* Date of entitlement if timely filed. Subject to prior payments of retirement pay.

(2) *Waiver.* Day following date of discontinuance or reduction of retirement pay.

(3) *Reelection.* Day the reelection is received by the Veterans Administration.

(f) *Service pension* (§ *3.3*(*b*)). Date of receipt of claim for benefit to which entitled.

(g) *Tuberculosis, special compensation for arrested.* As of the date the graduated evaluation of the disability or compensation for that degree of disablement combined with other service-connected disabilities would provide compensation payable at a rate less than $67 (or $54). (This special compensation is not payable in addition to any other amount of compensation but is a minimum statutory rate.)

### § 3.402 Widows.

Awards of pension, compensation, or dependency and indemnity compensation to or for a widow will be effective as follows:

(a) *Additional allowance of dependency and indemnity compensation for children* (§ *3.5*(*a*)(*3*)). Commencing date of widow's award. (See § 3.400(c).)

(b) *Legal widow entitled.* Day following date of last payment on award to another woman as widow. (See § 3.657.)

(c) *Void remarriage of widow* (§ *3.55*). Date the claimant ceased to cohabit with the other party to the void marriage or date Veterans Administration receives the evidence showing that the marriage was void, whichever is later. For the purpose of this paragraph the evidence need not be a court decree.

### § 3.403 Children.

Awards of pension, compensation, or dependency and indemnity compensation to or for a child, or to or for a veteran or widow on behalf of such child, will be effective as follows:

(a) *Helplessness* (§ *3.57*(*a*)(*3*)). In original claims, date fixed by §§ 3.400(b) and 3.401(b). In claims for continuation of payments, 18th birthday if helplessness is claimed prior to or within 1 year after that date; otherwise from date of receipt of claim.

(b) *Majority* (§ *3.854*). Direct payment to child if competent, from date of majority.

(c) *Posthumous child.* Date of child's birth if notice of the expected or actual birth, meeting the requirements of an informal claim, is received within 1 year after the veteran's death; otherwise date of claim.

(d) *School attendance.* (See § 3.667.)

(e) *Servicemen's indemnity or dependency and indemnity compensation*—(1) *Servicemen's indemnity greater.* Due date of the installment next following the death of the former beneficiary.

(2) *Dependency and indemnity compensation greater.* Date the monthly rate of dependency and indemnity compensation becomes greater than monthly installment of servicemen's indemnity.

APPORTIONMENTS

### § 3.450 General.

(a)(1) All or any part of the pension, compensation, or emergency officers' retirement pay payable on account of any veteran may be apportioned.

(i) On behalf of his wife, children, or dependent parents if the veteran is being furnished hospital treatment, institutional, or domiciliary care by the United States, or any political subdivision thereof.

(ii) If the veteran by reason of estrangement is not living with his wife, or if his children are not in his custody.

(2) Where any of the children of a deceased veteran are not in the custody of the veteran's widow, the pension, compensation, or dependency and indemnity compensation otherwise payable to the widow may be apportioned. (38 U.S.C. 3107)

(b) Except as provided in § 3.458(f), no apportionment of disability or death benefits will be made or changed solely because a child has entered active duty with the air, military, or naval services of the United States.

(c) No apportionment will be made where the veteran, the veteran's wife (when paid "as wife"), widow, or fiduciary is providing for dependents. The additional benefits for such dependents will be paid to the veteran, wife, widow, or fiduciary.

(d) Any amounts payable for children will be equally divided among the children.

(e) The amount payable for any child or children in the veteran's, wife's, or a widow's custody will be added to the veteran's, wife's, or widow's share.

(f) Prior to release of any amounts the relationship of the claimant and the dependency of a parent will be fully developed, and the necessary evidence secured.

(g) Where the widow is entitled to a higher rate of pension by reason of attained age or by reason of having been the wife of the veteran during service, the additional amount will be added to her share.

(h) "Custody" means actual or constructive custody.

### § 3.451 Special apportionments.

Without regard to any other provision regarding apportionment where undue hardship is shown to exist, pension, compensation, emergency officers' retirement pay, or dependency and indemnity compensation may be specially apportioned between the veteran and his dependents or the widow and her children on the basis of the facts in the individual case as long as it does not cause undue hardship to the other persons in interest, except as to those cases covered by § 3.458 (c) and (d).

### § 3.452 Veteran's benefits apportionable.

Veteran's benefits may be apportioned:

(a) If the veteran is not living with his wife by reason of estrangement or his children are not in his custody.



(b) Pending the appointment of a guardian or other fiduciary.

(c) Where a veteran entitled to compensation is incompetent and an institutional award is in order, and where no fiduciary has been appointed or recognized and there is pending action on a special apportionment under § 3.451, none of the increases for dependents will be included in the institutional award. The basic rate of compensation will be apportioned; any additional amount payable for the dependent will be added to the dependent's apportioned share of the basic amount. When the veteran is discharged from the institution the award will be adjusted as a regular apportionment. The apportionment will not be changed during a trial visit or temporary absence even if more than 30 days.

(d) Where a veteran with wife, child, or dependent parent is entitled to pension, and is incompetent and receiving institutional care by the United States or a political subdivision thereof, his pension unless paid to the wife ("as wife") for the use of the veteran and his dependents will be apportioned if otherwise in order.

(e) Where the disabled person or his guardian neglects or refuses to contribute to the support of the parent in an amount equal to that which is payable on the parent's behalf, such additional compensation will be paid to the parent.

CROSS REFERENCE: Institutional awards. See § 3.852.

### § 3.453 Veteran's compensation or service pension or retirement pay.

Apportionments will be as follows:

| | Portion for disabled person | Portion for wife where children are in her custody | Portion for children not in custody of wife or veteran |
|---|---|---|---|
| Disabled person and— | *Percent* | *Percent* | *Percent* |
| Wife but no child | 70 | 30 | ---------- |
| Wife and 1 child | 60 | 40 | [1] 20 |
| Wife and 2 children | 55 | 45 | [1] 25 |
| Wife and 3 or more children | 50 | 50 | [1] 30 |
| No wife but 1 child | 80 | ---------- | 20 |
| No wife but 2 children | 70 | ---------- | [1] 30 |
| No wife but 3 or more children | 65 | ---------- | [1] 35 |

[1] Equally divided.
[2] Percentage for child or children will be deducted from percentage for wife and children.

### § 3.454 Veteran's pension.

Rates of apportionment of pension for veteran based on service in World War I or later war period, and who is incompetent and without legal fiduciary and is maintained in an institution by the United States or any political subdivision thereof, will be as follows:

(a) Where there is (are)

| | *Monthly* |
|---|---|
| A wife but no child or where all children are in her custody: Portion to wife | $56.55 |
| A child but no wife: Portion for child | 45.75 |
| Two or more children but no wife: Portion for children (to be divided equally among them) | 56.55 |
| A dependent parent but no wife or child: Portion for parent | 45.75 |
| Two dependent parents but no wife or child: Portion for parents (to be divided equally between them) | 56.55 |

(b) Any increase due the veteran because of his being in receipt of pension for 10 continuous years, attainment of age 65, or the additional amount for aid and attendance will be added to the amounts allowed the dependents. Any sum unawarded will be paid as an institutional award to the manager of a Veterans Administration hospital or chief officer of a non-Veterans Administration institution for use of the veteran.

### § 3.458 Veteran's benefits not apportionable.

Veteran's benefits will not be apportioned:

(a) Where the amount payable to the disabled person does not exceed the amount payable for a 20 percent service-connected disability, except those cases covered in § 3.451.

(b) Where disability pension is the benefit, except those cases covered in §§ 3.454 and 3.451.

(c) Where the wife of the disabled person has been found guilty of conjugal infidelity by a court having proper jurisdiction, except the additional amounts payable for such dependent.

(d) For the purported or legal wife of the veteran if it has been determined that she has lived with another man in the reputed relationship of husband and wife. In such cases, payment will be made to the veteran as though there were no wife. No apportionment to the wife will thereafter be made unless there has been a reconciliation and later estrangement.

(e) Where the child of the disabled person has been legally adopted by another person, except the additional compensation payable for the child.

(f) Where a child enters the active military, air, or naval service, any additional amount will be paid to the veteran unless such child is included in an existing apportionment to an estranged wife. No adjustment in her award will be made based on the child's entry into service.

(g) For any additional amount payable because of loss or loss of use of an extremity, eye, procreative organ, or buttocks or any amounts payable under 38 U.S.C. 314 (l) through (r) or their peacetime equivalent in excess of that payable for total disability. Only the amount payable for total disability will be apportioned.

(h) For the wife, child, father, or mother of a disabled veteran, who is determined by the Veterans Administration to have been guilty of mutiny, treason, sabotage or rendering assistance to an enemy of the United States or its allies.

(i) When the whereabouts of an estranged wife of a male veteran is unknown and all reasonable efforts to locate her have been unsuccessful or who states in writing she does not desire an apportioned share, or fails for 60 days or more to respond to correspondence from the Veterans Administration informing of her rights and such correspondence was not returned unclaimed. The amount that would be payable on her account as additional compensation will not be authorized. If there are any children not in the veteran's custody a regular apportionment will be made until such time as the wife requests her share be paid. In this event the award will be reapportioned. If the wife's whereabouts is unknown for more 1 year or more than 1 year has passed since she indicated in writing that she did not desire an apportioned share or more than 1 year elapsed from the date of correspondence addressed to the wife which was not returned unclaimed, any award to her including any additional amounts payable as additional compensation will be authorized from the date of receipt of claim. If the wife files a claim within the 1-year period, she may be paid retroactively the difference between the amount paid and the total amount payable by reason of including her in the award.

### § 3.459 Death compensation.

(a) Death compensation will be apportioned if the child or children of the deceased veteran are not in the custody of the widow.

(b) On and after October 1, 1954, the widow may not be paid less than $65 monthly in wartime cases or $52 monthly in peacetime cases.

### § 3.460 Death pension.

(a) *Civil and Indian wars; on and after July 1, 1958.*

| | |
|---|---|
| Widow | $49.29 |
| Child | 23.84 |
| Each additional child | 8.13 |

(b) *Spanish-American War; on and after July 1, 1958.*

| | |
|---|---|
| Widow | $44.51 |
| Child | 28.62 |
| Each additional child | 8.13 |

(c) *World War I or later wartime service.* On and after October 1, 1954, the widow may not be paid less than $37.80 monthly if there is widow and 1 child or $31.50 monthly if the status is widow and more than 1 child.

### § 3.461 Dependency and indemnity compensation.

(a) *Conditions under which apportionment may be made.* Dependency and indemnity compensation will be apportioned where there is a widow and a child or children under 18 years of age and the child or children are not in the custody of the widow. Except where death occurred prior to January 1, 1957, dependency and indemnity compensation will not be apportioned for a child or children over the age of 18 years.

(b) *Rates payable.* (1) The share for each of the children under 18 years of age, including those in the widow's custody as well as those who are not in her custody, will be $35 per month. The share for the widow will be the difference between the children's shares and the total amount payable. In the application of this rule, however, the widow's share will not be reduced to an amount less than 50 percent of that to which she would otherwise be entitled, or less than $65, whichever is greater.

(2) Where an additional amount is payable under 38 U.S.C. 411(b), the ad-

ditional allowance will be equally divided between the children.

(3) Where the death occurred prior to January 1, 1957, and the widow has elected to receive dependency and indemnity compensation, the share of dependency and indemnity compensation for a child or children under 18 years of age will be whichever is the greater:

(i) The apportioned share computed under subparagraphs (1) and (2); or

(ii) The share which would have been payable as death compensation but not in excess of the total dependency and indemnity compensation.

(4) Where the death occurred prior to January 1, 1957, and the widow has elected to receive dependency and indemnity compensation and there is a child or children over the age of 18 years, the amount of dependency and indemnity compensation payable to or for such child will be included in determining the total dependency and indemnity compensation payable. The share of dependency and indemnity compensation for such child will be whichever is the greater:

(i) The rate of dependency and indemnity compensation payable for a child over 18; or

(ii) The share which would have been payable as death compensation subject to the limitation that the total payable in the case will not exceed the total dependency and indemnity compensation which is authorized for a widow, or a widow and more than one child under 18 years of age or a widow and a child who is a helpless or school child.

REDUCTIONS AND DISCONTINUANCES

**§ 3.500 General.**

The effective date of a rating which results in the discontinuance or reduction of an award will be in accordance with the facts found except as provided in § 3.105(e). The effective date of discontinuance of an award of pension, compensation, or dependency and indemnity compensation for a payee or dependent will be the earliest of the dates stated in these paragraphs unless otherwise provided. Where an award is reduced, the reduced rate will be effective the day following the day of discontinuance of the greater benefit.

(a) *Except as otherwise provided (38 U.S.C. 3012(a)).* In accordance with the facts found.

(b) *Rates (38 U.S.C. 3012(b)).* Last day of month in which reduction or discontinuance approved.

(c) *Annual income.* See § 3.660.

(d) *Apportionment (§§ 3.450, 3.501(d), and 3.503(b)).* Date of last payment when reason for apportionment no longer exists.

(e) *Bureau of Employees' Compensation (§ 3.708).* End of month following the month in which there is received from Bureau of Employees' Compensation notice that payee has elected benefits from that agency. If children on rolls, award to children discontinued same date as widow's award.

(f) *Contested claims (§§ 3.111(d) and 3.402(b)).* Date of last payment.

(g) *Death (38 U.S.C. 3012 (c)).* Date of death.

(h) *Dependency of parent (§§ 3.4 (a), (b)(2), and 3.250 and 3.660).* Date of last payment if cessation of dependency is timely reported in accordance with conditions set out in §§ 3.253 and 3.660 (a)(1), otherwise from the date the dependency ceased.

(i) *Election of Veterans Administration benefits (§§ 3.701, 3.702).* Day preceding beginning date of award under other law.

(j) *Foreign residence (38 U.S.C. 3108 (a)).* See § 3.653.

(k) *Fraud (38 U.S.C. 3012(c)); (§ 3.-901).* Beginning date of award or day preceding date of fraudulent act, whichever is later.

(l) *Guardian, marriage of (§ 3.856).* Date of last payment (pending receipt of information as to change of name).

(m) *Incompetency (§ 3.855).* Date of last payment.

(n) *Marriage (or remarriage) (38 U.S.C. 3012(c)); (§ 3.50(b)).* (1) Day before marriage. (2) Ostensible marriage: Day preceding date of ostensible marriage or date of last payment, whichever is later. Where additional benefits are payable for periods before the date of ostensible marriage, any amounts paid for periods after that date will be recouped from such additional payment.

(o) *Penal institutions.* See § 3.666.

(p) *Philippines (38 U.S.C. 107(a)(3)); (§ 3.8).* (1) February 17, 1946, on awards of pension; reduced from dollars to pesos effective February 17, 1946, on awards of compensation. (2) Date of last payment when recognition of service withdrawn.

(q) *Renouncement (§ 3.106).* Date of last payment.

(r) *Service connection (§ 3.105).* Last day of month in which reduction or discontinuance approved. Applies to change from wartime to peacetime, reduced evaluation, and severance of service connection.

(s) *Servicemen's indemnity (§§ 3.705, 3.706).* (1) Payee awarded dependency and indemnity compensation. Servicemen's indemnity discontinued day preceding due date of installment next following beginning date of award of dependency and indemnity compensation. (2) Payee (child) awarded servicemen's indemnity: Dependency and indemnity compensation discontinued day preceding due date of installment of servicemen's indemnity for the month in which the monthly installment becomes greater than the monthly rate of dependency and indemnity compensation.

(t) *Treasonable acts (38 U.S.C. 3504); (§ 3.902).* Date of decision of forfeiture, or date of last payment, whichever is earlier.

(u) *Whereabouts unknown (§§ 3.158, 3.458(i)).* Date of last payment.

**§ 3.501 Veterans.**

The effective date of discontinuance of pension or compensation to or for a veteran will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

(a) *Active service pay (§ 3.700(a)).* Day preceding entrance on active duty. See § 3.654.

(b) *Aid and attendance (§ 3.552).* Day preceding date of admission to hospital.

(c) *Disappearance of incompetent veteran.* See § 3.656.

(d) *Divorce.* (1) In apportioned cases the apportionment of basic compensation will be discontinued as of the date of last payment whereas the apportioned share of the additional amount payable because of the wife under 38 U.S.C. 315 or 335 will be discontinued to the veteran and estranged wife as of the day preceding the date of divorce. (2) In nonapportioned cases the additional amount payable because of the wife under 38 U.S.C. 315 or 335 will be discontinued as of the day preceding the date of divorce. (3) In penal institution cases, as of the day preceding the date of divorce.

(e) *Employability regained.* Last day of month in which reduction or discontinuance approved.

(f) *Employment questionnaire, failure to return.* Reduce award to the amount payable for the schedular evaluation shown in the current rating as of the day following the date of last payment.

(g) *Evaluation reduced.* Last day of month in which reduction or discontinuance of award is approved.

(h) *Examination; failure to report.* See § 3.655.

(i) Hospitalization.

(1) *(§ 3.551(b)).* First day of seventh calendar month following admission if veteran without dependents, or date of last payment if notice is not timely received.

(2) *(§ 3.557).* Incompetent hospitalized veteran, without dependents, whose estate equals or exceeds $1,500: Date of admission or end of the month in which any Veterans Administration office receives information that estate equals or exceeds $1,500, whichever is later.

(j) *Institutional award and/or to Personal Funds of Patients (§ 3.852).* Date of last payment, when veteran is discharged from hospital, fiduciary appointed, or veteran rated competent.

(k) *Lump-sum readjustment pay (§ 3.700(a)(2)).* Beginning date of award.

(l) *Retirement pay (§ 3.750).* Last day of month in which reduction or discontinuance is approved.

**§ 3.502 Widows.**

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a widow will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

(a) *Additional allowance of dependency and indemnity compensation for children (§ 3.5(a)(3)).* (1) Day preceding child's marriage or 18th birthday, whichever is earlier. Ostensible marriage: Day preceding child's purported marriage or date of last payment, whichever is later. (2) Last day of month in which reduction or discontinuance approved, when allowance is reduced or discontinued because of increase in Old Age and Survivor's Insurance. (3) See § 3.667; school attendance.



(b) *Basic pay; dependency and indemnity compensation (38 U.S.C. 411 (a)).* Last day of month in which reduction approved, when rate is reduced because of new certification of basic pay.

(c) *Legal widow entitled.* Date of last payment on award to another woman as widow. See § 3.657.

**§ 3.503 Children.**

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a child, or to or for a veteran or widow on behalf of such child, will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

(a) *Age 18 (or 21) (38 U.S.C. 3012 (c)); (§3.57).* Day before 18th (or 21st) birthday.

(b) *Enters service (§§ 3.450(b), 3.458 (f)).* Date of last payment of apportioned disability benefits for child not in custody of estranged wife. Full rate payable to veteran. Otherwise no change in payments.

(c) *Helplessness (§ 3.950).* Date of last payment when helplessness has ceased or date of marriage, whichever is earlier.

(d) *Marriage.* Day preceding date of marriage. Ostensible marriage: Day preceding date of purported marriage or date of last payment, whichever is later.

(e) *School attendance.* See § 3.667.

(f) *Stepchild no longer member of veteran's household (§3.57).* Last day child was a member of household.

(g) *Two parent cases (§ 3.703).* Day preceding beginning date of award based on service of the other parent.

(h) *War orphans' educational assistance (§3.807).* Day preceding beginning date of educational assistance allowance.

(i) *Widow becomes entitled.* Date of last payment. See §3.657.

HOSPITALIZATION ADJUSTMENTS

**§ 3.551 Reduction because of hospitalization.**

(a) The term "hospitalized" in §§ 3.551 through 3.559 means:

(1) Hospital treatment in a Veterans Administration hospital or in any hospital at Veterans Administration expense.

(2) Institutional or domiciliary care in a Veterans Administration institution or domiciliary or at Veterans Administration expense.

(b) When a veteran having neither wife, child, nor dependent parent is hospitalized, any pension, compensation or retirement pay otherwise payable will continue without reduction until the first day of the seventh month following the month of admission for treatment or care, except for additional pension or increased compensation in § 3.552 and incompetents in § 3.557.

(1) The provisions of this paragraph apply to initial periods of hospitalization and to readmissions following an approved discharge from a prior period of hospitalization.

(2) Where any veteran is readmitted after a release against medical advise or as result of disciplinary action and 6 months or more have elapsed from the date of his original admission his award will be reduced as of the date of readmission. If less than 6 months have elapsed from date of his original admission reduction will not be prior to the first day of the seventh calendar month following the month of his original admission, exclusive of furloughs.

(c) If a veteran is hospitalized for Hansen's disease or if treatment or care extends beyond the period stated in paragraph (b) of this section and the pension, compensation, or retirement pay is $30 monthly or less than payments will continue without reduction. If greater than $30 per month the award will be adjusted to 50 percent of the amount otherwise payable or $30 monthly, whichever is the greater. Payment of the amount withheld may be made as provided in § 3.556.

(d) Any veteran subject to the provisions of paragraph (b) or (c) of this section will be considered to be single and without dependents in the absence of satisfactory proof to the contrary. In those instances where the proof of dependents is not of record statements on forms such as VA Form VB 8–404, or others, will be considered a prima facie showing. The veteran will be informed of the necessary additional evidence and if it is not received within 60 days from the date of request, his award will be reduced on the basis of no dependents. If satisfactory evidence to show that the veteran has a wife, child or dependent parent is received within 1 year from the date of request for evidence the full rate may be authorized from the date of reduction.

CROSS REFERENCES: Time limits. See § 3.109.
Reductions and discontinuances; general. See § 3.500.
Incompetents; hospitalized. See § 3.557.
Incompetents; resumption. See § 3.558.
Release from hospital. See § 3.668.

**§ 3.552 Adjustment of allowance for regular aid and attendance.**

(a) The additional aid and attendance allowance authorized by 38 U.S.C. 314(r) is not payable for any period when the veteran is hospitalized at Government expense.

(b) Except as provided in subparagraph (1) of this paragraph, when a veteran is hospitalized, additional pension or increased compensation for regular aid and attendance is not payable.

(1) The allowance for regular aid and attendance will be continued during periods of hospitalization where the disability is paraplegia involving paralysis of both lower extremities together with loss of anal and bladder sphincter control, or Hansen's disease. In addition in pension cases only, the increased pension will be continued where the pensionable disability is blindness (visual acuity 5/200 or less) or concentric contraction of visual field to 5 degrees or less.

(2) The award payable in paragraph (b) of this section is subject to § 3.551 except where the disabling condition is Hansen's disease.

(c) Reduction will not be made where the same monthly rate of compensation would be payable without consideration of need for regular aid and attendance. This can only be determined after careful review of the current maximum entitlement without regard to any amount for aid and attendance.

(d) Where entitlement by reason of need for regular aid and attendance is the basis of the monthly rate under 38 U.S.C. 314(l) or the peacetime rate the award will be reduced by the amount of $84 monthly in wartime cases and in the amount $67 monthly in peacetime cases.

(e) Where pension is payable at the aid and attendance rate reduction will be to the appropriate basic rate except for cases in paragraph (b) of this section.

(f) Where entitlement to the rate in 38 U.S.C. 314(o) or its peacetime equivalent is based in part on need for regular aid and attendance reduction because of being hospitalized will be to the rate payable for the other conditions shown.

(g) Where a veteran entitled to one of the rates under 38 U.S.C 314 (l), (m), or (n) or their corresponding peacetime equivalent by reason of anatomical losses or losses of use of extremities, blindness (visual acuity 5/200 or less or light perception only) or anatomical loss of both eyes is being paid compensation of $450 or $360 because of entitlement to another rate under section 314(l) on account of need for aid and attendance his compensation will be reduced while hospitalized to the following:

(1) If entitlement is under section 314(l) and in addition there is need for regular aid and attendance for another disability, the award during hospitalization will be $359 (or $287) since the disability requiring aid and attendance is 100 percent disabling (38 U.S.C. 314(p)).

(2) If entitlement is under section 314(m), $401 (or $321).

(3) If entitlement is under section 314(n), $450 (or $360) would be continued; since the disability previously causing the need for regular aid and attendance would then be totally disabling entitling him to the maximum rate under 38 U.S.C. 314(p).

(h) If, because of blindness, a veteran requires regular aid and attendance, but has better vision than "light perception only" his award under 38 U.S.C. 314(m) ($359 or $287) will be reduced while hospitalized to the rate payable under 38 U.S.C. 314(l) ($309 or $247). Consideration should then be given to the payment of any additional amounts under 38 U.S.C. 314(k) ($47 or $38) which might have previously been barred by the statutory ceilings on the total amount of compensation payable. ($450 or $360.)

(i) If the disability meets the requirements of 38 U.S.C. 314(l) the intermediate or next higher rate may be assigned for disability independently ratable at 50 percent or 100 percent. An award based on such entitlement will be reduced to the amount payable for 100 percent disability when the veteran is hospitalized. This is exclusive of the amounts payable under 38 U.S.C. 314(k)

or 38 U.S.C. 315 or 335. The rate payable will be reduced from $359 or $334 (or $287–$267) to $225 (or $180).

(j) Reductions under this section because veteran is hospitalized will be from date of admission.

(k) Any pension or compensation which is payable is subject to the conditions in §§ 3.551 and 3.557 while hospitalized.

**§ 3.556 Adjustment on discharge or release.**

(a) If after reduction under § 3.551(b) the veteran is given an approved discharge or release from treatment or care by certification of the chief officer of the hospital, institution, or domiciliary or his official designee, the award to or on behalf of the veteran will be adjusted on the basis of the most recent rating, subject to prior payments and will include amounts withheld under § 3.551(b). A disciplinary discharge granted in lieu of an enforced furlough is not an approved discharge for the purpose of this paragraph.

(b) When reduction has been accomplished under § 3.551(b) in the case of an incompetent veteran, payment of the amount withheld as well as any amount not paid on account of the $1,500 limitation (see § 3.557) will be awarded 6 months following the finding of competency, or removal of legal disability, whichever is later, if still in effect at the time the award is approved.

(c) If a competent veteran leaves against medical advice, or is released as result of disciplinary action, the withheld amount will be awarded 6 months after termination of hospitalization or domiciliary care unless notice is received that the prior release has been changed to an approved or a maximum benefits discharge.

(d) A temporary absence of less than 30 days including day of departure will not require adjustment of award. Temporary absence includes furlough, trial visit, or similar absence prior to a discharge. Where a veteran has received an approved release or a maximum benefits discharge, readmission the next day in the same or any other Veterans Administration institution begins a new period under § 3.551(b), except where such release is for the purpose of readmission to another Veterans Administration institution.

(e) Adjustment for additional pension or increased compensation for regular aid and attendance for periods of absence of less than 30 days will not be made until after discharge from hospitalization. If leave, furlough, or trial visit is for 30 days or more, the award will be adjusted under the last valid rating as of the day of departure on leave, furlough, or trial visit. When the veteran returns from leave, furlough, or trial visit of 30 days or more the award will be reduced under § 3.551(d) as of date of his return. If he is discharged from such temporary absence the award will be adjusted to comply with § 3.556(a).

CROSS REFERENCES: Accrued; lump sums. See § 3.1001.
Release from hospital. See § 3.668.

**§ 3.557 Incompetents; estate over $1,500 and hospitalized.**

(a) Where a veteran having neither wife, child, nor dependent parent is being hospitalized by the Veterans Administration and is rated incompetent by the Veterans Administration by reason of mental illness, the pension, compensation, or retirement pay of such veteran will be subject to reductions as provided in § 3.551.

(b) If the evidence establishes that the estate of a veteran receiving pension, compensation, or emergency officers' retirement pay derived from all sources equals or exceeds $1,500, further payments of such benefit will not be made until the estate is reduced to $500. Payment of benefits may not be authorized for any period after the last of the month in which evidence is received showing the estate equals or exceeds $1,500.

(c) Computation of the $1,500 or $500 amounts will include but is not restricted to:

(1) Any money still in an old "Funds Due Incompetent Beneficiaries" account; or

(2) A current "Personal Funds of Patient" account; or

(3) On deposit with the chief officer of the institution; or

(4) In the hands of any fiduciary.

Amounts withheld under § 3.551(b) will not be included.

(d) For the purpose of this section "Date of Receipt of Evidence" that the estate is $1,500 or more, or is reduced to $500, means the first date it was received in any office of the Veterans Administration.

CROSS REFERENCES: Amounts withheld or not paid incompetent veteran. See § 3.1007.
Reductions and discontinuances; general. See § 3.500.

**§ 3.558 Resumption; incompetents $1,500 estate cases.**

(a) Where payment has been discontinued by reason of § 3.557(b), it will not be resumed until proper notice has been received showing the estate is reduced to $500 or less. Payments will not be made for any period prior to the first day of the month in which the notice is received.

(b) If the disabled person is discharged or released from hospital care before the estate is reduced to $500, or it has been determined he has a dependent, or he is rated competent and not under legal disability, the award will be reopened on the basis of the facts found to exist.

CROSS REFERENCE: Release from hospital. See § 3.668.

**§ 3.559 Resumption; $1,500 cases where estate includes chose in action.**

(a) Where payments have been discontinued because of hospitalization and there exists only a claim against a defunct bank, or other institution, or the entire estate is the subject of litigation, or consists of investments of undetermined value, and there is no income to provide for clothing and other needs and comforts for the veteran, the Chief Attorney may consider the guardian's statement setting forth the facts and estimating what the said claim or chose in action would sell for in the open market. If the Chief Attorney is satisfied that the value of the estate does not exceed $500, he will prepare a certificate to that effect. Upon receipt of this certification by the Claims activity, payments will, if otherwise in order, be authorized effective the first day of the month in which award action is taken.

(b) When the claim is settled or litigation terminated the Chief Attorney will again review the case and, if the estate is then $1,500 or more, will forward an appropriate certification to the Claims activity.

(c) Special cases which do not come within this section or where money is urgently needed should be reported to the Office of the Chief Benefits Director.

ADJUSTMENTS AND RESUMPTIONS

**§ 3.650 Rate for additional dependent.**

In any case where benefits are being paid currently and claim is filed by or for an additional dependent, a retroactive adjustment in the current award will be made except when an overpayment will result. If an overpayment would result, the current award will be reduced as of the first of the month (in case of a payee residing in the Philippines, the first of the second month) following the month in which the award is approved. The rate payable prior to the date of reduction to or for such additional dependent will be the difference between the rate being paid currently and the total rate payable by reason of including the additional dependent. The additional dependent will be entitled to his full share as of the first of the month (in case of a payee residing in the Philippines, the first of the second month) following the month in which the award is approved.

**§ 3.651 Change in status of dependents.**

Except as otherwise provided:

(a) A payee who becomes entitled to pension, compensation, or dependency and indemnity compensation or to a greater rate because payment of that benefit to another payee has been reduced or discontinued will be awarded the benefit or increased benefit without the filing of a new claim. (See § 3.152 (c) (1) as to requirement of a claim for a child who becomes eligible to receive dependency and indemnity compensation by reason of termination of the widow's entitlement.)

(b) The commencement or adjustment will be effective the day following the reduction or discontinuance of the award to the other payee if the necessary evidence is received in the Veterans Administration within 1 year from the date of request therefor; otherwise from the date of receipt of the evidence.

(c) The rate for the persons entitled will be the rate that would have been payable if they had been the only original persons entitled.

**§ 3.652 Determinations of domestic status and dependency.**

(a) In any case where benefits are being paid and it is necessary to determine the current facts regarding the



veteran's marital status, custody of the children, or dependency of the parents, the claimant will be required to furnish the necessary evidence. If the evidence is not received within a reasonable time, payments authorized by reason of that dependent will be discontinued effective date of last payment.

(b) If the required evidence is received within 1 year from the date of request payments may be adjusted or resumed, if otherwise in order from the date of reduction or discontinuance. If the evidence is not received within 1 year from the date of request therefor, the adjustment or resumption will not be authorized prior to the date the evidence is received in the Veterans Administration.

**§ 3.653 Foreign residence.**

(a) *General.* Pension, compensation, or dependency and indemnity compensation is not payable to an alien who is located in the territory of or under the control of an enemy of the United States or of its allies. The benefit may, however, be paid to the dependents of such alien, but not in excess of the amount which would be payable to the dependent if the alien were dead. (38 U.S.C. 3108)

(b) *Retroactive payments.* Except as provided in paragraph (c) of this section, any amount not paid to an alien under this section, together with any amounts placed to his credit in the special deposit account in the Treasury or covered into the Treasury as miscellaneous receipts under 31 U.S.C. 123–128 will be paid to him on the filing of a new claim. Such claim should be supported with evidence that he has not been guilty of mutiny, treason, sabotage or rendering assistance to an enemy, as provided in § 3.903. (38 U.S.C. 3109)

(c) *"Iron Curtain Countries"*—(1) *Evidence requests.* Requests for evidence to establish either basic or continued entitlement will not be made where such evidence would be obtained from foreign countries identified as "Iron Curtain Countries" by the Administrator on the basis of information supplied by the Department of State.

(2) *Resumptions.* Where the claim of a national of any such country has been disallowed or payments discontinued under this paragraph, no payments will be made for any period prior to the date of filing a new claim.

(3) *Countries removed from "Iron Curtain" list.* When a country has been removed from the list of "Iron Curtain Countries", and the payee is otherwise entitled, the award will include payments which were not made because the Veterans Administration was prevented from obtaining evidence of the continued existence of the payee, if a claim is filed within 1 year from the date of this section or 1 year from the date the country is removed from the "Iron Curtain" list, whichever is the later.

(d) *Germany and Japan.* Where payments were discontinued before July 1, 1954, because the payee was a citizen or subject of Germany or Japan, no payments will be made for any period prior to the date of filing a new claim. (38 U.S.C. 3109(b))

**§ 3.654 Active service pay.**

(a) Pensions, compensation, or retirement pay will be discontinued under the circumstances stated in § 3.700(a)(1) the day preceding reentrance into active duty status. If the exact date is not known, payments will be discontinued effective date of last payment and as of the correct date when the date of reentrance has been ascertained from the service department.

(b) Payments may be resumed the day following release from active duty if otherwise in order. Prior determinations of service connection will not be disturbed except as provided in § 3.105. Compensation will be authorized based on the degree of disability found to exist at the time the award is resumed. Disability will be evaluated on the basis of all facts, including information from the service department relating to the most recent period of active service. If a disability is incurred or aggravated in the second period of service, compensation for that disability cannot be paid unless a claim therefor is filed.

**§ 3.655 Failure to report for physical examination.**

(a) When a veteran without adequate reason fails to report for physical examination, including periods of hospital observation requested for pension or compensation purposes, the awards to the veteran and any dependents will be discontinued, except as provided in paragraph (b) of this section.

(b) If the veteran has one or more compensable static disabilities and one or more compensable disabilities nonstatic in nature and without adequate reason fails to report for physical examination, including periods of hospital observation, the awards to the veteran and any dependents will be amended to pay an amount based on the degree of disability of the static disabilities.

(c) When a veteran has failed to report for physical examination, payment of benefits for a nonstatic disability will be discontinued effective date of last payment. Payments will be resumed effective the day following the date of last payment if the evidence clearly establishes that during the period of his failure to report the nonstatic disability existed in the former compensable degree and the claim was not abandoned and the rating agency confirms and continues the prior evaluation.

(d) If the examination shows a changed condition and the disability is no longer compensable in degree, the award will not be reopened for the period of discontinuance. Except as to abandoned claims, if a lesser compensable degree of disability is shown the award will be resumed at the lower rate.

(e) Except as to abandoned claims if the examination shows increased disability, increased benefits will not be authorized for any period prior to the date of examination, with the former rate in effect from the day following date of last payment through the day preceding the date of examination.

(f) If the claim was abandoned, benefits based on a nonstatic disability may be paid from the date of receipt of the veteran's statement that he is willing to report for physical examination if he reports for such examination within 1 year from that date.

CROSS REFERENCES: Abandoned claims. See § 3.158.
Examination; failure to report. See § 3.501(h).

**§ 3.656 Disappearance of incompetent veteran.**

(a) When an incompetent veteran has disappeared for 90 days or more and his whereabouts remain unknown to the members of his family and the Veterans Administration, disability compensation which he was receiving or entitled to receive may be paid to or for his wife, children and parents, effective the day following the date of last payment to the veteran. The total amount payable will be the lesser of these amounts:

(1) Service-connected death benefit.

(2) Amount of compensation payable to the veteran at the time of disappearance.

(b) Where a veteran's whereabouts become known to the Veterans Administration after an award to dependents has been made as provided in this section, the award to the dependents will be discontinued, effective the last day of the month in which the discontinuance action is taken, and appropriate action will be taken to adjust the veteran's award in accordance with the facts found.

(c) Awards to dependents will not be continued for more than 7 years from date of disappearance of the veteran in any case where the facts are such as to bring into effect the presumption of death under § 3.212.

**§ 3.657 Widow becomes entitled or entitlement terminates.**

Where a widow establishes entitlement to pension, compensation, or dependency and indemnity compensation, an award to another woman as widow, or for a child or children as if there were no widow, will be discontinued or adjusted effective date of last payment.

(a) *Widow's awards.* Where a legal widow establishes entitlement after payments have been made to another woman as widow, the award to the legal widow will be effective the day following the date of last payment to the former payee.

(b) *Children's awards.* (1) Where a widow establishes entitlement and:

(i) Payments were being made for a child or children at a lower monthly rate than that provided where there is a widow, the award to the widow will be effective the date provided by the applicable law, and will be the difference between the rate paid for the children and the rate payable for the widow and children. The full rate will be payable for the widow effective the day following the date of last payment for the children;

(ii) Payments were being made for a child or children at the same or higher monthly rate than that provided where there is a widow, the award to the widow will be effective the day following the

date of last payment on the awards on behalf of the children.

(2) Where a widow has received benefits after her entitlement was terminated and,

(i) The child or children were entitled to a lower monthly rate, the award to the widow will be amended to authorize payment at the rate provided for the children as if there were no widow, covering the period from the date the widow's entitlement terminated to the date of last payment to her. The award for the child or children will be made effective the following day.

(ii) The child or children were entitled to a higher monthly rate, the award to the widow will be discontinued effective date of last payment. The award to the children will be effective the day following the date the widow's entitlement terminated and will be the difference between the rate payable for the children and the rate paid on the widow's award. The full rate will be payable for the children effective the day following the date of last payment to the widow.

**§ 3.658 Offsets; dependency and indemnity compensation.**

(a) When an award of dependency and indemnity compensation is made covering a period for which death compensation, servicemen's indemnity, or benefits under the Federal Employees' Compensation Act, based on military service, have been paid to the same payee based on the same death, the award of dependency and indemnity compensation will be made subject to an offset of payments of death compensation or benefits under the Federal Employees' Compensation Act over the same period, and to installments of servicemen's indemnity due on or after the commencing date of the award of dependency and indemnity compensation.

(b) When a retroactive award of dependency and indemnity compensation is made to or for a child over the age of 18 and the widow has received death compensation on behalf of the child at a higher rate than the rate of dependency and indemnity compensation payable to the widow over the same period, the difference will be offset against the award or dependency and indemnity compensation otherwise payable for the child. If awards of dependency and indemnity compensation are being made for more than 1 child over the age of 18, the amount to be offset will be equally divided. (38 U.S.C. 416(b) (1) and (2))

CROSS REFERENCE: Dependency and indemnity compensation. See § 3.702.

**§ 3.659 Two parents in same parental line.**

(a) If dependency and indemnity compensation is payable based on the service of one parent, an award of dependency and indemnity compensation or death compensation to or on account of a child will be made subject to any payments of dependency and indemnity compensation or death compensation made to or on account of that child over the same period of time based on the service of another parent in the same parental line.

(b) Any reduction or discontinuance will be effective the day preceding the commencing date of dependency and indemnity compensation or death compensation to or for the child based on the service of another parent in the same parental line.

CROSS REFERENCE: Two parents in same parental line. See § 3.703.

**§ 3.660 Income.**

(a) *Income increased.* Where receipt of additional income requires the reduction or discontinuance of an award of pension or dependency and indemnity compensation the date of adjustment or discontinuance will be as follows:

(1) *Timely reported.* If notice of the receipt of additional income is received within the time limits stated in § 3.253, reduction of dependency and indemnity compensation will be effective the day following the date of last payment. Discontinuance of pension or dependency and indemnity compensation will be effective as of the date of last payment.

(2) *Not timely reported.* If notice of the receipt of additional income is not timely received, reduction or discontinuance will be retroactive to January 1 of the calendar year in which the excess income was received, or the commencing date of the award, whichever is later.

(b) *Deferred determinations.* Where payments were deferred under § 3.252 (h), an award or adjustment of an award may be made from the first of that calendar year if notice (either on the annual income questionnaire or an informal claim) is received within the same or the next calendar year showing that the claimant's income will be or was less than the applicable statutory limitation. Any necessary evidence must be received in the Veterans Administration within 1 year after the date of request. If notice is not received within the period prescribed, payments may not be made for any period prior to the date of receipt of a new (informal) claim.

(c) *Income reduced.* Where a claim has been disallowed or payments reduced or discontinued for the whole or a part of a particular calendar year because the claimant's income exceeded the statutory limitation, benefits may be paid from January 1 of the next calendar year if notice (either on the annual income questionnaire or an informal claim) is received during that year that the claimant's income will not exceed the applicable statutory limitation. Any necessary evidence must be received in the Veterans Administration within 1 year after the date of request. If notice is not received within the period prescribed, payments may not be made for any period prior to the date of receipt of a new (informal) claim.

CROSS REFERENCE: Notice of material increases in annual income or change in status. See § 3.253.

**§ 3.661 Income questionnaires.**

(a) *Failure to return questionnaire.* Discontinuance will be effective the date of last payment. Payment may be made, if otherwise in order, from date of last payment if the questionnaire or other evidence concerning the claimant's income is received within 1 year from the date of issuance of the questionnaire; otherwise benefits may not be paid for any period prior to the date of receipt of the questionnaire or a new (informal) claim.

(b) *Determinations of entitlement—(1) Awards for preceding year; dependency and indemnity compensation.* If the questionnaire shows that the income received in the preceding year was less than the amount anticipated and entitlement to a higher rate of dependency and indemnity compensation for that year is established, the award will be increased retroactively. If the total income for the preceding year exceeded the applicable income increment, payments will be discontinued or reduced as provided in § 3.253(a).

(2) *Continued entitlement.* If the anticipated income is not in excess of the maximum statutory limitation, payments of pension or dependency and indemnity compensation will be continued. An increase in the rate of dependency and indemnity compensation payable by reason of a change in the amount of income anticipated will be made effective the first of the calendar year. If the rate payable is reduced, the new rate will be made effective the day following the date of last payment and the claimant will be informed that the new rate may be increased if notice is received within the same or the next calendar year that his income will be less than that reported on the questionnaire.

(3) *Discontinuance.* If the anticipated income is in excess of the maximum statutory limitation, the award will be discontinued effective date of last payment.

(i) If notice is received within the same or the next calendar year that the claimant's income will not or did not exceed the maximum statutory limitation, payments otherwise in order may be resumed effective the day following the date of last payment.

(ii) If the claimant's income for that year actually exceeds the maximum statutory limitation, payments may be made to commence the first of the next calendar year if notice is received within that year that the anticipated income will not exceed the maximum statutory limitation.

**§ 3.662 Children; no widow entitled.**

(a) When an award of death pension to a widow with a child or children has been discontinued for the reason that her annual income is in excess of the statutory limitation, payments to the child or children whose annual income, determined separately, does not exceed the statutory limitation will commence effective the day following the date of last payment to the widow. In those cases in which an award of death pension to a widow is discontinued retroactively to January 1 of the calendar year in which the excessive income was received and an additional amount in behalf of a child or children is included in the award, an adjustment will be made in the award to the widow. The monthly rate payable to the widow for the period from January 1 of the year in which the excessive income was received to the date of last payment will be the amount to which such child or children would have been entitled during that period.

(b) When payments are being made to a child or children and evidence is received showing that the annual income of the widow, which was in excess of the statutory limitation, has been reduced to an amount not in excess of the statutory limitation, payments to the child or children will be discontinued effective date of last payment. For the period commencing the date from which the widow is shown to be entitled to the date of last payment to the child or children, the rate for the widow will be the difference between the amount paid to the child or children and the amount which would have been payable for the widow and child or children. The full rate will be payable thereafter.

**§ 3.666 Penal institutions.**

Where a veteran, widow or a child to or for whom pension is being paid under a public or private law administered by the Veterans Administration is imprisoned in a Federal, State, or local penal institution as the result of conviction of a felony or misdemeanor, such pension payments will be discontinued effective on the 61st day of imprisonment following conviction. The payee will be informed of his rights and the rights of dependents to payments while he is imprisoned as well as the conditions under which payments to him may be resumed on his release from imprisonment. Payments of pension authorized under this section will continue until notice is received in the Veterans Administration that the imprisonment has terminated.

(a) *Disability pension.* Payment may be made to the wife, child or children of a veteran disqualified under this section:

(1) If the veteran continues to be eligible except for the provisions of this section, and

(2) If the annual income of the wife or child is within the statutory limitations which would be applicable to the payment of death pension.

(3) At the rate payable under the death pension law or the rate which the veteran was receiving at the time of imprisonment, whichever is less.

(4) From the day following the date of discontinuance of payments to the veteran, subject to payments made to the veteran over the same period, if an informal claim is received within 1 year after notice to the veteran as required by this section and any necessary evidence is received within 1 year from the date of request; otherwise payments may not be made for any period prior to the date of receipt of a new informal claim.

(b) *Death pension.* Payment may be made to a child or children where a widow or child is disqualified under this section:

(1) If widow is disqualified, to child or children at the rate of death pension payable if there were no such widow; or

(2) If a child is disqualified, to a widow or other child or children at the rate of death pension payable if there were no such child, and

(3) From the day following the date of discontinuance of payments to the disqualified person, subject to payments made to that person over the same period if evidence of income is received within 1 year after date of request; otherwise payments may not be made for any period prior to the date of receipt of an informal claim.

(4) The income limitation applicable to eligible persons will be that which would apply if the imprisoned person did not exist.

(c) Resumption of pension upon release from incarceration. Pension will be resumed as of the day of release if notice (which constitutes an informal claim) is received within 1 year following release; otherwise resumption will be effective the date of receipt of such notice. Where an award or increased award was made to any other payee based upon the disqualification of the veteran, widow, or child while in prison, such award will be reduced or discontinued as of date of last payment and pension will be resumed to the released prisoner at a rate which will be the difference, if any, between the total pension payable and the amount which was paid to the other person or persons through the date of last payment and thereafter the full rate.

(d) *Veteran entitled to compensation.* If an imprisoned veteran is entitled to a lesser rate of disability compensation such compensation will be awarded as of the 61st day of his imprisonment in lieu of the pension he was receiving provided:

(1) He is a single man (no wife or child), or

(2) He is married, from the date he requests that the Veterans Administration take such action.

**§ 3.667 School attendance.**

(a) *General.* Pension, compensation or dependency and indemnity compensation may be paid from a child's 18th birthday based upon school attendance if the child was at that time pursuing a course of instruction at an approved school and an informal claim for such benefits is filed within 1 year after the child's 18th birthday. Benefits based upon a course which was begun after the child's 18th birthday may be paid from the commencement of the course if an informal claim is received within 1 year after that date.

(b) *Vacation periods.* A child is considered to be in school during a vacation or other holiday period if he was attending school at the end of the preceding school term and resumes attendance, either in the same or a different approved school, at the beginning of the next term. If an award has been made covering a vacation period, and the child fails to resume attendance, or the required evidence of attendance is not received within 10 days (30 days if residing outside the continental limits of the United States) after the date the child expected to commence or resume school attendance, benefits will be terminated the date of last payment or the day preceding the date of failure to pursue the course, whichever is the earlier. Benefits may be paid from the day following the date of discontinuance only if notice is received within 1 year from that date showing that the child resumed attendance at the commencement of the term.

(c) *Ending dates.* Benefits may be authorized prospectively through the date on which it is expected a course will be completed. If the exact date is not known, benefits may be authorized through the end of the preceding month.

(d) *Transfers to other schools.* Where benefits have been authorized based upon school attendance and it is shown that during a part or all of that period the child was pursuing a different course in the same school or a course in a different school, payments previously made will not be disturbed if the course is approved.

(e) *Accrued benefits only.* When a claim for accrued benefits is filed by or on behalf of a veteran's child over 18 but under 21 years of age, who was pursuing a course of instruction at the time of the payee's death and payment of accrued benefits only is involved, evidence of school attendance need not be confirmed by the school. When the payee's death occurred during a school vacation period, the requirements will be considered to have been met if the child was carried on the school rolls on the last day of the regular school term immediately preceding the date of the payee's death.

CROSS REFERENCE: War orphans' educational assistance. See § 3.707.

**§ 3.668 Release from hospital.**

(a) *Award reduced under 38 U.S.C. 3203(a)(1)—(1) Competent.* (i) If release approved (including temporary absence for 30 days or more) adjust to full rate payable effective date of reduction.

(ii) If release not approved adjust to full rate payable effective date of release; restore withheld amounts 6 months after date of release.

(2) *Incompetent.* (i) Upon release (including temporary absence for 30 days or more) adjust to full rate payable effective date of departure.

(ii) The amount that would have been paid but for being hospitalized in excess of 6 months will be restored 6 months following a finding of competency by the Veterans Administration or 6 months following removal of legal disability, whichever is the later.

(b) *Award discontinued under 38 U.S.C. 3203(b)(2).* (1) Upon release (including temporary absence for 30 days or more) resume full rate payable effective date of departure.

(2) The amount that would have been paid but for the estate being $1,500 or more will be awarded 6 months following a finding of competency by the Veterans Administration or 6 months following removal of legal disability, whichever is the later.

CROSS REFERENCE: Adjustment on discharge or release. See § 3.556.

## CONCURRENT BENEFITS AND ELECTIONS

**§ 3.700 General.**

Not more than one award of pension, compensation or emergency officers' regular or reserve retirement pay will be made concurrently to any person based on his own service except as provided in

§ 3.803 relating to naval pension and § 3.750(c) relating to waiver of retirement pay. (38 U.S.C. 3104(a))

(a) *Veterans*—(1) *Active service pay.* (i) Pension, compensation, or retirement pay on account of his own service will not be paid to any person for any period for which he receives active service pay. (38 U.S.C. 3104(c)) This includes "sick pay" or "incapacitation pay" received by a member of a reserve component who suffers injury on a training tour and continues to receive such "pay" after expiration of scheduled training pay and not in an active duty status. The "sick pay" or "incapacitation pay" is "active service pay".

(ii) Time spent by members of the ROTC in drills as part of their activities as members of the corps is not active service.

(iii) Reservists may waive their pension, compensation, or retirement pay for periods of field training, instruction, other duty or drills. A waiver may include prospective periods and contain a right of recoupment for the days for which the reservists did not receive payment for duty by reason of failure to report for duty.

(2) *Lump-sum readjustment payment.* A veteran may elect to receive either disability compensation under laws administered by the Veterans Administration or lump-sum readjustment payment from a service department. Election of either is final with respect to all prior service and a subsequent reelection of the other benefit is prohibited.

(3) *Severance pay.* Where the disability or disabilities found to be service connected are the same as those upon which disability severance pay is granted, an award of compensation will be made subject to recoupment of the disability severance pay. There is no prohibition against payment of compensation where the veteran received nondisability severance pay or where disability severance pay was based upon some other disability.

(4) *Additional compensation for dependents.* The additional compensation for a dependent will not be paid to a veteran for any period he is in receipt of an increased amount of subsistence allowance or education and training allowance on account of that dependent; however, the veteran may elect the greater benefit. (38 U.S.C. 315(b))

(b) *Dependents.* Except as provided in § 3.703, the receipt of pension, compensation, or dependency and indemnity compensation by a widow, child, or parent on account of the death of any person, or receipt by any person of pension or compensation on account of his own service, will not bar the payment of pension, compensation, or dependency and indemnity compensation on account of the death or disability of any other person. (38 U.S.C. 3104(b)(1))

**§ 3.701 Elections of pension or compensation.**

(a) *General.* Except as otherwise provided, a person entitled to receive pension or compensation under more than one law or sections of a law administered by the Veterans Administration may elect which benefit to receive regardless of whether it is the greater or lesser benefit and even though his election results in reducing the benefits of his dependents. This person may at any time elect or reelect the other benefit. An election by a widow controls not only her claim but those of the children as well, including children over the age of 18 and children not in the widow's custody.

(b) *Form of election.* A statement which meets the requirements of an informal claim may be accepted as an election.

(c) *Change from one law to another.* Except as otherwise provided, where payments of pension or compensation are being made to a person under one law, the right to receive benefits under another law being in suspension, and a higher rate of pension or compensation becomes payable under the other law, benefits at the higher rate will not be paid for any date prior to the date of receipt of an election.

**§ 3.702 Dependency and indemnity compensation.**

(a) *Right to elect.* Any person who is eligible for death compensation by reason of a death occurring before January 1, 1957, may receive dependency and indemnity compensation upon the filing of a claim. Payments may be authorized as of the date when the rate of dependency and indemnity compensation becomes greater than the monthly payment of death compensation or servicemen's indemnity, or both, provided the claim is filed within a reasonable period (generally not to exceed 120 days) before that date.

(b) *Child; widow elects dependency and indemnity compensation.* Where dependency and indemnity compensation is payable to or for a child by reason of a widow's election of this benefit, dependency and indemnity compensation to or for a child will commence as of the date of the award of dependency and indemnity compensation to the widow where:

(1) Death compensation was payable for the child on December 31, 1956, who was under 18 years of age and not in the widow's custody, or

(2) The child attained the age of 18 years prior to January 1, 1957.

(c) *Limitation.* A claim for dependency and indemnity compensation may not be filed or withdrawn after the death of the widow, child, or parent.

(d) *Finality of election.* An election to receive dependency and indemnity compensation based on the death of a veteran who died prior to January 1, 1957, is final and the claimant may not thereafter reelect death pension or compensation in that case. (See § 3.706 as to children who are eligible for servicemen's indemnity.) The election is final when the payee (or his fiduciary) has negotiated one check for this benefit or dies after filing claim and prior to receipt or negotiation of a check. There is no right of reelection.

(e) *Widow becomes entitled.* A widow who becomes eligible to receive death compensation under § 3.52 by reason of liberalizing provisions of any law may receive death compensation or elect dependency and indemnity compensation even though dependency and indemnity compensation has been paid to a child or children of the veteran.

CROSS REFERENCE: Deaths prior to January 1, 1957. See § 3.400(c)(3)(i).

**§ 3.703 Two parents in same parental line.**

(a) *General.* Death compensation is not payable for a child if dependency and indemnity compensation is paid to or for a child or to the widow on account of the child by reason of the death of another parent in the same parental line. (38 U.S.C. 3104(b)(2)) There is no prohibition against concurrent payment of death pension and death compensation, or the concurrent payment of death pension and either death compensation or dependency and indemnity compensation.

(b) *Election.* The child or his fiduciary may elect to receive benefits based on the service of either veteran. An election of dependency and indemnity compensation based on the service of one parent places the right to death compensation or dependency and indemnity compensation based on the service of another parent in suspension. The suspension may be lifted at any time by making another election.

(c) *Widow receiving dependency and indemnity compensation.* The receipt of dependency and indemnity compensation by a widow does not preclude the payment of death compensation or dependency and indemnity compensation to or for a child in her custody who is eligible to receive such benefits based on the service of another father. A child who is not in the widow's custody may not receive an apportioned share of dependency and indemnity compensation in that case and death compensation or dependency and indemnity compensation based on the service of another father in the same parental line.

(d) *Rate for other dependents.* Where a child receives death compensation or dependency and indemnity compensation based on the death of one parent, the rate of death compensation or dependency and indemnity compensation payable to the widow or other children based on the death of another parent in the same parental line will not exceed the amounts which would be payable if the child were receiving or an additional allowance were being paid for such child in the second case: *Provided,* That no additional dependency and indemnity compensation will be allowed to a widow by reason of a child who is receiving death compensation or dependency and indemnity compensation based on the death of another father.

CROSS REFERENCE: Two-parent cases. See § 3.503(g).

**§ 3.704 Elections within class of dependents.**

(a) *Children; death compensation.* If children are receiving death compensation and all such children have not filed claim for dependency and indemnity compensation, the rate of dependency and indemnity compensation for a child will not exceed the amount which would be paid if all children had applied for dependency and indemnity compensation. The rate of death compensation will not exceed the amount which would be paid if all children were receiving this benefit.

(b) *Children; servicemen's indemnity.* Where there is a child or children in receipt of servicemen's indemnity under the provision of § 3.706, the rate of dependency and indemnity compensation for another child or children will not exceed the amount which would be paid if all children were receiving dependency and indemnity compensation.

(c) *Parents.* If there are two parents eligible for dependency and indemnity compensation and only one parent files claim for this benefit, the rate of dependency and indemnity compensation for that parent will not exceed the amount which would be paid to him if both parents had filed claim for dependency and indemnity compensation. The rate of death compensation for the other parent will not exceed the amount which would be paid if both parents were receiving this benefit.

**§ 3.705 Surrender of servicemen's indemnity.**

(a) Except as provided in § 3.706, no person who, on January 1, 1957, was a principal or contingent beneficiary of any payments of servicemen's indemnity may receive any such payments based upon the death giving rise to such payments after he has been granted dependency and indemnity compensation. Where the claimant elects to receive dependency and indemnity compensation, the right to servicemen's indemnity terminates the day preceding the due date of the installment next following the commencing date of the award of dependency and indemnity compensation.

(b) Where a beneficiary has elected to receive dependency and indemnity compensation, no payments of the portion of servicemen's indemnity in which such beneficiary had an interest will be made to any other beneficiary. Such "portion" means all remaining installments of the share of servicemen's indemnity which would otherwise have been payable, and is not limited to installments payable during the beneficiary's lifetime.

(c) No principal or contingent beneficiary who has assigned his interest in payments of servicemen's indemnity after June 28, 1956, may receive dependency and indemnity compensation or the special allowance provided in § 3.804 based upon the death giving rise to such payments until the portion of the indemnity so assigned is no longer payable to any person. Payments of dependency and indemnity compensation may not be made for any period prior to the day following the due date of the final installment which is payable. (38 U.S.C. 416(e))

**§ 3.706 Servicemen's indemnity for children.**

(a) *Widow granted dependency and indemnity compensation; child under age 18.* Except as provided in paragraph (b)(3) of this section, the right of a child under 18 to receive servicemen's indemnity is not affected by a widow's election to receive dependency and indemnity compensation. The payment of servicemen's indemnity for a child under 18 will not preclude payment of additional allowance of dependency and indemnity compensation where there is a widow and two or more children under age 18.

(b) *Child granted dependency and indemnity compensation.* (1) Where a child has applied for dependency and indemnity compensation and is or becomes a beneficiary of servicemen's indemnity by reason of the death giving rise to his eligibility for dependency and indemnity compensation, the child will be paid for each month or part thereof dependency and indemnity compensation or servicemen's indemnity whichever is the greater amount. A claim is not required for this purpose.

(2) Where a child is receiving dependency and indemnity compensation under this paragraph and entitlement to dependency and indemnity compensation ceases, any installments of servicemen's indemnity which become due after that date, and for which he is eligible, will be paid to or for the child.

(3) A child may "become" a beneficiary of servicemen's indemnity either as a designated contingent beneficiary or by devolution, by reason of the death of a beneficiary who has not surrendered servicemen's indemnity in order to receive dependency and indemnity compensation, or by reason of the death of another child. A child may not "become" a beneficiary of indemnity by reason of the death of another beneficiary, other than a child, who has surrendered indemnity in order to receive dependency and indemnity compensation.

(4) Payment of dependency and indemnity compensation to or for a child who becomes entitled under this paragraph will be from the date the monthly rate of dependency and indemnity compensation becomes greater than monthly installments of servicemen's indemnity.

CROSS REFERENCE: Servicemen's indemnity or dependency and indemnity compensation. See § 3.403(e).

**§ 3.707 War orphans' educational assistance.**

(a) Election of war orphans' educational assistance is a bar in the same or any other case to further payments of death pension, compensation, or dependency and indemnity compensation after age 18 because of approved school attendance. Such benefits may be paid concurrently, however, for a child under the age of 18 years or for a helpless child. Election is final after one payment has been made to or for a child or as an administrative allowance to the school. Payment will be considered to have been made when the school has submitted a certification of the child's enrollment and a certification of training, thereby establishing entitlement to payment of an administrative (the reporting) allowance for the certification.

(b) An election of educational assistance will not preclude the allowance of pension, compensation, or dependency and indemnity compensation which is otherwise payable based on school attendance for periods, including vacation periods, prior to the commencement of the educational assistance allowance.

CROSS REFERENCE: War orphans' educational assistance. See § 3.503(h).

**§ 3.708 Bureau of Employees' Compensation.**

(a) *Military service.* (1) Where a person is entitled to compensation from the Bureau of Employees' Compensation based upon disability or death due to service in the Armed Forces and is also entitled based upon service in the Armed Forces to pension, compensation, or dependency and indemnity compensation under the laws administered by the Veterans Administration, he will elect which benefit he will receive. Pension, compensation, or dependency and indemnity compensation may not be paid in such instances by the Veterans Administration concurrently with compensation from the Bureau of Employees' Compensation. Benefits are not payable by the Bureau of Employees' Compensation for disability or death incurred on or after January 1, 1957, based on military service.

(2) Election by a widow controls the rights of any of the veteran's children regardless of whether they are in the widow's custody and regardless of the fact that such children may not be eligible to receive benefits under laws administered by the Bureau of Employees' Compensation.

(3) Except as to claims based on service in the Public Health Service and cases where the Bureau of Employees' Compensation has made a lump-sum settlement in lieu of monthly payments, an election to receive benefits from the Bureau of Employees' Compensation does not preclude the allowance of disability or death benefits by the Veterans Administration when the Bureau of Employees' Compensation has notified the Veterans Administration that the claimant has reelected Veterans Administration benefits.

(4) The provisions of this paragraph are applicable also in those cases in which disability or death occurs as a result of having submitted to an examination, medical or surgical treatment, hospitalization or training.

(5) Payments on an award of disability or death benefits will be discontinued when there is received from the Bureau of Employees' Compensation notice that the payee has elected to receive benefits from that agency based upon military service. If subsequently there is received from that agency a statement that the claimant has reelected Veterans Administration benefits, payment of benefits by the Veterans Administration will be resumed. The award of Veterans Administration benefits will be subject to any payments made by the Bureau of Employees' Compensation to that payee.

(b) *Civilian employment.* Concurrent benefits by the Veterans Administration and the Bureau of Employees' Compensation may be paid where the benefit paid by that agency is based upon civilian employment. Where the same

disability or death, held by that agency to have been incurred in civilian employment, is also the basis of a claim with the Veterans Administration, predicated on disability or death due to military service, the evidence developed by that agency will generally rebut the presumption of service connection. Where not thus rebutted the agency will be notified of the award of Veterans Administration benefits.

**§ 3.709 Social security.**

Where the Veterans Administration has been notified by the Social Security Administration that payments to any individual have been authorized pursuant to the provisions of section 217(b)(2) of the Social Security Act, the Veterans Administration will notify that agency of any determination that death pension, compensation, or dependency and indemnity compensation is payable to any dependent of the veteran. Any such payments certified by the Social Security Administration covering any period on or after the first of any month for which the Veterans Administration benefit would be payable to or for the same person, not exceeding the amount of any pension, compensation, or dependency and indemnity compensation otherwise payable for periods prior to date of approval of the award will be deemed to have been paid by the Veterans Administration.

**§ 3.710 Civil service annuitants.**

Veterans Administration benefits may be paid to a veteran concurrently with civil service retirement benefits. However, the payment of disability pension will be precluded where the annuity, after amortization of cost to the annuitant, exceeds the statutory limitations on income.

RETIREMENT

**§ 3.750 Retirement pay.**

(a) *General.* Except as provided in paragraph (c) of this section and § 3.751, any person entitled to receive retirement pay as a member of the Armed Forces or as a commissioned officer of the Public Health Service or the Coast and Geodetic Survey, may not receive such pay concurrently with benefits payable under laws administered by the Veterans Administration. The term "retirement pay" includes retired pay and retainer pay.

(b) *Election.* An officer or enlisted man entitled to retirement pay as well as pension or compensation may elect which of the benefits he desires to receive. An election of retirement pay does not bar him from making a subsequent election of the other benefit to which he is entitled.

(1) In initial determinations, elections may be applied retroactively if the claimant was not advised of his rights of election and the effect thereof.

(2) The provisions of § 3.752, relating to Government and District of Columbia employees do not apply to pension or compensation and do not in any way prohibit such election.

(c) *Waiver.* Any retired member of the Armed Forces or commissioned officer of the Public Health Service or the Coast and Geodetic Survey, in receipt of retirement pay may receive pension or compensation upon filing with the service department concerned a waiver of so much of his retirement pay as is equal in amount to the pension or compensation to which he is entitled. (38 U.S.C. 3105)

CROSS REFERENCE: Concurrent benefits and elections; general. See § 3.700.

**§ 3.751 Statutory awards; retired service personnel.**

Retired Regular and Reserve officers and enlisted men are not entitled to statutory awards of disability compensation from the Veterans Administration in addition to their retirement pay. However, under § 3.750(c), eligible persons may waive an amount equal to the basic disability compensation and any statutory award otherwise payable by the Veterans Administration.

**§ 3.752 Government and District of Columbia employees.**

(a) *General.* Except as provided hereafter, retirement pay to a commissioned officer (other than that payable on or after July 1, 1947, to retired Reserve officers during a period of actual membership in the Organized Reserve Corps of a Reserve component of the Armed Forces) may not be paid concurrently with salary from the United States Government, the Municipal Government of the District of Columbia, or any corporation of which the majority of stock is owned by the United States. (Section 212, Pub. Law 212, 72d Congress, as amended.)

(b) *Annual salary*—(1) *Concurrent benefits payable.* Concurrent benefits may be paid when:

(i) The rate of retirement pay and the rate of the civilian pay, when combined, are equal to or less than $10,000; or

(ii) The retirement pay is at a rate of less than $10,000 and the civilian pay is at a rate of less than $10,000; however, such person may be paid the full amount of his civilian pay and such additional amount of retirement pay as will make a total rate payment annually of $10,000; or

(iii) The disability, for which the person was retired, was incurred in combat with an enemy of the United States (a determination that a disability was incurred or aggravated by active service in line of duty does not meet this requirement); or

(iv) The disability, for which the person was retired, was caused by an instrumentality of war in line of duty.

(2) *Exception.* A finding by the Board of Veterans Appeals that a disability is the direct result of the performance of duty or that the disability for which the officer was retired was in fact incurred in or aggravated by service in line of duty without benefit of any statutory presumption does not of itself meet the requirements of subparagraph (1)(iii) or (iv) of this paragraph.

(3) *Concurrent benefits not payable.* Concurrent benefits may not be paid when:

(i) The retirement pay is at a rate of less than $10,000 and the civilian pay is at a rate in excess of $10,000. Even though the civilian employment is part-time and the salary actually paid is less than $10,000 there is no right to any portion of the retired pay.

(ii) The retirement pay is at a rate equal to or in excess of $10,000 per annum. However, such person must elect which form of payment he desires.

(4) *Deductions.* The amount of Federal salary received includes the civil service retirement and the Federal income tax deductions. However, amounts received by Government employees for overtime will not be considered in determining the annual rate of civilian pay.

(5) *Fees received from Federal employment.* (i) Fees received from the Federal or District Government are included as salary only when such fees are paid to the employee in a "civilian office or position, appointive or elective."

(ii) Fees based on services furnished under contract (i.e., when the person receiving same is not an "employee") are not included.

**§ 3.753 Public Health Service.**

Disability compensation may be paid concurrently with retirement pay to an officer of the commissioned corps of the Public Health Service, who was receiving disability compensation on December 31, 1956, as follows:

(a) An officer who incurred a disability before July 29, 1945, but retired for nondisability purposes prior to such date.

(b) An officer who incurred a disability before July 29, 1945, but retired for nondisability purposes between July 4, 1952, and December 31, 1956.

(c) An officer who incurred a disability between July 29, 1945, and July 3, 1952, but retired for nondisability purposes between July 4, 1952, and December 31, 1956.

SPECIAL BENEFITS

**§ 3.800 Disability or death due to hospitalization, etc.**

(a) Where disease, injury, death or the aggravation of an existing disease or injury occurs as a result of having submitted to an examination, medical or surgical treatment, hospitalization, or training under any law administered by the Veterans Administration and not the result of his own willful misconduct, disability or death compensation, or dependency and indemnity compensation will be awarded for such disease, injury, aggravation, or death as if such condition were service connected. Benefits are not payable unless claim is filed within 2 years after incurrence of such disease, injury, aggravation or death. (38 U.S.C. 351)

(1) Benefits under paragraph (a) of this section will be in lieu of any benefits the veteran may be entitled to receive under the Federal Employees' Compensation Act inasmuch as concurrent payments are prohibited. (See § 3.708.)

(2) The Federal Tort Claims Act is applicable to cases arising under paragraph (a) of this section if the injury or death is due to negligence or other tortious act. A judgment under the tort act does not prohibit payments under paragraph (a) of this section unless specified in the terms of the judgment. In settling any claims under section 403 of the Federal Tort Claims Act (title IV, Public Law 601, 79th Congress), the Veterans Administration must take into consideration any payments previously made under paragraph (a) of this section and further payments will be prohibited by such award.

(b)(1) If the veteran served during a war period the compensation to be awarded to the veteran or his dependents will be at the wartime rate. If death occurs on or after January 1, 1957, the benefit payable will be dependency and indemnity compensation.

(2) If the veteran served only during peacetime the compensation to be awarded to the veteran or his dependents will be the peacetime rate. If death occurs on or after January 1, 1957, the benefit payable will be dependency and indemnity compensation.

CROSS REFERENCES: Claims; injury due to hospital treatment, etc. See § 3.154.
Effective dates; disability or death due to hospitalization, etc. See § 3.400(i).

**§ 3.801 Special acts.**

(a) *General.* A special act is one authorizing the payment of benefits to a particular person or persons. If a beneficiary in a special act has no claim before the Veterans Administration, a formal application must be filed before benefits may be awarded.

(b) *Limitations.* Where the rate, commencement, and duration are fixed by a special act, they are not subject to be varied by the provisions and limitations of the public laws, but where not fixed, the rate and continuance of the benefit is subject to variance in accordance with the public laws.

(c) *Provisions of act.* (1) When pension or compensation is granted by a special act, which fixes the rate and commencement, the rate thereunder cannot be increased nor can any other pension or compensation be paid in the absence of the payee's election, unless the special act expressly states that the benefit granted thereby is in addition to the benefit which the person is entitled to receive under any public law.

(2) If a special act corrects the nature of separation from military service and does not grant pension or compensation directly, then the claimant acquires a status so that he is eligible to apply for and be allowed benefits. He, then, is placed in the same position as he would have been if he had been released under conditions other than dishonorable.

(d) *Service.* A special act of Congress, reciting that a person is considered to have been mustered into the service on a named date and honorably discharged on a subsequently named date, is sufficient regardless of whether the service department has any record of such service.

(e) *Hospitalization.* Pension payable under special acts is subject to reduction pursuant to §§ 3.551 and 3.557.



**§ 3.802 Medal of Honor.**

(a) The Secretary of the Department of the Army, the Department of the Navy or the Department of the Air Force will determine the eligibility of applicants to the award of the Medal of Honor and will deliver to the Administrator of the Veterans Administration, a certified copy of each certificate or award issued. (38 U.S.C. 560, 561)

(b) An award of special pension of $10 monthly will be made as of the date of filing of the application with the Secretary concerned. The special pension will be paid in addition to all other payments under laws of the United States. However, a person awarded more than one Medal of Honor may not receive more than one special pension. (38 U.S.C. 562)

**§ 3.803 Naval pension.**

(a) Payment of naval pension will be authorized on the basis of a certification by the Secretary of the Navy. (10 U.S.C. 6159, 6160)

(b) Awards of naval pension in effect prior to July 14, 1943, or renewed or continued may be paid concurrently with Veterans Administration pension or compensation; however, such allowance may not exceed one-fourth of the rate of disability pension or compensation otherwise payable, exclusive of additional allowances for dependents or specific disabilities.

(c) New awards of naval pension may not be awarded concurrently with Veterans Administration pension or compensation. (38 U.S.C. 3104(a))

(d) Naval pension remaining unpaid at the date of the veteran's death is not payable by the Veterans Administration as an accrued benefit.

**§ 3.804 Special allowance under 38 U.S.C. 412.**

(a) The provisions of this section are applicable to the payment of a special allowance by the Veterans Administration to the surviving dependents of a veteran who served after September 15, 1940, and who died on or after January 1, 1957, as a result of such service and who was not a fully and currently insured individual under title II of the Social Security Act.

(b) The special allowance is not payable:

(1) Where the veteran's death resulted from Veterans Administration hospitalization, treatment, examination, or training;

(2) Where the veteran's death was due to service rendered with the Commonwealth Army of the Philippines while such forces were in the service of the Armed Forces pursuant to the military order of the President dated July 26, 1941, or was due to service in the Philippine Scouts under section 14, Public Law 190, 79th Congress.

(c) A claim for dependency and indemnity compensation on a form prescribed will be accepted as a claim for the special allowance where it is determined that this benefit is payable or where a specific inquiry concerning entitlement to the special allowance is received.

(d) Payment of this allowance will be authorized on the basis of a certification from the Social Security Administration. Award actions subsequent to the original award, including adjustment and discontinuance, will be made in accordance with new certifications from the Social Security Administration.

(e)(1) The special allowance will be payable only if the death occurred:

(i) While on active duty, active duty for training, or inactive duty training as a member of a uniformed service (line of duty is not a factor); or

(ii) As the result of a disease or injury which was incurred or aggravated in line of duty while on active duty or active duty for training, or an injury which was incurred or aggravated in line of duty while on inactive duty training, as a member of a uniformed service after September 15, 1940, if the veteran was discharged or released from the period of such duty, under conditions other than dishonorable.

(2) Where the veteran died after separation from service:

(i) Discharge from service must have been under conditions other than dishonorable as outlined in § 3.12.

(ii) Line of duty and service connection will be determined as outlined in § 3.1 (k) and (m) and the § 3.300 series.

**§ 3.805 Loan guaranty for widows; certification.**

A certification of loan guaranty benefits may be extended to widows based on an application filed on or after January 1, 1959, if:

(a) The veteran served in the Armed Forces of the United States (Allied Nations are not included) at any time on or after September 16, 1940, and prior to or on July 25, 1947; or at any time on or after June 27, 1950, and prior to February 1, 1955; and

(b) The veteran died in service; or

(c) The veteran died after separation from service and such separation was under conditions other than dishonorable provided the veteran's death was the result of injury or disease incurred in or aggravated by service in line of duty rendered on or after September 16, 1940, regardless of the date of entrance into such service (cases where compensation is payable because of death resulting from hospitalization, treatment, examination, or training are not included); and

(d) The widow meets the requirements of the term "widow" as outlined in § 3.50; and

(e) The veteran's widow has not remarried since his death; and

(f) The applicant is not herself an eligible veteran.

**§ 3.806 Death gratuity; certification.**

(a) Where a veteran dies on or after January 1, 1957, and during the 120-day period which begins on the day following the date of his discharge or release from active duty, active duty for training, or inactive training duty, the Veterans Administration will certify that fact to the Secretary concerned if the Veterans Ad-

ministration determines on the basis of a claim filed with it that:

(1) Death resulted from:

(i) Disease or injury incurred or aggravated while on such active duty or active duty for training; or

(ii) Injury incurred or aggravated while on such inactive duty training; and

(2) The deceased person was discharged or released from such service under conditions other than dishonorable.

(b) In all cases, other than listed in paragraph (a) of this section, the certification will be furnished at the request of the Secretary concerned.

(c) For the purposes of this section, line of duty is not a factor. The standards, criteria, and procedures for determining incurrence or aggravation of a disease or injury under paragraph (a) of this section are those applicable under disability and death compensation laws administered by the Veterans Administration. (38 U.S.C. 423)

**§ 3.807 War orphans' educational assistance; certification.**

For the purposes of war orphans' educational assistance for periods on and after January 1, 1959, the child of a deceased veteran will have basic eligibility if:

(a) The veteran's death was the result of disease or injury incurred in or aggravated by active service. During World War I, as defined in 38 U.S.C. 101(7), World War II, prior to January 1, 1947, or the Korean conflict (cases where the veteran's death resulted from Veterans Administration hospitalization, treatment, examination or training are not included); and

(b) The veteran died in service or after separation from service provided such separation was under conditions other than dishonorable; and

(c) The child meets the definitions of relationship contained in § 3.57 except as to the requirement of age and marital status. (38 U.S.C. 1701)

CROSS REFERENCE: War orphans' educational assistance. See § 3.707.

**§ 3.808 Automobiles or other conveyances; certification.**

A certification for an automobile or other conveyance may be extended to a veteran if the following requirements are met:

(a) *Service.* Active military, naval or air service is required in World War II or the Korean conflict as defined in § 3.1 (d) or (e).

(b) *Disability.* The disability of the veteran must have been incurred or aggravated as the result of a period of service as indicated in paragraph (a) of this section and such veteran must be entitled to compensation for one of the following:

(1) Loss or permanent loss of use of one or both feet; or

(2) Loss or permanent loss of use of one or both hands; or

(3) Permanent impairment of vision of both eyes: Central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye. (38 U.S.C. 1901)

(c) *Date of claim.* A certification will be issued to a veteran who otherwise qualifies under this section only if he makes application:

(1) Within 5 years after date of discharge or release from active service; or

(2) Within 3 years after occurrence of a disability enumerated in paragraph (b) of this section if the disability occurs subsequent to date of discharge or release ("occurrence" is factual and is determined from that date and not the date of rating); or

(3) Within 1 year from the date on which his entitlement to compensation for a disability enumerated in paragraph (b) of this section is determined, notwithstanding subparagraphs (1) and (2) of this paragraph. (38 U.S.C. 1905)

(d) *Duplication of benefits.* A certification of eligibility will not be issued to any veteran for more than one automobile or other conveyance under the provisions of this section. (38 U.S.C. 1904)

**§ 3.809 Specially adapted housing.**

A certificate of eligibility for assistance in acquiring specially adapted housing may be extended to a veteran if the following requirements are met:

(a) *Service.* Active military, naval or air service after April 20, 1898, is required. Benefits are not restricted to veterans with wartime service.

(b) *Disability.* The disability must have been incurred or aggravated as the result of service as indicated in paragraph (a) of this section and the veteran must be entitled to compensation for permanent and total disability due to the loss, or loss of use, by reason of amputation, ankylosis, progressive muscular dystrophies, or paralysis of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheel chair.

(c) *Duplication of benefits.* The assistance referred to in this section will not be available to any veteran more than once.

CROSS REFERENCE: Assistance to certain disabled veterans in acquiring specially adapted housing. See §§ 36.4400 through 36.4410 of this chapter.

## GUARDIANSHIP AND INSTITUTIONAL AWARDS

**§ 3.850 General.**

(a) Payment of benefits to a duly recognized fiduciary will be made on behalf of a person who is mentally incompetent or who is a minor; however, payments may be made direct to a minor who is serving in or has been discharged from the military forces of the United States or a minor widow. Direct payment to such a child or widow without the appointment of a fiduciary is not mandatory but depends upon the circumstances involved. In any case of an incompetent veteran having no guardian, payment of benefits may be made to the wife of such veteran for the use of the veteran and his dependents.

(b) When payments have been discontinued or withheld from a guardian, benefits may be temporarily paid to the person having custody of the minor or incompetent.

(c) Where the total amount payable on behalf of a child or children who are in the custody of the widow or the mother of the child does not exceed $100 for each child, payment may be made to the widow or the mother as legal custodian without reference to the Chief Attorney.

(d) Benefits due a minor or incompetent adult Indian who is a recognized ward of the Government, for whom no fiduciary has been appointed, may be paid to the proper officer of the Indian Service designated by the Secretary of the Interior to receive funds for said person.

**§ 3.851 St. Elizabeths Hospital, Washington, D.C.**

Benefits due or becoming due any person who is a patient at St. Elizabeths Hospital will be paid to a duly appointed fiduciary of such person. The benefits payable to a veteran who has no wife, child, or dependent parent will be paid by an institutional award in accordance with § 3.852 if there is no such fiduciary. Benefits payable to veterans' dependents who are patients at this hospital will be paid only to a fiduciary of such dependent, except that any awards now being paid to the superintendent will be continued while such dependent remains a patient.

**§ 3.852 Institutional awards.**

(a) When an incompetent veteran entitled to pension, compensation, or retirement pay is a patient in a hospital or other institution, payments on his account may be made to the Manager of a Veterans Administration hospital or chief officer of a non-Veterans Administration institution:

(1) When no fiduciary has been appointed or when payments to an unsatisfactory fiduciary have been discontinued;

(2) When the Chief Attorney certifies that a fiduciary is not furnishing the chief officer funds required for the veteran's comforts and desires not otherwise provided by the institution;

(3) When a fiduciary requests that an institutional award be made or continued, and the Chief Attorney approves the request.

(b) In an institutional award of pension, compensation, or retirement pay there may be paid to the chief officer of a non-Veterans Administration institution in behalf of the veteran an amount not in excess of $30 per month:

(1) All sums, otherwise payable in excess of the institutional award, apportionments or awards to fiduciaries, will be deposited in Personal Funds of Patients;

(2) In pension cases there may be paid on behalf of a veteran, having no wife, child, or dependent parent and receiving care in a non-Veterans Administration institution, such additional amount, within the limit of the pension payable and as may be certified by the Chief Attorney, needed for the benefit of the veteran and to pay for his cost and maintenance. Moneys on deposit in Personal Funds of Patients will not be used to pay for his cost and maintenance;

(3) If the veteran has dependents, or more is payable under his rating, or there are funds to his credit in "Funds Due Incompetent Beneficiaries," such additional amount as may be needed will be allowed on the basis of a certification by the chief officer with respect to need and amount required.

(c) Where there arises a situation as enumerated in paragraph (a) (1) of this section, apportionment to dependents will be under § 3.451.

(d) There will be paid to the Manager of a Veterans Administration hospital or center all sums otherwise payable in excess of apportionments or awards to fiduciaries.

(e) Any excess funds held by the chief officer of a non-Veterans Administration institution, not necessary for the benefit of the veteran, will be returned to the Veterans Administration or to a fiduciary, if one is serving. Upon death of a veteran with no surviving heirs, excess funds will be returned to the Veterans Administration.

CROSS REFERENCE: Veterans benefits apportionable. See § 3.452.

**§ 3.853 Chief Officer.**

The chief officer will include and apply to all boards of control, trustees, boards of administration, commissions, other person or persons in charge of such institutions, and the bonded officials thereof, who are authorized to receive and disburse moneys for the benefit and in behalf of the inmates of such institutions. All awards made to a contract institution will be made to the bonded official of the institution.

**§ 3.854 Limitation on payments for minor.**

Benefits will not be authorized to a fiduciary recognized or appointed for a child, by reason of its minority, for any period subsequent to the day preceding the date on which the child will attain its majority under the law of the State in which the child resides. Payments on or after that date, if otherwise in order, will be made direct to the child, if competent, or, if incompetent, to a fiduciary appointed for the child as a mentally incompetent adult.

**§ 3.855 Beneficiary reported incompetent.**

(a) *Notice of commitment of beneficiary or appointment of guardian.* Payments being made direct to a beneficiary will be discontinued when notice is received that the beneficiary has been committed to a hospital for the insane or that a guardian has been appointed. Further payments will not be made until a certification has been received from the Chief Attorney that a fiduciary has been appointed or a statement that payments should be released direct to the beneficiary.

(b) *Evidence of incompetency other than notice of commitment or of appointment of guardian.* If information other than that described in paragraph (a) of this section is received and it is indicated that the beneficiary may be incompetent or he is not receiving or is being deprived of the full benefits being paid, the Chief Attorney will be requested to determine whether a fiduciary should be appointed. Payments will not be discontinued pending receipt of the Chief Attorney's report unless necessary as a protective measure.

**§ 3.856 Marriage of female fiduciary.**

If a female guardian or legal custodian receiving benefits in such capacity marries, her statement setting forth her present name may be accepted.

**§ 3.857 Children's benefits to fiduciary of widow.**

Where children are separated from the widow by reason of her incompetency, no apportionment is required. All amounts payable on behalf of the children may be paid to the fiduciary of the widow provided the fiduciary is adequately taking care of the needs of the children from the widow's estate voluntarily or pursuant to a decree of court.

## FORFEITURE

**§ 3.900 General.**

(a) Forfeiture of benefits based on one period of service does not affect entitlement to benefits based on a period of service beginning after the offense causing the prior forfeiture.

(b) Any offense committed prior to January 1, 1959, may cause a forfeiture and any forfeiture in effect prior to January 1, 1959, will continue to be a bar on or after January 1, 1959. (Section 3, Public Law 85–857.)

(c) Pension or compensation payments are not subject to forfeiture because of violation of hospital rules.

(d) When the veteran has forfeited his rights by reason of fraud or a treasonable act determination as to the rights of any dependents of record to benefits may be made without application on their part. (38 U.S.C. 3503(b) and 38 U.S.C. 3504 (b))

CROSS REFERENCES: Servicemen's indemnity; forfeiture. See § 3.1816.
Burial benefits; forfeiture. See § 3.1609.

**§ 3.901 Fraud.**

(a) A person who knowingly makes or causes to be made or conspires, combines, aids, or assists in, agrees to, arranges for, or in any way procures the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, concerning any claim for benefits under any of the laws administered by the Veterans Administration (except laws relating to insurance benefits) forfeits all rights, claims, and benefits under all laws administered by the Veterans Administration (except laws relating to insurance benefits). (38 U.S.C. 3503(a))

(b) Whenever a veteran entitled to disability compensation has forfeited his right under this section the compensation payable except for the forfeiture will be paid to his wife, children and parents. The total amount payable will be the lesser of these amounts:

(1) Service-connected death benefit payable.

(2) Amount of compensation payable but for the forfeiture. No benefits are payable to any person who participated in the fraud causing the forfeiture.

CROSS REFERENCES: Effective dates; forfeiture. See § 3.400(m).
Reductions and discontinuances; fraud. See § 3.500(k).

**§ 3.902 Treasonable acts.**

(a) Any person determined by the Veterans Administration to be guilty of mutiny, treason, sabotage or rendering assistance to an enemy of the United States or of its allies forfeits all gratuity benefits which he may presently be receiving or would have been entitled to in the future.

(b) In the application of paragraph (a) of this section the Administrator may pay any part of benefits so forfeited to the dependents of the person except that the amount may not be in excess of that which the dependent would be entitled to as a death benefit. (38 U.S.C. 3504)

(1) *Compensation.* Whenever a veteran entitled to disability compensation has forfeited his right any part of the compensation payable except for the forfeiture may be paid to his wife, children, and parents. The total amount payable will be the lesser of these amounts:

(i) Service-connected death benefit payable.

(ii) Amount of compensation payable but for the forfeiture. No benefits are payable to any person participating in the treasonable act causing the forfeiture.

(2) *Pension.* Whenever a veteran entitled to pension has forfeited his right, any part of the pension payable except for the forfeiture provision may be paid to his wife and children. The total amount payable will be the lesser of these amounts:

(i) Nonservice-connected death benefit payable.

(ii) Amount of pension being paid the veteran at the time of forfeiture.

No benefits are payable to any person who participated in the treasonable act causing the forfeiture.

(c) A treasonable act committed by a child or children, regardless of age, who are in the widow's custody and included in an award to her will not affect the award to the widow.

CROSS REFERENCES: Servicemen's indemnity; forfeiture. See § 3.1816.
Burial benefits; forfeiture. See § 3.1609.
Effective date; forfeiture. See § 3.400(m).
Reductions and discontinuances; treasonable acts. See § 3.500(t).

**§ 3.903 Effect of forfeiture after veteran's death.**

Whenever a veteran has forfeited his right by reason of fraud or a treasonable act his surviving dependents upon proper application may be paid pension, compensation, or dependency and indemnity compensation if otherwise eligible. No benefits are payable to any person

who participated in the fraud causing the forfeiture. (38 U.S.C. 3503(c))

CROSS REFERENCE: Burial benefits; forfeiture. See § 3.1609.

PROTECTION

**§ 3.950 Helpless children; Spanish-American and prior wars.**

Marriage is not a bar to the payment of pension or compensation to a helpless child under an award approved prior to April 1, 1944. The presumption, arising from the fact of marriage, that helplessness has ceased may be overcome by positive proof of continuing helplessness. As to awards approved on or after April 1, 1944, pension or compensation may not be paid to a helpless child who has married.

**§ 3.951 Total disability.**

A rating of total disability or permanent total disability made for pension, compensation, or insurance purposes under laws administered by the Veterans Administration and continuously in force for 20 or more years will not be reduced thereafter except upon a showing that such rating was based on fraud. (38 U.S.C. 110)

**§ 3.952 Protected ratings.**

Ratings under the Schedule of Disability Ratings, 1925, which were the basis of compensation on April 1, 1946, are subject to modification only when there is a change in physical or mental condition providing greater benefits when evaluated under the Schedule for Rating Disabilities, 1945 (Loose Leaf Edition), or when such a change would have required a reduction under the 1925 schedule, after which time all evaluations will be under the 1945 schedule (loose leaf edition) only. Such changes must be of an other than temporary nature (due to hospitalization, surgery, etc.). When a temporary evaluation is involved, the 1925 schedule evaluation will be restored after the period of increase has elapsed unless the permanent residuals would have required reduction under that schedule, or unless an increased evaluation would be assignable under a 1945 schedule (loose leaf edition) rating. In any instance where the changed condition represents an increased degree of disability under either rating schedule but the evaluation provided by the 1945 schedule (loose leaf edition) is less than the evaluation in effect under the 1925 schedule on April 1, 1946, the 1925 schedule evaluation and award are protected.

**§ 3.953 Public Law 85–857.**

(a) *In receipt of or entitled to receive benefits on December 31, 1958.* Any person receiving or entitled to receive benefits under any public law administered by the Veterans Administration on December 31, 1958, may, except where there was fraud, clear and unmistakable error of fact or law, or misrepresentation of material facts, continue to receive such benefits as long as the conditions warranting such payment under those laws continue. The greater benefit under the previous law or the corresponding section of title 38, United States Code, will be paid in the absence of an election to receive the lesser benefit. (Section 10, Pub. Law 85–857.)

(b) *Emergency officers' retirement pay.* Any person who was receiving, or entitled to receive, emergency officers' retirement pay, or other privileges or benefits as a retired emergency officer of World War I, on December 31, 1958, under the laws in effect on that day, will, except where there was fraud, clear and unmistakable error as to conclusion of fact or law, or misrepresentation of material facts, continue to receive, or be entitled to receive, emergency officers' retirement pay at the rate otherwise payable on December 31, 1958, and such other privileges and benefits, so long as the conditions warranting such pay, privileges, and benefits under those laws continue. (Section 11, Pub. Law 85–857.)

**§ 3.954 Burial allowance.**

When any person who had a status under any law in effect on December 31, 1957, which afforded entitlement to burial benefits dies, the burial allowance will be paid, if otherwise in order, even though such status does not meet the service requirements of 38 U.S.C. Ch. 23. (38 U.S.C. 905)

**§ 3.955 Death pension.**

For the purpose of 38 U.S.C. 541 through 544 will be considered that the veteran was "receiving or entitled to receive compensation or retirement pay based on a service-connected disability" even though there is a rating decision severing service connection or holding that the service-connected condition was not disabling, if at the time of death the award had not been discontinued.

ACCRUED

**§ 3.1000 Under 38 U.S.C. 3021.**

(a) *Basic entitlement.* Except as provided in §§ 3.1001 and 3.1008, periodic monetary benefits (other than insurance and servicemen's indemnity) authorized under laws administered by the Veterans Administration, to which a person was entitled at his death under existing ratings or decisions, or those based on evidence in the file at date of death, and due and unpaid for a period not to exceed 1 year prior to death will, upon the death of such person, be paid as follows:

(1) Upon the death of a veteran to the living person first listed as follows:

(i) His spouse;

(ii) His children (in equal shares);

(iii) His dependent parents (if the veteran died before January 1, 1958, the accrued is payable to the dependent mother or the dependent father in the order named; if the veteran died on or after January 1, 1958, the accrued is payable to the dependent mother and dependent father in equal shares).

(2) Upon the death of a widow or remarried widow, to the veteran's children.

(3) Upon the death of a child, to the surviving children of the veteran entitled to death pension, compensation, or dependency and indemnity compensation.

(4) In all other cases, only so much of the accrued benefits may be paid as may be necessary to reimburse the person who bore the expense of last sickness and burial. (See § 3.1002.)

(b) *Apportionments.* (1) Upon the death of a person receiving an apportioned share of benefits payable to a veteran, all or any part of such unpaid amount is payable to the veteran or to any other dependent or dependents of the veteran. (38 U.S.C. 3021(a)(1))

(2) Where at the date of death of the veteran an apportioned share is being paid to or has been withheld on behalf of another person, the apportioned amount remaining unpaid for periods prior to the date of the veteran's death is payable to the apportionee. Where it is determined after the veteran's death that an increased amount is payable, the apportionee is entitled to receive his proportionate share in his own right, covering a period not to exceed 1 year prior to the date of the veteran's death. There is no time limit for the date of filing of a claim by the apportionee.

(3) Where the accrued death pension, compensation, or dependency and indemnity compensation was payable for a child as an apportioned share of the widow's benefit, payment will be made under the provisions of paragraph (a)(4) of this section, on the expenses of such deceased child's last sickness and burial.

(c) *Claims and evidence.* Applications for accrued benefits must be filed within 1 year after the date of death. If a claimant's application is incomplete at the time it is originally submitted, the claimant will be notified of the evidence necessary to complete the application. If such evidence is not received within 1 year from the date of such notification, no accrued benefits may be paid. A claim for death pension, compensation, or dependency and indemnity compensation, by an apportionee, widow, child, or parent is deemed to include claim for any accrued benefits. (See § 3.152(b).) (38 U.S.C. 3021(c))

(d) *Definitions.* (1)(i) "Spouse" mean the widow or widower of the veteran irrespective of the date of marriage. Continuous cohabitation is not a factor.

(ii) If the veteran died on or after August 28, 1957, a woman who is recognized as widow by reason of a marriage which is "deemed valid" may be awarded accrued benefits which are otherwise payable, including benefits for periods prior to August 28, 1957.

(2) "Child" is as defined in § 3.57 and includes an unmarried child who became helpless prior to attaining 18 years of age as well as an unmarried child over the age of 18 but not over 21 years of age, who was pursuing a course of instruction within the meaning of § 3.57 at the time of the payee's death. However, upon the death of a child in receipt of death pension, compensation, or dependency and indemnity compensation, any accrued will be payable to the surviving child or children of the veteran entitled to death pension, compensation, or dependency and indemnity compensation. Upon the death of a child, another child who has elected war orphans' educational assistance under 38 U.S.C. ch. 35 may receive accrued death pension, compensation, or dependency and indemnity compensation, payable on behalf of the deceased child for periods prior to the commencement of benefits under that chapter.



(3) "Dependent parent" is as defined in § 3.59: *Provided*, That the mother or father was dependent within the meaning of § 3.250 at the date of the veteran's death.

(4) "Evidence in the file at date of death," as used in paragraph (a) of this section, will be considered to have been met when there is on file at the date of the veteran's death:

(i) Notwithstanding § 3.200(b) evidence, including uncertified statements, which is essentially complete and of such weight as to establish service connection or degree of disability for disease or injury when substantiated by other evidence in file at date of death or when considered in connection with the identifying, verifying, or corroborative effect of the death certificate.

(ii) In the case of a veteran whose award is subject to reduction by reason of hospital treatment, institutional or domiciliary care by the Veterans Administration, and in the case of a veteran whose award is subject to increase by reason of the existence of dependents, prima facie proof of dependents, or of other factors affecting entitlement, such as statements on the claim for benefits, or allied forms, provided satisfactory evidence is furnished in support of the claim for accrued benefits. The provisions of this subdivision are not applicable to original awards of accrued benefits.

(e) *Subsistence allowance and education and training allowance.* Subsistence allowance under the provisions of 38 U.S.C. ch. 31, and education and training allowance under the provisions of 38 U.S.C. ch. 33, remaining due and unpaid at the date of the veteran's death, are payable under the provisions of this section.

(f) *War orphans' educational assistance.* Educational assistance allowance or special restorative training allowance under 38 U.S.C. ch. 35, remaining due and unpaid at the date of the eligible person's death is payable only to another child or children of the veteran under paragraph (a)(3) of this section (see also paragraph (d)(2) of this section) or on the expenses of last sickness and burial under paragraph (a)(4) of this section.

**§ 3.1001 Lump sums payable at death of competent veteran where award was reduced by reason of hospital treatment, institutional or domiciliary care by the Veterans Administration.**

The provisions of this section apply only to the payment of amounts actually withheld on a running award under § 3.551 which are payable in a lump sum after the veteran's death.

(a) *Basic entitlement.* Where an award of disability pension, compensation, or retirement pay for a competent veteran without dependents was reduced because of hospital treatment or institutional or domiciliary care by the Veterans Administration and the veteran dies while receiving such treatment or care or before payment of amounts withheld, the lump sum is payable to the living person first listed as follows:

(1) His spouse, as defined in § 3.1000(d)(1);

(2) His children (in equal shares), as defined in § 3.57 but without regard to their age or marital status;

(3) His parents (in equal shares) as defined in § 3.59, or the surviving parent;

(4) His brothers and sisters (in equal shares), including brothers and sisters of the half-blood and brothers and sisters by adoption;

(5) In all other cases, only so much of the lump sum may be paid as may be necessary to reimburse a person who bore the expenses of last sickness and burial. (See § 3.1002.)

(6) A waiver of rights by a person having title to all or a share of the accrued lump sum will not serve to vest title in a person having equal or successor rights.

(b) *Claim.* Applications must be filed with the Veterans Administration within 5 years after the death of the veteran. If, however, any person otherwise entitled is under legal disability at the time of the veteran's death, the 5-year period will run from the date of termination or removal of the legal disability. Failure of a member of a joint class to file timely claim will not serve to increase the amount otherwise payable to the other members of that class. There is no time limit on the retroactive period of an award or for furnishing evidence.

(c) *Lump sum withheld after discharge from institution.* The provisions of paragraphs (a) and (b) of this section will apply in the event of the death of any veteran prior to receiving a lump sum which was withheld because treatment or care was terminated by him against medical advice or as the result of disciplinary action. (38 U.S.C. 3203)

**§ 3.1002 Political subdivisions of United States.**

No part of any accrued benefits will be used to reimburse any political subdivision of the United States for expenses incurred in the last sickness or burial of any beneficiary. (38 U.S.C. 3021(b) and 3203(a)(2)(A))

**§ 3.1003 Returned and canceled checks.**

For the purposes of §§ 3.1000 and 3.1008, where the payee of a check for benefits has died on or after May 29, 1953, and on or after the last day of the period covered by the check, and the check is returned and canceled, the amount represented by the check or any amount recovered after improper negotiation of such a check will be payable to the living person or persons in the order of precedence listed. This does not apply to checks for lump sums representing amounts withheld under § 3.551 or 3.557 which will be subject to the provisions of § 3.1001 or 3.1007, as applicable. (38 U.S.C. 3022)

(a) There is no time limit for the date of filing claim, or the retroactive period covered by the award, or the date of receipt of evidence.

(b) The fact that one or more persons having a higher order of precedence survived the beneficiary will not preclude payment to a claimant who is otherwise entitled if it is shown that at the time the claim is adjudicated such persons are deceased.

**§ 3.1007 Amounts withheld or not paid incompetent veteran where award has been reduced or discontinued by reason of hospital treatment, institutional or domiciliary care by the Veterans Administration.**

Where an award of disability pension, compensation, or retirement pay for an incompetent veteran without dependents was reduced under § 3.551 because of hospitalization, institutional or domiciliary care by the Veterans Administration, or was discontinued under § 3.557 because his estate equaled or exceeded $1,500, and the veteran dies before payment of amounts withheld or not paid by reason of such care, no part of such amount will be paid to any person. The term "dies before payment" includes cases in which a check was issued and the veteran died before negotiating the check. (38 U.S.C. 3203(b))

**§ 3.1008 Accrued benefits payable to foreign beneficiaries.**

In case of death of the payee of any check in payment of periodic monetary benefits (other than insurance and servicemen's indemnity) accruing under laws administered by the Veterans Administration, while the amount thereof remains in the special deposit account established by Public Law 828, 76th Congress, such amount will be payable under section 3 of that act. (31 U.S.C. 125) However, the accrued amount will be payable only if the person on whose behalf checks were issued and the person claiming the accrued amount have not been guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies.

PROVISIONAL REGULATIONS

**§ 3.1550 Instructions relating to the computation of annuities or pensions received from the Railroad Retirement Board as income for pension purposes.**

(a) *Provisions of the law.* (1) Section 4, Public Law 86–28 amends section 20 of the Railroad Retirement Act of 1937 to provide that "Pensions and annuities under this Act or the Railroad Retirement Act of 1935 shall not be considered as income for the purposes of section 522 of title 38 of the United States Code."

(2) Section 6(a) further provides that section 4 will be ". . . effective only with respect to pensions due in calendar months after the month next following the month of enactment of this Act and annuities accruing for months after the month of enactment of this Act."

(b) *Scope of coverage—*(1) *Pension.* Benefits received by former railroad employees as pensions, accrued or current, on and after July 1, 1959, will not be counted as income for the purposes of determining entitlement to pension under the provisions of 38 U.S.C. 522. Pension is a term used by the Railroad Retirement Board to identify the monetary benefit paid to former railroad employees who were on the gratuity rolls of the employer by reason of their employment and were on such rolls on March 1, 1937, when the administrative function of paying this benefit was assumed by the Rail-

road Retirement Board. Persons receiving pension made no contribution under the Railroad Retirement Act to the pension fund.

(2) *Annuity.* Accrued annuities due for any period prior to June 1, 1959, but paid on or after July 1, 1959, will be counted as income. Annuities accruing for periods on and after June 1, 1959, and paid on or after July 1, 1959, will not be counted as income under 38 U.S.C. 522. Annuity is defined for the purposes of payment of Railroad Retirement benefits as that benefit paid to individuals who are retired under the provisions of the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937.

(3) *Survivor annuities.* Survivor annuities will not be counted as income under 38 U.S.C. 522. However, such annuities will be considered as income under 38 U.S.C. 545.

(c) *Effective date.* No payments by virtue of this bill may be effective prior to July 1, 1959. (Instruction 1, Pub. Law 86–28)

**§ 3.1551 Payment of benefits to certain veterans who were discharged as aliens and to their dependents.**

(a) *Provisions of the law.* Public Law 86–113 amends section 3103(c) of Title 38, United States Code by adding at the end thereof the following: "No individual shall be considered as having been discharged on his own application or solicitation as an alien in the absence of affirmative evidence establishing that he was so discharged."

(b) *Effect of the act.* The effect of the law is to create a rebuttable presumption that a discharge for alienage was not issued at the veteran's own request. Consequently, it will no longer be necessary for the claimant to establish this fact by affirmative evidence before benefits may be awarded. In the absence of evidence to the contrary it is presumed that the veteran was not discharged at his own request.

(c) *Procedure.* When a claim is filed by a veteran who was discharged as an alien or by a dependent of such a deceased veteran action will be taken as follows:

(1) Where there is affirmative evidence establishing that the veteran requested his discharge the claim for benefits will be disallowed. However, if character of discharge was changed to honorable prior to January 7, 1957, by a board established under authority of section 301, Public Law 346, 78th Congress, as amended, or section 207, Public Law 601, 79th Congress, as amended, basic entitlement exists under prior law.

(d) *Effective date.* (1) Payments made solely by virtue of this law will be effective date of receipt of the new or reopened claim or date of enactment (July 28, 1959), whichever is later.

(2) Where otherwise in order, the effective date of an award as to a claim pending on the date of approval of the act will be date of enactment (July 28, 1959). For the purposes of this subparagraph a pending claim will include:

(i) A claim not previously disallowed by the adjudicating activity of original jurisdiction.

(ii) A previously disallowed claim pending consideration on appeal.

(iii) A previously disallowed claim reopened by the receipt of any claim, evidence, or inquiry on which action was pending on date of enactment (July 28, 1959).

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence, or inquiry after date of enactment (July 28, 1959), but within the appeal period.

(e) *Statutory burial allowance.* The law applies to a timely filed claim for the statutory burial allowance which has not been finally disallowed. It also applies to a reopened claim filed within the 2-year period after burial of the veteran. The fact that the veteran died prior to enactment of the law (July 28, 1959), will not prevent payment of the burial allowance in either case. (Instruction 1, 38 U.S.C. 3103(c), Pub. Law 86–113)

**§ 3.1552 Instructions relating to assistance in acquiring specially adapted housing to seriously disabled veterans.**

(a) *Provisions of the law.* Section 801, Title 38, United States Code was amended by Public Law 86–239 to provide assistance in acquiring specially adapted housing to any veteran, who is entitled to compensation under 38 U.S.C. ch. 11 based on service after April 20, 1898, for permanent and total service-connected disability:

(1) Due to the loss, or loss of use, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, or

(2) Which includes, (i) blindness in both eyes, having only light perception, plus (ii) loss or loss of use of one lower extremity, and such permanent and total disability is such as to preclude locomotion without the aid of a wheelchair.

(b) *Effects of the act.* Benefits are not restricted to veterans of wartime service.

(1) The act adds a new eligibility category set forth in paragraph (a)(2) of this section, to the laws providing specially adapted housing to veterans entitled to compensation under 38 U.S.C. ch. 11 for peacetime or wartime permanent and total service-connected disability.

(2) The act also eliminates the former requirement that inability to locomote be due to loss, or loss of use by reason of amputation, ankylosis, progressive muscular dystrophies or paralysis of both lower extremities. It will be sufficient for purposes of the act if locomotion without the aid of braces, crutches, canes, or a wheelchair is precluded by the permanent and total service-connected conditions, without regard to etiology of the disabilities enumerated in paragraph (a) of this section.

(3) A veteran entitled to compensation for permanent and total service-connected disability which includes blindness in both eyes, having only light perception and the loss or loss of use of one lower extremity is entitled to assistance under this act if his permanent and total disability precludes locomotion without the aid of a wheelchair. This requirement is in effect threefold: (i) There must be blindness in both eyes having only light perception, (ii) there must be an anatomical loss or loss of use of one lower extremity, (iii) locomotion by means other than a wheelchair must be precluded. When these three elements are present, the veteran is eligible for assistance under this act.

(4) The term "preclude locomotion" is not meant to signify that if motion by any other means is possible, the veteran would be ineligible for benefits under this act. If rare and occasional locomotion by other means is possible, but generally not feasible or recommended, benefits may be in order. It is sufficient for purposes of this act if resort to a wheelchair or other mechanical aid or contrivance is necessary, regular and constant. However, to qualify for assistance locomotion must be prevented by the disability; mere precautionary inactivity will be excluded from consideration.

(c) *Effective date.* This act is effective September 8, 1959. (Instruction 1, 38 U.S.C. 801, Pub. Law 86–239)

**§ 3.1553 Implementation of the provisions of the "Veterans' Pension Act of 1959."**

(a) *Service requirements of deceased veterans.* (1) Ninety days or more in either World War I, World War II, or the Korean conflict (for method of computing service see § 3.17); or

(2) A discharge or release from such service for a service-connected disability; or

(3) At the time of death was receiving (or entitled to receive) compensation or retirement pay based upon World War I, World War II or Korean conflict service-connected disability.

NOTE: The requirement is eliminated that a World War II or Korean conflict veteran be shown at the time of his death, in addition to the service requirement, to have had a service-connected disability for which compensation would have been payable if disabling to a degree of 10 percent or more.

(b) *Amounts of pension payable within prescribed income limitations.*—(1) *Veteran.*—(i) *With no dependents.* If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of his spouse) and has no child, pension will be paid at the monthly rate set forth in column II of the following table opposite the veteran's annual income as shown in column I:

| I<br>If income is not over— | II<br>Monthly amount |
|---|---|
| $800 | $85 |
| $1,200 | 70 |
| $1,800 | 40 |

(ii) *With dependents.* If the veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, pension will be paid at the monthly rate set forth in columns II, III, or IV (depending upon the number of his dependents) of the following table opposite the veteran's annual income as shown in column I:



| I<br>If income is not over— | II<br>Monthly amount | III<br>Monthly amount | IV<br>Monthly amount |
|---|---|---|---|
| | One dependent | Two dependents | Three or more dependents |
| $1,000 | $90 | $95 | $100 |
| $2,000 | 75 | 75 | 75 |
| $3,000 | 45 | 45 | 45 |

(iii) *In need of aid and attendance.* If the veteran is in need of regular aid and attendance, the monthly rate payable will be increased by $70.

(iv) *Reasonably contributing to support of spouse.* A veteran will be paid as a person without a spouse unless he is reasonably contributing to her support. In determining whether a veteran is reasonably contributing to the support of his spouse all of the circumstances such as his income and estate and the separate income and estate of his spouse will be taken into consideration. In any case where a special apportionment is made the special apportionment will be considered as reasonable contribution.

(v) *Income of spouse.* For the purpose of counting the income of a spouse, a veteran will be considered as living with his spouse, even though they reside apart, unless they are estranged. Where a veteran is living with his spouse the total annual income of the spouse which is reasonably available to or for the veteran except $1,200 will be considered as the income of the veteran, unless to do so would work a hardship upon the veteran. The income of the spouse will be considered as available to the veteran and counting such income will be presumed not to work a hardship upon him unless evidence is presented to rebut the presumption. Such evidence may consist of a showing that the spouse has incurred unusual family expenses as a result of sickness, hospitalization, prolonged care in a nursing home, or other unusual expenses (e.g., spouse working to help defray veteran's unusual medical expenses). However, the fact that the counting of a part of the spouse's income would reduce or deny the veteran pension will not be considered as working a hardship on him.

(2) *Widow.*—(i) *Without child.* If there is no child, pension will be paid at the monthly rate set forth in column II of the following table opposite the widow's annual income as shown in column I:

| I<br>If income is not over— | II<br>Monthly amount |
|---|---|
| $800 | $60 |
| $1,200 | 45 |
| $1,800 | 25 |

(ii) *With child.* If there is a widow and one child, pension will be paid at the monthly rate set forth in column II of the following table opposite the widow's annual income as shown in column I:

| I<br>If income is not over— | II<br>Monthly amount |
|---|---|
| $1,000 | $75 |
| $2,000 | 60 |
| $3,000 | 40 |

(iii) *With more than one child.* If there is a widow and more than one child, the monthly rate payable under subdivision (ii) of this subparagraph will be increased by $15 for each additional child.

(iv) *Income of child.* The separate income received by a child or children, regardless of custody, will not be considered in computing the widow's income unless given to the widow. In that case only so much money as is left after deducting any expenses for maintenance of the child will be considered the widow's income.

(3) *Child.* (i) If there is no widow entitled to pension, the monthly rates payable are:

| | |
|---|---|
| One child | $35 |
| Each additional child | 15 |

(a) If there is more than one child the total pension payable will be paid in equal shares.

(b) Pension will not be paid to a child whose annual income, excluding earned income, exceeds $1,800. Earned income is that derived from wages or self-employment.

(c) *Computation of annual income.*—(1) *Basic rule.* Total income for the full calendar year will be considered except as provided in subparagraphs (3) and (6) of this paragraph. The following inclusions apply to the income of a widow, a child where there is no veteran or widow, a veteran and his spouse.

(2) *Income included.*

(i) Income of the spouse as provided in paragraph (b)(1)(v) of this section.

(ii) Special allowance under 38 U.S.C. 412.

(iii) Except as otherwise provided in subdivisions (viii)(b) and (ix) of this subparagraph, total salary, retirement or annuity payments, or similar income, irrespective of whether a part of such benefit was waived pursuant to statute, contract, or otherwise.

(iv) The inclusions contained in § 3.252(c)(1).

(v) Commercial life insurance (including Federal employees Government life insurance) consisting of lump sum or installment payments.

(*a*) Commercial life insurance received by a beneficiary will be considered as income in the calendar year in which received even though the beneficiary had the right to elect a lump sum or installment payments.

(*b*) Where an annuity or payment of endowment insurance is received by the purchaser, no part of the payment received will be considered annual income until the full amount of the consideration has been received after which the full amount of such payments will be considered income.

(c) Disability, accident or health insurance (less payment of medical or hospital expenses resulting from the disease or accident for which such insurance payments are made).

(vi) Where proceeds of matured life insurance policies or other income is received in one year and payments are made in the following year for just debts or expenses of last illness and burial of the veteran, retroactive adjustment of the pension award may be authorized. In other words, such payments may be offset against prior income when this is to the claimant's advantage. (See also subparagraph (3)(vii) of this paragraph.)

(vii) Compensation paid by the Bureau of Employees' Compensation, Department of Labor (of the United States), or pursuant to any workmen's compensation or employer's liability statute, or damages collected because of personal injury or death, less medical, legal, or other expenses incident to the injury or death or the collection or recovery of such moneys. Where monthly payments of such employee's compensation are withheld until the value equals a lump sum paid as damages by a third party, the lump sum will be considered as income when actually received.

(viii) Retirement benefits paid under a Federal, State, municipal or private business or industrial plan, including Railroad Retirement and Social Security benefits (Federal Old Age and Survivors' Insurance and Disability Insurance Benefits).

(*a*) Where the payments received consist of part principal and part interest, interest will not be counted separately.

(*b*) Where the retirement benefit is based on the claimant's own employment, the payments will not be considered income until the amount of the claimant's personal contribution (as distinguished from amounts contributed by the employer) has been received. After he has received an amount equal to his personal contribution, all payments will be considered income.

(c) Benefits received by a widow based on her husband's employment will be considered income as received.

(ix) Retirement pay received direct from a service department (except amounts waived under 38 U.S.C. 3105).

(x) Proceeds of bequests and inheritances received in the settlement of estates. However, such property, including stocks and bonds received by inheritance or otherwise, will not be considered as "annual income" until the property or other property acquired in lieu thereof by exchange or barter, has been converted into cash. Where such property is converted into cash, the amount of the claimant's personal contribution will be deducted in determining the net income.

(xi) Gifts.

(xii) World war adjusted compensation.

(xiii) Family allowances authorized by service personnel.

(xiv) Bonus or similar cash gratuity by any State based on service in the Armed Forces of the United States.

(xv) Reasonable value of allowances to a person in military or naval service

in addition to base pay, such as clothing, subsistence and quarters.

(xvi) Insurance paid under the Merchant Marine Act of 1936, as amended.

(xvii) Payments under chapter 73 of Title 10 of the United States Code (formerly the Uniformed Services Contingency Option Act) (10 U.S.C. 1441).

(xviii) Subsistence allowance under Title II, Public Law 346, 78th Congress, and such education and training allowance, under 38 U.S.C. ch. 33 as is in excess of amounts expended for training.

(xix) Overtime pay received by Government employees.

(xx) All other income not specifically excluded.

(3) *Income excluded.* The following exclusions apply to the income of a widow, a child where there is no veteran or widow, a veteran and his spouse:

(i) Payments of 6 months death gratuity from a service department.

(ii) Donations from public or private relief or welfare organizations.

NOTE: This includes the value of maintenance furnished by a friend or relative or by a charitable organization (civic or governmental) and benefits such as old age assistance, aid to dependent children, aid to the needy blind.

(iii) Any compensation, pension and dependency and indemnity compensation payments by the United States Government under laws administered by the Veterans Administration except under 38 U.S.C. 412.

(iv) Payments under policies of United States Government life insurance or National Service life insurance and payments of Servicemen's Indemnity.

(v) Lump-sum death payments under Title II of the Social Security Act.

(vi) Payments to an individual under public or private retirement, annuity, endowment or similar plans or programs equal to his personal contributions thereto.

(vii) Amounts equal to amounts paid by a widow or child of a deceased veteran for:

(*a*) His just debts;

(*b*) The expenses of his last illness; and

(*c*) The expenses of his burial to the extent such expenses are not reimbursed under 38 U.S.C. ch. 23. If a claim for burial allowance has not been made at the time the claim for pension is adjudicated, it will be assumed in determining the actual expenses that $250 will be paid as burial allowance. Subsequent readjustment will be made if the facts indicate otherwise. (See also subparagraph (2)(vi) of this paragraph.)

(viii) Proceeds of fire insurance policies.

(4) *Prompt notice of increase in income or corpus of estate, or change in status.* If the claimant begins to receive additional income, the corpus of his estate increases or his status changes during a calendar year, he must immediately furnish prompt notification. If notification of increase in income or in corpus of estate is promptly received, the claimant's pension will be adjusted effective the date of last payment. If such notification is not promptly received, the adjustment will be effective the first day of January of the calendar year in which the income or net worth was increased, or the effective date of the award, whichever is later. Where change in status of dependents is involved and was reported promptly, adjustment will be effective the date of last payment or date of change in status, whichever is later; if not reported promptly, the date of change in status. The principle of § 3.253(e) with respect to prompt notification, will apply.

(5) *Adjustment of pension on the basis of annual income received.* Where there is doubt as to the extent of anticipated income, payment of pension will be at the lowest level consistent with the report of anticipated income. Increased pension will be awarded from the first of that calendar year or from the date of entitlement, whichever is later, if notice of the claimant's actual income is received within the succeeding calendar year.

(6) *Proportionate computation.* (i) Income (including that of the spouse) will be computed on a proportionate basis to establish the income increment and basic rate of pension where:

(*a*) The income of the claimant for the calendar year exceeds $600 or $1,000, whichever applies.

(*1*) In the claim of a veteran, where there is no entitlement from the first of the calendar year, the computation will be on a proportionate basis from the date of entitlement.

(*2*) In the claim of a widow or the child of a deceased veteran filed within 1 year from the date of the veteran's death, computation will be on a proportionate basis from the date of the veteran's death. If pension is payable only from the date of filing claim, the claimant's income will be computed on a proportionate basis from date of claim.

(*b*) Where there is a status change affecting income limitation and the income of the claimant for the calendar year exceeds $600 or $1,000, whichever applies:

(*1*) From the date the status of a veteran changes during a calendar year from that of a married veteran (or a person who has a child or children) to that of an unmarried person (or a person who does not have a child or children).

(*2*) From the date the status of a veteran changes during a calendar year from that of an unmarried veteran (or a person who does not have a child or children) to that of a married person (or a person who has a child or children).

(*3*) From the date the status of a widow changes during a calendar year from that of a widow and a child to that of a widow without a child.

(*4*) From the date the status of a widow changes during a calendar year from that of a widow without a child to that of a widow and a child.

(*5*) In determining entitlement under the circumstances outlined in subdivisions (*1*) through (*4*) of this subdivision, the proportionate computations will be applied to each period separately and will not be combined to afford a total applicable to the entire calendar year. The amount of income received within each separate period will determine entitlement to pension for that period.

(ii) If the claimant's total income for the calendar year is less than $600 or $1,000, whichever applies, the date of receipt of such income is not a factor and income will not be computed proportionately for only part of a year.

(iii) Where a beneficiary who is receiving pension under the prior law, elects to receive pension under Public Law 86–211 his pension rate will be based upon his annual income for the entire calendar year 1960.

(d) *Corpus of estate.* Payment of pension will not be authorized when the corpus of estate is such that under all the circumstances including consideration of income, it is reasonable that some part of the corpus be consumed for maintenance. This limitation applies to the estate of a veteran, widow or a child where there is no veteran or widow.

(1) *Principles of measurement of corpus of estate.* The term corpus of estate means the net worth of all real and personal property.

(i) *Property which is owned jointly by the veteran and his wife—(a) Real property.* The recorded deed or other evidence of title will constitute prima facie evidence of ownership as shown. In the event both husband and wife appear as owners, whether by purchase, gift, inheritance or operation of law it will be presumed that each owns one-half. The veteran's statement as to the nature and type of ownership will be accepted as prima facie evidence of the pertinent facts stated unless all the evidence of record raises a doubt. If such evidence raises a doubt as to the nature and type of ownership, the determination will be made in accordance with the facts found.

(*b*) *Personal property.* All personal property, the title to which is in the name of the veteran, or in his name jointly with his wife, which is subject to disposition by him without joinder of his wife, will, for the purpose of determining the corpus of the veteran's estate, be considered the property of the veteran.

(ii) If the veteran owns property in partnership, the portion to be counted as part of the veteran's estate will be determined by the facts.

(iii) Where there is a veteran, wife and/or child or children, the corpus of the veteran's estate only will be considered; the corpus of the estate of the wife and/or child or children will not be considered. Where there is a widow and child or children the corpus of the widow's estate only will be considered; the corpus of the estate of the child or children will not be considered. Where there is a child or children only the corpus of the estate of the child or children will be considered.

(2) *Factors for consideration.* Judgment will be exercised in individual cases in determining whether the corpus of the claimant's estate is such that it is reasonable to assume that part of it should be consumed for his maintenance before pension would be payable. Items to be considered in determining whether part of the corpus of the estate should be consumed before pension eligibility is established include:



(i) *Type and amount of property involved.* Whether the property can be readily converted into cash at no substantial sacrifice to the claimant. The claimant will not be expected to sell his dwelling (single family unit). Generally ownership of nonincome producing realty will not bar payment of pension unless there is a sizeable amount. Stocks, bonds, other liquid securities and cash and savings accounts will be measured against the needs of the claimant.

(ii) *Age of the claimant and life expectancy.* If the claimant is young, it will be considered that consumption of part of the estate would be more burdensome than in the case of an older claimant since with greater life expectancy need for a greater estate is demonstrated.

(iii) *The state of health of the claimant and his dependents.* It can readily be seen if large medical and hospital expenses are to be anticipated that the potential rate of depletion may preclude liquidation of part of the estate.

(iv) *Number of persons dependent on claimant for support.* Here too, the obligations of the claimant to those dependent upon him for support would have an important bearing on the determination as to whether it would be reasonable that part of the estate be consumed before awarding pension.

(v) *Estate as related to income.* If, in addition to his estate, the claimant has sizeable income (though still within the income limits) this fact together with the size and nature of his estate will be considered. Attention should be given to claimed expenses and if unusual expenses, especially medical, hospital and education, are encountered, this will be carefully weighed.

(e) *Adjustment of pension where veteran is in a Veterans Administration institution, or other institution at the expense of the Veterans Administration (including domiciliary care).*

NOTE: This paragraph applies only to veterans receiving pension under Public Law 86–211 and Spanish-American War veterans who are first awarded pension effective after June 30, 1960.

(1) *Reduction of pension.* Upon receipt of VA Form 21–404, any running award of pension, except where the veteran is receiving care or treatment for Hansen's disease, will be reduced to $30 per month effective:

(i) The first day of the month following 2 full calendar months of care or treatment after the month of admission, or October 1, 1960, whichever is later.

(ii) The day of admission or readmission (including readmission from completion of bed occupancy care status) within 6 months following a period of care or treatment of not less than 2 full calendar months after July 1, 1960, or

(iii) The day of return from furlough or leave of absence of 30 days, readmission from trial visit, or completion of bed occupancy care, where a previous reduction has been made under Public Law 86–211.

NOTE: Periods of treatment or care prior to July 1, 1960, will not be considered under Public Law 86–211.

The date of October 1, 1960, is predicated upon a constructive admission on July 1, 1960, with respect to a veteran receiving pension on June 30, 1960, and who is awarded pension effective July 1, 1960, under Public Law 86–211 because of his election. Where a hospitalized or institutionalized veteran is awarded pension under Public Law 86–211 on the basis of a new claim with an effective date subsequent to July 1, 1960, the period of treatment or care subsequent to June 30, 1960, will be counted even though all or a part of it was before the effective date of his award. However, where a hospitalized or institutionalized veteran elects to receive pension under Public Law 86–211 and the effective date of his election is subsequent to July 1, 1960, the period of treatment or care prior to the effective date of his election will not be counted; his pension will be reduced to $30 monthly effective the first day of the month following 2 full calendar months of care or treatment after the month of election.

(2) *Aid and attendance.* The allowance for regular aid and attendance will be continued during periods of treatment or care where the disability is paraplegia involving paralysis of both lower extremities together with loss of anal and bladder sphincter control, Hansen's disease, blindness (visual acuity 5/200 or less or concentric contraction of visual field to 5 degrees or less). These awards are, however, subject to reduction under subparagraph (1) of this paragraph except where the disabling condition is Hansen's disease.

(3) *Apportionment to wife or children.* Where the pension of any veteran is reduced under the provisions of subparagraph (1) of this paragraph, an apportionment may be made to his wife and/or children effective the date his pension was reduced. The amount of the apportionment generally will be the difference between $30 and the rate payable during the first 2 months of treatment or care. In the exceptional case where claims file evidence clearly establishes materially reduced need on the part of wife or children (example, veteran is already contributing a reasonable amount for an estranged wife) no apportionment or apportionment in a reduced amount will be made in accordance with the facts found. In no event will the veteran be paid more than $30 monthly while hospitalized. If there is a child or children but no wife VA Form 21–592 together with the C-folder will be forwarded to the Chief Attorney informing him that an apportioned award is contemplated and of the amount and effective date. Upon receipt of a reply from the Chief Attorney, payments will be made to the fiduciary appointed by a court or, in the absence of such, one designated by him. If there is a wife and child or children and the children are not in the custody of the wife, the case will be further developed and in addition to the wife's share an apportionment made to the custodian of the children who is recognized by the Chief Attorney. The amount of apportionment for the children will depend upon the equities presented.

(4) *Apportionment to dependent parents.* Where an incompetent veteran having neither wife nor child is receiving care or treatment by the Veterans Administration and his estate exceeds $1,500, an apportionment to his dependent parents under Public Law 86–146 (38 U.S.C. 3203(b)(3)) may not exceed $30 monthly, after 2 full calendar months of treatment or care in Public Law 86–211 cases.

(5) *Restoration of pension upon termination of treatment or care.* Where a veteran whose pension has been reduced under subparagraph (1) of this paragraph is released from treatment or care the apportionment to his wife or children will be discontinued effective the day before his release. The veteran will be awarded the full amount of pension to which he is then entitled from the date of release. If the VA Form 21–404 is not received in sufficient time to effectuate the adjustments without creating an overpayment in the apportioned award, the apportionment will be discontinued effective the date of last payment and the veteran awarded his full entitlement effective the day following the date of last payment. (The reduction in pension after 2 months is an absolute reduction as distinguished from a withholding and no lump sum is payable upon release.)

(f) *Right of election—(1) General.* A statement in writing, signed by the beneficiary (or fiduciary), will be accepted as a valid election. The election may be deferred and exercised at any future date. Action may not be taken to award pension at the new rates until receipt of an election.

(2) *Finality of election.* An election of pension under Title 38, United States Code, as amended by Public Law 86–211 is final and irrevocable after a pension check received thereunder is negotiated, thereby prohibiting a subsequent reelection of pension under Title 38, United States Code prior to this enactment.

(3) *Exercise of right of election and its effect.* Only veterans, widows, or children where there is no widow, (or their fiduciaries) may make an election and such election controls the rights of all dependents, including children not in the veteran's or widow's custody. However in an apportioned death pension case, the election by the widow will not be permitted to deprive children not in her custody of the present rate of pension and the letter to the widow will include the information that her share will be reduced by the amount necessary to maintain such child's apportioned share at the current rate if she insists upon the election.

(4) *Minors and incompetents.* An election may be made by a fiduciary appointed by a court or, in the absence of such, one designated by a Chief Attorney, including a wife who is being paid under § 13.57 of this chapter. However, an election may not be made by a Manager or chief officer of a hospital or institution who is receiving payment on behalf of an incompetent veteran.

(5) *Effective dates.* When an election is received on or before July 1, 1960, the effective date of the new rate will be July 1, 1960. If an election is received

subsequent to July 1, 1960, the new pension rate will be awarded effective the date of receipt of the election, except where death occurs prior to July 1, 1960, claim is filed within 1 year after death and the election is filed within 4 months from date of notice of award, the effective date of the new pension rate will be July 1, 1960. Claimants who were not receiving pension when VA Form 21–6799(NR) was sent as an enclosure with the pension checks mailed the latter part of February 1960 and whose entitlement includes eligibility to pension on June 30, 1960, will be given 4 months from the date of notice of their award within which to elect pension under Public Law 86–211. If an election is received within this 4-month period, pension under Public Law 86–211 may be paid from July 1, 1960. In those cases where a wife or child is alleged on the application and evidence establishing relationship or birth is received within 1 year from the date of request, pension or increased pension will be awarded effective the date of the original award. Where no election form is sent to a hospitalized incompetent veteran, and a fiduciary is appointed or the veteran is rated competent, pension may be paid from the date of hospital discharge but not prior to July 1, 1960, if an election is received within 4 months from the date of the letter informing the fiduciary or the veteran of the right of election.

(g) *Adjustment of payments by amended award on VA Form 21–553 or VA Form 21–519a—(1) Apportioned cases—(i) Veteran cases.* Where there is an apportionment of an incompetent veteran's pension under § 3.310, the increase will be awarded to the dependent or dependents only. In specially apportioned cases, the increase will be awarded to the veteran only, unless the equities indicate otherwise, in which event the pension will be reapportioned.

(ii) *Widow cases.* Where there is an apportionment of a widow's pension under the provisions of Title 38, United States Code, as amended by Public Law 86–211, the widow's share will be the monthly rate set forth in column II of the following table opposite the widow's annual income as shown in column I:

| I<br>If income is not over— | II<br>Monthly rate of apportionment |
|---|---|
| $1,000 | $45 |
| $2,000 | 36 |
| $3,000 | 24 |

Where death pension has been specially apportioned, the increase will be awarded to the widow unless the equities require a reapportionment.

(2) *Imprisoned claimants.* Where an apportionment is being made to an imprisoned veteran's wife and/or child the right to elect pension under Public Law 86–211 is vested in the veteran only. The amount may not exceed the death or disability (whichever is the lesser) rate payable under 38 U.S.C. 521 or 38 U.S.C. 541, as amended by Public Law 86–211. If the veteran is unmarried and has no child or if he has a wife and/or child but they are ineligible for an apportionment on June 30, 1960, because need (as established by income limitations for death pension under this law) is not shown or for any other reason the veteran has no right of election since he was not receiving or entitled to receive pension on June 30, 1960. If he becomes eligible for pension upon his release from imprisonment on or after July 1, 1960, he will be awarded this benefit only under Public Law 86–211. The foregoing also applies to imprisoned wives or children. However, where a child is receiving pension because the widow is imprisoned the right of election is vested in the widow only even though a guardian is receiving payments for the child.

(h) *Savings provisions.* Section 9, Public Law 86–211, provides that any person entitled to benefits on June 30, 1960, may receive those benefits for such periods thereafter for which he qualifies under Title 38, United States Code, in effect on that date. This protective clause is to be interpreted so as to preclude denial, reduction, or discontinuance of payments because of Public Law 86–211 to any veteran, widow or child entitled to benefits on June 30, 1960, by virtue of laws then in effect. In those cases in a deferred status on June 30, 1960, until actual income for 1960 is determined, the claimant will be afforded the protection of section 9, if it is subsequently found that there is entitlement to benefits on June 30, 1960. Protection is accorded in those cases in which a veteran in receipt of pension on June 30, 1960, is found to be not permanently and totally disabled after that date, but who is subsequently again rated as permanently and totally disabled. The same rule applies where income becomes a bar after June 30, 1960. The protective provision is for application only in those cases in which no election under Public Law 86–211 is made. However, a claimant whose pension was discontinued for any reason prior to July 1, 1960, and who was not entitled on June 30, 1960, but who becomes entitled after that date may be awarded pension only under the provisions of Public Law 86–211. Claimants who elect benefits under Public Law 86–211 and are paid under it are subject to all of its provisions. (Instruction 1, Title 38, United States Code, chapters 15 and 55, Pub. Law 86–211)

**§ 3.1554 Amendment to 38 U.S.C. 511 and 512 permitting Indian War and Spanish-American War veterans to elect to receive pension under the provisions of Public Law 86–211.**

(a) *Provisions of the law—(1) Veterans of the Indian Wars.* Section 1 of Public Law 86–670 amends 38 U.S.C. 511 adding at the end thereof the following:

(c) Any veteran eligible for pension under this section shall, if he so elects, be paid pension at the rates prescribed by section 521 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable.

(2) *Veterans of the Spanish-American War.* Section 2 of Public Law 86–670 amends 38 U.S.C. 512(a) by adding at the end thereof the following:

(3) Any veteran eligible for pension under this subsection shall, if he so elects, be paid pension at the rates prescribed by section 521 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable.

(b) *Effect of the act.* Public Law 86–670 permits veterans of the Indian and Spanish-American Wars, who meet the service requirements of 38 U.S.C. 511(b) or 512(a)(2), to elect to be paid pension at the rates and under the conditions provided by Public Law 86–211. All of the substantive provisions of § 3.1553 and of the subsequent issues interpretative of chapters 15 and 55, Title 38, United States Code, as amended by Public Law 86–211 as they relate to veterans of World War I, World War II, or the Korean conflict are also for application to elections of veterans of the Indian and Spanish-American Wars except as specifically provided in this section.

(c) *Notice to claimants.* (1) Veterans of the Indian and Spanish-American Wars who are receiving monthly pension of $135.45 based on the need of regular aid and attendance under 38 U.S.C. 511(a)(2) or 512(a)(1)(B) will be informed of their right to irrevocably elect to receive pension under Public Law 86–211, of the pension payable thereunder and of the conditions under which each amount is payable.

(2) VA Form 21–6799 (NR), "Election, Net Worth and Income Questionnaire", will also be forwarded with each letter. It is not necessary, however, that the election be made on this form. A statement in writing, signed by the veteran (or fiduciary) will be accepted as a valid election. The election may be deferred and exercised at any future date. Action may not be taken to award pension at the new rate until receipt of an election.

(3) Veterans of these wars who are receiving pension of $101.59 monthly are also eligible to elect under Public Law 86–211. However, since it would not be to their financial advantage to elect they will not be routinely informed of this right. If they subsequently become entitled to pension of $135.45 monthly based on the need of regular aid and attendance, they will be fully informed of the provisions of Public Law 86–211 and of their right of election.

(d) *Effective dates.* (1) Payment of pension under Public Law 86–211, pursuant to this law, will be effective from the date of receipt of an election or September 1, 1960, the effective date of Public Law 86–670, whichever is later.

(2) Where a veteran states on VA Form 21–6799 (NR) that he is married or has a minor child or children and the amount of pension payable to him under Public Law 86–211 as a veteran without dependents is greater than the amount he is receiving under the old law, he will be awarded pension under Public Law 86–211 as a veteran without dependents. He will be informed of this action and requested to furnish evidence establishing marriage or the existence of the child. If this evidence is received within 1 year from the date of request, he will be awarded the increased pension payable because of his dependents, retroactively from the effective date of the award of pension under Public Law 86–211.

(3) If under the same circumstances he would receive less pension under Public Law 86–211 as a veteran without dependents than he is receiving under the old law, action on his election will be deferred. He will be informed of this action and requested to furnish evidence establishing his marriage or the birth of the child. If this evidence is furnished within 1 year from the date of request, he will be awarded pension under Public Law 86–211, effective the date of receipt of his election or September 1, 1960, the effective date of Public Law 86–670, whichever is the later.

(e) *Savings provisions.—(1) Veterans.* Veterans who become entitled to pension under 38 U.S.C. 511 or 512(a) on or after September 1, 1960, the effective date of Public Law 86–670, remain eligible to receive and will be awarded such benefits under the applicable cited section of Title 38, United States Code, prior to its amendment by Public Law 86–670, subject to the right of election as provided in paragraph (d).

(2) *Widows and children.* The election of a veteran does not control nor affect the future rights of his wife and children. If he should predecease them, they, as his survivors, would remain eligible to receive pension under the provisions of sections 534, 535, 536 or 537, of Title 38, United States Code, whichever is applicable.

(3) *Finality of election.* An election under Public Law 86–670 is final and irrevocable as to the veteran after a pension check received thereunder is negotiated, thereby prohibiting a subsequent reelection of pension under 38 U.S.C. 511 and 512 prior to their amendment by Public Law 86–670. (Instruction 2, Title 38 U.S.C. chapters 15 and 55, Pub. Law 86–211 (Pub. Law 86–670).)

**§ 3.1555 Presumption of service connection for multiple sclerosis under 38 U.S.C. 312(4), as amended by Public Law 86–187.**

(a) *Provisions of the law.* The law amends section 312(4) of Title 38, United States Code by striking out "two" and inserting in lieu thereof "three". Section 312 thus reads in pertinent part:

For the purposes of section 310 of this title, and subject to the provisions of section 313 of this title, in the case of any veteran who served for ninety days or more during a period of war—

• • • • • •

(4) multiple sclerosis developing a 10 per centum degree of disability or more within three years from the date of separation from such service;

shall be considered to have been incurred in or aggravated by such service, notwithstanding there is no record of evidence of such disease during the period of service.

(b) *Effect of the act.* The law extends the presumptive period for service connection from 2 to 3 years. It is applicable to both disability and death claims where there is wartime service.

(c) *Effective date.* The date of enactment of this act was August 25, 1959. No benefit based solely on the liberalizing provisions of this law may be made effective prior to date of enactment.

(1) *Pending claims.* The effective date of an award as to a claim pending on the date of enactment will be August 25, 1959, if evidence otherwise establishes entitlement on that date. Pending claims will include:

(i) A claim not previously adjudicated.

(ii) A previously disallowed claim pending consideration on appeal.

(iii) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry on which action was pending on date of enactment.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry after date of enactment but within the appeal period.

(2) *New claims.* All other claims, formal or informal, received on or after August 25, 1959, will be considered initial claims for the purpose of this law and the effective date will be determined under applicable laws and regulations relating to original claims but not earlier than August 25, 1959. (Instruction 1, 38 U.S.C. 312(4), Pub. Law 86–187.)

**§ 3.1556 Presumption of service connection for Hansen's disease (leprosy) under 38 U.S.C. 312, as amended by Public Law 86–188.**

(a) *Provisions of the law.* The law amends section 312 of Title 38, United States Code by adding after paragraph (4) of the section, a paragraph (5). Thus, section 312 reads in pertinent part:

For the purposes of section 310 of this title, and subject to the provisions of section 313 of this title, in the case of any veteran who served for ninety days or more during a period of war—

• • • • • •

(5) Hansen's disease developing a 10 per centum degree of disability or more within three years from the date of separation from such service;

shall be considered to have been incurred in or aggravated by such service, notwithstanding there is no record of evidence of such disease during the period of service.

(b) *Effect of the act.* The law extends the presumptive period for service connection from 1 year to 3 years in cases of war veterans. It is applicable to both disability and death claims. The amendment applies only to war service. It does not amend 38 U.S.C. 333, or change the rule as to peacetime service connections.

(c) *Effective date.* The date of enactment of this act was August 25, 1959. No benefit based solely on the liberalizing provisions of this law may be made effective prior to date of enactment.

(1) *Pending claims.* The effective date of an award as to a claim pending on the date of enactment will be August 25, 1959, if evidence otherwise establishes entitlement on that date. Pending claims will include:

(i) A claim not previously adjudicated.

(ii) A previously disallowed claim pending consideration on appeal.

(iii) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry on which action was pending on date of enactment.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry after date of enactment but within the appeal period.

(2) *New claims.* All other claims, formal or informal, received on or after August 25, 1959, will be considered initial claims for the purpose of this law and the effective date will be determined under applicable laws and regulations relating to original claims but not earlier than August 25, 1959. (Instruction 1, 38 U.S.C. 312(5), Pub. Law 86–188)

**§ 3.1557 Payments to wife, child or parent of a competent veteran receiving compensation who disappears, 38 U.S.C. 358, as amended by Public Law 86–212.**

(a) *Provisions of law.* The law provides that section 358 of Title 38, United States Code, is amended by striking out "an incompetent veteran" and inserting "a veteran." Thus, 38 U.S.C. 358, as amended, reads:

Where a veteran receiving compensation under this chapter disappears, the Administrator, in his discretion, may pay the compensation otherwise payable to the veteran to his wife, children, and parents. Payments made to a wife, child, or parent under the preceding sentence shall not exceed the amounts payable to each if the veteran had died from service-connected disability.

(b) *Effect of the act.* The amendment has the effect of eliminating the requirement that the veteran be incompetent in order to authorize payments to his dependents when he disappears. The provisions of § 3.656 are therefore made applicable to competent as well as incompetent veterans, except that where the competent veteran disappeared prior to September 1, 1959, the effective date of the award to his dependents will be fixed in accordance with the rule stated in paragraph (c)(2)(i) of this section.

(c) *Effective date.* The date of enactment of this act was September 1, 1959. No benefit based solely on the liberalizing provisions of this law may be made effective prior to date of enactment.

(1) *Pending claims.* The effective date of an award as to a claim for apportionment because of the disappearance of a competent veteran pending on the date of enactment will be September 1, 1959, if evidence otherwise establishes entitlement on that date. Pending claims will include:

(i) A claim not previously adjudicated.

(ii) A previously disallowed claim pending consideration on appeal.

(iii) A previously disallowed claim reopened by the receipt of any claim, evidence, or inquiry on which action was pending on date of enactment.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry after date of enactment but within the appeal period.

(2) *New claims—(i) Disappearance of veteran prior to September 1, 1959.* All claims for apportionment, formal or in-

formal, received on or after September 1, 1959, which are based on disappearance of the veteran prior to September 1, 1959, will be considered initial claims for the purpose of this law and the effective date will be determined under applicable laws and regulations relating to original claims but not earlier than September 1, 1959.

(ii) *Disappearance of veteran on or after September 1, 1959.* Where a veteran disappears on or after September 1, 1959, apportionment to his dependents will be effective the day following date of last payment to him. (Instruction 1, 38 U.S.C. 358, Pub. Law 86–212)

**§ 3.1558 Title 38, United States Code 106a, as modified by Public Law 86–142. Recognition of service in the Women's Army Auxiliary Corps (WAAC) as active military service for persons who subsequently performed service in the Armed Forces.**

(a) *Provisions of the law.* (1) Section 1 of the law adds the following to Title 10, United States Code:

1038. Service Credit: certain service in Women's Army Auxiliary Corps.

In computing years of active service of any female member of the armed forces, there shall be credited for all purposes, except the right to promotion, in addition to any other service that may be credited, all active service performed in the Women's Army Auxiliary Corps after May 13, 1942, and before September 30, 1943, if that member performed active service in the armed forces after September 29, 1943. Service as an officer in the Women's Army Auxiliary Corps shall be credited as active service in the status of a commissioned officer, and service as an enrolled member of the Corps shall be credited as active service in the status of an enlisted member.

(2) Section 2 provides:

A person entitled to pension or compensation under any law administered by the Veterans' Administration, based upon the active service described in section 1 of this Act, may elect within one year after the enactment of this Act to receive that pension or compensation in lieu of any compensation under the Federal Employees' Compensation Act, as amended (5 U.S.C. 751 et seq.), to which that person is entitled on the basis of the same service. Such an election is irrevocable and does not entitle that person to the pension or compensation for any period before the date the election is made.

(3) Section 3 states:

No person is entitled to back pay or allowances because of any service credited under section 1 of this Act.

(b) *Effect of the act*—(1) *General.* For service in the Women's Army Auxiliary Corps after May 13, 1942, and before September 30, 1943, to be considered active service for benefits administered by the Veterans Administration because of active service in the Armed Forces subsequent to September 29, 1943, the period of active service in the Women's Army Auxiliary Corps must have been terminated by release or discharge under conditions other than dishonorable. Only "active service in the armed forces after September 29, 1943," that was terminated under conditions other than dishonorable will qualify a period of Women's Army Auxiliary Corps service as active service for Veterans Administration benefits. There is no requirement that the qualifying, subsequent active service be consecutive with or proximate to the Auxiliary Corps service or that it be during a defined war period. This act does not limit benefits provided former members of the Women's Army Auxiliary Corps under any other law.

(2) *Pensions.* An individual who performs active service in the Armed Forces after September 29, 1943, may be credited in addition with active service performed in the Women's Army Auxiliary Corps after May 13, 1942, and before September 30, 1943, for purposes of pension eligibility; requirements of active service for a total of 90 days or more can be composed of two or more periods of service in World War II, e.g., Women's Army Auxiliary Corps service combined with Women's Army Corps or other active service in the Armed Forces. Moreover, 90 or more days service in Women's Army Auxiliary Corps becomes active service for pension, where there is later active service even outside a war period.

(3) *Compensation.* An individual with disability incurred in or aggravated by service in the Women's Army Auxiliary Corps with subsequent qualifying active service in the Armed Forces is entitled to disability compensation on the same basis as any other person with a disability resulting from disease or injury in active service.

(c) *Elections*—(1) *Persons receiving federal employees' compensation based on Women's Army Auxiliary Corps service on date of enactment (August 7, 1959).* The limitation on the time in which an election to receive Veterans Administration compensation or pension must be made that is contained in section 2 of this act is interpreted to have application only to persons receiving federal employees' compensation based on Women's Army Auxiliary Corps service on the effective date of this law (Aug. 7, 1959).

(2) *Persons not receiving federal employees' compensation based on Women's Army Auxiliary Corps service on August 7, 1959.* Current law prohibits concurrent payment of federal employees' compensation based on Women's Army Auxiliary Corps service and Veterans Administration compensation or pension based on any period of service.

(3) *Effects of election.* Since a veteran's election or the election of a surviving dependent to receive Veterans Administration compensation or pension instead of compensation under the Federal Employees' Compensation Act is final and re-election is prohibited, every claim considered under this act should first be considered for compensation or pension entitlement. Then the veteran or dependent should be notified of the potential Veterans Administration compensation or pension and the effects of an election to receive the Veterans Administration benefit. A binding election is made only after the beneficiary has been properly informed of her entitlement to compensation or pension and her right to elect between the benefits from the Veterans Administration and compensation under the Federal Employees' Compensation Act; moreover, she must be aware of the finality of the election. Care should be exercised to assure that information supplied will be sufficient to insure a valid, irrevocable election.

(d) *Effective dates.* Since Public Law 86–142 creates a new basis for eligibility, veterans in the prescribed category must file claim for benefits. The effective date of an award of compensation or pension under this law shall be the date of enactment, August 7, 1959, the date of claim, the date evidence shows entitlement or the date of receipt of election to receive Veterans Administration payments, whichever is the later. If award is effective the date of receipt of election it will be subject to offset of any payments made by the Bureau of Employees' Compensation over the same period. (Instruction 1, Pub. Law 86–142)

**§ 3.1559 Instructions relating to accumulation and final disposition of certain benefits in the case of incompetent veterans.**

(a) *Effects of Public Law 86–146*—(1) *Section 3202(d).* All gratuitous benefits deposited by the Veterans Administration either prior or subsequent to December 1, 1959, into a Personal Funds of Patients account of a veteran rated or adjudged mentally incompetent or insane will be paid upon his death in the following order of preference to persons living at time of settlement. Funds not deposited by the Veterans Administration but deposited by the veteran or others to the veteran's account will be excluded from application of this law.

(i) Surviving spouse.

(ii) Children (without regard to age or marital status) in equal parts, and

(iii) Dependent parents in equal parts.

In the absence of any person in the preceding classes, there may be paid (other than to a political subdivision of the United States) from any balance remaining so much as may be necessary for last sickness or burial expenses. Any remainder will be credited to the current appropriation.

(2) *Section 3203(a)(2)(B).* Any claim filed pursuant to the preceding subparagraph must be filed within 5 years after the veteran's death. If the person entitled is under legal disability at the time of the veteran's death, the 5-year period will run from date of removal of legal disability. Failure of a preferred dependent to file timely claim will not operate to establish entitlement of a dependent in a lower class or a claimant for reimbursement. Failure of a member of a joint class to file timely claim will not serve to increase the amount otherwise payable to the other members of that class. A waiver of rights by a person having title to all or a share of funds representing gratuitous benefits on deposit in the Personal Funds of Patients account will not serve to vest title in a person having equal or successor rights.

(3) *Section 3203(b).* (i) Prohibits payment of accrued lump sum where there is no wife, child or dependent parent as now prohibited by § 3.1007.

(ii) Extends to hospital treatment, institutional or domiciliary care by political subdivisions of the United States the provisions of § 3.557 regarding discontinuance of payments of compensation, pension or emergency officers' retirement pay where veteran's estate equals or exceeds $1,500. Also requires discontinuance where there is only a dependent parent (or parents). Thus, payments will be continued only if there is a wife or child.

(iii) When payments are discontinued under the preceding subdivision and the veteran has a dependent parent (or parents), the amount payable but for the discontinuance may be apportioned to the parent (or parents) based on need. The amount not so apportioned may be paid for the veteran's maintenance.

(iv) Continues authority for institutional awards contained in § 3.852.

(b) *Definitions.* (1) The term "any political subdivision of the United States" includes the District of Columbia, the various States of the United States, its territories, insular possessions or the Commonwealth of Puerto Rico and the counties, cities or municipalities located therein.

(2) The term "without charge or otherwise" means with or without charge.

(c) *Value of estate.* For purposes of the application of the provisions of Public Law 86–146, the value of veterans' estates will be established in accordance with the following principles:

(1) Except as stated in subparagraph (2) of this paragraph, all funds, including accumulated social security and amounts on deposit in Funds Due Incompetent Beneficiaries and to the veteran's credit in Personal Funds of Patients at Veterans Administration regional offices, hospitals and State institutions, as well as other property, both personal and real (which is capable of being liquidated), and interests therein owned by the veteran, will be included in arriving at the value of the veteran's estate.

(i) *Real and personal property.* The value of such property, including interests therein, will be established at the estimated net price the veteran's equity in the property will bring at forced sale after payment of all costs incident to the liquidation.

(ii) *United States Savings Bonds, War Bonds, Adjusted Service Bonds, and other Appreciation Bonds.* The current value including accrued interest will be used.

(iii) *Bonds and stocks.* The current price listed on a recognized stock exchange will be the value to be used.

(iv) *Cash in the estate.* This will be included for valuation purposes notwithstanding it was derived from any of the excluded items in subparagraph (2) of this paragraph.

(2) Items listed in § 13.109(a)(4) of this chapter will not be included as assets.

(d) *Criteria for parents' needs.* Section 3.250(b) is applicable in determining the need of a dependent parent (or parents).

(e) *Effective dates*—(1) *Section 3202(d).* The limitations imposed on payment of funds from gratuitous benefits under laws administered by the Veterans Administration on deposit in Personal Funds of Patients accounts are effective as to deaths after November 30, 1959. The limitations apply to all funds described in paragraph (a)(1) on deposit at the time of the veteran's death whether accrued before or after the effective date of the act.

(2) *Section 3203(a)(2)(B).* The limitations on time of filing claim for funds from such gratuitous benefits will be governed by the date of the veteran's death or the effective date of this act whichever is the later. Application for these amounts must be received within 5 years after the death of the veteran or from removal or termination of legal disability as specified by this subsection.

(3) *Section 3203(b)(2)*—(i) *Apportionments.* The effective date of this act is December 1, 1959. No apportionment to a parent based solely on the provisions of this law may be made effective prior to that date.

(*a*) *Running awards.* In any case in which payments to a veteran have been continued while he is hospitalized solely because the dependency of a parent (or parents) has been established, no claim for apportionment under this act will be required from such parent (or parents). Apportioned awards to such parent (or parents) will be effective December 1, 1959, subject to establishing current dependency and need status and recommendation by the Chief Attorney of the amount to be paid each parent from that date.

(*b*) *Pending claims.* The effective date of an award as to a claim for apportionment pending on date of enactment will be December 1, 1959, if evidence otherwise establishes entitlement on that date. Pending claims will include:

(*1*) A claim not previously adjudicated.

(*2*) A previously disallowed claim pending consideration on appeal.

(*3*) A previously disallowed claim reopened by the receipt of any claim, evidence, or inquiry on which action was pending on date of enactment.

(*4*) A previously disallowed claim reopened by the receipt of any claim, evidence, or inquiry after date of enactment but within the appeal period.

(*c*) *New claims.* All other claims for apportionment, formal or informal, received on or after the date of enactment will be considered initial claims for the purpose of this law and the effective date will be determined under applicable laws and regulations relating to original claims but not earlier than December 1, 1959.

(*d*) *Additional compensation for dependents.* Awards of additional compensation for dependent under 38 U.S.C. 315 and 335 will be effective as provided in 38 U.S.C. 3011 and § 3.400(o).

(ii) *Other awards.* (*a*) Limitation applying to payment of pension, compensation or emergency officers' retirement pay for incompetent veterans having neither wife nor child who are being furnished hospital treatment, institutional or domiciliary care by the United States or any political subdivision thereof apply from December 1, 1959. Date of stop payment on those cases falling within the limitation on that date will be November 30, 1959 even though evidence necessary for authorization action is received in the Adjudication Division at a subsequent date if the facts were known to any element of the Veterans Administration.

(*b*) Original, reopened and amended awards on and after December 1, 1959, will be subject to the restrictive provisions of this act even though benefits would be payable from an earlier date but for these amendments. No award executed after receipt of this section will provide benefits beyond November 30, 1959, if the limitations of this act apply or the evidence is insufficient to determine that the limitations do not apply. When awards in such cases are in order the award will carry a termination date of November 30, 1959, and immediate development will be initiated, including notice to parents of right to file claim if in order.

(f) *Accrued amounts; funds from other than gratuitous benefits.* Funds in Personal Funds of Patients accounts which were derived from sources other than gratuitous benefits described in paragraph (a)(1) will be disposed of in accordance with instructions in effect prior to enactment of this law. (Instruction 1, 38 U.S.C. ch. 55, Pub. Law 86–146)

**§ 3.1560 Liberalization of definition of "child" to include child adopted after death of veteran.**

(a) *Provisions of the law.* Public Law 86–195 amends 38 U.S.C. 101(4) by adding the following sentence "A person shall be deemed, as of the date of death of a veteran, to be the legally adopted child of such veteran if such person was at the time of the veteran's death living in the veteran's household and was legally adopted by the veteran's surviving spouse within two years after the veteran's death or the date of enactment of this sentence; however, this sentence shall not apply if at the time of the veteran's death, such person was receiving regular contributions toward his support from some individual other than the veteran or his spouse, or from any public or private welfare organization which furnishes services or assistance for children."

(b) *Effect of act.* The definition of "child" in 38 U.S.C. 101(4), as amended by this law, is applicable to all benefits covered by Title 38, United States Code, except for insurance purposes under chapter 19 or in disposing of personal property of the veteran under section 5202(b).

(c) *Adoption*—(1) *Evidence.* A certified copy of the final decree of adoption will be required, together with such other evidence as may be necessary to establish the identity of the parties, or to substantiate the date of the child's birth, or to ascertain any other pertinent and material facts in the particular case.

(2) *Spouse.* The term "spouse" as used in the law means a person who was the lawful wife or husband of the veteran at the time of his death, or whose marriage to the veteran is deemed valid under § 3.52. It is immaterial that the spouse may have remarried and that

the new wife or husband is a party to the adoption.

(3) *Legality of adoption.* The determination as to legality of adoption will be made by the adjudicating office except that a legal opinion will be requested where the letters of adoption are not regular on their face or circumstances surrounding the adoption suggest that the procedure was not accomplished in conformity with the law of the State involved.

(4) *Time limit.* The date of the final decree will be used in determining whether the adoption occurred within two years from the date of the veteran's death or the date of enactment, August 25, 1959.

(d) *"Living in the veteran's household".* The requirement that the child must have been "living in the veteran's household" at the time of the veteran's death will be considered as having been met if the child was a "member of the veteran's household" within the criteria applicable to that term as used in the definition of a stepchild. The question of whether the child was a member of the veteran's household at the time of death is one of fact to be ascertained by the best evidence obtainable. In the absence of information to the contrary, the statement of the adoptive mother or custodian of the child will be accepted. However, where necessary, additional evidence will be requested, such as the statements of individuals who have personal knowledge of the facts, school records, etc.

(e) *Contributions toward child's support*—(1) *Definition.* The term "regular contribution" as used in the law means:

(i) Any recurring contributions of sufficient size to constitute the major portion of the child's support while a member of the veteran's household; or

(ii) Except as provided in subparagraph (2) of this paragraph, the acceptance of the child into the veteran's household based on an arrangement whereby there would be regular contributions which would provide a major portion of the child's support.

(2) *Statement required.* A statement will be required from the adoptive parent or the custodian of the child showing whether at the time of acceptance of the child into the veteran's household or at the time of the veteran's death, regular contributions were promised or being made toward the support of the child by an individual other than the veteran or his spouse, or by any public or private welfare organization which furnishes services or assistance to children. The statement should include information as to the name and address of the person or organization making the contribution, the amount thereof, and the method of payment, whether weekly, monthly, quarterly, semi-annually, or yearly and, if such payments were discontinued prior to the veteran's death, the reason for the termination. If the evidence shows that payments, based on an arrangement, were never made or were discontinued but the child remained in the veteran's household because of the veteran's intention to have it become a member of his family, then the initial arrangement should not be construed as a bar.

(3) *Acceptance of statement.* This statement will be accepted unless there is some evidence of record which would cast doubt on its veracity or completeness, in which event such additional evidence will be requested as may be indicated by the circumstances in the particular case.

(f) *Effective date.* The law became effective on the date of enactment, August 25, 1959. The provisions of this paragraph apply to claims which are allowed solely because of its liberalizing provisions and are subject to the rule that the effective date may not be earlier than the date of the final decree of adoption.

(1) *Pending claims.* Where otherwise in order, the effective date of an award as to a claim pending on the date of approval of the act will be August 25, 1959. For the purposes of this subparagraph a pending claim will include:

(i) A claim not previously disallowed by the adjudicating activity of original jurisdiction.

(ii) A previously disallowed claim pending consideration on appeal.

(iii) A previously disallowed claim reopened by the receipt of any claim, evidence, or inquiry on which action was pending on August 25, 1959.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence, or inquiry after August 25, 1959, within the appeal period.

(2) *New claims.* All other claims, formal or informal, received on or after August 25, 1959, will be considered initial claims for the purpose of this law and the effective date will be determined under applicable laws and regulations relating to original claims but not earlier than August 25, 1959. (Instruction 1, 38 U.S.C. 101(4), Pub. Law 86–195)

**§ 3.1561 Payment of benefits to children on account of the death of more than one parent in the same parental line.**

(a) *Provisions of the law.* (1) Section 1 of Public Law 86–495 amends section 3104(b)(2) of Title 38, United States Code, to read as follows:

(2) Benefits other than insurance under laws administered by the Veterans' Administration may not be paid or furnished to or on account of any child by reason of the death of more than one parent in the same parental line; however, the child may elect one or more times to receive benefits by reason of the death of any one of such parents.

(2) Section 2 provides:

The amendment made by this Act shall apply only to cases where the death of a parent occurs after the date of enactment of this Act.

(b) *Effect of the Act.* (1) The term "more than one parent in the same parental line" refers to more than one father or more than one mother; e.g., a natural father and a stepfather. It does not include a combination of one mother and one father.

(2) Payment of more than one death benefit (exclusive of insurance) based on the deaths of two or more parents in the same parental line is prohibited by this amendment, except where the death of more than one such parent occurred before June 9, 1960.

(3) A child may elect and reelect any number of times to receive benefits by reason of the death of any one parent in the same parental line.

(4) Concurrent benefits for children entitled on the basis of the deaths of two or more parents in the same parental line which occurred prior to June 9, 1960, are not affected by this law.

(5) The finality of election to receive dependency and indemnity compensation provided by 38 U.S.C. 416(b)(2) where death occurred before January 1, 1957, is not affected by this amendment.

(c) *Effective date.* The date of enactment of this Act was June 8, 1960. It applies only to deaths which occurred on or after June 9, 1960. (Instruction 1, 38 U.S.C. 3104(b)(2), Pub. Law 86–495)

**§ 3.1562 Change in method of determining basic pay for purposes of computing dependency and indemnity compensation under Public Law 86–492.**

(a) *Provisions of law.* Public Law 86–492 amends 38 U.S.C. 402, by adding the following new subsection:

(d) If a veteran has satisfactorily served on active duty for a period of six months or more in a rank higher than that specified in subsection (a) or (b) and was so serving in such rank within one hundred and twenty days before death in the active military, naval, or air service or before last discharge or release from active duty under conditions other than dishonorable, his basic pay shall be determined by using the appropriate rank specified in those subsections or by substituting such higher rank for the rank specified in those subsections, whichever will result in a greater amount. The determination as to whether an individual has served satisfactorily for the required period in a higher rank shall be made by the Secretary of the Department in which such higher rank was held.

(b) *Effect of the act.* (1) It liberalizes the criteria for determining basic pay for purposes of dependency and indemnity compensation in a limited number of widow cases.

(2) Subsequent to June 8, 1960, the applicable service department will certify basic pay based on the rank and years of service that will provide the higher rate.

(3) The service department is responsible for determining whether the veteran served satisfactorily in a higher rank for at least 6 months during active service and held such rank within 120 days of discharge or death.

(c) *Effective date.* The date of enactment of this act was June 8, 1960. No increase in the rate of dependency and indemnity compensation based solely on its liberalizing provisions may be made effective prior to date of enactment or date of claim, formal or informal, whichever is later.

(1) *Pending claims.* The effective date of an increased rate of dependency and indemnity compensation as to a claim pending on the date of enactment will be June 8, 1960, if evidence otherwise establishes entitlement on that date. Pending claims will include:



(i) A claim not previously adjudicated.

(ii) A previously disallowed claim pending consideration on appeal.

(iii) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry on which action was pending on date of enactment.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry after date of enactment but within the appeal period.

(2) *New claims.* All other claims, formal or informal, received on or after June 8, 1960, will be considered initial claims for the purpose of this law and the effective date will be determined under applicable laws and regulations relating to original claims but not earlier than June 8, 1960. (Instruction 1, 38 U.S.C. 402, Pub. Law 86–492)

**§ 3.1563 Liberalization of marriage requirements for widow's entitlement to death compensation.**

(a) *Provisions of the law.* Public Law 86–491 approved June 8, 1960, amends Chapter 11 of Title 38, United States Code, by substituting "fifteen years" for "ten years" in item (1) of 38 U.S.C. 302(a). The subsection, as amended, is as follows:

(a) No compensation shall be paid to the widow of a veteran under this chapter unless she was married to him.

(1) Before the expiration of fifteen years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated; or

(2) For five or more years; or

(3) For any period of time if a child was born of the marriage.

(b) *Effect of the act.* (1) The marriage requirements for payment of death compensation to widows have been liberalized and made uniform with those for payment of dependency and indemnity compensation. The marriage requirements in 38 U.S.C. 302, as amended, are now identical with those in 38 U.S.C. 404.

(2) This liberalizing change will have a very limited application. Death compensation currently is payable only where the veteran died prior to January 1, 1957, or where he died after April 30, 1957, while having in force a contract of United States Government life insurance or National Service life insurance under an inservice waiver of premiums pursuant to 38 U.S.C. 724. Even in such cases, the change would be applicable only if no child were born of the marriage and the widow had not been married to the veteran for 5 or more years.

(c) *Effective date.* The law becomes effective on the date of enactment, June 8, 1960. The provisions of this paragraph apply to claims which are allowed solely because of its liberalizing provisions and are subject to the rule that the effective date may not be earlier than the date of enactment.

(1) *Pending claims.* Where otherwise in order, the effective date of an award as to a claim pending on the date of approval of the act will be June 8, 1960. For the purposes of this subparagraph a pending claim will include:

(i) A claim not previously disallowed by the Adjudication activity of original jurisdiction.

(ii) A previously disallowed claim pending consideration on appeal.

(iii) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry, in which action was pending on June 8, 1960.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry, after June 8, 1960, but within the appeal period.

(2) *New claims.* All other claims, formal or informal, received on or after June 8, 1960, will be considered initial claims for the purpose of this act and the effective date will be determined under applicable laws and regulations relating to original claims but not earlier than June 8, 1960. (Instruction 1, 38 U.S.C. 302(a)(1), Pub. Law 86–491)

**§ 3.1564 New effective date for payment of additional compensation for dependents.**

(a) *Provisions of the law.* The law provides that section 3011, Title 38, United States Code, is amended to read:

The effective date of an award of increased compensation, dependency and indemnity compensation, or pension (amending, reopening, or supplementing a previous award, authorizing any payments not previously authorized to the individual involved) shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of evidence showing entitlement thereto, except as hereafter provided. Additional compensation on account of dependents based on the establishment of a disability rating in the percentage evaluation specified by law for the purpose shall be payable from the effective date of such rating provided the basic proof of dependents is received in the Veterans Administration within sixty days from the date of notification of such rating action.

(b) *Effect of the act*—(1) *Prior law.* Before the enactment of Public Law 86–490, the additional compensation for dependents following a rating increasing the evaluation to 50 percent or more disabling was payable from the date the evidence establishing the dependent was received.

(2) *Present law.* Under Public Law 86–490, the additional compensation will be payable from the effective date of the increased evaluation to 50 percent or more if basic proof of dependent(s) is received within 60 days from date of Veterans Administration notification of increased disability.

(3) *Basic proof*—(i) *Marriage.* The basic proof of marriage will be the evidence described in § 3.205 (a) and (b) as well as the secondary evidence described in § 3.204, e.g., a copy of the public record of marriage.

(ii) *Birth and relationship.* The basic proof to establish the relationship and date of birth of a child or relationship of a parent will be the evidence described in §§ 3.209 and 3.210 as well as secondary evidence described in § 3.204. In claims involving additional compensation for dependent parents the basic proof will consist of evidence of relationship and dependency.

(4) *Substantiating evidence.* The veteran will be given 1 year in which to perfect the claim for increase for dependents, e.g., if the basic proof (record of marriage) is received within 60 days, he will have 1 year from date of Veterans Administration request to submit any substantiating evidence (such as decree of divorce) to show dissolution of a prior marriage.

(c) *Effective date.* Payment of additional compensation for a dependent by reason of Public Law 86–490 will be from the effective date of the increased evaluation to 50 percent or more or the date of enactment of Public Law 86–490, whichever is the later whenever basic proof received on or after June 8, 1960, is within 60 days from date of Veterans Administration notification of increased evaluation and substantiating evidence is received within 1 year from date of Veterans Administration request therefor. (Instruction 1, 38 U.S.C. 3011, Pub. Law 86–490)

**§ 3.1565 Additional compensation for veterans having four or more children and whose disability is 50 percent or more disabling.**

(a) *Provisions of the law.* (1) Section 1 of the law amends subsection (a)(1) of section 315, Title 38, United States Code, as follows:

(1) If and while rated totally disabled and— • • •

(D) Has a wife and three or more children living, $62 (plus $12 for each living child in excess of three); • • •

(G) Has no wife but three or more children living, $39 (plus $12 for each living child in excess of three); and • • •

(2) Section 2 provides:

The amendments made by this Act shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act.

(b) *Effect of the act.*—(1) *Removal of ceiling.* Prior to its amendment, additional compensation under 38 U.S.C. 315(a) was payable for a maximum of three children. The act removes this limitation and permits payment of additional compensation for any number of children.

(2) *Additional amounts.* Where the veteran's service-connected disability is evaluated at 100 percent, additional compensation of $12 is payable for each living child. Pro rata amounts of additional compensation are payable where the disability is evaluated from 50 percent to 90 percent, adjusted upward or downward to the nearest dollar (counting fifty cents and over as a whole dollar).

(c) *Effective date.* The law becomes effective the first day of the second calendar month which begins after the date of enactment, June 8, 1960. The provisions of this paragraph apply to claims which are allowed solely because of its liberalizing provisions and are subject to the rule that the effective date may not be earlier than August 1, 1960.

(1) *Pending claims.* Where otherwise in order, the effective date of an award as to a claim based on 50 percent or more disability pending on the date of enactment will be August 1, 1960. Pending claims will include:

(i) A claim not previously adjudicated.
(ii) A previously disallowed claim pending appellate consideration.
(iii) A previously disallowed claim reopened by receipt of any claim, evidence or inquiry on which action was pending on June 8, 1960.
(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry after June 8, 1960, but within the appeal period.

(2) *New claims.* All other claims, formal or informal, received on or after June 8, 1960, will be considered initial claims for the purpose of this law and the effective date will be determined under applicable laws and regulations relating to original claims but not earlier than August 1, 1960. Where a claim identifying the benefit sought is received within one year from August 1, 1960 and evidence of entitlement is of record on August 1, 1960, benefits will be payable from August 1, 1960. (Instructions 1 and 1–A, 38 U.S.C. 315, Pub. Law 86–499)

**§ 3.1566 Additional disability compensation for certain seriously disabled veterans.**

(a) *Provisions of the law.* This law amends 38 U.S.C. 314, by adding subsection (s) as follows:

(s) If the veteran has a service-connected disability rated as total, and (1) has additional service-connected disability or disabilities independently ratable at 60 per centum or more, or, (2) by reason of his service-connected disability or disabilities, is permanently housebound, then the monthly compensation shall be $265. For the purpose of this subsection, the requirement of "permanently housebound" will be considered to have been met when the veteran is substantially confined to his house (ward or clinical areas, if institutionalized) or immediate premises due to a service-connected disability or disabilities which it is reasonably certain will remain throughout his lifetime.

(b) *Effect of the act.* This act establishes a new statutory rate of disability compensation. It provides a monthly rate of compensation of $265 for wartime disability and $212 for peacetime disability. These rates, with additional allowances for dependents, are applicable to two types of cases:

(1) A veteran who has a service-connected disability rated as total and has additional service-connected disability or disabilities independently ratable at 60 percent or more.

(i) "A service-connected disability rated as total" means a single disability rated 100 percent under regular schedular evaluations without employment of exceptional provisions for temporary application as in paragraphs, 28, 29 and 30, pages 12, 13, and 14, 1945 Schedule for Rating Disabilities (Loose Leaf Edition).

(ii) "Additional service-connected disability or disabilities independently ratable at 60 per centum or more" means one disability or a combination of disabilities which, separate and distinct from the total disability, have an evaluation of 60 percent or more, the amputation rule being observed where applicable. The fact that these separate disabilities and the total disability result from a common etiological agent, for example, one injury or rheumatoid arthritis, will not preclude entitlement under this subsection. Total ratings by reason of "individual unemployability" are based on all service-connected disabilities, therefore, there can be no "additional" disability in these cases for the purpose of this act.

NOTE: Where the separate 60 percent disability also establishes entitlement under 38 U.S.C. 314(k) payment will be based on subsections (j) plus (k) since this affords the greater benefit. In such cases subsection (s) will not be applied.

(2) A veteran who has a service-connected disability rated as total and by reason of his service-connected disability or disabilities, is permanently housebound.

(i) A veteran will be considered housebound when he is substantially confined to dwelling and immediate premises or, if institutionalized, to ward or clinical areas. Ability to make short excursions from dwelling, hospital or clinic assisted or unassisted, is not inconsistent with "substantial confinement." A veteran meeting the foregoing condition will be considered "permanently housebound" when it is reasonably certain that the disability or disabilities and resultant confinement will remain throughout his lifetime. Such permanency will be determined on the facts in each case.

(ii) "By reason of his service-connected disability or disabilities" requires that the restriction of activity be a direct result of the service-connected disability or disabilities, independent of any coexisting disablement due to nonservice-connected conditions. It cannot be a matter of election or choice; there must be a direct relationship between the nature and extent of the service-connected disabilities and the limitation of activities.

(c) *Effective date.* The law was approved July 14, 1960 and becomes effective September 1, 1960. No benefit based solely on the liberalizing provisions of this law may be effective prior to September 1, 1960.

(1) *Pending claims.* Where otherwise in order the effective date of an award as to a claim pending on the date of approval of the act will be September 1, 1960. For the purpose of this subparagraph a pending claim will include:

(i) A claim not previously adjudicated.
(ii) A previously disallowed claim pending consideration on appeal.
(iii) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry on which action was pending on July 14, 1960.
(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry after July 14, 1960 but within the appeal period.

(2) *New claims.* Claims, formal or informal, received on or after July 14, 1960, will be considered initial claims for the purpose of this act and the effective date will be determined under applicable laws and regulations relating to original claims but not earlier than September 1, 1960.

(i) Where a claim identifying the benefit sought is received within 1 year from September 1, 1960, and evidence of entitlement is of record on or before September 1, 1960, benefits will be payable from September 1, 1960.

(ii) For the purposes of this act, a report of Veterans Administration examination or Veterans Administration hospitalization will be accepted as a claim if the report relates to a disability which may establish entitlement to this benefit. (Instructions 1 and 1–A, 38 U.S.C. 314, Pub. Law 86–663) (72 Stat. 1114; 38 U.S.C. 210)

## Subpart B—Burial Benefits

**§ 3.1600 Payment of burial expenses of deceased veterans.**

(a) *Wartime veterans.* When a veteran of any war dies on or after August 19, 1958, an amount not to exceed $250 (250 Philippine pesos in those cases covered in § 3.8 (c) and (d)) is payable on the burial and funeral expenses and transportation of the body to the place of burial, if otherwise entitled within the further provisions of §§ 3.1600 through 3.1611. For this purpose the period of any war is as defined in § 3.2, except that World War I extends only from April 6, 1917, through November 11, 1918, or if the veteran served with the United States military forces in Russia, through April 1, 1920.

(b) *Peacetime veterans.* A veteran of service other than during a war period has basic entitlement:

(1) If he was discharged or retired from active service for a disability incurred or aggravated in line of duty. The official service department records showing that the veteran was discharged or released from service for disability incurred in line of duty will be accepted for this purpose, notwithstanding that the Veterans Administration has determined, in connection with a claim for monetary benefits, that the disability was not incurred in line of duty; or

(2) If he was at the time of his death in receipt of, or but for receipt of retirement pay would have been entitled to receive disability compensation; or

(3) Where the official service records show discharge for a reason other than disability but also show a service-connected disability for which the veteran was receiving treatment at time of discharge and the Veterans Administration determines that the facts were sufficient to have warranted a discharge for disability incurred in line of duty. If the veteran was not under treatment for such disability at time of discharge, entitlement exists if the Veterans Administration determines that the disability in medical judgment was of such character, duration and degree as to have justified a discharge for disability incurred in line of duty. Payments will be for the same purposes and in the same amounts as provided in paragraph (a) of this section.

(c) *Character of discharge.* The period of active service upon which claim is based must have been terminated by discharge or release from active service under conditions other than dishonorable.

(d) *Determinations.* Where a claim for burial allowance would be or has been disallowed because the service department holds that the disability was not incurred in line of duty and evidence is submitted which permits a different finding, the decision of the service department is not binding and the Veterans Administration will determine line of duty. The burden of proof will rest upon the claimant.

(e) *Persons not included.* Except as provided in § 3.1605(c) burial allowance is not payable in the following cases:

(1) A discharged or rejected draftee or selectee.

(2) A member of the National Guard who reported to camp in answer to the President's call for World War I or World War II service, but who, when medically examined was not finally accepted for active military service.

(3) An alien who does not come within the purview of § 3.7(b).

(4) Philippine Scouts enlisted on or after October 6, 1945, under section 14, Public Law 190, 79th Congress.

(5) Temporary members of the Coast Guard Reserve.

CROSS REFERENCES: Definitions; veterans. See § 3.1(d).
Protection; burial allowance. See § 3.954.

**§ 3.1601 Claims and evidence.**

(a) *Claims.* Claims for reimbursement or direct payment of burial and funeral expenses and transportation of the body must be received by the Veterans Administration within 2 years after the permanent burial or cremation of the body. Claims may be executed by:

(1) The undertaker, if entire bill or any balance is unpaid (if unpaid balance is under $250 only amount of unpaid balance will be payable to the undertaker); or

(2) The individual whose personal funds were used to pay burial, funeral and transportation expenses; or

(3) The executor or administrator of the estate of the veteran or the estate of the person who paid the expenses of the veteran's burial or provided such services. If no executor or administrator has been appointed then by some person acting for such estate who will make distribution of the burial allowance to the person or persons entitled under the laws governing the distribution of interstate estates in the State of the decedents personal domicile.

(b) *Supporting evidence.* Evidence required to complete a claim (including a reopened claim filed within the 2-year period) must be submitted within 1 year from date of the Veterans Administration request for such evidence. In addition to the proper claim form the claimant is required to submit:

(1) *Statement of account.* (Preferably on undertaker's bill head) showing cost of services rendered, name of deceased veteran, and name of person who authorized the services.

(2) *Receipted bills.* Must show by whom payment was made and show receipt by a person acting for the undertaker.

(3) *Proof of death.* In accordance with § 3.211.

(4) *Waivers from all other distributees.* Where expenses of a veteran's burial, funeral and transportation were paid from funds of the veteran's estate or some other deceased person's estate and the identity and right of all persons to share in that estate have been established, payment may be made to one heir upon unconditional written consent of all other heirs.

**§ 3.1602 Special conditions governing payments.**

(a) *Two or more persons expended funds.* If two or more persons have paid from their personal funds toward the burial, funeral and transportation expenses, the burial allowance will be divided among such persons in accordance with the proportionate share paid by each, unless waiver is executed in favor of one of such persons by the other person or persons involved. The person in whose favor payment is waived will not be allowed a sum greater than that which was paid by him. (See § 3.1601 (a)(3).)

(b) *Person who performed services.* A person who performed burial, funeral and transportation services will have priority over claims of persons whose personal funds were expended.

(c) *Partial payment.* Where partial payment of the expenses of the burial, funeral and transportation of the body are made from funds of the veteran's estate and the balance from the personal funds of another person, the claim of the other person has priority.

(d) *Escheat.* No payment of burial allowance will be made where it would escheat.

**§ 3.1603 Unclaimed bodies.**

If the body of a deceased veteran is unclaimed, there being no relatives or friends to claim the body, the amount provided for burial allowance will be available for the burial upon receipt of a claim accompanied by a statement showing what efforts were made to locate relatives or friends. The question of escheat of any part of such deceased veteran's estate is not a factor in such a claim. Burial allowance may be authorized for cost of distinterment and reburial of unclaimed remains originally accorded pauper burial but not for initial expenses of a burial in a potter's field. Burial in a prison cemetery is not considered a pauper burial.

**§ 3.1604 Payments by the United States, a State, any agency or political subdivision of the United States or of a State, employer of the deceased veteran, lodge, union, or burial association.**

Only the difference between the entire burial expense and the amount paid thereon by any or all of the foregoing agencies, not to exceed $250, will be authorized. Cash amounts paid by a burial association to any person other than the person providing burial and funeral services will not reduce the amount otherwise payable.

(a) *Contributions or payments by lodge, union, fraternal or beneficial organization, society, or insurance company.* Contributions or payments made by any of the foregoing organizations will bar payment of the burial allowance only if such allowance would revert to the funds of such organization or would discharge such organization's obligation without payment. The American Red Cross is excluded from such organizations.

(b) *Payment by Federal agency.* (1) Where a veteran dies while in employment covered by the United States Employees' Compensation Act, as amended, or other similar laws specifically providing for payment of the expenses of funeral, transportation, and interment out of Federal funds, burial allowance will not be authorized by the Veterans Administration.

(2) A provision in any Federal law or regulation permitting the application of funds due or accrued to the credit of the deceased toward the expenses of funeral, transportation and interment (such as Social Security benefits), as distinguished from a provision specifically prescribing a definite allowance for such purpose, will not bar payment of the burial allowance. In such cases only the difference between the total burial expense and the amount paid thereon under such provision, not to exceed $250, will be authorized.

(3) Burial allowance is not payable for deaths in active service, or during the duty periods set forth in § 3.6, or for other deaths where the cost of burial and transportation is paid by the service department.

**§ 3.1605 Death while traveling under prior authorization or while hospitalized by the Veterans Administration.**

(a) *Conditions.* When a veteran while traveling under proper prior authorization and at Veterans Administration expense to or from a specified place for the purpose of:

(1) Examination; or
(2) Treatment; or
(3) Care

dies enroute, burial, funeral and transportation expenses will be allowed as though death occurred while properly hospitalized by the Veterans Administration. Hospitalization in the Philippines under 38 U.S.C. 631, 632 and 633 does not meet the requirements of this section.

(b) *Transportation.* Except for retired persons hospitalized under section 5 of Executive Order 10122 (15 F.R. 2173; 3 CFR 1950 Supp.) issued pursuant to Public Law 351, 81st Congress, and not as Veterans Administration beneficiaries, the cost of transportation of the body to the place of burial in addition to the burial allowance will be provided by the Veterans Administration where death occurs:

(1) Within the continental limits of the United States while the veteran is hospitalized by the Veterans Administration and the body is buried in continental United States, including Alaska if the veteran was a resident of Alaska and had been brought to one of the other States by the Veterans Administration for hospital or domiciliary care; or

(2) While hospitalized in a territory or possession of the United States and the body is buried in such territory or possession; or

(3) While hospitalized within but burial is to be outside of the continental United States, except that cost of transportation of the body will be authorized only from place of death to port of embarkation, or to border limits of United States where burial is in Canada or Mexico.

(c) *Extended entitlement.* Entitlement extends to the following persons who die while properly hospitalized by the Veterans Administration:

(1) Discharged or rejected draftees; or

(2) Members of the National Guard who reported to camp in answer to the President's call for World War I, World War II, or Korean service, but who when medically examined were not finally accepted for active military service; or

(3) A veteran discharged under conditions other than dishonorable from a period of service other than a war period.

(d) *Persons properly hospitalized.* A person properly hospitalized who dies:

(1) While on a pass for a period not in excess of 72 hours; or

(2) Who is absent without leave for a period not in excess of 24 hours (cases in which absence without leave arises at expiration of pass are not included);

is considered as having died while hospitalized.

(e) *Persons not properly hospitalized.* Where a deceased person was not properly hospitalized, benefits will not be authorized under this section.

**§ 3.1606 Transportation items where veteran dies while properly hospitalized.**

The transportation costs of those persons who come within the provisions of § 3.1605 (a), (b), (c), and (d) may include the following:

(a) *Shipment by common carrier.* (1) Charge for pickup of remains from place hospitalized or place of death while traveling under prior authorization, but not to exceed the usual and customary charge made the general public for the same service.

(2) Procuring permit for shipment.

(3) Shipping case. An allowance not to exceed $25 may be made as a part of transportation expense. Any excess amount would be an acceptable item to be included in the burial allowance expenses.

(4) Cost of sealing outside case (tin or galvanized iron), if a vault (steel or concrete) is used as a shipping case and also for burial, an allowance of $25 may be made thereon in lieu of a separate shipping case.

(5) Cost of hearse to point where remains are to be placed on common carrier for shipment.

(6) Cost of transportation by common carrier including amounts paid as Federal taxes.

(7) Cost of one removal by hearse direct from common carrier plus one later removal by hearse to place of burial.

(b) *Transported by hearse.* (1) Charge for pickup of remains from place hospitalized, or place of death while traveling under prior authorization, and

(2) Charge for one later removal by hearse to place of burial. These charges will not exceed those made the general public for the same services.

**§ 3.1607 Cost of flags.**

No reimbursement will be authorized for the cost of a burial flag privately purchased by relatives, friends, or other parties but such cost may be included in a claim for the burial allowance.

**§ 3.1608 Nonallowable expenses.**

No reimbursement will be allowed for:

(a) *Accessory items.* Such as items of food and drink.

(b) *Duplicate items.* Any item or cost of any item or service, such as casket, clothing, etc., previously provided or paid for by any Federal agency (including the Veterans Administration).

**§ 3.1609 Forfeiture.**

Forfeiture of benefits for fraud by a veteran during his lifetime will not preclude payment of burial allowance if otherwise in order. No benefits will be paid to a claimant who participated in the fraud which caused the forfeiture by the veteran.

CROSS REFERENCE: Effect of forfeiture after veteran's death. See § 3.903.

**§ 3.1610 Burial in National cemeteries.**

The statutory burial allowance and permissible transportation charges as provided in §§ 3.1600 through 3.1611 are also payable where the burial of the deceased veteran is in a National cemetery when the following conditions have been met:

(a) Such burial is desired by the person or persons entitled to the custody of the remains for purposes of interment. Where the body is unclaimed by relatives or friends the Manager of the regional office in the area in which the veteran died will immediately complete arrangements for burial in a National cemetery. (See § 3.1603.)

(b) Permission for burial has been received from the officers having jurisdiction over burials in National cemeteries.

**§ 3.1611 Official Veterans Administration representation at funeral.**

When requested by the person entitled to the custody of the body of a deceased beneficiary of the Veterans Administration, official representation at the funeral will be granted provided an employee is available for the purpose and this representation will entail no expense to the Veterans Administration.

PROVISIONAL REGULATIONS

**§ 3.1690 Instructions relating to the effect of admission of the State of Alaska into the Union on payment of burial benefits.**

(a) *Provisions of the law.* Section 29(a), Public Law 86–70, enacted June 25, 1959, amends section 903 of Title 38, United States Code, on the subject "Death in Veterans' Administration Facility", by revising subsection (b) to read as follows:

In addition to the foregoing, when such a death occurs in the continental United States (including Alaska), the Administrator shall transport the body to the place of burial in the continental United States (including Alaska) * * *.

(b) Scope. When the death of a veteran occurs while traveling under prior authorization and at Veterans Administration expense to or from a specified place for the purpose of examination, treatment, or care, or while properly hospitalized by the Veterans Administration, or while receiving domiciliary care from the Veterans Administration, there may be paid in addition to the actual cost of funeral and burial (not to exceed $250) the cost of transporting the body to the place of burial within the continental limits of the United States which now include Alaska. The requirement that in such cases the Veterans Administration would pay for the cost of transporting the body to Alaska only if the veteran was a resident of Alaska has been removed by section 29(a) of Public Law 86–70 effective June 25, 1959. (Instruction 1, Pub. Law 86–70)

**§ 3.1691 Effect of admission of the State of Hawaii into the union on payment of burial benefits.**

(a) *Provisions of the law.* Section 25(b), Public Law 86–624, amends section 903 of Title 38, United States Code, on the subject "Death in Veterans' Administration facility", by revising subsection (b) to read as follows:

In addition to the foregoing, when such a death occurs in the continental United States or Hawaii, the Administrator shall transport the body to the place of burial in the continental United States or Hawaii. Where such a death occurs in a Territory, a Commonwealth, or a possession of the United States, the Administrator shall transport the body to the place of burial within such Territory, Commonwealth, or possession.

(b) *Effect of the act.* Section 903(b) of Title 38, United States Code relates to the authority of the Veterans Administration to transport the bodies of veterans who had died in Veterans Administration facilities. Prior to enactment of Public Law 86–624 this section provided that when a death occurred in the continental United States (this included Alaska but excluded Hawaii) transportation of the body could be provided to the place of burial in the continental United States. There was no explicit provision included for transportation of the bodies of deceased veterans from Hawaii to the other States or from the other States to Hawaii. Public Law 86–624 removes the statutory distinctions between Hawaii and the other States and accords Hawaii the same treatment as the other States.

(c) *Adjudication procedure.* There may be paid in addition to the actual cost of funeral and burial (not to exceed $250) the cost of transporting the body to the place of burial within the continental limits of the United States or Hawaii if the death of a veteran occurs:

(1) While traveling under prior authorization and at Veterans Administration expense to or from a specified place for the purpose of examination, treatment, or care; or

(2) While properly hospitalized by the Veterans Administration; or



(3) While receiving domiciliary care from the Veterans Administration.

(d) *Effective date.* Section 25(b) of this law became effective on the date of enactment, July 12, 1960. Therefore, it applies where the veteran died on or after that date. (Instruction 1, 38 U.S.C. 903(b), Pub. Law 86–624.) (72 Stat. 1114; 38 U.S.C. 210)

## Subpart C—Servicemen's Indemnity

**§ 3.1800 Basic requirements of service and death.**

Servicemen's indemnity is payable under the conditions outlined in these servicemen's indemnity regulations where the serviceman died prior to January 1, 1957. Part I, Public Law 23, 82d Congress (the Servicemen's Indemnity Act of 1951), which authorized the payment of this benefit, was repealed by section 502(9), Public Law 881, 84th Congress, effective January 1, 1957. Where a principal or contingent beneficiary has elected to receive dependency and indemnity compensation, payments of servicemen's indemnity are subject to the limitations set forth in §§ 3.658(a), 3.705, and 3.706 (sec. 206(e), Pub. Law 881, 84th Cong.).

(a) The servicemen's indemnity will be payable based on active service rendered on or after June 27, 1950, where death occurred in active service or, except as to service under subparagraph (2) of this paragraph, where death occurred within 120 days after separation or release from active service, if the serviceman had been called to extended active duty, including a call to active duty for training purposes, for a period exceeding 30 days. The additional 120-day coverage extends to any serviceman called to active service for a period exceeding 30 days, notwithstanding the fact that any such person may have been separated or released from such active service prior to having served for a period exceeding 30 days. The date of discharge or release from service is not to be included in computing the 120-day period. The character of separation or release from active service is not material. See, however, § 3.1816. For the purposes of death in active service, the following service is included:

(1) Active service in the Army (including Philippine Scout service), Navy, Air Force, Marine Corps, and Coast Guard, or active service, including active duty for training purposes, in the Reserve components thereof. (In time of national emergency, the National Guard organizations or units of the various States, Territories, and the District of Columbia may be mustered into the Federal service in answer to a call or order of the President of the United States. Service rendered after muster into the Federal service is as a member of the Army or Air Force. When serving on such extended active duty in the Army or Air Force, the entitlement of guardsmen to indemnity is the same as that of the Regular Establishment and the Reserve components of the Armed Forces on extended active duty. Scheduled training duty by a member of the National Guard preliminary or preparatory to muster into the active Federal service does not constitute active Federal service in the Armed Forces. Members of the regular Naval Reserve Officers' Training Corps (NROTC) who are appointed midshipmen are not covered while undergoing scholastic instruction during the regular school term, but are covered when on active duty for training as a member of a Reserve component during the annual practice cruise or the annual training period, and during the time required for travel in connection with such training from the NROTC Unit to the port of embarkation or to the summer training station and return, when such travel is performed under competent orders. For coverage of contract NROTC, ROTC, and AFROTC, see subparagraph (2) of this paragraph.)

(2) Members of the Reserve Officers' Training Corps (Army ROTC), contract Naval Reserve Officers' Training Corps (NROTC), and Air Force Reserve Officers' Training Corps (AFROTC) when called or ordered to active training duty for 14 days or more, where death occurs on or after June 27, 1950, and prior to August 1, 1956, while on such active training duty. (Coverage of these categories is limited to deaths which occur while on such active training duty, and does not extend for 120 days after separation or release from duty even though the person may have been called or ordered to such duty for a period exceeding 30 days. They are not covered while undergoing scholastic training or inactive training duty. They are covered during a period of travel en route to or from active training duty only if such travel is performed under competent orders; for example, travel to or from the port of embarkation or training station for the annual practice cruise or annual training period.) There is no coverage of categories in this subparagraph where death occurs on or after August 1, 1956 (Pub. Law 879, 84th Cong.).

(3) National Guard when called to active duty or active training duty for 14 days or more under sections 5, 81, 92, 94, 97, and 99 of the National Defense Act (act of June 3, 1916), as amended. For indemnity coverage, duty must be performed in the interests of the Federal Government, purely State duty being excluded. Accordingly, National Guardsmen called to active duty by the Governor of a State in connection with an emergency, such as flood relief, to quell a riot, or to impose marital law, are excluded.

(4) Cadets and midshipmen at the United States Military, Naval, Coast Guard, and Air Force Academies.

(5) Commissioned officers of the Public Health Service, regular and reserve, while entitled to full military benefits, as provided in section 212(a), Public Law 410, 78th Congress, as amended, i.e. (i) while detailed for duty with the Army, Air Force, Navy, Marine Corps, or Coast Guard, or (ii) while serving on active duty in time of war outside the continental limits of the United States, or in Alaska, or (iii) while serving on active duty in time of war and following the issuance of an Executive order declaring the entire Commissioned Corps of the Public Health Service a part of the military forces of the United States. (The Commissioned Corps of the Public Health Service, by virtue of Executive Order 9575, published June 29, 1945 (10 F.R. 7895; 3 CFR, 1945 Supp.) was a part of the military forces of the United States on June 27, 1950, which status continued through July 3, 1952, by virtue of Executive Order 10349, dated April 26, 1952 (17 F.R. 3769; 3 CFR, 1952 Supp.); Executive Order 10356, dated May 29, 1952 (17 F.R. 4967; 3 CFR, 1952 Supp.); Executive Order 10362, dated June 14, 1952 (17 F.R. 5413; 3 CFR, 1952 Supp.); and Executive Order 10367, dated June 30, 1952 (17 F.R. 5929; 3 CFR, 1952 Supp.). Service on and after July 4, 1952, must meet the requirements of subdivision (i) of this subparagraph.)

(6) Commissioned officers of the Coast and Geodetic Survey, while assigned to duty during a period of war or an emergency as proclaimed by the President or the Congress on projects for the Army, Navy, or Air Force in areas outside the continental United States, or in Alaska; or in coastal areas of the United States determined by the Department of Defense to be of immediate military hazard (sec. 2, part I, Pub. Law 23, 82d Cong.).

(b) The servicemen's indemnity will be payable where the serviceman is deemed to have been in active service at the time of his death, as follows:

(1) Persons who served on or after June 27, 1950, in the Reserve components, including the National Guard, while engaged in aerial flights in Government-owned or leased aircraft for any period with or without pay as an incident to their military or naval training. (There is no indemnity coverage while undergoing inactive training duty, such as assemblies for drill or instruction, except as comprehended under this subparagraph. Engagement in aerial flights in Government-owned or leased aircraft has to be an incident to military or naval training. Coverage is not confined to persons assigned as members of the crew on the flights, but extends to those persons designated as passengers who are engaged in aerial flights as part of their training duty, such as members of combat units (paratroopers), trainees, administrative and logistic personnel, etc. It is not the particular position they occupy in aerial flights but their status of training duty which determines whether they are deemed to be in active service under the provisions of this subparagraph. While "Government-owned or leased aircraft" is restricted to federally owned or leased aircraft, all military or naval aircraft are federally owned and title to all aircraft used by the various National Guards remains in the Federal Government. Accordingly, where it is shown that death occurred in a National Guard aircraft, it will not be necessary to secure further information as to Federal ownership or lease, in the absence of information to the contrary.)

(2) (i) Persons (volunteers) who have been or are provisionally accepted on or after June 27, 1950, and directed to report to a place for final acceptance or for entry upon active duty in the military or naval service, and who died or shall die as the result of disability

incurred while en route to such place and within 120 days after the incurrence of such disability. Coverage is limited to those who died or shall die as a result of disability incurred while en route from the place of assembly to the induction station and does not extend to travel to the place of assembly or to the period after rejection including the return trip.

(ii) Reservists of the Army, Air Force, Navy, Marine Corps, or Coast Guard who on or after June 27, 1950, have been or are called to active duty (including active duty for training) for a period of 30 days or less and who die or shall die as the result of disability incurred while in authorized travel status and within 120 days after the incurrence of such disability. Coverage under the term "Authorized travel status" includes injuries received while en route to or returning from a designated destination, in compliance with competent orders, during the period specified in the orders as constituting active duty status.

(3) Registrants (selectees) under the Selective Service Act of 1948, as amended (designated as the "Universal Military Training and Service Act" by Public Law 51, 82d Congress), who on or after June 27, 1950, in response to an order to report for induction into the Armed Forces and who, after reporting to a local draft board, died or dies as the result of disability incurred while en route from such draft board to a designated induction station and within 120 days after the incurrence of such disability (sec. 2, part I, Pub. Law 23, 82d Cong.). (Registrants (selectees) ordered to report direct to the induction station instead of first reporting to the local draft board are included and will be deemed to have reported to the local draft board from the moment they actually start en route to the designated induction station on the specified date in obedience to that order. Coverage of registrants (selectees) is limited to those who have died or shall die as a result of disability incurred while en route from the place of assembly or draft board to the induction station, and does not extend to travel to the place of assembly or draft board or to the period after rejection, including the return trip.)

**§ 3.1802 Eligible beneficiaries.**

(a) *Classes and order of payment to other than designated beneficiary.* The indemnity will be payable to the following classes of beneficiaries, and, in the absence of a designation, in the order named:

(1) Surviving spouse.

(2) Child or children (including a stepchild if designated as beneficiary by the serviceman or if a member of the serviceman's household at the date of his death (Pub. Law 172, 84th Cong.), an adopted child, or an illegitimate child, if the latter was designated as beneficiary by the serviceman).

(3) Parent (including a parent by adoption, or person who stood in loco parentis to the serviceman prior to attainment of 21 years of age and for a period of not less than 1 year prior to entry into the active service, or a stepparent who does not meet the loco parentis requirement if designated as beneficiary). Unless designated otherwise by the serviceman, the term "parent" includes only the mother and father who last bore that relationship to the serviceman (Pub. Law 172, 84th Cong.).

(4) Brother or sister of the serviceman (including those of the halfblood and those through adoption) (sec. 3, part I, Pub. Law 23, 82d Cong.).

(b) *Parents, brothers, and sisters of illegitimates.* If the insured was born an illegitimate and not legitimatized before his death, the terms "parent," "brother," and "sister" employed in section 3 of the Servicemen's Indemnity Act of 1951, as amended, will include as to relationship by consanguinity:

(1) The mother.

(2) The father, only if he shall establish that he can meet "in loco parentis" requirements of the act.

(3) (i) Brothers or sisters, if children of the same mother.

(ii) Brothers or sisters, if children of the same father and if it is shown to the satisfaction of the Administrator that the family relationship usual between brothers and sisters existed between them and the serviceman at the time he entered the service.

(c) *Discontinuance of awards under Public Law 172, 84th Congress.* Awards in course of payment on July 26, 1955, the date of approval of Public Law 172, 84th Congress, to or for a stepchild or stepparent who does not meet the requirements of the act will be discontinued effective the day preceding the due date of the installment due in October 1955. An award to a succeeding beneficiary will be made to commence as provided in § 3.1814.

**§ 3.1804 Determination of eligible beneficiaries.**

The serviceman has the right to designate the beneficiary or beneficiaries of the indemnity within the classes designated in § 3.1802; to designate the proportion of the principal amount to be paid to each; and to change the beneficiary or beneficiaries without the consent thereof but only within the classes designated. If the designated beneficiary or beneficiaries do not survive the serviceman, or if none has been designated, the indemnity will be paid to the first eligible class of beneficiaries according to the order set forth in § 3.1802 and in equal shares if the class is composed of more than one person. Any installments of an indemnity not paid to a beneficiary during such beneficiary's lifetime will be paid to the named contingent beneficiary, if any; otherwise, to the beneficiary or beneficiaries within the permitted class next entitled to priority. If no person within the permitted class survives to receive the indemnity or any part thereof, no payment of the unpaid installments will be made. No payment will be made to an heir, creditor, or legal representative as such of the deceased serviceman or of any deceased beneficiary (sec. 3, part I, Pub. Law 23, 82d Cong.).

**§ 3.1805 Testamentary disposition.**

A beneficiary designation, but not a change of beneficiary, may be made by last will and testament duly probated. If there was a beneficiary designated for indemnity and such beneficiary survived the veteran, the question as to whether the serviceman died testate is not material. A general or residuary clause of a will without specific reference to indemnity will not constitute a beneficiary designation in itself. A determination may be made, however, as to whether all the evidence, including the will, would be sufficient to establish such a designation.

**§ 3.1806 Evidence requirements.**

Proof of death of the serviceman and relationship of the beneficiary will be shown by evidence as outlined in §§ 3.205, 3.209, and 3.211. The relationship of a stepparent who is a designated beneficiary will be established by proof of marriage of the natural parent and stepparent, in addition to proof of birth of the serviceman. The relationship of an adoptive parent will be established by a certified copy of the court decree of adoption. The relationship of a brother or sister of the fullblood or halfblood will be established by proof of birth as outlined in § 3.209 of both the serviceman and the claimant, showing that both the serviceman and the claimant had one or both parents in common; a brother or sister by adoption, by proof of birth of the natural child and a certified copy of the court decree of adoption of the other child by one or both of the natural child's parents; if both the serviceman and claimant are adopted by a common parent or parents, by certified copy of court decree of adoption of each by one or both of the serviceman's parents. Proof of marriage or remarriage of a beneficiary will not be required solely for the purpose of establishing a change of name.

**§ 3.1807 Unexplained absence of a beneficiary for seven years.**

In the event that evidence as provided in § 3.211 to establish death of a beneficiary cannot be furnished, if satisfactory evidence is produced establishing the fact of continued and unexplained absence of any individual from his home and family for a period of 7 years and that after diligent search no evidence of his existence after date of disappearance has been found or otherwise received, the death of such absentee as of the date of expiration of such period may be considered as sufficiently proved. No State law providing for presumption of death will be applicable. The finding of death made by the Administrator of Veterans Affairs will be final and conclusive (38 U.S.C. 108, formerly Pub. Law 591, 77th Cong., Act of June 5, 1942).

**§ 3.1808 Claim for indemnity.**

A claim for indemnity should be filed on the form prescribed by the Administrator, but any writing disclosing an intention to file such a claim will be accepted. A claim for National Service life insurance or United States Government life insurance death benefits filed by a preferred beneficiary will be accepted as a claim for indemnity.



**§ 3.1810 Amount of indemnity payable.**

(a) If at the date of death the serviceman had no National Service life insurance or United States Government life insurance in force, the indemnity will be paid in the principal amount of $10,000. If the serviceman had United States Government life insurance or National Service life insurance, or a combination of both, in force in an amount less than $10,000, the indemnity will be paid in the principal amount of $10,000 minus the face value of the insurance in force at the date of death. If United States Government life insurance, National Service life insurance, or a combination of both having a face value of $10,000 was in force at the date of death, the indemnity will not be payable. In determining the amount of indemnity payable where insurance ceased to be in force prior to date of death, it is immaterial whether such cessation occurred prior to or during service or during the 120-day period (if applicable) after separation or release from service.

(b) The amount of indemnity payable in cases in which either United States Government life insurance or National Service life insurance (1) is reduced because the insured understated his age, or (2) the original contract has been surrendered for paidup insurance, will be the difference between the amount of insurance in force and $10,000.

(c) In cases in which the insurance is in force as extended insurance, the amount of indemnity payable will be the difference between the amount of extended insurance in force and $10,000.

(d) In cases in which there is indebtedness outstanding against the contract, the amount of indemnity payable will be the difference between the face value of the contract (the amount of insurance in force without deduction of indebtedness) and $10,000.

**§ 3.1812 Method of payment.**

(a) The indemnity will be payable in 120 monthly installments at the rate of $9.29 per month per thousand.

(b) If there are two or more payees, and the equal or pro rata division of the monthly payment would normally require payments involving fractions of a cent, these fractions will be absorbed by reducing payment to one or more of the payees to the next lower cent and raising the payment to one or more of the payees to the next higher cent. If there is only one payee and payment of the monthly installment would otherwise involve a fraction of a cent, the amount will be increased to the next higher cent, if the fraction is one-half cent or more, and will be decreased to the next lower cent, if the fraction is less than one-half cent.

**§ 3.1814 Commencing date of payments.**

(a) Payment to the beneficiary or beneficiaries first receiving payment will begin as of the date of the death of the serviceman. Payment to the beneficiary or beneficiaries receiving installments following the death of the first beneficiary or beneficiaries, or any subsequent beneficiary or beneficiaries, will begin with the monthly payment date next following the death of the previous payee.

(b) Where indemnity has been paid to a person who is subsequently determined not to have been entitled to such payments, the award will be adjusted as follows:

(1) If the award action was proper at the time it was made because of the absence of evidence and claim by the correct beneficiary and the evidence in the possession of the Government (the Veterans Administration or a service department) clearly indicated that the person to whom the award was made was the person to whom benefits were payable, the Veterans Administration will be protected in all payments made and only the remaining unpaid installments will be awarded to the proper beneficiary.

(2) If the award was not correct at the time it was made on the basis of evidence in the possession of the Veterans Administration, or on the basis of information as to designation or change of designation of beneficiary in the possession of a service department, the award will be terminated as of the date of commencement, and the award to the proper beneficiary will be made to commence as if the prior award had not been approved.

(c) Where payments to a stepchild or stepparent are discontinued pursuant to the provisions of Public Law 172, 84th Congress, as provided in § 3.1802(c), an award to any succeeding beneficiary will be made to commence with the October 1955 installment, subject to recovery of any overpayment to the prior payee.

(d) Where indemnity has been paid to a person who would not have been entitled if the veteran had been survived by a widow, and a claim is filed by a woman whose marriage to the veteran is deemed valid under the requirements of § 3.52, such claim will be adjudicated as a contested claim.

**§ 3.1816 Forfeiture.**

(a) *Serviceman; guilty of specific offenses.* Any serviceman who is guilty of mutiny, treason, spying, or desertion, or who because of conscientious objections refuses to perform services in the land or naval forces of the United States, or refuses to wear the uniform of such force, forfeits all rights to an indemnity under this act: *Provided,* That restoration to active duty after commission of any such offense restores all rights to the indemnity (sec. 8, part I, Pub. Law 23, 82d Cong.). The words "guilty of" as used in the statute do not have the same significance as "convicted of" and a service department finding is not a condition precedent to forfeiture. An administrative finding by the Veterans Administration of guilt of any of the offenses enumerated in this subparagraph where a preponderance of the evidence supports or warrants said finding will be made notwithstanding the fact that there has not been a conviction of said offense. A forfeiture of rights is a responsibility which must be exercised with extreme care and the facts must be evaluated with prudence so that no injustice will be done. As a matter of policy a service department report of "desertion" will be accepted as a determination of guilt for the purpose of forfeiture, and a formal finding by the Veterans Administration is not required. Absence without leave, as such, is not an offense for which rights to indemnity are forfeited. Even though a serviceman was last reported in an absent-without-leave status, an administrative finding of desertion is not precluded where a preponderance of the evidence establishes the elements of desertion including intent to desert.

(b) *Serviceman; death inflicted as lawful punishment.* No indemnity is payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy of the United States (sec. 8, part I, Pub. Law 23, 82d Cong.). The word "punishment" means the infliction of the death penalty under authority of law and the judgment and sentence of a civilian or military court.

(c) *Beneficiary; guilty of treasonable acts.* Any person shown by evidence satisfactory to the Administrator of Veterans Affairs to be guilty of mutiny, treason, sabotage or rendering assistance to an enemy of the United States or of its allies will forfeit all accrued and future payments of servicemen's indemnity (38 U.S.C. 3504(a), formerly sec. 4, Pub. Law 144, 78th Cong.).

(d) *Beneficiary; wrongful and intentional killing of serviceman or of a beneficiary by a beneficiary—*(1) *General.* Wrongful and intentional killing is one in which the death is caused without justification or excuse. Justification or excuse may be found if it is established that the death was the result of an accident, or the killing was the result of self-defense, or accomplished while the person causing death was insane. If it is established as a fact that a beneficiary procured, encouraged, or induced another to take the life of the veteran or of another beneficiary, or participated as an accomplice in the homicide, or otherwise aided and abetted the person causing the death, indemnity that might otherwise be payable may not be paid to such beneficiary.

(2) *Killing of veteran.* Any beneficiary who wrongfully and intentionally causes the death of a serviceman will not be entitled to receive any indemnity payable by reason of such death. The indemnity will be settled as though the serviceman were not survived by the beneficiary who caused his death.

(3) *Killing of a beneficiary by a beneficiary.* Any beneficiary who wrongfully causes the death of another beneficiary will not be entitled to any part of the indemnity to which the deceased beneficiary was entitled and would have received or continued to have received but for death. Entitlement of a beneficiary by reason of the death of any person other than the person whose death he caused is not affected.

§ 3.1818 Assignments.

(a) Assignment of all or any part of the beneficiary's interest may be made by a beneficiary to any other person or persons within the permitted class of beneficiaries as specified in § 3.1802, if all other persons having contingent rights of equal or greater priority to those of the assignee join in the assignment. Such an assignment will not affect any payments made prior to its receipt by the Veterans Administration. Assignments may be made at any time subsequent to the death of the serviceman regardless of whether any installments have been paid. In the event of the death of the assignee prior to receiving all installments, the remaining installments will become payable to the person(s) surviving in the permitted class set forth in § 3.1802 and in the order of preference named in that section. The privilege of assignment is available to persons whose title arises through devolution as well as to persons who are designated beneficiaries (sec. 9, part I, Pub. Law 23, 82d Cong.).

(b) Subject to the provisions of paragraph (a) of this section.

(1) An assignment by one under the age of majority is valid only if there has been emancipation of such person to an extent which embraces the act performed.

(2) Assignment may be made by a person having potential entitlement (the assignment in such instances being in the nature of a quitclaim).

(3) A valid assignment may be made to veteran's natural mother or father where others have qualified as beneficiaries to the exclusion of either under the definition of the term "parent" in section 3 of the Servicemen's Indemnity Act of 1951.

§ 3.1820 Attorneys' fees.

The payment of an attorney's fee, as contemplated by 38 U.S.C. 3404(c), will not exceed $10 in any one claim, and in all cases fees will be deducted from the indemnity allowed (sec. 9, part I, Pub. Law 23, 82d Cong.).

§ 3.1822 Taxation and exemption.

(a) Payments of the servicemen's indemnity as such are exempt from taxation, but such exemption does not extend to any property purchased in part of wholly out of such payments. Payments of indemnity to a beneficiary under the provisions of the Servicemen's Indemnity Act of 1951 are exempt from claims of creditors, and are not liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary.

(b) The exemption will apply against the United States or any agency thereof: *Provided*, That the United States will be entitled to collect, by setoff or otherwise out of benefits payable to any beneficiary of the servicemen's indemnity, the amount of any indebtedness due the United States by such beneficiary because of overpayments or illegal payments made to such beneficiary under laws administered by the Veterans Administration (sec. 9, part I, Pub. Law 23, 82d Cong.).

These regulations are effective February 24, 1961.

[SEAL] A. H. MONK,
*Associate Deputy Administrator.*

[F.R. Doc. 61-1596; Filed, Feb. 23, 1961; 8:45 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter II—Agricultural Marketing Service (Packers and Stockyards Division), Department of Agriculture

## PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

### Miscellaneous Amendments

Pursuant to the provisions of section 407 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 228), the regulations promulgated under said Act (9 CFR Part 201) are amended as follows:

1. Section 201.2(g) is amended to read:

(g) "Packers and Stockyards Division" means the Packers and Stockyards Division of the Service.

2. Section 201.2(h) is amended to read:

(h) "Director" means the Director of the Packers and Stockyards Division or any person authorized to act in his stead.

3. Sections 201.2 (i) and (j) are deleted.

4. Section 201.2(k) is amended by changing "Branch" to read "Division".

5. Sections 201.3 through 201.97 are amended by changing "Chief" to read "Director" wherever the former appears.

6. Section 201.97 is amended by changing "Branch" to read "Division".

The code heading of Chapter II of Title 9 of the Code of Federal Regulations is amended by changing "(Packers and Stockyards Branch)" to read "(Packers and Stockyards Division)".

(Sec. 407, 42 Stat. 169; 7 U.S.C. 228)

These amendments reflect changes previously made in the organization, functions, and delegations of authority of the Agricultural Marketing Service (25 F.R. 6218) and shall become effective on the date of their publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of February 1961.

ROY W. LENNARTSON,
*Deputy Administrator, Agricultural Marketing Service.*

[F.R. Doc. 61-1598; Filed, Feb. 23, 1961; 8:46 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (32) is added to § 6.304(a) as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* * * *

(32) One Special Assistant for Disarmament Affairs, Office of the Assistant Secretary of Defense for International Security Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1588; Filed, Feb. 23, 1961; 8:45 a.m.]

## PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### Department of State

Effective upon publication in the FEDERAL REGISTER, the headnote of paragraph (u) of § 6.302 is amended and subparagraph (5) is added as set out below.

§ 6.302 Department of State.

* * * * * * *

(u) *Bureau of Educational and Cultural Affairs.* * * *

(5) One Special Assistant for Women's Activities.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1589; Filed, Feb. 23, 1961; 8:45 a.m.]

# Title 12—BANKS AND BANKING

## Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 14304]

## PART 545—OPERATIONS

### Loans in Excess of Eighty Percent of Value

FEBRUARY 10, 1961.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of subparagraph (4) of paragraph (a) of § 545.6-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1) so as to liberalize the terms of said subparagraph as hereinafter set forth, and for the purpose of effecting such liberalization, hereby amends said subparagraph (4) as follows, effective immediately:

1. That part of said subparagraph (4) which immediately precedes subdivision (i) is hereby amended to read as follows:

(4) *Loans in excess of 80 percent of value.* The limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 90 percent of so much of such value as does not exceed $20,000 plus 80 percent of so much of such value as exceeds $20,000 but does not exceed $25,000 in the case of any loan with respect to which the following requirements are met:

2. Subdivision (iii) of said subparagraph (4) is hereby amended to read as follows:

(iii) The principal obligation of the loan is specified in the security instrument securing the loan and does not exceed (a) $22,000, (b) 90 percent of so much of the value of the real estate as does not exceed $20,000 plus 80 percent of so much of such value as exceeds $20,000 but does not exceed $25,000, or (c) 90 percent of so much of the purchase price set forth in the certification specified in subdivision (vii) of this subparagraph as does not exceed $20,000 plus 80 percent of so much of such purchase price as exceeds $20,000 but does not exceed $25,000, whichever is lowest;

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as said amendments only relieve restriction, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act and, as said amendments relieve restriction, deferment of the effective date thereof is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
*Secretary.*

[F.R. Doc. 61-1608; Filed, Feb. 23, 1961; 8:48 a.m.]

[No. 14,305]

## PART 545—OPERATIONS

### Loans To Finance Acquisition and Development of Land

FEBRUARY 10, 1961.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of liberalization as hereinafter set forth of the limitation in paragraph (b) of § 545.6-14 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-14) of 3 percent of withdrawable accounts on loans by a Federal savings and loan association under said section and the limitation in said paragraph of 15 percent of the base therein set forth on the aggregate amount as set forth therein of loans to any applicant as set forth therein, and for the purpose of effecting such liberalizations, hereby amends paragraph (b) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-14) to read as follows, effective immediately:

(b) *Basic limitations.* (1) A Federal association may make loans under this section only when the aggregate of its general reserves, surplus, and undivided profits exceeds 5 percent of the amount of its withdrawable accounts. A Federal association shall not make any loan under this section if the resulting aggregate of its investments in loans under this section would exceed 5 percent of its withdrawable accounts.

(2) A Federal association shall not, directly or indirectly, make a loan under this section to any person, or to any partnership, corporation, or syndicate, hereinafter referred to as applicant, if the aggregate of the amount of such loan and of the principal balances of all outstanding loans made under this section to such applicant exceeds 20 percent of the aggregate amount of the investments in such loans that such Federal association is authorized to make pursuant to the provisions of this section: *Provided*, That in computing the amount of the balances of all outstanding loans made to such applicant there shall be included the balances of all outstanding loans made under this section to any partnership, corporation, or syndicate of which any partner, stockholder, owner, participant, or officer is the applicant or is a partner, stockholder, owner, participant, or officer of the applicant.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as said amendments only relieve restriction, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act and, as said amendments relieve restriction, deferment of the effective date thereof is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
*Secretary.*

[F.R. Doc. 61-1609; Filed, Feb. 23, 1961; 8:48 a.m.]



# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Tolerances for Residues of Sodium 2,2-Dichloropropionate

A petition was filed with the Food and Drug Administration by Dow Chemical Company, Midland, Michigan, requesting the establishment of tolerances for residues of sodium 2,2-dichloropropionate, as 2,2-dichloropropionic acid in or on grapefruit, limes, oranges, and tangerines at 5 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U.S.C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.150) are amended by adding to the items beginning "5 parts per million" in § 120.150 tolerances for residues of the subject pesticide chemical in or on grapefruit, limes, oranges, and tangerines. As amended this item reads as follows:

§ 120.150 Tolerances for residues of sodium 2,2-dichloropropionate.

* * * * * * *

5 parts per million in or on cranberries, grapefruit, limes, oranges, sugar beets (roots), sugar beets (tops), tangerines.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient

to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: February 17, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-1606; Filed, Feb. 23, 1961; 8:47 a.m.]

# Title 29—LABOR

## Chapter V—Wage and Hour Division, Department of Labor

## PART 690—FABRICATED PLASTIC PRODUCTS INDUSTRY IN PUERTO RICO

## PART 713—FABRICATED PLASTIC PRODUCTS INDUSTRY IN PUERTO RICO

### Supersedure and Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), and by means of Administrative Order No. 542 (25 F.R. 12950), as amended by Administrative Orders Nos. 544, 545, and 546 (26 F.R. 51, 484, and 954), the Secretary of Labor appointed and convened Industry Committee No. 51–C. Administrative Order No. 542 referred to Industry Committee No. 51–C the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the fabricated plastic products industry in Puerto Rico, as defined in that order, who are engaged in commerce or in the production of goods for commerce, and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2(b).

Excluded from the matters referred to Industry Committee No. 51–C were the activities described in 29 CFR 713.2(a). The minimum wage rate for those activities equals that prescribed in section 6(a)(1) of the Act.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

In order to give effect to the recommendations of Industry Committee No. 51–C, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1949–53 Comp. p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), and in order to improve the structure of Chapter V of Title 29, Code of Federal Regulations, effective March 12, 1961, a new Part 690 is hereby added to Chapter V of Title 29, Code of Federal Regulations, containing the recommendations of Industry Committee No. 51–C in paragraphs (b), (c), and (d) of § 690.2. The new Part 690 supersedes Part 713 of this chapter, and reads as follows:

Sec.
690.1 Definition.
690.2 Wage rates.
690.3 Notices.

AUTHORITY: §§ 690.1 to 690.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

### § 690.1 Definition.

The fabricated plastic products industry in Puerto Rico is defined as the molding, extrusion, lamination, or other forming, and the fabrication of plastic products: *Provided, however,* That the industry shall not include the manufacture of buttons, buckles, jewelry (including rosaries), and jewelry findings (including beads); the manufacture from plastic materials (except plastic molded to shape) of footwear and cut stock and findings for footwear; the manufacture of apparel and apparel furnishings and accessories; and any activity included in the artificial flower, decoration, and party favor industry (Part 688 of this chapter), the chemical, petroleum, rubber, and related products industry (Part 670 of this chapter), the leather, leather goods, and related products industry (Part 602 of this chapter), and the needlework and fabricated textile products industry (Part 612 of this chapter).

### § 690.2 Wage rates.

(a) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the dinnerware, sprayer, and vaporizer classification of the fabricated plastic products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification is defined as consisting of the manufacture of plastic dinnerware, plastic sprayers, plastic vaporizers, and plastic atomizers.

(b) Wages at a rate of not less than 96 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the phonograph record classification of the fabricated plastic products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of phonograph records.

(c) Wages at a rate of not less than 80 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wall tile classification of the fabricated plastic products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of plastic wall tile and wall tile accessories.

(d) Wages at a rate of not less than 74 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the fabricated plastic products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of all products included in the fabricated plastic products industry which are not included in another classification of the industry.

### § 690.3 Notices.

Every employer subject to the provisions of § 690.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 690.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 17th day of February 1961.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 61-1610; Filed, Feb. 23, 1961; 8:48 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

SUBCHAPTER C—CLAIMS AND ACCOUNTS

## PART 836—CLAIMS AGAINST THE UNITED STATES

### Claims Cognizable Under Uniform Code of Military Justice

Sections 836.51 to 836.56 are revised to read as follows:

Sec.
836.51 Purpose.
836.52 Definitions.
836.53 Cognizable claims.
836.54 Claims not cognizable.
836.55 Procedure for processing claims.
836.56 Effect of disciplinary action.

AUTHORITY: §§ 836.51 to 836.56 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 939 (Article 139, Uniform Code of Military Justice).

SOURCE: AFR 112–5, November 1, 1960.

### § 836.51 Purpose.

Sections 836.51 to 836.56 outline procedures for administrative settlement of claims when property is willfully damaged or wrongfully taken by U.S. Armed Force members.

### § 836.52 Definitions.

Terms used in §§ 836.51 to 836.56 are defined in the statute and §§ 836.200 to 836.220, and 837.1 to 837.7 of this chapter.

### § 836.53 Cognizable claims.

Any claim within the provisions of Article 139, UCMJ, not hereinafter excluded, may be presented to any Air Force commander for consideration under §§ 836.51 to 836.56, and, in proper cases, approved for payment. However, such damage, loss, or destruction of property by military personnel must be caused by riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or reckless disregard of property rights carrying an implication of guilty intent.

### § 836.54 Claims not cognizable.

Claims otherwise within the scope of §§ 836.51 to 836.56 nevertheless are not cognizable under its provisions when the damage, loss, or destruction of property involves any of the following:

(a) Claims cognizable under §§ 836.11 to 836.27, 836.31 to 836.47, 836.61 to 836.78, 836.90 to 836.101, 836.141 to 836.148, 836.161 to 836.165, 837.11 to 837.16, or international agreements. However, if a claim is within the scope of §§ 836.51 to 836.56, and §§ 836.61 to 836.78, but the act or omission occurred outside the scope of the member's employment, the claim may be processed under §§ 836.51 to 836.56, either in whole or part, when specific authority to do so has been obtained from the approving authority concerned (see §§ 836.0 to 836.8).

(b) Claims resulting from simple negligence.

(c) Subrogation claims.

(d) Any portion of a claim covered by insurance, regardless of whether claim is made against the insurer or not.

(e) Claims for personal injury or death.

(f) Claims for damage, loss, or destruction of property resulting from acts or omissions of military personnel while acting within the scope of their employment.

(g) Claims arising from larceny, forgery, deceit, embezzlement, fraud, misappropriation, and misapplication, when the wrongful taking is accomplished under conditions of stealth, deception, trickery, or device, unaccompanied by any force, riotous, violent, or disorderly conduct. However, claims for subsequent physical damage to the stolen property are cognizable.

(h) Complaints presented more than 90 days after the incident out of which the claim arises, unless the commander taking action on the report of the board (see § 836.55(c)(1)) determines that good cause has been shown for the delay in making the complaint. Such commander's determination that good cause has or has not been shown is final.

(i) Claims for Government property, including property furnished through the Armed Forces Clothing Monetary Allowance System or through issue.

(j) Claims for damage, loss, or destruction of property caused wholly or partly by a negligent or wrongful act of the claimant, his agent, or his employee.

(k) Claims for indirect damages (see §§ 836.200 to 836.220).

(l) If payment of a claim is made by the United States under a claims statute or international agreement, reimbursement will not be obtained from the offender.

(m) Claims resulting from acts or omissions of civilian employees.

### § 836.55 Procedure for processing claims.

(a) *Action by claimant.* Any person who believes that his property has been willfully damaged or wrongfully taken by military personnel may complain, orally or in writing, to the commander of the alleged offender. However, if the unit of the alleged offender is not known, the claimant may complain to the commander of the nearest Air Force base, station, installation, unit, or attache. Before final action is taken, such a complaint will be accompanied by a written claim, for a definite amount, in triplicate. When appropriate, such a claim may be regarded as the complaint.

(b) *Action on complaint*—(1) *Commander receiving complaint.* The commander to whom such a complaint is presented will convene a board of from one to three officers to investigate the complaint, ascertain and report the facts and make findings and recommendations relating to the complaint.

(2) *Board of officers.* (i) The claims officer appointed under §§ 836.0 to 836.8 may act as a board of one officer without further appointment in any case referred to him by the commander.

(ii) The board is empowered to summon and examine witnesses, receive documentary and other evidence, determine whether the claim is cognizable under Article 139, UCMJ, and §§ 836.51 to 836.56, and whether the alleged offender is a member of the command of the officer appointing the board.

(iii) If the board finds the claim is not cognizable under Article 139, UCMJ, and §§ 836.51 to 836.56, the board will return the Claim, with its findings, to the appointing commander.

(iv) If the board finds the claim cognizable under Article 139, UCMJ, and §§ 836.51 to 836.56, it will recommend an assessment of damages against the offender or responsible parties, or may recommend disapproval of the claim. When the offenders cannot be identified, but their unit is known, assessments totaling the amount of damages sustained may be recommended, in such proportion as may be just, on the individual members thereof who were found by the board to have been present at the scene at the time the damages complained of were inflicted.

(c) *Action by the Commander*—(1) *When the alleged offender is a member of his command.* (i) The commander will refer the board report to his Staff Judge Advocate for review and recommendation before action. If he does not have a Staff Judge Advocate, he will refer the report for review and recommendation to the next higher command having a Staff Judge Advocate assigned.

(ii) After considering the Staff Judge Advocate's review and recommendation, the Commander personally will determine whether the claim is within the provisions of Article 139, UCMJ, and §§ 836.51 to 836.56.

(iii) If he finds the claim is not cognizable under Article 139, UCMJ, and §§ 836.51 to 836.56, the commander will so advise the claimant, in writing.

(iv) If he finds the claim cognizable under Article 139, UCMJ, and §§ 836.51 to 836.56, he personally will fix the amount to be charged against the pay of any offender in his command, which will not be more than the assessment recommended by the board. When the offenders cannot be identified, but their unit is known and it is in his command, assessments totaling the amount of damages sustained and approved may be made, in such proportion as may be just, on the individual members thereof who were found by the board to have been present at the scene at the time the damages complained of were inflicted.

(v) The amount so approved will be entered on the offender's Military Pay Record to be stopped against his pay, and the amount so stopped or collected will be paid to the claimant by the finance officer having custody of the offender's pay record. Any order of the commander directing such charges (stoppages) against the pay of the offender shall be conclusive on any finance officer for the payment by him to the claimant of damages so assessed and approved. The claimant and the offender will be notified promptly, in writing, of the action taken.

(2) *When the alleged offender is a member of another Air Force Command.* The commander receiving the complaint will forward the complaint and the board report direct to the commander of the alleged offender for necessary action. The latter will take action as provided in subparagraph (1) of this paragraph or he may refer the complaint and board report to a board for such further proceedings as may be necessary before taking such action.

(3) *When the alleged offender is a member of another U.S. Armed Force.* The complaint and the board report will be referred immediately to the nearest installation of that Armed Force for appropriate action, and the claimant will be informed of the disposition of his complaint.

(4) *When the alleged offender is not a U.S. Armed Force member.* The commander will notify the claimant that his complaint is not cognizable under §§ 836.51 to 836.56.

### § 836.56 Effect of disciplinary action.

Action under §§ 836.51 to 836.56 is separate and distinct from, and is not affected by any disciplinary action taken or to be taken against the offender. A person may be tried and punished for any offense involved without regard to proceedings under §§ 836.51 to 836.56. The two proceedings—one penal and the other pecuniary—are independent of each other, and action in one proceeding is not determinative in the other.

R. J. PUGH,
*Colonel, U.S. Air Force,*
*Deputy Director of Administrative Services.*

[F.R. Doc. 61-1590; Filed, Feb. 23, 1961; 8:45 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

## PART 168—DIRECTORY OF INTERNATIONAL MAIL

### Individual Countries

The regulations of the Post Office Department in Part 168—Directory of

International Mail—are amended by making the following changes in § 168.5 *Individual country regulations:*

I. In country "Belgian Congo" make the following changes:

A. Amend the country heading of "Belgian Congo" to read "Congo (Republic of the) (Leopoldville)—(Including Belgian Trust Territory of Ruanda-Urundi)" and redesignate the country and the pertinent regulations in the proper alphabetical order of countries therein.

B. Under Postal Union Mail, amend the item *Prohibitions and import restrictions* by deleting "Belgian" where it immediately precedes "Congo" in the second paragraph therein.

C. Under Parcel Post, delete the item *Observations.*

II. In country "Chile" under Parcel Post the item *Observations* is amended as a result of commercial invoices no longer requiring Chilean consular legalization. As so amended, the item reads as follows:

*Observations.* Parcels for Chile must be accompanied by commercial invoices which must bear a declaration of origin in English or Spanish, signed by the mailer, in the following terms:

Under oath, we declare that we are the owners (or shippers) of the above mentioned merchandise; that the prices and other details are exact; that the said merchandise is a produce of the soil or industry of (country of origin) and that we accept the legal consequences which might arise through any inexactitude contained in this account.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in the Part 127 of this chapter.

III. In country "Colombia" make the following changes:

A. Under Postal Union Mail, delete the item *Eight-ounce merchandise packages.* The Postal Administration of Colombia has discontinued the acceptance of eight-ounce merchandise packages.

B. Under Postal Union Mail, strike out the first and second paragraphs of the item *Observations* as a result of the relaxation of the import regulations regarding books and other printed matter, and insert in lieu thereof the following:

*Observations.* Books and other printed matter, if valued over $20, require consular invoices, and the addressee must obtain import licenses as indicated in the item "Observations" under Parcel Post.

C. Under Parcel Post, delete the items *Arms etc.,* including the subsequent paragraphs thereto, and *Import restrictions;* and amend the item *Prohibitions* to read as follows:

*Prohibitions.* An extensive variety of articles is prohibited to Colombia as a result of stringent import control regulations. Many kinds of food, clothing, footwear, musical instruments, jewelry, ornaments, watches, clocks, electrical and scientific apparatus, playing cards, engravings and other pictures including picture books, calendars and other illustrated stationery, soap, tobacco and pharmaceutical products are prohibited, as well as articles made from metal, wood, rubber, cloth, paper, cardboard, leather, glass, wax, and ceramics.

Parcels are accepted only under the conditions set forth in *Observations.*

IV. Amend the country heading of "Congo (Republic of)" to read "Congo (Republic of) (Brazzaville)".

V. In country "Ireland" under Postal Union Mail, the item *Letter packages containing dutiable merchandise* is amended to show that perishable biological materials are now accepted in letter packages. As so amended, the item reads as follows:

*Letter packages containing dutiable merchandise.* Accepted. See § 112.1(e) of this chapter. Perishable biological materials accepted. See § 111.3(b)(5) of this chapter.

VI. In country "Israel" as amended by Federal Register document 60–1207, 25 F.R. 1076, and Federal Register document 60–6839, 25 F.R. 6970, the last paragraph of the item *Prohibitions* is amended to read as follows:

*Prohibitions.* * * *

For other reasons: Israeli banknotes and securities. Blank invoices with headings.

VII. In country "Korea (Republic of)", under Parcel Post, make the following changes as a result of the establishment of insured parcel post service:

A. In the tabular information immediately following the item *Air parcel rates including surcharges* strike out "No" where it appears opposite "Insurance" and insert in lieu thereof "Yes".

B. Strike out the item *"Indemnity.* No provision." and insert in lieu thereof the following new item:

*Insurance.* The following insurance fees and limits of indemnity apply:

| Limit of indemnity: | Fee cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |

Print on the wrapper, near the "INSURED" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in United States currency and in gold francs. The indication in United States currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 133 of this chapter for method of converting United States currency into gold francs and for general information on insurance.

VIII. In country "Malaya", as amended by Federal Register document 60–1207, 25 F.R. 1076, Federal Register document 60–6839, 25 F.R. 6970, make the following changes:

A. Amend the territorial definition immediately following the country heading to read as follows:

The postal territory of Malaya includes the Federation of Malaya (Johore, Kedah, Kelantan, Malacca, Negri Sembilan, Pahang, Penang, Perak, Perlis, Selangor, and Trengganu) and the State of Singapore.

B. Under Postal Union mail, insert a new item *Observations* immediately following the item *Money Orders* to read as follows:

*Observations.* Articles for the State of Singapore may be addressed to "Singapore" without the word "Malaya".

C. Under Parcel Post, insert a new item *Observations* immediately following the item *Insurance* to read as follows:

*Observations.* Parcels for the State of Singapore may be addressed to "Singapore" without the word "Malaya".

D. Under Parcel Post, amend the item *Import restrictions* to read as follows:

*Import restrictions.* Hypodermic syringes require authorization of the medical authorities at Kuala Lumpur or Singapore.

IX. In country "Portuguese Timor", as amended by Federal Register document 60–6615, 25 F.R. 6759, under Parcel Post, strike out the item *"Air parcel post.* No service." and insert in lieu thereof the following:

*Air parcel rates:* $2.45 first four ounces; $1.78 each additional 4-ounces.

X. Amend the country heading of "Soudanese Republic" to read "Mali (Republic of)" and redesignate the country and the pertinent regulations in the proper alphabetical order of countries therein.

XI. In country "Uruguay" under Parcel Post, the item *Observations* is amended as a result of import permits no longer being required and to show that documentation requirements have been modified. As so amended, the item reads as follows:

*Observations.* Parcels mailed at places where Uruguayan consuls are stationed, if the value exceeds 100 Uruguayan pesos, require a set of four consular invoices and one commercial invoice of the sender. If the value is 100 Uruguayan pesos or less, a set of four certificates of origin and one commercial invoice of the sender are required. Uruguayan consuls, from whom consular invoices and certificates of origin must be obtained, are located in the following cities:

| | |
|---|---|
| Atlanta, Ga. | New York, N.Y. |
| Boston, Mass. | Norfolk, Va. |
| Buffalo, N.Y. | Philadelphia, Pa. |
| Chicago, Ill. | Portland, Oreg. |
| Jacksonville, Fla. | San Francisco, Calif. |
| Los Angeles, Calif. | San Juan, P.R. |
| Miami, Fla. | Santa Monica, Calif. |
| New Orleans, La. | Seattle, Wash. |

Parcels mailed at places other than the above require only a commercial invoice of the sender certified by a local Chamber of Commerce. For gift parcels, the commercial invoice may consist of a simple statement showing the names of the sender and addressee with an indication that the parcel contains a gift with no charge involved.

XII. In "Places not included in alphabetical list of countries" make the following changes:

A. Delete "Colony of Singapore (Malaya)" and "Mali, Federation of" where they appear in the alphabetical listing therein.

B. The following list of places, as they appear in the alphabetical listing therein, are amended as a result of changes in their titles:

1. French Equatorial Africa amended to French Equatorial Africa (Central African Republic, Chad, Congo [Brazzaville] or Gabon Republic).

2. French Sudan amended to French Sudan (Mali).

3. French West Africa amended to French West Africa (Dahomey, Guinea, Ivory Coast, Mauritania, Niger, Senegal, Mali, or Upper Volta).

4. Moyen amended to Moyen (Middle) Congo (Congo [Brazzaville]).

C. Insert the following places in their proper alphabetical listing therein:

Belgian Congo (Congo [Leopoldville]).
Ruanda-Urundi (Congo [Leopoldville]).
Soudan (French) (Mali).
Soudanese Republic (Mali).

(R.S. 161, as amended, secs. 501, 505, 74 Stat. 580, 581 (Pub. Law 86–682); 5 U.S.C. 22, 39 U.S.C. 501, 505)

[SEAL] LOUIS J. DOYLE,
*Acting General Counsel.*

[F.R. Doc. 61–1607; Filed, Feb. 23, 1961; 8:48 a.m.]



# Title 41—PUBLIC CONTRACTS

## Chapter 5—General Services Administration

## PART 5–3—PROCUREMENT BY NEGOTIATION

### Subpart 5–3.2—Circumstances Permitting Negotiation

NATIONAL EMERGENCY

Section 5–3.201 is added, reading as follows:

**§ 5–3.201 National emergency.**

(a) *Findings.* In accordance with the requirements of sections 302(c)(1) and 307 of the Federal Property and Administrative Services Act of 1949 (hereinafter referred to in this section as "the Act") and FPR 1–3.201, the Administrator of General Services has made the following findings:

(1) Section 302(c)(1) of the Act provides that purchases and contracts may be negotiated if determined to be necessary in the public interest during the period of a national emergency declared by the President or by the Congress.

(2) A state of national emergency exists by reason of Presidential Proclamation 2914, dated December 16, 1950 (3 CFR, 1949–1953 Comp., p. 99).

(3) As an anti-recession measure, designed to provide relief in labor surplus areas by a reversal of economic decline and a restoration of the Nation's economy to its full potential of productivity, the President has directed that prompt steps be taken to improve the machinery by which Federal contracts can be channeled to firms located in labor surplus areas.

(4) For the purpose of reducing dollar expenditures abroad and improving the Government's current balance of payments position, the President, in his message of February 6, 1961, to the Congress on this subject, declared that the policy inaugurated in November 1960 of emphasizing United States procurement for United States military forces abroad, wherever practicable, would be continued, even though some increased budgetary costs might be incurred.

(5) In furtherance of the Government's small business programs, the public interest will be served, under appropriate circumstances, by the negotiation of unilateral set-aside contracts with small business concerns where joint set-aside determinations by the Small Business Administration and the General Services Administration are not feasible.

(b) *Determinations.* Based upon the findings in paragraph (a) of this section, the Administrator of General Services has determined, within the purview of section 302(c)(1) of the Act, that it is necessary in the public interest, during the period of the national emergency proclaimed by the President, to negotiate purchases and contracts without advertising in the following situations and in accordance with regulations and procedures applicable to such negotiation:

(1) Procurements shall be set aside for negotiation exclusively with firms which will perform, or cause to be performed, a substantial proportion of the production under the contract within labor surplus areas, in accordance with the policies for assistance to labor surplus areas stated in the Office of Civil and Defense Mobilization Defense Manpower Policy No. 4, revised June 6, 1960 (25 F.R. 5283).

(2) When providing supply support to United States military forces abroad, procurement shall be restricted, wherever practicable, to supplies, equipment, and materiel of United States origin.

(3) Where small business joint set-aside determinations are not feasible, unilateral set-aside contracts with small business concerns may be negotiated when it is determined by the contracting officer to be in the interest of (i) maintaining or mobilizing the Nation's full productive capacity, (ii) war or national defense programs, or (iii) assuring that a fair proportion of the total purchases and contracts for property and services for the Government is placed with small business concerns.

*Effective date.* These regulations are effective upon publication in the FEDERAL REGISTER.

(Secs. 205(c) and 302(c)(1), 63 Stat. 390, 393; 40 U.S.C. 486(c), 41 U.S.C. 252(c)(1))

Dated: February 21, 1961.

JOHN L. MOORE,
*Administrator of General Services.*

[F.R. Doc. 61–1662; Filed, Feb. 23, 1961; 8:50 a.m.]

## Chapter 18—National Aeronautics and Space Administration

## PART 18–7—CONTRACT CLAUSES

### Responsibility Regarding Defects or Other Failures

In § 18–7.5016, paragraph (d) of the clause is amended to read as follows:

(d) The inspection and test by the Government of any work shall not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to acceptance. Except as otherwise provided in this contract, acceptance shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud.

(42 U.S.C. 2473(b)(1))

W. L. HJORNEVIK,
*Acting Director of Business Administration.*

[F.R. Doc. 61–1599; Filed, Feb. 23, 1961; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

**Agricultural Marketing Service**

**[ 7 CFR Part 914 ]**

### NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Order Directing That a Referendum Be Conducted; Designation of Referendum Agents To Conduct Such Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of Marketing Agreement No. 117, as amended, and Order No. 14, as amended (7 CFR Part 914), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the growers who, during the period November 1, 1959, through October 31, 1960 (which period is hereby determined to be a representative period for the purposes of such referendum), were engaged, in the State of Arizona and that part of the State of California south of the 37th Parallel, in the production of navel oranges for market to determine whether such growers favor continuation of the said amended marketing agreement and order. Warren C. Noland and Edmund J. Blaine, of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly, or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By giving opportunity for each of the aforesaid growers to cast his ballot, in the manner herein authorized, relative to the aforesaid continuance of the amended marketing agreement and order, on a copy of the appropriate ballot form. A cooperative association of such growers, bona fide engaged in marketing Navel oranges grown in the aforesaid production area or in rendering services for or advancing the interests of the growers of such Navel oranges, may vote for the growers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such growers.

(2) By determining the time of commencement and termination of the period of the referendum and by giving public notice, as prescribed in (a)(3) hereof, (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to Warren C. Noland, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California, and the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of Arizona and designated part of California; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each grower whose name and address are known; and (iii) by such other means as said referendum agents or either of them may deem advisable.

(b) Upon receipt by Warren C. Noland of all ballots cast in accordance with the provisions hereof, he shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results; and shall forward such report, together with the ballots and other information and data, to the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C.

(c) Each referendum agent shall not refuse to accept a ballot submitted or cast; but should they, or either of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents in conducting said referendum.

Copies of the text of the aforesaid amended marketing agreement and order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Washington, D.C., and at the Western Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Ballots to be cast in the referendum may be obtained from either referendum agent hereunder.

Dated: February 20, 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61–1611; Filed, Feb. 23, 1961; 8:48 a.m.]



**[ 7 CFR Parts 915, 935, 1013 ]**

[Docket Nos. AO–327, AO–86–A12, AO–270–A3]

### MILK IN GREATER ST. JOSEPH, MISSOURI, OMAHA-LINCOLN-COUNCIL BLUFFS AND PLATTE VALLEY, NEBRASKA, MARKETING AREAS

### Notice of Hearing on Proposed Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in a Court Room on the 2d floor of the United States Post Office and Court House, Eighth and Edmond Streets, St. Joseph, Missouri, beginning at 10:00 a.m., local time, on March 14, 1961, with respect to a proposed marketing agreement and order, regulating the handling of milk in the Greater St. Joseph, Missouri, marketing area and proposed amendments to the orders regulating the handling of milk in the Omaha-Lincoln-Council Bluffs and Platte Valley, Nebraska, marketing areas.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the proposed Greater St. Joseph, Missouri, marketing agreement and order, hereinafter set forth, and any appropriate modifications thereof; and for the purpose of determining (1) whether the handling of milk in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in the area, and (3) whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The public hearing is also for the purpose of receiving evidence with respect to the inclusion of Richardson County, Nebraska, in the proposed Nebraska-Iowa marketing area, an area which would include the areas presently designated as the Platte Valley and Omaha-Lincoln-Council Bluffs marketing areas.



The proposals, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the St. Joseph Milk Producers Association and the Nemaha Cooperative Creamery:

*Proposal No. 1.*

DEFINITIONS

**§ 915.1 Act.**

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

**§ 915.2 Secretary.**

"Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture of the United States.

**§ 915.3 Department.**

"Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

**§ 915.4 Person.**

"Person" means any individual, partnership, corporation, or association, or other business unit.

**§ 915.5 Cooperative association.**

"Cooperative association" means any cooperative marketing association of producers as defined in § 915.7, which the Secretary determines after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 8, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has its entire activities under the control of its members; and

(c) Has and is exercising full authority in the sale of milk of its members.

**§ 915.6 Greater St. Joseph Marketing Area.**

"Greater St. Joseph Marketing Area" hereinafter called "marketing area" means all of the territory in Richardson County, State of Nebraska; Doniphan County, Brown County, and Nemaha County, all in the State of Kansas; that portion of Platte and Clay Counties, Missouri, lying North of Highway 92, Buchanan County, Andrew County, Holt County, Atchison County, Nodaway County, Worth County, Gentry County, De Kalb County, Clinton County, Harrison County, Daviess County, Caldwell County, and Ray County, all in the State of Missouri."

**§ 915.7 Producer.**

"Producer" means any person, other than a producer-handler, who:

(a) Produces milk under a dairy farm permit or rating issued by a duly constituted health authority for the production of milk to be used for consumption as Grade A milk in the marketing area which:

(1) Is received at a pool plant, or

(2) Is caused to be diverted during any of the months of January through August or to the extent of not more than 16 days' production during the months of September through December, from a pool plant to a nonpool plant by a handler or cooperative association for the account of such handler or cooperative association, or

(b) Produces milk acceptable to agencies of the U.S. Government for fluid consumption in its institutions or bases which is received at a pool plant supplying Class I milk to such an institution or base in the marketing area.

**§ 915.8 Route.**

"Route" means any delivery (including a sale from a plant or plant store) of a fluid milk product other than a delivery to any milk processing plant.

**§ 915.9 Approved plant.**

"Approved plant" means any milk plant or portion thereof which is:

(a) Approved by a duly constituted health authority for the handling of milk for consumption as Grade A milk in the marketing area; or

(b) Approved for the supplying of milk to any agency of the United States Government located within the marketing area.

**§ 915.10 Pool plant.**

"Pool plant" means any approved plant other than that of a producer-handler:

(a) From which during the current or immediately preceding delivery period:

(1) There is disposed of as Class I milk on routes in the marketing area, an amount equal to 10 percent or more of such plant's total disposition of milk classified as Class I; and also

(2) During the same delivery period there is disposed of as Class I milk in total in both packaged and bulk form an amount equal to not less than the applicable percentages of such handler's total receipts of milk from dairy farmers qualified to become producers (as defined in § 915.7) as follows:

(i) September through December, 50 percent;

(ii) March through June, 25 percent; and

(iii) January, February, July, August, 35 percent.

(3) For the purposes of calculating the percentages specified in subparagraphs (1) and (2) of this paragraph:

(i) Milk in packaged form transferred from one approved plant to another approved plant shall be credited as Class I disposition on routes by the transferor plant and an equal volume shall be excluded from the Class I disposition of the transferee plant;

(ii) Milk in bulk form transferred from one approved plant to another approved plant shall be credited as Class I disposition in bulk upon the mutual indication in writing to the market administrator by the operators of both plants; and

(iii) The disposition of milk classified as Class I by a handler operating an approved plant located within the marketing area on a final dock sale basis to a vendor operating one or more wholesale or retail routes outside of the marketing area shall be counted as Class I sales within the marketing area for the purpose of computing the Class I sale computations provided in this section.

(b) From which, during the month, not less than 50 percent of its supply of milk from dairy farmers qualified to become producers is disposed of as Class I milk in total on routes or moved to a plant(s) described in paragraph (a) of this section; *Provided*, That any plant which is a pool plant by reason of meeting the required percentages in this paragraph during each of the months of September through December, shall be pooled for each of the following months of January through August unless a written request for nonpool status is furnished to the market administrator.

(c) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association. Such milk shall be considered as having been received by such cooperative association at the plant from which it is diverted.

**§ 915.11 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a nonpool plant from which fluid milk products are disposed of on a route(s) in the marketing area;

(c) Any cooperative association which chooses to report as a handler with respect to the milk of its member producers which is delivered to the pool plant of another handler or to the plant of a producer-handler in a tank truck owned or operated by or under contract to such cooperative association for the account of such cooperative association (such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered);

(d) Any cooperative association which chooses to report as a handler with respect to the milk of its member-producers which is delivered in cans to the pool plants of two or more handlers in a single delivery period (such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered); or

(e) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association.

**§ 915.12 Producer-handler.**

"Producer-handler" means a person who operates both a dairy farm(s) and a milk processing plant or bottling-plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person or from a cooperative association pursuant to § 915.11 (c), but from no other dairy farm;

(b) Fluid milk products are disposed of on routes to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in the form of a fluid milk product does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of a fluid milk product from pool plants of other handlers or from a cooperative association pursuant to § 915.11(c); and

(d) Such person shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

**§ 915.13 Producer milk.**

"Producer milk" means all milk produced by a producer, which is received at a pool plant directly from such producer.

**§ 915.14 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the delivery period of fluid milk products received (1) from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

**§ 915.15 Delivery period.**

"Delivery period" means a calendar month or the portion thereof during which this part or any amendment thereto is in effect.

**§ 915.16 Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour, including any mixture of cream and milk or skim milk containing less butterfat than the regular standard for cream, except cream used in creaming cottage cheese), and concentrated (frozen or fresh) milk, flavored milk, or flavored drinks which are neither sterilized nor in hermetically sealed cans.

**§ 915.17 Nonpool plant.**

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

MARKET ADMINISTRATOR

**§ 915.20 Designation.**

The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

**§ 915.21 Powers.**

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

**§ 915.22 Duties.**

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties, and continued upon the faithful performance of such duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 915.88, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 915.87) necessary and incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 915.30 through 915.32;

(2) Maintained adequate records and facilities pursuant to § 915.33; or

(3) Made payments pursuant to §§ 915.80 through 915.86:

(i) On or before the 14th day after the end of each delivery period, report to each cooperative association which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 12th day of each month, the minimum price for Class I milk pursuant to § 915.51(a) and the Class I butterfat differential pursuant to § 915.52(a), both for the current delivery period; and on or before the 5th day of each month the minimum price for Class II milk, pursuant to § 915.51(b) and the Class II butterfat differential pursuant to § 915.52(b), both for the delivery period immediately preceding; and

(2) On or before the 12th day of each month, the applicable uniform price(s) computed pursuant to § 915.71 and the producer butterfat differential computed pursuant to § 915.82, both applicable to milk delivered during the previous delivery period;

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

**§ 915.30 Reports of receipts and utilization.**

On or before the 7th day after the end of each delivery period, each handler, except a producer-handler, or a handler making payments pursuant to § 915.61(a), shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other handlers.

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of fluid milk products on routes wholly outside the market area;

(f) Such other information with respect to the receipts and utilization as the market administrator may prescribe; and

(g) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the delivery period.

**§ 915.31 Payroll reports.**

On or before the 23d day of each delivery period, each handler except a producer-handler or a handler making payments pursuant to § 915.61(a) shall submit to the market administrator his or its producer payroll for all receipts during the preceding delivery period, which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association, and the number of days on which milk was received from such producer;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charged items involved in such payments.

**§ 915.32 Other reports.**

(a) Each producer-handler and each handler making payments pursuant to § 915.61(a) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler who causes producer milk to be diverted to any plant shall report, prior to such diversion, to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(c) Each handler who receives from producers, milk for which payment is to be made to a cooperative association pursuant to § 915.80(c) shall report to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(1) On or before the 23d day of the delivery period, the total pounds of milk received during the first 15 days of the delivery period;

(2) On or before the 7th day after the end of the delivery period:

(i) The pounds per shipment, the total pounds of milk, and the average butterfat test of milk received from such producer during the delivery period;

(ii) The amount or rate and nature of any deductions; and

(iii) The amount of any payments due such producer pursuant to § 915.86.

**§ 915.33 Records and facilities.**

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

**§ 915.34 Retention of records.**

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That, if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c(15)(a) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

**§ 915.40 Skim milk and butterfat to be classified.**

All skim milk and butterfat received within the delivery period by a handler which is required to be reported pursuant to § 915.30 shall be classified by the market administrator pursuant to the provisions of §§ 915.41 through 915.46.

**§ 915.41 Classes of utilization.**

Subject to the conditions set forth in §§ 915.43 and 914.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of for consumption in the form of fluid milk products except those classified pursuant to paragraph (b)(5) of this section, or (2) not specifically accounted for as Class II utilization;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any products other than fluid milk products;

(2) Used for starter churning, wholesale baking and candy making purposes;

(3) Disposed of as livestock feed;

(4) In skim milk dumped after prior notification to and opportunity for verification by the market administrator;

(5) In inventory of fluid milk products on hand at the end of the month;

(6) In shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat directly from producers, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk from pool plants of other handlers or received directly from cooperative associations pursuant to § 915.11(c), less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk lots to the pool plants of other handlers; and

(7) In shrinkage allocated to receipts of other source milk.

**§ 915.42 Shrinkage.**

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between:

(1) The receipts of skim milk and butterfat in the net quantity of milk from producers, from cooperative associations pursuant to § 915.11(c) and in bulk tanks from pool plants of other handlers; and

(2) The receipts of skim milk and butterfat in other source milk.

**§ 915.43 Responsibility of handlers and reclassification of milk.**

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

**§ 915.44 Transfers.**

Skim milk or butterfat transferred from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream, to the pool plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transferred milk was delivered: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 915.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk;

(b) As Class I milk if transferred in the form of milk, skim milk or cream to a producer-handler;

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located more than 200 miles from the City Hall in Sabetha, Kansas, or St. Joseph, Missouri, whichever is greater by the shortest highway distance as determined by the market administrator, except that:

(1) Cream so transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal Order for another milk marketing area; or

(2) Cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only" may be classified as Class II milk, subject to such verification of alternate utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located not more than 200 miles from the City Hall in Sabetha, Kansas, or St. Joseph, Missouri, whichever is greater by the shortest highway distance as determined by the market administrator, unless the market administrator is permitted to audit the records of receipts and utiliza-

tion at such nonpool plants, in which case the classification of all skim milk and butterfat received at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I Grade A milk, receipts of skim milk and butterfat at such nonpool plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for Grade A usage of such nonpool plant in markets supplied by such plant.

(e) If any skim milk or butterfat is transferred to a second nonpool plant under paragraph (d) of this section, the same conditions of audit, classification, and allocation shall apply.

**§ 915.45 Computation of skim milk and butterfat in each class.**

For each delivery period, the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

**§ 915.46 Allocation of skim milk and butterfat classified.**

After making the computations pursuant to § 915.45, the market administrator shall determine the classification of milk received from producers at the pool plants of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated to shrinkage in skim milk received from producers pursuant to § 915.41(b)(6);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk other than that to be subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(5) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants or from a cooperative association pursuant to § 915.11(c) according to its classification as determined pursuant to § 915.44 (a);

(6) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

**§ 915.50 Basic formula price.**

The basic formula price to be used in determining the price per hundredweight of Class I milk for the delivery period shall be the higher of the prices computed pursuant to paragraphs (a) or (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the delivery estimated period at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8;

PRESENT OPERATOR AND LOCATION

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Borden Co., Orfordville, Wis.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Bellsville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, add 20 percent thereof and multiply by 3.8; and

(2) To the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 7.

**§ 915.51 Class prices.**

Subject to the provisions of §§ 915.52 and 915.53, and rounded to the nearest one-tenth of a cent, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I Milk.* The basic formula price for the preceding delivery period, plus $1.45 during the months of July through February, and $1.15 during the months of March through June, plus or minus a supply-demand adjustment of not more than 45 cents, as determined by § 913.51(a) (1), (2), and (3) of Order No. 13, regulating the handling of milk in the Greater Kansas City marketing area.

(b) *Class II Milk.* The higher of:

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received from farmers during the delivery period at the following plants for which prices have been reported to the market administrator, plus 15 cents:

PRESENT OPERATOR AND LOCATION

Borden Co., Fort Scott, Kans.
Carnation Co., Girard, Kans.
Kraft Foods Co., Nevada, Mo.
Pet Milk Co., Iola, Kans.
Swift and Co., Parsons, Kans.; or

(2) The price per hundredweight computed as follows:

(i) Multiply by 4.60 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the Department; and

(iii) From the sum of the results arrived at under subdivision (i) and (ii) of this subparagraph, subtract 78 cents.

**§ 915.52 Butterfat differentials to handlers.**

If the average butterfat content of the milk of any handler allocated to either class pursuant to § 915.46(c) is more or less than 3.8 percent, there shall be added to the respective class price computed pursuant to § 915.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.8 percent, an amount equal to the butterfat differential computed as follows:

(a) For Class I milk, multiply the butter price specified in § 915.50(b)(1) by 1.3, divide the result by 10; and round to the nearest one-tenth of a cent.

(b) For Class II milk:

(1) During each of the delivery periods of September through February, multiply the butter price specified in § 915.50(b)(1) by 1.2 and divide the result by 10; and

(2) During each of the delivery periods of March through August, multiply the butter price specified in § 915.50(b) (1) by 1.15, divide the result by 10, and round to the nearest one-tenth of a cent.

**§ 915.53 Location adjustment to handlers.**

(a) For milk which is received from producers at a pool plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the City Hall in St. Joseph, Missouri, or the City Hall in Sabetha, Kansas, whichever is nearer, and which is classified as Class I milk, the prices computed pursuant to § 915.51 (a) shall be reduced by 16 cents if such plant is located more than 50 miles but not more than 70 miles from such City Hall, and by an additional one-half cent for each 10 miles or fraction thereof that such distance exceeds 70 miles;

(b) Milk moved in bulk from a plant as defined in § 915.10 (b) or (c), to a plant as defined in § 915.10(a) shall be considered to be Class I milk to the extent that the Class I milk disposed of from the transferee plant exceeds receipts of milk from producers' farms: *Provided*, That if milk received by a plant defined in § 915.10(a) from more than one plant, the milk so classified as Class I shall be deemed to have been transferred from the transferor plants in the order of their lowest applicable location adjustment.

**§ 915.54 Use of equivalent prices.**

If for any reason a price specified by this part for computing class prices or for other purposes is not available in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is specified.

APPLICATION OF PROVISIONS

**§ 915.60 Producer-handlers.**

Sections 915.40 through 915.45, 915.50 through 915.53, 915.61, 915.70, 915.71, 915.80 through 915.88, shall not apply to a producer-handler.

**§ 915.61 Handlers operating a non-pool plant.**

In lieu of the payments required pursuant to §§ 915.80 through 915.89, each handler, other than a producer-handler or one exempt pursuant to § 915.62, who operates during the month a nonpool plant, shall pay to the market administrator on or before the 25th day after the end of the delivery period the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 915.30, to pay the amounts computed pursuant to paragraph (b) of this section:

(a) The following amounts:

(1) For the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in § 915.88 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) For the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 915.70 if such handler had operated a pool plant the gross payments made by such handler for milk received during the delivery period from dairy farmers whose milk was approved for fluid use; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 915.88 had such plant been a pool plant.

**§ 915.62 Milk subject to other orders.**

Milk received at the plant of a handler at which the handling of milk is fully subject during the delivery period to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Greater St. Joseph marketing area shall be exempted for such delivery period from all provisions of this part except that he shall make reports to the market administrator at such time and in such manner as the market administrator may require.

DETERMINATION OF UNIFORM PRICE

**§ 915.70 Computation of the value of milk received from producers by each handler.**

The value of milk received during each delivery period by each handler from producers shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 915.46(c) by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 915.46 (a)(7) by the applicable respective class prices;

(c) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified as Class II milk (other than as shrinkage) during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 915.46(a)(4) and (b), whichever is less; and

(d) For any skim milk or butterfat subtracted from Class I milk pursuant to § 915.46 (a)(2) and (b), and pursuant to § 915.46 (a)(4) and (b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount equal to the difference between the values of such skim milk and butterfat at the Class I price and at the Class II price: *Provided*, That such calculation shall not apply if the total receipts of producer milk at pool plants during the month are not more than 120 percent of the total Class I utilization of such plants for the month.

**§ 915.71 Computation of uniform price.**

For each delivery period, the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 915.70 for all handlers specified in § 915.11 (a), (c), or (d), and who made the payments pursuant to §§ 915.80 and 915.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 915.81;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 915.82 by the total hundredweight of such milk;

(e) Divide by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received at pool plants f.o.b. marketing area.

PAYMENTS

**§ 915.80 Time and method of payment.**

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each delivery period during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 915.72, adjusted by the butterfat differential computed pursuant to § 915.82, subject to the location adjustment to producers pursuant to § 915.81, and less the following amounts (1) the payments made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 915.87, and (3) any deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 915.85, he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each delivery period to each producer (1) for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section and (2) who had not discontinued shipping milk to such handler before the 18th day of the delivery period, an advance payment with respect to milk re-

ceived from such producer during the first 15 days of the delivery period at the approximate value of such milk, not to be less than the Class II price for 3.8 percent milk for the preceding delivery period, without deduction for hauling;

(c) To a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 20th day of the delivery period, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section, less any deductions authorized in writing by such cooperative association;

(2) On or before the 14th day after the end of each delivery period an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less proper deductions authorizing in writing by such cooperative association;

(d) On or before the 14th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 915.11(c), not less than the value of such milk as classified pursuant to § 915.44(a) at the applicable respective class price(s);

(e) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 915.80, 915.81, and 915.82;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section, and § 915.87, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(f) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

**§ 915.81 Location adjustment to producers.**

In making payments to producers pursuant to § 915.80(a) for all milk received at a pool plant located 50 miles or more from the City Hall in St. Joseph, Missouri, or the City Hall in Sabetha, Kansas, whichever is nearer, by the shortest highway distance as determined by the market administrator, there shall be deducted 16 cents per hundredweight of milk for distances of 50 to 70 miles inclusive, plus an additional one-half cent for each additional 10 miles or fraction thereof in excess of 70 miles.

**§ 915.82 Producer butterfat differential.**

In making payments pursuant to § 915.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, an amount computed by adding 4 cents to the butter price specified in § 915.50(b)(1) dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

**§ 915.83 Producer-settlement fund.**

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 915.61 (a)(1) and (b)(1) and 915.84, and all appropriate payments pursuant to § 915.86, and out of which he shall make all payments pursuant to § 915.85 and all appropriate payments pursuant to § 915.86: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

**§ 915.84 Payments to the producer-settlement fund.**

On or before the 14th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the value of the milk received from producers by such handler during such delivery period as determined pursuant to § 915.70 is greater than the amount required to be paid producers by such handler pursuant to § 915.80 before deductions (a) for marketing services pursuant to § 915.87, and (b) authorized by the producer.

**§ 915.85 Payments out of the producer-settlement fund.**

On or before the 14th day after the end of each delivery period during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 915.70 is less than the amount required to be paid producers by such handler pursuant to § 915.80 before deductions (a) for marketing services pursuant to § 915.87, and (b) authorized by the producer: *Provided*, That if at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

**§ 915.86 Adjustment of accounts.**

(a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date for making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

(b) Overdue accounts: Any unpaid obligation of a handler or of the market administrator pursuant to §§ 915.80, 915.84, 915.85, 915.86(a), 915.87, and 915.88 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

**§ 915.87 Marketing service.**

(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself pursuant to § 915.80(a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 915.80(a), as are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deductions and the quantity of milk for which it was computed for each such producer.

**§ 915.88 Expense of administration.**

(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 12th day after the end of each delivery period, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received from producers during such delivery period;

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expenses set forth in this section.



**§ 915.89 Termination of obligation.**

The provisions of this section shall apply to any obligation under this order for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-years the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received, if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(a) of the Act, a Petition claiming such money.



EFFECTIVE TIME, SUSPENSION OR TERMINATION

**§ 915.90 Effective time.**

The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 915.91.

**§ 915.91 Suspension or termination.**

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

**§ 915.92 Continuing obligations.**

If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

**§ 915.93 Liquidation.**

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

**§ 915.100 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

**§ 915.101 Separability of provisions.**

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Proposed by the Nebraska-Iowa Non-Stock Cooperative Milk Association:

*Proposal No. 2.* Include Richardson County, Nebraska in the proposed Nebraska-Iowa marketing area. (The proposed Nebraska-Iowa marketing area includes, in part, the current Omaha-Lincoln-Council Bluffs and Platte Valley, Nebraska marketing areas.)

Copies of this notice of hearing and the order may be procured from the Market Administrators, Kenneth M. Fell, P.O. Box 383, Grand Island, Nebraska; and Wayne McPherren, P.O. Box 57, West Dodge Station, Omaha, Nebraska, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 17th day of February 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61-1597; Filed, Feb. 23, 1961; 8:46 a.m.]

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[7 CFR Part 936]

## FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

### Findings and Determinations With Respect to the Continuation in Effect of the Amended Marketing Agreement and Order

Pursuant to the applicable provisions of Marketing Agreement No. 85, as amended, and Order No. 36, as amended (7 CFR Part 936), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), notice was given in the FEDERAL REGISTER on December 6, 1960 (25 F.R. 12465), that a referendum would be conducted among the growers who, during the marketing season beginning on March 1, 1960 (which period was determined to be a representative period for the purpose of such referendum), had been engaged, in the State of California, in the production of fruit covered by said amended marketing agreement and order (as the term "Fruit" is therein defined) for shipment in fresh form to determine whether the producers of a particular fruit favor the termination of the amended marketing agreement and order as to such fruit.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period January 19 to 31, 1961, both dates inclusive, it is hereby found and determined that the termination of the said marketing agreement and order, with respect to any of the fruits covered thereby, is not favored by the requisite majority of such growers.

Dated: February 20, 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1612; Filed, Feb. 23, 1961; 8:48 a.m.]

[ 7 CFR Part 937 ]

## NECTARINES GROWN IN CALIFORNIA

### Findings and Determinations With Respect to the Continuation in Effect of the Marketing Agreement and Order

Pursuant to the applicable provisions of Marketing Agreement No. 124 and Order No. 37 (7 CFR Part 937), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), notice was given in the FEDERAL REGISTER on December 9, 1960 (25 F.R. 12628), that a referendum would be conducted among the growers who, during the current marketing season beginning on May 1, 1960 (which period was determined to be a representative period for the purpose of such referendum), had been engaged, in California, in the production of nectarines for market to determine whether a majority of such growers favor the termination of the marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period January 19 to January 31, 1961, both dates inclusive, it is hereby found and determined that the termination of the marketing agreement and order, regulating the handling of nectarines grown in California, is not favored by the requisite majority of such growers.

Dated: February 20, 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1613; Filed, Feb. 23, 1961; 8:48 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

[ 21 CFR Part 120 ]

## TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Filing of Petition for Establishment of Tolerance for Residues of Sodium o-Phenylphenate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

A petition has been filed by Dow Chemical Company, Midland, Michigan, proposing the establishment of a tolerance of 5 parts per million for residues of sodium *o*-phenylphenate expressed as o-phenylphenol in or on nectarines.

The analytical method proposed in the petition for determining residues of *o*-phenylphenol is the method described in the FEDERAL REGISTER of November 13, 1959 (24 F.R. 9240), with minor modifications.

Dated: February 16, 1961.

[SEAL] ROBERT S. ROE,
*Director, Bureau of Biological and Physical Sciences.*

[F.R. Doc. 61-1605; Filed, Feb. 23, 1961; 8:47 a.m.]

[ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by the National Association of Chewing Gum Manufacturers, 100 East Forty-second Street, New York 17, New York, proposing the issuance of a regulation to provide for the safe use of the following ingredients as components of chewing gum base:

NATURAL GUMS—COAGULATED OR CONCENTRATED LATEXES OF VEGETABLE ORIGIN

| | *Genus and species* |
|---|---|
| *Family sapotaceae* | |
| Chicle | Manilkara zapotilla Gilly and Manilkara chicle Gilly. |
| Chiquibul | Manilkara zapotilla Gilly. |
| Crown gum | Manilkara zapotilla Gilly and Manilkara chicle Gilly. |
| Gutta hang kang | Palaquium leiocarpum Boerl. and Palaquium oblongifolium Burck. |
| Massaranduba balata (and the solvent-free resin extract Massaranduba balata). | Manilkara huberi (Ducke) Chevalier. |
| Massaranduba chocolate | Manilkara solimoesensis Gilly. |
| Nispero | Manilkara zapotilla Gilly and Manilkara chicle Gilly. |
| Rosidinha (rosadinha) | Micropholis (also known as Sideroxylon) spp. |
| Venezuelan chicle | Manilkara williamsii Standley and related spp. |
| *Family apocynaceae* | |
| Jelutong | Dyera costulata Hook. F. and Dyera lowii Hook. F. |
| Leche caspi (sorva) | Couma macrocarpa Barb. Rodr. |
| Pendare | Couma macrocarpa Barb. Rodr. and Couma utilis (Mart.) Muell Arg. |
| Perilla | Couma macrocarpa Barb. Rodr. and Couma utilis (Mart.) Muell Arg. |
| *Family moraceae* | |
| Leche de vaca | Brosimum utile (H.B.K.) Pittier and Poulsenia spp.; also Lacmellea standleyi (Woodson), Monachino (Apocynaceae). |
| Niger gutta | Ficus platyphylla Del. |
| Tunu (tuno) | Castilla fallax Cook. |
| *Family euphorbiaceae* | |
| Chilte | Cnidoscolus (also known as Jatropha) elasticus Lundell and Cnidoscolus tepiquensis (Cost. and Gall.) McVaugh. |
| Natural rubber (smoked sheet and latex solids). | Hevea brasiliensis. |

Other ingredients:
Butylated hydroxyanisole.
Butylated hydroxytoluene.
Propyl gallate.
Beeswax (cera alba), white, bleached, pure.
Butadiene-styrene rubber.
Calcium carbonate.
Candelilla wax (from Euphorbia antisyphilitica).
Carnauba wax (from Copernicia cerifera).
Cocoa butter.
Cocoa powder, defatted.
Coumarone-indene resin.
Estergums (the esters of rosin):
- Type I: Glycerin ester of rosin.
- Type II: Glycerin ester of polymerized rosin.
- Type III: Glycerin ester of hydrogenated rosin.
- Type IV: Pentaerythritol ester of hydrogenated rosin.
- Type V: Glycerin and pentaerythritol ester of hydrogenated rosin.
- Type VI: Hydrogenated methyl ester of rosin.

Fatty acids, mono- and diglycerides.
Gelatin.
Glycerol monostearate.
Gum arabic.
Hydrogenated vegetable oils.
Isobutylene-isoprene (butyl rubber).
Kelp (algae, brown), from Laminaria spp. and Nereocystis spp.
Lanolin.
Lard (may be hydrogenated).
Lecithin.
Pectin.
Petroleum hydrocarbon resin.
Polyethylene.
Polyisobutylene (isobutylene resin).
Polyvinyl acetate.
Propylene glycol.
Sodium benzoate.
Stearic acid.
Talc.
Tallow (may be hydrogenated).
Terpene resins.
Theobroma oil (cocoa butter).
Wax, microcrystalline, and paraffin.

Dated: February 16, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1604; Filed, Feb. 23, 1961; 8:47 a.m.]



# FEDERAL AVIATION AGENCY

[ 14 CFR Part 507 ]

[Reg. Docket No. 663]

## RUPERT SAFETY BELTS

### Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring replacement or rework of Rupert Model 50, N50, 65, 80, and S–2194 safety belts. Service difficulties were reported wherein the entire length of the webbing slipped through the fully locked buckle under loads below the minimum specified in TSO–C22. Testing of new and used Rupert safety belts has been conducted and the results show that the three bar slide belt length adjustors deform under load thus losing their gripping action and that the 5/16 inch width of serrations on the tongue locking cam of the buckle do not provide proper holding abilities. With these deficiencies, the belt will not hold the minimum 1,500 pound load required by TSO–C22 to which these belts were certified as complying. The three bar slide length adjustors have been redesigned to a greater thickness and heat-treated for additional strength. Also, the tongue locking cam of the buckles has been redesigned with a serration width of at least 3/8 inch measured from the crest of the outermost serrations in order to make the belts airworthy.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before March 27, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. The proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

RUPERT SAFETY BELTS. Applies to all aircraft equipped with Rupert Model 50, N50, 65, 80, and S–2194 safety belts.

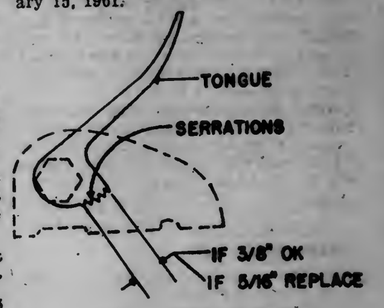
Compliance required within the next 75 hours of time in service after the effective date of this AD.

Recurring instances have been reported wherein Rupert belt assemblies have slipped under low tension loads. Accordingly, it has been determined by test the Rupert safety belt assemblies manufactured under Technical Standard Order C22 standards are deficient and must either be replaced with belt assemblies that conform to TSO–C22 standards or be reworked by accomplishing the following:

(a) Remove all of the three bar slide length adjustors and replace them with new Rupert R–60 adjustors. Replacement adjustors will have thicknesses greater than .120.

(b) Measure the distance between the crests of the outermost serrations on the tongue of the buckle. (See Figure.) If this distance measures 5/16 inch or less the buckle shall be reworked by replacing the tongue with one in which this distance is at least 3/8 inch. (Rupert Service Bulletin No. 101 covers this same subject.)

Issued in Washington, D.C., on February 15, 1961.




GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-1544; Filed, Feb. 23, 1961; 8:45 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[Bureau Order 551; Amdt. 67]

### CENTRAL OFFICE PERSONNEL

### Redelegation of Authority

Section 2(a) of Bureau Order 551, as amended, is further amended to read as follows:

SEC. 2(a) *Authority of Central Office Personnel.* The Deputy Commissioner may exercise any and all authority conferred upon the Commissioner of Indian Affairs by the Secretary of the Interior. The Assistant Commissioners and those persons designated to act in their place during their absence may exercise, within the scope of their functional responsibilities, any and all authority conferred upon the Commissioner of Indian Affairs by the Secretary of the Interior.

JOHN O. CROW,
*Acting Commissioner.*

FEBRUARY 17, 1961.

[F.R. Doc. 61-1595; Filed, Feb. 23, 1961; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### MISSISSIPPI

### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following county in the State of Mississippi a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1614; Filed, Feb. 23, 1961; 8:48 a.m.]

### TEXAS

### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Texas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

| | |
|---|---|
| Brewster. | Pecos. |
| Crane. | Presidio. |
| Culberson. | Reeves. |
| El Paso. | Upton. |
| Hudspeth. | Ward. |
| Jeff Davis. | Winkler. |
| Loving. | |

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established polices and procedures.

Done at Washington, D.C., this 20th day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1615; Filed, Feb. 23, 1961; 8:48 a.m.]

## GENERAL SERVICES ADMINISTRATION

### SUBGRADE QUARTZ CRYSTALS (CRUDE) HELD IN THE NATIONAL STOCKPILE

### Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 100,000 pounds of subgrade crude quartz crystals now held in the national stockpile.

The Munitions Board (one of the predecessor agencies of the Office of Civil and Defense Mobilization) made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling these crude quartz crystals. The revised determination was based upon the finding of the Munitions Board that the material is obsolescent for use in time of war.

General Services Administration proposes to transfer the crude quartz crystals to other Government agencies, or to offer them for sale on a competitive basis, beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

If the material is offered for sale on a competitive basis, between 25,000 to 40,000 pounds will be offered initially and the remainder will be offered from time to time thereafter.

This plan and the initial date of disposition have been fixed, and the subsequent quantities offered and dates of disposition shall be fixed, with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: February 16, 1961.

BERNARD L. BOUTIN,
*Acting Administrator.*

[F.R. Doc. 61-1594; Filed, Feb. 23, 1961; 8:46 a.m.]

## DEPARTMENT OF JUSTICE

### Office of the Attorney General

[Civil Division Directive No. 2]

### CHIEF, TORT CLAIMS SECTION, CIVIL DIVISION

### Redelegating the Authority To Reject Certain Offers in Compromise

Under the authority vested in me by section 23(1) of Order No. 175-59, dated January 19, 1959, I hereby redelegate to the Chief, Tort Claims Section, Civil Division, the authority to reject offers in compromise delegated to the Assistant Attorney General in charge of the Civil Division by section 23(c) of that order with respect to any offer of settlement of less than $25,000 in amount in cases within the jurisdiction of that section.

Dated: February 14, 1961.

WILLIAM H. ORRICK, JR.,
*Assistant Attorney General.*

Approved: February 20, 1961.

ROBERT F. KENNEDY,
*Attorney General.*

[F.R. Doc. 61-1603; Filed, Feb. 23, 1961; 8:47 a.m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

### LUSK SHIPPING CO., INC., AND BARTZ FORWARDING CO., INC.

### Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8586 between Lusk Shipping Company, Inc., New Orleans, Louisiana, and Bartz Forwarding Company, Inc., Brownsville, Texas.

The agreement consists of a cooperative working arrangement between the two registered freight forwarders under which each will perform forwarding services for the other in connection with cargo moving through its respective port. The party performing the service will retain all the forwarding fee; the ocean freight brokerage will be divided equally.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 20, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-1622; Filed, Feb. 23, 1961; 8:50 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-179]

### ALLIS-CHALMERS MANUFACTURING CO.

### Filing of Application for Utilization Facility Export License

Please take notice that Allis-Chalmers Manufacturing Company, P.O. Box 512, Milwaukee, Wisconsin, has submitted an application dated January 6, 1961, for a license authorizing the export of a 20,000 kilowatt (thermal) tank type, light water-cooled and -moderated nuclear reactor to the South African Atomic Energy Board at Pelindaba, South Africa, which is seventeen miles west of the City of Pretoria.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", and upon finding that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an Agreement for Cooperation with the Government of the Union of South Africa, the Commission may issue a facility export license authorizing the export of the reactor to the Union of South Africa.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactor.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission by the applicant or an intervener within 30 days after the filing of this notice with the Office of the Federal Register. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 16th day of February 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-1584; Filed, Feb. 23, 1961; 8:45 a.m.]

### URANIUM HEXAFLUORIDE

### Withdrawal Charges

1. This notice amends the Commission's notice published on April 2, 1960, "Uranium Hexafluoride: Base Charges, Special Charges, Specifications and Packaging" (25 F.R. 2817). This amendment will take effect immediately.

2. Table 8 of 25 F.R. 2817 is amended to read as shown in Table 8 (Revised), attached to and made a part of this notice, and appearing below.

3. Paragraph 11 of 25 F.R. 2817 is amended to read as follows:

11. The following examples are intended to clarify the charges for special-request cylinders.

*Example 1*—The order specifies 600 lbs. of $UF_6$, enriched to 0.72 weight percent of U-235 and packaged in 5-inch cylinders.

Minimum-cost combination: Two MD cylinders.

AEC absorbed cost=$300.

Cost of withdrawing and packaging in eleven 5-inch cylinders=$1,485.

AEC special-packaging charge=$1,485 minus $300=$1,185.

*Example 2*—The order specifies 2,000 lbs. of $UF_6$, enriched to 1.25 weight percent U-235 and packaged in MD cylinders.

Maximum quantity for 2.5-ton cylinder=1,800 lbs.

Minimum-cost combination: One 2.5-ton cylinder and one MD cylinder.

AEC absorbed cost=$525.

Number of MD cylinders=Five.

Cost of withdrawing and packaging in five MD cylinders=$750.

AEC special-packaging charge=$750 minus $525=$225.

4. The remainder of 25 F.R. 2817 remains unchanged.

Dated at Germantown, Md., this 10th day of February 1961.

For the Atomic Energy Commission.

A. R. LUEDECKE,
*General Manager.*

TABLE 8 (revised)—MINIMUM-COST COMBINATIONS OF CYLINDERS [1]

| Amount of shipment (lb. $UF_6$) | Number of cylinders | | | | | Cost (dollars) |
|---|---|---|---|---|---|---|
| | 10-ton | 2.5-ton | MD | 8-inch | 5-inch | |
| 11 or less (see "Sample cylinders" below) | | | | | | |
| Above 11 to 55 | 0 | 0 | 0 | 0 | 1 | 135 |
| Above 55 to 250 [2] | 0 | 0 | 0 | 1 | 0 | 143 |
| Above 55 to 430 | 0 | 0 | 1 | 0 | 0 | 150 |
| Above 430 to 485 | 0 | 0 | 1 | 0 | 1 | 285 |
| Above 485 to 860 | 0 | 0 | 2 | 0 | 0 | 300 |
| Above 860 to 5,000 | 0 | 1 | 0 | 0 | 0 | 375 |
| Above 5,000 to 5,055 | 0 | 1 | 0 | 0 | 1 | 510 |
| Above 5,055 to 5,430 | 0 | 1 | 1 | 0 | 0 | 525 |
| Above 5,430 to 5,485 | 0 | 1 | 1 | 0 | 1 | 660 |
| Above 5,485 to 5,860 | 0 | 1 | 2 | 0 | 0 | 675 |
| Above 5,860 to 10,000 | 0 | 2 | 0 | 0 | 0 | 750 |
| Above 10,000 to 20,000 | 1 | 0 | 0 | 0 | 0 | 890 |
| Above 20,000 [3] | | | | | | |
| Sample cylinders: | | | | | | |
| Less than 15 grams | 1 Hoke tube | | | | | 29 |
| Above 15 grams to 3.3 lb | 1 2-inch | | | | | 58 |
| Above 3.3 to 5.0 lb | 1 Harshaw bomb | | | | | 58 |
| Above 5.0 to 11.0 lb | 1 4-inch | | | | | 115 |

[1] When AEC loading practice does not limit the quantity in each cylinder (see Table 9).
[2] 8-inch cylinders are used only for enrichments of 0.0375 to 0.125 weight fraction U-235 inclusive.
[3] Packaging costs for quantities in excess of 20,000 lbs. $UF_6$ may be determined by addition of appropriate values from the above tabulation. For example, the minimum cost for packaging 45,000 lbs. $UF_6$ is $850 plus $850 plus $375=$2,075.

[F.R. Doc. 61-1585; Filed, Feb. 23, 1961; 8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Order No. E-16386; Docket 8305]

### ALLEGHENY AIRLINES, INC.

### Statement of Tentative Findings and Conclusions and Order To Show Cause

FEBRUARY 20, 1961.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of February 1961.

By application filed October 31, 1956, Allegheny Airlines, Inc. (Allegheny) requests amendment of its certificate of public convenience and necessity so as to extend for an indefinite period its authority to serve the intermediate point Trenton, New Jersey (Trenton) and the coterminal points New York, N.Y.-Newark, N.J. (New York) on segment 3 of its route 97.

Segment 3 was extended from Philadelphia/Camden to New York via Trenton in the Service to Trenton Case, 20

C.A.B. 290 (1955). The certificate issued to Allegheny, inter alia, permitted skip-stop operations after two daily round trips at Trenton, and provided for termination of the authority on December 31, 1956. Subsequently, on December 12, 1955, Allegheny was issued a certificate of public convenience and necessity of unlimited duration for route 97 (Order E–9835) pursuant to section 401(e)(3) of the Civil Aeronautics Act of 1938.[1] However, inasmuch as Allegheny's service at Trenton did not satisfy the statutory requirements for permanent certification, the term of the Trenton authorization and the previous pertinent skip-stop provision were continued unchanged. As indicated above, Allegheny timely filed an application for renewal of its authority to serve Trenton and New York on segment 3, and has continued its operations with respect to these points under section 9(b) of the Administrative Procedure Act.

By Order E–14740, December 15, 1959, in the Northeastern States Area Investigation, the Board, among other things, continued Allegheny's segment 3 authority but amended the certificate so as to permit skip-stop operations after only one daily round trip to Trenton on segment 3, and one on a new segment 8 between Washington/Baltimore and Boston.[2] Modification of the skip-stop authorization on segment 3 was based on findings that the traffic volume at Trenton was not sufficient to warrant continuation of the two-round-trip provision as to segment 3 service in addition to the new service on the Washington-Boston segment.

Upon consideration of the foregoing and data available to the Board from regularly filed carrier reports, reflected in part in the Appendices[3] attached hereto which are hereby incorporated into the record in this case, the Board tentatively finds and concludes that the public convenience and necessity do not require that Allegheny's authority to serve Trenton and New York on segment 3 be made permanent, but rather that the authorization should be permitted to expire.

With respect to Trenton and New York on segment 3 we find that the traffic response has been disappointing; that Trenton never originated as many as 5 daily passengers prior to inauguration of service on segment 8; and that the traffic response at Trenton since initiation of segment 8 service has been much greater, as evidenced by a sharp increase in passenger traffic following a relatively minor increase in frequency. Also, the attached origination and destination data indicate that the greater percentage of Trenton passengers travel to points served both on segment 3 and segment 8, and that New York has been a terminal or originating point for only a minor portion, the greater proportion utilizing New York to make connections to points served by other carriers. Additionally, Allegheny will continue to have authority to provide service between New York and Trenton under its segment 8 authorization.[4]

Moreover, we find that the majority of segment 3 flights do not serve Trenton, but rather operate nonstop between New York and Wilmington, Del., or Philadelphia, Harrisburg or Lancaster, Pa.; that the elimination of New York on segment 3 would require scheduling segment 3 nonstop flights between Harrisburg or Lancaster and New York to a junction point between segments 3 and 8 (Wilmington or Philadelphia) to accommodate segment 3 traffic to or from New York, which, under Allegheny's pattern of service as of December 1, 1960, would require only minor rescheduling of two flights via one of the junction points. We also find that the average passenger loads on nonstop flights serving New York on segment 3 have been low.

We estimate that the subsidy cost of segment 3 service to New York via Trenton has been in excess of $142,000, and that the nonstop services to New York dependent on the continuation of segment 3 authority have occasioned an expense to the Government of more than $93,000.

Consequently, it appears that the subject segment 3 authority is not required or warranted. Though we cannot now estimate accurately the effect which the deletion of New York and Trenton from segment 3 will have on subsidy, we anticipate that there will be a saving, the extent of which will depend in part on the carrier's future operation of segment 3 and segment 8 flights. In addition, deletion appears to be warranted in the light of the relatively meager traffic results, and minor inconvenience to the public which would result, and inasmuch as the carrier will continue to have authority with respect to service between New York and Trenton and points on segment 3.

In view of the foregoing and pursuant to section 401(g) of the Federal Aviation Act, as amended, the Board tentatively finds that the public convenience and necessity do not require that Allegheny's certificate of public convenience and necessity be amended so as to make permanent its authority to serve Trenton and New York on segment 3 of route 97, and that Allegheny's application should be denied.

New York Airways, Inc., has filed a petition for leave to intervene, alleging that it has a substantial property and financial interest in this proceeding inasmuch as it holds authority to transport passengers, property and mail between New York and Trenton; that it has no means of protecting its interests other than by intervening; and that its interests are not adequately represented by other parties. We find that New York Airways has an interest in this proceeding and that it should be granted leave to intervene.

*Accordingly, it is ordered:*

1. That Allegheny Airlines, and all interested persons are directed to show cause why the Board should not issue an order making final the findings and conclusions stated herein;

2. That Allegheny Airlines and any interested person having objection to the issuance of an order making final the findings and conclusions stated herein shall, within 30 days from the service date, file written notice of objection with the Board;

3. That Allegheny Airlines and each interested person shall attach to its objections, if any, such full and complete exhibits and other supporting materials as it intends to rely upon in the presentation of its case (no further opportunity for submitting direct exhibits will be permitted);

4. That on the expiration of the 30-day period allowed for the filing of objections, this proceeding shall be set for hearing before an Examiner of the Board, and shall be limited to consideration of issues raised by the objections filed, except that in the event there are no objections all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. That New York Airways be and it hereby is granted leave to intervene in this proceeding; and

6. That copies of this order shall be served on Allegheny Airlines, New York Airways and the cities of New York, New York; Newark, Trenton, and Camden, New Jersey; Wilmington, Delaware; Philadelphia, Lancaster, Harrisburg, Altoona, Johnstown, and Pittsburgh, Pennsylvania, who are hereby made parties to this proceeding.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61–1616; Filed, Feb. 23, 1961; 8:49 a.m.]

[Order No. E–16390; Docket 7829]

## CAPITOL AIRWAYS, INC.

### Statement of Tentative Findings and Conclusions and Order To Show Cause

FEBRUARY 20, 1961.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of February 1961:

By application filed November 21, 1955, in Docket 7520, Capitol Airways, Inc. (Capitol), sought a certificate of public convenience and necessity authorizing service between the terminals Miami, Fla., Chicago, Ill., and Detroit, Mich., via a number of intermediate points, including Birmingham, Ala., and Nashville, Tenn.

Consolidation of this application was sought in the Great Lakes-Southeast Service Case, Docket 2396 et al. By Order E–10094, the Board severed that portion of the application involving service to Birmingham and Nashville, assigned to it Docket 7829, and consolidated the remainder of Docket 7520 for hearing in the Great Lakes-Southeast Case, supra. In its decision[1] in that proceeding, Capitol's application in Docket 7520 was denied.

Of Capitol's original application, therefore, there remains to be disposed of only that portion assigned to Docket 7829, relating to the isolated segment between Birmingham and Nashville.

The Board desires to bring its docket to a reasonably current basis and thus insure that important formal proceedings may be passed upon promptly. It is our desire to clear the docket of pending applications which appear to be moot, duplicative of other pending applications, or which fail for lack of prosecution in proceedings in which opportunity for hearing on issues raised by the applications was afforded.

The major portion of the original Capitol application in Docket 7520 has been denied, leaving undisposed of only the question of service between two of the many cities sought originally by Capitol. Service is now provided between Birmingham and Nashville by Eastern Air Lines, Inc. It is doubtful that a competitive and economic operation could be conducted by any carrier over this comparatively short segment alone. In view of these circumstances it is questionable that Capitol would desire to prosecute the portion of its original application remaining in Docket 7829.

Under these circumstances the Board tentatively finds and concludes that the application of Capitol in Docket 7829 is, in effect, moot, and should be dismissed.

*Accordingly, it is ordered:*

1. That all interested persons show cause why the Board should not issue an order making final the findings and conclusions stated herein, dismissing the application of Capitol Airways, Inc., in Docket 7829;

2. That any interested persons having objection to the issuance of an order making final the findings and conclusions set forth herein, shall within 15 days from the date of service hereof, file written notice of objection with the Board;

3. That if no objections are filed, further procedural steps shall be deemed waived and the matter submitted to the Board for issuance of a final order;

4. That if objections are filed, further considerations will be accorded any matters or issues raised by the objections, before further action by the Board is taken; and

5. That copies of this order shall be served on Capitol Airways, Inc., Eastern Air Lines, Inc., and the cities of Birmingham, Ala. and Nashville, Tenn., who are hereby made parties to this proceeding.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61–1617; Filed, Feb. 23, 1961; 8:49 a.m.]

[Order No. E–16388; Docket 5242]

## DELTA AIR LINES, INC.

### Statement of Tentative Findings and Conclusions and Order To Show Cause

FEBRUARY 20, 1961.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of February 1961:

By application filed January 4, 1952, Delta Air Lines, Inc. (Delta) applied for amendment of its certificate of public convenience and necessity by the grant of authority to serve Macon, Ga., as an intermediate point on route 54 on a permanent basis, or for a further temporary period of time.

Macon is now a certificated intermediate point on Delta's route 24, and by Order E–4478, dated August 1, 1950, Delta was temporarily authorized to serve Macon as an intermediate point on route 54 until February 1, 1952.[1]

In its opinion accompanying Order E–4478, the Board indicated that it was granting Delta authority to serve Macon "merely to eliminate paper work pertaining to the carriage of mail and to simplify accounting procedures." At the time this order was entered the Post Office Department regulations required that accounting for the carriage of airmail be on the basis of air carrier routes, so that on flights operated by a carrier over two or more routes, a separate count of the mail at each junction point was demanded. On each flight between Chicago and Miami, via Macon, for example, Delta was required to make separate accounts and reports on the mail carried beyond Atlanta to Savannah and beyond Savannah to Miami. However, since the Post Office Department now pays the air carriers on a system rather than on a route basis, the basis for Delta's authorization to serve Macon on route 54 has disappeared. All services that Delta has been providing at Macon can be provided under its permanent authorization on route 24.[2] The traffic developed at Macon in that city's top ten markets[3] gives no indication that an enlargement of Delta's permanent authorization is required by the public convenience and necessity. Macon is also served by Eastern Air Lines, Inc. (Eastern) on route 10, providing competitive service to many points, plus service to others which Delta may not serve, via the junction point Atlanta.

Upon consideration of the foregoing we tentatively find and conclude that the public convenience and necessity no longer require Delta's authorization over route 54 at Macon, Ga., and that its application in Docket 5242 for permanent certification, or authorization for a further temporary period on route 54, should be denied.

*Accordingly, it is ordered:*

1. That all interested persons show cause why the Board should not issue an order making final the findings and conclusions stated herein; denying Delta's application in Docket 5242, and thus permitting Delta's temporary authorization to serve Macon on route 54 to expire by its terms;

2. That any interested persons having objection to the issuance of an order making final the findings and conclusions set forth herein, shall within 15 days from the date of service hereof, file written notice of objection with the Board;

3. That if no objections are filed, further procedural steps shall be deemed waived and the matter submitted to the Board for issuance of a final order;

4. That if objections are filed, this proceeding shall be set for hearing before an Examiner of this Board limited to consideration of the issues raised by the objections filed; and

5. That copies of this order shall be served on Delta Air Lines, Inc., Eastern Air Lines, Inc., and the cities of Macon, Atlanta and Savannah, Georgia, who are hereby made parties to this proceeding.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61–1618; Filed, Feb. 23, 1961; 8:49 a.m.]

[Order No. E–16387; Docket 9218]

## LAKE CENTRAL AIRLINES, INC.

### Statement of Tentative Findings and Conclusions and Order To Show Cause

FEBRUARY 20, 1961.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of February, 1961.

By application filed January 10, 1958, Lake Central Airlines, Inc. (Lake Central), requested amendment of its certificate for route 88 to authorize service between the intermediate point Erie, Pennsylvania, and the terminal point Detroit, Michigan, or in the alternative to have Erie designated as a terminal on this segment.

The Board desires to bring its docket to a reasonably current basis and thus insure that important formal proceedings may be passed upon promptly. It is our desire to clear the docket of pending applications which appear to be moot, duplicative of other pending applications, or which fail for lack of prosecution in proceedings in which oppor-

[1] Section 401(e)(3) authorized the Board to issue certificates of public convenience and necessity of unlimited duration to applicants who had continuously provided local or feeder service under temporary authority from January 1, 1953 to the date of application if filed within 120 days after enactment of the provision, and limited such certification to points between which the applicant operated continuously from the date of enactment of the provision until the date of its application.

[2] Segment 8 authorizes, in part, service between Washington/Baltimore, Wilmington, Philadelphia/Camden, Trenton, and New York.

[3] Appendices A through I filed as part of original document.

[4] Allegheny's December 1, 1960, schedules provide one daily round trip between Trenton and New York pursuant to segment 8 authority.

[1] Order E–13024.

[1] By the operation of section 9(b) of the Administrative Procedure Act, the filing of this application served to continue Delta's temporary authority to serve Macon on route 54.

[2] As shown in Appendix A all Delta flights serving Macon serve Atlanta and Savannah, the junction points between routes 24 and 54 so that such flights may be routed via such junction points to all points Delta is authorized to serve. Appendix A filed as part of original document.

[3] Appendix B, filed as part of original document.

tunity for hearing on issues raised by the applications was afforded.

Lake Central has already had a hearing on its application to provide service between Erie and Detroit. In the Erie-Detroit Case, Docket 7138, Lake Central's application to provide this service was denied in the opinion and order entered in that proceeding on September 20, 1956, Order E–10625. Lake Central's second application to provide this service in Docket 9213 was denied consolidation into the Erie-Detroit Investigation instituted by the Board in Docket 9181, Order E–12246, March 12, 1958. In the Great Lakes Local Service Investigation, Docket 4251 et al. service at Erie and Detroit was again in issue and Lake Central was authorized to serve Erie, Pennsylvania as a terminal point on its segment 12, and it presently is authorized to serve Detroit on segments 8 and 10. Lake Central's application to serve between Erie and Detroit has been given full consideration by the Board. There are presently two local service carriers, Mohawk and Allegheny, and a trunk carrier, American Airlines, authorized to operate between these points. The possibility of establishing a need for a fourth air carrier and a third local service carrier over this segment within the reasonably near future appears remote. Furthermore, Lake Central can provide a connecting service between Erie and Detroit via the junction point, Pittsburgh, Pennsylvania.

Under all of these circumstances the Board tentatively finds and concludes that the application of Lake Central in Docket 9213 is, in effect, moot, and should be dismissed.

*Accordingly, it is ordered:*

1. That all interested persons show cause why the Board should not issue an order making final the findings and conclusions stated herein, dismissing the application of Lake Central Airlines, Inc. in Docket 9213;

2. That any interested persons having objection to the issuance of an order making final the findings and conclusions set forth herein, shall within 15 days from the date of service hereof, file written notice of objection with the Board;

3. That if no objections are filed, further procedural steps shall be deemed waived and the matter submitted to the Board for issuance of a final order;

4. That if objections are filed, further consideration will be accorded any matters or issues raised by the objections, before further action by the Board is taken; and

5. That copies of this order shall be served on Lake Central Airlines, Inc., American Airlines, Inc., Allegheny Airlines, Inc., and Mohawk Airlines, Inc., and on the cities of Erie, Pennsylvania, and Detroit, Michigan, who are made parties to this proceeding.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61–1619; Filed, Feb. 23, 1961; 8:49 a.m.]

[Order No. E–16391; Docket 8656]

## NATIONAL AIRLINES, INC.

### Statement of Tentative Findings and Conclusions and Order To Show Cause

FEBRUARY 20, 1961.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of February 1961.

By application filed July 8, 1955, in Docket 7296 National Airlines, Inc. (National), requested amendment of its certificate for route 31 so as to authorize service from Jacksonville, Fla., to the terminal point Chicago, and over other segments to the terminal points Buffalo and Detroit, via many intermediate points. By subsequent amendment National also sought, inter alia, to provide service beyond Chicago to Minneapolis/St. Paul via Milwaukee, and beyond Detroit to Minneapolis/St. Paul via Milwaukee.

By Order E–9734 entered November 10, 1955, in the Great Lakes-Southeast Service Case, Docket 2396, the Board severed from Docket 7296 the two segments proposing service beyond Chicago to Milwaukee and Minneapolis/St. Paul, and beyond Detroit to Milwaukee and Minneapolis/St. Paul, and assigned these segments to Docket 7506 for later hearing. The balance of Docket 7296, as amended, was consolidated in the Great Lakes-Southeast Service Case, supra, and subsequently denied by Order E–13024, entered September 30, 1958.

At a later date, by Order E–11200, entered April 4, 1957, in the Chicago-Milwaukee-Minneapolis/St. Paul Case, Docket 3207, the Board severed from Docket 7506 that portion proposing service between Detroit and Minneapolis/St. Paul via Milwaukee and assigned this portion to Docket 8656 for later hearing. The balance of Docket 7506, proposing service beyond Chicago to Minneapolis/St. Paul via Milwaukee, was consolidated in the Chicago-Milwaukee-Minneapolis/St. Paul proceeding and subsequently denied by Order E–13890. As a result of these various hearings and the orders of the Board all that remains undisposed of of National's original application is the portion relating to service between Detroit and Minneapolis/St. Paul via Milwaukee which remains in Docket 8656.

The Board desires to bring its docket to a reasonably current basis and thus insure that important formal proceedings may be passed upon promptly. It is our desire to clear the docket of pending applications which appear to be moot, duplicative of other pending applications, or which fail for lack of prosecution in proceedings in which opportunity for hearing on issues raised by the applications was afforded.

National's route system is so constituted that the nearest point on route 31 to Detroit is Washington, D.C., which is more than 400 miles distant from Detroit. There are presently three carriers providing service between Detroit and Milwaukee and between Milwaukee and Minneapolis/St. Paul. As National's application for service over these segments presently stands, the grant of National's application would authorize operations over a route entirely separate and apart from National's existing system. No integration between National's existing system and the route proposed in Docket 8656 would be possible except by the operation of non-revenue ferry mileage in excess of 400 miles between the nearest point on National's system and Detroit. Capital and Northwest presently are authorized to provide service between Detroit and Minneapolis/St. Paul via Milwaukee, and an indirect and more circuitous service can be provided by North Central. The major portion of National's original application has been heard. There remains only the fragment described and set apart in Docket 8656 whose operation as part of National's system would present substantial problems because of high costs and lack of integration. Under all these conditions the possibility that National would be able to establish the need for a third trunkline carrier and a fourth air carrier in these markets would appear to be remote.

Under all these circumstances the Board tentatively finds and concludes that the application of National Airlines, Inc., in Docket 8656 is, in effect, moot and should be dismissed.

*Accordingly, it is ordered:*

1. That all interested persons show cause why the Board should not issue an order making final the findings and conclusions stated herein, dismissing the application of National Airlines, Inc. in Docket 8656;

2. That any interested persons having objection to the issuance of an order making final the findings and conclusions set forth herein, shall within 15 days from the date of service hereof, file written notice of objection with the Board;

3. That if no objections are filed, further procedural steps shall be deemed waived and the matter submitted to the Board for issuance of a final order;

4. That if objections are filed, further consideration will be accorded any matters or issues raised by the objections, before further action by the Board is taken; and

5. That copies of this order shall be served on National Airlines, Inc., Capital Airlines, Inc., Northwest Airlines, Inc., North Central Airlines, Inc., and the cities of Detroit, Milwaukee, Minneapolis, and St. Paul, who are hereby made parties to this proceeding.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61–1620; Filed, Feb. 23, 1961; 8:49 a.m.]

[Order No. E–16389; Docket 7830]

## RIDDLE AIRLINES, INC.

### Statement of Tentative Findings and Conclusions and Order To Show Cause

FEBRUARY 20, 1961.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of February 1961.



By application filed June 27, 1955, in Docket 7258, Riddle Airlines, Inc. (Riddle), sought a certificate of public convenience and necessity authorizing the carriage of persons, property and mail between the terminals Chicago and Miami via the intermediate points Cincinnati and Atlanta. This application was consolidated for hearing in the Great Lakes-Southeast Service Case, Docket 2396 et al. By subsequent amendment filed November 30, 1955, Riddle sought authority to provide service to all points named within the scope of the proceeding known as the Great Lakes-Southeast Service Case, supra, and by subsequent order this amendment was consolidated in that proceeding. Included in the application of Riddle was a request for authorization of service to and from the City of Nashville. By Order E–10094 entered March 16, 1956, the Board severed that portion of Riddle's application in Docket 7258 proposing service to and from Nashville and assigned it to Docket 7830 for later hearing, leaving the balance of Docket 7258 consolidated in the Great Lakes proceeding. Riddle, however, did not prosecute its application, and its counsel moved that its application be dismissed from the proceeding. In his Initial Decision the Examiner recommended that Riddle's application be dismissed from the Board's docket.[1] The record reveals no opposition to this finding by the Examiner but no order was entered by the Board confirming such finding and recommendation; nor acting on the motion of Riddle's counsel. The application of Riddle remained in the proceeding and was denied.

Of Riddle's original application therefore there remains to be disposed of only that portion assigned Docket 7830 relating to service to and from the isolated point Nashville, Tennessee.

The Board desires to bring its docket to a reasonably current basis and thus insure that important formal proceedings may be passed upon promptly. It is our desire to clear the docket of pending applications which appear to be moot, duplicative of other pending applications, or which fail for lack of prosecution in proceedings in which opportunity for hearing on issues raised by the applications was afforded.

Opportunity was afforded Riddle for hearing on the major portion of its original application in Docket 7258 and it has been denied. This leaves undisposed of only the question of service to and from the single city Nashville of the many cities Riddle originally sought to serve. Service to and from Nashville is provided by American, TWA, Eastern, Braniff, Ozark and Southern[2] over a number of routes radiating in practically all directions from Nashville. It is doubtful that a carrier could provide a competitive and economic operation radiating only from the one city. In view of these circumstances it is questionable that Riddle would desire to prosecute the portion of its original application remaining in Docket 7830 or that any need for such a limited service could be demonstrated.

Under these conditions the Board tentatively finds and concludes that the application of Riddle in Docket 7830 is, in effect, moot, and should be dismissed.

*Accordingly, it is ordered:*

1. That all interested persons show cause why the Board should not issue an order making final the findings and conclusions stated herein, dismissing the application of Riddle Airlines, Inc., in Docket 7830;

2. That any interested persons having objection to the issuance of an order making final the findings and conclusions set forth herein, shall within 15 days from the date of service hereof, file written notice of objection with the Board;

3. That if no objections are filed, further procedural steps shall be deemed waived and the matter submitted to the Board for issuance of a final order;

4. That if objections are filed, further consideration will be accorded any matters or issues raised by the objections, before further action by the Board is taken; and

5. That copies of this order shall be served on Riddle Airlines, Inc., American Airlines Inc., Trans World Airlines, Inc., Eastern Air Lines, Inc., Braniff Airways, Inc., Ozark Air Lines, Inc., Southern Airways, Inc., and the city of Nashville, Tennessee, who are hereby made parties to this proceeding.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61–1621; Filed, Feb. 23, 1961; 8:49 a.m.]

[1] I.D., Great Lakes-Southeast Service Case, supra., p. 105.

[2] These carriers are referred to by their commonly-used names.

[Order No. E–16383; Docket 10946]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of February 1961: In the matter of an agreement (Agreement C.A.B. 14827, R–10) adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreement names specific commodity rates under a new description, Horses and Cattle (Item 1051), between various points in South America, on the one hand, and Miami and Panama City, on the other hand. Under the terms of the basic agreement, the Panama City rates may be applied to/from Balboa.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement, which incorporates IATA Memorandum TC1/Rates 1154, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

*Accordingly, it is ordered,* That:

1. Agreement C.A.B. 14827, R–10, is approved, provided that such approval shall not necessarily constitute approval for purposes of tariff publication.

2. Any air carrier party to the agreement or any interested person may, within 15 days from the date hereof, submit statements in writing, containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action by subsequent order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61–1586; Filed, Feb. 23, 1961; 8:45 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. E–6973]

## DEPARTMENT OF THE INTERIOR, SOUTHWESTERN POWER ADMINISTRATION

### Order Confirming and Approving Rate Schedule

FEBRUARY 16, 1961.

Pursuant to the Flood Control Act of 1944 (58 Stat. 887), the Secretary of the Interior on behalf of the Southwestern Power Administration (SWPA), on December 7, 1960, submitted for confirmation and approval, a schedule of rates and charges for Supplemental Peaking Power Service to Arkansas Electric Cooperative Corporation (Arkco). Approval of the proposed rate schedule designated "SP–1", is requested for a period extending from July 1, 1965, to July 1, 1970.

SWPA's presently effective rate schedules for various services rendered in its service area, were approved by the Commission for a five-year period terminating August 9, 1962, by orders issued August 9, 1957, June 11, 1958, and October 1, 1959, in Docket No. IT–5971. Those schedules were designated as F–1 for Wholesale Firm Service, P–1 for Wholesale Peaking Power Service, IC for Interruptible Capacity, EE for Excess Energy and SP for Special Wholesale Low-Load Factor Peaking Power.

Rate Schedule SP and P–1 are the same, both as to form and pricing. The SP Schedule, however, provides for the delivery of 1,200 kwh per kw of capacity during each fiscal year; whereas, 1,800 kwh per kw is provided for in the P–1

Schedule. Contractually, purchasers under both schedules are limited in the amount of energy which can be taken during each month and during any consecutive seven-month period.

The proposed Rate Schedule SP–1 provides for peaking service at the same rates and charges as the P–1 and SP schedules. It differs from the SP (1,200 kwh allowance) rate in that Arkco may take an additional 75 kwh per kw during each of the months of October through May. The contractual limitations on the scheduling of energy are applicable to the 1,200 kwh entitlement, but not to the additional 75 kwh allotted to Arkco under SP–1. It is requested that the rate be effective for the five-year period beginning July 1, 1965; it will be available only to Arkco.

The proposed Rate Schedule is as follows:

RATE SCHEDULE SP–1

*Applicable.* To the Power Sales Agreement dated November 28, 1960 (Contract No. 14–02–001–938), between the Southwestern Power Administration (SWPA) and the Arkansas Electric Cooperative Corporation.

*Amount of energy with supplemental peaking power capacity.* Energy associated with supplemental peaking power service will be made available in the following amount:

(i) 1,200 kilowatt-hours per kilowatt of supplemental peaking contract demand during each contract year which shall be the twelve-month period beginning on July 1 of each year; plus

(ii) 75 kilowatt-hours per month per kilowatt of supplemental peaking contract demand during the months of October, November, December, January, February, March, April, and May of each contract year.

*Character and condition of service.* Supplemental peaking power service will be delivered as three-phase alternating current, at approximately 60 cycles per second, at such point or points of delivery and at such voltages as are specified by contract.

*Annual rates:*

*Demand charge.* $19.20 per year per kilowatt of supplemental peaking contract demand, payable at the rate of $1.60 per month per kilowatt of contract demand.

*Energy charge.* $0.002 per kilowatt-hour.

*Discounts for conditions of service.*

(a) A discount of $1.20 per kilowatt of supplemental peaking billing demand per year will be allowed on the total annual charge for supplemental peaking power service if delivery of power and energy is made from the 69 kv, 138 kv, or 161 kv transmission facilities owned or leased by SWPA and if transformation and substation facilities are required at the point of delivery and are furnished by Arkco at no cost to SWPA. Discount is payable at the rate of $0.10 per month per kilowatt of supplemental peaking contract demand.

(b) A discount of $4.80 per kilowatt of supplemental peaking billing demand per year will be allowed on the total annual charge for supplemental peaking power service if delivery of power and energy is made from, and at the voltage of, the 138 kv or the 161 kv transmission facilities owned or leased by SWPA or at lower or intermediate voltages from substations directly connected to such transmission facilities, and if SWPA is thereby relieved of additional transmission costs. Discount is payable at the rate of $0.40 per month per kilowatt of supplemental peaking contract demand.

*Minimum bill.* $1.60 per month per kilowatt of supplemental peaking contract demand less applicable discounts for conditions of service.

*Supplemental peaking contract demand.* The supplemental peaking contract demand will be the maximum rate in kilowatts which SWPA is, by contract, obligated to deliver associated energy to Arkco.

*Supplemental peaking billing demand.* The supplemental peaking billing demand for any month shall be the supplemental peaking contract demand.

*Adjustment in supplemental peaking billing demand:*

*For reduction in demand.* In the event of one or more reductions in Arkco's demand during any monthly billing period, each of which continues for two hours or more, due to the inability of SWPA to supply the supplemental peaking contract demand, the supplemental peaking billing demand for such period shall be reduced for each such reduction in demand by an amount equal to the reduction in demand (in kilowatts) times the ratio that the number of hours of each such reduction bears to the total number of scheduled hours in such billing period.

*For power factor.* None. Arkco normally will be required to maintain a power factor at the points of delivery of not less than 90 percent lagging.

The Secretary advises that the sale of power under the proposed rate schedule is part of a plan to supply the long-term requirements of Arkco's member cooperatives. This plan includes the construction by Arkco of a 50,000 kw steam generating plant and the purchase by Arkco of the entire output of the Dardanelle project which is now being constructed by the United States Corps of Engineers. It is expected that this project will be completed about July 1, 1965. The output of the project will be sold at the project bus at the cost allocated to power and will include SWPA's marketing and transmission costs associated with marketing the project power. Arkco will resell the Dardanelle output to Arkansas Power & Light Company and as a part of a package deal, will arrange for SWPA to re-purchase the proposed special peaking power at the SP–1 rate. In the final transaction, Arkco will sell the supplemental peaking service to Southwestern Electric Power Company who will provide firm service to Arkco's member cooperatives. According to the Secretary, SWPA's "present repayment ability" will not be affected since the revenue from the sale of SP–1 power will exactly equal SWPA's cost of obtaining it.

The request for approval of the proposed SP–1 rate for a period from 1965 through 1970 is noted. The administrative practice of reviewing the rate schedules of SWPA every five years for the purpose of determining whether any adjustments should be made as a result of changes in SWPA's system costs has been long established. The next review of SWPA's system rates is scheduled for August 1962, and our orders of approval have been limited accordingly. In accordance with this policy, SWPA's rates would again be reviewed in 1967. Since the service under the proposed rate schedule will not be rendered in 1962, the year of the next scheduled review, it is reasonable to assume that the proposed rate will not be affected by such review. However, it is impossible to foretell the results of the review in 1967. The request would allow the proposed rate to be maintained until 1970 even though the review of the cost of service in 1967 may indicate the need for a change. The claim that the cost of power purchased under the proposed SP–1 rate will equal the revenues from the power sold under this rate may not necessarily hold true until 1970 inasmuch as the service rendered under this rate will be furnished from the entire power system of SWPA. Therefore, we do not believe that such a request is justified. Accordingly, our approval will be limited to the period expiring in 1967.

Notice of the filing of the proposed rate schedule was published in the FEDERAL REGISTER on January 12, 1961, requesting that any comments or suggestions with respect thereto be submitted on or before January 20, 1961. No comments or suggestions have been received.

The Commission finds: The proposed rate schedule for the Supplemental Peaking Power Service designated Rate Schedule SP–1 for the period beginning July 1, 1965, and expiring August 9, 1967, will not be inconsistent with the provisions of the Flood Control Act of 1944.

The Commission orders: The proposed rate schedule for Supplemental Peaking Power Service designated as SWPA's Rate Schedule SP–1, all as set forth above, is confirmed and approved for a period beginning July 1, 1965, and terminating August 9, 1967.

By the Commision.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1592; Filed, Feb. 23, 1961; 8:46 a.m.]

[Docket No. CP61–175]

## TRUNKLINE GAS CO.

### Application and Date of Hearing

FEBRUARY 16, 1961.

Take notice that on December 23, 1960, as supplemented on January 11, 1961, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston 1, Texas, filed in Docket No. CP61–175 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof from time to time during the calendar year 1961 in the general area of its existing transmission system, at an estimated total cost not to exceed $2,500,000, with no single project to exceed a cost of $500,000, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

The purpose of this "budget-type" proposal is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its existing pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:



Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 21, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 10, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1593; Filed, Feb. 23, 1961; 8:46 a.m.]

# OFFICE OF CIVIL AND DEFENSE MOBILIZATION

## ERNEST A. TUPPER

### Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

American Can Co.

This amends statement published August 25, 1960 (25 F.R. 8173).

Dated: February 13, 1961.

ERNEST A. TUPPER.

[F.R. Doc. 61–1587; Filed, Feb. 23, 1961; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 20, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36911: *Asphalt and road oil to Indiana, Michigan, and Ohio.* Filed by Southwestern Freight Bureau, Agent (No. B–7972), for interested rail carriers. Rates on asphalt (asphaltum), natural, by product, or petroleum (other than paint, stain or varnish), and petroleum road oil, in carloads or tank-car loads, from producing points in southwestern and mid-continent territories, to points in Indiana, Michigan, and Ohio.

Grounds for relief: Short-line distance formula, and maintenance of origin rate relationships.

Tariff: Supplement 63 to Southwestern Freight Bureau tariff I.C.C. 4165.

FSA No. 36912: *Hay from Missouri to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B–7974), for interested rail carriers. Rates on hay, in carloads, from points in Missouri, to points in Arkansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplements 31, 19, and 28 to Southwestern Freight Bureau tariffs I.C.C. 4169, 4167 and 4166, respectively.

By the Commission.

HAROLD D. MCCOY,
*Secretary.*

[SEAL]

[F.R. Doc. 61–1600; Filed, Feb. 23, 1961; 8:46 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 128]

## WASHINGTON, IDAHO AND MONTANA RAILWAY CO.

### Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Washington, Idaho & Montana Railway Company is unable to transport traffic routed over its line, because of washout at Yale, Montana.

*It is ordered,* That:

(a) Rerouting traffic: The Washington, Idaho & Montana Railway Company, and its connections, being unable to transport traffic in accordance with shippers' routing because of washout at Yale, Montana, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier diverting or rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p.m., February 16, 1961.

(g) Expiration date: This order shall expire at 11:59 p.m., February 28, 1961, unless otherwise modified, changed, suspended or annulled.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 16, 1961.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 61–1601; Filed, Feb. 23, 1961; 8:46 a.m.]

[Nos. 33641, 33642]

## W. T. BYRNS MOTOR EXPRESS, INC.

### Basis for Rates To and From Unnamed Points in Tariffs

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 14th day of February A.D. 1961.

There being under consideration the matter of rules, regulations and practices affecting rates and charges applicable on interstate or foreign commerce on numerous groups of articles such as insecticides, fertilizer, casein, fibreboard boxes, various chemicals, beer, paper and paper products, petroleum and petroleum products, roofing and building materials, tar oils and woodpulp between points in Middle Atlantic Territory and between that territory and New England Territory as set forth in the following: W. T. Byrns Motor Express, Inc., MF–I.C.C. No. 15: Rules 8 and 9;

or as same may be amended or reissued:

It appearing that upon consideration of the above-mentioned tariff schedules, of the investigation proceedings in Dock-

ets Nos. 33458 and 33349 and of petitions of Northern Haulers Corporation and Middle Atlantic Conference, filed December 19, 1960, and January 3, 1961, respectively, there is reason to institute an investigation to determine whether the said schedules result in rates and charges, rules, regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

*It is ordered,* That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

*It is further ordered,* That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act;

*And it is further ordered,* That W. T. Byrns Motor Express, Inc., be, and it is hereby, made respondent to this proceeding; that a copy of this order be served upon the said respondent; and that notice of this proceeding be given the public by posting a copy of this order in the Office of the Secretary of the Commission, and by depositing a copy of this order with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-1602; Filed, Feb. 23, 1961; 8:47 a.m.]

## CUMULATIVE CODIFICATION GUIDE—FEBRUARY

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VOLUME 26 NUMBER 37

Washington, Saturday, February 25, 1961

THE UNIVERSITY OF MICHIGAN
MAR 1 1961
MAIN READING ROOM

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10922

### AMENDING EXECUTIVE ORDER OF FEBRUARY 21, 1961,[1] ESTABLISHING A COMMISSION TO INQUIRE INTO A CONTROVERSY BETWEEN CERTAIN AIR CARRIERS AND CERTAIN OF THEIR EMPLOYEES

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

Order No. 10921, establishing a commission to inquire into a controversy between certain air carriers and certain of their employees, dated February 21, 1961, is hereby amended to include Western Airlines within the mentioned air carriers.

JOHN F. KENNEDY

THE WHITE HOUSE,
*February 23, 1961.*

[F.R. Doc. 61-1736; Filed, Feb. 24, 1961; 10:12 a.m.]

[1] 26 F.R. 1553.

# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 45]

### PART 485—SOIL BANK

### Subpart—Conservation Reserve Program for 1956 Through 1959

DESIGNATION AND USE OF CONSERVATION RESERVE

Section 485.157(b)(1) of the regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, is hereby further amended by adding to the end thereof the following: "The inadvertent establishment by a producer of a different conservation use, even though not meeting program specifications for such use, shall not be considered a violation of the contract if the Deputy Administrator approves such use as adequate to protect the land from wind and water erosion. The growth of volunteer trees shall not be considered a violation of the contract if the county committee determines that the volunteer trees are of a desirable species and will result in good conservation of the land."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Issued at Washington, D.C., this 21st day of February 1961.

H. D. GODFREY,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61-1682; Filed, Feb. 24, 1961; 8:52 a.m.]

[Amdt. 10]

### PART 485—SOIL BANK

### Subpart—Conservation Reserve Program for 1960

DESIGNATION AND USE OF CONSERVATION RESERVE

Section 485.513(b)(1) of the regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, is hereby further amended by adding to the end thereof the following: "The inadvertent establishment by a producer of a different conservation use, even though not meeting program specifications for such use, shall not be considered a violation of the contract if the Deputy Administrator approves such use as adequate to protect the land from wind and water erosion. The growth of volunteer trees shall not be considered a violation of the contract if the county committee determines that the volunteer trees are of a desirable species and will result in good conservation of the land."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Issued at Washington, D.C., this 21st day of February 1961.

H. D. GODFREY,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61-1681; Filed, Feb. 24, 1961; 8:52 a.m.]

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### Department of Commerce

Effective upon publication in the FEDERAL REGISTER, subparagraph (33) is added to paragraph (a) of § 6.312 as set out below.

§ 6.312 Department of Commerce.

(a) *Office of the Secretary.* * * *

(33) One Special Assistant to the Under Secretary for Transportation.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1660; Filed, Feb. 24, 1961; 8:50 a.m.]

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### Development Loan Fund

Effective upon publication in the FEDERAL REGISTER, paragraph (e) is added to § 6.362 as set out below.

§ 6.362 Development Loan Fund.

* * * * *

(e) One Staff (Confidential) Assistant to the Managing Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1661; Filed, Feb. 24, 1961; 8:50 a.m.]

## Title 7—AGRICULTURE

### Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

### PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

### Subpart A—Regulations

SUPERVISION OF INSPECTION, WEIGHING, AND SAMPLING; DESIGNATION OF BONA FIDE SPOT MARKETS

On February 1, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 984) regarding proposed amendments to the Regulations For Cotton Classification Under Cotton Futures Legislation (§§ 27.1–27.102).

After consideration of all relevant matters presented, said regulations are hereby amended as follows, pursuant to authority contained in section 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U.S.C. 4863) and in sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624).

1. Section 27.10 is amended to read as follows:

§ 27.10 Supervision of cotton inspection, weighing, sampling; and other duties.

Authorized employees of the Cotton Division will act, when necessary, as supervisors of cotton inspection to supervise the inspection, weighing, and sampling of cotton to be classified and will perform such other duties as may be required of them for the purposes of this subpart.

§ 27.14 [Amendment]

2. The first two sentences in § 27.14 are deleted and the following sentence is substituted therefor: "Requests for classification shall be filed with the board of cotton examiners serving the location at which the cotton is stored."

3. Section 27.16 is amended to read as follows:

§ 27.16 Inspection; weighing; samples; supervision.

The inspection, weighing, and sampling of cotton for which classification is desired and the preparation and delivery of samples to the board of cotton examiners shall be (a) under the supervision of a supervisor of cotton inspection, or (b) by or under the direction of an exchange inspection agency and subject to the supervision of a supervisor of cotton inspection.

§§ 27.17, 27.19 [Deletion]

4. Sections 27.17 and 27.19 are deleted in their entirety.



5. Section 27.20 is amended to read as follows:

§ 27.20 Drawing and handling of samples of cotton; inspection of bales.

One sample shall be drawn from the top side of each bale and one from the bottom side. Each such sample shall weigh not less than 5 ounces, the two samples from each bale to weigh together not less than 10 ounces. The bale shall be inspected and any condition not fully indicated by the samples shall be explained by the supervisor of cotton inspection or exchange inspection agency in a written memorandum, which shall accompany the samples to the board of cotton examiners. Samples shall not be dressed or trimmed and shall be carefully handled in such manner as not to cause loss of leaf, sand, or other material, or otherwise change their representative character. Any sample which does not meet the requirements of this section may be rejected by the supervisor of cotton inspection or the chairman of the board of cotton examiners.

§ 27.24 [Amendment]

6. The second sentence in § 27.24 is amended to read as follows: "If there is no board of cotton examiners at the point where the cotton is sampled, the supervisor of cotton inspection or the exchange inspection agency shall forward the samples to the proper board."

§§ 27.26, 27.27 [Deletion]

7. Sections 27.26 and 27.27 are deleted in their entirety.

8. Section 27.28 is amended to read as follows:

§ 27.28 Disposition of samples.

Samples submitted to a board of cotton examiners shall become the property of the Department and shall be disposed of in accordance with the property regulations of the Department when no longer needed for classification or Micronaire determination.

§ 27.44 [Amendment]

9. Section 27.44 is amended by adding the following words before the period at the end of the section: "or a supervisor of cotton inspection."

§ 27.45 [Amendment]

10. The third sentence in § 27.45 is amended to read as follows: "Thereafter every cotton class certificate previously issued for cotton located or stored at such place shall be invalid for the delivery of such cotton on a section 4863 contract, unless the cotton shall be removed under the supervision of an exchange inspection agency, or a supervisor of cotton inspection, to a place which shall be suitable for the purpose."

§ 27.64 [Amendment]

11. Paragraph (a) of § 27.64 is amended to read as follows:

(a) Every application for review of classification or for Micronaire determination under § 27.62 or § 27.63 shall be filed with the board of cotton examiners serving the location at which the cotton is stored. The application shall in each case be in the hands of such board within the time specified in § 27.62 or § 27.63 for applying for review: *Provided,* That any board of cotton examiners may designate any officer of the Cotton Division or a representative of an exchange inspection agency located at another point to receive applications, and in such cases the applications shall be in the hands of the persons so designated within the time specified. Any person making such application shall, upon call of the board or person with whom such application was filed under this section, surrender the cotton class certificates covering the cotton involved.

12. Section 27.73 is amended to read as follows:

§ 27.73 Supervision of transfers of cotton.

Whenever the owner of any cotton inspected and sampled for classification pursuant to this subpart and for which he holds valid cotton class certificates, desires to transfer such cotton to a different delivery point, or to a different warehouse at the same delivery point, for the purpose of having it made available for delivery upon a section 4863 contract, such transfer shall be effected under the supervision of an exchange inspection agency or a supervisor of cotton inspection.

13. Section 27.80 is amended to read as follows:

§ 27.80 Fees; classification, Micronaire, and supervision.

For services rendered by the Cotton Division pursuant to this subpart, whether the cotton involved is tenderable or not, the person requesting the services shall pay fees as follows:

(a) Initial classification and certification—25 cents per bale.

(b) Review classification and certification—50 cents per bale.

(c) Micronaire determination and certification—25 cents per bale.

(d) Combination service—60 cents per bale. (Initial classification, review classification, and Micronaire determination covered by the same request and only the review classification and Micronaire determination results certified on cotton class certificates.)

(e) Supervision, by a supervisor of cotton inspection, of the inspection, weighing, or sampling of cotton when any two or more of these operations are performed together—35 cents per bale.

(f) Supervision, by a supervisor of cotton inspection, of the inspection, weighing, or sampling of cotton when any one of these operations is performed individually—35 cents per bale.

(g) Supervision, by a supervisor of cotton inspection, of transfers of cotton to a different delivery point, including issuance of new cotton class certificates in substitution for prior certificates—$1.00 per bale.

(h) Supervision, by a supervisor of cotton inspection, of transfers of cotton to a different warehouse at the same delivery point, including issuance of new cotton class certificates in substitution for prior certificates—50 cents per bale.

14. Section 27.81 is amended to read as follows:

§ 27.81 Fees; certificates.

For each new certificate issued in substitution for a prior certificate at the request of the holder thereof, for his business convenience, or when made necessary by the transfer of the cotton under the supervision of an exchange inspection agency as provided in § 27.73, the person making the request shall pay a fee of 15 cents for each certificate issued.

§ 27.88 [Deletion]

15. Section 27.88 is deleted in its entirety.

16. Section 27.94 is amended to read as follows:

§ 27.94 Spot markets for contract settlement purposes.

The following are designated as spot markets for the purpose of determining, as provided in paragraph 4863(c) of the act, the differences above or below the contract price which the receiver shall pay for grades other than the basis grade tendered or delivered in settlement of a section 4863 contract:

(a) For cotton delivered in settlement of any such contract at delivery points on or near the Gulf of Mexico except for contracts under paragraph (c) of this section:

| | |
|---|---|
| Dallas, Tex. | Memphis, Tenn. |
| Galveston, Tex. | New Orleans, La. |
| Houston, Tex. | |

(b) For cotton delivered in settlement of any such contract at delivery points on the Atlantic coast except for contracts under paragraph (c) of this section:

| | |
|---|---|
| Atlanta, Ga. | Memphis, Tenn. |
| Augusta, Ga. | Montgomery, Ala. |
| Charleston, S.C. | |

(c) For cotton delivered at any delivery point in settlement of any such contract of the New Orleans Cotton Exchange that provides for delivery at both interior and port locations:

All markets listed in § 27.93.

(Sec. 4863, 68A Stat. 582, secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 26 U.S.C. 4863, 7 U.S.C. 1622, 1624)

*Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER. The notice of proposed rule making published in the FEDERAL REGISTER for these amendments (26 F.R. 984) proposed that the amendments would become effective on or about February 20, 1961. No objections were received as to this proposed effective date. It is essential to have the new procedures provided by these amendments become effective as soon as possible in order to be of maximum benefit to persons using the cotton classification service. No advance preparation is required on the part of such persons. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of February 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F.R. Doc. 61-1678; Filed, Feb. 24, 1961; 8:52 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 207]

## PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

§ 914.507 Navel Orange Regulation 207.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, and orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 23, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 26, 1961, and ending at 12:01 a.m., P.s.t., March 5, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 500,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 24, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1755; Filed, Feb. 24, 1961; 11:30 a.m.]

[Lemon Reg. 888]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

§ 953.995 Lemon Regulation 888.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 21, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 26, 1961 and ending at 12:01 a.m., P.s.t., March 5, 1961 are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 186,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 23, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1717; Filed, Feb. 24, 1961; 8:51 a.m.]

[Volume Reg. 2]

## PART 1034—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

### Termination

*Findings.* (a) Pursuant to Marketing Agreement No. 144 and Order No. 134 (7 CFR Part 1034), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas (Cameron, Hidalgo, Starr, and Willacy Counties), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the South Texas Lettuce Committee established under the said Marketing Agreement and Order, and upon other available information, it is hereby found that the continuation in effect of § 1034.303, Lettuce Regulation No. 2 (26 F.R. 1440), will no longer tend to effectuate the declared policy of the act and, accordingly, such regulation should be terminated.

(b) It is hereby found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this termination order until 30 days or any other date beyond the date specified (5 U.S.C. 1001–1011) in that (i) compliance with this termination order will not require any special preparation on the part of handlers which cannot be completed by the effective time, and (ii) this order relieves restrictions on the handling of lettuce grown in the production area.

*Order terminated.* The provisions of § 1034.303 *Lettuce Regulation No. 2* (26 F.R. 1440), are hereby terminated as of 5:00 p.m., c.s.t., February 20, 1961.

(Secs. 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601–674)

Dated: February 20, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1643; Filed, Feb. 24, 1961; 8:48 a.m.]



# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–NY–114]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas and Reporting Points

On December 14, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12845) stating that the Federal Aviation Agency proposed to revoke Blue Federal airway No. 49 in its entirety, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by revoking the following sections:

1. Section 600.649 *Blue Federal airway No. 49 (Atlantic City, N.J., to Philadelphia, Pa.).*
2. Section 601.649 *Blue Federal airway No. 49 control areas (Atlantic City, N.J., to Philadelphia, Pa.).*
3. Section 601.4649 *Blue Federal airway No. 49 (Atlantic City, N.J., to Philadelphia, Pa.).*

These amendments shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 17, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–1626; Filed, Feb. 24, 1961; 8:45 a.m.]

[Airspace Docket No. 60–NY–118]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas and Reporting Points

On December 10, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12711) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 33 in its entirety, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by revoking the following sections:

1. Section 600.233 *Red Federal airway No. 33 (Norfolk, Va., to Richmond Va.).*
2. Section 601.233 *Red Federal airway No. 33 control areas (Norfolk, Va., to Richmond, Va.).*
3. Section 601.4233 *Red Federal airway No. 33 (Norfolk, Va., to Richmond, Va.).*

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D. C., on February 17, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–1627; Filed, Feb. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60–NY–124]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas, and Reporting Points

On December 14, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12845) stating that the Federal Aviation Agency proposed to revoke Blue Federal airway No. 16 in its entirety, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by revoking the following sections:

1. Section 600.616 *Blue Federal airway No. 16 (Waverly, Va., to Tappahannock, Va.).*
2. Section 601.616 *Blue Federal airway No. 16 control areas (Waverly, Va., to Tappahannock, Va.).*
3. Section 601.4616 *Blue Federal airway No. 16 (Waverly, Va., to Tappahannock, Va.).*

These amendments shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 17, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–1628; Filed, Feb. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60–NY–125]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas, and Reporting Points

On December 10, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12711) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No.

19 in its entirety, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by revoking the following sections:

1. Section 600.219 *Red Federal airway No. 19 (Brooke, Va., to Cape Charles, Va.)*.

2. Section 601.219 *Red Federal airway No. 19 control areas (Brooke, Va., to Cape Charles, Va.)*.

3. Section 601.4219 *Red Federal airway No. 19 (Brooke, Va., to Cape Charles, Va.)*.

These amendments shall become effective 0001 e.s.t. April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 17, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1629; Filed, Feb. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-132]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas and Reporting Points

On December 8, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12572) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 3 in its entirety, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600 and 601) are amended by revoking the following sections:

1. Section 600.203 *Red Federal airway No. 3 (Philipsburg, Pa. to Harrisburg, Pa.)*.

2. Section 601.203 *Red Federal airway No. 3 control areas (Philipsburg, Pa., to Harrisburg, Pa.)*.

3. Section 601.4203 *Red Federal airway No. 3 (Philipsburg, Pa., to Harrisburg, Pa.)*.

These amendments shall become effective 0001 e.s.t. April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 17, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1630; Filed, Feb. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-113]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas, and Reporting Points

On December 8, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12573) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 72 in its entirety, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments within the time specified in the notice.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by revoking the following sections:

1. Section 600.272 *Red Federal airway No. 72 (Millville, N.J., to Paterson, N.J.)*.

2. Section 601.272 *Red Federal airway No. 72 control areas (Millville, N.J., to Paterson, N.J.)*.

3. Section 601.4272 *Red Federal airway No. 72 (Millville, N.J., to Paterson, N.J.)*.

These amendments shall become effective 0001 e.s.t. April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 17, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1631; Filed, Feb. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-37]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification and Revocation of Control Area Extensions

On November 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10776) stating that the Federal Aviation Agency (FAA) proposed to modify the Washington, D.C., and Wilmington, Del., control area extensions and revoke the following control area extensions: Martinsburg, W. Va., Aberdeen, Md., Front Royal, Va., Baltimore, Md., Gettysburg, Pa., and Dahlgren, Va.

No adverse comments were received regarding the proposed amendments in the time indicated in the notice of proposed rule making. However, the Department of the Navy pointed out that the modification of the Washington control area extension, as proposed, would complicate the management of air traffic underlying portions of Patuxent, Md., Restricted Area (R-4006). As a solution, the Navy suggested that the control of the airspace in question be delegated to Navy Patuxent, Md., approach control. The FAA concurs with this suggestion and necessary action will be taken to accomplish this delegation. In addition, the reference to restricted area numbers herein has been changed to conform to the changes made in Airspace Docket No. 60-WA-194, published in the FEDERAL REGISTER, January 28, 1961 (26 F.R. 870).

In the notice, reference to the Chesapeake Bay restricted Area (R-4004) was inadvertently omitted in the description of the Washington control area extension. Action is taken herein to exclude this restricted area from the control area extension.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1129 (14 CFR 601.1129) is amended to read:

**§ 601.1129 Control area extension (Washington, D.C.).**

Within an 85-mile radius of the Washington National Airport (latitude 38°51'34'' N., longitude 77°02'12'' W.), extending clockwise from the 165° True to the 310° True radials of the Washington VOR; within an 80-mile radius of the airport extending clockwise from the 310° True to the 355° True radials of the VOR; within a 65-mile radius of the airport extending clockwise from the 355° True radial of the VOR to the point of INT with the W boundary of the Wilmington, Del., control area extension (§ 601.1378), at latitude 39°39'00'' N., longitude 76°22'35'' W.; thence SE along the W boundary of the Wilmington control area extension to the point of INT with the N boundary of VOR Federal airway No. 16 at latitude 39°14'40'' N., longitude 75°40'40'' W.; thence SW along the N boundary of VOR Federal airway No. 16 to the point of INT with the 65-mile radius of the airport; thence clockwise within a 65-mile radius of the airport to the 165° True radial of the VOR. The portion of this control area extension which coincides with Washington, D.C., Prohibited Area (P-56), Chesapeake Bay, Md., Restricted Area (R-4004), and the Norfolk, Va., (§ 601.1149) and the Richmond, Va., (§ 601.1248) control area extensions is excluded; the portions of this control area extension which coincide with the Patuxent, Md., Restricted Areas (R-4005, R-4006, R-4007), Potomac River, Va., Restricted Area (R-6607), and the Bloodsworth Island, Md., Restricted Area (R-4002) are excluded during the times of designation of the restricted areas. The portion of this control area extension within the Quantico, Va., (R-6606), Dahlgren Complex, Va., (R-6611, R-6612, R-6613), Camp A. P. Hill, Va., (R-6601), Aberdeen, Md., (R-4001) Restricted Areas and the Camp Springs, Md., (Andrews AFB) Restricted Area/Military Climb Corridor (R-4003) shall be used only after obtaining prior approval from the appropriate authority.

2. Section 601.1378 (25 F.R. 7977) is amended to read:

**§ 601.1378 Control area extension (Wilmington, Del.).**

The airspace S and SW of Wilmington within a 30-mile radius of the New Castle, Del., VOR extending clockwise from the 151° True to the 266° True radials, excluding the portion which coincides with the Aberdeen, Md., Restricted Area (R-4001) and the New York, N.Y., control area extension (§ 601.1066); and the area W of Wilmington bounded on the E by the New York control area extension (§ 601.1066), on the S by VOR Federal airway No. 123, on the W by VOR Federal airway No. 123, on the W by VOR Federal airway No. 93 and on the N by VOR Federal airway No. 3.

**§§ 601.1058, 601.1121, 601.1271, 601.1272, 601.1391, 601.1457 [Revocations]**

3. In Part 601 (14 CFR Part 601) the following sections are revoked:

(a) Section 601.1058 *Control area extension (Martinsburg, W. Va.)*.

(b) Section 601.1121 *Control area extension (Aberdeen, Md.)*.

(c) Section 601.1271 *Control area extension (Front Royal, Va.)*.

(d) Section 601.1272 *Control area extension (Baltimore, Md.)*.

(e) Section 601.1391 *Control area extension (Gettysburg, Pa.)*.

(f) Section 601.1457 *Control area extension (Dahlgren, Va.)*.

These amendments shall become effective 0001 e.s.t. April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 17, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1624; Filed, Feb. 24, 1961; 8:45 a.m.]

[Airspace Docket No. 61-AN-1]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Zone

The purpose of this amendment to § 601.2279 of the regulations of the Administrator is to modify the Anchorage, Alaska, control zone.

The present Anchorage control zone is designated within a 3-mile radius of the geographical center of Bryant Army Airport (latitude 61°16'02'' N., longitude 149°39'46'' W.), within a 5-mile radius of the geographical center of Elmendorf Air Force Base (latitude 61°15'05'' N., longitude 149°48'52'' W.), within 5 miles either side of a direct line from Elmendorf Air Force Base to and including a 5-mile radius of the geographical center of Anchorage International Airport (latitude 61°10'23'' N., longitude 149°58'10'' W.), within 2 miles either side of the southwest course of the Anchorage radio range extending from Anchorage International Airport 5-mile radius zone to a point 12 miles southwest of the radio range, within 2 miles either side of the Anchorage VOR 079° True radial extending from the Anchorage International Airport 5-mile radius zone to the VOR, and within 2 miles either side of the Anchorage International Airport ILS localizer west course extending from the 5-mile radius zone to the outer marker, excluding that portion which coincides with the Eagle River Restricted Area (R-348).

Under the present designation, weather reported at Anchorage International Airport governs operations within the entire zone. This zone encompasses five airports. As a result of this situation, a traffic management problem is created in the Anchorage terminal area because of the rapidly changing weather conditions in a coastal area. In addition, the present control zone encompasses more airspace than is required for the management of air traffic.

In the interest of more efficient management of air traffic, the Federal Aviation Agency is dividing the Anchorage control zone into two control zones. The southwest portion is based on the Anchorage International Airport and the northeast portion is based on Merrill Field. Weather reported at Merrill Field would govern operations within the Merrill zone and weather reported at Anchorage International Airport would govern operations within the modified Anchorage zone. Also, with the designation of the two separate zones, the amount of controlled airspace is being slightly decreased.

Since these amendments impose no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 601.2279 (25 F.R. 4644) is amended to read:

**§ 601.2279 Anchorage, Alaska (Anchorage International Airport) control zone.**

Within a 5-mile radius of Anchorage International Airport (latitude 61°10'23'' N., longitude 149°58'10'' W.); within 2 miles either side of the SW course of the Anchorage RR extending from the 5-mile radius zone to 12 miles SW of the RR; within 2 miles either side of the Anchorage VOR 079° True radial extending from the 5-mile radius zone to the VOR; within 2 miles either side of the Anchorage International Airport ILS localizer W course extending from the 5-mile radius zone to the OM; excluding that portion which coincides with the Anchorage (Merrill Field) control zone (§ 601.2300).

2. In Part 601 (14 CFR Part 601) the following section is added:

**§ 601.2300 Anchorage, Alaska (Merrill Field) control zone.**

Within a 3-mile radius of Merrill Field Airport (latitude 61°13'03'' N., longitude 149°50'52'' W.); within a 5-mile radius of Elmendorf AFB (latitude 61°15'05'' N., longitude 149°48'52'' W.); within 2 miles either side of the Elmendorf AFB ILS localizer W course extending from the 5-mile radius zone to the OM; within a 3-mile radius of Bryant AAF (latitude 61°16'02'' N., longitude 149°39'46'' W.); excluding the portion that coincides with the Eagle River Restricted Area (R-2203). The portion of this control zone that coincides with the Elmendorf AFB Restricted Area/Military Climb Corridor (R-2201) shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t. April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 17, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1625; Filed, Feb. 24, 1961; 8:45 a.m.]

[Airspace Docket No. 60-AN-29]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Control Area Extension

On December 8, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12573) stating that the Federal Aviation Agency proposed to revoke the Galena, Alaska, control area extension.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by revoking the following section: Section 601.1146 *Control area extension (Galena, Alaska)*.

This amendment shall become effective 0001 e.s.t. April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 17, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1633; Filed, Feb. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-WA-194]

## PART 608—SPECIAL USE AIRSPACE

### California and Kentucky

On January 28, 1961, there was published in the FEDERAL REGISTER (26 F.R. 870) a revision of Part 608 of the regulations of the Administrator. This revision, to become effective March 9, 1961, contained a complete list of restricted areas.

In the description of the Fort Campbell, Ky., Restricted Area (R-3703) a controlling agency was inadvertently designated. No requirement exists for the designation of a controlling agency for this area. Additionally, in the description of the China Lake, Calif., Restricted Area (R-2505) the designated altitudes were inadvertently omitted. Actions are taken herein to correct these errors.

Since these actions are editorial in nature and impose no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-WA-194 is hereby modified as follows:

1. In the text of § 608.25 *California*, R-2505 China Lake, Calif., is modified by deleting "Description by geographical coordinates." and substituting therefor "Designated altitudes. Unlimited.".

2. In the text of § 608.37 *Kentucky*, R-3703 Fort Campbell, Ky., is modified by deleting "Controlling agency. Commanding General, Fort Campbell, Ky.".

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 17, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1632; Filed, Feb. 24, 1961; 8:46 a.m.]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

## PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

## PART 5—SPECIAL PROVISIONS APPLICABLE TO EGGS

### Frozen Whole Eggs, Frozen Plain Egg Whites, and Frozen Plain Egg Yolks

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U.S.C., 1958 ed., 1-17a), and pursuant to notice published in the FEDERAL REGISTER on January 7, 1961 (26 F.R. 132), § 1.3 of Part 1, and §§ 5.00, 5.17, 5.18, 5.20, and 5.21 of Part 5, Title 17, Code of Federal Regulations (17 CFR 1.3, 5.00, 5.17, 5.18, 5.20, and 5.21), are hereby amended as follows:

**§ 1.3 [Amendment]**

1. By deleting the comma after "eggs" in paragraph (e) of § 1.3 and substituting the following: "(including shell eggs, frozen whole eggs, frozen plain egg white, and frozen plain egg yolks),".

2. By amending § 5.00 to read as follows:

**§ 5.00 Definitions; "eggs"; "cash eggs"; "egg futures"; "each future"; "one future".**

The term "eggs" as used in this part shall mean and include shell eggs, frozen whole eggs, frozen plain egg whites and frozen plain egg yolks. The terms "cash eggs" and "spot eggs" shall have the same meaning and shall refer to transactions in actual eggs as distinguished from futures. The terms "egg future", "each future" and "one future" shall include contracts of the same kind and class maturing during the same delivery month.

3. By amending § 5.17 to read as follows:

**§ 5.17 Information shown in reports on Form 504.**

Reports on Form 504 shall be prepared in accordance with the instructions appearing on the said form and shall show the make-up and amount of the cash-egg position, as determined by inventories of and unfilled fixed-price purchase and sale commitments with respect to shell eggs (in cold storage and elsewhere), frozen whole eggs, frozen plain egg whites, frozen plain egg yolks, and egg products.

4. By amending § 5.18 to read as follows:

**§ 5.18 Cash-egg positions; information to be furnished upon request.**

Any person who, as a matter of regular business practice, excludes certain eggs not in cold storage or certain egg products in determining his cash-egg position for hedging purposes, may exclude such eggs or egg products in reporting his cash-egg position. Such person shall upon request furnish the Commodity Exchange Authority with detailed information concerning the eggs or egg products so excluded.

5. By amending § 5.20 to read as follows:

**§ 5.20 Amount fixed for reporting on Form 501.**

For the purpose of §§ 5.04 and 5.05, the amounts specified for reporting accounts on Form 501 are, respectively, 25 carlots for shell eggs, 25 contract units for frozen whole eggs, 25 contract units for frozen egg whites, and 25 contract units for frozen egg yolks, but such specified amounts shall not apply to special calls issued under authority of § 5.22.

6. By amending § 5.21 to read as follows:

**§ 5.21 Amount fixed for reporting on Forms 503 and 504.**

For the purpose of §§ 5.10, 5.14, and 5.16, the amounts specified for reporting accounts on Forms 503 and 504 are, respectively, 25 carlots for shell eggs, 25 contract units for frozen whole eggs, 25 contract units for frozen egg whites, and 25 contract units for frozen egg yolks.

These amendments shall become effective thirty (30) days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1679; Filed, Feb. 24, 1961; 8:52 a.m.]



# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

## PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

### Labeling of Antibiotics for Use in Milk-Producing Animals; Extension Effective Date of Order

On December 7, 1960, the Commissioner of Food and Drugs published an order in the FEDERAL REGISTER (25 F.R. 12506) extending the effective date of an order published August 31, 1960 (25 F.R. 8321), in above-identified matter to February 1, 1961. The Commissioner has been requested to extend the effective date of that order insofar as it pertains to chlortetracycline or tetracycline. The necessary data on these two products was submitted earlier but to give further time for its evaluation in the Food and Drug Administration the effective date of the order affecting these two items is extended to April 2, 1961.

(Sec. 507(f), 59 Stat. 463, as amended; 21 U.S.C. 357(f))

Dated: February 16, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-1663; Filed, Feb. 24, 1961; 8:49 a.m.]

# Title 29—LABOR

## Chapter V—Wage and Hour Division, Department of Labor

## PART 604—METAL, MACHINERY, TRANSPORTATION EQUIPMENT, AND ALLIED PRODUCTS INDUSTRY IN PUERTO RICO

### Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), and by means of Administrative Order No. 542 (25 F.R. 12950), as amended by Administrative Orders Nos. 544 and 545 (26 F.R. 51 and 484), the Secretary of Labor appointed and convened Industry Committee No. 51-B. Administrative Order No. 542 referred to Industry Committee No. 51-B the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, as defined in that Order, who are engaged in commerce or in the production of goods for commerce, and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2(b).

Excluded from the matters referred to Industry Committee No. 51-B were the activities described in 29 CFR 604.2 (a) and (b). The minimum wage rate for those activities equals that prescribed in section 6(a)(1) of the Act.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 51-B are hereinafter published in paragraphs (c), (d), and (e) of § 604.2 in this revision of 29 CFR Part 604. Effective March 13, 1961, 29 CFR Part 604 is hereby revised to read as follows:

Sec.
604.1 Definition.
604.2 Wage rates.
604.3 Notices.

AUTHORITY: §§ 604.1 to 604.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

**§ 604.1 Definition.**

The metal, machinery, transportation equipment, and allied products industry in Puerto Rico is defined as the mining and other extraction of metal ore and the processing of such ore into metal; the manufacture (including repair) of any product or part made chiefly of metal; and the manufacture from any material of machinery, tools, transportation equipment and ordnance; *Provided, however,* That the industry shall not include the production of any basic material other than metal; the further processing of any basic material other than metal except when done by an establishment producing from such material a product of this industry or subassembly of such product; and any activity included in the button, jewelry, and lapidary work industry in Puerto Rico, as defined in Part 616 of this chapter, or in the electrical, instrument, and related products industry in Puerto Rico, as defined in Part 606 of this chapter.

**§ 604.2 Wage rates.**

(a) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the fabricated wire products classification of the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification is defined as the mining and other extraction of metal ore and the processing of such ore into metal; the manufacture (including repair) of any product or part made chiefly of metal; and the manufacture from any material of machinery, tools, transportation equipment and ordnance; *Provided, however,* That the industry shall not include the production of any basic material other than metal; the further processing of any basic material other than metal except when done by an establishment producing from such material a product of this industry or subassembly of such product; and any activity included in the button, jewelry, and lapidary work industry in Puerto Rico, as defined in Part 616 of this chapter, or in the electrical, instrument, and related products industry in Puerto Rico, as defined in Part 606 of this chapter.

(b) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of all products and the performance of all activities included in the metal, machinery, transportation equipment, and allied products industry except the products and activities included in the fabricated wire products classification, the wire drawing classification, the metal spring classification, and the slide fastener classification.

(c) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wire drawing classification of the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification is defined as the drawing or redrawing of wire from rod and wire and the further fabrication of such wire products as nails, spikes, chain, and fencing.

(d) Wages at a rate of not less than 97½ cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the metal spring classification of the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of metal springs, including leaf springs, coil springs, and wire springs.

(e) Wages at a rate of not less than 95 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the slide fastener classification of the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of slide fasteners.

**§ 604.3 Notices.**

Every employer subject to the provisions of § 604.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 604.2 are working such notice of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 20th day of February 1961.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 61-1676; Filed, Feb. 24, 1961; 8:52 a.m.]

## PART 606—ELECTRICAL, INSTRUMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

### Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), and by means of Administrative Order No. 542 (25 F.R. 12950), as amended by Administrative Orders Nos. 544 and 545 (26 F.R. 51 and 484), the Secretary of Labor appointed and convened Industry Committee No. 51–A. Administrative Order No. 542 referred to Industry Committee No. 51–A the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the electrical, instrument, and related products industry in Puerto Rico, as defined in that order, who are engaged in commerce or in the production of goods for commerce, and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2(b).

Excluded from the matters referred to Industry Committee No. 51–A were the activities described in 29 CFR 606.2 (a) and (b). The minimum wage rate for those activities equals that prescribed in section 6(a)(1) of the Act.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 51–A are hereinafter published in paragraphs (c), (d), and (e) of § 606.2 in this revision of 29 CFR Part 606. Effective March 13, 1961, 29 CFR, Part 606 is hereby revised to read as follows:

Sec.
606.1 Definition.
606.2 Wage rates.
606.3 Notices.

AUTHORITY: §§ 606.1 to 606.3 issued under sec. 5, 52 Stat. 1064, as amended; 29 U.S.C. 206. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

**§ 606.1 Definition.**

The electrical, instrument, and related products industry in Puerto Rico is defined as the manufacture, assembly, and repair of machinery, apparatus, equipment and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy; and the manufacture, assembly, and repair of instruments, lenses, apparatus, and equipment for scientific, professional, industrial measurement, photographic, ophthalmic, musical, and horological purposes: *Provided, however,* That the industry shall not include industrial and commercial machinery powered by electric motors; measuring-and-dispensing pumps; ophthalmic frames; or any activity included in the stone, clay, glass, cement, and related products industry, as defined in Part 678 of this chapter.

**§ 606.2 Wage rates.**

(a) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in classification A of the electrical, instrument, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of electric shavers and parts and hair dryers; storage batteries and parts, except carbon-type dry cell batteries; mechanical drafting machines; solderless electric terminals and connectors; television antennas and lead-in cables; and small portable electric hand tools designed for use by home craftsmen, including sanders, handsaws and similar small electric tools.

(b) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in classification B of the electrical, instrument, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of electric irons, toaster elements, and hot water heaters; exposure meters, ammeters, voltmeters, accelerometers, and panel instruments; circuit breakers and service entrance equipment; armatures and field coils; switches and fluorescent starters; coils, including magneto coils and breakers; solenoids; relays, including telephone-type relays, power-type relays and magnetic relay elements; electric wave filters; gyroscopes and related equipment; lighting fixtures and fluorescent lighting lamps (except light bulbs and tubes and Christmas lighting sets); floor polishers; soldering guns; electronic heating devices; electronic controls for auto headlight dimmers; electronic data processing machines and systems; soil moisture testing equipment; aircraft test instruments; strain gauge transducers; photoelectric cells; tape recorder heads and erase head assemblies; electronic guns for television picture tubes; and the repair and rewinding of electric motors and other electrical equipment.

(c) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in classification C of the electrical, instrument, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of capacitors, transistors, coils and coil forms, hermetic seals, crystal units, rectifiers, electronic tubes, television picture tubes, television sets, refrigerators, phonograph pickup cartridges, electric baseboard heating units, heating pads and massage pads, Christmas lighting sets, thermometers, drafting instruments, surgical administration sets, and watches.

(d) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in classification D of the electrical, instrument, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification is defined as the grinding and manufacture of optical and ophthalmic lenses and prisms.

(e) Wages at a rate of not less than 95 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in classification E of the electrical, instrument, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of transformers, wirewound resistors, and all products and activities not specifically included in any other classification of this industry.

**§ 606.3 Notices.**

Every employer subject to the provisions of § 606.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 606.2 are working such notice of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 20th day of February 1961.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 61–1677; Filed, Feb. 24, 1961; 8:52 a.m.]

# Title 46—SHIPPING

## Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER O—REGULATIONS APPLICABLE TO CERTAIN VESSELS DURING EMERGENCY

[CGFR 61–4]

## PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS [1]

### "M.V. Chicot" and "M.V. Sirena"

Pursuant to the request of the Deputy Assistant Secretary of Defense (Supply and Logistics), in a letter dated January 11, 1961, made under the provisions of section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U.S.C., note prec. 1), and a delegation of authority from the Secretary of Defense, the navigation and vessel inspection laws administered by the Coast Guard are waived to the extent and in the manner described in § 154.73 for the "M.V. Chicot" until and including December 31, 1961, and the waiver in § 154.76 for the "M.V. Sirena" is canceled.

[1] This is also codified as 33 CFR Part 19.



The purpose for the following waiver order designated § 154.73, as well as 33 CFR 19.73, is to waive the navigation and vessel inspection laws and regulations issued pursuant thereto which are administered by the United States Coast Guard as requested by the Assistant Secretary of Defense (Supply and Logistics), and to publish the terms of this waiver in the FEDERAL REGISTER. It is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon and effective date requirements thereof) is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury dated January 23, 1951, identified as CGFR 51–1, and published in the FEDERAL REGISTER dated January 26, 1951 (16 F.R. 731), to promulgate waiver orders in accordance with the act of December 27, 1950, the following actions are prescribed:

1. Part 154 is amended by inserting a new § 154.73 containing the following waiver order:

**§ 154.73 "M.V. Chicot."**

(a) Pursuant to the request of the Assistant Secretary of Defense (Supply and Logistics) in a letter dated January 11, 1961, made under the provisions of section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U.S.C. note prec. 1), and a delegation of authority from the Secretary of Defense, I hereby waive in the interest of national defense compliance with certain provisions of the navigation and vessel inspection laws administered by the United States Coast Guard, as well as regulations issued thereunder and published in 33 CFR Chapter I or in this chapter, to the extent necessary to permit the "M.V. Chicot," owned by Jones and Guerrero Co., Inc., Agana, Guam, Marianas Islands, to have a certificate of inspection for an "ocean" route, and permission to operate so long as such vessel is in compliance with the applicable laws and the following minimums for certain manning and employment requirements in lieu of those prescribed in law:

(1) The master, chief mate, chief engineer, and radio operator shall be in possession of appropriate licenses and merchant mariner's documents issued by the U.S. Coast Guard.

(2) The master and crew members shall have security clearances issued by the appropriate U.S. military authority having security control over Guam and its waters.

(3) U.S. citizens who do not possess the appropriate Coast Guard licenses and/or merchant mariner's documents required by law, and whose licenses and/or merchant mariner's documents are not now either suspended or revoked, may be employed as crew members to the extent that persons holding proper documents cannot be hired on the Island of Guam as determined by the Officer in Charge, Marine Inspection, Guam, on behalf of the Department of Defense.

(4) Aliens, except as set forth in subparagraph (1) of this paragraph, may be employed as crew members to the extent that citizens holding proper documents cannot be hired on the Island of Guam as determined by the Officer in Charge, Marine Inspection, Guam, on behalf of the Department of Defense.

(b) This waiver order shall be in effect to and including December 31, 1961, unless sooner terminated by proper authority.

(Sec. 1, 64 Stat. 1140; 46 U.S.C., note prec. 1)

**§ 154.76 [Cancellation]**

2. Section 154.76 *"M.V. Sirena" (formerly F.S. 364)* is canceled.

Dated: February 16, 1961.

[SEAL] A. C. RICHMOND,
*Admiral, U.S. Coast Guard, Commandant.*

[F.R. Doc. 61–1655; Filed, Feb. 24, 1961; 8:49 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### White River National Wildlife Refuge, Arkansas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the White River National Wildlife Refuge, Arkansas, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 2,592 acres or .022 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, bream, crappie, perch, and pike; and other minor species permitted by State regulations.

(b) Open season: March 16, 1961, through October 31, 1961.

(c) Daily creel limits:

Black bass, 10.
Crappie, 20.
Bream, perch, and sunfish, 50 each or in aggregate.
Other minor species as prescribed by State regulations.

(d) Methods of fishing:

1. Pole and line, rod and reel, artificial and live bait permitted.

2. Row boats, canoes, other type boats and motors are permitted to use refuge waters provided owner identification tags are securely affixed. Boats without tags prohibited.

(d) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to November 1, 1961.

W. L. TOWNS,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

FEBRUARY 15, 1961.

[F.R. Doc. 61–1638; Filed, Feb. 24, 1961; 8:47 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of the Treasury

## PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

### "M.V. Chicot" and "M.V. Sirena"

CROSS REFERENCE: For a document affecting §§ 19.73 and 19.76, see Title 46, Chapter I, Part 154, *supra.*

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

[ 9 CFR Part 155 ]

### INSPECTION AND CERTIFICATION OF PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA

### Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Department of Agriculture, pursuant to the provisions of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), proposes to amend the regulations for inspection and certification of products for dogs, cats, and other carnivora (9 CFR Part 155) in the following respects:

1. Section 155.29 would be amended to read as follows:

§ 155.29 Composition of certified product for dogs, cats, and other carnivora.

(a) *Composition of canned maintenance food.* (1) Only ingredients which are normal to canned food for dogs, cats, and other carnivora or are favorable to adequate nutrition, and which are classed by the Director of the Division as conforming with requirements contained in this part shall be used in the preparation of maintenance food.

(2) Not less than 30 percent of meat or animal food meat by-product or both, or of horse meat or animal food horse meat by-product or both, or of mule meat or animal food mule meat by-product or both, shall be used in the preparation of canned maintenance food. Upon specific approval of the Director of the Division, combinations of the above specified ingredients may be used. The uncooked weight of the meat or animal food meat by-product or both, or of the horse meat or animal food horse meat by-product or both, or of the mule meat or animal food mule meat by-product or both, or combinations thereof, shall be used in the calculation, and the percentage shall be obtained by relating this weight to the total weight of the maintenance food.

(3) Maintenance food shall contain not less than 10 percent of protein.

(4) Maintenance food shall contain a level of minerals and vitamins generally recognized to be essential to the nutritional value of the food.

(5) Vegetables and grains and their derivatives, used as ingredients of maintenance food, shall be of good quality, shall be free from discoloration, mold, smut, and insect infestation, and shall be otherwise fit for use as animal food.

(6) Inedible material such as tankage, dried blood, bone meal, and the like shall not be used as ingredients of maintenance food.

(b) *Composition of canned or fresh frozen animal protein supplement.* (1) Animal protein supplement shall contain not less than 95 percent of meat or animal food meat by-product or both, or of horse meat or animal food horse meat by-product or both, or of mule meat or animal food mule meat by-product or both. Upon specific approval of the Director of the Division, combinations of the above specified ingredients may be used.

(2) Animal protein supplement shall have added thereto a sufficient amount of fresh ground bone or other acceptable agent to satisfy the requirements of the regulations promulgated under the Meat Inspection Act (34 Stat. 1260) as amended (21 U.S.C. 71 et seq.), and the Horse Meat Act (41 Stat. 241; 21 U.S.C. 96), in order to insure decharacterization of the product for human food purposes.

(3) Animal protein supplement may contain not more than 3 percent wheat flour or other processing aid acceptable to the Director of the Division, which shall be of good quality, shall be free from insect infestation, and shall be otherwise fit for use as animal food.

(4) Animal protein supplement shall contain not less than 15 percent protein.

(5) Animal protein supplement shall contain not less than 3 per cent fat.

(c) *Composition of canned pet stew.* (1) Pet stew shall contain not less than 25 per cent of meat or animal food meat by-product or both, or of horse meat or animal food horse meat by-product or both, or of mule meat or animal food mule meat by-product or both. Upon specific approval of the Director of the Division, combinations of the above specified ingredients may be used.

(2) Pet stew shall contain a variety of vegetables and may contain other ingredients which are favorable to adequate nutrition.

(3) Vegetables and grains and their derivatives used as ingredients of stews shall be of good quality, shall be free from discoloration, mold, smut, and insect infestation, and shall be otherwise fit for use as animal food.

(4) Pet stew shall contain not less than 8 per cent protein.

(5) Pet stew shall contain not less than 2 per cent fat.

(6) Pet stew may contain not more than 75 per cent moisture.

§ 155.30 [Deletion]

2. Section 155.30 would be deleted in its entirety.

§ 155.32 [Amendment]

3. Section 155.32(a)(2) would be amended to read as follows:

(2) Class of product as outlined in paragraphs (a), (b), and (c) of § 155.29 shall be declared on either the main display or 20 percent panel of the label.

The existing regulations provide for the preparation of two classes of product under the certification program, namely "Canned Maintenance Food" and "Canned or Fresh Frozen Animal Protein Supplement." The proposed amendments would permit wider use of the program by adding a third class of product, "Pet Stew", which is now being marketed by non-certified processors. The protein content of the proposed "Pet Stew" exceeds the minimum requirements for both growth and maintenance of dogs, cats, and other carnivora, as outlined in "Nutrient Requirement of Dogs" published by the Agricultural Board, Division of Biology and Agriculture, National Research Council. The product has received good consumer acceptance, and several establishments operating under the certification program have requested permission to prepare the product under certification.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of February 1961.

M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 61-1646; Filed, Feb. 24, 1961; 8:48 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Parts 48, 60 ]

[Reg. Docket No. 665; Draft Release No. 61-4]

### OPERATION OF MOORED BALLOONS, KITES, UNMANNED FREE BALLOONS, ROCKETS AND MISSILES

### Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Parts 48 and 60 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views or arguments as they may desire. Since this proposal contains three distinct subparts, it is requested that, where possible, comments be identified with respect to the individual subpart involved. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received prior to May 30, 1961, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received.

All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for the return of comments has expired. Because of the large number of comments which are anticipated in response to this proposal, the Bureau of Air Traffic Management will be unable to acknowledge receipt of each reply.

Part 48 currently governs the operations of moored balloons and the flight of large kites. Civil Aeronautics Manual 48 provides rules, policies, and interpretations regarding the application of various sections of the regulations. Part 60 provides the Air Traffic Rules governing the operation of aircraft in the United States.

It is proposed herein to amend Part 48 to include regulations governing the operations of unmanned free balloons and the firing or launching of rockets and missiles. It is proposed that Part 48 be divided into three subparts. Subpart A will consolidate the material currently contained in Part 48 with certain regulatory provisions of CAM 48. Subpart B will provide rules to govern the operation of unmanned free balloons and Subpart C will regulate the firing or launching of rockets and missiles. Civil Aeronautics Manual 48 would be rescinded. In addition, the scope of Part 60 would be amended to exclude unmanned free balloons, rockets and missiles from the provisions of the part.

The proposed Subpart A reflects no substantive change from the provisions of the existing Part 48 and CAM 48 except a deletion of the provision requiring the operator to obtain a permit from the Administrator prior to conducting operations. This requirement is rendered unnecessary by a modification of the rule in a manner which charges the operator with the responsibility to understand and to apply the provisions of the regulation in the manner prescribed. This concept of administering a rule is not unique. For example, the Air Traffic Rules of Part 60 have been applied successfully in this manner for many years. In addition, the new Subpart A would be revised editorially to conform with the new format of the part.

The proposed Subpart B is designed to minimize the potential collision hazard to aircraft created by the release of unmanned free balloons. The data sought by the major users of free balloons is generally obtained above 44,000 feet (standard pressure altitude). The ascent to and descent from this altitude are within the area of greatest conflict with other air commerce. Since these balloons may traverse a broad expanse of airspace including controlled airspace, presenting an unknown and unpredictable hazard to air commerce, regulations to render such operations as compatible as possible with the activities of the other airspace users are considered necessary.

Operations of unmanned free balloons have, for the most part, been conducted under the auspices of the Department of Defense. An increasing number of private organizations and governmental agencies have indicated an intent to conduct unmanned free balloon activities. The increase in activities of this nature requires the promulgation of rules to govern the conduct of unmanned free balloon operations. For this reason, regulatory measures applicable to the launching, tracking and impact of unmanned free balloons are proposed. In addition, the subpart proposes requirements with respect to weather, equipment components, safety devices, and computation of the airborne payload. Since the proposed definition of payload includes such items as support rings, cable, antenna, valving devices and parachutes, a computation of the payload would include the weights of such items.

The proposed regulations contain requirements pertinent to launching sites, designed to insure that the site is located so as to minimize conflict between balloon operations and air commerce. The ascent of the balloon to 3,000 feet above the surface would be restricted to uncontrolled airspace and to airspace which does not overlie cities, towns or settlements. A minimum rate of ascent and descent below 44,000 feet would reduce the hazard to aircraft by limiting the time the balloon would operate in airspace common to manned aircraft. To reduce the hazard to persons and property on the ground, the proposal requires that the operator conduct the flight in such a manner that impact with the surface is made in an area other than within the confines of congested areas of cities, towns or settlements. The weather minimums proposed herein are designed to insure that sufficient flight visibility and clearance from cloud formations prevail to permit visual recognition and avoidance of the balloons. Notification to appropriate Federal Aviation Agency facilities will enable the Agency to provide information by Notice to Airmen (NOTAM) to airspace users to inform them of the existence and general location of the balloon. For this reason, a requirement for an accurate system of tracking the balloon and an expeditious method of passing track data is considered necessary. Certain safety and quick release devices such as time clock cut-down, barometric cut-down or radio controlled command cut-down, capable of separating the balloon from its payload are proposed to be required.

Subpart C would provide the regulations governing the operation of rockets and missiles, excepting those rocket and missile operations conducted by the Department of Defense, the National Aeronautics and Space Administration, or any other U.S. Government Agency when operated in accordance with the terms and provisions of agreements reached between those agencies and the Federal Aviation Agency. Regulation of rockets and missiles was previously considered in Civil Aeronautics Board Draft Release 58-21 (23 F.R. 9298), which proposed to amend Part 48 to provide protection to aircraft in flight from hazards resulting from the indiscriminate launching or firing of rockets and missiles. The Board proposed that all rockets and missiles be fired or launched only under certain specified conditions or in accordance with the provisions of a permit. It also proposed that rocket and missile activities might be conducted without a permit only if the rocket or missile remained at all times below 500 feet above the ground, at least five miles from any airport, and outside of control zones.

In January 1959, the Federal Aviation Agency assumed the safety rule making function of the Civil Aeronautics Board. Comments in response to Draft Release 58-31 were transferred to the FAA and have been carefully reviewed. The majority of the comments endorsed the proposed rule. The only objections to the proposal were received from several rocketry enthusiasts, who contended that the proposed regulations were too restrictive.

After consideration of the comments received in response to Draft Release 58-21, certain substantive changes appear warranted. For this reason and due to the length of time since the original proposal was published, the proposal is again being circulated for comment by interested persons.

This regulation is designed to fulfill two safety requirements. First, a measure of protection is provided to persons and property on the ground by prescribing a safe distance between the point of firing or launching and persons and property on the ground. Second, hazards to aircraft in flight are minimized by restricting the maximum altitude of rocket and missile operations and by prescribing certain requirements upon the areas where such operations may be conducted. The weather requirements proposed with respect to visibility and distance from clouds would enable pilots to see and avoid those areas wherein rocket and missile activity is being conducted. The proposed regulations would require the operator to give written notice to the appropriate Regional Office of the FAA at least 30 days prior to the operation if the activity would require the use of airspace 150 feet or more above the surface.

No operational restrictions are proposed to apply to rockets and missiles fired or launched so as to remain at all times within the confines of a restricted area, provided that prior permission has been granted by the using agency of such area.

Section 60.1 of the Air Traffic Rules states in part, "the air traffic rules in this part shall apply to aircraft operated anywhere in the United States, * * *." Since unmanned free balloons, rockets and missiles are within the definition of aircraft, they would be subject to all the provisions contained therein. The scope of Part 60 would be limited so that unmanned free balloons, rockets and missiles which are subject to the provisions of Part 48 of this Title would be excluded from Part 60.

In consideration of the foregoing, notice is hereby given that Parts 48 and 60 of this Title are proposed to be amended as follows:

1. By rescinding Civil Aeronautics Manual 48.

2. By amending Part 48 to read as follows:

## PART 48—OPERATION OF MOORED BALLOONS, KITES; UNMANNED FREE BALLOONS; ROCKETS AND MISSILES

GENERAL

Sec.
48.1 Scope.
48.2 Definitions.
48.3 Exempt operations.
48.4 Radio equipment.

Subpart A—Moored Balloons and Kites

48.10 Applicability.
48.11 Operational requirements.
48.12 Rapid deflation device.
48.13 Marking requirements.

Subpart B—Unmanned Free Balloons

48.20 Applicability.
48.21 Operational requirements.
48.22 Safety requirements.
48.23 Flight path forecast.
48.24 Tracking and track reports.
48.25 Notification requirements.

Subpart C—Rockets and Missiles

48.30 Applicability.
48.31 Operational requirements.
48.32 Compliance with applicable laws.

GENERAL

### § 48.1 Scope.

The provisions of this part shall apply to the operation of moored balloons, kites, unmanned free balloons, rockets and missiles anywhere in the United States, i.e., the several States, the District of Columbia and the several Territories and possessions of the United States including the territorial waters and the overlying airspace thereof, except:

(a) Those operations requiring deviation from this part, which are conducted in accordance with the terms and conditions of a certificate of waiver issued by the Administrator.

NOTE: An application form for certificate of waiver (Form ACA–400) may be obtained from the nearest office of the Federal Aviation Agency. The completed form should be forwarded to the FAA Regional Office having jurisdiction over the area of operation.

### § 48.2 Definitions.

As used in this part, terms are defined as follows:

*Balloon.* A contrivance that incorporates a bag or envelope containing buoyant gases so that it rises and floats in the atmosphere.

*Balloon assembly.* The covering bag or envelope of the balloon containing the buoyant gases, the balloon top fitting, the balloon end fitting and any devices that are an integral part of the balloon bag or envelope.

*Control area.* As defined in § 60.60 of this chapter.

*Control zone.* As defined in § 60.60 of this chapter.

*Controlled airspace.* As defined in § 60.60 of this chapter.

*Cut-down.* The separation of the payload from the balloon and/or the beginning of the final descent of the balloon flight.

*Kite.* A framework covered with paper, cloth, metal, or other material intended to be flown in the air at the end of a string, rope or cable and having as its only support the force of the wind moving past its surface.

*Missile.* Any object other than a bullet or shell, fired, launched, or otherwise projected with an explosive force designed for the purpose of striking a target.

*Moored balloon.* A balloon that is held captive on a mooring string, rope or cable secured to the surface of the earth.

*Operate, operating or operated.* To moor, fly, launch, release, fire, otherwise be engaged in the actual flight of, or to authorize any of the foregoing.

*Payload.* The airborne portion of the balloon exclusive of the balloon assembly.

*Person.* Any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

*Restricted area.* As defined in § 60.60 of this chapter.

*Rocket.* A jet propelled vehicle designed for flight in space which derives its thrust by ejecting expanding gases generating in the motor/engine from self-contained fuels or propellants.

*Track.* A hypothetical path traced on the surface of the earth by the continuous vertical projection of the vehicle in flight.

*Unmanned free balloon.* A balloon, without crew, not restrained from free flight by any connection with the ground nor equipped with any power plant or propelling device and the track of flight of which is determined by the wind.

### § 48.3 Exempt operations.

Operations conducted wholly within the confines of a restricted area with prior permission of the using Agency are exempt from compliance with the regulations of this part.

### § 48.4 Radio equipment.

Radio transmitting equipment used in conjunction with operations within the provisions of this part shall be licensed as may be required in accordance with the Communications Act by the Federal Communications Commission, Washington 25, D.C.

## Subpart A—Moored Balloons and Kites

### § 48.10 Applicability.

The provisions of this subpart shall apply to moored balloons having a diameter of more than six feet or a gas capacity of more than 115 cubic feet and kites weighing more than five pounds.

NOTE: The term "kite" includes a gyroglider operated by means of a towline attached to a vehicle on the surface. A gyroglider, when operated in free flight, is considered an aircraft and, as such, shall be certificated and operated in accordance with applicable regulations.

### § 48.11 Operational requirements.

(a) No person shall operate a moored balloon or kite:

(1) Closer than 500 feet to the base of any clouds,

(2) During the hours of darkness,

(3) When the ground visibility is less than three miles,

(4) At an altitude of more than 500 feet above the surface, or

(5) Within five miles of the boundary of any airport.

(b) A balloon or kite shall not be operated at an altitude between 150 and 500 feet above the surface unless written notice is given, 30 days prior to the date of operation, to the Federal Aviation Agency Regional Office having jurisdiction over the area of operation. Such notice shall contain the names and addresses of the owners and operators, the period during which such activity will take place, and the location and altitude at which the proposed operation will be conducted.

### § 48.12 Rapid deflation device.

Moored balloons as described in § 48.10 shall be equipped with a device or means of automatic and rapid deflation in the event of an escape from its moorings.

### § 48.13 Marking requirements.

The mooring string, rope or cable shall display colored pennants or streamers affixed at 50 foot intervals or fraction thereof. Such pennants or streamers shall be of sufficient size and conspicuity as to be visible at a distance of at least one mile.

## Subpart B—Unmanned Free Balloons

### § 48.20 Applicability.

The provisions of this subpart shall apply to unmanned free balloons which:

(a) Are reinforced in any manner,

(b) Have a balloon assembly exceeding 18 pounds in weight,

(c) Carry a payload in excess of 4 pounds, or;

(d) Carry a payload of 4 pounds or less that is suspended by a string, rope, cable, or spacing device which requires an imposition of more than 50 pounds force for parting or separation of such payload from the balloon.

### § 48.21 Operational requirements.

No person shall operate an unmanned free balloon:

(a) In controlled airspace during the initial 3,000 feet of ascent,

(b) In airspace over cities, towns or settlements during the initial 3,000 feet of ascent,

(c) At a rate of ascent less than 500 feet per minute between the surface and 44,000 feet (standard pressure altitude),

(d) At an altitude less than 44,000 feet except during the ascent and the descent phases of the operation,

(e) Closer than one mile to any cloud formation,

(f) When the visibility is less than three miles below 3,000 feet above the surface or less than five miles at 3,000 feet and above,

(g) At a rate of descent less than 500 feet per minute between 44,000 feet and the surface,

(h) In such manner that impact with the surface is made within the confines of congested areas of cities, towns or settlements, or;

(i) During the hours of darkness.



### § 48.22 Safety requirements.

No person shall operate an unmanned free balloon without including:

(a) Provision for time clock cut-down in case the balloon fails to reach 44,000 feet within 100 minutes after being launched,

(b) Provision for barometric cut-down in case malfunctioning equipment causes balloon to descend anytime below 44,000 feet,

(c) Provision for radio controlled command cut-down,

(d) Parachute, where required by the operation, with canopies of alternate white and international orange segments or, if multiple parachutes are used, any combination of orange and white canopies, and;

(e) Provision for the trailing antenna to display colored pennants or streamers, affixed at 50 foot intervals, of sufficient size and conspicuity as to be visible at a distance of at least one mile.

### § 48.23 Flight path forcast.

No unmanned free balloon shall be released unless a qualified meteorologist forecasts the flight trajectory and estimated location and time of impact prior to the launching. Recalculations shall be made as considered necessary upon receipt of track data.

### § 48.24 Tracking and track reports.

All persons operating an unmanned free balloon shall track, either visually or electronically, the flight of each balloon during its entire operation. Position reports shall be recorded at least every two hours or as otherwise required by air traffic control, and such reports shall be made available to the appropriate Federal Aviation Agency Flight Service Station or air traffic control facility as requested.

### § 48.25 Notification requirements.

All persons operating unmanned free balloons shall provide the following data to the nearest air traffic control facility:

(a) *Prelaunch notification.* At least 12 hours prior to launching:

(1) Balloon or flight identification number,

(2) Estimated date and time of launching,

(3) Geographical location of launching site,

(4) Forecast trajectory to 44,000 feet,

(5) Cruising altitude,

(6) Estimated time required to reach 44,000 feet,

(7) Over-all length of balloon system not including length of trailing antenna (list trailing antenna length, if utilized),

(8) Duration of flight,

(9) Forecast time and location of impact.

(b) *Launching notification.* At the time of the launching:

(1) Balloon or flight identification number,

(2) Geographical location of launching site,

(3) Date and time of launch,

(4) Any change of 10 minutes or more in time or 25 miles or more in distance with respect to the forecast time or location of the penetration of 44,000 feet respectively,

(5) Estimated time and geographical location of impact.

(c) *Track notification.* Track notification reports 4 hours and 2 hours prior to the descent phase of the flight:

(1) Balloon or flight identification number,

(2) Date and time of balloon position,

(3) Position (geographical),

(4) Altitude,

(5) Forecast direction of flight trajectory for remaining portion of flight,

(6) Forecast time of penetration of 44,000 feet on descent,

(7) Forecast geographical location and time of impact.

(d) *Impact notification.* As soon as possible, the time and geographical location of impact.

(e) *Tracking failure (NOTRAK).* In case of failure of the tracking system, the nearest FAA air traffic control facility shall be immediately notified. Such notification shall contain the last recorded position of the unmanned free balloon and any revised forecasts pertinent to the operation. The FAA air traffic control facility shall be immediately notified if tracking is re-established.

## Subpart C—Rockets and Missiles

### § 48.30 Applicability.

The provisions of this subpart shall apply to the operation of all rockets and missiles other than operations conducted by the Department of Defense (DOD), the National Aeronautics and Space Administration (NASA), or any other U.S. Government Agency in accordance with the terms and provisions of agreements reached between those agencies and the Federal Aviation Agency.

### § 48.31 Operational requirements.

(a) No person shall operate a rocket or missile:

(1) In such proximity to other aircraft as to create a collision hazard,

(2) During the hours of darkness,

(3) At an altitude above 150 feet when the visibility is less than five miles,

(4) Closer than one mile to any cloud formation, unless below 150 feet,

(5) Within five miles of the boundary of any airport,

(6) In controlled airspace,

(7) Closer than 1,500 feet from any person or building not associated with the operation, or

(8) More than 500 feet above the surface.

(b) A rocket or missile shall not be operated at an altitude between 150 and 500 feet above the surface, unless written notice is given, 30 days prior to the date of operation, to the Federal Aviation Agency Regional Office having jurisdiction over the area of operation. Such notice shall contain the names and addresses of the owners and operators, the period during which such activity will take place, and the location and altitude at which the proposed operation will be conducted.

### § 48.32 Compliance with applicable laws.

Persons operating rockets and missiles in compliance with the regulations of this subpart shall not be relieved of compliance with other applicable Federal, State and Local Laws governing other aspects of such operations.

3. By amending § 60.1 of Part 60 by the addition of a new paragraph (c) to read as follows:

### § 60.1 Scope.

* * * * *

(c) Unmanned free balloons, rockets and missiles which are subject to the provisions of Part 48 of this chapter.

This amendment is proposed under the authority of section 307 of the Federal Aviation Act of 1958 (72 Stat. 749 U.S.C. 1348).

Issued in Washington, D.C., on February 18, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–1642; Filed, Feb. 24, 1961; 8:47 a.m.]

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## [ 14 CFR Parts 4b, 10, 40, 41, 42, 43 ]

[SR–422, SR–422A, SR–422B]

[Reg. Docket No. 628; Draft Release 61–1A]

## RUNWAY SLUSH ACCOUNTABILITY FOR TAKEOFF OPERATIONS OF TURBINE-POWERED TRANSPORT CATEGORY AIRPLANES

### Special Civil Air Regulation; Supplemental Notice of Proposed Rule Making

In the notice of proposed rule making on this matter (Draft Release No. 61–1) published in the FEDERAL REGISTER on January 25, 1961 (26 F.R. 757), it was stated that consideration would be given to all relevant comments received on or before February 27, 1961. Several associations, acting on behalf of segments of the industry affected by the proposal, have requested the Director, Bureau of Flight Standards, to extend the date for comment by 30 days. These requests are based on the complex nature of the proposal, the major issues involved, and the consequent need of more time for thorough evaluation.

The Special Civil Air Regulation proposed by Draft Release 61–1 would require, for takeoff operations of turbine-powered transport category airplanes, an approved method of accounting for the retardation and other adverse effects of precipitation. The proposed special regulation is designed to insure that safety during takeoff will not be jeopardized by wet snow, slush, or standing water on the runway. The potential impact of this proposal on the aviation industry is realized and, in view of the reasons advanced by the industry, the date previously set for return of comments will be extended for an additional month.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 405.27, 14 CFR Part 405), notice is hereby given that the time within which comments will be received is extended to March 31, 1961. Communications should be submitted in duplicate to the Docket

Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

(Secs. 313(a), 601, 604 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424))

Issued in Washington, D.C., on February 21, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-1711; Filed, Feb. 24, 1961; 8:52 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

[ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by W. R. Grace and Company, Cambridge 40, Massachusetts, proposing the issuance of a regulation to provide for the safe use of natural latex cap-sealing compounds in food-packaging applications.

Dated: February 20, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1652; Filed, Feb. 24, 1961; 8:49 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Parts 1, 3 ]

[Docket No. 12673; FCC 61-224]

## STATEMENT OF PROGRAM SERVICE

### Broadcast Application Forms

In the matter of amendment of section IV (Statement of Program Service) of Broadcast Application Forms 301, 303, 314, and 315, Docket No. 12673.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 17th day of February 1961;

The Commission having under consideration its notice of proposed rule making issued in the above-entitled proceeding on November 24, 1958; and

It appearing that the application form proposed in this proceeding does not fully reflect the Commission's views as expressed on July 29, 1960, in its policy statement on programming; and

It further appearing that the Commission has today adopted a new notice of proposed rule making dealing with amendments to section IV of its broadcast application forms, and that the instant proceeding should, therefore, be terminated;

*It is ordered*, That the proceedings in this Docket are hereby terminated.

Released: February 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1665; Filed, Feb. 24, 1961; 8:50 a.m.]

[ 47 CFR Parts 1, 3 ]

[Docket No. 13961; FCC 61-223]

## STATEMENT OF PROGRAM SERVICE

### Broadcast Application Forms

In the matter of amendment of section IV (Statement of Program Service) of Broadcast Application Forms 301, 303, 314, and 315, Docket No. 13961.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. As a result of information submitted to the Commission by its Network Study staff in a report dated October 3, 1957, the Commission instituted an "Investigatory Proceeding" (Docket No. 12782) which envisioned, inter alia, an over-all inquiry with respect to the television network program selection process. This proceeding was amended and enlarged by Commission Order of November 9, 1959, to include a general inquiry with respect to programming to determine, among other things, whether the general standards heretofore laid down by the Commission for the guidance of broadcast licensees in the selection of programs and other material intended for broadcast are adequate; whether the Commission should, by the exercise of its rule making power, set out more detailed and precise standards for such broadcasters; and whether the Commission's present review and consideration in the field of programming and advertising are adequate under present conditions in the broadcast industry. This part of the inquiry was conducted by the Commission en banc between December 7, 1959, and February 1, 1960, and consumed nineteen days in actual hearings.

3. The information and views which the Commission obtained in connection with the above-mentioned programming inquiry led to the Commission's "Report and Statement of Policy Re: Commission En Banc Programming Inquiry" (FCC 60-970, 25 F.R. 7291, 20 R.R. 1902) released on July 29, 1960. The Commission set forth therein certain guidelines to assist broadcast applicants and licensees in fulfilling their statutory obligation to program their stations in the public interest. It also stated that it intended to revise section IV of the broadcast application forms to require a statement by the applicant as to the measures he has taken and the effort he has made to determine the tastes, needs and desires of his community or service area, and the manner in which he proposes to meet those needs and desires.

4. There is presently pending a proceeding (Docket 12673) involving a revision of section IV. Notice of proposed rule making in said matter was issued November 24, 1958 (FCC 58-1098). However, as noted above, the Commission's programming hearings have been held and its programming policy statement has been issued since the institution of the proceedings in Docket 12673, and accordingly said proceedings are no longer considered appropriate in light of the form proposed in November 1958 and its variance with the Commission policy announced on July 29, 1960. We have, therefore, devised the attached form consonant with the Commission's recent policy statement.[1]

5. In light of the above, it appears that the proceedings in Docket 12673 should be terminated. Accordingly, contemporaneously with the issuance of the instant Notice, the Commission is issuing an Order terminating the collateral proceedings in Docket 12673. Additionally, the Commission requests that comments in the instant proceedings be submitted de novo by interested parties and without incorporation by reference of any comments which may have been filed in the earlier proceeding. We believe this procedure to be desirable because it will encourage comments on individual sections of the proposed application as they are related to the new form as a whole; and that it will expedite and facilitate the adoption of a final report in the instant proceedings.

6. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before April 3, 1961, and reply comments on or before April 17, 1961. In reaching its decision in this proceeding, the Commission will not be limited to comments of record but will take into account any relevant information obtained in any manner from informed sources.

7. In accordance with the provisions of § 1.54 of the rules, the Commission shall be furnished with an original and 14 copies of all written comments filed herein.

8. Authority for adopting the amendments proposed herein is contained in sections 4(i), 303(j), 303(r), 307(d), 308(a), and 308(b) of the Communications Act of 1934, as amended.

Adopted: February 17, 1961.

Released: February 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1666; Filed, Feb. 24, 1961; 8:50 a.m.]

[1] Filed as part of original document.

[2] Concurring statements of Commissioners Ford, Hyde, and Craven filed as part of original document.

# Notices

# DEPARTMENT OF COMMERCE

## Office of the Secretary

[Dept. Order 170]

## EXECUTIVE ASSISTANT TO THE SECRETARY

### Establishment of Office

SECTION 1. Purpose. The purpose of the order is to establish the Office of Executive Assistant to the Secretary and to prescribe the authorities, responsibilities, and duties of the Executive Assistant.

SEC. 2. Establishment. There is hereby established within the immediate Office of the Secretary the Office of Executive Assistant to the Secretary.

SEC. 3. Authority, duties and responsibilities of the Executive Assistant. Pursuant to the authority vested in the Secretary of Commerce, the Executive Assistant is hereby delegated all authority heretofore delegated to the Assistant Secretary of Commerce for Administration and shall have the duties and responsibilities heretofore assigned the Assistant Secretary of Commerce for Administration by Department Order No. 134 (Amended) of August 18, 1954 (19 F.R. 6169), September 25, 1954, and other Departmental orders.

SEC. 4. Effect on other orders. All orders, delegations of authority and other actions heretofore issued or taken by the Assistant Secretary of Commerce for Administration and in effect immediately prior to the effective date of this order shall remain in full force and effect under appropriate authority.

Effective date: February 9, 1961.

LUTHER H. HODGES,
*Secretary of Commerce.*

[F.R. Doc. 61-1654; Filed, Feb. 24, 1961; 8:49 a.m.]

# DEPARTMENT OF THE TREASURY

## Bureau of Customs

[T.D. 55319]

## CHESAPEAKE AND OHIO RAILWAY CO.

### Registration and Cancellation of Funnel Marks

FEBRUARY 20, 1961.

The Commissioner of Customs, by virtue of the authority vested in him and in accordance with § 3.81(a), Customs Regulations (19 CFR 3.81(a)), has registered two funnel marks of the Chesapeake and Ohio Railway Company as described below:

(a) The first funnel mark is to appear and be used on a vessel having one stack. The funnel on which this mark will be used is painted a dark blue and is 25 feet 6 inches in overall height. Centered in a fore-and-aft direction on either side of the funnel in Federal yellow are the letters "C AND O" each of which is 4 feet 6 inches in height. The letter "C" is placed 4 feet 6 inches from the top of the funnel and is connected with and overlapping in part with the letter "O" which is placed to the lower right of the letter "C". Centered vertically on the letter "C" and to the right of it, also in Federal yellow, is the word "AND" in letters 6 inches in height. Somewhat below the center point and to the left of the letter "O" is the word "FOR" in Federal yellow letters of 6 inches in height and below that word and the letter "O" is the word "PROGRESS" in Federal yellow letters 9 inches in height. Running horizontally from the lower right-hand point of the letter "R" in the word "FOR" is a line which passes through the lower portion of the letter "O" and intersects on the opposite side with a line running vertically upward from the uppermost left-hand point of the last letter of the word "PROGRESS." The line is dark blue where it crosses the letter "O" and the remainder is Federal yellow.

(b) The second funnel mark is to appear and be used on a vessel having two funnels, one on the port and the other on the starboard side of the vessel. Each funnel is surrounded by a funnel casing and both the funnel and its casing are painted a dark blue. The funnel itself is 5 feet in diameter athwartship and 9 feet 3 inches in diameter on a fore-and-aft line; the funnel casing is of a diameter of 5 feet athwartship and 26 feet 9 inches on a fore-and-aft line; the funnel is of an overall height of 40 feet; and the funnel casing is of an overall height of 18 feet. The insignia to appear on the funnel is identical with that to be used in the funnel described in paragraph (a) above except that the top of the "C" will be placed 24 feet 6 inches from the top of the funnel and will be centered in a fore-and-aft direction on the outboard side of the funnel casing.

Colored scale replica drawings of the funnel marks described above are on file with the Office of the Federal Register.

The registration of certain funnel marks in the name of the Chesapeake and Ohio Railway Company under date of June 27, 1952 (T.D. 53030), is hereby cancelled.

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

[F.R. Doc. 61-1656; Filed, Feb. 24, 1961; 8:49 a.m.]

## Office of the Secretary

[AA 643.3-C]

## RAYON STAPLE FIBER FROM BELGIUM

### Determination of Sales at Less Than Fair Value

FEBRUARY 20, 1961.

A complaint was received that rayon staple fiber from Belgium was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

In view of the circumstances apparent in this case, I hereby determine that rayon staple fiber from Belgium is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The United States Tariff Commission is being advised of this determination.

*Statement of reasons.* Such merchandise is sold for home consumption in Belgium in significant volume. Therefore, home market price and purchase price are the bases for fair value comparisons.

In finding home market price, adjustment was made for a quantity discount, selling commission, technical assistance to customers in Belgium, purchaser's home market advertising costs assumed by the seller, and inland freight. Adjustment was also made for moisture regain.

Purchase price was determined to be the f.o.b. Antwerp price, plus an amount for taxes rebated by reason of the exportation of the fiber to the United States.

Purchase price was found to be less than home market price during the period covered by the investigation. In October 1960 the seller increased his selling price to the United States. Thereafter, purchase price was not less than home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-1657; Filed, Feb. 24, 1961; 8:50 a.m.]

[AA 643.3-C]

## RAYON STAPLE FIBER FROM FRANCE

### Determination of Sales at Less Than Fair Value

FEBRUARY 20, 1961.

A complaint was received that rayon staple fiber from France was being sold in the United States at less than fair

value within the meaning of the Antidumping Act of 1921.

In view of the circumstances apparent in this case, I hereby determine that rayon staple fiber from France is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The United States Tariff Commission is being advised of this determination.

*Statement of reasons.* Such merchandise is sold for home consumption in France in significant volume. Therefore, home market price and purchase price are the bases for fair value comparisons.

In finding home market price, adjustment was made for a cash discount, a quantity discount, technical assistance to customers in France, purchasers' home market advertising costs assumed by the seller, and differentials in costs of inland freight, packing, and moisture regain.

Purchase price was determined to be the f.o.b. French port price, plus an amount for taxes which is not collected by reason of the exportation of the fiber to the United States.

Purchase price was found to be less than home market price during the period covered by the investigation. In November 1960 the selling price to the United States was increased. Thereafter, purchase price was not less than home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-1658; Filed, Feb. 24, 1961; 8:50 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## HUDSON AUCTIONS ET AL.

### Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

*Original Name of Stockyard, Location, and Date of Posting; Current Name of Stockyard and Date of Change in Name*

GEORGIA

Hudson-Troop Auctions, Fitzgerald, May 15, 1959; Hudson Auctions, January 23, 1961.

ILLINOIS

Viola Auction Company, Viola, November 30, 1959; Mercer County Livestock Auction, January 18, 1961.

INDIANA

Marshall County Community Sale, Plymouth, June 17, 1959; Marshall County Sale Barn, January 3, 1961.

MISSISSIPPI

Hinds County Commission Sales, Inc.; Edwards, February 16, 1959; Hinds County Livestock Auction, January 11, 1961.

Yazoo Community Sale, Yazoo City, January 13, 1959; Yazoo Livestock Auction, May 26, 1960.

MISSOURI

Robertson's Community Sale, Bethany, June 16, 1959; Robertson's Livestock Market, January 12, 1961.

Welty Brothers Auctioneers, Inc., Nevada, May 11, 1959; Welty Sales Pavilion, October 29, 1960.

NEBRASKA

The Alliance Livestock Commission Company, Alliance, February 15, 1940; Alliance Livestock Auction Company, January 1, 1961.

OHIO

Putnam County Livestock Coop. Assn., Columbus Grove, June 2, 1959; Lugbill Bros. Inc., January 19, 1961.

OREGON

Vale Livestock Commission Company, Vale, October 12, 1959; Vale Livestock Auction Company, January 23, 1961.

SOUTH CAROLINA

Jno. C. Taylor Stockyards, Anderson, May 2, 1960; John C. Taylor Stockyards, December 19, 1960.

Pickens Auction Market, Pickens, February 3, 1960; Pickens Auction Market, Inc., January 23, 1961.

TEXAS

Kerens Livestock Commission Company, Kerens, January 22, 1960; Kerens Auction Barn, January 26, 1961.

Done at Washington, D.C., this 20th day of February 1961.

H. L. JONES,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61-1644; Filed, Feb. 24, 1961; 8:48 p.m.]

## MONROE LIVESTOCK MARKET ET AL.

### Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Monroe Livestock Market, Monroeville, Ala.
Liberal Sales Company, Liberal, Kans.
Helmer & Jim Nielsen Dairy Cattle Market, Emmons, Minn.
Triangle Livestock Auction, Vado, N. Mex.
Carolina Stock Yards Company, Silver City, N.C.
Twin States Auction Market, Taber City, N.C.
Vanceville Stockyard, Bennettsville, S.C.
Henry Livestock, Conway, S.C.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them wtih the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th days of February 1961.

H. L. JONES,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61-1645; Filed, Feb. 24, 1961; 8:48 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 12146; Order No. E-16414]

## TRANS WORLD AIRLINES, INC.

### Jet Surcharges; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of February 1961.

By tariff revision filed January 23, 1961, and marked to become effective March 1, 1961, Trans World Airlines, Inc. (TWA) proposes one-way surcharges for application on its combination first-class and coach jet services as follows:

| | |
|---|---|
| Albuquerque-Dayton | $6.00 |
| Albuquerque-Phoenix | 2.00 |
| Albuquerque-Philadelphia | 8.00 |
| Las Vegas-San Francisco | 4.00 |
| Miami-San Francisco | 12.00 |

No complaints have been filed.

While the surcharges proposed to/from Albuquerque comport with the generally prevailing industry level, those proposed to/from San Francisco materially exceed the range of surcharges which have been permitted to become effective for services of comparable distance. The surcharge of $4.00 proposed between Las Vegas and San Francisco is equivalent to 0.966 cents per mile and amounts to 10.5 percent of the first-class fare. By comparison, surcharges currently in effect for comparable distances range between 0.462 and 0.703 cents per mile, between 6.3 and 8.8 percent in terms of their relationship to the corresponding first-class fares. The surcharge of $12.00 proposed between Miami and San Francisco not only is higher in dollar amount than any so far permitted to take effect but exceeds, on a cents per mile basis, those applicable to somewhat shorter coast-to-coast operations. Thus, for example, the present $10.00 surcharge between Boston and San Francisco (2712 miles) amounts to 0.369 cents per mile, 5.5 percent of the first-class fare, whereas that here proposed to/from Miami (2800 miles) equates to 0.427 cents per mile, or 6.4 percent of the first-class fare.

Upon consideration of all relevent matters, the Board finds that the surcharges proposed between San Francisco, on the one hand, and Las Vegas and Miami, on the other hand, may be unjust and unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and that they should be investigated. Further, in view of the fact that the surcharges depart significantly from the existing industry pattern for comparable distances, the Board has concluded to suspend the operation of such tariffs and the use thereof pending investigation. However, the Board would not suspend surcharges which did not exceed $3.00 between Las Vegas and San Francisco, $10.00 between Miami and San Francisco.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, and 1002 thereof,

*It is ordered*, That:

1. An investigation is hereby instituted to determine whether the jet surcharges between Las Vegas and San Francisco and between Miami and San Francisco appearing on 26th Revised Page 259 of Agent C. C. Squire's C.A.B. No. 44 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful jet surcharges.

2. Pending investigation, hearing, and decision by the Board, the jet surcharges between Las Vegas and San Francisco and between Miami and San Francisco appearing on 26th Revised Page 259 of Agent C. C. Squire's C.A.B. No. 44 are suspended and their use deferred to and including May 29, 1961, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the tariff suspended, and shall be served upon Trans World Airlines, Inc. which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
*Secretary.*

[F.R. Doc. 61-1664; Filed, Feb. 24, 1961; 8:50 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13086, 13088; FCC 61-193]

## BEACON BROADCASTING SYSTEM, INC. AND SUBURBAN BROADCASTING CO., INC.

### Memorandum Opinion and Order Amending Issues

In re applications of Beacon Broadcasting System, Inc., Grafton-Cedarsburg, Wisconsin, Docket No. 13086, File No. BP-10518; Suburban Broadcasting Co., Inc., Jackson, Wisconsin, Docket No. 13088, File No. BP-12802; for construction permits for standard broadcast stations.

1. The Commission has before it for consideration a Petition to Enlarge Issues and Reopen the Record filed by Suburban Broadcasting Co., Inc. (Suburban) on December 14, 1960; a Statement of the Broadcast Bureau supporting the Petition, filed December 27, 1960; an Opposition filed by Beacon Broadcasting System, Inc. (Beacon) on December 27, 1960; and a Reply to the Beacon opposition filed by Suburban on January 3, 1961.

2. On August 12, 1959, the Commission released an Order (FCC 59-860, Mimeo No. 76399) which designated for hearing the above-captioned applications. That application, as amended, sets out, inter alia, Beacon's plan for financing the cost of constructing its proposed station and providing for initial working capital. A necessary part of that proposed financing is a $50,000 loan commitment which the application shows will be made available by the Marshall and Ilsley Bank in Milwaukee, Wisconsin. On October 31, 1960, the Hearing Examiner closed the record in the instant proceeding. By a letter dated November 3, 1960, the Marshall and Ilsley Bank indicated that it was no longer willing to lend Beacon the $50,000. On December 14, 1960, Suburban filed its petition to reopen the record and enlarge the issues requesting that the Commission include an issue relating to Beacon's financial qualifications.

3. Suburban contends, and we agree, that it had good cause for not filing its petition at an earlier date since it was not made aware of the existence of the withdrawal letter until December 8, 1960. In its opposition, Beacon, though conceding that the Marshall and Ilsley Bank has withdrawn its loan offer, alleges that within seven days after such withdrawal it secured another $50,000 loan commitment from a bank in Grafton, Wisconsin. Beacon has not, however, amended its application to reflect that fact, and absent such an amendment, we are unable to conclude that it is financially qualified.

*Accordingly, it is ordered*, This 15th day of February 1961, that the Petition To Reopen the Record and Enlarge Issues filed by Suburban Broadcasting Co., Inc., on December 14, 1960, is granted; that the record in this proceeding is reopened; that existing Issues 9 and 10 are renumbered as Nos. 10 and 11, respectively; and that the issues in this proceeding are enlarged by adding the following Issue No. 9:

9. To determine whether Beacon Broadcasting System, Inc., is financially qualified to construct and operate its proposed station for a reasonable period of time without the benefit of revenue.

Released: February 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1667; Filed, Feb. 24, 1961; 8:51 a.m.]

[1] Commissioner Cross dissenting in opinion.

[Docket No. 13257 etc.; FCC 61-186]

## CATSKILLS BROADCASTING CO. ET AL.

### Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Harry C. Borwick, David Levinson, Seymour D. Lubin, Henry L. Shipp, Joseph K. Schwartz, and Philip Slutsky, d/b as Catskills Broadcasting Company, Ellenville, New York, Docket No. 13257, File No. BP-12266; Jerome Z. Elkin, Charles W. Letter, Samuel Elkin, and Henry W. Weiss, d/b as Ellenville Broadcasting Company, Ellenville, New York, Docket No. 13258, File No. BP-12742; Saul Dresner, Alfred Dresner; Samuel Dresner, and Rose Dresner, d/b as Ulster County Broadcasting Company, Ellenville, New York, Docket No. 13272, File No. BP-11781; for construction permits.

1. The Commission has before it for consideration (1) the Petition of the Broadcast Bureau to Set Aside Initial Decision and Consolidate Applications in Hearing, filed April 20, 1960; (2) the Joint Opposition of Ellenville Broadcasting Company and Catskills Broadcasting Company, filed June 2, 1960; (3) the Joint Petition for Leave to Amend and for Other Relief, filed October 7, 1960, by Ulster County Broadcasting Company, Ellenville Broadcasting Company, and Catskills Broadcasting Company; (4) the Comments of the Broadcast Bureau, filed November 10, 1960; and (5) the Reply of Catskills, Ellenville, and Ulster County, filed November 28, 1960. In addition, the Commission has before it the petition for reconsideration and immediate grant, filed by Ulster County on December 23, 1959, and pleadings responsive thereto, which, as will appear infra, are rendered moot by our action herein.

2. By Initial Decision released March 7, 1960 (FCC 60D-17), Hearing Examiner Isadore A. Honig proposed to grant the application of Catskills Broadcasting Company for a new standard broadcast station to operate daytime only on 1370 kc with power of 500 watts at Ellenville, New York, and to dismiss that of Ellenville Broadcasting Company for similar facilities, the Examiner considering a merger agreement between the applicants. On March 16, 1960, counsel for Ulster County Broadcasting Company, whose application for 1570 kc in Ellenville was the subject of a separate proceeding, sent a letter to the Commission alleging that Ulster County had information demonstrating that a grant of Catskills' application would violate the public interest, and that the principals of Catskills and Ellenville were engaged in a continuing scheme to block a grant to Ulster County in Ellenville. Ellenville's and Catskills' reply letter of April 4, 1960, attempted to refute Ulster County's charges, and renewed their own earlier charges that Ulster County had misrepresented to the Commission the availability of its transmitter site. As a result of the questions raised by the above letters, the Commission, by Order released April 22, 1960 (FCC 60-415), stayed the effective date of the Initial Decision, and the Broadcast Bureau

filed, on April 20, the instant petition to set aside the Initial Decision and to consolidate for hearing the applications of Catskills, Ellenville, and Ulster County on issues to determine (1) whether Ulster County has a reasonable expectancy of acquiring its transmitter site; (2) whether Ulster County is financially qualified; (3) whether Ulster County has misrepresented the facts with respect to the availability of its transmitter site, and, if so, whether it has the requisite character qualifications; (4) whether Catskills and/or Ellenville have engaged in a scheme to delay, hinder, or prevent action by the Commission upon the grant of the application of Ulster County; (5) whether the partners of Catskills and Ellenville have the requisite character qualifications; (6) whether a grant of Catskills' application would violate section 3.35 of the Commission's rules; and (7) which, if any, of the applications should be granted. The applicants, on October 7, 1960, filed a petition for leave to amend Catskills' application to show their merger agreement with Ellenville and Ulster County, and requested the dismissal of the latter two applications and finalization of Examiner Honig's Initial Decision.

3. In support of its petition, the Bureau asserts that the allegations of Ulster County, Ellenville, and Catskills cast doubts on the qualifications of each to be a licensee, and that all should be consolidated for hearing in one proceeding since most of the evidence relates to the qualifications of all applicants, and since there are direct contradictions among the applicants on related questions. The Bureau points out that shortly after Ulster County filed its original application for 1370 kc at Wawarsing, New York, Seymour D. Lubin, president and 50 percent stockholder in Station WVOS, Liberty, New York (19 miles from Ellenville), made the following statements in letters to the Commission:

> Ellenville is now served • • • by WVOS • • •.
>
> Ellenville itself cannot adequately support a station. We have surveyed the community many times thinking in terms of 100 w. In addition, we are in almost daily contact with the community • • •.
>
> Further a station in Wawarsing will gain Ellenville business and this will hurt us.
>
> To conclude as one who has intimately investigated the area since 1948, I would never invest in an Ellenville (or Wawarsing) outlet • • •.

The Bureau notes that less than four months later, Lubin, together with Harry G. Borwick, who owns the remaining 50 percent interest in Station WVOS at Liberty, and four other individuals, formed the Catskills partnership, in which Lubin and Borwick would each have a 38½ percent interest, and filed an application at Ellenville for the same frequency requested by Ulster County.

4. In addition, the Bureau cites Ulster County's charge that one of its principals was requested by Jerome Z. Elkin that he be given a 50 percent interest in the Ulster County application, under the threat of filing a conflicting application if refused. The Bureau points out that Elkin subsequently joined with three others to form Ellenville Broadcasting Company and filed its instant application.[1]

5. The Bureau also refers to the charge made by Catskills and Ellenville that Ulster County had misrepresented to the Commission the facts concerning the availability of its proposed transmitter site, and Ulster County's counter-charge that the foregoing was part of Catskills' and Ellenville's continuing scheme to block a grant to Ulster County.

6. In neither the joint opposition of Catskills and Ellenville nor in the joint petition for leave to amend do the applicants address themselves to the seeming inconsistency of Lubin's position in first urging that twelve years' study had convinced him that Ellenville could not support a broadcast station, and shortly thereafter joining in a partnership to apply for a station there. As to the questions concerning Elkin's alleged threat and Ulster County's alleged misrepresentation, the applicants state that the charges were due only to misunderstandings and that, although deplorable, "such situations • • • are the natural by-products of litigation".

7. The Commission finds itself unable to view these matters as lightly as do the applicants. Irresponsibly false charges could not be, in our opinion, "natural by-products of litigation", and for this reason alone further hearing is warranted to determine whether the instant charges are of such a nature.

8. In addition to issues concerning the character qualifications of the applicants, the Bureau requests issues as to Ulster County's financial qualifications and as to a possible violation of § 3.35 of the Commission's rules in the event Catskills' application is granted. The issue concerning Ulster County's financial qualifications is dependent upon its showing under the site availability issue, and is therefore considered appropriate. In opposing the § 3.35 (multiple ownership) issue, Catskills and Ellenville point out that measurements submitted with Catskills' application established that, due to lower conductivity in the area than predicted by the Commission's soil map, the 2.0 mv/m contour of Station WVOS at Liberty would not overlap the 2.0 mv/m contour of Catskills' proposed Ellenville station, and that neither the Commission's McFarland letter nor the Order originally designating their applications for hearing raised any question in this regard. Nevertheless, in view of Lubin's statements (paragraph 3, supra) that WVOS serves Ellenville and derives advertising revenue therefrom, and the fact that Liberty is only 19 miles from Ellenville, the Commission is of the opinion that further inquiry into the possibility of a violation of § 3.35 of the rules is warranted.

9. The applicants' joint petition for leave to amend and for other relief, filed October 7, 1960, requests that the Commission allow an amendment to Catskills' application to show an agreement contemplating merger with the principals of Ulster County and Ellenville; that the applications of Ulster County and Ellenville be dismissed; that the Initial Decision released March 7, 1960, granting Catskills' application be made final; and that the Bureau's petition be dismissed as moot. In view of our determination to set aside such Initial Decision and consolidate these applications for hearing, applicants' petition must be denied.

10. In view of our action herein, Ulster County's petition for reconsideration and immediate grant filed December 23, 1959, together with pleadings responsive thereto, will be dismissed as moot.

11. By its decision of December 22, 1960, the Court of Appeals for the District of Columbia Circuit reversed an Order of the Commission denying intervention in the Ulster County proceeding by Interstate Broadcasting Company, Inc., licensee of Station WQXR, New York, New York.[2] Pursuant thereto, Interstate will be made a party in the instant proceeding as to the Ulster County application.

*Accordingly, it is ordered*, This 15th day of February 1961, That the Petition of the Broadcast Bureau to Set Aside Initial Decision and Consolidate Applications in Hearing, filed April 20, 1960, is granted; the Initial Decision of Hearing Examiner Isadore A. Honig released March 7, 1960 (FCC 60D-17), is set aside; and the above-captioned applications of Catskills Broadcasting Company, Ellenville Broadcasting Company, and Ulster County Broadcasting Company, are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Ulster County Broadcasting Company has a reasonable expectancy of getting the transmitter site herein specified and, if not, whether this is a site-to-be-determined application subject to dismissal pursuant to § 3.33(a) of the Commission's rules.

2. To determine whether, if it is found that Ulster County Broadcasting Company has a transmitter site available, the applicant is financially qualified to construct and operate its proposed station.

3. To determine whether Ulster County Broadcasting Company has misrepresented to the Commission the facts with respect to the transmitter site specified, and, if so, whether the applicant has the requisite character qualifications to be a licensee of a standard broadcast station.

4. To determine whether Catskills Broadcasting Company and/or Ellenville Broadcasting Company, and any of the parties thereto, have engaged in a scheme to delay, hinder or prevent action by the Commission upon the grant of the application of Ulster County Broadcasting Company

5. To determine, in the light of the evidence adduced under the foregoing issues, whether the respective partners in Catskills Broadcasting Company and Ellenville Broadcasting Company have the requisite character qualifications to be a licensee of a standard broadcast station.

6. To determine whether the operation proposed by Catskills Broadcasting Company is consistent with the provisions of § 3.35 of the Commission's rules.

7. To determine the areas and populations which would receive primary service from the proposed operations of Catskills Broadcasting Company and Ellenville Broadcasting Company, and the availability of other primary service to such areas and populations.

8. To determine, on a comparative basis, which of the proposals of Catskills Broadcasting Company and Ellenville Broadcasting Company would better serve the public interest, convenience, and necessity, in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

9. To determine, in the light of the evidence adduced under the foregoing issues, which, if any, of the instant applications should be granted.

*It is further ordered*, That Interstate Broadcasting Company, Inc., licensee of Station WQXR, is made a party to the proceeding.

*It is further ordered*, That the Joint Petition for Leave to Amend and for Other Relief filed October 7, 1960, by Ulster County Broadcasting Company, Catskills Broadcasting Company, and Ellenville Broadcasting Company, is denied; and the Petition for Reconsideration and Immediate Grant filed December 23, 1959, by Ulster County Broadcasting Company, and the pleadings responsive thereto, are dismissed as moot.

Released: February 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1668; Filed, Feb. 24, 1961; 8:51 am.]

[1] On February 24, 1959 (approximately seven weeks after Ellenville's application was filed) Ulster County amended its application to specify 1570 kc at Ellenville.

[2] Interstate Broadcasting Company, Inc. v. United States of America and Federal Communications Commission, No. 15619, --- U.S. App. D.C. ---, --- F. 2d ---.



[Docket No. 13929; FCC 61M-272]

## ROBERT LEE COWART

### Order Continuing Hearing

In the matter of Robert Lee Cowart, 512 Spruce Street, Myrtle Point, Oregon, Docket No. 13929; suspension of radiotelephone first-class operator license.

The Hearing Examiner having under consideration a motion for extension of hearing date filed by Robert Lee Cowart on February 15, 1961;

It appearing that the hearing is currently scheduled to commence on March 8, 1961, but that counsel who was recently retained by the respondent needs additional time for a study of the factual background of the case and that the distance factor necessarily causes delays in communication between client and attorney; and

It further appearing that counsel for the Field Engineering and Monitoring Bureau has indicated that there is no objection to a grant of the present request but that owing to conflicts with the Examiner's own hearing schedule the requested date of April 12 could not be met;

*It is ordered*, This 17th day of February 1961, that the motion of Robert Lee Cowart for extension of hearing date is granted insofar as it requests an extension but is denied with respect to the date requested; and

*It is further ordered*, That the commencement of hearing is continued from March 8 to April 25, 1961.

Released: February 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1670; Filed, Feb. 24, 1961; 8:51 a.m.]

[Docket Nos. 13955-13957; FCC 61-214]

## STUART W. EPPERSON ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Stuart W. Epperson, North Wilkesboro, North Carolina, requests: 1570 kc, 1 kw, Day, Docket No. 13955, File No. BP-13009; Robert B. Brown, Taylorsville, North Carolina, requests: 1570 kc, 500 w, Day, Docket No. 13956, File No. BP-13564; Felix C. Abernethy, Granite Falls, North Carolina, requests: 1580 kc, 500 w, Day, Docket No. 13957, File No. BP-13773; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of February 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

A. The applications herein involve electrical interference problems as follows:

1. The proposal of Felix C. Abernethy causes interference to the existing operation of Station WYCL, York, South Carolina, and receives interference from WYCL and WPUV, Pulaski, Virginia. The licensee of WYCL has objected to a grant of the instant application of Mr. Abernethy.

2. The proposal of Felix Abernethy involves problems of mutual interference with the proposal of Robert B. Brown. Further facts are necessary to determine whether the interference thus caused to the proposal of Mr. Brown will be in excess of 10 percent.

3. The proposal of Robert B. Brown and the proposal of Stuart W. Epperson involve extensive mutual interference, (far in excess of 10 percent).

B. By letter of October 27, 1960 (herein incorporated by reference), written in accordance with the provisions of former section 309(b) of the Communications Act, it was noted that the Epperson family had current interests in seven standard broadcast stations and nine pending applications and, therefore, the instant application of Stuart W. Epperson might be in contravention of § 3.35 of Commission rules. By letter received November 16, 1960, the applicant replied, in substance, that his only direct ownership interests were in Station WODI, Vinton, Virginia, BP-13304, Staunton, Virginia, BP-13754, Wakefield, Virginia, and the present application. Mr. Epperson stated that the other stations and applications owned by members of the Epperson family were controlled and operated by these members individually and not as a family unit.

However, on the basis of the facts at hand, it cannot be determined conclusively that Mr. Stuart W. Epperson's instant application will involve no violation of § 3.35(b) of the Commission's rules regarding concentration of control of standard broadcasting. Therefore, it appears necessary that this question be set for hearing in which further facts may be developed.

C. Robert B. Brown, applicant for Taylorsville, North Carolina, is the son of Doris B. Brown, who is 50 percent owner of the licensee of Station WKBC (810 kc, 1 kw, Day), North Wilkesboro, North Carolina. Taylorsville and North Wilkesboro are approximately 17 miles apart. Commission study indicates that the 2 mv/m contours of these two stations will overlap and, additionally, that WKBC serves Taylorsville (population 1463, 1960 Census). In view of these facts, a question obtains as to whether the instant proposal is in contravention of § 3.35(a) of Commission rules, concerning multiple ownership.

It further appearing that in view of the foregoing, the Commission is unable

to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of Felix C. Abernethy would cause objectionable interference to Station WYCL, York, South Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said Section.

5. To determine whether a grant of the instant proposal of Robert B. Brown would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

6. To determine whether a grant of the instant proposal of Stuart W. Epperson would be in contravention of § 3.35 (b) of the Commission rules with respect to concentration of control.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

*It is further ordered*, That York-Clover Broadcasting Company, Incorporated, licensee of Station WYCL, York, South Carolina, is made a party to the proceeding.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1671; Filed, Feb. 24, 1961; 8:51 a.m.]

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[Docket Nos. 13922, 13923; FCC 61M-261]

## FIRST CAROLINA CORP. AND PALMETTO RADIO CORP. (WNOK-TV)

### Postponement of Prehearing Conference

In re applications of First Carolina Corp., Columbia, South Carolina, for construction permit for new television broadcast station (Channel 25), Docket No. 13922, File No. BPCT-2803; Palmetto Radio Corporation (WNOK-TV), Columbia, South Carolina, for construction permit to change from Channel 67 to Channel 25, Docket No. 13923, File No. BPCT-2820.

The Hearing Examiner having under consideration an informal (letter) request received February 15, 1961, from Palmetto Radio Corporation requesting that the prehearing conference heretofore scheduled in the above-captioned proceeding for February 21, 1961, be postponed indefinitely, pending satisfaction by Palmetto of the conditions specified in the Commission's Report and Order in Docket No. 13905[1] looking toward the withdrawal of Palmetto's application for Channel 25;

It appearing that counsel for First Carolina Corporation has joined in Palmetto's request for indefinite postponement of the prehearing conference, and that counsel for the Broadcast Bureau has consented to a grant of this request; and

It further appearing that good cause has been shown for favorable action by the Examiner on the subject request;

*Accordingly, it is ordered*, This 15th day of February 1961, that the aforementioned informal (letter) request of Palmetto Radio Corporation is granted, and the prehearing conference heretofore scheduled for February 21, 1961, is postponed indefinitely.

Released: February 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1672; Filed, Feb. 24, 1961; 8:51 a.m.]

[1] FCC 61-176, released February 13, 1961.

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[Docket No. 13954; FCC 61-210]

## JEFFERSON BROADCASTING CO., INC. (WTMT)

### Order Designating Application for Hearing on Stated Issues

In re application of Jefferson Broadcasting Co., Inc. (WTMT), Louisville, Kentucky, has: 620 kc, 500 w, DA-D, req: 620 kc, 500 w, 1 kw-LS, DA-2, U, Docket No. 13954, File No. BP-13382; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of February 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the instant proposal raises a question of sound engineering since it appears that part of the city of Louisville is situated in an area of maximum signal suppression; and

It further appearing that by letter filed August 1, 1960, accompanied by an engineering affidavit, the licensee of Station WTMJ objected to interference which may result along the southwest periphery of the WTMJ nighttime service area, and because of such interference, requested that the instant application be designated for hearing; and

It further appearing that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WTMT and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable nighttime interference to the following stations, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations;

WTMJ, Milwaukee, Wis., 620 kc, 5 kw, DA-N, U.

KWFT, Wichita, Falls, Tex., 620 kc, 5 kw, DA-N, U.

3. To determine whether interference received from Stations WTMJ and WATE would affect more than ten percent of the population within the normally protected primary service area of the instant proposal in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether the instant proposal will provide a minimum signal strength of 5 mv/m daytime over the most distant residential section of Louisville, Kentucky, and whether the entire city would receive adequate service at night as required by §§ 3.188 and 3.28(c)(2) of the Commission rules.

5. To determine whether a portion of the city sought to be served is in an area of maximum signal suppression, and, if so, whether the proposed directional antenna system represents good engineering practice, especially in light of the normally expected wide variations in signal strength occurring in null areas of directional patterns.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

*It is further ordered*, That The Journal Company (The Milwaukee Journal) and North Texas Radio, Inc., licensees of Stations WTMJ and KWFT, respectively, are made parties to the proceeding with respect to their existing operations.

*It is further ordered*, That, in the event of a grant of the instant proposal, the construction permit shall contain a condition that the permittee shall comply with the provisions of § 3.46(c) of the Commission rules to avoid possible second harmonic interference to the transmissions of Station WINN, Louisville, Kentucky (1240 kc, 250 w, U).

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1673; Filed, Feb. 24, 1961; 8:51 a.m.]





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[Docket Nos. 13884-13886; FCC 61M-266]

## "JET" BROADCASTING CO., INC. (WJET) ET AL.

### Order Following Pre-Hearing Conference

In re applications of the "Jet" Broadcasting Co., Inc. (WJET), Erie, Pennsylvania, Docket No. 13884, File No. BP-12188; WBNY, Incorporated (WBNY), Buffalo, New York, Docket No. 13885, File No. BP-13285; Lake Shore Broadcasting Company, Inc. (WDOE), Dunkirk, New York, Docket No. 13886, File No. BP-13300; for construction permits.

On the basis of agreements reached at a pre-hearing conference held on February 16, 1961, in the above-entitled proceeding: *It is ordered*, This 17th day of February 1961, that the following procedural steps will govern future course of hearing:

Broadcast Bureau will notify parties of any additional data they require: February 28, 1961.
Deadline for parties to furnish data requested by Broadcast Bureau: March 14, 1961.
Hearing: March 24, 1961.

Released: February 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1674; Filed, Feb. 24, 1961; 8:51 a.m.]

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[Docket Nos. 13958, 13959; FCC 61-216]

## ROBERT F. NEATHERY AND RADIO COMPANY OF TEXAS COUNTY

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Robert F. Neathery, Houston, Missouri, requests: 1250 kc, 500 w, Day, Docket No. 13958, File No. BP-12913; W. R. McKnight, Nolan Hutcheson, Raymond E. Duff, S. E. Ferguson, Maurice W. Covert, Wm. H. Duff, A. W. Roffe, Chester S. Sieloff, d/b as Radio Company of Texas County, Houston, Missouri, requests: 1250 kc, 500 w, Day, Docket No. 13959, File No. BP-14108; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of February 1961;

The Commission having under consideration the above-captioned and described applications;

It further appearing, that except as indicated by the issues specified below, Radio Company of Texas County is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal and Robert F. Neathery is technically and legally qualified but may not be financially and otherwise qualified as indicated below; and

It further appearing that the Commission in prehearing letters dated August 29, 1960, and September 28, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that copies of the aforementioned letters are available for public inspection at the Commission's offices; and

It further appearing that by Commission letter of August 29, 1960, Robert F. Neathery was informed that the estimated cost of his proposed station was considerably less than the average cost of such stations and that the estimated costs did not appear to include many costs normally expected, such as installation of equipment, labor, etc., that a deferred credit agreement must be submitted if equipment was to be acquired on credit, and that his financial showing did not include provision for meeting obligations in connection with other pending applications (file Nos. BP-12320 and BP-13597) for new stations now on file, and, by letter received September 19, 1960, Mr. Neathery replied only that he considered his estimated cost adequate for the location in which he proposes to build his station and, that, therefore, it appears that more information is necessary in order to pass upon the financial qualifications of this applicant; and

It further appearing that by Commission letter of September 28, 1960, Robert F. Neathery was advised that the instant proposal for Houston, Missouri, would provide service to Willow Springs, Missouri, and that the proposed operation of KUKU (since granted, December 7, 1960) might serve Houston, and that, by letter received October 17, 1960, Mr. Neathery stated that ground conductivity was substantially lower in the area than the figures shown on Commission conductivity map and that numerous field strength measurements have been made to substantiate this position, but that, measurements presently on file with this application and the Willow Springs application do not substantiate this position and that, therefore, a hearing is necessary to determine whether the instant proposal of Mr. Neathery is in contravention of § 3.25(a) of the Commission rules; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act

of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposal would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations effected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the proposal of each of the instant applicants would cause objectionable interference to Station KGBX, Springfield, Missouri, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether a grant of the instant proposal of Robert F. Neathery would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

5. To determine whether Robert F. Neathery is financially qualified to construct and operate his proposed station.

6. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the managements and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if, either, of the instant applications should be granted.

*It is further ordered,* That Springfield Broadcasting Co., licensee of Station KGBX, Springfield, Missouri, is made a party to the proceeding.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and the respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered,* That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1675; Filed, Feb. 24, 1961; 8:51 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 31-557]

## ARKLAHOMA CORP. ET AL.

### Notice of Filing for a Determination of Status and Order for Hearing

FEBRUARY 16, 1961.

In the matter of Arklahoma Corporation, Southwestern Electric Company, Central and South West Corporation, File No. 31-557.

Notice is hereby given that Central and South West Corporation ("Central and South West"), a Delaware corporation and a registered holding company; its electric-utility subsidiary company, Southwestern Electric Company ("Southwestern"), also a Delaware corporation; and Arklahoma Corporation ("Arklahoma"), an Arkansas corporation whose offices are located in Little Rock, Arkansas, have filed a joint application with this Commission for a determination of status under sections 2(a)(7) and 2(a)(8) of the Public Utility Holding Company Act of 1935 ("Act").

All interested persons are referred to the joint application on file at the office of the Commission for a statement of the grounds of the application and the facts submitted in support thereof, which are summarized as follows:

Southwestern is an electric-utility company operating in Arkansas and Oklahoma. Arklahoma is an electric transmission company all of whose facilities are located in Arkansas and Oklahoma. Southwestern owns 32 percent of the capital stock of Arklahoma. Arkansas Power & Light Company ("Arkansas") and Oklahoma Gas and Electric Company ("Oklahoma"), neither of which is affiliated with Southwestern or with each other, each owns 34 percent of Arklahoma's capital stock.

Arklahoma's only physical asset is an electric transmission line which is employed to exchange firm and economy energy among the three stockholder companies and each of the stockholder companies hold a lease, terminating in 1977, on the line. The line is also subject to $2,288,000 principal amount, as at December 31, 1959, of first mortgage bonds due 1977.

Arklahoma requests a determination pursuant to section 2(a)(8) of the Act that it is not a subsidiary company as to Southwestern. Southwestern requests a determination pursuant to section 2(a)(7) of the Act that it is not a holding company as to Arklahoma, and Central and South West Corporation, the owner of 100 percent of the common (voting) stock of Southwestern and a registered holding company as to Southwestern by virtue of that fact, has joined in the application to request a determination under section 2(a)(7) that it also is not a holding company as to Arklahoma.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a public hearing be held with respect to the joint application for a determination of status under section 2(a)(7) and 2(a)(8) of the Act and that such joint application should not be granted except pursuant to further order of the Commission:

*It is ordered,* That a hearing be held on April 13, 1961, at 10:00 a.m. at the offices of the Commission, 425 Second Street NW., Washington 25, D.C., in such room as may be designated on that date by the hearing room clerk. Any person desiring to be heard in connection with these proceedings or proposing to intervene therein shall file with the Secretary of the Commission, on or before March 31, 1961, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice.

*It is further ordered,* That William W. Swift or any other officer or officers of the Commission designated by it shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18(c) of said Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it appears to the Division that the following matters and questions are presented for consideration, without prejudice to the specification by the Commission of additional matters and questions upon appropriate request by any interested person.

1. Whether Southwestern (a) does not, either alone or pursuant to an arrangement or understanding with one or more other persons control Arklahoma; and (b) is not an intermediary company through which such control is exercised, and (c) does not exercise (either alone or pursuant to an arrangement or understanding with one or more other persons) such a controlling influence over the management or policies of Arklahoma as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that Southwestern be subject to the obligations, duties, and liabilities imposed by the Act upon holding companies.

2. Whether Central and South West does not (a) either alone or pursuant to an arrangement or understanding with one or more other persons control Arklahoma either through one or more intermediary persons or by any means or device whatsoever and (b) directly or indirectly, exercise (either alone or pursuant to an arrangement or understanding with one or more other persons) such a controlling influence over the management or policies of Arklahoma as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that Central and South West be subject to the obligations, duties, and liabilities imposed upon holding companies by the Act.

3. Whether (a) Arklahoma is not controlled, directly or indirectly, by Southwestern (either alone or pursuant to an arrangement or understanding with one or more other persons), and (b) the management or policies of Arklahoma are not subject to a controlling influence, directly or indirectly, by Southwestern (either alone or pursuant to an arrangment or understanding with one or more other persons) so as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that the applicant be subject to the obligations, duties, and liabilities imposed upon subsidiary companies of holding companies by the Act.

*It is further ordered,* That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in this proceeding and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

*It is further ordered,* That notice of this action taken herein shall be given by registered mail to Arklahoma, Southwestern, and Central and South West; and that notice shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER, and that a general release of the Commission in respect of this notice and order shall be distributed to the press and mailed to the persons on the mailing list of the Commission for releases under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-1640; Filed, Feb. 24, 1961; 8:47 a.m.]



[File No. 24W-2420]

## CUSTER CHANNEL WING CORP.

### Notice and Order for Hearing

FEBRUARY 20, 1961.

I. Custer Channel Wing Corporation, a Maryland corporation, with its principal offices located at 1905 West Washington Street, Hagerstown, Maryland, filed with the Commission on August 8, 1960, a notification on Form 1-A and an offering circular pertaining to a proposed offering by the issuer of 461,700 shares of its 5 cent par value Class B non-voting common stock at 50 cents per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on December 29, 1960 issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

*It is hereby ordered,* That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission be held at the Main Office of the Commission, 425 Second Street NW., Washington 25, D.C., at 10:00 a.m., e.s.t., April 25, 1961, with respect to the following matters and questions, wtihout prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether Regulation A is unavailable in that the aggregate offering price of the securities to be offered, as computed in accordance with Rule 253 and Rule 254, will exceed $300,000.

B. Whether the offering circular contains false and misleading statements as to material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The statement that the business of the corporation is the development, manufacture and marketing of aircraft embodying a new form of wing design;

2. The reference to the wing design as "new" when in fact it has been proposed and under development since 1939 or 1940;

3. The failure to point out that the proposed aircraft has been under development by the issuer, its predecessors and subsidiaries for more than fifteen years, and to furnish the history of such development in reasonable detail;

4. The failure to disclose that during the fifteen-year period substantial sums aggregating several hundred thousand dollars were raised through the sale of securities;

5. The failure to indicate how such sums were expended and the reasons why such expenditures have not yet resulted in a fully developed and salable aircraft;

6. The failure to describe the patents pertaining to the wing and to furnish the expiration dates thereof;

7. The failure to disclose that prior applications filed with the predecessor of the Federal Aviation Agency in March 1953 and June 1954 were not completed and have since been abandoned;

8. The failure to furnish an estimate of the amount which would be required to file, process and obtain an Approved Type Certificate, for the aircraft proposed to be manufactured, from the Federal Aviation Agency;

9. The statement that the estimated cost of flight testing and revising and completing engineering drawings is in the amounts of $5,000 and $15,000, respectively;

10. The statement that the break-even point will be reached at approximately the fifteenth aircraft produced;

11. The statement that the company has "firm" orders for twenty aircraft;

12. The statement that the amount of $208,850 will be enough to commence actual manufacture of aircraft to fill outstanding orders;

13. The failure to describe the issuer's previous unsuccessful efforts to market the aircraft, particularly to the military;

14. The failure to point out that the aircraft has been demonstrated to the military and that no interest was shown or orders obtained;

15. The failure to disclose that the market price of the Class B Stock is substantially lower than the public offering price;

16. The failure to provide financial statements in the offering circular which were prepared in accordance with generally accepted accounting principals.

C. Whether the terms and conditions of Regulation A have not been complied with in that:

1. The notification on Form 1-A fails to disclose that Willard R. Custer, president of the issuer, was an affiliate and was the beneficial owner of more than 10 percent of issued and outstanding securities pursuant to Item 2(b) and Item 2(c);

2. The failure to disclose the specific jurisdictions in which the offering will be made as required by Item 8(c) of the notification;

3. The failure to furnish the exhibits required by Item 11(a) of the notification.

D. Whether the offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is further ordered,* That William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the power

granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

*It is further ordered*, That the Secretary of the Commission shall serve a copy of this order by registered mail to Custer Channel Wing Corporation; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Secretary of the Commission on or before April 23, 1961 a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-1641; Filed, Feb. 24, 1961; 8:47 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

[Bureau Order 551, Amdt. 68]

## LEASES OR SALES OF UNRESTRICTED INDIAN LAND TO OR FROM INDIAN EMPLOYEES OF U.S. GOVERNMENT

### Redelegation of Authority

Order No. 551, as amended, is further amended by adding a new section under the heading "Functions Relating to Trading With Indians" to read as follows:

SEC. 172. *Leases or sales of restricted Indian land to or from Indian employees of the United States Government.* Waiving of requirement of sealed bids pursuant to 25 CFR 251.5(c).

H. REX LEE,
*Deputy Commissioner.*

FEBRUARY 15, 1961.

[F.R. Doc. 61-1636; Filed, Feb. 24, 1961; 8:45 a.m.]

## Geological Survey

[Survey Order 214; Amdt. 1]

## REDELEGATION OF AUTHORITY TO ENTER INTO CONTRACTS

FEBRUARY, 17, 1961.

Survey Order 214, July 30, 1959 (24 F.R. 6318) is amended as follows:

Category (6) is added to that order as follows:

(6) With respect to contracts for test drilling and construction not exceeding $1,000, to:

Heads of Field Offices,
Water Resources Division.

ARTHUR A. BAKER,
*Acting Director.*

[F.R. Doc. 61-1639; Filed, Feb. 24, 1961; 8:47 a.m.]



## Office of the Secretary

## CATAWBA INDIAN TRIBE OF SOUTH CAROLINA

### Notice of Final Membership Roll

Pursuant to section 1 of the Act of September 21, 1959 (73 Stat. 592), there is listed below the final roll of the members of the Catawba Indian Tribe of South Carolina who were living on July 2, 1960.

There were no appeals filed with the Secretary contesting the inclusion or omission of the name of any person on or from the proposed roll of the Tribe as prepared and displayed.

FEBRUARY 7, 1961

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

FINAL ROLL OF THE CATAWBA INDIAN TRIBE OF SOUTH CAROLINA

Prepared pursuant to the Act of Sept. 21, 1959 (73 Stat. 592)

| Roll No. Final | Roll No. Proposed | Roll No. 1943 | Name | Address | Sex | Date of birth | Remarks—Name and roll No. of parent on 1943 roll |
|---|---|---|---|---|---|---|---|
| 1 | 1 | 2 | Adams, Clarence Roddey | 339 Park Ave., Rock Hill, S.C. | M | 7-26-42 | |
| 2 | 2 | ..... | Adams, Dewey Lee | ....do | M | 5-24-49 | Adams, Mammie—5. |
| 3 | 3 | 1 | Adams, Franklyn Douglas. | ....do | M | 7- 4-43 | |
| 4 | 4 | ..... | Adams, James Robert | ....do | M | 9-18-47 | Do. |
| 5 | 5 | ..... | Adams, Jane Carol | ....do | F | 9- 2-45 | Do. |
| 6 | 6 | 5 | Adams, Mammie | ....do | F | 9-18-12 | |
| 7 | 7 | 3 | Adams, Margaret Josephine. | ....do | F | 5-29-39 | |
| 8 | 8 | 4 | Adams, Nelson Judson | ....do | M | 11-10-40 | |
| 9 | 9 | ..... | Ayers, Avery Stuart | Route 3, Box 224, Rock Hill, S.C. | M | 8-27-47 | Ayers, Sarah Lee Sanders—260, and Ayers, Hasel Ervin—10. |
| 10 | 10 | 6 | Ayers, Claude Kenneth | 5 Pitts Ave., Rock Hill, S.C. | M | 6- 8-30 | |
| 11 | 11 | ..... | Ayers, Debra Kay | ....do | F | 5-15-57 | Ayers, Claude Kenneth—6. |
| 12 | 12 | ..... | Ayers, Ernest, Jr | 302 Flat Rock St., Clover, S.C. | M | 5- 9-56 | Ayers, Ernest Wade—8. |
| 13 | 13 | 8 | Ayers, Ernest Wade | ....do | M | 3-12-27 | |
| 14 | 14 | 10 | Ayers, Hazel Ervin | Route 3, Box 224, Rock Hill, S.C. | M | 1-27-24 | |
| 15 | 15 | ..... | Ayers, Jane Dilling | 302 Flat Rock St., Clover, S.C. | F | 7- 3-57 | Do. |
| 16 | 16 | 12 | Ayers, John | Route 1, Catawba, S.C. | M | 11-27-22 | |
| 17 | 17 | ..... | Ayers, Johnny Nelson | ....do | M | 1-31-53 | Ayers, John—12. |
| 18 | 18 | ..... | Ayers, Marilyn Ann | ....do | F | 9-28-59 | Do. |
| 19 | 19 | ..... | Ayers, Ralph Lewis | ....do | M | 11-16-55 | Do. |
| 20 | 20 | 11 | Ayers, Robert Heber | Route 3, Rock Hill, S.C. | M | 10- 5-01 | |
| 21 | 21 | ..... | Ayers, Roger Dale | Box 585, Blacksburg, S.C. | M | 4-22-59 | Ayers, Fred (William Frell)—9. |
| 22 | 22 | 260 | Ayers, Sarah Lee Sanders | Route 3, Box 224, Rock Hill, S.C. | F | 8-22-19 | |
| 23 | 23 | ..... | Ayers, Vivian Marie | Route 1, Catawba, S.C. | F | 10-29-51 | Ayers, John—12. |
| 24 | 24 | ..... | Ayers, William Frell, Jr. | Box 585, Blacksburg, S.C. | M | 10-31-47 | Ayers, Fred (William Frell)—9. |
| 25 | 25 | 9 | Ayers, William Frell (Fred). | ....do | M | 1-22-25 | |
| 26 | 26 | ..... | Beck, Donna B | Route 3, Rock Hill, S.C. | F | 9-28-57 | Beck, Lillie—19. |
| 27 | 27 | ..... | Beck, Duane Early | 1726 Nicholson Ave., Rock Hill, S.C. | M | 8-26-50 | Beck, Eugene—15. |
| 28 | 28 | 14 | Beck, Eugene, Jr | ....do | M | 8-21-43 | |
| 29 | 29 | 15 | Beck, Eugene | ....do | M | 7-30-20 | |
| 30 | 30 | 16 | Beck, Fletcher Buck, Jr | Route 3, Rock Hill, S.C. | M | 6- 3-27 | |
| 31 | 31 | 17 | Beck, Gerald Leon | ....do | M | 1- 7-43 | |
| 32 | 32 | 18 | Beck, Helen | ....do | F | 12- 5-20 | |
| 33 | 33 | ..... | Beck, John C | ....do | M | 3-12-57 | Beck, W. H. (Major, Jr.)—22. |
| 34 | 34 | 19 | Beck, Lillie | ....do | F | 12- 5-41 | |
| 35 | 35 | 21 | Beck, Lulla S | ....do | F | 5- 3-05 | |
| 36 | 36 | 23 | Beck, Phyllis | ....do | F | 1-28-40 | |
| 37 | 37 | ..... | Beck, Ronald Lee | 1726 Nicholson Ave., Rock Hill, S.C. | M | 1-12-47 | Beck, Eugene—15. |
| 38 | 38 | ..... | Beck, Roderick Neil | Route 3, Rock Hill, S.C. | M | 11-18-46 | Beck, Helen—18, and Beck, Samuel John—27. |
| 39 | 39 | 25 | Beck, Sallie | Route 3, Box 211, Rock Hill, S.C. | F | 9-23-93 | |
| 40 | 40 | 27 | Beck, Samuel John | Route 3, Rock Hill, S.C. | M | 2-12-16 | |
| 41 | 41 | ..... | Beck, Samuel Mitchell | ....do | M | 1- 3-44 | Do. |
| 42 | 42 | ..... | Beck, Sandra Marlene | 1726 Nicholson Ave., Rock Hill, S.C. | F | 9-24-48 | Beck, Eugene—15. |
| 43 | 43 | ..... | Beck, Shasta Ilene | Route 3, Rock Hill, S.C. | F | 1-22-50 | Beck, Helen—18, and Beck, Samuel John—27. |
| 44 | 44 | ..... | Beck, Tommy Rae | 1726 Nicholson Ave., Rock Hill, S.C. | M | 4-25-58 | Beck, Eugene—15. |
| 45 | 45 | 22 | Beck, W. H. (Major, Jr.) | Route 3, Rock Hill, S.C. | M | 9-27-29 | |
| 46 | 46 | 35 | Blue, Andrew Gene | ....do | M | 7-20-38 | |
| 47 | 47 | 29 | Blue, Arnold | Route 3, Box 223, Rock Hill, S.C. | M | 6- 9-46 | Blue, Lillian Harris—184, and Blue, Arnold—29. |
| 48 | 48 | ..... | Blue, Arnold, Jr | ....do | M | 6- 9-46 | Do. |
| 49 | 49 | 156 | Blue, Betty Lou Harris | ....do | F | 3-31-34 | |
| 50 | 50 | 32 | Blue, Bobby Everette | 871 McNair St., Rock Hill, S.C. | M | 3-13-35 | |



FINAL ROLL OF THE CATAWBA INDIAN TRIBE OF SOUTH CAROLINA—Continued

| Roll No. Final | Roll No. Proposed | Roll No. 1943 | Name | Address | Sex | Date of birth | Remarks—Name and roll No. of parent on 1943 roll |
|---|---|---|---|---|---|---|---|
| 51 | 51 | ..... | Blue, Carson Taylor | Route 3, Box 43, Rock Hill, S.C. | M | 3-17-44 | |
| 52 | 52 | 33 | Blue, Doris Belle | Route 3, Rock Hill, S.C. | F | 1-14-05 | |
| 53 | 53 | 34 | Blue, Eva | ....do | F | 6- 7-10 | |
| 54 | 54 | 40 | Blue, Frederick Nelson | Route 4, Box 44, Rock Hill, S.C. | M | 10-25-80 | |
| 55 | 55 | ..... | Blue, Gail B | Route 3, Rock Hill, S.C. | F | 11-30-47 | Blue, Eva—34, and Blue, Guy—37. |
| 56 | 56 | 36 | Blue, Gilbert | ....do | M | 12- 5-23 | |
| 57 | 57 | 37 | Blue, Guy | ....do | M | 12- 3-11 | |
| 58 | 58 | 38 | Blue, Guy Leslie | ....do | M | 1- 8-41 | |
| 59 | 59 | 40 | Blue, Harry Reid | Route 3, Box 43, Rock Hill, S.C. | M | 4-26-30 | Blue, Henry LeRoy—44. |
| 60 | 60 | ..... | Blue, Henry LeRoy | ....do | M | 8-23-47 | |
| 61 | 61 | 44 | Blue, Herbert | Route 3, Box 42, Rock Hill, S.C. | M | 8-14-07 | |
| 62 | 62 | 41 | Blue, Herbert Roosevelt | ....do | M | 4-25-08 | |
| 63 | 63 | 42 | Blue, Hester, Louise | Route 3, Box 223, Rock Hill, S.C. | M | 2-12-27 | |
| 64 | 64 | 46 | Blue, Jeanette | ....do | F | 2- 7-33 | |
| 65 | 65 | 39 | Blue, Kelly La Brian | Route 3, Rock Hill, S.C. | M | 8-31-38 | Blue, Betty Lou Harris—156, and Blue, Bobby Everette—32. |
| 66 | 66 | ..... | Blue, Lillian | 871 McNair St., Rock Hill, S.C. | F | 3-12-60 | |
| 67 | 67 | 184 | Blue, Lillian | Route 3, Box 223, Rock Hill, S.C. | F | 8-27-25 | |
| 68 | 68 | ..... | Blue, Malinda Darlene | 732 Laurel St., Rock Hill, S.C. | F | 10-22-58 | Blue, Randall Lavone—43. |
| 69 | 69 | 43 | Blue, Mildred | Route 3, Rock Hill, S.C. | F | 8- 4-22 | |
| 70 | 70 | ..... | Blue, Nathan Taylor | Route 3, Box 223, Rock Hill, S.C. | M | 6-29-55 | Blue, Lillian Harris—184, and Blue, Arnold—29. |
| 71 | 71 | 51 | Blue, Priellia (Priscilla) | Route 3, Box 43, Rock Hill, S.C. | F | 10-24-39 | |
| 72 | 72 | 43 | Blue, Randall Lavon | 732 Laurel St., Rock Hill, S.C. | M | 12-20-33 | |
| 73 | 73 | 28 | Blue, Sam Andrew | Route 3, Rock Hill, S.C. | M | 1-16-00 | Died Sept. 18, 1960. |
| 74 | 74 | 53 | Blue, Shirley | Route 3, Box 43, Rock Hill, S.C. | F | 9-28-41 | |
| 75 | 75 | ..... | Blue, Toy June | Route 3, Rock Hill, S.C. | F | 12-21-43 | Blue, Eva—34, and Blue, Guy—37. |
| 76 | 76 | ..... | Bodiford, Hazel Dewey | 68 West Rutger St., Pontiac, Mich. | M | 7- 1-53 | Garland, Hazel F. Bodiford—131. |
| 77 | 230 | ..... | Bodiford, Margaret Faye | Route 1, Fort Lawn, S.C. | F | 5-16-30 | On 1943 roll as Robbins, Fay. |
| 78 | 78 | ..... | Branham, Angela Renee | Route 4, Box 454, Rock Hill, S.C. | F | 4-27-58 | Branham, Cynthia Ann Fox—101. |
| 79 | 79 | ..... | Branham, Barbara Jean | Route 4, Box 448C, Rock Hill, S.C. | F | 6- 7-54 | Branham, Josephine Foxx—106. |
| 80 | 80 | ..... | Branham, Betty Joe | ....do | F | 7-20-47 | Do. |
| 81 | 101 | ..... | Branham, Cynthia Ann Fox | Route 4, Box 454, Rock Hill, S.C. | F | 2-13-42 | Shown on 1943 roll as Fox, Baby. |
| 82 | 106 | ..... | Branham, Josephine Foxx | Route 4, Box 448C, Rock Hill, S.C. | F | 8-10-29 | |
| 83 | 83 | ..... | Brindle, Carl | 31 Lincoln St., York, S.C. | M | 1-20-48 | Brindle, Missouria—58. |
| 84 | 84 | 55 | Brindle, Francis | ....do | F | 3- 1-43 | |
| 85 | 85 | ..... | Brindle, Frank Wayne | ....do | M | 5-28-40 | Do. |
| 86 | 86 | ..... | Brindle, Jessie Harris | P.O. Box 261, York, S.C. | F | 6-23-40 | Do. |
| 87 | 179 | ..... | Brindle, Jessie Lee | 538 Oakland Ave., Charlotte, N.C. | F | 6- 2-06 | |
| 88 | 88 | ..... | Brindle, Jesse Roy | 31 Lincoln St., York, S.C. | M | 10-13-30 | |
| 89 | 57 | ..... | Brindle, Melvin Lester | ....do | M | 7-22-41 | Do. |
| 90 | 58 | ..... | Brindle, Missouria | ....do | F | 4-23-21 | Brown, William—78, and Brown, Ruby Ayers—13. |
| 91 | 91 | ..... | Brindle, Walter A | ....do | M | 8-20-46 | |
| 92 | 92 | ..... | Brown, Anna Marie | Route 3, Box 215, Rock Hill, S.C. | F | 11-23-58 | Do. |
| 93 | 93 | ..... | Brown, Bobby Norman | ....do | M | 6-23-49 | Brown, Leola—60. |
| 94 | 94 | ..... | Brown, David Lee | Route 1, Box 189, York, S.C. | M | 1-17-58 | |
| 95 | 95 | 60 | Brown, Donald L | 1017 Chandler Dr., Rock Hill, S.C. | M | 3-21-35 | |
| 96 | 96 | ..... | Brown, Donald Richard | ....do | M | 1-19-56 | Brown, Donald—60. |
| 97 | 97 | 61 | Brown, Early | Route 3, Rock Hill, S.C. | M | 1-26-01 | |
| 98 | 98 | 62 | Brown, Edith B. Harris | 743 North Jones Ave., Rock Hill, S.C. | F | 6-13-03 | |
| 99 | 99 | 63 | Brown, Edna | Route 3, Box 215, Rock Hill, S.C. | F | 5-14-11 | |
| 100 | 100 | 64 | Brown, Edward | 720 Cedar St., Rock Hill, S.C. | M | 12- 8-11 | |
| 101 | 101 | 65 | Brown, Emma | C2 Gonzales Gardens, Columbia, S.C. | F | 6- 6-89 | |
| 102 | 102 | 66 | Brown, George | Route 3, Rock Hill, S.C. | M | 9-16-14 | |
| 103 | 103 | ..... | Brown, Harold Dean | Route 1, Box 189, York, S.C. | M | 12-17-54 | Brown, Leola—60. |
| 104 | 104 | ..... | Brown, Hazel Edward | 1090 Chandler Dr., Rock Hill, S.C. | M | 11- 7-43 | Brown, Mary Ann Ayers—71, and Brown, Richard—76. |
| 105 | 105 | ..... | Brown, Helen Mae | Route 1, Box 189, York, S.C. | F | 4-30-44 | Brown, Leola—60. |
| 106 | 106 | ..... | Brown, John Samuel | ....do | M | 10-13-47 | Do. |
| 107 | 69 | ..... | Brown, Leola | 1090 Chandler Dr., Rock Hill, S.C. | F | 8-29-19 | Brown, Mary Ann Ayers—71, and Brown, Richard—76. |
| 108 | 108 | ..... | Brown, Lewis Herman | ....do | M | 5- 9-46 | |
| 109 | 109 | ..... | Brown, Lillian Ann | 720 Cedar St., Rock Hill, S.C. | F | 11-27-46 | Brown, Edward—64. |
| 110 | 110 | ..... | Brown, Linda Gail | Route 1, Box 189, York, S.C. | F | 1-22-57 | Brown, Leola—60. |
| 111 | 111 | ..... | Brown, Martha Sue | 1090 Chandler Dr., Rock Hill, S.C. | F | 1-20-49 | Brown, Mary Ann Ayers—71, and Brown, Richard—76. |
| 112 | 112 | ..... | Brown, Mary Ann Ayers | ....do | F | 6-11-18 | Brown, Leola—60. |
| 113 | 113 | ..... | Brown, Mickie Edward | ....do | M | 9-18-51 | |
| 114 | 114 | ..... | Brown, Myra Edith | Route 3, Box 215, Rock Hill, S.C. | F | 11-26-59 | Brown, William—78, and Brown, Ruby Ayers—13. |
| 115 | 115 | ..... | Brown, Nancy Mae | ....do | F | 6- 5-47 | Do. |
| 116 | 73 | ..... | Brown, Otis Roddy | 1090 Chandler Dr., Rock Hill, S.C. | M | 11-14-41 | |
| 117 | 117 | ..... | Brown, Owen Keith | Route 3, Box 215, Rock Hill, S.C. | M | 3-23-61 | Do. |
| 118 | 118 | ..... | Brown, Patricia | Route, St. Andrews Terr., Columbia, S.C. | F | 9- 7-59 | Brown, Viola Robbins Martin—234. |
| 119 | 119 | ..... | Brown, Patricia Lucille | Route 1, Box 189, York, S.C. | F | 12-12-49 | Brown, Leola—60. |
| 120 | 120 | ..... | Brown, Rachel Wysle | Route 3, Box 215, Rock Hill, S.C. | F | 8-22-73 | Died Sept. 20, 1960. |
| 121 | 121 | ..... | Brown, Reba Maxine | ....do | F | 11- 7-53 | Brown, William—78, and Brown, Ruby Ayers—13. |
| 122 | 122 | ..... | Brown, Richard | 1090 Chandler Dr., Rock Hill, S.C. | M | 8-21-10 | |
| 123 | 123 | ..... | Brown, Roy | Route 3, Box 216, Rock Hill, S.C. | M | 1-28-06 | |
| 124 | 13 | ..... | Brown, Ruby Ayers | Route 3, Box 215, Rock Hill, S.C. | F | 8- 4-28 | |
| 125 | 125 | ..... | Brown, Ruth Ann | Route 1, Box 189, York, S.C. | F | 1-25-46 | Brown, Leola—60. |
| 126 | 126 | ..... | Brown, Teresa Diane | 1017 Chandler Dr., Rock Hill, S.C. | F | 8-29-58 | Brown, Donald—60. |
| 127 | 127 | ..... | Brown, Tommy Clyde | Route 1, Box 189, York, S.C. | M | 10-18-53 | Brown, Leola—60. |
| 128 | 128 | ..... | Brown, Vanessa Lee | Route 3, Box 215, Rock Hill, S.C. | F | 11-20-55 | Brown, William—78, and Brown, Ruby Ayers—13. |
| 129 | 129 | ..... | Brown, Velma Irene | ....do | F | 6-12-57 | Do. |
| 130 | 130 | 234 | Brown, Viola Robbins Martin | Route, St. Andrews Terr., Columbia, S.C. | F | 9-17-25 | Brown, Leola—60. |

FINAL ROLL OF THE CATAWBA INDIAN TRIBE OF SOUTH CAROLINA—Continued

| Roll No. Final | Roll No. Proposed | Roll No. 1943 | Name | Address | Sex | Date of birth | Remarks—Name and roll No. of parent on 1943 roll |
|---|---|---|---|---|---|---|---|
| 131 | 131 | 78 | Brown, William | Route 3, Box 215, Rock Hill, S.C. | M | 1-28-05 | |
| 132 | 132 | ------ | Brown, William Clifford | 1017 Chandler Dr., Rock Hill, S.C. | M | 3- 1-57 | Brown, Donald—60. |
| 133 | 133 | ------ | Brown, William Larry | Route 3, Box 215, Rock Hill, S.C. | M | 1-12-54 | Brown, William—78, and Brown, Ruby Ayers—13. |
| 134 | 134 | ------ | Bryson, Janet Renee | Route 3, Rock Hill, S.C | F | 12-22-56 | Bryson, Thelma Louise Beck—20. |
| 135 | 135 | 157 | Bryson, Myrtle Blanche Harris. | Route 3, Box 225, Rock Hill, S.C. | F | 11-23-26 | |
| 136 | 136 | 20 | Bryson, Thelma Louise Beck. | Route 3, Rock Hill, S.C | F | 8-15-31 | |
| 137 | 137 | ------ | Bryson, Virgil Stanley H. | Route 3, Box 225, Rock Hill, S.C. | M | 1-11-48 | Bryson, Myrtle Blanche Harris—157. |
| 138 | 138 | ------ | Burns, James Vernon | Box 282, Aztec, N. Mex | M | 9- 5-45 | Burns, Lizzie Jane Brown—70. |
| 139 | 139 | 70 | Burns, Lizzie Jane Brown | do | F | 8-21-27 | |
| 140 | 140 | ------ | Cabaniss, Elizabeth Kay | Route 3, Box 38, Rock Hill, S.C. | F | 9- 7-49 | Cabaniss, Marcille (Marcel) Blue—47. |
| 141 | 141 | 47 | Cabaniss, Marcille (Marcel) Blue. | do | F | 2-15-24 | |
| 142 | 142 | ------ | Cabaniss, William Forrest, Jr. | do | M | 8-23-47 | Do. |
| 143 | 143 | ------ | Campbell, Edwin Lee | Route 3, Box 135, Rock Hill, S.C. | M | 12-24-54 | Campbell, Nola L. Harris—195. |
| 144 | 144 | 195 | Campbell, Nola L. Harris | do | F | 5- 2-18 | |
| 145 | 145 | ------ | Campbell, Retta Fay | do | F | 11- 3-56 | Do. |
| 146 | 146 | ------ | Canty, Alene Fernn | 534 Hudson St., Rock Hill, S.C. | F | 5-13-53 | Canty, Allan—80, and Canty, Ella—86. |
| 147 | 147 | 79 | Canty, Alice Elaine | do | F | 6-29-40 | |
| 148 | 148 | 80 | Canty, Allan | do | M | 9-18-11 | |
| 149 | 149 | ------ | Canty, Allie Mae | do | F | 3-16-48 | Do. |
| 150 | 150 | 81 | Canty, Alonzo George | Route 3, Box 218, Rock Hill, S.C. | M | 2-26-07 | |
| 151 | 151 | ------ | Canty, Alonzo, Jr. | do | M | 12- 5-45 | Canty, Alonzo George—81. |
| 152 | 152 | ------ | Canty, Alvin B. | Route 3, Rock Hill, S.C. | M | 2-13-44 | Canty, Artie Jane—82, and Canty, Henry—87. |
| 153 | 153 | ------ | Canty, Anita | do | F | 11-17-59 | Canty, Huey—89. |
| 154 | 154 | ------ | Canty, Anthony Scott | do | M | 6-18-56 | Canty, Thelma George—147. |
| 155 | 155 | 82 | Canty, Artie Jane | do | F | 3-21-15 | |
| 156 | 156 | 83 | Canty, Billie | do | M | 3-26-16 | |
| 157 | 157 | ------ | Canty, Billie Ann | do | F | 11-12-45 | Canty, Billie—83, and Canty, Catherine Sanders—84. |
| 158 | 158 | ------ | Canty, Betty Corine | Route 3, Box 218, Rock Hill, S.C. | F | 4-22-52 | Canty, Alonzo George—81. |
| 159 | 159 | ------ | Canty, Bobby D. | Route 3, Rock Hill, S.C. | M | 8- 1-57 | Canty, Artie Jane—82, and Canty, Henry—87. |
| 160 | 160 | 84 | Canty, Catherine Sanders | do | F | 2-11-17 | |
| 161 | 161 | ------ | Canty, Cathy | do | F | 2-20-52 | Canty, Huey—89, |
| 162 | 162 | 85 | Canty, Cecil Ray | 534 Hudson St., Rock Hill, S.C. | M | 8-17-35 | |
| 163 | 163 | ------ | Canty, Cindy | Route 3, Rock Hill, S.C. | F | 8-19-53 | Do. |
| 164 | 164 | ------ | Canty, Clifford Troy | do | M | 11-28-46 | Canty, Billie—83, and Canty, Catherine Sanders—84. |
| 165 | 165 | ------ | Canty, Dean | Route 3, Box 213-B, Rock Hill, S.C. | M | 11-22-51 | Canty, Heyward Jackson—88. |
| 166 | 166 | ------ | Canty, Eddie Henderson | 534 Hudson St., Rock Hill, S.C. | M | 5- 6-50 | Canty, Allan—80, and Canty, Ella—86. |
| 167 | 167 | ------ | Canty, Edwin Bruce | Route 3, Box 218, Rock Hill, S.C. | M | 10-10-50 | Canty, Alonzo George—81. |

FINAL ROLL OF THE CATAWBA INDIAN TRIBE OF SOUTH CAROLINA—Continued

| Roll No. Final | Roll No. Proposed | Roll No. 1943 | Name | Address | Sex | Date of birth | Remarks—Name and roll No. of parent on 1943 roll |
|---|---|---|---|---|---|---|---|
| 168 | 168 | ------ | Canty, Elizabeth Jane | 534 Hudson St., Rock Hill, S.C. | F | 1-17-52 | Canty, Allan—80, and Canty, Ella—86. |
| 169 | 169 | 86 | Canty, Ella | do | F | 8-21-15 | |
| 170 | 170 | ------ | Canty, Ella Rich | do | F | 4-11-54 | Do. |
| 171 | 171 | ------ | Canty, Ellen | Route 3, Box 213-B, Rock Hill, S.C. | F | 10-27-57 | Canty, Heyward Jackson—88. |
| 172 | 172 | ------ | Canty, Emily Elizabeth | Route 3, Rock Hill, S.C. | F | 11- 1-52 | Canty, Artie Jane—82, and Canty, Henry—87. |
| 173 | 173 | ------ | Canty, Emma Geraldine | do | F | 2- 6-49 | Canty, Billie—83, and Canty, Catherine Sanders—84. |
| 174 | 174 | ------ | Canty, Eric Jerome | Route 3, Box 218, Rock Hill, S.C. | M | 8-20-55 | Canty, Alonzo George—81. |
| 175 | 175 | 87 | Canty, Henry | Route 3, Rock Hill, S.C. | M | 9- 8-11 | |
| 176 | 176 | 88 | Canty, Heyward Jackson | Route 3, Box 213-B, Rock Hill, S.C. | M | 1-15-27 | |
| 177 | 177 | ------ | Canty, Heyward, Jr. | do | M | 9- 1-47 | Canty, Heyward Jackson—88. |
| 178 | 178 | 89 | Canty, Huey | Route 3, Rock Hill, S.C. | M | 8-12-33 | |
| 179 | 179 | 90 | Canty, James Henry | do | M | 2-16-37 | |
| 180 | 180 | ------ | Canty, Jannie | do | F | 8-10-54 | Canty, Huey—89. |
| 181 | 181 | ------ | Canty, Judith Patricia | Route 3, Box 218, Rock Hill, S.C. | F | 12-15-47 | Canty, Alonzo George—81. |
| 182 | 182 | 91 | Canty, Lawrence | 534 Hudson St., Rock Hill, S.C. | M | 8-30-42 | |
| 183 | 183 | ------ | Canty, Leonard T. | Route 3, Rock Hill, S.C. | M | 11-26-46 | Canty, Artie Jane—82 and Canty, Henry—87. |
| 184 | 184 | ------ | Canty, Lisa Maria | do | F | 6- 2-58 | Canty, Thelma George—147. |
| 185 | 185 | ------ | Canty, Lynn | Route 3, Box 213-B, Rock Hill, S.C. | F | 6- 9-49 | Canty, Heyward Jackson—88. |
| 186 | 186 | ------ | Canty, Marion I. | Route 3, Rock Hill, S.C. | M | 12- 1-48 | Canty, Artie Jane—82, and Canty, Henry—87. |
| 187 | 187 | ------ | Canty, Reba Louise | 534 Hudson St., Rock Hill, S.C. | F | 3-28-56 | Canty, Allan—80, and Canty, Ella—86. |
| 188 | 188 | ------ | Canty, Robert Kirk | Route 3, Rock Hill, S.C. | M | 12-21-47 | Canty, Billie—83, and Canty, Catherine Sanders—84. |
| 189 | 189 | ------ | Canty, Roger B. | do | M | 4-21-54 | Canty, Artie Jane—82, and Canty, Henry—87. |
| 190 | 190 | ------ | Canty, Ronald | do | M | 12-21-56 | Canty, Heyward Jackson—88. |
| 191 | 191 | ------ | Canty, Rosemary | 534 Hudson St., Rock Hill, S.C. | F | 1- 2-45 | Canty, Allan—80, and Canty, Ella—86. |
| 192 | 192 | 147 | Canty, Thelma George | Route 3, Rock Hill, S.C. | F | 1-25-32 | |
| 193 | 193 | ------ | Canty, Theresa Diane | do | F | 5-12-51 | Canty, Artie Jane—82, and Canty, Henry—87. |
| 194 | 194 | ------ | Canty, Wallace Lee | Route 3, Box 218, Rock Hill, S.C. | M | 2-16-54 | Canty, Alonzo George—81. |
| 195 | 195 | 96 | Caponis, Constantine Elizabeth. | 5642 110th St., Jacksonville, Fla. | F | 5-30-42 | |
| 196 | 196 | 97 | Caponis, John Alvin | do | M | 2- 5-38 | |
| 197 | 197 | 98 | Caponis, Raina | do | F | 5-17-17 | |
| 198 | 198 | ------ | Carpenter, Chris Darrel | 605 College Ave., Rock Hill, S. C. | M | 1- 9-59 | Died Nov. 14, 1960—Son of Carpenter, Sadie—94. |
| 199 | 199 | 94 | Carpenter, Sadie | do | F | 4-27-36 | |

FINAL ROLL OF THE CATAWBA INDIAN TRIBE OF SOUTH CAROLINA—Continued

| Roll No. Final | Roll No. Proposed | Roll No. 1943 | Name | Address | Sex | Date of birth | Remarks—Name and roll No. of parent on 1943 roll |
|---|---|---|---|---|---|---|---|
| 200 | 200 | ------ | Caudle, Edward Chris | 502 North Jones Ave., Rock Hill, S.C. | M | 7-18-58 | Candle, Sylvia Blue—54. |
| 201 | 201 | ------ | Caudle, Jill Ronea | do | F | 5-24-57 | Do. |
| 202 | 202 | ------ | Caudle, Nickem James | do | M | 8- 4-59 | Do. |
| 203 | 203 | 54 | Caudle, Sylvia Blue | do | F | 4- 2-36 | |
| 204 | 204 | 181 | Cookson, Jewel Harris | 117 Leonard Dr., Cahokia, Ill. | F | 8-24-29 | |
| 205 | 205 | ------ | Cookson, Ricardo Harris | do | M | 10- 7-52 | Cookson, Jewel Harris—181. |
| 206 | 206 | ------ | Cookson, Shirley Lynn | do | F | 6- 4-50 | Do. |
| 207 | 207 | 221 | Cox, Angeline Petty | Route 3, Rock Hill, S.C. | F | 7-31-20 | |
| 208 | 208 | ------ | Davis, Cindy Phoebe L. | Route 3, Box 45-A, Rock Hill, S.C. | F | 10-24-57 | Davis, Francis L. G. H.—132. |
| 209 | 209 | 132 | Davis, Francis L. G. H. | do | F | 9- 6-27 | |
| 210 | 210 | ------ | Davis, Freddie D. Horne | do | M | 11- 9-49 | Do. |
| 211 | 211 | ------ | Davis, Jacqueline D. Horne. | do | F | 2- 6-47 | Do. |
| 212 | 212 | ------ | Davis, Lena May | do | F | 1- 9-56 | Do. |
| 213 | 213 | 118 | Ferrell, Alberta Lavinia | Route 3, Box 40-B, Rock Hill, S.C. | F | 8-30-29 | |
| 214 | 214 | ------ | Ferrell, Karen Denise | do | F | 4- 3-54 | Ferrell, Alberta Lavinia—118. |
| 215 | 215 | ------ | Ferrell, Kevin Lemar | do | M | 9-30-56 | Do. |
| 216 | 216 | ------ | Ferrell, Lorna Cecelia | do | F | 6- 7-55 | Do. |
| 217 | 217 | ------ | Ferrell, Marsha Francine | do | F | 2-10-50 | Do. |
| 218 | 218 | 109 | Foxx, Antonio B., Sr. | 202 South York Ave., Rock Hill, S.C. | M | 8-21-15 | |
| 219 | 219 | 110 | Foxx, Antonio B., Jr. | do | M | 7-20-40 | |
| 220 | 220 | 102 | Foxx, Charles W. | 504 South Webb St., West Gastonia, N.C. | M | 3-30-38 | |
| 221 | 221 | ------ | Foxx, Cora Lee | 336 Ebenezer Ave., Rock Hill, S.C. | F | 12- 5-47 | Foxx, Joe Basil—105. |
| 222 | 222 | ------ | Foxx, Cynthia Ann | do | F | 1-27-55 | Do. |
| 223 | 223 | 103 | Foxx, Earnest B. | 504 South Webb St., West Gastonia, N.C. | M | 7-16-17 | |
| 224 | 224 | 104 | Foxx, Jimmie Cox | do | M | 5-18-37 | |
| 225 | 225 | 105 | Foxx, Joe Basil | 336 Ebenezer Ave., Rock Hill, S.C. | M | 4-23-24 | |
| 226 | 226 | ------ | Foxx, Joe E. Basil | 202 South York Ave., Rock Hill, S.C. | M | 6-23-44 | Foxx, Antonio B., Sr.—109. |
| 227 | 227 | ------ | Foxx, Kimberly Dinesi | 504 South Webb St., West Gastonia, N.C. | M | 1- 4-59 | Foxx, Jimmie Cox—104. |
| 228 | 228 | ------ | Foxx, Lewis H. Basil | 202 South York Ave., Rock Hill, S.C. | M | 5-22-46 | Foxx, Antonio B., Sr.—109. |
| 229 | 229 | 107 | Foxx, Louis Russel | 504 South Webb St., West Gastonia, N.C. | M | 6-16-41 | |
| 230 | 230 | 108 | Foxx, Mary E. | Route 4, Box 448-C, Rock Hill, S.C. | F | 12-24-95 | |
| 231 | 231 | ------ | Foxx, Mary Delores | 202 South York Ave., Rock Hill, S.C. | F | 6-16-51 | Do. |
| 232 | 232 | ------ | Foxx, Ronald Guy | 504 South Webb St., West Gastonia, N.C. | M | 12-30-57 | Foxx, Jimmie Cox—104. |
| 233 | 233 | ------ | Foxx, Wm. C. Basil | 202 South York Ave., Rock Hill, S.C. | M | 10-18-42 | Foxx, Antonio B., Sr.—109. |
| 234 | 234 | ------ | Garcia, Barbara Annette | Route 3, Rock Hill, S.C. | F | 6-24-44 | Garcia, Betty Juanita—113, and Garcia, Edward Guy—116. |
| 235 | 235 | 111 | Garcia, Ben | Box 52, Sanford, Colo. | M | 12-23-11 | |
| 236 | 236 | 112 | Garcia, Ben, Jr., E. R. | do | M | 8-25-35 | |
| 237 | 237 | 113 | Garcia, Betty Juanita | Route 3, Rock Hill, S.C. | F | 12-13-24 | |
| 238 | 238 | 114 | Garcia, Bonnie | 1113 Blake St., Pueblo, Colo. | F | 6-12-37 | |
| 239 | 239 | 116 | Garcia, Edward Guy | Route 3, Rock Hill, S.C. | M | 9-15-14 | |
| 240 | 240 | 115 | Garcia, Fletcher Calvin | Box 52, Sanford, Colo. | M | 5-13-41 | |
| 241 | 241 | 117 | Garcia, Irene Beck | do | F | 5-19-18 | |
| 242 | 242 | ------ | Garcia, Velma Marlene | Route 3, Rock Hill, S.C. | F | 9- 5-53 | Do. |
| 243 | 243 | 131 | Garland, Hazel Faye B. | 86 West Rutgers St., Pontiac, Mich. | F | 11-19-35 | |
| 244 | 244 | 120 | George, Caroline Dinne | Route 3, Box 40-A, Rock Hill, S.C. | F | 8-23-41 | |
| 245 | 245 | 121 | George, Charles Lewis | 725 North Jones Ave., Rock Hill, S.C. | M | 7-30-32 | |

FINAL ROLL OF THE CATAWBA INDIAN TRIBE OF SOUTH CAROLINA—Continued

| Roll No. Final | Roll No. Proposed | Roll No. 1943 | Name | Address | Sex | Date of birth | Remarks—Name and roll No. of parent on 1943 roll |
|---|---|---|---|---|---|---|---|
| 246 | 246 | 122 | George, Claude Leonard | Route 1, York, S.C. | M | 6-30-33 | |
| 247 | 247 | ------ | George, Eddie Mac | 32 McClain St., York, S.C. | M | 4-11-48 | George, Maroni Taylor—142. |
| 248 | 248 | 124 | George, Elsie | Route 3, Box 39, Rock Hill, S.C. | F | 3-1-14 | |
| 249 | 249 | 125 | George, Ephraim D. | Route 3, Box 48, Rock Hill, S.C. | M | 7- 1-02 | |
| 250 | 250 | 127 | George, Evans McClure | 1 Barrow St., Rock Hill, S.C. | M | 12-29-05 | |
| 251 | 251 | 128 | George, Evans McClure, Jr. (Buck). | 1119 McDow Dr., Rock Hill, S.C. | M | 1-25-32 | |
| 252 | 252 | 129 | George, Evelyn Brown | 743 North Jones Ave., Rock Hill, S.C. | F | 2-17-14 | |
| 253 | 253 | ------ | George, Fannie Lavinia | Route 1, McConnellsville, S.C. | F | 6-10-56 | George, Lawrence Howard—135. |
| 254 | 254 | ------ | George, Flonnie Evelyn | do | F | 4- 1-55 | Do. |
| 255 | 255 | 146 | George, Hiram Qually | Route 3, Rock Hill, S.C. | M | 2-14-12 | |
| 256 | 256 | 177 | George, Isabel Harris | Route 3, Box 48, Rock Hill, S.C. | F | 2- 7-04 | |
| 257 | 257 | ------ | George, Jerry Lee | 1 Barrow St., Rock Hill, S.C. | M | 6- 8-53 | George, Mary Elane—123. |
| 258 | 258 | 137 | George, Joan Carol Jean | 743 North Jones Ave., Rock Hill, S.C. | F | 1-13-37 | |
| 259 | 259 | ------ | George, John Earlee | do | M | 1-28-46 | George, John Marvin—145, and George, Evelyn Brown—129. |
| 260 | 260 | 145 | George, John Marvin | do | M | 8-16-09 | |
| 261 | 261 | 139 | George, Landrum L. | Route 3, Box 39, Rock Hill, S.C. | M | 3-31-08 | |
| 262 | 262 | 140 | George, Lavern Randolph. | 1 Barrow St., Rock Hill, S.C. | M | 7- 9-42 | |
| 263 | 263 | 135 | George, Lawrence Howard. | Route 1, McConnellsville, S.C. | M | 9-26-31 | |
| 264 | 264 | ------ | George, Lewis Buntley | 725 North Jones Ave., Rock Hill, S.C. | M | 9- 7-59 | George, Charles Lewis—121. |
| 265 | 265 | 144 | George, Marion Phillips | 743 Jones Ave., Rock Hill, S.C. | M | 2-16-41 | |
| 266 | 266 | 141 | George, Maroni P. | Route 3, Rock Hill, S.C. | M | 8-21-84 | |
| 267 | 267 | 142 | George, Maroni Taylor | 32 McClain St., York, S.C. | M | 4-28-25 | |
| 268 | 268 | ------ | George, Marsha D. | Route 1, York, S.C. | F | 3-17-54 | George, Claude Leonard—122. |
| 269 | 269 | 123 | George, Mary Elane | 1 Barrow St., Rock Hill, S.C. | F | 4- 5-36 | |
| 270 | 270 | ------ | George, Peggy Jane | Route 1, McConnellsville, S.C. | F | 5- 1-60 | George, Lawrence Howard—135. |
| 271 | 271 | ------ | George, Phillip K. | Route 1, York, S.C. | M | 9- 8-55 | George, Claude Leonard—122. |
| 272 | 272 | ------ | George, Reta Sharon | Route 1, McConnellsville, S.C. | F | 3-31-58 | George, Lawrence Howard—135. |
| 273 | 273 | ------ | George, Rhonda K. | Route 1, York, S.C. | F | 8-28-58 | George, Claude Leonard—122. |
| 274 | 274 | ------ | George, Roger Wayne | 743 North Jones Ave., Rock Hill, S.C. | M | 9-30-48 | George, John Marvin—145 and George, Evelyn Brown—129. |
| 275 | 275 | ------ | George, Susan Maria | do | F | 6- 1-47 | Do. |
| 276 | 276 | ------ | George, Thomas Clark | 32 McClain St., York, S.C. | M | 12-14-57 | George, Maroni Taylor—142. |
| 277 | 277 | ------ | George, Thomas Howard | Route 1, McConnellsville, S.C. | M | 7-24-53 | George, Lawrence Howard—135. |
| 278 | 278 | ------ | George, Wenonah Kay | 1119 McDow Dr., Rock Hill, S.C. | F | 11-27-53 | George, Evans McClure, Jr. (Buck)—128. |
| 279 | 279 | 148 | Gordon, Eliza | Route 3, Rock Hill, S.C. | F | 4-30-02 | Died Nov. 16, 1960. |
| 280 | 280 | ------ | Graves, Cynthia Linn | 2011 Cherry Rd., Rock Hill, S.C. | F | 5-19-55 | Hamm, Patsy Blue Graves—50. |
| 281 | 281 | ------ | Green, Hal E. | 5136 Ponderosa Dr., Fayetteville, N.C. | M | 10-27-55 | Green, Joyce George—138. |
| 282 | 282 | 138 | Green, Joyce George | do | F | 1-27-37 | |
| 283 | 283 | ------ | Green, Shelly Marine | do | F | 3-16-57 | Do. |

FINAL ROLL OF THE CATAWBA INDIAN TRIBE OF SOUTH CAROLINA—Continued

| Roll No. Final | Roll No. Proposed | 1943 | Name | Address | Sex | Date of birth | Remarks—Name and roll No. of parent on 1943 roll |
|---|---|---|---|---|---|---|---|
| 220 | 220 | ------ | Harris, Dale Wallace | Route 3, Rock Hill, S.C. | M | 1-29-56 | Gunn, Lou Ella Jane Canty—92. |
| 221 | 221 | ------ | Harris, Darrel Kent | Box 51, Rock Hill, S.C. | M | 4- 6-53 | Gunn, Nellie Fay Canty—93. |
| 222 | 222 | 162 | Harris, David Adams | Route 3, Box 216, Rock Hill, S.C. | M | 8-21-53 | Do. |
| 223 | 223 | ------ | Harris, David Loran | Route 3, York, S.C. | M | 7-12-27 | Gunn, Loran (Leona) (deceased) (Born in Washington, D.C.)—188. |
| | | | | do | | 10-13-58 | |
| 224 | 224 | 163 | Harris, David Spencer | 14 Paris St., Rock Hill, S.C. | M | 6-16-16 | Harris, Luther Morgan—193. |
| 225 | 225 | ------ | Harris, Deborah Ann | Route 3, Box 205, Rock Hill, S.C. | F | 5- 1-60 | Campbell, Nola L. Harris—196, and Harris, Raymond (deceased)—199. |
| 226 | 226 | ------ | Harris, Deborah Mae | Route 3, Box 135, Rock Hill, S.C. | F | 10-24-48 | Do. |
| 227 | 227 | ------ | Harris, Della Eleanor | do | F | 1- 1-44 | Harris, Theodore Wesley—209, and Harris, Raela—200. |
| 228 | 228 | 164 | Harris, Dennis | Route 3, York, S.C. | M | 8- 6-53 | Harris, Melvin—195. |
| 229 | 229 | ------ | Harris, Dessa | Route 3, Rock Hill, S.C. | F | 11-14-48 | Harris, Leona (deceased) (Loran)—195. |
| 230 | 230 | 165 | Harris, Deway | do | M | 2-21-36 | Harris, Wilford P.—211, and Harris, Beulah Thomas—271. |
| 231 | 231 | ------ | Harris, Donald Wilford | Route 4, Dixie River Rd., Charlotte, N.C. | M | 12-19-50 | Harris, Theodore Wesley—209, and Harris, Raela—200. |
| 232 | 232 | ------ | Harris, Doris Kay | Route 3, Box 216, Rock Hill, S.C. | F | 8-26-46 | Harris, Peggy E. Thatcher—74. |
| 233 | 233 | ------ | Harris, Ellen Deloria | Box 47, Route 3, Rock Hill, S.C. | F | 2-15-52 | Harris, Floyd Wm.—168. |
| 234 | 234 | 166 | Harris, William, Jr | do | M | 10- 5-53 | Do. |
| 235 | 235 | ------ | Harris, Floyd William | Route 3, Box 47, Rock Hill, S.C. | M | 2-16-28 | |
| 236 | 236 | 169 | Harris, Furman George | Route 3, Rock Hill, S.C. | M | 1- 7-13 | Harris, Artemis (deceased)—152, and Harris, Theodore (army April 1941 to September 1945)—206. |
| 237 | 237 | ------ | Harris, Garfield Crawford | Route 3, Box 225, Rock Hill, S.C. | M | 3- 5-14 | |
| 238 | 238 | ------ | Harris, Garland | Route 3, Rock Hill, S.C. | M | 4-30-50 | Harris, Theodore Wesley—209, and Harris, Raela—200. |
| 239 | 239 | 170 | Harris, Georgia H | Route 3, Box 47, Rock Hill, S.C. | F | 7-29-05 | |
| 240 | 240 | 171 | Harris, Gilbert Devaine | 2417 Lee St., Columbia, S.C. | M | 9-26-41 | Harris, Chester Gilbert—159. |
| 241 | 241 | 173 | Harris, Grady | Route 3, Box 135, Rock Hill, S.C. | M | 12-25-30 | |
| 242 | 242 | 174 | Harris, Henry A | Route 3, Box 203, Rock Hill, S.C. | M | 2- 8-04 | |
| 243 | 243 | ------ | Harris, Homer Vernon | Route 3, Rock Hill, S.C. | M | 6-27-47 | Harris, Bertha—155, and Harris, Furman George—169. |
| 244 | 244 | 176 | Harris, Ida | Route 3, Box 67-B, Rock Hill, S.C. | F | 4-17-04 | |
| 245 | 245 | ------ | Harris, James Wade | 2205 Pinehurst Rd., Columbia, S.C. | M | 11-13-56 | Harris, Jefferson W. C.—178. |
| 246 | 246 | ------ | Harris, James Loran, Jr | 337 Ebenezer Ave., Rock Hill, S.C. | M | 3-30-46 | Harris, Leona (Loma) (deceased)—185. |
| 247 | 247 | 178 | Harris, Jefferson W. C | Co. D, 3d Bn., Fort Jackson, S.C. | M | 9-23-96 | |
| 248 | 248 | 180 | Harris, Jesse | Bldg. 116 B, Gist St., Columbia, S.C. | M | 4-23-00 | Harris, David Adams—162. |
| 249 | 249 | 183 | Harris, Joseph W | Route 3, Box 67-C, Rock Hill, S.C. | M | 8-15-31 | Harris, Theodore Wesley—209, and Harris, Raela—200. |
| 250 | 250 | ------ | Harris, Karen Angela | Route 3, Rock Hill, S.C. | F | 7- 5-59 | Harris, Lorraine (Eleanor L.)—186. |
| 251 | 251 | ------ | Harris, Curtis Douglas | Box 47, Route 3, Rock Hill, S.C. | M | 5-18-56 | Harris, Floyd William—168. |



FINAL ROLL OF THE CATAWBA INDIAN TRIBE OF SOUTH CAROLINA—Continued

| Roll No. Final | Roll No. Proposed | 1943 | Name | Address | Sex | Date of birth | Remarks—Name and roll No. of parent on 1943 roll |
|---|---|---|---|---|---|---|---|
| 252 | 252 | ------ | Harris, Lester | Route 3, Box 225, Rock Hill, S.C. | M | 6- 9-53 | Harris, Theodore Wesley—209, and Harris, Raela—200. |
| 253 | 253 | 186 | Harris, Lorraine (Eleanor L.) | Route 3, Rock Hill, S.C. | F | 8-11-38 | |
| 254 | 254 | 193 | Harris, Luther Morgan | Route 3, Box 205, Rock Hill, S.C. | M | 8- 8-33 | |
| 255 | 255 | ------ | Harris, Lyda | Route 3, Box 225, Rock Hill, S.C. | F | 3-29-51 | Do. |
| 256 | 256 | ------ | Harris, Lynda Annette | Route 3, York, S.C. | F | 4-22-46 | Harris, David Adams—162, and Robinson, Filander St. Flyer—207. |
| 257 | 257 | ------ | Harris, Lynette | Route 3, Rock Hill, S.C. | F | 1- 1-45 | Harris, Theodore Wesley—209, and Harris, Raela—200. |
| 258 | 258 | 188 | Harris, Martin Raymond | Route 3, Box 135, Rock Hill, S.C. | M | 9-30-41 | Campbell, Nola L. Harris—195, and Harris, Raymond (deceased)—199. |
| 259 | 259 | 189 | Harris, Mary B | Route 3, Box 67-B, Rock Hill, S.C. | F | 5-23-15 | |
| 260 | 260 | ------ | Harris, Mary Joe Anne | 2205 Pinehurst Rd., Columbia, S.C. | F | 10-29-57 | Harris, Jefferson W. C.—178. |
| 261 | 261 | 190 | Harris, Melvin | Route 3, Box 67-B, Rock Hill, S.C. | M | 9-11-24 | |
| 262 | 262 | 191 | Harris, Minnie Sanders | 14 Paris St., Rock Hill, S.C. | F | 12-23-09 | |
| 263 | 263 | 192 | Harris, Mitchell Oliver | Route 3, Rock Hill, S.C. | M | 2- 1-43 | Harris, Leona (deceased) (Loran)—185. |
| 264 | 264 | 194 | Harris, Michael Wayne | 337 Ebenezer Ave., Rock Hill, S.C. | M | 3-11-49 | |
| 265 | 265 | ------ | Harris, Nancy Corne Ia | Route 3, Rock Hi S.C. | F | 10-17-09 | Harris, Peggy F. Thatcher—74. |
| 266 | 266 | ------ | Harris, Neal Kelly | Route 3, Box 216, Rock Hill, S.C. | M | 3-21-52 | Harris, David Adams—162. |
| 267 | 267 | ------ | Harris, Patricia Charlene | Route 3, York, S.C. | F | 3- 1-54 | Harris, Paul Kenneth—196. |
| 268 | 268 | 196 | Harris, Paul Kenneth | do | M | 11-22-59 | In Navy, stationed San Diego. |
| 269 | 269 | ------ | Harris, Peggy Ann | Route 3, York, S.C. | M | 9- 7-36 | Harris, David Adams—162. |
| 270 | 270 | 74 | Harris, Peggy Elizabeth T | Route 3, Box 216, Rock Hill, S.C. | F | 7-23-51 | |
| 271 | 271 | 200 | Harris, Raela | Route 3, Rock Hill, S.C. | F | 8- 2-27 | |
| 272 | 272 | 201 | Harris, Richard Jackson | do | M | 10-13-21 | Harris, Theodore Wesley—209, and Harris, Raela—200. |
| 273 | 273 | ------ | Harris, Roger | do | M | 2-13-58 | |
| 274 | 274 | ------ | Harris, Sharon Given | do | F | 7- 9-43 | Harris, Bertha—155, and Harris, Furman George—169. |
| 275 | 275 | 205 | Harris, Sylvia Margaret | 2417 Lee St., Columbia, S.C. | F | 9- 7-44 | |
| 276 | 276 | 206 | Harris, Theodore | Route 3, Rock Hill, S.C. | M | 4-13-39 | Harris, Wilford P.—211, and Harris, Beulah Thomas—271. |
| 277 | 277 | ------ | Harris, Theresa Earlene | Route 4, Dixie River Rd., Charlotte, N.C. | F | 3-27-93 | |
| 278 | 278 | 209 | Harris, Theodore Wesley | Route 3, Rock Hill, S.C. | M | 8-27-21 | Harris, Lorraine (Eleanor L.)—186. |
| 279 | 279 | ------ | Harris, Thomas Edward | do | M | 5-10-60 | Harris, Theodore Wesley—209, and Harris, Raela—200. |
| 280 | 280 | ------ | Harris, Victor | Route 3, Box 225, Rock Hill, S.C. | M | 12- 5-58 | |
| 281 | 281 | ------ | Harris, Victoria Yvonne | Route 2, Box 216, Rock Hill, S.C. | F | 4- 2-59 | Harris, Peggy F. Thatcher—74. |
| 282 | 282 | ------ | Harris, Walter | Route 3, Rock Hill, S.C. | M | 12- 6-46 | Harris, Theodore Wesley—209, and Harris, Raela—200. |
| 283 | 283 | ------ | Harris, Wanda Jean | Route 3, Box 67, Rock Hill, S.C. | F | 7-21-59 | Harris, Melvin—195. |
| 284 | 284 | ------ | Harris, Wendel Loran | Route 3, York, S.C. | M | 3- 7-55 | |
| 285 | 285 | 210 | Harris, Wilburn | Route 3, Box 67-B, Rock Hill, S.C. | M | 6-21-22 | |
| 286 | 286 | 211 | Harris, Wilford P | Route 4, Dixie River Rd., Charlotte, N.C. | M | 2- 7-24 | |
| 287 | 287 | ------ | Harris, Willard Leon | Route 3, Box 135, Rock Hill, S.C. | M | 9-16-46 | Campbell, Nola L. Harris—195, and Harris, Raymond (dec'd)—199. |
| 288 | 288 | 166 | Harris, William Douglas | Route 3, Box 47, Rock Hill, S.C. | M | 12- 8-05 | |
| 289 | 289 | 213 | Harris, Woodrow | 14 Paris St., Rock Hill, S.C. | M | 8- 3-39 | |
| 290 | 290 | ------ | Harris, Yvonne | Route 3, York, S.C. | F | 7-15-57 | Harris, Leona (dec'd) (Loran)—185. |
| 291 | 291 | ------ | Honeycutt, Earl H., Jr | Route 3, Rock Hill, S.C. | M | 5-18-55 | Honeycutt, Roberta Sanders—259. |
| 292 | 292 | ------ | Honeycutt, Louise Renee | do | F | 11-24-57 | |
| 293 | 293 | 259 | Honeycutt, Roberta Sanders | do | F | 1-19-32 | |
| 294 | 294 | ------ | Honeycutt, Troy T | do | M | 6-10-56 | Do. |
| 295 | 295 | 246 | Howard, Colleen Sanders | do | F | 6- 5-34 | Howard, Colleen Sanders—246. |
| 296 | 296 | ------ | Howard, Deborah Mae | do | F | 12-17-58 | |
| 297 | 297 | ------ | Howard, Frances R | do | F | 12-14-50 | Do. |
| 298 | 298 | ------ | Howard, James Moore, Jr | do | M | 10- 7-56 | Do. |
| 299 | 299 | ------ | Howard, Lillian | do | F | 7-14-55 | Do. |
| 300 | 300 | ------ | Howard, Susan Jean | do | F | 11- 8-52 | Do. |
| 301 | 301 | ------ | Howard, Tom William | do | M | 11- 5-57 | Do. |
| 302 | 302 | ------ | Hunter, Bessie Valoy | 469 North Main St., Salt Lake City, Utah. | F | 1- 1-44 | Hunter, Lillie Viola Blue—45. |
| 303 | 303 | 45 | Hunter, Lillie Viola Blue | do | F | 9-10-18 | Do. |
| 304 | 304 | ------ | Hunter, Julius Calvin | Route 3, Box 216, Rock Hill, S.C. | M | 11-13-47 | |
| 305 | 305 | 214 | Johnson, Hadden Delano | 14 Paris St., Rock Hill, S.C. | M | 2-17-43 | |
| 306 | 306 | 215 | Johnson, Martha H | do | F | 1-14-02 | |
| 307 | 307 | 67 | Keesee, Alice Grace Brown | Route 3, Rock Hill, S.C. | F | 8-12-99 | |
| 308 | 308 | ------ | Keesee, Robert Lewis | Parish Trailer Park, North Jones Ave., Rock Hill, S.C. | M | 11- 4-59 | Keesee, Alice G. Brown—67. |
| 309 | 309 | 72 | Kimbrell, Nettie Brown | do | F | 2-21-37 | |
| 310 | 310 | ------ | Kimbrell, Joyce Ann | 127 Hill St., Pineville, N.C. | F | 1-24-54 | Kimbrell, Nettie Brown—72. |
| 311 | 311 | ------ | Kimbrell, Wanda Kaye | do | F | 1-11-56 | Do. |
| 312 | 312 | ------ | Kimbrell, Ronnie Lee | do | M | 10-27-57 | Do. |
| 313 | 313 | ------ | Kimbrell, Susan Darlene | do | F | 4-25-60 | Do. |
| 314 | 314 | ------ | Love, Sylvia Wright | 1021 George Washington Highway, Portsmouth, Va. | F | 9-10-37 | |
| 315 | 315 | 233 | Mackey, Nellie Leona Sanders | Route 3, Box 136, Rock Hill, S.C. | F | 7-21-36 | |
| 316 | 316 | ------ | Mackey, Wendell David | do | F | 4- 9-59 | Mackey, Nellie L. Sanders—233. |
| 317 | 317 | ------ | Manors, Clara Lee Sanders | Route 3, Box 224, Rock Hill, S.C. | F | 2-20-54 | Do. |
| 318 | 318 | 247 | Martin, Darnell | Route, St. Andrews Terrace, Columbia, S.C. | F | 8- 3-41 | |
| 319 | 319 | 215 | Martin, I. Jane | do | F | 7-12-51 | Brown, Viola Robbins Martin—231. |
| 320 | 320 | ------ | Martin, Jackie | do | F | 6-15-46 | Do. |
| 321 | 321 | ------ | Martin, Malcom | do | M | 10- 1-46 | Do. |
| 322 | 322 | ------ | McGhee, Lucille Freddie | Route 4, Box 44, Rock Hill S.C. | F | 10-23-44 | Do. |
| 323 | 323 | 218 | | | F | 11-18-14 | |

FINAL ROLL OF THE CATAWBA INDIAN TRIBE OF SOUTH CAROLINA—Continued

| Roll No. Final | Roll No. Proposed | 1943 | Name | Address | Sex | Date of birth | Remarks—Name and roll No. of parent on 1943 roll |
|---|---|---|---|---|---|---|---|
| 469 | 465 | 237 | Rogers, Ernest D. | Route 3, Box 247, Rock Hill, S.C. | M | 8- 7-42 | |
| 470 | 466 | ----- | Rogers, Fred Kelly | ----do | M | 7-20-46 | Rogers, Mary Jane—239. |
| 471 | 467 | 238 | Rogers, Jimmie | ----do | M | 6-21-41 | |
| 472 | 468 | ----- | Rogers, John Alvin | ----do | M | 4-22-43 | Do. |
| 473 | 469 | ----- | Rogers, Larry Dwayne | ----do | M | 4-27-49 | Do. |
| 474 | 470 | ----- | Rogers, Mary Beth | ----do | F | 4- 1-53 | Do. |
| 475 | 471 | 239 | Rogers, Mary Jane | ----do | F | 2- 6-31 | |
| 476 | 472 | ----- | Rogers, Ronnie | ----do | M | 12-29-44 | Do. |
| 477 | 473 | ----- | Rogers, Steven Otho | ----do | M | 2-21-56 | Do. |
| 478 | 474 | ----- | Rogers, Timothy Deen | ----do | M | 5- 8-50 | Do. |
| 479 | 475 | 240 | Sanders, Ada I. | Route 3, Box 136, Rock Hill, S.C. | F | 5- 8-50 | |
| 480 | 476 | 241 | Sanders, Albert H., Sr. | ----do | M | 10-10-04 | |
| 481 | 477 | 242 | Sanders, Albert H., Jr. | ----do | M | 10-28-40 | |
| 482 | 478 | 243 | Sanders, Ann Garnet | ----do | F | 2- 8-49 | Sanders, Albert H., Sr.—244, and Sanders, Vera L. Blue—262. |
| 483 | 479 | ----- | | | | | |
| 484 | 480 | 256 | Sanders, Anna Mahovia | Route 3, Box 228, Rock Hill, S.C. | F | 9-15-37 | |
| 485 | 481 | 243 | Sanders Arzada | ----do | F | 7- 3-26 | |
| 486 | 482 | ----- | Sanders, Calvin Ray | 741 Level St., Rock Hill, S.C. | M | 5-25-51 | Sanders, John Jack—250. |
| 487 | 483 | ----- | Sanders, Caroleen M. | Route 3, Box 137, Rock Hill, S.C. | F | 7-20-44 | Sanders, Willie Sanders, Verdie H.—268, and Sanders, Verdis A.—268. |
| 488 | 484 | ----- | Sanders, Cecil Glenn | 741 Level St., Rock Hill, S.C. | M | 4-14-36 | Sanders, John Jack—250. |
| 489 | 485 | ----- | Sanders, Charles Richard | Route 3, Rock Hill, S.C. | M | 2-24-52 | Sanders, Thomas Morrison—261. |
| 490 | 486 | ----- | Sanders, Clark A. | ----do | M | 2-21-47 | Sanders, Willie A.—268, and Sanders, Verdis H.—263. |
| 491 | 487 | ----- | Sanders, Donald Wayne | 820 North Jones Ave., Rock Hill, S.C. | M | 2-19-53 | Sanders, Wm. Emory—267. |
| 492 | 488 | ----- | Sanders, Doris Jean | 741 Level St., Rock Hill, S.C. | F | 4-11-54 | Sanders, John Jack—250. |
| 493 | 489 | ----- | Sanders, Dot Miriam | Route 3, Box 224, Rock Hill, S.C. | F | 11-20-44 | Sanders, Kirk Sanderson (deceased)—251, and Ayers, Sarah Lee Sanders—260. |
| 494 | 490 | 248 | Sanders, Early Fred | 575 North First St., West Salt Lake City, Utah. | M | 4- 9-26 | |
| 495 | 491 | ----- | Sanders, Fred Eugene | 741 Level St., Rock Hill, S.C. | M | 10-30-53 | Sanders, John Jack—250. |
| 496 | 492 | ----- | Sanders, Freda Kaye | 575 North First St., West Salt Lake City, Utah. | F | 3-15-52 | Sanders, Margaret Medlin—216, and Sanders, Early Fred—248. |
| 497 | 493 | 172 | Sanders, Freddie Grace | 14 Paris St., Rock Hill, S.C. | F | 9- 5-33 | |
| 498 | 494 | ----- | Sanders, Gail | ----do | F | 11-10-50 | |
| 499 | 495 | 249 | Sanders, John Idle | Route 3, Box 228, Rock Hill, S.C. | M | 10-12-02 | Sanders, Perry Harris—194. |
| 500 | 496 | 250 | Sanders, John Jack | 741 Level St., Rock Hill, S.C. | M | 3-10-22 | |
| 501 | 497 | ----- | Sanders, Jack, Jr. | ----do | M | 7-12-48 | Sanders, John Jack—250. |
| 502 | 498 | ----- | Sanders, Marcus Emory | 304 Almond St., Salt Lake City, Utah. | M | 4-13-60 | Sanders, William Emory—267. |
| 503 | 499 | 216 | Sanders, Margaret Blue Medlin | 575 North First St., Salt Lake City, Utah. | F | 12-20-24 | |
| 504 | 500 | ----- | Sanders, Marilyn Delol | Route 2, Box 136, Rock Hill, S.C. | F | 3-21-51 | Sanders, Albert H., Sr.—241, and Sanders, Vera L. Blue—262. |
| 505 | 501 | ----- | Sanders, Norma Jean | Route 3, Rock Hill, S.C. | F | 3-31-47 | Sanders, Thomas McCloud—261. |
| 506 | 502 | 198 | Sanders, Perry | 14 Paris St., Rock Hill, S.C. | M | 8- 3-20 | |
| 507 | 503 | ----- | Sanders, Randall Dean | Route 3, Box 136, Rock Hill, S.C. | M | 10-28-46 | Sanders, Albert H., Sr.—241, and Sanders, Vera L. Blue—262. |
| 508 | 504 | ----- | Sanders, Randolph Edward. | Route 3, Rock Hill, S.C. | M | 10-31-50 | Sanders, Thomas McCloud—261. |
| 509 | 505 | ----- | Sanders, Ronald William | 820 North Jones Ave., Rock Hill, S.C. | M | 12-23-50 | Sanders, William Emory—267. |
| 510 | 506 | ----- | Sanders, Ruthie May | Route 3, Box 137, Rock Hill, S.C. | F | 3-23-49 | Sanders, Willie A.—268, and Sanders, Verdin H.—263. |
| 511 | 507 | ----- | Sanders, Sandra D. | ----do | F | 11-21-51 | Sanders, Margaret Medlin—216, and Sanders, Early Fred—248. |
| 512 | 508 | ----- | Sanders, Sonji Nell | 575 North First St., West Salt Lake City, Utah. | F | 7-28-53 | |
| 513 | 509 | ----- | Sanders, Susan Juanita | Route 3, Box 136, Rock Hill, S.C. | F | 12- 3-43 | Sanders, Albert H., Sr.—241, and Sanders, Vera L. Blue—262. |
| 514 | 510 | ----- | Sanders, Thomas Cornelius. | Route 3, Rock Hill, S.C. | M | 3-11-46 | Sanders, Thomas McCloud—261. |
| 515 | 511 | 261 | Sanders, Thomas Oneal. | ----do | M | 1-27-24 | |
| 516 | 512 | 207 | Sanders, Velda Harris | 14 Paris St., Rock Hill, S.C. | F | 10- 1-36 | |
| 517 | 513 | 262 | Sanders, Vera L. Blue | Route 3, Rock Hill, S.C. | F | 8-21-09 | |
| 518 | 514 | 263 | Sanders, Verdis H | Route 3, Box 137, Rock Hill, S.C. | F | 6- 6-02 | |
| 519 | 515 | 267 | Sanders, William Emory | 304 Almond St., Salt Lake City, Utah. | M | 10- 7-28 | |
| 520 | 516 | 268 | Sanders, Willie A | Route 3, Box 137, Rock Hill, S.C. | M | 2-20-07 | |
| 521 | 517 | ----- | Sanders, William Louie | ----do | M | 7-14-37 | Sanders, Willie A.—268, and Sanders, Verdis H.—263. |
| 522 | 518 | ----- | Sanders, Willie Mack | Route 3, Rock Hill, S.C. | M | 4-11-48 | Sanders, Thomas McCloud—261. |
| 523 | 519 | 133 | Schutte, Geneva Geraldine. | 1749 Woodbury Rd., Pasadena, Calif. | F | 12-25-34 | |
| 524 | 520 | 245 | Sigmon, Brenda Corneal | Route 3, Box 136, Rock Hill, S.C. | F | 4-26-41 | |
| 525 | 521 | ----- | Simmers, Daniel Taylor | Route 3, Rock Hill, S.C. | M | 2- 3-45 | Simmers, Marie Sanders—267. |
| 526 | 522 | ----- | Simmers, Garold Ray | ----do | M | 8- 3-48 | Do. |
| 527 | 523 | ----- | Simmers, James Leon | ----do | M | 9-22-50 | Do. |
| 528 | 524 | ----- | Simmers, Joan Rebecca | ----do | F | 5-26-47 | Do. |
| 529 | 525 | 267 | Simmers, Marie Sanders | ----do | F | 10-28-26 | |
| 530 | 526 | ----- | Simmers, Mildred Leona | ----do | F | 3-22-55 | Do. |
| 531 | 527 | ----- | Simmers, Pamela Joan | ----do | F | 10-10-53 | Do. |
| 532 | 528 | ----- | Simmers, Rocky Vernon | ----do | M | 11-16-56 | Do. |
| 533 | 529 | 187 | Spivey, Letta Harris | Route 2, Box 104, Chesney, S.C. | F | 6-15-42 | |
| 534 | 530 | ----- | Smith, Betty Ruth | Route 6, Spartanburg, S.C. | F | 3- 4-48 | Smith, Margaret R. George—143. |
| 535 | 531 | ----- | Smith, Lula Annette | ----do | F | 6-29-55 | Do. |
| 536 | 532 | ----- | Smith, Mary Rebecca | ----do | F | 9-24-27 | |
| 537 | 533 | 143 | Smith, Robert Earl | Box 119, Coward, S.C. | M | 1- 7-51 | Do. |
| 538 | 534 | 210 | Smith, Shiela Rita Petty | 835 Dekalb Ave., Portsmouth, Va. | F | 8-31-43 | |
| 539 | 535 | 291 | Stevens, Barbara Wright | 10 Henry St., Camden, S.C. | F | 1- 2-30 | |
| 540 | 536 | ----- | Stokes, Barry D. | ----do | M | 6-19-58 | Stokes, Stella B. Canty—96. |
| 541 | 537 | ----- | Stokes, Billy J. | ----do | M | 11-29-54 | Do. |
| 542 | 538 | ----- | Stokes, Daniel R. | ----do | M | 2- 8-60 | Do. |
| 543 | 539 | ----- | Stokes, Robert L. | ----do | M | 2- 4-53 | Do. |
| 544 | 540 | ----- | Stokes, Sandra K. | ----do | F | 8-17-56 | Do. |
| 545 | 541 | ----- | Stokes, Stella B. Canty | ----do | F | 7-30-27 | Do. |
| 546 | 542 | 96 | | | | 4- 2-38 | |



FINAL ROLL OF THE CATAWBA INDIAN TRIBE OF SOUTH CAROLINA—Continued

| Roll No. Final | Roll No. Proposed | 1943 | Name | Address | Sex | Date of birth | Remarks—Name and roll No. of parent on 1943 roll |
|---|---|---|---|---|---|---|---|
| 547 | 543 | 197 | Strickland, Pearly Harris | Route 3, Box 205, Rock Hill, S.C. | F | 2-14-07 | |
| 548 | 544 | 126 | Teaster, Etta D. George | Route 4, Gaffney, S.C. | F | 4-17-31 | |
| 549 | 545 | ----- | Teaster, Hazel Elizabeth | ----do | F | 11-13-51 | Teaster, Etta D. George—126. |
| 550 | 546 | ----- | Teaster, Jessie Elaine | ----do | F | 2-27-55 | Do. |
| 551 | 547 | ----- | Teaster, Jimmie Eugene | ----do | M | 8- 6-53 | Do. |
| 552 | 548 | ----- | Teaster, Ransom | ----do | M | 2-21-60 | Do. |
| 553 | 549 | ----- | Teaster, Virginia Claudette. | ----do | F | 5-12-50 | Do. |
| 554 | 550 | ----- | Tessner, William Glenn | ----do | M | 4-18-49 | Tessner, Ruth Robbins—233. |
| 555 | 551 | ----- | Tessner, Ann | Route 1, Chesney, S.C. | F | 10-15-54 | Do. |
| 556 | 552 | ----- | Tessner, Margie | ----do | F | 4-23-49 | |
| 557 | 553 | 233 | Tessner, Ruth Robbins | ----do | F | 4- 7-36 | |
| 558 | 554 | 68 | Thatcher, Harold L. | Route 3, Box 213, Rock Hill, S.C. | M | 2-12-20 | |
| 559 | 555 | ----- | Thatcher, Harold Lloyd | ----do | M | 6-13-58 | Thatcher, Harold L.—68. |
| 560 | 556 | ----- | Thatcher, Joyce Pamela | ----do | F | 2-25-55 | Do. |
| 561 | 557 | ----- | Thatcher, Matthew Tyler | ----do | M | 6- 9-56 | Do. |
| 562 | 558 | ----- | Thatcher, Myra June | ----do | F | 3-13-53 | Do. |
| 563 | 559 | ----- | Thatcher, Steven Keith | ----do | M | 2-13-54 | Do. |
| 564 | 560 | ----- | Thomas, Christopher Dewain. | Route 3, Box 220, Rock Hill, S.C. | M | 8-29-59 | Thomas, Emory Randolph—274. |
| 565 | 561 | 272 | Thomas, Oleo R | ----do | F | 7-11-19 | |
| 566 | 562 | 274 | Thomas, Emory R | ----do | M | 7-30 | |
| 567 | 563 | 150 | Thomas, Gladys Gordon | Route 3, Rock Hill, S.C. | F | 8-22-21 | |
| 568 | 564 | ----- | Thomas, Larry Allen | ----do | M | 7-11-50 | Thomas, Gladys Gordon—150. |
| 569 | 565 | ----- | Thomas, Louis Scott | ----do | M | 7-19-57 | Do. |
| 570 | 566 | 270 | Thomas, Margaret Ann | Route 3, Box 220, Rock Hill, S.C. | F | 6-18-43 | |
| 571 | 567 | ----- | Thomas, Timothy Randolph | ----do | M | 8-10-58 | Thomas, Emory Randolph—274. |
| 572 | 568 | ----- | Thompson, Bobby, Jr. | Route 3, Box 136, Rock Hill, S.C. | M | 8- 4-58 | Thompson, Lois E. Sanders—254. |
| 573 | 569 | ----- | Thompson, Kathy Elizabeth. | ----do | F | 11-30-56 | Do. |
| 574 | 570 | 254 | Thompson, Lois Elaine Sanders. | ----do | F | 12-21-33 | Do. |
| 575 | 571 | ----- | Thompson, Patricia Ann | ----do | F | 9-29-54 | |
| 576 | 572 | 276 | Trimnal, Gloria June | Route 3, Box 42, Rock Hill, S.C. | F | 6- 5-38 | |
| 577 | 573 | 275 | Trimnal, Mae Carol | ----do | F | 9- 2-43 | |
| 578 | 574 | 277 | Trimnal, Roger Snow | ----do | M | 1-23-40 | Missionary in South America. |
| 579 | 575 | 278 | Trimnal, Virginia Blue | ----do | F | 12-4-20 | |
| 580 | 576 | ----- | Varnadore, Karen | 767 Cedar St., Rock Hill, S.C. | F | 1- 2-57 | Varnadore, Laura M. Sanders—252. |
| 581 | 577 | 252 | Varnadore, Laura M. Sanders. | ----do | F | 12-21-33 | |
| 582 | 578 | ----- | Varnadore, Renee | ----do | F | 5- 2-58 | Do. |
| 583 | 579 | ----- | Varnadore, Teresa | ----do | F | 8-29-59 | Do. |
| 584 | 580 | 268 | Vick, Mary Wright | 3111 Brighton St., Portsmouth, Va. | F | 1- 2-41 | |
| 585 | 581 | ----- | Vinson, Ella Wheeler | Route 3, Rock Hill, S.C. | M | 10- 3-57 | Vinson, Lou Gene Sanders—255. |
| 586 | 582 | 255 | Vinson, Lou Gene Sanders. | ----do | F | 6-27-40 | |
| 587 | 583 | ----- | Wade, Baxter Bruce | Waughtown P.O., Winston Salem, N.C. | M | 10-23-49 | Wade, William Perry—284. |
| 588 | 584 | ----- | Wade, Buford | ----do | M | 10-26-48 | Do. |
| 589 | 585 | ----- | Wade, Cathie Yvonne | ----do | F | 2- 3-54 | Do. |
| 590 | 586 | ----- | Wade, Cleave Harrison | ----do | M | 3- 2-51 | |
| 591 | 587 | ----- | Wade, Connie Steve | Route 8, Rock Hill, S.C. | M | 10-29-46 | Wade, Reita (Esmerilla)—279, and Wade, Florence R. Harris—167. |
| 592 | 588 | ----- | Wade, Cynthia | Waughtown P.O., Winston Salem, N.C. | F | 8- 8-46 | Wade, William Perry—284. |

FINAL ROLL OF THE CATAWBA INDIAN TRIBE OF SOUTH CAROLINA—Continued

| Roll No. Final | Roll No. Proposed | Roll No. 1943 | Name | Address | Sex | Date of birth | Remarks—Name and roll No. of parent on 1943 roll |
|---|---|---|---|---|---|---|---|
| 593 | 589 | 280 | Wade, Edith Frances | Route 3, Box 214, Rock Hill, S.C. | F | 2-28-24 | |
| 594 | 590 | 167 | Wade, Florence R. Harris | Route 3, Rock Hill, S.C. | F | 4-28-22 | |
| 595 | 591 | ----- | Wade, Frieda Marilyn | do | F | 11- 5-49 | Wade, Relia (Esmerilia)—279, and Wade, Florence R. Harris—167. |
| 596 | 592 | ----- | Wade, Glen Hampton | Waughtown P.O., Winston Salem, N.C. | M | 2-27-47 | Wade, William Perry—284. |
| 597 | 593 | 281 | Wade, Horace Gary | Route 3, Box 214, Rock Hill, S.C. | M | 9-24-22 | |
| 598 | 594 | ----- | Wade, Horace Gary, Jr | do | M | 11-21-44 | Wade, Horace Gary—281, and Wade, Edith F. Canty—280. |
| 599 | 595 | ----- | Wade, Joy Mardine | Route 3, Rock Hill, S.C. | F | 7-15-54 | Wade, Relia (Esmerilia)—279, and Wade, Florence R. Harris—167. |
| 600 | 596 | ----- | Wade, Michael Gregg | Route 3, Box 214, Rock Hill, S.C. | M | 4-27-47 | Wade, Horace Gary—281, and Wade, Edith F. Canty—280. |
| 601 | 597 | 279 | Wade, Relia (Esmerilia) | Route 3, Rock Hill, S.C. | M | 9- 4-17 | |
| 602 | 598 | 282 | Wade, Sallie | do | F | 4-28-95 | |
| 603 | 599 | 283 | Wade, Sherry Geraldine | Route 3, Box 214, Rock Hill, S.C. | F | 12- 8-42 | |
| 604 | 600 | 284 | Wade, William Perry | Route 3, Rock Hill, S.C. | M | 7-19-27 | |
| 605 | 601 | ----- | Wade, William Perry, Jr | Waughtown P.O., Winston Salem, N.C. | M | 2- 1-53 | Wade, William Perry—284. |
| 606 | 602 | ----- | Warner, Cheryl Ann | 429 Beitler St. NE., New Philadelphia, Ohio. | F | 6-26-46 | Warner, Cora Ethel—286. |
| 607 | 603 | 286 | Warner, Cora Ethel | do | F | 10-14-24 | Do. |
| 608 | 604 | ----- | Warner, Oliver Dale | do | M | 6-12-44 | |
| 609 | 605 | 287 | Watts, Clifford O'dell | 848 Dakin, Apt. 23, Chicago 13, Ill. | M | 5-25-23 | |
| 610 | 606 | ----- | Watts, Donna Leola | 60 West 2d North, Salt Lake City, Utah. | F | 2-20-53 | Watts, Eula Sanders—288, and Watts, William D.—289. |
| 611 | 607 | ----- | Watts, Edwin Larson | do | M | 4-12-51 | Do. |
| 612 | 608 | 288 | Watts, Eula Sanders | do | F | 8-31-19 | |
| 613 | 609 | ----- | Watts, Janice Dorenda | do | F | 8- 4-44 | Do. |
| 614 | 610 | ----- | Watts, Milton Everett | do | M | 10-10-47 | Do. |
| 615 | 611 | 289 | Watts, William D | do | M | 7-26-20 | |
| 616 | 612 | 290 | Watts, William David, Jr | do | M | 11- 1-41 | |
| 617 | 613 | 285 | White, Eber Walter | Route 1, York, S.C. | M | 6- 5-40 | |
| 618 | 614 | ----- | Williford, Connie Patricia | 216 Wood St., Rock Hill, S.C. | F | 9-25-55 | Williford, Vivian Sanders—264. |
| 619 | 615 | 264 | Williford, Vivian Sanders | do | F | 1-31-34 | |
| 620 | 616 | ----- | Wilson, Donna | 1960 Rainey St., Rock Hill, S.C. | F | 2-24-56 | Wilson, Rose Harris—204. |
| 621 | 617 | ----- | Wilson, Edwin | do | M | 5-25-59 | Do. |
| 622 | 618 | ----- | Wilson, Jan | do | M | 1- 3-54 | Do. |
| 623 | 619 | 204 | Wilson, Rose Harris | do | F | 4-11-33 | |
| 624 | 620 | ----- | Wilson, Steve | do | M | 10-24-57 | Do. |
| 625 | 621 | 208 | Wilson, Violet | Route 3, Rock Hill, S.C. | F | 7-30-34 | |
| 626 | 622 | ----- | Wright, Charlotte Yvonne | 1419 Maple Ave., Portsmouth, Va. | F | 6- 2-44 | Wright, Mary Ethel Foxx—292. |
| 627 | 623 | ----- | Wright, Lewis A., Jr | do | M | 9-25-53 | Do. |
| 628 | 624 | 292 | Wright, Mary Ethel Foxx | do | F | 10- 6-19 | |
| 629 | 625 | ----- | Yates, Catherine Valerie | Route 3, Box 211, Rock Hill, S.C. | F | 9-29-58 | Yates, Rachel Beck—24. |
| 630 | 626 | ----- | Yates, Karen Rebecca | do | F | 9- 9-55 | Do. |
| 631 | 627 | 24 | Yates, Rachel Beck | do | F | 10-16-33 | |

[F.R. Doc. 61-1204; Filed, Feb. 24, 1961; 8:45 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-20032 etc.]

## BEN BOLT GATHERING CO. ET AL.

### Order Granting Severance and Fixing Date of Hearing

FEBRUARY 17, 1961.

Ben Bolt Gathering Company, Docket No. G-20032; Associated Oil & Gas Co., et al., Docket No. G-20058; Carrl Oil, Operator, Docket No. G-20331; East White Point Gathering Company, Docket No. G-20355; Engeo Gathering Company, Docket No. G-20356; Engeo Oil & Gas Company, Operator, Docket No. G-20357; Burdette Graham, Operator, Docket No. G-20360.

Associated Oil & Gas Co., et al. (Associated) filed a motion in Docket No. G-20058 on November 29, 1960,[1] seeking to have its application in that docket severed from these consolidated proceedings and disposed of under the Commission's shortened procedure. Associated proposes to sell natural gas produced in Texas Railroad District No. 4 at 16 cents per Mcf to Ben Bolt Gathering Company (Ben Bolt) which, in turn, proposes in Docket No. G-20032 to resell said gas at 20 cents per Mcf to Natural Gas Pipeline Company of America (Natural). Natural is the present prospective purchaser of all of the gas involved in the instant proceedings and will purchase the same from Ben Bolt.

In Support of its motion, Associated states, inter alia, that the Commission's Statement of General Policy No. 61-1[1] was issued on September 28, 1960, after the issuance of the notice consolidating and scheduling the above-captioned dockets for formal hearing, viz. August 10, 1960, and that said policy statement, providing an initial price ceiling of 18 cents for gas from Texas Railroad District 4, is applicable to its application.

In connection with the present proceedings, it is noted that the policy statement provides an initial price ceiling of 18 cents per Mcf at 14.65 psia, inclusive of tax, for gas produced and sold from Texas Railroad District Nos. 2 and 4. All of the gas involved in these consolidated proceedings is produced and sold in said District Nos. 2 and 4. The remaining sales involved in these proceedings, as set forth in the aforesaid notice of August 10, 1960, may be summarized for present purposes as follows:

1. Graham proposes in Docket No. G-20360 to sell gas at 8.5 cents per Mcf to East White Point Gathering Company which, in turn, proposes to resell said gas in Docket No. G-20355 at 13 cents per Mcf to Ben Bolt which, in further turn, proposes in Docket No. G-20032 to resell said gas at 20 cents per Mcf to Natural.

2. Engeo Oil & Gas Company proposes in Docket No. G-20357 to sell gas at 9 cents per Mcf to Engeo Gathering Company which, in turn, proposes to resell said gas in Docket No. G-20356 at 13 cents per Mcf to Ben Bolt which, in further turn, proposes in Docket No. G-20032 to resell said gas at 20 cents per Mcf to Natural.

3. Carrl Oil proposes in Docket No. G-20331 to sell gas at 15 cents per Mcf to Ben Bolt which, in turn, proposes in Docket No. G-20032 to resell said gas at 20 cents per Mcf to Natural.

Upon a review of the applications, contracts and proposals involved in these proceedings, it appears that the applications of Graham (G-20360), Engeo Oil & Gas Company (G-20357), Carrl Oil (G-20331) and Associated (G-20058), constituting sales by the producers of the gas involved and each being the first sale after production,[2] fall within the scope of the policy statement and are otherwise consonant therewith. Consequently, these four applications may be severed from these consolidated proceedings and rescheduled for consolidated hearing and disposition under the Commission's shortened procedure as hereinafter provided.

The Commission finds:

(1) The motion of Associated Oil & Gas Co., et al, filed in Docket No. G-20058, seeking severance of said application as hereinbefore stated, should be granted and the applications in Docket Nos. G-20058, G-20331, G-20357 and G-20360 should be severed from the proceedings in Docket Nos. G-20032, G-20355 and G-20356.

(2) The matters involved in Docket Nos. G-20058, G-20331, G-20357 and G-20360 being related, should be consolidated for disposition as hereinafter ordered.

The Commission orders:

(A) The aforesaid motion of Associated for severence is hereby granted and the applications in Docket Nos. G-20058, G-20331, G-20357 and G-20360 are hereby severed from the proceedings in Docket Nos. G-20032, G-20355 and G-20356.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 14, 1961 at 9:30 a.m., e.s.t. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the applications in Docket Nos. G-20058, G-20331, G-20357 and G-20360: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicants to appear or be represented at the hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1635; Filed, Feb. 24, 1961; 8:46 a.m.]

[1] Now codified. See 25 F.R. 13969, Dec. 30, 1960.

[2] See Commission order issued on Nov. 22, 1960, in Texaco, Inc., et al. Docket No. G-18078, et al.



[Docket No. RI61-359]

## PAUL F. BARNHART ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates

FEBRUARY 17, 1961.

On January 19, 1961, Paul F. Barnhart, et al.[1] (Barnhart) tendered for filing proposed changes in rates for the co-owner interest of J. Ray McDermott and Company, Inc. (McDermott)[2] under fourteen rate schedules of Barnhart. Barnhart did not tender proposed changes in rates for its own interest under the rate schedules, but reserves the right to do so. The rate increases, from 10.096 cents to 17.2295 cents per Mcf at 14.65 psia,[3] concern jurisdictional sales to El Paso Natural Gas Company from Spraberry Field, Upton, Glasscock, Regan, and Midland Counties, Texas. The filings containing the proposed rate changes are hereby designated Supplements No. 5 to each of Barnhart's FPC Gas Rate Schedules Nos. 1 through 12, Supplement No. 3 to Barnhart's FPC Gas Rate Schedule No. 14, and Supplement No. 3 to Barnhart's FPC Gas Rate Schedule No. 15. The increases amount to about $25,500 annually and will, unless suspended, become effective after thirty days' notice on February 19, 1961.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the National Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending a hearing and decision thereon, the above-designated supplements are hereby suspended and the use thereof deferred until July 19, 1961, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) The supplements hereby suspended shall not be changed until these proceedings have been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 3, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1636; Filed, Feb. 24, 1961; 8:47 a.m.]

[1] Address: 1721 Tennessee Building, Houston 2, Tex.

[2] McDermott originally filed the changes. On Feb. 7, 1961, Barnhart ratified the filing as operator for McDermott.

[3] The renegotiated rates are provided by amendatory agreements with the purchaser.

[Docket Nos. CP60-81, G-4610]

## TEXAS EASTERN TRANSMISSION CORP. ET AL.

### Applications and Consolidations

FEBRUARY 17, 1961.

Texas Eastern Transmission Corporation, New York State Natural Gas Corporation, Docket No. CP60-81; Transcontinental Gas Pipe Line Corporation, Texas Eastern Transmission Corporation, Docket No. G-4610.

Take notice that on April 8, 1960, Texas Eastern Transmission Corporation (Texas Eastern) and New York State Natural Gas Corporation (New York Natural) filed a joint application in Docket No. CP60-81, as supplemented on May 5, 1960, pursuant to section 7 of the Natural Gas Act (Act), for a certificate of public convenience and necessity authorizing the exchange and delivery of natural gas and the operation of exchange facilities.

It is proposed that New York Natural deliver and inject into the Leidy Storage Pool in Clinton and Potter Counties, Pennsylvania, for the account of Texas Eastern, volumes of natural gas available on New York Natural's pipeline in excess of its system requirements. Texas Eastern will return to New York Natural or for its account, within three years of the date of delivery, equivalent volumes of natural gas at existing points of interconnection between New York Natural and Texas Eastern or any other certificated point of interconnection which may be in existence at the time such return shall be made, or at any interconnections between Texas Eastern and the affiliates of New York Natural.[1]

The proposed exchange is to be made under an agreement dated April 1, 1960, which Texas Eastern and New York Natural filed on May 13, 1960, as Rate Schedule X-45 and Rate Schedule X-9 to their respective tariffs. Said agreement provides for the delivery by New York Natural of volumes of gas up to a maximum of 125,000 Mcf per day and a return by Texas Eastern of equivalent volumes, as hereinbefore described.

On April 4, 1960, Texas Eastern and Transcontinental Gas Pipe Line Corporation (Transco) filed a joint motion, as supplemented on May 6, 1960, to amend the Commission's order of July 5, 1955, as amended on January 31, 1958, in Docket No. G-4610.

Said order authorizes the exchange of gas between the two companies at various locations provided that the return of the exchange gas is made within 60 days. Texas Eastern and Transco now request, by their motion, a further amendment of the order in Docket No. G-4610 authorizing them to exchange natural gas at an additional point, namely the Leidy Storage Field in Pennsylvania, under the same terms and conditions as the original authorized exchange.

Temporary authorization, with specific conditions, was granted in Docket No. CP60-81[2] and in Docket No. G-4610[3] so as to enable Texas Eastern to render during the 1960-1961 heating season a Winter Service proposed in its applications in Docket Nos. G-18968, et al., should final authorization be granted in the latter dockets. By its order of September 1, 1960, the Commission certificated the applications in Docket Nos. G-18968, et al.

On November 8, 1960, as supplemented on December 22, 1960, Transco and Texas Eastern filed an amendment to their aforesaid joint motion to amend the Commission's order in Docket No. G-4610. In addition to the request for authorization to exchange gas at the Leidy Storage Field, both parties now request authorization for the following points of exchange:

(1) At the intersections of Texas Eastern's two 20-inch lines as well as its new 36-inch line with Transco's 36-inch line near Lambertville, New Jersey.

[1] The East Ohio Gas Co., The Peoples Natural Gas Co., Hope Natural Gas Co., and The River Gas Co.

[2] Letters of May 26, 1960.

[3] Letters of June 23, 1960.

(2) Through deliveries to the following common customers, namely, the Brooklyn Union Gas Company, Consolidated Edison Company, of New York, Inc., and Long Island Lighting Company.[4]

These matters are interrelated and should be disposed of on a consolidated record.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before the 17th day of March 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The applications are on file and available for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1637; Filed, Feb. 24, 1961; 8:47 a.m.]

[Docket Nos. 16401-16404]

## ATLANTIC SEABOARD CORP. ET AL.

### Order Fixing Date of Hearing and Procedure for Presentation of Evidence

FEBRUARY 23, 1961.

Atlantic Seaboard Corporation, Docket No. G-16401; Home Gas Company, Docket No. G-16402; Kentucky Gas Transmission Corporation, Docket No. G-16403; The Manufacturers Light and Heat Company, Docket No. G-16404.

Respondents Atlantic Seaboard Corporation (Atlantic), Home Gas Company (Home) Kentucky Gas Transmission Corporation (Kentucky) and The Manufacturers Light and Heat Company (Manufacturers), affiliates of the Columbia Gas System, each filed with this Commission amendments to their respective FPC gas tariffs[1] proposing additional rate schedules (CDS–PR Schedules) for contract demand service to partial requirement customers to become effective October 1, 1958. The proposed CDS–PR Schedules apply only to customers which purchase part of their gas requirements from "other sources" (as defined in the respective tariffs) than the Columbia System. The proposed schedules contain the same monthly demand and commodity charges that are now applicable subject to refund under the respective CDS (Contract Demand) Schedules of each Respondent. The present minimum bill, however, is expanded from the monthly demand charge to include also a minimum monthly commodity charge and a minimum annual commodity charge. The Commission ordered hearings on the tariffs of the respective Respondents as proposed to be amended by the revised schedules and suspended those revisions for one day.[2] They became effective on October 2, 1958, subject to refund with interest. These proceedings were consolidated for hearing by order issued November 5, 1959.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission set a date for hearing concerning the lawfulness of the rates, charges, classifications and services contained in Respondents' tariffs as proposed to be amended by the aforementioned tariff sheets, and that all parties to these proceedings comply with the procedure for presentation of evidence as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (8 CFR Ch. I) a public hearing be held commencing March 28, 1961 at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classifications and services contained in Respondents' FPC gas tariffs as proposed to be amended by the above-mentioned tariff sheets.

(B) Respondents and those interveners proposing to present direct evidence shall serve that evidence on the parties and on the Commission Staff on or before March 17, 1961. Upon commencement of the hearing, Respondents and interveners shall present their direct evidence, including exhibits and prepared testimony, for the record. This will be followed immediately thereafter by cross-examination thereon. The order of presentation of all other evidence by the parties, including rebuttal evidence, shall be determined by the Presiding Examiner. *Provided, however,* That presentation of direct and rebuttal evidence, respectively, if any, by the Commission Staff shall be subsequent to the direct and rebuttal evidence presented by all parties.

(C) Any party heretofore permitted to intervene in the several and separate or consolidated proceedings in the above-captioned dockets may participate to the extent provided in the order granting them permission to intervene.

(D) Other notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 16, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1713; Filed, Feb. 24, 1961; 8:51 a.m.]

[1] Atlantic's FPC Gas Tariff, Seventh Revised Volume No. 1, Original Sheets Nos. 2, 16, 16A, 16B, 16C, 16D, 16E, 16F, 17, 17A, 17B, 17C, 17D, 17E, 17F, 39, 63, and 64, First Revised Sheets Nos. 6, 11, 21, 23, 25, 27, 40, and 57, and Second Revised Sheet No. 1.

Home's FPC Gas Tariff, Third Revised Volume No. 1, Original Sheets Nos. 11, 12, 13, 14, 15, 16, 39, 67, and 68 and First Revised Sheets Nos. 1, 6, 21, 40, and 55.

Kentucky's FPC Gas Tariff, First Revised Volume No. 1, Original Sheets Nos. 11, 12, 13, 14, 15, 16, 39, 56, 67, and 68, and First Revised Sheets Nos. 1, 6, 21, 40, and 55.

Manufacturers' FPC Gas Tariff, Fourth Revised Volume No. 1, Original Sheets Nos. 11, 12, 13, 14, 15, 16, 39, 56, 67, and 68 and First Revised Sheets Nos. 1, 6, 21, 40, and 55.

[4] Texas Eastern was granted authorization to connect with Consolidated Edison and with Long Island Lighting in Docket Nos. G-18968, et al., and to connect with Brooklyn Union Gas Company in Docket No. G-1003.

[2] Orders of September 30, 1958.

# CIVIL SERVICE COMMISSION

## CERTAIN POSITIONS IN FOREST PRODUCTS TECHNOLOGY

### Notice of Increase in Minimum Rates of Pay

Notice of increases in minimum rates of pay under section 803 of the Classification Act of 1949, as amended, for positions at grades 5, 6, 7, and 8, Forest Products Technologist, Series GS-1390-0, appeared in the FEDERAL REGISTER for October 8, 1960.

A new series, GS-1380-0, Forest Products Technology, has been established to include Forest Products Technologist positions formerly in the GS-1390-0 Technology Series.

Notice is hereby given that the existing section 803 rates as shown in the October 8, 1960, notice for Forest Products Technologist positions are applicable to classes of positions at grades 5, 6, 7, and 8 in the new Forest Products Technology Series, GS-1380-0.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1659; Filed, Feb. 24, 1961; 8:50 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-113]

## UNIVERSITY OF ARIZONA

### Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 1, set forth below, to License No. R-52 issued to University of Arizona. The amendment authorizes the licensee, as requested in its letter to the Commission dated December 9, 1960, to remove from the reactor pit five one-curie plutonium-beryllium neutron sources, one of which is used as a start-up source for its TRIGA reactor and the other four of which are normally stored in the reactor pit, and to return the sources to the reactor pit. When the sources are removed from the reactor pit they may be used only in accordance with an appropriate Special Nuclear Material License issued by the Commission. The Commission has found that conduct of these activities in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.



The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the activities in accordance with the terms of the license as amended does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see Docket Nos. 50-113 and 70-459 both on file at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 20th day of February 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[License No. R-52; Amdt. 1]

In addition to the activities previously authorized by the Commission in License No. R-52, University of Arizona is authorized, as requested by its letter to the Commission dated December 9, 1960, to remove from the reactor pit five one-curie plutonium-beryllium neutron sources, one of which is used as a start-up source for the TRIGA reactor and the other four of which are normally stored in the reactor pit, and to return the sources to the reactor pit. When the sources are removed from the reactor pit they may be possessed and used only in accordance with an appropriate Special Nuclear Material License issued by the Commission.

The removal from and return to the reactor pit of the sources shall be conducted in accordance with the applicable provisions and subject to the applicable conditions of License No. R-52, as amended, the licensee's letter to the Commission dated December 9, 1960, and the additional condition stated below:

The source used as start-up for the reactor shall not be removed from the reactor core until the power level of the reactor has reached one watt (thermal).

This amendment is effective as of the date of issuance.

Date of issuance: February 20, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-1623; Filed, Feb. 24, 1961; 8:45 a.m.]

[Docket No. 50-10]

## COMMONWEALTH EDISON CO.

### Notice of Hearing

On January 30, 1961, Commonwealth Edison Company submitted a report entitled "Dresden Control Rod Drive Modifications," supplemented by Addendum dated February 20, 1961, and requested the Commission's evaluation of the report and concurrence with Commonwealth's plans to resume operation of the reactor upon successful completion of the test program therein described. This report deals with corrective measures to resolve the difficulties which have arisen with control rod drive mechanisms in Commonwealth's Dresden plant. Because of such difficulties, the Commission has extended the period for its review of the hearing examiner's Third Supplemental Intermediate Decision and deferred the final effectiveness of that decision, by orders dated November 23, 1960, December 14, 1960, and January 27, 1961.

In addition, Commonwealth filed applications dated January 4, 1961, January 27, 1961, and February 17, 1961, for amendments to Appendix A of License DPR-2.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Part 2, 10 CFR, "Rules of Practice" notice is hereby given that a hearing will be held to consider authorizing resumption of operation of the Dresden plant and amendments to Appendix A of License DPR-2 as set forth below. This hearing will commence at 10:00 o'clock a.m., on March 28, 1961, and will be held in the Auditorium of the AEC Headquarters, Germantown, Maryland. License DPR-2, the report entitled "Control Rod Drive Modifications," the addendum thereto dated February 20, 1961, applications for amendment, and the record of prior proceedings in this docket are available for public inspection at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

The issues to be considered at the hearing will be the following:

1. Whether the Commission should authorize the licenses to resume operation with the modified control rod drive mechanisms described in the report and addendum, and what conditions, if any, should be prescribed for such operation.

2. Whether the changes in Appendix A (technical specifications) of License DPR-2 set forth in applications dated January 4, 1961, January 27, 1961, and February 17, 1961, should be approved.

3. Whether the findings and conclusions in the Third Supplemental Intermediate Decision should be modified or supplemented on the basis of the evidence adduced at the hearing.

Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or in the AEC Public Document Room, 1717 H Street NW., Washington, D.C., not later than thirty days after publication of this notice in the FEDERAL REGISTER, or, in the event of a postponement of the hearing date specified above, at such time as the Presiding Officer may provide.

Answers to this notice may be filed pursuant to § 2.736 of the rules of practice on or before March 17, 1961.

Papers required to be filed with the AEC in this proceeding shall be filed by mailing to the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the AEC Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file twenty copies of each such paper with the AEC and, where service of papers is required on other parties, shall serve five copies of each.

The report of the Advisory Committee on Reactor Safeguards in this matter will be available for public inspection in the AEC's Public Document Room prior to the hearing herein scheduled. Copies of such report may be obtained by request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation. If the report is not published and made available prior to the scheduled date of hearing, the hearing will be rescheduled.

The hearing will be conducted by a Presiding Officer to be designated by Samuel W. Jensch, Chief Hearing Examiner, Office of Hearing Examiners, Atomic Energy Commission. The Presiding Officer will render a decision pursuant to § 2.751(a) of the Commission's rules of practice.

Dated at Germantown, Md., this 24th day of February 1961.

For the Atomic Energy Commission.

H. L. PRICE,
*Director, Licensing and Regulation.*

[F.R. Doc. 61-1737; Filed, Feb. 24, 1961; 10:20 a.m.]

# HOUSING AND HOME FINANCE AGENCY

## Public Housing Administration

## CERTAIN OFFICIALS

### Delegations of Final Authority

Section II *Delegations of final authority*, is amended as follows:

1. In paragraphs C6 and D4 the list of officials is amended as follows:

By inserting the following immediately preceding the title "Assistant Directors for Management":

In the Atlanta Regional Office:
Chief of the Property and Services Section.

In all other Regional Offices:

2. In paragraphs E3 and 4, the list of officials is amended as follows:

By inserting "(except Atlanta Regional Office)" after "Chiefs of the Office Services Sections".

By adding "Chief of the Property and Services Section, Atlanta Regional Office".

Approved: February 17, 1961.

[SEAL] BRUCE SAVAGE,
*Commissioner.*

[F.R. Doc. 61-1634; Filed, Feb. 24, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 21, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36913: *Tankage and dry sewage sludge to Miami, Fla.* Filed by Illinois Freight Association, Agent (No. 121), for interested rail carriers. Rates on dry tankage and dry sewage sludge, as described in the application, in carloads, from Chicago Heights and Joliet, Ill., Gary and Hartdale, Ind., to Miami, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 15 to Illinois Freight Association tariff I.C.C. 928.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-1647; Filed, Feb. 24, 1961; 8:48 a.m.]

[Notice 453]

## MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 21, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63662. By order of February 17, 1961, the Transfer Board approved the transfer to Eugene Albert Guido, doing business as Sheridan Travel Bureau, Niagara Falls, N.Y., of Certificate No. MC 116677 Sub 1, issued October 8, 1959, to Jean Cauchois, doing business as Sheridan Travel Bureau, Niagara Falls, N.Y., authorizing the transportation of: Passengers and their baggage, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than eight passengers in any one vehicle, in seasonal operations from April 15, to October 31, inclusive, of each year, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within six miles thereof, and extending to ports of entry on the United States-Canada Boundary Line at Niagara Falls and Lewiston, N.Y. Clarence E. Rhoney, P.O. Box 357, North Tonawanda, N.Y., attorney for applicants.

No. MC-FC 63814. By order of February 17, 1961, the Transfer Board approved the transfer to Cleveland General Transport Co., Inc., New York, N.Y., of Permit in No. MC 5619, issued April 24, 1959, to John S. Geiger's Sons, a corporation, Newark, N.J., authorizing the transportation of: Contractor's and factory equipment, including heavy machinery; steel and other materials and supplies (including fuel) such as are used in construction, erection and building operations, automotive display vehicles; airplanes; tractors, chassis, and other automotive equipment; forest products (such as poles and piling); metals; oils and greases; pipe, electrical equipment, building materials of various kinds, such as are ordinarily transported in flat-bed vehicles, between points in New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Pennsylvania, Delaware, Maryland, Virgina and the District of Columbia; and, building materials and other commodities ordinarily transported in dump trucks, such as common brick ashes, cinders, and pig iron, between Newark, N.J., and points within 50 miles of Newark. S. Harrison Kahn, 1110 Investment Building, Washington 5, D.C., attorney for applicants.

No. MC-FC 63819. By order of February 17, 1961, the Transfer Board approved the transfer to Lancaster Moving and Storage Limited, a corporation, Windsor, Ontario, Canada, of the remaining portion of Certificate No. MC 286, issued December 16, 1940, and the entire operating rights of Certificate No. MC 286 Sub 3, issued January 24, 1949, to The E. W. Lancaster Company, Limited, Windsor, Ontario, Canada, authorizing the transportation of household goods, over irregular routes, between ports of entry at the boundary of the United States and Canada in Michigan and New York, on the one hand, and, on the other, points in Michigan, Ohio, Indiana, Illinois, Wisconsin, Pennsylvania, New York, New Jersey, and Massachusetts, and between ports of entry in Michigan and New York at the boundaries of the United States and Canada, on the one hand, and, on the other, points in Kentucky, West Virgina, Maryland, Minnesota, Iowa, Connecticut, Rhode Island, and the District of Columbia. Rex Eames, 1800 Buhl Building, Detroit 26, Michigan, attorney for applicants.

No. MC-FC 63865. By order of February 17, 1961, the Transfer Board approved the transfer to Tremblay Moving & Storage Co., Inc., 551-561 Whittenton Street, Taunton, Mass., of Certificate No. MC 64190, issued May 22, 1951, to Louis A. Tremblay, doing business as Tremblay Moving & Storage Company, Taunton, Mass., authorizing the transportation of: Household goods, as defined by the Commission, over irregular routes, between Taunton, Mass., and points in Massachusetts within 20 miles of Taunton, on the one hand, and, on the other, points in Connecticut, Maine, Michigan, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia.

No. MC-FC 63921. By order of February 17, 1961, the Transfer Board approved the transfer to Luke B. Hollinger, Lancaster, Pa., of Certificate No. MC 17131, issued March 17, 1941, to Clayton M. Good, Bowmansville, Pa., authorizing the transportation of: Fertilizer, and lumber, over irregular routes, between Bowmansville, Pa., and points within 15 miles of Bowmansville, on the one hand, and, on the other, Baltimore, Md. Thomas H. Wentz, 118 East Main Street, New Holland, Pa., attorney for applicants.

No. MC-FC 63936. By order of February 17, 1961, the Transfer Board approved the transfer to Hugh S. Jenkins, doing business as St. Louis Transportation Co., Columbus, Ohio, of Certificate No. MC 53237, issued December 31, 1941, to W. H. Poppen, doing business as Poppen's Express, St. Louis, Mo., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 656. Austin C. Knetzger, 722 Chestnut St., St. Louis, Mo., practitioner for applicants.

No. MC-FC 63957. By order of February 17, 1961, the Transfer Board approved the transfer to Harry A. Patterson; Jr., 112 Clyde Avenue, Salisbury, Md., of Certificate No. MC 118321, issued October 10, 1960, to Wilbert Levin Parsons, Mt. Herman Road, R.F.D. No. 3, Salisbury, Md., authorizing the transportation, over irregular routes, of bananas, from Philadelphia, Pa., to Salisbury, Md.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-1648; Filed, Feb. 24, 1961; 8:48 a.m.]

## KEITH LYRLA

### Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office



of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086; 21 F.R. 3475; 21 F.R. 9198; 22 F.R. 3777; 22 F.R. 9450; 23 F.R. 3798; 23 F.R. 9501; 24 F.R. 4187; 24 F.R. 9502, and 25 F.R. 102) during the period from May 15, 1960 through December 31, 1960.

None.

Dated: December 31, 1960.

K. H. LYRLA.

[F.R. Doc. 61-1649; Filed, Feb. 24, 1961; 8:48 a.m.]

## FLOYD A. MECHLING

### Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part II, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported ad published. (22 F.R. 996; 22 F.R. 6584; 23 F.R. 1062; 23 F.R. 6730; 24 F.R. 552; 24 F.R. 6251; 24 F.R. 9689; and 24 F.R. 109), for the period May 30, 1960 through January 21, 1961.

No changes.

Dated: January 25, 1961.

F. A. MECHLING.

[F.R. Doc. 61-1650; Filed, Feb. 24, 1961; 8:48 a.m.]

## EUGENE S. ROOT

### Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086; 21 F.R. 3475; 21 F.R. 9198; 22 F.R. 3777; 22 F.R. 9450; 23 F.R. 3798; 23 F.R. 9501; 24 F.R. 4187; 24 F.R. 9502; and 25 F.R. 102) for the period from May 10, 1960 through December 31, 1960.

(1) Promoted from position of Chief of Research, Erie Railroad Company, by election to the position of Comptroller, Erie-Lackawanna Railroad Company. Appointed Auditor of Niagara Junction Railway Company and Comptroller of The New Jersey and New York Railroad Company (Horace Banta, Trustee). Elected director of Harlem Transfer Company and director of Hoboken Ferry Company. The foregoing authorized by the Interstate Commerce Commission in its order dated December 7, 1960, in Finance Docket No. 21381. Also appointed Auditor of Lessees Buffalo Creek Railroad and elected director and comptroller of Brighton Marine Repair Yard.

(2) Acquired stock in Erie-Lackawanna Railroad Company.

Dated: February 15, 1961.

EUGENE S. ROOT.

[F.R. Doc. 61-1651; Filed, Feb. 24, 1961; 8:48 a.m.]

## CUMULATIVE CODIFICATION GUIDE—FEBRUARY

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during February.**

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**Announcing**

**PRINCIPAL OFFICIALS IN THE EXECUTIVE BRANCH**

**Appointed January 20–February 20, 1961**

A listing of more than 250 appointments of key officials made after January 20, 1961. Serves as a supplement to the 1960–61 edition of the U.S. Government Organization Manual

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Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

Pages 1697–1748

# FEDERAL REGISTER

VOLUME 26 NUMBER 38

Washington, Tuesday, February 28, 1961

THE UNIVERSITY OF MICHIGAN
MAR 3 1961
MAIN READING ROOM

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**FEDERAL REGISTER**

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10923

### CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE NORTHWEST AIRLINES, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS two disputes exist between the Northwest Airlines, Inc., a carrier, and certain of its employees represented by the International Association of Machinists, a labor organization, identified as National Mediation Board Cases A–6176 and A–6343; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of airline employees or any carrier.

The board shall report its findings to the President with respect to these disputes within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Northwest Airlines, Inc., or by its employees, in the conditions out of which these disputes arose.

JOHN F. KENNEDY

THE WHITE HOUSE,
*February 24, 1961.*

[F.R. Doc. 61–1795; Filed, Feb. 27, 1961; 10:22 a.m.]

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### National Aeronautics and Space Administration

Effective upon publication in the FEDERAL REGISTER, paragraphs (b) and (c) are added to § 6.347 as set out below.

§ 6.347 National Aeronautics and Space Administration.

* * * * *

(b) One Secretary to the Administrator.

(c) One Secretary to the Deputy Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1712; Filed, Feb. 27, 1961; 8:48 a.m.]

## Title 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

### SUBCHAPTER C—OPERATING LOANS

[FHA Instruction 441.1]

### PART 341—POLICIES AND AUTHORITIES

Subparts A and B of Part 341, Title 6, Code of Federal Regulations (22 F.R. 691, 9409, 24 F.R. 8041, 9413) are revoked and the regulations contained therein are consolidated and revised to read as follows:

Sec.
341.1 General.
341.2 Scope of operations to be financed.
341.3 Eligibility requirements.
341.4 Certification by County Committee.
341.5 Loan purposes.
341.6 Loan limitations and special requirements.
341.7 Rates and terms.
341.8 Security policies.
341.9 Land tenure.
341.10 Loan approval.

AUTHORITY: §§ 341.1 to 341.10 issued under secs. 21, 41, 44, 50 Stat. 524, as amended, 528, as amended, 530, as amended; 7 U.S.C. 1007, 1015, 1018; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188.

§ 341.1 General.

(a) This part prescribes the policies and authorities for making Operating loans to farmers (including stockmen) who will be conducting not larger than family-type farming operations.

(b) The basic objective of Operating loans to farmers who will be conducting family-type farming operations is to enable them to become soundly established in a successful system of farming, to make full and efficient use of their land, labor, and other resources, and to qualify for credit from private or cooperative sources within a reasonable time. The basic objectives of making Operating loans to farmers who will be conducting less than family-type farming operations are to enable those individuals who are established, bona-fide farmers to more fully utilize their land, labor, and other resources in order to make needed improvements in their living conditions and economic situation, and to qualify for credit from private or cooperative sources within a reasonable time. Primary emphasis will be given to assisting family-type farm operators who will be making significant adjustments and improvements in their farm and home operations.

(c) Preference will be given to veterans as described in Part 301 of this chapter to the extent that when it appears that available funds will be inadequate to meet the needs of all applicants, the applications on hand from veterans will be processed first.

(d) The making of Operating loans to Indians and permittees and lessees on Indian trust lands is subject to the additional policies and procedures contained in Part 392 of this chapter.

(e) Supervisory assistance will be provided borrowers to the extent necessary to achieve the objectives of the loan and to protect the interests of the Government. Supervisory assistance will be given in accordance with the principles contained in Part 302 of this chapter.

§ 341.2 Scope of operations to be financed.

Loans may be made to farmers who, after the loan is made, will be conducting not larger than a family-type farming operation.

(a) *Family-type farming operation.* A "family-type" farming operation is defined as a farming operation that is of sufficient size and productivity to furnish income that will enable a farm family to have a reasonable standard of living, pay operating expenses, including maintenance of necessary livestock, farm and home equipment, land and buildings, pay their debts, and have a reasonable reserve to meet unforeseen emergencies; for which the management is furnished by the operator and his immediate family; and for which the labor is furnished primarily by the operator and his immediate family except during seasonal peakload periods. It is not intended to include in this definition operations which require large amounts of seasonal hired labor.

(b) *Less than family-type farming operations.* A "less than family-type" farming operation is defined as a farming operation of sufficient size and productivity to qualify as a "family-type" operation and that will produce agricultural commodities in sufficient quantities that the proceeds from their sale will be a substantial portion of the operator's total cash income; that will provide farm income which together with any income from other sources will enable the family to have a reasonable standard of living, pay operating expenses, pay their debts, and have a reasonable reserve for unforeseen emergencies; for which the management is furnished by the operator and his immediate family; for which the labor is furnished primarily by the operator and his immediate family except during seasonal peakload periods; and in which the farm to be operated is recognized in the community as a farm rather than a rural residence. It is not intended to include in this definition operations which require large amounts of seasonal hired labor. With the prior approval of the Administrator, loans primarily for annual operating expenses may be made in any state to established farmers whose incomes do not meet the above requirements but are sufficient to meet living and operating expenses and the amounts due on the loans.

§ 341.3 Eligibility requirements.

To be eligible for an Operating loan each applicant must:

(a) Be a citizen of the United States.

(b) Possess legal capacity to contract for the loan.

(c) If he is applying for a loan to conduct a family-type farming operation, be a farm owner, farm tenant, farm laborer, sharecropper, or other individual who obtains, or recently obtained, a substantial portion of his income from farming operations.

(d) If he is applying for a loan to conduct a less than family-type farming operation, be an established bona-fide farmer conducting substantial farming operations and who for a substantial portion of his life has resided on a farm and depended upon farm income for a livelihood, or be a disabled veteran with a pensionable disability who has previous farming experience or training.

(e) Have the character, industry, and ability to carry out the proposed farming operation and the other undertakings and obligations required of him in connection with the loan.

(f) Be unable to meet his actual operating and capital needs with his own resources or with credit from other sources at rates (but not exceeding the rate of five percent per annum) and terms prevailing in or near his community for loans of similar size and character.

(g) After the loan is made, be conducting a farming operation as an owner or tenant.

(h) Be able to meet his major needs for operating credit within the indebtedness limitation for Operating loans during the period that such loans likely will be needed, except in cases where financing on a contractual or equally definite basis is available.

(i) *Loans in Hawaii.* Paragraph (g) of this section is modified to the extent that applicants for loans to conduct family-type farming operations in Hawaii to establish such crops as coffee, sugar cane, pineapple, and similar crops may be engaged in agriculture as farm laborers until such crops come into full production provided they have the time and means of adequately caring for their plantings.

§ 341.4 Certification by County Committee.

Before an Operating loan is approved, the County Committee will certify on Form FHA 440-2, "County Committee Certification," that the applicant is eligible for a loan in accordance with the provisions of § 341.3. In addition, the County Committee will establish the maximum amount of credit which may be extended, under the certification, to meet the actual needs of the applicant during the crop year indicated. This will not necessarily represent the amount which actually will be loaned.

§ 341.5 Loan purposes.

Subject to the loan limitations and special requirements set forth in this part, Operating loans may be made for:

(a) Purchase of livestock, farm equipment, and other farm needs.

(b) Purchase of an undivided interest in livestock, farm equipment, or facilities to be operated under a joint arrangement or as a group service.

(c) Purchase of feed, seed, fertilizer, insecticides, and farm supplies; the repair of equipment; and other essential farm operating expenses.

(d) Payment of customary and equitable cash rent or cash charges for the use of farm buildings, pasture, crop, or hay land, and grazing permits if all of the following conditions exist:

(1) Arrangements cannot be made for such rent or charges to fall due at the time when income for such payments is expected to become available.

(2) The applicant is obligated under a written lease to pay such rent or charges in advance of the time when income is expected to become available to him for that purpose and the payment from loan funds is made in advance of such time.

(3) Not more than one year's cash rent or cash charges are paid with loan funds in any one lease year, except that if a loan is approved near the end of the current lease year funds for payment of such rent or charges for the succeeding lease year may be included in the loan.

(4) The terms of the lease provide the applicant with reasonably secure and satisfactory tenure.

(e) Payment of taxes due or about to become due and premiums for insurance on real and personal property subject to the limitations in § 341.6, Social Security taxes in connection with hired labor only, and water or drainage charges or assessments.

(f) Payment of bills that were incurred for annual recurring operating expenses in connection with the production of livestock, livestock products, and crops that are to be harvested or marketed during the crop year for which the loan is being made. This does not authorize the payment of bills incurred in connection with crops, livestock, or livestock products that have been lost, destroyed, or disposed of prior to loan approval.

(g) Payment of not more than a year's interest calculated at a rate not to exceed that which is reasonable and customary for the area, that is due or about to become due on debts secured by liens of other creditors on livestock, farm equipment, and farm real estate.

(h) Payment of depreciation in any one year not to exceed 15 percent of the market value of the essential farm equipment under prior lien to another creditor or 15 percent of the amount owed to such creditors, whichever is lesser.

(i) Acquisition of memberships in farm purchasing and marketing and farm service-type cooperative associations.

(j) Meeting family subsistence needs, including premiums on reasonable amounts of health and life insurance and expenses for medical care. Applicants must understand, however, that within the limits of their resources they should plan and carry on adequate food production and conservation programs.

(k) Purchase of essential home equipment and furnishings, and the payment for home equipment repairs required by the applicant family to sustain itself on the farm in a reasonably satisfactory manner.

(l) Expenses incident to loan closing.

(m) Refinancing of debts secured by liens on livestock, farm equipment, and harvested feed and the refinancing of unsecured debts incurred for the acquisition of livestock, farm equipment, and major farm equipment repairs and parts when such action is necessary to enable the applicant to continue his farming operations on a sound basis, or prevent a split line of credit between the Farmers Home Administration and other creditor(s) in connection with a livestock herd or flock, provided the property involved is essential to the applicant's farming operations and is of the type and quality needed, and the amount refinanced does not exceed the market value of the property on which the indebtedness is owed as shown by an appraisal report on such property made by the county supervisory personnel as prescribed in Part 342 of this chapter. This includes the refinancing of debts on items of farm equipment which are, or may become, attached to the real estate, provided such equipment is made subject to a Farmers Home Administration chattel lien.

(n) Purchase of milk base either with or without cows where such action is necessary to assure the borrower a satisfactory market for his dairy products when authorized by the State Director.

(o) Purchase of grazing license or permit rights of private parties which can be validly sold and transferred or waived separate from any land lease or other interest in land either with or without eligible livestock when authorized by the State Director.

(p) The following real estate improvements, subject to the limitations in § 341.6:

(1) Purchase, construction, alteration, repair, or relocation of essential farm service buildings and minor repairs or alterations to farm dwellings.

(2) Land and water development, use, and conservation which is essential to the applicant's farming operations such as fencing, establishment and improvement of permanent hay or pasture, the clearing, leveling, and drainage of land, and the payment for other approved soil and water conservation measures, basic applications of lime and fertilizer, and the development of farmstead or livestock water supply and equipment therefor.

(i) Loan funds may be used to pay the applicant's part of the cost of facilities, improvements, and practices which are to be earned by participation in the Agricultural Conservation or Great Plains programs only when such costs cannot be covered by purchase orders or assignments to material suppliers or contractors.

(ii) If Operating loan funds are advanced and the portion of the Agricultural Conservation or Great Plains payment for facilities, improvements, and practices for which funds were advanced likely will exceed $500, the applicant will assign the payment to the Farmers Home Administration.

(q) In Hawaii, Operating loans also may be made for:

(1) Purchase of necessary coffee-drying equipment and trellises for passion fruit under provisions of this paragraph provided such equipment does not become a part of the real estate and thereby prevent the Farmers Home Administration from obtaining an enforceable chattel lien on such equipment. Consideration should be given to the acquisition of such equipment through the use of group services where possible.

(2) Subject to the limitations prescribed in § 341.6(b)(2), loans may be made for erecting necessary farm buildings and making essential repairs and improvements to existing farm buildings provided the buildings, repairs, or improvements for which the loan is made are normally considered a part of the cost of operating the farm and will enable the applicant to establish or reorganize an approved farming enterprise and not more than $2,000 may be advanced to a borrower for any or all such purposes during any fiscal year.

(3) Subject to the limitations prescribed in § 341.6(b)(2), loans may be made for the establishment and improvement of pastures, hay crops, coffee, pineapple, banana, and similar perennial-type crops; for the construction of terraces, waterways, and farm ponds; the clearing, leveling, and drainage of land; and the payment for other approved soil and water conservation and

improvement measures provided not more than $2,000 may be advanced to a borrower for any or all of such purposes during any fiscal year.

(4) When loans are made to tenants for real estate improvements authorized in paragraph (p) of this section and in this paragraph, the lease must provide for an assignment of the lease to the Government or to someone designated by the Government, and loans may not be made to tenants operating on Hawaiian Homes Commission lands unless its present regulations and policies are changed in a manner which would permit the Farmers Home Administration to obtain a valid crop mortgage.

(r) Financing feeder cattle enterprises to enable the borrower to provide a profitable means of using feed produced on the farm or ranch. Only feeder enterprises in which the borrower produces practically all the required hay and other roughage and a substantial part of the grain needed will be considered favorably for financing with operating loans. Only sound feeder operations which do not involve excessive risks to either the borrower or to the Government will be refinanced.

(1) Loans will not be made to finance commercial feed lot operations or applicant will require a substantial amount of credit for either the purchase of feed or for grazing fees.

(2) Initial loans will not be made to applicants whose only need for Farmers Home Administration credit assistance is to provide operating expenses in connection with a feeder enterprise.

(3) Ordinarily loans will be made only to finance feeder enterprises where light weight feeders such as feeder calves or yearlings are involved, and not to finance feeding operations involving heavy cattle, feeders which will be fed for only a short period, or feeders to be finished to prime grade.

(s) The making of Operating loans involving poultry production is subject to the general policies contained in § 331.6 (c) of this chapter.

### § 341.6 Loan limitations and special requirements.

(a) *Purposes for which loans may not be made.* While it is impractical to list all of the purposes for which loans may not be made, the following are those commonly requested by applicants which are not authorized:

(1) Purchase of passenger automobiles, the refinancing of debts secured by liens on such automobiles, or the payment of unsecured debts incurred for the purchase of such automobiles.

(2) Refinancing of debts secured by liens on home equipment and furnishings or the payment of unsecured debts incurred for the purchase of such items.

(3) Payment of Federal or State income taxes, or Social Security taxes payable by borrowers in their own behalf.

(4) Purchase or leasing real estate other than the payment of rent and charges under § 341.5(d)(3), or the making of payments on, or the refinancing of, any real estate indebtedness other than the payment of taxes and interest as authorized in this part. In addition, loans may not be made for carrying on any land purchasing or land leasing program.

(5) Replacing livestock, farm equipment, or crops sold, or refinancing chattel debts incurred primarily for the purpose of obtaining funds for any of the real estate purposes referred to in subparagraph (4) of this paragraph if such action was taken by the applicant with the intent of replacing the chattel property or refinancing the debts with Operating loan funds.

(6) Payment of taxes or insurance premiums in connection with real estate securing Farmers Home Administration loans other than Operating loans.

(7) Purchase of livestock or payment of debts on livestock which will result in split lines of credit between the Farmers Home Administration and other creditors in connection with a basic livestock herd or flock.

(8) Payment of debts owed by the applicant to the Farmers Home Administration or to make principal or interest payments on such debts.

(9) Loan funds will not be used to purchase memberships in production cooperatives, to purchase memberships for the purpose of establishing control by the Farmers Home Administration in any type of cooperative, or to furnish a majority of the associations' capital requirements.

(b) *Limitations on loans for real estate improvements.* (1) Not more than $2,000 may be advanced to a borrower in any one fiscal year for real estate improvements; furthermore, Operating loans will not be made year after year to make substantial real estate improvements. Equipment which is installed under a severance agreement and on which a valid chattel lien is obtained is not considered real estate improvement.

(2) Before an Operating loan is made for real estate improvements, a careful analysis must be made of the applicant's resources and proposed operations and a determination made that:

(i) Such real estate improvements cannot be provided practicably through a Farmers Home Administration Real Estate or Soil and Water Conservation loan.

(ii) When the applicant is indebted for a Farmers Home Administration Real Estate or Soil and Water Conservation loan, the sum of such indebtedness and any other indebtedness secured by liens on the real estate, plus the amount of the Operating loan being used for real estate improvements, will not exceed the Farmers Home Administration loan limitations with respect to the value of the farm as certified by the County Committee.

(iii) The farm can be developed to the extent that a sound farm and home program can be established on the farm within the prescribed Operating loan limitations, taking into consideration the applicant's need for additional operating credit during the period of development.

(iv) The applicant will be able to pay his Operating loans and other obligations within the prescribed payment period.

(v) The applicant will likely continue to operate the farm for a sufficient period of time and under such terms that will enable him to obtain reasonable returns on his investment.

(3) Operating loans may not be made to a tenant to finance real estate improvements unless he has a written lease under equitable terms. In addition, the lease in such case must provide for compensating the tenant for any unexhausted value of the improvement upon termination of the lease.

(c) *Limitations on amount of loan.* The amount of each loan will be limited to the needs of the applicant and his ability to pay. In addition, consideration will be given to the value of the chattel property, including crops, which will be available as security. In no case may a loan be made which would result in the total principal balance outstanding to exceed $20,000 for Operating loans (including Production and Subsistence). In addition, not more than 10 percent of the Operating loan appropriation for any fiscal year may be used to increase the indebtedness of any borrower above $10,000.

(d) *Continuous indebtedness limitation and use of extension agreement.* Except as otherwise provided in this part, no loan may be made to an applicant who has been indebted for Operating loans (including Production and Subsistence loans) for seven consecutive years until all of his indebtedness under such loans has been liquidated by payment in full, compromise, completed adjustment, cancellation, or release of liability. Normally, it is expected that a borrower will not need further Farmers Home Administration Operating loans after the 7-year period of continuous indebtedness. The period of continuous indebtedness will begin with the date of the check representing the oldest Operating loan (including any Production and Subsistence loan) received during the period for which the borrower has been indebted continuously, even though that loan may have been paid in full. No loans may be made to an applicant who has paid his Farmers Home Administration indebtedness by refinancing or with proceeds of the sale of a significant amount of basic security property for the purpose of establishing a new period of continuous indebtedness.

(1) In individual cases in which the borrower has reached the 7-year continuous indebtedness limitation, and applies for additional credit, the County Committee will review thoroughly the borrower's past operations, present and future credit needs, and repayment ability. If it is determined by the County Committee and the loan approval official that (i) the borrower is unable to pay his indebtedness as originally scheduled, (ii) such inability was due to causes beyond the borrower's control, such as adverse weather, crop or livestock disease or pestilence, sickness, fire, reduction in acreage allotments, unfavorable price-cost relationships, or other economic factors occurring during the 7-year period of continuous indebtedness, (iii) with an extension of the present indebtedness as provided herein and with additional Operating loans, the borrower will be able to accomplish the objectives of the loan and pay his indebtedness in full, (iv) all junior lien holders will agree in writing to the proposed extension, and (v) the borrower meets the other requirements for the loan, the borrower's existing indebtedness or any installment thereof may be extended for a period not beyond 10 years from the debt limitation control date and during such extended period additional loans may be made to him.

(2) The installments being extended will be scheduled for payment in line with the borrower's ability to pay, taking into consideration the other debts owed the Farmers Home Administration, provided the installments extended will be scheduled for payment within 10 years from the debt limitation control date and no installment of any existing note falling due after 10 years from the debt limitation control date may be extended as to date or changed as to amount.

(e) *Debt settlement cases.* A loan will not be made to an applicant whose debts have been settled pursuant to Part 364 of this chapter or who has been released from personal liability under Part 372 of this chapter, as reflected by the County Office records, or where such settlement or release is contemplated, unless the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control; the conditions which necessitated the debt settlement or release, other than weather hazards, disasters, or price fluctuations, have been removed; and the borrower's operations will be sound and afford him a reasonable prospect of repaying the loan and meeting his other obligations.

(f) *Financing unproven types of farming enterprises.* Loans will not be made to finance unproven types of farming enterprises in an area.

(g) *Loans to individuals jointly engaged in farming.* (1) A joint loan may be made to two eligible applicants living together or living separately and operating jointly not larger than one family-type farm unit. When joint loans are made, both individuals will execute the applications, loan authorization, notes, mortgages, and other documents required in connection with the making and closing the loan.

(2) Separate loans may be made to eligible applicants who are engaged jointly in farming provided not more than two individuals are interested in the operations and the operations provide the equivalent of not larger than a family-type farming operation for each individual. If a loan is made to only one such individual, it will be secured by a lien on his interest in the crops and chattel property as required by § 341.8. If a loan is made to each of the two individuals, a separate mortgage may be executed by each borrower on his interest in the property to secure his loan or a joint mortgage may be executed by both borrowers to secure both loans.

(h) *Relationship with Emergency loans.* Initial Operating loans will not be made to applicants in areas designated for Emergency loans when the credit needs can be met adequately with Emergency loans and can be scheduled for payment in full from the first year's operations. This limitation does not apply to loans in the Great Plains counties pursuant to Part 390 of this chapter unless made applicable by special authorization.



### § 341.7 Rates and terms.

Interest will be charged at the rate of 5 percent per annum on all Operating loans. Interest will accrue from the date of the loan check on outstanding principal only and will not be compounded. Loans will be scheduled for payment as follows:

(a) Payments of principal on Operating loans will be scheduled on the note in accordance with the borrower's reasonable ability to pay determined by an analysis of his farm and home operations as reflected in his farm and home plans. Principal payments on such loans will be scheduled at least annually unless it is determined that income sufficient to meet the initial payment will not be received within 12 months from the date of the loan check, in which case the initial payment may be scheduled on a date coinciding with the date the income is to be received but not beyond the end of the second full crop year following the date of the loan. At least one payment will be scheduled during each 12-month period thereafter. In no event will any payment be scheduled later than seven years from the date of the loan check.

(1) Advances for annual recurring operating expenses will be scheduled for payment when the principal income from the year's operations normally would be received. This includes advances for the payment of bills, interest, taxes, and depreciation.

(2) Advances to purchase or produce feed for productive livestock, or livestock to be fed for the market, will be scheduled for payment when the principal income from the sale of such livestock or livestock products can be expected.

(3) Advances for the purchase of equipment or the refinancing of debts on equipment will ordinarily be scheduled for payment over a period not to exceed five years. In determining the payment period for advances made for such purposes, the loan approval official will give careful consideration to the useful life of the property and the fact that repayment on such advances must more than offset depreciation, including obsolescence, of the equipment if the borrower is to make financial progress.

(4) Advances for purposes other than those enumerated in subparagraphs (1), (2), and (3) of this paragraph will be scheduled for payment over the minimum period consistent with the applicant's ability to pay, as determined from an analysis of the farm and home operations. In no instance may the payment schedule extend beyond the useful life of the security offered for the advance.

(5) When conditions warrant such action, principal payments scheduled in accordance with subparagraphs (3) and (4) of this paragraph should vary in amounts, but in no case should the late installments on a loan be scheduled in larger amounts than can be met from anticipated income.

### § 341.8 Security policies.

(a) Each loan will be secured as follows:

(1) *Crops, title to which is held by the borrower.* By a first lien on the applicant's crops, or his share of the crops if he is a share tenant, which are growing or to be grown by him, subject only to:

(i) The landlord's lien on the crops for reasonable cash or privilige rent for the current year.

(ii) The real estate mortgagee's lien or real estate purchase contract holder's lien on the crops for the current year's installment on the real estate debt, provided such installment is reasonable when related to the normal rental charges for similar farms in the area.

(iii) The lien of another creditor on a particular crop for advances made or to be made by him to produce such crop provided no advance will be made by the Farmers Home Administration in connection with such crop.

(iv) The contract of another creditor or the lien in connection with such contract on a particular crop for advances made or to be made by him to produce, harvest, process, or market such crop provided the crop is under written contract with the creditor, and the contract limits advances to production, harvesting, processing, or marketing costs in connection with the contract crop or to purposes related thereto.

(2) *Crops grown under contract when title to the crop is held by the contractor.* When a crop is being produced, harvested, processed, or marketed by the applicant under an equitable written contract with a responsible contractor and title to the crop is retained by such contractor, loans may be made in connection with such crop provided the contractor limits his advances to production, harvesting, processing, or marketing costs in connection with the contract crop or to purposes related thereto; and an assignment of the applicant's share of the income from the crop is taken by the Farmers Home Administration and is accepted in writing by the contractor holding title to the crop. However, when no payment is expected to be made on the loan from the crop, an assignment will not be required.

(3) *Livestock, farm equipment, and facilities purchased or refinanced.* By a first lien on all livestock, including poultry and farm equipment and facilities, including buildings and fixtures which can be made subject to a valid chattel lien and undivided interests in such property, purchased or refinanced with the proceeds of the loan. However, liens will not be taken on poultry kept primarily for subsistence purposes, on household goods and equipment, on small tools, and equipment. An applicant obtaining a loan for the purchase of an undivided interest in livestock, farm equipment, or facilities will secure his loan by a mortgage on his undivided interest in the item purchased, along with any other security required by this section. Joint mortgages will not be

taken except as provided in § 341.6(g). Each party having an undivided interest in the livestock, farm equipment, or facility purchased will execute Form FHA–844 or FHA 441–12, "Agreement for Disposition of Jointly-Owned Property," providing for the disposition of his interest in the property. However, Form FHA–844 or FHA 441–12 will not be required when a tenant and landlord own property jointly and the lease provides for satisfactory division of such property or the proceeds from its sale, or a joint mortgage is taken to secure loans to two individuals jointly engaged in farming.

(4) *Other livestock and farm equipment of security value.* By a lien on other livestock, poultry, and farm equipment of significant security value owned by the applicant at the time the loan is approved, including any undivided interest in such property owned by the applicant jointly with others who have an interest in the farming operation, except that liens will not be taken on farm trucks unless the loan approval official determines that such liens are needed to adequately secure the loan, liens will not be taken on small equipment and tools, on household goods and equipment, on passenger automobiles, or livestock or poultry kept primarily for subsistence purposes, and liens ordinarily will not be taken on undivided interests in farm equipment or facilities owned jointly by the applicant and others who have no interest in the applicant's farming operation. Such liens will be subject to:

(i) The existing liens of the landlord, real estate mortgagee, or purchase contract holder on such property for amounts owed at the time the loan is approved, and for rent or installments on real estate which may become due in the future. Therefore, if such existing liens secure advances to be made or supplies to be furnished, the lienholder will be required to subordinate his lien for these purposes whether it exists by statute, lease, chattel mortgage, conditional sales contract, vendor's lien, land purchase contract, or other contract.

(ii) The existing liens of creditors other than those specified in subdivision (i) of this subparagraph.

(5) *Liens and assignments to protect the Government's interests in feed purchased or produced with loan funds.* Loans made to purchase or produce feed for livestock being fed for market or to be fed to productive livestock (excluding livestock and poultry kept primarily for subsistence purposes) will ordinarily be secured by first liens on such livestock. However, when a first lien cannot be obtained, the loan will be secured by liens or assignments as provided below:

(i) When the livestock will be owned by the applicant and a first lien cannot be obtained, a junior lien will be taken provided it is determined that the applicant has, or will acquire during the feeding period, an equity in the livestock being fed or will receive income from livestock or livestock products, either of which must be commensurate with the investment made for this purpose, and provided further prior lien holders sign Forms FHA–916 or FHA 441–13 (Agreement) or similar form approved by the Farmers Home Administration, agreeing to a suitable nondisturbance period and to a division of the income to be received from the livestock and livestock products, which will permit the applicant to pay his loan in accordance with the policies expressed herein. However, when no payment is expected to be made on the loan from the livestock or livestock products, Form FHA–916 or FHA 441–13 will not be required.

(ii) When the livestock enterprise is to be managed by the applicant under a livestock share lease, share agreement, or contract, and the income to be received therefrom will be from the livestock fed, or from livestock products, an assignment of such income will be taken provided the owner or purchaser of the livestock or livestock products accepts in writing the assignment. The form for use in obtaining such assignments will be approved by the Farmers Home Administration. However, when no payment is expected to be made on the loan from the livestock or livestock products, an assignment will not be required. When the borrower's compensation under the livestock share lease, share agreement, or contract is livestock increase, the applicant will be required to agree in writing at the time the loan is made to give a first lien on such increase as soon as an effective lien can be taken, unless an after-acquired property clause in an existing lien instrument will provide such a first lien.

(6) *Assignments of crop insurance.* Borrowers having insurance on cash crops from which payments may be received will be required to give written assignments to the Farmers Home Administration of the proceeds of such insurance. If such insurance is to be obtained at a later date, an agreement will be reached with the borrower to give an assignment when the insurance is obtained. However, an assignment is not required in cases where a crop insurance policy contains a standard mortgage clause naming the Farmers Home Administration as mortgagee.

(7) *Assignments of proceeds from sale of agricultural products.* When loans are made to finance dairy or commercial egg enterprises from which payments are expected, assignments will be taken on the milk or egg income to assist in obtaining regular payments as income is received whenever it is possible to obtain an agreement from the purchaser to honor the assignments. Assignments of proceeds from the sale of other agricultural products or agricultural income, including wool incentive payments, will be taken when necessary to protect the interest of the Government and can be obtained.

(8) *Severance agreements.* When Operating loan funds are used to purchase or refinance debts on property which is or may become attached to real estate and it is necessary to sever such property from the real estate to meet the security requirements contained in subparagraph (3) of this paragraph, Forms FHA–259 or FHA 440–6, "Severance Agreement," will be obtained.

(9) *Real estate.* Real estate security will not be taken in connection with making initial Operating loans but may be taken in connection with making subsequent Operating loans in individual cases in which it appears that it may be necessary to rely on such security for payment of the loan. When such security is taken the provisions of § 371.2(b) of this chapter will apply.

(b) *Property insurance.* (1) Applicants obtaining Operating loans should be encouraged to carry insurance on their livestock, equipment, feed, seed, and other property necessary to afford them adequate protection against substantial losses from the common hazards existing in an area, such as fire, lightning, and wind. However, loan approval officials may require individual borrowers to obtain suitable insurance as provided in Forms FHA–30 or FHA 440–4 __, "Crop and Chattel Mortgage," as a prerequisite to loan approval when such action is deemed necessary. Such insurance may be obtained from any insurance company properly authorized to do business in the area.

(2) When insurance is required as a loan approval condition on property serving as security for an Operating loan, a Form FHA 426–2, "Property Insurance Mortgage Clause (Without Contribution)," or a standard mortgage clause which is in general use in the area will be attached to or printed in the policy and will show the United States of America (Farmers Home Administration) as mortgagee.

(3) State Directors will take such additional action and require such additional documents, including subordination agreements, as may be necessary to obtain the required security.

(c) Lien searches will be obtained in accordance with the provisions of Part 342 of this chapter to determine that the Farmers Home Administration will have the required security.

§ 341.9 Land tenure.

Applicants will be required to make satisfactory arrangements for the use of sufficient land of the quality necessary for carrying on an approved system of farming on a sound and practical basis. The tenure policies set forth below will be followed by Farmers Home Administration officials in the making and approving of loans.

(a) *Tenant operators.* (1) Before a loan is made the tenant, the landlord, and the County Supervisor must understand the terms and conditions of the tenure arrangements. The understanding will include how the farm will be operated, the manner in which the planned adjustments and improvements will be financed, the distribution of income and expenses and other contributions by the tenant or the landlord, provisions for the division of the jointly-owned property when the loan is terminated, agreement on any pertinent long-time aspects of the case, and any other factors affecting the tenure relationship.



(2) Ordinarily, loans will not be made unless the applicant obtains a satisfactory written lease. However, when for good reason an applicant cannot obtain a written lease on part or all of the land he expects to operate, the loan may be approved provided the County Supervisor determines that the understanding existing between the tenant and landlord are definite and the rental terms are satisfactory, the lack of a written lease will not likely jeopardize the applicant's farming operations, and the loan docket clearly reflects the rental arrangements made with respect to each tract of land.

(b) *Owner operators.* Before loans are made to owner operators, the terms existing with respect to any real estate indebtedness owing will be ascertained and a determination will be made as to whether the applicant's proposed farming operations will enable him to meet the required payments on the real estate indebtedness as well as being sound in other respects, and the applicant will have reasonably secure tenure on the farm under the terms of the real estate mortgage or purchase contract.

§ 341.10 Loan approval.

(a) *Administrative determinations and responsibilities.* When the County Committee certification has been made, the loan approval official will determine administratively whether:

(1) The applicant is eligible and likely to be successful in the proposed operations and to achieve the objectives of the loan.

(2) The applicant has available, under satisfactory tenure arrangements, a farm adequate in size and productivity to reasonably expect success, taking into consideration off-farm income if a less than family-sized operation is involved.

(3) Plans have been made and documented for the proper system of farming and for any crucial adjustments, improvements, and practices essential for the applicant's success and whether provision has been made for proper follow-up supervision and corrective action.

(4) The proposed farm and home operations of the applicant are sound.

(5) The loan is sound and can be repaid from income as scheduled.

(6) The amount of the loan and the purposes for which the funds are to be used are consistent with the applicant's needs and are for authorized purposes.

(7) The security requirements can be met.

(8) The certifications required of the applicant and County Committee have been made and are a part of the loan docket.

(9) The loan meets all other Farmers Home Administration requirements.

(b) *Loan approval.* (1) State Directors are authorized hereby to approve Operating loans in accordance with the requirements of this part and Part 342 of this chapter. In addition, the approval of the National Office must be obtained if the loan being made will cause the total principal balance of Operating loans (including Production and Subsistence loans) plus the total principal balance owed on Production Emergency, Economic Emergency, and Special Livestock loans to exceed $20,000, or if the applicant is indebted for a Farmers Home Administration Real Estate loan or such a loan is being made, and the total principal balance on all indebtedness to, or insured by, Farmers Home Administration will exceed $50,000. However, when the National Office has concurred in the approval of an Operating loan which would cause the total principal balance on all Farmers Home Administration loans to exceed $50,000 as provided herein, the case need not be resubmitted to the National Office in connection with request for additional Operating loans unless such action is necessary under the $20,000 debt limit as provided herein.

(2) State Directors are authorized to redelegate and restrict or revoke such redelegations to qualified State Office employees, County Supervisors, and GS–7 Assistant County Supervisors authority to approve loans, except that County Supervisors and GS–7 Assistant County Supervisors may not be authorized to approve loans which will result in an applicant becoming indebted in excess of $10,000 total principal for Operating loans (including Production and Subsistence loans), Emergency loans, and Special Livestock loans.

Dated: February 21, 1961.

K. H. HANSEN,
*Administrator,*
*Farmers Home Administration.*

[F.R. Doc. 61–1721; Filed, Feb. 27, 1961; 8:49 a.m.]

# Title 7—AGRICULTURE

## Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

## PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

### Bonds to Cover Releases

*Basis and purpose.* The purpose of this amendment is to change the basic price quotation provided for in § 817.9-(c)(2) of Part 817 (23 F.R. 671; 25 F.R. 2710), for determining the monetary amount of an obligation applicable to a bond accepted pursuant to § 817.9. This amendment is necessary because the price quotation previously in effect was discontinued on February 1, 1961.

It has been determined that the "Spot Quotation" (duty paid or duty free) per pound of sugar deliverable on the New York Coffee and Sugar Exchange under Contract No. 7, as established by that Exchange, will be published regularly and that such quotation will reflect the current value of sugar for consumption in the continental United States and accordingly is appropriate for determining the monetary amount of an obligation applicable to a bond accepted pursuant to § 817.9.

Proper and effective administration of the provision of this regulation, relating to establishing bond obligations, requires that the new basic price quotation for determining the monetary amounts of such obligations be made effective at the earliest possible time. It is, therefore, found that notice and public procedure are impracticable, unnecessary and contrary to the public interest and that the following amendment shall become effective immediately upon publication in the FEDERAL REGISTER.

Pursuant to the provisions of section 403 of the Sugar Act of 1948, as amended (61 Stat. 922, as amended), subparagraph (2) of paragraph (c) of § 817.9 is amended to read as follows:

§ 817.9 Bonds to cover releases.

* * * * *

(c) * * *

(2) *Monetary amount.* The monetary amount of the obligation under the bond shall not be less than the sum of the amounts applicable to all quantities of sugar or liquid sugar covered at any one time thereunder by virtue of the issuance of authorizations required pursuant to § 817.5 for release of sugar or liquid sugar by the Collector or acceptance of Notices of Delivery, and such obligations shall be effective whether or not the surety receives notice from the Secretary of the issuance of such an authorization or the acceptance of a Notice of Delivery. The monetary amount applicable to each quantity of sugar covered by each authorization for release of sugar by the Collector or by each Notice of Delivery, and made subject to a bond accepted under this Part shall be the "spot" quotation per pound of raw sugar deliverable on the New York Coffee and Sugar Exchange under Contract No. 7 as established by that Exchange for the last business day before the date of application to the Secretary for the issuance of such authorization, or before the delivery date or the last date of the delivery period shown on such Notice of Delivery multiplied by the weight in pounds of such quantity of sugar. The amount applicable to each quantity of liquid sugar covered by each authorization for release of liquid sugar by the Collector or by each Notice of Delivery shall be computed upon the basis of the same price per pound, ascertained as heretofore stated in this paragraph, multiplied by the pounds of the "total sugar content," as defined in section 101(i) of the act, of such quantity of liquid sugar. The quantity of sugar or liquid sugar covered by each authorization required pursuant to § 817.5 for release by the Collector or by each Notice of Delivery shall be the quantity stated in the Notice of Delivery or in the application submitted on the Sugar Quota Clearance Record, or the quantity stated in the report made to and received by the Sugar Division in accordance with § 817.4(f) if differing from the quantity stated in the authorization for release of sugar or liquid sugar by the Collector.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or apply sec. 209; 61 Stat. 928; 7 U.S.C. 1119)

Issued this 23d day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61–1720; Filed, Feb. 27, 1961; 8:49 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 23]

## PART 923—MILK IN APPALACHIAN MARKETING AREA


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EFFECTIVE TIME, SUSPENSION OR TERMINATION

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923.111 Separability of provisions.


AUTHORITY: §§ 923.0 to 923.111 issued under Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

### § 923.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Appalachian and Bluefield marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The Appalachian order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the Appalachian marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The Appalachian order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe as follows:

(i) Each handler in his capacity as operator of a pool plant with respect to (*a*) all receipts of producer milk and receipts of milk from a cooperative association in its capacity as a handler pursuant to § 923.10(d), and (*b*) receipts of other source milk which are classified as Class I milk and not subject to administrative assessment under another Federal order: *Provided*, That if such handler elects two accounting periods within the month, the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

(ii) Each handler operating a nonpool plant with respect to Class I milk disposed of during the month on routes in the marketing area from a nonpool plant except from a plant pursuant to § 923.61.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than March 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued December 2, 1960, and the decision of the Secretary containing all amendment provisions of this order, was issued February 9, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling. It is therefore ordered*, That on and after the effective date hereof, the Appalachian and Bluefield orders (Parts 923 and 1012) shall be merged under one order and the handling of milk in the consolidated marketing area, which shall be named "Appalachian Marketing Area", shall be in conformity to and in compliance with the terms and conditions of Order No. 23 as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

### § 923.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

### § 923.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

### § 923.3 Department.

"Department" means the United States Department of Agriculture.

### § 923.4 Person.

"Person" means any individual, partnership, corporation, association or other business unit.

### § 923.5 Cooperative association.

"Cooperative Association" means any cooperative marketing association of dairy farmers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

### § 923.6 Appalachian marketing area.

"Appalachian marketing area" hereinafter called the marketing area, means all of the territory geographically located within the perimeters of the counties of Greene, Sullivan, and Washington in Tennessee; Tazewell, Washington, and Wise in Virginia; McDowell and Mercer in West Virginia; and Harlan in Kentucky.

### § 923.7 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or sale from a plant or plant store) of any milk or milk products classified as Class I milk pursuant to § 923.41(a) other than a delivery to a plant.

### § 923.8 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment whether owned and operated by one or more persons constituting a single operating unit or establishment at which milk or milk products are received and processed or packaged: *Provided*, That this definition shall not be deemed to include any separate building, premises or facilities the primary function of which is to hold or store packaged milk or milk products in finished form in transit on routes.

### § 923.9 Pool plant.

"Pool plant" means any plant except the plant of a producer-handler or a plant described in § 923.61:

(a) From which during the month:

(1) Total disposition of Class I milk is equal to not less than 50 percent of the milk approved or recognized by a duly constituted health authority for distribution within the marketing area which is received from dairy farmers and from cooperative associations who deliver such milk to such plant in the manner described in § 923.10(d); and

(2) Disposition of Class I milk on routes in the marketing area is equal to not less than 10 percent of its total Class I milk disposition on routes both inside and outside the marketing area;

(b) From which milk or milk products approved or recognized by a duly constituted health authority for distribution within the marketing area in an amount equal to not less than 50 percent of its receipts of such milk or milk products from dairy farmers and from cooperative associations who deliver such milk to such plant in the manner described in § 923.10(d) are shipped as milk, skim milk or cream in fluid form to plants specified in paragraph (a) of this section: *Provided*, That any plant which qualifies as a pool plant pursuant to this paragraph in each of the months of August through March shall be a pool plant for the following months of April through July unless the operator of such plant files with the market administrator prior to the first day of any month of April through July a written request for nonpool status for such month; or

(c) Which is operated by a cooperative association, if the total pounds of milk, skim milk or cream approved or recognized by a duly constituted health authority for distribution within the marketing area which are transferred from such plant to pool plants qualified pursuant to paragraph (a) or (b) of this section and which are received at similarly qualified pool plants from producers who are members of the association are equal to not less than 70 percent of the pounds of Class I utilization at such other pool plants.

### § 923.10 Handler.

"Handler" means (a) any person in his capacity as the operator of a pool plant; (b) any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of on routes in the marketing area or from which milk, skim milk or cream in fluid form is shipped to a plant which disposes of Class I milk on routes in the marketing area; (c) any cooperative association of producers with respect to producer milk diverted by it from a pool plant to a nonpool plant; and (d) any cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, under contract to, or under control of such cooperative association, if the cooperative association, *prior to delivery*, furnished written notice to the market administrator and to the handler to whose plant the milk is delivered that it will be the handler for the milk. The milk so delivered shall be considered to have been received by such cooperative association at the location of the pool plant to which it is delivered.

### § 923.11 Producer.

"Producer" means any person except a producer-handler, who produces milk in compliance with the requirements of a duly constituted health authority for distribution within the marketing area, which milk is (a) received at a pool plant, or (b) received by a cooperative association in its capacity as a handler pursuant to § 923.10(d), or (c) diverted from a pool plant to a nonpool plant other than a plant of a producer-handler: (1) Any day during the months of March through July, and (2) on not more than 15 days during any of the months of August through February: *Provided*, That the milk so diverted shall be deemed to have been received at the pool plant from which diverted if diverted for the account of the operator of such plant, or at the location of the pool plant from which diverted if diverted for the account of a cooperative association.

### § 923.12 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in (a) milk received at a pool plant directly from producers, (b) milk from producers diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 923.11(c), or (c) milk received by a cooperative association pursuant to § 923.10(d).

### § 923.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 923.41(a) except (1) such products which are received from pool plants, (2) milk received from a cooperative association for which it is the handler pursuant to § 923.10(d), or (3) producer milk; and

(b) Products designated as Class II milk pursuant to § 923.41(b)(1) from any source (including those from a pool plant's own production), which are reprocessed or converted to another product in the plant during the month.

### § 923.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a plant from which Class I milk is disposed of on routes in the marketing area whose only source of supply for Class I milk is milk of his own production and products designated as Class I milk pursuant to § 923.41(a) from pool plants.

§ 923.15 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

§ 923.16 Base milk.

"Base milk" means producer milk received from a producer during any of the months of April through July which is not in excess of such producer's base for the month computed pursuant to § 923.81.

§ 923.17 Excess milk.

"Excess milk" means either (a) producer milk received from a producer during the months of April through July which is in excess of base milk received from such producer during the month, or (b) milk received during the month from a producer for whom no base can be computed pursuant to § 923.80.

MARKET ADMINISTRATOR

§ 923.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 923.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) Administer its terms and provisions;

(b) Receive, investigate, and report to the Secretary complaints of violations;

(c) Make rules and regulations as are necessary to effectuate its terms and provisions; and

(d) Recommend amendments to the Secretary.

§ 923.22 Duties.

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon duty and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer terms and provisions of this part;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 923.98, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 923.97, that are necessarily incurred by him in the maintenance and functioning of his office, and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or payments required by this part;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(h) Prepare and disseminate to producers, handlers, and the public, information as he deems necessary;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests in writing, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

(j) Verify all reports and payments of each handler, by audit or such other investigation, as may be necessary, of such handler's records and facilities and of the records and facilities of any person upon whose utilization the classification of skim milk and butterfat depends; and

(k) On or before the date specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following: (1) The 6th day of each month, the Class I milk price, and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential; both for the preceding month; and (2) the 10th day of each month, the uniform price, or the uniform prices for base milk and excess milk and the producer butterfat differential, all for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 923.30 Reports of receipts and utilization.

(a) On or before the 6th day after the end of each month, each handler shall report to the market administrator, for each of his pool plants and for each accounting period elected in such month, in the detail and on forms prescribed by the market administrator, as follows:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk and the aggregate quantities of base milk and excess milk;

(2) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 923.41(a)(1) received from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 923.10(d);

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) The inventories of skim milk and butterfat in products designated as Class I milk pursuant to § 923.41(a) on hand at the beginning and end of the month;

(5) The utilization of all skim milk and butterfat required to be reported by this part, including a separate statement of the disposition of Class I milk outside the marketing area; and

(6) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

(b) On or before the 6th day after the end of each month, each cooperative association, with respect to milk for which it is a handler pursuant to § 923.10 (c) or (d), shall report to the market administrator for such month, and for each accounting period elected in such month, in the detail and on forms prescribed by the market administrator, as follows:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk; and

(2) The quantities of skim milk and butterfat contained in milk delivered to each pool plant and in the milk diverted to each nonpool plant.

(c) Each handler who submits reports on the basis of an accounting period of less than a month, as described in § 923.35, shall submit a summary report of the same information for the entire month.

§ 923.31 Other reports.

(a) Each producer-handler and each handler operating a nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler operating a pool plant shall report to the market administrator on or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product.

§ 923.32 Payroll reports.

On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of milk for the preceding month for each of his pool plants which shall show: (a) The name and address of each producer, (b) the total pounds and the average butterfat test of milk received from such producer, including, for the months of April through July, the total pounds of base and excess milk, (c) the days on which milk was received from such producer if less than a full month, (d) the rate and net amount of payment to each producer, and (e) the amount and nature of any deductions or charges involved in such payments.



§ 923.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 923.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 923.35 Accounting periods.

A handler may account for receipts of milk, utilization and classification of milk at any of his pool plants for two periods within a month, either period not to be less than seven days, in the same manner as for a month, if he provides to the market administrator in writing not later than 24 hours prior to the end of an accounting period notification of his intention to use two accounting periods.

CLASSIFICATION

§ 923.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to §§ 923.30 and 923.31 shall be classified each month by the market administrator, pursuant to the provisions of §§ 923.41 through 923.46.

§ 923.41 Classes of utilization.

Subject to the conditions set forth in §§ 923.42, 923.43 and 923.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except sterilized products in hermetically sealed containers, ice cream mix, and eggnog); (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) contained in homogenized and chocolate milk disposed of for animal feed; (3) contained in (skim milk only) products disposed of for animal feed, other than those in (2) of this paragraph; (4) dumped (skim milk only) during the months of April, May, June or July: *Provided*, That the handler shall give the market administrator such advance notice of intention to dump as the market administrator may require; (5) contained in inventory of products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of the month; and (6) in shrinkage assigned to Class II pursuant to § 923.42.

§ 923.42 Shrinkage.

The market administrator shall determine for the pool plants of a handler the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of butterfat and skim milk;

(b) Multiply the pounds of skim milk and butterfat in producer milk (except milk diverted pursuant to § 923.11(c)), milk received from a cooperative association pursuant to § 923.10(d), and other source milk by 0.02;

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk, respectively, classified pursuant to § 923.41(a) (1) and (2), and (b) (1), (2), (3) and (4) (excluding that in milk diverted pursuant to § 923.11(c) and shrinkage determined pursuant to paragraph (a) of this section) which is in Class II milk. The resulting amounts of skim milk and butterfat shall be classified as Class II milk; and

(d) Assign the shrinkage of skim milk and butterfat classified as Class II milk pro rata to (1) producer milk, (2) milk received from a cooperative association pursuant to § 923.10(d), and (3) other source milk.

§ 923.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handlers who first received such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 923.44 Transfers.

Skim milk or butterfat shall be classified:

(a) As Class I milk if transferred from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 923.10(d) in the form of products designated as Class I milk in § 923.41(a) (1) to a pool plant of another handler unless utilization as Class II milk is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 923.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of milk pursuant to § 923.46 (a) (1) through (8) and (b), and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk if transferred from a pool plant in the form of products as designated in § 923.41(a) to a producer-handler:

(c) As Class I milk if transferred or diverted in bulk form as milk or skim milk from a pool plant to a nonpool plant unless:

(1) Such nonpool plant is located not more than 200 miles from the City Hall in Bluefield, West Virginia, or from the city limits of Kingsport, Tennessee, such mileage to be the shortest highway distance as determined by the market administrator;

(2) The handler claims classification in Class II in his report;

(3) The operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat, respectively, was actually used as Class II milk in such transferee plant: *Provided*, That the same Class II utilization of butterfat and skim milk, respectively, shall not be claimed for receipts from other pool plants under this or any other Federal order; and

(d) As Class I milk if transferred from a pool plant in bulk form as cream to a nonpool plant unless:

(1) Such cream is transferred without Grade A certification of any health authority;

(2) The handler claims classification in Class II in his report;

(3) The operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat, respectively, was actually used as Class II milk in such transferee plant: *Provided*, That the same Class II utilization of butterfat and skim milk, respec-

tively, shall not be claimed for receipts from other plants fully regulated under this or any other Federal order.

**§ 923.45 Computation of the skim milk and butterfat in each class.**

For each month, the market administrator shall correct for mathematical and for other obvious errors, the reports of receipts and utilization of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made has been removed before the product is received, utilized or disposed of by a handler, the pounds of skim milk to be accounted for as received, utilized or disposed of shall be the weight of the nonfat milk solids contained in the product, plus all of the water originally associated with such solids.

**§ 923.46 Allocation of skim milk and butterfat classified.**

After making the computations pursuant to § 923.45, the market administrator shall determine the classification of each handler's producer milk received at his pool plants as follows:

(a) Skim milk shall be allocated in the following manner;

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 923.42(d);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk in products classified and priced as Class I milk under the Knoxville, Tennessee, Federal milk order (Order No. 88) which were received in consumer packages and disposed of in the same packages as Class I milk;

(3) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk pursuant to § 923.13(b): *Provided*, That if the receipts of skim milk in such other source milk are greater than the remaining pounds of skim milk in Class II milk, the amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk pursuant to § 923.13(a) received from nonpool plants and not subject to the classification and pricing provisions of another Federal order: *Provided*, That if the receipts of skim milk in such other source milk are greater than the remaining pounds of skim milk in Class II milk, the amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(5) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the the pounds of skim milk in producer milk and milk received from a cooperative association pursuant to § 923.10(d) by 0.05, whichever is less, whenever total producer receipts in the month, or preceding month, are less than 105 percent of net Class I milk utilization of all pool plants (including diverted milk) during the corresponding month.

(6) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk subject to the classification and pricing provisions of another Federal order and not subtracted pursuant to subparagraph (2) of this paragraph: *Provided*, That if the receipts of skim milk in such other source milk are greater than the remaining pounds of skim milk in Class II milk, the amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(7) Add to Class II milk the pounds of skim milk subtracted pursuant to subparagraph (5) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in Class II milk, in excess of the pounds of skim milk contained in inventory of products designated as Class I milk pursuant to § 923.41(a)(1) on hand at the end of the month, the pounds of skim milk in inventory of such products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk utilization the difference shall be subtracted from the pounds of skim milk in Class I milk;

(9) Subtract from the remaining pounds of skim milk in each class the skim milk received from the pool plants of other handlers or from a cooperative association in its capacity as a handler pursuant to § 923.10(d) in the form of products designated as Class I milk in § 923.41(a)(1), according to its classification as determined pursuant to § 923.44(a);

(10) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(11) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

**§ 923.50 Basic formula price.**

The highest of the prices computed pursuant to paragraph (a) or (b) of this section and § 923.51(b), rounded to the nearest whole cent, shall be the basic formula price.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month:

| *Present Operator and Location* |
|---|
| Borden Co., Orfordville, Wis. |
| Borden Co., New London, Wis. |
| Carnation Co., Sparta, Mich. |
| Carnation Co., Richland Center, Wis. |
| Carnation Co., Oconomowoc, Wis. |
| Pet Milk Co., Wayland, Mich. |
| Pet Milk Co., Coopersville, Mich. |
| Pet Milk Co., New Glarus, Wis. |
| Pet Milk Co., Belleville, Wis. |
| White House Milk Co., Manitowoc, Wis. |
| White House Milk Co., West Bend, Wis. |

add an amount computed by multiplying the Chicago butter price for the month by 0.6.

(b) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.8 and add to such sum 3¾ cents for each full ½ cent that the average of carlot prices per pound of nonfat dry milk, spray and roller process, for human consumption, f.o.b. Chicago area manufacturing plants, as reported by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month, is above 5 cents.

**§ 923.51 Class prices.**

Subject to the provisions of §§ 923.52 and 923.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.86 during the months of March through July; and $2.10 during all other months.

(b) *Class II milk price.* For the months of March through August, the Class II milk price shall be the price computed pursuant to subparagraph (1) of this paragraph, and for all other months the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the month.

| *Company and Location* |
|---|
| Borden Co., Lewisburg, Tenn. |
| Borden Co., Chester, S.C. |
| Carnation Co., Galax, Va. |
| Carnation Co., Murfreesboro, Tenn. |
| Carnation Co., Statesville, N.C. |
| Franklin Milk Co., Jonesboro, Tenn. |
| Kraft Foods Co., Independence, Va. |
| Kraft Foods Co., Greeneville, Tenn. |
| Pet Milk Co., Greeneville, Tenn. |
| Pet Milk Co., Abingdon, Va. |

(2) Add the amounts obtained pursuant to subdivisions (i) and (ii) of this subparagraph, and subtract 75 cents therefrom.

(i) Multiply the Chicago butter price by 4.8;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department.



**§ 923.52 Butterfat differential to handlers.**

For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 923.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows;

(a) *Class I price.* Multiply the Chicago butter price for the previous month by 0.12, and round to the nearest one-tenth cent.

(b) *Class II price.* Multiply the Chicago butter price for the previous month by 0.11, and round to the nearest one-tenth cent.

**§ 923.53 Location differentials to handlers.**

For that milk which is received from producers at a pool plant located 50 miles or more from the nearest of the following listed places, by shortest hard surfaced highway distance as determined by the market administrator and is assigned to Class I milk the price specified in § 923.51(a) shall be reduced at the rate of 10 cents per hundredweight for a distance of not less than 50 miles but less than 60 miles, plus 1.5 cents per hundredweight additional for each 10 miles, or fraction thereof, beyond 60 miles, according to the location of the pool plant where such milk is received from producers;

| |
|---|
| County Courthouse, Princeton, W. Va. |
| City Hall, Bluefield, W. Va. |
| City Hall, Welch, W. Va. |
| City Limits, Kingsport, Tenn. |
| City Hall, Harlan, Ky. |

*Provided*, That for the purpose of calculating such location differentials, products so designated as Class I milk which are transferred between pool plants shall first be allotted to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 923.46(a) (1) through (8) and the comparable steps in § 923.46(b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat, respectively, contained in producer milk and milk from a cooperative association pursuant to § 923.10(d) received at the transferee-plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

**§ 923.54 Use of equivalent prices.**

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

**§ 923.60 Producer-handlers.**

Sections 923.50 through 923.54, 923.62, 923.70 through 923.73, 923.80 through 923.83, and 923.90 through 923.99 shall not apply to a producer-handler.

**§ 923.61 Plants subject to other Federal orders.**

A plant specified in paragraph (a) or (b) of this section shall be exempt from regulation under this order except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 923.30), and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 923.9(a) which would be fully regulated under the provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant on routes in the Appalachian marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 923.9 (b) or (c) which would be fully regulated under the provisions of another order issued pursuant to the Act unless such plant was a pool plant pursuant to § 923.9 (b) or (c) for each month during the preceding August through March period.

**§ 923.62 Payments on other source milk.**

Each handler shall make payments on other source milk in the manner described in paragraphs (a) through (d): *Provided*, That such payments shall not apply pursuant to paragraphs (a), (b), and (c) if the receipts of producer milk for the current month are less than 105 percent of the net Class I utilization of pool plants for that month.

(a) Each handler operating a pool plant who received other source milk which is allocated to Class I pursuant to § 923.46 (a)(3) and (b), shall make payment on the quantity so allocated at the difference between the Class I price and the Class II price adjusted for butterfat content and location of his pool plant qualified pursuant to § 923.9(a);

(b) Each handler operating a pool plant who received other source milk which is allocated to Class I pursuant to § 923.46 (a)(4) and (b), shall make payment on the quantity so allocated at the difference between the Class I price, and the Class II price applicable at the nearest nonpool plant(s) from which an equivalent amount of such other source milk is received;

(c) Each handler operating a pool plant who received other source milk which is allocated to Class I milk pursuant to § 923.46 (a)(6) and (b) shall make payment on the amount so allocated which exceeds the milk so received and classified and priced as Class I milk under another Federal order, at the difference between the Class I price and the Class II price applicable at the location of the nearest Federal order plants (as determined by the applicable location differential rate) from which an equivalent amount of such other source milk was received; and

(d) Each handler operating a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act, shall, on or before the 12th day after the end of the month, make payment to the market administrator for deposit into the producer-settlement fund, on the quantity of skim milk and butterfat disposed of as Class I milk pursuant to § 923.41(a) from such nonpool plant on routes in the marketing area during the month, which is in excess of his receipts of skim milk and butterfat, respectively, classified and priced as Class I milk under this or any other Federal order, at the difference between the Class I price and the Class II price applicable at the location of such plant.

DETERMINATION OF UNIFORM PRICE

**§ 923.70 Computation of the value of milk for each handler.**

The net obligation of each handler for milk received at his pool plants and of any cooperative association with respect to milk for which it is a handler pursuant to § 923.10 (c) or (d) each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class by the applicable class price and total the resulting amounts;

(b) Add any plus amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 923.46 (a)(11) and (b) by the applicable class price;

(c) Add the amount of any payment due from such handler pursuant to § 923.62 (a), (b), and (c);

(d) Add any plus amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month less allowable shrinkage allocated pursuant to § 923.46(a)(1) in such month, or the hundredweight of milk subtracted from Class I milk pursuant to § 923.46 (a)(8) and (b) for the current month, whichever is less;

(e) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of milk allocated to Class I pursuant to § 923.46 (a)(8) and (b) for the current month which is in excess of (1) the hundredweight of milk for which an adjustment was made pursuant to paragraph (d) of this section and (2) the hundredweight of milk assigned to Class II pursuant to § 923.46 (a)(6) and (b) for the previous month and which was classified and priced as Class I under another Federal order.

**§ 923.71 Computation of the uniform price.**

For each of the months of August through March, the market administrator shall compute the uniform price per hundredweight of producer milk of 4.0

percent butterfat content, f.o.b. basing points, as follows:

(a) Combine into one total the values computed pursuant to § 923.70 for the milk of all handlers who submit reports prescribed in § 923.30 and who are not in default of payments pursuant to § 923.90 or § 923.94;

(b) Add the total of the location differential deductions to be made pursuant to § 923.92;

(c) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 923.91, and multiply the result by the total hundredweight of such milk;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers.

### § 923.72 Computation of the uniform prices for base milk and for excess milk.

For each of the months of April through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, f.o.b. basing points, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 923.30, and who are not in default of payments pursuant to § 923.90 or § 923.94 as follows: (1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the price for Class II milk of 4.0 percent butterfat content, (2) multiply the remaining hundredweight quantity of excess milk by the price for Class I milk of 4.0 percent butterfat content, (3) add together the resulting amounts, and (4) add any amount indicated pursuant to the proviso of paragraph (d) of this section;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content, f.o.b. basing points;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section times the hundredweight of excess milk from the total value of producer milk for the month as determined by the procedure set forth in § 923.71 (a) through (d);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (a) of this section to the extent that the excess price shall not exceed the base price as calculated herein. Any additional value remaining shall be prorated to the respective volume of base and excess milk; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content, f.o.b. basing points.

### § 923.73 Notification of handlers.

On or before the 10th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 923.30, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of April through July the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 923.71 and 923.72 and the butterfat differential computed pursuant to § 923.91; and

(d) The amounts to be paid by such handler pursuant to §§ 923.62, 923.94, 923.97, and 923.98 and the amount due such handler pursuant to § 923.95.

## BASE RATING

### § 923.80 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received from such producer at all pool plants during the months beginning with September of the previous year through February of the current year by the number of days from the first day milk is received from such producer during said months to the last day of February, inclusive, but not less than 120 days.

### § 923.81 Computation of base.

The base of each producer to be applied during the months of April through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days such producer's milk was received by such handler during the month: *Provided*, That if the producer's milk was not received on a daily basis, the daily base shall be multiplied by the number of days during the month for which the milk production of such producer was received by such handler.

### § 923.82 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to each producer for whose account milk is received at a pool plant during the months beginning with September of the preceding year through February of the current year.

(b) A base may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(3) The entire daily base of a producer may be removed from one handler to another handler regulated under this part.

(c) The daily base of any producer whose milk was received at a plant which becomes first qualified as a pool plant after September 1, of the previous year shall be computed under § 923.80 on the basis of such producer's deliveries to such plant during the months beginning with the September preceding the current year through February of the current year, if such records are made available to the market administrator.

### § 923.83 Announcement of established bases.

On or before April 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

## PAYMENTS

### § 923.90 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) and (c) of this section, each handler shall make payment to each producer for milk received during the month as follows: On or before the 15th day after the end of the month, an amount equal to not less than the applicable uniform price(s) adjusted by the butterfat and location differentials to producers, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(1) Less marketing service deductions made pursuant to § 923.97, and

(2) Less proper deductions authorized in writing by such producer;

(b) In the case of a cooperative association which has so requested the handler in writing, such handler shall, on or before the second day prior to the date payments are due to individual producers pursuant to paragraph (a) of this section, pay the association for milk received during the month from the producer-members of such association an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section, less any deductions authorized in writing by such association: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) On or before the second day prior to the date payments are due individual producers, each handler shall pay a cooperative association for milk received at his pool plant from such association for which the association is the handler not less than the value of such milk computed at the applicable minimum class prices for the location of the pool plant of the buying handler; and

(d) In making the payments to producers pursuant to paragraph (a) or (b) of this section, each handler shall furnish each producer from whom he had received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer, including, for the months in which base and excess prices apply, the pounds of base and excess milk;

(3) The minimum rate or rates at which payment to the producer or cooperative association is required pursuant to this part;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount payment to the producer or cooperative association.

### § 923.91 Butterfat differential to producers.

The applicable uniform prices to be paid each producer pursuant to § 923.90 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 923.46(b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

### § 923.92 Location differential to producers.

In making payment to producers pursuant to § 923.90, the applicable uniform prices to be paid for producer milk received at a pool plant located 50 miles or more from the nearest of the following listed places by the shortest hard surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the following rate: County Courthouse, Princeton, West Virginia; City Hall, Bluefield, West Virginia; City Hall, Welch, West Virginia; City Limits of Kingsport, Tennessee; City Hall of Harlan, Kentucky:

| Distance in miles | Rate per hundredweight (cents) |
|---|---|
| 50 but less than 60 | 10 |
| For each additional 10 miles (or fraction thereof) an additional | 1.5 |

### § 923.93 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 923.62(d), 923.94, and 923.96 and out of which he shall make all payments pursuant to §§ 923.95 and 923.96: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

### § 923.94 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which his obligation as computed pursuant to § 923.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

### § 923.95 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which his obligation computed pursuant to § 923.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

### § 923.96 Adjustment of errors in payment.

Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 923.94, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 923.95, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 923.90, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

### § 923.97 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 923.90, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments, to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions computed for each producer.

### § 923.98 Expense of administration.

As his pro rata share of the expense of administration of this part each handler shall pay to the market administrator, on or before the 15th day after the end of the month, for such month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe as follows:

(a) Each handler in his capacity as operator of a pool plant with respect to (1) all receipts of producer milk and receipts of milk from a cooperative association in its capacity as a handler pursuant to § 923.10(d), and (2) receipts of other source milk which are classified as Class I milk and not subject to administrative assessment under another Federal order: *Provided*, That if such handler elects two accounting periods within the month, the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

(b) Each handler operating a nonpool plant with respect to Class I milk disposed of during the month on routes in the marketing area from a nonpool plant except from a plant pursuant to § 923.61.

### § 923.99 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless

within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

**§ 923.100 Effective time.**

The provisions of this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 923.101.

**§ 923.101 Suspension or termination.**

The Secretary may suspend or terminate this part or any provisions thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

**§ 923.102 Continuing obligations.**

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

**§ 923.103 Liquidation.**

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

**§ 923.110 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

**§ 923.111 Separability of provisions.**

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 24th day of February 1961, to be effective on and after the 1st day of March 1961.

ORVILLE F. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1756; Filed, Feb. 27, 1961; 8:52 a.m.]

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[Lemon Reg. 887, Amdt. 1]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

*Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 953.994 (Lemon Regulation 887, 26 F.R. 1438) are hereby amended to read as follows:

(ii) District 2: 232,500 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 23, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-1718; Filed, Feb. 27, 1961; 8:49 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 666; Amdt. 356]

## PART 507—AIRWORTHINESS DIRECTIVES

### Vickers Viscount 745D and 810 Series Aircraft

Amendment 135 (25 F.R. 3575), requires reinforcement of certain bearing channels of the main landing gear of Viscount 745D and 810 Series aircraft by April 1, 1961. Further study of the problem shows that an equivalent level of safety may be maintained by additional inspections in lieu of mandatory reinforcement when no cracks are found. Accordingly, Amendment 135 is being amended to provide for repetitive inspections in lieu of mandatory reinforcement.

Since this amendment imposes no additional burden, notice and public procedure hereon are unnecessary and it will become effective on date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 135, Vickers Viscount Model 745D and 810 Series aircraft, 25 F.R. 3575, is amended as follows:

1. Change paragraph (c) to read:

(c) Not later than April 1, 1961, aircraft which have accumulated 4,000 flights or more must incorporate reinforced inboard and outboard bearing channels at rib Station 131 on both right and left wings in accordance with Vickers Mod. Bulletin D.2866 Part (A) for Model 745D or FG.1513 Part (A) for Model 810 Series, except that aircraft may remain in service on or after April 1, 1961, without the incorporation of the reinforcements provided the following is accomplished in addition to the provisions of (a).

(1) Aircraft must be inspected within the next 1,500 flights after April 1, 1961, and every 1,000 flights thereafter, for cracks in the bearing channels (P/N 70103–1515ND and –1516ND for 700 Series aircraft; P/N 81003–1061ND and –1062ND for 810 Series aircraft) on the outboard side of the rib in the tank bay area. Cracked bearing channels must be repaired and reinforced per (a).

(2) If tank bay channels are found cracked, the corresponding channels on the inboard side of the rib in the wheel bay area must be either repaired and reinforced or replaced and reinforced at the same time as the outboard components.

2. Change paragraph (d) to read:

(d) The inspections in (a) and (c) (1) are not required after incorporation of the reinforcements.

This amendment shall become effective February 28, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 21, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-1683; Filed, Feb. 27, 1961; 8:45 a.m.]

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SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-AN-33]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Federal Airway, Associated Control Areas, and Reporting Points

On November 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12202) stating that the Federal Aviation Agency proposed to extend Blue Federal airway No. 26 and its associated control areas from Fairbanks, Alaska, to Fort Yukon, Alaska, and designate the Fort Yukon radio beacon as a reporting point.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 600.626 (14 CFR 600.626) the following changes are made:

(a) In the caption *"Fairbanks"* is deleted and *"Fort Yukon"* is substituted therefor.

(b) In the text "radio range to the Fairbanks, Alaska, radio range station. The portion of this airway which lies within the Anchorage, Alaska, Elmendorf AFB Restricted Area/Military Climb Corridor (R–561) shall be used only after obtaining prior approval from the controlling agency." is deleted and "RR; Fairbanks RR, to the Fort Yukon, Alaska, RBN. The portion of this airway that coincides with R–2201 Anchorage, Alaska (Elmendorf AFB) Restricted Area/Military Climb Corridor shall be used only after obtaining prior approval from FAA, Anchorage Approach Control." is substituted therefor.

2. In the caption of § 601.626 (14 CFR 601.626) *"Fairbanks"* is deleted and *"Fort Yukon"* is substituted therefor.

3. In § 601.4626 (14 CFR 601.4626) the following changes are made:

(a) In the caption *"Fairbanks"* is deleted and *"Fort Yukon"* is substituted therefor.

(b) In the text "radio range station." is deleted and "RR; Fort Yukon, Alaska, RBN." is substituted therefor.

These amendments shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 20, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1686; Filed, Feb. 27, 1961; 8:46 a.m.]

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[Airspace Docket No. 60-LA-45]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Points; Modification and Revocation of Control Area Extensions

On November 23, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 11114) stating that the Federal Aviation Agency proposed to revoke the segment of Green Federal airway No. 5, its associated control areas and reporting points between Los Angeles, Calif., and Columbus, N. Mex.; revoke the Chatsworth, Calif., control area extension; and modify the Burbank, Calif., control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.15 (14 CFR 600.15, 25 F.R. 4160, 26 F.R. 713) is amended to read:

**§ 600.15 Green Federal airway No. 5 (Knoxville, Tenn., to Boston, Mass.).**

From the Knoxville, Tenn., RR via the Tri-City, Tenn., RR; Pulaski, Va., RR; Roanoke, Va., RR; Gordonsville, Va., RR; INT of the NE course of the Gordonsville RR and the S course of the Washington, D.C., RR; Andrews, Md., RR; Millville, N.J., RR; Beachwood, N.J., RBN; INT of the SE course of the Newark, N.J., RR and the SW course of the Peconic, Long Island, N.Y., RR; Peconic RR; INT of the NE course of the Peconic RR and the SE course of the Hartford, Conn., RR to the Boston, Mass., RR.

**§ 601.15 [Amendment]**

2. In the caption of § 601.15 (26 F.R. 713) *"Los Angeles, Calif., to Columbus, N. Mex., and"* is deleted.

**§ 601.4015 [Amendment]**

3. In § 601.4015 (14 CFR 601.4015, 25 F.R. 4160, 7620, 26 F.R. 713) the following changes are made:

(a) In the caption *"Los Angeles, Calif., to Columbus, N. Mex., and"* is deleted.

(b) In the text "Riverside, Calif., radio range station; the intersection of the east course of the Riverside, Calif., radio range and the southeast course of the Daggett, Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; the intersection of the south course of the Phoenix, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range; Tucson, Ariz., radio range station; Cochise, Ariz., radio range station; Columbus, N. Mex., radio range station;" is deleted.

4. Section 601.1071 (14 CFR 601.1071) is amended to read:

**§ 601.1071 Control area extension (Burbank, Calif.).**

The airspace E of Burbank, bounded on the E by VOR Federal airway No. 8 N alternate, on the S by VOR Federal airway No. 16, on the W by VOR Federal airway No. 201 and on the N by latitude 34°13'00" N.; and the area W of Burbank, bounded on the E by VOR Federal airway No. 299, on the S and W by VOR Federal airway No. 107, and on the N by VOR Federal airway No. 12.

§ 601.1213 [Amendment]

5. In Part 601 (14 CFR Part 601) the following section is revoked: § 601.1213 *Control area extension (Chatsworth, Calif.)*

These amendments shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 20, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1687; Filed, Feb. 27, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-123]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas, and Reporting Points

On December 14, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12845) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 45 in its entirety, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by revoking the following sections:

1. Section 600.245 *Red Federal airway No. 45 (Blackstone, Va., to McLean, Va.).*
2. Section 601.245 *Red Federal airway No. 45 control areas (Blackstone, Va., to McLean, Va.).*
3. Section 601.4245 *Red Federal airway No. 45 (Blackstone, Va., to McLean, Va.).*

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 20, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1688; Filed, Feb. 27, 1961; 8:46 a.m.]

[Airspace Docket No. 60-WA-186]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas and Reporting Points; Modification of Control Area Extension

On August 26, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 8199) stating that the Federal Aviation Agency proposed to revoke Amber Federal airway No. 12 (Hawaiian Islands) in its entirety together with its associated control areas and reporting points and modify the Hilo, Hawaii, control area extension.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following actions are taken:

§§ 600.112, 601.112, 601.4112 [Revocations]

1. In Part 600 and 601 (14 CFR Parts 600, 601) the following sections are revoked:

(a) Section 600.112 *Amber Federal airway No. 12 (Hawaiian Islands).*

(b) Section 601.112 *Amber Federal airway No. 12 control areas (Hawaiian Islands).*

(c) Section 601.4112 *Amber Federal airway No. 12 (Hawaiian Islands).*

2. Section 601.1179 (14 CFR 601.1179) is amended to read:

§ 601.1179 Control area extension (Hilo, Hawaii).

The area NE of the Hilo VOR, within a 25-mile radius of the VOR, extending from the NE edge of Hawaiian VOR Federal airway No. 2 clockwise to the N edge of Victor 2; and the area lying SE of Hilo bounded by a line beginning at latitude 19°39'30" N., longitude 154°-30'20" W., thence extending clockwise along the arc of a circle centered at latitude 19°39'30" N., longitude 154°-46'00" W., to latitude 19°25'30" N., longitude 154°41'00" W., thence to latitude 19°34'00" N., longitude 154°55'00" W., thence to latitude 19°39'30" N., longitude 154°56'00" W., thence to point of beginning.

These amendments shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on February 21, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1689; Filed, Feb. 27, 1961; 8:46 a.m.]

[Airspace Docket No. 60-FW-99]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Segments of Federal Airway, Associated Control Areas, Reporting Points and Modification of Control Area Extension

On December 22, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 13244) stating that the Federal Aviation Agency proposed to revoke the segments of Amber Federal airway No. 7, its associated control areas and reporting points, from Miami, Fla., to Daytona Beach, Fla., and from Florence, S.C., to Richmond, Va., and modify the Sumter, S.C., control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.107 [Amendment]

1. In § 600.107 (14 CFR 600.107, 25 F.R. 1988, 7977) the following changes are made:

(a) In the caption *"Miami, Fla., to Daytona Beach, Fla.; Florence, S.C., to Richmond, Va.; and"* is deleted.

(b) In the text "From the Miami, Fla., ILS outer marker compass locator via the intersection of a line bearing 087° True from the ILS outer marker compass locator and the south course of the West Palm Beach, Fla., radio range; West Palm Beach, Fla., radio range station; Melbourne, Fla., radio range station; to the Daytona Beach, Fla., RR. From the Florence, S.C., RR via the INT of the N course of the Florence, S.C., RR and the southwest course of the Raleigh radio range; Raleigh, N.C., radio range station; to the Richmond, Va., RR." is deleted.

§ 601.107 [Amendment]

2. In the caption of § 601.107 (25 F.R. 7977) *"Miami, Fla., to Daytona Beach, Fla.; Florence, S.C., to Richmond, Va.; and"* is deleted.

3. Section 601.4107 (14 CFR 601.4107, 25 F.R. 1240, 1988, 7620, 7977) is amended to read:

§ 601.4107 Amber Federal airway No. 7 (Philadelphia, Pa., to the United States-Canadian Border).

Hartford, Conn., RR; Augusta, Maine, RR; Presque Isle, Maine, RR.

4. Section 601.1072 (14 CFR 601.1072) is amended to read:

§ 601.1072 Control area extension (Sumter, S.C.).

The airspace N of Shaw AFB bounded on the W by VOR Federal airway No. 87, on the N by the Greenville, S.C., control area extension (§ 601.1014), on the NE by a line extending through points at latitude 34°48'10" N., longitude 80°10'30" W., and latitude 34°31'00" N., longitude 79°42'30" W., on the E by VOR Federal airway No. 3 and on the S by VOR Federal airway No. 56, excluding the portion of the control area extension which coincides with Restricted Area R-6001.

These amendments shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 20, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1690; Filed, Feb. 27, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-98]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Control Area Extension; Change in Section Number Assignment

On January 25, 1961, there were published in the FEDERAL REGISTER (26 F.R. 712) amendments to Part 601 of the regulations of the Administrator, to be effective March 9, 1961. One of these amendments designated a control area extension at Lebanon, N.H., and was assigned § 601.1109. The assignment of this section number was in error, as § 601.1109 was previously assigned to the Goodland, Kans., control area extension.

Therefore, the Lebanon, N.H., control area extension is being assigned § 601.-1368.

Since this action effects no substantive change to the rule as initially adopted compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-NY-98 is hereby modified as follows:

In the text "§ 601.1109 *Control area extension (Lebanon, N.H.)*" is deleted and "§ 601.1368 *Control area extension (Lebanon, N.H.)*" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; U.S.C. 1348)

Issued in Washington, D.C., on February 20, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1684; Filed, Feb. 27, 1961; 8:45 a.m.]

[Airspace Docket No. 60-WA-246]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

## PART 608—SPECIAL USE AIRSPACE

### Modification of Restricted Area and Control Area Extension

On November 30, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12253) stating that the Federal Aviation Agency (FAA) proposed to modify the Admiralty Inlet, Wash., Restricted Area (R-231) and the Whidbey Island, Wash., control area extension.

The National Pilots Association (NPA) stated that the modification of R-231 will eliminate two good weather flyways from the Puget Sound basin to Port Townsend, Wash., Sequim, Wash., Port Angeles, Wash., and all Canadian points. The NPA further stated "If the west boundary were turned parallel to the east boundary so planes had a mile of free air east of Fort Flagler or if R-235 were opened up air safety would be enhanced." The Saratoga, Wash., Restricted Area (R-235) was revoked effective November 9, 1960 (Airspace Docket No. 59-WA-340). This release of formerly restricted airspace will satisfy the stated NPA requirement for free airspace.

The Department of the Air Force concurred in the actions proposed. No other comments were received regarding the proposed amendments.

Subsequent to the publication of the notice, Part 608 of the regulations of the Administrator was revised and new numbers were assigned to all restricted areas. The new Admiralty Inlet Restricted Area number is R-6701. This change is reflected in the actions taken herein.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 608.67 [Amendment]

1. In § 608.67 *Washington,* R-6701 Admiralty Inlet, Wash. (26 F.R. 889), is amended to read:

R-6701 Admiralty Inlet, Wash.

*Boundaries.* Beginning at latitude 48°10'-00" N., longitude 122°34'48" W.; thence to latitude 48°05'45" N., longitude 122°31'30" W.; latitude 48°06'06" N., longitude 122°41'-12" W.; latitude 48°10'00" N., longitude 122°40'56" W.; thence to the point of beginning.

*Designated altitudes.* Surface to 10,000 feet MSL.

*Time of designation.* Sunrise to sunset.

*Controlling agency.* Federal Aviation Agency, Seattle ARTC Center.

*Using agency.* Commanding Officer, NAS, Whidbey Island, Wash.

2. Section 601.1106 (14 CFR 601.1106, 25 F.R. 10424, 10527, 10528, 10700) is amended to read:

§ 601.1106 Control area extension (Whidbey Island, Wash.).

That airspace bounded on the E by Green Federal airway No. 10, on the S by Red Federal airway No. 79, on the W by Amber Federal airway No. 1, and on the N by a line from latitude 48°42'48" N., longitude 123°11'57" W., to latitude 48°50'27" N., longitude 122°44'33" W.

These amendments shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 20, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1685; Filed, Feb. 27, 1961; 8:45 a.m.]

[Airspace Docket No. 60-WA-254]

## PART 608—SPECIAL USE AIRSPACE

### Modification of Restricted Area

On November 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10602) stating that the Federal Aviation Agency proposed to modify the Gardiner's Island, N.Y., Restricted Area (R-19) by changing the time of designation.

No adverse comments were received regarding the proposed amendment. Subsequent to publication of the notice, Airspace Docket No. 60-WA-194 has been published in the FEDERAL REGISTER (26 F.R. 870) which changes restricted area numbers. Therefore, action taken herein will conform to this change.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 608.52 *New York*, R-5203 Gardiner's Island, N.Y. (26 F.R. 884) "Days" is deleted and "0800–1800 local standard time Sunday through Friday, and 0800–2300 local standard time Saturdays, April 15 through October 31; 0800–2300 local standard time Saturdays and Sundays only, November 1 through April 14." is substituted therefor.

This amendment shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 21, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–1691; Filed, Feb. 27, 1961; 8:46 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2269]

[81767]

### UTAH

### Partly Revoking the Executive Order of July 20, 1905; Correcting Public Land Order No. 2002 of October 1, 1959, Affecting the Uintah and Ouray Indian Reservation

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and as Secretary of the Interior, *It is ordered as follows:*

1. The Executive order of July 20, 1905, as amended by the Executive order of July 21, 1905, which withdrew lands for reservoir site purposes to protect Indian water supplies, is hereby revoked so far as it affects the following-described lands:

UINTAH SPECIAL MERIDIAN

T. 2 S., R. 5 W.,
Sec. 18, E½W½.

The area described, containing 160 acres, is patented.

2. In F.R. Doc. 59-8438, appearing as Public Land Order No. 2002, at page 8175 for the issue of October 8, 1959, that part of the land description under paragraph 3, in T. 2 S., R. 5 W., section 19, now reading "NE¼, NW¼" should read "NE¼ NW¼".

3. That portion of the land description in sec. 11, appearing in paragraph 4 of Public Land Order No. 2002 reading "S½NE¼SW¼ and W½NE¼NE¼ SW¼" is corrected to read "W½NE¼ SW¼ and W½E½NE¼SW¼".

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

FEBRUARY 21, 1961.

[F.R. Doc. 61–1701; Filed, Feb. 27, 1961; 8:47 a.m.]

[Public Land Order 2270]

[Los Angeles 0126161]

### CALIFORNIA

### Withdrawing Lands for Use of the Department of the Air Force for Military Purposes (Edwards Air Force Base)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, *It is ordered as follows:*

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Department of the Air Force for military purposes in connection with Edwards Air Force Base:

SAN BERNARDINO MERIDIAN

T. 9 N., R. 11 W.,
Sec. 14, SW¼NE¼, N½SE¼NE¼, and SW¼SE¼NE¼;
Sec. 15, NE¼.

The areas described aggregate 230 acres.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

FEBRUARY 21, 1961.

[F.R. Doc. 61–1702; Filed, Feb. 27, 1961; 8:48 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

### PART 33—SPORT FISHING

### Santee National Wildlife Refuge, South Carolina

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH CAROLINA

SANTEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Santee National Wildlife Refuge, South Carolina, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,150 acres or 0.044 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Striped bass, largemouth bass, white bass, crappie, bream and jackfish; and other minor species permitted by State regulations.

(b) Open season: March 15, 1961, through October 31, 1961. Daylight hours only.

(c) Daily creel limits:

Striped bass; largemouth bass; white bass—no more than an aggregate of 8.

Crappie; bream; jackfish—an aggregate of not more than 20 game fish other than bass.

Other minor species as prescribed by State regulations.

(d) Methods of fishing:

1. Pole and line, rod and reel, artificial and live baits permitted.

2. Row boats, canoes and other floating devices without motors permitted. Boats must be removed from the refuge at the close of each day, unless circumstances warrant permission to be granted by the refuge officer in charge.

3. Fishing from banks and dikes permitted.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to November 1, 1961.

WALTER A. GRESH,
*Regional Director, Bureau of Sport Fisheries and Wildlife:*

FEBRUARY 14, 1961.

[F.R. Doc. 61–1699; Filed, Feb. 27, 1961; 8:47 a.m.]

### PART 33—SPORT FISHING

### Lake Isom National Wildlife Refuge, Tennessee

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TENNESSEE

LAKE ISOM NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Isom National Wildlife Refuge, Tennessee, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 750 acres or 37 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, crappie and bluegill; and, other minor species permitted by State regulations.

(b) Open season: March 16, 1961, through September 30, 1961. Sunrise to sunset.

(c) Daily creel limits:

| | |
|---|---|
| Largemouth bass | 10 |
| Crappie | 30 |
| Bluegill | 30 |

Other minor species as prescribed by State regulations.

(d) Methods of fishing:

1. Pole and line, rod and reel, artificial and live baits permitted.

2. Row boats and canoes without motors permitted.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the publish fishing area.

3. The provisions of this special regulation are effective to October 1, 1961.

WALTER A. GRESH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

FEBRUARY 14, 1961.

[F.R. Doc. 61–1700; Filed, Feb. 27, 1961; 8:47 a.m.]

# Proposed Rule Making

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Parts 7, 8, 14 ]

[Docket No. 13952; FCC 61-79]

### SURVIVAL CRAFT STATIONS AND FREQUENCIES AND OTHER PARTICULARS FOR COAST AND SHIP STATIONS

### Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. For the purpose of conforming with Appendices 17 and 25 to the Geneva Radio Regulations (1959) (GRR), the Commission proposes to amend Parts 7, 8, and 14 of its rules so as to shift the frequencies of all coast and ship radiotelephone stations in the maritime radiotelephone bands between 4 and 27.5 Mc to frequencies which are either allotted in the GRR or so as to assume the same relative position to the GRR frequency channeling arrangements as is now the case under the frequency arrangement and allotment plan of the Extraordinary Administrative Radio Conference, Geneva, 1951 (EARC). Since frequencies are allotted in the GRR for use by the high seas radiotelephone stations and stations on the Great Lakes, it is essential that those stations be moved to the new GRR frequencies. In the case of the Mississippi River system and the State of Alaska it does not appear to be imperative that the frequencies assigned for operations in those areas be changed to maintain their relative position with the new GRR frequencies but the Commission considers it highly desirable that the frequencies be changed for the reasons which follow.

3. Frequencies in the maritime radiotelephone bands between 4 and 27.5 Mc which are presently in use in the Mississippi River system and the State of Alaska are derogations of the Atlantic City Radio Regulations (1947) and the EARC. They are not allotted under the EARC plan but do fall on EARC coast or ship station channels. Frequencies have not been allotted for these operations under the GRR.

4. The GRR and associated Resolutions contemplate that in cases where non-conforming assignments are being operated in the maritime radiotelephone bands, they should be transferred to new frequencies in such a way as to maintain their co-channel and adjacent-channel relationships with other assignments as they exist today.

5. International interference protection is not afforded assignments in the Mississippi River system and the State of Alaska by stations of other countries operating in accordance with the international regulations and agreements. Such assignments must not cause harmful interference to stations operating in accordance with the international regulations and agreements. However, a degree of interference protection from other assignments which may not conform to the International Radio Regulations has accrued because the coast station receiving frequencies that are in the ship bands and the coast station transmitting frequencies in the coast station bands have been notified to the International Frequency Registration Board (IFRB).

6. If the Mississippi River frequency 8205.5 kc remains unchanged, a question of interference between the use of the frequency and the new frequency 8204.4 kc to be assigned for coast station reception of ships at Dixon, California, as well as the Bahamas and the United Kingdom, would appear to exist.

7. The Commission proposes to amend Part 8 of its rules so as to align the working frequencies available to passenger ship radiotelegraph stations with the frequencies designated for high traffic ships in Appendix 15, Section A to the GRR. Under this proposal frequencies are not reserved exclusively for the United States Government ship stations in the high-traffic working band and those presently reserved for such stations in the calling and cargo working frequency bands (now designated in the rules under frequency column symbols C1 and F49 respectively) are made available for assignment to non-government ship stations. It is proposed to amend Part 8 so as to make frequencies at 2 Mc available to ship stations for wide band telegraphy, fascimile and special transmission systems but wide-band frequencies between 4 Mc and 27.5 Mc allocated for this purpose under the GRR would be reserved exclusively for United States Government stations.

8. To accomplish an orderly and as timely a transfer as possible of both coast and ship stations to new operating frequencies, it is proposed that the new frequencies be made available for use upon finalization of the rules. Operation on frequencies being replaced would be discontinued May 1, 1961, except for Alaska and the Mississippi River system. Stations in those areas would discontinue operation on the frequencies being replaced not later than October 31, 1961. The proposed § 8.801 constitutes a replacement for present § 8.802 and contains changes in frequencies, frequency column symbols and other particulars. It is proposed that this particular section be made effective upon finalization of the rules and that § 8.802 be deleted on May 1, 1961.

9. The Commission proposes at this time to change Part 8 of the rules so as to include some of the requirements of the GRR in regard to survival craft stations. The GRR definition of survival craft station, which covers transmitters located on survival equipment, such as lifejackets, buoys, etc., not previously provided for, together with related revisions of definitions of maritime mobile service and ship station, are included. The frequency tolerance for survival craft stations in the 2 Mc band would be made the same (0.02 percent) as that applicable to ship stations operating in the same band (except for wideband telegraphy, facsimile and transmission systems between 2070 and 2080 kc). In accordance with the GRR, survival craft stations would be required to be able to transmit on the frequency 8364 kc with A2 emission, whether voluntarily or compulsorily provided, if the equipment was capable of operation on any frequency in the band 4 to 27.5 Mc.

10. Included in the proposal to amend Part 7 of the rules are amendments to reflect the frequencies currently assignable to coast telegraph stations, to rearrange the rules regarding area of availability of such frequencies and to align the maximum authorized transmitter-power of coast telegraph stations operating in the high frequency band 4–27.5 Mc with the powers specified in the GRR.

11. This proceeding is not concerned with the assignment and use of the single and double sideband radiotelephone frequencies specified in Section B to Appendix 15 of the GRR. Also, frequencies in the 25 Mc band indicated as assignable to ship radiotelegraph stations in Section A of Appendix 15 to the GRR are a subject of rule making in Docket No. 13928. Under that rule making they would not be made available to the maritime mobile service.

12. No amendment proposed herein will be made effective except as permitted by and under the terms of the President's ratification of the Geneva Radio Regulations (1959), with the advice and consent of the Senate.

13. The amendments set forth below are issued under the authority contained in section 303 (c), (f), (g), and (r) of the Communications Act of 1934, as amended.

14. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before March 20, 1961, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may also be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding.

15. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: February 8, 1961.

Released: February 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
*Acting Secretary.*

A. Part 7 is amended as follows:

1. Section 7.134(b) is amended to read:

**§ 7.134 Authorized transmitter power.**

* * * * *

(b) For coast stations using telegraphy on frequencies below 27,500 kc, the maximum authorized transmitter-power shall be:

| *Frequency-band* | *Maximum authorized transmitter-power (with or without modulation) (kilowatts)* |
|---|---|
| 14 kc to 150 kc | 80 |
| 150 kc to 515 kc | 40 |
| 2035 kc to 2065 kc | 6.6 |
| 4000 kc to 7000 kc | 10 |
| 8000 kc to 9000 kc | 20 |
| 12,000 kc to 27,500 kc | 30 |

2. Paragraphs (a) and (b) of § 7.206 are amended to read as follows:

**§ 7.206 Assignable frequencies.**

(a) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an assigned frequency for use by coast stations employing telegraphy and located in Puerto Rico, the State of Hawaii or within the indicated general portion of the seacoast area of the continental United States, excluding Alaska, subject to and in accordance with the provisions of paragraph (b)(4) of this section and Subpart E of this part, and upon the express condition that interference shall not be caused to any service or station which, in the discretion of the Commission, may have priority on the frequency or frequencies involved: *Provided,* That the use of each of these frequencies may be restricted by the Commission to specific areas or locations in order to avoid or minimize interference between stations: *Further provided,* That frequencies below 150 kc are assignable to Class I coast stations only; frequencies above 5000 kc are assignable primarily to Class I coast stations, and secondarily to Class II coast stations serving inland waters of the United States (including the Great Lakes) subject to showing of need therefor and on condition that interference shall not be caused to any Class I coast station:

North Atlantic: 112.85, 124.05, 130.35, 132.10, 134.55, 137.00, 143.00,[1] 146.80, 147.50, 418, 436, 442, 460, 472, 476, 482, 500,[2] 2036, 2040.5, 2046.5, 2051, 2054, 2060, 4268, 4331, 4343, 4346, 4367, 6418, 6502, 6505.5, 6512.5, 8502, 8514, 8586, 8610, 8630, 8658, 8686, 12745.5, 12925.5, 12948, 12961.5, 12997.5, 13020, 13024.5, 13033.5, 13060.5, 16968.8, 16973.6, 16997.6, 17021.6, 17093.6, 17242.4, 17271.2, 22407, 22485, 22503, 22521, 22559, 22617.

[1] Calling Frequency.
[2] Calling and Distress Frequency.

Central Atlantic: 482, 500,[2] 2063.

South Atlantic: 137.70, 143.00,[1] 434, 464, 472, 488, 500,[2] 2039, 2043.5, 2051, 2057, 4250, 4292, 6390, 6407.5, 6411, 8486, 8526, 8686, 12952.5, 12970.5, 13011, 17160.8, 17199.2, 17256.8, 22431, 22503, 22569.

North Pacific: 482, 488, 500,[2] 2058.5, 2063, 4349, 6411, 8658, 12907.5, 17007.2, 22539.

Central Pacific: 126.15, 143.00,[1] 147.85, 436, 460, 476, 488, 500,[2] 2037.5, 2045, 2061.5, 4247, 4274, 4358, 6365.5, 6477.5, 6488, 6516, 8558, 8582, 8618, 8714, 12808.5, 12844.5, 13002, 13033.5, 13114.5, 17016.8, 17026.4, 17088.8, 17184.8, 22425, 22479, 22515, 22557.

South Pacific: 418, 484, 500,[2] 2049.5, 2055.5, 4283, 4367, 6463.5, 6523, 8590, 8642, 12912, 12993, 17064.6, 17218.4, 22413, 22467.

Gulf of Mexico: 139.80, 143.00,[1] 416, 420, 434, 438, 478, 484, 500,[2] 2042, 2048, 2049.5, 2052.5, 2055.5, 2063, 4256, 4274, 4310, 4322, 6369, 6435.5, 6446, 6495, 8550, 8570, 8666, 8714, 8722, 8742, 12826.5, 12840, 13038, 13051.5, 13078.5, 13123.5, 17117.6, 17170.4, 17208.8, 22431, 22467, 22569.

Great Lakes: 482, 500,[2] 4316, 6474, 8534.

Hawaii: 472, 484, 500,[2] 2052.5, 4295, 6407.5, 8542, 13029, 16978.4, 22509.

Puerto Rico: 128.95, 143.00,[1] 486, 500,[2] 2052.5, 4244, 8726, 13119.

(b)(1) [Reserved].

(2) [Reserved].

(3) [Reserved].

(4) In addition to the specific frequencies listed in paragraph (a) of this section, other frequencies within bands between 10 kc and 25,000 kc shown in the Commission's Table of Frequency Allocations contained in § 2.104(a) of this chapter as being allocated for use by coast stations using telegraphy may be assigned to such coast stations: *Provided, however,* That initial authorizations for such frequencies shall be limited to six months duration.

(5) In addition to the frequency assignment designated for telegraphy in the license of a coast station, such station when communicating by telegraphy with a mobile or coast station of the United States Government may, on the condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the government station, transmit on a radio-channel assigned to the United States Government when authorized or directed to do so by the government station responsible, or by the government department or agency for which the radio-channel is authorized. The coast station assigned frequency, the class of emission, and the permissible class of traffic on such radio-channel shall be designated by the government station, or the responsible government department or agency.

3. Section 7.304 is amended as set forth below:

a. The frequency table in paragraph (a) is amended to read:

b. Paragraphs (d)(3) and (5) are amended to read:

**§ 7.304 Assignable frequencies.**

(a) * * *

| | | |
|---|---|---|
| 2182—calling and distress. | | |
| 2450 | | |
| 2466 | | |
| 2482 | | |
| 2490 | | |
| 2506 | | |
| 2514 | | |
| 2522 | | |
| 2530 | | |
| 2538 | | |
| 2550 | | |
| 2558 | | |
| 2566 | | |
| 2572 | | |
| 2582 | | |
| 2590 | | |
| 2598 | | |
| 2638 | | |
| 2738 | | |
| 2782 | | |
| 2784 | | |
| 4067 [4] | | 4072.4 [3] |
| 4372.4 [4] | | 4377.4 [3] |
| 4393.1 [1] | | 4396.6 [2] |
| 4406.9 [1] | | 4409.6 [2] |
| 4420.7 [1] | | 4423.2 [3] |
| 4427.6 [1] | | 4428.8 [3] |
| 4434.5 [1] | | 4434.9 [3] |
| 6240—Mississippi River system only. | | |
| 6455—Mississippi River system only. | | |
| 8205.5 [2]—Mississippi River system only. | | 8210.8 [1]—Mississippi River system only. |
| 8747.6 [1] | | 8754.4 [3] |
| 8761.8 [1] | | 8767.2 [3] |
| 8768.9 [1] | | 8773.6 [3] |
| 8797.3 [1] | | 8799.2 [3] |
| 8811.5 [1] | | 8811.9 [3] |
| 13157.5 [1] | | 13161.5 [3] |
| 13172.9 [1] | | 13175.5 [3] |
| 13180.6 [1] | | 13182.5 [3] |
| 13196 [1] | | 13196.5 [3] |
| 17302.1 [1] | | 17307.5 [3] |
| 17317.5 [1] | | 17321.5 [3] |
| 17340.6 [1] | | 17342.5 [3] |
| 17356 [3] | | 17356.5 [4] |
| 22677.5 [1] | | 22681.5 [3] |
| 22692.9 [1] | | 22695.5 [3] |
| 22716 [1] | | 22716.5 [3] |

[1] Note available after April 30, 1961.
[2] Not available after October 31, 1961.
[3] Available on and after ----------, 1961.
[4] Not available after April 30, 1961, except for the Mississippi River System for which the frequency becomes unavailable after October 31, 1961.

* * * * * *

(d) * * *

(3) The frequencies 4067, 4372.4, 4072.4, and 4377.4 kc are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes); such use of these frequencies is authorized upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

* * * * *

(5) The frequencies 8205.5 kc and 8210.8 kc are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes) upon the express condition that transmission on these frequencies during the period 8:00 p.m. until 5:00 a.m., c.s.t., is prohibited.

4. Section 7.306 is amended as set forth below:

a. Paragraphs (a) (1) and (2) are amended to read:

§ 7.306 Availability of frequencies below 30 Mc.

(a) • • •

(1) Working frequencies below 5000 kc:

| Coast station transmitting carrier frequency [1] (kc) | Coast station located in the vicinity of— | Coast station receiving carrier frequency (kc) |
|---|---|---|
| 2506 | San Francisco, Calif. | 2406 |
| 2530 | Hawaiian Islands | 2134 |
| 2500 | New York, N.Y. | 2196 |
| 4398.1 [2] | do | 4067.7 |
| 4420.7 [2] | Hawaiian Islands | 4118.3 |
| 4372.4 [2] | San Francisco, Calif. | 4067 |
| 4406.9 [2] | New York, N.Y. | 4101.5 |
| 4434.5 [2] [3] | do | 4129.1 |
| 4377.4 [4] | San Francisco, Calif. | 4072.4 |
| 4396.6 [4] | New York, N.Y. | 4091.6 |
| 4409.4 [4] | do | 4104.4 |
| 4422.2 [4] | Hawaiian Islands | 4117.2 |
| 4434.9 [3] [4] | New York, N.Y. | 4129.9 |

[1] These frequencies are those which may be specified in applications for coast station authorizations.
[2] Available for use annually during period Dec. 15 to Mar. 15.
[3] Not available after Apr. 30, 1961.
[4] Available on and after ——————, 1961.

(2) Working frequencies between 5000 kc and 30 Mc:

(i) These frequencies are not available for use after April 30, 1961:

| Coast station transmitting frequency [1] (kc) | Coast station located in the vicinity of— | Coast station receiving carrier frequency (kc) |
|---|---|---|
| 8761.6 | Hawaii | 8212.6 |
| 8747.6 | San Francisco, Calif. | 8198.4 |
| 8811.5 | New York, N.Y. | 8262.3 |
| 8768.9 | do | 8219.7 |
| 13196 | do | 12395.8 |
| 13157.5 | do | 12357.3 |
| 13180.6 | San Francisco, Calif. | 12380.4 |
| 13172.9 | Hawaii | 12372.7 |
| 17309.1 | do | 16471.9 |
| 17317.5 | New York, N.Y. | 16487.3 |
| 17305 | do | 16525.8 |
| 17340.6 | San Francisco, Calif. | 16510.4 |
| 22077.5 | New York, N.Y. | 22027.3 |
| 22092.9 | San Francisco, Calif. | 22042.7 |
| 22716 | New York, N.Y. | 22965.8 |

[1] These frequencies are those which may be specified in applications for coast station authorizations.

(ii) These frequencies are available for use on and after ——————, 1961:

| Coast station transmitting frequency [1] (kc) | Coast station located in the vicinity of— | Coast station receiving carrier frequency (kc) |
|---|---|---|
| 8754.4 | San Francisco, Calif. | 8204.4 |
| 8767.2 | Hawaii | 8217.2 |
| 8773.6 | New York, N.Y. | 8223.6 |
| 8811.9 | do | 8261.9 |
| 13201.5 | do | 12361.5 |
| 13178.5 | Hawaii | 12375.5 |
| 13182.5 | San Francisco, Calif. | 12382.5 |
| 13196.5 | New York, N.Y. | 12396.5 |
| 17307.5 | Hawaii | 16477.5 |
| 17321.5 | New York, N.Y. | 16491.5 |
| 17342.5 | San Francisco, Calif. | 16512.5 |
| 17346.5 | New York, N.Y. | 16526.5 |
| 22681.5 | do | 22031.5 |
| 22695.5 | San Francisco, Calif. | 22045.5 |
| 22716.5 | New York, N.Y. | 22969.5 |

[1] These frequencies are those which may be specified in applications for coast station authorizations.

b. The tables in paragraphs (b) and (c) are amended to read, in part, as follows:

(b) • • •

| Coast stations located in the vicinity of— | Coast station transmitting carrier frequency [1] | | Associated coast station receiving carrier frequency | |
|---|---|---|---|---|
| | Frequency (kc) | Specific limitations imposed upon availability for use [1] | Frequency (kc) | Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 8.354(a) (1) of this chapter [2] |
| • • • | • | • • • | • | • • • |
| New York, N.Y. | 2482 | Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission. | 2382 | Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port. |
| | 2522 | None | 2126 | None. |
| | 2558 | do | 2166 | Do. |
| | 2590 | do | 2198 | Do. |
| | [4] 4396.1 | do | 4087.7 | Do. |
| | [4] 4434.5 | Available for use annually during period Dec. 15 to March 15. | 4129.1 | Available for use annually during period Dec. 15 to March 15. |
| | [4] 4406.9 | None | 4101.5 | None. |
| | [3] 4396.6 | do | 4091.6 | Do. |
| | [3] 4409.4 | do | 4104.4 | Do. |
| | [3] 4434.9 | Available for use annually during period Dec. 15 to March 15. | 4129.9 | Available for use annually during period Dec. 15 to March 15. |
| • • • | • | • • • | • | • • • |
| Miami, Fla. | 2490 | Available on a 24-hour basis, on condition that harmful interference shall not be caused to the police radio service in southern California. | 2031.5 | None. |
| | 2514 | Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of Miami, Fla., to which the carrier frequency 2490 kc is assigned for transmission; and, also on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused. | 2118 | Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually; and also on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused. |
| | 2550 | Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission. | 2158 | Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port. |
| | [4] 4427.6 | None | 4122.2 | None. |
| | [4] 4428.6 | None | 4123.6 | Do. |
| • • • | • | • • • | • | • • • |
| Great Lakes | 2514 | Subject to applicable provisions § 7.304(d). | 2118 | Do. |
| | 2550 | do | 2158 | Do. |
| | 2582 | do | 2206 | Not available to United States ship stations for transmission. |
| | [4] 4420.7 | None | 4115.3 | None. |
| | [4] 4434.5 | do | 4129.1 | Do. |
| | [3] 4797.3 | do | 8248.1 | Do. |
| | [4] 4422.2 | do | 4117.2 | Do. |
| | [3] 4434.9 | do | 4129.9 | Do. |
| | [3] 8799.2 | do | 8249.2 | Do. |
| • • • | • | • • • | • | • • • |
| San Francisco-Eureka, Calif. | 2450 | Available on condition that harmful interference is not caused to police radio service in Kansas or Wisconsin. | 2003 | Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Los Angeles or San Diego, Calif., and is transmitting on 2009 kc to a coast station located in the vicinity of either of these ports. |
| | 2506 | None | 2406 | None. |
| | 2538 | 7 a.m. to 7 p.m., P.s.t. only | 2142 | 7 a.m. to 7 p.m., P.s.t. only. |
| | [4] 4372.4 | None | 4067 | None. |
| | [4] 4377.4 | do | 4072.4 | Do. |
| • • • | • | • • • | • | • • • |
| Kahuka, Hawaii | 2530 | do | 2134 | Do. |
| | [4] 4420.7 | do | 4115.3 | Do. |
| | [4] 4422.2 | do | 4117.2 | Do. |

[1] These frequencies are those which may be designated in applications for coast station authorizations.
[2] With respect to each specific date set forth, the associated limitations or condition imposed shall terminate or begin as applicable, at 3 a.m. eastern standard time.
[3] This carrier frequency is to be made available by the Commission, for use (on a 24-hour basis except where specific hours of use are designated) by the maritime mobile service for ship-shore communication in respect to the particular coast station areas designated, on a specific beginning date to be designated in future rule-making as soon as practicable after its use (or the use of its associated transmitting or receiving frequency) by other radio services is terminated or is reduced to the extent necessary to avoid harmful interference to or from the maritime mobile service.
[4] Not available after April 30, 1961.
[5] Available on and after ——————, 1961.



4. In § 8.133, paragraph (c) (1) is amended to read:

§ 8.133 Authorized emission-bandwidths.

• • • • • • •

(c) (1) The authorized emission-bandwidths for the classes of emissions authorized in § 8.132 shall be as follows:

| Coast stations located in the vicinity of— | Carrier Frequency (kc) | Specific limitations imposed upon availability for use | Class of emission | Emission designator | Emission-bandwidth authorized for transmission of intelligence |
|---|---|---|---|---|---|
| Chicago, Ill.; Pittsburgh, Pa.; Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and other locations as required to serve vessels on the Mississippi River and connecting inland waters (other than the Great Lakes). | [1] 2782 | None. | A0 | None | None. |
| | [1] 4067 | Subject to the applicable provisions of § 7.304. | A1 | 0.15 A1 | 224 cycles per second. |
| | [2] 4372.4 | Do. | A2 | 2.66 A1 | 2,724 cycles per second. |
| | [2] 4368.5 | Do. | A2a | 1.33 A2a | 1,362 cycles per second. |
| | [1] 4377.4 | Do. | A2b | 2.66 A2a | 2,724 cycles per second. |
| | 6340 | Do. | A3 | 6 A3 | 6,000 cycles per second. |
| | 9455 | Do. | A3a | 3 A3a | 4,000 cycles per second. |
| | [3] 8240.8 | Do. | A3b | 6 A3b | 8,000 cycles per second. |
| • • • | • | • • • | F0 | None | None. |
| | | | F1: | | |
| | | | For 20 to 50 Mc | Variable [1] | 40,000 cycles per second. |
| | | | For 156.25 to 157.45 Mc | do [1] | Do. |
| | | | F2: | | |
| | | | For 30 to 50 Mc | 26 F2 | Do. |
| | | | For 156.25 to 157.45 Mc | 36 F2 | Do. |
| | | | F3: | | |
| | | | For 30 to 50 Mc | 26 F3 | Do. |
| | | | For 156.25 to 157.45 Mc | 36 F3 | Do. |
| | | | F9 | Variable [3] | Variable.[3] |
| | | | Wideband telegraphy, facsimile and special transmission systems: | | |
| | | | For 2070 to 2090 kc | do | Variable but not to exceed 5,000 cycles per second. |

[1] These frequencies are those which may be designated in applications for coast station authorizations.
[2] Not available after ——————, 1961.
[3] Available after ——————.

[1] In the case of class F1 emission, the emission designator will vary according to the frequency deviation, the number of words per minute, and other factors involved. The first symbol will be F9 emission, the emission designator and the authorized emission-bandwidth will vary according to the specific values of the controlling technical factors. Reference may be made to individual station authorizations which specify therein the respective emission designator and the respective authorized emission-bandwidth. Note also the provisions of § 8.131(c) concerning authorized frequency tolerance for radar transmitters.

5. In § 8.322, paragraph (b) is amended to read as follows:

§ 8.322 Frequencies for use in distress.

• • • • • • •

(b) The frequency 8364 kc is for use by survival craft stations equipped to transmit within the band 4000 to 27500 kc and desiring to establish with stations of the maritime and aeronautical mobile services communications relating to search and rescue operations.

6. In § 8.323, paragraph (d) is amended to read as follows:

§ 8.323 Frequencies for calling.

• • • • • • •

(d) Calling frequencies in the band 2 to 27.5 Mc for ship and aircraft stations are listed in Table 1b of § 8.801. Ship stations are authorized to use the calling frequencies corresponding to the symbols designated on the station license. The frequencies for working in each band designated by the letter "A" or "B" (See § 8.801(h)) suffixed to the frequency column symbol are the primary frequencies to be used for working. The alternate frequencies corresponding to the symbols designated on the station license.

7. In § 8.324, paragraphs (d) and (e) are amended and a new paragraph (h) is added to read as follows:

§ 8.324 Frequencies for working.

• • • • • • •

(d) Insofar as practicable, ship stations shall use frequency assignments within the band 3 Mc to 27.5 Mc only when other frequency assignments will not provide effective communications.

(e) Working frequencies in the band 2 to 27.5 Mc for high traffic ships and aircraft are listed in Table 1a and for low traffic ships in Table 1c of § 8.801. Ship stations are authorized to use the working frequencies corresponding to the symbols designated on the station license. The frequencies for working in each band designated by the letter "A" or "B" (See § 8.801(h)) suffixed to the frequency column symbol are the primary frequencies to be used for working. The alternate

B. Part 8 is amended as follows:

1. In § 8.3, paragraphs (b) and (d) are amended and a new paragraph (j) is added to read as follows:

§ 8.3 Maritime, mobile service.

• • • • • • •

(b) *Maritime mobile service.* A mobile service between coast stations and ship stations, or between ship stations, in which survival craft stations may also participate. (Aircraft stations, when transmitting on frequencies allocated to the maritime mobile service, may communicate in this service with ship stations and coast stations.)

• • • • • • •

(d) *Ship station.* A mobile station in the maritime mobile service located on board a vessel, other than a survival craft, which is not permanently moored.

• • • • • • •

(j) *Survival craft station.* A mobile station in the maritime or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, liferaft or other survival equipment.

2. In § 8.131, paragraphs (b) (3) through (6) are amended to read as follows:

§ 8.131 Authorized frequency tolerance.

• • • • • • •

(b) • • •

| | |
|---|---|
| (3) Survival craft stations on 500 kc | 0.5 |
| (4) From 1600 to 2070 kc and 2080 to 3500 kc | .02 |
| (5) From 2070 to 2080 kc | .005 |
| (6) Stations when using frequencies within the band 4 to 27.5 Mc: | |
| For ship stations using class A1 emission and survival craft stations | .02 |
| For ship stations using other than A1 emission | .005 |

3. § 8.132, paragraph (a) (1) is amended to read:

§ 8.132 Authorized classes of emission.

(a) • • •

(1) Ship stations using telegraphy:
100 to 160 kc—A1, and for brief testing A0.
160 to 515 kc—A1, A2,[1] A2a,[1] A2b,[1] and for brief testing A0, except for survival craft stations which, in addition, may use class A3 emission.
2065 to 2070 kc and 2080 to 25,000 kc—A1, and for brief testing A0.
2070 to 2080 kc—Wide-band telegraphy, facsimile and special transmission systems. Manual International Morse code and telephony are excluded.

frequency in each band may be used only when harmful interference to the ship's transmissions on the primary frequency is experienced or a coast station directs the ship station to use the alternate frequency. Frequencies in the band 2065–2107 kc are not available for assignment to aircraft.

* * * * *

(h) The frequencies 2072.5 and 2077.5 kc are authorized for wide-band telegraphy, facsimile, and special transmission systems when designated in the ship station licence.

8. Section 8.351 is amended by revising the frequency table in paragraph (a), by amending subparagraphs (8) and (11) of paragraph (d), and by deleting paragraph (e), as follows:

**§ 8.351 Assignable frequencies.**

(a) * * *

| | | | |
|---|---|---|---|
| 2003 | 2572 | [5] 8223.6 | [4] 4372.4 |
| 2009 | 2638 | [5] 8249.2 | [5] 8198.4 |
| 2031.5 | 2738 | [5] 8361.9 | [14] 8205.5 |
| 2118 | 2782 | [5] 12361.5 | [5] 8212.6 |
| 2126 | 2784 | [5] 12375.5 | [5] 8219.7 |
| 2134 | 2830 | [5] 12382.5 | [5] 8248.1 |
| 2142 | [4] 4067 | [5] 12396.5 | [5] 8263.3 |
| 2158 | [4] 4072.4 | [5] 16477.5 | [5] 12357.3 |
| 2166 | [4] 4091.6 | [5] 16491.5 | [5] 13372.7 |
| 2182 | [4] 4104.4 | [5] 16512.5 | [5] 12380.4 |
| 2198 | [4] 4117.2 | [5] 16526.5 | [5] 12395.8 |
| 2206 | [4] 4123.6 | [5] 22031.5 | [5] 16471.9 |
| 2214 | [4] 4129.9 | [5] 22045.5 | [5] 16487.3 |
| 2366 | [4] 4372.4 | [5] 22065.5 | [5] 16525.8 |
| 2382 | [12] 6240 | [5] 4087.7 | [5] 16510.4 |
| 2390 | [12] 6455 | [5] 4101.5 | [5] 22027.3 |
| 2406 | [5] 8204.4 | [5] 4115.3 | [5] 22042.7 |
| 2430 | [12] 8210.8 | [5] 4122.2 | [5] 22065.8 |
| 2458 | [5] 8217.2 | [5] 4129.1 | |

[1] Mississippi River System only.

[2] See Commission Decision, FCC 58–387 in Docket 11374, released April 25, 1958; 24 F.C.C. 334.

[3] Not available after April 30, 1961.

[4] Not available after October 31, 1961.

[5] Available on and after ———, 1961.

[6] Not available after April 30, 1961, except for the Mississippi River System for which the frequency becomes unavailable after October 31, 1961.

* * * * *

(d) * * *

(8) Use of the frequencies 4067, 4372.4, 4072.4 and 4377.4 kc in the Mississippi River system is authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

* * * * *

(11) The frequencies 8205.5 and 8210.8 kc are authorized for use on the Mississippi River and connecting inland waters (except the Great Lakes) upon the express condition that transmission on these frequencies during the period from 8:00 p.m. until 5:00 a.m., c.s.t., is prohibited.

9. In § 8.354, the tables in paragraphs (a) (1) and (2) are amended to read, in part as follows:

**§ 8.354 Frequencies below 5000 kc for public correspondence.**

(a) * * *

(1) * * *

| For communication with coast stations located in the vicinity of— | Mobile station transmitting carrier frequency [1] | | Associated coast station carrier frequency | |
|---|---|---|---|---|
| | Frequency (kc) | Specific limitations imposed upon availability for use [2] | Frequency (kc) | Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 7.306(b) of this chapter [2] |
| * | * | * * * | * | * * * |
| New York, N.Y. | 2126 | None | 2522 | None. |
| | 2166 | do | 2538 | Do. |
| | 2198 | do | 2590 | Do. |
| | 2382 | Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port. | 2482 | Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission. |
| | [4] 4067.7 | None | 4393.1 | None. |
| | [4] 4129.1 | Available for use annually during period Dec. 15 to March 15. | 4434.5 | Available for use annually during period Dec. 15 to March 15. |
| | [4] 4101.5 | None | 4406.9 | None. |
| | [5] 4091.6 | do | 4396.6 | Do. |
| | [5] 4104.4 | do | 4409.4 | Do. |
| | [5] 4129.9 | Available for use annually during period Dec. 15 to March 15. | 4434.9 | Available for use annually during period Dec. 15 to March 15. |
| * | * | * * * | * | * * * |
| Miami, Fla. | 2031.5 | None | 2490 | Available on condition that harmful interference shall not be caused to the police radio service in southern California. |
| | 2118 | Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually; and also on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused. | 2514 | Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused. |
| | 2158 | Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port. | 2550 | Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission. |
| | [4] 4122.2 | None | 4427.6 | None. |
| | [4] 4123.6 | do | 4428.6 | Do. |
| * | * | * * * | * | * * * |
| Great Lakes | 2118 | None | 2514 | Subject to the applicable provisions of § 7.304(d) of this chapter. |
| | 2158 | do | 2550 | Subject to the applicable provisions of § 7.304(d) of this chapter. |
| | [4] 4115.3 | do | 4420.7 | None. |
| | [4] 4120.1 | do | 4434.5 | Do. |
| | [4] 4117.2 | do | 4422.2 | Do. |
| | [4] 4129.9 | do | 4434.9 | Do. |
| * | * | * * * | * | * * * |
| San Francisco-Eureka, Calif. | 2003 | Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Los Angeles or San Diego, Calif., and is transmitting on 2009 kc to a coast station located in the vicinity of those ports. | 2450 | Available on condition that harmful interference is not caused to police radio service in Kansas or Wisconsin. |
| | 2406 | None | 2506 | None. |
| | 2142 | 7 a.m. to 7 p.m., P.s.t., only | 2538 | 7 a.m. to 7 p.m., P.s.t., only. |
| | [4] 4067 | None | 4372.4 | None. |
| | [5] 4072.4 | do | 4377.4 | Do. |
| * | * | * * * | * | * * * |
| Kahuku, Hawaii | 2134 | None | 2530 | None. |
| | [4] 4115.3 | do | 4420.7 | Do. |
| | [4] 4117.2 | do | 4422.2 | Do. |
| * | * | * * * | * | * * * |

[1] These frequencies are those which may be designated in applications for ship station authorizations.

[2] With respect to each specific date set forth, the associated limitation or condition imposed shall terminate or begin as applicable, at 3:00 a.m. eastern standard time.

[3] This carrier frequency is to be made available by the Commission, for use (on a 24-hour basis except wh re specific hours of use are designated) by the maritime mobile service for ship-shore communication in respect to the particular coast station areas designated, on a specific beginning date to be designated in future rule-making as soon as practicable after its use (or the use of its associated transmitting or receiving frequency) by other radio services is terminated or is reduced to the extent necessary to avoid harmful interference to or from the maritime mobile service.

[4] Not available after Apr. 30, 1961.

[5] Available on and after ———— 1961.



(2) * * *

| For communication with coast stations located in the vicinity of— | Carrier frequency (kc) [1] | Specific limitations imposed upon availability for use. |
|---|---|---|
| Chicago, Ill.; Pittsburgh, Pa.; Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and other locations as required to serve vessels on the Mississippi River and connecting inland waters (other than the Great Lakes). | 2782 | None. |
| | [2] 4072.4 | Subject to applicable provisions of (8.351(d)). |
| | [2] 4377.4 | Do. |
| | [2] 4067 | Do. |
| | [2] 4372.4 | Do. |

[1] These frequencies are those which may be designated in applications for ship station authorizations.

[2] Not available after Oct. 31, 1961.

[3] Available on and after ———, 1961.

10. Section 8.355 is amended by changing the tables in paragraphs (a) (1), (2) and (3) to read as follows:

**§ 8.355 Frequencies from 5000 kc to 30 Mc for public correspondence.**

(a) * * *

(1) * * *

| Ship station transmitting carrier frequency [1] (kc) | For communication with coast stations located in the vicinity of— | Ship station receiving carrier frequency (kc) |
|---|---|---|
| [2] 8196.4 | San Francisco, Calif. | 8747.6 |
| [2] 8212.6 | Hawaii | 8761.8 |
| [2] 8219.7 | New York, N.Y. | 8768.9 |
| [2] 8233.9 | do | 8811.5 |
| [2] 12357.3 | do | 13157.5 |
| [2] 12372.7 | Hawaii | 13172.9 |
| [2] 12380.4 | San Francisco, Calif. | 13180.6 |
| [2] 12395.8 | New York, N.Y. | 13196.0 |
| [2] 16471.9 | Hawaii | 17302.1 |
| [2] 16487.3 | New York, N.Y. | 17317.5 |
| [2] 16510.4 | San Francisco, Calif. | 17340.6 |
| [2] 16526.8 | New York, N.Y. | 17356.0 |
| [2] 22027.3 | do | 22677.5 |
| [2] 22042.7 | San Francisco, Calif. | 22692.9 |
| [2] 22065.8 | New York, N.Y. | 22716.0 |
| [2] 8204.4 | San Francisco, Calif. | 8754.4 |
| [2] 8217.2 | Hawaii | 8767.2 |
| [2] 8223.6 | New York, N.Y. | 8773.6 |
| [2] 8361.9 | do | 8811.9 |
| [2] 12361.5 | do | 13161.5 |
| [2] 12375.5 | Hawaii | 13175.5 |
| [2] 12382.5 | San Francisco, Calif. | 13182.5 |
| [2] 12396.5 | New York, N.Y. | 13196.5 |
| [2] 16477.5 | Hawaii | 17307.5 |
| [2] 16491.5 | New York, N.Y. | 17321.5 |
| [2] 16512.5 | San Francisco, Calif. | 17342.5 |
| [2] 16526.5 | New York, N.Y. | 17356.5 |
| [2] 22031.5 | do | 22681.5 |
| [2] 22045.5 | San Francisco, Calif. | 22695.5 |
| [2] 22065.5 | New York, N.Y. | 22716.5 |

[1] These frequencies are those which may be designated in applications for ship station authorizations.

[2] Not available after Apr. 30, 1961.

[3] Available on and after ———, 1961.

(2) * * *

| Ship station transmitting carrier frequency | Ship station receiving carrier frequency |
|---|---|
| 8248.1 kc [1] | 8797.3 kc [1] |
| 8249.2 kc [2] | 8799.2 kc [2] |

[1] Not available after April 30, 1961.

[2] Available on and after ———, 1961.

(3) * * *

6240 kc [1] 6455 kc [1] 8205.5 kc [2] 8210.8 kc [2]

[1] See Commission Decision, FCC 58–387 in Docket 11374, released April 25, 1958, 24 F.C.C. 334.

[2] Not available after April 30, 1961.

[3] Available on and after ———, 1961.

11. A new § 8.801 is added to read as follows:

**§ 8.801 Tables of ship radiotelegraph frequencies from 2 Mc to 27.5 Mc.**

(a) *Table 1a.* High traffic ship radiotelegraph working frequencies.

(b) *Table 1b.* Ship radiotelegraph calling frequencies.

(c) *Table 1c.* Low traffic ship radiotelegraph working frequencies.

(d) *Table 2.* Ship radiotelegraph frequency assignment plan.

(e) *Procedures and tables.* The following procedures and tables may be used in applying for license for the frequencies listed in Tables 1a, 1b, and 1c insofar as these frequencies are consistent with the provisions of this chapter. Frequencies, assigned in accordance with this section to a station on a particular vessel, may be retained at the option of the applicant despite subsequent relicensing of the station to a different licensee. Frequencies appearing in the tables may only be used in the manner and to the extent permitted elsewhere in this part.

(f) *Radiotelegraph, 2 Mc to 27.5 Mc.* The applicant must consult Table 2 to determine the frequency column symbols which are available for assignment. The frequencies designated by the symbols shown in Table 2 may be determined from Tables 1a, 1b, and 1c which list all of the frequencies in each series.

(g) *Calling frequencies.* Application may be made for one calling frequency column symbol from the "C" series, which represents one frequency in each of the 2, 4, 6, 8, 12, 16 and 22 Mc bands, for each ship. If more than one symbol of the "C" series is allocated for a particular licensee, the general principle to follow is to apply for the first vessel under the first symbol, the second symbol for the second vessel, etc., until the allocated symbols are exhausted. The procedure is then repeated, beginning again with the first symbol.

(h) *Low traffic ship working frequencies.* Application may be made for one low traffic working frequency symbol from the "L" series for each low traffic ship, which will include one frequency from the 2 Mc and two frequencies from the 4, 6, 8, 12, and 22 Mc bands. A primary frequency to be used for working in each frequency band having two frequencies available must be indicated by suffixing the frequency symbol with the letter "A" for the lower frequency in each band and the letter "B" for the higher frequency in each band. If more than one symbol of the "L" series is allocated for a particular licensee, the frequency symbols, to include the suffix "A" or "B", should be applied for in rotation for successive vessels as for calling frequencies, otherwise either "A" or "B" may be applied for.

(i) *High traffic ship working frequencies.* High traffic ship working frequencies are normally available only to passenger ships but may be assigned to whaling factory vessels, tankers above 40,000 gross tons, and cargo ships above 12,500 gross tons in lieu of low traffic frequencies if a satisfactory showing is submitted indicating that the vessel concerned handles a large volume of traffic. Application may be made for the number of passenger ship working frequencies which, in the best judgment of the applicant, will be essential for the traffic volume of the particular vessel. Frequency column symbols shall be taken from the "H" series, with a minimum of two symbols. If more than two symbols of the "H" series are allocated for a particular licensee, the frequency symbols should be applied for in rotation for successive vessels as for calling frequencies, except that the first symbol for each vessel must be the one after the last of the series of two or more symbols of the previous vessel.

TABLE 1a—HIGH TRAFFIC SHIP RADIOTELEGRAPH WORKING FREQUENCIES (kc)

H1: 2080.5, 4161, 6241.5, 8322, 12474, 12478.5, 12483, 16626, 16632, 16638, 16644, 22151, 22157.

H2: 2081.25, 4163.5, 6243.75, 8325, 12474, 12478.5, 12487.5, 16626, 16632, 16638, 16650, 22151, 22163.

H3: 2082, 4164, 6246, 8328, 12474, 12478.5, 12492, 16626, 16632, 16638, 16656, 22151, 22169.

H4: 2082.75, 4166.5, 6249.25, 8331, 12474, 12478.5, 12496.5, 16626, 16632, 16638, 16662, 22151, 22175.

H5: 2083.5, 4167, 6250.5, 8334, 12474, 12478.5, 12501, 16626, 16632, 16638, 16668, 22151, 22181.

H6: 2084.25, 4168.5, 6252.75, 8337, 12474, 12478.5, 12505.5, 16626, 16632, 16638, 16674, 22151, 22187.

H7: 2085, 4170, 6255, 8340, 12474, 12478.5, 12510, 16626, 16632, 16633, 16680, 22151, 22193.

H8: 2085.75, 4171.5, 6257.25, 8343, 12474, 12478.5, 12514.5, 16626, 16632, 16638, 16686, 22151, 22199.

H9: 2086.5, 4173, 6259.5, 8346, 12474, 12478.5, 12519, 16626, 16632, 16638, 16692, 22151, 22205.

H10: 2087.25, 4174.5, 6261.75, 8349, 12474, 12478.5, 12523.5, 16626, 16632, 16638, 16698, 22151, 22211.

H11: 2088, 4176, 6264, 8352, 12474, 12478.5, 12528, 16626, 16632, 16638, 16704, 22151, 22217.

TABLE 1b—SHIP RADIOTELEGRAPH CALLING FREQUENCIES (kc)

C1: 2089, 4178, 6267, 8356, 12834, 16712, 22225.

C2: 2089.5, 4179, 6268.5, 8358, 12537, 16716, 22230.

C3: 2090, 4180, 6270, 8360, 12540, 16720, 22235.

C4: 2090.5, 4181, 6271.5, 8362, 12543, 16724, 22240.

C5: 2091, 4182,[1] 6273,[1] 8364,[1] 12546,[1] 16728,[1] 22245.[1]

C6: 2091.5, 4183, 6274.5, 8366, 12549, 16732, 22250.

C7: 2092, 4184, 6276, 8368, 12552, 16736, 22255.

C8: 2092.5, 4185, 6277.5, 8370, 12555, 16740, 22260.

C9: 2093, 4186, 6279, 8372, 12558, 16744, 22265.

[1] These frequencies are available only to survival craft stations and to aircraft stations for communication with stations of the maritime mobile service. Equipment provided for use in survival craft stations shall be capable of transmitting on 8364 kc with A2 emission if the equipment provides for use of frequencies between 4,000 kc. and 27,500 kc.

TABLE 1c—LOW TRAFFIC SHIP WORKING FREQUENCIES [1] (kc)

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| L1 | 2094 | 4188<br>4212.5 | 6282<br>6318.75 | 8376<br>8425 | 12564<br>12637.5 | 16752<br>16850 | 22372.5<br>22335 |
| L2 | 2094.25 | 4188.5<br>4213 | 6282.75<br>6319.5 | 8377<br>8426 | 12565.5<br>12639 | 16754<br>16852 | 22372.5<br>22335 |
| L3 | 2094.5 | 4189<br>4213.5 | 6283.5<br>6320.25 | 8378<br>8427 | 12567<br>12640.5 | 16756<br>16854 | 22375<br>22337.5 |
| L4 | 2094.75 | 4189.5<br>4214 | 6284.25<br>6321 | 8379<br>8428 | 12568.5<br>12642 | 16758<br>16856 | 22375<br>22337.5 |
| L5 | 2095 | 4190<br>4214.5 | 6285<br>6321.75 | 8380<br>8429 | 12570<br>12643.5 | 16760<br>16858 | 22377.5<br>22340 |
| L6 | 2095.25 | 4190.5<br>4215 | 6285.75<br>6322.5 | 8381<br>8430 | 12571.5<br>12645 | 16762<br>16860 | 22377.5<br>22340 |
| L7 | 2095.5 | 4191<br>4215.5 | 6286.5<br>6323.25 | 8382<br>8431 | 12573<br>12646.5 | 16764<br>16862 | 22380<br>22342.5 |
| L8 | 2095.75 | 4191.5<br>4216 | 6287.25<br>6324 | 8383<br>8432 | 12574.5<br>12648 | 16766<br>16864 | 22380<br>22342.5 |
| L9 | 2096 | 4192<br>4216.5 | 6288<br>6324.75 | 8384<br>8433 | 12576<br>12649.5 | 16768<br>16866 | 22382.5<br>22345 |
| L10 | 2096.25 | 4192.5<br>4217 | 6288.75<br>6325.5 | 8385<br>8434 | 12577.5<br>12651 | 16770<br>16868 | 22382.5<br>22345 |
| L11 | 2096.5 | 4193<br>4217.5 | 6289.5<br>6326.25 | 8386<br>8435 | 12579<br>12652.5 | 16772<br>16870 | 22385<br>22347.5 |
| L12 | 2096.75 | 4193.5<br>4218 | 6290.25<br>6327 | 8387<br>8436 | 12580.5<br>12654 | 16774<br>16872 | 22385<br>22347.5 |
| L13 | 2097 | 4194<br>4218.5 | 6291<br>6327.75 | 8388<br>8437 | 12582<br>12655.5 | 16776<br>16874 | 22387.5<br>22350 |
| L14 | 2097.25 | 4194.5<br>4219 | 6291.75<br>6328.5 | 8389<br>8438 | 12583.5<br>12657 | 16778<br>16876 | 22387.5<br>22350 |
| L15 | 2097.5 | 4195<br>4219.5 | 6292.5<br>6329.25 | 8390<br>8439 | 12585<br>12658.5 | 16780<br>16878 | 22390<br>22352.5 |
| L16 | 2097.75 | 4195.5<br>4220 | 6293.25<br>6330 | 8391<br>8440 | 12586.5<br>12660 | 16782<br>16880 | 22390<br>22352.5 |
| L17 | 2098 | 4196<br>4220.5 | 6294<br>6330.75 | 8392<br>8441 | 12588<br>12661.5 | 16784<br>16882 | 22392.5<br>22355 |
| L18 | 2098.25 | 4196.5<br>4221 | 6294.75<br>6331.5 | 8393<br>8442 | 12589.5<br>12663 | 16786<br>16884 | 22392.5<br>22355 |
| L19 | 2098.5 | 4197<br>4221.5 | 6295.5<br>6332.25 | 8394<br>8443 | 12591<br>12664.5 | 16788<br>16886 | 22395<br>22357.5 |
| L20 | 2098.75 | 4197.5<br>4222 | 6296.25<br>6333 | 8395<br>8444 | 12592.5<br>12666 | 16790<br>16888 | 22395<br>22357.5 |
| L21 | 2099 | 4198<br>4222.5 | 6297<br>6333.75 | 8396<br>8445 | 12594<br>12667.5 | 16792<br>16890 | 22397.5<br>22360 |
| L22 | 2099.25 | 4198.5<br>4223 | 6297.75<br>6334.5 | 8397<br>8446 | 12595.5<br>12669 | 16794<br>16892 | 22397.5<br>22360 |
| L23 | 2099.5 | 4199<br>4223.5 | 6298.5<br>6335.25 | 8398<br>8447 | 12597<br>12670.5 | 16796<br>16894 | 22400<br>22362.5 |
| L24 | 2099.75 | 4199.5<br>4224 | 6299.25<br>6336 | 8399<br>8448 | 12598.5<br>12672 | 16798<br>16896 | 22400<br>22362.5 |

[1] The frequency symbols are suffixed by the letters "A" or "B" to indicate the primary working frequency in each band. [See §§ 8.324(e) and 8.801(h).]

TABLE 1c—LOW TRAFFIC SHIP WORKING FREQUENCIES [1] (kc)—Continued

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| L25 | 2100 | 4200<br>4224.5 | 6300<br>6336.75 | 8400<br>8449 | 12600<br>12673.5 | 16800<br>16898 | 22302.5<br>22365 |
| L26 | 2100.25 | 4200.5<br>4225 | 6300.75<br>6337.5 | 8401<br>8450 | 12601.5<br>12675 | 16802<br>16900 | 22302.5<br>22365 |
| L27 | 2100.5 | 4201<br>4225.5 | 6301.5<br>6338.25 | 8402<br>8451 | 12603<br>12676.5 | 16804<br>16902 | 22305<br>22367.5 |
| L28 | 2100.75 | 4201.5<br>4226 | 6302.25<br>6339 | 8403<br>8452 | 12604.5<br>12678 | 16806<br>16904 | 22305<br>22367.5 |
| L29 | 2101 | 4202<br>4226.5 | 6303<br>6339.75 | 8404<br>8453 | 12606<br>12679.5 | 16808<br>16906 | 22307.5<br>22370 |
| L30 | 2101.25 | 4202.5<br>4227 | 6303.75<br>6340.5 | 8405<br>8454 | 12607.5<br>12681 | 16810<br>16908 | 22307.5<br>22370 |
| L31 | 2101.5 | 4203<br>4227.5 | 6304.5<br>6341.25 | 8406<br>8455 | 12609<br>12682.5 | 16812<br>16910 | 22310<br>22372.5 |
| L32 | 2101.75 | 4203.5<br>4228 | 6305.25<br>6342 | 8407<br>8456 | 12610.5<br>12684 | 16814<br>16912 | 22310<br>22372.5 |
| L33 | 2102 | 4204<br>4228.5 | 6306<br>6342.75 | 8408<br>8457 | 12612<br>12685.5 | 16816<br>16914 | 22312.5<br>22375 |
| L34 | 2102.25 | 4204.5<br>4229 | 6306.75<br>6343.5 | 8409<br>8458 | 12613.5<br>12687 | 16818<br>16916 | 22312.5<br>22375 |
| L35 | 2102.5 | 4205<br>4229.5 | 6307.5<br>6344.25 | 8410<br>8459 | 12615<br>12688.5 | 16820<br>16918 | 22315<br>22377.5 |
| L36 | 2102.75 | 4205.5<br>4230 | 6308.25<br>6345 | 8411<br>8460 | 12616.5<br>12690 | 16822<br>16920 | 22315<br>22377.5 |
| L37 | 2103 | 4206<br>4230.5 | 6309<br>6345.75 | 8412<br>8461 | 12618<br>12691.5 | 16824<br>16922 | 22317.5<br>22380 |
| L38 | 2103.25 | 4206.5<br>4231 | 6309.75<br>6346.5 | 8413<br>8462 | 12619.5<br>12693 | 16826<br>16924 | 22317.5<br>22380 |
| L39 | 2103.5 | 4207<br>4231.5 | 6310.5<br>6347.25 | 8414<br>8463 | 12621<br>12694.5 | 16828<br>16926 | 22320<br>22382.5 |
| L40 | 2103.75 | 4207.5<br>4232 | 6311.25<br>6348 | 8415<br>8464 | 12622.5<br>12696 | 16830<br>16928 | 22320<br>22382.5 |
| L41 | 2104 | 4208<br>4232.5 | 6312<br>6348.75 | 8416<br>8465 | 12624<br>12697.5 | 16832<br>16930 | 22322.5<br>22385 |
| L42 | 2104.25 | 4208.5<br>4233 | 6312.75<br>6349.5 | 8417<br>8466 | 12625.5<br>12699 | 16834<br>16932 | 22322.5<br>22385 |
| L43 | 2104.5 | 4209<br>4233.5 | 6313.5<br>6350.25 | 8418<br>8467 | 12627<br>12700.5 | 16836<br>16934 | 22325<br>22387.5 |
| L44 | 2104.75 | 4209.5<br>4234 | 6314.25<br>6351 | 8419<br>8468 | 12628.5<br>12702 | 16838<br>16936 | 22325<br>22387.5 |
| L45 | 2105 | 4210<br>4234.5 | 6315<br>6351.75 | 8420<br>8469 | 12630<br>12703.5 | 16840<br>16938 | 22327.5<br>22390 |
| L46 | 2105.25 | 4210.5<br>4235 | 6315.75<br>6352.5 | 8421<br>8470 | 12631.5<br>12705 | 16842<br>16940 | 22327.5<br>22390 |
| L47 | 2105.5 | 4211<br>5235.5 | 6316.5<br>6353.25 | 8422<br>8471 | 12633<br>12706.5 | 16844<br>16942 | 22330<br>22392.5 |
| L48 | 2105.75 | 4211.5<br>4236 | 6317.25<br>6354 | 8423<br>8472 | 12634.5<br>12708 | 16846<br>16944 | 22330<br>22392.5 |
| L49 | 2106 | 4212<br>4236.5 | 6318<br>6354.75 | 8424<br>8473 | 12636<br>12709.5 | 16848<br>16946 | 22332.5<br>22395 |



TABLE 2—SHIP RADIOTELEGRAPH FREQUENCY PLAN

[For columns of frequencies designated by these symbols, see Tables 1a, 1b, and 1c]

| | Calling frequency column symbols | High traffic ship working frequency column symbols | Low traffic ship working frequency column symbols |
|---|---|---|---|
| RCA Communications, Inc. | C3, C5,[1] C7, C9 | H1, H3, H5, H7, H9 | L1, L3, L5, L7, L9, L11, L13, L15, L17, L19, L21, L23, L25, L27, L29, L31, L33, L35, L37, L39, L41, L43, L45, L47. |
| Mackay Radio & Telegraph Co., Inc. | C2, C4, C5,[1] C6 | H4, H6, H8, H10 | L2, L6, L8, L10, L14, L18, L20, L24, L28, L32, L34, L36, L40, L42, L48, L49. |
| Tropical Radio Telegraph Co. | C1, C5,[1] C8 | H2, H11 | L4. |
| Matson Navigation Co. | do | do | L12. |
| Globe Wireless Co. | do | H4, H6, H8, H10 | L16. |
| Other applicants: [2] | | | |
| A–C | do | H2, H11 | L22. |
| D–L | do | do | L26. |
| M | do | do | L30. |
| N–R | do | do | L38. |
| S | do | do | L44. |
| T–Z | do | do | L46. |

[1] See footnote 1 in Table 1b, "Ship Radiotelegraph Calling Frequencies."

[2] Applicants other than the companies listed must apply for the frequency column symbols shown, in alphabetic groups according to the first letter of their name. As an example, if the applicant's name begins with A, B, or C, he may apply only for frequency column symbols C1, C5 or C8, H2 and H11 for a high traffic ship, or C1, C5 or C8 and L22 for a low traffic ship. For this purpose, the alphabetic group of first letters of the name will be selected by using the first word of a trade name omitting "The"; the last name of a personal name; or the last name of the first person appearing in a series of personal names. As examples, the following names would all apply for the third, or "M" group, C1, C5 or C8, H2 and H11 or L30: Marine Communications, Inc.; A. B. Miller and Co.; O. D. Munsey; E. F. Murphy; Alfred Abrams, et al.

12. The title of § 8.802 is amended by adding a footnote thereto to read as follows:

**§ 8.802 Appendix II—Tables of ship radiotelegraph frequencies from 2000 kc to 23000 kc and ship radiotelephone frequencies from 4000 kc to 23000 kc.[1]**

* * * * *

C. Part 14 is amended as follows:

1. In § 14.259(a)(3), subdivision (i) and the introductory text of (ii) are amended to read:

**§ 14.259 Frequencies for ship-shore and ship-to-ship communication by telegraphy or telephony in all zones.**

(a) * * *

(3) (i) Primarily for communication by telephony between public coast stations and public ship stations on board any type of vessel, during the hours from 6:00 a.m. to 9:00 p.m. local standard time only—4390.2,[2] 4386.2;[3]

(ii) Additionally the frequencies 4390.2 [2] and 4386.2 [3] kc may be used on a secondary basis for communication by telephony, during the hours from 6:00 a.m. to 9:00 p.m. local standard time only—

2. In § 14.264, paragraphs (a) and (k) and the note following paragraph (n) are amended to read:

**§ 14.264 Frequencies assigned for use in particular zones.**

(a) (1) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by public coast stations and ship stations employing telegraphy and/or telephony in accordance with Subpart E of this part: *Provided*, That telephony only shall be employed on the frequencies 4409.4,[1] 4434.9,[1] 4406.9 [3] and 4434.5 [3] kc. With respect to the operation of coast stations, these frequencies are authorized for use (below 3400 kc on a shared basis with Alaska-public fixed stations) by coast stations located only in the zone or zones designated herein opposite the respective frequency; and for use in accordance with paragraph (1) of this section, subject to the specific conditions and limitations designed herein by identifying reference placed opposite the respective frequency in each column.

(2) Zones in which transmission on the particular frequency is authorized subject to the limiting conditions specified by references to following paragraphs of this section, including paragraph (1) in reference to each frequency:

| Zone 1 | Zone 2 | Zone 3 | Zone 4 | Zone 5 | Zone 6 |
|---|---|---|---|---|---|
| 1646 | | | 1646 | | 1646. |
| | 1652 | | | 1652 | |
| | | 1708 | 1708 | | |
| 1712(b) | | | | 1712(b) | |
| 2006(d) | | | | | |
| | 2118(m) | | 2118(m) | | |
| 2422 | | 2422 | | | |
| | 2430(c)(n) | | 2430 | 2430 | |
| | | 2450(f) | 2450(f) | | 2450(f). |
| | | 2482(n)(g) | 2482(g) | | 2482(g). |
| | | | | 2506(h) | 2506(h). |
| 2512 | 2512 | 2512 | 2512 | | |
| | 2538(e) | 2538(e) | | | |
| 2566 | | | 2566 | 2566 | |
| 2616(d)(i) | | | | | |
| 3261(j) | | | 3261(j) | 3261(j) | |
| 4409.4(k) [1] | 4409.4(k) [1] | 4409.4(k) [1] | | | |
| 4406.9(k) [3] | 4406.9(k) [3] | 4406.9(k) [1] | | | |
| | | | 4434.9(k) [1] | 4434.9(k) [1] | 4434.9(k).[1] |
| | | | 4434.5(k) [3] | 4434.5(k) [3] | 4434.5(k).[3] |

[1] Available on and after , 1961.

[2] Not available after October 31, 1961.

(k) (1) The frequencies 4409.4,[1] 4434.9,[1] 4406.9 [3] and 4434.5 [3] kc are authorized for telephony exclusively; for use during the hours from 6:00 a.m. to 9:00 p.m. local standard time only. Such use of the frequencies 4434.9 and 4434.5 kc is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the Great Lakes area to which this frequency is assigned as a carrier frequency for transmission.

(2) Additionally, public coast stations may communicate, on a secondary basis, during the hours from 6:00 a.m. to 9:00 p.m. local standard time only, on 4409.4,[1] 4434.9,[1] 4406.9 [3] or 4434.5 [3] kc for the exchange of public correspondence with other public coast stations within not less than 50 miles; under conditions which make it necessary to use either of these frequencies for this purpose in lieu of an assigned frequency specifically designated in Subpart F of this part for fixed service; and on condition that priority shall be given at all times to ship-shore communication.

* * * * *

(n) * * *

NOTE: The frequencies designated in paragraph (a) of § 14.264 are additionally available (except 4409.4, 4434.9, 4406.9 and 4434.5 kc) for Alaska-public fixed stations as provided in Subpart F of this part. This dual allocation is primarily for the purpose of providing a group of frequencies for radio station licensees in the Alaska area whose industrial operations require an integrated system of ship-shore and point-to-point communication.

[§ 14.266–14.267 Deletion]

3. Sections 14.266 and 14.267 are deleted.

[F.R. Doc. 61-1325; Filed, Feb. 27, 1961; 8:45 a.m.]

[1] This section is deleted effective May 1, 1961.

[1] Available on and after ----------, 1961.

[2] Not available after October 31, 1961.

[1] Available on and after ----------, 1961.

[2] Not available after October 31, 1961.

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [ 7 CFR Part 51 ]

## TABLE GRAPES [1]

## U.S. Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering the amendment of United States Standards for Table Grapes (European or Vinifera Type) (7 CFR §§ 51.880 to 51.911) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed amendment should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than April 15, 1961.

*Statement of considerations leading to the proposed amendment.* The present standards provide that the Cardinal variety must have at least 16 percent soluble solids to grade U.S. No. 1 Table Grapes. Representatives of the Arizona grape industry have requested that this requirement be lowered to 15 percent for Cardinal grapes produced in Arizona. They have also requested that a soluble solids requirement be established for grapes of the Exotic and Robbins varieties grown in Arizona at the same level as for Cardinal. The change would be accomplished by amending § 51.907 (7 CFR § 51.907) of the standards.

The following arguments have been presented in justification of the proposed amendment.

1. Growing conditions, temperature and elevation in the major Arizona grape producing areas, which have been developed within the past several years, are not comparable to those in competing areas. As a result of these environmental factors the soluble solids content of Arizona Cardinal grapes is not as high as that of Cardinal grapes produced in other areas.

2. When the harvesting of Arizona Cardinal grapes has been delayed until they met the soluble solids requirements for U.S. No. 1 Table Grapes they have been reported as arriving at destination showing considerable breakdown and decay. On the other hand, when harvested at an earlier stage of maturity these grapes have been delivered in good condition after overseas shipment.

3. Arizona Cardinal grapes containing less than the required 16 percent soluble solids have been successfully marketed without complaints concerning maturity.

4. Canadian regulations require imports of table grapes to grade at least U.S. No. 1 and their markets are an important outlet for Arizona Cardinal grapes. Therefore, Arizona shippers would prefer to have the soluble solids requirement reduced to a figure that can be met so that their Cardinal shipments can move into Canada in full compliance with Canadian Import Regulations.

5. Industry representatives state that the Arizona and California Cardinal grape harvests do not conflict materially and that Cardinal grapes from the two States ordinarily do not compete in the markets to a great extent.

All persons who produce or market table grapes are urged to give careful consideration to the proposed amendment and to submit their views, comments and any supporting information in regard thereto within the period set forth in this notice.

As proposed to be amended, § 51.907 is set forth below.

§ 51.907 Mature.

"Mature" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the varieties Emperor, Gros Colman, Pierce Isabella, Olivette Blanche, Rish Baba, Red Malaga, Cardinal, Ribier, Khalili, Dizmar and varieties similar to or synonymous with the above, shall test not less than 16 percent, and except that Muscat varieties shall test not less than 18 percent: *Provided*, That when grown in Arizona, grapes of the Cardinal, Exotic, and Robbins varieties shall test not less than 15 percent.

Dated: February 21, 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 61–1705; Filed, Feb. 27, 1961; 8:48 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

## [ 7 CFR Part 994 ]

[Docket No. AO–300–A2]

## MILK IN THE COLORADO SPRINGS-PUEBLO MARKETING AREA

### Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Colorado Springs-Pueblo marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Denver, Colorado, on January 7, 1961, pursuant to notice thereof which was issued December 20, 1960 (25 F.R. 13637).

The material issues on the record of the hearing relate to:

1. Bulk tank handling of milk;
2. The Class II price for milk used to produce cheese;
3. Advance payments to producers; and
4. Pooling standards for supply plants.

No testimony was offered at the hearing on Proposal No. 4, therefore, no amendment is made on the basis of this record.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Bulk tank handling of milk.* Provision should be made to permit a cooperative association to elect to be the handler with respect to the milk of its member producers delivered to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association.

The Colorado Springs Milk Producers Association, one of the major cooperative associations serving the market, is expanding its activities in taking responsibility for the movement of milk of its members from farms to pool plants. This will allow the cooperative association to provide for the economic movement of milk of its members throughout the market and to facilitate the disposition of surplus milk.

When the association operates or controls the farm tank truck in which milk of two or more of its members is delivered to a pool plant, the operator of the pool plant has no direct knowledge of the identity of the individual producers from whom he received milk, nor the weights and tests of the individual shippers. The cooperative association maintains such information for its members. The cooperative association may, if it elects, report the receipts of individual member producers which determine the aggregate volume of milk in the pool.

Since the assembly operation may involve some physical loss, in that receipts at pool plants may not agree with the aggregate of the weights determined at the farm from bulk tank "dip stick" readings, provision is made for a division of the two percent shrinkage allowance, one-half of one percent to be retained by the cooperative association and the remainder to be passed on to the operator of the pool plant. If, however, the handler files a notice with the market administrator that he is purchasing milk from the cooperative association on the basis of the aggregate farm weight and test, the entire shrinkage should be available to the receiving pool plant.

For simplicity of administration, receipts at pool plants for which a cooperative association is the handler by virtue of bulk tank delivery shall be classified pro rata with producer milk classified at the plant, so that the receiving handler may report such classification. Payment to the cooperative association at the applicable class prices is provided.

2. *The Class II price.* The price for milk used to produce hard cheese and butter should be ten cents per hundredweight less than the Class II price for the period through September 1961.

The Class II price of the Colorado Springs-Pueblo order is the basic formula price in the months of August through February and 20 cents per hundredweight less than the basic formula price in all other months. The basic formula price is the higher of a butter-powder formula price or the midwest condensery pay price. Since the effective date of the order in January 1959, the basic formula price has been based on the condensery price in all but four months.

The present Class II classification includes all milk used to produce manufactured dairy products, other than those defined as fluid milk products. The bulk of the Class II milk is used for such products as cottage cheese and ice cream which afford a relatively high return. The Class II price has been one which reflects the value of milk for such uses.

The Colorado Springs Milk Producers Association and Pueblo Dairy Exchange, Inc., proposed that the order be amended to provide a lower price for milk used to produce Cheddar cheese than for that used in other Class II products. The associations supported the reduction in the Class II price on the basis that they suffered substantial losses in the past year disposing of the surplus milk of the market to nonpool manufacturing plants in the area. Handlers proposed that the whole Class II price structure be lowered or that any subclassification include butter as well as hard cheese.

The proponent producer associations handled more reserve milk in 1960 than in 1959. In 1959, these associations handled 2.3 million pounds of a total of 2.7 million pounds of milk that moved to nonpool manufacturing plants; in 1960 they handled 6.3 of 11.3 million pounds. The heaviest movements to manufacturing plants occur in the months of March through July. Approximately 80 percent of all such movements in 1959, and about 72 percent in 1960, were in these months. Inclusion of August and September shipments would increase the percentages to 91 and 80, respectively.

Most of this milk was moved to cheese plants at Larkspur, Fort Collins, and Brush, Colorado, with lesser volumes to a condensery at Johnstown, Colorado. For milk used to produce Cheddar cheese the associations have realized less than the order Class II price, without consideration of substantial excess transportation costs incurred in movements of milk to the nonpool plants. For 1959 the discrepancy between returns and order prices was relatively insignificant. Returns during the March–July period when the Class II price is 20 cents less than the basic formula price averaged slightly more (3.8 cents per hundredweight) than the cost at the Class II price. For other months the cheese plant returns were 22.0 cents less than the Class II price.

For 1960, however, returns from local cheese plants declined while Class II prices reflected the general increase in the level of manufacturing milk values. For the March–July period the Class II value at test of the milk moved to cheese plants was 7.8 cents higher than in 1959 but the cheese plant returns were 10.9 cents less than in 1959. As a consequence returns to the associations from the cheese plants were 14.9 cents per hundredweight less than the Class II price during these months. During other months the difference (at test) averaged 42.1 cents. During October–November 1960 the cheese plant price was the same as for January and February despite an increase of 1.5 cents per pound in the price offered for cheese under the support program. The November Class II price exceeded that for January by 27.4 cents. The local cheese plant price for October 1960 was 46 cents per hundredweight less than the national average price paid for milk used in making cheese and 21 cents less than the price paid for such milk in the Mountain Region, which includes Colorado.

Should the current price relationships continue through the coming flush production period substantial losses could be experienced by the cooperative associations in marketing milk of their members. It is doubtful, however, if the present wide variation between local cheese plant prices and the general level of manufacturing milk prices can continue for an indefinite period. A reduction of 10 cents per hundredweight in the price of Class II milk used to produce hard cheese and butter should be provided for the coming summer months to facilitate movement of excess milk to nonpool plants. The price should also apply to milk used to produce butter. One handler operates a butter plant which may provide an outlet for reserve supplies of milk.

This pricing provision should be limited to the period through September 1961. Consideration of Class II pricing provisions beyond that date requires a more extensive review than is available from this record.

3. *Advance payment to producers.* Producers proposed that the order should be amended to provide for the advance payment to producers to be made at the uniform price for the preceding month.

The use of the uniform price as the rate of advance payment would in many instances result in a payment which is in excess of the amount otherwise due the producer. It would result in an overpayment to producers when production or prices are lower than the previous month. Therefore, the proposal to change the rate of the advance payment is denied.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order.* The following order amending the order regulating the handling of milk in the Colorado Springs-Pueblo marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 994.7 [Amendment]

1. In § 994.7(a)(2) after the phrase "from dairy farmers" insert the phrase ", from a cooperative association pursuant to § 994.9(d)".

2. Amend § 994.9 to read as follows:

§ 994.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person who operates a nonpool plant from which fluid milk products are disposed of on routes in the marketing area;

(c) A cooperative association with respect to the milk of its member producers which is diverted from a pool plant to a nonpool plant for the account of such cooperative association; or

(d) A cooperative association with respect to milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for such milk.

3. Amend § 994.12 to read as follows:

**§ 994.12 Producer milk.**

"Producer milk" means all skim milk and butterfat in milk produced by a producer and:

(a) With respect to the operator of a pool plant:

(1) Received directly from such producers at such pool plant; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions provided in § 994.10.

(b) With respect to receipts of a cooperative association at a plant other than one it operates:

(1) For which the cooperative association is the handler pursuant to § 994.9 (c), subject to the limitations and conditions provided in § 994.10; and

(2) For which the cooperative association is the handler pursuant to § 994.9(d).

**§ 994.13 [Amendment]**

4. Amend § 994.13(a) to read as follows:

(a) Receipts during the month of fluid milk products except (1) receipts from other pool plants; (2) producer milk; or (3) receipts from a cooperative association pursuant to § 994.9(d).

**§ 994.41 [Amendment]**

5. Amend § 994.41(b)(5) to read as follows:

(5) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 994.12(a)(1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 994.9(d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from pool plants of other handlers; less

(iv) 1.5 percent of disposition in bulk tank lots from pool plants to other milk plants; and plus

(v) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 994.9(d), unless the exceptions provided in (ii) of this § 994.41(b)(5) applies.

**§ 994.44 [Amendment]**

6. Add a new paragraph (f) to § 994.44 to read as follows:

(f) Skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler for such milk pursuant to § 994.9(d) shall be classified pro rata to the respective amounts thereof remaining in each class for such month at the pool plant(s) of the receiving handler after the computation pursuant to § 994.46(a)(6) and the corresponding step of (b).

**§ 994.46 [Amendment]**

7. In § 994.46 renumber paragraph "(a)(7)" as "(a)(8)" and add a new paragraph (a)(7) to read as follows:

(a)(7) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk to be classified pursuant to § 994.44(f).

**§ 994.51 [Amendment]**

8. In § 994.51(b) change the period at the end of the paragraph to a colon and add the following proviso:

*Provided*, That from the effective date of this amendment through September 1961 the price for Class II milk used to produce hard cheese and butter shall be 10 cents per hundredweight less than the Class II price.

9. In § 994.70(b) change the phrase "pursuant to § 994.46(a)(7)" to "pursuant to § 994.46(a)(8)".

**§ 994.80 [Amendment]**

10. In § 994.80 add a new paragraph (e) to read as follows:

(e) Each handler who receives milk for which a cooperative association is the handler pursuant to § 994.9(d) shall, on or before the 2d day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received during the first 15 days of the month at not less than the Class II price for the preceding month; and

(2) In final settlement, the value of such milk as classified pursuant to § 994.44(f) at the applicable class prices, less payment made pursuant to subparagraph (1) of this section.

Issued at Washington, D.C., this 21st day of February 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F.R. Doc. 61-1706; Filed, Feb. 27, 1961; 8:48 a.m.]

**[ 7 CFR Part 1031 ]**

## HANDLING OF ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

### Container Regulation

Consideration is being given to the following proposals of the Texas Valley Citrus Committee, established under the marketing agreement and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093), regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the provisions thereof.

Consideration will be given to written data, views, or arguments received in connection with such proposals, by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than 10 days after the publication of this notice in the FEDERAL REGISTER.

The proposals are to terminate, effective March 27, 1961, the provisions of § 1031.307 *Container regulation* (25 F.R. 12505; 26 F.R. 581; 948) and issue a new Container regulation as follows:

**§ 1031.322 Container regulation.**

(a) Except as otherwise provided herein or by, or pursuant to, the provisions of Marketing Agreement No. 141 and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, no handler shall, on and after 12:01 a.m., c.s.t., March 27, 1961, handle any fruit unless such fruit is in a container or containers meeting the following specifications:

(1) Containers with inside dimensions of 24$\frac{5}{16}$ x 11$\frac{3}{8}$ x 11$\frac{3}{8}$ inches.

(2) Containers with inside dimensions of 16$\frac{1}{4}$ x 10$\frac{1}{4}$ x 10$\frac{1}{4}$ inches.

(3) Containers with inside dimensions of 16$\frac{1}{2}$ x 10$\frac{3}{4}$ x 9$\frac{1}{2}$ inches.

(4) Containers with inside dimensions of 19$\frac{3}{4}$ x 13$\frac{1}{2}$ x 13$\frac{1}{2}$ inches: *Provided*, That each such container shall have a test strength of at least 250 pounds.

(5) Containers with inside dimensions of 22 x 14 x 16$\frac{1}{2}$ inches: *Provided*, That such containers may be used only for the shipment of 8-pound bags of grapefruit, and each such master container shall contain 8 such bags of grapefruit.

(6) Bags having a capacity for 5-, 8-, or 20-pounds of fruit, respectively.

(7) Containers with inside dimensions of 16$\frac{5}{16}$ x 10$\frac{5}{8}$ x 10$\frac{5}{8}$ inches.

(8) Containers with inside dimensions of 13 x 11$\frac{3}{8}$ x 11$\frac{3}{8}$ inches.

(9) Bags having a capacity for three (3) pack size 64 grapefruit: *Provided*, That such containers may be used only for the shipment of grapefruit, and each bag shall contain three (3) grapefruit of pack size 64 or pack size 70 or 72, or both, and grade at least U.S. No. 1.

(10) Such other types and sizes of containers as may be approved by the Texas Valley Citrus Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided*, That the handling of each lot of fruit in such test containers shall be subject to prior approval, and under the supervision, of the Texas Valley Citrus Committee.

(11) The provisions of this regulation shall not apply to any gift fruit shipments.

(b) The terms "handle," "handler," and "fruit" shall, when used herein, have the same meaning as when used in the marketing agreement and order (§§ 1031.1 to 1031.62; 25 F.R. 9093); and "pack size 64" and "pack size 70 or 72" shall each have the same meaning as given the respective terms in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona; 7 CFR 51.620–51.658) for grapefruit packed in the 1$\frac{2}{5}$ bushel box.

Dated: February 23, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-1707; Filed, Feb. 27, 1961; 8:48 a.m.]



# CIVIL AERONAUTICS BOARD

[Docket No. 12148]

**[ 14 CFR Part 288 ]**

## EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS

### Notice of Proposed Rule Making

FEBRUARY 21, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration a new Part 288 of the Economic Regulations which would exempt air carriers, subject to certain conditions, limitations, and requirements, from the provisions of sections 401 and 403 of the Federal Aviation Act and certain Board regulations to enable them to perform services for the military establishment called for on notice too short to permit application to the Board for individual authorization.

The principal features of the proposed regulation are explained in the attached Explanatory Statement and the proposed amendment is set forth below. This regulation is proposed under authority of sections 204(a) and 416(b) of the Federal Aviation Act of 1958 (72 Stat. 743, 771; 49 U.S.C. 1324, 1386).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before March 30, 1961, will be considered by the Board before taking final action on the proposed rule. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
*Secretary.*

*Explanatory statement.* The Board this day has issued a Tentative Decision to repeal Part 294 of its Economic Regulations which had been adopted on June 19, 1953, and which provided blanket exemptions authorizing air carriers to perform transportation services for the military establishment pursuant to certain types of long-term contracts. As stated in its Tentative Decision, it is the Board's present policy to consider applications of air carriers for additional authority required for performance of services for the military establishment on an individual basis. However, it appears to the Board that it would be in the public interest to issue an automatic exemption which would be restricted to situations where air carriers receive awards for transportation services from the military establishment at a time so close to the first transportation services required under the award that individual application to the Board for necessary authority cannot conveniently be processed. The attached proposed new Part 288 is intended to serve this purpose.

In light of experience, it is not administratively feasible to process, in the regular course of Board operations, applications for exemption authority to perform transportation services for the military establishment where the first flight is required within three weeks of the time when the carrier receives the definite information which would enable it to make application to the Board. Still less feasible, of course, would be applications for certificate authority for such transportation. These appear to be unusual circumstances which affect the operations of carriers receiving transportation contracts from the military establishment on such short notice, and which would make enforcement of the provisions of section 401 of the Act an undue burden on such carriers. On the other hand, the public interest appears to require that air carriers operating large aircraft but not otherwise authorized to perform transportation which the military establishment requires on short notice, should be available to the military for such services.

New Part 288 would exempt all air carriers who have basic authority to operate large aircraft from sections 401 and 403 of the Act and from related Board regulations to the extent necessary to perform "short notice MATS charter service." This authorization would apply where the military requires transportation services at any time earlier than three weeks from the date the carrier is required to submit its proposal to the military but would not extend to the performance of transportation services later than 30 days after the first flight. Where the award purports to cover services beyond that time, individual applications will have to be filed by the air carriers. The exemption would also be conditioned on a written statement by the military establishment accompanying the award that the respective transportation services are necesary to fulfill unforeseen military requirements where time is of the essence. The exemptions would be restricted to awards which provide for conpensation to the air carriers at a fair and reasonable level as set forth in § 288.7 of this part. From time to time the Board may, of course, revise these minimums as required by the public interest in light of changed circumstances. Carriers would be required to file true copies of such awards and to report to the Board the services rendered pursuant to the exemption.

The authority granted in Part 288 would be in addition to, and would not in any manner limit, the basic operating authority of any air carrier. However, individual application for exemption authority will have to be made for authority which in any manner goes beyond that granted in Part 288, or for exemption from any of its conditions or requirements. Operations for the military establishment exceeding the basic authority of the air carriers and the authority granted in new Part 288 and in any other regulation or order of the Board, or in violation of any provisions of Part 288, would be treated by the Board like any other violations of the Act and its regulations.

The Board contemplates a duration of one year for Part 288 unless it is rescinded earlier in the public interest. Part 288 would authorize only operations pursuant to separate instances of short notice awards, none of which could continue more than 30 days without other and different operating authority. It therefore appears to the Board that this Part would not license activities of a continuing nature within the meaning of section 9 of the Administrative Procedure Act.

### Subpart A—General

**§ 288.1 Definitions.**

As used in this part,

"Act" means the Federal Aviation Act of 1958, as amended.

"Air carrier" means a citizen of the United States holding economic operating authority to engage in air transportation as a direct air carrier with large aircraft, other than the authority conferred by this part.

"Large aircraft" means an aircraft of more than 12,500 lbs. certificated maximum take-off weight.

"MATS" means the Military Air Transport Service.

"Short notice MATS charter service" means transportation in planeload lots of persons and/or property pursuant to civil augmentation contracts with MATS whereunder the first flight under an award occurs not more than three weeks after the date established by MATS for the submission of proposals by the air carriers and all flights are to be performed within 30 days of the first flight.

All terms defined in the Act and not otherwise defined in this part are used in the sense of their statutory definitions.

**§ 288.2 Applicability.**

This part applies to short notice MATS charter service by air carriers holding economic authority from the Board to provide air transportation of persons and/or property by the use of large aircraft which are parties to effective CRAF agreements: *Provided*, The award contains or is accompanied by a written statement of the military establishment that such award is for transportation necessary to fulfill unforeseen military requirements as to which time is of the essence.

## Subpart B—Exemption, Conditions and Requirements

**§ 288.5 Exemption.**

Subject to the provisions of this part and the conditions imposed, air carriers holding authority from the Board to engage in air transportation of persons and/or property by the use of large aircraft and which are parties to effective CRAF agreements are hereby exempted from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, and the Board's Economic Regulations:

Section 401(a) of the Act;
Section 403 of the Act;
Part 202 of the Regulations;
Part 207 of the Regulations;
Part 221 of the Regulations.

**§ 288.6 Scope of exemption.**

The exemptions granted in this part extend only to transportation of persons and/or property, by air carriers holding economic authority from the Board to provide air transportation for persons and/or property by the use of large aircraft which are parties to effective CRAF agreements, under agreements for short notice MATS charter service as defined herein, where the award contains, or is accompanied by, the written statement set forth in the proviso to § 288.2. This authority is in addition to all other authority to engage in air transportation issued by the Board to any air carrier and will not be construed as in any manner limiting such other authority.

**§ 288.7 Reasonable level of compensation.**

It shall be a condition on the exemptions granted by this part that the level of compensation for transportation provided for short notice MATS charter service shall not be uneconomically low. In the absence of specific Board approval, the compensation for such service shall not be less than the following:

(a) *Minimum charges.* (1) For round-trip passenger services—2.9 cents per passenger-mile.

(2) For round-trip cargo services—13.75 cents per cargo ton-mile.

(3) For one-way passenger services—4.2 cents per passenger-mile.

(4) For one-way cargo services—22.5 cents per cargo ton-mile.

*Provided*, That a minimum of 16.5 cents per cargo ton-mile shall apply to segments of round-trips on which cargo is carried, in cases where passengers are carried on one or more other segments of the round trip.

(b) *Minimum utilization of aircraft.* The minimum charges established by paragraph (a) of this section shall be deemed economic only when the resulting revenues are at least the equivalent of such charges applied to the following minimum loads.

| Aircraft type | Number of passengers | Tons of cargo for convertible aircraft | Tons of cargo for all-cargo aircraft |
|---|---|---|---|
| DC-6 | 83 | 9 | 13 |
| DC-7C | 95 | 15 | 18 |
| L-1049 | 95 | 15 | 18 |

(c) *Round-trip services defined.* For the purposes of this section, round-trip services are those where passengers or cargo are transported on two or more successive revenue flights, and where the last revenue flight terminates at the point of origin of the first revenue flight, and the scheduling permits departures within four hours of arrival from each point on route except at one point where the aircraft may be scheduled for departure within 72 hours of arrival. If the trip otherwise meets the requirements of this definition, it shall be deemed a round-trip although passengers are carried on one or more segments thereof, and cargo on one or more other segments.

(d) Other provisions of this section notwithstanding, minimum charges for charter services between Travis Air Force Base and points in the Orient may be based on the shorter North Pacific routing in cases of one-way passenger or cargo charters, but such charges shall be based on the Central Pacific Routing in cases of round-trip passenger charters.

NOTE: In cases where aircraft types not listed in paragraph (b) of this section are used, or the compensation provisions otherwise do not fall within the scope of this section, the exemptions of this part do not apply and individual applications for operating authority must be filed with the Board as provided in § 288.9, infra.

**§ 288.8 Filing of reports.**

(a) *Contents of reports.* Within 10 days of the last flight under each award performed pursuant to authorization granted by this Part, air carriers shall file with the Board reports covering such operations and containing the following information:

(1) A true copy of the award;

(2) Number of trips, and date each trip originated;

(3) Origin point, intermediate points (operational and traffic), and destination point of each trip;

(4) Type of aircraft used for each trip;

(5) Aircraft miles (statute) flown on each trip;

(6) Number of passengers and/or tons of cargo carried on each trip; and

(7) Contract price per passenger and/or ton of cargo.

(b) *Filing.* Three copies of the report shall be filed with the Office of Carrier Accounts and Statistics of the Board.

**§ 288.9 Applications for other relief.**

Air carriers may make timely applications for authority to engage in air transportation for the military establishment not covered by this part, including relief from any limitation or requirement imposed by this part. Such applications shall be governed by the provisions contained in Part 302, Subparts A and D of this chapter.

## Subpart C—Enforcement

**§ 288.15 Violations.**

Operations by any carrier for the military establishment which are not within the scope of such carrier's basic authority or of this part or of other authority granted by the Board prior to the time such operations are undertaken, or noncompliance with any applicable requirements, conditions or limitations in this part constitute violations of the Federal Aviation Act of 1958 and will render the offending air carrier subject to imposition of lawful sanction, including in proper cases criminal prosecution under section 902(a) of the Act.

## Subpart D—Duration

**§ 288.18 Expiration.**

(a) This part shall expire ---------- unless rescinded by the Board at an earlier date. The Board reserves the right to rescind this part or any provision thereof at any time, with or without notice or hearing, as the public interest may require.

(b) The transportation services performed pursuant to the authorization granted in this part do not constitute an activity of a continuing nature within the meaning of section 9(b) of the Administrative Procedure Act, 5 U.S.C. 1008(b).

[F.R. Doc. 61-1735; Filed, Feb. 27, 1961; 8:51 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60-WA-188]

## CONTROL AREAS

### Alteration of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1447 of the regulations of the Administrator, the substance of which is stated below.

The New Orleans, La., control area extension (§ 601.1447) is presently designated as the airspace bounded by lines beginning at a point at latitude 29°-15'00" N., longitude 90°40'00" W., thence extending southwest to latitude 28°15'00" N., longitude 91°25'00" W., thence west to latitude 28°15'00" N., longitude 92°05'00" W.; thence northeast to latitude 29°15'00" N., longitude 91°05'00" W., thence east to point of beginning, excluding the portion below 2,500 feet MSL between the United States shoreline and the New Orleans Oceanic control area. The Federal Aviation Agency is considering altering this control area extension by increasing the width of the area to provide additional airspace for the protection of aircraft, operating under instrument flight rule conditions along recently approved routes between New Orleans and Central and South American terminals.

If this action is taken, the New Orleans, La., control area extension (§ 601.1447) would be designated within the area bounded by a line beginning at latitude 29°22'30" N., longitude 91°-05'00" W.; extending south to latitude 29°15'00" N., longitude 91°05'00" W.; thence east to latitude 29°15'00" N., longitude 90°36'15" W.; thence southwest to latitude 28°15'00" N., longitude 91°17'45" W.; thence west to latitude 28°15'00" N., longitude 92°21'45" W.; thence northeast to point of beginning; excluding the portion below 2,500 feet mean sea level.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 21, 1961.

J. R. BAILEY,
*Assistant Chief,*
*Airspace Utilization Division.*

[F.R. Doc. 61-1693; Filed, Feb. 27, 1961; 8:47 a.m.]



## [ 14 CFR Part 602 ]

[Airspace Docket No. 61-WA-15]

## CODED JET ROUTES

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.553 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 53 extends in part from Pulaski, Va., to Pittsburgh, Pa. The Federal Aviation Agency is considering extending Jet Route 53–V from the Pittsburgh VORTAC via the Erie, Pa., VORTAC to the United States/Canadian border via the Erie VORTAC 016° True radial. This extension of Jet Route 53–V would provide an inter-connecting high altitude route for turbojet aircraft operating between Toronto, Canada, and southern terminals. In addition, radar jet advisory service would be provided to aircraft operating over this proposed jet route segment.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 21, 1961.

J. R. BAILEY,
*Assistant Chief,*
*Airspace Utilization Division.*

[F.R. Doc. 61-1692; Filed, Feb. 27, 1961; 8:46 a.m.]

## [ 14 CFR Part 608 ]

[Airspace Docket No. 60-FW-38]

## RESTRICTED AREAS

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.38 of the regulations of the Administrator, the substance of which is stated below.

The Camp Claiborne, La., Restricted Area (R–3801) is an area of approximately 46 sq. miles located southwest of Alexandria, La., designated for air-to-ground gunnery, rocketry and dive and skip bombing from the surface to 30,000 feet MSL.

The Federal Aviation Agency has under consideration altering the time of designation of the Camp Claiborne Restricted Area, "from 0800 to 1800 local time only during VFR weather conditions" to "from sunrise to sunset". This would provide the user with full utilization of daylight hours and would permit operations during time of designation regardless of weather conditions.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 21, 1961.

J. R. BAILEY,
*Assistant Chief,*
*Airspace Utilization Division.*

[F.R. Doc. 61-1694; Filed, Feb. 27, 1961; 8:47 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Geological Survey

### ALASKA, CALIFORNIA, COLORADO, MONTANA, MISSISSIPPI, NEW MEXICO, NORTH DAKOTA, UTAH, WYOMING

### Definition of Known Geologic Structures of Producing Oil and Gas Fields

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of defined structures effective as of the dates shown.

*Name of Field, Effective Date, Acreage*

(0) ALASKA

| | |
|---|---|
| Kenai, Jan. 14, 1960 | 21,129 |
| Swanson River-Soldotna Creek, Mar. 21, 1960 | 9,360 |
| Umiat, Aug. 15, 1951 | 14,080 |

(1) CALIFORNIA

| | |
|---|---|
| Aliso Canyon (Revision), July 5, 1960 | 2,058 |
| Kern Bluff (Revision), May 19, 1957 | 1,285 |
| Kern River (Revision), Mar. 11, 1958 | 11,196 |
| Sharktooth Hill (Revision), May 27, 1954 | 1,360 |
| South Mountain (Revision and Consolidation), Oct. 7, 1959 | 5,228 |

(2) COLORADO

| | |
|---|---|
| Danforth Hills (Revision), Mar. 11, 1960 | 840 |
| Rangely (Revision), Jan. 10, 1960 | 33,616 |
| Thornburg (Revision), Feb. 2, 1957 | 2,826 |

(4) MONTANA

| | |
|---|---|
| Bowdoin (Revision), Aug. 29, 1960 | 153,155 |
| Cut Bank (Revision), Sept. 21, 1959 | 126,605 |
| Ivanhoe, May 1, 1960 | 1,240 |
| Ragged Point, Jan. 12, 1959 | 3,120 |
| Stensvad, May 16, 1960 | 1,872 |
| West Dome of Cat Creek (Revision), Apr. 14, 1931 | 1,360 |

(4a) MISSISSIPPI

| | |
|---|---|
| Kelly Hill, Jan. 23, 1958 | 333 |

(5) NEW MEXICO

| | |
|---|---|
| Allison-Crossroads-Bluit (Revision), Oct. 6, 1960 | 10,946 |
| Big Eddy, Sept. 18, 1953 | 360 |
| Caprock (Queen) (Revision), Jan. 13, 1960 | 36,918 |
| Gallegos (Revision), May 28, 1960 | 22,961 |
| Hobbs (Revision), Aug. 15, 1960 | 17,239 |
| Monument-Jal (Revision), Feb. 17, 1960 | 304,677 |
| North Lea (Revision), July 8, 1960 | 3,400 |
| Shugart (Revision and Consolidation), April 17, 1960 | 17,855 |

(6) NORTH DAKOTA

| | |
|---|---|
| Capa (Revision), Apr. 1, 1960 | 9,577 |
| Charlson (Revision), May 4, 1959 | 14,055 |
| Hoffiund (Revision), May 11, 1957 | 4,312 |

(8) UTAH

| | |
|---|---|
| Ashley Creek (Revision), Mar. 8, 1949 | 1,400 |
| Bar-X (Revision), Apr. 23, 1960 | 19,895 |

(9) WYOMING

| | |
|---|---|
| Barber Creek (Revision), June 28, 1960 | 3,677 |
| Black Mountain (Revision), Feb. 11, 1957 | 3,042 |
| Big Polecat (Revision), June 26, 1959 | 2,075 |
| Dead Horse Creek (Revision), Dec. 21 1959 | 7,367 |
| East Tisdale, June 10, 1960 | 600 |
| Fiddler Creek (Revision), Sept. 21, 1960 | 14,070 |
| Hamilton Dome (Revision), July 7, 1958 | 3,353 |
| Lodgepole Creek, July 26, 1960 | 2,570 |
| Middle Mountain (Revision), Feb. 26, 1960 | 1,600 |
| Miller Creek, June 19, 1960 | 1,680 |
| Muskrat (Revision), July 10, 1957 | 4,252 |
| North Fork-Cellers Ranch (Revision), Aug. 29, 1960 | 2,281 |
| Patrick Draw, July 7, 1960 | 11,970 |
| Rozet, June 29, 1960 | 4,920 |
| Twenty Mile Hill, May 30, 1960 | 1,736 |
| West Desert Springs, May 10, 1960 | 10,957 |

THOMAS B. NOLAN,
*Director.*

FEBRUARY 20, 1961.

[F.R. Doc. 61-1669; Filed, Feb. 27, 1961; 8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 454]

### MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 23, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63905. By order of February 21, 1961, the Transfer Board approved the transfer to Sellars Transports, Inc., Wynnewood, Okla., of Certificate No. MC 110567, issued September 21, 1954, to E. R. Grissom and C. B. Grissom, a partnership, doing business as Grissom Brothers Transports, Wynnewood, Okla., authorizing the transportation of: Asphaltic roofing materials in rolls, containers, and bundles, and liquid asphalt and asphaltic products, in containers, liquid asphalt and asphaltic products, in bulk, in tank vehicles, empty containers, fuel oils, road oils, and asphalt products and byproducts, in bulk, in tank vehicles, and in containers, crude oils, fuel oils, and petroleum asphalt, in bulk, in tank vehicles, and in containers, empty petroleum products containers and rejected shipments, from, to, or between specified points in Oklahoma, Texas and Arkansas. Rufus H. Lawson, P.O. Box 7342, Oklahoma City, Okla., attorney for applicants.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-1709; Filed, Feb. 27, 1961; 8:48 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 11879; Order No. E-16405]

### AGREEMENTS RELATING TO FARE AND RATE MATTERS

### Adoption by Traffic Conferences of International Air Transport Association

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of February 1961. In the matter of agreements adopted by the Traffic Conferences of the International Air Transport Association relating to fare and rate matters, Docket 11879, Agreement C.A.B. 14644,[1] Agreement C.A.B. 14684.[2]

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), adopted at meetings held in Cannes, France, September–October 1960. The agreements are generally intended to be effective for a two-year period from April 1, 1961, and have been assigned the above-designated C.A.B. Agreement numbers.

The agreements here before the Board encompass the worldwide cargo rate structure and passenger fares to be applicable in all areas other than the South Pacific, where fares have been open this past year and will continue so, and the South Atlantic and North/Central Pacific routes where agreements were implemented in November and December 1960, respectively. With the exception of the Western Hemisphere, fares are revalidated substantially as currently effective. Likewise, the status quo is to be maintained insofar as worldwide cargo rates are concerned, although for an interim period only through June 30, 1961, in respect of transatlantic rates and rates within the Europe/Middle East area, pending reconsideration at a meeting which convened January 23, 1961, in Paris.

In summary, the agreements here before the Board relating to Western Hemisphere fares propose (1) introduction of economy-class service in substitution for present tourist service with reductions in fares ranging from five to thirty percent, and (2) increases in first-class fares in varying amounts up to ten percent on certain long-haul segments. Fares are specified for both jet and non-jet service and reflect a differential approximating the dollar amount of the now applicable jet surcharge. The level of non-jet economy-class fares generally approaches that of the numerous short-limit excursion fares now offered extensively throughout the area and, as a consequence, virtually all such fares on long-haul routes, as well as many applicable on short and intermediate segments, are to be eliminated. However, the present machinery for establishment of special creative fares during the period of the agreement is to be retained, as is the "escape" resolution designed to permit the meeting where necessary of competition from non-IATA carriers.

The coming into effect of the above-described pattern of fares as a binding agreement is contingent upon the carriers reaching agreement prior to April 1, 1961, on the service conditions which are to apply in both economy and first-class jet service. The conditions under which a given class of service is to be provided, particularly the prescription of minimum seating density, is of course a major factor governing the economic soundness of operations at the fares applicable to that service. Nevertheless, we are approving the fare agreements at this time in anticipation that the carriers will resolve their differences into an appropriate agreement which substantially follows the criteria now applying in comparable services in other areas of the world. On this basis, the Board believes that the agreement reflects an over-all improvement in the pattern of fares within the Western Hemisphere, particularly insofar as it contemplates the introduction of economy-class service at substantial reductions in the lowest available all-year fares and the concomitant elimination of numerous short-limit excursion fares which have been offered extensively in recent years.

[1] R-1 (excluding JT12(23)001b; paragraph 2, and JT31(23)001b).

[2] R-2, R-3, R-5 (excluding that portion disposed of in Order E-16121), R-6 (excluding that portion disposed of in Order E-16121), R-10, R-11, R-12 (excluding JT123(21)014a), R-13 through R-19, R-23, R-24, R-27, R-29, R-30, R-31, R-33, R-34, R-35, R-38, R-41 through R-47, R-50, R-55, R-56, R-59, R-73, R-82, R-83, R-86, R-88, R-91, R-94, R-97 (excluding JT31(23)250), R-99 (excluding JT31(23)311), R-100, R-102, R-103, R-105 through R-113, R-115 (excluding 224/590a), and R-116 through R-120.



The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board does not find the following resolutions or portions of resolutions to be adverse to the public interest or in violation of the Act:

| C.A.B. No. 14644 | IATA No. | Title | Application |
|---|---|---|---|
| R-1 | 001b | Special Effectiveness Resolution | 2, 3, 1/2 (North and Mid-Atlantic) 2, 3, 1/2/3. |
| R-2 | 001c | Special Effectiveness Resolution—Cargo | 2, 1/2, 3/1, 1/2/3. |
| R-3 | 001g | TC1 Special Tie-In Effectiveness Resolution | 1. |
| R-5 | 002 | Standard Revalidation Resolution (excluding that portion relating to Resolution 084a (TC3)). | Worldwide. |
| R-6 | 002 | TC1 Special Revalidating Resolution (except that portion relating to Resolutions 072f and 072g over which jurisdiction has been disclaimed). | 1. |
| R-10 | 011 | Mileages and Routes for Tariff Purposes | Worldwide. |
| R-11 | 011a | Errors and Omissions in IATA Mileage Manual | Do. |
| R-12 | 014a | Construction Rule for Passenger Fares | 2, 3, 1/2, 2/3, 3/1 (North and central Pacific). |
| R-13 | 014e | Fares to and from the U.S.A. and Canada via the North/Mid Atlantic. | 1/2, 1/2/3. |
| R-14 | 014f | Special Joint 1/2 Cargo Construction Rule | 1/2. |
| R-15 | 014j | Jet Construction Rule—TC1 | 1. |
| R-17 | 014v | Special Conference 3 Construction Rule | 3. |
| R-18 | 014v | Special Joint 2/3 Construction Rule | 2/3. |
| R-23 | 023a | Rounding Off Passenger Fares—Amending | Worldwide. |
| R-24 | 036 | Publication of Prohibited Practice—Amending | 1, 2, 3. |
| R-27 | 051 | Conference 1 First Class Fares | 1. |
| R-29 | 051b | TC1 First Class Fares—Colombian | 1. |
| R-30 | 052 | Conference 2 First Class Fares | 2. |
| R-31 | 053 | Conference 3 First Class Fares | 3. |
| R-33 | 054a | North Atlantic First Class Fares | 1/2. |
| R-34 | 054b | Mid Atlantic First Class Fares | 1/2. |
| R-35 | 055 | Joint Conference 2/3 First Class Fares | 2/3. |
| R-38 | 058 | First Class Polar Fares | 2/3, 1/2/3. |
| R-41 | 061 | Conference 1 Lower Class Fares | 1. |
| R-42 | 061b | Conference 1 Lower Class Fares—Colombian | 1. |
| R-43 | 062 | Conference 2 Tourist/Economy Class Fares | 2. |
| R-44 | 063 | Conference 3 Economy Class Fares | 3. |
| R-45 | 064a | North Atlantic Economy Class Fares | 1/2. |
| R-46 | 064b | Mid Atlantic Economy Class Fares | 1/2. |
| R-47 | 065 | Joint Conference 2/3 Economy Class Fares | 2/3. |
| R-50 | 068 | Economy Class Polar Fares | 2/3, 1/2/3. |
| R-55 | 080 | Excursion Fares—Revalidating and Amending | 1. |
| R-56 | 080 | Excursion Fares | 3. |
| R-59 | 080d | North Atlantic 17-Day Excursion Fare | 1/2. |
| R-82 | 088 | Group Travel North America-Israel | 1/2. |
| R-83 | 090 | Special Iraq-Persian Gulf-Europe Return Fares—Revalidating and Amending. | 2. |
| R-86 | 091d | U.S./Canada—Bermuda Family Fares | 1. |
| R-88 | 096 | North Atlantic Emigrant Fares | 1/2. |
| R-91 | 102 | Passenger Expenses En Route—Revalidating and Amending. | Worldwide. |
| R-94 | 153 | Air/Sea Transportation | 1. |
| R-97 | 250 | Sleeper Surcharge | 2, 3, 1/2 (North and Mid Atlantic), 2/3, 1/2/3. |
| R-99 | 311 | Baggage Excess Weight Charges | 1, 2, 3, 1/2, 2/3, 1/2/3. |
| R-100 | 503 | Charges in Relation to Value—Revalidating and Amending. | Worldwide. |
| R-102 | 551 | Conference 1 Cargo Rates—Revalidating and Amending | 1. |
| R-103 | 552 | Conference 2 Cargo Rates | 2. |
| R-106 | 554a | North Atlantic Cargo Rates—Revalidating | 1/2. |
| R-107 | 554b | Mid Atlantic Cargo Rates—Revalidating | 1/2. |
| R-108 | 554c | South Atlantic Cargo Rates—Amending | 1/2. |
| R-115 | 590a | Specific Commodity Rates—Amending | 1/2/3. |
| R-116 | 590f | Commodity Rates Board-Parts, Accessories and Supplies—Amending. | 1, 1/2, 2/1, 1/2/3. |
| R-118 | 595 | Special Rates for Valuable Cargo | Worldwide. |
| R-119 | 596 | Newspapers and Periodicals—Amending | 3/1. |
| R-120 | 597a | Carriage of Radioactive Materials | Worldwide. |

2. The Board does not find the following resolutions or portions of resolutions to be adverse to the public interest or in violation of the Act, provided that approval thereof is subject to the respective conditions set forth below:

| C.A.B. No. 14684 | IATA No. | Title | Application |
|---|---|---|---|
| R-5 [1] | (002) | Standard Revalidation Resolution (insofar as it relates to Resolution 084a—Special Round and Circle Trip Fares). | 3. |
| R-73 | 084 | Creative Fares | 1. |
| R-115 [1] | (590a) | Specific Commodity Rates—Amending | 2, 2/3. |

[1] The Board is herein reasserting jurisdiction over these resolutions since they may be applied to/from possessions of the United States, subject to the condition presently attached to its approval of each resolution as applicable in Joint Conferences 3/1 and 1/2/3, respectively.

Provided that approval of said resolutions does not constitute approval of the fares or rates adopted pursuant thereto, and that:

(1) Fares or rates established pursuant to said resolutions which are applicable in air transportation, as defined by the Federal Aviation Act of 1958, or which are combinable with fares or rates in air transportation, shall be filed with the Board under section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being placed in effect;

(2) The Board will not exercise jurisdiction with respect to fares or rates adopted pursuant to said resolutions except as provided in paragraph 1 above.

| C.A.B. No. 14684 | IATA No. | Title | Application |
|---|---|---|---|
| R-16 | (014p) | London-Nicosia Escape Resolution | 2. |
| R-19 | (014v) | Special Joint 3/1 Construction Rule | 3/1. |
| R-105 | (553) | Conference 3 Cargo Rates | 3. |
| R-109 | (555) | Joint Conference 2/3 Cargo Rates | 2/3. |
| R-110 | (556) | Joint Conference 3/1 Cargo Rates—South Pacific | 3/1. |
| R-111 | (556a) | Joint Conference 3/1 Cargo Rates—North and Central Pacific | 3/1. |
| R-112 | (557) | Joint Conference 123 Cargo Rates | 1/2/3. |
| R-113 | (558) | Polar Cargo Rates | 2/3, 1/2/3. |

Provided that copies of all notices received and sent pursuant to said resolutions be submitted to the Board at the time of circulation to the members.

| C.A.B. No. 14684 | IATA No. | Title | Application |
|---|---|---|---|
| R-117 | (591) | Special Rates and Descriptions | 3/1, 1/2/3. |

Provided that approval of said resolution does not constitute approval of the commodity descriptions contained therein for purposes of tariff publication.

*Accordingly, it is ordered,* That:

1. Agreement C.A.B. 14644[1] is approved.

2. Agreement C.A.B. 14684[2] is approved, provided that approval shall be subject to the specific conditions set forth in finding paragraph 2 above.

3. Any air carrier party to the agreement or any interested person may, within 15 days from the date of service hereof, submit statements in writing containing reasons deemed appropriate, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61-1663; Filed, Feb. 27, 1961; 8:45 a.m.]

[Docket 10741]

## GREAT LAKES AIRLINES, INC., ET AL.

### Notice of Oral Argument

Complaint of Great Lakes Airlines, Inc. vs. Ralph Cox, Jr., United States Overseas Airlines, et al., Docket 10741.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on March 8, 1961, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues, Northwest, Washington, D.C. before the Board.

Dated at Washington, D.C., February 21, 1961.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 61-1733; Filed, Feb. 27, 1961; 8:51 a.m.]

See footnotes on page 1734.

[Order No. E-16416; Docket 10946]

## TRAFFIC CONFERENCES OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Agreements Adopted Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of February 1961.

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 and Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board) and Resolution 590a (Specific Commodity Rates).

The agreements name several additional specific commodity rates. The rates proposed are consistent with the level of rates in effect to other points for the commodities in question.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreements which are incorporated in the following IATA Memoranda, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

| C.A.B. 14358 | IATA memorandum |
|---|---|
| R-32 | JT12/Rates 2543. |
| R-33 | JT12/Rates 2548. |
| R-34 | JT12/Rates 2547. |
| C.A.B. 14827 | |
| R-11 | TC1/Rates 1157. |
| C.A.B. 12179 | |
| R-3 | JT123/Rates 606. |

*Accordingly, it is ordered,* That:

1. Agreements C.A.B. 14358, R-32 through R-34, C.A.B. 14827, R-11, and C.A.B. 12179, R-3, are approved, provided that such approval shall not necessarily constitute approval of any specific commodity description contained therein for purposes of tariff publication.

2. Any air carrier party to the agreements or any interested person may, within 15 days from the date hereof, submit statements in writing, containing reasons deemed appropriate, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61-1734; Filed, Feb. 27, 1961; 8:51 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13605-13607; FCC 61M-276]

## ABILENE RADIO AND TELEVISION CO. ET AL.

### Memorandum Opinion and Order Amending Issues

In re applications of Abilene Radio and Television Company, San Angelo, Texas, Docket No. 13605, File No. BPCT-2639; E. C. Gunter, San Angelo, Texas, Docket No. 13606, File No. BPCT-2663; Dornita Investment Corp., San Angelo, Texas, Docket No. 13607, File No. BPCT-2714; for construction permits.

1. The Hearing Examiner has under consideration (1) a petition to add sufficiency of funds issue with respect to E. C. Gunter, filed January 9, 1961, by Abilene Radio and Television Company; (2) opposition to such petition duly filed by E. C. Gunter on January 24, 1961; (3) reply to such opposition filed by Abilene on January 30, 1961; (4) Broadcast Bureau's Comment Re Petition to Add Evansville Issue Re Gunter's Application filed on February 15, 1961; and (5) oral argument held in connection therewith on February 17, 1961.

2. In the order of designation herein, released June 28, 1960, the Commission made an initial determination that E. C. Gunter is legally, financially, and technically and otherwise qualified to construct, own, and operate his proposed television station. However, in such order of designation, the Commission delegated to the Examiner the discretionary authority to add an issue relative to the sufficiency of the funds, found by the Commission to be available, to effectuate the proposals set forth in the application.

3. The Commission first initiated the so-called "Evansville issue", which is here under consideration, in South Central Broadcasting Corp., 9 RR 1035, where it is specifically pointed out that when an initial determination is made by the Commission that an applicant is financially qualified, it signifies the Commission is satisfied that, based upon the application before it (1) the applicant will have available to him the funds his application calls for and (2) these funds will be sufficient to effectuate all aspects of the proposal set forth in the application, but that this does not necessarily mean the Commission is equally assured with respect to both components. It was further pointed out that sufficiency of funds to accomplish what the applicant is proposing to offer turns on so many variables that it is difficult for the Commission to estimate with real assurance the likelihood of effectuating a particular proposal with the funds found to be available. In the South Central case, supra, the Commission also held that evidence to controvert the finding as to the amount of funds found to be available will not be admitted unless the Commission enlarges the hearing issues to permit its admission. In a very recent case, Triangle Publications, Inc. (Docket 13711, et al., FCC 61-99; 98815), the Commission again discussed the distinction between availability of funds on the one hand and sufficiency of funds on the other, re-emphasizing that the availability of funds is a matter for the consideration of the Commission *en banc;* whereas, the question of whether the funds so found to be available will, in fact, be sufficient to effectuate the proposals is a matter which is to be explored within the discretion of the Hearing Examiner under the so-called "Evansville issue" and the addition of such issues is a matter within the cognizance of the Hearing Examiner.

4. The petition here under consideration is addressed to the sufficiency of funds to effectuate the proposal. At the prehearing conference held on December 21, 1960, petitioner requested certain information of Gunter concerning breakdown of proposed construction costs, first-year operating costs, estimated revenues, etc.[1] Gunter declined to produce the requested information, citing, among other things, the "excessive burden" and the fact that the Commission had found Gunter to be financially qualified. The Hearing Examiner ruled that the involuntary production of the information requested would not be ordered in the absence of an "Evansville issue".

5. Petitioner states that the request for information was not and is not for the purpose of inquiring into Gunter's financial qualifications insofar as they have already been determined by the Commission, or attempting in any manner to use discovery to obtain new matter with regard to Gunter's proposal; that there is no set time limit during which the addition of an "Evansville issue" must be requested and that such additional issue has been asked for and added after many hearing sessions have been held, Oklahoma Television Corp., 17 RR 937; and that although the probability of the need for an "Evansville issue" was known, it was not definitely established until the investigations undertaken by Abilene after the refusal of Gunter to produce the requested data.

6. Gunter's opposition to the request raises the question of timeliness and also urges that such applicant has current liquid assets far in excess of those found by the Commission to be available. Gunter urges that his liquid current assets actually total $316,000 and that he "has extensive other assets". The Broadcast Bureau, in its comments, urges that the petitioner has not demonstrated diligence in the filing of the petition but suggested, in fact urged, that the Hearing Examiner, on her own motion, add the requested issue; that a study of the pertinent financial data relating to the Gunter proposal supports the contention that a serious question is present as to whether the funds found by the Commission to be available to Gunter will give reasonable assurance that the proposal will be effectuated. In support of this position, the Bureau points out that the Commission recited in its designation order that Gunter had shown "current and liquid assets" in the approximate amount of $120,942[2] to meet construction and initial operation costs approximating $108,095. The Bureau also sets forth facts which show that the Commission had before it, when it made its determination as to the amount of current assets which Gunter had available to meet the proposed out-of-pocket costs of construction and initial operation, his balance sheet, dated April 30, 1959 and amended October 27, 1959, which showed an item "Stocks and Bonds $245,656.40", but that the current and liquid asset value attributable to this stocks and bonds asset was reduced by the Commission to $67,668. Mr. Gunter also had an item of $54,136.97 cash, $18,210 in paid-up insurance, against which total liabilities of $19,072 must be deducted, leaving a balance of $53,274 as "existing capital". Gunter's "current and liquid assets" total of approximately $120,942 found by the Commission was made up of the following items: $53,274, existing capital; $48,168, stock on major exchanges on current market; and $19,500 attributable to over-the-counter stocks.

7. Gunter's estimate of total construction costs is $213,095 and the construction and initial operating expenditures required are as follows:

$45,000—Initial working capital (Section III 3, Gunter's application).
50,000—25 percent down-payment on $200,000 RCA equipment.
7,500—Buildings.
5,595—Miscellaneous equipment (this is the difference between $205,595 which is the total cost of transmitter, antenna system, monitors and studio equipment listed in Section III 1a, and the $200,000 RCA equipment cost).

108,095—Out-of-pocket construction and initial operation costs.

8. The Broadcast Bureau urges that serious question has been raised by the affidavits of Abilene's consulting engineer as to whether the overall figure for construction costs is sufficient in several respects, among which is the cost of the antenna system, for which $22,800 has been allocated. This figure contemplates the use of an existing tower to support his antenna, which Abilene's engineer states will not support the proposed RCA antenna,[3] and that an additional $33,000 will have to be expended for a light weight low-cost tower to support the proposed antenna. Abilene further alleges that the estimate of $7,500 for "acquiring, remodeling, or constructing buildings" is also inadequate, as it would not cover the cost of constructing his proposed transmitter and proposed studio. Petitioner's engineers aver that this figure is at least $100 less than would be required to construct a transmitter building and its internal power wiring alone and that no funds would remain for the construction or remodeling of the proposed studio; and that, since Gunter has submitted no plans for his proposed studio or transmitter building, it is impossible to determine the extent of the deficiency of the $7,500 estimate. Both the Bureau and Abilene further question whether sufficient money has been allocated for such necessities as the cost of the hearing, engineering fees, freight charges, payrolls during the pre-operation period, insurance, taxes, pre-operation expenses, etc., which are encountered in the construction of a new television station. According to Abilene's engineer's estimate Gunter will require $154,377 to construct and operate the station for three months, over and above the credit available through RCA, as against the $108,095 estimate by Gunter of his construction and initial operating costs.

9. Gunter argues that he has, in fact, current and liquid assets far in excess of the $120,942 found by the Commission to be available. Gunter also argues that

[1] The request for information is found in the transcript of the prehearing conference, pages 25-26.

[2] In the order of designation, the following finding was made by the Commission with respect to the financial qualification of Gunter: "It further appearing that E. C. Gunter amended his application in response to the above-mentioned (section 309(b)) letter to show proposed financing for the construction and initial operation of the proposed station in the total amount of approximately $108,095 by submitting a detailed balance sheet showing the availability of current and liquid assets in the approximate amount of $120,942, and a copy of an agreement with RCA to extend deferred credit in the amount of $150,000, and, therefore, E. C. Gunter is now financially qualified." (Memorandum Opinion and Order, dated June 23, 1960; Mimeo. FCC 60-780; 90146.)

[3] Gunter, in a petition for leave to amend filed February 15, 1961, states with respect to the supporting structure: "Following the filing of Abilene's petition (to add Evansville issue), Mr. Gunter confirmed the allegations made by Abilene. Mr. Gunter thereupon negotiated for a proposal for construction of an adequate supporting structure. The negotiations culminated on February 10, 1961 * * *" and that he "now has an agreement for the construction of an adequate tower for $6,200. The cost of construction, specified in the pending application, therefore, must be increased by $6,200."

some of the deficiencies alleged by Abilene are de minimus, particularly the allegation that the $7,500 figure is $100 short to build the transmitter building and wire it, as stated by Abilene's engineer. Gunter overlooks that it is not only a $100 deficiency for the transmitter building but that nothing is left to construct or remodel the proposed studio, according to Abilene.

10. Gunter has admitted the inadequacy of the proposed supporting structure for its antenna and the need for additional funds—although there is dispute as to the amount needed—for an adequate supporting structure.

11. Counsel for Dornita Investment Corporation filed no written pleading but, at the oral argument, adopted the position of counsel for Gunter and counsel for the Broadcast Bureau as to the timeliness question and the position of counsel for Gunter as to the lack of necessity or merit for the addition of the issue.

12. With respect to the alleged additional assets of Gunter, it is pointed out that the Commission found liquid and current assets of Gunter to be available only to the extent of "approximately $120,942.00". This is a finding of the Commission and is binding upon the Hearing Examiner, who can neither add nor subtract therefrom. Moreover, it appears the Commission had before it, when it made such finding, the same data upon which Gunter now relies to attempt to prove additional "current and liquid assets". In the South Central case, supra, it was made clear that the finding as to the amount of funds found by the Commission to be available in an order of designation is not open to question before the Hearing Examiner. In such opinion, it was stated emphatically that "evidence to controvert this finding (as to amount of funds found to be available) will not be admitted unless the Commission enlarges the issues to permit its admission".

13. In view of all the facts and circumstances in this proceeding, the argument that the petition to add the issue was not timely filed is rejected.

14. Abilene Radio and Television Company has met the burden required of one who requests the addition of the so-called "Evansville issue" in that sufficient facts have been alleged to raise question as to whether the funds available will give reasonable assurance that the proposals set forth by Gunter will be effectuated by the funds found to be available by the Commission.

*Accordingly, it is ordered,* This 20th day of February 1961, That the petition of Abilene Radio and Television Company, requesting the addition of a sufficiency-of-funds issue with respect to E. C. Gunter be and the same is hereby granted.

*It is further ordered,* That Issues 4 and 5 [4] are renumbered No. 5 and No. 6, respectively, and the following issue is added:

4. To determine whether the funds available to E. C. Gunter will give reasonable assurance that the proposals set forth in his application will be effectuated.

Released: February 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61—1726; Filed, Feb. 27, 1961; 8:50 a.m.]

[4] Issues as numbered in Memorandum Opinion and Order dated January 4, 1961, released January 9, 1961.

[Docket No. 12604 etc.; FCC 61M-277]

## BLUE ISLAND COMMUNITY BROADCASTING CO., INC., ET AL.

### Order Following Further Prehearing Conference

In re applications of Blue Island Community Broadcasting Co., Inc., Blue Island, Illinois, Docket No. 12604, File No. BPH-2458; The News-Sun Broadcasting Co., Waukegan, Illinois, Docket No. 13292, File No. BPH-2543; Elmwood Park Broadcasting Corporation, Elmwood Park, Illinois, Docket No. 13294, File No. BPH-2636; Mrs. Evelyn R. Chauvin Schoonfield (WXFM), Elmwood, Park, Illinois, Docket No. 13296, File No. BPH-179; Renewal of License of Station WXFM (FM); Edward L. Waterman, Park Forest, Illinois, Docket No. 13708, File No. BPH-2845; Walter A. Hotz and Charles W. Kline, d/b as Radio America, Chicago, Illinois, Docket No. 13709, File No. BPH-2858; for construction permits.

1. At the further prehearing conference held in the above-captioned proceeding on February 8, 1961, it was agreed that the presentation of evidence herein would be accomplished by grouping the applications of the several applicants concerned, as follows: [1]

Group I—
Blue Island Community Broadcasting Co., Inc., Docket No. 12604.
Elmwood Park Broadcasting Corp., Docket No. 13294.
Mrs. Evelyn R. Chauvin Schoonfield (WXFM), Docket No. 13296.
Edward L. Waterman, Docket No. 13708.
Group II—
The News-Sun Broadcasting Co., Docket No. 13292.
Radio America Docket No. 13709.
Edward L. Waterman, Docket No. 13708.

2. Pursuant to agreements on scheduling reached at the further prehearing conference: *It is ordered,* This 21st day of February 1961, that the following Schedule of Dates shall govern herein as to the procedures indicated below for the respective groups:

Group I—
Exchange of proposed Engineering Exhibits, March 13, 1961.
Hearing on Engineering Matters, March 23, 1961 (10:00 a.m.).
Exchange of proposed exhibits Re Issues 1, 2, 3, 4, and 6, April 12, 1961.
Hearing Re Issues 1, 2, 3, 4, and 6, April 27, 1961 (10:00 a.m.).
Group II—
Exchange of proposed Engineering Exhibits, March 13, 1961.
Hearing on Engineering Matters, March 23, 1961 (11:30 a.m.).
Exchange of proposed Exhibits on Comparative, Issue No. 12, April 4, 1961.
Hearing on Comparative Issue No. 12, April 18, 1961 (10:00 a.m.).

Released: February 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1727; Filed, Feb. 27, 1961; 8:50 a.m.]

[1] The grouping arrangement reflected herein does not constitute a formal severance action by the Examiner. There is still pending before the Commission a "Petition to Sever" filed January 17, 1961, by applicant Blue Island Community Broadcasting Company, Inc., which seeks a formal severance on the basis of grouping the Waterman application with the Channel 290 applicants only. However, upon the suggestion of counsel for Waterman at the further prehearing conference, it was agreed to include the Waterman application in Group I and Group II provisionally in view of the reference in Issue 9 to said application as well as to the Radio America application. (See Tr. 172-176.) It was recognized too that favorable action by the Commission on either the aforementioned Blue Island severance petition of Waterman's petition for severance and grant (then pending) could affect the Examiner's provisional inclusion in the Waterman application. Subsequently, by Memorandum Opinion and Order (FCC 61-162) released February 10, 1961, the Commission denied the Waterman petition for severance and grant.

[Docket No. 13878; FCC 61M-279]

## CHEROKEE COUNTY RADIO STATION

### Order Continuing Hearing

In re application of Mac M. Thomas and Ruby Jo Clotfelter d/b as Cherokee County Radio Station, Centre, Alabama, Docket No. 13878, File No. BP-13084; for construction permit.

The Hearing Examiner having under consideration a request filed on February 20, 1961, by Cherokee County Radio Station, for an extension of time in which to exchange engineering material in final exhibit form; for notification of witnesses desired at the hearing; and for continuation of the hearing; and

It appearing that counsel for all other parties, including the Broadcast Bureau, have consented to a grant of the request; and good cause has been shown for the grant thereof;

*It is, therefore, ordered,* This 21st day of February 1961, that the time for exchange of engineering exhibits is extended to March 22, 1961, and the time for notification as to witnesses is extended to March 27, 1961.

*It is further ordered,* That the hearing in the above-entitled proceeding presently scheduled for March 6, 1961, be and it is hereby continued to March 31, 1961, at 10:00 a.m., in Washington, D.C.

Released: February 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1728; Filed, Feb. 27, 1961; 8:50 a.m.]



[Docket No. 13879-13881; FCC 61M-274]

## FORT HAMILTON BROADCASTING CO. (WMOH) ET AL.

### Order Continuing Hearing

In re applications of the Fort Hamilton Broadcasting Company (WMOH), Hamilton, Ohio, Docket No. 13879, File No. BP-12869; Lafayette Broadcasting, Inc. (WASK), Lafayette, Indiana, Docket No. 13880, File No. BP-13252; Indiana Broadcasting Corporation (WANE), Fort Wayne, Indiana, Docket No. 13881, File No. BP-13768; for construction permits.

On the Examiner's own motion: *It is ordered,* This 17th day of February 1961, that the hearing in the above-entitled proceeding now scheduled for February 27, 1961, is continued to a date to be determined at a pre-hearing conference to be held on February 27, 1961.

Released: February 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1730; Filed, Feb. 27, 1961; 8:50 a.m.]

[Docket Nos. 13950, 13951; FCC 61M-276]

## SANTA FE BROADCASTING CO. AND VALLEY BROADCASTERS

### Order Scheduling Prehearing Conference

In re applications of Jim H. Speck, tr/as Santa Fe Broadcasting Co., Santa Fe, New Mexico, Docket No. 13950, File No. BP-12411; E. Boyd Whitney and John Burroughs d/b as Valley Broadcasters, Espanola, New Mexico, Docket No. 13951, File No. BP-13008; for construction permits.

On the Hearing Examiner's own motion: *It is ordered,* This 20th day of February 1961, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, on Friday, March 10, 1961, at 9:00 a.m., in the offices of the Commission at Washington, D.C.

Released: February 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1731; Filed, Feb. 27, 1961; 8:50 a.m.]

[Docket No. 13711 etc.; FCC 61M-285]

## TRIANGLE PUBLICATIONS, INC. (WNHC) ET AL.

### Order Continuing Hearing

In re applications of Triangle Publications, Inc. (WNHC), Radio and Television Division, New Haven, Connecticut, Docket No. 13711, File No. BP-12107; James N. Rodio and James Rodio, d/b as Rodio Radio, Hammonton, New Jersey, et al., Docket Nos. 13730, 13713, 13715, 13716, 13718, 13722, 13724, 13725, 13726, 13727, 13732, 13734, File No. 13426; for construction permits.

The Hearing Examiner having under consideration a "Motion for Continuance" filed February 20, 1961, by Rodio Radio, an applicant in the above-entitled proceeding, requesting that the dates previously established for submission of exhibits, notification of witnesses and hearing on the issue pertaining to applicant's financial qualifications be cancelled and be made subject to further order of the Hearing Examiner; and the order of the Examiner, of February 9, 1961, following pre-hearing conference establishing the dates aforementioned;

It appearing that the moving party recites in its pleading that it is currently conducting negotiations looking toward an agreement under the terms of which, subject to Commission approval, it would "withdraw its application" subject to reimbursement by a competing applicant of part of the expenses incurred in the prosecution of its application; that such agreement will be executed "within the immediate future" and submitted to the Chief Hearing Examiner for his approval; that approval of the contemplated agreement would render moot the issue concerning Rodio Radio's financial qualifications; and that Counsel for applicant WKAP, Inc. and the Commission's Broadcast Bureau have informed the moving party that they have no objection to immediate favorable action on the motion;

It appearing further that in view of the circumstances outlined a reasonable continuance and change in pertinent dates would be warranted in order to afford the moving party time adequate to carry out its undertaking in this matter thereby possibly saving all concerned the time and expense that would otherwise be necessary to prepare for trial and in the hearing itself, and that a grant of the relief herein provided should not be unduly disruptive of orderly procedures in this instance and should in fact be conducive to proper dispatch of the Commission's business; but that an indefinite continuance as requested would not be in order;

*It is ordered,* This 21st day of February 1961, that the "Motion for Continuance" filed by Rodio Radio be and the same is hereby granted to the extent that the hearing presently scheduled to commence on March 2, 1961, is continued until Monday, April 3, 1961, at the same time and place as previously prescribed and that all other dates provided in the February 9, 1961, order of the Hearing Examiner are postponed for a period of 30 days;

*It is ordered further,* That except as hereinabove ordered the motion is denied.

Released: February 23, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1732; Filed, Feb. 27, 1961; 8:50 a.m.]

[Docket No. 13910; FCC 61M-280]

## WACO BROADCASTING CORP. (WACO-FM)

### Order Continuing Hearing

In re application of Waco Broadcasting Corporation (WACO-FM), Waco, Texas, Docket No. 13910, File No. BPH-3136; for construction permit.

The Hearing Examiner having under consideration a request of Broadcast Bureau for continuance of the hearing now scheduled for March 20, 1961, filed herein on February 13, 1961;

It appearing that Bureau Counsel assigned to this proceeding has a conflict of hearing dates, good cause exists for granting of request, and the other two parties to this proceeding, Waco Broadcasting Corp. and Center Radio Company, have consented to the request;

*Accordingly, it is ordered,* This 21st day of February 1961, that the request of the Broadcast Bureau for continuance of scheduled hearing date is granted and the date of the hearing now scheduled for March 20, 1961, be, and the same is hereby rescheduled for April 5, 1961, 10:00 a.m., in the Offices of the Commission, Washington, D.C.

*It is further ordered,* That the dates for exchange of exhibits and notification of witnesses are hereby rescheduled to March 22 and March 31, 1961, respectively.

Released: February 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1729; Filed, Feb. 27, 1961; 8:50 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RI61-360—RI61-364]

## SUNRAY MID-CONTINENT OIL CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates; [1] and Allowing Rate Change To Become Effective Subject to Refund

FEBRUARY 21, 1961.

Sunray Mid-Continent Oil Company, Docket No. RI61-360; Cities Service Petroleum Company, [2] Docket No. RI61-361; Phillips Petroleum Company, Docket No. RI61-362; Sohio Petroleum Company, Docket No. RI61-363; Kerr-McGee Oil Industries, Inc., Docket No. RI61-364.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[2] Formerly Cities Service Oil Company.

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI61-360 | Sunray Mid-Continent Oil Co., P.O. Box 2039, Tulsa 2, Okla. | 161 | 5 | Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.). | $132 | 1-23-61 | [1] 1-21-61 | 8-21-61 | 16.8 | 17.0 | RI60-131 |
| RI61-360 | Sunray Mid-Continent Oil Co. | 161 | 4 | Panhandle Eastern Pipe Line Co. (Camrick Field, Texas County, Tex.). | 73 | 1-23-61 | [1] 3-22-61 | 8-22-61 | 16.6 | 16.8 | RI60-131 |
| RI61-360 | do | 170 | 4 | Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.). | 93 | 1-23-61 | [1] 3-21-61 | 8-21-61 | 16.8 | 17.0 | RI60-121 |
| RI61-361 | Cities Service Petroleum Co.,[2] Cities Service Building, Bartlesville, Okla. | 126 | 2 | do | 219 | 1-26-61 | [1] 3-21-61 | 8-21-61 | 16.8 | 17.0 | RI60-168 |
| RI61-362 | Phillips Petroleum Co., Bartlesville, Okla. | 331 | 3 | do | 464 | 1-23-61 | [1] 3-21-61 | 8-21-61 | 16.8 | 17.0 | RI60-160 |
| RI61-363 | Sohio Petroleum Co., 970 First National Office Building, Oklahoma City 2, Okla. | 32 | 5 | do | 119 | 1-30-61 | [1] 3-21-61 | 8-21-61 | 16.8 | 17.0 | RI60-172 |
| RI61-364 | Kerr-McGee Oil Industries, Inc., Kerr-McGee Building, Oklahoma City 2, Okla. | 12 | 19 | Phillips Petroleum Co. (Hugoton Field, Sherman County, Tex.) (R.R. Dist. No. 10). | 1,089 | 1-30-61 | [1] 3- 7-61 | [3] 3- 8-61 | 9.58761 | 10.59239 | RI60-72 |

[1] The stated effective date is the effective date proposed by respondent.
[2] Formerly Cities Service Oil Co.
[3] Suspended for one day until Mar. 8, 1961, or until such later date as Phillips Petroleum Co.'s related resale rate in Docket No. RI60-349 is made effective.
[4] Revenue-sharing increase based on buyer's rate to Michigan-Wisconsin Pipe Line Co.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That Supplement No. 19 to Kerr-McGee Oil Industries, Inc.'s FPC Gas Rate Schedule No. 12 shall become effective on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Kerr-McGee Oil Industries, Inc. shall execute and file under Docket No. RI61-364 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Kerr-McGee Oil Industries, Inc. is advised to the contrary within 15 days after the filing of such agreement and undertaking its agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 6, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1715; Filed, Feb. 27, 1961; 8:49 a.m.]

[Project No. 2170]

## CHUGACH ELECTRIC ASSOCIATION, INC.

### Notice of Application for Approval of Revised Exhibit

FEBRUARY 21, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (10 U.S.C. 791a–825r) by Chugach Electric Association, Inc., P.O. Box 3518 Eastchester Branch, Anchorage, Alaska, licensee for Project No. 2170, for Commission approval of a revised Exhibit J drawing showing a rerouting of the proposed transmission line between the Cooper Lake Hydroelectric Project and Anchorage. It is proposed to route the line around the head of Turnagain Arm in place of the long overhead span crossing from Bird Point to Snipers Point.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 10, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1695; Filed, Feb. 27, 1961; 8:47 a.m.]

[Docket No. CP61-102 etc.]

## MICHIGAN WISCONSIN PIPE LINE CO. ET AL.

### Order Further Consolidating Proceedings

FEBRUARY 20, 1961.

Michigan Wisconsin Pipe Line Company, Docket No. CP61-102; Pan American Petroleum Corporation, Docket No. CI61-516; Shell Oil Company, Docket No. CI61-524; Sinclair Oil and Gas Company, Docket No. CI61-691; Wilcox Oil Company, Docket No. CI61-717; The Atlantic Refining Company, Docket No. CI61-752; Kerr-McGee Oil Industries, Inc., Docket No. CI61-785; Skelly Oil Company, Docket No. CI61-819; Woodson Oil Company, Docket No. CI61-996; Amerada Petroleum Corporation, Docket No. CI61-1091; Sun Oil Company, Docket No. CI61-1102; J. M. Huber Corporation, Docket No. CI61-1146; Sunray Mid-Continent Oil Company, Docket No. CI61-1147.

The above additional Applicants, i.e., Woodson Oil Company (Woodson), Amerada Petroleum Corporation (Amerada), Sun Oil Company (Sun), J. M. Huber Corporation (Huber), and Sunray Mid-Continent Oil Company (Sunray), include in the above caption, have filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, for permission to make sales of natural gas to Michigan Wisconsin Pipe Line Company.

The respective additional Applicants propose to sell natural gas to Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) from various fields in the Woodward Area, Oklahoma.[1] All the above captioned Applicants, irrespective of the county in which the gas subject to the applications filed herein is to be produced and sold, seek an initial base rate of 19.5 cents per Mcf.

Many of the provisions contained in the contracts of the additional Applicants are similar and in many instances identical to the provisions contained in the contracts of those producers whose applications have already been consolidated for hearing in the above-captioned proceedings. The hearing is to commence on February 28, 1961.

Four of the five additional Applicants noted above are producing natural gas from the same wells as the producer Applicants whose applications have been consolidated in these proceedings.

The Commission finds: Good cause exists for consolidating the additional applications in Docket Nos. CI61-996, CI61-1091, CI61-1102, CI61-1146, and CI61-1147 with the other proceedings listed in the caption of this order and for setting the hearing thereon upon less than 15 days notice.

The Commission orders:

(A) The proceedings upon the applications in Docket Nos. CI61-996, CI61-1091, CI61-1102, CI61-1146, and CI61-1147 be and they are consolidated for hearing with the proceedings upon the other applications listed in the caption of this order, which hearing is now set to commence on February 28, 1961.

(B) This order shall constitute notice of the filing of the applications filed in Docket Nos. CI61-996, CI61-1091, CI61-1102, CI61-1146, and CI61-1147.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1697; Filed, Feb. 27, 1961; 8:47 a.m.]

[Docket No. G-3693 etc.]

## ELLIOTT, INC., ET AL.

### Notice of Severance

FEBRUARY 21, 1961.

Elliott, Inc., formerly L. E. Elliott and Edna Elliott, Docket No. G-3693, etc.; C. W. Coffey, Docket No. CI60-257; Tex-Star Oil & Gas Corp., et al., Docket No. CI60-307; C. H. Lyons, Sr., et al., Docket No. CI60-329.

Notice is hereby given that the Applications in Docket Nos. CI60-257, CI60-307, and CI60-329 heretofore scheduled for a hearing to be held on March 2, 1961 at 9:30 a.m., e.s.t., in the above-entitled consolidated proceedings, are severed therefrom, for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1698; Filed, Feb. 27, 1961; 8:47 a.m.]

[1] References made to the "Woodward Area" in this order are geographical and are intended to include Woods, Dewey and Major Counties, Oklahoma, which are adjacent to Woodward County. The Commission in its General Policy Statement CP61-1 has fixed an initial rate of 17.5 cents per Mcf for pipeline quality natural gas in Woodward County, Oklahoma and 15.0 cents per Mcf for natural gas produced in Woods, Major and Dewey Counties, Oklahoma.

[Docket No. CP61-50]

## UNITED GAS PIPE LINE CO.

### Notice of Application and Date of Hearing

FEBRUARY 20, 1961.

Take notice that on August 19, 1960, as supplemented on January 9, 1961, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP61-50 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a meter station and approximately 0.0095 mile of 2-inch pipeline from a delivery point on Applicant's Napoleonville-Kosciusko line in St. Helena Parish, Louisiana, near an existing delivery point utilized to provide service to the Town of Greensburg, Louisiana, to a municipal gas distribution system proposed to be constructed by the Village of Montpelier, Louisiana, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

Applicant states that the proposed facilities will be used for the sale and delivery of natural gas to the Village of Montpelier for resale and distribution through a distribution system to be constructed by said Village to serve the communities of Montpelier and Pine Grove, Louisiana, and the rural consumers lying between said communities.

The estimated total cost of the facilities to be constructed by Applicant is $3,599, which will be furnished from current working funds.

The estimated natural gas requirements under this application, to be used for domestic and commercial purposes, are:

| | 1st year | 2d year | 3d year |
|---|---|---|---|
| Annual, Mcf | 11,356 | 12,201 | 12,974 |
| Peak day, Mcf | 151 | 163 | 174 |

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 21, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before March 10, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1696; Filed, Feb. 27, 1961; 8:47 a.m.]

[Docket No. RI61-245 etc.]

## WILLIAM GRAHAM OIL CO. ET AL.

### Correction

FEBRUARY 21, 1961.

William Graham Oil Company (Operator), et al., Docket No. RI61-245, etc.; Graham-Michaelis Drilling Company (Operator) et al., Docket No. RI61-246.

In the order providing for hearings on and suspension of proposed superseding rate schedules and changes in rates, issued November 18, 1960 and published in the FEDERAL REGISTER on November 29, 1960 (F.R. Doc. 60-11050; 25 F.R. 12214): On page 12215 of the FEDERAL REGISTER, under Docket No. RI61-246, Graham-Michaelis Company (Operator), et al, item (1), opposite column headed "Rate Schedule Designation", delete "Rate Schedule No. 8" and add "Rate Schedule No. 47".

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1714; Filed, Feb. 27, 1961; 8:49 a.m.]

[Docket Nos. G-12706, G-18841]

## TEXAS EASTERN TRANSMISSION CORP.

### Order Amending Order Approving Rate Settlement Agreement, Prescribing Refunds and Fixing Date of Hearing

FEBRUARY 21, 1961.

By order issued January 25, 1961, in these proceedings, we approved the rate

settlement agreement proposed by Texas Eastern Transmission Corporation (Texas Eastern), subject to the condition, among others, contained in paragraph (L), which reads in part as follows:

(L) Texas Eastern shall furnish to the Commission staff such data, books, records and tax returns as the latter may require to prepare the studies necessary for a determination whether the Federal Income Tax allowances included in the cost of service supporting the settlement are appropriate.

In accordance with the requirements of that condition, Texas Eastern has furnished the data, books, records, and tax returns needed by the staff to prepare the studies contemplated by the condition. Upon the basis of all relevant factors pertaining to the tax issue involved, we conclude that the cost of service utilized for settlement purposes in these proceedings is appropriate for that purpose and, consequently, our order approving Texas Eastern's settlement should be amended by deleting therefrom ordering paragraph (L) as set forth on page 8 of the order. Furthermore, we do not believe that it would be appropriate to decide the issue involved here upon the basis of a cost of service underlying a settlement agreement concurred in by the parties hereto. On the other hand, it is only fair to state that we recognize and realize the implications inherent in the issue confronting us, and, further, that this issue, as such, must be resolved by us as soon as it is administratively practicable to do so. This type of issue is one that not only requires but demands a full hearing record and briefs reflecting the positive position of all parties in the proceedings. This we do not have before us here.

It should be fully understood that our decision to eliminate paragraph (L) from our prior order is not to be construed as a precedent or as any indication how the issues involved will be decided when considered in any proceeding coming before us in the future.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act that the order issued in these proceedings on January 25, 1961, be amended as hereinafter ordered.

The Commission orders:

(A) Paragraph (L) of the order conditionally approving rate settlement agreement, prescribing refunds and fixing date of hearing is hereby deleted in its entirety.

(B) In all other respects, the said order issued in these proceedings on January 25, 1961, shall remain in full force and effect.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1716; Filed, Feb. 27, 1961; 8:49 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Research Service

## CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

### Identification of Carcasses

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 (25 F.R. 5863) the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on February 1, 1961, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after February 1, as using humane methods on February 1, or a later date in February will be listed in a supplemental list. Previously published lists represented establishments reported in January or February 1961 as humanely slaughtering and handling the designated species of livestock on January 1 or some later date in January 1961 (26 F.R. 957 and 1316). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods.

| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| Armour and Co | 2AT | (*) | | (*) | | (*) | |
| Do | 2B | | (*) | | | | |
| Do | 2C | | | | | | |
| Do | 2E | | | | | | |
| Do | 2F | | | | (*) | | |
| Do | 2H | | | | | | |
| Do | 2SD | | | | (*) | | |
| Do | 2WN | | | | | | |
| Swift and Co | 3A | | | (*) | | | |
| Do | 3AC | | | | | | |
| Do | 3AF | | | | | | |
| Do | 3AN | | | | | | |
| Do | 3AW | | | | | | |
| Do | 3B | | | | | | |
| Do | 3CC | | (*) | | | | |
| Do | 3D | | | | | | |
| Do | 3E | | | | | | |
| Do | 3F | | | | (*) | | |
| Do | 3FF | | | | | | |
| Do | 3K | | | | | | |
| Do | 3L | | | | | | |
| Do | 3N | | | | | | |
| Do | 3R | | | (*) | | | |
| Do | 3S | | | | | | |
| Do | 3T | | | | | | |
| Do | 3UU | | | | | | |
| Do | 3W | | | (*) | | | |
| Do | 3Z | | | | | | |
| The Cudahy Packing Co | 10 | | | | | | |
| Hygrade Food Products Corp | 12 | | | | | | |
| Do | 12A | | | (*) | | | |
| Do | 12O | | | | | | |
| Do | 12D | | | | | | |
| Do | 12G | | | | | | |
| Do | 12P | | | (*) | | | |
| John Morrell and Co | 17 | | | | | | |
| Do | 17A | | | | | | |
| Do | 17D | | | | | | |
| C. Finkbeiner Inc | 18 | | | (*) | | | |
| The Cudahy Packing Co | 19 | | | | | | |
| The Cudahy Packing Co. of Nebraska | 19E | | | (*) | | | |
| Wilson and Co. Inc | 20A | | | | | | |
| Do | 20N | | | | | | |
| Do | 20Q | | | (*) | | | |
| Do | 20Y | | | | | | |
| Brander Meat Co | 25 | | | (*) | | | |
| Patrick Cudahy, Inc | 28 | | | | | | |
| Valleydale Packers, Inc | 34 | | | | | | |
| Montana Packing Co., Inc | 37 | | | (*) | | | |
| Pocomoke Provision Co | 39 | | | | | | |
| Armour and Co | 40 | | | (*) | | | |
| Stark Wetzel and Co., Inc | 44 | | | | | | |
| Do | 44A | | | | | | |
| Consolidated Dressed Beef Co., Inc | 47 | | | (*) | | | |
| Lackawanna Beef and Provision Co | 49 | | | | | | |
| Nevada Meat Packing Co | 52 | | | | | | |
| Midwestern Beef, Inc | 53 | | | | | | |
| Glover Packing Co of Amarillo | 60 | | | | | | |
| Weiland Packing Co., Inc | 61 | | | | | | |
| Empire Packing Corp | 65 | | | | | | |
| Somerville Packing Co | 66 | | | | | | |
| The Quaker Oats Co | 67E | | | | | | (*) |
| Minchs Wholesale Meats, Inc | 72 | (*) | (*) | (*) | | (*) | |
| Eastern Packing Co | 74E | | | | | | (*) |
| Armour and Co | 75 | | (*) | (*) | (*) | | |
| The Braun Brothers Packing Co | 79 | | | | | | |
| City Packing Co | 80 | | (*) | | | | |
| Hill Packing Co | 83E | | | | | | (*) |
| Edgar Packing Co | 84 | | (*) | | | | |
| Excel Packing Co., Inc | 86 | | | | | | |
| The E. Kahns Sons Co | 89 | | (*) | (*) | | (*) | |
| Hygrade Food Products Corp | 90 | | | | | | |
| Sugardale Provision Co | 92 | | | | | | |
| Sbonyo Packing Co | 93 | | | | | | |
| The P. Brennan Co | 94 | | | | | (*) | |
| The Val Decker Packing Co | 95 | | | | | | |
| Wm. G. Rehns Sons | 96 | | (*) | | | | |
| John Engelhorn and Sons | 97 | | | | | (*) | |
| A. Kochs Sons | 98 | | (*) | | | | |
| Armour and Co | 100 | | | (*) | | | |



| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| Ideal Packing Co., Inc | 312 | | | | | | |
| Greater New York Packing Co., Inc | 317A | | | | | | |
| Estel Packing Co | 319 | | | | | | |
| Stadler Packing Co., Inc | 320 | | | | | | |
| Turlock Meat Co | 325 | | | | | | |
| Frisco Packing Co., Inc | 327 | | | | | | |
| Shapiro Packing Co., Inc | 332 | | | | | | |
| Great Western Packing Co., Inc | 334 | | | | | | |
| Middle Brighton Meat Co., Inc | 335 | | | | | | |
| Des Moines Packing Co | 339 | | | | | | |
| Peters Packing Co., Inc | 340 | | | | | | |
| State Packing Co., Inc | 341 | | | | | | |
| Union Packing Co | 344 | | | | | | |
| Samuels-E. Tex Packing Co | 351 | | | | | | |
| Fresno Meat Packing Co | 353 | | | | | | |
| McClendon Packing Co., Inc | 354 | | | | | | |
| Oscar Mayer | 355 | | | | | | |
| United Dressed Beef Co | 358 | | | | | | |
| James Allan and Sons | 364 | | | | | | |
| Westport Packing Corp | 365 | | | | | | |
| Feeder Packing Co | 369 | | | | | | |
| The John Hilberg and Sons Co | 374 | | | | | | |
| Orose Bros. Meat Packers, Inc | 375 | | | | | | |
| Empire Packing Co., Inc | 376 | | | | | | |
| American Stores Co | 380 | | | | | | |
| Lehmann Packing Co | 384 | | | | | | |
| Dugdale Packing Co | 388 | | | | | | |
| Oldhams Farm Sausage Co., Inc | 390 | | | | | | |
| Roth Packing Co | 392 | | | | | | |
| The Northside Packing Co | 394 | | | | | | |
| Dubuque Packing Co | 396 | | | | | | |
| Logue Packing Co | 397 | | | | | | |
| Sioux City Packing Co | 399 | | | | | | |
| Los Banos Abattoir | 400 | | | | | | |
| Cashe Packing Co | 404 | | | | | | |
| Neuhoff Bros | 406 | | | | | | |
| Endlich Packing Co., Inc | 410 | | | | | | |
| Alpine Packing Co | 412 | | | | | | |
| The Landy Packing Co | 413 | | | | | | |
| Frosty Morn Meats | 414 | | | | | | |
| Empire Kosher Sausage Co | 415 | | | | | | |
| Murray Packing Co., Inc | 421 | | | | | | |
| E. W. Knoll, Inc. of Iowa | 422 | | | | | | |
| The Collins Packing Co | 423 | | | | | | |
| Hebron Packing Co., Inc | 430 | | | | | | |
| Lone Star Packing Co | 433 | | | | | | |
| Monarch Meat Packing Co | 436 | | | | | | |
| Queen Dressed Beef Co | 441 | | | | | | |
| Del Ouro Meat Co | 445 | | | | | | |
| Peerless Packing Co., Inc | 446 | | | | | | |
| Rosenthal Packing Co. of Paris | 451 | | | | | | |
| Dewitt Packing Corp | 456 | | | | | | |
| Swift and Co | 459 | | | | | | |
| Morris Hatkin and Sons, Inc | 460 | | | | | | |
| Barnes Packing Co | 467 | | | | | | |
| Cornhusker Packing Co | 468 | | | | | | |
| Eldridge Packing Co | 471 | | | | | | |
| Middletown Beef Co., Inc | 475 | | | | | | |
| St. Cloud Meat Packing Co | 480 | | | | | | |
| Meat Processors Cooperative Association, Inc | 487 | | | | | | |
| Nebraska Beef Co | 488 | | | | | | |
| Goldring Packing Co., Inc | 490 | | | | | | |
| Mid State Packers, Inc | 494 | | | | | | |
| Triangle Meat Distributors, Inc | 497 | | | | | | |
| Heim Brothers Packing Co | 499 | | | | | | |
| B. Rothschild and Co | 504 | | | | | | |
| Frosty Morn Meats | 507 | | | | | | |
| The Hall and Dillon Packing Co | 510 | | | | | | |
| Rhea Valley Meat Packers, Inc | 511 | | | | | | |
| Illinois Packing Co | 521 | | | | | | |
| Pearl Packing Co., Inc | 524 | | | | | | |
| Omaha Packing Co | 532 | | | | | | |
| Rosenthal Packing Co., Inc | 534 | | | | | | |
| H. Graves Co | 103 | | | | | | |
| Swift and Co | 104 | | | | | | |
| J. Lynn Cornwell, Inc | 107 | | | | | | |
| Allen Packing Co., Inc | 110 | | | | | | |
| Wilson and Co. Inc | 111 | | | | | | |
| Hoffman Packing Co., Inc | 112 | | | | | | |
| West Coast Meat Co., Inc | 117 | | | | | | |
| Wilson and Co., Inc | 119 | | | | | | |
| Marhoefer Packing Co., Inc | 121 | | | | | | |
| E. J. Archie and Sons, Inc | 122 | | | | | | |
| Peyton Packing Co | 126 | | | | | | |
| Boston Packing Co | 127 | | | | | | |
| The Jones Dairy Farm | 128 | | | | | | |
| John Roth and Son, Inc | 130 | | | | | | |
| Tobin Packing Co., Inc | 133 | | | | | | |
| Armour and Co | 139 | | | | | | |
| Edward J. Kleemer, Inc | 142 | | | | | | |
| R. B. Rice Sausage Co., Inc | 144 | | | | | | |
| Siegel Weller Packing Co | 145 | | | | | | |
| Kansas City Dressed Beef Co | 153 | | | | | | |
| Cal Ex Hilberg and Son, Inc | 162 | | | | | | |
| Camp Packing Co., Inc | 174 | | | | | | |
| Peerless Packing Co | 180 | | | | | | |
| Swift and Co | 181 | | | | | | |
| The Rath Packing Co | 184 | | | | | | |
| Do | 184C | | | | | | |
| Do | 184E | | | | | | |
| Fort Dodge Packing Co., Inc | 191 | | | | | | |
| South Platte Packing Co | 196 | | | | | | |
| John Morrell and Co | 197 | | | | | | |
| Hynes Packing Co | 199 | | | | | | |
| George A. Hormel and Co | 199A | | | | | | |
| Do | 199D | | | | | | |
| Do | 199K | | | | | | |
| Do | 199N | | | | | | |
| Cudahy Packing Co | 202 | | | | | | |
| Central Packing Co., Inc | 208 | | | | | | |
| Helena Riverside Abattoir, Inc | 210 | | | | | | |
| Penn Packing Co | 212 | | | | | | |
| Elburn Packing Co | 213 | | | | | | |
| Knelp Packing Co | 213C | | | | | | |
| Fred Dold and Sons Packing Co | 214 | | | | | | |
| United Meat Co., Inc | 217 | | | | | | |
| York Packing Co | 221 | | | | | | |
| Gwaltney, Inc | 221A | | | | | | |
| Armour and Co | 222 | | | | | | |
| Hygrade Food Products Corp | 224 | | | | | | |
| Do | 224B | | | | | | |
| Custom Processing Co., Inc | 227 | | | | | | |
| Waitt Schilling and Co., Inc | 230 | | | | | | |
| Rankin Packing Co | 237 | | | | | | |
| P. D and J Motta | 238 | | | | | | |
| Greenwood Packing Plant | 240 | | | | | | |
| John Morrell and Co | 245 | | | | | | |
| The Danahy Packing Co | 247 | | | | | | |
| Swift and Co | 249 | | | | | | |
| Ballentine Packing Co., Inc | 268 | | | | | | |
| The Jones Dairy Farm | 269 | | | | | | |
| Houston Packing Co., Inc | 271 | | | | | | |
| Elliott Packing Co | 274 | | | | | | |
| Wilson and Co., Inc | 276 | | | | | | |
| Bookey Packing Co | 281 | | | | | | |
| Apar Packing Co., Inc | 283 | | | | | | |
| Figge and Houweiler Co | 285 | | | | | | |
| Solons Meat Co., Co. of Erie | 286 | | | | | | |
| Arbogast and Bastian Co | 288 | | | | | | |
| The H. H. Meyer Packing Co | 290 | | | | | | |
| San Jose Meat Co | 291 | | | | | | |
| Sioux City Dressed Pork, Inc | 292 | | | | | | |
| Geo Jonesplug and Son, Inc | 293 | | | | | | |
| Waldorf Packing Co | 294 | | | | | | |
| Great Falls Meat Co | 297 | | | | | | |
| Union Packing Co | 297A | | | | | | |
| Do | 297K | | | | | | |
| Star Packing Co | 300 | | | | | | |
| Burvail Packing Co | 307 | | | | | | |

| Name of establishment | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| Acme Meat Co., Inc. | 809 | | | | | | |
| The G. Erhardt Sons, Inc. | 810 | | | | | | |
| McFarland Inc. | 811 | | | | | | |
| Midwest Packing Co., Inc. | 812 | | | | | | |
| William N. Peters, Inc. | 813 | | | | | | |
| Rochester Independent Packer, Inc. | 817 | | | | | | |
| Henry Meyers Sons, Inc. | 822 | | | | | | |
| Hiram Packing Co. | 825 | | | | | | |
| Hibbs Packing Co. | 826 | | | | | | |
| Peabrd Packing Co. | 827 | | | | | | |
| Bristol Packing Co. | 829 | | | | | | |
| Barchems Meat Co. | 830 | | | | | | |
| John Morrell and Co. | 835 | | | | | | |
| Nat Burling Packing Co. of Ark, Inc. | 837B | | | | | | |
| Frederick County Products, Inc. | 838 | | | | | | |
| Hesston Locker Sons. | 839 | | | | | | |
| G. Hoot Packing Co., Inc. | 840 | | | | | | |
| N.J. Garden State Provision Co., Inc. | 851 | | | | | | |
| Sioux City Dressed Beef, Inc. | 857 | | | | | | |
| Siouxland Dressed Beef Co., Division of Needh. | 857F | | | | | | |
| Jordan Meat Co. | 858 | | | | | | |
| Sam McDaniel and Sons, Inc. | 859 | | | | | | |
| Sierra Meat Co. | 862 | | | | | | |
| Obrig Meat Co. | 865 | | | | | | |
| Gunnerberg Beef Co. | 875 | | | | | | |
| Pabler Packing Corp. | 880 | | | | | | |
| Vermont Dressed Beef Co., Inc. | 883 | | | | | | |
| Walden Packing Co., Inc. | 886 | | | | | | |
| William Davies Co., Inc. | 888A | | | | | | |
| O'Neill Packing Co. | 889 | | | | | | |
| Sumbol Packing Co., Inc. | 892 | | | | | | |
| Tom Boy Packing Co. | 893 | | | | | | |
| Vernon Calhoun Packing Co. | 897 | | | | | | |
| Meats, Inc. | 899 | | | | | | |
| Hoosier Veterinary Laboratories, Inc. | 912 | | | | | | |
| Valleydale Packers, Inc. of Bristol | 922 | | | | | | |
| South Philadelphia Willowbrook, Inc. | 923 | | | | | | |
| Wisconsin Packing Co. | 924 | | | | | | |
| Peoples Packing Co. | 925 | | | | | | |
| Kaiser Packing Co. | 929 | | | | | | |
| Mid-Town Meat Co. | 932 | | | | | | |
| E. B. Manning and Son. | 934 | | | | | | |
| Cappellino Abattoir, Inc. | 939 | | | | | | |
| Wilson and Co., Inc. | 940 | | | | | | |
| Gentner Packing Co., Inc. | 941 | | | | | | |
| Whitehall Packing Co. | 946 | | | | | | |
| M. Brizer & Co. | 948 | | | | | | |
| Joe Doctorman and Son Packing Co., Inc. | 949 | | | | | | |
| The Quaker Oats Co. | 962E | | | | | | |
| Armour and Co. | 965 | | | | | | |
| Greater Omaha Packing Co., Inc. | 960 | | | | | | |
| Virginia Packing Co., Inc. | 963 | | | | | | |
| Earl Flick Wholesale Meats, Inc. | 965 | | | | | | |
| T. L. Lay Packing Co. | 967 | | | | | | |
| Perlin Packing Co., Inc. | 974 | | | | | | |
| Reitz Meat Products Co. | 983 | | | | | | |
| Eagle Packing Co. | 987 | | | | | | |
| The Kiser Co. | 988A | | | | | | |
| Do. | 988C | | | | | | |
| Clover Packing Co., Inc. | 1005 | | | | | | |
| Valley Meat Co. | 1009 | | | | | | |
| Armour and Co. | 1085 | | | | | | |
| Browns Packing House. | 1154 | | | | | | |
| Landy Packing Co. | 1171 | | | | | | |
| The Harris Packing Co. | 1175 | | | | | | |
| Samuel Lloyd and Sons, Inc. | 1311 | | | | | | |
| H and H Packing Co. | 1312 | | | | | | |
| Nebraska Iowa Dressed Beef Co. | 1313 | | | | | | |
| MODE Packing and Processing Co., Inc. | 1363 | | | | | | |

Done at Washington, D.C., this 21st day of February 1961.

R. K. Somers,
*Acting Director, Meat Inspection Division, Agricultural Research Service.*

[F.R. Doc. 61-1660; Filed, Feb. 27, 1961; 8:48 a.m.]

| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| Oscar Mayer and Co., Inc. | 337A | | | | | | |
| Do. | 337C | | | | | | |
| Midwest Packing Co. | 338 | | | | | | |
| Greenwall Packing Corp. | 342 | | | | | | |
| United Dressed Meats, Inc. | 346 | | | | | | |
| Pride Packing Co., Inc. | 349 | | | | | | |
| Plute Packing Co. | 350 | | | | | | |
| Salter Packing Co. | 354 | | | | | | |
| Black Hills Packing Co. | 355 | | | | | | |
| Mid South Packers, Inc. | 357 | | | | | | |
| D and W Packing Co. | 360 | | | | | | |
| Packers Land Packing Co., Inc. | 361 | | | | | | |
| Perrotta Packing Co., Inc. | 362 | | | | | | |
| John Morrell and Co. | 364 | | | | | | |
| Prosty Morn Meats, Inc. | 371 | | | | | | |
| Armour and Co. | 376 | | | | | | |
| Kingsford Packing Co., Inc. | 379 | | | | | | |
| Stahl Meyer, Inc. | 380 | | | | | | |
| Andrew Peterman Co., Inc. | 383 | | | | | | |
| Coffeyville Packing Co., Inc. | 383 | | | | | | |
| F. Perri & Co., Inc. | 383 | | | | | | |
| Peoria Packing Co., Inc. | 383 | | | | | | |
| Swift and Co. | 391 | | | | | | |
| Harman Packing Co. | 396 | | | | | | |
| New York Central Packing Co. | 406 | | | | | | |
| National Tea Co. | 412 | | | | | | |
| Midtown Veal and Mutton Co., Inc. | 413 | | | | | | |
| Donner Packing Co. | 414 | | | | | | |
| Kahn Packing Co. | 415 | | | | | | |
| Acme Meat Co., Inc. | 418 | | | | | | |
| Hill Packing Co. | 422E | | | | | | |
| City Packing Co. | 425 | | | | | | |
| Big Foot Packing Co., Inc. | 427 | | | | | | |
| E. A. Miller and Sons Packing Co., Inc. | 428 | | | | | | |
| Ebner Bros. Packers | 433 | | | | | | |
| Auburn Packing Co., Inc. | 436 | | | | | | |
| A and C Packing Co. | 446 | | | | | | |
| Steer Packing Co. | 448 | | | | | | |
| The William Schinderberg—T. J. Kurdle Co. | 449 | | | | | | |
| Nagle Packing Co. | 453 | | | | | | |
| Baums Bologna, Inc. | 457 | | | | | | |
| Quality Meat Packing Co. | 461 | | | | | | |
| Globe Packing Co. | 463 | | | | | | |
| Crown Dressed Beef Co. | 471 | | | | | | |
| J. S. Read and Sons, Inc. | 472 | | | | | | |
| Jack Rabbit Meats | 475 | | | | | | |
| Armour and Co. | 480 | | | | | | |
| Cascade Meats, Inc. | 481 | | | | | | |
| Nations Brothers Packing Co. | 484 | | | | | | |
| The William Fockes Sons Co. | 485 | | | | | | |
| The Sneber Packing Co. | 489 | | | | | | |
| Herce Packing Co., Inc. | 491 | | | | | | |
| Bryan Meat Co. | 493 | | | | | | |
| Davenport Packing Co., Inc. | 494 | | | | | | |
| Crawford County Packing Co. | 716 | | | | | | |
| The Joseph N. Rice Co. | 717 | | | | | | |
| Coast Packing Co. | 719 | | | | | | |
| Swift and Co. | 724 | | | | | | |
| The Quaker Oats Co. | 734E | | | | | | |
| Jacob Schlachters Sons Co. | 739 | | | | | | |
| Howard Pancero and Co. | 747 | | | | | | |
| Luck Brothers Cooperative Packing Co. | 749 | | | | | | |
| Monroe Packing Co., Inc. | 753 | | | | | | |
| Seltz Packing Co., Inc. | 755 | | | | | | |
| Philadelphia Dressed Beef Co. | 756A | | | | | | |
| Schaake Packing Co., Inc. | 758 | | | | | | |
| Earl C. Gibbs, Inc. | 761 | | | | | | |
| Cadwell Martin Meat Co. | 770 | | | | | | |
| Modern Meat Packing Co. | 773 | | | | | | |
| Ace Packing Co. | 774 | | | | | | |
| The Cudahy Packing Co. | 775 | | | | | | |
| Bryan Brothers Packing Co. | 780 | | | | | | |
| Diamond Meat Co., Inc. | 783 | | | | | | |
| Granite State Packing Co. | 784 | | | | | | |
| John Poblat Packing Co. | 786 | | | | | | |
| Bauma Meat Packing | 792 | | | | | | |
| Max Bauer Meat Packer | 800 | | | | | | |



## Commodity Stabilization Service

[Notice 1]

## REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

### Importation for Refining and Storage

Pursuant to the provisions of paragraph (d) of § 817.8 (23 F.R. 671; 25 F.R. 2710) and in view of The Philippine Trade Revision Agreement Act of 1955 (69 Stat. 413) and the information before me, I do hereby determine and give public notice that during March 1961 raw sugar from the Republic of the Philippines may be brought or imported into the continental United States without effect on a quota at the time of importation for the sole purpose of refining and storage without interfering with the effective administration of the Sugar Act.

Accordingly, notice is hereby given that during the month of March 1961 raw sugar from the Republic of the Philippines may be authorized for release for importation by or delivery to a refiner for the sole purpose of refining and storage without regard to a quota for the Republic of the Philippines at the time of importation. Authorizations for the release of sugar pursuant to this notice may be issued only to cover raw sugar to be imported by or delivered to a refiner who is the principal on a bond accepted pursuant to § 817.9 of this Part 817 under which the principal is obligated to hold at the refinery at which such sugar is received the raw value equivalent of such sugar until release of such sugar from inventory is authorized by the Secretary.

For the purpose of this notice, sugar held in inventory under the control of a refiner in warehouse facilities within two miles of the refinery where such sugar was received shall be deemed to be held at that refinery.

Issued at Washington, D.C., this 23d day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1719; Filed, Feb. 27, 1961; 8:49 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1380]

## CENCON, INC.

### Notice of Filing of Application for Order Exempting Company From All Provisions of the Act

FEBRUARY 20, 1961.

Notice is hereby given that Cencon, Inc. ("Cencon"), a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Cencon from all provisions of the Act.

The application states that Cencon is owned 50 percent by Continental Oil Company ("Continental"), a Delaware corporation, and 50 percent by Universe Tankships, Inc. ("Universe"), a Liberia corporation. The capital stock of Continental is publicly held, while Universe is a wholly-owned subsidiary of Oceanic Tankships, S.A. ("Oceanic"), a Panama corporation, all of the capital stock of which is owned by two persons, Daniel K. Ludwig and W. W. Wagner. Continental owns all of the capital stock of Conoco, A.G. ("Conoco"), a Switzerland corporation, which in turn owns 50 percent of Refineria Panama, S.A. ("Refineria"), a Panama corporation. The remaining 50 percent is owned by Central Industries, Inc. ("Central"), a Liberia corporation all of whose capital stock is owned by Universe.

According to the application, Refineria proposes, pursuant to a so-called concession agreement with the Republic of Panama, to construct and operate in Panama an oil refinery and related facilities and other properties (the "Project"). Refineria proposes to finance part of the cost of construction of the Project by borrowing $25,000,000, indirectly through Cencon, from two insurance companies. Cencon proposes to obtain these funds from the insurance companies by the issuance to them of notes in the aggregate principal amount of $25,000,000. Refineria in turn will execute and deliver to Cencon notes secured by a mortgage on substantially all of the properties of Refineria. The notes issued by Refineria will be pledged by Cencon with an American bank trustee as security for the loans by the two insurance companies. The financing documents contemplate the possibility that Cencon may issue one or more additional series of its notes in aggregate principal amount of $50,000,000. The application states that Cencon has no present plans for such additional financing nor is additional financing contemplated in connection with the financing of the Project. If and when any such additional financing is done, it will follow the same basic pattern of the financing described above.

It is stated that Continental is a large integrated company active in all phases of the oil business and is a large producer of crude oil. Continental, directly or through its subsidiaries, contemplates furnishing Refineria crude oil and other products used or required in the Project. Universe, the owner and operator of tankers, directly or through its subsidiaries or affiliates, contemplates transporting for Refineria crude oil and other products to and from the Project.

The application also states that Cencon will serve solely as a debt financing vehicle for Refineria. Cencon is prohibited from engaging in any business other than financing Refineria, and it will not own or hold the securities of any other company. The Refineria notes, forthwith on issuance, are to be delivered to the trustee and held by the trustee. Cencon will not operate at a profit and is not permitted to pay any dividend. Payments received on the Refineria notes are to be applied on the Cencon notes and payment on the Cencon notes are to be credited on the Refineria notes. None of the outstanding securities of Cencon will be held by the public.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Cencon submits that it is not necessary or appropriate in the public interest or consistent with the protection of investors to subject Cencon to the regulation of the Act since Cencon will be merely a debt financing vehicle for one aspect of the business activities of Continental and Universe, its only asset will be the mortgage notes of Refineria which it does not intend to sell or trade and it will not own or trade in the securities of any other company or have any of its own securities outstanding in the hands of the public.

Notice is further given that any interested person may, not later than March 6, 1961 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-1703; Filed, Feb. 27, 1961; 8:48 a.m.]

[File No. 70-3939]

## GENERAL PUBLIC UTILITIES CORP., AND PENNSYLVANIA ELECTRIC CO.

### Notice of Filing of Application-Declaration

FEBRUARY 20, 1961.

Notice is hereby given that General Public Utilities Corporation ("GPU") 67 Broad Street, New York 4, New York, a registered holding company, and its public-utility subsidiary company, Pennsylvania Electric Company ("Penelec") 222 Levergood Street, Johnstown, Pennsylvania, have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and have

designated sections 6(a), 7, 9(a), and 10 of the Act as applicable to the proposed transactions.

All interested persons are referred to the application-declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

GPU proposes, from time to time during 1961, to issue and sell short-term notes to commercial banks in an aggregate principal amount not to exceed $12,000,000 outstanding at any one time. Each such borrowing will be evidenced by GPU's unsecured note maturing 10 months from the date of borrowing, bearing interest at the prime rate for commercial borrowing in New York City at the date of issuance of the note, and prepayable without premium. The proceeds from such borrowings will be used by GPU for additional investments by GPU in its domestic public-utility subsidiaries (including an additional investment of $8,500,000 in Penelec as set forth below) or to repay other borrowings effected under this application-declaration. The application-declaration states that the borrowings will be from the following banks: Bankers Trust Company; The Hanover Bank; Manufacturers Trust Company; and the Marine Midland Trust Company of New York. Although no commitments or agreements have been made, GPU expects that the aggregate amount borrowed from each of the banks will be approximately equal and that such borrowings will not be simultaneous. GPU anticipates that the borrowings under this application-declaration will be repaid out of the proceeds of the issue and sale of additional shares of its Common Stock in 1962.

Penelec proposes to increase its authorized Common Stock of $20 par value from 4,775,000 shares to 5,400,000 shares. There are presently outstanding 4,773,889 shares of Penelec's present authorized Common Stock. The proposed increase in Penelec's authorized Common Stock is intended to make available enough additional shares to provide for the issuance of the additional shares herein proposed to be sold and for future investments by GPU in Penelec Common Stock.

Penelec proposes, from time to time during 1961, to issue and sell to GPU, and GPU proposes to purchase from Penelec, an aggregate of 425,000 additional shares of Penelec Common Stock. GPU will pay Penelec $20 per share in cash so that Penelec will realize an aggregate of $8,500,000 from the sale of such shares. The proceeds from the sale of such shares by Penelec will be applied by it to the cost of property additions subsequent to December 31, 1960, or to reimburse its treasury for expenditures directly or indirectly incurred for such purpose.

The application-declaration states that the Pennsylvania Public Utility Commission has jurisdiction with respect to the proposed issuance and sale by Penelec of additional shares of Common Stock and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is estimated that GPU's fees and expenses in connection with the above transactions will be approximately $1,500. It is further estimated that Penelec's fees and expenses in connection with the above transactions will aggregate $36,350; including Federal Original Issue Tax of $8,500, Pennsylvania Capital Stock Excise Tax of $25,000, and legal fees and expenses of $2,750.

Notice is further given that any interested person may not later than March 9, 1961, at 5:30 p.m., request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application-declaration, as filed or as it may hereafter be amended, may be granted and permitted to become effective as provided in Rule 23 under the Act, or the Commission may grant exemption from its rules under the Act, as provided by Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1704; Filed, Feb. 27, 1961; 8:48 a.m.]

# DEPARTMENT OF COMMERCE

## Office of the Secretary

### CAESAR F. FIORE

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: Boeing Airplane, Vanadium Corp. of America, American Electronics, Inc.
B. Additions: None.

This statement is made as of February 15, 1961.

Dated: February 15, 1961.

CAESAR F. FIORE.

[F.R. Doc. 61-1722; Filed, Feb. 27, 1961; 8:49 a.m.]

### DONALD B. FITZPATRICK

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 16, 1961.

Dated: February 16, 1961.

DONALD B. FITZPATRICK.

[F.R. Doc. 61-1723; Filed, Feb. 27, 1961; 8:49 a.m.]

### MARVIN S. PLANT

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 15, 1961.

Dated: February 15, 1961.

MARVIN S. PLANT.

[F.R. Doc. 61-1724; Filed, Feb. 27, 1961; 8:50 a.m.]

### JOHN J. STAHL

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: Arvida Corporation.

This statement is made as of February 1, 1961.

Dated: February 17, 1961.

JOHN J. STAHL.

[F.R. Doc. 61-1725; Filed, Feb. 27, 1961; 8:50 a.m.]

# GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 394]

## SECRETARY OF DEFENSE

### Authority To Represent the Interests of the Executive Agencies of the Federal Government in Certain Matters

In the matter of application of North Carolina Natural Gas Corporation for increased rates, Docket No. G-21, Sub 20, North Carolina Utilities Commission.

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of application of North Carolina Natural Gas Corporation For Increased Rates, Docket No. G-21, Sub 20, before the North Carolina Utilities Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective February 1, 1961.

JOHN L. MOORE, *Administrator.*

FEBRUARY 21, 1961.

[F.R. Doc. 61-1710; Filed, Feb. 27, 1961; 8:48 a.m.]



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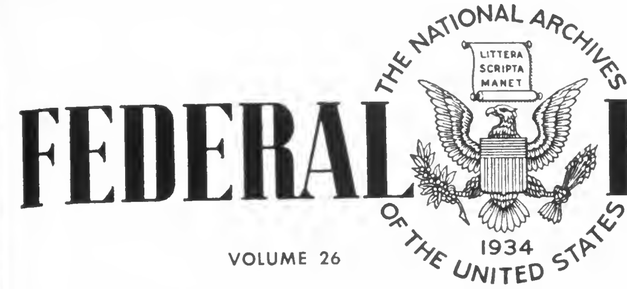
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U.S. GOVERNMENT PRINTING OFFICE: 1961

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U.S. GOVERNMENT PRINTING OFFICE: 1961

THE UNIVERSITY OF MICHIGAN
MAR 3 1961
MAIL READING ROOM

Pages 1749–1786

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VOLUME 26 NUMBER 39

Washington, Wednesday, March 1, 1961

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3394

### MODIFICATION OF TRADE AGREEMENT CONCESSIONS ON BICYCLES AND PINEAPPLES

**By the President of the United States of America**

**A Proclamation**

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), the President, on October 30, 1947, entered into a trade agreement with certain foreign countries, which consists of the General Agreement on Tariffs and Trade, including a schedule of United States concessions (hereinafter referred to as Schedule XX–1947) and the Protocol of Provisional Application of the General Agreement on Tariffs and Trade, together with a Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment (61 Stat. (pts. 5 and 6) A7, A11, and A2051), and by Proclamation No. 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or exercise treatment of articles imported into the United States as were then found to be required or appropriate to carry out such trade agreement, which proclamation has been supplemented by subsequent proclamations including Proclamation No. 2769 of January 30, 1948 (62 Stat. (pt. 2) 1479), and Proclamation No. 3140 of June 13, 1956 (70 Stat. C33);

2. WHEREAS United States tariff concessions on bicycles provided for in paragraph 371 of the Tariff Act of 1930 were included in such trade agreement, such concessions, and the appropriate headings, being set forth in item 371 [first] in Part I of Schedule XX–1947 as follows:

| Tariff Act of 1930, paragraph | Description of Products | Rate of Duty |
|---|---|---|
| 371 | Bicycles with or without tires, having wheels in diameter (measured to the outer circumference of the tire): | |
| | Over 25 inches: | |
| | If weighing less than 36 pounds complete without accessories and not designed for use with tires having a cross-sectional diameter exceeding 1⅝ inches. | $1.25 each, but not less than 7½% nor more than 15% ad val. |
| | Other | $2.50 each, but not less than 15% nor more than 30% ad val. |
| | Over 19 but not over 25 inches. | $2 each, but not less than 15% nor more than 30% ad val. |
| | Not over 19 inches | $1.25 each, but not less than 15% nor more than 30% ad val. |

3. WHEREAS Article XXVIII of the said General Agreement on Tariffs and Trade (8 UST (pt. 2) 1790) provides that a contracting party may, pursuant to procedures provided for therein, modify or withdraw concessions in its schedules to that agreement;

4. WHEREAS due notice of intention to enter into negotiations under the said Article XXVIII with a view to the modification or withdrawal of the concessions represented by item 371 [first] in Part I of Schedule XX–1947 was given, and the views presented by interested persons were received and considered, and information and advice with respect to such negotiations were sought from the Departments of State, Agriculture, Commerce, and Defense and from other sources, and an investigation and report to the President under the provisions of section 3 of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1360), have been made by the United States Tariff Commission with respect to the products involved in such negotiations;

5. WHEREAS, agreement for the modification of the said concessions in the manner set forth below in this recital having been reached pursuant to Article XXVIII of the said General Agreement, I determine that it is required or appropriate in order to carry out the agreement specified in the first recital hereof that Part I of Schedule XX–1947 be applied as though the said item 371 [first] and the appropriate headings read as follows:

| Tariff Act of 1930, paragraph | Description of Products | Rate of Duty |
|---|---|---|
| 371 | Bicycles with or without tires, having wheels in diameter (measured to the outer circumference of the tire): | |
| | Over 25 inches: | |
| | If weighing less than 36 pounds complete without accessories and not designed for use with tires having a cross-sectional diameter exceeding 1⅝ inches. | $1.87½ each, but not less than 11¼% nor more than 22½% ad val. |
| | Other | $3.75 each, but not less than 22½% nor more than 30% ad val. |
| | Over 19 but not over 25 inches. | $3 each, but not less than 22½% nor more than 30% ad val. |
| | Not over 19 inches | $1.87½ each, but not less than 22½% nor more than 30% ad val. |

6. WHEREAS a proclaiming of the application of Part I of Schedule XX–1947 as set forth in the fifth recital of this proclamation would supersede Proclamation No. 3108 of August 18, 1955 (70 Stat. C4), relating to such concessions;

7. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including the said section 350 of the Tariff Act of 1930, as amended, the President, on October 30, 1947, entered into an exclusive trade agreement with the Government of the Republic of Cuba (61 Stat. (pt. 4) 3699), which includes certain portions of other documents made a part thereof and provides for the treatment in respect of ordinary customs duties of products of

the Republic of Cuba imported into the United States of America, and thereafter by Proclamation No. 2764 of January 1, 1948 (62 Stat. 1465), proclaimed such modifications of existing duties and other import restrictions of the United States of America in respect of products of the Republic of Cuba and such continuance of existing customs and excise treatment of products of the Republic of Cuba imported into the United States of America as were then found to be required or appropriate to carry out such exclusive trade agreement on and after January 1, 1948, which proclamation has been supplemented by subsequent proclamations, including Proclamation No. 3105 of July 22, 1955 (69 Stat. c44), Part III of which amended the list set forth in the ninth recital of the said Proclamation No. 2764 of January 1, 1948;

8. WHEREAS Proclamation No. 3390 of January 18, 1961 (26 F.R. 507), terminated in part the proclamation of February 1, 1936 (49 Stat. (pt. 2) 3851), proclaiming the trade agreement entered into on December 18, 1935, with the President of the Republic of Honduras (49 Stat. (pt. 2) 3852), including item 747 in Schedule II annexed to that trade agreement;

9. WHEREAS, in view of the termination by Proclamation No. 3390 of the said proclamation of item 747 in Schedule II to the trade agreement with Honduras, it is required or appropriate in order to carry out the trade agreement specified in the first recital of this proclamation that, effective as of the beginning of February 28, 1961, item 747 in the list set forth in the seventh recital of Proclamation No. 2769 of January 30, 1948, as amended by Part III(a) of Proclamation No. 3140 of June 13, 1956, be amended to read as follows:

| Tariff Act of 1930, paragraph | Description of Products | Rate of Duty |
|---|---|---|
| 747 | Pineapples: | |
| | In crates | 35¢ per crate of 2.45 cu. ft. |
| | Not in crates and not in bulk. | 27¢ per crate of 2.45 cu. ft.; |

and

10. WHEREAS, in view of the termination by Proclamation No. 3390 of January 18, 1961, of the proclamation of item 747 in Schedule II to the trade agreement with Honduras, it is required or appropriate to carry out the trade agreement specified in the seventh recital of this proclamation that the rate of duty in item 747 in the list set forth in the ninth recital of Proclamation No. 2764 of January 1, 1948, as amended by Part III of Proclamation No. 3105 of July 22, 1955, be amended to read ".84⅔¢ each";

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under the authority of the Constitution and statutes, including the said section 350 of the Tariff Act of 1930, as amended, do proclaim as follows:

PART I

To the end that the trade agreements referred to in the foregoing recitals may be carried out:

(a) Effective at 5 P.M. on the day following the date hereof, at the respective ports of entry, Proclamation No. 3108 of August 18, 1955, referred to in the sixth recital of this proclamation is terminated;

(b) Effective at the opening of the Customs House, at the respective ports of entry, on the second day following the date hereof, Part I in Schedule XX–1947 shall be applied as though item 371 [first] therein read as set forth in the fifth recital of this proclamation;

(c) Effective at the beginning of February 28, 1961, the list set forth in the seventh recital of Proclamation No. 2769 of January 30, 1948, as amended by Part III(a) of Proclamation No. 3140 of June 13, 1956, is further amended as set forth and described in the ninth recital of this proclamation.

PART II

To the end that the trade agreement referred to in the seventh recital of this proclamation may be carried out, effective at the beginning of February 28, 1961, the list set forth in the ninth recital of Proclamation No. 2764 of January 1, 1948, as amended by Part III of Proclamation No. 3105 of July 22, 1955, shall be further amended as set forth in the tenth recital of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fifth day of February in the year of our Lord nineteen hundred
[SEAL] and sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 61–1812; Filed, Feb. 27, 1961; 1:22 p.m.]

# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 12]

### PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

#### Miscellaneous Amendments

*Basis and purpose.* These amendments are issued pursuant to sections 375 (b) and 378(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b) and 1378(a)), and section 124 of the Soil Bank Act (7 U.S.C. 1812) for the purpose of: (1) Expanding the cropland definition and guides for its application to include provisions pertaining to the preservation of the cropland classification for any land on which a change in land use from cultivated cropland to permanent vegetation carried out under a Conservation Reserve or Great Plains Conservation contract is maintained pursuant to Public Law 86–793 (74 Stat. 1030; 7 U.S.C. 1837) and (2) to provide that a reconstitution of all or part of a farm leased to the former owner by an acquiring agency having the right of eminent domain shall not be made until such time as legal displacement of the owner does in fact occur.

Since these amendments expand regulations now in effect to include legislation enacted by the 86th Congress and signed into law on September 14, 1960, and to clarify existing regulations with respect to reconstitutions where all or a part of an acquired farm is leased to the former owner, it is hereby determined that compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that this amendment shall become effective upon publication in the FEDERAL REGISTER.

1. Section 719.2(g) (25 F.R. 1065) is amended to read as follows:

**§ 719.2 Definitions.**

* * * * *

(g) "Cropland" means land which the county committee determines: (1) Was tilled in at least one of the five calendar years immediately preceding the crop year for which the determination is being made; or (2) was established in permanent vegetative cover within the five calendar years immediately preceding the crop year for which the determination is being made and was classified as cropland at the time of establishment; or (3) has been tilled but at the time of determination is in an established crop rotation pattern recognized in the community. Land planted to vineyards, orchards, or other trees which was classified as cropland at the time of planting shall retain the cropland classification for the year of planting only, except that portions of the land area within an orchard or vineyard not devoted to trees or vines shall be classified as cropland if such land area meets the requirements of the first sentence of this paragraph. In so far as the acreage of cropland on any farm enters into the determination of acreage allotments or marketing quotas under the Agricultural Adjustment Act of 1938, as amended, the cropland acreage on any farm shall not be decreased, during the period of any Conservation Reserve or Great Plains Program contract heretofore or hereafter entered into and for a period after expiration of such contract equal to the period of the contract, by reason of the maintenance of any change in land use from cultivated cropland to permanent vegetation carried out under the contract or by reason of the continued maintenance of permanent vegetation maintained under the contract.

2. Section 719.10(f) (23 F.R. 6731) is amended to read as follows:

**§ 719.10 Guides for applying cropland definition.**

* * * * *

(f) *Land covered by a Conservation Reserve or Great Plains Program contract.* Cropland on which permanent vegetation was established and maintained in accordance with the provisions of the contract, or on which permanent vegetation was established prior to the contract but was maintained in accordance with provisions of the contract under the above programs, shall retain the cropland classification for allotment and quota purposes for the effective period of the applicable contract and for a period following the expiration of any contract which has run its full term equal to the period of such contract. For this purpose, maintenance during the period of the contract must conform with the applicable program provisions. After expiration of the contract, maintenance requirements will be considered as having been met if the land is kept, conformable with good farming practices, in the use approved for it at the time the contract was terminated. Grazing and harvesting are permitted but protection is lost whenever the vegetative cover is destroyed. Re-establishment of the same cover, if needed, or a change to an equally or more enduring cover, will not terminate the protection. Any needed re-establishment must be carried out with the least possible delay. Any soil-depleting crop used as a nurse crop for re-establishment must not be harvested. The utilization of a nurse crop for hay will not be considered as disqualifying if consistent with good farming practices for the re-establishment. Upon expiration of the period of protection, the acreage shall be reappraised in consideration of the definition of cropland to determine its proper classification.

3. Section 719.12(e) (25 F.R. 4129) is amended to read as follows:

**§ 719.12 Pooling of farm acreage allotment where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain.**

* * * * *

(e) *Reconstitution where only a part of a farm is acquired by an agency or where all or part of an acquired farm is leased to the former owner.* (1) Where only a part of a farm is acquired by an agency having the right of eminent domain, the acquired portion of the farm shall be constituted separately from that portion not so acquired whenever displacement of the former owner occurs: *Provided, however,* That no reconstitution shall be made in any case where the cropland acquired by an agency for nonfarming purposes is less than 15 percent of the total cropland on the farm, in which case, that portion of the allotment, history acreages, and other pertinent data attributable to that part of the farm so acquired shall be transferred to that part of the farm not so acquired.

(2) Where possession of all or part of the acquired land is retained by the former owner by virtue of a lease with the acquiring agency and the conditions prescribed in paragraph (d)(4) of this section (25 F.R. 5445) have been met, any portion of the acquired land which is not leased by the former owner shall be constituted separately from the leased land whenever displacement of the former owner occurs. Leased land shall be reconstituted upon termination or expiration of the lease or upon voluntary displacement.

(Secs. 375, 376, 52 Stat. 66, as amended, 72 Stat. 995, sec. 124, 70 Stat. 198; 7 U.S.C. 1375, 1378, 1812)

Done at Washington, D.C., this 24th day of February 1961.

H. D. GODFREY,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61–1772; Filed, Feb. 28, 1961; 8:50 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

### PART 71—GENERAL PROVISIONS

### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

#### Miscellaneous Amendments

On September 22, 1960, there was published in the FEDERAL REGISTER (25 F.R.

9121) a notice with respect to proposed amendments to Parts 71, 76, and 81, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120), the regulations in Parts 71 and 76, as amended, restricting the interstate movement of animals because of contagious, infectious, and communicable diseases, are hereby further amended in the following respects:

1. Section 71.3 of Part 71 is amended to read as follows:

**§ 71.3 Interstate movement of diseased animals and poultry generally prohibited.**

(a) Animals or poultry affected with any of the following diseases, which are endemic to the United States: Bovine piroplasmosis or splenetic fever, scabies, hog cholera, acute swine erysipelas, tuberculosis, paratuberculosis, brucellosis, scrapie, bluetongue in sheep, anthrax, screwworms, psittacosis or ornithosis, and Newcastle disease, or any other communicable disease which is endemic to the United States, or which are cattle fever tick infested, shall not be moved interstate.

(b) Animals or poultry affected with any of the following diseases, not known to exist in the United States: foot-and-mouth disease, rinderpest, African swine fever, Teschen disease, contagious bovine pleuropneumonia, European fowl pest, dourine, vesicular exanthema, and glanders, or any other communicable foreign disease not known to exist in the United States, shall not be moved interstate.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section: (1) Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for brucellosis, or paratuberculosis, which are not affected with any other disease referred to in this section and are not tick infested, may be moved interstate in accordance with the provisions of Subpart B of Part 78 of this subchapter in the case of brucellosis reactors and with the provisions of Part 80 of this subchapter in the case of paratuberculosis reactors; and (2) cattle which have reacted to the tuberculin test, which are not affected with any other disease referred to in this section and are not tick infested, may be moved interstate in accordance with the provisions of § 77.8 of this subchapter.

(d) Before offering cattle or other livestock or poultry for interstate transportation, transporting them interstate, or introducing them into any stockyards or upon routes of traffic for interstate transportation, all persons, companies, or corporations are required to exercise reasonable diligence to ascertain whether such animals or poultry are affected with any contagious, infectious, or communicable disease, or have been exposed to the contagion or infection of any such disease by contact with other animals or poultry so diseased or by location in pens, cars, or other vehicles, or upon premises that have contained animals or poultry so diseased.

2. Part 76 is amended as follows:

a. The part heading is changed to read as set forth above.

b. Section 76.1 of said regulations (9 CFR Part 76) is amended by deleting from the section the phrase "or swine plague."

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended; 21 U.S.C. 111–113, 120, 121. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U.S.C. 115, 117, 19 F.R. 74, as amended)

The primary purposes of the foregoing amendments are to (1) include poultry within the provisions of § 71.3 of the regulations in Subchapter C, Chapter I, Title 9, Code of Federal Regulations; (2) name the specific diseases covered by the regulations in Subchapter C; and (3) delete the words "swine plague" from Part 76 of that subchapter. Certain of the proposed amendments included in the notice of rule making have not been included in the amendments adopted herein.

*Effective date.* The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of February 1961.

M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 61–1770; Filed, Feb. 28, 1961; 8:50 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 682; Amdt. 257]

### PART 507—AIRWORTHINESS DIRECTIVE

### Fairchild F–27 Series Aircraft

As a result of a wheels-up landing which caused extensive fuselage damage to a Fairchild F–27 aircraft, it was found that a main landing gear drag strut bolt had failed. Subsequent inspections on other aircraft revealed additional cracked bolts. In view of the safety hazard, a directive is necessary requiring inspection of the bolts on aircraft having 1,000 or more hours within the next 25 hours' time in service unless already accomplished within the past 125 hours' time in service.

Since safety of the aircraft is involved, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

FAIRCHILD. Applies to all Fairchild F–27 Series aircraft.

Compliance required as indicated.

Due to the failure of several main landing gear drag strut attaching bolts, the following is required on aircraft having 1,000 or more hours' time in service.

(a) Within the next 25 hours' time in service after effective date, unless already accomplished within the past 125 hours' time in service:

(1) Remove the bolts, Dowty P/N's 9017-Y11 and 9027Y7, and inspect for cracks using magnetic particle or dye penetrant methods or equivalents. Cracks emanate from the center grease hole and progress around the bolt circumference. Bolts found cracked must be replaced immediately, either with the original type bolts, nuts, and washers, or the following may be substituted.

(i) For the upper bolt, P/N 9017Y11, substitute an NAS 630–38 bolt, one NAS 143–10C washer under the bolt head and an AN310-10 or AN320–10 nut. Where an NAS 630–38 bolt is not available, longer NAS 630 bolt lengths may be used with NAS 143–10 washers under the nut provided proper clearances are maintained.

(ii) For the lower bolt, P/N 9027Y7, substitute a NAS 632–60 bolt, one NAS 143–12C washer under the bolt head and an AN310–12 or AN320–12 nut. Where a NAS 632–60 bolt is not available, longer NAS 632 bolt lengths may be used with NAS 143–12 washers under the nut provided proper clearances are maintained.

(2) Drill a 0.141-inch diameter hole in the bolts noted in (a)(1) (i) and (ii), for a cotter pin. Coat each bolt with MIL-G-3278A grease before installing. The nut should be tightened to fit snug.

(b) Oil NAS bolts daily, with SAE 20 motor oil, without removing.

(c) If NAS bolts are installed, they must be inspected using the magnetic particle or dye penetrant methods or equivalents and regreased every 150 hours time in service from date of installation. Cracked bolts must be replaced immediately in accordance with paragraph (a)(1).

(d) If no cracks are evident in the existing bolts, P/N's 9017Y11 and 9027Y7, they may be reinstalled. These bolts must be removed and inspected per (a)(1) at intervals of 150 hours' time in service from date of reinstallation.

(e) New original bolts Dowty P/N's 9017-Y11 and 9027Y7 may be used to replace the existing bolts, after which further inspection will not be required until the new bolts have accumulated 1,000 hours' time in service. After this, (a)(1) and (d) will apply.

This amendment shall become effective March 1, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 23, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61–1764; Filed, Feb. 28, 1961; 8:49 a.m.]

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–NY–144]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### Modification

The purpose of these amendments to §§ 600.6157, 600.6223, 600.6140, 600.6092, 600.6144, 600.6174, and 600.1526 of the



regulations of the Administrator is to change the descriptions of VOR Federal airways based on the Washington, D.C., VOR.

The Federal Aviation Agency is establishing a VORTAC facility on Washington National Airport, Washington, D.C. Testing and construction activities associated with this project will interfere with the reliable operation of the existing Washington VOR. Therefore, a temporary VOR will be located on Bolling Air Force Base, located approximately ½ mile east of the present site, to serve the existing airways structure based on the VOR. Thus, the actions taken herein reflect the required changes.

Since the changes effected by these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 600.6157 (14 CFR 600.6157, 25 F.R. 1990, 2885, 6266, 3814, 8861, 26 F.R. 573) "the Washington VOR 189° True radials." is deleted and "the Washington VOR 190° True radials." is substituted therefor.

2. In the text of § 600.6223 (25 F.R. 12933) "Washington, D.C., VOR 189°" is deleted and "Washington, D.C., VOR 190°" is substituted therefor.

3. In the text of § 600.6140 (14 CFR 600.6140, 25 F.R. 630, 5874, 12234, 6753) "Washington TVOR 245°" is deleted and "Washington VOR 249°" is substituted therefor.

4. In the text of § 600.6092 (14 CFR 600.6092, 25 F.R. 6516) "Washington TVOR 245°" is deleted and "Washington VOR 249°" is substituted therefor.

5. In the text of § 600.6144 (14 CFR 600.6144, 25 F.R. 3576, 4643) "Washington, D.C., VOR 245°" is deleted and "Washington, D.C., VOR 249°" is substituted therefor.

6. In the text of § 600.6174 (25 F.R. 4955, 7205) "Washington, D.C., VOR 245°" is deleted and "Washington, D.C., VOR 249°" is substituted therefor.

7. In the text of § 600.1526 (26 F.R. 1079) "Washington, D.C., VOR 245°" is deleted and "Washington, D.C., VOR 249°" is substituted therefor.

These amendments shall become effective 0402 e.s.t., April 6, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 21, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–1740; Filed, Feb. 28, 1961; 8:45 a.m.]

[Airspace Docket No. 60–FW–83]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 608—SPECIAL USE AIRSPACE

### Designation of Restricted Area/Military Climb Corridor and Modification of Federal Airways

On November 19, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 11039) stating that the Federal Aviation Agency proposed to designate a restricted area/military climb corridor at Ellington Air Force Base, Houston, Tex., and modify VOR Federal airways No. 15, 76 and 180.

No adverse comments were received regarding the proposed amendments. Subsequent to publication of the notice, Airspace Docket No. 60–WA–194 has been published in the FEDERAL REGISTER (26 F.R. 870) which changes, among other things, the "Explanation of Terms" and the restricted area numbers in Part 608 of the regulations of the Administrator. Therefore, actions taken herein will conform to those changes. This will not change the allocation of airspace as proposed. In addition, it has been determined that a slight modification to the designated altitudes between the 9 and 10 miles portion of the climb corridor can be made and that the upper limits at or above 24,000 feet MSL will be expressed in flight levels to conform to the use of a standard altimeter setting at these altitudes. This will provide better utilization of the airspace above and below the climb corridor. Such action is also taken herein.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 608.63 (26 F.R. 886) the following is added:

R–6310 Houston, Tex. (Ellington AFB) Restricted Area/Military Climb Corridor:

*Boundaries.* That area centered on the 223° True radial of the Ellington AFB TACAN (latitude 29°36'24" N., longitude 95°09'31" W.), beginning 8 miles SW of the TACAN and extending to 35 miles SW of the TACAN, having a width of 2.5 miles at the beginning, and expanding uniformly to a width of 5 miles at the outer extremity.

*Designated altitudes:*

2,000' MSL to 15,000' MSL from 8 miles SW of the TACAN to 9 miles SW of the TACAN.

2,000' MSL to flight level 240 from 9 to 10 miles SW of the TACAN.

2,000' MSL to flight level 270 from 10 to 13 miles SW of the TACAN.

6,000' MSL to flight level 270 from 13 to 18 miles SW of the TACAN.

10,000' MSL to flight level 270 from 18 to 23 miles SW of the TACAN.

15,000' MSL to flight level 270 from 23 to 28 miles SW of the TACAN.

19,000' MSL to flight level 270 from 28 to 35 miles SW of the TACAN.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Houston Approach Control.

*Using agency.* Commander, Ellington AFB, Tex.

2. In the text of § 600.6180 (14 CFR 600.6180) add "The portion of this airway that coincides with R–6310 shall be used only after obtaining prior approval from the appropriate authority."

3. In the text of § 600.6076 (14 CFR 600.6076) "Galveston, Tex., VOR." is deleted and "Galveston, Tex., VOR, excluding the portion of the airway which coincides with R–6310." is substituted therefor.

4. In the text of § 600.6015 (14 CFR 600.6015, 25 F.R. 5481, 8635, 13746) "Minot VOR 197° True radials." is deleted and "Minot VOR 197° True radials, excluding the portion of the airway which coincides with R–6310." is substituted therefor.

These amendments shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 21, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–1741; Filed, Feb. 28, 1961; 8:45 a.m.]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

### PART 230—GENERAL RULES AND REGULATIONS

### Delaying Amendments

Adoption of amendments to Rules 473 and 478.

Section 8(a) of the Securities Act of 1933 provides that registration statements filed under that Act shall become effective on the twentieth day after filing or such earlier date as the Commission shall determine. The filing of an amendment to the statement establishes a new filing date and starts the twenty-day period running anew. In order to prevent registration statements from becoming effective through the lapse of time and before they have been amended to cure any deficiencies therein, it has been the practice of registrants to file technical or so-called "delaying" amendments to start the waiting period running again.

The Commission has amended Rule 473 (§ 230.473) to provide for the filing, either with a registration statement or at a later date, of an amendment which would operate to delay the effective date of the statement without the necessity of filing a delaying amendment at the expiration of each successive twenty-day period. The delaying effect of such an

amendment may be terminated in either of two ways. One way is by filing a further amendment which specifically states that the registration statement shall thereafter become effective in accordance with section 8(a) of the Act. The other way is by the Commission's granting acceleration of the effective date of the registration statement. If the former method is followed, the registration statement will ordinarily become effective on the twentieth day after the filing of the further amendment, unless the Commission in the meantime grants acceleration of the effective date.

The new procedure is not mandatory although it is expected that registrants will find it to their advantage to follow it in order to avoid the necessity of preparing and filing successive delaying amendments. Use of the new method of delaying the effective date of a registration statement will not prejudice the orderly processing of the registration statement in the normal course unless the registrant specifically indicates a desire for such delay.

The Commission has also adopted an amendment to Rule 478 (§ 230.478) to permit the signing of any amendment filed pursuant to Rule 473 (§ 230.473) by the registrant or its agent for service.

I. Rule 473 (§ 230.473), as amended, reads as follows:

**§ 230.473 Delaying amendments.**

(a) An amendment in the following form filed with a registration statement, or as an amendment to a registration statement which has not become effective, shall be deemed, for the purpose of section 8(a) of the Act, to be filed on such date or dates as may be necessary to delay the effective date of such registration statement (1) until the registrant shall file a further amendment which specifically states as provided in paragraph (b) that such registration statement shall thereafter become effective in accordance with section 8(a) of the Act, or (2) until the registration statement shall become effective on such date as the Commission, acting pursuant to section 8(a), may determine:

The registrant hereby amends this registration statement on such date or dates as may be necessary to delay its effective date until the registrant shall file a further amendment which specifically states that this registration statement shall thereafter become effective in accordance with section 8(a) of the Securities Act of 1933 or until the registration statement shall become effective on such date as the Commission, acting pursuant to said section 8(a), may determine.

(b) An amendment which for the purpose of paragraph (a)(1) of this section specifically states that a registration statement shall thereafter become effective in accordance with section 8(a) of the Act, shall be in the following form:

This registration statement shall hereafter become effective in accordance with the provisions of section 8(a) of the Securities Act of 1933.

(c) An amendment pursuant to paragraph (a) of this section which is filed with a registration statement shall be set forth on the facing page thereof following the calculation of the registration fee. Any such amendment filed after the filing of the registration statement, any amendment altering the proposed date of public sale of the securities being registered, or any amendment filed pursuant to paragraph (b) of this section may be made by telegram or letter. Each such telegraphic amendment shall be confirmed in writing within a reasonable time by the filing of a signed copy of the amendment. Such confirmation shall not be deemed an amendment.

**§ 230.478 [Amendment]**

II. Paragraph (a) of Rule 478 (§ 230.478), as amended, reads as follows:

(a) A power to amend the registration statement (1) by filing an amendment as provided in § 230.473; (2) by filing any written consent; (3) by correcting typographical errors; (4) by reducing the amount of securities registered, pursuant to an undertaking contained in the registration statement.

The foregoing action is taken pursuant to the Securities Act of 1933, particularly sections 8(a) and 19(a) thereof. Inasmuch as issuers registering securities under the Act may wish to avail themselves immediately of the procedure involved in the amended rules, the foregoing action shall become effective immediately upon publication February 21, 1961.

(Sec. 8(a), 48 Stat. 79, 15 U.S.C. 77h; sec. 19(a), 48 Stat. 85, 15 U.S.C. 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 21, 1961.

[F.R. Doc. 61-1749; Filed, Feb. 28, 1961; 8:46 a.m.]

## PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

## PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

### Miscellaneous Amendments

The Securities and Exchange Commission has adopted certain amendments to Form S-8 and Form S-12 under the Securities Act of 1933 and Form 10-K under the Securities Exchange Act of 1934.

Form S-8 is used for registration under the Securities Act of certain equity securities offered pursuant to unincorporated stock purchase or similar plans for the benefit of employees of the issuer of such equity securities and for registration of the interests in such plans. Issuers using this form are required to deliver a copy of the issuer's latest annual report with the prospectus to each eligible employee. The issuer is also required to include in the registration statement an undertaking to transmit to all employees participating in the plan at the time and in the manner such material is sent to such stockholders, copies of all reports, proxy statements and other communications distributed to its stockholders generally. Copies of such material must also be furnished to the Commission.

The foregoing requirements have been amended to provided that such information need not be transmitted to eligible or participating employees pursuant to the requirements of Form S-8 where such employees are already stockholders of the issuer and receive copies of such material as such stockholders. The requirement for furnishing copies of such material to the Commission has also been amended to provide that it need not be furnished to the Commission pursuant to the requirements of Form S-8 where it is otherwise furnished to the Commission pursuant to any other requirements of the Commission. The amendments also place the duty of complying with these requirements upon the issuer; heretofore such duty was, in part, placed upon the "employer", which might be a company other than the issuer.

Form S-12 is used for registration under the Securities Act of certain American depositary receipts against outstanding foreign securities. This form requires the inclusion in the registration statement of an undertaking to furnish to the Commission copies of annual and other periodic reports, proxy statements and other communications distributed to the security holders by the issuer of the underlying securities. The form of this undertaking has been amended to call only for the furnishing of such information in cases where it is not otherwise transmitted to the Commission.

It is contemplated that issuers which have previously filed registration statements on Form S-8 or Form S-12 and are subject to the previous requirements of those forms may, if they wish, comply only with the requirements of the amended forms.

Form 10-K is used for annual reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934. An amendment to this form requires registrants which are not subject to the Commission's proxy rules to furnish to the Commission for its information copies of their proxy soliciting material in the same manner as they are required to furnish copies of their annual reports to stockholders. Another amendment requires registrants which do not furnish annual reports or proxy material to their stockholders to so state in their annual report on Form 10-K.

The amendments to Forms S-8, S-12, and 10-K are set forth below:

Amendments to Form S-8 (§ 239.16b):

I. Part II of the rule as to use of Form S-8, as amended, reads as follows:

II. The following conditions are met:

(a) A copy of the issuer's annual report to stockholders for the last fiscal year is delivered with the prospectus to each eligible employee who does not otherwise receive a copy of such report as a stockholder of the issuer. If the last fiscal year of the issuer has ended within 90 days prior to the use of the prospectus, the annual report for the preceding fiscal year may be delivered, provided the annual report for the last fiscal year is furnished to each such employee when available.

(b) The issuer undertakes in the registration statement to transmit to all employees participating in the plan, who do not otherwise receive such material as stockholders of the issuer, copies of all reports, proxy statements and other communications distributed by the issuer to its stockholders generally.

II. Paragraph B under the heading *Undertakings* in Form S-8, as amended, reads as follows:

B. *To transmit certain material.* The undersigned issuer hereby undertakes to transmit or cause to be transmitted to all employees participating in the plan, who do not otherwise receive such material as stockholders of the issuer, at the time and in the manner such material is sent to its stockholders, copies of all reports, proxy statements and other communications distributed to its stockholders generally. The issuer also undertakes to transmit to the Commission for its information, copies of all such material which is not otherwise furnished to or filed with the Commission pursuant to any other requirement of the Commission. Copies of such material transmitted to the Commission pursuant to this undertaking shall not be deemed to be "filed" as a part of the registration statement.

Amendment to Form S-12 (§ 239.19):

III. The introductory portion of Paragraph B under the heading *Undertakings* in Form S-12, as amended, reads as follows:

B. *To transmit certain material.* The undersigned registrant hereby undertakes to furnish promptly to the Commission copies of all annual or other periodic reports and other notices or communications which the registrant or the depositary receives as holder of the deposited securities from the issuer of such securities and which are not otherwise furnished to or filed with the Commission pursuant to any other requirement of the Commission. Copies of such material transmitted to the Commission pursuant to this undertaking shall not be deemed to be "filed" as part of the registration statement. The registrant also undertakes to furnish the following information to the Commission semi-annually, beginning on or before six months after the effective date of the registration statement:

Amendments to Form 10-K (§ 249.310):

IV. Instruction F of the General Instructions in Form 10-K, as amended, reads as follows:

F. *Annual reports and proxy material sent to stockholders.* (a) Every registrant which files an annual report on this form shall furnish to the Commission for its information four copies of the following, unless copies thereof are furnished to the Commission pursuant to Rule 14a-3 or Rule 14a-6:

(1) Any annual report to stockholders covering the registrant's last fiscal year; and

(2) Every proxy statement, form of proxy or other proxy soliciting material sent to more than ten of the registrant's stockholders with respect to any annual or other meeting of stockholders.

Such material shall be mailed to the Commission not later than the date on which it is first sent to stockholders. See the instruction to Item 2 of this form.

(b) The foregoing material shall not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of Section 18 of the Act, except to the extent that the registrant specifically requests that it be treated as a part of its annual report on this form or incorporates it therein by reference.

V. The instruction to Item 2 of Form 10-K, as amended, reads as follows:

*Instruction.* If no annual report for the registrant's last fiscal year has been submitted to stockholders or if no proxy statement, form of proxy or other proxy soliciting material was sent to stockholders with respect to the last annual or other meeting of stockholders, so state following the table. If such report or other material is to be furnished to stockholders subsequent to the filing of the annual report on this form, so state.

The foregoing action is taken pursuant to the Securities Act of 1933, particularly sections 6, 7 and 19(a) thereof and the Securities Exchange Act of 1934, particularly sections 13, 15(d) and 23(a) thereof. Such action shall become effective March 20, 1961.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 20, 1961.

[F.R. Doc. 61-1750; Filed, Feb. 28, 1961; 8:46 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Tolerance for Residues of Thiram

A petition was filed with the Food and Drug Administration by E. I. du Pont de Nemours and Company, Wilmington 98, Delaware, requesting the establishment of a tolerance for residues of thiram (tetramethyl thiuram disulfide) in or on celery at 7 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.132) are amended by adding to § 120.132 a tolerance for residues of the subject pesticide chemical in or on celery. As amended, this section reads as follows:

**§ 120.132 Tolerances for residues of thiram.**

A tolerance of 7 parts per million is established for residues of thiram (tetramethyl thiuram disulfide) in or on each of the following raw agricultural commodities: Apples, celery, peaches, strawberries, tomatoes.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 21, 1961.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 61-1754; Filed, Feb. 28, 1961; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

#### SODIUM 2,2-DICHLOROPROPIONATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Dow Chemical Company, Midland, Michigan, and other relevant material, has concluded that the following food additive regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to residues of sodium 2,2-dichloropropionate present in dehydrated citrus pulp. The residue results from the application of the pesticide to combat noxious grasses in citrus groves. A regulation under section 409 of the act concurrently establishes a tolerance of 5 parts per million in or on grapefruit, limes, oranges, and tangerines. A previous regulation has been established under section 408 setting zero tolerances for sodium 2,2-dichloropropionate in meat and milk. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart C of the food additives regulations (21 CFR Part 121) is amended by adding thereto the following new section:

**§ 121.216 Sodium 2,2-dichloropropionate.**

A tolerance of 20 parts per million (0.002 percent) is established for residues of sodium 2,2-dichloropropionate (calculated as 2,2-dichloropropionic acid) in dehydrated citrus pulp for cattle feed, when present therein as a result of the application of the pesticide during the growing of grapefruit, limes, oranges, and tangerines.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 21, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-1753; Filed, Feb. 28, 1961; 8:47 a.m.]

# Title 24—HOUSING AND HOUSING CREDIT

## Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

## PART 200—INTRODUCTION

### Subpart D—Delegations of Basic Authority and Functions

COMPTROLLER AND DEPUTY; FINANCE COMMITTEE

In Part 200 the table of contents is amended by adding a new section heading as follows:

Sec.
200.90 Finance Committee.

In § 200.77 paragraph (n) is amended and new paragraphs (p) and (q) are added as follows:

**§ 200.77 Comptroller and Deputy.**

* * * * *

(n) To cancel insurance endorsement on insured mortgages where a joint request for termination is made by the mortgagor and mortgagee, or where the insurance endorsement is otherwise to be cancelled.

* * * * *

(p) To submit to the Treasury Department:

(1) Authorizations for (i) purchase of U.S. Government securities, pursuant to agreements between mortgagors or other depositors and FHA and (ii) sale and disposition of U.S. Government securities purchased for mortgagors or other depositors, received as a result of assignment of insured mortgages or as a result of other agreements;

(2) For safekeeping, U.S. Government securities deposited in accordance with mortgagor corporate charters, regulatory or special agreements and;

(3) Requests for withdrawal and transmittal of U.S. Government securities.

(q) To extend the period of time for submission of fiscal data; conveyance of title of the Commisioner; or title evidence supporting a mortgagee's application for debentures.

Part 200 is amended by adding a new § 200.90 as follows:

**§ 200.90 Finance Committee.**

(a) *Members.* The Finance Committee is comprised of the following members: Director, Research and Statistics Division, Chairman; the Comptroller, and the Deputy General Counsel.

(b) *Functions.* The functions of the Finance Committee are;

(1) To consider and make recommendations to the Commissioner for the investment of moneys held in the various insurance funds, not needed for the current operations of the FHA, in bonds or other obligations of the United States, or in bonds or other obligations guaranteed as to principal and interest by the United States.

(2) To make recommendations to the Commissioner from time to time with respect to (i) the liquidation of investments held in the name of the Commissioner and (ii) redemption of debentures.

(3) To make recommendations to the Commissioner with respect to the distribution between the General Surplus Account and the Participating Reserve Account of the net income received or net loss sustained by the Mutual Mortgage Insurance Fund in any semiannual period.

(4) To make recommendations to the Commissioner for the establishment of annual valuation reserves on assets acquired pursuant to the terms of insurance contracts under the various insurance funds.

(5) To advise with and make recommendations to the Commissioner with respect to other matters referred to the Committee by the Commissioner.

(c) *Minutes.* The Finance Committee shall meet at the call of the Chairman and shall maintain minutes of each meeting. The minutes shall be dated, consecutively numbered and shall be signed by each member who attended the meeting. The original of the minutes shall be retained by the Comptroller in the official FHA records.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; Sec. 712, 62 Stat. 1281, as amended; sec. 807, 69 Stat. 651, as amended; sec. 907, 65 Stat. 301, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., February 24, 1961.

JAMES B. CASH, JR.,
*Acting Federal Housing Commissioner.*

[F.R. Doc. 61-1767; Filed, Feb. 28, 1961; 8:49 a.m.]

# Title 25—INDIANS

## Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

## PART 221—OPERATION AND MAINTENANCE CHARGES

### Colorado River Indian Irrigation Project, Arizona

There was published in the FEDERAL REGISTER on December 28, 1960 (25 F.R. 13787) a notice of intention to amend §§ 221.6 and 221.7 of 25 CFR to provide for an increase in the annual operation and maintenance assessment rate from $8.00 to $8.50 per acre and the assessment rate for excess water from $1.50 to $1.75 per acre foot.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below.

JOHN O. CROW,
*Acting Commissioner.*

FEBRUARY 23, 1961.

1. Section 221.6 is amended to read as follows:

**§ 221.6 Charges.**

The annual basic charge against the land to which water can be delivered under the Colorado River Indian Irrigation Project in Arizona, for the operation and maintenance of that project, is hereby fixed at $8.50 per irrigable acre, whether water is used or not. Payment of this charge will entitle the wateruser to, but not in excess of, eight acre-feet of water per acre per annum on certain sandy areas as described in a schedule on file at the Colorado Indian Agency, and available for inspection by interested parties, and to five acre-feet of water per annum per irrigable acre on all other lands. With the approval of the Superintendent, additional water, reasonably sufficient to carry away alkali salts, may be allowed on certain alkali tracts at no additional charge for the purpose of reclaiming lands by the usual methods, such as flooding and leaching. The foregoing charges and allotments of water shall become effective for the calendar year 1961 and continue in effect thereafter, until further notice.

2. Section 221.7 is amended to read as follows:



**§ 221.7 Excess water charges.**

Additional water, if and when available, in excess of basic allowances, may be delivered upon written request to the Superintendent by landowners or users at the rate of $1.75 per acre foot, or fraction thereof.

[F.R. Doc. 61-1742; Filed, Feb. 28, 1961; 8:45 a.m.]

# Title 30—MINERAL RESOURCES

## Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER C—EXPLOSIVES AND RELATED ARTICLES; TESTS FOR PERMISSIBILITY AND SUITABILITY

[Bureau of Mines Schedule 1-H]

## PART 15—EXPLOSIVES AND RELATED ARTICLES

### Procedures for Testing for Permissibility and Related Tests

On pages 12188-12191 of the FEDERAL REGISTER of November 29, 1960, there was published a notice and text of a proposed revision of the regulations of Part 15 of Title 30, Code of Federal Regulations, prescribing procedures for testing for permissibility and approving explosives for use in underground coal mines, and for miscellaneous testing of explosives and explosive substances.

Interested persons were given 30 days within which to submit to the Director of the Bureau of Mines written comments, suggestions, or objections concerning the proposed revision. None were received. However, informal discussions within the Bureau and with representatives of industry pointed to some desirable clarification of language or other minor changes, and these are made.

The proposed revision of the regulations, modified as noted, is hereby adopted and is set forth below. Because safety is involved, it is deemed in the public interest that this revision shall become effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER.

MARLING J. ANKENY,
*Director, Bureau of Mines.*

Approved: February 21, 1961.

STEWART L. UDALL,
*Secretary of the Interior.*

Part 15 of Subchapter C, Chapter I of Title 30, Code of Federal Regulations, is amended to read as follows:

Sec.
15.1 Purpose.
15.2 Definitions.
15.3 Application for tests.
15.4 Fees.
15.5 Shipment, quantities, and sizes of explosives.
15.6 Conditions under which tests for approval will be made.
15.7 Place of investigation.
15.8 Consultation.
15.9 Observers at formal investigations and demonstrations.
15.10 Chemical and physical tests.
15.11 Establishment of basic specifications.
15.12 Requirements for approval of explosives.
15.13 Notification to applicant.
15.14 Approved markings.
15.15 Changes after certification.
15.16 Withdrawal of certification.
15.17 Release of test data.
15.18 List of permissible explosives.
15.19 Use of permissible explosives.
15.20 Field testing.
15.21 Tolerances and requirements as applied to field samples.
15.22 Field sample failures.
15.23 Variances from prescribed tolerances.
15.24 Miscellaneous tests on explosives and other hazardous materials.

AUTHORITY: §§ 15.1 to 15.24 issued under sec. 5, 36 Stat. 370, as amended; 30 U.S.C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended; 30 U.S.C. 3, 5.

**§ 15.1 Purpose.**

The regulations in this part state the requirements for certification of explosives as permissible for use in underground coal mines; provide standards for the examination of explosives previously certified to check conformance to their basic specifications; and provide for miscellaneous tests not leading to certification.

**§ 15.2 Definitions.**

As used in this part, the following terms are defined:

(a) "Explosive" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat. This definition does not include blasting devices as defined in Part 17 of this subchapter.

(b) "Certificate of approval" means a formal document issued by the Bureau stating that an explosive has met the specifications and requirements in this part, and authorizing the use of markings signifying this fact, as provided hereafter.

(c) "Applicant" means an individual, partnership, company, corporation, association, or other organization that compounds, manufactures, or controls the production of an explosive and that seeks a certificate of approval for permissibility.

(d) "Basic specifications" for an explosive that is submitted for certification means those chemical and physical properties which characterize it. They will be stated in the certificate of approval.

(e) "Poisonous gases" shall mean those gases, such as carbon monoxide, hydrogen sulfide, and oxides of nitrogen, which may have deleterious physiological effects even when present in the atmosphere in relatively low concentrations.

(f) "Ingredients" are substances specified or found to be present in any given sample of an explosive.

(g) "Bureau's test detonator" is a detonator containing a base charge of 0.25±0.02 gram of pentaerythritol tetranitrate (PETN).

(h) "Bureau" means the United States Department of the Interior, Bureau of Mines.

**§ 15.3 Application for tests.**

Before an applicant may obtain any tests by the Bureau on an explosive, the applicant must file a written request, in duplicate (no application form is provided by the Bureau), with a statement as to the nature of the explosive to be tested, including the composition. This request should be addressed to the Chief, Explosives Research Laboratory, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania. The Bureau will review the application to determine whether the request is within the scope of this part. If the application is approved, an application number will be assigned and instructions given regarding the fees required and method of shipment of materials. Upon receipt of this information, the applicant shall transmit to the address given in this section a check, bank draft, or money order made payable to the Bureau of Mines, to cover all fees for the tests requested.

**§ 15.4 Fees.**

(a) The fee for complete tests leading to approval of an explosive as permissible is $1200. If the applicant withdraws an explosive, or if the explosive fails to pass any of the tests prescribed in this part, the Bureau will charge for the tests actually performed, with a minimum charge of $100, according to the charges stated in paragraph (b) of this section. The balance of the fees will be returned to the applicant.

(b) The fees covering individual tests are as follows:

| | |
|---|---|
| (1) Pendulum friction test to determine sensitiveness to frictional impact | $20 |
| (2) Physical examination (for each size cartridge) | 20 |
| (3) Chemical analysis of explosives | 100 |
| (4) Explosion by influence (halved-cartridge method) | 20 |
| (5) Ballistic mortar test | 40 |
| (6) Gallery test 4, per shot | 30 |
| (7) Gallery test 7 | 500 |
| (8) Rate of detonation tests | 50 |
| (9) Gaseous products of explosion | 100 |
| (10) For other tests or additional work, the costs as determined by the Bureau based on an estimate of the actual cost of the test. The Bureau will notify the applicant in writing and the fee shall be paid before such tests are performed. | |

(c) If no experimental tests are required, the fee for issuance of a revised certificate of approval will be $25.

**§ 15.5 Shipment, quantities, and sizes of explosives.**

Samples of explosives to be tested shall be shipped only after the Bureau has furnished instructions regarding the quantities of materials required, mode of shipment of the materials, and destination. Shipments shall be properly labeled and shall comply with the Interstate Commerce Commission regulations. The minimum quantities and sizes required for complete official tests are as follows:

(a) One hundred pounds of each explosive in 1¼ by 8-inch cartridges, but if the cartridge count per 50-pound case is less than 150 cartridges, then 300 car-

tridges is the minimum quantity required.

(b) Fifty cartridges of 8-inch length of each explosive in the smallest diameter (not less than 1 inch) in which it is desired the explosive shall be certified as permissible, except when this smallest diameter is 1¼ inches.

(c) Ten cartridges of 8-inch length of each explosive in any diameter other than those described in paragraphs (a) and (b) of this section, for which application is made to determine the permissibility of the explosive.

(d) Should the applicant later desire to market cartridges of other diameters, the Bureau will, upon application, establish the basic specifications for grams of wrapper and apparent specific gravity of these diameters. A fee (§ 15.4(b)(2)) will be charged for each cartridge diameter. If the cartridge diameter is smaller than the smallest diameter previously approved as permissible, a propagation test (rate of detonation) will also be required and a fee charged for such test (§ 15.4(b)(8)). No test will be made on cartridges of a diameter smaller than ones along which detonation has failed to propagate, nor will a retest be made on same-diameter cartridges of a formulation for which detonation has failed to propagate in any one trial.

**§ 15.6 Conditions under which tests leading to issuance of a certificate of approval will be made.**

(a) The explosive will be stored in a Bureau magazine for at least 30 days before the gallery tests are made.

(b) Explosives containing incompatibles (that is substances that will react when mixed); or those containing either chlorites, chlorates, or perchlorates; or other explosives that are chemically unstable; or show leakage of explosive oil, or are in such condition that exudation of the explosive oil would occur in handling or transporting, will not be tested.

(c) Tests will be limited to samples of explosives which are produced under the control of the applicant.

(d) Explosives with cartridge diameters of less than one inch will not be tested for certification.

(e) No report on the results of tests made by the Bureau, or any part thereof, may be published without prior written consent of the Bureau.

**§ 15.7 Place of investigation.**

Tests on explosives will be made at the Bureau's facilities at Bruceton, Pa., in order of receipt of the explosives, provided an application is on file.

**§ 15.8 Consultation.**

Any potential applicant (or accredited representative thereof) may visit the Bureau of Mines, Explosives Research Laboratory, Pittsburgh, Pa., to discuss, without charge, explosives proposed to be submitted for investigation by the Bureau. Should preliminary tests be desirable before submitting the explosive for formal investigation, the Bureau may conduct such tests for the applicant after payment of the fees prescribed in § 15.4. The results from such preliminary tests may not be used to reduce the requirements of the formal investigation.

**§ 15.9 Observers at formal investigations and demonstrations.**

No one shall be present during any part of the formal investigation for permissibility conducted by the Bureau except the necessary Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved explosive as it sees fit. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses for ingredients and all information contained in the drawings, specifications, and instructions shall be deemed proprietary and their disclosure will be appropriately safeguarded by the Bureau.

**§ 15.10 Chemical and physical tests.**

(a) *Chemical tests.* The following chemical tests will be made:

(1) Chemical analysis for ingredients.

(2) Gaseous products of detonation will be determined using the Bichel gage for carbon monoxide and Crawshaw-Jones method for oxides of nitrogen.

(b) *Physical tests.* The following physical tests will be made:

(1) *Physical examination.* The physical examination of an explosive is made on several cartridges of each size taken at random from the shipment of explosives. It shall consist of determination of apparent specific gravity and wrapper-to-explosive ratio.

(2) *Ballistic mortar test.* The strength of an explosive will be determined by the ballistic mortar.

(3) *Gallery test 4.* Ten trials, each with a 1½-pound tamped charge of explosive, are made. Each charge is fired, without stemming, into a mixture of natural gas and air containing 4.0±0.2 percent of the Bureau's natural gas (Bruceton property), or its equivalent, and 8 pounds of bituminous coal dust placed on shelves in the gallery, at 25°±5° C.

(4) *Gallery test 7.* The $W_{50}$ (weight for 50 percent probability of ignition) will be determined using the Bruceton up-and-down method and firing a minimum of 20 tamped charges of varying weights, stemmed with one pound of dry-milled plastic fireclay, from a steel cannon into a mixture of natural gas and air containing 8.0±0.3 percent of the Bureau's natural gas, at a temperature of 25°±5° C.

(5) *Rate of detonation.* The rate of detonation is determined on a 50-inch column of 1¼-inch diameter cartridges and for the smallest diameter submitted for testing, provided that this diameter is less than 1¼ inches. Nongelatinous explosives are initiated with the Bureau's test detonator only, while gelatinous explosives are initiated with the Bureau's test detonator and a 60-gram tetryl-pellet booster.

(6) *Pendulum friction test.* Ten trials are made with the steel shoe released from a height of 1.5 meters (59 in.) and if evidence of sensitivity is obtained, the test is repeated with the hard-fiber-faced shoe.

(7) *Explosion-by-influence test.* The air-gap sensitivity is determined by the halved-cartridge method on 1¼-inch diameter cartridges.

**§ 15.11 Establishment of basic specifications.**

The composition of the explosive as furnished by the applicant, will form a part of the basic specifications provided that the requirements of §§ 15.12(a) and 15.21(b) are met. Such physical properties of the explosive as may be furnished by the applicant will form a part of the basic specifications, provided that the requirements of § 15.21 are met with the exception of the air-gap sensitivity, in which case the requirement of § 15.12(c) must be met; otherwise the basic specifications will be those obtained by Bureau tests.

**§ 15.12 Requirements for approval as a permissible explosive.**

(a) The chemical composition as determined by the Bureau's analysis must correspond, within tolerances specified in § 15.21(b), to the composition as furnished by the applicant.

(b) The explosive must not fail to propagate completely in any of the tests involving detonation, except as provided in paragraph (g) of this section.

(c) In the explosition-by-influence test, the air-gap sensitivity of the explosive in 1¼-inch diameter cartridges must be at least 3 inches.

(d) The explosive must yield in gallery test 7, a $W_{50}$ value equal to or greater than 450 grams to 95 percent confidence.

(e) The explosive must pass without a single ignition, gallery test 4.

(f) The volume of poisonous gases produced by the explosive must not exceed 2.5 cubic feet per pound of explosive (71 liters per 454 grams).

(g) If an explosive fails to propagate completely in the rate of detonation test (§ 15.10(b)(5)), it will not be approved for cartridges having a diameter equal to or smaller than that of the cartridge that failed the test.

(h) In the pendulum friction test, an explosive must not show, in any trial with the hard fiber-faced shoe, a result more unfavorable than an almost indistinguishable local crackling.

**§ 15.13 Notification to applicant.**

After the Bureau of Mines has completed the investigation of an explosive, a written report summarizing the results of the investigation and including a statement of either approval or disapproval of the explosive as permissible will be sent to the applicant.

**§ 15.14 Approved markings.**

(a) Upon certification of an explosive as permissible, it shall be marketed only under a brand or trade name which shall have been furnished to the Bureau, and the certification shall apply only to the explosive as so designated.

(b) The wrapper of each cartridge must be clearly and legibly labeled:



(Insert brand or trade name of explosive) Permissible Explosive, Approved by the U.S. Department of the Interior, Bureau of Mines. A reasonable abbreviation of "by the U.S. Department of the Interior, Bureau of Mines" is acceptable.

(c) The brand or trade name and the words "Permissible Explosive" must be included in the case marking.

(d) The applicant must warn the user by means of a case-insert that the explosive is permissible only when used in conformance with the Bureau's requirements (§ 15.19).

(e) After obtaining certification, the applicant who places approved markings on his permissible explosives must use all reasonable precautions to assure that his explosives are manufactured to conform with the basic specifications within specified tolerances.

**§ 15.15 Changes after certification.**

No change in the basic specifications may be made by the applicant without prior written approval from the Bureau. To obtain this approval, application shall be made in writing giving complete information on the nature of the proposed change(s). The Bureau will determine what tests, if any, will be required. A fee will be charged for such tests. Once a change in basic specifications involving composition has been approved, the brand name may only be used for the new composition, and the former composition may not be manufactured as a permissible explosive until it has been reapproved under the provisions of this schedule.

**§ 15.16 Withdrawal of certification.**

The Bureau reserves the right to rescind for cause, at any time any certification granted under this part. Upon such withdrawal, the certification shall lose all force and effect, and explosives to which it relates shall not be marketed as permissible.

**§ 15.17 Release of test data.**

The Bureau may publish test results in such manner as will not identify the data, except cartridge weight, count, and detonation velocity, of an individual applicant.

**§ 15.18 Lists of permissible explosives.**

(a) *Active list.* The Bureau will maintain a list of active permissible explosives which will be published from time to time so that interested parties may have information regarding available explosives which have passed the tests leading to approval. In order to be retained on the active list, any explosive must be produced in a total quantity of not less than 50,000 pounds in any period of three calendar years. This requirement shall become effective on January 1 following the publication of these regulations in the FEDERAL REGISTER. The applicant will be notified of the Bureau's intent to remove any brand from the active list. An applicant may request that a permissible explosive be placed on the inactive list, or be deleted entirely.

(b) *Inactive list.* The Bureau will maintain an unpublished file of inactive permissible explosives. These explosives will be retained on the inactive list for a period not to exceed five years and will be returned to the active list during this period only after approval by the Bureau on specific written request of the applicant. An explosive may be deleted from the inactive list upon written request of the applicant. An explosive may not be manufactured for sale as a permissible explosive while on the inactive list.

**§ 15.19 Use of permissible explosives.**

An explosive certified as permissible under this part is permissible in use only so long as it meets the following requirements:

(a) Conforms with the basic specifications within limits of tolerances prescribed herein, and the cartridges are of diameters that have been approved.

(b) Is stored in surface magazines under conditions that tend to maintain original product character, and is used within 48 hours after being taken underground.

(c) Remains in its original cartridge wrapper throughout storage and use, without admixture with other substances.

(d) Is initiated with a copper or copper-based-alloy shell, commercial electric detonator (not cap and fuse) of not less than No. 6 strength.

(e) Is in all other respects used in conformance with the regulations specified in the most recent edition of the applicable Federal Mine Safety Code.

**§ 15.20 Field testing.**

The Bureau will periodically collect and examine samples of permissible explosives in order to determine whether they continue to conform to the basic specifications.

**§ 15.21 Tolerances and requirements as applied to field samples.**

Tolerances which provide for reasonable limits of variation in the results of analyses and tests of field samples of permissible explosives were established July 1, 1915, subsequently amended November 15, 1920, February 26, 1921, and March 24, 1955, and are further modified in this section. The tolerances and requirements as enumerated below supersede all previous tolerances.

(a) Requirements for tests that directly affect permissibility.

(1) *Gallery test 7.* The sample must yield in gallery test 7, as a $W_{50}$ value equal to or greater than 450 grams to 95 percent confidence. (For exception see § 15.22(a)).

(2) *Gallery test 1.* Field samples failing Gallery test 7 but excepted under § 15.22(a) will be subjected to Gallery test 1. In this test, ten trials, each with a 220-gram tamped charge of the explosive, are made. Each charge, stemmed with one pound of dry-milled plastic fireclay, is fired from a steel cannon into a mixture of natural gas and air containing 8.0±0.3 percent of the Bureau's natural gas, at a temperature of 25°±5°C. No ignitions must result.

(3) *Gallery test 4.* The sample must pass five shots with a tamped unstemmed charge of 680 grams (1½ pounds).

(4) *Pendulum friction test.* The sample must pass the pendulum friction test with a hard-fiber-faced shoe released from a height of 1.5 meters, (59 inches).

(5) *Poisonous gases.* Poisonous gases produced must not exceed 2.5 cu. ft. per pound of the explosive (71 liters per 454 grams).

(6) *Propagation test.* Complete propagation of the explosive must be obtained in the rate of detonation test.

(b) Requirements for tests that do not directly affect permissibility.

(1) *Carbonaceous combustible material.* The tolerance shall be ±3 percent of the total explosive.

(2) *Moisture and other ingredients.* The tolerances shall be in accordance with those shown in Table 1.

TABLE 1—LIMIT OF VARIATION (PERCENTAGE OF TOTAL EXPLOSIVE) FOR VARIOUS QUANTITIES OF INGREDIENT

| Quantity of ingredient | | Limit of variation |
|---|---|---|
| From— | To— | |
| *Percent* | *Percent* | *Percent ±* |
| 0.0 | 5.0 | 1.2 |
| 5.1 | 10.0 | 1.5 |
| 10.1 | 20.0 | 1.7 |
| 20.1 | 30.0 | 2.0 |
| 30.1 | 40.0 | 2.3 |
| 40.1 | 50.0 | 2.5 |
| 50.1 | 55.0 | 2.8 |
| 55.1 | 100.0 | 3.0 |

(3) *Rate of detonation.* The tolerance shall be ±15 percent of that shown in the basic specifications.

(4) *Ballistic mortar.* The tolerance shall be ±10 percent of that shown in the basic specifications.

(5) *Explosion by influence test.* The air-gap sensitivity, using 1¼-inch-diameter cartridges, must be not less than 2 inches.

(6) *Grams of wrapper.* The tolerance shall be ±2 grams per 100 grams of explosives ingredient based on that shown in the basic specifications.

(7) *Apparent specific gravity.* The tolerance shall be ±7.5 percent of that shown in the basic specifications.

**§ 15.22 Field sample failures.**

(a) Any field sample will be declared nonpermissible if when tested it fails to meet any of the requirements of § 15.21(a): *Provided, however,* That, for a period of five years following the issuance of this schedule, the requirement of § 15.21(a)(1) shall not apply to any field sample whose basic specifications were approved under prior schedules.

(b) The Bureau will immediately report any field sample failure to the applicant. The applicant must immediately remove from the market and the field any unused portions of the explosive bearing the same lot number as the sample tested. If a field sample of any particular brand of permissible explosive fails 3 times within a period of 5 years, the explosive will be declared nonpermissible and removed from the lists of permissible explosives.

**§ 15.23 Variances from prescribed tolerances.**

Variances on field sample tests from tolerances as specified in § 15.21(b) do

not directly affect permissibility of the explosive, but the applicant will be notified of such variances, and is then obligated to modify his formulation of future lots of the explosive to bring the explosive within the prescribed limits and to keep it within such limits.

**§ 15.24 Miscellaneous tests on explosives and other hazardous materials.**

The Bureau conducts some tests not leading directly to approval of explosives as permissible for use in underground coal mines. Fees for these tests will be as prescribed in § 15.4 and as prescribed below:

| | |
|---|---|
| (a) Impact test | $30 |
| (b) Electrostatic spark test | 20 |
| (c) Thermal sensitivity test | 30 |
| (d) Suspended tests in the gallery (per shot) | 10 |
| (e) Gaseous products: | |
| (1) Oxides of nitrogen only | 70 |
| (2) Complete analysis of gaseous products, including oxides of nitrogen | 100 |

Application for miscellaneous tests must follow the procedure prescribed in § 15.3. Applicants requesting tests must follow the instructions under § 15.5. The applicant will be advised by the Bureau as to the quantity of material needed. No report on the results of tests made by the Bureau of Mines, or any part thereof, may be published without prior written consent of the Bureau of Mines.

[F.R. Doc. 61-1745; Filed, Feb. 28, 1961; 8:45 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2271]

[Utah 053012]

### UTAH

### Partial Revocation of Reclamation Withdrawal (Provo River Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of November 19, 1940, reserving lands for reclamation purposes in connection with the Provo River Project is hereby revoked so far as it affects the following-described lands:

UINTAH SPECIAL MERIDIAN

T. 3 N., R. 9 W.,
Secs. 29 and 30 (fractional).

SALT LAKE MERIDIAN

T. 2 S., R. 9 E.,
Secs. 20 and 21 (fractional).

The areas described aggregate 1,289.19 acres.

2. The lands are a part of the Wasatch National Forest. At 10:00 a.m., on March 31, 1961, they shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

FEBRUARY 23, 1961.

[F.R. Doc. 61-1743; Filed, Feb. 28, 1961; 8:45 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

### PART 3—ADJUDICATION

### General

In § 3.850, paragraph (c) is amended to read as follows:

**§ 3.850 General.**

* * * * *

(c) Where the total amount payable on behalf of a child or children who are in the custody of the widow or the mother of the child does not exceed $200 for each child, payment may be made to the widow or the mother as legal custodian without reference to the Chief Attorney.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective March 1, 1961.

[SEAL] A. H. MONK,
*Associate Deputy Administrator.*

[F.R. Doc. 61-1765; Filed, Feb. 28, 1961; 8:49 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### PART 1—GENERAL RULES OF PRACTICE

### Procedure

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of February A.D. 1961.

The Commission on the date hereof having created two Boards of Employees, designated as the Special Permission Board and the Released Rates Board, to which certain classes of applications have been assigned, and the matter of revising the special rules of procedure of the other employee boards to include and apply to the Special Permission Board and the Released Rates Board being under consideration;

*It is ordered*, That to implement the action creating the Special Permission Board and the Released Rates Board, § 1.225 (a) and (b) are revised to read as follows:

**§ 1.225 Special rules of practice governing the procedure of the Temporary Authorities Board, the Transfer Board, the Finance Boards, the Safety and Service Boards, the Motor Carrier Boards, the Special Permission Board and the Released Rates Board.**

(a) The proceedings of the Temporary Authorities Board, the Transfer Board, the Finance Boards, the Safety and Service Boards, the Motor Carrier Boards, the Special Permission Board, and the Released Rates Board shall be informal. No transcription of such proceedings will be made. Subpoenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) A petition for reconsideration of an order of the Temporary Authorities Board, the Transfer Board, a Finance Board, a Safety and Service Board, a Motor Carrier Board, the Special Permission Board, or the Released Rates Board may be filed by any interested person. Such petition and reply thereto will be governed by the Commission's general rules of practice, except as otherwise provided in paragraphs (c), (d), and (e) of this section.

*It is further ordered*, That the foregoing amendments shall become effective March 1, 1961.

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended; secs. 204, 205, 49 Stat. 546, as amended, 548, as amended; sec. 304, 54 Stat. 933; sec. 403, 56 Stat. 285; 49 U.S.C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-1763; Filed, Feb. 28, 1961; 8:49 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 913]

[Docket No. AO-23-A20]

### MILK IN GREATER KANSAS CITY MARKETING AREA

### Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules for practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area, which was issued February 14, 1961 (26 F.R. 1406), is hereby extended to March 3, 1961.

Dated: February 24, 1961, at Washington, D.C.

F. R. BURKE,
*Acting Deputy Administrator.*

[F.R. Doc. 61-1768; Filed, Feb. 28, 1961; 8:49 a.m.]

### Agricultural Research Service

[9 CFR Part 16]

### MARKING, BRANDING AND IDENTIFYING MEAT, MEAT BYPRODUCTS AND MEAT FOOD PRODUCTS

### Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that the Department of Agriculture is considering amending § 16.3 of the Federal Meat Inspection Regulations (9 CFR 16.3) pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U.S.C. 71-91) and section 306 of the Trariff Act of 1930, as amended (19 U.S.C. 1306) by adding a new paragraph (c) to read as follows:

(c) No person shall can, salt, cure, render, smoke, or otherwise process any product bearing the inspection legend or any abbreviation, copy or representation thereof unless such processing operation is performed at an official establishment. When inspected product is processed elsewhere than at an official establishment all such marks of inspection shall be removed, defaced, or otherwise destroyed before the processing begins.

This amendment would make it possible to distinguish meat products processed under Federal inspection from those processed without such inspection. This would facilitate enforcement of the inspection requirements for meat products in interstate or foreign commerce, provide more adequate information to shippers as to the eligibility of processed meat products for movement in such commerce, and enable consumers and other purchasers to identify processed products as articles prepared under Federal inspection or as articles otherwise prepared and thereby to obtain the class of products they desire.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director of the Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of February 1961.

M. R. CLARKSON,
*Acting Administrator, Agricultural Research Service.*

[F.R. Doc. 61-1769; Filed, Feb. 28, 1961; 8:49 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[21 CFR Part 121]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Colton Chemical Company, Division of Air Reduction Company, Inc., 6626 Union Avenue, Cleveland 5, Ohio, on behalf of the Emulsion Industry Technical Committee, proposing the issuance of a regulation to provide for the safe use of the following in the manufacture of coatings and adhesives for use on food-packaging materials:

I. MONOMERS AND COMONOMERS

Acrylamide.
Acrylic acid.
Acrylonitrile.
Butyl acrylate.
Crotonic acid.
Decyl acrylate.
Diallyl fumarate.
Diallyl maleate.
Diallyl phthalate.
Dibutyl fumarate.
Dibutyl itaconate.
Dibutyl maleate.
Di-(2-ethylhexyl) maleate.
Dioctyl fumarate.
Dioctyl maleate.
Divinyl benzene.
Ethyl acrylate.
2-Ethylhexyl acrylate.
Fumaric acid.
Itaconic acid.
Maleic anhydride.
Methacrylic acid.
Methyl acrylate.
Methyl methacrylate.
Mono(2-ethylhexyl) maleate.
Styrene.
Vinyl acetate.
Vinyl butyrate.
Vinyl crotonate.
Vinyl hexoate.
Vinylidene chloride.
Vinyl pelargonate.
Vinyl proplonate.
Vinyl pyrrolidone.
Vinyl stearate.

II. CATALYSTS—ACTIVATORS

Ammonium persulfate.
Ammonium thiosulfate.
Azo-bis-isobutyronitrile.
Benzoyl peroxide.
*tert*-Butyl hydroperoxide.
Cumene hydroperoxide.
Diacetyl peroxide.
Ferric chloride.
Ferrous sulfate.
Hydrogen peroxide.
Isopropyl peroxydicarbonate.
Lauroyl peroxide.
Potassium metabisulfite.
Potassium persulfate.
Sodium bisulfite.
Sodium formaldehyde sulfoxylate.
Sodium metabisulfite.
Sodium persulfate.
Sodium thiosulfate.
Zinc formaldehyde sulfoxylate.

III. PROTECTIVE COLLOIDS

Animal glue.
Dextrin.
Gum arabic.
Gum tragacanth.
Hydroxyethyl cellulose.
Methacrylic acid and acrylic ester copolymer.
Methylcellulose.
Polyacrylamide.
Polyvinyl alcohol.
Sodium carboxymethylcellulose.
Starch.

IV. EMULSIFIERS

Alkylaryl sulfonate.
Alkylphenyl polyethylene glycol ether.
Camphor fatty acid esters.
Hydroabietyl alcohol.
Nonylphenoxy polyoxyethylene.
Polyalkylene glycol ether.
Polyethylene glycol sorbitan monolaurate.
Polyethylene glycol sorbitan monostearate.
Polyoxyethylated fatty alcohols.
Polyoxyethylene ester.
Polyoxyethylene nonylphenol.
Polyoxyethylene-polyoxypropylene copolymer polyethers.
Sodium alkyl benzene sulfonate.
Sodium dihexylsulfosuccinate.
Sodium dioctylsulfosuccinate.
Sodium dodecyl benzene sulfonate.
Sodium ethylene ether of nonylphenol sulfate.
Sodium lauryl sulfate.
Sodium salt of alkylaryl polyether sulfonate.
Sodium-bis-tridecylsulfosuccinate.
Sodium xylene sulfonate.
Sorbitan trioleate.

Sulfonated castor oil.
Sulfonated vegetable oils, potassium salt.
Tetrasodium *N*-(1,2-dicarboxyethyl), *N*-octodecyl sulfosuccinate.

V. MISCELLANEOUS INGREDIENTS

Alkali salt of ethylenediamine tetraacetic acid.
Aluminum acetate.
Borax.
Boric acid.
Butyraldehyde.
Butylbenzyl phthalate.
Caramel.
Carbon tetrachloride.
Chloracetamide.
Chloral hydrate.
Cobaltous acetate.
Dibutyl phthalate.
Diethylene glycol-monobutyl ether.
Diethylene glycol-monoethyl ether.
Glyceryl monobutyl ricinoleate.
Glyoxal.
Hexylene glycol.
Hydroquinone.
Iso-ascorbic acid.
Methyl parahydroxybenzoate.
Monoethyl ether of hydroquinone.
Polypropylene glycol.
Silicone defoamers.
Sodium acetate.
Sodium bicarbonate.
Sodium carbonate.
Sodium citrate.
Sodium o-phenylphenate.

Dated: February 21, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1752; Filed, Feb. 28, 1961; 8:47 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### ALASKA

### Notice of Proposed Withdrawal and Reservation of Lands

The Department of the Army has filed an application, Serial Number A.027817 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for use as Nike Site Summit.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Cordova Building, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 14 N., R. 1 W., S.M., Section 31: N½SW¼.

Containing 80 acres.

L. T. MAIN,
*Operations Supervisor, Anchorage.*

[F.R. Doc. 61-1744; Filed, Feb. 28, 1961; 8:45 a.m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Stabilization Service

### PEANUTS

### Supply of Valencia Type Peanuts for 1961–62 Marketing Year; Proposed Determinations

Pursuant to Section 358(c) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(c)), the Secretary of Agriculture is preparing to determine whether the supply of Valencia type peanuts for the 1961–62 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes. Section 358(c) of the Act, as amended, reads in part as follows:

Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951–52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

Prior to determining whether the supply of Valencia type peanuts for the 1961–62 marketing year will be insufficient to meet the estimated demand for cleaning and shelling, consideration will be given to any data, views and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C. All written submissions must be postmarked not later than March 23, 1961.

Done at Washington, D.C., this 24th day of February 1961.

H. D. GODFREY,
*Administrator, Commodity Stabilization Service.*

[F.R. Doc. 61-1771; Filed, Feb. 28, 1961; 8:50 a.m.]

### Office of the Secretary

### DESIGNATION OF COUNTIES WITHIN GREAT PLAINS AREA OF TEN GREAT PLAINS STATES WHERE GREAT PLAINS CONSERVATION PROGRAM IS SPECIFICALLY APPLICABLE

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115–1117), the following county in the following State is designated as susceptible to serious wind erosion by reason of its soil types, terrain, and climatic and other factors.

TEXAS

Reagan

Done at Washington, D.C., this 24th day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1773; Filed, Feb. 28, 1961; 8:50 a.m.]

## FEDERAL AVIATION AGENCY

[OE Docket No. 61-NY-4]

### PROPOSED CONSTRUCTION OF TV ANTENNA STRUCTURE

### No Airspace Objection

The Federal Aviation Agency has conducted an aeronautical study of the following proposal to determine its effect upon the utilization of airspace:

The Maine Radio and Television Company, operator of television station WCSH-TV, proposes to construct a new broadcast antenna tower to be located near Windham, Maine, at latitude 43°48'12" north, longitude 70°23'42" west. The overall height of the structure would be 1249 feet above mean sea level (969 feet above ground). WCSH-TV is presently operating from an antenna structure located at latitude 43°45'45" north, longitude 70°19'30" west with an overall height of 819 feet above mean sea level.

This proposal, as originally submitted, was for a height of 1294 feet above mean sea level (1,014 feet above ground) and was considered by the Airspace Panel of the Air Coordinating Committee in its meeting No. 614 held in Washington, D.C., May 10, 1960. The Panel recommended that the proposed structure be disapproved for the following reasons:

1. By application of the "Joint Industry/Government Tall Structures Committee Final Report" criteria, the proposed tower would penetrate the outer conical surface as applied to the Portland, Maine, Municipal Airport by 389 feet.

2. It would require an increase from 2,200 feet above mean sea level to 2,300 feet above mean sea level in the Instrument Flight Rules minimum en route altitude of the approved off-airway air carrier direct route between the Portland, Maine, low frequency radio range and the Auburn-Lewiston radio beacon (privately owned by Northeast Airlines) located near Lewiston, Maine.

3. It would be considered objectionable from an aviation standpoint.

The aeronautical study by this Agency revealed that at the reduced height of the proposed structure, the proposal would not effect an increase in the Instrument Flight Rules minimum en route altitude of the approved off-airway direct route between Portland, Maine, and Lewiston, Maine. Further, that although the study disclosed that the structure at the lower height would penetrate the outer conical surface of the "Joint Industry/Government Tall Structures Committee Final Report" criteria as applied to the Portland, Maine, Municipal Airport by 344 feet, this factor is not in itself disqualifying but indicates a requirement for an aeronautical study. In this instance, the study revealed that there would be no substantial adverse effect upon aeronautical operations, procedures or mini-

mum flight altitude. The study also disclosed that, with the removal of the antenna structure from which station WCSH–TV is presently operating, there would be no substantial adverse effect upon general aviation operations as a result of the proposed structure.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency provided that the structure will be obstruction marked and lighted in accordance with applicable rules and standards, and further provided that the existing antenna structure at a height of 819 feet above mean sea level located at latitude 43°45'45" north, longitude 70°19'30" west be dismantled within 90 days after scheduled programing is commenced from the new tower.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 24, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61–1751; Filed, Feb. 28, 1961; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1–691]

## DETROIT, HILLSDALE & SOUTH WESTERN RAILROAD CO.

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

FEBRUARY 23, 1961.

In the matter of Detroit, Hillsdale & South Western Railroad Company, capital stock.

The New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: Facilities for transfer in the City of New York have been terminated.

Upon receipt of a request, on or before March 10, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61–1746; Filed, Feb. 28, 1961; 8:46 a.m.]

[File No. 24D–2486]

## MODERN FURNITURE, INC.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 23, 1961.

I. Modern Furniture, Inc. (issuer), a Colorado corporation, Suite 1150, First National Bank Building and 518 Farmers Union Building, Denver, Colorado, filed with the Commission on January 12, 1961, a notification on Form 1–A and an offering circular relating to a public offering of 300,000 shares of its $1.00 par value common stock at $1.00 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder, and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer has failed to disclose that the underwriter, Equity General Investment Corporation, is an affiliate of the issuer and the nature of said affiliation as required by Item 2(b) of Form 1–A.

2. The issuer has failed to provide an appropriate response to Items 6(b) and 7 of form 1–A.

3. The amount of the offering when computed in accordance with the requirements of Rules 253 and 254 exceeds the $300,000 ceiling limitation under Regulation A.

4. Regulation A is not available to the issuer by virtue of the fact that an officer and director of the underwriter at the time the filing was made was the subject of an order permanently enjoining him from further violations of sections 5 and 17 of the 1933 Act and section 15(a) of the 1934 Act.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading, particularly with respect to:

1. The failure to disclose adequately terms of the option whereby the issuer proposes to acquire Crowley Furniture Co.

2. The failure to disclose adequately information relating to Crowley Furniture Co., particularly with respect to its financial condition, period of activity, exact location, name of principals, capitalization, stock presently outstanding, sales volume, and result of operations.

3. The failure to itemize properly the purposes for which the net cash proceeds to the issuer from the sale of the securities are to be used and the amount to be used for each such purpose.

4. The failure to disclose the name and address of the promoter of the issuer and the name and address of a person controlling the issuer and the interests of such persons in the issuer or in past and proposed transactions to which the issuer was or is to be a party.

5. The failure to disclose the material relationship between the issuer and the underwriter.

6. The failure to disclose adequately the proposed business of the issuer.

7. The failure to include appropriate financial statements of the issuer in the offering circular.

C. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61–1747; Filed, Feb. 28, 1961; 8:46 a.m.]

[File No. 1–1346]

## MOJUD CO., INC.

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

FEBRUARY 23, 1961.

In the matter of Mojud Co., Inc., common stock.

The New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: The Company has sold its assets to Kayser-Roth Corporation.

Upon receipt of a request, on or before March 10, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61–1748; Filed, Feb. 28, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 153]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 24, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–730 (Deviation No. 7), PACIFIC INTERMOUNTAIN EXPRESS, CO., 14th and Clay Streets, P.O. Box 958, Oakland, Calif., filed January 30, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 29 to St. Joseph, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Kansas City over U.S. Highway 71 to St. Joseph, thence over U.S. Highway 36 via Hiawatha, Kans., to Denver, Colo.; and from Kansas City, over U.S. Highway 71 to St. Joseph, thence over U.S. Highway 36 via Cameron, Mo., to Chicago, Ill., and return over the same routes.

No. MC 10761 (Deviation No. 9), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed January 27, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 94 to junction U.S. Highway 20 east of Michigan City, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Detroit over U.S. Highway 112 to junction Indiana Highway 19, thence over Indiana Highway 19 to Elkhart, Ind., thence over Indiana Highway 2 to junction U.S. Highway 20 and thence over U.S. Highway 20 to Michigan City, Ind. and thence over U.S. Highway 12 to Chicago; from Detroit over U.S. Highway 12 to Jackson, Mich., thence over Michigan Highway 60 to junction U.S. Highway 112, thence over U.S. Highway 112 to New Buffalo, Mich., and thence over U.S. Highway 12 to Chicago; from Chicago over U.S. Highway 12 to Detroit, and return over the same routes.

No. MC 11220 (Deviation No. 1), GORDONS TRANSPORTS INC., 185 W. McLemore Avenue, Memphis 2, Tenn., filed February 8, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over U.S. Highway 78 to Tupelo, Miss., thence over U.S. Highway 45 to Shannon, Miss., thence over Mississippi Highway 45W to Brooksville, Miss., thence over U.S. Highway 45 to Mobile, Ala., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodity over a pertinent service route as follows: From Memphis, over U.S. Highway 51 to Jackson, Miss., thence over U.S. Highway 49 to Hattiesburg, Miss., thence over U.S. Highway 98 to Mobile, and return over the same route.

No. MC 41260 (Deviation No. 1), NORTHWESTERN TRANSIT INC., 2425 South Wood Street, Chicago 8, Ill., filed February 6, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 94 to junction U.S. Highway 20 near Michigan City, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 12 to Michigan City, Ind., thence over Indiana Highway 43 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Indiana Highway 15, thence over Indiana Highway 15 to the Indiana-Michigan State line, thence over U.S. Highway 131 to junction U.S. Highway 112, and thence over U.S. Highway 112 to Detroit; from Chicago over U.S. Highway 20 to East Chicago, Ind., thence over U.S. Highway 12 to Michigan City, and thence over the above-specified route to Detroit; from Chicago over U.S. Highway 41 to East Chicago, Ind., thence over U.S. Highway 12 to Michigan City and thence over the above-specified route to Detroit; from Chicago over U.S. Highway 12 to East Chicago (also from Chicago over U.S. Highway 20 to East Chicago, and also from Chicago over U.S. Highway 41 to East Chicago), thence over U.S. Highway 20 to junction Indiana Highway 15, thence over Indiana Highway 15 to the Indiana-Michigan State line, thence over U.S. Highway 131 to junction U.S. Highway 112, and thence over U.S. Highway 112 to Detroit; and from Chicago over U.S. Highway 12 to Gary, Ind., thence over Indiana Highway 55 to junction U.S. Highway 30, thence over U.S. Highway 30 to Valparaiso, Ind., thence over Indiana Highway 2 to South Bend, Ind., thence over U.S. Highway 33 to Elkhart, Ind., thence over U.S. Highway 20 to junction Indiana Highway 15, and thence over the above-specified route to Detroit, and return over the same routes.

No. MC 60319 (Deviation No. 5), MURDOCH & HATCH MOTOR TRANSPORT, INC., 300 Maspeth Avenue, Brooklyn 11, N.Y., filed January 30, 1961. The carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Hartford and Springfield over U.S. Highways 5 and 5A.

No. MC 69833 (Deviation No. 1), ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids 7, Mich., filed February 10, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 94 to junction U.S. Highway 20 near Michigan City, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently au-

thorized to transport the same commodities over a pertinent service route as follows: From Chicago over U.S. Highway 12 to Detroit; and from Chicago over U.S. Highway 12 to junction U.S. Highway 112 and thence over U.S. Highway 112 to Detroit, and return over the same routes.

No. MC 71096 (Deviation No. 3), NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio, February 3, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 94 to junction U.S. Highway 20, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Detroit over U.S. Highway 112 to Mottville, Mich., thence over U.S. Highway 131 to the Michigan-Indiana State Line, thence over Indiana Highway 15 to Bristol, Ind., thence over Indiana Highway 120 to Elkhart, Ind.; from Elkhart over U.S. Highway 33 to South Bend, Ind., thence over U.S. Highway 20 to Chicago; from Detroit over U.S. Highway 12 to Michigan City, Ind.; and from Michigan City over U.S. Highway 20 to Chicago, and return over the same routes.

No. MC 71096 (Deviation No. 4), NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio, filed, February 6, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From junction U.S. Highway 25 and Interstate Highway 75 over Interstate Highway 75 to Toledo, Ohio, and (B) from Toledo, over Interstate Highway 280 to junction U.S. Highway 20, and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Detroit, Mich., over U.S. Highway 25 to Toledo; and from Toledo over Ohio Highway 51 to junction U.S. Highway 20, and return over the same routes.

No. MC 104004 (Deviation No. 18), ASSOCIATED TRANSPORT INC., 380 Madison Avenue, New York 17, N.Y., filed January 27, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Maryland Highway 3 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction Virginia Highway 207, and thence over Virginia Highway 207 to Carmel Church, Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Baltimore and Carmel Church, over U.S. Highway 1.

No. MC 107475 (Deviation No. 4), DANCE FREIGHT LINES INC., 920 Dance Court, Cincinnati 3, Ohio, filed January 30, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Spartanburg, S.C., over Interstate Highway 26 to Columbia, S.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Spartanburg over U.S. Highway 221 to Laurens, S.C., thence over U.S. Highway 76 to Columbia, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 13028 (Deviation No. 4), THE SHORT LINE, INC., P.O. Box 1513, Providence, R.I., filed February 9, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highway 1 and Massachusetts Highway 128 in Westwood, Mass., over Massachusetts Highway 128 to junction U.S. Highway 24 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is authorized to transport passengers over a pertinent service route as follows: From Providence, R.I., over U.S. Highway 1 via North Attleboro, Mass., to junction unnumbered highway, thence over unnumbered highway to East Walpole, Mass., thence return over unnumbered highway to junction U.S. Highway 1, and thence over U.S. Highway 1 via Dedham, Mass., to Boston, Mass., and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-1758; Filed, Feb. 28, 1961; 8:48 a.m.]

[Notice 365]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 24, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Sub No. 173) (AMENDMENT), filed November 7, 1960, published in the FEDERAL REGISTER issue of January 18, 1961. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston 3, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Memphis, Tenn., on the one hand, and, on the other, the plant and warehouse sites of Mohawk Tire and Rubber Company at Helena and West Helena, Ark.; from Memphis over U.S. Highway 79 to Marianna, Ark., thence over Arkansas Highway 1 to junction Arkansas Highway 20 at Barton, Ark., thence over Arkansas Highway 20 to West Helena and Helena, Ark., (2) between Fordyce, Ark., on the one hand, and, on the other, the plant and warehouse sites of Mohawk Tire and Rubber Company at Helena and West Helena, Ark.; from Fordyce over U.S. Highway 79 to its junction with Arkansas Highway 20, thence over Arkansas Highway 20 to West Helena and Helena, Ark., (3) between Memphis, Tenn., on the one hand, and, on the other, the plant and warehouse sites of Mohawk Tire and Rubber Company at Helena and West Helena, Ark.; from Memphis over U.S. Highway 61 to its junction with Mississippi Highway 310, thence over Mississippi Highway 310 to its junction with Mississippi Highway 315, thence over Mississippi Highway 315 and across Mississippi River Bridge to Arkansas Highway 20, thence over Arkansas Highway 20 to Helena and West Helena, Ark., (4) between Monroe, La., on the one hand, and, on the other, the plant and warehouse sites of Mohawk Tire and Rubber Company at Helena and West Helena, Ark.; from Monroe, over U.S. Highway 80 to Delhi, La., thence over Louisiana Highway 17 through Epps and Oak Grove, La., to the Arkansas-Louisiana State line, thence over Arkansas Highway 159 to its junction with U.S. Highway 65, thence over U.S. Highway 65 to its junction with U.S. Highway 82, thence over U.S. Highway 82 to Leland, Miss., thence over U.S. Highway 61 to its junction with Mississippi Highway 315, thence over Mississippi Highway 315 and across Mississippi River Bridge to Arkansas Highway 20, thence over Arkansas Highway 20 to Helena and West Helena, Ark., and return over the same routes, serving no intermediate or off-route points, in connection with (1), (2), (3), and (4) above.

*HEARING:* Remains as assigned on March 22, 1961, in the Claridge Hotel, Memphis, Tenn., but is reassigned before Examiner Edith H. Cockrill.

No. MC 2484 (Sub No. 37), filed February 6, 1961. Applicant: E. & L. TRANSPORT COMPANY, a corporation, 14201 Prospect Avenue (formerly Schaden Avenue), Dearborn, Mich. Applicant's attorney: George S. Dixon, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors and farm tractor parts, accessories and equipment*, in the same vehicle with farm tractors; between Glenfield, Pa., on the one hand, and, on the other, points in Maryland, Pennsylvania, Virginia, and West Virginia.

*HEARING:* April 20, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 2986 (Sub No. 23), filed January 30, 1961. Applicant: INDIANAPOLIS & SOUTHERN MOTOR EXPRESS, INC., U.S. Highway 41 South (P.O. Box 491), Vincennes, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority ought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Mitchell, Ind., and junction of Indiana Highway 60 and Indiana Highway 56 near Salem, Ind.; from Mitchell over Indiana Highway 60 to junction Indiana Highway 60 and Indiana Highway 56 near Salem, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Applicant states it is authorized to serve from Paoli, Ind., to Indianapolis, including service to the intermediate point of Mitchell, by virtue of the grant of authority between junction Indiana Highway 45 and Indiana Highway 56 and Indianapolis, Ind.; and between Paoli, Ind., and Cincinnati, Ohio, reaching between Paoli and Salem, Ind., over Indiana Highway 56.

*HEARING:* May 9, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 7181 (Sub No. 3), filed January 11, 1961. Applicant: ARTHUR F. KAUFFMAN AND ANN C. KAUFFMAN, a partnership, doing business as EUGENE-McKENZIE FREIGHT, Blue River, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except liquid petroleum products in bulk, commodities requiring special equipment, and household goods, but including *Classes A and B explosives;* serving the Carmen-Smith Dam project on the North Fork of the McKenzie River, Oregon, approximately 10 miles north of Belknap Springs, Oreg., and points within 10 miles thereof, as off-route operations in conjunction with applicant's authorized regular route operations.

*HEARING:* April 24, 1961, at the Interstate Commerce Commission, Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner Alvin H. Schutrumpf.

No. MC 7746 (Sub No. 108), filed December 30, 1960. Applicant: UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: Mr. George LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods as defined by the Commission, (1) between Spokane, Wash., and the United States-Canada Boundary near Laurier, Wash.; from Spokane over U.S. Highway 395 to the United States-Canada boundary at or near Laurier, and return over the same route, serving no intermediate points; (2) between Spokane, Wash., and the United States-Canada boundary near Boundary, Wash., and the United States-Canada boundary near Paterson, British Columbia or Velvet, Wash.; from Spokane over U.S. Highway 395 to junction of U.S. Highway 395 and Washington Highway 22 near Kettle Falls, Wash., thence over Washington Highway 22 and 22A to the United States-Canada boundary near Boundary, Wash. and return over the same route, and from Spokane over U. S. Highway 395 to its junction with Washington Highway 22 near Kettle Falls, Wash., thence over Washington Highway 22 to the United States-Canada boundary near Velvet, and return over the same route, serving no intermediate points; (3) between Spokane, Wash. and the United States-Canada boundary approximately 12 miles north of Metaline Falls, Wash.; from Spokane, over U.S. Highway 2 and 195 to Newport, thence over Washington Highway 6 to the United States-Canada boundary approximately 12 miles north of Metaline Falls, and return over the same route, also, over Washington Highway 6-B from junction with U.S. Highway 2 and 195 approximately 33 miles north of Spokane, to its junction with Washington Highway 6 near Usk, and return over the same route, serving no intermediate points; (4) between Spokane, Wash., and the United States-Canada boundary at or near Eastport, Idaho; from Spokane, over Washington Highway 2H to the Washington-Idaho State Line, thence over Idaho Highway 53 to Garwood, Idaho, thence over U.S. Highway 95 to the United States-Canada boundary at or near Eastport, and return over the same route, serving no intermediate points; (5) between Spokane, Wash., and the United States-Canada boundary near Sweetgrass, Mont.; from Spokane, over U.S. Highway 10 to Milltown, Mont., thence over Montana Highway 20 to its junction with U.S. Highway 89 (near Sun River, Mont.) thence over U.S. Highway 89 to Vaughn, Mont., thence over combined U.S. Highways 89 and 91 to Great Falls, Mont., thence over combined U.S. Highways 89 and 91 to the United States-Canada boundary near Sweetgrass, Mont., and return over the same route, serving the intermediate point of Great Falls, Mont.; (6) between Spokane, Wash., and the United States-Canada boundary near Oroville, Wash.; from Spokane, over U.S. Highway 2, to its junction with Washington Highway 10, approximately 2 miles west of Coulee City, Wash., thence over U.S. Highway 10 to its junction with U.S. Highway 97 near Brewster, Wash., thence over U.S. Highway 97 to the United States-Canada boundary approximately 5 miles north of Oroville, and return over the same route, serving no intermediate points; and (7) between Spokane, Wash., and the United States-Canada boundary near Oroville, Wash.; from East Wenatchee, Wash., over U.S. Highway 97 to the United States-Canada boundary approximately 5 miles north of Oroville, and return over the same route, serving no intermediate points.

NOTE: Applicant states that all routes are restricted to international traffic between the United States and Canada.

*HEARING:* May 1, 1961, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 79, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 7746 (Sub No. 111), filed November 3, 1960. Applicant: UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George R. Labissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods as defined by the Commission, (1) between Pasco, Wash., and Lewiston, Idaho; from Pasco over U.S. Highway 395 to its junction with U.S. Highway 410 at or near Wallula, Wash., thence over U.S. Highway 410 to Lewiston and return over the same route, serving the intermediate points of Walla Walla, Dayton, Pomeroy, Clarkston, Waitsburg, and Dodge, Wash., and (2) from Pasco over Washington Highway 3D to its junction with Washington Highway 3E at or near Prescott, Wash., and thence over Washington Highway 3E to its junction with U.S. Highway 410 at or near Waitsburg, Wash., thence over U.S. Highway 410 to Lewiston, serving no intermediate points between Pasco and Waitsburg as an alternate route for operating convenience only.

*HEARING:* May 3, 1961, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 169, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 7746 (Sub No. 112), filed January 9, 1961. Applicant: UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George R. Labissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products; dairy products; articles distributed by meat-packing houses; and such commodities as are used by meat packers in the conduct of their business* when destined to and for use by meat packers, as described in sections A, B, C and D of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Nampa, Boise, Caldwell, and Twin Falls, Idaho, and the site of the Armour & Company plant, 12½ miles east of Twin Falls, Idaho, on U.S. Highway 30, on the one hand, and, on the other, points in California, Washington, Idaho, Montana, and Oregon.

*HEARING:* April 20, 1961, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Alvin H. Schutrumpf.

No. MC 19778 (Sub No. 36), filed April 25, 1960. Applicant: MILWAUKEE MOTOR TRANSPORTATION COMPANY, 516 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: Robert F. Munsell, Assistant General Solicitor, Chicago, Milwaukee, St. Paul, and Pacific Railroad Company, 888—516 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods, as defined by the Commission, (1) between Minneapolis, Minn., and Plevna, Mont., from Minneapolis over U.S. Highway 212 to junction Minnesota Highway 7 at Montevideo, Minn., thence over Minnesota Highway 7 to junction U.S. Highway 12 at Ortonville, Minn., thence over U.S. Highway 12 to Plevna, and return over the same route. (2) Between Cologne, Minn., and Mendota, Minn., from Cologne over U.S. Highway 212 to junction Minnesota Highway 101, thence over Minnesota Highway 101 to junction Minnesota Highway 13, thence over Minnesota Highway 13 to Mendota, and return over the same route. (3) Between Ortonville, Minn., and Fargo, N. Dak., from Ortonville over U.S. Highway 75 to junction Minnesota Highway 55 near Tenney, Minn., thence over Minnesota Highway 55 to the Minnesota-North Dakota State line, thence over North Dakota Highway 11 to Fairmont, N. Dak., thence over U.S. Highway 81 to Fargo, and return over the same route. (4) Between Milbank, S. Dak., and Sisseton, S. Dak., from Milbank over U.S. Highway 12 to junction South Dakota Highway 15–A, thence over South Dakota Highway 15–A to Wilmot, S. Dak., thence over South Dakota Highway 15 to junction U.S. Highway 81, thence over U.S. Highway 81 to Sisseton, and return over the same route. (5) Between Andover, S. Dak., and Brampton, N. Dak., from Andover over U.S. Highway 12 to junction South Dakota Highway 25, thence over South Dakota Highway 25 to Britton, S. Dak., thence over unnumbered South Dakota Highways through Newark, S. Dak., to the South Dakota-North Dakota State line, thence over unnumbered North Dakota highways to Brampton, N. Dak., and return over the same route. (6) Between Aberdeen, S. Dak., and Edgeley, N. Dak., from Aberdeen over U.S. Highway 281 to Edgeley, and return over the same route. (7) Between Aberdeen, S. Dak., and Redfield, S. Dak., from Aberdeen over U.S. Highway 281 to Redfield, and return over the same route. (8) Between Roscoe, S. Dak., and Orient, S. Dak., from Roscoe over unnumbered highways to junction South Dakota Highway 20 west of Norbeck, S. Dak., thence over South Dakota Highway 20 to junction of an unnumbered highway four (4) miles east of Norbeck, S. Dak., thence over unnumbered highways to Orient. (9) Between Roscoe, S. Dak., and Linton, N. Dak., from Roscoe over U.S. Highway 12 to junction of an unnumbered highway six (6) miles west of Roscoe, S. Dak., thence over unnumbered highway to junction South Dakota Highway 47 west of Hillsview, S. Dak., thence over South Dakota Highway 47 to junction South Dakota Highway 10, thence over South Dakota Highway 10 to junction of an unnumbered highway eight (8) miles west of Eureka, S. Dak., thence over unnumbered highways to junction North Dakota Highway 11 near Zeeland, N. Dak., thence over North Dakota Highway 11 to junction U.S. Highway 83 west of Hague, N. Dak., thence over U.S. Highway 83 to Linton, and return over the same route. (10) Between Selby, S. Dak., and Faith, S. Dak., from Selby over U.S. Highway 83 to junction U.S. Highway 212 near Gettysburg, S. Dak., thence over U.S. Highway 212 to Faith, and return over the same route. (11) Between Mobridge, S. Dak., and Isabel, S. Dak., from Mobridge over South Dakota Highway 8 to Isabel, and return over the same route. (12) Between McLaughlin, S. Dak., and New England, N. Dak., from McLaughlin over South Dakota Highway 63 to the South Dakota-North Dakota State Line, thence over North Dakota Highway 6 to junction North Dakota Highway 21, thence over North Dakota Highway 21 to junction North Dakota Highway 22, thence over North Dakota Highway 22 to New England, and return over the same route. (Route 13 is described below as Alternate route (13).) (14) Between junction South Dakota Highway 15 and U.S. Highway 81 west of Wilmot, S. Dak., and junction U.S. Highways 12 and 81 near Summit, S. Dak., from junction South Dakota Highway 15 and U.S. Highway 81 west of Wilmot over U.S. Highway 81 to junction U.S. Highway 12 near Summit, and return over the same route. ALTERNATE ROUTES, for operating convenience only, serving no intermediate or off-route points: (13) Between Sisseton, S. Dak., and Fairmont, N. Dak., from Sisseton over U.S. Highway 81 to Fairmont, and return over the same route. (15) Between Sisseton, S. Dak., and Britton, S. Dak., from Sisseton over South Dakota Highway 10 to Britton, and return over the same route. (16) Between junction U.S. Highways 281 and 212 at Redfield, S. Dak., and junction Unnumbered Highway and U.S. Highway 212 at Faulkton, S. Dak., from junction U.S. Highways 281 and 212 at Redfield over U.S. Highway 212 to junction unnumbered highway at Faulkton, and return over the same route. (17) Between junction North Dakota Highway 11 and U.S. Highway 83 west of Hague, N. Dak., and junction U.S. Highways 83 and 12 near Selby, S. Dak., from junction North Dakota Highway 11 and U.S. Highway 83 west of Hague, over U.S. Highway 83 to junction U.S. Highway 212 near Selby, and return over the same route. (18) Between Isabel, S. Dak., and junction South Dakota Highway 65 and U.S. Highway 212 near Dupree, S. Dak., from Isabel over South Dakota Highway 65 to junction U.S. Highway 212 near Dupree, and return over the same route. (19) Between Faith, S. Dak., and Lemmon, S. Dak., from Faith over South Dakota Highway 73 to Lemmon, and return over the same route. (20) Between junction North Dakota Highways 21 and 22 south of New England, N. Dak., and junction North Dakota Highway 22 and U.S. Highway 12 east of Reeder, N. Dak., from junction North Dakota Highways 21 and 22 south of New England over North Dakota Highway 22 to junction U.S. Highway 12 east of Reeder, and return over the same route. Serving on the above-specified routes (1) through (14) except route 13, the intermediate points of Minneapolis, St. Louis Park, Chaska, Cologne, Bongards, Norwood, Plato, Glencoe, Sumter, Brownton, Stewart, Buffalo Lake, Hector, Bird Island, Olivia, Danube, Renville, Sacred Heart, Minnesota Falls, Granite Falls, Montevideo, Watson, Milan, Appleton, Correll, Odessa, Ortonville, and Big Stone City, Minn.; Big Stone City, Milbank, Summit, Ortley, Waubay, Webster, Holmquist, Bristol, Andover, Groton, James, Aberdeen, Mina, Craven, Ipswich, Roscoe, Gretha, Bowdle, Selby, Sitka, Glenham, Mooridge, Snake Creek, McLaughlin, Walker, McIntosh, Watauga, Morristown, Keldron, Thunderhawk, Lemmon, and White Butte, S. Dak.; Hettinger, Bucyrus, Reeder, Peerless, Gascoyne, Scranton, Buffalo Springs, Bowman, Griffin, Rhame, and Marmarth, N. Dak.; Baker and Plevna, Mont.; Shakopee, Mendota, Clinton, Graceville, Dumont, and Wheaton, Minn.; Fairmount, Tyler, Wahpeton, Abercrombie, Christine, Lithia, Hickson, Wild Rice, and Fargo, N. Dak.; Wilmot, Sisseton, Andover, Pierport, Langford, and Britton, S. Dak.; Brampton, N. Dak.; Newark, Westport, Barnard, Frederick, and Winship, S. Dak.; Ellendale, Monango, and Edgeley, N. Dak.; Warner, Duxbury, Gallup, Mellette, Ashton, Redfield, Loyalton, Norbeck, Faulkton, Orient, Hosmer, Hillsview, and Eureka, S. Dak.; Zeeland, Hague, Strasburg, and Linton, N. Dak.; LaPlant, Ridgeview, Thatcher, Parade, Eagle Butte, Lantry, Dupree, Red Elm, Faith, Trail City, Glencross, Firesteel, Timber Lake, and Isabel, S. Dak.; Selfridge, Elgin, New Leipzig, Mott, Regent, and New England, N. Dak.; and the off-route points of Hopkins, Chanhassen, Augusta, and Wegdahl, Minn.; Marvin, Twin Brooks, Bath, Java, Wakpala, and Mahto, S. Dak.; Petrel, Haynes, and Ives, N. Dak.; Kingmont, Mont.; Prior Lake, Minn.; White Rock, S. Dak.; Blackmer, Woodhull, Enloe, and Saunders, N. Dak.; Corona, Peever, Spain, and Maple Leaf, S. Dak.; Chadwick, Shields, Freda, Raleigh, Brisbane, Leith, Bentley, and Havelock, N. Dak.

NOTE: Section 210, dual operations, may be involved.

*HEARING:* May 8, 1961, at Room 926 Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 23976 (Sub No. 14), filed December 6, 1960. Applicant: BEND-PORTLAND TRUCK SERVICE, INC., 5940 North Basin Street, Portland 17, Oreg. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and commodities in bulk, between Klamath Falls, Oreg., and Alturas, Calif.; from Klamath Falls, Oreg., over Oregon Highway 39 to the Oregon-California State line, thence over California Highway 139 to Canby, Calif., thence over U.S. Highway 299 to Alturas, Calif., and return over the same route, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular route operations in the States of Oregon and California, serving no intermediate points.

*HEARING:* April 26, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate before Examiner Alvin H. Schutrumpf.

No. MC 28956 (Sub No. 2), filed January 30, 1961. Applicant: G. P. RYALS, doing business as RYALS TRUCK SERVICE, P.O. Box 234, Albany, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Sugar*, in sacks or bags, and *exempt commodities*, (1) between Albany, Oreg., and Corvallis, Oreg.; from Albany, over Oregon Highway 20 to Corvallis, and return over the same route, serving no intermediate or off-route points, and (2) Serving Salem, Oreg., as an intermediate point in connection with carrier's authorized regular route operations between Portland and Albany, Oreg., over U.S. Highway 99E.

*HEARING:* May 16, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 31600 (Sub No. 489), filed January 9, 1961. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: K. B. Williams, Williams, Kelly, Shrigley, Shepard & Ryan, 111 State Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank or hopper-type vehicles, from Wilmington, Mass., to points in Massachusetts.

*HEARING:* April 24, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 231, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 42487 (Sub No. 498), filed January 30, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except liquid petroleum products, in bulk, in tank vehicles; serving the Round Butte Dam Site (located near the confluence of the Metolius and Deschutes Rivers approximately seven miles southwest of Madras, Oreg.) and points within five miles thereof, as off-route points in connection with carrier's regular route operations between Portland, Oreg., and Klamath Falls, Oreg.

*HEARING:* May 16, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 42487 (Sub No. 501), filed February 8, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine*, in bulk, in tank vehicles, in straight loads; and *brandy*, in bulk, in tank vehicles, in straight loads; between points in California, on the one hand, and, on the other, points in Minnesota, Wisconsin, North Dakota, and South Dakota; and (2) *grape flavoring materials*, non-potable, not over 21 percent alcohol by volume; between points in California, on the one hand, and, on the other, Atlanta, Ga.

NOTE: Common control may be involved.

*HEARING:* May 22, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner Alton R. Smith.

No. MC 52709 (Sub No. 123), filed February 1, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from points in Louisiana and Texas, to points in Colorado, Utah, Wyoming, Idaho, and Montana, and *refused or rejected shipments*, on return.

*HEARING:* April 27, 1961, at the Baker Hotel, Dallas, Tex., before Examiner Reece Harrison.

No. MC 52709 (Sub No. 124), filed February 1, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and/or animal fats, oils and greases, and blends and products thereof*, in bulk, in tank vehicles, from points in Texas, other than Sherman, Tex., and from points in New Mexico, to points in California, Arizona, Nevada, and Idaho, and *refused and rejected shipments*, on return.

*HEARING:* April 28, 1961, at the Baker Hotel, Dallas, Tex., before Examiner Reece Harrison.

No. MC 52920 (Sub No. 28), filed January 6, 1961. Applicant: PACIFIC HIGHWAY TRANSPORT, INC., Sixth Avenue South at Holgate, Seattle, Wash. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B and C explosives;* (1) From Giant, Wash. (approximately four miles North of Olympia, Wash.), and points within five miles of Giant, to points in Oregon. (2) From Giant, Wash. (approximately four miles north of Olympia, Wash.), and points within five miles of Giant, to Seattle and Tacoma, Wash. (3) Between Oak Harbor, Wash., and points within five miles of Oak Harbor, on the one hand, and, on the other, Whitmarsh Siding, Wash. (near Anacortes, Wash.), Seattle, Wash., and points within seven miles of Seattle. (4) Between Tacoma, Fort Lewis, and Seattle, Wash., and points in Washington within 15 miles of each, on the one hand, and, on the other, Paine Field, Wash.

NOTE: (1) Applicant states that the only authority sought by the instant application is a renewal of the above-described authority covered in existing certificates. No duplication of existing authority is sought. (2) Applicant is a wholly-owned subsidiary of Inland Motor Freight, a Washington corporation operating under Certificate MC 59077 and Subs thereunder.

*HEARING:* May 10, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 55811 (Sub No. 69), filed January 3, 1961. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and food preparations*, from points in De Kalb, La Salle, and Ogle Counties, Ill., to points in Indiana, except Indianapolis, Ind., and *damaged or rejected shipments*, on return.

*HEARING:* May 8, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 59680 (Sub No. 128), filed January 27, 1961. Applicant: STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, 2917 Gulden Lane, Dallas 2, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, serving Osceola, Ark., as an off-route point in connection with applicant's regular route operations between St. Louis, Mo., Memphis, Tenn., and Little Rock, Ark.

NOTE: Common control may be involved.

*HEARING:* April 18, 1961, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 215, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 59680 (Sub No. 129), filed February 7, 1961. Applicant: STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas 2, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Memphis, Tenn., and the plant site of Mohawk Tire and Rubber Company at Helena, Ark., and the warehouse site of Mohawk Tire and Rubber Company at West Helena, Ark; from Memphis over U.S. Highway 79 to Marianna, Ark., thence over Arkansas Highway 1 to junction Arkansas Highway 20 at Barton, Ark., thence over Arkansas Highway 20 to West Helena and Helena Ark., and return over the same route, serving no intermediate or off-route points.

*HEARING:* March 22, 1961, at the Claridge Hotel, Memphis, Tenn., before Joint Board No. 229, or, if the Joint Board waives its right to participate, before Examiner Edith H. Cockrill.

No. MC 64932 (Sub No. 288), filed January 23, 1961. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washing compounds*, in bulk, in tank vehicles, from Chicago, Ill. to Acton, Mass.

*HEARING:* May 4, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 65285 (Sub No. 10), filed December 23, 1960. Applicant: HILMER LINDBURG and L. D. LINDBURG, doing business as LINDBURG TRUCK LINE, Mackay, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral products, including ore and ore concentrates*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above named commodities, between points in Lemhi, Custer, Butte, Blaine, Clark, and Jefferson Counties, Idaho.

*HEARING:* April 19, 1961, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 49, or, if the Joint Board waives its right to participate, before Examiner Alvin H. Schutrumpf.

No. MC 72122 (Sub No. 3), filed January 27, 1961. Applicant: W. J. HILL, INC., 215 Washington Street, East Walpole, Mass. Applicant's attorney: Richard J. Walsh, 84 State Street, Boston 9, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Asphalt* (liquid) in tank trucks; from East Providence and Providence, R.I., to Norwood, Mass. (B) *Dry paper felt* in rolls on flat bed trailers; from East Providence, R.I., to Norwood, Mass. (C) *Fuel oil* in tank trucks; from East Providence and Providence, R.I., to East Walpole and Norwood, Mass.

*HEARING:* April 28, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 18, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 81968 (Sub No. 19), filed February 16, 1961. Applicant: B & L MOTOR FREIGHT, INC., 171 Riverside Drive, Newark, Ohio. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberglas materials and fiberglas products, fibrous glass mineral wool products, fibrous glass textile materials, fibrous glass textile products, plastic materials and plastic products, and raw materials, supplies, machinery and equipment* used in the manufacture and packing of such commodities, (a) between Newark and Heath, Ohio, and Huntingdon, Pa., on the one hand, and, on the other, points in Ohio, Pennsylvania, West Virginia, Kentucky, New York, Indiana, Illinois, and Michigan. (b) Between Huntingdon, Pa., on the one hand, and, on the other, points in Wisconsin, Missouri, and those in Kansas within the Kansas City Commercial Zone as defined by the Commission. (c) Between Newark and Heath, Ohio, on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, Connecticut, Massachusetts, Rhode Island, Wisconsin, Missouri, and the District of Columbia and those in Kansas within the Kansas City Commercial Zone.

NOTE 1: Applicant is authorized to transport *mineral wool, air filters, glass fibers*, and *raw materials and supplies* used in the manufacture and packing of such commodities, throughout the above territory. No territorial extension is involved.

(2) *Fiberglas materials and fiberglas products, fibrous glass mineral wool products, fibrous glass textile materials, fibrous glass textile products*, and *plastic materials and plastic products*, from points in Ohio to points in Ohio, Pennsylvania, West Virginia, Kentucky, New York, Indiana, Illinois, Michigan, Wisconsin, Missouri, Delaware, Maryland, New Jersey, Connecticut, Massachusetts, Rhode Island, and the District of Columbia, and those in Kansas within the Kansas City Commercial Zone as defined by the Commission.

NOTE 2: All of the authority requested in this application to be limited to a transportation service, to be performed under a continuing contract, or contracts, with Owens-Corning Fiberglas Corporation, of Toledo, Ohio.

*HEARING:* April 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 85451 (Sub No. 9), filed January 13, 1961. Applicant: BLUEBONNET EXPRESS, INC., 1402 Palmer Street, Houston, Tex. Applicant's attorney: Joe G. Fender, 314 Melrose Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, having an immediately prior or subsequent movement by air, including *articles of unusual value*, but excluding Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Houston, Tex., and Austin, Tex., via Katy, Brookshire, Sealy, Columbus, La Grange, Smithville, and Bastrop, over U.S. Highways 90 and 290, State Highways 71 and 159; (2) from Houston to Wharton, thence to Bay City over Highway 60, thence from Bay City to Palacios and, also, from Wharton to Boling and New Gulf over a country road, and also, from Wharton to El Campo over U.S. Highway 96 and State Highway 12, and thence from El Campo to Eagle Lake over State Highway 71 and a country road; (3) between Wharton and Bay City and Palacios, over State Highway 60, serving Bay City and Wharton; (4) between Houston and Kenedy via Sugarland, Richmond, Rosenberg, Eagle Lake, Columbus, Weimar, Schulenburg, Moulton, Shiner, Yoakum, Hallettsville, Cuero, Yorktown, Runge, Goliad, and Charco; over U.S. Highways 90A and 90 between Houston and Columbus; over U.S. Highway 90 between Columbus and Flatonia; over State Highway 95 and U.S. Highway 77 between Flatonia and Yoakum via Moulton and Shiner; over U.S. Highway 77 between Schulenburg and Yoakum via Hallettsville; over U.S. Highways 77 and 87 and State Highways 29, 239, and 72 between Yoakum and Kenedy via Goliad; and over U.S. Highway 87 and State Highway 72 between Cuero and Kenedy via Yorktown and Runge; between Flatonia and San Antonio over U.S. Highway 90, serving Houston, Kenedy, San Antonio, and all intermediate points; (5) Houston to Yoakum via Rosenberg; Victoria, and Cuero; between Victoria and Ganado via Bloomington, Placedos, Port Lavaca, and La Ward over State Highway 185, Victoria to Bloomington over F-M 1302 to Placedos over U.S. Highway 87, Placedos to Port Lavaca and over State Highway 35 and State Highway 172 to Ganado, serving Victoria, Ganado and all intermediate points on said route and to serve Seadrift, Texas, and Port O'Connor, Texas, as off-route points over State Highways 316, 238, and 185; (6) from Houston to Angleton via Alvin over State Highway 35 from Angleton to Freeport over State Highway 288; from Freeport to West Columbia over State Highway 36, and from West Columbia to Camp Hulen via Bay City and Palacios over State Highway 35, with return from Camp Hulen to Houston over State Highway 35; from Houston to Angleton, via Alvin, over State Highway 35, from Angleton to Freeport over State Highway 288; from Freeport to West Columbia over State Highway 36, from West Columbia to Hulen via Bay City and Palacios over State Highway 35, with return from Camp Hulen to Houston over State Highway 35, with authority to use State Highways between Houston and Angleton as an alternate route; (7) Houston, Texas, to Henderson, Texas, over State Highway 26 and U.S. Highway 59, and return; (8) Houston to Galveston over U.S. Highway 75 and State Highway 3; (9) Houston to Refugio over State Highways 3, 12, and 44 (now U.S. 90A, 59, and 77); Refugio to Corpus Christi over State Highways 44 (now U.S. 77) and 9, and from Corpus Christi to Robstown over State Highway 16 (new State Highway 44); (10) between Victoria and Refugio via Goliad over U.S. Highway 59, 183, and 77A, serving Victoria, Goliad, and Refugio; (11) from Caldwell, Texas, to Bryan, Texas, via State Highway 21; (12) from Houston to Bryan, via Hempstead, Brenham, Navasota, and return, from Bryan to Houston via Navasota and Hempstead, serving intermediate points on regular schedules over a route from Houston to Brenham over U.S. Highway 290; Hempstead to Navasota over State Highway No. 6; Brenham to Navasota over State Highway 90 and from Navasota to Bryan over State Highway 6; (13) between Bryan and Hempstead over State Highways 21, 36, and 159; (14) from Houston to Brenham over U.S. Highway 290; from Hempstead to Bryan via Navasota over State Highway 6; from Brenham to Navasota over State Highway 90; from Bryan to Caldwell over State Highway 21; from Caldwell to Bellville, via Brenham over State Highway 36; Bellville to Hempstead over State Highway 159; (15) between Eagle Lake and Hallettsville, Texas, over U.S. Highway 90A; between Rosenberg and Eagle Lake via Wallis over an alternate route over State Highway 36 and F-M Road 1093; (16) between Brenham and La Grange, Texas, via Carmine over U.S. Highway 290, State Highways 237 and 159; and (17) between Lufkin and Nacogdoches, Texas, over State Highways 103, 147, and 41.

NOTE: Applicant states that the service over all of the foregoing routes is to be coordinated with existing service over all routes, with service to all intermediate points and with service to off-route points to the extent permitted under the Commission's rules.

*HEARING:* May 3, 1961, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 95840 (Sub No. 1), filed January 5, 1961. Applicant: GRAYSON DAMRON, doing business as ASHTON-DAMRON TOWING CO., 5741 Roosevelt Street, Detroit 8, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled and replacement automobiles, trucks, trailers and buses*, in towaway service; between Detroit, Mich., and points in that part of Michigan and Ohio within 100 miles of Detroit, Mich., and ports of entry on the boundary of the United States and Canada within 100 miles of Detroit, on the one hand, and, on the other, ports of entry on the boundary of the United States and Canada in New York and points in Illinois, Indiana, Ohio, Pennsylvania, New York, Wisconsin, Kentucky, West Virginia, and Tennessee

NOTE: Applicant states that carrier presently has authority between Detroit, Mich., and points in Michigan and Ohio within 100 miles of Detroit, on the one hand, and points in Illinois, Indiana, Ohio, Pennsylvania, and New York within 300 miles of Detroit on the other hand. Applicant will request cancellation of its present authority in the event that the instant application is granted in order to eliminate duplication.

*HEARING:* May 2, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 98749 (Sub No. 12), filed January 3, 1961. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, 100 South Second Street, Longview, Tex. Applicant's attorney: Joe T. Lanham, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in specialized equipment, as defined in The Maxwell Co., Extension-Addyston, 63 M.C.C. 677; between points within a 25-mile radius of Longview, Tex., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina.

*HEARING:* April 24, 1961, at the Baker Hotel, Dallas, Tex., before Examiner Reece Harrison.

No. MC 98749 (Sub No. 13), filed January 3, 1961. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, 100 South Second Street, Longview, Tex. Applicant's attorney: Joe T. Lanham, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in specialized equipment, as defined in The Maxwell Co., Extension-Addyston, 63 M.C.C. 677; between points within a 25-mile radius of Longview, Tex., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina.

*HEARING:* April 24, 1961, at the Baker Hotel, Dallas, Tex., before Examiner Reece Harrison.

No. MC 101839 (Sub No. 1), filed January 25, 1961. Applicant: JOSEPH LAMORIELLO, doing business as LAMORIELLO BROS., 233 George Waterman Road, Johnston, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such *road building materials and excavated materials*, as are transported in dump trucks and can be unloaded by dumping, and *road building machinery and equipment*, in dump trucks, between points in Rhode Island, and that part of Connecticut on and east of Connecticut Highway 8.

*HEARING:* April 20, 1961, in Room 308, Main P.O. Building, Providence, R.I., before Joint Board No. 252, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 102567 (Sub No. 83), filed January 9, 1961. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La., MAILING ADDRESS: P.O. Box 1822, Shreveport, La. Applicant's attorney: Jo E. Shaw, Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Helena, Ark., to points in Mississippi on and north of U.S. Highway 80.

*HEARING:* April 19, 1961, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 109, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 103316 (Sub No. 2), filed February 9, 1961. Applicant: S. HANDVERGER CO., INC., 713 Western Avenue, Lynn, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gluestock*, in bulk, in dump vehicles, equipped with open tops, tail gates and water tight bodies, from Winchester, N.H., to Woburn, Mass.

*HEARING:* April 26, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 20, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 103880 (Sub No. 217), filed January 23, 1961. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Fort Wayne, Ind., to points in Mercer, Paulding, and Van Wert Counties, Ohio.

NOTE: Applicant states it is the owner of 50 percent of the outstanding shares of stock of Tank Truck Transport, Ltd., therefore common control may be involved.

*HEARING:* May 9, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 103993 (Sub No. 146), filed February 13, 1961. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment* and *materials* incidental to the erection and completion of such building when shipped therewith; from the plant site of Scholz Homes, Inc., at or near Toledo, Ohio, to points in the United States, except Hawaii, but including Alaska, and *rejected shipments* and *equipment incidental to the handling of the commodities requested*, on return.

*HEARING:* March 28, 1961, at the Federal Building, Detroit, Mich., before Examiner Walter R. Lee.

No. MC 104710 (Sub No. 4), filed December 5, 1960. Applicant: ED TAYLOR, Terreton, Idaho. Applicant's attorney: John L. Bloem, P.O. Box 428, Idaho Falls, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore* and *ore concentrates*, in bulk; from points in Clark and Lemhi Coun-

ties, Idaho, within 50 miles of Reno, Idaho, to Butte, Mont.

NOTE: Applicant states the sole purpose of the application is to request authority to serve Butte, Mont., as a destination point in addition to the destination points presently authorized. No change in origin points.

*HEARING:* April 19, 1961, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 83, or, if the Joint Board waives its right to participate, before Examiner Alvin H. Schutrumpf.

No. MC 106943 (Sub No. 71), filed February 1, 1961. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the Noxzema Chemical Company at Cockeysville, Md., as an off-route point in connection with carrier's regular route operations to and from Baltimore, Md.

*HEARING:* April 21, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 111, or if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 106965 (Sub No. 155), filed December 30, 1960. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica flour*, in bulk, in tank or covered hopper vehicles, from Newport and Millville, N.J., to Baltimore and Havre de Grace, Md.

*HEARING:* April 20, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 283, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 106965 (Sub No. 156), filed December 30, 1960. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Baltimore, Md., to points in New Jersey other than those within 25 miles of Philadelphia, Pa.

*HEARING:* April 20, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 283, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 107403 (Sub No. 326), filed February 10, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry catalyst*, in bulk, between Catlettsburg and Louisville, Ky., Canton, Ohio, and North Tonawanda, N.Y.

NOTE: Applicant holds contract carrier authority in MC 117637 and Subs thereunder. Dual operations may be involved.

*HEARING:* April 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 108449 (Sub No. 119) (FURTHER AMENDED), filed December 27, 1960, published in FEDERAL REGISTER, issue of February 15, 1961. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement and lime*, in bulk, in straight or mixed shipments, (2) *cement and lime*, in bags or in packages, in straight or mixed shipments, palletized or unpalletized; and (3) *mixed shipments* of items (1) and (2); all of the above from Duluth, Minn., and Superior, Wis., to points in Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan; and, (4) *rejected or returned shipments* of the commodities named in (1), (2), and (3) and pallets used in connection with the outbound transportation described in (2) and (3), from points in Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan to Duluth, Minn., and Superior, Wis.

NOTE: Applicant has authority to transport cement in bulk, in hopper type vehicles from Duluth, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. The purpose of this republication is to more clearly define the authority herein sought.

*HEARING:* Remains as assigned, April 5, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Dallas B. Russell.

No. MC 109584 (Sub No. 88), filed January 27, 1961. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, California. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat fats*, edible and inedible, from Seattle, Tacoma, and Spokane, Wash., to points in Los Angeles and San Diego Counties, Calif., and *returned, rejected or contaminated shipments* of the above-specified commodity, on return.

*HEARING:* May 9, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 109584 (Sub No. 90), filed February 6, 1961. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from Portland, Oreg., and Seattle and Tacoma, Wash., to points in Montana, and *returned, rejected or contaminated shipments* of the above-specified commodity on return.

*HEARING:* May 15, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner Alton R. Smith.

No. MC 109704 (Sub. No. 2), filed February 9, 1961. Applicant: CHEM-TRANS, INC., 14 Holland Road, Pittsburgh 35, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* and *vegetable oils*, in bulk, in tank vehicles, from points in Ohio, Indiana, Michigan, Illinois, New York, West Virginia, and New Jersey, to the site of the plants of American Cyanamid Company at or near Bridgeville, Pa.

*HEARING:* April 21, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 110098 (Sub No. 26), filed December 13, 1960. Applicant: ZERO REFRIGERATED LINES, a corporation, P.O. Box 4066, Station "A", San Antonio, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Idaho and Utah to points in Louisiana, Texas, Oklahoma, Arkansas, New Mexico, Kansas, and Missouri.

*HEARING:* April 17, 1961, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Alvin H. Schutrumpf.

No. MC 110525 (Sub No. 435), filed January 5, 1961. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles; from Cincinnati and Hooven, Ohio, to points in Indiana and Kentucky, and *rejected shipments*, on return.

*HEARING:* April 26, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 110525 (Sub No. 436), filed January 5, 1961. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized limestone*, in bulk, in tank or hopper type vehicles; (1) from New Castle, Pa., to Cresap, Fairmont, Fairview, Ireland, Morgantown, Moundsville, and Stringer, W. Va., and Glencastle, Ohio, and (2) from New Enterprise, Pa., and Vesco, Md., to Cresap, Fairmont, Fairview, Ireland, Morgantown, Moundsville, and Stringer, W. Va., and *rejected shipments*, on return.

NOTE: Applicant presently holds contract authority in MC 117507 and Subs thereunder, therefore, dual operations may be involved.

*HEARING:* April 21, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 110525 (Sub No. 438), filed February 14, 1961. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, except cement, salt, sugar and flour, and *rejected shipments*, in bulk, in tank or hopper type vehicles, between Wallingford, Conn.; Bound Brook, Princeton, Warners, and Woodbridge, N.J.; Pearl River, N.Y.; Hamilton and Marietta, Ohio; Bridgeville and New Castle, Pa.; and Ports of Entry on the International Boundary Line, on the Detroit River and on the Niagara River; on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Illinois, Iowa, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

*HEARING:* April 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 111578 (Sub No. 1), filed January 25, 1961. Applicant: NARRAGANSETT IMPROVEMENT COMPANY, a corporation, 223 Allens Avenue, Providence, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction and excavating materials*, and *road building machinery*, between points in Rhode Island, on the one hand, and, on the other points in Connecticut on and east of Connecticut Highway 8.

*HEARING:* April 20, 1961, in Room 308, Main P.O. Building, Providence, R.I., before Joint Board No. 252, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 112497 (Sub No. 174), filed February 13, 1961. Applicant: HEARIN TANK LINES, INC., P.O. Box 3096, Istrouma Branch, 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic plastic materials*, in bulk, in tank vehicles, from Mobile, Ala., to points in Arkansas, Louisiana, Mississippi, and Texas.

*HEARING:* April 5, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Frank J. Mahoney.



No. MC 112963 (Sub No. 6), filed February 6, 1961. Applicant: ROY BROS., INC., Boston Road, Pinehurst, Mass. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities*, in tank vehicles (except gasoline, fuel oil, tar, and asphalt), (1) between points in Massachusetts, Rhode Island, and Connecticut; and (2) between points in Massachusetts, Rhode Island, and Connecticut, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, and the New York, N.Y., Commercial Zone as defined by the Commission in 1 M.C.C. 665.

*HEARING:* April 25, 1961, at the New Post Office and Court House Building, Boston, Mass., before Examiner Harold P. Boss.

No. MC 113779 (Sub No. 137), filed December 23, 1960. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Bessemer, Ala., to points in Texas.

*HEARING:* May 2, 1961, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Reece Harrison.

No. MC 113828 (Sub No. 6), filed February 17, 1961. Applicant: O'BOYLE TANK LINES, INCORPORATED, Arlington Towers, Arlington, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the sites of Terminals on the Trans Southern Pipe Line in North Carolina, to points in South Carolina, Virginia and Tennessee.

NOTE: Applicant states it is a subsidiary of M. I. O'Boyle & Son, Inc., a Delaware Corporation, which is a common carrier of liquid and dry commodities, in bulk, in tank vehicles, therefore common control may be involved.

*HEARING:* March 13, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner James I. Carr.

No. MC 114019 (Sub No. 56), filed February 17, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, requiring refrigeration, when moving in mixed loads, with frozen foods, and *prepared dough* requiring refrigeration, (1) between points in Arkansas, Connecticut, Delaware, the District of Columbia, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, North Dakota, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, and (2) between points in Illinois, Indiana, Ohio, Pennsylvania, and New York, on the one hand, and, on the other, points in the states in (1) above.

NOTE: The requested territory is identical with that being sought by the same applicant in MC 114019 (Sub No. 29), in the transportation of "frozen foods". The chief purpose of this application is to enable applicant to handle mixed loads of perishable non-frozen foodstuffs, and frozen foods. Applicant waives compliance with notice of protest requirements by any party of record to the MC 114019 (Sub No. 29) proceeding who appears at the hearing.

*HEARING:* March 27, 1961, at the Midland Hotel, Chicago, Ill., before Examiner William J. Cave.

No. MC 114533 (Sub No. 24), filed January 19, 1961. Applicant: BANKERS DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Data processing papers; punch cards; magnetic encoded documents; magnetic tape; punch paper tape; printed reports and documents;* and *office records;* (1) Between Chicago, Ill., on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 40; points in the Lower Peninsula of Michigan, and points in Wisconsin; (2) Between Detroit, Mich., on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 40; (3) Between Toledo, Ohio, on the one hand, and, on the other, points in the Lower Peninsula of Michigan; and (4) Between points in Nebraska, Kansas, and Missouri.

*HEARING:* May 5, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 115176 (Sub No. 1), filed February 16, 1961. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, P.O. Box 573, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products*, between the plant site of Owens-Illinois Glass Company—Paper Products Division near Spencer, N.C., on the one hand, and, on the other, points in Georgia, South Carolina, and Virginia, and those in Tennessee on and east of a line extending from Bristol, Tenn., along U.S. Highway 11W to Knoxville, Tenn., thence over U.S. Highway 11 to the Tennessee-Georgia State line.

NOTE: (1) Applicant states the proposed operation will be under a continuing contract with Owens-Illinois Glass Company—Paper Products Division, of Toledo, Ohio. (2) Applicant presently holds common carrier authority in Certificate MC 114106 and Subs thereunder, therefore dual operations may be involved.

*HEARING:* April 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 117101 (Sub No. 2), filed February 10, 1961. Applicant: LEFFLER TRANSPORTATION CO., a corporation, Main Street, Richland, Pa. Applicant's

attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, in dump vehicles, from Reading, Pa., to the site of the Baldwin-Ehret-Hill, Incorporated, plant, at Trenton, N.J.

*HEARING:* April 24, 1961, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner Gordon M. Callow.

No. MC 117119 (Sub No. 16), filed January 13, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *frozen poultry*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between Berryville, Ark., and Marionville, Mo.

NOTE: Applicant indicates it proposes to transport empty containers or other such incidental facilities (not specified) on return movements.

*HEARING:* April 20, 1961, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 91, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 117119 (Sub No. 17), filed January 13, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and frozen poultry;* from Fayetteville, Springdale, Rogers, and Berryville, Ark., and Marionville, Mo., to Omaha, Nebr., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

*HEARING:* April 21, 1961, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Reece Harrison.

No. MC 118831 (Sub No. 13), filed February 14, 1961. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5044, High Point, N.C. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals on the Trans-Southern Pipe Line in South Carolina to points in North Carolina, South Carolina, and Virginia; and (2) from terminals on the Trans-Southern Pipe Line in North Carolina, to points in North Carolina, South Carolina, and Virginia.

*HEARING:* March 13, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 130, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 119641 (Sub No. 23), filed January 12, 1961. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Folding bleacher-type seats*, (1) from Rochester, Ind., to points in the lower peninsula of Michigan; and (2) from Milwaukee, Wis., to points in the United States, except those in Wisconsin, Alaska, and Hawaii; and (B) *damaged or rejected shipments* of the above-specified commodity, from the above-described destination points to their respective origin points.

*HEARING:* May 1, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 119655 (Sub No. 2), filed February 10, 1961. Applicant: MORRIS H. APPLEBAUM, 2101 South Throop Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radio sets, television sets, phonographs, recording sets, and combinations thereof, crated and parts of and for such commodities, and tubes*, between Chicago, Ill., on the one hand, and, on the other, points in Massachusetts, Connecticut, New Jersey, and New York.

NOTE: The purpose of this application is to eliminate the necessity of operating through the point of Charlotte, Mich., in its operations between Chicago, Ill., and points in Massachusetts, Connecticut, New Jersey, and New York.

*HEARING:* May 4, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 119884 (Sub No. 1), filed January 31, 1961. Applicant: FLOYD G. KOSTAD, doing business as FARMER'S MARKET CO., 1589 North Park Avenue, Eugene, Oreg. Applicant's attorney: Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Swimming pools*, knocked down, and parts therefor, when moving in the same vehicle with shipments of swimming pools, from the plant site of Oasis Swimming Pool Co., near Eugene, Oreg., to points in Colorado, Montana, Utah, and Wyoming; and (2) *fertilizer, dry*, from Tacoma and Vancouver, Wash., to points in Oregon, and *exempt commodities*, on return.

*HEARING:* May 15, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner Alton R. Smith.

No. MC 123015 (Sub No. 1), filed January 27, 1961. Applicant: CHARLES LYNWOOD RUSSELL, doing business as C. L. RUSSELL, 4 Somerset Avenue, Pocomoke City, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from Norfolk, Va., to Pocomoke City, Md.

*HEARING:* April 19, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 226, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 123121 (Sub No. 1), filed February 9, 1961. Applicant: J. P. McLAUGHLIN TRUCKING SERVICE, INC., 300 Comminpaw Avenue, Jersey City, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Advertising matter;* from Union, N.J., to New York, N.Y., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

NOTE: Applicant states the above operations will be under contract with Ariston, Inc., Union, N.J.

*HEARING:* April 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 123150 (Sub No. 1), filed December 19, 1960. Applicant: JOE B. FIGHTMASTER, R.R. No. 4, Paris, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Livestock and poultry feed* in bulk, *including medicated livestock and poultry feed* in sacks, not to exceed 5 percent, in specialized bulk equipment with mechanical unloading devices; from Cincinnati, Ohio, to points in Boone, Kenton, Campbell, Pendleton, Grant, Harrison, Scott, Nicholas, Bourbon, Woodford, Fayette, Montgomery, Clark, Jessamine, and Madison Counties, Ky., and Franklin, Dearborn, Ohio, Switzerland, Decatur, Ripley, Jennings, and Jefferson Counties, Indiana, and *unclaimed, unsaleable, or refused shipments* of the above-described commodities, on return.

*HEARING:* April 26, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 123173 (Sub No. 2), filed December 15, 1960. Applicant: MISSION FUEL LIMITED, Box 965, Broadway, Mission City, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mill waste pulp wood*, from the International Boundary line between the United States and Canada at or near Sumas, Wash., to Bellingham, Wash.

*HEARING:* May 8, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 123211 (REPUBLICATION), filed November 14, 1960, published FEDERAL REGISTER issue of November 30, 1960. Applicant: THERON E. COON, doing business as THERON E. COON TRUCKING CO., 7105 West, 3500 South Street, Magna, Utah. By application (Form BMC 78) filed on the above date applicant sought authority as a contract carrier by motor vehicle over irregular routes, transporting salt in bulk, or in package or block salt and empty containers or other such incidental facilities used in transporting the above-described commodities and rejected shipments; (1) between Lake Point, Utah, and Spray, Utah, and (2) between Salt Lake City, Utah, on the one hand, and, on the other, points in Mesa, Delta, Montrose, Ouray, San Miguel, Delores, San Juan, Montezuma, and La Plata Counties, Colo. A report and order by Joint Board No. 213 composed of the Honorable Edwin R. Lundborg and Jesse R. S. Budge, served January 23, 1961, authorizes operations as a contract carrier, by motor vehicle under a continuing contract with the Leslie Salt Company of Salt Lake City, Utah, of salt of a character for use and to be used only in oil or gas well drilling operations, from Salt Lake City, Spray, and Lake Point, Utah, to points in Mesa, Delta, Montrose, Ouray, San Miguel, Delores, San Juan, Montezuma, and La Plata Counties, Colo. The purpose of this republication is to advise that any person or persons who may have been prejudiced by the failure of the previous publication to set forth the exact operations proposed to be conducted, may within 30 days from the date of this publication in the FEDERAL REGISTER file an appropriate pleading.



No. MC 123271 (Sub No. 1), filed February 8, 1961. Applicant: TAVILLA TRUCKING CORP., One North Market Street, Boston 9, Mass. Applicant's attorney: James J. Weinstein, One Court Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in mixed loads with *exempt commodities*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between Boston, Mass., and Houlton, Presque Isle, and Limestone, Maine.

*HEARING:* April 26, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 69, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 123283, filed December 13, 1960. Applicant: FORD BASEL, doing business as CITY BEVERAGES, Kent, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy feed supplements*, in bags, from Auburn, Wash., to points in California, and *malt beverages*, on return.

*HEARING:* May 9, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 123311, filed December 22, 1960. Applicant: REGINALD W. POOLER, doing business as FLEET PACKAGE DELIVERY, 159 Oakland Road, Waterville, Maine. Applicant's attorney: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities in packages or parcels*, not to exceed 75 pounds each, in retail delivery service, restricted to traffic having a prior or subsequent movement by a freight forwarder, from Waterville, Maine, to points in that part of Maine bounded by a line commencing at Augusta, Maine, and extending in a northerly direction along Maine Highway 104 to Waterville, Maine, thence in a northwesterly direction along Maine Highway 104 to Fairfield Center, Maine, thence along Maine Highway 139 to Norridgewock, Maine, thence along Alternate U.S. Highway 201 to Madison, Maine, thence in an easterly direction along Maine Highway 148 to Lakewood, Maine, thence in a southerly direction along U.S. Highway 201 to Skowhegan, Maine, thence in an easterly direction along U.S. Highway 2 to Brewer, Maine, thence in a southerly direction along Maine Highway 15 to Bucksport, Maine, thence along U.S. Highway 1 to Belfast, Maine, thence in a westerly direction along Maine Highway 3 to Augusta, Maine, including points on the indicated portions of the highways specified; and (2) *Returned or damaged shipments* of the above-described commodities, from the above-specified destination points to Waterville, Maine.

*HEARING:* May 4, 1961, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 70, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 123318, filed December 22, 1960. Applicant: ORA A. BROWN, doing business as B & W TRUCKING COMPANY, 16 Hutchins Street, Auburn, Maine. Applicant's attorney: Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in packages or parcels, not to exceed 75 pounds each, in retail delivery service, restricted to traffic having a prior or subsequent movement by freight forwarder; from Auburn, Maine, and Lewiston, Maine, to points in that part of Maine bounded by a line commencing at Yarmouth, Maine, and extending in a northwesterly direction along Maine Highway 115 to North Windham, Maine, thence along U.S. Highway 302 to Bridgeton, Maine, thence in a northerly direction along Maine Highway 117 to Norway Lake, Maine, thence easterly along Maine Highway 118 to Norway, Maine, thence in a northerly direction along Maine Highway 26 to Bethel, Maine, thence in an easterly direction along U.S. Highway 2 to Farmington, Maine, thence along Maine Highway 43 to junction Maine Highway 148, thence easterly along Maine Highway 148 to Madison, Maine, thence in a southerly direction along Alternate U.S. Highway 201 to Norridgewock, Maine, thence along Maine Highway 139 to Fairfield Center, Maine, thence along Maine Highway 104 to Augusta, Maine, thence in an easterly direction along Maine Highway 3 to Belfast, Maine, thence in a southwesterly direction along the Atlantic Seacoast to Yarmouth, Maine, including points on the indicated portions of the highways specified, and *returned or damaged shipments* of the above-described commodities, from the above-described destination points to Auburn and Lewiston, Maine.

*HEARING:* May 4, 1961, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 70, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 123320, filed December 22, 1960. Applicant: SHERMAN H. SCRIBNER, doing business as SCRIBNER'S PARCEL DELIVERY, 53 Pleasant Street, Portland, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in packages or parcels, not to exceed 75 pounds each, in retail delivery service, restricted to traffic having a prior or subsequent movement by freight forwarder, from Portland, Maine, to points in that part of Maine bounded by a line commencing at Yarmouth, and extending in a northwesterly direction along Maine Highway 115 to North Windham, thence along U.S. Highway 302 to Bridgeton, Maine, thence in a northerly direction along Maine Highway 117 to Norway Lake, Maine, thence easterly along Maine Highway 118 to Norway, Maine, thence in a northerly direction along Maine Highway 26 to Bethel, Maine, thence in an easterly direction along U.S. Highway 2 to Farmington, Maine, thence along Maine Highway 43 to junction Maine Highway 148, thence easterly along Maine Highway 148 to Madison, Maine, thence in a southerly direction along Alternate U.S. Highway 201 to Norridgewock, Maine, thence along Maine Highway 139 to Fairfield Center, Maine, thence along Maine Highway 104 to Augusta, Maine, thence in an easterly direction along Maine Highway 3 to Belfast, Maine, thence in a southwesterly direction along the Atlantic Seacoast to Yarmouth, Maine, including points on the indicated portions of the highways specified, and *returned or damaged shipments* of the above-described commodities, from the above-described destination points to Auburn and Lewiston, Maine.

*HEARING:* May 4, 1961, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 70, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 123324, filed December 27, 1960. Applicant: PUBLIC FREIGHTWAYS, LTD., 1445 Charles Street, Vancouver 6, B.C., Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sulphate wood pulp*, in bales, from the Port of Entry on the International Boundary between the United States and Canada near Northport, Wash., to Velox and Millwood, Wash.

*HEARING:* May 8, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 123330, filed December 27, 1960. Applicant: CHARLES R. JOHNSON, doing business as C. R. JOHNSON CO., 10343 Pico Vista Road, Downey, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood shakes*, and *shingles*, from points in Washington to points in California and *exempt agriculture commodities*, on return.

*HEARING:* April 28, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Alvin H. Schutrumpf.

No. MC 123347, filed January 3, 1961. Applicant: B. T. LOVELACE, doing business as AJAX TRANSFER CO., 377 South Parkway West, Memphis, Tenn. Applicant's attorney: R. Connor Wiggins, Jr., Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract*

*carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated metal pipe, and fittings, accessories and attachments thereof*, asphalt coated and uncoated, in mixed shipments; and *septic tanks, asphalt coated, separately and in mixed shipments with corrugated metal pipe, fittings, accessories and attachments;* from the plant site of Armco Drainage & Metal Products, Inc., at Memphis, Tenn., to points in Arkansas and Mississippi, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, and *rejected or damaged shipments*, on return.

*HEARING:* April 18, 1961, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 229, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 123351, filed January 3, 1961. Applicant: SPEEDWAY ENTERPRISES, INC., 1719 English Avenue, Indianapolis, Ind. Applicant's attorney: John G. Tinder, 129 East Market Street, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in cases, bottles, cans, barrels, both full and empty; from Milwaukee, Wis., and St. Louis, Mo., to Indianapolis, Ind., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

*HEARING:* May 10, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Reece Harrison.

No. MC 123353 (FURTHER AMENDMENT), filed January 6, 1961, published FEDERAL REGISTER, issue of February 1, 1961, and republished issue of February 15, 1961. Applicant: STELLA TRUCKING, INC., MD 25, and McCall, Newburgh, N.Y. Applicant's representative: Charles N. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh bakery products*, from the plant site of Stella D'Oro Biscuit Co., Inc., New York, N.Y., to Schenectady, Buffalo, Elmira, Kingston, Rochester, Syracuse, and Utica, N.Y.; Avoca, Darby, Easton, Harrisburg, and Pittsburgh, Pa.; Laurel, Md.; Old Bridge and Franklinville, N.J.; North Cambridge, Mass.; East Hartford, Conn.; Kennebunk, Maine; Providence, R.I.; Cincinnati, Cleveland and Youngstown, Ohio, and Detroit, Mich., and *empty shipping cartons and returned or damaged bakery goods*, on return.

NOTE: Applicant states service is under a continuing contract with the Stella D'Oro Biscuit Co., Inc. This republication changes and redesignates seven destination points.

*HEARING:* Remains as assigned, March 10, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., but is reassigned before Examiner Frank R. Saltzman.

No. MC 123369, filed January 16, 1961. Applicant: LOUIS ALBERT, doing business as ALBERT CITY SERVICE, U.S. Highway 6 and U.S. Highway 31, La Paz, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used tractors* in secondary movements, by the truckaway method, and *used trailers and semi-trailers*, to be used as replacements for wrecked, damaged or disabled tractors, trailers or semi-trailers; (2) *wrecked or disabled motor vehicles*, including *wrecked or disabled trailers and semi-trailers;* and (3) *motor vehicle parts, accessories, supplies, and materials*, and *incidental equipment*, moving in wrecker equipment for use in connection with the repairing or reconditioning of damaged, disabled or wrecked motor vehicles, trailers and semi-trailers; between points in Illinois, Indiana, Michigan, and Ohio (except from points in Summit and Cuyahoga Counties, Ohio).

*HEARING:* May 2, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 123394 (CORRECTION), filed January 25, 1961, published in FEDERAL REGISTER, issue February 15, 1961. Applicant: RICHARD M. NEWMAN, doing business as NEWMAN'S REFRIGERATED SERVICE, 123 11th Street, Plainwell, Mich. Applicant's attorney: L. F. RICHARDSON, Michigan National Tower, Lansing, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing-house products and commodities*, used by packing-houses, as described in Appendix I, to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 61 M.C.C. 766, (1) from Plainwell, Mich., and points within two (2) miles thereof, to points in Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin and in the District of Columbia, and (2) from Decatur, Mich., to points in the above named states, and the District of Columbia, and *empty containers, rejected and returned shipments or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: The purpose of this republication is to include the words "in the above named states" as shown above, which was inadvertently omitted from previous publication.

*HEARING:* Remains as assigned, March 21, 1961, at the Federal Building, Room 215, Lansing, Mich., before Examiner Raymond V. Sar.

No. MC 123395, filed January 27, 1961. Applicant: JOHN F. ISABELLA, 73 Hudson Street, Providence, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such materials* as are transported in dump trucks and can be unloaded by dumping, between points in Rhode Island on the one hand, and, on the other, points in Connecticut on and east of Connecticut Highway 8, those in Massachusetts on and east of Massachusetts Highway 12 extending from the Massachusetts-Connecticut State line to Worcester, Mass., and that part of Massachusetts on and south of Massachusetts Highway 9 extending from Worcester, Mass., to Boston, Mass., including Worcester and Boston, Mass.

*HEARING:* April 21, 1961, in Room 308, Main Post Office Building, Providence, R.I., before Joint Board No. 134, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 123402, filed January 30, 1961. Applicant: DOMENIC ANGELONE, doing business as ANGELONE'S TRUCKING, 181 Elwyn Street, Cranston, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are transported in dump trucks and can be unloaded by dumping; between points in Rhode Island, on the one hand, and, on the other, those in Connecticut on and east of Connecticut Highway 8, and those in Massachusetts east of a line beginning at the Connecticut-Massachusetts State line and extending along Massachusetts Highway 12 to Worcester, Mass., and those on and south of Massachusetts Highway 9 extending from Worcester to Boston, Mass., including Worcester and Boston, Mass.

*HEARING:* April 21, 1961, in Room 308, Main Post Office Building, Providence, R.I., before Joint Board No. 134, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 123408, filed February 3, 1961. Applicant: FOOD HAULERS, INC., 600 York Street, Elizabeth, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, (1) between the site of the warehouse of Wakefern Food Corporation, Elizabeth, N.J., on the one hand, and, on the other, Florida and Valls Gate, N.Y., New Haven, Bristol, Wilson, East Hartford, and Hartford, Conn., Bristol and Fairless Hill, Pa., Bellefonte, and Elsmere, Del.; (2) from New York, N.Y., to Elizabeth, N.J., and (3) from Philadelphia, Pa. to Elizabeth, N.J. Applicant states that application is restricted to a service under contract with Wakefren Food Corporation.

*HEARING:* April 19, 1961, at 346 Broadway, New York, N.Y., before Examiner Harold P. Boss.

No. MC 123422, filed February 10, 1961. Applicant: GABRIEL J. GIORDANO AND ANNE PAGOTTO doing business as, GIORDANO'S COAL HAULING COMPANY, 510 George Street, Throop, Pa. Applicant's attorney: Sheldon Rosenberg, Miller Building, Scranton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Lackawanna, Luzarne, Wayne, Montour, Wyoming, Monroe, Carbon, Northampton, Schuylkill, Columbia, Lehigh, and Berks Counties, Pa., to points in Connecticut, Massachusetts, Vermont, New Hampshire, and Maine.

*HEARING:* May 3, 1961, at 346 Broadway, New York, N.Y., before Examiner Gordon M. Callow.



No. MC 123431, filed February 13, 1961. Applicant: BOUND BROOK LEASING CO., North Vossler Avenue, Bound Brook, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Convention and exhibition displays*, unassembled, crated and uncrated, between New York, N.Y., on the one hand, and, on the other, points in the United States on and east of a line extending from Lake Superior along the western boundary of Wisconsin to the Mississippi River, and thence along the west bank of the Mississippi River to the Gulf of Mexico.

NOTE: Applicant states that the proposed operation will be restricted to a service under contract with the Displayers, Inc., and/or its subsidiaries.

*HEARING:* April 10, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

MOTOR CARRIERS OF PASSENGERS

No. MC 22589 (Sub No. 11), filed January 27, 1961. Applicant: CAMPUS TRAVEL, INC., doing business as CAMPUS COACH LINES, 545 Fifth Avenue, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations; round-trip sightseeing or pleasure tours, from points in Nassau and Suffolk Counties, N.Y., to points in the United States, including Alaska, but excluding Hawaii.

*HEARING:* May 4, 1961, at 346 Broadway, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 96007 (Sub No. 12), filed January 17, 1961. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, 70 Union Street, Medford, Mass. Applicant's attorney: James H. Sullivan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in special round-trip operations restricted to the transportation of passengers who at the time are traveling from the designated origin points to the designated destinations and return for the purpose of participating in games commonly referred to as beano or bingo games; beginning and ending in Boston, Chelsea, Everett, Lowell, Lawrence, Woburn, Saugus, Revere, and Winchester, Mass., and extending to Nashua, Hudson, Derry, Pelham, Manchester, Portsmouth, Exeter, and Salem, N.H., and Pawtucket and Central Falls, R.I.

*HEARING:* April 27, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 190, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 107583 (Sub No. 13), filed February 10, 1961. Applicant: SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, 291 Broadway, Suite 504, New York 7, N.Y. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in nonscheduled door-to-door service, limited to the transportation of not more than eight passengers in any one vehicle, not including the driver thereof, and not including children under ten years of age who do not occupy a seat or seats, (1) between New York, N.Y., and Philadelphia, Pa., on the one hand, and, on the other, Atlantic City, N.J.; (2) between Atlantic City, N.J., on the one hand, and, on the other, Wilmington, Del., Baltimore, Md., and Washington, D.C.; and (3) between Fort Dix, McGuire Air Force Base, Wrightstown, N.J., and points in the Townships or New Hanover, North Hanover, Chesterfield, Bordentown, Mansfield, Springfield, and Pemberton, in Burlington County, N.J., on the one hand, and, on the other, Philadelphia International Airport, Philadelphia, Pa., Idlewild International Airport, Fort Hamilton, and Manhattan Beach Air Force Base, New York, N.Y.

NOTE: Applicant states this application merely seeks to enlarge the number of passengers transported in one motor vehicle to eight passengers besides the driver and children under ten years of age who do not occupy a seat or seats, and that no increase in territory or method of operation is sought. Applicant's stockholders are also stockholders of Central Stages, Inc., MC 105661, and Bell Transportation Co., Inc., MC 117547. Common control may be involved.

*HEARING:* May 2, 1961, at 346 Broadway, New York, N.Y., before Joint Board No. 42, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 112308 (Sub No. 1) (AMENDMENT), filed December 19, 1960, published in the FEDERAL REGISTER, issue of January 25, 1961. Applicant: POCONO SEDAN SERVICE, INC., 2 East 45th Street, New York 17, N.Y. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, limited to the transportation of not more than 8 passengers in any one vehicle not including the driver thereof or children under 10 years of age who do not occupy a seat or seats, in special operations in non-scheduled door-to-door service; between New York, N.Y., and points in Monroe, Wayne, Carbon, Northampton, and Pike Counties, Pa.

NOTE: Applicant states it presently has authority to render similar service between New York, N.Y., and Monroe County, Pa., limited to 6 passengers in any one vehicle.

*HEARING:* April 18, 1961, at 346 Broadway, New York, N.Y., before Joint Board No. 42, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 123139 (Sub No. 1), filed December 7, 1960. Applicant: LAWRENCE A. RODERICK and CLYDE D. TURNER, a partnership, doing business as G.T.R. BUS LINES, 37 Blackiston Avenue, Cumberland, Md. Applicant's attorney: W. Earle Cobey, First Federal Building, 141 Baltimore Street, Cumberland, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers* and *their baggage* in the same vehicle with passengers; between Cumberland, Md., and Paw Paw, W. Va., from Cumberland over Maryland Highway 51 to the Maryland-West Virginia State line, thence over West Virginia Highway 9 to Paw Paw, W. Va., and return over the same route, serving the intermediate points of Evitts Creek, Dump Road, Goldens, North Branch, C & O Bridge, Spring Gap, Wolfes Store, Bibels Hill, Oldtown, Sunny Flat, Town Creek Rd., Town Creek, Picardy, and Spot, Md.

*HEARING:* April 19, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 113, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 123178 (CLARIFICATION), filed October 31, 1960, published in FEDERAL REGISTER, issue of December 7, 1960. Applicant: LAWRENCE C. JENSEN, doing business as JENSEN TRANSPORTATION, 155 South First Avenue, St. Helens, Oreg. Applicant's attorney: Wm. P. Ellis, 1121 Equitable Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special charter operations, between points in Columbia County, Oreg., and points in Washington.

*HEARING:* May 17, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 123306, filed December 14, 1960. Applicant: HARRY W. AIKENS, doing business as AIKENS AIRPORT LIMOUSINE SERVICE, Winchester, Va. Applicant's representative: C. F. Germelman, P.O. Box 81, Winchester, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, which have had an immediately prior, or will have an immediately subsequent movement by aircraft, between points in Berkeley, Frederick, Jefferson, and Washington Counties, Md., Clarke, Fairfax, Fauquier, Frederick, Prince William, and Warren Counties, Va., on the one hand, and, Washington National Airport, Va., and the Dulles International Airport (now under construction) at or near Chantilly, Va., on the other hand, as follows: That area bounded by a beginning at Washington National Airport, Va., thence over various streets and highways, in the immediate vicinity, to U.S. Highway 29–211 at Rosslyn, Va., thence U.S. Highway 29–211 to junction Virginia Highway 7, thence via Virginia Highway 7 to junction U.S. Highway 15 at Leesburg, Va., thence U.S. Highway 15 to junction U.S. Highway 40 at Frederick, Md., thence U.S. Highway 40 to

junction U.S. Highway 11 at Hagerstown, Md., thence U.S. Highway 11 to Strasburg, Va., thence Virginia Highway 55 to junction Virginia Highway 17 near Delaplane, Va., thence Virginia Highway 17 to junction U.S. Highway 29–211 at Warrenton, Va., thence U.S. Highway 29–211 to junction U.S. Highway 50, thence via various streets and highways direct to Washington National Airport, Va.; including all points on the above named highways.

*HEARING:* April 18, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 63, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 99900 (Sub No. 1), filed January 4, 1961. Applicant: SIGOURNEY V. HURD, doing business as NILSSON TRANSFER CO., 1990 Canal Road, Stockton 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except high value articles, used household goods (as described by the Commission), Classes A and B explosives, and articles requiring highly specialized equipment, as more fully described in the application, *between points in California, as follows:* (1) Between San Francisco and Merced, from San Francisco over U.S. Highway 40 to junction U.S. Highway 99, thence over U.S. Highway 99 to Merced and return; with 5 mile lateral rights and all intermediate points; (2) between San Francisco and Dublin, from San Francisco over U.S. Highway 50 to Dublin and return; with 5 mile lateral rights; and all intermediate points; (3) between San Francisco and Dublin, from San Francisco over U.S. Highway 101 to junction unnumbered highway (San Mateo Bridge Road), thence over unnumbered highway (San Mateo Bridge Road) to junction U.S. Highway 50, thence over U.S. Highway 50 to Dublin and return; with 5 mile lateral rights; and all intermediate points; (4) between San Francisco and Dublin, from San Francisco over U.S. Highway 40 to junction California Highway 24, thence over California Highway 24 to junction California Highway 21, thence over California Highway 21 to Dublin, and return; with 5 mile lateral rights; and all intermediate points; (5) between Dublin and Merced, from Dublin over U.S. Highway 50 to junction California Highway 33, thence over California Highway 33 to junction California Highway 140, thence over California Highway 140 to Merced and return; with 5 mile lateral rights; and all intermediate points; (6) between Dublin and Modesto, from Dublin over U.S. Highway 50 to junction California Highway 33, thence over California Highway 33 to junction California Highway 132, thence over California Highway 132 to Modesto and return; with 5 mile lateral rights; and all intermediate points; (7) between Dublin and Escalon, from Dublin over U.S. Highway 50 to junction California Highway 120, thence over California Highway 120 to Escalon and return; with 5 mile lateral rights; and all intermediate points; (8) between Dublin and Escalon, from Dublin over U.S. Highway 50 to junction unnumbered highway (Mariposa Road), thence over unnumbered highway (Mariposa Road) to Escalon and return; with 5 mile lateral rights; and all intermediate points; (9) between Escalon and Empire, from Escalon over unnumbered Highway (Sante Fe Road) to Riverbank, thence over unnumbered highway (Terminal Road) to junction unnumbered highway (Claus Road), thence over unnumbered highway (Claus Road) to Empire and return; with 5 mile lateral rights; and all intermediate points; (10) between Escalon and Modesto, from Escalon over unnumbered highway (McHenry Road) to Modesto and return; with 5 mile lateral rights; and all intermediate points; (11) between Escalon and Empire, from Escalon over California Highway 120 to junction unnumbered highway (Oakdale-Waterford Road), thence over unnumbered highway to junction California Highway 132, thence over California Highway 132 to Empire and return; with 5 mile lateral rights; and all intermediate points; (12) between Escalon and Modesto, from Escalon over unnumbered highway (Sante Fe Road) to junction unnumbered highway (Riverbank-Modesto Road), thence over unnumbered highway (Riverbank-Modesto Road) to junction unnumbered highway (McHenry Road), thence over unnumbered highway (McHenry Road) to Modesto and return; with 5 mile lateral rights; and all intermediate points; and (13) between Empire and Turlock, from Empire over unnumbered highway (Sante Fe Road) to junction unnumbered highway (Geer Road), thence over unnumbered highway (Geer Road) to Turlock and return; with 5 mile lateral rights; and all intermediate points. SERVICE RESTRICTIONS: (A) All incoming airfreight picked up at San Francisco Airports, as well as other airports on our system, is to be given same day delivery; i.e., picked up in the morning and delivered the same afternoon to the consignee. The same delivery schedule applies to all ground freight travelling in a south and/or south-easterly direction; (B) Outgoing airfreight picked up at points on our system will be delivered to the San Francisco Airport in time for same night departure of the various cargo and passenger planes; and (C) North and west-bound surface freight picked up on our return trips can not be afforded same day delivery due to time limitations. This will be afforded regular overnight service.

No. MC 109724 (Sub No. 2), filed February 20, 1961. Applicant: JOHN DEWAR, Route No. 5, Box 151, Waukesha, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from the Chicago, Ill., Commercial Zone, as defined by the Commission, to the plant of Whitewater Manufacturing Company at Whitewater, Wis.

No. MC 123421 (REPUBLICATION AND CORRECTION), filed February 7, 1961, published FEDERAL REGISTER issue of February 23, 1961. Applicant: GLENDYL W. STONE, doing business as STONE TRUCKING COMPANY, Box 206, Dale, Ind. Applicant's attorney: Harry J. Harman, 1110–1112 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Cannelton, Ind., to points in Illinois, Indiana, and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting clay products, on return.

NOTE: The purpose of this republication is to clarify the issues involved. The subject application is filed in accordance with the provisions contained in an order of the Commission, dated August 26, 1960, entered in the proceeding MC 109723 (Sub No. 7), a conversion proceeding instituted under section 212(c) of the Act. The filing of the instant application reflects applicant's election of an option to convert its Permit MC 109723 (Sub No. 6), not embraced in the previously referred to conversion proceeding, to common carrier authority. If the authority sought in this application is granted, applicant is willing that the corresponding permit be cancelled. The "Note" appended to the previous publication is superseded in its entirety.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12741, filed October 7, 1960. Applicant: HOLIDAY TOURS, INC., 1304 Bassett Tower, El Paso, Tex. Applicant's attorney: Frank Owen III, Suite 1304 Bassett Tower, El Paso, Tex. For a license as a *broker* (BMC 5) at El Paso, Texas, in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *individual passengers* or *groups of passengers*, and their *baggage*, in all-expense, fully preplanned package tours (for pleasure and entertainment purposes) beginning and ending at El Paso, Texas, and extending to points in the United States, excluding Alaska and Hawaii.

NOTE: Applicant states the above-described tours shall be to scenic, historical and cultural areas of the United States, primarily the Southwestern States.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 7078. (RYDER SYSTEM, INC.—CONTROL—SOUTHERN PLAZA EXPRESS, INC.), notices published in the January 14, 1959, and September 21, 1960 issues of the FEDERAL REGISTER on pages 342–343, and 9081, respectively. Petition filed February 16, 1961, seeking, among other things, reopening of the proceeding, amendment of the aplication, and modification of the findings of the report and order of October 25, 1960, by Division 4, to authorize the acquisition of control of SOUTHERN PLAZA EXPRESS, INC., through direct stock ownership by RYDER SYSTEM, INC., through the merger of the properties of COLUMBIA TERMINALS COMPANY, a non-carrier, into RYDER SYSTEM, INC., for ownership, management, and operation.



No. MC–F 7701. (MISTLETOE EXPRESS—PURCHASE—CENTRAL NEWS EXPRESS, INC.), published in the November 9, 1960, issue of the FEDERAL REGISTER, on page 10726. Supplemental application filed February 16, 1961, by THE OKLAHOMA PUBLISHING COMPANY, 500 North Broadway, Oklahoma City 1, Okla., as an additional party in control of MISTLETOE EXPRESS SERVICE.

No. MC–F 7794. Authority sought for purchase by HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue, SW., Roanoke, Va., of a portion of the operating rights and certain property of RICE TRANSFER AND STORAGE, INC., 117 Lancaster Avenue, Rock Hill, S.C., and for acquisition by C. E. NORRIS, 2210 Winston Avenue, SW., Roanoke, Va., of control of such rights and property through the purchase. Applicants' attorney: R. R. Rush, 511 Boxley Building, Roanoke, Va. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, as a *common carrier* over regular routes from Charlotte, N.C., to Rock Hill, S.C., serving no intermediate points; *fertilizer*, over irregular routes from Charlotte, N.C., to Rock Hill S.C., and points within 20 miles thereof; *meat* and *packing house products*, from Charlotte, N.C., and Rock Hill, S.C., to Pineville, N.C., Rock Hill, S.C., points in Anson and Union Counties, N.C., and those in South Carolina within 70 miles of Rock Hill, S.C.; *Meats, meat products, and meat byproducts and dairy products* as described in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Charlotte, N.C., and Rock Hill, S.C., to certain specified points in North Carolina; and *damaged shipments* of the commodities described immediately above, from the destination points described immediately above to Charlotte, N.C., and Rock Hill, S.C.; *meats, meat products, and meat byproducts and articles distributed by meatpacking houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, restricted to the distribution of pool-car shipments from Columbia, S.C., to points in South Carolina; *meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described above, from Charlotte N.C., and Rock Hill, S.C., to certain points in North Carolina, restricted to the distribution of pool-car shipments; and *damaged shipments* of the commodities described immediately above, from points in the immediately above-described destination territory to Charlotte, N.C., and Rock Hill, S.C. Vendee is authorized to operate as a *common carrier* in Virginia, North Carolina, South Carolina, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7795. Authority sought for purchase by THE ROYAL TRANSPORTATION COMPANY, P.O. Box 162, Bedford, Pa., of the operating rights of P. & M. TRUCKING CO., INC. (PAUL R. KLEINBERG, RECEIVER), 1180 Raymond Boulevard, Newark, N.J., and for acquisition by H. B. WEST, R.D. No. 1, Everett, Pa., of control of such rights through the purchase. Applicants' attorneys: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C., and Paul R. Kleinberg, 1180 Raymond Boulevard, Newark 2, N.J. Operating rights sought to be transferred: *General commodities*, excepting, among other, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y. Vendee is authorized to operate as a *common carrier* in Maryland, Ohio, Pennsylvania, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7798. Authority sought for purchase by BURNSIDE MOTOR FREIGHT LINES, INC., 1121 North Main Street, Urbana, Ohio, of the operating rights of R. L. CRAIG (HENRY W. HOUSTON, ADMINISTRATOR), 212 Miami Street, Urbana, Ohio, and for acquisition by CHARLES M. BURNSIDE, 1121 North Main Street, Urbana, Ohio, of control of such rights through the purchase. Applicants' attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a *common carrier* over irregular routes between points in Champaign County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, West Virginia, and Missouri; *livestock*, from points in Clark, Champaign, Crawford, Darke, Franklin, Logan, Miami, Madison, Marion, Shelby and Union Counties, Ohio, on the one hand, and, on the other, Chicago, Ill., Fort Wayne, Indianapolis, and Winchester, Ind., Brownsville, Cochranton, Ligonier, and Pittsburgh, Pa., and Clarksburg, Parkersburg, and Wheeling, W. Va.; *livestock*, other than ordinary livestock, and, in connection therewith, personal effects of attendants, and *supplies* and *equipment*, including mascots, used in the care and/or exhibition of such animals, between points in Ohio, Illinois, Indiana, Kentucky, Michigan, Pennsylvania, Tennessee, and West Virginia, traversing Wisconsin for operating convenience only; *egg cases and egg case fillers* from Urbana, Ohio, to points in Indiana; *amusement-ride outfits, carnival equipment*, and *such equipment and supplies* as are used in the operation of fair concessions and tent shows, between points in Indiana, Michigan, and Ohio; *horses* (other than ordinary livestock), and *equipment*, and *paraphernalia* incidental to the care, transportation, and exhibition of such horses between points and places in Ohio, Illinois, Indiana, Kentucky, Michigan, Pennsylvania, Tennessee, West Virginia, North Carolina, and New York traversing Maryland, New Jersey, Virginia, and the District of Columbia, for operating convenience only. Vendee is authorized to operate as a *common carrier* in Ohio, Illinois, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7799. Authority sought for purchase by OLD COLONY TRANSPORTATION CO., INC., 56 Prospect Street, New Bedford, Mass., of the operating rights and property of THE WINWARD TRUCKING COMPANY, INC., a corporation, doing business as MIL-TEX TRANSIT COMPANY, Jesse Street, Fall River, Mass., and for acquisition by GEORGE VIGEANT, 207 Mt. Pleasant Street, New Bedford, Mass., of control of such rights and property through the purchase. Applicants' attorneys: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass., James T. Waldron, 57 North Main Street, Fall River, Mass., and Patrick H. Harrington, Jr., 56 Main Street, Fall River, Mass. Operating rights sought to be transferred: *Textiles and textile supplies, machinery, and equipment* used or useful in the manufacture and distribution of textile products and the maintenance of textile mills, as a *common carrier* over irregular routes between North Adams, Mass., points in Rhode Island, and certain points in Connecticut and Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, New York, New Jersey, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7800. Authority sought for control and merger by HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville, Ky., of the operating rights and property of THE C. & D. MOTOR DELIVERY COMPANY, 1214 Central Parkway, Cincinnati 10, Ohio. Applicants' attorneys: J. G. Dail, Jr., Turney, Major, Markham & Sherfy, 2001 Massachusetts Avenue NW., Washington 6, D.C., and Stanley B. Mayer, Mayer, Cooper & Kiel, Kentucky Home Life Building, Louisville, Ky. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods, but not excepting commodities in bulk, as a *common carrier* over regular routes between Cincinnati, Ohio, and Dayton, Ohio, serving all intermediate and certain off-route points; between Cincinnati, Ohio, and junction U.S. Highways 50 and 31 (in Indiana), between Dillsboro, Ind., and Jeffersonville, Ind., serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, between Cincinnati, Ohio, and Louisville, Ky., serving certain intermediate and off-route points, between Cincinnati, Ohio, and Lexington, Ky., serving certain intermediate and off-route points, between Louisville, Ky., and Indianapolis, Ind., between Indianapolis, Ind., and Cincinnati, Ohio,

between Dunreith, Ind., and Greensburg, Ind., serving all intermediate points, between Springfield, Ohio, and Dayton, Ohio, serving the intermediate point of Zimmerman, Ohio, and those between Zimmerman and Dayton, restricted against the transportation of property, the entire movement of which is between any of these points; and all other intermediate points without restriction, between Franklin, Ind., and Rushville, Ind., between Connersville, Ind., and Richmond, Ind., between Greensburg, Ind., and New Albany, Ind., between North Vernon, Ind., and Medora, Ind., between Brownstown, Ind., and Freetown, Ind., serving all intermediate points on the above-specified routes, between Columbus and Dayton, Ohio, and Indianapolis, Ind., serving all intermediate points, between Columbus, Ohio, and Dayton, Ohio, between West Jefferson, Ohio, and Summerford, Ohio, serving certain intermediate and off-route points. *General commodities*, except dangerous explosives between Cincinnati, Ohio, and Huntington, W. Va., between Maysville, Ky., and Aberdeen, Ohio, serving all intermediate and certain off-route points. RESTRICTION: Service authorized at Aberdeen, Ohio, Maysville, Ky., and the off-route points within five miles of Maysville is restricted to the transportation of *general commodities*, except dangerous explosives, household goods, and commodities in bulk, moving to or from points east of Aberdeen; *general commodities*, excepting, among others, dangerous explosives, commodities in bulk, but not excepting household goods, between Ashland, Ky., and Charleston, W. Va., serving all intermediate points and certain off-route points, between Ashland, Ky., and Greenup, Ky., serving certain intermediate points, between Ironton, Ohio, and Russell, Ky.; *general commodities*, excepting, among others, household goods and commodities in bulk, between Huntington, W. Va., and Parkersburg, W. Va., serving the off-route point of Racine, Ohio, between Huntington, W. Va., and Beckley, W. Va., serving certain specified off-route points, between Charleston, W. Va., and Parkersburg, W. Va., serving all intermediate points on the above-specified routes; *general commodities* except loose bulk commodities, livestock, explosives (other than small arms ammunition), currency, bullion, jewelry, articles of virtu, corpses, and commodities requiring special equipment, between Louisville, Ky., and Monterey, Tenn., serving the intermediate point of Cookeville, Tenn., and those between Celina and Livingston, Tenn., without restriction; the intermediate point of Livingston, Tenn., the terminal of Monterey, Tenn., points between Cookeville and Monterey, Tenn. (except Cookeville), and those between Cookeville and Livingston, Tenn., restricted to delivery of traffic moving from Louisville, Ky., and pick-up of traffic moving to Louisville and Glasgow, Ky., and intermediate points north of Glasgow, Ky., between Louisville, Ky., and Carthage, Tenn., with the same restrictions listed directly above; *general commodities*, excepting among others, commodities in bulk and household goods, between Louisville, Ky., and Chattanooga, Tenn., serving no intermediate points, but serving certain off-route points, between Tompkinsville, Ky., and Nashville, Tenn., serving the intermediate point of Gamaliel, Ky., and the off-route point of Flippin, Ky., between Tompkinsville, Ky., and Louisville, Ky., serving certain intermediate and off-route points unrestricted, and the intermediate point of Glasgow, Ky., restricted to traffic moving from Glasgow, Ky., to the points authorized to be served south of Glasgow, Ky., between Terre Haute, Ind., and St. Louis, Mo., serving the intermediate point of East St. Louis, Ill., and the off-route point of Belleville, Ill., between Terre Haute, Ind., and Indianapolis, Ind., serving no intermediate points, between Terre Haute, Ind., and Peoria, Ill., serving certain intermediate points, and serving certain intermediate and off-route points in connection with carrier's authorized regular route operations. *General commodities*, excepting, among others, household goods but not excepting commodities in bulk, over irregular routes between Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio; *general commodities*, excepting, among others, household goods and commodities in bulk, between Cincinnati, Ohio, and points within 10 miles of Cincinnati, on the one hand, and, on the other, points in Kentucky; *canned goods*, between St. Louis, Mo., Louisville, Ky., Cincinnati, Ohio, points in Illinois and points in Indiana; *wallpaper*, from Coal City and Joliet, Ill., to Terre Haute, Ind., serving several alternate routes for operating convenience only. HUBER & HUBER MOTOR EXPRESS, INC., is authorized to operate as a *common carrier* in Georgia, Illinois, Indiana, Kentucky, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7801. Authority sought for control and merger by UNIVERSITY OVERLAND EXPRESS, INC., Front and Pennell Streets, Chester, Pa., of the operating rights and property of NU-CAR CARRIERS, INC., Front and Pennell Streets, Chester, Pa., and for acquisition by LESTER J. LISHON, SR., EMMA E. LISHON, MINTZ, LEVEN & COHN, DEXTER LISHON AND PHYLLIS L. BURLEY, TRUSTEES under separate trusts for L. J. LISHON, JR., PHYLLIS L. BURLEY, DEXTER LISHON, PAULINA L. COWEN, and EMMA E. LISHON, all of 50 Federal Street, Boston, Mass., of control of such rights and property through the transaction. Applicants' attorney: Harry C. Ames, Jr., 529 Transportation Building, Washington 6, D.C. Operating rights sought to be controlled and merged: *New automobiles*, in initial movements, in truckaway service, during the season of closed navigation on the Great Lakes, as a *common carrier* over regular routes from Detroit, Mich., to Buffalo, N.Y., serving no intermediate points; *new buses* and *bus chassis*, restricted to initial movements, in driveaway service, over irregular routes from Philadelphia, Pa., to points in the United States; *rejected shipments* of the above-specified commodities from points in the United States to Philadelphia, Pa.; *new automobiles, new trucks, new bodies, new cabs and new chassis* restricted to initial movements, in truckaway service, and *new automobiles, new trucks, new cabs and new chassis*, restricted to initial movements, in driveaway service, from points in Raritan Township, Middlesex County, N.J., to points in Alabama, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; *rejected shipments* of the above-specified commodities from the above-specified destination points to the above-designated origin points; *buses, bus chassis*, and *parts thereof*, when transported with buses and bus chassis in initial movements, in driveaway service from points of manufacture and assembly in Nashville, Tenn., and points within ten miles thereof, to points in the United States; *rejected, damaged, or defective vehicles* from points in the United States to points of manufacture and assembly in Nashville, Tenn., and points within ten miles thereof; *new automobiles, new chassis*, and *new commercial motor vehicles*, restricted to initial movements, in driveaway service, from Norfolk, Va., to points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; *rejected shipments* of the above-specified commodities from the above-specified destination points to Norfolk, Va.; *new automobiles*, restricted to secondary movements, during the season of open navigation on the Great Lakes, in truckaway service, from Buffalo, N.Y., to points in Albany, Columbia, Dutchess, Fulton, Green, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Ulster, Warren, and Washington Counties, N.Y., and Bennington, Rutland, and Windsor Counties, Vt.; *new automobiles*, and *new trucks*, in initial and secondary movements, in driveaway and truckaway service, from Detroit, Mich., Toledo, Ohio, Buffalo, N.Y., and West Springfield, Pa., to points in Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, and York Counties, Pa., and those in New Jersey within 15 miles of Newark, from Buffalo, N.Y., and Toledo, Ohio, to New York, N.Y., and Washington, D.C.; *new automobiles, new trucks*, and *new chassis*, restricted to initial movements, in truckaway service, from points of manufacture and assembly in Norfolk, Va., to Washington, D.C., Chevy Chase, Md., and points in North Carolina, South Carolina, and Virginia; *new automobiles, new trucks, new bodies, new cabs*, and *new chassis*, restricted to initial movements, in driveaway service, from points of manufacture and assembly in Alexandria, Va., to points in Virginia, Maryland, West Virginia, Pennsylvania, and the District of Columbia, from points of manufacture and assembly in Chester, Pa., to points in Virginia, Maryland, West Virginia, Pennsylvania, New York, and the District of Columbia, from points of manufacture and assembly in Chester, Pa., to points in Virginia, Maryland, West Virginia, New Jersey, Delaware, Pennsylvania, New York and the District of Columbia; *automobiles, trucks, bodies, cabs*, and *chassis*, new, used, unfinished, and/or wrecked, restricted to secondary movements, in truckaway service, between all points as described above; *automobiles, trucks, bodies, cabs, chassis*, and *unfinished automobiles*, restricted to initial movements, in driveaway service, from Chester, Pa., and Alexandria, Va., to points in New Jersey, New York, Delaware, Ohio, Florida, North Carolina, South Carolina, Georgia, and Connecticut; *the commodities*, specified above, restricted to initial movements, in truckaway service from Chester, Pa., and Alexandria, Va., to points in Ohio, Florida, North Carolina, South Carolina, Georgia, and Connecticut; *the commodities* specified above, restricted to secondary movements in traffic originating at points other than those in Michigan and Indiana, in driveaway or truckaway service, between all points named or specified above; *automobiles, trucks, bodies, cabs*, and *chassis*, new, used, unfinished, or wrecked, restricted to secondary movements, in driveaway service, between points in Virginia, Maryland, West Virginia, Pennsylvania, and the District of Columbia, on the one hand, and, on the other, points in New Jersey, New York, Delaware, Ohio, Florida, North Carolina, South Carolina, Georgia, and Connecticut; *automobiles, trucks, bodies, cabs*, and *chassis*, new, used, unfinished, or wrecked, restricted to secondary movements, in truckaway service, between points in Virginia, Maryland, West Virginia, Pennsylvania, and the District of Columbia, on the one hand, and, on the other, points in Ohio, Florida, North Carolina, South Carolina, Georgia, and Connecticut. RESTRICTION: The transportation service authorized above is restricted to shipments originating at points other than those in Indiana and Michigan or at Toledo, Ohio; *trucks, tractors*, and *chassis, truck bodies, cabs*, and *parts and accessories* for, and moving in the same shipment with, the vehicles to be transported, in initial movements, in driveaway service, from Exton, Pa., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, and Wisconsin; *rejected and damaged shipments* of the above-specified commodities from points in the destination territory described above to Exton, Pa.; *farm tractors*, and *farm tractor parts, accessories, and equipment*, restricted to initial movements, in truckaway service, from Chester and Philadelphia, Pa., to points in Virginia, Maryland, West Virginia, New Jersey, Delaware, Pennsylvania, New York, and the District of Columbia; *farm tractors and farm tractor parts, accessories, and equipment*, restricted to secondary movements, in truckaway service, between points in the territory described above; *tank trailers*, in initial movements, in driveaway and truckaway service, and *tractors*, in secondary movements, in driveaway service, from Norfolk, Va., to points in the United States, from Rocky Mount, N.C., to points in the United States; *new automobiles, new chassis*, and *new trucks*, in initial movements by the truckaway methods from Norfolk, Va., to points in Alabama, Kentucky, and Tennessee; *truck, tractors*, and *chassis*, in initial movements, in movements, in truckaway service, and *cabs and parts and accessories* for, and moving in the same shipment with, the vehicles to be transported, from the plant of the Auto Car Division of the White Motor Co., at or near Exton, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; *new automobiles*, in initial movements, in truckaway and driveaway service from Metuchen, N.J., to points in Illinois, Indiana, and Michigan. UNIVERSITY OVERLAND EXPRESS, INC., is authorized to operate as a *common carrier* in Massachusetts, Connecticut, Maine, New Hampshire, Rhode Island, Vermont, New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, West Virginia, Tennessee, Ohio, Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Wisconsin, Missouri, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–1759; Filed, Feb. 28, 1961; 8:48 a.m.]

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[Notice 455]

## MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 24, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to § 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63846. By order of February 21, 1961, the Transfer Board approved the transfer to M. Haskell, Ind., Palmer, Mass., of Permit Nos. MC 1351, MC 1351 Sub 1, MC 1351 Sub 2, MC 1351 Sub 3, MC 1351 Sub 4, MC 1351 Sub 7 and MC 1351 Sub 8, issued March 7, 1942, March 7, 1942, April 22, 1942, June 14, 1944, October 31, 1944, February 27, 1959, and March 25, 1960, respectively, to Morris Haskell, doing business as M. Haskell, Palmer, Mass., authorizing the transportation of: Paper board, from Bogota, N.J., to points in Connecticut, Rhode Island, and Massachusetts, as specified, from Newburgh, N.Y., to points in Connecticut, Rhode Island, and Massachusetts, from Versailles and Montville, Conn., to points in New Hampshire, New York and New Jersey as specified, from Ridgefield and Ridgefield Park, N.J., to Springfield, Mass., and from Rossman, N.Y., to points in Connecticut, Massachusetts, and Rhode Island; paperboard or pulpboard, from Ridgefield and Ridgefield Park, N.J., to Chicopee, Mass.; paper skids and empty paper cores, from points in Connecticut, Massachusetts, and Rhode Island, to Bogota, N.J., and Newburgh, N.Y., from points in New Hampshire, Massachusetts, New Jersey, New York, and Rhode Island, as specified, to Montville and Versailles, Conn., from points in New York, New Jersey, Connecticut and Rhode Island as specified, to Palmer and Thorndike, Mass., and from points in Massachusetts, Connecticut and Rhode Island, to Rossman, N.Y., paper products, from Jewett City, Conn., to Boston, Mass., and Brooklyn, N.Y., and pallets, pallets parts, skids, and paper cores, and empty containers used in transporting the above commodities, from Boston, Mass., and Brooklyn, N.Y., to Jewett City, Conn.; paper, waste paper, and paper products, between Palmer and Thorndike, Mass., and Versailles and Montville, Conn., on the one hand, and on the other, points in New York, New Jersey and Rhode Island as specified; waste paper, from points in Massachusetts, Connecticut, and Rhode Island to Rossman, N.Y.; paper boxes, from Palmer, Mass., to points in New Jersey and New York as specified; egg cartons, from Palmer, Mass., to Lakewood, N.J., and points in New Jersey as specified; and refused, damaged, or defective cartons, from Lakewood, N.J., and Points in New Jersey within 15 miles thereof, to Palmer, Mass. Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., attorney for applicants.

No. MC–FC 63910. By order of February 21, 1961, the Transfer Board approved the transfer to Taylor Trucking Co., Inc., Philadelphia, Pa., of Certificate No. MC 79147, issued March 18, 1960, to Samuel M. Taylor, doing business as

Taylor Trucking Co., Philadelphia, Pa., authorizing the transportation, over irregular routes, of such commodities as are dealt in by auction houses, from Philadelphia, Pa., to New York, N.Y., and from points in New Jersey, Delaware, and Maryland, to Philadelphia, Pa., electric fixtures and supplies, from New York, N.Y., to Philadelphia, Pa., and from Philadelphia, Pa., to points in New Jersey, equipment, materials and supplies used in connection with dog-shows, not including animals, between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Connecticut, and Massachusetts, and teletype machines and equipment, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and points in New Jersey, Maryland, and Delaware, and glassware, from New York, N.Y., to Philadelphia, Pa. I. Finkelstein, 740 Six Penn Center Plaza, Northwest Corner 17th and Market Streets, Philadelphia, Pa., attorney for applicants.

No. MC–FC 63941. By order of February 21, 1961, the Transfer Board approved the transfer to The Blue Ribbon Transportation Co., Inc., Pawtucket, R.I., of Certificate in No. MC 39126, issued September 27, 1956, to Sydney S. Jordan, doing business as Robertsons Overland Express, East Providence, R.I., authorizing the transportation of: Packing house products, from Providence, R.I., to points in Rhode Island; cardboard boxes, from East Providence, R.I., to New Bedford, Mass.; and meats, meat products, and meat byproducts from Providence, R.I., to North Attleboro, Plainville, and Rehoboth, Mass. Joseph A. Kline, Counsel for Transferee, 185 Devonshire St., Boston 10, Mass. Edward Bromage, Jr., Counsel for Transferor, 1013 Turk Head Building, Providence 3, R.I.

No. MC–FC 63949. By order of February 21, 1961, the Transfer Board approved the transfer to Albert A. J. Smith, doing business as Eagle Bus Line, East Brewton, Ala., of Certificate in No. MC 118896, issued September 1, 1960, to Henry C. Daughtrey, doing business as Daughtrey Bus Line, East Brewton, Ala., authorizing the transportation of: Passengers and their baggage between East Brewton, Ala., and the Chemstrand plant site, near Gonzales, Fla., serving all intermediate points between East Brewton, Ala., and Henley Bridge, Ala., including service at Henley Bridge, Ala. J. Douglas Harris, 413–414 Bell Building, Montgomery, Ala., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–1760; Filed Feb. 28, 1961; 8:48 a.m.]

## ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK

### Miscellaneous Amendments

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of February A.D. 1961.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of the law being under consideration, with a view to providing for the elimination from the assignment of work to Division Two of initial jurisdiction over certain classes of applications which have not involved the taking of testimony at a public hearing, concurrent with the creation of a Special Permission Board and a Released Rates Board, and assignment of such applications to said Boards; and providing further for the designation of Division Two as an appellate division to consider applications for reconsideration of any decisions, orders, or requirements of the Special Permission Board or the Released Rates Board, the decisions of said Appellate Division to be administratively final and not subject to review by the Commission;

*It is ordered,* That the Organization Minutes of the Interstate Commerce Commission relating to the Organization of Divisions and Boards and Assignment of Work, issue of January 1, 1959, as amended (24 F.R. 2506, 4070, 5667, 9230, 25 F.R. 96, 3608, and 26 F.R. 241, 861), be, and it is hereby, further amended in the following particulars:

1. Under the heading Assignment of Duties to Divisions, in Item 4.3. Division Two—Rates, Tariffs, and Valuation Division, delete paragraphs (c) and (l), and substitute in lieu thereof the following paragraphs:

(c) Section 6, except paragraphs (11) and (12), relating to schedules of carriers under Part I, sections 217 and 218 relating to tariffs of common carriers and schedules of contract carriers under Part II, section 306 relating to tariffs of common carriers and schedules of contract carriers under Part III, and section 405 relating to tariffs of freight forwarders under Part IV—including, among other matters, the promulgation or prescription of forms, specifications, rules, or regulations to effectuate such provisions of law, as well as applications or petitions involving the construction, interpretation or application of such forms, specifications, rules, or regulations, except matters arising under sections 6(3), 217(c), 218(a), 306(d), 306(e), and 405(d), assigned to and determined by the Special Permission Board pursuant to Item 7.9 unless certified to the Division by the Special Permission Board or recalled by the Division.

(l) Section 20(11) of Part I, section 219 of Part II and section 413 of Part IV so far as relating to the authorization of released rates and ratings except matters assigned to and determined by the Released Rates Board pursuant to Item 7.10 unless certified to the Division by the Released Rates Board or recalled by the Division.

2. Under the heading Assignment of Duties to Individual Commissioners in Item 6.10, the Commissioner through whom the Bureau of Traffic reports, delete paragraphs (a) and (b).

3. Under the heading of Assignments to Boards add the following items to be designated 7.9 and 7.10.

7.9 *Special Permission Board.* Special permissions or other permissible waivers of rules regarding schedules of rates, etc. under sections 6(3), 217(c), 218(a), 306(d), 306(e), and 405(d), including authorization for the cancellation of suspended tariffs or schedules, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. The Board may certify to Division Two any matter which, in the Board's judgment, should be passed upon by that division, and Division Two may recall any matter from the Special Permission Board.

7.10 *Released Rates Board.* Section 20(11) of Part I, section 219 of Part II and section 413 of Part IV, so far as relating to applications for authorization to establish released rates and ratings which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. The Board may certify to Division Two any matter which, in the Board's judgment, should be passed upon by that division, and Division Two may recall any matter from the Released Rates Board.

4. Under the heading rehearing and further proceedings, delete Item 8.4 and substitute in lieu thereof the following:

8.4 Division Two is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action, or requirement of the Fourth Section Board under Item 7.2, the Board of Suspension under Item 7.3, the Special Permission Board under Item 7.9 or the Released Rates Board under Item 7.10 shall be assigned or referred for consideration and action. When so acting, it shall have all authority which the Board is authorized to exercise. Decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

5. In Item 9.12 relating to the Bureau of Traffic, delete paragraph (e) and substitute in lieu thereof the following:

(e) Released Rates Board—Chairman of the Board, and add the following:

(f) Special Permission Board—Chairman of the Board.

*It is further ordered,* That the foregoing amendments shall become effective March 1, 1961.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–1761; Filed, Feb. 28, 1961; 8:48 a.m.]

## ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK

### Miscellaneous Amendments

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of February A.D. 1961.



Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of the law being under consideration, with a view to amending the present authority of the Board of Suspension to enter orders discontinuing proceedings when schedules have been cancelled or withdrawn, to include authority to discontinue proceedings instituted by Division 2 or Appellate Division 2, where the schedules under investigation have likewise been cancelled or withdrawn;

*It is ordered,* That the Organization Minutes of the Interstate Commerce Commission relating to the Organization of Divisions and Boards and Assignment of Work, issued January 1, 1959, as amended, (24 F.R. 2506, 4070, 5667, 9230, and 25 F.R. 96, 3608, and 26 F.R. 241, 861) be, and it is hereby, further amended in the following respects:

1. Under the heading Assignment of Duties to Division, in Item 4.3, Division Two—Rates, Tariffs and Valulation Division, delete paragraph (e) and substitute in lieu thereof the following paragraph:

(e) Sections 15(7), 216(g), 218(c), 307(g), and (l), and 406(e), relating to the disposition (1) by declining to suspend or (2) by entering an order of investigation or (3) by entering an order of investigation and suspension, either on its own motion or on petitions or requests for suspension of schedules and tariffs, and relating to authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, III, and IV, as ancillary to such investigations or such investigation and suspension proceedings: (1) when there are petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, or (2) when there are involved petitions for suspension of schedules or tariffs filed in purported compliance with any decision, order, or requirement of the Commission or a Division thereof, or (3) when such matter is certified to the Division by the Board of Suspension or recalled by the Division.

2. Under the heading Assignment to Boards delete Item 7.3 *Board of Suspension* and substitute in lieu thereof the following paragraph:

7.3 *Board of Suspension.* Section 15(7), 216(g), 218(c), 307(g), and (l), and 406(e), relating to the initial disposition (1) by declining to suspend or (2) by entering an order of investigation or (3) by entering an order of investigation and suspension, either on its own motion or on petitions or requests for suspension of schedules and tariffs, and relating to authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, III, and IV, as ancillary to such investigations or such investigation and suspension proceedings; and the authority, prior to submission of evidence, to enter orders discontinuing any proceeding when the schedules or tariffs under which the proceeding arose have been cancelled. This delegation of authority shall not include (1) petitions or requests relating to schedules or tariffs filed in purported compliance with any decision or order of the Commission or a division thereof, (2) petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, nor (3) any action in connection with suspensions to be taken during or after formal hearings or investigations. The Board may certify to Division Two any matter which, in its judgment, should be passed upon by that division or the Commission.

*It is further ordered,* That the foregoing amendments shall become effective March 1, 1961.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–1762; Filed, Feb. 28, 1961; 8:48 a.m.]

[Notice 455–A]

## MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 27, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63869. By order of February 24, 1961, the Transfer Board approved the transfer to Peake Transport Service, Inc., Chester, Nebr., of Certificate in Nos. MC 1641, MC 1641 Sub 27, MC 1641 Sub 28, MC 1641 Sub 34, MC 1641 Sub 40 and MC 1641 Sub 45 issued September 17, 1947, August 17, 1954, June 30, 1955, December 6, 1956, March 12, 1959, and August 10, 1960, respectively, to Ray Peake, doing business as Peake Transport Service, Chester, Nebr., authorizing the transportation of: refined petroleum products, petroleum products in bulk, in tank vehicles, rejected shipments, liquid petroleum products in bulk, printers ink in bulk, in tank vehicles, asphalt, road oil and residual fuel oil, from, to, or between specified points in Kansas, Nebraska, South Dakota, Missouri, Illinois, and Iowa. Einar Viren, 904 City Nat'l Bank Building, Omaha 2, Nebr., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–1808; Filed, Feb. 28, 1961; 8:51 a.m.]

[Notice 455–B]

## MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 27, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63870. By order of February 24, 1961, the Transfer Board approved the transfer to Nebraska Motor Express, Inc., Lincoln, Nebr., of Certificates in Nos. MC 1641 Sub 22 and MC 1641 Sub 23, both issued February 9, 1950 to Ray Peake, doing business as Peake Transport Service, Chester, Nebr., authorizing the transportation of: Malt beverages, canned goods, empty returned beverage containers, fresh meats, packing house products, frozen poultry, agricultural machinery and parts thereof, macaroni, noodles, grain products, pancake and cake flour, spaghetti, vermicelli, eggs, dressed poultry, and junk, from, to, or between specified points in Illinois, Iowa, Kansas, Minnesota, Nebraska, and Wisconsin. J. Max Harding, 605 South 12th Street, Lincoln, Nebr., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–1809; Filed, Feb. 28, 1961; 8:51 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 24, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36914: *Liquid caustic soda to North Carolina and Tennessee.* Filed by O. W. South, Jr., Agent (No. A4067), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from specified points in Alabama, Georgia, Louisiana, Kentucky, Tennessee, Ohio, Michigan, New York, and West Virginia, to Enka, N.C., Kingsport and Port Rayon, Tenn., and intermediate points in North Carolina and Tennessee named in the application.

Grounds for relief: Market competition.

Tariffs: Supplement 150 to Southern Freight Association tariff I.C.C. 1536, and other schedules named in the application.

FSA No. 36915: *Stocker livestock to Illinois territory.* Filed by O. W. South, Jr., Agent (No. A4066), for interested rail carriers. Rates on stocker livestock, as described in the application, in carloads, from specified points in southern territory, to points in Illinois territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 43 to Illinois Freight Association tariff I.C.C. 938.

FSA No. 36916: *Commodities between points in Texas.* Filed by Texas-Louisi-

ana Freight Bureau, Agent (No. 397), for interested rail carriers. Rates on rice, lime and water compounds, in carloads, between points in Texas, over interstates routes through adjoining states.

Grounds for relief: Intrastate competition and maintenance of rates from and to points in other states not subject to the same competition.

Tariff: Supplement 2 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

FSA No. 36918: *Fertilizers to Cincinnati, Ohio.* Filed by Southwestern Freight Bureau, Agent (No. B-7971), for interested rail carriers. Rates on fertilizer and fertilizer materials, as described in the application, in carloads, from points in southwestern territory, also Lawrence, Military, Kans., and La-Platte, Nebr., to Cincinnati, Ohio.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplement 132 to Southwestern Freight Bureau tariff I.C.C. 4290 and supplement 181 to Western Trunk Line tariff I.C.C. A-4171.

FSA No. 36919: *Peanut hulls from, to and between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7970), for interested rail carriers. Rates on peanut hulls, in carloads, between points in southwestern territory; between points in southwestern and points in southern territories; from points in southwestern territory to points in official (not including Illinois) territory, and from points in southern and southwestern territories to points in western trunk-line territory.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplement 82 to Southwestern Freight Bureau tariff I.C.C. 4331, and other schedules named in the application.

FSA No. 36920: *Commodity rates from and to Birwat, Greens, Ketona, and Mt. Pinson, Ala.* Filed by O. W. South, Jr., Agent (No. A-4068), for interested rail carriers. Rates on various commodities (other than coal and coke), between Birwat, Greens, Ketona, and Mt. Pinson, Ala., on the one hand, and points in the United States, on the other.

Grounds for relief: Rate relationship with Birmingham, Ala.

AGGREGATE-OF-INTERMEDIATES

FSA No. 36917: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 398), for interested rail carriers. Rates on rice, lime, water compounds, etc., in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates established to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 2 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-1757; Filed, Feb. 28, 1961; 8:48 a.m.]

## OFFICE OF CIVIL AND DEFENSE MOBILIZATION

### HAROLD S. BLACKMAN

**Appointee's Statement of Changes in Business Interests**

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement, published August 18, 1960 (25 F.R. 8011).

Dated: February 1, 1961.

HAROLD S. BLACKMAN.

[F.R. Doc. 61-1738; Filed, Feb. 28, 1961; 8:45 a.m.]

### JOHN E. WARREN

**Appointee's Statement of Changes in Business Interests**

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Additions: None.
Deletions:
Cuban American Oil Co.
Medallion Petroleum Ltd.
Scurry Rainbow Oils
Savanna Creek Oil & Gas Co.

This statement amends notice published August 11, 1960 (25 F.R. 7665).

Dated: February 1, 1961.

JOHN E. WARREN.

[F.R. Doc. 61-1739; Filed, Feb. 28, 1961; 8:45 a.m.]

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# FEDERAL REGISTER

VOLUME 26 NUMBER 40

Washington, Thursday, March 2, 1961

THE UNIVERSITY OF MICHIGAN
MAR 7 1961
MAIN READING ROOM

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## Title 3—THE PRESIDENT

### Executive Order 10924

### ESTABLISHMENT AND ADMINISTRATION OF THE PEACE CORPS IN THE DEPARTMENT OF STATE

By virtue of the authority vested in me by the Mutual Security Act of 1954, 68 Stat. 832, as amended (22 U.S.C. 1750 *et seq.*), and as President of the United States, it is hereby ordered as follows:

SECTION 1. *Establishment of the Peace Corps.* The Secretary of State shall establish an agency in the Department of State which shall be known as the Peace Corps. The Peace Corps shall be headed by a Director.

SEC. 2. *Functions of the Peace Corps.* (a) The Peace Corps shall be responsible for the training and service abroad of men and women of the United States in new programs of assistance to nations and areas of the world, and in conjunction with or in support of existing economic assistance programs of the United States and of the United Nations and other international organizations.

(b) The Secretary of State shall delegate, or cause to be delegated, to the Director of the Peace Corps such of the functions under the Mutual Security Act of 1954, as amended, vested in the President and delegated to the Secretary, or vested in the Secretary, as the Secretary shall deem necessary for the accomplishment of the purposes of the Peace Corps.

SEC. 3. *Financing of the Peace Corps.* The Secretary of State shall provide for the financing of the Peace Corps with funds available to the Secretary for the performance of functions under the Mutual Security Act of 1954, as amended.

SEC. 4. *Relation to Executive Order No. 10893.* This order shall not be deemed to supersede or derogate from any provision of Executive Order No. 10893 of November 8, 1960, as amended, and any delegation made by or pursuant to this order shall, unless otherwise specifically provided therein, be deemed to be in addition to any delegation made by or pursuant to that order.

JOHN F. KENNEDY

THE WHITE HOUSE,
*March 1, 1961.*

[F.R. Doc. 61–1924; Filed, Mar. 1, 1961; 12:28 p.m.]

# Rules and Regulations

## Title 41—PUBLIC CONTRACTS

### Chapter 3—Department of Health, Education, and Welfare

### PART 3–75—DELEGATIONS OF AUTHORITY

### Subpart B—Delegatees and Specific Limitations

SOCIAL SECURITY ADMINISTRATION

Section 3–75.7(b)(1)(i) is amended to read as follows:

(i) Negotiate purchases under section 302(c) (6), (7), (8), (9), (11), (12), (13), and (14) or to make advance payments under section 305.

Dated: February 23, 1961.

[SEAL] RUFUS E. MILES, JR.,
*Administrative Assistant Secretary.*

[F.R. Doc. 61–1823; Filed, Mar. 1, 1961; 8:52 a.m.]

## Title 46—SHIPPING

### Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 74, Amdt. 3]

### PART 292—PROCEDURE TO BE FOLLOWED BY OPERATORS IN THE RENDITION TO THE MARITIME ADMINISTRATION OF ANNUAL AND FINAL ACCOUNTINGS UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

### Applicability of Procedure

Section 292.9 of this part is amended to read as follows:

**§ 292.9 Applicability of procedure.**

(a) Effective as of January 1, 1958, the procedure prescribed in this part shall not be applicable to accounting periods commencing on or after said date but shall be superseded by the procedure contained in Part 286 of this chapter pertaining to such accounting periods.

(b) All Account 090 items recorded in a complete calendar year subsequent to December 31, 1957, applicable to (1) accounting periods prior to January 1, 1958 shall be carried back to the applicable accounting period until such time as a final accounting for that accounting period shall have been submitted by the operator in accordance with the terms of this part; (2) accounting periods within a terminated recapture period with respect to which periods final accountings have been submitted shall be carried back to the next open year of such terminated recapture period, until a final accounting is submitted for the last year of such terminated recapture period; and (3) accounting periods within a terminated recapture period with respect to which all final accountings have been submitted, or accounting periods within a current recapture period with respect to which accounting periods final accountings have been submitted, shall be absorbed in the earnings of the year in which recorded. The final accountings referred to in this part shall be submitted by the operator within six months after (i) the publication hereof, or (ii) the close of the calendar year in which all final operating-differential subsidy rates for such periods have been incorporated in the Operating-Differential Subsidy Agreement, whichever is later. Upon written request the Maritime Administrator may permit the acceleration of filing final accountings.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Maritime Administrator.

Dated: February 20, 1961.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–1824; Filed, Mar. 1, 1961; 8:52 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–10]

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Designation and Revocation of Reporting Points

The purpose of these amendments to §§ 601.7001, 601.7003, and 601.7004 of the regulations of the Administrator is to revoke the Park Ridge, N.J., Port Chester, N.Y., Poe, R.I., Ritter, S.C., and Gore, Tex., intersections as low altitude VOR reporting points, and to designate the Alice, Tex., intersection as a high altitude VOR reporting point and the Crockett, Calif., intersection as an intermediate altitude VOR reporting point.

Flight progress reports over designated locations, automatically initiated by pilots, facilitate air traffic management and assist the controller in the performance of his duties. However, due to the continuous modernization of the airway structure, the need for reporting points at particular locations is constantly being revised. The actions taken herein reflect this changing need on the part of air traffic management.

Since these amendments are of a procedural nature and do not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 601.7001 (14 CFR 601.7001, 25 F.R. 7489, 3814, 8861, 26 F.R. 1093) the following are revoked:

(a) Park Ridge INT: The INT of the Huguenot, N.Y., VORTAC 129° True and the Wilton, Conn., VOR 237° True radials.

(b) Port Chester INT: The INT of the Wilton, Conn., VOR 214° True and the Huguenot, N.Y., VORTAC 119° True radials.

(c) Poe INT: The INT of the Nantucket, Mass., VOR 252° True and the Providence, R.I., VOR 149° True radials.

(d) Ritter INT: The INT of the Allendale, S.C., VOR 117° True and the Charleston, S.C., VORTAC 262° True radials.

(e) Gore Intersection: The intersection of the Culbertson, Tex., omnirange 012° True and the Salt Flat, Tex., omnirange 085° True radials.

2. In the text of § 601.7003 (26 F.R. 1093) add:

Crockett INT: The INT of the Oakland, Calif., VORTAC 004° and the Linden, Calif., VORTAC 269° radials.

3. In the text of § 601.7004 (26 F.R. 1093) add:

Alice INT: The INT of the Laredo, Tex., VORTAC 086° and the Brownsville, Tex., VORTAC 337° radials.

These amendments shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 23, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–1780; Filed, Mar. 1, 1961; 8:46 a.m.]





[Reg. Docket No. 648; Amdt. 206]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side W crs, 253° Outbnd, 073° Inbnd, 1600′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 073—3.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles turn right, climb to 1600′ on W crs of AH–LFR within 8 miles. Beyond 8 mi NA.

City, Alice; State, Tex.; Airport Name, Alice-Jim Wells County; Elev., 178′; Fac. Class., SBRAZ; Ident., AH; Procedure No. 1, Amdt. 7; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 6; Dated, 26 Sept. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Arcola Int | HU LFR | Direct | 1500 | T–dn | 300–1 | 300–1 | 200–½ |
| Fairbanks Int | HU LFR | Direct | 1500 | C–dn | 400–1 | 500–1 | 500–1½ |
| Houston VOR | HU LFR | Direct | 1200 | S–dn–12 | 400–1 | 400–1 | 400–1 |
| Fairbanks Int | HOU FM (Final)# | Direct | 1500 | A–dn | 800–2 | 800–2 | 800–2 |

Radar Terminal Transition Altitude 1500′ within 20 miles. Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 2- to 5-mile (inclusive) radius of 1232′ TV tower 11 mi SSE, 1051′ TV tower 11 mi SW, 755′ TV tower 11 mi WNW, 753′ TV tower 5½ mi NW, 610′ structure 7 mi NE of airport. Radar may be used to position aircraft for a final approach within 5 miles of LFR, with elimination of a procedure turn.
Procedure turn W side NW crs, 310° Outbnd, 130° Inbnd, 1800′ within 10 mi of #HOU FM. Beyond 10 mi NA.
Minimum altitude over #HOU FM on final approach crs, 1500′.
Crs and distance, HOU FM to airport, 130°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi of HOU FM (or within 0.0 mi of HU–LFR if HOU FM not identified or Radar Fix not obtained on final), climb to 1700′ on SE crs HU LFR within 15 mi or, when directed by ATC, turn left, climb to 1600′ on NE crs HU–LFR within 20 miles.
#Radar Fix 6.5 mi from HU–LFR may be used in lieu of HOU FM. If HOU FM not identified or Radar Fix not obtained on final, descent below 1500′ NA.

City, Houston; State, Tex.; Airport Name, International; Elev., 50′; Fac. Class., SBRAZ; Ident., HU; Procedure No. 2, Amdt. 13; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 12; Dated, 21 May 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–20 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn North side NE crs, 012° Outbnd, 192° Inbnd, 6500′ within 10 mi.
Minimum altitude over facility on final approach crs, 6400′.
Crs and distance, facility to airport, 192°—2.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 mi, climb to 6500′ on SW crs within 20 mi.
MAJOR CHANGE: Deletes transitions.

City, Idaho Falls; State, Idaho; Airport Name, Fanning Field; Elev., 4738′; Fac. Class., SBRAZ; Ident., IA; Procedure No. 1, Amdt. 7; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 6; Dated, 20 Sept. 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Roseville Int | SO–LFR | Direct | 1600 | T–dn | 300–1 | 300–1 | 200–½ |
| Galt Int* | SO–LFR | Direct | 1200 | C–dn | 500–1 | 500–1 | 500–1½ |
| Rio Int | SO–LFR | Direct | 1200 | A–dn | 800–2 | 800–2 | 800–2 |
| Clarksburg FM | SO–LFR (Final) | Direct | 700 | | | | |

Radar transitions and vectoring using Mather Radar authorized in accordance with approved radar patterns.
Procedure turn E side SW crs, 196° Outbnd, 018° Inbnd, 1200′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 027°—1.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles, climb to 2500′ on NE crs within 20 miles or, when directed by ATC, climb straight ahead to 500′, make climbing left turn and climb to 2000′ on crs of 323° from SO–LFR within 20 mi.
*Int 035° brng to Mather, Calif. RBn and R–113 Sacramento, Calif. VOR.

City, Sacramento; State, Calif.; Airport Name, Municipal; Elev., 21′; Fac. Class., SBMRAZ; Ident., SO; Procedure No. 1, Amdt. 10; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 9; Dated, 4 Feb. 61

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| | | Transition | | Ceiling and visibility minimums | | | |
| Salt Flat VOR | SQ-LFR | 333—2.7 | 4800 | T-dn | 1000-1 | NA | NA |
| | | | | C-dn | 1000-1 | NA | NA |
| | | | | S-dn-16 | 1000-1 | NA | NA |
| | | | | A-dn | 1000-2 | NA | NA |

Procedure turn W side of N crs, 342° Outbnd, 162° Inbnd, 4900′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 4700′.
Crs and distance, facility to airport, 162°—2.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, turn right climb to 7700 on W crs within 20 miles.
NOTE: This procedure not approved for ADF approach.
CAUTION: Terrain 4030′ MSL approximately 2.5 miles WSW of airport.

City, Salt Flat; State, Tex.; Airport Name, FAA Intermediate; Elev., 3727′; Fac. Class., MRLZW; Ident., SQ; Procedure No. 1, Amdt. 5; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 4; Dated, 28 Apr. 56

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Layton FM | SC-LFR (Final) | Direct | 4900 | T-dn* | 300-1 | 300-1 | 200-½ |
| Salt Lake City VOR | SC-LFR | Direct | 6500 | C-dn | 500-1 | 600-1 | 600-1½ |
| | | | | S-dn-16L | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar transitions and vectoring utilizing Salt Lake City Radar are authorized in accordance with approved radar patterns.
Procedure turn W side N crs, 329° Outbnd, 149° Inbnd, 6500′ within 10 miles.
Minimum altitude over facility on final approach crs, 4900′.
Crs and distance, facility to Runwy 16L 163°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, make a right climbing turn, climb to 9000′ on W crs SC-LFR within 20 mi. or, when directed by ATC, make a right climbing turn, climb to 9000′ in a right-hand one-minute pattern on the N crs within 10 mi.
SHUTTLE: To 6500′ on N crs within 10 miles. All turns W of crs.
CAUTION: 5000′ terrain 3 mi E of LFR. High terrain 8 mi E of N and S courses, and W of S crs of LFR. 4541′ radio tower 1.3 mi SE of LFR.
*500-2 required for takeoff Runway 7. Takeoff of aircraft of more than 65 knots Not Authorized Rnwys 7/25.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City No. 1; Elev., 4222′; Fac. Class., SBRAZ; Ident., SC; Procedure No. 1, Amdt. 9; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 8; Dated, 16 May 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| TLH VOR | TH LFR | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| TL LOM | TH LFR | Direct | 1500 | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of crs, 297° Outbnd, 117° Inbnd, 1300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 140°—2.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles, turn right, climb to 1300′, return to LFR via 190° crs or, when directed by ATC, climb to 1500′ on 140° crs from TH LFR, proceeding to the TLH VOR via R-225 TLH VOR.

City, Tallahassee; State, Fla.; Airport Name, Tallahassee Municipal; Elev., 82′; Fac. Class., SBRAZ; Ident., TH; Procedure No. 1, Amdt. Orig.; Eff. Date, 4 Mar. 61 or upon commissioning date of new airport

PROCEDURE CANCELLED, EFFECTIVE 4 MARCH 1961, OR UPON DECOMMISSIONING OF LFR.

City, Winston-Salem; State, N.C.; Airport Name, Smith Reynolds; Elev., 969′; Fac. Class., SMRLZ; Ident., INT; Procedure No. 1, Amdt. 15; Eff. Date, 12 Nov. 55; Sup Amdt. No. 14; Dated, 27 Aug. 54

## 2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure or such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| | | Transition | | Ceiling and visibility minimums | | | |
| FN-LFR | LOM | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| FAT-VOR | LOM | Direct | 2000 | C-dn | 500-1 | 500-1 | 500-1½ |
| Bowles Int (LFR) | LOM | Direct | 2000 | S-dn-29 | 400-1 | 400-1 | 400-1 |
| Fowler Int (VHF) | LOM | Direct | 2000 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of crs, 108° Outbnd, 288° Inbnd, 2200′ within 10 mi. Beyond 10 mi NA. (Nonstandard due high terrain North.)
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 288°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles of LOM, climb to 1500′ on crs of 288°, turn left and climb to 2000′ on W crs of Fresno LFR within 20 miles or, when directed by ATC, climb Northwest-bound on R-130 to FAT-VOR. Continue climb to 1700′ on R-305 within 20 miles.

City, Fresno; State, Calif.; Airport Name, Fresno Air Terminal; Elev., 331′; Fac. Class., LOM; Ident., FA; Procedure No. 1, Amdt. 10; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 9; Dated, 10 Mar. 60



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| | | Transition | | Ceiling and visibility minimums | | | |
| Salem Int | GON RBn | Direct | 1600 | T-dn | 300-1 | 300-1 | 200-½ |
| Saybrook Int | GON RBn | Direct | 1500 | C-dn | 500-1 | 600-1 | 600-1½ |
| | | | | S-d-10 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn* | NA | NA | NA |

Procedure turn South side of crs, 278° Outbnd, 098° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 098°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 mi of Groton MHW, make right climbing turn to 1500′ and return to GON RBn. Hold South 098° Inbnd right turns, one minute pattern.
CAUTION: Factory chimneys 206′ MSL located 1 mile West of airport and just North of centerline of approach crs.
NOTE: Facility must be monitored aurally during this procedure.
AIR CARRIER NOTE: No night operations on Runway 10-28 except takeoffs to the East.
*Alternate weather minimums of 800-2 authorized for those who have an approved arrangement for weather service at the airport.

City, Groton; State, Conn.; Airport Name, Trumbull; Elev., 10′; Fac. Class., MHW; Ident., GON; Procedure No. 1, Amdt. Orig.; Eff. Date, 4 Mar. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| K8-LFR | LOM | Direct | 2500 | T-dn | 300-1 | 300-1 | 300-1 |
| MKC-VOR | LOM | Direct | 2500 | C-dn | 700-1 | 700-1 | 700-1½ |
| Liberty RBn | LOM | Direct | 2500 | A-dn | 800-2 | 800-2 | 800-2 |
| Farley RBn | LOM | Direct | 3000 | | | | |
| BSF-VOR | LOM | Direct | | | | | |

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound approach course at least 3.0 mi from MKC LOM. Information for radar terminal area transition altitudes on Kansas City Radar procedure. Radar transition altitudes based on distance from radar site.
Procedure turn West side of crs, 004° Outbnd, 184° Inbnd, 2500′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, LOM to Bluff FM, 184°—3.7 mi.
Crs and distance, Bluff FM to airport, 223°—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles, or at Bluff FM, make right climbing turn, climb to 2500′ MSL and intercept 310° brng to Farley RBn, then proceed to and hold at Farley RBn or, when directed by ATC, (1) make right climbing turn, climb to 2500′ MSL on SW crs KS-LFR within 25 mi, (2) If VHF equipped only, make right climbing turn, climb to 2500′ MSL on R-210 MKC-VOR within 25 mi.
AIR CARRIER NOTES: No reduction in 2-engine takeoff minimum authorized when ILS is inoperative. 200-½ authorized on Runway 31 only.
CAUTION: Obstruction 1423′ MSL 2.6 miles SE airport, 1946′ MSL tower 5.4 mi SE of airport, cracking plant 911′ MSL and stack 835′ MSL 0.5 mi ESE approach end of runway 35. TV tower 2049′ MSL 4.0 mi SSE airport. Takeoffs to S and SW when weather is below 1000-3 will intercept a 210° ADF crs from ILS LMM or R-185 MKC-VOR as soon as practicable. After takeoff maintain course until reaching 2500′ MSL prior to making left turn due to 2049′ MSL TV tower 4.0 mi SSE of airport. When KMBO TV tower is not visible (5.4 mi SE airport) on N, NE, E and SE takeoffs, climb to 2500′ MSL on 090° ADF crs from K8-LFR prior to turning towards tower. Radar transition altitudes are determined from radar site.

City, Kansas City; State, Kans.; Airport Name, Fairfax; Elev., 746′; Fac. Class., LOM; Ident., MK; Procedure No. 1, Amdt. 1; Eff. Date, 4 Mar. 61; Sup. Amdt. No. Orig. (ADF portion Comb. ILS-ADF); Dated, 28 May 55

PROCEDURE CANCELLED, EFFECTIVE 4 MARCH 1961. LFR PROCEDURE NO. 1 DUPLICATES THIS PROCEDURE.

City, King Salmon; State, Alaska; Airport Name, King Salmon; Elev., 52′; Fac. Class., LFR; Ident., KN; Procedure No. 1, Amdt. 1; Eff. Date, 4 July 59; Sup. Amdt No. Orig. (ADF portion of Comb. ILS-ADF); Dated, 2 July 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Bar Int | LOM | Direct | 1300 | T-dn | 300-1 | 300-1 | 200-½ |
| LFT VOR | LOM | Direct | 1300 | C-dn | 400-1 | 500-1 | 500-1½ |
| LFT RBn | LOM | Direct | 1300 | S-dn-19 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn West side of crs, 013° Outbnd, 193° Inbnd, 1300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 194°—5.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing LOM, (1) Climb to 1500′ on a 194° crs from the LOM within 15 mi, (2) Turn left, climbing to 1500′ on a 165° crs from the LFT RBn or R-165 of LFT VOR within 15 mi.

City, Lafayette; State, La.; Airport Name, Lafayette; Elev., 43′; Fac. Class., LOM; Ident., LF; Procedure No. 2, Amdt. Orig.; Eff. Date, 4 Mar. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| TPA-LFR | PI RBn | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| PIE VOR | PI RBn | Direct | 1300 | C-dn | 400-1 | 500-1 | 500-1½ |
| Radar Terminal Area Trans. Alt | Radar Site | Within 25 mi | 1500 | S-dn-17 | *400-1 | *400-1 | *400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 349° Outbnd, 169° Inbnd, 1300′ within 10 mi.
Minimum altitude over facility on final approach crs, 800′; over Harbor FM, 600′.
Crs and distance, facility to airport, 169°—4.7 mi; Harbor FM to airport, 169°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 mi, turn right climbing to 1500′ on course of 270°, intercept and proceed out 220° brng from PI RBn within 20 miles.
*If Harbor FM not received on final, descent below 600′ NA.
‡Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when between 3-5 miles of radio towers 861′ MSL 19.5 mi ESE and 1135′ MSL 23 mi ESE of airport.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg Clearwater Intl.; Elev., 10′; Fac. Class., MH; Ident., PI; Procedure No. 1, Amdt. 1; Eff. Date, 4 Mar. 61; Sup. Amdt. No. Orig.; Dated, 4 July 59

**3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:**

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Fairbanks Int | HOU FM (Final)# | Direct | 1500 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 400–1 | 500–1 | 500–1½ |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar terminal area maneuvering altitude all directions 1500'. Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 1232' TV tower 11 mi SSE, 1051' TV tower 11 mi SW, 755' TV tower 11 mi WNW, 753' TV tower 5½ mi NW, 610' structure 7 mi NE of airport. Radar may be used to position aircraft for a final approach within 5 miles of VOR, with elimination of a procedure turn.

Procedure turn W side of crs, 306° Outbnd, 126° Inbnd, 1800' within 10 mi of #HOU FM. Beyond 10 mi NA.

Minimum altitude over #HOU FM on final approach crs, 1500'.

Crs and distance, HOU FM to airport, 26°—3.7 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles of HOU FM (or within 0.0 mi of HOU-VOR if HOU FM not identified or Radar Fix not obtained on final, climb to 2200' on HOU–VOR R–171 within 15 mi.

CAUTION: 1232' TV tower 11 mi SSE of VOR.

#Radar Fix 4.8 mi from HOU–VOR may be used in lieu of HOU FM. If HOU FM not identified or radar fix not obtained on final, descent below 1500' NA.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., BVORTAC; Ident., HOU; Procedure No. 1, Amdt. 6; Eff. Date, 4 Mar, 61; Sup Amdt. No. 5; Dated, 28 Jan. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Layton FM | SLC–VOR (Final) | Direct | 4900 | T–dn# | 300–1 | 300–1 | 200–½ |
| Salt Lake City LFR | SLC–VOR | Direct | 6500 | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–16L–R | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar transitions and vectoring utilizing Salt Lake City Radar are authorized in accordance with approved radar patterns.

Procedure turn W side crs, 329° Outbnd, 149° Inbnd, 6500' within 10 miles.

Minimum altitude over facility on final approach crs, 4900'.

Crs and distance, facility to Runway 16L, 149°—3.0 mi; to Runway 16L, 149°—3.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, make a right climbing turn, climb to 9000' on R–248 within 20 miles or, when directed by ATC, make a right climbing turn, climb to 9000' in a right-hand one-minute pattern on R–329 within 10 miles.

SHUTTLE: To 6500' on R–329 within 10 miles. All turns West.

CAUTION: 5000' terrain 3 mi E of VOR. High terrain 8 mi E of N and S courses of LFR, and W of S crs of LFR. High terrain South. 4541' radio tower 3 mi SE of VOR.

#500–2 required for takeoff on Runway 7. Takeoff of aircraft of more than 65 knots Not Authorized on Rnwys 7/25.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City Municipal No. 1; Elev., 4222'; Fac. Class., BVORTAC; Ident., SLC; Procedure No. 1, Amdt. 6; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 5; Dated, 1 Nov. 58

**4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:**

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is condncted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| COL–VOR | BLM–VOR | Direct | 1600 | T–dn | 300–1 | 300–1 | 200–½ |
| NEL–LFR | BLM–VOR | Direct | 1600 | C–dn | 500–1 | 600–1 | 600–1½ |
| Woolf Int | BLM–VOR | Direct | 1600 | S–dn–32° | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | NA | NA | NA |

Procedure turn East side of crs, 140° Outbnd, 320° Inbnd, 1600' within 10 mi SE of BLM–VOR.

Facility on airport. Maintain 1600' until after passing BLM FM inbnd on final.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over BLM–VOR, climb outbound on R–320 to 1000' within 10 mi, then turn left, climbing to 1690' and return to BLM–VOR.

MAJOR CHANGE: Delete note on civil aircraft landing.

°Descent below circling minimums not authorized if Belmar FM not identified inbound on final.

City, Belmar; State, N.J.; Airport Name, Monmouth County; Elev., 155'; Fac. Class., LVOR; Ident., BLM; Procedure No. Ter VOR–32, Amdt. 2; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 1; Dated, 11 Feb. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–3 | 500–1 | 500–1 | 500–1 |
| | | | | A–dn° | 800–2 | 800–2 | 800–2 |

Radar terminal transition altitude 2500' within 15 miles radius of Grannis Field. (Raleigh Approach Control.)

Procedure turn South side of crs, 236° Outbnd, 056° Inbnd, 1300' within 10 miles.

Facility on airport.

Minimum altitude over facility on final approach crs, 700'.

Crs and distance, breakoff point to approach end of Runway 3, 034°—1.0 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn right, climb to 1300' on R–090 within 15 miles.

°Alternate minima authorized for air carriers only; provided such air carriers have approval of their arrangement for weather service at this airport. Weather service not available to the general public.

City, Fayetteville; State, N.C.; Airport Name, Grannis Field; Elev., 188'; Fac. Class., L–BVOR; Ident., FAY; Procedure No. TerVOR–3, Amdt. Orig.; Eff. Date, 4 Mar. 61



TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| IA–LFR | VOR | Direct | 7000 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–2 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn N side crs, 205° Outbnd, 025° Inbnd, 6000' within 10 miles. Nonstandard due to high terrain East.

Minimum altitude over facility on final approach crs, 5100'.

Crs and distance, breakoff point to Rnwy 2,020°—1.0 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 6500' on R–012 within 20 miles or, when directed by ATC, a climbing left turn, return to VOR and climb to 7000' on R–196 within 20 miles.

City, Idaho Falls; State, Idaho; Airport Name, Fanning Field; Elev., 4735'; Fac. Class., BVOR; Ident., IDA; Procedure No. TerVOR–2, Amdt. 2; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 1; Dated, 3 Dec. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 1000–1 | NA | NA |
| | | | | C–dn | 1000–1 | NA | NA |
| | | | | S–dn–16 | 1000–1 | NA | NA |
| | | | | A–dn | 1000–2 | NA | NA |

Procedure turn W side of crs, 340° Outbnd, 160° Inbnd, 4900' within 10 mi. Beyond 10 mi NA.

Minimum altitude over facility on final approach crs, 4700'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 60 mi, turn right, climb to 7700 on R–261 within 20 mi.

CAUTION: Terrain 4030' MSL approximately 2.5 mi WSW of airport.

MAJOR CHANGE: Deletes transition from Salt Flat LFR.

City, Salt Flat; State, Tex.; Airport Name, FAA Intermediate; Elev., 3727'; Fac. Class., VORW; Ident., SFL; Procedure No. TerVOR–16, Amdt. 5; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 4 (VOR Proc. No. 1); Dated, 28 Apr. 56

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| OAK–VOR | Int R–224 OAK and R–014 SFO–VOR | Direct | 1000 | T–dn° | 300–1 | 300–1 | 200–½ |
| Int R–224 OAK and R–014 SFO–VOR | SFO–VOR (Final) | Direct | 400 | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–19L | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn not authorized. Except as authorized above, radar vectoring to final approach required. If radar contact not established during transition, proceed to the SFO LOM, hold southeast, one minute pattern, left turns, minimum altitude, 2000'. Final approach crs, 194° inbnd.

Minimum altitude over facility on final approach crs, 400'.

Crs and distance from break-off point to app end of Rnwy 19L, 190°—0.7 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make immediate left climbing turn to 2000' on R–101 within 10 miles.

NOTE: Circling minimums do not provide standard clearance W and SW of airport.

°300–1 required for takeoff runway 19L–R.

City, San Francisco; State, Calif.; Airport Name, International; Elev., 11'; Fac. Class., VOR; Ident., SFO; Procedure No. TerVOR–19L, Amdt. 6; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 5; Dated, 4 July 59

**5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:**

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Charleston LFR | LOM | Direct | 1200 | T–dn | 300–1 | 300–1 | 200–½ |
| Charleston VOR | LOM | Direct | 1200 | C–dn | 400–1 | 500–1 | 500–1½ |
| Tucker Int | LOM (Final) | Direct | 1200 | S–dn–16# | 200–½ | 200–½ | 200–½ |
| | | | | A–dn | 600–2 | 600–2 | 600–2 |

Procedure turn W side NW crs, 329° Outbnd, 149° Inbnd, 1200' within 10 mi.

Minimum altitude at G.S. interception inbnd final, 1100'.

Altitude of G.S. and distance to approach end of Rnwy at OM, 1055'—3.7 mi; at MM, 233'—0.7 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 2000' on R–149 of CHS VOR within 15 miles or, when directed by ATC, turn left, climb to 1200' and return to CHS LOM.

CAUTION: Tower 1049' msl 10 mi SE.

#400–¾ required when glide slope not utilized.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Mun.; Elev., 45'; Fac. Class., ILS; Ident., I–CHS; Procedure No. ILS–15, Amdt. 5; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 4; Dated, 30 Oct. 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Detroit LFR | Eloise Int* | Direct | 2700 | T-dn | 300–1 | 300–1 | 200–½ |
| PT LOM | Eloise Int* | Direct | 2700 | C-dn | 500–1 | 500–1 | 500–1½ |
| SVM VOR | Eloise Int* | Direct | 2700 | S-dn-21R | 500–1 | 500–1 | 500–1 |
| FRD RBN | Eloise Int* | Direct | 2700 | A-dn | 800–2 | 800–2 | 800–2 |
| Int NE crs ILS and NW crs QG LFR | Eloise Int* | Direct | 2700 | | | | |
| Int QG R-265 and ILS crs | Eloise Int* | Direct | 2700 | | | | |
| Park VHF Int | Eloise Int* | Direct | 2700 | | | | |

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from *Eloise Int. Refer to Willow Run Radar Procedure if detailed information on sector altitudes is desired.
Procedure turn W side NE crs, 032° Outbnd, 212° Inbnd, 2700′ within 10 mi of *Eloise Int.
No glide slope. No outer marker. No middle marker.
Minimun altitude over *Eloise Int on final approach crs, 2200′.
Crs and distance, *Eloise Int to airport, 212°—4.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 mi, climb to 2000′ on SW crs ILS to LOM or, when directed by ATC, (1) make right turn, climb to 2000′, proceed to FRD RBn, (2) make left turn, climb to 2300′, proceed to Rockwood Int.
NOTE: Procedure NA unless aircraft equipped to receive ILS and VOR or ILS and ADF brngs simultaneously, unless radar fixes are obtainable at *Eloise Int.
*Eloise Int: Int NE crs ILS and 266° ADF brng to FRD RBn and SVM-VOR R-119.

City, Detroit; State, Mich.; Airport Name, Metropolitan Wayne County; Elev., 639′; Fac. Class., ILS; Ident., I-DTW; Procedure No. ILS-21R, Amdt. 3; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 2; Dated, 31 May 56

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| FN-LFR | LOM | Direct | 2000 | T-dn | 300–1 | 300–1 | 200–½ |
| FAT VOR | LOM | Direct | 2000 | C-dn | 500–1 | 500–1 | 500–1½ |
| Bow es Int | LOM | Direct | 2000 | S-dn-20# | 200–½ | 200–½ | 200–½ |
| Bowler Int | LOM | Direct | 2000 | A-dn | 600–2 | 600–2 | 600–2 |
| Laton Int | SE crs ILS via FRA-VOR R-161 | Direct | 2000 | | | | |
| Selma Int | SE crs ILS via FRA-VOR R-161 | Direct | 2000 | | | | |

Procedure turn S side of crs, 108° Outbnd, 288° Inbnd, 2200′ within 10 mi. Beyond 10 mi NA. (Nonstandard due high terrain North.)
Minimum altitude at G.S. interception inbnd, 1700′.
Altitude of G.S. and distance to approach end of Rnwy at OM, 1440′—4.0 mi; at MM, 516′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb Northwestbound on FAT-VOR R-130 to FAT-VOR. Continue climb to 1700′ on R-305 within 20 miles or, when directed by ATC, climb to 1500′ on NW crs ILS, turn left and climb to 2000′ on W crs of FN-LFR within 20 mi.
NOTE: Narrow localizer course—4°.
#400–¾ required with glide slope inoperative. 400–1 required when only localizer and either the outer marker or outer compass locator operative.

City, Fresno; State, Calif.; Airport Name, Fresno Air Terminal; Elev., 331′; Fac. Class., ILS; Ident., I-FAT; Procedure No. ILS-29, Amdt 11; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 10; Dated, 20 Aug. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Kansas City LFR | LOM | Direct | 2500 | T-dn | 300–1 | 300–1 | 300–1 |
| Kansas City VOR | LOM | Direct | 2500 | C-dn | 700–1 | 700–1 | 700–1¼ |
| Kansas City VOR via R-131 | N crs ILS | Direct | 2500 | A-dn | 800–2 | 800–2 | 800–2 |
| Liberty RBN | LOM | Direct | 2500 | | | | |
| Liberty RBN | N crs ILS | Direct | 2500 | | | | |
| Farley RBN | LOM | Direct | 2500 | | | | |
| Farley RBN | N crs ILS | Direct | 2500 | | | | |
| Blue Springs VOR | LOM | Direct | 3000 | | | | |

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound approach course at least 3.0 miles from MKC LOM. Information for radar terminal area transition altitudes on Kansas City Radar procedure. Radar transition altitudes are determined from radar site.
Procedure turn W side of crs, 004° Outbnd, 184° Inbnd, 2500′ within 10 miles. NA beyond 10 mi account ATC.
Minimum altitude at glide slope intersection inbnd, 2500′.
Altitude of glide slope and distance to approach end of Runway at LOM, 2558′—4.4 mi; at Bluff FM, 1460′—0.7 mi.
Crs, Bluff FM to airport, 223°.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right climbing turn and intercept 310° brng to Farley RBn, then proceed to and hold at Farley RBn or, when directed by ATC, make right climbing turn, climb to 2500′ on SW crs KS-LFR within 25 miles, or if VHF equipped only, make right climbing turn, climb to 2500′ on R-210 MKC-VOR within 25 miles.
CAUTION: Obstruction 1423′ MSL 2.6 miles SE airport, 1946′ MSL tower 5.4 mi SE airport, cracking plant 911′ and stack 835′ MSL 0.5 mi ESE approach end Runway 35. TV tower 2049′ MSL 4.0 mi SSE airport. Takeoffs to S and SW when weather is below 1000–3 will intercept a 210° ADF crs from ILS-LMM or R-185 MKC-VOR as soon as practicable. After takeoff maintain course until reaching 2500′ MSL prior to making left turn due to 2049′ MSL TV tower 4.0 mi SSE of airport. When KMBC TV tower is not visible (5.4 mi SE of airport) on N, NE, E, and SE takeoffs, climb to 2500′ MSL on 090° ADF crs from KS-LFR prior to turning towards tower.
AIR CARRIER NOTES: No reduction in 2-engine takeoff minimums authorized when ILS is inoperative except on Runwy 31. 200–½ authorized on Runway 31 only.

City, Kansas City; State, Kans.; Airport Name, Fairfax; Elev., 746′; Fac. Class., ILS; Ident., I-MKC; Procedure No. ILS-22, Amdt. 1; Eff. Date, 4 Mar. 61; Sup. Amdt. No. Orig. (ILS portion Comb. ILS-ADF); Dated, 28 May 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SBA VOR | LMM | Direct | 5000 | T-dn | 300–1 | 300–1 | #300–1 |
| GVO-VOR | ILS W crs | R-163 | 3000 | C-dn | 700–2 | 700–2 | 700–2 |
| Int E crs ILS and SBA-VOR R-107 | LMM | Direct | 5000 | S-dn-7## | 300–¾ | 300–¾ | 300–¾ |
| Int W crs ILS and GVO-VOR R-163 | Naples Int/FM (Final)* | Direct | 1500 | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side W crs, 253° Outbnd, 073° Inbnd, 3000′ within 10 mi of Naples Int/FM.
Minimum altitude at glide slope int inbnd 2000′.
Altitude of glide slope at *Naples Int/FM, 1500′; at MM, 195′.
Distance to appr end of Rnwy from *Naples Int, 5.5 mi; from MM, 0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 800′, make climbing right turn and climb to 3000′ on crs of 165° from SBA LMM or on SBA VOR R-170 within 15 mi.
CAUTION: All maneuvering must be accomplished South of localizer course. High terrain to the North.
MAJOR CHANGE: Deletes transition from El Capitan FM.
*Naples Int: Int W crs ILS and GVO-VOR R-118 or SBA-VOR R-226.
#300–1 required on runways 3 L-R, 7, and 33 L-R.
##500–1 required with glide slope inoperative.

City, Santa Barbara; State, Calif.; Airport Name, Municipal; Elev., 14′; Fac. Class., ILS; Ident., SBA; Procedure No. ILS-7, Amdt. 7; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 6; Dated, 6 Aug. 60



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Int SE crs LFR and 250 brng to LOM | LOM | Direct | 2100 | T-dn** | 300–1 | 300–1 | #200–½ |
| TUL VOR | LOM | Direct | 2200 | C-dn | 400–1 | 500–1 | 500–1½ |
| TL LFR | LOM | Direct | 2200 | S-dn-35R*** | 200–½ | 200–½ | 200–½ |
| Int R-201 TUL and S crs ILS | LOM (Final) | Direct | 2500 | A-dn | 600–2 | 600–2 | 600–2 |

Procedure turn E side S crs, 174° Outbnd, 354° Inbnd, 2500′ within 10 miles. Beyond 10 miles NA.
Minimum altitude at G.S. int inbnd 2500.
Altitude of G.S. and distance to approach end of rny at OM 2450—5.4, at MM 880—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1900 on N crs ILS (354) within 20 miles, or when directed by ATC, climb to 2000′ on R-035 TUL VOR within 20 mi.
CAUTION: 1100′ tower 2.0 mi NW of LOM.
#300–1 required on rny 3L, 21R, 17R, 35L.
*400–¾ required when glide slope not utilized.
**Runway visual range 2600′ also authorized for landing and takeoff on Runway 35R; provided that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below 874′ MSL shall not be made unless visual contact with the approach lights has been established or aircraft is clear of clouds.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674′; Fac. Class., ILS; Ident., I-TUL; Procedure No. ILS-35R, Amdt. 9; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 8; Dated, 4 Feb. 61

## 6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Radar terminal area maneuvering sectors and altitudes | | | | | | | | | | | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| From | To | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | | | | | | | | | | | 65 knots or less | More than 65 knots | |
| | | | | | | | | | | | | | | Surveillance approach | | | |
| 040 | 090 | 5 | 1500 | 10 | 2000 | 15 | 3000 | 20 | 4400 | 25 | 5000 | | | T-dn | 300–1 | 300–1 | 200–½ |
| 090 | 225 | 5 | 1500 | 10 | 2000 | 15 | 3500 | 20 | 4500 | 25 | 4500 | | | C-dn-19-01* | 1000–2 | 1000–2 | 1000–2 |
| 225 | 285 | 5 | 1500 | 10 | 3000 | 15 | 3500 | 20 | 4500 | 25 | 5500 | | | A-dn | 1000–2 | 1000–2 | 1000–2 |
| 285 | 040 | 5 | 2100 | 10 | 3200 | 15 | 4500 | 20 | 5000 | 25 | 6000 | | | | | | |

All bearings are from the radar site with Sector Azimuths progressing clockwise.
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 2365′ Ester Dome Mountain 6 miles NW, and 2022′ terrain 12 mi North in vicinity of Fox RBn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn east of airport and climb to 2400′. Proceed direct to FI-LFR, then on E crs (060°) to Chena Int or, when directed by ATC, climb to 4000′ on S crs ILS within 20 miles.
*All maneuvering East of airport—800′ terrain within 1¼ mi W of airport rising to 1000′ within 2 mi.
*Runway 01: No radar final approach authorized from South.
*Runway 19: Minimum altitude, 6 mi—2500′; 5 mi—2350′.

City, Fairbanks; State, Alaska; Airport Name, Fairbanks International; Elev., 434′; Fac. Class., Fairbanks; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. date, 4 Mar. 61; Sup. Amdt. No. Orig.; Dated, 16 Jan. 60

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on February 2, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61–1141; Filed, Mar. 1, 1961; 8:45 a.m.]

[Reg. Docket No. 650; Amdt. 207]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.
As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.
Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, cours s and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Rio RBn | EP-LFR (Final)* | Direct | 5200 | T-dn | 300–1 | 300–1 | 200–½ |
| El Paso VOR | EP-LFR | Direct | 5200 | C-dn | 400–1 | 500–1 | 500–1½ |
| Clint Radio Beacon | EP-LFR | Direct | 5200 | S-dn-26 | 400–1 | 400–1 | 400–1 |
| Int ILS NE crs and W crs LFR | EP-LFR | Direct | 5200 | A-dn | 800–2 | 800–2 | 800–2 |

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site: 335°–205°, 0–15 mi, 5000'; 15–20 mi, 7000'.
Radar control must provide 3 mi or 1000' vertical separation; or 3 to 5 mi and 500' vertical separation from stacks 4148' 4 mi S; hill 5067' 13 mi NE; hill 4651' 9.5 mi E, and hill 6717' 22 mi NE.
Procedure turn S side of crs, 078° Outbnd, 258° Inbnd, 6500' within 10 mi. Beyond 10 mi NA.# (non-standard due to terrain N.).
Minimum altitude over facility on final approach crs, 5200'.
Crs and distance, facility to airport, 258°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi, turn left to 125°, climb to 5200', intercept and proceed on S crs within 20 miles or, when directed by ATC, turn left to 125°, climb to 6200' on S crs within 20 miles.
*Maintain 7000' until 5 mi W of Rio RBn. If Rio RBn not identified, maintain 8000' to El Paso LFR.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936'; Fac. Class., SBRAZ; Ident., EP; Procedure No. 1, Amdt. 15; Eff. Date, 11 Mar. 61; Sup. Amdt. No. 14; Dated, 19 Mar. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | S-dn-11 | 500–1 | 500–1 | 500–1½ |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn W side NW crs, 291° Outbnd, 111° Inbnd, 1200' within 10 mi.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 111°—1.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 mi, climb to 4500' on SE crs King Salmon LFR within 20 mi or, when directed by ATC, climb to 1500' on SW crs (205° outbnd, 025° inbnd) within 20 miles.

City, King Salmon; State, Alaska; Airport Name, King Salmon; Elev., 57'; Fac. Class., SBRAZ; Ident., KG; Procedure No. 1, Amdt. 11; Eff. Date, 11 Mar. 61; Sup. Amdt. No. 10; Dated, 2 July 55

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| El Paso VOR | LOM | Direct | 5200 | T-dn | 300–1 | 300–1 | 200–½ |
| El Paso LFR | LOM | Direct | 5200 | C-dn | 400–1 | 500–1 | 500–1½ |
| Int W crs EP-LFR and NE crs ILS | LOM | Direct | 5200 | S-dn-22 | 400–1 | 400–1 | 400–1 |
| Rio RBn | LOM | Direct | 7000 | A-dn | 800–2 | 800–2 | 800–2 |
| Newman VOR | LOM | Direct | 5200 | | | | |

Radar terminal area maneuvering altitudes measured clockwise around radar site: 335° to 205°, 0–15 N mi, 5000'; 15–20 N mi, 7000'.
Radar control must provide 3 mi or 1000' vertical separation; or 3 to 5 mi and 500' vertical separation from stacks 4148' 4 mi S; hill 5067' 13 mi NE; hill 4651' 9.5 mi E, and hill 6717' 22 mi NE.
Procedure turn N side of NE crs, 038° Outbnd, 218° Inbnd, 6200' within 8 mi. Beyond 8 mi NA. Nonstandard due to mountainous terrain NE.
Minimum altitude over LOM inbnd final, 4500'.
Crs and distance, facility to airport, 218°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, turn left to 125°, climb to 5200', intercept and proceed South on S crs LFR, or intercept and proceed South on R-151 ELP-VOR within 20 mi or, when directed by ATC, turn left to 125°, climb to 6200', intercept and proceed South on S crs LFR, or intercept and proceed South on R-151 ELP-VOR within 20 mi.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936'; Fac. Class., LOM; Ident., EL; Procedure No. 1, Amdt. 16; Eff. Date, 11 Mar. 61; Sup. Amdt. No. 15; Dated, 28 Jan. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Rochelle Int* | LOM (Final) | Direct | 2000 | T-dn | 300–1 | 300–1 | 200–½ |
| PLL-VOR | LOM | Direct | 2000 | C-dn | 400–1 | 500–1 | 500–1½ |
| RFD-VOR | LOM | Direct | 2000 | S-dn-36 | 400–1 | 400–1 | 400–1 |
| Belvedere Int** | LOM | Direct | 2000 | A-dn | 800–2 | 800–2 | 800–2 |
| JVL-VOR | LOM | Direct | ***2500 | | | | |
| Malta Int | LOM | Direct | 2000 | | | | |

Procedure turn E side of crs, 182° Outbnd, 002° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 002°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 mi after passing LOM, make left climbing turn to 2500' and proceed direct to RFD-VOR or, when directed by ATC, make right climbing turn to 2000' direct to LOM.
*Rochelle Int: Int PLL-VOR R-085 and 002° brng LOM.
**Belvedere Int: Int RFD-VOR R-096 and JVL-VOR R-150.
***2000' after passing RFD-VOR R-090.

City, Rockford; State, Ill.; Airport Name, Greater Rockford; Elev., 734'; Fac. Class., LOM; Ident., RF; Procedure No. 1, Amdt. 4; Eff. Date, 11 Mar. 61; Sup. Amdt. No. 3; Dated, 4 June 60



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| King Int | LOM | Direct | 2400 | T-dn | 300–1 | 300–1 | 200–½ |
| Greensboro VOR | Wallburg Int | Direct | 2300 | C-dn | 500–1 | 500–1 | 500–1½ |
| Pine Hall Int | LOM | Direct | 2300 | S-dn-33 | 400–1 | 400–1 | 400–1 |
| Thomas Int | LOM (Final) | Direct | 2200 | A-dn | 800–2 | 800–2 | 800–2 |
| Wallburg Int | LOM (Final) | Direct | 1700 | | | | |

Procedure turn South side of crs, 148° Outbnd, 328° Inbnd, 2300' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 328°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 3.9 mi after passing LOM, turn left, climb to 2400' returning to LOM direct or, when directed by ATC, turn left climbing to 2400', proceeding to Yadkin Int via R-284 GSO-VOR.
CAUTION: 3107' antenna 16.0 miles NW of airport.

City, Winston-Salem; State, N.C.; Airport Name, Smith-Reynolds; Elev., 969'; Fac. Class., LOM; Ident., IN; Procedure No. 1, Amdt. 6; Eff. Date, 11 Mar. 61; Sup. Amdt. No. 5 (ADF portion Comb. ILS-ADF); Dated, 6 Aug. 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Cotulla BMH | COT-VOR | Direct | 1600 | T-dn | 300–1 | 300–1 | |
| | | | | C-dn | 400–1 | 500–1 | |
| | | | | A-dn | 800–2 | 800–2 | |

Procedure turn N side crs, 075° Outbnd, 255° Inbnd, 1600' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 255°—5.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing VOR, turn left, climb to 1600' on R-185 within 20 mi.
CAUTION: 560' unlighted water tower 1 mi WSW.

City, Cotulla; State, Tex.; Airport Name, Cotulla Municipal; Elev., 471'; Fac. Class., BVOR; Ident., COT; Procedure No. 1, Amdt. 2; Eff. Date, 11 Mar. 61; Sup. Amdt. No. 1; Dated, 12 Feb. 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| El Paso LFR | ELP-VOR | Direct | 5200 | T-dn | 300–1 | 300–1 | 200–½ |
| Rio RBn | ELP-VOR (Final)* | Direct | 5200 | C-dn | 400–1 | 500–1 | 500–1½ |
| Newman VOR | ELP-VOR | Direct | 6000 | S-dn-26 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site: 335°–205°, 0–15 mi, 5000'; 15–20 mi, 7000'.
Radar control must provide 3 mi or 1000' vertical separation; or 3 to 5 mi and 500' vertical separation from stacks 4148' 4 mi S; hill 5067' 13 mi NE; hill 4651' 9.5 mi E, and hill 6717' 22 mi NE.
Procedure turn S side of crs, 080° Outbnd, 260° Inbnd, 6500' within 10 mi. Beyond 10 mi NA. (Nonstandard due to terrain north.)
Minimum altitude over facility on final approach crs, 5200'.
Crs and distance, facility to airport, 259°—4.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi, turn left to 125° mag, climb to 5200', intercept and proceed on R-151 within 20 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles climb on R-111 AKN-VOR to 4500' within 20 mi.
*Maintain 7000' until 5 mi W of Rio RBn. If Rio RBn not received maintain 8000' until over ELP-VOR.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936'; Fac. Class., BVOR; Ident., ELP; Procedure No. 1, Amdt. 11; Eff. Date, 11 Mar. 61; Sup. Amdt. No. 10; Dated, 19 Mar. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| KG-LFR | AKN-VOR | Direct | 1200 | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | S-dn-11 | 500–1 | 500–1 | 500–1½ |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side of crs, 291° Outbnd, 111° Inbnd, 1200' within 10 mi.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 111°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles, climb on R-111 AKN-VOR to 4500' within 20 mi.

City, King Salmon; State, Alaska; Airport Name, King Salmon; Elev., 57'; Fac. Class., BVOR; Ident., AKN; Procedure No. 1, Amdt. Orig.; Eff. Date, 11 Mar. 61

**4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:**

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T–d | 800–2 | 800–2 | 800–2 |
| | | | | T–n | 1400–2 | 1400–2 | 1400–2 |
| | | | | C–d | 1400–2 | 1400–2 | 1400–2 |
| | | | | C–n | 1900–3 | 1900–3 | 1900–3 |
| | | | | A–dn* | 2000–3 | 2000–3 | 2000–3 |

Procedure turn North side of crs, 053° Outbnd, 233° Inbnd, 4000′ within 10 miles.
Minimum altitude over facility on final approach crs, *2600′ day, 3100′ night.
Crs and distance, breakoff point to approach end of Rnwy 23, 228°—1.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make climbing left turn to 4500′ on crs 169° MPV–VOR within 20 miles.
*If airport is used as an alternate do not descend below 3200′.

City, Montpelier; State, Vt.; Airport Name, Barre-Montpelier Municipal; Elev., 1162′; Fac. Class., BVOR; Ident., MPV; Procedure No. 1, Amdt. Orig.; Eff. Date, 11 Mar. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | 300–1 | |
| | | | | C–d | 500–1 | 500–1 | |
| | | | | C–n | 500–2 | 500–2 | |
| | | | | S–d–36 | 500–1 | 500–1 | |
| | | | | S–n–36 | 500–1½ | 500–1½ | |
| | | | | A–dn | NA | NA | |

Procedure turn East side of crs, 174° Outbnd, 354° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, breakoff point to Runway 36, 359°—0.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2100′ on R–307 OSH–VOR within 20 miles.
CAUTION: Runway lights on E/W, N/S runways only.

City, Oshkosh; State, Wis.; Airport Name, Winnebago County; Elev., 790′; Fac. Class., BVOR; Ident., OSH; Procedure No. TerVOR–36, Amdt. Orig.; Eff. Date, 11 Mar. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| FIM–VOR | OAF–VOR | Direct | 4000 | T–dn | 300–1 | 300–1 | NA |
| OXR–VOR# | Stack Int* | Direct | 3000 | C–dn | 600–1 | 600–1 | NA |
| SBA–VOR | Int SBA R–128 and OAF R–249 | Direct | 5000 | S–dn–7 | 400–1 | 400–1 | NA |
| Int SBA R–128 and OAF R–249 | Stack Int* (Final) | Direct | %800 | A–dn*** | 800–2 | 800–2 | NA |
| Henderson Int** | OAF–VOR | Direct | 4000 | | | | |

Procedure turn South side of crs, 249° Outbnd, 069° Inbnd, 2000′ within 10 miles of Stack Int.*
Minimum altitude over Stack Int* on final approach crs, 600′.%
Crs and distance, Stack Int to airport, 069°—1.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 mi of Stack Int, climb straight ahead to 1000′, turn right, climbing to 2000′ on R–249 of OAF–VOR within 20 mi.
NOTE: Dual VOR or VOR and ADF receivers required.
#NA except when directed by ATC.
*Stack Int: OXR R–281 or 119° brng to NTD RBn and OAF R–248.
**Henderson Int: Int FIM R–253 and OXR R–316.
***Weather service available from 0600 to 2030.
%Maintain 1000′ until passed OXR–VOR R–276 or a 109° brng to NTD RBn.

City, Oxnard; State, Calif.; Airport Name, Oxnard-Ventura County; Elev., 43′; Fac. Class., VOR; Ident., OAF; Procedure No. TerVOR–7, Amdt. Orig.; Eff. Date, 11 Mar. 61, or upon FAA certification of facility

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| FIM–VOR | Int FIM R–195 and OAF R–056 | Direct | 3000 | T–dn | 300–1 | 300–1 | NA |
| Int FIM R–195 and OAF R–056 | OAF–VOR (Final) | Direct | 1800 | C–dn | 600–1 | 600–1 | NA |
| OXR–VOR | OAF–VOR | Direct | 4000 | A–dn# | 800–2 | 800–2 | NA |
| Henderson Int* | OAF–VOR | Direct | 4000 | | | | |

Procedure turn N side of crs, 056° Outbnd, 236° Inbnd, 3500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 248°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 mi, climb to 2000′ on R–248 within 20 miles.
#Weather service available from 0600 to 2030.
*Henderson Int: Int FIM R–253 and OXR R–316.

City, Oxnard; State, Calif.; Airport Name, Oxnard-Ventura County; Elev., 43′; Fac. Class., VOR; Ident., OAF; Procedure No. TerVOR–056, Amdt. Orig.; Eff. Date, 11 Mar. 61, or upon FAA certification of facility

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | 300–1 | |
| | | | | C–dn | 600–1 | 600–1 | |
| | | | | S–dn–21 | 600–1 | 600–1 | |
| | | | | A–dn | NA | NA | |
| | | | | The following minimums apply to aircraft equipped with dual VOR and Plover Int* received: | | | |
| | | | | C–d | 400–1 | 500–1 | |
| | | | | C–n | 400–2 | 500–2 | |
| | | | | S–dn–21 | 400–1 | 400–1 | |

Procedure turn West side of crs, 021° Outbnd, 201° Inbnd, 2400′ within 10 miles.
Minimum altitude over Plover Int* on final approach crs, 1700′.
Crs and distance, Plover Int* to Runway 21, 201°—4.6 mi.
Crs and distance from Int of Runway centerline extended and final approach crs to appr end of Rnwy, 206°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2400′ on R–125 STE–VOR.
CAUTION: 1400′ MSL tower located 3.6 mi ESE of airport.
*Plover Int: Int AUW–VOR R–157 and STE–VOR R–021.

City, Stevens Point; State, Wis.; Airport Name, Municipal; Elev., 1107′; Fac. Class., BVOR; Ident., STE; Procedure No. TerVOR–21, Amdt. Orig.; Eff. Date, 11 Mar. 61



**5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:**

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| 15 mi fix R–259 | 8 mi fix R–259 | Direct | 8500 | T–dn | 300–1 | 300–1 | 200–½ |
| 8 mi fix R–259 | 0 mi fix R–259 | Direct | 5200 | C–dn | 400–1 | 500–1 | 500–1½ |
| 10 mi fix R–079 | 0 mi fix R–079 | Direct | 5200 | S–dn–17 | 400–1 | 400–1 | 400–1 |
| 0 mi fix R–325 | 5.9 mi fix R–325 | Direct | 4500 | A–dn | 800–2 | 800–2 | 800–2 |
| R–325 | R–278 | 5.9 orbit | 4400 | | | | |
| R–278 | R–269 (Final–17) | 5.9 orbit | 4300 | | | | |

Procedure turn S side R079, 6500 within 10 miles. When authorized by ATC, DME may be used within 10 mi between radials 325 clockwise to 200 and 7300′ to position aircraft for final approach, with the elimination of a procedure turn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left to heading of 125°, climb to 5200′, intercept and proceed on R–151 within 20 mi.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936′; Fac. Class., BVOR–NSME; Ident., ELP; Procedure No. VOR–DME–17, Amdt. 4; Eff. Date, 11 Mar. 61; Sup. Amdt. No. 3; Dated, 19 Mar. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 15 mi fix R–259 | 8 mi fix R–259 | Direct | 8500 | T–dn | 300–1 | 300–1 | 200–½ |
| 8 mi fix R–259 | 0 mi fix R–259 | Direct | 5200 | C–dn | 400–1 | 500–1 | 500–1½ |
| 10 mi fix R–079 | 5 mi fix R–079 | Direct | 5200 | S–dn–26 | 400–1 | 400–1 | 400–1 |
| 5 mi fix R–079 | 0 mi fix R–079 | Direct | #4800 | A–dn | 800–2 | 800–2 | 800–2 |
| 0 mi fix R–259 | 4.6 mi fix R–259 (Final–26) | Direct | 4300 | | | | |

Procedure turn S side R–079, 6500′ within 10 miles. When authorized by ATC, DME may be used within 10 mi between radials 325 clockwise to 200 at 7300′ to position aircraft for final approach, with the elimination of a procedure turn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left to heading of 125°, climb to 5200′, intercept and proceed on R–151 within 20 mi.
#5200′ without DME, in which case procedure turn is required.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936′; Fac. Class., BVOR–NSME; Ident., ELP; Procedure No. VOR–DME–26, Amdt. 3; Eff. Date, 11 Mar 61; Sup. Amdt. No. 2; Dated, 19 Mar. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 15 mi fix R–259 | 8 mi fix R–259 | Direct | 8500 | T–dn | 300–1 | 300–1 | 200–½ |
| 8 mi fix R–259 | 0 mi fix R–259 | Direct | 5200 | C–dn | 400–1 | 500–1 | 500–1½ |
| 10 mi fix R–079 | 0 mi fix R–079 | Direct | 5200 | S–dn–35 | 400–1 | 400–1 | 400–1 |
| 0 mi fix R–200 | 5.8 mi fix R–200 | Direct | 4600 | A–dn | 800–2 | 800–2 | 800–2 |
| R–200 | R–247 | 5.8 orbit | 4400 | | | | |
| R–247 | R–257 (Final–35) | 5.8 orbit | 4300 | | | | |

Procedure turn S side R–079, 6500′ within 10 mi. When authorized by ATC, DME may be used within 10 mi between radial 325 clockwise to 200 at 7300′ to position aircraft for final approach, with the elimination of a procedure turn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right to heading of 125, climb to 5200′, intercept and proceed on R–151 within 20 miles.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936′; Fac. Class., BVOR–NSME; Ident., ELP; Procedure No. VOR–DME–35, Amdt. 4; Eff. Date, 11 Mar. 61; Sup. Amdt. No. 3; Dated 19 Mar. 60

**6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:**

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedures, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| AM–LFR | AMA–VOR | Direct | 5000 | T–dn | 300–1 | 300–1 | 200–½ |
| TDW RBn (LOM) | AMA–VOR | Direct | 5000 | C–dn | 400–1 | 500–1 | 500–1½ |
| Borger Int | AMA–VOR | Direct | 5000 | S–dn–21 | 300–1 | 300–1 | 300–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn South side of crs, 035° Outbnd, 215° Inbnd, 5000′ within 10 mi. Beyond 10 mi NA. (Nonstandard due ATC requirements.)
No glide slope.
Minimum altitude over *AMA–VOR R–125 on final approach crs, 4600′.
Crs and distance, *AMA–VOR R–125 to airport, 215°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles, climb to 5500′ on SW crs of ILS within 20 miles.
*AMA–VOR lies 1000′ NW of localizer course. Positive station passage required for descent below 4100′.

City, Amarillo; State, Tex.; Airport Name, Amarillo AFB/Mun.; Elev., 3604′; Fac. Class., ILS; Ident., I–AMA; Procedure No. ILS–21, Amdt. Orig.; Eff. Date, 11 Mar. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| El Paso VOR | LOM | Direct | 5200 | T–dn | 300–1 | 300–1 | 200–½ |
| El Paso LFR | LOM | Direct | 5200 | C–dn | 400–1 | 500–1 | 500–1½ |
| Int W crs EP–LFR and NE crs ILS | LOM | Direct | 5200 | S–dn–22° | 200–½ | 200–½ | 200–½ |
| Newman VOR | LOM | Direct | 5200 | A–dn | 600–2 | 600–2 | 600–2 |
| Rio RBn | LOM | Direct | 7000 | | | | |

Radar terminal area maneuvering altitudes measured clockwise around radar site: 335° to 205°, 0–15 N mi, 5000'; 15–20 N mi, 7000'.
Radar control must provide 3 mi or 1000' vertical separation; or 3 to 5 mi and 500' vertical separation from stacks 4148' 4 mi S; hill 5067' 13 mi NE; hill 4651' 9.5 mi E, and hill 6717' 22 mi NE.
Procedure turn N side of NE crs, 038° Outbnd, 218° Inbnd, 6200' within 8 mi. Beyond 8 mi NA. Nonstandard due to mountainous terrain NE.
Minimum altitude at G.S. int inbnd, 5000'.
Altitude of G.S. and distance to appr end of Rnwy at OM, 5000'—3.8 mi; at MM, 4139'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left to 125°, climb to 5200', intercept and proceed South on S crs LFR or intercept and proceed South on R–151 ELP VOR within 20 mi or, when directed by ATC, turn left to 125°, climb to 6200', intercept and proceed South on S crs LFR, or intercept and proceed South on R–151 ELP VOR within 20 mi.
MAJOR CHANGE: Deletes note pertaining to glide slope touchdown point.
*Straight-in minima 400–¾ when glide slope not used.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936'; Fac. Class., ILS; Ident., I–ELP; Procedure No. ILS–22, Amdt. 16; Eff. Date, 11 Mar. 61; Sup. Amdt. No. 15; Dated, 28 Jan. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MSY VOR | Kenner Int* | Direct | 1400 | T–dn | 300–1 | 300–1 | 200–½ |
| MSY LOM | Kenner Int* | Direct | 1500 | C–dn | 400–1 | 500–1 | 500–1½ |
| Radar Vectoring Position | Bridge Int** (Final) | Direct | 1500 | S–dn–28 | 400–1 | 400–1 | 400–1 |
| Bridge Int** | Kenner Int* (Final) | Direct | 700 | A–dn | 800–2 | 800–2 | 800–2 |

Radar terminal transition altitude 1500' within 25 miles. Radar control must provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 750' and 563' towers 12 miles SE of airport and 978' TV tower 16 miles E of airport. Radar may be used to position aircraft for a final approach within 5 miles of Kenner Int*, with the elimination of a procedure turn.
Procedure turn S side of crs, 099° Outbnd, 279° Inbnd, 2000' within 10 miles of Kenner Int. Nonstandard due to ATC requirements.
Minimum altitude over Bridge Int**, 1500'; over Kenner Int*, 700'.
Crs and distance, Bridge Int** to airport, 279°—4.7 mi; Kenner Int* to airport, 279°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing Kenner Int, climb to 1400' on W crs ILS or when directed by MSY Approach Control, (1) Turn left, climb to 1500' on R–220 MSY–VOR, or (2) Turn right, climb to 1400' on R–320 MSY–VOR, all within 20 miles.
*Kenner Int: Int E crs ILS localizer and MSY–VOR R–195.
**Bridge Int: Int E crs ILS localizer and MSY–VOR R–165.

City, New Orleans; State, La.; Airport Name, Moisant International; Elev., 3'; Fac. Class., ILS; Ident., I–MSY; Procedure No. ILS–28, Amdt. 2; Eff. Date, 11 Mar. 61, Sup. Amdt. No. 1; Dated, 4 June 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Lakeville Int* | LOM | Direct | 2500 | T–dn | 300–1 | 300–1 | 200–½ |
| South Bend LFR | LOM | Direct | 2200 | C–dn | 500–1 | 500–1 | 500–1½ |
| South Bend VOR | LOM | Direct | 2200 | S–dn–27 | 200–½ | 200–½ | 200–¾ |
| Bristol Int via E crs ILS | LOM (Final) | Direct | 2000 | A–dn | 600–2 | 600–2 | 600–2 |
| Goshen LFR via crs 316° | E crs ILS | Direct | 2200 | | | | |
| Goshen VOR via R–345 | E crs ILS | Direct | 2200 | | | | |
| Long Lake Int | E crs ILS via GSH R–018 | Direct | 2000 | | | | |
| Long Lake Int | LOM | Direct | 2200 | | | | |

Procedure turn North side of final approach crs, 089° Outbnd, 269° Inbnd, 2200' within 10 miles.
Minimum altitude at glide slope int inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1900'—3.8; at MM, 975—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2100' on W crs SN–LFR or, when directed by ATC, (1) make right turn, climb to 2100' on N crs SN–LFR; (2) make right turn, climb to 2000' direct to SBN–VOR, maintain 2000' on SBN–VOR R–002 within 15 mi.
CAUTION: 1524' MSL tower 5.6 mi South of LOM.
*Lakeville Int—Int R–170 SBN and R–270 GSH.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778'; Fac. Class., ILS; Ident., I–SBN; Procedure No. ILS–27, Amdt. 12; Eff. Date, 11 Mar. 61; Sup. Amdt. No. 11; Dated, 29 Oct. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SK–LFR | LOM | Direct | 1500 | T–dn | 300–1 | 300–1 | 200–½ |
| SCK–VOR | LOM | Direct | 1500 | C–dn | 500–1 | 600–1 | 600–1½ |
| Woodward Int | LOM | Direct | 2000 | S–dn–29° | 300–¾ | 300–¾ | 300–¾ |
| | | | | A–dn | 600–2 | 600–2 | 600–2 |

Procedure turn S side SE crs, 111° Outbnd, 291° Inbnd, 1500' within 10 miles of LOM. NA beyond 10 miles.
Minimum altitude at glide slope intercept on inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1528'—5.4 mi; at MM, 248'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left climbing turn and climb to 2000' on R–290 or, when directed by ATC, make left climbing turn and climb to 2000' on W crs LFR within 15 mi.
*400–¾ required when glide slope not used. 400–1 required when only localizer and LOM used.

City, Stockton; State, Calif.; Airport Name, Stockton; Elev., 27'; Fac. Class., ILS; Ident., SCK; Procedure No. ILS–29, Amdt., Orig.; Eff. Date, 11 Mar. 61, or upon com. of facility

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| King Int | LOM | Direct | 2400 | T–dn | 300–1 | 300–1 | 200–½ |
| Greensboro VOR | Wallburg Int | Direct | 2300 | C–dn | 500–1 | 500–1 | 500–1½ |
| Pine Hall Int | LOM | Direct | 2300 | S–dn–33° | 300–¾ | 300–¾ | 300–¾ |
| Thomas Int | LOM (Final) | Direct | 2200 | A–dn | 600–2 | 600–2 | 600–2 |
| Wallburg Int | LOM (Final) | Direct | 2200 | | | | |

Procedure turn South side of crs, 148° Outbnd, 328° Inbnd, 2300' within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope intercept on inbnd, 2200'.
Altitude of glide slope and distance to approach end of Runway at OM, 2200'—3.9 mi; at MM, 1120'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 2400', returning to LOM direct or, when directed by ATC, turn left climbing to 2400', proceed to Yadkin Int via R–284 GSO–VOR.
CAUTION: 3107' antenna 16.0 miles NW of airport.
*No approach lights.

City, Winston-Salem; State, N.C.; Airport Name, Smith-Reynolds; Elev., 969'; Fac. Class., ILS; Ident., IINT; Procedure No. 1, Amdt. 6; Eff. Date, 11 Mar. 61; Sup. Amdt. No. 5 (ILS portion Comb. ILS–ADF); Dated, 6 Aug. 60



7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| All directions | Radar site | Within 20 mi | *1500 | Surveillance approach | | | |
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–7, 25, 31 | 500–1 | 500–1 | 500–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

*Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 749' tower 6.5 miles WSW, 687' tower 3.7 mi W, and 620' tower 6.5 mi WNW of airport. Surveillance approaches straight-in to Runways 4, 18, 22 and 36 NA.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 7: Climb to 1300' on ORL–VOR R–070 within 20 miles. Runways 25 and 31: Climb to 1700' on ORL–VOR R–305 within 20 miles.

City, Orlando; State, Fla.; Airport Name, Orlando; Elev., 113'; Fac. Class., Orlando; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 11 Mar. 61

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Radar terminal area maneuvering sectors and altitudes | | | | | | | | | | | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| From | To | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | | | | | | | | | | | 65 knots or less | More than 65 knots | |
| 00 | 360 | 40 | 8000 | | | | | | | | | | | T–dn# | 300–1 | 300–1 | 200–½ |
| | | | | | | | | | | | | | | C–dn | 800–2 | 800–2 | 800–2 |
| | | | | | | | | | | | | | | S–dn–9 | 700–2 | 700–2 | 700–2 |
| | | | | | | | | | | | | | | A–dn | 1000–2 | 1000–2 | 1000–2 |

Radar transitions and vectoring utilizing Miramar Radar authorized in accordance with approved Radar patterns and sector altitudes.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left climbing turn to 2500' on SAN–VOR R–325 to Mt Dad Int or, when directed by ATC, right climbing turn and climb to 2000' on SAN–VOR R–137 within 8 miles.
#500–1 required for takeoff on all runways except 27.

City, San Diego; State, Calif.; Airport Name, Lindbergh Field; Elev., 15'; Fac. Class., Miramar; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 11 Mar. 61

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 00 | 360 | 40 | 8000 | | | | | | | | | | | T–dn# | 300–1 | 300–1 | 200–½ |
| | | | | | | | | | | | | | | C–dn | 800–2 | 800–2 | 800–2 |
| | | | | | | | | | | | | | | A–dn | 1000–2 | 1000–2 | 1000–2 |

Radar transitions and vectoring utilizing Miramar Radar authorized in accordance with approved radar patterns and sector altitudes.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right climbing turn to 2500' on SAN–VOR R–325 to Mt Dad Int or, when directed by ATC, left climbing turn to 2000' on SAN–VOR R–137 within 8 miles.
#500–1 required for takeoff on all runways except 27.

City, San Diego; State, Calif.; Airport Name, Lindbergh Field; Elev., 15'; Fac. Class., Miramar; Ident., Radar; Procedure No. 2, Amdt. Orig.; Eff. Date, 11 Mar. 61

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | Ceiling and visibility minimums | | |
|---|---|---|---|
| | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Minimum altitude—5000' within 30 miles or minimum enroute altitude for approved routes to San Francisco area. After identification, aircraft may be vectored and descended in accordance with Radar approach patterns. | Surveillance approach | | | |
| | T-dn* | 300–1 | 300–1 | 200–½ |
| | S-dn 19L–R | 500–1 | 500–1 | 500–1 |
| | S-dn 28L–R | 400–1 | 400–1 | 400–1 |
| | C-dn# | 500–1 | 500–1 | 600–1½ |
| | A-dn | 800–2 | 800–2 | 800–2 |
| | Precision approach | | | |
| | T-dn* | 300–1 | 300–1 | 200–½ |
| | S-dn-28R | 200–½ | 200–½ | 200–½ |
| | S-dn-28L | 300–¾ | 300–¾ | 200–½ |
| | A-dn | 600–2 | 600–2 | 600–2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: (1) For runways 28 L–R, climb to 3000' on SFO TVOR R–287 within 20 miles of TVOR or, when directed by ATC, climb to 3000' on a crs of 292° within 20 miles from the SFG RBn. (2) for runways 19 L–R, turn left and home on SFO LOM climbing to 2000.

CAUTION: Circling minimums do not provide standard clearance west and southwest of airport.

*300–1 required for takeoff on Runways 19L–R.

City, San Francisco; State, Calif.; Airport Name, International; Elev., 11'; Fac. Class., San Francisco; Ident., Radar; Procedure No. 1, Amdt. 5; Eff. Date, 11 Mar. 61; Sup. Amdt. No. 4; Dated, 7 Feb. 59

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on February 7, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61–1242; Filed, Mar. 1, 1961; 8:45 a.m.]

[Reg. Docket No. 660; Amdt. 208]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition: From— | Transition: To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| PROCEDURE CANCELLED, EFFECTIVE 18 MARCH 1961, OR UPON DECOMMISSIONING OF FACILITY. | | | | | | | |
| City, Bowling Green; State, Ky.; Airport Name, Bowling Green-Warren County; Elev., 540'; Fac. Class., SBRMAZ; Ident., BG; Procedure No. 1, Amdt. 6; Eff. Date, 10 Dec. 60; Sup. Amdt. No. 5; Dated, 1 Apr. 54 | | | | | | | |
| McDonald Pass FM | HN–LFR | Direct | 8500 | T–d | 500–2 | 500–2 | 500–2 |
| HLN–VOR | HN–LFR | Direct | 8000 | T–n | 800–2 | 800–2 | 800–2 |
| Winston FM | HN–LFR (Final)* | Direct | 6000 | C–d | 1600–2 | 1600–2 | 1600–2 |
| | | | | C–n | 1600–3 | 1600–3 | 1600–3 |
| | | | | A–d | 2000–2 | 2000–2 | 2000–2 |
| | | | | A–n | 2000–3 | 2000–3 | 2000–3 |

Procedure turn North side SE crs, 100° Outbnd, 280° Inbnd, 8000' within 10 miles. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 6000'.
Crs and distance, facility to airport, 25°—1.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles, make right climbing turn to SE crs, climb to 8000' within 10 miles of HN–LFR.
*Maintain at least 8500' until 1.2 mi past Winston FM.

City, Helena; State, Mont.; Airport Name, Helena County-City; Elev., 3882'; Fac. Class., SBMRAZ; Ident., HN: Procedure No. 1, Amdt. 7; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 6; Dated, 25 Feb. 61



LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition: From— | Transition: To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| California FM | OA–LFR (Final) | Direct | 1900 | T–dn# | *300–1 | *300–1 | #300–1 |
| | | | | C–d | 600–1 | 700–1 | 700–1½ |
| | | | | C–n | 600–1½ | 700–1½ | 700–1½ |
| | | | | S–d–14L | 400–1 | 400–1 | 400–1 |
| | | | | S–n–14L | 400–1½ | 400–1½ | 400–1½ |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar transitions authorized all sectors 2600' except 2700' within 3 mi of 1739' tower 4 mi West and 2700' within 3 mi of 1746' tower 3 mi SW of airport.
Procedure turn W side of N crs, 334° Outbnd, 154° Inbnd, 2600' within 10 mi.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 139°—4.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, climb to 2700' on SE crs within 20 mi.
CAUTION: Bluff 1339' m.s.l. 1.3 mi East of airport. TV towers 1729' m.s.l. 4 mi WNW and 1746' 3 mi SW of airport. Stack 1192' m.s.l. 1.1 mi South of LFR.
#After takeoff, climb to 2000' m.s.l. prior to proceeding in a westerly direction.
AIR CARRIER NOTES: No reduction in 2-engr. or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L and 35R. ##300–1 takeoff minimums required for more than 2-eng. aircraft except on Rnwys 14L, 32R, 17L and 35R.

City, Omaha; State, Nebr.; Airport Name, Eppley Airfield; Elev., 982'; Fac. Class., SBRAZ; Ident., OA; Procedure No. 1, Amdt. 14; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 13; Dated, 8 Aug. 59

PROCEDURE CANCELLED, EFFECTIVE 18 MAR 1961, OR UPON CONVERSION OF THE LFR TO AN RBN.

City, Tonopah; State, Nev.; Airport Name, Municipal; Elev., 5426'; Fac. Class., SBRAZ; Ident., TPH; Procedure No. 1, Amdt. 5; Eff. Date, 7 Dec. 58; Sup. Amdt. No. 4; Dated, 25 Oct. 58

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition: From— | Transition: To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–9 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn South side of crs, 271° Outbnd, 091° Inbnd, 2100' within 10 mi.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 091°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles of LOM, climb to 2300' on crs of 091° within 16 mi of LOM or, when directed by ATC, make climbing left turn to 3000' or higher altitude specified by ATC and proceed via the Flint VOR R–340 to Fosters Int.

City, Flint; State, Mich.; Airport Name, Bishop; Elev., 781'; Fac. Class., LOM; Ident., FN; Procedure No. 1, Amdt. 5; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 4; Dated, 7 Mar. 59

| Transition: From— | Transition: To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| LAN VOR | LOM | Direct | 2400 | T–dn | 300–1 | 300–1 | 200–½ |
| LN LFR | LOM | Direct | 2400 | C–dn | 400–1 | 500–1 | 500–1½ |
| Eagle Int° | LOM | Direct | 2400 | S–dn–27 | 400–1 | 400–1 | 400–1 |
| Fowler Int | Shaftsburg Int | Direct | 2900 | A–dn | 800–2 | 800–2 | 800–2 |
| Shaftsburg Int°° | LOM (Final) | Direct | 1500 | | | | |

Procedure turn North side of crs, 093° Outbnd, 273° Inbnd, 2100' within 10 miles.
Minimum altitude over LOM on final approach crs, 1500'.
Crs and distance, LOM to Rny-27, 273°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi of LOM, climb to 2200' on crs of 273° from LOM within 20 miles or, when directed by ATC, make right turn, climb to 2000' on NW crs LN LFR within 20 mi.
CAUTION: 1889' tower 9 miles SE and 1923' tower 11.5 mi SE of airport.
°R–321 LAN–VOR and 093° brng to LOM.
°°Int SVM R–311 and 273° brng to LOM.

City, Lansing; State, Mich.; Airport Name, Capital City; Elev., 859'; Fac. Class., LOM; Ident., LA; Procedure No. 1, Amdt. 7; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 6; Dated, 21 Feb. 59

| Transition: From— | Transition: To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| MW–LFR | LOM | Direct | 2000 | T–dn | 300–1 | 300–1 | 300–1 |
| Racine Int | LOM | Direct | 2000 | C–dn | 600–1 | 600–1 | 600–1½ |
| MKE VOR | LOM | Direct | 2500 | S–dn–1 | 500–1 | 500–1 | 500–1 |
| Cardinal Int | LOM | Direct | 2700 | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn East side of crs, 186° Outbnd, 006° Inbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 006°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi after passing LOM, climb to 2700' on N crs MW–LFR within 20 miles or, when directed by ATC, climb to 2500' and proceed to MKE–VOR via MKE R–110.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell Field; Elev., 703'; Fac. Class., LOM; Ident., MK; Procedure No. 1, Amdt. 12; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 11 (ADF portion Comb. ILS–ADF); Dated, 20 Feb. 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| OA-LFR | LOM | Direct | 2600 | T-dn# | *300-1 | *300-1 | ##200-½ |
| OMA-VOR | LOM | Direct | 2700 | C-d | 600-1 | 700-1 | 700-1½ |
| California FM | LOM | Direct | 2600 | C-n | 600-1½ | 700-1½ | 700-1½ |
| | | | | S-d-14L | 400-1 | 400-1 | 400-1 |
| | | | | S-n-14L | 400-1½ | 400-1½ | 400-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar transitions authorized all sectors 2600′ except 2700′ within 3 mi of 1739′ tower 4 mi West and 2700′ within 3 mi of 1746′ tower 3 mi SW of airport.
Procedure turn West side NW crs, 315° Outbnd, 135° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 135°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi after passing LOM, climb to 2700′ on crs 135° from LOM within 20 mi or, when directed by ATC, climb to 2700′ on SE crs of OA-LFR within 20 mi.
CAUTION: Bluff 1339′ m.s.l. 1.3 mi East. Towers 1739′ m.s.l. 4 mi WNW and 1746′ m.s.l. 3 mi SW of airport. Stack 1192′ m.s.l. 0.8 mi SSE of LOM.
#After takeoff climb to 2000′ m.s.l. before proceeding in a westerly direction.
AIR CARRIER NOTES: *No reduction in 2-eng. or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L and 35R. ##300-1 takeoff minimums required for more than 2-eng. aircraft except on Rnwys 14L, 32R, 17L and 35R.

City, Omaha; State, Nebr.; Airport Name, Eppley Airfield; Elev., 982′; Fac. Class., LOM; Ident., OM; Procedure No. 1, Amdt. 9; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 8; Dated, 8 Aug. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| STJ-VOR | LOM | Direct | 2300 | T-dn* | 300-1 | 300-1 | 200-½ |
| | | | | C-d | 500-1 | 700-1 | 700-1½ |
| | | | | C-n | 500-1½ | 700-1½ | 700-1½ |
| | | | | S-dn-35 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn East side of crs, 172° Outbnd, 352° Inbnd, 2300′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 352°—5.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles, climb to 2400′ on crs 352° from LOM within 25 miles.
CAUTION: 400′ bluffs West, NW, and East of airport.
*Takeoff minimums no lower than 300-1 authorized on Runway 31.

City, St. Joseph; State, Mo.; Airport Name, Rosecrans Memorial; Elev., 822′; Fac. Class., LOM; Ident., ST; Procedure No. 1, Amdt. 12; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 11; Dated, 14 Jan. 61

PROCEDURE CANCELLED, EFFECTIVE 18 MAR 61.

City, Tyler; State, Tex.; Airport Name, Pounds Field; Elev., 544′; Fac. Class., MH; Ident., TYR; Procedure No. 2, Amdt. 1; Eff. Date, 6 June 59; Sup. Amdt. No. Proc. 1, Orig.; Dated, 9 Jan. 57

**3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:**

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-12 | 400-1 | 400-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 144°—4.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi, climb immediately to 2900′ on R-144 within 20 mi.
CAUTION: Radio tower 7 mi SE of airport 1921′ MSL.

City, Green Bay; State, Wis.; Airport Name, Austin-Straubel; Elev., 694′; Fac. Class., BVORTAC; Ident., GRB; Procedure No. 1, Amdt. 5; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 4; Dated, 31 Dec. 60

| | | | | | | |
|---|---|---|---|---|---|---|
| Int LAF R-312 and DNV R-037 | LAF-VOR (Final) | Direct | 1800 | T-dn | 300-1 | 300-1 |
| | | | | C-d | 1000-1 | 1000-1 |
| | | | | C-n | 1000-2 | 1000-2 |
| | | | | A-dn | 1000-2 | 1000-2 |
| | | | | #Following minimums apply after passing R-019 EPT-VOR: | | |
| | | | | C-d | 600-1 | 600-1 |
| | | | | C-n | 600-1½ | 600-1½ |
| | | | | A-dn | 800-2 | 800-2 |

Procedure turn West side of final approach crs, 323° Outbnd, 143° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′; over EPT-VOR R-019, 1500′.
Crs and distance, facility to airport, 143°—10.4 mi; EPT-VOR R-019 to airport, 143°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 mi of LAF-VOR or 3.4 mi of EPT R-019, climb to 2300′ on LAF-VOR R-143 within 20 miles.
AIR CARRIER NOTE: Use of sliding scale reduction in landing visibility, or reduction in takeoff minimums not authorized for night operations, or for day operations when visibility below ¾ mi.
#Dual operating Omni receivers required for lower minimums.

City, Lafayette; State, Ind.; Airport Name, Purdue University; Elev., 607′; Fac. Class., BVOR; Ident., LAF; Procedure No. 1, Amdt. 5; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 4; Dated, 25 Feb. 61



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 600-1 | 700-1 | 700-1½ |
| | | | | S-dn-21 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 032° Outbnd, 212° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 212°—5.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles, make climbing left turn to 2500′ and proceed direct to PKB-VOR.

City, Parkersburg; State, W. Va.; Airport Name, Wood County; Elev., 856′; Fac. Class., BVOR; Ident., PKB; Procedure No. 1, Amdt. 3; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 2; Dated, 27 July 57

**4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:**

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Margaret Int* | Curlee Int** (Final) | 095–5.8 | 1700 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 700-1 | 700-1 | 700-1½ |
| | | | | A-dn | NA | NA | NA |

Radar terminal area transition altitudes: 0–360° within 25 mi, 3000′. All bearings are from the radar antenna site with azimuths progressing clockwise. Antenna site is on Atlanta airport.
No procedure turn.
Minimum altitude over facility on final approach crs, #1500′.
Facility on airport.
Crs and distance, Curlee Int** to airport, 095°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make right climbing turn to 3000′ and return to Margaret Int via R-275 FTY-VOR or follow radar vector as directed by ATC.
NOTES: Procedure authorized only for aircraft equipped with dual VOR receivers or one ADF and one VOR receiver and only during hours that FTY Control Tower is in operation. ATL Approach Control Radar must also be in operation for vector to final approach course. No weather reporting facilities available.
*Int R-275 FTY-VOR and R-325 ATL-VOR or 005° brng to LSM RBn.
**Int R-275 FTY-VOR and R-340 ATL-VOR or 334° brng to LSM RBn.
#Maintain 1700′ until passing Curlee Int.**

City, Atlanta; State, Ga.; Airport Name, Fulton County; Elev., 834′; Fac. Class., L-BVOR; Ident., FTY; Procedure No. TerVOR R-095, Amdt. Orig.; Eff. Date, 18 Mar. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | *500-1 | *500-1 | *500-1¼ |
| | | | | S-dn-25 | *400-1 | *400-1 | *400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn South side of crs, 063° Outbnd, 243° Inbnd, 1300′ within 10 mi. Beyond 10 mi NA. Nonstandard due Navy traffic North.
Minimum altitude over facility on final approach crs, 500′.*
Crs and distance, breakoff point to approach end of Runway 25, 250°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn right and climb to 1700′ on R-305 within 30 miles.
CAUTION: Radio tower 687′ MSL 3.7 mi West of airport.
*If Barton Int** not identified on final, descent below 700′ m.s.l. NA.
**Barton Int: Int ORL R-063 and 195° brng to LOM.

City, Orlando; State, Fla.; Airport Name, Orlando; Elev., 113′; Fac. Class., BVOR; Ident., ORL; Procedure No. TerVOR-25, Amdt. Orig.; Eff. Date, 18 Mar. 61

**5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:**

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Columbus LFR | LOM | Direct | 2200 | T–dn | 300–1 | 300–1 | 200–½ |
| Columbus VOR | LOM | Direct | 2200 | C–dn | 500–1 | 500–1 | 500–1½ |
| Marvyn Int | LOM | Direct | 2200 | S–dn–5° | 300–¾ | 300–¾ | 300–¾ |
| Geneva Int | LOM | Direct | 2200 | A–dn | 600–2 | 600–2 | 600–2 |

Procedure turn West side of crs, 232° Outbnd, 052° Inbnd, 2200′ within 10 mi. Beyond 10 miles NA.
Minimum altitude at glide slope intercept on inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at OM, 2157′—5.9 mi; at MM, 623′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on course of 052° within 20 miles or, when directed by ATC, climb to 2200′, turn left and return direct to LOM.
CAUTION: Tower 1049′ one mile NW of LOM.
°300–¾ required when glide slope inoperative.

City, Columbus; State, Ga.; Airport Name, Muscogee County; Elev., 397′; Fac. Class., ILS; Ident., I–CSG; Procedure No. ILS–5, Amdt. 1; Eff. Date, 18 Mar. 61; Sup. Amdt. No. Orig.; Dated, 7 Jan. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Detroit LFR | LOM | Direct | 2000 | T–dn°° | 300–1 | 300–1 | 200–½ |
| Salem VOR | LOM | Direct | 2000 | C–dn | 400–1 | 500–1 | 600–1½ |
| Carleton VOR | LOM | Direct | 2000 | S–dn–3L°° | 200–½ | 200–½ | 200–½ |
| Milan Int | LOM | Direct | 2000 | S–dn–3R# | 400–1 | 400–1 | 400–1 |
| YIP LOM | LOM | Direct | 2000 | A–dn | 600–2 | 600–2 | 600–2 |
| Park Int | LOM | Direct | 2000 | | | | |
| Rockwood Int | LOM | Direct | 2000 | | | | |
| Milan Int | Creek Int° | V–10 | 2000 | | | | |
| Creek Int° | LOM (Final) | Direct | 2000 | | | | |
| Carleton VOR | LOM (Final) | Direct | 2000 | | | | |

Radar transitions to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from LOM. Refer to Willow Run Radar procedure if detailed information on sector altitudes is desired.
Procedure turn East side of crs, 212° Outbnd, 032° Inbnd, 2000′ within 10 miles.
Minimum altitude at G.S. int inbnd, 2000′.
Altitude of G.S. and distance to approach end of rny at LOM, 2016′—4.3 mi; at LMM, 870′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right turn, climb to 2300′, proceed to Park Int via R-204 Windsor VOR or, when directed by ATC, make right 180° turn, climb to 2300′ and proceed to Rockwood Int via R–143 SVM.
OTHER CHANGES: Deletes transition from Flat Rock Int.
#Crs and distance, OM to Rny 3R, 040°—4.6 mi.
°Creek Int—Int CRL VOR R–267 and front crs DTW ILS.
°°Runway visual range 2600′ also authorized for takeoff and landing on Runway 3L; provided that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactory. Descent below the authorized landing minimum altitude of 839′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Detroit; State, Mich.; Airport Name, Detroit Metropolitan Wayne County; Elev., 639′; Fac. Class., ILS; Ident., I–DTW; Procedure No. ILS–3L–R Amdt. 5; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 4; Dated, 26 Dec. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–DN–9 | 200–½ | 200–½ | 200–½ |
| | | | | A–dn | 600–2 | 600–2 | 600–2 |

Procedure turn S side of crs, 271° Outbnd, 091° Inbnd, 2100′ within 10 mi.
Minimum altitude at G.S. int inbnd, 2000′.
Altitude of G.S and distance to approach end of rny at OM 1968—4.1, at MM 986—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2300′ on E crs of ILS within 15 mi of LOM or, when directed by ATC, make climbing left turn to 3000′ or higher altitude specified by ATC and proceed via the Flint VOR R–340 to Fostere Int.

City, Flint; State, Mich.; Airport Name, Bishop; Elev., 781′; Fac. Class., ILS; Ident., I–FNT; Procedure No. ILS–9, Amdt. 6; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 5; Dated, 25 Apr. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Lansing VOR | LOM | Direct | 2400 | T–dn | 300–1 | 300–1 | 200–½ |
| Lansing LFR | LOM | Direct | 2400 | C–dn | 400–1 | 500–1 | 500–1½ |
| Portland Int° | LOM | Direct | 2400 | S–dn–27 | 200–½ | 200–½ | 200–½ |
| Eagle Int°° | LOM | Direct | 2400 | A–dn | 600–2 | 600–2 | 600–2 |
| Fowler Int | LOM# | Direct | 2900 | | | | |

Procedure turn North side crs, 093° Outbnd, 273° Inbnd, 2100′ within 10 mi.
Minimum altitide at glide slope int inbnd, 2100′.
Altitude of G.S. and distance to approach end of rny at OM, 2030—3.7; at MM, 1070—0.5.
If visual contact not established upon descent to authorized landing minimums or of landing not accomplished climb to 2200′ on W crs ILS within 20 miles or, when directed by ATC, make right turn, climb to 2000′ on NW crs LN–LFR within 20 miles.
CAUTION: Tower 1899′ 9 mi SE and tower 1923′ 11½ mi SE of airport.
OTHER CHANGES: Deletes transition from Perry Int.
°R–297 LAN–VOR and W crs ILS or the 093° brng to LOM.
°°R–321 LAN–VOR and W crs ILS or the 093° brng to LOM.
#Authorized as final transition when interception of E crs ILS made via R–311 of SVM. Minimum altitude 2100′ after interception of E crs ILS.

City, Lansing; State, Mich.; Airport Name, Capital City; Elev., 859′; Fac. Class., ILS; Ident., I–LAN; Procedure No. ILS–27, Amdt. 7; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 6; Dated, 21 Feb. 59



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| LAX RBn | LOM | Direct | 2000 | T–dn° | 200–1 | 200–1 | 200–½ |
| La Habra Int | Downey FM/RBn | Direct | 3000 | C–dn | 500–1 | 600–1 | 600–1½ |
| LB LFR | Downy FM–RBn | Direct | 3000 | S–dn–25L# | 200–½ | 200–½ | 200–½ |
| LGB VOR | Downy FM–RBn | Direct | 3000 | A–dn | 600–2 | 600–2 | 600–2 |
| LB LFR | LOM | Direct | 2000 | | | | |
| LGB VOR | LOM | Direct | 2000 | | | | |
| Hollywood Hills FM | LOM | Direct | 3000 | | | | |
| LAX VOR | LOM | Direct | 2000 | | | | |
| Downey FM–RBn | LOM (Final) | Direct | 1800 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side E crs, 068° Outbnd, 248° Inbnd, 2400′ within 10 miles.
Minimum altitude at glide slope int inbnd, 2000′ (Aircraft will maintain 3,000′ until intercepting glide slope unless otherwise advised by ATC.)
Altitude of glide slope and distance to approach end of runway at OM, 1830′—5.4 mi; at MM, 335′—0.65 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on W crs LAX ILS within 20 mi.
NOTE: Narrow localizer course 4 degrees.
°Runway Visual Range 2600′ also authorized for takeoff on Runways 25L and 25R; providing high-intensity runway lights are operational and runways are marked in accordance with TSO–N10a (all weather runway markings).
#Runway Visual Range 2600′ also authorized for landing on Runway 25L; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 320′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126′; Fac. Class., ILS; Ident., LAX; Procedure No. ILS–25L, Amdt. 21; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 20; Dated, 26 Mar. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MW–LFR | LOM | Direct | 2000 | T–dn | 300–1 | 300–1 | 200–½ |
| Racine Int VHF | LOM | Direct | 2000 | C–dn | 600–1 | 600–1 | 600–1½ |
| Cardinal Int VHF | LOM | Direct | 2700 | S–dn–1 | 200–½ | 200–½ | 200–½ |
| MKE VOR | LOM | Direct | 2500 | A–dn | 600–2 | 600–2 | 600–2 |

Procedure turn E side S crs, 186° Outbnd, 006° Inbnd, 2000′ within 10 mi.
Minimum altitude at glide slope interception inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1677′—3.6 mi; at MM, 929′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2700′ on N crs MW–LFR within 20 mi or, when directed by ATC, make left climbing turn to 2500′ and intercept R–110 MKE–VOR and proceed to MKE–VOR.
OTHER CHANGES: Deletes transition from Int N crs MW LFR and S crs ILS.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell Field; Elev., 703′; Fac. Class. and Ident., ILS–MKE; Procedure No. ILS–1, Amdt. 12; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 11 (ILS portion Comb. ILS–ADF); Dated, 20 Feb. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| OMA–VOR | LOM | Direct | 2700 | T–dn# | °300–1 | °300–1 | @@200–½ |
| OA–LFR | LOM | Direct | 2600 | C–d | 600–1 | 700–1 | 700–1½ |
| California FM via 170° brng | NW crs ILS (Final) | Direct | 2600 | C–n | 600–1½ | 700–1½ | 700–1½ |
| Neola VOR | LOM | Direct | 2600 | S–dn–14L% | 300–¾ | 300–¾ | 300–¾ |
| | | | | A–dn | 700–1½ | 700–1½ | 700–1½ |

Radar transitions authorized all sectors 2600′ except 2700′ within 3 mi of 1739′ tower 4 miles West and 2700′ within 3 mi of 1746′ tower 3 mi SW of airport.
Procedure turn West side of crs, 315° Outbnd, 135° Inbnd, 2600′ within 10 mi of OM.
Minimum altitude at glide slope Int inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 2085′—4.0 mi; at MM, 1180′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi after passing LOM, climb to 2700′ on SE crs ILS, then proceed direct to OMA VOR or, when directed by ATC, (1) Climb to 2500′ on SE crs ILS, turn left and proceed direct to Neola VOR; (2) When under radar direction, climb to 2500′ prior to making right or left turn.
CAUTION: Bluff 1339′ m.s.l. 1.3 mi East; TV towers 1739′ MSL 4 mi WNW and 1746′ m.s.l. 3 mi SW of airport. Stack 1192′ MSL 0.8 mi SSE of LOM.
#After takeoff climb to 2000′ m.s.l. prior to proceeding in a westerly direction.
AIR CARRIER NOTES: °No reduction in 2-eng. or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L and 35R. #300–1 takeoff minimums required for more than 2-eng. aircraft except Rnwys 14L, 32R, 17L and 35R. %400–¾ straight-in required when glide slope or approach lights are inoperative.

City, Omaha; State, Nebr.; Airport Name, Eppley Airfield; Elev., 982′; Fac. Class., ILS; Ident., I–OMA; Procedure No. ILS–14L, Amdt. 9; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 8; Dated, 8 Aug. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| OA LFR | Keg Int° | Direct | 2700 | T–dn# | %300–1 | %300–1 | @200–½ |
| Neola VOR | Keg Int° | Direct | 2500 | C–d | 600–1 | 700–1 | 700–1½ |
| OMA LOM | Keg Int° | Direct | 2700 | C–n | 600–1½ | 700–1½ | 700–1½ |
| OMA VOR | Keg Int (Final)° | Direct | 2500 | S–d–32R | 500–1 | 500–1 | 500–1 |
| Keg Int° | Stack Int (Final)°° | Direct | 1800 | S–n–32R | 500–1½ | 500–1½ | 500–1½ |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar transitions authorized all sectors 2600′ except 2700′ within 3 mi of 1739′ tower 4 mi West and 2700′ within 3 mi of 1746′ tower 3 mi SW of airport.
Procedure turn East side of crs, 135° Outbnd, 315° Inbnd, 2500′ within 10 mi of Keg Int.°
No glide slope, outer or middle marker. Descend to 1800′ after passing Keg Int.° Descend to landing minimums after passing Stack Int.°° Crs and distance, Stack Int°° to airport, 315°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 mi after passing Stack Int,°° climb to 2700′ on crs of 315° to LOM or, when directed by ATC, make right turn, climb to 2500′ and proceed to Neola VOR.
NOTE: Radar fixes authorized at Keg° and Stack Intersections.°° ILS procedure NA when radar inoperative unless aircraft equipped to receive ILS/VOR simultaneously.
CAUTION: Bluff 1339′ m.s.l. 1.3 mi East; TV towers 1739′ m.s.l. 4 mi WNW and 1746′ m.s.l. 3 mi SW of airport. Stack 1192′ m.s.l. 0.8 mi SSE of LOM.
°Keg Int: Neola VOR R–196 and back localizer course.
°°Stack Int: Neola VOR R–204 and back localizer course.
#After takeoff, climb to 2000′ m.s.l. prior to proceeding in a westerly direction.
AIR CARRIER NOTES: %No reduction in 2-engine or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L and 35R. @300–1 takeoff minimums required for more than 2-eng. aircraft except Rnys 14L, 32R, 17L and 35R.

City, Omaha; State, Nebr.; Airport Name, Eppley Airfield; Elev., 982′; Fac. Class., ILS; Ident., I–OMA; Procedure No. ILS–32R, Amdt. 2; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 1; Dated, 8 Aug. 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| ORL-VOR | LOM | Direct | 1200 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-31° | 300-¾ | 300-¾ | 300-¾ |
| | | | | A-dn | 600-2 | 600-2 | 600-2 |

Procedure turn N side crs, 130° Outbnd, 310° Inbnd, 1500' within 10 mi.
Minimum altitude at G.S. int inb, 1500'.
Altitude of G.S. and distance to approach end of rny at OM, 1440'—4.1 mi; at MM, 340°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1700' on ORL-VOR R-308 within 20 miles or, when directed by ATC, climb to 1700' on crs of 308° from the LOM within 20 miles of airport, or climb to 1700' on ORL-VOR R-220 within 20 miles.
NOTE: No approach lights.
°400-¾ required when glide slope not utilized.

City, Orlando; State, Fla.; Airport Name, Orlando Municipal; Elev., 113'; Fac. Class., ILS; Ident., I-ORL; Procedure No. ILS-31; Amdt. 10; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 9; Dated, 17 Dec. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Rochelle Int° | LOM (Final) | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| PLL-VOR | LOM | Direct | 2000 | C-dn | 400-1 | 500-1 | 500-1½ |
| RFD-VOR | LOM | Direct | 2000 | S-dn-36 | 200-½ | 200-½ | 300-¾ |
| Belvedere Int°° | LOM | Direct | 2000 | A-dn | 600-2 | 600-2 | 600-2 |
| JVL-VOR | LOM | Direct | °°°2500 | | | | |
| Malta Int | LOM | Direct | 2000 | | | | |

Procedure turn East side of crs, 182° Outbnd, 002° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope interception inbnd, 2000'.
Altitude at glide slope and distance to approach end of runway at LOM, 1966'—4.5 mi; at LMM, 923'—0.55 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left climbing turn to 2500', proceed direct to RFD-VOR or, when directed by ATC, (1) climb to 2500' on North crs of ILS within 20 miles, (2) make left climbing turn to 2000' direct to LOM.
°Rochelle Int: Int PLL-VOR R-085 and S crs ILS.
°°Belvedere Int: RFD-VOR R-090 and JVL-VOR R-150.
°°°2000' after passing RFD-VOR R-090.

City, Rockford; State, Ill.; Airport Name, Greater Rockford; Elev., 734'; Fac. Class., ILS; Ident., I-RFD; Procedure No. ILS-36, Amdt. Orig.; Eff. Date, 18 Mar. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| St. Joseph VOR | LOM | Direct | 2300 | T-dn° | 300-1 | 300-1 | 200-½ |
| | | | | C-d | 500-1 | 700-1 | 700-1½ |
| | | | | C-n | 500-1½ | 700-1½ | 700-1½ |
| | | | | S-dn-35# | 200-½ | 200-½ | 200-½ |
| | | | | A-dn | 600-2 | 700-2 | 700-2 |

Procedure turn E side S crs, 172° Outbnd, 352° Inbnd, 2300' within 10 mi (NA beyond 10 mi).
Minimum altitude at glide slope int inbnd, 2300'.
Altitude of glide slope and distance to approach end of runway at OM-2261—5.3; at MM-1066—0.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles, climb to 2400' on North course ILS within 25 miles.
CAUTION: 400' bluffs W, NW and E of airport.
°Takeoff minimums no lower than 300-1 authorized on Runway 31.
#Straight-in ILS minimums authorized under provisions of inoperative ILS components are applicable, except 400-1 required with glide slope inoperative.

City, St. Joseph; State, Mo.; Airport Name, Rosecrans Memorial; Elev., 822'; Fac. Class., ILS; Ident., I-STJ; Procedure No. ILS-35, Amdt. 12; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 11; Dated, 14 Jan. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| St. Louis VOR | LOM | Direct | 1800 | T-dn° | 300-1 | 300-1 | 200-½ |
| St. Louis LFR | LOM | Direct | 1800 | C-dn | 500-1 | 500-1 | 500-1½ |
| Jerseyville Int | LOM | Direct | 2000 | S-dn 24° | 200-½ | 200-½ | 200-½ |
| Wood River Int | LOM | Direct | 1800 | A-dn | 600-2 | 600-2 | 600-2 |
| Wood River Int | NE crs ILS (Final) (to intercept ILS crs 2 mi from LOM). | Direct | 1800 | | | | |
| Lake RBn | LOM | Direct | 2000 | | | | |
| Cora Int | LOM (Final) | Direct | 1800 | | | | |
| Academy Int | NE crs ILS (Final) | Direct | 1900 | | | | |
| Mitchell Int | LOM | Direct | 1800 | | | | |
| Maryland Heights VOR | LOM | Direct | 2000 | | | | |
| Prairie Int | LOM | Direct | 2000 | | | | |
| Godfrey Int | NE crs ILS (Final) | Direct | 1900 | | | | |

Radar transitions to final approach course authorized. Information for radar terminal area transition altitudes on St. Louis radar procedure.
Procedure turn N side NE crs, 058° Outbnd 238° Inbnd, 1900' within 10 mi.
Minimum altitude at glide slope int inbnd, 1800'.
Altitude of glide slope and distance to approach end of runway at OM, 1782—4.4; at MM, 748—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on SW crs of ILS to Lake "H" or, when directed by ATC, make right (North) turn, climb to 2000' direct to STL-VOR.
°Runway visual range 2600 feet also authorized for takeoff and landing on runway 24; provided, that all components of the ILS or PAR, high-intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 771 MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571'; Fac. Class., ILS; Ident., I-STL; Procedure No. ILS-24, Amdt. 22; Eff. Date, 18 Mar. 61; Sup. Amdt. No. 21; Dated, 18 Feb. 61

PROCEDURE CANCELLED, EFFECTIVE 18 MARCH 1961. WEST CRS OF ILS DOES NOT MEET FLIGHT CHECK CRITERIA.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778'; Fac. Class., ILS (Back crs approach); Ident., ISBN; Procedure No. ILS-9, Amdt. 2; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 1; Dated, 26 Nov. 55

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on February 13, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-1458; Filed, Mar. 1, 1961; 8:45 a.m.]



# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (33) is added to § 6.304(a) as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* * * *

(33) The Director, Office for Organization and Management Planning, Office of the General Counsel.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1815; Filed, Mar. 1, 1961; 8:50 a.m.]

## PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTION IN FORCE

Effective for notices issued on and after May 1, 1961, Part 20 is revised as follows:

Subpart A—Coverage and Definitions

Sec.
20.101 Use.
20.102 Coverage.
20.103 Definitions.

Subpart B—Determining Retention Standing

20.201 Determining retention standing.
20.202 Retention register.
20.203 Records.

Subpart C—Determining Agency Action

20.301 General.
20.302 Release from competitive level.
20.303 Actions.
20.304 Exceptions.

Subpart D—Effecting Agency Action

20.401 Notice to employees.
20.402 Contents of notice.
20.403 General and specific notices.
20.404 General notice contents.
20.405 Expiration of notices.
20.406 New notice required.
20.407 Status during notice period.

Subpart E—Appeals

20.501 Initial appeals.
20.502 Failure to prosecute.
20.503 Death of appellant.
20.504 Decision on initial appeal.
20.505 Appellate review.
20.506 The Commissioners.
20.507 Correction by agency.

Subpart F—Reemployment Priority

20.601 Reemployment priority list.
20.602 Employees separated from positions overseas or in Alaska.
20.603 Restriction in filling positions.

AUTHORITY: §§ 20.101 to 20.603 issued under sec. 11, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 860, 868.

### Subpart A—Coverage and Definitions

§ 20.101 Use.

(a) *General.* The regulations in this part must be followed whenever an agency releases a competing employee from his competitive level by means of separation, demotion, furlough for more than thirty days, or reassignment requiring displacement, when the release is required because of lack of work, shortage of funds, reorganization, or the exercise of reemployment rights or restoration rights.

(b) *Administrative use.* The regulations in this part do not require an agency to fill a vacant position. However, when an agency, in its discretion, chooses to fill a vacancy by an employee who has been released from his competitive level for one of the reasons mentioned in paragraph (a) of this section, the regulations in this part shall be followed.

(c) *Exclusion.* The regulations in this part do not apply to the change of an employee from regular to substitute in the same pay level in the field service of the Post Office Department.

§ 20.102 Coverage.

(a) *Employees.* Except as provided by paragraph (b) of this section, the regulations in this part apply to all civilian employees:

(1) In the executive branch of the Federal Government,

(2) In those parts of the Federal Government outside the executive branch which are subject by law to the competitive civil service requirements,

(3) In the civil service of the District of Columbia.

(b) *Persons not covered.* The regulations in this part do not apply to:

(1) Persons in positions in or under the legislative or judicial branches of the Federal Government unless they occupy positions which are, by law, subject to the Federal competitive civil service requirements.

(2) Persons (except postmasters) whose appointments are required by the Congress to be confirmed by, or made with the advice and consent of the United States Senate.

§ 20.103 Definitions.

(a) *General terms.* As used in this part, the following terms have the meaning given in Part I of these regulations: competitive service, excepted service, obligated position, promotion, and veteran.

(b) *Limited terms.* As used in this part, the following terms have the meaning given:

"Competing employee" means an employee in tenure group I, II, or III.

"Days" means calendar days.

"Function" means all or a clearly identifiable segment of an agency's mission (including all the integral parts of that mission), regardless of the manner in which it is performed.

"Local commuting area" means the geographic area which usually constitutes one area for employment purposes. It includes any population center (or two or more neighboring ones) and the surrounding localities within which people live and can reasonably be expected to travel back and forth daily in their usual employment.

"Performance rating" means the current official performance rating under a performance rating plan approved by the Commission.

"Reorganization" means the planned elimination, addition, or redistribution of functions or duties within an organization.

"Representative rate" is the fourth step of the grade for a position under the Classification Act, the prevailing rate for a position under a wage-board or similar wage-determining procedure, and, for all other positions, the rate designated by the agency as representative of the position.

"Transfer of function" means the transfer of the performance of a continuing function from one competitive area and its addition to one or more other competitive areas, or the movement of the competitive area in which the function is performed to another commuting area.

### Subpart B—Determining Retention Standing

§ 20.201 Determining retention standing.

(a) *Selection factors.* Agencies shall determine the retention standing of competing employees on the basis of the selection factors in this subpart.

(b) *Competitive area.* (1) Agencies shall establish competitive areas within which employees compete for retention under this part.

(2) The competitive area is all or that part of an agency within which employees are assigned under a single administrative authority. In the departmental service, this standard is met when the competitive area covers a primary subdivision of the agency within the local commuting area. In the field service, this standard is met when the competitive area covers a field installation within the local commuting area.

(3) Agencies may provide for competitive areas larger than those mentioned in subparagraph (2) of this paragraph. Under exceptional circumstances, and with the prior approval of the Commission, an agency may establish a competitive area smaller than those mentioned in subparagraph (2) of this paragraph.

(4) Agencies may combine two or more competitive areas for the purpose of initial competition within an enlarged competitive level or levels without a corresponding combination of the areas for the purpose of position changes between competitive levels. When agencies combine areas for the purpose of initial competition only, they may limit competition for position changes between competitive levels to (i) the enlarged area, (ii) a single competitive area, or (iii) an area larger than a single area but smaller than the enlarged area.

(c) *Competitive level.* (1) Agencies shall establish competitive levels consisting of all positions within a competitive area and in the same grade or occupational level which are sufficiently alike in qualifications requirements, duties, responsibilities, pay schedules, and working conditions so that the incumbent of any one position may be changed readily to any of the other positions without change in the terms of the incumbent's appointment or undue interruption to the work program.

(2) Separate competitive levels shall be established for competitive positions as distinguished from excepted positions. Among competitive positions and among excepted positions, separate competitive levels shall be established for positions:

(i) Under different pay schedules,

(ii) Filled on a seasonal basis,

(iii) Filled on a part-time basis, and

(iv) Filled on a when-actually-employed basis.

In addition, among excepted positions, separate competitive levels shall be established for positions filled under different appointment authorities.

(d) *Tenure groups—competitive service.* (1) Employees having performances ratings of "Satisfactory" or better and serving under appointments not limited to one year or less shall be classified into the following groups and subgroups on the basis of tenure of employment and veteran preference. The descending order of retention standing by groups is group I, group II, group III; within each group it is subgroup A, subgroup B; within subgroups it begins with the earliest service date.

(2) Group I includes employees serving under career appointments who have completed probation or are not required to serve the probationary period. A career employee serving in an obligated position is in group I when competing for positions at and below the grade in which he last served on a permanent basis.

(3) Group II includes employees who are serving a probationary period, career-conditional employees, and career employees occupying obligated positions.

(4) Group III includes indefinite employees, employees serving under temporary appointments pending establishment of registers, and employees serving in status quo or under any other nonstatus nontemporary appointment.

(5) Subgroups—competitive service. Within each tenure group, employees with veteran preference are in subgroup "A" and other employees in subgroup "B".

(e) *Excepted service.* Tenure groups and subgroups for competing employees in the excepted service shall correspond with those for employees in the competitive service having similar tenure of employment and veteran preference, except that employees who complete one year of current continuous service under temporary appointment are in tenure group III.

(f) *Length of service.* (1) Agencies shall establish a service date for each competing employee.

(2) The service date for each employee is whichever of the following dates reflects his total length of service and performance rating credit provided in paragraph (g) of this section: (i) The date of his entrance on duty, if he had no previous creditable service, (ii) the date obtained by subtracting his total creditable previous service from the date of his latest entrance on duty, or (iii) the date obtained by subtracting from (i) or (ii) the service equivalent allowed for performance ratings above "Satisfactory." The service date shall be adjusted as necessary to withhold credit for any noncreditable time.

(g) *Performance ratings.* (1) Employees who have "Outstanding" performance ratings shall receive credit for four years of service added to the length of service.

(2) Employees who have performance ratings between "Satisfactory" and "Outstanding", when such ratings have been authorized in a Performance Rating Plan approved by the Commission, shall receive credit for two years of service added to the length of service.

### § 20.202 Retention register.

(a) An agency shall establish a retention register whenever a competing employee is to be released from a competitive level under this part.

(b) Retention registers shall be established from the current retention records of employees in each competitive level affected. The names of competing employees in positions in the particular competitive level (whether in duty, leave, or furlough status, excluding only those absent on military duty with reemployment rights) shall be entered on the register in the order of retention standing; that is, by tenure groups, subgroups, and service data.

When employees serving under specifically limited temporary appointments occupy positions in the competitive level, their names and the expiration dates of their appointments shall be listed apart from the retention register. The names of any employees in the competitive level with performance ratings of less than "Satisfactory", regardless of the types of appointment under which serving, shall be listed apart from the retention register and below the names of temporary employees.

(c) A separate retention register shall be compiled for each competitive level.

### § 20.203 Records.

Agencies shall maintain the current, correct records necessary to determine the retention standing of their competing employees. All retention registers and all related records shall be open for inspection by representatives of the Commission and by employees of the agency to the extent that such records have a bearing on their cases. All of the records shall be preserved intact for at least one year from the date of issuance of specific notices to the employees.

## Subpart C—Determining Agency Action

### § 20.301 General.

No competing employee shall be released from a competitive level while another employee with a specifically limited temporary appointment or an "Unsatisfactory" performance rating is retained in the competitive level. In addition, except as required under § 20.304(a) or § 20.406, or as permitted under § 20.304 (b) and (c), no competing employee shall be released from a competitive level while another employee with lower retention standing is retained in the competitive level.

### § 20.302 Release from competitive level.

Competing employees shall be selected for release from a competitive level under this part in the inverse order of retention standing, beginning with the lowest standing employee on the retention register. When employees in the same subgroup are tied with identical service dates, the agency may select any of the tied employees in its discretion.

### § 20.303 Actions.

(a) *General.* A competing employee selected for release from his competitive level shall be (1) assigned with his consent to a position for which qualified that will last as long as three months, or (2) furloughed, or (3) separated.

(b) *Qualifications for assignment.* Except as provided by paragraph (c) of this section, to be considered qualified for the purposes of this section, an employee must meet the Commission's standards and requirements for the position in question, including any minimum educational requirements; must be physically qualified for the duties of the position, and must meet any special qualifying conditions which the Commission has approved for the position. In addition, the employee must have the capacity, adaptability, and any special skills required for satisfactory performance of the duties and responsibilities of the position without undue interruption to the activity.

(c) *Exception to qualifications.* An agency may, in its discretion, assign an employee under this section or under § 20.101(b) as an exception to the Commission's standards and requirements when the agency determines that he has the capacity, adaptability, and special skills required by the position. An employee assigned as an exception to the standards and requirements must meet any minimum educational requirement established for the position.

(d) *Assignment involving displacement.* A group I or II employee in the competitive service shall be assigned under paragraph (a) of this section, rather than furloughed or separated, to a competitive position in another competitive level in his competitive area which will require no reduction, or the least possible reduction, in representative rate whenever a position in the other competitive level is held by:

(1) An employee in a lower subgroup, or

(2) An employee with lower retention standing and the position is one from which the group I or II employee was promoted (or an essentially identical position).

This paragraph does not require an agency to change an employee to a position with a higher representative rate, nor does it authorize or permit the displacement of a full-time employee by other than a full-time employee.

The assignment rights of an employee under this paragraph may be satisfied by action of the agency under § 20.101(b) or paragraph (e) of this section.

(e) *Administrative reassignment.* (1) Although not required by these regulations, agencies may provide for position changes across competitive areas, may permit competing employees to displace employees with lower standing in the same subgroup when equally reasonable placements cannot be made by displacing employees in lower subgroups, and may permit employees in subgroup III–A to displace employees in subgroup III–B.

(2) Agencies may provide rights similar to those specified in § 20.303(d) and in subparagraph (1) of this paragraph to competing employees in the excepted service.

(3) Agency provisions adopted under this paragraph must be consistent with the regulations in this part, must be uniformly and consistently applied in any one reduction in force, and may not provide for changes from less-than-full-time to full time, from competitive to excepted, or from excepted to competitive positions.

(f) *Use of furlough.* (1) A competing employee may not be furloughed unless the agency intends to recall him to duty within one year in the position from which furloughed.

(2) No competing employee may be separated in a reduction in force while an employee with lower retention standing is on furlough from the same competitive level.

(3) Furloughs may not extend more than one year.

(4) When more than one employee is furloughed from the same competitive level, recall to that competitive level shall be in the order of retention standing beginning with the furloughed employee having the highest standing.

(g) *Special provisions on transfer of function.* Before any reduction in force is made in connection with the transfer of any or all of the functions of an agency to another continuing agency, all competing employees in positions identified with such function or functions shall be transferred to such continuing agency, without change in tenure of appointment. Employees whose positions are transferred solely for the purpose of liquidation, and who are not identified with operating functions specifically authorized at the time of transfer to continue in operation more than sixty days, shall not be considered as competing employees for other positions in the receiving agency.

(h) *Special provisions on liquidation.* When all positions in a competitive area will be abolished within three months, employees shall be released in subgroup order but may be released without regard to retention standing within a subgroup. When this provision is used, the notice to the employees shall so state and shall also state the date on which the liquidation will be completed. The provisions of § 20.304 may be used during liquidation.



### § 20.304 Exceptions.

(a) *Mandatory exceptions.* In applying the provisions of section 20.302 and section 20.303 the following special retention priorities shall be followed:

(1) Veterans in group I or II who are entitled to be retained for one year after restoration under section 9 of the Universal Military Training and Service Act, as amended, shall be retained over all other employees in their subgroups until the expiration of the one-year period.

(2) Nonveterans in group I or II who are entitled to be retained for either six months or one year after restoration under section 9 of the Universal Military Training and Service Act, as amended, shall be retained over all other employees in their subgroups until the expiration of the retention period.

(3) The reasons for these deviations from the regular order of selection shall be recorded on the retention register and shall be available for inspection by all employees.

(b) *Permissive continuing exceptions.* An exception to the selection sequence set forth in § 20.302 and to the action provisions of § 20.303 may be made when necessary to retain an employee engaged on duties which cannot be taken over within ninety days and without undue interruption to the activity by an employee with higher retention standing. Each higher-ranking employee who is reached in the competitive level shall be notified in writing of the reasons for the exception.

(c) *Permissive temporary exceptions.* An exception to the provisions of §§ 20.302 and 20.303 may be made for not to exceed ninety days when necessary to retain an employee for ninety days or less after the effective date of reduction in force for higher-ranking employees in the same competitive level in order to continue an activity without undue interruption, or to satisfy a governmental obligation to the retained employee. When the retention is for more than thirty days after the effective date of reduction in force for higher-ranking employees in the same competitive level, each higher-ranking employee who is reached in the competitive level shall be notified in writing of the reasons for the exception and the date the retention will end. When the retention is for thirty days or less, the reasons for the exception and the date the retention will end shall be listed opposite the retained employee's name on the retention register.

## Subpart D—Effecting Agency Action

### § 20.401 Notice to employees.

(a) *General.* Competing employees selected for release from their competitive levels under this part shall receive written notices at least thirty full days but not more than ninety full days before the effective dates of their release except as may be required to comply with a provision of this part.

(b) *Extensions.* When an employee is retained under § 20.304 (a) or (c) his notice period may be more than ninety full days, but may not continue beyond the date of completion of his retention period. The date of completion shall be cited in the notice as the effective date.

(c) *Exception.* Upon request, the Commission may grant prior approval to extend the maximum ninety-day notice period prescribed in paragraph (a) of this section for an additional period not to exceed ninety days upon a showing that such an extension will protect employee rights or avoid administrative hardship.

### § 20.402 Contents of notice.

Except as provided in § 20.403 a notice under this part shall state specifically the action to be taken; the effective date; the employee's competitive area, competitive level, subgroup, and service date; the place where the employee may inspect the regulations and records pertinent to his case; the reasons why any employee with lower retention standing is retained in the same competitive level under § 20.304(b) or retained for more than thirty days in the same competitive level under § 20.304(c); and the employee's appeal rights, including the time limit for the appeal and the location of the Commission office to which the appeal should be sent.

### § 20.403 General and specific notices.

When an agency cannot determine specifically all individual actions thirty days before the effective date, it may issue general notices, which must be supplemented by specific notices. The combined contents of the general and specific notices must meet the requirements in § 20.402. When a general notice is issued, the notice period begins on the day after the employee receives the general notice. An agency may cancel an unexpired general notice or may renew it for additional periods within the ninety days' maximum period specified in § 20.401. A general notice expires thirty days after receipt unless, within that time, the employee receives a renewal of the general notice or a specific notice. When a general notice and a specific notice are issued, the personnel action finally decided upon shall not be taken until at least five days after the employee receives the specific notice.

### § 20.404 General notice contents.

A general notice shall inform the employee that action under this part may be necessary, but that no specific action has been determined in his case. The notice shall state that as soon as it can be determined whether he will be retained, furloughed, or separated, he will be informed by a specific notice stating the action to be taken. The general notice shall state that it will expire if it is not followed within thirty days by a renewal or by a specific notice. A general notice shall inform the employee that he should not appeal to the Commission before he receives a specific notice. It may include any of the other information specified in § 20.402.

### § 20.405 Expiration of notices.

A general notice expires as specified in § 20.403. Any notice expires unless it is followed by the action specified, or by an action less severe than that specified, in the notice or in an amendment to the

notice made before the action is taken. The action shall not be effected earlier than the effective date specified in the specific notice. An action taken after the date specified shall not be ruled invalid unless it is challenged by an employee with higher retention standing in the competitive level, who is reached for reduction-in-force action out of order as a result of the action, or unless it results in a notice period longer than the maximum allowable.

**§ 20.406 New notice required.**

A new notice of at least thirty full days is required when the action to be taken is more severe than that first specified.

**§ 20.407 Status during notice period.**

Wherever possible, the employee shall be retained on active duty during the notice period, but may be placed on annual leave with or without his consent, on leave without pay with his consent, or he may be placed in a nonpay leave status without his consent in an emergency when there is a lack of work or a lack of funds for all or part of the notice period. The reasons for any time without pay during the notice period will be reviewed upon the request of the employee if he appeals to the Commission.

## Subpart E—Appeals

**§ 20.501 Initial appeal.**

(a) *Employee appeals to the Commission.* Any employee who receives a notice of specific action and who believes that the regulations in this part have not been correctly applied may appeal to the appropriate office of the Commission. The appeal may be filed at any time after the employee receives the notice of specific action but not later than ten days after the effective date of the action.

(b) *Reemployment priority list appeals.* Any employee or former employee who thinks his reemployment priority rights under Subpart F of this part have been violated may appeal to the Commission by presenting factual information that he was improperly denied reemployment because of the employment of another person.

(c) *Extension of time limit.* The time limit specified in paragraph (a) of this section may be extended in the discretion of the Commission upon a showing by the appellant that he was not notified of the applicable time limit and was not otherwise aware of the time limit, or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

(d) *Contents of appeal.* An appeal to the Commission shall (1) be in writing, (2) identify the appellant, the agency, and the nature and effective date of the action appealed, and (3) state the reasons why the appellant believes the action appealed to be improper.

**§ 20.502 Failure to prosecute.**

An appeal will be closed for failure to prosecute when the appellant does not furnish required information and duly proceed with the advancement of his appeal. In lieu of closing for failure to prosecute, an appeal may be adjudicated if the information is sufficient for that purpose. A closed appeal will not be reopened except in the discretion of the Commission upon a showing that circumstances beyond the control of the appellant prevented him from prosecuting the appeal.

**§ 20.503 Death of appellant.**

A proper appeal filed prior to the death of an appellant will be processed to completion and adjudicated. As necessary, a recommendation for corrective action in such an appeal may provide for cancellation of the adverse action and for amendment of the agency's records to show retroactive restoration and continuance on the rolls through the date of death.

**§ 20.504 Decision on initial appeal.**

(a) *Recommendation.* The decision on the initial appeal is issued in writing by the Chief, Appeals Examining Office, or by the regional director, as appropriate. The decision will recommend any corrective action which may be necessary.

(b) *Copies of decision.* A copy of the decision is furnished to the employee, his designated representative, and to the employing agency, with notification of the right of the parties to appeal within seven days to the Board of Appeals and Review, U.S. Civil Service Commission, Washington 25, D.C.

(c) *Agency action.* It is mandatory for the agency to take corrective action in accordance with the decision and recommendation, unless an appeal is made to the Board of Appeals and Review.

(d) *Report to the Commission.* The agency shall report to the Chief, Appeals Examining Office, or to the regional director, as appropriate, within seven days after the receipt of the decision that it has carried the decision into effect or that it is appealing the decision to the Board of Appeals and Review.

**§ 20.505 Appellate review.**

(a) *Appeals to the Board of Appeals and Review.* When an employee or an employing agency elects to appeal from a decision of the Chief, Appeals Examining Office, or regional director, such an appeal may be made to the Board of Appeals and Review (hereinafter referred to as the "Board"), U.S. Civil Service Commission, Washington 25, D.C.

(b) *Time for filing.* An appeal to the Board must be filed within seven days after the date of receipt of the initial decision. This time limit may be extended in the discretion of the Board upon a showing that circumstances beyond the control of the employee or the employing agency prevented the filing of a further appeal within the prescribed seven days.

(c) *Form and content.* The appeal to the Board must be in writing and must set forth the basis for the appeal.

(d) *Personal appearance.* In its discretion, the Board may afford the parties an opportunity to appear personally and present oral arguments and representations. No evidence is accepted during such a personal appearance which could have been submitted in connection with the initial appeal.

(e) *Decision.* The decision on an appeal to the Board is in writing and is transmitted to the employee, his designated representative, and to the employing agency.

(f) *Finality of decision.* The decision on an appeal to the Board is final. There is no further right to appeal. A recommendation for corrective action is mandatory and must be complied with by the agency. Where corrective action is required, the agency shall report to the Board promptly that such action has been taken.

**§ 20.506 The Commissioners.**

The Commissioners may, in their discretion, when in their judgment such action appears warranted by the circumstances, reopen and reconsider any previous decision.

**§ 20.507 Correction by agency.**

If an employee is restored to his former grade or rate of pay or to an intermediate grade or rate of pay as the result of an agency decision that its action under this part was unjustified or unwarranted, the restoration shall be made retroactively effective to the date of the improper action.

## Subpart F—Reemployment Priority

**§ 20.601 Reemployment priority list.**

Each agency shall establish and maintain a reemployment priority list for each commuting area from which it has separated career or career-conditional employees from competitive positions under this part. The name of each of these employees shall be entered on the reemployment priority list for all competitive positions in the commuting area for which he is qualified and available, except as provided in § 20.602. The name of a career employee shall be continued on the list for two years, and the name of a career-conditional employee for one year, from the date of separation. His name may be deleted from the list upon his signed written request, his acceptance of a nontemporary full-time competitive position in any Federal agency, or his declination of a nontemporary full-time competitive position with a representative rate the same as or higher than that of the position from which separated by reduction in force.

**§ 20.602 Employees separated from positions overseas or in Alaska.**

A career or career-conditional employee separated from a competitive position overseas or in Alaska shall have his name entered on the agency's reemployment priority list for the area in which the position is located only if the employee remains in that area after separation. An employee who leaves the area may, upon request, have his name entered on the agency's reemployment priority list for the commuting area from which he was employed for overseas or Alaskan service, or for another area (except an area overseas or in Alaska) mutually acceptable to the employee and to the agency. An employee's name may be deleted from the list for one of the reasons given in § 20.601, and shall be deleted from a list for an overseas or Alaskan area when he leaves the area covered by that list.

**§ 20.603 Restriction in filling positions.**

No competitive position in the agency, for which there is a qualified person available on the agency's reemployment priority list, may be filled by the transfer of an employee of a different agency, or by the new appointment of any person except a qualified ten-point preference eligible. Furthermore, no such position may be filled by the reemployment of a person who is not on the reemployment priority list, unless such person is a preference eligible or unless such person is restored under Part 35 of this Chapter. These restrictions shall not apply if all qualified persons on the reemployment priority list decline, or fail to respond to, offers of reemployment to the position. In selections for reemployment from reemployment priority lists, tenure group I employees shall be preferred to tenure group II employees and qualified preference eligibles shall have preference within tenure groups. An exception to these provisions may be made only when necessary to obtain an employee for duties which cannot be taken over, without undue interruption to the activity, by any person on the reemployment priority list or with greater preference on such list. In these cases, each person adversely affected by the exception must be notified of the reasons, and of his right to appeal to the Commission.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1766; Filed, Mar. 1, 1961; 8:45 a.m.]



# Title 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 65]

## PART 965—MILK IN GREATER CINCINNATI MARKETING AREA

### Order Amending Order


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AUTHORITY: §§ 965.0 to 965.92 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

**§ 965.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Cincinnati marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled, by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, two cents per hundredweight or such amount not to exceed two cents per hundredweight as the Secretary may prescribe, with respect to: (i) all producer milk received during the month, and (ii) other source milk as allocated to Class I during the month pursuant to § 965.46 excluding other source milk on which an administrative assessment is payable pursuant to another Federal order. A handler operating a fluid milk plant which is a nonpool plant shall pay administrative assessments pursuant to § 965.61.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued December 1, 1960 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued January 19, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined

that good cause exists for making this order amending the order effective April 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determination.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the greater Cincinnati marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

**§ 965.1 Act.**

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

**§ 965.2 Secretary.**

"Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

**§ 965.3 Greater Cincinnati marketing area.**

"Greater Cincinnati marketing area", hereinafter called the "marketing area", means all the territory within the perimeter boundaries of Butler, Clermont, Hamilton and Warren counties, all in the State of Ohio; and Boone, Campbell, Grant, Harrison, Kenton and Pendleton counties, all in the State of Kentucky.

**§ 965.4 Person.**

"Person" means any individual, partnership, corporation, association, or any other business unit.

**§ 965.5 Route.**

"Route" means a delivery (including a sale from a store) of milk, buttermilk, flavored milk drinks, or cream in fluid form to a wholesale or retail stop(s) other than to a milk processing plant(s).

**§ 965.6 Fluid milk plant.**

"Fluid milk plant" means a plant or other facilities used in the preparation or processing of milk, all or a portion of which is disposed of during the month on a route(s) operated wholly or partially in the marketing area.

**§ 965.7 Pool plant.**

"Pool plant" means a milk plant, other than a plant operated by a producer-handler, which is:

(a) A fluid milk plant located in the marketing area;

(b) A fluid milk plant located outside the marketing area and from which not less than 10 percent of the entire route disposition of Class I milk from such plant during the month is disposed of on a route(s) operated wholly or partially within the marketing area; or

(c) A plant which receives milk from persons described in § 965.10(a) and from which an amount of milk or skim milk in fluid form has been moved to a plant(s) described in paragraph (a) or (b) of this section equal to not less than one percent of the total Class I utilization of all plants described in paragraphs (a) and (b) of this section during the second month preceding such movement, as specified in the following schedule:

| *Months milk is moved.* | *Months plant is pool plant* |
|---|---|
| One of the months of October and November. | November. |
| Two of the months of October, November, and December. | December. |
| Three of the months of October, November, December, and January. | January through October. |

*Provided,* That upon written request to the market administrator by the operator of a plant which is a pool plant pursuant to this paragraph for the discontinuance of such plant as a pool plant, such plant shall cease to be a pool plant in the first month, following such request, during which no milk is moved to a plant described in paragraph (a) or (b) of this section and shall not become a pool plant until such plant again meets the requirements for a pool plant pursuant to this paragraph.

**§ 965.8 Nonpool plant.**

"Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

**§ 965.9 Dairy farmer.**

"Dairy farmer" means any person who is engaged in the production of milk.

**§ 965.10 Producer.**

"Producer" means a dairy farmer, other than a producer-handler, who produces milk on a farm which is approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is:

(a) Permitted by the duly constituted health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area; and

(b) Received during the month at a pool plant; or

(c) If from a dairy farmer whose milk previously has been received at a pool plant, is either (1) diverted during any of the months of March through August to a nonpool plant for the account of a handler as defined in § 965.11(a)(1); (2) diverted during the month to a nonpool plant for the account of a handler as defined in § 965.11(b); or (3) diverted during the month from a pool plant to another pool plant for the account of a handler as defined in § 965.11(a)(1) or (b) for not more than two consecutive days of delivery and not more than 10 days of delivery during the month.

**§ 965.11 Handler.**

"Handler" means (a) any person who operates (1) a pool plant; or (2) a fluid milk plant which is a nonpool plant; or

(b) Any cooperative association with respect to the milk of any producer which is diverted by the cooperative association during the month.

**§ 965.12 Producer milk.**

"Producer milk" means only that skim milk and butterfat contained in milk (a) received at a pool plant directly from producers during the month, or (b) diverted from a pool plant pursuant to the conditions set forth in § 965.10(c): *Provided,* That if such diverted milk is from a producer whose milk was physically received from the farm at a pool plant located less than 45 miles from the City Hall in Cincinnati on (1) 60 percent or more of the days of its delivery during the immediately preceding period of September through December or (2) 60 percent or more of the days of its delivery from the date of first delivery to the last day of February in the immediately preceding period of September through February, such milk shall be deemed to have been received by the handler at a pool plant at the same location as the pool plant from which it was diverted. Diverted milk not meeting the conditions specified in subparagraph (1) or (2) of this paragraph shall be deemed to have been received by the handler at a pool plant at the same location as the pool or nonpool plant to which the milk is diverted.

**§ 965.13 Producer-handler.**

"Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided,* That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a fluid milk plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

**§ 965.14 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in or represented by (a) receipts during the month in the form of fluid milk products except (1) producer milk, (2) such products received from other pool plants, and (3) inventory of fluid milk products at the begining of the month; and (b) products other than fluid milk products from any source (except Class II products from pool plants but including products other than Class II products produced at the pool plant), which are



reprocessed, repackaged, or converted to another product during the month or for which other utilization or disposition is not established pursuant to § 965.33.

**§ 965.15 Fluid milk product.**

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, flavored milk, milk drink; cream (sweet, cultured, sour or whipped), eggnog, concentrated milk; and any mixture of milk, skim milk or cream (including fluid, frozen or semi-frozen malted milk and milk shake mixtures containing less than 15 percent total milk solids; and excluding frozen storage cream, aerated cream in dispensers, ice cream and frozen dessert mixes, and evaporated and condensed milk).

**§ 965.16 Chicago butter price.**

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the United States Department of Agriculture.

MARKET ADMINISTRATOR

**§ 965.20 Designation.**

The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

**§ 965.21 Powers.**

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

**§ 965.22 Duties.**

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Pay, out of the fund provided by § 965.76, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within ten days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.30 or has not made payments pursuant to §§ 965.70 and 965.72;

(f) Promptly verify the information contained in the reports submitted by handlers;

(g) Furnish such information and verified reports as the Secretary may request and submit his books and records to examination by the Secretary at any and all times;

(h) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices computed pursuant to § 965.51 and the butterfat differentials computed pursuant to § 965.52; and

(2) On or before the 20th day after the end of such month the uniform prices computed pursuant to § 965.63, and the producer butterfat differential computed pursuant to § 965.74;

(i) On or before the 13th day after the end of each month:

(1) Notify each handler of his net obligation pursuant to §§ 965.60 and 965.61 and of any adjustments pursuant to § 965.62; and

(2) Report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 965.73(b), to each handler to whom the cooperative association sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this part as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

**§ 965.30 Monthly reports of receipts and utilization.**

On or before the 10th day after the end of each month, each handler shall report for such month to the market administrator for each of his pool plants, in the detail and on forms prescribed by the market administrator the following:

(a) The total pounds of skim milk and butterfat contained in or represented by:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Beginning and ending inventories of fluid milk products.

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe;

(d) His producer payroll, which shall show for each producer: (1) The total pounds of milk with the average butterfat test thereof, (2) the amount of the advance payment to such producer made pursuant to § 965.70 and the nature and amount of deductions and charges made by the handler; and

(e) The name and address of each new producer.

**§ 965.31 Other reports.**

(a) On or before the 10th day after the end of each month, each handler, except a producer-handler, who operates a nonpool fluid milk plant from which Class I milk is disposed of during the month in the marketing area shall report to the market administrator the quantities of skim milk and butterfat so disposed of; and shall report the information required of handlers operating pool plants pursuant to § 965.30 substituting receipts from dairy farmers for receipts from producers.

(b) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

**§ 965.32 Verification of handler reports.**

Each handler shall make available to the market administrator or to his agent, or to such other persons as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to §§ 965.30 and 965.31, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

**§ 965.33 Records and facilities.**

Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as in the opinion of the market administrator are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

**§ 965.34 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice the handler shall retain such books and records, or specified books and records,

until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

**§ 965.40 Basis of classification.**

The skim milk and butterfat which are required to be reported pursuant to § 965.30(a) shall be classified by the market administrator, subject to the provisions of §§ 965.41 through 965.46.

**§ 965.41 Classes of utilization.**

Subject to the conditions set forth in §§ 965.43 and 965.44, the classes of utilization shall be as follows:

(a) Class I milk. Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product, except as provided in paragraph (c) (2) and (3) of this section, and (2) not accounted for as Class II milk or Class III milk;

(b) Class II milk. Class II milk shall be all skim milk and butterfat:

(1) Used to produce ice cream, frozen desserts, ice cream and frozen dessert mixes (excluding malted milk or milk shake mixtures containing less than 15 percent total milk solids), milk or skim milk and cream mixtures disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, cottage cheese, and cultured mixtures of skim milk and butterfat to which cheese or any food substance other than a milk product has been added in an amount equal to at least 3 percent of the finished product and which contains butterfat equal to not more than 15 percent of the finished product; and

(2) Inventories of fluid milk products; and

(c) Class III milk. Class III milk shall be all skim milk and butterfat (1) used to produce butter, frozen cream, spray and roller process nonfat dry milk solids, all cheese (other than cottage cheese), evaporated and condensed milk (or skim milk) either in bulk or hermetically sealed cans; (2) specifically accounted for as dumped, spilled or disposed of for animal feed; (3) disposed of in bulk as milk, skim milk, or cream to any commercial food processing establishment where food products are prepared only for consumption off the premises; (4) actual plant shrinkage allocated to producer milk pursuant to § 965.42 but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and (5) actual plant shrinkage allocated to other source milk pursuant to § 965.42.

**§ 965.42 Shrinkage.**

The market administrator shall allocate shrinkage at the handler's pool plant(s) as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in producer milk (including producer milk physically received as diverted milk from another pool plant and excluding producer milk diverted to another pool plant) and other source milk received in the form of a fluid milk product in bulk.

**§ 965.43 Transfers.**

Skim milk and butterfat disposed of by a handler from a pool plant shall be classified:

(a) As Class I milk if transferred to the pool plant of another handler in the form of a fluid milk product, unless:

(1) Utilization in another class is claimed by the operators of both plants in their reports submitted pursuant to § 965.30; and

(2) The receiving plant has utilization in the claimed clasification of an equivalent amount of skim milk and butterfat, respectively, after making the assignments pursuant to § 965.46(a) (1), (2), and (3) and the corresponding steps of (b): *Provided,* That if either or both plants have other source milk, the milk, skim milk or cream so transferred, shall be classified so as to allocate the highest-valued use classification available at both plants to producer milk: *And provided further,* That milk may be transferred in farm delivery containers from one pool plant to another under the conditions of this paragraph if both such plants are pool plants pursuant to § 965.7 (a) or (b);

(b) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form to a fluid milk plant operated by a producer-handler.

(c) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form in bulk to a nonpool plant unless:

(1) The handler claims classification in another class and furnishes, on or before the 10th day after the end of the month, to the market administrator, a statement signed by all parties to the transaction that such skim milk and butterfat was used in a lower priced class;

(2) Books and records are maintained for the nonpool plant showing utilization of all skim milk and butterfat at such plant which are made available, if requested by the market administrator, for the verification of such mutually indicated utilization; and

(3) An equivalent amount of skim milk and butterfat, respectively, was used at such nonpool plant in the classification(s) claimed. Any amounts in excess of the actual use in such claimed classification(s) shall be assigned to the next highest priced classification to the extent available.

**§ 965.44 Responsibility of handlers.**

In establishing the classification as required in §§ 965.41 and 965.43, the burden rests upon the handler to account for all skim milk and butterfat received by him and to prove to the market administrator that such skim milk and butterfat, should not be classified as Class I milk.

**§ 965.45 Computation of skim milk and butterfat in each class.**

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk, Class II milk, and Class III milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water normally associated with such solids in the form of whole milk.

**§ 965.46 Allocation of skim milk and butterfat classified.**

After making the computations pursuant to § 965.45, the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler during the month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk in producer milk shrinkage assigned to Class III milk pursuant to § 965.41(c)(4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced used available, the pounds of skim milk in other source milk less the pounds subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the remaining pounds of skim milk: (i) In Class I milk, the pounds of skim milk received in the form of fluid milk products in consumer packages not larger than one gallon from a plant fully regulated pursuant to Part 971 of this chapter and the pounds of skim milk received in sour cream in consumer packages if such sour cream is priced as Class I pursuant to another order issued pursuant to the Act or as Class II pursuant to Part 941 of this chapter: *Provided,* That this subdivision shall not apply to skim milk in any product if the same product is processed and packaged in the same size and type of container in the pool plant; and (ii) in each class, in series beginning with the lowest-priced use available, the pounds of skim milk in other source milk received in the form of a fluid milk product, excluding the pounds subtracted pursuant to subdivision (i) of this subparagraph, which is subject to the Class I pricing provisions of an order issued pursuant to the Act.

(4) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from other pool plants according to the classification determined pursuant to §§ 965.41 and 965.43;

(5) Subtract from the remaining pounds of skim milk, in series from Class II milk and then Class I milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month; and

(6) Add to the pounds of skim milk remaining in Class III milk the skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest-priced use available.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.



MINIMUM PRICES

**§ 965.50 Basic formula price.**

The basic formula price per hundredweight of milk to be used in computing the minimum price for Class I milk shall be the higher of the prices computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices per hundredweight ascertained to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator or to the United States Department of Agriculture:

*Company and Location*

Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.2;

(2) From the average of carlot prices per pound for nonfat dry milk, spray process, for human consumption f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 6.4 cents and multiply the result by 8.2.

**§ 965.51 Class prices.**

Subject to the provisions of § 965.52 and § 965.53, the class prices for milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.30, plus or minus a "supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the total gross pounds of Class I milk set forth in § 965.41 (adjusted to eliminate duplications due to interhandler transfers) in the second and third months preceding by the total pounds of producer milk for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum base percentage listed below increase the Class I price differential by three cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum base percentage listed below decrease such differential by three cents: *Provided,* That the Class I differential adjusted pursuant to this subparagraph for the month of June shall not be higher than such adjusted differential for the immediately preceding month of May; and that the Class I differential so adjusted for the month of January shall not be less than the adjusted differential for the immediately preceding month of December.

| Month for which price is being computed | Base utilization percentages | |
|---|---|---|
| | Minimum | Maximum |
| January | 67 | 69 |
| February | 66 | 68 |
| March | 66 | 68 |
| April | 67 | 69 |
| May | 63 | 65 |
| June | 60 | 62 |
| July | 53 | 55 |
| August | 49 | 51 |
| September | 48 | 50 |
| October | 51 | 53 |
| November | 58 | 60 |
| December | 63 | 65 |

(b) *Class II milk.* The price for Class II milk shall be the sum of the plus adjustments computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.13; and

(2) From the average price for nonfat dry milk spray process, described in paragraph (b) (2) of § 965.50, deduct 5.5 cents and multiply the result by 8.2.

(c) *Class III milk.* The price for Class III milk during each of the months of March through August shall be the price computed pursuant to subparagraph (1) of this paragraph; and the price for Class III milk during each of the months of September through February shall be the same as the Class II price;

(1) The simple average, as computed by the market administrator of the basic (or field) prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

M. and R. Dietetic Laboratories, Inc., Chillicothe, Ohio.
Carnation Milk Co., Hillsboro, Ohio.
Nestles Milk Products, Inc., Greenville, Ohio.
Nestles Milk Products, Inc. (Osgood Milk Co.), Osgood, Ind.
Carnation Milk Co., Maysville, Ky.

**§ 965.52 Butterfat differentials to handlers.**

If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent there shall be added to, or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows:

(a) *Class I milk.* Add 1.25 cents to the butterfat differential for Class II milk for the preceding month;

(b) *Class II milk.* Multiply the Chicago butter price by 118, subtract therefrom the amount computed pursuant to § 965.51(b)(2) and divide the result by 1000; and

(c) *Class III milk.* Multiply the Chicago butter price less 5.0 cents by 120, subtract therefrom the amount computed pursuant to § 965.50(b)(2) and divide the result by 1000: *Provided,* That for each of the months of September through February, the butterfat differential for Class III milk other than that used to produce butter shall be the same as the butterfat differential for Class II milk for such month.

**§ 965.53 Location differentials to handlers.**

For that skim milk and butterfat in producer milk received at a pool plant located 30 or more miles by the shortest highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator, and which is (a) moved in the form of a fluid milk product or as condensed skim milk or frozen cream to a pool plant located less than 30 miles from the City Hall in Cincinnati, Ohio, or (b) otherwise disposed of or utilized as Class I or Class II milk at such plant, the handlers obligation pursuant to § 965.60, subject to the proviso of this section, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such skim milk and butterfat are received from producers as follows:

| Distance from City Hall (miles): | *Rate per hundredweight (cents)* |
|---|---|
| 30 but less than 40 | 6.0 |
| 40 but less than 50 | 8.0 |
| 50 but less than 60 | 10.0 |
| For each additional 10 miles or fraction thereof an additional | 1.5 |

*Provided,* That in the case of transfers made under paragraph (a) of this section, the location differential credit (1) shall apply to the actual weight of the skim milk and butterfat moved, which weight shall not exceed the difference calculated by subtracting from the total pounds of skim milk and butterfat in Class I milk and Class II milk at the transferee's plant the total skim milk and butterfat in producer milk physically received at such plant, and (2) shall be allowed to the transferee-handler if such credit does not exceed the obligation of such handler to the producer-settlement fund for the month.

**§ 965.54 Use of equivalent prices.**

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

COMPUTATION OF UNIFORM PRICE

**§ 965.60 Net obligation of each handler.**

The net obligation of each handler for producer milk for the month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class by the applicable class price and add together the resulting amounts;

(b) Subtract the location differential credits pursuant to § 965.53;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 965.46(a)(6) and the corresponding step of (b) by the applicable class price;

(d) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the pounds of milk in inventory subtracted from Class I milk pursuant to § 965.46(a)(5) and the corresponding step of (b); and

(e) Add an amount computed by multiplying the pounds of other source milk subtracted from Class I milk and Class II milk pursuant to § 965.46(a)(2) and the corresponding step of (b) by the difference between the price for milk (of the same butterfat content) in the class from which subtracted and the price computed pursuant to § 965.50(b), adjusted to the same test by the Class III butterfat differential (other than butter): *Provided*, That for any month when the aggregate utilization of Class I milk for all handlers at pool plants is 90 percent or more of producer milk, no obligations shall be incurred pursuant to: (1) This paragraph, (2) paragraph (d) of this section on milk which is in excess of producer milk classified as Class II milk for the preceding month, or (3) § 965.61.

**§ 695.61 Handlers operating nonpool fluid milk plants.**

On or before the 17th day after the end of each month, each handler, except a producer-handler, operating a nonpool fluid milk plant shall pay to the market administrator the amounts computed pursuant to paragraph (a) of this section, unless the handler elects at the time of reporting pursuant to § 965.31 to pay the amounts computed pursuant to paragraph (b) of this section;

(a) An amount:

(1) For deposit to the producer-settlement fund determined by multiplying the hundredweight of milk disposed of as Class I milk from such plant on routes from which milk is disposed of within the marketing area (less the hundredweight of any Class I milk purchased by such handler during the month from a pool plant), by the amount by which the price of Class I milk computed pursuant to §§ 965.51, 965.52, and 965.53, exceeds the price computed pursuant to §965.50(b) adjusted by the Class III butterfat differential (other than butter); and

(2) For administrative assessment, equal to the rate specified in § 965.76 multiplied by the hundredweight of such Class I skim milk and butterfat disposed of on routes from which Class I milk is disposed of within the marketing area, unless an administrative assessment is applied to milk at such nonpool plant pursuant to another order issued pursuant to the Act on the same basis as plants fully regulated by such other order; or

(b) An amount:

(1) For deposit to the producer-settlement fund, equal to any plus amount remaining after deducting the amounts computed under subdivisions (i) and (ii) of this subparagraph from the obligation that would have been computed pursuant to § 965.60 for such nonpool plant, had such plant been a pool plant:

(i) The gross payments made on or before the 17th day after the end of the month for milk received at such nonpool plant during the month from dairy farmers who produce milk in compliance with the Grade A inspection requirements of a duly constituted health authority; and

(ii) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk handled at such plant during the month as a partially regulated plant under such other orders;

(2) For administrative assessment, equal to the amount which would have been computed pursuant to § 965.76 if such nonpool plant were a pool plant during the month: *Provided*, That such amount shall be reduced by any amount paid as an administrative expense assessment determined on the basis of Class I milk disposed of on routes in other marketing areas, pursuant to the terms of other orders issued pursuant to the Act: *And provided further*, That if less Class I milk is disposed of from such nonpool plant on routes in the Greater Cincinnati marketing area than is disposed of on routes in another marketing area as defined in an order issued pursuant to the Act, and if an administrative expense assessment is applied at such nonpool plant as if a fully regulated plant pursuant to the terms of the order for the marketing area where the volume of Class I milk disposed of from such nonpool plant is greatest, no administrative expense assessment shall be applicable under this order.

**§ 965.62 Correction of errors.**

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

**§ 965.63 Computation of uniform prices.**

For each month, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content as follows:

(a) Add together the values of milk as computed pursuant to § 965.60 for handlers other than those in arrears in payment (other than in payment for any amount pursuant to § 965.62) to the producer-settlement fund as required by § 965.72 for the preceding month;

(b) Subtract, if the weighted average butterfat test of all producer milk represented in the sum computed under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by the butterfat differential computed pursuant to § 965.74 times 10;

(c) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of milk received from producers during such month by the following amounts: 30 cents in April; 35 cents in May and June; and 20 cents in July;

(d) Add for each of the months of September, October, November, and December an amount computed by dividing by four the total amount of the obligated balance in the producer-settlement fund pursuant to § 965.71(b) on September 30 of such year;

(e) Add the sums of the values of the location differentials allowable pursuant to § 965.75;

(f) Add the unobligated balance in the producer-settlement fund;

(g) Divide by the total hundredweight of producer milk pooled pursuant to paragraph (a) of this section; and

(h) Subtract not less than four cents or more than five cents per hundredweight.

PAYMENTS FOR MILK

**§ 965.70 Payments to producers.**

On or before the 5th day after the end of each month, each handler shall pay to each producer $1.00 per hundredweight of milk received from such producer during the month: *Provided*, That in the event the total amount of deductions and charges authorized by any producer against payments due such producer for the month next preceding is greater than the payment computed for such producer pursuant to § 965.73(a) with respect to the milk received from such producer during such preceding month, the handler may deduct from the payment required by this section a sum equal to the difference between such amounts.

**§ 965.71 Producer-settlement fund.**

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 965.61(a)(1) and (b)(1) and 965.72 shall be deposited in this fund, and all payments made pursuant to § 965.73 shall be made out of this fund;

(b) All amounts subtracted pursuant to § 965.63(c) shall be deposited in this fund and shall remain therein as an obligated balance until withdrawn for the purpose of effectuating § 965.63(d); and

(c) The difference between the amount added pursuant to § 965.63(f) and the amount resulting from the subtraction pursuant to § 965.63(h) shall be deposited in, or withdrawn from, this fund, as the case may be.



**§ 965.72 Payments to producer-settlement fund.**

On or before the 17th day after the end of each month, each handler shall pay to the market administrator his obligation for milk for such month of which he is notified pursuant to § 965.22(i)(1) less the amount paid out to each producer in accordance with § 965.70, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer payroll: *Provided*, That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 965.70 (inclusive of the deductions and charges authorized by § 965.70) will not exceed the total value of the milk received from such producer.

**§ 965.73 Payments from producer-settlement fund.**

(a) The market administrator shall compute the payment due each producer for milk received during the month from such producer by a handler(s) who made the payments for such month pursuant to § 965.72, by multiplying the hundredweight of such milk by the uniform price computed pursuant to § 965.63 adjusted by the location differential pursuant to § 965.75 and the butterfat differential pursuant to § 965.74, and subtracting any charges and deductions made pursuant to § 965.72.

(b) On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.77:

(1) Direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section; and

(2) To each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments.

**§ 965.74 Butterfat differential to producers.**

In computing the payments due each producer for milk pursuant to § 965.73, there shall be added to or subtracted from the uniform price per hundredweight for each one-tenth of one percent of butterfat content in such milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(a) Compute the percentage of the total butterfat in producer milk assigned to each class pursuant to § 965.46;

(b) Multiply each such percentage figure by the butterfat differential for the respective class pursuant to § 965.52; and

(c) Add into one total the value obtained in paragraph (b) of this section, rounding off the result to the nearest even one-tenth cent.

**§ 965.75 Location differentials to producers.**

In computing the payment due each producer pursuant to § 965.73, the uniform price for producer milk at a pool plant located 30 or more miles by the shortest hard surfaced highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

| Distance from the City Hall (miles): | Rate per hundredweight (cents) |
|---|---|
| 30 but less than 40 | 6.0 |
| 40 but less than 50 | 8.0 |
| 50 but less than 60 | 10.0 |
| Each additional 10 miles or fraction thereof an additional | 1.5 |

**§ 965.76 Expense of administration.**

As his pro rata share of the expense incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler shall pay to the market administrator, on or before the 17th day after the end of each month, two cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe, with respect to: (a) all producer milk received during the month; and (b) other source milk as allocated to Class I during the month pursuant to § 965.46 excluding other source milk on which an administrative assessment is payable pursuant to another Federal order. A handler operating a fluid milk plant which is a nonpool plant shall pay administrative assessments pursuant to § 965.61.

**§ 965.77 Marketing services.**

The market administrator shall deduct an amount not exceeding six cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.73(b), with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", for the purpose of performing the services set forth in paragraph (b) of this section.

(b) The moneys received by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the Secretary.

**§ 965.78 Termination of obligation.**

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part, shall terminate two years after the end of the calendar month during which milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

**§ 965.80 Effective time.**

The provisions of this part, or any amendments to this part shall become

effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

**§ 965.81 Suspension or termination.**

Any or all provisions of this part, or amendments to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

**§ 965.82 Continuing power and duty of the market administrator.**

If upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall continue in such capacity until removed by the Secretary, account from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator, or such other person to such person as the Secretary shall direct, and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

**§ 965.83 Liquidation after suspension or termination.**

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expense necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

**§ 965.90 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

**§ 965.91 Separability of provisions.**

If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

**§ 965.92 Plants subject to other Federal orders.**

The provisions of this part shall not apply to a fluid milk plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursant to the act unless such plant meets the requirements for a pool plant pursuant to § 965.7 and a greater volume of fluid milk products is disposed of from such plant to pool plants and to retail or wholesale outlets located in the Greater Cincinnati marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided*, That the operator of a fluid milk plant or a supply plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Issued at Washington, D.C., this 27th day of February 1961, to be effective on and after the 1st day of April 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1806; Filed, Mar. 1, 1961; 8:49 a.m.]

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## Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1961, Supp. 3]

## PART 1101—NATIONAL AGRICULTURAL CONSERVATION

### Subpart—1961

INITIAL TREATMENT OF FARMLAND TO PERMIT THE USE OF LEGUMES AND GRASSES FOR SOIL IMPROVEMENT AND PROTECTION

The present wording of § 1101.1052 as it applies to the 1961 Agricultural Conservation Program provides that if liming materials are applied to land which is not devoted to eligible grasses and legumes, the land must be seeded to eligible grasses and legumes in 1961 or 1962, unless the farmer is prevented from seeding the eligible grasses and legumes within such period because of conditions beyond his control. It is desirable that these materials be applied well ahead of the time when eligible seedings are made. Due to climatic conditions, crop rotations, and other conditions, the period within which eligible grasses and legumes may be seeded varies in different States. The purpose of this amendment to § 1101.1052 is to permit desirable variations in the period within which eligible grasses and legumes are to be seeded. The period within which eligible grasses and legumes are to be seeded will be based upon the recommendation of the State Agricultural Conservation Program Development Group and will be specified in the State program.

Section 1101.1052 is amended, for purposes of the 1961 program, to read:

**§ 1101.1052 Practice A-4: Initial treatment of farmland to permit the use of legumes and grasses for soil improvement and protection.**

This practice is applicable only to farmland devoted in 1961 to legumes (other than vegetable or truck crops, soybeans, mungbeans, and peanuts) or perennial grasses, and to farmland which the county committee determines will be devoted to such eligible uses not later than a date specified in the State program. Federal cost-sharing will be limited to the application of liming materials, rock phosphate, and gypsum or other sulphur-bearing materials. Other forms of phosphate materials are eligible for cost-sharing under other practices involving the establishment or improvement of vegetative cover. Cost-shares paid or advanced for materials supplied under this practice will not be considered as earned unless the land is devoted to eligible grasses and legumes at the time the materials are applied or is seeded to eligible grasses and legumes by the time specified in the State program, unless the farmer is prevented from seeding the eligible grasses and legumes within such period because of conditions beyond his control.

(Sec. 4, 49 Stat. 164, secs. 7-17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g-590q)

Done at Washington, D.C., this 27th day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1839; Filed, Mar. 1, 1961; 8:54 a.m.]

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# Title 13—BUSINESS CREDIT AND ASSISTANCE

## Chapter I—Small Business Administration

[Revision 1]

## PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

The Loans to State and Local Development Companies Regulation (23 F.R. 10511), as amended (25 F.R. 1398, 25 F.R. 5375 and 25 F.R. 9888), is hereby rescinded in its entirety and the following revision of the Loans to State and Local Development Companies Regulation and amendments 1 through 3 thereto is substituted in lieu thereof:

GENERAL


Sec.
108.1 Policy.
108.2 Definitions.
108.3 Procedures for loan applications.

LOANS UNDER SECTION 501

108.501 Statutory provision.
108.501-1 Section 501 loans.

LOANS UNDER SECTION 502

108.502 Statutory provision.
108.502-1 Section 502 loans.


AUTHORITY: §§ 108.1 to 108.502-1 issued under sec. 5, Pub. Law 85-536, sec. 201 and sec. 308, Pub. Law 85-699.

GENERAL

**§ 108.1 Policy.**

As part of the Congressional policy to improve and stimulate the national economy in general, and the small-business segment thereof in particular, by establishing a program to stimulate the flow of private equity capital and long-term loans for the sound financing of the operations, growth, expansion and modernization of small-business concerns, the Small Business Administration is authorized to make loans to State and local development companies which will further that policy. This policy shall be carried out in such manner as to insure the maximum participation of private financing sources. No such loan shall be made if the effect thereof will be to cause a substantial increase of unemployment in any area of the country.

**§ 108.2 Definitions.**

For purposes of this part:

(a) "Administrator" means the Administrator of the Small Business Administration.

(b) "SBA" means the Small Business Administration.

(c) "Small-business concern" means a business concern which would qualify as a small business under § 121.3-11 of this chapter.

(d) (1) "Development company" means an enterprise incorporated under the laws of one of the several States, formed for the purpose of furthering the economic development of its community and environs, and with authority to promote and assist the growth and development of small-business concerns in the areas covered by their operations. Such corporation may be organized either as a profit or non-profit enterprise. A State development company is a corporation organized under or pursuant to a special legislative Act to operate on a statewide basis. A local development company is a corporation chartered under any applicable State corporation law to operate in a specified area within a State.

(2) A local development company shall be principally composed of and controlled by local persons residing or doing business in the locality; such local persons shall ordinarily constitute not less than 75 percent of the ownership of the development company. No shareholder or member of the development company may own an interest in excess of 25 percent in the development company if he and his affiliated interest have a direct pecuniary interest in the project involving the section 502 loan or in the small-business concern which is to be assisted. The primary objective of the development company must be benefit to the community as measured by increased employment, payroll, business volume and corresponding factors rather than monetary profits to its shareholders or members; any monetary profits or other benefits which flow to the shareholders or members of the local development company must be merely incidental thereto.

(e) "Section 501 loan" means a loan authorized under section 501 of the Small Business Investment Act of 1958, as amended.

(f) "Section 502 loan" means a loan authorized under section 502 of the Small Business Investment Act of 1958, as amended.

(g) "Plant" means any physical facility, including land, owned or acquired by the development company or the small-business concern and employed or to be employed by the small-business concern in the conduct of its business, whether the business be of an industrial, commercial or recreational nature.

**§ 108.3 Procedures for loan applications.**

(a) *Form of application.* An application for a section 501 loan shall be made upon SBA Form 501 and for a section 502 loan upon SBA Form 502 and shall include all other pertinent information required in supporting schedules and forms. The application and supporting materials shall be submitted in duplicate if the request is for a direct loan from SBA. If the section 502 loan is to be made in participation with a bank or other lending institution the application and supporting materials shall be submitted in triplicate. Detailed instructions on filling out application forms will be found on SBA Form 501, SBA Form 502, and SBA Form 502B. Copies may be obtained from SBID through the Washington or any field office of SBA.

(b) *Place of filing.* Application shall be made in the SBA field office serving the area in which the applicant is located, if no bank participation in the loan is available. If a bank participation is available, the application shall be submitted to such bank or other lending institution which will in turn execute the Application for Participation Agreement contained on page 3 of SBA Form 502 and transmit two copies of the application and supporting materials to the SBA field office serving the area in which the applicant or participating institution may be located.

LOANS UNDER SECTION 501

**§ 108.501 Statutory provision.**

SEC. 501. (a) The Administration is authorized to make loans to State development companies to assist in carrying out the purposes of this Act. Any funds advanced under this subsection shall be in exchange for obligations of the development company which bear interest at such rate, and contain such other terms, as the Administration may fix, and funds may be so advanced without regard to the use and investment by the development company of funds secured by it from other sources.

(b) The total amount of obligations purchased and outstanding at any one time by the Administration under this section from any one State development company shall not exceed the total amount borrowed by it from all other sources. Funds advanced to a State development company under this section shall be treated on an equal basis with those funds borrowed by such company after the date of the enactment of this Act, regardless of source, which have the highest priority, except when this requirement is waived by the Administrator.

**§ 108.501-1 Section 501 loans.**

(a) *Participation.* To insure participation of private financing sources, the State development company shall agree, unless otherwise modified by SBA, that within 30 days after disbursement of the loan and thereafter during the period in which the loan, or any part thereof, remains unpaid, it will maintain portfolio investments or loans, or both, meeting the requirements of paragraph (e) of this section, having a stated outstanding principal value equal to no less than 133⅓ per cent of the unpaid principal of the loan. Deviation from this ratio will be permitted during intervals between repayment or other disposal of such investments or loans and the prompt reinvestment of funds resulting from such repayment or disposal.

(b) *Loan amount.* Subject to the limitation contained in section 501(b) of the Small Business Investment Act of 1958, as amended, a loan authorized under this authority shall be in such amount as determined by SBA to be consistent with sound business practice.

(c) *Repayment of loan.* A section 501 loan shall not be made for a term longer than 20 years. Payment of all or any part of a loan may be anticipated without penalty on any interest payment date. Except when the rate of repayment is waived by SBA, such rate shall be adjusted by SBA so that a section 501 loan shall be repaid at no lesser rate than the other debts of the development company which first become due: *Provided, however*, That at no time will the outstanding amount of a section 501 loan to a development company exceed the limitation set forth in section 501(b) of the Small Business Investment Act of 1958, as amended.

(d) *Security.* Except where this requirement is waived by SBA, funds advanced to a development company under a section 501 loan shall be secured on an equal basis with those funds borrowed by such company after August 21, 1958, regardless of source. Equal basis does not require that all SBA funds be secured in the highest degree that any other development company funds are secured; however, SBA funds shall be secured on a ratable basis.

(e) *Use of proceeds.* (1) The proceeds of loans to State development companies shall be used within 30 days after disbursement only to provide equity capital or make long-term loans, or both, to small business concerns. For the purposes of this section a long-term loan or any debt instrument through which equity may be acquired shall have a final maturity of not less than five years. State development companies may use section 501 loan proceeds to acquire capital stock or other equity instruments from, or to relend to, small business concerns in need of assistance to finance their operations, growth, expansion or modernization: *Provided, however*, That

the authority to acquire with such proceeds an equity or other proprietary interest in a borrower shall extend only to State development companies which are wholly owned and controlled by private interests.

(2) The proceeds of loans to State development companies may not be used for:

(i) Investments and loans involving enterprises which derive a substantial portion of their gross income from the sale of alcoholic beverages;

(ii) Relending or reinvestment by the small business concern;

(iii) Purposes contrary to the public interest, including but not limited to gambling enterprises and activities;

(iv) Any purpose which would encourage monopoly or be inconsistent with accepted standards of free enterprise;

(v) Use outside the United States: *Provided, however,* That a State development company may provide funds to a small business concern which is subject to State or Federal jurisdiction, (a) for use in the domestic production of products for distribution abroad, or to acquire abroad materials for such operation or (b) for use in its branch operations abroad or for transfer to its controlled foreign subsidiary in exchange for further equity interest in or the monetary obligation of such foreign subsidiary; so long as the major portion of the assets and activities of such concern, after funds are so employed, remains within the territorial jurisdiction of the United States.

(f) *Interest rate.* Interest on section 501 loans shall be five per centum per annum.

(g) *Firm commitment.* A firm commitment may be given by SBA for a period of one year subject to the payment of a commitment fee computed on the basis of one per centum per annum, beginning with the first day after the first 30 days following the date of the Note.

LOANS UNDER SECTION 502

**§ 108.502 Statutory provision.**

The Administration may, in addition to its authority under section 501, make loans for plant construction, conversion or expansion, including the acquisition of land, to State and local development companies, and such loans may be made or effected either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis: *Provided, however,* That the foregoing powers shall be subject to the following restrictions and limitations:

(1) All loans made shall be so secured as reasonably to assure repayment. In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

(2) The proceeds of any such loan shall be used solely by such borrower to assist an identifiable small-business concern and for a sound business purpose approved by the Administration.

(3) Loans made by the Administration under this section shall be limited to $350,000 for each such identifiable small-business concern.

(4) Any development company assisted under this section must meet criteria established by the Administration, including the extent of participation to be required or amount of paid-in capital to be used in each instance as is determined to be reasonable by the Administration.

(5) No loans, including extensions or renewals thereof, shall be made by the Administration for a period or periods exceeding ten years plus such additional period as is estimated may be required to complete construction, conversion or expansion, but the Administration may extend the maturity of or renew any loan made pursuant to this section beyond the period stated for additional periods, not to exceed ten years, if such extension or renewal will aid in the orderly liquidation of such loan. Any such loan shall bear interest at a rate fixed by the Administration.

(6) No loan shall be made under this section to any local development company after June 30, 1961.

**§ 108.502–1 Section 502 loans.**

SBA is authorized to make loans to development companies to finance plant construction, conversion or expansion, including the acquisition of land: *Provided,* That such loans will assist an identifiable small-business concern in accomplishing a sound business purpose: *And, provided further,* That no loan may be made under this section to any local development company after June 30, 1961.

(a) *Sound business purpose.* A loan will not be considered to be for a sound business purpose (1) if, in any case where the relocation of a small-business concern is involved, the relocation will result in the avoidance by such concern of obligations incurred in the location from which the move is to be made or if the primary incentive for such relocation is a local subsidy; (2) if the concern is being relocated from another area unless there is demonstrated to SBA a need to locate closer to the source of basic materials or to major consumers, or to consolidate operations in one location, or unless such relocation is justified by other reasons satisfactory to SBA; (3) if it is to accomplish an expansion or conversion which is unwarranted in the light of the small-business concern's past experience and management ability; (4) if it will subsidize inferior management; (5) if it provides funds for speculation; or (6) if its effect will be to encourage monopolies or be inconsistent with accepted standards of the American system of free competitive enterprise.

(b) *Ineligible categories.* A loan will not be made if (1) it provides assistance for an eleemosynary institution; (2) it is to finance the construction, acquisition, conversion or operation of recreational or amusement facilities unless such facilities contribute to the health or general well-being of the public; (3) it will provide assistance to a newspaper, magazine, radio or television broadcasting company or similar enterprise; (4) it provides assistance for a small-business concern, any part of whose gross income or that of any of its principal owners is derived from gambling activities; (5) a substantial portion of the small-business concern's gross income is derived from the sale of alcoholic beverages; or (6) it provides assistance for a small-business concern primarily engaged in lending or investment.

(c) *Collateral.* All loans made under this section shall be so secured as reasonably to assure repayment. The nature and value of the collateral as determined by the SBA shall be such that upon liquidation SBA can reasonably expect to be repaid in full. Collateral shall be insured against such hazards and risks as SBA may require.

(d) *Loan amount.* (1) Loans made by SBA under this section shall be limited to $250,000 for each identifiable small-business concern. The total unpaid amount of any such SBA loan or loans in aid of a particular small-business concern shall never exceed $250,000. (2) Development companies may be eligible to be considered for such additional loans of not more than $250,000 each, as there may be additional identifiable small-business concerns to be assisted.

(e) *Participation by the development company.* A development company may be required to furnish a reasonable part, as determined by SBA, of the funds necessary to accomplish the plant construction, conversion or expansion, or the acquisition of land. For the purposes of this paragraph, the furnishing of not less than 20 percent of the necessary funds shall generally be considered a reasonable part. SBA may require that the funds to be furnished by the development company be derived from paid-in capital or surplus of the development company as well as from other sources. The amount of paid-in capital to be required will depend in part upon the amount of the loan, the maturity of the loan, the extent to which other borrowings of the development company may be subordinated to the SBA loan and such other factors as the SBA may consider appropriate to the individual case. For the purposes of this section "paid-in capital" is cash and property actually received in exchange for shares of stock issued by the development company or cash and property contributed to the development company without obligation therefor.

(f) *Other financing.* (1) A loan will not be made unless the development company and the small-business concern shall show to the satisfaction of SBA that the desired financial assistance is not available on reasonable terms.

(2) In the case of a development company, it shall be satisfactorily demonstrated that the desired financing is not available by means of sale of stock in the development company; from funds agreed to be furnished by participating members of the development company; and by means of loans from not less than two lending institutions within the area served by the development company which have a sufficient legal and normal lending limit to cover the loan applied for. If such development company be a public corporation it shall show that such financial assistance is not reasonably available from an appropriation of public funds, nor by the public issuance of its bonds or other means.

(3) In the case of a small-business concern, the demonstration of the unavailability of the desired financial assistance on reasonable terms shall be in accordance with § 120.4–2(a) of this chapter. SBA will rely on the development company's certification as to the unavailability of such other financial assistance to the small-business concern.

(g) *Participation by other financial institutions in loans to development companies.* In order to stimulate and encourage loans by banks and other lending institutions, the SBA shall require that:

(1) An applicant for a loan show that a participation by another lending institution is not available. No financial assistance shall be extended in participation with another lending institution on an immediate basis unless the applicant shall show that a participation on a deferred basis is not available.

(2) In all agreements to participate in loans on a deferred or immediate basis, the participation by SBA shall not be in excess of 90 percent of the balance of the loan outstanding at the time of disbursement.

(3) Participation charges and service fees shall be in accordance with § 120.4–3 (b) (1) and (3), respectively, of this chapter.

(h) *Interest rate.* The interest rate on a direct section 502 loan to a development company and on SBA's share of a section 502 loan made in participation with another lending institution shall be 5½ percent per annum: *Provided, however,* That where the interest on the share of the loan of the bank or other lending institution in a deferred or immediate participation loan is less than 5½ percent per annum, then the rate on SBA's share of the loan shall be at the same rate but not less than 5 percent per annum. For the purposes of this paragraph, bank's share of a deferred participation shall be the entire amount of the loan until such time as SBA shall actually purchase its participation.

(i) *Loan maturity.* The maturity of any loan under this section may not exceed ten years plus such additional period as is estimated may be required to complete construction, conversion or expansion. It shall be the policy of SBA generally, in the case of a lease agreement between a local development company and an identifiable small-business concern, to require that the term of the lease shall be not less than the term of the loan. It shall also be the policy of SBA generally to require repayment of the loan in equal periodic installments. Extensions or renewals of loans for an additional period not to exceed ten years beyond the stated maturity may be granted by SBA only if such extensions or renewals will aid in the orderly liquidation of such loans.

(j) *Use of proceeds.* (1) Prior to approval and disbursement of a section 502 loan the development company shall submit evidence, satisfactory to SBA, that the proceeds of such loan will be used for plant construction, conversion, expansion or the acquisition of land, solely to assist an identifiable small-business concern.

(2) The identifiable small-business concern, under agreement existing at the time of such disbursement, shall be entitled or permitted to possess and use, as owner or tenant, the plant which is constructed, converted or expanded, with the proceeds of said loan.

(3) Evidence, satisfactory to SBA, shall be submitted, prior to approval and disbursement of said loan, that the identifiable small-business concern intends or has the right to use the said plant during a period of time equal at least to the maximum contract term of the section 502 loan or five years after full disbursement of the section 502 loan, whichever is the longer period; and that use of said proceeds will assist only the identifiable small-business concern. Evidence of such intent and purpose shall be deemed to exist where the proceeds of the section 502 loan will be used by the development company:

(i) To relend to the identifiable small-business concern for construction, conversion or expansion of a plant owned, occupied and used by said concern;

(ii) To construct, convert or expand a plant to be sold immediately to the identifiable small-business concern for its occupancy and use;

(iii) To construct, convert or expand a plant owned by the development company to be leased to the identifiable small-business concern with the right in such concern to apply rentals, under a purchase option arrangement, on the purchase price of the plant; or

(iv) To construct, convert or expand a plant owned by the development company to be leased to the identifiable small-business concern without a purchase option arrangement but with the right in such concern to occupy the plant during a period of time equal at least to the maximum contract term of the section 502 loan or five years after full disbursement of the section 502 loan, whichever is the longer period;

upon terms between the development company and said concern intended to provide the development company with total funds not in excess of those necessary: to repay, with interest, the section 502 loan; for applicable taxes upon and maintenance of the plant; to recover administrative costs; to provide a reasonable sum as a reserve for contingencies to cover unusual costs or expenses; and to recover capital investments and expenditures of the development company's own funds in the project with a reasonable return on such capital investments and expenditures as may be necessary to attract and maintain a broad base of ownership and membership and interest in continuing local development projects.

*Effective date.* This revision shall become effective upon publication in the FEDERAL REGISTER.

Dated: February 24, 1961.

JOHN E. HORNE,
*Administrator.*

[F.R. Doc. 61–1841; Filed, Mar. 1, 1961; 8:54 a.m.]



# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Tolerance for Residues of 1-Naphthyl *N*-Methylcarbamate

A petition was filed with the Food and Drug Administration by Union Carbide Corporation, 270 Park Avenue, New York, New York, requesting the establishment of a tolerance for residues of 1-naphthyl *N*-methylcarbamate, in or on filberts at 5 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.169; 25 F.R. 3837, 5453) are amended by adding a new paragraph providing for a tolerance for this pesticide chemical on filberts. All paragraph designations are deleted to facilitate future amendments. As amended, § 120.169 reads as follows:

**§ 120.169 Tolerances for residues of 1-naphthyl *N*-methylcarbamate.**

Tolerances are established for residues of 1-naphthyl *N*-methylcarbamate, including its hydrolysis product 1-naphthol calculated as 1-naphthyl *N*-methylcarbamate, in or on raw agricultural commodities as follows:

25 parts per million in or on corn fodder and forage.

10 parts per million in or on apples, bananas, beans, cherries, cucumbers, eggplants, grapes, peaches, pears, peppers, plums (fresh prunes), strawberries, summer squash, tomatoes.

5 parts per million in or on corn (kernels and kernels plus cob, determined after removing husks present when marketed), cottonseed.

5 parts per million in or on filberts (hazelnuts) of which residue not more than 1 part per million shall be in or on the nuts after shell is removed and discarded.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 406(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 17, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-1803; Filed, Mar. 1, 1961; 8:49 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) hereby authorizes the use in foods of the following substances, under the conditions prescribed in this order:

1. Section 121.86 is amended by adding thereto the following items:

| Product | Limits | Specified uses or restrictions |
|---|---|---|
| • • • | • • • | • • • |
| Diethylene glycol monostearate | 10 parts per million | Constituent of defoamer used in processing of skim milk for animal feed. |
| Formaldehyde (37%) | 0.04 part per million | Constituent of defoamer used in the processing of skim milk for animal feed; in the manufacture of beet sugar. |
| Kinogum (*Pterocarpus marsupium*) | | Flavoring in bitters and tonics. |
| Mineral oil | 40 parts per million | Constituent of defoamer used in production of yeast. |
| Polyethylene glycol monoricinoleate | 8 parts per million | Constituent of defoamer used in production of yeast. |
| Polyoxyethylene (4) lauryl ether | 1.8 parts per million | Constituent of coating on fruits and vegetables. |
| Soybean fatty acids, hydroxylated | 63 parts per million | Constituent of defoamer used in production of yeast. |
| Tallow fatty acids | 4 parts per million | Constituent of defoamer used in processing of skim milk for animal feed. |
| Tallow, hydrogenated | 2 parts per million | Constituent of defoamer used in the processing of skim milk for animal feed. |
| Tallow, oxidized | 40 parts per million | Constituent of defoamer used in the production of yeast. |
| Tallow, sulfated | 16 parts per million | Constituent of defoamer used in the processing of skim milk for animal feed. |
| Tallow, unbleached | 10 parts per million | Do. |
| Wax, paraffin: Type I: A congealing point of 160° F. maximum (ASTM D-938), an absorptivity at 290 millimicrons of 0.04 liter per gram centimeter maximum (ASTM E-121), an oil content of 1.5% maximum (ASTM D-721), and a Saybolt color of 20 minimum (ASTM D-156). Type II: Absorptivity at 290 millimicrons of 1.0 maximum, an oil content of 5.0% maximum, and a color of 3.0 maximum (ASTM D-1500). | 5 parts per million | Component of defoamers used in the production of yeast; processing of skim milk for animal feed; in the manufacture of beet sugar. |

2. In § 121.87, paragraph (a) is amended by adding thereto the following item:

### § 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.

(a) *General list.* • • •

| Product | Limits | Specified uses or restrictions |
|---|---|---|
| • • • | • • • | • • • |
| Oleic acid and/or stearic acid salt of sodium salt of hydrolyzed protein. | | Used in manufacture of paper and paperboard. |

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

*Effective date.* This order shall become effective as of the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: February 23, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-1802; Filed, Mar. 1, 1961; 8:49 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

SUBCHAPTER D—MILITARY EDUCATION

## PART 846—INSTITUTE OF TECHNOLOGY (IT)

New §§ 846.0 to 846.7 are added as follows:

Sec.
846.0 Purpose.
846.1 Mission.
846.2 How the IT is organized and operated.
846.3 What the IT will do.
846.4 Academic degrees.
846.5 Professional education and training-with-industry program.
846.6 Special short courses.
846.7 Medical postgraduate courses.

AUTHORITY: §§ 846.0 to 846.7 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 9301, 9314.

SOURCE: AFR 53-11, November 16, 1960.

### § 846.0 Purpose.

Sections 846.0 to 846.7 state the mission of the Institute of Technology (IT). They outline the IT's role in Air Force educational and training programs; announce policies for planning and conducting IT programs; state general eligibility criteria for participation.

### § 846.1 Mission.

The mission of the IT is to provide education and training in scientific, engineering, managerial, medical, and other fields as directed by Headquarters USAF.

### § 846.2 How the IT is organized and operated.

The IT is an educational institution located on Wright-Patterson Air Force Base, Ohio. It is organized and operated under the command jurisdiction of Commander, Air University, in accordance with the policies established by Headquarters USAF.



### § 846.3 What the IT will do.

(a) The IT will plan, organize, conduct, and/or administer educational and training programs in residence and at selected civilian educational institutions and industrial organizations in accordance with directives from Headquarters USAF.

(b) In developing IT educational programs, the following policies will prevail:

(1) Programs will be established to improve the professional competence of career officers in specific Air Force Career Areas, Utilization Fields, and Specialties.

(2) Programs will be planned and developed in terms of the Air Force requirement for which they were established. The Air Force Educational Requirements Board will provide information for the development of educational programs in residence and in cooperation with civilian institutions.

(3) Programs will provide sufficient flexibility to allow each officer's experience and academic background to be considered in the development of his curriculum.

(4) The curriculum followed by each officer will enable him to reach the proficiency required by the Air Force need for which he is being educated in the minimum period of time.

(5) Programs will be planned so as to provide for the admission of all officers selected by Headquarters USAF.

(6) An academic degree will be an objective when the foregoing criteria have been met and when the educational program developed in support of an Air Force requirement is degree worthy. In view of the recognized value of the degree, minor modifications that do not compromise the requirement, or increase the cost or length of a program, may be made in an officer's curriculum.

(c) Admission standards for IT programs will be developed in terms of the policies established by Headquarters USAF for the operation of the programs and the educational background and experience of the officer corps from which the students are drawn. The problem of admission will further be considered in terms of the adult officer corps, and the particular career officers within the corps whom it is most desirable to educate from an Air Force viewpoint. Full use will be made of tests and other measures of aptitude and achievement to determine officers' qualifications for further education.

(d) Headquarters USAF will establish quotas for the various fields of study for IT programs unless otherwise specified by §§ 846.0 to 846.7.

(e) Civilian institutions will be utilized to provide education and training required by the Air Force when they are able to meet the needs of the Air Force.

(f) When education or training authorized under §§ 846.0 to 846.7 is conducted in a resident program, priority will be given to filling resident program quotas.

(g) The Commandant, IT, will make all agreements and contractual negotiations with civilian educational and industrial organizations to provide education and/or training authorized by §§ 846.0 to 846.7. Agreements and negotiations with Government-operated schools will be carried out in accordance with instructions furnished by Headquarters USAF.

(h) Only career officers, Regular and Reserve, will be entered into the IT Professional Education Program. Reserve officers with an established date of separation may be issued letters of eligibility for training by the Commandant, IT. To determine their availability for training these officers may complete applications and forward them to Headquarters USAF. When Headquarters USAF selects such officers for schooling, each officer must elect to sign a career reserve statement and be approved for career Reserve status before entrance into an educational program. All officers selected to attend the IT will be required to indicate knowledge of the service commitment they will incur. This acknowledgment will be included as part of the officer's application.

(i) Headquarters USAF will control the initial assignment of Air Force officers completing IT programs other than those classed as TDY courses. These officers will be assigned to periods of directed duty appropriate to Air Force training programs.

(j) The maximum length of each educational program authorized by §§ 846.0 to 846.7 will be established by Headquarters USAF at the time the program is authorized. Students will complete their study within the period of time authorized for the particular program to which they are assigned or in a lesser period of time when they can do so. Headquarters USAF may extend an academic tour when a student's work has been interrupted due to illness or other circumstances beyond his control. In no instance will an officer be retained in an IT program beyond the length of time specified for the program without prior approval of Headquarters USAF. An officer may be eligible for a second tour in IT programs after completing an interim duty assignment of at least 3 years. The total time a student may be in IT education, including prior training-with-industry programs and extensions, will not exceed 48 months. Tours of duty of officers of the Medical Service engaged in residency training in any of the medical or dental specialties will not be limited by the foregoing but will be established by the Surgeon General, USAF, to conform to requirements of the appropriate national accrediting agencies.

### § 846.4 Academic degrees.

(a) Section 9314, title 10, United States Code, authorizes the Commander, Air University, to confer appropriate academic degrees on persons who meet established requirements for degrees in fields of study conducted by the IT Resident Program.

(b) The academic requirements for obtaining degrees at the IT parallel the requirements for similar degrees in colleges and universities. Degree requirements are established by the IT and approved by Air University and Headquarters USAF.

### § 846.5 Professional education and training-with-industry programs.

(a) *Description.* (1) The IT offers undergraduate and graduate level educational programs at Wright-Patterson Air Force Base and in civilian institutions. Courses of study authorized vary from year to year as determined by Air Force requirements.

(2) The IT School of Engineering, School of Logistics, and Civil Engineering Center offer educational training programs that are peculiar to the needs of the Air Force. Programs are established as directed by Headquarters USAF.

(3) Training-with-Industry programs provide Air Force officers with on-the-job training at various industrial concerns so that they may gain an understanding of their operations in support of the national defense effort. Students assigned to these programs receive training similar to that provided executives of industrial organizations.

(b) *Eligibility.* Eligibility criteria normally applicable to IT Resident Programs, and Civilian Institutions and Training-with-Industry Programs are:

(1) Applicants must be officers serving in the grade of lieutenant colonel or below. (The term "officer" or "officers" as used in §§ 846.0 to 846.7 includes warrant officers.)

### § 846.6 Special short courses.

These courses are of less than 20 weeks duration and are designed to provide concentrated instruction in specialized subjects related to an officer's duty assignment. Headquarters USAF authorizes the establishment and tailoring of these courses to meet specific needs of the Air Force.

### § 846.7 Medical postgraduate courses.

Such courses are of less than 20 weeks duration and are established and conducted by civilian institutions. They provide concentrated instruction in many subject areas and are announced by the institution conducting the program. Qualified Air Force medical service officers may be authorized to enroll when a need for training in a particular field is established within the major air command. Quotas are not established or allocated for these courses by Headquarters USAF.

R. J. PUGH,
*Colonel, U.S. Air Force, Deputy Director of Administrative Services.*

[F.R. Doc. 61-1776; Filed, Mar. 1, 1961; 8:45 a.m.]

SUBCHAPTER F—RESERVE FORCES

## PART 861—OFFICERS' RESERVE

## USAF Officer Training School (OTS)

Part 861 is revised to read as follows:

Sec.
861.1 Purpose.
861.2 Mission of the OTS.
861.3 Explanation of terms.
861.4 Information sources.
861.5 How training is conducted.

Sec.
861.6 Eligibility requirements.
861.7 Who is ineligible to apply.
861.8 Waivers of minor offenses.
861.9 How to apply.
861.10 How clothing is provided.
861.11 Preliminary processing.
861.12 Air Force Academy and Aircrew Examining Centers (AFAAEC).
861.13 Information furnished applicants.
861.14 Procedures for Reserve personnel.
861.15 Disqualified applicants.
861.16 Selection and assignment to training.
861.17 Termination of training.
861.18 Students relieved from training.
861.19 Reinstatement of former students.
861.20 Appointment as an Officer, Reserve of the Air Force.
861.21 Discharge.
861.22 Assignment of graduates.

AUTHORITY: §§ 861.1 to 861.22 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 9411.

SOURCE: AFR 53–27, December 2, 1960.

### § 861.1 Purpose.

Sections 861.1 to 861.22 tell how to apply for USAF Officer Training School and explain the disposition of eliminees and graduates of the school.

### § 861.2 Mission of the OTS.

The USAF OTS trains selected personnel to meet the fundamental requirements for newly commissioned officers in the Air Force and to perform collateral missions as directed.

### § 861.3 Explanation of terms.

(a) *Officer training program.* A program established to assure the Air Force a complement of career-minded officers well educated in subjects related to essential positions. Graduates are tendered appointments as Reserve officers of the Air Force.

(b) *Officer trainee.* A selected applicant on active duty enrolled in OTS.

(c) *Civilian applicants.* United States male or female citizens who are not in the military service or members of AFRes Units. The term "civilian" includes all other members of Reserve components of the Armed Forces and the National Guard.

(d) *Preliminary processing.* An all-inclusive procedure to determine if an applicant meets the basic eligibility requirements before he is referred for final testing.

(e) *Final processing.* A series of tests designated by Headquarters USAF for final qualification of officer trainee applicants.

(f) *Tentatively qualified applicant.* An applicant (male or female) who has successfully completed the required examinations and whose applications has been forwarded to Lackland Military Training Center (OMS), Lackland Air Force Base, Texas, for further processing.

(g) *Fully qualified applicant.* An applicant who has successfully completed all qualifying examinations and has been notified in writing of his eligibility to compete for selection by the Lackland Military Training Center.

(h) *Selection board.* A board appointed by the Commander, Lackland Military Training Center, to make the final selections. The board will be chaired by a senior officer. When female applicants are being considered, a WAF officer of field grade will be a member of the Board.

(i) *Selected applicant.* A fully qualified applicant who has received written notice from the Lackland Military Training Center of his selection and class assignment.

(j) *Air Force Academy and Aircrew Examining Center (AFAAEC).* A Headquarters USAF designated facility, centrally located with respect to source of applicants and having facilities adequate for final examination of such applicants.

### § 861.4 Information sources.

Information concerning OTS may be obtained from:

(a) Air Force recruiting offices.

(b) Air Force bases.

(c) Professor of air science at any AFROTC unit.

(d) Air National Guard (ANG) or AFRes units.

### § 861.5 How training is conducted.

Air Training Command will procure, select, train, and commission applicants for this program. Applicants will undergo rigid examinations before they are selected for officer training; when selected, they will be required to complete a pre-commission training course. After successfully completing this course, the officer trainee will be commissioned a second lieutenant, Reserve of the Air Force, in Career Reserve status. The graduating male officer will be assigned direct to duty or will pursue a pilot, navigator, or technical training course. The graduating female officer will be assigned direct to duty or will pursue a technical training course. The training course selected for each individual will be based on his desire and qualifications correlated with the needs of the Air Force.

This section outlines the basic eligibility requirements and requisite qualifications which must be met when applying. Normally, waivers of the provisions of this section will not be granted. However, before processing at an AFAAEC, applications from female applicants which are disapproved by subordinate commanders or examining officers because the applicant exceeds the maximum age criterion but is not more than 30 will be forwarded through the major air command to Hq USAF (AFPTR) for final determination of eligibility.

(a) *Age and citizenship.* Applicants must be United States male or female citizens between 20½ and 27½ years of age when applying. However, they must be commissioned before reaching their 28th birthday. Applicants who desire flying training must be United States male citizens between the ages of 20½ and 26½ years of age when applying, but must be enrolled into flying training before reaching their 27th birthday.

(b) *Marital restrictions*—(1) *Males.* No restrictions.

(2) *Females.* Must be unmarried and have no dependents when applying and must agree in writing to remain unmarried during the training program.

(c) *Air Force base or place of residence.* When applying, civilian applicants must be residing in the United States, Puerto Rico, or the Panama Canal Zone.

(d) *Educational qualifications.* (1) Applicants must be college graduates with a baccalaureate or higher degree from an accredited college or university. The school from which the degree is granted must be listed in the latest issue of part 3, "Higher Education," Education Directory, published by the Office of Health, Education and Welfare, and must bear a level-of-training classification of II, III, or IV and a type-of-program classification of b, c, d, e, f, h, i, j, or k. In addition, the school must be accredited by a regional association for accrediting professional curricula. Graduates of schools bearing a type-of-program classification of g may be accepted, dependent upon the needs of the Air Force for the professional skill of the individual applicant.

(2) Applications from students enrolled in their senior year of college may be submitted 135 days before the applicant's scheduled graduation date. These persons will be processed as college graduates. Applicants will not be enlisted until documentary evidence has been submitted showing they have been awarded their degree. This document will be returned to the individual and will not be part of his enlistment file.

(3) If otherwise qualified, an applicant who is a graduate of a nonaccredited American college or university, or who is a graduate of a foreign college or university, may meet the educational requirements by submitting a statement signed by the appropriate official of an accredited college or university offering graduate degrees certifying that the applicant meets the educational requirements for entrance into the graduate school or graduate division of that college or university.

(e) *Moral character.* Applicants must be of the highest moral character.

(f) *Medical standards.* (1) Male applicants will be examined for Flying Class I regardless of the training desired or for which selected. Each physically qualified examinee will be listed in accordance with the standards he meets.

(2) Female applicants will be given a commissioning-type physical examination.

(3) Applicants must meet the medical standards for the training they desire and for which they are selected.

### § 861.7 Who is ineligible to apply.

The following persons are ineligible to apply for this training:

(a) A person not eligible for enlistment or reenlistment in the Air Force, excepting dependency and grade restrictions.

(b) For pilot training, a person who holds or has held the aeronautical rating of pilot, or comparable rating in any of the Armed Forces of the United States. (Army aviation is not comparable for this purpose.)

(c) For navigator training, a person who holds or has held the aeronautical rating of navigator or comparable rating in any of the Armed Forces of the United States.



(d) Persons who have been eliminated from a course of training leading to commissioned officer status are governed by the following policy and procedures. This policy does not pertain to those who were disenrolled or eliminated from the basic phase of any ROTC course.

(1) *Policy.* (i) Persons who either resign or are dismissed from officer training programs of the Army, Navy, or Air Force because of military inaptitude, indifference, undesirable traits of character, or for disciplinary reasons, will not be enrolled into an Air Force training program leading to commissioned officer status; nor are they eligible to apply for Air Force commissions. Superintendents of Military Academies and Commanders of Officer Training Programs may recommend waivers of this policy only in exceptional cases worthy of consideration.

(ii) Persons having been eliminated for lack of academic progress or a breach of the Honor Code, may apply for enrollment in Air Force training programs leading to commissioned officer status; however, their applications will be referred to Hq USAF for review and approval before their enrollment.

(iii) AFROTC cadets having been eliminated from a civilian operated military institution by the educational authorities because of minor violations of the institution's Honor Code may apply for Air Force officer training programs; however, such applications will also be referred to Hq USAF as indicated in subdivision (ii) of this subparagraph.

(e) A person in the active military service of the United States other than the Air Force.

(f) An enlisted member of a Reserve Force of the United States who has received orders calling him to active military service with any of the Armed Forces other than the Air Force.

(g) A member of a Reserve Force other than the ResAF who has not obtained a conditional release from the specific service.

(h) A person currently enrolled in a training program conducted by any of the Armed Forces of the United States leading to commissioned status, unless his application is approved and further training is recommended by an authorized official of the parent service conducting the training.

(i) A person who:

(1) Has or has held a commission in any of the Armed Forces of the United States.

(2) Holds a certificate of completion of a course leading to a commission in any of the Armed Forces of the United States, and the commission is to be granted at a later date.

(j) A person who is undergoing board action directed toward resolving information indicating the applicant possesses undesirable personal qualities, or a person concerning whom a personnel security clearance has been denied or revoked.

(k) A person who has a record of conviction by any court-martial or civilian court, other than for a minor traffic violation, except that, if appropriate, a request for waiver of a minor offense not considered prejudicial to the performance of duty as an officer may be considered in accordance with § 861.8. Punishment imposed under Article 15, Uniform Code of Military Justice, is nonjudicial punishment and will not be considered conviction by court-martial. A general guide for determining whether an offense may be considered "minor" is contained in paragraph 128b, Manual for Courts-Martial, 1951. A waiver will not be granted for an offense that involves moral turpitude.

(l) A person who is a conscientious objector.

(m) A person whose entry into or retention in the Air Force may not be clearly consistent with the interest of national security.

(n) A Selective Service System registrant who has been ordered to report for active military service with any of the Armed Forces.

(o) Minor applicants (below age 21) without the written consent of either parent or guardian (DD Form 373, Consent, Declaration of Parent or Legal Guardian).

(p) An applicant who has failed to obtain the minimum qualifying score on the officer quality portion of the AFOQT is ineligible to reapply or be re-examined for 1 year from date of last written examination.

### § 861.8 Waivers of minor offenses.

(See § 861.7(k).)

A civilian applicant may submit a request for waiver of a minor offense to any USAF Recruiting Detachment. Each request for waiver will contain complete information regarding the offense and circumstances involved and will be considered on its own merits as substantiated by the following documents:

(a) Copy of court record if applicant has a record of conviction by any military or civilian court.

(b) Applicant's detailed statement concerning the offense and circumstances involved.

(c) Any additional documentary evidence substantiating the applicant's statement or justifying the request, such as statements from other persons, records of outstanding achievements, and awards.

### § 861.9 How to apply.

Application will be made on AF Form 56, in duplicate. The applicant's attention will be directed to item 24, AF Form 56, whereby he agrees that, on completion of the training course, he will accept an appointment as an officer, Reserve of the Air Force, in Career Reserve status. Further, he agrees to remain on extended active duty as a commissioned officer with a minimum 4-year active duty commitment unless sooner relieved by competent authority. He agrees to accept the current active duty commitment for the training undertaken after being commissioned. For a minor, such agreement will be signed with the consent of either parent or guardian (DD Form 373). An officer or non-commissioned officer assigned to the USAF Recruiting Service may verify the signatures on both copies of the DD Form 373, however, the verifying official must be present when the form is signed by the applicant's parent or legal guardian. Each application will contain:

(a) Evidence of date of birth, which may be in the form of a birth certificate, an authenticated copy thereof, or other documentary evidence.

(b) Evidence of citizenship, if the applicant is not a citizen by birth, in the form of a certificate, signed by an officer, notary public, or other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original certificate of naturalization No. ------ (or certified copy of court order establishing citizenship) stating that ---------- ---------- was admitted to
(Full Name)
United States citizenship by the ---------- Court of ----------
(District or county)
---------- on ----------.
(State) (Date)

NOTE: Facsimiles or copies, photographs or otherwise, will not be made of naturalization certificates under any circumstances. (Such is a criminal offense under Act of June 25, 1948, 62 Stat. 767, 18 U.S.C. 1426(h).)

(c) An official transcript of college credits indicating the undergraduate or graduate degree awarded. A student enrolled in his senior year of college will provide a statement attesting to that fact, the date he is scheduled to graduate, and the degree to be awarded.

(d) Completed DD Form 98, Armed Forces Security Questionnaire. If, after proper instruction, the applicant fails to complete this form, or completes it with qualifications, or makes entries thereon which indicate that his appointment would not be clearly consistent with best interests of national security, his file will then be forwarded, together with the application, to Hq USAF, Washington 25, D.C., for action and decision.

(e) Completed DD Form 369, Police Records Check. An additional DD Form 369 will be required for the period between initial application and enlistment.

(f) A minimum of three character references, on DD Form 370, Request for Report from (Employer) (School) (Personal Reference), for all applicants from clergymen, past employers, or college officials such as the dean of the college.

### § 861.10 How clothing is provided.

Officer trainees selected from civilian status will be provided clothing under the clothing monetary allowance system.

### § 861.11 Preliminary processing.

(a) *All applicants.* Male applicants must indicate on the application form their preference for pilot, navigator, or other specialized training or for all three programs. Female applicants may apply for specialized training. If an applicant who has applied for all three programs is found disqualified for the training of his first choice, he will continue his processing to determine if he is qualified for his second or third choice. Applicants are required to undergo two phases of processing—preliminary and final qualifying examinations.

(1) Preliminary processing is administered locally at an Air Force recruiting detachment for civilian applicants and at Air Force base of assignment for airmen. Preliminary processing procedures include:

(i) Completion of AF Form 56, in duplicate, by the applicant. The following statement will be entered in the Remarks Section of the AF Form 56, "I (will) (will not) accept flying training if selected for the Officer Training School. The service commitment for personnel selected for flying training has been explained to me." Applicant will be required to place his initials immediately following the statement.

(ii) A check to insure that applicant meets the eligibility requirements and has necessary supporting data, such as birth certificate and scholastic records.

(iii) An interview to counsel the applicant and to determine whether he should be considered for testing.

(iv) A notice to the applicant, if not recommended for testing, of the reasons for his disqualification.

(b) *Civilians.* A civilian applicant normally will apply at a USAF Recruiting Service Office, or in remote areas, at the nearest Air Force base.

**§ 861.12 Air Force Academy and Aircrew Examining Centers (AFAAEC).**

Each tentatively qualified male applicant referred to an AFAAEC for final processing will be given the AFQQT, a complete medical examination for flying, Class I, and such other examinations as may be directed by Headquarters USAF. A male applicant will be qualified in the highest physical category that he attains regardless of the training that he desires. In no instance will this be less than commissioning standards, and waivers for failure to meet these standards will not be granted. Female applicants will be given selected portions of the AFOQT and a medical examination for commission standards. Waivers for failure to meet the physical standards will not be granted. Applicants who have previously qualified on AFOQT will not be retested provided official record scores are available. The written examination will be given and scored before scheduling the medical examination. An applicant who fails to attain the minimum qualifying score on the officer quality portion of the AFOQT will not be processed further. A person will not be retested under any circumstances on the AFOQT before 1 year from the date he was last tested.

**§ 861.13 Information furnished applicants.**

(a) *Fully qualified applicant.* When an applicant has successfully completed all qualifying examinations, Lackland Military Training Center (OMS) will notify him in writing of his eligibility to compete for selection.

(1) *Changes affecting status of fully qualified applicants.* Fully qualified applicants need not take any further action regarding their applications unless requested to do so. However, Lackland Military Training Center (OMS) must be informed of any changes which affect an applicant, such as:

(i) Enlistment in the Regular Air Force or any of the other military services.

(ii) Change of address.

(iii) Modification of physical status which would be disqualifying for training.

(iv) Change of desire for training.

(v) Receipt of notification from the Selective Service System ordering him into the active military service of the United States.

(vi) Receipt of orders to enter the active military service by a fully qualified applicant who is a member of a Reserve Force of the United States other than the Air Force.

(b) *Selected applicant.* (1) A selected applicant is a fully qualified applicant who has written notification of his selection and assignment. Lackland Military Training Center (OMS) will notify the applicant of his selection. Acceptance in the program will be contingent on the civilian applicant's signed agreement to accept the training course for which he has been selected.

(2) The applicant will be considered by the selection board for a minimum of two classes. If he has been considered for one class and not selected, he will be notified that his application is being retained for further consideration. If the applicant is not selected, he will be notified of the nonselection and his personal documents will be returned. If eligible, a nonselected applicant may reapply 1 year from the date of his last application.

(3) A draft-eligible civilian applicant who subsequently is notified of his acceptance for officer training will not be furnished a draft deferment. If an applicant is ordered to report to active military service by the Selective Service System before he has received written notification of his selection, his application for officer training will be canceled.

(4) After notification of selection and class assignment, selected civilian applicants will be required to enlist in the Regular Air Force as E–1 (basic airman) for 2 years unless authorized under current enlistment directives to enlist in a higher grade. Upon enlisting, the selected applicant will be promoted to grade E–5 (staff sergeant).

(c) *Disqualified applicants.* Disqualified applicants will be advised as soon as possible of the reason for disqualification. An applicant who fails to attain the minimum qualifying score on the AFOQT will not be told the scores made on the tests, but only that he failed to attain the minimum qualifying score.

**§ 861.14 Procedures for Reserve personnel.**

Members of Air Reserve Forces, other than those assigned to Air Force Reserve units, and members of other services who are neither in nor alterted for active military service may apply for officer training and will be processed as civilian applicants in accordance with § 861.11 (b). Reservists other than Air Force Reservists must obtain a conditional release from the service in which they hold Reserve status. Air Force policy pertaining to enlistment of personnel of Reserve Forces will apply.

**§ 861.15 Disqualified applicants.**

(a) When an applicant is found disqualified for other than medical reasons, personal documents will be returned. Other documents will be destroyed.

(b) *Notifying disqualified applicants.* If an applicant is found disqualified for officer training during preliminary processing at recruiting agencies, he will be notified verbally of the reasons by the USAF Recruiting Detachment Commander or the Officer Selection Specialist. If the disqualification becomes apparent during the final processing phase at the examining center, he will be notified in writing, or verbally by the officer in charge of the AFAAEC. When civilian applicants are rejected by the Selection Board, the appropriate recruiting detachment will be furnished a copy of the letter of non-selection.

**§ 861.16 Selection and assignment to training.**

Fully qualified applicants will be selected for training by Lackland Military Training Center (OMS) who will furnish letters of acceptance and class assignments to fully qualified and selected applicants. Letters of acceptance will authorize selected applicants to enlist in the Regular Air Force for 2 years. After enlisting and being promoted to grade E–5 (staff sergeant), the selected applicant who has received class assignment instructions will be assigned to the Air Force OTS.

**§ 861.17 Termination of training.**

When the faculty board of an Air Force school determines that an officer trainee is no longer qualified to continue in his course of training, the commandant or Air Force supervisor, as applicable, will suspend the student from training. Upon final approval of the faculty board proceedings, the commandant will terminate the student's appointment as an officer trainee. In all instances, the faculty board proceedings will indicate whether the student is recommended for further training leading to a commission at a later date. The faculty board proceedings will give specific reasons for failure to recommend. At the time of elimination, responsible commanders will insure that the student is given a thorough and proper hearing and that all extenuating circumstances have been completely reviewed.

**§ 861.18 Students relieved from training.**

(a) *Grade.* For an officer trainee eliminated from training, the commandant will publish orders on the eliminated student as follows:

(1) Civilians, to E–1 (airman basic). Members of the ResAF processed as civilians will revert to the grades held before enlistment in the Air Force for the OTS Program.

(b) *Service credited.* Periods of service as an officer trainee will be credited as time spent in the airman grade held at time of appointment as an officer trainee and will be credited in computing the service remaining under the original contract.

(c) *Reassignment.* Eliminated or disqualified students, other than those discharged or released from active duty in accordance with paragraph (d) of this section will be reassigned.

(d) *Separation from the Air Force.* (1) An eliminated trainee whose current enlistment is specifically for OTS will be afforded the opportunity to elect, in writing, to complete his enlistment contract on active duty or to be immediately separated. Should he elect to complete his enlistment contract on active duty, he will not again be permitted to request relief from active duty or discharge under this authority. Eliminated students who request release from active duty and who have a remaining military service obligation, will be transferred to the AFRes for the remainder of their military service obligation, and they will be initially assigned to the Ineligible Reserve Section, Air Reserve Records Center, Denver, Colorado. Personnel who become members of the AFRes are deferred or exempt from induction provided they meet participation requirements.

**§ 861.19 Reinstatement of former students.**

(a) *Academic deficiency.* Students eliminated from training because of academic deficiency will not be reinstated at a later date unless recommended for further officer training by the faculty board. At least 1 year must elapse from the date of termination of student status before reapplication.

(b) *Military deficiency.* Students eliminated from training because of military deficiency will not be reinstated.

(c) *Medical.* Students eliminated from training because of medical disqualification may reapply, if a later medical examination indicates that the previous disqualification has been corrected or no longer exists. However, the former student must meet all other requirements for appointment and must have been recommended for reinstatement by the eliminating authority.

(d) *Resignation.* A student who resigns from the training program will not be reinstated.

(e) *Emergency leave.* A student may be granted emergency leave under regulations issued by Lackland Military Training Center (OMS). In such instance, he will be held over for succeeding classes, if necessary. The length of time involved or the number of "holdovers" granted any one student will be determined by Lackland Military Training Center (OMS).

**§ 861.20 Appointment as an Officer, Reserve of the Air Force.**

(a) *Tendering appointment.* A student who successfully completes the prescribed officer training course and who is mentally, morally, and physically qualified will be tendered appointment as second lieutenant, Reserve of the Air Force, for an indefinite term. Each graduate so appointed will be ordered into active military service as a career Reserve officer. He will serve for a minimum of 4 years from the date of graduation from officer training unless sooner relieved by orders of competent authority. In addition, officers undergoing training after commissioning will incur active duty service commitments for training. Each graduate will be assigned direct to duty or will be given additional training appropriate to his qualifications and desires correlated with Air Force requirements. The type of training the graduate will pursue will be determined by Lackland Military Training Center (OMS) in accordance with quotas established by Headquarters USAF.

(b) *Review.* Before graduation, the faculty board of the school will review the qualifications of each student and will prepare for each one a report indicating that he is or is not mentally, morally, physically, and professionally qualified for appointment in the grade of second lieutenant, Reserve of the Air Force, with appropriate recommendations for appointment. The physical qualifications for appointment will be determined by using any medical examination sufficiently detailed for each determination, completed within 12 months immediately preceding the date of appointment as an officer, Reserve of the Air Force, unless re-examination is indicated because of a serious intervening illness or injury. If the recommendation is negative, appropriate elimination action will be initiated.

(c) *Graduates who decline to accept appointment.* A graduate who declines to accept an appointment as an officer Reserve of the Air Force, will be disposed of as an eliminated student. His appointment as an officer trainee, or status as an eliminated student, will be terminated as outlined in § 861.17 and he may be reassigned within the Air Force in accordance with § 861.18.

**§ 861.21 Discharge.**

When commissioned in accordance with § 861.20, student will be discharged from his airman status. The commandant will prepare a discharge certificate and report of acceptance of appointment as a commissioned officer. The discharge certificate and report of separation will not be delivered to the graduate until after the Oath of Office as a commissioned officer has been administered. The reason and authority for discharge will be entered on the report of separation.

**§ 861.22 Assignment of graduates.**

(a) The Commander, ATC, will assign graduates to pilot and navigator training in accordance with existing criteria. Graduates who will enter technical training schools or who will be assigned direct to duty will be assigned by ATC in consonance with instructions provided by Headquarters USAF.

(b) Graduates of flying training or technical training schools will incur the active duty service commitment for the type of training received with a minimum of 4 years' active duty. Officers desiring release must request release from extended active duty in accordance with existing directives.

(c) Graduates who are assigned direct to duty will incur a directed duty in the occupational field containing the AFS in which initially assigned.

R. J. PUGH,
*Colonel, U.S. Air Force, Deputy Director of Administrative Services.*

[F.R. Doc. 61–1777; Filed, Mar. 1, 1961; 8:45 a.m.]



# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2272]

[Anchorage 052775]

### ALASKA

### Partly Revoking Executive Order 1919½ of April 21, 1914, Executive Order No. 7448 of September 12, 1936, and Executive Order No. 8102 of April 29, 1939

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141) and section 1 of the act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 303) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 1919½ of April 21, 1914, reserving certain lands in Alaska for townsite purposes; Executive Order No. 7448 of September 12, 1936, and Executive Order No. 8102 of April 29, 1939, reserving lands for use of the War Department, are hereby revoked so far as they affect the following-described lands:

SEWARD MERIDIAN

T. 13 N., R. 3 W.,
Commencing at the ¼ corner common to Sections 6 & 7, thence East 822.37 feet to Corner No. 1; thence S. 0°08' E., 878.36 feet; S. 30°43'41" W., 1005.02 feet; S. 81°49'38" W., 309.87 feet; N. 0°08' W., 1786.34 feet to the point of beginning.

Containing approximately 27.94 acres.

2. Until 10:00 a.m. on May 25, 1961, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 76.1–76.18. Thereafter the lands will not be subject to disposition under the public land laws unless and until it is so provided by order of an authorized officer of the Bureau of Land Management.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

FEBRUARY 23, 1961.

[F.R. Doc. 61–1784; Filed, Mar. 1, 1961; 8:46 a.m.]

[Public Land Order 2273]

## ALASKA

### Revoking Certain Withdrawals for Indian School and Hospital Purposes

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and as Secretary of the Interior it is ordered as follows:

[86114]

1. The Executive Order of May 4, 1907, so far as it reserved not to exceed forty acres of public land at Fort Yukon for educational purposes pending survey and segregation, is hereby revoked. The lands have not been surveyed or segregated.

[1758656]

2. The departmental order of May 10, 1940, reserving a tract of land containing 4.71 acres in the Saxman Indian Village, Alaska, for hospital purposes, is hereby revoked. The lands are subject to disposition only under laws relating to Indian townsites in Alaska.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

FEBRUARY 24, 1961.

[F.R. Doc. 61-1785; Filed, Mar. 1, 1961; 8:46 a.m.]

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[Public Land Order 2274]

[Juneau 011210]

## ALASKA

### Withdrawing Land for Use of the Forest Service as an Administrative Site and Public Campground

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Forest Service, Department of Agriculture, as an administrative site and public campground:

SITKA VICINITY

Lot 5A of U.S. Survey 2748 and a small unsurveyed parcel described as follows:

Beginning at Corner No. 4 of Lot 10 of U.S.S. 2418; thence S. 60°00' W., 1.11 chains to line of mean high tide of Sitka Sound; Northwesterly, along the mean high tide line to Corner No. 1 of U.S. Survey 2748; N. 56°46' E., 0.77 chains to Corner No. 2 of U.S.S. 2748; S. 73°41' E., 1.544 chains to point of beginning.

The area described totals 1.86 acres.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

FEBRUARY 24, 1961.

[F.R. Doc. 61-1786; Filed, Mar. 1, 1961; 8:46 a.m.]

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[Public Land Order 2275]

[Anchorage 049949]

## ALASKA

### Reserving Lands for Use of the Public Health Service as an Addition to the Arctic Health Research Center. Revoking Public Land Orders No. 855 and No. 1671

By virtue of the authority vested in the President by section 1 of the act of March 12, 1914 (38 Stat. 305, 307; 48 U.S.C. 303), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from sale or other disposal, and reserved for use of the Public Health Service, Department of Health, Education, and Welfare, as an addition to the Arctic Health Research Center:

EAST ADDITION TO ANCHORAGE TOWNSITE

U.S. Survey No. 408 (amended plat), Block 32-C.

Containing 2.06 acres.

2. Public Land Order No. 855 of July 17, 1952, which reserved the lands described in paragraph 1 hereof for use of the Department of the Army in connection with the activities of the Alaska National Guard, is hereby revoked.

3. Public Land Order No. 1671 of June 27, 1958, which reserved the following-described lands for the purposes recited in paragraph 1 of this order, is hereby revoked:

ANCHORAGE AREA

U.S. Survey No. 408, East Addition—Original Townsite,
Block 31-B, lots 1 to 8, incl.

Containing 1.43 acres.

The lands are withdrawn by Executive Order No. 2242 of August 31, 1915, for townsite purposes.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

FEBRUARY 24, 1961.

[F.R. Doc. 61-1787; Filed, Mar. 1, 1961; 8:46 a.m.]

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[Public Land Order 2276]

[Sacramento 058168]

## CALIFORNIA

### Withdrawing Lands for Reclamation Purposes (Central Valley Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved for use of the Bureau of Reclamation in connection with those reserved by Public Land Order No. 2225 of December 16, 1960, for the Auburn Dam and Reservoir Project, American River Division, Central Valley Project:

MOUNT DIABLO MERIDIAN

T. 13 N., R. 10 E.,
Sec. 30, lot 11.

Containing 36.36 acres.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

FEBRUARY 24, 1961.

[F.R. Doc. 61-1788; Filed, Mar. 1, 1961; 8:47 a.m.]

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[Public Land Order 2277]

[Oregon 010213]

## OREGON

### Order Providing for Opening of Public Lands (Power Project No. 1585)

1. The Federal Power Commission, in an order issued April 28, 1959, vacated the withdrawal created pursuant to the filing, on May 5, 1939, of an application for a license for Project No. 1585, pertaining to the following-described lands:

WILLAMETTE MERIDIAN

All portions of the following subdivisions lying within 20 feet of the center line of the survey embracing the ditch, flumes, pipe lines, power house, and transmission line locations, all as shown on a map designated Exhibit "F" and entitled "Map to Accompany Power Application Cal-Ore Mining & Development Co., Josephine County, Oregon, Township 25 South, Range 8 West, W.M.", and filed in the office of the Federal Power Commission on May 5, 1939;

T. 35 S., R. 8 W.,
Sec. 2, lot 2, SW¼NE¼, SE¼NW¼, N½SW¼;
Sec. 3, E½SE¼;
Sec. 10, lot 1, NE¼NE¼, SW¼NE¼, NW¼SE¼, NE¼SW¼.

The areas described contain 10.45 acres.

2. The lands in section 10, are national forest lands in the Siskiyou National Forest. The remainder are revested Oregon and California Railroad grant lands, of which lot 2, section 2, is withdrawn for power purposes in Power Site Classification No. 143, Oregon No. 10, of May 8, 1926.

3. Until 10:00 a.m., on May 26, 1961, the lands shall be open only to application by the State of Oregon for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any lands required as a right-of-way for a public highway, or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act, as amended.

4. Commencing at 10:00 a.m., on May 26, 1961, the lands shall be open to such other forms of disposition as may by law be made of national forest and revested Oregon and California Railroad grant lands, subject to valid existing rights and to the provisions of existing withdrawals.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

FEBRUARY 24, 1961.

[F.R. Doc. 61-1789; Filed, Mar. 1, 1961; 8:47 a.m.]



# Title 47—TELECOMMUNICATION

[FCC 61-268]

## Chapter I—Federal Communications Commission

## PART 10—PUBLIC SAFETY RADIO SERVICES

### Frequencies Available to Special Emergency Radio Service

In the matter of amendment of § 10.462 (f) (16) of Part 10 of the Commission's rules to relax frequency coordination requirements for special emergency applicants.

At a session before the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of February 1961;

It appearing that in the Commission's Second Report and Order in Docket No. 13273 (FCC 60-1264) certain frequencies were made available to the Special Emergency Radio Service; and

It further appearing that some of these frequencies were 15 kc "split channels" and were thus made available only upon a showing that the conditions of § 10.462(f) (16) (i), (ii), (iii), had been satisfactorily met; and

It further appearing that in its Report and Order in Docket No. 13475 (FCC 60-818), the Commission as a result of a notice of proposed rule making determined that Special Emergency applicants for split channel frequencies should be relieved from the burden of obtaining coordination clearance (i.e., consent) from other users in the Special Emergency Radio Service; and

It further appearing that the present provisions of § 10.462(f) (16) would, in effect, reimpose the requirement that coordination with other Special Emergency licensees must be obtained and thus are inconsistent with the Commission's previous finding; and

It further appearing that the amendment proposed herein merely extends an existing provision; that such provision has had no adverse effect but, in fact, would permit greater utilization of the frequencies involved; that the Commission has no reason to believe that any party has an interest in discontinuing the provision or the extension thereof nor that any party would submit comments to that effect if afforded an opportunity to do so; and, hence, that notice and public procedure are unnecessary; and

It further appearing that since the amendment ordered imposes no new requirements but rather relieves an existing requirement, the amendment may be made effective less than thirty days after publication as provided in section 4(c) of the Administrative Procedures Act; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended;

*It is ordered*, That effective March 1, 1961, § 10.462(f) (16) is amended to read as follows:

§ 10.462 Frequencies available to the Special Emergency Radio Service.

* * * * * *

(f) * * *

(16) Available for developmental operation: *Provided*, That

(i) The proposed station location is removed by at least 40 miles from the station location of each other station, not including those authorized to other Special Emergency licensees, which is authorized to operate on frequencies 30 kc or less removed; and

(ii) The application is accompanied by a statement under oath that the licensees of all stations, excluding Special Emergency licensees, located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kc or less removed have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of existing stations, excluding Special Emergency stations, will not be caused, together with a statement under oath that the licensees of all stations, excluding Special Emergency stations, located within a radius of 75 miles of the proposed station and authorized to operate on frequencies 30 kc or less removed have been notified of the applicant's intention to request the assignment.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: February 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1836; Filed, Feb. 1, 1961; 8:53 a.m.]

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[FCC 61-267]

## PART 10—PUBLIC SAFETY RADIO SERVICES

## PART 11—INDUSTRIAL RADIO SERVICES

## PART 16—LAND TRANSPORTATION RADIO SERVICES

### Requirement for Certain Periodic Transmitter Measurements

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of February 1961;

The Commission having under consideration the provisions of Part 10, Public Safety Radio Services; Part 11, Industrial Radio Services; and Part 16, Land Transportation Radio Services, which presently require the station licensee of certain transmitters to make transmitter measurements at intervals not to exceed six months to insure that the deviation of the carrier frequency, the plate power input to the final radio frequency stage, and the modulation do not exceed that authorized in the license or prescribed in the rules;

It appearing that in addition to the six-month periodic measurements, a check is also required when the transmitter is initially installed and when any change is made in the transmitter which may affect the carrier frequency; increase the power input; or affect the modulation characteristics; and

It further appearing that while some periodic measurements are necessary, primarily because of the breakdown of crystals due to aging, the experience of the Commission's field offices in inspecting stations licensed under these parts indicates that improvement in the components and construction of transmitters is such that some relief from the burden of the requirement for semiannual measurement checks may be afforded without detrimental effect on the Public Safety, Industrial, or Land Transportation Radio Services; and

It further appearing that the establishment of a one-year maximum period during which the required transmitter measurements must be made, in lieu of the present six-month requirement, would serve the public interest both from the standpoint of relieving the burden on the station licensees and also maintaining an adequate check on the transmitters to insure compliance with the station authorization and the Commission's rules; and

It further appearing that in view of the fact that the Commission has no reason to believe that any party has an interest in retaining the existing requirement since the changes contemplated will not result in any adverse impact upon the licensees of the services involved and because the changes relieve rather than impose restrictions, the amendments can be effected without the necessity of complying with the notice, public procedures, and effective date provisions of Section 4 of the Administrative Procedure Act; and

It further appearing that authority for the amendments ordered herein is contained in section 4(i) and 303 of the Communications Act of 1934, as amended;

*It is ordered*, That effective March 1, 1961, §§ 10.108, 11.108, and 16.108 are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: February 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

1. In Part 10, paragraphs (a) (3), (b) (3), and (c) (3) of § 10.108 are amended to read as follows:

§ 10.108 Transmitter measurements.

(a) • • •

(3) At intervals not to exceed one year, for transmitters employing crystal-controlled oscillators;

• • • • • •

(b) • • •

(3) At intervals not to exceed one year.

(c) • • •

(3) At intervals not to exceed one year.

2. In Part 11, paragraphs (a)(3), (b)(3), and (c)(3) of § 11.108 are amended to read as follows:

§ 11.108 Transmitter measurements.

(a) • • •

(3) At intervals not to exceed one year, for transmitters employing crystal-controlled oscillators;

• • • • • •

(b) • • •

(3) At intervals not to exceed one year.

(c) • • •

(3) At intervals not to exceed one year.

3. In Part 16, paragraphs (a)(3), (b)(3), and (c)(3) of § 16.108 are amended to read as follows:

§ 16.108 Transmitter measurements.

(a) • • •

(3) At intervals not to exceed one year, for transmitters employing crystal-controlled oscillators;

• • • • • •

(b) • • •

(3) At intervals not to exceed one year.

(c) • • •

(3) At intervals not to exceed one year.

[F.R. Doc. 61-1837; Filed, Mar. 1, 1961; 8:53 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Blackbeard Island National Wildlife Refuge, Georgia

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Blackbeard Island National Wildlife Refuge, Georgia, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 400 acres or 7 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, crappie, bream, and other minor species permitted under State regulations.

(b) Open season: April 1, 1961, through October 15, 1961. Daylight hours only.

(c) Daily creel limits:

1. Largemouth black bass, 15; bream, 70; crappie, 40; other minor species as permitted by State regulations. No limitations on weight, size, etc.

2. Total aggregate of all species shall not exceed 75 fish in one day.

(d) Methods of fishing:

1. Rod and reel, pole and line, artificial and live baits (except live minnows) permitted.

2. Rowboats, canoes and other floating devices permitted; boats with motors prohibited.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to October 16, 1961.

WALTER A. GRESH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

FEBRUARY 17, 1961.

[F.R. Doc. 61-1781; Filed, Mar. 1, 1961; 8:46 a.m.]

## PART 33—SPORT FISHING

### Noxubee National Wildlife Refuge, Mississippi

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,277 acres or 3 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Bass, bream, crappie, catfish and other minor species permitted by State regulations.

(b) Open season: March 1, 1961, through October 31, 1961. Daylight hours only.

(c) Daily creel limits:

| | |
|---|---|
| Bass | 15 |
| Bream | 50 |
| Crappie | 30 |

Aggregate daily limit of all kinds shall not exceed 75 per day.

(d) Methods of fishing:

1. Pole and line, rod and reel, artificial and live baits permitted.

2. Boats and motors permitted.

3. Hand grabbling for catfish and other non-game fish permitted from May 1, 1961, through July 31, 1961, as permitted by State regulation.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to November 1, 1961.

WALTER A. GRESH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

FEBRUARY 24, 1961.

[F.R. Doc. 61-1782; Filed, Mar. 1, 1961; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 55]

### GRADING AND INSPECTION OF EGG PRODUCTS

### Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering amendments to the Regulations Governing the Grading and Inspection of Egg Products issued pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.).

The major changes in the proposed amendments consist of adding: (1) A definitive sampling procedure; (2) more adequate facilities for resident graders; (3) a fee for laboratory analysis of frozen egg products to determine if they contain lactic acid; and (4) a change from 3 to 3½ minutes in the minimum time required for flash heating liquid whole egg during pasteurization. The proposed amendments would also make minor changes in the requirements for operating procedures; facilities for candling and breaking rooms; cooling and freezing; and facilities for drying egg products.

All persons who desire to submit written data, views or arguments in connection with the proposed amendments should file the same in triplicate, with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than 30 days following publication hereof in the FEDERAL REGISTER.

The proposed amendments are as follows:

§ 55.4 [Amendment]

1. Change paragraph (e) of § 55.4 to read:

(e) Condition inspection and laboratory analysis of egg products which are prepared in nonofficial plants.

§ 55.6 [Amendment]

2. Change § 55.6 by placing "(a)" immediately prior to the first sentence thereof and add a new paragraph (b) to read:

(b) Whenever grading or inspection service is performed on a sample basis, such sample shall be drawn as follows: (1) When frozen eggs are packed in 30-pound or larger containers, a sufficient number of randomly selected containers equivalent to not less than the square root of the total number in the lot shall be selected. When frozen eggs are packed in smaller containers, the number of containers to be selected shall be not less than the figure obtained by dividing the total net weight of the lot by 30 and extracting the square root thereof; (2) samples of dried egg solids of appropriate size shall be drawn in approximately equal portions from four randomly selected containers in each lot. For sampling purposes a lot shall consist of not more than 2,500 pounds. If the lot consists of less than four containers, the sample shall be drawn in approximately equal portions from each container in the lot.

3. Change § 55.18 to read:

§ 55.18 Facilities to be furnished for use of graders and inspectors in performing service on a resident inspection basis.

(a) Facilities for proper sampling, weighing, and examination of shell eggs and egg products shall be furnished by the official plant for use by inspectors and frozen egg graders. Such facilities shall include a candling light, a heavy duty, high speed (not less than 1000 r.p.m. under load) drill with a ¼" or larger bit of sufficient length to reach the bottom of a 30-pound can of frozen eggs, a nonbreakable thermometer, and a test kit for chlorine.

(b) Furnished office space and equipment, including but not being limited to, a desk (equipped with a satisfactory locking device), lockers or cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors and graders to change clothing. Such space and equipment must meet the approval of the state supervisor.

§ 55.23 [Amendment]

4. In paragraph (b) of § 55.23 substitute the words "national supervisor" for "area supervisor" contained in the first sentence thereof.

5. Change § 55.35 to read:

§ 55.35 Approval of official identification.

Any label, container or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label, container or packaging material bearing official identification may be used unless finished copies or samples thereof have been approved by the Administrator. No label, container or packaging material bearing official identification shall be printed or prepared for use until the printer's or other final proof has been approved by the Administrator. No label, container or packaging material which bears official identification shall bear any statement that is false or misleading. If the label is printed on or otherwise applied directly to the container or packaging material the principal display panel thereof shall be considered as the label. The label shall contain the common or usual name of the product, if any there be, the name and address of the packer or distributor, and when the name of the distributor is shown, it shall be qualified by such term as "packed for," "distributed by," or "distributors," the lot number, a statement of the net contents of the container, and if the product is comprised of two or more ingredients such ingredients shall be listed in the order of descending proportions. Egg products that are labeled "Whites and yolks" shall have the total solids content declared on the label if the solids content is less than 25½ percent.

6. Change § 55.41 to read:

§ 55.41 Products not eligible for official identification.

Egg products which are prepared in nonofficial plants shall not be officially identified. However, such products may be inspected organoleptically and by laboratory analyses and covering certificates issued setting forth the results of the inspection. Such certificates shall apply only to samples examined and shall include a statement that the product was produced in a nonofficial plant. Each container of frozen whole eggs will be drilled and examined organoleptically and product which appears to be satisfactory shall for sampling purposes be placed in lots not exceeding 6,000 pounds. Samples for laboratory analyses will be taken from each lot as provided in § 55.6 (b) and examined for direct microscopic bacterial count and for the presence of acetic and lactic acid. Frozen whole eggs shall be considered unsatisfactory if they contain acetic acid in any measurable quantity or if they contain lactic acid in excess of 7 milligrams per 100 grams of egg in combination with a direct microscopic bacterial count of more than 5,000,000 per gram of egg. The bacteriological analysis shall be made in accordance with the methods prescribed in Standard Methods for the Examination of Dairy Products of the American Public Health Association. The chemical analyses shall be made in accordance with the methods prescribed in Official Methods of Analysis of the Association of Official Agricultural Chemists.

§ 55.66 [Amendment]

7. Change paragraph (b) of § 55.66 by adding at the end thereof the following:

| | |
|---|---|
| Lactic acid | 40.00 |

§ 55.77 [Amendment]

8. Change paragraphs (a), (b), (g) and (m) of § 55.77 to read:

(a) All operations involving processing, storing, and handling of shell eggs, ingredients to be added, and egg products shall be strictly in accord with clean and sanitary methods, and shall be conducted as rapidly as is practicable. Stabilization procedures, when employed, shall be approved by the Administrator. Temperatures in all operations shall be such as will prevent a material increase in bacterial growth and deterioration or breakdown in the egg meat.

(b) All shell eggs and egg products shall be subjected to constant and continuous inspection throughout each and

every processing operation. Any shell egg or egg product which was not processed in accordance with the regulations in this part or is not fit for human food shall be removed and segregated prior to any further processing operation in connection with the production of egg products.

(g) Only germicides, insecticides, rodenticides, detergents, or wetting agents or other similar compounds which will not deleteriously affect the egg products and which have been approved by the Administrator may be used in an official plant. The use of such compounds shall be in a manner satisfactory to the Administrator.

(m) All utensils and equipment, except the drying units, the powder conveyors, mechanical powder coolers, and blenders shall be cleaned and sanitized at the start of each day's processing operations. All equipment and utensils shall be kept clean and sanitary during all processing operations.

§ 55.78 [Amendment]

9. Change paragraphs (a), (f) and (g) of § 55.78 to read:

(a) The room shall be adequately darkened to assure accuracy in removal of inedible or loss eggs by candling. Equipment shall be arranged so as to facilitate cleaning and the removal of refuse and excess packing material.

(f) Containers made of a material and of such design that is conducive to easy cleaning and sanitizing shall be provided for inedible eggs. All such containers shall be conspicuously marked.

(g) Containers made of a material and of such design that is conducive to easy cleaning and sanitizing shall be provided for trash unless clean disposable containers are furnished daily.

§ 55.79 [Amendment]

10. Change paragraph (c) of § 55.79 to read:

(c) Mechanical candling machines shall be maintained in a clean condition during operations.

11. Add a new subparagraph (6) to paragraph (g) of § 55.79 to read:

(6) Incubator reject eggs and ova from slaughtered birds of any species shall not be brought into the official plant.

§ 55.81 [Amendment]

12. Change paragraphs (a) and (c) of § 55.81 to read:

(a) All shell eggs with adhering dirt shall be cleaned prior to breaking. If such eggs are washed, they shall be rinsed with a water spray and promptly dried. Immediately following the water rinse, such eggs together with eggs not requiring cleaning, may be immersed in or sprayed with a sanitizing solution and thereafter promptly dried prior to breaking.

(c) Shell eggs shall not be washed in the breaking or sanitizing rooms or any room where edible products are processed.

§ 55.82 [Amendment]

13. Change paragraph (a), subparagraph (1) of paragraph (d) and paragraph (i) of § 55.82 to read:

(a) The breaking room shall have at least 30 foot candles of light on all working surfaces except that light intensity shall be at least 50 foot candles at breaking tables and inspection tables. Lights shall be protected with adequate safety devices.

(d) (1) A positive flow of outside filtered air through the room;

(i) Conveyors which are used for carrying shell eggs shall be so installed as will prevent contamination of the egg products.

§ 55.83 [Amendment]

14. Change paragraphs (b), (i), (j), (l), (p), (w), (x), (z), (cc) and (ff) of § 55.83 to read:

(b) Shell egg containers coming into the breaking room shall be so handled that they do not pass directly over or come in contact with liquid egg, liquid-egg containers, or drip trays. Such containers shall be made of a material and of such design that is conducive to easy cleaning and sanitizing.

(i) Shell particles, meat and blood spots, and other foreign material accidentally falling into the cups or trays shall be removed with a spoon or other approved instrument.

(j) Whenever an inedible egg is broken, the affected breaking equipment shall be replaced with a complete set of clean equipment, except that only the cup or Canadian tray need be exchanged when bloody whites or blood rings are encountered.

(l) The contents of any cup or other egg-liquid receptacle containing one or more inedible or loss eggs shall be rejected.

(p) Liquid eggs recovered from shell egg containers and leaker trays shall be rejected and treated as inedible egg liquid.

(w) Belt type shell egg conveyors shall be cleaned and sanitized approximately every 4 hours in addition to continuous cleaning during operation. When not in use, belts shall be raised to permit air drying.

(x) Cups, knives, racks, separators, trays, spoons, liquid-egg pails, and other breaking equipment shall be cleaned and sanitized at least every 2½ hours. This equipment shall also be cleaned and sanitized at the end of each shift and shall be sanitized again immediately prior to use unless operations are resumed within one hour. All washing and sanitizing is to be conducted in the area provided for this purpose.

(z) Dump tanks, draw-off tanks and low pressure liquid egg lines shall be flushed at least every 4 hours. All such equipment and all other liquid handling equipment, unless cleaned by acceptable in-place cleaning methods, shall be dismantled, cleaned and sanitized after each shift and shall not be reassembled more than 2 hours prior to use. Such equipment shall be thoroughly flushed with a sanitizing solution and thoroughly drained prior to placing in use.

(cc) Metal containers and lids for frozen eggs shall be thoroughly washed and drained immediately prior to filling, except that if equally effective measures approved by the national supervisor in writing are followed to assure clean and sanitary containers at the time of filling, the foregoing washing sequence shall not be required.

(ff) Mechanical egg breaking equipment shall be flushed with clean water under pressure at least every 2½ hours and shall also be thoroughly cleaned and sanitized during the lunch period and at the end of each shift.

§ 55.85 [Amendment]

15. Change paragraphs (c), (d), (e) and (f) of § 55.85 to read:

(c) All product which is not subjected to immediate stabilization or pasteurization shall be cooled to 45° F. or less within 1½ hours from time of breaking.

(d) Egg products containing 30 percent or more egg solids, to which 10 percent salt has been added, may be accumulated up to 4 hours at a temperature not exceeding 60° F., for the purpose of equalizing salt, fat and color, provided that immediately thereafter, the product is packaged and placed in a freezer. All other liquid egg shall be cooled to 45° F. within 1½ hours from the time of breaking and maintained at temperatures not exceeding 45° F. until loaded for shipment, or until stabilizing or pasteurizing operations are begun, or until frozen or dried, or delivered to the consumer. Such liquid eggs, if to be held for more than 8 hours, shall be reduced to a temperature of 40° F. or less within 1½ hours from time of breaking and held at 40° F. or less until stabilizing or pasteurizing operations are begun, or until dried, or frozen, or delivered to the consumer.

(e) Stabilized liquid eggs shall be cooled to 40° F. or less, unless immediately dried or pasteurized following stabilization. The cooling process shall be started immediately following stabilization and be completed within 3 hours.

(f) Pasteurized liquid egg shall be continuously cooled to 40° F. or less, unless dried or stabilized immediately following pasteurization.

§ 55.87 [Amendment]

16. Change paragraph (a) of § 55.87 to read:

(a) Freezing rooms, either on or off the premises, shall be capable of freezing all liquid egg products in accordance with the freezing requirements as set forth in § 55.88. Use of off-premise freezing facilities is permitted only when prior approval in writing from the national supervisor is on file.

§ 55.88 [Amendment]

17. Change paragraph (b) of § 55.88 to read:

(b) All egg products shall be solidly frozen or reduced to a temperature of 10° F. within 60 hours after placing in the freezer. The temperature of products not solidly frozen shall be taken at the center of the package to determine compliance with this section.



§ 55.91 [Amendment]

18. Change paragraph (j) of § 55.91 to read:

(j) Cooling equipment for dried egg powder shall be provided and be capable of promptly cooling all powder except albumen to a temperature of 85° F. or less.

§ 55.93 [Amendment]

19. Change paragraph (b) of § 55.93 to read:

(b) *Egg powder; blending.* Subparagraphs (1), (2), (3), (5) and (7) of this paragraph are applicable to all powder, and subparagraphs (4) and (6) of this paragraph are applicable only to whole eggs.

(1) The powder shall be blended uniformly throughout the operation.

(2) Secondary powder shall be blended with primary powder continuously by mechanical means.

(3) Approximately the first and last 175 pounds of powder from the main drier for each continuous operation shall be checked for improperly dried or scorched powder.

(4) The resident inspector shall draw a representative sample and score each lot (a lot shall not exceed 2,500 pounds) of powder for palatability. A lot scoring 6½ or higher is eligible for identification with the inspection mark as provided in § 55.36. A lot scoring 4 to 6, inclusive, may be officially identified as provided in § 55.38. Powder scoring less than 6½ shall not be blended with higher scoring powder, if the resultant finished product is to be officially identified as provided in § 55.36. Powder, including sweep-down powder, scoring less than 6½ but not lower than 4 may be officially identified as provided in § 55.38.

(5) Powder scoring below 4 and any powder obtained from a dust house, brush bag or screenings shall not be officially identified or blended with powder to be officially identified, except that brush-bag powder from albumen driers may be blended and officially identified.

(6) For any purpose other than to determine suitability for blending or official identification, palatability scores shall be determined by a USDA laboratory from representative samples drawn by an inspector.

(7) Representative samples shall be drawn in accordance with § 55.6(b) for laboratory analysis.

§ 55.94 [Amendment]

20. Change paragraph (a) of § 55.94 to read:

(a) Drying facilities shall be constructed in such a manner as will allow thorough cleaning and be equipped with approved intake filters.

§ 55.98 [Amendment]

21. Change paragraph (a) of § 55.98 to read:

(a) This room or area shall be well lighted, and of sufficient size to permit operators to properly wash and sanitize all equipment at the rate required by the size of the operation. Adequate ventilation shall be provided to insure the prompt removal of odors and vapors and the air flow shall be away from the breaking room. If the washing and sanitizing room is not a separate room, it shall be an area well segregated from the breaking areas and it shall be well ventilated with air movement directed away from the breaking operations so that odors and vapors do not permeate the breaking areas.

§ 55.100 [Amendment]

22. Change paragraph (f) of § 55.100 to read:

(f) Expectorating, or other unsanitary practices, shall not be permitted.

§ 55.101 [Amendment]

23. Change paragraphs (a) and (b) of § 55.101 to read:

(a) *Pasteurizing facilities.* Adequate pasteurizing equipment of approved construction shall be provided so that all of the liquid whole egg will be processed as provided in paragraph (b) of this section. The pasteurizing equipment shall be provided with a holding tube, an automatic flow diversion valve with attached thermal controls, and recording devices which will control the flow of egg liquid in such a manner as will accomplish pasteurization as set forth in paragraph (b) of this section and will record temperatures of the heated egg liquid at the flow diversion valve continuously and automatically during the process. It shall be equipped with automatic sound-warning devices to indicate failure of proper operation. Refrigerated holding vats of sufficient capacity shall be provided to hold liquid eggs prior to and after pasteurization.

(b) *Pasteurizing operations.* The strained or filtered liquid egg shall be flash heated to not less than 140° F. and held at this temperature for not less than 3½ minutes and not more than 4 minutes. The flow diversion valve shall be adjusted so that all liquid not meeting the temperature requirements shall be diverted to a receiving tank and a warning given of failure to meet the temperature requirements. The sanitary pipe leading from the flow diversion valve shall be dismantled, cleaned, and sanitized and the flow diversion valve flushed with cold water at least once each 4 hours of operation and whenever a 30-minute time interval has elapsed between use and reuse. The pasteurizing equipment shall be dismantled, cleaned, and sanitized at the end of each day's operation. If the eggs are pasteurized within 30 minutes after time of breaking, they need not be chilled to 45° F. prior to pasteurization. Immediately after pasteurization the liquid eggs shall be cooled as provided in § 55.85 unless they are dried immediately. Any other procedure for pasteurization must be submitted in writing and approved by the national supervisor prior to use.

§ 55.125 [Amendment]

24. In § 55.125 substitute the term "33 grams" for the term "30 grams" contained in the first sentence thereof.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624; 19 F.R. 74, as amended)

Issued at Washington, D.C., the 27th day of February 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F.R. Doc. 61-1807; Filed, Mar. 1, 1961; 8:50 a.m.]

## Commodity Stabilization Service

## [ 7 CFR Part 730 ]

## RICE

### Determination of Acreage Allotments for 1959 and Subsequent Crops

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354, 1377), the Department proposes to amend §§ 730.1024 and 730.1033 of the regulations for the determination of rice acreage allotments for the 1959 and subsequent crops of rice (23 F.R. 8528, 24 F.R. 577, 24 F.R. 1640, 24 F.R. 2677, 24 F.R. 9615 and 25 F.R. 3021), for the purposes of (1) implementing the provisions of Public Law 86-423 which precludes the release and reapportionment of any acreage on any farm acquired under right of eminent domain when the former owner retains occupancy through a lease and (2) changing the final dates for the release and reapportionment of rice allotment acreage in the State of California and to require any application for increase in farm rice acreage allotment from released acreage be filed not later than the final date for releasing allotment.

With respect to (1) above, it is proposed that the regulations be amended with respect to 1961 and subsequent crops of rice to provide that in "producer States" no acreage released to the county committee for reapportionment may be reapportioned to land acquired for nonagricultural purposes by an agency having the right of eminent domain when the displaced owner retains occupancy through lease and that in "farm States" no acreage may be released from nor reapportioned to any farm falling in this category.

With respect to (2) above, upon the basis of a recommendation from the California State Committee, it is proposed that beginning with the 1961 crop year the final dates for the release and reapportionment of rice allotment acreage in California be changed from May 1 and May 15 to April 1 and April 15, respectively. It is also proposed that any application for increase in farm acreage allotment from released acreage be filed not later than the date for releasing allotment.

Prior to incorporating the proposals set forth herein into the regulations, data, views and recommendations pertaining thereto submitted to the Director, Grain Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C., will be given consideration, provided such submissions are postmarked not later than

15 days from the date of publication of this notice in the FEDERAL REGISTER.

Issued this 27th day of February 1961.

H. D. GODFREY,
*Administrator, Commodity Stabilization Service.*

[F.R. Doc. 61-1840; Filed, Mar. 1, 1961; 8:54 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by A. E. Staley Manufacturing Company, Decatur, Illinois, proposing the issuance of a regulation to provide for the safe use of oxidized and epichlorohydrinized starch in sizing and coatings of paper and paperboard for food packaging.

Dated: February 23, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1796; Filed, Mar. 1, 1961; 8:47 a.m.]

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by W. R. Grace and Company, Cambridge 40, Massachusetts, proposing the issuance of a regulation to provide for the safe use of a neoprene-latex cap-sealing compound in food jar caps.

Dated: February 23, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1797; Filed, Mar. 1, 1961; 8:47 a.m.]

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Uni-Gum Division, T. M. Duche and Sons, Inc., 290 Brighton Road, Clifton, New Jersey, proposing the issuance of a regulation to provide for the safe use of an extract of Furcellaria fastigiata in foods.

Dated: February 23, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1798; Filed, Mar. 1, 1961; 8:48 a.m.]

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Red Star Yeast and Products Company, 325 North 27th Street, Milwaukee 8, Wisconsin, proposing the issuance of a regulation to provide for the safe use of butylated hydroxyanisole at a concentration of 0.1 percent in active dry yeast.

Dated: February 23, 1961.

J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1799; Filed, Mar. 1, 1961; 8:48 a.m.]

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Distillation Products Industries, Rochester 3, New York, proposing the amendment of § 121.1018 of the food additive regulations to provide for the safe use of distilled acetylated monoglycerides in vitamin capsules.

Dated: February 23, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1800; Filed, Mar. 1, 1961; 8:48 a.m.]

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Sources of Radiation Used for Inspection of Food, for Inspection of Packaged Food, and for Controlling Food Processing

Pursuant to petitions received from General Electric Company, 4855 Electric Avenue, Milwaukee 1, Wisconsin, and Industrial Nucleonics Corporation, 650 Ackerman Road, Columbus 2, Ohio, notices of filing were published in the FEDERAL REGISTER of March 25, 1960 (25 F.R. 2549) and April 8, 1960 (25 F.R. 3406), respectively. Based upon data supplied in these petitions, an order was published in the FEDERAL REGISTER of July 9, 1960 (25 F.R. 6483), establishing a regulation providing for the safe use of certain radiation sources for the inspection of foods and food packages and for controlling food processes. Following publication of the order, Industrial Nucleonics Corporation submitted certain objections to the published regulation and proposed changes therein.

The Commissioner of Food and Drugs has evaluated these objections and other relevant material, and has concluded that in the interest of clarity and accuracy the regulation should be amended to incorporate certain changes in the wording and, in addition, to permit the safe use of the isotopes kryton 85, cobalt 60, and radium 226.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare, (25 F.R. 8625), it is proposed to amend § 121.3001 of Subpart G to read as follows:

**§ 121.3001 Sources of radiation used for inspection of food, for inspection of packaging food, and for controlling food processing.**

Sources of radiation for the purposes of inspection of foods, for inspection of packaged food, and for controlling food processing may be safely used under the following conditions:

(a) The radiation source is one of the following:

(1) X-ray tubes producing X-radiation from operation of the tube source at energy levels of 300 kilovolt peak or lower.

(2) Sealed units producing radiations at energy levels of not more than 2.2 million electron volts from one of the following isotopes: Cesium 137, cobalt 60, kryton 85, radium 226, and strontium 90.

(b) To assure safe use of these radiation sources:

(1) The label of the sources shall bear, in addition to the other information required by the act:

(i) Appropriate and accurate information identifying the source of radiation.

(ii) The maximum energy of radiation emitted by X-ray tube sources.

(2) The label or accompanying labeling shall bear:

(i) Adequate directions for installation and use.

(ii) A statement that no food shall be exposed to a radiation source so as to receive an absorbed dose in excess of 1,000 rads.

The Commissioner of Food and Drugs hereby offers an opportunity to any interested person to submit views and comments on this proposal, within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be submitted in triplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.

Dated: February 23, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-1801; Filed, Mar. 1, 1961; 8:48 a.m.]



### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Economics Laboratory, Inc., 914 Guardian Building, St. Paul 1, Minnesota, proposing the issuance of a regulation to provide for the safe use of polybutoxy polypropoxy polyethyoxyglycol, polypropoxy polyoxyethylene glycol, and nonyl phenol in defoamer compositions used in the processing of paper for food packaging.

Dated: February 23, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1820; Filed, Mar. 1, 1961; 8:51 a.m.]

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Hercules Powder Company, Inc., 910 Market Street, Wilmington 99, Delaware, proposing the issuance of a regulation to provide for the safe use of rosin sizing produced from gum rosin, wood rosin, tall oil rosin, partially hydrogenated rosin, fully hydrogenated rosin, or dark wood rosin in the manufacture of paper and paperboard for food packaging.

Dated: February 23, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1821; Filed, Mar. 1, 1961; 8:51 a.m.]

### [ 21 CFR Part 121 ]

### FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Dewey and Almy, Ltd., Elveden Road, Park Royal, London NW. 10, proposing the issuance of a regulation to provide for the safe use in food packaging of side-seam cements containing polyamide resins, sulfonamide formaldehyde resins, and ethyl toluene sulfonamide.

Dated: February 23, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1822; Filed, Mar. 1, 1961; 8:52 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 1 ]

[Docket No. 13913]

### APPLICATIONS INVOLVING A DETERMINATION

### Order Extending Time for Filing Comments

In the matter of amendment of § 1.316 of the Commission's rules concerning payment of consideration to amend, dismiss, or not prosecute applications involving a determination pursuant to section 307(b) of the Communications Act, Docket No. 13913.

1. The Commission has before it for consideration a petition filed by the Federal Communications Bar Association requesting that the time for filing comments in the above-entitled proceeding be extended from February 20, 1961, to March 13, 1961, and that the time for filing reply comments be extended from March 7, 1961, to March 28, 1961.

2. The Association states that, due to the recent election of new officers and changes in the Association's committee assignments, there has been insufficient time to prepare comments reflecting the views of the Association's membership. The Association further states its belief that its comments will be of material assistance to the Commission in this proceeding.

3. Upon considering the representations of the petitioner, the Commission believes that the public convenience, interest, and necessity would be served by granting the additional time requested for filing comments and reply comments.

4. *Accordingly, it is ordered,* That the aforesaid request of the Federal Communications Bar Association is granted; that the time for filing comments in the above-entitled proceeding is extended from February 20, 1961, to March 13, 1961; and that the time for filing reply comments is extended from March 7, 1961, to March 28, 1961.

Adopted: February 23, 1961.

Released: February 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1838; Filed, Mar. 1, 1961; 8:54 a.m.]

# Notices

## GENERAL SERVICES ADMINISTRATION

### Defense Materials Service

### REPORT OF PURCHASES UNDER PURCHASE REGULATIONS

DECEMBER 31, 1960.

| Regulation | Termination date | Unit | Program limitation (quantity) | Purchases [1] during quarter | | Cumulative purchases [1] through end of quarter | |
|---|---|---|---|---|---|---|---|
| | | | | Quantity | Amount | Quantity | Amount |
| ACTIVE PROGRAMS | | | | | | | |
| *Public Law 806, 83d Cong.* | | | | | | | |
| Beryl | June 30, 1962 | Short dry tons, beryl ore | 4,500 | 71 | $40,205 | 2,720 | $1,510,862 |
| Mica | June 30, 1962 | Short tons, hand-cobbed mica or equivalent | 25,000 | 556 | 685,294 | 21,858 | 22,016,699 |
| COMPLETED PROGRAMS | | | | | | | |
| *Public Law 806, 83d Cong.* | | | | | | | |
| Asbestos | Nov. 1, 1957 | Short tons, crude No. 1 and/or Crude No. 2 Asbestos | 1,500 | | | 1,499 | 1,762,505 |
| | | Short tons, crude No. 3 | | | | 850 | 340,070 |
| Columbium tantalum | Dec. 31, 1958 | Pounds, contained combined pentoxide | 15,000,000 | | | 15,567,912 | 60,637,262 |
| Manganese: | | | | | | | |
| Butte-Phillipsburg | June 30, 1958 | Long ton units, recoverable manganese | 6,000,000 | | | 6,020,471 | 9,074,899 |
| Deming | June 30, 1958 | do | 6,000,000 | | | 6,215,258 | 12,036,269 |
| Wenden | June 30, 1958 | do | 6,000,000 | | | 6,105,316 | 10,742,170 |
| Domestic small producers | Jan. 1, 1961 | Long ton units, contained manganese | 28,000,000 | | | 28,069,901 | 71,396,922 |
| Tungsten | July 1, 1958 | Short ton units, tungsten trioxide | 3,000,000 | | | 2,996,280 | 189,212,788 |
| *Public Law 880, 79th Cong.* | | | | | | | |
| Chrome | June 30, 1959 | Long dry tons, chrome ore and/or chrome concentrates | 200,000 | | | 199,961 | 18,588,036 |
| *Defense Production Act* | | | | | | | |
| Mercury: | | | | | | | |
| Domestic | Dec. 31, 1957 | Flasks, prime virgin mercury | 125,000 | | | 9,428 | 2,121,300 |
| Do | Dec. 31, 1958 | do | 30,000 | | | 17,463 | 3,938,579 |
| Mexican | Dec. 31, 1957 | do | 75,000 | | | 766 | 172,317 |
| Do | Dec. 31, 1958 | do | 20,000 | | | 2,508 | 570,797 |

[1] Quantities represent deliveries.

Dated: February 23, 1961.

JOHN L. MOORE,
*Administrator.*

[F.R. Doc. 61-1811; Filed, Mar. 1, 1961; 8:50 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[P. & S. Docket No. 425]

### SIOUX CITY STOCK YARDS CO.

### Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on April 29, 1960 (19 A.D. 357), continuing in effect to and including December 31, 1961, an order issued on December 30, 1957 (16 A.D. 1241), authorizing the respondent, Sioux City Stock Yards Company, to assess the current temporary schedule of rates and charges.

On February 16, 1961, a petition was filed on behalf of the respondent requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges by inserting a new provision setting forth a new rate or charge for services in connection with livestock arriving at the stockyards by rail for transfer to motor truck for immediate shipment off the market. The new provision would be inserted in the current schedule as an exception to the regular yardage charge and would read as follows:

On livestock received by rail for immediate shipment by truck off the market, not consigned to a selling agency, dealer, or packer and not offered for sale or weighed, the regular yardage charge will be waived and in lieu thereof a charge of $2.50 per deck will be made for the use of facilities and services.

The proposed modification involves a new rate or charge for services not heretofore covered by order. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 24th day of February 1961.

LEE D. SINCLAIR,
*Acting Director, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61-1805; Filed, Mar. 1, 1961; 8:49 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-150]

### OHIO STATE UNIVERSITY

### Notice of Issuance of Utilization Facility License

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Office of the Federal Register on December 20, 1960, the Atomic Energy Commission has issued License No. R-75 authorizing The Ohio State University to possess and operate at power levels up to 10 kilowatts (thermal) the pool-type nuclear reactor located on its campus in Columbus, Ohio. Notice of the proposed action was published in the FEDERAL REGISTER on December 21, 1960, 25 F.R. 13144.

Dated at Germantown, Md., this 24th day of February 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-1774; Filed, Mar. 1, 1961; 8:45 a.m.]





[Docket No. 50-142]

### REGENTS OF THE UNIVERSITY OF CALIFORNIA

### Notice of Issuance of Facility License Amendment

Please take notice that no request for a formal hearing having been filed following the filing of notice of proposed action with the Office of the Federal Register on December 5, 1960, the Atomic Energy Commission has issued Amendment No. 1 to Facility License No. R-71 to The Regents of The University of California authorizing operation of the UCLA Argonaut-type nuclear reactor at power levels up to 10 kilowatts (thermal) on the University's campus in Los Angeles, California. Notice of the proposed action was published in the FEDERAL REGISTER on December 6, 1960, 25 F.R. 8834.

Dated at Germantown, Md., this 23d day of February 1961.

For the Atomic Energy Commission.

H. L. PRICE,
*Director, Licensing and Regulation.*

[F.R. Doc. 61-1818; Filed, Mar. 1, 1961; 8:51 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 5395 etc.]

### SOUTHERN ROCKY MOUNTAIN AREA LOCAL SERVICE CASE

### Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be heard, before the undersigned examiner, at the following cities, on the dates and at the times and places stated:

March 8, 1961 (10:00 a.m., local time), in Conference Room 41-C, New Custom House, Denver, Colorado.

March 13, 1961 (10:00 a.m., local time), at the El Conquistador Hotel, 3601 East Broadway, Tucson, Arizona.

March 20, 1961 (10:00 a.m., local time), in the "Cameo Room," at the Lafayette Hotel, Long Beach, California.

Dated at Washington, D.C., February 24, 1961.

[SEAL] JOSEPH L. FITZMAURICE,
*Hearing Examiner.*

[F.R. Doc. 61-1825; Filed, Mar. 1, 1961; 8:52 a.m.]

[Order No. E-16406; Docket No. 12107]

### FLYING TIGER LINE, INC.

### Reduced Cargo Rates; Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of February 1961.

By tariff revision to be effective February 23, 1961, The Flying Tiger Line, Inc. (Tiger) proposes reductions approximating 20 percent in rates for a number of commodities moving from the West Coast to Chicago and points east thereof. The reductions are to be effected by the transfer of such commodities from Group 16 to Group 37 of the carrier's tariff.

By complaint of February 10, 1961, United Air Lines, Inc. (United) requests investigation of the tariff revision and suspension pending decision therein. In summary, United alleges that there is no economic justification for the proposed reductions, that the rates would cause serious diversion from Tiger's competitors, and that there can be no reasonable expectation that new traffic will materialize in sufficient volume to maintain gross revenues.

On February 15, 1961, Tiger filed an answer to United's complaint, stating that the reduced rates are above the minimum directional rate level and their introduction falls within an appropriate range of carrier discretion heretofore permitted by the Board. Tiger further points out that United confines itself to general allegations in support of which no facts are presented, whereas extensive internal studies demonstrate to their own satisfaction that the proposed rates will develop traffic more than sufficient to offset the amount of the reduction involved.

Upon consideration of the matters of record, the Board finds that investigation of the instant tariff revision is not warranted and that United's request therefor, and consequently its request for suspension, should be denied. The complainant has set forth no facts relative to the impact which the reduced rates might have upon Tiger's traffic and revenues, or upon those of its competitors, and the proposed rates, which are currently in effect for numerous commodities, are within the existing minimums upon which the Board has relied in recent years.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

*It is ordered*, That the complaint of United Air Lines, Inc., in Docket 12107 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
*Secretary.*

[F.R. Doc. 61-1826; Filed, Mar. 1, 1961; 8:52 a.m.]

[Order No. E-16432; Docket Nos. 12154 etc.]

### MINIMUM RATES APPLICABLE TO AIR FREIGHT

### Order Proposing Revocation of Board-Prescribed Minimum Freight Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of February, 1961, in the matter of MINIMUM RATES APPLICABLE TO AIR FREIGHT, Docket 12154, and Dockets 11728 and 1705-11.

On August 19, 1960, the Board instituted an investigation [1] to determine whether the existing minimum freight rate orders should be modified or revoked and, if modified, in what manner. Interested persons were requested to submit statements of position, together with a summary of data and arguments in support thereof, by October 14, 1960.

Twenty-four responses to this request have been received and considered by the Board. Six of the seven domestic trunklines [2] responding recommended continuation of the current minimum rate orders and deferral of hearings pending actual experience with jet-powered all-cargo aircraft. American recommended immediate revocation of the minimum rate order without hearing in order to permit experimentation with promotional rates. Flying Tiger and Slick favored immediate hearings and modification of the minimum rate orders. After a transition period, Flying Tiger also proposed the elimination of all minimum air freight rate regulations. Riddle opposed an investigation and reduction in rates, except for exploration of lower rates in limited situations. Ten air freight forwarders favored immediate hearings,[3] and United Parcel proposed immediate revocation of the order. Five shippers (or shipping groups) favored immediate hearings and two stated that they favored less restrictions.

The responses leave no doubt that the imminent introduction of turbine-powered all-cargo aircraft, the use of more efficient cargo aircraft and handling facilities, the conversion of conventional Douglas and Lockheed passenger aircraft to all-cargo operations, and the added space and lift capacity available for cargo in the jet passenger aircraft will result in significant increases in air freight capacity.

In order to obtain the freight traffic necessary to utilize effectively the additional capacity which will soon become available, many of the respondents urged that rates lower than the current minimums must be permitted. However, a number of responses also took the position that the Board should not hold hearings for the purpose of prescribing new lower minimum rates until there has been an opportunity to determine from experience the costs of airfreight operations with the newer types of aircraft and facilities. Other responses, while not suggesting revocation, urged the Board to permit broad experimentation with freight rates during this period in order to develop an air freight market necessary for the economic utilization of the expanding cargo capacity of the carriers.

In the light of these responses and of other facts before the Board, we have tentatively concluded that hearings for the purpose of modifying the current minimum freight rate orders should not

[1] Order E-15672.

[2] Delta, Eastern, National, Northwest, Trans World, and United.

[3] Seven air freight forwarders represented by the Air Freight Forwarders Association took the position that sufficient data for turbine-powered all-cargo aircraft are not now available but favored immediate hearings on other questions. Airborne Freight, Jet Transportation, and Western Transportation favored immediate hearings, the latter two advocating lower minimum rates.

be held at this time. There are no experienced data at present with respect to costs of the new type turbine-powered all-cargo aircraft, and in these circumstances there would be significant limitations upon the usefulness of a hearing for the purpose of prescribing new minimum rate levels and structures.

The Board, however, is convinced that the air transportation industry is about to enter a new era in the carriage of freight; that there will be substantial increases in air freight capacity in both conventional and turbine-powered aircraft; that lower cost levels are projected for the new types of turbine-powered all-cargo aircraft; that significant increases in air freight volume must be developed to utilize efficiently the cargo capacity of enlarged fleets of such aircraft; and that it is essential to provide a regulatory climate that will best stimulate initiative within sound economic boundaries.

We have tentatively concluded that the carriers can properly be given a wider area of managerial discretion than afforded under the existing rate orders by the prompt revocation of such prescribed minimum rates and by the exercise of our regulatory function through the investigation and suspension powers provided in section 1002 of the Act. Therefore, upon consideration of the responses received in Docket 11728 and matters discussed herein, we have tentatively concluded that the existing minimum freight rates are no longer desirable or necessary and therefore propose to adopt an order which will revoke the outstanding minimum freight rate orders now applicable to interstate air freight moving within the 48 contiguous states.

All interested persons shall have 20 days from the date of the publication of this proposal in the FEDERAL REGISTER to submit written comments, data, views, or arguments bearing upon any matter herein proposed.

A basic premise underlying our proposal to revoke the minimum freight rates is the statutory concept that the initiation of rates should be a carrier function; that the exercise of this function is restricted by the existence of minimum rate orders; and that the continuance of the existing minimum rates is no longer necessary or desirable in the absence of impending or actual rate wars. We do not consider that revocation of minimum rates would be a withdrawal by the Board from effective cargo rate regulation, but rather a determination that in the present circumstances the Board and the industry can best implement their respective rate functions where the Board exercises its powers of investigation and suspension with respect to specific tariff proposals.

There are, therefore, strong policy considerations for prompt revocation of the existing minimum rates. However, our tentative conclusion to revoke such prescribed minimum rates rests not only upon policy considerations but upon other factors before us. The initial minimum rate orders were established more than 12 years ago to terminate a rate war then existing. There are no facts known to us which indicate the existence of a rate war at this time or an imminent threat thereof. Neither is there any basis for assuming that any air carrier will propose uneconomically low rates in domestic air cargo transportation. The present cargo rates are generally above prescribed minimums. The existing rates which approach the Board's minimum rates are primarily directional or deferred air freight rates. Except for the recognition that in an industry as highly competitive as the air transport industry there is always a potential for a rate war, there is no present basis for assuming that the restraint of existing minimum rates upon the managerial discretion of the carriers is necessary or even desirable.

The minimum rate orders were based upon a record now obsolete. At the time of the original decision, the principal operators of passenger aircraft contended that air freight should be charged with only that added cost which would not have been incurred had such traffic not been carried. The all-cargo carriers, on the other hand, urged that cargo rates should be geared to total costs. With the scheduled passenger carriers now operating an increasingly larger number of all-cargo aircraft, there is no indication that any carrier now advocates an added cost basis for determining the overall cargo rate level. The line-up of the various carriers as to their position with respect to minimum rates has changed significantly from the time the original orders were adopted.

The imminent introduction of new turbine-powered all-cargo aircraft in scheduled cargo service and the rapid increase in cargo capacity for the industry make it important that the industry have maximum flexibility and opportunity to experiment with promotional rates designed to increase air cargo traffic within the limits imposed by the rate-making criteria of the Act.

Under the approach herein proposed the usual procedure for the initiation of new air freight rates will be through tariff proposals filed by the carriers in the manner contemplated by the Act.[4] Of course, the Board then has ample authority to prevent abuses of carrier discretion under the investigation and suspension provisions of section 1002.

The considerations underlying our tentative conclusion to revoke the outstanding minimum rate orders also indicate that such action should be taken without hearing. The basic consideration that carriers should in the first instance have the opportunity to file new tariff rates, subject to the Board's powers of investigation and suspension, is a policy consideration inherent in the Act. The fact that the original minimum rate orders were prescribed more than 12 years ago; that the position of many of the parties has now changed; that generally rates are above the existing minimums; and that no carrier is urging the added cost theory are all matters properly before us. The imminent introduction of turbine-powered all-cargo aircraft, the rapidly increasing cargo capacity in the industry, and the need for promotional rates, point toward prompt implementation of appropriate action. There is no provision of the Federal Aviation Act of 1958, as amended, which requires a hearing and decision upon the record in order to relieve the carriers from the restriction of minimum freight rate regulations. Nor are we aware of any factual questions requiring resolution through the hearing process or of any other considerations that would indicate that a hearing would serve any useful purpose. Under these circumstances, the Board does not contemplate a hearing on any matter proposed herein and is proceeding pursuant to the rule-making requirements of section 4 of the Administrative Procedure Act.

In addition to the basic minimum rates established for air freight, the Board has also established minimum rates for assembly and distribution services,[5] and sub-minimum directional rates,[6] and deferred air freight rates[7] which are based upon the minimum rates for line-haul traffic. Our tentative decision to revoke the basic line-haul minimum freight rates is equally applicable to these interrelated or supplemental minimum rates. The Board, therefore, has tentatively concluded that each of these minimum rates should be included in any subsequent revocation order.

There also is pending before the Board the Investigation of Minimum Assembly and Distribution Charge Rules, Docket 1705–11.[8] This investigation will become moot and its dismissal is proposed at such time as the revocation of the minimum rates for assembly and distribution, as proposed herein, may become effective.

Therefore, notice is hereby given that the Board proposes:

1. To revoke the minimum rates prescribed for air freight.[9]

2. To revoke the minimum rates prescribed for assembly and distribution services in Orders E–4606 (September 14, 1950) and E–4954 (December 20, 1950).

3. To dismiss the Investigation of Minimum Assembly and Distribution Charge Rules, Docket 1705–11.

4. To suspend further proceedings at this time in the matter of the Domestic Air Freight Rate Investigation, Docket 11728.

[4] Section 404 of the Act places upon each carrier the duty to establish just and reasonable individual and joint rates and just and reasonable classifications, rules, regulations, and practices relating to air transportation. Tariff proposals of new rates are subject to review by the Board upon complaint or upon its own initiative pursuant to section 1002.

[5] Orders E–4606 and E–4954, dated September 14, 1950, and December 20, 1950, respectively.

[6] Orders E–4048 (April 10, 1950), E–4890 (November 30, 1950), E–5648 (August 24, 1951), E–7837 (October 21, 1953), and E–9114 (April 19, 1955).

[7] Order E–13140, dated November 6, 1958.

[8] See Orders E–12936 (September 3, 1958), E–15008 (March 15, 1960), and E–15460 (June 28, 1960).

[9] See Orders E–1639 (June 2, 1948), E–2184 (November 12, 1948), E–4048 (April 10, 1950), E–4890 (November 30, 1950), E–6698 (August 18, 1952), E–6706 (August 19, 1952), E–7837 (October 21, 1953), E–9114 (April 19, 1955), E–9136 (April 26, 1955), and E–13140 (November 6, 1958).



Accordingly, pursuant to section 302.38 of the rules of practice (14 CFR Part 302), section 4 of the Administrative Procedure Act, and sections 102, 204, 404, 1002, and 1005 of the Federal Aviation Act of 1958, as amended.

*It is ordered*, That:

1. All interested persons shall submit their written data, views, and arguments on each of the proposals stated above within twenty days from the date this notice is published in the FEDERAL REGISTER, by filing an original and nineteen copies thereof with the Docket Section of the Board.

2. That copies of this order shall be served upon all certificated and non-certificated air carriers and air freight forwarders engaged in the interstate transportation of property, and upon each of the following persons who have demonstrated their interest in this matter.

Los Angeles Chamber of Commerce.
American Retail Federation.
Society of American Florists.
California Floral Traffic Conference.
City of Dallas, Texas.
Dallas Chamber of Commerce.
Paper Mate.
Theodore Manufacturing Corporation.
Western Traffic Conference, Inc.
Air Freight Forwarders Association.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61–1827; Filed, Mar. 1, 1961; 8:52 a.m.]

[Order No. E–16439; Docket No. 12037]

## TRANS WORLD AIRLINES, INC.

### Application for Authority To Suspend Service Temporarily at Toledo, Ohio; Order Authorizing Temporary Suspension of Service and Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of February 1961:

On January 11, 1961, Trans World Airlines, Inc. (TWA) filed an application under Part 205 of the Board's Economic Regulations requesting authority to suspend service temporarily at Toledo, Ohio, on its route 2, to become effective upon issuance of its amended certificate pursuant to Order E–15365, June 10, 1960, which is the Board's decision in the Cincinnati-Detroit Suspension Investigation, Docket 9891, and continuing until the Board takes final action with respect to the modification of TWA's certificate so as to delete Toledo as an intermediate point on route 2.

In support of its application TWA states, inter alia, that the Board in its June 10, 1960 decision in the Cincinnati-Detroit case decided to delete the authority of TWA to serve between the intermediate points Cincinnati, Dayton, Columbus and Toledo and the terminal point Detroit on route 2, effective upon the inauguration of service over the Cincinnati-Detroit route then awarded to Lake Central Airlines, Inc. (Lake Central); that the Board withheld issuing an amended certificate to TWA; and that the carrier has doubts as to whether its amended certificate will contain any authority to provide service at Toledo. TWA further states that without the traffic support of Detroit, Dayton, Columbus and Cincinnati, no possible economic justification exists for its services at Toledo;[1] and that in addition to the service which Lake Central will provide in lieu of TWA, Delta is authorized to provide service on a route from Detroit to Louisville and points south via Toledo, Dayton and Cincinnati, as well as on a route between Detroit and Toledo, on the one hand, and Indianapolis and points south on the other.

No objections to this application have been received.

Upon consideration of the foregoing, we tentatively find and conclude that the carrier will require further authorization in order to suspend all service at Toledo, since the Cincinnati-Detroit case dealt only with its authority to serve between the intermediate points Cincinnati, Dayton, Columbus, and Toledo, and the terminal point Detroit and consequently the amended certificate issued to TWA (Order E–16403, February 20, 1961) does not affect its remaining authority at Toledo; that frequent and convenient service is now provided at Toledo by four trunkline carriers (Capital, Delta, Eastern, and United) and one local service carrier (Lake Central); that on February 6, 1961, Lake Central filed General Schedule 14, indicating that on March 1, 1961, it will inaugurate service between Cincinnati and Detroit, via intermediate points including Dayton, Columbus, and Toledo; that elimination of TWA at Toledo will result in additional revenues for the remaining carriers, and in savings for TWA; and that consequently the public convenience and necessity require the deletion of Toledo from TWA's certificate for route 2.

We further find on the basis of the foregoing that it is in the public interest to grant TWA authority to temporarily suspend on March 1, 1961, all remaining services at Toledo which were not affected by the amended certificate issued to the carrier pursuant to Order E–16403, supra, and that such authority should continue until final Board action in the proceeding instituted herein looking toward the deletion of Toledo from TWA's certificate for route 2.

*Accordingly, it is ordered:*

1. That TWA be and it hereby is authorized to suspend service at Toledo, Ohio, effective March 1, 1961, and continuing until the Board's final disposition of Docket 12160;

2. That there be and there hereby is instituted a proceeding identified as the Trans World Airlines Service to Toledo Case, Docket 12160;

3. That all interested persons be and they hereby are ordered to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of TWA for route 2 so as to delete the intermediate point Toledo, Ohio;

4. That any interested persons having objections to the issuance of an order making final the proposed findings and conclusions and certificate amendment set forth herein shall, within 15 days from the date hereof, file a statement of objections with the Board;

5. That if no objections are filed, further procedural steps shall be deemed waived and the matter submitted to the Board for issuance of a final order;

6. That if objections are filed further consideration will be accorded any matters or issues raised by the objections, before further action is taken by the Board;

7. That copies of this order shall be served on Trans World Airlines, Inc., Capital Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., United Air Lines, Inc., Lake Central Airlines, Inc., The Flying Tiger Line Inc., and the City and Chamber of Commerce of Toledo, Ohio, all hereby made parties to the proceeding in Docket 12160; and

8. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61–1828; Filed, Mar. 1, 1961; 8:53 a.m.]

[1] TWA also represents that of the total traffic carried by it to and from Toledo in 1959 and the first 11 months of 1960, 76.2% and 75.9%, respectively, originated at or was destined to these four cities.

## COMMITTEE FOR RECIPROCITY INFORMATION

### CERTAIN CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

### Consultations; Submission of Information; and Closing Dates

Consultations with certain contracting parties to the General Agreement on Tariffs and Trade regarding the application of quantitative import restrictions imposed for balance-of-payments reasons, under the provisions of Articles XII and XVIII:B.

Submission of information to the Committee for Reciprocity Information regarding these consultations.

Closing dates for submission of written statements: March 31, 1961, for April consultations; and September 1, 1961, for October consultations.

It is the intention of the Contracting Parties to the General Agreement on Tariffs and Trade to enter into consultation with certain of the parties regarding their application of quantitative import restrictions imposed for balance-of-payments reasons, under Articles XII and XVIII:B of said Agreement.

The consultations will be conducted separately with each consulting country during 1961 by a panel of fourteen coun-

tries including the United States. The consulting countries and the expected timing of their consultations are as follows:

*April*

| | |
|---|---|
| Austria. | Indonesia. |
| Burma. | Turkey. |
| Chile. | Union of South Africa. |

*October*

| | |
|---|---|
| Denmark. | New Zealand. |
| Finland. | Norway. |
| Japan. | Israel. |

During each consultation the Contracting Parties will have the opportunity (1) to review the country's financial and economic situation and (2) in this context to discuss the possibilities for further relaxation of the level of its import restrictions, a lessening of the discriminatory application of these restrictions, and the moderation of particular policies and practices which are especially burdensome to the exporters of other countries adhering to the General Agreement.

American traders, business firms, labor organizations and other individuals or associations which have an interest in exporting to one or more of the consulting countries may, as a result of their own experience, wish to submit information relating to (2) above which will be useful to the United States Government during the course of the consultations.

Representations to the Committee in response to this invitation, which should contain all available supporting information, might include views along the following lines:

1. Quantitative import restrictions affecting goods available from the United States have resulted in unnecessary damage to the commercial or economic interest of the United States, its citizens or organizations;

2. Not even minimum commercial quantities of imports of specific commodities from the United States are permitted, to the impairment of regular channels of trade;

3. Trade is being restrained by complex or arbitrary licensing procedures, or lack of adequate information available to traders regarding import regulations;

4. Reasonable access to a traditional foreign market has not been restored for a particular commodity, even though the country concerned has substantially relaxed its restrictions on imports in general;

5. The long-standing application of import restrictions by a country on a particular product has been accompanied by the growth of uneconomic output of that product within the country, or

6. Discrimination exists in the treatment of goods available from the United States as compared with the treatment afforded similar goods from other countries with convertible currencies.

In order to permit adequate consideration of views and information, it is requested that all responses be submitted to the Committee for Reciprocity Information by March 31, 1961, regarding the countries consulting in April, and by September 1, 1961, regarding the countries consulting in October. Information submitted to the Committee after these dates will be considered to the extent time permits.

All communications on this matter should be submitted in fifteen copies to: The Secretary, Committee for Reciprocity Information, Tariff Commission Building, Washington, D.C. Information may be submitted in confidence, if desired.

By direction of the Committee for Reciprocity Information this 1st day of March 1961.

LEONARD H. POMEROY,
*Secretary, Committee for Reciprocity Information.*

[F.R. Doc. 61-1864; Filed, Mar. 1, 1961; 12:00 m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 61-KC-5]

## CONSTRUCTION OF TELEVISION ANTENNA STRUCTURE

### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

The Storer Broadcasting Company, operator of television station WITI, Milwaukee, Wisconsin, proposes to erect an antenna structure to be located in the City of Milwaukee at latitude 43°05'19" north, longitude 87°53'46" west. The over-all height of the structure would be 1,720 feet above mean sea level (1,080 feet above ground). They are presently operating from a tower located near Milwaukee, Wis., at latitude 43°12'30" north, longitude 87°55'19" west with a height of 1,746 feet above mean sea level (1,046 feet above ground).

No aeronautical objections were received as a result of the circularization. The aeronautical study disclosed that the proposed structure would penetrate the outer conical surface of the "Joint Industry Government Tall Structures Committee Final Report" criteria by 305 feet. This criteria is not limiting in nature but requires aeronautical study of such cases. In this instance, the study revealed that there would be no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes. Further, in relocating the WITI antenna structure, it removes an isolated tower and places the proposed structure in an area that in effect is shielded by existing structures of similar characteristics. WISN-TV has a structure located approximately 2.25 statute miles northwest of the proposed WITI-TV structure that has a height of 1,735 feet above mean sea level. This structure penetrates the "Joint Industry Government Tall Structures Committee Final Report" criteria by 206 feet. In addition, the proposed WITI structure would be located within one-fourth of a mile of a structure with a height of 1,685 feet above mean sea level.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with applicable rules and standards and provided that the existing antenna structure at a height of 1746 feet above mean sea level located at latitude 43°12'30" north, longitude 87°55'19" west be dismantled within 90 days after scheduled programming is commenced from the new tower.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 24, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-1778; Filed, Mar. 1, 1961; 8:45 a.m.]

[OE Docket No. 61-FW-14]

## CONSTRUCTION OF AN ARRAY OF NINE RADIO TOWERS

### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

The Lake Huron Broadcasting Corp. proposes to erect an array of nine radio towers to be located near Houston, Texas, at latitude 29°59'33" north, longitude 95°28'33" west. The over-all height of the structure would be 522 feet above mean sea level (406 feet above ground). The proposed structures would be arranged in a three-by-three parallelogram. The long side of the parallelogram would lie along a bearing of 69° true with adjacent towers spaced 536.8 feet. The short side of the parallelogram would lie along a bearing of 159° true with adjacent towers spaced 229.2 feet.

No aeronautical objections were received as a result of the circularization. The aeronautical study by the Agency revealed that the proposed structures would have no effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that these proposed structures at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, provided that the structures will be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.



Issued in Washington, D.C., on February 24, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-1779; Filed, Mar. 1, 1961; 8:45 a.m.]

[Agency Order 64]

## GENERAL COUNSEL ET AL.

### Delegation of Authority

1. *Purpose.* The purpose of this order is to delegate to the General Counsel, Deputy General Counsel, all Associate General Counsels, and all Regional Counsels certain authority of the Administrator under Title III of the Federal Aviation Act of 1958 relating to the conduct of hearings and investigations.

2. *Delegation.* Section 303(d) of the Federal Aviation Act of 1958 authorizes the Administrator to delegate the performance of any function under the Act to any officer, employee, or administrative unit under his jurisdiction. Authority to take evidence, issue subpoenas, take depositions, and compel testimony in the conduct of hearings and investigations authorized by the Federal Aviation Act of 1958 or by the Federal Airport Act, and to exercise all authority vested in the Administrator by sections 313(c) and 1004 of the Act is hereby delegated to the General Counsel, Deputy General Counsel, all Associate General Counsels and the Regional Counsels for the various Regions. These individuals are directed to exercise this authority in accordance with any applicable policies established or approved by the Administrator.

3. *Redelegation.* The General Counsel, Deputy General Counsel, all Associate General Counsels and all Regional Counsels may redelegate the authority delegated to them under section 2 herein to any attorney of the Federal Aviation Agency serving under their supervision, subject to such conditions or limitations as they may prescribe. Each such redelegation under this section shall be limited to the specified hearing or investigation for which the authority is required.

4. *Effective date.* This order is effective February 23, 1961. It supersedes Agency Bulletin 59-38 of November 1, 1959 (24 F.R. 8861).

Issued in Washington, D.C., on February 23, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-1804; Filed, Mar. 1, 1961; 8:49 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13257 etc.; FCC 61M-292]

## CATSKILLS BROADCASTING CO. ET AL.

### Order Scheduling Hearing

In re applications of Harry C. Borwick, David Levinson, Seymour D. Lubin, Henry L. Shipp, Joseph K. Schwartz and Philip Slutsky, d/b as Catskills Broadcasting Company, Ellenville, New York, Docket No. 13257, File No. BP-12266; Jerome Z. Elkin, Charles W. Letter, Samuel Elkin and Henry W. Weiss, d/b as Ellenville Broadcasting Company, Ellenville, New York, Docket No. 13258, File No. BP-12742; Saul Dresner, Alfred Dresner, Samuel Dresner, and Rose Dresner, d/b as Ulster County Broadcasting Company, Ellenville, New York, Docket No. 13272, File No. BP-11781; for construction permits.

*It is ordered,* This 23d day of February 1961, that Annie Neal Huntting will serve as presiding officer in the consolidated proceeding herein ordered by the Commission by action released February 21, 1961 (FCC 61-186; Mimeo No. 98137); and: *It is further ordered,* That hearings in the proceeding will be held in the offices of the Commission, Washington, D.C., commencing April 10, 1961.

Released: February 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1829; Filed, Mar. 1, 1961; 8:53 a.m.]

[Docket Nos. 13955-13957; FCC 61M-295]

## STUART W. EPPERSON ET AL.

### Order Scheduling Hearing

In re applications of Stuart W. Epperson, North Wilkesboro, North Carolina, Docket No. 13955, File No. BP-13009; Tobert B. Brown, Taylorsville, North Carolina, Docket No. 13956, File No. BP-13564; Felix C. Abernethy, Granite Falls, North Carolina, Docket No. 13957, File No. BP-13773; for construction permits.

*It is ordered,* This 23d day of February 1961, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 19, 1961, in Washington, D.C.

Released: February 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1830; Filed, Mar. 1, 1961; 8:53 a.m.]

[Docket No. 12676 etc.; FCC 61M-297]

## FOUR STATES BROADCASTING CO. ET AL.

### Order Scheduling Prehearing Conference

In re applications of John L. Miller, tr/as the Four States Broadcasting Company, Halfway, Maryland, et al., Docket Nos. 12676, 12677, 12678, 12679, 13782, 13784, 13785, 13786, 13787, 13788, 13789, 13790, 13791, 13792, 13793, 13794, File No. BP-11227; for construction permits.

The Hearing Examiner having under consideration oral request of Associated Broadcasters, Inc., herein for a prehearing conference;

*It is ordered,* This 24th day of February 1961, that the request is granted; and a prehearing conference is scheduled herein for March 8, 1961, at 10:00 a.m.

Released: February 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1831; Filed, Mar. 1, 1961; 8:53 a.m.]

[Docket No. 13954; FCC 61M-294]

## JEFFERSON BROADCASTING CO., INC. (WTMT)

### Order Scheduling Hearing

In re application of Jefferson Broadcasting Co., Inc. (WTMT), Louisville, Kentucky, Docket No. 13954, File No. BP-13382; for construction permit.

*It is ordered,* This 23d day of February 1961, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 10, 1961, in Washington, D.C.

Released: February 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1832; Filed, Mar. 1, 1961; 8:53 a.m.]

[Docket Nos. 13958, 13959; FCC 61M-296]

## ROBERT F. NEATHERY AND RADIO COMPANY OF TEXAS COUNTY

### Order Scheduling Hearing

In re applications of Robert F. Neathery, Houston, Missouri, Docket No. 13958, File No. BP-12913; W. R. McKnight, Nolan Hutcheson, Raymond E. Duff, S. E. Ferguson, Maurice W. Covert, Wm. H. Duff, A. W. Roffe, Chester S. Sieloff, d/b as Radio Company of Texas County, Houston, Missouri, Docket No. 13959, File No. BP-14106; for construction permits.

*It is ordered,* This 23d day of February 1961, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 17, 1961, in Washington, D.C.

Released: February 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1833; Filed, Mar. 1, 1961; 8:53 a.m.]

[Docket No. 13649 etc.; FCC 61-237]

## RADIO CARMICHAEL ET AL.

### Order Amending Issues

In re applications of Radio Carmichael, Sacramento, California, Docket No. 13649, File No. BP-12031; Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON), Napa, California, Docket No.

13651, File No. BP-12306; Golden Gate Broadcasting Corporation (KSAN), San Francisco, California, Docket No. 13652, File No. BP-12376; John Matranga, tr/as Trans-Sierra Radio, Roseville, California, Docket No. 13653, File No. BP-12938; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of February 1961;

The Commission having under consideration the petition for clarification of Issue 6 specified in the Commission's Order released July 13, 1960 (FCC 60-808) in the above-captioned proceeding, filed by Golden Gate Broadcasting Corportion on January 30, 1961, and pleadings filed in response thereto;

It appearing that Issue 6 was intended to require a determination of the matters set forth in Issue 6 as amended herein; and

It further appearing that no opposition to the petition has been filed;

*It is ordered*, That the petition of Golden Gate Broadcasting Corporation, filed January 30, 1961, is granted; and

*It is further ordered*, That Issue 6 in the above-captioned proceeding is amended to read as follows: "To determine whether the roof-top antenna system proposed by Golden Gate Broadcasting Corporation (BP-12376) is in compliance with § 3.188(d) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section."

Released: February 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1834; Filed, Mar. 1, 1961; 8:53 a.m.]

[Canadian List No. 156]

## CANADIAN BROADCAST STATIONS

### List of Changes, Proposed Changes, and Corrections in Assignments

FEBRUARY 15, 1961.

Notification under the provisions of Part III, section 2, of the North American Regional Broadcasting Agreement; list of changes, proposed changes, and corrections in assignments of Canadian broadcast stations modifying appendix containing assignments of Canadian broadcast stations (Mimeograph No. 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement engineering meeting.

| Call letters | Location | Power kw | Antenna | Schedule | Class | Expected date of commencement of operation |
|---|---|---|---|---|---|---|
| | | *580 kilocycles* | | | | |
| CKY | Winnipeg, Manitoba | 50 kw | DA-2 | U | III | NIO with increased power. |
| CKUA | Edmonton, Alberta | 10 kw | DA-2 | U | III | Do. |
| CFCL | Timmins, Ontario | 1 kw | DA-1 | U | III | Delete assignment—Vide 620 kilocycles. EIO 2-15-62. |
| CFRA (PO: 500 kc 5 kw DA-1). | Ottawa, Ontario | 50 kw D/10 kw N | DA-2 | U | III | |
| | | *620 kilocycles* | | | | |
| CFCL | Timmins, Ontario | 10 kw D/2.5 kw N | DA-2 | U | III | NIO with increased power. |
| | | *1090 kilocycles* | | | | |
| CHIC (change in call letters from CFJB). | Brampton, Ontario | 0.25 kw | ND | D | II | |
| | | *1140 kilocycles* | | | | |
| CFTK (assignment of call letters). | Terrace, British Columbia | 1 kw | ND | U | II | |
| | | *1600 kilocycles* | | | | |
| CHUC | Cobourg—Port Hope, Ontario. | 1 kw | DA-D | D | II | Now in operation. |

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1835; Filed, Mar. 1, 1961; 8:53 a.m.]

## FEDERAL TRADE COMMISSION

[File No 21-540]

### FRESH FRUIT AND VEGETABLE INDUSTRY

### Trade Practice Conference

A trade practice conference will be held in three sessions at the following times and places:

First session—March 21, 1961, commencing at 10:00 a.m., P.s.t., at the Sheraton Palace Hotel, San Francisco, California.

Second session—March 27, 1961, commencing at 10:00 a.m., c.s.t., at the Conrad Hilton Hotel, Chicago, Illinois.

Third session—March 29, 1961, commencing at 10:00 a.m., e.s.t., at the Statler Hilton Hotel, New York, New York.

under the auspices of the Federal Trade Commission. These conferences will be held under the general supervision of the Honorable Sigurd Anderson, Federal Trade Commissioner, and will constitute the first step in proceedings authorized by the Commission for the establishment of trade practice rules for the industry.

All members of the industry are cordially invited to attend and participate in one or more of these conference sessions.

The purpose of the conference, which was authorized by the Commission pursuant to application by the United Fresh Fruit and Vegetable Association, is to afford all members of the industry an opportunity to consider and propose for establishment, subject to the Commission's approval, rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses violative of laws administered by the Commission. Any industry member may submit suggested trade practice rules for consideration at the conference and take part in the discussion of proposals or suggestions presented by others.

Among the subjects for rules which have been suggested for consideration at the conference sessions are price discrimination, brokerage and commissions in lieu thereof, advertising and other sales promotional allowances, services, or facilities, and inducing or receiving discriminations in price, which are violative of section 2 of the Clayton Act as amended (generally referred to as the Robinson-Patman Act). It is anticipated that provisions and examples will be suggested at the sessions which will supply guidance to industry members as to the meaning and application of the statutory provisions.

After the conference sessions and before any rules are finally approved by the Commission, a draft of proposed rules in appropriate form will be made available to all affected or interested parties including consumers and consumer organizations, upon public notice, affording them opportunity to present their views, criticisms, and suggestions regarding the proposed rules and to be heard at a public hearing in the matter to be announced by the Commission.

Issued: March 1, 1961.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 61-1817; Filed, Mar. 1, 1961; 8:51 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1365]

### DIVERSIFICATION FUND, INC.

### Notice of Application for Order of Exemption

FEBRUARY 23, 1961.

Notice is hereby given that Diversification Fund, Inc. ("Applicant"), of Boston, Massachusetts, a Massachusetts corporation and an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act.

Applicant has filed a registration statement under the Securities Act of 1933 for 1,335,000 shares of common stock, $1 par value, to be offered to investors in exchange for such investors' securities. The purpose of the Fund is to provide investors holding securities at relatively low tax bases with a means of exchanging such securities for shares of the Fund, thereby obtaining diversification without incurring any Federal capital gains tax liability at the time of such exchange. Vance, Sanders & Company, Inc., the dealer manager, and a group of securities dealers which it will form and manage intend to solicit deposits of securities, to be held by a depository in safekeeping for the separate account of each investor, until April 1, 1961, which date may be extended to no later than May 24, 1961. At all times during the solicitation period, the depositing investor will retain all incidents of ownership to the securities deposited, with the right to withdraw such securities from the deposit without charge.

The minimum deposit to be accepted from any investor is to be securities having a market value of $25,000, and the exchange will not be consummated unless the market value of the deposited securities as at the effective date of the planned exchange aggregates a minimum of $30,000,000. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them. If such value is obtained upon the termination of the solicitation period, a report describing the deposited securities, including their current market value and their basis for Federal income taxation, will be mailed to all depositing investors, who will then have the right to withdraw any or all of their deposited securities for a period of three weeks from the mailing of the report. During this period Applicant may require any investor to withdraw any or all of his deposited securities, in which event such investor will have the right to withdraw any or all of his remaining securities from the deposit. Also Applicant will have the right to reject securities on deposit for a period of up to 10 days after the end of the period during which the investor may withdraw. All of Applicant's shares which are issued in exchange for securities will be issued simultaneously on the effective date of the exchange. Each depositing investor is to represent that he will acquire shares of Applicant issued to him in the planned exchange without any intention of distributing them in a public offering.

Section 14(a) of the Act provides, in pertinent part, that no registered investment company shall make a public offering of its securities unless such company has a net worth of at least $100,000 or unless provision is made as a condition of the registration of its securities under the Securities Act which, in the opinion of the Commission, adequately insures (A) that, after the effective date of such registration statement, it will not issue any security or receive any proceeds of any subscription until no more than 25 responsible persons have made firm agreements to purchase securities in an aggregate net amount which will give the company a net worth of at least $100,000; (B) that said amount will be paid into such company before subscriptions will be accepted from any persons in excess of 25; and (C) that arrangements will be made whereby any amounts so paid in, plus any sales load, will be refunded to any subscriber on demand in the event the net proceeds so received do not result in the company's having a net worth of at least $100,000 within 90 days after such registration statement becomes effective. Applicant presently has one outstanding share of capital stock, nominal assets, and no liabilities, and anticipates that it will have only one such outstanding share, nominal assets, and no liabilities prior to the planned exchange if the exemption sought in the instant application is obtained. Applicant submits that under the circumstances described the exemption sought would be consistent with the purposes intended to be served by section 14(a).

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 15, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interests, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-1791; Filed, Mar. 1, 1961; 8:47 a.m.]

[File No. 24B-1122]

### RIDALL CORP.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 23, 1961.

I. Ridall Corporation (issuer), a Massachusetts corporation, 44 Roxbury Street, Roxbury 19, Massachusetts, filed with the Commission on November 3, 1959, a notification on Form 1-A and an offering circular relating to a proposed public offering of 100,000 shares of nonvoting common stock at $1 per share for an aggregate amount of $100,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The offering circular omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the purposes for which the cash proceeds of the shares sold to date have been used;

2. The failure to state the number of shares remaining to be sold;

3. The failure to disclose in the forepart of the offering circular the speculative aspects of the offering;

4. The failure to disclose whether the issuer has commenced operations;

5. The failure to disclose adequately the lack of voting rights as to the securities being offered;

6. The failure to disclose the relative costs of shares held by management and those to be held by the public and the percentage of ownership of management as compared with that of the public;

7. The failure to disclose adequately the current status of the manufacture of the mobile incinerator, the number manufactured to date and the cost thereof to the affiliate and any profit realized through sale to the issuer;

8. The failure to disclose whether any contracts have been entered into by the issuer for the use of the mobile incinerator; and

9. The failure to submit financial statements of the affiliate, General Automation Corporation.

B. The issuer has failed to cooperate with the Commission in connection with its proposed offering under Regulation A in that the issuer has refused to respond to letters from the Commission's staff with respect to amendment of the revised offering circular.

C. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days herefrom; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and

that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1792; Filed, Mar. 1, 1961; 8:47 a.m.]

[File No. 812-1377]

## SHARES IN AMERICAN INDUSTRY, INC.

### Notice of Filing of Application Exempting Transaction Between Affiliates and Purchase of Securities During an Underwriting

FEBRUARY 23, 1961.

Notice is hereby given that Shares in American Industry, Inc. ("Applicant"), a registered, open-end, diversified investment company has filed an application pursuant to sections 10(f) and 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 10(f) and 17(a) of the Act the proposed purchase by the Applicant of 500 shares of common stock of Rixon Electronics Inc. which is a portion of a 115,000 share offering of $.25 par value capital stock expected to be offered to the public during the latter part of February 1961 at a price not to exceed $7 per share.

Auchincloss, Parker & Redpath is the underwriter of the issue on a firm commitment basis. An employee of the latter firm is Dr. Horace Buxton, Jr. who is also a director of the Applicant.

Applicant contends that the exemption provided by Rule 10f-3 of the Act is unavailable due to the fact that it proposes to purchase the stock from an affiliated person and because there is no assurance at present that the sales commission will not exceed 7 percent. The price to be paid will be equal to the public offering price in effect on the first full day of the offering.

Section 10(f) of the Act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since one of the Applicant's directors is an affiliated person of the underwriter offering the stock, the purchase thereof by Applicant is subject to provisions of section 10(f) of the Act.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act. Since the Applicant proposes to purchase the stock from an affiliated person of Dr. Buxton, a director of the Applicant, the proposed transaction is subject to the provisions of section 17(a) of the Act.

Notice is further given that any interested person may, not later than March 7, 1961, at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1793; Filed, Mar. 1, 1961; 8:47 a.m.]

[File No. 1-4252]

## UNITED INDUSTRIAL CORP.

### Order Summarily Suspending Trading

FEBRUARY 24, 1961.

The Common Stock, $1 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange, and admitted to unlisted trading privileges on the Detroit Stock Exchange; and

The Series A Convertible Preferred Stock, $8.50 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange; and

The Warrants to Purchase Common Stock of United Industrial Corporation (Delaware) being listed and registered on the American Stock Exchange and the Pacific Coast Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in each such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspensions are necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any of such securities, otherwise than on a national securities exchange;

*It is ordered,* Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said securities on the American Stock Exchange, the New York Stock Exchange, the Detroit Stock Exchange and the Pacific Coast Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, February 25, 1961, to March 6, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1794; Filed, Mar. 1, 1961; 8:47 a.m.]

# TARIFF COMMISSION

[AA1921—18]

## RAYON STAPLE FIBER FROM BELGIUM

### Notice of Investigation

Having received advice from the Treasury Department on February 21, 1961 that rayon staple fiber from Belgium is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may within 15 days after the date of publication of this notice in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request.

Any interested party may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. Fifteen clear copies of such statement should be submitted. Information which an interested party desires to submit in confidence should be submitted on separate pages each clearly marked "Submitted in Confidence". Written statements must be filed not later than March 27, 1961.

Issued: February 27, 1961.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-1813; Filed, Mar. 1, 1961; 8:50 a.m.]

[AA1921—17]

## RAYON STAPLE FIBER FROM FRANCE

### Notice of Investigation

Having received advice from the Treasury Department on February 21, 1961 that rayon staple fiber from France is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may within 15 days after the date of publication of this notice in the FEDERAL REGISTER request that a public hearing be held, stating reasons for the request.

Any interested party may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. Fifteen clear copies of such statement should be submitted. Information which an interested party desires to submit in confidence should be submitted on separate pages each clearly marked "Submitted in Confidence". Written statements must be filed not later than March 27, 1961.

Issued: February 27, 1961.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-1814; Filed, Mar. 1, 1961; 8:50 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## CALIFORNIA

### Notice of Amendment and Partial Termination of Proposed Withdrawal and Reservation of Land

FEBRUARY 21, 1961.

Notice of an application Serial No. Sacramento 048492, for withdrawal and reservation of lands, was published as Federal Register Document No. 57-8314 on pages 8069 and 8070 of the Issue for October 10, 1957. The description of the lands involved in the proposed withdrawal application is hereby amended to conform to the official survey plats to read as follows:

HUMBOLDT MERIDIAN, CALIFORNIA

T. 16 N., R. 7 E.,
Sec. 1: Lots 2, 3, 4, 5, 7, 8, and 9.
T. 16 N., R. 8 E.,
Sec. 5: Lots 5 and 6, SW¼NE¼, SW¼NW¼, N½NW¼SW¼, SE¼NW¼SW¼, NE¼SW¼, NW¼SE¼;
Sec. 6: Lot 7, SE¼SW¼, W½SE¼, N½NE¼SE¼, SW¼NE¼SE¼;
Sec. 7: W½E½.

The areas described aggregate approximately 817.24 acres of public lands within the Klamath National Forest.

The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on March 23, 1961, relieved of the segregative effect of the above-mentioned application.

The lands terminated are:

HUMBOLDT MERIDIAN, CALIFORNIA

T. 16 N., R. 7 E.,
Sec. 1: That portion of patented Mineral Lot 51 extending into SW¼NE¼, that portion of patented Mineral Lot 44 extending into SW¼NW¼, and that portion of patented Mineral Lot 52 extending into SW¼NE¼ and NE¼SE¼;
Sec. 2: Patented SE¼NE¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 11: NW¼NE¼, E½NW¼.
T. 16 N., R. 8 E.,
Sec. 5: Patented SW¼NW¼SW¼, and that portion of patented Mineral Lot 40 extending into SE¼SW¼ and SW¼SE¼;
Sec. 6: Patented Lots 6 and 8 in W½SW¼, that portion of patented Mineral Lot 38 extending into W½SW¼, and patented SE¼NE¼SE¼;
Sec. 7: Patented NW¼.

[SEAL] WALTER E. BECK, *Manager, Land Office, Sacramento.*

[F.R. Doc. 61-1783; Filed, Mar. 1, 1961; 8:46 a.m.]

## Office of the Secretary

[Order No. 2850]

## ASSOCIATE COMMISSIONER, BUREAU OF INDIAN AFFAIRS

### Delegation of Authority

FEBRUARY 21, 1961.

John O. Crow, Associate Commissioner of the Bureau of Indian Affairs, is hereby authorized to exercise all the authority vested in the Commissioner of Indian Affairs by the Secretary of the Interior.

(Reorganization Plan No. 3 of 1950; 5 U.S.C., 481, note)

STEWART L. UDALL, *Secretary of the Interior.*

[F.R. Doc. 61-1790; Filed, Mar. 1, 1961; 8:47 a.m.]

# DEPARTMENT OF COMMERCE

## Office of the Secretary

## EXECUTIVE ASSISTANT TO THE SECRETARY

### Establishment of Office

*Correction*

In F.R. Doc. 61-1654, appearing at page 1671 of the issue for Saturday, February 25, 1961, that portion of section 4 which follows the phrase "of this order" should read "shall remain in full force and effect until hereafter amended or revoked under appropriate authority."

## COURTLANDT F. DENNEY

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 15, 1961.

COURTLANDT F. DENNEY.

FEBRUARY 20, 1961.

[F.R. Doc. 61-1816; Filed, Mar. 1, 1961; 8:50 a.m.]

# OFFICE OF CIVIL AND DEFENSE MOBILIZATION

## GEOFFREY BAKER

### Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement, published August 18, 1960 (25 F.R. 8011).

Dated: February 1, 1961.

GEOFFREY BAKER.

[F.R. Doc. 61-1775; Filed, Mar. 1, 1961; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 27, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

AGGREGATE-OF-INTERMEDIATES

FSA No. 36921: *Grains from Baudette and Williams, Minn.* Filed by Canadian National Railways (No. 8), and Duluth, Winnipeg and Pacific Railway Company (No. 8), jointly for themselves and interested rail carriers. Rates on oats, rye, wheat and flaxseed, in carloads, from Baudette and Williams, Minn., to Duluth, Minneapolis, Minnesota Transfer, St. Paul, Minn., and Superior, Wis.

Grounds for relief: Maintenance of through one factor rates from named origins to destinations beyond named destinations not depressed by same competitive conditions as rates to named destination.

Tariff: Supplement 46 to Canadian National Railways tariff I.C.C. W-668.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-1810; Filed, Mar. 1, 1961; 8:50 a.m.]

## CUMULATIVE CODIFICATION GUIDE—MARCH

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Announcing

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.



FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

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VOLUME 26 NUMBER 41

Washington, Friday, March 3, 1961



THE UNIVERSITY OF MICHIGAN

MAR 7 1961

MAIN READING ROOM


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# Rules and Regulations

## Title 7—AGRICULTURE

**Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture**

[Orange Reg. 11; Orange Reg. 10 Terminated]

**PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS**

**Limitation of Shipments**

**§ 1031.323 Orange Regulation 11.**

(a) Findings. (1) Pursuant to the marketing agreement and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093), regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas, effective September 22, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the production area, are presently subject to regulation by grades and sizes pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on February 27, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective terms in said marketing agreement and order; and terms relating to grade, size (diameter), and standard pack, when used herein, shall have the same meaning as is given to the respective terms in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

(2) Orange Regulation No. 10 (§ 1031.320; 26 F.R. 1439) is hereby terminated at 12:01 a.m., c.s.t., March 4, 1961.

(3) During the period beginning at 12:01 a.m., c.s.t., March 4, 1961, and ending at 12:01 a.m., c.s.t., July 2, 1961, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade at least U.S. No. 2;

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than 2$\frac{5}{16}$ inches in diameter, except that, unless otherwise provided, not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2$\frac{3}{16}$ inches in diameter;

(iii) Any oranges of any variety, grown as aforesaid, packed in any box or carton of inside dimensions other than those specified in subdivision (iv) of this paragraph, unless the oranges are of a size within the diameter limits specified for one of the following pack sizes and otherwise are packed in accordance with the requirements of standard pack, except that not to exceed a total of 10 percent, by count, of the oranges in any such container may be outside such diameter limits:

| Pack sizes: | Diameter limits in inches Minimum | Maximum |
|---|---|---|
| 100 | 3$\frac{1}{16}$ | 3$\frac{13}{16}$ |
| 125 | 3$\frac{3}{16}$ | 3$\frac{9}{16}$ |
| 163 | 2$\frac{15}{16}$ | 3$\frac{5}{16}$ |
| 200 | 2$\frac{11}{16}$ | 3$\frac{1}{16}$ |
| 252 | 2$\frac{7}{16}$ | 2$\frac{13}{16}$ |
| 324 | 2$\frac{3}{16}$ | 2$\frac{9}{16}$ |

(iv) Any oranges of any variety, grown as aforesaid, packed in a box or carton having inside dimensions of 19$\frac{3}{4}$ x 13 x 13$\frac{1}{2}$ inches, 19$\frac{3}{4}$ x 13 x 12$\frac{1}{2}$ inches, 19$\frac{3}{4}$ x 13$\frac{1}{2}$ x 13$\frac{1}{2}$ inches, or 19$\frac{3}{4}$ x 13 x 12$\frac{1}{4}$ inches, unless such container is packed in accordance with one of the following pack sizes and contains the applicable number of oranges specified for the pack size: *Provided*, Such oranges are within the diameter limits specified in subdivision (iii) of this subparagraph for the particular pack size, except that not to exceed a total of 10 percent, by count, of the oranges in any such container may be outside such diameter limits:

| Pack sizes: | Number of oranges |
|---|---|
| 100 | 100 |
| 125 | 125 |
| 163 | 163 |
| 200 | 198 |
| 252 | 252 |
| 324 | 319 |

(v) The provisions of subdivisions (iii) and (iv) of this subparagraph shall not apply to the oranges in any gift package of fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 1, 1961.

S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-1948; Filed, Mar. 2, 1961; 9:08 a.m.]

## Title 5—ADMINISTRATIVE PERSONNEL

**Chapter I—Civil Service Commission**

**PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE**

**Department of Health, Education, and Welfare**

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (g) of § 6.314 as set out below.

**§ 6.314 Department of Health, Education, and Welfare.**

* * * * * *

(g) *Office of the Assistant Secretary for Legislation.* * * *

(2) One Deputy Assistant Secretary for Legislation.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1868; Filed, Mar. 2, 1961; 8:48 a.m.]

**PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE**

**Housing and Home Finance Agency**

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (11) of § 6.342 is amended and subparagraph

(29) is added to paragraph (a) as set out below.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* • • •

(11) One Assistant Administrator for Public Affairs.

• • • • • •

(29) One Assistant Administrator for Congressional Liaison.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1869; Filed, Mar. 2, 1961; 8:48 a.m.]

# Title 13—BUSINESS CREDIT AND ASSISTANCE

## Chapter I—Small Business Administration

[Amdt. 12]

## PART 107—SMALL BUSINESS INVESTMENT COMPANIES

### Conditions Governing Disbursement of Funds

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Pub. Law 85-699, 72 Stat. 694, as amended, there is amended, as set below, § 107.308-2(a) of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations.

*Information and effective date.* This amendment eliminates the requirement of the execution of SBA Form No. 420 by at least three members of the board of directors of the Licensee. Since this amendment is technical in nature and eliminates a requirement imposed on Licensees, this amendment shall become effective upon publication in the FEDERAL REGISTER.

The Small Business Investment Company Regulation (23 F.R. 9383), as amended (25 F.R. 1397, 2354, 3316, 5374, 5478, 5825, 7276, 8068, 8855, 10087, and 26 F.R. 183), is hereby further amended by:

Deleting the introductory paragraph in § 107.308-2(a) and inserting in lieu thereof a new introductory paragraph. As amended, § 107.308-2(a), first paragraph reads as follows:

§ 107.308-2 Conditions governing disbursement of SBA funds.

(a) Prior to the disbursement of any funds to a Licensee under the authority of section 302(a) or section 303(b) of the Act, the Licensee, by and through its duly authorized officer, shall execute and deliver to SBA the following written certification and statement on SBA Form No. 420 (for the purpose of obtaining the subject funds for such Licensee and for the purpose of inducing SBA to disburse such funds as contemplated under section 16(a) of the Small Business Act, as amended, which subsection is applicable and extended to the functions of SBA under the Act) that:

Dated: February 23, 1961.

JOHN E. HORNE,
*Administrator.*

[F.R. Doc. 61-1863; Filed, Mar. 2, 1961; 8:47 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 662; Amdt. 258]

## PART 507—AIRWORTHINESS DIRECTIVES

### Armstrong Whitworth AW-650 Aircraft

Pursuant to the authority delegated to me by the Administrator, (25 F.R. 6489), an airworthiness directive was adopted on February 10, 1961, and made effective immediately because of the safety emergency involved, as to all known United States operators of Armstrong Whitworth AW-650 aircraft. Recent inspections disclosed defects in the elevators, fins and flaps which had been inspected only three hours previously.

For this reason it was found that immediate corrective action was required in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest and that good cause existed for making this airworthines directive effective immediately as to all known U.S. operators of Armstrong Whitworth AW-650 aircraft by individual telegrams dated February 10, 1961. It is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507) to make it effective as to all persons:

ARMSTRONG WHITWORTH. Applies to all Model AW-650 aircraft.

Compliance required as indicated.

Because of service defects found on the elevators, fins, and flaps, the following is required:

(a) Unless already accomplished, the following modifications must be accomplished prior to the next flight.

(1) Outboard end of both elevators must be modified in accordance with Armstrong Whitworth Drawing M.30044, Issue 1 (Modification Number 637).

(2) Tail boom stub fins must be modified in accordance with Armstrong Whitworth Drawing M.30045, Issue 1 (Modification Number 638).

(b) Prior to accumulating 200 hours total time in service, replace all flaps with flaps modified in accordance with Armstrong Whitworth Drawing M.30041, Issue 1, M.30042, Issue 1, and M.30043, Issue 1 (Modification Number 636).

(c) Prior to every flight, visually inspect the following areas for loose rivets, cracks and damaged skin.

(1) Top and bottom surface of both elevators including horn balances.

(2) Inboard and outboard sides of left and right fins.

(3) Entire surface of left and right rudders including tabs.

(4) Under surface of inboard flaps.

(d) If loose rivets or damaged skin is found, an approved repair must be accomplished prior to further flight.

(e) If cracks are found, the following action must be taken:

(1) If cracks between adjacent rivets or cracks at least one-inch long are found, the internal structure in that location must be inspected. If no internal damage is found, an FAA approved repair must be made to the skin prior to the next flight. If any internal damage is found the component must either be replaced or an FAA approved repair incorporated prior to the next flight.

(2) Cracks less than one-inch long must be stopped by drilling or repaired.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by individual telegrams dated February 10, 1961.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 24, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-1844; Filed, Mar. 2, 1961; 8:45 a.m.]

[Reg. Docket No. 683: Amdt. 259]

## PART 507—AIRWORTHINESS DIRECTIVES

### Douglas DC-6 and DC-7 Series Aircraft

Airworthiness Directive 54-25-1 (21 F.R. 9533), requires one-time inspection and replacement of emergency exit door hinges on Douglas DC-6 Series aircraft. During investigation of recent failures it has been determined that the hinge fittings reach their fatigue life at approximately 32,000 hours' time in service. To prevent further failures which can result in loss of passengers, it is necessary to require repetitive inspection until replacement with redesigned hinges. The hinge fittings on DC-7 aircraft are similar to those on DC-6 aircraft and must be subjected to the same inspection and rework. Accordingly, AD 54-25-1 (21 F.R. 9533), is being superseded by a new directive.

Since safety of the aircraft is involved, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective 10 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority, delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all Model DC-6 Series prior to S/N 44888 and DC-7 Series up to S/N 44872 having 32,000 or more hours' time in service.

Compliance required as indicated.

Instances have been reported of loss of emergency exit doors during pressurised flight due to failure of the bottom hinge fitting with subsequent failure of the top hinge fitting. To preclude further occurrences, the following shall be accomplished on the emergency exit door hinges:

(a) Unless already accomplished within the last 350 hours' time in service, emergency exit door hinges with less than a one-inch door skin recess radius shall be inspected for cracks in the radius using dye penetrant, or equivalent, within the next 50 hours' time in service and repeated within each 400 hours' time in service thereafter until hinges are replaced as indicated in (b). If cracks are found, the hinges must be replaced prior to further pressurized flight.

(b) Aircraft with hinges having less than a one-inch door skin recess radius must have the hinges replaced within the next 2,000 hours' time in service. Parts not replaced at the end of 2,000 hours' time in service can be kept in service an additional 600 hours providing inspections per (a) are made each 200 hours' time in service.

(c) All replacement hinges must have at least a one-inch door skin recess radius and hinges having a 3/32-inch radius may not be reworked to the one-inch radius.

(Douglas Service Bulletins DC-6 No. 848; second reissue dated January 4, 1961, and DC-7 No. 393 dated January 3, 1961, cover the above subject.)

This supersedes AD 54-25-1, 21 F.R. 9533.

This amendment shall become effective March 15, 1961.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 24, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-1845; Filed, Mar. 2, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-NY-119]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

## PART 608—SPECIAL USE AIRSPACE

### Designation of Restricted Area/Military Climb Corridor and Modification of VOR Federal Airways, Control Area Extension and Control Zone

On November 23, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 11115) stating that the Federal Aviation Agency (FAA) proposed to designate a restricted area/military climb corridor at Westover AFB, Chicopee Falls, Mass., and modify VOR Federal airways No. 39 and 106, the Chicopee Falls control area extension and the Westover, Mass., control zone.

No adverse comments were received regarding the proposed amendments. Subsequent to publication of the notice, Airspace Docket No. 60-WA-194 (26 F.R. 870) has been published which changes, among other things, the explanation of terms and the restricted area numbering system of Part 608 of the regulations of the Administrator. Therefore, actions taken herein will conform to those changes. This will not change the allocation of airspace as proposed. In addition, the Department of the Air Force (USAF) has advised the FAA that interceptor aircraft utilizing the climb corridor are TACAN equipped only. As a result, the USAF has requested that the climb corridor be designated on the 046° True radial of the Westover TACAN latitude 42°11'34" N., longitude 72°-31'46" W.) in lieu of the Westover TVOR. This action is also taken herein since the TACAN and TVOR are separated by only a few feet.

Moreover, the upper limits of the climb corridor at or above 24,000 feet MSL are expressed as flight levels to conform to the use of a standard altimeter setting at these altitudes.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 608.41 (26 F.R. 881) the following is added:

R-4108 Chicopee Falls, Mass. (Westover AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* That area based on the 046° True radial of the Westover AFB TACAN, beginning 5 miles NE of the airbase and extending 32 miles NE of the airbase having a width of 1 mile either side of the 046° True radial at the beginning and a width of 2.3 miles either side of the 046° True radial at the outer extremity.

*Designated altitudes.* 2,200' MSL to 15,200' MSL from 5 miles NE of the airbase to 6 miles NE of the airbase. 2,200' MSL to flight level 240 from 6 to 7 miles NE of the airbase. 2,200' MSL to flight level 270 from 7 to 10 miles NE of the airbase. 6,200' MSL to flight level 270 from 10 to 15 miles NE of the airbase. 10,200' MSL to flight level 270 from 15 to 20 miles NE of the airbase. 15,200' MSL to flight level 270 from 20 to 25 miles NE of the airbase. 19,200' MSL to flight level 270 from 25 to 32 miles NE of the airbase.

*Time of designation.* Continuous.

*Using agency.* Commander, Westover AFB, Mass.

2. In the text of § 600.6039 (14 CFR 600.6039, 25 F.R. 1664, 2662, 10342, 26 F.R. 643) add: "The portion of this airway that coincides with R-4108 shall be used only after obtaining prior approval from the appropriate authority."

3. In the text of § 600.6106 (14 CFR 600.6106, 25 F.R. 105, 634, 1940) add: "The portion of this airway that coincides with R-4108 shall be used only after obtaining prior approval from the appropriate authority."

4. In the text of § 601.2276 (25 F.R. 13880) add: "The portion of this control zone that coincides with R-4108 shall be used only after obtaining prior approval from the appropriate authority."

5. In the text of § 601.1064 (14 CFR 601.1064, 25 F.R. 5329) add: "The portion of this control area extension that coincides with R-4108 shall be used only after obtaining prior approval from the appropriate authority."

These amendments shall become effective 0001 e.s.t. May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 24, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-1846; Filed, Mar. 2, 1961; 8:45 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55323]

## PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

### Admission of Articles Free of Duty

Under section 321(a)(2)(C), Tariff Act of 1930, as amended, and § 8.3 of the Customs Regulations, articles may be admitted free of duty, without the preparation of an entry, if among other requirements the value of such articles imported by one person on one day does not exceed $1.

The admission of articles free of duty and without the preparation of an entry under section 321(a)(2)(C) of the tariff act in the case of articles of a class or kind prescribed for in quotas is inconsistent with the purpose of such quotas.

Accordingly, to insure that the quota merchandise will not enter the country under section 321(a)(2)(C), § 8.3(d) of the Customs Regulations is amended by adding a new subparagraph designated (7) reading as follows:

(7) The exemption referred to in section 321(a)(2)(C) is not to be allowed in the case of any merchandise of a class or kind provided for in any absolute or tariff-rate quota, whether the quota is open or closed. In the case of merchandise of a class or kind provided for in a tariff-rate quota, the merchandise is subject to the rate of duty in effect on the date of entry.

(Sec. 7, 52 Stat. 1081, as amended; 19 U.S.C. 1321)

Notice of the issuance of the foregoing amendment was published in the FEDERAL REGISTER on December 10, 1960 (25 F.R. 12681). No arguments against the proposed amendment have been received and the amendment set forth above is hereby adopted.

This amendment shall become effective upon the expiration of 30 days after publication in the FEDERAL REGISTER.

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: February 23, 1961.

A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-1880; Filed, Mar. 2, 1961; 8:50 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

### PART 2—DELEGATIONS OF AUTHORITY

#### Various Officials

Part 2, Chapter I of Title 38 of the Code of Federal Regulations is amended by adding new §§ 2.67 and 2.68 as follows:

**§ 2.67 All adjudication officers, assistant adjudication officers, authorization officers, employees designated to act as authorization officers, section chiefs, and unit chiefs authorized to make findings and decisions under applicable laws, regulations, precedents, and instructions, as to entitlement of claimants to benefits under all laws administered by Veterans Administration governing payment of monetary benefits to veterans and their dependents within jurisdiction of Compensation and Pension Service.**

This delegation of authority is identical to § 3.100(a) of this chapter.

**§ 2.68 Chairman, Board on Waivers and Forfeitures, Section Chairman, Board on Waivers and Forfeitures, Chairmen and Section Chairmen, Committees on Waivers authorized to take final action in waiver of recovery of payments from any person pursuant to provisions of 38 U.S.C. 3102 subject to any limitations imposed by current Veterans Administration regulations and instructions.**

This delegation of authority is identical to § 3.100(b) of this chapter.

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 61-1875; Filed, Mar. 2, 1961; 8:49 a.m.]

### PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

### PART 8—NATIONAL SERVICE LIFE INSURANCE

#### Miscellaneous Amendments

1. In Part 6, §§ 6.55 and 6.127 are revised to read as follows:

**§ 6.55 Proof of age, relationship and marriage.**

Whenever it is necessary for a claimant to prove age, relationship or marriage, the provisions of §§ 3.1(j), 3.204, 3.205 (a) and (b) and 3.209 of this chapter will be followed.

**§ 6.127 Evidence to establish death of the insured.**

Whenever a claim is filed on account of the death of a person insured under yearly renewable term insurance or United States Government life insurance, the proof of death shall be established in accordance with the provisions of §§ 3.204, 3.211 and 3.212 of this chapter.

2. In Part 8, § 8.0(b)(3) is amended to read as follows:

**§ 8.0 Eligibility.**

* * * * *

(b) *Applications for insurance under section 722(a) of Title 38, United States Code.* * * *

(3) The types of releases from service which are considered to be under "dishonorable conditions" as set forth in § 3.12 of this chapter will apply to the provisions of this paragraph.

3. Section 8.52 is revised to read as follows:

**§ 8.52 Proof of death, age, relationship and marriage.**

Whenever it is necessary for a claimant to prove death, age, relationship or marriage, the provisions of §§ 3.1(j), 3.204, 3.205 (a) and (b), 3.209, 3.211, and 3.212 of this chapter will be followed.

(72 Stat. 1114; 38 U.S.C. 210)

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 61-1872; Filed, Mar. 2, 1961; 8:49 a.m.]

### PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

#### Domestic Relations Questions, Restoration to Rolls, and Conflict of Laws

In § 13.402, paragraph (c) is amended to read as follows:

**§ 13.402 Domestic relations questions, restoration to rolls, and conflict of laws.**

* * * * *

(c) Veterans Administration determinations of validity of marriage for the purposes of §§ 3.1(j), 3.55, 3.205 and 3.402(c) will be based on the entire record, including evidence of conduct and reputation and applicable presumptions, as well as any available public records. Recognition of the finality ordinarily attaching to court decrees as determinative of status will not preclude independent determination respecting eligibility under Federal law. A "void marriage" is a purported marriage which, under the law of the applicable jurisdiction, and notwithstanding the form of marriage, is not a valid marriage. A "voidable marriage" is one which comes into existence under circumstances that entitle one of the parties to disavow the contract for cause recognized under the law of the applicable jurisdiction, but which, in the absence of formal disavowal and decree of annulment, continues in the status of valid marriage.

(72 Stat. 1114; 38 U.S.C. 210)

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 61-1873; Filed, Mar. 2, 1961; 8:49 a.m.]

### PART 21—VOCATIONAL REHABILITATION AND EDUCATION

#### Subpart B—Education of Korean Conflict Veterans Under 38 U.S.C. Ch. 33

MISCELLANEOUS AMENDMENTS

1. The cross references immediately following § 21.2060 are deleted and the following cross references are added immediately following § 21.2059:

CROSS REFERENCES: Requirements for Submission of Evidence. See §§ 3.200 through 3.213 of this chapter.

Evidence Requirements to Establish Marital Status. See § 3.205 of this chapter.

Common-Law Marriages. See § 3.205(a)(8) of this chapter.

2. Section 21.2060 is revised to read as follows:

**§ 21.2060 Dependency of husband of female veteran.**

The husband of a female veteran-trainee may be considered to be her dependent, for the purpose of additional education and training allowance, if he is in fact dependent upon her. The husband will be determined to be in fact dependent upon her only where it is established that his dependency results from physical or mental incapacity, his monthly income is not sufficient to provide him with reasonable maintenance, and he is not being otherwise maintained at the expense of the Federal Government. (See § 3.250 of this chapter for types of income to be considered.)

(72 Stat. 1114; 38 U.S.C. 210)

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 61-1874; Filed, Mar. 2, 1961; 8:49 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

### PART 4—INFORMATION ON POSTAL MATTERS

### PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

### PART 35—PHILATELY

### PART 43—MAIL DEPOSIT AND COLLECTION

### PART 45—CITY DELIVERY

### PART 61—MONEY ORDERS

### PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

### PART 132—NON-POSTAL CHARGES AND IMPORT REGULATIONS

### PART 168—DIRECTORY OF INTERNATIONAL MAIL

#### Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. Amend § 4.2 *General postal publications* to read as follows:

**§ 4.2 General postal publications.**

The following postal publications may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.



| Title | Price |
|---|---|
| *Postal Manual*— | |
| Chapters 1 and 2 | $4.00. *$1.00. |
| Chapters 1 through 8 | $8.00. |
| Chapter 1, Post Office Services (Domestic), and Chapter 2, International Mail, explain the services available, prescribe rates and fees, and prescribe conditions under which postal services are available to the public. Chapters 3 through 8 contain internal operating procedures of the Post Office Department and generally are not needed by other than postal employees. | |
| *Postal Bulletin* | $2.25 a year. |
| Issued weekly to transmit timely or transitional instructions and information relating to the Postal Service, including philatelic, airmail, money order, parcel post, etc. The Postal Bulletin will be retained by postal installations for 6 months only. Any permanent instructions published in the Postal Bulletin will be reissued in the Postal Manual or in other permanent form. | |
| *Postal Service News* | $1.00 a year. *$0.50. |
| Issued monthly. Provides medium for keeping personnel informed of postal problems, programs, and progress, and for the exchange of ideas and experiences which contribute to the efficient operation of the Service. | |
| *Commemorative Stamp Posters* | $1.50 a year. *$0.50. |
| 8 x 10½ inch posters provide advance notification on commemorative stamps. Show enlarged illustrations of stamps and other data of interest to stamp collectors. | |
| *Cost Ascertainment Report 1959* | $0.70. |
| A report stating the results of the work of ascertaining the revenues derived from and the costs of handling and transporting each of the several classes of mail matter, and of performing the special services, with the physical volumes of each class and services for the fiscal year 1959. | |
| *1960 Annual Report of the Postmaster General* | $0.65. |
| Presents an overall picture of the activities of the Department for fiscal year 1960. Following a brief financial summary, this report gives details on such topics as operations and services; research and engineering; transportation policies and methods; financial and related services; facilities and equipment; public relations; the inspection service; and other functions of the Post Office Department. Includes a comprehensive appendix containing numerous tables of statistical data on the Postal Service. | |
| *Opinions of the Solicitor of the Post Office Department*— | |
| Vol. 8 (June 26, 1929 to Feb. 4, 1936) | $3.00. |
| Vol. 9 (Feb. 5, 1936 to Nov. 1951) | $3.00. |
| Volumes 8 and 9 contain official opinions of the Solicitor of the Post Office Department for the periods indicated. | |
| *How to Pack and Wrap Parcels for Mailing (excerpt from Chapter 1, Postal Manual)* | (1) |
| *Domestic Postage Rates and Fees (excerpt from Chapter 1, Postal Manual)* | (1) |
| *Receipts and Classes of Post Offices* | $1.00. |
| Lists all post offices alphabetically by States and gives their receipts and their class and the salary level of the postmaster. | |
| *First-class Post Offices With Named Stations and Branches* | $0.35. |
| Lists all first-class post offices, with branches and named stations arranged alphabetically by States. Includes post office unit numbers. Prepared for use in mailing parcel post under readjusted size and weight limits. | |
| *Postage Stamps of the United States 1847-1959* | $1.00. |
| Lists all issues of stamps from the first adhesive stamp, issued in 1847, through Dr. Ephraim McDowell "Famous American" stamp, issued December 3, 1959. Contains an illustration of each stamp and gives detailed information on each stamp and miscellaneous historical information on stamps. | |
| *Postal Laws* | $2.75. |
| A compilation of laws affecting the Post Office Department. Contains all of title 39 of the U.S. Code, as well as pertinent parts of titles 5, 6, 16, 18, 28, 31, 38, and 41. | |
| *Combination Mailings (excerpt from Chapter 1, Postal Manual)* | (1) |
| *United States Domestic Postage Rates, 1789-1958* | $0.45. |
| Traces development of postal rates through the many steps that led to the rate structure in effect September 1, 1958. Contains short histories of, and tables of rates and fees for, first-, second-, third-, fourth-class mail rates and special services (registration, domestic money orders, postal savings, special delivery, special handling, COD, insured mail, and certified mail). Contains abstracts of laws passed between 1789 and 1955 fixing rates of postage on domestic mail matter and abstracts of laws relating to the franking, penalty, and free mailing privileges. Information on postage stamps is not included. | |
| *Mailing Chute Rules, Regulations and Specifications (excerpt from Chapter 1, Postal Manual)* | (1) |
| *Apartment House Mail Receptacles, Regulations and Specifications (excerpts from Chapter 1, Postal Manual)* | (1) |
| *County List of Post Offices* | $0.60. |
| Lists all post offices alphabetically by Counties within States, the number of rural mail boxes served from various post offices within each county in the United States, the number of boxes at those post offices that do not have city carrier service, and other pertinent information. | |
| *How to Prepare Second- and Third-Class Mailings (excerpt from Chapter 1, Postal Manual)* | (1) |
| *The Post Office as a Public Service (statement by Post Office Department)* | $0.60. |
| A reply of the Post Office Department to the February 26, 1957, Report of the Citizens' Advisory Council to the Senate Committee on Post Office and Civil Service. | |
| *How to Address Mail (excerpt from Ch. 1, Postal Manual)* | (1) |
| *Directory of International Mail*— | |
| With binder | $7.00. *$1.50. |
| Without binder | $4.50. *$1.25. |
| Contains detailed information about postage rates, services available, prohibitions, import restrictions, and other conditions governing mail to other countries. Countries are listed alphabetically, with the specific requirments applicable to mail addressed to each of them. | |

[1] Available at post offices for distribution to patrons free of charge.

*Available for foreign mailing.

See footnotes at end of table.

NOTE: The corresponding Postal Manual section is 114.2.

(R.S. 161, as amended, sec. 501, 74 Stat. 580, (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501)

**§ 17.1 [Amendment]**

II. In § 17.1 *Conditions applicable to parcels addressed to certain military post offices overseas*, as amended by Federal Register document 60-1081, 25 F.R. 905-908, Federal Register document 60-3783, 25 F.R. 3711-3712; and Federal Register document 60-8788, 25 F.R. 9047-9049, made the following changes:

A. Delete Military APO numbers 75, 917, and 950.

B. Insert in proper numerical order the following Military APO numbers with their accompanying data:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| [11] 16 | ------ | ------ | ------ | [1] x | ------ | [2] x | |
| 656 | ------ | x | ------ | [1] x | ------ | ------ | |

C. Under the column headed "Other prohibited items" and opposite "Military APO number 319" add a footnote "12" thereto.

D. Under the column headed "Other prohibited items" and opposite "Military APO number 843" add a footnote "5" thereto.

E. Amend footnote "10" to read as follows:

[10] Mailable firearms may be shipped only by unregistered air parcel post. (See § 15.5 of this chapter concerning concealable firearms). All other parcels may not contain firearms of any type.

F. Add a new footnote "12" to read as follows:

[12] Parcels limited to 20 pounds in weight and 50 inches in length and girth combined.

NOTE: The corresponding Postal Manual section is 127.1.

(R.S. 161, as amended, secs. 501, 505, 74 Stat. 580, 581 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 505)

III. In Part 35—Philately, make the following changes:

**§ 35.6 [Amendment]**

A. In § 35.6 *Stamp exhibits*, amend paragraph (a) by striking out "Special Assistant to the Postmaster General" where it appears in the last sentence therein, and inserting in lieu thereof "Director, Division of Philately".

NOTE: The corresponding Postal Manual section is 145.61.

B. Section 35.7 *Stamp publication* is amended for the purpose of clarification to read as follows:

**§ 35.7 Stamp publication.**

The Department issues a publication (POD-9 rev.) entitled "Postage Stamps of the United States", containing reproductions and information of interest to collectors on all U.S. stamps issued from 1847 through the Dr. Ephraim McDowell "Famous American" stamp, issued December 3, 1959. See § 4.2 of this chapter.

NOTE: The corresponding Postal Manual section is 145.7.

(R.S. 161, as amended, secs. 501, 74 Stat. 580 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501)

**§ 43.6 [Amendment]**

IV. In § 43.6 *Mailing chute and receiving box manufacturers* paragraph (h), as amended by Federal Register document 60-6975, 25 F.R. 7103-7104, is amended by adding "Pioneer Mail Chute Corp., 807 South Fulton Ave., Mount Vernon, New York" to the list of authorized manufacturers of mailing chutes and receiving boxes in subparagraph (2) therein.

NOTE: The corresponding Postal Manual section is 153.682.

(R.S. 161, as amended, secs. 501, 6003, 74 Stat. 580, 686 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 6003)

V. In § 45.6 *Apartment house receptacles*, subparagraphs (1) and (2) of paragraph (d) are amended to show the proper procedure for removal of inside letterbox arrow locks when they are no longer needed. As so amended, subparagraphs (1) and (2) read as follows:

**§ 45.6 Apartment house receptacles.**

* * * * *

(d) *Maintenance and repair.* (1) The owners or managers of buildings must keep receptacles in good repair. When an inside letterbox arrow lock is

no longer needed, the building management must immediately notify the postmaster so that a postal employee can be detailed to supervise removal of the lock from the master door for return to the post office.

(2) Carriers will report on Form 3521, "Carrier Report on Condition of House numbers and mail receptacles," all apartment houses that are being remodeled, and all mail boxes that are not locked or are out of repair. Delivering employees and postmasters will see that all inside letterbox arrow locks are recovered when buildings are torn down or remodeled.

NOTE: The corresponding Postal Manual section is 155.641 and 2.

(R.S. 161, as amended, secs. 501, 6003, 74 Stat. 580, 686 (Pub. Law 86–682); 5 U.S.C. 22, 39 U.S.C. 501, 6003)

VI. In § 61.3 *Cashing money orders,* as published in Federal Register document 60–11863, 25 F.R. 13218–13228, paragraph (g) is amended to show that a full description of the identification must be entered on the back of money orders when presented for cashing. As so amended, paragraph (g) reads as follows:

**§ 61.3 Cashing money orders.**

* * * * *

(g) *Identification of payee.* Payees must be able to prove identity if they want their money orders cashed. Social security cards are not acceptable. Drivers' permits, military identification cards, or other credentials showing signature of bearer and having serial numbers or other indicia which can be traced to the holder are helpful in identification. The owner must sign the money order in the presence of the postal employee. The postal employee shall compare signature with identification, if possible; shall enter on the back of the order the license or serial number and full description of the identification, including street address, city, and State; and shall also initial the back of the order. This will aid in apprehending persons attempting forgery or other wrong payment. If the postal employee has exercised proper care under the circumstances, the Department will recommend that he be relieved of financial responsibility in cases of wrong payment. This procedure must be followed carefully in the case of endorsed money orders, as they might bear a forged endorsement and be in the hands of the wrong person.

NOTE: The corresponding Postal Manual section is 171.37.

(R.S. 161, as amended, secs. 501, 5104, 74 Stat. 580, 681 (Pub. Law 86–682); 5 U.S.C. 22, 39 U.S.C. 501, 5104)

**§ 112.8 [Amendment]**

VII. In § 112.8 *Eight ounce merchandise packages,* as published on Federal Register document 60–1246, 25 F.R. 1095–1126, amend paragraph (e) by deleting "Colombia" from the list of countries therein which accept eight-ounce merchandise packages.

NOTE: The corresponding Postal Manual section is 222.85.

(R.S. 161, as amended, secs. 501, 505, 74 Stat. 580, 581 (Pub. Law 86–682); 5 U.S.C. 22, 39 U.S.C. 501, 505)

**§ 132.6 [Amendment]**

VIII. In § 132.6 *Restricted delivery,* as published in Federal Register document 60–1246, 25 F.R. 1095–1126, and amended by Federal Register document 60–4355, 24 F.R. 4321–4322, subparagraph (1) of paragraph (a) is amended by inserting "Brazil—A remettra en main propre" in the proper alphabetical order of countries where restricted delivery of registered articles is available.

NOTE: The corresponding Postal Manual section is 242.611.

(R.S. 161, as amended, secs. 501, 505, 74 Stat. 580, 581 (Pub. Law 86–682); 5 U.S.C. 22, 39 U.S.C. 501, 505)

**§ 168.5 [Amendment]**

IX. In § 168.5 *Individual country regulations,* the country "Brazil", under Postal Union Mail, is amended by adding "See § 132.6(a)(1) of this Chapter, concerning restricted delivery." to the item *Registration.*

(R.S. 161, as amended, secs. 501, 505, 74 Stat. 580, 581 (Pub. Law 86–682); 5 U.S.C. 22, 39 U.S.C. 501, 505)

[SEAL] LOUIS J. DOYLE,
*Acting General Counsel.*

[F.R. Doc. 61–1819; Filed, Mar. 2, 1961; 8:45 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[FCC 61–277]

## PART 1—PRACTICE AND PROCEDURE

### Applications for Television Broadcast Translator Stations; Order

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of February 1961;

The Commission having under consideration the provisions of § 1.359 of its rules relating to the giving of local notice of applications for broadcast facilities and amendments to such applications;

It appearing that the purpose of television translator stations is to rebroadcast the signals of regular television broadcast stations; that they operate with extremely low power; and that in many cases they serve a small number of people in remote communities in which newspapers are not published; and

It further appearing that in view of the foregoing, it is neither necessary nor appropriate that applicants for television translator facilities be required to give the same local notice as in the case of other broadcast applicants, and that it would be in the public interest to adopt separate and simpler local notice requirements for applications for television translator facilities; and

It further appearing that these amendments to the rules are procedural in nature and that they relax existing requirements, and that therefore compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing that authority for the promulgation of these rules is contained in sections 4(i), 303(r) and 311 of the Communications Act of 1934, as amended;

*It is ordered,* That, effective February 28, 1961, § 1.359 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, amended; 47 U.S.C. 303)

Adopted: February 27, 1961.

Released: February 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

In § 1.359, the introductory text of paragraph (c) is amended, paragraph (d) is amended and redesignated as paragraph (e), paragraphs (e) through (g) are redesignated as paragraphs (f) through (h), and a new paragraph (d) is added, as follows:

**§ 1.359 Pre-grant procedures.**

* * * * *

(c) An applicant filing any application or an amendment thereto on or after December 12, 1960, which is subject to the provisions of this section (except for applications for stations in the international broadcast service and for television translator stations) shall cause to be published a notice of such filing at least twice a week for the two weeks immediately following the tendering for filing of such application or amendment, or at least twice a week for the two weeks immediately following notification by the Commission pursuant to §§ 1.354, 1.355, 1.356, 1.357, or 1.358, in a daily newspaper of general circulation published in the community in which the station is located or is proposed to be located or, if there is no such daily newspaper published in the community, then in the daily newspaper having the greatest general circulation in the community: *Provided, however,* That in the case of an application for a permit pursuant to section 325(b) of the Communications Act, the notice shall be published in a newspaper of general circulation in the principal area to be served in the United States by the foreign radio broadcast station. If the application seeks modification, assignment, transfer or renewal of an operating broadcast station, the applicant shall also cause the notice to be broadcast over that station twice a week between the hours of 10:00 a.m. and 10:00 p.m. for the two weeks immediately following the tendering for filing of such application, or for the two weeks immediately following notification by the Commission pursuant to §§ 1.354, 1.355, 1.356, 1.357, or 1.358. The notice shall state:

* * * * *

(d) An applicant filing any application or an amendment thereto for a television broadcast translator station which is subject to this section shall cause to be published a notice of such filing at least once during the two week period immediately following the tendering for filing of such application or major amendment, or, when an applicant is specifically advised by the Commission that public notice is required in a particular case pursuant to § 1.355, such notice shall be published at least once during the two week period immediately following Commission notification, in a daily, weekly or bi-weekly publication having general circulation in the community or area to be served: *Provided, however,* That, if there is no publication of general circulation in the community or area to be served, the applicant shall determine an appropriate means of providing the required notice to the general public, such as posting in the local post office or other public place. The notice shall state:

(1) The name of the applicant, the community or area to be served, and the transmitter site.

(2) The purpose for which the application was filed (whether the application is for a new translator station, for authority to make changes in an existing translator station, for assignment or transfer of control, renwal, etc.).

(3) The date when the application or amendment was filed with the Commission.

(4) The output channel or channels on which the station is operating or proposes to operate and the power used or proposed to be used.

(5) In the case of an application for changes in authorized facilities the nature of the changes sought.

(6) In the case of a major amendment to an application, the nature of the amendment.

(7) A statement that the station engages in or intends to engage in rebroadcasting, and the call letters, location and channel of operation of each station whose signals it is rebroadcasting or intends to rebroadcast.

(e) Within 5 days of the last day of publication or broadcast of the notice required by paragraph (c) or (d) of this section, the applicant shall file a statement in triplicate with the Commission, setting forth the dates on which the notice was published, the newspaper in which the notice was published, the text of the notice, and, where applicable, the dates and times that the notice was broadcast. When public notice is given by other means, as provided in paragraph (d) of this section, the applicant shall file, within 5 days of the giving of such notice, the text of the notice, the means by which it was accomplished and the date thereof.

[F.R. Doc. 61–1888; Filed, Mar. 2, 1961; 8:51 a.m.]

# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

**[ 21 CFR Part 121 ]**

**FOOD ADDITIVES**

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Silicone Products Department, General Electric Company, Waterford, New York, proposing the issuance of a regulation to provide for the safe use of coatings for food-packaging materials, including methylhydrogen polysiloxane, polyvinyl alcohol, isooctylphenol polyethyoxyethanol, zinc oleate, tin octoate, and formaldehyde.

Dated: February 27, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1876; Filed, Mar. 2, 1961; 8:49 a.m.]

**[ 21 CFR Part 121 ]**

**FOOD ADDITIVES**

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Tennessee Products and Chemical Corporation, 2611 West End Avenue, Nashville 5, Tennessee, proposing the issuance of a regulation to provide for the safe use of dipropylene glycol dibenzoate as a plasticizer with vinyl resins in the formulations of adhesives for food packaging.

Dated: February 27, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1877; Filed, Mar. 2, 1961; 8:50 a.m.]

**[ 21 CFR Part 121 ]**

**FOOD ADDITIVES**

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Ventura Processors, 2325 Vista Del Mar, Ventura, California, proposing the issuance of a regulation to establish a tolerance of 10.0 parts per million (0.001 percent) for residues of isopropyl alcohol in lemon oil.

Dated: February 27, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1878; Filed, Mar. 2, 1961; 8:50 a.m.]

**[ 21 CFR Part 121 ]**

**FOOD ADDITIVES**

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Cook Paint and Varnish Company, Post Office Box 389, Kansas City 41, Missouri, proposing the issuance of a regulation to provide for the safe use of epoxy polyamide coating resins for use in lining tanks containing corn sirup, and in lining crystallization tanks for corn sirup-sugar solutions.

Dated: February 27, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-1879; Filed, Mar. 2, 1961; 8:50 a.m.]

## FEDERAL AVIATION AGENCY

**[ 14 CFR Parts 600, 601 ]**

**[Airspace Docket No. 61-AN-2]**

**FEDERAL AIRWAYS AND CONTROLLED AIRSPACE**

**Revocation of Segment of Federal Airway and Associated Control Areas**

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.102 and 601.102 of the regulations of the Administrator, the substance of which is stated below.

Amber Federal airway No. 2 extends in part from the Bettles, Alaska, radio range via the Umiat, Alaska, nondirectional radio beacon to the Point Barrow, Alaska, nondirectional radio beacon. The Federal Aviation Agency is considering revoking this segment of Amber 2. The non-controlled segment of this airway is based, in part, on the Umiat radio beacon which is privately owned and is unavailable for public use except in emergency or through arrangement with Wien Alaska Airlines. In addition, the Federal Aviation Agency does not possess control capability for aircraft operating between Bettles and Point Barrow. Therefore, it appears that the retention of this airway segment is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke the segment of Amber 2 and its associated control areas from Bettles to Point Barrow. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with this segment of Amber 2. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures.

The revocation of this segment of airway would not adversely affect future plans for common-system NAVAIDS and controlled airways north of Bettles and would not restrict any off-airway route authorization from Bettles to Point Barrow.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 24, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-1848; Filed, Mar. 2, 1961; 8:46 a.m.]





**[ 14 CFR Part 601 ]**

**[Airspace Docket No. 60-NY-60]**

**CONTROL ZONES**

**Modification of Proposed Redesignation**

In a notice of proposed rule making published as Airspace Docket No. 60-NY-60 in the FEDERAL REGISTER on December 24, 1960, (25 F.R. 13727), it was stated that the Federal Aviation Agency proposed to redesignate the Boston, Mass., control zone within a 5-mile radius of the Logan International Airport (latitude 42°21'47" N., longitude 71°00'19" W.); within 2 miles either side of the 001° True radial of the Boston VOR extending from the 5-mile radius zone to 12 miles north of the VOR; within 2 miles either side of the of the north course of the Boston radio range extending from the 5-mile radius zone to the Peabody, Mass., fan marker; within 2 miles either side of the 071° True radial of the Boston VOR extending from the 5-mile radius zone to 12 miles east of the VOR; within 2 miles either side of the southeast course of the ILS localizer serving Runway 33 extending from the 5-mile radius zone to the outer marker; within 2 miles either side of the 144° True radial of the Boston VOR extending from the 5-mile radius zone to 7 miles south of the VOR; and within 2 miles either side of the southwest course of the ILS localizer serving Runway 4R extending from the 5-mile radius zone to the outer marker.

Subsequent to the publication of the notice, it has been determined that a requirement exists to designate an additional control zone extension to the southwest of Logan International Airport. This extension would provide protection for aircraft while conducting prescribed instrument approach procedures to the airport from the southwest where the terrain is approximately 600 feet higher than the airport elevation. Accordingly, the original notice is hereby amended by adding the following:

Designate a control zone extension within 2 miles either side of the 222° True radial of the Boston VOR extending from the 5-mile radius zone to 12 miles southwest of the VOR.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to March 25, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 60-NY-60 is extended to March 25, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y.

This amendment is proposed under section 307(q) of the Federal Aviation Act of 1958 (72 Stat. 749; U.S.C. 1348).

Issued in Washington, D.C., on February 27, 1961.

J. R. BAILEY,
*Assistant Chief, Airspace Utilization Division.*

[F.R. Doc. 61-1847; Filed, Mar. 2, 1961; 8:45 a.m.]

# Notices

## FEDERAL AVIATION AGENCY

[OE Docket Nos. 60–FW–2, 61–FW–10]

### CONSTRUCTION OF RADIO ANTENNA STRUCTURES

#### No Airspace Objections; Corrections

On February 9, 1961, there was published in the FEDERAL REGISTER (26 F.R. 1173) OE Docket No. 60–FW–2, a notice of no airspace objection. This notice indicated that the latitude of the proposed tower was 27°51'26" north. This was in error. Therefore, action is taken herein to correct the error.

In paragraph No. 1, line 4, latitude 27°51'26" north is changed to read latitude 27°50'26" north.

On February 14, 1961, there was published in the FEDERAL REGISTER (26 F.R. 1250) OE Docket No. 61–FW–10, a notice of no airspace objection. This notice indicated that the longitude of the proposed tower was 97°59'25" west. This was in error. Therefore, action is taken herein to correct this error.

In paragraph No. 1, line 10, longitude 97°59'25" west is changed to read longitude 97°49'25" west.

These actions are effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 27, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61–1843; Filed, Mar. 2, 1961; 8:45 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 306]

### OKLAHOMA

#### Declaration of Disaster Area

Whereas, it has been reported that during the month of February 1961, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Oklahoma;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Counties: Garvin, Oklahoma and Seminole (tornado occurring on or about February 17, 1961).

Offices: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex. Small Business Administration Branch Office, Bankers Service Life Building Room 312, 114 North Broadway, Oklahoma City 2, Okla.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1961.

Dated: February 20, 1961.

JOHN E. HORNE,
*Administrator.*

[F.R. Doc. 61–1862; Filed, Mar. 2, 1961; 8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[P. & S. Docket No. 291]

### NASHVILLE UNION STOCK YARDS, INC.

#### Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on November 23, 1959 (18 A.D. 1264), which, as modified by an order issued on November 10, 1960 (19 A.D. 1243), authorizes the respondent, Nashville Union Stock Yards, Inc., to assess the current temporary schedule of rates and charges to and including November 30, 1961, unless modified or extended by further order before the latter date.

By a petition filed on February 17, 1961, the respondent requested authority to modify the current temporary schedule of rates and charges as indicated below:

ITEM 2

PRESENT PROVISION

*Special yardage charge.* Cattle entered in and handled through these yards for Annual Fat Stock Exposition, and pure bred cattle handled through these yards for special sale are charged $1.00 per head yardage, including the item of insurance on such cattle. When cow and calf are sold together, no extra charge for calf.

PROPOSED PROVISION

*Yardage for special sales.* Livestock entered in and handled through these yards for special sales—the yardage charge will be made by special arrangement between the stockyard company and the owner of the livestock or by the livestock organization. A copy of the arrangement for such special sales will be presented to the local Packers and Stockyards Division representative.

* * * * *

ITEM 4

PRESENT PROVISION

*Buying feed outside not permitted.* No owner or shipper of livestock, or commission merchant shall be permitted to buy feed from outside dealers and bring into these yards and feed their livestock, or stock consigned in their care, nor shall any owner or shipper of livestock be permitted to buy straw or other bedding material from outside dealers and bring into these yards to bed pens. The only exception to this rule being that when a Fat Stock Exposition is held in these Yards, or a special sale of pure bred livestock then the owners or exhibitors who pay the Special Yardage Charge of $1.00 per head will be exempted from this rule.

PROPOSED PROVISION

*Buying feed outside not permitted.* No owner or shipper of livestock, or commission merchant shall be permitted to buy feed from outside dealers and bring into these yards and feed their livestock, or stock consigned in their care, nor shall any owner or shipper of livestock be permitted to buy straw or other bedding material from outside dealers and bring into these yards to bed pens. For special sales of livestock, the owners or exhibitors who pay the special yardage charges established in Item 2 will be exempted from this rule.

It appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of February 1961.

HOWARD J. DOGGETT,
*Director, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1889; Filed, Mar. 2, 1961; 8:51 a.m.]





### Agricultural Research Service

### BRUCELLOSIS

#### Notice of Specific Approval of Stockyards and Slaughtering Establishments

Pursuant to §§ 78.14(b), 78.15(b), and 78.16(b) of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the movement of certain animals because of brucellosis, under the Acts of May 29, 1884, as amended, February 2, 1903, as amended, and March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125), notice is hereby given that the following stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

SPECIFICALLY APPROVED STOCKYARDS

The following stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5, Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

ALABAMA

*Atmore Truckers Association, Inc., Atmore.
*East Alabama Stockyards, Opelika.
*Farmers Cooperative Market, Frisco City.
*Farmers Cooperative Stockyards, Opp.
*Florence Trading Post, Florence.
*Geneva Stockyard, Geneva.
*Hartford Livestock Co., Hartford.
*Henry County Livestock Association, Inc., Abbeville.
*Hooper Stockyards, Montgomery.
*King and Mewbourn Stockyards, Florence.
*Livingston Stock Yard, Livingston.
*Madison County Stockyards, Inc., Huntsville.
*Montgomery Auction Market, Montgomery.
*Perry County Stock Yards, Marion.
*Ramsey and Sons Stockyards, Dothan.
*Roanoke Stockyards, Roanoke.
*Robertsdale Livestock Auction, Inc., Robertsdale.
*Selma Stockyards, Selma.
*Stokes Stock Yards, M. V., Andalusia.
*Tri-County Stockyards, Hurtsboro.
*Triple S Stockyards, Montgomery.
*Union Stock Yards, Eufaula.
*West Alabama Stockyard, Eutaw.
*White and Sons Livestock Commission Co., Birmingham.

ARIZONA

Arizona Livestock Auction, Phoenix.
Central Arizona Livestock Auction, Casa Grande.
Paynes Livestock Auction, Inc., Tucson.
Wentz Brothers Livestock Auction, Tucson.
Yuma Livestock Auction Co., Yuma.

ARKANSAS

*Ash Flat Sale Barn, Ash Flat.
*Beebe Auction Co., Beebe.
*Benton County Sales, Rogers.
*Bentonville Community Sales, Bentonville.
*Brown and Lewis Sale Barn, Conway.
*Camden Stockyards, Camden.
*Carroll County Livestock Auction, Berryville.
*Chaney Sales Barn, Roy, Morrilton.
*Clark County Livestock Auction, Arkadelphia.
*Clarksville Auction Co., Clarksville.
*Corning Sales Co., Corning.
*County Line Sale, Ratcliff.
*Crawford County Livestock Auction, Van Buren.
*Delta Livestock Auction, Pine Bluff.
*DeQueen Livestock Auction, DeQueen.
*Drew County Auction Co., Monticello.
*Eudora Sales Barn, Eudora.
*Eureka Springs Sales Co., Eureka Springs.
*Farmers Livestock Auction, Harrison.
*Farmers Livestock Auction, Springdale.
*Flippin Sales Co., Flippin.
*Gentry Sales Barn, Gentry.
*Glenn Edgar Livestock Commission Co., Batesville.
*Glenwood Livestock Exchange, Glenwood.
*Glover Livestock Commission Co., Pine Bluff.
*Gravette Community Sales, Gravette.
*Harrison Sales Co., Harrison.
*Hartford Community Sale, Hartford.
*Huntsville Livestock Auction, Huntsville.
*Jonesboro Stockyards, Jonesboro.
*Kelly and Holmes Auction Sale, Heber Springs.
*Lafayette County Auction, Lewisville.
*Liles Brothers Livestock Commission Co., Searcy.
*Magnolia Livestock Auction, Magnolia.
*Malvern Commission Co., Malvern.
*Mammoth Spring Sale Barn, Mammoth Spring.
*Moler Livestock Auction Sale, Danville.
*Montgomery County Auction, Mt. Ida.
*Morriton Livestock Auction, Morriton.
*Mountain Home Livestock Auction, Mountain Home.
*Nettleton Stockyards and Auction Co., Jonesboro.
*Nevada County Livestock Auction, Prescott.
*Newport Auction, Newport.
*North Arkansas Livestock Auction, Green Forest.
*Ola Auction Sale, Ola.
*Ozark Livestock Auction, Ozark.
*Pocahontas Sales Co., Pocahontas.
*Polk County Auction, Mena.
*Randolph County Sale Co., Pocahontas.
*Rector Auction, Rector.
*Russellville Livestock Sales, Russellville.
*Salem Livestock Auction, Salem.
*Scott County Livestock Auction, Waldron.
*Searcy County Auction Co., Marshall.
*Siloam Springs Sale Barn, Siloam Springs.
*Stone County Auction Company, Mountain View.
*Sutton Livestock Commission, Hope.
*Tri-County Auction, Fordyce.
*Van Buren County Auction Sale, Clinton.
*Wall's Sales Barn, Hiram, Booneville.
*Washington County Sale Barn, Fayetteville.
*White County Auction, Searcy.
*Yell County Livestock Auction, Danville.
*Yellville Sale Barn, Yellville.

CALIFORNIA

*Bakersfield Livestock Auction Co., Bakersfield.
*Farm Bureau Sales Yard, Visalia.
*Los Angeles Livestock Market, City of Industry.
*Modoc Auction Yards, Alturas.
*Oakdale Livestock Auction Yard, Oakdale.
*Producers Livestock Marketing Association, Artesia Dairy Valley.
*Stockton Union Stockyards, Stockton.
*Red Bluff Farm Bureau Sales Yard, Red Bluff.
*Roseville Livestock Auction Yard, Roseville.
*Zinn Bros. Commission Co., El Centro.

COLORADO

*Alsbury Sales Pavilion, Glenwood Springs.
*Arkansas Valley Sales Co., Lamar.
*Basin Livestock Commission Co., Durango.
*Brush Livestock Commission Co., Brush.
*Burlington Livestock Sales Co., Burlington.
*Cortez Sales Barn, Cortez.
*Craig Livestock Auction, Craig.
*Delta Sales Yard, Delta.
*Elizabeth Livestock Auction, Elizabeth.
*Farmer and Rancher Commission Co., Fort Collins.
*Fort Collins Sales Yard, Fort Collins.
*Fowler Auction Co., Fowler.
*Grand Junction Livestock Auction, Grand Junction.
*H & G Livestock Commission Co., Montrose.
*Hartun Co-op Livestock Exchange, Hartun.
*Hess Livestock Commission Co., Pueblo.
*La Junta Livestock Commission Co., La Junta.
*Limon Livestock Commission Co., Limon.
*Longmont Sales Yard, Longmont.
*Palmer Livestock Commission Co., Trinidad.
*Rifle Sales Yard, Rifle.
*Salida Livestock Commission Co., Inc., Salida.
*Shultz Sales Yard, Grand Junction.
*Sterling Livestock Commission Co., Sterling.
*Stratton Sale Barn, Stratton.
*Sunset Sales Yard, Greeley.
*Valley Livestock Auction Co., Grand Junction.
*Weld County Livestock Commission Co., Greenley.
*Winter Livestock Commission Co., La Junta.
*Wray Livestock Commission Co., Wray.
*Yuma Livestock Auction, Yuma.

DELAWARE

*Carroll Sales Co., Dover.
*Goldinger Bros., Inc., Dupont Highway.
*Harris Sales Corp., Odessa.
*Rudnick Live Stock Sales Co., Dover.
*Sullivan Bros., Inc., Townsend.

FLORIDA

*Jay Livestock Auction Market, Jay.
*Madison Stockyards, Madison.
*Paxton Livestock Cooperative Market, Florala (Stella Route).
*Tindel-Williams Livestock Auction Market, Graceville.

GEORGIA

*Augusta Livestock Market, Augusta.
*Bainbridge Stockyards, Bainbridge.
*Bartow Livestock Commission Co., Cartersville.
*Carroll County Livestock Sales Barn, Carrolton.
*Chandler Livestock Market, Metter.
*Chatham County Stockyard, Savannah.
*Columbus Stockyard Co., Columbus.
*Coffee County Livestock Co., Douglas.
*Cordele Livestock Co., Cordele.
*Dublin Livestock Commission Co., Dublin.
*Duvall-Wheeler Livestock Co., Greensboro.
*Elberton Livestock Auction Barn, Elberton.
*Farmer's Livestock Auction, Sylvania.
*Flint River Livestock Auction, Bainbridge.
*Georgia Livestock Terminal Market, Macon.
*Georgia Farm Products Sale Corp., Thomaston.
*Hasty Auction Co., Atlanta.
*Hudson Livestock Auction, Fitzgerald.
*Jepeway-Craig Commission Co., Dublin.
*Jesup-Wayne County Livestock Market, Jesup.
*La Grange Stockyards, Inc., La Grange.
*McClure-Burnett Commission Co., Rome.
*McClure-Burnett Commission Co., Atlanta.
*Metter Livestock Auction, Metter.
*Mitchell County Stockyards, Inc., Camilla.
*Moultrie Livestock Co., Moultrie.
*Muscogee Livestock Co., Columbus.
*Northeast Georgia Livestock Auction, Inc., Athens.
*Pelham Stockyards, Inc., Pelham.
*Peoples Livestock Market, Inc., Duthbert.
*Pulaski Stockyard, Hawkinsville.
*Queen City Livestock Auction Co., Gainesville.
*Ragsdale-Long Commission Co., Quitman.
*Seminole Livestock Auction Market, Donalsonville.
*Shuman Stockyards, Hagan.

*Smith Stock Yard Company No. 1, Augusta.
*Smith Stock Yard Company No. 3, Thamson.
*Sumter Livestock Association, Inc., Americus.
*Sutton Livestock Co., Sylvester.
*Sylvania Stockyards, Sylvania.
*Toccoa Livestock Auction, Toccoa.
*Tri-County Livestock Co., Social Circle.
*Union Stock Yards, Albany.
*Valdosta Livestock Co., Inc., Valdosta.
*Waycross Livestock Market, Waycross.
*Wilkes County Stockyard, Washington.

IDAHO

*Blackfoot Livestock Commission Co., Blackfoot.
*The Bonners Ferry Livestock, Bonners Ferry.
*Burley Livestock Commission Co., Inc., Burley.
*Cache Valley Livestock Auction, Preston.
*Cattlemen's Livestock Auction, Inc., Nampa.
*Coeur d'Alene Livestock Commission Yards, Coeur d'Alene.
*Cottonwood Sales Yard, Cottonwood.
*Davis Livestock Auction, Caldwell.
*Emmett Livestock Commission Co., Emmett.
*Gooding Livestock Commission Co., Gooding.
*Jerome Livestock Commission Co., Jerome.
*Meridian Salesyard, Meridian.
*Nampa Livestock Commission Co., Nampa.
*Pocatello Livestock Auction Co., Inc., Pocatello.
*Rexburg Livestock Auction, Inc., Rexburg.
*Salmon River Livestock Auction, Salmon.
*Salmon Sales Yard, Salmon.
*Sandpoint Livestock Auction Co., Sandpoint.
*Shoshone Salesyard, Inc., Shoshone.
*Stockgrowers Commission Co., Twin Falls.
*Twin City Salesyards, Lewiston.
*Valley Livestock Commission Co., Rupert.
*Weiser Livestock Commission Co., Weiser.

ILLINOIS

Carthage Community Sale Co., Carthage.
Danville Livestock Commission Co., Danville.
Kankakee County Livestock Marketing Center, Bourbonnais.
La Salle County Livestock Marketing Center, Ottawa.
Milford Sales and Commission Co., Milford.
Paris Livestock Sales Co., Paris.
*Peoria Union Stock Yards, Peoria.
Rock Island Auction Sales, Inc., Rock Island.
*Springfield Stockyards, Springfield.
Sullivan Sale Barn, Sullivan.
Winslow Sale Barn, Winslow.
Woodford County Livestock Sale, Inc., El Paso.

INDIANA

*Boswell Livestock Commission, Boswell.
*Fort Wayne Livestock Auction, Fort Wayne.
*Fountain County Livestock Commission, Veedersburg.
*Marshall County Community Sale, Plymouth.
*Producers Marketing Association, Centerville.
*Producers Marketing Association, Montpelier.
*Producers Marketing Association, Terre Haute.
*Producers Marketing Association, Vincennes.
*Reynolds Sales Barn, Reynolds.
*Shipshewana Livestock Auction, Shipshewana.
*Valparaiso Community Sale, Valparaiso.

IOWA

Ackley Sales Pavilion, Ackley.
Adel Sales Pavilion, Adel.
Albia Sales Co., Albia.
Anita Auction Co., Anita.
Algona Sale Co., Algona.
Ankeny Sales Pavilion, Ankeny.
Aplington Sales Pavilion, Aplington.
Avoca Auction Co., Avoca.
Baxter Sale Co., Baxter.
Belle Plaine Livestock Commission Co., Belle Plaine.
Bingley Sales Co., Knoxville.
Cedar Valley Livestock Exchange, Vinton.
Centerville Sales Co., Centerville.
Chariton Sales Co., Chariton.
Cherokee Livestock Auction Co., Inc., Cherokee.
Clear Lake Auction Co., Clear Lake.
Coggon Livestock Sales Co., Coggon.
DeVries Auction Co., Buffalo Center.
Dunlap Sale Co., Dunlap.
Eldora Livestock Sales, Eldora.
Farmers Sale Co., Carroll.
Garner Sales Co., Garner.
Grinnell Livestock Exchange, Grinnell.
Hampton Sales Co., Hampton.
Hawkeye Livestock Auction, Fairfax.
Harlan Auction Co., Harlan.
Hi-Dollar Sales Co., Sigourney.
Humboldt Livestock Auction, Humboldt (Dakota City).
Humeston Sale Barn, Humeston.
Kalona Sales Barn, Kalona.
Keosauqua Sales Co., Inc., Keosauqua.
Knickman Livestock Sales Co., Council Bluffs.
Lamoni Sale Corp., Lamoni.
Le Mars Sales Co., Le Mars.
Livestock Auction Co., Denison.
Madison County Auction, Winterset.
Marengo Livestock Commission Co., Marengo.
Marshalltown Livestock Auction, Marshalltown.
Marvel Sales Co., Webster City.
McCreary Sale Co., Centerville.
Moorhead Sale Barn, Moorhead.
Mount Ayr Livestock Market, Mount Ayr.
Northeast Iowa Sales Commission, Decorah.
Northside Sales Co., Sibley.
North West Iowa Livestock Exchange, Alta.
Northwood Sales Co., Inc., Northwood.
Ogden Sale Barn, Ogden.
Pella Sales Co., Pella.
Perry Sales Pavilion, Perry.
Rock Valley Sales Co., Rock Valley.
Russell Sales Co., Russell.
Sheldon Sales Co., Sheldon.
Shenandoah Livestock Auction, Shenandoah.
Sioux Center Sales Co., Sioux Center.
Spencer Livestock Sales, Spencer.
Storm Lake Auction Co., Storm Lake.
Story City Auction Sales, Story City.
Thompson Livestock Commission Co., Lamoni.
Tripoli Sales Co., Tripoli.
Wapello Livestock Auction, Inc., Wapello.
*Waukon Sales Commission, Waukon.
Waverly Sales Co., Waverly.
West Liberty Auction Co., West Liberty.
Winneshiek Coop Sales Commission, Decorah.
Witthauer Auction, Council Bluffs.

KANSAS

*A. C. Sale Co., Arkansas City.
*Abilene Livestock Sales Co., Abilene.
*Allen County Livestock Auction, Gas City.
*Anthony Livestock Co., Anthony.
*Ashland Sales Co., Ashland.
*Atchison County Auction Co., Atchison.
*AT and SF Stockyards, Emporia.
*Atwood Sale Barn, Atwood.
*Belleville Sale Co., Belleville.
*Bronson Community Sale, Bronson.
*Caldwell Community Sale, Caldwell.
*Cedar Vale Sales Co., Cedar Vale.
*Central Livestock Sales Co., S. Hutchinson.
*Chandler Sales Co., Smith Center.
*Chanute Sale Pavilion, Chanute.
*Clay Center Sale Co., Clay Center.
*Clemence-Morrison Livestock Commission, Salina.
*Cloud County Livestock Commission Co., Concordia.
*Coffeyville Livestock Commission Co., Coffeyville.
*Colby Sale Barn, Colby.
*Coldwater Sales Co., Coldwater.
*Concordia Sales Co., Concordia.
*Council Grove Livestock Auction, Council Grove.
*Dickinson County Livestock Co., Abilene.
*Dighton Livestock Market, Dighton.
*Dodge City Livestock Commission Co., Dodge City.
*Douglass Sale Co., Douglass.
*Downs Sales Co., Downs.
*Dumler Bros. Livestock Commission Co., Russell.
*Effingham Auction Co., Effingham.
*El Dorado Livestock, El Dorado.
*Emporia Livestock Sale Co., Emporia.
*Flint Hills Livestock Sales, Inc., Florence.
*Ft. Scott Sale Co., Fort Scott.
*Franklin County Sales Co., Ottawa.
*Fredonia Sales Co., Fredonia.
*Garden City Sale Co., Garden City.
*Gassaway Sale Co., Plainville.
*Giger Sales Co., Emporia.
*Goodland Livestock Commission Co., Goodland.
*Hansen Livestock Auction, Beloit.
*Harper Livestock Sale Co., Harper.
*Hays Livestock Community Sales, Hays.
*Herington Livestock Auction Co., Herington.
*Hiawatha Livestock Auction, Hiawatha.
*Hill City Sale Barn, Hill City.
*Holton Community Sale, Holton.
*Holton Livestock Exchange, Holton.
*Hoxie Livestock Sale, Hoxie.
*Hugoton Livestock Commission Co., Hugoton.
*Hutchinson Livestock Sale Pavilion, Hutchinson.
*Kinsley Livestock Sales Co., Kinsley.
*Kiowa Sales Co., Kiowa.
*Koenig Sale Barn, Manhattan.
*Lawrence Livestock Sales Co., Lawrence.
*Leavenworth Community Sale, Leavenworth.
*Lenexa Community Sale, Lenexa.
*Leoti Livestock Sales Co., Leoti.
*Liberal Livestock Sales Co., Liberal.
*Lincoln Sales Co., Lincoln.
*Lindsborg Livestock Commission, Lindsborg.
*Lyons Sale Pavilion, Lyons.
*Mankato Sales Co., Mankato.
*Marysville Livestock and Commission Co., Marysville.
*McKinley-Winter Livestock Commission Co., Dodge City.
*Meade Livestock Commission Co., Meade.
*Medicine Lodge Sales Co., Medicine Lodge.
*Minneapolis Sales Pavilion, Minneapolis.
*Natoma Sale Co., Natoma.
*Ness City Livestock Commission Co., Ness City.
*Newton Livestock Auction Market, Newton.
*Norton Livestock Commission Co., Norton.
*Oakley Livestock Sales Co., Oakley.
*Oberlin Sale Barn, Oberlin.
*Osage City Livestock Sale, Osage City.
*Osborne Livestock Commission Co., Osborne.
*Ottawa Market Sale, Ottawa.
*Paola Market Sale, Paola.
*Phillipsburg Livestock Commission Co., Phillipsburg.
*Pratt Livestock Commission Co., Pratt.
*Quinter Sale Barn, Quinter.
*Rush County Sales Co., La Crosse.
*St. Francis Livestock Commission Co., St. Francis.
*Schooler and Son, Frankfort.
*Southeastern Kansas Sales Co., Stockton.
*Stockton Livestock Commission Co., Stockton.
*Stockyards Commission Co., Great Bend.
*Sylvan Sales Co., Sylvan Grove.
*Syracuse Sale Co., Syracuse.
*Tri-State Sale, Elkhart.
*Valley Falls Livestock Auction, Valley Falls.
*WaKeeney Livestock Commission Co., WaKeeney.
*Washington Sale Barn, Washington.
*Wellington Sales Co., Wellington.
*Wilson Livestock Auction, Salina.
*Winfield Sales Co., Winfield.
*Zima Livestock Sales Co., Emmett.



KENTUCKY

Adair County Stockyards, Columbia.
*Albany Stockyards, Albany.
*Berry and Son Stockyards, R. B., Clinton.
Berry and Whitford Stockyard, Mayfield.
*Blue Grass Stockyards Co., Lexington.
*Bowling Green Livestock Market, Inc., Bowling Green.
*Boyle County Stockyards Co., Danville.
*Brown and Whayne Stockyards, Clinton.
*Burkesville Stockyards, Burkesville.
*Carlisle Stockyards, Carlisle.
*Catlettsburg Live Stock Sales Co., Catlettsburg.
*Christian County Livestock Market, Inc., Hopkinsville.
*Clay-Gentry, Lexington.
*Cynthiana Stockyards, Cynthiana.
*Edmonton Livestock Market, Edmonton.
*Farmers Commission Co., Inc., Tompkinsville.
*Farmers Livestock Market, Inc., Somerset.
*Farmers Livestock Market, London.
Farmers Livestock Market, Louisa.
*Farmers Stockyard, Flemingsburg.
*Farmers Stockyards Co., Inc., Mt. Sterling.
*Franklin Livestock Market, Inc., Franklin.
*Garrard County Stockyards, Lancaster.
*Glasgow Livestock Market, Glasgow.
Green County Stockyards, Greensburg.
Hopkinsville Livestock Co., Hopkinsville.
Horse Cave Stockyard, Horse Cave.
*Hutcherson Livestock Market, Glasgow.
*Kentucky-Tennessee Livestock Market, Guthrie.
*Knox County Stockyards, Barbourville.
*Lebanon Stockyards, Inc., Lebanon.
Lincoln County Stockyards, Inc., Stanford.
*Logan County Livestock Co., Inc., Russellville.
*Madison Sales Co., Richmond.
*Maysville Stockyards, Maysville.
*Middlesboro Auction Co., Middlesboro.
*Monticello Stockyards, Monticello.
Murray Livestock Co., Murray.
*O.K. Stockyard, Maysville.
*Olive Hill Livestock Co., Olive Hill.
Paintsville Livestock Market, Paintsville.
*Paris Stockyards, Paris.
Russell County Stockyards, Russell.
*Science Hill Stockyards, Science Hill.
*Sparta Stockyards Co., Sparta.
*Thompkinsville Livestock Market, Thompkinsville.
Vasseur Sale Barn, Paducah.
*Watwood Stockyards, Bardwell.
*Winchester Stockyards, Winchester.

LOUISIANA

*Abbeville Commission Co., Abbeville.
*Amite Livestock Auction, Inc., Amite.
*Avoyelles Livestock Commission, Mansura.
*Bastrop Livestock Auction, Bastrop.
*Brabham Livestock Commission Market, Leesville.
*Calhoun Livestock Commission, Mansfield.
*Clark Commission Co., Benton.
*Coltharp's Livestock Market, De Ridder.
*Delhi Livestock Auction, Delhi.
*Dominique's Cow Palace, Bossier City.
*Dominique's Inc., Opelousas.
*Dominique's Livestock Auction, Alexandria.
*Dominique's Stockyards, Baton Rouge.
*Dominique's Stockyards, Lafayette.
*Eunice Stockyards, Eunice.
*Farmer and Stockman Auction, Clarence.
*Franklin Livestock Auction, Winnsboro.
*Franklinton Stock Yards, Inc., Franklinton.
*Grand Cane Livestock Commission, Grand Cane.
*Hodges and Co., W. H., Crowley.
*Hodges and Co., W. H., Alexandria.
*Hodges and Co., W. H., New Roads.
*Hodges and Co., W. H., Tallulah.
*Homer Livestock Auction, Homer.
*Jennings Commission Barn, Opelousas.
*Jennings Stockyards, Baton Rouge.
*Kentwood Stockyard, Kentwood.
*Lum Brothers Stockyards, Inc., Ferriday.
*Micelle's Commission Barn, Lake Charles.
*Micelle's Commission Yard, Lacassine.
*New Orleans Stockyards, Inc., Arabi.
*Oak Grove Livestock Auction, Oak Grove.
*Lake Charles Commission Co., Lake Charles.
*Raceland Stockyards, Raceland.
*Rayville Livestock Market, Inc., Rayville.
*Red River Livestock Auction, Coushatta.
*Ruston Stockyards, Inc., Ruston.
*Tate Commission Barn, Joe, Ville Platte.
*Voiron's Stockyards, Thibodaux.
*Welsh Stockyards, Welsh.
*West Monroe Livestock Auction, West Monroe.
*Zachary Stockyards, Zachary.

MARYLAND

*Aberdeen Sales Co., Aberdeen.
*Caroline Sales Co., The, Denton.
*Cumberland Stock Yard, Inc., Cumberland.
*Eyler's Live Stock Market, Thurmont.
*Farmers Live Stock Exchange, Inc., Boonsboro.
*Four States' Livestock Sales, Inc., Hagerstown.
*Frederick Livestock Auction, Inc., Frederick.
*Friend Stock Yard, Inc., Accident.
Grantsville Community Sale, Grantsville.
*Rudnick Live Stock Sales, Harry, Galena.
*Western Maryland Stock Yards, Inc., Westminster.
*Woodsboro Livestock Sale, Inc., Walkersville.

MASSACHUSETTS

*Brighton Stock Yards Co., Brighton.
Deveno Livestock Commission, Southwick.
*Michelson's Cattle Auction, South Easton.
Northampton Coop. Auction, Northampton.

MICHIGAN

*Adrian Livestock Auction, Adrian.
*Cass Livestock Sale, Cassopolis.
*Coldwater Livestock Auction, Coldwater.
*Dixon Bros. Livestock Auction, Jackson.
*Dundee Livestock Auction, Dundee.
*Howell Livestock Auction, Howell.
*Linsmeier Livestock Auction, Menominee.
*Marlette Livestock Approved, Marlette.
*Napoleon Livestock Auction, Napoleon.
*Sturgis Livestock Auction Sale, Sturgis.

MISSISSIPPI

*Amory Commission Co., Amory.
*Batesville Livestock Auction, Batesville.
*Billingsley Auction Sale, Doc, Senatobia.
*Booneville Commission Co., Booneville.
*Bryan Brothers Stockyards, West Point.
*Case Stock Yards, Bude.
*Chickasaw Commission Co., Houston.
*Clarksdale Livestock Sales Co., Clarksdale.
*Clay County Stockyards, Inc., West Point.
*Columbus Livestock Commission Co., Columbus.
*Corinth Livestock Auction Co., Corinth.
*Decatur Stockyard, Decatur.
*Deer Creek Stockyards, Hollandale.
*Dixie Stockyard, Meridian.
*Felders Livestock Sales Co., Summit.
*George County Stock Yards, Lucedale.
*Graves Livestock Co., Winona.
*Grenada Livestock Exchange, Grenada.
*Gulfport Stockyards, Gulfport.
*Hattiesburg Stockyards, Inc., Hattiesburg.
*Henderson Sales Co., Corinth.
*Hernando Auction Co., Hernando.
*Hodges and Sons, W. H., Liberty.
*Jackson County Stockyards, Pascagoula.
*Jefferson County Stock Yards, Fayette.
*Kosciusko Stock Yards Co., Kosciusko.
*Laurel Stock Yards, Laurel.
*Leake County Commission Co., Carthage.
*Lexington Sales Co., Lexington.
*Lincoln County Livestock Commission Co., Brookhaven.
*Lipscomb Commission Co., Como.
*Livestock Producers Association, Tylertown.
*Lum Bros. Stockyards, Natchez.
*Lum Commission Co., Vicksburg.
*Meridian Stockyards, Inc., Meridian.
*Mid-South Order Buyers, Inc., Jackson.
*Mississippi Livestock Producers Association (North Yard), Jackson.
*Mississippi Livestock Producers Association (South Yard), Jackson.
*Moore and Woods Commission Co., Macon.
*Neshoba County Stockyards, Philadelphia.
*New Albany Sales Company, New Albany.
*Olive Branch Sales Co., Oliva.
*Owen Bros. Stockyard, Meridian.
*Owen Bros. Stockyards, Hattiesburg.
*Peelers Livestock Sales, Kosciusko.
*Prentiss Auction Sale, Prentiss.
*Richton Stock Yards, Richton.
*Ripley Sales Co., Ripley.
*Shaw and Gray Commission Co., Oxford.
*Spicer Brothers, Tupelo.
*Starkville Livestock Commission Co., Starkville.
*Stiles Livestock Commission Co., Sturgis.
Stringer Sale Barn, Columbia.
*Tri-State Stock Yards, Inc., Greenville.
*Tupelo Livestock Auction, Tupelo.
*Union Stock Yards, Jackson.
*Waynesboro Livestock Yards, Waynesboro.
*Wilson and Jackson Commission Co., Pontotoc.
*Winston County Community Sales, Louisville.

MISSOURI

Adair County Sale Barn, Kirksville.
Alton Sales Co., Alton.
Ava Sales Co., Ava.
Baker, Roy Sales Co., Butler.
Beebe Brothers Salesbarn, Warrenburg.
Bethany Livestock Auction, Bethany.
Bowling Green Auction Co., Bowling Green.
Brunswick Sale Co., Brunswick.
Buffalo Sale Barn, Buffalo.
Butler Community Sale, Butler.
Cabool Livestock Market, Cabool.
Callaway Stock Sales Association, Fulton.
Carrollton Livestock Auction, Carrollton.
Central Missouri Livestock Auction, Mexico.
Central Missouri Sales Co., Sedalia.
*Charleston Auction Co., Charleston.
Clark County Sales Co., Kahoka.
Clawson Auction Co., Eldorado Springs.
Clinton Community Sale, Clinton.
Columbia Livestock Auction, Inc., Columbia.
Cox Auction Sale, Noel, Ozark.
Crocker Sales Barn, Crocker.
Davis-Johnston Patrick's Sales and Commission Co., Boonville.
Doniphan Auction Sales Co., Doniphan.
Douglas County Livestock Auction, Ava.
Drexel Community Sale, Drexel.
Edina Sale Co., Edina.
Fairground Sale Co., Maryville.
Fairplay Sales Co., Fairplay.
Farmers and Traders Commission Co., Inc., Palmyra.
Farmington Auction Co., Inc., Farmington.
Fraley Sale Pavilion, Chillicothe.
Fredericktown Auction Co., Inc., Fredericktown.
Gainesville Sale Barn, Gainesville.
Gallatin Livestock Auction, Gallatin.
Graham Auction, Mansfield.
Grant City Sale Barn, Grant City.
Green City Auction Co., Green City.
Halsey-Riley Sales Co., Inc., Marshall.
Hannibal Sale Co., Inc., Hannibal.
Hinds Sale Co., Memphis.
Joplin Friday Sales Day, Joplin.
Kennett Sales Co., Inc., Kennett.
Kirksville Community Sale, Kirksville.
Lamar Community Sale, Lamar.
Lewis County Auction Co., Lewistown.
Lexington Livestock Auction, Lexington.
Licking Auction Sales Co., Licking.
Linn County Auction Co., Brookfield.
Lockwood Community Sales, Inc., Lockwood.
Lolli Sales Pavilion, Macon.
Malden Sale Co., Malden.
Marshfield Auction Sale, Marshfield.
Maryville Auction Co., Maryville.
McDonald County Sale Co., Goodman.
Mexico Stockyards Co., Mexico.
Milan Auction Co., Milan.
Moberly Livestock Auction, Moberly.

Monett Sale Co., Monett.
Montgomery County Auction Co., Wellsville.
Mountain Grove Livestock Auction, Mountain Grove.
Munn Sale Barn, New Cambria.
Neosho Community Sale, Neosho.
Nevada Sale Co., Nevada.
New Palmyra Sale Co., Palmyra.
Odessa Community Sale, Odessa.
Olean Sale Co., Olean.
Oregon Livestock Sale Co., Oregon.
P and M Cattle Auction, Sikeston.
Pasley Auction Co., C. M., Osceola.
Payne Auction Sales, Lebanon.
Platte County Sales Co., Platte City.
Poplar Bluff Sales Co., Poplar Bluff.
Potosi Auction Co., Potosi.
Princeton Sale Co., Princeton.
Rhodes Commission Co., Advance.
Robert's Brothers Auction, Bolivar.
Robertson's Community Sale, Bethany.
Rockport Sales Pavilion, Inc., Rockport.
Salem Auction Co., Salem.
Schuyler Sales Association, Lancaster.
Seneca Community Sale, Inc., Seneca.
Shelbina Auction Co., Shelbina.
Sikeston Auction Co., Sikeston.
St. James Auction Co., St. James.
St. Joseph Live Stock Auction, St. Joseph.
Steelville Auction Market, Steelville.
Stewart's Sales Pavilion, Cameron.
Summersville Auction Sale, Summersville.
Taney County Auction Barn, Forsyth.
Thayer Sales Co., Thayer.
Trenton Livestock Market, Trenton.
Unionville Auction Co., Unionville.
Van Meter Auction Co., Kingsville.
Vernon County Sales Co., Nevada.
Versailles Auction Co., Versailles.
Warsaw Sales Co., Warsaw.
Welty Bros. Sales Pavilion, Nevada.
Wentzville Auction Co., Wentzville.
West Plains Livestock Auction, West Plains.
Wheaton Community Sale, Wheaton.
Windsor Auction Co., Windsor.

### Montana

•Billings Livestock Commission Co., Billings.
•Glendive Auction Co., Inc., Glendive.
•Miles City Livestock Auction Co., Miles City.
•Yellowstone Livestock Commission Co., Sidney.

### Nebraska

•Ainsworth Sale Yard, Ainsworth.
•Albion Sales Pavilion, Albion.
•Alliance Livestock Commission Co., Alliance.
•Alma Sale Barn, Alma.
•Arnold Livestock Commission Co., Arnold.
•Ashland Sale Barn, Ashland.
•Atkinson Livestock Market, Atkinson.
•Augustin Brothers Sale Yard, Shelby.
•Aurora Sale Pavilion, Aurora.
•Bassett Livestock Sales Co., Bassett.
•Beatrice Sales Pavilion, Beatrice.
•Beaver Valley Sale Barn, Beaver City.
•Benkelman Sales Co., Benkelman.
•Blue Hill Sales Co., Blue Hill.
•Burwell Livestock Market, Burwell.
•Butte Livestock Market, Butte.
•Bloomfield Community Market, Bloomfield.
•Central Nebraska Commission Co., Broken Bow.
•Chadron Sales Co., Chadron.
•Chappell Livestock Commission Co., Chappell.
•Christensen Livestock Commission Co., Fullerton.
•Columbus Sales Pavilion, Columbus.
•Community Sale, Central City.
•Crawford Sales Co., Inc., Crawford.
•Creighton Livestock Market, Creighton.
•Deshler Livestock Commission Co., Deshler.
•Dooley Auction Market, Wahoo.
•Dovel Sale Barn, Auburn.
•Elkhorn Valley Cattle Co., Norfolk.
•Ericson Livestock Market, Ericson.
•Ewing Livestock, Ewing.
•Fairbury Livestock Co., Fairbury.
•Falls City Auction Co., Falls City.
•Farmers Livestock Sales Co., Benkelman.
•Friend Sale Barn, Friend.
•Geneva Salesbarn, Geneva.
•Gordon Sales Co., Gordon.
•Grand Island Livestock Auction, Inc., Grand Island.
•Grant Sales Co., Grant.
•Hebron Livestock Commission Co., Hebron.
•Imperial Sales Co., Imperial.
•Kearney Livestock Commission Co., Kearney.
•Kimball Livestock Auction, Kimball.
•Laurel Sales Co., Laurel.
•Lexington Livestock Commission Co., Lexington.
•Lincoln Livestock Commission Co., Lincoln.
•Lockwood Livestock Auction Co., South Sioux City.
•McCook Livestock Commission Co., McCook.
•McKee Sales Co., Superior.
•Minden Livestock Sales Co., Minden.
•Morrison Livestock Commission Co., Scottsbluff.
•Neligh Livestock Commission Co., Neligh.
•Newman Grove Sales Co., Newman Grove.
•Nebraska City Sales Barn, Nebraska City.
•Nebraska Livestock Commission Co., Hastings.
•Nebraska Livestock Sales, Inc., Lincoln.
•Nollett Livestock Sales, Valentine.
•Norfolk Livestock Sales Co., Norfolk.
•North Bend Auction Co., North Bend.
•O and O Commission Co., Kearney.
•O'Neill Livestock Market, O'Neill.
•Ogallala Livestock Commission Co., Ogallala.
•Ord Livestock Market, Ord.
•Oshkosh Livestock Commission Co., Oshkosh.
•Oxford Livestock Commission Co., Oxford.
•Pawnee Livestock Co., Pawnee City.
•Pender Livestock Sales Co., Pender.
•Plattsmouth Sale Barn, Plattsmouth.
•Ravenna Livestock Commission Co., Ravenna.
•Red Cloud Sales Co., Red Cloud.
•Republican Valley Livestock Auction, Franklin.
•Seward Sales Barn, Seward.
•Sheridan Livestock Commission Co., Rushville.
•Sioux County Auction Co., Harrison.
•Spalding Livestock Market, Spalding.
•Stickelman Livestock Commission Co., Gothenburg.
•Superior Sales Co., Inc., Superior.
•Sutton Sales Pavilion, Sutton.
•Syracuse Sales Pavilion Co., Syracuse.
•Tecumseh Livestock Market, Tecumseh.
•Thedford Livestock Sales Co., Thedford.
•Third City Livestock Commission Co., Grand Island.
•Tilden Livestock Market, Tilden.
•Tri-State Livestock Commission Co., McCook.
•Union Livestock Commission Co., Scottsbluff.
•Valentine Livestock Auction Co., Valentine.
•Verdigre Livestock Auction Market, Inc., Verdigre.
•Wayne Sales Co., Wayne.
•Wells Commission Co., Fremont.
•West Point Sales Co., West Point.
•Western Livestock Auction Co., North Platte.
•Wisner Livestock Sales Co., Wisner.
•York Livestock Commission Co., York.
•Zimmerman Stockyards, Blair.

### Nevada

•Elko Livestock Sales Co., Elko.
•Midwest Livestock Commission Co., Fallon.
•Nevada Livestock Commission Co., Sparks.
•Valley Livestock Marketing Association, Fallon.

### New Jersey

•Community Livestock Auction, Woodstown.
•Flemington Auction Market, Flemington.
•Harris Sales Co., Woodstown.
•Jaeger's Auction Market, Sussex.
•Livestock Cooperative Auction Market Association, of North Jersey, Inc., Hackettstown.
•Ziotkin Auction, Henry, Freehold.

### New Mexico

•Monroe Branding and Cattle Co., Clovis.
•New Mexico Livestock Exchange, Inc., Albuquerque.
•New Mexico Livestock, Inc., Artesia.
•Pecos Valley Livestock Auction, Inc., Roswell.
•Portales Livestock Commission Co., Portales.
•Roswell Livestock Commission Co., Roswell.
•Williams-Bokey Cattle Co., Clovis.

### New York

Adams Commission Sales, Spike, Granville.
Amsterdam Livestock Sales, Inc., Amsterdam.
Burton Livestock Exchange, Vernon.
Cambridge Valley Livestock Market, Cambridge.
Chambers and Sons, Inc., D.R., Unadilla.
Chatham Area Auction Coop., Inc., Chatham.
DiBello Commission Sales, Ben, Hannibal.
Dupont's Commission Auction, Little Falls.
Dupont's Commission Auction, Fort Plain.
Empire Livestock Marketing Cooperative, Inc., Bath.
Empire Livestock Marketing Cooperative, Inc., Bullville.
Empire Livestock Marketing Cooperative, Inc., Caledonia.
Empire Livestock Marketing Cooperative, Inc., Dryden.
Empire Livestock Marketing Cooperative, Inc., Gouverneur.
Empire Livestock Marketing Cooperative, Inc., Greene.
Empire Livestock Marketing Cooperative, Inc., Oneonta.
Empire Livestock Marketing Cooperative, Inc., Watertown.
Empire Livestock Marketing Cooperative, Inc., West Winfield.
Farmer's Livestock Market, Bath.
Gentner Livestock Commission Market, Raymond, Springville.
Hillsdale Farmers Auction, Inc., Hillsdale.
Horseheads Livestock Market, Horseheads.
Hudson Valley Live Stock Market, Waterford.
N. Johncox Sons Livestock Auction, Palmyra.
Kaplan and Son, Inc., J. M., Millerton.
Kimball Stand Commission Sales, Jamestown.
Luthers' Livestock Commission Market, Wassaic.
Maplehurst Livestock Market, Hinsdale.
Milford Commission Sales Stables, Inc., Milford.
Miller's Livestock Market, Argyle.
Neverett, H. L., and Sons, Chazy.
Neverett, H. L., and Sons, Malone.
Norvel Reed, Sherman.
Norwich Commission Sale, Norwich.
Owego Livestock Sales, Owego.
Pavilion Livestock Market, Pavilion.
Peters Livestock Exchange, Jeffersonville.
Southern Cayuga Commission Sales, Moravis.
Southern Tier Livestock Market, Whitney Point.
Stilson Tweedie, Walton.
Sullivan Bros., Utica.
Sunny Acres Livestock Market, Bombay.
Wallkill Livestock Market, Walden.
Wickham's Commission Auction, Ovid.

### North Dakota

•Beulah Livestock Auction Sales, Beulah.
•Dobler Livestock Sales Co., Ashley.
•Edgeley Livestock Sales Co., Edgeley.
•Ellendale Livestock Sales Co., Ellendale.
•Harrington Bros., Mayville.
•Harrington Bros., Minot.
•Harvey Livestock Sales Pavilion, Harvey.



•Hettinger Livestock Sales Co., Hettinger.
•Home Base Auction Co., Bowman.
•Jamestown Sales Co., Jamestown.
•J. K. L. Cattle Co., Williston.
•Kamrath Sales Pavilion, Mott.
•Lake Region Livestock Auction Co., Devil's Lake.
•Linton Livestock Sales Co., Linton.
•Mandan-Bismarck Livestock Commission Co., Mandan.
•Minot Livestock Auction, Minot.
•Missouri Slope Auction Sales, Inc., Bismarck.
•Napoleon Livestock Auction, Inc., Napoleon.
•Park River Livestock Sales Co., Park River.
•Rugby Livestock Sales, Rugby.
•Schnell Livestock Auction, Dickinson.
•Stanley Sales Ring, Stanley.
•Stockmen's Livestock Auction, Ellendale.
•Valley City Livestock Auction Market, Valley City.
•Western Livestock Co., Inc., Dickinson.
•Williston Livestock Commission Co., Williston.
•Wishek Livestock Market, Wishek.

### Ohio

•Athens Livestock Sales Co., Athens.
•Bloomfield Livestock Auction, North Bloomfield.
•Canfield Livestock Auction, Canfield.
•Carrollton Livestock Auction, Carrollton.
•Creston Livestock Sales, Creston.
•Damascus Livestock Auction, Damascus.
•Delta Livestock Auction, Delta.
•Dorset Livestock Auction, Dorset.
•Elkton Auction, Elkton.
•Farmers' Livestock Auction, Inc., Marietta.
•Geauga Livestock Commission, Middlefield.
•Gibsonburg Livestock Auction, Gibsonburg.
•Kenton Farmers Marketing Co., Kenton.
•Kidron Auction Co., Kidron.
•Lugbill Bros., Inc., Archbold.
•Lugbill Brothers, Inc., Columbus Grove.
•Marietta Livestock Market, Inc., Marietta.
•Oak Harbor Livestock Sales, Oak Harbor.
•Ohio Valley Livestock Co., Gallipolis.
•Peoples Livestock Exchange, Greenville.
•Pickaway Livestock Co-op Association, Circleville.
•Producers Livestock Association, Bucyrus.
•Producers Livestock Association, Chillicothe.
•Producers Livestock Association, Columbus.
•Producers Livestock Association, Coshocton.
•Producers Livestock Association, Findlay.
•Producers Livestock Association, Hicksville.
•Producers Livestock Association, Hillsboro.
•Producers Livestock Association, Lancaster.
•Producers Livestock Association, Marion.
•Producers Livestock Association, Mt. Vernon.
•Producers Livestock Association, Wapakoneta.
•Producers Livestock Association, Washington C.H.
•Producers Livestock Association, Wilmington.
•Tiffin Livestock Sales Co., Tiffin.
•Union Stockyards, Hillsboro.
•Warren County Sales Barn, Lebanon.
•Washington C.H. Union Stockyards, Washington C.H.
•Western Ohio Livestock Exchange, Celina.

### Oklahoma

•Beaver Livestock Sale, Beaver.
•Buffalo Livestock Commission Co., Buffalo.
•Community Auction Sale, Vinita.
•Cornwell-Ochsner Commission Sale, Yukon.
•Durant Livestock Commission Co., Durant.
•Farmers Livestock Commission Co., Enid.
•Grove Sales Co., Grove.
•Guymon Livestock Commission Co., Guymon.
•Holton Brothers Stockyards, Hugo.
•Hominy Sale Co., Hominy.
•Hugo Sales Commission Co., Hugo.
•Idabel Livestock Commission Co., Idabel.
•Jay Sale, Jay.
•Locust Grove Sale, Locust Grove.
•Maxon Sales Co., Inc., South Coffeyville.
•Maxon Sales Co., Inc., Welch.
•Pawhuska Auction, Pawhuska.
•Pope, Raymond Livestock Sale Pavilion, Vinita.
•Pryor Livestock Commission Co., Pryor.
•Selling Sales Association, Inc., Selling.
•Shawnee Sale Barn, Shawnee.
•Stigler Livestock Auction, Stigler.
•Texhoma Livestock Commission Co., Inc., Texhoma.
•Vinita Stockyards Auction Co., Vinita.
•Woodward Livestock Commission Co., Woodward.

### Oregon

•Coos-Curry Livestock Auction, Bandon.
•Dalles Livestock Commission, The Dalles.
•Douglas Livestock Market, Wilbur.
•Enterprise Livestock Auction Co., Enterprise.
•Hermiston Livestock Commission Co., Hermiston.
•Klamath Cattle Sales, Klamath Falls.
•Klamath Stockmen's Commission, Inc., Klamath Falls.
•Madras Livestock Auction Market, Madras.
•McMinnville Auction Yard, McMinnville.
•Midway Auction Co., Medford.
•Northwestern Livestock Commission Co., Hermiston.
•Redmond Auction Yard, Redmond.
•Schricker and Inda Livestock Auction, Sutherlin.
•South Oregon Livestock Auction Co., Medford.
•Union Livestock Commission Co., Nyssa.
•Vale Livestock Commission Co., Vale.
•Valley Livestock Sale, Lebanon.

### Pennsylvania

Belknap Auction Sales, Dayton.
Belleville Livestock Market, Inc., Belleville.
Carlisle Livestock Market, Carlisle.
Chambersburg Livestock Sales, Chambersburg.
Chesley's Livestock Market, North East.
Coudersport Livestock Market, Coudersport.
Danville Livestock Market, Inc., Danville.
Dewart Livestock Market, Dewart.
Eighty-four Auction Sales, Inc., Eighty-four.
Enon Valley Community Sales, Enon Valley.
Farmers Livestock Market, Ephrata.
Farmers' Tri-County Auction, Scenery Hill.
Fayette Stockyard Co., Uniontown.
Gilbertsville Sales Stables, Gilbertsville.
Greencastle Livestock Market, Greencastle.
Greenville Livestock Market, Inc., Greenville.
Hatfield Livestock Market, Inc., Hatfield.
Hickory Auction and Sales, Hickory.
Indiana Livestock Market, Inc., Homer City.
Knoxville Sales, Inc., Knoxville.
Lebanon Valley Livestock Market, Inc., Fredericksburg.
Leesport Livestock Market, Leesport.
Lycoming Livestock Market, Williamsport.
Mason-Dixon Livestock Market, Inc., Stewartstown.
Meadville Livestock Auction, Saegerstown.
Middleburg Auction Sales, Inc., Middleburg.
Montague Livestock Auction, Union City.
Morrison Cove Livestock Market, Martinsburg.
New Holland Sales Stables, Inc., New Holland.
New Wilmington Livestock Auction, New Wilmington.
Nicholson Sales Co., Nicholson.
Payne's Livestock Market, Jamestown.
Penns Valley Sales Barn, Centre Hall.
Pennsylvania Livestock Auction, Inc., Waynesburg.
•Pennsylvania Stockyards Co., Philadelphia.
Perkiomenville Sales Stables, Perkiomenville.
Quakertown Livestock Sale, Quakertown.
Showalter, G. Q., Duncansville.
Silver Springs Livestock Market, Mechanicsburg.
Tri-County Livestock Auction, Brockway.
Troy Sales Cooperative, Troy.
Valley Stock Yards, Inc., Athens.
Vintage Sales Stables, Inc., Paradise.
Wayne County Livestock Exchange, Inc., Honesdale.
Westmoreland Auction Barn, Norvelt.
Whitford Sales Co., Whitford.
Wyalusing Sales Co., Wyalusing.
York Livestock Market, Inc., Thomasville.

### South Carolina

•Bruce and Co., P. L., Greenville.
•Chesnee Livestock Co., Chesnee.
•Conder Co., J. W., Columbia.
•Edgefield County Stock Yards, Edgefield.
•Florence Auction Market, Florence.
•Greenwood Stock Yard, Greenwood.
•Hallman Livestock Market, Neeses.
•Harper Livestock Co., Estill.
•Herndon Stock Yards, Ehrhardt.
•Hutto Stock Yard, Inc., Holly Hill.
•Johnston Stockyard, Honea Path.
•Lenox Stock Yards, Bennettsville.
•Pageland Livestock Barn, Pageland.
•Peoples Livestock Market, Orangeburg.
•Pickens Auction Market, Pickens.
•Rock Hill Sales Barn, Rock Hill.
•Saluda County Stockyard, Inc., Saluda.
•Smith Stock Yard Co. No. 2, Columbia.
•Spartansburg Livestock Yards, Spartansburg.
•Springfield Stockyards; Springfield.
•Taylor Stockyards, John C., Anderson.
•Union County Stock Yard, Union.
•Walterboro Stockyards Co., Walterboro.
•Williams Livestock Yard, Tabor City.
•York County Stockyards, Inc., York.

### South Dakota

•Aberdeen Livestock Sales Co., Aberdeen.
•Anderson Livestock Sales Yard., Yankton.
•Belle Fourche Livestock Exchange., Belle Fourche.
•Burke Livestock Auction Co., Burke.
•Britton Sales Pavilion, Inc., Britton.
•Campbell County Livestock Auction, Herreid.
•Canton Livestock Sales Co., Canton.
•Chamberlain Livestock Sales., Inc., Chamberlain.
•Cresbard Sales Co., Cresbard.
•Edgemont Livestock Sales Co., Inc., Edgemont.
•Eureka Livestock Sales Co., Inc., Eureka.
•Hub City Livestock Sales Pavilion, Aberdeen.
•Kimball Livestock Auction, Kimball.
•Lemmon Livestock Sales Co., Lemmon.
•Leola Livestock Sales Co., Leola.
•Martin Livestock Sales, Inc., Martin.
•McLaughlin Commission Co., McLaughlin.
•Philip Livestock Auction, Philip.
•Sisseton Livestock Sales Co., Sisseton.
•Sioux Falls Livestock Auction Co., Sioux Falls.
•Stockmans Commission Co., Inc., Rapid City.
•Sturgis Livestock Exchange, Inc., Sturgis.
•Timber Lake Livestock Sales Co., Timber Lake.
•Webster Livestock Exchange, Inc., Webster.
•Yankton Livestock Sales, Inc., Yankton.

### Tennessee

•Athens Livestock Co., Athens.
•Beasley Community Auction, Franklin.
•Botts-Evans Livestock Co., Union City.
•Boyce Brothers Stockyards, Unionville.
•Bryan Brothers Livestock Market, Decherd.
•Chattanooga Union Stockyards, Chattanooga.
•Clinton Livestock Market, Clinton.
•Clarksville Livestock Market, Clarksville.
•Cleveland Livestock Auction, Cleveland.
•Coffee County Livestock Market, Manchester.
•Collierville Auction Co., Collierville.
•Cookeville Livestock Co., Cookeville.
•Covington Sales Barn, Covington.
•Crockett County Sales Co., Inc., Maury City.
•Cross Roads Sales Barn, Middleton.

*Cumberland City Auction Co., Cumberland City.
*Davis and Son Stockyard, W. B., South Fulton.
*Davis Livestock Auction, Hartsville.
*Dayton Livestock Co., Dayton.
*De Kalb County Commission Co., Alexandria.
*Farmers Auction Co., Fayetteville.
*Farmers Commission Co., Carthage.
*Farmers Livestock Commission Co., Camden.
*Farmers Livestock Exchange, Union City.
*Farmers Livestock Market, Greeneville.
*Farmers Stockyard, Newport.
*Fayetteville Stockyards, Fayetteville.
*Franklin Auction Market, Franklin.
*Gallatin Livestock Market, Gallatin.
*Giles County Stockyard, Pulaski.
*Greeneville Livestock Co., Greeneville.
*Halls Stockyards, Inc., Crossville.
*Hardin County Stockyards, Savannah.
*Henderson Sale Co., Henderson.
*Jackson Packing Co., Jackson.
*Jackson County Commission Co., Gainesboro.
*Jamestown Stockyards, Jamestown.
*Johnson City Livestock Market, Johnson City.
*Kennetth-Murray-Latta, Fulton.
*Kingsport Livestock Market, Kingsport.
*Cleveland Livestock Auction Co., Cleveland.
*Lawrence Couny Stockyards, Lawrenceburg.
*Lewis County Stockyards, Hohenwald.
*Lexington Livestock Sales Co., Lexington.
*Logan and Hicks, South Fulton.
*Logan and Hicks, Union City.
*Macon County Livestock Market, Lafayette.
*Madisonville Livestock Auction Co., Madisonville.
*Middle Tennessee Livestock Sale, Lawrenceburg.
*Mid-South Livestock Commission Co., Columbia.
*Morristown Stockyards, Morristown.
*Murfreesboro Livestock Market, Murfreesboro.
*Newbern Sales Co., Newbern.
*Newport Livestock Auction Co., Newport.
*New Tazewell Stockyards, New Tazewell.
*Nichols Brothers Livestock Market, Thompson Station.
*O'Neal Auction, Sam, Chattanooga.
*Paris Livestock Commission Co., Paris.
*Patterson and McCaleb Livestock Market, Bradford.
*Peoples Livestock Co., Cookeville.
*Pulaski Stockyards, Pulaski.
*Richardson Livestock Co., E. L., Dyer.
*Rogersville Livestock Market, Rogersville.
*Scotts Hill Auction Co., Scotts Hill.
*Sevier County Livestock Auction Co., Seymore.
*Shelbyville Livestock Market, Shelbyville.
*Smith County Commission Co., Carthage.
*Smithville Stockyards, Smithville.
*Southwestern Sales Co., Huntington.
*Sparta Livestock Market, Sparta.
*Thompson Livestock Co., Obion.
*Thompson and Oliver Livestock Dealers, Union City.
*Trenton Livestock Sales Co., Trenton.
*Tri-County Stockyards, McKenzie.
*Trousdale County Livestock Market, Hartsville.
*Union Livestock Yards, Knoxville.
*Viola Livestock Co., Viola.
*Warren County Livestock, McMinnville.
*West Tennessee Auction Co., Martin.
*White County Livestock Co., Sparta.
*Wilson County Livestock Market, Lebanon.
*Wilson's Livestock Market, Lewisburg.

TEXAS

*Abilene Livestock Auction, Abilene.
*Amarillo Livestock Auction Co., Amarillo.
*Bonham Livestock Commission Co., Bonham.
*Brownwood Cattle Auction, Brownwood.
*Dalhart Auction Co., Dalhart.
*Eads and Cole Commission Co., Brownwood.
*Farmers and Ranchers Livestock Commission Co., Paris.
*Farmers and Ranchers Livestock Exchange, Shamrock.
*Gainesville Livestock Auction Co., Gainesville.
*Graham Livestock Commission Co., Graham.
*Gillespie County Livestock Sales Co., Fredericksburg.
*Heart of Texas Commission Co., Inc., Menard.
*Johnson County Commission Sales, Burleson.
*Kerr County Commission Co., Kerrville.
*Lampasas Auction, Inc., Lampasas.
*Llano Livestock Auction Co., Llano.
*Lometa Commission Co., Lometa.
*Mason Auction Co., Mason.
*Menard County Commission Co., Menard.
*Matthews Livestock Commission Co., San Saba.
*Morris Commission Company, J. C. (Po Boy), Douglassville.
*Olney Livestock Auction, Olney.
*Owen Brothers Livestock Commission Co., Texarkana.
*Paris Livestock Commission Co. No. 1, Paris.
*Paris Livestock Commission Co. No. 2, Paris.
*Producers Livestock Auction Co., San Angelo.
*Rancher's Commission Co., Junction.
*Quanah Livestock Commission Co., Quanah.
*San Angelo Livestock Auction Co., San Angelo.
*Vernon Stockyards Co., Vernon.
*Western Livestock Commission Co., San Angelo.
*Wichita Falls Stockyards, Wichita Falls.

UTAH

*Delta Livestock Auction Co., Delta.
*Richfield Auction Market, Richfield.
*Salina Auction, Salina.
*Spanish Fork Livestock Auction Co., Spanish Fork.
*Smithfield Livestock Auction, Inc., Smithfield.
*Southern Utah Auction, Cedar City.
*Uintah Sales Barn, Roosevelt.
*Utah Valley Auction, Spanish Fork.
*Vernal Livestock Auction Co., Vernal.

VERMONT

Chickering Livestock Corp., Westminster.
*East Thetford Commission Sale, East Thetford.
*Gallerani Commission Sale, Bradford.
*Vergennes Livestock Commission Sale, Vergennes.

VIRGINIA

*Abingdon Livestock Market, Abingdon.
*Bedford Livestock Market, Inc., Bedford.
*Christiansburg Livestock Market, Inc., Christiansburg.
*Covington Stockyards, Inc., Covington.
*Culpeper Livestock Market, Inc., Culpeper.
*Danville Livestock Auction Market, Danville.
*Farmers Livestock Exchange, Winchester.
*Farmers Livestock Market, Ewing.
*Farmers Livestock Market, Inc., Bristol.
*Front Royal Livestock Market, Front Royal.
*Galax Livestock Market, Galax.
*Giles County Stockyards, Inc., Narrows.
*Highland County Livestock Market, Inc., Monterey.
*Lee Farmers Livestock Market, Inc., Jonesville.
*Loudoun County Livestock Market, Leesburg.
*Lynchburg Stockyards, Inc., Lynchburg.
*Norton Livestock Market, Norton.
*Orange Livestock Market, Orange.
*Phenix Livestock Market, Phenix.
*Pulaski Livestock Market, Dublin.
*Roanoke Livestock Market, Inc., Roanoke.
*Rockbridge Livestock Market, Inc., Buena Vista.
*Rockingham Livestock Sales, Inc., Harrisonburg.
*Shenandoah Valley Livestock Market, Inc., Harrisonburg.
*Smithfield Livestock Market, Inc., Smithfield.
*South Boston Livestock Market, South Boston.
*South Hill Stockyards, South Hill.
*Southside Stockyards, Petersburg.
*Staunton Livestock Market, Inc., Staunton.
*Staunton Union Stockyards, Inc., Staunton.
*Tazewell Livestock Market, Tazewell.
*Virginia Livestock Market, Winchester.
*Woodstock Livestock Market, Inc., Woodstock.
*Wytheville Livestock Market, Inc., Wytheville.

WASHINGTON

*Davenport Livestock Auction, Davenport.
*Grange Commission and Livestock Co., Auburn.
*Grange Interstate Livestock Co., Moses Lake.
*Pasco Central Stockyards, Pasco.
*Prosser Sales Yard, Inc., Prosser.
*Toppenish Sales Yard, Toppenish.
*Twin City Sale, Centralia.
*Walla Walla Livestock Commission Co., Walla Walla.
*Wink-Goldendale Sale Yard, Inc., Goldendale.

WEST VIRGINIA

*Alderson Livestock Market, Alderson.
*Beckley Livestock Market Beckley.
*Bluegrass Market, Inc., Lewisburg.
*Blueridge Livestock Sales, Inc., Charles Town.
*Bridgeport Live Stock Sales Co., Inc., Bridgeport.
*Buckhannon Livestock Sales, Inc., Buckhannon.
*Evans, E. S. Stockyard, Inc., Terra Alta.
*Evans Stock Yards, Inc., Elkins.
*Gassaway Livestock Market, Inc., Gassaway.
*Greenbrier Valley Stock Yards, Inc., Ronceverte.
*Hess Livestock Market, Inc., Andy, Morgantown.
*Huntington Livestock Sales Co., Huntington.
*Moundsville Livestock Auction Co., Moundsville.
*West Alexander Livestock Auction Market, West Alexander.
*Weston Livestock Sales Co., Inc., Weston.
*Jackson County Livestock Market, Inc., Ripley.
*Pt. Pleasant Livestock Co., Point Pleasant.
*Pocahontas Producers Cooperative Association, Inc., Marlinton.
*South Branch Stockyard, Inc., Moorefield.
*Spencer Live Stock Exchange, Inc., Spencer.
*Union Livestock Sales Co., Parkersburg.

WYOMING

*Gillette Livestock Exchange, Gillette.
*Greybull Livestock Commission Co., Greybull.
*Lusk Livestock Commission Co., Lusk.
*Torrington Livestock Commission Co., Torrington.
*Lander Livestock Commission Stockyards, Lander.
*Powell Auction Market, Powell.
*Riverton Livestock Auction, Riverton.
*Sheridan Livestock Commission Co., Sheridan.
*Wheatland Livestock Commission Co., Wheatland.
*Worland Livestock Commission Co., Worland.

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENTS

The following slaughtering establishments preceded by an asterisk are specifically approved for the purposes of § 78.5 of Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis, and those not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.



*Name of slaughtering establishment and location*

ALABAMA

Bartel's Frozen Foods, Atmore.
*Beesley Packing Co., Andalusia.
*Brewton Abattoir, Brewton.
Brock-Mosley Packing Co., Loxley.
*Blue Bell Packing Co., Decatur.
*East Alabama Frozen Foods and Provision Co., Opelika.
Florence Packing Co., Florence.
Florence Frozen Foods, Florence.
Greensboro Packing Co., Inc., Greensboro.
*Hass-Davis Packing Co., Inc., Mobile.
Hinote Packing Plant, Loxley.
Kimbrell Slaughtering Establishment, Saraland.
*Leeds Packing Co., Inc., Leeds.
Morgan Packing Co., Tuscaloosa.
Valley Pride Packing Co., Inc., Huntsville.
Williams Packing Co., Gadsden.
*Zeigler, Inc., R. L., Selma.
*Zeigler, Inc., R. L. Tuscaloosa.

ARIZONA

Arizona Meat Packers, Tucson.
Beverly Meat Co., Tucson.
*C and O Packing Co., Phoenix.
*Herseth Meat Packing Co., Phoenix.
Maricopa Packing Co., Phoenix.
*OK Wholesale Meat Co., Phoenix.
Paramount Packing Co., Casa Grande.
Safford Packing Co., Safford.
Southwest Meat Co., Yuma.
Stone and Randall Meat Company., Mesa.
*Tempe Meat Packing Co., Inc., Tempe.

ARKANSAS

Adams Market, Dewitt.
Barnetts Slaughter House, Crossett.
Boswell Wholesale and Retail, R. O., Camden.
Brawner Packing Co., Wynne.
Broadway Packing Co., Jonesboro.
Brown Calhoun General Merchandise, Monticello.
*Brown Wholesale Meats, Kelton, Little Rock.
*Brown Packing Company, Inc., Little Rock.
*Burton Wholesale Meats, Roy, North Little Rock.
Butcher Wholesale Meats, Camden.
Carroll Packing Co., Paragould.
Charleston Frozen Foods, Charleston.
Columbia Packing Co., Magnolia.
*Cooper Packing Co., Melbourne.
Drew County Frozen Foods, Monticello.
*Dumas Packing Co., El Dorado.
Dunn Slaughter House, De Queen.
Finks Meat Co., Springdale.
Finn Slaughter House, Rogers.
Fletcher Beef Company, Jim, Fayetteville.
Frey and Son, Philip, Ivan.
Gude Packing Co., Blytheville.
*Heim Bros., Little Rock.
Hoover's Slaughter House, Jack, Murfreesboro.
Hot Springs Packing Company, Inc., Hot Springs.
Huber Slaughter Plant, Subiaco.
Huckaby Super Market, Benton.
*Hughes Sausage Co., North Little Rock.
Hunt, Leo, Pine Bluff.
Hylton Slaughter, Springdale.
Kents Wholesale Meats, Hamburg.
Kierre and Sons, North Little Rock.
Kindervater and Sons Market, R., Little Rock.
Kranc Meat Market, Ozark.
*Kruse Packing Co., Alexander.
Lawhon Meat Co., C. L., North Little Rock.
Lawton Wholesale Meats, Warren.
*Little Rock Packing Co., Little Rock.
Linaker Co., C. A., McGehee.
Lowell Packing Co., Lowell.
*Lowery Bros., North Little Rock.
*Malone Packing Co., Texarkana.
Malvern Slaughtering Establishment, Malvern.
McKelver's Wholesale Meats, Monticello.
*Meacham Meat Market, Batesville.
Mhoon Beef Co., Fayetteville.
Morrilton Packing Co., Morrilton.
Morris Packing Co., Hope.
Newport Packing Co., Newport.
*North Side Packing Co., North Little Rock.
*Northwest Arkansas Packing Co., Rogers.
Owens Wholesale Butcher and Slaughtering, O. E., Pearcy.
*Person Provision Co., Jacksonville.
Phillips Packing Co., Magnolia.
Pitchford Market, Hartford.
Polk County Locker Plant, Mena.
Prairie Grove Locker Plant, Prairie Grove.
*Prickett Packing Co., Batesville.
Pruett Meat Market, Batesville.
*Quality Packing Co., Trumann.
*Ralph Montgomery Grocery and Market, Hope.
Ranch House Market, Van Buren.
Redd Slaughter House, Harrisburg.
*Reed Packing Co., Pine Bluff.
Reeder Meat Co., Arkadelphia.
Riggan Brothers Locker Plant, Sheridan.
Robertson Packing Co., Booneville.
Rogers Packing Co., Jonesboro.
Russellville Packing Co., Russellville.
*Ryburn and Glover Meat Co., Pine Bluff.
Saint Scholastica, Fort Smith.
Scheile Slaughter House, Paris.
Southwestern Packing Co., Hope.
Stafford's Quality Meats, Walnut Ridge.
*Steed Packing Co., Judsonia.
Taylor Bros. Wholesale Meats, Gurdon.
Turners Grocery and Market, Rison.
Ward Packing Co., Stamps.
*Webb Packing Co., Helena.
*Western Meat Packers, Inc., Little Rock.
*White County Packing Co., Search, Whites Slaughter House, Warren.
Williams Slaughter, Nashville.

CALIFORNIA

*Allen's Meat Products, San Francisco 24.
*Alpha Beta Packing Co., Huntington Beach.
*Arnopole Meat Co., Modesto.
*Atwater Meat Co., Atwater.
*Avila Meat Co., Newman.
*Brennan Meat Co., Tulare.
*Christie, A. W., Blue Lake.
*Circle Bar Meat Farm, Elk Grove.
*Crum Meat Co., McArthur.
*Cuyamaca Meats, Inc., El Cajon.
*Elk Grove Meat Co., Elk Grove.
*Evart Meat Co., Thomas G., Healdsburg.
*Felder and Son, Joe, Sonoma.
*Ferrara Meat Co., San Jose.
*Hill Top Meat Co., Roseville.
*Hohener, Ernest, San Leandro.
*Holland Meat Products Co., Oakdale.
*K and E Meat Co., Auburn.
*Keller Bros. Meat Co., St. Helena.
*Kern Valley Packing Co., Bakersfield.
*Klubnikin Packing Co., Los Angeles 58.
*Langer and Kretner, Eureka.
*Lewis and McDermott, Berkeley.
*Modesto Meat Co., Modesto.
*Moller and Sons, H., Pleasanton.
*Orvis and Clinger, Inc., Stockton.
*Pacific Packing Co., Gazelle.
*Palace Market, Fresno.
*Panizzera, C. V., Occidental.
*Prime Meat Products, Ukiash.
*Rosen Meat Package Co., Inc., Vernon.
*Santa Ana Packing Co., Santa Ana.
*Scotia Packing Co. and Locker, Scotia.
*Sebastopol Meat Co., Petaluma.
*Sequoia Meat Co., Dinuba.
*Smith Packing Co., San Bernardino.
*Sonoma Meat Co., Sonoma.
*Stoeven Bros., Dixon.
*Taafe, William A., Co., Inc., San Francisco.
*Talone Packing Co., Escondido.
*Temecula Meat Packing Co., Temecula.
*Turlock Meat Co., Turlock.
*Walnut Creek Meat Co., Walnut Creek.
*West Coast Meat Co., Alvarado.
*Wright Packing Co., National City.
*Yettner Bros., Fort Bragg.
*Zeff & Co., B., Modesto.

COLORADO

*A and C Packing Co., La Salle.
*Altburger, Louis, Denver.
*Arvada Packing Co., Arvada.
Basin Livestock Commission Co., Durango.
*Colorado Packing Co., Inc., La Junta.
Cortez Packing Co., Cortez.
*Loveland Packing Co., Inc., Loveland.
Mountain Packing Co., Dolores.
Ovid Locker Plant, Ovid.
Pavetti Sausage Co., Trinidad.
*Samett Packing Co., Denver.

CONNECTICUT

Andrychowski, Emil and John, Willimantic.
*Belt Bros., Norwich.
Block, Benjamin, Shelton.
*Bridgeport Municipal Abattoir, Bridgeport.
*Clark, L. W., Danbury.
*Connecticut Packing Co., Bloomfield.
Dan-Brook Packing Co., Brookfield.
*Double A Packing Co., Beacon Falls.
*Forte, J. F., Branford.
*Freeman, Myer, New London.
Goldberg, Daniel, Colchester.
*Hartford Provision Co., Hartford.
*Hertz Bros., Norwich.
*Home Pride Provisions Co., Stafford Springs.
*Longhi, Edward, Torrington.
*Manchester Beef Co., Manchester.
*New Haven Rendering Co., West Haven.
*Novak, Abe, Danbury.
*Omaha Beef Co., Danbury.
*Shore Line Packing Co., East Haven.
Southington Packing Co., Southington.
*Waterbury Butchering Co., Waterbury.
*Zeffiro, Frank, New Hartford.

DELAWARE

Goldberg Bros., Inc., Wilmington.
Hendler, Sidney, Wilmington.
Kemps Meats, Wyoming.
Kosters Frozen Food Lockers, Laurel.
Messina, Anthony G., Wilmington.
Platt, Isadore, Wilmington.
Poore's Meat Market, Smyrna.
Torbert Bros., Felton.
Townsend Locker Plant, Townsend.
White Packing Co., Lewes.
Woerner and Souder, New Castle.

FLORIDA

*Beesley Packing Co. of Florida, Pensacola.
*Central Packing Co., Center Hill.
*Copeland Sausage Co., Inc., Alachua.
*Dirr Gold Seal Meats, Inc., Miami.
*Florida Sausage Co., Pensacola.
*Gold Merit Packing Co., Inc., Jacksonville.
*Gotham Provision Co., Inc., Miami Springs.
*Hawkins Wholesale Meats, E. M., East Palatka.
*Hickory Hill Meat Packers, Inc., Tampa.
*Jackson Packing Co., Marianna.
*Jones-Chambliss Co., Jacksonville.
*Loeb and Gottfried, Hialeah.
*Lykes Bros., Inc., Tampa.
*Meat Supply Co., Pensacola.
Register Meat Co., Establishment No. 6, Cottondale.
Suwannee Packing Co., Live Oak.
*Tinsley Meat Slaughtering Establishment, Jacksonville.
*Tobias Packing Co., Chipley.

GEORGIA

Akridge Sausage Co., Rome.
Avera Provision Co., Augusta.
Bearden Provision Co., Calhoun.
*Beavers Packing Co., Newman.
Brooks County Packing Co., Inc., Quitman.
Carroll Packing Co., Valdosta.
*City Abattoir, Albany.
*Cochran Provision Co., Dublin.
Dalton Slaughter House, Dalton.
Duffey Sausage Co., Inc., Carrollton.

Evans Locker Plant, Evans.
Grady Packing Co., Cairo.
Harrell Sausage Co., Bainbridge.
Levinson Bros., Rome.
*Lowell Packing Co., Fitzgerald.
*Meddin Packing Co., Savannah.
*McEver Packing Co., R. H., Talmo.
*Moree Packing Co., Albany.
*Pioneer Provision Co., Atlanta.
Rome Provision Co., Inc., Rome.
*Scott Meat Packers, Augusta.
Quitman Abattoir, Quitman.
*Shores Packing Co., Savannah.
*Simpson Provision Co., Inc., Fayetteville.
*Southern Foods, Inc., Columbus.
*United Butchers Abattoir, Inc., Atlanta.
Union Provision Co., Dalton.
Valdosta Abattoir, Valdosta.
Wiggers Packers, Columbus.

IDAHO

Anketell Slaughterhouse, Nampa.
*Boise Valley Packing Co., Eagle.
Bratcher Meat Pack, Payette.
*Bryant Packing Co., Burley.
*Carter Packing Co., Buhl.
Carter Packing Co., Greenleaf.
City Meat Market, Wallace.
*City Packing Co., Salmon.
Custom Packing Co., Twin Falls.
*Custom Meat Co., Boise.
Dahmen Food Lockers, Lewiston.
*Davis Packing Co., Boise.
*Goodby and Sons Meat Co., Sandpoint.
*Grimes Packing Co., Nampa.
*Idaho Falls Meat Co., Idaho Falls.
Ideal Slaughtering Establishment, Eagle.
*Independent Meat Co., Inc., Twin Falls.
Independent Meat Co., Weiser.
*Johnson Packing Co., Blackfoot.
Johnston Bros., Caldwell.
*Knudson Packing Co., Preston.
*Kooken Slaughter Plant, Pocatello.
*Liberty Meat Packers, Eagle.
*Miller Packing Co., Douglas, Rupert.
*McKibben Custom Butchering, Idaho Falls.
Meridian Meat Packers, Meridian.
*Moscow Meat Co., Moscow.
*Nampa Packing Co., Nampa.
*Owyhee Meat Packers, Homedale.
Penguin Lockers, New Plymouth.
*Peoples Market Plant, Pocatello.
*Taylor Meat Co., Idaho Falls.
Valley Packing Co., Rexburg.
*Wallace Meat Co., Wallace.
Williams Custom Service, Council.
*Y–J Packing Co., Coeur d'Alene.
*York Packing Co., Twin Falls.
*Zweigart Packing Corp., Pocatello.

ILLINOIS

Al's Packing Plant, Warrenville.
Bartlow Bros., Inc., Rushville.
Behrman Market, Okawville.
Bergman Meat Packing Co., Inc., Pittsfield.
Brighton Locker Plant, Brighton.
Burnside and Sons, L., Marengo.
Calihan and Co., Peoria.
Chrisman Food Lockers, Chrisman.
Covemaker Packing Co., Moline.
Cowperthwaite Super Market, Bushnell.
Curby's Butcher Shop, Beaverville.
Dintelmann's Wye Market, Marissa.
Ducey and Son, Mike, Pittsfield.
DuQuoin Packing Co., DuQuoin.
Eckert Orchard Association, Belleville.
Edgar County Locker Service, Paris.
Elmwood Locker Service, Elmwood.
Eversgerd, Henry J., Germantown.
Foremost Packing Co., East Moline.
Goble, Howard, Danville.
Hamilton Locker Service, Hamilton.
Hansen's Meat Processing Plant, Freeport.
Hartrich Meat Processing Plant, St. Maries.
Hauffe's Meat Market, Lincoln.
Hill Packing Co., Danville.
Houchlei Meat Market, Sorento.
Humphrey Packing Co., Lawrenceville.
Ingalls Frozen Food Center, Milford.
Jones, Marshall E., Springfield.
Jones Packing Co., Harvard.
Johannes Market, Quincy.
Kabrick Locker Plant, Plainville.
Knab Meat Market, New Athens.
Kunkel Packing and Provision Co., C., Quincy.
L and M Slaughter House, Georgetown.
Landolt, Harold, Alhambra.
Lewistown Locker, Lewistown.
Lord, C. R., Olney.
Lyetta Meats, Inc., Coulterville.
Madison Packing Co., Madison.
Magelli Bros., Inc., Marseilles.
Margolin Packing Co., Danville.
McLain's Locker Plant, Warren.
Metamora Abattoir, Metamora.
Mounds Locker Service, Mounds.
Noble Locker, Noble.
Pasquo Podeschi, Taylorville.
Parks Processing Plant, Warren.
Petroff Packing Co., Benton.
Quincy Beef and Veal Co., Quincy.
Raber Packing Co., Peoria.
Raleigh Packing Co., Raleigh.
Richard Locker and Processing Plant, Homer.
Rock River Provision Co., Rock Falls.
Rocke's Cold Storage, Morton.
Rossville Food Lockers, Rossville.
Ruff Locker Service, Quincy.
Shanks Packing Co., Mattoon.
Smith Packing Co., Harrisburg.
Streck Packing Co., Belleville.
Stone Meat Packing, Chicago Heights.
Ursa Cooperative Locker Service, Ursa.
Virginia Packing Co., Virginia.
Wessel Bros., Inc., Belleville.
West Frankfort Packing Co., West Frankfort.
Weyhaupt Brothers Packing Co., Belleville.
Wunderlich Packing Co., Sharon.
Tuscola Locker Service, Tuscola.
Y and T Packing Co., Springfield.
Young's Packing Co., Inc., Decatur.

INDIANA

Albany Frozen Food Locker, Albany.
All Valley Meat Supply, Terre Haute.
Allen's Monticello Packing Co., Monticello.
Amo Meat Processing, Amo.
B and B Packing, Gary.
B and B Processing Plant, Boonville.
Berne Locker Storage, Berne.
Betulius Slaughterhouse, Haubstadt.
Blinzinger's Market, Tell City.
Bloomington Packing Co., Inc., Bloomington.
Bobay's Slaughter House, Fort Wayne.
Boone County Packing Co., Lebanon.
Bowman's Butchering House, Peru.
Boyer Lockers, New Washington.
Brook Locker Plant, Brook.
City Meat Market, Boonville.
Clark and Moore Processing Plant, Monticello.
Cole Packing Company, Mark, Sharpsville.
Collins, Raymond, Poland.
Corbin Food Lockers, Brownsburg.
Coussens, Camiel, Granger.
Covington Food Lockers, Covington.
Daniels Bros., Inc., Columbus City.
Denny and Barker, Inc., Huntington.
Dewig Brothers Packing Co., Haubstadt.
Dishman, Felix, Peru.
Ditzler Locker Co., Peru.
Eel River Packing Co., Jamestown.
Elkhart Packing Corp., Elkhart.
Fender, Russell Ted, Spencer.
Fisher Packing Co., Portland.
Fitzsimons Market, Roachdale.
Frankfort Provision Co., Frankfort.
Franklin Slaughter House, Wabash.
Freeman and Son Locker Plant, Worthington.
Frozen Food Service, Inc., Salem.
Fults and Sons, E. C., Indianapolis.
Gilbert Slaughter House, Van Buren.
Godfrey's Plant, R. R. 3, Brazil.
Goff, Inc., Pendleton.
Grater Meats, Connersville.
Greenfield Abattoir, Inc., Greenfield.
Greenwood Food Lockers, Greenwood.
Green Valley Slaughterhouse, Brownsburg.
Grundhoefer and Sons Packing Co., Dale.
Gustin Slaughter House, Antwerp.
Gutzweiler Packing Co., Jasper.
Hamilton Locker Plant, Hamilton.
Hand Slaughter House, Kenneth, Angola.
Hand's Market, Angola.
Harris Packing Co., Sam, Crawfordsville.
Hastings Slaughter House, Martinsville.
Helm Market, Forest, Winchester.
Hickory Hills Processing Plant, Spencer.
Hill Top Packing Co., Huntingburg.
Hitch Packing Co., Princeton.
Hockney Packing Co., Thayer.
Hollar Market, Nappanee.
*Hoosier Abattoir, Indianapolis.
Ingram's Meatland, Goshen.
Janert Packing Co., Inc., Indianapolis.
Johnson County Farm Bureau Co-op Association, Inc., Franklin.
Jones Custom Butchering, Zionsville.
Kaiser Meat Market, Cedar Grove.
Kentland Locker Plant, Kentland.
Klinedinst Packing Co., Walkerton.
Knight's Frozen Food Locker, Edinburg.
Kucan Food Shop, Gary.
Kuiper Packing, Christ, Lowell.
Laurents Packing Co., Guy, Fort Wayne.
Lengerich Slaughter House, Monroe.
Lennons Custom Butchering, Hartford City.
Lester Packing Co., Linton.
Livengood Meat Shop, Lebanon.
Lutz Packing Co., Indianapolis.
Marburger Abattoir, Peru.
Merkely and Sons, Inc., Jasper.
Mishler Packing Co., Lagrange.
Monon Locker Plant, Monon.
Moore Packing, Gary.
Mooresville Packing Co., Mooresville.
Ness and Sons Packing Plant, J. E., North Judson.
Ossian Locker Plant, Ossian.
Parrot Packing Co., Fort Wayne.
Price's Abattoir, Walter, Plymouth.
Rahe and Sons, William J., Muncie.
Riverside Packing Co., Goshen.
Rockville Packing Co., Rockville.
Roos Packing Co., Indianapolis.
Rose City Packing Co., Inc., New Castle.
Rowe and Sons, A., Terre Haute.
Roy's Packing Plant, Elkhart.
Sanitary Main Meat Market, Brookville.
Schmitt Locker Service, H.P., Decatur.
Schneiker Slaughter House, New Haven.
Schuler Packing Co., Ferdinand.
Sellersburg Locker Co., Sellersburg.
Schackelford, W. E., Owensville.
Sievers, Lester, Vincennes.
Sievers, Louis, Vincennes
Snelly's, Angola.
Sniders Country Market, Muncie.
Snyders Market, Angola.
South Side Butchers, Indianapolis.
Stahley's Slaughterhouse, Milan.
Standard Packing Co., Kokomo.
Straub and Smith Packing Co., Indianapolis.
Summers Packing Co., North Liberty.
Vale City Packing Co., Valparaiso.
Valentine Co., Inc., Terre Haute.
Van Wagner, Dick, Orland.
Vetter Meat Co., Kokomo.
Vietti Bros. Packing Co., Clinton.
*Wabnitz and Deters, Indianapolis.
Warrick County Frozen Food Lockers, Boonville.
Weiler Packing Co., Batesville.
Wenning Packing Co., Inc., New Salisbury.
West's Locker and Slaughter House, Amo.
Whisler and Sons, Inc., J. L., Elkhart.
Wilcox Bros., North Liberty.
Williams and Son, Inc., J. B., Walkerton.
Wolf Meat Market, New Albany.
Wright Packing Co., Chandler.
Wyatt Packing Co., Wyatt.
Young Bros. Market, Ladoga.
Young Packing Co., Noblesville.
Zaring Processing Plant, Greencastle.



IOWA

Bruhns Freezer Meats of Cedar Rapids, Inc., Norway.
Bruhns Freezer Meats of Davenport, Inc., Davenport.
Carstensen Meats and Procurement Service, Lake Park.
City Meat Locker, Little Rock.
D and H Storage Co., Sibley.
Falk Lockers, Ocheyedan.
Ford Lockers, Spirit Lake.
Forest City Locker Co., Forest City.
Hawkeye Pack, Sioux City.
Inwood Lockers, Inwood.
Johnsons Market and Lockers, Rake.
Larchwood Locker, Larchwood.
Lime Springs Locker, Lime Springs.
Long's Locker, Spirit Lake.
Marshalltown Packing Co., Marshalltown.
Martin Meat Processing Co., Underwood.
Meyer Packing Co., Sioux City.
Nissen and Son Packing Co., Inc., G. B., Webster City.
Northwood Locker Service, Northwood.
Pierce Lockers, Armstrong.
Puritan Ice Cream Co., Cresco.
Riceville Locker, Riceville.
Richard and Sons, Inc., C. W., Muscatine.
Rock Rapids Cooperative Creamery Association, Rock Rapids.
Scarville Food Market, Scarville.
Smit and Son, Inc., Boyden.
Smith Packing Co., Sioux City.
Steele Packing Co., George H., Centerville.
Swea City Locker, Swea City.
Valley Locker Service, Rock Valley.
Verschoor Packing Co., Hospers.
Wageman's Locker Service, Stacyville.
White's Locker, Estherville.
Woodworths Locker, Harris.
Younie Processing Plant, Hawarden.

KANSAS

A and H Butchers, Arkansas City.
*Abilene Packing Co., Abilene.
*Adams Bros. Packing Plant, Coby.
Addington Slaughtering Establishment, Elkhart.
Anthony Meat, Anthony.
Ayers Packing Plant, Greenleaf.
Barnes Dressed Beef Co., Parsons.
Beattie Lockers, Beattie.
Beverly Meat and Locker, Inc., Salina.
Bicelmeyer Slaughterhouse, Kansas City.
Brooks Locker Service, Blue Rapids.
Burd Locker and Grocery, Atwood.
Butcher Packing Co., Coffeyville.
Cody Slaughtering Establishment, Claude, Osborne.
*Colby Locker, Colby.
Coldwater Lockers, Coldwater.
Columbus Wholesale and Retail Meats, Columbus.
Comanche Meat Co., Wichita.
Community Locker Service, Medicine Lodge.
Cramer Food Bank, Washington.
Davenport Meat Plant, Lawrence.
DeGraeve Slaughtering Establishment, Lorene, Bucyrus.
*Dunn Packing Co., Wichita.
Dye Slaughterhouse, Meade.
Economy Lockers, Sharon Springs.
Emporia Packing Co., Emporia.
*Fanestil Packing Co., Emporia.
Fisher Grocery and Locker, Bird City.
*Fredonia Packing Co., Fredonia.
*Fort Scott Packing Co., Fort Scott.
*Gallagher Processing Co., Concordia.
Garden City Packing Co., Garden City.
Gardner Packing Co., Hutchinson.
Gettle and Sons Lockers, Wichita.
Glenn's Frozen Food Service, Dighton.
*Griffith Provision Co., Inc., Downs.
Grinnell Locker, Grinnell.
Haag Locker Plant, Fairview.
Haddam Locker, Haddam.
Harrell Packing Co., Hugoton.
Herrmann Locker, Waterville.
Hentzler Packing Co., Topeka.
Herndon and Sons, Syracuse.
Hoseney's Dressed Beef, Coffeyville.
Howard Packing Co., Howard.
Howell's Market, St. Francis.
Independent Slaughter Establishment, Salina.
Jesco Meat Packers, Caldwell.
Jones Packing Co., Dodge City.
K–12 Meat Co., Baxter Springs.
Kanes Packing Plant, Meade.
Katches Packing Co., Wichita.
Kaw Valley Packing Co., Kansas City.
Kier Grocery and Market, Mankato.
Kimmal Packing Co., Norton.
Kiowa Locker System, Kiowa.
Liberal Packing Co., Liberal.
Louis' Zero Lockers, Girard.
*M and M Packing Co., Iola.
Mathes Meat Co., W. A., Kansas City.
*McArthur Meats, Inc., Hutchinson.
McFerron Bros. Wholesale Meats, Lawton.
Menghini Packing Co., Frontenac.
*McLeon Packing Co., Valley Falls.
Miller Locker System, Erie.
Miller Packing Co., Wilson.
Modern Market and Lockers, Winona.
*Moore's Packing House Market, Parsons.
*O. K. Packing Co., Gooding.
Oberlin Locker, Oberlin.
Old Fashioned Meat Market, De Soto.
Palace Market, St. Francis.
*P and B Packing Co., Hays.
Phillips Slaughterhouse, Hill City.
Phillipsburg Lockers, Phillipsburg.
Pratt Frozen Food Locker, Pratt.
Ragsdale Slaughtering Establishment, Liberal.
Rindt Slaughtering Co., Galena.
Schnelle's Wholesale Meats, Greensburg.
Snow's Locker Plant, Kansas City.
Stoney Bros. Slaughterhouse, Herndon.
*Sunflower Packing Co., Wichita.
Swim Lockers Service, Marysville.
Synovec Grocery and Locker, Morrowville.
*Thies Packing Co., Great Bend.
Tonganoxie Frozen Foods Locker, Tonganoxie.
Valley Vista Locker Service, Topeka.
Vlach and Sons, Joseph, Hanover.
Washburn Packing Co., Hutchinson.
Welch's Frozen Food Center, Frankfort.
Wiley and Green Packing Co., Leavenworth.
Wilkerson Meat Co., Pittsburg.
*Winchester Packing Co., Hutchinson.
Winkler's Slaughterhouse, Liberal.
*Woody's Wholesale Meats, St. Marys.

KENTUCKY

Alford and Son, J. W., Alexandria.
Ashland Meat Co., Ashland.
Boone's Abattoir, Bardstown.
Brown Thompson's and Son, Fancy Farm.
Campbell Co., S. M., Gray.
*Dawson-Apatz Packing Co., Inc., Louisville.
Eckert Packing Co., Henderson.
Emory Gillum Wholesale Meats, Inc., Ashland.
Field Packing Co., Bowling Green.
*Field Packing Co., Inc., Owensboro.
*Fleishchaker Co., Louisville.
Frosty Foods Locker, Taylorsville.
Henderson Slaughtering, Henderson.
Jones Packing Co., Paducah.
*Klarer Provision Co., Louisville.
*Koch Beef Co., Louisville.
*Louisville Beef Co., Louisville.
Metzger Bros., Paducah.
*Mount Sterling Packing Co., Mount Sterling.
*Quality Packing Co., Lexington.
Rice Packing Co., C., Covington.
Riddell Meat Market, Warsaw.
Riverside Packing Co., Paducah.
Robb Packing Co., Lexington.
Schneider and Son, Inc., J. F., Middlesboro.
Shroat Meat Market, Murray.
Waldrup Packing Co., Blackey.
*Spring Packing Co., Louisville.
Wiman Packing Co., Madisonville.

LOUISIANA

Adams' Slaughter House, Amite.
Allen Super Market, Kentwood.
*Angola Packing House, Angola.
*Arabi Packing Co., Inc., Arabi.
*Austin Packing Co., Inc., Houma.
Bahm's Meat Plant, Wallace, Loranger.
*Barnes Packing Co., R. L., Lake Charles.
*Berry Slaughter House, H. O., Bastrop.
Bobby's Market and Slaughter House, Sulphur.
Bossier Frozen Foods, Bossier City.
*Britt Packing Co., Shreveport.
Brown-Edwards Packing Co., Alexandria.
Brown and Son Packing House, C., Ragley.
Byrd and Son, Joseph W., Many.
*C and L Packing Co., Tallulah.
Caldwell Packing Company, West Monroe.
Caroli Slaughter House, Wisner.
Catalano's Meat Market, Independence.
Chasson Meat Market, Arthur, Lockport.
Chesson Slaughter House, Vinter.
*City Abattoir, Inc., Baton Rouge.
Coleman Slaughter House, Fields.
Courville Slaughter House, Lafayette.
Crawford's Super Market, Covington.
Crain Slaughter House, J. A., Franklinton.
Crain Slaughter House, L. V., Varnado.
Crumpler's Packing House, DeRidder.
Cutrer's Slaughter House, Frank, Kentwood.
Davis Slaughter House, John A., Nonesville.
Delcambre Slaughter House, E. J., New Iberia.
Dufrene Slaughter and Packing Co., Allemands.
*Ferriday Packing Plant, Ferriday.
*Fontenot Sausage Kitchen, Frank, Ville Platte.
*Frey and Sons, Inc., L. A., Lafayette.
*Fuselier Packing Plant, Ville Platte.
Fontenot Slaughter House, Wilson, Ville Platte.
Green Slaughterhouse, Edward, Bastrop.
Goodman Slaughter House, Winnsboro.
Grant Slaughter House, Kurthwood.
Guy Merchandise and Market, H and H, Angie.
*H and S Packing Co., Baton Rouge.
*Harris and Co., Ed, Ferriday.
Hyde's Slaughter House, Jessie, Robert.
Jagneaux Sausage Kitchen, Opelousas.
Johnson Slaughter House, Opelousas.
Kennedy Bros. Meat Products, Bogalusa.
Knight Slaughter House, S. A., Bogalusa.
Knight Slaughter House, W. E., Franklinton.
Knight Slaughter House, W. W., Franklinton.
Ledoux Slaughter House, Layton, Opelousas.
Ledoux Slaughter House, Boo, Eunice.
Liste's Meat Market, Patterson.
Luke Packing Co., Centerville.
*McManus Abattoir and Market, Eunice.
*Micelle Packing Plant, Lake Charles.
*Monroe Packing Co., Monroe.
Morris Slaughter House, Kentwood.
Mougeot Slaughter House, New Roads.
Nash Slaughter House, DeRidder.
*New Orleans Butchers Abattoir, New Orleans.
Northside Packing House, Lake Charles.
*Peltier Packing Co., Inc., Thibodaux.
*Old South Packing Co., Baton Rouge.
*Port City Packing Plant, Scotandville.
Olla Meat Co., Olla.
Pickett's Slaughter House, Delhi.
Pizzolatto Slaughter House, Lewis, Crowley.
Prather's City Abattoir, Crowley.
Prejean Wholesale Meat, Carencro.
Quin Packing Co., T. R., Cayka.
Ravia's Slaughter House, Sulphur.
*Rapides Packing Co,, Alexandria.
Rodrigue's Meat Market, Allen, Thibodaux.
Sances Slaughter House, Ned, Bogalusa.
*Shreveport Packing Co., Inc., Shreveport.
Stanley Locker Plant, Logansport.
*Stevens Meat Co., Inc., Gonzales.
Strohe Slaughter House, Welsh.
*Tallulah Slaughter House, Tallulah.
Thigpen Packing Co., R. E., Mansfield.
*Theriot and Daigle, Houma.
Veasey Slaughter House, Abbeville.
Walker Slaughter House, White Castle.
Watson Slaughter House, Jonesboro.

Wesley Market, Amite.
Wiggins Wholesale and Retail Meats, Winnsboro.
Wiltz Robichaux Slaughter House, Crowley.
Wood Slaughter House, L. E., Franklintown.
Up-to-Date Market and Slaughter House, Sulphur.

MAINE

Augusta Abattoir, Augusta.
Boston Bros., North Berwick.
Boynton, Lawrence, Bridgton.
Chasse and Son, Ralph, Sanford.
Hansen and Smith, Inc., St. Albans.
Penley, E. W., Auburn.
Stearns, Inc., Auburn.

MARYLAND

Bauerlien, Edward C., Hampstead.
Benson Meat Products Co., Fallston.
Blessing, Frank I., Deymar.
Bollingers Meat Market, Emmitsburg.
Boyle, B. H., Emmitsburg.
Burger, Samuel B., Williamsport.
Brewer's, H. W., Williamsport.
Brook Meadow Provision Co., Hagerstown.
Bullock, G. Winston, Westminster.
Cecil Provision Co., Elkton.
Clopper, Charles W., Clear Spring.
County Butchers, Inc., Granite.
Crystal Ice and Cold Storage Co., Cambridge.
*Dutterer's of Manchester, Inc., Manchester.
Eby, Irvin E., Hagerstown.
Fraley, J. Austin, Thurmont.
Gaithersburg Locker Service, Gaithersburg.
Gladhill Meat Market, Damascus.
Glosser, John E., Hagerstown.
*Hahn Bros., Inc., Westminster.
Harden's Meat Market, Eckart Mines.
Harsch, M. D., Sr., Williamsport.
*Heil, Henry, Baltimore.
Hemp and Sons, R. D., Jefferson.
Hoffman and Son, Roy L., Hagerstown.
Holsinger, C. M., Hagerstown.
Howard County Meat Mart, Inc., Ellicott City.
Hurd and Son, C. G., Hagerstown.
*Joska, Anthony, Baltimore.
Late, Howard F., Thurmont.
Lotz's Wholesale Meats, Frostburg.
Main and Sons, C. F., Middletown.
Martin and Son, Edward T., Joppa.
*Maryland Beef and Provision Co., Baltimore.
Metz, Walter M., Williamsport.
*Meyers, William F. and Sons, Westminster.
Miller, Charles, Manchester.
Montgomery Bros., Rising Sun.
Moser, Weaver F., Boonsboro.
Mt. Airy Locker Co., Mount Airy.
Nichols and Smith Meat Market, Federalsburg.
*Reid, George L., Baltimore.
*Ruppersberger and Sons., George G., Baltimore.
Ryan's Butcher Shop, Fallston.
*Schmidt, A. W. and Son, Inc., Baltimore.
*Schmidt and Company, Charles J., Baltimore.
Shallcross, H. E., Rising Sun.
Shaum, F. E., Taneytown.
Shuff, Harry William, Thurmont.
*Stapf, August E., Baltimore.
Thompson's Food Market, Maryland Line.
Treuth and Sons., J. W., Catonsville.
Welty's Market, Emmitsburg.
Weston Farms Inc., Knoxville.
Whitehall Lockers, Gambrills.
Will, Weldon W., Sykesville.
Wolfe's Slaughter House, Cumberland.
Yingling Brothers, Union Bridge.
Yoders Locker Plant, Grantsville.

MASSACHUSETTS

Arena and Sons, A., Hopkinton.
Axler, Abraham (Hatfield Beef Co.), Hatfield.
Bickford's, Cheshire.
Blood and Son, E. L., West Groton.
Bonanno and Sons, Rocco, Methuen.
Budnick and Son, E., Boxford.
Cohen Beef Co., Inc., Jacob, Brighton.
Cook, Edric, Hyden.
Cramers, Louis, North Adams.
Goldberg, Morris, Great Barrington.
Grasso, Angelo, Agawam.
Harris Slaughterhouse, George A., Winchendon.
Hurlburt Slaughterhouse, Ronald, West Orange.
Independent Packing Co., Brockton.
Johnson, Lewis, Templeton.
Judkins, F. H., Athol.
Kabatchnick, Mark Sidney, Chester.
Levine, Louis, Great Barrington.
Mason, Frank F., Williamstown.
McAdoo, Harold A., Bolton.
Miller and Son, Ira G., Milford.
Pekarski, T. Walter, South Deerfield.
Reynolds Slaughterhouse, Shelburne.
Robbins, Richard, Ashby.
Santos Company, Charles, Tewksbury.
Scibelli, Anthony J., Southwick.
Sciebelli, George A., Southwick.
Sheinhit, Jacob, Peabody.
Stearns, Ed, Charlton.
Streeter Slaughter House, Bernardston.
Strycharz Slaughterhouse, Blackstone.
Suprenant, Peter, Leverett.
Szala Slaughtering Establishment, Hadley.
Wiegert Company, George, Worcester.
Wilbur, Joseph H., South Easton.
Wohrle's, Inc., Pittsfield.

MICHIGAN

Allen Packing Co., Charlotte.
*Allendale Beef Co., Allendale.
Anderson Packing Co., Inc., J. S., Muskegon.
*Arensen Packing Co., Grand Rapids.
Besbris and Sons, Inc., Max, Kalamazoo.
*Bettinger and Barnett Beef Co., Detroit.
*Christie Packing Co., Schoolcraft.
Clare Packing Co., Clare.
*Cohen and Levenberg, Detroit.
*Costello Packing Co., Detroit.
Cox Slaughterhouse, Hudson.
*Double Jay Packing Corp., Dutton.
*Dykstra Bros., Grand Rapids.
Edson, Inc., Lee, Hudsonville.
Fillmore Beef Co., Holland.
41 Super Market, Menominee.
*Gemmen and Son, Albert, Allendale.
Goose and Co., Jack, Detroit.
Haarer's Meat Processing Plant, Saline.
Hazekamp and Sons, Bert, Muskegon.
Heaters Fresh Meat, Dowagiac.
Hess, Earl J., Slaughter House, Ceresco.
Hillsdale County Meats, Hudson.
Hudson Locker Service, Hudson.
*Huler Abattoirs, Inc., Detroit.
Independent Packing Co., Menominee.
*Johnson Slaughtering Establishment, Carl R., Kalamazoo.
Kalamazoo Packing Co., Vicksburg.
Kappler Packing Co., Ann Arbor.
Kiebler, A. M. and Sons, Clinton.
Kirby Packing Co., Detroit.
Lengel Meat Packers, Inc., Temperance.
*Loewnstein and Son, S., Detroit.
Lytle and Sons, W. E., Coldwater.
Marshall Packing Co., Bruce T., Bay City.
*Merritt Packing Co., Carrollton.
Meyer Provision Co., Iron River.
Midway Farm Market, Cassopolis.
*Midway Packing Co., Wayland.
*Monarch Packing Co., Detroit.
Moor Slaughtering Establishment, Don, Homer.
*Morris Snow and Co., Detroit.
Myaard, J. and Son, Hudsonville.
*Nathan Rubin, Inc., Detroit.
Newsom Slaughter House, Niles.
*Nichols-Foss Packing Co., Bay City.
Park-Way Meat Co., Flatrock.
Parsell Beef Co., Flint.
Paul, Leo, Slaughtering Establishment, Coldwater.
Paulsen and Son, Inc., Max, Muskegon.
*Peet Packing Co., Bay City.
*Peet Packing Co., Chesaning.
*Peet Packing Co., Grand Rapids.
Perry Packing Co., J., Hart.
Pleasant Valley Packing Co., Schoolcraft.
Primeat Packing Co., Detroit.
*Quincy Locker Co., Quincy.
Reznik Packing Plant, South Haven.
Riverside Packing Co., Jackson.
Rountree Packing Co., Hanover.
Schmidt Packing Co., Niles.
Shaw Wholesale Meats, R. I., Casanovia.
Simpson's Country Market, Galien.
*Smallegan, Arthur, Forest Grove.
Smith Packing Co., Hubert H., Muskegon.
Smith Packing Plant, H. A., Fort Huron.
Snyder Farms, Byron Center.
*Standard Beef, Inc. (east), Detroit.
*Standard Beef, Inc. (west), Detroit.
Steeb Bros., Ann Arbor.
*Tamaren Beef Co., Isaac, Detroit.
*Tannehill and De Young, Inc., Traverse City.
Telfer Packing Co., Owosso.
Terrill Super Market, Marcellus.
Thompson Beef Co., Hamtramck.
Van Alstine, William, East Lansing.
*Vander Boon Bros., Ada.
*Victory Beef Co., Detroit.
*Vogt Packing Co., Flint.
*Wall Packing Co., Sturgis.
*Wayne Packing Co., Detroit.
*Zandbergen Slaughterhouse, Grandville.

MINNESOTA

Caldwell Packing Co., Windom.

MISSISSIPPI

Archer, B. F., Mathieston.
B & B Packing Co., Byram.
Barnett Sausage Co., North Biloxi.
Belmont Packing Co., Belmont.
Betbeze Bros. Packing Co., Meridian.
Brumfield, A. J., Tylertown.
Bryant's Super Market, Winona.
Burks Slaughter House, Carriere.
*Central Packing Co., Hattiesburg.
Cochran Frozen Food Locker, Waynesboro.
Columbus Packing Co., Columbus.
Columbus Provisior Co., Columbus.
Counce Curing Plant, H. R., Corinth.
*Delta Packing Co., Clarksdale.
Davis Bros., West Point.
*Dedeaux Packing Co., Gulfport.
Delta and Pineland Co., Scott.
Fortenberry, Ben, Carriere.
Fortenberry, Kearney E., Sandy Hook.
*Gilbert Slaughter House, B. J., McComb.
Happy Acres, Petal.
*Hickman, H. J., Gulfport.
Isbell and Sons Meat Curing Plant, A. H., Corinth.
Isbell Distributing Co., Corinth.
Jackson Packing Co., Jackson.
*John R. Bounds Slaughtering Establishment, Picayune.
Jones, Ruby, Slaughter House, Summit.
Jones Slaughter House, Brookhaven.
Lamey's Slaughter House, Biloxi.
Lauderdale Cold Storage, Meridian.
*Mallett, F. S., North Biloxi.
McBride Curing Plant, Iuka.
Michel Packing Co., C., Meridian.
Orman's Sausage Co., Ellisville.
*Owen Bros. Packing Co., Meridian.
Ole Hickory Sausage Plant, Magnolia.
Passbach Slaughtering House, Natchez.
*Pioneer Provisions Co., Grenada.
Robinson Bros. Packing Co., Batesville.
Sam's Slaughter House, Waynesboro.
Stringer Slaughter House, Columbia.
*Valley Farm Packing Co., Laurel.
Van Norman Slaughtering Establishment, McComb.
Vicksburg Packing Co., Vicksburg.
Waller Slaughter House, Waynesboro.
*West Packing Co., Indianola.
Wise and Wise Packing Co., Greenville.

MISSOURI

Alewel Bros. Locker Plant, Concordia.
Anderman Slaughter Establishment, Edward, Hickman Mills.
Asel's Slaughter House, Washington.
Baker Packing Co., Mexico.
Barton County Packing Co., Inc., Lamar.
Baum Packing Co., Dan, St. Louis.
Bouchaert Packing Co., St. Louis.



Central Packing Co., Cape Girardeau.
*Cloud Packing Co., Ned, Springfield.
Coleman Packing Plant, Holden.
Copes' Slaughter Co., Palmyra.
Crandal's Frozen Food Lockers, Warrensburg.
Cummins Custom Butchery, Webb City.
Delaloye and Sons, Troy.
Dexter Packing Co., Dexter.
Evans and Sons Slaughtering Establishment, E. S., Carthage.
Frick's Super Market, Inc., Washington.
Frick Slaughter Service, Union.
General Meat Co., St. Louis.
Grand Packing Co., Imperial.
Grote, T. J., Imperial.
Herrod Packing Co., Inc., Joplin.
Hester Packing Co., A. L., Bernie.
Kornbelt Packing Co., St. Louis.
Lebanon Packing Co., Lebanon.
*Le Duc Packing Co., Springfield.
Liberty Locker Co., Liberty.
M. F. A. Packing Division, Springfield.
Manning Dressed Beef, Springfield.
Maryville Packing Co., Maryville.
McGee's Home Killed Meats, Mexico.
Moberly Packing Plant, Moberly.
Modlin, Jack, Webb City.
Mueller's Meat Market, Altenburg.
Nenninger Packing Co., Cape Girardeau.
Ogden Slaughtering Establishment, Cottle P., Vandalia.
Paris Lockers and Abattoir, Inc., Paris.
Pemiscot Packing Co., Wardell.
Pipkin, Boyd Neal Packing Co., Cape Girardeau.
Poplar Bluff Packing Co., Poplar Bluff.
Raders, Inc., Columbia.
Reinhardt Packing Co., St. Louis.
Reitz Meat Products, Raytown.
Roseville Packing Co., Springfield.
Salem Auction Co., Salem.
Schneider Packing Co., St. Louis.
Sikeston Food Lockers, Sikeston.
Stanley Meat Co., Affton.
Twin City Packing Co., Festus.
United Meat Co., Inc., St. Louis.
Urbana Locker, Urbana.
Volz Packing Co., St. Louis.
Welsh Packing Co., Springfield.
Wicks Slaughter House, Walter, Pierce City.
Westerman, John, Troy.
Wuestling Packing Co., St. Louis.
Yentz Packing Co., Tipton.

MONTANA

Blastock Wholesale Meats, Butte.
Miles City Packing Co., Miles City.
City Meat Co., Wolf Point.
*Montana Meat Co., Helena.
New Butte Butchering Co., Butte.
Oljar Meat Co., Glendive.
Rahr, John, Glendive.
Sidney Locker and Creamery Co., Sidney.
Valley Meat Co., Sidney.

NEBRASKA

Brauer Packing Co., Chappell.
Bridgmon Wholesale, Tecumseh.
Community Locker Center, Fullerton.
Consumers Packing Co., Superior.
Custom Pack, Hastings.
Deerson Meat Packing Plant, Elkhorn.
Dundy County Processors, Benkelman.
F and S Sausage Co., Cozad.
Farmers Union Co-op Gas and Oil Co., Big Springs.
*Flicker Packing Co., Scottsbluff.
Ford Packing Co., Grand Island.
H and B Packing Co., Scottsbluff.
*Hersch Packing Co., Scottsbluff.
Holstein's Packing Co., Rushville.
Ideal Market, Gordon.
Jurgens Meat Service, Big Springs.
Kauf Packing Co., Hastings.
Nebraska Ice and Locker Service, Falls City.
North Platte Packing, Inc., North Platte.
Osborn's I. G. A. Store, Hay Springs.
Red Cloud Packing Co., Red Cloud.
Roode Packing Co., Inc., Fairbury.
Roman Packing Co., Norfolk.
Sanitary Market, Mitchell.
Saum Lockers, Davenport.
Shald Market, Gordon.
Snyder Packing Co., Red Cloud.
Standard Market, Hebron.
Sterling Packing Co., Sidney.
Superior Locker, Superior.
Swayze Packing Co., S. E., Edison.
*Vanderheiden's Slaughter House, Valentine.

NEVADA

Bybee Slaughtering Establishments, M. B., Ely.
Dangberg Meat Co., Gardnerville.
*Hecks Market, Fallon.
*Horloacher Meat Co., Fallon.
*Mori Slaughter House, Fallon.
*Mori Meat Co., Fallon.
*Nevada Meat Packing Co., Reno.
*People's Packing Co., Yerlington.
*Ruby Mountain Packing Co., Elko.

NEW HAMPSHIRE

Edwards, George, Walpole.
French Brothers Beef Co., Inc., Hooksett.
Hoffman, Fred, Hooksett.
Langelier, Lucien, Rochester.
Satzow, Samuel, Claremont.
Sherman's Market, Grantham.
Taylor, George, Dover.
Tri-City Beef and Pork Co., Somersworth.

NEW JERSEY

Brummel, Louis, Trenton.
Dealaman, George, Plainfield.
Delaware Packing Co., Trenton.
De Vries, John, Newton.
Carteret Abattoir, Carteret.
Dielmann, Fritz, Oak Ridge.
Earrusso, Joseph, Whippany.
Fisher Brothers, Bridgeton.
Haskell Packing Co., Haskell.
Mareska's, Stockton.
Monmouth County Abattoir, Asbury Park.
Moonlight Hog Farms, Flemington.
Mundy, Harry and Sons, Bound Brook.
Preziosi, George, New Village.
Rome, Clarence, Sussex.
Russo Packing Co., Bound Brook.
Salem Packing Co., Salem.
Schein, Inc., Hopelawn.
Singer, Philip L., Sussex.
Tindnik Son's, John, Trenton.
Trenton Packing Co., Trenton.
Vineland Dressed Beef Co., Vineland.
Wagner Provision Co., Gibbstown.
Young, A. A., Phillipsburg.

NEW MEXICO

Addington Locker Plant, Clayton.
Aztec Locker Plant, Aztec.
Belen Locker and Slaughter Pen, Belen.
Ben's Slaughterhouse, Las Vegas.
Dean Wholesale Meat Co., T. M., Hobbs.
Deming Packing Co., Deming.
Dick's Slaughtering House, Clovis.
Glover Packing Co., Roswell.
Hatch Packing Co., Portales.
Houk's Custom Slaughter Service, Clovis.
Las Cruces Meat Co., Las Cruces.
New Mexico Packing Co., Inc., Carlsbad.
Palmer Packing Co., Albuquerque.
Rancho Packing Co., Clovis.
Raton Packing Co., Raton.
Rayjax Packing Co., Fort Sumner.
Rollins Packing Co., Inc., Clovis.
66 Packing Co., Tucumcari.
Snell Packing Co., Inc., Clovis.
Starkey Packing Co., Clovis.
Stephens Packing Co., Albuquerque.
Schwartzman Packing Co., Albuquerque.
Taos Locker Plant, Inc., Taos.
Tularosa Packing Co., Tularosa.
Valley Packing House, Albuquerque.
Valley Packing Co., Fairview.
Valley Packing Co., Farmington.
Williams Slaughter House, Socorro.
Wofford Slaughtering Establishment, Santa Fe.
Zero Locker Plant, Portales.

NEW YORK

Acer, Inc., Buffalo.
Ahl, Charles F., Warsaw.
Archie and Sons, Inc., E. J., Buffalo.
Aronson and Milton Aronson, Jerome, Queensbury.
Aronson, William, Glens Falls.
Aust, A. J., Otto.
Baldwin Slaughterhouse, Orval W., Ripley.
Behr, Moritz, Catskill.
Bernacki Bros., Depew.
Bertch's Slaughter House and Meat Processing Plant, Almond.
Bieser, Frederick, Whitesville.
Booth, Harry L., Freedom Plains.
Brennan, P., Buffalo.
Cheektowaga Packing Co., Depew.
C. J. D. Packing Co., Inc., Buffalo.
Conti Packing Co., Henrietta.
Cuomo, Neil, Schenectady.
Dembo's, Troy.
DeVita, James and Gino, Endicott.
Dover Plains Packing, Dover Plains.
Eckman, Albert M., Frewsburg.
F. K. and Son, Inc., Buffalo.
Fairbank Farms, Ashville.
Farber Meat Packing Corp., Liberty.
Farber, Murray, Goshen.
Fargnoli, Sam and John, Endicott.
Ford, E. D., West Valley.
Frank Bros., Poughkeepsie.
Goebel Packing Co., Buffalo.
Goshen Packing Co., Howells.
Hans, Edward, Buffalo.
Harrison, W.W., Corning.
Hokan's Slaughterhouse, Angola.
Horlein and Son, Inc., E. C., Buffalo.
Kamery, John Wendell, Olean.
Kingston Beef Corp., Kingston.
Kittle, Nicholas A., Hudson.
Klinck Brothers, Inc., Buffalo.
Klinck and Schaller, Inc., Buffalo.
Kross-Ahl, West Albany.
Legters Bros., Clymer.
Levine, Abraham, Ellenville.
Liepshutz Market, Hudson.
Ludington Bros., Maine.
Maple Brook Slaughterhouse, Binghamton.
Maple Grove Farms, Syracuse.
Marbot, Frank, Troy.
McGuire, Frank B., Granville.
Medina Provision Co., Inc., Medina.
Meat Packing Co., William G., Strykersville.
Morandi Packing Co., Hillsdale.
Neckers, Norman C., Clymer.
Norman's Wholesale Meats, Buffalo.
Owsowitz, Maurice and Son, Buffalo.
Parker's Slaughter House, Schaghticoke.
Polyniak, Victoria, Newark Valley.
Poughkeepsie Beef Co., Inc., Poughkeepsie.
Ralph Packing Co., Inc., East Syracuse.
Rausch and Son, Inc., Frank, Buffalo.
Rosenblum Bros., Cohoes.
Scott, Herbert R., Brocton.
Selected Meat Packers, Inc., Schenectady.
Shappee and Sheive, Pine City.
Smith, Bernard G., Troy.
Smith, Harold J., Pine Plains.
Syracuse Packing and Provision Co., Camillus.
Staffeld and Sons, R. W., Buffalo.
Sussman, Louis, Cohoes.
Tog Packing Co., Inc., Buffalo.
Utica Veal Co., Inc., Marcy.
Valentine's Slaughtering Establishment, Kennedy.
Waldenmaier and Sons, George, Feura Bush.
Wallens Byrne Packing Corp., Buffalo.
Wieberg, James N., Pine City.
Ziff, Herbert M., Elmira.

NORTH CAROLINA

*Aberdeen Packing Co., Aberdeen.
Asheville Packing Co., West Asheville.
Boyd and Sons, John, Gastonia.
Bryant Packing Corp., Asheville.
Caldwell Packing Co., Cramerton.
*Carolina Packers, Smithfield.
Chadbourn Packing Co., Chadbourn.
Circle "F" Abattoir, Lexington.
Cook's Packing Co., Inc., Concord.

*Curtis Packing Co., Greensboro.
Draughon's Abattoir, Fayetteville.
Edward's Abattoir, Leaksville.
*Elliott Packing Co., Inc., Goldsboro.
Fritz Packing Co., Inc., Lexington.
Greenville Packing Co., Greenville.
*Hickory Packing Co., Hickory.
*Jones Abattoir Co., Garner.
Land's Slaughterhouse, Spray.
Martin's Abattoir, Godwin.
McDaniel's Abattoir, Fayetteville.
Moricle Abattoir, Reidsville.
Mount Airy Abattoir, Mount Airy.
*New Bern Provision Co., New Bern.
*Piedmont Packing Co., Hillsboro.
Randolph Packing Co., Asheboro.
Shelby Abattoir and Processing, Inc., Shelby.
Skeen Packing Co., High Point.
Statesville Packing Co., Inc., Statesville.
Stewart's Abattoir, Mount Airy.
Whicker Packing Co., William A., Mocksville.
White Packing Co., Inc., Salisbury.
Wilmington Packing Co., Inc., Wilmington.
Yadkin Valley Packers, Inc., Elkin.

NORTH DAKOTA

Bean, Lloyd, Williston.
Delaney Packing Co., Williston.
Williston Meat Co., Williston.

OHIO

Barnes Provision, Inc., Alliance.
Berry S. P., Winchester.
Boll and Son, John, Ironton.
Braun Bros. Packing Co., Troy.
Buchy Packing Co., Charles G., Greenville.
Bussard Slaughter House, Germantown.
Busse and Sons, L. W., Fort Laramie.
Canton Provision Co., Canton.
*Ciralsky Packing Co., Toledo.
*Copley Packing Co., Copley.
Country Pork House, Cincinnati.
Crystal Slaughtering Establishment, Martin's Ferry.
*Davies, David, Inc. (616 West Mound St.), Columbus.
*Davies, David, Inc. (1340 Jackson Pike), Columbus.
*Davies, David, Inc., Zanesville.
De Luca Slaughtering Establishment, Rayland.
DiCillo and Sons, Inc., A., Cleveland.
Donelson Packing Co., Carey.
Duma Packing Co., Clinton.
*Eckert Packing Co., Defiance.
Egley's Slaughtering Establishment, Convoy.
*Evans Packing Co., Gallipolis.
Fairmount Provision Co., Alliance.
Falter, Herman Packing Co., Columbus.
Fehers Slaughtering Establishment, Martins Ferry.
Fidel Bros. Packing Co., Unionville.
Findlay Provision Co., Findlay.
Fink and Heine Co., Springfield.
Finley Packing Plant, Inc., McConnelsville.
Fletchner Bros. Packing Co., Inc., Fostoria.
Frame Slaughtering Establishment, Myron, Manchester.
Focke's Sons, William, Dayton.
Gertenlager Meats, Inc., Creston.
Gils, K. C., Cleveland.
Goldsberry Slaughtering Establishment, Ripley.
*Hall Brothers, Inc., Olmsted Falls.
Hasselback and Son, E. E., Fremont.
*Henry Packing Co., Lime City.
Hermann, O., and Son Slaughtering Establishment, Portsmouth.
Hostetter Meats, Apple Creek.
Hunt Meat Packer, Grove City.
Ideal Provision, Martins Ferry.
Jacoby, Hal C., West Unity.
Kent Provision Co., Inc., Kent.
Krugh's Slaughtering Establishment, Wren.
Liber and Co., John, Alliance.
Lloyd Packing Co., Youngstown.
Lorain Elyria Packing Co., Elyria.
Mahan Slaughtering Establishment, Bristolville.
*Marks and Sons, Inc., Cleveland.
Martin Farm Slaughter House, Fremont.
Matthews, J. H. and Son, Sardinia.
Meloni's Meat, Kinsman.
Myers and Son, Archbold.
New Cooperative Co., Dillonvale.
Ohio Packing Co., Columbus.
*Pacer Packing Co., Toledo.
Peters Slaughter House, E. L., Lewisburg.
Pioneer Sausage Co., Wheelersburg.
Piper and Son Provision, Dorset.
Pride of Lima Provision Co., Lima.
Rittenberger Bros., Zanesville.
Romer Slaughter House, Coldwater.
Ross Abattoir Co., Springfield.
*Routh Packing Co., Tiffin.
*Sandusky Dressed Beef, Sandusky.
*Schmidt Provision Co., Toledo.
Scioto Provision Co., Neward.
Sear's Meat Market, Greenville.
Seaman Sons, A. C., Versailles.
Sigl Samuel Slaughter House, Jefferson.
Sturgis Packing Co., Kenton.
Sugardale Provision Co., Canton.
Summerside Packing Co., Cincinnati.
Superior Provision Co., Massillon.
Suter's Meat Market, Greenville.
*Tanks Meats, Elmore.
Teufel Co., Howard A., Cleveland.
Vonder Haar, A. F., Fort Recovery.
Walter and Sons, Wapakoneta.
Webb Beef Co., Cleveland.
Weber Packing Co., Marietta.
Williman's Slaughtering Establishment, Van Wert.
Winner Sons, Robert F., Osgood.

OKLAHOMA

*Akins and Fincannon, Sand Springs.
Antler's Slaughter House, Antlers.
B and B Packing Co., Inc., Oklahoma City.
Banfield Packing Co., Enid.
Braden's Slaughtering Establishment, Ponca City.
*Brooks Packing Co., Tulsa.
Brown's Slaughtering Establishment, Joe S., Tulsa.
Butcher Slaughtering Establishment, Bartlesville.
Butcher Packing Co., W. H., Oklahoma City.
*Canadien Valley Slaughtering Establishment, Oklahoma City.
*Central Packing Co., Muskogee.
City Packing Co., Shawnee.
Clarks Meats Slaughtering Establishment, Perry.
Cleveland Lockers, Cleveland.
Coly's, H. H., Boise City.
*Cones Packing Co., Miami.
*Cornett Slaughtering Establishment, Oklahoma City.
Crosby and Crosby Slaughtering Establishment, Wright City.
Cushing Packing and Provision Co., Cushing.
*Custom Slaughtering, Inc., Tulsa.
*Daack Packing Co., Ponca City.
Dudley Tucker Slaughter, Durant.
Elkins Market, Waurika.
*Enid Packing Co., Enid.
Fairview Packing Plant, Fairview.
Fraser Packing Co., Aline.
Fraser Wholesale Meat Co., Ardmore.
Groceteria Slaughtering Establishment, Texhoma.
Halstead Slaughtering Establishment, Fairview.
Hamilton Slaughtering Establishment, Midford.
Harris Meat and Produce Co., Oklahoma City.
Harrison's Meat House, Oklahoma City.
Hutchinson Slaughtering Establishment, W. R., Waynoka.
Jackson Slaughtering Establishment, Earl, Pawhuska.
Jones Market, Madill.
*Lawton Meat Supply, Lawton.
*Little Dixie Packing Co., McAlester.
Manschreck Wholesale Meats, Krebs.
McCreary Packing Co., Enid.
*Miller Packing Co., Sapulpa.
Miller Slaughtering Establishment, Elmer, Covington.
Montgomery Bros., Hugo.
Morris Slaughtering Establishment, J. C., Stillwell.
*Oklahoma Packing Co., Oklahoma City.
*Okmulgee Packing Co., Okmulgee.
*O'Brien Meat Co., Tulsa.
*O. K. Packing Co., Tecumseh.
Osage County Packing Co., Fairfax.
Ponca City Packing Co., Ponca City.
Puckett Packing Co., Sayre.
*Reeves Packing Co., W. E., Ada.
Riber Custom Slaughtering Establishment, Hominy.
Ridley Packing Co., Duncan.
*Santa Fe Packing Co., Muskogee.
*Shalloup Slaughtering Establishment, Alva.
*Southeastern Slaughtering Establishment No. 91, Durant.
Thomas, Earl C., Moore.
Tri-State Super Market, Guymon.
*Tulsa Beef and Provision Co., Tulsa.
Turner Bros., Nowata.
Turner Slaughtering Establishment, Fred, Chandler.
*Turvey, Inc., Oklahoma City.
*Turvey Packing Co., Blackwell.
Union Packing Co., Hartshorne.
Van Cleve, C. L., Tulsa.
Ward Slaughter Establishment, John, Woodward.
Willburn Meat Market, Madill.
Whitten Slaughter House, Broken Bow.
Whittet, Billy W., Dacoma.
*Wickham Packing Co., Ada.
*Wickham Packing Co., Sapulpa.
Wiley Brewer Slaughtering Establishment, Seiling.
Woods, Lloyd, Westville.
Woodward Packing Co., Woodward.

OREGON

Ab's Slaughterhouse, Sherwood.
Alpine Meat Co., Grants Pass.
*Arrow Meat Co., Cornelius.
*Associated Meat Packers, Portland.
Bevins Packing Co., Madras.
Bond Bros., Lakeview.
Boston Beef House, Ontario.
Boyer Meat, Roseburg.
*Bruce Packing Co., Sublimity.
Cannon Meat Co., R. O., Salem.
Cedar Point Packing Co., Coquille.
Cinder Butte Packing Co., Redmond.
Clover Leaf Packing Co., Drain.
*Crooked River Meat Co., Prineville.
Dalles City Pack, Dalles.
Eldridge Packing Co., La Grande.
Erdman Packing Co., Bandon.
Farmers Packing Co., Medford.
Folett Meat Co., Hermiston.
Gardner Midway Meats, Donald R., Medford.
Garrison, R. O., Lebanon.
Grants Pass Provision Co., Grants Pass.
H and M Meat Co., Union.
Heppner Slaughter House, Heppner.
Hill Meat Co., Pendleton.
*Hopkin's Wholesale Meats, Nyssa.
Independent Meat Co., Ken and Thomas, Ashland.
Jacobmuhlen, John, Cornelius.
*Kenton Packing Co., Portland.
Lewis Bros. Secion Lime and Kine Road, Gresham.
Eastside Abattoir, Ashland.
Medford Meat Co., Medford.
Merrill Meat Co., Merrill.
*Midway Meat Co., Medford.
Montgomery's Killing Plant, Silverton.
Mount Angel Meat Co., Mount Angel.
Myers Cold Storage Lockers, Don, Elgin.
Myers Packing Co., Bend.
Myrtle Packing Co., Coquille.
*Nebergall Meat Co., Inc., D. E., Albany.
Ontario Meat Packing, Ontario.
*Pioneer Meat Packers, Ontario.
Rogue Valley Packing Co., Myrtle Creek.
*Silver Falls Packing Co., Portland.
Stanfield Meat, Stanfield.
Steen Bros., Albany.
Super Packing Co., Klamath Falls.
*T. P. Packing Co., Klamath Falls.



Troutman's Market, North Plains.
Van Dine Meat Co., Myrtle Creek.
Western Meats, Milton-Freewater.
Yocum Meat Co., Coos Bay.

PENNSYLVANIA

Ahrens and Sons, Inc., E. F., York.
Alba, Saverio, and William, Norristown.
Albert Packing Co., Washington.
Alfery's Sausage Co., Greensburg.
Alinikoff's and Son, Harry, Wilkes-Barre.
Aliquippa Packing Co., Aliquippa.
Anspach, Charles C., Womelsdorf.
Anderson, Roy, East Berlin.
Arena Dressed Beef Co., Norristown.
Attig Bros., Schrewsbury.
Baker's Meat Market, Biglerville.
Baker, Luther, Millville.
Balderston Bros., Newton.
Baringer, Wilmer, Richlandtown.
Barnes, T. William, Waynesburg.
Baum, Daniel S., Elizabethtown.
Baumgardner Packing Co., Finleyville.
Beatty Farm Meat Products, Turtle Creek.
Beaver Valley Packing Co., New Brighton.
Berks Welfare Farms, West Leesport.
Berwick Packing Co., Berwick.
Bethlehem Packing Co., Bethlehem.
Biderman and Moss, Inc., Philadelphia.
Bierer, Daniel R., Uniontown.
Bilski, Joseph, Waterford.
Bingman Packing Co., Berlin.
Bloomfield Packing Co., Pittsburgh.
Bonaccurso and Sons, S., Philadelphia.
Bongiorni Bros., Slovan.
Bonanno, Jake, Germantown.
Border, Carlos R., Dalmatia.
Boose, H. Melvin, Manheim.
Bovalina Packing Co., Inc., Slovan.
Bowders and Son, H. C., Waynesboro.
Bowman, Mark, Hegins.
Boyer, Kenneth L., Klingerstown.
Brand, William, Pipersville.
Breauchy, Harry H., Sharon.
Brenzovich's Meat Market, Jefferson.
Brillhart's Meat Market, Hanover.
Bristol Beef Co., Bristol.
Brown Brothers and Sons, Inc., Fairview.
Brown's Slaughter House, Smethport.
Bryan, John J., Dushore.
Bubbenmoyer, C. W., Bernville.
Burkee's Food Market, McSherrytown.
Burkholder Bros., Lebanon.
Bush, G. D., Jamestown.
Butler Packing Co., Butler.
Bull Run Packing Co., Homeatead.
Cappuccio and Carbonaro, Philadelphia.
Carpenter Packing Co., Rex, Townville.
Carpenter, Simon T., Sheridan.
Cary, William L., Harrison Valley.
Castle Provision Co., Darraugh.
Charles Meat Market, Liverpool.
Clark Packing Co., Paxinos.
Cohick's Meat Market, Salladasburg.
Cowburn, Clark G., Ulysses.
Crissman Bros., Castanea.
Cunningham Turkey Farm, Sand Patch.
Daily and Sons, Vanderbilt.
Daisyfield Packing Co., Daisytown.
Danko, Matthew, Latrobe.
Darling, Lester W., La Plume.
Davidek, M. J., Breckenridge.
De Franco, Nick, Bangor.
De Franco, Philip, North Bangor.
Delfrate Packing Co., Slovan.
Delta Farm Products Co., Delta.
Denholm Packing Co., Pittsburgh.
Detwiler's Abattoir, Pottstown.
Devault Packing Co., Devault.
Ditzler Brothers Meat Market, Pine Grove.
Donnie's Food Market, East Berlin.
Dorshimer, David E., Brodheadsville.
Dressler, Paul, Exeter.
East Carson Packing Co., Pittsburgh.
Ebling's Meat Market, Myerstown.
Elizabethville Abattoir, Elizabethville.
Engle Bros., Markleysburg.
Engle and Schantz, East Greenville.
Eremic, George N., Monroeville.
Esposito, Attilio, Philadelphia.
Falk, Karl, Erie.
Feder Co., M., Allentown.
Fehl Co., C. J., Blooming Glen.
Fetterolf, Joseph I., Hegins.
Fisher, Harry D., Lewisburg.
Fischer and Sons, Inc., J. Fred, York.
Fisher, W. J., Winfield.
Flagler, John, Raubsville.
Fox, Augustus, Soudertown.
Fox, Henry J., Mertztown.
Freed's Store, Gilbertsville.
Froehlich Packing Co., Johnstown.
Frigid-Freeze Lockers, Riegelsville.
Gajan, John, Coal Center.
Galvanek, Edward and Joseph, Freeport.
Gartner-Harf, Waterford.
Gashel, Lee, Claysville.
Gassert, John A., Myerstown.
Gehman, Warren B., Norwood.
Gensemer's, Bloomsburg.
Gentzler, Wilfert N., Dever.
Gertner, Joseph and Stephen, Easton.
Ginter, Urban, St. Mary's.
Giorgio, J., Philadelphia.
Giunta and Sons, Joseph L., Philadelphia.
Glick Bros., Packing Co., Mt. Pleasant.
Godfrey Bros., Felton.
Godfrey, M. Melvin, York.
Godshall, Marvin K., Talford.
Goetz, Robert M., Greencastle.
Goldberg Provision Co., Greensburg.
Good, Incorporated, Carl, Denver.
Good's Market, Quincy.
Gorski, Frank, Hatfield.
Gourley, James P., New Bethlehem.
Grande Brother Packing, Farrell.
Grecek, Frank, Portage.
Green and Son, A., Berwick.
Great Valley Meat Market, Howellville.
Green Valley Packing Co., Claysville.
Greenville Packing Co., Greenville.
Grettler's Market, Girard.
Grissinger Bros., McConnellsburg.
Gum, Russell M., Pen Argyl.
Gurgacz, Mike P., New Castle.
Haas, Raymond, Weissport (East).
Hager's Meat Market, Quakertown.
Hahn Packing Co., Edward, Johnstown.
Haibach Bros., Erie.
Hale and Son, R. B., Halifax.
Hanover Provision Co., Hanover.
Hartman, Paul E., New Tripoli.
Hawkeye Meat Market, Scottdale.
Heckel and Ferlan, Pittsburgh.
Helm, Ralph E., Waynesboro.
Heinnickel, Sylvester and Alquin, Crabtree.
Herring, Paul A., Pitman.
Hervitz Packing Co., Harrisburg.
Hess Meats, Bob G., Winfield.
*Hickory Packing Co., Scranton.
Hill-n-Dale Farm Meat Co., Dowington.
Hilltop Beef and Provision Co., Loyalhanna.
Hippey, Samuel W., Willow Street.
Hoffer, Frank L., Carlisle.
Hoffman, Dale D., Salisbury.
Hoffman Estate, J. E., Williamstown.
Hollinger, J. Lloyd, Lancaster.
Hollinger Meat Products, Inc., Mechanicsburg.
Homestead Provision and Packing Co., Pittsburgh.
Honsaker Bros., Roaring Springs.
Hooversville Supply Co., Hooversville.
Hostoffer and Sons, E. B., Mount Pleasant.
Huffman, H. M., Vandergrift.
Huffman, Ralph L., Latrobe.
Hunsberger, Joseph J., Royersford.
Hutchison's Custom Butchering, Hydetown.
Hurks and Check, Pittsburgh.
Hynes Abattoir, O. J., Cedars.
Imgrund, D. E., New Baltimore.
Imler, Roy S., Altoona.
Imperial Packing Co., Imperial.
Innerst Bros., Dallastown.
Ishman, Robert J., Worthington.
J. T. Provision Co., McKeesport.
Janke's Slaughtering Establishment, Winburne.
Johnson Wholesale Meats, H. T., Northumberland.
Joseph Packing Co., Connellsville.
Juniata Packing Co., Tyrone.
Keefer, C. F., Mercersburg.
Keeney, M. Z., Hungerford.
Kelso, C. W., Hickory.
Kelso, Fred E., Brookville.
Kesselring, J. B., Greencastle.
*Kessler, Inc., Lemoyne.
Kipp, Harvey A., Bethlehem.
Kirkpatrick's Meat Market, Scotland.
Klein Provision Company, F. A., Pitcairn.
Kline Bros., Hollidaysburg.
Kling, Arthur C., Landisburg.
Knapp and Son, Lee, Albion.
Knight, Emerson, Penryn.
Kohn and Hendler, Philadelphia.
Kolansky, Abe, Wymart.
Kolb, Samuel, Spring City.
Kottcamp, Homer S., York.
Kovacevic Brothers, Sewickley.
Kratzer, Beulah M., Selinsgrove.
Kreisl Bros., Hazleton.
*Kreisl Brothers, Inc., Shamokin.
Kressler, Herbert H., Quakertown.
Kudasik, Andy, Central City.
Kuntz, Paul L., Punxsutawney.
Kunzler and Co., Inc., Lancaster.
Landis, Abram A., Harleysville.
Landis Brothers Slaughtering Establishment, Skippack.
Landis, Edgar M., Franconia.
Landis, T. M., Mainland.
Lawrence and Son, H. M., Albion.
Leali Bros. Meats, Sharon.
Lesnett's Green Top Farm, Greenville.
Lepidi and Sons, Inc., M., Jeannette.
Levchik, Mike, Hooversville.
Lichliter and Co., J. C., Salisbury.
Liddiard, Richard W., South Waverly.
Livezey, Merill, Sugar Grove.
Little and Son, L. D., Hanover.
Locustdale Packing Co., Locustdale.
Lofstead, Frank E., Beallsville.
Lonczynski, Thaddeus, Hazleton.
Loutsion Packing Co., Cannonsburg.
Lower's Store, Biglerville.
Luckenbill, Curtis T., Kutztown.
Lukon Meats, Burgettstown.
Lux, Joseph H., Jeannette.
Madrigale, Frank, Bristol.
Magdovitz Packing Co., Connellsville.
Mamula, Pete, Aliquippa.
Manieri, Inc., Philadelphia.
Markle, Clair R., Hanover.
Martin, Charles G. and Leon, East Earl.
Martin, Ezra W., Lancaster.
Marvin, Russell T., Covington.
Martocci, Anthony, Roseto.
McCall Packing Co., Rimersburg.
McClure Locker Plant, McClure.
McGee, G. Fred, Connellsville.
McLoughlin and Fickes, Fayetteville.
Meadow Valley Abattoir, Inc., Gettysburg.
*Medford's Inc., Chester.
Melvin, Arthur G., Greenville.
Meoli, Peter, Berwyn.
Milliron, Jess A., Cloe.
Miller, E. R., Hanover.
Mitman, Vernon K., Nazareth.
Moatz, C. A. J., Topton.
Moccio and Son, Angelo J., Allentown.
Moore, Amos, Sr., Montgomeryville.
Mount Rose Food Market, York.
Mowry and McKean Super Market, Sandy Lake.
Moyer Bros., Reinholds.
Moyer, Company, C. D., Silverdale.
Moxham Packing Co., Johnstown.
Munger's Locker Plant, North East.
Myers Bros., Spring Mills.
Myers Meat Market, Codorus.
Nace, Melvin M., Hanover.
Nell, C. R. and W. M., East Berlin.
Ness, P. H., York.
New Castle Packing Co., New Castle.
New Holland Meat Market, New Holland.
Newman, Raymond H., Hanover.
Newman's Market, Fairfield.
Northside Packing Co., Pittsburgh.
Northup, Gerry C., North East.
Oswald and Hess Co., Pittsburgh.
P. S. Meat Co., Inc., Philadelphia.
Palgon Bros., Tarentum.

Patterson's Meat Market, Littlestown.
Pennsylvania State University, University Park.
Peluso, John M., New Castle.
People's Meat Market, Brackenridge.
Peters Brothers Meat Market, Lenhartsville.
Pettello, Charles A., Keiser.
Petrucci's Abattoir, Drums.
Pezzner Bros., Ashley.
Pieniazek, Walter, Waterford.
Pleasant Unity Packing Co., Pleasant Unity.
Prim Packing Co., McDonald.
Princz, August, Mars.
Pudliner, Charles John, Jr., Johnstown.
Putnak, Robert L., Monongahela.
Quakertown Packing Co., Quakertown.
Rebuck, J. E., Rebuck.
Reed, Jay, Latrobe.
Rehrig Slaugher House, Ashfield.
Reichelderfer and Sons, E. H., East Greenville.
Reichert, Melvin N., Bechtelsville.
Reimold, Ed, Transfer.
Reitz, Maynard M., Winfield.
Reliable Provision Co., Scranton.
Rendulic, Frank D., McKeesport.
Rhodes, Glen J., Martinsburg.
Ritter, Charles D., Boyertown.
Riverside Meat Packing Co., New Castle.
Robie Meat Packing, Inc., Erie.
Rockhill's Meat Processing and Sales, Greenville.
Rosen, Max, Pittsburgh.
Rosen, Meyer, Creighton.
Roth and Son, C. R., Shiremanstown.
Roth, Ivan J., Shiremanstown.
Rothermel, Wellington A., Danville.
Rouman, Abram, Lansdale.
Rudy, Harry E., Landisville.
Rupert, Edgar B., Sr., Chambersburg.
Sabatasse Packing Co., Slovan.
Salsburg's Abattoir, Shillington.
Shaffer, Arthur L., New Cumberland.
Schantz, Clifford G., East Greenville.
Schrickram, Franklin, Port Clinton.
Schlegal, Irving J., Hegins.
Shaffer, Fred, Hooversville.
*Shamokin Packing Co., Shamokin.
Shaw Bros., Newry.
Shively Bros., Mifflinburg.
Shober, Roy L., Denver.
Sicilia, Frank, New Kensington.
Silver Lake Packing Co., Dunmore.
Silverberg Meats, Bradford.
Slagle's Packing House, Kittanning.
Smalstig, Fred, Pittsburgh.
Smelko Bros., Mt. Pleasant.
Smith's Quality Super Market, Glen Rock.
Smithgall and Ging, Trout Run.
Snowberger, Bros., East Freedom.
Snyder, Lloyd J., Fleetwood.
Somerset Packing Co., Bentleyville.
Spidle's Meat Market, Lancaster.
Spitzler's Meat Products, Inc., Uniontown.
Sprecher, Chester A., Fleetwood.
Spungin's Abattoir, Inc., Harrisburg.
Stairs, James, Confluence.
Stambaugh's Food Market, Spring Grove.
Steely, Harry N., Lewisberry.
Stehle, Julius, Eightyfour.
Steinkirchner, George, Jennerstown.
Stepniak, William, Hop Bottom.
Sterner's Grocery, Inc., Hanover.
Stockton's Wholesale Meats, Columbus.
Strunk Bros., Hereford.
Stuebgen's Meat Market, Saxonburg.
Taddio, Fred, Monaca.
Taylor Company, J. V., Wyalusing.
Tavernini, Alex, Portage.
Thoma, Paul, Saxonburg.
Thomas and Diehl, Glen Rock.
Thompson Packing Co., Jersey Shore.
Thornton, Howard J., Erie.
Triolo Brothers Food Market, Philadelphia.
Troutman Bros., Klingerstown.
Troutman, N. S. and C. H., Freeburg.
Troy Meat Plant, Inc., South of Troy.
Union Provision and Packing Co., Pittsburgh.
United Home Dressed Meat Co., Altoona.
Utz, Raymond R., Hanover.
Varano-Troutman, Kulpmont.
Venezia, Carl, Conshohocken.
Venezia, Joseph, Norristown.
Venuto, Joseph, Philadelphia.
Waddington, Howard C., New Castle.
Waddington, R. L., Wampum.
Walborn, R. A., Hershey.
Waltman, Donald E., Allenwood.
War, Prosper, Conshohocken.
Warrington Packing Co., Inc., Chalfont.
Waynesburg Packing Co., Waynesburg.
Weaver Brothers, Wellsville.
Wehry, William S., Klingerstown.
Weiss, Milton, Large.
Weiss Packing Co., Donora.
*Weller and Sons, Frank, Plymouth Meeting.
Wenrich, Earl S., Sinking Spring.
Werry, H. W., Scottdale.
West Apollo Packing House, West Apollo.
Western Provision, Inc., Erie.
Wike, Mamie S., Robesonia.
Wilcox, Gilbert, Milan.
Wildasin's Meat Market, Hanover.
*Wilkes-Barre Abattoir, Wilkes-Barre.
*Williamson's, G.W., Turbotville.
Willrich and Son, Thomas B., Edinboro.
Winbrook Farms, Paul-Winnick, New Castle.
Winner Packing Co., Lock Haven.
Winters, Walter W., Mahoningtown.
Wisnieski, Steve, New Castle.
Wolfe, Thomas F. and Lawrence H., Herdon.
Worthington, Warren H., Pennsdale.
Wright, Sharp B., Fombell.
Yambrovich, Steve., Sharpsville.
Yakubik, Frank, New Castle.
Yoder, Kermit C., Hollsopple.
Yoder's Meat Market, Shoemakersville.
Yoder Sons, C. M., Telford.
York Springs Meat Market, York Springs.
Yost, C. B., Logansville.
Youndt, John E., Adamstown.
Youndt, Robert L., Denver.
Zeller, Alfred., Cedars.
Zitman, C. B., Mercersburg.

RHODE ISLAND

A. B. C. Beef and Veal Co., Johnston.
Braumberg Packing Co., Johnston.
Bruno's Slaughterhouse, Westerly.
Burchard's Slaughterhouse, Foster.
Concord Dressed Beef and Veal Co., Pawtucket.
Cory's Slaughterhouse, Tiverton.
De Santis, John, Westerly.
Diamond Hill Packing Co., Cumberland.
Johnston Dressed Beef and Veal Co., Inc., Johnston.
Parrillo, Inc., Anthony, Johnston.
Rhody Trading Corp., Pawtucket.
Ricci Packing Co., J., Johnston.
Russo's Slaughterhouse, Bristol.
Sacco's Market, Westerly.

SOUTH CAROLINA

*Brown Packing Co., Greer.
*Carolina Abattoir, Columbia.
*Caughman's Meat Plant, Inc., Lexington.
Cheraw Packing Plant, Cheraw.
*Cherokee Packing Co., Inc., Gaffney.
Fairview Abattoir, Greenville.
Harmon Provision Co., Saluda.
Hill Packing Co., Camden.
Hodges Sales Co., Abbeville.
Hughey's Market, Easley.
*Kimmerlins Wholesale Meat Packing Plant, Orangeburg.
Lancaster Frozen Foods, Inc., Lancaster.
Oconee Abattoir, Seneca.
*Old Fort Packing Co., Walterboro.
Rick's Meat Packers, Aiken.
*Roddey Packing Co., Inc., Columbia.
*Southland Provision Co., Orangeburg.
*Spartanburg Abattoir, Spartanburg.
*Truesdale Wholesale Meat Co., West Columbia.
*Turner's Abattoir, T. M., Woodruff.

SOUTH DAKOTA

*Cimpl Packing Co., Yankton.
*Dean Packing Co., Vermillion.
*Flanery Sausage Co., Milbank.
Trumbull Packing Co., Sioux Falls.

TENNESSEE

*Baker's Processing Co., McKenzie.
Baltz Brothers Packing Co., Nashville.
Barnett's Grocery, Huntingdon.
Bill's Processing Plant, Dyersburg.
Brantley and Tillet, Shelbyville.
*Bridwell Packing Co., Kingsport.
Brothers Seafood, Winchester.
Bryson Packing Co., Somerville.
Carey Packing Co., Morristown.
Carthage Grocery and Locker, Carthage.
Castellaw's Slaughterhouse, Alamo.
Charlie's Slaughterhouse, Trenton.
*Chattanooga Sausage Co., Chattanooga.
Cook's Slaughterhouse, Dyersburg.
Cribb's Sausage Co., Memphis.
Dixie Sausage Co., Lebanon.
Duck River Sausage Co., Manchester.
Fayette Packing Co., Eads.
Fineberg Packing Co., Memphis.
*Fletcher Bros., Lenoir City.
Follis Slaughterhouse, Roy, Gadsden.
*Four Leaf Wholesale Meats, Lenoir City.
Foutch Grocery and Market, Cookeville.
Glasgow's Market, Dresden.
*Hackett's Meat Co., Carthage.
Hartsville Locker (McDonald Meats), Hartsville.
Hendon's Slaughterhouse, Milan.
Hickory Valley Packing Co., Hickory.
Hill's Wholesale Meats, Dayton.
Hyde, Ed., Gallatin.
*Jackson Packing Co., Jackson.
*Jacobs Packing Co., Nashville.
Lingo Packing Co., Jonesboro.
Lewis Benton Slaughter House, Hixon.
*Loomis Frozen Food Co., Inc., Sweetwater.
McMinnville Meat Co., McMinnville.
Moore, John L., Fayetteville.
Morrissey Meats and Provisions, Nashville.
*Morton Bros., Johnson City.
Napier, W. B., Celina.
*Norman's Packing Co., Covington.
Penn's Market, Trenton.
*Powell Wholesale Meats, Charles J., Chattanooga.
*Purity Packing Co., Powell.
Rakes Slaughterhouse, Watertown.
Randolph Produce Co., Crosaville.
Savannah Process and Locker, Savannah.
*Sell Meat Co., Johnson City.
Smith Packing Co., Nashville.
Smith's Market, Gallatin.
*Southern Provision Co., Chattanooga.
Stephen's Slaughter House, Savannah.
Summer's Slaughterhouse, Hollow Rock.
Sunnydale Meat Products, Inc., Nashville.
Tennessee Valley Packing Co., Columbia.
Thompson and Groce Provision Co., Fayetteville.
*Wade Bullo, Johnson City.
Wilkerson Slaughter House, Selmer.

TEXAS

*Alice Meat Co., Alice.
A.B.C. Packing Co., Wichita Falls.
Alamo Braun Beef Co., San Antonio.
*Allen's Wholesale Meats, McKinney.
Amarillo Packing Co., Amarillo.
Anderson Slaughtering and Processing Plant, Sherman.
Apache Packing Co., San Antonio.
Auge Packing Co., Ed., San Antonio.
Azle Food Locker Corp., Azle.
Berryhill Packing Co., Inc., Levelland.
Big 4 Packing Co., Perryton.
Brown's Slaughter House, Annona.
Burliston Packing Co., Wichita Falls.
Burton Bros. Public Abattoir, Houston.
Cash Bros. Packing Co., Inc., Dallas.
Central Packing Co., Wichita.
Chief Packing Co., Quanah.
*City Custom Packing, Inc., Houston.
Collins Packing Co., Morton.
Columbia Packing Co., Dallas.
*Crow Packing Co., Pecos.
*Dallas City Packing Co., Dallas.
*Dixon Packing Co., Inc., Houston.
*Ehrdsman Bros. Packing Co., Plainview.
Estes Bros. Packing Co., Fort Worth.
*Freedman Packing Co., Houston.



Gee and Gafford Slaughter House, Phillips.
Glover Packing Co. of Amarillo, Amarillo.
Golden Spread Packing Co., Amarillo.
Graham Packing Co., Graham.
*H and R Meat Co., Vernon.
Haley's Food Locker, Crowley.
Hereford Meat Co., Hereford.
*High Grade Packing Co., Inc., Galveston.
Highland Packers, Inc., Booker.
Jackson Wholesale Meats, O. B., Plainview.
Lamesa Meat Co., Lamesa.
Locker, Floyd, Spearman.
Lubbock Packing Co., Lubbock.
Jefferson Packing Co., Beaumont.
*Montes Packing Co., El Paso.
Myers Meat Co., Muleshoe.
*Newsom Packing Co., Mount Vernon.
*Newsom Packing Co., Mount Pleasant.
P and H Packing Co., Dallas.
Pace Packing Co., Inc., Sweetwater.
Panhandle Packing Co., Inc., Pampa.
*Pen Meat Packers, McKinney.
Perryton Packing Co., Perryton.
Pickering Abattoir (P and S Meats), Texarkana.
Pinkney Packing Co., Inc., Amarillo.
Pitner and Hensley, Denton.
Plains Beef Co., Amarillo.
Plains Beef Co., Borger.
*Pratt Packing Co., Inc., Sulphur Springs.
Quality Packing Co., San Antonio.
Queen's Custom Slaughter, Bovina.
Richards Slaughter House, Bovina.
*Roberts Wholesale Beef, Van Horn.
Select Meat Co., San Antonio.
*Smith's Frozen Foods Plant, Atlanta.
*Southern Packing Co., Denison.
Steuernagel Packing Co., San Antonio.
Shamrock Slaughtering Plant, Shamrock.
Stratford Frozen Food Lockers, Stratford.
Swindell's Country Sausage Plant, Quanah.
*Texall Packing Co., Houston.
Tyler Packing Co., Tyler.
Watkins Packing Co., Dalhart.
*West Texas Packing Co., San Angelo.
Wickham Packing Co., Inc., Longview.
*W.R. Packing Co., Orange.
*Wilburn and Miller Wholesale Meats, Denison.
Wolff Meat Co., San Antonio.
*Wright Packing Co., Vernon.
Zuma Meat Co., Beaumont.

UTAH

*Blue Mountain Meats, Monticello.
*Ellis Packing Co., Brigham City.
*Granite Meat and Livestock Market, Murray.
*Langston Packing Co., Hurricane.
*Midvale Packing Co., Midvale.
*Ogden Dressed Meat Co., Ogden.
*Parke and Son, William C., Ogden.
*Tri-Miller Packing Co., Hyrum.

VERMONT

Delairs Slaughtering Establishment, East Montpelier.
Gibbs Slaughtering Establishment, John A., Bradford.
Quinn Slaughtering Establishment, T. Gerald, Poultney.

VIRGINIA

*Danville Meat Supply, Inc., Danville.
*Green Hill, Inc., Elliston.
Isom's Slaughter House, Galax.
*Orndorff, Charles, Abattoir, Winchester.
Fleet & Co., Inc., Winchester.
*Harrell Bros., St. Brides.
Harrisonburg Wholesale Meat Co., Harrisonburg.
*McKenna, Inc., Lynchburg.
*Perlin Packing Co., Norfolk.
Rhymer and Coleman, Bristol.
Rosenbaum Slaughterhouse, Clyde, Glade Springs.
Snodgrass Brothers, Inc., Pennington Gap.
*Southern Packing Corp., Norfolk.
*Suffolk Packing Co., Inc., Suffolk.
Union Abattoir, Richmond.
*Perry's Abattoir, Winchester.
*Woodstock Wholesale Meats, Woodstock.

WASHINGTON

Chambers Packing Co., Tumwater.
Colfax Meat Co., Colfax.
*Curcio Packing No. 76, Walla Walla.
DeJong Packing Company No. 14, Lynden.
Evergreen Packing Co., Vancouver.
Farmers Meat Co. No. 50, Sumas.
Federal Packing Co., Everett.
*Federal Meat Co., Tacoma.
Ferry Bros., Inc., Ferndale.
Fischer Packing Co. No. 85, Issaquah.
Florence Packing Co. No. 6, East Stanwood.
*Grandview Packing Co., Grandview.
Gray's Harbor Meat Co., Hoquiam.
*Henry, James Packing No. 2, Seattle.
Johansen's Meats No. 41, Enumclaw.
Kenmore Packing Co., Bothell.
*Knight Packing Co. No. 21, Henry, Woodinville.
Kratzig Meat Co., Bellingham.
*Lewis River Meat Co. No. 118, Woodland.
*Longview Meat Co. No. 87, Longview.
McInroy Meat Co., Wilbur.
Methow Valley Meat Co., Twisp.
*Miller Packing Co., Seattle.
Monroe Packing Co., Monroe.
Mount Vernon Meat Co., Mount Vernon.
Moses Lake Meat Co., Moses Lake.
Norman Wirta No. 67, Chehalis.
*Pacific Meat Co., Puyallup.
Pasco Meat Packers, Inc., Pasco.
*Reichert's Meat Packing Co., No. 39, Longview.
Rosalia Packing Co., Rosalia.
Rice Meat Packing Co., No. 103, Veradale.
Schoner Meat Co. No. 30, Silverdale.
Shelton Meat Co., Shelton.
Sierk Meat Co., No. 55, Hams, Wenatchee.
Snohomish Packing Co., Snohomish.
*Valley Packing Co., Tacoma.
Weber and Rittner Co., Inc., No. 20, Sumner.
*Wenatchee Packing Co., Wenatchee.

WEST VIRGINIA

Balls Wholesale Meat Co., Kenova.
Bell Market, M. J., Blacksburg.
Bluegrass Market, Inc., Lewisburg.
Bridwell Packing House, Bluefield.
Brumfield, Jake, Huntington.
Camp Packing Co., Parkersburg.
Coleman, M. E., Packing Co., Oak Hill.
Crowgey Sausage Co., Kellysville.
Cissel Packing Co., Inc., Huntington.
Elm Grove Packing Co., Wheeling.
Ennis Slaughter House, Ufington.
Fancher, R. L., Shinnston.
Gamble and Son Market, Moundsville.
Hatton Wholesale Meat Co., Huntington.
Holy Sons Company, P. E., Charleston.
Hoverson Heights Packing Co., Pollansbee.
Independent Dressed Beef Co., Morgantown.
Jenkins, Frank M., Martinsburg.
Lambert and Beavers, Squire.
Lee's Modern Market, Osage.
Logan Packing Co., S. S., Huntington.
Mauk's Meat Market, Romney.
McClown and Sons Co., L. M., Charleston.
Miller Bros., Martinsburg.
Morlang, Henry, Inc., Parkersburg.
Niebergall and Martini, Inc., Wheeling.
Peerless Packing Co., Beckley.
Places Butchering Quarters, Martinsburg.
Smith Packing House, Parkersburg.
Smittle Packing, Paden City.
Solomon's Establishment, Frank, Fairview.
Staggs Meat Market, Burlington.
Stuart, Nate and Sons, Inc., Mt. Clare.
Thompson Bros. Packing Co., Bluefield.
Wade's Slaughter House, Mount Morris (Penna.)
Weimer Packing Co., Wheeling.
Wenzel Co., John, Wheeling.
Whitehall Packing Co., Watson.
Young and Stout, Inc., Clarksburg.
Rupert Meat and Poultry Supply, Rupert.

WISCONSIN

Bohrer's Packing Co., Muskego.
*Born and Son, August, Milwaukee.
Bruhn's Freeze Meats, Barton.
Bruinsma, Casey, Union Grove.
Clinton Packing, Inc., Clinton.
Curless Meat Plant, Brodhead.
Falls Locker Service, Menominee Falls.
Faust and Sons, Hy, Mayville.
Green Bay Packing Co., Green Bay.
Holland's Food and Locker, Juda.
*Jansen Meat Market, Coetburg.
Kenosha Packing Co., Kenosha.
*Luck, Inc., M., Milwaukee.
Luedke Bros. Slaughtering Establishment, Sheboygan.
Marchant, Willard J., Brussels.
Meier Slaughtering, Alfred, Monroe.
Merridith Corrigan, Saxon.
*Midwest Packing Co., Milwaukee.
*Quality Packing House, New London.
*Richberg and Son, N., Manitowoc.
Sawyer and Walter, East Troy.
Schaefer Sausage Co., Inc., Oshkosh.
Schams Slaughtering, John, LaCrosse.
Seymour Locker Storage, Peshtigo.
Shubert Market, Oshkosh.
*South Side Packing Co., Milwaukee.
*Stoppenbach Sausage Co., Jefferson.
Sykes Packing Co., Canton.
Tarlton Co., Lyman, Athelstane.
*Thielman Sausage Co., Elkhart Lake.
Thomson Packing Co., West De Pere.
*Valley Meat Service, Appleton.
Valley Packing Co., Kaukauna.
Van Vonderen, Fred, Seymour.
Weinstein Slaughter Establishment, Superior.
*Wolf River Sausage Co., Inc., Weyauwega.
Hagert's Locker, Siren.

WYOMING

K and B Cold Storage Co., Afton.
Ranchester Slaughtering Service, Ranchester.
*Rocky Mountain Packing Co., Casper.
*S and S Packing Co., Cheyenne.
Shy-Ann Packing Co., Cheyenne.
Torrington Packing Co., Inc., Torrington.
Triangle Packing Co., Worland.

The following stockyards and slaughtering establishments have been deleted from the list of specifically approved stockyards and slaughtering establishments, respectively, as follows:

*Stockyards*

ALABAMA

Arab Stockyard, Arab.
Limestone County Stockyard, Athens.
Washington County Stockyard, Chatom.

ARIZONA

Willcox Livestock Commission Co., Willcox.

ARKANSAS

Arkansas National Stockyards, North Little Rock.
Brewer Auction Co., Mountain View.
Cartwright Livestock Auction, Bruce, Magnolia.
Columbia County Livestock Auction, Magnolia.
Decatur Sales Co., Decatur.
El Dorado Sales Barn, El Dorado.
Green County Commission and Auction Co., Paragould.
Hensley Sale Barn, Fayetteville.
Izard County Sales Barn, Melbourne.
Magnolia Sales Barn, Magnolia.
McGehee Cattle Auction, McGehee.
Mena Auction Yards, Mena.
Nevada County Livestock Auction, Prescott.
Nettleton Stockyards and Auction, Nettleton.
Northwest Arkansas Livestock Auction, Fayetteville.
Producers Stockyards, Inc., North Little Rock.
Searcy Auction Co., Searcy.
Union Stockyards, Pine Bluff.
Weldon Auction Sale Barn, Weldon.

CALIFORNIA

Los Angeles Union Stockyards, Los Angeles.
Mariposa Commission Salesyard, Stockton.

South San Francisco Union Stockyards, San Francisco.
Stock Growers Commission Co., Stockton.

COLORADO

Trinidad Livestock Commission Co., Trinidad.
Wray Sales Barn, Wray.
Farmers Livestock Commission Co., Wray.

GEORGIA

Byram Auction Company, G. N., Newnan.
Coosa Valley Livestock Co., Rome.
Bleckley Livestock Auction, Cochran.
Fitzgerald Stockyards, Fitzgerald.
Gordon Roberts Livestock Co., Inc., Baxley.
Jesup Stockyard, Jesup.
Hudson-Troup Livestock Auction, Fitzgerald.
Ragsdale-McClure Commission Co., Rome.
Swainsboro Stockyards, Swainsboro.
Troup Livestock Sales Co., Inc., LaGrange.

IDAHO

Bonner Ferry Salesyard, Bonner Ferry.
Hayes Salesyard, Nampa.
Shoshone Livestock Auction Co., Shoshone.
WIM Livestock Commission Co., Bonners Ferry.

ILLINOIS

Anderson, Winlow, Andover.
Antioch Sales and Commission, Antioch.
Arnold Livestock Co., Gibson City.
Arnold Cattle Co., Silvis.
Arthur Auction Co., Arthur.
Atkinson Livestock Co., Atkinson.
Bailey Stockyards, Claude, Princeton.
Bainbridge Cattle Co., Byron.
Barrick Cattle Co., Dixon.
Bloomington Livestock Sale Pavilion, Bloomington.
Bothe-Dickey Cattle Co., Woosung.
Breed's Livestock Sales, Elizabeth.
Brennan Cattle Co., Kirkland.
Brennan Company, J. P., Princeton.
Brennan Cattle Co., Lanark.
Bristol Livestock Sales, Bristol Station.
Brookville Consignment Sale, Polo.
Brown County Sales Association, Mt. Sterling.
Brown and Stripe Cattle Co., Little York.
Bruington Cattle Company, George, Monmouth.
Burnidge and Son, Stanley, Hampshire.
Bunting and Sons, Robert, Albion.
Carrollton Auction Sales, Carrollton.
Champaign County Livestock Marketing Association, Urbana.
Charleston Livestock Auction, Charleston.
Chaudoin, Joe, Wapella.
Chicago Producers Commission Association, Montgomery.
Chicago Producers Commission Association, Malta.
Chicago Producers Commission Association, Princeton.
Clinton Livestock Sales, Clinton.
Colchester Sales Association, Colchester.
D.B.D. Livestock Co., Lyndon.
Dalrumple and Son, W. P., El Paso.
Darling and Heller, Washington.
Davis Cattle Co., Loren, Elburn.
Drehman, Robert, Genesseo.
Duplan and Rowand Livestock Commission, Chicago.
Emge Packing Co., Palestine.
Farley, H. L., Leland.
Feller Livestock Sales, Cissna Park.
Flanagan Livestock Auction, Flanagan.
Falley Stock Farm, Ray, O'Fallon.
Franklin County Livestock and Commission Co., Sesser.
Freehill Cattle Co., Melvin.
Gast, Ervin, Earlville.
Genesseo Sales Co., Genesseo.
Genesseo Cattle Co., Genesseo.
Greentop Farm Cattle Sales, Milledgeville.
Gudema, Herman, Shannon.
Halbert Cattle Co., J. C., Carbon Cliff.
Hays Cattle Co., Polo.
Haack, Hilbert M., Forreston.
Hartwig, W. C., Rockford.
Hennessey and Smith, Paris.
Hilltop Sales Barn, Alton.
Howard Cattle Co., Peoria.
Hunter, Frank, DeKalb.
Hutchison and Obrecht Cattle Co., Cambridge.
Illinois Auction Commission Co., Paris.
Jefferson County Sale Barn, Mt. Vernon.
Jennings Sales Co., Macomb.
Johnson, Paul, Waterman.
Kays, John and Edith, Ottawa.
Kenyon and Sons, Jack, Maple Park.
Kearney, Kenneth, Mason.
Knoxville Community Sale Co., Inc., Knoxville.
Landes Cattle Co., Paris.
Lazarus, Sam, Polo.
Leuer and Sons, Peter, Sugar Grove.
Livestock Service, Inc., Ohio.
Ludwig Cattle Co., Genoa.
Ludwig Cattle Co., Sycamore.
Macon County Sales Barn, Decatur.
Mansholt, Allan, Staunton.
Mansholt, Chester, Alhambra.
Mendota Livestock Auction, Mendota.
Meredith, Les, Elburn.
Midwest Cattle Co., Forrest.
Mitchell Cattle Co., Earlville.
Montgomery, L. F., Somonauk.
Morgan, Armour, Tilton.
Morton Sales Barn, Morton.
Neal Livestock, Don, Paris.
Olney Livestock Commission Co., Inc., Olney.
Palmyra Sale Co., Palmyra.
Peoria Livestock Marketing Co., Peoria.
Pecatonica Livestock Exchange, Pecatonica.
Penfield Community Sale, Penfield.
Perry Livestock Sales, Lostant.
Peterson Sale Barn, Wyoming.
Phillips Livestock, Urbana.
Pittsfield Community Sales, Pittsfield.
Plowman, Kenneth, Lakewood.
Pontiac Livestock Sales, Pontiac.
Potomac Stockyards, Potomac.
Preston Brothers Livestock Dealers, Baldwin.
Pullin Auction, Metropolis.
Erice Cattle Co., Shelbyville.
Princeton Sale Barn, Princeton.
Princeville Livestock Sales, Princeville.
Quincy Sales Co., Quincy.
Richardson, Leo, Earlville.
Richardson Cattle Co., Marshall.
Richardson Cattle Co., Sheldon.
Roe's Consignment Sale, Chana.
Rumle, Lavern, Burlington.
Russell Cattle Co., Tiskilaw.
Ryan, T. H., Martinsville.
Savanna Livestock Sales, Savanna.
Seward Livestock Co., Seward.
Sheldon Livestock Co., Sheldon.
Shoemaker Livestock, Colfax.
Simpson, Russell, Tower Hill.
Slater Sale Pavilion, Pana.
Smart, Max, and Krug, A. W., Ashton.
Smith Livestock Dealers, Walter, Wyoming.
Southwestern Cattle Co., Shirley.
Steele and Company, Henry, Montgomery.
Stephens Livestock, Hutsonville.
Stilley Livestock Co., Marion.
Stoutenborough Auction, Springfield.
Sullivan and Sons, Elburn.
Tallula Cattle Co., Tallula.
Vermilion County Livestock Marketing Association, Danville.
Viola Auction Co., Viola.
Waldee Order Buyer, Lloyd B., Waterman.
Walnut Sale Co., Walnut.
Warren and Sons, Russell, Ottowa.
Wertheimer Cattle Co., Inc., Galesburg.
Wertheimer Cattle Co., Montgomery.
Werthwein Cattle Sales, Burlington.
Western Cattle Co., Mendota.
Western Cattle Co., Elmwood.
White, Lyle, Washburn.
Wier Cattle Co., Galesburg.
Wilson Sale Co., Fairview.
Wolf and Sons, W. F., Canton.
Woodson Sale Barn, Woodson.
Worrell Cattle Co., Artie, Milledgeville.
Wyss, William. Danforth.

IOWA

Adams County Auction Co., Corning.
Albia Sales Co., Albia.
Allerton Sale Co., Allerton.
Ames Sales Co., Ames.
Anamosa Livestock Auction, Anamosa.
Armstrong Sale Co., Armstrong.
Atlantic Auction Co., Atlantic.
Audubon Auction Co., Audubon.
Belmond Sales Pavilion, Belmond.
Bonaparte Community Sale, Bonaparte.
Boone Sales Co., Boone.
Bowman Cattle Co., Maquoketa.
Bradley Live Stock Auction, Red Oak.
Bull Cattle Co., Wilson, Clinton.
Carroll Livestock Sales, Carroll.
Cedar Valley Livestock Exchange, Vinton.
Centerville Sales Co., Centerville.
Charles City Livestock Exchange, Charles City.
Clarinda Auction Co., Clarinda.
Colfax Sales Co., Colfax.
Corning Auction Co., Corning.
Coryndon Sale, Coryndon.
Cowan Sale Co., Roy, Sioux City.
Cresco Livestock Market, Cresco.
Davis County Sales Co., Bloomfield.
Creston Auction Co., Creston.
Denison Sales Co., Denison.
DeWitt Sale Barn, DeWitt.
Donnellson Commission Exchange, Donnellson.
Dows Sale Pavilion, Dows.
Dyersville Sale Barn, Dyersville.
Eastern Iowa Livestock Commission Co., Mechanicsville.
Eldora Livestock Sales, Eldora.
Elkader Sales Barn, Elkader.
Emmetsburg Sales Co., Emmetsburg.
Estherville Auction Co., Estherville.
Fairfield Livestock Commission Co., Fairfield.
Farmers Livestock Exchange, Waukon.
Fonda Sales Barn, Fonda.
Forest City Auction Co., Forest City.
Henderson Auction, Henderson.
Hi Dollar Sale Co., Sigourney.
Holbert Cattle Co., J. C., Washington.
Hopkinton Sales Pavilion, Hopkinton.
Humboldt Livestock Auction, Humboldt.
Iowa City Sales Co., Iowa City.
Iowa Falls Sales Pavilion, Iowa Falls.
Iowa-Nebraska Sale Yards, Council Bluffs.
Independence Sales Co., Independence.
Jefferson Livestock Market, Jefferson.
Keosauqua Sale Co., Inc., Keosauqua.
Kimballton Auction Co., Kimballton.
Laurens Livestock Sales Co., Laurens.
LaPorte City Sale Barn, LePorte City.
Lawn Hill Livestock Sale Co., New Providence.
Lawton Sale Barn, Lawton.
Lenox Livestock Auction, Lenox.
Leon Sale, Leon.
Leonard's Auction Sale, Manchester.
Live Stock Auction, Denison.
Lizer's Sale, Gowrie.
Low Moor Sales Co., Low Moor.
Marengo Sales Barn, Marengo.
McCreary Sale Co., Centerville.
McDonald Sales Co., Sumner.
McIntosh Livestock Auction Co., Ida Grove.
Mahaska Sales Co., Oskaloosa.
Mapleton Sales Co., Inc., Mapleton.
Maquoketa Livestock Sales Co., Maquoketa.
Middletown Sale Co., Middletown.
Midway Sales Co., Columbus Junction.
Milford Livestock Exchange, Milford.
Montezuma Sales Pavilion Co., Montezuma.
New Liberty Sale Barn, New Liberty.
Newton Sale Co., Newton.
New Sharon Sale Co., Inc., New Sharon.
Nishna Valley Sales Co., Shenandoah.
Northeast Iowa Sales Co., Decorah.
Osceola Sale Co., Osceola.
Oelwein Livestock Exchange, Oelwein.
Onawa Sale Barn, Onawa.
Orient Sale Co., Inc., Orient.
Oskaloosa Sales Co., Oskaloosa.
Oxford Sales Barn, Inc., Oxford.



Paulina Sale Co., Paulina.
Petersen Cattle Co., Clinton.
Petersen Cattle Co., Mount Vernon.
Petersen Cattle Co., Schaller.
Petersen Cattle Co., Spencer.
Petersen Cattle Co., Washington.
Peterson Sheep and Cattle Co., Des Moines.
Pocahontas Livestock Sales, Inc., Pocahontas.
Postville Co-op Sales Barn, Postville.
Riceville Sales Pavilion, Riceville.
Sac County Auction, Inc., Sac City.
St. Ansgar Sale Barn, St. Ansgar.
Sales Company of Hawarden, Hawarden.
Selfried-Trenary, Pocahontas.
Sheldon Sales Co., Sheldon.
Spencer Dairy Cattle Sales, Spencer.
Stanton Auction Co., Stanton.
Strand and Son, Oswald, Manly.
Stuart Sales Co., Stuart.
Sweetland Sales Co., Muscatine.
Tabor Sales Barn, Tabor.
Tama Sale Co., Tama.
Traer Sales Barn, Traer.
Uhlenhopp Sales, Aplington.
Umstead Livestock Auction, Eagle Grove.
Ute Sale Barn, Ute.
Wadena Livestock Exchange, Wadena.
Wapello Livestock Auction, Wapello.
Washington Livestock Sales Co., Washington.
Wehrheim Commission Firm, Webster City.
Wenger Sales Commission, West Union.
Wayland Sales Co., Inc., Wayland.
West Union Auction Exchange, West Union.
Westra Sales Co., Orange City.
Westrope Auction Co., Harlan.
Winneshiek Co-op Association, Decorah.

KANSAS

Burdett Livestock Sales Co., Burdett.
Fred Doll Livestock Sales, Larned.
Hesston Sale Co., Hesston.
McIntosh Auction, Peabody.
Rexford Livestock Commission Co., Meade.

KENTUCKY

Farmers Livestock Auction Co., Mayfield.
Graves County Stockyards, Mayfield.
Monticello Stockyards, Monticello.
Ratliff Stockyards, Mt. Sterling.
Walton Sale Barn, Walton.
Washington County Stockyards, Springfield.

LOUISIANA

Barnes Commission Co., Lake Charles.
Coltharp's Commission Barn, De Ridder.
Community Auction Barn, De Quincy.
DeQuincy Cattle Sales, Inc., DeQuincy.
Eunice Stockyards, Eunice.
Farmerville Livestock Auction, Farmerville.
Harris and Stutson Commission Co., Ferriday.
Micelle's Commission Co., Lake Charles.
Miller and Dominique Stockyard, Lake Charles.
Miller and Dominique Stockyard, Elton.
Oak Grove Livestock Auction, Oak Grove.

MARYLAND

Grantsville Auction Market, Grantsville.

MASSACHUSETTS

Beverly Sales Stables, Inc., Seekonk.

MISSISSIPPI

Hinds County Livestock Sales, Edwards.
L & S Community Sales, Columbia.
Marshall County Stockyards, Holly Springs.
North Mississippi Sales Co., Grenada.
Pontotoc Sales Company, Pontotoc.
Producer's Livestock Auction, Ruleville.
Raymond F. Stiles, Sturgis.
Spicer-Lipscomb Commission Co., Senatobia.
State Line Auction Co., Walnut.

MISSOURI

Cassville Livestock Auction, Cassville.
Clinton Community Sale, Clinton.
Excelsior Springs Sale Barn, Liberty.
Halsey and Riley Sale Co., Marshall.
Kelly and Holmes Auction Sale, Heber Springs.
Perry Sales Barn, Inc., Perry.
Prairie Center Sale Co., King City.
Ray County Sale Company, Richmond.
Rolla Auction Co., Rolla.
Stone County Auction Co., Mountain View.
Thornton Sales and Auction Co., Springfield.
Troy Sales Co., Inc., Troy.
Van Buren County Auction Sale, Clinton.

NEBRASKA

Colorado-Montana Cattle Co., Lincoln.
Holdrege Livestock Commission Co., Holdrege.
Plainview Sales Pavilion, Plainview.
Ravenna Livestock Commission Co., Ravenna.
Sidney Livestock Sales Pavilion, Sidney.
Scottsbluff Livestock Commission Co., Scottsbluff.
Webb Livestock Commission Co., Grand Island.

NEVADA

B and M Livestock, Fallon.
Fallon Salesyard, Fallon.
Lovelock Livestock Commission Co., Lovelock.

NEW JERSEY

Boyer Sales, Inc., New Egypt.

NEW MEXICO

Clayton Cattle Auction, Inc., Clayton.
Clovis Branding Co., Clovis.
South Second Street Commission Co., Albuquerque.

NEW YORK

Aggett and Law Commission Market, Ischua.
Apulia Station Livestock Sales, Apulia Station.
Cable's Cattle Market, Roxbury.
Dansville Commission Auction, Dansville.
Dryden Livestock Sales, Dryden.
Neverett, H. L. and Sons, Ellenburg Depot.
Kessler and Gentner, Springville.
Suquoit Valley Livestock Exchange, Cassville.
Tully Valley Livestock Market, Aquila Station.

NORTH DAKOTA

Harrington Brothers, Valley City.
Harrington Bros. Livestock Market, Williston.
Lake Region Livestock Auction Co., Devils Lake.

OHIO

Bowling Green Livestock Sales, Bowling Green.
Columbus Union Stockyards, Columbus.
Farmers Livestock Association, Wooster.
Muskingum Livestock Sales Co., Zanesville.
Orrville Livestock Auction, Orrville.
Putnam County Livestock Association, Columbus Grove.
Rothchild Livestock Co., Stony Ridge.
Sugar Creek Livestock Auction, Sugar Creek.
Union Stockyards, Dayton.
Wheelersburg Livestock Sales Co., Wheelersburg.
Zanesville Community Sales Co., Zanesville.

OKLAHOMA

Bluestem Sales, Incorporated, Dewey.
Elk City Livestock Sale, Elk City.
Cherokee Sales Co., Cherokee.
Hugo Sales Commission Co., Hugo.
Hugo Livestock Exchange, Hugo.
Muskogee Stockyards and Livestock Auction, Inc., Muskogee.
Osage County Sale Ring, Fairfax.
Pawhuska Auction Sale, Pawhuska.
Roy Akard Commission Co., Idabel.
Sparkman Livestock Sale, Elk City.
Tahlequah Sale Barn, Tahlequah.
Tecumseh Community Sale, Tecumseh.
Waurika Auction Co., Waurika.

OREGON

Brahs Auction Market, Corvallis.
Forest Grove Auction, Forest Grove.
Ontario Livestock Commission Co., Ontario.

PENNSYLVANIA

Barnsley Sales, Oxford.
Exton Livestock Auction, Exton.
Farmers Market and Auction, Ephrata.
Greenfield Livestock Auction, Northeast.
Hatfield Fairgrounds Bazaar, Hatfield.
Hoskin Auction Barn, Turtle Creek.
Kennett Auction Co., Inc., Kennett Square.
Leesport Livestock Market, Leesport.
Krumsville Livestock Auction, Krumsville.
Mt. Cobb Auction Sales, Lake Ariel.
Penn Central Livestock Market, Williamsport.
Quakertown Sales Co., Quakertown.
Teel and Bunnell Auction Sales, Tunkhannock.

SOUTH DAKOTA

Bowdle Livestock Commission Co., Bowdle.
Herreid Livestock Commission Co., Herreid.
Mobridge Commission Co., Inc., Mobridge.
Selby Livestock Sales Co., Inc., Selby.
Tri-County Commisison Co., Inc., Faith.

TENNESSEE

Farmer's Livestock Exchange, Tiptonville.
Kirk Auction Co., Coltewah.
Tigret Stockyard, Tigret.
Troy Stockyards, Troy.

TEXAS

Hereford Livestock Auction Co., Hereford.
Llano Sales Company, Llano.
Mid West Feed Yards, San Angelo.
North Texas Livestock Commission Co., Bonham.
San Angelo Livestock Auction Co., San Angelo.

VIRGINIA

Big Stone Gap Stockyards, Big Stone Gap.

WASHINGTON

Hank and Dans Livestock Commission Co., Cheney.
Columbia Basin Livestock Commisison Co., Moses Lake.

*Slaughtering establishments*

ALABAMA

Hansen Packing Co., Whistler.

ARIZONA

Crescent Packing Co., Scottsdale.
OK Wholesale Meat Co., Scottsdale.
Town and Country Packing Co., Mesa.

ARKANSAS

City Abattoir, Fort Smith.
Finkbeiner Packing Co., Pine Bluff.
Hi-Lo Provision Company, El Dorado.
Hightower Packing Co., Newport.
Melbourne Locker Plant, Melbourne.
Mo-Ark Packing Co., Harrison.
Monroe Ryburn, Pine Bluff.
Nielsen Meat Co., Fayetteville.
Saline Packing Co., Benton.
Stephens Meat Co., Pine Bluff.
Sutherlan Slaughter House, Springdale.
Wards Packing Co., Herbert, Texarkana.

CALIFORNIA

Alta Meat Co., Dinuba.
Canziana, N., San Rafael.
Chico Meat Co., Inc., Chico.
Diamond Meat Co., Kerman.
Fresno Meat Packing Co., Fresno.
Johnson, J. G., Inc., San Francisco.
Klapp's Package House Market, Ontario.
Marysville Meat Packing Co., Marysville.
Naylor, S. E., Soledad.
Nelson Meat Co., Coyote.
Northwestern Packing Co., Cottonwood.
Palace Market, Gazelle.
Palo Verde Meat Packing House, Blythe.
Port Stockton Sausage Co., Oakdale.
Redwood Meat Co., Eureka.
Russ Meat Co., Eureka.
San Luis Meat Co., San Luis Obispo.
San Miguel Meat Co., San Miguel.
Santa Maria Meat Co., Santa Maria.

Sierra Dressed Meat Co., Auburn.
Stornetta Brothers, Point Arena.
Susanville Meat Co., Susanville.
Ventura Meat Packing Co., Saticoy.
Walker's Markets, Inc., Upland.

DELAWARE

Harry Wessel, Wyoming.

FLORIDA

Brock and Burdeshaw Packing Co., Pensacola.
Carpenter Slaughter House, Bristol.
Farris and Co., Jacksonville.
Gertner Co., Harold B., Gainesville.
Hendry Brothers Packing Co., Inc., Tampa.
Hygrade Food Products Corp., Hialeah.
Meat Supply Co., Pensacola.
Oakland Meat Packing, Fort Lauderdale.

GEORGIA

Bainbridge Meat Co., Bainbridge.
Bullards Sausage Plant, Summerville.
Powell Meat Co., Bainbridge.
Wofford Abattoir, Gainesville.

IDAHO

B and M Packing Co., Burley.
Tiffany Meat Packers, Nampa.

ILLINOIS

Prairie Packing Co., Carlinville.
Prairie Packing Co., Marion.

INDIANA

Auburn Packing Plant, Auburn.
Bailey Slaughterhouse, Fort Wayne.
Beutler Locker Service, Otterbein.
Beckmeier and Son, Brookville.
Buchanan Processing Plant, Mt. Vernon.
Columbia Packing Co., Hammond.
DeKoch Super Market, DeMotte.
Denver Locker Plant, Denver.
Dimitt Packing Co., Kokomo.
Endres Packing Co., New Albany.
Frankton Provision Co., Inc., Frankton.
Gerber Super Market, Decatur.
Hunter Locker Plant, Converse.
Long's Custom Butchering, Winslow.
Ludwig's Food Town, Dunkirk.
Martin Bros., Meatland, Goshen.
Mast Market, Angola.
Mock, G. F., Leavenworth.
Morocco Locker Plant, Morocco.
Neal Packing Co., Crawfordsville.
Nicely's IGA, Fowler.
Orth Slaughterhouse, Mt. Vernon.
Puckett's Abattoir, Winchester.
Shinn Slaughterhouse, Mentone.
Stahl Packing Co., Evansville.
Quick Freeze Locker Service, Madison.
Van Wagner Brothers, Angola.
Westfield Frozen Food Lockers, Westfield.
Wolf Packing Co., LaPorte.
Zeimer Packing Co., Harlan.

IOWA

Bruhn's Freezer Meats of Des Moines, Booneville.
Hilleman's Packing Plant, Marshalltown.
Lamoni Packing Co., Lamoni.

KANSAS

B and W Packing Plant, Colby.
Houlton Packing Co., Abilene.
Jarvis Slaughter House, Marion.
Wyler Packing Co., Howard.

KENTUCKY

Layer Packing Co., C. W., Louisville.

LOUISIANA

Cutrer's Grocery and Market, Ponchatoula.
Jennings Meat Products, Baton Rouge.
Port City Packing Co., Baton Rouge.
Smiley's Packing Co., Inc., Baton Rouge.
West and Ellender, Inc., Sulphur.

MARYLAND

Berlett and Sons, Edward G., Inc., Baltimore.
Eagle Meats and Sea Food, Knoxville.
Engle Brothers, Frostburg.
Fogle, Theodore A., New Windsor.
Hatfield's Meat Market, New Windsor.
Howard County Farmer's Coop., Ellicott City.
Joaka Brothers, Baltimore.
Kilsheimer Brothers, Inc., Washington, D.C.
Murphy, John G., Fallston.
Tiedman, Robert O., Owings Mills.

MASSACHUSETTS

Bowman Co., Frank B., Brighton.
Hutchinson's Slaughterhouse, Lunenburg.
Shapiro Beef Co., A., Brighton.
Streeter, Herman, Bernardston.
U.S. Beef and Provision Corp., Pittsfield.

MICHIGAN

Myaard and Son, J., Hudsonville.
Young Bros., Hudson.

MISSISSIPPI

Beck Packing Co., Byram.
Hinds Packing Co., Byram.
Huff, Otis, Corinth.
Quin's Slaughtering House, Osyka.

NEVADA

B & L Packing Co., Elko.
Ramsey Packing Co., Elko.
Truckee Meadows Packing Co., Reno.

NEW JERSEY

Burtch, William L., Vineland.
Gaskills Frosted Food Locker Plant, Elmer.
Gottlieb and Sons, Inc., Camden.
Hartman, J. H. and H. E., Trenton.
Irell Packing Co., Monroeville.
Miller Bros., Camden.
Perth Amboy Packing, Perth Amboy.
Struble, O. W., Newton.

NEW MEXICO

Frontier Packing Co., Albuquerque.
Karler Packing Co., Albuquerque.

NEW YORK

Arm Packing, Buffalo.
Bender, Elmer and Son, Buffalo.
Brown's Slaughterhouse, Otto.
Cukerstein, Sam and Son, Hudson.
Dean's Slaughter House, Goshen.
Dunning's Slaughterhouse, Howell.
Fear, LeRoy Carl, Endicott.
Golde Packing Co., Tonawanda.
Green Brothers Slaughterhouse, Schenectady.
Kusler, Benjamin, Elmira.
Kwiatskowski Bros., Buffalo.
Malecki, Joseph, Inc., Buffalo.
Moses, Norbert, Norwich.
Seven Valley Beef Co., Cortland.
Obler and Sorensen, Horseheads.
Olean Cold Storage Co., Inc., Olean.
Samiof, David and Sons (Dunn Bros.), Albany.
Schmitt, J. J. and Co., Inc., Buffalo.
Shapiro, M. Wholesale Meats, Jamestown.
Wand Co., Slate Hill.
West Company, R. B., Inc., Buffalo.

NORTH CAROLINA

City Abattoir, Shelby.
City of Winston-Salem Abattoir, Winston-Salem.
Morris Packing Co., Shelby.

OHIO

Arend, E. J., Toledo.
Folger Packing Co., Toledo.
Hygrade Food Products, Corp., Youngstown.
Lima Packing Co., Lima.
McMahon Packing Co., Marysville.
Redwine Slaughter House, Hugo.
Samler Packing Co., Dayton.
Sandusky Dressed Beef, Springfield.
Springfield Meat, Springfield.
Waldock Packing Co., Sandusky.
Wellsville Packing Co., Wellsville.
Zeimmer Packing Co., Antwerp.

OKLAHOMA

Box, Durwood, Valliant.
Cone Wholesale Market, Miami.
Ross, Paul, Boswell.
Southeastern Packing Co., Durant.
White, E. W., Stigler.
Williams Packing and Storage Co., Miami.

OREGON

Community Market, Enterprise.
Culver Meat Plant, Bandon.
Culver Packing Co., Culver.
Heppner Slaughter House, Heppner.
La Grande Market, La Grande.
Lamonta Packing Co., Prineville.
McVay, Archie, Brookings.
Peterson, Gerald, North Powder.
Polar Cold Co., Medford.
Roseburg Meat Co., Roseburg.
Valley Sausage Co., La Grande.

PENNSYLVANIA

Baum's Meat Packing Co., Lansdale.
Benzak, Anthony L., Bethlehem.
Blouse Meat Market, Glen Rock.
Brest Packing Co., Shamokin.
Brizer Beef Co., Dunmore.
Campo, James, Philadelphia.
Fried and Reineman Packing Co., Pittsburgh.
Greas Bros., Center Valley.
Hanas, George, Daisytown.
Kern and Son, Lee G., Slatington.
Lancaster Packing Co., Lancaster.
Moyer and Sons, A. F. Souderton.
Nasers Home Dressed Meats, Greensburg.
Peters, William H., Harrisburg.
Shaffer Slaughter Shop, Guy, Hooversville.
Stoltz, Harvey L., Jr., Bernville.
West Branch Beef and Provision Co., Williamsport.
Weaver, M. C., Wellsville.
E. A. Koons, Millersburg.
Punxsutawney Beef and Provision Co., Punxsutawney.

RHODE ISLAND

Pezza Slaughter House, Johnston.

TEXAS

Circle B Packing Co., Dallas.
Goode Slaughtering, Denison.

UTAH

Harper Packing Co., Brigham City.

WASHINGTON

A and W Packing Co., Moses Lake.
Colfax Market, Colfax.
Excel Sausage and Meat Co., Spanaway.
H and H Packing Co., Yakima.
Hibbs Packing Co., Ellensburg.
Kelly Packing Co., Chehalis.
Martin's Meat and Livestock, Goldendale.
Meats, P. D. and J., Kent.
Newport Packing Co., Newport.
Pasco Central Stockyards, Pasco (added to stockyards).
Stolls Packing Plant, Rosalia.
Valley Meat Co., Chimacum.

WEST VIRGINIA

Fischer and Fisher, Charleston.
Simmons and Sons, H. L., Moundsville.
Tabron, George, Shinnston.
United Packing Co., Wheeling.

WISCONSIN

Dalfin and Lloyd Janisee, Oostburg.
Dobratz Meat Market, Shawano.
Host Bros., Lake Geneva.
Muskego Packing Co., Muskego.
Vere Ferries, Ontario.
Polar Locker, LaCrosse.
Zitron Brothers, Inc., Milwaukee.

*Effective date.* The foregoing notice shall become effective upon publication in the FEDERAL REGISTER.

Certain additional stockyards and slaughtering establishments have been added to the list of those heretofore specifically approved under the regulations in 9 CFR Part 78. It has been determined that the inspection and handling of livestock or carcasses or products thereof at such stockyards or establishments are adequate to effectuate the purposes of such regulations. Certain stockyards and slaughtering establishments have been removed from the list of those heretofore specifically approved under said regulations, because it has been determined that such stockyards and establishments no longer qualify for specific approval under the regulations. This action, therefore, imposes certain restrictions necessary to prevent the spread of brucellosis and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved hereby. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this action are impracticable and unnecessary, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of February 1961.

R. J. ANDERSON,
*Director, Animal Disease Eradication Division, Agricultural Research Service.*

[F.R. Doc. 61-1865; Filed, Mar. 2, 1961; 8:48 a.m.]



## Commodity Stabilization Service
## Commodity Credit Corporation

## GRAINS AND RELATED COMMODITIES UNDER NONRECOURSE WAREHOUSE-STORAGE LOANS MADE UNDER 1960 PRICE SUPPORT PROGRAMS

### Notice of Final Date for Redemption

Unless earlier demand is made by CCC, nonrecourse warehouse-storage loans under 1960 Price Support Programs on the agricultural commodities designated in the table below mature and are due and payable on the dates indicated. Unless on or before the final date for repayment specified below such loans are repaid or the producer notifies the ASC county committee in writing that the funds have been placed in the mail, title to the unredeemed collateral shall immediately vest in CCC without a sale thereof, on the date next succeeding the final date for repayment specified below. This notice applies to all such unredeemed collateral pledged to CCC under nonrecourse warehouse-storage loans, including that quantity of a commodity on which if CCC were to effect settlement under nonrecourse price support would result in a person, who is not eligible for unlimited nonrecourse price support on the commodity, receiving or retaining nonrecourse price support on the commodity in excess of $50,000 (such quantity is hereinafter called "excess commodity"). CCC shall have no obligation to pay for any market value which the unredeemed collateral may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of the pledged commodity may exceed the principal amount of the loan. Except as to the excess commodity, the settlement value as used herein is the price support value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable support rate provided in the Program Bulletin. The settlement value of the excess commodity is the market value on the maturity date, as determined by CCC, or the price support value, whichever is the lower. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan, the producer shall remain personally liable for the amounts specified in the Producer's Note and Loan Agreement—Warehouse-Storage Nonrecourse Loan.

Amounts due the producer will be paid to the producer by the appropriate ASC county office.

| Commodity | Maturity date | Final date for repayment |
|---|---|---|
| Barley in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia | Feb. 28, 1961 | Feb. 28, 1961 |
| Arizona and California | Mar. 10, 1961 | Mar. 10, 1961 |
| In all other States | Apr. 30, 1961 | May 1, 1961 |
| Corn—In all States | July 31, 1961 | July 31, 1961 |
| Dry edible beans in Michigan, New York, and Pennsylvania | Feb. 28, 1961 | Feb. 28, 1961 |
| In all other States | Apr. 30, 1961 | May 1, 1961 |
| Flaxseed in Arizona and California | Jan. 31, 1961 | Jan. 31, 1961 |
| In all other States | Mar. 31, 1961 | Mar. 31, 1961 |
| Grain Sorghums—In all States | Mar. 31, 1961 | Mar. 31, 1961 |
| Oats in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia | Feb. 28, 1961 | Feb. 28, 1961 |
| In all other States | Apr. 30, 1961 | May 1, 1961 |
| Rice—In all States | Apr. 15, 1961 | Apr. 17, 1961 |
| Rye in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia | Feb. 28, 1961 | Feb. 28, 1961 |
| In all other States | Apr. 30, 1961 | May 1, 1961 |
| Soybeans—In all States | May 31, 1961 | May 31, 1961 |
| Wheat in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia | Feb. 28, 1961 | Feb. 28, 1961 |
| In all other States | Mar. 31, 1961 | Mar. 31, 1961 |

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 105, 301, 401, 405; 63 Stat. 1031 as amended; 15 U.S.C. 714c, 7 U.S.C. 1441, 1447, 1421, 1425)

Issued this 28th day of February 1961.

H. D. GODFREY,
*Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 61-1890; Filed, Mar. 2, 1961; 8:51 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-13]

## BABCOCK & WILCOX CO.

### Notice of Proposed Issuance of Amendment To Facility License

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or an intervener as provided by the Commission's rules of practice (Title 10, Chapter 1, Part 2), the Commission proposes to issue to The Babcock & Wilcox Company an amendment to Facility License No. CX-12 substantially as set forth below. The proposed amendment would authorize the licensee, as requested in its applications for license amendment dated December 5, 1960, and January 11, 1961, to modify its split-table critical facility located in Bay No. 2 in the licensee's Critical Experiment Laboratory located near Lynchburg, Virginia, for the conduct of exponential experiments using heavy water systems and to conduct such experiments at power levels not exceeding one kilowatt (thermal). The amendment would also authorize the possession and use of byproduct, special nuclear, and source material in connection with the facility.

For further details see (1) the applications for license amendment dated December 5, 1960, and January 11, 1961, submitted by The Babcock & Wilcox Company, and (2) a hazards analysis prepared by the hazards evaluation staff of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 24th day of February 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[License No. CX-12]

License No. CX-12 issued to The Babcock & Wilcox Company is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. CX-12, The Babcock & Wilcox Company is authorized, as requested in its applications for license amendment dated December 5,

1960, and January 11, 1961, to modify the split-table critical facility located in Bay No. 2 in the licensee's Critical Experiment Laboratory located near Lynchburg, Virginia, for the conduct of exponential experiments using heavy water systems and to conduct such experiments at power levels not exceeding one kilowatt (thermal).

The activities shall be conducted in accordance with the procedures and subject to the limitations in License No. CX-12, as amended, and in the applications for license amendment dated December 5, 1960, and January 11, 1961.

2. Paragraph 3.B. is hereby amended to read as follows:

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material" to possess and use in connection with operation of the facility up to 400 kilograms of contained uranium 235.

3. Paragraph 3.C. is hereby amended to read as follows:

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material" to possess and use a 0.1 curie polonium-beryllium encapsulated neutron source in connection with operation of the facility, and to possess but not to separate such byproduct material as may be produced by operation of the facility.

4. A new paragraph 3.D. is hereby added as follows:

D. Pursuant to the Act and Title 10, CFR, Chapter I, Part 40, "Licensing of Source Material", to receive, possess and use in connection with operation of the facility up to 1300 kilograms of contained thorium.

5. Paragraph 4. is hereby amended to read as follows: "This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, § 40.41 of Part 40, § 50.54 of Part 50, and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:"

6. Paragraph 4.B. is hereby amended to read as follows:

B. The Babcock & Wilcox Company shall not operate the facility at a power level in excess of 1000 watts (thermal).

7. A new paragraph 4.E. is hereby added as follows:

E.(1) As promptly as practicable, but no later than 60 days after the initial criticality of the LSR alone, the LSR with the first configuration of the TUPE exponential experiment, and the LSR with the first configuration of the NMSR exponential experiment respectively, the licensee shall submit written reports to the Commission describing the measured values of the nuclear parameters listed below and evaluating any significant variation of a measured parameter from the corresponding predicted value:

(a) Total rod worth;

(b) Minimum shutdown margin both at room and operating temperature;

(c) Maximum worth of the single control rod of highest reactivity value; and

(d) Maximum total and individual worth of any fixed or movable experiments inserted in the reactor.

(2) The licensee shall promptly submit a written report to the Commission whenever, during operation of the facility subsequently to initial criticality, any of the nuclear characteristics of the facility, including those described in paragraph 4.E.(1) above and the application, is observed to vary significantly from its predicted value.

This amendment is effective as of the date of issuance.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 61-1842; Filed, Mar. 2, 1961; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13257 etc., FCC 61M-307]

## CATSKILLS BROADCASTING CO. ET AL.

### Order Scheduling Prehearing Conference

In re applications of Harry C. Borwick, David Levinson, Seymour D. Lubin, Henry L. Shipp, Joseph K. Schwartz and Philip Slutsky, d/b as Catskills Broadcasting Company, Ellenville, New York, Docket No. 13257, File No. BP-12266; Jerome Z. Elkin, Charles W. Letter, Samuel Elkin and Henry W. Weiss, d/b as Ellenville Broadcasting Company, Ellenville, New York, Docket No. 13258, File No. BP-12742; Saul Dresner, Alred Dresner, Samuel Dresner and Rose Dresner, d/b as Ulster County Broadcasting Company, Ellenville, New York, Docket No. 13272, File No. BP-11781; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

*It is ordered*, This 27th day of February 1961, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., on March 10, 1961, at 10:00 a.m.

Released: February 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1881; Filed, Mar. 2, 1961; 8:50 a.m.]

[Docket No. 13968; FCC 61-250]

## CUMMINGS BROADCASTING ASSOCIATES

### Order Designating Application for Hearing on Stated Issues

In re application of Herbert K. Cummings and Alan H. Cummings, d/b as Cummings Broadcasting Associates, joint venture, Palm Springs, California, Docket No. 13968, File No. BP-13296; Requests: 1340 kc, 250 w, U; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of February 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the Commission, in a prehearing letter dated December 1, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal will provide a minimum signal strength of 25 mv/m or greater over the business area of Palm Springs, California, as required by § 3.188(b)(1) of the Commission rules.

3. To determine whether the proposed operation will provide adequate nighttime service to the City of Palm Springs, California, pursuant to § 3.28(c)(2) of the Commission rules.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

*It is further ordered*, That in the event of a grant of the instant application, the construction permit shall contain a condition that the permittee shall be responsible for installation and adjustment of suitable filter circuits, and any other equipment that may be necessary to prevent excessive reradiation of the signal as well as cross-modulation products resulting from interaction of radiated signals with those of Stations KCMJ and KPAL.

*It is further ordered*, That, to avail itself of the opportunity to be heard, the instant applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1882; Filed, Mar. 2, 1961; 8:50 a.m.]



[Docket Nos. 13882, 13883; FCC 61M-302]

## EUGENE BROADCASTERS AND W. GORDON ALLEN

### Order Continuing Hearing

In re applications of Diana Crocker Redington, William H. Crocker II, Thomas J. Davis, Jr., and Robert Sherman, d/b as Eugene Broadcasters (a joint venture), Eugene, Oregon, Docket No. 13882, File No. BP-12954; W. Gordon Allen, Eugene, Oregon, Docket No. 13883, File No. BP-13214; for construction permits.

The Chief Hearing Examiner having under consideration a motion by Eugene Broadcasters, filed February 23, 1961, that each of the pertinent dates governing the conduct of this proceeding be extended for a period of thirty days;

It appearing that the motion is unopposed; that all parties to the proceeding consent to a waiver of the provisions of Section 1.43 of the Rules to permit immediate consideration of the matter; and that the showing made by the moving party is sufficient to warrant a grant of the relief sought;

*It is ordered*, This 24th day of February 1961, that the motion is granted; that the date for the parties to exchange written exhibits is postponed from February 28 to March 30, 1961; that the date for notification of witnesses for cross-examination is postponed from March 6 to April 5, 1961; and that formal hearing is postponed from March 14 to April 13, 1961.

Released: February 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1883; Filed, Mar. 2, 1961; 8:51 a.m.]

[Docket No. 13962; FCC 61-244]

## HIGH-FIDELITY BROADCASTERS CORP.

### Order Designating Application for Hearing on Stated Issues

In re application of High-Fidelity Broadcasters Corp., Norristown, Pennsylvania, Docket No. 13962, File No. BP-13386; Requests: 1400 kc, 100 w, U; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of February 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the subject application is not timely filed with the applications noted in Issues Numbers 2 and 3 below; and

It further appearing that on the basis of information presently before it, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant applicant and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Stations WOND, Pleasantville, New Jersey; WEST, Easton, Pennsylvania; and WCOJ, Coatesville, Pennsylvania; and to the proposals of WOND and WEST, File Nos. BP-12343 and BP-12224, respectively, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the interference received from WOND, Pleasantville, New Jersey; WEST, Easton, Pennsylvania; BP-12343 (WOND); BP-12224 (WEST); BP-12311 (WWIN), Baltimore, Maryland; BP-13024 (WHGB), Harrisburg, Pennsylvania; and BP-13129 (WICK), Scranton, Pennsylvania would affect more than ten percent of the population within the normally protected primary service area of the instant proposal in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of that section.

4. To determine whether the instant proposal is in compliance with § 3.24(g) of the Commission rules concerning population within the 1000 mv/m contour, and, if not, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the instant proposal would provide a minimum signal intensity of 25 mv/m over the business or factory areas of Norristown and whether the entire city will receive adequate nighttime service pursuant to §§ 3.188 and 3.28(c)(2) of the Commission rules.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

*It is further ordered*, That, the licensees of the stations indicated below are made parties to the proceeding with respect to their existing operations: South Jersey Radio, Inc. (WOND); Associated Broadcasters, Incorporated (WEST); and Chester County Broadcasting Company (WCOJ).

*It is further ordered*, That, the licensees of the stations indicated below are made parties to the proceeding with respect to their proposed operations: South Jersey Radio, Inc., BP-12343 (WOND) and Associated Broadcasters, Incorporated, BP-12224 (WEST).

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the instant applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1884; Filed, Mar. 2, 1961; 8:51 a.m.]

[Docket Nos. 13965-13967; FCC 61-246]

## ROCKFORD BROADCASTERS, INC. (WROK) ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Rockford Broadcasters, Incorporated (WROK), Rockford, Illinois, has: 1440 kc, 500 w, 1 kw-LS, U; requests: 1440 kc, 500 w, 5 kw-LS, DA-D, U; Docket No. 13965, File No. BP-13422; Quincy Broadcasting Company (WGEM), Quincy, Illinois, has: 1440 kc, 1 kw, DA-2, U; requests: 1440 kc, 1 kw, 5 kw-LS, DA-2, U; Docket No. 13966, File No. BP-14225; Robert W. Sudbrink and Margareta S. Sudbrink d/b as McLean County Broadcasting Co., Normal, Illinois, requests: 1440 kc, 1 kw, DA-D; Docket No. 13967, File No. BP-14401; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of February 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing, that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned:

A. The proposal of Quincy Broadcasting Company causes electrical interfer-

ence both to the existing operation and proposed operation (File No. BP-13685, for a power increase) of Station KIRX, Kirksville, Missouri. KIRX is being made a party hereto with respect to its existing operation but not with regard to its proposal to increase power, since interference to the proposal will not preclude a grant thereof because KIRX is a Class IV station requesting a daytime power increase.

B. Interference between the subject proposals occurs as follows:

| *From proposal—* | *To proposal—* |
|---|---|
| BP-13422 | BP-14225<br>BP-14401 |
| BP-14225 | BP-14401 |
| BP-14401 | BP-13422 |

C. From data submitted by the Rockford Broadcasters, Inc., it appears that the population within the proposed 1 v/m contour is excessive pursuant to § 3.24(g) of the Commission rules.

D. On the basis of the information submitted by McLean County Broadcasting Co., it cannot be determined that their proposed directional antenna parameters will produce the proposed horizontal plane radiation pattern indicated by Figure 1 of the application form.

It further appearing that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of McLean County Broadcasting Co. and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WROK and WGEM and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of Quincy Broadcasting Company would cause objectionable interference to Station KIRX, Kirksville, Missouri, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether interference received from existing Stations WPRS, Paris, Illinois, WROK, Rockford, Illinois and proposals BP-13422 (WROK) and BP-14225 (WGEM) would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of McLean County Broadcasting Co. in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

6. To determine whether the instant proposal of Rockford Broadcasters, Inc. is in compliance with § 3.24(g) of the Commission rules concerning population within the 1000 mv/m contour, and, if not, whether circumstances exist which would warrant a waiver of said Section.

7. To determine if the proposed directional antenna parameters of McLean County Broadcasting Co. will produce the proposed horizontal plane radiation pattern indicated by Figure 1 of the application.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

*It is further ordered*, That Community Broadcasters, Inc., licensee of Station KIRX, Kirksville, Missouri, is made a party to the proceeding with respect to its existing operation.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1885; Filed, Mar. 2, 1961; 8:51 a.m.]

[Docket No. 13944; FCC 61M-312]

## UNITED TELEVISION COMPANY OF NEW HAMPSHIRE (WMUR-TV)

### Order Continuing Hearing Conference

In re application of United Television Company of New Hampshire (WMUR-TV), Manchester, New Hampshire, Docket No. 13944, File No. BPCT-2770; for construction permit to change existing facilities (Channel 9).

The Hearing Examiner having under consideration a "Petition by Broadcast Bureau for Continuance of Prehearing Conference" in the above-entitled matter now scheduled to be held on March 2, 1961, which Petition was filed on February 24, 1961, and

It appearing that the continuance requested is to March 8, 1961, and

It further appearing that all of the other parties have agreed to the granting of the Petition and that good cause therefor has been shown,

*It is ordered*, This 27th day of February 1961, that the aforesaid Petition is granted and that the prehearing conference in the above-entitled matter now scheduled for March 2, 1961, be and it hereby is continued to 10:00 a.m., March 8, 1961, in the Commission's offices in Washington, D.C.

Released: February 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1886; Filed, Mar. 2, 1961; 8:51 a.m.]

[Docket No. 13748; FCC 61M-305]

## WILLAMETTE-LAND TELEVISION, INC.

### Order Continuing Hearing

In re application of Willamette-Land Television, Inc., Salem, Oregon, Docket No. 13748, File No. BPCT-2651; for construction permit for new television broadcast station (Channel 3).

The Hearing Examiner having under consideration a "Petition for Extension of Procedural Hearing Dates" filed February 21, 1961, in the above-entitled matter by Willamette-Land Television, Inc., and

It appearing that the only other party, the Broadcast Bureau, has advised the counsel for Willamette-Land Television, Inc. that it has no objection to the immediate consideration of the Petition and the relief requested therein, and

It further appearing that good cause for the granting of the Petition has been shown,

*It is ordered*, This 24th day of February 1961, that the aforesaid Petition for Extension of Procedural Hearing Dates is granted and that, accordingly, the following changes in the procedural steps in this proceeding shall govern:

(1) Exchange of exhibits from March 2 to May 2, 1961.



(2) Notification of witnesses for cross-examination from March 16 to May 16, 1961.

(3) Hearing from March 28 to May 23, 1961.

Released: February 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1887; Filed, Mar. 2, 1961; 8:51 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP60-119]

## CITY OF MUSCLE SHOALS, ALABAMA

### Notice of Postponement of Hearing

FEBRUARY 24, 1961.

Upon consideration of the motion filed February 15, 1961, by Counsel for Alabama-Tennessee Natural Gas Company for postponement of the hearing now scheduled for March 6, 1961, in the above-designated matter;

The hearing now scheduled for March 6, 1961, is hereby postponed to March 21, 1961, at 10:00 a.m. e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1849; Filed, Mar. 2, 1961; 8:46 a.m.]

[Docket No. CP61-178]

## CITIES SERVICE GAS CO.

### Notice of Application and Date of Hearing

FEBRUARY 27, 1961.

Take notice that on December 28, 1960, Cities Service Gas Company (Applicant), First National Building, Oklahoma City, Oklahoma, filed in Docket No. CP61-178 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of miscellaneous meter and regulator equipment and field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof in the general area of its existing transmission system from time to time during the calendar year 1961 at a total cost not to exceed $3,000,000 with no single project to exceed a cost of $500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type proposal is to augment Applicant's ability to act with reasonable dispatch in securing by contract and connecting to its pipeline system new supplies of natural gas in various areas generally coextensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 28, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 17, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1850; Filed, Mar. 2, 1961; 8:46 a.m.]

[Docket No. CP61-195]

## CITIES SERVICE GAS CO.

### Notice of Application and Date of Hearing

FEBRUARY 27, 1961.

Take notice that on January 23, 1961, Cities Service Gas Company (Applicant), First National Building, Oklahoma City, Oklahoma, filed in Docket No. CP61-195 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of minor, budget-type natural gas transmission facilities during the calendar year 1961 to enable Applicant to make miscellaneous temporary and permanent direct sales of natural gas from its existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The total cost of the facilities for which authorization is sought is estimated at $82,500, with no individual project to exceed a cost of $6,000, to be paid out of treasury cash.

Applicant estimates that it will have approximately 15 requests for temporary sales in 1961, mostly from road construction contractors, each request involving an estimated average of 35,000 Mcf of natural gas annually, and averaging a cost of $2,500 per installation.

Also, Applicant anticipates approximately 30 requests for direct sales to consumers on a permanent basis during 1961, each request involving an average of approximately 52,000 Mcf of natural gas annually, and averaging a cost of approximately $1,500 per installation.

The estimated total volume of natural gas involved under this application for a maximum of 45 customers is 2,085,000 Mcf, all fully interruptible, with minor exceptions.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 28, 1961, at 9:30 a.m. e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 17, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1851; Filed, Mar. 2, 1961; 8:46 a.m.]

[Docket No. RP61-20]

## EASTERN SHORE NATURAL GAS CO.

### Order Suspending Proposed Tariff Sheets and Providing for Hearing

FEBRUARY 24, 1961.

On January 27, 1961, Eastern Shore Natural Gas Company (Eastern Shore), pursuant to section 4 of the Natural Gas Act and the Regulations thereunder, particularly Part 154 thereof, tendered for filing First Revised Sheets Nos. 5, 8, 11 and 18A[1] to its FPC Gas Rate Tariff, Original Volume No. 1. The tariff changes contained in the tendered filing propose an increase of $54,227 (3.6%) over the rates currently in effect.[2] Although the tendered sheets bear an effective date of February 27, 1961, Eastern Shore requested that the ten-

[1] A substitute First Revised Sheet No. 18A was filed on February 6, 1961, to correct an error in the like-numbered sheet filed January 27, 1961.

[2] Based on actual sales for the 12-month period ended September 30, 1960.

dered sheets be permitted to become effective no later than April 17, 1961.[2]

The tendered sheets increase the demand component of its two-part rates (Rate Schedule G–1 and CD–1) by $1.414 and the commodity component thereof and its straight rate (Rate Schedule E–1) by 1.5 cents per Mcf. Eastern Shore states that proposed incremental increases in the demand and commodity rate levels represent the net change in those components of Transcontinental Gas Pipe Line Corporation's (Transco's) FPC Gas Rate Schedule CD–3, and that said Transco's net changes result from the settlement in Docket No. G–18783 [3] and the suspended increased rates in Docket No. RP61–13.

In support of its filing, Eastern Shore has submitted cost data for the year ended September 30, 1960, adjusted to reflect an increase of $98,717 in purchased gas. The claimed cost of service based on a 6½ percent rate of return is shown as $1,613,954 with $710,584 allocated to the sales for resale and transportation services which constitute its jurisdictional business. The company contends that costs allocated to the sales for resale segment only exceed revenues from such business by $115,833 under present rates and by $61,605 under the proposed rates.

It is noted that Eastern Shore's transportation rate (Rate Schedule T–1), which is subject to the continuing condition set out in Commission's order issued November 29, 1957,[4] is not proposed to be changed by this tender.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications and services contained in Eastern Shore's FPC Gas Tariff Original Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 5, 8, 11 and 18A and that said revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be hereafter fixed by notice from the Secretary concerning the lawfulness of all the rates, charges, classification, and services contained in Eastern Shore's FPC Gas Tariff, Original Volume No. 1, and as proposed to be amended by First Revised Sheets Nos. 5, 8, 11 and 18A.

(B) Pending such hearing and decision thereon, Eastern Shore's proposed tariff sheets, First Revised Sheets Nos. 5, 8, 11 and 18A to its FPC Gas Tariff, Original Volume No. 1, hereby are suspended and their use deferred until April 17, 1961, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 12, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1852; Filed, Mar. 2, 1961; 8:46 a.m.]

[2] The date to which Eastern Shore's sole supplier (Transcontinental Gas Pipe Line Company) proposed rate increase has been suspended in Docket No. RP61–13.

[3] Settlement approved by order issued October 19, 1960.

[4] Docket No. G–12200.

[Docket Nos. CI60–693, CP61–177]

## LO-VACA GATHERING CO. AND HOUSTON PIPE LINE CO.

### Order for Hearing and Consolidating Proceedings

FEBRUARY 24, 1961.

Lo-Vaca Gathering Co., Docket No. CI60–693; Houston Pipe Line Company, Docket No. CP61–177.

Lo-Vaca Gathering Co., Corpus Christi, Texas, filed on June 1, 1960, pursuant to section 7(c) of the Natural Gas Act, an application for a certificate of public convenience and necessity authorizing the sale in interstate commerce for resale of up to 66,500,000 cubic feet of natural gas (at 14.65 # psia) per day to El Paso Natural Gas Company, El Paso, Texas, and also an additional like volume of natural gas to be used by El Paso solely as fuel in its compressors and other facilities located outside Texas, all of such gas to be produced in Texas and sold at the initial price of 22 cents per Mcf.

Houston Pipe Line Company, Petroleum Building, Houston, Texas, filed on December 27, 1960, pursuant to section 16 of the Act and § 1.7(c) of the Commission's rules of practice and procedure, a petition for a declaratory order to remove uncertainty as to the Commission's jurisdiction under the Natural Gas Act over a proposed sale by Houston to El Paso Natural Gas Company of up to 77,000,000 cubic feet per day of natural gas (at 14.65 # psia) to be produced in Texas and delivered to El Paso at a point near Three Rivers, Live Oak County, Texas. The contract between El Paso and Houston provides that the gas to be purchased thereunder, although commingled with other gas being transported in El Paso's pipe line, shall be used by El Paso solely as fuel in the operation of El Paso's facilities in Texas and in the gasoline plant of Phillips Petroleum Company in Ector County, Texas. The price will be determined according to a formula set out in the contract which would have produced a price of 19.5 cents for each one million BTUs delivered during the billing month of November 1959. The contract provides that the gas sold thereunder shall have not less than 950 BTUs per cubic foot.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held, limited as hereinafter ordered, and that the proceedings be consolidated for hearing and disposal.

The Commission orders:

(A) A public hearing, limited to the question of the Commission's jurisdiction over the proposed sale of gas by Houston for use as fuel in El Paso's facilities in Texas and in Phillips' gasoline plant in Ector County, Texas, and over the proposed sale of gas by Lo Vaca for use as fuel in El Paso's facilities outside Texas, will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C., commencing March 21, 1961, at 10:00 a.m., e.s.t.

(B) The proceedings under the docket numbers in the caption hereof are hereby consolidated for hearing and disposal.

(C) Notices and petitions to intervene and protests may be filed with the Commission in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before March 3, 1961.

By the Commission.[1]

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1853; Filed, Mar. 2, 1961; 8:46 a.m.]

[1] Dissenting Opinion of Commissioner Kline filed as part of the original document.

[Project No. 2291]

## NEKOOSA-EDWARDS PAPER CO.

### Notice of Application for License

FEBRUARY 27, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Nekoosa-Edwards Paper Company, of Port Edwards, Wisconsin, for license for constructed Project No. 2291, known as Port Edwards, located on the Wisconsin River, in Wood County, Wisconsin, in the village of Port Edwards, and affecting a navigable water of the United States.

The project consists of a dam 1,215 feet long, the overflow section of which is controlled by 3 tainter gates 30 x 17.5 feet, 2 tainter gates 20 x 14 feet and a 525-foot section equipped with 4-foot flashboards, creating a reservoir with an area of 150 acres; a forebay protected by a trash screen leading to a powerhouse one mile downstream; 4 hydroelectric generating units with total installed capacity of 3,889 horsepower operating under a 17-foot head; a single 710 horsepower mechanical unit; and other appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 10, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1854; Filed, Mar. 2, 1961; 8:46 a.m.]



[Project No. 2292]

## NEKOOSA-EDWARDS PAPER CO.

### Notice of Application for License

FEBRUARY 23, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Nekoosa-Edwards Paper Company, of Port Edwards, Wisconsin, for license for constructed Project No. 2292, known as Nekoosa, located on the Wisconsin River, in Wood County, Wisconsin, in the City of Nekoosa, and affecting a navigable water of the United States.

The project consists of a dam 1,075 feet long, the overflow section of which is controlled by 3 tainter gates, each 30 X 17.5 feet and a 745-foot section equipped with 4-foot flashboards, creating a reservoir with an area of 400 acres; a 176-foot long powerhouse serving as part of the dam containing 5 hydroelectric generating units with total installed capacity of approximately 5,850 horsepower operating under a 21.5-foot head, the units of which are served by 5 operating flumes; and other appurtenant equipment.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 10, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1870; Filed, Mar. 2, 1961; 8:48 a.m.]

[Docket No. CP61–125]

## SOUTHERN NATURAL GAS CO.

### Notice of Application and Date of Hearing

FEBRUARY 27, 1961.

Take notice that on October 24, 1960, Southern Natural Gas Company (Applicant), Watts Building, Birmingham, Alabama, filed an application, as supplemented on December 19, 1960, and January 23, 1961, in Docket No. CP61–125, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to acquire and operate 5.832 miles of the 10-inch Gadsden, Alabama, branch line now owned and operated by Alabama Gas Corporation (Alabama), which purchases gas from Applicant for distribution in Gadsden. Applicant also proposes to sell to Alabama its old Gadsden meter station site upon which there are no facilities.

The foregoing proposals are more fully set forth in the application on file with the Commission and open to public inspection.

The application shows that the 5.832 mile portion of the 10-inch Gadsden branch line, now owned by Alabama, lies upstream from Applicant's present Gadsden town border station and parallels an existing 12-inch lateral owned and operated by Applicant, which lateral also extends to the town border station serving Gadsden. Applicant states that the purchase of this branch line from Alabama will enable Applicant to have sole and complete control of the gas up to the point of metering, and will give Applicant sole responsibility for the maintenance and operation of the facilities up to that point.

Applicant proposes to pay Alabama the depreciated original cost of the 10-inch line as of the date of closing, estimated at $18,054 as of May 31, 1960. In addition, Applicant proposes to pay Alabama $7,504 for the actual costs incurred for installing certain new piping at road crossings incident to alteration of the line in connection with a highway project being built in that vicinity. These costs will be defrayed from cash on hand. Applicant will receive from Alabama $700 for the old Gadsden meter station site.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 3, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 20, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1855; Filed, Mar. 2, 1961; 8:47 a.m.]

[Docket No. CP61–197]

## TENNESSEE NATURAL GAS LINES, INC.

### Notice of Application and Date of Hearing

FEBRUARY 23, 1961.

Take notice that on January 23, 1961, Tennessee Natural Gas Lines, Inc. (Applicant), 1003 Nashville Trust Building, Nashville 3, Tennessee, filed an application, as supplemented on February 6, 1961, in Docket No CP61–197, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to increase previously authorized direct interruptible natural gas service to the Nashville Glass Plant of the Ford Motor Company (Ford) from 10,500 Mcf per day to 20,800 Mcf per day, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application recites that Ford is presently constructing an addition to its glass plant located near Nashville, Tennessee, and that such addition will increase Ford's natural gas requirements which presently are a maximum daily quantity of 3,000 Mcf of firm gas service [1] and a maximum daily quantity of 10,500 Mcf of interruptible gas service.[2] The additional gas involved in the subject application will be for process use in plate glass furnaces, for heating and for process steam generation.

Applicant states that it has sufficient gas available under its contract with its sole supplier, Tennessee Natural Gas Company, to enable it to deliver the additional interruptible gas to Ford.

Applicant states further that no additional investment is required since it will deliver the additional gas to Ford at the existing delivery point, located near Nashville, Tennessee.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 30, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 20, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1871; Filed, Mar. 2, 1961; 8:48 a.m.]

[1] Authorized in Docket No. G–19302.

[2] Authorized in Docket No. G–9696.

[Docket Nos. G–12706, G–18841]

## TEXAS EASTERN TRANSMISSION CORP.

### Order Granting Postponement of Hearing

FEBRUARY 24, 1961.

On February 23, 1961, Ohio Valley Gas Corporation (Ohio Valley) telegraphically requested the Commission review its Motion for Postponement of Date of Hearing in this proceeding from February 28 to April 4, 1961 and overrule the Secretary's notice of February 21, 1961.

In support of its request Ohio Valley states that the additional time is necessary to prepare for hearing and that negotiations between Ohio Valley and Texas Eastern to settle the issues herein are in progress with conferences in this connection held as recently as February 18, 1961.

The Commission finds: Good cause has been shown for granting a postponement of the hearing herein.

The Commission orders: The hearing in this proceeding now scheduled to commence on February 28, 1961, as designated by our order of January 25, 1961 is hereby postponed to commence on April 4, 1961, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., in the manner prescribed by our order of January 25, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1856; Filed, Mar. 2, 1961; 8:47 a.m.]

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[Docket No. RI61–357 etc.]

## TEXAS PACIFIC COAL AND OIL CO. ET AL.

### Renegotiated Rates

FEBRUARY 23, 1961.

Texas Pacific Coal and Oil Company, Docket No. RI61–357; Texas Pacific Coal and Oil Company, Docket Nos. RI60–453 and RI60–469; Texas Pacific Coal and Oil Company (Operator), et al., Docket No. RI61–358; Texas Pacific Coal and Oil Company (Operator), et al., Docket No. RI60–470.

Order denying motion to substitute proposed renegotiated rates for rates now subject to section 4 (e) proceedings, accepting renegotiated rates for filing, providing for hearing and suspending the renegotiated rates, and allowing said rates to become effective subject to refund.

Texas Pacific Coal and Oil Company (Texas Pacific), on January 24, 1961, tendered for filing seven renegotiated agreements which provide for renegotiated base rates identical to previously filed favored-nation increased rates currently under review in section 4(e) proceedings and for certain changes in the tax increment of the rates included in rate schedules as hereinafter indicated. Texas Pacific also submitted a motion requesting that the current tenders be substituted for the previously suspended favored-nation increased rates current in effect subject to refund in the aforementioned schedules. Each of the tenders pertains to sales to El Paso Natural Gas Company and contain rate levels above the 11.0 cents per Mcf set out in the Commission's General Policy Statement No. 61–1 issued September 28, 1960. Pertinent data as to the tenders are as follows:

1. Designation: Docket No. RI61–357, Supplement No. 9 to Texas Pacific's FPC Gas Rate Schedule No. 1.
Source: Payton Field, Pecos and Ward Counties, Texas; R.R. District No. 8.
Rate in effect subject to refund, Docket No. RI60–469: 15.6488¢/Mcf.
Proposed rate: 15.70925¢/Mcf.

2. Designation: Docket No. RI61–357, Supplement No. 10 to Texas Pacific's FPC Gas Rate Schedule No. 4.
Source: Jalmat Field, Lea County, New Mexico.
Rate in effect subject to refund, Docket No. RI60–453: 15.50174¢/Mcf.
Proposed rate: 15.55987¢/Mcf.

3. Designation: Docket No. RI61–357, Supplement No. 9 to Texas Pacific's FPC Gas Rate Schedule No. 5.
Source: South Fullerton Gas Plant, Andrews County, Texas; R.R. District No. 8.
Rate in effect subject to refund, Docket No. RI60–469: 17.0934¢/Mcf.
Proposed rate: 17.0934¢/Mcf.

4. Designation: Docket No. RI61–357, Supplement No. 4 to Texas Pacific's FPC Gas Rate Schedule No. 6.
Source: Spraberry Field, Reagan County, Texas; R.R. District No. 7c.
Rate in effect subject to refund, Docket No. RI60–469: 17.00¢/Mcf.
Proposed rate: 17.2295¢/Mcf.

5. Designation: Docket No. RI61–357, Supplement No. 3 to Texas Pacific's FPC Gas Rate Schedule No. 8.
Source: Bagley Field, Lea County, New Mexico.
Rate in effect subject to refund, Docket No. RI60–469: 15.50¢/Mcf.
Proposed rate: 15.55987¢/Mcf.

6. Designation: Docket No. RI61–357, Supplement No. 4 to Texas Pacific's FPC Gas Rate Schedule No. 12.
Source: King Mountain Field, Upton County, Texas; R.R. District No. 7c.
Rate in effect subject to refund, Docket No. RI60–469: 13.68225¢/Mcf.
Proposed rate: 13.68225¢/Mcf.

7. Designation: Docket No. RI61–358, Supplement No. 5 to Texas Pacific's FPC Gas Rate Schedule No. 20.
Source: Eumont Field, Lea County, New Mexico.
Rate in effect subject to refund, Docket No. RI60–470: 15.50¢/Mcf.
Proposed rate: 15.55987¢/Mcf.

Eleven tenders, unless suspended, would become effective on February 24, 1961, the date of expiration of statutory notice.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has not been shown for permitting substitution of Texas Pacific's January 24, 1961 tenders for those currently in effect subject to refund in Docket Nos. RI61–453, RI61–469 and RI61–470 as requested.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the several proposed changes and because of the nature of the tenders, that the above-designated supplements be suspended and the use thereof deferred for one day as hereinafter ordered.

The Commission orders:

(A) The motion tendered by Texas Pacific on January 24, 1961 is hereby denied.

(B) Supplement Nos. 9, 10, 9, 4, 3, 4, and 5 to Texas Pacific's FPC Gas Rate Schedule Nos. 1, 4, 5, 6, 8, 12 and 20, respectively, are hereby accepted for filing subject to the terms of this order.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon the date to be fixed by notice from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(D) Pending hearing and decision thereon, Supplement Nos. 9, 10, 9, 4, 3, 4 and 5 to Texas Pacific's FPC Gas Rate Schedule Nos. 1, 4, 5, 6, 8, 12 and 20, respectively, are hereby suspended and the use thereof deferred until February 25, 1961, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That said supplements shall become effective as of February 25, 1961, if within 20 days from the date of the issuance of this order, Texas Pacific shall execute and file in this proceeding its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Texas Pacific is advised to the contrary within 15 days after the filing of such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 12, 1961.

(F) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1858; Filed, Mar. 2, 1961; 8:47 a.m.]



# SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3940]

## CENTRAL AND SOUTH WEST CORP. ET AL.

### Notice of Filing Regarding Issuance and Sale of Short-Term Notes by Subsidiary Companies to Holding Company

FEBRUARY 24, 1961.

In the matter of Central and South West Corporation, Central Power and Light Company, Public Service Company of Oklahoma, Southwestern Electric Power Company; File No. 70–3940.

Notice is hereby given that Central and South West Corporation, Chicago, Illinois ("Central and South West"), a registered holding company, and its subsidiary companies, Central Power and Light Company ("Central Power"), Public Service Company of Oklahoma ("Public Service") and Southwestern Electric Power Company ("Southwestern"), have filed with this Commission a joint application-declaration designating sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 45, and 50(a)(3) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central Power, Public Service, and Southwestern propose to issue their promissory notes from time to time during 1961, and to sell such notes to Central and South West. The maximum amounts of notes to be outstanding at any time will be as follows: Central Power, $2,600,000; Public Service, $1,000,000; and Southwestern, $3,500,00, a total of $7,100,000. The notes are to be dated as of the dates of each borrowing, to bear interest at a rate not greater than three percent (3%) per annum, and to mature December 31, 1961. The notes may be prepaid at any time without premium or penalty.

Central and South West proposes to purchase the notes from time to time during 1961, beginning in March.

The proceeds from the issuance of the notes will be used by the subsidiary companies to finance temporarily a portion of their construction programs. It is contemplated that the notes will be paid prior to their maturity from funds generated internally by the borrowing companies.

The fees and expenses of Central and South West and its subsidiary companies in connection with the proposed transactions are estimated at $1,300.

It is represented that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 15, 1961, at 5:30 p.m., request in writing that a hearing be held in respect of the joint application-declaration, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission shall order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the Commission may grant and permit to become effective the joint application-declaration, as filed or as it may be amended, pursuant to the provisions of Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61–1859; Filed, Mar. 2, 1961; 8:47 a.m.]

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[File No. 70–3944]

## MISSISSIPPI POWER & LIGHT CO.

### Notice of Filing Regarding Proposal To Transfer a Portion of Earned Surplus to Common Stock Capital Account

FEBRUARY 24, 1961.

Notice is hereby given that Mississippi Power & Light Company ("Mississippi"), a public-utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and has designated sections 6(a) and 7 of the Act as applicable to the proposed transaction.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

Mississippi proposes to transfer from its earned surplus account to its common stock capital account an aggregate of $2,850,000 which is equivalent to one dollar per share on its outstanding no par value common stock. The common stock capital account will thereby be increased to $39,900,000. At December 31, 1960 its earned surplus amounted to $7,919,370 after reflecting net income for the 12 months period ended as of that date of $5,864,062 and the payment of dividends to its preferred and common stockholders in the aggregate amount of $4,055,410.

The declaration states that no State regulatory agency and no Federal commission or agency, other than this Commission, has jurisdiction over the proposed transaction, and that no fees or commissions are to be paid, and no special and separable expenses are anticipated in connection with the proposed transaction.

Notice is further given that any interested person may, not later than March 16, 1961, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration may be permitted to become effective as provided by Rule 23 promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided by Rules 20(a) and 100 thereof or take such other action as is deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61–1860; Filed, Mar. 2, 1961; 8:47 a.m.]

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[File No. 70–3942]

## OHIO EDISON CO.

### Notice of Proposed Restricted Stock Option Plan to Key Executive Employees and Solicitation of Proxies

FEBRUARY 24, 1961.

Notice is hereby given that Ohio Edison Company ("Ohio Edison"), a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and 12 of the Act and Rules 43 and 62 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration for a statement of the proposed transactions which are summarized below:

Ohio Edison proposes to adopt a Restricted Stock Option Plan ("Plan"), within the requirements of section 421 of the Internal Revenue Code of 1954, as amended, to grant options to key executive employees of Ohio Edison, and its subsidiary company, Pennsylvania Power Company ("Pennsylvania"), for the purchase of up to 125,000 shares of the authorized and unissued common stock of Ohio Edison. This amounts to 0.98 percent of the 12,773,498 shares of issued and outstanding common stock of Ohio Edison.

The granting of the options is subject to certain terms and conditions including the following:

1. Not more than 25 percent of the shares reserved under the Plan may be optioned to employees who, at the time of adoption of the Plan, are officers of Ohio Edison or Pennsylvania.

2. The purchase price per share of the common stock covered by each option will be the fair market value of such stock at the time of the granting of the option, subject to modifications and ad-

justments under conditions described in the Plan.

3. The aggregate exercise price of common stock optioned to any one optionee must be paid in cash upon the exercise of the option or any portion thereof and may not exceed 150 percent of the regular annual cash compensation then being paid to him by either Ohio Edison, or Pennsylvania, or both.

4. The term of any option shall not exceed ten years from the date it is granted.

5. No option may be exercised in whole or in part during the first twelve months after its grant.

6. The plan shall terminate 4 years after the date of its approval by the holders of common stock of Ohio Edison.

The Plan will be administered by a committee selected from the board of directors of Ohio Edison, who are not eligible to receive options and who are not former employees of Ohio Edison or Pennsylvania.

Ohio Edison further proposes at the annual meeting of its stockholders to be held on April 27, 1961, to solicit proxies from the holders of its common stock so as to obtain the approval of the Plan by the holders of a majority of its outstanding shares and for the release from preemptive rights of 125,000 of the authorized and unissued shares of its common stock.

The fees and expenses will be paid by Ohio Edison and are estimated as follows: Expenses of solicitation of proxies, $5,000; legal fees, $4,000; and miscellaneous, $1,000.

It is stated that the Public Utility Commission of Ohio has jurisdiction over the issuance of the shares of common stock upon the exercise of the options granted under the Plan and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 15, 1961, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1861; Filed, Mar. 2, 1961; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 456]

## MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 28, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63698. By order of February 24, 1961, the Transfer Board approved the transfer to Stevens Express, Inc., Hutchinson, Kans., of Certificate No. MC 2727, issued April 1, 1958, to Spencer Bros., Inc., Lawrence, Kans., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, livestock, agricultural machinery and parts, agricultural implements and parts, binder twine, agricultural commodities, feed, fencing and building materials, bale ties, fertilizer, filling station equipment, plumbing and heating supplies, and equipment, containers for petroleum products, petroleum products in containers, agricultural machinery and parts, twine, farm machinery and parts, seed, fencing, building and roofing materials, filling station equipment, telephone poles, electrical equipment and supplies used in telephone construction work, tractors and farm implements, from, to, or between specified points in Kansas and Missouri. J. F. Miller, 500 Board of Trade Building, Kansas City 5, Mo., attorney for applicants.

No. MC-FC 63923. By order of February 24, 1961, the Transfer Board approved the transfer to Commodities Carrier, Inc., East Orange, N.J., of a portion of Permit No. MC 109798, issued July 17, 1958, to J. Mitchko, Inc., Lafayette, N.J., authorizing the transportation, over irregular routes, of cracklings, in bulk, and salted hides, from points in that part of the United States east of a line beginning at Point a la Hache, La., and extending northward along the Mississippi River to Brainerd, Minn., and on and south of a line continuing eastward along U.S. Highway 210 to Duluth, Minn., to Kearny, N.J. Bert Collins, 140 Cedar Street, New York 6, N.Y., practitioner for applicants.

No. MC-FC 63966. By order of February 24, 1961, the Transfer Board approved the transfer to King Kong Truck Line, Inc., Benld, Ill., of Certificates in Nos. MC 116639 and MC 116639 Sub 2, issued May 15, 1958, and August 23, 1960, respectively, to James Baima, doing business as King Kong Truck Line, Benld, Ill., authorizing the transportation of: Malt beverages, from Peoria Heights, Ill., to points in Missouri, with exceptions, and empty malt-beverages containers, from points in Missouri (with exceptions) to Peoria Heights, Ill., and malt beverages from Milwaukee, Wis., to points in that part of Illinois south of and including the counties of Pike, Morgan, Sangamon, Macon, Moultrie, Douglas, and Edgar; and empty malt beverage containers, from the above-described points to Milwaukee, Wis. G. M. Rebman, La Tourette & Rebman, 314 North Broadway, St. Louis 2, Mo., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-1866; Filed, Mar. 2, 1961; 8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 129]

## MERIDIAN & BIGBEE RAILROAD CO. AND WESTERN RAILWAY OF ALABAMA

### Rerouting and Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, the Meridian & Bigbee Railroad Company and The Western Railway of Alabama, due to flood conditions, are unable to transport traffic routed over their lines.

*It is ordered,* That:

(a) Rerouting traffic: The Meridian & Bigbee Railroad Company and The Western Railway of Alabama and their connections, being unable to transport traffic in accordance with shippers routing because of flood conditions, are hereby authorized to divert or reroute traffic over their lines over any available route to expedite the movement.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 8:00 a.m., February 25, 1961.

(g) Expiration date: This order shall expire at 11:59 p.m., March 10, 1961, unless otherwise modified, changed, suspended or annulled.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D.C., February 27, 1961.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 61-1867; Filed, Mar. 2, 1961; 8:48 a.m.]



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VOLUME 26 NUMBER 42

Washington, Saturday, March 4, 1961

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

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### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### General Services Administration

Effective upon publication in the FEDERAL REGISTER, subparagraphs (4) and (12) of paragraph (a) of § 6.333 are amended and subparagraph (14) is added as set out below.

**§ 6.333 General Services Administration.**

(a) *Office of the Administrator.* * * *

(4) One Special Assistant to the Administrator.

* * * * * *

(12) Two Assistants to the Special Assistant to the Administrator (Congressional and Public Affairs).

* * * * * *

(14) One Special Assistant to the Deputy Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1918; Filed, Mar. 3, 1961; 8:48 a.m.]

### PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

#### Statistician and Mathematical Statistician

**§ 24.104 [Amendment]**

1. The headnote of § 24.104 is amended to read as follows: **§ 24.104** *Statistician, GS–1530–0 (all grades).*

2. The headnote and paragraph (a) of § 24.136 are amended as set out below.

**§ 24.136 Mathematical Statistician, GS–1529–0 (all grades).**

(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course, or its equivalent, in an accredited college or university leading to a bachelor's degree. This study must have included courses in mathematics and statistics consisting of lectures and recitations totaling at least 24 semester hours, of which at least 12 semester hours are in mathematics and 6 semester hours are in statistics.

(2) Courses in mathematics and statistics, in an accredited college or university, consisting of lecutres and recitations totaling at least 24 semester hours of which 12 semester hours are in mathematics and 6 semester hours are in statistics; plus additional appropriate experience or education which, when combined with the 24 semester hours in mathematics and statistics will total 4 years of education and experience and give the applicant a technical and general professional knowledge comparable to that which would have been required through the successful completion of the 4-year college course described in subparagraph (1) of this paragraph.

(3) (i) In either subparagraph (1) or (2) of this paragraph, the courses in mathematics must have included at least four of the following: Differential Calculus, Integral Calculus, Theory of Equations, Vector Analysis, Advanced Algebra, Differential Equations, or any other advanced course in mathematics for which one of these is a prerequisite. Courses in mathematical statistics or probability theory with a prerequisite of elementary calculus or more advanced courses will be accepted toward meeting the mathematics requirements, with the provision that the same course cannot be counted toward both the mathematics and the statistics requirement.

(ii) For some positions, credit in subjects such as the following, which are frequently offered in the mathematics departments of colleges, may be considered to meet the statistics requirement in either subparagraph (1) or (2) of this paragraph: Theory of Probability, Combinatorial Analysis; Numerical Methods; Calculus of Observations; Calculus of Finite Differences; Interpolation; Graduation; Methods of Applied Mathematics; Linear Algebra; Statistical Mechanics; Actuarial Mathematics; and Digital Computing.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1932; Filed, Mar. 3, 1961; 8:50 a.m.]

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 208]

### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

**§ 914.508 Navel Orange Regulation 208.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, and orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 2, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 5, 1961, and ending at 12:01 a.m., P.s.t., March 12, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 575,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 2, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–2009; Filed, Mar. 3, 1961; 11:30 a.m.]

[Lemon Reg. 889]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

**§ 953.996 Lemon Regulation 889.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 28, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 5, 1961, and ending at 12:01 a.m., P.s.t., March 12, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 209,250 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 1, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1947; Filed, Mar. 3, 1961; 8:52 a.m.]

[Grapefruit Reg. 11]

## PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Limitation of Shipments

**§ 1031.324 Grapefruit Regulation 11.**

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093), regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas, effective September 22, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades, pack, and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on February 27, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective terms in said marketing agreement and order; and terms relating to grade, diameter, and pack (including standard pack), when used herein, shall have the same meaning as is given to the respective terms in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620 to 51.658 of this title) for grapefruit packed in a 1⅔ bushel box: *Provided*, That, with respect to pack size 46, the term "fairly uniform in size" shall mean that not more than 10 percent, by count, of the fruit in any container vary more than $^{10}/_{16}$ inch in diameter.

(2) During the period beginning at 12:01 a.m., c.s.t., March 6, 1961, and ending at 12:01 a.m., c.s.t., March 20, 1961, no handler shall handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit grade: U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. Combination, with not less than 60 percent, by count, of the grapefruit in each container thereof grading at least U.S. No. 1 grade; or U.S. No. 2;

(ii) Any grapefruit of any variety, grown as aforesaid, which are of a size smaller than $3^{9}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than $3^{9}/_{16}$ inches in diameter: *Provided*, That none of such grapefruit that is smaller than $3^{9}/_{16}$ inches in diameter may be smaller than $3^{6}/_{16}$ inches in diameter;

(iii) Any grapefruit of any variety, grown as aforesaid, packed in any box or carton of inside dimensions other than those specified in subdivision (iv) of this subparagraph, unless the grapefruit are packed in accordance with the requirements of standard pack;

(iv) Any grapefruit of any variety, grown as aforesaid, packed in a container having inside dimensions of 19¾ x 13 x 13½ inches, 19¾ x 13 x 12½ inches, 19¾ x 13½ x 13½ inches, or 19¾ x 13 x 12¼ inches, unless such container is packed in accordance with one of the following pack sizes and contains the applicable number of grapefruit that are within the diameter limits specified for the particular pack size, except that not to exceed a total of 10 percent, by count, of the grapefruit in any such container may be outside such diameter limits:

| Pack size: | *Number of grapefruit* |
|---|---|
| 46 | 48 |
| 54 or 56 | 56 |
| 64 | 64 |
| 70 or 72 | 72 |
| 80 | 80 |
| 96 | 96 |

(v) The provisions of subdivisions (iii) and (iv) of this subparagraph shall not apply to the grapefruit in any gift package of fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 1, 1961.

S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–1946; Filed, Mar. 3, 1961; 8:52 a.m.]



## Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

## PART 1103—AGRICULTURAL CONSERVATION; VIRGIN ISLANDS

### Subpart—1961

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, and Public Law 86–532, the provisions of §§ 1103.900 to 1103.952 (24 F.R. 8964), as amended, shall be effective for the 1961 Agricultural Conservation Program for the Virgin Islands for the period September 1, 1960, through December 31, 1961, except for the following changes and such other changes as may hereafter be made:

1. For purposes of the 1961 program, references to the years 1959, 1960, and 1961 shall be construed as references to the years 1960, 1961, and 1962, respectively.

**§ 1103.904 [Amendment]**

2. The first sentence of paragraph (a) of § 1103.904 is amended, for purposes of the 1961 program, to read: "The Soil Conservation Service is responsible for the technical phases of practice 5 and practices 7 through 13 (§§ 1103.945 and 1103.947 to 1103.953)."

**§ 1103.917 [Amendment]**

3. The proviso included in the first sentence of § 1103.917 is deleted for purposes of the 1961 program.

4. Paragraph (a) of § 1103.921 is amended, for purposes of the 1961 program, to read:

**§ 1103.921 Appeals.**

(a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the ASC State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm. If he is dissatisfied with the decision of the ASC State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the ASC State Office. The decision of the Administrator, ACPS, shall be final. All appeals shall be considered as soon as practicable after they are filed, and prompt written notice of the decision shall be given to the appellant. Written notice of any decision rendered under this section by the ASC State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision.

5. Section 1103.924 is amended, for purposes of the 1961 program, to read:

**§ 1103.924 Maintenance and use of practices.**

The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1961 program will be subject to the condition that the person with whom the costs are shared will maintain and use such practices for the conservation purposes for which cost-sharing was authorized throughout their normal lifespans as long as the land on which they are carried out is under his control, unless the ASC State Office determines that good farming practice does not require such maintenance and use, or that the failure to so maintain and use the practices was due to conditions beyond his control.

6. Section 1103.927 is amended, for purposes of the 1961 program, to read:

**§ 1103.927 Filing of false claims.**

If the ASC State Office finds that any person has knowingly supplied false information, or has knowingly filed a false claim, including a claim for payment of the Federal cost-share under the program for practices not carried out or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1961 program and shall refund all amounts that may have been paid to him under the 1961 program. The withholding or refunding of Federal cost-shares will be in addition to, and not in substitution of any other penalty or liability which might otherwise be imposed.

**§ 1103.933 [Amendment]**

7. Paragraph (j) of § 1103.933 is amended, for purposes of the 1961 program, to read:

(j) "Program year" means the period from September 1, 1960, through December 31, 1961.

**§ 1103.941 [Amendment]**

8. Rate (a) of the maximum Federal cost-share paragraph of § 1103.941 is amended, for purposes of the 1961 program, to read:

(a) $10.00 per acre for seeding, sodding, or sprigging.

**§ 1103.942 [Amendment]**

9. The maximum Federal cost-share paragraph of § 1103.942 is amended, for purposes of the 1961 program, to read: "$5.00 per acre."

**§ 1103.947 [Amendment]**

10. The headnote and first sentence of § 1103.947 are amended, for purposes of the 1961 program, by the addition of the following wording: "or to make practicable the utilization of the land for vegetative cover."

11. A new § 1103.953 is added, for purposes of the 1961 program, as follows:

**§ 1103.953 Practice 13: Installing pipelines to deliver water from reservoir areas to bench terraces supported by permanent barriers to assure more efficient use and conservation of irrigation water.**

The purpose of this practice is to conserve agricultural water, or to provide water necessary for the conservation of soil resources. This practice is not applicable to land other than that which has been properly bench terraced through the construction of permanent barriers. The recommended method of irrigation is to run pipelines of ½ inch to 2 inches in diameter along the base of the barriers, and tapping such lines with flexible garden hoses for manual irrigation on the narrow benches. Federal cost-sharing will be allowed where the pipe used is new galvanized or comparable pipe meeting the following minimum specifications:

(a) Metal pipes (galvanized, wrought iron, welded steel, lead, copper, or brass) meeting specifications as adopted by all reputable pipe manufacturers.

(b) Plastic pipes, either flexible or rigid, as specified in standards established by the Society of Plastic Industry.

*Maximum Federal cost-share.* (a) $0.15 per linear foot when pipes of from ½ to 1 inch diameter are used.

(b) $0.25 per linear foot when pipes of from 1¼ to 1½ inches diameter are used.

(c) $0.35 per linear foot when pipes of 2 inches diameter are used.

(Sec. 4, 49 Stat. 164; secs. 7–17, 49 Stat. 1148, as amended, 74 Stat. 232; 16 U.S.C. 590d, 590g–590q)

Done at Washington, D.C., this 28th day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61–1920; Filed, Mar. 3, 1961; 8:49 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agriculture Research Service, Department of Agriculture

### SUBCHAPTER E—VIRUSES, SERUMS, TOXINS AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

## PART 132—GENERAL REGULATIONS

### Revision of Part

For the principal purposes of reflecting organizational changes and clarification of certain provisions, Subparts A and B of Part 132 are hereby revised to read as follows:

**Subpart A—Rules of Practice and Procedure Governing Proceedings To Formulate Marketing Agreements and Marketing Orders Applicable to Anti-Hog-Cholera Serum and Hog-Cholera Virus**

Sec.


Sec.
132.1 Words in the singular form.
132.2 Definitions.
132.3 Proposals.
132.4 Institution of proceeding.
132.5 Docket number.
132.6 Presiding officers.
132.7 Motions and requests.
132.8 Conduct of the hearing.
132.9 Oral and written arguments.
132.10 Certification of the transcript.
132.11 Copies of the transcript.
132.12 Administrator's recommended decision.
132.13 Submission to Secretary.
132.14 Decision by Secretary.
132.15 Execution of marketing agreement and issuance of marketing order.
132.16 Filing; extensions of time; effective date of filing; and computation of time.
132.17 Discussion of issues, etc., of proceeding prohibited.
132.18 Additional documents to be filed with hearing clerk.
132.19 Hearing before Secretary.


**Subpart B—Rules of Practice Governing Proceeding on Petitions To Modify or To Be Exempted From Marketing Orders**


132.50 Words in the singular form.
132.51 Definitions.
132.52 Institution of proceeding.
132.53 Answer to petition.
132.54 Amended pleadings.
132.55 Withdrawal of petition.
132.56 Docket number.
132.57 Presiding officers.
132.58 Consolidated hearings.
132.59 Intervention.
132.60 Prehearing conferences.
132.61 Motions and requests.
132.62 Oral hearings before presiding officer.
132.63 Depositions.
132.64 Subpenas.
132.65 Fees and mileage.
132.66 The presiding officer's report.
132.67 Transmittal of record.
132.68 Argument before Secretary.
132.69 Consideration and issuance of order.
132.70 Applications for reopening hearings; for rehearings or reargruments of proceedings; or for reconsideration of orders.
132.71 Filing; service; extensions of time; effective date of filing; and computation of time.
132.72 Applications for interim relief.
132.73 Hearing before Secretary.


AUTHORITY: §§ 132.1 to 132.73 issued under secs. 56–60, 49 Stat. 781, as amended, 782; 7 U.S.C. 851–855.

## Subpart A—Rules of Practice and Procedure Governing Proceedings To Formulate Marketing Agreements and Marketing Orders Applicable to Anti-Hog-Cholera Serum and Hog-Cholera Virus

### § 132.1 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

### § 132.2 Definitions.

As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means Public Law 320, 74th Congress, approved August 24, 1935, as amended (49 Stat. 781, 72 Stat. 454; 7 U.S.C. 851–855).

(b) The term "Department" means the United States Department of Agriculture.

(c) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

(e) The term "Administrator" means the Administrator of the Agricultural Research Service of the Department or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(f) The term "Service" means the Agricultural Research Service of the Department.

(g) The term "FEDERAL REGISTER" means the publication provided for by Public Law 220, 74th Congress, approved July 26, 1935 (49 Stat. 500; 44 U.S.C. 301 et seq.), and acts supplementary thereto and amendatory thereof.

(h) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(i) The term "marketing agreement" means any marketing agreement or any amendment thereto which may be entered into pursuant to the act.

(j) The term "marketing order" means any order or any amendment thereto which may be issued pursuant to the act.

(k) The term "proceeding" means a proceeding upon the basis of which a marketing agreement may be entered into or a marketing order may be issued.

(l) The term "hearing clerk" means the hearing clerk, United States Department of Agriculture, Washington, D.C.

(m) The term "presiding officer" means the examiner conducting a proceeding under the act.

### § 132.3 Proposals.

(a) A marketing agreement may be proposed by the Secretary or by any other person. If any person other than the Secretary proposes a marketing agreement, he shall file with the Administrator a written application, together with at least four copies of the proposal, requesting the Secretary to hold a hearing upon the proposal. Upon receipt of such proposal, the Administrator shall cause such investigation to be made and such consideration thereof to be given as, in his opinion, are warranted. If the investigation and consideration lead the Administrator to conclude that the proposed marketing agreement will not tend to effectuate the declared policy of the act, or that for other proper reasons a hearing should not be held on the proposal, he shall deny the application, and promptly notify the applicant of such denial, which notice shall be accompanied by a brief statement of the grounds for the denial.

(b) If the investigation and consideration lead the Administrator to conclude that the proposed marketing agreement or a marketing order will tend to effectuate the declared policy of the act, or if the Secretary desires to propose a marketing agreement, he shall sign and cause to be served a notice of hearing, as provided in this subpart.

### § 132.4 Institution of proceeding.

(a) *Filing and contents of the notice of hearing.* The proceeding shall be instituted by filing the notice of hearing with the hearing clerk. The notice of hearing shall contain a reference to the authority, under which the marketing agreement and marketing order, if any, is proposed; shall define the scope of the hearing as specifically as may be practicable; shall contain either the terms or substance of the proposed marketing agreement and marketing order, if any, or a description of the subjects and issues involved; and shall state the industry, area, and class or classes of persons to be regulated, the time and place of such hearing, and the place where copies of such proposed marketing agreement and marketing order, if any, may be obtained or examined. The time of the hearing shall not be less than 15 days after the date of publication of the notice in the FEDERAL REGISTER, as provided in this subpart, unless the Administrator shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Administrator may determine to be reasonable in the circumstances: *Provided*, That, in the case of hearings on amendments to marketing agreements and marketing orders, if any, the time of the hearing may be less than 15 days but shall not be less than 3 days after the date of publication of the notice in the FEDERAL REGISTER.

(b) *Giving notice of hearing and supplemental publicity.* (1) The Administrator shall give or cause to be given notice of the hearing in the following manner:

(i) By publication of the notice of hearing in the FEDERAL REGISTER;

(ii) By mailing a true copy of the notice of hearing to each of the persons known to the Administrator to be interested therein;

(iii) By issuing a press release containing the complete text or a summary



of the contents of the notice of hearing and making the same available to such newspapers as reasonably will tend to bring the notice to the attention of the persons interested therein;

(iv) By forwarding copies of the notice of hearing addressed to the governors of such of the several States of the United States and to executive heads of such of the Territories and possessions of the United States as the Administrator, having due regard for the subject matter of the proposal and the public interest, shall determine should be notified.

(2) Legal notice of the hearing shall be deemed to be given if notice is given in the manner provided by subparagraph (1) (i) of this paragraph; and failure to give notice in the manner provided in subparagraph (1) (ii), (iii), and (iv) of this paragraph shall not affect the legality of the notice.

(c) *Record of notice and supplemental publicity.* There shall be filed with the hearing clerk or submitted to the presiding officer at the hearing an affidavit or certificate of the person giving the notice provided in paragraph (b) (1) (iii) and (iv) of this section. In regard to the provisions relating to mailing in paragraph (b) (1) (ii) of this section, a determination by the Administrator that such provisions have been complied with shall be filed with the hearing clerk or submitted to the presiding officer at the hearing. In the alternative, if notice is not given in the manner provided in paragraph (b) (1) (ii), (iii), and (iv) of this section there shall be filed with the hearing clerk or submitted to the presiding officer at the hearing a determination by the Administrator that such notice is impracticable, unnecessary, or contrary to the public interest with a brief statement of the reasons for such determination. Determinations by the Administrator as provided in this paragraph shall be final.

### § 132.5 Docket number.

Each proceeding, immediately following its institution, shall be assigned a docket number by the hearing clerk and thereafter the proceeding may be referred to by such number.

### § 132.6 Presiding officers.

(a) *Assignment.* No presiding officer who has any pecuniary interest in the outcome of a proceeding shall serve as presiding officer in such proceeding.

(b) *Powers of presiding officers.* Subject to review by the Secretary, as provided elsewhere in this subpart, the presiding officer, in any proceeding shall have power to:

(1) Rule upon motions and requests;

(2) Change the time and place of hearing, and adjourn the hearing from time to time or from place to place;

(3) Administer oaths and affirmations and take affidavits;

(4) Examine and cross-examine witnesses and receive evidence;

(5) Admit or exclude evidence;

(6) Hear oral argument on facts or law;

(7) Do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

(c) *Who may act in absence of presiding officer.* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other presiding officer.

(d) *Disqualification of presiding officer.* The presiding officer may at any time withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

### § 132.7 Motions and requests.

(a) *General.* All motions and requests shall be filed with the hearing clerk, except that those made during the course of the hearing may be filed with the presiding officer or may be stated orally and made a part of the transcript. Except as provided in § 132.16(b) such motions and requests shall be addressed to, and ruled on by, the presiding officer if made prior to his certification of the transcript pursuant to § 132.10 or by the Secretary if made thereafter.

(b) *Certification to Secretary.* The presiding officer may in his discretion submit or certify to the Secretary for decision any motion, request, objection, or other question addressed to the presiding officer.

### § 132.8 Conduct of the hearing.

(a) *Time and place.* The hearing shall be held at the time and place fixed in the notice of hearing, unless the presiding officer shall have changed the time or place, in which event the presiding officer shall file with the hearing clerk a notice of such change, which notice shall be given in the same manner as provided in § 132.4 (relating to the giving of notice of the hearing): *Provided*, That, if the change in time or place of hearing is made less than 5 days prior to the date previously fixed for the hearing, the presiding officer, either in addition to or in lieu of causing the notice of the change to be given, shall announce, or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) *Appearances*—(1) *Right to appear.* At the hearing, any interested person shall be given an opportunity to appear, either in person or through his authorized counsel or representative, and to be heard with respect to matters relevant and material to the proceeding. Any interested person who desires to be heard in person at any hearing under these rules shall, before proceeding to testify, state his name, address, and occupation. If any such person is appearing through a counsel or representative, such person or such counsel or representative shall, before proceeding to testify or otherwise to participate in the hearing, state for the record the authority to act as such counsel or representative, and the names and addresses and occupations of such person and such counsel or representative. Any such person or such counsel or representative shall give such other information respecting his appearance as the presiding officer may request.

(2) *Debarment of counsel or representative.* (i) Whenever, while a proceeding is pending before him, the presiding officer finds that a person, acting as counsel or representative for any person participating in the proceeding, is guilty of unethical or unprofessional conduct, the presiding officer may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided*, That the presiding officer may suspend the proceeding for a reasonable time for the purpose of enabling the client to obtain other counsel or other representative.

(ii) In case the presiding officer has ordered that a person be precluded from further acting as counsel or representative in the proceeding, the presiding officer, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding such order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter the Secretary may, after notice and an opportunity for hearing, issue such order, respecting the appearance of such person as counsel or representative in proceedings before the Secretary, as the Secretary finds to be appropriate.

(3) *Failure to appear.* If any interested person fails to appear at the hearing, he shall be deemed to have waived the right to be heard in the proceeding.

(c) *Order of procedure.* (1) The presiding officer shall, at the opening of the hearing prior to the taking of testimony, have noted as part of the record his designation as presiding officer, the notice of hearing as filed with the Office of the Federal Register, and the affidavit or certificate of the giving of notice or the determination provided for in § 132.4(c).

(2) Evidence shall then be received with respect to the matters specified in the notice of the hearing in such order as the presiding officer shall announce.

(d) *Evidence*—(1) *In general.* (i) The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim.

(ii) Every witness shall, before proceeding to testify, be sworn or make affirmation. Cross-examination shall be permitted to the extent required for a full and true disclosure of the facts.

(iii) When necessary, in order to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify to

the same matter or the amount of corroborative or cumulative evidence.

(iv) The presiding officer shall, insofar as practicable, exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* (i) If a party objects to the admission or rejection of any evidence or to any other ruling of the presiding officer during the hearing, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The transcript shall not include argument or debate thereon except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript.

(ii) Only objections made before the presiding officer may subsequently be relied upon in the proceeding.

(3) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible as evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the presiding officer, be evidenced by an official publication thereof or by a copy attested by the person having legal custody thereof and accompanied by a certificate that such person has the custody.

(4) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon satisfactory showing of the authenticity, relevancy, and materiality of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Such exhibits shall be submitted in quadruplicate and in documentary form. In case the required number of copies is not made available, the presiding officer shall exercise his discretion as to whether said exhibits shall, when practicable, be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. If the testimony of a witness refers to a statute, or to a report or document (including the record of any previous hearing), the presiding officer, after inquiry relating to the identification of such statute, report, or document, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report or document (including the record of any previous hearing) containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

(5) *Official notice.* Official notice may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific or commercial fact of established character: *Provided,* That interested persons shall be given adequate notice, at the hearing or subsequent thereto, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

(6) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript *in toto.* In such event, it shall be considered a part of the transcript if the Secretary decides that the presiding officer's ruling in excluding the evidence was erroneous. The presiding officer shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the presiding officer erred in excluding the evidence, and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

**§ 132.9 Oral and written arguments.**

(a) *Oral argument before presiding officer.* Oral argument before the presiding officer shall be in the discretion of the presiding officer. Such argument, when permitted, may be limited by the presiding officer to any extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made part of the transcript.

(b) *Briefs, proposed findings and conclusions.* The presiding officer shall announce at the hearing a reasonable period of time within which interested persons may file with the hearing clerk proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing, citing, where practicable, the page or pages of the transcript of the testimony where such evidence appears. Factual material other than that adduced at the hearing or subject to official notice shall not be alluded to therein, and, in any case, shall not be considered in the formulation of the marketing agreement or marketing order. If the person filing a brief desires the Secretary to consider any objection made by any such person to a ruling of the presiding officer, as provided in § 132.8(d), he shall include in the brief a concise statement concerning each such objection, referring, where practicable, to the pertinent pages of the transcript.

**§ 132.10 Certification of the transcript.**

The presiding officer shall notify the hearing clerk of the close of a hearing as soon as possible thereafter and of the time for filing written arguments, briefs, proposed findings and proposed conclusions, and shall furnish the hearing clerk with such other information as may be necessary. As soon as possible after the hearing, the presiding officer shall transmit to the hearing clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the hearing clerk. He shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify; and that the exhibits transmitted are all the exhibits as introduced at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony. In accordance with such certificate the hearing clerk shall note upon each copy of the transcript each correction detailed therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the same conform to the correct meaning, as certified by the presiding officer. The hearing clerk shall obtain and file certifications to the effect that such corrections have been effected in copies other than the official record copy.

**§ 132.11 Copies of the transcript.**

(a) During the period in which the proceeding has an active status in the Department, a copy of the transcript and exhibits shall be kept on file in the office of the hearing clerk, where it shall be available for examination during official hours of business. Thereafter said transcript and exhibits shall be made available by the hearing clerk for examination during official hours of business after prior request and reasonable notice to the hearing clerk.

(b) If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter and upon payment of fees at the rate (if any) provided in the contract between the reporter and the Secretary.

**§ 132.12 Administrator's recommended decision.**

(a) *Preparation.* As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions, the Administrator shall file with the hearing clerk a recommended decision.

(b) *Contents.* The Administrator's recommended decision shall include: (1) A preliminary statement containing a description of the history of the proceedings, a brief explanation of the material issues of fact, law, or discretion presented on the record, and proposed findings and conclusions with respect to such issues as well as the reasons or basis therefor; (2) a ruling upon each proposed finding or conclusion submitted by interested persons; and (3) an appropriate proposed marketing agreement and marketing order, if any, effectuating his recommendations.

(c) *Exceptions to recommended decision.* Immediately following the filing of his recommended decision, the Administrator shall give notice thereof, and opportunity to file exceptions thereto by publication in the FEDERAL REGISTER.



Within a period of time specified in such notice any interested person may file with the hearing clerk exceptions to the Administrator's proposed marketing agreement and marketing order, if any, and a brief in support of such exceptions. Such exceptions shall be in writing, shall refer, where practicable, to the related pages of the transcript and may suggest appropriate changes in the proposed marketing agreement and marketing order, if any.

(d) *Omission of recommended decision.* The procedure provided in this section may be omitted only if the Secretary finds on the basis of the record that due and timely execution of his functions imperatively and unavoidably requires such omission.

**§ 132.13 Submission to Secretary.**

Upon the expiration of the period allowed for filing exceptions or upon request of the Secretary, the hearing clerk shall transmit to the Secretary the record of the proceeding. Such record shall include: all motions and requests filed with the hearing clerk and rulings thereon: the certified transcript; any proposed findings or conclusions or written arguments or briefs that may have been filed; the Administrator's recommended decision, if any, and such exceptions as may have been filed.

**§ 132.14 Decision by Secretary.**

After due consideration of the record, the Secretary shall render a decision. Such decision shall become a part of the record and shall include (a) a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, (b) a ruling upon each proposed finding and proposed conclusion not previously ruled upon in the record, (c) a ruling upon each exception filed by interested persons, and (d) either (1) a denial of the proposal to issue a marketing agreement and marketing order, if any, or (2) a marketing agreement and, if the findings upon the record so warrant, a marketing order, the provisions of which shall be set forth directly or by reference, regulating the handling of anti-hog-cholera serum and hog-cholera virus in the same manner and to the same extent as such marketing agreement, which order shall be complete except for its effective date and any determinations to be made under § 132.15 (b): *Provided,* That such marketing order shall not be executed, issued, or made effective until and unless the Secretary determines that the requirements of § 132.15(b) have been met.

**§ 132.15 Execution of marketing agreement and issuance of marketing order.**

(a) *Execution of marketing agreement.* If the Secretary has approved a marketing agreement, as provided in § 132.14, the Administrator shall cause copies thereof to be distributed for execution by the handlers eligible to become parties thereto. If and when such number of the handlers as the Secretary shall deem to be sufficient shall have executed the marketing agreement, the Secretary shall execute the same, and notice of its effective date shall be mailed by the hearing clerk to each person signatory thereto. A marketing agreement shall be effective and binding upon any party thereto even though such party may not have received the notice provided for in this paragraph, or the hearing clerk may have failed to mail such notice.

(b) *Issuance of marketing order with marketing agreement.* Whenever, as provided in paragraph (a) of this section, the Secretary executes a marketing agreement, and handlers also have executed the same as provided in section 59 of the act, he shall, if he finds that it will tend to effectuate the purposes of the act, issue and make effective the marketing order, if any, which was filed as a part of his decision pursuant to § 132.14.

(c) *Effective date of marketing order.* No marketing order shall become effective less than 30 days after its publication in the FEDERAL REGISTER, unless the Secretary upon good cause found and published with the order, fixes an earlier effective date therefor: *Provided,* That no marketing order shall become effective as to any person sought to be charged thereunder before either (1) it has been filed with the Office of the Federal Register, or (2) such person has received actual notice of the issuance and terms of the marketing order.

(d) *Notice of issuance.* After the issuance of a marketing order, such order shall be filed with the hearing clerk, and notice thereof, together with notice of the effective date, shall be given by publication in the FEDERAL REGISTER.

**§ 132.16 Filing: extension of time; effective date of filing; and computation of time.**

(a) *Filing, number of copies.* Except as is provided otherwise in this subpart, all documents or papers required or authorized by the foregoing provisions of this subpart to be filed with the hearing clerk shall be filed in quadruplicate. Any document or paper, so required or authorized to be filed with the hearing clerk, shall, during the course of an oral hearing, be filed with the presiding officer.

(b) *Extensions of time.* The time for the filing of any document or paper required or authorized by the foregoing provisions of this subpart to be filed may be extended by the presiding officer (before the record is certified by the presiding officer) or by the Administrator (after the record is so certified by the presiding officer but before it is transmitted to the Secretary), or by the Secretary (after the record is transmitted to the Secretary) upon request filed, and if, in the judgment of presiding officer, Administrator, or the Secretary, as the case may be, there is good reason for the extension. All rulings made pursuant to this paragraph shall be filed with the hearing clerk.

(c) *Effective date of filing.* Any document or paper required or authorized by the foregoing provisions of this subpart to be filed shall be deemed to be filed when it is postmarked or when it is received by the hearing clerk.

(d) *Computation of time.* Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That, when such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

**§ 132.17 Discussion of issues, etc., of proceeding prohibited.**

Except as may be provided otherwise in this subpart, no officer or employee of the Department shall, following the close of the hearing in a marketing agreement proceeding and prior to the execution of a marketing agreement or the issuance of a marketing order therein, discuss the issues, merits, or evidence involved in the proceeding with any person interested in the result of the proceeding or with any representative of such person: *Provided, however,* That the provisions of this section shall not preclude an officer or employee who has been duly assigned to, or who has supervision over, a proceeding from discussing with interested persons or their representatives matters of procedure in connection with such proceeding. Insofar as the provisions of this section are inconsistent with the provisions of Regulation 1544 of the publication entitled "Regulations of the U.S. Department of Agriculture," the provisions of this section shall prevail.

**§ 132.18 Additional documents to be filed with hearing clerk.**

In addition to the documents or papers required or authorized by the foregoing provisions of this subpart to be filed with the hearing clerk, the hearing clerk shall receive for filing and shall have custody of all papers, reports, records, orders, and other documents which relate to the administration of any marketing agreement or marketing order and which the Secretary is required to issue or to approve.

**§ 132.19 Hearing before Secretary.**

The Secretary may act in the place and instead of a presiding officer in any proceeding under this subpart. When he so acts the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final decision in the proceeding: *Provided,* That he may issue a tentative decision in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final decision.

## Subpart B—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From Marketing Orders

**§ 132.50 Words in the singular form.**

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

**§ 132.51 Definitions.**

As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means Public Law 320, 74th Congress, approved August 24, 1935, as amended. (49 Stat. 781, 72 Stat. 454; 7 U.S.C. 851–855).

(b) The term "Department" means the United States Department of Agriculture.

(c) The term "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead;

(d) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

(e) The term "Administrator" means the Administrator of the Agricultural Research Service of the Department or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead;

(f) The term "Service" means the Agricultural Research Service of the Department;

(g) The term "Federal Register" means the publication provided for by Public Act No. 220, 74th Congress, approved July 26, 1935 (49 Stat. 500; 44 U.S.C. 301 et seq.), and acts supplementary thereto and amendatory thereof.

(h) The term "marketing order" means an order or any amendment thereto which may be issued pursuant to the act.

(i) The term "handler" means any person who, by the terms of a marketing order, is subject thereto, or to whom a marketing order is sought to be made applicable.

(j) The term "proceeding" means a proceeding before the Secretary arising under the provisions of section 608c (15) (A) of Title 7, United States Code, applicable under Public Law 320, 74th Congress, approved August 24, 1935, to orders issued pursuant to said act.

(k) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(l) The term "party" includes the Department.

(m) The term "hearing clerk" means the hearing clerk, United States Department of Agriculture, Washington, D.C.

(n) The term "presiding officer" means the examiner conducting a proceeding under the act.

(o) The term "presiding officer's report" means the presiding officer's report to the Secretary and includes the presiding officer's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order and (3) rulings on findings, conclusions and orders submitted by the parties.

(p) The term "petition" includes an amended petition.

**§ 132.52 Institution of proceeding.**

(a) *Filing and service of petition.* Any handler desiring to complain that a marketing order or any provision of such order or any obligation imposed in connection therewith is not in accordance with law, shall file with the hearing clerk, in quadruplicate, a petition in writing addressed to the Secretary. Promptly upon receipt of the petition, the hearing clerk shall transmit a true copy thereof to the Administrator and the General Counsel, respectively.

(b) *Contents of petition.* A petition shall contain:

(1) The correct name, address, and principal place of business of the petitioner. If petitioner is a corporation, such fact shall be stated, together with the name of the State of incorporation, the date of incorporation, and the names, addresses, and respective positions held by its officers and directors; if an unincorporated association, the names and addresses of its officers, and the respective positions held by them; if a partnership, the name and address of each partner.

(2) Reference to the specific terms or provisions of the order, or the interpretation or application thereof, which are complained of.

(3) A full statement of the facts (avoiding a mere repetition of detailed evidence) upon which the petition is based, and which it is desired that the Secretary consider, setting forth clearly and concisely the nature of the petitioner's business and the manner in which petitioner claims to be affected by the terms or provisions of the order, or the interpretation or application thereof, which are complained of.

(4) A statement of the grounds on which the terms or provisions of the order, or the interpretation or application thereof, which are complained of, are challenged as not in accordance with law.

(5) Prayers for the specific relief which the petitioner desires the Secretary to grant.

(6) An affidavit by the petitioner, or, if the petitioner is not an individual, by an officer of the petitioner having knowledge of the facts stated in the petition, verifying the petition and stating that it is filed in good faith and not for purposes of delay.

(c) *Application to dismiss petition—(1) Filing, contents, and responses thereto.* If the Administrator is of the opinion that the petition, or any portion thereof, does not substantially comply, in form or content, with the act or with the requirements of paragraph (b) of this section, or is not filed in good faith, or is filed for purposes of delay, he may, within 30 days after the filing of the petition, file with the hearing clerk an application to dismiss the petition, or any portion thereof, on one or more of the grounds stated in this paragraph. Such application shall specify the grounds of objection to the petition and, if based, in whole or in part, on allegations of fact not appearing on the face of the petition, shall be accompanied by appropriate affidavits or documentary evidence substantiating such allegations of fact. The application may be accompanied by a memorandum of law. Upon receipt of such application, the hearing clerk shall cause a copy thereof to be served upon the petitioner, together with a notice stating that all papers to be submitted in opposition to such application, including any memorandum of law, must be filed by the petitioner with the hearing clerk not later than 20 days after the service of such notice upon the petitioner. Upon the expiration of the time specified in such notice, or upon receipt of such papers from the petitioner, the hearing clerk shall transmit all papers which have been filed in connection with the application to the Secretary for his consideration.

(2) *Decision by Secretary.* The Secretary, after due consideration, shall render a decision upon the application, stating the reasons for his actions. Such decision shall be in the form of an order and shall be filed with the hearing clerk who shall cause a copy thereof to be served upon the petitioner and a copy thereof to be transmitted to the Administrator. Any such order of the Secretary shall be a final order: *Provided,* That within 20 days following the service upon the petitioner of a copy of an order of the Secretary dismissing the petition, or any portion thereof, on the ground that it does not substantially comply in form and content with the act or with paragraph (b) of this section, the petitioner shall be permitted to file an amended petition.

(3) *Referral to presiding officer.* The Secretary may, in his discretion, refer any application made under this section to the presiding officer for preliminary consideration and report, and in a proper case, for the taking of evidence: *Provided,* That the provisions of §§ 132.62 to 132.67, inclusive, shall be applicable to the reception of such evidence, if any; the form, content, and filing of such report; the allowance of exceptions thereto; and transmittal of the record to the Secretary.

(4) *Oral argument.* Unless a written application for oral argument is filed by a party with the hearing clerk not later than the time fixed for filing papers in opposition to the application, it shall be considered that the party does not desire oral argument. The granting of a request to make oral argument shall rest in the discretion of the Secretary or the presiding officer, as the case may be.

**§ 132.53 Answer to petition.**

(a) *Time of filing.* Within 30 days after the filing of the petition, the Administrator shall file an answer thereto: *Provided,* That, if an application to dismiss the petition, in whole or in part, is made pursuant to § 132.52(c), the answer shall be filed within 15 days after the filing of an order of the Secretary denying the application or granting the application with respect to only a portion of the petition. The answer shall be filed with the hearing clerk who shall cause a copy thereof to be served promptly upon the petitioner.

(b) *Contents.* The answer shall specify which of the material allegations of fact or of law in the petition are controverted and which are not controverted. The answer also may contain affirmative allegations of fact constituting separate defenses and statements of objections to the sufficiency of the whole or any part of the petition.



**§ 132.54 Amended pleadings.**

At any time before the close of the hearing the petition or answer may be amended, but the hearing shall, at the request of the adverse party, be adjourned or recessed for such reasonable time as the presiding officer may determine to be necessary to protect the interests of the parties. Amendments subsequent to the first amendment or subsequent to the filing of an answer may be made only with leave of the presiding officer or with the written consent of the adverse party.

**§ 132.55 Withdrawal of petition.**

If, at any time after the petition is filed, the petitioner desires to withdraw the same, he shall file with the hearing clerk (or, if filed during the course of a hearing, with the presiding officer) a written request for permission to withdraw. The Secretary may, in his discretion, thereupon dismiss the petition without further procedure: *Provided,* That, if the request to withdraw is filed after a hearing has been opened, permission to withdraw shall be granted only in exceptional circumstances.

**§ 132.56 Docket number.**

Each proceeding, immediately following its institution, shall be assigned a docket number by the hearing clerk and thereafter the proceeding may be referred to by such number.

**§ 132.57 Presiding officers.**

(a) *Assignment.* No presiding officer who has any pecuniary interest in the outcome of the proceeding, or who has participated in any investigation preceding the institution of the proceeding, shall serve as presiding officer in such proceeding.

(b) *Conduct.* The presiding officer shall conduct the proceeding in a fair and impartial manner and shall not discuss ex parte the merits of the proceeding with any person who is or who has been connected in any manner with the proceeding in an advocative or investigative capacity.

(c) *Powers of presiding officers.* Subject to review by the Secretary, as provided elsewhere in this subpart, the presiding officer shall have power to:

(1) Rule upon motions and requests;

(2) Adjourn the hearing from time to time, and change the time and place of hearing;

(3) Administer oaths and affirmations and take affidavits;

(4) Issue subpenas, under the facsimile signature of the Secretary, requiring the attendance and testimony of witnesses and the production of books, records, contracts, papers, and other documentary evidence;

(5) Examine witnesses and receive evidence;

(6) Take or order, under the facsimile signature of the Secretary, the taking of depositions;

(7) Admit or exclude evidence;

(8) Hear oral argument on facts or law;

(9) Consolidate hearings upon two or more petitions pertaining to the same order;

(10) Do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

(d) *Who may act in absence of presiding officer.* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under these rules of practice in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other presiding officer.

(e) *Disqualification of presiding officer.* The presiding officer may at any time withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

**§ 132.58 Consolidated hearings.**

At the discretion of the presiding officer, hearings upon two or more petitions pertaining to the same order may be consolidated, and the evidence taken at such consolidated hearing may be embodied in a single record.

**§ 132.59 Intervention.**

Intervention in proceedings subject to this subpart shall not be allowed, except that, in the discretion of the Secretary or the presiding officer, any person (other than the petitioner) showing a substantial interest in the outcome of a proceeding shall be permitted to participate in the oral argument and to file a brief.

**§ 132.60 Prehearing conferences.**

In any proceeding in which it appears that such procedure will expedite the proceeding, the presiding officer, at any time prior to the commencement of or during the course of the hearing, may request the parties or their counsel to appear at a conference before him to consider (a) the simplification of issues; (b) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; (c) the limitation of the number of expert or other witnesses; and (d) such other matters as may expedite and aid in the disposition of the proceeding. No transcript of such conference shall be made, but the presiding officer shall prepare and file for the record a written summary of the action taken at the conference, which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference. If the circumstances are such that a conference is impracticable, the presiding officer may request the parties to correspond with him for the purpose of accomplishing any of the objects set forth in this section. The presiding officer shall forward copies of letters and documents to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the presiding officer shall submit a written summary for the record if any action is taken.

**§ 132.61 Motions and requests.**

(a) *General.* All motions and requests shall be filed with the hearing clerk, except that those made during the course of an oral hearing may be filed with the presiding officer or may be stated orally and made a part of the transcript. The presiding officer is authorized to rule upon all motions and requests filed or made prior to the transmittal by the hearing clerk to the Secretary of the record as provided in this subpart. The Secretary shall rule upon all motions and requests filed after that time.

(b) *Certification of motions.* The submission or certification of any motion, request, objection, or other question to the Secretary prior to the transmittal of the record to the Secretary, as provided in this subpart, shall be in the discretion of the presiding officer.

**§ 132.62 Oral hearings before presiding officer.**

(a) *Time and place.* The presiding officer shall set a time and place for hearing and shall file with the hearing clerk a notice stating the time and place of hearing. If any change in the time or place of hearing becomes necessary, it shall be made by the presiding officer, who, in such event, shall file with the hearing clerk a notice of the change. Such notice shall be served upon the parties, unless it is made during the course of an oral hearing and made a part of the transcript.

(b) *Appearances—(1) Representation.* In any proceeding under the act, the parties may appear in person or by counsel or other representative. The Department, if represented by counsel, shall be represented by an attorney assigned by the General Counsel of the Department, and such attorney shall present or supervise the presentation of the position of the Department.

(2) *Debarment of counsel or representative.* Whenever, while a proceeding is pending before him, the presiding officer finds that a person acting as counsel or representative for any party to the proceeding is guilty of unethical or unprofessional conduct, the presiding officer may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided,* That the presiding officer may suspend the proceeding for a reasonable time for the purpose of enabling the client to obtain other counsel or representative. In case the presiding officer has issued an order precluding a person from further acting as counsel or representative in the proceeding the presiding officer, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding the issuance of the order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings be-

fore the Secretary. Thereafter, the Secretary may, after notice and an opportunity for hearing, issue such order respecting the appearance of such person as counsel or representative in proceedings before the Secretary as the Secretary finds to be appropriate.

(3) *Failure to appear.* If the petitioner, after being duly notified, fails to appear at the hearing, he shall be deemed to have authorized the Secretary without further procedure, to dismiss the proceeding with or without prejudice, as the Secretary may determine. In the event that the petitioner appears at the hearing and no representative of the Department appears, the presiding officer shall proceed *ex parte* to hear the evidence of the petitioner: *Provided*, That failure on the part of such representative of the Department to appear at a hearing shall not be deemed to be a waiver of the Department's right to file suggested findings of fact, conclusions, and order; to be served with a copy of the presiding officer's report; and to file exceptions with and to submit argument before the Secretary with respect thereto.

(c) *Order of proceeding.* Except as may be determined otherwise by the presiding officer, the petitioner shall proceed first at the hearing.

(d) *Evidence*—(1) *In general.* The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim. The testimony of witnesses at a hearing shall be upon oath or affirmation and subject to cross-examination. Any witness may, in the discretion of the presiding officer, be examined separately and apart from all other witnesses except those who may be parties to the proceeding. The presiding officer shall exclude, insofar as practicable, evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The transcript shall not include argument or debate thereon, except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript. Only objections made before the presiding officer may subsequently be relied upon in the proceeding

(3) *Depositions.* The deposition of any witness shall be admitted, in the manner provided in and subject to the provisions of § 132.63.

(4) *Affidavits.* Except as is otherwise provided in this subpart, affidavits may be admitted only if the evidence is otherwise admissible and the parties agree (which may be determined by their failure to make timely objections) that affidavits may be used.

(5) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible in evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the presiding officer, be evidenced by an official publication thereof or by a copy attested by the person having legal custody thereof and accompanied by a certificate that such person has the custody.

(6) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon a satisfactory showing of the admissibility of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Except where the presiding officer finds that the furnishing of copies is impracticable, a copy of each exhibit, in addition to the original, shall be filed with the presiding officer for the use of each other party to the proceeding. The presiding officer shall advise the parties as to the exact number of copies which will be required to be filed and shall make and have noted on the record the proper distribution of the copies. If the testimony of a witness refers to a statute, or to a report, document, or transcript, the presiding officer, after inquiry relating to the identification of such statute, report, document, or transcript, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report, document, or transcript containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

(7) *Official notice.* Official notice will be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the presiding officer's report or the tentative order or otherwise, of matters so noticed, and (except where official notice is taken, for the first time in the proceeding, in the final order) shall be given adequate opportunity to show that such facts are erroneously noticed.

(8) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Secretary decides that the presiding officer's ruling in excluding the evidence was erroneous. The presiding officer shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the presiding officer erred in excluding the evidence and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

(e) *Oral argument before presiding officer.* Oral argument before the presiding officer shall be allowed unless the presiding officer finds that the denial of such argument will not deprive the parties of an adequate opportunity for oral argument subsequently in the proceeding. Such argument may be limited by the presiding officer to any extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made part of the transcript.

(f) *Transcript.* (1) During the period in which the proceeding has an active status in the Department, a copy of the transcript and exhibits shall be kept on file in the office of the hearing clerk, where it shall be available for examination during official hours of business. Thereafter said transcript and exhibits shall be made available by the hearing clerk for examination during official hours of business after prior request and reasonable notice to the hearing clerk.

(2) If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter, and upon payment of fees at the rate (if any) provided in the contract between the reporter and the Secretary.

### § 132.63 Depositions.

(a) *Procedure in lieu of depositions.* Before any party may have testimony taken by deposition, said party shall, if practicable, submit to the other party an affidavit which shall set forth the facts to which the witness would testify if the deposition should be taken. If, after examination of such affidavit, the other party agrees, or (within 10 days after submission of the affidavit) fails to object, that the affidavit may be used in lieu of the deposition, the presiding officer shall admit the affidavit in evidence and shall not order the deposition to be taken.

(b) *Application for taking deposition.* Upon the application of a party to the proceeding, the presiding officer may, at any time after the filing of the moving paper, order, under the facsimile signature of the Secretary, the taking of testimony by deposition. The application shall be in writing and shall be filed with the hearing clerk and shall set forth: (1) the name and address of the proposed deponent; (2) the name and address of the person (referred to hereinafter in this section as the "officer"), qualified under the rules in this part to take depositions, before whom the proposed examination is to be made; (3) the proposed time and place of the examination, which shall be at least 15 days after the date of the mailing of the application; and (4) the reasons why such deposition should be taken.

(c) *Presiding officer's order for taking deposition.* If, after the examination of the application, the presiding officer is of the opinion that the deposition should be taken, he shall order its taking. The order shall be filed with the hearing clerk and shall be served upon the parties and shall state: (1) the time and place of the examination (which shall not be less than 10 days after the filing of the order); (2) the name of the officer before whom the examination is to be made; (3) the name of the deponent. The officer and the time and place need not be the same as those suggested in the application.

(d) *Qualifications of officer.* The deposition shall be taken before the presiding officer, or before an officer authorized by the law of the United States or by the law of the place of the examination to administer oaths, or before an officer authorized by the Secretary to administer oaths.

(e) *Procedure on examination.* (1) The deponent shall be examined under oath or affirmation and shall be subject to cross-examination. The testimony of the deponent shall be recorded by the officer or by some person under his direction and in his presence. In lieu of oral examination, parties may transmit written interrogatories to the officer prior to the examination and the officer shall propound such interrogatories to the deponent.

(2) The applicant must arrange for the examination of the witness either by oral examination or by written interrogatories. If it is found by the presiding officer, upon the protest of a party to the proceeding, that such party has his residence and his place of business more than 100 miles from the place of the examination and that it would constitute an undue hardship upon such party to be represented at the examination, the applicant will be required to conduct the examination by means of interrogatories. When the examination is conducted by means of interrogatories copies of the interrogatories shall be served upon the other parties to the proceeding at least five days prior to the date set for the examination, and the other parties shall be afforded an opportunity to file with the officer cross-interrogatories at any time prior to the time of the examination.

(f) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the deponent's testimony. He shall then securely seal the deposition, together with two copies thereof, in an envelope and mail the same by registered mail to the hearing clerk.

(g) *Use of deposition.* A deposition ordered and taken in accord with the provisions of this section may be used in a proceeding under the act if the presiding officer finds that the evidence is otherwise admissible and (1) that the witness is dead; or (2) that the witness is at a distance greater than 100 miles from the place of hearing, unless it appears that the absence of the witness was procured by the party offering the deposition; or (3) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (4) that the party offering the deposition has endeavored to procure the attendance of the witness by subpena but has been unable to do so; or (5) that such exceptional circumstances exist as to make it desirable, in the interests of justice, to allow the deposition to be used. If a deposition has been taken, and the party upon whose application it was taken refuses to offer it in evidence, the other party may offer the deposition or any part thereof, in evidence.

### § 132.64 Subpenas.

(a) *Issuance of subpenas.* The attendance of witnesses and the production of documentary evidence from any place in the United States on behalf of any party to the proceeding may, by subpena, be required at any designated place of hearing. Subpenas may be issued by the Secretary or by the presiding officer, under the facsimile signature of the Secretary, upon a reasonable showing by the applicant of the grounds, necessary, and reasonable scope thereof.

(b) *Application for subpena duces tecum.* Subpenas for the production of documentary evidence, unless issued by the presiding officer upon his own motion shall be issued only upon a verified written application. Such application shall specify, as exactly as possible, the documents desired and shall show their competency, relevancy, and materiality and the necessity for their production.

(c) *Service of subpenas.* Subpenas may be served (1) by a United States Marshal or his deputy, or (2) by any other person who is not less than 18 years of age, or (3) by registering and mailing a copy of the subpena addressed to the person to be served at his or its last known residence or principal place of business or residence. Proof of service may be made by the return of service on the subpena by the United States Marshal or his deputy; or, if served by an individual other than a United States Marshal or his deputy, by an affidavit of such person stating that he personally served a copy of the subpena upon the person named therein; or, if service was by registered mail, by an affidavit made by the person mailing the subpena that it was mailed as provided in this paragraph and by the signed return postoffice receipt: *Provided*, That, if the subpena is issued on behalf of the Department, the return receipt without an affidavit of mailing shall be sufficient proof of service. In making personal service, the person making service shall leave a copy of the subpena with the person subpenaed; the original, bearing or accompanied by the required proof of service, shall be returned to the official who issued the same.

### § 132.65 Fees and mileage.

Witnesses who are subpenaed and who appear in such proceeding, including witnesses whose depositions are taken, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and persons taking depositions shall be entitled to the same fees as are paid for like services in the courts of the United States, to be paid by the party at whose request the deposition is taken. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear, and claims therefor, as to witnesses subpenaed on behalf of the Department, shall be proved before the person issuing the subpena, and, as to witnesses subpenaed on behalf of any other party, shall be presented to such party.

### § 132.66 The presiding officer's report.

(a) *Filing the transcript of evidence.* (1) As soon as practicable after the close of the hearing, the presiding officer shall transmit to the hearing clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the hearing clerk. The presiding officer shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true, correct, and complete transcript of the testimony given at the hearing, except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits received in evidence at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each copy of the transcript of testimony. In accordance with such certificate the presiding officer shall note on the original transcript, and the hearing clerk shall cause to be noted on other copies of the transcript, each correction detailed in such certificate by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate places any words necessary to make the text conform to the correct meaning, as certified by the presiding officer.

(2) Immediately following the filing of the transcript, the hearing clerk shall advise each party to the proceeding as to the date of such filing.

(b) *Proposed findings of facts, conclusions, and orders.* Within 10 days (unless the presiding officer shall have announced at the hearing a shorter or longer period of time), after the transcript has been filed with the hearing clerk, as provided in paragraph (a) of this section, each party may file with the hearing clerk proposed findings of fact, conclusions, and order, based solely upon the evidence of record, and briefs in support thereof.

(c) *Presiding officer's report.* The presiding officer, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare, upon the basis of the record, and shall file with the hearing clerk, his report, a copy of which (together with notification of the date fixed by the presiding officer for the filing of exceptions thereto) shall be served by the hearing clerk upon each of the parties.

(d) *Exceptions.* Within a period of time (to be fixed by the presiding officer but not to exceed 20 days) after the filing of the presiding officer's report, the parties may file exceptions to the report. Any party who desires to take exception to any matter set out in the report shall transmit his exceptions in writing to the hearing clerk, referring, where practicable, to the relevant pages of the transcript, and suggesting a corrected finding of fact, conclusion, or order. Within

the same period of time, each party shall transmit to the hearing clerk a brief statement in writing concerning each of the objections taken to the action of the presiding officer, as set out in § 132.62, upon which the party wishes to rely, referring, where practicable, to the pertinent pages of the transcript. A party, if he files exceptions or a statement of objections, shall state in writing whether he desires to make an oral argument thereon before the Secretary; otherwise, it shall be considered that he does not desire to make such oral argument.

(e) *Revision of presiding officer's report.* If exceptions are filed to the presiding officer's report, as provided in paragraph (d) of this section, the presiding officer, after consideration of such exceptions, shall make and file with the hearing clerk a draft of the findings of fact, conclusions, and final order of the Secretary, which shall include such revision of his report as he deems to be appropriate in view of such exceptions.

**§ 132.67 Transmittal of record.**

The hearing clerk, immediately following the filing of the revision of the presiding officer's report, or upon notification by the presiding officer that no revision will be made, shall transmit to the Secretary the record of the proceeding. Such record shall include: the petition; motions and requests filed with the hearing clerk, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the hearing; the presiding officer's report; such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding; and the presiding officer's draft of the findings of fact, conclusions, and final order of the Secretary.

**§ 132.68 Argument before Secretary.**

(a) *Oral argument.* Unless a party has included in his exceptions a request for oral argument or has filed a separate request for oral argument prior to the expiration of the last date for filing such exceptions, it shall be considered that he does not desire to make such oral argument. The granting of a request to make oral argument shall rest in the discretion of the Secretary.

(b) *Briefs.* The parties may, in the discretion of the Secretary, file written briefs either in addition to oral argument or in lieu thereof.

(c) *Scope of argument.* Except where the Secretary determines that argument on additional issues would be helpful, argument, whether oral or in a written brief, shall be limited to the issues raised by the exceptions and statement of objections, or to such issues as the Secretary may indicate. If the Secretary determines that additional issues should be argued, counsel for the parties shall be given reasonable notice of such determination, so as to permit the preparation of adequate argument on all the issues to be argued.

**§ 132.69 Consideration and issuance of order.**

(a) *Consideration of order.* As soon as practicable after the receipt of the record from the hearing clerk, or, in case argument was had, as soon as practicable thereafter, the Secretary, upon the basis of the record, shall begin his consideration of the final order to be issued in the proceeding. If an oral argument was held, the order shall be considered by and shall be issued over the signature of the official who heard such oral argument, unless the parties shall consent to a different arrangement. At no stage of the proceeding between its institution and the issuance of the order shall the Secretary discuss *ex parte* the merits of the proceeding with any person who is connected with the proceeding in an advocative or an investigative capacity, or with any representative of such person: *Provided, however,* That the Secretary may discuss the merits of the proceeding with such a person if all parties to the proceeding, or their representatives, have been given an opportunity to be present. If, notwithstanding the foregoing provisions of this section, a memorandum or other communication from any party, or from any person acting on behalf of any party, which relates to the merits of the proceeding, receives the personal attention of the Secretary (or, if an official other than the Secretary is to issue the order, then of such other official) during the pendency of the proceeding, such memorandum or communication shall be regarded as argument made in the proceeding and shall be filed with the hearing clerk, who shall serve a copy thereof upon the opposite party to the proceeding, and opportunity shall be given the opposite party to file a reply thereto.

(b) *Issuance of order.* The order shall be issued and served upon the parties as the final order in the proceeding without further procedure: *Provided,* That, if the terms of the order differ substantially from those proposed in the report of the presiding officer, the Secretary shall, if he deems it advisable to do so, direct that a copy of the order be served upon the parties as a tentative order; and, in such event, opportunity shall be given the parties to file exceptions thereto and written arguments or briefs in support of such exceptions. In such case, if exceptions are filed within a period of time (to be fixed by the Secretary but not to exceed 20 days) following the service of the tentative order, the Secretary shall give consideration to and shall make such changes in the tentative order as he deems to be appropriate; otherwise, the tentative order shall become final, as of the day following the date of expiration of the period fixed for the filing of exceptions.

**§ 132.70 Applications for reopening hearings; for rehearings or reargument of proceedings; or for reconsideration of orders.**

(a) *Petition requisite*—(1) *Filing; service.* An application for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding, or for reconsideration of the order shall be made by petition addressed to the Secretary and filed with the hearing clerk, who immediately shall notify and serve a copy thereof upon the other party to the proceeding. Every such petition shall state specifically the grounds relied upon.

(2) *Petitions to reopen hearings.* A petition to reopen the hearings for the purpose of taking additional evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing.

(3) *Petitions to rehear or reargue proceedings, or to reconsider orders.* A petition to rehear or reargue the proceeding or to reconsider the final order shall be filed within 15 days after the date of the service of such order. Every such petition shall state specifically the matters claimed to have been erroneously decided, and alleged errors must be briefly stated.

(b) *Procedure for disposition of petitions.* Within 10 days following the service of any petition provided for in this section, the other party to the proceeding shall file with the hearing clerk an answer thereto. As soon as practicable thereafter, the Secretary shall announce the decision granting or denying the petition. Unless the Secretary shall determine otherwise, the issuance or operation of the order shall not be stayed pending the decision of the Secretary upon the petition. In the event that any such petition is granted by the Secretary, the applicable rules of practice, as set out elsewhere in this subpart, shall be followed.

**§ 132.71 Filing; service; extensions of time; effective date of filing; and computation of time.**

(a) *Filing; number of copies.* Except as provided otherwise in this subpart, all documents or papers required or authorized in this subpart to be filed with the hearing clerk shall be filed in quadruplicate: *Provided,* That, if there are more than two parties to the proceeding, a sufficient number of additional copies shall be filed so as to provide for service upon all the parties to the proceeding. Any document or paper, required or authorized in this subpart to be filed with the hearing clerk, shall, during the course of an oral hearing, be filed with the presiding officer.

(b) *Service; proof of service.* Copies of all such papers shall be served upon the parties by the hearing clerk, by the presiding officer, or by some other employee of the Department or by a United States Marshal or his deputy. Service shall be made either (1) by delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served or to the president, secretary, or other executive officer or any director of the corporation, organization, or association to be served, or to the attorney or agent of record of such individual, partnership, corporation, organization, or association; or (2) by leaving a copy of the document or paper at the principal office or place of business of such individual, partnership, corporation, organization, or association, or of his or its attorney or agent of record; or (3) by registering and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known principal office, place of business, or residence. Proof of service hereunder shall be made by the affidavit of the person who actually made the service. The affidavit contemplated herein shall be filed with the hearing clerk, and the fact of filing thereof shall be noted on the docket of the proceeding.

(c) *Extensions of time.* The time for the filing of any documents or papers required or authorized in this subpart to be filed may be extended upon (1) a written stipulation between the parties, or (2) upon the request of a party, by the presiding officer before the transmittal of the record to the Secretary, or by the Secretary at any other time, if, in the judgment of the Secretary or the presiding officer, as the case may be, there is good reason for the extension.

(d) *Effective date of filing.* Any document or paper, except a petition filed pursuant to § 132.52, required or authorized under these rules to be filed, shall be deemed to have been filed when it is post-marked or when it is received by the hearing clerk. Any petition filed under § 132.52 shall be deemed to be filed when it is received by the hearing clerk.

(e) *Computation of time.* Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That, when such time expires on a Sunday or legal holiday, such time shall be extended to include the next following business day.

**§ 132.72 Applications for interim relief.**

(a) *Filing the application.* A person who has filed a petition pursuant to § 132.52 may, by separate application filed with the hearing clerk, apply to the Secretary for an order postponing the effective date of, or suspending the application of, the marketing order or any provision thereof, or any obligation imposed in connection therewith, pending final determination of the proceeding.

(b) *Contents of the application.* The application shall contain a statement of the facts upon which the relief is requested, including any facts showing irreparable injury. The application must be signed and sworn to by the petitioner and any facts alleged therein which are not within his personal knowledge shall be supported by affidavits of a person or persons having personal knowledge of such facts or by proper documentary evidence thereof.

(c) *Answer to application.* Immediately upon receipt of the application, the hearing clerk shall transmit a copy thereof, together with all supporting papers, to the Administrator, who shall, within 20 days, or such other time fixed by the Secretary, after the filing of the application, file an answer thereto with the hearing clerk.

(d) *Contents of answer.* The answer shall contain a statement of the objections, if any, of the Administrator to the application for interim relief, and may be supported by affidavits and documentary evidence.

(e) *Transmittal to Secretary.* Upon receiving the answer of the Administrator, or upon the expiration of the time for filing the answer, the hearing clerk shall transmit to the Secretary for his decision all papers filed in connection with the application.

(f) *Hearing and oral argument.* The Secretary may, in his discretion, permit oral argument or the taking of testimony in connection with such application. However, unless written request therefor is filed with the hearing clerk prior to the transmittal of the papers to the Secretary, the parties shall be deemed to have waived oral argument and the taking of testimony.

(g) *Decision by Secretary.* The Secretary may grant or deny the application. Any action taken by the Secretary shall be in the form of an order filed with the hearing clerk and shall contain a brief statement of the reasons for the action taken. The hearing clerk shall cause copies of the order to be served upon the parties.

**§ 132.73 Hearing before Secretary.**

The Secretary may act in the place and stead of a presiding officer in any proceeding hereunder. When he so acts the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final order in the proceeding: *Provided,* That he may issue a tentative order in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final order.

Done at Washington, D.C., this 28th day of February 1961, to become effective 30 days after publication in the FEDERAL REGISTER.

FRANK J. WELCH,
*Assistant Secretary.*

[F.R. Doc. 61-1952; Filed, Mar. 3, 1961; 8:53 a.m.]



# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 427; Amdt. 260]

### PART 507—AIRWORTHINESS DIRECTIVES

### North American T-28A Aircraft

In order to clarify and consolidate the requirements for overhaul and conversion of R-1300-1A engines used in T-28A aircraft, AD 58-24-3 (24 F.R. 2197), is being superseded by a new directive which combines the requirements presently set forth in Note 3(f) of Type Certificate Data Sheet AR-30 for T-28A aircraft and the requirements presently set forth in AD-58-24-3 except those which subsequent service experience has hown to be unnecessary in the interest of safety. In this connection, the requirements presently set forth in Note 3(f) are being relaxed to expressly provide for the incorporation of Change Order 53 on R-1300-1A engines which have been overhauled upon the accumulation of 860 hours time in service since last overhaul. In addition, the requirement for overhaul every 860 hours of operation, or after overspeeding or overboosting the engine and the requirement for the incorporation of Change 62 of T.O. 2R-R1300-5 set forth in the current AD have been deleted based upon additional service experience. The propeller replacement and cylinder inspection intervals set forth in AD 58-24-3 have been extended on the basis of additional service experience.

A notice of proposed rulemaking to require compliance with Change 63 of T.O. 2R-R1300-5 was published in the FEDERAL REGISTER on June 23, 1960. It has since been determined that Change 63 is not necessary for continued safety of the aircraft and the notice of proposed rulemaking is hereby withdrawn.

Since this amendment relieves restrictions and it imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

NORTH AMERICAN. Applies to all T-28A aircraft certificated in the restricted category.

Compliance required as indicated.

(a) The R-1300-1A engines which have been overhauled must have Change 53 of T.O. 2R-R1300-5 incorporated upon the accumulation of 860 hours since last overhaul. R-1300-1A engines which have never been overhauled must have Change 53 of T.O. 2R-R1300-5 incorporated upon the accumulation of 860 hours total time in service since new. The modified engines will be designated as R-1300-1B engines by stamping the letter "B" on the engine nameplate.

(b) The engine-driven fuel pump, AN-4100, and fuel booster pump must be overhauled every 1,200 hours' time in service.

(c) The engine-driven hydraulic pump, AS-6201-1, must be overhauled every 860 hours' time in service.

(d) (1) The A-422-E1 or -E2 propeller, regardless of serial number, must be disassembled, inspected, and reworked in accordance with T.O. 3H3-3-512 at 300 hours' time in service.

(2) The A-422-E1 or -E2 propeller must be removed from service after 2,100 hours' time in service.

(e) (1) Conduct an inspection of all cylinders in accordance with paragraph 2 of T.O. 1T-28A-531 at the following intervals:

(i) Every 30 hours' time in service.

(ii) During any intermediate engine inspection at which oil leaks, carbon smudges, etc., are detected.

(Cylinder assembly P/N 430622 Change T and later changes have shotpeened barrels and do not require the above cylinder barrel inspection. The cylinder assembly number is stamped on the flat of the cylinder identification pad.)

This supersedes AD 58-24-3, Amendment 15, 24 F.R. 2197.

This amendment shall become effective March 4, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 27, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-1893; Filed, Mar. 3, 1961; 8:45 a.m.]

[Airspace Docket No. 60-NY-109]

## PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Designation of Control Zone

On December 1, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12329) stating that the Federal Aviation Agency (FAA) proposed to designate a part-time control zone at Ithaca, N.Y. (Tompkins County Airport) from 0500 to 2400 hours daily local standard time.

The Air Line Pilots Association, Air Transport Association and Department of the Air Force offered no objections to the proposal. However, the Aircraft Owners and Pilots Association (AOPA) stated that until an evaluation is made of the effectiveness of part-time control zones, they consider such designation to be on a trial basis and that a termination date should be included in this and any other like cases. Further, without provision for this evaluation, AOPA opposes designation of part-time control zones. Mr. J. Mann, President of the Finger Lakes Flying Service, Inc., and Manager of the Ithaca Municipal Airport advised that the designation would pose a significant financial burden without safety benefit and requested his airport be excluded from the control zone.

As to the AOPA comments, it is the policy of FAA to designate control zones for the protection of aircraft executing instrument approaches at airports where communications and weather observation services are available. The Agency is presently observing the operation of part-time control zones, but, as yet, has accumulated insufficient data to formulate a comprehensive evaluation. However, during the interim period, the part-time control zone concept will provide a degree of safety heretofore not available. With regard to the AOPA suggestion to require a termination date on part-time control zones, the Agency cannot see the necessity for such action since any change in dimensions or time of use will be accomplished after completion of the evaluation. Therefore, the FAA is of the opinion that the designation of this additional part-time control zone should not have a termination date. The Agency has analyzed Mr. Mann's comments and concurs in his request to exclude the Ithaca Municipal Airport from this control zone because the elevation of the Ithaca Municipal Airport is 700 feet below the Tompkins County Airport. Such action is taken herein.

No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2462 Ithaca, N.Y., control zone.

Within a 5-mile radius of the Tompkins County Airport (latitude 42°29'25" N., longitude 76°27'30" W.), and within 2 miles either side of the 305° True radial of the Ithaca VOR extending from the 5-mile radius zone to 12 miles NW of the VOR from 0500 to 2400 hours daily, local standard time; excluding the area bounded by a line parallel to and 1500 feet E of the Ithaca Municipal Airport runway and a line ½ mile N of the runway at 090° to the runway centerline extended.

This amendment shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 27, 1961.

D. D. THOMAS,
*Director, Bureau of*
*Air Traffic Management.*

[F.R. Doc. 61-1895; Filed, Mar. 3, 1961; 8:45 a.m.]

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-9]

## PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Miscellaneous Amendments

The purpose of this revision is to amend Part 601 of the regulations of the Administrator to conform to the intent of Amendment 60-21 to the Civil Air Regulations, Part 60, Air Traffic Rules, effective February 21, 1961 (25 F.R. 570), which redefines controlled airspace and its various categories and defines "transition areas"—a new category of airspace.

"Control area" is defined as extending upward from 700 feet above the surface until designated from 1,200 feet above the surface, or from at least 500 feet below the minimum en route altitude of an airway, whichever is higher, to the base of the continental control area. "Transition area" is defined as extending upward from 1,200 feet or higher above the surface when designated to complement control zones; from 700 feet above the surface when designated in conjunction with an airport with no control zone but for which an approved instrument approach procedure has been established; or from 1,200 feet or higher above the surface when designated in conjunction with airway route structures or segments. Unless otherwise limited, transition areas terminate at the base of the overlying controlled airspace. "Control zones" are defined as controlled airspace extending upward from the surface being normally a circular area of 5 statute mile radius containing one or more airports, with extensions as necessary to protect instrument approach and departure procedures. The inclusive term "controlled airspace" is described as the airspace designated as continental control area, control areas, control zones and transition areas. In addition, a definition of "MEA" is included for purposes of simplifying the designation of airspace.

Civil Air Regulation Amendment 60-21 has been processed in compliance with section 4 of the Administrative Procedure Act. The actions taken herein serve to incorporate certain definitions of terms adopted in Amendment 60-21 in Part 601 of the regulations of the Administrator. No assignment or reassignment of airspace is involved. For these reasons, notice and public procedure on this docket are unnecessary and it may be made effective on date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 601 (14 CFR Part 601) is amended as follows:

1. Part 601 caption is amended as set forth above.

2. Section 601.1 (14 CFR 601.1) is amended to read:

§ 601.1 Basis and purpose.

The basis of this part is found in section 307 of the Federal Aviation Act of 1958, as amended, and Part 60 of this title. The purpose of this part is to designate the continental control area, control areas, transition areas, control zones, reporting points, positive control route segments, and positive control areas in order to provide for the safety of aircraft operating in interstate, overseas, and foreign air commence.

§ 601.2 [Amendment]

3. In § 601.2 *Explanation of terms,* the following changes are made:

a. Paragraph (d) "Control area" is amended to read:

(d) "Control area" shall mean, unless otherwise provided in appropriate cases, the controlled airspace within an area designated in Subparts B, C, or F of this part extending upward from 700 feet above the surface until designated from 1,200 feet above the surface, or from at least 500 feet below the minimum en route altitude, whichever is higher, to the base of the continental control area.

b. Paragraph (e) "Control zone" is amended to read:

(e) "Control zone" shall mean the controlled airspace within an area designated in Subpart D of this part extending upward from the surface. A control zone may include one or more airports and is normally a circular area of 5 statute miles in radius with extensions where necessary to protect instrument approach and departure procedures.

c. Paragraph (ll) is added to read:

(ll) "Controlled airspace" shall mean the airspace within an area designated in this part as continental control area, control area, control zone, or transition area.

d. Paragraph (jj) is added to read:

(jj) "Transition area" shall mean the controlled airspace designated in Subpart K of this part extending upward from 1,200 feet or higher above the surface when designated to complement control zones; from 700 feet above the surface when designated in conjunction with an airport with no control zone but for which an approved instrument approach procedure has been established; or from 1,200 feet or higher above the surface when designated in conjunction with airway route structures and segments. Unless otherwise limited, transition areas terminate at the base of the overlying controlled airspace.

e. Paragraph (kk) is added to read:

(kk) "MEA" shall mean the minimum en route instrument flight rule altitude applicable to a particular route or route segment, from radio fix to radio fix, as specified in Part 610 of this title.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

4. Subpart K is added to read:

### Subpart K—Transition Areas

Sec.
601.10000 Transition areas.
601.10001 Designation of transition areas associated with control zones. [Reserved]
601.10401 Designation of transition areas associated with uncontrolled airports with prescribed instrument approach procedures. [Reserved]
601.10801 Designation of transition areas associated with Federal airways. [Reserved]

AUTHORITY: §§ 601.10000 to 601.10801 issued under sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348.

§ 601.10000 Transition areas.

The portions of the navigable airspace described in the following sections are designated as controlled airspace associated with control zones, uncontrolled airports with prescribed instrument approach procedures and Federal airways.

§ 601.10001 Designation of transition areas associated with control zones. [Reserved]

§ 601.10401 Designation of transition areas associated with uncontrolled airports with prescribed instrument approach procedures. [Reserved]

§ 601.10801 Designation of transition areas associated with Federal airways. [Reserved]

These amendments shall become effective upon date of publication in the FEDERAL REGISTER.





Issued in Washington, D.C., on February 28, 1961.

D. D. THOMAS,
*Director, Bureau of*
*Air Traffic Management.*

[F.R. Doc. 61-1894; Filed, Mar. 3, 1961; 8:45 a.m.]

[Airspace Docket No. 60-FW-52]

## PART 608—SPECIAL USE AIRSPACE

### Modification of Restricted Area/ Military Climb Corridor

On December 6, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12479) stating that the Federal Aviation Agency proposed to modify the Goldsboro, N.C. (Seymour-Johnson AFB), Restricted Area/Military Climb Corridor (R-5312).

Additionally, in order to more accurately describe R-5312, all reference to the control zone is being deleted from its description and distances from the TACAN facility are being substituted therefor. Also, altitudes at and above 24,000 feet MSL are referred to as flight levels. These changes are editorial in nature and do not assign or reassign the use of designated airspace. Therefore, such action is taken herein.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In the text of § 608.53 *North Carolina,* R-5312 Goldsboro, N.C. (Seymour-Johnson AFB), Restricted Area/Military Climb Corridor (26 F.R. 885) is amended to read:

R-5312 GOLDSBORO, N.C. (SEYMOUR-JOHNSON AFB), RESTRICTED AREA/MILITARY CLIMB CORRIDOR.

*Boundaries.* That area based on the 228° radial of the Seymour-Johnson AFB TACAN extending from a point 5 miles SW of the TACAN to a point 32 miles SW of the TACAN, and having a width of 1 mile SE and 2.3 miles NW of the 228° radial at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity (2.3 miles on either side of the 228° radial at the SW end of the corridor).

*Designated altitudes.*
2,100 feet to 15,000 feet MSL from 5 miles SW of the TACAN to 6 miles SW of the TACAN.
2,100 feet MSL to Flight Level 240 from 0 to 7 miles SW of the TACAN.
2,100 feet MSL to Flight Level 270 from 7 to 10 miles SW of the TACAN.
6,100 feet MSL to Flight Level 270 from 10 to 15 miles SW of the TACAN.
10,100 feet MSL to Flight Level 270 from 15 to 20 miles SW of the TACAN.
15,100 feet MSL to Flight Level 270 from 20 to 25 miles SW of the TACAN.
19,100 feet MSL to Flight Level 270 from 25 to 32 miles SW of the TACAN.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Raleigh-Durham, N.C., Approach Control.

*Using agency.* Commander, Seymour-Johnson AFB, N.C.

This amendment shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 27, 1961.

D. D. THOMAS,
*Director, Bureau of*
*Air Traffic Management.*

[F.R. Doc. 61-1896; Filed, Mar. 3, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-7]

## PART 608—SPECIAL USE AIRSPACE

### Modification of Restricted Area

The purpose of this amendment to § 608.67 of the regulations of the Administrator is to modify the Rosario Strait, Wash., Restricted Area R-6708.

Effective November 3, 1960 (25 F.R. 10527), the Rosario Strait Restricted Area was modified by a reduction of the geographical boundaries from a 3-mile radius to a 1 nautical mile radius and a change of the designated altitudes from "Surface to 10,000 feet MSL" to "Surface to 1,000 feet MSL." The reduced area was described erroneously as a circular area within a radius of one nautical mile centered on latitude 48°29'00" N., longitude 122°45'00" W. The Department of the Navy has advised that the exact center of R-6708 is located at latitude 48°29'06" N., longitude 122°45'42" W. This action is taken to correct the description of the modified restricted area.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit approriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 608.67 Washington, R-6708 Rosario Strait, Wash. (26 F.R. 889), "latitude 48°29'00" N., longitude 122°45'00" W." is deleted and "latitude 48°29'06" N., longitude 122°45'42" W." is substituted therefor.

This amendment shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 27, 1961.

D. D. THOMAS,
*Director, Bureau of*
*Air Traffic Management.*

[F.R. Doc. 61-1897; Filed, Mar. 3, 1961; 8:46 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55324]

## PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

### Headquarters of Appraisers of Merchandise

Appraiser's headquarters transferred; Customs Regulations amended. Appraiser's headquarters in Customs Collection District No. 7 (St. Lawrence) transferred from Rouses Point, New York, to Champlain, New York. Section 1.6. Customs Regulations amended.

Effective March 1, 1961, the appraiser's headquarters in Customs Collection District No. 7 (St. Lawrence) shall be transferred from Rouses Point, New York, to Champlain, New York.

Accordingly, § 1.6 of the Customs Regulations is amended by substituting "Champlain, N.Y." for "Rouses Point, N.Y." in the column headed "Location of Headquarters" and substituting "Room 13, Customhouse" for "Route 9–B" in the column headed "Address of Appraiser of Merchandise" both opposite "St. Lawrence".

(R.S. 161, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1624)

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: February 23, 1961.

A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61–1942; Filed, Mar. 3, 1961; 8:51 a.m.]

# Title 25—INDIANS

## Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER P—MINING

## PART 176—LEAD AND ZINC MINING OPERATIONS AND LEASES, QUAPAW AGENCY

### Other Minerals and Deep-Lying Lead and Zinc Minerals

A notice and text of a proposed amendment of § 176.25 of Title 25, Code of Federal Regulations, was published on page 12299 of the FEDERAL REGISTER of December 1, 1960. The purpose of the amendment is to refer to 25 CFR Part 172 for regulations for leasing Quapaw Indian lands for mining minerals other than lead and zinc and for lead and zinc and associate minerals which may be found at depths below the horizon of the rock stratum known as the Reed Springs Formation.

Interested persons were given 30 days from the date of publication of the notice in the FEDERAL REGISTER as an opportunity to submit their views, data, and arguments concerning the proposed amendments to the Commissioner of Indian Affairs. No written communications or objections were received and the proposed amendment is hereby adopted, without change, and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
*Secretary of the Interior.*

FEBRUARY 27, 1961.

Section 176.25 is amended to change the heading and present text and to read as follows:

§ 176.25 **Other minerals and deep-lying lead and zinc minerals.**

Except as provided in § 176.6(b), leases on Quapaw Indian lands, for mining minerals other than lead and zinc and for lead and zinc and associated minerals below the horizon of the rock stratum known as the Reed Springs Formation, shall be made pursuant to the provisions of Part 172 of this subchapter.

[F.R. Doc. 61–1904; Filed, Mar. 3, 1961; 8:46 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2278]

[Wyoming 059320]

## WYOMING

### Withdrawing Public Lands in the Medicine Bow National Forest for Use of the Forest Service as Administrative Sites

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Medicine Bow National Forest, Wyoming, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites:

SIXTH PRINCIPAL MERIDIAN

MEDICINE BOW NATIONAL FOREST

*Cold Springs Administrative Site*

T. 29 N., R. 75 W.,
Sec. 28, NW¼NE¼.

*Mountain Home Administrative Site*

T. 12 N., R. 78 W.,
Sec. 17, W½SW¼NE¼.

*Fox Creek Park Administrative Site*

T. 13 N., R. 78 W.,
Sec. 21, S½SW¼NE¼SE¼, NW¼SE¼SE¼, NW¼SW¼SE¼SE¼, NE¼SW¼SE¼, N½SE¼SW¼SE¼, NW¼SW¼SE¼, E½NE¼SE¼SW¼, E½SE¼NE¼SW¼, S½S½NW¼SE¼, NW¼SW¼NW¼SE¼.

*Centennial Administrative Site*

T. 15 N., R. 78 W.,
Sec. 4, SE¼NE¼, NE¼SE¼, E½E½NW¼SE¼, E½E½SW¼NE¼, less 1.52 acres in the Little LaRue Lode M.E. Survey 81.
T. 16 N., R. 78 W.,
Sec. 33, S½SE¼, S½N½SE¼, S½NE¼SW¼, and N½SE¼SW¼.

*Spruce Mountain Administrative Site*

T. 14 N., R. 79 W.,
Sec. 12, W½NW¼NE¼, W½SW¼NE¼, N½NW¼SE¼, W½NW¼NE¼SE¼, E½NE¼NW¼, and E½SE¼NW¼.

*Keystone Administrative Site*

T. 14 N., R. 79 W.,
Sec. 21, W½SW¼SE¼NE¼, S½SW¼NE¼, and E½SE¼SE¼NW¼;
Sec. 22, SW¼NE¼NE¼, E½SW¼NE¼, and W½SE¼NE¼.

*Brooklyn Lake Administrative Site*

T. 16 N., R. 79 W.,
Sec. 10, E½SE¼SE¼, and SE¼SW¼SE¼SE¼;
Sec. 11, W½SW¼SW¼;
Sec. 15, N½NE¼NE¼, NE¼SE¼NE¼NE¼, W½SE¼NE¼NE¼, E½SW¼NE¼NE¼, NW¼SW¼NE¼NE¼, NE¼SE¼NW¼NE¼, and SE¼NE¼NW¼NE¼.

*Bow Administrative Site*

T. 18 N., R. 80 W.,
Sec. 21, E½NW¼NE¼, W½NE¼NE¼, SE¼NE¼NE¼, E½SE¼NE¼, and NW¼SE¼NE¼;
Sec. 22, S½SW¼NW¼ and NW¼SW¼NW¼.

*Brush Creek Administrative Site*

T. 16 N., R. 81 W.,
Sec. 17, W½SE¼SW¼ and W½E½SE¼SW¼;
Sec. 20, NE¼NW¼.

*Kennaday Peak Administrative Site*

T. 17 N., R. 81 W.,
Sec. 16, W½NW¼NW¼;
Sec. 17, NE¼NE¼.

*Blackhall Mountain Administrative Site*

T. 12 N., R. 83 W.,
Sec. 1, W½SW¼SW¼, W½E½SW¼SW¼, and SW¼NW¼SW¼;
Sec. 2, SE¼SE¼, SE¼NE¼SE¼, and E½SW¼NE¼SE¼.

*Shingle Mill Administrative Site*

T. 15 N., R. 85 W.,
Sec. 28, SW¼SW¼ and W½SE¼SW¼;
Sec. 33, N½N½NW¼NW¼ and N½NW¼NE¼NW¼.

*Rambler Administrative Site*

T. 14 N., R. 86 W.,
Sec. 26, SE¼NW¼SW¼, E½SW¼SW¼, and SW¼SE¼SW¼.

*Jack Creek Administrative Site*

T. 15 N., R. 86 W.,
Sec. 18, SW¼SE¼NE¼, SE¼SW¼NE¼, W½NE¼SE¼, and E½E½NW¼SE¼.

*Sandstone Administrative Site*

T. 13 N., R. 87 W.,
Sec. 9, SE¼SE¼NE¼ and NE¼NE¼SE¼;
Sec. 10, N½NW¼SW¼, NW¼NE¼SW¼, S½SW¼NW¼, S½N½SW¼NW¼, SW¼SE¼NW¼, and S½NW¼SE¼NW¼.

*Trail Administrative Site*

T. 13 N., R. 88 W.,
Sec. 17, N½NE¼.

*Deep Creek Administrative Site*

T. 14 N., R. 88 W.,
Sec. 12, N½NW¼.

The areas described aggregate 1,415.98 acres.



This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

FEBRUARY 27, 1961.

[F.R. Doc. 61–1905; Filed, Mar. 3, 1961; 8:47 a.m.]

[Public Land Order 2279]

[Colorado 025884]

## COLORADO

### Withdrawing Lands for Use of the Forest Service as Recreation Areas (Taylor River)

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Gunnison National Forest, Colorado, are hereby withdrawn from all forms of appropriation under the public land laws including the mining but not the mineral leasing laws or disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas, as indicated:

NEW MEXICO PRINCIPAL MERIDIAN

*Almont Recreation Area*

T. 51 N., R. 1 E.,
Sec. 23, W½E½NW¼, SW¼NW¼SW¼ and N½NW¼SW¼;
Sec. 27, SW¼SW¼NW¼, E½W½NW¼, W½E½NW¼, NE¼NE¼NW¼ and NW¼NW¼SW¼;
Sec. 28, SE¼SE¼NE¼, N½NE¼SE¼ and SW¼NE¼SE¼.

*Copper Creek Recreation area*

T. 51 N., R. 1 E.,
Sec. 11, SE¼SW¼SE¼;
Sec. 14, E½W½NE¼ and W½E½NE¼.

SIXTH PRINCIPAL MERIDIAN

*Lake View Recreation Area*

T. 14 S., R. 82 W.,
Sec. 19, SE¼NE¼, E½SW¼NE¼, E½NW¼
Sec. 14, E½W½NE¼ and W½E½NE¼.

*Dorchester Recreation Area*

T. 12 S., R. 83 W.,
Sec. 28, SW¼SW¼SE¼;
Sec. 33, W½NW¼NE¼ and E½NE¼NW¼.

*Lottis Creek Recreation Area*

T. 15 S., R. 83 W.,
Sec. 1, S½SW¼NW¼, N½SW¼SW¼, NW¼SW¼, W½NE¼SW¼ and NW¼SE¼SW¼;
Sec. 2, SW¼NW¼SE¼, N½NW¼SE¼, N½NE¼SE¼, SE¼NE¼SE¼, NW¼SW¼SE¼, N½SE¼SW¼, S½E¼SW¼, NE¼NE¼SW¼, and S½S½NE¼, except for parts of Taylor River No. 1 Placer Survey No. 13085.

*Cold Spring Recreation Area*

T. 15 S., R. 83 W.,
Sec. 2, S½S½SW¼;
Sec. 10, N½NE¼ and NW¼SW¼NE¼;
Sec. 11, N½N½NW¼ and SW¼NW¼NW¼.

*Lodgepole Recreation Area*

T. 15 S., R. 83 W.,
Sec. 9, lot 4, S½SE¼NE¼ and NE¼SE¼;
Sec. 10, NW¼NW¼SW¼, SW¼NW¼, SE¼NW¼NW¼, S½NE¼NW¼ and N½SE¼NW¼.

*Five Mile Recreation Area*

T. 15 S., R 83 W.,
Sec. 17, lots 2 and 3 and W½NW¼;
Sec. 18, lots 7 to 11, inclusive, lots 13 to 16, inclusive, and S½NE¼NE¼ and NE¼NE¼NE¼.

*Rosy Lane Recreation Area*

T. 15 S., R. 84 W.,
Sec. 13, SW¼SE¼, SE¼NE¼SE¼, N½SE¼SE¼, E½SE¼SW¼ and SW¼SE¼SW¼;
Sec. 23, NE¼SE¼NE¼, S½SE¼NE¼, NW¼SE¼ and NW¼NE¼SE¼;
Sec. 24, NW¼SW¼NW¼, S½NW¼NW¼, NE¼NW¼NW¼ and NW¼NE¼NW¼.

*One Mile Recreation Area*

T. 15 S., R. 84 W.,
Sec. 22, S½SE¼, S½NE¼SE¼ and S½SE¼SW¼;
Sec. 23, N½SW¼, N½S½SW¼ and SW¼SW¼SW¼;
Sec. 27, N½NE¼NW¼.

*Second Bridge Recreation Area*

T. 15 S., R. 84 W.,
Sec. 31, SE¼SE¼SE¼;
Sec. 32, SE¼SW¼NW¼, E½NE¼NW¼, SE¼NW¼, NW¼NE¼, N½NE¼NE¼, S½NW¼SW¼, NE¼NW¼SW¼, NW¼NE¼SW¼ and SW¼SW¼.

The areas described aggregate 2,246.55 acres.

This order shall be subject to existing withdrawals for power and other purposes so far as they affect any of the above-described lands, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

FEBRUARY 28, 1961

[F.R. Doc. 61–1906; Filed, Mar. 3, 1961; 8:47 a.m.]

[Public Land Order 2280]

[Colorado 026637]

## COLORADO

### Withdrawing Lands for Use of the Forest Service as Recreation Areas and Roadside Zones

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the San Isabel National Forest in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604) as amended, and reserved for use by the Forest Service, Department of Agriculture, as recreation areas and roadside zones:

SIXTH PRINCIPAL MERIDIAN

*Colorado State Highway No. 274—Roadside Zone*

A strip of land 300 feet on each side of the center line of Colorado State Highway No. 274 through the following legal subdivisions:

T. 22 S., R. 69 W.,
Sec. 15, N½NW¼;
Sec. 16, S½NE¼, NW¼SE¼, E½SW¼, and SW¼SW¼;
Sec. 21, NW¼NW¼;
Sec. 20, N½NE¼ and N½NW¼;
Sec. 19, NE¼NE¼, SW¼NE¼, NW¼SE¼, and SW¼SE¼.

The area described contains approximately 299 acres.

*Forest Highway No. 2346—Roadside Zone*

A strip of land 300 feet on each side of the centerline of Forest Highway No. 2346 through the following legal subdivisions:

T. 22 S., R. 69 W.,
Sec. 24, NE¼NW¼, SW¼SE¼, and N½SE¼.

The area described contains approximately 36 acres.

*Lake Isabel Recreation Area*

T. 24 S., R. 69 W.,
Sec. 1, lots 13 and 14;
Sec. 12, lots 1 to 5, inclusive and lot 7;
Secs. 1 and 12—the west 80 acres of Tract 38.

The area described contains approximately 309.48 acres.

*Cisneros Picnic Ground*

T. 24 S., R. 69 W.,
Sec. 9, S½SE¼SE¼;
Sec. 10, SW¼SW¼;
Sec. 16, NE¼NW¼NE¼, S½NW¼NE¼, and NW¼NE¼NE¼.

The area described contains 100 acres.

*Goodwin Creek Picnic Ground*

A tract of land lying in sec. 1, unsurveyed, T. 44 N., R. 12 E., sec. 36, T. 45 N., R. 12 E., N.M.P.M., and sec. 6, T. 23 S., R. 73 W., 6th P.M., Colorado, described as follows:

Beginning at corner No. 1, from which an iron stake at the south end of Lower Beaver Pond bears S. 85°00' W., 390 feet, thence

N. 60°30' W., 3780 ft. to corner No. 2;
S. 30°00' W., 960 ft to corner No. 3;
S. 60°30' E., 2450 ft. to corner No. 4;
S. 78°30' E., 1600 ft. to corner No. 5;
N. 7°00' E., 505 ft. to corner No. 1, the place of beginning.

The tract described contains approximately 87 acres.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 44 N., R. 12 E.

*Hermit Lake Recreation Area*

A tract lying in unsurveyed Sec. 3,

Beginning at corner No. 1 from which an iron stake at the outlet of Hermit Lake bears S. 52°00' W., 1,575 ft.

From corner No. 1, by metes and bounds,
N. 77°00' W., 6,550 ft. to corner No. 2;
S. 22°00' W., 1,220 ft. to corner No. 3;
S. 42°30' E., 5,500 ft. to corner No. 4;
N. 40°00' E., 4,890 ft. to corner No. 1, the place of beginning.

The tract described contains approximately 397 acres.

*Venable Lakes Recreation Area*

A tract lying in unsurveyed secs. 13 and 14,

Beginning at corner No. 1, from which an iron stake at the outlet of the Upper Venable Lake bears N. 40°00' E., 650 ft.

From corner No. 1, by metes and bounds,
S. 73°00' E., 2,440 ft. to corner No. 2;
N. 50°00' E., 2,370 ft. to corner No. 3;
N. 86°00' W., 4,445 ft. to corner No. 4;
S. 14°00' E., 1,150 ft. to corner No. 1, the place of beginning.

The tract described contains approximately 112 acres.

*Commanche Lake Recreation Area*

A tract lying in unsurveyed sec. 24.
Beginning at corner No. 1, from which an iron stake at the outlet of Commanche Lake bears N. 35°30' W., 340 ft.

From corner No. 1, by metes and bounds,
N. 41°30' E., 1,420 ft. to corner No. 2;
N. 78°30' W., 935 ft. to corner No. 3;
S. 61°00' W., 1,720 ft. to corner No. 4;
S. 31°30' W., 1,135 ft. to corner No. 5;
S. 35°00' E., 625 ft. to corner No. 6;
N. 58°00' E., 2,010 ft. to corner No. 1, the place of beginning.

The tract described contains approximately 71 acres.

*Goodwin Lakes Recreation Area*

A tract lying in unsurveyed sec. 11,
Beginning at corner No. 1, from which an iron stake at the outlet of the Lower Lake bears S. 67°00' W., 710 ft.

From corner No. 1, by metes and bounds,
N. 31°00' W., 1,150 ft. to corner No. 2;
S. 52°30' W., 1,570 ft. to corner No. 3;
S. 28°00' W., 1,640 ft. to corner No. 4;
S. 29°00' E., 1,340 ft. to corner No. 5;
N. 24°30' E., 1,120 ft. to corner No. 6;
N. 43°00' E., 2,155 ft. to corner No. 1, the place of beginning.

The tract described contains approximately 92 acres.

The areas total in the aggregate 1,543.48 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

FEBRUARY 28, 1961.

[F.R. Doc. 61-1907; Filed, Mar. 3, 1961; 8:47 a.m.]

[Public Land Order 2281]

[Utah 015233]

## UTAH

### Partially Revoking, and Amending Public Land Order No. 1579 of January 30, 1958

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1579 of January 30, 1958, which reserved lands within national forests in Utah for use of the Forest Service as administrative sites and recreation areas, is hereby revoked so far as it withdrew the following-described lands:

SALT LAKE MERIDIAN

WASATCH NATIONAL FOREST

*Shingle Creek Camp Recreation Area*

T. 2 S., R. 7 E.,
Secs. 27 and 28, H.E.S. 100.

Totaling 116.61 acres.

*Bridger Lake Administrative Site*

T. 3 N., R. 14 E.,
Sec. 29, SW¼SW¼ and W½SE¼SW¼;
Sec. 32, NW¼NW¼.

Totaling 100 acres.

The lands are withdrawn by Public Land Order No. 1483 of September 9, 1957 for national forest purposes.

2. Public Land Order No. 1579 of January 30, 1958, is hereby corrected to change "N½NW¼SE¼", appearing as a part of the description in section 14, T. 3 S., R. 2 E., White Pine Recreation Area, to read "N½NW¼NE¼", and the description "S½NW¼SE¼", appearing as a part of the description in section 24, T. 4 S., R. 2 E., South Fork Administrative Site, to read "E½NW¼SE¼".

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

FEBRUARY 28, 1961.

[F.R. Doc. 61-1908; Filed, Mar. 3, 1961; 8:47 a.m.]

[Public Land Order 2282]

[Colorado 027679]

## COLORADO

### Withdrawing Public Lands Within the Rio Grande National Forest for Use of the Forest Service as Campgrounds

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Rio Grande National Forest in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604) as amended, and reserved for use by the Forest Service, Department of Agriculture, as campgrounds:

NEW MEXICO PRINCIPAL MERIDIAN

*Platoro Campground*

T. 36 N., R. 4 E.,
Sec. 22, SW¼NE¼NE¼ and SE¼NW¼NE¼.

Totaling 20 acres.

*Lake Fork Campground*

T. 35 N., R. 4½ E.,
Sec. 1, lots 4, 5, 12, and 13.

Totaling 146.47 acres.

*Conejos Campground*

T. 34 N., R. 5 E.,
Sec. 20, W½SW¼NE¼, SE¼SE¼NW¼, and N½NW¼SE¼.

Totaling 50 acres.

*Spectacle Lake Campground*

T. 34 N., R. 5 E.,
Sec. 20, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, and SE¼SE¼.

Totaling 70 acres.

*Aspen Glade Campground*

T. 33 N., R. 6 E.,
Sec. 25, SW¼NW¼ and NW¼NW¼SW¼;
Sec. 26, S½SE¼NE¼ and N½NE¼SE¼.

Totaling 90 acres.

*Alamosa Campground*

T. 36 N., R. 6 E.,
Sec. 7, E½SE¼SE¼;
Sec. 8, lot 1 and SW¼SW¼.

Totaling 78.74 acres.

*Rock Creek Campground*

T. 37 N., R. 6 E.,
Sec. 8, lot 2, SE¼NE¼, NE¼SE¼, and W½SE¼SE¼.

Totaling 137.48 acres.

*Comstock Campground*

T. 37 N., R. 6 E.,
Sec. 18, S½SE¼SW¼.

Totaling 20 acres.

*Big Springs Campground*

T. 44 N., R. 6 E.,
Sec. 18, S½NE¼NE¼.

Totaling 20 acres.

The areas described aggregate 632.70 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

FEBRUARY 28, 1961.

[F.R. Doc. 61-1909; Filed, Mar. 3, 1961; 8:47 a.m.]

[Public Land Order 2283]

[Wyoming 048769]

## WYOMING

### Withdrawing Public Lands Within the Targhee National Forest for Use of the Forest Service as an Addition to the Lake of the Woods Recreation Area

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Targhee National Forest in Wyoming are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as a recreation area:

SIXTH PRINCIPAL MERIDIAN

*Lake of the Woods Recreation Area Addition*

T. 48 N., R. 116 W.,
Sec. 19, SE¼NW¼ and E½SW¼.
T. 48 N., R. 117 W.,
Sec. 23, SW¼NE¼ and NW¼SE¼;
Sec. 24, NE¼NW¼ and NW¼NE¼.

The areas described aggregate 280 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

FEBRUARY 28, 1961.

[F.R. Doc. 61-1910; Filed, Mar. 3, 1961; 8:47 a.m.]



[Public Land Order 2284]

[Colorado 023760]

## COLORADO

### Reserving National Lands in the Gunnison and White River National Forest

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described lands within the national forests indicated are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601) as amended, and reserved for use of the Forest Service, Department of Agriculture, as an administrative site and a recreation area, as indicated.

SIXTH PRINCIPAL MERIDIAN

GUNNISON NATIONAL FOREST

*Dorchester Administrative Site*

T. 12 S., R., 83 W.,
Sec. 28, S½SE¼SE¼ and SE¼SW¼SE¼;
Sec. 33, NE¼NE¼NE¼, W½NE¼NE¼, and E½NW¼NE¼.

Totaling 60 acres.

WHITE RIVER NATIONAL FOREST

*Osgood Campground*

T. 10 S., R. 86 W.,
Sec. 9, NW¼SW¼ and NW¼SW¼SW¼.

Totaling 50 acres.

The areas described above aggregate 130 acres.

This order shall be subject to existing withdrawals for power purposes, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

FEBRUARY 28, 1961.

[F.R. Doc. 61-1911; Filed, Mar. 3, 1961; 8:47 a.m.]

[Public Land Order 2286]

## COLORADO

### Reserving Lands Within the Routt and Gunnison National Forests for Use of the Forest Service as Recreation Areas, an Administrative Site, and a Natural Area

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter indicated are hereby withdrawn from all forms of appropriation under the public-land laws including the mining but not the mineral leasing laws nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas, administrative site, and natural area, as indicated:

[Colorado 024418]

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROUTT NATIONAL FOREST

*Rock Creek Recreation Area*

T. 1 N., R. 82 W.,
Sec. 6, lot 22 and SW¼SE¼;
Sec. 7, lots 5 to 11, inclusive, and E½NE¼.

*Blacktail Creek Recreation Area*

T. 1 N., R. 82 W.,
Sec. 9, S½NE¼ and N½SE¼.

*Lynx Pass Recreation Area*

T. 2 N., R. 83 W.,
Sec. 27, SE¼;
Sec. 34, N½NE¼.

*Dry Lake Campground*

T. 7 N., R. 84 W.,
Sec. 26, S½NW¼ and N½SW¼.

*Slater Park Picnic Area*

T. 10 N., R. 87 W.,
Sec. 23, NE¼NE¼.

*Saw Mill Creek Picnic Area*

T. 9 N., R. 89 W.,
Sec. 12, NW¼NW¼.

The areas described aggregate approximately 930 acres.

[Colorado 027723]

GUNNISON NATIONAL FOREST

*Gothic Natural Area* (Unsurveyed)

T. 12 S., R. 86 W.
Sec. 19, SE¼NW¼SE¼, NE¼SE¼, E½SW¼SE¼ and SE¼SE¼;
Sec. 20, SE¼SW¼NW¼, S½SE¼NW¼, S½SW¼NE¼, SW¼SE¼NE¼, SW¼ and SE¼;
Sec. 21, SW¼NW¼SW¼, SW¼SW¼ and SW¼SE¼SW¼;
Sec. 28, NW¼NW¼, NW¼NE¼NW¼, W½SW¼NW¼ and NW¼NW¼SW¼;
Sec. 29, NW¼, NE¼, N½NW¼SW¼, N½NE¼SW¼, SE¼NE¼SW¼, and N½SE¼ (Except portions of Lode claims 8528 and 5476);
Sec. 30, E½NE¼, E½NW¼NE¼, E½SW¼NE¼ and NE¼NE¼SE¼ (Except portions of lode claims 8528 and 5476).

The areas described aggregate approximately 1,190 acres.

[Colorado 027960]

GUNNISON NATIONAL FOREST

*West Muddy Administrative Site*

T. 11 S., R. 91 W.

An area in secs. 2, 11, and 12 (unsurveyed), described as follows:

Beginning at corner No. 2, from which corner No. 6 of Homestead Entry Survey No. 127 bears N. 38°22' W., 490.38 feet, thence

S. 54°00' E., 2527.80 feet to corner No. 3;
N. 51°30' E., 1691.58 feet to corner No. 4;
N. 40°00' W., 2211.00 feet to corner No. 5;
S. 74°30' W., 1355.64 feet to corner No. 1;
S. 36°00' W., 1106.82 feet to corner No. 2, the point of beginning.

The tract described contains approximately 116 acres.

The total area withdrawn by this order is approximately 2,226 acres.

This order shall take precedence over but not otherwise affect the existing reservations of the lands for national forest purposes.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

FEBRUARY 28, 1961.

[F.R. Doc. 61-1912; Filed, Mar. 3, 1961; 8:48 a.m.]

[Public Land Order 2287]

[56089]

## IDAHO AND MONTANA

### Partially Revoking Public Land Order No. 725 of June 4, 1951, Which Withdrew Certain Lands for Use of the Forest Service as Administrative Sites, Recreation Areas, or for Other Public Purposes. Reserving Portions of the Released Lands

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 725 of June 4, 1951, which withdrew certain lands within national forests for use of the Forest Service, Department of Agriculture, as administrative sites, recreation areas, or for other public purposes, is hereby revoked so far as it affects the following-described lands:

(Idaho 010421)

BOISE MERIDIAN

CLEARWATER NATIONAL FOREST

*North Fork Clearwater River Roadside Zone and Right-of-Way No. 250*

T. 40 N., R. 11 E.,
Sec. 7, W½SE¼;
Sec. 8, W½NE¼, NW¼, E½SW¼, and W½SE¼;
Sec. 9, NW¼NW¼;
Sec. 17, W½E½ and W½, unsurveyed;
Sec. 18, E½, unsurveyed.
T. 41 N., R. 11 E.,
Sec. 1, W½;
Sec. 2, E½ and SE¼SW¼;
Sec. 10, SE¼;
Sec. 12, NW¼NW¼;
Sec. 14, E½NW¼;
Sec. 22, W½NW¼, E½NE¼, SW¼NE¼, W½SE¼, W½SW¼, and SE¼SW¼;
Sec. 27, W½NW¼;
Sec. 32, E½E½.
T. 42 N., R. 11 E.,
Sec. 23, lots 1 and 3, and E½SE¼;
Sec. 24, N½ and E½SE¼;
Sec. 25, N½ and SW¼;
Sec. 26, E½;
Sec. 35, E½;
Sec. 36, W½.
T. 42 N., R. 12 E.,
Sec. 19, lots 1 and 2, and SW¼SW¼.

The areas described aggregate 4,904.77 acres.

(Montana 033654)

MONTANA MERIDIAN

LOLO NATIONAL FOREST

*Trout Creek Roadside Zone and Right-of-Way No. 250*

T. 15 N., R. 26 W.,
Sec. 4, lot 4 and SW¼NW¼;
Sec. 5, All (frac);
Sec. 6, SE¼SE¼;

Sec. 7, E½ and SE¼SW¼;
Sec. 8, W½;
Sec. 17, W½NW¼;
Sec. 18, All (frac);
Sec. 19, lots 1, 2, and 3.

T. 16 N., R. 26 W.,
Sec. 22, E½E½ and SW¼SE¼;
Sec. 23, lots 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, and NW¼SE¼;
Sec. 26, N½NW¼ and SW¼NW¼;
Sec. 27, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 28, S½NE¼ and S½;
Sec. 29, SE¼SE¼;
Sec. 32, E½NE¼, SW¼NE¼, and SE¼;
Sec. 33, N½NE¼, SW¼NE¼, W½, and NW¼SE¼.

T. 14 N., R. 27 W., unsurveyed,
Sec. 2, W½;
Sec. 3, E½, E½NW¼, and SW¼;
Sec. 8, SE¼;
Sec. 9, E½, S½NW¼, and SW¼;
Secs. 10 and 11;
Sec. 16, W½NE¼ and W½;
Sec. 17, NE¼.

T. 15 N., R. 27 W., unsurveyed,
Sec. 13, SE¼;
Sec. 23, SE¼;
Sec. 24, NE¼, W½, N½SE¼, and SW¼SE¼;
Sec. 25, W½NE¼ and W½;
Sec. 26;
Sec. 27, SE¼SE¼;
Sec. 34, E½ and SE¼SW¼;
Sec. 35, NW¼NW¼ and W½.

The areas described aggregate 10,692.08 acres.

2. The NW¼NW¼ sec. 9, T. 40 N., R. 11 W., and the E½SE¼ and SE¼NE¼ sec. 32, T. 41 N., R. 11 E., B.M., Idaho, are patented lands. The remaining lands are within the Clearwater and Lolo National Forests and shall be open, subject to valid existing rights and the requirements of applicable law, to such applications, selections, and locations as are permitted on national forest lands effective at 10:00 a.m. on April 5, 1961.

3. Subject to valid rights existing on June 4, 1951, the following-described lands within the Lolo National Forest are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Forest Service, Department of Agriculture, as indicated:

MONTANA PRINCIPAL MERIDIAN

*Trout Creek Campground*

T. 16 N., R. 26 W.,
Sec. 27, W½NW¼SE¼NE¼, S½NE¼SW¼NE¼, SE¼SW¼NE¼, E½SW¼SW¼NE¼, SW¼SW¼SW¼NE¼, NW¼NW¼SE¼, E½NE¼NE¼SW¼, SW¼NE¼NE¼SW¼, S½NW¼NE¼SW¼.

Containing 50 acres.

*Hoodoo Meadows Recreation Area*

T. 14 N., R. 27 W., unsurveyed,
Sec. 9, SE¼NE¼NE¼, N½SE¼NE¼, SW¼SE¼NE¼, SE¼SW¼NE¼, N½NW¼SE¼, SW¼NW¼SE¼, S½NE¼SW¼, SE¼NW¼SW¼, and NE¼SW¼SW¼;
Sec. 10, W½NW¼NW¼.

Containing 140 acres.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

FEBRUARY 28, 1961.

[F.R. Doc. 61–1913; Filed, Mar. 3, 1961; 8:48 a.m.]

[Public Land Order 2285]

[Montana 024510 (SD)]

## SOUTH DAKOTA

### Withdrawing Public Lands in the Black Hills National Forest for Use of the Forest Service as Administrative Sites

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Black Hills National Forest in South Dakota are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, nor disposals under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites:

BLACK HILLS MERIDIAN

BLACK HILLS NATIONAL FOREST

*Flag Mountain Lookout*

T. 1 N., R. 2 E.,
Sec. 1, E½SE¼SW¼.
Totaling 20 acres.

*Seth Bullock Lookout*

T. 1 N., R. 5 E.,
Sec. 16, S½SE¼NE¼SW¼ and N½NE¼SE¼SW¼.
Totaling 10 acres.

*Castle Peak Lookout*

T. 2 N., R. 3 E.,
Sec. 35, NW¼SE¼.
Totaling 40 acres.

*Norris Peak Lookout*

T. 2 N., R. 6 E.,
Sec. 29, SW¼SE¼SW¼.
Totaling 10 acres.

*Veterans Peak Lookout*

T. 4 N., R. 5 E.,
Sec. 5, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, and NW¼SE¼SE¼.
Totaling 40 acres.

*Boulder Hill Lookout*

T. 1 S., R. 6 E.,
Sec. 15, S½SW¼SW¼NW¼, NW¼NW¼SW¼, and N½SW¼NW¼SW¼;
Sec. 16, S½SE¼SE¼NE¼, NE¼NE¼SE¼, and N½SE¼NE¼SE¼.
Totaling 40 acres.

*Summit Ridge Lookout*

T. 2 S., R. 1 E.,
Sec. 19, S½SW¼SW¼;
Sec. 30, N½NW¼NW¼.
Totaling 40 acres.

*Bear Mountain Lookout*

T. 2 S., R. 3 E.,
Sec. 15, SW¼SE¼.
Totaling 40 acres.

*Elk Mountain Lookout*

T. 4 S., R. 1 E.,
Sec. 6, E½SW¼SW¼SE¼, SE¼SW¼SE¼, and W½SW¼SE¼SE¼;
Sec. 7, E½NW¼NW¼NE¼, NE¼NW¼NE¼, and W½NW¼NE¼NE¼.
Totaling 40 acres.

*Tepee Ranger Station*

T. 4 S., R. 1 E.,
Sec. 12, E½NE¼ and E½W½NE¼.

T. 4 S., R. 2 E.,
Sec. 7, lots 1 and 2.
Totaling 190.69 acres.

*Cicero Peak Lookout*

T. 4 S., R. 5 E.,
Sec. 30, NE¼NE¼.
Totaling 40 acres.

*Parker Peak Lookout*

T. 7 S., R. 4 E.,
Sec. 31, S½SE¼NW¼ and N½NE¼SW¼.
Totaling 40 acres.

The areas withdrawn by this order total 550.69 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

FEBRUARY 28, 1961.

[F.R. Doc. 61–1919; Filed, Mar. 3, 1961; 8:49 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–40]

## PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

### Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held at its office in Washington, D.C., on the 21st day of February A.D. 1961.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended, being under consideration; and

It appearing that amendment of § 193.95(a) of the Code of Federal Regulations (49 CFR 193.95(a)) relating to fire extinguishers is warranted, and good cause appearing therefor;

It further appearing that this amendment, which will permit utilization of certain dry chemical type fire extinguishers, if of adequate rating by tests, is a relaxation of present requirements, and therefore, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), for good cause it is found that notice of proposed rule making is unnecessary;

*It is ordered*, That § 193.95(a), Part 193, of the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended (49 CFR 193.95(a)) be, and it is hereby, amended to read as follows:

**§ 193.95 Emergency equipment on all power units.**

(a) *Fire extinguisher.* At least one fire extinguisher with physical characteristics and fire extinguishing ability equivalent to or better than fire extinguishers which qualify under Classification B of the standards of Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago 11, Illinois, in effect on June 30, 1951. The extinguisher shall utilize an extinguishing agent which does not need protection from freezing and shall be properly filled and securely mounted in a bracket. The minimum size shall be one and one-half quart carbon tetrachloride type, four-pound carbon dioxide type, four-pound dry chemical type, or extinguishers of other types having extinguishing capacity equivalent to any of these types. Two extinguishers may be carried to obtain the capacity required. It is further provided that a fire extinguisher marked and labeled as rated not less than 4 B:C under standards of Underwriters' Laboratories in effect on January 1, 1961, if equipped with a gauge or similar device to indicate whether or not the fire extinguisher is fully charged, or the degree to which it is charged if not fully charged, may be used in lieu of the fire extinguishers specified in this subparagraph, whether it meets the size requirements or not if all other pertinent requirements herein are met. This requirement shall not apply to any bus having a seating capacity of eight or less persons or any driveaway-towaway operation.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

*It is further ordered*, That this order shall become effective April 1, 1961 and shall continue in effect until further order of the Commission.

*It is further ordered*, That compliance with the herein prescribed and amended regulation is hereby authorized on and after the date of service of this order.

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 2.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61–1927; Filed, Mar. 3, 1961; 8:50 a.m.]



# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Savannah National Wildlife Refuge, South Carolina

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

SOUTH CAROLINA

SAVANNAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Savannah National Wildlife Refuge, South Carolina, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,000 acres or 25 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, bream and catfish; and other species permitted by State regulations.

(b) Open season: April 1, 1961, through October 15, 1961. Daylight hours only.

(c) Daily creel limits: Largemouth black bass, 8. Not more than 20 game fish other than black bass. Other minor species as prescribed by State regulations.

(d) Methods of fishing:

1. Rod and reel, pole and line, artificial and live baits permitted.

2. Rowboats, canoes and other floating devices without motors permitted.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to October 16, 1961.

WALTER A. GRESH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

FEBRUARY 24, 1961.

[F.R. Doc. 61–1903; Filed, Mar. 3, 1961; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR Part 231 ]

### TAXPAID WINE BOTTLING HOUSES

### Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

MORTIMER M. CAPLIN,
*Commissioner of Internal Revenue.*

In order to (1) include in 26 CFR Part 231 provisions for alternate marks in lieu of serial numbers on cases of wine conforming to provisions in 26 CFR Part 240; (2) conform 26 CFR Part 231 in respect of variations from requirements to the provisions of 26 CFR Part 201; (3) provide a form for applications to establish and operate a taxpaid wine bottling house; and (4) to make certain editorial, clarifying, and liberalizing changes, the regulations in 26 CFR Part 231, Taxpaid Wine Bottling Houses, are amended as follows:

Section 231.15 is amended to read:

**§ 231.15 Gallon or wine gallon.**

"Gallon" or "wine gallon" shall mean the liquid measure equivalent to the volume of 231 cubic inches.

Section 231.25 is amended to read:

**§ 231.25 United States wine.**

"United States wine" shall mean wine produced on bonded wine cellar premises in the United States.

Section 231.30 is amended to read:

**§ 231.30 General.**

Every person desiring to bottle or package taxpaid wine (at premises other than the bottling premises of a distilled spirits plant) shall provide premises, make application on Form 2975, and receive approval from the assistant regional commissioner, as required in § 231.50, to operate a taxpaid wine bottling house for that purpose. Wine which does not meet the requirements for standard wine may not be received on taxpaid wine bottling house premises used for the bottling or packaging of standard wine. Every person desiring to bottle or package taxpaid wine other than standard wine shall make application on Form 2975, and receive approval from the assistant regional commissioner, as required in § 231.50, to establish a taxpaid wine bottling house for that purpose. Notwithstanding the provisions of this section and of section 231.50, any proprietor of a taxpaid wine bottling house who has qualified as such under an application which was not made on Form 2975 shall not be required to make a new application, on Form 2975, solely by reason of such form being prescribed herein.

(72 Stat. 1378, 1379, 1381; 26 U.S.C. 5352, 5356, 5364)

Section 231.50 is amended to read:

**§ 231.50 Application.**

Every person desiring to establish a taxpaid wine bottling house shall file an application on Form 2975, in triplicate, with the assistant regional commissioner of the region in which the taxpaid wine bottling house is located. Except as provided in § 231.53, in the case of amended applications, all the information required by this part and by the instructions on the form or issued in respect thereto shall be furnished and shall include the following:

(a) The name and address of the proprietor;

(b) Type of business organization of the proprietor (such as individual owner, partnership, association, or corporation);

(c) A statement whether the taxpaid wine bottling house will be used for bottling standard wine or wine other than standard wine;

(d) The approximate quantity in gallons of wine to be bottled each month;

(e) A statement whether any other business, or operation not involving wine, is to be conducted on the taxpaid wine bottling house premises, and if so, a statement of the nature of the business or operation;

(f) If a partnership, association, or corporation, a statement whether permits are held or other premises operated in the same region, and if so, the permit or premises (identified by class, number, and address) in connection with which the documents required by §§ 231.54 to 231.56 have been filed;

(g) A description of the taxpaid wine bottling house premises in sufficient detail to show the location of the premises and to distinguish such premises from other portions, if any, of the building;

(h) A statement whether the entrance door of the taxpaid wine bottling house leads directly to the outside of the building, to a common passageway or elevator shaft, or into other premises under the control of the proprietor, and if the entrance is into other premises, a statement of the nature of the business conducted on such premises; and

(i) Each trade name to be used in bottling or packaging wine. Each application shall be executed under the penalties of perjury in the manner prescribed on Form 2975 and all written statements, affidavits, and other documents submitted in support of the application or incorporated by reference shall be deemed to be a part thereof.

(68A Stat. 749, 72 Stat. 1379; 26 U.S.C. 6065, 5356)

Section 231.53 is amended to read:

**§ 231.53 Amended application.**

If the proprietor desires to change the location or extent of the premises, or to use a trade name not previously approved, or if there is a change in any information shown in the approved application to establish and operate a taxpaid wine bottling house, an amended application on Form 2975 shall be filed with the assistant regional commissioner and permission to operate obtained prior to commencing the proposed operation. Amended applications on Form 2975 may be executed in skeleton form. Items which are correctly set forth in prior applications and remain unchanged may be incorporated in the amended application by reference to the respective application previously filed in which the item is fully and correctly set forth. Such incorporation by reference shall be made by entering for such item in the space provided therefor the statement "No change since filing application dated _____," (the date being inserted), followed, if applicable, by "Form 2975, Serial No. _____," (the serial number being inserted). The assistant regional commissioner may require the proprietor to furnish additional information concerning the taxpaid wine bottling house at any time.

(72 Stat. 1379; 26 U.S.C. 5356)

Section 231.55 is amended to read:

**§ 231.55 Corporate documents.**

Where the application is filed by a corporation there shall be filed with the initial application a certificate of incorporation; properly certified copies, in triplicate, of the extracts of the minutes of meetings of the board of directors authorizing certain officers or other persons to sign for the corporation and specifying what documents may be signed; and a list of the names and addresses (business and residence) of the officers and directors, and of the stockholders as required by § 231.56. If such documents have previously been filed in the same region, and statement to that effect is included in the application, additional copies are not required.

(72 Stat. 1379; 26 U.S.C. 5356)

**§ 231.57 [Amendment]**

Section 231.57 is amended by changing the last sentence to read, "Powers of attorney shall be executed on Form 1534, in accordance with the instructions on the form and submitted to the assistant regional commissioner."

Section 231.59 is amended to read:

**§ 231.59 Change in proprietorship.**

If there is any change in proprietorship of the business, except through a change in stock ownership of a corporation, the successor shall qualify in the same manner as for original establishment of a taxpaid wine bottling house, except he may adopt the plat of his predecessor. The adoption by a successor of the plat of his predecessor shall be in the form of a certificate, in triplicate, in which shall be set forth the name of the predecessor, the registry number of the taxpaid wine bottling house, the date of preparation and the date of approval of the plat, and shall include a statement that the plat is accurate. If there is a change in the control of a corporation, whether by a change in stock ownership or otherwise, the assistant regional commissioner shall be notified of the change.

Section 231.85 is amended to read:

**§ 231.85 Marks.**

Each package or case filed at a taxpaid wine bottling house shall be marked in a plain and durable manner with (a) a serial number, or alternate marks in lieu of a serial number as provided in § 231.86, (b) the name of the proprietor and location (by city or town and State or by registry number and State) of the taxpaid wine bottling house, (c) the kind (class and type) and the alcohol content of the wine, (d) the contents of the package or case in wine gallons, and (e) except for cases, the date of removal or shipment. When wine is packaged or bottled under an authorized trade name such trade name may be marked on the shipping container as the name of the proprietor. These marks may be cut, printed, or otherwise durably marked on the package or case or placed upon a label or tag securely affixed to such container. The marks shall be placed on the head of the package or a side of the case.

(72 Stat. 1381; 26 U.S.C. 5368)

Section 231.86 is amended to read:

**§ 231.86 Serial numbers.**

All packages or cases filled shall be marked with a serial number at the time the packages or cases are filled, except as provided herein. Serial numbers shall commence with "1" and continue in order until the number 1,000,000 is reached, when the series may start again with "1": *Provided*, That a new series may be commenced when 100,000 has been reached if no number will be used more than once during a 12-month period. If desired, separate series of numbers preceded by identifying letters may be used for bulk containers and for cases, or for cases filled on different bottling lines, or for removals from different loading docks. On filing a notice with the assistant regional commissioner the proprietor may, unless notified by the assistant regional commissioner to the contrary, mark the cases with the filling date in lieu of serially numbering the cases. The notice shall be filed in duplicate not less than 10 days prior to the date on which the proprietor intends to commence marking cases with the filling date. A proprietor who has given notice of his intention to mark the filling dates on the cases shall use such procedure exclusively until the assistant regional commissioner requires or authorizes the cases to be marked as otherwise provided in this section.

(72 Stat. 1381; 26 U.S.C. 5368)

**§ 231.110 [Amendment]**

Section 231.110 is amended:

1. By changing paragraph (g) to read:

(g) The name and address of the person to whom removed: *Provided*, That on sales of not more than one case direct to consumers the name and address of the consignee need not be shown;

2. By changing the last sentence to read "Within five days after the close of each month the proprietor shall make a monthly summary showing the quantity on hand at the beginning of the month, the quantities received, removed, and lost during the month, and the quantity remaining on hand at the close of the month, for each tax class of wine handled."; and

3. By changing the statutory citation to read "(72 Stat. 1381; 26 U.S.C. 5367)".

Section 231.120 is amended to read:

**§ 231.120 Alternate methods or procedures; and emergency variations from requirements.**

(a) *Alternate methods or procedures.* The proprietor, on specific approval by the Director as provided in this paragraph, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(1) Good cause has been shown for the use of the alternate method or procedure;

(2) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue; and

(3) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part. No alternate method or procedure relating to the payment of tax shall be authorized under this paragraph. Where the proprietor desires to employ an alternate method or procedure, he shall submit a written application so to do, in triplicate, to the assistant regional commissioner, for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The proprietor shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such authorization. As used in this paragraph, alternate methods or procedures shall include alternate construction or equipment.

(b) *Emergency variations from requirements.* The Director may approve construction, equipment, and methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations—

(1) Will afford the security and protection to the revenue intended by the prescribed specifications;

(2) Will not hinder the effective administration of this part; and

(3) Will not be contrary to any provisions of law.

Variations from requirements granted under this paragraph are conditioned on compliance with the procedures, conditions, and limitations with respect thereto set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the proprietor thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variation may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where the proprietor desires to employ such variation, he shall submit a written application so to do, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved.

(72 Stat. 1395; 26 U.S.C. 5552)

**§ 231.121 [Revocation]**

Section 231.121 is revoked.

**§ 231.122 [Revocation]**

Section 231.122 is revoked.

[F.R. Doc. 61-1943; Filed, Mar. 3, 1961; 8:52 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

[ 7 CFR Parts 949, 952, 998 ]

[Docket Nos. AO–232–A9; AO–256–A5; AO–259–A4]

## MILK IN SAN ANTONIO, TEX., AUSTIN-WACO, AND CORPUS CHRISTI, TEX., MARKETING AREAS

### Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at San Antonio, Texas, on January 16, 1961, pursuant to notice thereof issued on January 9, 1961 (26 F.R. 225).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on February 10, 1961 (26 F.R. 1307; F.R. Doc. 61–1337) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were filed to the recommended decision.

The material issue on the record of the hearing relates to the Class II pricing provisions of the three orders.

*Findings and conclusions.* The following findings and conclusions on the material issue is based on evidence presented at the hearing and the record thereof:

Class II prices under the Austin-Waco and San Antonio, Texas, orders during the months of April, May and June should be the higher of the present Class II butter-powder formula price, less 14 cents or a Cheddar cheese formula price (identical to that used to price Class II–A milk under the San Antonio order) and for all other months, the higher of the butter-powder formula price or the Cheddar cheese formula price. Class II prices under the Corpus Christi, Texas, order for the months of March, April, May and June should be the higher of the present order butter-powder formula price, less 12 cents or the Class II–A price (Cheddar cheese formula price) and for all the other months, the higher of the butter-powder formula price or the Class II–A price.

The Class II price under each of the three orders presently reflects prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from dairy farmers at plants operated by the Carnation Company, Sulphur Springs, Texas, the Borden Company, Mount Pleasant, Texas, and Lamar Creamery Company, Paris, Texas. The average of these manufacturing plant pay prices is the Class II price for the months of March, April, May, and June under the Corpus Christi, Texas, order, and for the months of April, May, and June under the Austin-Waco and San Antonio, Texas, orders. During other months of the year the Class II price is the higher of the butter-powder formula price or the specified manufacturing plant prices.

Changes in the operation of these plants reporting prices paid dairy farmers for ungraded milk seriously impair their usefulness in the Class II pricing provisions of these orders. The Borden Company plant at Mount Pleasant, Texas, has ceased operation. The Lamar Creamery Company at Paris, Texas, no longer receives ungraded milk from dairy farmers. The volume of ungraded milk handled at the three manufacturing plants dropped from an average of 2.7 million pounds per month in 1957 to about 1.4 million pounds per month in 1959. While no volume figures were reported on the record for 1960 it is likely that the quantity of ungraded milk receipts decreased still further during the year, and with only one plant now operating such receipts will be still less in 1961.

Producer proponents contend that while they do not at this time question the appropriateness of the Class II prices provided by the respective orders in 1960, they are unwilling, and believe it inappropriate, to continue to have their Class II milk priced on the basis of a single plant's reported pay prices. They proposed therefore that the Class II price, during the specified flush months of production, be computed on the basis of the alternative butter-powder formula presently provided for pricing such milk in other months of the year less 14 cents in the case of the San Antonio and Austin-Waco orders and 12 cents in the case of the Corpus Christi order. They further proposed that a cheese formula price identical to that presently provided for pricing milk disposed of for Cheddar cheese (Class II–A) under the San Antonio and Corpus Christi orders be the effective Class II price in each of the markets in any month in which such price exceeds the butter-powder formula price.

Producers' proposals would have provided the same Class II price level ($3.266 under the Austin-Waco order and $3.26 under the Corpus Christi and San Antonio orders) during 1960 as was in effect under each of the respective orders. In addition, they would also have provided Class II prices virtually identical with the actual Class II prices in effect in the years 1958 and 1959. Since they meet the objectives of providing a more representative basis for pricing Class II milk their adoption is appropriate.

The inclusion of the alternative cheese pricing formula (presently used in pricing Class II–A milk under the San Antonio and Corpus Christi orders) provides assurance to producers that the Class II price adequately reflects the supply-demand situation for milk for manufacturing uses on a national basis. While the Cheddar cheese pricing formula would not have established the Class II price in any month during the period 1956–1960 the price for milk processed into Cheddar cheese has strengthened significantly in the latter part of 1960. It is possible therefore, that in some future period such price may exceed a price computed on the basis of a butter-powder formula. Cheddar cheese is generally recognized as one of the residual use values for fluid milk and substantial volumes of producer milk in each of these markets from time to time have been disposed of for Cheddar cheese. Since facilities are available to each of the three respective markets for disposition of the surplus or reserve milk for Cheddar cheese there is no reason why the price for such milk should at any time be less than the price of milk utilized in Cheddar cheese.

*Rulings on proposed findings and conclusions.* No briefs were filed on behalf of interested parties.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended. and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which hearings have been held.

*Marketing agreements and orders.* Annexed hereto and made a part hereof are six documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area"; "Marketing Agreement Regulating the Handling of Milk in the Austin-Waco Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Austin-Waco Marketing Area"; and "Marketing Agreement Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area"; and "Order Amending the Order Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered*, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

*Determination of representative period.* The month of December 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders amending the orders regulating the handling of milk in the San Antonio, Texas, Austin-Waco, and Corpus Christi, Texas, marketing areas, are approved or favored by producers, as defined under the terms of the respective orders as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Issued at Washington, D.C., this 28th day of February 1961.

JOHN DUNCAN, JR.,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area*

**§ 949.0 Findings and determination.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the order regulating the handling of milk in the San Antonio, Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the San Antonio, Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

**§ 949.52 [Amendment]**

1. Delete paragraph (a) and substitute therefor the following:

(a) *Class II milk.* During April, May, and June, the price per hundredweight for Class II milk shall be the price computed pursuant to subparagraph (1) of this paragraph, less 14 cents or the price computed pursuant to paragraph (b) of this section, whichever is higher. During all other months, the Class II price shall be the price computed pursuant to subparagraph (1) of this paragraph or paragraph (b) of this section, whichever is higher.

(1) The sum of the amounts computed pursuant to subdivisions (i) and (ii) of this subparagraph, rounded to the nearest cent:

(i) Multiply by 4.4, the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month;

(ii) From the average of the carlot prices per pound of nonfat dry milk for human consumption, spray process, f.o.b. manufacturing plants in the Chicago area as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the current month, subtract 5 cents and multiply by 8.16.

*Order[1] Amending the Order Regulating the Handling of Milk in the Austin-Waco Marketing Area*

**§ 952.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Austin-Waco marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Austin-Waco marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 952.51 and substitute therefor the following:

**§ 952.51 Class II milk.**

Subject to provisions of § 952.52 the minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class II milk shall be the price computed pursuant to paragraph (a) of this section, less 14 cents or the price computed pursuant to paragraph (b) of this section, whichever is higher, during April, May, and June; and for each of the other months, the price computed pursuant to paragraph (a) or paragraph (b) of this section, whichever is higher:

(a) The sum of the plus values computed as follows:

(1) Subtract 3 cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as pub-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

lished for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

(b) The price per hundredweight computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month and rounding to the nearest cent.

*Order[1] Amending the Order Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area*

**§ 998.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Corpus Christi, Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

**§ 998.50 [Amendment]**

1. Delete paragraph (b) and substitute therefor the following:

(b) *Class II milk price.* The minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class II milk shall be the price computed pursuant to subparagraph (1) of this paragraph, less 12 cents or the price computed pursuant to paragraph (c) of this section, whichever is higher, for the months of March, April, May, and June; and for each of the other months, the price computed pursuant to subparagraph (1) of this paragraph or paragraph (c) of this section, whichever is higher:

(1) The sum of the plus values computed as follows:

(i) Subtract 3 cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0; and

(ii) From the simple average as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture deduct 5.5 cents and multiply by 8.16.

[F.R. Doc. 61-1923; Filed, Mar. 3, 1961; 8:49 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Independent Dairy Farmers' Association, Inc., Fort Lauderdale, Florida:

*Proposal No. 1.* Amend § 1018.72 (computation of uniform base and excess prices) to provide for the calculation of uniform prices for excess milk so as to reflect the value of milk at the lowest class prices established under the order, rather than at the Class II price as presently provided.

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 2.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendment thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 801-03 Sweet Building, Fort Lauderdale, Florida, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 28th day of February 1961.

F. R. BURKE,
*Acting Deputy Administrator.*

[F.R. Doc. 61-1922; Filed, Mar. 3, 1961; 8:49 a.m.]

## [ 7 CFR Part 1033 ]

## ONIONS GROWN IN SOUTH TEXAS

### Notice of Proposed Rule Making With Respect to Limitation of Shipments Regulation

Notice is hereby given that the Secretary of Agriculture is considering the issuance of the limitation of shipments regulation, as hereinafter set forth, which was recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Marketing Order No. 133 (7 CFR Part 1033; 26 F.R. 704) regulating the handling of onions grown in designated counties of South Texas. This program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than five days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

**§ 1033.301 Limitation of shipments.**

During the period from March 20, 1961, through May 31, 1961, no person shall handle any lot of onions grown in the production area, except onions of the red variety, unless such onions meet the grade requirements of paragraph (a), one of the applicable size requirements of paragraph (b) (2), and the container and pack requirements of paragraph (c), or unless such onions are handled in accordance with the provisions of paragraphs (d), (e), (f), and (g) of this section.

(a) *Grades*—(1) *Yellow varieties.* (i) From March 20, 1961, through May 31, 1961, not to exceed 20 percent defects of U.S. No. 1 grade; or U.S. No. 1 or better grade if repacker size;

(ii) From April 2, 1961, through May 31, 1961, U.S. No. 1, or better grade for medium size Bermuda or Granex varieties, and not more than 10 percent defects of U.S. No. 1 for medium size Grano variety.

(2) *White varieties.* (i) From April 10, 1961, through May 31, 1961, not to exceed 20 percent defects of U.S. No. 1 grade.

(b) *Sizes*—(1) *Size classifications.* For purposes of regulation under this part, the size of onions shall be specified in accordance with one of the following classifications:

(i) "Small" shall be from 1 to 2¼ inches in diameter;

(ii) "Repackers" shall be from 1¾ to 2¾ inches in diameter, with 60 percent or more 2 inches or larger;

(iii) "Medium" shall be from 2 to 3¼ inches in diameter;

(iv) "Jumbo" shall be 3 inches or larger in diameter.

(2) *Size requirements*—(i) *Yellow varieties.* (*a*) From March 20, 1961, through May 31, 1961:

Repacker size.
Medium size.
Jumbo size.

(ii) *White varieties.* (*a*) From April 10, 1961, through May 31, 1961:

Small size.
Repacker size.
Medium size.
Jumbo size.

(c) *Container and pack requirements.* Onions may be handled only in containers classified by weight as follows:

(1) 25 pound sacks, not to exceed in any lot an average net weight of 27½ pounds per sack; or

(2) 50 pound sacks, not to exceed in any lot an average net weight of 55 pounds per sack.

(d) *Minimum quantity exemption.* Pursuant to § 1033.52(c)(2) of this part, any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments.* The requirements of paragraphs (a), (b), and (c) of this section, and the assessment requirements of this part, shall not be applicable to onions handled for the following special purposes:

(1) Relief or charity; or

(2) Experimental purposes.

(f) *Safeguards.* (1) Each handler of onions which do not meet the requirements of paragraphs (a), (b), and (c) and which are handled pursuant to paragraph (e) for relief or charity or experimental purposes shall, prior to handling, apply for and obtain a Certificate of Privilege from the committee which shall require the handler to furnish such reports and documents as the committee may require showing that the onions were handled for the purpose specified in the Certificate of Privilege.

(g) *Inspection.* (1) After March 20, 1961, no handler shall handle any onions unless an appropriate inspection certificate has been issued with respect thereto.

(2) No handler shall transport or cause the transportation of any shipment of onions by motor vehicle for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purpose of operation under this part each required inspection certificate or form required by the committee as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(h) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Bermuda-Granex Type Onions (§§ 51.3195-51.3209 of this title), or United States Standards for Northern Grown Onions (§§ 51.2830-51.2847 of this title) whichever is applicable to the particular variety, including the tolerances for decay and sizes set forth therein. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay, with double tolerance for individual packages. All other terms used in this section shall have the same meaning as when used in Marketing Order No. 133 (Part 1033 of this title).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 1, 1961.

FLOYD F. HEDLUND,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 61-1949; Filed, Mar. 3, 1961; 8:52 a.m.]



# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60-FW-84]

## CONTROL ZONES

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2215 of the regulations of the Administrator, the substance of which is stated below.

The San Juan, P.R., control zone is presently designated within an 8-mile radius of a point at latitude 18°27'00" N., longitude 66°03'00" W., and within 2 miles either side of a 277° True bearing extending from the San Pat radio beacon to 10 miles west.

The Federal Aviation Agency has under consideration alteration of the San Juan control zone by redesignating it within a 5-mile radius of the San Juan International Airport (Isla Verde) (latitude 18°26'40" N., longitude 66°00'20" W.), and within a 3-mile radius of the Isla Grande Airport (latitude 18°27'30" N., longitude 66°05'50" W.); within 2 miles either side of the 067° and 281° True bearings from the San Pat radio beacon extending from the 5-mile radius zone to 12 miles west of the radio beacon; within 2 miles either side of the 058° and 088° True radials of the San Juan VOR extending from the 5-mile radius zone to 12 miles northeast and east of the VOR; within 2 miles either side of the 352° True radial of the San Juan VOR extending from the 5-mile radius zone to 8 miles north of the VOR, and within 2 miles either side of the 334° True radial of the San Juan VOR extending from the 5-mile radius zone to 6 miles northwest of the VOR.

These alterations would provide protection for aircraft arriving and departing the San Juan International Airport and the Isla Grande Airport and provide protection for aircraft conducting the prescribed instrument approach procedures at the San Juan International Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 28, 1961.

J. R. BAILEY,
*Assistant Chief,*
*Airspace Utilization Division.*

[F.R. Doc. 61-1898; Filed, Mar. 3, 1961; 8:46 a.m.]

# Notices

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### ORGANIZATIONAL STATEMENTS

The following organizational statements have been approved by the Secretary of Defense:

Assistant Secretary of Defense (Installations and Logistics) (DoD Directive 5126.22).

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947, as amended, including the Department of Defense Reorganization Act of 1958, one of the positions of Assistant Secretary of Defense authorized by that Act is hereby designated the Assistant Secretary of Defense (Installations and Logistics) with responsibilities, functions and authorities as prescribed herein.

II. *Responsibilities.* The Assistant Secretary of Defense (Installations and Logistics) is the principal staff assistant to the Secretary of Defense in the following functional fields:

1. Materiel requirements.
2. Production planning and scheduling.
3. Acquisition, inventory management, storage, maintenance, distribution, movement and disposal of materiel, supplies, tools and equipment.
4. Small business matters.
5. Transportation, telecommunications, petroleum and other logistical services.
6. Supply cataloging, standardization and quality control.
7. Commercial and industrial activities and facilities including fixed industrial equipment.
8. Military construction including Reserve Forces Facilities.
9. Family housing.
10. Real estate and real property including general purpose space.
11. Vulnerability of resources to attack damage.

III. *Functions.* Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Installations and Logistics) shall perform the following functions in his assigned fields of responsibility:

1. Recommend policies and guidance governing Department of Defense planning and program development.
2. Develop systems and standards for the administration and management of approved plans and programs.
3. Review programs of the military departments for carrying out approved policies.
4. Evaluate the administration and management of approved policies and programs.
5. Recommend appropriate steps (including the transfer, reassignment, abolition and consolidation of functions) which will provide in the Department of Defense for more effective, efficient and economical administration and operation, will eliminate unnecessary duplication, or will contribute to improved military preparedness.
6. Such other functions as the Secretary of Defense assigns.

IV. *Relationships.* A. In the performance of his functions, the Assistant Secretary of Defense (Installations and Logistics) shall:

1. Coordinate actions, as appropriate, with the military departments and other Department of Defense agencies having collateral or related functions in the field of his assigned responsibility.
2. Maintain active liaison for the exchange of information and advice with the military departments and other Department of Defense agencies.
3. Make full use of established facilities in the Office of the Secretary of Defense, military departments and other Department of Defense agencies rather than unnecessarily duplicating such facilities.

B. The Secretaries of the military departments, their civilian assistants, and the military personnel in such departments shall fully cooperate with the Assistant Secretary of Defense (Installations and Logistics) and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority and control of the Secretary of Defense.

V. *Authorities.* A. The Assistant Secretary of Defense (Installations and Logistics), in the course of exercising full staff functions, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities, in accordance with DoD Directive 5025.1. Instructions to the military departments will be issued through the Secretaries of those departments or their designees.
2. Obtain such reports and information (in accordance with the provisions of DoD Directives 7700.1 and 5158.1) and the assistance from the military departments and other Department of Defense agencies as may be necessary to the performance of his assigned functions.

B. Other authorities heretofore specifically delegated by the Secretary of Defense to the Assistant Secretary of Defense (Supply and Logistics) and the Assistant Secretary of Defense (Properties and Installations) are hereby specifically delegated to the Assistant Secretary of Defense (Installations and Logistics). Specific delegations to the Assistant Secretary of Defense (Installations and Logistics) will be referenced in an inclosure to this directive.

*Inclosure 1—References to Other Authorities Specifically Delegated by the Secretary of Defense to the Assistant Secretary of Defense (Installations and Logistics)*

1. Authority to make determinations and certifications with respect to construction, replacement or reactivation of bakery, laundry, or dry cleaning facilities, as prescribed in DoD Directive 5126.8, dated November 14, 1955.
2. Authority to exercise all authorities delegated to the Secretary of Defense by Business and Defense Services Administration Delegation No. 1, as amended, as prescribed in DoD Directive 4405.6, dated August 20, 1954.
3. Authority to make determinations with respect to facilities and equipment for metal scrap, bailing or shearing, or for the melting or smelting of aluminum scrap, as prescribed in DoD Directive 5126.15, dated January 6, 1956.
4. Authority to act for the Secretary of Defense with respect to disposal of surplus property, as prescribed in DoD Directive 5100.16, dated March 19, 1958.
5. Authority to make determinations with respect to the donation of surplus personal property to educational activities of special interest to the Armed Services, as prescribed in DoD Directive 5100.13, dated May 20, 1957.
6. Authority to act for the Secretary of Defense with respect to the administration and operation of the Armed Forces Supply Support Center, as prescribed in DoD Directive 5154.14, dated June 23, 1958.
7. Authority to exercise the responsibilities of the Secretary of Defense under the National Industrial Reserve Act of 1948 with respect to machine tool and production equipment reserve as prescribed in DoD Directive 5100.17, dated January 7, 1959.
8. Authority to act for and in the name of the Secretary of Defense concerning requests for waiver of the navigation and vessel-inspection laws of the United States pursuant to P.L. 891, 81st Congress, 2d Session (64 Stat. 1120), as prescribed in DoD Directive 5100.21, dated April 9, 1959.
9. Authority delegated to the Secretary of Defense by Acting Administrator, Business and Defense Services Administration, Department of Commerce (25 F.R. 9254) regarding the mandatory collection of electronic data, as prescribed in Secretary of Defense memorandum, dated October 12, 1960. Note: See also Redelegation of this authority to the Director, Electronics Production Resources Agency by Change 1 to DoD Directive 5154.15, dated November 4, 1960.
10. Authority to approve minor construction and related land acquisitions, as prescribed in DoD Directive 4270.6, dated October 10, 1957, and as amended on October 15, 1958.





11. Authority to approve acquisition of Wherry Housing Projects, as prescribed in DoD Directive 4165.29, dated October 23, 1956.
12. Authority to issue instructions and enter into agreements with other executive departments and agencies regarding taxes on Wherry Housing Projects, as prescribed in DoD Directive 4165.30, dated April 22, 1958.
13. Authority to approve Capehart Housing Projects and related matters, as prescribed in DoD Directive 4165.21, dated May 1, 1957.
14. Authority to make determinations, approve projects and programs, and effect related actions pertaining to National Defense and Reserve Forces facilities, as prescribed in DoD Directive 5100.10 and 1225.5, dated May 29, 1959 and September 30, 1959, respectively.
15. Authority with respect to the application of certain statutory limitations on unit costs for the construction of warehousing, barracks, and bachelor officer quarters, as prescribed in DoD Directive 4270.2, dated August 18, 1955.
16. Authority with respect to disposal of surplus property, as prescribed in DoD Directive 5100.16, dated March 19, 1958.
17. Authority to determine availability of housing facilities at or near military tactical installations and to take certain other actions as prescribed in DoD Directive 5131.6, dated September 29, 1955.
18. Authority to expedite construction and take related actions, as prescribed in DoD Directive 5131.7, dated December 22, 1955.
19. Authority to approve certain construction and certain cost-plus-fixed-fee design and construction contracts, and to make determinations with respect to certain construction contracts, as prescribed in DoD Directive 5131.8, dated September 30, 1958, and DoD Directive 4270.5, dated July 11, 1955.
20. Authority to approve actions relating to family housing for civilian employees at research and development installations, as prescribed in DoD Directive 5100.11, dated July 14, 1956.
21. Authority to make determinations, certifications and other actions in the execution of the Fiscal Year 1960 Capehart Housing Programs, as prescribed in DoD Directive 5131.9, dated August 28, 1959.
22. Authority to make recommendations to the Federal Power Commission in connection with facilities for the transmission of electric energy and natural gas across borders of the U.S., as prescribed in Secretary of Defense Memorandum dated September 5, 1958.
23. Authority to exercise the responsibilities of the Secretary of Defense under the National Industrial Reserve Act of 1948 with respect to the plant reserve, as prescribed in DoD Directive 5100.17, dated January 7, 1959.
24. Authority to approve family housing units to be developed near military installations in the U.S. for military personnel and essential civilian personnel and to take related actions, as prescribed in DoD Directive 5100.24, dated March 3, 1960.
25. Authority to retain inadequate public quarters beyond July 1, 1961, as prescribed in DoD Directive 5126.23, dated February 20, 1961.

Assistant Secretary of Defense (Supply and Logistics) (DoD Directive 5126.1), published at 24 F.R. 6098, and Assistant Secretary of Defense (Properties and Installations) (DoD Directive 5131.1), published at 24 F.R. 6099, are hereby superseded and cancelled.

Assistant Secretary of Defense (Manpower) (DoD Directive 5120.27).

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947, as amended, including the Department of Defense Reorganization Act of 1958, one of the positions of Assistant Secretary of Defense authorized by that Act is hereby designated the Assistant Secretary of Defense (Manpower) with responsibilities, functions and authorities as prescribed herein.

II. *Responsibilities.* The Assistant Secretary of Defense (Manpower) is the principal staff assistant to the Secretary of Defense in the following functional fields:

1. Manpower, personnel and reserve affairs, including health and medical matters.
2. Armed Forces information and education.
3. Health and sanitation.
4. Medical care and treatment of patients.
5. Hospitals and related health and medical facilities.
6. Safeguarding of classified information and activities; and related personnel and physical security.
7. Continuity of Government, military participation in civil and domestic emergencies and related emergency planning.
8. Industrial relations.
9. Federal voting assistance.

III. *Functions.* Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Manpower) shall perform the following functions in his assigned fields of responsibility:

1. Recommend policies and guidance governing Department of Defense planning and program development.
2. Develop systems and standards for the administration and management of approved plans and programs.
3. Review programs of the military departments for carrying out approved policies.
4. Evaluate the administration and management of approved policies and programs.
5. Recommend appropriate steps (including the transfer, reassignment, abolition and consolidation of functions) which will provide in the Department of Defense for more effective, efficient and economical administration and operation, will eliminate unnecessary duplication, or will contribute to improved military preparedness.
6. Promote close cooperation and mutual understanding between the Department of Defense and the civil health and medical professions.
7. Such other functions as the Secretary of Defense assigns.

IV. *Relationships.* A. In the performance of his functions, the Assistant Secretary of Defense (Manpower) shall:

1. Coordinate actions, as appropriate, with the military departments and other Department of Defense agencies having collateral or related functions in the field of his assigned responsibility.
2. Maintain active liaison for the exchange of information and advice with the military departments and other Department of Defense agencies.
3. Make full use of established facilities in the Office of the Secretary of Defense, military departments and other Department of Defense agencies rather than unnecessary duplicating such facilities.

B. The Secretaries of the military departments, their civilian assistants, and the military personnel in such departments shall fully cooperate with the Assistant Secretary of Defense (Manpower) and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority and control of the Secretary of Defense.

V. *Authorities.* A. The Assistant Secretary of Defense (Manpower), in the course of exercising full staff functions, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities in accordance with DoD Directive 5025.1. Instructions to the military departments will be issued through the Secretaries of those departments or their designees.
2. Obtain such reports and information (in accordance with provisions of DoD Directives 7700.1 and 5158.1) and assistance from the military departments and other Department of Defense agencies as may be necessary to the performance of his assigned functions.

B. Other authorities heretofore specifically delegated by the Secretary of Defense to the Assistant Secretary of Defense (Health and Medical) and the Assistant Secretary of Defense (Manpower, Personnel, and Reserve) are hereby specifically delegated to the Assistant Secretary of Defense (Manpower). Specific delegations to the Assistant Secretary of Defense (Manpower) will be referenced in an inclosure to this directive.

*Inclosure 1—References to Other Authorities Specifically Delegated by the Secretary of Defense to the Assistant Secretary of Defense (Manpower) in Other Directives*

1. Authority to make determinations with respect to Reserve Forces facilities, as prescribed in DoD Directive 5100.10, dated May 29, 1959.
2. Authority to administer the absentee voting within the Department of Defense, as prescribed in DoD Directive 1000.4, dated January 5, 1956.

3. Authority to make available to designated schools and organizations certain surplus property of the Department of Defense in order to foster and encourage the educational purposes of such activities, as prescribed in DoD Directive 5100.13, dated May 20, 1957.

4. Authority to allot and reallot spaces for top level scientific, professional and executive personnel within the DoD, as well as establish standards and criteria, and require reports, to assure control over and effective utilization of such spaces, as prescribed in DoD Directive 1442.5, dated October 15, 1959.

Assistant Secretary of Defense (Manpower, Personnel and Reserve) (DoD Directive 5120.26), published at 24 F.R. 6097, and Assistant Secretary of Defense (Health and Medical) (DoD Directive 5136.4), published at 24 F.R. 6100, are hereby superseded and cancelled.

MAURICE W. ROCHE,
*Administrative Secretary.*

[F.R. Doc. 61–1891; Filed, Mar. 3, 1961; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12604 etc.; FCC 61–238]

## BLUE ISLAND COMMUNITY BROADCASTING CO., INC., ET AL.

### Memorandum Opinion and Order Severing Applications

In re applications of Blue Island Community Broadcasting Co., Inc., Blue Island, Illinois, Docket No. 12604, File No. BPH–2458; The News–Sun Broadcasting Co., Waukegan, Illinois, Docket No. 13292, File No. BPH–2543; Elmwood Park Broadcasting Corporation, Elmwood Park, Illinois, Docket No. 13294, File No. BPH–2636; Mrs. Evelyn R. Chauvin Schoonfield (WXFM), Elmwood Park, Illinois, Docket No. 13296, File No. BRH–179; Edward L. Waterman, Park Forest, Illinois, Docket No. 13708, File No. BPH–2845; Walter A. Hotz and Charles W. Kline, d/b as Radio America, Chicago, Illinois, Docket No. 13709, File No. BPH–2858.

1. The Commission has before it for consideration (1) a Petition to Sever filed January 16, 1961, by Blue Island Community Broadcasting Co., Inc., and (2) a supporting statement filed January 30, 1961, by the Commission's Broadcast Bureau.

2. Petitioner, Blue Island Community Broadcasting Co., Inc., an applicant in the instant proceeding for FM channel 290 in Blue Island, Illinois, requests severance and separate consideration of the three applications for channel 290 and the sole application for channel 288 from the two remaining applications for channel 294. The applications for 290 and 294 were consolidated for hearing because the then pending application of Gordon Boss & Associates for channel 292 involved interference to the proposed operations on both 290 and 294. By Memorandum Opinion and Order released January 9, 1961 (FCC 61–13; Mimeo No. 98069), the Commission granted the application of Gordon Boss & Associates, thereby removing the sole connection between the applicants for channels 288 and 290 and the applicant for channel 294. The public interest would be served by the more expeditious treatment which could be accorded each applicant in a severed proceeding.

*Accordingly, it is ordered,* This 23d day of February 1961, that the Petition to Sever, filed January 16, 1961, by Blue Island Community Broadcasting Co., Inc., is granted; and

*It is further ordered,* That the applications of Blue Island Community Broadcasting Co., Inc. (BPH–2458), Elmwood Park Broadcasting Corporation (BPH–2636), Evelyn R. Chauvin Schoonfield (BRH–179), and Edward L. Waterman (BPH–2845), are severed from the above-captioned proceeding; and that all the applications herein are retained in hearing to resolve the issues which were specified in an Order released August 5, 1960 (FCC 60–942) and which are pertinent to these applications.

Released: February 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1933; Filed, Mar. 3, 1961; 8:50 a.m.]

[Docket Nos. 13879–13881; FCC 61M–319]

## FORT HAMILTON BROADCASTING CO. (WMOH) ET AL.

### Order Following Pre-Hearing Conference

In re applications of The Fort Hamilton Broadcasting Company (WMOH), Hamilton, Ohio, Docket No. 13879, File No. BP–12869; Lafayette Broadcasting, Inc. (WASK), Lafayette, Indiana, Docket No. 13880, File No. BP–13252; Indiana Broadcasting Corporation (WANE), Fort Wayne, Indiana, Docket No. 13881, File No. BP–13768; for construction permits.

Pursuant to agreement reached at a pre-hearing conference held on February 27, 1961: *It is ordered,* This 27th day of February 1961, that hearing in the above-entitled proceeding is scheduled for April 12, 1961, at 9:00 a.m.

Released: February 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1934; Filed, Mar. 3, 1961; 8:51 a.m.]

[Docket No. 13481; FCC 61–234]

## NATHAN FRANK (WNBE–TV)

### Memorandum Opinion and Order Amending Issues

In re proposal filed by Nathan Frank (WNBE–TV), New Bern, North Carolina, Docket No. 13481, for specification of transmitter and antenna site.

1. The Commission has before it for consideration a joint petition to enlarge and delete issues, filed September 9, 1960, by the Department of the Navy for itself, the Department of the Army, and the Federal Aviation Agency; a Commission Memorandum Opinion and Order, 20 RR 808a, December 6, 1960; a Notice of Election, filed January 5, 1961, by Nathan Frank; pleadings filed in response to the foregoing documents including petitions for dismissal filed by Richmond Television Corporation[1] and the Broadcast Bureau on January 24 and 25, respectively, an opposition filed by Nathan Frank on February 1, 1961, and a reply to Frank's opposition filed by Richmond Television on February 8, 1961; and the matters of record in this proceeding.

2. By its Sixth Report and Order, 17 F.R. 87, May 2, 1952, the Commission allocated VHF commercial television channel 13 to New Bern, North Carolina. That allocation was amended to a negative offset by Commission Order, 17 F.R. 6860, July 26, 1952. On October 18, 1954, Nathan Frank as an individual filed an application with the Commission requesting a construction permit for said channel. The Commission granted Frank's amended application, File No. BPCT–1908, and issued a construction permit, February 9, 1955, utilizing an antenna site near the Neuse River with an antenna structure height (not including obstruction lighting) of 511 feet above mean sea level and an effective radiated power of 48.75 kw (visual). By Report and Order, 22 F.R. 3793, May 30, 1957, the Commission amended 47 CFR 3.606 to substitute channel 12+ for channel 13— at New Bern and modified Frank's outstanding authorization.

3. Further pertinent history of this proceeding need not be repeated here, inasmuch as it set out in our Memorandum Opinion and Orders, 20 RR 806, September 12, 1960, and 20 RR 808a, December 6, 1960, wherein we denied consideration of alternative sites and required Frank to file a Notice of Election.

4. By his Notice of Election, Frank now requests the Commission to delete from consideration his presently proposed site and further requests that a site on the Neuse River be substituted therefor. The newly submitted engineering specifications apparently remove the question of an air hazard issue and accordingly the only presently designated factual issue should be deleted.

[1] Richmond Television Corporation is not presently a party to this proceeding. Although the amendment of Frank's application creates a factual situation possibly affecting Richmond Television's license, and conferring on that party the right to intervene, it has no right to file pleadings until it is formally admitted as a party. While these considerations would normally engender the dismissal of Richmond Television's pleadings, because we have elected to initiate the hearing on Frank's new proposal by amendment of issues in this proceeding rather than by the designation of a wholly new proceeding, and because we are herein admitting Richmond Television as a party, Richmond Television's instant pleadings have been considered.



5. Although the air hazard question has been satisfied, implicit in Frank's newly proposed site is a patent violation of 47 CFR 3.610 with respect to the transmitter site of Station WRVA–TV, Richmond, Virginia, licensed to Richmond Television Corporation. Thus a modification of Frank's construction permit cannot be made without hearing, and such hearing can most readily be had by the designation of an appropriate issue in this proceeding.

6. Frank's Notice of Election failed to specifically request waiver of 47 CFR 3.610 with respect to the site specified therein and Richmond Television has petitioned for dismissal of his application on that ground. However, Frank's opposition to the Richmond Television petition does request a waiver. In view of the unusual history of this case which has raised considerations not ordinarily present, we deem it appropriate to designate the requested waiver for a hearing at which Frank will be afforded an opportunity to demonstrate, among other things, that no site in compliance with the separation rules is both feasible and available, and that a waiver of 47 CFR 3.610 would serve the public interest.

*Accordingly, it is ordered,* This 23d day of February 1961, that the issues in this proceeding are deleted and substituted therefor are the following:

1. To determine whether the antenna structure and site proposed by Nathan Frank having the geographic coordinates Latitude North 35°08'15" and Longitude West 77°03'31" with an overall height of 792 feet above mean sea level and 736 feet above average terrain would violate 47 CFR 3.610 and if so whether a waiver should be granted.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether issuance of the modified construction permit as proposed would serve the public interest, convenience and necessity.

*It is further ordered,* That Richmond Television Corporation (WRVA–TV), Richmond, Virginia, is made a party, and the Department of the Navy, the Department of the Army, and the Federal Aviation Agency, are deleted as parties; and

*It is further ordered,* That to the extent of the foregoing, the joint petition to enlarge and delete issues, filed September 9, 1960, by Navy for itself, Army, and FAA is granted, and in all other respects it is denied, and the petitions to dismiss filed by Richmond and Bureau are denied.

Released: February 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1935; Filed, Mar. 3, 1961; 8:51 a.m.]

[Docket No. 13090 etc.; FCC 61M–303]

## FREDERICKSBURG BROADCASTING CORP. (WFVA) ET AL.

### Order Continuing Hearing

In re applications of Fredericksburg Broadcasting Corporation (WFVA), Fredericksburg, Virginia, Docket No. 13090, File No. BP–11550, et al., Docket Nos. 13091, 13092, 13093, 13094, 13095, 13097, 13098, 13099, 13100, 13101, 13103, 13104, 13106, 13107 13108, 13109, 13110, 13115, 13118, 13121, 13122, 13127, 13129, 13133, 13135, 13136, 13137, 13140, 13147; for construction permits.

Upon letter request of counsel for Mahoning Valley Broadcasting Corporation (WBBW), an applicant in the above-entitled matter, which letter request was filed February 24, 1961,

*It is ordered,* This 24th day of February 1961, that, upon good cause shown, the hearing in Group 4 of the above-entitled matter now scheduled to commence on March 3, 1961, be and it hereby is postponed indefinitely.

Released: February 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1936; Filed, Mar. 3, 1961; 8:51 a.m.]

[Docket No. 13940; FCC 61M–306]

## EDWARD WALTER PISZCZEK AND JEROME K. WESTERFIELD

### Order for Prehearing Conference

In re application of Edward Walter Piszczek & Jerome K. Westerfield, Des Plaines, Illinois, Docket No. 13940, File No. BPH–3201; for construction permit (FM).

A prehearing conference in the above-entitled proceeding will be held on Friday, March 10, 1961, beginning at 10:00 a.m., in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

*It is so ordered,* This the 24th day of February 1961.

Released: February 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1937; Filed, Mar. 3, 1961; 8:51 a.m.]

[Docket Nos. 12991–12992; FCC 61M–314]

## SUBURBAN BROADCASTING CO., INC., AND CAMDEN BROADCASTING CO.

### Order Scheduling Prehearing Conference

In re applications of Suburban Broadcasting Company, Inc., Mount Kisco, New York, Docket No. 12991, File No. BPH–2620; Donald Jerome Lewis, tr/as Camden Broadcasting Co., Newark, New Jersey, Docket No. 12992, File No. BPH–2624; for construction permits for new FM Broadcast stations.

On the Examiner's own motion: *It is ordered,* This 27th day of February 1961, that a further prehearing conference in the above-entitled matter will be held in the offices of the Commission, Washington, D.C., on March 15, 1961, at 10:00 a.m.

Released: February 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1938; Filed, Mar. 3, 1961; 8:51 a.m.]

[Docket Nos. 13639–13640; FCC 61M–317]

## SOUTHEASTERN BROADCASTING SYSTEM, INC. (WMJM) AND RADIO STATION WSNT, INC.

### Order Scheduling Prehearing Conference

In re applications of Southeastern Broadcasting System, Inc. (WMJM), Cordele, Georgia, Docket No. 13639, File No. BP–12389; Radio Station WSNT, Inc., Sandersville, Georgia, Docket No. 13640, File No. BP–13105; for construction permits.

With the agreement of all parties: *It is ordered,* This 27th day of February 1961, that a further prehearing conference in the above-entitled matter will be held in the offices of the Commission, Washington, D.C., on March 6, 1961, at 9:30 a.m.

Released: February 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–1939; Filed, Mar. 3, 1961; 8:51 a.m.]

[Docket Nos. 13963–13964; FCC 61–245]

## YOAKUM COUNTY BROADCASTING CO. AND ECHOLS BROADCASTING CO.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Claude Calvin McAdams tr/as Yoakum County Broadcasting Company, Denver City, Texas, requests 1580 kc, 250 w, Day, Class II, Docket No. 13963, File No. BP–13531; Odis L. Echols, Sr., Odis L. Echols, Jr., and Elphin Rinn d/b as Echols Broadcasting Company, Hobbs, New Mexico, requests 1580 kc, 1 kw, Day, Class II, Docket No. 13964, File No. BP–13603; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of February 1961;

The Commission having under consideration the above-captioned and described applications:

It appearing that except as indicated by the issues specified below, Yoakum County Broadcasting Company is legally, technically, financially, and otherwise qualified to construct and operate its proposed station and Echols Broadcasting Company is legally, technically, and otherwise qualified, but may not be

financially qualified to construct and operate its proposed station; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

1. Owing to electrical interference, the two subject proposals appear to involve mutually destructive interference.

2. Claude Calvin McAdams, at time of filing the above application (File No. BP-13531), was Chief Engineer of Station KTFY, Brownfield, Texas. On the basis of data on file, it appears that Denver City lies within the 0.5 mv/m contour of KTFY and is, therefore, served by that station. (The population of Denver City is under 2,500.) Thus a question is raised as to compliance with § 3.35 of the Commission's rules. In the event the proposal of Yoakum County Broadcasting Company receives favorable consideration, program tests will not be authorized until the applicant has submitted proof that he has severed his connections with KTFY.

3. On the basis of the information furnished, it does not appear that Echols Broadcasting Company has shown sufficient funds available to finance the construction and at least three months operating costs of the proposed station. Initial costs would appear to total $32,125, consisting of down payment on equipment $4,125, land $3,000, down payment on building $3,500, miscellaneous $4,000, and working capital (3 months) $17,500. The existing capital and the bank loan are not adequate to meet the above total. The partners' personal balance sheets show assets in considerable amounts, although they do not appear to show adequate cash and quick assets sufficient in amount to meet commitments to partnership capital, as required in section III, page 2, paragraph 4d of the application form.

It further appearing that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the subject proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether Echols Broadcasting Company is financially qualified to construct and operate its proposed station.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

*It is further ordered*, That, in the event of a grant of the application of Yoakum County Broadcasting Company, the construction permit shall contain a condition that program tests will not be authorized until the applicant has submitted evidence that he has severed his connections with Station KTFY, Brownfield, Texas.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1940; Filed, Mar. 3, 1961; 8:51 a.m.]

# ATOMIC ENERGY COMMISSION

[Byproduct Material License No. 29-2204-2]

## NEW YORK SHIPBUILDING CORP.

### Order and Notice of Hearing

At the formal prehearing conference herein held on February 24, 1961, certain procedural steps were determined upon, as fully shown in the transcript record, pages 39 through 97. The transcript is available for inspection in the Commission's public files. In general summary, it was agreed that counsel for the respondent and for the AEC Staff will complete the preparation of stipulations of facts, including but not limited to statements concerning internal reorganizations and changes in the respondent's radiographic operations, all of which will be placed in the Commission's public files in this proceeding, on or before March 11, 1961; then a jointly proposed order, with appropriate statements of reasons in support thereof, will be similarly placed in the public record on or before March 18, 1961; thereafter and on March 24, 1961, a public hearing upon the matters for inquiry in this proceeding will be held in Camden, New Jersey.

*Accordingly, it is ordered*, This 28th day of February 1961, that the hearing of evidence in this proceeding shall be commenced in Courtroom No. 214 of the U.S. District Court and Post Office Building, 401 Market Street, Camden, New Jersey, at 10:00 a.m., on Friday, March 24, 1961.

Issued: February 28, 1961, Germantown, Md.

ATOMIC ENERGY COMMISSION,
J. D. BOND,
*Hearing Examiner.*

[F.R. Doc. 61-1944; Filed, Mar. 3, 1961; 8:52 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 61-KC-8]

## PROPOSED CONSTRUCTION OF RADIO TOWER

### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine the effect upon the utilization of airspace:

The Mississippi River Fuel Corporation, St. Louis, Missouri, proposes to construct a radio antenna structure to be located near Caseyville, Illinois, at latitude 38°38'40" North, longitude 89°59'58" West. The overall height of the structure would be 859 feet above mean sea level (339 feet above ground).

No aeronautical objections were received as a result of the circularization. The aeronautical study by the Agency determined that the proposed structure would be located approximately 2.87 statute miles ESE from the Collinsville, Illinois, Airport and would penetrate the inner conical surface of the "Joint Industry Government Tall Structures Committee Final Report" criteria by 108 feet. This criteria is not limiting in nature but requires aeronautical study of such cases. In this instance, the aeronautical study disclosed that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with presently applicable rules and standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 27, 1961.

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 61-1892; Filed, Mar. 3, 1961; 8:45 a.m.]

# DEPARTMENT OF THE TREASURY

## Coast Guard

[CGFR 61-1]

## SAN DIEGO, CALIFORNIA, MARINE INSPECTION OFFICE

### Establishment

A Marine Inspection Office has been established at Broadway Pier, 1365 Harbor Drive, San Diego 1, California. The mailing address is P.O. Box 1389, San Diego 12, California. This Office is a Coast Guard unit headed by an Officer in Charge, Marine Inspection, who has been delegated authority as described in 33 CFR 1.01-20 to administer and give immediate direction to those Coast Guard activities relating to the navigation and vessel inspection laws within his Marine Inspection Zone.

The San Diego, California, Marine Inspection Zone shall consist of the land masses, inland and territorial waters of the State of California in San Diego County, as well as all artificial islands subject to inspection on the Pacific Ocean due west thereof. This Zone was formerly a part of the Marine Inspection Zone assigned to the Long Beach, California, Marine Inspection Office.

The ship owners, operators, builders, vessels' operating personnel and other persons affected by the navigation and vessel inspection laws when within the San Diego, California, Marine Inspection Zone are requested to utilize the services available at the Marine Inspection Office, Broadway Pier, 1365 Harbor Drive, San Diego 1, California.

Dated: January 16, 1961.

[SEAL] A. C. RICHMOND,
*Admiral, U.S. Coast Guard, Commandant.*

[F.R. Doc. 61-1941; Filed, Mar. 3, 1961; 8:51 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. G-15546, etc.]

## TEXACO INC., ET AL.

### Order Requiring Refunds and Terminating Proceedings

FEBRUARY 21, 1961.

The hereinafter designated Respondents have heretofore filed proposed increased rates reflecting only the gas gathering tax of 1 cent per Mcf imposed upon said Respondents by the State of Louisiana pursuant to Act No. 8 of 1958, as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes.

Relevant information pertaining to said Respondents is hereinafter set forth:



| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser | Date rate placed in effect subject to refund |
|---|---|---|---|---|---|
| G-15546 [1] | Texaco Inc. [3] | 2 | 4 | United Fuel Gas Co. | 8- 2-58 |
| G-15547 [1] | Texaco Inc. (Operator), et al. [1] | 3 | 10 | do | 8- 2-58 |
| G-15547 | do [3] | 6 | 6 | do | 8- 2-58 |
| G-15548 [1] | Texaco Inc. [4] | 4 | 4 | do | 8- 2-58 |
| | do [4] | 5 | 4 | do | 8- 2-58 |
| | do [4] | 102 | 6 | do | 8- 2-58 |
| | do [4] | 74 | 1 | United Gas Pipe Line Co. | 8- 2-58 |
| | do [4] | 122 | 1 | E. A. Courtney | 8- 2-58 |
| | do [4] | 145 | 1 | Tennessee Gas Transmission Co. | 8- 2-58 |
| | do [4] | 146 | 4 | do | 8- 2-58 |
| G-15549 [5] | Union Producing Co. | 66 | 5 | Arkansas Louisiana Gas Co. | 8- 2-58 |
| | do | 68 | 5 | United Gas Pipe Line Co. | 8- 2-58 |
| | do | 69 | 4 | do | 8- 2-58 |
| | do | 197 | 8 | do | 8- 2-58 |
| | do | 199 | 7 | Arkansas Louisiana Gas Co. | 8- 2-58 |
| | do | 75 | 5 | United Gas Pipe Line Co. | 8- 2-58 |
| | do | 77 | 3 | do | 8- 2-58 |
| | do | 83 | 1 | do | 8- 2-58 |
| | do | 84 | 5 | do | 8- 2-58 |
| | do | 206 | 7 | do | 8- 2-58 |
| | do | 217 | 1 | American Louisiana Pipe Line Co. | 8- 2-58 |
| | do | 200 | 7 | Southwest Gas Producing Co. | 8- 2-58 |
| G-15550 [5] | Union Producing Co. (Operator), et al. | 89 | 4 | United Gas Pipe Line Co. | 8- 2-58 |
| | do | 76 | 4 | do | 8- 2-58 |
| | do | 86 | 5 | do | 8- 2-58 |
| | do | 88 | 4 | do | 8- 2-58 |
| | do | 207 | 12 | do | 8- 2-58 |
| | do | 208 | 6 | do | 8- 2-58 |
| G-15551 | Shell Oil Co. | 25 | 2 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| | do | 39 | 5 | Arkansas Louisiana Gas Co. | 8- 2-58 |
| | do | 31 | 5 | do | 8- 2-58 |
| | do | 49 | 5 | Tennessee Gas Transmission Co. | 8- 2-58 |
| | do | 53 | 2 | United Gas Pipe Line Co. | 8- 2-58 |
| | do | 54 | 2 | do | 8- 2-58 |
| G-15552 | Shell Oil Co. (Operator) | 51 | 1 | do | 8- 2-58 |
| G-15553 | Shell Oil Co. (Operator), et al. | 59 | 6 | do | 8- 2-58 |
| | do | 50 | 2 | do | 8- 2-58 |
| G-15554 | The Superior Oil Co. (Operator), et al. | 3 | 15 | Trunkline Gas Co. | 8- 2-58 |
| | do | 71 | 1 | United Gas Pipe Line Co. | 8- 2-58 |
| | do | 65 | 1 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| G-15555 | The Superior Oil Co. | 7 | 3 | American Louisiana Pipe Line Co. | 8- 2-58 |
| | do | 16 | 2 | United Gas Pipe Line Co. | 8- 2-58 |
| | do | 45 | 3 | Tennessee Gas Transmission Co. | 8- 2-58 |
| | do | 69 | 1 | Texas Gas Transmission Corp. | 8- 2-58 |
| | do | 74 | 1 | United Gas Pipe Line Co. | 8- 2-58 |
| G-15556 [7] | Cities Service Reserves, Inc. [2] | 51 | 1 | do | 8- 2-58 |
| G-15557 | Southwest Natural Production Co. | 2 | 6 | Arkansas Louisiana Gas Co. | [8] 8- 2-58 |
| | do | 3 | 7 | Mississippi River Fuel Corp. | [8] 8- 2-58 |
| | do | 4 | 5 | do | [8] 8- 2-58 |
| | do | 5 | 3 | United Gas Pipe Line Co. | [8] 8- 2-58 |
| G-15558 | Southwest Natural Production Co. (Operator), et al. | 9 | 10 | do | [8] 8- 2-58 |
| G-15559 | Hawkins and Kelly | 1 | 3 | Trunkline Gas Co. | 8- 2-58 |
| G-15560 | H. L. Hawkins, et al. | 5 | 1 | Texas Gas Transmission Corp. | 8- 2-58 |
| | do | 6 | 1 | do | 8- 2-58 |
| G-15561 | Amerada Petroleum Corp. | 14 | 11 | Trunkline Gas Co. | 8- 2-58 |
| | do | 48 | 1 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| G-15562 | Amerada Petroleum Corp. (Operator), et al. | 10 | 1 | Texas Gas Transmission Corp. | 8- 2-58 |
| | do | 64 | 3 | United Gas Pipe Line | 8- 2-58 |
| G-15563 | Cities Service Production Co. | 4 | 4 | Tennessee Gas Transmission Co. | 8- 2-58 |
| | do | 6 | 8 | do | 8- 2-58 |
| G-15564 | Cities Service Oil Co. | 106 | 4 | United Gas Pipe Line Co. | 8- 2-58 |
| G-15565 [1] | Robert Mosbacher (Operator), et al. | 14 | 1 | United Fuel Gas Co. | 8- 2-58 |
| G-15566 | Skelly Oil Company (Operator), et al. | 6 | 4 | Arkansas Louisiana Gas Co. | 8- 2-58 |
| | do | 43 | 4 | do | 8- 2-58 |
| G-15568 | Mrs. Cordelia K. Crow, et al. | 1 | 2 | do | 8- 2-58 |
| G-15569 | Murphy Corp. | 20 | 1 | Texas Gas Transmission Corp. | 8- 2-58 |
| | do | 21 | 5 | Texas Eastern Transmission Corp. | 8- 2-58 |
| G-15570 | Annie Norton, et al. | 1 | 3 | United Gas Pipe Line Co. | 8- 2-58 |
| G-15571 | Continental Oil Company [9] [10] | 161 | 5 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| | do [9] [10] | 164 | 4 | United Gas Pipe Line Co. | 8- 2-58 |
| G-15572 | Hunt Oil Co. | 2 | 11 | Arkansas Louisiana Gas Co. | 8- 2-58 |
| | do | 3 | 6 | do | 8- 2-58 |
| | do | 25 | 5 | do | 8- 2-58 |
| | do | 29 | 3 | do | 8- 2-58 |
| | do | 14 | 4 | do | 8- 2-58 |
| | do | 5 | 8 | United Gas Pipe Line Co. | 8- 2-58 |
| G-15573 | David Crow, Trustee, et al. | 2 | 3 | Southern Natural Gas Co. | 8- 2-58 |
| G-15574 | David Crow | 6 | 3 | Texas Eastern Transmission Corp. | 8- 2-58 |
| G-15575 [6] | David Crow, Trustee | 3 | 2 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| G-15576 | Crow Drilling and Producing Co. | 2 | 1 | Arkansas Louisiana Gas Co. | 8- 2-58 |
| G-15577 [1] | Kilroy Properties Inc., et al. | 2 | 2 | United Fuel Gas Co. | 8- 2-58 |
| G-15578 | Crow Center Petroleum Corp., et al. | 6 | 1 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| G-15579 | L. E. Smith, et al. | 1 | 1 | Southern Natural Gas Co. | 8- 2-58 |

See footnotes at end of table.

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser | Date rate placed in effect subject to refund |
|---|---|---|---|---|---|
| G-15580 | H. L. Hunt | 11 | 1 | Wm. Herbert Hunt Trust Estate. | 8- 2-58 |
| | do | 14 | 2 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 12 | 3 | Southern Natural Gas Co | 8- 2-58 |
| | do | 7 | 9 | Texas Eastern Transmission Corp. | 8- 2-58 |
| | do | 18 | 2 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-15581 | Hassie Hunt Trust | 5 | 3 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 6 | 3 | Texas Gas Transmission Corp. | 8- 2-58 |
| | do | 7 | 3 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 3 | 3 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| | do | 18 | 3 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 4 | 10 | Texas Eastern Transmission Corp. | 8- 2-58 |
| | do | 20 | 2 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-15582 | The Fure Oil Co | 33 | 1 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| G-15583 | Lyons & Logan (Operator) Agent for[1] C. H. Lyons, Sr., et al. | 9 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| G-15584 | E. J. Hudson, et al | 8 | 1 | Tennessee Gas Transmission Co. | 8- 2-58 |
| G-15585 | Grey-Wolf Drilling Co | 1 | 1 | American Louisiana Pipeline Co. | 8- 2-58 |
| G-15586 | Tidewater Oil Co.[1] | 72 | 7 | Tennessee Gas Transmission Co. | 8- 2-58 |
| | do | 51 | 1 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| | do | 56 | 3 | Tennessee Gas Transmission Co. | 8- 2-58 |
| | do | 33 | 2 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 61 | 2 | American Louisiana Pipe Line Co. | 8- 2-58 |
| | do | 65 | 1 | Southern Natural Gas Co | 8- 2-58 |
| | do | 37 | 10 | Texas Gas Transmission Corp. | 8- 2-58 |
| | do | 24 | 8 | United Fuel Gas Co | 8- 2-58 |
| G-15587 | Continental Oil Co | 131 | 5 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15588 | Secure Trusts | 1 | 4 | Southern Natural Gas Co | 8- 2-58 |
| | do | 5 | 2 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-15589 | Sohio Petroleum Co. (Operator), et al. | 20 | 31 | Tennessee Gas Transmission Corp. | 8- 2-58 |
| G-15590 | Petrol Production Co | 1 | 5 | do | 8- 2-58 |
| G-15591 | Bel Oil Corp | 2 | 2 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 3 | 2 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| | do | 4 | 3 | Trunkline Gas Co | 8- 2-58 |
| G-15592 | Bel Oil Corp. (Operator), et al. | 5 | 1 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-15593 | Sunray Mid-Continent Oil Co. | 9 | 8 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 54 | 3 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 56 | 2 | do | 8- 2-58 |
| | do | 108 | 1 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| | do | 146 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 122 | 6 | Texas Eastern Transmission Corp. | 8- 2-58 |
| | do | 13 | 10 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| | do | 78 | 5 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15594 | do | 51 | 3 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 77 | 5 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| | do | 47 | 5 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15595 | Sam Sklar (Operator), et al. | 1 | 6 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 2 | 3 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15596 | Phillips Petroleum Co | 62 | 6 | do | 8- 2-58 |
| | do | 189 | 7 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 219 | 10 | Southern Natural Gas Co | 8- 2-58 |
| | do | 209 | 1 | do | 8- 2-58 |
| | do | 300 | 1 | do | 8- 2-58 |
| | do | 301 | 3 | do | 8- 2-58 |
| | do | 239 | 5 | Mississippi River Fuel Corp. | 8- 2-58 |
| | do | 149 | 3 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |

See footnotes at end of table.

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser | Date rate placed in effect subject to refund |
|---|---|---|---|---|---|
| G-15597 | Phillips Petroleum Co. (Operator), et al. | 175 | 6 | Southern Natural Gas Co | 8- 2-58 |
| | do | 216 | 4 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 278 | 4 | American Louisiana Pipe Line Co. | 8- 2-58 |
| G-15598[1] | Forest Oil Corp | 2 | 6 | United Fuel Gas Co | 8- 2-58 |
| G-15599[1] | Forest Oil Corp. (Operator), et al. | 3 | 2 | do | 8- 2-58 |
| | do | 9 | 1 | do | 8- 2-58 |
| | do | 10 | 1 | do | 8- 2-58 |
| | do | 1 | 2 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| G-15600 | H. L. Hawkins and H. L. Hawkins, Jr.[12] | 11 | 12 | Trunkline Gas Co | 8- 2-58 |
| G-15601 | L. L. Robinson | 1 | 2 | United Gas Pipe Line Co | (13) |
| G-15602 | Crown Central Petroleum Corp.[1] | 1 | 1 | United Fuel Gas Co | 8- 2-58 |
| G-15603 | Murphy Corp | 3 | 6 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 7 | 5 | Mississippi River Fuel Corp | 8- 2-58 |
| | do | 19 | 2 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 18 | 4 | Texas Eastern Transmission Corp. | 8- 2-58 |
| G-15604 | Murphy Corp. (Operator), et al. | 4 | 4 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 11 | 6 | do | 8- 2-58 |
| G-15605 | Murphy Corp., et al | 5 | 7 | Mississippi River Fuel Corp | 8- 2-58 |
| | do | 9 | 5 | do | 8- 2-58 |
| | do | 10 | 4 | Southern Natural Gas Co | 8- 2-58 |
| | do | 14 | 3 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 1 | 11 | Texas Eastern Transmission Corp. | 8- 2-58 |
| | do | 2 | 12 | do | 8- 2-58 |
| | do | 16 | 7 | do | 8- 2-58 |
| G-15606 | Ohio Oil Co. (Operator), et al. | 14 | 6 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 20 | 6 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 32 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 36 | 2 | do | 8- 2-58 |
| G-15607 | Ohio Oil Co | 26 | 5 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 29 | 5 | Texas Eastern Transmission Corp. | 8- 2-58 |
| | do | 28 | 4 | do | 8- 2-58 |
| | do | 15 | 7 | United Gas Pipe Line Co | 8- 2-58 |
| G-15608[1] | Austral Oil Co., Inc. (Operator), et al.[14] | 1 | 2 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| | do | 2 | 2 | United Fuel Gas Co | 8- 2-58 |
| G-15609 | Oil Participations, Inc | 5 | 2 | American Louisiana Pipe Line Co. | 8- 2-58 |
| G-15610 | Oil Participations, Inc., et al | 6 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| G-15611[1] | Shell Oil Co | 55 | 1 | do | 8- 2-58 |
| | do | 56 | 2 | do | 8- 2-58 |
| | do | 126 | 1 | E. A. Conrtney | 8- 2-58 |
| | do | 128 | 1 | Tennessee Gas Transmission Co. | 8- 2-58 |
| | do | 130 | 6 | do | 8- 2-58 |
| | do | 169 | 2 | Southern Natural Gas Co | 8- 2-58 |
| | do | 26 | 5 | United Fuel Gas Co | 8- 2-58 |
| | do | 27 | 4 | do | 8- 2-58 |
| | do | 153 | 2 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-15612 | Shell Oil Co. (Operator), et al. | 58 | 4 | United Gas Pipeline Co | 8- 2-58 |
| | do | 57 | 9 | Olin Gas Transmission Corp. | 8- 2-58 |
| G-15613 | The British American Oil Producing Co. | 17 | 1 | American Louisiana Pipe Line Co. | 8- 2-58 |
| | do | 28 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| G-15614 | Rimrock Tidelands, Inc | 2 | 2 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15615 | States Oil Co., Inc | 1 | 5 | United Gas Pipe Line Co | 8- 2-58 |
| G-15616 | States Oil Co. (Operator), et al. | 1 | 3 | do | 8- 2-58 |
| | do | 3 | 5 | do | 8- 2-58 |
| G-15617 | Drilling and Exploration Co., Inc. (Operator), et al. | 1 | 7 | Southwest Gas Producing Co., Inc. | 8- 2-58 |
| G-15618 | John W. Mecom, d/b/a Mecom Petroleums. | 3 | 1 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| | do | 2 | 1 | Tennessee Gas Transmission Co. | 8- 2-58 |
| | do | 1 | 3 | United Gas Pipe Line Co | 8- 2-58 |
| G-15619 | John W. Mecom, Operator, et al. | 5 | 1 | Tennessee Gas Transmission Co. | 8- 2-58 |



| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser | Date rate placed in effect subject to refund |
|---|---|---|---|---|---|
| G-15620 | Cyprus Oil Co. (Operator) et al. | 2 | 3 | Transcontinental Gas Pipe Line Co. | 8- 2-58 |
| G-15621[1] | Tidewater Oil Co. (Operator), et al. | 62 | 2 | do | 8- 2-58 |
| | do | 25 | 4 | United Fuel Gas Co | 8- 2-58 |
| | do | 60 | 2 | do | 8- 2-58 |
| G-15622 | Estate of Lydia Bunker Hunt. | 1 | 3 | Southern Natural Gas Co | 8- 2-58 |
| | do | 3 | 2 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 2 | 3 | Trunkline Gas Co | 8- 2-58 |
| G-15623 | Lamar Hunt Trust Estate | 1 | 9 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15624 | William Herbert Hunt Trust Estate. | 3 | 11 | do | 8- 2-58 |
| G-15625 | William Herbert Hunt Trust Estate, d/b/a Park Pipe Line. | 5 | 2 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| G-15626 | Nelson Bunker Hunt Trust Estate. | 1 | 9 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 6 | 6 | H. L. Hunt | 8- 2-58 |
| G-15627 | Estate of William G. Helis | 2 | 2 | Southern Natural Gas Co | 8- 2-58 |
| | do | 3 | 3 | do | 8- 2-58 |
| G-15628[1] | H. L. Hawkins and H. L. Hawkins, Jr. | 4 | 9 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 7 | 4 | United Fuel Gas Co | 8- 2-58 |
| | do | 8 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 1 | 4 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-15629 | Placid Oil Co | 6 | 6 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 8 | 2 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-15630 | J. R. Frankel, et al | 1 | 6 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15631 | Williams Pressure Service | 1 | 2 | Texas Eastern Transmission Corp. | 8- 2-58 |
| G-15632 | Sun Oil Co. (Operator), et al. | 37 | 15 | Tennessee Gas Transmission Co. | 8- 2-58 |
| | do | 51 | 17 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| | do | 71 | 3 | do | 8- 2-58 |
| | do | 36 | 8 | Texas Eastern Transmission Corp. | 8- 2-58 |
| | do | 35 | 11 | do | 8- 2-58 |
| G-15633 | Sun Oil Co | 63 | 6 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 72 | 2 | Tennessee Gas Transmission Co. | 8- 2-58 |
| | do | 93 | 2 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-15634 | James Muslow, et al | 1 | 2 | Arkansas Louisiana Gas Co | (13) |
| G-15635 | Gilbert S. Johnson | 1 | 2 | United Gas Pipe Line Co | 8- 2-58 |
| G-15636 | W. H. Hunt | 3 | 2 | do | 8- 2-58 |
| G-15637 | Haroldson L. Hunt, Jr., Trust Estate. | 1 | 9 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15638 | Mrs. Tom J. Moffitt, et al | 6 | 7 | United Gas Pipe Line Co | (13) |
| G-15639 | H. W. Perritt | 6 | 7 | do | 8- 2-58 |
| G-15640 | Frank J. Hall (Operator), et al. | 1 | 1 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15641[1] | Pan American Petroleum Corp. | 14 | 8 | Tennessee Gas Transmission Co. | 8- 2-58 |
| | do | 78 | 7 | United Fuel Gas Co | 8- 2-58 |
| | do | 190 | 3 | do | 8- 2-58 |
| G-15642 | Gulf Oil Corp | 139 | 3 | Southern Natural Gas Co | 8- 2-58 |
| G-15643 | States Oil Co., et al | 2 | 3 | United Gas Pipe Line Co | 8- 2-58 |
| G-15644 | Crow Drilling and Producing Co., et al. | 1 | 1 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15645 | Maracaibo Oil Exploration Corp. (Operator), et al. | 3 | 3 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-15646[1] | Cities Service Reserves, Inc.[16][7] | 2 | 4 | United Gas Pipe Line Co | 8- 2-58 |
| | do.[15][7] | 10 | 6 | do | 8- 2-58 |
| | do.[15][7] | 23 | 6 | United Fuel Gas Co | 8- 2-58 |
| G-15647 | Cities Service Reserves, Inc. (Operator), et al.[17][7] | 19 | 3 | United Gas Pipe Line Co | 8- 2-58 |
| | do.[17][7] | 22 | 7 | Texas Eastern Transmission Corp. | 8- 2-58 |
| G-15648 | The Superior Oil Co | 13 | 7 | Texas Northern Gas Corp. and Texas Gas Transmission Corp. | 8- 2-58 |
| G-15650[1] | Pan American Petroleum Corp. (Operator), et al. | 174 | 9 | United Fuel Gas Co | 8- 2-58 |

See footnotes at end of table.

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|---|---|---|---|---|---|
| G-15651 | Amerada Petroleum Corp | 9 | 5 | Texas Gas Transmission Corp. | 8- 2-58 |
| | do | 12 | 4 | do | 8- 2-58 |
| G-15652 | Amerada Petroleum Corp. (Operator), et al. | 11 | 6 | do | 8- 2-58 |
| | do | 13 | 6 | do | 8- 2-58 |
| G-15653[1] | Cities Service Production Co. (Operator), et al. | 1 | 8 | United Fuel Gas Co | 8- 2-58 |
| G-15655 | Placid Oil Co., et al | 7 | 3 | United Gas Pipe Line Co | 8- 2-58 |
| G-15656 | H. L. Hunt, et al | 13 | 3 | Trunkline Gas Co | 8- 2-58 |
| G-15657 | Hunt Oil Co. (Operator), et al. | 28 | 5 | Texas Eastern Transmission Corp. | 8- 2-58 |
| G-15658 | Lamar Hunt | 6 | 6 | H. L. Hunt | 8- 2-58 |
| G-15659 | Claude M. Langton, Trustee | 1 | 3 | Trunkline Gas Co | 8- 2-58 |
| G-15660 | J. R. Goff, Trustee | 1 | 3 | do | 8- 2-58 |
| G-15661[1] | Union Producing Co | 72 | 4 | Frank S. Kelly, et al | 8- 2-58 |
| | do | 215 | 2 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 216 | 2 | do | 8- 2-58 |
| | do | 218 | 2 | do | 8- 2-58 |
| | do | 90 | 5 | Southern Natural Gas Co | 8- 2-58 |
| | do | 219 | 4 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 223 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 225 | 1 | do | 8- 2-58 |
| G-15662 | Sinclair Oil and Gas Co | 97 | 7 | Southern Natural Gas Co | 8- 2-58 |
| | do | 95 | 4 | do | 8- 2-58 |
| | do | 78 | 2 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| | do | 66 | 2 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 58 | 2 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| | do | 33 | 6 | Trunkline Gas Co | 8- 2-58 |
| | do | 138 | 1 | Texas Gas Transmission Corp. | 8- 2-58 |
| | do | 102 | 8 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 137 | 1 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15663 | Southwest Gas Producing Co., Inc., et al. | 2 | 3 | Mississippi River Fuel Corp. | 8- 2-58 |
| | do | 7 | 2 | Tennessee Gas Transmission Co. | 8- 2-58 |
| | do | 8 | 1 | Texas Gas Transmission Corp. | 8- 2-58 |
| | do | 9 | 2 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| | do | 6 | 12 | Texas Eastern Transmission Corp. | 8- 2-58 |
| | do | 5 | 5 | do | 8- 2-58 |
| G-15664 | Southwest Gas Producing Co., Inc. | 3 | 1 | Texas Gas Transmission Corp. | 8- 2-58 |
| | do | 4 | 2 | do | 8- 2-58 |
| G-15665 | G. H. Vaughn Production Co. (Operator), et at. | 1 | 4 | do | 8- 2-58 |
| G-15666 | Spartan Drilling Company, Inc., Agent (Operator), et al. | 2 | 9 | Southern Natural Gas Co | 8- 2-58 |
| G-15667 | Kerr-McGee Oil Industries, Inc. | 51 | 2 | do | 8- 2-58 |
| | do | 27 | 2 | American Louisiana Pipe Line Co. | 8- 2-58 |
| G-15668 | Kerr-McGee Oil Industries, Inc. (Operator), et al. | 52 | 2 | Southern Natural Gas Co | 8- 2-58 |
| | do | 6 | 3 | Tennessee Gas Transmission Co. | 8- 2-58 |
| | do | 15 | 5 | Southern Natural Gas Co | 8- 2-58 |
| | do | 19 | 10 | do | 8- 2-58 |
| G-15669 | George Parker, et al | 1 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| G-15670 | Leonard W. Phillips, et al | 5 | 7 | do | 8- 2-58 |
| G-15671 | J. R. Butler | 1 | 6 | do | 8- 2-58 |
| G-15672 | Sam Sklar | 3 | 1 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15673 | Sam Sklar, Trustee (Operator), et al. | 11 | 6 | United Gas Pipe Line Co | 8- 2-58 |
| G-15674 | Delta Caribbean Oil Corp | 1 | 7 | Arkansas Louisiana Gas Co | (13) |
| G-15675 | Norman V. Kinsey, Jr | 5 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| G-15676 | M. B. Chastain, et al | 1 | 1 | Southern Natural Gas Co | 8- 2-58 |
| G-15677 | General American Oil Co. of Texas. | 3 | 4 | Arkansas Louisiana Gas Co | 8- 2-58 |

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|---|---|---|---|---|---|
| G-15678 | The Atlantic Refining Co | 2 | 4 | Mississippi River Fuel Corp | 8- 2-58 |
| | do | 53 | 5 | Texas Gas Transmission Corp | 8- 2-58 |
| | do | 118 | 1 | Transcontinental Gas Pipe Line Corp | 8- 2-58 |
| | do | 147 | 2 | do | 8- 2-58 |
| | do | 150 | 2 | do | 8- 2-58 |
| | do | 155 | 4 | Texas Gas Transmission Corp | 8- 2-58 |
| | do | 158 | 3 | Tennessee Gas Transmission Corp | 8- 2-58 |
| | do | 176 | 2 | Texas Gas Transmission Corp | 8- 2-58 |
| | do | 182 | 1 | Texas Gas Gathering Corp | 8- 2-58 |
| G-15679 | The Atlantic Refining Co. (Operator), et al | 171 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| G-15680 | Texaco Seaboard, Inc | 16 | 1 | Transcontinental Gas Pipe Line Corp | 8- 2-58 |
| G-15681 | Wheless Drilling Co. (Operator), et al | 1 | 3 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 2 | 2 | do | 8- 2-58 |
| | do | 3 | 1 | do | 8- 2-58 |
| G-15682 | General American Oil Company of Texas (Operator), et al | 1A | 4 | do | 8- 2-58 |
| G-15683 | Humble Oil and Refining Co.[11] | 172 | 4 | Mississippi River Fuel Corp | 8- 2-58 |
| | do.[12] | 176 | 4 | do | 8- 2-58 |
| | do.[12] | 185 | 5 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do.[12] | 201 | 3 | Texas Eastern Transmission Corp | 8- 2-58 |
| G-15684 | Sam Sklar, Trustee | 2 | 1 | Southern Natural Gas Co | 8- 2-58 |
| G-15685 | Willard E. Walker | 1 | 1 | Transcontinental Gas Pipe Line Corp | 8- 2-58 |
| G-15686 | Cuban American Oil Co. (Operator), et al | 1 | 8 | Mississippi River Fuel Corp | 8- 2-58 |
| G-15687 | Humble Oil and Refining Co | 120 | 2 | Gas Gathering Corp | 8- 2-58 |
| | do | 123 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 124 | 1 | do | 8- 2-58 |
| | do | 115 | 1 | do | 8- 2-58 |
| | do | 29 | 5 | Texas Gas Transmission Corp | 8- 2-58 |
| | do | 30 | 3 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 34 | 5 | do | 8- 2-58 |
| | do | 136 | 1 | do | 8- 2-58 |
| G-15718 [1] | do | 39 | 12 | Southern Natural Gas Co | 8- 2-58 |
| | do | 25 | 6 | United Fuel Gas Co | 8- 2-58 |
| | do | 24 | 6 | do | 8- 2-58 |
| | do | 23 | 7 | do | 8- 2-58 |
| | do | 26 | 6 | do | 8- 2-58 |
| | do | 127 | 2 | Texas Gas Transmission Corp | 8- 2-58 |
| | do | 36 | 8 | Tennessee Gas Transmission Co | 8- 2-58 |
| | do | 37 | 3 | do | 8- 2-58 |
| G-15719 | The Atlantic Refining Co | 56 | 8 | Olin Gas Transmission Corp | 8- 2-58 |
| | do | 57 | 7 | Texas Gas Transmission Corp | 8- 2-58 |
| G-15719 [1] | do | 63 | 6 | United Fuel Gas Co | 8- 2-58 |
| | do | 166 | 5 | do | 8- 2-58 |
| G-15720 [1] | Tidewater Oil Co | 34 | 4 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 26 | 8 | United Fuel Gas Co | 8- 2-58 |
| G-15721 [1] | Phillips Petroleum Co | 31 | 20 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 220 | 9 | Transcontinental Gas Pipe Line Corp | 8- 2-58 |
| | do | 202 | 11 | Texas Gas Transmission Corp | 8- 2-58 |
| | do | 273 | 6 | United Fuel Gas Co | 8- 2-58 |
| | do | 304 | 2 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15722 [1] | Sunray-Midcontinent Oil Co | 132 | 3 | United Fuel Gas Co | 8- 2-58 |
| | do | 128 | 3 | Texas Eastern Transmission Corp | 8- 2-58 |
| | do | 127 | 4 | do | 8- 2-58 |
| G-15723 [1] | Socony Mobil Oil Co., Inc.[13] | 1 | 6 | United Fuel Gas Co | 8- 2-58 |
| | do.[13] | 2 | 5 | do | 8- 2-58 |
| | do.[13] | 82 | 11 | Texas Eastern Transmission Corp | 8- 2-58 |
| | do.[13] | 16 | 21 | Transcontinental Gas Pipe Line Corp | 8- 2-58 |
| | do.[13] | 69 | 11 | United Gas Pipe Line Co | 8- 2-58 |
| | do.[13] | 150 | 6 | Hassie Hunt Trust | 8- 2-58 |
| | do.[13] | 152 | 6 | do | 8- 2-58 |
| G-15724 | Norton F. Wilson | 1 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| G-15725 | J. I. Roberts | 2 | 3 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15726 | Harry W. Bass | 1 | 7 | do | 8- 2-58 |
| G-15727 | The Hunter Co., Inc | 1 | 3 | Southern Natural Gas Co | 8- 2-58 |
| | do | 7 | 8 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 9 | 7 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 10 | 5 | Southern Natural Gas Co | 8- 2-58 |
| | do | 12 | 3 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 13 | 2 | United Gas Pipe Line Co | 8- 2-58 |
| G-15728 | J. R. Butler and Co., et al | 1 | 4 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15729 | Texas Gulf Producing Co | 25 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 26 | 1 | Transcontinental Gas Pipe Line Corp | 8- 2-58 |
| | do | 5 | 5 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 28 | 1 | Trunkline Gas Co | 8- 2-58 |
| | do | 14 | 4 | United Gas Pipe Line Co | 8- 2-58 |
| G-15730 | Continental Oil Co | 103 | 7 | do | 8- 2-58 |
| | do | 153 | 2 | Southern Natural Gas Co | 8- 2-58 |
| | do | 154 | 10 | Tennessee Gas Transmission Co | 8- 2-58 |
| | do | 126 | 4 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 128 | 4 | Tennessee Gas Transmission Co | 8- 2-58 |
| G-15731 [1] | Robert Mosabacker | 10 | 2 | United Fuel Gas Co | 8- 2-58 |
| G-15732 | M. H. Marr | 1 | 4 | Mississippi River Fuel Corp | 8- 2-58 |
| G-15733 | Hurley Oil and Gas Co., et al | 6 | 2 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15734 | McCalman Drilling Co., Inc., et al | 1 | 2 | do | 8- 2-58 |
| G-15735 | Lee Kinnebrew, et al | 1 | 1 | Texas Eastern Transmission Corp | 8- 2-58 |
| G-15737 | Monsanto Chemical Co | 4 | 5 | Mississippi River Fuel Co | 8- 2-58 |
| | do | 3 | 4 | do | 8- 2-58 |
| | do | 10 | 4 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 11 | 3 | do | 8- 2-58 |
| | do | 14 | 4 | Southern Natural Gas Co | 8- 2-58 |
| | do | 19 | 2 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 24 | 1 | do | 8- 2-58 |
| | do | 9 | 4 | do | 8- 2-58 |
| | do | 22 | 2 | do | 8- 2-58 |
| G-15738 | Henry I. Schober, et al | 1 | 3 | United Gas Pipe Line Co | 8- 2-58 |
| G-15739 | Texaco Seaboard, Inc | 21 | 12 | Texas Eastern Transmission Corp | 8- 2-58 |
| G-15740 | D. B. McConnell, et al | 1 | 2 | Texas Gas Transmission Corp | 8- 2-58 |
| | do | 2 | 2 | do | 8- 2-58 |
| | do | 3 | 2 | do | 8- 2-58 |
| G-15741 [1] | Rebstock and Reeves Drilling Co | 1 | 4 | United Fuel Gas Co | 8- 2-58 |
| G-15742 | Norman V. Kinsey, Jr., et al | 1 | 1 | Mississippi River Fuel Corp | 8- 2-58 |
| G-15743 [1] | Sun Oil Co | 38 | 4 | United Fuel Gas Co | 8- 2-58 |
| | do | 75 | 2 | do | 8- 2-58 |
| | do | 76 | 2 | do | 8- 2-58 |
| | do | 89 | 4 | Trunkline Gas Co | 8- 2-58 |
| G-15744 | C. H. Lyons, Sr., et al | 6 | 3 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 9 | 2 | do | 8- 2-58 |
| G-15745 [1] | Union Producing Co | 91 | 2 | Southern Natural Gas Co | 8- 2-58 |
| G-15746 | William G. Hells Estate, et al | 1 | 7 | United Gas Pipe Line Co | 8- 2-58 |
| G-15747 | Peterson Petroleum Corp | 1 | 3 | Southern Natural Gas Co | 8- 2-58 |
| G-15748 | Trice Production Co | 3 | 2 | Transcontinental Gas Pipe Line Corp | 8- 2-58 |
| G-15749 | William C. and Theodosia M. Nolan, d/b/a Munoco Co | 4 | 7 | United Gas Pipe Line Co | 8- 2-58 |
| G-15750 | Sidney G. Myers, Jr., et al | 4 | 2 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15751 | Gulf Oil Corp | 87 | 3 | Tennessee Gas Transmission Co | 8- 2-58 |
| | do | 88 | 3 | do | 8- 2-58 |
| | do | 89 | 2 | do | 8- 2-58 |
| | do | 91 | 3 | American Louisiana Pipe Line Co | 8- 2-58 |
| G-15752 | Phillips Petroleum Co. (Operator), et al | 48 | 5 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 295 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 56 | 4 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 218 | 13 | Tennessee Gas Transmission Co | 8- 2-58 |
| | do | 246 | 2 | Louisiana-Texas Petroleum Products Corp | 8- 2-58 |

See footnotes at end of table.



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|---|---|---|---|---|---|
| G-15753 | Maracaibo Oil Exploration Corp. (Operator), et al | 1 | 17 | Transcontinental Gas Pipe Line Corp | 8- 2-58 |
| G-15755 | Socony Mobil Oil Co., Inc. (Operator), et al.[20] | 24 | 4 | United Gas Pipe Line Co | 8- 2-58 |
| G-15757 | The Hunter Co., Inc. (Operator), et al | 6 | 6 | do | 8- 2-58 |
| G-15758 | General American Oil Co. of Texas (Operator), et al | 1 | 4 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15759 | W. C. Feazel (Operator), et al | 3 | 4 | Texas Eastern Transmission Corp | 8- 2-58 |
| G-15760 [1] | Texas Gulf Producing Co. (Operator), et al | 10 | 5 | United Fuel Gas Co | 8- 2-58 |
| | do | 23 | 3 | Trunkline Gas Co | 8- 2-58 |
| G-15761 | Benedum-Trees Oil Co. (Operator), et al | 9 | 1 | Texas Gas Transmission Corp | 8- 2-58 |
| G-15762 | Vanson Production Corp. (Operator), et al | 1 | 2 | Southern Natural Gas Co | 8- 2-58 |
| G-15763 | Continental Oil Co. (Operator), et al | 115 | 2 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 138 | 3 | Tennessee Gas Transmission Co | 8- 2-58 |
| | do | 80 | 3 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 98 | 2 | do | 8- 2-58 |
| G-15764 | Hurley Oil and Gas Co. (Operator), et al | 4 | 4 | Southern Natural Gas Co | 8- 2-58 |
| G-15766 | Forrest Oil Corp. (Operator), et al | 7 | 8 | Tennessee Gas Transmission Co | 8- 2-58 |
| G-15767 | M. F. McCain (Operator), et al | 3 | 3 | Texas Eastern Transmission Corp | 8- 2-58 |
| | do | 2 | 2 | Texas Gas Transmission Corp | 8- 2-58 |
| G-15768 | Sun Oil Co. (Operator), et al | 44 | 19 | Transcontinental Gas Pipe Line Corp | 8- 2-58 |
| G-15769 | Lyons and Logan (Operator), et al | 4 | 1 | Texas Gas Transmission Corp | 8- 2-58 |
| | do | 5 | 2 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 8 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| G-15770 | Trice Production Co. (Operator), et al | 4 | 10 | American Louisiana Pipe Line Co | 8- 2-58 |
| G-15771 [1] | Gulf Oil Corp. (Operator), et al | 86 | 8 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 93 | 3 | Texas Gas Transmission Corp | 8- 2-58 |
| | do | 124 | 2 | United Fuel Gas Co | 8- 2-58 |
| | do | 225 | 3 | do | 8- 2-58 |
| G-15780 [1] | Pan American Petroleum Corp. (Operator), et al | 173 | 10 | do | 8- 2-58 |
| G-15781 | Amerada Petroleum Corp | 65 | 3 | United Gas Pipe Line Co | 10-15-58 |
| G-15782 | L. L. Robinson | 2 | 3 | Texas Eastern Transmission Corp | (21) |
| G-15783 | Lamar Hunt Trust Estate | 5 | 6 | H. L. Hunt | 8- 2-58 |
| | do | 6 | 6 | do | 8- 2-58 |
| G-15784 | William Herbert Hunt Trust Estate | 8 | 6 | do | 8- 2-58 |
| | do | 9 | 6 | do | 8- 2-58 |
| G-15785 | Nelson Bunker Hunt Trust Estate | 5 | 6 | do | 8-28-58 |
| G-15786 | Secure Trusts | 2 | 3 | Trunkline Gas Co | 8- 2-58 |
| G-15803 | Humble Oil and Refining Co | 35 | 10 | United Gas Pipe Line Co | 11- 5-58 |
| G-15830 | Gulf Oil Corp. (Operator), et al | 79 | 7 | Texas Gas Transmission Corp | 8- 2-58 |
| G-15831 | Gulf Oil Corp | 83 | 9 | Hassie Hunt Trust | 8- 2-58 |
| | do | 69 | 1 | Southern Natural Gas Co | 8- 2-58 |
| | do | 75 | 4 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 76 | 8 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 78 | 5 | do | 8- 2-58 |
| | do | 80 | 6 | Tennessee Gas Transmission Co | 8- 2-58 |
| | do | 81 | 5 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 82 | 7 | do | 8- 2-58 |
| | do | 84 | 4 | Texas Gas Transmission Corp | 8- 2-58 |
| | do | 85 | 11 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 7 | 2 | Southern Natural Gas Co | 8- 2-58 |
| G-15832 | Delta Drilling Co | 2 | 8 | Texas Gas Transmission Corp | 8- 2-58 |
| G-15833 | Union Texas Natural Gas Corp.[22] | 1 | 5 | United Gas Pipe Line Co | 8- 2-58 |
| G-15834 | R. H. Goodrich | | | | |
| G-15835 | Sohio Petroleum Co | 14 | 3 | Texas Gas Transmission Corp | 8- 2-58 |
| | do | 16 | 4 | do | 8- 2-58 |
| | do | 24 | 3 | do | 8- 2-58 |
| | do | 21 | 3 | do | 8- 2-58 |
| | do | 41 | 2 | do | 8- 2-58 |
| | do | 42 | 3 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 12 | 3 | do | 8- 2-58 |
| | do | 13 | 3 | Mississippi River Fuel Corp | 8- 2-58 |
| | do | 44 | 1 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15836 | The California Co. (Operator), et al | 1 | 21 | Texas Eastern Transmission Corp | 8- 2-58 |
| G-15837 | The California Co | 3 | 3 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 2 | 14 | Southern Natural Gas Co | 8- 2-58 |
| | do | 4 | 11 | Tennessee Gas Transmission Co | 8- 2-58 |
| | do | 5 | 2 | Texas Gas Transmission Corp | 8- 2-58 |
| | do | 6 | 1 | Mississippi River Fuel Corp | 8- 2-58 |
| G-15838 | Hiawatha Oil and Gas Co | 6 | 3 | Texas Eastern Transmission Corp | 8- 2-58 |
| G-15839 | Texas Gulf Producing Co | 22 | 3 | Trunkline Gas Co | 8- 2-58 |
| G-15840 | Plymouth Oil Co | 10 | 3 | Texas Eastern Transmission Corp | 8- 2-58 |
| G-15841 | Midwest Oil Corp | 9 | 7 | do | 8- 2-58 |
| G-15842 | Midwest Oil Corp. (Operator), et al | 11 | 6 | do | 8- 2-58 |
| G-15843 | Warren Petroleum Corp | 18 A and B | 13 | do | 8- 2-58 |
| G-15844 | Monsanto Chemical Co | 1 | 7 | do | 8- 2-58 |
| | do | 2 | 12 | do | 8- 2-58 |
| G-15845 | Bert Fields, et al | 8 | 3 | do | 8- 2-58 |
| G-15846 [1] | Union Oil Co. of California | 2 | 5 | Transcontinental Gas Pipe Line Corp | 8- 2-58 |
| | do | 3 | 2 | do | 8- 2-58 |
| | do | 4 | 2 | do | 8- 2-58 |
| | do | 12 | 2 | United Fuel Gas Co | 8- 2-58 |
| | do | 7 | 3 | Tennessee Gas Transmission Co | 8- 2-58 |
| | do | 8 | 3 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 13 | 3 | Texas Gas Transmission Corp | 8- 2-58 |
| | do | 17 | 1 | Transcontinental Gas Pipe Line Corp | 8- 2-58 |
| | do | 21 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 22 | 1 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15847 | Union Oil Co. of California, et al | 5 | 3 | Transcontinental Gas Pipe Line Corp | 8- 2-58 |
| | do | 6 | 3 | do | 8- 2-58 |
| G-15848 | Jefferson Lake Sulphur Co | 1 | 6 | Texas Gas Transmission Corp | 8- 2-58 |
| G-15849 | Morris Rauch, et al | 1 | 2 | Transcontinental Gas Pipe Line Corp | 8- 2-58 |
| G-15850 [1] | Jefferson Lake Sulphur Co. (Operator), et al | 2 | 4 | do | 8- 2-58 |
| | do | 3 | 4 | United Fuel Gas Co | 8- 2-58 |
| G-15851 | Monsanto Chemical Co. (Operator), et al | 7 | 5 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15852 | J. P. Owen (Operator), et al | 2 | 1 | Transcontinental Gas Pipe Line Corp | 8- 2-58 |
| G-15853 | Sellwood and Myers | 2 | 2 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15854 | Charles B. Wrightsman | 3 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 1 | 3 | do | 8- 2-58 |
| G-15855 | Hope Producing Co. (Operator), et al [23] | 1 | 7 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15856 | McIntyre Oil Co | 1 | 2 | Texas Gas Transmission Corp | 8- 2-58 |
| G-15857 | Crescent Oil and Gas Corp | 3 | 2 | Transcontinental Gas Pipe Line Corp | 8- 2-58 |
| G-15858 | Republic Natural Gas Co | 20 | 2 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 22 | 5 | do | 8- 2-58 |
| G-15859 | Newmont Oil Co | 2 | 7 | United Gas Pipe Line Co | (24) |
| G-15860 | Lyons and Logan, et al | 7 | 1 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15861 | Texas Gas Exploration Corp | 1 | 1 | Texas Gas Transmission Corp | 8- 2-58 |
| G-15862 | Paul M. Raiprodsky | 1 | 5 | Mississippi River Fuel Co | 8- 2-58 |
| G-15863 | Plymouth Oil Co. (Operator) et al | 3 | 3 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15864 | M. Anisman, Trustee | 1 | 3 | do | 8- 2-58 |
| G-15865 | J. R. Butler | 2 | 3 | Texas Gas Transmission Corp | 8- 2-58 |
| | do | 3 | 3 | do | 8- 2-58 |

See footnotes at end of table.

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|---|---|---|---|---|---|
| G-15866 | J. M. Flaitz and R. B. Mitchell (Operator), et al. | 2 | 1 | Southern Natural Gas Co | 8- 2-58 |
| G-15867 | Sinclair Oil and Gas Co | 100 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| G-15868 | The Pure Oil Co.[31] | 57 | 8 | do | 8- 2-58 |
| | do | 58 | 8 | do | 8- 2-58 |
| G-15869 | M. H. Marr | 3 | 8 | Texas Eastern Transmission Corp. | 8- 2-58 |
| G-15870 | Tidewater Oil Co | 66 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| G-15871 | Bert Fields (Operator), et al | 7 | 4 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15872 [1] | Ted Weiner, et al | 1 | 1 | United Fuel Gas Co | 8- 2-58 |
| | do | 3 | 1 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| | do | 4 | 1 | Tennessee Gas Transmission Co. | 8- 2-58 |
| G-15873 | Trice Production Co | 5 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| G-15874 | T. L. James and Co., Inc., et al. | 1 | 3 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 4 | 4 | Mississippi River Fuel Corp | 8- 2-58 |
| | do | 5 | 3 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15875 | J. I. Roberts | 1 | 5 | Mississippi River Fuel Corp | 8- 2-58 |
| G-15876 | Marshall R. Young, et al | 3 | 5 | United Gas Pipe Line Co | 8- 2-58 |
| G-15925 | Kerr-McGee Oil Industries, Inc. | 55 | 6 | Tennessee Gas Transmission Co. | 8- 2-58 |
| G-15926 | General American Oil Company of Texas.[30] | 1 | 4 | United Gas Pipeline Co | 8- 2-58 |
| G-15927 | M. H. Marr | 8 | 1 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15928 | Oil Participations Inc | 7 | 3 | American Louisiana Pipe Line Co. | 8- 2-58 |
| G-15929 | Petroleum Leaseholds, Inc., et al. | 4 | 5 | do | 8- 2-58 |
| G-15930 | Jack W. Grigsby | 4 | 2 | Texas Eastern Transmission Corp. | 8- 2-58 |
| G-15931 | Crescent Production Co., Inc., et al. | 1 | 3 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 3 | 3 | do | 8- 2-58 |
| | do | 4 | 3 | do | 8- 2-58 |
| | do | 5 | 4 | do | 8- 2-58 |
| | do | 7 | 3 | do | 8- 2-58 |
| | do | 10 | 2 | Mississippi River Fuel Corp | 8- 2-58 |
| | do | 11 | 3 | do | 8- 2-58 |
| | do | 12 | 1 | Olin Gas Transmission Co | 8- 2-58 |
| G-15932 | Crescent Production Co., Inc. | 8 | 2 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 15 | 2 | do | 8- 2-58 |
| G-15933 | General Crude Oil Co | 1 | 6 | Tennessee Gas Transmission Co. | 8- 2-58 |
| G-15934 | A. J. Hodges Industries, Inc. (Operator), et al.[37] | 10 | 7 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15935 | M. L. Mayfield, et al | 2 | 2 | Tennessee Gas Transmission Co. | 8- 2-58 |
| G-15936 | C. H. Lyons, Sr., et al | 7 | 4 | Southern Natural Gas Co | 8- 2-58 |
| G-15937 | J. I. Roberts [32] | 7 | 5 | Mississippi River Fuel Corp | 8- 2-58 |
| G-15938 | P. R. Rutherford | 3 | 1 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| G-15939 | Francis W. Scott | 1 | 5 | Southern Natural Gas Co | 8- 2-58 |
| G-15940 | Sinclair Oil & Gas Co | 128 | 1 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15941 | Harway Producers, Inc | 1 | 2 | Mississippi River Fuel Corp | 8- 2-58 |
| | do | 2 | 3 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 4 | 4 | do | 8- 2-58 |
| | do | 6 | 3 | do | 8- 2-58 |
| | do | 7 | 3 | do | 8- 2-58 |
| | do | 8 | 2 | do | 8- 2-58 |
| G-15942 | John Franks (Operator), et al | 1 | 2 | do | 8- 2-58 |
| G-15943 | Humble Oil & Refining Co. [33] [33] | 233 | 6 | do | 8- 2-58 |
| G-15944 | C. H. Lyons, Sr. (Operator), et al. | 8 | 3 | Southern Natural Gas Co | 8- 2-58 |
| G-15945 | Monsanto Chemical Co. (Operator), et al. | 20 | 3 | Texas Eastern Transmission Corp. | 8- 2-58 |
| G-15947 | Union Texas Natural Gas Corp.[36] | 8 | 2 | United Gas Pipe Line Co | 8- 2-58 |
| G-15948 | D. B. McConnell (Operator), et al. | 4 | 4 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 6 | 1 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-15949 | United Carbon Co | 27 | 5 | Mississippi River Fuel Corp | 8- 2-58 |
| | do | 28 | 4 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15950 | F. A. Callery, Inc. (Agent), et al. | 11 | 2 | Southern Natural Gas Co | 8- 2-58 |

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| G-15951 | J. F. Pritchard | 1 | 3 | Mississippi River Fuel Corp | 8- 2-58 |
| G-15952 | Wilbur J. Holleman | 1 | 3 | do | 8- 2-58 |
| G-15953 | W. E. Walker and J. R. Meeker. | 1 | 2 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-15954 | C. A. Hilburn, et al | 1 | 1 | Southern Natural Gas Co | 8- 2-58 |
| G-15955 | Hurley Oil & Gas Co., et al | 5 | 3 | Texas Eastern Transmission Corp. | 8- 2-58 |
| G-15956 | F. A. Callery, Inc., et al | 3 | 6 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 7 | 1 | do | 8- 2-58 |
| | do | 14 | 1 | Southern Natural Gas Co | 8- 2-58 |
| G-15957 | F. A. Callery, Inc. (Operator), et al. | 10 | 2 | United Gas Pipe Line Co | 8- 2-58 |
| G-15958 | Sohio Petroleum Co | 35 | 3 | Texas Eastern Transmission Corp. | 8- 2-58 |
| G-15959 | J. I. Roberts | 3 | 6 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15960 | Pure Oil & Gas Co., Inc., et al. | 2 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| G-15961 | N. L. Adams, Sr., et al | 3 | 2 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15962 [1] | Bateman Drilling Co. (Operator), et al. | 1 | 2 | United Fuel Gas Co | 8- 2-58 |
| G-15963 [1] | M. L. Mayfield | 1 | 2 | do | 8- 2-58 |
| G-15966 | J. C. Trahan, Drilling Contractor, Inc. | 1 | 2 | United Gas Pipe Line Co | 8- 2-58 |
| G-15967 | J. C. Trahan, Drilling Contractor, Inc. (Operator), et al. | 4 | 2 | Texas Eastern Transmission Corp. | 8- 2-58 |
| G-15968 | J. C. Trahan (Operator), et al | 8 | 3 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15969 | The Atlantic Refining Co | 143 | 7 | Trunkline Gas Co | 8- 2-58 |
| | do | 167 | 2 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15970 | The British-American Oil Producing Co. | 1 | 5 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-15971 | Herman Brown | 2 | 7 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-15972 | Columbian Carbon Co | 29 | 2 | United Fuel Gas Co | 8- 2-58 |
| G-15973 | James M. Cunningham (Operator), et al. | 1 | 1 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-15974 | Vernon Elledge and W. E. Hall, Jr. | 1 | 3 | do | 8- 2-58 |
| G-15975 | Slick Oil Corp | 5 | 2 | Trunkline Gas Co | 8- 2-58 |
| G-15976 | Delta Drilling Co | 8 | 6 | United Gas Pipe Line Co | (31) |
| G-16023 | Union Texas Natural Gas Corp.[35] | 3 | 8 | Texas Gas Transmission Co | 8- 2-58 |
| G-16024 [1] | Oil Participations Inc | 8 | 2 | United Fuel Gas Co | 8- 2-58 |
| G-16025 | Jones-O'Brien, Inc., et al.[32] | 5 | 5 and 6 | Texas Eastern Transmission Corp. | 8- 2-58 |
| G-16032 | Jesse M. Brooks, et al | 1 | 1 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-16033 | The Atlantic Refining Co | 3 | 3 | Tennessee Gas Transmission Corp. | 8- 2-58 |
| | do | 4 | 6 | do | 8- 2-58 |
| | do | 54 | 5 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 64 | 3 | do | 8- 2-58 |
| | do | 58 | 3 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 177 | 2 | do | 8- 2-58 |
| G-16034 | The Atlantic Refining Co. (Operator), et al. | 59 | 18 | do | 8- 2-58 |
| G-16035 | Mid-Land Petrochemical Co.[34] [33] | 1 | 3 | Southern Natural Gas Co | 8- 2-58 |
| G-16036 | The Lincoln-Converse Co | 1 | 6 | Mississippi River Fuel Corp | 8- 2-58 |
| G-16037 | R. S. Barnwell, Jr. (Operator) | 1 | 2 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-16038 | J. C. Trahan (Operator), et al | 3 | 4 | do | 8- 2-58 |
| G-16039 | The F O Corp | 1 | 5 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-16040 | M. Ascher, et al | 4 | 4 | Hassie Hunt Trust | 9- 5-58 |
| G-16041 | Sunray Mid-Continent Oil Co. (Operator), et al. | 46 | 4 | Arkansas Louisiana Gas Co | (36) |
| G-16042 | Petroleum Leaseholds Inc. (Operator), et al. | 3 | 4 | United Fuel Gas Co | [38] 8- 2-58 |
| G-16043 | Vincent & Welch Inc. (Operator), et al. | 3 | 1 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-16044 | Vincent & Welch Inc., et al | 2 | 1 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| G-16045 | J. S. Rushing | 1 | 4 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-16046 | M. P. O'Meara, et al | 2 | 1 | Southern Natural Gas Co | 8- 2-58 |
| G-16047 | Ryeade Oil Corp | 1 | 1 | United Gas Pipe Line Co | 9- 5-58 |
| G-16048 | Austin E. Stewart, et al | 2 | 5 | Arkansas Louisiana Gas Co | 9- 5-58 |
| G-16049 | Carter-Jones Drilling Co | 9 | 1 | Texas Eastern Transmission Corp. | 8- 2-58 |

See footnotes at end of table.



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| G-16050 | A. J. Hodges Industries Inc | 11 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| | do | 5 | 9 | do | 8- 2-58 |
| | do | 6 | 11 | do | 8- 2-58 |
| | do | 7 | 10 | do | 8- 2-58 |
| G-16051 | T. L. James and Co., Inc. | 6 | 2 | Arkansas Louisiana Gas Co | 8- 2-58 |
| | do | 7 | 3 | do | 8- 2-58 |
| G-16052 | Hudson Gas & Oil Corp., et al | 3 | 1 | United Gas Pipe Line Co | 8- 2-58 |
| G-16053 | Sunray Mid-Continent Oil Co | 160 | 3 | Arkansas Louisiana Gas Co | 8- 2-58 |
| G-16055 | Harway Producers Inc | 3 | 3 | do | (37) |
| G-16057 | Eulalie M. Nobles, et al.[32] | 2 | 6 | United Gas Pipe Line Co | 8- 2-58 |
| G-16058 | Cuban American Oil Co | 2 | 8 | do | 8- 2-58 |
| G-16059 | Joseph M. Jones (Operator), et al. | 2 | 4 | Texas Gas Transmission Corp. | 9- 8-58 |
| G-16060 | Sohio Petroleum Co | 26 | 20 | Transcontinental Gas Pipe Line Corp. | 8- 2-58 |
| G-16061 | W. H. Cocke | 1 | 4 | United Gas Pipe Line Co | (39) |
| G-16062 | Crescent Oil & Gas Corp | 2 | 4 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-16063 | H. S. Cole, Jr., et al | 3 | 3 | do | 8- 2-58 |
| G-16064 | J. Ray McDermott & Co., Inc. | 3 | 4 | do | 8- 2-58 |
| G-16065 | Pan American Petroleum Corp. | 39 | 10 | Hassie Hunt Trust | 8- 2-58 |
| G-16066 | do | 149 | 9 | do | (40) |
| G-16067 | Pan American Petroleum Corp. (Operator), et al. | 150 | 9 | Texas Eastern Transmission Corp. | 8- 2-58 |
| | do | 32 | 8 | do | 8- 2-58 |
| G-16068 | F. A. Callery, Inc., et al | 4 | 4 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-16069 | F. A Callery, Inc. (Agent), et al. | 6 | 5 | do | 8- 2-58 |
| G-16070 | F. A. Callery, Inc., et al | 13 | 2 | United Fuel Gas Co | 8- 2-58 |
| | do | 13 | 3 | do | 8- 2-58 |
| G-16071 | Mar-Tex Oil & Gas Co., et al | 2 | 3 | Texas Gas Transmission Corp. | 8- 2-58 |
| G-16072 | Howell & Howell (Operator), et al.[41] | 2 | 1 | do | 8- 2-58 |
| G-16074 | Union Oil Co. of California (Operator). | 9 | 2 | United Gas Pipe Line Co | 8- 2-58[42] |
| G-16075 | United Carbon Co | 26 | 7 | Southern Natural Gas Co | 8- 2-58 |
| G-16076 | The Atlantic Refining Co | 185 | 7 | Tennessee Gas Transmission Co. | 9-14-58 |
| G-16077 | Cheyenne Oil Corp. of Delaware (Operator), et al. | 1 | 1 | Texas Gas Transmission Corp. | 9-14-58 |
| G-16079 | C. H. Lyons, Sr., et al | 5 | 4 | Mississippi River Fuel Corp | 8- 2-58 |
| G-16115 | Warren Petroleum Corp | 18 A and B | 10 | Texas Eastern Transmission Corp. | 8-20-58 |
| G-16116 | Harold L. Woods, et al | 1 | 4 | Southwest Gas Producing Co., Inc. | 8- 2-58 |
| G-16121 | Southwest Natural Production Co. | 8 | 4 | Arkansas Louisiana Gas Co | 9-15-58 |
| G-16129 | Marshall R. Young (Operator), et al. | 3 | 6 | United Gas Pipe Line Co | 9- 9-58 |
| G-16181 | Norman V. Kinsey, Jr., et al | 1 | 2 | Mississippi River Fuel Corp | (43) |
| G-16182 | Amerada Petroleum Corp | 14 | 12 | Trunkline Gas Co | 11-14-58 |
| G-16184 | J. I. Roberts | 1 | 6 | Mississippi River Fuel Corp | 10-13-58 |
| G-16185 | do | 2 | 4 | Arkansas Louisiana Gas Co | 10-13-58 |
| G-16186 | J. I. Roberts [32] | 7 | 6 | Mississippi River Fuel Corp | 10-13-58 |
| G-16239 | H. L. Hawkins and H. L. Hawkins, Jr.[11] | 11 | 13 | Trunkline Gas Co | 10- 3-58 |
| G-16241 | Mound Company, et al | 15 | 4 | Transcontinental Gas Pipe Line Corp. | 9-16-58 |
| G-16242 | Nicklos Oil & Gas Co., et al | 1 | 2 | Texas Gas Transmission Corp. | 9-19-58 |
| G-16243 | Midwest Oil Corp | 13 | 4 | Texas Eastern Transmission Corp. | 9-21-58 |
| G-16244 | H. T. Shalett and David Crow | 1 | 2 | Southern Natural Gas Co | 9-22-58 |
| G-16245 | Walter Duncan | 1 | 2 | Arkansas Louisiana Gas Co | 10-20-58 |
| G-16246 | Walter Duncan (Operator), et al. | 2 | 7 | United Gas Pipe Line Co | 10-20-58 |
| G-16248 | J. R. Frankel, et al | 1 | 7 | Arkansas Louisiana Gas Co | 10- 2-58 |
| G-16250 | Southwest Gas Producing Co., Inc., et al. | 2 | 4 | Mississippi River Fuel Corp | 10- 2-58 |
| G-16252 | The Ohio Oil Co. (Operator), et al. | 20 | 7 | Arkansas Louisiana Gas Co | 10- 2-58 |
| G-16318 | Nelson Bunker Hunt Trust Estate. | 1 | 10 | do | 10- 2-58 |
| G-16319 | William Herbert Hunt Trust Estate. | 3 | 12 | do | 10- 2-58 |
| G-16320 | Lamar Hunt Trust Estate | 1 | 10 | do | 10- 2-58 |

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| G-16321 | General American Oil Co. of Texas (Operator), et al. | 1 | 5 | Arkansas Louisiana Gas Co | 10-20-58 |
| | do | 1A | 5 | do | 10-20-58 |
| G-16322 | General American Oil Co. of Texas. | 3 | 5 | do | 10-20-58 |
| G-16323 | Murphy Corp. (Operator), et al. | 4 | 5 | do | 10- 6-58 |
| G-16324 | Harway Producers, Inc | 8 | 3 | do | 9-14-58 |
| G-16325 | Crescent Production Co., Inc | 8 | 3 | do | 9-14-58 |
| G-16326 | Haroldson L. Hunt, Jr., Trust Estate. | 1 | 10 | do | 10- 2-58 |
| G-16327 [43] | Hunt Oil Co | 2 | 12 | do | 10- 2-58 |
| | do | 3 | 7 | do | 10- 2-58 |
| G-16328 | Murphy Corporation, et al | 5 | 8 | Mississippi River Fuel Corp | 10- 6-58 |
| G-16329 | Southwest Natural Production Co. | 2 | 7 | Arkansas Louisiana Gas Co | 10- 6-58 |
| G-16334 [44] | Gulf Oil Corp | 81 | 6 | do | 10- 6-58 |
| | do | 82 | 8 | do | 10- 6-58 |
| G-16335 | The Superior Oil Co | 3 | 16 | Trunkline Gas Co | 10-21-58 |
| G-16336 [3] | Union Producing Co | 200 | 8 | Southwest Gas Producing Co., Inc. | 10-21-58 |
| G-16338 | Monsanto Chemical Co | 3 | 5 and Supp. 1 thereto. | Mississippi River Fuel Corp | (44) |
| G-16340 | James A. Hunter | 1 | 1 | do | 10- 4-58 |
| G-16341 | Placid Oil Co. (Operator), et al. | 14 | 8 | H. L. Hunt | 9-12-58 |
| G-16342 | Sunnyland Contracting Co., Inc. | 2 | 1 | Tennessee Gas Transmission Co. | 10- 6-58 |
| G-16343 | George C. McGhee (Operator), et al. | 1 | 5 | Texas Gas Transmission Corp. | 10- 7-58 |
| | do | 2 | 3 | do | 10- 7-58 |
| G-16407 | Southwest Natural Production Co. | 3 | 8 | Mississippi River Fuel Corp | 10-10-58 |
| G-16409 | Crescent Production Co., Inc., et al. | 1 | 4 | Arkansas Louisiana Gas Co | (44) |
| G-16411 | do | 11 | 4 | Mississippi River Fuel Corp | 4- 3-59 |
| G-16412 | The Atlantic Refining Co | 2 | 5 | do | 10- 8-58 |
| G-16427 | Wheless Drilling Co. (Operator), et al. | 1 | 5 | Arkansas Louisiana Gas Co | 11-21-58 |
| G-16470 | Max Pray (Operator), et al | 1 | 2 | Southern Natural Gas Co | 10- 7-58 |
| G-16473 | Virginia Abney Whelan | 1 | 1 | Arkansas Louisiana Gas Co | (47) |
| G-16474 | Mrs. H. Louise Herrington | 2 | 2 | American Louisiana Pipe Line Co. | 10-14-58 |
| G-16475 | R. R. Frankel | 1 | 1 | E. A. Courtney | 10-14-58 |
| G-16488 | United Carbon Co | 27 | 6 | Mississippi River Fuel Corp | 11- 2-58 |
| G-16489 | Sunray Mid-Continent Oil Co | 52 | 3 | United Gas Pipe Line Co | (45) |
| G-16491 | Republic Natural Gas Co | 22 | 6 | Arkansas Louisiana Gas Co | 10-24-58 |
| G-16590 | Gas Gathering Corp | 1 | 3 | Transcontinental Gas Pipeline Corp. | 10-21-58 |
| G-16591 | Socony Mobil Oil Co., Inc. (Operator), et al.[46] | 41 | 11 | Trunkline Gas Co | 10-21-58 |
| G-16604 | Lamar Hunt Trust Estate | 5 | 7 | H. L. Hunt | 11- 3-58 |
| | do | 6 | 7 | do | 11- 3-58 |
| G-16605 | William Herbert Hunt Trust Estate. | 8 | 7 | do | 11- 3-58 |
| | do | 9 | 7 | do | 11- 3-58 |
| G-16606 | Nelson Bunker Hunt Trust Estate. | 5 | 7 | do | 11- 3-58 |
| G-16607 | Lamar Hunt | 6 | 7 | do | 11- 3-58 |
| G-16608 | Rayville Natural Gas Co., Inc. (Operator), et al. | 1 | 2 | Trunkline Gas Co | 10-26-58 |
| G-16609 | Midwest Oil Corp | 9 | 9 | Texas Eastern Transmission Corp. | 10-27-58 |
| G-16681 | Nelson Bunker Hunt Trust Estate. | 6 | 7 | H. L. Hunt | 10-26-58 |
| G-16694 | M. Ascher, et al | 4 | 5 | Hassie Hunt Trust | (48) |
| G-16724 | Sinclair Oil & Gas Co | 128 | 2 | Arkansas Louisiana Gas Co | 11-17-58 |
| G-16728 | Walter Duncan (Operator), et al. | 1 | 3 | do | 12- 3-58 |
| G-16798 | M. H. Marr | 1 | 5 | Mississippi River Fuel Corp | 4-10-59 |
| G-16805 | The Pure Oil Co | 11 | 32 | Socony Mobil Oil Co., Inc | 10- 3-58 |
| G-16886 | H. L. Hawkins and H. L. Hawkins, Jr. | 4 | 10 | Arkansas Louisiana Gas Co | 1-16-59 |
| G-16892 | Simon Herold, et al | 2 | 2 | United Gas Pipe Line Co | (49) |

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| G-16893 | Humble Oil and Refining Co. (Operator), et al. | [8] 143 | & Supp. #1 | Texas Gas Transmission Corp.[9] | 11-20-58 |
| G-16897 | Republic Natural Gas Co. | 20 | 3 | Arkansas Louisiana Gas Co. | 12-22-58 |
| G-16898 [10] | Gulf Oil Corp. (Operator), et al. | 86 | 9 | do | 12-22-58 |
| G-17773 | Crescent Drilling Co., Inc. | 2 | 2 | do | 8- 2-58 |

[1] Intervention granted United Fuel Gas Co.
[2] Formerly The Texas Co., FPC Gas Rate Schedule No. 2.
[3] Formerly The Texas Co. (Operator), et al., FPC Gas Rate Schedule Nos. 3 and 6.
[4] Formerly The Texas Co., FPC Gas Rate Schedule Nos. 4, 5, 102, 74, 122, 145, and 146.
[5] Consolidated for hearing in Docket No. G-13811, et al. Intervention of Mississippi River Fuel Corp. and Mississippi Valley Gas Co. allowed in consolidated proceedings by Commission order issued June 23, 1959.
[6] Formerly Arkansas Fuel Oil Corp., FPC Gas Rate Schedule No. 51.
[7] Motion filed 11-17-60 by Cities Service Reserves, Inc., to be substituted as respondent.
[8] Motion to terminate designated proceeding filed 12-5-60.
[9] Formerly Buffalo Oil Co., FPC Gas Rate Schedule Nos. 1 and 4.
[10] Motion filed 4-27-59 by Continental Oil Co. to be substituted as respondent.
[11] Formerly Rimrock International Co., et al., FPC Gas Rate Schedule No. 1.
[12] Formerly Grubb & Hawkins, et al., FPC Gas Rate Schedule No. 1.
[13] Order issued 7-30-58 making rate effective 8-2-58, subject to refund upon the filing of an agreement and undertaking. Agreement and undertaking has not been filed.
[14] Formerly Austral Oil Exploration Co., Inc., et al., FPC Gas Rate Schedule Nos. 1 and 2.
[15] Order issued 7-31-58 making rate effective 8-2-58 subject to refund upon the filing of an agreement and undertaking. The agreement and undertaking has not been filed.
[16] Formerly Arkansas Fuel Oil Corp., FPC Gas Rate Schedule Nos. 2, 13, and 49.
[17] Formerly Arkansas Fuel Oil Corp. (Operator), et al FPC Gas Rate Schedule Nos. 44 and 48.
[18] Formerly The Carter Oil Co., FPC Gas Rate Schedule Nos. 4, 10, 22, and 45.
[19] Formerly Magnolia Petroleum Co., FPC Gas Rate Schedule Nos. 1, 2, 82, 16, 69, 150, and 152.
[20] Formerly Magnolia Petroleum Co. (Operator), et al., FPC Gas Rate Schedule No. 24.
[21] Order issued 7-31-58 making rate effective 8-2-58 subject to refund upon the filing of an agreement and undertaking. L. L. Robinson filed on 9-11-58, a motion to place the rate in effect but did not file the required undertaking.
[22] Formerly Union Oil and Gas Corp. of Louisiana, FPC Gas Rate Schedule No. 2.
[23] The Commission by letter of 2-11-60 approved the request of Humble Oil & Refining Co. to be substituted as respondent in said proceeding.
[24] Order issued 8-18-58 making rate effective 8-2-58, subject to refund upon the filing of an agreement and undertaking. An agreement and undertaking has not been filed.
[25] Formerly Woodley Petroleum Co., FPC Gas Rate Schedule Nos. 4 and 5.
[26] Formerly Joe W. Brown, FPC Gas Rate Schedule No. 1.
[27] Now General American Oil Co. of Texas (Operator), et al., FPC Gas Rate Schedule No. 35.
[28] Formerly J. L. Roberts and C. H. Murphy, d/b/a Roberts and Murphy, FPC Gas Rate Schedule No. 3.
[29] Formerly Hope Producing Company, FPC Gas Rate Schedule No. 2.
[30] Formerly Union Oil & Gas Corp. of Louisiana, FPC Gas Rate Schedule No. 8.
[31] Order issued 8-19-58 making rate effective 8-22-58, subject to refund upon the filing of an agreement and undertaking. Agreement and undertaking has not been filed.
[32] Formerly Union Oil & Gas Corp. of Louisiana, FPC Gas Rate Schedule No. 3.
[33] Formerly Ralph R. Gilster, et al., FPC Gas Rate Schedule No. 2.
[34] Formerly Hope Producing Co., FPC Gas Rate Schedule No. 3.
[35] Order issued 8-27-58 making rate effective 9-5-58 subject to refund upon the filing of an agreement and undertaking. An agreement and undertaking has not been filed.
[36] Motion to Terminate Suspension Proceedings filed 1-9-61.
[37] Order issued 8-27-58 making rate effective 8-2-58 subject to refund upon the filing of an agreement and undertaking. An agreement and undertaking has not been filed.
[38] Formerly Hollyfield & McFarlane, FPC Gas Rate Schedule No. 1.
[39] Order issued 8-26-58 making rate effective 8-2-58 subject to refund upon the filing of an agreement and undertaking. An agreement and undertaking has not been filed.
[40] Order issued 8-26-58 making rate effective 8-2-58 subject to refund upon the filing of an agreement and undertaking. An agreement and undertaking has not been filed.
[41] Now The Grande Corp., FPC Gas Rate Schedule No. 2.
[42] Order issued 9-10-58 making rate effective 10-12-58 subject to refund upon the filing of an agreement and undertaking. An agreement and undertaking has not been filed.
[43] Consolidated for hearing in the proceedings in Docket No. G-9065, et al., by Commission order issued 2-18-60.
[44] Consolidated for hearing in the proceedings in Docket No. G-9520, et al., by Commission order issued 2-12-59.
[45] Order issued 9-26-58 making rate effective 10-31-58 subject to refund upon the filing of an agreement and undertaking. An agreement and undertaking has not been filed.
[46] Order issued 10-2-58 making rate effective 10-4-58 subject to refund upon the filing of an agreement and undertaking. An agreement and undertaking has not been filed.
[47] Order issued 10-7-58 making rate effective 10-12-58 subject to refund upon the filing of an agreement and undertaking. An agreement and undertaking has not been filed.
[48] Sunray alleges that proposed increased rate was not collected.
[49] Formerly Magnolia Petroleum Co. (Operator), et al., FPC Gas Rate Schedule No. 41.
[50] Order issued 10-29-58 making rate effective 10-31-58 subject to refund upon the filing of an agreement and undertaking. An agreement and undertaking has not been filed.
[51] Order issued 11-12-58 making rate effective 11-14-58 subject to refund upon the filing of an agreement and undertaking. An agreement and undertaking has not been filed.
[52] Supersedes Humble Oil and Refining Co. (Operator), et al., FPC Gas Rate Schedule No. 29.
[53] Motion to terminate Suspension Proceeding filed 10-10-60.

In the orders suspending these increased rates it was stated that the Commission had been advised litigation was being instituted to challenge the constitutionality of said Act No. 8 of 1958, and so in order to assure appropriate refund in the event said Act should be declared unconstitutional, it was deemed advisable to suspend the proposed increased rates and charges. In the provisions making Respondents' rates effective subject to refund, the Commission required refund of the difference between Respondents' then presently effective rates and charges and the proposed increased rates and charges allowed to become effective by reason of the levy of the gas-gathering tax referred to above, in the event said taxing statute was held invalid. The Commission also required refund of a proportionate part of the interest received by Respondents.

The Supreme Court of the State of Louisiana has held said statute to be in violation of Article 10, Section 21 of the Louisiana Constitution. Bel Oil Corporation, et al. v. Rufus W. Fontenot, Collector, 238 La. 1002; 117 S. 2d 571; Southern Natural Gas Company v. Robert Q. Roland, Collector of Revenue, ---------- La. ---------, 123 S. 2d 891. Pursuant thereto, we are advised that the State of Louisiana is refunding such monies collected, with 2 percent interest thereon. It appears that these decisions are dispositive of the validity of said statute, that the said increased rates should be disallowed, refunds should be ordered, and the above-designated proceedings should be terminated.

The Commission finds:

(1) It is in the public interest and necessary in the effective administration of the Natural Gas Act that the supplements filed herein be disallowed, that refunds be made in these proceedings and that said proceedings be terminated.

(2) The proceedings in Dooket Nos. G-15549, G-15550, G-15661, G-15745, G-16336, G-16327, G-16334, and G-16898 should be severed from these proceedings in Docket Nos. G-13811, et al., G-9065, et al. and G-9520, et al.

The Commission orders:

(A) The above-designated increased rates are disallowed and Respondents shall refund their respective purchasers the amounts collected under the respective agreements and undertakings filed in compliance with the Commission's orders herein, together with a proportionate part of any interest received from the State of Louisiana.

(B) The proceedings in Docket Nos. G-15549, G-15550, G-15661, G-15745, G-16336, G-16327, G-16334, and G-16898 are hereby severed from the proceedings in Docket Nos. G-13811, et al., G-9065, et al., and G-9520, et al.

(C) Within 90 days from the date of issuance of this order, each Respondent shall report to the Commission, in writing and under oath, the details of its calculations resulting in the refunds to be made pursuant to paragraph (A) hereof, together with copies of releases from its customers with respect to such refund.

(D) The above-designated proceedings are hereby terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1857; Filed, Mar. 3, 1961; 8:45 a.m.]

[Docket No. E-6976]

## ALABAMA POWER CO. AND WEST POINT MANUFACTURING CO.

### Notice of Application

FEBRUARY 27, 1961.

Take notice that on February 16, 1961, a joint application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Alabama Power Company ("Alabama") and by West Point Manufacturing Company ("West Point") for approval of sale and lease of facilities of West Point Manufacturing Company and merger and consolidation of such purchased and leased facilities with the facilities of Alabama Power Company. Alabama is a public utility engaged principally in the generation and purchase of electric energy and the distribution and sale of electric energy in Alabama, some of which is ultimately sold to other customers in Georgia, Florida, and Mississippi. Alabama's principal business office is in Birmingham, Alabama. West Point is engaged principally in the manufacture and sale of textiles and as an incident to its prinicipal business is engaged in the purchase, distribution and sale of elertric energy in four unincorporated areas of Alabama. West Point's principal business office is located at West Point, Georgia. The facilities of the two applicants are connected at the West Point Transmission Substation of Alabama located in Shawmut, Alabama. This application seeks the authorization for the sale of Alabama by West Point of its electric distribution system; for the lease by West Point to Alabama of certain 12,000 volt electric facilities in such area; and for the merger or consolidation by Alabama of such purchased and leased facilities with the facilities of Alabama. Alabama and West Point have entered into a contract for said transaction dated June 7, 1960. Under the purchase contract the purchase price of the electric distribution system to be sold and conveyed is $1,750,000, subject to adjustment with respect to additions and retirements on the distribution system made between the date of execution of the purchase contract and the closing date of the transaction. The system to be sold will embrace all 2400 volt distribution facilities of West Point and associated properties including street lighting facilities. West Point also owns 12,000 volt electric facilities, which it will retain; however, a substantial portion of this will be leased to Alabama for a twenty-five year period. West Point presently serves approximately 3700 customers on its system in the four unincorporated areas of Alabama. This entire distribution system is to be sold to Alabama and the customers thereon will become customers of Alabama and will be served by Alabama. The facilities to be sold, leased, consolidated and merged do not constitute all the operating facilities of either applicant; however, all retail electric distribution properties of West Point are being conveyed to Alabama in the transaction and West Point proposes to abandon its electric service upon the completion of the transaction. According to the application, the proposed transaction does not change any contract for the purchase, sale or interchange of electric energy. Applicants state that the transaction will be in the public interest and that the affected area would benefit from having direct service from a single regulated utility company and that a substantial number of the customers presently being served by West Point will experience a reduction in the cost of their electric service at their usage levels.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 16th day of March 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1900; Filed, Mar. 3, 1961; 8:46 a.m.]



## ARKANSAS LOUISIANA GAS CO.

### Notice of Application and Date of Hearing

FEBRUARY 28, 1961.

Take notice that on January 17, 1961, Arkansas Louisiana Gas Company (Applicant), Slattery Building, Shreveport, Louisiana, filed in Docket No. CP61-193 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of routine budget-type natural gas transmission facilities from time to time during the calendar year 1961 to enable Applicant to connect new industrial consumers purchasing gas directly from its interstate transmission system, all as more fully set forth in the application herein which is on file with the Commission and open to public inspection.

The facilities proposed to be constructed hereunder include lateral lines, taps, measuring and regulating and other necessary delivery equipment at a total estimated cost not to exceed $650,000, with no individual project to exceed a cost of $200,000, such costs to be defrayed from funds on hand.

The estimated total annual volume of natural gas involved under this application is approximately 10,000,000 Mcf, which will be delivered to direct industrial customers for use in ovens, kilns, internal-combustion engines, boilers, vats, dryers and other direct-fired equipment for agricultural, oil and gas processing, manufacturing, mining and ore processing purposes.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 30, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 20, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1928; Filed, Mar. 3, 1961; 8:50 a.m.]

[Docket Nos. G-9520, etc.]

## GULF OIL CORPORATION, ET AL.

### Order Granting Continuance

FEBRUARY 27, 1961.

On February 10, 1961, the presiding examiner in these proceedings certified to the Commission a motion by Gulf Oil Corporation (Gulf) requesting that the hearing be continued until May 1, 1961, to enable Gulf to prepare and present its rebuttal evidence. As grounds Gulf referred to several other Commission proceedings in which hearings are scheduled to be held in the immediate future and in which Gulf is an active participant. Although it is appropriate to grant the requested continuance, the Commission will look with disfavor upon requests for postponement of hearings due to other engagements of counsel, and there should be no further recesses after the hearing is reconvened.

The Commission finds: Inasmuch as the recess requested by Gulf exceeds the discretionary period within which the presiding examiner may grant a continuance without the approval of the Commission, and good cause having been shown, the postponement requested should be granted.

The Commission orders: The motion by Gulf made on the record in these proceedings on February 8, 1961, requesting a continuance to May 1, 1961, be and hereby is granted.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1901; Filed, Mar. 3, 1961; 8:46 a.m.]

[Docket No. CP60-56]

## MONTANA-DAKOTA UTILITIES CO.

### Notice of Postponement of Hearing

FEBRUARY 28, 1961.

Upon consideration of the motion filed February 27, 1961, by Counsel for Montana-Dakota Utilities Co. for postponement of the hearing now scheduled for March 6, 1961, in the above-designated matter;

The hearing now scheduled for March 6, 1961, is hereby postponed to a date to be hereafter fixed by further notice.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1899; Filed, Mar. 3, 1961; 8:46 a.m.]

[Docket No. CP61-187]

## SOUTHERN NATURAL GAS CO.

### Notice of Application and Date of Hearing

FEBRUARY 28, 1961.

Take notice that on January 9, 1961, Southern Natural Gas Company (Applicant), Watts Building, Birmingham, Alabama, filed an application in Docket No. CP61-187, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate the following facilities required to deliver direct interruptible natural gas service to the Birmingham Hide & Tallow Company (Birmingham Hide) for use as fuel in its rendering plant near Johns, Alabama:

(1) A tap on Applicant's Calera, Alabama, branch line.

(2) 0.417 miles of 2-inch lateral pipeline extending from the tap to Applicant's proposed metering and regulating station.

The foregoing proposals are more fully set forth in the application on file with the Commission and open to public inspection.

The application shows that Birmingham Hide's maximum day requirement is estimated at 600 Mcf of interruptible natural gas.

Applicant states that Birmingham Hide now uses fuel oil, and that Birmingham Hide estimates a saving of $10,666 per year by the proposed use of natural gas. Oil will be used as a standby fuel.

Pursuant to a gas sales contract, dated November 23, 1960, natural gas service to Birmingham Hide will be rendered at an initial price of 37 cents per Mcf.

Applicant estimates the total cost of its proposed project to be $20,862, which cost will be financed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 4, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 21, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1929; Filed, Mar. 3, 1961; 8:50 a.m.]

[Docket No. CI60-333 etc.]

## STANDARD OIL COMPANY OF CALIFORNIA ET AL.

### Order Granting Continuance

FEBRUARY 27, 1961.

Standard Oil Company of California[1] Docket No. CI60-333; Dorsey Buttram, Docket No. CI60-442; George P. Caulkins, Jr., Docket No. CI60-560; Gulf Oil Corporation, Docket No. CI60-636.

At the conclusion of the presentation by the applicants of their case-in-chief in the above-captioned consolidated proceedings on February 7, 1961, the participants therein moved the Examiner to continue the hearing until April 11, 1961, at which time cross-examination of applicants' witnesses will commence and be immediately followed by the presentation of testimony, if any, of Staff and Interveners.

The continuance requested, being for a period of more than 30 days, the Examiner recessed the hearing to a date to be fixed by the Commission and referred the motion for continuance to the Commission together with the relevant portions of the transcript of the record.

The Commission finds: Upon consideration of all of the facts and circumstances disclosed by the record in the instant proceedings, good cause has been shown for the granting of a continuance until April 11, 1961, with the understanding, however, that further recesses will not be granted for any purpose.

The Commission orders: The hearing in the above-captioned consolidated proceedings is hereby continued until 10:00 a.m., e.s.t., on April 11, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1902; Filed, Mar. 3, 1961; 8:46 a.m.]

# DEPARTMENT OF AGRICULTURE

### Office of the Secretary

## ALABAMA

### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Alabama a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

*Alabama*

| | |
|---|---|
| Autauga. | Lowndes. |
| Barbour. | Macon. |
| Baldwin. | Marengo. |
| Choctaw. | Mobile. |
| Clarke. | Montgomery. |
| Dallas. | Russell. |
| Elmore. | Sumter. |
| Greene. | Tuscaloosa |
| Hale. | Washington. |
| Lee. | Wilcox. |

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1950; Filed, Mar. 3, 1961; 8:52 a.m.]

## LOUISIANA

### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in Red River Parish, Louisiana, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named parish after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of February 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-1951; Filed, Mar. 3, 1961; 8:52 a.m.]

# DEPARTMENT OF COMMERCE

### Federal Maritime Board

## AMERICAN PRESIDENT LINES, LTD.

### Notice of Application

Notice is hereby given that American President Lines, Ltd., has applied for amendment of its Round-the-World and Trade Route 17 route descriptions to include the privilege of calling at Panama Canal Zone ports, without any restrictions as to loading or discharging cargo and/or passengers there to or from United States ports.

Any person, firm or corporation having an interest in the subject application and desiring a hearing on issues pertinent to section 605(c), Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should, by close of business on March 10, 1961, notify the Secretary, Federal Maritime Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Federal Maritime Board.

If no request for hearing and petition for leave to intervene is received within the specified time or if the Federal Maritime Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Federal Maritime Board will take such action as may be deemed appropriate.

By order of the Federal Maritime Board.

Dated: March 3, 1961.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-1992; Filed, Mar. 3, 1961; 9:52 a.m.]

[1] A petition requesting substitution of California Oil Company, Western Division for Standard Oil Company of California as the applicant in Docket No. CI60-333 was filed on February 13, 1961.



# CIVIL AERONAUTICS BOARD

[Docket No. 11879; Order No. E-16460]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Agreement Adopted Relating to Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of March 1961, Docket 11879, Agreement C.A.B. 14911.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. agreement number.

The agreement amends certain United States-Mexico City fares agreed to at the Cannes 1960, meetings for effectiveness as of April 1, 1961. It proposes (1) reductions of one dollar and two dollars, respectively, in one-way jet fares between Mexico City, on the one hand, and Houston and San Antonio, on the other hand, with corresponding reductions of two and four dollars in round trip fares, and (2) a reduction of six dollars in the round trip first-class jet fare between Miami and Mexico City so as to maintain the same differential between first-class jet and non-jet fares as is applicable with respect to lower-class fares between these points. Effectuation of this amendatory agreement is contingent upon the basic fare agreement coming into effect on April 1, 1961, as intended.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolutions 100(Mail 199) 051 and 100(Mail 199)061 to be adverse to the public interest or in violation of the Act.

*Accordingly, it is ordered,* That:

(1) Agreement C.A.B. 14911 is approved.

(2) Any air carrier party to the agreement or any interested person may, within 15 days from the date hereof, submit statements in writing, containing reasons deemed appropriate, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
*Secretary.*

[F.R. Doc. 61-1945; Filed, Mar. 3, 1961; 8:52 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 2-14950 (22-2547)]

## ARKANSAS WESTERN GAS CO.

### Notice of Application and Opportunity for Hearing

FEBRUARY 28, 1961.

Notice is hereby given that Arkansas Western Gas Company (the Company) has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (hereinafter referred to as the Act) for a finding by the Commission that the trusteeship of The First National Bank of Chicago ("First National"), under an indenture of the Company dated as of April 1, 1959 ("1959 Indenture") which was heretofore qualified under the Act, and trusteeship by First National under a New Indenture dated as of December 1, 1960, which was not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National from acting as Trustee under the 1959 Indenture and under the New Indenture.

Section 310(b) of the Act, which is included in Section 9.08 of the 1959 Indenture, provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities of the same issuer are outstanding.

The 1959 Indenture by its terms (and pursuant to clause (i) of section 310 (b)(1) of the Act) excludes the 1957 Indenture from the operation of section 310(b)(1) of the Act.

The present application, filed pursuant to clause (ii) of section 310(b)(1) of the Act (as set forth in Section 9.08 of the 1959 Indenture) seeks to exclude the New Indenture from the operation of section 310(b)(1) of the Act.

The effect of the proviso contained in clause (ii) of section 310(b)(1) of the Act on the matter of the present application is such that the New Indenture may be excluded from the operation of section 310(b)(1) of the Act (as set forth in Section 9.08 of the 1959 Indenture) if the Company shall have sustained the burden of proving by this application to the Commission and after opportunity for hearing thereon that the trusteeship of First National under the 1959 Indenture and under the New Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National from acting as trustee under one of these Indentures.

The Company alleges that:

(1) It has outstanding $1,100,000 principal amount 5⅛ percent Sinking Fund Debentures due 1982 issued under the 1957 Indenture and that all Debentures issued pursuant to this Indenture were sold to a single institutional investor which purchased such Debentures for investment and not with a view to distribution. The issuance of Debentures pursuant to the 1957 Indenture was therefore exempt from the registration requirements of the Securities Act of 1933 and the 1957 Indenture was exempt from the qualification provisions of the Trust Indenture Act of 1939;

First National is trustee under the 1957 Indenture:

(2) It has outstanding $1,000,000 principal amount 4.60 percent Sinking Fund Debentures due 1984 issued under the 1959 Indenture (which Debentures are convertible into Common Stock of the Company until April 1, 1969). The Debentures issued pursuant to the 1959 Indenture were registered under the Securities Act of 1933 (File No. 2-14950) and the 1959 Indenture was qualified under the Trust Indenture Act of 1939;

(3) The 1959 Indenture by its terms and pursuant to section 310(b)(1)(i) of the Trust Indenture Act of 1939 excludes the 1957 Indenture from the operation of section 310(b)(1) of said Act. The 1959 Indenture names First National as Trustee and contains language substantially similar to that of section 310(b)(1) of the Act including clause (ii) thereof;

(4) It has outstanding $1,500,000 principal amount 5½ percent Sinking Fund Debentures due 1985 issued under the New Indenture. First National is trustee under the New Indenture. All the Debentures issued pursuant to the New Indenture were purchased by a single institutional investor for investment and not with a view to distribution. The issuance of these Debentures was therefore exempt from the registration requirements of the Securities Act of 1933 and the New Indenture was exempt from the qualification provisions of the Trust Indenture Act of 1939;

(5) The 1957 Indenture, the 1959 Indenture and the New Indenture are wholly unsecured and no Debentures issued under any of these indentures are subordinate to any Debenture issued under any of these indentures. The Debentures issued under the 1959 Indenture are convertible into the Company's Common Stock until April 1, 1969, but the Debentures issued under the other two indentures are not convertible. Aside from the difference as to convertibility the only material differences between the three indentures and the rights of the holders of the Debentures issued thereunder relate to aggregate principal amounts, dates of issue, maturity and interest payment dates, interest rates, redemption prices and procedures and sinking fund provisions (which vary only as to amount of sinking fund deposits);

(6) It is not in default under the 1957 Indenture, the 1959 Indenture or the New Indenture;

(7) Neither the differences indicated above, nor any other provisions of the aforementioned three indentures are likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of any of the Debentureholders to disqualify The First National Bank of Chicago from acting as Trustee under any of the aforementioned three indentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after March 14, 1961, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than March 13, 1961, at 5:30 p.m., e.s.t., in writing, submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1914; Filed, Mar. 3, 1961; 8:48 a.m.]

[File No. 812-1340]

## CONGRESS STREET FUND, INC.

### Notice of Filing of Amendment to Application

FEBRUARY 27, 1961.

Notice is hereby given that Congress Street Fund, Inc. ("Applicant"), of Boston, Mass., a Massachusetts corporation and a management open-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an amendment to its application pursuant to sections 6(c) and 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act certain transactions.

Applicant is presently making a public offering of its common stock pursuant to an effective registration statement under the Securities Act of 1933 to investors in exchange for such investors' securities. The purpose of the Fund is to provide investors holding securities at relatively low tax bases with a means of exchanging such securities for shares of the Fund, thereby obtaining diversification without incurring any Federal capital gains tax liability at the time of such exchange. The transactions involve an escrow agreement among Applicant, a bank, and investors ("Depositors") depositing their securities in escrow, which agreement prescribes a procedure for a subsequent exchange of such securities for Fund shares upon the fulfillment of stated conditions.

The Commission, on October 5, 1960, published a notice of the filing of such application (Investment Company Act Release No. 3118), which notice indicated that the transactions would be prohibited by section 17(a) of the Act unless the Commission were to issue an order of exemption, since the Depositors by virtue of their function in causing the organization of Applicant may be considered "promoters," and since certain of the Depositors would be affiliated persons of the registered investment company or of the promoters thereof. Such notice further indicated that Depositors were to represent in writing that they were to acquire Applicant's shares for investment and not for further distribution, that the minimum deposit under the escrow agreement was to be securities with a market value of $15,000, and that Applicant had undertaken not to make subsequent public offerings of its shares without the approval of the Commission. No request for a hearing or objection to the granting of the requested exemption having been filed, the Commission, on October 24, 1960, issued an exemption order (Investment Company Act Release No. 3129).

In the instant amendment to such application, Applicant represents that securities whose aggregate market value exceeds $40,000,000 are on deposit pursuant to the escrow agreement, that the offering period has been extended to March 3, 1961, and that thereafter a report of the composition and the estimated tax basis of the proposed portfolio of the Fund will be rendered to Depositors. Applicant now refers to its right to redeem its shares in kind, described in its prospectus dated November 7, 1960, as revised December 12, 1960, which redemption involves a "purchase" by the redeeming shareholder of portfolio securities delivered in redemption, a transaction prohibited by section 17(a)(2) of the Act if made by an affiliated person or promoter of or principal underwriter for the registered investment company, or any affiliated person of such a person, promoter, or principal underwriter, acting as principal.

Applicant submits that persons who may be "promoters" merely by reason of being Depositors do not have a relationship with the Fund which renders the transaction subject to the abuses sought to be prevented by section 17(a)(2). All such persons are said to be in the same relationship to the Fund, which will have the obligations to them provided in its governing instruments and described in its prospectus. Applicant does not request that any change be made at this time in the order affecting persons affiliated otherwise than by being promoters, or that redemption in kind be permitted as to such persons. Applicant further reaffirms its undertaking in the application with respect to subsequent public offerings of its shares.

Applicant accordingly requests an order of the Commission either (1) vacating that part of its order of October 24, 1960, referring to Depositors as promoters or otherwise negating the implication that Depositors are per se promoters, or, in the alternative, (2) exempting from the prohibitions of section 17(a)(2) of the Act redemptions in kind of shares held by persons not prevented from buying portfolio securities from the Fund by any reason other than by being promoters or affiliated persons of promoters.

Notice is further given that any interested person may, not later than March 14, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by the statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1915; Filed, Mar. 3, 1961; 8:48 a.m.]

[File No. 812-1383]

## ISRAEL DEVELOPMENT CORP.

### Notice of Application for Order Exempting Proposed Issuance of Debentures

FEBRUARY 27, 1961.

Notice is hereby given that Israel Development Corporation ("Applicant"), a registered closed-end investment company organized under the laws of the State of New York, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting a proposed issue of debentures by the applicant from the provisions of section 18(c) of the Act.

Applicant proposes to issue and sell to the public $3,000,000 principal amount of its Fifteen-Year 5½ percent Convertible Sinking Fund Debentures, Series A, 1976. Applicant has presently outstanding $1,625,000 principal amount of loans payable to a bank which are secured by the pledge of various portfolio securities.

Section 18(c) of the Act, in relevant part, prohibits a closed-end investment company from issuing or selling more than one class of senior securities representing indebtedness and provides that, for this purpose, bank loans and other privately arranged indebtedness not intended to be publicly distributed shall not be deemed a separate class of senior securities representing indebtedness. It also permits a class of senior securities representing indebtedness to be issued and sold in one or more series, provided "no such series shall have a preference or priority over any other series upon the distribution of assets * * * or in respect of the payment of interest * * *"

The application requests exemption from section 18(c), if this Section is construed to prohibit the proposed public issuance of debentures while there is outstanding a secured bank loan containing a preference or priority in the distribution of assets and payment of interest over the proposed debentures. In support of such request, applicant points out that the secured bank indebtedness was entered into originally in the belief that section 18(c) would not prohibit the proposed public issuance of debentures while such bank debt was outstanding. Applicant states that the proceeds of the proposed issuance of debentures are necessary to fulfill the purposes for which applicant is organized. It also points out that the bank note, originally in the principal amount of $2,000,000 has been reduced to $1,625,000 by payment of the first of required installments which will liquidate the entire loan by August 22, 1962. Applicant represents that it will not thereafter, while such debentures are outstanding, issue any secured bank or other indebtedness.

Section 6(c) of the Act provides that the Commission by order upon application may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 9, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1916; Filed, Mar. 3, 1961; 8:48 a.m.]

[File No. 812-1244]

## VARIABLE ANNUITY LIFE INSURANCE COMPANY OF AMERICA

### Notice of Application To Permit Loans and Advances to Certain Persons

FEBRUARY 27, 1961.

Notice is hereby given that Variable Annuity Life Insurance Company of America ("Valic"), an open-end investment company registered under the Investment Company Act of 1940 ("Act") has filed pursuant to section 6(c) of the Act an application and amendments thereto requesting an exemption from section 17(a)(3) of the Act to permit it to make loans and advances to certain persons on the terms and conditions hereafter described.

(1) Valic proposes to make advances against future commissions, periodic advances, lump-sum loans or loans for office improvement to general agents, special agents, managers, and home office sales employees, whose compensation is derived in whole or in part from sales commissions and who are not directors or officers of Valic. All the foregoing types of loans and advances may be made to the same person concurrently, except that advances against future commissions and periodic advances normally will not be made concurrently to special agents, managers, or home office sales employees.

(2) Advances against future commissions may not exceed the general agent's first year overriding commissions and expense allowance plus overriding renewal commissions for the next four years. Under commission schedules currently in effect, the general agent on the sale of a deferred variable annuity contract is entitled to an overriding commission equal to 5 percent of purchase payments in the first year, a 10 percent expense allowance, overriding renewal commissions of 2 percent for nine successive years and 5 percent for the last two years. Accordingly, the maximum permissible advance on such a contract under current commission schedules would be 23 percent of one year's purchase payments (5 percent plus 10 percent plus 8 percent), or, in the case of a contract calling for purchase payments of $100 monthly, a maximum of $276. Such advances will be secured by first year overriding commissions, expense allowances and all renewal commissions due the general agent.

In the case of special agents, such advances may not exceed the first year commissions due on contracts sold by the special agent. Thus, in the case of a contract involving a monthly purchase payment of $100 where the special agent is entitled to a $25 commission each month over a one year period, the maximum permissible advance will be $300. Such advances will be secured by remaining first year commissions and renewal commissions due the special agent. Such renewal commissions on a typical variable annuity contract amount to 3 percent of the purchase payments for the next nine years.

(3) Periodic advances will be available only to general agents who have been with the Company not more than five years. The amount and continuance of such advances will be determined by the current performance record of the general agent, but in any event such advances will not exceed $3,000 per month. Advances of this type will be reduced at least 20 percent per year in each of the four successive years following the first. For example, a general agent receiving the maximum $3,000 monthly advance would receive $36,000 in the first year, and would be limited to $28,800 in the second year, $21,600 in the third year, $14,400 in the fourth year, and $7,200 in the fifth. Therefore, over a five-year period the total of such advances, without allowance for credits, could not exceed $108,000. All overriding commissions and expense allowances, as well as commissions on sales made personally by the general agent, will be applied against such advances and no such commissions and allowances will vest in the general agent until the advances have been fully repaid.

Such periodic advances will be made only to full-time special agents who have been with the Company not more than three years. The amount and continuance of such advance will be determined by the current performance record of the agent, but in any event such advance will not exceed $1,000 per month with a maximum total debit balance of $12,000. All commissions of an agent receiving this type of advance will be credited to the agent's account with the Company as such commissions are earned and applied in reduction of the debit balance.

(4) Aggregate lump-sum loans to a general agent (excluding loans for office improvement) will not exceed $25,000 at any one time. Such loans will be secured by all commissions and allowances due the general agent and may require other collateral.

The aggregate amount of such loans to a special agent will not exceed $5,000 at any one time and in the case of a part-time special agent will not exceed the amount of renewal commissions from business currently produced by such agent. Each lump-sum loan to a special agent will be guaranteed by his

general agent to the extent of at least one-third of any loss to applicant resulting from such loan.

(5) Loans not to exceed $50,000 may be made to enable a general agent to acquire office furniture, equipment and furnishings. Such loans will be secured by chattel mortgages on such items, and will be repayable over a period of not more than fifteen years.

(6) Home office sales employees and managers receiving commissions with respect to business personally secured by them may receive loans and advances within the limits stated above for special agents.

(7) Every lump-sum loan will be evidenced by a promissory note of the borrower. The agreement covering such loan to a special agent, manager or home office sales employee will provide for payment within 36 months from the date of the loan, and to a general agent within 60 months. Repayment will be specified at a rate at least equal to repayment in substantially equal installments not more than two months apart, the first of which shall be due and payable not more than 60 days from the date of the loan.

The maximum debit balance of loans and advances to any one individual shall at no time exceed $15,000 in the case of a special agent, manager or home office sales employee and $150,000 in the case of a general agent. Where interest is charged on unpaid balances, the rate will not exceed 6 percent per annum.

Under the Life Insurance Act of the District of Columbia, Valic is required at all times to maintain paid-up surplus equal to 50 percent of the par value of its common stock, and loans and advances can be made only from "free surplus" in excess of the required surplus. Valic has agreed that the aggregate amount of loans and advances outstanding for all sales persons at any one time shall not exceed 50 percent of its free surplus as of the preceding December 31. Since loans and advances are "non-admitted assets" for purposes of regulation under the Life Insurance Act of the District of Columbia and are deducted from surplus in determining free surplus, the practical effect will be that such loans and advances cannot exceed one-third of applicant's free surplus before deducting loans and advances. At December 31, 1960, Valic's estimated free surplus was about $10,000,000.

The Commission's Opinion and Order of February 25, 1960 (Investment Company Act Release No. 2974) exempted Valic from certain requirements of the Act but denied Valic's request relating to loans and advances without prejudice to renewal on amended terms and conditions appropriate for the protection of Valic's security holders. In the foregoing opinion, the Commission found that since loans and advances would be made only out of free surplus, the interests of the variable annuity contract holders may be considered to be reasonably protected; the Commission pointed out, however, that since loans and advances have the immediate effect of diminishing the capital stock equity, the interests of Valic's stockholders would not be adequately protected without appropriate conditions with respect to transactions with underwriters and affiliated persons.

Valic points out that since the Commission's order of February 25, 1960, the Life Insurance Act of the District of Columbia was amended to provide for the establishing of separate accounts in connection with the issuance of variable annuity contracts. Among other things the new law provides that "the assets of any such separate account shall not be chargeable with liabilities arising out of any other business the company may conduct." Valic states that the new law reinforces the Commission's previous conclusion that variable annuity contract owners will not be adversely affected by the making of loans and advances as requested herein.

Valic also points out that since the Commission's order, a public offering of applicant's common stock has been made at an aggregate offering price of $12,000,000 to provide funds, in part, for expansion of Valic's sales operations. Valic asserts that adequate protections of the interests of its stockholders are to be found in the proposed terms and conditions under which loans and advances will be made, the security provided therefor, the limitations thereon as to each individual and in the aggregate, as well as the fact that no loans and advances will be made to officers and directors, and all loans and advances will be made on a consistent basis with agents and employees similarly situated receiving similar treatment.

Section 17(a)(3) of the Act prohibits an affiliated person or principal underwriter of a registered investment company, or an affiliated person of such person from borrowing money or other property from such company. The general agents through whom variable annuity contracts are distributed fall within the definition of a principal underwriter, as that term is defined in section 2(a)(28) of the Act. The other persons to whom loans and advances will be made come within the definition of affiliated persons of Valic or affiliated persons of the general agent as defined in section 2(a)(3) of the Act.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 13, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by the statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–1917; Filed, Mar. 3, 1961; 8:48 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 1, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36922: *Substituted service—ACL, et al., for Alterman Transport Lines, Inc.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 52), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Miami, Fla., on the one hand, and Covington and Louisville, Ky., and Evansville, Ind., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 3 to Southern Motor Carriers Rate Conference tariff MF–I.C.C. 1121, I.C.C. 34.

FSA No. 36923: *Petroleum coke from Lake Charles and West Lake, La.* Filed by Southwestern Freight Bureau, Agent (No. B–7975), for interested rail carriers. Rates on petroleum coke, in carloads, from Lake Charles and West Lake, La., to McKees Rocks, Pittsburgh (West End), and West Elizabeth, Pa.

Grounds for relief: Market competition.

Tariff: Supplement 137 to Southwestern Freight Bureau tariff I.C.C. 3983.

FSA No. 36924: *Alcohols from Texas points to Chicago, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B–7976), for interested rail carriers. Rates on acetone, butyl acetate, butyl alcohol, denatured alcohol, isobutyl alcohol, lacquer solvent, methanol (methyl alcohol), methyl acetone, vinyl acetate, in tank-car loads, from Longview, North Seadrift and Texas City, Tex., to Chicago, Ill., applicable only to deliveries on railroad tracks serving the Lake River Terminals at Crawford, Ill., or Union Carbide Chemicals Co., at Whiting, Ind.

Grounds for relief: Unregulated water competition.



Tariff: Supplement 194 to Southwestern Freight Bureau tariff I.C.C. 4064.

FSA No. 36925: *Liquid beet or cane sugar to Texas points.* Filed by Southwestern Freight Bureau, Agent (No. B–7977), for interested rail carriers. Rates on sugar, beet or cane, liquid, in tank-car loads, from points in Colorado, Idaho, Oregon, Utah and Wyoming, to Dallas, Fort Worth, Garland and Great Southwest, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 56 to Southwestern Freight Bureau tariff I.C.C. 4057.

FSA No. 36926: *Sand to Fortville, Ind., and Rooseveltown, N.Y.* Filed by Southwestern Freight Bureau, Agent (No. B–7978), for interested rail carriers. Rates on sand, as described in the application, in carloads, from Guion, Ark., Klondike, Ludwig and Pacific, Mo., Gate Mill Creek and Roff, Okla., to Fortville, Ind., and Rooseveltown, N.Y.

Grounds for relief: Market competition.

Tariff: Supplement 100 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 36927: *Pig iron from St. Louis, Mo., to Detroit, Mich.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2450), for interested rail carriers. Rates on pig iron, in carloads, from St. Louis, Mo., to Detroit, Mich.

Grounds for relief: Market competition.

Tariff: Supplement 218 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4430 (Hinsch series).

FSA No. 36928: *Liquid caustic soda to Catawba and Rock Hill, S.C.* Filed by O. W. South, Jr., Agent (No. A4069), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Evans City, Huntsville, McIntosh, and Redstone Arsenal, Ala., to Catawba and Rock Hill, S.C.

Grounds for relief: Market competition.

Tariff: Supplement 151 to Southern Freight Association tariff I.C.C. 1536.

FSA No. 36929: *Ethylene glycol from Geismar, La., to Seneca, Ill.* Filed by O. W. South, Jr., Agent (No. A4070), for interested rail carriers. Rates on ethylene glycol, in tank-car loads, from Geismar, La., to Seneca, Ill.

Grounds for relief: Barge competition.

Tariff: Supplement 279 to Southern Freight Association tariff I.C.C. 400.

FSA No. 36930: *Substituted service—Wab., et al., for Cooper-Jarrett, Inc., et al.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 184), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Jersey City, N.J., on the one hand, and East St. Louis, Ill., and Kansas City, Mo., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 9 to Eastern Central Motor Carriers Association, Inc., tariff MF–I.C.C. A–185.

FSA No. 36931: *Substituted service—Wab., et al., for Cooper-Jarrett, Inc.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 185), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kansas City, Mo., on the one hand, and Hartford and New Haven, Conn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 9 to Eastern Central Motor Carriers Association, Inc., tariff MF–I.C.C. A–185.

FSA No. 36932: *Substituted service—PRR, Et Al., for Spector Freight System, Inc.* Filed by the Eastern Central Motor Carriers Association, Inc., Agent (No. 186), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Peoria, Ill., and Baltimore, Md., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 9 to Eastern Central Motor Carriers Association, Inc., tariff MF–I.C.C. A–185.

FSA No. 36933: *Substituted service—PRR for Sulco Freight, Inc., Et Al.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 187), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Kearny, N.J., and Philadelphia, Pa., on the one hand, and Chicago and East St. Louis, Ill., Indianapolis, Ind., and Detroit, Mich., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 9 to Eastern Central Motor Carriers Association, Inc., tariff MF–I.C.C. A–185.

FSA No. 36934: *Substituted service—PRR, Et Al., for Sulco Freight, Inc., Et Al.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 188), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Boston, Mass., and New Haven, Conn., on the one hand, and Chicago, and East St. Louis, Ill., Indianapolis, Ind., and Detroit, Mich., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 9 to Eastern Central Motor Carriers Association, Inc., tariff MF–I.C.C. A–185.

FSA No. 36935: *Newsprint paper to Galveston, Tex.* Filed by O. W. South, Jr., Agent (No. A4071), for interested rail carriers. Rates on newsprint paper, in carloads, from Calhoun, Tenn., Coosa Pines and Childersburg, Ala., to Galveston, Tex.

Grounds for relief: Barge and market competition.

Tariff: Supplement 16 to Southern Freight Association tariff I.C.C. S–74.

FSA No. 36936: *Common salt from Pawnee Rock, Kans., and Williston, N. Dak.* Filed by Western Trunk Line Committee, Agent (No. A2170), for interested rail carriers. Rates on salt, as described in the application in carloads, from Pawnee Rock, Kans., and Williston, N. Dak., to points in western trunk-line and southwestern territories.

Grounds for relief: Market competition.

Tariff: Western Trunk Line Committee tariff I.C.C. A–4369.

FSA No. 36937: *Lime from Chicago and Thornton, Ill., to the South.* Filed by Illinois Freight Association, Agent (No. IFA 123), for interested rail carriers. Rates on lime, common, hydrated, quick or slaked, in carloads, from Chicago and Thornton, Ill., to points in southern territory.

Grounds for relief: Market competition.

Tariffs: Supplements 153 and 194 to Illinois Freight Association tariffs I.C.C. 855 and 776.

FSA No. 36938: *Cement to New England points.* Filed by Traffic Executive Association-Eastern Railroads, Agent (No. CTR 2451), for interested rail carriers. Rates on cement, masonry or mortar, as described in the application, in carloads, from Chicago, Ill., Speed, Ind., and Painesville, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 106 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 3826 (Hinsch series).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–1925; Filed, Mar. 3, 1961; 8:49 a.m.]

[Notice 457]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 1, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63926. By order of February 27, 1961, the Transfer Board approved the transfer to Moore's Transfer, Inc., McComb, Miss., of Certificate in No. MC 95614, issued July 1, 1949, to Mrs. Doris Moore Cole, Melton H. Moore, Mrs. Julia E. Hope, and Mrs. Johnnie V. Addi-

son, a partnership, doing business as Moore's Transfer, McComb, Miss., authorizing the transportation of: Household goods as defined by the Commission, over irregular routes, between all points in Louisiana and Mississippi. Joe N. Pigott, 109 North Broadway, McComb, Miss., attorney for applicants.

No. MC–FC 63956. By order of February 27, 1961, the Transfer Board approved the transfer to Budig Trucking Co., Cincinnati, Ohio, of Certificate No. MC 96857 Sub 2, issued August 15, 1958, to James B. Loos, Jr., doing business as Harrison Transfer Co., Harrison, Ohio, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between West Harrison, Ind., and Cincinnati, Ohio, serving all intermediate points on the highways specified and the off-route points of Logan, Bright, Drewersburg and White Water School, Ind. Jack B. Josselson, 809 Atlas Bank Building, Cincinnati 2, Ohio, attorney for applicants.

No. MC–FC 63971. By order of February 27, 1961, the Transfer Board approved the transfer to Martin Greenberg, doing business as Martin Trucking Co., Philadelphia, Pa., of Certificate No. MC 118440 Sub 1, issued May 19, 1960, to Leo Holt, Jr., Merchantville, N.J., authorizing the transportation, over irregular routes, of tires and tubes, from Philadelphia, Pa., to New York, N.Y., Wilmington, Del., Baltimore, Md., and Atlantic City and Trenton, N.J., and electrical equipment and supplies, from Philadelphia, Pa., to Wilmington, Del., Baltimore, Annapolis, and Havre de Grace, Md., and Newark, Trenton, Jersey City, Hammonton, Atlantic City, Ocean City, Wildwood, and Cape May, N.J. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pennsylvania, practitioner for applicants.

No. MC–FC 63972. By order of February 27, 1961, the Transfer Board approved the transfer to Martin Greenberg, doing business as Martin Trucking Co., Philadelphia, Pa., of Certificate No. MC 14935, issued December 19, 1957, to Albert Greenberg, Martin Greenberg, and Harvey Lee Greenberg, a partnership, doing business as Martin Trucking Co., Philadelphia, Pa., authorizing the transportation, over irregular routes, of beds, bedding supplies, brooms, commodities, used or useful in the manufacture of beds and brooms, pipe, used clothing including used furs, used hats, used shoes, and used umbrellas, rags, rag clippings, cloth remnants, waste, cooking utensils, crockery, earthenware, chinaware, enamelware, porcelainware, household glassware, matzo and matzo meal, between Philadelphia, Pa., Newark, N.J., and New York, N.Y. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., Practitioner for applicants.

No. MC–FC 63992. By order of February 27, 1961, the Transfer Board approved the transfer to Duplantis Truck Line, Inc., Houma, La., of Certificate No. MC 57887 Sub 1, issued July 20, 1951, to Elwin J. Duplantis, doing business as Duplantis Truck Line, Houma, La., authorizing the transportation, over irregular routes, of lumber, from all points in Mississippi to Houma, La., household goods, between Houma, La., and points within 25 miles thereof, on the one hand, and, on the other, all points in Mississippi and Texas, and machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, and distribution of natural gas and petroleum and their products and by-products, and, machinery, materials, equipment and supplies used in or in connection with the construction, operation, maintenance, and dismantling of pipe lines, between Houma, La., on the one hand, and, on the other, points in Mississippi on and south of U.S. Highway 80, and points in Texas within 400 miles of Houma. A. Deutsche O'Neal, Houma, La., attorney for applicants.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61–1926; Filed, Mar. 3, 1961; 8:50 a.m.]



## CUMULATIVE CODIFICATION GUIDE—MARCH

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VOLUME 26 NUMBER 43

Washington, Tuesday, March 7, 1961

THE UNIVERSITY OF MICHIGAN
MAR 14 1961
MAIN READING ROOM

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3395

### RED CROSS MONTH, 1961

**By the President of the United States of America**

**A Proclamation**

WHEREAS the American National Red Cross was established officially by the Congress of the United States and operates under grant of authority from the Government but nevertheless receives its support solely from the voluntary contributions and efforts of the American people; and

WHEREAS the charter of the Red Cross imposes upon it specific duties and responsibilities in providing welfare services for the armed forces and for veterans and their families, and in meeting the needs of families suffering from disasters; and

WHEREAS the American National Red Cross, working with the eighty-five nation League of Red Cross Societies, helps to alleviate human suffering caused by disaster or disease throughout the world; and

WHEREAS in communities across this Nation more than two million Red Cross volunteers help their neighbors with youth services, a blood program, first aid, water safety, nursing services, and other humanitarian activities; and

WHEREAS, throughout its eighty years of varied and commendable services in our Nation, the Red Cross has earned the respect and gratitude of our citizens:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1961 as Red Cross Month; and I urge all Americans to support the Red Cross in its local, national, and international missions of mercy.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-eighth day of February in the year of our Lord nineteen hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 61-2017; Filed, Mar. 3, 1961; 1:27 p.m.]

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 4—POLITICAL ACTIVITY

#### Miscellaneous Amendments

Paragraphs (b), (d), and (e) of § 4.205, § 4.206, paragraph (b) of § 4.306, and §§ 4.307 and 4.308 of Part 4 are amended as set out below.

**§ 4.205 Hearing; procedure.**

* * * * *

(b) All testimony shall be under oath or affirmation. All statements, affidavits, and documents which are to be considered as evidence shall be available for review by the employee or his representative.

* * * * *

(d) The proceedings at the hearing shall be reported stenographically unless by stipulation the parties agree to a summary of facts. A copy of the transcript without cost, or a summary of the testimony if not recorded verbatim, shall be furnished to each party. If the proceedings are not taken by a reporter on behalf of the Commission, a summary of the testimony shall be prepared by the examiner or in accordance with directions given by him, to which the parties may file written exceptions. The summary and the exceptions, if any, shall be certified by the examiner and shall become part of the record. It shall be within the discretion of the examiner to permit and fix the time for the filing of briefs.

(e) The examiner shall submit the record and the report of the hearing to the Commissioners with his recommended decision as to the violation found by the General Counsel and the penalty to be imposed, if any.

**§ 4.206 Waiver of hearing.**

If the employee waives a hearing, the case shall be submitted on the record to the Commission.

**§ 4.306 Hearing on appeal to the Commission.**

* * * * *

(b) The hearing shall be held before an examiner designated by the Commission. All testimony shall be under oath or affirmation. Affidavits and other documentary evidence may be introduced. All statements, affidavits, and documents which are to be considered as evidence shall be available for review by the employee or his representative.

**§ 4.307 Examiner's recommendation.**

The examiner assigned shall submit the record and the report of hearing, together with a recommendation, to the Commissioners.

**§ 4.308 Waiver of hearing.**

If the employee waives a hearing, the case shall be submitted, on the record, to the Commissioners.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521; 3 CFR 1954 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1930; Filed, Mar. 6, 1961; 8:45 a.m.]

### PART 28—OFFICIAL PERSONNEL FOLDER

#### Disposition of Folder After Transfer or Separation

Paragraph (b) of § 28.4 is amended as set out below.

**§ 28.4 Disposition of folder after transfer or separation.**

* * * * *

(b) Official Personnel Folders of persons separated from the service shall be retained by the last employing agency for thirty (30) days after separation and then transferred to the General Services Administration, Federal Records Center, St. Louis, Missouri.

(Sec. 4, E.O. 10561, Sept. 13, 1954, 19 F.R. 5963)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-1931; Filed, Mar. 6, 1961; 8:45 a.m.]

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

### PART 909—ALMONDS GROWN IN CALIFORNIA

#### Revised Salable and Surplus Percentages for 1960–61 Crop Year

Notice was published in the FEDERAL REGISTER on February 15, 1961 (26 F.R. 1291) that there was under consideration a proposal to increase the salable percentage for California almonds during the 1960–61 crop year which began July 1, 1960, from 75 percent to 84 percent, with a corresponding decrease in the surplus percentage. The proposed revisions were based on recommendations of the Almond Control Board and other available information, in accordance with the applicable provisions of Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C., 601–674).

The notice afforded interested persons opportunity to file written data, views or arguments pertaining thereto with the Department for consideration prior to the revision of salable and surplus percentages for the 1960–61 crop year. The prescribed time has elapsed and no such communications have been received.

Based on the Almond Control Board's revised estimate of trade demand and data now available to the Department, it is expected that the quantity of salable almonds (as previously established for the 1960–61 crop year) will not be sufficient to meet a trade demand now estimated at 55 million pounds instead of the 50 million pounds previously estimated. Other estimates remain essentially unchanged. It will be necessary, in order to make available a quantity of salable almonds sufficient to satisfy the enhanced trade demand, and the desirable handler carryover requirements on June 30, 1961, to increase the salable percentage from 75 percent to 84 percent and reduce the complementary surplus percentage from 25 percent to 16 percent.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that the quantity of salable almonds is not sufficient to satisfy trade demand and desirable handler carryover requirements for the 1960–61 crop year, and that revising such salable and surplus percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable and surplus percentages in § 909.210 Salable and surplus percentages for almonds during the crop year beginning July 1, 1960 (25 F.R. 8711) applicable to the total kernel weight of almonds received by handlers for their own accounts during the 1960–61 crop year are hereby revised by changing the "75 percent" and "25 percent" to read, respectively, "84 percent" and "16 percent".

It is hereby further found that good cause exists for not postponing the effective date of this action later than the date of its publication in the FEDERAL REGISTER in that revising the salable and surplus percentages for almonds during the current crop year relieves restrictions on the handling of almonds (5 U.S.C. 1001–1011).

Dated March 1, 1961, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division.*

[F.R. Doc. 61-1991; Filed, Mar. 6, 1961; 8:50 a.m.]



[Lemon Reg. 888, Amdt. 1]

### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

*Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 953.995 (Lemon Regulation 888, 26 F.R. 1658) are hereby amended to read as follows:

(ii) District 2: 209,250 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 2, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-1967; Filed, Mar. 6, 1961; 8:47 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

#### Tolerance for Residues of Malathion on Peanuts

A petition has been filed with the Food and Drug Administration by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, requesting an amendment of the regulation establishing a tolerance of 8 parts per million for residues of malathion in or on peanuts from postharvest application, so as to specify that the residues be determined on the nuts, after removal of the shells.

After consideration of the data submitted in the petition and other relevant material and under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 120.111 is amended to provide for the amendment requested, as follows:

In § 120.111 *Tolerances for residues of malathion*, paragraph (a)(2) is amended to read as follows:

(2) From postharvest application: 8 parts per million in or on peanuts (determined on the nuts after shell is removed and discarded) and the following grains: Barley, corn, oats, rice, rye, sorghum, wheat.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 27, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-1970; Filed, Mar. 6, 1961; 8:47 a.m.]

### PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

MONOGLYCERIDE CITRATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Griffith Laboratories, Inc., Chicago, Illinois, and other relevant material, has concluded that the following regulation should issue in conformity with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the food additive monoglyceride citrate as a synergist and solubilizer in antioxidant formulations for oils and fats. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), *It is ordered*, That Subpart D of the food additive regulations (21 CFR Part 121) be amended by adding thereto the following new section:

**§ 121.1036 Monoglyceride citrate as a synergist and solubilizer in antioxidant formulations for oils and fats.**

A food additive that is a mixture of glyceryl monooleate and its citric acid monoester manufactured by the reaction of glyceryl monooleate with citric acid under controlled conditions may be safely used as a synergist and solubilizer for antioxidants in oils and fats, when used in accordance with the conditions prescribed in this section.

(a) The food additive meets the following specifications:

Acid number, 70–100.
Total citric acid (free and combined), 14 percent–17 percent.

(b) It is used, or intended for use, in antioxidant formulations for addition to oils and fats whereby the additive does not exceed 200 parts per million (0.02 percent) of the combined weight of the oil or fat and the additive.

(c) To assure safe use of the additive:

(1) The container label shall bear, in addition to the other information required by the act, the name of the additive.

(2) The label or accompanying labeling shall bear adequate directions for the use of the additive which, if followed, will result in a food that complies with the requirements of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 27, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-1968; Filed, Mar. 6, 1961; 8:47 a.m.]

# Title 30—MINERAL RESOURCES

## Chapter I—Bureau of Mines, Department of the Interior

### REVISION OF FEES

On pages 128–132 of the FEDERAL REGISTER of January 7, 1961, there was published a notice and text of proposed revision of fees and charges for services for investigating and testing equipment and devices stipulated in various parts of Chapter 1, Title 30, Code of Federal Regulations.

In accordance with the policy of the Department of the Interior, interested persons were given 30 days in which to submit written comments, suggestions, or objections concerning the proposed revision. No unfavorable comment or adverse criticism was received.

Minor editorial corrections have been made and clarifying headings have been added. No other change has been made in the text and the revision of fees is hereby adopted as set forth below. The revised fees and charges for services performed or products furnished by the Bureau of Mines, U.S. Department of the Interior, shall apply on and after the date of publication in the FEDERAL REGISTER regardless of the date of application for such services or products.

MARLING J. ANKENY,
*Director, Bureau of Mines.*

Approved: March 1, 1961.

STEWART L. UDALL,
*Secretary of the Interior.*

### PART 10—COAL ANALYSIS FOR NON-FEDERAL APPLICANTS

[Bureau of Mines Schedule 3C]

Section 10.4 of Part 10 of Subchapter A of this Chapter, pertaining to "Coal Analysis for Non-Federal Applicants," is revised to read as follows:

**§ 10.4 Fees.**

(a) The following fees are charged for each sample:

| | |
|---|---|
| 1. Moisture and ash, or sulfur, or volatile matter, or free-swelling index | $4.50 |
| 2. Proximate analysis (moisture, ash, and volatile matter) | 6.00 |
| 3. B.t.u. determination | 7.50 |
| 4. Proximate analysis, sulfur, and B.t.u. | 12.50 |
| 5. Ultimate analysis (moisture, ash, carbon, hydrogen, sulfur, and nitrogen) | 22.50 |
| 6. Ultimate analysis and B.t.u. | 28.00 |
| 7. Proximate and ultimate analyses, and B.t.u. | 29.50 |
| 8. Fusibility of ash | 10.00 |
| 9. Hardgrove grindability index | 10.00 |

(b) Fees for tests not included in the above list will be based on the services required, and the applicant will be notified accordingly.

### PART 11—SELF-CONTAINED BREATHING APPARATUS

[Bureau of Mines Schedule 13D]

Section 11.3 of Part 11 of Subchapter B of this Chapter, pertaining to "Self-Contained Breathing Apparatus," is revised to read as follows:

**§ 11.3 Fees.**

| | Apparatus with separate regenerator | Oxygen generating apparatus | Demand-type apparatus |
|---|---|---|---|
| 1. Complete 2-hour self-contained breathing apparatus inspection and tests | $1,600 | $1,600 | $1,600 |
| 2. Complete 1-hour self-contained breathing apparatus inspection and tests | 1,500 | 1,500 | 1,500 |
| 3. Complete ¾-hour self-contained breathing apparatus inspection and tests | 1,500 | 1,500 | 1,500 |
| 4. Complete ½-hour self-contained breathing apparatus inspection and tests | 1,500 | 1,500 | 1,500 |
| 5. Separate preliminary 2-hour apparatus inspection and tests | 250 | 250 | 250 |
| 6. Separate preliminary 1-hour apparatus inspection and tests | 250 | 250 | 250 |
| 7. Separate preliminary ¾-hour apparatus inspection and tests | 250 | 250 | 250 |
| 8. Separate preliminary ½-hour apparatus inspection and tests | 250 | 250 | 250 |
| 9. Separate supplementary facepiece assembly | 250 | 250 | |
| 10. Separate regenerator 2-hour apparatus inspection and tests | 175 | | |
| 11. Separate regenerator 1-hour apparatus inspection and tests | 175 | | |
| 12. Separate regenerator ¾-hour apparatus inspection and tests | 175 | | |
| 13. Separate regenerator ½-hour apparatus inspection and tests | 175 | | |
| 14. Special reducing valve inspection and tests, all models | 175 | 175 | 175 |
| 15. Separate auxiliary parts inspection and tests, each part | 120 | 120 | 120 |
| 16. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before tests are begun | | | |

NOTE: If a self-contained breathing apparatus fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the self-contained breathing apparatus is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

### PART 12—SUPPLIED-AIR RESPIRATORS

[Bureau of Mines Schedule 19B]

Paragraph (c) of § 12.4 of Part 12 of Subchapter B of this Chapter, pertaining to "Supplied-Air Respirators," is revised to read as follows:

**§ 12.4 Conditions under which supplied-air respirators will be tested.**

* * * * *

(c) *Fees.*

| | |
|---|---|
| 1. Types A or AE supplied-air respirators (complete) | $375 |
| (i) Blower, single outlet | 130 |
| (ii) Each blower outlet more than one (at time of blower testing) | 15 |
| (iii) Air-supply line (hose) | 135 |
| (iv) Body harness | 20 |
| (v) Respiratory-inlet covering (facepiece) | 120 |
| 2. Types B or BE supplied-air respirators (complete) | 310 |
| (i) Air-supply line (hose) | 105 |
| (ii) Body harness | 20 |
| (iii) Respiratory-inlet covering (facepiece) | 120 |
| 3. Types C or CE supplied-air respirators, continuous-flow class (complete) | 325 |
| (i) Air-supply line (hose) | 100 |
| (ii) Respiratory-inlet covering (facepiece) | 130 |
| 4. Types C or CE supplied-air respirators, demand class (complete) | 340 |
| (i) Air-supply line (hose) | 110 |
| (ii) Respiratory-inlet covering (facepiece) | 130 |
| 5. Additional examination and tests of respirator in connection with other tests, per man-day required | 40 |
| 6. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual cost of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun. | |

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the respirator is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

### PART 13—GAS MASKS

[Bureau of Mines Schedule 14F]

Paragraph (c) of § 13.5 of Part 13 of Subchapter B of this Chapter, pertaining to "Gas Masks," is revised to read as follows:

**§ 13.5 Conditions under which gas masks will be tested.**

* * * * *

(c) *Fees.*

| | |
|---|---|
| 1. Type A—Acid gases, complete mask | $1,150 |
| 2. Type B—Organic vapors, complete mask | $615 |
| 3. Type C—Ammonia, complete mask | 615 |
| 4. Type D—Carbon monoxide self-rescuer | 600 |
| 5. Type AE, BE, etc.—Dusts, fumes, mists, fogs, and smokes in combinations with any of the above types. Fee in addition to that required for tests with gases or vapors | 260 |
| 6. Type AB—Acid gases and organic vapors, complete mask | 1,460 |
| 7. Complete mask with canister designed for a single gas or vapor | 615 |
| 8. Facepiece, complete | 90 |
| 9. Canister alone, fee for complete mask minus fee for facepiece. | |
| 10. Extension of approval to another gas or vapor, or complete retesting with a gas or vapor in case of failure | 525 |
| 11. Type N—Universal gas mask for all gases and vapors ordinarily encountered in industry, including filters for dusts, fumes, mists, fogs, and smokes | 1,950 |
| 12. Additional examination and tests in connection with other tests, per man-day required | 40 |
| 13. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun. | |

NOTE: If a gas mask fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the gas mask is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

### PART 14—FILTER-TYPE, DUST, FUME, AND MIST RESPIRATORS

[Bureau of Mines Schedule 21A]

Paragraph (c) of § 14.4 of Part 14 of Subchapter B of this Chapter, pertaining to "Filter-Type, Dust, Fume, and Mist Respirators," is revised to read as follows:

**§ 14.4 Conditions under which respirators will be tested.**

* * * * *

(c) *Fees.*

| | |
|---|---|
| 1. Pneumoconiosis-producing and nuisance dusts, single-use filter, compete respirator | $240 |
| 2. Pneumoconiosis-producing and nuisance dusts, reusable filter, complete respirator | 290 |
| 3. Toxic dusts, single-use filter, complete respirator | 260 |
| 4. Toxic dusts, reusable filter, complete respirator | 325 |
| 5. Dusts, single-use filter, complete respirator | 290 |
| 6. Dusts, reusable filter, complete respirator | 410 |
| 7. Fumes, complete respirator | 310 |
| 8. Silica mist, complete respirator | 260 |
| 9. Chromic-acid mist, complete respirator | $325 |
| 10. Facepiece, dust or mist respirator | 60 |
| 11. Facepiece, fume respirator | 75 |
| 12. Pneumoconiosis-producing and nuisance dusts and mists, complete respirator | 290 |
| 13. Pneumoconiosis-producing and nuisance dusts and chromic-acid mist, complete respirator | 350 |
| 14. Pneumoconiosis-producing and nuisance dusts and mists, and chromic-acid mist, complete respirator | 410 |
| 15. Pneumoconiosis-producing and nuisance mists, and chromic-acid mist, complete respirator | 380 |
| 16. Toxic dusts and Pneumoconiosis-producing and nuisance mists, complete respirator | 325 |
| 17. Toxic dusts and chromic-acid mist, complete respirator | 380 |
| 18. Toxic dusts, pneumoconiosis-producing and nuisance mists and chromic-acid mist, complete respirator | 435 |
| 19. Dusts and pneumoconiosis-producing and nuisance mists, complete respirator | 350 |
| 20. Dusts and chromic-acid mist, complete respirator | 410 |
| 21. Dusts, pneumoconiosis-producing and nuisance mists, and chromic-acid mist, complete respirator | 465 |
| 22. Dusts, fumes, and pneumoconiosis-producing and nuisance mists, complete respirator | 460 |
| 23. Dusts, fumes, and chromic-acid mist, complete respirator | 510 |
| 24. Dusts, fumes, pneumoconiosis-producing and nuisance mists, and chromic-acid mist, complete respirator | 550 |
| 25. Dusts and fumes, complete respirator | 400 |
| 26. Additional examination and tests of respirator in connection with other tests, per man-day required | 40 |
| 27. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun. | |

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the respirator is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

### PART 14a—NONEMERGENCY GAS RESPIRATORS (CHEMICAL CARTRIDGE RESPIRATORS, INCLUDING PAINT SPRAY RESPIRATORS)

[Bureau of Mines Schedule 23B]

Paragraph (d) of § 14a.5 of Part 14a of Subchapter B of this chapter, pertaining to "Nonemergency Gas Respirators (Chemical Cartridge Respirators, Including Paint Spray Respirators)," is revised to read as follows:



**§ 14a.5 Fees.**

* * * * * *

(d) The following fees are charged for testing types B and BE nonemergency gas respirators:

| | |
|---|---|
| 1. Type B—Organic vapors, complete respirator | $525 |
| 2. Type BE—Dusts, fumes, or mists in combination with organic vapors. Fee for filter tests in addition to that required for Type B: | |
| (i) Pneumoconiosis-producing and nuisance dusts | 130 |
| (ii) Toxic dusts | 160 |
| (iii) Dusts—combination of (i) and (ii) | 190 |
| (iv) Fumes | 190 |
| (v) Silica mist | 160 |
| (vi) Chromic-acid mist | 220 |
| (vii) Mists of paints, lacquers, and enamels | 670 |
| 3. Facepiece alone | 75 |
| 4. Cartridge(s) alone | 450 |
| 5. Additional examination and tests of respirator in connection with other tests, per man-day required | 40 |
| 6. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun. | |

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the respirator is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

### PART 16—STEMMING DEVICES

[Bureau of Mines Schedule 27B]

Section 16.4 of Part 16 of Subchapter C of this Chapter, pertaining to "Stemming Devices," is revised to read as follows:

**§ 16.4 Fees.**

| | |
|---|---|
| (a) Complete tests for approval | [1] $1,150 |
| (b) Individual tests: | |
| 1. Chemical | 60 |
| 2. Physical examination | 23 |
| 3. Gallery, per shot | 17 |
| 4. Rough handling | 12 |
| 5. Flammability | 35 |
| 6. Fee for tests not included in this list will be based on actual costs. | |
| (c) Fee for tests required by changes in design will be determined by the Bureau; minimum fee | 100 |

[1] Fees for additional tests, described in paragraph (c) of § 16.10 of this Part, will be determined by the Bureau and will be in addition to this fee. If the applicant withdraws the stemming device after testing has begun, or if the device fails to pass any of the required tests, the Bureau will charge a minimum of $100 and will return to the applicant any part of the remaining fee not required to compensate the Bureau for its services.

## PART 17—BLASTING DEVICES

[Bureau of Mines Schedule 26A]

Section 17.4 of Part 17 of Subchapter C of this Chapter, pertaining to "Blasting Devices," is revised to read as follows:

§ 17.4 Fees.

| | |
|---|---|
| (a) Complete tests for approval when electrical tests are not required [1] | $1,080 |
| (b) Complete tests for approval when electrical tests are required | 1,300 |
| (c) Individual tests: | |
| 1. Chemical | 110 |
| 2. Physical examination | 60 |
| 3. Gallery, per shot | 13 |
| 4. Pendulum friction, per sample | 30 |
| 5. Gaseous products, per sample | 110 |
| 6. Shell temperature | 90 |
| 7. Electrical | 220 |
| 8. Fee for tests not included in this list will be based on actual costs. | |
| (d) Fee for tests required by changes in design will be determined by the Bureau; minimum fee | 500 |

[1] If the applicant withdraws the blasting device after testing has begun, or if the device fails to pass any of the required tests, the Bureau will charge a minimum of $500 and will return to the applicant any part of the remaining fee not required to compensate the Bureau for its services.

## PART 18—ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT, JUNCTION BOXES AND OTHER ACCESSORY EQUIPMENT

[Bureau of Mines Schedule 2F]

Section 18.3 of Part 18 of Subchapter D of this Chapter, pertaining to "Electric Motor-Driven Mine Equipment, Junction Boxes and Other Accessory Equipment," is revised to read as follows:

§ 18.3 Fees.

| | |
|---|---|
| (a) Detailed inspection of each explosion-proof enclosure | $50 |

NOTE: When less than 20 explosion tests are required, the inspection fee shall be $25.

| | |
|---|---|
| (b) Explosion tests of each explosion-proof enclosure | 40 |

NOTE: When less than 20 explosion tests are required, the fee shall be $20.

| | |
|---|---|
| (c) Each series of tests necessary to prove the adequacy of electrical clearances, insulation durability, intrinsic safety, surface temperature, or ventilation of each enclosure | 45 |
| (d) Each field inspection of completely assembled equipment | 40 |
| (e) Tests of portable cable: | |
| 1. Damage-resistance tests | 30 |
| 2. Development tests to determine resistance to damage by mine car running over cable will be charged at the rate of $3 for each five runs over the cable. The minimum charge is $6. | |
| 3. Flame-resistance tests | 20 |
| 4. Development flame-resistance tests will be charged at the rate of $4 per test sample. The minimum charge is $8. | |
| (f) Examining and recording drawings and specifications preparatory to issuing an approval | $45 |
| (g) Examining and recording drawings and specifications for each investigation of a motor, starter, or other individual explosion-proof unit considered independently of a complete machine assembly for certification | 25 |
| (h) Examining and recording drawings and specifications for an extension of approval | 45 |
| (i) Examining and recording drawings and specifications for an extension of certification | 25 |
| (j) No charge will be made for inspections and tests made solely for the Bureau's information. | |

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence, and incidental expenses of its representative(s) in accordance with standard Government travel regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

## PART 19—ELECTRIC CAP LAMPS

[Bureau of Mines Schedule 6D]

Section 19.2 of Part 19 of Subchapter D of this Chapter, pertaining to "Electric Cap Lamps," is revised to read as follows:

§ 19.2 Fees.

| | |
|---|---|
| (a) Detailed inspection | $50 |
| (b) Safety tests (headpiece) | 80 |
| (c) Headpiece dropping | 10 |
| (d) Headpiece smash | 20 |
| (e) Battery sparking | 20 |
| (f) Battery dropping | 10 |
| (g) Battery spilling | 30 |
| (h) Bulb uniformity (current consumption) | 20 |
| (i) Bulb life | 110 |
| (j) Light distribution | 140 |
| (k) Discharge voltage (battery) | 40 |
| (l) Cord slatting | 50 |
| (m) Final examination and recording of drawings and specifications requisite to issuing an approval | 45 |
| (n) Examining and recording of drawings and specifications requisite to issuing an extension of approval | 45 |
| (o) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant. | |

## PART 20—ELECTRIC MINE LAMPS OTHER THAN STANDARD CAP LAMPS

[Bureau of Mines Schedule 10C]

Section 20.4 of Part 20 of Subchapter D of this Chapter, pertaining to "Electric Mine Lamps Other Than Standard Cap Lamps," is revised to read as follows:

§ 20.4 Fees.

| | |
|---|---|
| (a) Detailed inspection [1] | $50 |
| (b) Safety tests in gas [1] | 40 |
| (c) Battery sparking [2] | 20 |
| (d) Battery spilling [3] | 30 |
| (e) Dropping [1] | 10 |
| (f) Bumping [4] | 40 |
| (g) Explosion tests [5] | 40 |
| (h) Final examination and recording of drawings and specifications requisite to issuing an approval | 45 |
| (i) Examining and recording drawings and specifications requisite to issuing an extension of approval | 45 |
| (j) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant. | |

[1] Applies to all lamps.
[2] Applies only if cord is involved.
[3] Applies only to storage-battery lamps.
[4] Applies only to trip lamps.
[5] Applies only to units in explosion-proof housings.

## PART 21—FLAME SAFETY LAMPS

[Bureau of Mines Schedule 7C]

Section 21.3 of Part 21 of Subchapter D of this Chapter, pertaining to "Flame Safety Lamps," is revised to read as follows:

§ 21.3 Fees.

| | |
|---|---|
| (a) Detailed inspection | $50 |
| (b) Mechanical tests of complete lamp | |
| 1. Dropping test | 10 |
| 2. Impact test with 5# weight | 20 |
| 3. Tension test with 10# weight | 20 |
| 4. Bonnet test (pendulum impact) | 20 |
| 5. Temperature of external parts | 10 |
| (c) Mechanical tests of glasses | |
| 1. Impact test with 1# weight | 20 |
| 2. Temperature test | 10 |
| (d) Safety tests—moving and still mixtures | 80 |
| (e) Safety tests—igniter | 40 |
| (f) Time of burning | 10 |
| (g) Detection of methane and deficiency of oxygen | 50 |
| (h) Final examination and recording of drawings and specifications requisite to issuing an approval | 45 |
| (i) Examining and recording drawings and specifications requisite to issuing an extension of approval | 45 |



| | |
|---|---|
| (j) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant. | |

## PART 22—PORTABLE METHANE DETECTORS

[Bureau of Mines Schedule 8C]

Section 22.3 of Part 22 of Subchapter D of this Chapter, pertaining to "Portable Methane Detectors," is revised to read as follows:

§ 22.3 Fees.

| | |
|---|---|
| (a) Detailed inspection | $50 |
| (b) Safety—intrinsically safe circuits | 40 |
| (c) Battery spilling | 30 |
| (d) Battery dropping | 10 |
| (e) Accuracy | 80 |
| (f) Life tests of replaceable components | 40 |
| (g) Field tests | 30 |
| (h) Final examination and recording of drawings and specifications requisite to issuing an approval | 45 |
| (i) Examining and recording drawings and specifications requisite to issuing an extension of approval | 45 |
| (j) Tests to assist an applicant in evaluating equipment intended for certification may be at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant. | |

## PART 23—TELEPHONE AND SIGNALING DEVICES

[Bureau of Mines Schedule 9B]

Section 23.4 of Part 23 of Subchapter D of this Chapter, pertaining to "Telephone and Signaling Devices," is revised to read as follows:

§ 23.4 Fees.

| | |
|---|---|
| (a) Detailed inspection | $50 |
| (b) Explosion tests (each compartment) | 40 |
| (c) Intrinsic safety | 40 |
| (d) Life tests of replaceable parts | 40 |
| (e) Final examination and recording of drawings and specifications requisite to issuing an approval | 45 |
| (f) Examining and recording drawings and specifications requisite to issuing an extension of approval | 45 |
| (g) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant. | |

## PART 24—SINGLE-SHOT BLASTING UNITS

[Bureau of Mines Schedule 12D]

Section 24.1 of Part 24 of Subchapter D of this Chapter, pertaining to "Single-Shot Blasting Units," is revised to read as follows:

§ 24.1 Fees.

| | |
|---|---|
| (a) Detailed inspection | $50 |
| (b) Intrinsic safety tests | 40 |
| (c) Life tests of replaceable parts or complete unit | 40 |
| (d) Discharge voltage test | 40 |
| (e) Firing capacity test | 40 |
| (f) Dropping test | 10 |
| (g) Final examination and recording of drawings and specifications requisite to issuing an approval | 45 |
| (h) Examining and recording drawings and specifications requisite to issuing an extension of approval | 45 |
| (i) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant. | |

## PART 25—MULTIPLE-SHOT BLASTING UNITS

[Bureau of Mines Schedule 16E]

Section 25.4 of Part 25 of Subchapter D of this Chapter, pertaining to "Multiple-Shot Blasting Units," is revised to read as follows:

§ 25.4 Fees.

| | |
|---|---|
| (a) Detailed inspection | $50 |
| (b) Timing and energy requirement determination | 30 |
| (c) Safety tests in methane-air mixtures | 40 |
| (d) High-potential test | 10 |
| (e) Dropping test | 10 |
| (f) Life test of complete unit | 100 |
| (g) Firing capacity test | 30 |
| (h) Final examination and recording of drawings and specifications requisite to issuing an approval | 45 |
| (i) Examining and recording drawings and specifications requisite to issuing an extension of approval | 45 |
| (j) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant. | |

## PART 26—LIGHTING EQUIPMENT FOR ILLUMINATING UNDERGROUND WORKINGS

[Bureau of Mines Schedule 29A]

Section 26.6 of Part 26 of Subchapter D of this Chapter, pertaining to "Lighting Equipment for Illuminating Underground Workings," is revised to read as follows:

§ 26.6 Fees.

| | |
|---|---|
| (a) Detailed inspection | $50 |
| (b) Explosion tests, each series | 40 |
| (c) Dropping test | 10 |
| (d) Temperature test | 5 |
| (e) High-potential test | 10 |
| (f) Safety tests in methane-air mixtures [1] | 80 |
| (g) Short-circuit test [1] | 10 |
| (h) Flame-resistance test (cable connectors) | 5 |
| (i) Final examination and recording of drawings and specifications requisite to issuing an approval | 45 |
| (j) Examining and recording drawings and specifications requisite to issuing and extension of approval | 45 |
| (k) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant. | |

[1] Applies to cable connectors submitted for certification.

## PART 31—DIESEL MINE LOCOMOTIVES

[Bureau of Mines Schedule 22]

Paragraph (c) of § 31.3 of Part 31 of Subchapter E of this Chapter, pertaining to "Diesel Mine Locomotives," is revised to read as follows:

§ 31.3 Conditions under which approvals may be granted; preliminary steps.

* * * * * * *

(c) *Fees.*

| | |
|---|---|
| 1. Preliminary review of drawings, specifications, and related data—new machine | $35 |

2. Tests to determine composition of engine exhaust gases ..... $400

NOTE: For preliminary or check testing that requires only carbon dioxide and carbon monoxide determinations, the fee shall be $200.

3. Tests to determine effectiveness of engine flame arrester ..... 120

NOTE: For check testing a redesigned flame arrester that requires less than 20 tests, the fee shall be $60.

4. Detailed inspection of engine flame arrester ..... 35
5. Detailed inspection of manifolds, exhaust conditioners, and other parts of intake and exhaust systems ..... 45
6. Detailed inspection of electrical units—each explosion-proof enclosure ..... 50

NOTE: When less than 20 explosion tests are required, the inspection fee shall be $25.

7. Explosion tests of electrical units—each explosion-proof enclosure ..... 40

NOTE: When less than 20 explosion tests are required, the fee shall be $20.

8. Exhaust conditioner performance tests to determine rate of water consumption ..... 80
9. Each field inspection of completely assembled machine ..... 55
10. Tests of exhaust-gas dilution not made concurrently with field inspection of completely assembled machine ..... 45
11. Final examination and recording of drawings and specifications preparatory to issuing an approval ..... 45
12. Examining and recording drawings and specifications for an extension of approval, each 4 hours or fraction thereof ..... 15

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence, and incidental expenses of its representative(s) in accordance with standard Government travel regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

## PART 32—MOBILE DIESEL-POWERED EQUIPMENT FOR NON-COAL MINES

[Bureau of Mines Schedule 24]

Paragraph (c) of § 32.3 of Part 32 of Subchapter E of this Chapter, pertaining to "Mobile Diesel-Powered Equipment for Non-coal Mines," is revised to read as follows:

§ 32.3 Conditions under which approvals may be granted or tests made; preliminary steps preceding approval tests and inspections.

* * * * *

(c) *Fees.*

1. Preliminary review of drawings, specifications, and related data—each new machine ..... $35
2. Tests to determine composition of engine exhaust gases ..... 350

NOTE: For preliminary or check testing that requires only carbon dioxide and carbon monoxide determinations, the fee shall be $175.

3. Detailed inspection of exhaust-gas cooling system ..... 35
4. Detailed inspection of electrical system ..... 20
5. Each field inspection of completely assembled machine ..... 75
6. Exhaust-gas-dilution tests independent of field inspection ..... 55
7. Final examination and recording of drawings and specifications preparatory to issuing an approval ..... 45
8. Final examination and recording of drawings and specifications preparatory to issuing a certification of an engine subassembly ..... 30
9. Examining and recording of drawings and specifications for an extension of approval or certification of an engine subassembly, each 4 hours or fraction thereof ..... 15

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence, and incidental expenses of its representative(s) in accordance with standard Government travel regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

## PART 34—FIRE-RESISTANT CONVEYOR BELTS

[Bureau of Mines Schedule 26]

Section 34.5 of Part 34 of Subchapter E of this Chapter, pertaining to "Fire-Resistant Conveyor Belts," is revised to read as follows:

§ 34.5 Fees.

| | |
|---|---|
| (a) Flame test | $20 |
| (b) Drum-friction test | 40 |
| (c) Fees for unusual tests, or tests not included in this list, which might be necessary, will be based on actual costs of testing, and will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before tests are begun. | |

(Sec. 5, 36 Stat. 370, as amended, and sec. 212(a), 66 Stat. 709; 30 U.S.C. 7, 482(a). Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, and secs. 201, 209, 66 Stat. 692, 703; 30 U.S.C. 3, 5, 471, 479)

[F.R. Doc. 61-1956; Filed, Mar. 6, 1961; 8:45 a.m.]

# Title 25—INDIANS

## Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

## PART 221—OPERATION AND MAINTENANCE CHARGES

### Fort Belknap Indian Irrigation Project, Montana

There was published in the FEDERAL REGISTER on January 4, 1961 (26 F.R. 13), a notice of intention to amend § 221.30 of 25 CFR to Part 221 provide for an increase in the annual operation and maintenance assessment rate for the Three-Mile Unit of the Fort Belknap Indian Irrigation Project from $2.00 to $3.20 per acre. The amendment also deletes the words "including the lands operated as a tribal farming and livestock enterprise;" and adds in lieu thereof the words "including lands under pumping contract with the Fort Belknap Indian Irrigation Project."

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below.

STEWART L. UDALL,
*Secretary of the Interior.*

MARCH 1, 1961.

Section 221.30 is amended to read as follows:

§ 221.30 Charges.

Pursuant to the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the basic annual charges for operation and maintenance against the irrigable lands to which water can be delivered under the constructed works of the Fort Belknap Indian Irrigation Project in Montana are hereby fixed (a) for the Milk River and White Bear Units, including lands under pumping contract with the Fort Belknap Indian Irrigation Project at $2.65 per acre for the year 1961 and thereafter until further notice; (b) for the Peoples Creek (Hays), Brown, and Ereaux Units at $2.00 per acre for the year 1961 and thereafter until further notice; (c) and for the Three-Mile Unit at $3.20 per acre for the year 1961 and thereafter until further notice.

[F.R. Doc. 61-1956; Filed, Mar. 6, 1961; 8:45 a.m.]



# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[FCC 61-290]

## PART 3—RADIO BROADCAST SERVICES

### Television Broadcast Stations; Extension of Time for Compliance

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of March 1961;

The Commission having under consideration the provisions of §§ 3.690(a) and 3.691(a) of its rules, which require that television broadcast stations have type-approved frequency and modulation monitors at the stations whenever the transmitter is in operation;

It appearing that the time specified for compliance with the requirements of §§ 3.690(a) and 3.691(a) was last extended to February 28, 1961; and

It further appearing that since there is outstanding a notice of proposed rule making in this matter (Docket No. 13854), with time for filing reply comments to expire on March 23, 1961, the Commission deems it appropriate to postpone the effective date of these sections of the rules pending final decision in this docket.

It further appearing that the amendment herein ordered is procedural in nature and effects a relaxation of the Rules; therefore, compliance with the requirements of section 4 of the Administrative Procedure Act is not required; and

It further appearing that authority for the amendments adopted herein is contained in Sections 303 (e), (f), and (r) and 4(i) of the Communications Act of 1934, as amended;

*It is ordered*, That effective March 1, 1961, §§ 3.690(a) and 3.691(a) are amended, by substituting the words "pending final decision in Docket No. 13854," in the parenthetical sentence to each of these sections.

Released: March 2, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1990; Filed, Mar. 6, 1961; 8:50 a.m.]

# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 120 ]

### ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF 2,3,5,6-TETRACHLORONITROBENZENE

### Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512, as amended 52 Stat. 1784; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice*, of the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.8), Sterwin Chemicals, Inc., 1450 Broadway, New York 18, New York, has withdrawn its petition for establishment of a tolerance of zero for residues of 2,3,5,6-Tetracholoronitrobenzene in or on potatoes, notice of which was published in the FEDERAL REGISTER of October 4, 1960 (25 F.R. 9474).

The withdrawal of this petition is without prejudice to a future filing.

Dated: February 28, 1961.

[SEAL] ROBERT S. ROE,
*Director, Bureau of Biological and Physical Sciences.*

[F.R. Doc. 61-1969; Filed, Mar. 6, 1961; 8:47 a.m.]

## FEDERAL RESERVE SYSTEM

[ 12 CFR Part 204 ]

[Reg. D]

### RESERVES OF MEMBER BANKS

### Notice of Proposed Rule Making

The Board of Governors of the Federal Reserve System is considering amending Part 204 [Reg. D] for the following purposes: (1) To provide a new basis for classifying reserve cities that would supersede the basis adopted by the Board in 1947, and (2) at the same time to set forth the factors that will be considered by the Board in passing upon applications by individual member banks in reserve or central reserve cities for permission to maintain reserves prescribed for banks not located in reserve or central reserve cities. The proposed amendments are designed to implement the purposes of section 19 of the Federal Reserve Act as amended by the Act of July 28, 1959 (73 Stat. 263).

If the proposed amendments are adopted, the effect would be to classify as reserve cities, in addition to cities in which there are Federal Reserve Banks or branches of Federal Reserve Banks, every city in which, during 1960, (1) all member banks had aggregate average demand deposits equal to 2/5 of 1 percent ($487 million) or more of the United States total of demand deposits of all member banks of the Federal Reserve System, or (2) one member bank had average demand deposits equal to 1/4 of 1 percent ($304 million) or more of the United States total, or (3) all member banks had aggregate average inter-bank demand deposits equal to 2/5 of 1 percent ($53 million) or more of the United States total of such deposits. As a result, (1) the following existing reserve cities, in addition to Federal Reserve Bank and Reserve Bank branch cities (except New York and Chicago until July 28, 1962) would be continued as reserve cities: Columbus, Ohio; Des Moines, Iowa; Ft. Worth, Texas; Indianapolis, Indiana; Miami, Florida; Milwaukee, Wisconsin; National City (National Stock Yards), Illinois; St. Paul, Minnesota; Tulsa, Oklahoma; and Washington, D.C.; (2) the following existing reserve cities would be discontinued as reserve cities effective June 1, 1961, unless requests for their continuance as such are granted by the Board as provided in the proposed amendments: Kansas City, Kansas; Pueblo, Colorado; Toledo, Ohio; Topeka, Kansas; and Wichita, Kansas; and (3) the following cities would be designated as additional reserve cities effective June 1, 1962: Albany, New York; Hartford, Connecticut; Newark, New Jersey; Phoenix, Arizona; Savannah, Georgia; and Winston-Salem, North Carolina. Individual member banks in newly designated reserve cities, as well as banks in existing reserve or central reserve cities not heretofore granted such permission, would be entitled to apply to the Board for permission to carry country-bank reserves, in which event such applications would be considered in the light of the factors stated in the proposed amendments.

The proposed amendments would read as follows:

**§ 204.2 [Amendment]**

1. Subparagraph (2) of paragraph (a) of § 204.2 is amended to read as follows:

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, a member bank located in a central reserve city or in a reserve city may hold and maintain the reserve balances which are in effect for member banks not located in reserve or central reserve cities if, upon application to the Board of Governors, the Board grants permission for the holding and maintaining of such lower reserve balances after consideration of all factors relating to the character of such bank's business, including, but not limited to, the amount of such member bank's total assets, the amount of its total demand deposits, the amount of its demand deposits owing to banks, the nature of its depositors and borrowers, the rate of activity of its demand deposits, the amount and frequency of its borrowings from its Federal Reserve Bank or other lenders, its geographical location within the city, and its competitive position with relation to other banks in the city. Any such permission shall be subject to revocation by the Board at any time in the light of changed circumstances, and all such grants of permission may be subject to annual review by the Board.

2. Part 204 is amended by inserting after § 204.3 thereof a new section to read as follows:

**§ 204.4 Classification of cities for reserve purposes.**

(a) Effective June 1, 1961, except as otherwise provided in paragraph (c) of this section, the following cities shall be classified as reserve cities:

(1) Every city (except New York and Chicago until July 28, 1962) in which there is situated a Federal Reserve Bank or a branch of a Federal Reserve Bank.

(2) Every city in which the aggregate average daily amount of the total demand deposits (including such deposits held at both in-town and out-of-town offices) of all member banks of the Federal Reserve System which had their head offices in such city on January 1, 1961, was equal, during the calendar year 1960, to 2/5 of 1 percent or more of the aggregate average daily amount of demand deposits held by all member banks of the Federal Reserve System.

(3) Every city in which there was situated on January 1, 1961, the head office of a member bank which, during the calendar year 1960, had an aggregate average daily amount of total demand deposits (including such deposits held at both in-town and out-of-town offices) equal to 1/4 of 1 percent or more of the aggregate average daily amount of demand deposits held by all member banks of the Federal Reserve System.

(4) Every city in which the aggregate average daily amount of the demand deposits owing to banks (including such deposits held at both in-town and out-of-town offices) of all member banks of the Federal Reserve System which had their head offices in such city on January 1, 1961, was equal, during the calendar year 1960, to 2/5 of 1 percent or more of the aggregate average daily amount of demand deposits owing to banks held by all member banks of the Federal Reserve System.

(5) Any city classified as a reserve city on January 1, 1961, but not falling within the scope of subparagraph (2), (3), or (4) of this paragraph, if a written request for the continuance of such a city as a reserve city (together with a certified copy of a resolution of the board of directors of such member bank duly authorizing such request) is received on or before May 15, 1961, by the Federal Reserve Bank of the district in which the city is located from at least one member bank which has its head office in such city, and if such request is granted by the Board of Governors.

(b) Effective as of June 1, 1964, and as of June 1 of each third year after June 1, 1964, the Board of Governors will continue previously made reserve city classifications, designate additional cities as reserve cities, and terminate reserve city classifications of cities previously designated as such, in accordance with the standards set forth in paragraph (a) of this section; except that (1) such action will be based upon deposits of member banks which had their head offices in such cities on January 1, 1964, or on January 1 of each third year after 1964, (2) average daily deposit amounts will be computed for the calendar year preceding such action, and (3) requests for continuance of reserve city designations as provided in subparagraph (5) of paragraph (a) of this section will be considered if received by the Federal Reserve Bank of the appropriate district not later than one month prior to the effective date of such action.

(c) Notwithstanding other provisions of this section, the classification of any city as an additional reserve city pursuant to either paragraph (a) or (b) of this section shall not become effective until one year after the date as of which its classification would otherwise be effective under such paragraphs or until after such longer period as the Board may prescribe.

**§ 204.51 [Amendment]**

**§§ 204.52, 204.53 [Revocation]**

3a. Effective June 1, 1961, paragraph (b) of § 204.51 of Part 204, relating to classification of reserve cities, and §§ 204.52 and 204.53 are revoked.

b. Effective July 28, 1962, paragraph (a) of § 204.51, relating to classification of central reserve cities, is revoked.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2). Authority to amend this part is contained in sections 11(e), 11(i), and 19 of the Federal Reserve Act as amended (12 U.S.C. 248 (e), (i), 461, 462, 462b).

To aid in the consideration of the foregoing matter, the Board will consider any relevant data, views, or arguments that may be received in writing not later than April 1, 1961. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the appropriate district for transmittal to the Board.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 61-1955; Filed, Mar. 6, 1961; 8:45 a.m.]

# Notices

## ATOMIC ENERGY COMMISSION

[Docket No. 50-181]

### MARTIN CO.

#### Notice of Issuance of Construction Permit for Production Facility

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Office of the Federal Register on February 10, 1961, the Atomic Energy Commission has issued Construction Permit No. CPCSF-1 authorizing The Martin Company to construct a chemical separation facility at the Company's site at Quehanna, Pennsylvania. Notice of the proposed action was published in the FEDERAL REGISTER on February 11, 1961, 26 F.R. 1231.

Dated at Germantown, Md., this 1st day of March 1961.

For the Atomic Energy Commission.

H. L. PRICE,
*Director,*
*Licensing and Regulation.*

[F.R. Doc. 61-1921; Filed, Mar. 6, 1961; 8:45 a.m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

### AMERICAN MAIL LINE, LTD., ET AL.

#### Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, U.S.C. 814):

Agreement No. 8485-1, between American Mail Line, Ltd., American President Lines, Ltd., and Pacific Far East Line, Inc., modifies approved Agreement No. 8485, providing for a coordinating committee of representatives of each of these companies, to prepare a study and make recommendations for further cooperation between the companies in order to effect economies and more efficient operations in their Trans-Pacific services. The purpose of the modification is to provide that the expenses of the coordinating committee shall be shared by each party on a percentage basis, as set forth in the modification, instead of on an equal basis between the parties, as presently provided.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 2, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-1971; Filed, Mar. 6, 1961; 8:48 a.m.]

### WEST COAST OF ITALY, SICILIAN AND ADRIATRIC PORTS/NORTH ATLANTIC RANGE CONFERENCE

#### Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, U.S.C. 814):

Agreement No. 2846-12, between the member lines of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference, modifies the basic agreement of that conference (No. 2846, as amended), in the trade from West Coast of Italy ports, Sicilian ports, and ports on the Adriatic Sea to North Atlantic ports of the United States. The purpose of the modification is to include a provision dealing with the expulsion of any member from the conference under conditions set forth in the modification.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 2, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-1972; Filed, Mar. 6, 1961; 8:48 a.m.]

### PACIFIC STRAITS CONFERENCE AND COMPAGNIE MARITIME DES CHARGEURS REUNIS

#### Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, U.S.C. 814):

Agreement No. 5680-H, between the member lines of the Pacific Straits Conference and Compagnie Maritime des Chargeurs Reunis covers admission of that carrier to associate membership in that Conference. As an associate member Compagnie Maritime des Charguers Reunis will be obligated to observe all the rates, rules and regulations and decisions of the Conference, will have no vote in Conference affairs, will be permitted to participate in Conference contracts made by the Conference members, and will not share in the expenses of the Conference, except as may be specifically agreed upon between the parties. Agreement No. 5680-H, upon approval, will supersede and cancel Agreement No. 5680-C, the associate membership agreement of Compagnie de Transports Oceaniques with the Pacific Straits Conference.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 2, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-1973; Filed, Mar. 6, 1961; 8:48 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 12130]

### EASTERN AIR LINES, INC., AND MOHAWK AIRLINES, INC.

#### Notice of Prehearing Conference

In the matter of the application of Eastern Air Lines, Inc., and Mohawk Airlines, Inc., under section 401(h) of the Federal Aviation Act of 1958 for approval of the transfer of certain route authority from Eastern Air Lines, Inc., to Mohawk Airlines, Inc.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 14, 1961 at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Chief Examiner Francis W. Brown.

Dated at Washington, D.C., March 2, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-1979; Filed, Mar. 6, 1961; 8:49 a.m.]





[Docket No. 12185; Order No. E-16462]

### OVERSEAS NATIONAL AIRWAYS, INC.

#### Reduced Charter Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of March 1961.

On February 1, 1961, Overseas National Airways, Inc., filed tariff revisions to become effective March 3, 1961, proposing charter rates within the continental United States for DC-6 and DC-7 aircraft of $2.45 per mile, live or ferry. Effective March 12, 1961, ONA proposed to reduce its DC-6 and DC-7 live charter rates between continental United States on the one hand and Guam, Honolulu, or Okinawa on the other hand from $2.552 to $2.407 per aircraft mile.

Telegraphic complaints were received February 23, 1961, from Riddle Airlines, Inc., and from Saturn Airways, Inc., against ONA's March 3 proposal. These carriers have filed written complaints requesting suspension of ONA's rates for CAM movements of $2.45 per aircraft mile. In support of its complaint, Riddle asserts that the prevailing CAM rates are from $2.75 to $3.00 per aircraft mile, that the floor for CAM rates should be higher than those which the Board has established for MATS passenger rates and that Riddle had filed its protest as soon as possible after it became aware of the ONA rates.[1]

The tariffs in question are by their terms applicable to civilian use as well as to military charter service. The Board notes that there have been some recently effective charter rate reductions filed by ONA and by other supplemental carriers and that there are now on file other proposals for reduced charter rates. The Board is concerned with these recent rate proposals which have the outward manifestations of the start of a "rate war" with respect to bids for military traffic. The level of these newly proposed rates for DC-7 aircraft appears below the general pattern established for such aircraft and raises significant questions as to the lawfulness of such proposals.

Upon consideration of this tariff and all relevant matters, the Board finds that such tariff proposals with respect to rates for DC-7 charter service may be unjust or unreasonable or unjustly discriminatory or unduly preferential or unduly prejudicial and should be investigated. In view of the departure of this proposal from the existing general level of rates, and the numerous recent and proposed tariff changes, the Board has concluded to suspend the operation of such DC-7 tariff proposals and the use thereof pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 404, and 1002 thereof,

*It is ordered,* That:

1. An investigation is hereby instituted to determine whether the rates per charter mile and per ferry mile for DC-7 aircraft between points within the Continental United States on 8th and 9th Revised Pages 6, and the rate per charter mile for DC-7 aircraft between Travis A.F.B., California, and Guam, Mariana Islands, or Honolulu, Hawaii, or Okinawa, Ryukyu Islands, on 9th Revised Page 6 of Overseas National Airways, Inc., C.A.B. No. 22 (Overseas National Airways, series) are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates.

2. Pending investigation, hearing, and decision by the Board, the rates per charter mile and per ferry mile for DC-7 aircraft between points within the Continental United States on 8th and 9th Revised Pages 6, and the rate per charter mile for DC-7 aircraft between Travis A.F.B., California, and Guam, Mariana Islands, Honolulu, Hawaii, Okinawa, Ryukyu Islands, on 9th Revised Page 6 of Overseas National Airways, Inc., C.A.B. No. 22 (Overseas National Airways, series), are suspended and their use deferred to and including May 31, 1961, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The complaints of Riddle Airlines, Inc., Docket 12149, and of Saturn Airways, Inc., Docket 12150, are consolidated herein.

4. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

5. Copies of this order shall be filed with the tariff and shall be served upon Riddle Airlines, Inc., Saturn Airways, Inc., and Overseas National Airways, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
*Secretary.*

[F.R. Doc. 61-1980; Filed, Mar. 6, 1961; 8:49 a.m.]

[1] The Board's rules of practice provide that a complaint seeking suspension of a tariff ordinarily will not be considered unless filed within 15 days before the effective date of the tariff complained against. The rules provide that a telegraphic complaint in a shown emergency may be sent within the above time limits but must be confirmed by complaint filed and served. 14 CFR 322.505. Although the telegraphic or written complaints of Riddle and Saturn are not within the 15-day period in our rules, the Board deems the problems presented by the tariff proposals of sufficient importance to consider the question of suspension.

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13955-13957; FCC 61M-325]

### STUART W. EPPERSON ET AL.

#### Order Scheduling Prehearing Conference

In re applications of Stuart W. Epperson, North Wilkesboro, North Carolina, Docket No. 13955, File No. BP-13009; Tobert B. Brown, Taylorsville, North Carolina, Docket No. 13956, File No. BP-13564; Felix C. Abernethy, Granite Falls, North Carolina, Docket No. 13957, File No. BP-13773; for construction permits.

*It is ordered,* This 27th day of February 1961, that a prehearing conference, pursuant to § 1.111 of the Commission's rules, will be held in the above-entitled matter at 10:00 a.m., March 16, 1961, in the Commission's offices in Washington, D.C.

Released: March 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1981; Filed, Mar. 6, 1961; 8:49 a.m.]

[Docket No. 13481; FCC 61M-322]

### NATHAN FRANK (WNBE-TV)

#### Order Scheduling Prehearing Conference

In re proposal filed by Nathan Frank (WNBE-TV), New Bern, North Carolina, Docket No. 13481; for specification of transmitter and antenna site.

The Hearing Examiner having under consideration the Commission's Memorandum Opinion and Order in the above-entitled proceeding released February 27, 1961 (FCC 61-234), deleting the issues and parties respondent and designating new issues and a new party respondent (Richmond Television Corporation, the licensee of Station WRVA-TV, Richmond, Virginia); and, as a consequence thereof, the desirability of scheduling a further prehearing conference as soon as practicable for the purpose of establishing dates and procedural ground rules for the conduct of the hearing;

*It is ordered,* On the Hearing Examiner's own motion, this 28th day of February 1961, pursuant to the provisions of 47 CFR 1.111 that the parties or their counsel are directed to appear for a prehearing conference at the offices of the Commission, Washington, D.C., at 10 a.m., Tuesday, March 14, 1961.[1]

Released: March 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1982; Filed, Mar. 6, 1961; 8:49 a.m.]

[1] In order to conserve time counsel are requested to confer a day or two beforehand with a view to reaching advance agreement upon—such matters as will conduce matepresentation, dates for exchange of exhibits and such other dates as may be deemed necessary. In view of the design of the prehearing conference procedure to encourage the formulation of agreements by the parties looking towards the elimination of unessentials, so that hearing may proceed with proper dispatch, it is requested that the parties or their counsel attend this conference prepared fully to discuss—and to agree upon—such matters as will conduce materially to the attainment of this objective.

[Docket No. 12881; FCC 61M-335]

## STANLEY M. HAUSER

### Order Scheduling Prehearing Conference

In the matter of Stanley M. Hauser, 27 West 84th Street, New York 24, New York, Docket No. 12881; application for renewal of radiotelegraph and radiotelephone first class operator licenses Nos. T1-2-1093; P1-2-6990.

The Examiner having under consideration the "Petition for Pre-Hearing Conference" filed by the Chief, Field Engineering and Monitoring Bureau in the above-entitled matter on February 21, 1961;

It appearing that hearing in the above-entitled matter has been continued without date pending judicial review in a case involving similar facts, and that said judicial review has now been completed, and further proceedings in the instant case can now go forward; and

It further appearing that the petition requests a prehearing conference on March 16, 1961, but that said requested date is not suitable and available to all of the parties;

*It is ordered*, This 1st day of March 1961, that the "Petition for Pre-Hearing Conference" filed by the Chief, Field Engineering and Monitoring Bureau on February 21, 1961, is granted in part, and that a prehearing conference in the above-entitled matter shall be held on March 30, 1961, in the offices of the Commission, Washington, D.C., at 10:00 a.m.

Released: March 2, 1961

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1983; Filed, Mar. 6, 1961; 8:49 a.m.]

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[Docket No. 13601; FCC 61M-326]

## HOPKINSVILLE BROADCASTING CO., INC. (WHOP)

### Order Scheduling Prehearing Conference

In re application of Hopkinsville Broadcasting Company, Incorporated (WHOP), Hopkinsville, Kentucky, Docket No. 13601, File No. BP-12504; for construction permit.

The Hearing Examiner having under consideration "Motion of Extension of Engineering Exchange Date", filed on behalf of the applicant herein on February 24, 1961, in which it is requested that the dates of exchange of affirmative engineering be moved from February 27, 1961, to March 6, 1961, and that a further prehearing conference be held on March 13, 1961;

It appearing that good cause exists why the motion should be granted; the other parties to the proceeding, namely Stations WTCJ, Tell City, Indiana, WHCO, Sparta, Illinois, and Chief Broadcast Bureau have consented to a grant of the instant motion and a waiver of § 1.43 of the Commission's rules thereby permitting immediate consideration of said pleading;

*Accordingly, it is ordered*, This 27th day of February 1961, that the motion for extension of engineering exchange date is hereby granted and the affirmative engineering exhibits shall be exchanged on March 6, 1961;

*It is further ordered*, That a further prehearing conference will be held on March 13, 1961, 10:00 a.m., in the Offices of the Commission, Washington, D.C.;

*It is further ordered*, That the hearing scheduled in this proceeding for March 17, 1961, 10:00 a.m., in the Offices of the Commission, Washington, D.C., be, and the same shall remain in effect.

Released: March 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1984; Filed, Mar. 6, 1961; 8:50 a.m.]

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[Docket Nos. 13805-13807; FCC 61M-334]

## KOMY, INC., ET AL.

### Order Continuing Hearing

In re applications of KOMY, Inc., Watsonville, California, Docket No. 13805, File No. BPH-2942; G. Stuart Nixon, San Jose, California, Docket No. 13806, File No. BPH-2961; Franklin Mieuli (KHIP), San Francisco, California, Docket No. 13807, File No. BPH-3075; for construction permits.

The Hearing Examiner having under consideration a petition to continue hearing filed on February 28, 1961, by Franklin Mieuli;

It appearing that pursuant to previous agreement reached at a prehearing conference the parties propose to use official 1960 U.S. Census data and that such data has not yet been received by the petitioner's consulting engineer; and

It further appearing that all of the other parties have consented to the requested continuance from the present date of March 2 until March 13, 1961;

*It is ordered*, This 1st day of March 1961, that the petition to continue hearing is granted and the hearing is continued from March 2 to March 13, 1961.

Released: March 2, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1985; Filed, Mar. 6, 1961; 8:50 a.m.]

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[Docket Nos. 13848, 13849; FCC 61M-327]

## MARTIN THEATRES OF GEORGIA, INC. (WTVM) AND COLUMBUS BROADCASTING CO., INC. (WRBL-TV)

### Order Continuing Hearing

In re applications of Martin Theatres of Georgia, Inc. (WTVM), Columbus, Georgia, Docket No. 13848, File No. BMPCT-5490; Columbus Broadcasting Company, Inc. (WRBL-TV), Columbus, Georgia, Docket No. 13849, File No. BMPCT-5491; for modification of construction permits.

The Hearing Examiner having under consideration a petition filed February 24, 1961, by the above applicants requesting that the hearing in the above-entitled proceeding now scheduled to begin March 1, 1961, be continued to March 22, 1961; and

It appearing that the applicants intend to file a petition for leave to amend their presently pending application by proposing a reduction in the overall height of said structure, if the lower tower will meet with the approval of the Federal Aviation Agency; and

It further appearing that applicants' proposal to reduce height of antenna structure has been submitted to the Federal Aviation Agency and the continuance is requested to give the Federal Aviation Agency further time to study and take action on the proposal; and

It further appearing that all counsel have agreed to the immediate favorable consideration of the joint petition for continuance, and good cause for granting the same having been shown;

*It is ordered*, This the 27th day of February 1961, that the joint petition for continuance is granted and the hearing now scheduled to begin March 1, 1961, is continued to March 22, 1961.

Released: March 2, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1986; Filed, Mar. 6, 1961; 8:50 a.m.]

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[Docket Nos. 13830-13836; FCC 61M-318]

## MIDDLE TENNESSEE BROADCASTING CO. (WKRM) ET AL.

### Order Scheduling Prehearing Conference

In re applications of The Middle Tennessee Broadcasting Company (WKRM), Columbia, Tennessee, Docket No. 13830, File No. BP-12393; WBAC, Inc. (WBAC), Cleveland, Tennessee, Docket No. 13831, File No. BP-12478; Florence Broadcasting Company, Incorporated (WJOI), Florence, Alabama, Docket No. 13832, File No. BP-13832; Cullman Broadcasting Company, Incorporated (WKUL), Cullman, Alabama, Docket No. 13833, File No BP-13149; Radio Greeneville, Inc. (WGRV), Greeneville, Tennessee, Docket No. 13834, File No. BP-13167; WKGN, Inc. (WKGN), Knoxville, Tennessee, Docket No. 13835, File No. BP-13485; Franklin County Radio and Broadcasting Company, Inc. (WCDT), Winchester, Tennessee, Docket No. 13836, File No. BP-13677; for construction permits.

The Hearing Examiner having under consideration further proceedings in the above-entitled matter;

It appearing that a further prehearing conference in advance of the dates presently set for the exchange of exhibits is highly desirable and that good cause has been shown therefor; and



It further appearing that March 16, 1961, is the presently scheduled date for the exchange of exhibits; and

It further appearing that the presently scheduled dates of April 10, 1961, for notification of witnesses and a further prehearing conference, and April 28, 1961, for the formal hearing should remain firm at this time;

*It is ordered*, On the Examiner's own motion, this 27th day of February 1961, that a further prehearing conference in the above-entitled matter shall be held in the offices of the Commission, Washington, D.C., on March 7, 1961, at 9:30 a.m.

Released: March 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1987; Filed, Mar. 6, 1961; 8:50 a.m.]

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[Docket Nos. 13749-13753; FCC 61M-337]

## ROLLINS BROADCASTING, INC., ET AL.

### Order Scheduling Prehearing Conference

In re applications of Rollings Broadcasting, Inc., Wilmington, Delaware, Docket No. 13749, File No. BPCT-2583; The Wilmington Television Co., Inc., Wilmington, Delaware, Docket No. 13750, File No. BPCT-2603; WHYY, Inc., Wilmington, Delaware, Docket No. 13751, File No. BPCT-2634; Metropolitan Broadcasting Corporation, Wilmington, Delaware, Docket No. 13752, File No. BPCT-2715; National Telefilm Associates, Inc., Wilmington, Delaware, Docket No. 13753, File No. BPCT-2769; for construction permits for new television broadcast stations (Channel 12).

*It is ordered*, This 1st day of March 1961, on the Hearing Examiner's own motion, that all parties or their counsel are directed to appear for a further prehearing conference in the above-captioned proceeding at the offices of the Commission in Washington, D.C., at 2:00 p.m., March 8, 1961.

Released: March 2, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1988; Filed, Mar. 6, 1961; 8:50 a.m.]

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## CHAIRMAN; GENERAL COUNSEL

### Delegation of Authority

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of March 1961;

The Commission having under consideration sections 0.211(d) and 0.322(a) concerning delegations of authority to act within the purview of section 403(a) of the Federal Tort Claims Act;

It appearing that Public Law 86-238, section 1(2), September 8, 1959, 73 Stat. 472, authorized agency heads to act on claims under the Federal Tort Claims Act not exceeding $2,500 rather than claims not exceeding $1,000 as had previously been the case; and

It further appearing that it would be appropriate that sections 0.211(d) and 0.322(a) of the Commission's Statement of Delegations of Authority should conform with the Federal Tort Claims Act, as amended;

*It is ordered*, That, effective March 13, 1961, sections 0.211(d) and 0.322(a) of the Commission's Statement of Organization, Delegations of Authority, and Other Information are amended as follows:

SEC. 0.211 *Delegation to Chairman.*

* * *

(d) To act within the purview of section 403(a) of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, upon tort claims directed against the Commission where the amount of damages does not exceed $2,500.

SEC. 0.322 *Matters delegated to the General Counsel.* (a) The General Counsel is delegated authority to act, in the absence of the Chairman, within the purview of section 403(a) of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, upon tort claims directed against the Commission where the amount of damages does not exceed $2,500.

Released: March 2, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-1989; Filed, Mar. 6, 1961; 8:50 a.m.]

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# FEDERAL POWER COMMISSION

[Docket No. CP61-24 etc.]

## AMERICAN LOUISIANA PIPE LINE CO. ET AL.

### Notice of Applications and Date of Hearing

FEBRUARY 28, 1961.

American Louisiana Pipe Line Company, Docket No. CP61-24;[1] Tidewater Oil Company, Docket No. CI61-125; Pan American Petroleum Corporation, Docket No. CI61-164; Socony Mobil Oil Company, Inc., Docket No. CI61-254; Humble Oil & Refining Company, Docket No. CI61-307; Union Producing Company, Docket No. CI61-318.

Take notice that each of the above has applied for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act. The respective applications, and supplements thereto, are on file with the Commission and open to public inspection.

The independent producer applicants propose to sell to American Louisiana Pipe Line Company (American Louisiana) natural gas produced in the Holly Ridge Field, Tensas Parish, Louisiana, and to charge a total initial price of 19.75 cents per Mcf (at 15.025 psia) consisting of 18.25 cents per Mcf base price plus 1.5 cents per Mcf tax reimbursement. The Commission's Statement of General Policy No. 61-1 (25 F.R. 9578) indicated 17 cents per Mcf plus applicable tax reimbursement as the appropriate price for this area.

American Louisiana proposes to purchase in the Holly Ridge Field approximately 1,362 MMcf per year (at 14.73 psia) and seeks authority to construct and operate (1) approximately 25 miles of 8⅝-inch diameter pipe line to connect with existing main line facilities in Franklin Parish, Louisiana, and (2) appurtenant metering facilities.

American Louisiana estimates the cost of its proposed facilities to be $840,000 and proposes to finance such costs with funds on hand.

American Louisiana states that the dry recoverable gas reserves in the Paluxy "D" producing sand of the Holly Ridge Field totalled approximately 31,056 MMcf (at 14.73 psia), as of July 1, 1960, divided among eight working interests.[2]

American Louisiana states that it will be able to substitute this permanent gas supply for a portion of the spot purchases of gas which it relied upon in its application in Docket No. G-18312 for authority to expand its delivery capacity.

These related applications should be heard on a consolidated record and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on April 10, 1961, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests, petitions to intervene, and notices of intervention may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 22, 1961.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-1974; Filed, Mar. 6, 1961; 8:48 a.m.]

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[Docket Nos. G-14755, G-19780, RP60-8]

## PANHANDLE EASTERN PIPE LINE CO.

### Order Granting Motion for Continuance

FEBRUARY 28, 1961.

On February 15, 1961, Panhandle Eastern Pipe Line Company (Panhandle) filed a motion requesting that the hearing in the above-designated consolidated proceeding be convened on May 2, 1961,

[1] Appendix for mailing addresses of applicants filed as part of original document.

[2] In addition to the five producer applicants, American Louisiana Lists Seaboard Oil Co., J. R. McDermott & Co., Inc., and Colonial Petroleum Inc., as owning minor working interests in the Holly Ridge Field. American Louisiana states it has signed a contract with McDermott. McDermott, however, has not yet applied for a certificate of public convenience and necessity.

in lieu of March 20, 1961, the date said proceeding was set for hearing by Commission order issued January 6, 1961. Objections to the motion were filed on February 27, 1961, by the East Ohio Gas Company.

On December 1, 1960, the Commission in Docket Nos. G–2306, et al. consolidated for hearing numerous certificate proceedings involving Panhandle. Hearings on such proceedings commenced on January 31, 1961, and have been and are continuing to be held from time to time. Panhandle alleges that such proceedings have required and will continue to require Panhandle's technical staff to prepare extensive material. By our order of January 6, 1961, herein, we consolidated for purpose of hearing and set for hearing on March 20, 1961, Panhandle's rate proceedings in Docket Nos. G–14755, G–19780, and RP60–8. The preparation by Panhandle's technical staff in these consolidated proceedings will be extensive. Panhandle alleges that because of the above circumstances it will be physically impossible for Panhandle to present its case on March 20, 1961.

The Commission finds: Good cause exists to grant the motion filed by Panhandle on February 15, 1961, to convene this consolidated proceeding on May 2, 1961, in lieu of March 20, 1961.

The Commission orders: The motion filed by Panhandle on February 15, 1961, to convene this consolidated proceeding on May 2, 1961, is hereby granted.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1975; Filed, Mar. 6, 1961; 8:49 a.m.]

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[Docket No. DA–1011 Calif.]

## CALIFORNIA

### Determination and Vacation of Withdrawals

FEBRUARY 28, 1961.

Lands withdrawn in Power Site Reserve No. 300 and Projects Nos. 98, 226, 1912, and 1995; Docket No. DA–1011—California, United States Department of the Interior.

The Secretary of the United States Department of the Interior has requested that the Commission give consideration to a determination under section 24 of the Federal Power Act with respect to such lands as are withdrawn for power purposes in secs. 16 through 21, T. 13 S., R. 31 E., and in secs. 10 through 14, T. 13 S., R. 30 E., Mount Diablo Meridian, California, in connection with a recreation development within the Cedar Grove area of the Sequoia National Forest and Kings Canyon National Park. Such lands are described as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 13 S., R. 30 E.,
Sec. 10, all;
Sec. 11, W½ and SE¼;
Sec. 12, SW¼;
Sec. 13, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 14, N½.

T. 13 S., R. 31 E.,
Sec. 16, all;
Sec. 17, N½, N½S½, and SE¼SE¼;
Sec. 18, all;
Sec. 19, N½N½;
Sec. 20, N½N½, SE¼NE¼, and E½SE¼;
Sec. 21, W½.

The above-described lands lie on both sides of the South Fork Kings River and its tributary, Roaring River, partly within Kings River Canyon in an area possessing considerable scenic and recreational values.

The lands, except for a few parcels in secs. 16, 17, 19, 20, and 21, T. 13 S., R. 31 E., were variously reserved pursuant to the filing on January 17, 1921, August 11, 1921, and February 7, 1944, respectively, of the applications for preliminary permits for proposed Projects Nos. 98, 226, and 1912. The applications for preliminary permits for proposed Projects No. 98 and 226 were rejected on June 15, 1923, and March 24, 1924, respectively, and the application for a preliminary permit for proposed Project No. 1912 was denied August 22, 1944.

Most of the lands reserved in connection with proposed Project No. 98 were also reserved pursuant to an application filed on May 1, 1948, and later revised, for a preliminary permit for proposed Project No. 1995. Notice of the withdrawal of the lands in connection with Project No. 1995 was not given. The application was subsequently withdrawn.

The lands in the S½ of sec. 16, in the N½S½ of sec. 17, in the S½ of sec. 18, in the N½N½ of sec. 19, in the NW¼NE¼ and the N½NW¼ of sec. 20, and in the W½ of sec. 21, T. 13 S., R. 31 E., are also withdrawn in Power Site Classification No. 300, dated June 9, 1937.

Practically all of the above-described withdrawn lands are also included in First Form Reclamation withdrawals dated January 17, 1939, and March 20, 1939.

The lands lying immediately adjacent to the South Fork Kings River, except for those in secs. 16 and 21, T. 13 S., R. 31 E., upstream from the junction of Roaring River, lie within the boundaries of the Sequoia National Forest. The excepted lands, and the lands lying beyond the river, are within the Kings Canyon National Park. The Cedar Grove Administration Site of the Forest Service, situated in sec. 13, T. 13 S., R. 30 E., was withdrawn by order dated November 1, 1907, and it appears from recent forest maps that portions of the site may be in use as forest camps.

The land in the SE¼SE¼ of sec. 17, T. 13 S., R. 31 E., was patented at the time of its purported withdrawal in connection with Project No. 226.

The land in sec. 16, T. 13 S., R. 31 E., originally a school selection, has been reconveyed, except for the land in the NW¼NE¼ thereof, to the United States. The interest of the United States in the land in the NW¼NE¼ was quitclaimed to the owner in 1957.

The power potential of the greater part of the lands lies in their use for the proposed Cedar Grove project, the damsite for which is located in sec. 10, T. 13 S., R. 30 E., on the South Fork Kings River at the downstream end of the lands. Proposed Projects Nos. 98, 1912, and 1995 contemplated this development which would divert water through a 10-mile tunnel and conduit to a powerhouse downstream in sec. 36, T. 12 S., R. 28 E., and would flood in varying degree portions of the lands as far upstream as sec. 18, T. 13 S., R. 31 E.

The proposed development of the Kings River system, outlined in the California Water Plan, includes a similar Cedar Grove project on a smaller scale.

Proposed Project No. 98, in addition, planned another upstream diversion at the proposed Sentinel Reservoir, dropping water through a conduit to a powerhouse in sec. 13, T. 13 S., R. 30 E. The conduit followed the north bank of the South Fork through secs. 16, 17, and 18, T. 13 S., R. 31 E.

Proposed Project No. 226 contemplated the use of portions of sec. 20, T. 13 S., R. 31 E., for conduit location. A diversion was planned upstream on Roaring River at Roaring Dam, thence through a three-mile conduit to a powerhouse in sec. 17, T. 13 S., R. 31 E., just below the confluence of the two rivers.

Under the various proposed plans practically all of the above-described lands were to be used for plant facilities, dam sites, flowage or conduit and tunnel location.

No plan is known that proposes use of the lands in connection with power development within the foreseeable future.

The Commissions finds:

(1) The lands in the NW¼NE¼ of sec. 16 and in the SE¼SE¼ of sec. 17, T. 13 S., R. 31 E., Mount Diablo meridian, California, are not subject to the provisions of Section 24 of the Federal Power Act, but in any event the existing power withdrawals of record pertaining to said lands serve no useful purpose. Therefore, vacation of the existing withdrawals of record pertaining to said lands under Section 24 of the Federal Power Act pursuant to the filing of the applications for preliminary permits for proposed Projects Nos. 98, 226 and 1995 is in the public interest.

(2) Inasmuch as power development affecting the hereinafter-described lands does not appear imminent and use of said lands in the meantime for other purposes will not injure materially their power value, a determination as hereinafter provided with respect thereto is justified.

The Commissions determines: The value of the following-described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public lands laws, subject to the provisions of Section 24 of the Federal Power Act, as amended:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 13 S., R. 30 E.,
Sec. 10, all;
Sec. 11, W½ and SE¼;
Sec. 12, SW¼;
Sec. 13, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 14, N½.



T. 13 S., R. 31 E.,
Sec. 16, NE¼NE¼, S½NE¼, W½, SE¼;
Sec. 17, N½, and N½S½;
Sec. 18, all;
Sec. 19, N½N½;
Sec. 20, N½N½, SE¼NE¼, and E½SE¼;
Sec. 21, W½.

The Commission orders: The existing power withdrawals of record pertaining to the lands described in finding (1) herein under Section 24 of the Federal Power Act pursuant to the filing of the applications for preliminary permits for proposed Projects Nos. 98, 226 and 1995 are vacated.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1976; Filed, Mar. 6, 1961; 8:49 a.m.]

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# SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3941]

## ALABAMA POWER CO.

### Notice of Proposed Issuance and Sale at Competitiitve Bidding of Bonds

FEBRUARY 27, 1961.

Notice is hereby given that Alabama Power Company ("Alabama"), an electric utility company and a subsidiary company of The Southern Company ("Southern"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized as follows:

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $13,000,000 principal amount of First Mortgage Bonds, -- percent Series due 1991. The interest rate on the new bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Alabama (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture dated as of January 1, 1942, between Alabama and Chemical Bank & Trust Company (now Chemical Bank New York Trust Company), as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of March 1, 1961.

Alabama also proposes to issue 80,000 shares of its $100 par value preferred stock and to sell the same at competitive bidding pursuant to Rule 50 under the Act. The dividend rate of the new preferred stock (which will be a multiple of .04 percent) and the price, exclusive of accrued dividends, to be paid to the company (which will be not less than $100 per share nor more than $102.75 per share) will be determined by the competitive bidding. The general provisions which apply to the preferred stock of all classes which are now or may hereafter be authorized or created are set forth in the joint agreement between Alabama and Birmingham Electric Company dated October 21, 1952. In addition to the terms and conditions therein, Alabama has agreed that further terms and conditions applicable to the preferred stock may be imposed by the order of the Commission with respect to the issuance of the new preferred stock.

The proceeds from the sale of the new bonds and preferred stock are to be applied toward the construction or acquisition of permanent improvements, extensions, and additions to Alabama's utility plant. The company's construction expenditures for the year 1961 are estimated at $51,300,000.

Alabama further proposes to issue, on or prior to June 1, 1961, $2,769,000 principal amount of First Mortgage Bonds, 4⅝ percent Series due 1987 under the provisions of the above-described Indenture and to surrender such bonds to the Trustee on or prior to said date, in accordance with the improvement or sinking fund provisions of the Indenture. The bonds are to be identical with those authorized by the Commission on April 30, 1957 (Holding Company Act Release No. 13457) and are to be issued on the basis of property additions, thus making available for construction purposes cash which would otherwise be used to satisfy the improvement or sinking fund requirements or to purchase bonds for such purpose.

The fees and expenses to be incurred by Alabama are estimated as follows:

| | For the new bonds | For the new preferred stock |
|---|---|---|
| Alabama mortgage privilege tax | $19,500 | |
| Federal original issue tax | 14,300 | $5,000 |
| Filing fee—Securities and Exchange Commission | 1,339 | 824 |
| Charges of trustee (including counsel) | 6,300 | |
| Charges of transfer agent and registrar | | 515 |
| Cost of definitive bonds and stock certificates | 3,500 | 200 |
| Printing and preparation of registration statement, prospectus, competitive bidding papers, supplemental indenture, etc | 6,000 | 6,000 |
| Recording supplemental indenture | 1,500 | |
| Services of Southern Services, Inc | 5,000 | 5,000 |
| Fee of counsel, Winthrop, Stimson, Putnam & Roberts | 8,500 | 6,500 |
| Fee of accountants, Arthur Andersen & Co | 3,000 | 3,000 |
| Miscellaneous, including telephone and telegraph charges and traveling expenses | 2,500 | 2,500 |
| | 71,439 | 32,539 |

The fees of Reid & Priest, independent counsel for the underwriters, are estimated at $5,000 in connection with the sale of the new bonds and $4,000 in connection with the sale of the new preferred stock and are to be paid by the underwriters. The fees and expenses to be paid by Alabama with respect to the issuance of bonds for improvement fund purposes are estimated at $1,250.

The application states that the proposed transactions have been expressly authorized by the Alabama Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the matters proposed.

Notice is further given that any interested person may, not later than March 14, 1961, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61–1960; Filed, Mar. 6, 1961; 8:46 a.m.]

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[File No. 812–1381]

## GEORGE MORDY AND CO., INC.

### Notice of Filing of Application Exempting Transaction Between Affiliates

FEBRUARY 28, 1961.

Notice is hereby given that George Mordy & Co., Inc. ("Mordy"), a corporation organized under the laws of California, has filed an application under section 17(b) of the Investment Company Act of 1940 (the "Act") for an order exempting from the provisions of section 17(a) of the Act the proposed sale by Mordy of its furniture and fixtures, office equipment and office supplies to Mordy & Company ("Purchaser") for $2,754.72.

Purchaser, a California corporation, proposes to sell and issue all of its stock to Spring Street Capital Co. ("Spring Street"), a registered closed-end, non-diversified investment company. The application states that purchaser will render investment advice (at cost) to Spring Street and perform management and technical consulting services for Spring Street and other corporations including possibly concerns in which Spring Street has made investments.

It is represented that the proposed purchase price for the furniture and fixtures will be $917.50. This figure represents an appraisal of the market value of such items made by an independent furniture dealer in the Los Angeles area. The proposed purchase price for the office equipment is $1,664.72; this sum represents the cost of such equipment less

accumulated depreciation. The office supplies are to be purchased for $172.50 which is the cost of such supplies to Mordy.

All of Mordy's voting securities are held by George Mordy and R. Paul Toeppen, both of whom are officers and directors of Spring Street. At the present time, Mordy is in the process of being voluntarily dissolved.

Pursuant to the definition contained in section 2(a)(3) of the Act, Mordy is an affiliated person of Messrs. Mordy and Toeppen and Messrs. Mordy and Toeppen, in turn, are affiliated persons of Spring Street. Generally speaking, section 17(a) of the Act prohibits an affiliated person (Mordy) of an affiliated person (Messrs. Mordy and Toeppen) of a registered investment company (Spring Street) from selling any property to such registered company or any company controlled by such registered company (Purchaser), unless the Commission by order upon application pursuant to section 17(b) of the Act grants an exemption from section 17(a) of the Act, upon a finding that the terms of the proposed transaction, including the consideration to be paid or received are reasonable and fair and do not involve overreaching on the part of any person concerned; and that the proposed transaction is consistent with the policy of the investment company concerned, and consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than March 17, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-1961; Filed, Mar. 6, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 458]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 2, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63758. By order of February 23, 1961, Division 4, acting as an Appellate Division, approved the transfer to L. D. Easter, E. M. Easter, M. E. Easter, L. W. Easter, L. B. Easter, M. M. Morse, and R. L. Easter, a partnership, doing business as Highway Transport Company, Des Moines, Iowa, of Certificates Nos. MC 113617 and MC 113617 Sub 9, issued November 4, 1959, and December 22, 1958, respectively, to L. D. Easter, E. M. Easter, M. E. Easter, L. W. Easter, L. B. Easter and M. M. Morse, a partnership, doing business as Highway Transport Company, Des Moines, Iowa, authorizing the transportation, over irregular routes, of automobiles, in initial movements, in truckaway service, and automobile show equipment, automobile show paraphernalia, and advertising matter used in connection with the distribution and sale of motor vehicles, from Kenosha, Wis., to points in Colorado, Kansas, and Nebraska, new automobiles, and parts, in initial movements, in truckaway service, from Kenosha, Wis., to points in a described portion of Iowa, livestock, between Nevada, Iowa, and points within 10 miles of Nevada north of U.S. Highway 30 on the one hand, and, on the other, Chicago, Ill., from Cambridge, Iowa, and points (including Jordan, Iowa) south of U.S. Highway 30 within 25 miles of Cambridge, to Chicago, Ill., egg cases and fillers, from Chicago, Ill., to Colorado, Iowa, and foreign-made automobiles, in truckaway service, from Kenosha, Wis., to points in Colorado, Nebraska, Kansas, and a described portion of Iowa. William A. Landau, P.O. Box 1634, Des Moines 6, Iowa, practitioner for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-1964; Filed, Mar. 6, 1961; 8:46 a.m.]

[Notice 11]

## APPLICATIONS FOR LOAN GUARANTIES

MARCH 1, 1961.

Notice is hereby given of the filing of the following application under part V of the Interstate Commerce Act:

Finance Docket No. 21494 filed February 28, 1961, by Erie-Lackawanna Railroad Company, 140 Cedar Street, New York 6, New York, for guaranty by the Interstate Commerce Commission of a loan in amount not exceeding $15,000,000. Applicant's representative: M. C. Smith, Jr., Vice President and General Counsel, Erie-Lackawanna Railroad Company, 1336 Midland Building, Cleveland 15, Ohio. Loan is for the purpose of reimbursing applicant's treasury for expenditures made from its own funds after January 1, 1957, for additions and betterments and other capital improvements.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-1965; Filed, Mar. 6, 1961; 8:46 a.m.]

## ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS

MARCH 2, 1961.

The organization minutes of the Interstate Commerce Commission being assignment of work, business and functions pursuant to section 17 of the Interstate Commerce Act, as amended, (49 U.S.C. 17) to become effective March 7, 1961, are set forth below.

[SEAL] HAROLD D. MCCOY, *Secretary.*

Chairman—Everett Hutchinson (Jan. 1, 1961–Dec. 31, 1961).

Vice chairman—Rupert L. Murphy (Mar. 7, 1961–Dec. 31, 1961).

Divisions—

Division One—Commissioners Laurence K. Walrath (Chairman), Rupert L. Murphy and Charles A. Webb.

Division Two—Commissioners Howard G. Freas (Chairman), Abe McGregor Goff and Clyde E. Herring.

Division Three—Commissioners Kenneth H. Tuggle (Chairman), John H. Winchell and Donald P. McPherson.

Commission committees—

Legislation—Everett Hutchinson (as ex officio Chairman), Commissioners Freas and Tuggle.

Rules—Everett Hutchinson (as ex officio Chairman), Vice Chairman Murphy and Commissioner Goff.

NOTE: References are to the Interstate Commerce Act, as amended, unless otherwise specified.

1.1 The following organization schedule and assignment of work and functions shall be effective until duly changed:

DIVISIONS OF THE COMMISSION

2.1 There shall be three divisions of the Commission to be known, respectively, as divisions one, two, and three.

2.2 As provided by section 17 of the Interstate Commerce Act, as amended, each division shall have authority to hear and determine, order, certify, or report or otherwise act as to any work, business, or functions assigned or referred to it under the provisions of that section, and with respect thereto shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations.

2.3 Each division with regard to any case or matter assigned to it, or any question brought to it under this delegation of duty and authority, may call upon the whole Commission for advice and counsel, or for consideration of any case or question by an additional Commissioner or Commissioners assigned thereto; and the Commission may recall and bring before it as such any case, matter or question so allotted or assigned and may either dispose of such case, matter, or question itself, or may assign or refer the matter to the same or another division.

2.4 From such assignment of work there shall be reserved for consideration and disposition by the Commission (1) all investigations on the Commission's own motion heretofore entered upon and hereafter instituted, except as may be otherwise provided, and (2) all applications for rehearing, reargument or other reconsideration and all cases before the Commission for reconsideration, except as hereinafter otherwise provided; and there shall also be excepted from this assignment of work all cases submitted to the Commission and specially referred to a division, the various cases enumerated in any previous order of the Commission as reserved for consideration and disposition by the Commission, and all cases otherwise specially assigned.

2.5 When a Commissioner is transferred from a division he shall continue to serve as a member of such division in lieu of his successor for the purpose of clearing up accumulated work, which shall be limited to the disposition of cases submitted on oral argument prior thereto, and still pending for decision, cases in which drafts of final reports or orders have been circulated, and other matters requiring official action which are under active consideration at the time of the transfer.

2.6 Divisions as constituted prior to March 7, 1961, shall remain in existence for the purpose of disposing of matters circulated to them, or which have been the subject of oral argument, before that date.

TERMS, DUTIES, AND RESPONSIBILITIES OF THE CHAIRMAN, VICE CHAIRMAN, AND SENIOR COMMISSIONER PRESENT

3.1 The Chairman and Vice Chairman each shall be elected by the Commission for a term of one calendar year. Prior to election each must have served three full years as a member of the Commission. Each shall be relieved during his term of any regular assignment as a member of a division. In the absence of the Chairman, his duties and responsibilities are delegated to the Vice Chairman, who shall be Acting Chairman. In the absence of the Vice Chairman, and the Chairman is present, the duties and responsibilities of the Vice Chairman are delegated to the Chairman. In the absence of both the Chairman and Vice Chairman, their respective duties and responsibilities are delegated to the senior Commissioner present, who shall be Acting Chairman. In addition to his duties as indicated under "Assignment of Duties to Individual Commissioners" and "Reporting of Heads of Bureaus and Offices", the Vice Chairman may act as a member of any division of the Commission, when designated by the Chairman, when a member is unable to serve because of absence or other cause. Duties and responsibilities of the Chairman, Vice Chairman and the senior Commissioner present are in addition to any other duties that may be assigned or delegated to them. The following duties and responsibilities are delegated to the Chairman:

3.2(a) He shall be the executive head of the Commission with general responsibility for (1) the over-all management and functioning of the Commission, (2) the formulation of plans and policies designed to increase the effectiveness of the Commission in the administration of the Interstate Commerce Act and related acts, (3) prompt identification and early resolution, at the appropriate level, of major substantive regulatory problems, and (4) the development and improvement of staff support to carry out the duties and functions of the Commission.

(b) Subject to the provisions of paragraph (c) of this item, there are hereby delegated to the Chairman of the Commission the executive and administrative functions of the Commission, including functions of the Commission with respect to: (1) the appointment, supervision, and removal of personnel employed under the Commission, except those in the immediate offices of Commissioners other than the Chairman, subject to Civil Service rules and regulations, (2) the distribution of business among such personnel and among administrative units of the Commission, (3) the use and expenditure of funds, and (4) civil defense and defense mobilization functions transferred, delegated, or assigned to the Commission, including the functions delegated, within the meaning of section 201(a)(3) of Executive Order 10480 of August 14, 1953, as amended, to "the Commissioner of the Interstate Commerce Commission who is responsible for the supervision of the bureau which administers the car-service functions of the Commission". Existing delegations of executive or administrative functions of the divisions, individual Commissioners, boards of employees, or individual employees shall remain in effect until the further order of the Chairman.

(c)(1) In carrying out any of his functions the Chairman shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make. (2) The appointment by the Chairman of the heads of offices and bureaus of the Commission shall be subject to the approval of the Commission.

3.3 He shall preside at all sessions of the Commission, and shall see that every vote and official act of the Commission required by law to be recorded is accurately and promptly recorded by the Secretary or the person designated by the Commission for such purpose.

3.4 Except regular sessions, which shall be provided for by general regulation of the Commission, he shall call the Commission into special session whenever in his opinion any matter or business of the Commission so requires, but he shall, in any event, call a special session for the consideration of any matter or business upon request of a majority of the members.

3.5 He shall exercise general control over the Commission's argument calendar and conference agenda.

3.6 He shall act as correspondent and spokesman for the Commission in all matters where an official expression of the Commission is required.

3.7 He shall (a) bring to the attention of any Commissioner, division, or board any delay or failure in the work under his or its supervision, and (b) initiate ways and means of correcting or preventing avoidable delays in the performance of any work or the disposition of any official matter.

3.8 He shall be ex officio Chairman of the Committee on Legislation and of the Committee on Rules.

3.9 He may designate a Commissioner to fill a vacancy on any Committee until the Commission otherwise orders.

3.10 Pursuant to the general objectives and broad policies, or to specific instructions of the Commission, he shall supervise, guide and direct the Managing Director; the Secretary and the General Counsel in the performance of their duties.

3.11 In accordance with section 1003(a) of the Civil Aeronautics Act of 1938, he is directed, when the occasion arises, in conjunction with corresponding action by the Chairman of the Civil Aeronautics Board, to designate a like number of Commissioners to function as members of a joint board to consider and pass upon matters referred to it as provided under subsection (c) of such section.

3.12 The Chairman may from time to time make such provisions (consistent with the delegation limitations of section 17(2) of the Interstate Commerce Act) as he shall deem appropriate authorizing the performance by any Commissioner or by any officer, employee, or administrative unit under his jurisdiction of any function delegated to the Chairman.

ASSIGNMENT OF DUTIES TO DIVISION

4.1 Work, business, and functions of the Commission are assigned and referred to the respective divisions for action thereon, as follows:

4.2 *Division One—Operating Rights Division.* (a) Section 5(2), so far as related to authorizing continuance of control, within the principle of the Hannon and Schwerman cases, 39 M.C.C. 620, 80 M.C.C. 382, upon institution of newly-authorized operations.

(b) Section 203(b), relating to partial exemption from the provisions of Part II, including determinations as to the necessity for application of Part II to transportation within a municipality, between contiguous municipalities, or within an adjacent zone, and the determination of the limits of such zones, referred to in section 203(b)(8) and to casual transportation operations by motor vehicle, referred to in section 203(b)(9).

(c) Section 204(a)(1), (2), (3), (3a), and (5), so far as relates to reasonable

requirements with respect to continuous and adequate service and transportation of baggage and express by common carriers, and to qualifications and maximum hours of service of employees, safety of operation and equipment, and comfort of passengers, for motor carriers, but not including requirements for the safe transportation of explosives and other dangerous articles, and not including matters assigned to and determined by a Motor Carrier Board pursuant to Item 7.8.

(d) Section 204(a)(4) and section 211 (a) to (c), inclusive, relating to the regulation of brokers (other than their accounts, records, and reports, the transfer of brokers' licenses, changes in control of corporations or associations holding brokers' licenses and security for the protection of the public).

(e) Section 204(a)(4a), relating to certificates of exemption to motor carriers operating solely within a single State.

(f) Section 204(a)(7), so far as relates to inquiries into the management of the business of motor carriers and brokers and persons controlling, controlled by, or under common control with motor carriers, and requests for information deemed necessary to carry out the provisions of Part II.

(g) Section 204(b), relating to the establishment of classifications of brokers or of groups of carriers and just and reasonable rules, regulations and requirements therefor.

(h) Sections 204(c), 304(e) and 403 (f), so far as relating to investigation of complaints of alleged noncompliance with the provisions of Parts II, III, and IV assigned to Division 1 or requirements established pursuant thereto.

(i) Section 204 (e) and (f), and section 204(a)(6), so far as it relates to the lease and interchange of vehicles by motor carriers, including authority to act on applications for approval of contract carrier rental contracts under § 207.6(b) of the lease and interchange regulations (49 CFR 207.6(b)), except, in each case, matters assigned to and determined by a Motor Carrier Board pursuant to Item 7.8.

(j) Sections 206, 207, and 208, relating to certificates of public convenience and necessity.

(k) Section 209, relating to permits.

(l) Section 210, relating to dual operations.

(m) Section 210a(a), relating to applications for temporary authority for service by common or contract carriers by motor vehicle when certified to the Division by the Temporary Authorities Board.

(n) Section 211, relating to brokerage licenses.

(o) Section 212(a) (including section 204(c) when pertinent thereto), relating to suspension, change, and revocation of certificates, permits, and licenses, except determination of uncontested motor carrier revocation proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Temporary Authorities Board.

(p) Section 212(c), relating to issuance of certificates of public convenience and necessity in lieu of permits outstanding on August 22, 1957.

(q) Section 215 and section 211(c), relating to security for the protection of the public, except matters assigned to and determined by a Motor Carrier Board pursuant to Item 7.8.

(r) Section 224, relating to identification of motor carriers.

(s) Section 302(e) and section 303 (b) to (h), inclusive, relating to exemptions of water carriers from the provisions of Part III.

(t) Section 303(1), 309, and 310, relating to certificates of public convenience and necessity and permits; section 311(a), relating to temporary authorities; section 410 (a) to (f), inclusive, section 410 (h) and (i), relating to permits.

(u) Section 304(c) relating to classifications of groups of water carriers subject to Part III and rules, regulations, and requirements relating thereto.

(v) Section 403 (c) and (d), relating to authority to prescribe reasonable rules and regulations governing the filing of surety bonds, policies of insurance, etc., by freight forwarders, except matters assigned to and determined by a Motor Carrier Board pursuant to Item 7.8.

(w) Any matters arising under Parts II, III, and IV not specially assigned or referred to other divisions.

(x) In connection with the foregoing assignments, Division 1 is authorized to institute, conduct, and determine investigations into motor carrier, water carrier, and freight forwarder practices pertaining to matters covered by such assignments.

4.3. *Division Two—Rates, Tariffs, and Valuation Division.* (a) Section 1(14)(b), relating to contracts of common carriers by railroad or express companies for the furnishing of protective service against heat or cold.

(b) Sections 3(2), 223, 318, and 414, so far as relating to the prescription of rules governing the delivery of freight and the settlement of rates and charges, and to prevent unjust discrimination.

(c) Section 4, relating to long-and-short haul and aggregate-of-intermediate rates, and relief therefrom when such proceedings have been formally heard, when applications are certified to the Division by the Fourth Section Board, when fourth-section relief arises as a result of an order or requirements of the Commission, or a division thereof, or when applications are to be considered in connection with general rate-increase proceedings.

(d) Section 5a, relating to agreements between or among carriers.

(e) Section 6, except paragraphs (11) and (12), relating to schedules of carriers under Part I, sections 217 and 218 relating to tariffs of common carriers and schedules of contract carriers under Part II, section 306 relating to tariffs of common carriers and schedules of contract carriers under Part III, and section 405 relating to tariffs of freight forwarders under Part IV—including, among other matters, the promulgation or prescription of forms, specifications, rules, or regulations to effectuate such provisions of law, as well as applications or petitions involving the construction, interpretation or application of such forms, specifications, rules or regulations, except matters arising under section 6(3), 217(c), 218(a), 306(d), 306(e), and 405(d), assigned to and determined by the Special Permission Board pursuant to Item 7.9 unless certified to the Division by the Special Permission Board or recalled by the Division.

(f) Section 6 (11) and (12), relating to jurisdiction over rail and water traffic with respect to physical connections between rail lines and docks, the establishment of proportional rates to or from ports, and through rail-and-water arrangements in foreign commerce, conferred upon the Commission by the Panama Canal Act (49 U.S.C. 51); and section 201(c), Transportation Act, 1920, as amended, 49 U.S.C. 141(c).

(g) Institution of investigations of intrastate rates, fares, and charges, classifications and practices under section 13(3) of Part I and section 406(f) of Part IV on the petition of carriers or freight forwarders.

(h) Sections 15(7), 216(g), 218(c), 307 (g) and (i), and 406(e), relating to the disposition (1) by declining to suspend or (2) by entering an order of investigation or (3) by entering an order of investigation and suspension, either on its own motion or on petitions or requests for suspension of schedules and tariffs, and relating to authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, III, and IV, as ancillary to such investigations or such investigation and suspension proceedings: (1) when there are petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, or (2) when there are involved petitions for suspension of schedules or tariffs filed in purported compliance with any decision, order, or requirement of the Commission or a Division thereof, or (3) when such matter is certified to the Division by the Board of Suspension or recalled by the Division.

(i) Sections 15(13), 225, 314, and 416, relating to fixation of reasonable allowances to the owner of property transported for transportation services rendered, and I. & S. No. 11, The Tap Line Case.

(j) Section 19a, relating to the valuation of the property of carriers.

(k) Section 20 (1) to (10), inclusive; section 204(a) (1), (2), and (4); section 220 (a) to (f), inclusive; section 222 (b), (d), and (g); sections 313, 316(b), 317 (d) and (e); and sections 412, 417(b), and 421 (d) and (e), so far as those sections relate to accounting and statistical reports, records, and accounts of carriers, lessors, brokers, freight forwarders and other persons under Parts I, II, III, and IV, and so far as matters arising under the stated sections are not assigned.

(l) Section 20(11) of Part I, section 219 of Part II and section 413 of Part IV so far as relating to the authorization of



released rates and ratings except matters assigned to and determined by the Released Rates Board pursuant to Item 7.10 unless certified to the Division by the Released Rates Board or recalled by the Division.

(m) Section 22.

(n) Section 204(c), section 304(e), and section 403(f), so far as relating to the investigation of complaints of alleged noncompliance with provisions of Parts II, III, and IV hereinbefore assigned to Division Two or requirements established pursuant thereto, except as otherwise assigned to the Temporary Authorities Board (Item 7.4(b)) and Division 1 (Item 4.2(o)).

(o) Section 220(a) relating to contracts between motor contract carriers and shippers.

(p) Section 304(d) of Part III, relating to relief from the provisions of that part because of competition from carriers engaged in foreign commerce.

(q) Section 409 relating to contracts between freight forwarders and motor carriers, including authority to institute, conduct, and determine investigations pertaining thereto.

(r) All formal cases not otherwise herein assigned or referred to another division, or reserved to the Commission, arising under Part I, and all formal cases involving rates, fares, or charges arising under Parts II, III, and IV.

(s) Matters coming from the Board of Reference, relating to instructions concerning the informal consideration of unusual matters and cases for which there is no governing precedent.

4.4 *Division Three—Finance, Safety, and Service.* (a) Section 1(9), relating to switch connections.

(b) Section 1 (10) to (14)(a), inclusive, and section 1 (15) to (17), inclusive, relating to car-service and emergency directions with respect thereto, except matters assigned to and determined by the Safety and Service Boards pursuant to Item 7.7.

(c) Section 1 (18) to (20), inclusive, relating to certificates of public convenience and necessity, except determination of applications which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by a Finance Board or recalled by the Division. (See Item 7.6(c).)

(d) Section 1(21) so far as relating to the compulsory construction of new roads or procurements of additional facilities.

(e) Section 3(5), relating to requirement of common use of terminals and compensation therefor.

(f) Section 5(1), relating to the pooling of traffic, service, or gross or net earnings of common carriers subject to the act.

(g) Section 5(2) (except matters assigned to Item 4.2(a) to (13), inclusive, relating to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control of carriers, noncarrier control, and trackage rights, including matters of public convenience and necessity under section 207 and consistency with the public interest under section 209 directly related thereto, except determination of applications under section 5(2) and aforesaid related matters under sections 207 and 209 which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by a Finance Board or recalled by the Division. (See Item 7.6 (a) and (c).)

(h) Section 5 (14) to (16), inclusive, relating to common control of railroads and common carriers by water.

(i) Section 13a, relating to discontinuances or changes of railroad operations or services.

(j) Section 15(10), relating to the direction of the routing of unrouted traffic.

(k) Sections 20a (other than matters assigned under Item 6.6(a) relating to interlocking directorates) and 214, relating to securities, except determination of applications which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by a Finance Board or recalled by the Division. (See Item 7.6 (a), (b), and (c).)

(l) Section 20b relating to voluntary adjustments of capital structures under Part I.

(m) Matters arising under section 20c, providing for the recording of equipment trust agreements and other documents relating to lease or conditional sale of railroad equipment.

(n) Section 25 (a) to (g), inclusive, as amended, relating to the installment and maintenance of safety devices by carriers by railroad except matters assigned to and determined by the Safety and Service Boards pursuant to Item 7.7.

(o) Section 204(a) (1), (2), (3), and (5) of Part II, so far as relating to the establishment of reasonable requirements for the safe transportation of explosives and other dangerous articles, including flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, radioactive materials, etiologic agents, and poisonous substances, except matters assigned to and determined by the Safety and Service Boards pursuant to Item 7.7.

(p) Section 204(a)(4) relating to transfer of brokers' licenses and changes in control of corporations or associations holding brokers' licenses; sections 212(b) and 312 relating to transfer of certificates and permits; and section 410(g) relating to transfer of permits; except determination of applications which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by the Transfer Board or recalled by the Division. (See Item 7.5.)

(q) Sections 204(c), 304(e), and 403 (f), so far as relating to the investigation of complaints of alleged noncompliance with provisions of Parts II, III, and IV, hereinbefore assigned to Division 3 or requirements established pursuant thereto.

(r) Sections 210a(b) and 311(b) relating to applications for temporary authority when certified to the Division by a Finance Board or recalled by the Division. (See Items 7.6(a)(2) and 7.6 (c)(3).)

(s) Section 403(b), relating to establishment of reasonable requirements with respect to continuous and adequate service by freight forwarders.

(t) Section 404(d), relating to agreements between freight forwarders for joint loading of traffic.

(u) Section 411 (d) and (f), relating to investigation of alleged violations of section 411 (a), (b), and (c).

(v) Part V, relating to the guaranty of loans to common carriers by railroad, excepting matters relating to the closing of such transactions which are delegated by Item 6.6(b) hereof to the Chairman of Division 3, unless certified to the Division by said Commissioner.

(w) The Uniform Bankruptcy Act, as amended, 11 U.S.C. relating to the reorganization of corporations subject to the exercise of the regulatory powers of the Commission.

(x) Section 3 of Public Law No. 478 relating to review by the Commission prior to confirmation by the courts of plans of reorganization previously approved by the Commission.

(y) Matters arising under the Clayton Antitrust Act, as amended.

(z) Standard Time Act of March 19, 1918, as amended, 15 U.S.C. 261–265, inclusive.

(aa) Matters arising under the Transportation of Explosives and Dangerous Articles Act, Accident Reports Act (except requests for public inspection of reports described in § 125.9 of the rules governing monthly reports of railroad accidents), Safety Appliance Acts, Power or Train Brakes Safety Appliance Act of 1958, Hours of Service Act, Locomotive Inspection Act, Medals of Honor Act, Ash Pan Act, Railroad Retirement Act of 1937, Railroad Retirement Tax Act, Railroad Unemployment Insurance Act, the Railway Labor Act, as respectively amended; the Block Signal Resolution of June 30, 1906, and Sundry Civil Appropriation Act of May 27, 1908; Postal Service Acts, so far as those Acts relate to duties of the Commission, except matters assigned to and determined by the Safety and Service Boards pursuant to Item 7.7.

COMMITTEES OF THE COMMISSION

5.1 There shall be a Committee on Legislation and a Committee on Rules composed of 3 Commissioners each.

ASSIGNMENT OF DUTIES TO INDIVIDUAL COMMISSIONERS

6.1 The following portions of the work, business, and functions of the Commission are assigned and referred to individual Commissioners as herein designated:

CHAIRMAN OF THE COMMISSION

6.2 (a) Entry of reparation orders responsive to findings authorizing the filing of statements as provided in Rule 100 of the General Rules of Practice.

(b) Claims arising under Federal Tort Claims Act, 28 U.S.C. 2671 et seq., except claims covered by section 2672 of that Act.

(c) Approval for publication of statistical releases.

(d) Postponement of the effective date of orders in proceedings which are the subject of suits brought in a court to enjoin, suspend, or set aside the decision, order, or requirement therein.

VICE CHAIRMAN OF THE COMMISSION

6.3 (a) Authority to permit the use of prescribed accounts for carriers and other persons under Parts I, II, III, and IV, which by provisions of their own texts require special authority.

(b) Authority to permit departures from general rules prescribing uniform systems of accounts for carriers and other persons under Parts I, II, III, and IV.

(c) Authority to prescribe by order, rates of depreciation to be used by individual carriers by railroad, water, and pipe line.

(d) Authority to issue special authorizations permitted by the prescribed regulations governing the destruction of records of carriers subject to Parts I, II, III, and IV.

(e) With respect to carriers and other persons subject to Parts I, II, III, and IV, (1) authority to grant extensions of time for filing annual, periodical, and special reports, and (2) authority to grant exemptions to individual carriers from the reporting and accounting requirements.

(f) Requests for (1) access to waybills or photostat copies thereof, and (2) public inspection of reports described in § 125.9 of the Rules Governing Monthly Reports of Railroad Accidents.

(g) Approval of research projects with consultation with the Commission as a whole from time to time as matters require.

(h) Ex Parte No. 13, with respect to modifications under section 6(3) of posting requirements of section 6(1).

(i) Reduced rates authorizations in cases of calamitous visitation under section 22.

(j) Matters coming from the Informal Case Branch of the Bureau of Traffic.

(k) Valuation reports in connection with matters which do not involve the taking of testimony at a public hearing, or the submission of evidence by opposing parties in the form of affidavits.

(l) Admission, disbarment, and suspension of practitioners before the Commission under §§ 1.7 to 1.13, inclusive, of the General Rules of Practice.

CHAIRMAN OF THE RESPECTIVE DIVISIONS; CHAIRMAN OF THE COMMISSION

6.4 Merely procedural matters in any formal case or pending matter, and extensions of time for compliance with orders (except in investigations on the Commission's own motion), in any such case or matter which is not the subject of a suit in court, when the subject matter or particular proceeding has been or is assigned or referred to the division: *Provided*, That if the proceeding has been assigned to a Commissioner for administrative handling or preparation of report, such Commissioner shall act on such procedural matters (including extensions of time for compliance with orders); and if the subject matter or particular proceeding has not been assigned or referred to a division or to a Commissioner, the Chairman of the Commission may act on such matters.

CHAIRMAN OF DIVISION THREE

6.5 (a) Applications under section 20a(12) for authority to hold the position of officer or director of more than one corporation.

(b) Matters relating to the closing of transactions in accordance with such terms and conditions as may have been prescribed by the Commission or Division 3 under the provisions of Part V of the Act, including the execution on behalf of the Commission of contracts and other instruments incident to the closing of such transactions. The Commissioner may certify to Division 3 any matter which in his judgment should be passed on by that division, or the Commission.

6.6 Dismissal of complaints upon requests of complainants. (If the proceeding has been assigned to a Commissioner, the Commissioner to whom it is assigned; otherwise, to the Chairman of the Commission.)

ASSIGNMENTS TO BOARDS

7.1 The following portions of the work, business, and functions of the Commission are assigned to Boards of employees. Such portions relate to proceedings or classes of proceedings that do not involve issues of general transportation importance. The right to apply to the Commission for rehearing, reargument or reconsideration of a decision, order or requirement of an appellate division upon a petition filed by a party to the original order, action or requirement of any such board is restricted, under the authority granted by section 17(6) of the Interstate Commerce Act as herein provided.

7.2 *Fourth Section Board.* Section 4, relating to long-and-short-haul and aggregate-of-intermediate rates, and relief therefrom, except proceedings made the subject of formal hearing, matters prompted by an order or requirement of the Commission or a division thereof, or matters arising from general increase proceedings. The Board may certify to Division 2 any matter which, in its judgment, should be passed on by that division or the Commission.

7.3 *Board of Suspension.* Section 15(7), 216(g), 218(c), 307 (g) and (i), and 406(e), relating to the initial disposition (1) by declining to suspend or (2) by entering an order of investigation or (3) by entering an order of investigation and suspension, either on its own motion or on petitions or requests for suspension of schedules and tariffs, and relating to authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, III, and IV, as ancillary to such investigations or such investigation and suspension proceedings; and the authority, prior to submission of evidence, to enter orders discontinuing any proceeding when the schedules or tariffs under which the proceeding arose have been cancelled. This delegation of authority shall not include (1) petitions or requests relating to schedules or tariffs filed in purported compliance with any decision or order of the Commission or a division thereof, (2) petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, nor (3) any action in connection with suspensions to be taken during or after formal hearings or investigations. The Board may certify to Division 2 any matter which, in its judgment, should be passed upon by that division or the Commission.

7.4 *Temporary Authorities Board.* (a) Section 210a(a), relating to applications for temporary authority for service by common or contract carriers by motor vehicle, except applications involving broad questions of policy; matters in which the decision of the Board would be inconsistent with an order of the Commission or a division; matters in which substantially the same question is already before the Commission or a division; and applications received as a result of strikes which allegedly disrupt transportation in the areas involved. Matters herein excepted from the Board's jurisdiction shall be certified to Division 1 under Item 7.4(e).

(b) Entry of show-cause orders under sections 204(c) and 212(a) relating to the failure of motor carriers to file annual reports.

(c) Determination of uncontested motor carrier revocation proceedings under section 212(a) which have not involved the taking of testimony at a public hearing.

(d) Any matter referred to the Board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(e) The Board may certify to Division 1 any matter which in the Board's judgment should be passed on by that division, or the Commission.

7.5 *The Transfer Board.* (a) Determination of applications under section 204(a)(4) relating to transfer of brokers' licenses and changes in control of corporations or associations holding brokers' licenses; sections 212(b) and 312 relating to transfer of certificates and permits; and section 410(g) relating to transfer of permits, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(b) Any matter referred to the Board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(c) The Board may certify to Division 3 any matter which in the Board's judgment should be passed on by that division, or the Commission.

7.6 *Finance Boards.* (a) Finance Board No. 1:

(1) Determination of applications (except matters assigned in Item 4.2(a)) relating to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control of motor carriers, and non-carrier control of such carriers, including matters of public convenience and necessity under section 207 and consistency with the public interest under section 209 directly related thereto, and issuance of securities and assumption of obligations under section 214 in connection therewith, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. The term "motor carriers" as used herein does not include a motor carrier which also is a carrier subject to part I or part III of the Interstate Commerce Act.

(2) Section 210a(b) relating to applications for temporary authority, and continuance of temporary authority under section 9(b) of the Administrative Procedure Act and interpretative special rules (49 CFR 2.1 to 2.4).

(b) Finance Board No. 2: Determination of applications under sections 20a (1) to (11), inclusive, and 214 relating to securities when not connected with an application under section 1(18)–(20) or section 5(2) and which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(c) Finance Board No. 3:

(1) Determination of applications under section 1 (18) to (20), inclusive, relating to certificates of public convenience and necessity, and issuance of securities and assumption of obligations under section 20a in connection therewith, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(2) Determination of applications under section 5(2) (except matters assigned in Item 4.2(a)) relating to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control of carriers, by railroad or water, non-carrier control of such carriers, and trackage rights; and applications under section 20a (1) to (11), inclusive, relating to securities of carriers, in connection with the aforesaid applications under section 5(2), which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(3) Section 311(b) relating to applications for temporary authority, and continuance of temporary authority under section 9(b) of the Administrative Procedure Act and interpretative special rules (49 CFR 2.1 to 2.4).

(d) Any matter referred to a Finance Board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(e) Any Finance Board may certify to Division 3 any matter which in the Board's judgment should be passed on by that division, or the Commission, and Division 3 may recall any matter from a Finance Board.

7.7 *Safety and Service Boards.* (a) Safety and Service Board No. 1—Railroad Safety and Service Board:





(1) Proceedings relating to car-service and emergency directions with respect thereto, including suspension of any or all rules, regulations or practices, promulgation of just and reasonable directions without regard to ownership to best promote the service in the interest of the public and the commerce of the people, require joint and common use of terminals, including main line track or tracks for reasonable distances outside such terminals, and promulgate directions for preference or priority in transportation, embargoes, or movement of traffic under permits, except controversies between carriers as to compensation, under provisions of section 1 (15) and (16) which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(2) Proceedings relating to the installation and maintenance of safety devices by carriers by railroad under provisions of section 25 (a) to (g), inclusive, as amended, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(3) Matters arising under the Accident Reports Act (except requests for public inspection of reports described in § 125.9 of the rules governing monthly reports of railroad accidents), Safety Appliance Act, Power or Train Brakes Safety Appliance Act of 1958, Hours of Service Act, Locomotive Inspection Act (except matters relating to personnel and compensation and matters specifically delegated to the Director of Locomotive Inspection), and Ash Pan Act, except to recommend institution of civil and criminal proceedings for enforcement of statutory provisions relating to safety of railroad operation, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(b) Safety and Service Board No. 2—Explosive and Other Dangerous Articles Board: Proceedings relating to the establishment of reasonable requirements for the safe transportation of explosives and other dangerous articles, including flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, radioactive materials, etiologic agents, and poisonous substances, under provisions of the Explosives Act, 18 U.S.C. 831–835 and section 204(a) (1), (2), (3), and (5) of Part II except provisions relating to the use of other Governmental agencies and facilities for the making of tests and experiments to be paid for by the Commission, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(c) Any matter referred to the Safety and Service Boards which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(d) Any Safety and Service Board may certify to Division 3 any matter which in the Board's judgment should be passed on by that Division or the Commission, and Division 3 may recall any matter from a Safety and Service Board.

7.8 *Motor Carrier Boards.* (a) Motor Carrier Board No. 1:

(1) Section 211(c) relating to bonds or other security to assure financial responsibility of brokers, section 215 with respect to the furnishing by motor carriers of bonds, insurance, or other security, for the protection of the public, and section 403 (c) and (d) with respect to the furnishing by freight forwarders of bonds, insurance, or other security for the protection of the public, except matters which involve or have involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(2) Section 221 (a) and (c) relating to the designation by motor carriers and brokers of persons upon whom orders and notices may be served and the designation of agents upon whom service of process may be made, except matters which involve or have involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(b) Motor Carrier Board No. 2:

(1) Section 204(a) (1), (2), (3), (3a), and (5) so far as relates to reasonable requirements with respect to qualifications and maximum hours of service of employees, safety of operation and equipment, and comfort of passengers under section 204(a)(3a), for motor carriers, including the issuance and release of motor carrier accident investigation reports, but not including requirements for the safe transportation of explosives and other dangerous articles, not including the entering into arrangements for the making of tests and experiments by other governmental agencies or the use of facilities of other governmental agencies where the cost thereof is to be paid by the Commission, and not including matters which involve or have involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(2) Section 222(d) relating to authorizing or directing the disclosure of information concerning motor carrier accidents and compliance by motor carriers with the safety regulations (49 CFR parts 190–198) coming to the knowledge of Commission employees during the course of inspections made under authority of section 220, except when the authorizing or directing of the disclosure involves or has involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(c) Motor Carrier Board No. 3: Section 204 (e) and (f) and section 204(a)(6) so far as they relate to the lease and interchange of vehicles by motor carriers, including authority to act on applications for approval of contract carrier rental contracts under § 207.6(b) of the lease and interchange regulations (49 CFR 207.6(b)), except, in each case, matters which involve or have involved the taking of testimony at a public hearing or the submission of evidence

by opposing parties in the form of affidavits.

(d) Any matter referred to a Motor Carrier Board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(e) Any Motor Carrier Board may certify to Division 1 any matter which in the Board's judgment should be passed on by that division, or the Commission, and Division 1 may recall any matter from a Motor Carrier Board.

7.9 *Special Permission Board.* Special permissions or other permissible waivers of rules regarding schedules of rates, etc., under sections 6(3), 217(c), 218(a), 306(d), 306(e), and 405(d), including authorization for the cancellation of suspended tariffs or schedules, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. The Board may certify to Division 2 any matter which, in the Board's judgment, should be passed upon by that division, and Division 2 may recall any matter from the Special Permission Board.

7.10 *Released Rates Board.* Section 20(11) of Part I; section 219 of Part II and section 413 of Part IV, so far as relating to applications for authorization to establish released rates and ratings which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. The Board may certify to Division 2 any matter which, in the Board's judgment, should be passed upon by that division, and Division 2 may recall any matter from the Released Rates Board.

REHEARINGS AND FURTHER PROCEEDINGS

8.1 For the proper and more convenient dispatch of business, and to the ends of justice, the following regulations of the conduct of proceedings are adopted (in addition to those governing the parties, as set out in the rules of practice), in respect of rehearings, reconsiderations, further hearings, and supplementary proceedings, as the result of the filing of petitions by parties to the decisions, orders, or requirements of divisions of the Commission, individual Commissioners, hearing officers, or boards of employees.

8.2 In respect of all such matters, petitions for reconsideration, reargument, or rehearing of any order, decision, or requirement of an individual Commissioner as herein authorized, or for rehearing, reargument, or reconsideration of a decision, order or requirement of an individual Commissioner or hearing officer which has become effective as an order of the Commission through absence of stay or exception, shall be considered and disposed of by the division (acting in an appellate capacity and with administrative finality within the meaning of § 1.101(c) of the rules of practice) to which the general subject is referred, and if the general subject has not been referred to a division, then by the Commission.

8.3 Petitions for rehearing, reconsideration or further hearing in respect of any order, decision, or requirement of a division shall be considered and disposed of by the division (acting as an appellate division) which made the order, decision, or requirement, as constituted at the time of such order, decision, or requirement, except that if one or more members of the original division are no longer Commissioners, such petitions shall be considered and disposed of by the division of the same number as then constituted; provided, that in cases in respect of which it has been determined and announced by the Commission that issues of general transportation importance are involved, such petitions shall be considered and disposed of by the Commission.

8.4 Division 1 is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action, or requirement of the Temporary Authorities Board under paragraphs (a) and (b) of Item 7.4, and of the Motor Carrier Boards under paragraphs (a), (b), and (c), of Item 7.8 shall be assigned or referred for disposition (except as otherwise provided in Item 7.4(a)), and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

8.5 Division 2 is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action, or requirement of the Fourth Section Board under Item 7.2, the Board of Suspension under Item 7.3, the Special Permission Board under Item 7.9 or the Released Rates Board under Item 7.10 shall be assigned or referred for consideration and action. When so acting, it shall have all authority which the Board is authorized to exercise. Decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

8.6 Division 3 is hereby designated as an appellate division—

(a) To which applications or petitions for reconsideration or review, based on an allegation of error on the merits, in whole or in part, of any order, action or requirement of The Transfer Board under Item 7.5(a), or the Finance Boards under Items 7.6 (a), (b), and (c) shall be assigned or referred for disposition, and the decisions or orders of the appellate division shall not be subject to review by the Commission. All other petitions, seeking modification of any order, action, or requirement of any such Board, or supplementary authority in the proceeding, shall be determined by the Board, whose order, action, or requirement is sought to be modified.

(b) To which applications or petitions for reconsideration or review of any order, action or requirement of the Safety and Service Boards under Item 7.7 (a) and (b) shall be assigned or referred for disposition and the decisions or orders of the appellate division shall be administratively final and not be subject to review by the Commission.

8.7 Announcements of the staying or postponement of decisions, orders, or requirements of divisions, individual Commissioners, or boards when petitions for rehearing, reargument, or reconsideration are filed before such decisions, orders, or requirements have become effective, will be made by the Secretary or under his direction.

REPORTING OF HEADS OF BUREAUS AND OFFICES

9.1 All heads of offices and bureaus shall report to the Chairman. That will be done through the Vice Chairman, in the case of the Managing Director, and directly, in the cases of the General Counsel and Secretary. The heads of the Bureaus of Operating Rights, Rates & Practices, and Finance, shall report through the Chairmen of Divisions 1, 2, and 3, respectively. All remaining bureau heads shall report through the Vice Chairman.

[F.R. Doc. 61-2018; Filed, Mar. 6, 1961; 8:51 a.m.]

## FOURTH SECTION APPLICATION FOR RELIEF

MARCH 2, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36939: *Liquid fertilizers to WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2169), for interested rail carriers. Rates on liquid fertilizers, as described in the application, in tank-car loads, from Calgary, Fort Saskatchewan, Medicine Hat, Alberta, Canada, and Warfield, British Columbia, Canada, to points in western trunk-line territory.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplement 8 to Canadian National Railways tariff I.C.C. W. 716. Supplement 10 to Canadian Pacific Railway Company tariff I.C.C. W. 1071.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-1963; Filed, Mar. 6, 1961; 8:46 a.m.]

# DEPARTMENT OF THE TREASURY

## Bureau of Narcotics

## BASIC CLASSES OF NARCOTIC DRUGS

### Addition to Existing Classification

On January 4, 1961, a notice was published in the FEDERAL REGISTER (26 F.R. 14), which as corrected on January 6, 1961 (26 F.R. 113), stated that the Commissioner of Narcotics, pursuant to the provisions of section 6 of the Narcotics Manufacturing Act of 1960 (74 Stat. 61, 21 U.S.C. 504) and 21 CFR 307.71-307.72, proposed to add certain drugs and their salts, which have heretofore been determined to be narcotic drugs as defined in 26 U.S.C. 4731, as amended, to the existing classification of "basic classes of narcotic drugs" enumerated in section 3(g) of the Narcotics Manufacturing Act of 1960 (74 Stat. 56, 21 U.S.C. 502).

After due notice and opportunity for public hearing, and after consideration of all relevant matters, the addition to the list of "basic classes of narcotic drugs" has been determined, under paragraphs (d) and (e) of 21 CFR 307.72, to be consistent with the law and the public health and safety and the following drugs and their salts are hereby established as new basic classes of narcotic drugs to be added to the existing classification set forth in section 3(g) of the Narcotic Manufacturing Act of 1960:

Dihydromorphine.
Diphenoxylate (Ethyl 1-(3-cyano-3, 3-diphenylpropyl)-4-phenyl-4-piperidinecarboxylate).
Metazocine (2'-Hydroxy-2,5,9-trimethyl-6,7-benzomorphan).
Oxymorphone (14-Hydroxydihydromorphinone).
Pholcodine (morpholinyl-ethylmorphine).
Piminodine (Ethyl-4-phenyl-1-[3-(phenylamino)-propyl]-4-piperidine carboxylate).

[SEAL] H. J. ANSLINGER, *Commissioner of Narcotics.*

Approved: February 27, 1961.

A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F.R. Doc. 61-1977; Filed, Mar. 6, 1961; 8:49 a.m.]

## Office of the Secretary

[AA 643.3-W]

## PORTLAND CEMENT FROM BELGIUM

### Determination of Sales at Less Than Fair Value

MARCH 1, 1961.

A complaint was received that Portland cement, other than white, nonstaining Portland cement, from Belgium was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Portland cement, other than white, nonstaining Portland cement, from Belgium, except as to importations from the firm of Cimenteries et Briqueteries Reunies, is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The United States Tariff Commission is being advised of this determination.

*Statement of reasons.* The available information established that the appropriate fair value comparison is between purchase price and adjusted home market price.

Because the terms of delivery of the cement sold to United States purchasers varied, the purchase price for the purpose of the fair value comparison was calculated by deducting from the basic delivered price the costs, as applicable, of unloading and loading in the United States, duty, ocean freight and insurance, stowage, and inland freight in Belgium.

The adjusted home market price was computed on the basis of the delivered price exclusive of packing. From this price were deducted, as applicable, a quantity discount equal to that granted in the home market for quantities equivalent to those sold to the United States purchasers, a cash discount, inland freight, laboratory research and the cost of technical assistance to users, advertising and publicity costs, association dues, commission, and sales and administrative expenses. All the foregoing deductions were applied to arrive at the adjusted home market price to be compared with the purchase price of importations entered prior to July 5, 1960, the date when the current antidumping regulations became effective. The calculation of adjusted home market price for comparison with the purchase price of importations entered thereafter disallowed advertising and publicity, association dues, laboratory research, and sales and administrative expenses to the extent to which they were not shown to come within the scope of the circumstance of sale provision of the current antidumping regulations. In all instances an addition was made to account for the cost of export packing.

Purchase price was found to be lower than adjusted home market price for the period prior to July 5, 1960, except as to the firm of Cimenteries et Briqueteries Reunies. On and after July 5, 1960, purchase price was less than adjusted home market price by an even greater margin as to the firms other than Cimenteries et Briqueteries Reunies. With regard to this firm, the imported cement consisted of type I and type III cement in bags and type I cement in bulk. Only type I cement in bags was found to have a purchase price less than adjusted home market price on and after July 5, 1960.

Importations of type I cement in bags from Cimenteries et Briqueteries Reunies since July 5, 1960, have been not more than insignificant, and this manufacturer has given satisfactory assurance that there will be no further shipments at less than fair value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F.R. Doc. 61-1978; Filed, Mar. 6, 1961; 8:49 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

[Bureau Order 551, Amdt. 69]

## FUNCTIONS RELATING TO TRIBAL PROGRAMS

### Redelegation of Authority

MARCH 1, 1961.

Order 551, as amended, is further amended by addition of a new section, under the heading Functions Relating to Tribal Programs, to read as follows:

SEC. 336. *Authority under the Act of August 25, 1959 (73 Stat. 420), Public Law 86-192.* (a) All of the authority contained in the act except as provided in paragraph (b) of this section.

(b) The authority given in paragraph (a) of this section does not include:

(1) To approve or convey assets to the legal entity as provided by section 1(a).

(2) To dispose of the unsold Chickasaw portion of the one-half interest in the mineral rights on jointly owned lands as provided by section 1(a).

(3) To transfer Secretarial functions as provided by section 5.

JOHN O. CROW, *Acting Commissioner.*

[F.R. Doc. 61-1957; Filed, Mar. 6, 1961; 8:45 a.m.]

## Office of the Secretary

## TERRITORIES AND TERRITORIAL GOVERNMENT

### Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 250—OFFICE OF TERRITORIES

CHAPTER 2—TERRITORIES AND TERRITORIAL GOVERNMENT

250.2.1 *American Samoa—A. Administration, Collection and Enforcement of Internal Revenue Code of 1954.* (1) The Governor of American Samoa, through the Director of Territories, is delegated the authority of the Secretary of the Interior (Treasury Dept. Order 150-55, January 19, 1961; 26 F.R. 800) to perform the functions of the Internal Revenue Service in the administration, collection and enforcement in American Samoa of the taxes imposed by Chapters 2 and 21 of the Internal Revenue Code of 1954.

(2) *Limitation.* The authority delegated shall be exercised generally in conformity with the policies, procedures, and instructions established for the Internal Revenue Service.

250.2.2 *Guam—A. Administration, Collection and Enforcement of Internal Revenue Code of 1954.* (1) The Governor of Guam, through the Director of Territories, is delegated the authority of the Secretary of the Interior (Treasury Dept. Order 150-55, January 19, 1961; 26 F.R. 800) to perform the functions of the Internal Revenue Service in the administration, collection, and enforcement in Guam of the taxes imposed by Chapters 2 and 21 of the Internal Revenue Code of 1954.

(2) *Limitation.* The authority delegated shall be exercised generally in conformity with the policies, procedures, and instructions established for the Internal Revenue Service.

STEWART L. UDALL, *Secretary of the Interior.*

FEBRUARY 27, 1961.

[F.R. Doc. 61-1959; Filed, Mar. 6, 1961; 8:45 a.m.]

[Order 2640, Amdt. 13]

## NATIONAL PARK SERVICE

### Delegations of Authority

MARCH 1, 1961.

Order No. 2640, dated June 11, 1951 (16 F.R. 5846), is amended as follows:

A new section, numbered 40 and reading as follows, is added thereto:

SEC. 40. The Director is authorized to exercise all of the authority of the Secretary under the act of June 27, 1960 (74 Stat. 220), with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

STEWART L. UDALL,
*Secretary of the Interior.*

[F.R. Doc. 61-1966; Filed, Mar. 6, 1961; 8:46 a.m.]

# OFFICE OF CIVIL AND DEFENSE MOBILIZATION

## DAVID C. HOLUB

### Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement, published August 18, 1960 (25 F.R. 8011).

Dated: February 1, 1961.

DAVID C. HOLUB.

[F.R. Doc. 61-1953; Filed, Mar. 6, 1961; 8:45 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 307]

## ALABAMA, GEORGIA, AND MISSISSIPPI

### Declaration of Disaster Area

Whereas, it has been reported that during the month of February 1961, because of the effects of certain disasters, damage resulted to property located in the States of Alabama, Georgia, and Mississippi;

Whereas, the Small Business Administration has investigated conditions in the areas affected;

Whereas, after evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Acting Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the States of Alabama, Georgia, and Mississippi, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about February 19 through 25, 1961:

Offices: Small Business Administration Regional Office, 90 Fairlie Street NW. Atlanta 3, Ga. Small Business Administration Branch Office, Exchange Building, Room 206, 2109 Fifth Avenue, North, Birmingham 3, Ala. Small Business Administration Branch Office, 511 East Yazoo Street, Jackson, Miss.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1961.

Dated: February 27, 1961.

FRANK STEMPLE,
*Acting Deputy Administrator.*

[F.R. Doc. 61-1962; Filed, Mar. 6, 1961; 8:46 a.m.]



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Washington, Wednesday, March 8, 1961

THE UNIVERSITY OF MICHIGAN
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**FEDERAL REGISTER**

Telephone WOrth 2-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10925

### ESTABLISHING THE PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY

WHEREAS discrimination because of race, creed, color, or national origin is contrary to the Constitutional principles and policies of the United States; and

WHEREAS it is the plain and positive obligation of the United States Government to promote and ensure equal opportunity for all qualified persons, without regard to race, creed, color, or national origin, employed or seeking employment with the Federal Government and on government contracts; and

WHEREAS it is the policy of the executive branch of the Government to encourage by positive measures equal opportunity for all qualified persons within the Government; and

WHEREAS it is in the general interest and welfare of the United States to promote its economy, security, and national defense through the most efficient and effective utilization of all available manpower; and

WHEREAS a review and analysis of existing Executive orders, practices, and government agency procedures relating to government employment and compliance with existing non-discrimination contract provisions reveal an urgent need for expansion and strengthening of efforts to promote full equality of employment opportunity; and

WHEREAS a single governmental committee should be charged with responsibility for accomplishing these objectives:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

PART I—ESTABLISHMENT OF THE PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY

SECTION 101. There is hereby established the President's Committee on Equal Employment Opportunity.

SEC. 102. The Committee shall be composed as follows:

(a) The Vice President of the United States, who is hereby designated Chairman of the Committee and who shall preside at meetings of the Committee.

(b) The Secretary of Labor, who is hereby designated Vice Chairman of the Committee and who shall act as Chairman in the absence of the Chairman. The Vice Chairman shall have general supervision and direction of the work of the Committee and of the execution and implementation of the policies and purposes of this order.

(c) The Chairman of the Atomic Energy Commission, the Secretary of Commerce, the Attorney General, the Secretary of Defense, the Secretaries of the Army, Navy and Air Force, the Administrator of General Services, the Chairman of the Civil Service Commission, and the Administrator of the National Aeronautics and Space Administration. Each such member may designate an alternate to represent him in his absence.

(d) Such other members as the President may from time to time appoint.

(e) An Executive Vice Chairman, designated by the President, who shall be *ex officio* a member of the Committee. The Executive Vice Chairman shall assist the Chairman, the Vice Chairman and the Committee. Between meetings of the Committee he shall be primarily responsible for carrying out the functions of the Committee and may act for the Committee pursuant to its rules, delegations, and other directives. Final action in individual cases or classes of cases may be taken and final orders may be entered on behalf of the Committee by the Executive Vice Chairman when the Committee so authorizes.

SEC. 103. The Committee shall meet upon the call of the Chairman and at such other times as may be provided by its rules and regulations. It shall (a) consider and adopt rules and regulations to govern its proceedings; (b) provide generally for the procedures and policies to implement this order; (c) consider reports as to progress under this order; (d) consider and act, where necessary or appropriate, upon matters which may be presented to it by any of its members; and (e) make such reports to the President as he may require or the Committee shall deem appropriate. Such reports shall be made at least once annually and shall include specific references to the actions taken and results achieved by each department and agency. The Chairman may appoint sub-committees to make special studies on a continuing basis.

PART II—NONDISCRIMINATION IN GOVERNMENT EMPLOYMENT

SECTION 201. The President's Committee on Equal Employment Opportunity established by this order is directed immediately to scrutinize and study employment practices of the Government of the United States, and to consider and recommend additional affirmative steps which should be taken by executive departments and agencies to realize more fully the national policy of nondiscrimination within the executive branch of the Government.

SEC. 202. All executive departments and agencies are directed to initiate forthwith studies of current government employment practices within their responsibility. The studies shall be in such form as the Committee may prescribe and shall include statistics on current employment patterns, a review of current procedures, and the recommendation of positive measures for the elimination of any discrimination, direct or indirect, which now exists. Reports and recommendations shall be submitted to the Executive Vice Chairman of the Committee no later than sixty days from the effective date of this order, and the Committee, after considering such reports and recommedations, shall report to the President on the current situation and recommend positive measures to accomplish the objectives of this order.

SEC. 203. The policy expressed in Executive Order No. 10590 of January 18, 1955 (20 F.R. 409), with respect to the exclusion and prohibition of discrimination against any employee or applicant for employment in the Federal Government because of race, color, religion, or national origin is hereby reaffirmed.

SEC. 204. The President's Committee on Government Employment Policy, established by Executive Order No. 10590 of January 18, 1955 (20 F.R. 409), as amended by Executive Order No. 10722 of August 5, 1957 (22 F.R. 6287), is hereby abolished, and the powers, functions, and duties of that Committee are hereby transferred to, and henceforth shall be vested in, and exercised by, the President's Committee on Equal Employment Opportunity in addition to the powers conferred by this order.

PART III—OBLIGATIONS OF GOVERNMENT CONTRACTORS AND SUBCONTRACTORS

SUBPART A—CONTRACTORS' AGREEMENTS

SECTION 301. Except in contracts exempted in accordance with section 303 of this order, all government contracting agencies shall include in every government contract hereafter entered into the following provisions:

"In connection with the performance of work under this contract, the contractor agrees as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor,

state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

"(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(4) The contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

"(5) The contractor will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(6) In the event of the contractor's non-compliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, and such other sanctions may be imposed and remedies invoked as provided in the said Executive order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

"(7) The contractor will include the provisions of the foregoing paragraphs (1) through (6) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for non-compliance: *Provided, however*, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

SEC. 302. (a) Each contractor having a contract containing the provisions prescribed in section 301 shall file, and shall cause each of its subcontractors to file, Compliance Reports with the contracting agency, which will be subject to review by the Committee upon its request. Compliance Reports shall be filed within such times and shall contain such information as to the practices, policies, programs, and employment statistics of the contractor and each subcontractor, and shall be in such form, as the Committee may prescribe.

(b) Bidders or prospective contractors or subcontractors may be required to state whether they have participated in any previous contract subject to the provisions of this order, and in that event to submit, on behalf of themselves and their proposed subcontractors, Compliance Reports prior to or as an initial part of their bid or negotiation of a contract.

(c) Whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or other representative of workers, the Compliance Report shall include such information as to the labor union's or other representative's practices and policies affecting compliance as the Committee may prescribe: *Provided*, that to the extent such information is within the exclusive possession of a labor union or other workers' representative and the labor union or representative shall refuse to furnish such information to the contractor, the contractor shall so certify to the contracting agency as part of its Compliance Report and shall set forth what efforts he has made to obtain such information.

(d) The Committee may direct that any bidder or prospective contractor or subcontractor shall submit, as part of his Compliance Report, a statement in writing, signed by an authorized officer or agent of any labor union or other workers' representative with which the bidder or prospective contractor deals, together with supporting information, to the effect that the said labor union's or representative's practices and policies do not discriminate on the grounds of race, color, creed, or national origin, and that the labor union or representative either will affirmatively cooperate, within the limits of his legal and contractual authority, in the implementation of the policy and provisions of this order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the order. In the event that the union or representative shall refuse to execute such a statement, the Compliance Report shall so certify and set forth what efforts have been made to secure such a statement.

SEC. 303. The Committee may, when it deems that special circumstances in the national interest so require, exempt a contracting agency from the requirement of including the provisions of section 301 of this order in any specific contract, subcontract, or purchase order. The Committee may, by rule or regulation, also exempt certain classes of contracts, subcontracts, or purchase orders (a) where work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved; (b) for standard commercial supplies or raw materials; or (c) involving less than specified amounts of money or specified numbers of workers.

SUBPART B—LABOR UNIONS AND REPRESENTATIVES OF WORKERS

SEC. 304. The Committee shall use its best efforts, directly and through contracting agencies, contractors, state and local officials and public and private agencies, and all other available instrumentalities, to cause any labor union, recruiting agency or other representative of workers who is or may be engaged in work under government contracts to cooperate with, and to comply in the implementation of, the purposes of this order.

SEC. 305. The Committee may, to effectuate the purposes of section 304 of this order, hold hearings, public or private, with respect to the practices and policies of any such labor organization. It shall from time to time submit special reports to the President concerning discriminatory practices and policies of any such labor organization, and may recommend remedial action if, in its judgment, such action is necessary or appropriate. It may also notify any Federal, state, or local agency of its conclusions and recommendations with respect to any such labor organization which in its judgment has failed to cooperate with the Committee, contracting agencies, contractors, or subcontractors in carrying out the purposes of this order.

SUBPART C—POWERS AND DUTIES OF THE PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY AND OF CONTRACTING AGENCIES

SEC. 306. The Committee shall adopt such rules and regulations and issue such orders as it deems necessary and appropriate to achieve the purposes of this order, including the purposes of Part II hereof relating to discrimination in government employment.

SEC. 307. Each contracting agency shall be primarily responsible for obtaining compliance with the rules, regulations, and orders of the Committee with respect to contracts entered into by such agency or its contractors, or affecting its own employment practices. All contracting agencies shall comply with the Committee's rules in discharging their primary responsibility for securing compliance with the provisions of contracts and otherwise with the terms of this Executive order and of the rules, regulations, and orders of the Committee pursuant hereto. They are directed to cooperate with the Committee, and to furnish the Committee such information and assistance as it may require in the performance of its functions under this order. They are further directed to appoint or designate, from among the agency's personnel, compliance officers. It shall be the duty of such officers to seek compliance with the objectives of this order by conference, conciliation, mediation, or persuasion.

SEC. 308. The Committee is authorized to delegate to any officer, agency, or employee in the executive branch of the Government any function of the Committee under this order, except the authority to promulgate rules and regulations of a general nature.



SEC. 309. (a) The Committee may itself investigate the employment practices of any government contractor or subcontractor, or initiate such investigation by the appropriate contracting agency or through the Secretary of Labor, to determine whether or not the contractual provisions specified in section 301 of this order have been violated. Such investigation shall be conducted in accordance with the procedures established by the Commitee, and the investigating agency shall report to the Committee any action taken or recommended.

(b) The Committee may receive and cause to be investigated complaints by employees or prospective employees of a government contractor or subcontractor which allege discrimination contrary to the contractual provisions specified in section 301 of this Order. The appropriate contracting agency or the Secretary of Labor, as the case may be, shall report to the Committee what action has been taken or is recommended with regard to such complaints.

SEC. 310. (a) The Committee, or any agency or officer of the United States designated by rule, regulation, or order of the Committee, may hold such hearings, public or private, as the Committee may deem advisable for compliance, enforcement, or educational purposes.

(b) The Committee may hold, or cause to be held, hearings in accordance with subsection (a) of this section prior to imposing, ordering, or recommending the imposition of penalties and sanctions under this order, except that no order for debarment of any contractor from further government contracts shall be made without a hearing.

SEC. 311. The Committee shall encourage the furtherance of an educational program by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate or reduce the basic causes of discrimination in employment on the ground of race, creed, color, or national origin.

SUBPART D—SANCTIONS AND PENALTIES

SEC. 312. In accordance with such rules, regulations or orders as the Committee may issue or adopt, the Committee or the appropriate contracting agency may:

(a) Publish, or cause to be published, the names of contractors or unions which it has concluded have complied or have failed to comply with the provisions of this order or of the rules, regulations, and orders of the Committee.

(b) Recommend to the Department of Justice that, in cases where there is substantial or material violation or the threat of substantial or material violation of the contractual provisions set forth in section 301 of this order, appropriate proceedings be brought to enforce those provisions, including the enjoining, within the limitations of applicable law, of organizations, individuals or groups who prevent directly or indirectly, or seek to prevent directly or indirectly, compliance with the aforesaid provisions.

(c) Recommend to the Department of Justice that criminal proceedings be brought for the furnishing of false information to any contracting agency or to the Committee as the case may be.

(d) Terminate, or cause to be terminated, any contract, or any portion or portions thereof, for failure of the contractor or subcontractor to comply with the nondiscrimination provisions of the contract. Contracts may be terminated absolutely or continuance of contracts may be conditioned upon a program for future compliance approved by the contracting agency.

(e) Provide that any contracting agency shall refrain from entering into further contracts, or extensions or other modifications of existing contracts, with any non-complying contractor, until such contractor has satisfied the Committee that he has established and will carry out personnel and employment policies in compliance with the provisions of this order.

(f) Under rules and regulations prescribed by the committee, each contracting agency shall make reasonable efforts within a reasonable time limitation to secure compliance with the contract provisions of this order by methods of conference, conciliation, mediation, and persuasion before proceedings shall be instituted under paragraph (b) of this section, or before a contract shall be terminated in whole or in part under paragraph (d) of this section for failure of a contractor or subcontractor to comply with the contract provisions of this order.

SEC. 313. Any contracting agency taking any action authorized by this section, whether on its own motion, or as directed by the Committee, or under the Committee's rules and regulations, shall promptly notify the Committee of such action or reasons for not acting. Where the Committee itself makes a determination under this section, it shall promptly notify the appropriate contracting agency of the action recommended. The agency shall take such action and shall report the results thereof to the Committee within such time as the Committee shall provide.

SEC. 314. If the Committee shall so direct, contracting agencies shall not enter into contracts with any bidder or prospective contractor unless the bidder or prospective contractor has satisfactorily complied with the provisions of this order or submits a program for compliance acceptable to the Committee or, if the Committee so authorizes, to the contracting agency.

SEC. 315. Whenever a contracting agency terminates a contract, or whenever a contractor has been debarred from further government contracts, because of noncompliance with the contractor provisions with regard to nondiscrimination, the Committee, or the contracting agency involved, shall promptly notify the Comptroller General of the United States.

SUBPART E—CERTIFICATES OF MERIT

SEC. 316. The Committee may provide for issuance of a United States Government Certificate of Merit to employers or employee organizations which are or may hereafter be engaged in work under government contracts, if the Committee is satisfied that the personnel and employment practices of the employer, or that the personnel, training, apprenticeship, membership, grievance and representation, upgrading and other practices and policies of the employee organization, conform to the purposes and provisions of this order.

SEC. 317. Any Certificate of Merit may at any time be suspended or revoked by the Committee if the holder thereof, in the judgment of the Committee, has failed to comply with the provisions of this order.

SEC. 318. The Committee may provide for the exemption of any employer or employee organization from any requirement for furnishing information as to compliance if such employer or employee organization has been awarded a Certificate of Merit which has not been suspended or revoked.

PART IV—MISCELLANEOUS

SECTION 401. Each contracting agency (except the Department of Justice) shall defray such necessary expenses of the Committee as may be authorized by law, including section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691): *Provided*, that no agency shall supply more than fifty per cent of the funds necessary to carry out the purposes of this order. The Department of Labor shall provide necessary space and facilities for the Committee. In the case of the Department of Justice, the contribution shall be limited to furnishing legal services.

SEC. 402. This order shall become effective thirty days after its execution. The General Services Administration shall take appropriate action to revise the standard Government contract forms to accord with the provisions of this order and of the rules and regulations of the Committee.

SEC. 403. Executive Order No. 10479 of August 13, 1953 (18 F.R. 4899), together with Executive Orders Nos. 10482 of August 15, 1953 (18 F.R. 4944), and 10733 of October 10, 1957 (22 F.R. 8135), amending that order, and Executive Order No. 10557 of September 3, 1954 (19 F.R. 5655), are hereby revoked, and the Government Contract Committee established by Executive Order No. 10479 is abolished. All records and property of or in the custody of the said Committee are hereby transferred to the President's Committee on Equal Employment Opportunity, which shall wind up the outstanding affairs of the Government Contract Committee.

JOHN F. KENNEDY

THE WHITE HOUSE,
*March 6, 1961.*

[F.R. Doc. 61-2093; Filed, Mar. 7, 1961; 10:06 a.m.]

# Rules and Regulations

## Title 12—BANKS AND BANKING

### Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 14,361]

### PART 545—OPERATIONS

#### Loans

MARCH 2, 1961.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of liberalization of certain limitations and requirements in paragraphs (c) and (d) of § 545.6–14 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–14), to wit, the requirement in paragraph (c) of that section that the security instrument provide that the loan is in default if the development has not been commenced on or before the expiration of nine months after date of said instrument, and the limitation in paragraph (d) of that section that in no event shall more than 85 percent of the principal obligation of the loan be disbursed until completion of the development, by deleting such limitations and requirements from said paragraphs (c) and (d), and upon the basis of consideration by it of the advisability for purposes of clarification of redesignating paragraphs (d) and (e) of said § 545.6–14 by changing the designation of paragraph (d) to paragraph (e) and by changing the designation of paragraph (e) to (d), to provide a better and more orderly sequence of such paragraphs to deal with general aspects of specific loans before dealing with disbursements of loans proceeds, and for rearranging the sequence of the contents of redesignated paragraph (d) for the purpose of clarity, and for the purpose of effecting such liberalizations and clarification, as aforesaid, hereby amends said paragraphs (c), (d) and (e) of said § 545.6–14 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–14) to read, and to be designated, as follows, effective March 8, 1961:

(c) *Limitations on specific loans.* Loans under this section shall be made to finance, within the meaning of the last paragraph of subsection (c) of said section 5, the acquisition and development of land for primarily residential usage. Such land shall be located within the association's regular lending area, and such loans shall be loans on the security of first liens on real estate, in fee simple, consisting of land the development of which is to be financed by the loan. The principal obligation of each such loan shall be specified in the security instrument with respect to such loan and shall not exceed 60 percent of the value of such real estate security therefor as of the completion of such development. Any such loan shall be repayable within 3 years and the interest on any such loan shall be payable at least semiannually. The security instrument with respect to each such loan shall require development of such real estate security to be commenced not more than nine months after the date of such instrument. Notwithstanding any other provision of this section, no such loan shall exceed the principal obligation as so set forth in such security instrument, or 60 percent of the value of such real estate security therefor at the time such loan is made and prior to the commencement of the development thereof plus 60 percent of the cost of the development thereof, whichever is the lesser. The value of such real estate security (1) as of the completion of such development and (2) at the time the loan is made and prior to the commencement of such development shall be determined by the association before the making of the loan, after obtaining appraisal or appraisals thereof in accordance with § 545.6–9, without regard to any provisions of § 545.6–9 relating solely to insured or guaranteed loans, and all references in this section to the value of the real estate security shall mean the respective values as so determined before the making of the loan.

(d) *Establishment and maintenance of records.* (1) A Federal association shall not make any loan pursuant to this section unless and until it has obtained a written report on the credit standing of the applicant and the financial ability of the applicant to undertake and pay off the obligation involved in the loan, nor unless and until the applicant for such loan shall have executed and filed with the association a certificate stating (i) the name and address of the applicant; (ii) the name and address of the principal or principals for whose benefit the loan is sought, if the applicant is acting as an agent or nominee or in behalf of any other person, partnership, corporation, or syndicate; (iii) if the applicant or such principal is a partnership, corporation, or syndicate, the name and address of each and every person who has an interest in or is an officer of, and the nature and extent of each such person's interest in, such partnership, corporation, or syndicate; and (iv) the date on which such real estate security was, or is to be, acquired by such applicant, or by the principal if the applicant is acting as an agent or nominee, the cost of such security to such applicant or principal, and the cost of completion of development of such security, as estimated by such applicant or principal.

(2) With respect to each loan under this section a Federal association shall include and preserve in its record of such loan each certificate and each report referred to in this section and the date and amount of each appraisal and each determination of value referred to in this section, and shall maintain such additional records as will establish that the loan and all disbursements made in connection therewith are in accordance with the provisions of this section.

(e) *Disbursements.* No Federal association shall (1) before commencement of the development of the real estate security for a loan which has been made pursuant to the provisions of this section disburse from the proceeds of such loan an amount equal to more than 60 percent of the value of such real estate security at the time the loan is made and prior to the commencement of the development thereof, or (2) after commencement of the development of the real estate on the security of which such a loan has been made and prior to the completion thereof make any disbursement of such loan proceeds when such disbursement, together with all prior disbursements, exceeds 60 percent of such value of the real estate security plus 60 percent of the cost of such development at the date of such disbursement.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as said liberalizing amendments relieve restriction, and the amendments redesignating paragraphs (d) and (e) and rearranging the sequence of redesignated paragraph (d) are intended solely for purposes of clarity and involve no substantive change, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act, and for the same cause, deferment of the effective date thereof is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 61–2022; Filed, Mar. 7, 1961; 8:50 a.m.]

[No. 14,362]

### PART 545—OPERATIONS

#### Loans

MARCH 2, 1961.

Resolved, that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of subparagraph (4) of paragraph (a) of § 545.6–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–1) so as to liberalize the terms of said subparagraph with respect to the provision in subdivision (ix) thereof limiting the aggregate amount of all loans made by an association pursuant to said subparagraph (4) to an amount not to exceed 10 percent of the association's capital, as therein provided, by changing said 10 percent limitation to 15 percent of the association's capital for said purposes, and by adding a new subdivision to said subparagraph (4) authorizing, under specified conditions, the making of construction loans under the provisions of said subparagraph (4) as hereinafter set forth, and for the purpose of effecting such liberalization, hereby amends said subparagraph (4) as follows, effective March 8, 1961:

(1) Subdivision (viii) of said subparagraph (4) is hereby amended by striking the word "and" at the end of said subdivision (viii).

(2) Subdivision (ix) of said subparagraph (4) is hereby amended to read as follows:

(ix) (*a*) The resulting aggregate of the principal amount of such loan as specified in accordance with subdivision (iii) of this subparagraph and of the association's investment in the principal amount of all other loans made under this subparagraph, exclusive of any loan with respect to which the association's investment in the principal amount thereof does not exceed 80 percent of the value of the property according to the appraisal on which such loan was made (or 80 percent of the purchase price set forth in the certification specified in subdivision (vii) of this subparagraph, if such purchase price is less than such value), does not, at the time of any disbursement on such loan, exceed 15 percent of the association's capital.

(b) The record of each such loan shall show the date and amount of the appraisal on which the loan was made and the date of approval of the loan, and the association shall, so long as the loan is outstanding and in any event for a period of at least three years from the date of any disbursement on the loan, retain in its record of the loan the foregoing data and all reports and certifications referred to in this subparagraph. Notwithstanding any other provision of this part, a Federal association, without the prior written approval by the Board, may not participate in the making of, and may not purchase or sell, any loan, and may not purchase or sell any participation in any loan, made under the provisions of this subparagraph: *Provided*, That the provisions of this sentence shall not apply to any loan the unpaid principal of which does not exceed 80 percent of the value of the property according to the appraisal on which such loan was made and does not exceed 80 percent of the purchase price set forth in the certification specified in subdivision (vii) of this subparagraph; and

(3) That said subparagraph (4) be amended by adding a new subdivision (x) at the end of said subparagraph (4) to read as follows:

(x) Notwithstanding the requirements in subdivision (ii) of this subparagraph that construction be completed prior to the date on which the security instrument securing the loan is executed and prior to the date on which any disbursement on the loan is made, a loan under this subparagraph (4) may be made to finance the construction of a structure as described in subdivision (ii) hereof: *Provided*, That the amount by which such a loan exceeds 80 percent of the value of the real estate shall not be disbursed unless and until (*a*) construction has been fully completed, (*b*) the property has been sold and title has been conveyed to a purchaser who has executed an agreement with the association assuming and agreeing to pay the loan, and (*c*) there is compliance with all of the provisions of this subparagraph (4) except as specifically waived in this subdivision (x): *And provided further*, That, for the purpose of such compliance the unpaid balance of the loan at the date of execution of the said assumption agreement shall be deemed to be the principal obligation of the loan; the date of execution of the said assumption agreement shall be deemed to be the date of approval of the loan, of the purchase of the property, of the execution of the security instrument, and of disbursement of the loan; the person or concern to whom the loan was made to finance construction shall be deemed to be the vendor; and the purchaser shall be deemed to be the borrower.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947, Supp.)

Resolved further that, as said amendments only relieve restriction, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act and, as said amendments relieve restriction, deferment of the effective date thereof is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 61–2023; Filed, Mar. 7, 1961; 8:50 a.m.]

## Title 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1956 C.C.C. Grain Price Support Bulletin 1, Supp. 6, Amdt. 2, Corn]

### PART 421—GRAINS AND RELATED COMMODITIES

#### Subpart—1956-Crop Corn Extended Re-Extended Reseal Loan Program

STORAGE PAYMENT ADVANCE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 2047 and 4710, and containing the specific requirements of the 1956-crop extended re-extended reseal loan program for corn are amended as follows:

Section 421.2160(b) is amended by changing subparagraph (3) to (4) and adding a new subparagraph (3) thereto to provide for making an advance of the storage payment to be earned under subparagraphs (1) and (2) of this paragraph.

§ 421.2160 Storage and track-loading payments.

* * * * * *

(b) * * *

(3) *Storage payment advance.* Storage payments provided under subparagraphs (1) and (2) of this paragraph shall be advanced to producers beginning March 1, 1961, on corn under reseal loan as of March 1, 1961, in the amount of $0.07 per bushel. The balance of the storage payment due a producer shall be paid at the time of settlement in accordance with the applicable provisions under subparagraphs (1) and (2) of this paragraph and other applicable provisions of the regulations. If a producer receives payment of any amount to which he is not entitled under the provisions of subparagraph (4) of this paragraph, he shall refund such amount plus interest at the rate of 6 percent per annum promptly upon demand by CCC.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 2d day of March 1961.

H. D. GODFREY, *Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 61–2039; Filed, Mar. 7, 1961; 8:52 a.m.]

[1959 C.C.C. Grain Price Support Reseal Loan Bulletin, Amdt. 2]

### PART 421—GRAINS AND RELATED COMMODITIES

#### Subpart—1959-Crop Reseal Loan Programs for Barley, Corn, Grain Sorghums and Wheat

STORAGE PAYMENT ADVANCE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 2049 and 4856, and containing the specific requirements of the 1959 crop reseal loan programs for barley, corn, grain sorghums and wheat are amended as follows:

Section 421.4560(a) is amended by changing subparagraph (3) to (4) and adding a new subparagraph (3) thereto to provide for making an advance of the storage payment to be earned under subparagraphs (1) and (2) of this paragraph.

§ 421.4560 Storage and track-loading payments.

(a) * * *

(3) *Storage payment advance.* Storage payments provided under subpara-

graphs (1) and (2) of this paragraph shall be advanced to producers beginning March 1, 1961, on grain under reseal loan as of March 1, 1961, in the following amounts: corn, barley and wheat $0.07 per bushel; and grain sorghums $0.12 per hundredweight. The balance of the storage payment due a producer shall be paid at the time of settlement in accordance with the applicable provisions under subparagraphs (1) and (2) of this paragraph and other applicable provisions of the regulations. If a producer receives payment of any amount to which he is not entitled under the provisions of subparagraph (4) of this paragraph, he shall refund such amount plus interest at the rate of 6 percent per annum promptly upon demand by CCC.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 105, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c; 7 U.S.C. 1421, 1441, 1442)

Issued this 2d day of March 1961.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 61-2040; Filed, Mar. 7, 1961; 8:52 a.m.]

[1958 C.C.C. Grain Price Support Extended Reseal Loan Bulletin, Amdt. 2]

## PART 421—GRAINS AND RELATED COMMODITIES

### Subpart—1958-Crop Extended Reseal Loan Programs for Barley, Corn, Grain Sorghums, Oats and Wheat

STORAGE PAYMENT ADVANCE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3613 and 4710, and containing the specific requirements of the 1958-crop extended reseal loan programs for barley, corn, grain sorghums, oats and wheat are amended as follows:

Section 421.3559(b) is amended by changing subparagraph (3) to (4) and adding a new subparagraph (3) thereto to provide for making an advance of the storage payment to be earned under subparagraphs (1) and (2) of this paragraph.

§ 421.3559 Storage and track-loading payments.

* * * * *

(b) * * *

(3) *Storage payment advance.* Storage payments provided under subparagraphs (1) and (2) of this paragraph shall be advanced to producers beginning March 1, 1961, on grain under reseal loan as of March 1, 1961, in the following amounts: corn, barley and wheat $0.07 per bushel; oats, $0.05 per bushel; and grain sorghums $0.12 per hundredweight. The balance of the storage payment due a producer shall be paid at the time of settlement in accordance with the applicable provisions under subparagraphs (1) and (2) of this paragraph and other applicable provisions of the regulations. If a producer receives payment of any amount to which he is not entitled under the provisions of subparagraph (4) of this paragraph, he shall refund such amount plus interest at the rate of 6 percent per annum promptly upon demand by CCC.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, 1054, 15 U.S.C. 714c; 7 U.S.C. 1421, 1441, 1442, 1447)

Issued this 2d day of March 1961.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 61-2041; Filed, Mar. 7, 1961; 8:52 a.m.]

[1957 C.C.C. Grain Price Support Re-Extended Reseal Loan Bulletin, Amdt. 2]

## PART 421—GRAINS AND RELATED COMMODITIES

### Subpart—1957-Crop Re-Extended Reseal Loan Programs for Corn and Wheat

STORAGE PAYMENT ADVANCE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 2051 and 4710, and containing the specific requirements of the 1957-crop re-extended reseal loan programs for corn and wheat are amended as follows:

Section 421.2884(b) is amended by changing subparagraph (3) to (4) and adding a new subparagraph (3) thereto to provide for making an advance of the storage payment to be earned under subparagraphs (1) and (2) of this paragraph.

§ 421.2884 Storage and track-loading payments.

* * * * *

(b) * * *

(3) *Storage payment advance.* Storage payments provided under subparagraphs (1) and (2) of this paragraph shall be advanced to producers beginning March 1, 1961, on grain under reseal loan as of March 1, 1961, in the following amounts: corn and wheat $0.07 per bushel. The balance of the storage payment due a producer shall be paid at the time of settlement in accordance with the applicable provisions under subparagraphs (1) and (2) of this paragraph and other applicable provisions of the regulations. If a producer receives payment of any amount to which he is not entitled under the provisions of subparagraph (4) of this paragraph, he shall refund such amount plus interest at the rate of 6 percent per annum promptly upon demand by CCC.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, 15 U.S.C. 714, 7 U.S.C. 1441, 1442, 1421)

Issued this 2d day of March 1961.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 61-2042; Filed, Mar. 7, 1961; 8:53 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 685; Amdt. 261]

## PART 507—AIRWORTHINESS DIRECTIVE

### Hiller UH-12D and UH-12E Series Helicopters

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on February 21, 1961, and made effective immediately because of the safety emergency involved, as to all known United States operators of Hiller UH-12D and UH-12E Series helicopters. Investigation of recent accidents and incidents revealed defective gears in the main transmission.

For this reason it was found that immediate corrective action was required in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest and that good cause existed for making this airworthiness directive effective immediately as to all known U.S. operators of Hiller UH-12D and UH-12E Series helicopters by individual telegrams dated February 21, 1961. It is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

HILLER. Applies to all Model UH-12D (H-23D) and UH-12E Series helicopters. Compliance required as indicated.

As a result of two H-23D accidents and several inflight UH-12E and H-23D incidents involving main transmission malfunctions, the following must be accomplished:

Item 1. Applies to all Models UH-12D and UH-12E Series helicopters.

Compliance required prior to next flight.

(a) Inspect planet spur gear, P/N 23527, spiral bevel ring gear, P/N 23528, and tail rotor bevel gear shaft, P/N 23522, for the heat lot number. The heat lot number is prefaced by the designation "VHI" and is etched on the gears. Remove and replace any of those gears not bearing the following appropriate lot VHI numbers: For P/N 23527, VHI 186, 196, 275, 309, or 314. For P/N 23528, VHI 279, 286, 293, 293A or 295. For P/N 23522, VHI 291 or 292.

NOTE. Those gears not bearing any lot numbers and identified by Western Gears P/N's 1962C171, 1962D58, or 1962D65 are satisfactory and may be reinstalled.

(b) Inspect the following gears for proper gear tooth pattern: Bevel ring gear, P/N 23528 or 1962D58 and tail rotor bevel gear shaft, P/N 23522 or 1962D65. Replace those gears found to have improper gear tooth pattern. Refer to earlier transmission overhaul manual for description of acceptable pattern.

Item 2. Applies to all Models UH-12D and UH-12E Series helicopters.

Compliance required prior to next flight and every 50-hours time in service thereafter.

(a) Remove and check the oil nozzle orifice, P/N 23607, located at lower right-hand side of main transmission for obstruction. If this nozzle is obstructed, inspect the Borg Warner clutch for evidence of lack of lubrication. If such evidence is found, replace the clutch.

(b) Using a piece of 0.020-inch wire, check for obstruction in oil inlet orifices located at forward topside of upper case, forward side of tachometer drive cover, and (if generator is installed on transmission) upper outboard side of generator drive housing. If any of these orifices are found obstructed, inspect the first stage planetary gear system for abnormal wear or overheating. If signs of such wear and/or overheating are noticed, overhaul or replace the first stage planetary system.

Item 3. Applies to all Models UH-12D and UH-12E Series helicopters.

Compliance required prior to next flight of UH-12D and UH-12E Series and every 10-hours time in service thereafter for the UH-12D and every 25-hours time in service thereafter for the UH-12E Series helicopters.

Remove, disassemble, and inspect the engine oil filter and transmision oil filter for the presence of metallic particles. If aluminum, bronze, or steel particles are found in either or both of these filters, inspect the first stage planetary system for abnormal wear or overheating. If signs of such wear and/or overheating are noticed, overhaul or replace the first stage planetary system.

Item 4. Applies to all UH-12D helicopters.

Compliance required prior to next 150 hours time in service.

Incorporate P/N's 23549-3 and 23549-5, bushings and P/N 23578 planet gear shafts in the first stage planetary gear system. The inspection interval for the inspections outlined in Item 3, may be increased to 25-hours time in service once this modification is accomplished.

(Hiller Service Information Letter No. 3015A covers this same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated February 21, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 1, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of*
*Flight Standards.*

[F.R. Doc. 61-1995; Filed, Mar. 7, 1961; 8:45 a.m.]

# Title 13—BUSINESS CREDIT AND ASSISTANCE

[Amdt. 3]

## Chapter I—Small Business Administration

## PART 121—SMALL BUSINESS SIZE STANDARDS

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812) as amended (26 F.R. 1441), is hereby further amended by deleting § 121.3-9(b) and substituting in lieu thereof revised § 121.3-9(b) as follows:

(b) *Sales of Government-owned timber.* (1) In connection with the sale of Government-owned timber a small business is a concern that:

(i) Is primarily engaged in the logging or forest products industry;

(ii) Is independently owned and operated;

(iii) Is not dominant in its field of operation; and

(iv) Together with its affiliates employs not more than 250 persons.

(2) In the case of Government sales of timber reserved for or involving preferential treatment of small businesses, when the Government timber being purchased is to be resold, a concern is a small business when:

(i) It is a small business within the meaning of subparagraph (1) of this paragraph, and

(ii) It agrees that it will not sell more than 30 percent of such timber to a concern which does not qualify under subparagraph (1) of this paragraph as a small business, unless an exemption is granted on sales of mixed stumpage of hardwood and softwood species.

(3) In the case of Government sales reserved for or involving preferential treatment of small businesses, when the Government timber purchased is not to be resold in the form of saw logs to be manufactured into lumber and timbers, a concern is a small business when:

(i) It meets the criteria contained in subparagraph (1) of this paragraph, and

(ii) It agrees that in manufacturing lumber or timbers from such saw logs cut from the Government timber, it will do so only with its own facilities or those of concerns that qualify under subparagraph (1) of this paragraph as a small business.

*Effective date.* Unless otherwise amended, this amendment shall become effective thirty days after publication in the FEDERAL REGISTER.

JOHN E. HORNE,
*Administrator.*

FEBRUARY 27, 1961.

[F.R. Doc. 61-2038; Filed, Mar. 7, 1961; 8:51 a.m.]

# Title 18—CONSERVATION OF POWER

## Chapter I—Federal Power Commission

[Docket No. R-153]

[Order No. 232]

## PART 154—RATE SCHEDULES AND TARIFFS

### Nonacceptability of Contracts Containing Certain Types of Clauses

MARCH 3, 1961.

Nonacceptability of contracts between producers and interstate natural-gas companies containing certain types of automatic escalation and favored nation clauses, Docket No. R-153.

In this proceeding the Commission has under consideration a proposed amendment of § 154.93 of its general rules and regulations (18 CFR 154.93) respecting the filing of rate schedules containing certain provisions for adjustments in the price of the seller, e.g., "favored-nation", "redetermination", and "spiral escalation" clauses.

General public notice of this proposed rule-making was given by publication in the FEDERAL REGISTER on April 12, 1956 (21 F.R. 2388) and mailing notices to interested parties, including State and Federal regulatory agencies.[1]

In response to such notice, numerous suggestions and comments were submitted by interested parties respecting the changes in the Commission's rules therein proposed. All such suggestions and comments have been carefully considered, but, for reasons set forth in our findings, we adhere to the rule as originally proposed with certain changes made thereto.

The Commission finds:

(1) The natural gas industry and natural gas service are aided and developed by the use of long-term contracts for the sale of natural gas by producers to pipeline companies or to others, and it is desirable and appropriate in the public interest that long-term contracts be utilized as a basis for considerations of supply and service expansions by natural gas companies.

(2) Long-term gas supply contracts containing provisions for rate changes dependent or based in part on "indefinite escalation clauses", as herein defined, have contributed to instability and uncertainty concerning prices of gas and service expansion by natural gas companies. As found by us in the proceeding of The Pure Oil Company, Docket No. G-17930, Opinion No. 341 issued concurrently herewith, these indefinite escalation provisions are contrary to the public interest. Such escalation provisions, therefore, are undesirable, unnecessary, and incompatible with the public interest for the due and proper development of natural gas service by natural gas companies.

(3) It is necessary and appropriate in the public interest and in the proper administration of the Natural Gas Act that § 154.91(a) of our general rules and regulations (18 CFR 154.91(a)) be amended to include definitions of "definite escalation clause" and "indefinite escalation clause" to define clearly the amendment necessitated by our findings in subparagraph (2) hereof.

The Commission, acting pursuant to authority granted by the Natural Gas Act, particularly sections 4, 7, and 16 thereof (15 U.S.C. 717c, 717f, and 717o), orders:

(A) Part 154, entitled Rate Schedules and Tariffs and Subchapter E—Regulations Under Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, is amended as follows:

1. In § 154.91(a), change the caption *Definition* to read *Definitions* (1) and adding subparagraphs (2) and (3) to read:

(2) "Definite escalation clause" means any provision in an independent producer's contract for the sale of natural gas in interstate commerce for resale or the transportation of natural gas in interstate commerce which sets forth the price to be paid for natural gas

[1] This issue was also fully tried, briefed, and argued before the Commission in The Pure Oil Company, Docket No. G-17930, in which decision is being issued this day.

delivered thereunder in terms of a specific price per unit, including, in addition to the initial price, any increases therein by specific amounts at definite future dates, or any provision which changes the specific price in order to reimburse the seller for all or any part of the changes in production, severance, or gathering taxes levied upon the seller.

(3) "Indefinite escalation clause" means any provision, other than a definite escalation clause as defined in subparagraph (2) of this paragraph, under which the price in a contract for the sale or transportation of natural gas by an independent producer subject to the jurisdiction of the Commission may be determined or changed.

2. Adding a proviso at the end of § 154.93, *Rate Schedule defined*, to read as follows: *"Provided*, That any provision for a change of price of the seller by reason of indefinite escalation clauses, as defined in § 154.91(a)(3), contained in a contract for the sale or transportation of natural gas subject to the jurisdiction of the Commission tendered for filing on and after April 3, 1961, shall be inoperative and of no effect at law."

(B) These amendments shall become effective April 3, 1961. Any interested person may submit to the Commission on or before March 20, 1961, views or comments in writing concerning these amendments.

(C) The Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER.

By the Commission (Commissioner Kline, concurring in part and dissenting in part).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61-2030; Filed, Mar. 7, 1961; 8:50 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

BHT (BUTYLATED HYDROXYTOLUENE)

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Instant Potato Granule Manufacturers Association, Vacaville, California, and other relevant material, has concluded that the following regulation should issue in conformity with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive BHT (butylated hydroxytoluene) as an antioxidant in potato granules. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart D (21 CFR Part 121) of the food additives regulation is amended by adding thereto the following new section:

**§ 121.1034 BHT (butylated hydroxytoluene) as an antioxidant.**

The food additive BHT (butylated hydroxytoluene), alone or in combination with other antioxidants permitted in this subpart, may be safely used in or on specified foods in accordance with the following prescribed conditions:

(a) The food additive meets the following specification: Assay (total BHT), 99.0 percent minimum.

(b) The food additive is used or intended for use alone or in combination with other permitted antioxidants:

(1) In potato granules alone or in combination with other permitted antioxidants whereby the maximum amount of the antioxidant alone or any combination of antioxidants does not exceed 10 parts per million by weight (0.001 percent) of potato granules.

(c) To assure safe use of the additive:

(1) The label of any market package of the additive shall bear, in addition to the other information required by the act, the name of the additive.

(2) When the additive is marketed in a suitable carrier, in addition to meeting the requirement of subparagraph (1) of this paragraph, the label shall declare the percentage of the additive in the mixture.

(3) The label or accompanying labeling shall bear adequate directions, which, if followed, will result in a finished product not in conflict with the requirements of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 28, 1961.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-2013; Filed, Mar. 7, 1961; 8:48 a.m.]

### PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

BHA (BUTYLATED HYDROXYANISOLE)

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Instant Potato Granule Manufacturers Association, Vacaville, California, and other relevant material, has concluded that the following regulation should issue in conformity with section 409 of the Federal, Food, Drug, and Cosmetic Act, with respect to the food additive BHA (butylated hydroxyanisole) as an antioxidant in potato granules. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart D (21 CFR Part 121) of the food additives regulations is amended by adding thereto the following new section:

**§ 121.1035 BHA (butylated hydroxyanisole) as an antioxidant.**

The food additive BHA (butylated hydroxyanisole), alone or in combination with other antioxidants permitted in this subpart, may be safely used in or on specified foods in accordance with the following prescribed conditions:

(a) The food additive meets the following specifications:

Melting point 48° C., minimum.
Assay (total BHA), 98.5 percent, minimum.

(b) The food additive is used or intended for use alone or in combination with other permitted antioxidants:

(1) In potato granules alone or in combination with other permitted antioxidants whereby the maximum amount of the antioxidant alone or any combination of antioxidants does not exceed 10 parts per million by weight (0.001 percent) of the potato granules.

(c) To assure safe use of the additive:

(1) The label of any market package of the additive shall bear, in addition to the other information required by the act, the name of the additive.

(2) When the additive is marketed in a suitable carrier, in addition to meeting the requirement of subparagraph (1) of this paragraph, the label shall declare the percentage of the additive in the mixture.

(3) The label or accompanying labeling shall bear adequate directions, which, if followed, will result in a finished product not in conflict with the requirements of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 27, 1961.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-2014; Filed, Mar. 7, 1961; 8:49 a.m.]



# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6552]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Miscellaneous Provisions

On December 15, 1960, notice of proposed rule making with respect to section 381(c)(3) (capital loss carryover), (10) (treatment of certain expenses deferred by the election of distributor or transferor corporation), (13) (involuntary conversions under section 1033), (18) (percentage depletion on extraction of ores or minerals from the waste or residue of prior mining), and (19) (charitable contributions in excess of prior years' limitation) of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (25 F.R. 12890). Since no written or oral comments were presented, the regulations as proposed are hereby adopted.

[SEAL] MORTIMER M. CAPLIN, *Commissioner of Internal Revenue.*

Approved: March 2, 1961.

HENRY H. FOWLER, *Acting Secretary of the Treasury.*

The following regulations are hereby prescribed under section 381(c)(3) (capital loss carryover), (10) (treatment of certain expenses deferred by the election of distributor or transferor corporation), (13) (involuntary conversions under section 1033), (18) (percentage depletion on extraction of ores or minerals from the waste or residue of prior mining), and (19) (charitable contributions in excess of prior years' limitation). Except as otherwise provided therein, such regulations shall apply to liquidations and reorganizations, the tax treatment of which is determined under the Internal Revenue Code of 1954.

Sec.
1.381(c)(3) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; capital loss carryover.
1.381(c)(3)-1 Capital loss carryovers.
1.381(c)(10) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; treatment of certain expenses deferred by the election of distributor or transferor corporation.
1.381(c)(10)-1 Deferred exploration and development expenditures
1.381(c)(13) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; involuntary conversions under section 1033.
1.381(c)(13)-1 Involuntary conversions.
1.381(c)(18) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; percentage depletion on extraction of ores or minerals from the waste or residue of prior mining.
1.381(c)(18)-1 Depletion on extraction of ores or minerals from the waste or residue of prior mining.
1.381(c)(19) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; charitable contributions in excess of prior years' limitation.
1.381(c)(19)-1 Charitable contribution carryovers in certain acquisitions.

AUTHORITY: §§ 1.381(c)(3), 1.381(c)(3)-1, 1.381(c)(10), 1.381(c)(10)-1, 1.381(c)(13), 1.381(c)(13)-1, 1.381(c)(18), 1.381(c)(18)-1, 1.381(c)(19), and 1.381(c)(19)-1 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

**§ 1.381(c)(3) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; capital loss carryover.**

SEC. 381. *Carryovers in certain corporate acquisitions.* • • •

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

• • • • •

(3) *Capital loss carryover.* The capital loss carryover determined under section 1212, subject to the following conditions and limitations:

(A) The taxable year of the acquiring corporation to which the capital loss carryover of the distributor or transferor corporation is first carried shall be the first taxable year ending after the date of distribution or transfer.

(B) The capital loss carryover shall be a short-term capital loss in the taxable year determined under subparagraph (A) but shall be limited to an amount which bears the same ratio to the net capital gain (determined without regard to a short-term capital loss attributable to capital loss carryover), if any, of the acquiring corporation in such taxable year as the number of days in the taxable year after the date of distribution or transfer bears to the total number of days in the taxable year.

(C) For purposes of determining the amount of such capital loss carryover to taxable years following the taxable year determined under subparagraph (A), the net capital gain in the taxable year determined under subparagraph (A) shall be considered to be an amount equal to the amount determined under subparagraph (B).

**§ 1.381(c)(3)-1 Capital loss carryovers.**

(a) *Carryover requirement.* (1) Section 381(c)(3) requires the acquiring corporation in a transaction to which section 381(a) applies to succeed to, and take into account, the capital loss carryovers of the distributor or transferor corporation. To determine the amount of these carryovers as of the close of the date of distribution or transfer, and to integrate them with the capital loss carryovers of the acquiring corporation for purposes of determining the taxable income of the acquiring corporation for taxable years ending after the date of distribution or transfer, it is necessary to apply the provisions of section 1212 in accordance with the conditions and limitations of section 381(c)(3) and this section.

(2) The capital loss carryovers of the acquiring corporation as of the close of the date of distribution or transfer shall be determined without reference to any capital gains or capital losses of the distributor or transferor corporation. The capital loss carryovers of a distributor or transferor corporation as of the close of the date of distribution or transfer shall be determined without reference to any capital gains or capital losses of the acquiring corporation.

(b) *First taxable year to which carryovers apply.* (1) The capital loss carryovers available to the distributor or transferor corporation as of the close of the date of distribution or transfer shall first be carried to the first taxable year of the acquiring corporation ending after that date. This rule applies irrespective of whether the date of distribution or transfer is on the last day, or any other day, of the acquiring corporation's taxable year.

(2) The capital loss carryovers available to the distributor or transferor corporation as of the close of the date of distribution or transfer shall be carried to the acquiring corporation without diminution by reason of the fact that the acquiring corporation does not acquire 100 percent of the assets of the distributor or transferor corporation.

(c) *Limitation on capital loss carryovers for first taxable year ending after date of distribution or transfer.* (1) Any capital loss carryover of a distributor or transferor corporation which is available to the acquiring corporation as of the close of the date of distribution or transfer shall be a short-term capital loss of the acquiring corporation in each of the taxable years to which the net capital loss giving rise to such carryover may be carried to the extent provided in section 1212 and this section. However, in the first taxable year of the acquiring corporation ending after the date of distribution or transfer, the total capital loss carryovers of the distributor or transferor corporation which may be treated in that year as short-term capital losses of the acquiring corporation is limited by section 381(c)(3)(B) to an amount which bears the same ratio to the acquiring corporation's net capital gain for such first taxable year (determined without regard to any capital loss carryovers) as the number of days in such first taxable year which follow the date of distribution or transfer bears to the total number of days in such taxable year. Thus, if the date of distribution or transfer is the last day of the acquir-

ing corporation's taxable year, there is no limitation under section 381(c)(3)(B) on the amount of such carryovers which may be treated as short-term capital losses of the acquiring corporation for its first taxable year ending after that date.

(2) The limitation provided by section 381(c)(3)(B) shall be applied to the aggregate of the capital loss carryovers of the distributor or transferor corporation without reference to the taxable years in which the net capital losses giving rise to the carryovers were sustained. If the acquiring corporation has acquired the assets of two or more distributor or transferor corporations on the same date of distribution or transfer, then the limitation provided by section 381(c)(3)(B) shall be applied to the aggregate of the capital loss carryovers from all of such distributor or transferor corporations.

(3) If the acquiring corporation succeeds to the capital loss carryovers of two or more distributor or transferor corporations on two or more dates of distribution or transfer during the same taxable year of the acquiring corporation, the limitation to be applied under section 381(c)(3)(B) to the aggregate of such carryovers shall be determined consistently with the rules prescribed in paragraph (b) of § 1.381(c)(1)–2.

(4) The application of this paragraph may be illustrated by the following example:

*Example.* (i) X and Y Corporations are organized on January 1, 1954, and make their returns on the basis of the calendar year. On July 4, 1957, X Corporation transfers all its assets to Y Corporation in a statutory merger to which section 361 applies. The net capital losses and the net capital gains (computed without regard to any capital loss carryovers) of the two corporations are as follows:

| Taxable year: | X Corporation (transferor) | Y Corporation (acquirer) |
|---|---|---|
| 1954 | ($5,000) | 0 |
| 1955 | (10,000) | $5,000 |
| 1956 | (25,000) | (7,000) |
| Ending 7–4–57 | (8,000) | ------ |
| 1957 | -------- | 36,500 |

(ii) The capital loss carryovers of X Corporation which are available to Y Corporation as of the close of July 4, 1957, amount to $48,000 in the aggregate; but only $18,000 ($36,500×$\frac{180}{365}$) of such amount may be treated as short-term capital losses of Y Corporation for 1957.

(d) *Computation of carryovers; general rule*—(1) *Sequence for applying losses and determination of net capital gain.* Section 1212 provides that a net capital loss sustained in any taxable year (hereinafter referred to as the "loss year") shall be carried over to each of the five succeeding taxable years and treated in each of such succeeding years as a short-term capital loss to the extent not allowed as a deduction against any net capital gains of any taxable years intervening between the loss year and the taxable year to which such loss is carried. For this purpose, the net capital gain of any intervening taxable year is determined without regard to the net capital loss for the loss year or for any taxable year thereafter, and the various capital loss carryovers from taxable years preceding the loss year to any such intervening taxable year are considered to be applied in reduction of the net capital gain for such year in the order of the taxable years in which the losses were sustained, beginning with the loss for the earliest preceding taxable year. The application of these rules to the net capital gain of the acquiring corporation for any taxable year ending after the date of distribution or transfer involves the use of carryovers of the distributor or transferor corporation and of the acquiring corporation. In determining the order in which the capital loss carryovers of the distributor or transferor and acquiring corporations from taxable years ending on or before the date of distribution or transfer are considered to be applied in reduction of the net capital gain of the acquiring corporation for any intervening taxable year ending after such date, the following rules shall apply:

(i) Each taxable year of the distributor or transferor and acquiring corporations which, with respect to the first taxable year of the acquiring corporation ending after the date of distribution or transfer, constitutes a first preceding taxable year, shall be treated as if each such year ended on the same day, whether or not such taxable years actually end on the same day. In like manner, each taxable year of the distributor or transferor and acquiring corporations which, with respect to such first taxable year of the acquiring corporation ending after the date of distribution or transfer, constitutes a second preceding taxable year, shall be treated as if each such year ended on the same day (whether or not such taxable years actually end on the same day), and a similar rule shall be applied with respect to those taxable years of the distributor or transferor and acquiring corporations which constitute third, fourth, and fifth preceding taxable years;

(ii) If in the same preceding taxable year both the distributor or transferor and acquiring corporations incurred a net capital loss which is a carryover to an intervening taxable year of the acquiring corporation ending after the date of distribution or transfer, then in applying such losses in reduction of the net capital gain for such an intervening year, either such loss may be taken into account before the other; and

(iii) The rules of subdivisions (i) and (ii) of this subparagraph shall apply regardless of the number of distributor or transferor corporations the assets of which are acquired by the acquiring corporation on the same date of distribution or transfer.

(2) *Cross reference.* If the date of distribution or transfer is a day other than the last day of a taxable year of the acquiring corporation, then in determining the net capital gain of the acquiring corporation for its first taxable year ending after the date of distribution or transfer, section 1212 and this paragraph shall be applied in the special manner set forth in paragraph (e) of this section.

(3) *Years to which losses may be carried.* The taxable years to which a net capital loss shall be carried are prescribed by section 1212. Since the taxable year of a distributor or transferor corporation ends with the close of the date of distribution or transfer, such taxable year and the first taxable year of the acquiring corporation which ends after that date are considered two separate taxable years to which a net capital loss of the distributor or transferor corporation for any taxable year ending before that date shall be carried. This rule applies even though the taxable year of the distributor or transferor corporation which ends on the date of distribution or transfer is a period of less than twelve months. However, the distribution or transfer has no effect in determining under section 1212 the taxable years to which a net capital loss of the acquiring corporation is carried. For this purpose, the first taxable year of the acquiring corporation which ends after the date of distribution or transfer constitutes only one taxable year even though such taxable year is considered under paragraph (e) of this section as two taxable years for certain purposes. The application of this subparagraph may be illustrated by the following example:

*Example.* R and S Corporations are organized on January 1, 1954, and both corporations make their returns on the basis of the calendar year. R Corporation has net capital losses for its years 1954, 1955, and 1957, and S Corporation has net capital losses for its years 1954 and 1956. On June 30, 1958, R Corporation transfers all its assets to S Corporation in a statutory merger to which section 361 applies. The taxable years to which these losses of R and S Corporations may be carried are as follows:

| Loss year | Carried to |
|---|---|
| R1954 | R1955, R1956, R1957, R6/30/58, S1958. |
| S1954 | S1955, S1956, S1957, S1958, S1959. |
| R1955 | R1956, R1957, R6/30/58, S1958, S1959. |
| S1956 | S1957, S1958, S1959, S1960, S1961. |
| R1957 | R6/30/58, S1958, S1959, S1960, S1961. |

(4) *Computation of carryovers in case where date of distribution or transfer occurs on last day of acquiring corporation's taxable year.* The computation of the capital loss carryovers from the distributor or transferor corporation and from the acquiring corporation in a case where the date of distribution or transfer occurs on the last day of a taxable year of the acquiring corporation may be illustrated by the following example:

*Example.* X and Y Corporations are organized on January 1, 1955, and make their returns on the basis of the calendar year. On December 31, 1956, X Corporation transfers all its assets to Y Corporation in a statutory merger to which section 361 applies. The net capital losses and the net capital gains (computed without regard to any capital loss carryovers) of the two corporations are as follows:

| Taxable year | X Corporation (transferor) | Y Corporation (acquirer) |
|---|---|---|
| 1955 | ($20,000) | ($2,000) |
| 1956 | ( 10,000) | ( 8,000) |
| 1957 | ------ | 25,000 |
| 1958 | ------ | 10,000 |

The sequence in which the net capital losses of X and Y Corporations are applied, and the computation of the capital loss carryovers to Y Corporation's taxable year 1959, may be illustrated as follows. (For purposes of this example, the carryover from a preceding



taxable year of the transferor corporation will be applied before the carryover from the same preceding taxable year of the acquiring corporation):

(i) *X Corporation's 1955 loss.* The carryover to 1959 is $0, computed as follows:

| | | |
|---|---|---|
| Net capital loss | | $20,000 |
| Less: Y's 1957 net capital gain (computed without regard to any capital loss carryovers) | | 25,000 |
| Carryover to Y 1958 and Y 1959 | | 0 |

(ii) *Y Corporation's 1955 loss.* The carryover to 1959 is $0, computed as follows:

| | | |
|---|---|---|
| Net capital loss | | $2,000 |
| Less: | | |
| Y's 1957 net capital gain (computed without regard to any capital loss carryovers) | $25,000 | |
| Minus capital loss carryovers to Y 1957 (i.e., carryover $20,000 from X 1955) | 20,000 | |
| | | 5,000 |
| Carryover to Y 1958 and Y 1959 | | 0 |

(iii) *X Corporation's 1956 loss.* The carryover to 1959 is $0, computed as follows:

| | | |
|---|---|---|
| Net capital loss | | $10,000 |
| Less: | | |
| Y's 1957 net capital gain (computed without regard to any capital loss carryovers) | $25,000 | |
| Minus capital loss carryovers to Y 1957 (i.e., carryovers of $20,000 from X 1955 and $2,000 from Y 1955) | 22,000 | |
| | | 3,000 |
| Carryover to Y 1958 | | 7,000 |
| Less: | | |
| Y's 1958 net capital gain (computed without regard to any capital loss carryovers) | $10,000 | |
| Minus capital loss carryovers to Y 1958 | 0 | |
| | | 10,000 |
| Carryover to Y 1959 | | 0 |

(iv) *Y Corporation's 1956 loss.* The carryover to 1959 is $5,000, computed as follows:

| | | |
|---|---|---|
| Net capital loss | | $8,000 |
| Less: | | |
| Y's 1957 net capital gain (computed without regard to any capital loss carryovers) | $25,000 | |
| Minus capital loss carryovers to Y 1957 (i.e., carryovers of $20,000 from X 1955, $2,000 from Y 1955, and $10,000 from X 1956) | 32,000 | |
| | | 0 |
| Carryover to Y 1958 | | 8,000 |
| Less: | | |
| Y's 1958 net capital gain (computed without regard to any capital loss carryovers) | $10,000 | |
| Minus capital loss carryovers to Y 1958 (i.e., carryover of $7,000 from X 1956) | 7,000 | |
| | | 3,000 |
| Carryover to Y 1959 | | 5,000 |

(e) *Computation of carryovers when date of distribution or transfer is not on last day of acquiring corporation's taxable year*—(1) *General rule.* If, in determining under paragraph (d) of this section the portion of a net capital loss for any taxable year which is carried over to a succeeding taxable year, an intervening taxable year is a taxable year of the acquiring corporation which includes, but does not end on, the date of distribution or transfer, the net capital gain of such intervening year shall be determined by applying section 1212 in the special manner provided by this paragraph.

(2) *Taxable year considered as two taxable years.* Such intervening taxable year of the acquiring corporation shall be considered as though it were two taxable years, but only for the limited purpose of computing capital loss carryovers to subsequent taxable years. The first of such two taxable years shall be referred to in this paragraph as the preacquisition part year; the second, as the postacquisition part year. Though considered as two separate taxable years for purposes of this paragraph, the preacquisition part year and the postacquisition part year are treated as one taxable year in determining the years to which a net capital loss is carried under section 1212. See paragraph (d)(3) of this section.

(3) *Preacquisition part year.* The preacquisition part year shall begin with the beginning of such taxable year of the acquiring corporation and shall end with the close of the date of distribution or transfer.

(4) *Postacquisition part year.* The postacquisition part year shall begin with the day following the date of distribution or transfer and shall end with the close of such taxable year of the acquiring corporation.

(5) *Division of net capital gain.* The net capital gain for such intervening taxable year (computed without regard to any capital loss carryovers) of the acquiring corporation shall be divided between the preacquisition part year and the postacquisition part year in proportion to the number of days in each. Thus, if in a statutory merger to which section 361 applies Y Corporation acquires the assets of X Corporation on June 30, 1956, and Y Corporation has net capital gain (computed in the manner so prescribed) of $36,600 for its calendar year 1956, then the preacquisition part year net capital gain would be $18,200 ($36,600×$\frac{182}{366}$) and the postacquisition part year net capital gain would be $18,400 ($36,600×$\frac{184}{366}$).

(6) *Application of capital loss carryovers.* After obtaining the net capital gain of the preacquisition part year and postacquisition part year in the manner described in subparagraph (5) of this paragraph, it is necessary to determine the capital loss carryovers which are taken into account with respect to each such part year. The carryovers to be taken into account and the sequence in which such carryovers are applied, shall be determined in accordance with paragraph (d)(1) of this section but subject to the provisions of this subparagraph. With respect to the preacquisition part year, no capital loss carryovers of the distributor or transferor corporation shall be taken into account; that is, only capital loss carryovers of the acquiring corporation shall be taken into account. With respect to the postacquisition part year, capital loss carryovers of both the distributor or transferor corporation and the acquiring corporation shall be taken into account.

(7) *Cross reference.* If an intervening taxable year is a taxable year of the acquiring corporation during which the acquiring corporation succeeds to the capital loss carryovers of two or more distributor or transferor corporations on two or more dates of distribution or transfer, the net capital gain of the acquiring corporation for such intervening taxable year shall be determined consistently with the rules prescribed in paragraph (c) of § 1.381(c)(1)–2, except that the sequence in which the capital loss carryovers of the distributor or transferor and acquiring corporations shall be applied shall be determined under paragraph (d)(1) of this section.

(8) *Illustration.* The application of this paragraph may be illustrated as follows:

*Example.* X Corporation is organized on April 1, 1950, and makes its return on the basis of the fiscal year ending March 31. Y Corporation is organized on January 1, 1959, and makes its return on the basis of the calendar year. On June 30, 1961, X Corporation transfers all its assets to Y Corporation in a statutory merger to which section 361 applies. The net capital losses and the net capital gains (computed without regard to any capital loss carryovers) of the two corporations are as follows:

| Taxable year: | X Corporation (transferor) | Y Corporation (acquirer) |
|---|---|---|
| 1959 | -------- | ($24,000) |
| Ending 3–31–60 | ($19,000) | --------- |
| 1960 | -------- | (6,000) |
| Ending 3–31–61 | (5,000) | --------- |
| Ending 6–30–61 | 0 | --------- |
| 1961 | -------- | 36,500 |
| 1962 | -------- | 12,000 |

The following table shows those taxable years of the transferor and acquiring corporations which, with respect to Y Corporation's calendar year 1961, are first, second, and third preceding taxable years:

| | X Corporation | Y Corporation |
|---|---|---|
| First preceding year | Ending 6–30–61 | 1960 |
| Second preceding year | Ending 3–31–61 | 1959 |
| Third preceding year | Ending 3–31–60 | ---- |

The sequence in which the net capital losses of X and Y Corporations are applied, and the computation of the capital loss carryovers to Y Corporation's calendar year 1963, may be illustrated as follows. (For purposes of this example, the carryover from a preceding taxable year of the acquiring corporation will be applied before the carryover from the same preceding taxable year of the transferor corporation):

(i) *X Corporation's 3/31/60 loss.* The carryover to 1963 is $0, computed as follows:

| | | |
|---|---|---|
| Net capital loss | | $19,000 |
| Less: Y's postacquisition part year net capital gain computed under subparagraph (5) of this paragraph ($36,500×$\frac{184}{365}$) | | 18,400 |
| Carryover to Y 1962 | | 600 |
| Less: Y's 1962 net capital gain (computed without regard to any capital loss carryovers) | | 12,000 |
| Carryover to Y 1963 | | 0 |

(ii) *Y Corporation's 1959 loss.* The carryover to 1963 is $0, computed as follows:

| | | |
|---|---|---|
| Net capital loss | | $24,000 |
| Less: Y's preacquisition part year net capital gain computed under subparagraph (5) of this paragraph ($36,500 × 181/365) | | 18,100 |
| Carryover to Y's postacquisition part year | | 5,900 |
| Less: Y's postacquisition part year net capital gain computed under subparagraph (5) of this paragraph | $18,400 | |
| Minus capital loss carryovers to postacquisition part year (i.e., carryover of $19,000 from X 3/31/60) | 19,000 | |
| | | 0 |
| Carryover to Y 1962 | | 5,900 |
| Less: Y's 1962 net capital gain (computed without regard to any capital loss carryovers) | $12,000 | |
| Minus capital loss carryovers to Y 1962 (i.e., carryover of $600 from X 3/31/60) | 600 | |
| | | 11,400 |
| Carryover to Y 1963 | | 0 |

(iii) *X Corporation's 3/31/61 loss.* The carryover to 1963 is $0, computed as follows:

| | | |
|---|---|---|
| Net capital loss | | $5,000 |
| Less: Y's postacquisition part year net capital gain computed under subparagraph (5) of this paragraph | $18,400 | |
| Minus capital loss carryovers to postacquisition part year (i.e., carryovers of $19,000 from X 3/31/60 and $5,900 from Y 1959) | 24,900 | |
| | | 0 |
| Carryover to Y 1962 | | 5,000 |
| Less: Y's 1962 net capital gain (computed without regard to any capital loss carryovers) | $12,000 | |
| Minus capital loss carryovers to Y 1962 (i.e., carryovers of $600 from X 3/31/60 and $5,900 from Y 1959) | 6,500 | |
| | | 5,500 |
| Carryover to Y 1963 | | 0 |

(iv) *Y Corporation's 1960 loss.* The carryover to 1963 is $5,500, computed as follows:

| | | |
|---|---|---|
| Net capital loss | | $6,000 |
| Less: Y's preacquisition part year net capital gain computed under subparagraph (5) of this paragraph | $18,100 | |
| Minus capital loss carryovers to preacquisition part year (i.e., carryover of $24,000 from Y 1959) | 24,000 | |
| | | 0 |
| Carryover to Y's postacquisition part year | | 6,000 |
| Less: Y's postacquisition part year net capital gain computed under subparagraph (5) of this paragraph | $18,400 | |
| Minus capital loss carryovers to postacquisition part year (i.e., carryovers of $19,000 from X 3/31/60, $5,900 from Y 1959, and $5,000 from X 3/31/61) | 29,900 | |
| | | $0 |
| Carryover to Y 1962 | | 6,000 |
| Less: Y's 1962 net capital gain (computed without regard to any capital loss carryovers) | $12,000 | |
| Minus capital loss carryovers to Y 1962 (i.e., carryovers of $600 from X 3/31/60, $5,900 from Y 1959, and $5,000 from X 3/31/61) | 11,500 | |
| | | 500 |
| Carryover to Y 1963 | | 5,500 |

(f) *Successive acquiring corporations.* An acquiring corporation which, in a transaction to which section 381(a) applies, acquires the assets of a distributor or transferor corporation which previously acquired the assets of another corporation in a transaction to which section 381(a) applies, shall succeed to and take into account, subject to the conditions and limitations of sections 1212 and 381, the capital loss carryovers available to the first acquiring corporation under sections 1212 and 381.

**§ 1.381(c)(10) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; treatment of certain expenses deferred by the election of distributor or transferor corporation.**

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * * * *

(10) *Treatment of certain expenses deferred by the election of distributor or transferor corporation.* The acquiring corporation shall be entitled to deduct, as if it were the distributor or transferor corporation, expenses deferred under sections 615 and 616 (relating to exploration and development expenditures, respectively) if the distributor or transferor corporation has so elected. For the purpose of applying the limitation provided in section 615, if, for any taxable year, the distributor or transferor corporation was allowed the deduction in section 615(a) or made the election in section 615(b), the acquiring corporation shall be deemed to have been allowed such deduction or to have made such election, as the case may be.

**§ 1.381(c)(10)–1 Deferred exploration and development expenditures.**

(a) *Carryover requirement.* (1) If for any taxable year a distributor or transferor corporation has elected under section 615 or section 616 (or corresponding provisions of prior law) to defer and deduct on a ratable basis any exploration or development expenditures made in connection with any ore, mineral, mine, or other natural deposit transferred to the acquiring corporation in a transaction described in section 381(a), then under the provisions of section 381(c)(10) the acquiring corporation shall be entitled to deduct such expenditures on a ratable basis in the same manner, and to the same extent, as they would have been deductible by the distributor or transferor corporation in the absence of the distribution or transfer. For this purpose, the acquiring corporation shall be treated as though it were the distributor or transferor corporation. The principles set forth in paragraph (e) of § 1.615–3 and paragraph (f) of § 1.616–2 are applicable in computing the amount of the deduction allowable to the acquiring corporation in respect of expenditures deferred by a distributor or transferor corporation.

*Example.* X and Y Corporations are both organized on January 1, 1955, and both corporations compute their taxable income on the basis of the calendar year. During 1955, X Corporation purchases a mineral property which it begins to develop in 1956. During 1956, X Corporation incurs development expenditures of $500,000 in respect of such property which it elects to defer under section 616(b). On December 31, 1956, Y Corporation acquires all of the assets of X Corporation in a reorganization to which section 381(a) applies, no gain being recognized to X Corporation on the transfer. In 1957, Y Corporation sells 150,000 units of produced ore benefited by the development expenditures incurred and deferred by X Corporation, and the number of units remaining as of the end of 1957, plus the number of units sold during that year, is estimated to be 1,000,000. In addition to its deduction for depletion, Y Corporation is, in 1957, entitled to a deduction under sections 616(b) and 381(c)(10) of $75,000 of the development expenditures previously deferred by X Corporation, that is, $500,000 × 150,000/1,000,000.

(2) If a distributor or transferor corporation has elected under section 615 or section 616 (or corresponding provisions of prior law) to defer exploration or development expenditures in respect of a mine or other natural deposit which it subsequently disposes of except for a retained economic interest therein, such as the right to royalty income or in-ore payments, and such retained economic interest is transferred to the acquiring corporation in a transaction to which section 381(a) applies, then the acquiring corporation shall be entitled to deduct such deferred expenditures attributable to the economic interest retained on a ratable basis to the same extent they would have been deductible by the distributor or transferor corporation in the absence of the distribution or transfer. See paragraph (c) of § 1.615–3 and paragraph (c) of § 1.616–2.

(3) For purposes of this section, the terms "exploration expenditures" and "development expenditures" shall have the same meaning as that ascribed to them in the regulations under sections 615 and 616 of the Internal Revenue Code of 1954, or under sections 23(cc) and 23(ff) of the Internal Revenue Code of 1939, whichever applies. See, for example, paragraph (a) of § 1.615–1 and paragraph (a) of § 1.616–1.



(b) *Effect and identification of election previously made.* (1) The election made by a distributor or transferor corporation under the provisions of section 615 or section 616 (or corresponding provisions of prior law) to defer exploration or development expenditures in respect of any taxable year may not be revoked by the acquiring corporation for any reason whatsoever.

(2) When filing its return for the first taxable year for which it deducts exploration or development expenditures which were deferred under section 615 or section 616 (or corresponding provisions of prior law) by a distributor or transferor corporation, the acquiring corporation shall attach thereto a statement properly identifying the taxable year for which the election to defer was made by the distributor or transferor corporation, the name of the corporation which made the election, and the district director with whom the election was filed.

(3) It is unnecessary for an acquiring corporation to renew an election to defer exploration or development expenditures which was made by a distributor or transferor corporation.

(c) *Successive transactions to which section 381(a) applies.* If, by virtue of section 381(c)(10), the acquiring corporation is entitled to deduct exploration or development expenditures deferred by a distributor or transferor corporation, then such acquiring corporation shall be deemed to have made the election to defer such expenditures for purposes of applying section 381(c)(10) to any subsequent transaction in which such acquiring corporation is a distributor or transferor corporation.

(d) *Carryover of 4-year limitation.* (1) If a distributor or transferor corporation transfers any mineral property to the acquiring corporation in a transaction described in section 381(a), then in applying the 4-year limitation of section 615(c) in the case of exploration expenditures paid or incurred by the acquiring corporation in any taxable year ending after the date of distribution or transfer, the acquiring corporation shall be deemed to have been allowed any deduction which, for any taxable year ending on or before such date, was allowed to the distributor or transferor corporation under section 615(a), or under section 23(ff)(1) of the Internal Revenue Code of 1939, or to have made any election which, for any preceding taxable year, was made by the distributor or transferor corporation under section 615(b), or under section 23(ff)(2) of the Internal Revenue Code of 1939. Thus, in such instance, the acquiring corporation shall take into account for purposes of the 4-year limitation any taxable year in which the distributor or transferor corporation availed itself of the benefits of section 615 or section 23(ff) of the Internal Revenue Code of 1939. For this purpose, it is immaterial whether or not the deduction has been allowed to, or the election has been made by, the distributor or transferor corporation with respect to the specific mineral property transferred by that corporation to the acquiring corporation.

(2) Generally, if there are two or more distributor or transferor corporations that transfer any mineral property to the acquiring corporation, each taxable year of any such corporation ending on or before the date of distribution or transfer in which exploration expenditures were deducted or deferred shall be treated as a separate taxable year for purposes of applying the 4-year limitation regardless of the fact that the taxable years of two or more such corporations end on the same date. However, if the date of distribution or transfer is the same with respect to more than one distributor or transferor corporation, then the taxable years of such corporations ending on the same date of distribution or transfer shall be considered as one taxable year for purposes of applying the 4-year limitation even though more than one such corporation deducted or deferred exploration expenditures for such taxable years.

(3) If a distributor or transferor corporation that transfers any mineral property to the acquiring corporation is required under section 615 and paragraph (b) of § 1.615–4 to take into account for purposes of the 4-year limitation any taxable years in which any individual or corporation has deducted or deferred exploration expenditures, then the acquiring corporation shall also take these taxable years into account in applying the 4-year limitation.

(4) The provisions of this paragraph may be illustrated by the following examples:

*Example (1).* M and N Corporations were organized on January 1, 1955, and each corporation computes its taxable income on the basis of the calendar year. For its taxable years 1955 and 1956, M Corporation deducted exploration expenditures made in such years under section 615(a). N Corporation made no exploration expenditures during its taxable years 1955 and 1956. On December 31, 1956, M Corporation transferred all its assets to N Corporation in a reorganization to which section 381(a) applies, no gain being recognized to the transferor corporation on the transfer. On the basis of these facts, N Corporation may deduct or defer exploration expenditures in accordance with section 615 for any two (not necessarily consecutive) taxable years ending after December 31, 1956.

*Example (2).* O and P Corporations were organized on January 1, 1955, and each corporation computes its taxable income on the basis of the calendar year. For their taxable years 1955, 1956, and 1957, each corporation deducted exploration expenditures made in such years under section 615(a). On June 30, 1958, O Corporation transferred all its assets to P Corporation in a reorganization to which section 381(a) applies, no gain being recognized to the transferor corporation on the transfer. If, during its short taxable year ending June 30, 1958, O Corporation has made additional exploration expenditures, such expenditures may be deducted or deferred under section 615 since O Corporation has utilized section 615 in only three previous taxable years. However, for its taxable years ending after June 30, 1958, P Corporation may not deduct or defer exploration expenditures under section 615.

*Example (3).* X, Y, and Z Corporations were organized on January 1, 1955, and each corporation computes its taxable income on the basis of the calendar year. For their taxable years ending December 31, 1955, X and Y Corporations each deducted exploration expenditures made in such taxable years under section 615(a). Z Corporation made no exploration expenditures during its taxable year ending December 31, 1955. On March 31, 1956, X and Y Corporations transferred all their assets to Z Corporation in a reorganization to which section 381(a) applies, no gain being recognized to the transferor corporations on the transfer. X and Y Corporations each made exploration expenditures during their short taxable years ending March 31, 1956, which they deducted under section 615(a). Z Corporation must take into account for purposes of the 4-year limitation the taxable years in which X and Y Corporations have deducted exploration expenditures. In so doing, each taxable year in which exploration expenditures were deducted must be taken into account except that the taxable years of X and Y Corporations ending on March 31, 1956, shall be considered as one taxable year. Therefore, Z Corporation may deduct or defer exploration expenditures in accordance with section 615 for any one taxable year ending after March 31, 1956.

*Example (4).* For purposes of this example, assume that each taxpayer computes taxable income on the basis of the calendar year. Taxpayer A, an individual who has deducted exploration expenditures under section 23(ff) of the Internal Revenue Code of 1939 for his taxable years 1952 and 1953, transferred a mineral property to S Corporation on July 1, 1954, in a transaction in which the basis of the mineral property in the hands of S Corporation is determined under section 362(a). For its taxable year 1954, S Corporation deducted exploration expenditures made in such year under section 615(a). S Corporation had made no exploration expenditures in any preceding taxable year. On December 31, 1954, S Corporation transferred all its assets to T Corporation in a reorganization to which section 381(a) applies, no gain being recognized to the transferor corporation on the transfer. Assuming that T Corporation has not deducted or deferred exploration expenditures in any preceding taxable year, T Corporation may deduct or defer exploration expenditures in accordance with section 615 for any one taxable year ending after December 31, 1954.

(e) ***Effective date.*** **The provisions of paragraph (d) of this section shall not apply to taxable years beginning after July 6, 1960. For the purpose of applying the $400,000 limitation in the case of taxable years beginning after July 6, 1960, see section 615(c) as amended by the Act of July 6, 1960 (Public Law 86–594, 74 Stat. 333).**

**§ 1.381(c)(13) Statutory provisions; carryovers in certain corporate acquisitions; items of distributor or transferor corporation; involuntary conversions under section 1033.**

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * * * *

(13) *Involuntary conversions under section 1033.* The acquiring corporation shall be treated as the distributor or transferor corporation after the date of distribution or transfer for purposes of applying section 1033.

**§ 1.381(c)(13)–1 Involuntary conversions.**

(a) *Carryover requirement*—(1) *General rule.* Section 381(c)(13) requires

that after the date of distribution or transfer the acquiring corporation, in a transaction to which section 381 (a) applies, shall be treated as the distributor or transferor corporation for purposes of applying section 1033, relating to involuntary conversions. This rule shall apply even though the property similar or related in service or use to the property converted, or the stock of a corporation owning such similar property, is purchased by the acquiring corporation after the date of distribution or transfer and is not received from the distributor or transferor corporation in the transaction to which section 381(a) applies. Accordingly, if any factor essential to the application of section 1033 occurs on or before the date of distribution or transfer and any other such factor also occurs after that date, then, in accordance with section 381(c)(13) and this section, the provisions of section 1033 shall apply to the acquiring corporation in the same manner that they would have applied to the distributor or transferor corporation in the absence of the distribution or transfer. For purposes of this section, the terms "involuntary conversion" and "disposition of the converted property" shall have the meaning ascribed to them by the regulations under section 1033.

(2) *Application to other transactions.* The provisions of this section shall apply to any transaction which, under provisions of the Internal Revenue Code of 1954, is treated as though it were an involuntary conversion within the meaning of section 1033. See, for example, section 1071, relating to gain from a sale or exchange to effectuate the policies of the Federal Communications Commission; and sections 1332(b)(3) and 1333(3), relating to war loss recoveries.

(b) *Conversion into similar property.* Section 1033(a)(1) provides that no gain shall be recognized if property is involuntarily converted only into property which is similar or related in service or use to the property so converted. If there is a disposition of property of a distributor or transferor corporation and, subsequent to the date of distribution or transfer, property similar or related in service or use to the property disposed of is received by the acquiring corporation as compensation for the property so disposed of, then no gain shall be recognized to the acquiring corporation, provided that no gain would have been recognized under section 1033(a)(1) if the similar property had been received directly by the distributor or transferor corporation.

*Example.* Property of S Corporation with an adjusted basis of $100 is condemned by the local government. Shortly after the property is so condemned, S Corporation liquidates and distributes its assets to P Corporation in a distribution to which section 381(a) applies. Subsequent to the date of distribution, P Corporation receives from the government (in settlement of the condemnation proceedings) property with a market value of $500 which is similar or related in service or use to the property so condemned. No gain is recognized to either corporation upon P Corporation's receipt of the similar property, and the property so received has a basis of $100 in the hands of P Corporation on the date of its acquisition.

(c) *Conversion into money or dissimilar property when disposition occurs after December 31, 1950*—(1) *General rule.* Section 1033(a)(3) and § 1.1033(a)–2 provide rules for involuntary conversions of property into money or dissimilar property where the disposition of the converted property occurs after December 31, 1950. In such a case, the gain on the conversion, if any, shall be recognized, at the election of the taxpayer, only to the extent that the amount realized on the conversion exceeds the cost of other property purchased by the taxpayer which is similar or related in service or use to the property so converted, or exceeds the cost of stock purchased by the taxpayer in the acquisition of control of a corporation owning such other property, provided (i) the taxpayer purchases such other property or stock for the purpose of replacing the property so converted and (ii) the purchase occurs during the period of time specified in section 1033(a)(3)(B). The provisions of this paragraph shall apply to involuntary conversions where the disposition of the property occurs after December 31, 1950, and where the election to have section 1033(a)(3) apply to the treatment of the gain upon the conversion is contingent upon activities of both the distributor or transferor corporation and the acquiring corporation. For purposes of section 381(c)(13), the period of time specified in section 1033(a)(3)(B) shall be determined by taking into account taxable years of, and extensions of time granted to, both the distributor or transferor corporation and the acquiring corporation.

(2) *Replacement period.* The period during which the purchase of similar property or stock must be made in order to prevent the recognition of gain on the involuntary conversion terminates one year after the close of the first taxable year in which any part of the gain upon the conversion is realized, or at the close of such later date as may be designated pursuant to an application of the taxpayer. See paragraph (c)(3) of § 1.1033(a)–2. Therefore, if, in a case to which this subparagraph applies, the first taxable year in which gain is realized is the taxable year of the distributor or transferor corporation ending with the close of the date of distribution or transfer, the acquiring corporation will have a maximum of only one year after that date in which to purchase the similar property or stock, unless an extension of time has been granted upon application by the distributor, transferor, or acquiring corporation within the time prescribed. See paragraph (a) of § 1.381(b)–1 as to the termination of the taxable year of the distributor or transferor corporation. See paragraph (c)(3) of § 1.1033(a)–2 as to applications to extend the period within which to replace the converted property. In addition to the information otherwise required under paragraph (c)(3) of § 1.1033(a)–2, the application shall contain sufficient detail in connection with the distribution or transfer to establish that section 381(c)(13) applies to the involuntary conversion involved.

(3) *Examples.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* A and B Corporations compute their taxable income on the basis of the calendar year, and both corporations use the cash method of accounting. During 1955 property of A Corporation is destroyed by fire, and in January 1956, A Corporation receives $15,000 from an insurance company as compensation for its loss of property. The adjusted basis of the property on the date of destruction is $10,000; as a consequence, A Corporation realizes a gain of $5,000 on the involuntary conversion. On June 30, 1956, B Corporation acquires all of the assets of A Corporation in a reorganization to which section 381(a) applies. In accordance with paragraph (c)(2) of § 1.1033(a)–2, A Corporation reports in its return for the short taxable year ending June 30, 1956, all the details in connection with the involuntary conversion but does not include the realized gain in gross income, thereby electing to have the gain recognized only to the extent provided in section 1033(a)(3). On June 15, 1957, B Corporation purchases for $20,000 property which is similar or related in service or use to the property previously destroyed. In its return for 1957, B Corporation reports all of the details in connection with its replacement of the property, as required by paragraph (c)(2) of § 1.1033(a)–2. As a result of this replacement by B Corporation, none of the gain realized by A Corporation is recognized. The replacement property which is purchased by B Corporation has a basis to that corporation of $15,000 on the date of its purchase, that is, the cost of such property ($20,000) decreased by the amount of gain not recognized to A Corporation on the involuntary conversion ($5,000).

*Example (2).* Assume the same facts as in example (1), except that B Corporation does not purchase similar property on or before June 30, 1957, and does not apply on or before that date (in accordance with paragraph (c)(3) of § 1.1033(a)–2) for an extension of time in which to make a replacement. In such event, the gain realized by A Corporation is recognized to that corporation for its taxable year ending June 30, 1956. A Corporation's tax liability for such taxable year must be recomputed in accordance with paragraph (c)(2) of § 1.1033(a)–2 in order to reflect this additional income.

*Example (3).* M and N Corporations compute their taxable income on the basis of the calendar year, and both corporations use the cash method of accounting. During 1955, property of M Corporation is destroyed by fire. The adjusted basis of the property on the date of destruction is $10,000. The property is insured against loss by fire, but the insurance claim is not satisfied on or before June 30, 1956, the date on which N Corporation acquires all of the assets (including the insurance claim) of M Corporation in a reorganization to which section 381(a) applies. On September 1, 1957, N Corporation receives $15,000 from the insurance company as compensation for the fire loss suffered by M Corporation. Upon receipt of the insurance proceeds, N Corporation realizes a gain of $5,000 upon the involuntary conversion; however, in its return for 1957, N Corporation elects under the provisions of paragraph (c)(2) of § 1.1033(a)–2 to have the gain recognized only to the extent provided by section 1033(a)(3). On December 30, 1958, N Corporation purchases for $20,000 property which is similar or related in service or use to the property previously destroyed in the hands of M Corporation. As a result of this replacement by N Corporation, none of the gain realized by N Corporation in 1957 is recognized. The replacement property which is purchased by N Corporation has a basis to that corporation of $15,000 on the date of its purchase, that is, the cost of such property ($20,000) decreased by the amount of gain not recognized to N Corporation on the involuntary conversion ($5,000).



*Example (4).* R and S Corporations compute their taxable income on the basis of the calendar year, and both corporations use the cash method of accounting. During 1954 property of R Corporation is destroyed by fire. The adjusted basis of the property on the date of destruction is $10,000. In anticipation of taking the benefit of section 1033(a)(3), R Corporation purchases for $20,000 on June 1, 1955, property which is similar or related in service or use to the destroyed property. In its return for 1955, R Corporation reports all of the details in connection with the replacement of the property, as required by paragraph (c)(2) of § 1.1033(a)–2. The property destroyed in 1954 is insured against loss by fire, but the insurance claim is not satisfied on or before March 1, 1956, the date on which S Corporation acquires all of the assets (including the insurance claim) of R Corporation in a reorganization to which section 381(a) applies. On October 1, 1956, S Corporation receives $12,000 from the insurance company as compensation for the fire loss suffered by R Corporation. Upon receipt of the insurance proceeds, S Corporation realizes a gain of $2,000 upon the involuntary conversion; however, in its return for 1956, S Corporation elects under the provisions of paragraph (c)(2) of § 1.1033(a)–2 to have the gain recognized only to the extent provided by section 1033(a)(3). As a result of the replacement by R Corporation, none of the gain realized by S Corporation in 1956 is recognized. Assuming there are no adjustments for depreciation, the replacement property has a basis on October 1, 1956, of $18,000, that is, the cost of such property ($20,000) decreased by the amount of gain not recognized to S Corporation on the involuntary conversion ($2,000).

(d) *Conversion into money when disposition occurs before January 1, 1951.* Section 1033(a)(2) provides that, if property is disposed of in an involuntary conversion before January 1, 1951, and money is received as compensation for the conversion, no gain shall be recognized if such money is forthwith expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund. That section also provides that, if any part of the money is not so expended, the gain, if any, shall be recognized to the extent of the money which is not so expended. For example, if, pursuant to section 381(c)(13) and section 1033(a)(2), property of a distributor or transferor corporation is disposed of before January 1, 1951, in an involuntary conversion, and the proceeds from the conversion are received by the acquiring corporation so that the gain on the conversion is realized by that corporation, the acquiring corporation may avoid recognition of the gain if it complies with the provisions of section 1033(a)(2) for nonrecognition of gain. Thus, the acquiring corporation must forthwith expend the proceeds in the acquisition of similar property or stock, or in the establishment of a replacement fund, in order to avoid recognition of the gain, if the disposition occurred before January 1, 1951. See the provisions of § 1.1033(a)–3 and § 1.1033(a)–4 relating to involuntary conversions and replacement funds when disposition of the converted property occurred before January 1, 1951.

(e) *Successive acquiring corporations.* An acquiring corporation which, in a transaction to which section 381(a) applies, acquires the assets of a corporation which previously acquired the assets of another corporation in a transaction to which section 381(a) applies, shall be treated as such other corporation for purposes of applying sections 381(c)(13) and 1033 (relating to involuntary conversions). Thus, for example, if any factor essential to the application of section 1033 occurs on or before the date of distribution or transfer in one transaction to which section 381(a) applies, and any other such factor occurs after the date of distribution or transfer in a subsequent transaction to which section 381(a) applies, then the acquiring corporation in such subsequent transaction shall be treated as the first distributor or transferor corporation subject to the rules and limitations of this section for purposes of sections 381(c)(13) and 1033.

**§ 1.381(c)(18) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; percentage depletion on extraction of ores or minerals from the waste or residue of prior mining.**

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * * * *

(18) *Percentage depletion on extraction of ores or minerals from the waste or residue of prior mining.* The acquiring corporation shall be considered to be the distributor or transferor corporation for the purpose of determining the applicability of section 613(c)(3) (relating to extraction of ores or minerals from the ground).

**§ 1.381(c)(18)–1 Depletion on extraction of ores or minerals from the waste or residue of prior mining.**

(a) *Carryover requirement.* Section 381(c)(18) provides that the acquiring corporation in a transaction described in section 381(a) shall be considered as though it were the distributor or transferor corporation after the date of distribution or transfer for the purpose of determining the applicability of section 613(c)(3) (relating to extraction of ores or minerals from the ground). Thus, an acquiring corporation which has acquired the waste or residue of prior mining from a distributor or transferor corporation in a transaction described in section 381(a) shall be entitled, after the date of distribution or transfer, to an allowance for depletion under section 611 in respect of ores or minerals extracted from such waste or residue if the distributor or transferor corporation would have been entitled to such an allowance for depletion in the absence of the distribution or transfer. See paragraph (f) of § 1.613–3 to determine whether a distributor or transferor corporation is entitled to an allowance for depletion with respect to the waste or residue of prior mining.

(b) *Application of section 614 to waste or residue of prior mining.* If, in a transaction described in section 381(a), the acquiring corporation acquires waste or residue of prior mining from a distributor or transferor corporation, then the acquiring corporation shall be considered as though it were the distributor or transferor corporation for the purpose of applying section 614 and the regulations thereunder to the waste or residue so acquired. Thus, if the distributor or transferor corporation was required under paragraph (c) of § 1.614–1 to treat the waste or residue as part of the mineral deposit from which it was extracted and if the acquiring corporation acquires both the waste or residue and the mineral deposit from which it was extracted in a transaction described in section 381(a), then such waste or residue shall be treated as a part of such mineral deposit in the hands of the acquiring corporation. On the other hand, if the waste or residue was required to be treated as a separate mineral deposit in the hands of the distributor or transferor corporation, such waste or residue shall be treated as a separate mineral deposit in the hands of the acquiring corporation.

**§ 1.381(c)(19) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; charitable contributions in excess of prior years' limitation.**

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

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(19) *Charitable contributions in excess of prior years' limitation.* Contributions made in the taxable year ending on the date of distribution or transfer and the prior taxable year by the distributor or transferor corporation in excess of the amount deductible under section 170(b)(2) in such taxable years shall be deductible by the acquiring corporation in its first two taxable years which begin after the date of distribution or transfer, subject to the limitations imposed in section 170(b)(2).

**§ 1.381(c)(19)–1 Charitable contribution carryovers in certain acquisitions.**

(a) *Carryover requirement.* Section 381(c)(19) provides that, in computing taxable income for its first two taxable years which begin after the date of a distribution or transfer to which section 381(a) applies, the acquiring corporation shall take into account any charitable contributions made by a distributor or transferor corporation during the taxable year ending on the date of distribution or transfer, and in the immediately preceding taxable year, which are in excess of the maximum amount deductible for those taxable years under section 170(b)(2). To determine the amount of the excess contributions made by a distributor or transferor corporation and to integrate them with contributions made by the acquiring corporation for the purpose of determining the charitable con-

tributions deductible by the acquiring corporation for its first two taxable years beginning immediately after the date of distribution or transfer, it is necessary to apply the provisions of section 170(b)(2) in accordance with the conditions and limitations of section 381(c)(19) and this section.

(b) *Manner of computing excess charitable contribution carryovers.* (1) The amount of any charitable contribution made by a distributor or transferor corporation in any taxable year ending on or before the date of distribution or transfer, or made by the acquiring corporation in any taxable year before its taxable year beginning after the date of distribution or transfer, in excess of the amount allowable as a deduction to such corporation for such taxable year under section 170(b)(2) shall be determined by taking into account the taxable income of, and the contributions made by, that corporation only.

(2) An acquiring corporation which, in a distribution or transfer to which section 381(a) applies, acquires the assets of a distributor or transferor corporation which previously acquired the assets of another corporation in a transaction to which section 381(a) applies, shall succeed to and take into account, subject to the conditions and limitations of sections 170 and 381, the charitable contribution carryovers available to the first acquiring corporation under sections 170 and 381, including those derived by such first acquiring corporation from its distributor or transferor corporation.

(3) The excess charitable contributions made by a distributor or transferor corporation in its taxable year ending on the date of distribution or transfer and in its immediately preceding taxable year which are not deductible by the distributor or transferor corporation because of the 5-percent limitation of section 170(b)(2) shall be available to the acquiring corporation without diminution by reason of the fact that the acquiring corporation does not acquire 100 percent of the assets of the distributor or transferor corporation. Thus, if a parent corporation owning 80 percent of all classes of stock of its subsidiary corporation were to acquire its share of the assets of the subsidiary corporation upon a complete liquidation described in paragraph (b)(1)(i) of § 1.381(a)-1, then, subject to the conditions and limitations of this section, 100 percent of the excess contributions made by the subsidiary corporation would be available to the acquiring corporation.

(c) *Taxable years to which carryovers apply and amount deductible.* (1) The excess charitable contributions made by a distributor or transferor corporation in its taxable year immediately preceding that ending on the date of distribution or transfer, to the extent not deductible by it because of the limitations of section 170(b)(2) in its taxable year ending on that date, shall be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) in its first taxable year beginning after the date of distribution or transfer. Any portion of such excess which is not deductible under this section by the acquiring corporation in such first taxable year shall not be deducted by that corporation in any other taxable year.

(2) The excess charitable contributions made by a distributor or transferor corporation in its taxable year ending on the date of distribution or transfer shall first be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) and this section in its first taxable year beginning after that date and then, to the extent prescribed by section 170(b)(2) and this section, in its second taxable year beginning after that date. Any portion of such excess which is not deductible under this section by the acquiring corporation in such first and second taxable years shall not be deducted by that corporation in any other taxable year.

(3) No excess charitable contributions made by a distributor or transferor corporation shall be deductible by the acquiring corporation in its taxable year which includes the date of distribution or transfer.

(d) *Rules governing amounts deductible by acquiring corporations.* (1) In applying the provisions of section 170(b)(2) for the purpose of determining the amount of excess charitable contributions which are deductible by the acquiring corporation in its first taxable year beginning after the date of distribution or transfer, all taxable years of the distributor or transferor and acquiring corporations which, with respect to such first taxable year, constitute the second preceding taxable year shall together be considered as one taxable year even though the taxable years involved may not end on the same date. Any excess charitable contributions carried over from such preceding taxable years considered as one taxable year shall be taken into account by the acquiring corporation as one amount, without regard to the extent to which the contributions were made by a distributor or transferor corporation or the acquiring corporation. Similarly, all taxable years of the distributor or transferor and acquiring corporations which, with respect to the first taxable year of the acquiring corporation beginning after the date of distribution or transfer, constitute the first preceding taxable year shall be considered as one taxable year even though the taxable years involved may not end on the same date; any excess charitable contributions carried over from such preceding taxable years shall be taken into account in the same manner as prescribed in the preceding sentence.

(2) In applying the provisions of section 170(b)(2) for the purpose of determining the amount of excess charitable contributions which are deductible by the acquiring corporation in its second taxable year beginning after the date of distribution or transfer, all taxable years of the distributor or transferor and acquiring corporations which, with respect to such second taxable year, constitute the second preceding taxable year shall together be considered as one taxable year even though they may not end on the same date. Any excess charitable contributions carried over from such preceding taxable years considered as one taxable year shall be taken into account by the acquiring corporation as one amount, without regard to the extent to which the contributions were made by a distributor or transferor corporation or the acquiring corporation.

(3) For purposes of this paragraph, the taxable year of a distributor or transferor corporation which ends on the date of distribution or transfer shall be considered a first preceding taxable year with reference to the acquiring corporation's first taxable year beginning after that date and a second preceding taxable year with reference to the acquiring corporation's second taxable year beginning after that date. The taxable year of a distributor or transferor corporation which immediately precedes its taxable year ending on the date of distribution or transfer shall be considered a second preceding taxable year with reference to the acquiring corporation's first taxable year beginning after that date.

(e) *Illustration.* The application of this section may be illustrated by the following example:

*Example.* (i) X Corporation is organized on April 1, 1956, and computes its taxable income on the basis of the fiscal year ending March 31. Y Corporation is organized on July 1, 1955, and computes its taxable income on the basis of the fiscal year ending June 30. Z Corporation is organized on January 1, 1956, and computes its taxable income on the basis of the calendar year. On June 30, 1957, X Corporation distributes all its assets to Y Corporation in a complete liquidation to which section 381(a) applies. On November 30, 1957, Y Corporation transfers all its assets to Z Corporation in a statutory merger to which section 381(a) applies.

(ii) The 5-percent limitation (computed in the manner prescribed by section 170(b)(2)), the charitable contributions actually paid, and the excess contributions with respect to each such corporation during the taxable years involved are as follows:

| *Name of corporation* *Taxable year ending* | *X* *3-31-57* | *X* *6-30-57* |
|---|---|---|
| 5-percent limitation | $20,000 | $9,000 |
| Current contributions | 32,000 | 15,000 |
| (Excess contributions) | (12,000) | (6,000) |

| *Name of corporation* *Taxable year ending* | *Y* *6-30-56* | *Y* *6-30-57* | *Y* *11-30-57* |
|---|---|---|---|
| 5-percent limitation | $15,000 | $10,000 | $18,000 |
| Current contributions | 29,000 | 0 | 17,000 |
| (Excess contributions) | (14,000) | ------- | ------- |
| Balance of 5-percent limitation | ------- | 10,000 | 1,000 |

| *Name of corporation* *Taxable year ending* | *Z* *12-31-56* | *Z* *12-31-57* | *Z* *12-31-58* |
|---|---|---|---|
| 5-percent limitation | $10,000 | $30,000 | $58,000 |
| Current contributions | 40,000 | 28,000 | 2,000 |
| (Excess contributions) | (30,000) | ------- | ------- |
| Balance of 5-percent limitation | ------- | 2,000 | 56,000 |

(iii) X Corporation was in existence for two taxable years, in each of which it made charitable contributions in excess of the maximum amount deductible for those years under section 170(b)(2). The excess contributions made in the year ending March 31, 1957, of $12,000, are deductible by X Corporation in its short taxable year ending June 30, 1957, and then by Y Corporation in its short taxable year ending November 30, 1957, in each instance in the manner and to the extent prescribed by section 170(b)(2) and this section. The excess contributions made by X Corporation in the year ending June 30, 1957, of $6,000, are deductible by Y Corporation in its short taxable year ending November 30, 1957, and then by Z Corporation in its taxable year 1958, in each instance in the manner and to the extent prescribed by section 170(b)(2) and this section.

(iv) Y Corporation was in existence for three taxable years. In the year ended June 30, 1956, its contributions in excess of the amount deductible for that year under section 170(b)(2) amounted to $14,000. Such excess is deductible by Y Corporation in its taxable year ending June 30, 1957, and, together with X Corporation's excess contributions of $18,000, in its short taxable year ending November 30, 1957, in each instance in the manner and to the extent prescribed by section 170(b)(2) and this section. Accordingly, since Y Corporation made no contributions in its taxable year ending June 30, 1957, its deduction for that year on account of excess contributions carried over is $10,000, an amount equal to the 5-percent limitation of section 170(b)(2). The deduction is attributable to excess contributions made by Y Corporation in the taxable year ended June 30, 1956; thus, the excess of those contributions over $10,000, namely, $4,000, is deductible by Y Corporation in its short taxable year ending November 30, 1957, in the manner and to the extent prescribed by section 170(b)(2) and this section. With respect to the short taxable year ending November 30, 1957, the excess contributions of the second preceding year are X Corporation's excess contributions of $12,000 made in the year ending March 31, 1957, and Y Corporation's excess contributions of $4,000 made in the year ending June 30, 1956, which were not deductible by Y Corporation in the taxable year ending June 30, 1957, because of the 5-percent limitation prescribed by section 170(b)(2), an aggregate of $16,000. Inasmuch as Y Corporation's limitation for the short taxable year ended November 30, 1957, exceeds the contributions made in that year by $1,000, the excess contributions of the second preceding taxable year are deductible in the taxable year ending November 30, 1957, to the extent of $1,000 and the remainder ($15,000) is not deductible by any corporation in any taxable year. The excess contributions of the first preceding taxable year, namely, X Corporation's excess contributions made in the short taxable year ending June 30, 1957, are deductible by Z Corporation in its taxable year 1958, in the manner and to the extent prescribed in section 170(b)(2) and this section.

(v) Z Corporation has been in existence for 3 taxable years. The contributions made in 1956 in excess of the amount deductible for that year under section 170(b)(2) amounted to $30,000. Such excess is deductible by Z Corporation in its taxable year 1957 and, together with X Corporation's excess contributions of $6,000 (derived through Y Corporation) made in the taxable year ending June 30, 1957, in the taxable year 1958, in each instance in the manner and to the extent prescribed by section 170(b)(2) and this section. Thus, $2,000 of the $30,000 excess contributions made in the year 1956 are deducted in 1957 and the remainder ($28,000), together with X Corporation's excess contributions of $6,000 made in the short taxable year ending June 30, 1957, are deducted in 1958 since the aggregate of such amounts plus the contributions actually made in that year does not exceed the 5-percent limitation prescribed by section 170(b)(2).

[F.R. Doc. 61-2015; Filed, Mar. 7, 1961; 8:49 a.m.]



# Title 46—SHIPPING

## Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, Rev., Amdt. 8]

## PART 308—WAR RISK INSURANCE

### Change in Expiration Dates

Section 308.6 *Period of interim binders if insurance thereunder does not attach,* § 308.106 *Standard form of war risk hull insurance interim binder,* § 308.206 *Standard form of war risk protection and indemnity insurance interim binder,* and § 308.305 *Standard form of Second Seamen's war risk interim binder* are hereby amended by changing the expiration dates appearing therein from "midnight, March 7, 1961, G.m.t." to "midnight, May 7, 1961, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Maritime Administrator.

Dated: March 2, 1961.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-2033; Filed, Mar. 7, 1961; 8:51 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

## PART 264—INTERNATIONAL INTERCHANGE OF PATENT RIGHTS AND TECHNICAL INFORMATION

### Background

The following amendment to Part 264 as approved on February 10, 1961:

In § 264.3(a), the countries—Denmark, Portugal, and Spain—have been added. Section 264.3(a), as revised, begins as follows:

**§ 264.3 Background.**

(a) Pursuant to the provisions of the Mutual Security Act of 1954, as amended, and of predecessor legislation superseded by that Act, the United States has entered into agreements for the Interchange of Patent Rights and Technical Information for Defense Purposes with Australia, Belgium, Denmark, France, the Federal Republic of Germany, Greece, Italy, Japan, The Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom. The agreements, which are published in the Treaties and Other International Act Series, are basically similar in substance but are not identical. Under the agreements:

* * * * *

MAURICE W. ROCHE,
*Administrative Secretary.*

[F.R. Doc. 61-1993; Filed, Mar. 7, 1961; 8:45 a.m.]

## Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

## PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

### Exemption of Common Carriers by Water

Section 1453.3(d)(2) *Fiscal years ending on or after December 31, 1953* is amended by deleting, in subdivision (1) thereof, the words "January 1, 1960", and inserting in lieu thereof the words "January 1, 1961".

(Sec. 109, 65 Stat. 22, 50 U.S.C. App. Sup. 1219)

Dated: March 2, 1961.

THOMAS COGGESHALL,
*Chairman.*

[F.R. Doc. 61-2008; Filed, Mar. 7, 1961; 8:48 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

### Monthly Installments Withheld at Request of Insured or Otherwise Accrued to Credit of Insured After Maturity by Total and Permanent Disability

In Part 6, § 6.123c is added to read as follows:

**§ 6.123c Monthly installments withheld at the request of the insured or otherwise accrued to credit of the insured after maturity by total and permanent disability.**

(a) Where an insured is determined in accordance with the applicable Veterans Administration regulations to be totally and permanently disabled while a United States Government life insurance policy is in force and entitled to waiver of premiums and to payment of monthly installments on account of such disability but such payments are not made to the insured, the insurance shall mature and such total permanent disability installments shall accrue. If it is determined that the insured is no longer totally and permanently disabled, further monthly installments on account of such total permanent disability shall cease as of the date of such determination. Thereafter, the reduced amount of insurance may be continued in accordance with the provisions of §§ 6.123, 6.123a, 6.123b, and 6.124, whichever is applicable. The accrued total and permanent disability installments for the purpose of such Veterans Administration regulations shall be considered to have been paid to the insured.

(b) Any accrued total permanent disability installments remaining unpaid for the period prior to the date of determination that the insured is no longer totally and permanently disabled shall be payable, without interest, in a lump sum to the insured. Any accrued total permanent disability installments which are not paid to the insured during his lifetime shall be paid, without interest, in a lump sum upon his death to the beneficiary entitled to the proceeds of the insurance. The accrued total permanent disability installments shall be considered to have been paid to the insured for the purpose of determining cash value, loan value, paid-up insurance and extended insurance and the amount of insurance payable at death of the insured or at the maturity of an endowment policy.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective March 8, 1961.

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 61-2016; Filed, Mar. 7, 1961; 8:49 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 13898]

## PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

## PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

### Frequency Available in Virgin Islands; Order

In the matter of amendment of Parts 7 and 8 of the Commission's rules to make the frequency pair 2506 kc (Coast)—2009 kc (Ship) available for assignment in the vicinity of Charlotte Amalie, St. Thomas, Virgin Islands; Docket No. 13898, RM-194.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of March 1961;

The Commission having under consideration the above-captioned matter;

It appearing that in accordance with the requirements of section 4 (a) and (b) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties, was published in the FEDERAL REGISTER on December 17, 1960 (25 F.R. 12951), and the period for filing comments has now expired; and

It further appearing that no comments or objections to the amendments proposed were recevied; and

It further appearing that the public interest, convenience, and necessity will be served by the amendment herein ordered, the authority for which is contained in section 303 (c), (f), and (r) of the Communication Act of 1934, as amended;

*It is ordered*, That effective April 3, 1961, Parts 7 and 8 of the Commission's rules are amended as set forth below.

Released: March 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

A. Part 7 is amended as follows:

1. The Table in § 7.306(b) is amended by the addition of the following new location, frequencies, and specific limitation of use after the entry for Palmyra Island, Hawaii.

**§ 7.306 Availability of frequencies below 30 Mc.**

(b) • • •

| Coast stations located in the vicinity of— | Coast station transmitting carrier frequency [1] | | Associated coast station receiving carrier frequency | |
|---|---|---|---|---|
| | Frequency (kc) | Specific limitations imposed upon availability for use [2] | Frequency (kc) | Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 8.354(a)(1) of this chapter [3] |
| • • • • • • • | | | | |
| St. Thomas Island, V.I. | 2506 | 8 a.m. to 9 p.m., A.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused. | 2009 | 8 a.m. to 9 p.m., A.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused. |

B. Part 8 is amended as follows:

1. The Table in § 8.354(a)(1) is amended by the addition of the following new location, frequencies, and specific limitation of use after the entry for Palmyra Island, Hawaii.

**§ 8.354 Frequencies below 5000 kc for public correspondence.**

(a) • • •
(1) • • •

| For communication with coast stations located in the vicinity of— | Mobile station transmitting carrier frequency [1] | | Associated coast station carrier frequency | |
|---|---|---|---|---|
| | Frequency (kc) | Specific limitations imposed upon availability for use [2] | Frequency (kc) | Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 7.306(b) of this chapter [1] |
| • • • • • • • | | | | |
| St. Thomas Island, V.I. | 2009 | 8 a.m. to 9 p.m., A.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused. | 2506 | 8 a.m. to 9 p.m., A.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused. |

[F.R. Doc. 61-2050; Filed, Mar. 7, 1961; 8:53 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 32—HUNTING

### Kentucky Woodlands National Wildlife Refuge, Kentucky

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Kentucky Woodlands National Wildlife Refuge, Kentucky, is permitted only on the areas designated by signs as open to hunting. This open area, comprising 25,000 acres or 36 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting is subject to the following conditions:

(a) Species permitted to be taken: Wild turkey, gobblers only.

(b) Open season: April 20-21, 24-25, and 27-28, 1961. Daylight until 12:00 noon (c.s.t.). Total season kill limited to 50 gobblers.

(c) Bag limits: Only one turkey gobbler per hunter for the season. A successful hunter cannot assist any other hunter in taking turkey.

(d) Methods of hunting:

1. Shotgun only, not larger than 12 gauge. Slugs prohibited.



(e) Other provisions:

1. The provisions of this special regulation suplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Hunters, upon entering or leaving the hunting area, must report at such checking stations as may be established for regulating the hunting. Checking stations will be open at 4:00 a.m. and checkout time will be 12:00 noon (c.s.t.)

3. A Federal permit is required to enter the public hunting area. A maximum of 250 permits will be issued for each two-day period. Permits will be issued at the refuge office between April 1 and April 19. Applications for permits may be in person or by mail and should be addressed to the Refuge Manager, Kentucky Woodlands National Wildlife Refuge, R.R. 2, Golden Pond, Kentucky. Permits will be issued in the order that they are received. Permits are at no cost and are not transferrable.

4. The provisions of this special regulation are effective to April 29, 1961.

WALTER A. GRESH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

FEBRUARY 27, 1961.

[F.R. Doc. 61-2002; Filed, Mar. 7, 1961; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### [ 25 CFR Part 221 ]

### FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

### Operation and Maintenance Charges

*Basis and Purpose.* Notice is hereby given that pursuant to the authority contained in the Acts of Congress approved August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142) and March 7, 1928 (45 Stat. 210), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F.R. 5454–7), notice is hereby given of the intention to modify sections 221.16 and 221.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts. Purpose of this amendment is to establish the assessment rate for non-district lands of the Flathead Indian Irrigation Project for 1961 and thereafter until further notice.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rules making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to Area Director, U.S. Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Sections 221.16 and 221.17 are amended to read as follows:

**§ 221.16 Charges, Jocko Division.**

(a) An annual minimum charge of $2.97 per acre, for the season of 1961 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available will be delivered at the rate of one dollar and ninety-eight cents ($1.98) per acre foot or fractional thereof.

**§ 221.17 Charges, Mission Valley and Camas Divisions.**

(a) (1) An annual minimum charge of $3.31 per acre, for the season 1961 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and twenty-one cents ($2.21) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of $3.40 per acre, for the season of 1961 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and twenty-seven cents ($2.27) per acre foot or fraction thereof.

PERCY E. MELIS,
*Area Director.*

MARCH 2, 1961.

[F.R. Doc. 61–2003; Filed, Mar. 7, 1961; 8:46 a.m.]

## Bureau of Land Management

### [ 43 CFR Part 195 ]

### SODIUM PERMITS AND LEASES, USE PERMITS

### Notice of Proposed Rule Making

*Basis and purpose.* Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 32 of the Act of February 25, 1920 (30 U.S.C. 189), it is proposed to amend 43 CFR 195.3, 195.6, 195.9, 195.10, 195.11, 195.21 and 195.26 as hereinafter set forth.

The principal purpose of the amendment is to provide for a combined sodium prospecting permit application and permit form, designed to expedite the issuance of sodium permits on public domain and acquired lands.

The proposed amendment provides that a lessee or permittee holding 5,120 acres in leases, permits or applications therefor in any one State may be permitted to hold up to 15,360 acres in the same State upon submittal of adequate evidence to the Bureau of Land Management as proof that the increased acreage is necessary in order for the 5,120 acres to be mined economically, taking into consideration the whole body of ore which the miner must have to operate.

The amendment also provides for an annual rental of 25 cents an acre or fraction thereof, but not less than $20 per year, on all prospecting permits and of not less than $1 an acre or fraction thereof on all use permits such as specified in § 195.26, including those which may issue pursuant to applications filed prior to the effective date of the amendment. It further provides for automatic termination of such permits if payment of the rental is not received when deemed to be timely.

The amendment requires a bond of not less than $1,000 prior to the issuance of all prospecting permits, including those which may issue pursuant to applications filed prior to the effective date of the amendment, and a $10 filing fee with an application for the renewal of a sodium lease.

The amendment established a rule that after the expiration of the permit term, the lands involved will not be segregated from further leasing because a previously filed relinquishment of the permit has not been noted on the records. This will insure that all members of the public have equal opportunity to file an application for the permit lands even though notation of the relinquishment or cancellation of the permit has not been made on the official records.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Director, Bureau of Land Management, Washington 25, D.C., within thirty days from the date of publication of this notice in the FEDERAL REGISTER.

1. Section 195.3 is amended to read as follows:

**§ 195.3 Area and limitation on holdings.**

(a) Except where the rule of approximation applies,[2] a lease or permit may not include more than 2,560 acres in reasonably compact form entirely within an area of six miles square or within an area not exceeding six surveyed or protracted sections in length or width.

[2] A larger area may be granted under the "rule of approximation" in those States covered by the public land rectangular survey system. That rule applies to applications for prospecting permits only where elimination of the smallest legal subdivision involved would result in a deficiency of area under 2,560 acres greater than the excess over 2,560 acres resulting from inclusion of such subdivision.





No person, association or corporation may hold at any one time more than 5,120 acres in any one State, except as hereinafter stated, whether directly through ownership of leases, permits and applications therefor, or indirectly as a member of an association or as a stockholder of a corporation holding leases, permits and applications therefor.

(b) Where necessary in order to secure the economic mining of sodium compounds, the authorized officer may, in his discretion and after consultation with the Mining Supervisor, permit a person, association, or corporation to hold up to 15,360 acres in any one State, upon submittal of the following information and evidence as proof that the additional acreage is necessary in order for the 5,120 acres held under Federal sodium leases and/or permits to be mined economically, taking into account the whole body of ore which the miner must have in order to operate:

(1) Whether such person, association, or corporation holds sodium leases and permits covering fee, railroad and State lands within the same area of its public land holdings under sodium leases and permits, and if so, the description of those lands and the amount of acreage involved.

(2) Why the additional public lands covering acreage in excess of 5,120 acres are actually necessary to secure an economic mining unit.

(3) A log of all wells drilled for sodium deposits on the lands which such person, association, or corporation holds under sodium lease or permit, together with an analysis of the ore discovered therein.

2. Section 195.8 is amended to read as follows:

**§ 195.8 Application for permit, and issuance of permit.**

(a) To obtain a sodium prospecting permit, an application should be filed in quintuplicate in the appropriate land office on Form 4–1492,[3] or on an exact reproduction thereof. The form or an exact reproduction will constitute the permit when signed by the authorized officer of the land office. The application must be filed in accordance with the regulation in effect at the date of filing.

(b) Each application should be filled in on a typewriter or printed plainly in ink and signed in ink by the applicant or the applicant's duly authorized attorney in fact. An application may be made by a legal guardian or trustee in his name for the benefit of a nonalien minor or minors but an application may not be filed by a minor. Each application must contain a description of the land as prescribed in § 195.17(a)(2). Except where the rule of approximation applies, all applications must be for an area of not more than 2,560 acres of land in reasonably compact form as specified in § 195.3.

[3] A copy of this (filed as part of original document), as well as of every other form mentioned in this part, may be obtained from any land office or from the Director, Bureau of Land Management, Washington 25, D.C.

(c) Each application, when filed, must be accompanied by:

(1) A filing fee of $10 which is not returnable, and full payment of the first year's rental in the amount specified in paragraph (h) of this section.

(2) If the applicant is an association or corporation, the evidence specified in § 195.4(c) (2) and (3), respectively, and (4). If the acreage holdings of a corporation or members of an association exceed 5,120 acres in the State in which the lands applied for are situated, the information and evidence specified in § 195.3(b) (1), (2), and (3).

(3) (i) Except in a case where an officer of a corporation signs an application on behalf of the corporation, as to which see § 195.4(c)(3), evidence of the authority of the attorney in fact to sign the application and permit, if the application is signed by such attorney on behalf of the applicant.

(ii) If such applicant is an individual, a statement over the applicant's signature setting forth the applicant's citizenship and acreage holdings, direct and indirect, in sodium leases, permits and applications therefor in the State in which the lands applied for are situated. If such holdings exceed 5,120 acres, the same information and evidence required of a corporation or members of an association.

(4) If the application is made by a guardian or trustee, the evidence specified in § 195.12(c)(3)(i).

(b) (1) Except as provided in subparagraph (3) of this paragraph, an application will be rejected if:

(i) The land description does not conform with the requirements of § 195.17(a)(2), or the land is not in reasonably compact form as specified in § 195.3.

(ii) The total acreage exceeds 2,560 acres, except where the rule of approximation applies.

(iii) The full amount of the filing fee and the first year's rental do not accompany the application.

(iv) The application is signed by an attorney in fact on behalf of the applicant and is not accompanied by the evidence and statement required by paragraph (c)(3) of this section.

(v) The application is signed by a guardian or trustee on behalf of a minor and is not accompanied by the evidence specified in § 195.12(c)(3)(i).

(vi) Less than five copies of the application are filed.

(vii) There is noncompliance with the requirements specified in § 195.4(c) (1), (2), (3) and (4).

(2) If an application is defective to the extent set out in paragraph (d)(1) of this section, the applicant will be given an opportunity to file a new application within thirty days from service of the rejection, and the fee and rental payments on the old application will be applied to the new application if the new application shows the serial number of the old application. The advance rental will be returned unless within the thirty-day period another application is filed.

(3) An application for permit on a form not correctly reproduced, but which contains the statement that the applicant agrees to be bound by the terms and conditions of the form in effect at the date of filing, will be approved by the authorized officer provided all other requirements are met.

(e) The United States will indicate its acceptance of the application, in whole or in part, and the issuance of the permit by the signature of the authorized officer in the space provided therefor. An executed copy of the permit will be mailed to the applicant at the address of record.

(f) If the applicant dies before the permit is issued, evidence such as specified in § 195.12(c) must be filed before it can be determined to whom the permit may be issued.

(g) (1) An applicant whose application is pending on the effective date of this section, as amended, may file a new application on Form 4–1492 for the land described in his application, pursuant to paragraphs (a), (b) and (c) of this section, but without payment of the required filing fee, if it has already been paid.

(2) When required, the holder of an application pending on the effective date of this section, as amended, must within 30 days from receipt of notice, file an application on Form 4–1492 covering the same land in, and bearing the same serial number as his pending application. He must also pay the first year's rental in the amount specified in paragraph (h) of this section. No additional filing fee will be required. Failure to refile will result in the rejection of the original application without further notice.

(h) A permittee must pay an annual rental of 25 cents an acre or fraction thereof covered by his permit, but not less than $20 per year, such annual payments of rental shall be made on or before the anniversary date of the permit. However, if the time for payment falls upon any day in which the proper land office to receive payment is not open, payment received on the next official working day shall be deemed to be timely. Payment of rental will also be required on all permits issued pursuant to applications filed prior to the effective date of this section, as amended.

3. Section 195.9 is amended to read as follows:

**§ 195.9 Term of prospecting permit; rights conferred.**

Prospecting permits are issued for a period of two years and grant the permittee the exclusive right to prospect and explore the lands involved to determine the existence of, or workability of, the sodium deposits therein. Only such material may be removed from the lands as is necessary to experimental work or the demonstration of the existence of such deposits in commercial quantities.

4. Section 195.10 is amended to read as follows:

**§ 195.10 Permit bond.**

Prior to the issuance of a permit the applicant must furnish a bond of not less than $1,000, with approved corporate surety (Form 4–1130), or his personal bond in similar amount (Form 4–1131) secured by negotiable Federal securities in the amount of the bond. A

bond will also be required on all permits issued pursuant to applications filed prior to the effective date of this section, as amended.

5. Section 195.11 is amended to read as follows:

**§ 195.11 Relinquishment, cancellation, or termination of prospecting permit; availability of lands for further application upon relinquishment, cancellation, or termination of permit.**

(a) A permittee may relinquish the entire permit or any legal subdivision thereof. If the lands are not described by legal subdivision, a partial relinquishment must contain the description of the lands surrendered and the exact area thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance, it will be effective as of the date it is filed, subject to the continued obligation of the permittee and his surety to make payment of all accrued rentals and royalties, and to provide for the preservation of any mines or productive works or permanent improvements on the permit lands in accordance with the regulations and terms of the permit.

(b) Except as provided for in subparagraph (1) of this paragraph, if a permittee fails to comply with the general regulations in force at the date of the permit, or defaults with respect to any of the terms or stipulations of the permit, and such failure or default continues for 30 days after service of written notice thereof by the Government then the permit may be cancelled. A waiver of any particular cause for cancellation shall not prevent the cancellation of the permit for any other cause, or for the same cause occurring at any other time.

(1) Any prospecting permit shall terminate automatically if the permittee fails to pay the rental as specified in § 195.8(h).

(2) The termination of the permit for failure to pay rental must be noted on the official records of the appropriate land office. Until such notation is made, the lands covered by the permit are not subject to any other sodium permit. Applications for such permits filed prior to such notation will be rejected.

(c) Where lands embraced in a cancelled or relinquished permit are not withdrawn from leasing, such lands shall become available for the filing of new permit applications immediately upon notation on the official status records of the cancellation or relinquishment of the permit. If prior to such notation the permit expires at the end of its primary term in the absence of cancellation or relinquishment, the lands covered by the permit shall likewise become available for the filing of new applications even though the cancellation or relinquishment has not been noted on the records.

6. Section 195.21 is amended to read as follows:

**§ 195.21 Renewal leases.**

An application for a renewal lease must be filed in duplicate in the appropriate land office not less than 30 days nor more than 90 days before the lease term expires and be accompanied by a filing fee of $10 which is not returnable. Thereafter, the lessee will be notified of the terms and conditions to be prescribed in the renewal lease. Unless the lessee files written objections to the proposed terms, or files a relinquishment of the lease within 30 days after receipt of such notice, he will be deemed to have agreed to such terms and to the renewal of the lease. Prior to the renewal of the lease, the lessee will be required to submit a satisfactory bond as prescribed in § 195.15.

7. Section 195.26 is amended to read as follows:

**§ 195.26 Use permits for additional land.**

(a) A permittee or lessee may be granted a right to use, during the life of the permit or lease, the surface of not exceeding 40 acres of unoccupied nonmineral public land not included within the boundaries of a national forest for camp sites, refining works, and other purposes connected with and necessary to the proper development and use of the deposits covered by the permit or lease. The annual rental charge for use of such land will be not less than $1 an acre or fraction thereof. Payment of the rental shall be made at the time specified in § 195.8(h), and will also be required on all use permits issued pursuant to applications filed prior to the effective date of this section, as amended.

(b) Applications for permits to use additional land shall be filed in duplicate in the appropriate land office. Each application must be accompanied by a filing fee of $10 which is not returnable and the first year's rental in the amount specified in paragraph (a) of this section. The applications must contain a description of the land as specified in § 195.17(a)(2), and set forth the reasons why the additional land is necessary to the permittee or lessee for the use named, and whether it is unoccupied and nonmineral. A use permit will be issued on Form 4–1135 and dated as of the first day of the month after its issuance unless the applicant requests that it be dated the first day of the month of issuance.

(c) Any use permit shall terminate automatically if the permittee or lessee fails to pay the rental at the time specified in § 195.8(h).

8. Footnote 3 referred to in § 195.16 is renumbered as Footnote 4.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

MARCH 2, 1961.

[F.R. Doc. 61–2004; Filed, Mar. 7, 1961; 8:47 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [ 7 CFR Parts 943, 966 ]

[Docket Nos. AO–231–A14, AO–257–A6]

## MILK IN NORTH TEXAS AND NORTHERN LOUISIANA MARKETING AREAS

### Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Dallas, Texas, on January 18, 1961, pursuant to notice thereof issued on January 9, 1961 (26 F.R. 225).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on February 16, 1961 (26 F.R. 1466; F.R. Doc. 61–1541) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Modification of the Class II and Class I pricing formulas under the North Texas order.

2. Modification of the Class II and Class I pricing formulas under the Northern Louisiana order.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Issue No. 1. Revision of the Class II pricing formula and the basic formula used in determining the Class I price under the North Texas order.

The Class II pricing formula should be revised to provide that during the months of April, May and June, the Class II price shall be the higher of the prices resulting from the butter-powder formula component of the basic formula price, less 14 cents, or a Cheddar cheese formula price identical to that presently provided in the San Antonio and Corpus Christi orders for pricing Class II–A (Cheddar cheese) milk. In all other months such price should be the higher of the butter-powder formula price or the Cheddar cheese formula price. The local Texas manufacturing plant pay price should be deleted as an alternative pricing mechanism in the basic formula price.

Under the present order provisions the Class II price during the months of April, May and June is the higher of the average pay prices of three local Texas manufacturing plants or the butter-powder formula price less 20 cents. In all other months of the year, the Class II price is the higher of the butter-powder formula price or the average of the local manufacturing plant pay prices. The local plant pay prices, the butter-powder formula and the Midwest condensery pay price are components of the basic formula price.

The average of the local manufacturing pay prices normally has been the effective Class II price during the months of April, May and June and in all other months the butter-powder formula price has been the effective price. The local manufacturing plant pay price has never been effective in determining the basic formula price.

Changes in the operation of local manufacturing plants reporting prices paid dairy farmers for ungraded milk seriously impair their usefulness in the pricing provisions of the order. The Borden Company plant at Mount Pleasant, Texas, has ceased operation. The Lamar Creamery Company plant at Paris, Texas, no longer receives ungraded milk from dairy farmers. The volume of ungraded milk handled at the three manufacturing plants dropped from an average of 2.7 million pounds per month in 1957 to about 1.4 million pounds per month in 1959. On the basis of volume figures reported on the record through May 1960, it is apparent that the quantity of ungraded milk receipts decreased still further during 1960, and with only one plant now operating such receipts will be still less in 1961.

Producer proponents contend that while they do not at this time question the appropriateness of the Class II prices provided under the order during 1960, they are unwilling, and believe it inappropriate, to continue to have their Class II milk priced on the basis of a single plant's reported pay price. They propose, therefore, that the Class II price, during the specified flush months of production, be the higher of the butter-powder formula component of the basic formula price, less 14 cents, or a Cheddar cheese formula price. They further proposed that in all other months the Cheddar cheese formula price be the effective Class II price in any month in which such price exceeds the butter-powder formula price.

Producer's proposal would have provided the same Class II price level of $3.266 during 1960 as was in effect under the present order provisions. In addition, it would also have provided Class II prices virtually identical with the actual Class II prices in effect in the years 1958 and 1959. Since their proposal meets the objective of providing a more representative basis for pricing Class II milk, its adoption is appropriate.

The inclusion of the alternative cheese pricing formula [prices paid per pound of Cheddar cheese at Wisconsin Primary markets times 8.4] provides assurance to producers that the Class II price adequately reflects the supply-demand situation for milk for manufacturing uses on a national basis. While the Cheddar cheese pricing formula would not have established the Class II price in any month during the period 1956–1960, the price for milk processed into Cheddar cheese has strengthened significantly in the latter part of 1960. It is possible, therefore, that in some future period such price may exceed the price computed on the basis of the butter-powder formula. Cheddar cheese is generally recognized as one of the residual use values for fluid milk. Since the facilities are available to the market for disposition of the surplus reserve milk for Cheddar cheese, there is no reason why the price for such milk should at any time be less than the price of milk utilized in Cheddar cheese.

One handler recommended that the lower Class II price be extended to include the month of March. He contended that such modification would align the Class II prices for the flush production months with the months when producers are paid base and excess prices. Producer proponents pointed out, however, that they were presently engaged in a reappraisal of the Class II price level and expected that they would submit their conclusions in the form of proposals for hearing within a few months. If a change in the seasonality of Class II prices is desirable, it should be considered at a later hearing.

The basic formula price used in determining Class I prices under the order is presently the highest of the butter-powder formula price, the Midwest condensery pay price or the local manufacturing plant pay price. For reasons previously stated the local manufacturing plant pay price no longer can be presumed to constitute a representative price for manufacturing milk. While such price has never been effective in establishing the Class I price, it nevertheless has provided assurance to producers that their Class I price would reflect competitive manufacturing milk values. The use of the Cheddar cheese formula price as a component of the basic pricing formula, in lieu of the manufacturing plant pay price would not serve this purpose. The Cheddar cheese formula proposed would never have been effective as a Class I price determinant and it is difficult, if not impossible, to conceive of circumstances under which such price could be higher than either the existing butter-powder formula price or the Midwest condensery pay price. Hence, inclusion of this formula could serve no useful purpose. The deletion of the local manufacturing plant pay price as a component of the basic pricing formula is not expected to affect the level of Class I prices provided by the order.

Issue No. 2. Revision of the Class II pricing formula and the basic formula price used in determining the Class I price under the Northern Louisiana order.

The Class II pricing formula should be revised to provide that during the months of March, April, May, and June, the Class II price shall be the price resulting from the existing butter-powder formula price component of the basic formula price, less 5 cents, and in all other months, the butter-powder formula price. The average of pay prices of three Texas manufacturing plants should be deleted as an alternative pricing mechanism in determination of the basic formula price in the Class I pricing provisions.

Under the present order provisions, the Class II price during the months of March, April, May, and June is the average of the pay prices of the three local Texas manufacturing plants, and in all other months the higher of such price or the butter-powder formula price. The basic formula price used to determine the Class I price is the highest of the butter-powder formula price, the Midwest condensery pay price or the local Texas manufacturing plant pay price.

Producer proponents in the Northern Louisiana market took an identical position to that of North Texas producers relative to the continued use of the Texas local manufacturing plants pay prices as a pricing mechanism for Class I and Class II milk. Unlike North Texas producers, however, their proposed Class II pricing mechanism would have increased the Class II price about 7 cents per hundredweight during the months of March, April, May and June, 1960. They modified their proposal during the hearing to provide that the Class II price be established on the basis of the existing butter-powder formula in all months of the year, without adjustment.

The deletion of the local Texas manufacturing plants pay prices as a component of both the Class I and Class II pricing formulas is desirable for the identical reasons previously set forth in the discussion of Issue No. 1. Since the butter-powder formula generally has been effective in setting the Class II price in the months of July through February, the use of this formula as the sole pricing mechanism during such months is not expected to affect the level of Class II price in such months. While the use of a butter-powder formula price adjusted downward by five cents during the other four months would have increased the Class II price by approximately 7 cents during such months in 1960, this increase is fully justified on the basis of the existing market situation.

The market situation in the Northern Louisiana market is substantially different than that in the North Texas market. The proponent association supplies all handlers with their full requirements for both Class I and Class II uses. Regulated handlers, however, have very limited Class II use. The bulk of the producer milk supply, in excess of the market's Class I needs, is disposed of by the association to nonpool plants for manufacturing uses. During the past several years, the association has been able to realize a return on such excess milk in excess of the order Class II prices. During the months of March through June 1960, the association received as much as 34.5 cents over the Class II price on milk disposed of to manufacturing plants. The association indicated that it will have no difficulty in disposing of all of the surplus milk during 1961 at prices at least as high as that resulting from their amended proposal.

Under normal circumstances there should be no reason why producers' amended proposal could not be adopted. However, it must be recognized that reg-

ulated handlers do use limited volumes of Class II milk and adoption of producers' amended proposal would have increased the cost of such milk during the months of March through June 1960 by 12 cents per hundredweight. This hearing was held at Dallas, Texas. No handlers were present at the hearing. Producer proponents, however, stated on the record that they had fully discussed their original proposal for a Class II price based on the butter-powder formula price less 5 cents, during the four flush production months, with handlers individually and that they were not opposed to such a proposal.

While the hearing notice indicated that the hearing would consider appropriate modifications of the proposals set forth in the notice, handlers had little reason to expect that producers would modify their proposals previously discussed with them. There is reason to think that the handlers did not attend the hearing called at a distant place in reliance on producers representation that only the proposals as set forth in the hearing notice would be supported by testimony. Therefore, revision in the Class II price to a level higher than that set forth in the notice would not be appropriate in these particular circumstances.

The prices paid by a single local manufacturing plant do not provide a representative price for purposes of pricing Class I milk under the order. It is desirable, therefore, that this component of the basic formula price be deleted. Since the local manufacturing pay price has never been effective in establishing the Class I price, this modification of the basic pricing formula is not expected to affect the level of Class I price provided by the order.

*Rulings on proposed findings and conclusions.* A brief and proposed findings and conclusions were filed on behalf of certain interested parties. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which hearings have been held.

*Rulings on exception.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

*Marketing agreements and orders.* Annexed hereto and made a part thereof are four documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the North Texas Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Northern Louisiana Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Northern Louisiana Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of Representative Period. The month of December 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders amending the orders regulating the handling of milk in the North Texas and Northern Louisiana marketing areas, are approved or favored by producers, as defined under the terms of the respective orders as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Issued at Washington, D.C., this 3d day of March 1961.

JOHN P. DUNCAN, Jr.
*Acting Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area*

**§ 943.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

**§ 943.50 [Amendment]**

1. In the first sentence of § 943.50 delete the phrase "highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section" and substitute therefor the phrase "higher of the prices computed pursuant to paragraphs (a) and (b) of this section."

2. Delete paragraph (c).

**§ 943.51 [Amendment]**

3. Delete paragraph (b) and substitute therefor the following:

(b) *Class II milk.* The Class II price per hundredweight, rounded to the nearest one-tenth cent, shall be as follows:

(1) For each of the months of April, May and June the higher of;

(i) the price computed pursuant to § 943.50(b) less 14 cents; or

(ii) The price computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month.

(2) For each of the months of July through March, the higher of the prices computed pursuant to § 943.50(b) or subdivision (ii) of subparagraph (1) of this paragraph.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*Order[1] Amending the Order Regulating the Handling of Milk in the Northern Louisiana Marketing Area*

**§ 966.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northern Louisiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has ben held.

*Order relative to handling.* It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Northern Louisiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 966.50 and substitute therefor the following:

**§ 966.50 Basic formula price.**

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest one-tenth cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 4.0.

PRESENT OPERATOR AND LOCATION

Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Sparta, Mich.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0;

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

**§ 966.51 [Amendment]**

2. Delete paragraph (b) and substitute therefor the following:

(b) *Class II price.* The minimum price shall be the price computed pursuant to § 966.50(b), minus 5 cents per hundredweight for the months of March, April, May and June, and the price computed pursuant to § 966.50(b) for all other months, rounded in each case to the nearest one-tenth cent.

[F.R. Doc. 61-2010; Filed, Mar. 7, 1961; 8:48 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



## [7 CFR Part 989]

## HANDLING OF RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

### Proposed Compensation to Handlers for Certain Pooling Services During 1960–61 Crop Year

Consideration is being given to a proposal to amend § 989.166(g)(1)(i) of the administrative rules and regulations, as amended (Subpart-Administrative Rules and Regulations; 7 CFR 989.101–989.180), effective pursuant to, and for operations under, Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989; 25 F.R. 12813), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Raisin Administrative Committee, established under this regulatory program.

The proposal is to amend § 989.166(g)(1)(i) to provide that each handler shall be compensated at the rate of $5.00 per ton (natural condition weight at the time of acquisition) for receiving, storing and handling reserve and surplus tonnage raisins acquired by him during the 1960-61 crop year (September 1, 1960-August 31, 1961) and held by him for the account of the committee during all or any part of such 1960–61 crop year. The rate of payment to handlers of $5.00 per ton for performing these services is the same as that in effect for the 1959–60 crop year (September 1, 1959–August 31, 1960). The committee considers no change in the rate of payment is warranted.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the seventh day after publication of this notice in the FEDERAL REGISTER.

Dated: March 2, 1961.

FLOYD F. HEDLUND,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 61-2011; Filed, Mar. 7, 1961; 8:48 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Public Health Service

## [ 42 CFR Part 73 ]

## BIOLOGICAL PRODUCTS

### Additional Standards; Packed Red Blood Cells (Human)

Notice is hereby given of proposed rule making pursuant to section 351 of the Public Health Service Act, as amended (58 Stat. 702; 42 U.S.C. 262). The proposed amendments to Part 73 would prescribe specific standards of safety, purity and potency for Packed Red Blood Cells (Human).

Notice is also given that it is proposed to make any amendments that are adopted effective 60 days after publication in the FEDERAL REGISTER.

Inquires may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 60 days after publication of this notice in the FEDERAL REGISTER will be considered.

Amend Part 73 of the Public Health Service regulations by inserting at the end thereof the following center heading and sections:

ADDITIONAL STANDARDS: PACKED RED BLOOD CELLS (HUMAN)

**§ 73.320 Proper name and definition.**

The proper name of this product shall be Packed Red Blood Cells (Human). The product is defined as red blood cells remaining after separating plasma from sedimented Citrated Whole Blood (Human) to attain an hematocrit reading of from 60 percent to 70 percent.

**§ 73.321 Manufacture.**

Packed Red Blood Cells (Human) shall be prepared from Citrated Whole Blood (Human) that meets the standards prescribed in §§ 73.301 through 73.304. Packed Red Blood Cells (Human) may be prepared either by centrifugation conducted no later than six days after the date of blood collection or by normal undisturbed sedimentation before the expiration date of the blood. Packed Red Blood Cells (Human) shall be maintained at a temperature between 1° and 10°C. during processing, all of which shall be conducted so as to maintain the sterility of the product. Surfaces of apparatus, including needles and tubing, that come in contact with the product during its processing shall be clean, sterile and pyrogen free. If the method of processing involves a vented system, the vent shall be one that will exclude microorganisms and maintain a sterile system.

**§ 73.322 Pilot sample.**

Before filling the final container of Packed Red Blood Cells (Human) a pilot tube bearing the donor identification shall have been attached to the final container in a tamper-proof manner that will conspicuously indicate removal and reattachment. Pilot samples shall be either the original blood pilot sample or a sample of the Packed Red Blood Cells (Human) being processed.

**§ 73.323 Containers.**

Final containers used for Packed Red Blood Cells (Human) shall meet the requirements for blood containers prescribed in § 73.304(c) and may be either the original blood containers or different containers.

**§ 73.324 Labelling.**

Except for the proper name, "Citrated Whole Blood (Human)", labels for Packed Red Blood Cells (Human) shall bear the information required for the Citrated Whole Blood (Human) from which it is processed.

**§ 73.325 Expiration date.**

The dating period for Packed Red Blood Cells (Human) shall be no longer than 21 days after the date of bleeding the donor for the Citrated Whole Blood (Human) from which it was processed, except that if the seal is broken during processing the dating period shall be no longer than 24 hours after the seal was broken.

**§ 73.326 General requirements.**

Manufacturing responsibilities, periodic check on sterile technique, shipment, reissue and record-keeping for Packed Red Blood Cells (Human) shall be carried out in all respects as prescribed in § 73.304 (a), (b), (d), (e) and (f) respectively for Citrated Whole Blood (Human).

(Section 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U.S.C. 262)

Dated: February 23, 1961.

[SEAL] JOHN D. PORTERFIELD,
*Acting Surgeon General.*

Approved: March 2, 1961.

ABRAHAM RIBICOFF,
*Secretary.*

[F.R. Doc. 61-2036; Filed, Mar. 7, 1961; 8:52 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 608 ]

[Airspace Docket No. 59-WA-377]

## RESTRICTED AREAS

### Withdrawal of Proposal To Revoke a Restricted Area

In a notice of proposed rule making published as Airspace Docket No. 59-WA-377 in the FEDERAL REGISTER on November 10, 1959 (24 F.R. 9172), it was stated that the Federal Aviation Agency proposed to revoke the Camp Claiborne, La., Restricted Area (R-3801), formerly (R-431).

Subsequent to the publication of this notice, the Department of the Air Force and the Department of the Army have been conducting negotiations for the shared use of other Restricted Areas to accommodate the activities presently conducted by the Air Force in the Camp Claiborne Restricted Area. Since these negotiations are expected to continue for an extended period of time, the Federal Aviation Agency is withdrawing the proposal contained in Airspace Docket No. 59-WA-377. The Department of the Air Force would continue essential activities in the Camp Claiborne Restricted Area until such time as an agreement is reached for the transfer of the activities at Camp Claiborne to other Restricted Areas.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 59-WA-377 is withdrawn.

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 49 U.S.C. 1348).

Issued in Washington, D.C., on March 1, 1961.

J. R. BAILEY,
*Assistant Chief,*
*Airspace Utilization Division.*

[F.R. Doc. 61-1996; Filed, Mar. 7, 1961; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Part 10 ]

[Docket No. 13971]

## LOCAL GOVERNMENT RADIO SERVICE

### Frequency for Control of Traffic Lights by Mobile Units Installed in Emergency Vehicles

In the matter of amendment of Part 10 of the Commission's rules to make the frequency 39.06 Mc available to the Local Government Radio Service for control of traffic lights by mobile units installed in emergency vehicles; Docket No. 13971, RM-217.

1. The Commission is in receipt of a petition to amend Part 10 of its rules to provide a frequency on which mobile units may operate to control traffic lights. The petitioner is the City of Erie, Pennsylvania, which on May 2, 1960, received a developmental authorization under Part 10 of the Commission's rules to test and evaluate the performance of equipment designed and installed by the Rad-O-Lite Company in a specified area in Erie. The transmitters were placed in several police and fire vehicles and controlled traffic light at certain given intersections.

2. As a result of these tests, the City of Erie accompanied its petition with factual data demonstrating that such a system of traffic light control is feasible and desirable. The frequency utilized for these tests was 39.06 Mc which is presently available pursuant to § 10.255 (g) to licensees in the Police Radio Service. This frequency was selected because it contains a 3 watt power limitation (its main use thus far has been for walkie-talkies), and thus presented little likelihood of causing or receiving interference.



3. From the date of the developmental authorization on May 2, 1960, until December 1960, the petitioner states that "over 110,000 traffic light hours have been accumulated * * *," and during that time the Rad-O-Lite device has been utilized in 1440 individual emergency situations. To buttress its contention that this system is reliable and efficient, the petitioner reports that "during the entire period there have been only two Rad-O-Lite component failures (both corrected), and two other failures, one most logically attributable to lightning striking the utility pole on which the Rad-O-Lite receiver was mounted, the other due to a weak battery in the transmitting police car—the weak battery further weakened by a 60 amp drain from the police siren." According to the petition, operation of the system was not affected by either weather conditions or time of day.

4. The petitioner also reports that extensive tests were made to ascertain whether its usage of the frequency 39.06 Mc would cause interference to existing police operations or whether interference would be received from such operations. In this regard, the following tests were conducted:

(a) "Two 39.06 Mc handy-talkies were on and placed on diagonal corners of the 12th and Myrtle Street intersection in Erie, Pennsylvania; a Rad-O-Lite equipped vehicle was run toward this intersection with the traffic control transmitter turned 'on.' There was no effect whatever on the successful operation of the traffic light control device, the traffic light being activated in the usual manner." The petitioner contends that this is "conclusive proof" that operations by walkie-talkies on this frequency will not impair the efficiency of the Rad-O-Lite traffic light control device.

(b) Reversing the situation, the City of Erie placed two handy-talkies 100 feet apart in an open field. The Rad-O-Lite transmitter was placed 1500 feet beyond the second handy-talky. "At these locations, intelligible conversations could be carried on between the two handy-talkies." Thus, it is the petitioner's contention that there will be no "unacceptable interference" either to or from the Rad-O-Lite device and the walkie-talkies.

5. It is the petitioner's proposal that these units be installed primarily in fire and police vehicles although it envisages use by other emergency vehicles. Hence, it is seeking to have the frequency 39.06 Mc made available to licensees in the Local Government Radio Service. In this manner, all emergency vehicles of a given governmental entity can utilize the device to control traffic lights in times of emergency. Since § 10.555(d) limits licensees in the Local Government Service to two frequencies, the petitioner requests amendment of that section to permit such licensees to obtain an authorization on the frequency 39.06 Mc without charge (i.e., in addition to any frequencies that the entity might otherwise obtain or have already obtained in this service).

6. The Rad-O-Lite device which the petitioner proposes to use requires a bandwidth in excess of that now permitted by the Commission's rules. Hence, it requests that the appropriate sections of the Commission's rules be amended to permit a bandwidth not in "excess of 32 kc nor deviation in excess of 5 kc." Since this system utilizes A9 emission, the petitioner also seeks to amend § 10.104(b) to so provide. It should be noted that this proposal contemplates retention of the 3-watt power limitation.

7. It is the Commission's opinion that the petitioner has established sufficient evidence to indicate that there may be some need for a device to control traffic lights from vehicles of a governmental entity in emergency situations. There is some question as to whether the means proposed are appropriate to meet this need. Particularly, the Commission has reference to the fact that the described system required a bandwidth of approximately 32 kc. In this connection, the Commission has pending before it a petition to split the land mobile service channels between 25 and 42 Mc. If that petition should be granted, one effect of granting the instant petition could be to preclude the possibility of utilizing the split channels 39.04 and 39.08 Mc immediately adjacent to 39.06 Mc. This is a factor which should be borne in mind by those wishing to file comments in this proceeding.

8. Authority for the rule amendments proposed herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before May 1, 1961, a written statement or brief setting forth his comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding. If comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

10. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, and comments filed shall be furnished the Commission.

Adopted: March 1, 1961.

Released: March 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2051; Filed, Mar. 7, 1961; 8:54 a.m.]

# Notices

## CIVIL AERONAUTICS BOARD

[Docket No. 10046; Order No. E-16468]

### SPECIFIC COMMODITY RATES

#### Agreements Adopted by Traffic Conferences of the International Air Transport Association

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3d day of March 1961:

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conferences 1 and 3 and Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board) and Resolution 590a (Specific Commodity Rates).

The agreements cancel certain specific commodity rates and name a number of additional rates.[1] The rates proposed are consistent with the level of rates in effect to other points for the commodities in question.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreements, which are incorporated in the following IATA Memoranda, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

| C.A.B. 12179 | IATA memorandum |
|---|---|
| R-4 | TC3/Rates 429. |
| C.A.B. 13368 | |
| R-35 | JT12/Rates 2553. |
| R-36 | JT12/Rates 2554. |
| R-37 | JT12/Rates 2552. |
| R-38 | JT12/Rates 2557. |
| C.A.B. 14827 | |
| R-12 | TC1/Rates 1162. |
| R-13 | TC1/Rates 1163. |
| R-14 | TC1/Rates 1164. |
| R-15 | TC1/Rates 1165. |
| R-16 | TC1/Rates 1166. |

*Accordingly, it is ordered*, That:

1. Agreement C.A.B. 12179, R-4, Agreement C.A.B. 14827, R-12 through R-16, and Agreement C.A.B. 14358, R-35 through R-38, are approved, provided that such approval shall not necessarily constitute approval of any specific commodity description contained therein for purposes of tariff publication.

2. Any air carrier party to the agreement or any interested person may, within 15 days from the date of service, submit statements in writing, containing reasons deemed appropriate, in support of or in opposition to the Board's approval herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61-2037; Filed, Mar. 7, 1961; 8:51 a.m.]

[1] The agreements set forth in IATA Memoranda JT12/Rates 2552 and TC1/Rates 1166 name rates from Malta to Montreal and from Panama City to Managua, respectively. Under the terms of the basic agreements, a rate to/from Montreal may be applied to/from New York and a rate to/from Panama City may be applied to/from Balboa. Accordingly, the instant agreements fall within the Board's jurisdiction under section 412 of the Act as pointed out in Orders E-16160 and E-16339.



## DEPARTMENT OF DEFENSE

### Office of the Secretary

### PROCESSING OF CLAIMS

#### Single Service Assignment of Responsibility

The following revised delegation of authority was approved on January 24, 1961:

*Purpose.* The purpose of this Directive is to assign single Service responsibility for the processing of claims against and in favor of the United States.

*Applicability.* This Directive is effective during peacetime and under war or emergency conditions, subject to the continued applicability of the Foreign Claims Act (10 U.S.C. 2734); Military Claims Act (10 U.S.C. 2733); and Act of August 31, 1954 (62 Stat. 1006; 31 U.S.C. 224i-2-224i-5).

*Assignment of responsibility.* A. Responsibility for the processing of all claims in favor of the United States, or against the United States and cognizable under the Foreign Claims Act (10 U.S.C. 2734); Military Claims Act (10 U.S.C. 2733); and Act of August 31, 1954 (68 Stat. 1006; 31 U.S.C. 224i-2-224i-5), which arise in the following countries is hereby assigned to the military departments designated below:

1. Department of the Army: Belgium, Ethiopia, France, The Federal Republic of Germany Iran, Korea, and as the Receiving State Office in the United States under Act of August 31, 1954 (68 Stat. 1006; 31 U.S.C. 224i-2-224i-5), and NATO Status of Forces Agreement (4 UST 1792, TIAS 2846).

2. Department of the Navy: Italy and Portugal.

3. Department of the Air Force: Canada, Denmark, Greece, Iceland, Japan, Libya, Luxembourg, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey and the United Kingdom.

B. Notwithstanding the provisions of A., above, the Department of the Navy is authorized to settle non-scope of duty claims under $100 arising in foreign ports visited by the Sixth Fleet and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to Article VIII, paragraph 6 of NATO Status of Forces Agreement (4 UST 1792, TIAS 2846).

Delegation of authority published at 25 F.R. 9065 is hereby superseded.

MAURICE W. ROCHE, *Administrative Secretary.*

[F.R. Doc. 61-1994; Filed, Mar. 7, 1961; 8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13968; FCC 61M-341]

### CUMMINGS BROADCASTING ASSOCIATES

#### Order Scheduling Hearing

In re application of Herbert K. Cunnings and Alan H. Cummings, d/b as Cummings Broadcasting Associates, Joint Venture, Palm Springs, California, Docket No. 13968, File No. BP-13296, for construction permit.

*It is ordered*, This 1st day of March 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 14, 1961, in Washington, D.C.

Released: March 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-2044; Filed, Mar. 7, 1961; 8:53 a.m.]

[Docket Nos. 13887-13890; FCC 61M-342]

### CAPITOL BROADCASTING CORP., INC. (WKXL) ET AL.

#### Order Continuing Hearing

In re applications of Capitol Broadcasting Corporation, Inc. (WKXL), Concord, New Hampshire, Docket No. 13887, File No. BP-12712; Tri-State Area Broadcasting Corporation (WTSA), Brattleboro, Vermont, Docket No. 13888, File No. BP-13126; WMAS, Incorporated (WMAS), Springfield, Massachusetts, Docket No. 13889, File No. BP-13264; Normandy Broadcasting Corporation (WWSC), Glens Falls, New York, Docket No. 13890, File No. BP-13274; for construction permits.

The Hearing Examiner having under consideration verbal request of counsel of Capitol Broadcasting Corporation, Inc., requesting that the hearing now scheduled for March 6, 1961, be continued pending further discussions among other parties to the proceeding relative to certain procedural matters;

It appearing, that good cause exists why said request should be granted and there is no opposition thereto;

*Accordingly, it is ordered*, This 2d day of March 1961, that the request for continuance is granted, that the hearing in the proceeding now scheduled for March 6, 1961, be, and the same is hereby continued to March 23, 1961, 10:00 a.m., in the Offices of the Commission, Washington, D.C.

Released: March 2, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-2043; Filed, Mar. 7, 1961; 8:53 a.m.]

[Docket No. 13948; FCC 61M-348]

### HARFORD COUNTY BROADCASTING CO. (WAMD)

#### Order for Prehearing Conference

In re application of John L. Allen, tr/as Harford County Broadcasting Company (WAMD), Aberdeen, Maryland, Docket No. 13948, File No. BP-12529; for construction permit.

A prehearing conference in the above-entitled proceeding will be held on Friday, March 17, 1961, beginning at 2:00 p.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

*It is so ordered*, This the 2d day of March 1961.

Released: March 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-2045; Filed, Mar. 7, 1961; 8:53 a.m.]

[Docket No. 13962; FCC 61M-336]

### HIGH FIDELITY BROADCASTING CORP.

#### Order Scheduling Hearing

In re application of High-Fidelity Broadcasters Corp., Norristown, Pennsylvania, Docket No. 13962, File No. BP-13386; for construction permit.

*It is ordered*, This 1st day of March 1961, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 17, 1961, in Washington, D.C.

Released: March 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-2046; Filed, Mar. 7, 1961; 8:53 a.m.]

[Docket Nos. 13969, 13970; FCC 61-287]

### NICHOLASVILLE BROADCASTING CO. AND JESSAMINE BROADCASTING CO.

#### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Pierce E. Lackey, F. E. Lackey, and Kathrine Peden d/b as Nicholasville Broadcasting Co., Nicholasville, Kentucky, requests 1250 kc, 500 w, Day, Class III, Docket No. 13969, File No. BP-13253; Inman S. Wood and Paul Everman d/b as Jessamine Broadcasting Co., Nicholasville, Kentucky, requests 1250 kc, 500 w, Day, Class III, Docket No. 13970, File No. BP-13358; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of March 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that in a prehearing letter dated November 22, 1960, and incorporated herein by reference, the Commission notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing, that the above-mentioned prehearing letter indicated that the proposal of WHIR, Inc. (File No. BP-13870, requesting 1230kc, 250w, 1kw-LS, U, Class IV), to increase the power of Station WHIR, Danville, Kentucky to 1 kilowatt, was timely filed with the above-captioned applications; and that mutual interference existed, but that it has been determined that the WHIR proposal, a Class IV station, will not receive a great amount of interference from either proposal and a grant of either will not preclude a grant of the WHIR application. Therefore, the WHIR proposal has been returned to the processing line and if either of the above-captioned applications is granted, it will be conditioned upon acceptance of interference arising from a grant of the WHIR proposal; and

It further appearing, that after consideration of the foregoing, and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

*It is further ordered*, That, in the event of a grant of either of the instant proposals, the construction permit shall contain a condition that the permittee shall accept any interference resulting from a grant of the proposal of WHIR, Inc., File No. BP-13870, to increase daytime power of Station WHIR, Danville, Kentucky, to 1 kilowatt.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2047; Filed, Mar. 7, 1961; 8:53 a.m.]

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[Docket Nos. 13965-13967; FCC 61M-340]

## ROCKFORD BROADCASTERS, INC. (WROK) ET AL.

### Order Scheduling Hearing

In re applications of Rockford Broadcasters, Incorporated (WROK), Rockford, Illinois, Docket No. 13965, File No. BP-13422; Quincy Broadcasting Company (WGEM), Quincy, Illinois, Docket No. 13966, File No. BP-14225; Robert W. Sudbrink and Margareta S. Sudbrink, d/b as McLean County Broadcasting Co., Normal, Illinois, Docket No. 13967, File No. BP-14401; for construction permits.

*It is ordered,* This 1st day of March 1961, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 17, 1961, in Washington, D.C.

Released: March 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2048; Filed, Mar. 7, 1961; 8:53 a.m.]

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[Docket Nos. 13963, 13964; FCC 61M-339]

## YOAKUM COUNTY BROADCASTING CO. AND ECHOLS BROADCASTING CO.

### Order Scheduling Hearing

In re applications of Claude Calvin McAdams, tr/as Yoakum County Broadcasting Company, Denver City, Texas, Docket No. 13963, File No. BP-13531; Odis L. Echols, Sr., Odis L. Echols, Jr. and Elphin Rinn, d/b as Echols Broadcasting Company, Hobbs, New Mexico, Docket No. 13964, File No. BP-13603; for construction permits.

*It is ordered,* This 1st day of March 1961, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 26, 1961, in Washington, D.C.

Released: March 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2049; Filed, Mar. 7, 1961; 8:53 a.m.]

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# DEPARTMENT OF AGRICULTURE

## Agricultural Research Service

## CERTAIN HUMANELY SLAUGHTERED LIVESTOCK; SUPPLEMENTAL LIST OF HUMANE SLAUGHTERERS

### Identification of Carcasses

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 (25 F.R. 5863) the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 *et seq.*) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the act (26 F.R. 1742) for February and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| Armour and Co. | 2AG | (*) | | | | | |
| Do. | 2AU | (*) | | (*) | | | |
| Swift and Co. | 3AE | (*) | (*) | | | (*) | |
| Do. | 3C | (*) | (*) | (*) | | (*) | |
| Do. | 3NN | (*) | (*) | (*) | | (*) | |
| Lykes Bros., Inc., of Georgia | 8 | (*) | | | | (*) | |
| Hygrade Food Products Corp. | 12G | (*) | (*) | | | (*) | |
| Mickelberrys Food Products Co. | 16 | | | | | (*) | |
| Swift and Company | 23 | (*) | | (*) | | | |
| American Packing Co. | 26 | (*) | (*) | (*) | | (*) | |
| Kreinberg and Krasny, Inc. | 30 | (*) | | | | | |
| Roegelein Provision Co. | 32 | (*) | (*) | | | (*) | |
| Sunnyland Packing Co. | 43 | (*) | | | | (*) | |
| Idaho Meat Packers | 46 | (*) | (*) | (*) | | (*) | |
| Sunnyland Packing Co. of Alabama | 56 | (*) | | | | | |
| The Cudahy Packing Co. | 81 | (*) | (*) | | | (*) | |
| Liberty Packing Co. | 101 | (*) | (*) | | | | |
| Ottawa Packing Co. | 135 | (*) | | | | | |
| Swift and Co. | 166A | (*) | (*) | (*) | | (*) | |
| Armour and Co. | 177 | (*) | | | | | |
| Krey Packing Co. | 192 | (*) | (*) | (*) | | (*) | |
| United Fryer and Stillman, Inc. | 198 | (*) | | | | | |
| The Cudahy Packing Co. | 203A | (*) | | | | (*) | |
| Heinzs Riverside Abattoir, Inc. | 210 | (*) | | | | | |
| S. Adams Packing Co. | 211 | (*) | (*) | | | | |
| Gold Merit Packing Co., Inc. | 232 | (*) | | | | | |
| Suber Edwards and Co. | 250 | (*) | | | | (*) | |
| System Meat Co. | 269 | (*) | | | | | |
| American Stores Co. | 279 | (*) | | (*) | | | |
| Western Packing Co. | 288 | (*) | | | | | |
| Melton Provision Co. | 311 | (*) | (*) | (*) | (*) | | |
| C and M Meat Packing Corp. | 329 | (*) | (*) | | | | |
| Royal Packing Co. | 331 | (*) | | | | | |
| Sokolik Packing Co. | 331A | (*) | | | | | |
| Anza Packing Co. | 345 | (*) | (*) | (*) | | | |
| Heil Packing Co. | 357 | | | | | (*) | |
| Watsonville Dressed Beef, Inc. | 398 | (*) | (*) | | | | |
| Schneider Packing Co. | 439 | (*) | | | | | |
| Pioneer Provision Co. | 461 | (*) | | | | | |
| Litvak Packing Co. | 465 | (*) | | | | | |
| Armour and Co. | 477 | (*) | (*) | (*) | | | |
| Swift and Co. | 505 | (*) | | | | | |
| Gruensfelder Packing Co. | 508 | (*) | (*) | (*) | | | |
| Capitol Packing Co. | 513 | (*) | (*) | (*) | | | |
| Armour and Co. | 528 | (*) | (*) | | | | |
| Pepper Packing Co. | 536 | (*) | | | | (*) | |
| Swift and Co. | 548 | (*) | | | | | |
| The Cudahy Packing Co. | 559 | (*) | (*) | | | (*) | |
| Texas Meat Packers, Inc. | 565 | (*) | (*) | | | | |
| City of Austin Municipal Abattoir | 590 | (*) | (*) | | | | |
| San Antonio Packing Co. | 602 | (*) | (*) | (*) | (*) | | |
| Swift and Co. | 608 | (*) | | | | | |
| Eastern Oregon Meat Co., Inc. | 611 | (*) | | | | | |
| H. H. Keim Co. | 630 | (*) | (*) | (*) | | (*) | |
| General Meat Co. | 632 | (*) | | | | | |
| John Morrell and Co. | 650 | | | | | (*) | |
| Wilson and Co., Inc. | 655 | (*) | | (*) | | | |
| St. Louis Dressed Beef Co. | 659 | (*) | | | | | |
| McCook Packing Corp. | 660 | (*) | | | | | |
| Scottsbluff Packing Company | 667 | (*) | | (*) | | | |
| Union Packing Co. | 673 | (*) | | | | | |
| Haas Davis Packing Co., Inc. | 682 | (*) | (*) | | | (*) | |
| Marco Packing Co. | 692 | (*) | (*) | | | | |
| Carter Packing Co. | 698 | (*) | (*) | | | | |
| Central Nebraska Packing Co. | 713E | | | | | | (*) |
| Decker and Son | 727 | | | | | (*) | |
| William N. Peters, Inc. | 741 | (*) | | | | | |
| Norman Peters Packing Co. | 834 | (*) | | | | | |
| Wells and Davies Packing Co. | 860 | (*) | (*) | | | (*) | |
| Midwestern Packing Co., Inc. | 878 | (*) | (*) | | | | |
| Sigman Meat Co., Inc. | 901 | (*) | (*) | | | | |
| National Meat Packers, Inc. | 917 | (*) | (*) | | | | |
| Tarpoff Packing Co. | 931 | (*) | | | | | |
| Volz Packing Co. | 938 | (*) | | | | | |
| Greeley Capitol Packing Co. | 969 | (*) | | (*) | | | |
| McCabe Packing Plant | 1312 | (*) | (*) | (*) | | | |



Done at Washington, D.C., this 2d day of March, 1961.

C. H. PALS,
*Director, Meat Inspection Division, Agricultural Research Service.*

[F.R. Doc. 61-2012; Filed, Mar. 7, 1961; 8:48 a.m.]

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# FEDERAL POWER COMMISSION

[Docket No. G-16563 etc.]

## CITIES SERVICE CO. ET AL.

### Notice of Applications, Consolidation of Proceedings and Date of Hearing

MARCH 2, 1961.

Cities Service Company,[1] Docket No. G-16563; Jake L. Hamon, Operator, Docket No. G-16747; Renwar Oil Corporation, Operator, Docket No. G-16867; Tidewater Oil Company, Docket No. G-16908; Sunray Mid-Continent Oil Company, Docket No. G-17461.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas to United Gas Pipe Line Company (United) from the Northwest Corpus Christi Field, Nueces and San Patricio Counties, located in Texas Railroad Commission District Four in the State of Texas. United will allegedly transport the gas in interstate commerce and make sales thereof for resale. The Applicants' proposed initial base rate is 18 cents per Mcf at 14.65 psia plus 0.2034 cent per Mcf tax reimbursement. Temporary authorization has been issued to each of the Applicants between October 24, 1958 and January 23, 1959.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 4, 1961, at 10:00, e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 24, 1961.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2026; Filed, Mar. 7, 1961; 8:50 a.m.]

[1] Successor to Arkansas Fuel Oil Corporation and subsequently to Cities Service Reserves, Inc. and Cities Service Oil Company.

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[Docket No. RI61-316]

## COLUMBIAN FUEL CORP.

### Order Amending Order Suspending Proposed Change in Rate, To Shorten Suspension Period, Permitting Increased Rate To Become Effective Subject To Filing an Undertaking and Denying Motion To Vacate Suspension Order

MARCH 2, 1961.

Columbian Fuel Corporation (Columbian) on February 1, 1961, filed a motion[1] for reconsideration of the Commission's order issued herein on January 6, 1961. The said order provided for hearing and suspended until June 8, 1961, Columbian's proposed change in rate designated Supplement Nos. 8 and 9 to its FPC Gas Rate Schedule No. 7. In its motion, Columbian requests that the Commission reconsider the action taken by its said order, and upon such reconsideration, to vacate said order, or alternatively to amend said order to reduce the period of suspension to one day.

Columbian contends, in essence, that: (1) the rate of 11.0 cents per Mcf, plus 1.0 cent per Mcf gathering charge, was being charged on June 7, 1954; (2) the Commission accepted for filing Supplement No. 7 to Rate Schedule No. 7, reflecting the 0.5 cent per Mcf compression charge; (3) the November 30, 1960, amendatory agreement (Supplement No. 8) reduced to formal agreement the pricing provisions already contained in Rate Schedule No. 7 and (4) the base rate of 11.0 cents per Mcf, plus adjustments of 1.5 cents per Mcf for gathering and compression, is consistent with and in accord with the Commission's Statement of General Policy No. 61-1.

In addition, Columbian lists several rates of 12.5 cents per Mcf and higher that have been accepted for filing by the Commision as June 7, 1954, rates, initial rates and rate changes. Using these rates as a basis of comparison, Columbian claims that the subject 12.5 cents per Mcf rates is below the present area price level and is not higher than rates already effective because of previous Commission actions.

While Columbian's proposed rate of 12.5 cents per Mcf exceeds the 11 cents per Mcf ceiling for increased rates in Kansas, as stated in its Statement of General Policy No. 61-1, "Of necessity we have not set forth the adjustments to these prices which must be made to take into account every possible provision of every contract which may affect the actual price, such as Btu adjustments, conditions of delivery etc. The relevance of such adjustments to the basic contract price and the appropriate established price standard must be considered as each filing is made."

The Commission finds:

(1) Upon reconsideration, it appears that due and proper administration of the Natural Gas Act requires that the order issued herein on January 6, 1961 should be amended to shorten the suspension period and the use of the above designated supplements as hereinafter ordered.

(2) Columbian's motion to vacate the order issued herein on January 6, 1961, should be denied.

The Commission orders:

(A) The period of suspension of the aforesaid proposed rate supplements, prescribed in our order issued herein on January 6, 1961, is hereby shortened to March 3, 1961, *Provided, however,* That said supplements shall become effective on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Columbian shall execute and file, in this docket with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copy thereof upon Cities Service Gas Company. Unless Columbian is advised to the contrary within 15 days after the filing of such agreement and undertaking, it shall be deemed to have been accepted.

(B) Columbian's motion to vacate the order issued herein on January 6, 1961, is hereby denied.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2027; Filed, Mar. 7, 1961; 8:50 a.m.]

[1] Columbian entitled the document "Motion for Reconsideration, for Vacation of Order of Suspension Order and Termination of Proceeding, or Alternatively, Amendment of Suspension Order and Application for Rehearing", which has been accepted for filing as a motion for reconsideration pursuant to § 1.12 of the Commission's rules of practice and procedure. An "application for re-hearing" of an interlocutory order, such as is here involved, may not properly be filed (§ 1.30(e) of the rules).

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[Project No. 2276]

## CALIFORNIA

### Notice of Land Withdrawal

MARCH 2, 1961.

In the matter of Davis Creek Power Project, Project No. 2276.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the lands herein described, insofar as title thereto remains in the United States are included in Power Project No. 2276 (Davis Creek Power Project) for which completed application for a preliminary permit was filed April 25, 1960, by Robert P. Wilson, Taylorsville, California. Under said section 24 these lands are from said date of filing reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 26 N., R. 11 E.,
Sec 14: SW¼NE¼, N½S½;
Sec. 15: E½SW¼, SE¼;
Sec. 21: E½NE¼, SW¼NE¼, SE¼;
Sec. 22: NW¼NE¼, NE¼NW¼, W½NW¼;
Sec. 28: NE¼, E½W½SE¼, E½SE¼.

The area of United States lands reserved pursuant to the filing of this application is approximately 1,160 acres, wholly within the Plumas National Forest, none of which has been previously withdrawn for purposes of power development.

Copies of the project map exhibit "H & I" (FPC No. 2276–1) have been transmitted to the Bureau of Land Management Forest Service, and Geological Survey.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1997; Filed, Mar. 7, 1961; 8:45 a.m.]

[Docket No. E–6977]

## PACIFIC POWER & LIGHT CO. AND CALIFORNIA OREGON POWER CO.

### Notice of Application

MARCH 1, 1961.

Take notice that on February 17, 1961, a joint application was filed with the Federal Power Commission pursuant to sections 203 and 204 of the Federal Power Act by Pacific Power & Light Company ("Pacific") and The California Oregon Power Company ("Copco") authorizing (a) Copco and Pacific to merge, with Pacific as the Surviving Corporation; (b) Pacific to issue securities as part of the proposed merger; and, (c) Pacific to assume the obligation and liability with respect to the securities of Copco which it will assume as a result of such merger. Pacific is incorporated under the laws of the State of Maine and is qualified to transact business in the States of Oregon, Washington, Wyoming, Montana and Idaho and states that in consummating the proposed merger it will qualify to do business in the State of California. Copco is incorporated under the laws of the State of California and is qualified to transact business in the State of Oregon. The principal business office of Pacific is at Portland, Oregon and the principal business office of Copco is Medford, Oregon. Pacific is engaged principally in the business of generating, purchasing, transmitting, distributing and selling electric energy in Oregon, Washington, Wyoming, Montana and Idaho. Copco is engaged principally in the business of generating, purchasing, transmitting, distributing and selling electric energy in southern Oregon and northern California. Both Pacific and Copco own and operate facilities for the transmission of electric energy in interstate commerce, and for the sale of electric energy at wholesale in interstate commerce. Pacific and Copco have entered into an Agreement and Act of Merger dated January 18, 1961, providing for the merger of Copco into Pacific, Pacific to be the corporation surviving the merger. When the merger agreement becomes effective, the separate existence of Copco will cease and Pacific will succeed to all the rights and properties and be responsible for all debts, liabilities, and obligations of Copco, including all Notes and First Mortgage Bonds of Copco at the time outstanding under Copco's First Mortgage and Deed of Trust dated November 1, 1944 by American Trust Company (now Wells Fargo Bank American Trust Company) Trustee, as supplemented. On the effective date of the merger agreement, the Certificate of Organization of Pacific will be amended to provide that the authorized Capital Stock of Pacific as the Surviving Corporation shall consist of 126,533 shares of 5 percent Preferred Stock of the par value of $100 per share, 586,074 shares of Serial Preferred Stock of the par value of $100 per share and 8,212,679 shares of Common Stock of the par value of $6.50 per share, in lieu of Pacific's presently authorized shares of Capital Stock—126,533 shares, 450,000 shares and 6,000,000 shares, respectively. The merger agreement provides for the following treatment of the Preferred and Common Stock of Copco:

(a) Each share of the non-callable Seven Per Cent Preferred Stock of the par value of $100 per share of Copco which shall be issued and outstanding on the effective date of the merger agreement will be converted on such date into one share of non-callable 7.00 percent Serial Preferred Stock of the par value of $100 per share of the Surviving Corporation.

(b) Each share of the non-callable Six Per Cent Preferred Stock of the par value of $100 per share of Copco which shall be issued and outstanding on the effective date of the merger agreement will be converted on such date into one share of non-callable 6.00 percent Serial Preferred Stock of the par value of $100 per share of the Surviving Corporation.

(c) Each share of 4.70 percent Series Preferred Stock of the par value of $100 per share of Copco which shall be issued and outstanding on the effective date of the merger agreement will be converted on such date into one share of 5.00 percent Serial Preferred Stock of the par value of $100 per share of the Surviving Corporation.

(d) Each share of 5.10 percent Series Preferred Stock of the par value of $100 per share of Copco which shall be issued and outstanding on the effective date of the merger agreement will be converted on such date into one share of 5.40 percent Serial Preferred Stock of the par value of $100 per share of the Surviving Corporation.

(e) Each share of the Common Stock of the par value of $20 per share of Copco which shall be issued and outstanding on the effective date of the merger agreement will be converted on such date into one and two-tenths shares of the Common Stock of the par value of $6.50 per share of the Surviving Corporation.

The Surviving Corporation will not, according to the application, issue any fractional shares, as a result of the merger, but arrangements will be made pursuant to which each holder of Copco's Common Stock who becomes entitled to a fractional interest in a share will be enabled either to sell his fractional interest or to purchase the additional fractional interest required to entitle him to a full share. Applicants state that the proposed merger will promote the integration of the electric utility properties now separately owned and operated by Pacific and Copco and will result in better utilization of existing and potential power resources of the two companies. Applicants state also, among other things, that the proposed merger will result in a Surviving Corporation which will be both larger and financially stronger than either company operating separately, and that the proposed merger will produce immediate and substantial long-term benefits compatible with the public interest and the interest of investors and employees.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 20th day of March 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1998; Filed, Mar. 7, 1961; 8:46 a.m.]

[Docket Nos. RI61–365—RI61–373]

## SOHIO PETROLEUM CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1] and Allowing Proposed Increased Rates To Become Effective Subject to Refund

MARCH 1, 1961.

Sohio Petroleum Company, Docket No. RI61–365; Producing Properties, Inc., (Operator), et al., Docket No. RI61–366; Bass and Vessels, et al., Docket No. RI61–367; Bass and Vessels (Operator), et al., Docket No. RI61–368; George H. Coates, Docket No. RI61–369; MWJ Producing Co. (Operator), et al., Docket No. RI61–370; Martin, Williams and Judson (Operator), et al., Docket No. RI61–371; Gordon P. Street, Docket No. RI61–372; Gordon Street, Inc., Docket No. RI61–373.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each case but one the sales are made at 14.65 psia. Sales under Sohio Petroleum Company's Rate Schedule 35, Supplement 8 are made at 15.025 psia. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.



| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date [1] unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI61–365 | Sohio Petroleum Co., 970 First National Office Building, Oklahoma City 2, Okla. | 33 | 5 | Natural Gas P/L Co. of America (Camrick Field, Beaver County, Okla.). | $100 | 1–30–61 | 3–21–61 | 8–21–61 | 16.5 | 17.0 | RI60–172 |
| RI61–365 | Sohio Petroleum Co. | 35 | 8 | Texas Eastern Trans. Corp. (Greenwood-Waskom Field, Caddo Parish, La.). | 99 | 2– 2–61 | 3– 5–61 | 8– 5–61 | 16.0058 | 16.211 | G–19772 |
| RI61–366 | Producing Properties, Inc. (Operator), et al., 3500 Southland Center, Dallas 1, Tex.). | 7 | 4 | Mississippi River Fuel Corp. (Woodlawn Field, Harrison County, Tex.). | 4,846 | 1–31–61 | 3– 3–61 | 8– 3–61 | 13.1248 | 14.1344 | ---------- |
| RI61–366 | Producing Properties, Inc. (Operator), et al. | 8 | 8 | ....do.... | 30,894 | 1–31–61 | 3– 3–61 | 8– 3–61 | 13.1248 | 14.6392 | ---------- |
| RI61–367 | Bass & Vessels, et al., P.O. Box 910, McAllen, Tex. | 9 | 2 | Tennessee Gas Transmission Co. (N.E. Starr County Field, Starr County, Tex.). | 2,592 | 1–31–61 | 3– 3–61 | 8– 3–61 | 15.0952 | 17.24347 | G–19815 |
| RI61–368 | Bass & Vessels (Operator), et al. | 7 | 3 | Tennessee Gas Transmission Co. (N. Rincon Field, Starr County, Tex.). | 9,586 | 1–31–61 | 3– 3–61 | 8– 3–61 | 15.0952 | 17.24347 | G–19816 |
| RI61–369 | George H. Coates, 1610 Milam Building, San Antonio, Tex. | 2 | 4 | Tennessee Gas Transmission Co. (San Salvador Field, Hidalgo County, Tex.). | 7,834 | 2– 3–61 | 3– 6–61 | 8– 6–61 | 15.0952 | 17.24347 | G–19824 |
| RI61–370 | MWJ Producing Co. (Operator), et al., c/o Watkins and Rea, Attorneys, Munsey Building, Washington 4, D.C. | 1 | 1 to 4 | El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.). | 3,024 | 1–30–61 | 3– 2–61 | 3– 3–61 | 17.0 | 17.2295 | RI60–88 |
| RI61–370 | MWJ Producing Co. (Operator), et al. | 2 | 1 to 1 | ....do.... | 68 | 1–30–61 | 3– 2–61 | 3– 3–61 | 17.0 | 17.2295 | RI60–88 |
| RI61–370 | ....do.... | 3 | 1 to 2 | El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.). | 246 | 1–30–61 | 3– 2–61 | 3– 3–61 | 17.0 | 17.2295 | RI60–88 |
| RI61–370 | ....do.... | 4 | 1 to 1 | El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.). | 68 | 1–30–61 | 3– 2–61 | 3 3–61 | 17.0 | 17.2295 | RI60–88 |
| RI61–370 | ....do.... | 5 | 1 to 2 | ....do.... | 34 | 1–30–61 | 3– 2–61 | 3– 3–61 | 17.0 | 17.2295 | RI60–88 |
| RI61–370 | ....do.... | 6 | 1 to 9 | El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.). | 22 | 1–30–61 | 3– 2–61 | 3– 3–61 | 17.1632 | 17.2295 | RI60–188 |
| RI61–371 | Martin, Williams and Judson (Operator), et al., % Watkins and Rea, Attorneys, Munsey Building, Washington 4, D.C. | 1 | 1 to 2 | El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.). | 244 | 1–30–61 | 3– 2–61 | 3– 3–61 | 17.0 | 17.2295 | RI60–89 |
| RI61–372 | Gordon P. Street, % Watkins and Rea, Attorneys, Munsey Building, Washington 4, D.C. | 2 | 1 to 5 | ....do.... | 302 | 1–30–61 | 3– 2–61 | 3– 3–61 | 17.1632 | 17.2295 | RI60–85 |
| RI61–372 | Gordon P. Street | 3 | 1 to 2 | ....do.... | 1,632 | 1–30–61 | 3– 2–61 | 3– 3–61 | 17.0 | 17.2295 | RI60–85 |
| RI61–373 | Gordon Street, Inc., % Watkins and Rea, Attorneys, Munsey Building, Washington 4, D.C. | 2 | 1 to 9 | El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.). | 28 | 1–30–61 | 3– 2–61 | 3– 3–61 | 71.1632 | 17.2295 | RI60–86 |

[1] The pressure base is 14.65 psia except as shown in footnote 2.
[2] The pressure base is 15.025 psia.

The proposed changes of respondents MWJ Producing Company (Operator), et al., Martin, Williams and Judson (Operator) et al., Gordon P. Street and Gordon Street Inc. involve increases in tax reimbursements. The tax changes are the result of the failure of the aforementioned respondents to claim any or all of the tax reimbursements to which they were entitled in the filing of past renegotiated rate increases. As the tax charges are applicable to rates which are in effect subject to refund they should be suspended for one day.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by M. W. J. Producing Company (Operator), et. al., Martin, Williams and Judson (Operator), et al., Gordon P. Street and Gordon Street Inc., as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order said respondents shall execute and file under their respective above-designated docket numbers with the Secretary of the Commission their agreements and undertakings to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless said respondents are advised to the contrary within 15 days after the filing of such agreements and undertakings, their agreements and undertakings shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 17, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–2001; Filed, Mar. 7, 1961; 8:46 a.m.]

[Project No. 2101]

## SACRAMENTO MUNICIPAL UTILITY DISTRICT

### Notice of Application for Amendment of License

MARCH 1, 1961.

Public notice is hereby given that Sacramento Municipal Utility District, 2101 K Street, Sacramento 11, California, has filed application under the Federal Power Act (16 U.S.C. 791a–825r) for further amendment of its license for water-power Project No. 2101 under construction on tributaries of the American River in El Dorado County, California, and affecting lands of the United States within the El Dorado National Forest to change the proposed Loon Lake dam on Gerle Creek from rock-fill concrete-faced type to rock-fill type with impervious core, and to increase the dam height by approximately 19 feet so as to form a reservoir with storage capacity of 76,500 acre-feet at normal maximum operating elevation 6,410 feet. The spillway would be a side channel type on the right embankment.

Pursuant to section 24 of the Federal Power Act, the filing of this application has the effect of segregating from all forms of disposal any lands of the United States which may be contained within the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is April 17, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–1999; Filed, Mar. 7, 1961; 8:46 a.m.]

[Docket No. E–6978]

## SIERRA PACIFIC POWER CO.

### Notice of Application

MARCH 1, 1961.

Take notice that on February 20, 1961, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Sierra Pacific Power Company ("Applicant") for authorization of the issuance of securities. Applicant is a corporation organized under the laws of the State of Maine and doing business in the States of Nevada and California with its principal business office at Reno, Nevada. Applicant proposes through appropriate action of its Stockholders to amend its Certificate of Organization so as to reclassify, change and increase the authorized 1,000,000 shares of Common Stock of the par value of $7.50 per share into 2,500,000 shares of Common Stock of the par value of $3.75 per share and to reclassify and change the presently outstanding 795,416 shares of Common Stock of the par value of $7.50 per share into 1,590,832 shares of Common Stock of the par value of $3.75 per share. Upon reclassification and change there shall be issued to the holders of the outstanding 795,416 shares of Common Stock of the par value of $7.50 per share, of record at the close of business on the date the amendment to the Certificate of Organization becomes effective, certificates for a like number of shares of Common Stock of the par value of $3.75 per share on the basis of one additional share of Common Stock of the par value of $3.75 per share for each share of Common Stock of the par value of $7.50 per share then held, in lieu of the surrender and exchange of existing certificates, which existing certificates shall thereupon be deemed to represent 795,416 shares of Common Stock of the par value of $3.75 per share. Certificates for the additional shares of Common Stock of the par value of $3.75 per share will be issued as soon as practicable to Common Stockholders of record at the close of business on the date the amendment to the Certificate of Organization becomes effective. Applicant states that the purpose of the reclassification and change of its Common Stock is primarily to establish the price per share at a market level that will more readily attract new investors and broaden the interest in the stock. The capital and surplus accounts of the Applicant will not be affected by the proposed reclassification and change of the Common Stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 24th day of March 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–2000; Filed, Mar. 7, 1961; 8:46 a.m.]

[Docket No. E–6980]

## VIRGINIA ELECTRIC AND POWER CO. AND APPALACHIAN POWER CO.

### Notice of Application

MARCH 2, 1961.

Take notice that on February 23, 1961, a joint application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Virginia Electric and Power Company (VEPCO) and Appalachian Power Company (Appalachian) with respect to the disposition of approximately 13 miles of 132 KV transmission line. VEPCO is incorporated under the laws of the Commonwealth of Virginia and is qualified to do business in the States of Virginia, North Carolina and West Virginia. VEPCO is engaged in the business of generating and purchasing energy and transmitting and selling it at retail and at wholesale in an area comprising the greater part of Virginia, northeastern North Carolina and east central West Virginia. Its principal business office is at Richmond, Virginia. Appalachian is incorporated under the laws of the Commonwealth of Virginia and is qualified to do business in the States of Virginia, Tennessee and West Virginia. Appalachian is a public utility engaged in the generation, purchase, transmission and distribution of electric energy and its sale to the public in extensive territory in Virginia and West Virginia and in the supplying of electric energy at wholesale to other electric utility companies and municipalities in those States and Tennessee. The joint application is for approval of the sale by VEPCO and the purchase by Appalachian of a 132,000 volt transmission line of VEPCO in Virginia, approximately 13 miles in length, extending from the line side of the disconnect switches of VEPCO's Altavista Substation to the present point of interconnection between the two Applicants and consisting of towers, poles, conductors, and appurtenances, and including the related rights of way. The consideration to be paid is $212,210. Applicants state that the transmission facilities being sold have been and are being used for power and energy transactions between VEPCO and Appalachian and will continue to be used by Appalachian for the same purpose and also for transmission of power within the Appalachian System. According to the application, no addition to the facilities of VEPCO will be necessary to complete the transaction above-described or to enable VEPCO to perform all the functions and services heretofore performed by VEPCO; however, as the result of the proposed transaction the "Altavista interconnection point", as defined in the Appalachian-VEPCO Interconnection Agreement dated February 1, 1948, will be moved from its present location approximately 13 miles north of Altavista to VEPCO's Altavista Substation, and the existing facilities within VEPCO's Altavista Substation will be rearranged. Applicants state that the proposed transaction will promote efficiency and economy of operation and service to the public by strengthening the interconnection between VEPCO and Appalachian, especially in view of the construction by Appalachian of its Smith Mountain Combination Hydroelectric Project.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 20th day of March 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–2028; Filed, Mar. 7, 1961; 8:50 a.m.]



[Docket No. CP61–87]

## WESTERN KENTUCKY GAS CO.

### Notice Fixing Date of Hearing

MARCH 2, 1961.

Take notice that the hearing concerning the matters involved in and the issues presented by the application in the above captioned proceeding relating to Perryville, Kentucky, originally set for 10:00 a.m., e.s.t., on November 21, 1960, in consolidation with The Berkshire Gas Company, et al., Docket No. CP61–74, et al., and on November 30, 1960, by order of the Commission severed and continued, subject to further notice by the Secretary of the Commission, is hereby re-set for April 10, 1961, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–2029; Filed, Mar. 7, 1961; 8:50 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 1]

## APPLICATIONS FOR "GRANDFATHER" ALASKA CERTIFICATE OR PERMIT AND HAWAII FREIGHT FORWARDER PERMIT

FEBRUARY 24, 1961.

Section 1.243 of the Commission's special rules of practice have been amended to cover "grandfather" applications filed under the July 12, 1960, amendments.

Protests to the granting of an application must be filed with the Commission within 75 days of this publication in the FEDERAL REGISTER. A copy of the protest must be served on applicant's representative or on applicant if no practitioner represents him. The Special Rules provide further that failure to file a timely protest will be construed as a waiver of opposition and participation in the proceeding.

MOTOR CARRIER ALASKA "GRANDFATHER" RIGHTS

No. MC 339 (Sub No. 7), filed December 30, 1960. Applicant: LINCOLN MOVING & STORAGE CO., INC., P.O. Box 3945, 801 Holgate Street, Seattle 24, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Alaska, on the one hand, and, on the other, points in Washington west of the summit of the Cascade Mountains.

NOTE: Applicant states it is under common control and affiliation with Alaska Orient Van Service, Inc., Carrier holds Certificate No. MC 339 (Sub No. 1) authorizing the transportation of household goods between points in Washington, Oregon, and California.

No. MC 1931 (Sub No. 5), filed December 30, 1960. Applicant: MOLLERUP VAN LINES, a corporation, doing business as MOLLERUP VAN LINES AND MOLLERUP MOVING & STORAGE CO., 2900 South Main Street, P.O. Box 2188, Salt Lake City 10, Utah. Applicant's attorney: Bartley G. McDonough, 10 Executive Building, Salt Lake City 11, Utah. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Utah, Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Washington, and Wyoming, on the one hand, and, on the other, points in Alaska.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder—See FF–290. Carrier holds Certificate No. MC 1931 authorizing the transportation of household goods between points in the States of Utah, Arizona, California, Colorado, Idaho, Montana, Nevada, Washington, and Wyoming.

No. MC 2934 (Sub No. 3), filed December 28, 1960. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 863 Massachusetts Avenue, Indianapolis, Ind. Applicant's attorney: James L. Beattey, Suite 1021–1029, 130 East Washington Street, Indianapolis 4, Ind. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other, points in the United States, including the District of Columbia.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder—See FF–281. Carrier holds Certificate No. MC 2934 authorizing the transportation of household goods between all points in the United States.

No. MC 6992 (Sub No. 6), filed December 16, 1960. Applicant: AMERICAN RED BALL TRANSIT COMPANY, INC., 1000 Illinois Building, Indianapolis, Ind. Applicant's attorney: John S. Fessenden, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other, points in the United States except those in Alaska, Nevada, Utah, Idaho, North Dakota, Montana, Oregon, and Washington.

NOTE: Carrier holds Certificate No. MC 6992 authorizing the transportation of household goods between points in the United States.

No. MC 8768 (Sub No. 24), filed December 30, 1960. Applicant: SECURITY VAN LINES, INC., 120 West Airline Highway, Kenner, La. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to continue to operate as a *common carrier*, by motor vehicle over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, on the one hand, and, on the other, points in Continental United States, and the District of Columbia.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder. See FF–291. Carrier holds Certificate No. MC 8768 (Sub No. 1) authorizing the transportation of household goods between various States in the United States.

No. MC 8768 (Sub No. 25), filed December 30, 1960. Applicant: SECURITY VAN LINES, INC., 120 West Airline Highway, Kenner, La. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Building, Kansas City, Mo. Authority sought to continue to operate as a *common carrier*, by motor vehicle over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Alaska, on the one hand, and, on the other, points in the Continental United States, and the District of Columbia.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder. See FF–291. Carrier holds Certificate No. MC 8768 (Sub No. 1) authorizing the transportation of household goods between various States in the United States.

No. MC 15735 (Sub No. 15), filed December 25, 1960. Applicant: ALLIED VAN LINES, INC., 25th Avenue and Roosevelt Road, Broadview, Ill. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, (1) from, to and between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other, points in the United States.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder—See FF–272, covering Household goods, as defined by the Commission, between points in Hawaii and points in the United States and Alaska. Carrier holds Certificate No. MC 15735 (Sub No. 5) authorizing the transportation of household goods between points in the United States.

No. MC 22254 (Sub No. 29), filed December 30, 1960. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, Ill. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washingtor 4, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (A) *Household goods*, (1) Between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other,

points in the United States, except those in Alaska, Oregon, Idaho, California, Nevada, Utah, Arizona, and New Mexico. (3) Between Seattle, Wash., and points within 50 miles thereof, on the one hand, and, on the other, points in the United States (except those in Oregon, Idaho, California, Nevada, Utah, Arizona, and New Mexico), limited to shipments either originating or have ultimate destination at points in Alaska. (B) *Pianos*, (1) Between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other, points in the United States. (C) *Typewriters*, (1) between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other, points in the United States. (D) *Self-propelled passenger or property carrying vehicles*, (1) between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other, points in the United States.

NOTE: Carrier holds Certificate No. MC 22254 (Sub No. 8) authorizing the transportation of household goods between points in the United States.

No. MC 26825 (Sub No. 6), filed December 29, 1960. Applicant: ALBERT ROY ANDREWS, doing business as ANDREWS VAN LINES, Seventh and Park Avenues, Norfolk, Nebr. Applicant's attorney: Donald E. Leonard, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Alaska, on the one hand, and, on the other, points in Colorado, Delaware, the District of Columbia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Washington, Wisconsin, and Wyoming.

No. MC 36900 (Sub No. 9), filed December 30, 1960. Applicant: U.S. VAN LINES, INC., 59642 South U.S. 31, South Bend 14, Ind. Applicant's attorney: Ramon S. Reagan, 2255 Penobscot Building, Detroit 26, Mich. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska, on the one hand, and, on the other, points in the United States.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder—See FF-289. Carrier holds Certificate No. MC 36900 authorizing the transportation of household goods between points in the United States.

No. MC 40215 (Sub No. 12), filed December 30, 1960. Applicant: RICHARDSON TRANSFER AND STORAGE CO., INC., 246 North Fifth Street, Salina, Kans. Applicant's attorney: Carl V. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Alaska, on the one hand, and, on the other, points in the United States (except those in Oregon, Idaho, California, Nevada, Utah, Arizona, and New Mexico), limited to shipments either originating or have ultimate destination at points in Alaska. (B) *Pianos*, (1) Between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other, points in the United States. (C) *Typewriters*, (1) between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other, points in the United States. (D) *Self-propelled passenger or property carrying vehicles*, (1) between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other, points in the United States.

NOTE: Carrier holds Certificate No. MC 22254 (Sub No. 8) authorizing the transportation of household goods between points in the United States.

No. MC 26825 (Sub No. 6), filed December 29, 1960. Applicant: ALBERT ROY ANDREWS, doing business as ANDREWS VAN LINES, Seventh and Park Avenues, Norfolk, Nebr. Applicant's attorney: Donald E. Leonard, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Alaska, on the one hand, and, on the other, points in Colorado, Delaware, the District of Columbia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Washington, Wisconsin, and Wyoming.

No. MC 36900 (Sub No. 9), filed December 30, 1960. Applicant: U.S. VAN LINES, INC., 59642 South U.S. 31, South Bend 14, Ind. Applicant's attorney: Ramon S. Reagan, 2255 Penobscot Building, Detroit 26, Mich. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska, on the one hand, and, on the other, points in the United States. (2) Between points in Alaska, on the one hand, and, on the other, points in the United States.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder—See FF-289. Carrier holds Certificate No. MC 36900 authorizing the transportation of household goods between points in the United States.

No. MC 40215 (Sub No. 12), filed December 30, 1960. Applicant: RICHARDSON TRANSFER AND STORAGE CO., INC., 246 North Fifth Street, Salina, Kans. Applicant's attorney: Carl V. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Alaska, on the one hand, and, on the other, points in the United States (except those in Oregon, Idaho, California, Nevada, Utah, Arizona, and New Mexico). (3) Between Seattle, Wash., and points within 50 miles thereof

Montana, Colorado, Alabama, and Illinois, on the one hand, and, on the other, points in Alaska.

NOTE: Carrier holds Certificate No. MC 108068 (Sub-No. 23) authorizing the transportation of general commodities, with exceptions, between points in certain States and Ports of Entry on the International Boundary line between the United States and Canada.

No. MC 110149 (Sub No. 4), filed December 30, 1960. Applicant: DEAN VAN LINES, INC., 18420 South Santa Fe Avenue, P.O. Box 923, Long Beach 1, Calif. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, designated by the Interstate Commerce Commission and *Ex Parte No. MC 19*, between points in Alaska on the one hand, and, on the other, points in the United States.

No. MC 110585 (Sub No. 1), filed December 30, 1960. Applicant: REPUBLIC VAN AND STORAGE CO., INC., 330 South Central Avenue, Los Angeles 13, Calif. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, (1) betwen points in Alaska, and (2) between points in Alaska, on the one hand, and on the other, points in the United States.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder—See FF 287 and FF 287 Sub 1.

No. MC 112263 (Sub No. 3), filed December 30, 1960. Applicant: MARTIN VAN LINES, INC., 1461 Elliott Avenue, West, Seattle 99, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska, and (2) between points in Alaska on the one hand, and, on the other, points in Montana, Wyoming, Colorado, Idaho, Utah, Oregon, Washington, Minnesota, South Dakota, North Dakota, California, and Nevada.

NOTE: Carrier holds Certificate No. MC 112263 and subs thereunder authorizing the transportation of general commodities in the above-named States.

No. MC 113573 (Sub No. 6), filed November 15, 1960. Applicant: HERDA ALASKA TRUCK LINES, INC., 656 Pelham Boulevard, St. Paul 14, Minn. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, and commodities requiring special equipment, (1) between Minneapolis, St. Paul, Duluth, and Fosston, Minn., Minot, N. Dak., and Seattle, Wash., on the one hand, and, on the other, points in Alaska, and (2) between points in Alaska.

NOTE: Carrier holds Certificates Nos. MC 113573 and Sub 5 authorizing the transportation of general commodities between certain points in the United States and Ports of Entry on the International Boundary line between the United States and Canada.

No. MC 113753 (Sub No. 3), filed December 21, 1960. Applicant: WEAVER BROS., INC., P.O. Box 252, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities of all kinds, including heavy machinery, commodities in bulk, such as petroleum products, cement, ore and special aggregates in special equipment, explosives and ammunition for the military and commercial shippers, and household goods, REGULAR ROUTES:* Between points in Alaska, (1) from Big Delta over Alaska Highway 1 (Richardson Highway) to Delta Junction, Alaska, thence over Alaska Highway 2 (Alaska Highway) to the International Boundary line between the United States and Canada at the port of entry approximately forty (40) miles southeast of Northway Junction, Alaska, and return over the same route, serving all intermediate points. (2) From Valdez over Alaska Highway 2 (Alaska Highway) to Fairbanks, and return over the same route, serving all intermediate points. (3) From Seward over Alaska Highway 4 via Moose Pass to Junction Alaska Highway 3 (Glenn Highway), thence over Alaska Highway 3 (Glenn Highway) to Tok Junction, and return over the same route, serving all intermediate points. (4) From Homer over Alaska Highway 5 to junction Alaska Highway 4 at a point approximately 10 miles northwest of Moose Pass, and return over the same route, serving all intermediate points. (5) From Haines over Alaska Highway 9 to the International Boundary line between the United States and Canada at the port of entry approximately forty two (42) miles northwest of Haines, and return over the same route, serving all intermediate points. (6) From junction of Alaska Highway 5 at Soldotna to Nikishka over Sterling Highway, and return over the same route, serving all intermediate points. *IRREGULAR ROUTES:* Between points in Alaska.

NOTE: Carrier holds Certificate No. MC 113753 authorizing the transportation of General commodities with exceptions, between certain points in Oregon, Washington, and Montana, and Ports of Entry on the International Boundary line between the United States and Canada.

No. MC 114761 (Sub No. 3), filed December 30, 1960. Applicant: GETTER TRUCKING, INCORPORATED, P.O. Box 806, Cut Bank, Mont. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Machinery, machines, or parts, thereof, materials, supplies, equipment and building materials*, from, to, or between points in Alaska.

No. MC 115835 (Sub No. 3), filed December 30, 1960. Applicant: EXPRESS VAN LINES, INC., 2506 West Sixth Street, Los Angeles 57, Calif. Applicant's attorney: Herbert Burnstein, 160 Broadway, New York 38, N.Y. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in California, Oregon, and Washington, and that part of Idaho on and west of U.S. Highway 93 and on and south of U.S. Highway 30, on the one hand, and, on the other, points in Alaska.

No. MC 117739 (Sub No. 3), filed December 30, 1960. Applicant: McCAHILL FREIGHT AND WAREHOUSING CO., INC., 501 Fireweed Lane, P.O. Box 482, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, and commodities in bulk, (1) between points in Alaska, (2) Between points in Alaska and Seattle, Wash.

No. MC 118145 (Sub No. 1), filed December 30, 1960. Applicant: O. G. NESS, doing business as O. G. TRUCK CO., P.O. Box 41, Valdez, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, from, to, and between points in Alaska.

No. MC 118208 (Sub No. 3), filed December 28, 1960. Applicant: H. E. WRIGHT, doing business as WRIGHT-WAY AUTO CARRIER, 602 Gamble Street, Anchorage, Alaska. Applicant's attorney: Joseph H. Trethewey, 330 White Henry Stuart Building, Seattle 1, Wash. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (1) *Motor vehicles* and *tractors*, in secondary movements, in truckaway and driveaway service, and (2) *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipments, (a) between points in Alaska, and (b) between Seattle, Wash. and points in Alaska.

No. MC 118433 (Sub No. 2), filed December 23, 1960. Applicant: HILL & HILL TRANSPORT OF CANADA, LTD., 10351—60th Avenue, South, Edmonton, Alberta, Canada. Applicant's attorney: Joe G. Fender, Melrose Building, Houston 2, Tex. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Alaska.

NOTE: Applicant states the proposed transportation shall be restricted to traffic moving to or from points in Alberta Province, Canada.

No. MC 118444 (Sub No. 2), filed November 21, 1960. Applicant: BILL UNFER AND VIC UNFER, doing business as UNFER BROS., Box 491, Valdez, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, commodities in bulk, in tank type equipment, and household goods as defined by the Commission, (1) between Valdez, Alaska, and points in Alaska, and (2) between Haines, Alaska, and points in Alaska, and (3) between points on the International Boundary line between the United States and Canada, at or near Border City, Alaska, and points in Alaska.

No. MC 118445 (Sub No. 2), filed December 30, 1960. Applicant: JIMMY A. PERSINGER, doing business as PERSINGER TRANSPORT CO., College, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, commodities in bulk, in tank type equipment, between points in Alaska.

No. MC 118446 (Sub No. 2), filed December 30, 1960. Applicant: JOHN P. KNUDSEN, doing business as KNUDSEN FAST FREIGHT, 6200 DeBarr, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment, (1) between Valdez, Alaska, and Anchorage, Alaska. (2) Between Tok Junction, Alaska, and Anchorage, Alaska, on the one hand, and, on the other, points in Alaska.

No. MC 118447 (Sub No. 2), filed December 31, 1960. Applicant: JOE A. LENTZ, JR., doing business as LENTZ EXPRESS, Star Route, Palmer, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, commodities in bulk, those requiring special equipment, and those of unusual value, between points in Alaska.

No. MC 118448 (Sub No. 2), filed December 2, 1960. Applicant: HOWARD BAYLESS, ALICE BAYLESS, RICHARD ROBERTS, ROBERT ROBERTS, AND ELLIS ROBERTS, a partnership, doing business as BAYLESS & ROBERTS, Copper Center, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (1) *General commodities*, except Classes A and B explosives, Household goods as defined by the Commission, and articles of unusual value, between Valdez, Alaska, and points in Alaska, and (2) *Bulk commodities in tank-type equipment, commodities requiring special equipment because of unusual size, shape, or weight*, and *Contractors equipment, material and supplies, Mining equipment and supplies*, between Haines, Alaska, and points in Alaska, and (3) *General commodities*, with the abovenamed exceptions, and *Contractors and Mining equipment, material and supplies*, between points in Alaska.

No. MC 118449 (Sub No. 2), filed December 30, 1960. Applicant: CHARLES O. TACHICK AND MELVIN TACHICK, doing business as TACHICK FREIGHT LINES, P.O. Box 84, Soldotna, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, and commodities in bulk, between points in Alaska.

No. MC 118450 (Sub No. 2), filed December 30, 1960. Applicant: VICTOR D. BARBER, Leger Road, P.O. Box 1835, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, from, to, and between points in Alaska.

No. MC 118451 (Sub No. 2), filed December 30, 1960. Applicant: V. D. BARBER AND CARROLL BARBER, doing business as V. D. BARBER & SON, Leger Road, P.O. Box 1835, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, and articles of unusual value, between points in Alaska.

No. MC 118452 (Sub No. 2), filed December 12, 1960. Applicant: ARCTIC MOTOR FREIGHT, INC., Mile 2, Seward Highway, P.O. Box 601, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, and articles of unusual value, between points in Alaska.

NOTE: Applicant states authority is specifically requested to perform interline or interchange service at all authorized points and places in Alaska.

No. MC 118474 (Sub No. 2), filed December 28, 1960. Applicant: AIR VAN LINES, INC., 2d Off Post Road, P.O. Box 3413 (Eastchester Branch), Anchorage, Alaska. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities, including household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alaska.

No. MC 118475 (Sub No. 2), filed December 27, 1960. Applicant: EVERETT W. HEPP AND FRANK X. CHAPADOS, doing business as H & S WAREHOUSE ASSOCIATION, Room 230, Chena Building, 510 Second Avenue, P.O. Box 227, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, and those requiring special equipment, between points in Alaska.

No. MC 118477 (Sub No. 3), filed December 27, 1960. Applicant: THOMAS JATZECK, doing business as T. J. TRUCKING, 406 Broadway, P.O. Box 232, Valdez, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, between points in Alaska.

NOTE: Applicant states it is affiliated with Alaska Valdez Transport, Inc., therefore, common control may be involved.

No. MC 118480 (Sub No. 3), filed December 30, 1960. Applicant: PENINSULA FAST FREIGHT, INC., P.O. Box 586, 17th and Gambell Streets, Anchorage, Alaska. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, and livestock, between points in Alaska.

NOTE: Applicant states it is under common control with Continental Van Lines, Inc., and Crone Moving & Storage Co., Inc.

No. MC 118481 (Sub No. 2), filed December 28, 1960. Applicant: S. S. MULLEN, INCORPORATED, doing business as S. S. MULLEN, INCORPORATED, TRUCKING CO., 220 River Street, P.O. Box 3886, Terminal, Seattle 24, Wash. Applicant's attorney: John H. Faltys, Suite 1107 American Building, 920 Sec-

ond Avenue, Seattle 4, Wash. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Petroleum products, construction materials and equipment*, from, to and between points in Alaska.

NOTE: Applicant states the above operations have been performed during the summer construction season.

No. MC 118482 (Sub No. 2), filed December 30, 1960. Applicant: SMYTH OVERSEAS VAN LINES, INC., 1024 East Pike Street, Seattle 22, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (a) *General commodities*, and (b) *Household goods* as defined by the Commission, between points in Alaska.

NOTE: Applicant states it is under common control with Smyth Van & Storage Co., Inc., and Smyth Van & Storage Co. of California, Inc. Applicant further states all three companies are owned and controlled by Smyth Worldwide Movers, Inc.

No. MC 118489 (Sub No. 2), filed December 19, 1960. Applicant: HERBERT N. KOPPERUD, doing business as KOPPERUD TRANSPORTATION, Palmer, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk in tank type equipment, (1) between Anchorage, Alaska and points in Alaska. (2) Between Palmer, Alaska, and points in Alaska. (3) Between Seward, Alaska, and points in Alaska. (4) Between points in the Commercial Zones of Anchorage, Palmer, and Wasilla, Alaska.

No. MC 118490 (Sub No. 2), filed December 30, 1960. Applicant: ALASKA VAN & STORAGE CO., INC., P.O. Box 3386, Eastchester Branch, Post Road, Anchorage, Alaska. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Alaska.

NOTE: Applicant states it is under common control or affiliated with Alaska Terminals, Inc., Martin Van Lines, Inc., and Martin Overseas Van Lines, Inc.

No. MC 118491 (Sub No. 2), filed December 30, 1960. Applicant: HUGH B. MITCHELL, PAUL POLLOCK, AND D. C. TAYLOR, doing business as ALASKA TERMINALS, P.O. Box 3638, Eastchester Branch, Anchorage, Alaska. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, and livestock, between points in Alaska.

NOTE: Applicant states it is under common control or affiliated with Alaska Van & Storage Co., Inc., Martin Van Lines, Inc., and Martin Overseas Van Lines, Inc.

No. MC 118493 (Sub No. 5), filed December 27, 1960. Applicant: MITCHELL TRUCK & TRACTOR SERVICE, INC., 1911 Cushman Street, P.O. Box 787, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (a) *General commodities*, except those of unusual value, Classes A and B explosives, livestock, and commodities in bulk, and (b) *Motor vehicles*, in secondary movements, in truckaway service, (1) between points in Alaska, and (2) between points in Alaska and Seattle, Wash.

No. MC 118494 (Sub No. 2), filed December 30, 1960. Applicant: DENALI TRANSPORTATION CORPORATION, 1113 Cushman Street, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment, from, to, or between points in Alaska.

NOTE: Applicant states Sigurd Wold, President, owns stock in Sig Wold Storage & Transfer, Inc., and Leo Schlotfeldt and Agnes Schlotfeldt, Vice President and Secretary-Treasurer, respectively, own stock in Sourdough Express, Inc.

No. MC 118495 (Sub No. 2), filed December 15, 1960. Applicant: JACK H. WALLACE, doing business as COPPER RIVER FREIGHT LINES, 514 Hobart Street, P.O. Box 194, Valdez, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, livestock, and articles of unusual value, between points in Alaska.

No. MC 118506 (Sub No. 2), filed December 30, 1960. Applicant: ALASKA ORIENT VAN SERVICE, INC., 801 Holgate Street, Seattle 4, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Alaska.

NOTE: Applicant states it is under common control and affiliation with Lincoln Moving & Storage Co., Inc.

No. MC 118511 (Sub No. 1), filed December 30, 1960. Applicant: WILLIAM C. WARD, doing business as W. C. WARD TRUCKING CO., 127½ Minnie Street, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, and commodities in bulk other than tank type equipment, between points in Alaska.

No. MC 118513 (Sub No. 2), filed December 9, 1960. Applicant: JAMES P. DIERINGER, doing business as DIERINGER TRUCKING SERVICE, P.O. Box 183, Valdez, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and livestock, between points in Alaska.

No. MC 118514 (Sub No. 2), filed December 25, 1960. Applicant: GENE ROGGE, doing business as SOURDOUGH FREIGHT LINES, P.O. Box 276, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, and articles of unusual value, between points in Alaska.

No. MC 118515 (Sub No. 2), filed December 30, 1960. Applicant: GERALD A. PROTZMAN, doing business as JERRY'S FREIGHT SERVICE, Sterling 86, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, livestock, and commodities in bulk, between points in Alaska.

No. MC 118516 (Sub No. 2), filed December 27, 1960. Applicant: RICHARD DEJONG, 4300 Lois Drive, Spenard, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, and articles of unusual value, from, to and between points in Alaska.

NOTE: Applicant states authority is specifically requested to perform interline or interchange service at all authorized points and places in Alaska.

No. MC 118518 (Sub No. 3), filed December 15, 1960. Applicant: WALTER CHRISTENSEN, P.O. Box 552, Homer, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, and those requiring special equipment, *REGULAR ROUTES:* (1) Between Anchorage, Alaska, and Seward, Alaska: from Anchorage over Alaska Highway 4 to Seward, and return over the same route, serving all intermediate points. (2) Between the junction of Alaska Highway 4 and Alaska Highway 5 to Homer, Alaska: from the junction of Alaska Highway 4 and Alaska Highway 5 over Alaska Highway 5 to Homer, and return over the same route, serving all intermediate points. (3) Between Soldotna, Alaska, and Kenai, Alaska: from Soldotna over the Kenai Spur Road to Kenai, and return over the same route, serving all intermediate points. *IRREGULAR ROUTES:* Between points on the Kenai Peninsula generally south of an imaginary line from the Alaska Railroad running approximately East-West between Whittier and Alaska Highway 4 continuing to Turnagain Arm.

No. MC 118520 (Sub No. 5), filed December 29, 1960. Applicant: ALASKA TRUCK TRANSPORT, INC., P.O. Box 797, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities, including household goods*, as defined by the Commission, and excepting articles of unusual value, and Classes A and B explosives, (1) between points in Alaska, on the one hand, and, on the other, points in Washington, and Montana, and Portland, Oreg.

No. MC 118524 (Sub No. 2), filed December 30, 1960. Applicant: SIG WOLD STORAGE & TRANSFER, INC., P.O. Box 791, 302 2d Avenue, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment, from, to, or between points in Alaska.

NOTE: Applicant states Sig Wold, President, owns stock in the Denali Transportation Corporation, therefore, common control may be involved.

No. MC 118525 (Sub No. 2), filed December 27, 1960. Applicant: ALASKA VALDEZ TRANSPORT, a corporation, P.O. Box 232, Valdez, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, other than those transported in tank type equipment, between points in Alaska.

NOTE: Applicant states Thomas Jatzeck, President, is the owner-operator of R. J. Trucking, therefore, common control may be involved.

No. MC 118527 (Sub No. 2), filed December 30, 1960. Applicant: SOURDOUGH EXPRESS, INC., P.O. Box 288, 531 3d Avenue, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment, from, to, or between points in Alaska.

NOTE: Applicant states Leo A. Schlotfeldt and Agnes H. Schlotfeldt, President and Secretary-Treasurer, respectively, own stock in the Denali Transportation Corporation, therefore, common control may be involved.

No. MC 118534 (Sub No. 2), filed December 30, 1960. Applicant: E. F. WESTPHAL, doing business as TOK DISTRIBUTING SERVICE, P.O. Box 892, Tok, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Comerce Act, transporting: *General commodities*, except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment because of unusual size, shape or weight, *REGULAR ROUTE:* Between Anchorage, Alaska, and Tok, Alaska; from Anchorage over Alaska Highway 3 to Tok, and return over the same route, serving all intermediate points. *IRREGULAR ROUTE:* Between points in Alaska.

No. MC 118620 (Sub No. 2), filed December 16, 1960. Applicant: THE BRITISH YUKON NAVIGATION COMPANY, LIMITED, P.O. Box 1121 (311 Franklin Street), Juneau, Alaska. Applicant's attorney: N. C. Banfield, P.O. Box 1121, Juneau, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over regular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Passengers and their baggage, express and newspapers*, between the International Boundary line between Alaska and Canada and Haines, Alaska: from the port of entry on the International Boundary line between Alaska and Canada at or near Porcupine, Alaska, over Alaska Highway 9 to Haines, Alaska, and return over the same route serving all intermediate points.

NOTE: Applicant states it is under control of its parent corporation the White Pass & Yukon Corporation, Limited, which also controls Pacific and Arctic Railway and Navigation Company and Pacific and Arctic Pipelines, Incorporated, therefore, common control may be involved.

No. MC 118758 (Sub No. 3), filed December 29, 1960. Applicant: J. L. HOUCK, doing business as WHITE BIRCH TRAILER SALES & SERVICE, 6th and Karluk Street, P.O. Box 1959, Anchorage, Alaska. Applicant's attorney: Jerrold Scoutt, Jr., Cafritz Building, Washington, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *House trailers and contents*, (1) between points in Alaska, and (2) between points in Alaska and points in California, Colorado, Indiana, Illinois, Michigan, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Washington, and Wisconsin.

No. MC 118778 (Sub No. 2), filed December 29, 1960. Applicant: BEE LINE FREIGHT SERVICE, INC., doing business as BEE LINE FUEL COMPANY, P.O. Box 187, 1340 Ocean Dock Road, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (1) *Automobiles, trucks*, and *truck trailers*, in truckaway and driveaway service. (2) *Petroleum products*, in bulk, in tank vehicles. (3) *General commodities*, except household goods, Classes A and B explosives, and commodities in bulk other than those transported in tank type equipment, and articles of unusual value, between points in Alaska.

No. MC 118805 (Sub No. 2), filed December 30, 1960. Applicant: CONTINENTAL VAN LINES, INC., P.O. Box 3963, 4501 West Marginal Way, Seattle 22, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Alaska.

NOTE: Applicant states it is under common control with Peninsula Fast Freight, Inc., and Crone Moving & Storage Co., Inc. Applicant further states all three carriers are controlled by E. W. Hundley, who is an officer, director and majority stockholder of each.

No. MC 118832 (Sub No. 4), filed December 30, 1960. Applicant: ALASKA HYWAY TOURS, INC., 510 Northward Building, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Passengers*, in seasonal operations approximately May 1 through September 30, inclusive, of each year, in special package, conducted sightseeing tours in Alaska; *REGULAR ROUTES:* (1) Between Fairbanks, Alaska, and Seward, Alaska; from Fairbanks over Alaska Highway 1 to junction Alaska Highway 3, thence over Alaska Highway 3 to Anchorage, thence over Alaska Highway 4 to Seward, and return over the same route, serving the intermediate point of

Anchorage, and off-route points in Matanuska Valley, Portage Glacier, and Valdez. (2) Between Fairbanks, Alaska, and the port of entry on the International Boundary line between the United States and Canada on Alaska Highway 2; from Fairbanks over Alaska Highway 1 to junction Alaska Highway 2, thence over Alaska Highway 2 to the International Boundary line between the United States and Canada, and return over the same route, serving the intermediate point of Scottie Creek, Alaska. *IRREGULAR ROUTES:* From, to, or between points in Alaska as follows. (1) Fairbanks local sightseeing tours, within and without the city of Fairbanks, within the Fairbanks mining area. (2) Anchorage local sightseeing tours within the city of Anchorage. (3) Fairbanks transfers, carrier to lodging and carrier to carrier. (4) Anchorage transfers, carrier to lodging and carrier to carrier.

No. MC 119006 (Sub No. 2), filed December 31, 1960. Applicant: R. S. McCOMBE, Chicken, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, between points in Alaska.

No. MC 119402 (Sub No. 2), filed December 14, 1960. Applicant: CARL H. MEIER, doing business as PALMER TRANSFER, P.O. Box 1745, Palmer, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, commodities in bulk, commodities requiring special equipment because of unusual size, shape or weight, and livestock, between Anchorage, Alaska, and points within a 100 mile radius thereof.

No. MC 119558 (Sub No. 2), filed December 30, 1960. Applicant: A. F. TISCHER, 3305 Oregon Drive, Spenard, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Trailers*, designed to be drawn by passenger vehicles, *including mobile homes and mobile motel units*, (1) between points in Alaska, and (2) Between points in Alaska, on the one hand, and, on the other, points in Colorado, Idaho, Indiana, Kansas, Michigan, Minnesota, Montana, Nebraska, Oklahoma, South Dakota, Washington, and Wisconsin.

NOTE: Applicant states if the authority herein is granted it shall be construed as authorizing carrier to interchange shipments with authorized carriers.

No. MC 119660 (Sub No. 1), filed December 30, 1960. Applicant: LEONARD C. BIBLER AND WILLIAM L. BIBLER, doing business as B & M TRANSPORT SERVICE, P.O. Box 784, 10th and Turpin Streets, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except household goods, and Classes A and B explosives, between points in Alaska.

NOTE: Applicant states it also transports *bulk cement* in summer months only.

No. MC 119723 (Sub No. 1), filed December 30, 1960. Applicant: WILLIAM A. HOOD, JOHN W. HOOD, AND RICHARD HOOD, doing business as HOOD AND SONS, 618 Fourth Street, P.O. Box 362, Valdez, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, between Valdez, Alaska, and points in Alaska, with privilege of interline on shipments having a prior or subsequent movement at Valdez.

No. MC 119724 (Sub No. 1), filed December 9, 1960. Applicant: RICHARD H. JENSEN, doing business as BRISTOL BAY CONTRACTORS, General Delivery, King Salmon, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, between points in and on the Alaska Peninsula, described as follows: southwest of a line starting at the mouth of the Kuichak River to its source at Igiugig, Alaska; thence east along the south shore of Lake Illiamna to Pile Bay, Alaska; thence southeast over an unnamed road to Portage Bay on the Cook Inlet, the northern limit of the territory. The southerly limit being False Pass. Serving also all points on the above described boundary lines.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder—See FF-264, covering Bulk petroleum products, Seattle, Wash., to King Salmon, Alaska.

No. MC 123134 (Sub No. 1), filed December 19, 1960. Applicant: ANCO SHIPPING CO., a corporation, Terminal Yards, Anchorage, Alaska. Applicant's attorney: Wallace Aiken, 1215 Norton Building, Seattle 4, Wash. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, and commodities requiring special equipment, between points in Alaska.

No. MC 123284, filed December 12, 1960. Applicant: JOHN P. SNOW AND EUGENE L. SNOW, doing business as SNOW TRANSPORTATION COMPANY, Bethel, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Stove oil, building materials, furniture*, and *groceries (case)*, serving Bethel, Alaska, and points within nine (9) miles thereof, in conjunction with lighterage operations.

NOTE: Applicant has also filed a BOR 92 application covering water carrier operations in Alaska, assigned Docket No. W-1152.

No. MC 123297, filed December 16, 1960. Applicant: CARL V. LINDSTROM AND ELMER E. LINDSTROM, doing business as RELIABLE TRANSFER, 209 Franklin Street, P.O. Box 2230, Juneau, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, Transporting: *General commodities, household and personal effects, building materials*, from Yakutat, Alaska, South and Southwest to points in Southeastern Alaska including ports of entry on the International Boundary line between Alaska and British Columbia at Prince Rupert, British Columbia.

No. MC 123298, filed December 19, 1960. Applicant: AL RENK & SONS, INC., Mile 1 Seward Highway, P.O. Box 3085, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, commodities in bulk, commodities of unusual value, livestock, and household goods as defined by the Commission, between points in Alaska.

No. MC 123313, filed December 23, 1960. Applicant: ORME TRANSFER COMPANY, 535 Willoughby Avenue, Juneau, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, between points in and on the Alaska Peninsula, described as follows: southwest of a line starting at the mouth of the Kuichak River to its source at Igiugig, Alaska; thence east along the south shore of Lake Illiamna to Pile Bay, Alaska; thence southeast over an unnamed road to Portage Bay on the Cook Inlet, the northern limit of the territory. The southerly limit being False Pass. Serving also all points on the above described boundary lines.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder—See FF-264, covering Bulk petroleum products, Seattle, Wash., to King Salmon, Alaska.

No. MC 123134 (Sub No. 1), filed December 19, 1960. Applicant: ANCO SHIPPING CO., a corporation, Terminal Yards, Anchorage, Alaska. Applicant's attorney: Wallace Aiken, 1215 Norton Building, Seattle 4, Wash. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, and commodities requiring special equipment, between points in Alaska.

No. MC 123284, filed December 12, 1960. Applicant: JOHN P. SNOW AND EUGENE L. SNOW, doing business as SNOW TRANSPORTATION COMPANY, Bethel, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Bulk petroleum products, petroleum products* in barrels, *mining machinery, general cargo and food stuffs*, in seasonal operations between June 1 through October 30, inclusive, of each year, from Sterling Landing on the Kuskokwim River to Air Force Site F 10 at Tatalina, Alaska, Takotna, Alaska, Ophir, Alaska, and various mines in the Ophir area.

No. MC 123327 filed December 29, 1960. Applicant: RALPH A. BARTHOLOMEW, LAURA S. BARTHOLOMEW, AND RALPH M. BARTHOLOMEW, doing business as IRELAND TRANSFER & STORAGE CO., 102 Front Street, Ketchikan, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, from, to, or between points within that part of Alaska known as the 1st Judicial District or that portion of Alaska east of the 141st Meridian.

No. MC 123328, filed December 29, 1960. Applicant: HEATHERLY & SONS, INC., 1305 17th Avenue, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, and articles of unusual value, between points in Alaska.

No. MC 123332, filed December 28, 1960. Applicant: CORDELL TRANSFER CO., INC., 128 Front Street, Ketchikan, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, from, to, or between points within that part of Alaska known as the 1st Judicial District or that portion of Alaska east of the 141st Meridian.

No. MC 123333, filed December 26, 1960. Applicant: HOWARD V. ELLIOTT, doing business as ELLIOTT'S FUEL TRANSFER, Box 285, Bethel, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Bulk diesel fuel, gasoline stove oil, gasoline, etc.*, from, to, or between points in Alaska and points in the United States, and between points in Alaska as follows: From Bethel, Alaska Standard Oil Bulk Plant to Air Force Site F-21 and Federal Aviation Agency, over Air Force Access Road.

NOTE: Operations are conducted AF Site F-21 between May thru September, and FAA year round.

No. MC 123336, filed December 30, 1960. Applicant: JIMMIE M. EASTHAM, doing business as HUSKY PARCEL #2, Box 11, Ketchikan, Alaska. Applicant's attorney: Robert H. Ziegler, Sr., P.O. Box 1079, Ketchikan, Alaska. Authority sought to continue to operate as a *contract carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities, groceries, etc.*, between points in Alaska.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder see FF 295.

No. MC 123337, filed December 30, 1960. Applicant: ALFRED GHEZZI JR., doing business as GHEZZI TRUCKING, 2404 Capt. Cook Boulevard, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, (1) between points in Alaska and (2) between points in Alaska, on the one hand, and, on the other, Seattle and Tacoma, Wash.

No. MC 123338, filed December 30, 1960. Applicant: PAUL E. MONSEN AND MELVIN J. MONSEN, doing business as MONSEN TRANSFER, P.O. Box 113, Naknek, Alaska. Authority sought to continue to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Fuels, general freight* and *"For Hire" freight hauling*, between Naknek, Alaska, and environs and King Salmon, Alaska, and environs.

NOTE: Applicant states Naknek Beach is seasonal and involves freight and salmon cargoes.

No. MC 123340, filed December 30, 1960. Applicant: JEFFERY W. NOBLE, doing business as ALASKAN CANADIAN FREIGHT WAY, 221 Northward Building, Fairbanks, Alaska. Authority sought to continue to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, including commodities in bulk, between all points in Alaska.

NOTE: Applicant also claims "grandfather" rights as a water carrier—See W 1160.

No. MC 123342, filed December 30, 1960. Applicant: C. RAYMOND LOESCHE, doing business as POLAR VAN SERVICE, 523 Second Avenue, P.O. Box 622, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Alaska.

No. MC 123343, filed December 30, 1960. Applicant: EDWARD H. HANBY, doing business as WING'S & TRUCK'S TRANSPORTATION CO., 2601 Spenard Road, Spenard, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, between points in Alaska within a 25 mile radius of Anchorage.

No. MC 123344, filed December 30, 1960. Applicant: MAX MILLER, doing business as GENERAL TRANSPORTATION, 224 North Cushman Street, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, (1) between points in Alaska and (2) between points in Alaska, on the one hand, and, on the other, Seattle and Tacoma, Wash.

No. MC 123345, filed December 30, 1960. Applicant: ALASKA MOTOR COACHES, INC., P.O. Box 1048, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over regular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Passengers and their baggage, mail, express and newspapers* in the same vehicle with passengers, (1) between Anchorage, Alaska, and Tok, Alaska; from Anchorage over Alaska Highway 3 to Tok, and return over the same route, serving all intermediate points and the points of Wasilla, Willow, Talkeetna, and Big Lake, Alaska, over unnumbered highways. (2) Between Anchorage, Alaska, and Seward, Alaska; from Anchorage over Alaska Highway 4 to Seward, and return over the same route, serving all intermediate points and the points of Hope, Gridwood and Portage, Alaska, over unnumbered highways. (3) Between Homer, Alaska, and the junction of Alaska Highways 4 and 5; from Homer over Alaska Highway 5 to its junction with Alaska Highway 4, and return over the same route, serving all intermediate points and the points of Kenai and Nikishka, Alaska, over unnumbered highways. (4) Between Fairbanks, Alaska, and Nenana and Clear, Alaska; from Fairbanks over unnumbered state road to Nenana and Clear, and return over the same route, serving all intermediate points. (5) Between Fairbanks, Alaska, and the International Boundary line between the United States and Canada at or near Boundary City, Alaska; from Fairbanks over Alaska Highway 2 to the International Boundary line between the United States and Canada at or near Boundary City, and return over the same route, serving all intermediate points. (6) Between Valdez, Alaska, and Big Delta, Alaska; from Valdez over Alaska Highway 1 to Big Delta, and return over the same route, serving all intermediate points and the points of Mt. McKinley Park and Cantwell via Alaska Highway 8 and Park Forestry Service road to Kontishna, Alaska. (7) Between Eagle, Alaska, and Tetlin Junction, Alaska; from Eagle over Alaska Highway 3 to Tetlin Junction, and return over the same route, serving all intermediate points, and the point of Boundary, Alaska, over an unnumbered highway. (8) Between Fairbanks, Alaska, and Circle, Alaska; from Fairbanks over Alaska Highway 6 to Circle, and return over the same route, serving all intermediate points.

No. MC 123355, filed December 30, 1960. Applicant: ROY H. SMITH, doing business as FLYING BUYING & TRANS-

PORTATION SERVICE, Box 74, Dillingham, 7, Alaska. Authority sought to continue to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Raw fish, processed fish* and *freight*, between points in Alaska as follows: Bristol Bay Area, Nelson Lagoon, Lake Clark, Koliganek, Quinhagak and enclosed area. Applicant also claims "grandfather" rights as a water carrier see W–1162 and a freight forwarder see FF–262.

No. MC 123357, filed December 30, 1960. Applicant: LAMBERT C. RATCLIFFE, doing business as HUSKY PARCEL DELIVERY, 702 Water Street, Ketchikan, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over regular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities including household goods, and fuel oil*, from, to, or between points or areas in Alaska as follows: Wrangel, Petersburg, Juneau, Hydaburg, Klawock, Craig, Hollis, Annette, Metlakatla, Haines, Skagway, Yakutat, Cordova, Anchorage, Fairbanks, Nome, Ketchikan, Hyder, and Kodiak.

No. MC 123366, filed December 30, 1960. Applicant: MULTI VENTURES OF FAIRBANKS, P.O. Box 1142, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Commodities*, in bulk, in tank type equipment, between points in Alaska limited to shipments originating from or destined to points in Canada.

No. MC 123367, filed December 30, 1960. Applicant: WALTER L. HOOPER, doing business as HOMER FREIGHT LINES, Box 64, Soldotna, Alaska. Authority sought to continue to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, between all points in Alaska.

FREIGHT FORWARDER ALASKA-HAWAII "GRANDFATHER" RIGHTS

No. FF–31 (Sub No. 3), filed December 27, 1960. Applicant: WESTERN TRANSPORTATION CO., INC., 1440 East Fifth Street, Los Angeles 33, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service, arranging for the transportation of, *General commodities*, (1) between points in Alaska and points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, the District of Columbia, California, Oregon, and Washington. (2) Between points in Alaska. (3) Between points in Hawaii and points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, the District of Columbia, California, Oregon, and Washington. (4) Between points in Hawaii.

NOTE: Applicant states it is authorized to transport General commodities between various points in Southern California in Certificate No. MC 38536, therefore, common control may be involved.

No. FF–36 (Sub No. 1), filed December 29, 1960. Applicant: D.C. ANDREWS & COMPANY OF ILLINOIS, INC., 327 South La Salle Street, Chicago 4, Ill. Applicant's attorney: Charles B. Myers, 2106 Field Building, Chicago 3, Ill. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, (1) between points in Hawaii, and (2) from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Michigan, Indiana, Illinois, Iowa, Missouri, Kansas, Arkansas, Nebraska, North Dakota, South Dakota, Minnesota, Wisconsin, and the District of Columbia, to points in Hawaii, and (3) also from San Francisco and Los Angeles, Calif., and points within 25 miles of said cities, to all points in Hawaii.

No. FF–37 (Sub No. 3), filed December 30, 1960. Applicant: PACIFIC FORWARDING ASSOCIATION, INC., 711 Third Avenue, New York 17, N.Y. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities*, (1) between points in Alaska, and (2) between points in Alaska and points in the United States, except points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. (B) *General commodities*, (1) between points in Hawaii, and (2) between points in Hawaii and points in the United States, except points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

No. FF 40 (Sub No. 5), filed December 28, 1960. Applicant: MERCHANTS CARLOADING CO., INC., Pier 8 North River, New York 6, N.Y. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, (1) from points in Vermont, New York, and Long Island, N.Y., and points in Westchester and Rockland Counties, N.Y., and points in Hudson, Essex, Bergen, Passaic, Union, Middlesex, Morris, Mercer, Monmouth, and Somerset Counties, N.J., to points in Alaska. (2) *General commodities*, from points in Vermont, New York, and Long Island, N.Y., and points in Westchester and Rockland Counties, N.Y., and points in Hudson, Essex, Bergen, Passaic, Union, Middlesex, Morris, Mercer, Monmouth, and Somerset Counties, N.J., to points in Hawaii.

NOTE: Applicant states all of the stock of Merchants Carloading Co., Inc., is owned by Watson Bros. Transportation Co., Inc., a common carrier under Docket No. MC 70451 and Subs thereunder. Common control may be involved.

No. FF 43 (Sub No. 3), filed December 30, 1960. Applicant: UNIVERSAL CARLOADING & DISTRIBUTING CO., INC., 711 Third Avenue, New York, N.Y. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities*, (1) between points in Alaska, and (2) between points in Alaska and all points in the United States. (B) (1) Between points in Hawaii, and (2) between points in Hawaii, and all points in the United States.

No. FF 49 (Sub No. 4), filed December 30, 1960. Applicant: WESTLAND FORWARDING CO., 1858 South Western Avenue, Chicago 8, Ill. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities*, (1) between points in Alaska, and (2) between points in Alaska, and points in Louisiana, Arkansas, Missouri, Kansas, Nebraska, Iowa, Minnesota, and points in the United States east of such states, except Florida. (B) *General commodities*, (1) between points in Hawaii. (2) Between points in Louisiana, Arkansas, Missouri, Kansas, Nebraska, Iowa, Minnesota, and points in the United States east of such states, except Florida.

No. FF 51 (Sub No. 4), filed December 30, 1960. Applicant: MERCHANT SHIPPERS ASSOCIATION, 1858 South Western Avenue, Chicago 8, Ill. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities;* (1) between points in Alaska, and (2) from points in Louisiana, Arkansas, Missouri, Kansas, Nebraska, South Dakota, North Dakota, California, Oregon, and Washington, and points in the United States East of such states to points in Alaska. *General commodities*, (1) between points in Hawaii, and (2) from points in Louisiana, Arkansas, Missouri, Kansas, Nebraska, South Dakota, North Dakota, California, Oregon, and Washington, and points in the United States East of such states to points in Hawaii.

No. FF 52 (Sub No. 3), filed December 30, 1960. Applicant: PACIFIC & ATLANTIC SHIPPERS, INC., doing business as "P & A," 356 North Halsted Street, Chicago 6, Ill. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, (1) from, to, or between points in Hawaii and points in the United States, and (2) between points in Hawaii.

NOTE: Applicant states that it is controlled by Pacific Intermountain Express Co., a common carrier under Docket No. MC 730 and subs thereunder.

No. FF 53 (Sub No. 1), filed December 28, 1960. Applicant: HAWAIIAN FREIGHT FORWARDERS, LTD., 1910 Harney Street, Omaha 2, Nebr. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities*, between all points in the United States, on the one hand, and, on the other, all points in Alaska. (B) Between all points in Alaska. (C) Between points in Alaska and points in Hawaii. *General commodities*, (A) between all points in the United States, on the one hand, and, on the other, all points in Hawaii. (B) Between points in Hawaii.

NOTE: Applicant states it owns all of the capital stock of Flynn Forwarding Co., Inc., under Docket No. FF 115 and subs thereunder, also Watson Bros. Transportation Co., Inc., owns 49 percent of the outstanding shares of Hawaiian Freight Forwarders, Ltd., and has a contract to purchase the remaining 51 percent of its stock.

No. FF 56 (Sub No. 6), filed December 27, 1960. Applicant: SUPERIOR FAST FREIGHT, 4527 Loma Vista Avenue, Los Angeles 58, Calif. Applicant's representative: Cromwell Warner, 404 Varmouth Road, Palos Verdes Estates, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of, *General commodities*, between points in Arizona, California, Idaho, New Mexico, Oregon, and Washington, on the one hand, and, on the other, points in Alaska.

No. FF 57 (Sub No. 3), filed December 30, 1960. Applicant: INTERNATIONAL FORWARDING CO., 200 East Illinois Street, Chicago 11, Ill. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities*, (1) between points in Alaska and all points in the United States. (B) *General commodities*, (1) between points in Hawaii and all points in the United States.

No. FF 68 (Sub No. 3), filed December 30, 1960. Applicant: NATIONAL CARLOADING CORPORATION, 63 Vesey Street, New York 7, N.Y. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities*, (1) between points in Alaska. (2) Between points in Alaska on the one hand, and, all points in the Continental United States, the District of Columbia and the State of Alaska, on the other. (B) *General commodities*, between points in Hawaii. (2) Between points in Hawaii on the one hand, and all points in the Continental United States, the District of Columbia and the State of Alaska, on the other.

No. FF 72 (Sub No. 3), filed December 29, 1960. Applicant: ACME FAST FREIGHT, INC., 2 Lafayette Street, New York 7, N.Y. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities*, (1) between points in Alaska. (2) Between all points in Alaska, on the one hand, and, all points in the Continental United States and Hawaii, on the other. (B) *General commodities*, (1) Between points in Hawaii. (2) Between all points in Hawaii, on the one hand, and, all points in the Continental United States and Alaska, on the other.

No. FF 79 (Sub No. 2), filed December 30, 1960. Applicant: WESTERN CARLOADING CO., INC., 960 East Third Street, Los Angeles, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act; to continue service in arranging for the transportation of: *General commodities*, (1) between points in Hawaii. (2) From all points in Alabama, California, Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Tennessee, Vermont, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia to points in Hawaii.

No. FF–81 (Sub No. 4), filed December 23, 1960. Applicant: CALIFORNIA WESTERN FREIGHT ASSOCIATION, doing business as WESTERN FREIGHT ASSOCIATION, 2102 Alhambra Avenue, P.O. Box 54037, Los Angeles 54, Calif. Applicant's representative: Charles O. Jenne, Traffic Manager, Western Freight Association (same address as applicant). Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service, arranging for the transportation of: *General commodities*, (1) between points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia, Ohio, Michigan, Indiana, Illinois, Kentucky, and Tennessee, in westbound service; and North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas and States east thereof, in eastbound service, and points in Alaska. (2) Between points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia, Ohio, Michigan, Indiana, Illinois, Kentucky, and Tennessee, in westbound service; and North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas and States east thereof, in eastbound service, and points in Hawaii.

No. FF 82 (Sub No. 4), filed December 27, 1960. Applicant: COAST CARLOADING CO., 4647 East 49th Street, Los Angeles 58, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of, *General commodities*, (1) between all points in Alaska, on the one hand, and, on the other, points in California, Oregon, Washington and Idaho, and (2) between all points in Alaska.

No. FF 85 (Sub No. 2), filed December 30, 1960. Applicant: BEKINS HOUSEHOLD SHIPPING CO., 1335 South Figueroa Street, Los Angeles 15, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods*, as defined by the Commission in Ex Parte MC–19 17 M.C.C. 467, and *used automobiles*, (1) from, to, or between points in Hawaii and points in the United States, and (2) between points in Hawaii as follows: Between points in Hawaii, on the one hand, and, on the other, points in the United States and the District of Columbia.

No. FF 115 (Sub No. 8), filed December 28, 1960. Applicant: FLYNN FORWARDING COMPANY, INC., 911 North 11th Street, St. Louis 1, Mo. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities*, from points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and West Virginia to points in Alaska. (B) *General commodities*, from points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and West Virginia, to points in Hawaii.

NOTE: Applicant states (1) all of the stock of Flynn Forwarding Co., Inc., is owned by Hawaiian Freight Forwarders, Ltd., under Permit FF 53, and (2) Watson Bros. Transportation Co., Inc., under Docket No. MC 70451 and subs thereunder owns 49 percent of the outstanding shares of Hawaiian Freight Forwarders, Ltd., and has a contract to purchase the remaining 51 percent of its stock.

No. FF 128 (Sub No. 3), filed December 27, 1960. Applicant: CLIPPER CARLOADING COMPANY, 323 West Polk Street, Chicago 7, Ill. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities including household goods*, (1) Between all points in Alaska on the one hand, and, all points in the following states on the other, Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky,

Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Virginia, Vermont, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia and (2) between points in Alaska. (B) *General commodities including household goods*, (1) between all points in Hawaii on the one hand, and, all points in Alaska, Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Virginia, Vermont, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia on the other, and (2) between points in Hawaii.

No. FF 137 (Sub No. 4), filed December 30, 1960. Applicant: CENTRAL STATES FREIGHT SERVICE, INC., 434 West Polk Street, Chicago 7, Ill. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, between points in Hawaii; on the one hand, and, points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, on the other.

NOTE: Applicant states that all of the issued and outstanding stock of applicant is owned by Yellow Transit Lines, Inc., as a common carrier under Docket No. MC 112713 and Subs thereunder.

No. FF 148 (Sub No. 8), filed December 27, 1960. Applicant: REPUBLIC CARLOADING AND DISTRIBUTING CO., INC., 64 Worth Street, New York 13, N.Y. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (a) *General commodities*, from, to, or between points in Alaska and all points in the United States. (b) *General commodities*, from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: Between points in Hawaii and all points in the United States.

No. FF 245 (Sub No. 2), filed December 30, 1960. Applicant: EMPIRE HOUSEHOLD SHIPPING COMPANY OF NEW YORK, INC., 117 Liberty Street, New York 6, N. Y. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (a) *Used household goods* and *used automobiles*, from points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia to points in Alaska. (b) *Used household goods* and *used automobiles*, from points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia to points in Hawaii.

No. FF 262, filed December 30, 1960. Applicant: ROY H. SMITH, doing business as FLYING, BUYING & TRANSPORTATION SERVICE, Box 74, Dillingham 7, Alaska. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of, *Raw fish, processed fish*, and *freight*, between points in Alaska.

NOTE: Applicant also claims grandfather rights as a common carrier. See MC 123355 and also water carrier, see W 1162.

No. FF–263, filed December 19, 1960. Applicant: HAWAIIAN HAULING SERVICE, LTD., 1714 Home Rule Street, P.O. Box 3644, Honolulu 17, Hawaii. Authority sought to continue to operate as a *freight forwarder* under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service, arranging for the transportation of, *merchandise, general freight, crated household goods, crated personal effects*, (1) from, to, or between points in Hawaii as follows: Honolulu, Oahu, and Hilo, Hawaii; Honolulu, Oahu, and Kailua-Kona, Hawaii; Honolulu, Oahu, and Kahului, Maui; Honolulu, Oahu, and Port Allen, Kauai; Honolulu, Oahu, and Nawiliwili, Kauai; Honolulu, Oahu, and Kaunakakai, Molokai; and (2) between points in Hawaii and points in the United States as follows: From Honolulu to points on the West Coast and Gulf-East Coast of the United States.

NOTE: In connection with Item (2) applicant states, that freight is assembled at Honolulu for shipments to the United States by steamship consigned to its agent at San Francisco or Los Angeles, Calif., for delivery to the consignee. Also that a door to door service is offered from California to Honolulu through agency agreements with Hawaiian Express Co., in San Francisco and Hawaiian Consolidators in Los Angeles.

No. FF–264, filed December 9, 1960. Applicant: RICHARD H. JENSEN, doing business as BRISTOL BAY CONTRACTORS, General Delivery, King Salmon, Alaska. Authority sought to continue to operate as a *freight forwarder* under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of *Bulk petroleum products*, between, from or to, points in Alaska as follows: From Seattle, Wash., to King Salmon, Alaska. (Barge to truck).

NOTE: Applicant also claims "grandfather" rights as a motor carrier. See MC 119724 (Sub No. 1).

No. FF–265, filed December 22, 1960. Applicant: T. E. KOLLMAR, doing business as ALASKA CONSOLIDATING & FORWARDING CO., 3200 26th Avenue SW., Seattle 6, Wash. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, (1) between Seattle, Wash., Portland, Oreg., San Francisco and Los Angeles, Calif., and (2) between points in Alaska.

No. FF 266, filed December 27, 1960. Applicant: MILTON J. DALY, doing business as HAWAIIAN EXPRESS & DILLON DRAYAGE CO., 646 First Street, San Francisco, Calif. Applicant's representative: Aaron H. Glickman, Monadnock Building, 681 Market Street, San Francisco, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, (1) between points in the continental United States, on the one hand, and, on the other points in Hawaii. (2) Between points in Hawaii.

No. FF 267, filed December 27, 1960. Applicant: HONOLULU FREIGHT SERVICE, 2425 Porter Street, Los Angeles 25, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: (1) Between all points in Hawaii, on the one hand, and, on the other hand, all points in the United States; and (2) between all points in Hawaii.

No. FF 268, filed December 27, 1960. Applicant: HAWAIIAN CONSOLIDATORS, 2417 Porter Street, Los Angeles 21, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: (1) Between all points in Hawaii, on the one hand, and, on the other hand, all points in the United States; and (2) between all points in Hawaii.

No. FF 269, filed December 27, 1960. Applicant: ALOHA CONSOLIDATORS AND FREIGHT FORWARDERS, 3919 Miner Street, Los Angeles 2, Calif. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: From points in California to points in Hawaii, on the one hand, and, on the other points in California.

NOTE: Applicant is a wholly-owned subsidiary of Water-Land Truck Lines.



No. FF–270, filed December 27, 1960. Applicant: PACIFIC HAWAIIAN FORWARDERS, 9833 Adella Avenue, South Gate, Calif. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: Between points in Hawaii on the one hand, and, on the other, points in Fresno, Imperial, Kings, Los Angeles, Monterey, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Tulare, and Ventura Counties, Calif.

NOTE: Applicant is wholly owned subsidiary of Griley Security Freight Lines.

No. FF 271, filed December 27, 1960. Applicant: JAMES M. SKEWES, doing business as NORTHERN TRAFFIC SERVICE, Pier 16, Seattle 4, Wash. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, except commodities in bulk, from, to, or between points in Alaska and points in the United States, and between points in Alaska as follows: Between points in Washington and Alaska.

No. FF 272, filed December 27, 1960. Applicant: ALLIED VAN LINES, INC., 25th Avenue and Roosevelt Road, Broadview, Ill. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to continue to operate as a freight forwarder, under the applicable "grandather" provisions of the Interstate Commerce Act, to continue service, arranging for the transportation of: *Household goods*, as defined by the Commission, between points in Hawaii and points in the Continental United States and Alaska.

NOTE: Applicant also claims "grandfather" rights as a motor carrier. See MC 15735 (Sub No. 15).

No. FF 273, filed December 27, 1960. Applicant: JOHN J. KLEIMER, doing business as KLEIMER OVERSEAS SERVICE, 1884 East 22d Street, Los Angeles 58, Calif. Applicant's representative: Cromwell Warner, 404 Yarmouth Road, Palos Verdes Estates, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: From points in California to points in Hawaii.

NOTE: Applicant states it has also common carrier authority under Docket No. MC 73992 and Subs thereunder.

No. FF–274, filed December 27, 1960. Applicant: WILLIAM P. STANLEY, doing business as ALASKA TRAFFIC CONSULTANTS, 3466 East Marginal, Seattle 4, Wash. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, from, to, or between points in Alaska and points in the United States, and between points in Alaska as follows: (1) Between Los Angeles and San Francisco, Calif., Portland, Oreg., Seattle and Tacoma, Wash., and points in Alaska, and (2) between points in Alaska.

No. FF 275, filed December 30, 1960. Applicant: ALASKA FORWARDING CO., INC., 440 Warehouse Avenue, Anchorage, Alaska. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to continue to operate as a freight forwarder, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, (1) between points in Alaska, and (2) between points in Alaska on the one hand, and, on the other, points in the United States, except Hawaii.

NOTE: Applicant's President and controlling majority stockholder is the President and controlling majority stockholder of Alaska Truck Transport, Inc. of Anchorage, Alaska, which carrier presently holds authority under Docket No. MC 118520 and Subs thereunder.

No. FF 276, filed December 29, 1960. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, (1) between points in Alaska, on the one hand, and, on the other, points in the United States (including Hawaii), and (2) between points in Alaska. (B) *Household Goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, (1) between points in Hawaii, on the one hand, and, on the other, points in the United States (including Alaska), and (2) between points in Hawaii.

NOTE: Applicant also claims "grandfather" rights as a motor carrier. See MC 107012 (Sub No. 30).

No. FF 277, filed December 29, 1960. Applicant: PACIFIC FREIGHT FORWARDING CO., 760 South Mission Road, Los Angeles 23, Calif. Applicant's attorney: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of, *General commodities*, from, to or between points in Hawaii and points in the United States and between points in Hawaii as follows: (1) Between points in Los Angeles, Orange, and Riverside Counties, Calif., on the one hand, and, on the other, points in Oahu and Hawaii Counties, Hawaii, and (2) between points in Oahu and Hawaii Counties, Hawaii.

NOTE: Applicant states its capital stock is owned by Pacific Transportation and Warehouse Co., Inc., as a common carrier under Docket Nos. MC 22987 and Subs thereunder.

No. FF–278, filed December 29, 1960. Applicant: STANDARD WAREHOUSE & TRANSFER CO., 2 Hanford Street, Seattle, Wash. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of, *General commodities*, between points in Washington and points in Alaska.

No. FF–279, filed December 30, 1960. Applicant: AIR-SEA FORWARDERS, INC., 406 South Main Street, Los Angeles 13, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, from, to, or between points in Hawaii and points in the United States, (1) between points in Hawaii and points in the United States and (2) between points in Hawaii and (3) from Los Angeles, Calif., to points in Hawaii.

No. FF–280, filed December 30, 1960. Applicant: RUSSELL S. STOWELL, doing business as WESTERN VAN AND STORAGE, P.O. Box 1070, San Diego, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of, *Household goods* and *personal effects*, between points in San Diego County, Calif., and points in Hawaii.

No. FF 281, filed December 28, 1960. Applicant: AREO MAYFLOWER TRANSIT COMPANY, INC., 863 Massachusetts Avenue, Indianapolis, Ind. Applicant's attorney: James L. Beattey, Suite 1021–1029, 130 East Washington Street, Indianapolis 4, Ind. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *Household goods*, as defined by the Commission, (1) between points in Alaska, and (2) between all points in the United States and Alaska, and (3) between all points in the United States on the one hand, and, on the other, all points in Alaska. (B) *Household goods*, as defined by the Commission, (1) between points in Hawaii, and (2) between all points in the United States and Hawaii, and (3) between all points in the United States on the one hand, and, on the other, all points in Hawaii.

NOTE: Applicant also claims "grandfather" rights as a motor carrier. See MC 2934 (Sub No. 3).

No. FF–282, filed December 15, 1960. Applicant: UNITED VAN LINES, INC., 7808 Maplewood Industrial Court, Maplewood 17, Mo. Applicant's attorney: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for transportation of: (A) *Household goods*, as defined by the Commission in 17 M.C.C. 467, (1) from, to, or between points in Alaska and points in the United States, and (2) between points in Alaska. (B) *Household goods*, as defined by the Commission in 17 M.C.C. 467, (1) from, to, or between points in Hawaii and points in the United States, and (2) between points in Hawaii.

NOTE: Applicant also claims "grandfather" rights as a motor carrier. See MC 67234 (Sub No. 6).

No. FF 283, filed December 30, 1960. Applicant: SMYTH WORLDWIDE MOVERS, INC., 1024 East Pike Street, Seattle 22, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, from, to, or between points in Alaska and points in the United States, and between points in Alaska as follows: (1) Between points in Alaska, and (2) between points in Alaska, Washington, Oregon, and California.

No. FF 283 (Sub No. 1), filed December 30, 1960. Applicant: SMYTH WORLDWIDE MOVERS, INC., 1024 East Pike Street, Seattle 22, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: (1) Between points in Hawaii, and (2) between points in Hawaii on the one hand, and, on the other, points in Washington, Oregon, and California.

No. FF 284, filed December 30, 1960. Applicant: FORD VAN LINES, INC., 56th and Cornhusker Highway, Lincoln, Nebr. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods*, uncrated, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: Points in the United States and the District of Columbia, except Hawaii and Alaska, on the one hand, and, on the other, points in Hawaii.

No. FF–285, filed December 30, 1960. Applicant: IRVING ANCHES, doing business as NORTHWEST CONSOLIDATORS, 1461 Elliott Avenue, West, Seattle 99, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other, points in Washington, Oregon, and California.

NOTE: Applicant also claims "grandfather" rights as a motor carrier—See MC 110585 (Sub No. 11).

No. FF 288, filed December 30, 1960. Applicant: WEATHERS BROS. TRANSFER CO., INC., 592 St. Charles Avenue NE., Atlanta, Ga. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods*, from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: (1) Between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, on the one hand, and, on the other, points in Hawaii, and (2) between points in Hawaii.

No. FF 289, filed December 30, 1960. Applicant: U.S. VAN LINES, INC., 59642 South U.S. 31, South Bend 14, Ind. Applicant's attorney: Ramon S. Regan, 2255 Penobscot Building, Detroit 26, Mich. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods*, (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, points in the United States, including points in Hawaii, on the other. *Household goods*, (1) between points in Hawaii, and (2) between points in Hawaii, on the one hand, and, points in the United States, including points in Alaska, on the other.

NOTE: Applicant also claims "grandfather" rights as a motor carrier see MC 36900 Sub 9.

No. FF 285 (Sub No. 1), filed December 30, 1960. Applicant: IRVING ANCHES, doing business as NORTHWEST CONSOLIDATORS, 1461 Elliott Avenue, West, Seattle 99, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, (1) between points in Hawaii, and (2) between points in Hawaii, on the one hand, and, on the other, points in Washington, Oregon, and California.

No. FF 286, filed December 30, 1960. Applicant: L. E. ERICKSON AND ED W. WOLF, doing business as KETCHIKAN TRANSPORTATION COMPANY, Box 6, 1209 Tongass Avenue, Ketchikan, Alaska. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities* and *mail*, from, to, or between points in Alaska, as follows: Ketchikan, Alaska, to Myers Chuck, Thorne River, Ratz Harbor, Coffman Cove, Whale Pass, Lincoln Rock, Wrangell, Pt. Baker, Port Protection, Cape Decision, Cape Pole, Edna Bay, Tuxekan, Tokeka, Tokeen, Hecata Is, Klawock, Craig, Steamboat Bay, Waterfall, Hydaburg, Tamgass Harbor, Annieet Is. Applicant also claims "grandfather" rights as a water carrier, see W 1159.

No. FF 287, filed December 30, 1960. Applicant: REPUBLIC VAN AND STORAGE CO., INC., 330 South Central Avenue, Los Angeles 13, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of, *Household goods* as defined by the Commission, (1) between points in Alaska, on the one hand, and points in the United States including Hawaii, on the other.

NOTE: Applicant also claims "grandfather" rights as a motor carrier—See MC 110585 (Sub No. 11).

No. FF 287 (Sub No. 1), filed December 30, 1960. Applicant: REPUBLIC VAN AND STORAGE CO., INC., 330 South Central Avenue, Los Angeles 13, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities* and *mail*, from, to, or between points in Alaska, as follows: Ketchikan, Alaska, to Myers Chuck, Thorne River, Ratz Harbor, Coffman Cove, Whale Pass, Lincoln Rock, Wrangell, Pt. Baker, Port Protection, Cape Decision, Cape Pole, Edna Bay, Tuxekan, Tokeka, Tokeen, Hecata Is, Klawock, Craig, Steamboat Bay, Waterfall, Hydaburg, Tamgass Harbor, Annieet Is. Applicant also claims "grandfather" rights as a water carrier, see W 1159.



between points in Hawaii, and (2) between points in Hawaii and points in Utah, Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Washington, and Wyoming.

NOTE: Applicant also claims "grandfather" rights as a motor carrier—See MC 1931 (Sub No. 5).

No. FF 291, filed December 30, 1960. Applicant: SECURITY VAN LINES, INC., 120 West Airline Corporation, Kenner, La. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods*, as defined by the Commission, (1) between points in Alaska, (2) Between points in Alaska, on the one hand, and, on the other, points in the Continental United States.

NOTE: Applicant also claims "grandfather" rights as motor carrier. See MC 8768 Sub No. 24 and MC 8768 Sub No. 25.

No. FF–292, filed December 30, 1960. Applicant: RICHARDSON TRANSFER AND STORAGE CO., INC., 246 North Fifth Street, Salina, Kans. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *Household goods*, as defined by the Commission, (1) between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other, points in the Continental United States, and the District of Columbia. (B) *Household goods*, as defined by the Commission, (1) between points in Hawaii. (2) Between points in Hawaii, on the one hand, and, on the other, points in the Continental United States, and the District of Columbia.

NOTE: Applicant also claims "grandfather" rights as a motor carrier. See MC 40215.

No. FF 293, filed December 30, 1960. Applicant: VON DER AHE VAN LINES, INC., 4601 Olive Street, St. Louis 8, Mo. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods*, as defined by the Commission, *new furniture, office and store fixtures* and *appliance and office furnishings*, from, to, or between points in Alaska and points in the United States, and between points in Alaska as follows: (1) Between points in Alaska, and (2) between points in Alaska, on the one hand, and on the other, points in the United States.

No. FF 293 (Sub No. 1), filed December 30, 1960. Applicant: VON DER AHE VAN LINES, INC., 4601 Olive Street, St. Louis 8, Mo. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods*, as defined by the Commission, *new furniture, office and store fixtures* and *appliances and office furnishings*, from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: (1) Between points in Hawaii and (2) between points in Hawaii, on the one hand, and, on the other, points in the United States.

No. FF 295, filed December 30, 1960. Applicant: JIMMIE M. EASTHAM, doing business as HUSKY PARCEL No. 2, Box 11, Ketchikan, Alaska. Applicant's attorney: Robert H. Ziegler, Sr., P.O. Box 1079, Ketchikan, Alaska. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Comerce Act, to continue service in arranging for the transportation of, *General commodities*, between points in Alaska.

NOTE: Applicant also claims "grandfather" rights as a motor carrier, see MC 123336.

WATER CARRIER ALASKA "GRANDFATHER" RIGHTS

No. W–448 (Sub No. 1), filed December 29, 1960. Applicant: ALASKA STEAMSHIP COMPANY, Pier 42, Seattle 4, Wash. Applicant's attorneys: Stanley B. Long and Donald E. Leland, Sixth Floor Central Building, Seattle 4, Wash., *and* Mr. Henry W. Clark, 1026 17th Street NW., Washington, D.C. Authority sought to continue to operate as a *common carrier*, by water, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, from, to, or between points or areas in Alaska.

No. W–563 (Sub No. 1), filed December 30, 1960. Applicant: AMERICAN TUG BOAT CO., Pier 2, Everett, Wash. Applicant's attorney: Payton Smith, Hoge Building, Seattle 4, Wash. Authority sought to continue to operate as a *common carrier*, by water, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Lumber, construction and logging equipment*, and *building materials*, from, to, or between points or areas in Alaska as follows: Juneau to Whittier; Sitka to Whittier; Sitka to Sitkinak Island; Cold Bay to Anchorage; Cape Saricheff to Anchorage; Juneau to Sitka; Thomas Bay to Prince of Wales Island; Juneau to Anchorage.

NOTE: Applicant states, service beyond Cape Spencer is seasonal and operates only between April 1st and October 15th.

No W–1123 (Sub No. 3), filed December 21, 1960. Applicant: INLAND RIVERWAYS, INC., P.O. Box 252, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by water, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, with no exceptions, from, to, or between points or areas in Alaska as follows: Between Fairbanks, Alaska, on the one hand, and, on the other, ports and points in Alaska along the Yukon River below Eagle, the Tanana River below its confluence with the Chena River, and the Chena River below Fairbanks.

NOTE: Applicant states summer season only, usually May through October.

No. W–1131 (Sub No. 2), filed December 30, 1961. Applicant: YUTANA BARGE LINES, INC., P.O. Box 544, Nenana, Alaska. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington, D.C. Authority sought to continue to operate as a *common carrier*, by water, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, from, to, or between points in areas in Alaska, as follows: On the Tanana River below Nenana, on the Yukon River between Fort Yukon and Marshall, and on tributaries thereto, including the ports named as well as Minto, Tolovana, Hot Springs, Tanana, Rampart, Steven Village, Beavers, Birches, Kokrines, Ruby, Galena, Koyukuk, Nulato, Koltog, Anvik, Holy Cross, and Russian Mission.

NOTE: Applicant states that operations are conducted May 1 to September 30, subject to early ice break-up or freeze.

No. W 1132 (Sub No. 2), filed December 30, 1960. Applicant: BLACK NAVIGATION COMPANY, P.O. Box 1432, Fairbanks, Alaska. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington, D.C. Authority sought to continue to operate as a *common carrier*, by water over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, from, to, or between points or areas in Alaska as follows: Along the Yukon River below and including Eagle, along the Tanana River below its confluence with the Chena River, and along the Koyukuk, Porcupine, Innoko, and Iditarod Rivers serving all ports and points including but not limited to Fairbanks, Nenana, Minto, Tolovana, Tanana, Hot Springs, Rampart, Stevens Village, Beaver, Fort Yukon, Circle, Coal Creek, Nation, Eagle, Kallands, Kokrines, Ruby, Galena, Koyukuk. Nulato, Holy Cross, Russian Mission, Marshall, St. Marys, Mt. Village, Chaneliak, Alakanuk, Huslia, Hog River, Huges, Alatna, Shageluk, Holikachuk, Iditarod, New Rampart House, and Old Crow.

NOTE: Applicant states that operations are conducted May 1 to September 30, subject to early river break-up or freeze.

No. W–1135 (Sub No. 2), filed December 30, 1960. Applicant: YUKON FISHING & TRANSPORTATION COMPANY, INC., Nenana, Alaska. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington, D.C. Authority sought to continue to operate as a *common carrier*, by water over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, from, to, or between points or areas in Alaska, as follows: On the Yukon River below and

including Marshall and tributaries thereto, including but not limited to Tuckshuck, Pilot Station, Pitkas Point, St. Marys, Andreafski, Kotlik Mountain Village, New Hamilton, Old Hamilton, Bill Moores Slough, Chanelliak, Kwiguk, Emonguk, Alakanuk, Shaltons Point.

NOTE: Applicant states that operations are conducted May 1 to September 1, subject to early river break-up or freeze.

No. W-1148, filed November 18, 1960. Applicant: ALASKA RIVERS NAVIGATION COMPANY, 419 Colman Building, Seattle 4, Wash. Authority sought to continue to operate as a *common carrier* and as a *contract carrier*, by water, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General merchandise, bulk and package petroleum products*, from, to, or between points or areas in Alaska as follows: Bethel, Kuskokwim, Kalskag, Aniak, Napamute, Crooked Creek, Georgetown, Parks, Red Devil, Sleetmute, Stony River, Sterling Landing, Tatalina, McGrath, and Medfra.

NOTE: The map submitted with the application indicates the above-named points are on or near the Kuskokwim River. Dual operations may be involved.

No. W-1149, filed November 18, 1960. Applicant: NORTHERN COMMERCIAL COMPANY, doing business as NORTHERN COMMERCIAL COMPANY RIVER LINES, 419 Colman Building, Seattle 4, Wash. Authority sought to continue to operate as a *common carrier* and as a *contract carrier*, by water, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General merchandise, fish*, canned and salted, and *package petroleum products*, from, to, and between points or areas in Alaska as follows: St. Michael, Unalakleet, Stebbins, Kotlik, Chanelliak, Hamilton, Mountain Village, St. Mary's, Andreafski, Pikkas Point, Pilot Station, Fortuna Ledge, Marshall, Kwiguk, Alakanuk, and Sheldon's Point (Saltery).

NOTE: The map submitted with the application indicates the above-named points are located on or near the Yukon River. Dual operations may be involved.

No. W-1150, filed December 1, 1960. Applicant: RAY L. WATERS AND HARLAN J. EGGLESTON, doing business as KUSKOKWIM TRANSPORTATION CO., Box 726, McGrath, Alaska. Authority sought to continue to operate as a *contract carrier*, by water, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Bulk and general cargo*, from, to, and between points or areas in Alaska as follows: Bethel, Akackuak, Akiak, Tuluksak, Kalskag, Aniak, Napamiute, Crook Creek, Red Devil, Sleetmute, Stony River, Sterling Landing, McGrath, Medfra, and Nickoli.

NOTE: The above-named points are located on or near the Kuskokwim River.

No. W-1152, filed December 12, 1960. Applicant: JOHN P. SNOW AND EUGENE L. SNOW, doing business as SNOW TRANSPORTATION COMPANY, Bethel, Alaska. Authority sought to continue to operate as a *common carrier*, by water, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (1) *Stove oil, building materials, furniture*, and *groceries*, from Bethel and Kuskokwim Landing to Tuliksak, Akiak, Akiajak, Kwethluk, Napaskiak, Napakiak, Tuntuttuliak, Eek, Kwinhagak, Kwigillingok, Kipnuk, and Chirornak. (2) *Local lighterage service*, involving Kuskokwim Landing and Bethel.

NOTE: Applicant advises the above-named points are all villages on the lower Kuskokwim River and Bay. Applicant has also filed a Form BOR 98 "grandfather" application covering motor carrier operations in Alaska assigned Docket No. MC 123284.

No. W 1153, filed December 21, 1960. Applicant: CANADIAN NATIONAL STEAMSHIP COMPANY, LIMITED, Foot of Main Street, Vancouver 4, British Columbia, Canada. Applicant's attorney: J. Raymond Hoover, Metropolitan Bank Building, Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by water over regular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (1) *Passengers, and their baggage*, and (2) *Automobiles* and *general commodities*, from, to, or between points or areas in Alaska as follows: Ketchikan and Skagway, serving unnamed waterways and serving all intermediate points.

NOTE: Applicant states, basically a summer cruise service between Vancouver, British Columbia, Canada, and Skagway, State of Alaska and intermediate points as shown on plan attached to IV. Service commences in May of each year and ends in September. Each cruise is for a period of nine (9) days. General commodities and automobiles are carried incidental to passenger service. Also applicant is owned and under common control with the Canadian National Railway Company.

No. W 1154, filed December 22, 1960. Applicant: CANADIAN PACIFIC RAILWAY COMPANY, doing business as BRITISH COLUMBIA COAST STEAMSHIP SERVICE, Windsor Station, Montreal, P.Q., Canada. Authority sought to continue to operate as a *common carrier*, by water over regular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Passengers, mail*, and *baggage*, including automobiles of passengers, from, to, or between points or areas in Alaska as follows: Ketchikan, Juneau, Skagway, and Wrangell.

NOTE: Applicant states operations are conducted from approximately May 1st to September 15th of each year.

No. W 1155, fled December 28, 1961. Applicant: HERMAN HERMANN, doing business as HERMAN HERRMANN LIGHTERAGE, Box 29, Naknek, Alaska. Authority sought to continue to operate as a *common carrier*, by water over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, (1) between points on the Naknek River and the Naknek Anchorage at the mouth of the Naknek River; (2) between points on the Kuichak Rivers and on Lake Iliamna, on the one hand, and, on the other, the Anchorage at the mouth of the Kuichak River; and (3) Egegik and Ugashik Rivers and points on the Nushagak River (Naknek River as far as King Salmon).

NOTE: Applicant states that operations are conducted May 1 through October of each year. Summer navigation season.

No. W-1156, filed December 30, 1960. Applicant: ALASKA BARGE AND TRANSPORT, INC., 601 Main Street, P.O. Box 831, Vancouver, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *contract carrier*, by water over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, from, to, or between points or areas in Alaska, as follows: (1) Along the Yukon River between its mouth at Kwikpak and Nulato. (2) Along the Naknek River between its mouth at Naknek and King Salmon. (3) Along the Kuskokwim River between its mouth and Bethel.

NOTE: Applicant states operations are conducted May through October.

No. W-1157, filed December 30, 1960. Applicant: B & R TUG AND BARGE CO., INC., Kotzebue, Alaska. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common or contract carrier*, by water over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (A) *General commodities*, from, to, or between points or areas in Alaska as follows: (1) Along the Kobuk River between its mouth at Hotham Inlet and Kobuk serving all villages including Noorvik, Kiana, and Shungnak. (2) Along the Noatak River between its mouth at Hotham Inlet and Noatak, serving all villages. (3) Along Selawik Lake and/or River between its mouth at Hotham Inlet and Selawik, serving all villages. (4) Along the Buckland River between its mouth at Eschscholtz Bay and Buckland, serving all villages. (5) Along the Kiwalik River between its mouth at Eschscholtz Bay and Candle, serving all villages. (6) Between ports and points along the coastline of Alaska between Nome and Point Barrow, Alaska, including Gambell, St. Lawrence Island, and ports and points on Norton Sound. (B) In the performance of Lighterage service between places in Kotzebue Sound and Kotzebue City. (C) The furnishing for compensation, under charter, lease or other agreement, of vessels to persons not subject to the Act for use by such persons in the transportation of their own property between ports and points on all navigable waterways within the jurisdiction of the State of Alaska.

NOTE: Common control may be involved.

No. W-1158, filed December 29, 1960. Applicant: ALASKA STEAMSHIP COMPANY, doing business as LOMEN COMMERCIAL COMPANY, Pier 42, Seattle 4, Wash. Applicant's attorneys: Stanley B. Long and Donald E. Leland, Sixth Floor Central Building, Seattle 4, Wash., and Mr. Henry W. Clark, 1026 17th Street NW., Washington, D.C. Authority sought to continue to operate as a *common carrier*, by water, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, from, to, or between points or areas in Alaska, as follows: From Shishmaref on the north side of Seward Peninsula in a westerly direction to Little Diomede Island, thence west and south to Gambell on St. Lawrence Island, thence southerly and easterly to St. Michael, Unalakleet, Koyuk, and Dime Landing, west to Golovin, White Mountain, Nome, Teller, Tin City, and Cape Prince of Wales.

No. W-1159, filed December 30, 1960. Applicant: L. E. ERICKSON AND ED WOLF, doing business as KETCHIKAN TRANSPORTATION CO., Box 6, 1209 Tongass Avenue, Ketchikan, Alaska. Authority sought to continue to operate as a *common carrier*, by water, over regular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, and *surface mail contract*, except those of unusual value, Classes A and B explosives, from, to, or between points or areas in Alaska as follows: Ketchikan, Myers Chuck, Thorne River, Ratz Harbor, Coffman Cove, Whale Pass, Lincoln Rock, Wrangell, Pt. Baker, Port Protection, Cape Decision, Cape Pole, Edna Bay, Tuxekan, Tokeen, Hecata Is., Klawock, Craig, Steamboat Bay, Waterfall, View Cove, Waterfall, Hydaburg, Long Is., Tamgass Harbor, Annette Island, on a weekly route of approximate 620 miles as a common carrier between ports connecting at Ketchikan with both north and southbound freight to and from Seattle.

NOTE: Applicant also claims "grandfather" rights as freight forwarder, see FF 286.

No. W 1160, filed December 30, 1960. Applicant: JEFFERY W. NOBLE, doing business as ALASKA CANADIAN FREIGHT WAY, 221 Northward Building, Fairbanks, Alaska. Authority sought to continue to operate as a *contract carrier*, by water, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, including commodities in bulk, from, to, or between points or areas in Alaska as follows: Tanana, Nenana, and Yukon River.

NOTE: Applicant also claims "grandfather" rights as a Motor carrier, see MC 123340.

No. W-1161, filed December 30, 1960. Applicant: EUGENE TIBBS, doing business as McGRATH & KUSKOKWIN FREIGHT SERVICE, McGrath, Alaska. Authority sought to continue to operate as a *common carrier*, by water, over irregular routes, under the applicable "grandfather" provisions at the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, from, to, or between points or areas in Alaska as follows: On the Kuskokwim River between the mouth of the Kuskokwim and the end of navigation with authority to serve all tributaries of the Kuskokwim.

No. W-1162, filed December 30, 1960. Applicant: ROY R. SMITH, doing business as FLYING, BUYING & TRANSPORTATION SERVICE, Box 74, Dillingham, Alaska. Authority sought to continue to operate as a *common or contract carrier*, by water, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Raw fish, processed fish* and *freight*, from, to or between points or areas in Alaska.

NOTE: Applicant also claims "grandfather" rights as a motor carrier, see MC 123355, and also a freight forwarder, see FF 262.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-2006; Filed, Mar. 7, 1961; 8:47 a.m.]

[Notice 459]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 3, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63595. By order of February 28, 1961, the Transfer Board approved the transfer to Steve Horvath, Frank Horvath, and Joseph George Horvath, a partnership, doing business as Horvath Bros., Kearny, N.J., of Certificate No. MC 123201, issued February 1, 1961, to Steve Horvath and Frank Horvath, doing business as Horvath Bros., Kearny, N.J., which authorizes the transportation of structural steel and steel bars, shapes, plates, sheets, and tubing, over irregular routes, between Newark, N.J., on the one hand, and, on the other, specified points in New York, and rolled steel products, wooden lath, lathing nails, chain and cable-type hoists, and parts and accessories thereof, and wooden crating and empty wooden cases or crates, over irregular routes, between Newark, N.J., on the one hand, and, on the other, specified points in New York, and Pennsylvania. Restriction: The separately stated authorities shall not be joined or tacked, one to another, for the purpose of performing any through transportation. Bert Collins, 140 Cedar Street, New York 6, N.Y., practitioner for applicants.

No. MC-FC 63766. By order of February 28, 1961, the Transfer Board approved the transfer to Charles E. Jensen, doing business as Jensen Transfer, Osceola, Wis., of Certificate No. MC 93107, issued July 27, 1956, to David G. Michaelson, Balsam Lake, Wis., authorizing the transportation of: Livestock, agricultural commodities, cheese factory products, and supplies, and empty containers, from points in the Towns of Apple River, Balsam Lake, Beaver, Bone Lake, Clayton, Garfield, Georgetown, Johnston, Lincoln, Luck, McKinley, and Milltown, Polk County, Wis., and those in Barron County, Wis., within 20 miles of Balsam Lake, Wis., to Minneapolis, St. Paul, South St. Paul, and Newport, Minn.; and general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Minneapolis, St. Paul, South St. Paul, and Newport, Minn., to points in the Towns of Apple River, Balsam Lake, Beaver, Bone Lake, Clayton, Garfield, Georgetown, Johnston, Lincoln, Luck, McKinley, and Milltown, Polk County, Wis., and those in Barron County, Wis., within 20 miles of Balsam Lake, Wis. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., practitioner for applicants.

No. MC-FC 63791. By order of February 28, 1961, the Transfer Board approved the transfer to George L. Van Zandt, Jr., doing business as George Van Zandt, Jr., Danville, Ill., of Certificate No. MC 102916, issued October 22, 1942, to Albert Rice, Fairmount, Ill., authorizing the transportation of: Hay, beans, and clover seed, from Fairmount, Ill., and points within ten miles of Fairmount, to Terre Haute, Indianapolis, and La Fayette, Ind., and St. Louis, Mo.; livestock, corn, wheat, and oats, from Fairmount, Ill., and points within ten miles of Fairmount, to St. Louis, Mo., from points in that part of Champaign County, Ill., within ten miles of Fairmount, Ill., to Terre Haute, Indianapolis, and La Fayette, Ind.; fertilizer, from Terre Haute, Indianapolis, and La Fayette, Ind., and St. Louis, Mo., to Fairmount Ill., and points within ten miles of Fairmount, from Indianapolis, Ind., to points in Vermilion County, Ill., except those within ten miles of Fairmount, Ill.; livestock, from Terre Haute, Ind., and La Fayette, Ind., to points in that part of Champaign County, Ill., within ten miles of Fairmount, Ill., from St. Louis, Mo., to Fairmount, Ill., and points within ten miles of Fairmount; coal, from points in Vigo and Clay Counties, Ind., as specified, to points in Vermilion County, Ill., from points in Clay County, Ind. as specified, to Fairmount, Ill., and points in Vermilion County within ten miles of Fairmount, from points in Clay County, Ind., to points in Champaign County, Ill., within ten miles of Fairmount; tankage, from Danville, Ill., to Indianapolis, Ind.; livestock and grain, between points in Vermilion County, Ill., on the one hand, and, on the other, points in Indiana as specified. Seed, between Danville, Ill., on the one hand, and, on the other, points in Indiana as specified. Wendell W. Wright, 503 Temple Building, Danville, Ill., attorney for applicants.

No. MC-FC 63803. By order of February 28, 1961, the Transfer Board approved the transfer to Peoples Ware-

house, Inc., Klamath Falls, Oreg., of Certificate No. MC 32168, issued October 12, 1949, to Warren C. Bennet, doing business as Peoples Warehouse, Klamath Falls, Oreg., authorizing the transportation of: Household goods, between points in Klamath County, Oreg., on the one hand, and, on the other, points in Washington and California. Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oreg., attorney for applicants.

No. MC–FC 63843. By order of February 28, 1961, the Transfer Board approved the transfer to Sky Line Carriers, Inc., Schuyler, Nebr., of the remaining portion of the operating rights in Certificate No. MC 90144, issued August 18, 1959, to Wagner Mills, Inc., Schuyler, Nebr., authorizing the transportation of: General commodities, with the usual exceptions including commodities in bulk, household goods, emigrant movables, grain, livestock, farm machinery and parts, salt, and agricultural commodities, from, to, or between, specified points in Nebraska, Iowa, Kansas, Missouri and South Dakota. Einar Viren, 904 City Nat'l Bank Building, Omaha 2, Nebr., attorney for applicants.

No. MC–FC 63940. By order of February 28, 1961, the Transfer Board approved the transfer to Parker Transfer and Storage, Inc., 221 South First Avenue, Sioux Falls, S. Dak., of Certificates Nos. MC 71820 and MC 71820 Sub 3, issued June 25, 1942, and May 31, 1943, to Mable L. Parker and John D. Parker, doing business as Parker Transfer & Storage Co., 221 South First Street, Sioux Falls, S. Dak., authorizing the transportation of: Immigrant movables, between Sioux Falls, S. Dak., and points in South Dakota, within 35 miles of Sioux Falls, on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, and Pennsylvania, traversing West Virginia for operating convenience only; Household goods, between points in South Dakota, on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, Montana, Washington, Wisconsin, and Wyoming, traversing the State of Idaho for operating convenience; and household goods, between points within 80 miles of Sioux Falls, S. Dak., on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, Montana, Washington, Wisconsin, and Wyoming, traversing the State of Idaho, for operating convenience only.

No. MC–FC 63959. By order of February 28, 1961, the Transfer Board approved the transfer to Karn's Moving, Inc., Hazleton, Pennsylvania, of a portion of the certificate in No. MC 3076, issued on May 5, 1942, to Karn's Transfer, Inc., Hazleton, Pa., which authorizes the transportation of household goods, as defined over irregular routes, between Hazleton, Pa., and points within 15 miles of Hazleton, on the one hand, and, on the other, points in Massachusetts, Connecticut, New York, New Jersey, Ohio, Delaware, Maryland, Rhode Island, West Virginia, Virginia, North Carolina, and the District of Columbia. Robert H. Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa.

No. MC–FC 63969. By order of February 28, 1961, the Transfer board approved the transfer to Edmac Trucking Company, Inc., Fayetteville, N.C., of Certificate in No. MC 80018 and Permit No. MC 106915, issued August 8, 1960 and August 2, 1960, respectively, to W. D. Harrington, Jr., and Mildred M. Harrington, doing business as Alvic Trucking Co., Broadway, N.C., authorizing the transportation of: Tobacco, from points in South Carolina to Norfolk, Va., and points in North Carolina; baled cotton, between points in North Carolina, South Carolina, and Virginia; citrus pulp or meal, from points in Florida to points in South Carolina and North Carolina; malt beverages from Charlotte, N.C., to Augusta, Ga., and points in South Carolina; empty malt beverage containers, from Augusta, Ga., and points in South Carolina, to Charlotte, N.C., and clay products and shale products from Greensboro, N.C., and points in Chatham County, N.C., to points in Florida and South Carolina. A. W. Flynn, Jr., York, Boyd & Flynn, 201 Jefferson Building, Greensboro, N.C. James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C., attorneys for applicants.

No. MC–FC 63975. By order of February 28, 1961, the Transfer Board approved the transfer to Kafka Bros., Inc., Denmark, Wis., of Permit No. MC 117654, issued April 10, 1959, to Lawrence Kafka, doing business as Kafka Brothers, Denmark, Wis., authorizing the transportation of: Corrugated metal culvert pipe and metal articles used in the installation or construction of metal culverts or drainage systems, from Green Bay, Wis., to points in the upper peninsula of Michigan; and returned (reshipped) shipments of the above-specified commodities, from points in the upper peninsula of Michigan, to Green Bay, Wis. Michael D. O'Hara, Spies Building, Menominee, Mich., attorney for applicants.

No. MC–FC 63983. By order of March 1, 1961, the Transfer Board approved the transfer to Fred Carpentier, Scranton, Pa., of a certificate in No. MC 118388, issued August 16, 1960, to Sarkis Tulaney, Moosic, Pa., which authorizes the transportation of bananas, over irregular routes, from New York, N.Y., Baltimore, Md., and Philadelphia, Pa., to Kingston, Scranton, Wilkes-Barre, and Easton, Pa. Albert B. Mackarey, 133 Washington Avenue, Connell Building, Scranton, Pa., attorney for applicants.

No. MC–FC 63987. By order of February 28, 1961, the Transfer Board approved the transfer to Chas. T. Brown Truck Lines, Inc., Greensboro, N.C., of Certificate No. MC 75192, issued August 3, 1948, to Mae C. Brown, doing business as Chas. T. Brown Truck Lines, Greensboro, N.C., authorizing the transportation of structural steel and related iron and steel articles requiring special equipment, over irregular routes, from Greensboro, N.C., to points in South Carolina and Virginia. A. W. Flynn, Jr., 203 Jefferson Building, Greensboro, N.C., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–2019; Filed, Mar. 7, 1961; 8:50 a.m.]

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[Revised S.O. 562; Amdt. 1 to Taylor's I.C.C. Order No. 129]

## MERIDIAN AND BIGBEE RAILROAD CO. ET AL.

### Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Meridian & Bigbee Railroad Company, The Western Railway of Alabama, and Bonhomie and Hattiesburg Southern Railroad Company, due to flood conditions, are unable to transport traffic routed over their lines.

*It is ordered,* That:

(a) Rerouting traffic: The Meridian & Bigbee Railroad Company, The Western Railway of Alabama, and Bonhomie and Hattiesburg Southern Railroad Company and their connections, being unable to transport traffic in accordance with shippers' routing because of flood conditions, are hereby authorized to divert or reroute traffic moving over their lines over any available route to expedite the movement.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exists between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a.m., March 1, 1961.

(g) Expiration date: This order shall expire at 11:59 p.m., March 10, 1961, unless otherwise modified, changed, suspended or annulled.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D.C., March 1, 1961.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 61–2007; Filed, Mar. 7, 1961; 8:47 a.m.]

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## FOURTH SECTION APPLICATION FOR RELIEF

MARCH 3, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36940: *Substituted service—Web. for Midwest Haulers, Inc., Et Al.* Filed by Midwest Haulers, Inc. (No. 38), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between St. Louis, Mo., and Kansas City, Mo., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 17 to Midwest Haulers, Inc., tariff MF–I.C.C. 22.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–2005; Filed, Mar. 7, 1961; 8:47 a.m.]

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# DEPARTMENT OF COMMERCE

## Federal Maritime Board

## SCHENKERS INTERNATIONAL, INC., AND LEP TRANSPORT, INC.

### Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8581 between Schenkers International, Inc., Chicago, Illinois and Lep Transport, Inc., New York, New York.

According to the terms of this agreement, Schenkers shall perform all the required forwarding services in connection with shipments referred to it by Lep Transport which move through the port of Chicago.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: March 3, 1961.

THOMAS LISI, *Secretary.*

[F.R. Doc. 61–2034; Filed, Mar. 7, 1961; 8:51 a.m.]

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## UNITED STATES ATLANTIC & GULF-PUERTO RICO CONFERENCE

### Notice of Request for Cancellation of Agreements

Notice is hereby given that the following carriers: Alcoa Steamship Company, Inc., Lykes Bros. Steamship Co., Inc., and Waterman Steamship Corporation of Puerto Rico, constituting the membership of the United States Atlantic & Gulf-Puerto Rico Conference, have requested cancellation of the agreement of that conference, No. 6120, as amended, in the trade between Atlantic and Gulf ports of the United States and Puerto Rico, and supplementary Agreement No. 6120–A, between said member lines and Sea-Land Services, Inc., Puerto Rican Division (formerly Pan-Atlantic Steamship Corporation), which concurs in said cancellation. The parties requested that the date of cancellation of these agreements coincide with the date of approval of Agreement No. 8559, covering the same trade, notice of the filing of which appeared in the FEDERAL REGISTER of January 28, 1961 (26 F.R. 921).

Any written statements, comments or protests with respect to the cancellation of either of the above referred to agreements, pursuant to section 15 of the Shipping Act, 1916, or request for hearing in connection therewith, may be filed with the Secretary, Federal Maritime Board, Washington, D.C., within 20 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: February 3, 1961.

By order of the Federal Maritime Board.

THOMAS LISI, *Secretary.*

[F.R. Doc. 61–2035; Filed, Mar. 7, 1961; 8:52 a.m.]

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## Office of the Secretary

## JOSEPH P. CROSBY

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Lone Star Cement, Eastern Gas & Fuel, Lodge & Shipley.
B. Additions: Metro-Goldwyn Mayer.

This statement is made as of February 24, 1961.

JOSEPH P. CROSBY.

[F.R. Doc. 61–2025; Filed, Mar. 7, 1961; 8:50 a.m.]

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## ROBERT L. TURNER, JR.

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last six months.

A. Deletions: None.
B. Additions: 102 shares Eastern Air Lines, Inc., 116 shares Greyhound Corp.

This statement is made as of February 1, 1961.

ROBERT L. TURNER, Jr.

[F.R. Doc. 61–2031; Filed, Mar. 7, 1961; 8:51 a.m.]

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## HAROLD L. GRAHAM, JR.

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of February 1, 1961.

HAROLD L. GRAHAM, Jr.

[F.R. Doc. 61–2032; Filed, Mar. 7, 1961; 8:51 a.m.]

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## FIRST ASSISTANT COMMISSIONER OF PATENTS

### Delegation of Authority To Serve as Acting Commissioner of Patents

Acting under the provisions of section 3 of Title 35 United States Code and of section 2 of Reorganization Plan No. 5 of 1950, I hereby authorize Mr. Arthur W. Crocker, First Assistant Commissioner of Patents, to be and serve as Acting Commissioner of Patents, beginning with the opening of business of the United States Patent Office on March 2, 1961. This authorization shall remain in force until a new Commissioner of Patents to fill the vacancy that will exist in that office as of March 2, 1961, is appointed and takes office.

(R.S. 161; 5 U.S.C. 22; 35 U.S.C. 3; Reorganization Plan No. 5 of 1950, 15 F.R. 3174)

Dated: March 1, 1961.

LUTHER H. HODGES, *Secretary of Commerce.*

[F.R. Doc. 61–2091; Filed, Mar. 7, 1961; 8:54 a.m.]

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Pages 2031–2077

# FEDERAL REGISTER

VOLUME 26 NUMBER 45

Washington, Thursday, March 9, 1961

THE UNIVERSITY OF MICHIGAN
MAR 14 1961
MAIN READING ROOM

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**CFR SUPPLEMENTS**

**(As of January 1, 1961)**

The following Supplements are now available:

Titles 10–13 ... $0.75
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*Previously announced:* 1960 Supplement to Title 3 ($0.50); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Title 8 ($0.40); Title 9 ($0.40); Title 32, Parts 800–999 ($0.40); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 44 ($0.30); Title 46, Parts 146–149 ($1.00)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.



FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3396

### NATIONAL FARM SAFETY WEEK, 1961

**By the President of the United States of America**

**A Proclamation**

WHEREAS more than a million farm residents are injured and thousands are killed each year in accidents; and

WHEREAS farm accidents bring sorrow and suffering to our farm families, and inflict heavy economic losses upon both the farm community and the Nation; and

WHEREAS the safety of those people who produce our food is of vital concern to all of our citizens:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby call upon the people of the Nation to observe the week beginning July 23, 1961, as National Farm Safety Week, and I urge all farm residents to remember that "Safety Is a Family Affair."

I also urge all persons and organizations interested in the safety of farm people to support and participate in this special endeavor to help reduce the number of farm accidents.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourth day of March in the year of our Lord nineteen hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 61-2121; Filed, Mar. 7, 1961; 3:31 p.m.]

### Proclamation 3397

### NATIONAL SAFE BOATING WEEK, 1961

**By the President of the United States of America**

**A Proclamation**

WHEREAS increasing numbers of our citizens are participating in boating for health and relaxation; and

WHEREAS this increase in recreational boating has greatly increased the use of our waterways and has intensified the need for close adherence to accepted safe-boating practices to prevent needless loss of life and damage to property; and

WHEREAS continued cooperation among persons and organizations interested in boating is necessary to maintain our steady progress towards the ultimate goal of courteous and safe boating throughout the year; and

WHEREAS, in recognition of the importance of safe-boating practices, the Congress, by a joint resolution approved June 4, 1958 (72 Stat. 179), has requested the President to proclaim annually the week that includes July 4 as National Safe Boating Week:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the week beginning July 2, 1961, as National Safe Boating Week; and I urge all persons and organizations interested in recreational boating, and the boating industry, Government agencies, and other groups, to observe National Safe Boating Week.

I also invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to join in this observance in an effort to make this year the safest in the history of recreational boating.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourth day of March in the year of our Lord nineteen hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 61-2122; Filed, Mar. 7, 1961; 3:31 p.m.]

# Rules and Regulations

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Tolerance for Residues of Malathion on Peanuts

*Correction*

In F.R. Document 61-1970 appearing in the issue for Tuesday, March 7, 1961, at page 1949, make the following changes:

1. In column 2, the third paragraph should read as follows:

In § 120.111 *Tolerances for residues of malathion*, the third paragraph is amended to read as follows:

2. In column 2, fourth paragraph, delete the designation "(2)".

## Title 14—AERONAUTICS AND SPACE

### Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-323]

### PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

### Waiver of Filing of Schedule B-6

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of March 1961.

Trans World Airlines, Inc. (TWA) requested waiver of the reporting requirements, for December 1960, of § 241.23 of the Board's Economic Regulations relating to the filing of Schedule B-6, Distribution of Non-Current Assets by Operating Entity. TWA represents that favorable action by the Board upon its request would effect a material cost saving to it.

The Board has discontinued the reporting requirements for Schedule B-6 for all certificated route carriers, effective in 1961 (Regulation No. ER-320, 21 F.R. 4438), and there appear to be no compelling reasons for such Schedule to be filed by TWA or other carriers for December 1960. Further, it appears that elimination of the report at this time would result in material cost savings. The Board therefore finds that waiver of the referenced reporting requirement for all certificated route air carriers subject thereto is in the public interest.

In consideration of the foregoing, the Civil Aeronautics Board hereby waives the provisions of § 241.23 of Part 241 of its Economic Regulations, ER-210 (14 CFR 241.23), insofar as they would require the filing by air carriers of Schedule B-6 for the month of December 1960. This rule shall be published in the FEDERAL REGISTER.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply Section 407, 72 Stat. 766, 49 U.S.C. 1377)

Effective: March 6, 1961.

Adopted: March 6, 1961.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61-2090; Filed, Mar. 8, 1961; 8:49 a.m.]

### Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-KC-1]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification and Revocation of Federal Airways, Associated Control Areas and Designated Reporting Points and Modification of Control Area Extension

The purpose of these amendments to Parts 600 and 601, §§ 600.6181, 601.6181, and 601.1097 is to revoke VOR Federal airway No. 481 and its associated control area in its entirety between Fargo, N. Dak., and Grand Forks, N. Dak., and extend VOR Federal airway No. 181 and its associated control area from Fargo to Grand Forks and modify the description of the Grand Forks control area extension.

Victor 181 extends from Sioux Falls, S. Dak., to Fargo. Victor 481 extends from Fargo to Grand Forks. By revoking Victor 481 and extending Victor 181 to Grand Forks, flight planning will be simplified. Therefore, such action is taken herein. In addition, Victor 181 is substituted for Victor 481 in the description of the Grand Forks control area extension. These modifications entail only a numbering change to existing airways.

Since these amendments are of a procedural nature and do not assign or reassign the use of navigable airspace, compliance with the notice and public procedure provisions of section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

§§ 600.6481, 601.6481 [Revocation]

1. In parts 600 and 601 (14 CFR 600, 601) the following sections are revoked:

(a) Section 600.6481 *VOR Federal airway No. 481 (Fargo N. Dak., to Grand Forks, N. Dak.).*

(b) Section 601.6481 *VOR Federal airway No. 481 control areas (Fargo, N. Dak., to Grand Forks, N. Dak.).*

§ 600.6181 [Amendment]

2. In § 600.6181 (25 F.R. 4858) the following changes are made:

(a) In the caption *"Fargo, N. Dak."* is deleted and *"Grand Forks, N. Dak."* is substituted therefor.

(b) In the text "S. Dak., VORTAC to the Fargo, N. Dak., VORTAC." is deleted and "S. Dak., VORTAC; Fargo, N. Dak., VORTAC to the Grand Forks, N. Dak., VOR, including an E. alternate." is substituted therefor.

3. Section 601.6181 (25 F.R. 4858) is amended to read:

§ 601.6181 VOR Federal airway No. 181 control areas (Sioux Falls, S. Dak., to Grand Forks, N. Dak.).

All of VOR Federal airway No. 181 including an E alternate.

§ 601.1097 [Amendment]

4. In the text of § 601.1097 (26 F.R. 869) "No 481" is deleted and "No 181" is substituted therefor.

These amendments shall become effective 0002 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 2, 1961.

D. D. THOMAS, *Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2056; Filed, Mar. 8, 1961; 8:45 a.m.]





[Reg. Docket No. 664; Amdt. 209]

### PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Little Rock VOR | LT-LFR | Direct | 1300 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 600-1 | 600-1½ |
| | | | | S-dn-32 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar transitions authorized. All directions, within 10 miles of airport, 1900'; within 15 miles, 2000'; within 30 miles, 2300'. In addition, radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of tower 2215' MSL 14 miles NNW of airport.
Procedure turn E side SE crs, 133° Outbnd, 313° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 315°—3.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles turn left, climb to 3200' on NW crs within 20 miles, or when directed by ATC, (1) turn right, climb to 1500' on NE crs within 20 mi, or (2) turn left, climb to 1800' and proceed direct to LOM.
NOTE: Not less than 300-1 authorized for takeoff on runways 17, 35, 32.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257'; Fac. Class., SBRAZ; Ident., LT; Procedure No. 1, Amdt. 16; Eff. Date, 25 Mar. 61; Sup. Amdt. No. 15; Dated, 2 Apr. 60

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Holyoke Int | IML RBn | Direct | 4600 | T-dn | 300-1 | 300-1 | NA |
| Waunela Int | IML RBn | Direct | 4600 | C-dn | 600-1 | 600-1 | NA |
| | | | | A-dn | 800-2 | 800-2 | NA |

Procedure turn East side of crs, 125° Outbnd, 305° Inbnd, 4400' within 10 miles.
Minimum altitude over facility on final approach crs, 3900'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 4600'. Hold on 320° crs of IML RBn within 20 miles or, when directed by ATC, execute right climbing turn to 4400', hold on crs 125° of IML RBn within 20 miles.
NOTE: Facility owned and operated by State of Nebraska.

City, Imperial; State, Nebr.; Airport Name, Municipal; Elev., 3276'; Fac. Class., BH; Ident., IML; Procedure No. 1, Amdt. Orig.; Eff. Date, 25 Mar. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Little Rock LFR | LOM | Direct | 1800 | T-dn | 300-1 | 300-1 | 200-½ |
| Little Rock VOR | LOM | Direct | 1800 | C-dn | 500-1 | 600-1 | 600-1½ |
| Lakeside Int | LOM | Direct | 1900 | S-dn-4 | 500-1 | 500-1 | 500-1 |
| City Int | LOM | Direct | 1800 | A-dn | 800-2 | 800-2 | 800-2 |
| Malvern Int | LOM | Direct | 1300 | | | | |
| Mabelvale Int | LOM (Final) | Direct | 1800 | | | | |
| Bauxite Int | 040° brng to LOM | 010-2.3 | | | | | |

Radar transitions authorized. All directions, within 10 miles of airport, 1900'; within 15 miles, 2000'; within 30 miles, 2300'. In addition, radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of tower 2215' MSL 14 miles NNW of airport.
Procedure turn N side SW crs, 220° Outbnd, 040° Inbnd, 1800' within 10 mi. (Nonstandard due to traffic.)
Minimum altitude over LOM inbnd final 1300'; over LMM# inbnd final 900'.
Crs and distance, LOM to airport, 040°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi of LOM, climb to 1800' on crs of 040° from LOM within 20 miles or, when directed by ATC, turn right, climb to 1500' and proceed to LFR.
NOTE: 300-1 required for takeoff Runways 17, 35, and 32.
#Descent below 900' NA unless MM or LMM received.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257'; Fac. Class., LOM; Ident., LI; Procedure No. 1, Amdt. 5; Eff. Date, 25 Mar. 61; Sup. Amdt. No. 4; Dated, 28 May 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Ontario VOR | Riverside LFR or Edgemont Int | Direct | 4000 | T–dn | 300–1 | 300–1 | 200–½ |
| Edgemont Int | Colton RBn | Direct | 4200 | C–dn | 500–1 | 500–1 | 500–1½ |
| RV LFR | Colton RBn | Direct | 4200 | S–dn–25 | 400–1 | 400–1 | 400–1 |
| Colton RBn | LOM (Final) | Direct | 2800 | A–dn | 800–2 | 800–2 | 800–2 |
| Moreno Int | Colton RBn | Direct | 4200 | | | | |

Radar transitions and vectoring utilizing March Radar are authorized in accordance with approved radar patterns.
Procedure turn not authorized. Aircraft must be vectored to final approach by radar or proceed via the Colton RBn in accordance with approved transitions.
Minimum altitude over Colton RBn, 4200'.
Crs and distance, facility to airport, 255°—6.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 mi after passing LOM, climb to 3000' on crs of 255° within 8 mi.

City, Ontario; State, Calif.; Airport Name, Ontario International; Elev., 952'; Fac. Class., LOM; Ident., ON; Procedure No. 1, Amdt. 12; Eff. Date, 25 Mar. 61; Sup. Amdt. No. 11; Dated, 23 July 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| TPA–LFR | PI RBn | Direct | 1500 | T–dn | 300–1 | 300–1 | 200–½ |
| PIE VOR | PI RBn | Direct | 1300 | C–dn | *400–1 | *500–1 | *500–1½ |
| Radar Terminal Area Trans. Alt | Radar Site | Within 25 mi | #1500 | S–dn–17 | *400–1 | *400–1 | *400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn W side of crs, 349° Outbnd, 169° Inbnd, 1300' within 10 mi.
Minimum altitude over facility on final approach crs, 800'; over Harbor FM, 600'.
Crs and distance, facility to airport, 169°—4.7 mi; Harbor FM to airport, 169°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 mi, turn right climbing to 1500' on course of 270°, intercept and proceed out 220° brng from PI RBn within 20 miles.
*If Harbor FM not received on final, descent below 600' NA.
#Radar control must provide 1000' clearance when within 3 miles or 500' clearance when between 3–5 miles of radio towers 861' MSL 19.5 mi ESE and 1135' MSL 23 mi ESE of airport.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg-Clearwater International; Elev., 10'; Fac. Class., MH; Ident., PI; Procedure No. 1, Amdt. 2; Eff. Date; 25 Mar. 61; Sup. Amdt. No. 1; Dated, 4 Mar. 61

## 3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Fort Sill Int | LAW–VOR | Direct | 2700 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 400–1 | 500–1 | 500–1½ |
| | | | | S–dn–35 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Teardrop procedure turn, 185° Outbnd, 347° Inbnd, 2200' within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 347°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, turn left and climb to 2200' on R 186 within 20 miles.
NOTE: Communications and weather service not available to general public. Approach control by Fort Sill approach control at Post AAF.
AIR CARRIER NOTE: Procedure may be authorized only for carriers having approval of their arrangements for communications and weather service at this airport.

City, Lawton; State, Okla.; Airport Name, Municipal; Elev., 1108'; Fac. Class., VOR; Ident., LAW; Procedure No. 1, Amdt. 5; Eff. Date, 25 Mar. 61; Sup. Amdt. No. 4; Dated, 2 Aug. 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Little Rock LFR | LIT–VOR | Direct | 1300 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 600–1 | 600–1½ |
| | | | | S–dn–32 | 500–1 | 500–1 | 500–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar transitions authorized. All directions, within 10 miles of airport, 1900'; within 15 miles, 2000'; within 30 miles, 2300'. In addition, radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of tower 2215' MSL 14 miles NNW of airport.
Procedure turn E side crs, 134° Outbnd, 314° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 314—3.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles, turn left, climb to 3200' on R–295 within 20 miles, or when directed by ATC, (1) turn right to 100° M, intercept and climb to 1500' on R–055 within 20 mi or (2) turn left, climb to 1800' and proceed direct to LOM.
AIR CARRIER NOTE: Not less than 300–1 authorized for takeoff on Runway 17, 32, 35.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257'; Fac. Class., BVORTAC; Ident., LIT; Procedure No. 1, Amdt. 7; Eff. Date, 25 Mar. 61; Sup. Amdt. No. 6; Dated, 2 Apr. 60



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| MCB RBn | MCB VOR | Direct | 1800 | T–d | 300–1 | | |
| | | | | C–d | 700–1 | | |
| | | | | A–d | 1000–3 | | |

Procedure turn N side of crs, 068° Outbnd, 248° Inbnd, 1800' within 10 mi.
Minimum altitude over facility on final approach, 1500'*.
Crs and distance, facility to airport, 248°—11.1*.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 mi of VOR, climb to 1800' on R–248 within 20 mi of VOR or, when directed by ATC, turn left, climb to 1600' on R–222 within 20 mi of VOR.
CAUTION: 792' msl tower located 2.5 mi NW of airport.
NOTE: Air carrier use not authorized.
*Descent to 1200' authorized after passing VOR within 6 mi, then proceed VFR to airport, 248°—5.1.

City, McComb; State, Miss.; Airport Name, McComb-Pike County; Elev., 460'; Fac. Class., BVOR; Ident., MCB; Procedure No. 1, Amdt. 2; Eff. Date, 25 Mar. 61; Sup. Amdt. No. 1; Dated, 1 Nov. 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Monroe LFR | MLU–VOR | Direct | 1300 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–4 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 1400' within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 035°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles, climb to 1400' on R–035 within 10 miles.*
CAUTION: 850' TV antenna located 3.7 miles WNW of airport.
AIR CARRIER NOTE: No reduction in take-off minimums for cargo and ferry flights authorized on Runways 4, 9, 13, 31, and 35.
*No control area beyond 10 miles.

City, Monroe; State, LA.; Airport Name, Selman; Elev., 79'; Fac. Class., BVORTAC; Ident., MLU; Procedure No. 1. Amdt. 4; Eff. Date, 25 Mar. 61; Sup. Amdt. No. 3; Dated, 23 July 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| GH–LFR | SBN–VOR | Direct | 2500 | T–dn | 300–1 | 300–1 | 200–½ |
| SN–LFR | SBN–VOR | Direct | 2000 | C–dn | 400–1 | 500–1 | 500–1½ |
| N Liberty Int | SBN–VOR | Direct | 2000 | S–dn–3 | 400–1 | 400–1 | 400–1 |
| Int W crs SN–LFR and R–253 SBN–VOR | SBN–VOR | Direct | 2000 | A–dn | NA | NA | NA |
| Int N crs SN–LFR and R–350 SBN–VOR | SBN–VOR | Direct | 2000 | | | | |

Procedure turn South side of crs, 226° Outbnd, 046° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 046°—5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles, make left turn, climb to 2000', return to SBN–VOR or, when directed by ATC, climb to 2000' on SBN–VOR R–046 within 20 miles.
NOTE: Weather at Jerry Tyler Memorial Airport not available to general public. Obtain South Bend weather before making approach.

City, Niles; State, Mich.; Airport Name, Jerry Tyler Memorial; Elev., 743'; Fac. Class., BVORTAC; Ident., SBN; Procedure No. 1, Amdt. 1; Eff. Date, 25 Mar. 61; Sup. Amdt. No. Orig.; Dated, 18 Feb. 61

## 4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| OM or 5 mi Radar Fix or Bedford Int** | VOR (Final) | 133—5.0 | 1000 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn* | 400–1 | 500–1 | 500–1½ |
| | | | | S–dn–13* | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar transition altitude within 20 mi radius of airport 2000' MSL. Radar control must provide 3 mi or 1000' vertical separation; or 3 to 5 mi and 500' vertical separation from radio towers: 2349' MSL 15 mi SSE; 1743' MSL 12 mi WSW; 1221' MSL 6 mi N.
Procedure turn N# side crs, 313° Outbnd, 133° Inbnd, 2200' within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 1000'*.
Crs and distance, breakoff point to appr end Rnwy 13, 129°—0.91 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to Hensley Int climbing to 2000' or, when directed by ATC, turn right, climb to 2000', proceed to Lucas Int via ACF R–206.
*If Carter OM or 5 mi radar fix or Bedford** Int not received, descent below 1600' MSL NA.
**Bedford Int: Int ADS–VOR R–242 and ACF–VOR R–313.
#Procedure turn nonstandard due ATC requirements.

City, Fort Worth; State, Tex.: Airport Name, Greater Fort Worth International (Amon Carter); Elev., 568'; Fac. Class., BVORTAC; Ident., ACF; Procedure No. TerVOR–13, Amdt. 3; Eff. Date, 25 Mar. 61; Sup. Amdt. No. 2; Dated, 2 Apr. 60

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| DN–LFR | LOM | Direct | 7000 | T–dn | 300–1 | 300–1 | 200–½ |
| DEN VOR | LOM | Direct | 7000 | C–dn | #400–1 | 500–1 | 500–1½ |
| Aurora "H" | LOM | Direct | 7000 | S–dn–26L%* | 200–½ | 200–½ | 200–½ |
| Dupont Int | LOM | Direct | 7000 | A–dn | 600–2 | 600–2 | 600–2 |
| Strasburg Int | LOM | Direct | 7000 | | | | |
| Kiowa VOR | Watkins Int | Direct | 7500 | | | | |
| Watkins Int | LOM (Final) | Direct | 7000 | | | | |
| Westminister Int | LOM | Direct | 7000 | | | | |

Radar transitions and vectoring using Denver Radar authorized in accordance with approved radar patterns.
Procedure turn North side E crs, 7000′ within 10 miles, 076° Outbnd, 256° Inbnd.
Minimum altitude at G.S. int inbnd, 7000′.
Altitude of G.S. and distance to approach end of Runway at OM, 6974′—5.5 mi; at MM, 5551′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right climbing turn and climb to 6600′ on GLL R-188 within 15 mi North of Dupont Int or, when directed by ATC, turn right, proceed to DEN–VOR, climbing to 6500′ on R-031 within 20 mi or turn right and climb to 6600′ on North crs DN–LFR within 20 mi.
CAUTION: 5911′ MSL radio tower 4.7 mi ESE of Runway 26L. Do not descend below 6300′ MSL until 1.5 mi West of LOM on final when glide slope not used.
NOTE: Narrow localizer course—4°.
#500–1 required for circling south of airport due to 5579′ MSL tank 0.8 mi SE of MM.
*400–1 required when glide slope not used.
% Runway Visual Range 2600′ also authorized for takeoff and landing on Runway 26L; provided that all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below 5531′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331′; Fac. Class., ILS; Ident, I-DEN; Procedure No. ILS–26L, Amdt. 24; Eff. Date, 25 Mar. 61; Sup Amdt. No. 23; Dated, 18 Feb. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| GF–LFR | LOM | Direct | 6000 | T–dn** | 300–1 | 300–1 | 200–½ |
| GTF VOR | LOM | Direct | 6000 | C–d | 500–1 | 500–1 | 500–1½ |
| Belt FM/Int | LOM | Direct | 6000 | C–n | 500–1½ | 500–1½ | 500–1½ |
| Cascade FM/Int | S crs ILS | 071°—12 | 6000 | S–dn–34* | 200–½ | 200–½ | 200–½ |
| | | | | A–dn | 600–2 | 600–2 | 600–2 |

Radar transitions and vectoring utilizing Great Falls Radar authorized in accordance with approved Radar patterns.
Procedure turn W side of crs, 161° Outbnd, 341° Inbnd, 6000′ within 10 miles. NA beyond 10 mi. All turns West side of course—high terrain East.
Minimum altitude at glide slope intercepion inbnd, 6000′.
Altitude of glide slope and distance to approach end of Runway at OM, 5835′—6.6 mi; at MM, 3915′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 6000′ on N crs ILS within 20 miles or, when directed by ATC, climb to 5000′ on NW crs GF–LFR or R-312 GTF–VOR within 15 miles.
CAUTION: 3840′ MSL LFR towers 1.1 miles SW of airport.
*400–¾ required with glide slope inoperative.
**300–1 required for runways 11–29.

City, Great Falls; State, Mont.; Airport Name, Great Fall International; Elev., 3671′; Fac. Class., ILS; Ident., I-GTF; Procedure No. ILS–34, Amdt. 4; Eff. Date, 25 Mar. 61; Sup. Amdt. No. 3; Dated, 16 July 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Little Rock LFR | LOM | Direct | 1800 | T–dn | 300–1 | 300–1 | 200–½ |
| Little Rock VOR | LOM | Direct | 1800 | C–dn | 500–1 | 600–1 | 600–1½ |
| Lakeside Int | LOM | Direct | 1800 | S–dn–4 | 200–½ | 200–½ | 200–½ |
| City Int | LOM | Direct | 1900 | A–dn | 600–2 | 600–2 | 600–2 |
| Malvern Int | LOM | Direct | 1800 | | | | |
| Mabelvale Int | LOM (Final) | Direct | 1800 | | | | |
| Bauxite Int | SW crs ILS | 010—2.3 | 1800 | | | | |

Radar transitions authorized. All directions, within 10 miles of airport, 1900′; within 15 miles, 2000′; within 30 miles, 2300′. In addition, radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of tower 2215′ MSL 14 miles NNW of airport.
Procedure turn N side SW crs, 220° Outbnd, 040° Inbnd, 1800 within 10 mi. (Non-standard due to traffic.)
Minimum altitude at G.S. int inbnd, 1900′.
Altitude of G.S. and distance to approach end of rny at OM 1800–4.6, at MM 500–0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1800′ on NE crs ILS (040) within 20 miles or, when directed by ATC, (1) turn right, climb to 1500′ and proceed to VOR or LFR, or (2) turn right, climb to 1600′ on R-055 within 20 mi.
NOTES: 300–1 required for takeoff Runways 17, 35, 32., 400–1 required when G.S. not used.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257′; Fac. Class., ILS; Ident., I-LIT; Procedure No. ILS–4, Amdt. 6; Eff. Date, 25 Mar. 61; Sup. Amdt No. 5; Dated, 18 June 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Ontario VOR | Riverside LFR or Edgemont Int | Direct | 4000 | T–dn | 300–1 | 300–1 | 200–½ |
| Edgemont Int | Colton Int | Direct | 4200 | C–dn | 500–1 | 500–1 | 800–1½ |
| Riverside LFR | Colton RBn | Direct | 4200 | S–dn–25 | 200–½ | 200–½ | 200–½ |
| Colton RBn/Int | LOM (Final) | Direct | 2800 | A–dn | 600–2 | 600–2 | 600–2 |
| Moreno Int | Colton RBn | Direct | 4200 | | | | |

Radar transitions and vectoring utilizing March Radar are authorized in accordance with approved radar patterns.
Procedure turn not authorized. Aircraft must be vectored to final approach by radar or proceed via the Colton RBn or Int in accordance with approved transitions.
Minimum altitude at glide slope int inbnd, 4200′, or in accordance with approved radar patterns.
Altitude of glide slope and distance to approach end of Runway at Colton RBn/Int, 4200′—11 mi; at OM, 2800′—6.2 mi; at MM, 1120′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on W crs within 8 miles.

City, Ontario; State, Calif.; Airport Name, Ontario International; Elev., 952′; Fac. Class., ILS; Ident., I-ONT; Procedure No. ILS–25, Amdt. 12; Eff. Date, 25 Mar. 61; Sup. Amdt. No. 11; Dated, 23 July 60



6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| 360° | 140° | Within 15 mi | 1500 | | | | |
| | | | | Precision approach | | | |
| | | | | S–dn–27 | 200–½ | 200–½ | 200–½ |
| | | | | Surveillance approach | | | |
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 400–1 | 500–1 | 500–1½ |
| | | | | S–dn–27 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar terminal area transition altitudes—all bearings are from radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished on Runway 27, make left turn climbing to 2000′, proceed direct to FAY RBn, contacting Fayetteville approach control or, when directed by ATC, turn left, climb to 2000′ and proceed to FAY–VOR via R-347.
NOTE: Prior arrangements for landing required for civil aircraft not on official business.

City, Fort Bragg; State, N.C.; Airport Name, Simmons AAF; Elev., 242′; Fac. Class., Simmons AAF; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 25 Mar. 61; Sup. Amdt. No. Orig.; Dated, 4 Feb. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on February 16, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61–1591; Filed, Mar. 8, 1961; 8:45 a.m.]

# Title 42—PUBLIC HEALTH

## Chapter I—Public Health Service, Department of Health, Education, and Welfare

### SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

### PART 73—BIOLOGIC PRODUCTS

### Additional Standards; Whole Blood (Human)

On September 17, 1960, a notice of proposed rule making with respect to the licensing of biological products was published in the FEDERAL REGISTER (25 F.R. 8960) inviting any interested parties to present written views or arguments respecting the proposed amendments there published.

Several comments and suggestions have been received from manufacturers of licensed products relating to the proposed revision of Additional Standards: Whole Blood (Human). All views expressed have been carefully considered. On the basis of these and other considerations, it is deemed necessary, in order to assure the continued safety, purity and potency of Whole Blood (Human), to issue at this time the following amendments to Part 73, to become effective 30 days after their publication in the FEDERAL REGISTER.

§ 73.301 [Amendment]

1. Amend § 73.301 by adding a new paragraph (e) to read as follows:

(e) *Immunized donors.* Blood withdrawn from donors known to have been immunized to human blood cell antigens shall not be used for Whole Blood (Human) unless the container label conspicuously indicates such information.

§ 73.302 [Amendment]

2. Amend § 73.302(c) by adding a sentence at the end thereof and as thus amended paragraph (c) shall read as follows:

(c) *Blood containers.* Blood containers and donor sets shall be pyrogen-free, sterile and identified by lot number. The amount of anticoagulant required for the quantity of blood to be collected shall be in the blood container when it is sterilized. In addition, all container and donor set surfaces that come in contact with blood used in the processing of Heparinized Whole Blood (Human) shall be water repellent.

3. Amend § 73.302(d) to read as follows:

(d) *The anticoagulant solution.* The anticoagulant solution shall be sterile and pyrogen-free. One of the following formulae shall be used in the indicated volumes:

(1) *Anticoagulant acid citrate dextrose solutions.*

| | Solution A | Solution B |
|---|---|---|
| Tri-sodium citrate ($Na_3C_6H_5O_7 \cdot 2H_2O$) ..... gm. | 22.0 | 13.2 |
| Citric acid ($C_6H_8O_7 \cdot H_2O$) ..... do | 8.0 | 4.8 |
| Dextrose ($C_6H_{12}O_6 \cdot H_2O$) ..... do | 24.5 | 14.7 |
| Water for injection (U.S.P.) to make ..... ml. | 1,000 | 1,000 |
| Volume per 100 ml. blood ..... do | 15 | 25 |

(2) *Anticoagulant heparin solution.*[1]

| | |
|---|---|
| Heparin sodium (U.S.P.) ..... | 75,000 units. |
| Sodium chloride injection (U.S.P.) to make ..... | 1,000 ml. |
| Volume per 100 ml. of blood ..... | 6 ml. |

No other anticoagulant may be used unless prior to use the Surgeon General has found that under such conditions of dating, storage, and use as he may prescribe, the proposed anticoagulant is at least as effective as the above formulae in preventing coagulation and in preserving red blood cells.

4. Amend § 73.302(g) to read as follows:

(g) *Pilot samples for laboratory tests.* Pilot samples for laboratory tests shall meet the following standards:

(1) One or more pilot samples shall be provided with each unit of blood when issued or reissued except as provided in § 73.304(e)(2) and all pilot samples shall be from the donor who is the source of the unit of blood.

(2) All samples for laboratory tests performed by the manufacturer and all pilot samples accompanying a unit of blood shall be collected at the time of filling the final container by the person who collects the unit of blood.

(3) All containers for all samples shall bear the donor's identification before collecting the samples.

(4) All containers for pilot samples accompanying a unit of blood shall be attached to the whole blood container before blood collection, in a tamper-

[1] A buffer suitable to maintain stability to be added, if necessary.

proof manner that will conspicuously indicate removal and re-attachment.

5. Redesignate the present § 73.302(h) as § 73.302(i) and insert a new paragraph (h) to read as follows:

(h) *Phlebotomy for Heparinized Whole Blood (Human).* Heparinized Whole Blood (Human) shall be collected with minimal damage to and minimal manipulation of the donor's tissue, and with a single, uninterrupted, free-flowing venipuncture.

6. Amend § 73.302(i) as redesignated, to read as follows:

(i) *Storage.* Immediately after collection, the blood shall be placed in storage within a 2° range between 1° and 6° C., unless it must be transported from the donor clinic to the processing laboratory. In the latter case the blood shall be placed in temporary storage having sufficient refrigeration capacity to cool the blood continuously toward a 2° range between 1° and 6° C. until it arrives at the processing laboratory where it shall be stored within a 2° range between 1° and 6° C.

§ 73.303 [Amendment]

7. Amend § 73.303(d) to read as follows:

(d) *Sterility test.* Whole Blood (Human) intended for transfusion shall not be tested for sterility by a method that entails entering the final container before the blood is used for transfusion.

§ 73.304 [Amendment]

8. Delete the present § 73.304(b) and insert in lieu thereof a new paragraph (b) to read as follows:

(b) *Periodic check on sterile technique.* Within the 18th to 24th day after collection, at least one container of blood that upon visual examination appears normal, shall be tested each month as a continuing check on technique of blood collection. The test shall be performed with a total sample of no less than 10 ml. of blood and a total volume of fluid thioglycollate or thioglycollate broth medium 10 times the volume of the sample of blood. The test sample shall be inoculated into one or more test vessels in a ratio of blood to inoculum of 1 to 10 for each vessel, mixed thoroughly, incubated for seven to nine days at a temperature of 30° to 32° C., and examined for evidence of growth of microorganisms every workday throughout the test period. On the third, fourth, or fifth day at least 1 ml. of material from each test vessel shall be subcultured in additional test vessels containing the same culture medium and in such proportion as will permit significant visual inspection, mixed thoroughly, incubated for seven to nine days at a temperature of 30° to 32° C. and examined for evidence of growth of microorganisms every workday throughout the test period. If growth is observed in any test vessel, the test shall be repeated to rule out faulty test procedure, using another sample of blood from either, (1) the container from which the initial test sample was taken, (2) the residual cells or plasma from that blood, or (3) two different containers of blood, each 18 to 24 days old and each tested separately. The formula for fluid thioglycollate medium shall be as prescribed in § 73.73(e)(1) and the formula for thioglycollate broth medium shall be as prescribed in § 73.73(f)(5). Media and design of container shall meet the requirements prescribed in § 73.73(e)(2)(i). In lieu of performing one test using an incubation temperature of 30° to 32° C., two tests may be performed, each in all respects as prescribed in this paragraph, one at an incubation temperature of 18° to 22° C. and one at an incubation temperature of 35° to 37° C. A different test may be performed provided that prior to the performance of such a test a manufacturer submits data which the Surgeon General finds adequate to establish that the different test is equal or superior to the test herein prescribed as a check on sterile technique and makes the finding a matter of official record.

9. Amend § 73.304(d) to read as follows:

(d) *Shipment of Whole Blood (Human).* Whole Blood (Human) shall be maintained continuously at 1° to 10° C. during shipment.

10. Amend § 73.304(e)(2) to read as follows:

(2) An original pilot sample is properly attached and has not been removed, except that blood lacking a pilot sample may be reissued in an emergency provided it is accompanied by instructions for sampling and for use within six hours after entering the container for sampling;

11. Amend § 73.304(e)(3) to read as follows:

(3) The blood has been maintained continuously at 1° to 10° C.;

§ 73.305 [Amendment]

12. Amend § 73.305(b) to read as follows:

(b) *Serological test.* The serological test for syphilis used and the result.

13. Section 73.306 is revised to read as follows:

**§ 73.306 Dating period.**

The dating period for Citrated Whole Blood (Human) using one of the anticoagulant Acid Citrate Dextrose solutions specified in § 72.302(d) shall be no longer than 21 days after the date of bleeding the donor. The dating period for Heparinized Whole Blood (Human) shall be no longer than 48 hours after the hour of bleeding the donor. The dating period for Whole Blood (Human) using any other anticoagulant found acceptable under such section shall be determined by the Surgeon General on the basis of length of red blood cell survival.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: February 23, 1961.

[SEAL] JOHN D. PORTERFIELD,
*Acting Surgeon General.*

Approved: March 3, 1961.

ABRAHAM RIBICOFF,
*Secretary.*

[F.R. Doc. 61-2084; Filed, Mar 8, 1961; 8:49 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter II—National Bureau of Standards, Department of Commerce

### SUBCHAPTER A—TEST FEE SCHEDULES

### PART 206—MECHANICS

### Revision

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This revision is effective from March 1, 1961.

Part 206 is revised to read as follows:

VIBRATION

206.001 Vibration pickups.

SOUND

206.101 Acoustic measurements.

PRESSURE AND VACUUM

206.201 Pressure gages.
206.202 Mercurial barometers and manometers.
206.203 Precision aneroid barometers, barographs, altimeters and altigraphs.

FLUID MECHANICS

206.301 Aerodynamical measurements.
206.302 Fluid meters, including gas measuring instruments.

ENGINEERING MECHANICS

206.401 Hardness tests.
206.402 Calibration of elastic load measuring devices other than proving rings.
206.403 Special mechanical tests of devices, materials and structures.
206.404 Calibration of proving rings.

AUTHORITY: §§ 206.001 to 206.404 issued under sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a.



VIBRATION

**§ 206.001 Vibration pickups.**

(a) This applies to the calibration of displacement, velocity and acceleration types of vibration pickups. A report of calibration is issued.

(b) Each piezoelectric acceleration pickup to be used with a cathode-follower amplifier shall be accompanied by the preamplifier, the power supply if other than batteries, and the output and connecting cables.

(c) Each piezoelectric acceleration pickup whose output is to be read directly with a high impedance meter shall be accompanied by the meter, the connecting cable and the adaptor. If the meter must be connected to an electric current source, the phase lag of the calibration factor will not be determined.

(d) For each calibration point in excess of the number specified in the following items, an additional fee equal to the average fee per point is charged.

| Item | Description | Fee |
|---|---|---|
| 206.001a | Static calibration on a tilting support in the earth's gravitational field for accelerations up to 1g, the acceleration due to gravity, with an error not greater than 0.004g. Calibration for 10 different applied accelerations | $72.00 |
| 206.001b | Static calibration on a centrifuge at 4 different applied accelerations up to 100g for not more than two orientations with an estimated error not greater than 1 percent of the applied acceleration (8 calibration points) | 52.00 |
| 206.001c | Dynamic calibration of velocity pickups weighing up to 3 pounds in the frequency range from 10 cps to 2,000 cps at double displacement amplitudes up to 0.4 inch or accelerations up to 10g, whichever is less. The pickup is subjected to sinusoidal motion on an electrodynamic vibration standard previously calibrated by the reciprocity method. The estimated errors of the applied accelerations do not exceed 1 percent for frequencies up to 900 cps and 2 percent above 900 cps. The magnitude and phase angle of the calibration factor are determined at 10 frequencies. The magnitude of the calibration factor is determined for three accelerations at each frequency (30 calibration points) | 220.00 |
| 206.001d | Dynamic calibration of acceleration and displacement pickups weighing up to 2 pounds in the frequency range of 10 cps to 2,000 cps at double displacement amplitudes up to 0.4 inch or accelerations up to 10g, whichever is less. The pickup is subjected to sinusoidal motion on an electrodynamic vibration pickup standard previously calibrated by the reciprocity method. The estimated errors of the applied accelerations do not exceed 1 percent for frequencies up to 900 cps. The magnitude and phase angle of the calibration factor are determined at 10 frequencies. The magnitude of the calibration factor is determined for three accelerations at each frequency (30 calibration points) | 285.00 |
| 206.001y | When instruments submitted are found to be unsuitable for test or unreliable, a charge will be made to cover the cost of the work done. | |
| 206.001z | For special tests not covered by the above schedule, such as dynamic calibrations of pickups weighing more than 2 pounds, calibrations of small light-weight piezoelectric ceramic pickups over an extended range up to 20,000 cps or calibrations at higher accelerations, fees will be charged dependent on the nature of the test. | |

SOUND

**§ 206.101 Acoustic measurements.**

| Item | Description | Fee |
|---|---|---|
| 206.101a | Sound absorption coefficient, obtained by reverberation room method, using 72 square feet of material at frequencies of 125, 250, 500, 1,000, 2,000, and 4,000 cycles per second | $350.00 |
| | In the case of tests on acoustical plasters or paintability tests, any construction work or painting done by the Bureau is charged to the sponsor in addition to the fee given above. | |
| 206.101b | Sound transmission loss, wall panel, 71" x 88" at frequencies of 125, 175, 250, 350, 500, 700, 1,500, 2,000, 3,000, and 4,000 cycles per second | 350.00 |
| | The construction of the wall panel is the responsibility of the sponsor of the test. | |
| 206.101c | Sound transmission loss, floor panel, 71" x 88" at frequencies of 125, 175, 250, 350, 500, 700, 1,000, 2,000, 3,000, and 4,000 cycles per second, plus impact sound transmission | 425.00 |
| | The construction of the floor panel is the responsibility of the sponsor of the test. | |
| 206.101d | Pressure calibration of Western Electric Co. type 640AA condenser microphone over frequency range of 50 to 10,000 cycles per second | 185.00 |
| 206.101e | Free field calibration of microphones and sound level meters, 50 to 10,000 cycles per second, at discrete frequencies, single orientation of microphone | 310.00 |
| 206.101f | Calibration of earphones; applied voltage response as prescribed in the American Standards Association Specification Z24.9-1949, at not more than 20 frequencies between 100 and 10,000 cycles per second | 260.00 |
| 206.101g | Measurement of the overall sound level generated in normal operation by fans, sirens, etc. | 150.00 |
| 206.101h | Sound absorption coefficient by impedance tube method at 500 cycles per second in the laboratory | 90.00 |
| 206.101i | Calibration of Pure Tone Audiometers for screening purposes at 9 fixed frequencies | 610.00 |
| 206.101j | Artificial ear at audiometric frequencies | 350.00 |
| 206.101z | For special tests not covered by the above schedule, fees will be charged dependent on the nature of the test. | |

PRESSURE AND VACUUM

**§ 206.201 Pressure gages.**

| Item | Description | Fee |
|---|---|---|
| 206.201a | Dead weight piston gages (also called dead weight gage testers and pressure balances) single range, petroleum oil used as pressure fluid to 50,000 pounds per square inch. Air may be used as a pressure fluid to 500 pounds per square inch. Calibration against a pressure standard, up to 5 test points at room temperature 20–25° C | $285.00 |
| | Determination of effective area requires previous weighing of piston assembly and calibration of the weights. See test fee schedule item 202.605. | |
| 206.201b | For multi-range gages, using one set of weights, up to 50,000 pounds per square inch, each additional range | 200.00 |
| 206.201c | Controlled clearance piston gages. Determination of effective area, and variation of area with jacket pressure, work to be charged at cost. | |
| 206.201d | Pressure gages, mechanical ("precision" or "laboratory test" gages with rated accuracy within ¼ percent or better) suitable for use as transfer standards. Calibration test at room temperature up to 10 test points | 82.00 |
| 206.201z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

**§ 206.202 Mercurial barometers and manometers.**

| Item | Description | Fee |
|---|---|---|
| 206.202a | Barometers, Fortin or similar types, range 28 to 31 inches of mercury, tube bore 0.5 inch or greater, calibration at room temperature (20° to 25° C.) and atmospheric pressure | $175.00 |
| 206.202b | Barometers, range 0–31 inches of mercury, absolute pressure, manually operated, requiring a program of degassing and leakage tests. Calibration at room temperature (20° to 25° C.), up to 10 test points | 430.00 |
| 206.202c | Manometers, tube bore 0.5 inch or greater, in which both mercury surfaces are observed, manually operated, and which can be tested with one mercury surface exposed to atmospheric pressure. Range to 100 inches of mercury, calibration test at room temperature (20° to 25° C.), up to 10 test points, work to be charged at cost. | |
| 206.202d | In tests (b) and (c) if device makes use of servo system, additional work in setting up, adjusting, and evaluating servo system to be charged at cost. | |
| 206.202e | Manometers, tube bore 0.5 inch or greater, in which both mercury surfaces are observed, of suitable design, calibration of scale and thermometers, verified by comparison with pressure standard. Work to be charged at cost. | |
| 206.202z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

**§ 206.203 Precision aneroid barometers, barographs, altimeters and altigraphs.**

| Item | Description | Fee |
|---|---|---|
| 206.203a | Precision aneroid barometers, and altimeters, mechanical type, suitable for transfer standards. Calibration test at room temperature (20° to 25° C.) including measurement of hysteresis and after effect. 10 test points | $155.00 |
| 206.203b | Each additional test point | 10.00 |
| 206.203c | Examination of data in record trials, including pre-flight and post-flight calibrations, flight history tests on barographs. Determination of flight duration, intermediate landings and altitude as required. Work to be charged at cost. | |
| 206.203z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

FLUID MECHANICS

**§ 206.301 Aerodynamical measurements.**

| Item | Description | Fee |
|---|---|---|
| 206.301a | Wind speed indicators—calibration of cup, vane and thermal type anemometers, pitot tubes and venturi tubes at wind speeds within the range 2 to 90 miles per hour or (optional) 10 to 170 miles per hour | $73.00 |
| 206.301z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 206.302 Fluid meters, including gas measuring instruments.

| Item | Description | Fee |
|---|---|---|
| 206.302a | Dry gas meters, rated capacity 600 cubic feet per hour or less—testing with prover in laboratory at 2 rates of flow and reporting | $44.00 |
| 206.302b | Displacement type meters for liquids which can be calibrated with water at rates of flow not exceeding 300 gpm—testing at 1 to 5 rates of flow and reporting | 130.00 |
| 206.302c | Rate of flow meters, self-contained and direct reading; for gases, capacities not over 15 cfm; for liquids, capacities not over 300 gpm—calibration at not more than 5 rates of flow and reporting | 215.00 |
| 206.302d | Orifices, flow nozzles and similar differential lead meters for use in pipes up to and including 2-inch pipe—calibration with water or air at 5 rates of flow and reporting | 315.00 |
| 206.302e | Additional fee for meter in 3-inch or 4-inch pipe | 20.00 |
| 206.302f | Orifices, flow nozzles and similar differential lead meters for use in pipes up to and including 6-inch pipe—for each rate in excess of the 5 covered by items 206.302d and 206.302e above | 12.00 |
| 206.302g | Orifices, flow nozzles and similar differential lead meters, when 2 or more are used interchangeably in the same mounting—calibration at 5 rates of flow; for 4-inch pipes and smaller, in addition to the first covered by items 206.302d to 206.302f above | 95.00 |
| 206.302h | Water current meters—rating of Price, Pygmy and Hoff types at not over 8 velocities, and reporting results in equation form only, or in graph form only | 31.00 |
| 206.302i | Water current meters—rating of Hoff type at 10 or 11 velocities and reporting results in both graphical and equation forms, for each propeller | 41.00 |
| 206.302j | Water current meters—Ekman type, for each propeller submitted therewith; rating at not over 8 velocities and reporting results in both graphical and equation form | 88.00 |
| 206.302k | Water current meters—all types, for each velocity in excess of the 8 weight covered by items 206.302h to 206.302j above | 3.00 |
| 206.302l | Furnishing results of water current meter calibration in graphical form, or in equation form when requested subsequent to completion of test | 8.00 |
| 206.302s | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of test. | |

ENGINEERING MECHANICS

### § 206.401 Hardness tests.

| Item | Description | Fee |
|---|---|---|
| 206.401a | Determination of Brinell number of a block to be used for calibration purposes, 3 separate indentations on each specimen | $36.00 |

### § 206.402 Calibration of elastic load measuring devices other than proving rings.

| Item | Description | Fee |
|---|---|---|
| | These fees apply to calibrations up to 10 loads applied 3 times (up to 30 calibration points). For each test load in excess of 10 an additional fee equal to one-tenth of the applicable fee for calibration is charged. | |
| | Capacity not exceeding 10,000 pounds: | |
| 206.402a | Compression | $57.00 |
| 206.402b | Tension | 59.00 |
| | Capacity exceeding 10,000 pounds but not exceeding 111,000 pounds: | |
| 206.402c | Compression | 70.00 |
| 206.402d | Tension | 96.00 |
| | Capacity exceeding 111,000 pounds but not exceeding 200,000 pounds: | |
| 206.402e | Compression | $205.00 |
| | Capacity exceeding 200,000 pounds but not exceeding 300,000 pounds: | |
| 206.402f | Compression | 245.00 |

### § 206.403 Special mechanical tests of devices, materials and structures.

| Item | Description | Fee |
|---|---|---|
| | These fees apply to all mechanical tests of devices, materials and structures performed in the Mechanics Division not covered by other fee schedules. The charge for special mechanical tests is made on the basis of the hours of service furnished by members of the staff. Where the tests require travel outside the limits of 15 miles from the District of Columbia, transportation and subsistence charges will added to the service charge. The time shall be computed as the number of official working hours from the time the members of the staff leave the National Bureau of Standards until they return to it plus any overtime spent on the tests. | |
| 206.403a | Service of a member of the staff of grade GS-9, or any higher grade, per hour | $10.00 |
| 206.403b | Service of a member of the staff of grades below GS-9, per hour | 6.00 |

### § 206.404 Calibration of proving rings.

| Item | Description | Fee |
|---|---|---|
| | These fees apply to calibration for 10 different loads for compression or tension. For each load in excess of this number an additional fee equal to one-tenth of the applicable fee for complete calibration or recalibration is charged. Fee for complete calibration apply to the following rings: 1. Rings submitted for initial calibration. 2. Rings not certified at their last calibrations. 3. Rings not certified since April 4, 1934. 4. Rings which have been repaired or modified since their last calibration. Fees for recalibration apply to rings which received certificates at the times of their last calibration, provided that such calibrations have been made since April 4, 1934, and provided that the rings have not been repaired or modified since their last calibrations. | |
| | Complete calibration of proving rings, capacity not exceeding 10,000 pounds: | |
| 206.404a | Compression | $110.00 |
| 206.404b | Tension and compression | 180.00 |
| | Recalibration of proving rings, capacity not exceeding 10,000 pounds: | |
| 206.404c | Compression | 80.00 |
| 206.404d | Tension and compression | 140.00 |
| | Complete calibration of proving rings, capacity exceeding 10,000 pounds but not exceeding 111,000 pounds: | |
| 206.404e | Compression | 130.00 |
| 206.404f | Tension and compression | 225.00 |
| | Recalibration of proving rings, capacity exceeding 10,000 pounds but not exceeding 111,000 pounds: | |
| 206.404g | Compression | 105.00 |
| 206.404h | Tension and compression | 180.00 |
| | Complete calibration of proving rings, capacity exceeding 111,000 pounds but not exceeding 200,000 pounds: | |
| 206.404i | Compression | 320.00 |
| | Recalibration of proving rings, capacity exceeding 111,000 pounds but not exceeding 200,000 pounds: | |
| 206.404j | Compression | 235.00 |
| | Complete calibration of proving rings, capacity exceeding 200,000 pounds but not exceeding 300,000 pounds: | |
| 206.404k | Compression | $385.00 |
| | Recalibration of proving rings, capacity exceeding 200,000 pounds but not exceeding 300,000 pounds: | |
| 206.404l | Compression | 290.00 |

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
*Director.*

[F.R. Doc. 61-2024; Filed, Mar. 8, 1961; 8:45 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Yazoo National Wildlife Refuge, Mississippi

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

MISSISSIPPI

YAZOO NATIONAL WILDLIFE REFUGE

Sport fishing on the Yazoo National Wildlife Refuge, Mississippi, is suspended for the 1961 season.

The fishing area is being renovated and after completion will be restocked; consequently, no fishing will be permitted this year.

F. C. GILLETT,
*Acting Regional Director.*

MARCH 2, 1961.

[F.R. Doc. 61-2059; Filed, Mar. 8, 1961; 8:45 a.m.]

## PART 33—SPORT FISHING

### Mingo National Wildlife Refuge, Missouri

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

MISSOURI

MINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Mingo National Wildlife Refuge, Missouri, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 4,300 acres or 99 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:



(a) Species permitted to be taken: Crappies, black bass (smallmouth, largemouth, spotted), buffalo, shad, and other minor species as permitted by State regulations.

(b) Open season: March 15, 1961, through September 30, 1961. Fishing is permitted from 5:30 a.m. to 7:30 p.m. daily.

(c) Daily creel limits:

Crappies, 30.
Black Bass, 10.
Buffalo and shad, no limit except 25 pounds plus one fish.

Creel limits for other minor species as prescribed by State regulations.

(d) Methods of fishing:

1. Pole and line, trotline, throwline, limb line, bank line, jig or block line, artificial lures, hooks and bait are permitted; game fish may not be used for bait. No more than three unlabeled poles or more than thirty-three (33) hooks in the aggregate, may be used by any person at one time. Hooks may not be left unattended for more than 24 hours while in use. Hooks attached to throwlines or trotlines shall be staged not less than 2 feet apart. Trotlines and throwlines may not be attached together.

2. No person shall use any electrical device, explosive, poison or chemical to kill, or stupefy fish, or take or attempt to take fish by rock or hand fishing, with or without hook.

3. Boats and other floating craft are prohibited.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to October 1, 1961.

R. W. BURWELL,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

MARCH 1, 1961.

[F.R. Doc. 61-2060; Filed, Mar. 8, 1961; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 1016]

[Docket No. AO–299–A2]

### MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Appleton, Wisconsin, on August 16, 1960, pursuant to notice thereof issued on July 27, 1960 (25 F.R. 7259).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on January 9, 1961 (26 F.R. 251; F.R. Doc. 61–261) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Using a base and excess plan in paying producers.

2. Modifying the conditions for the diversion of milk to nonpool plants.

3. Conforming changes.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. A "base and excess" plan should be used in distributing to producers payments for milk produced during the months of March through June.

The order now contains no base and excess plan. The proposal for such a plan was supported by five cooperative associations representing approximately 80 percent of the producers supplying Northeastern Wisconsin pool plants.

Producer members of some cooperatives are paid on base and excess plans similar to that applicable to their members whose milk is received at Chicago order plants. These plans were used for a number of years to encourage dairy farmers to strive for more even production throughout the year.

During the period of order operation, greater seasonality of production has been shown by all producers on the market than by members of the cooperatives operating voluntary base and excess plans. Base and excess plans have proved an effective means of improving the seasonal pattern of milk deliveries. Such a plan applicable to all producers under the order will tend to encourage more even production for the market throughout the year.

The base and excess plan herein recommended would establish for each producer a base that would depend upon his deliveries of milk to pool plants during the months of September, October, and November. During these months, as well as all other months in the period of July through February, producers would receive the marketwide blend or uniform price for all milk which they deliver to pool plants.

For each of the months of March through June separate uniform prices for "base milk" and "excess milk" would be computed so that Class I sales would first be allotted to base milk. Base milk would be milk received at pool plants from a producer during any of the months of March through June which is not in excess of an amount equal to the base of such producer multiplied by the number of days' production received at pool plants in such month. Class III disposition in the market would first be assigned to excess milk. If the aggregate Class II and Class I disposition is more than the base milk received from producers in any month, such additional Class II and Class I milk would be allocated to excess milk and the excess blend price increased accordingly.

The producer location adjustments now provided in the order should be applied to prices paid producers for base milk. Since excess milk will represent principally producer milk classified in Class III to which no location adjustment is applicable, the producer price for excess milk should not be subject to the location adjustment provision of the order.

The present producer butterfat differential applicable to the uniform price should be used to adjust the uniform prices for base and excess milk. This butterfat differential is the weighted average value of butterfat in producer milk.

September, October, and November, the recommended base-forming period, are months of seasonally low production. Moreover, these months are the base-forming period under the Chicago order. It was suggested that August be included in the base-forming period. In view of the extensive overlapping of the Northeastern Wisconsin and Chicago milksheds, however, it would be inappropriate to provide for a base-forming period different from that in the Chicago order.

The provision excluding from the "producer" definition in March through June those farmers with bases established under the Chicago and Milwaukee orders by delivery to plants subject to such orders and operated under common control with a Northeastern Wisconsin pool plant should be deleted. The base and excess plan and the definition of "base milk" provided herein will reduce the opportunity for a handler with plants in other pools to transfer producers with wider seasonal production to the Northeastern Wisconsin pool during these months of seasonally high production.

New producers coming on the market during or after the base-forming period should be allotted bases even though they did not establish any during the preceding September through November period. In addition, a producer who delivered milk during the base-forming period but desires to change his level of production should not be required to receive payment for the higher production at the excess price. Such a producer should be permitted to relinquish his base and establish the base of a new producer if he so desires. This would add greater flexibility to the plan and would accommodate cases of abnormally low production during the base-forming period due to unusual circumstances.

For a producer who does not deliver milk during the base-forming period or who delivers less than 60 days production during the base-forming period or who desires to relinquish an established base, a base for each month of March through June would be calculated by multiplying his average daily deliveries in such month to pool plants by 60 percent for the month of March, 55 percent for the month of April and 50 percent for the months of May and June. The above percentages are identical to those provided in the Chicago order and will allow new producers to share in the Class I market during the base-operating period but will not encourage new producers to come on the market at that time if their production is not needed to supply the Class I needs of the market. At the same time the percentages will not be such as to invite substantial numbers of old producers to relinquish their earned bases. For the first year of operation it was proposed that higher percentages be allowed for new producers and old producers who elect to relinquish their earned bases. Inasmuch as the effective date of the base and excess plan recommended herein provides a reasonable transition period, it is not necessary to provide higher percentages for the first year.

On or before February 15 of each year the market administrator should notify each producer and handler receiving milk from such producer of the base established by such producer. This will provide adequate time for the market administrator to complete the extensive work of calculating and announcing bases. Also, by being notified a half month before the beginning of the base paying period, a producer will have reasonable advance notice of what his base shall be. The same half month period should be allowed a producer for deciding whether to relinquish his established base for the equivalent of that accorded a new producer.

If a plant were a nonpool plant during the preceding September through November period and became a pool plant during any of the months of March through June of the following year, provision should be made for assigning bases to the dairy farmers regularly supplying such plant. This would be effectuated most equitably by according such dairy farmers the same treatment as other producers in establishing bases. For the purpose of calculating the base of a producer, deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June would be considered producer milk received at a pool plant.

Certain rules regulating the transfer of established bases were proposed and are adopted herein. These are patterned after the base rules in the Chicago order and will tend to promote better understanding of the base and excess plan among producers in the areas where the Northeastern Wisconsin and Chicago milksheds overlap.

A producer should be able to transfer his base if he sells his farm. In this case, if the producer disposes of his base, it should go with the farm on which it was earned. In the event of a producer's death, provision should be made for the possible transfer of the base upon written notice to the market administrator from any member of the producer's immediate family.

If more than one producer ships from a farm, one base should be computed for the farm to be allocated to each producer according to his share in the sale of milk from the farm unless one of the producers has a base earned while he was on another farm and requests that he be allowed to retain such base. Provision should also be made for division of a jointly held base and to allow a producer to transfer credit towards establishment of a base in the same manner as he may transfer a base. These provisions will facilitate the operation of the base and excess plan herein recommended.

No provision is now made in the order for distributing to producers the returns for their milk through a base and excess plan. It would be desirable, therefore, to allow producers a reasonable period to make such changes as might be necessary to adjust their production patterns toward obtaining the optimum benefits under a base and excess plan.

Accordingly, the base and excess method of paying producers should not be utilized under the order during the 1961 base-operating period. During the months of March through June 1961, each producer would be paid not less than the monthly marketwide uniform price for his total deliveries. This would be accomplished by providing that all milk delivered by producers to pool plants during the 1961 base-operating period shall be considered base milk.

2. The order should limit diversion of producer milk to a nonpool plant to not more than the quantity received at a pool plant during each month of July through November. The order now limits diversion of producer milk to 10 days production in these months and permits unlimited diversion in other months.

The present 10 day diversion limit during July through November tends to cause uneconomic movements of milk by some handlers in order to qualify their producers. This is because of the daily fluctuating milk requirements of such handlers and of their buying handlers who operate plants 5 days or less weekly.

The proposal herein recommended will be equitable to handlers and will protect the interests of producers regularly associated with the market. Any Grade A milk moved from a dairy farm to a pool plant would be producer milk. In addition, any milk from such farm diverted from a pool plant to nonpool plants would be producer milk up to the quantity that was delivered from such farm directly to pool plants.

3. The order should be redrafted to incorporate conforming and clarifying changes and to facilitate application of its various provisions. The adoption of a base-excess plan will necessitate the addition of new sections to the order. Likewise, a number of order changes will be required to accommodate the base-excess plan and the revision relating to diversion of milk to nonpool plants. None of the changes in the order except as provided under Issues No. 1 and 2 are substantive in nature.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Northeastern Wisconsin Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Northeastern Wisconsin Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of December 1960, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Northeastern Wisconsin marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 6th day of March 1961.

JOHN DUNCAN, JR.,
*Acting Secretary.*

*Order*[1] *Amending the Order Regulating the Handling of Milk in the Northeastern Wisconsin Marketing Area*


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1016.0 Findings and determinations.

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1016.90 Effective time.
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1016.100 Agents.
1016.101 Separability of provisions.


AUTHORITY: §§ 1016.0 to 1016.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

### § 1016.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Wisconsin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* *It is therefore ordered,* That on and and after the effective date hereof, the handling of milk in the Northeastern Wisconsin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

### § 1016.1 Act.

"Act" means Public Act No. 10, 73d Congress as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

### § 1016.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

### § 1016.3 USDA.

"USDA" means the United States Department of Agriculture.

### § 1016.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

### § 1016.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association is qualified under provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act."

### § 1016.6 Northeastern Wisconsin marketing area.

The Northeastern Wisconsin marketing area, hereinafter referred to as the "marketing area", means all territory within (a) the counties of Brown, Calumet, Kewaunee, Langlade, Lincoln, Manitowoc, Oneida, Outagamie, Portage, Shawano (exclusive of the Menominee Indian Reservation), Sheboygan, Vilas, Waupaca and Winnebago, all in Wisconsin, including all towns, villages and cities; (b) the County of Fond du Lac, Wisconsin, exclusive of the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola and Waupun, the villages of Campbellsport, Eden and Oakfield, and the city of Waupun; (c) the city of Sturgeon Bay in Door County, Wisconsin; (d) the towns of Bergen, Berlin, Bevent, Easton, Elderon, Franzen, Guenther, Harrison, Hewitt, Knowlton, Kronenwetter, Maine, Marathon, Mosinee, Norrie, Plover, Reid, Rib Mountain, Ringle, Stettin, Texas, Wausau and Weston, the villages of Brokaw, Elderon, Hatley, Marathon and Rothschild, and the cities of Mosinee, Schofield and Wausau, all in Marathon County, Wisconsin; (e) Forest County and Oconto County (exclusive of the Menominee Indian Reservation), Wisconsin; and (f) the towns of Cranmoor, Grand Rapids, Port Edwards, Rudolph, Saratoga and Seneca, the villages of Biron and Port Edwards, and the cities of Nekoosa and Wisconsin Rapids in Wood County, Wisconsin.

### § 1016.7 Producer.

"Producer" means a person, other than a producer-handler, who produces Grade A milk in conformity with the sanitation requirements of any duly constituted Federal, state, county, or municipal authority, whose milk is received at a pool plant.

### § 1016.8 Pool plant.

"Pool plant" means any milk plant approved by a duly constituted authority for the handling of milk to be labeled Grade A, except as provided in §§ 1016.80, 1016.81 and 1016.82:

(a) At which milk is processed or packaged and from which during the month:

(1) Disposition on routes in the marketing area of fluid milk products labeled Grade A is 20 percent or more of receipts of Grade A milk from dairy farmers, and

(2) Total disposition on routes of fluid milk products labeled Grade A is 50 percent or more of receipts of Grade A milk from dairy farmers and other milk plants; or

(b) At which milk eligible for distribution as Grade A milk is received from dairy farmers and from which during the month 50 percent or more of such receipts is moved to a plant described in paragraph (a) of this section. Any such receiving plant that was a pool plant during each of the months of July through November immediately preceding shall be a pool plant for the months of December through June unless written request to the contrary is filed with the market administrator on or before the first day of any such month.

### § 1016.9 Handler.

"Handler" means (a) the operator of a pool plant in his capacity as such; (b) the operator of any other plant from which fluid milk products labeled Grade A are disposed of during the month on routes in the marketing area; or (c) a cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant.

### § 1016.10 Producer-handler.

"Producer-handler" means a dairy farmer who distributes fluid milk products on a route in the marketing area, but receives no fluid milk products during the month except his own production or by transfer from pool plants.

### § 1016.11 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk received at a pool plant directly from producers: *Provided,* That milk diverted from a pool plant to nonpool plants shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further,* That in any of the months of July through November, the quantity of milk of any producer which is diverted from pool plants to nonpool plants that is greater than the quantity delivered to pool plants shall not be deemed to have been received by the diverting handler at the plant from which diverted and shall not be producer milk.

### § 1016.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, flavored milk drinks, buttermilk, half and half and cream (sweet or sour).

### § 1016.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month of fluid milk products except receipts from other pool plants or producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

### § 1016.14 Route.

"Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

### § 1016.15 Base milk.

"Base milk" means producer milk during each of the months of March, April, May and June which is not in excess of such producer's base multiplied by the number of days of production that such milk was received at pool plants in such month: *Provided,* That base milk shall not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the pricing and classification provisions of another order issued pursuant to the Act: *And provided further,* That all producer milk during each of the months from the effective date hereof through June 1961 shall be base milk.

### § 1016.16 Excess milk.

"Excess milk" means milk received at pool plants from a producer during each of the months of March, April, May and June which is in excess of the base milk received from such producer during such month.

MARKET ADMINISTRATOR

### § 1016.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

### § 1016.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

### § 1016.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(d) Pay out of the funds provided by § 1016.74 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1016.75, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made reports pursuant to §§ 1016.30 through 1016.33, or payments pursuant to §§ 1016.70 through 1016.76;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers or persons upon whose utilization the classification of skim milk and butterfat for each handler depends to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1016.51 and the Class I butterfat differential pursuant to § 1016.54(a), both for the current month; the minimum price for Class II milk pursuant to § 1016.52 and the Class II butterfat differential pursuant to § 1016.54 (b), both for the preceding month; and the minimum price for Class III milk pursuant to § 1016.53 and the Class III butterfat differential pursuant to § 1016.54(b), both for the preceding month;

(2) On or before the 14th day after the end of each of the months of July through February, the uniform price pursuant to § 1016.62 and the butterfat differential pursuant to § 1016.64; and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(3) On or before the 14th day after the end of each of the months of March through June, the uniform prices for base milk and excess milk pursuant to § 1016.63 and the butterfat differential pursuant to § 1016.64.

REPORTS, RECORDS, AND FACILITIES

**§ 1016.30 Monthly reports of receipts and utilization.**

On or before the 5th day (exclusive of Sundays and holidays) of each month, each handler shall report to the market administrator for the preceding month for each pool plant in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of butterfat and skim milk contained in or represented by:

(1) Producer milk (including for the months of March through June the aggregate amount of base and excess milk) or receipts from dairy farmers producing Grade A milk,

(2) Fluid milk products received from other pool plants,

(3) Other source milk, and

(4) Inventories of fluid milk products on hand at the end of each month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to sources and disposition as the market administrator may prescribe.

**§ 1016.31 Payroll reports.**

On or before the 25th day of each month each handler operating a pool plant or receiving Grade A milk from dairy farmers shall report his producer or dairy farmer payroll for each plant for the preceding month which shall show:

(a) The total pounds of milk received from each producer (including for the months of March through June the total pounds of base and excess milk) and the percentage of butterfat contained therein or the pounds of milk received from each dairy farmer producing Grade A milk and the percentage of butterfat contained therein; and

(b) The date and net amount of payment to such producer or dairy farmer, or to a cooperative association for such producer's milk, with the price, deductions and charges involved and the nature of each.

**§ 1016.32 Producer-handler reports.**

Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

**§ 1016.33 Exempt handler reports.**

Each handler exempt pursuant to §§ 1016.81 and 1016.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

**§ 1016.34 Records and facilities.**

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form;

(b) The weights and tests for butterfat, skim milk and other content of all milk and milk products handled;

(c) Inventories of all dairy products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

**§ 1016.35 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

**§ 1016.40 Skim milk and butterfat to be classified.**

All skim milk and butterfat required to be reported pursuant to § 1016.30 shall be classified (separately as skim milk and butterfat) pursuant to §§ 1016.41 through 1016.45.

**§ 1016.41 Classes of utilization.**

Subject to the conditions set forth in §§ 1016.42 and 1016.43, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (c)(2) of this section; and

(2) Not accounted for as Class II and Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraphs (a) or (c) of this section; and

(2) In inventories of fluid milk products on hand at the end of the month.

(c) Class III utilization shall be all skim milk and butterfat:

(1) Used to produce butter, nonfat dry milk or cheese in any form except cottage cheese;

(2) In skim milk disposed of for livestock feed or dumped subject to prior notification to and verification (at his discretion) by the market administrator;

(3) In shrinkage of skim milk and butterfat allocated to milk received from producers, but not to exceed 2 percent of such receipts; and

(4) In shrinkage of other source milk.

**§ 1016.42 Shrinkage.**

(a) When producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received in the transferor handler's plants shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

**§ 1016.43 Transfers.**

Skim milk and butterfat transferred or diverted as milk, skim milk or cream in bulk form from a pool plant to:

(a) The pool plant of another handler shall be classified at the utilization indicated by the operators of both plants in their reports submitted pursuant to § 1016.30, otherwise as Class I utilization, subject in either event to the following conditions:

(1) The receiving plant has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

(b) A plant operated by a producer-handler or a handler exempt pursuant to § 1016.81, shall be Class I utilization;

(c) A nonpool plant (except as specified in paragraph (b) of this section) shall be Class I utilization, unless the following conditions and the conditions of paragraph (d) of this section are met:

(1) Utilization in another class is claimed by the transferor-handler in his report submitted pursuant to § 1016.30 for the month;

(2) The operator of the nonpool plant has utilization of an equivalent amount of skim milk and butterfat remaining in the class of use claimed in subparagraph (1) of this paragraph after the prior deduction in sequence beginning with the lowest-priced available class of use of any receipts thereat during the month of skim milk or butterfat, respectively, from plants not regulated under the provisions of any Federal marketing agreement or order; and

(3) The operator of the nonpool plant maintains books and records which are adequate for the verification of such utilization and are made available if requested by the market administrator.

(d) The classification of any skim milk or butterfat for which a claim of use is made under paragraph (c)(1) of this section shall be subject to the following further conditions.

(1) If any skim milk or butterfat was disposed of from the nonpool plant in the form of bulk milk, skim milk, or cream to other nonpool plants, the market administrator shall determine the classification of such skim milk or butterfat at the nonpool plant where actually used or processed when necessary to support a claim made pursuant to paragraph (c)(1) of this section;

(2) If Class I utilization at any nonpool plant at which classification of the pooled milk is made exceeds the receipts during the month from dairy farmers who constitute its regular source of Grade A milk, the transferred quantity shall be Class I to the extent of such excess: *Provided*, That (i) when, during the month, transfers to such nonpool plant have been made from regulated plants under more than one Federal marketing agreement or order, the amount of skim milk or butterfat so classified as Class I milk shall be a pro rata quantity based on the proportion of receipts at the nonpool plant from each of such regulated plants, and (ii) any amount of pooled milk remaining after the computation in (i) of this proviso shall be assigned in sequence to the available uses in the class claimed and any balance to the remaining uses in the nonpool plant; and

(3) If Class I utilization at any nonpool plant at which classification of the pooled milk is made does not exceed the receipts during the month from dairy farmers who constitute its regular source of Grade A milk, the transferred quantity which is in excess of the available uses in the class claimed under paragraph (c)(1) of this section shall be classified in other classes in sequence beginning with the next lowest-priced available class of use.

**§ 1016.44 Responsibility of handlers.**

All skim milk and butterfat shall be classified as Class I utilization unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

**§ 1016.45 Computation of skim milk and butterfat in each class.**

For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat respectively, in Class I, Class II and Class III utilization for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

**§ 1016.46 Allocation of butterfat classified.**

The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class III utilization the pounds of butterfat shrinkage allowed pursuant to § 1016.41(c)(3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received from plants other than those subject to another marketing agreement or order issued pursuant to the Act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received from a plant subject to another marketing agreement or order issued pursuant to the Act;

(d) Subtract from the pounds of butterfat remaining in Class II milk and Class I milk, in series beginning with Class II, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received as fluid milk products from pool plants of other handlers according to the classification established pursuant to §§ 1016.41 and 1016.43(a);

(f) Add to the remaining pounds of butterfat in Class III utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such overage from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

**§ 1016.47 Allocation of skim milk classified.**

Allocate the pounds of skim milk in each class to milk received from producers in the same manner as that prescribed for butterfat in § 1016.46.

**§ 1016.48 Computation of total producer milk in each class.**

The amounts computed pursuant to §§ 1016.46 and 1016.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class will be determined.

MINIMUM PRICES

**§ 1016.50 Basic formula price.**

The basic formula price shall be the higher of the prices computed as follows:

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the USDA.

*Present Operator and Location*

Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the USDA, during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the USDA; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest cent.

**§ 1016.51 Class I milk price.**

Subject to the provisions of § 1016.54 the minimum price per hundredweight to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association during the month and utilized as Class I milk shall be as follows during the period through November 1961:

(a) Except as provided in paragraph (b) of this section, the basic formula price for the preceding month plus $0.54 for the months of March, April, May, and June; $0.74 for the months of January, February, July, and December; and $0.94 for all other months.

(b) For plants located in the Wisconsin counties of Florence, Forest, Marinette, Oneida and Vilas or in the State of Michigan, the price computed in paragraph (a) of this section shall be increased ten cents.

**§ 1016.52 Class II milk price.**

Subject to the provisions of § 1016.54 the minimum price per hundredweight to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association during the month and utilized as Class II milk shall be the basic formula price.

**§ 1016.53 Class III milk price.**

Subject to the provision of § 1016.54 the minimum price per hundredweight to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association during the month and utilized as Class III milk shall be the price computed pursuant to § 1016.50(b), plus 5 cents: *Provided*, That the resulting price shall not be higher than the Class II price.

**§ 1016.54 Handler butterfat differential.**

If the average butterfat test of Class I milk, Class II milk or Class III milk as computed pursuant to § 1016.48 is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one per-

cent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the USDA during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) For Class I milk, multiply such price for the preceding month by 0.125;

(b) For Class II and Class III milk, multiply such price for the current month by 0.115.

**§ 1016.55 Equivalent price provision.**

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with, the price specified.

HANDLER'S OBLIGATION AND UNIFORM PRICE

**§ 1016.60 Computation of value of producer milk.**

The value of producer milk received by each handler shall be computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1016.48, by the applicable class prices;

(b) Add the amounts computed by multiplying the quantity of overage assigned to each class pursuant to § 1016.46(g) and the corresponding step of § 1016.47 by the applicable class price;

(c) Add the amount obtained in multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 1016.46(d) and the corresponding step of § 1016.47; or

(2) The hundredweight of producer milk classified as Class II during the preceding month; and

(d) If during the month total receipts of producer milk were 110 percent or more of the total Class I milk at pool plants, add an amount equal to the difference between the values (at test and location) at the Class I price and Class III price with respect to:

(1) Other source milk subtracted from Class I pursuant to § 1016.46(b) and the corresponding step of § 1016.47; and

(2) Milk in inventory subtracted from Class I pursuant to § 1016.46(d) and the corresponding step of § 1016.47 which is in excess of the sum of:

(i) The quantity for which payment is computed pursuant to paragraph (c) of this section; and

(ii) The quantity subtracted from Class II pursuant to § 1016.46(c) and the corresponding step of § 1016.47 in the month preceding.

**§ 1016.61 Computation of aggregate value used to determine uniform price.**

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the individual values of milk of all handlers computed pursuant to § 1016.60;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the producer butterfat differential, and multiplying the result by the hundredweight of such producer milk;

(c) Subtract the aggregate of the values of the applicable producer location adjustments pursuant to § 1016.65; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-equalization fund.

**§ 1016.62 Computation of uniform price.**

For each of the months of July through February, the market administrator shall compute the uniform price per hundredweight for producer milk of 3.5 percent butterfat content, as follows:

(a) Divide the aggregate value computed pursuant to § 1016.61 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section.

**§ 1016.63 Computation of uniform prices for base milk and excess milk.**

For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk, each of 3.5 percent butterfat content, as follows:

(a) From the reports submitted by handlers pursuant to § 1016.30 determine the aggregate classification of producer milk included in the computation of value pursuant to § 1016.61 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of excess milk by assigning such milk in series, beginning with Class III milk, to the hundredweight of milk classified pursuant to paragraph (a) of this section, multiplying the quantity so assigned by the respective class prices for milk containing 3.5 percent butterfat, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The resulting figure, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 1016.61; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for base milk.

**§ 1016.64 Producer butterfat differential.**

The uniform prices pursuant to §§ 1016.62 and 1016.63 shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I, Class II and Class III milk pursuant to § 1016.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resulting figure to the nearest one-tenth cent.

**§ 1016.65 Producer location adjustments.**

The uniform price pursuant to § 1016.62 and the uniform price for base milk pursuant to § 1016.63 shall be increased 10 cents for producer milk received at a pool plant in the Wisconsin Counties of Florence, Forest, Marinette, Oneida or Villas or in the State of Michigan.

**§ 1016.66 Notification.**

On or before the 14th day after the end of each month, the market administrator shall mail to each handler at his last known address a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform prices pursuant to §§ 1016.62 or 1016.63 adjusted by the butterfat differential pursuant to § 1016.64 and the location adjustment pursuant to § 1016.65; and

(c) The amount due such handler pursuant to § 1016.73 and the amounts to be paid by such handler pursuant to §§ 1016.72, 1016.74 and 1016.75.

PAYMENT FOR MILK

**§ 1016.70 Time and method of payment.**

(a) Except as provided in paragraphs (b) and (c) of this section, on or before the 18th day after the end of each month each handler shall pay each producer for producer milk received from him during the month the uniform prices provided in § 1016.62 or §1016.63 adjusted by the butterfat differential pursuant to § 1016.64 and the location adjustment pursuant to § 1016.65: *Provided*, That if by such date a handler has not received full payment pursuant to § 1016.73, he may reduce his total payments to all producers and cooperative associations uniformly by not more than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler shall pay to the cooperative association on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association on or before the 16th day of each month written information which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month, including, for the months of March through June, the pounds of base and excess milk;

(ii) The total pounds of butterfat contained in such milk;

(iii) The number of days on which such milk was received; and

(iv) The amounts withheld by the handler in payment for supplies sold.

(2) The payment and submission of information pursuant to subparagraph (1) of this paragraph shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(3) A copy of each request and promise to reimburse pursuant to subparagraph (1) of this paragraph and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) Each handler shall make payment to a cooperative association for milk received from the pool plant of such cooperative association on or before the 10th day after the end of each month in which it was received, at not less than the applicable class prices.

**§ 1016.71 Producer-equalization fund.**

The market administrator shall maintain a separate fund known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 1016.72 and 1016.83 (a) (1) or (b) (1) (including any adjustments thereto pursuant to § 1016.76) and out of which he shall make all payments pursuant to § 1016.73 (including any adjustments thereto pursuant to § 1016.76).



**§ 1016.72 Payments to the producer-equalization fund.**

On or before the 16th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 1016.60 shall pay to the market administrator any amount by which such value for such month is greater than the amount required to be paid by him pursuant to § 1016.70.

**§ 1016.73 Payments out of the producer-equalization fund.**

On or before the 17th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 1016.60 is less than the amount required to be paid by him pursuant to § 1016.70, less any unpaid obligations of such handler to the market administrator pursuant to § 1016.72: *Provided*, That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

**§ 1016.74 Expense of administration.**

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 16th day after the end of each month 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production;

(b) Any other source milk allocated to Class I pursuant to § 1016.46(b) and the corresponding step of § 1016.47; and

(c) The applicable amount specified in § 1016.83 (a) (2) or (b) (2).

**§ 1016.75 Marketing services.**

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1016.70 for milk received from each producer (excluding milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as the Secretary may prescribe, and on or before the 16th day after the end of each month shall pay such deduction to the market administrator. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a pool plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1016.70 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of the month to the cooperative association rendering such services of which such producers are members.

**§ 1016.76 Errors in payment.**

Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses adjustments to be made, for any reason, which result in monies due to the market administrator from such handler, to such handler from the market administrator, or to any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

**§ 1016.77 Overdue accounts.**

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1016.72 through 1016.76 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

**§ 1016.78 Termination of obligations.**

The provisions of this section shall apply to any obligations under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or associations or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator

so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

APPLICATION OF PROVISION

**§ 1016.80 Producer-handler exemption.**

A producer-handler shall be exempt from all provisions of this part except §§ 1016.32, 1016.34 and 1016.35.

**§ 1016.81 Exempt handler.**

A handler who operates a fluid milk plant located outside the marketing area from which an average of less than 600 pounds of fluid milk products per day are disposed of during the month in the marketing area on routes shall be exempt from all provisions of this part except §§ 1016.33 through 1016.35.

**§ 1016.82 Handlers subject to other Federal orders.**

The provisions of this part shall not apply to a handler with respect to the operation of a pool plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and the disposition of fluid milk products in the other Federal marketing area exceeds that in the Northeastern Wisconsin marketing area: *Provided*, That the operator of a pool plant which is exempted from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

**§ 1016.83 Handlers operating a nonpool distributing plant.**

Each handler, other than a producer-handler or one exempt pursuant to §§ 1016.81 or 1016.82, who during the month operates a Grade A milk nonpool plant from which fluid milk products are distributed on a route in the marketing area, shall pay to the market administrator as follows:

(a) If such handler so elects at the time of reporting pursuant to § 1016.30, his obligations shall be as follows:

(1) On or before the 16th day after the end of the month, for the producer-equalization fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class III price; and

(2) On or before the 16th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 1016.74 with respect to Class I milk disposed of on routes in the marketing area.

(b) Unless such handler elects to have his obligations computed pursuant to paragraph (a) of this section, his obligations shall be as follows:

(1) On or before the 25th day after the end of the month, for the producer equalization fund the lesser of the amount computed pursuant to paragraph (a)(1) of this section, or any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 1016.60 for Grade A milk received from dairy farmers at such plant for such month if such plant had been a pool plant;

(ii) Deduct the gross payments made by the handler to dairy farmers for Grade A milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report required pursuant to § 1016.31, plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 16th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1016.74 had such plant been a pool plant.

DETERMINATION OF BASE

**§ 1016.85 Base.**

"Base" for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through November immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of calculating the base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the month of September through November or if milk is received on less than 60 days during such months, the base of such producer shall be his average daily deliveries of producer milk for each of the months of March through June multiplied by 60 percent for the month of March, 55 percent for the month of April and by 50 percent for the months of May and June: *And provided further*, That any producer for whom a base has been established pursuant to this section based on deliveries of 60 or more days during the preceding months of September through November may, in lieu thereof, by notifying the market administrator prior to March 1, be accorded a base calculated pursuant to the immediately preceding proviso of this section.

**§ 1016.86 Base rules.**

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March, April, May and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signature of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

(e) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during September, October, or November may transfer to another producer credit for milk deliveries for base making purposes.

**§ 1016.87 Announcement of established bases.**

On or before February 15 of each year the market administrator shall notify each producer and the handler receiving milk from such producer of the base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

**§ 1016.90 Effective time.**

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

**§ 1016.91 Suspension or termination.**

The Secretary shall, whenever he finds that this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this part on any such provision of this part.

**§ 1016.92 Continuing obligation.**

If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

**§ 1016.93 Liquidation.**

(a) Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent.

(b) If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

**§ 1016.100 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

**§ 1016.101 Separability of provisions.**

If any provision of this part, or the application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 61-2092; Filed, Mar. 8, 1961; 8:50 a.m.]



## [ 7 CFR Part 1033 ]

## ONIONS GROWN IN SOUTH TEXAS

### Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture is considering the approval of the rules and regulations, hereinafter set forth, which were recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Order No. 133 (7 CFR Part 1033; 26 F.R. 704) regulating the handling of onions grown in designated counties of South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

GENERAL

Sec.
1033.100 Order.
1033.101 Terms.
1033.102 Communications.
1033.103 Registered handler.
1033.104 Fiscal period.

SAFEGUARDS

1033.120 Policy.
1033.121 Qualification.
1033.122 Application.
1033.123 Approval.
1033.124 Reports.
1033.125 Disqualification.

AUTHORITY: §§ 1033.100 to 1033.125, issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

GENERAL

**§ 1033.100 Order.**

Order means Order No. 133 (§§ 1033.1 to 1033.92; 26 F.R. 704) regulating the handling of onions grown in South Texas.

**§ 1033.101 Terms.**

The terms used in this subpart shall have the same meaning as when used in the order.

**§ 1033.102 Communications.**

Unless otherwise provided in the order, or by specific direction of the committee, all reports, applications, submittals, requests and communications in connection with the order shall be addressed to the South Texas Onion Committee, at its principal office.

**§ 1033.103 Registered handler.**

For purposes of this part any person who operates an established packing house within the production area with commonly accepted adequate facilities for grading and packing onions for market, and who customarily buys onions from producers for grading, packing, and marketing shall be recorded by the committee as a registered handler. Any other person who wishes to be listed as a registered handler may make application for registration on forms furnished by the committee. If such applicant has facilities available to him that are determined by the committee to be adequate for grading and packing onions for market, and he assumes responsibility for inspection of onions handled by him, and for assessments thereon, he may be approved and recorded as a registered handler. If the committee determines from the available information that the applicant is not entitled to be registered with the committee, he shall be so informed by written notice stating the reason for denial of his application. Any registration of a handler pursuant to this section may be canceled by the committee under circumstances which would have justified denial of his application. Any handler whose registration has been canceled shall be so informed by written notice thereof stating the reason therefor. The committee shall also notify producers of each such cancellation of handler registration through committee bulletins or published notice in local newspapers of general distribution, or both.

**§ 1033.104 Fiscal period.**

The initial fiscal period shall begin on the effective date of this part, February 6, 1961, and end on January 31, 1962. Thereafter, each fiscal period shall begin on February 1 of each year and end on January 31 of the following year, both dates inclusive.

SAFEGUARDS

**§ 1033.120 Policy.**

Whenever shipments of onions for special purposes pursuant to § 1033.53 are relieved in whole or in part from regulations issued under § 1033.52, the committee may require information and evidence on the manner, methods, and timing of such shipments as safeguards against the entry of any such onions in trade channels other than those for which intended. Such information and evidence shall include requirements set forth below with respect to Certificates of Privilege.

**§ 1033.121 Qualification.**

Before handling onions for special purposes which do not meet regulations

issued pursuant to § 1033.52, a handler, when required by such regulations, must qualify with the committee to handle shipments for special purposes. To qualify he must (a) apply for and receive a Certificate of Privilege indicating his intent to so handle onions, (b) agree to comply with reporting and other requirements set forth in §§ 1033.120 to 1033.125, inclusive, with respect to such shipments, and (c) receive approval of the committee, or its duly authorized agents, to so handle onions. Such approval will be based upon evidence furnished in his application for Certificate of Privilege and other information available to the committee.

**§ 1033.122 Application.**

(a) Applications for a Certificate of Privilege shall be made on forms furnished by the committee. Each application may contain, but need not be limited to, the name and address of the handler; the quantity by grade, size, and quality of the onions to be shipped; the mode of transportation; the consignee; the destination; the purpose for which the onions are to be used; and certification to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown thereon, and any other appropriate information or documents deemed necessary by the committee or its duly authorized agents for the purposes stated in § 1033.120.

(b) The committee may require each handler making shipments of onions for export to include with his application a copy of the Department of Commerce Shippers Export Declaration Form No. 7525–V applicable to such shipment.

**§ 1033.123 Approval.**

The committee or its duly authorized agents shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application, based upon the determination as to whether the information contained therein and other information available to the committee supports approval, shall be evidenced by the issuance of a Certificate of Privilege to the applicant. Each certificate shall cover a specified period and specified qualities and quantities of onions to be sold or transported to a designated consignee for the purpose declared.

**§ 1033.124 Reports.**

Each handler of onions shipping under Certificates of Privilege shall supply the committee with reports as requested by the committee, or its duly authorized agents, showing the name and address of the shipper; the car or truck identification; the loading point; destination; consignee; the inspection certificate number when inspection is required; and any other information deemed necessary by the committee.

**§ 1033.125 Disqualification.**

The committee from time to time may conduct surveys of handling of onions for special purposes requiring Certificates of Privilege to determine whether handlers are complying with the requirements and regulations applicable to such certificates. Whenever the committee finds that the handler or consignee is failing to comply with requirements and regulations applicable to handling of onions in special outlets and requiring such certificates, a Certificate or Certificates of Privilege issued such handler may be rescinded and subsequent certificates denied. Such disqualification shall apply to, and not exceed, a reasonable period of time as determined by the committee, but in no event shall it extend beyond the date of the succeeding fiscal period. Any handler who has a Certificate rescinded or denied may appeal to the committee in writing for reconsideration of his disqualification.

Dated: March 3, 1961.

FLOYD F. HEDLUND,
*Acting Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 61–2075; Filed, Mar. 8, 1961; 8:47 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

[ 21 CFR Part 15 ]

## SELF-RISING FLOUR AND ENRICHED SELF-RISING FLOUR

### Identity Standards

Notice is given that Victor Chemical Works, Division of Stauffer Chemical Company, 155 North Wacker Drive, Chicago, Illinois, has filed a petition proposing to amend the definition and standard of identity for self-rising flour (21 CFR 15.50), as hereinafter set forth, to include sodium aluminum phosphate as an additional acid-reacting optional ingredient. The definition and standard of identity for enriched self-rising flour (21 CFR 15.60) is cross-referenced to the standard for self-rising flour. Thus the proposed change in the latter would have the effect of similarly amending the standard for enriched self-rising flour.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are hereby invited to present their views in writing regarding the proposal published in this notice. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

It is proposed that the first sentence of § 15.50(a) be amended to read as follows:

**§ 15.50 Self-rising flour, self-rising white flour, self-rising wheat flour; identity; label statement of optional ingredients.**

(a) Self-rising flour, self-rising white flour, self-rising wheat flour, is an intimate mixture of flour, sodium bicarbonate, and one or more of the acid-reacting substances monocalcium phosphate, sodium acid pyrophosphate, and sodium aluminum phosphate.

Dated: March 2, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–2083; Filed, Mar. 8, 1961; 8:48 a.m.]

# FEDERAL AVIATION AGENCY

[ 14 CFR Part 601 ]

[Airspace Docket No. 60–LA–85]

## CONTROL ZONES, CONTROL AREAS AND TRANSITION AREAS

### Designation of Control Zone and Transition Area; Alteration of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and § 601.1073 of the regulations of the Administrator, the substance of which is stated below.

The Department of the Navy is activating a new naval air station in the vicinity of Lemoore, Calif. They have submitted to the Federal Aviation Agency associated airspace requirements including proposed instrument approach, missed approach, holding and departure procedures and have requested designation of a control zone and control area extension at Lemoore.

The Federal Aviation Agency has reviewed the proposals submitted by the Department of the Navy, and after applying the principles outlined in Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60–21, is considering designating the following control zone and transition area at NAS Lemoore. The proposed transition area would be substituted for the requested control area extension.

*Control zone.* Within a 5-mile radius of NAS Lemoore (latitude 36°20'00" N., longitude 119°57'04" W.), within 2 miles either side of the 356° and 156° True radials of the NAS Lemoore TACAN (latitude 36°20'38" N., longitude 119°-57'56" W.) extending from the 5-mile radius zone to 3 miles north and southeast, and within 2 miles either side of the extended centerline of runway 32R extending from the 5-mile radius zone to 2 miles northwest.

*Transition area.* The area bounded on the north by VOR Federal airway No. 230, on the east by VOR Federal airway No. 23, on the south by VOR Federal airway No. 248 and on the west by VOR Federal airway No. 107. A floor of 1,200 feet above the surface would be established on that portion of the transition area north of latitude 36°00'00" N., and a floor of 6,000 feet MSL would be established on that portion of the area south of latitude 36°00'00" N.

The control zone under consideration would appear to afford adequate protection for aircraft executing jet aircraft instrument approach procedures at the station.

It would appear that the portion of the proposed transition area north of latitude 36°00'00" N., would provide adequate controlled airspace to contain the arrival and low altitude holding procedures at NAS Lemoore and the initial climb phase of the departures. The proposed floor on this portion of the transition area would afford 1,200 feet of uncontrolled airspace in which to conduct operations at the several private airports adjacent to and southeast of the proposed NAS Lemoore control zone. It would appear that the portion of the transition area south of latitude 36°00'00" N., would be adequate to contain the final climb phase of departures prior to entering the continental control area. The proposed floor for this portion of the transition area would provide 6,000 feet of uncontrolled airspace below the transition area.

The Fresno, Calif., control area extension (§ 601.1073) is designated in part within a 35-mile radius of the Fresno Air Terminal bounded on the east by VOR Federal airway No. 23. Concurrently with this action, it is proposed to revoke the portion of this 35-mile radius control area extension bounded on the north by VOR Federal airway No. 230 and on the east by Victor 23. This would eliminate a dual designation of airspace since this portion would overlie the proposed NAS Lemoore transition area. The approach and departure procedures at Fresno-Chandler Airport and Fresno Air Terminal have been examined and it appears that the 1,200-foot floor proposed for the transition area would not adversely affect operations at these airports.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 2, 1961.

J. R. BAILEY,
*Assistant Chief,*
*Airspace Utilization Division.*

[F.R. Doc. 61–2057; Filed, Mar. 8, 1961; 8:45 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[California No. 618]

### CALIFORNIA

### Small Tract Classification Order

FEBRUARY 28, 1961.

1. Pursuant to the authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part 11, Document 4, California State Office, dated November 19, 1954 (19 F.R. 7697), I hereby classify the following described public land, totaling approximately 307.24 acres in Shasta County, California as suitable for title transfer under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 31 N., R. 6 W.,
Sec. 10: Lots 1 through 8 incl.

Containing approximately 307.24 acres of which 95 acres are covered by 22 applications from persons entitled to preference under 43 CFR, 257.5.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to applications under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. All valid applications filed prior to February 28, 1961, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

R. G. SPORLEDER,
*Officer - in - Charge, Northern Field Group, Sacramento 14, California.*

[F.R. Doc. 61-2077; Filed, Mar. 8, 1961; 8:48 a.m.]

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[Classification No. 95]

### NEVADA

### Small Tract Classification; Amendment

1. Effective March 2, 1961 Federal Register Document 53-8583 appearing on pages 6412-14 of the issue for October 8, 1953, is revoked as to the following described public lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 22 S., R. 60 E.,
Sec. 12, SE¼SW¼.

Containing 40 acres.

2. The lands included in this amendment are located approximately 11 miles southwest of Las Vegas, Nevada. The elevation is approximately 2,500 feet above sea level. The climate is dry. The area receives from 5 to 7 inches of rainfall annually. The topography is nearly level with soils varying from sands to gravel.

3. The subject lands have been determined to contain a right-of-way for the Union Pacific Railroad and contains the Arden Station grounds. The disposal of these lands as small tracts would be incompatible with their present use.

E. J. PALMER,
*State Supervisor, Nevada.*

MARCH 2, 1961.

[F.R. Doc. 61-2061; Filed, Mar. 8, 1961; 8:46 a.m.]

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[Classification No. 106]

### NEVADA

### Small Tract Classification; Amendment

1. Effective March 2, 1961 Federal Register Document 55-2285 appearing on pages 1704 through 1706 of the issue for March 11, 1955, is revoked to the following described public lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 23 S., R. 61 E.,
Sec. 19, N½N½N½.

Containing 80 acres.

2. These lands are located in the Las Vegas Valley approximately 15 miles southwest of Las Vegas in Clark County, Nevada. Elevation of these lands approximates 2,500 feet above sea level. Climate is dry. The area receives from 5 to 7 inches of rainfall annually. Soils vary from sands to gravel.

3. The subject lands have been determined to be appropriated under United States mining laws by virtue of valid claims having been located on the lands prior to small tract classification.

E. J. PALMER,
*State Supervisor, Nevada.*

MARCH 2, 1961.

[F.R. Doc. 61-2062; Filed, Mar. 8, 1961; 8:46 a.m.]

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[Utah (I-34)]

### UTAH

### Notice of Proposed Withdrawal and Reservation of Lands

MARCH 2, 1961.

The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, U.S. Department of the Interior, has filed an application, Serial No. 060709, for the withdrawal of the lands described below from all forms of appropriation, including the general mining laws and the mineral leasing laws, subject to valid existing rights. The land is to be under the jurisdiction of that Bureau.

The applicant agency desires the withdrawal of these lands for the establishment of the Jones Hole National Fish Hatchery, which will include such hatchery facilities which are necessary. The land is now withdrawn as a public water reserve, but the establishment of the hatchery will not prevent use of the water by livestock using the adjoining range land. Grazing will be restricted in the construction area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections or comments in writing to the State Supervisor for Utah, Bureau of Land Management, Darling Building, P.O. Box 777, Salt Lake City 10, Utah. If any objections are filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the proposed withdrawal may state their views, and where proponents may explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 3 S., R. 25 E.,
Sec. 1: Lots 2, 3, SW¼NE¼, SE¼NW¼, W½SE¼.

The area described contains approximately 263.23 acres.

VAL B. RICHMAN,
*State Supervisor.*

[F.R. Doc. 61-2063; Filed, Mar. 8, 1961; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### MASSACHUSETTS

### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the State of Massachusetts a 1959 production disaster has resulted in a continuing need for agricultural credit to cranberry growers not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named State after December 31, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 6th day of March 1961.

JOHN DUNCAN, JR.,
*Acting Secretary.*

[F.R. Doc. 61-2076; Filed, Mar. 8, 1961; 8:48 a.m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

### PIETRO MELA

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Pietro Mela, Imperia, Italy; $16,597.43 in the Treasury of the United States.
Vesting Order No. 5559; Claim No. 67017.

Executed at Washington, D.C., on February 28, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Acting Director, Office of Alien Property.*

[F.R. Doc. 61-2078; Filed, Mar. 8, 1961; 8:48 a.m.]

## DEPARTMENT OF THE TREASURY

### Foreign Assets Control

### IMPORTATION OF CANNED MUSHROOMS DIRECTLY FROM TAIWAN (FORMOSA)

### Available Certifications by the Government of the Republic of China

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodity:

Mushrooms, canned.

[SEAL] MARGARET W. SCHWARTZ,
*Acting Director, Foreign Assets Control.*

[F.R. Doc. 61-2082; Filed, Mar. 8, 1961; 8:48 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 27-22]

### U.S. NUCLEAR CORP.

### Notice of Proposed Issuance of Byproduct, Source and Special Nuclear Material License

Please take notice that U.S. Nuclear Corporation, 801 North Lake Street, Burbank, California, has applied for a license to receive, package and store byproduct, source and special nuclear material waste and to transfer said material to AEC designated sites for land burial. Under the requested license U.S. Nuclear Corporation would not possess more than 100 curies of byproduct material, 2,500 pounds of source material and 150 grams of special nuclear material at any one time.

The AEC has reviewed the application and proposes to grant the license, subject to appropriate limitations, unless within fifteen (15) days after filing of this notice with the Federal Register Division, a petition to intervene and a request for a formal hearing is filed with the Commission in the manner prescribed in Title 10, Code of Federal Regulations, Chapter I, Part 2, Rules of Practice.

For further details see (1) the application submitted by the U.S. Nuclear Corporation and amendments thereto and (2) a memorandum prepared by the Division of Licensing and Regulation summarizing the considerations evaluated prior to the proposed issuance of the license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of (2) above may be obtained at the Commission's Public Document Room or by request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., March 2, 1961.

For the Atomic Energy Commission.

H. L. PRICE,
*Director, Licensing and Regulation.*

[F.R. Doc. 61-2052; Filed, Mar. 8, 1961; 8:45 a.m.]

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[Docket No. 50-57]

### UNIVERSITY OF BUFFALO

### Notice of Proposed Issuance of Facility License

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or an intervener as provided by the Commission's rules of practice (Title 10, Chapter 1, Part 2), the Commission proposes to issue to The University of Buffalo, a facility license substantially as set forth below authorizing the possession and operation on the University's campus in Buffalo, New York, of a pool-type nuclear reactor at power levels up to 1 megawatt (thermal). Prior to issuance of the license the reactor will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR-39. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by The University of Buffalo and amendments thereto, and (2) a hazards analysis prepared by the Research and Power Reactor Safety Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 2d day of March 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

PROPOSED FACILITY LICENSE

1. This license applies to the light water-moderated, and -cooled pool-type nuclear reactor (hereinafter referred to as "the facility"), which is owned by The University of Buffalo and located on the University's campus in Buffalo, New York, and described in the University's application for license dated March 7, 1957, and amendments thereto dated March 5, 1958, May 27, 1959, July 21, 1959, July 31, 1959, November 21, 1960, January 19, 1961, and February 1, 1961 (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR-39 issued to The University of Buffalo.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The facility has been constructed in conformity with Construction Permit No. CPRR-39 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the facility can be operated at the designated location without endangering the health and safety of the public;

C. The University of Buffalo is technically and financially qualified to operate the facility, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the facility and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. The University of Buffalo is a nonprofit educational institution and will use the facility for the conduct of educational activities. The University of Buffalo is therefore exempt from the financial protection requirement of subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the University of Buffalo:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the facility as a utilization facility at the designated location in Buffalo, New York, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use up to eleven kilograms of uranium 235 contained in enriched uranium for use in connection with operation of the facility; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material":

1. To use the polonium-beryllium source possessed by the University of Buffalo pursuant to its Byproduct Material License No. 31–5510–4 in connection with the operation of the facility.

2. to possess but not to separate such byproduct material as may be produced by operation of the facility.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. The University of Buffalo shall not operate the facility at power levels in excess of 1 megawatt (thermal) without prior written authorization from the Commission.

B. In addition to those otherwise required under this license and applicable regulations, The University of Buffalo shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of The University of Buffalo as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

C. The University of Buffalo shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

D. As promptly as practicable, but no later than 60 days after the initial criticality of the facility, the licensee shall submit a written report to the Commission describing the measured values of the nuclear parameters listed below and evaluating any significant variation of a measured parameter from the corresponding predicted value:

1. Total Rod worth;

2. Minimum shutdown margin both at room and operating temperature;

3. Maximum worth of the single control rod of highest reactivity value; and

4. Maximum total and individual worth of any fixed or movable experiments inserted in the reactor.

E. The licensee shall promptly submit a written report to the Commission whenever, during operation of the facility subsequent to initial criticality, any of the nuclear characteristics of the facility, including those described in paragraph 4.D. above and the application, is observed to vary substantially from its predicted value.

F. The hydraulically operated valves in the ventilation system shall be exercised periodically and these valves and the activated charcoal filter bed shall be inspected at 3-month intervals or less to assure proper operation and that no deterioration has occurred.

G. The leak rate of the containment structure shall be measured at 12-month intervals or less to assure the specified leak rate is maintained.

H. A report shall be provided to the Commission within 60 days of commencement of full power operation which shall include the following:

1. The measured levels and quantities of gaseous radioactivity released from the stack when full power has been reached and all components (beam tubes, rabbit system, thermal column, etc.) are being vented. The method of measurement and sensitivity shall be included.

2. The measured leak rate of the containment structure and the method of measurement.

5. Pursuant to § 50.60 of the regulations in Title 10, CFR, Chapter I, Part 50, the Commission has allocated, in Construction Permit No. CPRR–39, to the University of Buffalo for use in connection with operation of the facility eleven kilograms of uranium 235 contained in enriched uranium.

6. This license is effective as of the date of issuance and shall expire at midnight September 15, 1979.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 61–2053; Filed, Mar. 8, 1961; 8:45 a.m.]

# FEDERAL RESERVE SYSTEM

## FIRST VIRGINIA CORP.

### Order Approving Application Under Bank Holding Company Act

In the matter of the application of The First Virginia Corporation for prior approval of acquisition of voting shares of Falls Church Bank, Falls Church, Virginia.

There having come before the Board of Governors pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 USC 1842) and section 4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of The First Virginia Corporation, Arlington, Virginia, for the Board's prior approval of the acquisition of 51 percent or more of the voting shares of Falls Church Bank, Falls Church, Virginia; a Notice of Receipt of Application having been published in the FEDERAL REGISTER on November 29, 1960 (25 F.R. 12209), which provided interested persons an opportunity to submit comments and views regarding the proposed acquisition; and the time for filing such comments and views having expired and no such comments or views having been filed;

*It is hereby ordered,* For the reasons set forth in the Board's Statement[1] of this date, that the said application be and hereby is granted, and the acquisition by The First Virginia Corporation of 51 percent or more of the voting shares of Falls Church Bank, Falls Church, Virginia, is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated at Washington, D.C., this 2d day of March 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 61–2058; Filed, Mar. 8, 1961; 8:45 a.m.]

[1] Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Richmond.

# CIVIL AERONAUTICS BOARD

[Docket No. 11801]

## AMERICAN AIRLINES, INC.

### Roanoke Service; Notice of Hearing

Notice is hereby given that pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on March 21, 1961, at 10:00 a.m., e.s.t., in the Roanoke Hotel, Roanoke, Virginia, before Examiner James S. Keith.

Dated at Washington, D.C., March 6, 1961.

[SEAL] JAMES S. KEITH, *Hearing Examiner.*

[F.R. Doc. 61–2086; Filed, Mar. 8, 1961; 8:49 a.m.]

[Docket No. 11914]

## NATIONAL AIRLINES, INC.

### Suspension of Service at Marianna, Fla.; Notice of Hearing

In the matter of the application of National Airlines, Inc., for suspension or abandonment of service at Marianna, Florida:

Notice is given herewith, pursuant to the Federal Aviation Act of 1958, as amended, that public hearing in the above-entitled proceeding is assigned to be held before the undersigned examiner on March 28, 1961, at 10:00 a.m., e.s.t., in the ballroom of the Chipola Hotel, Marianna, Florida.

Dated at Washington, D.C., March 6, 1961.

[SEAL] RICHARD A. WALSH, *Hearing Examiner.*

[F.R. Doc. 61–2087; Filed, Mar. 8, 1961; 8:49 a.m.]

[Docket No. 12193; Order No. E–16474]

## AIR FREIGHT FORWARDER AUTHORITY

### Certain Applications; Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of March 1961.

Applications for operating authorizations as air freight forwarders under Part 296 of the Board's Economic Regulations have been filed by thirteen interstate motor common carriers.[1] Three of the thirteen applicants, viz., Security Storage & Van Company, Inc., Stark Van Lines, Inc., and B. Von Paris & Sons, Inc., also filed applications for operating authorizations as international air freight forwarders pursuant to Part 297 of the Board's Economic Regulations.

All applicants are interstate motor common carriers, and all except Empire Carriers Corp. (Empire)[2] are household goods carriers and, with the exception of Allied Van Lines, Inc. (Allied), are members of the Movers' & Warehousemen's Association of America, Inc., a tariff-publishing agency, and concur in joint rates. All have applied for direct entry into the air freight forwarder field. In the event the requested authorizations are granted, applicants would assume dual roles,[3] in surface transportation as motor common carriers, and in air transportation as indirect air carriers, both operations being performed by one and the same company.

There are also pending before the Board four applications for approval under sections 408 and 409 of the Act of relationships between air freight forwarders (or applicants for such authority), on the one hand, and motor common carriers, on the other.[4] Although the question of direct entry by motor carriers into the air freight forwarding field is not raised by these applications, they involve the same policy problems as are presented by the aforementioned thirteen applications. Therefore, we shall also consider these applications at this time.

By letter dated May 23, 1960, five air freight forwarders requested that the Board institute an investigation "to determine whether as a general principle the grant of such authorization [air freight forwarder authority] would be in the public interest and, if so, whether any terms and conditions are required to

[1] ABCO Moving & Storage Corp., ACE R. B. Van Lines, Inc., Allied Van Lines, Inc., Bader Bros., Inc., Chicago Avenue Transfer, Inc., Empire Carriers Corp., Engle Brothers, Inc., Pyramid Van Lines, Inc., Security Storage & Van Company, Inc., Stark Van Lines, Inc., Henry H. Stevens, Inc., Trans-American Van Lines, Inc., and B. Von Paris & Sons, Inc.

[2] Empire is a motor carrier of general commodities and household goods between New York City and points within a 25-mile radius of New York City.

[3] Pyramid Van Lines, Inc., and Security Storage & Van Company, Inc., apparently also operate as indirect common carriers by ocean vessel. These carriers, along with seventeen other members of the Movers' & Warehousemen's Association of America, Inc., the association itself, its Executive Secretary as agent, nineteen other motor carriers, and sixteen surface freight forwarders, express companies and steamship companies are respondents in an investigation instituted by the Federal Maritime Board on March 11, 1957, Common Carriers by Water—Status of Express Companies, Truck Lines and Other Non-vessel Carriers, Docket 815, to determine the classification and status of these carriers under the Shipping Act of 1916 and the Intercoastal Shipping Act of 1933.

[4] Bekins Airvan Co., Docket 11932; Exclusive Container Service, Inc., Docket 11783; Empire Foreign Air Forwarders, Docket 10198; and Smyth Van & Storage Co. of California, Inc., Docket 11121.



be attached to the authorization in order to insure the protection of such interest." In support of their request, the five forwarders allege that the applicants are not interested in developing the air freight market, but intend to enter the field only after existing air freight forwarders have developed the industry. Moreover, according to these forwarders, applicants will not actively use their authority, if it is granted, but rather participate in air freight forwarding as an adjunct to their principal activity, interstate trucking. And finally, the five air freight forwarders contend that if applicants are granted the requested authority, opportunities would arise for deceptive treatment of shippers.

We have analyzed the various applications and, on the basis of our statutory responsibility to promote air transportation and to protect the public interest, have tentatively concluded, that with the exception of Empire's application, all others should be disapproved.[5] In essence, the instant applications present problems heretofore not considered by us; namely, whether motor carriers possessing extensive ICC operating authority should be authorized to engage in air transportation as air freight forwarders and whether control relationships between motor carriers holding extensive interstate operating rights and air freight forwarders should be approved.

In the formative stages of the air freight forwarding industry, we followed a general policy of free entry, thus allowing for experimentation in a new field of economic endeavor. Our objective was to provide the shipping public with a useful service and to generate additional freight for direct air carriers. In awarding forwarder authority, we took into account such factors as (1) the applicant's potential to promote air freight, and (2) the relatively insignificant conflicts of interest presented by the applications.[6]

We now have had the benefit of twelve years experience in this area and are of the opinion that air freight forwarding is best promoted by enterprises whose prime economic activity is that of freight forwarding. Statistical information filed with us by air freight forwarders amply supports this conclusion. As of January 1961, a total of 74 companies were holding effective air freight forwarder authority. Of these, only two, Gilbert Air Transport Corporation (Gilbert) and Air Dispatch, Inc. (Air Dispatch) are affiliated with direct motor carriers (other than local pick-up and delivery, intrastate and short distance radial operators), and two other forwarders are affiliated with railroads. Reports filed by air freight forwarders indicate that the two railroad affiliated forwarders have operated no significant air freight forwarding service. Gilbert's activity has been relatively limited, receiving revenues of $20,000 during the first half of 1960, and ranking 24th out of 27 forwarders reporting interstate gross revenues during this period. Although Air Dispatch ranked fourth among forwarders for this period, it may be significant that its connection with motor carriage is much more attenuated than any of the applicants now before us.

Such results are not surprising, for it is an economic truism that a company will promote those products or services which yield the largest profit. This propensity is heightened when a substantial capital investment is made in one segment of operations as compared to a relatively insignificant investment in other operations.

The several applicants possess extensive geographical authority for motor carriage from the ICC. In all likelihood, they have made significant investments in their trucking operations. It is reasonable to assume that this is their primary business concern. Clearly, applicants, as business men motivated by the desire for profit, will, under many circumstances, have the incentive and opportunity to divert a shipment to surface carriage. We do not mean to imply that all these applicants will frequently and indiscriminately violate their duty to a shipper by not complying with instructions to forward by air. However, applicants will be placed in an ambivalent position pregnant with conflicts of interest. With such a division of incentive, we think that the applicants as a class will not make such a significant contribution to the development of air freight as to warrant their entry into the field.

Closely allied to, but yet distinct from the promotional questions posed by the instant applications are compliance problems inherent in the contemplated operations. For example, where an air shipment could be carried by truck, incentives would exist on the part of a motor carrier—air freight forwarder to substitute otherwise unutilized truck capacity. And since air freight forwarders may substitute surface carriage for air carriage in an emergency, it would be virtually impossible to police situations where the trucker ostensibly concluded that an emergency existed, but where the real incentive was to utilize empty space on its trucks.

The foregoing discussion is equally applicable to those applicants seeking international freight forwarder authority. International air forwarders may also participate in arrangements for air transportation across the United States in relation to a foreign journey. Thus, the domestic portion of the international movement could well be duplicative of the domestic surface carriage rights held by the motor carrier—air freight forwarder. Therefore, the same kind of promotional and conflict of interest problems are presented by these applications as those seeking domestic air freight forwarder authorization.

We have also tentatively concluded that the problems heretofore discussed

[5] Empire's application will be approved subject to the condition that if it acquires more extensive ICC authority than it presently holds, its Air Freight Forwarding authorization will be terminated.

[6] However, we denied air freight forwarder authority to the general cargo agent for an air carrier because it might channel traffic to and from its principal to the possible prejudice of shippers and other air carriers. Order E–13045, October 2, 1958.

exist with respect to those applications seeking sections 408 and 409 approval of control and interlocking relationships between air freight forwarders and long distance motor carriers. Finally, with respect to Empire, in view of its limited ICC authority, the aforementioned problems are not presented by its application. However, to prevent the creation of a situation under which the problems heretofore discussed may flourish, we will condition our approval of Empire's application by providing for the termination of its air freight forwarder authority in the event it receives more expansive ICC operating rights than it presently holds.

*Accordingly, it is ordered:*

1. That the following applicants: ABCO Moving & Storage Corp., ACE R. B. Van Lines, Inc., Allied Van Lines, Inc., Bader Bros., Inc., Chicago Avenue Transfer, Inc., Engle Brothers, Inc., Pyramid Van Lines, Inc., Security Storage & Van Company, Inc., Stark Van Lines, Inc., Henry H. Stevens, Inc., Trans-American Van Lines, Inc., B. Von Paris & Sons, Inc., and all other interested persons, be and they hereby are directed to show cause, within 30 days of the date of this order, why the Board should not deny their applications for air freight forwarder authority;

2. That Empire Carriers Corp., and all other interested persons, be and they hereby are directed to show cause, within 30 days of the date of this order, why the Board should not grant its application for air freight forwarder authority on condition that in the event it receives more extensive ICC authority than it presently holds, its air freight forwarder authority will be forthwith terminated;

3. That the following applicants, Bekins Van & Storage Co., Bekins Airvan Company, Milo W. Bekins, Sr., H. B. Holt, D. P. Bryant, W. R. Anderson, Lucien W. Shaw, G. M. Robinson, Jackson W. Kendall, John Schmidt, Milo W. Bekins, Jr., Exclusive Container Service, Inc., A. E. Dean, Howard B. Turrentine, J. O. Wain, Dean Van & Storage, Inc., Dean Van Lines, Inc., Smyth Van & Storage Co. of California, Inc., a Washington Corporation, Smyth World Wide Movers, Inc., Gerald W. Smyth, Warren W. Schumacker, Robert C. Hudak, Ray L. Johnson, David J. Dietsch, Gene Hubbard, William L. Sneltjes and Ruth Morrell, and all other interested persons, be and they hereby are directed to show cause, within 30 days of the date of this order, why the Board should not dismiss their applications for approval of certain control and interlocking relationships.

4. That all comments filed in response to this order shall conform to the general requirements of the Board's rules of practice in Economic Proceedings, and shall indicate the basis for the comments, together with a summary of the evidence, if any, which would be introduced at an evidentiary hearing, if the Board in its discretion is of the opinion that an evidentiary hearing is required by any controverted issues of fact; and

5. That the following applicants, Empire Foreign Air Freight Forwarders, Inc., Empire Household Shipping Company of New York, Empire Van Lines, Inc., Alan D. Gould, Lola R. Gould, and Charles H. Hoefer and all other interested persons, be and they hereby are directed to show cause, within 30 days of the date of this order, why the Board should not deny their application for approval of certain control and interlocking relationships. Upon receipt of comments the application will be set for hearing, if the applicants desire to prosecute further their applications;

6. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61-2088; Filed, Mar. 8, 1961; 8:49 a.m.]

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[Docket No. 12189; Order No. E-16469]

## TRANS INTERNATIONAL AIRLINES, INC.

### Tariff Proposal for Passenger Transportation Between Honolulu and California; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3d day of March, 1961.

By tariff filed to become effective March 4, 1961,[1] Trans International Airlines, Inc. proposes to establish rates upon presentation of a Department of Defense form Government Transportation Request for transportation of persons and baggage between Burbank, Los Angeles, and San Francisco on the one hand and Honolulu on the other. The proposed one-way rates between Burbank and Honolulu and between Honolulu and Los Angeles would be $74.18 and the proposed one-way rate between Honolulu and San Franciso would be $69.60. The proposed round-trip rates would be twice the one-way rate in each instance; one-way excess baggage rates of 35 cents per pound would be established for the Honolulu-San Francisco transportation and 40 cents per pound would be established between the other points mentioned. The rules and regulations would make this tariff applicable to the so-called "Category A" type of traffic for the Military Air Transport Service. No complaints have been filed against this tariff proposal.

Upon consideration of this tariff proposal the Board finds that the rates and charges to be demanded, charged, collected, or received pursuant thereto and the rules, regulations, or practices affecting such rates or charges may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and the tariff proposal should be investigated. It furthermore appears that the tariff proposal would establish rates for the transportation of passengers and baggage which are markedly below the rates for such transportation generally prevailing in interstate air transportation; and pending hearing in the investigation here instituted and the decision thereon, the Board will suspend the operation of such tariff and defer the use of the fares and charges herein, and of the rules, regulations, or practices affecting such fares or charges, for a period of 90 days.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly section 204(a) and 1002 thereof,

*It is ordered:*

1. That an investigation is instituted to determine whether the fares and charges, and the rules, regulations, or practices affecting such fares and charges, in John J. Klak, Agent, Local Military Passenger Tariff No. 2, C.A.B. No. 59, are, or will be, unjust or unreasonable, unjustly discriminatory, or unduly preferential, or unduly prejudicial, and, if found to be unlawful, to determine and prescribe the lawful fares and charges or the lawful rules, regulations, or practices thereafter to be made effective.

2. That pending hearing and decision in the investigation here instituted, the fares and charges and the rules, regulations, or practices affecting such fares or charges in Agent John J. Klak's C.A.B. No. 59 are suspended and their use deferred to and including June 1, 1961, unless otherwise ordered by the Board and no changes shall be made therein during the period of suspension except by order or special permission of the Board.

3. That this investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. That copies of this order shall be filed with the aforesaid tariff and copies shall be served upon Trans International Airlines, Inc., which is made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61-2089; Filed, Mar. 8, 1961; 8:49 a.m.]

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# SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-1246]

## BAL-TEX OIL CO., INC.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 3, 1961.

I. Bal-Tex Oil Company, Inc., a Colorado corporation with its principal office at 1150 First National Bank Building, Denver 2, Colorado, filed with the Commission on December 22, 1960, a notification on Form 1-A and an offering circular, relating to an offering of 300,000 shares of its $1.00 par value Class A common stock at $1.00 per share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reason to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer has failed to disclose that Equity General Investment Corporation, the underwriter, and Modern Furniture, Inc., a Colorado corporation, are affiliates of the issuer, together with the nature of such affiliation, as required by Item 2(b) of Form 1-A.

2. The issuer has failed to disclose required information concerning additional offerings of securities by the issuer's affiliate, Modern Furniture, Inc., as specified in Item 10 of Form 1-A.

3. The amount of the proposed offering, when computed in accordance with the requirements of Rules 253 and 254, exceeds the $300,000 ceiling under Regulation A.

4. The issuer has failed to provide appropriate and accurate response to Item 6(b) of Form 1-A.

5. Regulation A is not available to the issuer in that an affiliated issuer is subject to a temporary suspension order pursuant to Rule 261.

6. Regulation A is not available to the issuer in that the underwriter was named as underwriter in the filing of an affiliated issuer which has been suspended pursuant to Rule 261.

7. The issuer has failed to comply with Rule 253 (a) and (c) in that satisfactory effective escrow arrangements have not been made with respect to shares specified in Rule 253(c), and copies of such effective escrow agreements have not been supplied as an exhibit to the notification on Form 1-A, as required by Item 11(h).

8. No consent and certification by the underwriter has been furnished as an exhibit to the notification, pursuant to the requirements of Item 11(c) of Form 1-A.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the relationship of affiliation existing between the issuer and the underwriter and between the issuer and the attorney for the issuer and underwriter;

2. The failure to itemize properly the purposes for which the net cash proceeds to the issuer from the sale of the securities are to be used and the amount to be used for each such purpose, indicating the order of priority of use, as required by Item 6(a) of Schedule I;

3. The failure to include in the offering circular pertinent information showing the results of the development work to date on or near the company's property, as required by Item 8B(b) of Schedule I;

4. The failure to include appropriate financial statements of the issuer in the offering circular, in compliance with the requirements of Item 11 of Schedule I.

C. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing, within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-2067; Filed, Mar. 8, 1961; 8:47 a.m.]

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[File No. 812-1352]

## FEDERAL STREET FUND, INC.

### Notice of Filing of Application

MARCH 2, 1961.

Notice is hereby given that Federal Street Fund, Inc., a Massachusetts corporation and a management open-end investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application, with amendments, pursuant to sections 6(c) and 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed transactions hereinafter described.

Applicant, a newly formed company has filed a registration statement under the Securities Act of 1933, under which it has offered to interested persons referred to as "Depositors" an opportunity to participate in a simultaneous tax-free exchange of securities owned by them having a market value of not less than $50,000 for shares of Applicant. During the period prior to the exchange, deposits will be held by a bank for the individual accounts of the Depositors. Solicitations terminated on February 17, 1961, and Applicant is sending a special report to the Depositors, dated February 28, 1961, listing securities deposited, stating their current market values and estimated Federal tax bases. The report discloses that securities with a tax basis of $13,221,849 and a market value, as of February 23, 1961, of $168,530,689, were deposited by 691 Depositors. The Depositors may withdraw any or all of their deposited securities at any time prior to the close of business on March 21, 1961. Applicant may reject securities for deposit or on deposit at any time prior to, and for a period of up to 10 days after the period during which the Depositor may withdraw. After the expiration of the time for withdrawal of assets by the Depositor, and unless the market value of the remaining deposited securities falls below $20,000,000, the exchange of shares of the Fund for the securities remaining on deposit will be consummated on such date during the 10-day period following termination of the Depositor's right to withdraw as the Applicant may determine, without further action by the Depositors. It is anticipated by Applicant that the exchange of deposited securities for shares of the Applicant will take place as of a date between March 24 and March 31, 1961.

All Depositors are required to represent in writing that at the time of the receipt of the shares of Applicant they will be acquiring such shares without any intention of distributing them in a public offering. The deposited securities will be valued at current market value as of the close of business on the last business day prior to the exchange, and shares of the Applicant will be issued to each Depositor on the basis of the per share net asset value of Applicant's shares, after deducting from the value of the deposited securities a sales charge varying from 4 percent to 1.125 percent depending on the value thereof.

Since the exchange will be tax-free to the Depositors, Applicant will have the same tax basis as the Depositors had for the securities acquired from them. Applicant has undertaken, as a condition to the requested exemptive order, not to make subsequent public offerings of its shares without the approval of the Commission except through plans for reinvestment of income and capital gain dividends by its shareholders.

Section 17(a) of the Act, with certain exceptions not here relevant, prohibits the sale of securities or other property to a registered investment company by promoters or affiliated persons of such company, or by affiliated persons of such promoters or affiliated persons. Section 2(a)(3) of the Act, among other things, states that an affiliated person of another person means any officer or director of such other person and any person directly or indirectly controlling, controlled by, or under common control with, such other person. Section 2(a)(9) of the Act defines control in part as "the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company."

Applicant intends to accept for inclusion in its portfolio, subject to the granting by the Commission of the order requested, certain securities deposited by two of its directors in their own behalf and by a trust, one of the three trustees of which is a director of Applicant. The names of such Depositors and the amounts, issuers, Federal tax bases and market values of their deposited securities are as follows:

[1] John J. Klak, Agent, Local Military Passenger Tariff No. 2, C.A.B. No. 59.

| Name of director | Number of shares of common stock | Issuer | Federal tax basis (per share) | Market value (per share) |
|---|---|---|---|---|
| Henry Ford II | 8,000 | Ford Motor Co. | $6.4285 | $72.50 |
| Paul C. Cabot | 225 | Superior Oil Co. | 403.13 | 1,285.00 |
| Trust—Richard Saltonstall, Trustee | 2,500 | Niagara-Mohawk Power Corp. | 0.00 | 43.875 |

One other deposit of the common stock of Ford Motor Company has been received consisting of 6,600 shares of said stock with a Federal tax basis as furnished by the depositor of $21.00 per share. Applicant intends to accept said deposit. No other deposits of the common stock of Superior Oil Company or Niagara-Mohawk Power Corp. have been received.

The aforesaid trust, of which Mr. Saltonstall is one of three trustees, was established by Mr. Saltonstall for his wife and children, and he has no beneficial interest thereunder. The trust provides in part that all the powers and duties of the three trustees shall be exercised by their unanimous consent except, as is not here the case, when a trustee delegates such powers and duties to a co-trustee or is rendered incapable of performing his duties.

Messrs. Cabot and Saltonstall, as partners of State Street Research & Management Company, investment adviser of Applicant and holder of all of Applicant's presently outstanding stock, may be deemed to be "promoters" of Applicant.

The proposed transactions described above involving the two directors of Applicant who have deposited securities in their own behalf (one of which, Mr. Cabot, may be deemed a promoter of Applicant as aforesaid) would be prohibited by said section 17(a) unless the Commission issues an order exempting such transactions from the provisions thereof. With respect to the proposed transaction involving the trust as described above, Applicant takes the position that such trust is not directly or indirectly controlled by Mr. Saltonstall and that the transaction with the trust would not be prohibited by said section 17(a) because the trust is (i) not an affiliated person of Applicant and (ii) not an affiliated person of Mr. Saltonstall under the definition of "affiliated person" as set forth above. Applicant is, therefore, of the opinion that as to the trust no order exempting the proposed transaction from said section 17(a) is necessary, but, in the event that the view of the Commission is contrary, requests the Commission to issue such order.

Under section 17(b) of the Act, the Commission shall grant an exemption from the prohibitions of section 17(a) if it finds that the terms of the proposed transactions are reasonable and fair and do not involve overreaching on the part of any person concerned; that the proposed transactions are consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Act, and with the general purposes of the Act. Section 6(c) of the Act authorizes the Commission, by order upon application, to exempt, conditionally or unconditionally, any transaction or any class of transactions from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of its application, Applicant states that the proposed transactions between Applicant and the aforementioned persons will be treated on the same basis as the transactions between Applicant and any other Depositor whose securities are accepted by Applicant; that the securities proposed to be accepted in said transactions conform to Applicant's investment objective and policies and that in no case has Applicant rejected, nor does it intend to reject, securities of the same issuers as those described above which were deposited by other than such persons.

Notice is further given that any interested person may, not later than March 21, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2068; Filed, Mar. 8, 1961; 8:47 a.m.]

[File Nos. 7–2136—7–2140]

## ARMOUR AND CO. (DELAWARE)

### Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 2, 1961.

The below named national securities exchanges have filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the Common Stock of Armour and Company (Delaware), which is listed and registered on several other national securities exchanges:

| | |
|---|---|
| Detroit Stock Exchange | File 7–2136 |
| Philadelphia-Baltimore Stock Exchange | File 7–2137 |
| Boston Stock Exchange | File 7–2138 |
| Cincinnati Stock Exchange | File 7–2139 |
| Pittsburgh Stock Exchange | File 7–2140 |

Upon receipt of a request, on or before March 17, 1961, from any interested person, the Commission will determine whether any of the applications shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2069; Filed, Mar. 8, 1961; 8:47 a.m.]

[File Nos. 7–2141, 7–2142]

## I–T–E CIRCUIT BREAKER CO. AND STANDARD PRESSED STEEL CO.

### Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 2, 1961.

In the matter of applications of the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

| | |
|---|---|
| I-T-E Circuit Breaker Co. | File 7–2141 |
| Standard Pressed Steel Co. | File 7–2142 |

Upon receipt of a request, on or before March 17, 1961, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2070; Filed, Mar. 8, 1961; 8:47 a.m.]



[File No. 1–3265]

## GIBCO, INC.

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

MARCH 2, 1961.

The Midwest Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: The number of shares in the hands of the public has been reduced to 9,234 shares held by 48 shareholders which is inadequate for the maintenance of a reasonable Exchange market.

Upon receipt of a request, on or before March 17, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2071; Filed, Mar. 8, 1961; 8:47 a.m.]

[File No. 1–3907]

## OLD REPUBLIC INSURANCE CO.

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

MARCH 2, 1961.

The Pittsburgh Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–1(b) promulgated thereunder to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: The stock is inactive on the Exchange.

Upon receipt of a request, on or before March 17, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2072; Filed, Mar. 8, 1961; 8:47 a.m.]

[File No. 24D–1547]

## RED LANE CALCAREOUS SINTER CO., INC.

### Order Vacating Order of Suspension

MARCH 3, 1961.

Red Lane Calcareous Sinter Co., Inc., a Wyoming corporation, Thermopolis, Wyoming, filed with the Commission on January 3, 1955, a notification and statement, pursuant to Rule 219(b), and filed amendments thereto, relating to an offering of 150,000 shares of its 10-cent par value common stock at 10 cents per share for an aggregate of $15,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

The Commission on April 14, 1959, ordered, pursuant to Rule 223(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the conditional exemption under Regulation A sought for the offering be temporarily suspended on the grounds that the terms and conditions of Regulation A had not been complied with in that a Form 2–A report of sales as required by Rule 224 had not been filed.

Subsequent to the Commission's action temporarily suspending the exemption, a Form 2–A report has been filed which complies with the requirements of Rule 224.

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors,

*It is ordered,* Pursuant to Rule 223(b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be, and hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2073; Filed, Mar. 8, 1961; 8:47 a.m.]

[File No. 24D–2330]

## SPIRIT MOUNTAIN CAVERNS, INC.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 2, 1961.

I. Spirit Mountain Caverns, Inc. (issuer), a Delaware corporation, P.O. Box 6, Cody, Wyoming, filed with the Commission on September 16, 1958 a notification on Form 1–A and an offering circular relating to an offering of 225,000 of its $1 par value 8 percent Non-Cumulative Non-Voting Participating Class A Preference Stock at $1 per share for an aggregate amount of $225,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The offer and sale of securities have been made by an underwriter not named in the offering circular as required by Item 5 of Schedule I.

2. The issuer has continued the offer and sale of securities after nine months following commencement of the offer without revising the offering circular as required by Rule 256(e).

B. The offering circular used in certain sales of the issuer's securities contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose changes in the method by which the securities were to be offered;

2. The failure to disclose the name and address of the underwriter;

3. The failure to provide financial statements prepared in accordance with generally accepted accounting practices in the revised offering circular.

C. The offering has been and would be made in violation of Section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent without prejudice, however, to the consideration and presentation of additional matters at the hearings; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-2074; Filed, Mar. 8, 1961; 8:47 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. E-6982]

## DUKE POWER CO.

### Notice of Application

MARCH 6, 1961.

Take notice that on February 24, 1961, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Duke Power Company ("Applicant") a corporation organized under the laws of the State of New Jersey and doing business in the States of North Carolina and South Carolina, with its principal business office at Charlotte, North Carolina, seeking an order authorizing the issuance of 368,000 (maximum) shares of Common Stock without par value. The aforesaid 368,000 shares of additional Common Stock without par value will be offered for subscription pro rata to the holders of shares of the outstanding Common Stock of Applicant pursuant to their pre-emptive right to subscribe to such additional shares and pursuant to the following Right to Subscribe and Additional Subscription Privilege:

Each Common Stockholder will have the Right to Subscribe for additional shares of Common Stock at the ratio of one share for each thirty shares of Common Stock held of record as of the close of business on a record date to be fixed by the Board of Directors and at a Subscription Price to be fixed by the Board of Directors at a later date in the light of then existing market conditions.

Each Common Stockholder will be accorded an Additional Subscription Privilege pursuant to which he may subscribe for any number of such of the additional shares of Common Stock offered to Stockholders as are not subscribed for through exercise of the Right to Subscribe specified hereinabove, subject to allotment as hereinafter set forth. Such Additional Subscription Privilege may not be exercised unless the Right to Subscribe is also exercised. If the shares available after acceptance of all subscriptions under the Right to Subscribe are not sufficient to satisfy all subscriptions pursuant to the Additional Subscription Privilege, the available shares will be allotted to the extent practicable pro rata among those who exercised the Additional Subscription Privilege proportionately to the Rights to Subscribe which they have exercised (not to the number of shares requested). In the event that after allotment on such basis, there shall remain unallotted shares, successive allotments on the same basis will be made until none of such shares remains unallotted.

Such Right to Subscribe and such Additional Subscription Privilege will be evidenced by transferable warrants to be issued to Stockholders entitled thereto and may be exercised by such Stockholders or sold by them. It is anticipated that the final date for exercise of such warrants and of the Right to Subscribe and Additional Subscription Privilege evidenced thereby will be at least 15 days following the mailing of such warrants to the Stockholders.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 24th day of March 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61-2085; Filed, Mar. 8, 1961; 8:49 a.m.]

# TARIFF COMMISSION

[22—24]

## CERTAIN COTTON PRODUCTS

### Limitation of Scope of Investigation

The Tariff Commission has received a number of inquiries as to whether the investigation under section 22(a) of the Agricultural Adjustment Act, as amended, concerning "cotton products produced in any stage preceding the spinning into yarn" (26 F.R. 859) includes imports of cotton wastes.

This will serve to notify interested parties that imports of cotton wastes are not within the scope of the investigation.

Issued: March 6, 1961.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-2079; Filed, Mar. 8, 1961; 8:48 a.m.]

[AA1921—19]

## CERTAIN PORTLAND CEMENT FROM BELGIUM

### Notice of Investigation

Having received advice from the Treasury Department on March 3, 1961 that portland cement, other than white, nonstaining portland cement, from Belgium, except as to importations from the firm of Cimenteries et Briqueteries Reunies, is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may, within 15 days after the date of publication of this notice in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request.

Any interested party may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. Fifteen clear copies of such statement should be submitted. Information which an interested party desires to submit in confidence should be submitted on separate pages each clearly marked "Submitted in Confidence." Written statements must be filed not later than April 6, 1961.

Issued: March 6, 1961.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-2080; Filed, Mar. 8, 1961; 8:48 a.m.]

[7-105]

## CREEPING RED FESCUE SEED

### Notice of Investigation and Date of Hearing

Having found in the course of investigation No. 3-9—Supplemental under section 3 of the Trade Agreements Extension Act of 1951, as amended (25 F.R. 11122), that an increase in duty or additional import restrictions on the article described below are required to avoid serious injury to the domestic industry producing the like article, the United States Tariff Commission, in accordance with section 3(b)(1) of the said Act, instituted an investigation on the 3d day of March 1961, pursuant to section 7 of the said Act, for the purpose of determining whether such article is, as a result, in whole or in part, of the customs treatment reflecting the concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing the like product.

*Imported articles covered by the investigation.* The imported article covered by this investigation is creeping red fescue seed, provided for in paragraph 763 of the Tariff Act of 1930.

*Public hearing ordered.* A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t., on June 27, 1961, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

Issued: March 6, 1961.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-2081; Filed, Mar. 8, 1961; 8:48 a.m.]



# INTERSTATE COMMERCE COMMISSION

[Notice 154]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 3, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 222 (Sub No. 2) (Deviation No. 1), NEW YORK CONSOLIDATED FREIGHTWAYS CORPORATION, 715 South 25th Avenue, Bellwood, Ill., filed February 17, 1961. Attorney J. G. Dail, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) Between the Indiana-Illinois State Line and the Indiana-Ohio State Line, over the Indiana Toll Road; (B) between the Ohio-Indiana State Line and the Ohio-Pennsylvania State Line, over the Ohio Turnpike; (C) between the Pennsylvania-Ohio State Line and the junction of the Pennsylvania Turnpike and U.S. Highway 30 at or near Irwin, Pennsylvania, over the Pennsylvania Turnpike; (D) between the junction of the Pennsylvania Turnpike and U.S. Highway 11 at or near Middlesex, Pa., and the junction of the Pennsylvania Turnpike and the New Jersey Turnpike, over the Pennsylvania Turnpike; (E) between Scranton, Pennsylvania, and the junction of the Pennsylvania Turnpike and the Pennsylvania Turnpike Northeast Extension, over the Pennsylvania Turnpike Northeast Extension; (F) between the junction of the New Jersey Turnpike and the Pennsylvania Turnpike and the northern terminus of the New Jersey Turnpike, over the New Jersey Turnpike; (G) between the junction of the Garden State Parkway and the New Jersey Turnpike and the junction of the Garden State Parkway and the New York Thruway, over the Garden State Parkway; (H) between the New York-Pennsylvania State Line, on the one hand, and Yonkers, New York, and the New York-Massachusetts State Line, on the other, over the New York Thruway; (I) between the Connecticut-New York State Line and the Connecticut-Rhode Island State Line, over the Connecticut Turnpike; (J) between the Massachusetts-New York State Line and Boston, Massachusetts, over the Massachusetts Turnpike, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is authorized to transport the same commodities over the following pertinent service routes: From Boston over Massachusetts Highway 9 to Worcester, Mass., thence over Massachusetts Highway 12 to junction U.S. Highway 20, thence over U.S. Highway 20 to Albany, N.Y., thence over New York Highway 5 to Herkimer, N.Y., thence over New York Highway 28 to Mohawk, N.Y., thence over New York Highway 5–S to Utica, N.Y., thence over New York Highway 5 via Syracuse, to junction New York Highway 173, thence over New York Highway 173 to Jordan, N.Y., thence over New York Highway 31 to junction New York Highway 47, thence over New York Highway 47 to junction New York Highway 33–A, thence over New York Highway 33–A to junction New York Highway 33, thence over New York Highway 33 to Buffalo, N.Y., thence over New York Highway 5 to Silver Creek, N.Y., thence over U.S. Highway 20 to Willoughby, Ohio, thence over Lakeland Boulevard and St. Clair Avenue to junction Ohio Highway 254, thence over Ohio Highway 254 to junction Ohio Highway 57, thence over Ohio Highway 57 to Lorain, Ohio, thence over Ohio Highway 2 to Bryan, Ohio, thence over U.S. Highway 6 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago; from Boston, over U.S. Highway 20 to Springfield; from Albany over U.S. Highway 20 to junction New York Highway 130, thence over New York Highway 130 to Buffalo, and New York Highway 5 from Canawaugus to Batavia; from New York over U.S. Highway 9 to Glens Falls; from New York via Holland Tunnel or ferry to Jersey City, N.J., thence over U.S. Highway 9 to junction U.S. Highway 9–W, thence over U.S. Highway 9–W, to Albany, N.Y., thence over New York Highway 32 to Troy, N.J., thence over U.S. Highway 4 to junction New York Highway 32–B, thence over New York Highway 32–B to Glens Falls; from Boston over Massachusetts Highway 138 to Fall River, Mass., thence over U.S. Highway 6 to Peekskill (also from junction U.S. Highway 6 and Alternate U.S. Highway 6, near Hop River, Conn., over Alternate U.S. Highway 6 to junction with U.S. Highway 6 near Woodbury, Conn., and from Taunton, Mass., over U.S. Highway 44 to Providence, R.I.); from Oswego over New York Highway 57 to Syracuse, N.Y.; thence over U.S. Highway 11 to Binghamton, N.Y., thence over New York Highway 17 to Monticello, N.Y., thence over New York Highway 42 to the New York-New Jersey State Line, thence over New Jersey Highway 23 to Jersey City, N.J., thence via Holland Tunnel or ferry to New York; from New Castle over U.S. Highway 422 to Cleveland; from Canton over Ohio Highway 8 to Cleveland; from Boston over U.S. Highway 1 to New York, N.Y. (also from Boston over Massachusetts Highway 1–A to junction U.S. Highway 1 near North Attleboro, Mass.), thence via bridge, ferry or tunnel and U.S. Highway 1 to Newark, N.J., thence over U.S. Highway 22 to Cincinnati, and thence over U.S. Highway 50 to St. Louis; from Jersey City over U.S. Highway 1 to Philadelphia; from Philadelphia over U.S. Highway 30 to Mansfield, Ohio, thence over U.S. Highway 30–N to Delphos, Ohio, thence over U.S. Highway 30 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago (also between Mansfield and Delphos, over U.S. Highway 30–S); from Baltimore over U.S. Highway 111 to Harrisburg, Pa., thence over U.S. Highway 11 to Binghamton; from Youngstown over Ohio Highway 18 to Norwalk, Ohio, thence over U.S. Highway 20 to Chicago; from New Castle over U.S. Highway 422 to Kittanning; from Cleveland over U.S. Highway 20 to Norwalk; from Chicago over U.S. Highway 41 to junction U.S. Highway 6, thence over U.S. Highway 6 to Bryan, Ohio, thence over U.S. Highway 127 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Business Route, U.S. Highway 20, thence over Business Route U.S. Highway 20 to junction Ohio Highway 2, thence over Ohio Highway 2 to junction U.S. Highway 6, and thence over U.S. Highway 6 to Cleveland, Ohio: from Chicago to Bryan, Ohio, as specified above, thence over U.S. Highway 6 to Cleveland; from Toledo over U.S Highway 25 to Detroit, and return over the same routes.

No. MC 2990 (Deviation No. 3), BLUE ARROW TRANSPORT LINES INC., 525 Burton Street SW., Grand Rapids 3, Mich., filed February 17, 1961. Attorneys Axlerod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier*,

by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 20 and Interstate Highway 94 near Michigan City, over Interstate Highway 94 to Jackson, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Bay City, Mich., over U.S. Highway 227 via Saginaw, Mich., to Flint, Mich., thence over Michigan Highway 21 via Owasso and Grand Rapids, Mich., to Holland, Mich., thence over U.S. Highway 31 to Benton Harbor, Mich., thence over U.S. Highway 12 via Michigan City, Ind., to Chicago, Ill; from Bay City over the above specified route to Benton Harbor, thence over U.S. Highway 12 to junction Indiana Highway 212, thence over Indiana Highway 212 to junction U.S. Highway 220, thence over U.S. Highway 220 to Chicago; from New Buffalo, Mich., over U.S. Highway 112 to junction U.S. Highway 127, thence over U.S. Highway 127 to Jackson, and return over the same routes.

No. MC 3261 (Deviation No. 2), KRAMER BROS. FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich., filed February 16, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over U.S. Highway 75 to junction U.S. Highway 24 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Saginaw, Mich., over U.S. Highway 10 to Detroit, Mich., thence over U.S. Highway 25 to junction U.S. Highway 24, thence over U.S. Highway 25 to Toledo, also from junction U.S. Highways 24 and 25 over U.S. Highway 24 to Toledo and return over the same route.

No. MC 107500 (Deviation No. 7), BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill., filed February 15, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 29 to St. Joseph, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City over U.S. Highway 71 to Junction City U.S. Highway 71, thence over City U.S. Highday 71 to St. Joseph, Mo., and thence over U.S. Highway 36 to Jacksonville, Ill., and return over the same route.

No. MC 107558 (Deviation No. 4), ARROW TRANSPORTATION CO., INC., 288 Kinsley Avenue, Providence, R.I., filed February 10, 1961. Attorney Russell B. Curnett, 49 Weybossett Street, Providence, R.I. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over the Hartford-Springfield Expressway to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New Haven, Conn., over U.S. Highway 5 to Springfield, Mass., and return over the same route.

No. MC 107906 (Deviation No. 2), TRANSPORT MOTOR EXPRESS, INC., Meyer Road, Fort Wayne, Ind., filed February 17, 1961. Attorneys Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. The carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 30 and Interstate Highway 71 near Mansfield, Ohio over Interstate Highway 71 to junction U.S. Highway 36 near Berkshire, Ohio, thence over U.S. Highway 36 to junction U.S. Highway 42 at Delaware, Ohio, thence over U.S. Highway 42 to junction U.S. Highway 40 near Lafayette, Ohio, thence over U.S. Highway 40 to Indianapolis, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Pittsburgh over Pennsylvania Highway 88 to Rochester, Pa., thence over Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14 to Salem, Ohio, thence over U.S. Highway 62 to Canton, Ohio, thence over U.S. Highway 30 to junction U.S. Highway 30N, thence over U.S. Highway 30 to Fort Wayne, Ind., and from Fort Wayne over Indiana Highway 37 to Indianapolis, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-2020; Filed, Mar. 8, 1961; 8:45 a.m.]

[Notice 366]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 3, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

### APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

#### MOTOR CARRIERS OF PROPERTY

No. MC 1936 (Sub No. 15), filed January 30, 1961. Applicant: B & P MOTOR EXPRESS, INC., 51st Street and A.V. R.R., Pittsburgh 1, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; serving the plant site of W. S. Tyler Company located in or near Mentor, Ohio, on Ohio Highway 615 as an off-route point in connection with applicant's regular route operations to and from Cleveland, Ohio.

*HEARING:* May 12, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117 or if the Joint Board waives its right to participate before Examiner Lyle C. Farmer.

No. MC 2202 (Sub No. 198), filed December 28, 1960. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Interstate Highway 71 and Delaware and Plain City, Ohio, (1) from Interstate Highway 71 over U.S. Highway 36 to Delaware, Ohio, and (2) from Interstate Highway 71 over Ohio Highway 161 to Plain City, Ohio, and return over the same routes serving no intermediate or off-route points.

*HEARING:* May 8, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117 or if the Joint Board waives its right to participate before Examiner Lyle C. Farmer.

No. MC 2202 (Sub No. 200), filed December 28, 1960. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between U.S. Highway 20, East of Toledo, Ohio, and U.S. Highway 223 at or near Sylvania, Ohio; from U.S. Highway 20, East of Toledo, Ohio, over Ohio Highway 333 to U.S. Highway 223 at or near Sylvania, Ohio, and return over the same route with no service at any point, as an alternate route for operating convenience only.

*HEARING:* May 8, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117 or if the Joint Board waives its right to participate before Examiner Lyle C. Farmer.

No. MC 3094 (Sub No. 12), filed February 16, 1961. Applicant: SERVICE MOTOR FREIGHT, INC., 700 Clements Bridge Road, Barrington, N.J. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglas materials and fiberglas products, fibrous glass mineral wool products, fibrous glass textile materials*, and *fibrous glass textile products*, and *plastic materials* and *plastic products* (except liquid commodities, in bulk, in tank vehicles), from points in New Castle and Kent Counties, Del., those in Bucks, Lehigh, Northampton, Montgomery, Berks, Lancaster, Chester, Delaware, and Philadelphia Counties, Pa., and those in Hunterdon, Somerset, Burlington, Mercer, Camden, Salem, Atlantic, Gloucester, Cumberland, Cape May, Monmouth, Middlesex, and Ocean Counties, N.J., to points in Virginia, Maryland, Massachusetts, Connecticut, Rhode Island, Delaware, Pennsylvania, New Jersey, New York, Georgia, Illinois, Indiana, Kentucky, Maine, New Hampshire, North Carolina, Ohio, South Carolina, Tennessee, West Virginia, Vermont, the lower peninsula of Michigan, and the District of Columbia.

NOTE: Applicant states the proposed operation will be limited to a transportation service to be performed under a continuing contract, or contracts, with Owens-Corning Fiberglas Corporation, of Barrington, N.J.

*HEARING:* April 17, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 23939 (Sub No. 97), filed February 28, 1961. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: James W. Wade, 729 Citizens National Bank Building, 453 South Spring Street, Los Angeles 13, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Barstow, Calif., and Las Vegas, Nev., and points within ten (10) miles thereof, to points in California, Nevada, Utah, and Arizona, and *contaminated or rejected shipments* of the above-specified commodities, on return.

*HEARING:* March 21, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 37896 (Sub No. 12), filed January 12, 1961. Applicant: YOUNGBLOOD TRUCK LINES, INC., Highway 25, Fletcher, N.C. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424-35, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment; between points within a 15-mile radius of Fletcher, N.C., including Fletcher, N.C.

*HEARING:* April 27, 1961, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 2 or if the Joint Board waives its right to participate before Examiner Allen W. Hagerty.

No. MC 40302 (Sub No. 31), filed December 16, 1960. Applicant: FEDERAL EXPRESS, INC., 4930 North Pennsylvania Street, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; serving the site of the new plant of the W. S. Tyler Co., near Mentor, Ohio (and on or near Ohio Highway 615), as an off-route point in connection with carrier's present regular route operations to and from Cleveland, Ohio.

*HEARING:* May 12, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117 or if the Joint Board waives its right to participate before Examiner Lyle C. Farmer.

No. MC 41309 (Sub No. 14), filed September 23, 1960. Applicant: JEFFRIES-EAVES, INC., P.O. Box 1015, Albuquerque, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment or handling, and *parts thereof*, when moving in connection with such commodities, between points in Nevada, on the one hand, and, on the other, points in Texas, Louisiana, Oklahoma, Arkansas, Kansas and Missouri.

NOTE: Applicant is presently authorized in Certificate MC 41309 and Subs thereunder, to transport machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and pipe, pipeline materials, machinery, supplies, and equipment incidental to, or used in, the construction, repairing, maintenance and dismantling of gas, gasoline, and oil pipelines, including the stringing of pipe, between points in Texas, New Mexico, Arizona, Utah, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Oklahoma and Arkansas. In addition thereto, applicant is presently authorized to transport such commodities as require special handling or rigging because of size or weight between points in New Mexico, Arizona, Texas, and Colorado.

*HEARING:* March 20, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Francis A. Welch.

No. MC 42963 (Sub No. 12), filed January 30, 1961. Applicant: DANIEL HAMM DRAYAGE COMPANY, a Corporation, Second and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, bags and in packages, palletized or unpalletized, from the plant site of Universal Atlas Cement Division of United States Steel Corp. at St. Louis, Mo., to points in Illinois and Missouri, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* April 27, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 44128 (Sub No. 27), filed October 18, 1960. Applicant: THE TRANSPORT CORPORATION, 126 South Main Street, Blackstone, Va. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, fibreboard, pulpboard*, or *strawboard* (paper boxes), between Richmond, Va., on the one hand, and on the other, Lexington and Louisville, Ky., together with Motion to Dismiss on the ground that applicant presently possesses appropriate authority to perform the transportation involved.

*HEARING:* April 24, 1961, at the U.S. Court Rooms, Richmond, Va., before Examiner Allen W. Hagerty.

No. MC 49387 (Sub No. 13), filed February 9, 1961. Applicant: ORSCHELN BROS. TRUCK LINES, INC., 339 North Williams Street, Moberly, Mo. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, palletized or unpalletized, from the plant site of the Universal Atlas Cement Division of United States Steel Corporation in Ralls County, Mo., approximately three miles south of Hannibal, Mo., on State Supplemental Route AA to points in Illinois, Iowa and Missouri, and *rejected or returned shipments*, on return.

*HEARING:* April 27, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 46, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 52709 (Sub No. 122), filed January 27, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in Illinois, Iowa, and Minnesota, to Culbertson, Mont., and *returned, rejected or contaminated shipments* of the above-specified commodity, on return.

*HEARING:* May 5, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 52709 (Sub No. 126), filed February 8, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinous liquors* (wine, brandy, and wine alcohols), in bulk, in tank vehicles, from Glendale, Ariz., and the plant site of the Glendale Winery, twelve (12) miles west of Glendale on Cotton Lane and O Avenue to points in Kansas, Missouri, Iowa, Wisconsin, Illinois, Indiana, Kentucky, Michigan, Ohio, New York, New Jersey, Louisiana, and Florida, *refused or rejected shipments*, on return.

*HEARING:* April 26, 1961, at the New Customs House, Denver, Colo., before Examiner William E. Messer.

No. MC 52709 (Sub No. 127), filed February 8, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's attorney: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and/or animal fats, oils and greases, and blends*, and products thereof, in bulk, in tank vehicles, from points in Nebraska, Iowa, Illinois, and Minnesota, to Denver, Colo., *refused or rejected shipments*, on return.

*HEARING:* April 25, 1961, at the New Customs House, Denver, Colo., before Examiner William E. Messer.

No. MC 52861 (Sub No. 1), filed February 13, 1961. Applicant: HAROLD W. STEWART, INC., 102 Andrus Road, Toledo, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and roasted dolomite*, in bulk and in dump trucks, from points in Woodville Township, Sandusky County, Ohio, on and South of U.S. Highway 20 to points in West Virginia and those points in Pennsylvania on and West of U.S. Highway 15, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

*HEARING:* May 10, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59 or if the Joint Board waives its right to participate before Examiner Lyle C. Farmer.

No. MC 61403 (Sub No. 61), filed February 16, 1961. Applicant: THE MASON AND DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid* and *Fertilizer solutions*, in bulk, in tank vehicles; from Cincinnati, Ohio, to points in Alabama, Florida, Georgia, Mississippi, Louisiana, South Carolina, and Tennessee.

*HEARING:* April 24, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Donald R. Sutherland.

No. MC 64932 (Sub No. 289), filed January 23, 1961. Applicant: ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid adhesives*, in bulk, in tank vehicles, from Chicago, Ill., to Omaha, Nebr.

*HEARING:* May 1, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 64932 (Sub No. 290), filed January 23, 1961. Applicant: ROGERS CARTAGE CO., a Corporation, 1934 S. Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, as defined by the Commission, *petroleum oils, synthetic resin*, and *resin plasticizers*, in bulk, in tank vehicles, (1) between points in the St. Louis, Mo., Commercial Zone, as defined by the Commission, and El Dorado, Ark., on the one hand, and, on the other, points in California, and (2) from points in the St. Louis, Mo., Commercial Zone, as defined by the Commission, and El Dorado, Ark., to points in Arizona, Idaho, Nevada, Oregon, and Washington.

*HEARING:* May 2, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 66562 (Sub No. 1767), filed December 20, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens and Southern Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Orlando, Fla., and Leesburg, Fla.: (1) From Orlando over U.S. Highway 441 to Leesburg, and return over the same route, serving the intermediate points of Apopka, Plymouth, Zellwood, Mt. Dora, and Tavares, Fla., and the off-route point of Lake Jem, Fla. (2) From Orlando over Florida Highway 50 to Groveland, thence over Florida Highway 19 to Umatilla, and return over the same route, serving the intermediate points of Clermont, Groveland, Tavares, and Eustis, Fla., and the off-route points of Oakland and Montverde, Fla. (3) From Apopka, Fla., over Florida Highways 437A, 437 and 438 to junction Florida Highways 438 and 50, and return over the same route, serving the intermediate point of Winter Garden, Fla. (4) From junction Florida Highways 19 and 19A two miles south of Eustis, Fla., over Florida Highway 19A to junction U.S. Highway 441, and return over the same route. RESTRICTIONS: (1) The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of air or rail express service of applicant. (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or an immediately subsequent movement by rail or air. (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary or supplemental to air or rail express service of applicant.

*HEARING:* May 10, 1961, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or if the Joint Board waives its right to participate before Examiner Allen W. Hagerty.

No. MC 98749 (Sub No. 13) (AMENDMENT), filed January 3, 1961, published in FEDERAL REGISTER, issue March 1, 1961. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, 100 South Second Street, Longview, Tex. Applicant's attorney: Joe T. Lanham, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry chemicals*, excluding such chemicals that are finished or end products, intended at the time of transportation and without further processing, for packaging and sale to the general public, in bulk, in specialized equipment; between points within a 25 mile radius of Longview, Tex., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina.

*HEARING:* Remains as assigned, April 24, 1961, at the Baker Hotel, Dallas, Tex., before Examiner Reece Harrison.

No. MC 103378 (Sub No. 198), filed January 16, 1961. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Pulp mill liquid*, in bulk, in tank vehicles; from the plant site of Hudson Pulp & Paper Company near Palatka, Fla., to Brunswick, Ga.

*HEARING:* May 5, 1961, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or if the Joint Board waives its right to participate before Examiner Allen W. Hagerty.

No. MC 103880 (Sub No. 218), filed February 1, 1961. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles; from Alma, Mich. and points within five (5) miles thereof, to points in Illinois, Indiana, Ohio, Pennsylvania, and Wisconsin.

NOTE: Common control may be involved.

*HEARING:* May 9, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Donald R. Sutherland.



No. MC 106679 (Sub No. 4), filed February 28, 1961. Applicant: LAS VEGAS SERVICE FREIGHTWAYS, INC., P.O. Box 269, Las Vegas, Nev. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Barstow, Calif., and Las Vegas, Nev., and points within ten (10) miles of each, to points in California, Nevada, Utah, and Arizona, and *contaminated or rejected shipments* of the above specified commodities, on return.

*HEARING:* March 21, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 107409 (Sub No. 24), filed October 12, 1960. Applicant: RATLIFF & RATLIFF, INC., P.O. Box 399, Wadesboro, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Stone*, (1) from points in Richland County, S.C. (except Columbia, S.C.), points in Fairfield County, S.C. (except Rion, Rockton, and Winnsboro, S.C.), points in Kershaw County, S.C., and from points in Rowan County, N.C. (except Granite Quarry, N.C.), to points in North Carolina, South Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, and the District of Columbia; (2) from points in Richland County, S.C., to points in Connecticut, Rhode Island, Vermont, New Hampshire, Maine, and Minnesota; and (3) from points in Kershaw County, S.C., and Rowan County, N.C., to points in Wisconsin, Iowa, Illinois, Kansas, Missouri, Oklahoma, Nebraska, Colorado, Texas, Ohio, Louisiana, Massachusetts, Arkansas, Mississippi, Indiana, Kentucky, Tennessee, Alabama, Georgia, West Virginia, Michigan, Florida, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, and Minnesota; and (B) *Empty containers or other such incidental facilities* (not specified) used in transporting stone, from the above-specified destination points to the respective origin points.

*HEARING:* May 1, 1961, at the U.S. Court Rooms, Columbia, S.C., before Examiner Allen W. Hagerty.

No. MC 107500 (Sub No. 57), filed February 16, 1961. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: George W. Unverzagt, 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Chicago, Ill., and the site of Lemont Manufacturing Corporation Plant near Lemont, Ill.; (1) from Chicago over U.S. Highway 66 to its junction with Illinois Highway 83, thence over Illinois Highway 83 to its junction with Chicago-Joliet Road, thence over Chicago-Joliet Road and Private Road to the site of Lemont Manufacturing Corporation Plant near Lemont, Ill., and (2) also from Chicago over Illinois Highway 42–A to its junction with Illinois Highway 4–A, thence over Illinois Highway 4–A to its junction with Chicago-Joliet Road, thence over Chicago-Joliet Road and Private Road to the site of Lemont Manufacturing Corporation Plant near Lemont, Ill.; and return over the above routes, serving no intermediate or off-route points, in connection with (1) and (2) above.

NOTE: Applicant states that the Chicago, Burlington and Quincy Railroad Company owns and holds all of applicant's capital stock.

*HEARING:* May 5, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21, or if the Joint Board waives its right to participate before Examiner Lyle C. Farmer.

No. MC 108207 (Sub No. 78) (AMENDMENT), filed December 16, 1960, published FEDERAL REGISTER, issue of February 8, 1961. Applicant: FROZEN FOOD EXPRESS, P.O. Box 5888, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas;* from New Orleans, La., and Mobile, Ala., to points in Nebraska, Iowa, Wisconsin, and Minnesota.

NOTE: The amendment adds the additional destination States of Wisconsin and Minnesota.

*HEARING:* Remains as assigned, March 30, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Frank J. Mahoney.

No. MC 109095 (Sub No. 10), filed January 16, 1961. Applicant: ANDERSON MOTOR SERVICE, INC., 1516 North 14th Street, St. Louis, Mo. Applicant's attorney: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the new plant site of the W. S. Tyler Co., located in or near Mentor, Ohio, as an off-route point in connection with applicant's authorized regular route operations to and from Cleveland, Ohio.

*HEARING:* May 12, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117 or if the Joint Board waives its right to participate before Examiner Lyle C. Farmer.

No. MC 109397 (Sub No. 48), filed October 31, 1960. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, serving Holly, Colo., for purposes of interchange only, together with Petition to Dismiss application and/or consolidate proceedings.

NOTE: Applicant states this application is filed for purposes of clarification only.

*HEARING:* April 27, 1961, at the New Customs House, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 109637 (Sub No. 173), filed December 15, 1960. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Specially denatured rum*, in bulk, in tank vehicles; from Covington, Ky., to St. Louis, Mo.

*HEARING:* April 21, 1961, at the Federal Building, Room 712, Cincinnati, Ohio, before Examiner Lyle C. Farmer.

No. MC 111812 (Sub No. 122), filed February 10, 1961. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing-house products*, and *commodities used by packing houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766; from Pekin, Ill., to points in Montana, Idaho, Oregon, and Washington, and Salt Lake City, Utah, and *hooks and racks*, the property of the shipper, on return.

*HEARING:* May 10, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Donald R. Sutherland.

No. MC 112520 (Sub No. 54), filed January 6, 1961. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lunch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oils* and *tall oil products;* from points in Georgia to Panama City, Fla.

*HEARING:* May 3, 1961, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or if the Joint Board waives its right to participate before Examiner Allen W. Hagerty.

No. MC 112520 (Sub No. 55), filed January 12, 1961. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, P.O. Box 161, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from St. Marks, Fla., to points in Georgia, and *empty containers or other such incidental facilities* (not specified) used in transporting chemicals, on return movements.

*HEARING:* May 4, 1961, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or if the Joint Board waives its right to participate before Examiner Allen W. Hagerty.

No. MC 112520 (Sub No. 50), filed January 12, 1961. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, P.O. Box 161, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* and *petroleum* and *petroleum products*, as defined by Appendix XIII, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 294, in bulk, in tank vehicles, from points in Decatur County, Ga., to points in Florida.

*HEARING:* May 3, 1961, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or if the Joint Board waives its right to participate before Examiner Allen W. Hagerty.

No. MC 112617 (Sub No. 86), filed February 27, 1961. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring and washing compounds*, in bulk, in tank vehicles, from St. Paul, Minn., to Kansas City, Mo., Iowa City, Iowa, Jeffersonville, Ind., and Jersey City, N.J., and *exempt commodities*, on return.

*HEARING:* March 20, 1961, at Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Hugh M. Nicholson.

No. MC 112703 (Sub No. 9), filed January 30, 1961. Applicant: OIL CARRIERS CO., a corporation, 12030 Pleasant Street, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin plasticizer and soil bean oil*, from Decatur, Ill., to Manville, Belleville, and Newark, N.J.

*HEARING:* May 3, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 112893 (Sub No. 18), filed January 23, 1961. Applicant: BULK TRANSPORT COMPANY, a Corporation, Calumet Street, P.O. Box 391, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Janesville and Center, Rock County, Wis., to points in Illinois, Iowa, the Upper Peninsula of Michigan, and Minnesota.

NOTE: Common control may be involved.

*HEARING:* May 1, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 113267 (Sub No. 36), filed February 28, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peppers*, in cans of barrels, from Limestone, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Texas, and Wisconsin.

*HEARING:* March 23, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Maurice S. Bush.

No. MC 114019 (Sub No. 55), filed February 3, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, frozen and unfrozen; (a) from Lawton and Decatur, Mich., to points in Kentucky, and (b) from Erie and North East, Pennsylvania, and Westfield, N.Y., to points in Virginia. (2) *Glass containers and glassware;* from Clarksburg, W. Va., to Erie and North East, Pa., and Westfield, N.Y.

*HEARING:* May 8, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Donald R. Sutherland.

No. MC 114091 (Sub No. 38), filed February 20, 1961. Applicant: DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South Seventh Street, Louisville, Ky. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in hopper and/or tank type vehicles, or specialized equipment, from Louisville, Ky., to points in Alabama, Indiana, Louisiana, Mississippi, Tennessee, and West Virginia.

*HEARING:* March 27, 1961, at the Kentucky Hotel, Louisville, Ky., before Examiner Maurice S. Bush.

No. MC 114364 (Sub No. 53), filed January 24, 1961. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar;* from Rocky Ford, Colo., to points in Texas east and south of the following highways: U.S. Highway 75 from its junction with the Oklahoma-Texas State line to its junction with U.S. Highway 80; U.S. Highway 80 from that junction to its junction with U.S. Highway 281; U.S. Highway 281 from that junction to its junction with U.S. Highway 81; U.S. Highway 81 from that junction to its junction with the Texas-Republic of Mexico boundary at Laredo, Tex.

NOTE: Applicant states it presently holds authority to transport sugar from Rocky Ford, Colo. to points in Texas other than those afore described.

*HEARING:* April 24, 1961, at the New Customs House, Denver, Colo., before Examiner William E. Messer.

No. MC 115491 (Sub No. 23), filed January 23, 1961. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, 223 South Florida Avenue, P.O. Box 586, Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and supplements therefor*, from points in Lake, Orange, Pasco, and Hillsborough Counties, Fla., to points in that part of Georgia on and north of U.S. Highway 80 (except Atlanta and Savannah, Ga., and points in their respective commercial zones).

*HEARING:* May 4, 1961, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or if the Joint Board waives its right to participate before Examiner Allen W. Hagerty.

No. MC 116722 (Sub No. 8), filed February 9, 1961. Applicant: DENVER-CLIMAX TRUCK LINE, INC., 1380 Umatilla Street, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bags, sacks and cans, and in bulk, in tank vehicles, from points in Sweetwater County, Wyo., to points in Boulder, Clear Creek, Jackson, Lake, and Summit Counties, Colo., and *rejected shipments*, on return.

*HEARING:* April 28, 1961, at the New Customs House, Denver, Colo., before Joint Board No. 50, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 117025 (Sub No. 6), filed February 1, 1961. Applicant: LEROY HILT, 3751 Sumner, Lincoln, Nebr. Applicant's attorney: J. Max Harding, I B M Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feed and feed ingredients*, and (2) *Paper, cotton or burlap bags*, from St. Louis, Mo., to points in Missouri, Iowa, Wisconsin, Minnesota, Kansas, Nebraska, South Dakota, North Dakota, Wyoming, and Montana, and *rejected shipments and exempt commodities*, in connection with (1) and (2) above.

*HEARING:* April 26, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Donald R. Sutherland.

No. MC 117094 (Sub No. 6), filed January 12, 1961. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. Applicant's attorney: J. Wm. Townsend, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feeds* and *feed ingredients*, in bags, in blocks and in bulk, between Pittsburg, Kans., on the one hand, and, on the other, points in Colorado, Kansas, Nebraska, Iowa, Missouri, Arkansas, Oklahoma, Texas, Tennessee, Kentucky, Mississippi, Illinois, South Dakota, Minnesota, and Wyoming.

*HEARING:* May 1, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Donald R. Sutherland.

No. MC 117344 (Sub No. 62), filed January 16, 1961. Applicant: THE MAXWELL CO., a Corporation, 10380 Evendale Drive, P.O. Box 37, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Hamilton County, Ohio, to points in Kentucky on and west of U.S. Highway 31-W, except points in Jefferson County, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 50404 (Sub No. 55) to determine whether applicant's status is that of a common or contract carrier. Dual authority under section 210 may be involved.

*HEARING:* May 9, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208 or if the Joint Board waives its right to participate before Examiner Lyle C. Farmer.

No. MC 117344 (Sub No. 65), filed February 23, 1961. Applicant: THE MAXWELL CO., a Corporation, 10380 Evandale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid* and *fertilizer solutions* in bulk, in tank vehicles; from Cincinnati, Ohio to points in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee.

*HEARING:* April 24, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Donald R. Sutherland.

No. MC 118905 (Sub No. 1), filed January 18, 1961. Applicant: DAN L. WILLIAMS AND F. L. WESTMORELAND, a Partnership, doing business as GREENSBORO AUTO TRANSPORT COMPANY, Highway 220 North, Greensboro, N.C. Applicant's representative: Thaxton Richardson, P.O. Box 612, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles, (including fork lift equipment), wrecked, disabled, abandoned, or repossessed (including the contents thereof)*, by use of wrecker equipment only, (2) *replacement motor vehicles* for wrecked or disabled motor vehicles by use of wrecker equipment only, and (3) *repair parts* for the motor vehicles specified in (1) above; between points in Virginia, South Carolina, Tennessee, West Virginia, and North Carolina.

NOTE: Applicant states any overlapping or duplicating authority to be canceled upon the granting of the authority applied for.

*HEARING:* April 28, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Allen W. Hagerty.

No. MC 119219 (Sub No. 5), filed December 30, 1960. Applicant: RAYMOND L. BURT, doing business as BURT DISTRIBUTING COMPANY, 935 Florida S.E., Albuquerque, N. Mex. Applicant's Representative: L. C. Cypert, Room No. 6, 1115½ Central Avenue NE., Albuquerque, N. Mex. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing houses*, as described in subsection A, B, and C of Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, as modified in 61 M.C.C. 766, in vehicles equipped with temperature control devices, on traffic originating outside New Mexico, (1) from Santa Fe, N. Mex., over U.S. Highway 85 to junction New Mexico Highway 422, thence over New Mexico Highway 422 to Albuquerque, N. Mex.; (2) from Albuquerque over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to junction New Mexico Highway 422, thence over New Mexico Highway 422 to junction U.S. Highway 85, thence over U.S. Highway 85, through Santa Fe, N. Mex., to Las Vegas, N. Mex.; (3) from Albuquerque, over U.S. Highway 85 to junction New Mexico Highway 44, to junction New Mexico Highway 44, to junction New Mexico Highway 422, thence over New Mexico Highway 422, to junction U.S. Highway 85, thence over U.S. Highway 85 to Santa Fe, N. Mex., thence over U.S. Highway 64 to Taos, serving the off-route points of Espanola, and Los Alamos, N. Mex.; (4) from Albuquerque, over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to junction New Mexico Highway 422, thence over New Mexico Highway 422 to junction U.S. Highway 85, thence over U.S. Highway 85 to Santa Fe, thence over U.S. Highway 285 to Espanola, N. Mex., thence over unnumbered New Mexico Highway to junction New Mexico Highway 4, thence over New Mexico Highway 4 to junction unnumbered New Mexico Highway, thence over said unnumbered New Mexico Highway to Los Alamos, N. Mex.; (5) from Albuquerque, over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to Aztec, thence over U.S. Highway 550 to Shiprock, thence over U.S. Highway 666 to Gallup, N. Mex., thence over U.S. Highway 66 to Albuquerque, N. Mex.; and (6) from Albuquerque over U.S. Highway 66 to Gallup, N. Mex.; serving all intermediate points on the above-described routes 2 through 6 for delivery only, and *empty containers or other such incidental facilities*, (not specified) used in transporting the commodities specified above, on return.

*HEARING:* May 1, 1961, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 119399 (Sub No. 8), filed January 31, 1961. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. Applicant's attorney: Thomas F. Kilroy, 1000 Connecticut Avenue, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer*, dry, in bags, from Atlas, Mo., to points in Oklahoma and those in Kansas east of U.S. Highway 281, and *empty containers, returned or damaged shipments or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* April 28, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 180, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 119441 (Sub No. 7), filed January 19, 1961. Applicant: BAKER HIWAY EXPRESS, INC., Stone Creek, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, clay tile, clay pipe and clay building material*, from points in Tuscarawas County, Ohio, to points in Illinois (except Chicago), and *empty containers or other such incidental facilities*, used in transporting the above-specified commodities, on return.

*HEARING:* May 8, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58 or if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 119787 (Sub No. 4), filed January 31, 1961. Applicant: FRED WILSON GROVES, Route 1, Leland, N.C. Applicant's attorney: Vaughan S. Winborne, Capital Club Building, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete products*, from Wilmington, N.C., to points in South Carolina, on, south, and west of a line extending from the mouth of the Santee River northwest along the Santee River to Lake Marion, thence north along the Wateree and Catawba Rivers to Great Falls, S.C., and thence over South Carolina Highway 200 to the South Carolina-North Carolina State line.

*HEARING:* April 27, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 2, or if the Joint Board waives its right to participate before Examiner Allen W. Hagerty.

No. MC 123278, filed December 12, 1960. Applicant: ROLLA FEED MILLS, INC., 6th and Elm Streets, Rolla, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dog food and related advertising and display materials*, from Rolla, Mo. to points in Kansas, Nebraska, Iowa, Illinois, Indiana, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, and Oklahoma and *damaged, rejected or returned shipments*, on return.

*HEARING:* April 28, 1961, at the Missouri Hotel, Jefferson City, Mo., before Examiner Donald R. Sutherland.

No. MC 123293 (Sub No. 1), filed February 15, 1961. Applicant: FRY SALES AND EQUIPMENT CO., a Corporation, Box 120, Mercersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone, pulverized limestone* and *rock dust;* from points in Springhill Township, Fayette County, Pa., to points in Monongalia,

Preston, Marion, Taylor, Harrison, Wetzel, Doddridge, Lewis, Gilmer, Braxton, Upshur, Barbour, and Tucker Counties, W. Va.

NOTE: Applicant states all transportation to be performed under a continuing contract with American-Marietta Company (Dry Coal & Stone Co. Division).

*HEARING:* April 17, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Maurice S. Bush.

No. MC 123325, filed December 28, 1960. Applicant: WRIGHT MOTOR LINES, INC., Thompson Street, Koon Development, Asheville, N.C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board* (board or sheets made from wood shavings or ground wood), *shavings, ground wood, saw dust*, and *wood flour*, from Black Mountain, N.C., and points within five miles thereof, to points in Ohio, Illinois, Indiana, Michigan, Tennessee, South Carolina, Georgia, Alabama, Florida, Virginia, District of Columbia, Maryland, Pennsylvania, New Jersey, New York, and Kentucky, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, on return.

*HEARING:* April 28, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Allen W. Hagerty.

No. MC 123368, filed January 16, 1961. Applicant: FURNEY McCOY RIVERS, Route 2, Box 16, Warrenton, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feeds and fertilizers and agricultural commodities*, and *wheat;* between Norfolk, Va., and points in Vance and Warren Counties, N.C. (2) *Feeds and fertilizers and agricultural commodities;* from Hopewell, Va., to points in Vance and Warren Counties, N.C., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return to Hopewell.

NOTE: Applicant states that operations involving Hopewell will be seasonal, February through April, approximately 30 trips per year.

*HEARING:* April 26, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 123411, filed February 6, 1961. Applicant: E. D. GROJEAN, doing business as CAPE TRANSPORT COMPANY, 24 Sheridan Drive, Cape Girardeau, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing* and insulation materials; (1) from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, to points in St. Francois, Madison, Ste. Genevieve, Perry, Cape Girardeau, Scott, Mississippi, New Madrid, Pemiscot, Butler, Stoddard, Bollinger, Wayne, Washington, Ripley, and Dunklin Counties, Mo.; and (2) from points in the St. Louis, Mo.-St. Louis, Ill., Commercial Zone and Cape Girardeau, Mo., to points in Alexander, Union, Jackson, Perry, Jefferson, Franklin, Williamson, Saline, Johnson, Massac, Pulaski, Randolph Counties, Ill., Randolph, Lawrence, Clay, Greene, Craighead, Poinsett, and Mississippi Counties, Ark., and Ballard, McCracken, Marshall, Graves, Calloway, Hickman, Carlisle, and Fulton Counties, Ky.; and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return, in connection with (1) and (2) above.

*HEARING:* April 25, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Donald R. Sutherland.

No. MC 123461, filed February 23, 1961. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Indiana and Kentucky within 70 miles of Cincinnati, Ohio.

NOTE: Applicant holds common carrier authority under MC 109637 and Subs thereunder; therefore, dual operations and common control may be involved.

*HEARING:* March 28, 1961, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 208, or, if the Joint Board waives its right to participate, before Examiner Maurice S. Bush.

## APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

### MOTOR CARRIERS OF PROPERTY

No. MC 29130 (Sub No. 90), filed February 27, 1961. Applicant: THE ROCK ISLAND MOTOR TRANSIT COMPANY, a Corporation, 402 Plymouth Building, 919 Walnut Street, Des Moines, Iowa. Applicant's attorneys: A. B. Howland and J. H. Martin, 500 Bankers Trust Building, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *Classes A and B explosives* except nitroglycerin, commodities of unusual value, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious to or contaminating to other lading, (1) between Ottumwa, Iowa, and Osceola, Iowa; from junction U.S. Highway 34 and U.S. Highway 63 at Ottumwa, over U.S. Highway 34 to junction U.S. Highway 69 at Osceola, Iowa, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, with rights of joinder at Ottumwa and Osceola, Iowa. (2) Between Oskaloosa, Iowa, and Osceola, Iowa; from junction Iowa Highway 163 at or near Oskaloosa, Iowa, and Iowa Highway 92, thence over Iowa Highway 92 to junction Iowa Highway 92 and Iowa Highway 14 at Knoxville, Iowa, thence over Iowa Highway 14 to junction of U.S. Highway 34 at Chariton, Iowa, thence over U.S. Highway 34 to junction U.S. Highway 69 at Osceola, Iowa, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, with rights of joinder at Oskaloosa and Osceola, Iowa.

NOTE: Applicant states that its capital stock is owned and held by the Chicago, Rock Island and Pacific Railroad Company, except for Directors qualifying shares.

No. MC 41849 (Sub No. 9), filed February 20, 1961. Applicant: KEIGHTLEY BROS, INC., 1616 South 39th Street, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in dump vehicles; from St. Louis, Mo., to points in Illinois within 200 miles of St. Louis, Mo.

NOTE: Applicant states it presently holds authority in MC 41849 and Sub 4 to transport coke from St. Louis, Mo., to points in Illinois within 100 miles of St. Louis, Mo.

No. MC 52657 (Sub No. 615), filed February 15, 1961. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Motor vehicles*, in initial movements by truckaway and driveaway service; from Clintonville and Oshkosh, Wis., to points in Alaska; (B) with stop-over at body or specialty plants or other places of manufacture located at points in Ohio, Indiana, Illinois, Wisconsin, Michigan, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Montana, Wyoming, Colorado, Idaho, Utah, Washington, Oregon, California, and Nevada. (C) *Motor Vehicles*, in secondary movements by truckaway or driveway service; from points in Alaska to Clintonville and Oshkosh, Wis.

NOTE: Applicant states that it has already submitted its "Grandfather" application wherein "Grandfather" rights are claimed, from Oshkosh, Wis., to Alaska on Motor Vehicles, in initial service. Applicant further states that in excess of precaution this application is filed broad enough to cover "Grandfather" rights claimed. Applicant does not desire duplicate rights.

No. MC 66562 (Sub No. 1782), filed February 20, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities moving in express service*, between junction Minnesota Highway 22 and U.S. Highway 16, and junction Minnesota Highway 254 and U.S. Highway 16; from junction Minnesota Highway 22 and U.S. Highway 16, over Minnesota Highway 22 to Kiester, Minn., thence over unnumbered county road to junction Minnesota Highway 254 approximately two miles south of Frost, Minn., thence over Minnesota Highway 254 to junction U.S. Highway 16, and return over the same route, serving the intermediate points of Kiester, Bricelyn, and Frost, Minn. RESTRICTIONS: The above-described operation is to be construed as an extension and may be tacked with applicant's existing authority between Austin and Jackson, Minn., as reflected in Certificate No. MC 66562 Sub 1525. The service to be performed by carrier shall be limited to that which is auxiliary to or supplemental of railway or air express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading or express receipt.

No. MC 111196 (Sub No. 21), filed February 20, 1961. Applicant: R. KUNTZMAN, INC., 1805 West State Street, Alliance, Ohio. Applicant's representative: Robert Hamilton, 1805 West State Street, Alliance, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Canton, Ohio, and Brecksville, Ohio, from Canton over Ohio Highway 8 to Akron, Ohio, thence continue over Ohio Highway 8 to junction Ohio Highway 176, thence over Ohio Highway 176 to junction U.S. Highway 21, thence over U.S. Highway 21 to Brecksville, and return over the same route, serving all intermediate points and all off-route points located within one (1) mile of each of the above-named highways. RESTRICTION: The proposed route is to be restricted to use solely for interchange of traffic with connecting-line carriers, which interchange is presently effected at Canton or Akron.

NOTE: Applicant states the purpose of this application is to facilitate the interchange of traffic with such connecting-line carriers and to permit it to continue to provide the same service which it now provides through the interchange of freight with those carriers at Akron and Canton.

No. MC 111397 (Sub No. 39), filed February 24, 1961. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Broadway at 17th, Box 1282, Avondale Station, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the site of Allied Chemical Corporation's bulk storage terminal, at or near La Grange, Mo., to points in Illinois and Iowa.

No. MC 112841 (Sub No. 4), filed February 27, 1961. Applicant: ILLINOIS-RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium sulfide, aqua solution*, in bulk, in tank vehicles, from Hartford, Ill., to Fredericktown, Mo.

No. MC 114194 (Sub No. 34), filed February 24, 1961. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone products*, in bulk, from points in St. Clair County, Ill., to points in Missouri, and *refused and rejected shipments* of limestone products, on return.

No. MC 116491 (Sub No. 3), filed February 23, 1961. Applicant: FISHERS AND ARNOLD, INC., Pendleton Street, Falmouth, Ky. Applicant's attorney: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel and stone*, in bulk, in dump or self unloading type vehicles; from points in Jefferson County, Ind., to Madison, Ind.

NOTE: Applicant states that the above-described commodities will be transported to river terminals at Madison, Ind., for further movement in interstate commerce.

No. MC 123449, filed February 20, 1961. Applicant: MARLIN L. STUTZMAN, Wellman, Iowa. Applicant's representative: Kenneth F. Dudley, 106 North Court Street, P.O. Box 557, Ottumwa, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soybean meal*, in bulk, from Washington and Redfield, Iowa, to Lincoln, Nebr., and (2) *Prepared animal and poultry feed*, in bulk, and in bags, from Lincoln, Nebr., to points in Henry, Iowa, Keokuk and Washington Counties, Iowa.

## NOTICE OF FILING OF PETITIONS

No MC–30319 (Sub Nos. 32, 37, 42, 63, 67, 72, 74, 75, 77, 79, 82, 83, 85, 87, 91, 92, 95) (PETITION FOR REMOVAL OR MODIFICATION OF KEYPOINT RESTRICTION), filed February 10, 1961. Petitioner: SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto, P.O. Box No. 4054, Houston, Tex. Petitioner's attorneys: Baker, Botts, Andrews and Shepherd, 1600 Esperson Building, Houston 2, Tex. The subject petition seeks reconsideration by the entire Commission, of the order of Division 1, entered in the subject proceeding January 12, 1961, and for reasons set forth with particularity in the petition urges the entire Commission to find as a minimum that, (1) through no fault of petitioner and T&NO, conditions have drastically changed at Corpus Christi, Tex., since the restriction at that point was imposed. As a result such restriction should be transferred to Brownsville, Tex., as requested by petitioner. (2) Edinburg is a relatively small point where the volume of freight is too small to justify rate-bulk operations. As a result, restrictions which prevent petitioner from transporting shipments between that point, on the one hand, and Houston and San Antonio, on the other hand, should be removed. (3) A prior or subsequent rail-haul restriction and a keypoint restriction at Beaumont, Tex., are not both required to insure service that will be auxiliary and supplementary to the service of T&NO. Consistent with findings of the Commission in other cases, one of the two must be removed. (4) The amount of diversion which protestants can reasonably fear would not materially affect their competitive standings. Any person or persons desiring to make representations for or against the relief sought may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC–66297 (Sub No. 2) (PETITION), filed February 20, 1961. Petitioner: CARL P. BOBBITT, 605 Edmondson Avenue, Baltimore 28, Md. Petitioner is authorized by virtue of the above-numbered permit to transport bricks in dump trucks within a 50-mile radius of the plants of Baltimore Brick Company, located in Baltimore City and in Rossville, Baltimore County, Md. Petitioner states that specifically the permit is used, in the main, for transportation into Washington, D.C., and that hauling into that area is not extensive but is a necessary part of the total transportation service offered to Baltimore Brick Company. The subject petition dated February 17, 1961 seeks in effect the removal of the restriction in dump trucks so as to permit the transportation of bricks on flat-bed trucks. Any person or persons desiring to oppose the relief sought may within 30 days from the date of this publication in the FEDERAL REGISTER file an appropriate pleading.

## APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

### MOTOR CARRIERS OF PROPERTY

No. MC–F 7242. (ROY L. JONES, INC., AND TEX-O-KAN TRANSPORTATION CO., INC.—PURCHASE (PORTION) — GULF SOUTHWESTERN TRANSPORTATION CO.), published in the July 15, 1959, issue of the FEDERAL REGISTER, on page 5700. Application under section 210a(b), Interstate Commerce Act, filed February 28, 1961, for ROY L. JONES, INC., to temporarily lease that part of the operating rights of GULF SOUTHWESTERN TRANSPORTATION COMPANY, which Jones proposed to purchase under section 5, and as described in the said notice of July 15, 1959.

Nos. MC–F 7784 and MC–F 7787 (HIGHWAY TRANSPORT CO.—PURCHASE (PORTION) — DALLAS & MAVIS FORWARDING CO., INC.); HIGHWAY TRANSPORT CO., INC.—PURCHASE—HIGHWAY TRANSPORT CO.), respectively, published in the February 15, 1961, issue of the FEDERAL REGISTER on page 1331. William A. Landau, 1307 East Walnut, Des Moines 16, Iowa, should have been shown as a registered practitioner.

No. MC–F 7802. Authority sought for purchase by WALDE PETERSON, INC., Allen Street Ext., P.O. Box 387, Jamestown, N.Y., of the operating rights of B. & B. MOTOR LINES CORP., 311

North 18th Street, Olean, N.Y., and for acquisition by BERNARD V. DALY, 64 Stratford Terrace, Hamburg, N.Y., and FRED O. BOSS, R.D. No. 1, Jamestown, N.Y., of control of such rights through the purchase. Applicants' attorneys: Johnson, Peterson, Tener and Anderson, Bank of Jamestown Building, Jamestown, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route between Buffalo, N.Y., and Lewis Run, Pa., with service to and from the intermediate point of Bradford, Pa. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7803. Authority sought for purchase by FULLERTON TRANSFER AND STORAGE LIMITED, INC., 1122 East Midlothian Boulevard, Youngstown 7, Ohio, of the operating rights and property of WILLIAM L. LANGDON, an individual, doing business as COLUMBIA CARTAGE CO., Ellsworth at North Water Street, Sharon, Pa., and for acquisition by CAROLE F. MILLS, RICHARD E. MILLS, and JAMES E. BENNETT, all of 1122 East Midlothian Boulevard, Youngstown 7, Ohio, of control of such rights and property through the purchase. Applicants' attorney: Marshall G. Matheny, 332 Union Trust Building, New Castle, Pa. Operating rights sought to be transferred: *Oxygen*, in manifold cylinder trailers, over regular routes from Cleveland, Ohio, to Midland, Pa., from Cleveland, Ohio, to Sharon, Pa.; *empty manifold cylinder trailers* from Midland and Sharon, Pa., to Cleveland, Ohio, over the above-specified routes, serving no intermediate points; *iron and steel pipe*, over irregular routes from Sharon and Wheatland, Pa., to Toledo and Lowellville, Ohio, Buffalo and Niagara Falls, N.Y., and Wheeling and Benwood, W. Va.; *oxygen*, in cylinders, from Sharon, Pa., to certain points in Ohio; *empty steel cylinders* from points in Ohio to Sharon, Pa.; *machinery*, from Sharon, Pa., to points in Ohio and New York, traversing New Jersey for operating convenience only; *household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Mercer County, Pa., on the one hand, and, on the other, points in Ohio and New York; *hydrogen*, in manifold cylinder trailers from Barberton, Ohio, to Butler, Pa.; *empty manifold cylinder trailers*, from Butler, Pa., to Barberton, Pa.; *hydrogen*, in manifold cylinder trailers from Barberton, Ohio, to West Leechburg, Pa.; *empty manifold cylinder trailers* from West Leechburg, Pa., to Barberton, Ohio; *oxygen*, in manifold cylinder trailers and tank trailers from Buffalo, N.Y., to Sharon, Pa.; *empty manifold cylinder trailers and tank trailers* from Sharon, Pa., to Buffalo, N.Y.; *hydrogen*, in manifold cylinder trailers from Barberton, Ohio, to certain specified counties in Pennsylvania; *empty manifold cylinder trailers* from points in the above-specified counties in Pennsylvania, to Barberton, Ohio. Vendee is authorized to operate as a *common carrier* in Ohio and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7804. Authority sought for purchase by STEERE TANK LINES, INC., 2808 Fairmount Avenue, P.O. Box 2998, Dallas 21, Texas, of a portion of the operating rights and certain property of C & R TRANSPORT COMPANY, INC., 6000 Camp Bowie Blvd., P.O. Box 12303, Fort Worth 16, Texas, and for acquisition by BRUCE M. STEERE, DAVID D. STEERE, and KENNETH D. STEERE, all of 2808 Fairmount Avenue., Dallas, Texas, of control of such rights and property through the purchase. Applicants' attorney: Rollo E. Kidwell, 2130 Fidelity Union Tower, Dallas 1, Texas. Operating rights sought to be transferred: *Asphalt*, in bulk, in tank vehicles, as a *common carrier* over irregular routes from the site of the Shamrock Oil and Gas Corporation plant, about 11 miles from Dumas, Texas, to points in Colorado. Vendee is authorized to operate as a *common carrier* in New Mexico, Texas, and Kansas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7805. Authority sought for purchase by BARBER TRANSPORTATION CO., 321 Sixth Street, Rapid City, S. Dak., of a portion of the operating rights of WILSON STORAGE AND TRANSFER CO., 1500 I Avenue, Sioux Falls, S. Dak., and for acquisition by MILO H. BARBER, 321 Sixth Street, Rapid City, S. Dak., of control of such rights through the purchase. Applicants' attorney: Robert G. May, Stordahl, May and Boe, Room 300, Security National Bank Building, Sioux Falls, S. Dak. Operating rights sought to be transferred: *General commodities*, excepting among others, liquid commodities in bulk, but not excepting household goods, as a *common carrier* over regular routes between Mobridge, S. Dak., and Marmarth, N. Dak., serving all intermediate and the off-route points of Bullhead and Little Eagle, S. Dak., without restriction; and the off-route point of Haynes, N. Dak, restricted to the transportation of general commodities except Class A and B explosives, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission; from Mobridge over U.S. Highway 12 to Marmarth, N. Dak., and return over the same route. RESTRICTION: Service at Mobridge, S. Dak., is restricted to delivery of eastbound traffic and pick-up of west-bound traffic. Vendee is authoried to operate as a *common carrier* in South Dakota, Wyoming, Illinois, Iowa, Minnesota, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC–29120 Sub 59 is a matter directly related.

No. MC–F 7806. Authority sought for control by MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., of the operating rights and property of BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla., and for acquisition by MIDWEST TRANSFER COMPANY OF ILLINOIS, and in turn by MILTON D. RATNER, both of 7000 South Pulaski Road, Chicago, Ill., of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be controlled: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat-packing houses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, as a *common carrier* over irregular routes from Joliet, Ill., to points in Florida; *meats, meat products, and meat byproducts*, in vehicles equipped with mechanical refrigeration, from Terre Haute, Ind., to points in Florida, limited to shipments originating in Terre Haute; *frozen foods*, and *meats, meat products, meat byproducts, dairy products (only when moving with meats, meat products and meat byproducts), and articles distributed by meat-packing houses*, except any of such commodities in bulk, in tank vehicles, from Lafayette, Ind., to points in Florida. RESTRICTION: The authority granted herein is subject to the restriction that the transportation performed thereunder shall be limited to traffic originating at Layfayette, Ind., and destined to points in Florida. *Butter, cheese* and *eggs*, from Chicago, Ill., Madison, Milwaukee, and Thorp, Wis., and points within 15 miles of each, to Miami, Fla., *dairy products* as defined by the Commission, from Chicago and East St. Louis, Ill., Indianapolis, Ind., Kansas City, Kans., and Kansas City and St. Louis, Mo., to points in Florida (except Cottondale and Panama City, Fla.), and except that no authority is granted to transport oleomargarine from Indianapolis, Ind.; *sweet potatoes*, from Hartsville and Holly Hill, S.C., to Miami, Fla.; *flower bulbs*, from Lake Placid and Sebring, Fla., and points within 15 miles of each, to St. Louis, Mo., New York, N.Y., and Chicago, Ill.; *fresh and frozen fruits and vegetables*, from Pittsburgh and North East, Pa., and New York, N.Y., and points within 15 miles thereof, to Miami, Fla.; *fresh and frozen fruits and vegetables*, and *fresh and frozen fish*, from Miami, Fla., and points within 100 miles thereof to Wilmington, Del., Washington, D.C., Chicago, Ill., Richmond and Norfolk, Va., Baltimore, Md., Boston, Mass., Trenton, N.J., New York, N.Y., Philadelphia and Pitsburgh, Pa., and Providence, R.I. and points within 15 miles of New York; *fresh and frozen fish*, from Sarasota, Fla., and points within 50 miles thereof, to Wilmington, Del., Washington, D.C., Chicago, Ill., Richmond and Norfolk, Va., Baltimore, Md., Boston, Mass., Trenton, N.J., New York, N.Y., Philadelphia and Pittsburgh, Pa., and Providence, R.I.; *fresh or frozen frog legs*, from points in Florida, to Chicago, Ill., and Kilmarnock, Va., from points in Florida (except Jacksonville, Fla.), to New York, N.Y., Baltimore, Md., and Philadelphia, Pa., from Miami, Fla., to Milwaukee, Madison, Green Bay, Eau Claire, and Thorp, Wis.; *meats, meat products, and meat byproducts* as defined by the Commission, from Chicago, East St. Louis, and Peoria, Ill., Indianapolis, Ind., Cedar Rapids, Iowa, Kansas City, Kans., Kansas City, St. Joseph, and St. Louis, Mo., and Madison and Milwaukee, Wis., to points in Florida (except Cottondale and Panama City, Fla.); *foodstuff*, frozen or unfrozen, in mechanically refrigerated vehicles, and *containers or other incidental facilities* used in transporting such commodities between points in Florida, restricted against shipments having an immediately prior or subsequent movement by water, and restricted against any through service under a combination of the opearting rights granted herein and that already held by carrier to transport butter, cheese, and eggs, from points in Wisconsin, to Miami, Fla.; *frozen foods, citrus products, not canned and not frozen*, in vehicles equipped with mechanical refrigeration from points in Florida, to Chicago, Ill., St. Louis, Mo., and points in Indiana, Kentucky, and Ohio. MIDWEST EMERY FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Illinois, Minnesota, Iowa, North Dakota, Nebraska, Vermont, South Dakota, West Virginia, Rhode Island, Wisconsin, Indiana, Kansas, Ohio, Michigan, Tennessee, Pennsylvania, New York, Kentucky, Missouri, New Jersey, Arkansas, Virginia, Delaware, Maryland, Georgia, North Carolina, South Carolina, Florida, Connecticut, Maine, Massachusetts, New Hampshire, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: Application or authority under section 214 was filed in conjunction with the application under section 5, in Finance Docket No 21497.

No. MC–F 7807. Authority sought for purchase by BARBER TRANSPORTATION CO., 321 Sixth Street, Rapid City, S. Dak., of the operating rights and property of CONNER TRANSFER, Wakefield, Nebr., and for acquisition by MILO H. BARBER, 321 Sixth Street, Rapid City, S. Dak., of control of such rights and property through the purchase. Applicants' attorneys: Lee Reeder and W. E. Griffin, 1012 Baltimore Avenue, Kansas City 5, Mo., and Arthur C. Sidner, First National Bank Building, Fremont, Nebr. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes between Wakefield, Nebr., and Sioux City, Iowa, serving all intermediate points and the off-route points within 15 miles of Wakefield; between Wakefield, Nebr., and Omaha, Nebr., serving the intermediate and off-route points of Council Bluffs, Iowa, and those within 15 miles of Wakefield; *Livestock, agricultural commodities*, and *machinery*, between Yankton, S. Dak., and Wakefield, Nebr., serving the intermediate and off-route points within 15 miles of Wakefield; *Livestock, agricultural commodities, household goods*, and *emigrant movables*, over irregular routes between Wakefield, Nebr., and points within 15 miles of Wakefield, on the one hand, and, on the other, points in Iowa. Vendee is authorized to operate as a *common carrier* in South Dakota, Wyoming, Illinois, Iowa, Minnesota, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7808. Authority sought for merger into HARPER MOTOR LINES, INC., 213 Long Avenue., Elberton, Ga., of the operating rights and property of HAMBURGER MOTOR EXPRESS, INC., 213 Long Avenue, Elberton, Ga., and for acquisition by LOUIS PATZ of the same address, of control of such rights and property through the transaction. Applicants' attorney: Reuben G. Crimm, 1375 Peachtree Street NE., Suite 693, Atlanta 9, Ga. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Savannah, Ga., and Dothan, Ala., serving all intermediate points, and the off-route points of Fitzgerald and Hazelhurst, Ga., except that service is not authorized at those intermediate points on Georgia Highway 62 between Albany, Ga., and the Alabama-Georgia state line, and those on Georgia Highway 91 between Albany and Donalsonville, Ga., in connection with traffic originating at, destined to, or interchanged at Albany; and with service at Dothan restricted against the interchange of traffic originating at or destined to Savannah, Ga.; between Tifton, Ga., and Cordele, Ga., serving all intermediate points, between Jesup, Ga., and Valdosta, Ga., serving all intermediate points, between Valdosta, Ga., and Douglas, Ga., serving all intermediate points. HARPER MOTOR LINES, INC., is authorized to operate as a *common carrier* in Georgia, New York, New Jersey, Maryland, Pennsylvania, Virginia, South Carolina, Illinois, Ohio, Delaware, Indiana, Kentucky, Michigan, Tennessee, West Virginia, Missouri, North Carolina, Alabama, Florida, Connecticut, Wisconsin, Massachusetts, Rhode Island, Iowa, Minnesota, Mississippi, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–2021; Filed, Mar. 8, 1961; 8:45 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 6, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36942: *Asphalt from Montana points to Marshall, Minn.* Filed by Northern Pacific Railway Company (No. 116), for itself and the Chicago and North Western Railway Company. Rates on asphalt (asphaltum), natural by-product or petroleum (other than paint, stain or varnish), in tank-car loads, shipped in multiple carload lots, as described in the application, from Billings, East Billings and Laurel, Mont., to Marshall, Minn.

Grounds for relief: Rail competition.

Tariff: Supplement 32 to Northern Pacific Railway tariff I.C.C. 9906.

AGGREGATE-OF-INTERMEDIATES

FSA No. 36941: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 399), for interested rail carrier. Rates on chemicals, etc., in carloads and tank-car loads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates established to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 3 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–2064; Filed, Mar. 8, 1961; 8:46 a.m.]

[Notice 460]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 6, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63790. By order of March 1, 1961, the Transfer Board approved the transfer to Rhinemiller Transportation Company, Inc., Adams, Mass. of Certificate No. MC 114946 issued April 13, 1955, to D. W. Rhinemiller, doing business as Rhinemiller Transportation Co., Adams, Mass., authorizing the transportation, over irregular routes, of lime, and limestone products, from points in Berkshire County, Mass., to points in Rhode Island and Connecticut, those in a described portion of New Jersey and a described portion of New York, and fertilizer and ingredients, used in the manufacture of fertilizer, from New Haven and West Haven, Conn., to points in Hampden, Berkshire, Franklin, and Hampshire Counties, Mass. and of Permit No. MC 86069 Sub 5 issued April 18, 1950, to D. W. Rhinemiller, doing business as Rhinemiller Transportation Co., Adams, Mass., authorizing the transportation

over irregular routes, of mineral wool insulation, from Mansfield, Mass., to points in Rhode Island and Connecticut, those in New Hampshire except those in Coos County, and those in Windham, Bennington, Rutland and Windsor Counties, Vt. Leonard A. Turgeon, 73 Park Street, Adams, Mass., Attorney for applicants.

No. MC–FC 63793. By order of March 1, 1961, the Transfer Board approved the transfer to Marie Anne Dupuis, doing business as Philip A. Dupuis, Manchester, N.H., of Certificate No. MC 59346 Sub 2, issued May 21, 1948, to Philip A. Dupuis, Manchester, N.H., authorizing the transportation of: New furniture, from Manchester, N.H., to points in Maine, Vermont, Rhode Island, Connecticut, and New York except those in the New York Commercial Zone; and, new stoves, from Taunton, Mass., to Manchester, N.H. Andre J. Barbeau, 795 Elm Street, Manchester, N.H., Attorney for applicants.

No. MC–FC 63848. By order of March 1, 1961, the Transfer Board approved the transfer to Ellis M. Waddell, doing business as Waddell Transfer, Marion, Va., of Permit No. MC 119435, issued August 22, 1960, to James Frazier Dillman, Marion, Va., authorizing the transportation of: Brick, from Groseclose, Va., to points in West Virginia, Tennessee, North Carolina, and Kentucky. Harry E. Dixon, Jr., P.O. Box 211, Roanoke 2, Va., Practitioner for applicants.

No. MC–FC 63965. By order of March 1, 1961, the Transfer Board approved the transfer to Lawton Moving and Storage, Inc., 1602 "F" Avenue, Lawton, Okla., of Certificate No. MC 33273, issued October 23, 1952, to Glenn A. Roe, doing business as Lawton Storage and Transfer, 1602 "F" Avenue, Lawton, Okla., which authorizes the transportation of household goods, as defined, between points in that part of Oklahoma south of U.S. Highway 66 and west of U.S. Highway 77, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Nebraska, Texas, and Wyoming.

No. MC–FC 63985. By order of March 1, 1961, the Transfer Board approved the transfer to L. C. Ferguson, Route No. 2, Coldwater, Miss., of Certificate No. MC 93481, issued August 1, 1952, to Malcolm F. Bailey, Independence, Miss., authorizing the transportation of: Milk, from Independence, Miss., to Coldwater, Miss., to Memphis, Tenn.; ice and feed from Memphis, Tenn., to Independence, Miss.

No. MC–FC 63990. By order of March 1, 1961, the Transfer Board approved the transfer to J. H. Marks Trucking Co., Inc., Odessa, Texas, of Certificate No. MC 71819, issued December 14, 1940, to James E. Parker, Chase, Kansas, authorizing the transportation of: Machinery, materials, supplies and equipment, incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, over irregular routes, between points in Kansas and Oklahoma and from Kansas City, Mo., to points in Kansas. Townsend, Jandera & Hope, 641 Harrison Street, Topeka, Kansas, Attorneys for applicants.

No. MC–FC 63995. By order of March 1, 1961, The Transfer Board approved the transfer to Mark E. Yoder, Inc., Schuylkill Haven, Pa., of Certificates Nos. MC 110541, MC 110541 Sub 3 and MC 110541 Sub 4, issued July 17, 1950, October 23, 1958, and December 17, 1959, respectively, to Mark E. Yoder, Schuylkill Haven, Pa., authorizing the transportation of: Coal, over irregular routes, from points in Schuylkill County, Pa., to points in New Jersey and Delaware; Coal from points in Northumberland County, Pa., to points in Delaware and New Jersey; from points in Luzerne County, Pa., to points in Delaware and points in Hunterdon, Atlantic, Camden, Cumberland, Cape May, Salem, Gloucester, and Burlington Counties, N.J.; and petroleum coke, in bulk, in dump vehicles, from Delaware City, Del., to Milford and Warren Glen, N.J. James D. Williamson, Attorney for applicant, Seventh Floor, Schuylkill Trust Building, Pottsville, Pa.

No. MC–FC 63997. By order of March 1, 1961, the Transfer Board approved the transfer to Lloyd Guyer and Palmer Mickelson, a partnership, doing business as Mickelson & Guyer Trucking, Madelia, Minn., of Certificates Nos. MC 117596 and MC 117596 Sub 1, issued June 19, 1959 and March 29, 1960, respectively, to Robert O. Dale, Mankato, Minn., authorizing the transportation, over irregular routes, of mineral feed mixtures and lime, from Hannibal, Mo., to points in Iowa, Minnesota, North Dakota, and South Dakota; mineral mixtures, for animal or poultry feed, and lime (ground or pulverized limestone), from Hannibal, Mo., to points in Nebraska and Wisconsin. Richard E. Kossow, 1010 Midland Bank Building, Minneapolis 1, Minn., Attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–2065; Filed, Mar. 8, 1961; 8:46 a.m.]

# OFFICE OF CIVIL AND DEFENSE MOBILIZATION

## GEORGE B. LeSAUVAGE

### Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Only two additional purchases of stock since previous statement listing interests:

Bohack's.
Occidental Petrcleum.

This amends statement published August 11, 1960 (25 F.R. 7665).

Dated: February 1, 1961.

GEORGE B. LeSAUVAGE.

[F.R. Doc. 61–2054; Filed, Mar. 8, 1961; 8:45 a.m.]



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Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOods 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Executive Office of the President

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (b) of 6.315 is amended as set out below.

§ 6.315 Executive Office of the President.

* * * * * *

(b) *Council of Economic Advisers.* (1) Two Private Secretaries to the Chairman and one to each of the other two members.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61–2094; Filed, Mar. 9, 1961; 8:45 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 688; Amdt. 262]

### PART 507—AIRWORTHINESS DIRECTIVES

#### Brantly B–2 Helicopters

Amendment 151 (25 F.R. 4237), AD 60–10–2, requires inspection of Brantly B–2 rotor blades with a 10-power glass and removal of blades if any cracks were found. As a result of inspections conducted and completion of the manufacturer's rework program, it has been determined that a visual inspection is adequate and blades with single cracks up to one inch in length can be reworked. Accordingly, Amendment 151 is being amended.

Since this amendment constitutes a relaxation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489) § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 151, Brantly B–2 Helicopters, 25 F.R. 4237, is amended by changing paragraph (a) to read as follows:

(a) (1) Visually inspect upper and lower skin for cracks in the vicinity of rivet heads on the inboard one-third of the outboard main rotor blades.

(2) Blades found with more than one crack or with a single crack exceeding one inch in length must be replaced prior to further flight.

(3) Blades found with a single crack of one inch or less in length must be stop-drilled with a ⅛ (0.125) inch diameter drill prior to further flight.

This amendment shall become effective March 10, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 3, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61–2103; Filed, Mar. 9, 1961; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–WA–355]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

#### Modification of Federal Airway and Associated Control Areas; Change of Effective Date

On July 8, 1960, there were published in the FEDERAL REGISTER (25 F.R. 6418), amendments to §§ 600.6273 and 601.6273 of the regulations of the Administrator. These amendments, to be effective January 12, 1961, modified VOR Federal airway No. 273 and its associated control areas by redesignating and extending them from Huguenot, N.Y., via Hancock, N.Y., and Georgetown, N.Y., to Syracuse, N.Y., concurrently with the commissioning of VORs near Hancock and Georgetown.

Subsequently, the effective date of these amendments was postponed until April 6, 1961 (25 F.R. 12287), due to changes in the scheduled commissioning dates of the Georgetown and Hancock VORs.

The commissioning date of the Hancock VOR has again been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until October 19, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 59–WA–355 is hereby modified as follows: "effective 0001 e.s.t. April 6, 1961." is deleted and "effective 0001 e.s.t. October 19, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 3, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–2105; Filed, Mar. 9, 1961; 8:46 a.m.]

[Airspace Docket No. 59–WA–358]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

#### Modification of Federal Airway; Change of Effective Date

On July 8, 1960, there was published in the FEDERAL REGISTER (25 F.R. 6416) an amendment to § 600.6034 of the regulations of the Administrator. This amendment, to be effective January 12, 1961, modified VOR Federal airway No. 34 between Ithaca, N.Y., and Wilton, Conn., via Hancock, N.Y., concurrently with the commissioning of a VOR near Hancock.

Subsequently, the effective date of this amendment was postponed until April 6, 1961 (25 F.R. 12286), due to a change in the scheduled commissioning date of the Hancock VOR.

The commissioning date of the Hancock VOR has again been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendment until October 19, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 59–WA–358 is hereby modified as follows: "effective 0001 e.s.t. April 6, 1961." is deleted and "effective 0001 e.s.t. October 19, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on March 3, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2106; Filed, Mar. 9, 1961; 8:46 a.m.]

[Airspace Docket No. 61-LA-10]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Alteration of Federal Airway and Associated Control Areas

The purpose of these amendments to §§ 600.6287 and 601.6287 of the regulations of the Administrator is to realign the segment of VOR Federal airway No. 287 between Newberg, Oreg., and Portland, Oreg., and designate an east alternate to Victor 287 over the existing alignment of this segment.

The present alignment of this segment of Victor 287 is "dog-legged" via the intersection of the Newberg VOR 069° and the Portland VORTAC 196° True radials. Action is taken herein to realign this segment via direct radials from Newberg to Portland and designate Victor 287 east alternate via the Newberg VOR 069° and the Portland VORTAC 196° True radials. No additional designated airspace is involved in these actions since the realigned segments of Victor 287 will coincide with other designated airway segments and their associated control areas.

This alteration of Victor 287 will result in improved flight planning and more simplified clearances for traffic proceeding from the San Francisco-Oakland, Calif., area via Portland to the Seattle/Tacoma, Wash., area. This is a commonly used route, particularly during periods of adverse weather conditions over the mountainous terrain on the inland routes. This alteration to Victor 287 will not affect terminal operations at Portland.

Since these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 600.6287 (14 CFR 600.6287) is amended to read:

§ 600.6287 VOR Federal airway No. 287 (North Bend, Oreg., to Portland, Oreg.).

From the North Bend, Oreg., VOR via the Newberg, Oreg., VOR; to the Portland, Oreg., VORTAC, including an E alternate via the Newberg VOR 069° and the Portland VORTAC 196° radials.

2. Section 601.6287 (14 CFR 601.6287) is amended to read:

§ 601.6287 VOR Federal airway No. 287 control areas (North Bend, Oreg., to Portland, Oreg.).

All of VOR Federal airway No. 287 including an E alternate.

These amendments shall become effective 0001 e.s.t. May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 6, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2107; Filed, Mar. 9, 1961; 8:46 a.m.]

[Airspace Docket No. 60-LA-96]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas and Reporting Points

On December 6, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12479) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 60 in its entirety, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by revoking the following sections:

1. Section 600.260 *Red Federal airway No. 60 (Oakland, Calif., to Stockton, Calif.).*

2. Section 601.260 *Red Federal airway No. 60 control areas (Oakland, Calif., to Stockton, Calif.).*

3. Section 601.4260 *Red Federal airway No. 60 (Oakland, Calif., to Stockton, Calif.).*

These amendments shall become effective 0001 e.s.t. May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 6, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2108; Filed, Mar. 9, 1961; 8:46 a.m.]

[Airspace Docket No. 60-LA-97]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas and Reporting Points

On December 6, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12478) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 9 in its entirety, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by revoking the following sections:

1. Section 600.209 *Red Federal airway No. 9 (Campo, Calif., to Casa Grande, Ariz.).*

2. Section 601.209 *Red Federal airway No. 9 control areas (Campo, Calif., to Casa Grande, Ariz.).*

3. Section 601.4209 *Red Federal airway No. 9 (Campo, Calif., to Casa Grande, Ariz.).*

These amendments shall become effective 0001 e.s.t. May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 3, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2109; Filed, Mar. 9, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-131]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas, and Reporting Points

On December 31, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 14047) stating that the Federal Aviation Agency proposed to revoke Blue Federal airway No. 39 in its entirety, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by revoking the following sections:

1. Section 600.639 *Blue Federal airway No. 39 (Philipsburg, Pa., to Elmira, N.Y.).*

2. Section 601.639 *Blue Federal airway No. 39 control areas (Philipsburg, Pa., to Elmira, N.Y.).*

3. Section 601.4639 *Blue Federal airway No. 39 (Philipsburg, Pa., to Elmira, N.Y.).*

These amendments shall become effective 0001 e.s.t. May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 6, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2110; Filed, Mar. 9, 1961; 8:46 a.m.]

[Airspace Docket No. 60-FW-87]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Control Area Extension and Modification of Control Zone

On November 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12203) stating that the Federal Aviation Agency proposed to revoke the Dyersburg, Tenn., control area extension and modifying the Dyersburg control zone.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Part 601 (14 CFR Part 601) is amended by revoking the following sections:

(a) Section 601.1264 *Control area extension (Dyersburg, Tenn.).*

(b) Section 601.2237 *Dyersburg, Tenn., control zone.*

2. In the text of § 601.1984 (14 CFR 601.1984) the following is added:

Dyersburg, Tenn.: Dyersburg Municipal Airport (Lat. 36°00'00" N, Long. 89°24'20" W).

These amendments shall become effective 0001 e.s.t. May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 3, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2104; Filed, Mar. 9, 1961; 8:46 a.m.]

# Title 24—HOUSING AND HOUSING CREDIT

## Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND SERVICEMEN'S MORTGAGE INSURANCE

## PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER THE INSURANCE CONTRACT

### Documents and Information To Be Furnished Commissioner

Section 222.115 is amended to read as follows:

§ 222.115 Documents and information to be furnished Commissioner.

Within 60 days after the deed is filed for record the mortgagee shall forward to the Commissioner:

(a) The deed to the Commissioner and title evidence;

(b) Fiscal data pertaining to the mortgage transaction;

(c) Receipts covering all disbursements as required by the fiscal data form;

(d) Ledger cards covering the mortgage transaction;

(e) Any additional information or data which the Commissioner may require.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

Issued at Washington, D.C., March 6, 1961.

[SEAL] JAMES B. CASH, JR.,
*Acting Federal Housing Commissioner.*

[F.R. Doc. 61-2125; Filed, Mar. 9, 1961; 8:47 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VI—Department of the Navy

SUBCHAPTER D—PROCUREMENT, PROPERTY, PATENTS, AND CONTRACTS

## PART 736—DISPOSITION OF PROPERTY

### Service Educational Activities

*Scope and purpose.* Section 736.5(f)(1)(i) lists schools of special interest to the Armed Services designated by the Secretary of Defense as service educational activities for receiving donations of surplus personal property under section 203(j)(2) of the Federal Property and Administrative Services Act of 1949 as amended (40 U.S.C. 484(j)(2)). In the following revision of the section, the list of schools is brought up to date to conform with current directives of the Department of Defense.

1. Section 736.5(f)(1)(i) is revised to read as follows:

(i) Schools of special interest to the Armed Services listed in this subdivision which have been designated as service educational activities by the Secretary of Defense:

Admiral Farragut Academy, St. Petersburg, Fla.
Admiral Farragut Academy, Pine Beach, N.J.
Allen Military Academy, Bryan, Tex.
Army and Navy Academy, Carlsbad, Calif.
Augusta Military Academy, Fort Defiance, Va.
Baylor School (The), Chattanooga, Tenn.
Black-Foxe Military Institute, Los Angeles, Calif.
Bolles School (The), Jacksonville, Fla.
Booker T. Washington High School, Shreveport, La.
Bordentown Military Institute, Bordentown, N.J.
Boy Scouts of America, National Council, New Brunswick, N.J.
Boys' Clubs of America, National Headquarters, 381 Fourth Avenue, New York, N.Y.
Brown Military Academy, Glendora, Calif.
Burges High School, El Paso, Tex.
California Maritime Academy, Vallejo, Calif.
Camp Fire Girls, Incorporated, 16 East 48th Street, New York, N.Y.
Cardinal Farley Military Academy, Rhinecliff-on-Hudson, N.Y.
Carlisle Military School, Bamberg, S.C.
Carlsbad High School, Carlsbad, N. Mex.
Carson Long Institute, New Bloomfield, Pa.
Castle Heights Military Academy, Lebanon, Tenn.
Children's Village (The), Dobbs Ferry, N.Y.
Civil Air Patrol, National Headquarters, Ellington Air Force Base, Houston, Tex.
Columbia Military Academy, Columbia, Tenn.
Culver Military Academy, Culver, Ind.
Fishburne Military School, Waynesboro, Va.
Florida Military Academy, Inc., Fort Lauderdale, Fla.
Florida Military School, DeLand, Fla.
Fork Union Military Academy, Fork Union, Va.
Georgia Military Academy, College Park, Ga.
Georgia Military College, Milledgeville, Ga.
Girl Scouts of America, National Headquarters, 830 Third Avenue, New York, N.Y.

Gordon Military College, Barnesville, Ga.
Greenbrier Military School, Lewisburg, W. Va.
Howe Military School, Howe, Ind.
Kamehameha School for Boys, Honolulu, Hawaii.
Kemper Military School, Boonville, Mo.
Kentucky Military Institute, Lyndon, Ky.
LaSalle Institute, Troy, N.Y.
LaSalle Military Academy, Oakdale, Long Island, N.Y.
Maine Maritime Academy, Castine, Maine.
Manlius School (The), Manlius, N.Y.
Marion Institute, Marion, Ala.
Marist College, Atlanta, Ga.
Marmion Military Academy, Aurora, Ill.
Maryknoll High School, Honolulu, Hawaii.
Massanutten Military Academy, Woodstock, Va.
Miami Military Academy, Miami, Fla.
Millersburg Military Institute, Millersburg, Ky.
Missouri Military Academy, Mexico, Mo.
New Mexico Military Institute, Roswell, N. Mex.
New York Military Academy, Cornwall-on-Hudson, N.Y.
New York State Maritime College, Fort Schuyler, Bronx, N.Y.
North Central High School, Indianapolis, Ind.
Oak Ridge Military Institute, Oak Ridge, N.C.
Oklahoma Military Academy, Claremore, Okla.
Peacock Military Academy, San Antonio, Tex.
Peekskill Military Academy, Peekskill, N.Y.
Porter Military Academy, Charleston, S.C.
Randolph-Macon Academy, Front Royal, Va.
Riverside Military Academy, Gainesville, Ga.
St. Emma Military Academy, Rock Castle, Va.
St. John's College, Washington, D.C.
St. John's Military Academy, Delafield, Wis.
St. Joseph's Military Academy, Hays, Kans.
St. Thomas Military Academy, St. Paul, Minn.
Schreiner Institute, Kerrville, Tex.
Sewanee Military Academy, Sewanee, Tenn.
Shattuck School, Faribault, Minn.
Tabor Academy, Marion, Mass.
Tennessee Military Institute, Sweetwater, Tenn.
Texas Military Institute, San Antonio, Tex.
Valley Forge Military Academy, Wayne, Pa.
Wentworth Military Academy, Lexington, Mo.
Western Military Academy, Alton, Ill.
Ysleta Public Schools, Ysleta, Tex.

(Sec. 202, 61 Stat. 500, sec. 203, 63 Stat. 385, sec. 5031, 70A Stat. 278, as amended; 5 U.S.C. 171a, 40 U.S.C. 484, 10 U.S.C. 5031)

Dated: March 3, 1961.

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
*Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.*

[F.R. Doc. 61-2115; Filed, Mar. 9, 1961; 8:47 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2288]

[72182]

## ALASKA

### Amending Public Land Order No. 2171 of August 3, 1960, Which Withdrew Lands to Protect Indian Cemeteries

Public Land Order No. 2171 of August 3, 1960, appearing in the FEDERAL REGISTER of August 10, 1960, at page 7533, is hereby amended by deleting the penultimate paragraph which provided for a 330 foot buffer zone around each area reserved by the order. The purpose of this amendment is to permit the authorized officer to prescribe whatever buffer zone is necessary for the proper care, upkeep, and administration of Indian cemeteries in Alaska.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

MARCH 6, 1961.

[F.R. Doc. 61-2111; Filed, Mar. 9, 1961; 8:47 a.m.]

[Public Land Order 2289]

[1934630]

## ALASKA

### Revoking Public Land Order No. 71 of December 17, 1942

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 71 of December 17, 1942, which withdrew public lands in Alaska for use of the War Department for military purposes, and which has heretofore been amended by Public Land Order No. 284 of June 12, 1945, and partly revoked by Public Land Orders Nos. 423 of October 24, 1947, and 957 of April 21, 1954, is hereby revoked in its entirety. The following-described lands which are a part of the Kodiak National Wildlife Refuge, reestablished by Public Land Order No. 1634 of May 9, 1958, are affected by this order:

LAZY BAY AREA

All that area lying between parallels 56°52' and 56°56' north latitude and meridians 154°12' and 154°20' longitude west of Greenwich.

The area described contains approximately 7,650 acres.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

MARCH 6, 1961.

[F.R. Doc. 61-2112; Filed, Mar. 9, 1961; 8:47 a.m.]

[Public Land Order 2290]

[70316]

## MONTANA

### Restoring Lands to Tribal Ownership of the Blackfeet Tribe of Indians

Whereas, pursuant to authority contained in the act of Congress approved March 1, 1907 (34 Stat. 1015, 1039), certain townsites were established within the Blackfeet Indian Reservation, Montana, and

Whereas, there are certain undisposed of lands within the Townsite of Browning which are desired by the Indians and for which there appears to be no public demand, and

Whereas, the Tribal Council and the Commissioner of Indian Affairs have recommended restoration of the lands involved to tribal ownership:

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by sections 3 and 7 of the act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 463a), I hereby find that the restoration to tribal ownership of the lands listed below will be in the public interest and the said lands are hereby restored to tribal ownership for the use and benefit of the Blackfeet Indian Reservation, Montana, and are added to and made a part of the existing reservation, subject to any valid existing rights:

BROWNING TOWNSITE

Block 34, lots 3, 4, and 5.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

MARCH 6, 1961.

[F.R. Doc. 61-2113; Filed, Mar. 9, 1961; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 52]

### CANNED GREEN BEANS AND CANNED WAX BEANS[1]

### U.S. Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Canned Green Beans and Canned Wax Beans (7 CFR, 52.441–52.456) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). This revision, if made effective, will be the seventh issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

IDENTITY, STYLES, AND GRADES

Sec.
52.441 Identity.
52.442 Styles of canned beans.
52.443 Grades of canned beans.

FILL OF CONTAINER AND DRAINED WEIGHTS

52.444 Recommended fill of container.
52.445 Recommended drained weight.
52.446 Compliance with recommended drained weights.

TYPES AND SIZES

52.447 Types of canned beans.
52.448 Sizes of canned beans.

FACTORS OF QUALITY

52.449 Ascertaining the grade of a sample unit.
52.450 Ascertaining the rating for the factors which are scored.
52.451 Clearness of liquor.
52.452 Color.
52.453 Absence of defects.
52.454 Character.

LOT INSPECTION AND CERTIFICATION

52.455 Ascertaining the grade of a lot.

SCORE SHEET

52.456 Score sheet for canned green beans or canned wax beans.

AUTHORITY: §§ 52.441 to 52.456 issued under secs. 202.208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

IDENTITY, STYLES, AND GRADES

§ 52.441 Identity.

(a) "Canned green beans" means canned green beans as defined in the definitions and standard of identity for canned green beans (21 CFR 51.10), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) "Canned wax beans" means canned wax beans as defined in the definitions and standard of identity for canned wax beans (21 CFR 51.15), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(c) "Canned beans" or "beans" as hereinafter referred to in this subpart means canned green beans or canned wax beans.

(d) "Unit" means an individual green bean or wax bean, or portion of either, in canned beans.

§ 52.442 Styles of canned beans.

(a) "Whole" means canned beans that consist of whole pods, including pods which after removal of either or both ends are less than 2¾ inches in length, or transversely cut pods not less than 2¾ inches in length and, except for "vertical pack" or asparagus style, are not arranged in any definite position in the container.

(b) "Whole vertical pack" means canned beans that are "whole" and are packed parallel to the sides of the container.

(c) "Whole asparagus style" means canned beans that are "whole" and consist of pods that are cut at both ends, are of substantially equal lengths, and are packed parallel to the sides of the container.

(d) "Sliced lengthwise" or "French style" means canned beans consisting of pods that are sliced lengthwise.

(e) "Cut" or "cuts" means canned beans consisting of pods that are cut transversely into pieces less than 2¾ inches, but not less than ¾ inch, in length, and may contain shorter end pieces which result from cutting.

(f) "Short cut" or "short cuts" means canned beans consisting of pieces of pods of which not less than 75 percent are less than ¾ inch in length and not more than 1 percent are more than 1¼ inches in length.

(g) "Mixed" or "mixture" means a mixture of two or more of the following styles of canned beans: "whole;" "sliced lengthwise;" "cuts;" or "short cuts."

§ 52.443 Grades of canned beans.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; that are practically free from defects; that possess a good character; and are of such quality with respect to clearness of liquor, uniformity of color, as to score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; possess a reasonably uniform typical color; are reasonably free from defects; possess a reasonably good character; and are of such quality with respect to clearness of liquor as to score not less than 80 points when scored in accordance with the scoring system outined in this subpart.

(c) "U.S. Grade C" (or "U.S. Standard") is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; possess a fairly good liquor; possess a fairly uniform typical color; are fairly free from defects; possess a fairly good character; and score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of canned beans that fail to meet the requirements of U.S. Grade C and may or may not be "Below Standard in Quality—Good Food—Not High Grade."

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.444 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned beans be filled with beans as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

§ 52.445 Recommended drained weight.

The drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of beans is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch ±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for No. 2½ size cans (401 x 411) and smaller sizes, and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

§ 52.446 Compliance with recommended drained weights.

Compliance with the recommended drained weights for canned beans in Table I is determined by averaging the drained weights from all the containers

in the sample which is representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

(a) The average of the drained weights from all of the containers in the sample meets the recommended minimum drained weight for the applicable style;

(b) The drained weights from the containers which do not meet the recommended minimum drained weight are within the range of variability of good commercial practice.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED GREEN BEANS AND WAX BEANS

| Container size or designation | Whole | Whole vertical pack; and whole asparagus style | Short cuts; and cuts, less than 1½ inches | Cuts—1½ inches and longer | Mixed—Cuts and short cuts | Sliced lengthwise or French style |
|---|---|---|---|---|---|---|
| | *Ounces* | *Ounces* | *Ounces* | *Ounces* | *Ounces* | *Ounces* |
| 8 Z tall | 4.0 | 4.6 | 4.5 | 4.2 | 4.5 | 4.2 |
| 8 oz. glass | 3.9 | 4.5 | 4.4 | 4.0 | 4.4 | 4.0 |
| No. 1 (picnic) | 5.6 | 6.1 | 6.0 | 5.7 | 6.0 | 5.7 |
| No. 300 | 8.2 | 9.2 | 8.5 | 8.2 | 8.5 | 8.2 |
| No. 300 glass | 8.2 | 9.2 | 8.5 | 8.2 | 8.5 | 8.2 |
| No. 1 tall | 8.5 | 9.5 | 9.2 | 9.0 | 9.2 | 9.0 |
| No. 303 | 8.5 | 9.5 | 9.2 | 9.0 | 9.2 | 9.0 |
| No. 303 glass | 9.0 | 10.0 | 9.7 | 9.5 | 9.7 | 9.5 |
| No. 2 | 10.5 | 11.9 | 11.2 | 11.0 | 11.2 | 11.0 |
| No. 2½ | 16.0 | 17.0 | 16.4 | 16.2 | 16.4 | 16.2 |
| No. 2½ glass | 15.8 | 16.8 | 16.2 | 16.0 | 16.2 | 16.0 |
| No. 3 cylinder | 26.6 | ..... | 27.3 | 27.0 | 27.3 | 27.0 |
| No. 10 | 60.0 | ..... | 63.0 | 61.0 | 63.0 | 60.0 |

## TYPES AND SIZES

### § 52.447 Types of canned beans.

The type of canned beans is not incorporated in the grades of the finished product, since the type of canned beans is not a factor of quality for the purpose of these grades. The type of canned beans is based upon the relationship of the width and thickness measurement and is described as "round-type" or "flat-type" as follows:

(a) "Round-type" are canned beans having a width not greater than 1½ times the thickness of the bean.

(b) "Flat-type" are canned beans having a width greater than 1½ times the thickness of the bean.

### § 52.448 Sizes of canned beans.

The size of beans is not a factor of quality of canned beans for the purpose of these grades. The size of a whole, cut, or short cut bean is determined by measuring the thickness at the shorter diameter of the bean transversely to the long axis at the thickest portion of the pod. The designations of the various sizes of round type and flat type beans are shown in Table No. II–A and II–B of this subpart.

TABLE II–A—SIZES OF ROUND-TYPE BEANS

| Number designation | Word designation | | Measurement of thickness in 64ths of one inch |
|---|---|---|---|
| | Whole beans | Cut or short cut beans | |
| Size 1 | Tiny | Small | Less than 14½. |
| Size 2 | Small | do | 14½, but not including, 18½. |
| Size 3 | Medium | do | 18½, but not including, 21. |
| Size 4 | Medium large | Medium | 21, but not including, 24. |
| Size 5 | Large | Large | 24, but not including, 27. |
| Size 6 | Extra large | Extra large | 27 or more. |

TABLE II–B—SIZES OF FLAT-TYPE BEANS

| Number designation | Word designation | | Measurement of thickness in 64ths of an inch |
|---|---|---|---|
| | Whole beans | Cut or short cut beans | |
| Size 2 | Small | Small | Less than 14½. |
| Size 3 | Medium | Medium | 14½, but not including, 18½. |
| Size 4 | Medium large | Medium large | 18½, but not including, 21. |
| Size 5 | Large | Large | 21, but not including 24. |
| Size 6 | Extra large | Extra large | 24 or more. |

## FACTORS OF QUALITY

### § 52.449 Ascertaining the grade of a sample unit.

(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points.* (i) Flavor and odor. "Normal flavor and normal odor" means that the canned beans are free from objectionable flavors and objectionable odors of any kind.

(ii) Varietal characteristics.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

| Factors: | Points |
|---|---|
| Clearness of liquor | 10 |
| Color | 15 |
| Absence of defects | 35 |
| Character | 40 |
| Total score | 100 |

### § 52.450 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "31 to 35 points" means 31, 32, 33, 34, or 35 points).

### § 52.451 Clearness of liquor.

(a) (*A*) *classification.* Canned beans that possess a practically clear liquor may be given a score of 9 or 10 points. "Practically clear liquor" means that the liquor may possess a slight tint of yellow-green to green color and that not more than a trace of suspended material and sediment is present.

(b) (*B*) *classification.* If the canned beans possess a reasonably clear liquor, a score of 8 points may be given. "Reasonably clear liquor" means that the liquor may be cloudy and contain a small quantity of sediment.

(c) (*C*) *classification.* If the canned beans possess a fairly good liquor, a score of 7 points may be given. "Fairly good liquor" means that the liquor may be dull in color, but not off color; may be cloudy; or may possess a noticeable accumulation of sediment.

(d) (*SStd*) *classification.* Canned beans that possess a liquor that is definitely off color for any reason, is excessively cloudy, or contains a seriously objectionable quantity of sediment may be given a score of 0 to 6 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

### § 52.452 Color.

(a) (*A*) *classification.* Canned beans that possess a practically uniform bright typical color may be given a score of 14 or 15 points. "Practically uniform bright typical color" means that the canned beans possess a color that is bright and typical of very young and tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 5 percent, by count, of units which vary markedly from this typical color.

(b) (*B*) *classification.* If the canned beans possess a reasonably uniform typical color, a score of 12 or 13 points may be given. "Reasonably uniform typical color" means that the canned beans possess a color that is typical of young and reasonably tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 10 percent, by count, of units which vary markedly from this typical color.

(c) (*C*) *classification.* Canned beans that possess a fairly uniform typical color may be given a score of 10 or 11 points. Canned beans that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly uniform typical color" means that the canned beans possess a color that is typical of nearly mature and fairly tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 15 percent, by count, of units which vary markedly from this typical color.

(d) (*SStd*) *classification.* Canned beans that are definitely off color or fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 9 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

### § 52.453 Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from blemished and seriously blemished units; from unstemmed units, detached stems, leaves, extraneous vegetable matter; or split units, loose seeds and pieces of seed, small pieces of pod, and ragged-cut units or units damaged by mechanical injury in the applicable styles; and any other defects not specifically defined which affects the appearance or edibility of the units or the product.

(b) *Definitions of defects or defective units.* (1) "Blemished" or "blemished unit" means blemished by scars, pathological injury, insect injury, or other means in which the aggregate area affected exceeds the area of a circle ⅛ inch in diameter or the appearance or eating quality of the unit is materially affected.

(2) "Seriously blemished" or "seriously blemished unit" means blemished to such an extent that the appearance or eating quality of the unit is seriously affected.

(3) "Long stems" mean attached or detached stems which are longer than ⅜ inch.

(4) "Extraneous vegetable matter" means leaves and other similar vegetable matter that is harmless, and includes "detached stems", when so indicated.

(5) "Split unit" means a whole bean, cut, or short cut unit, that is split into two parts.

(6) "Small pieces of pods" means pieces of pods less than ½ inch in length.

(7) "Ragged-cut unit" means a section of a pod that has a very ragged edge, or a section of a pod that is partially cut that seriously affects the appearance of the pod.

(8) "Damaged by mechanical injury" means broken or damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(c) (*A*) *classification.* Canned beans that are practically free from defects may be given a score of 31 to 35 points. "Practically free from defects" means that:

(1) The limits for allowable defects or defective units in the applicable styles do not exceed the maximum limits for (A) classification in Table III of this subpart; and

(2) Notwithstanding the applicable allowances in Table III the defects or defective units (whether or not specifically defined), individually and collectively, do not materially affect the appearance or edibility of the product.

(d) (*B*) *classification.* If the canned beans are reasonably free from defects, a score of 28 to 30 points may be given. Canned beans that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) The limits for allowable defects or defective units in the applicable styles do not exceed the maximum limits for (B) classification in Table III of this subpart; and

(2) Notwithstanding the applicable allowances in Table III of the defects or defective units (whether or not specifically defined), individually and collectively, do not seriously affect the appearance or edibility of the product.

(e) (*C*) *classification.* If the canned beans are fairly free from defects, a score of 25 to 27 points may be given. Canned beans that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the limits for allowable defects or defective units in the applicable styles do not exceed the maximum limits for (C) classification in Table III of this subpart.

(f) (*SStd*) *classification.* Canned beans that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 24 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule); and may also be "Below Standard in Quality—Good Food—Not High Grade" for the following applicable reasons: excessive number very short pieces; excessive number blemished units; excessive number unstemmed units; excessive foreign material; excessive loose seeds and pieces of seeds.

TABLE III—MAXIMUM ALLOWANCES FOR DEFECTS OR DEFECTIVE UNITS IN CANNED GREEN OR CANNED WAX BEANS

| | (A) Classification | (B) Classification | (C) Classification |
|---|---|---|---|
| All styles: Total—all defects other than loose seeds and seed pieces. | 10% of drained weight... | 18% of drained weight... | 20% of drained weight. |
| Blemished; and Seriously blemished. | 2% total, but no more than 1%, by count, seriously. | 4% total, but no more than 2%, by count, seriously. | 8% total,[1] but no more than 4%, by count, seriously. |
| Unstemmed units and Detached stems. | 4 total, but no more than 2 long stems, per 12 ozs. drained weight. | 5 total, but no more than 3 long stems, per 12 ozs. drained weight. | Unstemmed units: 6 total, but no more than 4 long stems, per 12 ozs. drained weight. |
| Leaves and other extraneous vegetable matter. | 1 piece per 12 ozs. drained weight. | 2 pieces per 12 ozs. drained weight. | Including detached stems: 0.6 ozs. per 60 ozs. drained weight.[1] |
| All styles, except as indicated otherwise: Loose seeds and pieces (except in Sliced Lengthwise style). | 8% of drained weight.... | 4% of drained weight.... | 8% of drained weight.[1] |
| Small pieces of pod (in cuts; and mixed—cut and short cut styles only): (a) 240 count or less per 12 ozs. drained weight; | 40 pieces per 12 ozs. drained weight. or | 60 pieces per 12 ozs. drained weight. or [1] | 60 pieces per 12 ozs. drained weight. or [1] |
| (b) More than 240 count per 12 ozs. drained weight. | 15% by count of all units. | 25% by count of all units.[1] | 25% by count of all units.[1] |
| Ragged-cut units; and/or damage by mechanical injury (except in Sliced Lengthwise style). | 5 total per 12 ozs. drained weight. | 10 total per 12 ozs. drained weight. | No limits (but included in total allowance of 20% of drained weight). |

[1] Determined as outlined in the standards of quality of canned green beans (21 CFR 51.11) and canned wax beans (21 CFR 51.16) promulgated under the Federal Food, Drug, and Cosmetic Act.

### § 52.454 Character.

(a) *General.* The factor of character refers to the maturity as reflected in the degree of development of pods and seeds and to the tenderness of the pods; to the degree of sloughing of the epidermis; and to the appearance of the slices and portions thereof in "Sliced Lengthwise" style.

(b) *Definitions.* (1) "Trimmed pod" means any pod from which there has been trimmed off as far as the end of the space formerly occupied by seed any portion of the pod from which seed has become separated.

(2) "Tough strings" means strings or pieces of string at least ½ inch in length which will support a ½-pound weight for not less than 5 seconds.

(3) "Fibrous material" means the properly prepared, dried cellulose material obtained from deseeded pods, including strings, broken or unbroken.

(c) (*A*) *classification.* Canned beans that possess a good character may be given a score of 36 to 40 points. "Good character" means that:

(1) The beans are very young and tender in that the units are full-fleshed for the variety, are tender, and are not fibrous;

(2) The seeds are in the early stages of maturity;

(3) Not more than 5 percent, by count, of the units may possess tough strings;

(4) The beans are not materially affected in appearance by sloughing of the epidermis; and

(5) The beans, in "Sliced Lengthwise" style, are well sliced.

(d) (*B*) *classification.* If the canned beans possess a reasonably good character, a score of 32 to 35 points may be given. Canned beans that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that:

(1) The beans are young and reasonably tender in that the units may have lost their fleshy structure to some extent and are not fibrous;

(2) The seeds may have passed the early stages of maturity and have not reached the late stages of maturity;

(3) Not more than 10 percent, by count, of the units may possess tough strings;

(4) The beans are not materially affected in appearance by sloughing of the epidermis; and

(5) The beans, in "Sliced Lengthwise" style, are reasonably well sliced.

(e) (*C*) *classification.* If the canned beans possess a fairly good character, a score of 28 to 31 points may be given. Canned beans that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that:

(1) The beans may be nearly mature but are fairly tender in that the units may have lost their fleshy structure to a considerable extent;

(2) The beans are not seriously affected in appearance by sloughing of the epidermis;

(3) The trimmed pods contain not more than 25 percent, by weight, of seed and pieces of seed; [2]

(4) The deseeded pods contain not more than 0.15 percent, by weight, of fibrous material; [2] and

(5) Not more than 20 percent, by count, of the units may possess tough strings except that in case there are present units at least 2 7/64 inch or more in diameter, there are not more than 12 strings or pieces of string in 12 ounces, drained weight, which will support a ½ pound weight for not less than 5 seconds; [2]

(f) (*SStd.*) *classification.* Canned beans that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule); and may also be "Below Standard in Quality—Good Food—Not High Grade", for the following applicable reasons: excessive seed and pieces of seed in trimmed pods; excessive fibrous material in deseeded pods; and excessive tough strings.

LOT INSPECTION AND CERTIFICATION

§ 52.455 Ascertaining the grade of a lot.

The grade of a lot of canned green beans or canned wax beans covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

[2] Determined as outlined in the standards of quality of canned green beans (21 CFR 51.11) and canned wax beans (21 CFR 51.16) promulgated under the Federal Food, Drug, and Cosmetic Act.

SCORE SHEET

§ 52.456 Score sheet for canned green beans or canned wax beans.

| | |
|---|---|
| Container size | |
| Container code or marking | |
| Label | |
| Net weight (ounces) | |
| Vacuum (inches) | |
| Drained weight | |
| Type (round or flat) | |
| Style | |
| Size | |

| Factors | Score points | |
|---|---|---|
| Clearness of liquor | 10 | ((A) 9–10<br>(B) 8<br>(C) 7<br>(SStd) [1] 0–6 |
| Color | 15 | (A) 14–15<br>(B) 12–13<br>(C) [1] 10–11<br>(SStd) [1] 0–9 |
| Absence of defects | 35 | (A) 31–35<br>(B) [1] 28–30<br>(C) [1] 25–27<br>(SStd) [1] 0–24 |
| Character | 40 | (A) 36–40<br>(B) [1] 32–35<br>(C) [1] 28–31<br>(SStd) [1] 0–27 |
| Total score | 100 | |

| | |
|---|---|
| Grade | |
| Normal flavor and odor | |

[1] Indicates limiting rule.

Dated: March 7, 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 61-2118; Filed, Mar. 9, 1961; 8:47 a.m.]

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[ 7 CFR Part 52 ]

## FROZEN BROCCOLI [1]

### U.S. Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Frozen Broccoli (7 CFR, 52.631–52.643) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). This revision, if made effective, will be the fourth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 45 days after publication of this notice in the FEDERAL REGISTER.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.631 Product description.
52.632 Styles.
52.633 Grades.

FACTORS OF QUALITY

52.634 Ascertaining the grade.
52.635 Ascertaining the rating for the factors which are scored.
52.636 Color.
52.637 Uniformity of size.
52.638 Defects.
52.639 Character.

DEFINITIONS AND METHODS OF ANALYSIS

52.640 Definitions of head material and leaf material.
52.641 Percent, by weight, of head material, loose leaves and loose pieces of leaves in cut and chopped broccoli.

LOT INSPECTION AND CERTIFICATION

52.642 Ascertaining the grade of a lot.

SCORE SHEET

52.643 Score sheet for frozen broccoli.

AUTHORITY: §§ 52.631 to 52.643 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.631 Product description.

"Frozen broccoli" is the product prepared from the fresh, clean, sound stalks or shoots of the broccoli plant by trimming, washing, blanching, sorting and properly draining and is frozen in accordance with good commercial practice and maintained at temperatures necessary for preservation of the product.

§ 52.632 Styles of frozen broccoli.

(a) "Spears" or "Stalks" means frozen broccoli consisting of the head and adjoining portions of the stem, with or without attached leaves; such spears or stalks may be cut longitudinally. The length of the unit is not less than 3 inches or not more than 6 inches.

(b) "Short spears" or "Florets" means frozen broccoli consisting of the head and adjoining portions of the stem, with or without attached leaves; such short spears or florets may be cut longitudinally. The length of the unit is less than 3 inches but not less than 1 inch and weighs more than 0.2 ounce.

(c) "Cuts" means frozen broccoli consisting of spears or stalks which have been cut into portions ¾ inch or more but not more than 2 inches in length. This style contains not less than 25 percent, by weight, of head material and not more than 25 percent, by weight, of leaf material.

(d) "Chopped" means frozen broccoli consisting of spears or stalks which have been cut into portions less than ¾ inch in length. This style contains not less than 25 percent, by weight, of head material and not more than 25 percent, by weight, of leaf material.



(e) "Pieces" means frozen broccoli consisting of any cut or chopped portions of spears or stalks and does not meet the foregoing definition of "Cuts" or "Chopped." This style consists of pieces not in excess of 2 inches in length and may or may not contain head material or leaf material.

§ 52.633 Grades of frozen broccoli.

(a) "U.S. Grade A" or ("U.S. Fancy") is the quality of frozen broccoli of any style, except the style of "Pieces", that possesses similar varietal characteristics; that possesses a good color; that is reasonably uniform in size; that is practically free from defects; that possesses a good character; that possesses a good flavor; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 90 points: *Provided,* That frozen broccoli of any style, except the style of "Pieces", may be only fairly uniform in size if the total score is not less than 90 points.

(b) "U.S. Grade B" or ("U.S. Extra Standard") is the quality of frozen broccoli of any style that possesses similar varietal characteristics; that possesses a reasonably good color; that is fairly uniform in size; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 80 points: *Provided,* That frozen broccoli may fail to meet the requirements of fairly uniform in size if the total score is not less than 80 points.

(c) "Substandard" is the quality of frozen broccoli of any style that fails to meet the requirements of "U.S. Grade B".

FACTORS OF QUALITY

§ 52.634 Ascertaining the grade.

(a) The grade of frozen broccoli may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size, defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Uniformity of size | 10 |
| Defects | 35 |
| Character | 35 |
| Total score | 100 |

(c) The scores for the factors of color, uniformity of size, defects, and character are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The evaluation of the factors of flavor and character with respect to tenderness is determined after thawing and after the product is cooked.

(d) "Good flavor" means that the product has a good, normal, characteristic flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor" means that the product after cooking may be lacking in good, normal, flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.635 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.636 Color.

(a) (*A*) *classification.* Frozen broccoli of any style except the style of "Pieces" that possesses a good color may be given a score of 18 to 20 points. "Good color" means that the frozen broccoli possesses a bright, characteristic green color which may include lighter colored areas typical of young and tender broccoli that does not materially affect the appearance of the product.

(b) (*B*) *classification.* If the frozen broccoli of any style possesses a reasonably good color, a score of 16 or 17 points may be given. Frozen broccoli that falls into this classification shall not be graded above "U.S. Grade B" regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen broccoli possesses a characteristic green color which may be variable but is not off color.

(c) (*SStd.*) *classification.* Frozen broccoli of any style that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.637 Uniformity of size.

(a) *General.* "Diameter" of a spear or stalk, whether or not cut longitudinally, means the greatest crosswise dimension measured 1 inch above the lowest portion of the main stem of the spear or stalk at approximate right angles to the length.

(b) (*A*) *classification.* Frozen broccoli of any style, except the style of "Pieces", that is reasonably uniform in size may be given a score of 9 or 10 points. "Reasonably uniform in size" has the following meanings with respect to:

(1) *Spears.* (i) The length of the longest unit does not exceed the length of the shortest unit by more than 2 inches;

(ii) Of all the units, in the 90 percent, by count, which are of the most uniform lengths, the length of the longest unit does not exceed the length of the shortest unit by more than 1 inch;

(iii) The diameter of the unit with the greatest diameter does not exceed the diameter of the unit with the smallest diameter by more than 1 inch;

(iv) And of all the units, in the 90 percent, by count, which are most uniform in diameter, the diameter of the unit with the greatest diameter does not exceed the diameter of the unit with the smallest diameter by more than ¾ inch.

(2) *Short spears.* Of all the short spears, in the 95 percent, by weight, that are the largest short spears, the weight of the largest short spear is not more than 3 times the weight of the smallest short spear.

(3) *Cuts.* Not more than 10 percent, by weight, of the units may be ½ inch or less in length and the appearance of the product is not materially affected by variation in size.

(4) *Chopped.* Not more than 5 percent, by weight, of the units are ¾ inch or more in length.

(c) (*B*) *classification.* If the frozen broccoli of any style is fairly uniform in size a score of 8 points may be given. "Fairly uniform in size" has the following meaning with respect to:

(1) *Spears.* (i) Of all the units, in the 90 percent, by count, which are of the most uniform lengths, the length of the longest unit does not exceed the length of the shortest unit by more than 2 inches;

(ii) And of all the units, in the 90 percent, by count, which are most uniform in diameter, the diameter of the unit with the greatest diameter does not exceed the diameter of the unit with the smallest diameter by more than ¾ inch.

(2) *Short spears.* Of all the short spears, in the 95 percent, by weight, that are the largest short spears, the weight of the largest short spear is not more than 4 times the weight of the smallest short spear.

(3) *Cuts.* Not more than 20 percent, by weight, of the units may be ½ inch or less in length and the appearance of the product is not seriously affected by variation in size.

(4) *Chopped.* Not more than 10 percent, by weight, of the units may be ¾ inch or more in length.

(5) *Pieces.* The variation in size of the individual units does not seriously affect the appearance of the product.

(d) (*SStd.*) *classification.* Frozen broccoli of any style that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 7 points. Frozen broccoli that falls into this classification shall not be graded above "U.S. Grade B" regardless of the total score for the product (this is a partial limiting rule).

§ 52.638 Defects.

(a) *General.* The factor of defects refers to the degree of trimming and to the degree of freedom from grit or silt, harmless extraneous vegetable material, detached fragments, broken units and from units that are damaged or seriously damaged.

(1) "Grit or silt" means sand or any other particle of earthy material.

(2) "Harmless extraneous vegetable material" means vegetable substances other than broccoli, such as weeds and grass or any portions thereof, that are harmless.

(3) "Loose leaves" and "loose pieces of leaves" means leaves or pieces of leaves not attached to a unit.

(4) "Detached fragments" means any small pieces or detached portions of spears or short spears, which weigh 0.2 ounce or less.

(5) "Broken" means any broken or detached portions of spears or short spears which weigh more than 0.2 ounce and are definitely not intact units.

(6) "Well trimmed" means that the appearance of the spear or short spear is not materially affected by the presence of attached leaves or pieces of leaves and not more than slightly affected by ragged or partial removal of leaves or small side shoots, or by poor cutting of the stem of the spear.

(7) "Reasonably well trimmed" means that the appearance of the spear or short spear is not seriously affected by the presence of attached leaves or pieces of leaves and not materially affected by ragged or partial removal of leaves or small side shoots, or by poor cutting of the stem of the spear.

(8) "Poorly trimmed" means that the appearance of the spear or short spear is seriously affected by the presence of attached leaves or pieces of leaves, by ragged or partial removal of leaves or small side shoots, or by poor cutting of the stem of the spear.

(9) "Damaged" means damage by discoloration, mechanical injury, hollow stems, pithy stems, or by other means to the extent that the appearance or eating quality of the unit is materially affected.

(10) "Seriously damaged" means damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(b) (*A*) *classification.* Frozen broccoli of any style, except the style of "Pieces", that is practically free from defects may be given a score of 31 to 35 points. "Practically free from defects" means that there may be present no grit or silt that affects the appearance or eating quality of the product; not more than 1 piece of harmless extraneous vegetable material for each 30 ounces of net weight; and in addition to the foregoing has the following meanings with respect to:

(1) *Spears; short spears.* (i) Of the total net contents, not more than 5 percent, by weight, may be loose leaves, loose pieces of leaves and detached fragments;

(ii) Not more than 20 percent, by count, of the units may be reasonably well trimmed, including not more than 5 percent, by count, of all the units or one unit, whichever is greater, may be poorly trimmed;

(iii) Not more than 10 percent, by count, of the units may be broken and damaged including not more than 5 percent, by count, of all the units that may be seriously damaged. One unit in a container is permitted to be broken, damaged, or seriously damaged: *Provided*, That the total number of such broken, damaged, or seriously damaged units in all of the containers comprising the sample is within the percentage permitted for such defects; and

(iv) Notwithstanding the foregoing requirements, the presence of harmless extraneous vegetable material, loose leaves, loose pieces of leaves, detached fragments, reasonably well trimmed units, poorly trimmed units, and units that are broken, damaged, or seriously damaged, does not materially affect the appearance or eating quality of the product.

(2) *Cuts.* (i) Not more than 6 percent, by weight, of the units may be damaged, including not more than 3 percent, by weight, that may be seriously damaged; and

(ii) Notwithstanding the foregoing requirements the presence of harmless extraneous vegetable material, damaged units, or seriously damaged units does not materially affect the appearance or eating quality of the product.

(3) *Chopped.* (i) Not more than 4 percent by weight, of the units may be damaged including not more than 2 percent, by weight, of the units that may be seriously damaged; and

(ii) Notwithstanding the foregoing requirements the presence of harmless extraneous vegetable material, damaged units, or seriously damaged units does not materially affect the appearance or eating quality of the product.

(c) (*B*) *classification.* Frozen broccoli of any style that is reasonably free from defects may be given a score of 28 to 30 points. Frozen broccoli that falls into this classification shall not be graded above "U.S. Grade B" regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that a trace of grit or silt may be present that does not materially affect the appearance or eating quality of the product; for each 30 ounces of net weight there may be present not more than 2 pieces of harmless extraneous vegetable material; and in addition to the foregoing has the following meanings with respect to:

(1) *Spears; short spears.* (i) Of the total net contents not more than 10 percent, by weight, may be loose leaves, loose pieces of leaves, and detached fragments;

(ii) Not more than 20 percent, by count, may be poorly trimmed;

(iii) Not more than 20 percent, by count, may be broken and damaged including not more than 10 percent, by count, that may be seriously damaged; One unit in a container is permitted to be broken, damaged, or seriously damaged: *Provided*, That the total number of such broken, damaged, or seriously damaged units in all of the containers comprising the sample is within the percentage permitted for such defects; and

(iv) Not withstanding the foregoing requirements, the presence of harmless extraneous vegetable material, loose leaves, loose pieces of leaves, detached fragments, reasonably well trimmed units, poorly trimmed units, and units that are broken, damaged, or seriously damaged, does not materially affect the appearance or eating quality of the product.

(2) *Cuts.* (i) Not more than 8 percent, by weight, of the units may be damaged, including not more than 4 percent, by weight, of the units that may be seriously damaged.

(ii) Not withstanding the foregoing requirements, the presence of harmless extraneous vegetable material, damaged units, or seriously damaged units does not seriously affect the appearance or eating quality of the product; and

(3) *Chopped.* (i) Not more than 8 percent, by weight, of the units may be damaged, including not more than 4 percent, by weight, of the units that may be seriously damaged.

(ii) Not withstanding the foregoing requirements, the presence of harmless extraneous vegetable material, damaged units, or seriously damaged units does not seriously affect the appearance or eating quality of the product; and

(4) *Pieces.* (i) The presence of harmless extraneous vegetable material, damaged units, or seriously damaged units does not seriously affect the appearance or eating quality of the product.

(d) (*SStd.*) *classification.* Frozen broccoli of any style that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points. Frozen broccoli that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

§ 52.639 **Character.**

(a) *General.* The factor of character refers to the degree of tenderness and freedom from tough fiber; to the degree of maturity; and to the degree of development.

(b) *Definitions of maturity.* (1) "early stage of maturity" means that the individual buds in the bud clusters are all practically closed and not more than slightly enlarged; and the immediate stems supporting the individual buds in the bud clusters are no more than slightly elongated.

(2) "Intermediate stage of maturity" means that the individual buds in the bud clusters are no more than moderately enlarged; practically none of the buds are in the flowered stage; and the immediate stems supporting the individual buds in the bud clusters are no more than moderately elongated.

(3) "Advanced stage of maturity" means that the individual buds in the bud clusters are in the flowering stage or are more than moderately enlarged with or without reaching the flowering stage; and the immediate stems supporting the individual buds in the bud clusters may be more than moderately elongated.

(c) *Definitions of development.* (1) "Well developed" means that the branching bud clusters are not more than slightly spread and form a reasonably compact unit; the stems supporting the individual bud clusters are not spindly; and the individual bud clusters and supporting stems are reasonably well proportioned to the rest of the unit.

(2) "Intermediate development" means that the branching bud clusters are not more than moderately spread and form a fairly compact unit; the stems supporting the individual bud clusters are not spindly; and the individual bud clusters and supporting stems are at least fairly well proportioned to the rest of the unit.

(3) "Poorly developed" means that the branching bud clusters are noticeably spread and form a loose structured unit; the stems supporting the individual bud clusters may be spindly; and the individual bud clusters and supporting stems are not well proportioned to the rest of the unit.

(d) (*A*) *classification.* Frozen broccoli of any style, except the style of "Pieces" that possesses a good character may be given a score of 32 to 35 points. "Good character" has the following meanings with respect to:

(1) *Spears; short spears.* The units are tender and free from tough fiber; not less than 80 percent, by count, of the units are in the early stage of maturity and are well developed; none of the units may be in the advanced stage of maturity or poorly developed.

(2) *Cuts; chopped.* The broccoli is tender and free from tough fiber; and the buds and bud clusters have reached no more than the intermediate stage of maturity.

(e) (*B*) *classification.* Frozen broccoli of any style that possesses a reasonably good character may be given a score of 28 to 31 points. Frozen broccoli that falls into this classification shall not be graded above "U.S. Grade B" regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to:

(1) *Spears; short spears.* The units are reasonably tender; not less than 90 percent, by count, of the units are in the early or intermediate stage of maturity and are well or reasonably well developed; and not more than 10 percent, by count, of the units may possess tough fiber.

(2) *Cuts.* The units are reasonably tender; not more than 10 percent, by weight, of the units may possess tough fiber; and not more than 5 percent, by weight, of the units may be in the advanced stage of maturity.

(3) *Chopped; pieces.* The broccoli is reasonably tender and practically free from tough fiber; and the presence of buds or bud clusters which are in the advanced stage of maturity does not materially affect the appearance or eating quality of the product.

(f) (*SStd*) *classification.* Frozen broccoli of any style that fails to meet the requirements of paragraph (e) of this section may be given a score of 0 to 27 points. Frozen broccoli that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

DEFINITIONS AND METHODS OF ANALYSIS

§ 52.640 **Definitions of head material and leaf material.**

(a) *General.* For the purpose of determining percent, by weight, of head material and leaf material in the styles of cut and chopped broccoli:

(1) "Head material" consists of buds or bud clusters whether or not attached to a portion of a spear and includes the fine stem material to which buds or bud clusters are attached to the main stem;

(2) "Leaf material" means a leaf or any portion thereof whether or not attached to a portion of a spear.

§ 52.641 **Percent, by weight, of head material, loose leaves and loose pieces of leaves in cut and chopped broccoli.**

(a) Frozen cut and chopped broccoli shall be tested by the following method to determine the percent, by weight, of head material, loose leaves and loose pieces of leaves.

(1) Equipment needed:

(i). 250 ml beaker.

(ii) Gram scale, or other suitable scale graduated to 0.1 ounce.

(iii) Laboratory tweezers, scalpel or any other instrument suitable for separating the stem material, leaf material, and head material.

(iv) Flat grading tray.

(2) Method:

(i) Thoroughly mix sample to be tested.

(ii) Weigh approximately 100 grams or 3 ounces of sample in a previously tared 250 ml beaker.

(iii) Spread contents of beaker out on a flat grading tray.

(iv) Separate the stem material from the head and leaf material; weigh the stem material, and record.

(v) Separate the leaf material from the head material; weigh each separately and record.

(vi) The weight of the head material divided by the sum of the weights of the stem, head, and leaf materials multiplied by 100 is the percent, by weight, of head material.

(vii) The weight of the leaf material divided by the sum of the weights of the stem, head, and leaf materials multiplied by 100 is the percent, by weight, of leaf material.

(viii) Compliance with the requirements for the percent, by weight, of leaf material and head material is determined by averaging the weight of the head material and leaf material separately from all the containers comprising the samples; provided, no single container contains less than 15 percent, by weight of head material, or more than 35 percent, by weight, of leaf material.

LOT INSPECTION AND CERTIFICATION

§ 52.642 **Ascertaining the grade of a lot.**

The grade of a lot of frozen broccoli covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87; of this title).



SCORE SHEET

§ 52.643 **Score sheet for frozen broccoli.**

Size and kind of container.....
Container mark or identification.....
Label.....
Net weight (ounces).....
Style.....
Count (of spears and short spears).....
Head material (percent, by weight).....
Leaf material (percent, by weight).....

| Factors | | Score points | |
|---|---|---|---|
| Color | 20 | (A) | 18–20 |
| | | (B) | [1] 16–17 |
| | | (SStd) | [2] 0–15 |
| Uniformity of size | 10 | (A) | 9–10 |
| | | (B) | [2] 8 |
| | | (SStd) | [2] 0–7 |
| Defects | 35 | (A) | 31–35 |
| | | (B) | [1] 28–30 |
| | | (SStd) | [2] 0–27 |
| Character | 35 | (A) | 32–35 |
| | | (B) | [1] 28–31 |
| | | (SStd) | [2] 0–27 |
| Total score | 100 | | |
| Flavor and odor..... | | | |
| Grade..... | | | |

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Dated: March 7, 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 61-2129; Filed, Mar. 9, 1961; 8:48 a.m.]

[ 7 CFR Part 967 ]

[Docket No. AO-176-A12]

## MILK IN SOUTH BEND-LA PORTE-ELKHART, IND., MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Oliver Hotel, South Bend, Indiana, beginning at 10:00 a.m., on March 14, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the South Bend-La Porte-Elkhart, Indiana, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the National Dairy Company, South Bend, Indiana; Oakridge

Dairy Company, Mishawaka, Indiana; Suabedissen-Wittner Dairy Company, South Bend, Indiana and Reliable Dairy Company, South Bend, Indiana.

*Proposal No. 1.* Include the milk now classified in Class II and Class III in one class and price this classification at a level approximating the Class III price.

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 2.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P.O. Box 216, South Bend 24, Indiana, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 7th day of March 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61-2130; Filed, Mar. 9, 1961; 8:48 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 61-FW-11]

## FEDERAL AIRWAYS AND CONTROL AREAS

### Alteration of Federal Airway, Associated Control Areas and Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6007, 601.6007, and 601.1139 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 7 and its associated control areas presently extend in part from Cross City, Fla., VOR to Dothan, Ala., VOR via the Tallahassee, Fla., VOR; intersection of the Tallahassee VOR 267° and the Marianna VOR 141° True radials and the Marianna, Fla., VOR including a west alternate from Cross City VOR to the Marianna VOR via the intersection of the Cross City VOR 287° and the Marianna VOR 141° True radials.

The Federal Aviation Agency is considering altering Victor 7 as follows:

1. Alter the segment of Victor 7 from Tallahassee VOR to the Dothan VOR by redesignating it from Tallahassee VOR direct to the Dothan VOR.

2. Alter Victor 7 west alternate to extend from Cross City VOR to the Dothan VOR via the intersection of the Cross City VOR 287° and the Marianna VOR 141° True radials and the Marianna VOR.

The control areas associated with Victor 7 would be altered by substituting the Dothan VOR for the Marianna VOR in its description.

In addition, to implement in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 (25 F.R. 570) the Federal Aviation Agency is considering designating the floor of the control areas associated with Victor 7 and Victor 7 west alternate between Cross City and Dothan to extend upwards from 1200 feet above the surface.

These alterations would facilitate air traffic management by providing a more direct route between Tallahassee and Dothan and would complete the west alternate between Cross City VOR and Dothan VOR. In addition a part of the east boundary of the Fort Rucker, Ala., control area extension (§ 601.1139) would be altered by substituting in its description "on the east by VOR Federal airway No. 241 and VOR Federal airway No. 7 west alternate" in lieu of "on the east by Victor 241 and Victor 7".

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue N.W., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 3, 1961.

J. R. BAILEY,
*Assistant Chief,*
*Airspace Utilization Division.*

[F.R. Doc. 61-2098; Filed, Mar. 9, 1961; 8:45 a.m.]

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-KC-99]

## FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

### Alteration of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6013 and 601.6013 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 13 extends from Houston, Tex., to Duluth, Minn. The Federal Aviation Agency is considering extending Victor 13 northeastward from the Duluth VOR direct to the Lakehead, Ontario, VOR excluding the portion outside the United States. The portion of the airway which would coincide with the Duluth Restricted Area/Military Climb Corridor (R-4302) would be used only after prior approval has been received from the appropriate authority. This extension of Victor 13 would provide a route between Duluth and Lakehead for VOR equipped aircraft. The Canadian Department of Transport has agreed to designate the portion of this airway within Canada. In addition, to implement in part, Civil Air Regulations, Part 60 Air Traffic Rules, Amendment 60-21 (26 F.R. 570), it is proposed to designate the control areas associated with this segment of Victor 13 to extend upward from at least 1,200 feet above the surface or if appropriate 500 feet below the minimum IFR en route altitude when established.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 3, 1961.

J. R. BAILEY,
*Assistant Chief,*
*Airspace Utilization Division.*

[F.R. Doc. 61-2099; Filed, Mar. 9, 1961; 8:45 a.m.]



## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 61-WA-16]

## FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

### Designation of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Canadian Department of Transport for designation of a VOR airway from Princeton, Maine, to Millinocket, Maine. The designation of this VOR airway would provide an inter-connecting segment of a route served by VOR Federal airway No. 300 and VOR Federal airway No. 314 proposed between Princeton, Maine, and St. John, New Brunswick, Airspace Docket No. 60-WA-253 (25 F.R. 11009) for VOR equipped aircraft overflying the United States between Montreal, Quebec, and St. John, New Brunswick.

In addition, to implement, in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 (26 F.R. 570), it is proposed to designate the floors of the control areas associated with this VOR airway at 1,200 feet above the surface. Preliminary terrain study indicates that a Minimum Instrument Flight Rule enroute altitude of approximately 3,900 feet MSL would be assigned to this proposed VOR airway, based upon the highest terrain obstruction of approximately 1,235 feet MSL.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 3, 1961.

J. R. BAILEY,
*Assistant Chief,*
*Airspace Utilization Division.*

[F.R. Doc. 61-2100; Filed, Mar. 9, 1961; 8:45 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 61-KC-2]

## CONTROL AREAS AND TRANSITION AREAS

### Revocation of Control Area Extension and Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Oshkosh, Wis., control area extension (§ 601.1339) is designated as all that airspace bounded on the east by VOR Federal airway No. 7, on the south by the arc of a circle with a radius of 50 miles from the Green Bay, Wis., VOR, and on the west by a line 5 miles west of and parallel to the Green Bay VOR 207° True radial. To implement, in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 (26 F.R. 570), the Federal Aviation Agency is considering revoking this control area extension and designating a transition area at Oshkosh with a base of 700 feet above terrain within 8 miles east and 5 miles west of the 175° True radial of the Oshkosh VOR extending from the VOR to 17 miles south, the area 5 miles either side of the 355° True radial of the Oshkosh VOR extending from the VOR to 15 miles north, and the area east of Oshkosh bounded on the southwest and northwest by VOR Federal airway No. 9 and on the east by VOR Federal airway No. 7. This transition area would provide protection for aircraft executing the instrument approach procedure prescribed for the Oshkosh VOR, the missed approach procedure, and for aircraft in transition between the Oshkosh VOR and the Calvary, Wis., intersection. (Intersection of the Oshkosh VOR 122° and the Milwaukee, Wis., VOR 003° True radials.)

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 3, 1961.

J. R. BAILEY,
*Assistant Chief,*
*Airspace Utilization Division.*

[F.R. Doc. 61-2096; Filed, Mar. 9, 1961; 8:45 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 61-NY-6]

## TRANSITION AREAS

### Revocation of Control Area Extension; Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Laconia, N.H., control area extension (§ 601.1344) is presently designated within 5 miles either side of a line bearing 244° True from the Laconia, N.H., radio beacon extending from the radio beacon to Blue Federal airway No. 4.

To implement, in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 (26 F.R. 570), the Federal Aviation Agency is considering revoking the Laconia, N.H., control area extension, and designating, in lieu thereof, a transition area with a base of 700 feet above the surface. The proposed Laconia transition area would include the airspace within 5 miles north and 8 miles south of a line bearing 247° True from the Laconia, N.H., radio beacon extending from the radio beacon to 17 miles southwest; within 5 miles either side of a direct line extending from the Concord, N.H., VOR to the Laconia radio beacon; and within 5 miles either side of a line bearing 014° True from the Laconia radio beacon extending from the radio beacon to 12 miles north. The proposed transition area would provide protection for aircraft transitioning from the Concord VOR to the Laconia radio beacon, and for aircraft executing the prescribed instrument approach and missed approach procedures at the Laconia Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 3, 1961.

J. R. BAILEY,
*Assistant Chief,*
*Airspace Utilization Division.*

[F.R. Doc. 61-2097; Filed, Mar. 9, 1961; 8:45 a.m.]

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[ 14 CFR Part 601 ]

[Airspace Docket No. 61-KC-4]

## TRANSITION AREA

### Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

An instrument approach procedure based on the Bloomington, Ill., VOR is to be published for public use. At present there is no designated controlled airspace for the protection of aircraft which would execute the proposed approach procedure.

To implement, in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 (26 F.R. 570), the Federal Aviation Agency is considering designating a transition area at Bloomington, Ill., with a base of 700 feet above terrain within a 5-mile radius of the Bloomington, Ill., Municipal Airport (latitude 40°29'00" N., longitude 88°56'00" W.), and within 8 miles southeast and 5 miles northwest of the 043° True radial of the Bloomington VOR extending from the VOR to 17 miles northeast. This transition area would provide protection for aircraft executing prescribed instrument approach procedures utilizing the Bloomington VOR and for aircraft departing the Bloomington Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 3, 1961.

J. R. BAILEY,
*Assistant Chief,*
*Airspace Utilization Division.*

[F.R. Doc. 61-2101; Filed, Mar. 9, 1961; 8:45 a.m.]

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[ 14 CFR Part 601 ]

[Airspace Docket No. 61-KC-5]

## TRANSITION AREAS

### Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

Airspace Docket No. 60-KC-26 published in the FEDERAL REGISTER on June 14, 1960, revoked the Malden, Mo., control area extension and the Malden, Mo., control zone effective September 1, 1960. Due to cessation of Air Force activities, assignment of the above airspace was no longer justified. Subsequently it was determined that a public use instrument approach procedure, based on the Malden VOR should be published. Accordingly the Federal Aviation Agency proposes to implement, in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 (26 F.R. 570), by designating a transition area at Malden, Mo., with a base of 700 feet above terrain, within 5 miles either side of the 300° True radial of the Malden VOR extending from the VOR to 11 miles northwest and within 8 miles northeast and 5 miles southwest of the 120° True radial of the Malden VOR extending from the VOR to 17 miles southeast. This transition area would provide protection for aircraft executing the prescribed instrument approach and missed approach procedures based on the Malden VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 3, 1961.

J. R. BAILEY,
*Assistant Chief,*
*Airspace Utilization Division.*

[F.R. Doc. 61-2102; Filed, Mar. 9, 1961; 8:46 a.m.]

# Notices

## DEPARTMENT OF STATE

[Public Notice 184]

### CHIEF, EXCHANGE OF PERSONS DIVISION, OFFICE OF UNITED STATES HIGH COMMISSIONER FOR GERMANY

#### Revocation of Delegation of Authority

Pursuant to the authority contained in section 4 of Public Law 73, 81st Congress, as amended, the following delegation of authority is hereby revoked:

DELEGATION OF AUTHORITY NO. 42B

Delegation of Authority to the Chief, Exchange of Persons Division, Office of the United States High Commissioner for Germany, dated August 12, 1953 (Public Notice 127 dated August 19, 1953; 18 F.R. 4930).

The revocation of the above mentioned delegation of authority does not affect other delegations of authority relating to the same subject matter.

Dated: March 2, 1961.

For the Secretary of State.

WILLIAM J. CROCKETT,
*Assistant Secretary of State for Administration.*

[F.R. Doc. 61-2126; Filed, Mar. 9, 1961; 8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

### DIRECTOR, BUREAU OF MINES

#### Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual:

PART 215—BUREAU OF MINES

CHAPTER 4—HELIUM ACTIVITY

215.4.1 *Delegation of Authority.* The Director, Bureau of Mines, is authorized except as provided in 200 DM 2.1 and 215 DM 4.2, to exercise the authority conferred upon the Secretary of the Interior by sections 2, 3, 4, and 8 of the Helium Act (P.L. 86-777; 50 U.S.C. 167, 167a, 167b, 167d).

215.4.2 *Limitations.*

A. The delegation of authority made in 215 DM 4.1 does not empower the Director, Bureau of Mines, to acquire any interest in property by eminent domain.

B. The authority conferred by 215 DM 4.1 with respect to sales of helium shall be exercise in accordance with regulations promulgated by the Secretary.

C. The authority conferred by 215 DM 4.1 does not empower the Director, Bureau of Mines to reserve lands pursuant to subsection (b) of section 3 of the Helium Act.

STEWART L. UDALL,
*Secretary of the Interior.*

MARCH 4, 1961.

[F.R. Doc. 61-2114; Filed, Mar. 9, 1961; 8:47 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-154]

### MARTIN CO.

#### Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to September 30, 1961, the latest completion date specified in Construction Permit No. CPCX-17 for the construction of the liquid fluidized bed reactor critical experiments facility to be located near Middle River, Maryland.

Copies of the Commission's order and of the application of the Martin Company are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 3d day of March 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-2123; Filed, Mar. 9, 1961; 8:47 a.m.]

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[Docket No. 50-182]

### PURDUE UNIVERSITY

#### Notice of Application for Utilization Facility License

Please take notice that Purdue University, West Lafayette, Indiana, under section 104c of the Atomic Energy Act of 1954, has submitted an application for a license to construct and operate a 10-kilowatt (thermal) swimming pool-type educational reactor on the campus of Purdue University. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 3d day of March 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-2124; Filed, Mar. 9, 1961; 8:47 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket SE-177]

### ADMINISTRATOR v. BORIS S. NADIAK

#### Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on March 14, 1961, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board. Respondent has been allotted 30 minutes and the Administrator 30 minutes; to be heard in that order. Respondent may reserve not to exceed one-quarter of his allotted time for rebuttal.

Dated at Washington, D.C., March 7, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-2128; Filed, Mar. 9, 1961; 8:48 a.m.]

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[Order No. E-16452; Docket 12196]

### PIEDMONT AVIATION, INC.

#### Excursion Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of February 1961.

By tariffs to be effective March 1, 1961, Piedmont Aviation, Inc. (Piedmont) proposes round-trip excursion fares for individual travel between all points on its system other than between Raleigh and Roanoke. The fares are equal to the full normal one-way fares and are to be applicable (1) where travel is undertaken exclusively on Saturdays and the return portion completed within 30 days, and (2) where travel is completed within the 48-hour weekend period of Saturday and Sunday. The tariff is marked to expire with March 1, 1962.

By complaints of February 14, 1961, American Airlines, Inc. (American) and Capital Airlines, Inc. (Capital) have requested investigation of these tariffs and suspension pending decision therein. In substance, American alleges that reductions in fares in the magnitude proposed would be economically unjustifiable in that the doubling in traffic which would be required to maintain revenues cannot be assumed in such short-haul markets. The carrier protests the inclusion of Sundays, generally among the high traffic days, and notes that, on the basis of Piedmont's allegations, its recent extension of the less restrictive family fares so as to include weekends has apparently had no significant effect upon the volume of travel on these days. Capital asserts that the proposed fares are unreasonable in that they will not cover costs, and that they are unjustly discriminatory of the passenger traveling on the same aircraft at the full fare.

On February 23, 1961, Piedmont filed an answer to the above-noted complaints. In essence, Piedmont alleges that the volume of weekend travel has continued to decline with the result that the aggregate load factor for Saturday

and Sunday is substantially below that experienced during the remainder of the week, and that the nature of its operations precludes an equivalent adjustment in weekend scheduling. The carrier attributes the disparity in load factor, in part at least, to the fact that it has become increasingly dependent upon business travel which moves primarily during the week and which has not been discouraged by the several increases in fares over past years, and states that the proposed excursion fares are designed to develop travel of a personal nature which Piedmont believes is now moving by surface means. Finally, Piedmont alleges that, since further schedule reductions are not possible, the costs incurred in weekend service will remain the same and, accordingly, any additional revenue from the excursion fares will be a net gain to the carrier.

Upon consideration of the tariffs and all relevant matters, the Board finds that the proposed excursion fares may be unjust or unreasonable or unjustly discriminatory or unduly preferential or unduly prejudicial and should be investigated. The Board has long encouraged experimentation with promotional fares on the part of the industry generally, and the purpose behind Piedmont's proposal here accords with this objective. However, a level of fares for round-trip excursion travel of the type here proposed which is equivalent to no more than the normal one-way fare appears, prima facie, economically unjustifiable and suspension of the tariffs pending investigation is warranted. However, the Board would permit to become effective excursion fares such as here contemplated, provided they are substantially above the normal one-way fares.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof: *It is ordered*, That:

1. An investigation is hereby instituted to determine whether the fares and provisions in C.A.B. Nos. 15 and 16 of Piedmont Aviation, Inc. are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions.

2. Pending investigation, hearing and decision by the Board, the fares and provisions in C.A.B. Nos. 15 and 16 of Piedmont Aviation, Inc. be and hereby are suspended and their use deferred to and including May 29, 1961, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated.

4. The complaints of Capital Airlines, Inc. and American Airlines, Inc. in Dockets 12118 and 12121, respectively, are consolidated herein.

5. Copies of this order be filed with the aforesaid tariffs and copies be served upon American Airlines, Inc., Capital Airlines, Inc., and Piedmont Aviation, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61-2127; Filed, Mar. 9, 1961; 8:48 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13598 etc.; FCC 61M-358]

## GILA BROADCASTING CO.

### Order Continuing Hearing Conference

In re applications of Gila Broadcasting Company, for renewal of licenses of stations KCKY, Coolidge, Docket No. 13598, File No. BR-2128; KCLF, Clifton, Docket No. 13617, File No. BR-2441; KGLU, Safford, Docket No. 13618, File No. BR-970; KVNC, Winslow, Docket No. 13619, File No. BR-2731; KZOW, Globe, Docket No. 13620, File No. BR-973; KWJB-FM, Globe, Docket No. 13621, File No. BRH-851; all in Arizona.

*It is ordered*, This 6th day of March 1961, that the prehearing conference herein now scheduled for March 9, 1961, be, and the same is hereby continued to a date to be hereinafter determined by the Hearing Examiner.

Released: March 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-2131; Filed, Mar. 9, 1961; 8:48 a.m.]

[Docket No. 12903; FCC 61M-355]

## RUDOLPH WILLIAM JONES

### Order Scheduling Prehearing Conference

In the matter of Rudolph William Jones, 115 Ashland Place, Brooklyn 1, New York, Docket No. 12903; application for renewal of radiotelegraph second-class operator license No. T2-2-1586.

The Examiner having under consideration the "Petition for Pre-Hearing Conference" filed by the Chief, Field Engineering and Monitoring Bureau in the above-entitled matter on March 2, 1961;

It appearing that hearing in the above-entitled matter has been continued without date pending judicial review in a case involving similar facts, and that said judicial review has now been completed, and further proceedings in the instant case can now go forward; and

It further appearing that the petition requests a prehearing conference on March 30, 1961, and that good cause has been shown for a grant of said request;

*It is ordered*, This 6th day of March 1961, that the "Petition for Pre-Hearing Conference" filed by the Chief, Field Engineering and Monitoring Bureau on March 2, 1961, is granted, and that a prehearing conference in the above-entitled matter shall be held on March 30, 1961, in the offices of the Commission, Washington, D.C., at 12:00 noon.

Released: March 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-2132; Filed, Mar. 9, 1961; 8:48 a.m.]

[Docket Nos. 12084-12086; FCC 61M-352]

## HERBERT MUSCHEL ET AL.

### Notice of Conference

In re applications of Herbert Muschel, New York, N.Y., Docket No. 12084, File No. BPH-2184; Richard W. Brahm, d/b as Independent Broadcasting Co., New York, N.Y., Docket No. 12085, File No. BPH-2192; New Broadcasting Company, Inc., New York, N.Y., Docket No. 12086, File No. BPH-2194; for construction permits.

Notice is hereby given that a prehearing conference in the above-entitled proceeding will be held at 2:00 p.m., on Friday, March 10, 1961, in Washington, D.C.

Dated: March 6, 1961.

Released: March 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-2133; Filed, Mar. 9, 1961; 8:48 a.m.]

[Docket Nos. 13639, 13640; FCC 61M-359]

## SOUTHEASTERN BROADCASTING SYSTEM, INC., AND RADIO STATION WSNT, INC.

### Order Scheduling Hearing

In re applications of Southeastern Broadcasting System, Inc. (WMJM), Cordele, Georgia, Docket No. 13639, File No. BP-12389; Radio Station WSNT, Inc., Sandersville, Georgia, Docket No. 13640, File No. BP-13105; for construction permits.

By agreement of the parties: *It is ordered*, This 6th day of March 1961, that the formal hearing in the above-entitled matter shall be held on March 16, 1961, at 9:30 a.m., in the offices of the Commission, Washington, D.C.

Released: March 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-2134; Filed, Mar. 9, 1961; 8:48 a.m.]



[Docket No. 12882; FCC 61M-354]

## HAROLD O. TOWNSEND

### Order Scheduling Prehearing Conference

In the matter of Harold O. Townsend, 324 Brentwood Road, Bayshore, New York, Docket No. 12882; application for renewal of radiotelephone first class operator license No. P1-2-6668.

The Examiner having under consideration the "Petition for Pre-Hearing Conference" filed by the Chief, Field Engineering and Monitoring Bureau in the above-entitled matter on March 2, 1961;

It appearing that hearing in the above-entitled matter has been continued without date pending judicial review in a case involving similar facts, and that said judicial review has now been completed, and further proceedings in the instant case can now go forward; and

It further appearing that the petition requests a prehearing conference on March 30, 1961, and that good cause has been shown for a grant of said request;

*It is ordered*, This 6th day of March 1961, that the "Petition for Pre-Hearing Conference" filed by the Chief, Field Engineering and Monitoring Bureau on March 2, 1961, is granted, and that a prehearing conference in the above-entitled matter shall be held on March 30, 1961, in the offices of the Commission, Washington, D.C., at 11:00 a.m.

Released: March 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-2135; Filed, Mar. 9, 1961; 8:48 a.m.]

[Docket Nos. 13918, 13919; FCC 61M-360]

## UNITED BROADCASTING CO., INC., AND PURITAN BROADCAST SERVICE, INC.

### Order Continuing Hearing Conference

In re applications of United Broadcasting Co., Inc., Beverly, Massachusetts, Docket No. 13918, File No. BPH-3129; Puritan Broadcast Service, Inc., Lynn, Massachusetts, Docket No. 13919, File No. BPH-3185; for construction permits (FM).

*It is ordered*, This 6th day of March 1961, that the prehearing conference herein now scheduled for March 9, 1961, be, and the same is hereby continued to a date to be hereinafter determined by the Hearing Examiner.

Released: March 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-2136; Filed, Mar. 9, 1961; 8:48 a.m.]

# DEPARTMENT OF COMMERCE

## Federal Maritime Board

## GRACE LINE, INC., AND ALCOA STEAMSHIP CO., INC.

### Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8561, between Grace Line, Inc., and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from Chile, Ecuador, Peru, and Colombia Pacific ports to Puerto Rico, with transshipment at New York or Baltimore.

Agreement No. 8562, between Grace Line, Inc., and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from Chile, Ecuador, Peru, and Colombia Pacific ports to the Virgin Islands, with transshipment at New York or Baltimore.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 6, 1961.

By order of the Federal Maritime Board.

THOMAS LISI, *Secretary.*

[F.R. Doc. 61-2117; Filed, Mar. 9, 1961; 8:47 a.m.]

[Docket No. S-121]

## STATES STEAMSHIP CO.

### Notice of Hearing

Notice is hereby given that a hearing has been authorized and directed to be held concerning the application of States Steamship Company for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit its owned subsidized ships operating in its Services B and C on Trade Route No. 29 to call at ports in the State of Hawaii, outbound and inbound, on not to exceed 26 outbound and 26 inbound sailings per annum, and in such operations to engage in domestic commerce between the State of California and the State of Hawaii.

The purpose of the hearing is to receive evidence relevant to whether the granting of such permission (a) would result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act.

The hearing will be conducted by an examiner in accordance with the rules of practice and procedure of the Federal Maritime Board/Maritime Administration at a time and place to be announced, and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding are requested to notify the Secretary, Federal Maritime Board/Maritime Administration accordingly on or before March 23, 1961, and should promptly file petitions for leave to intervene in accordance with said rules of practice and procedure.

By order of the Federal Maritime Board.

Dated: March 8, 1961.

THOMAS LISI, *Secretary.*

[F.R. Doc. 61-2185; Filed, Mar. 9, 1961; 10:40 a.m.]

## Office of the Secretary

## RICHARD V. FORD

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of February 24, 1961.

Dated: February 24, 1961.

RICHARD V. FORD.

[F.R. Doc. 61-2095; Filed, Mar. 9, 1961; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4252]

## UNITED INDUSTRIAL CORP. (DELAWARE)

### Order Summarily Suspending Trading

MARCH 6, 1961.

The Common Stock, $1 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange, and admitted to unlisted trading privileges on the Detroit Stock Exchange; and

The Series A Convertible Preferred Stock $8.50 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange; and

The Warrants to Purchase Common Stock of United Industrial Corporation (Delaware) being listed and registered

on the American Stock Exchange and the Pacific Coast Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in each such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspensions are necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any of such securities, otherwise than on a national securities exchange;

*It is ordered*, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said securities on the American Stock Exchange, the New York Stock Exchange, the Detroit Stock Exchange and the Pacific Coast Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 7, 1961, to March 16, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-2116; Filed, Mar. 9, 1961; 8:47 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

### CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ackerman Manufacturing Co., Ackerman, Miss.; effective 3-1-61 to 2-28-62 (men's cotton poplin shirts).

Michael Berkowitz Co., Inc., Waynesburg, Pa.; effective 2-10-61 to 2-9-62 (ladies' pajamas).

Blue Bell, Inc., Tippah Co., Ripley, Miss.; effective 2-22-61 to 2-21-62 (ladies' and girls' blouses, men's, boys', ladies' and girls' sport jackets and men's work shirts).

Brown Garment Co., Troutman, N.C.; effective 2-8-61 to 2-7-62 (work and sport shirts).

Carolina Sportswear Co., Warrenton, N.C.; effective 2-16-61 to 2-15-62 (men's and boys' knitted sportswear).

Carwood Manufacturing Co., Baldwin, Ga.; effective 2-19-61 to 2-18-62 (men's woven cotton work pants).

Carwood Manufacturing Co. No. 1, Cornelia, Ga.; effective 2-19-61 to 2-18-62 (men's work and sport shirts).

Carwood Manufacturing Co., Lavonia, Ga.; effective 2-19-61 to 2-18-62 (men's and boys' ivy league pants).

Carwood Manufacturing Co., Plant No. 1, Monroe, Ga.; effective 2-19-61 to 2-18-62 (men's and boys' dungarees, work pants and lined work coats).

Carwood Manufacturing Co., Plant No. 2, Monroe, Ga.; effective 2-19-61 to 2-18-62 (men's and boys' work pants).

Charldon Manufacturing Co., Charleston, Miss.; effective 2-26-61 to 2-25-62 (boys' shirts).

Eastwill Sportswear Co., Inc., Greenwood, S.C.; effective 2-2-61 to 2-1-62 (men's sport shirts).

Elder Manufacturing Co., Bloomfield, Mo.; effective 2-5-61 to 2-4-62 (boys' slacks and coats).

Eloesser Beynemann Co., 1161 Mission Street, San Francisco, Calif.; effective 2-15-61 to 2-14-62 (overalls and work pants).

Ely and Walker Factory, Paragould, Ark.; effective 2-5-61 to 2-4-62 (boys' sport shirts).

Ely and Walker, Div. of Burlington Industries, Inc., Monterey, Tenn.; effective 2-3-61 to 2-2-62 (boys' sport shirts).

Fairfield Manufacturing Co., Winnsboro, S.C.; effective 2-20-61 to 2-19-62 (ladies' dresses).

Fawn Grove Manufacturing Co., Inc., Fawn Grove, Pa.; effective 2-23-61 to 2-22-62 (men's and boys' work clothing and semi-dress pants).

Finesilver Manufacturing Co., 816 Camaron Street, San Antonio, Tex.; effective 3-2-61 to 3-1-62 (men's and boys' work shirts and pants and denim dungarees).

J. Freezer and Son, Inc., Radford, Va.; effective 2-18-61 to 2-17-62 (men's and ladies' shirts).

Glenn Slacks, Inc., Bruce, Miss.; effective 2-25-61 to 2-24-62 (men's walking shorts, boys' dress pants and men's and boys' semi-dress pants).

Hanover Shirt Co., Inc., Ashland, Va.; effective 2-14-61 to 2-13-62 (men's sport shirts).

Hartwell Garment Co., Hartwell, Ga.; effective 2-12-61 to 2-11-62 (work shirts and pants).

Jaco Pants, Inc., 501 East Washington Street, Ashburn, Ga.; effective 2-17-61 to 2-16-62 (men's dress pants).

F. Jacobson and Sons, Inc., 127 Arch Street, Albany, New York; effective 2-2-61 to 2-1-62 (men's dress and sports shirts).

F. Jacobson and Sons, Inc., Smith and Cornell Streets, Kingston, N.Y.; effective 2-2-61 to 2-1-62 (men's shirts).

F. Jacobson and Sons, Inc., Jay and River Streets, Troy, N.Y.; effective 2-8-61 to 2-7-62 (dress shirts).

Jayson-York, Inc., East Street and Pennsylvania Avenue, York, Pa.; effective 2-2-61 to 2-1-62 (men's sport shirts).

W. Koury Co., Inc., 633 Chatham Street, Sanford, N.C.; effective 2-3-61 to 2-2-62 (men's and boys' pants and shirts).

J. A. Lamy Manufacturing Co., 108 West Pacific, Sedalia, Mo.; effective 2-24-61 to 2-23-62 (men's, boys' and women's dungarees).

Lawrence Manufacturing Co., Inc., Walnut Ridge, Ark.; effective 3-1-61 to 2-28-62 (ladies' dresses).

Linda Lane Garment Co., Inc., 108 West Bluff and 204 North Main, Excelsior Springs, Mo.; effective 2-16-61 to 2-15-62 (ladies', misses' and maids uniforms).

R. Lowenbaum Manufacturing Co., 130 South Front Street, Mounds, Ill.; effective 2-15-61 to 2-14-62 (dresses).

Meyersdale Manufacturing Co., Inc., Meyersdale, Pa.; effective 2-16-61 to 2-15-62 (men's shirts).

Monticello Manufacturing, Inc., Warren Street, Monticello, Ga.; effective 2-10-61 to 2-9-62 (men's and boys' casual pants).

Morganstern Pants Co., 404 Willis Street, Fredericksburg, Va.; effective 2-20-61 to 2-19-62 (men's trousers).

New Market Manufacturing Co., Inc., New Market, Va.; effective 2-16-61 to 2-15-62 (women's cotton knit blouses, slacks, etc.).

The Raleigh Corp., Raleigh, Miss.; effective 1-31-61 to 1-30-62 (ladies' slacks).

Regent Co., Inc., 27-37 East Ferdinand Street, Manheim, Pa.; effective 2-1-61 to 1-31-62 (children's cotton wash garments).

Reliance Manufacturing Co., Dixie Factory, 100 Ferguson Street, Hattiesburg, Miss.; effective 2-16-61 to 2-7-62 (men's and boys' pants and men's work shirts).

The S & S Clothing Co., 44-48 Lehigh Street, Wilkes-Barre, Pa.; effective 2-3-61 to 2-2-62 (boys' and men's pants).

The Salisbury Co., 110 East Second Street, Salisbury, Mo.; effective 2-12-61 to 2-11-62 (dress trousers and slacks).

Samsons Manufacturing Corp., Wilson, N.C.; effective 2-9-61 to 2-8-62 (men's dress shirts).

United Pants Co., Inc., 222-228 Beade Street, Plymouth, Pa.; effective 2-1-61 to 1-31-62. Learners may not be engaged at special minimum wage rates in the production of men's and boys' suits or suit coats (boys' pants and men's and boys' outerwear jackets).

United Pants Co., Inc., Shoemaker Street, Swoyerville, Pa.; effective 2-1-61 to 1-31-62. Learners may not be engaged at special minimum wage rates in the production of men's and boys' suits and suit coats (men's and boys' outer jackets).

The Van Wert Manufacturing Co., Northeast Corner Main and Market Streets, Van Wert, Ohio; effective 2-4-61 to 2-3-62 (men's and boys' work and dress pants; men's utility jackets).

Vesta Corset Co., Inc., McGraw, N.Y.; effective 2-9-61 to 2-8-62 (corsets).

Ware Place Manufacturing Co., Ware Place, S.C.; effective 2-21-61 to 2-20-62. Learners may not be employed at special minimum wage rates in the production of separate skirts (blouses and boys' shirts).

Weaver Pants Co., Inc., Corinth, Miss.; effective 2-16-61 to 2-15-62 (men's single pants).

Williamstown Dress Co., Inc., West Street, Williamstown, Pa.; effective 2-14-61 to 2-13-62 (dresses).

Jack Winter Manufacturing Corp., Marianna, Ark.; effective 2-23-61 to 2-22-62 (men's and ladies' slacks).

Wright Garment Co., Bowman, Ga.; effective 2-6-61 to 2-5-62 (boys' and men's trousers).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aalfs Manufacturing Co., LeMars, Iowa; effective 2-13-61 to 2-12-62; 10 learners (men's and boys' denim dungarees).



Baimill Manufacturing Co., Commercial Street, Marseilles, Ill.; effective 2-19-61 to 2-18-62; 10 learners (outerwear jackets).

Berlin Manufacturing Co., Inc., Berlin, Md.; effective 2-23-61 to 2-22-62; 10 learners (cotton work pants).

Dickson City Garment Corp., Bowman and Dewey Streets, Dickson City, Pa.; effective 2-16-61 to 2-15-62; 10 learners (children's outerwear).

Dixie Lou Frocks, Inc., 120 South Water Street, Henderson, Ky.; effective 2-3-61 to 2-2-62; 10 learners (women's dresses).

Fawn Grove Manufacturing Co., Inc., Rising Sun., Md.; effective 2-23-61 to 2-22-62; 10 learners (dungarees, overalls and shirts).

Casper LaFata and Co., 14 Rush Avenue, Staten Island, N.Y.; effective 2-20-61 to 2-19-62; five learners (pants).

Londontown Manufacturing Co., 5 North Haven Street, Baltimore, Md.; effective 2-7-61 to 2-6-62; 10 learners (raincoats, jackets).

Morris Maier Shirt Manufacturing Co., 320 North Arizona, Prescott, Ariz.; effective 2-6-61 to 2-5-62; 10 learners (women's blouses and men's sport shirts).

United Pants Co., Inc., Nuangola Branch, Mountain Top, Pa.; effective 2-1-61 to 1-31-62; five learners. Learners may not be engaged at special minimum wage rates in the production of linings for sport coats (jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Altamont Shirt Corp., Altamont, Tenn.; effective 2-15-61 to 8-14-61; 80 learners (men's and boys' dress shirts).

Benjamin and Johnes, Inc., 410 Ashe Avenue, Dunn, N.C.; effective 2-2-61 to 8-1-61; 25 learners (women's foundation garments).

Blue Ridge Manufacturers, Inc., Petersburg, Va.; effective 2-10-61 to 8-9-61; 60 learners (men's work pants and women's twill jeans).

Eileen Hope, Inc., Halifax, Pa.; effective 2-4-61 to 8-3-61; 20 learners (women's dresses).

Emanuel Garment Co., Inc., Waller Building, Swainsboro, Ga.; effective 2-20-61 to 8-19-61; 10 learners (children's knit shirts).

The Fordyce Apparel Co., Fordyce, Ark.; effective 2-8-61 to 7-7-61; 100 learners (single pants).

Fanola Inc., of Batesville, Linker Street, Batesville, Miss.; effective 2-20-61 to 8-19-61; 30 learners (women's girdles and corselets).

Samsons Mfg. Corp., 525 East Fifth Street, Washington, N.C.; effective 2-3-61 to 8-2-61; 100 learners (men's sport shirts).

Tic Tac Co., Inc., Dicey Creek Road, Camden, S.C.; effective 1-31-61 to 7-30-61; 50 learners (children's outerwear).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Wells Lamont Corp., McGehee, Ark.; effective 2-1-61 to 1-31-62; 10 learners for normal labor turnover purposes (leather work gloves).

Wells Lamont Corp., Philadelphia, Miss.; effective 2-1-61 to 1-31-62; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Waynesboro, Miss.; effective 2-1-61 to 1-31-62; 10 percent of the total number of machine stitchers for normal labor turnover purposes (leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Charles H. Bacon Co., Inc., Lenoir City, Tenn.; effective 2-17-61 to 2-16-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Diamond Mills Corp., Hanover Division, Carolina Beach Rd., Wilmington, N.C.; effective 2-23-61 to 2-22-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Grenada Industries, Inc., Grenada, Miss.; effective 2-15-61 to 8-14-61; 25 learners for plant expansion purposes (full-fashioned and seamless).

Kayser-Roth Hosiery Co., Inc., Burlington, N.C.; effective 2-14-61 to 2-13-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Princeton Hosiery Mills, Inc., Princeton, Ky.; effective 1-31-61 to 1-30-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Valley Hosiery Mills, Inc., Fort Payne, Ala.; effective 2-21-61 to 2-20-62; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Hazlehurst Manufacturing Co., Inc., 212 Gill Street, Hazlehurst, Ga.; effective 2-10-61 to 2-9-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Altoona Shoe Co., Inc., 201 Cayuga Avenue, Altoona, Pa.; effective 2-24-61 to 2-23-62; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' casual footwear).

Columbia Novelty Slipper Co., Hazleton, Pa.; effective 3-1-61 to 2-28-62; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's and children's house slippers and sandals).

Martinsburg Shoe Co., Inc., 107 Highland Street, Martinsburg, Pa.; effective 2-24-61 to 2-23-62; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' shoes).

Robinson Manufacturing Co., Outer West Main, Robinson, Ill.; effective 2-5-61 to 2-4-62; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's and misses' shoes).

Sham-O-Kin Shoe Corp., Franklin Street, Shamokin, Pa.; effective 2-15-61 to 8-14-61; 75 learners for plant expansion purposes (women's casual shoes).

Wilson Shoe Corp., Franklin Street, Shamokin, Pa.; effective 2-15-61 to 8-14-61; 75 learners for plant expansion purposes (women's casual shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Antilles Leatherwear, Inc., Caguas, P.R.; effective 1-24-61 to 1-23-62; 5 learners for normal labor turnover purposes, in the occupation of machine sewer on leather for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (leather jackets).

Beatrice Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 1-23-61 to 7-22-61; 25 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Catex Corp., Salinas, P.R.; effective 1-10-61 to 7-9-61; 75 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator, and final presser, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 62 cents an hour (ladies' play shorts).

Catherine Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 1-23-61 to 4-21-61; 25 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Compex Undergarment Corp., Coamo, P.R.; effective 2-6-61 to 8-5-61; 40 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (ladies' undearwear).

Compex Undergarment Corp., Coamo, P.R.; effective 2-6-61 to 2-5-62; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (ladies' underwear).

Juana Diaz Co., Inc., 75 Cuatro Calles Street, Ponce, P.R.; effective 1-30-61 to 3-15-61; 25 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres and girdles).

Faultless Accessories, Inc., Cidra, P.R.; effective 1-9-61 to 1-8-62; 5 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours; (2) machine operations other than sewing machine for a learning period of 160 hours at the rate of 70 cents an hour (shoulder straps and accessories for brassieres).

Lady Lillian, Inc., Maunabo, P.R.; effective 1-16-61 to 7-15-61; 30 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (ladies' underwear).

La Torre Co., Inc., Albonito, P.R.; effective 1-30-61 to 7-29-61; 55 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (ladies' underwear, sleepwear and shoulder straps).

Linda Bra, Inc., Aguas Buenas, P.R.; effective 1-16-61 to 1-15-62; 15 learners for

normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Linda Uniforms, Inc., Cidra, P.R.; effective 1-30-61 to 7-29-61; 70 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 63 cents an hour for the first 240 hours and 73 cents an hour for the remaining 240 hours (uniforms for nurses, maids and men, and dresses).

National Packing Co., Ponce, P.R.; effective 1-25-61 to 1-24-62; 40 learners for normal labor turnover purposes, in the occupation of fish cleaner for a learning period of 160 hours at the rates of 75 cents an hour for the first 80 hours and 88 cents an hour for the remaining 80 hours (fish canning).

Plata Gloves, Inc., Cayey, P.R.; effective 2-1-61 to 7-31-61; 30 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (leather gloves).

Rico Glove Corp., Cayey, P.R.; effective 1-13-61 to 6-30-61; 10 learners for normal labor turnover purposes, in the occupation of machine sewer for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (fabric gloves) (supplemental certificate).

Tinto, Inc., Cayey, P.R.; effective 2-1-61 to 1-31-62; 5 learners for normal labor turnover purposes, in the occupation of dyeing machine operator for a learning period of 240 hours at the rate of 75 cents an hour (dyeing of sweaters).

The following learner certificate was issued in the Virgin Islands to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed are as indicated.

Delaware Watch Co. of the Virgin Islands, Inc., Western Suburbs No. 9, St. Croix, V.I.; effective 1-16-61 to 7-15-61; 10 learners for plant expansion purposes, in the occupation of assembler for a learning period of 240 hours at the rate of 55 cents an hour (assembly of watch movements and watches).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 24th day of February 1961.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 61-2066; Filed, Mar. 8, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 7, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 36943: *Substituted service—ACL, Et Al., for McDowall Transport, Inc.* Filed by McDowall Transport, Inc. (No. 3), for itself and interested carriers. Rates on new and used motor vehicles, loaded in trailers and transported on railroad flat cars, from Detroit, Mich., to Jacksonville and Orlando, Fla., on traffic destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to McDowall Transport, Inc., tariff MF-I.C.C. 29.

FSA No. 36944: *Soda ash from Baton Rouge, La., and Saltville, Va.* Filed by O. W. South, Jr., Agent (No. A4072), for interested rail carriers. Rates on soda ash, in bulk in covered hopper cars, in carloads, from Baton Rouge and North Baton Rouge, La., and Saltville, Va., to Coronet, Fla.

Grounds for relief: Barge and market competition.

Tariffs: Supplements 39 and 163 to Southern Freight Association tariffs I.C.C. S-89 and 1538, respectively.

FSA No. 36945: *Cottonseed hulls from, to, and between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7981), for interested rail carriers. Rates on cottonseed hulls, mixed with meal in the same bag, in carloads, between points in southwestern territory; between points in southwestern territory, on the one hand, and points in western trunk-line, southern, and official territory border points in Illinois on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplements 168 and 6 to Southwestern Freight Bureau tariffs I.C.C. 3972 and 4381, respectively.

FSA No. 36946: *Joint motor-rail rates between the east and west.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 189), for interested carriers. Rates on various commodities, moving on class and commodity rates, over joint routes of applicant rail and motor carriers, between points in central, middlewest and southwestern territories, on the one hand, and points in the middle Atlantic and New England territories on the other.

Grounds for relief: Rail-truck competition.

Tariffs: Original page 73A and 21st revised page 421 to Eastern Central Motor Carriers Association tariffs MF-I.C.C. A-171 and A-153, respectively.

FSA No. 36947: *Motor vehicles from Michigan to Texas points.* Filed by National Automobile Transporters Association, Agent (No. 2), for interested carriers. Rates on motor vehicles, freight or passenger, in truckloads, as described in the application, from Flint, Lansing and Pontiac, Mich., to points in Texas.

Grounds for relief: Rail-motor competition.

Tariff: National Automobile Transporters Association tariff I.C.C. 9.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-2119; Filed, Mar. 9, 1961; 8:47 a.m.]

[Notice 461]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 7, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 24996. By order of March 3, 1961, the Commission, Division 4, approved the transfer to Airport Transport, Incorporated, Washington, D.C., of Certificate in No. MC 103113, issued September 30, 1949, to Airport Transport, Incorporated, Washington, D.C., which authorizes the transportation of passengers and their baggage, limited to not more than seven passengers, not including driver, in any one vehicle, in special operations, in round-trip sightseeing or pleasure tours, restricted to traffic originating and terminating at the point indicated, over irregular routes, from Washington, D.C., to Mount Vernon, Va., and Annapolis, Md., and return; and passengers and their baggage, limited to not more than seven passengers, not including driver, in any one vehicle in round-trip charter operations, over irregular routes, from Washington, D.C., to points in Maryland and Virginia, and return. L. C. Major Jr., Turney & Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-2120; Filed, Mar. 9, 1961; 8:47 a.m.]



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VOLUME 26 NUMBER 47

Washington, Saturday, March 11, 1961

THE UNIVERSITY OF MICHIGAN
MAR 14 1961
MAIN READING ROOM

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Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3398

### CENTENNIAL OF THE UNIFICATION OF ITALY

**By the President of the United States of America**

**A Proclamation**

WHEREAS the centennial of the unification of Italy, which occurs in 1961, commemorates a great event in the history of nations; and

WHEREAS, in observance of the centennial, there will be many celebrations in Italy, in the United States, and in many other countries as events of a century ago are relived; and

WHEREAS we in America are confident that the people of Italy, in the celebrations reenacting the events and experiences associated with their struggle for unification a century ago, will find renewed strength to further their vital contributions to the cause of freedom; and

WHEREAS it is the sense of the Congress, expressed by House Concurrent Resolution 225, agreed to July 2, 1960, that the President extend official greetings from the United States to the people of Italy on the occasion of the centennial of the unification of Italy:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby extend greetings and felicitations from the people of the United States to the people of Italy on the occasion of the centennial of the unification of Italy, in recognition of the progress and achievements of the Italian people during the past century and the bonds of friendship between our two nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of March in the year of our Lord nineteen hundred and [SEAL] sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 61-2235; Filed, Mar. 10, 1961; 11:08 a.m.]

# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1]

### PART 421—GRAINS AND RELATED COMMODITIES

### Subpart—General Provisions 1961-Crop Price Support Programs for Grains and Related Commodities

This bulletin (hereinafter called subpart) contains regulations of a general nature which will be applicable to 1961-crop price support programs for certain grains and other commodities for which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service (referred to in this subpart and supplements hereto as CCC and CSS respectively).

A separate supplement to this subpart (hereinafter referred to as "commodity supplement"), containing additional specific requirements, will be issued for each commodity to which the provisions of this subpart are to be applicable.

Sec.
421.101 Administration.
421.102 Commodities covered by this subpart.
421.103 Methods of price support.
421.104 Eligible producer.
421.105 Program availability and maturity dates and disbursement of loans.
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421.114 Safeguarding the commodity.
421.115 Insurance on farm-storage loans.
421.116 Loss or damage to the commodity.
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421.118 Release of the commodity under loan.
421.119 Liquidation of loans and delivery under purchase agreements.
421.120 Foreclosure.
421.121 Settlement value and charges.
421.122 Death, incompetency or disappearance.
421.123 CSS commodity offices.

AUTHORITY: §§ 421.101 to 421.123 issued under sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072, secs. 101, 105, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425.

**§ 421.101 Administration.**

The program to which this subpart applies will be administered by CSS, under the general direction and supervision of the Executive Vice President, CCC, and in the field, will be carried out by Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees) and CSS commodity offices. Producers interested in participating in any program should contact their county office through which the price support documents will be distributed. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. Copies of all price support documents shall be retained in the county office. County office managers, State and county committees, and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

**§ 421.102 Commodities covered by this subpart.**

The provisions of this subpart shall apply to 1961 crop price support programs for barley, corn, dry edible beans, grain sorghums, flaxseed (except direct purchases), oats, rice, rye, soybeans, wheat, and any other 1961 crop price support program for which a commodity supplement to this subpart is issued. The provisions contained in section 125 of the Soil Bank Act, with respect to restrictions on leasing of lands owned by the Government for the production of price supported crops in surplus supply, are applicable to each of such grain commodities except dry edible beans. Commodities produced in violation of restrictive leases on federally-owned land shall not be eligible for price support.

**§ 421.103 Methods of price support.**

Price support will be made available through farm-storage loans, warehouse-storage loans, and purchase agreements. The particular methods to be used for each commodity will be specified in the applicable commodity supplement to this subpart.

**§ 421.104 Eligible producer.**

An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other legal entity, and whenever applicable, a State, political subdivision of a State, or any agency thereof producing the commodity in 1961 as landowner, landlord, tenant, or sharecropper and shall also include an irrigation company, or other legal entity, furnishing water for a share of the rice crop. In addition, in the case of wheat or rice, a producer shall not qualify as an eligible producer unless he is in compliance with the requirements for eligibility for price support prescribed in the applicable CCC Bulletin A, in effect for the 1961 crop, and any amendments thereto. Receivers of an insolvent debtor's estate, executors and administrators of a deceased person's estate, guardians of an estate of a ward or an incompetent person, and trustees of a trust estate will be considered to represent the insolvent debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receivers, executors and administrators, guardians, and trustees shall be considered to be the production of the persons they represent, provided the loan or purchase agreement documents executed by them are legally valid. A minor shall be eligible for price support only if he meets one of the following requirements: (a) The right of majority has been conferred on him by court proceedings, (b) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian, (c) any note signed by the minor be co-signed by a financially responsible person, or (d) a bond be furnished under which a surety would guarantee to protect CCC from any loss incurred for which the minor would be liable had he been an adult. Two or more eligible producers may obtain a joint loan on an eligible commodity produced by them if stored in the same farm-storage facility or, in the case of a warehouse-storage loan, if the warehouse receipt is issued jointly. Each producer who obtains a joint loan will be jointly and severally liable for the obligations under the loan documents and under this subpart. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that the producer is not eligible for farm-storage loans and such determination shall remain in effect unless the State committee, after a review of the facts, determines that CCC would be adequately protected from loss if the producer receives a farm-storage loan. Where an otherwise eligible producer is denied a farm-storage loan, he shall be eligible to obtain a warehouse-storage loan or sign a purchase agreement. A producer who has made a fraudulent representation in connection with past warehouse-storage or farm-storage loans or purchase agreements shall be denied further price support unless he furnishes evidence acceptable to the county committee that the commodity offered for price support meets all eligibility requirements. Warehouse-storage loans may be made to a warehouseman who tenders to CCC warehouse receipts issued by him on a commodity produced by him only in those States where the issuance and pledge of such warehouse receipts are valid under State law.

**§ 421.105 Program availability and maturity dates and disbursement of loans.**

(a) *Program availability and maturity dates.* Program availability and maturity dates will be those specified in the applicable commodity supplements to this subpart except that whenever the final date of availability or the maturity date falls on a nonwork day for ASC county offices, the applicable final date shall be extended to include the next work day.

(b) *Disbursement of loans.* Disbursement of loans will be made to producers by financial institutions under separate regulations published in the FEDERAL REGISTER, or by ASC county offices by means of sight drafts drawn on CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. No disbursements shall be made later than 15 days after the applicable final date of availability of loans unless authorized by the Executive Vice President, CCC. However, disbursements may be made not later than the maturity date applicable to the commodity when, with the prior approval of the county committee, the producer repays a farm-storage loan, transfers the commodity to an approved warehouse, and obtains a warehouse-storage loan on the same commodity. If the final date of disbursement as determined above falls on a nonwork day for ASC county offices, such final date shall be extended to include the next work day. The producer shall not present the loan documents for disbursement unless the commodity is in existence and in good condition. If the commodity was not in existence or in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer.

**§ 421.106 Financial institutions.**

As used in this subpart a financial institution is a commercial bank which accepts demand deposits, or an association organized pursuant to State laws and supervised by State banking authorities, or a production credit association.

**§ 421.107 Approved storage.**

Loans will be made only on commodities in approved storage. Purchase agreements may be executed without regard to whether the commodity is in approved storage. However, warehouse receipts representing commodities tendered to CCC under purchase agreements will be accepted in lieu of physical delivery only if the commodity is in existence in approved warehouse storage and is in good condition at the time the warehouse receipt is tendered.

(a) *Farm-storage.* Approved farm-storage shall consist of storage structures located on or off the farm (excluding public warehouses), which are determined by the county committee under the supervision and direction of the State committee to be so located and of such substantial and permanent construction as to afford safe storage of the commodity.

(b) *Warehouse - storage.* Approved warehouse-storage shall consist of (1) public warehouses for which a CCC uniform storage agreement for the commodity is in effect and which are approved by CCC for price support purposes or (2) warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect. The names of approved warehouses may be obtained from CSS commodity offices or State and county offices.

**§ 421.108 Applicable forms and requirements.**

(a) *Farm-storage loans.* Applicable forms shall consist of Producer's Note and Supplemental Loan Agreement, Commodity Chattel Mortgage, Commodity Delivery Notice, Loan Settlement, and such other forms and documents as may be required by CCC.

(b) *Warehouse-storage loans.* Applicable forms shall consist of the Producer's Note and Loan Agreement and such other forms and documents as may be required by CCC.

(c) *Purchase agreements.* Applicable forms shall consist of the Purchase Agreement, the Commodity Delivery Notice, the Purchase Agreement Settlement and such other forms and documents as may be required by CCC.

(d) *Warehouse receipts.* The form in which warehouse receipts shall be submitted will be stated in each commodity supplement to this subpart.

(e) *Other requirements.* Producer's Note and Supplemental Loan Agreements, Commodity Chattel Mortgages, and Producer's Note and Loan Agreements, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, guardian, receiver, or trustee, will be acceptable only where legally valid. All of the commodity pledged as security for a loan evidenced by a single Producer's Note and Loan Agreement must be stored in the same warehouse. Farm-storage loans shall be made on the entire quantity of the commodity stored in the bin or crib except (1) where the county committee has determined that a loan on part of the commodity stored therein is necessary to enable an otherwise eligible producer to obtain a price support loan or (2) where the producer applies for a loan on part of the commodity and a purchase agreement on the remaining quantity of the commodity stored commingled in the same bin or crib. In any event the mortgage shall cover all of the commodity stored in the bin or crib. Approval of a loan on part of the commodity stored in a bin or crib as provided in subparagraph (1) or (2) of this paragraph shall not be granted in the event the State committee has determined that such partial loans shall not be made. Such determination shall be made when necessary to assure more effective administration of the price support program and shall be effective on a Statewide basis.

**§ 421.109 Liens.**

If there are any liens or encumbrances on the commodity, waivers that will fully protect the interests of CCC must be obtained even though the liens or encumbrances are satisfied from the loan or purchase proceeds.

**§ 421.110 Service charges.**

(a) Producers shall pay the following service charges on the quantity of the commodity placed under loan or specified in the purchase agreement. In the case of loans, the service charges shall be deducted from the proceeds of the loan at the time the loan is disbursed except for prepayment of such minimum service charges as may be required under paragraph (b) of this section. In the case of purchase agreements, the service charges shall be collected at the time the purchase agreement form (Commodity Purchase Form 1) is signed by the producer. Such service charges shall be computed at the rates shown in column (2) of the following table for commodities the quantity of which is determined on the basis of bushels, and at the rates shown in column (3) for commodities the quantity of which is determined on the basis of 100 pounds. An additional service charge shall be paid on any additional quantity delivered to and accepted by CCC under a farm-storage loan or not redeemed in the case of an identity-preserved warehouse-storage loan.

| Method of price support | Service charges | | |
|---|---|---|---|
| | Per bushel | Per 100 pounds | Minimum charges |
| (1) | (2) | (3) | (4) |
| | *Cents* | *Cents* | |
| Farm-storage loans | 1 | 2 | [1] $3.00 |
| Warehouse-storage loans | ½ | [2] 1 | [2] 1.50 |
| Purchase agreements | ½ | 1 | 1.50 |

[1] With respect to rice, State committees are authorized to require payment of a minimum charge of $5.00 for each lot sampled.

[2] With respect to rice, the service charge for warehouse-storage loans shall be computed on a warehouse receipt basis and shall be 2 cents per 100 pounds with a minimum charge of $3.00 for each warehouse receipt.

(b) In the case of farm-storage loans, and identity-preserved and modified commingled warehouse-storage loans, State committees are authorized to require prepayment of the minimum service charges (shown in paragraph (a) of this section) at the time the producer applies for a loan.

(c) No refund of service charges will be made except if the amount collected is in excess of the correct amount.

**§ 421.111 Set-offs.**

(a) If any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are payable under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lien holders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer

under the program provided for in this subpart, after deduction of amounts payable on farm-storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's Set-Off Regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the set-off action either by administrative appeal or by legal action.

**§ 421.112 Interest rate.**

Loans shall bear interest from the date of disbursement of the loan at the rate announced in a separate notice published in the FEDERAL REGISTER.

**§ 421.113 Transfer of producer's interest.**

(a) *Warehouse-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity pledged as security for a warehouse-storage loan, nor shall any one acquire such interest or right. Warehouse receipts will be released only to the producer or his authorized agent as provided in § 421.118.

(b) *Farm-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity mortgaged as security for a farm-storage loan nor shall anyone acquire such interest or right. Subject to the provisions of § 421.118 regarding partial redemption of loans, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county office on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

(c) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

**§ 421.114 Safeguarding the commodity.**

The producer obtaining a farm-storage loan is obligated to maintain the storage structure in good repair and to keep all the mortgaged commodity in storage and in good condition until the loan is liquidated.

**§ 421.115 Insurance on farm-storage loans.**

CCC will not require the producer to insure the commodity placed under a farm-storage loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

**§ 421.116 Loss or damage to the commodity.**

The producer is responsible for any loss in quantity or quality of the commodity placed under farm-storage loan and identity-preserved warehouse-storage loan, or for any loss in quality of the commodity placed under modified-commingled warehouse-storage loan. Notwithstanding the foregoing, physical loss or damage on farm-stored or identity-preserved warehouse-stored commodities, and loss in quality of modified-commingled warehouse-stored commodities occurring after disbursement of the loan funds will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of the commodity destroyed (or if the commodity is not destroyed, in an amount equivalent to the extent of the loss or damage as determined by CCC), less any insurance proceeds to which CCC may be entitled and the salvage value of the commodity, if the producer establishes to the satisfaction of CCC each of the following conditions: (a) The physical loss or damage occurred without fault, negligence, or conversion on the part of the producer, or any other person having control of the storage structure; (b) the physical loss or damage resulted solely from an external cause (other than insect infestation, rodents, or vermin), such as theft, fire, lightning, inherent explosion, windstorm, cyclone, tornado, flood or other acts of God; (c) the producer has given the county office immediate notice confirmed in writing of such loss or damage; and (d) the producer has made no fraudulent representation in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to the date of disbursement of the loan funds to the producer will be assumed by CCC.

**§ 421.117 Personal liability of the producer.**

(a) The making of any fraudulent representation by a producer in the loan documents or in obtaining the loan, or the unlawful disposition of any portion of the commodity by him shall render the producer subject to criminal prosecution under Federal Law and shall render him personally liable for the amount of the loan, for any additional amounts paid to the producer on the commodity, and for any resulting expenses incurred by CCC together with interest on such amounts. Any such loan shall become payable upon demand. If a producer has made any such fraudulent representation or unlawful disposition, the amount of his personal liability shall be the amount of the loan, charges, and all costs that CCC would not have incurred had it not been for the producer's fraudulent representation, or unlawful disposition, together with interest on such amounts, less the market value of the commodity on the date of delivery or removal, as determined by CCC, in the case of farm-storage loans, or the market value of the commodity as of the close of the market on the final date for repayment, as determined by CCC, in the case of warehouse storage loans. If the unlawful disposition of loan collateral is determined by CCC not to have been a wilful conversion, the value of the commodity or part thereof delivered to CCC or removed by CCC shall be the settlement value as determined under the provisions of § 421.119 and of the commodity supplement.

(b) A producer shall be personally liable for any damage resulting from tendering to CCC any commodity containing mercurial compounds or other substances poisonous to man or animal which is inadvertently accepted by CCC.

(c) In the event the amount disbursed under a loan or purchase agreement exceeds the amount authorized under the applicable commodity supplement to this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(d) In the case of joint loans, the personal liability for the amounts specified in this section shall be joint and several on the part of each producer signing the note.

**§ 421.118 Release of the commodity under loan.**

A producer may at any time obtain release of the commodity remaining under loan by paying to CCC the principal amount of the note, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. After payment of the note has been effected, the county office manager shall, in the case of farm-storage loans, execute such release or otherwise make such arrangements as the law may require for the release of the chattel mortgage. The producer may arrange with the county office for partial release of the commodity prior to maturity after making payment for the quantity of the commodity released, plus charges and accrued interest; however, in the event the quantity of the commodity contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan but only upon prior approval in writing by the county office. Partial redemption of farm-storage loans and release of the commodity will not be approved by the county committee in the event the State committee has determined that partial redemption of loans and releases of the commodity will not be permitted. Such determination shall be made when necessary to assure more effective administration of the price support program and shall be effective on a Statewide basis. In the case of warehouse-storage loans, each partial release must cover all of the commodity represented by one warehouse receipt. Warehouse receipts redeemed by repayment shall be released only to the producer-borrower or his agent. If the producer has authorized another person as his agent solely for the purpose of receiving the warehouse receipts, such authorization must be in writing and must be made within 30 days prior to redemption of warehouse receipts by repayment.



**§ 421.119 Liquidation of loans and delivery under purchase agreements.**

(a) *Farm-storage loans.* (1) The producer is required to pay off his loan on or before maturity or to deliver the commodity in accordance with instructions issued by the county officer; he may, however, pay off his loan and redeem his commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC. If the producer desires to deliver the commodity, he should, prior to maturity, give the county office notice in writing of his intention to do so. If the producer does not repay his loan or deliver the commodity as provided above, CCC shall have the right to sell or acquire title to the commodity in accordance with the provisions of the Producer's Note and Supplemental Loan Agreement and § 421.120.

(2) If, either before or after maturity, the commodity is going out of condition or is in danger of going out of condition, the producer shall so notify the county office, and confirm such notice in writing. If the county committee determines that the commodity is going out of condition or is in danger of going out of condition and that the commodity cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination. When delivery is completed, settlement shall be made subject to the provisions of § 421.116 on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher and in accordance with the Producer's Note and Supplemental Loan Agreement and applicable commodity supplement.

(3) In the event the farm is sold, there is a change of tenancy, the producer dies, or the commodity is threatened with damage by flood, the commodity may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon authorization of the Executive Vice President, CCC. Settlement will be made on the basis of the grade, quality and quantity delivered by the producer, as determined by the county committee, in accordance with the provisions of the Producer's Note and Supplemental Loan Agreement and applicable commodity supplement.

(4) Delivery of commodities in bulk will be accepted only from the bin(s) in which the commodity under loan is stored. The maximum quantity eligible for delivery in cases where a loan has been made on part of the commodity in the bin shall be the quantity on which the loan was made plus any normal overrun established by the State committee. In the case of commodities stored in bags, only the quantity contained in the bags included in the lot placed under loan may be delivered.

(5) If the settlement value of the commodity delivered exceeds the amount due on the loan (excluding interest), such excess amount will be paid to the producer. Deliveries of commodities to CCC under farm-storage loans will be handled by the county office which initially approved the loan. Any payment due the producer will be made by sight draft drawn on CCC by the county office.

(6) If the settlement value of the commodity is less than the amount due on the loan (excluding interest), the amount of the deficiency plus interest thereon, shall be paid to CCC, except as provided in § 421.116, and may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

(b) *Warehouse-storage loans.* If the producer does not repay his loan by maturity, CCC shall have the right to sell or acquire title to the commodity in accordance with the provisions of the Producer's Note and Loan Agreement and § 421.120. Where loans are called prior to maturity solely for the benefit or protection of CCC (as determined by the CSS commodity office serving the area) and storage has been deducted or prepaid through the maturity date and the period of the unearned storage can be determined by CCC, refunds of the prepaid storage for such period shall be made to the producer by the appropriate CSS commodity office. The amount of the storage charges to be refunded if such charges have been prepaid by the producer shall be computed at the lower of (1) the rate prepaid or (2) the rate under the applicable CCC storage agreement or the rate applicable to the Eastern common carrier involved. If storage charges were deducted from the loan rate, the amount to be refunded shall be the amount of the storage deduction less storage charges accrued on the commodity. Refunds of prepaid handling charges shall be made by the appropriate county office.

(c) *Purchase agreements.* (1) The producer who signs a purchase agreement will not be obligated to sell any quantity of the commodity to CCC. However, he may sell to CCC any quantity of the commodity eligible for delivery not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the commodity to CCC, he will have a 30-day period during which he must notify the county office in writing of his intentions to sell. Such period shall end on the loan maturity date specified in the applicable commodity supplement to this subpart or such other date as may be prescribed by the Executive Vice President, CCC.

(2) Provisions for the inspection, delivery and settlement on commodities under purchase agreements will be contained in the commodity supplements to this subpart.

(d) *Payments and collections; amounts not exceeding $3.00.* To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request. Deficiencies of $3.00 or less, including interest, may be disregarded unless demand for payment is made by CCC.

**§ 421.120 Foreclosure.**

If the loan (i.e. the amount of the note, interest and charges) is not satisfied upon maturity, the holder of the note is authorized to remove the commodity from storage; and also to sell, assign, transfer, and deliver the commodity or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder of the note may determine, at public or private sale. Any such disposition may similarly be effected without removing the commodity from storage. The commodity may be processed before sale and the holder of the note may become the purchaser of the whole or any part of the commodity. If, upon maturity and nonpayment of the producer's note, CCC is the holder of the note, then at CCC's election, title to the unredeemed collateral securing the note shall, without a sale thereof, immediately vest in CCC. Whenever CCC acquires title to the unredeemed collateral, CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude the making of the following payments to the producer or his personal representative only, without right of assignment to or substitution of any other party: (a) Any amount by which the settlement value of the mortgaged or pledged commodity may exceed the principal amount of the loan or (b) the amount by which the proceeds of sale may exceed the loan indebtedness if the loan collateral is sold to third parties rather than CCC acquiring full title to such loan collateral. If a farm-stored commodity removed by CCC from storage is sold at less than the amount due on the loan (excluding interest) and the quantity, grade, or quality of the commodity as removed is lower than that on which the loan was computed, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the commodity removed by CCC, plus interest. The amount of the deficiency may be set off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC, or any other agency of the United States.

**§ 421.121 Settlement value and charges.**

(a) *Settlement value.* The term "settlement value" as used in this subpart is the price support value of the mortgaged or pledged commodity or the commodity under purchase agreement and shall be determined in accordance with the provisions concerning settlement for commodities delivered by the producer to CCC as contained in the applicable com-

modity supplement and in the Producer's Note and Supplemental Loan Agreement, or Producer's Note and Loan Agreement, or purchase agreement, whichever is applicable.

(b) *Charges.* The term "charges" as used in this subpart means all fees, costs, and expenses incident to insuring, carrying, handling, storing, conditioning and marketing of the commodity and otherwise protecting the interest in the loan collateral of any holder of the note or the producer, including foreclosure costs.

**§ 421.122 Death, incompetency or disappearance.**

In case of the death, incompetency or disappearance of any producer who is entitled to the payment of any sum in settlement of a loan or purchase agreement, the payment of such sum shall be made to the person or persons who would be entitled to such producer's payment under the regulations contained in §§ 472.1051 to 472.1054 of this chapter (Payment Program for Shorn Wool and Unshorn Lambs, 24 F.R. 649, January 30, 1959, as amended), upon proper application to the office of the county committee which made the loan or purchase agreement. Application forms may be obtained from the office of the county committee.

**§ 421.123 CSS commodity offices.**

The CSS commodity offices and the area served by them are shown below:

Evanston, Illinois, 2201 Howard Street: Connecticut, Delaware, Illinois (except for rice), Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 1, Texas, 500 South Ervay Street: Alabama, Arkansas, Florida, Georgia, Illinois (for rice only), Louisiana, Mississippi, Missouri (for rice only), New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 11, Missouri, 560 Westport Road: Colorado, Kansas, Missouri (except for rice), Nebraska, Wyoming.

Minneapolis 10, Minnesota, 6400 France Avenue, So.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 1218 Southwest Washington Street: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 8th day of March, 1961.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 61-2183; Filed, Mar. 10, 1961; 8:50 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### Department of Justice

Effective upon publication in the FEDERAL REGISTER, subparagraphs (2), (6), (8), (9), and (10) of paragraph (i) of § 6.308 are revoked and paragraphs (d)(8), (e)(11), (i) (4) and (5) are amended as set out below.

**§ 6.308 Department of Justice.**

* * * * *

(d) *Anti-Trust Division.* * * *
(8) Chief, Special Trial Section.

* * * * *

(e) *Civil Division.* * * *
(11) *Chief, Appellate Section.*

* * * * *

(i) *Office of Alien Property.* * * *
(4) Chief, Claims Section.
(5) Chief, Litigation Section.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-2175; Filed, Mar. 10, 1961; 8:49 a.m.]

## PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### Federal Aviation Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 6.364 is amended as set out below.

**§ 6.364 Federal Aviation Agency.**

* * * * *

(b) Two Assistants to the Congressional Liaison Officer.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-2174; Filed, Mar. 10, 1961; 8:49 a.m.]

# Title 7—AGRICULTURE

## Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612, 30th Rev.]

## PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—Khapra Beetle

ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the Khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

**§ 301.76-2a Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.**

Infestations of the khapra beetle have been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a)

ARIZONA

J. N. Edge Farm, located 2 miles south of Camp Verde off Payson Highway, P.O. Box 68, Camp Verde.

S & W Feed Lot, located one mile east of Gila Center Store and 1/10 mile north of Highway 95, P.O. Box 1590, Yuma.

Arthur Smart Hog Farm, located 1/2 mile south of 13th Street on Avenue F 1/2, Route 1, P.O. Box 642, Yuma.

CALIFORNIA

Anza Land Company, Borrego Springs, located on Palm Canyon Road, 1/2 mile east of school on south side of said road.

(b) The portion of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but the premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

TEXAS

Beaver Egg Farm, Route 1, Box 44, Yaleta.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76-2)

These administrative instructions shall become effective March 11, 1961, when they shall supersede P.P.C. 612, Twenty-ninth Revision, effective December 30, 1960 (25 F.R. 13948).

Subsequent to the twenty-ninth revision, effective December 30, 1960, infestations of the khapra beetle were discovered on the premises of the Gail Dana Farm, 1333 East Southern, and the D. H. Railsback Poultry Yard, 204 South Morris, both in Mesa, Arizona. Movement of regulated articles from these properties was immediately stopped. Within a few days the infested premises had been fumigated in their entirety and declared free of khapra beetle infestation. Accordingly, these properties are not being included in this revision.

This revision adds certain premises in Arizona to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations. It also has the effect of revoking the designation as regulated areas of certain premises in Arizona and Texas, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises.

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of March 1961.

[SEAL] D. R. SHEPHERD,
*Acting Director,*
*Plant Pest Control Division.*

[F.R. Doc. 61-2182; Filed, Mar. 10, 1961; 8:50 a.m.]



# Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 209]

## PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

**§ 914.509 Navel Orange Regulation 209.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, and orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 9, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 12, 1961, and ending at 12:01 a.m., P.s.t., March 19, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 625,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 10, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2246; Filed, Mar. 10, 1961; 12:33 p.m.]

[Orange Reg. 385]

## PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

**§ 933.1052 Orange Regulation 385.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of such Florida oranges as will be in the public interest; will tend to effectuate the declared policy of the act; and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 7, 1961; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; the provisions of the act require that the minimum standards of quality and maturity, as set forth herein, be made effective when the seasonal average price to growers for such oranges exceeds the parity level specified in section 2(1) of the act; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth and at the commencement thereof, so as not to permit the unrestricted shipment thereafter of Florida oranges, including Temple oranges, as such unrestricted shipments would not be conducive to the

orderly marketing of such oranges as will be in the public interest and would not tend to effectuate the declared policy of the act; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1178 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., March 13, 1961, and ending at 12:01 a.m., e.s.t., April 10, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than a size that will pack 324 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(3) During the period beginning at 12:01 a.m., e.s.t., March 13, 1961, and ending at 12:01 a.m., e.s.t., July 31, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 9, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–2198; Filed, Mar. 10, 1961; 8:50 a.m.]

[Grapefruit Reg. 337]

## PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

**§ 933.1053 Grapefruit Regulation 337.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 7, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., March 13, 1961, and ending at 12:01 a.m., e.s.t., April 10, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 9, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–2197; Filed, Mar. 10, 1961; 8:50 a.m.]

[Lemon Reg. 890]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

**§ 953.997 Lemon Regulation 890.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 7, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 12, 1961, and ending at 12:01 a.m., P.s.t., March 19, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 209,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 9, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–2196; Filed, Mar. 10, 1961; 8:50 a.m.]

[Grapefruit Reg. 136]

## PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

### Limitation of Shipments

**§ 955.397 Grapefruit Regulation 136.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on March 2, 1961, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., March 12, 1961, and ending at 12:01 a.m., P.s.t., April 23, 1961, no handler shall handle:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which measure less than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than $3^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{13}/_{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "handle" shall have the same meaning as when used in said amended marketing agreement and order; the term "U.S. No. 2" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 8, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–2165; Filed, Mar. 10, 1961; 8:46 a.m.]



# Title 8—ALIENS AND NATIONALITY

## Chapter I—Immigration and Naturalization Service, Department of Justice

## PART 237—DEPORTATION OF EXCLUDED ALIENS

### Notice to Excluded Aliens To Surrender for Deportation

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Part 237 is amended by renumbering §§ 237.2, 237.3, and 237.4 to §§ 237.3, 237.4, and 237.5, and by adding a new § 237.2 to read as follows:

**§ 237.2 Notice to surrender for deportation.**

An alien who has been finally ordered excluded pursuant to Part 236 of this chapter shall be required to surrender himself for deportation upon not less than 72 hours' advance notice in writing of the time and place of his surrender. Upon his failure to comply with such notice, the Service shall promptly take the alien into custody for deportation. An alien in foreign contiguous territory shall be informed that he may remain there in lieu of surrendering to the Service, but that he will be deemed to have acknowledged the execution of the order of exclusion and deportation in his case upon failure to surrender at the time and place prescribed.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order relates to agency procedure.

Dated: March 10, 1961.

J. M. SWING,
*Commissioner of Immigration and Naturalization.*

[F.R. Doc. 61–2234; Filed, Mar. 10, 1961; 10:45 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 690; Amdt. 265]

## PART 507—AIRWORTHINESS DIRECTIVES

### Boeing 707 Series Aircraft

Service experience and fatigue tests have shown that the initial inspection of Boeing 707 main landing gear outer cylinders required by Amendment 136, 25 F.R. 3576 (AD 60–9–1), can be extended. Flights or landing cycles have been determined to be more representative of the critical loading than flight hours. Therefore, the inspection compliance time is being restated in terms of flights. The manufacturer has redesigned the outer cylinder which when installed alleviates the need for special inspections. Paragraph (d) of Amendment 136 is no longer necessary as all aircraft in service have complied and new production aircraft will incorporate the specified rework. Therefore, to relieve the operators from an unnecessary burden, Amendment 136 (AD 60–9–1) as amended by Amendment 189 (25 F.R. 7430), is being superseded by a new directive.

Since this amendment relieves restrictions and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Model 707–100 and 707–200 aircraft with main landing gear oleo cylinders that have experienced 800 flights and all 707–300 and 707–400 aircraft with main landing gear oleo cylinders that have experienced 1000 flights. (It will be necessary for operators to maintain a record of flights to ascertain compliance with this AD. If past records are unavailable, the number of flights prior to this AD may be estimated.)

Compliance required as indicated.

Due to failure of main landing gear oleo outer cylinders in the area of upper torsion link lugs, the following inspections are required:

(a) The following must be accomplished on Model 707–100 and 707–200 Series aircraft unless spacer, Boeing P/N 69–11430 or equivalent, has been installed in accordance with (c).

(1) Clean and remove paint from the outer cylinder surface within three inches of the outer cylinder torsion link lugs, excluding the area between lugs, using perchloroethylene or FAA approved equivalent.

(2) Using a 10-power glass, conduct a daily inspection of the area described in (a)(1).

(3) Every 65 hours' time in service, inspect the area described in (a)(1) using fluorescent dye penetrant at temperatures of 50° F. or above, or equivalent.

(b) The following must be accomplished every 65 hours' time in service for all Model 707–300 and 707–400 Series aircraft:

(1) Clean and remove paint from the outer cylinder surface within three inches of the outer cylinder solid torsion link lug using perchloroethylene or FAA approvel equivalent.

(2) Inspect the outer cylinder lug using fluorescent dye penetrant at 50° F. or above, or equivalent.

(c) When spacer, Boeing P/N 69–11430 or equivalent, is installed between the outer cylinder torsion link lugs to interference fit of 0.001 to 0.005 inch on Model 707–100 and 707–200 Series aircraft, the following inspection may be substituted for the inspection required in (a): At the time of spacer installation, and every 65 hours' time in service thereafter, inspect the outer cylinder lugs using fluorescent dye penetrant at 50° F. or above, or equivalent.

(d) If cracks are found during any of the above inspections, perform the following rework and inspections:

(1) Rework the affected area with a hand file and smooth with No. 320 emery paper. Complete removal of crack must be verified by dye penetrant inspection or FAA approved equivalent. If cracks are completely removed as verified by such inspections, remove an additional 0.03 inch of material. After all rework is completed, the maximum allowable depth of material removed is 0.08 inch using a 1.00 inch minimum radius.

Parts previously reworked in accordance with the crack limitations contained in Amendment 136 Part 507 FEDERAL REGISTER April 26, 1960, need not be reworked again to incorporate 0.03 inch insurance material removal. If crack reappears in this reworked area, or a new crack develops, rework must be accomplished in accordance with the above instructions.

(3) Cylinders with defects that cannot be removed within the rework limits given in (d)(1) must be replaced prior to further flight.

(e) When the redesigned outer cylinder (P/N 65–5763) has been installed in accordance with the latest revision of FAA approved Boeing Service Bulletin 979, the inspection intervals noted above may be cancelled and the redesigned outer cylinder inspection interval will revert to normal frequency.

(Boeing Service Bulletin No. 717 (R–1), Boeing Telegraphic Service Bulletin No. 717 (R–1) dated March 7, 1960, and Service Bulletin 979 cover this subject.)

Ultrasonic inspection using Sperry reflectoscope type UR or equivalent with Sperry surface wave crystal, style 50A656, frequency 2.25 MC, may be used in lieu of fluorescent dye penetrant inspection procedures. The ultrasonic inspection instrument should be set per instructions in Boeing Service Letter 6–7161–6–597 dated March 16, 1960.

This supersedes Amendment 136, 25 F.R. 3576 and Amendment 189, 25 F.R. 7430.

This amendment shall become effective March 11, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 6, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61–2141; Filed, Mar. 10, 1961; 8:45 a.m.]

[Reg. Docket No. 689; Amdt. 263]

## PART 507—AIRWORTHINESS DIRECTIVES

### Cessna Model 150 and 150A Airplanes

Amendment 240, 26 F.R. 3 (AD 61–1–1) required inspection and replacement of certain exhaust mufflers on Cessna 150 aircraft. Recent experience has shown that a visual inspection is not adequate. Investigation of a fatal accident revealed 45 percent carbon monoxide saturation with a failed configuration 3 muffler which was visually inspected 29 hours previously. Another case involved failure of a configuration 4 muffler visually inspected 12 hours previously, which caused pilot dizziness and headache. The pilot recognized the symptoms of carbon monoxide poisoning in time to land safely. The seriousness of this problem is further highlighted by information from the manufacturer that 34 failures of configuration 4 mufflers have been reported, this indicating that continuing inspections of these mufflers are essential. In view of the serious safety hazard involved, Amendment 240 (AD 61–1–1) is being superseded by a new directive, which also covers certain serial numbers of Model 150A aircraft which were equipped with configuration 4 mufflers.

Since safety of the aircraft is involved, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective 10 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive.

CESSNA. Applies to all Model 150 airplanes, and Model 150A airplanes with Serial Numbers 15059019 to 15059054 inclusive.

Compliance with paragraph (a) required within 10 hours of flight time after the effective date of the adopted rule.

Compliance with paragraph (b) required as indicated.

Hazardous failures of the right-hand exhaust gas cabin air heat muffler have occurred in service. These failures are such that carbon monoxide from the exhaust gases will be released into the cabin.

To improve the safety level of the cabin air heater, the following must be accomplished:

(a) Inspect the right-hand exhaust gas cabin air heat muffler to determine the muffler configuration as follows, unless already accomplished: (Airplanes with Serial Numbers 17,704, 17,717, 17,771, 17,779, 17,826, 17,839, 17,846, 17,850, 17,853, 17,855, and higher had the configuration No. 4 muffler installed when the airplanes left the manufacturer's plant).

(1) Remove the right-hand muffler from the engine.

(2) Determine the configuration of the right-hand mufflers installed on the affected airplanes as follows:

(i) Configuration No. 1: This muffler is identified by the two half-moon welds which run parallel to the length of and near the top of the muffler where the exhaust tube attaches. The exhaust tube is butted against the upper skin and welded on the inside, which appears similar to a light weld on the outside.

(ii) Configuration No. 2: The exhaust tube penetrates the upper skin of the muffler and is welded by two small welds which are crosswise to the length of the muffler.

(iii) Configuration No. 3: The muffler skin is slotted to allow the exhaust tube to project through the top skin. This area is then welded from the outside, which produces two heavy half-moon exposed welds which run parallel to the length of the muffler.

(iv) Configuration No. 4: This muffler is identified by the exhaust tube projecting completely through the upper skin of the muffler. This tube is welded to the upper muffler skin forming an outside weld bead extending completely around the exhaust tube. A cap is also welded to the top of the exhaust tube. This muffler is also identified as Cessna P/N 0450338–62.

(3) Replace all Configuration No. 1 right-hand mufflers with either Configuration No. 2, 3, or 4 (Cessna P/N 0450338–62) right-hand mufflers.

(4) Inspect all right-hand mufflers by conducting a pressure test of 1½ p.s.i. or the alternative inspection method described below.

(5) Replace any cracked muffler. (Cessna P/N 0450338–62 mufflers may be used to replace Configuration No. 2 or 3 mufflers).

(b) The removal and inspection outlined under (a)(1) and (a)(4) or, in lieu thereof, the alternative inspection method described below and the replacement of (a)(5), if applicable, shall be repeated on all right-hand mufflers in accordance with the following schedule:

Configuration 2 and 3—Every 50 flight hours for the first 200 flight hours after initial inspection, and every 100 flight hours thereafter.

Cessna P/N 0450338–62—Every 100 flight hours after initial inspection.

An alternative method of inspection which may be used in lieu of the removal and inspection requirements of (a)(1) and (a)(4) and in the repetitive inspections required under (b) may be accomplished by a ground test using a carbon monoxide indicator. The airplane shall be headed into the wind and the engine warmed up on the ground. Advance throttle to full static r.m.p. with the cabin heater "ON". With a dependable carbon monoxide indicator, take carbon monoxide readings of the heated air stream at the cabin heater deflector (P/N 0411824) on the firewall inside the cabin. Take another reading in free air 15 feet in front of the propeller. If carbon monoxide in the cockpit is greater than in the free air, conduct a pressure test of 1½ p.s.i. on the muffler. If no cracks are found, the muffler may be reinstalled. If the muffler is found to be cracked, it shall be replaced. (Cessna Service Letters No. 150–15 dated March 28, 1960, and 150–23 dated January 17, 1961, pertain to this subject.)

This supersedes AD 61–1–1 (Amendment 240, 26 F.R. 3).

This amendment shall become effective March 22, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 1, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61–2142; Filed, Mar. 10, 1961; 8:45 a.m.]



[Reg. Docket No. 530; Amdt. 264]

## PART 507—AIRWORTHINESS DIRECTIVES

### Douglas DC–7 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring special inspections for wing spar cracks on Douglas DC–7 Series aircraft was published in 25 F.R. 9733.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received which objected to restricting the means of inspection to "visual" and not permitting ferry flights to suitable repair facilities. Changes have been made to cover these objections. As requested, reference to the specific kits which comprise the permanent rework is included in the directive. It was also requested that various inspection intervals be increased. The 3,200 hour interval is being increased to 3,250 hours, however other inspection intervals are not being changed as the inspection time specified is now at the maximum safe interval substantiated by the manufacturer. Accordingly, the amendment will become effective 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all DC–7 Series aircraft, Fuselage No. 1 up to and including Fuselage No. 722, having in excess of 8,000 hours' time in service.

Compliance required as indicated.

There have been thirteen (13) reported cases of upper front spar cap cracking on DC–7 Series aircraft. Cracking usually occurs in spar cap tangs in the area of the Station 60 attachments and progresses chordwise. In addition, service experience has shown that the temporary repair of the above difficulty per Douglas Rework Drawing 5611387 does not have the service life originally anticipated. As a result of this service experience, the upper and lower, front and center spar caps in the area of wing Station 60, with special attention to the spar cap tangs between wing Stations 55 and 65, must be visually or radiographically inspected for cracks as follows:

(a) The upper and lower, front and center spar caps must be inspected within the next 450 hours' time in service unless already accomplished. Aircraft inspected prior to issuance of this AD must also comply with the repetitive inspections, rework and/or repairs specified in (b), (c), (d), and (e).

(b) The upper front and center spar caps must be reinspected at intervals not to exceed 1,600 hours' time in service.

(c) The lower front and center spar caps must be reinspected at intervals not to exceed 3,250 hours' time in service.

(d) If cracks are found, FAA approved permanent rework or temporary repair of the spar cap is required prior to further flight except ferry flight in accordance with provisions of CAR 1.76. Temporary repairs may be made per Douglas Rework Drawing 5611387, or FAA approved equivalent, providing crack limitations as established on this drawing have not been exceeded. Douglas DC–7 Service Bulletin No. 167 revised June 3, 1960, contains an FAA approved permanent rework consisting of Kit X plus the appropriate kits from the following list as indicated on Page 4 of the service bulletin: A, B, C, D, E, S, U, H, J, K, L.

(e) Aircraft incorporating a temporary repair must be reinspected at intervals not to exceed 750 hours' time in service pending the accomplishment of an FAA approved permanent rework. Permanent rework must be accomplished within 4,200 hours' time in service after incorporating the temporary repair.

(f) The special inspections specified in this AD are no longer required after an FAA approved permanent rework is accomplished. (Douglas DC–7 Service Bulletin No. 167 revised June 3, 1960, covers this subject.)

This amendment shall become effective April 11, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 6, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61–2143; Filed, Mar. 10, 1961; 8:45 a.m.]

[Reg. Docket No. 291; Amdt. 42]

## PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

### TSO–C62 Aircraft Tires

Proposed § 514.67 establishing minimum performance standards for aircraft tires, high speed and low speed, for use on civil aircraft of the United States, was published in 25 F.R. 10433.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments from airline operators questioned the need for the TSO. With the high speed and high weight jet transports, it is necessary that tires be substantiated to specific standards based on load-speed-time schedule simulating actual airplane operation on the runway. The need for "skid depth" and "reinforced" markings on tires was questioned. Skid depth dimensions are critical and no increases in the skid depth should be made unless the tire is requalified to all of the TSO standards. Therefore, the original skid depth should be known. Regarding the marking "reinforced", certain load-speed-time test schedules are such that a reinforced tire may be necessary. Therefore, any recapping should be accomplished with a reinforced tread. Comments were also received requesting clarification of certain of the quality control requirements. In this connection, it should be pointed out that the quality control provisions apply only to production tires. In addition, the provision regarding the inspections and tests by the FAA at the manufacturer's facility has been clarified to show that the tests referred to therein are production tests only.

Comments on the referenced FAA Standard dated September 1, 1960, also were received. Changes are being made to the standard in line with these comments and the standard will be reissued and dated February 15, 1961. In this connection, paragraph 5.1.1 is being clarified relative to test procedures for helicopter tires. A tire qualified as an airplane tire is automatically qualified for certain increased loads when it is used on a helicopter. Paragraph 5.3 is being changed to add cross reference to paragraph 5.1.3 which is also applicable but was inadvertently omitted. In paragraph 5.4 the reference to inflation pressure as a basis for establishing ply rating is removed and ply rating is established on the basis of only the static or dynamic load requirement, whichever is more critical. All of these changes are of a clarifying nature.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the Regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.67 is added as follows:

**§ 514.67 Aircraft tires—TSO–C62.**

(a) *Applicability—(1) Minimum performance standards.* Minimum performance standards are hereby established for aircraft tires, excluding tailwheel tires, which are to be used on civil aircraft of the United States. New type and new design tires, manufactured on or after the effective date of this section which are to be used on civil aircraft of the United States shall meet the standards specified in Federal Aviation Agency Standard, "Aircraft Tires"[1] dated February 15, 1961.

(b) *Marking.* In lieu of the marking requirements of § 514.3, aircraft tires shall be legibly and permanently marked with the following information:

(1) Brand name or name of the manufacturer responsible for compliance and the country of manufacture if outside the United States.

(2) The type, size, ply rating, and serial number.

(3) The qualification test speed and skid depth when the test speed is greater than 160 m.p.h., also, the word "reinforced" if applicable.

(4) Applicable Technical Standard Order (TSO) number.

(c) *Data requirements.* (1) One copy of the following data shall be furnished the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance: tire type and size, static and dynamic load rating, ply rating, rated inflation pressure, outside diameter, skid depth, static unbalance, tire weight and a summary of the load-speed-time parameters used in the high speed dynamometer tests.

(2) The manufacturer shall maintain a current file of complete design data.

[1] Copies may be obtained upon request addressed to: Aeronautical Reference Branch, Correspondence Inquiry Section, MS–126, Federal Aviation Agency, Washington 25, D.C.

(3) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(d) *Quality control.* Tires shall be produced under a quality control system, established by the manufacturer, which will assure that each tire is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c) (3) of this section. A representative of the Administrator shall be permitted to make such inspections and production tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Tire types of a specific design produced prior to the effective date of this section may continue to be manufactured under the provisions of their original design and test standards.

Effective date: April 15, 1961.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on March 6, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61–2144; Filed, Mar. 10, 1961; 8:45 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

SUBCHAPTER C—CLAIMS AND ACCOUNTS

## PART 836—CLAIMS AGAINST THE UNITED STATES

### Claims Arising Out of Nonappropriated Funds Activities; Protection of Assets

Sections 836.160 to 836.165 are revised as follows:

Sec.
836.160 Purpose.
836.161 Claims.
836.162 Personnel claims.
836.163 Customer complaints.
836.164 Workmen's Compensation claims.
836.165 Contract claims; contract provisions and procedures.

AUTHORITY: §§ 836.160 to 836.165 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Statutory provisions interpreted or applied are cited to text.

SOURCE: AFR 176–8, January 28, 1960 and AFR 176–8A, November 30, 1960.

**§ 836.160 Purpose.**

Sections 836.160 to 836.165 cover procedures for the settlement of insured and uninsured claims and losses.

**§ 836.161 Claims.**

Any claim arising from an accident or incident involving the act or omission of employees of a nonappropriated fund activity in connection with its property or services will be settled in the manner indicated in paragraphs (a) and (b) of this section:

(a) *In the United States, its territories and possessions.* Except for payment, claims will be processed and settled in the manner authorized in the Federal Tort Claims Act (28 U.S.C. 2672) or the Military Claims Act (10 U.S.C. 2733) as appropriate or as directed in § 836.163.

(b) *In areas outside the United States, its territories and possessions.* Except for payment, claims will be processed and settled in the manner authorized in the Military Claims Act (10 U.S.C. 2733); in the Foreign Claims Act (10 U.S.C. 2734); as authorized by treaties or agreements between the United States and the foreign governments concerned; or as directed in § 836.163.

**§ 836.162 Personnel claims.**

Except for payment, the claim of a civilian employee of a nonappropriated fund activity for damage or loss of personal property incident to his service will be processed and settled in the manner authorized in the Military Personnel Claims Act (10 U.S.C. 2732). Such settlements shall be final and conclusive.

**§ 836.163 Customer complaints.**

Officers in charge of a nonappropriated fund revenue producing activity will settle a customer complaint type sales or service claim, or a supplier contract dispute by a cash payment, service, or replacement in kind.[1]

**§ 836.164 Workmen's Compensation claims.**

Nonappropriated fund civilian employees in the United States and all U.S. citizens or permanent residents of the United States or a Territory in oversea areas will be provided the compensation benefits for disability or death resulting from injury, under the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as extended by law. Their benefits are provided under procedures prescribed by the Bureau of Employees Compensation (20 CFR Parts 01 and 91). Excluded from that coverage are employees in oversea areas who are neither U.S. citizens nor permanent residents of the U.S. or of the Territory. Their benefits will be the same as provided by local laws or customs.

**§ 836.165 Contract claims; contract provisions and procedures.**

The officer who is responsible for preparing a nonappropriated fund contract, agreement, or purchase order will:

(a) Insert the following clause:

*Definition.* As used in this contract, the term "contracting officer" means the person executing or administering this contract on behalf of the nonappropriated fund which is a party hereto, or his successor or successors.

(b) Insert the following clause:

*Nonappropriated fund activity.* The (Insert here the name of the contracting activity) is a nonappropriated fund activity of the Department of the Air Force. No appropriated funds of the United States shall become due or be paid to the contractor by reason of this contract.

(c) Insert the following clause in each contract, purchase order or agreement, except those listed in paragraph (d) of this section:

*Disputes.* Except as otherwise provided in this contract, any dispute or claim concerning this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall state his decision in writing and mail or otherwise furnish a copy of it to the Contractor. Within 30 days from the date of receipt of such copy, the Contractor may appeal by mailing or otherwise furnishing to the Contracting Officer a written appeal addressed to the [2] and the decision of the [2] shall be final and conclusive; provided that, if no such appeal is taken, the decision of the Contracting Officer shall be final and conclusive. The Contractor shall be afforded an opportunity to be heard and to offer evidence in support of any appeal under this clause; pending final decision of such a dispute, however, the Contractor shall proceed diligently with the performance of the contract and in accordance with the decision of the Contracting Officer.

(d) In lieu of the clause quoted in paragraph (c) of this section, insert the following clause in each contract, purchase order or agreement entered into in a major oversea command and to be performed outside the United States:

*Disputes.* Except as otherwise provided in this contract, any dispute or claim concerning it that cannot be settled by agreement shall be decided by the Contracting Officer, who shall state his decision in writing and mail (or otherwise furnish) a copy of it to the Contractor. Within 30 days from the date the Contractor receives such copy, he may appeal that decision by mailing (or otherwise furnishing) to the Contracting Officer a written appeal addressed to the major commander designated by the Contracting Officer; the decision of that major commander or his representative authorized to hear such appeals (not the Contracting Officer for this contract), shall be final and conclusive when the amount involved in the appeal is $50,000 or less, except that, if the Contractor does not appeal within the said 30 days, the decision of the Contracting Officer shall be final and conclusive. If the amount involved is more that $50,000, however, the Contractor may, within 30 days after he receives the decision of the above major commander, make further written appeal to the [3] and the decision of the [3] shall be final and conclusive, except that, if no such further appeal is made within the said 30 days, the decision of the major commander shall be final and conclusive. In connection with any appeal under this clause, the Contractor shall be afforded an opportunity to be heard and to offer supporting evidence; pending final decision of such a dispute the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(e) Amend existing nonappropriated fund contracts or agreements or purchase orders, if the contractor is willing, to include the appropriate "disputes" clause (see paragraphs (c) and (d) of this section).

(f) Prepare decisions and process appeals under the "Disputes" clause pursuant to Subpart E, Part 1054, Subchapter J of this chapter. Proceedings before the Armed Services Board of Contract Appeals will be governed by § 30.1, Part 30 of this title.

NOTE: The coverage extended by these disputes articles is somewhat broader than that provided by the disputes articles used in appropriated fund contracts; see Subchapter A, Chapter I of this title and Subchapter J of this chapter.

(g) Refer for payment by the nonappropriated fund against which the appeal was filed, those decisions under the "Disputes" clause or, in settlement of a pending matter, under the clause which requires payment to the contractor.

(h) When the nonappropriated fund governing body considers it necessary, require a contractor or vendor with whom the fund has a contract for goods or services, to post collateral or a performance bond to protect the fund from any loss by insuring the fulfillment of the contract.

(i) In exceptional cases where the established procedures may not be applicable to certain types of claims arising out of nonappropriated fund activities, submit the case to the Air Force Welfare Board, Headquarters USAF, Washington 25, D.C., for resolution.

R. J. PUGH,
*Colonel, U.S. Air Force, Deputy Director of Administrative Services.*

[F.R. Doc. 61–2139; Filed, Mar. 10, 1961; 8:45 a.m.]

[1] Examples: Breach of warranty, defective service, errors, shortages, deficiencies, etc.

[2] Insert "Armed Services Board of Contract Appeals" in all contract dispute clauses applicable to contracts of the Army and Air Force Exchange Service, the Army and Air Force Motion Picture Service and any other nonappropriated fund activity not operated under the exclusive control of the Army or the Air Force. Insert "Secretary of the Air Force," in dispute clauses pertaining to all other Air Force nonappropriated fund activities.

[3] Insert "Board" when appeal is to be addressed to the Armed Services Board of Contract Appeals. Insert "Secretary, or his duly authorized representative for the hearing of such appeals," in dispute clauses pertaining to all other Air Force nonappropriated fund activities.

[4] Insert "Armed Services Board of Contract Appeals" in contract dispute clauses applicable to contracts of the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service and any other nonappropriated fund activity not operated under the exclusive control of the Army or the Air Force. Insert, "Secretary of the Air Force" in dispute clauses pertaining to all other Air Force nonappropriated fund activities.

[5] Insert "Board" when appeal is to be addressed to the Armed Services Board of Contract Appeals. Insert "Secretary, or his duly authorized representative for the hearing of such appeals," in dispute clauses pertaining to all other Air Force nonappropriated fund activities.



# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 211—REAL ESTATE ACTIVITIES OF THE CORPS OF ENGINEERS IN CONNECTION WITH CIVIL WORKS ACTIVITIES

### Conveyances for Public Port or Industrial Facilities

New §§ 211.141 through 211.147 are added, to read as follows:

Sec.
211.141 Statutory provisions.
211.142 Definitions.
211.143 Delegations.
211.144 Notice.
211.145 Filing of application.
211.146 Price.
211.147 Conveyance.

AUTHORITY: §§ 211.141 to 211.147 issued under sec. 108(d), 74 Stat. 487.

SOURCE: Regs. Jan. 11, 1961, ENGRE–MI.

**§ 211.141 Statutory provisions.**

Section 108 of the Act of Congress approved 14 July 1960 (74 Stat. 486).

**§ 211.142 Definitions.**

(a) *This Act.* The term "this Act" shall mean Section 108 of the Act of Congress approved 14 July 1960 (74 Stat. 486).

(b) *Land.* Any land under the jurisdiction of the Department of the Army acquired for a project which was authorized for water resource development purposes.

(c) *Project.* Any project under the jurisdiction of the Department of the Army which was authorized for water resource development purposes.

(d) *Agency.* The term "agency" shall mean any state, political subdivision thereof, port district, port authority, or other body created by a state or through a compact between two or more states for the purpose of developing or encouraging the development of public port or industrial facilities.

(e) *District Engineer.* The term "District Engineer" shall mean the District Engineer of the United States Army Engineer District having immediate jurisdiction over the land available for conveyance.

**§ 211.143 Delegations.**

(a) The Chief of Engineers and/or the Director of Civil Works (Assistant to the Chief of Engineers for Civil Works) is hereby delegated authority to determine:

(1) That the development of public port or industrial facilities on land within a project will be in the public interest;

(2) That such development will not interfere with the operation and maintenance of the project;

(3) That disposition of the land for these purposes under this Act will serve the objectives of the project;

(4) If two or more agencies file applications for the same land, which agency's intended use of the land will best promote the purposes for which the project was authorized; and

(5) The conditions, reservations and restrictions to be included in a conveyance under this Act.

(b) The District Engineer is hereby delegated authority to:

(1) Give notice of any proposed conveyance under this Act and to afford an opportunity to interested eligible agencies in the general vicinity of the land to apply for its purchase as hereinafter provided; and

(2) Determine the period of time in which applications for conveyances may be filed.

**§ 211.144 Notice.**

The District Engineer shall give notice of the availability of any land for conveyance under this Act and afford an opportunity to eligible agencies in the general vicinity of the land to apply for its purchase (a) by publication at least twice at not less than 15 day intervals in two newspapers having general circulation within the State in which the available land is located and, if any agency of an adjoining State or States may have an interest in the development of such land for public port or industrial facilities, by publication at least twice at not less than 15 day intervals in two newspapers having general circulation within such State or States, and (b) by letters to all agencies who may be interested in the development of public port or industrial facilities on the available land.

**§ 211.145 Filing of application.**

Any agency interested in the development of public port or industrial facilities upon the available land shall file a written application with the District Engineer within the time designated in the public notice. The application shall state fully the purposes for which the land is desired and the scope of the proposed development.

**§ 211.146 Price.**

No conveyance shall be made for a price less than the fair market value of the land.

**§ 211.147 Conveyance.**

Any conveyance of land under this Act will be subject to the final approval of the Secretary of the Army and will be by quitclaim deed executed by the Secretary of the Army.

R. V. LEE,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 61-2140; Filed, Mar. 10, 1961; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342), and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) hereby authorizes the use in foods of the following substances, under the conditions prescribed in this order:

1. Section 121.86 is amended by adding thereto the following items:

**§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.**

* * * * *

| Product | Limits | Specified uses or restrictions |
|---|---|---|
| * * * | * * * | * * * |
| 1,4-Butanediol | 1 part per million | Component of marking ink used on fruits and vegetables. |
| Caprolc acid | do | Do. |
| Diethylene glycol monobutyl ether | do | Do. |
| Diisobutyl ketone | 2 parts per million | Do. |
| Methoxy butyl alcohol | 15 parts per million | Do. |
| Phenol-formaldehyde resin | 1 part per million | Do. |
| Silicon dioxide, fumed | 1 persent | A free-flowing agent in salt and sodium bicarbonate. |

2. Section 121.87(a) is amended by adding the following items:

**§ 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.**

* * * * * * *

(a) *General list.* * * *

| Product | Limits | Specified uses or restrictions |
|---|---|---|
| * * * | * * * | * * * |
| Disodium cyanodithioimidocarbonate. | | Component of slimicide in manufacture of paper and paperboard. |
| Ethanolamine | | Do. |
| Phthalocyanine blue | | Used in linings of storage tanks to hold beer, ale, wines, and alcoholic beverages. |

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

*Effective date.* This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: March 3, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-2161; Filed, Mar. 10, 1961; 8:47 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) hereby authorizes the use in foods of the following substances, under the conditions prescribed in this order:

1. Section 121.86 is amended by adding thereto the following items:

**§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.**

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in food, under certain specified conditions, for a period of 1 year from March 6, 1960, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirements of tolerances, in accordance with section 409 of the act, whichever occurs first:



| Product | Limits | Specified uses or restrictions |
|---|---|---|
| * * * | * * * | * * * |
| Diethylene glycol rosin ester of fumaric acid. | | Component of coating for citrus, apples, potatoes, cucumbers, and bell peppers. |
| Pentaerythritol ester of rosin-fumaric acid adduct. | | Do. |
| Sodium salt of sulfonated petroleum | | Do. |
| Terpene phenolic resin | | Do. |

2. Section 121.87 is amended by adding to paragraph (a) the following items and by adding a new paragraph (g):

**§ 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.**

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances the following additives may be used in connection with the production, packaging, and storage of food products, under certain specified conditions, for a period of 1 year from March 6, 1960, or until regulations shall have been issued in accordance with section 409 of the act, whichever occurs first. The extensions are granted under the condition that a minimum quantity of the additive will be incorporated in the food, consistent with good manufacturing practice. While preliminary data show that many of the substances included in the list may not migrate to foods, these are being included pending the completion of additional scientific work involving them.

(a) *General list.* * * *

| Product | Limits | Specified uses or restrictions |
|---|---|---|
| * * * | * * * | * * * |
| *N*-Butylidene aniline (butyral-dehyde-aniline). | | Component of rubber products used in food handling. |
| 3,5-Dimethyl tetrahydro-1-3-5 thiadiazine-2-thione. | | Slime control agent used in manufacture of paper and paper board for food packaging. |
| 2-Mercapto-4,4,6-trimethyldihydropyrimidine. | | Component of rubber products used in food handling. |
| Octylphenoxy polyethoxy ethanol (5-13 mols ethylene oxide). | 1 part per million | Spray adjuvant on fruits and vegetables. |

* * * * * * *

(g) *Components of adhesives for containers to be used for dry food packaging.* In addition to the requirements set forth in the introduction to this section, the following additives may be used in adhesives for packaging materials for dry foods under the condition that a minimum quantity of the additive from the adhesive will be incorporated in the food, consistent with good manufacturing practice. While preliminary data show that many of the substances included in the list may not migrate to foods and a number of these substances may be found on other lists previously published, these are being included pending the completion of additional scientific work involving them.

(1) *Adhesive bases.*

Ammonium polyacrylate.
Ammonium salt of a copolymer of ethylene and maleic anhydride.
Ammonium salt of a copolymer of styrene and maleic anhydride.
Bisphenol-epichlorohydrin resins.
Butadiene-acrylonitrile copolymer.
Butadiene-acrylonitrile-styrene copolymer.
Butadiene-acrylonitrile-styrene latex.
Cellulose acetate-propionate polymer.
Coumarone-indene resin.
Damar.
Elemi gum.
Ethylene-vinyl acetate copolymer.
Ethyl hydroxyethyl cellulose polymer.
Glyceryl ester of damar, copal, elemi, and sandarac.
Hydroxypropyl methylcellulose polymer.
Isobutylene and isoprene copolymer.
Lignin sulfonate calcium salt.
Lignin sulfonate sodium salt.
Maleic anhydride-vinyl condensates.
Neoprene polymer.
Phenol-coumarone-indene resin.
Phenol-formaldehyde resin.
Pimaric acid, abietic acid, and/or rosin constituents polymers.
Pinene, polymerized.
Polybutadiene.
Polybutyl methacrylate.
Polyethyl acrylate.
Polyethyl methacrylate.
Polymethyl methacrylate.
Polymethyl styrene.
Polyvinyl acetate and copolymer emulsions.
Polyvinyl acetate and copolymer resins.
Polyvinyl chloride and copolymer resins.
Polyvinyl chloride and copolymer emulsions.
Polyvinyl formal.
Polyvinyl stearate.
Polyvinylidene chloride and copolymer resins.
Polyvinylidene chloride and copolymer emulsions.
Poppyseed oil.
Potassium salt of a copolymer of ethylene and maleic anhydride.
Potassium salt of a copolymer of styrene and maleic anhydride.
Protein, soybean.
Rosins—Wood, gum, and tall oil and dimers thereof, and these substances as modified by the following reactants:
  Octylphenol.
  Pentaerythritol.
  Polyethylene glycol.
Sandarac.
Styrene-acrylonitrile copolymer.
Styrene-carboxyl copolymer.
Styrene-isobutylene copolymer.
Styrene methacrylic acid copolymer.
Styrene methacrylic copolymer potassium.
Sunflower oil.

(2) *Pigments and fillers.*

Aluminum potassium silicate (mica).
Calcium metasilicate.
Sodium calcium silicate.
Titanium dioxide-barium sulfate.
Titanium dioxide-calcium sulfate.
Titanium dioxide-magnesium silicate.
Zinc sulfide.

(3) *Plasticizers.*

Alkylated aromatic hydrocarbon where the alkylated compound may be benzene or naphthalene or their homologs; alkylating agents are $C_1$–$C_{12}$ olefins.
2-Biphenyl diphenyl phosphate.
Butoxy polypropylene glycol oleate.
Castor oil.
Castor oil, hydrogenated.
Chlorinated terphenyl.
Coconut oil.
di-(2-Ethylhexyl) phthalate.
Dioctyl sebacate.
Dipropylene glycol.
Epoxidized soybean oil.
Fish oil.
1,2,6-Hexanetriol.
Hydrogenated terphenyl.
Kerosene oil.
Kerosene oil, deodorized.
Methyl ricinoleate.
o-Nitro biphenyl.
Oiticica oil.
Palm oil.
Peanut oil, sulfated.
Pentaerythritol tetrastearate.
Phenoxypolyethylene glycol.
Polyalkylene glycol.
Polyester resins.
Polyoxyethylated castor oil.
Polyoxyethylated fatty alcohols.
Polyoxyethylated oleyl alcohol.
Polypropylene glycol (1,750–3,000 molecular weight).
Sodium ricinoleate.
Soybean oil.
Stearyl citrate (mono-, di,- and tri-).
Sucrose octaacetate.
Tetrasodium *N*-(1,2-dicarboxyethyl)-*N*-octadecyl sulfosuccinate.
Tin stearate.
Triacetin (glyceryl triacetate).
Triethyl citrate.
Triethylhexyl phosphate.
3-(2-Xenolyl)-1,2-epoxypropane.

(4) *Preservatives (maximum percent in adhesives as indicated).*

| | Percent |
|---|---|
| Alkyl dimethyl benzyl ammonium chloride | 0.5 |
| Benzoic acid | 1.0 |
| *p*-Benzoxyphenol | 0.5 |
| *p*-Benzyloxyphenol | 0.5 |
| *p*-Chlorometacresol | 0.5 |
| Coconut amine salt of tetrachlorophenol | 0.5 |
| Copper sulfate | 0.5 |
| *p*-Formaldehyde | 0.5 |
| Methylparaben (methyl *p*-hydroxybenzoate) | 1.0 |
| Pentachlorophenol | 0.5 |
| Propylparaben (propyl *p*-hydroxybenzoate) | 1.0 |
| Sodium benzoate | 1.0 |
| Sodium dehydroacetate | 0.5 |
| Sodium diacetate | 1.0 |
| Sodium salicylate | 1.0 |
| Sodium salt of mercaptobenzothiazole | 0.5 |
| Thymol | 0.5 |
| Zinc napthenate and dehydrobiethyl amine mixture | 0.5 |

(5) *Solvents.*

Amyl acetate.
Benzene (benzol).
Benzyl alcohol.
Butoxy-ethoxy propanol.
*n*-Butyl alcohol.
Butyl alcohol, *tert.*
Butyl lactate.
Chloroform.
Diethylene glycol monobutyl ether.
Diisobutyl ketone.
Diisoheptane.
Dipentene.
Ethylene glycol monobutyl ether acetate.

Ethylene glycol monoethyl ether ricinoleate.
Ethyl formate.
Glycol diacetate.
Hexadecanol.
Isophorone.
Methyl isobutyl ketone.
Perchloroethylene.
Tetrahydrofuran.
1,1,2-Trichloroethane.
Trichloroethylene.

(6) *Antioxidants.*

4,4-thiobis-6-*tert*-Butyl-*m*-cresol.
Butylated hydroxyanisole.
Butylated hydroxytoluene.
*N,N'*-Diphenyl-*p*-phenylenediamine.
*p*-Isopropoxy diphenylamine.
Phenol monosulfide, polyalkylated.
Polymerized trimethyl dihydroquinoline.
*p*-(*p*-Tolyl sulfanilamide) diphenylamine.

(7) *Surface-active agents, including defoamers (maximum percent in adhesives 1.0 percent).*

Amine, secondary (hexadecyl, octadecyl) of hard tallow.
Ammonium linoleate.
Butyl ricinoleate.
Diethylene glycol laurate.
Myristyl (tetradecyl) sulfate, sodium.
Nonyl phenolethylene oxide condensates (with 40 mols ethylene oxide).
Polyethylene glycol 1900 di-*sec*-butylphenyl ether.
Polyethylene glycol monoisooctylphenyl ether.
Polyoxyalkylene glycol (800 to 4000 molecular weight).
Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate).
Potassium oleate.
Potassium stearate.
Sodium alkyl aryl sulfonate.
Sodium decylsulfate.
Sodium oleate.
Sodium palmitate.
Sodium salt of naphthalene sulfonic acid condensed with formaldehyde.
Sodium stearate.

(8) *Miscellaneous.*

Aldol-naphthylamine.
1-Alkyl-($C_8$-$C_{18}$) amino-3-amino-propane monoacetate.
Aluminum calcium silicate.
Aluminum hydrate.
Aluminum hydroxide.
Aluminum oleate.
Aluminum palmitate.
Ammonium bifluoride.
Ammonium thiocyanate.
Barium sulfate.
Benzothiazyl disulfide.
Butyl stearate.
Calcium ethyl acetoacetate.
Calcium oleate.
Camphor.
Dehydroacetic acid.
Diethanolamine.
Fumaric acid.
Glutaro-aldehyde.
Glyceryl monooleate.
Glyceryl monoricinoleate.
Glyceryl monostearate.
Hexamethylene tetramine.
Hydrofluoric acid.
Hydrogenated fish oil.
1-(2-Hydroxyethyl) -1- (4-chlorobutyl) -2-alkyl-($C_8$-$C_{17}$) imidazolinium chloride.
$\beta$-Hydroxyethyl pyridinium salt of 2-mercaptobenzothiazole.
Isopropanol amine (mono-, di-, tri-).
Linoleamide (linoleic acid amide).
Magnesium fluoride.
Maleic acid.
Melamine.
2-Mercaptobenzothiazole.
Methacrylate chromic chloride complex.
2,2-Methylene-bis(4-methyl-6-nonyl phenol).
1-Methyl-2-hydroxy-4-isopropyl benzene.
Monoethanolamine.
*n*-Oxydiethylene benzothiazol.
Palmitamide (palmitic acid amide).
o-Phthalic acid.
Polyethylene.
Polyethylene (branched and linear).
Polyethylene wax.
Polypropylene.
Polytetrafluoroethylene.
Polyurethane resin.
Potassium phosphate (mono-, di-, tri-).
Potassium ricinoleate.
Potassium tripolyphosphate.
Sodium aluminate.
Sodium aluminum pyrophosphate.
Sodium aluminum sulfate.
Sodium bisulfate.
Sodium dehydroacetate.
Sodium fluoride.
Sodium hydrosulfite.
Sodium phosphoaluminate.
Sodium polystyrene sulfonate.
Sodium thiocyanate.
Stannous chloride.
Stearamide (stearic acid amide).
Sulfamic acid.
Sulfur.
Terpene phenolic resins.
Terpene resins.
Tetraethylene pentamine.
Tetraethylthiuram disulfide.
Tetramethylthiuram monosulfide.
Thiram.
Zinc diethyldithiocarbamate.
Zinc hydrosulfite.
Zinc resinate.
Zinc salt of mercaptobenzothiazole.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

*Effective date.* This order shall become effective on the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 72 Stat. 1788; 21 U.S.C. note under secs. 342, 371)

Dated: March 3, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-2162; Filed, Mar. 10, 1961; 8:47 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM CHLORIDE DOUBLE SALT OF CALCIUM PANTOTHENATE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Nopco Chemical Company, 60 Park Place, Newark 1, New Jersey, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additives calcium chloride double salt of *d*-calcium pantothenate and calcium chloride double salt of *dl*-calcium pantothenate for use in special dietary foods. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered*, That Subpart D of the food additive regulations (21 CFR Part 121) be amended by adding thereto the following new section:

**§ 121.1037 Calcium pantothenate (calcium chloride double salt).**

The food additive calcium chloride double salt of calcium pantothenate may be safely used in foods for special dietary uses in accordance with good manufacturing practice and under the following prescribed conditions:

(a) The food additive is of the *d* (dextrorotatory) or the *dl* (racemic) form.

(b) To assure safe use of the additive, the label and labeling of the food additive container, or that of any intermediate premixes prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive "calcium chloride double salt of *d*-calcium pantothenate" or "calcium chloride double salt of *dl*-calcium pantothenate", whichever is appropriate.

(2) A statement of the appropriate concentration of the additive, expressed as pantothenic acid.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 6, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-2160; Filed, Mar. 10, 1961; 8:47 a.m.]



SUBCHAPTER C—DRUGS

## PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

## PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

### Benzathine Penicillin G Oral Suspension; Chlortetracycline Ophthalmic

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR 146a.69, 146c.206) are amended as follows:

1. Section 146a.69(c)(1)(v) is amended to read:

**§ 146a.69 Benzathine penicillin G oral suspension, benzathine penicillin G for oral suspension (benzathine penicillin G powder).**

* * * * *

(c) *Labeling.* * * *

(1) * * *

(v) The statement "Expiration date ----------," the blank being filled in with the date which is 24 months after the month during which the batch was certified, except that if it is the dry mixture of the drug the blank may be filled in with the date that is 36 months after the month during which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him conforms with the standards prescribed by paragraph (a) of this section.

2. Section 146c.206(c)(1)(iii) is amended to read as follows:

**§ 146c.206 Chlortetracycline ophthalmic (chlortetracycline hydrochloride ophthalmic); tetracycline hydrochloride ophthalmic.**

* * * * *

(c) * * *

(1) * * *

(iii) The statement "Expiration date ----------," the blank being filled in with the date that is 48 months, if it is chlortetracycline ophthalmic; or if it is tetracycline hydrochloride ophthalmic, the blank is filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months, 36 months, or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section;

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

*Effective date.* This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: March 6, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-2159; Filed, Mar. 10, 1961; 8:47 a.m.]

# Title 32A—NATIONAL DEFENSE, APPENDIX

## Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Revision 2), Amdt. 6]

### RESIDUAL FUEL OIL TO BE USED AS FUEL

1. Amendment 4 dated January 19, 1961 (26 F.R. 782) to Oil Import Regulation 1 (Revision 2) is revoked.

2. Section 6 of Oil Import Regulation 1 (Revision 2) is revoked. However, those persons whose allocations for the period January 1, 1961 through March 31, 1961 were delayed pursuant to the provisions of that section shall be reimbursed in the allocation period beginning April 1, 1961.

3. Sections 3, 4, 5, 9, 13, and 22 of Oil Import Regulation 1 (Revision 2) (25 F.R. 4957, 13768; 26 F.R. 782) are severally amended to read as follows and new sections 12 and 12a, reading as follows, are added to that regulation:

**Sec. 3. Allocation periods.**

Allocations of imports of crude oil, unfinished oils, and finished products will be made for periods of six months beginning July 1 and January 1, respectively, except that effective April 1, 1961, allocations of imports into District I and into Districts II–IV of residual fuel oil to be used as fuel will be made for periods of twelve months, April 1 through March 31.

**Sec. 4. Eligibility for allocations.**

(a) To be eligible for an allocation of imports of crude oil and unfinished oils in Districts I–IV or in District V, a person must (1) have refinery capacity in the respective districts and (2) in respect of the allocation period July 1, 1959 through December 31, 1959, and each successive allocation period thereafter have had refinery inputs in the respective districts for the year ending three months prior to the beginning of the allocation period for which the allocation is requested.

(b) To be eligible for an allocation of imports of crude oil and unfinished oils for Puerto Rico, a person must have refinery capacity in Puerto Rico and must have had refinery inputs in Puerto Rico during the months of July, August, and September of the year 1958.

(c) To be eligible for an allocation of imports of finished products, other than residual fuel oil to be used as fuel, in Districts I–IV or District V, a person must have imported such products into the respective districts during the calendar year 1957.

(d) To be eligible for an allocation of imports into District I of residual fuel oil to be used as fuel a person must:

(1) Have imported residual fuel oil used as fuel into District I during the calendar year 1957, or

(2) Be in the business in District I of selling residual fuel oil to be used as fuel, and at the time an application for an allocation is made have under his management and operational control a deep-water terminal located in District I, and for the allocation period April 1, 1961 through March 31, 1962, have had terminal inputs into such deep-water terminal during the year ending September 30, 1960, and for each successive yearly allocation period have had terminal inputs into his deep-water terminal during the year ending three months prior to the beginning of the allocation period for which the allocation is requested.

(e) To be eligible for an allocation of imports into Districts II–IV or into District V of residual fuel oil to be used as fuel, a person must have imported residual fuel oil used as fuel into the respective districts during the calendar year 1957.

(f) To be eligible for an allocation of imports of finished products, other than residual fuel oil to be used as fuel, in Puerto Rico, a person must have imported such products into Puerto Rico during the last half of the calendar year 1958.

(g) To be eligible for an allocation of imports of residual fuel oil to be used as fuel in Puerto Rico, a person must have imported residual fuel oil used as fuel into Puerto Rico during the last half of the calendar year 1958.

(h) A person is not eligible individually for an allocation of crude oil and unfinished oils or finished products if the person is a subsidiary or affiliate owned or controlled, by reason of stock ownership or otherwise, by any other individual, corporation, firm or other business organization or legal entity. The controlling person and the subsidiary or affiliate owned or controlled will be regarded as one. Allocations will be made to the controlling person on behalf of itself and its subsidiary or affiliate but, upon request, licenses will be issued to the subsidiary or affiliate.

**Sec. 5. Applications for allocations.**

(a) With respect to the allocation period January 1, 1960, through June 30, 1960, and each successive allocation period thereafter, an application for allocations of imports of crude oil and unfinished oils must be filed with the Administrator, in such form as he may

prescribe, not later than 60 calendar days prior to the beginning of the allocation period for which the allocation is required. However, if the 60th day is a Saturday, Sunday, or holiday, the application may be filed on the next succeeding business day.

(b) (1) For the allocation period April 1, 1961, through March 31, 1962, an application for an allocation of imports into District I of residual fuel oil to be used as fuel must be filed with the Administrator not later than March 20, 1961. Applications which were filed pursuant to Amendment 4, dated January 19, 1961, to this regulation will not meet the requirement of this subparagraph but a new application must be filed on the new forms which may now be obtained from the Administrator, Oil Import Administration, Department of the Interior, Washington 25, D.C.

(2) For the allocation period beginning April 1, 1962, through March 31, 1963, and each successive allocation period thereafter an application for an allocation of imports into District I of residual fuel oil to be used as fuel must be filed with the Administrator not later than 60 calendar days prior to the beginning of the allocation period for which the allocation is required. However, if the 60th day is a Saturday, Sunday or holiday, the application may be filed on the next succeeding business day.

(c) (1) Each application for an allocation of imports of finished products other than residual fuel oil to be used as fuel which was granted for the allocation period July 1, 1960, through December 31, 1960, shall be considered to be a continuing application.

(2) Each application for an allocation of imports into Districts II–IV of residual fuel oil to be used as fuel granted for the allocation period April 1, 1961, through March 31, 1962, shall be considered to be a continuing application.

(3) Once a continuing application is on file an eligible applicant need not thereafter file an application and an application for a license for each allocation period will be mailed to him by the Oil Import Administration. The failure of an eligible applicant to return an application for a license will be regarded as an abandonment by the applicant of his continuing application for an allocation and no applications for licenses will thereafter be sent to him unless he files a new application for an allocation as provided in paragraph (d) of this section.

(d) An applicant who has no continuing application on file must, in order to receive an allocation of imports of residual fuel oil to be used as fuel or an allocation of imports of other finished products, file an application for an allocation with the Administrator not later than 60 calendar days prior to the beginning of the allocation period for which the allocation is required. However, if the 60th day is a Saturday, Sunday, or holiday, the application may be filed on the next succeeding business day. An application so filed by an eligible applicant will be regarded as a continuing application and subject to the provisions of paragraph (c) of this section.

* * * * *

**Sec. 9. Determination of quantities available for allocation.**

(a) Prior to the beginning of each allocation period the Administrator shall determine in accordance with the limitations imposed by section 2 of Proclamation 3279, as amended, the quantities of imports of crude oil and unfinished oils and finished products other than residual fuel oil to be used as fuel which are available for allocation in Districts I–IV and in District V.

(b) Prior to April 1 of each year and for the allocation period which will begin on that day, the Bureau of Mines shall estimate the demand in District I for residual fuel oil to be used as fuel and the domestic production of that product in District I, transfers from crude, and the domestic supply from other Districts and Puerto Rico of that product to District I. If the estimates of the Bureau indicate that domestic production and supply will not be sufficient to meet demand, an adjustment will be made, pursuant to paragraph (e) of section 2 of Proclamation 3279, as amended, in the maximum level of imports into District I of residual fuel oil to be used as fuel adequate to meet the deficit indicated for the ensuing allocation period.

* * * * *

**Sec. 12. Allocations of residual fuel oil to be used as fuel in District I.**

(a) (1) If during the calendar year 1957 an applicant imported into District I residual fuel oil used as fuel, he shall be entitled, for the allocation period April 1, 1961, through March 31, 1962, to an allocation of imports into District I of residual fuel oil to be used as fuel equal to 85 percent of the ratio that the applicant's imports during the calendar year 1957 into District I of residual fuel oil used as fuel bore to all such imports into District I during that year multiplied by the total amounts of imports into District I of residual fuel oil to be used as fuel available for allocation during the allocation period April 1, 1961, through March 31, 1962, under this section.

(2) For each allocation period following the period ending March 31, 1962, an applicant who during the calendar year 1957 imported into District I residual fuel oil used as fuel shall be entitled to an allocation on the basis provided by subparagraph (1) of this paragraph except that the percentage of the ratio mentioned in subparagraph (1) of this paragraph shall be reduced by three percentage points for each succeeding allocation period.

(b) Except as provided in paragraph (a) of this section and unless an allocation under paragraph (a) of this section would be larger, each person who is an eligible applicant under subparagraph (2), paragraph (d), section 4 of this regulation shall receive, for the allocation period April 1, 1961, through March 31, 1962, from the quantity of imports of residual fuel oil to be used as fuel which is available for allocation on the basis of terminal inputs (after allocations have been made on the historical basis as provided in paragraph (a) of this section) an allocation of imports into District I of residual fuel oil to be used as fuel based on the applicant's terminal inputs for the year ending September 30, 1960, and computed according to the following schedule:

| Average B/D input: | Percent of input |
|---|---|
| 0–1,000 | 100 |
| 1–5,000 | 41 |
| 5–10,000 | 20 |
| 10–30,000 | 10 |
| 30,000 plus | 10 |

(c) (1) Terminal inputs shall be computed only as provided in this paragraph (c).

(2) In order to constitute a terminal input a delivery into a deep-water terminal (or a withdrawal as provided in subparagraph (5) of this paragraph) must have occurred during the year ending September 30, 1960.

(3) An eligible applicant may count as a terminal input residual fuel oil to be used as fuel which was delivered into a deep-water terminal in District I under his management and operational control if he owned the oil when it was placed in the terminal and if the delivery constituted the first delivery of that oil to a deep-water terminal in District I. However, an eligible applicant must reduce his terminal inputs by the quantity of residual fuel oil to be used as fuel which, while owned by him, was transferred during the period from his deep-water terminal in District I to another deep-water terminal in District I if upon the transfer title passed to another person who was in the business of selling such oil in District I and had a deep-water terminal in that District and the required inputs and therefore was an eligible applicant under subparagraph (2), paragraph (d), section 4 of this regulation. In the latter instance, the quantity so transferred may be claimed as a terminal input by the transferee.

(4) An eligible applicant who has under his management and operational control a deep-water terminal in District I may also count as a terminal input residual fuel oil to be used as fuel which the applicant (i) owned, (ii) sold to a Federal agency or to a person who was not in the business of selling residual fuel oil to be used as fuel and (iii) delivered to a deep-water terminal in District I under the management and operational control of such agency or person, provided that such delivery constituted the first delivery of that oil to a deep-water terminal in District I.

(5) No residual fuel oil to be used as fuel may be counted as a terminal input when it is placed, or so long as it remains, in bonded storage at a deep-water terminal in District I. An eligible applicant may count as a terminal input residual fuel oil to be used as fuel which he owned when it was placed in bonded storage in a deep-water terminal under his management and operational control in District I if such oil was withdrawn from bonded storage for use in District I or for bunkering ships in the coastwise trade, except as provided in subparagraph (6) of this paragraph. The provisions of this subparagraph do not apply to transfers between deep-water terminals which are covered by the provisions of subparagraph (3) of this paragraph.

(6) Residual fuel oil consumed by an applicant in refinery operations, as bunkers for his ships, or for any other purpose, may not be counted as a terminal input.

(d) The allocations under paragraphs (a) and (b) of this section shall be made for periods of twelve months. The Administrator shall, however, issue licenses which will permit not to exceed 20 percent of each allocation to be imported in the period April 1 through June 30, 16 percent in the period July 1 through September 30, 27 percent in the period October 1 through December 31, and 37 percent in the period January 1 through March 31. Upon a showing that compliance with the requirements of this paragraph will prevent a person from importing in full tanker cargoes or for other good cause shown the Administrator may upon written petition adjust the percentages for a particular licensing period in licenses issued to the petitioner to such a degree as in the opinion of the Administrator is necessary to afford the petitioner a reasonable measure of relief.

(e) If any part of a deep-water terminal is removed from the management and operational control of an eligible applicant by sale, transfer, lease, or any other means, the part so removed shall not constitute a separate deep-water terminal for the purpose of computing allocations based on terminal inputs. An allocation will be computed as if the transaction had not taken place. After the allocation for a particular allocation period has been so computed, the Administrator may, in his discretion, divide the allocation between the eligible applicant from whose management and operational control the part of the terminal was removed and the person who assumed management and operational control, if these persons agree upon, and request, a division.

(f) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred. All residual fuel oil to be used as fuel which is imported into District I under an allocation made pursuant to this section shall be sold only in District I for use in that District or for use as ships' bunkers.

**Sec. 12a. Special allocations of residual fuel oil—District I—October 1, 1961 through March 31, 1962.**

(a) Because an allocation period of twelve months is instituted in District I for the first time, this section provides a special procedure for qualifying for allocations for that District for the period October 1, 1961 through March 31, 1962 on the basis of terminal inputs occurring during the period April 1, 1961 through September 30, 1961. As all persons will henceforward be on notice of the length of the allocation period, no special procedure, such as provided in this section, will be available with respect to the allocation period beginning April 1, 1962 or succeeding allocation periods.

(b) Terminal inputs shall be computed for the purposes of this section 12a only as provided in parargraph (c) of section 12 of this regulation, except that for the purposes of this section 12a the terminal input must occur during the period April 1, 1961 through September 30, 1961.

(c) The Administrator shall withhold from allocation under section 12 of this regulation approximately 2 percent of the total quantity of imports into District I of residual fuel oil to be used as fuel available for allocation for the allocation period April 1, 1961 through March 31, 1962. From the amount so withheld, the Administrator shall allocate for the period October 1, 1961 through March 31, 1962 imports into District I of residual fuel oil to be used as fuel to any person:

(1) Who is in the business in District I of selling residual fuel oil to be used as fuel, and

(2) Who, during the year ending September 30, 1960, had no terminal inputs into a deep-water terminal in District I under his management and operational control, and

(3) Who during the period April 1, 1961, through September 30, 1961, has had terminal inputs into a deep-water terminal in District I under his management and operational control, and

(4) Who files, not later than October 11, 1961, with the Administrator on such form as he may prescribe an application for such an allocation.

(d) Except as provided in this paragraph, each person who meets the requirements specified in paragraph (c) of this section shall receive an allocation based on one-half of his average barrels daily of terminal inputs during the period April 1, 1961, through September 30, 1961, and computed according to the schedule contained in paragraph (b) of section 12 of this regulation. However, if the total of allocations computed on this basis with respect to all persons qualifying under paragraph (c) of this section would exceed the quantity of imports withheld by the Administrator pursuant to that paragraph, each such allocation shall be reduced in the proportion that it bears to the total of all such allocations so that the total of all such allocations finally made shall not exceed the quantity withheld. The Administrator shall issue licenses which will permit not to exceed 42 percent of each allocation made pursuant to this paragraph to be imported in the period October 1 through December 31 and 58 percent in the period January 1 through March 31. If an allocation is made under this paragraph to a person holding an allocation made on the historical basis provided in paragraph (a) of section 12 of this regulation, the latter allocation shall be canceled, all licenses issued under that allocation for the period October 1, 1961, through March 31, 1962, shall be canceled, and the allocation issued under this section 12a shall be reduced by the quantity of residual fuel oil to be used as fuel which has been imported under the licenses canceled.

(e) If less than the quantity of imports withheld by the Administrator are allocated pursuant to paragraph (d) of this section, the Administrator shall distribute the remainder to persons holding allocations under section 12 and section 12a of this regulation. Each such person shall share in the remainder in the proportion that his initial allocation (or his combined initial allocations) bears to the total allocations made under sections 12 and 12a. The Administrator shall make allocations under this paragraph not later than October 16, 1961.

(f) No person who would be ineligible as a subsidiary or an affiliate for an allocation under the provisions of paragraph (h) of section 4 of this regulation shall be entitled to an allocation under this section 12a. No person shall be entitled to an allocation under this section by reason of the fact that he assumes management and operational control of any part of a deep-water terminal which has been removed from the operational management and control of an eligible applicant by virtue of a sale, transfer, lease, or any other means.

(g) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred. All residual fuel oil to be used as fuel which is imported into District I under an allocation made pursuant to this section shall be sold in District I for use in that District or for use as ships' bunkers.

**Sec. 13. Allocations of finished products—Districts I–IV, Districts II–IV, District V.**

(a) The quantity of imports of finished products other than residual fuel oil to be used as fuel determined to be available for allocation in Districts I–IV, and in District V, and the quantity of imports of residual fuel oil to be used as fuel available for allocation in Districts II–IV and in District V, for any particular allocation period shall be allocated by the Administrator to each eligible applicant in the proportion that the applicant's imports of such products during the calendar year 1957 bore to the imports of such products during that year by all eligible applicants. Separate allocations shall be made for imports of residual fuel oil to be used as fuel and for imports of finished products other than residual fuel oil to be used as fuel.

(b) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

* * * * *

**Sec. 22. Definitions.**

As used in this regulation:

(a) "Person" includes an individual, a corporation, firm, or other business organization or legal entity, and an agency of a State, territorial, or local government, but does not include a department, establishment, or agency of the United States;

(b) "District I" comprises the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida, and the District of Columbia;

(c) "Districts II–IV" means all of the States of the United States except those States within District I and District V;

(d) "Districts I–IV" means the District of Columbia and all of the States of the United States except those States within District V;

(e) "District V" means the States of Arizona, Nevada, California, Oregon, Washington, Alaska, and Hawaii;

(f) "Crude oil" means crude petroleum as it is produced at the wellhead;

(g) "Finished products" means any one or more of the following petroleum oils, or a mixture or combination of such oils, which are to be used without further processing except blending by mechanical means:

(1) Liquefied gases—hydrocarbon gases recovered from natural gas or produced from petroleum refining and kept under pressure to maintain a liquid state at ambient temperatures;

(2) Gasoline—a refined petroleum distillate which, by its composition, is suitable for use as a carburant in internal combustion engines;

(3) Jet fuel—a refined petroleum distillate used to fuel jet propulsion engines;

(4) Naphtha—a refined petroleum distillate falling within a distillation range overlapping the higher gasoline and the lower kerosenes;

(5) Fuel oil—a liquid or liquefiable petroleum product burned for lighting or for the generation of heat or power and derived directly or indirectly from crude oil, such as kerosene, range oil, distillate fuel oils, gas oil, diesel fuel, topped crude oil, residues;

(6) Lubricating oil—a refined petroleum distillate or specially treated petroleum residue used to lessen friction between surfaces;

(7) Residual fuel oil—a topped crude oil or viscous residuum which, as obtained in refining or after blending with other fuel oil, meets or is the equivalent of Military Specification MIL–F–859 for Navy Special Fuel Oil and any other more viscous fuel oil, such as No. 5 or Bunker C;

(8) Asphalt—a solid or semi-solid cementitious material which gradually liquefies when heated, in which the predominating constituents are bitumins, and which is obtained in refining crude oil.

(h) "Unfinished oils" means one or more of the petroleum oils listed in paragraph (g) of this section, or a mixture or combination of such oils, which are to be further processed other than by blending by mechanical means;

(i) "Administrator" means Administrator, Oil Import Administration, Department of the Interior, or his duly authorized representative;

(j) The words "importation," "importing," "import," "imports," and "imported," include both entry for consumption and withdrawal from warehouses for consumption;

(k) "Refinery inputs" include all crude oil, imported unfinished oils, natural gasoline mixed in crude oil, and plant and field condensates mixed in crude oil, which are further processed, other than by blending by mechanical means, but (1) do not include unfinished oils which have not been imported, and (2) for the purposes of computing allocations under section 10 or section 11 of this regulation do not include crude oil and unfinished oils imported into the United States by pipeline, rail, or other means of overland transportation from the country where they were produced, which country, in the case of unfinished oils, is also the country of production of the crude oils from which the unfinished oils were processed or manufactured;

(l) "Refinery capacity" means a plant which, by further processing crude oil or unfinished oils, other than by blending by mechanical means, manufactures finished petroleum products;

(m) "Deep-water terminal" means an installation which (1) consists of bulk storage tanks, pumps, and pipelines used for the storage, transfer, and handling of residual fuel oil, (2) is adjacent to waterways that permit the safe passage to the installation of a tanker rated at 15,000 cargo deadweight tons, and (3) has a berth that will permit the delivery of residual fuel oil to be used as fuel into the installation by direct connection from a tanker rated at 15,000 cargo deadweight tons, drawing not less than 25 feet of water, and moored in the berth. Cargo deadweight tons represent the carrying capacity of a tanker, in tons of 2,240 pounds, less the weight of fuel, water, stores, and other items necessary for use on a voyage.

4. Paragraph (c) of section 21 of Oil Import Regulation 1 (Revision 2) (25 F.R. 4960) is amended to read as follows:

**Sec. 21. Appeals.**

* * * * * *

(c) The modification or grant of an allocation by the Appeals Board of imports of finished products shall become effective in the allocation period which succeeds the allocation period of such imports for which the petition was filed.

* * * * * *

5. After the issuance of this Amendment 6 there will be in force Oil Import Regulation 1 (Revision 2) (25 F.R. 4957) as amended by Amendment 3 (25 F.R. 13768) and by this Amendment 6.

Allocations of imports of residual fuel to be used as fuel for District I and for Districts II–IV must be made, and licenses must be issued by, April 1, 1961. Accordingly, it is impracticable to give further notice of proposed rule making on, or to delay the effective date of, this amendment and it shall become effective immediately.

STEWART L. UDALL,
*Secretary of the Interior.*

MARCH 8, 1961.

[F.R. Doc. 61–2202; Filed, Mar. 9, 1961; 2:42 p.m.]

# Title 36—PARKS, FORESTS, AND MEMORIALS

## Chapter I—National Park Service, Department of the Interior

## PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

### Grand Teton National Park, Wyoming; Snowplanes and Boats

On page 13982 of the FEDERAL REGISTER of December 30, 1960, there was published a notice and text of proposed amendments of § 7.22, Part 7 of Title 36, Code of Federal Regulations, by the addition of two new paragraphs (f) and (g). The purpose of the amendments is to establish reasonable regulations which will provide adequate control over snowplanes and boats and insure a maximum of safety in their use.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. No comments, suggestions or objections have been received, and the proposed amendments are hereby adopted without change and are set forth below. These amendments shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Issued this 30th day of January 1961.

HARTHON L. BILL,
*Superintendent,*
*Grand Teton National Park.*

**§ 7.22 Grand Teton National Park.**

* * * * * *

(f) *Snowplanes*—(1) *Permit.* No snowplane shall be operated within Grand Teton National Park without a permit from the Superintendent, who shall have authority to revoke said permit and require the immediate removal of the snowplane upon the failure of the permittee or other persons operating the snowplane to comply with the terms of the permit. This permit must be carried within the snowplane at all times, and shall be exhibited upon request to any person authorized to enforce the regulations in this chapter.

(2) *Commercial operation.* No snowplane shall be used to carry passengers for hire or be used in any commercial operation without authorization of the Superintendent.

(3) *Equipment and requirements.* All snowplanes operated within the Park are subject to the following requirements:

(i) All snowplanes must be equipped with a propeller guard, consisting of a combination of horizontal, vertical, and curved steel rods or tubes attached securely to the cab and structural frame of the snowplane, and shall enclose the motor and propeller in such manner that maximum safety for snowplane users will be afforded. The Superintendent shall prescribe a minimum standard for propeller guards on all snowplanes operated within the Park.

(ii) Each snowplane operated within the Park must carry one pair of Snowshoes or Skis, First Aid Kit, 25 ft. of Rope, and a Flashlight on every trip.

(4) *Registration of trip.* The operator of a snowplane shall register departure time, time of anticipated return, and trip route at one of the following stations: Jackson Lake Snowplane Parking Area, Jackson Lake Ranger Station, or Park Headquarters.

(5) *Rules of the road.* (i) The operation of any snowplane carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and at a speed or in a manner so as to endanger or be likely to endanger any person or property is prohibited.

(ii) Failing to keep any snowplane under proper control is prohibited.

(iii) Operating any snowplane in such a manner as to cause same to collide with another snowplane, person, fixed or moving object is prohibited.

(iv) Operating a snowplane which is in an unsafe mechanical condition is prohibited.

(v) Operators of snowplanes shall comply with the instructions of all official signs regarding parking of snowplanes and trailers, hazardous and closed areas, and one-way traffic.

(vi) Snowplanes overtaking and passing slower-moving or parked snowplanes shall pass on the left; snowplanes approaching and meeting shall keep to the right.

(vii) The ignition shall be switched off and the motor stopped whenever a snowplane is parked and the operator leaves the cab. A motor shall not be idled, while parked, without an operator at the controls.

(6) *Restricted areas.* Snowplanes will not be operated within 300 feet of the upper face of Jackson Lake Dam, or on Jackson Lake north of a line between Lizard Point and the high bluffs south of the mouth of Berry Creek, as designated by warning signs, or near the Warm Springs area on the west side of Jackson Lake, or on any road open to automobile traffic.

(g) *Boats*—(1) *Permit.* No privately owned boat, canoe, raft, or other water-borne or floating craft shall be placed or operated upon the waters of Grand Teton National Park without a permit from the Superintendent, who shall have authority to revoke the permit and require the immediate removal of such craft upon the failure of the permittee to comply with the terms and conditions of the permit. This permit must be carried within the boat at all times and shall be exhibited upon request to any person authorized to enforce the regulations in this chapter.

(39 Stat. 535, as amended; 16 U.S.C. 1958 ed. sec. 3)

[F.R. Doc. 61–2163; Filed, Mar. 10, 1961; 8:47 a.m.]



# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2291]

[648063]

### NEBRASKA

### Partly Revoking Executive Order No. 2446 of August 21, 1916, Which Created the North Platte Reservation

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 2446 of August 21, 1916, so far as it reserved the following-described lands as a preserve and breeding ground for native birds, to be known as the North Platte Reservation, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 23 N., R. 54 W.,
Sec. 15, W½NW¼SW¼, SW¼SW¼.

The area described contains 60 acres.

The name of the Reservation was changed to North Platte National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940.

The lands are included in existing first form withdrawals for reclamation purposes.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

MARCH 6, 1961.

[F.R. Doc. 61–2148; Filed, Mar. 10, 1961; 8:45 a.m.]

[Public Land Order 2292]

[1773280]

### NORTH DAKOTA

### Revoking Executive Order No. 8116 of May 10, 1939, Which Established the Charles Lake Migratory Waterfowl Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 8116 of May 10, 1939, which reserved the following-described lands in North Dakota for use of the Department of Agriculture as the Charles Lake Migratory Waterfowl Refuge, the name of which was changed to Charles Lake National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940, is hereby revoked:

FIFTH PRINCIPAL MERIDIAN

T. 134 N., R. 93 W.,
Sec. 29;
Sec. 30, NE¼.

The areas described aggregate 800 acres.

The released lands have been patented without a reservation of minerals to the United States.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

MARCH 6, 1961.

[F.R. Doc. 61–2149; Filed, Mar. 10, 1961; 8:45 a.m.]

[Public Land Order 2293]

[82125]

### ARIZONA

### Partially Revoking the Departmental Orders of January 31, 1903 and July 20, 1905—Yuma Project

By virtue of the authority vested in the Secretary of the Interior by Section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of January 31, 1903, and July 20, 1905, which withdrew lands in Arizona for reclamation purposes in the second and first forms respectively, in connection with the Yuma Project, are hereby revoked so far as they affect the following-described land:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 25 W.,
Sec. 36.

The area described aggregates 640 acres.

The lands are State school lands by virtue of the act of July 20, 1910 (36 Stat. 557).

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

MARCH 7, 1961.

[F.R. Doc. 61–2150; Filed, Mar. 10, 1961; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[ 19 CFR Parts 8, 14 ]

### COAL-TAR PRODUCTS

### Liability for Duties; Entry of Imported Merchandise; Appraisement

Notice is hereby given that the Bureau of Customs, under the authority of sections 481 and 484 of the Tariff Act of 1930, as amended (19 U.S.C. 1481, 1484), proposes to require additional invoicing information in connection with the entry of certain imported coal-tar products, defined below, dutiable under paragraph 27 of the Tariff Act of 1930, as amended (19 U.S.C. 1001, paragraph 27), on the basis of the American selling price of any similar competitive article manufactured or produced in the United States.

The additional requirement, intended to assist customs officers in the determination of the correct identification of imports of the class defined and facilitate the comparison of foreign and domestic products with respect to the competitive provisions of paragraph 27, would be prescribed by means of an amendment of § 8.13(h) of the Customs Regulations (19 CFR 8.13(h)), adding to the list of classes of merchandise named therein the following class: Coal-tar intermediates, defined as coal-tar organic chemicals that are advanced by manufacturing processes beyond the crude state, generally used for producing either still more advanced intermediates or finished products.

The Treasury decision adding this class of foreign merchandise to the list in § 8.13(h) would specify the technical information required to be furnished, in addition to all other information required by law or regulation, on or in connection with special customs or commercial invoices, as follows:

SCHEDULE X (IMPORT)

Coal-tar intermediates, defined as coal-tar organic chemicals, advanced by manufacturing processes beyond the crude state, generally used for producing still more advanced intermediates or finished products—

1. Invoice name of product;
2. (a) Trade name, (b) Chemical abstracts name;
3. Name of manufacturer;
4. Name(s) under which sold in country of production;
5. List other foreign manufacturers and names under which sold (if none or unknown, so state);
6. List name(s) of comparable American-made product with name(s) of U.S. manufacturer(s) (if none or unknown, so state);

If a product inserted in either item 5 or 6 is known to be sold by anyone as a fast color base, fast color salt, napthol AS or derivative, or as an assistant in preparing or finishing textiles, also so indicate.

7. (a) Commercial grade (selling basis) and percentage of active ingredient, (b) Molecular weight;
8. Assay or analysis method, reference;
9. Structural formula;
10. Empirical formula;
11. Physical constants of pure or commercial material (specify which):
    Melting point: __° C.;
    Freezing point: __° C.;
    Boiling point: __° C.;
    Specific gravity at __° C./__° C.;
    Refractive index at __° C.;
    Other:
12. (a) Chief use (if known), (b) Principal uses in order of importance (if known);
13. If a mixture, the name and percentage of each component (if applicable, submit separate Schedule X for each component);
14. Product patent references (if none, so state);
15. Beilstein system No. (if none, so state).

Concurrently the Bureau, under the authority of section 624 of the Tariff Act of 1930 (19 U.S.C. 1624), also proposes to amend § 14.5 of the Customs Regulations (19 CFR 14.5) to authorize the Chief Chemist, Customs Laboratory, New York, New York, to receive from domestic manufacturers and maintain a file of similar specifications of coal-tar intermediates manufactured or produced in the United States.

Specifications which have been informally submitted to the chief chemist of that laboratory now comprise a central reference file, in Schedule X (Domestic) format, of some 1,250 domestically-produced coal-tar intermediates. These, together with additions in Schedule X (Domestic) format received from time to time would be made available to the chief chemist of any customs laboratory called upon to report on the existence of any comparable domestic product.

The Schedule X (Import) specifications of the foreign coal-tar intermediate would be compared for chemical identification and comparability with the specifications of any similar domestic products on file in the central reference file of Schedule X (Domestic) specifications. The sample from the foreign import would be subject to laboratory testing and the results would be subject to comparison with the results obtained from any necessary laboratory testings of samples from the domestic products. On the basis of the results from such comparisons the chief chemist would prepare and submit his laboratory report as to the existence of any comparable domestic product.

Domestic manufacturers of coal-tar intermediates would be privileged to remove, replace, or add specifications in the central reference file as may be necessary. Technical data so submitted would be treated as confidential, except for the purpose for which the specifications were submitted. There would be prepared periodically a list identifying each domestic coal-tar intermediate, the specifications for which had been removed from or added to the file. Such lists, of an advisory character, would be circularized among customs officers and would be available to the public upon request.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Data, views, or arguments with respect to this proposal may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C. To insure consideration, such communications must be received in the Bureau of Customs not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LAWTON M. KING,
*Acting Commissioner of Customs.*

Approved: March 6, 1961.

A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-2171; Filed, Mar. 10, 1961; 8:48 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 25 ]

### DRESSINGS FOR FOODS; MAYONNAISE, FRENCH DRESSINGS, AND SALAD DRESSING

### Identity Standards

Notice is given that a petition has been filed by The Procter and Gamble Company, P.O. Box 201, Cincinnati 24, Ohio, setting forth proposed amendments to the regulations fixing and establishing definitions and standards of identity for mayonnaise, french dressing, and salad dressing (21 CFR 25.1, 25.2, 25.3) to permit the use in such dressings of salad oil containing oxystearin as a crystallization inhibitor. This purpose would be achieved by inserting the following new sentence in paragraph (a) of each of the three standards: "For the purposes of this section, the term 'edible vegetable oil' includes salad oil that may contain not more than 0.125 percent by weight of oxystearin to inhibit crystallization as provided in the food additive regulation in § 121.1016 of this chapter."

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are hereby invited to present their views in writing regarding the above proposals. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of the publication of this notice in the FEDERAL REGISTER.

Dated: March 3, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Comissioner of Food and Drugs.*

[F.R. Doc. 61-2158; Filed, Mar. 10, 1961; 8:47 a.m.]

[ 21 CFR Parts 146a, 146b, 146c, 146d, 146e ]

### CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

### Sampling Requirements

The regulations for the certification of batches of tablets, troches, and capsules of antibiotic and antibiotic-containing drugs now provide that the samples required for submission to the Food and Drug Administration be collected during the time of tableting (or similar manufacturing procedure) of the batch. Under these provisions, manufacturers have been authorized to request and obtain certification of batches of these drugs prior to their packaging in dispensing-size containers. However, in the case of other dosage forms of certifiable antibiotics, the regulations require that the certification sample be collected during the time that the drug is being packaged in market containers.

From time to time, examinations by the Administration of samples of penicillin tablets collected in interstate commerce have shown the moisture content of the drug to be in excess of that permitted by the applicable regulation. It is a well-established fact that most antibiotics lose their potency in the presence of excessive moisture. The Commissioner of Food and Drugs has reason to believe that this increase in moisture occurred between the time the tablets were certified in bulk containers and the time they were packaged into dispensing-size containers.

In order that the certification sample may be more truly representative of the drug as it is packaged for sale and use, the Commissioner proposes to amend the applicable sections of the antibiotic regulations pertaining to tablets, troches, and capsules to require the certification sample of each batch of these drugs to be collected during the time it is being packaged into dispensing-size containers.

All interested persons are invited to present their views in writing regarding this proposal. Views and comments should be submitted in quintuplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: March 6, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-2157; Filed, Mar. 10, 1961; 8:47 a.m.]

## CIVIL SERVICE COMMISSION

[ 5 CFR Part 88 ]

### RETIRED FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

### Establishment and Administration

*Basis and purpose.* Notice is hereby given that, pursuant to the authority vested in the United States Civil Service Commission by the Act of September 8, 1960 (74 Stat. 849; 5 U.S.C. 3051 et seq.), it is proposed to amend 5 CFR by adding a new Part 88 as hereinafter set forth.

The purpose of this part is to regulate the establishment and administration of the Retired Federal Employees Health Benefits Program. The regulations establish the times and conditions under which retired employees may elect to participate; the amount of Government contribution toward health benefits; and the times and conditions under which participation in the program is terminated. They also prescribed minimum standards for the uniform plan and its carrier.

Interested persons may submit written comments, suggestions, or objections to the Bureau of Retirement and Insurance, United States Civil Service Commision, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Subpart A—General Provisions

Sec.
88.1 Organization of this part.
88.2 Definitions.
88.3 General conditions of eligibility.
88.4 Withholding.
88.5 Determination of eligibility.
88.6 Appeals.
88.7 Standards for uniform plan and carrier.

Subpart B—Retired Employees Entitled to Annuity

88.11 Eligibility.
88.12 Election.
88.13 Change of election.
88.14 Suspension and termination.
88.15 Government contributions.
88.16 Responsibilities of retirement offices.

Subpart C—Retired Employees Entitled to Compensation

88.21 Eligibility.
88.22 Election.
88.23 Change of election.
88.24 Suspension and termination.
88.25 Government contributions.
88.26 Responsibilities of the Bureau of Employees' Compensation.

AUTHORITY: §§ 88.1 to 88.26 issued under sec. 9, 74 Stat. 851; 5 U.S.C. 3058.

Subpart A—General Provisions

§ 88.1 Organization of this part.

(a) Subpart A of this part contains provisions applying to the Retired Federal Employees Health Benefits Program generally. Subpart B of this part contains provisions applying only to retired employees who are entitled to annuity under a retirement system for civilian employees of the Government. Subpart C of this part contains provisions applying only to retired employees who are entitled to compensation under the Federal Employees' Compensation Act.

(b) The provisions of this part do not apply to the Federal Employees Health Benefits Program, which is governed by Part 89 of this chapter; nor do the provisions of Part 89 of this chapter apply to the Retired Federal Employees Health Benefits Program.

§ 88.2 Definitions.

For the purposes of this part:

(a) "Annuity" means the periodic payment due a former employee or his survivors by reason of past service, but does not include compensation paid under the Federal Employees' Compensation Act. "Annuity period" means the period for which an installment of annuity is paid.

(b) "Bureau of Employees' Compensation" means the Bureau of Employees' Compensation, Department of Labor.

(c) "Carrier" means a voluntary association, corporation, partnership, or other nongovernmental organization which lawfully offers a health benefits plan.

(d) "Commission" means the United States Civil Service Commission.

(e) "Compensation" means monthly compensation paid under the Federal Employees' Compensation Act, and includes compensation payable every four weeks.

(f) "Elect" means to file with the retirement office under which retired or with the Bureau of Employees' Compensation, as the case may be, a properly completed form, prescribed by the Commission for the purpose, giving notice of intention (1) to subscribe to the uniform plan, (2) to receive a Government contribution toward the cost of a private health benefits plan, or (3) not to participate in the program.

(g) "Employee" means an appointive or elective officer or employee in or under the executive, judicial, or legislative branch of the United States Government, including a Government-owned or controlled corporation (but not including any corporation under the supervision of the Farm Credit Administration, of which corporation any member of the board of directors is elected or appointed by private interests), or of the municipal government of the District of Columbia, and includes an Official Reporter of Debates of the Senate and a person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties,

and an employee of Gallaudet College, but does not include (1) a member of a "uniformed service" as that term is defined in section 1072 of title 10 of the United States Code, (2) a noncitizen employee whose permanent-duty station is located outside a State of the United States or the District of Columbia, or (3) an employee of the Tennessee Valley Authority.

(h) "Government" means Government of the United States of America (including the municipal government of the District of Columbia).

(i) "Health benefits plan" means an insurance policy or contract, medical or hospital service arrangement, membership or subscription contract, or similar agreement provided by a carrier for a stated periodic premium or subscription charge for the purpose of providing, paying for, or reimbursing expenses for hospital care, surgical or medical diagnosis, care, and treatment, drugs and medicines, remedial care, or other medical supplies and services, or any combination of these.

(j) "Immediate annuity" means—

(1) As applied to a retired employee, an annuity which begins to accrue not later than one month after the date of the separation from the service on which title to the annuity is based, and

(2) As applied to a survivor, an annuity which begins to accrue not later than one month (i) after the date of death of the employee or annuitant whose service forms the basis for the annuity, or (ii) after the birth of a posthumous child of such an employee or annuitant.

(k) "Member of family" means a former employee's spouse and any unmarried child (1) under the age of nineteen years (including (i) an adopted child, and (ii) a stepchild or recognized natural child who lives with the former employee in a regular parent-child relationship or did so at the time of the former employee's death), or (2) regardless of age who is incapable of self-support because of mental or physical incapacity that existed prior to his reaching the age of nineteen years. As used in this paragraph, "former employee" means the former employee on whose service title to annuity is based.

(l) "Private health benefits plan" means a health benefits plan other than the uniform plan.

(m) "Retired employee" includes (1) a former employee retired under the Civil Service Retirement Act or other retirement system for civilian employees of the Government (not including the Social Security system), (2) an employee or former employee receiving compensation under the Federal Employees' Compensation Act, and (3) persons who are entitled to annuity or compensation as members of the family of a deceased employee or of a deceased retired employee qualifying under subparagraphs (1) and (2) of this paragraph.

(n) "Retirement office" means any office responsible for the administration of a retirement system for civilian employees of the Government. It does not include the Bureau of Employees' Compensation.

(o) "Survivor" means a person who is entitled to annuity or compensation as a member of the family of a deceased employee or deceased retired employee.

(p) "Uniform plan" means the health benefits plan for which the Commission contracts pursuant to section 3 of Public Law 86–724.

**§ 88.3 General conditions of eligibility.**

(a) A retired employee who is enrolled or covered by the enrollment of another under Part 89 of this chapter, or who is covered by the election of another retired employee under this part, is ineligible to subscribe to the uniform plan or to receive a Government contribution toward the cost of a private health benefits plan.

(b) A retired employee is ineligible to subscribe to the uniform plan if his annuity or compensation is not sufficient to cover the necessary withholding.

**§ 88.4 Withholding.**

The appropriate retirement office, or the Bureau of Employees' Compensation, as the case may be, shall withhold from the annuity or compensation of each of its retired employees who has elected to subscribe to the uniform plan so much as is necessary to pay his share of the cost of his subscription. The withholdings shall be forwarded, in accordance with the Commission's instructions, to the Retired Employees Health Benefits Fund.

**§ 88.5 Determination of eligibility.**

The Bureau of Retirement and Insurance of the Commission shall, on request, determine the eligibility of any retired employee, or class of retired employees, to make the elections and receive the Government contributions provided for by this part.

**§ 88.6 Appeals.**

(a) A retired employee may appeal any determination by the Bureau of Retirement and Insurance that he is not eligible to make an election or to receive a Government contribution under this part. The appeal shall be made in writing, within 90 days of the determination, to the Board of Appeals and Review, United States Civil Service Commission, Washington 25, D.C.

(b) The Commission may order correction of administrative errors at any time.

(c) The Commission does not adjudicate individual claims for payment or service under health benefits plans, nor does it arbitrate or attempt to compromise disputes between retired employees and carriers as to claims for payment or service.

**§ 88.7 Standards for uniform plan and carrier.**

(a) The uniform plan must be open to all eligible retired employees and members of their families, without regard to race, sex, health status, or age. It must not deny or limit benefits because of any preexisting condition. It must offer a choice among basic coverage only, major medical coverage only, and basic plus major medical coverage. It shall provide a 31-day extension of coverage upon termination of subscription other than by change of election or termination of the contract. A person confined in hospital for care or treatment on the 31st day of the extension of coverage shall be entitled to continuation of the benefits of the contract during the continuance of the confinement, but not beyond the 60th day following the end of the extension of coverage. The uniform plan shall be experience-rated.

(b) The carrier of the uniform plan must, in the most recent year for which data are available, have made at least 1 percent of all group health insurance benefit payments in the United States. If the carrier is an insurance company, it must be licensed to issue group health insurance in all the States of the United States and the District of Columbia.

## Subpart B—Retired Employees Entitled to Annuity

**§ 88.11 Eligibility.**

(a) To be eligible for the benefits provided by this part, a retired employee (other than a survivor) who is entitled to annuity:

(1) Must have retired before his first pay period beginning after June 30, 1960. He is considered to have retired before his first pay period beginning after June 30, 1960, for the purposes of this clause, if his annuity began to accrue before his first pay period after June 30, 1960;

(2) Must have retired on immediate annuity;

(3) Must have had at least 12 years of creditable service, or have retired under a disability provision of his retirement system;

(4) Must have retired from employment which was not in the Tennessee Valley Authority or in a corporation under the supervision of the Farm Credit Administration, of which corporation any member of the board of directors was elected or appointed by private interests; and

(5) If, at the time of retirement, he was a noncitizen, must have had a permanent-duty station within the several States and the District of Columbia on the day before retirement.

(b) To be eligible for the benefits provided by this part, a survivor who is entitled to annuity:

(1) Must be in receipt of immediate annuity as the survivor of (i) an employee who died before his first pay period beginning after June 30, 1960; or (ii) a retired employee whose annuity began to accrue before his first pay period beginning after June 30, 1960;

(2) Must be the survivor of (i) an employee who had at least 5 years' creditable service, (ii) a former employee who retired having at least 12 years' creditable service and received an immediate annuity, or (iii) a former employee who retired under a disability provision of his retirement system;

(3) Must be unmarried; and

(4) Must not be receiving annuity as the survivor of a person who at the time of the retirement or death, as the case may be, on which annuity is based, was an employee of the Tennessee Valley Authority or of any corporation under the jurisdiction of the Farm Credit Administration of which corporation any member of the board of directors was elected or appointed by private interests, or was a noncitizen having a permanent-duty station outside the several States and the District of Columbia.

(c) For the purposes of this section "creditable service" means service which is creditable for the purposes of the Civil Service Retirement Act.

**§ 88.12 Election.**

(a) Each eligible retired employee must elect during the months of March and April, 1961. Failure to elect shall be considered an election not to participate in the program unless the failure is determined by the retirement office to be for cause beyond the control of the retired employee. In any case in which annuity is being paid to a payee in behalf of a retired employee, the payee shall make the election for the retired employee.

(b)(1) A retired employee may elect to participate in the program for self only or for self and members of the family.

(2) Survivors, if actually or constructively living in the same household, shall have only one right of election among them. The election shall be made by the payee. The fact that one payee is receiving annuity for all members of the family is prima facie evidence that they are living in the same household. The existence of more than one payee is prima facie evidence that each payee and the survivors in whose behalf the payee is receiving annuity constitute a separate household, and each such payee may elect for the survivors in whose behalf he is receiving annuity, but where a family is being paid annuity through more than one payee, one payee may, with the consent of the other payees, elect for the whole family.

(3) A retired employee may not be covered under more than one election.

(4) A retired employee who is entitled to more than one annuity is entitled to only one election.

(c) Each retired employee who elects to receive a Government contribution toward the cost of a private health benefits plan must file with his election a certificate of the carrier, on the form prescribed by the Commission for the purpose, that he is a subscriber to a health benefits plan. The Commission, or the appropriate retirement office, may at any time require that any retired employee renew the certificate, or may take such other action as it considers desirable to verify the continuing eligibility of the retired employee to receive a Government contribution. The retirement office may suspend the Government contribution whenever there is a reasonable doubt of the retired employee's continuing eligibility to receive the Government contribution.

(d) In the discretion of the retirement office, a representative of the retired employee having a written authorization to do so may elect for him.



(e) The election provided by paragraphs (a) to (d) of this section is effective on July 1, 1961. Withholdings and contributions are effective for annuity periods beginning on and after June 1, 1961.

(f) A person who is not eligible, during the months of March and April, 1961, to elect to subscribe to the uniform plan or to receive a Government contribution toward the cost of a private health benefits plan, may apply to the appropriate retirement office when he becomes eligible. If the retirement office determines that he is eligible, it shall notify the retired employee that he is eligible to make an election in accordance with paragraphs (a) to (d) of this section within 60 days of the date of the notice. If a retirement office determines that an eligible retired employee was unable, for cause beyond his control, to make an election within the time limits prescribed by this section, it shall notify the retired employee that he is eligible to make an election in accordance with paragraphs (a) to (d) of this section within 60 days of the date of the notice. Elections made under this paragraph are effective on the first day of the third month following the month in which the retirement office receives the election. Withholdings and contributions are effective for annuity periods beginning on and after the first day of the second month following the month in which the retirement office receives the election. This paragraph does not apply to retired employees who have been, at any time, covered by the election of another under this part.

**§ 88.13 Change of election.**

(a) Retired employees must change their elections in accordance with the following table:

TABLE OF REQUIRED CHANGES

| Event requiring change | Type of election to which requirement applies | Change required | Effective date of change |
|---|---|---|---|
| (1) Loss of member of family by death or otherwise, leaving only one person covered by the election. | Election for self and family for uniform or private health benefits plan. | Change to self only | First day of month following the event requiring change. Changes in withholdings and contributions are effective for annuity accruing for the month in which the event requiring change occurs. |
| (2) Termination of subscription to a private health benefits plan for all persons covered by the election but the retired employee making the election.[1] | Election for self and family for private health benefits plan. | do | Do. |
| (3) Termination of subscription to a private health benefits plan for all persons covered by the election.[1] | Election for self only or for self and family for private health benefits plan. | Change to not participating (optional change) may be made in accordance with paragraph (b) of this section). | Do. |

[1] If the termination is immediately succeeded by a similar subscription in another private health benefits plan a change of election is not required, but the retired employee must file a certificate of the new carrier that he is a subscriber. A form for the certificate may be obtained from the retirement office.

(b) Retired employees may change their elections in accordance with the following table by notifying the appropriate retirement office at any time:

TABLE OF OPTIONAL CHANGES

| Change permitted | Type of election from which changing | Effective date of change |
|---|---|---|
| (1) Change to not participating | Election for self only or self and family for uniform or private health benefits plan. | First day of month specified in notice to retirement office, or first day of month following receipt of notice by retirement office, whichever is later. Changes in withholdings and contributions are effective for annuity accruing for the month preceding the effective date of the change. |
| (2) Change from basic and major medical to basic only or to major medical only. | Election for self only or self and family for uniform plan (basic and major medical). | Do. |
| (3) Change to self only in same plan | Election for self and family for uniform or private health benefits plan. | Do. |
| (4) Change to self and family in same plan. | Election for self only for uniform or private health benefits plan. | First day of fourth month following month in which notice is received by retirement office. Changes in withholdings and contributions are effective for annuity accruing for the third month following month in which notice is received by retirement office. |
| (5) Change from major medical only to basic or to basic and major medical. | Election for self only or self and family for uniform plan (major medical only). | Do. |
| (6) Change to self only or self and family for uniform (basic only) or private health benefits plan. | Election not to participate | Do. |

(c) Two changes may be made by the same notice.

*Example.* A retired employee originally elected to receive a Government contribution for self and family toward the cost of a private health benefits plan. The subscription to the private health benefits plan is terminated March 15, 1962. He notifies his retirement office of the termination and at the same time notifies the retirement office that he wishes to elect the uniform plan (basic only) for self and family. The retirement office receives the notice March 22, 1962. His election becomes an election not to participate on April 1, 1962, and the Government contribution is not added to the annuity accrued for March 1962. On July 1, 1962, the family is covered by the basic coverage of the uniform plan, and withholdings and contributions are made for the annuity accruing in June 1962.

**§ 88.14 Suspension and termination.**

(a) Whenever the annuity is entirely waived or suspended, Government contributions are suspended. If the election is to subscribe to the uniform plan, and the annuity is suspended, or waived to the extent that the retired employee's share of the cost cannot be withheld, withholdings and Government contributions are suspended, but the subscription continues.

(b) If the waiver or suspension covers 3 months or less, Government contributions and withholdings for the period of waiver or suspension will be made when annuity payment is resumed. If the waiver or suspension covers more than 3 months, the retired employee's election is terminated effective at the end of the third month of waiver or suspension. A terminated election is renewed when annuity payment is resumed. When a terminated election is renewed pursuant to this paragraph, withholdings and Government contributions will be made for the first 3 months of the waiver or suspension. Withholdings and Government contributions shall be made for annuity accruing after the election is renewed.

(c) If title of a retired employee to annuity is terminated, his eligibility under this part is terminated.

(d) If the eligibility of a retired employee is terminated and other members of the same family continue to be eligible under this part, the election of the former retired employee will continue for the remainder of the family unless and until changed in accordance with § 88.13.

**§ 88.15 Government contributions.**

(a) The Commission will pay, through his retirement office, $3.00 monthly to each retired employee who elects to receive a Government contribution toward the cost of a private health benefits plan in which he is a subscriber for self only, and $6.00 monthly to each who so elects toward the cost of a private health benefits plan in which he is a subscriber for self and family, but not more than the cost of the private health benefits plan.

(b) The Commission will contribute to the cost of the uniform plan $3.00 monthly for an election for self only, and $6.00 monthly for an election for self and family. Election to subscribe to the uniform plan constitutes agreement by the retired employee that the retirement office shall withhold from his annuity his share of the cost of the plan, as provided by this part.

(c) The Government will contribute to the Retired Federal Employees Health Benefits Fund 2 percent of the total Government contribution authorized by this section, for payment of expenses incurred by the Commission in administering this part.

**§ 88.16 Responsibilities of retirement offices.**

(a) Retirement offices are responsible, in accordance with regulations and instructions issued by the Commission, for withholding from the annuity of each retired employee within the jurisdiction of the retirement office who elects to subscribe to the uniform plan his share of the cost, for forwarding the amount withheld to the Retired Federal Employees Health Benefits Fund, and for reporting to the Commission amounts required for Government contribution for these retired employees.

(b) Retirement offices are responsible, in accordance with regulations and instructions issued by the Commission, for reporting to the Commission amounts required for Government contributions to retired employees within the jurisdiction of the retirement office who have elected to receive a Government contribution toward the cost of a private health benefits plan, and for paying the Government contribution to these retired employees.

(c) Retirement offices are responsible for advising retired employees within the jurisdiction of the retirement office of the rights and obligations of retired employees under this part.

(d) Whenever one or more of the family members is a child 19 or over who is incapable of self-support because of mental or physical incapacity that existed prior to his reaching the age of 19, the appropriate retirement office shall obtain the necessary evidence and make a determination of incapability.

(e) Retirement offices are responsible, in accordance with regulations and instructions issued by the Commission, for verifying continuing eligibility of retired employees to receive Government contributions.

## Subpart C—Retired Employees Entitled to Compensation

**§ 88.21 Eligibility.**

(a) To be eligible for the benefits provided by this part, a retired employee (other than a survivor) who is entitled to compensation:

(1) Must be receiving monthly compensation for an injury sustained or illness contracted before his first pay period beginning after June 30, 1960;

(2) Must be held by the Secretary of Labor to be unable to return to duty;

(3) Must have compensation based on employment which was not in the Tennessee Valley Authority or in a corporation under the supervision of the Farm Credit Administration, of which corporation any member of the board of directors was elected or appointed by private interests; and

(4) If, at the time of sustaining the injury or contracting the illness, as the case may be, on which compensation is based, he was a noncitizen, must have had a permanent-duty station within the several States and the District of Columbia at that time.

(b) To be eligible for the benefits provided by this part, a member of a family who is receiving compensation:

(1) Must be a survivor beneficiary of (i) an employee who completed five years of service and died as a result of injury or illness which is compensable under the Federal Employees' Compensation Act and which was sustained or contracted before his first pay period beginning after June 30, 1960, or (ii) a former employee who was separated after having completed at least five years of service and who died while receiving monthly compensation under the Act on account of injury sustained or illness contracted before his first pay period beginning after June 30, 1960, and who has been held by the Secretary of Labor to have been unable to return to duty;

(2) Must be unmarried; and

(3) Must not be receiving compensation as the survivor of a person who at the time of sustaining the injury or contracting the illness, as the case may be, on which compensation is based, was an employee of the Tennessee Valley Authority or of any corporation under the jurisdiction of the Farm Credit Administration of which corporation any member of the board of directors was elected or appointed by private interests, or was a noncitizen having a permanent-duty station outside the several States and the District of Columbia.

(c) For the purposes of this section, "service" means service which is creditable for the purposes of the Civil Service Retirement Act.

**§ 88.22 Election.**

(a) Each eligible retired employee must elect during the months of March and April, 1961. Failure to elect shall be considered an election not to participate in the program unless the failure is determined by the Bureau of Employees' Compensation to be for cause beyond the control of the retired employee. In any case in which compensation is being paid to a payee in behalf of a retired employee, the payee shall make the election for the retired employee.

(b) (1) A retired employee may elect to participate in the program for self only or for self and members of the family.

(2) Survivors, if actually or constructively living in the same household, shall have only one right of election among them. The election shall be made by the payee. The fact that one payee is receiving compensation for all members of the family is prima facie evidence that they are living in the same household. The existence of more than one payee is prima facie evidence that each payee and the survivors in whose behalf the payee is receiving compensation constitute a separate household, and each such payee may elect for the survivors in whose behalf he is receiving compensation, but where a family is receiving compensation through more than one payee, one payee may, with the consent of the other payees, elect for the whole family.

(3) A retired employee may not be covered under more than one election.

(4) A retired employee who is entitled to compensation and annuity is entitled to only one election.

(c) Each retired employee who elects to receive a Government contribution toward the cost of a private health benefits plan must file with his election a certificate of the carrier, on the form prescribed by the Commission for the purpose, that he is a subscriber to a health benefits plan. The Commission, or the Bureau of Employees' Compensation, may at any time require that any retired employee renew the certificate, or may take such other action as it considers desirable to verify the continuing eligibility of the retired employee to receive a Government contribution. The Bureau of Employees' Compensation may suspend the Government contribution whenever there is a reasonable doubt of the retired employee's continuing eligibility to receive the Government contribution.

(d) In the discretion of the Bureau of Employees' Compensation, a representative of the retired employee having a written authorization to do so may elect for him.

(e) The election provided by paragraphs (a) to (d) of this section is effective on July 1, 1961, for survivors. For survivors withholdings and contributions will be effective for the month beginning June 1, 1961. The election provided by this section is effective July 13, 1961, for retired employees other than survivors. For retired employees other than survivors withholdings and contributions will be effective for the four-week period beginning June 15, 1961.

(f) A person who is not eligible, during the months of March and April, 1961, to elect to subscribe to the uniform plan or to receive a Government contribution toward the cost of a private health benefits plan, may apply to the Bureau of Employees' Compensation when he becomes eligible. If the Bureau of Employees' Compensation determines that he is eligible, it shall notify the retired employee that he is eligible to make an election in accordance with paragraphs (a) to (d) of this section within 60 days of the date of the notice. If the Bureau of Employees' Compensation determines that a retired employee was unable, for cause beyond his control, to make an election within the time limits prescribed by this section, it shall notify the retired employee that he is eligible to make an election in accordance with paragraphs (a) to (d) of this section within 60 days of the date of the notice. Elections made under this paragraph are effective, for survivors, on the first day of the third month following the month in which the Bureau of Employees' Compensation receives the election. Withholdings and contributions are effective for months beginning on and after the first day of the second month following the month in which the Bureau of Employees' Compensation receives the election. For other retired employees changes of election made under this paragraph are effective on the first day of the third four-week period following the four-week period in which the Bureau of Employees' Compensation receives the election, and withholdings and contributions are effective beginning with the second four-week period following receipt of the election. This paragraph does not apply to retired employees who have been, at any time, covered by the election of another under this part.



**§ 88.23 Change of election.**

(a) Whenever, in this section, "month" is used, it applies to survivors, and the section shall apply to retired employees other than survivors as if "four-week period" were used in place of "month".

(b) Retired employees must change their elections in accordance with the following table:

TABLE OF REQUIRED CHANGES

| Event requiring change | Type of election to which requirement applies | Change required | Effective date of change |
|---|---|---|---|
| (1) Loss of member of family by death or otherwise, leaving only one person covered by the election. | Election for self and family for uniform or private health benefits plan. | Change to self only | First day of month following the event requiring change. Changes in withholdings and contributions are effective for compensation accruing for the month in which the event requiring change occurs. |
| (2) Termination of subscription to a private health benefits plan for all persons covered by the election but the retired employee making the election.[1] | Election for self and family for private health benefits plan. | do | Do. |
| (3) Termination of subscription to a private health benefits plan for all persons covered by the election.[1] | Election for self only or for self and family for private health benefits plan. | Change to not participating (optional change may be made in accordance with paragraph (c) of this section). | Do. |

[1] If the termination is immediately succeeded by a similar subscription in another private health benefits plan a change of election is not required, but the retired employee must file a certificate of the new carrier that he is a subscriber. A form for the certificate may be obtained from the Bureau of Employees' Compensation.

(c) Retired employees may change their elections in accordance with the following table by notifying the Bureau of Employees' Compensation at any time:

TABLE OF OPTIONAL CHANGES

| Change permitted | Type of election from which changing | Effective date of change |
|---|---|---|
| (1) Change to not participating | Election for self only or self and family for uniform or private health benefits plan. | First day of month specified in notice to Bureau of Employees' Compensation, or first day of month following receipt of notice by Bureau of Employees' Compensation, whichever is later. Changes in withholdings and contributions are effective for compensation accruing for the month preceding the effective date of the change. |
| (2) Change from basic and major medical to basic only or to major medical only. | Election for self only or self and family for uniform plan (basic and major medical). | Do. |
| (3) Change to self only in same plan | Election for self and family for uniform or private health benefits plan. | Do. |
| (4) Change to self and family in same plan. | Election for self only for uniform or private health benefits plan. | First day of fourth month following month in which notice is received by Bureau of Employees' Compensation. Changes in withholdings and contributions are effective for compensation accruing for the third month following month in which notice is received by the Bureau of Employees' Compensation. |
| (5) Change from major medical only to basic or to basic and major medical. | Election for self only or self and family for uniform plan (major medical only). | Do. |
| (6) Change to self only or self and family for uniform (basic only) or private health benefits plan. | Election not to participate | Do. |

(d) Two changes may be made by the same notice.

*Example.* A retired employee originally elected to receive a Government contribution for self and family toward the cost of a private health benefits plan. The subscription to the private health benefits plan is terminated March 15, 1962. He notifies the Bureau of Employees' Compensation of the termination and at the same time notifies the Bureau that he wishes to elect the uniform plan (basic only) for self and family. The Bureau of Employees' Compensation receives the notice March 22, 1962. His election becomes an election not to participate on April 1, 1962, and the Government contribution is not added to the compensation accrued for March 1962. On July 1, 1962, the family is covered by the basic coverage of the uniform plan, and withholdings and contributions are made for the compensation accruing in June 1962.

**§ 88.24 Suspension and termination.**

(a) Whenever compensation is entirely suspended, Government contributions are suspended. If the election is to subscribe to the uniform plan, and compensation is suspended, withholdings and Government contributions are suspended, but the subscription continues.

(b) If the suspension covers 3 months or less (three 4-week periods or less for retired employees other than survivors), Government contributions and withholdings for the period of suspension will be made when payment is resumed. If the suspension covers more than 3 months (three 4-week periods or less for retired employees other than survivors), the retired employee's election is terminated effective at the end of the third month, or 4-week period, as the case may be, of suspension. A terminated election is renewed when compensation payment is resumed. When a terminated election is renewed pursuant to this paragraph, withholdings and Government contributions will be made for the period of suspension before termination. Withholdings and Government contributions shall be made for compensation accruing after the election is renewed.

(c) If title of a retired employee to compensation is terminated, his eligibility under this part is terminated.

(d) If the eligibility of a retired employee is terminated and other members of the same family continue to be eligible under this part, the election of the former retired employee will continue for the remainder of the family unless and until changed in accordance with § 88.23.

**§ 88.25 Government contributions.**

(a) The Commission will pay, through the Bureau of Employees' Compensation, $3.00 monthly to each survivor who elects to receive a Government contribution toward the cost of a private health benefits plan in which he is a subscriber for self only, and $6.00 monthly to each survivor who so elects toward the cost of a private health benefits plan in which he is a subscriber for self and family. The Commission will pay, through the Bureau of Employees' Compensation, $2.80 each 4-week period to each retired employee other than a survivor who elects to receive a Government contribution toward the cost of a private health benefits plan in which he is a subscriber for self only, and $5.60 each 4-week period to each who so elects toward the cost of a private health benefits plan in which he is a subscriber for self and family. The Commission will not pay, in any case, more than the cost of the private health benefits plan each month or 4-week period, as the case may be.

(b) The Commission will contribute to the cost of the uniform plan $3.00 monthly for survivors, and $2.80 each 4-week period for other retired employees, for an election for self only; and $6.00 monthly for survivors, and $5.60 each 4-week period for other retired employees, for an election for self and family. Election to subscribe to the uniform plan constitutes agreement by the retired employee that the Bureau of Employees' Compensation shall withhold from his compensation his share of the cost of the plan, as provided by this part.

(c) The Government will contribute to the Retired Federal Employees Health Benefits Fund 2 percent of the total Government contribution authorized by this section, for payment of expenses incurred by the Commission in administering this part.

**§ 88.26 Responsibilities of the Bureau of Employees' Compensation.**

(a) The Bureau of Employees' Compensation is responsible only for retired employees who are receiving compensation from the Bureau and is responsible even though the retired employee has retired under a retirement office from which he is not currently receiving annuity. If the retired employee is currently receiving annuity from a retirement office, that retirement office, rather than the Bureau of Employees' Compensation, will have the responsibilities imposed on retirement offices by this part for that retired employee.

(b) The Bureau of Employees' Compensation is responsible, in accordance with regulations and instructions issued by the Commission, for withholding from the compensation of each retired employee within its jurisdiction who elects to subscribe to the uniform plan his share of the cost, for forwarding the amount withheld to the Retired Federal Employees Health Benefits Fund, and for reporting to the Commission amounts required for Government contributions for these retired employees.

(c) The Bureau of Employees' Compensation is responsible, in accordance with regulations and instructions issued by the Commission, for reporting to the Commission amounts required for Government contributions to employees within its jurisdiction who have elected to receive a Government contribution toward the cost of a private health benefits plan, and for paying the Government contribution to these retired employees.

(d) The Bureau of Employees' Compensation is responsible for advising retired employees within its jurisdiction of their rights and obligations under this part.

(e) Whenever one or more of the family members is a child 19 or over who is incapable of self-support because of mental or physical incapacity that existed prior to his reaching the age of 19, the Bureau of Employees' Compensation shall obtain the necessary evidence and make a determination of incapacity.

(f) The Bureau of Employees' Compensation is responsible, in accordance with regulations and instructions issued by the Commission, for verifying continuing eligibility of retired employees to receive Government contributions.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-2173; Filed, Mar. 10, 1961; 8:49 a.m.]

## INTERSTATE COMMERCE COMMISSION

[49 CFR Part 122]

[Docket No. 33687]

### MONTHLY RAILROAD OPERATING REPORTS

### Notice of Proposed Rule Making

FEBRUARY 27, 1961.

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, that the Commission proposes to amend 49 CFR 122.1 *Revenues and expenses*, and 49 CFR 122.2 *Selected income and balance-sheet items*, to provide that all Class I railroads, except Class I switching and terminal companies, subject to the provisions of Part I of the Interstate Commerce Act, be required to file quarterly reports in lieu of monthly reports in accordance with quarterly report forms to be designated Form R & E—Quarterly Report of Revenues and Expenses, and Form IBS—Quarterly Report of Selected Income and Balance Sheet Items.

The effect of the change will be to require, on a quarterly basis, data the same as that now required on a monthly basis, by forms bearing designations the same as those specified above, under the present terms of 49 CFR 122.1 and 122.2. No change is contemplated in matters to be reported, the number of copies to be filed, the place of filing, or the number of days following the close of the period covered by the reports in which the respective report forms must be filed.

Any party desiring to make representations in favor of or against the proposed changes may do so through submission of written data, views or arguments. The original and five copies of such representations must be filed with the Interstate Commerce Commission, Washington, D.C., within 30 days of the publication hereof in the FEDERAL REGISTER.

A copy of this notice shall be served upon all Class I railroads, except switching and terminal companies, subject to the provision of Part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad, and notice shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-2153; Filed, Mar. 10, 1961; 8:46 a.m.]

# Notices

## CIVIL AERONAUTICS BOARD

[Docket 12027]

### AEROLINEAS EL SALVADOR, S.A.

### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 23, 1961, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Curtis C. Henderson, Hearing Examiner.

Dated at Washington, D.C., March 7, 1961.

[SEAL] CURTIS C. HENDERSON,
*Hearing Examiner.*

[F.R. Doc. 61-2176; Filed, Mar. 10, 1961; 8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### PRAIRIE CENTER SALES CO. AND SENNETT SALES CO.

### Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Prairie Center Sales Company,
King City, Missouri.
Sennett Sales Company,
Sennett, New York.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of March 1961.

H. L. JONES,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2164; Filed, Mar. 10, 1961; 8:48 a.m.]

### Commodity Credit Corporation

### SALES OF CERTAIN COMMODITIES

### March Sales List

*Notice to buyers.* Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, as well as herein, the commodities listed below are available for sale on the price basis set forth.

Only change in the list for March is dropping of gum turpentine from the list because remaining CCC stocks have been sold.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for export sale under the CCC Export Credit Sales Program.

The following commodities are currently eligible for barter: Nonfat dry milk, cotton, tobacco, rice (milled), wheat, corn, barley, rye, oats, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for March 1961 are 3¼ percent for periods up to six months, 3¾ percent for periods from over six and up to 18 months, and 4¼ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Commodity Stabilization Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated CSS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS Office at which the offer is to be placed to determine whether a financial statement or

advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate CSS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

*Notice to exporters.* The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except bandages, gauze, and absorbent cotton with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country or Cuba, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule, 15 CFR 379.10(c) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

The above statement is with respect to the regulations of the Department of Commerce as of October 19, 1960. Exporters should consult the applicable regulations for more detailed information if desired and for any changes that may be made therein subsequent to such date.

| Commodity | Sales price or method of sale |
|---|---|
| Nonfat dry milk | Sales are in carlots only in store at storage location or products.<br>Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.<br>Domestic, unrestricted use: Announced prices, under LD-29 as amended:<br>Spray process, U.S. extra grade, 15.00 cents per pound.<br>Roller process, U.S. extra grade, 13.00 cents per pound.<br>Export:<br>Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland CSS Commodity Offices.<br>Announced prices under LD-35: When sales are made under LD-33, as amended, above any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday. Sales under both announcements may be applied to arrangements for barter and approved credit sales. |
| Cotton, upland | Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement CN-A (revised June 3, 1960), as amended (sales by local sales agencies of 1960-crop Choice (A) cotton for unrestricted use), Announcement NO-C-14, as amended (sale of 1959 and prior crops cotton for unrestricted use), and Announcement NO-C-15, as amended (sale of 1960-crop Choice (A) cotton for unrestricted use). Under CN-A (revised) cotton to be sold at highest price offered but in no event at less than 110 percent of the applicable 1960 Choice (B) support price plus carrying charges. Under NO-C-14, as amended; cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the applicable 1960 Choice (B) support price plus carrying charges. Under NO-C-15, as amended, cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 110 percent of the applicable 1960 Choice (B) support price plus carrying charges. |
| Cotton, extra long staple | Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcements NO-C-6 (revised July 22, 1960), as amended, and NO-C-10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges or (2) the domestic market price as determined by CCC. |
| Catalogs | Catalogs for upland cotton (except cotton offered under CN-A) and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. Catalogs or lists of cotton offered under CN-A (revised June 3, 1960), as amended, may be obtained from local sales agencies. |
| Wheat, barley, rye, grain sorghums, bulk. | Domestic, unrestricted use: Market price basis in store, but not less than the applicable 1960 loan rate plus the applicable amount shown below. If delivery is outside the area of production, applicable freight will be added to the above. |

| Unit | Received by— | | Examples of minimum prices (exrail or barge) | | |
|---|---|---|---|---|---|
| | Truck | Rail or barge | Terminal | Class and grade | Price |
| | *Cents* | *Cents* | | | |
| Wheat (commercial area) [1] — Bushel | 22 | 19 | Chicago | No. 1 RW | $2.27 |
| | | | Minneapolis | No. 1 DNS | 2.34 |
| | | | Kansas City | No. 1 HW | 2.27 |
| | | | Portland | No. 1 SW | 2.13 |
| Barley — Do | 16 | 14 | Minneapolis | No. 2 or better | 1.14 |
| Rye — Do | 18 | 15 | do | No. 2 or better (or No. 3 on TW only). | 1.27 |
| Grain sorghums — Hundredweight | 33 | 27 | Kansas City | No. 2 or better | 2.14 |

[1] Noncommercial producing area wheat shall be on the same basis as commercial producing area wheat except increase applicable support rate by 33 percent before adding amount shown above.

Available CSS Commodity Offices located in producing areas. (See page 10 for addresses of commodity offices handling grain.)

Export:

Wheat:

(1) Under Announcement GR-345 (revised June 30, 1960), as amended for redemption of certificates under payment-in-kind programs, (2) under Announcement GR-212 (revision 2, January 9, 1961), for specified offerings as announced (i.e., current East Coast flat Spring Wheat offerings through Evanston CSS Commodity Office under Announcement EV-10) and (3) as wheat under Announcement GR-261 (revision 2, January 9, 1961), or as flour under Announcement GR-262 (revision 2, January 9, 1961), for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily.

Barley, rye, grain sorghums:

Under Announcement GR-368 (revised August 31, 1959), as amended, for feed grain payment-in-kind program, and under Announcement GR-212 (revision 2, January 9, 1961), for application to arrangements for barter and approved credit and emergency sales.

Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.



| Commodity | Sales price or method of sale |
|---|---|
| Corn and oats, bulk | Domestic, unrestricted use: Market price, basis in store,[1] but not less than the 1960 applicable loan rate plus the amount shown below. For grain in store at other than the point of production the rail freight from point of production to the present point of storage must also be added. |

| Unit | In store at | | Examples of minimum prices | | |
|---|---|---|---|---|---|
| | Point of production | Other point | Terminal | Class and grade | Price |
| | *Cents* | *Cents* | | | |
| Corn — Bushel | 14 | 17 | Chicago | No. 2 yellow, 13.3% | [2] $1.39½ |
| | | | Minneapolis | Moisture, 1.4% f.m. | [3] 1.23¼ |
| Oats — do | 14 | 16 | Chicago | No. 3 | [2] .74¼ |
| | | | Minneapolis | No. 3 | [3] .65¼ |

[1] In those counties in which grain is stored in CCC bin sites, delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements.

[2] Includes average paid in freight from Woodford County, Ill.

[3] Includes average paid in freight from Redwood County, Minn.

| | |
|---|---|
| Rice, milled (as available) | Nonstorable corn, unrestricted use (as available): At not less than market price as determined by CCC. At bin sites through ASC County Offices. At other locations, through the Commodity Offices indicated on following page.<br>Export:<br>Under Announcement GR-212 (revision 2, January 9, 1961), for application to arrangements for barter and approved credit and emergency sales and under Announcement GR-368 (revised August 31, 1959), as amended, for feed grain payment-in-kind program.<br>Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.<br>Domestic, unrestricted use: Market price but not less than the equivalent 1960 loan rate for rough rice, by varieties and grades, plus 5 percent, adjusted for milling, plus 34 cents per hundredweight, basis in store. |
| Rice, broken (as available) | Export:<br>Under GR-379, as amended, for application to arrangements for barter and approved credit sales.<br>Available Dallas CSS Commodity Office.<br>Domestic or export, unrestricted use: Competitive bid but not less than $4.78 per hundredweight in bags ($4.63 bulk) basis U.S. No. 4 brewers rice f.o.b. mills and warehouses.<br>Available Portland CSS Commodity Office. |
| Rice, rough (as available) | Domestic, unrestricted use: Market price but not less than the applicable 1960 loan rate plus 5 percent, plus 34 cents per hundredweight, basis in store.<br>Export:<br>As milled or brown under Announcement GR-369, as amended, Rice Export Program Payment-in-Kind, and under GR-379, as amended, for approved credit sales.<br>Prices, quantities, and varieties of rough rice available from Dallas and Portland CSS Commodity Offices. |
| Peanuts, shelled (as available), All types. | Domestic, unrestricted use: 1960 support price plus 5 percent, adjusted for milling, plus reasonable carrying charges under Peanut Announcement 3 as shown below or market prices, whichever is higher: |

| | *Cents per lb.* |
|---|---|
| Virginias: | |
| Extra large kernels | 26.14 |
| Mediums | 22.48 |
| No. 1's | 20.36 |
| S.E. Runner, No. 1's | 20.33 |
| S.E. Spanish, No. 1's | 20.71 |
| S.W. Spanish, No. 1's | 20.99 |

| | |
|---|---|
| Peanuts, shelled and unshelled, farmers stock (as available). | Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (revised February 16, 1959), as amended. |
| Tung oil | Domestic or export, unrestricted use: Competitive bid and under the terms and conditi of tung oil Announcement DL-OP-11.<br>Available Dallas CSS Commodity Office. |

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: March 6, 1961.

H. D. GODFREY,
*Executive Vice President, Commodity Stabilization Service.*

[F.R. Doc. 61-2166; Filed, Mar. 10, 1961; 8:48 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-89]

## GENERAL DYNAMICS CORP.

### Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 10, set forth below, to License No. R-38. The amendment provides an additional authorization to General Dynamics Corporation to conduct experiments in its TRIGA reactor located at Torrey Pines Mesa, California, using certain thermoelectric devices containing special nuclear material as requested in the Corporation's application for license amendment dated December 28, 1960. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's Rules of Practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see (1) the application for license amendment dated December 28, 1960, submitted by General Dynamics Corporation, and (2) a hazards analysis of the proposed experiments prepared by the hazards evaluation staff of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 6th day of March 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[License No. R-38; Amdt. No. 10]

License No. R-38, as amended, issued to General Dynamics Corporation, is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. R-38, as amended, General Dynamics Corporation is authorized to conduct experiments in its TRIGA reactor located at Torrey Pines Mesa, California, using certain thermoelectric devices containing special nuclear material as described in its application for license amendment dated December 28, 1960. The conduct of the experiments shall be in accordance with the procedures and subject to the limitations contained in License No. R-38, as amended, and in the application for license amendment dated December 28, 1960, and to the additional conditions set forth below:

A. The experiments shall be terminated upon the detection of any indication of possible failure, or abnormal behavior, of any of the capsules or fuel elements, or of any unusual reactor behavior. In such instance, a written report describing the results of the experiments shall be promptly submitted to the Commission and the experiments shall not be resumed until so authorized in writing by the Commission.

B. As promptly as practicable, but no later than 60 days after the date of issuance of this amendment, the licensee shall submit a written report to the Commission describing the measured values, for operation of the reactor at 1.5 megawatts, of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

(1) Maximum excess reactivity of the reactor, not including the worth of control rods or other control devices such as burnable poison strips or soluble poison, or any experiments;

(2) Total control rod worth;

(3) Minimum shutdown margin both at room and operating temperature;

(4) Maximum worth of the single control rod of highest reactivity value; and

(5) Maximum total and individual worth of any fixed or movable experiments inserted in the reactor.

C. The licensee shall promptly submit a written report to the Commission whenever, during conduct of the experiments authorized by this amendment, any of the operating conditions or characteristics of the reactor, including those described in paragraph 1.B. above and the application, which might affect nuclear safety, is observed to vary significantly from its predicted value.

2. Paragraph 3.J. is hereby amended to read as follows:

Except when operating the reactor under the conditions described in paragraphs 3.H. or 3.I., or conducting the experiments described in the application for license amendment dated December 28, 1960, the reactor shall not be operated at power levels in excess of 250 kilowatts (thermal).

This amendment is effective as of the date of issuance and shall expire at 12:01 a.m., on the one hundred and twentieth day thereafter.

Date of issuance: March 6, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director,*
*Division of Licensing and Regulation.*

[F.R. Doc. 61-2137; Filed, Mar. 10, 1961; 8:45 a.m.]

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[Docket No. 50-27]

## WASHINGTON STATE UNIVERSITY

### Notice of Issuance of Utilization Facility License

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Office of the Federal Register on January 24, 1961, the Atomic Energy Commission has issued License No. R-76 authorizing Washington State University to possess and operate at power levels up to 100 kilowatts (thermal) a pool-type reactor located on its campus at Pullman, Washington. Notice of the proposed action was published in the FEDERAL REGISTER on January 25, 1961, 26 F.R. 759.

Dated at Germantown, Md., this 6th day of March 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-2138; Filed, Mar. 10, 1961; 8:45 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Notice 24]

## ALASKA

### Notice of Filing of Alaska Protraction Diagram; Fairbanks Land District

MARCH 6, 1961.

Notice is hereby given that the following protraction diagram has been officially filed of record in the Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska. In accordance with 43 CFR 192.42(c), (24 F.R. 4140, May 22, 1959) oil and gas offers to lease lands shown in these protracted surveys, filed 30 days after publication of this notice in the FEDERAL REGISTER, must describe the lands only according to the Section, Township, and Range shown on the approved protracted surveys. The protraction diagrams are also applicable for all other authorized uses.

ALASKA PROTRACTION DIAGRAMS (UNSURVEYED)

KATEEL RIVER MERIDIAN—FOLIO NO. 6

Approved January 6, 1961

*Sheet No.*
Revised 8. Ts. 5 through 8 N., Rs. 17 through 20 W.

Copies of this diagram are for sale at one dollar ($1.00) per sheet and may be obtained from the Fairbanks Land Office, Bureau of Land Management, mailing address: 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES,
*Manager.*

[F.R. Doc. 61-2184; Filed, Mar. 10, 1961; 8:50 a.m.]

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## Bureau of Reclamation

[Public Announcement 26, Amdt. 3]

## COLUMBIA BASIN PROJECT, WASHINGTON

### Sale of Full-Time Farm Units

Public announcement of the sale of farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated October 18, 1956, and published in the FEDERAL REGISTER at 21 F.R. 8826, as amended by Amendment No. 1, dated April 8, 1958, and published in the FEDERAL REGISTER at 23 F.R. 2538, and Amendment No. 2, dated May 28, 1959, and published in the FEDERAL REGISTER at 24 F.R. 4565, is amended as follows:

The requirement of subsection 16.d. that a purchaser shall reside on the farm unit for a period of not less than 12 months is reduced to a period of not less than 6 months for Farm Unit 198, Irrigation Block 18, which was sold under the provisions of subsection 1.a.

KENNETH HOLUM,
*Assistant Secretary of the Interior.*

[F.R. Doc. 61-2151; Filed, Mar. 10, 1961; 8:46 a.m.]

## Fish and Wildlife Service

### REGIONAL DIRECTORS AND FIELD PERSONNEL

### Delegations of Authority

Chapter 4, Part 4, of the Administrative Manual of the Bureau of Sport Fisheries and Wildlife is amended to delegate additional authority to regional directors and certain field personnel.

1. Section 4 AM 4.5A(1) is revised to read as follows:

4.5 *Contracting matters*—A. *Contracts for procurement.* • • •

(1) *Authorized officials.* Chief, Division of Administration, and Chief and Assistant Chief, Branch of Property Management, may exercise this authority, unlimited as to amount. Regional directors, administrative officers and property management officers may exercise this authority in amounts not exceeding $300,000.

Project leaders and their assistants, and chiefs of field parties, may make open market purchases not exceeding $2,500 in any one case, and purchases from established contracts and emergency purchases, unlimited as to amount.

2. The second paragraph of section 4 AM 4.5E is revised to read as follows:

E. *Cooperative agreements.* • • •

District agents may execute predator and rodent control field and local agreements, except those agreements which provide for reimbursement of Bureau funds. District agents and other field employees of the Branch of Predator and Rodent Control may negotiate and execute permits and agreements with individuals for entry and conduct of operations on private premises. None of the authority in this section may be redelegated. (Secretary's Order No. 2821.)

DANIEL H. JANZEN,
*Director.*

[F.R. Doc. 61-2147; Filed, Mar. 10, 1961; 8:45 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Social Security Administration

### HONDURAS

### Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of Honduras, from which evidence it appears that Honduras does not have in effect a social insurance or pension system of general application which pays periodic benefits on account of old age, retirement or death.

Accordingly, it is hereby determined and found that Honduras does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] W. L. MITCHELL,
*Commissioner of Social Security.*

Approved: March 7, 1961.

ABRAHAM RIBICOFF,
*Secretary of Health, Education, and Welfare.*

[F.R. Doc. 61-2172; Filed, Mar. 10, 1961; 8:49 a.m.]



# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13014 etc.; FCC 61M-370]

## BUREAU BROADCASTING CO. ET AL.

### Order Scheduling Hearing

In re applications of Russell Armentrout and Mildred Armentrout, d/b as Bureau Broadcasting Company, Princeton, Illinois, Docket No. 13014,[1] File No. BP-12135; Richard Goodman, Madon Loundy, Egmont Sonderling, and WOPA, Inc., a partnership d/b as Village Broadcasting Company (WOPA), Oak Park, Illinois, Docket No. 13023,[1] File No. BP-12303; Burlington Broadcasting Co. (KBUR), Burlington, Iowa, Docket No. 13035,[2] File No. BP-12644; Northwestern Publishing Company (WDAN), Danville, Illinois, Docket No. 13044,[1] File No. BP-12794; for construction permits, Docket Nos. 13016, 13017, 13018, 13019, 13022, 13025, 13027, 13029, 13030, 13031, 13032, 13033, 13039, 13042, 13046, 13049.

On February 17, 1961, Bureau Broadcasting Company, Village Broadcasting (WOPA), Burlington Broadcasting Co. (KBUR), and Northwestern Publishing Company (WDAN), filed a petition for reconsideration and grant, requesting the Commission to sever their applications and forthwith grant them. This petition had been filed before petitioners were aware of the new procedure announced by the Commission, requiring petitions for severance to be addressed to the Hearing Examiner, and accordingly, on February 21, 1961, petitioners, in effect, filed an amendment to their petition to denominate it a petition for severance and immediate hearing addressed to the Hearing Examiner.

Three of the subject applications are in Group III of this consolidated proceeding, and the application of KBUR is in Group IV.

Time for filing objections has expired, and none have been filed.

*Accordingly, it is ordered,* This 7th day of March 1961, that the "petition for severance and immediate hearing," filed on February 21, 1961, and amending and redesignating the "petition for reconsideration and grant" filed February 17, 1961, is granted, the applications of Bureau Broadcasting Company, Village Broadcasting Company (WOPA), Burlington Broadcasting Co. (KBUR), and Northwestern Publishing Company (WDAN) are severed from the consolidated proceeding, and a hearing on the applications severed herein is scheduled for Friday, March 17, 1961, at 11:30 a.m., in the offices of the Commission, Washington, D.C.

Released: March 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2177; Filed, Mar. 10, 1961; 8:49 a.m.]

[1] Group III.
[2] Group IV.

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[Docket Nos. 13805-13807; FCC 61M-368]

## KOMY, INC., ET AL.

### Order Continuing Hearing

In re applications of KOMY, Inc., Watsonville, California, Docket No. 13805, File No. BPH-2942; G. Stuart Nixon, San Jose, California, Docket No. 13806, File No. BPH-2961; Franklin Mieuli (KHIP), San Francisco, California, Docket No. 13807, File No. BPH-3075; for construction permits.

The Hearing Examiner having under consideration an oral request for a continuance of the hearing date in the above-entitled proceeding;

It appearing that the hearing is now scheduled for March 13, 1961;

*It is ordered,* This 6th day of March 1961, that the request to continue hearing is granted and the hearing is continued from March 13 to March 16, 1961.

Released: March 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2178; Filed, Mar. 10, 1961; 8:49 a.m.]

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[Docket Nos. 13958, 13959; FCC 61M-362]

## ROBERT F. NEATHERY AND RADIO COMPANY OF TEXAS COUNTY

### Order for a Prehearing Conference

In re appliations of Robert F. Neathery, Houston, Missouri, Docket No. 13958, File No. BP-12913; W. R. McKnight, Nolan Hutcheson, Raymond E. Duff, S. E. Ferguson, Maurice W. Covert, Wm. H. Duff, A. W. Roffe, Chester S. Sieloff, d/b as Radio Company of Texas County, Houston, Missouri, Docket No. 13958, File No. BP-14108; for construction permits.

On the Hearing Examiner's own motion: *It is ordered,* This 3d day of March 1961, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisoins of § 1.111 of the Commission's rules on March 21, 1961, at 10:00 a.m., in the offices of the Commission at Washington, D.C.

The prehearing conference will be concerned with the pertinent topics specified in § 1.111 of the rules and such other matters as will be conducive to the expeditious conduct of the hearing. In this connection, attention is also called to the provisions of the Commission's "Hearing Manual for Comparative Broadcast Proceedings" which are applicable to Issue 6 in this proceeding.

The applicants should be prepared to discuss their compliance with the local notice requirements of § 1.362 of the Commission's rules, as amended effective December 12, 1960.

Released: March 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2179; Filed, Mar. 10, 1961; 8:49 a.m.]

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[Docket Nos. 13969, 13970; FCC 61M-364]

## NICHOLASVILLE BROADCASTING CO. AND JESSAMINE BROADCASTING CO.

### Order Scheduling Hearing

In re applications of Pierce E. Lackey, F. E. Lackey, and Katherine Peden, d/b as Nicholasville Broadcasting Co., Nicholasville, Kentucky, Docket No. 13969, File No. BP-13253; Inman S. Wood and Paul Everman, d/b as Jessamine Broadcasting Co., Nicholasville, Kentucky, Docket No. 13970, File No. BP-13358; for construction permits.

*It is ordered,* This 6th day of March 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 5, 1961, in Washington, D.C.

Released: March 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2180; Filed, Mar. 10, 1961; 8:50 a.m.]

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[Docket Nos. 13965-13967; FCC 61M-363]

## ROCKFORD BROADCASTERS, INC. (WROK) ET AL.

### Notice of Prehearing Conference

In re applications of Rockford Broadcasters, Incorporated (WROK), Rockford, Illinois, Docket No. 13965, File No. BP-13422; Quincy Broadcasting Company (WGEM), Quincy, Illinois, Docket No. 13966, File No. BP-14225; Robert W.

Sudbrink and Margareta S. Sudbrink, d/b as McLean County Broadcasting Co., Normal, Illinois, Docket No. 13967, File No. BP-14401; for construction permits.

There will be a prehearing conference, under § 1.111, on Monday, April 3, 1961, at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: March 6, 1961.

Released: March 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2181; Filed, Mar. 10, 1961; 8:50 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. DA-75-Alaska]

## ALASKA

### Determination and Vacation of Withdrawal

MARCH 6, 1961.

Lands withdrawn in Power Site Classification No. 396 and Project No. 353; Docket No. DA-75-Alaska, Bureau of Land Management, United States Department of the Interior.

An application was filed by the Bureau of Land Management, United States Department of the Interior, for a determination under section 24 of the Federal Power Act with respect to certain lands described in the withdrawal made in Power Site Classification No. 396 as—

Lands situated in Alaska and located approximately at latitude 59°40' North and longitude 135°16' West, being every smallest legal subdivision, any portion of which, when surveyed will be within one-half mile of Taiya River from the mouth of Nourse River to the International Boundary, aggregating roughly 5,000 acres.

and with respect to certain lands described in a notice of withdrawal issued October 30, 1922, for Project No. 353 as—

Lands situated in Alaska and located approximately at latitude 59°25' North and longitude 135°20' West, being all land lying within 200 feet of North Fork Skagway River, for the stretch of stream lying at a distance of one-quarter mile or less from Bridge No. 7-C of the White Pass & Yukon Railway approximately as shown on a map marked "Exhibit F" and entitled "Proposed Skagway River Development of the Home Power Company, Skagway, Alaska" being designated as part of the application for preliminary permit made by said company on September 16, 1922, for Project No. 353, containing approximately 25 acres.

*Taiya River Withdrawal.* The above-described lands on the Taiya River are withdrawn in Power Site Classification No. 396, dated April 23, 1948.

The lands have potential value for power development since a considerable amount of head would be available through the construction of a dam at approximately the 600-foot elevation and power developed through a conduit drop to a powerhouse near the mouth of the Nourse River at 250 feet elevation.

No plan that proposes use of the lands in connection with power development is known to be under consideration at this time and use of the lands in the meantime will not injure materially their power value.

*Skagway River Withdrawal.* The above-described lands on the Skagway River lie on both sides of said river in the portion occasionally referred to as the North Fork Skagway River, and about four miles above the town of Skagway. The lands on the east side of the river are within the Tongass National Forest.

The lands were reserved pursuant to the filing on September 30, 1922, of an application for a preliminary permit for proposed Project No. 353 and surrender of a license for the project, which was subsequently issued, was accepted effective as of December 31, 1943. It is noted that the description of the lands, based on project map data, is defective in denoting points of latitude and longitude which place the area considerably south of the mouth of the Skagway River on Taiya Inlet. The furnished data are sketchy, making it difficult to locate the area with accuracy on the 1951 Skagway (C-1) quadrangle.

The proposed project and the low dam development suggested as Potential Project No. 69 in the 1947 Report on Water Powers of Southeast Alaska by the Forest Service appear to be identical. The same 1947 report includes a so-called alternative high dam development located a short distance upstream from the low dam project at the head of the Skagway River Cascades.

It appears that the power requirements of Skagway and vicinity are being supplied through the facilities of Community Utilities, Inc., under license as Project No. 1051. So far as is known, since surrender of the license for Project No. 353 no further consideration has been given to the development of either of the above-mentioned sites. Because of the relatively small block of power proposed to be developed through diversion-conduit methods and the lack of substantial storage for uniform regulation, the power value of the lands appears to be negligible. Under the circumstances vacation of the power withdrawal pertaining to said lands is appropriate.

The Commission finds:

(1) Inasmuch as the above-described lands in the Skagway River withdrawal have negligible value for purposes of power development, vacation of the existing power withdrawal pertaining to said lands under section 24 of the Federal Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 353 is in the public interest.

(2) Inasmuch as power development does not appear imminent and use of the above-described lands on the Taiya River in the meantime for other purposes will not injure materially their power value, a determination as hereinafter provided with respect thereto is justified.

The commission determines: The value of the above-described lands on the Taiya River will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended.

The Commission orders: The existing power withdrawal pertaining to the above-described lands in the Skagway River withdrawal under section 24 of the Federal Power Act pursuant to the filing of the application for a preliminary permit for Project No. 353 is vacated.

By the Commission.

MICHAEL J. FARRELL,
*Acting Secretary.*

[F.R. Doc. 61-2146; Filed, Mar. 10, 1961; 8:45 a.m.]

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[Docket No. CP61-118]

## COLORADO INTERSTATE GAS CO.

### Notice of Application and Date of Hearing

MARCH 7, 1961.

Take notice that on October 17, 1960, Colorado Interstate Gas Company (Applicant), Colorado Springs National Bank Building, Colorado Springs, Colorado, filed an application in Docket No. CP61-118, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to sell and deliver for a period of time ending April 30, 1961, a maximum volume of 3,000 Mcf of interruptible natural gas per day to Kansas-Colorado Utilities, Inc. (Kansas-Colorado), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that due to delays in its expansion application in Docket No. G-16904, it has available volumes of excess gas, and that the sale proposed herein will give Applicant relief by disposing of a substantial volume of such excess gas.

Pursuant to the agreement, dated September 30, 1960, between Applicant and Kansas-Colorado the subject short term sale will be made at a price of 14.5 cents per Mcf of natural gas.

No new facilities are proposed since the subject sale and delivery will be made by means of existing facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 6, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 27, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
*Acting Secretary.*

[F.R. Doc. 61-2145; Filed, Mar. 10, 1961; 8:45 a.m.]



# SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2488]

## COMMITTEE OIL CO.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 7, 1961.

I. Committee Oil Co., a Colorado corporation (issuer), 4601 Race Street, Denver 16, Colorado, filed with the Commission on February 1, 1961, a notification on Form 1-A and an offering circular relating to an offering of 16,666 units, each unit consisting of one debenture, face value $15, and three shares of its $1 par value common stock at $1 per share for an aggregate offering in the amount of $299,988 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the source of funds with which the issuer intends to pay interest and principal on the debt securities being offered;

2. The failure to disclose the alternative use of proceeds should the company fail to acquire the oil and gas properties;

3. The forecast of profits which are based on conjecture;

4. The failure to disclose adequately the risks involved in the oil and gas business;

5. The failure to disclose adequately the extent to which the properties of the issuer are to be explored and developed;

6. The statement that the company will pay all direct sales costs and other expenses and will prepare and file applications for State registration of the securities when in fact no funds or other assets are available for these purposes;

7. The use of oil and gas reserve figures based upon secondary recovery methods although such methods have not as yet proved successful on the properties involved; and

8. The statement that the offering includes 49,998 shares of issuer's $1 par value common stock whereas the authorized capitalization of the company is only 45,000 shares.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The Consent of Oilfield Research Laboratories, registered engineers named in the offering circular as having prepared a report, a part of which is used in the offering circular, has not been filed;

2. The issuer has failed to furnish a reasonably itemized statement of the purpose for which the net cash proceeds to the issuer from the sale of securities are to be used and the amount to be used for each such purpose and the order of priority in which the proceeds will be used;

3. The jurisdictions in which the securities are to be offered have not been disclosed as required by Item 8 of Form 1-A.

C. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-2156; Filed, Mar. 10, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 562, Amdt. 2 to Taylor's I.C.C. Order 129]

## MERIDIAN AND BIGBEE RAILROAD CO.

### Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Meridian & Bigbee Railroad Company, due to flood conditions, is unable to transport traffic routed over its line.

*It is ordered,* That:

(a) Rerouting traffic: The Meridian & Bigbee Railroad Company, and its connections, being unable to transport traffic in accordance with shippers' routing because of flood conditions, is hereby authorized to divert or reroute traffic moving over its line over any available route to expedite the movement.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p.m., March 6, 1961.

(g) Expiration date: This order shall expire at 11:59 p.m., March 15, 1961, unless otherwise modified, changed, suspended or annulled.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agree-

ment under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D.C., March 6, 1961.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 61-2154; Filed, Mar. 10, 1961; 8:46 a.m.]

[Notice 462]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 8, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63977. By order of March 6, 1961, the Transfer Board approved the transfer to Holley Brothers Company, Inc., 804½ North Fourth Street, Kentland, Ind., of Certificate No. MC 89524 issued June 19, 1956, to Morris W. Holley, Marlowe E. Holley, and Clarence A. Holley, a Partnership, doing business as Holley Brothers Company, 804½ North Fourth Street, Kentland, Ind., authorizing the transportation, over irregular routes, of crushed stone and agricultural limestone, from Kentland, Ind., to points in Iroquois and Vermilion Counties, Ill., and from the plant site of the Newton County Stone Company near Kentland, Ind., to points in Kankakee County, Ill., and sand and gravel, from the plant site of the Brandt's Gravel and Sand Company near Morocco, Ind., to points in Iroquois and Kankakee Counties, Ill.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-2152; Filed, Mar. 10, 1961; 8:46 a.m.]

# DEPARTMENT OF COMMERCE

### Office of the Secretary

### WALLACE E. CARROLL

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 18, 1961.

WALLACE E. CARROLL.

FEBRUARY 20, 1961.

[F.R. Doc. 61-2167; Filed, Mar. 10, 1961; 8:48 a.m.]

### RICHMOND LEWIS

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Flexangle Corporation.
B. Additions: Bay State Corporation.

This statement is made as of February 27, 1961.

RICHMOND LEWIS.

MARCH 2, 1961.

[F.R. Doc. 61-2168; Filed, Mar. 10, 1961; 8:48 a.m.]

### MARGUERITE M. SAUERS

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: J. P. Stevens & Company and American Metal Products Co.

This statement is made as of February 28, 1961.

MARGUERITE M. SAUERS.

FEBRUARY 28, 1961.

[F.R. Doc. 61-2169; Filed, Mar. 10, 1961; 8:48 a.m.]

### MICHAEL SUISMAN

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: Control Data Corp.

This statement is made as of February 1, 1961.

MICHAEL SUISMAN.

MARCH 1, 1961.

[F.R. Doc. 61-2170; Filed, Mar. 10, 1961; 8:48 a.m.]

# DEPARTMENT OF LABOR

### Wage and Hour Division

#### CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 534 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Burlington Manufacturing Co., 111 West Third Street, Chanute, Kans.; effective 2-23-61 to 2-24-62 (overalls and jackets).

Elizabethtown Manufacturing Co., Elizabethtown, N.C.; effective 2-19-61 to 2-18-62 (dresses).

Gopher Manufacturing Co., Buffalo, Minn.; effective 2-27-61 to 2-26-62 (children's outer garments and playclothes).

Greer Shirt Corp., Greer, S.C.; effective 2-20-61 to 2-19-62 (sport shirts).

F. Jacobson and Sons, Inc., Tipton and O'Brien Streets, Seymour, Ind.; effective 2-27-61 to 2-26-62 (men's dress shirts).

Luzerne Outerwear Manufacturing Corp., 87-93 North Canal Street, Shickshinny, Pa.; effective 2-27-61 to 2-26-62 (men's jackets and surcoats).

The Solomon Co., Leeds, Ala.; effective 2-27-61 to 2-26-62 (men's and boys' dress trousers and walking shorts).

Southland Manufacturing Co., Inc., Benson, N.C.; effective 2-23-61 to 2-22-62 (men's and boys' sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Chetopa Manufacturing Co., Inc., Chetopa, Kans.; effective 2-24-61 to 2-23-62; 10 learners (men's work clothing).

Covco Garment Co., Corner Iris Drive and Covco Street, Sparta, Tenn.; effective 2-22-61 to 2-21-62; 10 learners (cotton coveralls).

Mt. Pleasant Garment Corp., First Avenue, Mt. Pleasant, Tenn.; effective 2-24-61 to 2-23-62; 10 learners (boys' sport shirts).

Nightingale Uniform Co., Inc., Mill Street, Georgiana, Ala.; effective 2-27-61 to 2-26-62; 10 learners (nurses' uniforms).

Ronox Dress, Inc., Noxen, Pa.; effective 2-25-61 to 2-24-62; 10 learners (ladies' dresses).



Ruleville Manufacturing Co., Ruleville, Miss.; effective 2-24-61 to 2-23-62; 10 learners (men's and boys' outerwear jackets).

Shroyer Dress Co., 315 North Water Street, Selinsgrove, Pa.; effective 2-27-61 to 2-26-62; 10 learners (women's and misses' dresses).

The following learner certificate was issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

General Shirt Manufacturing Corp., Monterey, Tenn.; effective 2-25-61 to 8-24-61; 45 learners (dress shirts).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Athens Hosiery Mills, Inc., Athens, Tenn.; effective 2-27-61 to 2-26-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Delta Undies, Inc., Sumner, Miss.; effective 2-27-61 to 2-26-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' panties).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 3d day of March 1961.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 61-2155; Filed, Mar. 10, 1961; 8:46 a.m.]

## CUMULATIVE CODIFICATION GUIDE—MARCH

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# FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 26 NUMBER 48

*Washington, Tuesday, March 14, 1961*



THE UNIVERSITY OF MICHIGAN
MAR 16 1961
MAIN READING ROOM


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**CFR SUPPLEMENTS**

**(As of January 1, 1961)**

The following Supplements are now available:

Titles 10–13 ---------- $0.75
Titles 22–23 ---------- .50
Title 49 (Parts 1–70) ---------- 1.00

*Previously announced:* 1960 Supplement to Title 3 ($0.50); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Title 8 ($0.40); Title 9 ($0.40); Title 32, Parts 800–999 ($0.40); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 44 ($0.30); Title 46, Parts 146–149 ($1.00)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter I—Small Business Administration

[Amdt. 13]

### PART 107—SMALL BUSINESS INVESTMENT COMPANIES

#### Reports

There was published in the FEDERAL REGISTER on January 14, 1961 (26 F.R. 305) a proposal to amend § 107.308–5, relating to reports required to be made to the Small Business Administration by licensed small business investment companies.

Interested persons were given an opportunity to present their comments or suggestions pertaining thereto to the Investment Division, Small Business Administration, Washington 25, D.C., within 30 days from the date of publication of the notice in the FEDERAL REGISTER. After consideration of all such relevant matter as was presented by the interested persons regarding the proposed amendment, the amendment of the regulation as so proposed is hereby adopted as set forth below.

Because of the necessity for promptly applying the proposed procedures to the program authorized under the Small Business Investment Act of 1958, as amended, the subject amendment shall become effective upon publication thereof in the FEDERAL REGISTER.

The Small Business Investment Companies Regulation (23 F.R. 9033), as amended (25 F.R. 1397, 2354, 2516, 3316, 5374, 5478, 5825, 7276, 8068, 8855, 10087, 26 F.R. 183, and 1854) is hereby further amended by:

Deleting the paragraph (h) in § 107.308–5 and inserting a new paragraph (h). As amended § 107.308–5, paragraph (h), reads as follows:

**§ 107.308–5 Reports.**

* * * * *

(h) The Financial Report, SBA Form 468, required to be used by all Licensees in making financial reports to SBA is designed to furnish the companies and SBA with the information needed for their respective purposes. The Financial Report, SBA Form 468,[1] which is incorporated in and expressly made a part of this section, shall be prepared as follows:

PART I

STATEMENT OF FINANCIAL CONDITION

*Assets*

*Item*

1. *Cash on hand and in banks.* State the total of all demand deposits, cash items in process of collection, and the petty cash fund.
2. *U.S. Government obligations, direct and fully guaranteed.* State at cost the total investment in direct obligations of the United States Government and those obligations guaranteed as to principal and interest by the United States Government. (Increase in redemption value of United States Savings bonds purchased at less than face value may be considered cost for this purpose.) State current market value parenthetically.
3. *Notes receivable.* State the total unpaid principal amount of miscellaneous notes receivable, except notes representing amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.
4. *Accounts receivable.* State the combined total of all amounts due for (1) advisory, consulting, appraisal, financial, and miscellaneous services rendered, (2) services rendered to "participating" companies on their participations in loans (section 305), debt securities (section 304), assets acquired in liquidation of loans and debt securities, and amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities of the "initiating" company, and (3) making funds available on a deferred basis to "initiating" companies in connection with their financing of, or commitments to finance, small business concerns and (as an "initiating" company) making funds available on a deferred basis on commitments to finance small business concerns; the amount of declared dividends receivable on capital stock of small business concerns; and miscellaneous amounts due on open account.

   (a) *Less: Allowance for uncollectibles* (applicable to items 3 and 4). State the amount of the valuation reserve provided for estimated losses on the foregoing receivables.
5. *Accrued interest receivable.* State the total amount of (1) interest accrued on loans to and debt securities of small business concerns, United States Government obligations (direct and fully guaranteed), notes receivable, sales contracts, and other interest-bearing amounts due from debtors, including funds placed in escrow pending the closing of financing; (2) the full amount of interest accrued on loans (section 305) and debt securities (section 304) participated in by others, less amount due "participating" companies; and (3) interest accrued on the amount of the company's participation in loans (section 305) and debt securities (section 304) initiated by others.

   (a) *Less: Allowance for uncollectibles.* State the amount of the valuation reserve provided for estimated losses of accrued interest receivable.

6 and 12. *Loans (section 305).* Show the current and noncurrent portions, respectively, of the unpaid balance of net funds advanced on loans to small business concerns pursuant to section 305 of the Small Business Investment Act of 1958, as amended. Secured obligations acquired from small business concerns which carry the right through conversion or through exercise of stock purchase warrants or options by the holder thereof to acquire stock in the small business concerns may be obtained only under section 304 of the Act and are not to be included in these items but in the appropriate subdivisions of items 7 and 13.

6(a) and 12(a). *Less: Participation by others.* State the outstanding balances of participations by other lending institutions in loans (section 305) which relate to the current and noncurrent portions of such loans, respectively.

6(b) and 12(b). *Less: Amount sold with recourse.* Show the current and noncurrent portions, respectively, of the net amount of the unpaid principal balance of loans to small business concerns sold with recourse upon the company in the event of default.

12(c). *Net loans maturing after one year.* Enter the balance resulting from the deduction of the appropriate amount opposite item 12(b) from item 12.

12(d). *Less: Allowance for uncollectibles.* State the amount of the valuation reserve provided for estimated losses on loans (section 305).

7 and 13. *Debt securities of SBCs (section 304):*

7(a) and 13(a). *Convertible.*

7(b) and 13(b). *With stock purchase rights.*

7(c) and 13(c). *Divested of stock rights.*

Show opposite the appropriate items the current and noncurrent portions, respectively, of the unpaid balance of net funds advanced on small business concerns' convertible debt securities, debt securities with stock purchase rights (warrants or options), and debt securities divested of stock rights, all acquired by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

7(d) and 13(d). *Less: Participation by others.* State the outstanding balances of participations by other lending institutions in debt securities (section 304) which relate to the current and noncurrent portions of such debt securities, respectively.

7(e) and 13(e). *Less: Amount sold with recourse.* Show the current and noncurrent portions, respectively, of the net amount of the unpaid principal balance of small business concerns' debt securities sold with recourse upon the company in the event of default.

13(f). *Net debt securities of SBCs maturing after one year.* Enter the balance resulting from the deduction of the appropriate amount opposite item 13(e) from the appropriate amount opposite item 13(c).

13(g). *Less: Allowance for losses.* State the amount of the valuation reserve provided for estimated losses on convertible debt securities, debt securities with attached stock purchase warrants or options, and debt securities divested of stock rights (all section 304).

8. *Funds in escrow pending closing of financing.* State the amount of funds in escrow pending the closing of financing for small business concerns.

[1] Form, as amended, filed with the Federal Register Office as part of the original document. Copies of SBA Form 468, Financial Report, as amended, together with amended instructions, are available at the Office of the Administrator of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the Office of the Administrator of the Small Business Administration.

9 and 21. *Due from directors, officers, and employees.* Show the current and noncurrent portions, respectively, of the unpaid balance of amounts advanced to directors, officers, and employees.

10. *Other current assets.* State the total of all current amounts due the company not provided for elsewhere.

11. *Total Current Assets.* Enter the total of the appropriate amounts opposite items 1, 2, 4(a), 5(a), 6(b), 7(e), 8, 9, and 10.

12. (See item "6 and 12" above.)

13. (See item "7 and 13" above.)

14. *Capital stock of SBCs:*

(a) *Convertible.*

(b) *With stock purchase rights.*

(c) *Other.*

State opposite the appropriate items the value at cost of small business concerns' convertible capital stock, capital stock with stock purchase rights (warrants or options), and other capital stock (without conversion privileges or stock purchase rights), all acquired by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

(d) *Less: Allowance for losses.* State the amount of the valuation reserve provided for estimated losses on small business concerns' convertible capital stock, capital stock with attached stock purchase warrants or options, and other capital stock of such concerns owned by the company.

15. *Amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.* State the total of the unpaid balances of accounts, notes, sales contracts, purchase money mortgages, etc., evidencing indebtedness to the company arising from the sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

(a) *Less: Participation by others.* State the outstanding balance of participations by other lending institutions in amounts due the company from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

(b) *Less: Allowance for uncollectibles.* State the amount of the valuation reserve provided for estimated losses of amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

16. *Assets acquired in liquidation of loans and debt securities.* State, as recorded in the books of account, the company's investment in assets acquired by foreclosure or otherwise in liquidation of loans (section 305) and debt securities (section 304), including judgments and sheriffs' certificates.

(a) *Less: Participation by others.* State the outstanding balance of participations by other lending institutions in assets acquired by the company in liquidation of loans (section 305) and debt securities (section 304).

(b) *Less: Allowance for losses.* State the amount of the valuation reserve provided for estimated losses on assets acquired in liquidation of loans (section 305) and debt securities (section 304).

17. *Total loans and investments.* Enter the total of the appropriate amounts opposite items 12(d), 13(g), 14(d), 15(b), and 16(b).

18. *Corporate premises owned—land.* State the actual cost of acquisition of the land used as the site of the company's office quarters, plus the actual cost of any improvements (benefits) applicable to the land.

19. *Corporate premises owned—building.* State the actual cost of acquisition of the building used as the company's office quarters, plus the actual cost of any improvements applicable to the building.

(a) *Less: Accumulated depreciation.* State the amount of the valuation reserve provided for depreciation of the building and other depreciable improvements of corporate premises owned.

20. *Furniture and equipment.* State the total cost of furniture, fixtures, and equipment (including automobiles) owned by the company.

(a) *Less: Accumulated depreciation.* State the amount of the valuation reserve provided for depreciation of furniture, fixtures, and equipment.

21. (See item "9 and 21" above.)

22. *All other.* State the total amount of assets at cost not provided for elsewhere, such as unamortized organization costs, recoverable amounts advanced for the protection and preservation of the company's investments, and prepaid expenses or deferred charges, including prepayments of insurance, unamortized discount on debentures payable, and the unamortized cost of improvements to leased property used as the company's office quarters.

23. *Total Other Assets.* Enter the total of the appropriate amounts opposite items 18, 19(a), 20(a), 21, and 22.

24. *Total.* Enter the total of items 11, 17, and 23.

*Liabilities, Capital Stock, and Surplus*

25. *Obligations payable to SBA, maturing within one year.* State the total of the current portions of the unpaid principal balance of notes payable for funds borrowed from SBA and the unpaid principal balance of funds received by the company under its subordinated debenture bond payable issued to SBA.

26. *Obligations payable to other than SBA, maturing within one year.* State the total amount of the current portions of the unpaid principal balance of notes payable for funds borrowed from other than SBA, installments to be paid on the company's unsubordinated debenture bonds, subordinated debenture bonds payable to other than SBA, and mortgages payable for funds borrowed on corporate premises or other real estate.

27. *Accounts payable.* State the total of accounts payable (1) for services rendered to the company on its participations in loans (section 305), debt securities (section 304), assets acquired in liquidation of loans and debt securities, and amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities; (2) for commitment fees for having funds made available on a deferred basis by "participating" companies; and (3) on open account. Accounts payable for the purchase of securities, if significant, shall be shown parenthetically.

28. *Accrued interest.* State the total amount of interest accrued on the company's notes, mortgages, and debentures payable; on loans (section 305) and debt securities (section 304) of small business concerns sold with recourse on the company; and on other interest-bearing obligations.

29. *Accrued salaries.* State the total amount of the company's liability for accrued salaries.

30. *Accrued taxes on income.* Show the total amount of estimated Federal and State income taxes accrued and unpaid.

31. *Other accruals.* State the total amount of the company's liability for accrued social security taxes and other accrued expenses.

32. *Dividends payable.* State the total amount of the company's liability for dividends, other than stock dividends, declared by the board of directors on capital stock issued and outstanding.

33 and 43. *Amounts due directors, officers, and employees.* Show the current and noncurrent portions, respectively, of amounts owed to directors, officers, or employees, other than salaries.

34. *Federal taxes withheld.* State the total amount of Federal income and social security taxes withheld from employees' salaries and not yet remitted to the Internal Revenue Service.

35. *State and city taxes withheld.* Show the total amount of State income and city taxes withheld from employees' salaries and not yet remitted to the appropriate tax collectors.

36. *Unapplied receipts.* State the total amount of funds received by the company which have not been applied to loans (section 305), debt securities (section 304), interest receivable, etc.

37. *Advance interest payments.* State the total amount of interest collected through cash payments by debtors on interest-bearing items prior to the interest maturity date.

38. *Miscellaneous trust receipts.* State the total amount of the company's liability for funds withheld or received in trust not provided for elsewhere, including earnest money deposits and funds withheld from employees' salaries for the purchase of United States savings bonds, payment of group life insurance premiums, etc.

39 and 45. *Other.* Show the current and noncurrent portions, respectively, of the unpaid principal balance of notes payable in evidence of amounts owed by the company other than for funds borrowed, and of the amount of liabilities not provided for elsewhere.

40. *Total Current Liabilities.* Enter the total of items 25 through 39.

41. *Obligations payable after one year.*

(a) *For funds borrowed from SBA (section 303).* Show the noncurrent portion of the total unpaid principal balance of notes payable for funds borrowed from SBA.

(b) *For funds borrowed from other than SBA.* Show the total of the noncurrent portions of the unpaid principal balance of notes payable for funds borrowed from other than SBA, installments on unsubordinated debenture bonds payable issued for funds borrowed, and installments on subordinated debenture bonds payable issued to other than SBA for funds borrowed.

42. *Mortgages payable.* Show the noncurrent portion of the unpaid principal balance of mortgages payable for funds borrowed on corporate premises or other real estate owned by the company.

43. (See item "33 and 43" above.)

44. *Unamortized premium on debentures payable.* State the amount of the unamortized balance of premium on unmatured oustanding debentures payable sold by the company for a sum in excess of par.

45. (See item "39 and 45" above.)

46. *Debenture, subordinated, issued to SBA (section 302).* Show the noncurrent portion of the unpaid principal balance of funds received by the company under its subordinated debenture bond payable issued to SBA.

47. *Total liabilities.* Enter the total of the appropriate amounts opposite items 40, 45, and 46.

48. *Capital stock.* Show the total par or stated value of the capital stock issued, plus any capital stock dividends declared payable by the company's board of directors and not issued as of the date of the report.

49. *Paid-in surplus.* State the total amount of surplus arising from (1) sales initially of the company's capital stock at a price in excess of par value (including amounts transferred from capital stock subscribed at a price above par, when shares are issued); (2) donations to the company of its issued capital stock carried as treasury stock at fair market value or par value; (3) retirements of capital stock purchased at less than the par value thereof; (4) sales of treasury stock in excess of its carrying value on the books of the company; (5) donations or gifts to the company of assets carried at not in excess of fair market value; and (6) other capital equity transactions with stockholders.

50. *Less: ------ shares of treasury stock at cost.* State the number of shares and the total amount of the company's issued capital stock which has been reacquired and not retired.

51. *Total.* Enter the balance resulting from the deduction of item 50 from the appropriate amount opposite item 49.

52. *Capital stock subscribed.* Show the total amount at the subscription price of the company's capital stock subscribed.

(a) *Less: Subscriptions receivable.* Show the total amount of the unpaid balances of capital stock subscriptions receivable.

53. *Total.* Enter the total of the appropriate amounts opposite items 51 and 52(a).

54. *Retained earnings, net income.* State the accumulated balance of the company's undistributed net income since incorporation.

55. *Retained earnings, net realized gain on investments.* State the accumulated balance of the company's undistributed net realized gain or loss on investments since incorporation.

56. *Appropriated retained earnings.* State the total amount of retained earnings earmarked for some future purpose and thus restricted from dividend distribution.

57. *Total Capital Stock and Surplus.* Enter the total of the appropriate amounts opposite items 53 and 56.

58. *Total.* Enter the total of items 47 and 57.

STATEMENT OF STATUTORY CAPITAL AND SURPLUS

1. *Debenture, subordinated, issued to SBA.* State the total of the unpaid principal balance of funds received under the subordinated debenture bond payable issued to SBA. This amount shall agree with the total of the appropriate portion of item 25 plus item 46 of the Statement of Financial Condition.

2. *Capital stock and surplus.* State the amount of the combined fully paid capital stock issued and outstanding and paid-in surplus. This amount shall agree with item 51 of the Statement of Financial Condition less the amount of any declared stock dividends payable which may be included in item 51.

3. *Total.* Enter the total of items 1 and 2 of this Statement of Statutory Capital and Surplus.

STATEMENT OF INCOME AND EXPENSE FOR THE FISCAL YEAR TO DATE

Include the presentation of income and expense data for the current period, which is the period immediately following the period for which this particular statement was last submitted to SBA.

*Income*

*Item*

1. *Commitment income.* State the total of the amount of income earned on commitments to small business concerns for loans (section 305) and equity securities (section 304), and the amount of commitment income on deferred participations of the company in the lending activities of other financial institutions.

2. *Interest on loans.* State the amount of interest earned on loans (section 305) to small business concerns.

3. *Interest on debt securities.* State the amount of interest earned on debt securities of small business concerns owned by the company pursuant to section 304.

4. *Interest on U.S. Government securities.* State the amount of interest earned on United States Government obligations, direct and fully guaranteed.



5. *Interest on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.* State the amount of interest earned on amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

6. *Interest income—other.* State the amount of interest earned on funds in escrow pending closing of financing, on notes receivable (except those from debtors on sale of assets acquired in liquidation of loans and debt securities), and on other interest-bearing receivables not provided for elsewhere.

7. *Compensation income—participations sold.* State the amount of compensation earned by the company for financial services rendered in connection with participations sold.

8. *Advisory and consulting service fees.* State the amount of fees charged for advisory, consulting, and related services rendered to small business concerns.

9. *Appraisal and investigation fees.* State the amount of fees charged for appraisal, investigation, and related services rendered to banks or other financial institutions, other than services rendered in connection with participations sold.

10. *Miscellaneous fees.* State the amount of fees charged for application, appraisal, investigation, and related services rendered to small business concerns.

11. *Dividends on capital stock of SBCs.* State the amount of income from declared dividends on capital stock of small business concerns.

12. *Sharings in income of SBCs.* State the amount of sharings or participations in the income of small business concerns from which the company has acquired debt securities (section 304).

13. *Income from assets acquired in liquidation of loans and debt securities.* State the amount of income earned on assets acquired in liquidation of loans (section 305) and debt securities (section 304), including the operation of properties so acquired.

14. *Other income.* State the total amount of (1) recoveries on asset losses charged to loss accounts; (2) income earned from the leasing or renting to others of portions of corporate premises owned; (3) gain or loss on debentures payable purchased and retired; and (4) other income of a miscellaneous nature.

15. *Total.* Enter the total of items 1 through 14.

*Expense*

16. *Commitment expense.* State the total amount of commitment expense on (1) commitments from SBA to make funds available on a subordinated debenture, (2) commitments from lending institutions other than SBA, and (3) deferred participations of other financial institutions in the company's lending activities.

17. *Interest on notes and other obligations payable to SBA.* State the total amount of interest expense on notes payable and the subordinated debenture payable, all issued for funds borrowed from SBA.

18. *Interest on obligations payable to other than SBA.* State the total amount of interest expense on (1) loans to small business concerns sold with recourse upon the company; (2) debt securities of SBCs sold with recourse upon the company; (3) notes payable for funds borrowed from other than SBA; (4) subordinated and unsubordinated debentures payable issued to other than SBA; (5) mortgages payable for funds borrowed; and (6) miscellaneous obligations.

19. *Compensation expense—participations purchased.* State the amount of compensation expense for financial services received from "initiating" companies in connection with participations purchased.

20. *Debenture and fiscal agent expense.* State the amount of charges for services rendered and expenses incurred by the company's fiscal agent, and expenses directly incident to the sale, redemption, and servicing of debentures payable.

21. *Transfer agent and registrar expense.* State the amount of charges to the company by the transfer agent and the registrar for services rendered in connection with the issuance and transfer of the company's capital stock.

22. *Expense on assets acquired in liquidation of loans and debt securities.* State the amount of expense incurred on assets acquired in liquidation of loans (section 305), and debt securities (section 304), including the operation of properties so acquired.

23. *Operating expenses.* State the total amount of operating expenses including advertising, appraisal, consulting, auditing communications, space occupancy, depreciation of office building and equipment, directors' and stockholders' meetings, insurance, financial service, investment adviser, legal, miscellaneous services and supplies, salaries, taxes (other than income), travel, uncollectible receivables, maintenance and repairs, retirement benefits, organization, and estimated asset loss expenses.

24. *Amortization of discount (premium) on debentures payable.* State the net amount of amortization of discount or premium on unmatured outstanding debentures payable issued by the company.

25. *Total.* Enter the total of items 16 through 24.

26. *Net income before taxes on income.* Enter the balance resulting from the deduction of item 25 from item 15.

27. *Provision for Federal and other income taxes.* State the amount of the Federal and other income tax accruals relating to income exclusive of net realized gain or loss on investments.

28. *Net income exclusive of net realized gain or loss on investments.* Enter the balance resulting from the deduction of item 27 from item 26.

STATEMENT OF REALIZED GAIN OR LOSS ON INVESTMENTS

1. *U.S. Government securities.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or other disposition of United States Government obligations, direct and fully guaranteed. The "current period" is the period immediately following the period for which this particular statement was last submitted to SBA.

2. *Debt securities of SBCs.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or other disposition of debt securities of small business concerns.

3. *Capital stock of SBCs.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or other disposition of capital stock of small business concerns.

4. *Stock purchase warrants or options of SBCs.* Show the aggregate cost, aggregate net proceeds, and the net gain or loss on the sale or other disposition of detachable stock purchase warrants or options which have been detached from the capital stock certificates or debt securities with which they were issued by small business concerns.

5. *Assets acquired in liquidation of loans and debt securities.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or other disposition of assets acquired in liquidation of loans and debt securities of small business concerns. The aggregate cost shown for this item shall be the same as that recorded in the books of account on the basis determined by the board of directors from

among (1) bid-in price of the property, (2) agreed consideration for the property, and (3) fair appraised value of the property, but not to exceed the total amount of the related loan or debt security involved.

6. *Other.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or other disposition of any investments not included in items 1 through 5.
7. *Net realized gain (loss) on investments, before taxes on income.* Enter the net total of items 1 through 6.
8. *Provision for Federal and other income taxes.* State the amount of Federal and other income tax accruals relating to net realized gain on investments.
9. *Net realized gain (loss) on investments.* Enter the balance resulting from the deduction of item 8 from item 7.

PART II

SCHEDULE 1—SURPLUS RECONCILEMENTS

Describe in this schedule all activities in accounts for paid-in surplus, retained earnings, and appropriated retained earnings during the periods covered by the schedule. The "current period" is the period immediately following the period for which this particular schedule was last submitted to SBA. In each reconcilement show opening balances, explanation of additions and deductions during periods, and balances at close of periods.

In Schedule 1b show separately the reconciements of retained earnings from (1) net income, and (2) net realized gain on investments.

SCHEDULE 2—OPERATING EXPENSES

Include all operating expenses in this schedule. The "current period" is the period immediately following the period for which this particular schedule was last submitted to SBA.

SCHEDULE 3—LOANS (SECTION 305)

Furnish in this schedule a summary of loan activities under section 305 of the Act for the period immediately following the period for which this particular schedule was last submitted to SBA. List each loan by debtor, terms, dates, opening unpaid principal balance, additions during period, deductions during period, unpaid principal balance at close of period, amounts in excess of net funds advanced included in unpaid principal balance at close of period (discount, and fees and other charges), and unpaid balance of net funds advanced at close of period, showing the portion maturing within one year and the portion maturing after one year. Enter in column (9), with a footnoted explanation, the amount of any funds representing the undisbursed portion of a multiple-disbursement loan. The amounts in columns (4) through (7) shall relate to the face amount of the loan and the amounts in columns (10) and (11) shall relate to the funds actually advanced to the debtor small business concern. The amounts in column (7) less the amounts in columns (8) and (9) shall equal the totals of the amounts in columns (10) and (11). The totals of columns (10) and (11) shall agree with items 6 and 12, respectively, of the Statement of Financial Condition.

This schedule will comprise one or more of the following types of loans, grouped under brief headings designating the types, but without need for subtotals:

1. Direct loans.

2. Loans which the "initiating" investment company shares with another lending institution. The full amount of loans in which others participate shall be shown in the reports of the "initiating" company.

3. Loans in which the "participating" investment company owns a participating interest in loans of an "initiating" company. Such participations in loans of others shall be shown in the amount of the "participating" company's investment in the reports of the "participating" company.

4. Loans sold with recourse. Such loans shall be stated in the amount shown on the company's books after giving effect to payments made as reported to the company by the purchasers.

All transactions during the reporting period in connection with loans outstanding at any time during the period shall be included in the data summarized in the schedule even if there is no related opening or closing loan balance.

In those instances in which a borrowing small business concern is a real estate company or has in its name the word "finance," "investment," "mortgage," "capital," "loan," or "banking," giving the impression that such concern might engage in lending operations, the explanation of the type of business shall incorporate a specific statement that the business activity of such concern does, or does not, involve the investing, lending, or other providing of funds to others in exchange for an equity interest or monetary obligation.

SCHEDULE 4—DEBT SECURITIES OF SBCs (SECTION 304)

Furnish in this schedule a list of all debt securities of small business concerns held, acquired, converted, or sold during the period immediately following the period for which this particular schedule was last submitted to SBA. List each debt security by issuer, dates and terms, opening unpaid principal balance, additions during period, deductions during period, unpaid principal balance at close of period, amounts in excess of net funds advanced included in unpaid principal balance at close of period (discount, and fees and other charges), and unpaid balance of net funds advanced at close of period, showing the portion maturing within one year and the portion maturing after one year. Enter in column (10), with a footnoted explanation, the amount of any funds representing the undisbursed portion of multiple-disbursement financing through purchase of debt securities. The amounts in columns (3) through (6) shall relate to the face amount of the debt security and the amounts in columns (9) and (10) shall relate to the funds actually advanced to the debtor small business concern. The amounts in column (6) less the amounts in columns (7) and (8) shall equal the totals of the amounts in columns (9) and (10). The totals of columns (9) and (10) shall agree with the appropriate amounts opposite items 7(c) and 13(c), respectively, in the Statement of Financial Condition.

The market value, or fair value as determined by the board of directors, shall be shown in column (11). Column (12) shall show the percentage of each debtor small business concern's voting securities (including those necessary to cover conversion of, or exercise of stock rights attached to, the debt securities described in this schedule) which can be obtained by the company through conversion of debt securities held or through exercise of stock purchase warrants or options attached to debt securities held.

In those instances in which a borrowing small business concern is a real estate company or has in its name the word "finance," "investment," "mortgage," "capital," "loan," or "banking," giving the impression that such concern might engage in lending operations, the explanation of the type of business shall incorporate a specific statement that the business activity of such concern does, or does not, involve the investing, lending, or other providing of funds to others in exchange for an equity interest or monetary obligation.

SCHEDULE 5—DELINQUENT LOANS (SECTION 305) (NOT SHOWN SEPARATELY ON STATEMENT OF FINANCIAL CONDITION)—ALLOWANCE FOR UNCOLLECTIBLE LOANS

Show in this schedule all past due installments on loans (section 305). Opposite the name of each small business concern shall be entered separately the total outstanding balance of the delinquent loan, column (2), and the past due installments of principal and interest, columns (3) and (4). The allowance for uncollectible loans, when such allowance is based upon estimated realizable value of the individual loan, shall be shown in columns (5) through (9), opposite the name of each small business concern so financed, showing opening balance, additions, deductions, and closing balance, all relating to the period immediately following the period for which this particular schedule was last submitted to SBA. Additions in column (6) shall represent charges to uncollectible loans expense. Those in column (7) shall represent recoveries on loans previously written off. If the allowance for uncollectibles is based upon a percentage of loans made, the beginning balance, additions, deductions, and closing balance shall be entered in columns (5) through (9) opposite side caption No. 2, "General allowance for uncollectible loans." In any event the final total of column (9) shall agree with the appropriate amount opposite item 12(d) in the Statement of Financial Condition.

SCHEDULE 6—DELINQUENT DEBT SECURITIES (SECTION 304) (NOT SHOWN SEPARATELY ON STATEMENT OF FINANCIAL CONDITION)—ALLOWANCE FOR LOSSES ON DEBT SECURITIES

Show in this schedule all past due installments on debt securities (section 304). Opposite the name of each small business concern so financed shall be entered separately the total outstanding balance of the delinquent debt security, column (2), and the past due installments of principal and interest, columns (3) and (4). The allowance for losses on debt securities, when such allowance is based upon estimated realizable value of the individual debt security, shall be shown in columns (5) through (8), opposite the name of each small business concern so financed, showing opening balance, additions, deductions, and closing balance, all relating to the period immediately following the period for which this particular schedule was last submitted to SBA. If the allowance for losses is based upon a percentage of debt securities acquired, the beginning balance, additions, deductions, and closing balance shall be entered in columns (5) through (8) opposite side caption No. 2, "General allowance for losses on debt securities." In any event the final total of column (8) shall agree with the appropriate amount opposite item 13(g) in the Statement of Financial Condition.

SCHEDULE 7—CAPITAL STOCK OF SBCs—ALLOWANCE FOR LOSSES ON CAPITAL STOCK OF SBCs

Show in this schedule pertinent data, as indicated by the column headings, with respect to the capital stock of small business concerns acquired by the company during the period immediately following the period for which this particular schedule was last submitted to SBA. The stock shall be shown at cost. Allowance for estimated losses, if any, shall be indicated, as well as the market or fair value as determined by the board of directors. The total of column (9), "Balance at Cost Close of Period," shall agree with the appropriate amount opposite item 14(c) in the Statement of Financial Condition. Column (12) shall show the percentage of each financed small business concern's voting securities (including those necessary to cover conversion of, or exercise of stock rights attached to, the capital stock described in this schedule) represented by voting stock held plus the voting securities which can be obtained by the reporting company upon conversion of convertible stock held or exercise of stock purchase warrants or options attached to stock held.



PART III

SCHEDULE 8—CASH ON HAND AND IN BANKS

Show in this schedule all cash on hand and in banks. Demand deposits comprise balances which are subject to withdrawal without notice. Cash items in process of collection represent those items which have been placed with banks for collection. Petty cash shall represent the full amount of the petty cash imprest fund. The total of column (3) shall agree with item 1 of the Statement of Financial Condition.

SCHEDULE 9—U.S. GOVERNMENT OBLIGATIONS, DIRECT AND FULLY GUARANTEED

List in this schedule all securities owned which have been issued or guaranteed by the U.S. Government, showing the name of the issuer and the title of each issue. Other required data, such as interest rate, call date, maturity date, and principal amount at par of bonds and notes, may be obtained by inspection of the securities or from records of securities pledged. The cost shown in column (6) of this schedule shall be in agreement with item 2 of the Statement of Financial Condition. The current market value of the securities shall be shown in column (7) of the schedule and shall agree with the amount shown parenthetically in item 2 of the Statement of Financial Condition.

SCHEDULE 10—PARTICIPATIONS SOLD TO OTHER LENDING INSTITUTIONS

The "initiating" company shall show in this schedule, at cost, the outstanding balances of participations by other lending institutions in individual loans and debt securities of such "initiating" company as of the reporting date.

The outstanding totals of purchases by others of participations in loans (L) in columns (7) and (8) shall agree with items 6(a) and 12(a), respectively, of the Statement of Financial Condition. The outstanding totals of purchases by others of participations in debt securities (DS) in columns (7) and (8) shall agree with items 7(d) and 13(d), respectively, of the Statement of Financial Condition.

SCHEDULE 11—DUE FROM DIRECTORS, OFFICERS, AND EMPLOYEES

Show in this schedule, for the period immediately following the period for which this particular schedule was last submitted to SBA, amounts due from directors, officers, and employees for advances made to them. An explanation shall be furnished for any amount written off or for any collection other than in cash. Amounts outstanding shall be classified as current and noncurrent and shown in columns (6) and (7), respectively, the totals of which columns shall agree with items 9 and 21 in the Statement of Financial Condition.

SCHEDULE 12—SUNDRY ASSETS

Show and explain in this schedule, by appropriate classification, the amounts of any of the sundry assets which are significant in relation to the amount of total assets. Such assets may include: (1) Notes receivable, (2) accounts receivable, (3) dividends receivable, (4) accrued interest receivable, (5) funds in escrow pending closing of financing, (6) other current assets, representing current amounts due which are not accounted for under a specific class heading, (7) prepayments or deferred charges, (8) unamortized organization costs, and (9) other assets.

Explain clearly any provisions made or any methods in operation to write off or amortize any of the amortizable items in this schedule.

SCHEDULE 13—AMOUNTS DUE FROM DEBTORS ON SALE OF ASSETS ACQUIRED IN LIQUIDATION OF LOANS AND DEBT SECURITIES—ALLOWANCE FOR UNCOLLECTIBLES

Show in this schedule, by debtors, all accounts receivable, notes receivable, sales contracts, purchase money mortgages, etc., carried during the period in the account for amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304). The interest rate and other terms shall be given. The balances at the beginning and close of the period immediately following the period for which this particular schedule was last submitted to SBA shall be shown, together with additions and deductions during such reporting period. Allowances for uncollectibles based upon an evaluation of individual amounts due shall be recorded in column (9) opposite the name of the debtor. If a general allowance is utilized instead of individual allowances, it shall appear only at the bottom of column (9).

Items in this schedule which originated from the sale of assets acquired in liquidation of participation loans or debt securities shall be shown by the "initiating" company in the amounts thereof opposite the names of the debtors, and, on the line directly thereunder, the "participating" company's equity shall be enclosed in parentheses. Any such amounts in parentheses shall not be considered in arriving at the totals for columns (5), (6), (7), and (8). The total of the amounts shown in parentheses in column (8) shall agree with item 15(a) of the Statement of Financial Condition. If the company preparing this report is the "participating" company, only its equity in amounts due from debtors on sale of assets arising from liquidation of such participation loan or debt security shall be included in this schedule.

The totals of columns (8) and (9) shall agree with items 15 and 15(b), respectively, of the Statement of Financial Condition.

SCHEDULE 14—ASSETS ACQUIRED IN LIQUIDATION OF LOANS AND DEBT SECURITIES—ALLOWANCE FOR LOSSES

List and describe in this schedule, by former debtors (small business concerns), all assets carried, during the period immediately following the period for which this particular schedule was last submitted to SBA, in the account for assets acquired in liquidation of loans (section 305) and debt securities (section 304). The balances at the beginning of the reporting period, additions and deductions during the period, and balances at the close of the period shall be shown in columns (3), (4), (5), and (6). The allowance for losses based upon an appraisal of the assets held with reference to each small business concern shall be recorded in column (7). Current market value, or fair value as determined by the board of directors at the close of the period shall be shown in column (8). The totals of columns (6) and (7) shall agree with items 16 and 16(b), respectively, of the Statement of Financial Condition.

Assets acquired in liquidation of a participation loan or debt security shall be shown by the "initiating" company in the amounts thereof opposite the names of the debtors, and the "participating" company's equity shall be enclosed in parentheses on the line thereunder. Any such amounts in parentheses shall not be considered in arriving at the totals for columns (3), (4), (5), and (6). The total of the amounts shown in parentheses in column (6) shall agree with item 16(a) of the Statement of Financial Condition. If the reporting company is the "participating" company, only the reporting company's equity shall be included in this schedule.

SCHEDULE 15—OBLIGATIONS PAYABLE TO SBA

Furnish in this schedule a summary, for the period immediately following the period for which this particular schedule was last submitted to SBA, of the notes payable to SBA and the subordinated debenture issued to SBA. The terms of each note payable to SBA shall be recorded in columns (2) and (3); the unpaid balance at the beginning of the period and additions and deductions during the period shall be reflected in columns (4), (5), and (6); and the balance payable at the end of the period, segregated between amounts due within one year and amounts due after one year, shall be reflected in columns (7) and (8).

The subordinated debenture issued to SBA shall be entered in this schedule in a similar manner.

The total of column (7) shall agree with item 25 on the Statement of Financial Condition, and the total of column (8) shall equal the sum of items 41(a) and 46 in the Statement of Financial Condition.

SCHEDULE 16—OBLIGATIONS PAYABLE FOR FUNDS BORROWED FROM OTHER THAN SBA

Show in this schedule, by creditors, all obligations payable for funds borrowed from other than SBA, including (1) all notes payable for funds borrowed from other than SBA; (2) debentures payable, unsubordinated; (3) debentures payable, subordinated, issued to other than SBA; and (4) mortgages payable for funds borrowed on corporate premises or other real estate. Such liabilities shall be grouped and described by class in column (2), but subtotals are not required. The terms of each obligation shall be set out in columns (3) and (4); the unpaid balance at the beginning of the period immediately following the period for which this particular schedule was last submitted to SBA and additions and deductions during such reporting period shall be shown in columns (5), (6), and (7); and the balance payable at the close of the period, segregated between amounts due within one year and amounts due after one year, shall be reflected in columns (8) and (9).

The total of column (8) shall agree with item 26 in the Statement of Financial Condition, and the total of column (9) shall equal the sum of items 41(b) and 42 in the Statement of Financial Condition.

Furnish in this schedule a complete description of capital stock authorized and capital stock issued and outstanding, and data relating to special transactions involving capital stock.

In column (1) shall be described the type and class of each issue, such as common—$5.00 par, preferred (6 percent Series of 1961), etc. The par value and the stated value of no-par stock shall also be reported in column (1).

The number of shares authorized, whether issued or not, shall be reported in column (2).

The number of shares and amount, at par or stated value, of stock issued and not retired or cancelled shall be reported in columns (3) and (4). The total of column (4), plus the amount of any declared stock dividends payable, shall agree with item 48 of the Statement of Financial Condition. The number of shares held as treasury stock shall be shown in column (5). Column (6) shall represent the difference between column (3) and column (5).

Column (7) shall be the amount at par or stated value representing the number of shares outstanding as shown in column (6). The total of column (8) shall represent the amount of capital stock subscribed at the

subscription price and shall agree with item 52 of the Statement of Financial Condition.

In column (9) shall be reported the amount of subscriptions receivable, which shall agree in total with item 52(a) of the Statement of Financial Condition.

Column (10) shall show the number of shares (other than those under option) reserved for purchase by officers and employees, and column (11) shall show the number of shares reserved to cover options and other rights.

SCHEDULE 18—COMMITMENTS OUTSTANDING

Furnish in this schedule a summary showing separately, with subtotals, (1) commitments to small business concerns for equity financing under section 304 of the Act, as amended, (2) commitments to small business concerns for loans under section 305 of the Act, as amended, and (3) commitments to financing institutions for deferred participations in loans or commitments to small business concerns.

SCHEDULE 19—DETACHED STOCK PURCHASE WARRANTS OR OPTIONS ON STOCK OF SBCs

Show in this schedule pertinent data concerning stock purchase warrants or options on stock of small business concerns which have been detached from the capital stock or debt securities of such concerns with which they were issued and are held by the reporting company as of the date of this report.

The small business concern which issued each stock purchase warrant or option is to be identified in column (1); column (2) shall show the number of shares called for; column (3) shall specify the type and class of stock called for; column (4) shall inform as to the grant and expiration dates of the warrant or option; column (5) shall set forth the price or prices at which the stock purchase rights are exercisable, showing the period within which each price applies; and columns (6) and (7) shall show the total number of shares of the small business concern's voting stock and nonvoting stock, respectively, which are outstanding plus those covered by the detached warrant or option described. Column (8) shall show the percentage of each small business concern's voting securities, including those called for by the stock purchase warrants or options described in this schedule, which can be obtained by the reporting company upon exercise of such warrants or options.

SCHEDULE 20—OPTIONS ON LICENSEE'S CAPITAL STOCK

Furnish in this schedule full information concerning capital stock options outstanding which have been granted by the company in lieu of salary or in payment for services actually rendered to the company, as provided for in § 107.302–2 of the Regulation, as amended.

The holder of each option shall be identified in column (1). The number of shares optioned shall be shown in column (2). In column (3) shall be described the type and class of stock called for by the option, such as common—$5.00 par, preferred (6 percent Series of 1961), etc.

Column (4) shall show the grant and expiration dates of each option and column (5) shall set forth the price or prices at which each option is exercisable, together with the period during which each price applies.

Column (6) shall show the fair market value, per share, of stock called for by each option, at the date the option was granted. The price at which the option is exercisable as a percentage of fair market value, per share, of the optioned stock at date of granting shall be shown in column (7). Column (8) shall set forth the provisions made with respect to each option in the event of the optionee's death or retirement, or other circumstances.

The fair market value, per share, of stock called for at date the option was granted, if not ascertainable on the basis of actual market, shall be as determined by the board of directors.

(Sec. 308, 72 Stat. 694; 15 U.S.C. 687)

Dated: March 7, 1961.

JOHN E. HORNE,
*Administrator.*

[F.R. Doc. 61–2208; Filed, Mar. 13, 1961; 8:48 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–323]

## PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

### Waiver of Filing of Schedule B–6

*Correction*

In F.R. Doc. 61–2090, appearing at page 2034 of the issue for Thursday, Mar. 9, 1961, the parenthetical phrase in the third paragraph is corrected to read: "(Regulation No. ER–320, 26 F.R. 821)".

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Tolerances for Residues of 2,4,5,4'-Tetrachlorodiphenyl Sulfone

A petition was filed with the Food and Drug Administration by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, requesting the establishment of tolerances for resides of 2,4,5,4'-tetrachlorodiphenyl sulfone in or on figs at 6 parts per million, strawberries at 5 parts per million, and melons and tomatoes at 1 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.174 (21 CFR 120.174; 25 F.R. 10014) tolerances for residues of the subject pesticide chemical in or on the aforementioned raw agricultural commodities. As amended, this section reads as follows:

**§ 120.174 Tolerances for residues of 2,4,5,4'-tetrachlorodiphenyl sulfone.**

Tolerances are established for residues of 2,4,5,4'-tetrachlorodiphenyl sulfone in or on raw agricultural commodities, as follows:

6 parts per million in or on figs.

5 parts per million in or on apples, apricots, cherries, crabapples, grapes, nectarines, peaches, pears, plums (fresh prunes), quinces, strawberries.

2 parts per million in or on citrus citron, grapefruit, lemons, limes, oranges, tangelos, tangerines.

1 part per million in or on cantaloups, honeydew melons, muskmelons, tomatoes.

Zero in meat and milk.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 3, 1961.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61–2204; Filed, Mar. 13, 1961; 8:47 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

2,4,5,4'-TETRACHLORODIPHENYL SULFONE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Food Machinery and Chemical Corporation, Niagara Chemical Division, Middleport, New York, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to residues of 2,4,5,4'-tetrachlorodiphenyl sulfone in or on dried figs. Such residues have been shown to occur from application of the pesticide chemical to fig trees under agricultural uses provided for by a concurrent regulation under section 408 of the act. Therefore, pursuant to the provisions of the act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

**§ 121.1038 2,4,5,4'-Tetrachlorodiphenyl sulfone.**

A tolerance of 10 parts per million is established for residues of 2,4,5,4'-tetrachlorodiphenyl sulfone in or on dried figs when present as a result of the application of the pesticide chemical to the growing agricultural crop.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Dated: March 3, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61–2205; Filed, Mar. 13, 1961; 8:47 a.m.]



# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6554]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for Taxable Year 1960

Section 819(b) of the Internal Revenue Code of 1954, as added by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 136), provides for the determination of a percentage to be used in determining a "minimum figure" for each foreign life insurance company described in section 819(a). Where this minimum figure exceeds the foreign life insurance company's surplus held in the United States, the amount of the "policy and other contract liability requirements" (determined under section 805 without regard to section 819(b)), and the amount of the "required interest" (determined under section 809(a) without regard to section 819(b)), must each be reduced by an amount determined by multiplying such excess by the "current earnings rate" (as defined in section 805(b)(2)). Accordingly, it is hereby determined that for purposes of computing the 1960 income tax by foreign life insurance companies a percentage of 14.3 shall be used in determining the "minimum figure" under section 819(b).

Because the percentage announced in this Treasury decision is computed from information contained in the income tax returns of domestic life insurance companies for the year 1959, which are not open to public inspection, the public accordingly cannot effectively participate in the determination of such figure. Therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

HENRY H. FOWLER,
*Acting Secretary of the Treasury.*

MARCH 9, 1961.

[F.R. Doc. 61–2243; Filed, Mar. 10, 1961; 1:49 p.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### National Park Service

### [ 36 CFR Part 21 ]

### HOT SPRINGS NATIONAL PARK, ARKANSAS

### Conduct of Registered Physicians

*Basis and purpose.* Notice is hereby given that pursuant to authority issued under section 3, 20 Stat. 258, as amended, section 3, 26 Stat. 843, as amended, section 1–3, 39 Stat. 535, as amended, section 1, 41 Stat. 918, as amended, section 1, 2, 67 Stat. 495, 496; 16 U.S.C. 1, 1b, 1c, 2, 3, 361, 363, 369, it is proposed to amend 36 CFR 21.14 as set forth below. The purpose of this amendment is to extend the time registered physicians may be allowed to publish notices of change of address.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, National Park Service, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 21.14 is amended by revising paragraph (b) to read as follows:

**§ 21.14 Conduct of registered physicians.**

* * * * *

(b) No registered physician, upon removal of his offices from one location to another, may publish in any newspaper, or other periodical, notice to that effect for a longer period than 7 days. Notices of return from an absence may not be published for a longer period than 7 days or for any absence of less than 10 consecutive days. Such notices shall be simple in form and free of advertising elements, such as office hours, telephone numbers, specialties, and prices for consultation.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

MARCH 7, 1961.

[F.R. Doc. 61–2191; Filed, Mar. 13, 1961; 8:45 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Parts 906, 986 ]

### MILK IN OKLAHOMA METROPOLITAN AND RED RIVER VALLEY MARKETING AREAS

### Notice of Proposed Suspension of a Provision of the Orders

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a provision of the orders regulating the handling of milk in the Oklahoma Metropolitan and Red River Valley marketing areas is being considered.

The provision proposed to be suspended is the milk plant "Gilt Edge Dairy, Norman, Oklahoma", named in § 906.51(b) of the Okahoma Metropolitan order and in § 986.51(b) of the Red River Valley order. The Central Oklahoma Milk Producers Association which represents more than half of the producers supplying milk to each of these markets has requested suspension of the provision because on January 1, 1961, the plant started receiving all bulk Grade A milk except for a small quantity received from one producer. The receiving facilities for milk in cans have been removed. Therefore, this plant can no longer be regarded as a receiver of manufacturing grade milk and the price paid to its one dairy farmer for manufacturing grade milk is not appropriate for use in the pricing formulas used in the Oklahoma Metropolitan and Red River Valley milk marketing orders.

Timely action on the request can be accomplished through suspension of the provision cited. Opportunity is hereby afforded all interested parties to submit written data, views and arguments with respect to the proposed suspension.

All persons who desire to submit written data, views or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Issued at Washington, D.C., this 9th day of March 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61–2209; Filed, Mar. 13, 1961; 8:48 a.m.]

### [ 7 CFR Part 947 ]

[Docket No. AO–313–A1]

### MILK IN SUBURBAN ST. LOUIS MARKETING AREA

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Suburban St. Louis marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at East St. Louis, Illinois, on February 21, 1961, pursuant to notice thereof which was issued February 14, 1961 (26 F.R. 1410).

The only material issue on the record of the hearing relates to permitting classification as Class II of cream shipped to nonpool plants wherever located for manufacturing purposes.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

The present order provides that any skim milk or butterfat moved more than 150 miles from certain specified points in the marketing area, or more than 50 miles from a pool plant, located outside the marketing area and beyond the 150 mile zone, shall be classified as Class I.

The purpose of the 150 mile limitation is to obviate the necessity of the market administrator's traveling unnecessarily great distances to verify the utilization of milk, skim milk, or cream which it is reasonable to presume has been utilized in Class I. The evidence at the original hearing indicated that there were ample facilities within the 150 mile area to utilize all the reserve supplies of the market. It was further shown, that because of the transportation costs involved, it was impractical to move milk or skim milk any greater distance for other than Class I utilization.

Experience since the order became effective has demonstrated that there is no problem with respect to the disposition of needed supplies of whole milk or skim milk. It is not always possible, however, to utilize within the specified area all of the fat contained in the milk which is subject to regulation and it is necessary at times to ship some butterfat to nonpool plants outside the area for processing into butter or ice cream.

The proponent of the proposed amendment operates a plant which is outside the marketing area and approximately 70 miles from the nearest basing point described in the order. The operator of this plant operates several additional plants in northern Illinois where butterfat is manufactured into ice cream or butter. Under the present provision, butterfat moved to these plants must be classified as Class I because of the locality of the plant, even though it is not used in a Class I product.

Under the proposal which has been recommended, herein, if the cream is moved without Grade A certification, if each container bears a tag or label stating that the contents are for manufacturing use only and the cream is invoiced as suitable for manufacturing use only, such cream could be classified as Class II if the market administrator is given sufficient notification that he may physically verify that these requirements are complied with.

Since only Grade A certified cream may be disposed of for fluid use under the standards of the State of Illinois and of most of the communities in neighboring Missouri, cream which has been handled in the manner described, can be assumed to be utilized in a Class II product. It will not be necessary for the market administrator to travel unnecessary distances to verify the utilization of cream which may not be utilized in Class I at the point of destination.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order.* The following order amending the order regulating the handling of milk in the Suburban St. Louis marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Amend § 947.43(c) by inserting at the beginning thereof the phrase: "Except as provided in paragraph (e) of this section".

2. Amend § 947.43(d) by inserting at the beginning there the phrase: "Except as provided in paragraph (e) of this section".

3. Amend § 947.43 by adding a paragraph (e) to read as follows:

(e) As Class I milk if moved to a nonpool plant in the form of cream unless the handler:

(1) Claims classification as Class II milk;

(2) Establishes that (i) such cream was transferred without Grade A certification, (ii) each container was tagged or labeled to show that the contents was for manufacturing use only, and (iii) the shipment was invoiced accordingly; and

(3) Affords the market administrator at least 48 hours prior notice so that he may verify such shipment.

Issued at Washington, D.C., this 9th day of March 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61–2210; Filed, Mar. 13, 1961; 8:48 a.m.]

### [ 7 CFR Part 1021 ]

### TOMATOES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

### Limitation of Shipments

Notice is hereby given that the Secretary of Agriculture is considering the limitation of shipments, as hereinafter set forth, which was recommended by the Texas Valley Tomato Committee, established pursuant to Marketing Order No. 121 (7 CFR Part 1021), regulating the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley). This program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than five days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

**§ 1021.303 Limitation of shipments.**

Except as otherwise provided in this section, during the period April 1, 1961, through July 15, 1961, the following regulations shall be effective with respect to all varieties of tomatoes handled, as defined in § 1021.7, and no person shall handle such tomatoes or cause such tomatoes to be handled unless they are inspected and certified as required by paragraph (b) of this section, and meet the requirements of paragraph (a) of this section.

(a) *Requirements*—(1) *Minimum grade.* U.S. No. 2, or better, grade.

(2) *Minimum size.* 2 2/32 inches in diameter or larger. Not more than ten percent, by count, of tomatoes in any lot of size 7 x 7 (2 2/32 inches minimum diameter to 2 9/32 inches maximum diameter) may be smaller than the specified minimum diameter.

(3) *Sizing arrangements.* (i) Mature green tomatoes shall be packed in one of the following ranges of diameter applicable thereto:

| Size arrangements—Mature green: | *Diameter (inches)* |
|---|---|
| 7 x 7 | 2 2/32 to 2 9/32, incl. |
| 6 x 7 | over 2 9/32 to 2 17/32, incl. |
| 6 x 6 | over 2 17/32. |

(ii) All tomatoes subject to sizing arrangements shall be packed separately for each size range, except that size 6 x 6 and larger sizes may be commingled.

(iii) To allow for variations incident to proper sizing and handling, for mature green tomatoes, not more than a total of ten percent, by count, in any lot, may be smaller than the minimum diameter or larger than the specified maximum diameter. Tomatoes of turning or greater degree of maturity shall not be subject to size arrangements.

(b) *Inspection.* (1) All tomatoes handled pursuant to this part, other than those specifically excepted therefrom pursuant to paragraph (c) of this section, or exempted pursuant to paragraphs (d), (e) and (f) of this section, shall be inspected and certified pursuant to the provisions of § 1021.60; and (2) no handler shall transport or cause the transportation of any shipment of tomatoes by motor vehicle unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto.

(c) *Excepted varieties.* Elongated types of tomatoes, commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top, and Roma varieties; and cerasiform type tomatoes commonly referred to as cherry tomatoes, are not subject to the requirements of this section.

(d) *Repacked tomatoes.* A handler who is a repacker within the production area may register with the committee, as a repacker, in accordance with applicable rules and regulations, and thereafter may handle repacked tomatoes without reinspection thereon after repacking, if such tomatoes were previously inspected prior to repacking and met the grade and size requirements of this section.

(e) *Minimum quantity.* For purposes of regulation under this part, each person subject thereto may handle, pursuant to § 1021.53, up to, but not to exceed, 120 pounds of tomatoes per day without regard to the requirements of this part, but this exception shall not apply to any portion of a shipment of over 120 pounds of tomatoes.

(f) *Special purpose shipments.* The limitations set forth in this regulation shall not be applicable to shipments of tomatoes for the following purposes: (1) Relief or charity; (2) processing; and (3) for experimental purposes.

(g) *Safeguards.* Each handler making shipments of tomatoes pursuant to paragraph (f) of this section for relief or charity, for processing, or for experimental purposes, shall apply for and obtain an approved Certificate of Privilege from the committee applicable to shipments for such purposes.

(h) *Definitions*—(1) *Tomato classifications.* For purposes of this section (i) "mature green" shall apply to all tomatoes in which the contents of two or more seed cavities will have developed a jelly like consistency and the seeds will be well developed, slightly hard, and in slicing the fruit with a sharp knife will usually be pushed aside rather than cut; (ii) "turning or of a greater degree of maturity" shall apply to all tomatoes where there is at least a definite break in color to yellow or pink at the blossom end and all higher degrees of color as used and defined under Color Classification in the United States Standards for Fresh Tomatoes (§ 51.1864 of this title); (iii) incident to proper classification, any lot of tomatoes containing more than ten percent, by count, of mature green tomatoes shall be classified as mature green tomatoes; and for any lot of tomatoes to be classified as turning or of a greater degree of maturity, not more than a total of ten percent, by count, of such tomatoes may fail to meet the minimum color requirements;

(2) *Grade and size.* The term "U.S. No. 2" means the U.S. No. 2 grade, as set forth in the United States Standards for Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title; 22 F.R. 4528), including the tolerances set forth therein; and the application of tolerance for size shall be as set forth in § 51.1861 of this title.

(3) *Other terms.* All other terms used in this section shall have the same meaning as when used in this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 9, 1961.

FLOYD F. HEDLUND,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 61-2199; Filed, Mar. 13, 1961; 8:46 a.m.]

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## [ 7 CFR Part 1065 ]

## TOMATOES

### Imports

Notice is hereby given that the Secretary of Agriculture is giving consideration to grade, size, quality and inspection regulations that are to be made applicable to the importation of tomatoes into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable General Regulations (7 CFR Part 1060).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 5 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

### § 1065.6 Tomato Regulation No. 6.

(a) *Import restrictions.* During the period from April 1, 1961, to July 15, 1961, both dates inclusive, and subject to the General Regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and the requirements of this section, no person shall import any tomatoes of any variety, except elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties; and cersaiform type tomatoes, commonly referred to as cherry tomatoes, unless such tomatoes meet the requirements of the U.S. No. 2, or better grade, and are 2 1/32 inches minimum diameter or larger: *Provided,* That not more than ten (10) percent, by count, of the tomatoes in any lot of 7 x 7 (2 1/32 inches minimum diameter to 2 9/32 inches maximum diameter) may be smaller than the specified minimum diameter.

(b) *Minimum quantity.* Any importation which in the aggregate does not exceed 120 pounds, may be imported without regard to the provisions of paragraph (a) of this section.

(c) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(d) *Inspection and certification.* (1) The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated, pursuant to § 1060.4(a) of this chapter, as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of tomatoes that are imported, or to be imported into the United States under the provisions of section 8e of the act.

(2) Inspection and certification by the Federal or the Federal-State Inspection Service of each lot of imported tomatoes is required pursuant to § 1060.3 *Eligible imports* of this part and this section. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified tomatoes should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

| Ports | Office | Advance notice |
|---|---|---|
| All Texas points. | W. T. McNabb, P.O. Box 111, 222 McClendon Bldg., 305 E. Jackson St., Harlingen, Tex. (Tel. Garfield 3-5644). | 1 day. |
| All Arizona points. | R. H. Bertelson, Room 202 Trust Bldg., 305 American Ave., P.O. Box 1646, Nogales, Ariz. (Tel. Atwater 7-2902). | Do. |
| All California points. | Carley D. Williams, 204 Wholesale Terminal Bldg., 784 S. Central Ave., Los Angeles 21, Calif. (Tel. Madison 2-8756). | 3 days. |
| All Florida points. | Lloyd W. Boney, Dade County Growers Market, 1200 NW. 21st Terrace, Room 5, Miami 42, Fla. (Tel. Franklin 1-6932). | Do. |
| All other points. | E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, Washington 25, D.C. (Tel. Dudley 8-5870). | Do. |

(3) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(4) The inspection performed, and certificates issued by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant: Meets U.S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(e) *Definitions.* (1) The term "U.S. No. 2" means the U.S. No. 2 grade, as set forth in the United States Standards for Tomatoes (§§ 51.1855 to 51.1877, inclusive, of this title), including the tolerances set forth therein.

(2) All other terms have the same meaning as when used in the General Regulations (Part 1060 of this chapter) applicable to the importation of listed commodities.

Dated: March 9, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2211; Filed, Mar. 13, 1961; 8:48 a.m.]

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# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Parts 120, 121 ]

## FOOD ADDITIVES; PESTICIDE RESIDUES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1) and 409(b)(5), 68 Stat. 512 and 72 Stat. 1786; 21 U.S.C. 346a(d)(1) and 348(b)(5)), the following notice is issued:

A petition has been filed by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, proposing the establishment of tolerances for residues of demeton (a mixture of *O,O*-diethyl *O*(and *S*)-2(ethylthio) ethyl phosphorothioates) in or on sugar beet tops at 5 parts per million and in or on sugar beets at 0.5 part per million.

A tolerance of 5 parts per million for this pesticide chemical in sugar beet pulp is also proposed to provide for carryover and concentration of residues in this feed item processed from treated sugar beets.

The analytical method proposed in the petition for determining residues of demeton is a phosphorus method with a chromatographic step designed to remove the naturally occurring phosphorus compounds. In addition, a paper chromatographic procedure for the qualitative identification of residues of this pesticide and *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate is proposed.

Dated: March 6, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2203; Filed, Mar. 13, 1961; 8:46 a.m.]

# Notices

## DEPARTMENT OF JUSTICE

### Office of the Attorney General

[Order No. 237–61]

### CIVIL CLAIMS

### Authority to Compromise and Close Claims

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), Order No. 175–59 of January 19, 1959 (effective April 1, 1959), relating to the organization of the Department of Justice, is hereby amended as follows:

1. The introductory part of subsection (a) of section 23, following the headnote and preceding paragraph (1), is amended to read: "Except as provided in subsection (q) of this section, each Assistant Attorney General is authorized with respect to matters assigned to his division or office, to accept offers in compromise of claims in behalf of the United States in all cases in which the gross amount of the original claim does not exceed $100,000, and of claims against the United States in all cases, or in administrative actions to settle, in which the amount of the proposed settlement does not exceed $50,000, except:"

2. A new subsection is added to section 23 reading:

(q) *Offers which may be accepted by Assistant Attorney General in charge of Tax Division.* The Assistant Attorney General in charge of the Tax Division is authorized with respect to matters assigned to his division, to accept offers in compromise of claims in behalf of the United States in all cases in which the gross amount of the original claim does not exceed $100,000, and of claims against the United States in all cases, or in administrative actions to settle, in which the amount of the proposed settlement does not exceed $100,000, except:

(1) When for any reason, the compromise of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated in the preceding part of this subsection.

(2) When the Assistant Attorney General is of the opinion that because of a question of law or policy presented, or because of opposition to the proposed settlement by the agency or agencies involved, or for any other reason, the offer should receive the personal attention of the Attorney General.

Dated: March 8, 1961.

ROBERT F. KENNEDY,
*Attorney General.*

[F.R. Doc. 61–2195; Filed, Mar. 13, 1961; 8:46 a.m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

### AMERICAN WEST AFRICAN FREIGHT CONFERENCE

### Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, U.S.C. 814):

Agreement No. 7680–9, between the member lines of the American West African Freight Conference, modifies the basic agreement of that conference (No. 7680, as amended), which covers the trade between Atlantic and St. Lawrence ports of Canada/United States Atlantic and Gulf ports and West African ports south of the southerly border of Rio de Oro, Spanish Sahara, and noth of the northerly border of Southwest Africa, including the Atlantic Islands of the Azores, Madeira, Canary and Cape Verdes, also the Islands of Fernando Po, Principe, and San Thome in the Gulf of Guinea. The purpose of the modification is to (1) set forth in greater detail the understanding of the member lines as to acts constituting violations of the conference agreement; and (2) provide for the establishment of a neutral body and a procedure for the investigation and determination of charges of breach of the agreement, and the assessment of liquidated damages.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: March 9, 1961.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–2207; Filed, Mar. 13, 1961; 8:47 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 10067 etc.]

### DOMESTIC CARGO-MAIL SERVICE CASE

### Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on April 12, 1961, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues Northwest, Washington, D.C., before the Board.

Dated at Washington, D.C., March 9, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61–2206; Filed, Mar. 13, 1961; 8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13962; FCC 61M–384]

### HIGH-FIDELITY BROADCASTERS CORP.

### Order Scheduling Prehearing Conference

In re application of High-Fidelity Broadcasters Corp., Norristown, Pennsylvania, Docket No. 13962, File No. BP-13386; for construction permit.

On the Hearing Examiner's own motion: *It is ordered,* This 7th day of March 1961, pursuant to 47 CFR 1.111 that the parties or their counsel in the above-entitled proceeding are directed to appear for a prehearing conference at the offices of the Commission, Washington, D.C., at 10 a.m., on March 23, 1961.

In order to conserve time counsel are requested to confer beforehand with a view to reaching advance agreement upon such routine details as the manner of presentation, dates for exchange of exhibits and such other dates as may be deemed necessary. In view of the design of the prehearing conference procedure to encourage the formulation of agreements by the parties looking towards the elimination of unessentials, so that hearing may proceed with proper dispatch, it is requested that the parties or their counsel attend this conference prepared fully to discuss—and to agree upon—such matters as will conduce materially to the attainment of this objective.

Released: March 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2214; Filed, Mar. 13, 1961; 8:48 a.m.]

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[Docket Nos. 13338, 13870; FCC 61M–385]

### DIXIE RADIO, INC., AND HARRY LLEWELLYN BOWYER, JR.

### Order Continuing Hearing

In re applications of Dixie Radio, Inc., Brunswick, Georgia, Docket No. 13338, File No. BP–13854; Harry Llewellyn Bowyer, Jr., Brunswick, Georgia, Docket No. 13870, File No. BP–12507; for construction permits.

The Hearing Examiner having under consideration a "Petition for Continuance of Hearing" filed March 6, 1961, by the Broadcast Bureau, requesting that the hearing in the above-entitled proceeding heretofore scheduled for March 9, 1961, be continued to March 17, 1961, because of other duties and commitments of its counsel; and

It appearing that counsel for the other parties having local counsel have consented to a grant of this petition, and that the public interest requires immediate consideration thereof;

*Accordingly, it is ordered,* This 8th day of March 1961, that the Bureau's subject petition for continuance of the hearing date is granted, and the hearing heretofore scheduled for March 9, 1961, is continued to March 17, 1961, at 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: March 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2213; Filed, Mar. 13, 1961; 8:48 a.m.]

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[Docket No. 13940; FCC 61M–388]

### EDWARD WALTER PISZCZEK AND JEROME K. WESTERFIELD

### Order Continuing Hearing Conference

In re application of Edward Walter Piszczek & Jerome K. Westerfield, Des Plaines, Illinois, Docket No. 13940, File No. BPH–3201; for construction permit (FM).

The Hearing Examiner having under consideration a telegraphic request received in the offices of the Commission March 3, 1961, from the above-entitled applicant requesting that the prehearing conference now scheduled to be held on March 10, 1961 be postponed to April 3, 1961; and

It appearing that the reason for the requested postponement of the prehearing conference is to allow time for the Commission to consider pleadings requesting the enlargement of issues and oppositions to be filed thereto; and

It further appearing that there are no objections, to postponing the hearing conference, that the element of time requires immediate consideration of the request for such postponement and good cause for continuing the prehearing conference having been shown;

*It is ordered,* This the 7th day of March 1961, that the request for postponement is granted and the prehearing conference now scheduled to begin on March 10, 1961, is continued to April 3, 1961, beginning at 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: March 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2215; Filed, Mar. 13, 1961; 8:48 a.m.]

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[Docket Nos. 13950, 13951; FCC 61M–387]

### SANTA FE BROADCASTING CO. AND VALLEY BROADCASTERS

### Order Continuing Hearing Conference

In re applications of Jim H. Speck, tr/as Santa Fe Broadcasting Co., Santa Fe, New Mexico, Docket No. 13950, File No. BP–12411, E. Boyd Whitney and John Burroughs d/b as Valley Broadcasters, Espanola, New Mexico, Docket No. 13951, File No. BP–13008; for construction permits.

On the Hearing Examiner's own motion: *It is ordered,* This 8th day of March 1961, that the prehearing conference heretofore scheduled in the above-captioned proceeding for March 10, 1961, is hereby postponed to March 16, 1961, at 9:00 a.m., in the offices of the Commission, Washington, D.C.

Released: March 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2216; Filed, Mar. 13, 1961; 8:48 a.m.]

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[Docket No. 13944; FCC 61M–377]

### UNITED TELEVISION COMPANY OF NEW HAMPSHIRE (WMUR–TV)

### Order Scheduling Prehearing Conference

In re application of United Television Company of New Hampshire (WMUR–TV), Manchester, New Hampshire, Docket No. 13944, File No. BPCT–2770; for construction permit to change existing facilities (Channel 9).

The Hearing Examiner having under consideration a "Petition by Broadcast Bureau for Continuance of Prehearing Conference" filed March 6, 1961, by the Broadcast Bureau in the above-entitled matter, and

It appearing that the Petition requests a continuance of the prehearing conference now scheduled to be held on March 8, 1961 to March 15, 1961, at 9:00 a.m., and

It further appearing that counsel for the other parties to the proceeding have consented to a grant of the Petition and waive the provisions of § 1.43 of the Commission's rules in order to permit immediate consideration of the Petition, and

It further appearing that good cause for granting the Petition has been shown,

*It is ordered,* This 7th day of March 1961, that the aforesaid Petition be and it hereby is granted and that, accordingly, a prehearing conference in the above-entitled matter will be held commencing at 9:00 a.m., March 15, 1961, in the Commission's offices in Washington, D.C.

Released: March 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2217; Filed, Mar. 13, 1961; 8:48 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. E–6981]

### ARIZONA PUBLIC SERVICE CO.

### Notice of Application

MARCH 7, 1961.

Take notice that on February 24, 1961, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Arizona Public Service Company ("Applicant") for an order authorizing the sale by Applicant of certain electric facilities to Electrical District Number Three of Pinal County, Arizona ("E.D. 3") and an order disclaiming jurisdiction over the lease-back of such facilities from E.D. 3 by Applicant. Applicant is incorporated under the laws of the State of Arizona and is in the business of rendering electric and gas utility service in Arizona. Applicant is authorized to do business in the State of New Mexico. Its principal business office is at Phoenix, Arizona. E.D. 3 is a political subdivision of the State of Arizona. The principal business office of E.D. 3 is located at Maricopa, Arizona. It has not been heretofore engaged in actually distributing

electricity, but contemplates that commencing about March 1, 1961, operations will commence under an agreement dated June 18, 1960, between Applicant and E.D. 3, pursuant to which Applicant will, on behalf of E.D. 3, distribute over the above-mentioned facilities of Applicant power of E.D. 3 to irrigation pumping customers of E.D. 3. These facilities are located in Arizona within the exterior boundaries of E.D. 3. The sale price of such facilities is $1,500,000. The lease rental is $159,000 per year, subject to adjustment pursuant to which the rental will be increased by an amount equal to 10.6 percent of the net construction cost, less depreciation, of additions, and reduced by an equivalent amount in the case of retirement of facilities constructed after the commencement of the lease or by an allocated amount in the case of retirement of facilities included in the original sale and lease. The proposed sale and lease-back is not to become effective until approved by the Arizona Corporation Commission. The proposed disposition of the aforesaid facilities by Applicant to E.D. 3 and the proposed lease-back from E.D. 3 by Applicant will not have any effect on any existing contract for the purchase, sale or interchange of electric energy. Applicant submits that the sale and lease-back arrangement between Applicant and E.D. 3 is such as to insure that there will be no disruption of service and that the irrigation pumpers and other electric users in the area of E.D. 3 and elsewhere will not be adversely affected in any way by the transaction.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 31st day of March 1961, file with the Federal Power Commission, Washington 25, D.C., a petition or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

MICHAEL J. FARRELL,
*Acting Secretary.*

[F.R. Doc. 61-2186; Filed, Mar. 13, 1961; 8:45 a.m.]

[Docket Nos. RI61-374 etc.]

## ATLANTIC REFINING CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Change To Become Effective Subject to Refund

MARCH 7, 1961.

The Atlantic Refining Company, Docket No. RI61-374; The Bradley Producing Corporation, Docket No. RI61-375; Humble Oil & Refining Company, Docket No. RI61-376; LeCuno Oil Corporation, Docket No. RI61-377; Gerwig-Koethe Oil & Gas Company, Docket No. RI61-378; Socony Mobil Oil Company, Inc., Docket No. RI61-387.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing the natural gas is sold at 14.65 psia, with the exception of Gerwig-Koethe Oil & Gas Company which is sold at 15.325 psia. The proposed changes are designated at follows:

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI61-374 | The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex. | 172 | 5 | Natural Gas Pipeline Co. of America (Hugoton Field, Beaver County, Okla.). | $90 | 2-6-61 | [1] 3-21-61 | 8-21-61 | 16.8 | 17.0 | RI60-145 |
| RI61-375 | The Bradley Producing Corp., 313 North Main Street, Wellsville, N.Y. | 2 | 5 | Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.). | 44 | 2-7-61 | [1] 3-21-61 | 8-21-61 | 16.8 | 17.0 | RI60-123 |
| RI61-375 | The Bradley Producing Corp. | 3 | 5 | do | 53 | 2-7-61 | [1] 3-21-61 | 8-21-61 | 16.8 | 17.0 | RI60-123 |
| RI61-376 | Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex. | 150 | 1 | El Paso Natural Gas Co. (S. Pecos Valley Field, Pecos County, Tex.) (R.R. Dist. No. 8). | 12,692 | 2-10-61 | [1] 3-13-61 | 8-13-61 | 10.6418 | 15.7093 | |
| RI61-377 | LeCuno Oil Corp., c/o Cornelius & Cornelius, Attorneys, 123 North Polk, Jefferson, Tex. | 1 | 11 | Texas Eastern Trans. Corp. (Waskom Field, Harrison County, Tex.) (R.R. Dist. No. 6). | 1,518 | 2-10-61 | [1] 3-13-61 | 8-13-61 | 14.8 | 15.0 | RI60-136 |
| RI61-378 | Gerwig-Koethe Oil & Gas Co., 803 Murdock Avenue, Parkersburg, W.Va. | 1 | 1 | Cabot Corp. (Calhoun County, W.Va.). | 551 | 2-14-61 | [2] 3-17-61 | [3] 3-18-61 | 12.0 | 13.824 | |
| RI61-387 | Socony Mobil Oil Co., Inc., P.O. Box 900, Dallas 21, Tex. | 63 | 11 | Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.). | 217 | 2-14-61 | [1] 3-21-61 | 8-21-61 | 16.8 | 17.0 | RI60-147 |
| RI61-387 | Socony Mobil Oil Co., Inc. | 88 | 10 | do | 72 | 2-14-61 | [1] 3-21-61 | 8-21-61 | 16.8 | 17.0 | RI60-147 |

[1] The stated effective date is the effective date proposed by Respondent.
[2] The stated effective date is the first day after expiration of the required 30 days' notice.
[3] Suspended for one day until March 18, 1961. Increased rate based on Buyer's, Cabot Corp., related resale rate to Hope Natural Gas Co. which was suspended for one day and made effective subject to refund in Docket No. RI61-308 (Revenue-sharing rate increase).

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Pact: *Provided, however,* That Supplement No. 1 to Gerwig-Koethe Oil & Gas Company's (Gerwig-Koethe) FPC Gas Rate Schedule No. 1, shall become effective on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Gerwig-Koethe shall execute and file under Docket No. RI61-378 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the National Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Gerwig-Koethe is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 20, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2187; Filed, Mar. 13, 1961; 8:45 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.



[Docket Nos. RI61-381—RI61-386]

## TEXACO INC., ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates and Allowing Proposed Increased Rates[1] To Become Effective Subject to Refund

MARCH 3, 1961.

Texaco Inc., Docket No. RI61-381; Pan American Petroleum Corporation (Operator), et al., Docket No. RI61-382; Ada Oil Company (Operator), et al., Docket No. RI61-383; Van Norman Oil Company, Docket No. RI61-384; Sunray Mid-Continent Oil Company, Docket No. RI61-385; L. H. Puckett and R. E. Wertz, Docket No. RI61-386.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for jurisdictional sales of natural gas to Phillips Petroleum Company (Phillips). The proposed changes are designated as follows:

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Producing area | Amount of annual increase | Date filing tendered | Effective date[1] unless suspended | Date suspended until— | Cents per Mcf[2]: Rate in effect | Cents per Mcf[2]: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI61-381 | Texaco Inc., P.O. Box 2332, Houston, Tex. | 144 | 6 | Hugoton Field, Hansford County, Tex. | $326 | 2-3-61 | 3-7-61 | 3-8-61 | 8.9087 | 9.8423 | |
| RI61-382 | Pan American Petroleum Corp. (Operator), et al., P.O. Box 591, Tulsa 2, Okla. | 57 | 20 | Hugoton Field, Sherman and Hansford Counties, Tex., and Texas County, Okla. | 146,083 | 2-3-61 | 3-7-61 | 3-8-61 | [3] 9.5876 | 10.5924 | RI61-73 |
| | | | | do | 20,424 | 2-3-61 | 3-7-61 | 3-8-61 | [4] 9.8262 | 10.4513 | |
| RI61-383 | Ada Oil Co. (Operator), et al., P.O. Box 644, Houston 1, Tex. | 3 | 5 | Hugoton Field, Sherman County, Tex. | 6,368 | 2-6-61 | 3-9-61 | 3-10-61 | 10.19461 | 11.26303 | |
| RI61-384 | Van Norman Oil Co., Bank of the Southwest Building, Houston, Tex. | 1 | 11 | do | 2,477 | 2-13-61 | 3-16 61 | 3-17-61 | [3] 9.1123 | 10.5924 | |
| RI61-385 | Sunray Mid-Continent Oil Co., P.O. Box 2039, Tulsa 2, Okla. | 83 | 8 | do | 964 | 2-16-61 | 3-19-61 | 3-20-61 | [3] 9.5507 | 10.5516 | RI61-55 |
| RI61-386 | L. H. Puckett and R. E. Wertz, % Jerry F. Lyons, Attorney, P.O. Box 550, Amarillo, Tex. | 1 | 21 | Hugoton Field, Sherman and Hansford Counties, Tex. | 593 | 2-16-61 | 3-19-61 | 3-20-61 | 6.1564 | 10.5924 | |
| | | | | do | 19,908 | 2-16-61 | 3-19-61 | 3-20-61 | [5] 5.7038 | 9.8423 | |

[1] The stated effective date is the date proposed by Respondent or the date of expiration of statutory notice, if later.
[2] The pressure base is 14.65 psia.
[3] Texas gas rate.
[4] Oklahoma gas rate.
[5] Sweet gas rate with differential for sour gas.
[6] Sour gas rate.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above designated supplements are hereby suspended and the use thereof deferred until the later of the date indicated in the above "Date Suspended Until" column and the date the related rate of Phillips becomes effective subject to refund in the proceeding in Docket No. RI60-349 and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act, *Provided, however,* That said supplements shall become effective on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order said Respondents shall execute and file under their respective above-designated docket numbers with the Secretary of the Commission their agreements and undertakings to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless said Respondents are advised to the contrary within 15 days after the filing of such agreements and undertakings, their agreements and undertakings shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 24, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2188; Filed, Mar. 13, 1961; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-1340]

## DIVERSIFIED COLLATERAL CORP.

### Notice and Order for Hearing

MARCH 8, 1961.

I. Diversified Collateral Corporation, a Florida corporation, with its principal offices located at 420 Lincoln Road, Miami Beach, Florida, filed with the Commission on February 24, 1960, a notification on Form 1-A and an offering circular relating to a proposed public offering of 75,000 shares of its 10 cents par value common stock at $4.00 per share for an aggregate amount of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. The offering was originally commenced on April 25, 1960, without an underwriter, but the filing was subsequently amended to name The Tager Company, of New York, New York, as principal underwriter and the offering was re-commenced on August 24, 1960.

II. The Commission on February 10, 1961 issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing has been received by the Commission and the Commission deems it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption.

*It is hereby ordered*, Pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, that a hearing be held at the New York Regional Office of the Commission on the 23d floor, 225 Broadway, New York 7, New York, at 10:00 a.m., e.s.t., April 5, 1961 with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether Regulation A is unavailable to the issuer in that Neil James & Co., Inc., 44 Beaver Street, New York, New York, and Banner Securities, Inc., 26 Broadway, New York 4, New York, became and in fact were underwriters of this issue while subject to orders issued by the United States District Court for the Southern District of New York temporarily restraining or permanently enjoining such firms from further violations of certain provisions of the Securities Exchange Act of 1934 or from engaging in or continuing business as a broker-dealer while in violation of such requirements.

B. Whether the terms and conditions of Regulation A have not been complied with in that the issuer failed to amend Items 4, 6, 7, and 11 (b) and (c) of its notification on Form 1-A and Paragraph 5 of Schedule I to disclose the required information with respect to the two additional underwriters.

C. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading, particularly with respect to the issuer's failure to disclose the names and addresses of additional underwriters, the terms and conditions of any agreements between the issuer and the additional underwriters, and any material relationship between the issuer and such underwriters.

D. Whether the issuer, through one of the underwriters of this issue of securities, Neil James & Co., Inc., in the distribution of such securities, has engaged in transactions, practices and a course of business which would operate and did operate as a fraud and deceit upon the purchasers of such securities, in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is further ordered*, That Sidney Gross or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

*It is further ordered*, That the Secretary of the Commission shall serve a copy of this order by registered mail to Diversified Collateral Corporation; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Secretary of the Commission on or before April 3, 1961 a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-2192; Filed, Mar. 13, 1961; 8:45 a.m.]

[File No. 24NY-5236]

## ROULETTE RECORDS, INC.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 8, 1961.

I. Roulette Records, Inc. (issuer), a New York corporation, pursuant to the provisions of Section 3(b) of the Securities Act of 1933, as amended (Act) and Regulation A promulgated thereunder, for the purpose of obtaining an exemption from the registration provisions of the Act, filed with the Commission on August 29, 1960 a notification and offering circular relating to a proposed public offering of 100,000 shares of its $0.01 par value common stock at $3.00 per share for an aggregate offering of $300,000. Since August 29, 1960, various amendments to said offering circular have been filed by the issuer.

II. The Commission has reasonable cause to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading in that:

1. The notification and offering circular omit to disclose the existence of and subject matter involved in a pending proceeding before the Federal Trade Commission in which said Commission is alleging that Roulette Records, Inc., engaged in certain designated activities which constitute specified "unfair and deceptive acts and practices and unfair methods of competition in commerce within the intent and meaning of the Federal Trade Commission Act", and omit to disclose the sanctions which may be imposed upon Roulette Records, Inc., by the Federal Trade Commission.

2. The notification and offering circular omit to disclose material facts concerning the methods by which Roulette Records, Inc., has done and is now doing business, including: the acts, practices and methods by which it has promoted the sale of its products; the relationship of such acts, practices and methods to its sales and earnings; changes in such acts, practices and methods; and the effects on its sales and earnings of changes in such acts, practices and methods.

3. The notification and offering circular include financial statements of the issuer which are not in accordance with generally accepted accounting principles and practices, particularly with respect to:

a. The amortization of the costs incurred by Roulette Records, Inc., in creating "master" records.

b. The write-off of goodwill to earned surplus; and

c. The treatment of amounts paid by Roulette Records, Inc., to certain artists as advance royalties.



B. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Morris Levy, President, Roulette Records, Inc., 1631 Broadway, New York, New York, Morris Levy, 25 Central Park West, New York, New York, Joseph L. Kolsky, 237 Waverly Road, East Rockaway, New York, Morris Gurlek, 25 Central Park West, New York, New York, Phil Kahl, 10 East End Avenue, New York, New York, William Krauss, 20 Jerusalem Avenue, Hicksville, L.I., New York, A. T. Brod & Co., 120 Broadway, New York, New York, and Fink, Weinberger, Levin & Gottschalk, 551 Fifth Avenue, New York, New York, and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after the entry of this order will, within twenty days after receipt of such request, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the temporary suspension order or to enter an order permanently suspending exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, the suspension order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-2193; Filed, Mar. 13, 1961; 8:46 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

[Juneau Area Office Redelegation Order 2]

## VARIOUS OFFICIALS

### Redelegations of Authority

PART 1—GENERAL

SECTION 1.1 *Appeals.* Any action taken by any Area Field Representative or other officer pursuant to this order shall be subject to the right of appeal. An appeal may be taken from the decision of such Area Field Representative or other officer to the Area Director, Juneau Area Office. An appeal must be filed in writing with such Area Field Representative or other officer and shall be promptly transmitted by him with the record in the case to the Area Director, Juneau Area Office. Any action taken by the Area Director pursuant to this order shall be subject to the right of appeal to the Commissioner of Indian Affairs, pursuant to section 1 of Order 551, as amended, of the Bureau of Indian Affairs. Any action taken by the Commissioner of Indian Affairs pursuant to this order shall be subject to the right of appeal to the Secretary of the Interior, pursuant to section 1(a) of Order 2508, as amended, of the Secretary of the Interior.

SEC. 1.2 *Limitations.* Delegations of authority made by this order are not to be construed as depriving the Area Director of the authority conferred upon him by the Commissioner of Indian Affairs.

PART 2—AUTHORITY OF AREA FIELD REPRESENTATIVES AND THE ADMINISTRATIVE OFFICER AND SPECIAL REPRESENTATIVE, SEATTLE LIAISON OFFICE

Subject to the provisions of Part 1, the Area Field Representatives in charge of Area Field Offices and the Administrative Officer and Special Representative in charge of the Seattle Liaison Office may exercise the authority of the Area Director with respect to the following:

FUNCTIONS RELATING TO TRADING WITH INDIANS

SEC. 2.171 *Trading With Indians in Alaska.* The approval of trade for personal use by Government employees in Alaska with Indians pursuant to 25 CFR 251.5(a) including such cases where the amount involved exceeds $250.00. This authority is limited to purchases made by employees from or through the Alaska Native Industries Cooperative Association, the Alaska Native Arts and Crafts Cooperative Association, and purchases made by employees from stores operated by Native villages.

JOHN O. CROW,
*Acting Commissioner.*

MARCH 7, 1961.

[F.R. Doc. 61-2190; Filed, Mar. 13, 1961; 8:45 a.m.]

## Geological Survey

## CALIFORNIA, MONTANA, UTAH, WYOMING

### Definition of Known Geologic Structures of Producing Oil and Gas Fields

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of defined structures effective as of the dates shown.

*Name of Field, Effective Date, Acreage*

(1) CALIFORNIA

| | |
|---|---|
| Coalinga West Side (Revision), Dec. 1954 | 10,823 |
| Coalinga West Side (Revision), Dec. 17, 1959 | 16,362 |
| Edison (Revision and Consolidation), Dec. 2, 1960 | 13,962 |
| Rio Bravo-Greeley (Revision and Consolidation), Aug. 24, 1955 | 6,749 |
| San Ardo (Revision), Jan. 2, 1956 | 7,583 |

(4) MONTANA

| | |
|---|---|
| Bear's Den (Revision), Dec. 20, 1960 | 1,156 |
| Belfry, Mar. 23, 1958 | 411 |
| Clark's Fork North, Apr. 8, 1958 | 680 |

(8) UTAH

| | |
|---|---|
| Red Wash (Revision), Oct. 14, 1960 | 37,709 |
| Westwater, Nov. 2, 1960 | 5,646 |

(9) WYOMING

| | |
|---|---|
| Donkey Creek (Revision), Oct. 10, 1960 | 6,699 |
| Grieve (Revision), Jan. 1, 1960 | 2,320 |
| Lamb (Revision), Jan. 28, 1960 | 2,425 |
| Patrick Draw (Revision), Nov. 23, 1960 | 17,143 |

THOMAS B. NOLAN,
*Director.*

MARCH 8, 1961.

[F.R. Doc. 61-2189; Filed, Mar. 13, 1961; 8:45 a.m.]

# DEPARTMENT OF AGRICULTURE

## Office of the Secretary

## MISSISSIPPI

### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Mississippi a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

| | |
|---|---|
| Clarke. | Jackson. |
| Forrest. | Jones. |
| George. | Perry. |
| Greene. | Wayne. |

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of March 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-2212; Filed, Mar. 13, 1961; 8:48 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 463]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 9, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested per-

son may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63426. By order of March 7, 1961, the Transfer Board approved the transfer to Irvin Timperley, Route Number 3, Norfolk, Nebr., of Certificate in No. MC 107350, issued October 26, 1949, to Kenneth L. Backhaus, McLean, Nebr., authorizing the transportation of: mixed feed and molasses, salt, farm machinery, plumbing supplies, coal, refrigerators, building materials, paint, household goods, emigrant movables, agricultural commodities, and livestock, from, to or between specified points in Iowa, Nebraska, and South Dakota.

No. MC–FC 63860. By order of March 7, 1961, the Transfer Board approved the transfer to Carroll The Mover, Inc., Quincy, Mass., of Certificate in No. MC 119068, issued February 19, 1960, to Robert A. Carroll and Richard J. Carroll, a partnership, doing business as Carroll The Mover, Quincy, Mass., authorizing the transportation of: household goods, between points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia; and between points in the above-named states, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Ohio, Michigan, Indiana, Illinois, West Virginia, North Carolina, and South Carolina; and, between points in Maine, on the one hand, and, on the other, points in Massachusetts and New Hampshire. Theodore E. Shasta, One Court Street, Boston 8, Mass., attorney for applicants.

No. MC–FC 63861. By order of March 7, 1961, the Transfer Board approved the transfer to Bronson Avenue Carting and Storage Co., Inc., Rochester, N.Y., of Certificates Nos. MC 57571 Sub 1 and MC 57571 Sub 2, respectively, issued May 20, 1949, and August 30, 1950, to Flower City Carting and Excavating Co., Inc., Rochester, N.Y., authorizing the transportation, over irregular routes, of such commodities which because of weight or size require the use of special equipment, between Rochester, N.Y., on the one hand, and, on the other, points in Ohio, Pennsylvania, New Jersey, Connecticut, and Massachusetts, tanks, bins, conveyors, chutes, dryers, elevator buckets, elevator casings, fire escapes, flumes, guards, hoppers, ornamental iron, smoke breechings, spouts, stocks, stairways, tar kettles and troughs, from Batavia, N.Y., to points in Connecticut, Massachusetts, New Jersey, Ohio, and Pennsylvania, and commodities used in the manufacture of the above-specified articles, from points in Massachusets, Ohio, and Pennsylvania, to Batavia, N.Y. Frederic G. Blum, 714 Powers Building, Rochester 14, N.Y., attorney for applicants.

No. MC–FC 63971.[1] By order of February 27, 1961, the Transfer Board approved the transfer to Martin Greenberg, doing business as Martin Trucking Co., Philadelphia, Pa., of Certificate in No. MC 118440 Sub 1, issued May 19, 1960, to Leo Holt, Jr., Melrose Park, Pa., authorizing the transportation of: Tires and tubes, from Philadelphia, Pa., to New York, N.Y., Wilmington, Del., Baltimore, Md., and Atlantic City and Trenton, N.J.; electrical equipment and supplies, from Philadelphia, Pa., to Wilmington, Del., Baltimore, Annapolis, and Havre de Grace, Md., and Newark, Trenton, Jersey City, Hammonton, Atlantic City, Ocean City, Wildwood, and Cape May, N.J.; pottery, enamelware, and steel pipe and fittings, from Philadelphia, Pa., to Wilmington, Del., Baltimore, Md., Newark, Jersey City, Trenton, New Brunswick, Hammonton, Atlantic City, Ocean City, Wildwood, Cape May, and Lambertville, N.J., and New York, N.Y.; agricultural commodities, from Philadelphia, Pa., to Atlantic City, Asbury Park, Ocean City, and Wildwood, N.J., and New York, N.Y.; and new furniture, radios and washing machines, from Philadelphia, Pa., to points in New Castle County, Del., and points in New Jersey. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., practitioner for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–2201; Filed, Mar. 13, 1961; 8:46 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 9, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36948: *Cement from Ohio and Pennsylvania points.* Filed by Traffic Executive Association-Eastern Railroads, Agent (No. CTR 2452), for interested rail carriers. Rates on cement, common, hydraulic, natural or Portland, in bulk in covered hopper cars, in carloads, from specified points in Ohio and Pennsylvania, to Parkersburg, W. Va.

Grounds for relief: Truck competition.

Tariff: Supplement 45 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C–56.

FSA No. 36949: *Pulpwood from points in Mississippi.* Filed by Illinois Central Railroad Company (No. 3). Rates on pulpwood, in carloads, from specified Illinois Central Railroad stations in Mississippi, to Corinth, Miss. (Applicable only on traffic destined to Counce, Tenn.)

Grounds for relief: Carrier competition.

Tariff: Supplement 56 to Illinois Central Railroad tariff I.C.C. 8542.

FSA No. 36950: *Pallets from, to and within southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B–7980), for interested rail carriers. Rates on corrugated pulpboard pallets, in carloads, between points in southwestern territory; between points in southwestern territory, on the one hand, and points in southern territory, also Kansas and Mississippi River Crossings, St. Louis, Mo., and south thereof, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplements 83, 96, and 91 to Southwestern Freight Bureau tariffs I.C.C. 4331, 4330, and 4333, respectively.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–2200; Filed, Mar 13, 1961; 8:46 a.m.]

[1] The previous notice, published in the FEDERAL REGISTER of March 4, 1961, did not include the entire rights acquired from MC 118440 Sub 1.

# SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 308]

## ILLINOIS

### Declaration of Disaster Area

Whereas it has been reported that during the month of March 1961, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Illinois;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Acting Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the State of Illinois, suffered damage or destruction resulting from wind and accompanying conditions occurring on or about March 4, 1961.

Office: Small Business Administration Regional Office, Bankers Building, Room 430, 105 West Adams Street, Chicago, Ill.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1961.

Dated: March 6, 1961.

FRANK STEMPLE, *Acting Deputy Administrator.*

[F.R. Doc. 61–2194; Filed, Mar. 13, 1961; 8:46 a.m.]



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**Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.**



**FEDERAL REGISTER**

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 426.1]

### PART 306—REAL PROPERTY INSURANCE

#### Indicating Mortgagee in Mortgage Clause

Section 306.2(f), Title 6, Code of Federal Regulations (21 F.R. 7509), is revised to reflect a change in the designation of mortgagee and to read as follows:

§ 306.2 Companies and policies.

* * * * *

(f) *Mortgage clause.* The standard mortgage clause (without contribution) must be attached to or printed in the policy or Form FHA 426–2, "Property Insurance Mortgage Clause (Without Contribution)," must be attached to the policy. If the use of a mortgage clause, other than the standard mortgage clause (without contribution) has been made mandatory by the laws or insurance regulations of any state, such form will be acceptable to the Farmers Home Administration upon prior approval by the National Office. Whenever a new mortgage clause including the interest of the Farmers Home Administration is issued after the policy has been in force, the new mortgage clause must be signed by an authorized agent or officer of the company that issued the policy.

(1) The United States of America (Farmers Home Administration) and all other mortgagees whose interests are insured by the policy will be shown in the mortgage clause in the order of priority of their mortgages.

(2) The name "United States of America (Farmers Home Administration)" will be named payee in the mortgage clause for direct and insured loan mortgages naming the Farmers Home Administration as mortgagee, whether in its own right or as trustee under a 2(f) agreement pursuant to the Rural Rehabilitation Corporation Trust Liquidation Act (40 U.S.C. 440).

(3) The name "United States of America (Farmers Home Administration) as First Mortgagee or as Statutory Agent and Insurer of Such Mortgagee," will be named payee in the mortgage clause for insured Farm Ownership mortgages naming the lender as mortgagee, whether the mortgage is held by the original or a subsequent lender or by the insurance fund or by the Farmers Home Administration under a trust assignment or declaration of trust.

(4) In case of real estate mortgages securing more than one type of Farmers Home Administration loan to the same borrower, the United States of America (Farmers Home Administration) will be named in the mortgage clause appropriately for each type of loan.

(Sec. 41, 50 Stat. 528, as amended, sec. 510, 63 Stat. 437, sec. 10, 68 Stat. 735; 7 U.S.C. 1015, 42 U.S.C. 1480, 16 U.S.C. 590x–3; Order of Acting Sec. of Agr., 19 F.R. 74, 22 FR 8188)

Dated: March, 9, 1961.

FLOYD F. HIGBEE,
*Acting Administrator,*
*Farmers Home Administration.*

[F.R. Doc. 61–2249; Filed, Mar. 14, 1961; 8:48 a.m.]

SUBCHAPTER C—OPERATING LOANS

[FHA Instruction 441.3]

### PART 342—LOAN PROCESSING

Part 342, Title 6, Code of Federal Regulations (22 F.R. 21, 1059, 7199, 24 F.R. 1408, 8406) is revised to read as follows:

Sec.
342.1 General.
342.2 Loan forms and routines.
342.3 Review and approval or rejection.
342.4 Loan closing.
342.5 Revision in the use of Operating loan funds.

AUTHORITY: §§ 342.1 to 342.5 issued under secs. 21, 41, 42, 44, 48, 50 Stat. 524, as amended, 528, as amended, 529, as amended, 530, as amended, 531, as amended, sec. 1, 63 Stat. 407, sec. 1311, 68 Stat. 830; 7 U.S.C. 1007, 1015, 1016, 1018, 1022, 31 U.S.C. 712a, 200; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188.

§ 342.1 General.

This part sets forth the requirements and procedures for preparation and execution of documents and for other routines in connection with making Operating loans as prescribed in Part 341 of this chapter.

§ 342.2 Loan forms and routines.

(a) *Application for loans.* (1) Applicants who are not indebted for Operating loans or for Emergency or Special Livestock loans will execute Form FHA–197 or FHA 410–1, "Application for FHA Services," in accordance with Part 301 of this chapter.

(2) Applicants who are indebted for Operating loans or for Emergency or Special Livestock loans will not be required to execute Form FHA–197 or FHA 410–1 if the application taken in connection with such loans reasonably reflects their current status.

(b) *Form FHA 440–2, "County Committee Certification."* (1) When the applicant is determined to be eligible, the County Committee will execute Form FHA 440–2 before the loan is approved. This certification will cover any loans to be made to the applicant for the crop year specified within the maximum amount of credit established by the County Committee. If it is found, after an applicant has been certified as eligible, that a different farm will be operated or that an amount of credit in excess of the maximum previously established by the County Committee will be required for the designated crop year, it will be necessary for the County Committee again to certify the applicant as eligible on the basis of the changed circumstances if a loan is to be made.

(2) When the County Committee has agreed to increase the original amount of loan assistance certified for the crop year because such amount was insufficient to meet the needs of the borrower, a new Form FHA 440–2 will be prepared and executed. The date of the end of the same crop year (month, day, and year) as that indicated in the original certification will be inserted in the appropriate space. In the space indicating the maximum amount of credit for the crop year, the amount to be inserted will be the sum of the original certification plus the additional amount the County Committee determines is necessary to meet the actual credit needs of the borrower. A notation will be made in the blank space on Form FHA 440–2 that the County Committee has again reviewed the applicant's situation and his credit needs for the crop year are as indicated rather than the amount shown on Form FHA 440–2 dated _____. The new Form FHA 440–2 should be executed by the County Committee and dated as of that date. The Form FHA 440–2 previously executed will be retained.

(3) When a subsequent loan is made after the end of the 7-year continuous indebtedness limitation as authorized in § 341.7(d) of this chapter, the additional information will be inserted in the blank space on Form FHA 440–2 before it is executed by the County Committee.

(c) *Form FHA 431–1, "Long-Time Farm and Home Plan."* Form FHA 431–1 will be developed with those applicants who are to receive intensive supervision as prescribed in Subpart A, Part 302 of this chapter.

(d) *Form FHA–14 or FHA 431–2, "Farm and Home Plan."* Form FHA–14 or FHA 431–2 will be developed with all applicants as prescribed in Subpart A, Part 302 of this chapter.

(e) *Appraisal of property.* (1) The following information will be recorded concerning each secured or unsecured debt to be refinanced under the provisions of § 341.5(m) of this chapter: (i) The name of the applicant; (ii) the name of the lienholder, if any; (iii) the amount owed on the debt; (iv) a description of each item of property on which the indebtedness is owed and the market value of each; (v) the total value of all property on which the indebtedness is owed; and (vi) the name and title of the person making the report. This information may be set forth in Tables A and H of Form FHA–14 or FHA 431–2 when only a few items of property are involved. If more than one debt is to

be refinanced, a separate appraisal form will be used for each.

(2) When unsecured debts are to be refinanced, the applicant will be required to sign a statement to be inserted on the appraisal report referred to above or attached to Form FHA–14 or FHA 431–2 showing that the debt for which refinancing was requested was incurred to acquire the livestock or farm equipment described therein.

(f) *Tenure agreement.* Generally, a copy of the lease agreement between tenant applicants and their landlords will be obtained and made a part of the loan docket. Where it is not practical to obtain a copy of the lease agreement, a statement setting forth those terms and conditions of the agreement which are not clearly reflected in the Farm and Home Plan will be prepared and made a part of the loan docket.

(g) *Form FHA–31 or FHA 441–1, "Promissory Note."* The amount of each loan and the scheduled payments thereon will be in multiples of $10. Not more than four payments on a single note will be scheduled for any year. The time limitations for payment schedules prescribed in § 341.7 of this chapter run from the date of the loan check instead of from the date of the note. Forms FHA–31 or FHA 441–1 will be dated as of the date of execution by the applicant. The applicant's spouse will be required to execute Form FHA–31 or FHA 441–1 when legally required by State law, or the loan approval official determines that the signature is needed because of the spouse's interest in the farm being operated or in property offered as security, or it is determined by the State Director, on a state basis, that the spouse's signature will be required.

(h) *Form FHA–404 or FHA 440–9, "Supplementary Payment Agreement."* This form will be used, as needed, with applicants and borrowers who will be receiving regular off-farm income from which payments are to be made on the loan.

(i) *Form FHA–5 or FHA 440–1, "Loan Authorization."* Form FHA–5 or FHA 440–1 will be prepared for the total amount of the loan as indicated on Form FHA–31 or FHA 441–1. Separate Forms FHA–5 or FHA 440–1 will be prepared for each loan.

(j) *Immediate and future loans.* All of the applicant's anticipated credit needs for the crop year will be planned for when Forms FHA–14 or FHA 431–2 are developed. Ordinarily, all documents for loans required for the balance of the fiscal year will be submitted to the Finance Office at one time. Such documents may provide for the loan funds to be disbursed in an immediate loan, or an immediate loan and one or more future loans, or one or more future loans without an immediate loan. However, all such loans must be disbursed at least 30 days apart. If more than one loan is submitted to the Finance Office at the same time, all such loans will be shown as the same type, that is, either initial or subsequent. Moreover, no disbursement will be scheduled later than the end of the fiscal year in which the loans were approved. If it is not practical for all of the loans to be disbursed by the end of the fiscal year, a subsequent loan may be approved and submitted after the beginning of the succeeding fiscal year to meet the remainder of the applicant's credit needs for that crop year. Subject to the above requirements, subsequent loans also may be submitted at any time during the crop year to meet credit needs of the applicant which could not be anticipated at the beginning of the crop year, provided the need for such credit is reflected on a revision of Form FHA–14 or FHA 431–2. When credit is to be extended in more than one loan, a separate loan authorization and note must be submitted for each loan.

(k) *Form FHA–30__ or FHA 440–4__, "Crop and Chattel Mortgage."* The security property should be described accurately and adequately and should be reconciled with any existing security instruments. The requirements for the signature of the applicant's spouse will be as prescribed for Form FHA–31 or FHA 441–1.

(l) *Eorm FHA–32 or FHA 441–5, "Subordination Agreement."* When a Subordination Agreement is required, Forms FHA–32 or FHA 441–5, or other form approved by the State Director where such forms are not legally sufficient, will be used. The years to be covered by the subordination generally will be the unexpired period of the lease but as a minimum will be the year for which the loan is made.

(m) *Form FHA 441–8, "Assignment of Proceeds from the Sale of Agricultural Products."* Form FHA 441–8 or other form approved by the State Director will be used to obtain an assignment of proceeds from the sale of farm, dairy, poultry, or other agricultural products.

(n) *Form FHA–259 or FHA 440–6, "Severance Agreement."* (1) If severance agreements are required in accordance with the provisions of Part 341 of this chapter, such agreements will be executed no later than the date on which the property purchased with loan funds is delivered to the farm, or prior to the release of loan funds to the creditor if refinancing of debts on such property is involved.

(2) Form FHA–259 or FHA 440–6 will be executed by the borrower and by the landowner where the borrower holds under a lease or purchase contract and by all lienholders except those holding liens for real or personal property taxes and except those holding liens on the real estate where the borrower is a tenant.

(3) State Directors will specify the situations in which such agreements are required to comply with security requirements of Part 341 of this chapter, whether the severance agreements should be filed or recorded, and whether the spouse of the borrower and the spouses of other parties of interest also will be required to execute severance agreements.

(o) *Form FHA–916 or FHA 441–13 (Agreement).* Form FHA–916 or FHA 441–13 will be used when it is necessary to obtain both a division of income and a nondisturbance agreement from prior lienholders.

(p) *Form FHA–933 or FHA 441–10, "Nondisturbance Agreement."* Form FHA–933 or FHA 441–10 will be used when it is necessary to obtain only nondisturbance agreements from creditors of an applicant who are in a position to interfere with the applicant's farming operations.

(q) *Form FHA–310 or FHA 441–9, "Extension Agreement."* Form FHA–310 or FHA 441–9 will be used when it is necessary to extend installments on a borrower's notes and advance him additional credit after the 7-year continuous indebtedness limitation has been reached. Form FHA–310 or FHA 441–9 will be prepared for each note on which installments are extended in accordance with the policies expressed in § 341.6(d) of this chapter and the following:

(1) Loans may be made after the 7-year continuous indebtedness limitation has been reached only during the period for which the borrower's existing note has been extended. Therefore, the payment schedule on at least one note will be extended when making the first loan after the 7-year continuous indebtedness limitation has been reached. After the extension has been processed, additional loans may be made within the extended period without further extension. If the original extension was not for the full period authorized, and an additional loan is to be made after the expiration of the extended period, a further extension, within the maximum period, must be approved. The extended period is the period between the date ending the period of the 7-year continuous indebtedness and the latest due date to which any installment is extended. Extension agreements will be entered into only in connection with the making of additional loans.

(2) Form FHA–310 or FHA 441–9 will be executed by the borrower, the loan approval official, and by any junior lienholders. The form will be dated as of the date it is executed by the borrower.

### § 342.3 Review and approval or rejection.

After the loan documents have been assembled, the loan approval official will make the determinations required in § 341.10(a) of this chapter.

(a) *Approval of loans.* If the loan is to be approved, the loan approval official will date and sign Form FHA–5 or FHA 440–1 and prescribe any special conditions of approval or special security requirements. Where an Operating loan is being made in connection with the making of a Farmers Home Administration Real Estate loan and one loan is dependent on the other and it is not possible to order the Real Estate loan check before the end of the fiscal year, it will be necessary to obtain a new note and loan authorization for the Operating loan which must be approved after the beginning of the new fiscal year.

(b) *Rejection of loans.* If a loan is rejected, the County Supervisor will notify the applicant of the rejection and will return to him the original of Form FHA–31 or FHA 441–1, any tenure agreements, and any executed security instruments.



### § 342.4 Loan closing.

(a) *Check delivery.* County Office employees in bonded positions will receive and deliver loan checks. Upon receipt of a loan check, the County Supervisor will notify the applicant promptly on Form FHA–96 or FHA 440–8, "Notice of Check Delivery," or mail the check to him or when a supervised bank account is required and the depository bank does not require the applicant's endorsement for deposit, he may deposit the loan check in the supervised bank account and furnish the applicant a copy of the deposit slip. If the bank will not accept the loan check for deposit in a supervised bank account without the applicant's endorsement, the County Supervisor will retain the check and arrange with the applicant for a time and place for its deposit.

(b) *Form FHA–87 or FHA 441–3, "Report of Lien Search."* Form FHA–87 or FHA 441–3 or other form providing substantially the same information will be prepared.

(1) Lien searches will be made at such times as necessary to assure that the Government will obtain the required security. Except as otherwise provided in this paragraph, applicants are required to obtain and pay the cost of lien searches. Applicants should select the sources through which lien searches are made. The cost of lien searches may be paid from the proceeds of loan checks when necessary. State Directors may authorize the employees of a particular County Office unit to make lien searches without cost to applicants when the cost of lien searches is exorbitant, such service is not available, or experience has shown that the service available will cause undue delay in the closing of loans or make it difficult to comply with the provisions of this paragraph. County Office employees may make continuation lien searches when such searches are determined to be necessary in connection with processing applications or in connection with subsequent mortgages taken to describe additional chattels purchased with loan funds.

(c) *Security documents.* County Office employees in bonded positions are authorized to execute and file or record any legal instruments necessary to obtain or preserve security for loans. This includes mortgages and similar lien instruments, as well as affidavits, acknowledgments, and other certifications, when the mortgagee must execute such instruments under State law.

(d) *Obtaining security for Operating loans.* In cases in which capital goods are to be purchased and covered by a lien, the County Supervisor will encourage the applicant to make preliminary arrangements for the purchase of all such items by the time the initial mortgage is taken in order to eliminate the taking of additional mortgages. The taking of security in closing loans will be governed by the following requirements:

(1) If all of the loan funds are deposited in a supervised bank account, the initial mortgage to secure the loan will be taken not later than the date of the first withdrawal of any of the loan funds from such account.

(2) If only a part or none of the loan funds are deposited in a supervised bank account, the initial mortgage to secure the loan will be taken not later than the time of the delivery of the loan check to the applicant.

(3) If, at the time the initial mortgage is taken under the requirements of subparagraph (1) or (2) of this paragraph, a part of the property which is to serve as security for the loan is yet to be purchased, a first lien will be taken on such property at the time it is purchased unless the after-acquired property clause in the mortgage gives the Government a first lien on such property.

(e) *Fees.* Statutory fees for filing or recording mortgages or other legal instruments and notary and lien search fees incident to loan transactions in all cases will be paid by the borrower from personal funds or from the proceeds of the loan. Whenever cash is accepted by Farmers Home Administration personnel to be used to pay the filing or recording fees for security instruments, or the cost of making lien searches, Form FHA–385 or FHA 441–4, "Acknowledgment of Payment for Recording, Lien Search, and Releasing Fees," will be executed. Farmers Home Administration personnel who accept custody of such fees will make it clear to the borrower that the amount so accepted is not received by the Government as credit on the borrower's indebtedness but is accepted only for the purpose of paying the recording, filing, or lien search fees on behalf of the borrower.

### § 342.5 Revision in the use of Operating loan funds.

(a) *Authority of the County Supervisor.* The County Supervisor is authorized to approve changes in the purposes for which loan funds are to be used provided: The loan was within the County Supervisor's loan approval authority; such a change is for an authorized purpose and within applicable limitations; and such a change will not adversely affect the soundness of the farming operation or the Government's interest.

(b) *Authority of State Office officials.* (1) The State Director may delegate additional authority to County Supervisors to approve certain kinds of changes in the use of loan funds.

(2) The State Director and employees in the State Office who have loan approval authority are authorized to approve changes in the use of loan funds provided the changes are consistent with the authorities, policies, and limitations for making Operating loans.

Dated: March 9, 1961.

FLOYD F. HIGBEE,
*Acting Administrator,*
*Farmers Home Administration.*

[F.R. Doc. 61–2250; Filed, Mar. 14, 1961; 8:48 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

[Airspace Docket No. 60–FW–52]

## PART 608—SPECIAL USE AIRSPACE

### Modification of Restricted Area/Military Climb Corridor

*Correction*

In F.R. Doc. 61–1896, appearing at page 1909 of the issue for Saturday, March 4, 1961, the second paragraph under "Designated altitudes" should read "2,100 feet MSL to Flight Level 240 from 6 to 7 miles SW of the TACAN".

# Title 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

## PART 1033—ONIONS GROWN IN SOUTH TEXAS

### Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 143 and Order No. 133 (7 CFR Part 1033; 26 F.R. 704), regulating the handling of onions grown in designated counties of South Texas, was published in the FEDERAL REGISTER March 4, 1961 (26 F.R. 1920). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within five days after publication.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice and additional proposals adopted and submitted for approval by the South Texas Onion Committee which met, reviewed the notice, and recommended appropriate changes, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) volume shipments of onions grown in the production area are expected to begin on or about the effective date of this section, (2) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the handling of onions in the manner set forth in this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances for such preparation, and (5) notice has been given of the proposed Limitation of Shipments

set forth in this section through publicity in the production area and by publication in the FEDERAL REGISTER of March 4, 1961 (26 F.R. 1920).

**§ 1033.301 Limitation of shipments.**

During the period from March 20, 1961, through May 31, 1961, no person shall handle any lot of onions grown in the production area, except onions of the red variety, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable sizing requirements of paragraph (b)(2) of this section, and the container requirements of paragraph (c) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (d), (e), (f), and (g) of this section.

(a) *Grades*—(1) *Yellow varieties.* (i) From March 20, 1961, through May 31, 1961, not to exceed 20 percent defects of U.S. No. 1 grade; or U.S. No. 1 or better grade if repacker size;

(ii) From April 1, 1961, through May 31, 1961, U.S. No. 1 or better grade for medium size Bermuda or Granex varieties, and not more than 10 percent defects of U.S. No. 1 for medium size Grano variety.

(2) *White varieties.* (i) From April 10, 1961, through May 31, 1961, not to exceed 20 percent defects of U.S. No. 1 grade.

(b) *Sizes*—(1) *Size classifications.* For purposes of regulation under this part, the size of onions shall be in accordance with one of the following classifications:

(i) "Small" shall be from 1 to 2¼ inches in diameter;

(ii) "Repackers" shall be from 1¾ to 2¾ inches in diameter, with 60 percent or more 2 inches or larger;

(iii) "Medium" shall be from 2 to 3¼ inches in diameter; or

(iv) 2⅞ inches or larger in diameter.

(2) *Sizing requirements*—(i) *Yellow varieties.* (*a*) From March 20, 1961, through May 31, 1961:

Repacker size;
Medium size;
2⅞ inches or larger in diameter.

(ii) *White varieties.* (*a*) From April 10, 1961, through May 31, 1961:

Small size;
Repacker size;
Medium size;
2⅞ inches or larger in diameter.

(c) *Container requirements.* Onions may be handled only in containers classified by weight, with respective dimensions, as follows:

(1) 25 pound containers, with not to exceed in any lot an average net weight of 27½ pounds per container and, if packed in bags, the bags shall be of outside dimensions not larger than 29 inches by 31 inches.

(2) 50 pound containers, with not to exceed in any lot an average net weight of 55 pounds per container, and, if packed in bags, the bags shall be of outside dimensions not larger than 33 inches by 38½ inches.

(d) *Minimum quantity exemption.* Pursuant to § 1033.52(c)(2), any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments.* (1) The requirements of paragraphs (a), (b), and (c) of this section, and the assessment requirements of this part, shall not be applicable to onions handled for the following special purposes:

(i) Relief or charity; or

(ii) Experimental purposes.

(2) The requirements of paragraph (c) of this section shall not be applicable to onions handled for Federal government purchases.

(f) *Safeguards.* (1) Each handler of onions which do not meet the requirements of paragraphs (a), (b), and (c) of this section and which are handled pursuant to paragraph (e) of this section for relief or charity or experimental purposes shall, prior to handling, apply for and obtain a Certificate of Privilege from the committee which shall require the handler to furnish such reports and documents as the committee may require showing that the onions were handled for the purpose specified in the Certificate of Privilege.

(g) *Inspection.* (1) After March 20, 1961, no handler shall handle any onions unless an appropriate inspection certificate has been issued with respect thereto.

(2) No handler shall transport or cause the transportation of any shipment of onions by motor vehicle for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purpose of operation under this part each required inspection certificate or form required by the committee as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(h) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Bermuda-Granex Type Onions (§§ 51.3195 to 51.3209 of this title), or United States Standards for Northern Grown Onions (§§ 51.2830 to 51.2847 of this title) whichever is applicable to the particular variety, including the tolerances for decay and sizes set forth therein. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages. All other terms used in this section shall have the same meaning as when used in Marketing Order No. 133 (Part 1033 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 10, 1961, to become effective March 20, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–2248; Filed, Mar. 14, 1961; 8:48 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### SUBCHAPTER A—INCOME TAX

[T.D. 6553]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Carryover in Certain Corporate Acquisitions of Pre-1954 Adjustments Resulting From Change in Method of Accounting

On January 20, 1961, notice of proposed rule making prescribing regulations under section 381(c)(21) of the Internal Revenue Code of 1954, relating to the carryover in certain corporate acquisitions of pre-1954 adjustments resulting from change in method of accounting, added by section 29(c) of the Technical Amendments Act of 1958 (72 Stat. 1628), was published in the FEDERAL REGISTER (26 F.R. 589). Since no written or oral comments were presented, the regulations as proposed are hereby adopted.

[SEAL] MORTIMER M. CAPLIN,
*Commissioner of Internal Revenue.*

Approved: March 9, 1961.

HENRY H. FOWLER,
*Acting Secretary of the Treasury.*

The following regulations are hereby prescribed under section 381(c)(21) of the Internal Revenue Code of 1954, relating to pre-1954 adjustments resulting from change in method of accounting, added by section 29(c) of the Technical Amendments Act of 1958 (72 Stat. 1628):

**§ 1.381(c)(21) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; pre-1954 adjustments resulting from change in method of accounting.**

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * * * *

(21) *Pre-1954 adjustments resulting from change in method of accounting.* The acquiring corporation shall take into account any net amount of any adjustment described in section 481(b)(4) of the distributor or transferor corporation—

(A) To the extent such net amount of such adjustment has not been taken into account by the distributor or transferor corporation, and



(B) In the same manner and at the same time as such net amount would have been taken into account by the distributor or transferor corporation.

[Sec. 381(c)(21) as added by sec. 29(c), Technical Amendments Act 1958 (72 Stat. 1628)]

**§ 1.381(c)(21)–1 Pre-1954 adjustments resulting from change in method of accounting.**

(a) *Carryover requirement.* Section 381(c)(21) provides that, in a transaction to which section 381(a) applies, an acquiring corporation shall take into account the net amount of any adjustments described in section 481(b)(4) (relating to adjustments arising from changes in accounting methods initiated by the taxpayer attributable to pre-1954 Code years) of the distributor or transferor corporation to the extent that such net amount of such adjustments has not been taken into account in any taxable year, including a short taxable year, by the distributor or transferor corporation. The acquiring corporation shall take into account in each taxable year beginning with the taxable year ending after the date of distribution or transfer the net amount of such adjustments in the same manner and at the same time as such net amount would have been taken into account by the distributor or transferor corporation. Thus, the amount of any such adjustment which the acquiring corporation shall take into account in each taxable year shall be the same amount that would have been taken into account in each taxable year by the distributor or transferor corporation.

(b) This section may be illustrated by the following example:

*Example.* On January 1, 1960, X Corporation, a calendar year taxpayer, voluntarily changed its method of accounting giving rise to a $50,000 adjustment under section 481(a), of which $20,000 is attributable to pre-1954 Code years. Under section 481(b)(4) the $20,000 adjustment is to be spread over 1960 and the following 9 years at the rate of $2,000 each year. On November 1, 1963, all the assets of X Corporation are acquired by Y Corporation in a transaction to which section 381(a) applies. Y Corporation reports its income on a fiscal year ending June 30. X and Y Corporations must take into account the $20,000 adjustment at the rate of $2,000 in each taxable year in the following time and manner:

X Corporation

| | | |
|---|---|---|
| Calendar years 1960–62 ($2,000×3) | $6,000 | |
| Short taxable year ending Nov. 1, 1963 ($2,000×1) | 2,000 | $8,000 |

Y Corporation

| | | |
|---|---|---|
| Fiscal years ending: | | |
| June 30, 1964 ($2,000×1) | 2,000 | |
| June 30, 1965–69 ($2,000×5) | 10,000 | 12,000 |
| | | 20,000 |

(c) *Successive transactions to which section 381(a) applies.* The provisions of this section shall apply in the case of successive transactions to which section 381(a) applies. Thus, if R Corporation, which was taking into account adjustments described in section 481(b)(4), distributes or transfers its assets to S Corporation in a transaction to which section 381(a) applies, and S Corporation was required to take into account any remaining portion of such adjustments under section 381(c)(21) and this section, and if subsequently S Corporation distributes or transfers its assets to T Corporation in a transaction to which section 381(a) applies, then T Corporation, under section 381(c)(21) and this section, shall take into account any remaining portion of such adjustments not previously taken into account by R and S Corporations.

(d) *Acquiring corporation not receiving all the assets.* The adjustments described in this section acquired from a distributor or transferor corporation by an acquiring corporation in a transaction to which section 381(a) applies is not reduced by reason of the fact that the acquiring corporation does not acquire 100 percent of the assets of the distributor or transferor corporation.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 61–2244; Filed, Mar. 14, 1961; 8:47 a.m.]

### SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6555]

### PART 301—PROCEDURE AND ADMINISTRATION

### Miscellaneous Amendments

In order to conform the Regulations on Procedure and Administration (26 CFR Part 301) to the amendments made to the Internal Revenue Code of 1954 by the Social Security Amendments of 1960 (74 Stat. 924), the Act of September 14, 1960 (Pub. Law 86–779, 74 Stat. 998), the Act of September 14, 1960 (Pub. Law 86–780, 74 Stat. 1010), and the Act of September 14, 1960 (Pub. Law 86–781, 74 Stat. 1017), and in order to establish an official seal in and for the office of District Director of Internal Revenue, Anchorage, Alaska, the regulations are amended as follows:

PARAGRAPH 1. Section 301.6015 is amended by revising section 6015 (a) and the historical note to read as follows:

**§ 301.6015 Statutory provisions; declaration of estimated income tax by individuals.**

SEC. 6015. *Declaration of estimated income tax by individuals*—(a) *Requirement of declaration.* Every individual (other than a nonresident alien with respect to whose wages, as defined in section 3401 (a), withholding under chapter 24 is not made applicable, but including every alien individual who is a resident of Puerto Rico during the entire taxable year) shall make a declaration of his estimated tax for the taxable year if—

(1) The gross income for the taxable year can reasonably be expected to exceed—

(A) $5,000, in the case of—

(i) A single individual other than a head of a household (as defined in section 1(b)(2)) or a surviving spouse (as defined in section 2(b));

(ii) A married individual not entitled under subsection (b) to file a joint declaration with his spouse; or

(iii) A married individual entitled under subsection (b) to file a joint declaration with his spouse, but only if the aggregate gross income of such individual and his spouse for the taxable year can reasonably be expected to exceed $10,000; or

(B) $10,000, in the case of—

(i) A head of a household (as defined in section 1(b)(2)); or

(ii) A surviving spouse (as defined in section 2(b)); or

(2) The gross income can reasonably be expected to include more than $200 from sources other than wages (as defined in section 3401 (a)).

Notwithstanding the provisions of this subsection, no declaration is required if the estimated tax (as defined in subsection (c)) can reasonably be expected to be less than $40.

* * * * * *

[Sec. 6015 as amended by sec. 74, Technical Amendments Act 1958 (72 Stat. 1660); sec. 5(a), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1000)]

PAR. 2. Section 301.6038 is renumbered § 301.6039 and the historical note is amended to read as follows:

**§ 301.6039 Statutory provisions; cross references.**

SEC. 6039 *Cross references.* (1) For the notice required of persons acting in a fiduciary capacity for taxpayers or for transferees, see sections 6212, 6901(g), and 6903.

* * * * * *

[Sec. 6037 as renumbered by sec. 64(c), Technical Amendments Act 1958 (72 Stat. 1656); sec. 6, Act of Sept. 14, 1960 (Pub. Law 86–780, 74 Stat. 1014)]

PAR. 3. Immediately after § 301.6037–1 there are inserted the following new sections:

**§ 301.6038 Statutory provisions; information with respect to certain foreign corporations.**

SEC. 6038. *Information with respect to certain foreign corporations*—(a) *Requirement*—(1) *In general.* A domestic corporation shall furnish, with respect to any foreign corporation which it controls (within the meaning of subsection (c)(1)) and with respect to any foreign subsidiary of any such foreign corporation (within the meaning of subsection (c)(2)), such information as the Secretary or his delegate may prescribe by regulations relating to—

(A) The name, the principal place of business, and the nature of business of such foreign corporation or foreign subsidiary, and the country under whose laws incorporated;

(B) The accumulated profits (as defined in section 902(c)) of such foreign corporation or foreign subsidiary, including the items of income (whether or not included in gross income under chapter 1), deductions (whether or not allowed in computing taxable income under chapter 1), and any other items taken into account in computing such accumulated profits;

(C) A balance sheet for such foreign corporation or foreign subsidiary, listing assets, liabilities, and capital;

(D) Transactions between such foreign corporation or foreign subsidiary and—

(i) Any foreign corporation controlled by the domestic corporation,

(ii) Any foreign subsidiary of a foreign corporation controlled by the domestic corporation, and

(iii) The domestic corporation or any shareholder of the domestic corporation owning at the time the transaction takes place 10 percent or more of the value of any class of stock outstanding of the domestic corporation; and

(E) A description of the various classes of stock outstanding, and a list showing the

name and address of, and number of shares held by, each citizen or resident of the United States and each domestic corporation who is a shareholder of record owning at any time during the annual accounting period 5 percent or more in value of any class of stock outstanding of such foreign corporation or foreign subsidiary.

(2) *Period for which information is to be furnished, etc.* The information required under paragraph (1) shall be furnished—

(A) In the case of a foreign corporation, for its annual accounting period ending with or within the domestic corporation's taxable year, and

(B) In the case of any foreign subsidiary of such foreign corporation, for such subsidiary's annual accounting period ending with or within such foreign corporation's annual accounting period described in subparagraph (A).

The information required under this subsection shall be furnished at such time and in such manner as the Secretary or his delegate shall by regulations prescribe.

(3) *Limitation.* No information shall be required to be furnished under this subsection with respect to any foreign corporation or foreign subsidiary for any annual accounting period unless such information was required to be furnished under regulation in effect on the first day of such annual accounting period.

(b) *Effect of failure to furnish information.* If a domestic corporation fails to furnish, within the time prescribed under paragraph (2) of subsection (a), any information with respect to any foreign corporation or foreign subsidiary required under paragraph (1) of subsection (a), then, in applying section 902 (relating to foreign tax credit for corporate stockholder in foreign corporation) to such domestic corporation (or to any person who acquires from any person any portion of the interest of such domestic corporation in any such foreign corporation or foreign subsidiary, but only to the extent of such portion) for any taxable year, the amount of taxes paid or deemed paid by each foreign corporation and foreign subsidiary with respect to which the domestic corporation is required to furnish information during the annual accounting period or periods with respect to which such information is required under such paragraph (2) of subsection (a) shall be reduced by 10 percent. If such failure continues 90 days or more after notice by the Secretary or his delegate to the domestic corporation, then the amount of the reduction under this subsection shall be 10 percent plus an additional 5 percent for each 3-month period, or fraction thereof, during which such failure to furnish information continues after the expiration of such 90-day period. No taxes shall be reduced under this subsection more than once for the same failure. For purposes of this subsection, the time prescribed under paragraph (2) of subsection (a) to furnish information (and the beginning of the 90-day period after notice by the Secretary) shall be treated as being not earlier than the last day on which (as shown to the satisfaction of the Secretary or his delegate) reasonable cause existed for failure to furnish such information.

(c) *Control, etc.* For purposes of this section—

(1) If at any time during its taxable year a domestic corporation owns more than 50 percent of the voting stock of a foreign corporation, it shall be deemed to be in control of such foreign corporation.

(2) If at any time during its annual accounting period a foreign corporation owns more than 50 percent of the voting stock of another foreign corporation, such other corporation shall be considered a foreign subsidiary of the corporation owning such stock.

(d) *Annual accounting period.* For purposes of this section, the annual accounting period of a foreign corporation or of a foreign subsidiary is the annual period on the basis of which such foreign corporation or such foreign subsidiary regularly computes its income in keeping its books.

(e) *Cross reference.* For provisions relating to penalties for violations of this section, see section 7203.

[Sec. 6038 as added by sec. 6(a), Act of Sept. 14, 1960 (Pub. Law 86-780, 74 Stat. 1014)]

**§ 301.6038-1 Information returns required of domestic corporations with respect to certain foreign corporations.**

For provisions relating to information returns required of domestic corporations with respect to certain foreign corporations, see § 1.6038-1 of this chapter (Income Tax Regulations).

PAR. 4. Section 301.6046 is amended to read as follows:

**§ 301.6046 Statutory provisions; returns as to creation or organization, or reorganization, of foreign corporations.**

SEC. 6046. *Returns as to creation or organization, or reorganization, of foreign corporations*—(a) *General rule.* On or before the 90th day after the creation or organization, or reorganization, of any foreign corporation—

(1) Each United States citizen or resident who was an officer or director of the corporation at any time within 60 days after the creation or organization, or reorganization thereof, and

(2) Each United States shareholder of the corporation by or for whom, at any time within 60 days after the creation or organization or reorganization of the corporation, 5 percent or more in value of the stock of the corporation then outstanding was owned directly or indirectly (including, in the case of an individual, stock owned by members of his family),

shall make a return in compliance with the provisions of subsection (b).

(b) *Form and contents of returns.* The returns required by subsection (a) shall be in such form and shall set forth, in respect of the foreign corporation, such information as the Secretary or his delegate prescribes by forms or regulations as necessary for carrying out the provisions of the income tax laws.

(c) *Meaning of terms.* For the purpose of this section—

(1) *United States shareholder.* The term "United States shareholder" includes a citizen or resident of the United States, a domestic corporation, a domestic partnership or an estate or trust (other than an estate or trust the gross income of which under Subtitle A includes only income from sources within the United States).

(2) *Members of family.* The family of an individual shall be considered as including only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

(d) *Cross reference.* For provisions relating to penalties for violations of this section, see section 7203.

[Sec. 6046 as amended by sec. 7(a), Act of Sept. 14, 1960 (Pub. Law 86-780, 74 Stat. 1016)]

PAR. 5. Section 301.6046-1 is amended to read as follows:

**§ 301.6046-1 Returns as to creation or organization, or reorganization, of foreign corporations.**

For provisions relating to requirement of returns as to creation or organization, or reorganization, of foreign corporations, see § 1.6046-1 of this chapter (Income Tax Regulations).

PAR. 6. Section 301.6205 is amended by adding a new subparagraph (3) at the end of section 6205(a), and by adding a historical note. These amended provisions read as follows:

**§ 301.6205 Statutory provisions; special rules applicable to certain employment taxes.**

SEC. 6205. *Special rules applicable to certain employment taxes*—(a) *Adjustment of tax.* * * *

(3) *Guam or American Samoa as employer.* For purposes of this subsection, in the case of remuneration received during any calendar year from the Government of Guam, the Government of American Samoa, a political subdivision of either, or any instrumentality of any one or more of the foregoing which is wholly owned thereby, the Governor of Guam, the Governor of American Samoa, and each agent designated by either who makes a return pursuant to section 3125 shall be deemed a separate employer.

* * * * *

[Sec. 6205 as amended by sec. 103(r)(1), Social Security Amendments 1960 (74 Stat. 940)]

PAR. 7. Section 301.6413 is amended by adding a new paragraph (3) to section 6413(a), by revising the heading of section 6413(c)(2), by adding new subparagraphs (D) and (E) to section 6413(c)(2), and by revising the historical note. These amended provisions read as follows:

**§ 301.6413 Statutory provisions; special rules applicable to certain employment taxes.**

SEC. 6413. *Special rules applicable to certain employment taxes*—(a) *Adjustment of tax.* * * *

(3) *Guam or American Samoa as employer.* For purposes of this subsection, in the case of remuneration received during any calendar year from the Government of Guam, the Government of American Samoa, a political subdivision of either, or any instrumentality of any one or more of the foregoing which is wholly owned thereby, the Governor of Guam, the Governor of American Samoa, and each agent designated by either who makes a return pursuant to section 3125 shall be deemed a separate employer.

* * * * *

(c) *Special refunds.* * * *

(2) *Applicability in case of Federal and State employees, employees of certain foreign corporations, and governmental employees in Guam and American Samoa.* * * *

(D) *Governmental employees in Guam.* In the case of remuneration received from the Government of Guam or any political subdivision thereof or from any instrumentality of any one or more of the foregoing which is wholly owned thereby, during any calendar year, the Governor of Guam and each agent designated by him who makes a return pursuant to section 3125(a) shall, for purposes of this subsection, be deemed a separate employer.

(E) *Governmental employees in American Samoa.* In the case of remuneration received from the Government of American Samoa or any political subdivision thereof or from any instrumentality of any one or more of the foregoing which is wholly owned thereby, during any calendar year, the Governor of American Samoa and each agent designated by him who makes a return pursuant to section 3125(b) shall, for purposes of this subsection, be deemed a separate employer.

[Sec. 6413 as amended by sec. 202, Social Security Amendments 1954 (68 Stat. 1089); sec. 402(d), Social Security Amendments 1958 (72 Stat. 1043); sec. 103(r)(2), (3), (4), Social Security Amendments 1960 (74 Stat. 940)]



PAR. 8. Section 301.6416 is amended by revising section 6416(b)(1) and the historical note to read as follows:

**§ 301.6416 Statutory provisions; certain taxes on sales and services.**

SEC. 6416. *Certain taxes on sales and services.* * * *

(b) *Special cases in which tax payments considered overpayments.* * * *

(1) *Price readjustments.* If the price of any article in respect of which a tax, based on such price, is imposed by chapter 31 or 32, is readjusted by reason of the return or repossession of the article or a covering or container, or by a bona fide discount, rebate, or allowance, including (in the case of a tax imposed by chapter 32) a readjustment for local advertising (but only to the extent provided in section 4216(f)(2) and (3)), the part of the tax proportionate to the part of the price repaid or credited to the purchaser shall be deemed to be an overpayment. The preceding sentence shall not apply in the case of an article in respect of which tax was computed under section 4223(b)(2); but if the price for which such article was sold is readjusted by reason of the return or repossession of the article, the part of the tax proportionate to the part of such price repaid or credited to the purchaser shall be deemed to be an overpayment.

* * * * *

[Sec. 6416 as amended by sec. 2, Act of Aug. 11, 1955 (Pub. Law 355, 84th Cong., 69 Stat. 676); secs. 1(h), (i), 2(b), Act of Aug. 11, 1955 (Pub. Law 367, 84th Cong., 69 Stat. 690); sec. 2(b), Act of Apr. 2, 1956 (Pub. Law 466, 84th Cong., 70 Stat. 90); sec. 206(b), Highway Revenue Act 1956 (70 Stat. 393); sec. 4(b)(5), (6), Tax Rate Extension Act 1958 (72 Stat. 260); sec. 163(a), (c), Excise Tax Technical Changes Act 1958 (72 Stat. 1306); sec. 201(d)(1), Federal-Aid Highway Act 1959 (73 Stat. 614); sec. 3, Act of Apr. 8, 1960 (Pub. Law 86-418, 74 Stat. 38); sec. 2, Act of Sept. 14, 1960 (Pub. Law 86-781, 74 Stat. 1018)]

PAR. 9. Section 301.6501(i) is redesignated § 301.6501(j) and amended to read as follows:

**§ 301.6501(j) Statutory provisions; limitations on assessment and collection; joint income return after separate return.**

SEC. 6501. *Limitations on assessment and collection.* * * *

(j) *Joint income return after separate return.* For period of limitations for assessment and collection in the case of a joint income return filed after separate returns have been filed, see section 6013(b)(3) and (4).

[Sec. 6501(h) as redesignated by sec. 81(b), Technical Amendments Act 1958 (72 Stat. 1663); sec. 3(c), Act of Sept. 14, 1960 (Pub. Law 86-780, 74 Stat. 1013)]

PAR. 10. Immediately after § 301.6501(h)-1 there are inserted the following new sections:

**§ 301.6501(i) Statutory provisions; limitations on assessment and collection; foreign tax carrybacks.**

SEC. 6501. *Limitations on assessment and collection.* * * *

(l) *Foreign tax carrybacks.* In the case of a deficiency attributable to the application to the taxpayer of a carryback under section 904(d) (relating to carryback and carryover of excess foreign taxes), such deficiency may be assessed at any time before the expiration of one year after the expiration of the period within which a deficiency may be assessed for the taxable year of the excess taxes described in section 904(d) which result in such carryback.

[Sec. 6501(i) as added by sec. 3(c), Act of Sept. 14, 1960 (Pub. Law 86-780, 74 Stat. 1013)]

**§ 301.6501(i)-1 Foreign tax carrybacks; taxable years beginning after December 31, 1957.**

With respect to taxable years beginning after December 31, 1957, a deficiency attributable to the application to the taxpayer of a carryback under section 904(d) (relating to carryback and carryover of excess foreign taxes), may be assessed at any time before the expiration of one year after the expiration of the period within which a deficiency may be assessed for the taxable year of the excess taxes described in section 904(d) which result in such carryback.

PAR. 11. Section 301.7213 is amended by redesignating subsection (d) of section 7213 as subsection (e), by adding a new subsection (d) to section 7213, and by revising the historical note. These amended provisions read as follows:

**§ 301.7213 Statutory provisions; unauthorized disclosure of information.**

SEC. 7213. *Unauthorized disclosure of information.* * * *

(d) *Disclosures by certain delegates of Secretary.* All provisions of law relating to the disclosure of information, and all provisions of law relating to penalties for unauthorized disclosure of information, which are applicable in respect of any function under this title when performed by an officer or employee of the Treasury Department are likewise applicable in respect of such function when performed by any person who is a "delegate" within the meaning of section 7701(a)(12)(B).

(e) *Cross references*—(1) *Returns of Federal unemployment tax.* For special provisions applicable to returns of tax under chapter 23 (relating to Federal Unemployment Tax), see section 6106.

(2) *Penalties for disclosure of confidential information.* For penalties for disclosure of confidential information by any officer or employee of the United States or any department or agency thereof, see 18 U.S.C. 1905.

[Sec. 7213 as amended by sec. 90(c), Technical Amendments Act 1958 (72 Stat. 1666); sec. 103(s), Social Security Amendments 1960 (74 Stat. 940)]

PAR. 12. Section 301.7514-1(a)(2)(ii) is amended by inserting "District Director of Internal Revenue, Anchorage, Alaska," after "District Director of Internal Revenue, Birmingham, Ala.". The amended portion of such subdivision reads as follows:

**§ 301.7514-1 Seals of office.**

(a) *Establishment of seals.* * * *

(2) *District directors of internal revenue.* * * *

(ii) The offices of district director of internal revenue for which seals are established in subdivision (i) of this subparagraph are as follows:

District Director of Internal Revenue, Birmingham, Ala.
District Director of Internal Revenue, Anchorage, Alaska.

Because this Treasury decision makes only technical changes, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] CHARLES I. FOX,
*Acting Commissioner of Internal Revenue.*

Approved: March 9, 1961.

HENRY H. FOWLER,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-2245; Filed, Mar. 14, 1961; 8:48 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter V—Department of the Army

### SUBCHAPTER G—PROCUREMENT

### PART 590—GENERAL PROVISIONS

### PART 592—PROCUREMENT BY NEGOTIATION

### PART 593—COORDINATED PROCUREMENT

### PART 595—FOREIGN PURCHASES

### PART 598—PATENTS, COPYRIGHTS AND TECHNICAL DATA

### PART 599—BONDS AND INSURANCE

### PART 601—LABOR

### PART 602—GOVERNMENT PROPERTY

### PART 605—PROCUREMENT FORMS

### PART 606—SUPPLEMENTAL PROVISIONS

### Miscellaneous Amendments

1. In § 590.201-52, revise that portion listed under "Signal Corps", and add new § 590.201-53, as follows:

**§ 590.201-52 Principal purchasing offices.**

* * * * *

SIGNAL CORPS

United States Army Signal Supply Agency, Philadelphia, Pa.
Fort Monmouth Procurement Office, United States Army Signal Supply Agency, Fort Monmouth, N.J.
United States Army Signal Procurement Office, Procurement and Distribution Division, OCSigO, Washington, D.C.
United States Army Electronic Proving Ground Procurement Office, United States Army Signal Supply Agency, Fort Huachuca, Ariz.

**§ 590.201-53 Ordering officer.**

An ordering officer is any individual (military or civilian) operating under

the jurisdiction of the Department of the Army who has been appointed in accordance with the provisions of § 590.452 and who has been authorized to place delivery orders or make purchases within the limitations stated in the letter of appointment. Solely for the purpose of placing orders and making purchases within the limitations prescribed in § 590.452(c), and ordering officer has specific and limited authority.

2. In § 590.401, revise paragraphs (b) and (c), and add new §§ 590.401–50, 590.401–51, and 590.402–50, as follows:

**§ 590.401 Responsibility of each procuring activity.**

* * * * *

(b) Purchases shall be made only by contracting officers or ordering officers duly designated as such (§§ 590.402, 590.450 and 590.452).

(c) Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, shall exercise the functions of Head of a Procuring Activity for all contracting officers of the Department of the Army not under the jurisdiction of a Head of a Procuring Activity as listed in § 1.201–14 of this title, and for such other contracting officers operating under the jurisdiction of the Department of the Army as may be designated.

**§ 590.401–50 Delegation of authority.**

Authority conferred upon the heads of procuring activities under any paragraph of Subchapter A, Chapter I of this title and this subchapter may be exercised by the heads of the procuring activities, or by redelegation, through such officer, or officers, or civilian official or officials of the Department of the Army as may be designated by them or by any person authorized by them to make such designation, with such powers of delegation or successive redelegation as they may deem appropriate; subject, however, to any provisions in the particular paragraph of Subchapter A, Chapter I of this title, and this Subchapter: (a) Forbidding the assignment or delegation of the authority mentioned in such paragraph, or (b) imposing limitations upon the assignment, delegation, or exercise of such authority. The exercise of such authority by any such officer or officers, or civilian official or officials of the Department of the Army, prior to the date of publication of any provision in this subchapter, is hereby ratified and confirmed, providing such authority could have been granted in the first instance.

**§ 590.401–51 Expediting administrative actions.**

(a) *Promptness.* The prompt resolution of procurment problems is a necessary and important element in the orderly and efficient accomplishment of the procurement mission. It is essential to resolve at purchasing office level those problems which contracting officers have authority to resolve finally. Promptness in handling such problems has a salutary effect on relations between the Department of the Army and industry, and may prevent undue financial hardship to contractors in many instances.

(b) *Eliminating delays.* In order to eliminate unnecessary delays in resolving problems which arise during the administration of contracts, and to insure that contractors receive payments to which they are entitled as promptly as possible, procurement and auditing personnel will:

(1) Conduct all investigations, negotiations, voucher auditing and processing, and other procurement and contract administration matters in an expeditious manner;

(2) Exert every effort to resolve as promptly as possible all problems capable of local resolution which arise between procurement personnel and personnel of other agencies within and without the Department of the Army; and

(3) Forward without delay completely documented reports relating to procurement and contract administration problems which cannot be resolved promptly at local level or which for any reason require action by an authority at a higher level.

(c) *Clear directives.* It is the responsibility of heads of procuring activities to issue complete and clear procurement operating instructions to field activities, where necessary to implement Subchapter A, Chapter 1 of this title, this subchapter, and other pertinent directives, and to insure that those directives are thoroughly understood by operating personnel.

(d) *Sound conclusions.* In accomplishing the actions outlined in this section, personnel will exercise care to preclude any misunderstanding of the intent of these instructions. The interest of the Government must be fully protected in all cases, and action personnel must take time necessary to reach sound conclusions. Excessive and unjustifiable delays, however, must be eliminated.

**§ 590.402–50 General responsibilities of contracting officers.**

(a) Contracting officers are primarily responsible for the execution and administration of contracts, to safeguard the interests of the United States in contractual relationships, and to determine the facts under contracts.

(b) Contracting officers shall personally sign all contracts and modifications entered into by them. This authority cannot be delegated to others. (See § 590.451(b) with respect to change orders.) The signing of contractual documents will be accomplished by facsimile stamps or by proxy.

(c) Contracting officers are responsible under law and regulations for their acts as contracting officers.

(d) Contracting officers shall be bound in all their actions to exercise reasonable care, skill, and judgment.

(e) Contracting officers must assure themselves that the contract is authorized by law, that funds are available, and of their authority to subject the Government or its property to any risk.

(f) Contracting officers are responsible for maintaining constant cognizance with respect to contract compliance on the part of the contractor.

(g) Contracting officers are responsible for the legal, technical, and administrative sufficiency of the contracts they make. They should not hesitate to secure legal and technical (pricing, financial, production, inspection, etc.) advice within the Department of the Army.

(h) Contracting officers are responsible for knowing the scope and limitation of their authority.

3. In § 590.450(a), revise the opening portion and subparagraph (4), revise §§ 590.451 and 590.452, and revoke § 590.453, as follows:

**§ 590.450 Selection and appointment of contracting officers.**

(a) *Appointing authority.* Contracting officers, as defined in § 1.201–3 of this title, shall be those designated by the persons listed in this paragraph, or by persons who are authorized by the persons listed in subparagraphs (1) through (4) of this paragraph to designate contracting officers. When so designated, they shall have the authority set forth in § 590.402 and the general responsibilities set forth in § 590.402–50.

* * * * *

(4) Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army.

**§ 590.451 Selection and appointment of contracting officers' representatives.**

(a) *Designation.* A contracting officer may designate any Government personnel (military or civilian), who is appropriately qualified, to act as his authorized representative. Such designation shall be in writing and shall define the scope and limitations of the authorized representative's authority.

(b) *Authority.* A designation authorized by this section may be made by instructions referring to particular contractual instruments, and may, to the extent not specifically prohibited by the terms of the contractual instrument involved, empower the authorized representative to take any or all action thereunder which could be lawfully taken by the contracting officer. In no event, however, shall an authorized representative, by virtue only of his designation as such, be empowered to execute or agree to any contract or modification thereof, except, however, the contracting officer may empower his authorized representatives to issue change orders under the "Changes" clause, provided such change orders do not involve a change in unit price, total contract price, quantity, quality, or delivery schedule.

**§ 590.452 Selection and appointment of ordering officers.**

(a) *Selection.* Individuals selected as ordering officers shall possess the following qualifications: (1) Evidence of business acumen, (2) ability to exercise mature judgment, (3) high standards of character, reputation, and business ethics, (4) desirable personality traits, and (5) a sound working knowledge of Department of the Army small purchase policies and procedures.

(b) *Appointment.* (1) Ordering officers will be appointed only by (i) persons authorized to appoint contracting officers (§ 590.450) or by contracting officers when authorized by the appointing authority, (ii) by commanders of class I and class II installations having a procurement mission as part of their function, or (iii) by the United States Property and Fiscal Officers of the Army National Guard.

(2) An alternate ordering officer may be appointed for each ordering officer. The alternate ordering officer will have authority to act in the absence of the ordering officer or under other necessary circumstances. Purchase actions shall be effected by ordering officers or by alternate ordering officers under their individual authority and signature. Purchase and ordering documents shall not be signed as "alternate" or "substitute" ordering officer.

(3) Letters of appointment substantially in the form set forth in paragraph (f) of this section will state clearly the limitations and authority of individuals appointed as ordering officers. Department of the Army pilots who make purchases as ordering officers in accordance with paragraph 3d, AR 715–232, do not need letters of appointment as authority to make such purchases but may cite applicable special orders or other authority for flights which make reference to AR 715–232.

(4) The number of ordering officers on Class I and Class II installations will be kept to a minimum and will not exceed (i) one per technical service or supply account, (ii) one per commissary and (iii) one per each major tenant activity on the installation. Ordering officers may also be appointed for isolated, off-post locations and for other military activities or Government agencies satellited on a Department of the Army purchasing office.

(c) *Limitations of authority.* (1) Ordering officers shall be limited to purchase actions not exceeding $250 and to the use of the following small purchase procedures (§ 592.601 of this subchapter): (i) Imprest Fund, Standard Form 1165 (Receipt for Cash—Subvoucher), (ii) Standard Form 44 (Purchase Order—Invoice—Voucher), (iii) Charge Accounts established by contracting officers, (iv) DD Form 1155 (Order for Supplies or Services), and (v) DD Form 1164 (Service Order for Household Goods) by ordering officers as set forth in subdivision (iii) of this subparagraph, except that purchases in excess of $250 may be made by ordering officers in the following circumstances:

(a) Commissary ordering officers may make purchases in unlimited dollar amounts against Purchase Notice Agreements published in the SB 10–500-series by signing and using DD Form 1155. Also they may place oral calls or informal requests against charge accounts established by contracting officers, in amounts of not more than $2,500 for each call or request for brand name resale items, and without dollar limitation for perishable subsistence items.

(b) Accountable property officers appointed as ordering officers may, with the approval of the installation contracting officer, sign and place delivery orders (DD Form 1155) in unlimited dollar amounts, against General Services Administration (GSA) stores depots and Federal Supply Schedules, and against indefinite delivery type contracts published in DA Cir 718 series.

(c) Transportation officers or Transportation and Traffic Management officers may be appointed as ordering officers at installations or activities having (1) assigned area responsibilities under paragraph 1b and appendix I, AR 55–42, or (2) local agreements within the scope of the authority established by paragraph 2c, AR 55–42 to issue service orders (DD Form 1164) estimated to cost $1,000 or less, subject to the policy criteria and procedure set forth in AR 55–42 and AR 743–455.

(d) Department of the Army pilots may make purchases in accordance with AR 715–232.

(e) Ordering officers of a military department or other Government agency satellited on a Department of the Army purchasing office may, with the approval of the contracting officer, procure such items as are required to accomplish an assigned mission and may sign and place delivery orders (DD Form 1155) against GSA stores depots and Federal Supply Schedules, and against indefinite delivery type contracts.

(2) Except as provided in subparagraph (1) (i) and (ii) of this paragraph, on-post technical service personnel or accountable property officers, who are appointed ordering officers, are limited to making purchases of supplies and services for emergency repairs, repair of deadlined equipment and nonstocked "fringe items" (AR 711–16) authorized for purchase by AR 715–30.

(3) An individual may be appointed as both the ordering officer and the imprest fund cashier only at an isolated or off-post location.

(d) *Supplemental Procurement Information.* Appointing authorities will insure that ordering officers are properly instructed in the preparation and submission of information concerning individual purchase transactions which each ordering officer has completed during the calendar month. At the end of each month, and no later than the third day of the following month, the ordering officer shall submit such information to the purchasing office for consolidation in DD Form 1057 (Monthly Procurement Summary by Purchasing Office). The format of DD Form 1057 will be followed in submitting this supplemental information.

(e) *Surveillance.* Installation tenant and on-post ordering officers shall be under the control and technical supervision of the installation purchasing office and will be inspected or reviewed by the contracting officer or his designee at least twice a year. Isolated or off-post ordering officers shall be under the control and technical supervision of the parent installation purchasing office and will be inspected or reviewed at least annually by personnel designated by the parent installation commander. Copies of the inspection findings will be retained for one year in the file of the ordering office and the supervising purchasing office. Such inspections should ascertain whether ordering officers are:

(1) Purchasing only items authorized to be purchased locally;

(2) Determining reasonableness of prices received;

(3) Rotating purchases amounting to $250 or less among sources of supply;

(4) Maintaining the standards of conduct as prescribed in AR 600–205, in their dealings with vendors;

(5) Purchasing items on the open market which are required to be purchased from prescribed sources;

(6) Placing orders for future delivery or performance;

(7) Splitting purchase transactions to avoid dollar limitations;

(8) Delegating their responsibility to others; and

(9) Complying with all applicable procurement policies and procedures.

(f) *Sample Form of Suggested Letter for Appointing Ordering Officers.*

SUBJECT: Appointment of Ordering Officers DATE

To: (Address to Individual, indicating rank or grade, and section or location)

1. *Appointment.* In accordance with the authority contained in Army Procurement Procedures 1–452 you are appointed an Ordering Officer for the purchase of (indicate category of supplies) effective (insert effective date). You are responsible to and under the technical supervision of the (insert name of installation) purchasing office for your actions as an ordering officer.

2. *Limitations and Requirements.* Your appointment is subject to the following limitations and requirements, and you will assure that funds have been made available in the estimated amount of the purchase to be made or order to be placed:

a. You may purchase supplies or nonpersonal services of the category stated above by use of Standard Form 44 (Purchase Order—Invoice—Voucher) only when all of the following conditions are satisfied:

(1) The aggregate amount of any one purchase transaction is not in excess of $------ (insert dollar limitation). Purchases will not be split to avoid this dollar limitation.

(2) The supplies or services are immediately available from the local trade area. Orders will not be placed for future delivery or performance.

(3) One delivery and one payment will be made.

(4) The use of the Standard Form 44 procedure is determined to be more economical and efficient than other small purchase methods.

b. You may purchase supplies or nonpersonal services of the category stated above by use of Standard Form 1165 (Receipt for Cash—Subvoucher) from Imprest Funds only when all of the following conditions are satisfied:

(1) The aggregate amount of the purchase transaction is not in excess of $100. Purchases wil not be split to avoid this dollar limitation.

(2) The supplies or services are immediately available from the local trade area, with cash payment to be made immediately upon pickup or delivery. Orders will not be placed for subsequent delivery or performance.

(3) The purchase does not require detailed technical specifications or technical inspection.

(4) The use of the imprest fund procedure is administratively more economical and efficient than other small purchase methods.

c. Whenever a purchase transaction is in an aggregate amount of $250 or less, you will insure that the price is fair and reasonable and will rotate purchases among sources of supply.

d. Whenever a purchase transaction is in excess of $250 you will obtain competition from at least three sources of supply, where available, and will place the order with that source offering the lowest price, and which otherwise meets the purchase requirements as to delivery, quantity, quality, etc.

e. You will purchase only those supplies and services of the category stated above which are authorized to be purchased on the open market. Any doubtful cases will be referred to the contracting officer for determination prior to purchase. The contracting officer will inform you from time to time of supplies and services which are mandatory purchases from prescribed sources.

f. You will comply with the standards of conduct prescribed in AR 600–205, a copy of which will be furnished you by the contracting officer for your retention.

g. At the end of each month and no later than the _____ working day of the following month, you will furnish the purchasing office named above information concerning individual purchase transactions which you have made during the month. The format of DD Form 1057 (Monthly Procurement Summary by Purchasing Office) will be used in the submission of such information.

NOTE: Paragraph 2 of the letter of appointment should state clearly the forms, i.e., Standard Form 44 (Purchase Order—Invoice—Voucher); Standard Form 1165 (Receipt for Cash—Subvoucher); DD Form 1155 (Order for Supplies or Services); DD Form 1164 (Service Order for Household Goods) and the procedures which the individual is authorized to use in effecting purchases and placing orders.

**§ 590.453 General responsibility of contracting officers. [Revoked]**

4. In § 592.602, revise the third sentence of paragraph (b) and add a new paragraph (d); and revise § 592.605–50, as follows:

**§ 592.602 Policy.**

* * * * *

(b) * * * For example, the provisions of § 1.308(c) of this title and § 606.204–15 of this subchapter are not applicable to small purchases.

* * * * *

(d) Ordering officers will make purchases and issue delivery orders under this small purchase procedure subject to the limitations listed in § 590.452(c) of this subchapter.

**§ 592.605–50 Instructions for use.**

(a) Purchases with this form will be accomplished by contracting officers and by ordering officers.

(b) Contracting officers and ordering officers shall be responsible for assuring that funds have been made available in the estimated amount of the purchase contemplated and for entering in the appropriate space, on Standard Form 44, the proper accounting classification to be charged. The signature of a contracting officer or of an ordering officer on Standard Form 44 will constitute the certification that funds are available under the appropriation and allotment cited. Where purchases occur frequently, contracting officers and ordering officers may obtain lump-sum certification of funds from the fiscal officer under each applicable allotment account for a specified period of time. Contracting officers and ordering officers will advise the fiscal officer before the close of each accounting month of the amount of all purchases made on Standard Form 44 which have not been submitted to him for recording the obligation (§ 592.605–51(l)).

(c) It is not necessary to cite 10 U.S.C. 2304(a)(3) on the Standard Form 44.

(d) Standard Form 44 may be used for the purchase of supplies or services under the following conditions:

(1) As a purchase order when no special contract form or clauses are necessary.

(2) To order items from the Federal Supply Schedules, or from General Services Administration Stores Depots.

5. In § 592.605–51, revise the introductory portion and paragraphs (d), (g), and (m); and in § 592.605–52, revise paragraphs (b) and (d), as follows:

**§ 592.605–51 Preparation.**

Contracting officers and ordering officers will execute Standard Form 44 at the time of purchase. All copies of the form must be legible. Entries will be printed with indelible pencil or ball-point pen or typed in the spaces, as outlined below:

* * * * *

(d) Prior to the form being signed by the contracting officer or ordering officer, the columns headed "Unit Price" and "Totals", and the block designated "Discount Terms" are to be filled in either by the contracting officer or ordering officer.

* * * * *

(g) The block headed "Ordered by" will be signed by and include the title of the contracting officer or ordering officer.

* * * * *

(m) After the supplies or services have been received, the receiving section executed, and all other entries made, the contracting officer or the ordering officer will sign the appropriate block on the face of Copy No. 1.

**§ 592.605–52 When Standard Form 1034 (Public Voucher for Purchases and Services Other Than Personal) is used in conjunction with Standard Form 44.**

* * * * *

(b) The signature of the contracting officer or the ordering officer on Standard Form 1034 will be sufficient in lieu of such signature on each Standard Form 44 that is attached as a subvoucher.

* * * * *

(d) When the contracting officer or the ordering officer anticipates making more than one purchase from the same vendor during a month, the accomplished copies of Standard Form 44 (Copies No. 1, 3, and 5) may be held until the end of the month for consolidating the invoices and preparing one voucher, Standard Form 1034, for payment to the vendor. However, action should be taken by the contracting officer or the ordering officer to assure that such practice is satisfactory to the vendor in order to avoid complaints on delayed payments. When "time payment" discounts are stated on Standard Form 44, appropriate copies will be processed for payment without delay in order to take advantage of the discount.

6. Revise paragraph (e) in § 592.650–3, revoke §§ 593.212–50, 593.250, and 593.251, and revise § 595.104–4, as follows:

**§ 592.650–3 Use in conjunction with charge accounts.**

* * * * *

(e) *Requests placed against charge accounts.* The following procedures shall govern when placing purchase requests against charge accounts:

(1) Competition is not required when placing individual, oral, or informal, requests amounting to $250 or less, and the price is considered fair and reasonable.

(2) Competition is required when placing individual, oral, or informal, requests amounting to more than $250. No individual request shall exceed $2,500, except that purchase requests may be placed for perishable subsistence without dollar limitation. Price quotations may be obtained from vendor's current pricing list, if available. Records will indicate the sources of the quotation and the prices quoted. If a lower quotation is obtained from other than a charge account vendor, a separate purchase order will be issued for the item or a new charge account will be established with the low offeror. In the purchase of fresh fruits and vegetables for the market centers, competition is effected in the produce market areas through oral solicitation by purchasing personnel (sight buyers) of the Military Subsistence Supply Agency (MSSA).

(3) Contracting officers may authorize (i) ordering officers, (ii) sight buyers, or (iii) other selected purchasing personnel within their organization to place oral calls or informal purchase requests against charge accounts.

(4) Each request placed against a charge account will be identified by a purchase order number. The purchase order number assigned to the initial request may be used on subsequent requests during the same billing period.

(5) Each delivery of supplies or services will be supported by a sales slip or delivery ticket prepared in triplicate (or quadruplicate if required) on which acknowledgment of acceptance by the Department of the Army is indicated. The following information will be shown on the sales slip or delivery ticket:

(i) Name of vendor;

(ii) Purchase order number;

(iii) Name of ordering officer;

(iv) Description of supplies or services including stock number, part number, etc., necessary for proper identification; and

(v) Quantity and price of supplies or services, less discount.

(6) In the event that the vendor does not furnish a sales slip or delivery ticket, the individual who receives the supplies will prepare DD Form 250 (Material Inspection and Receiving Report).



(7) The quantity listed on the sales slip or delivery ticket will be verified, exceptions noted, and all copies will be dated and signed by the individual authorized to accept the items, except that, when Copy No. 4 is used it will not be signed (AR 37–107). Copies will be distributed as follows:

(i) The original to the accountable property officer. The accountable property officer will voucher and post pertinent information from this copy to the stock record account.

(ii) One copy to the contracting officer. The contracting officer will retain this copy for use in accomplishing DD Form 1155 at the end of the billing period.

(iii) One copy to the vendor.

(iv) When required, an unsigned copy will be furnished the Finance and Accounting Office (Copy No. 4).

**§ 593.212–50 Distribution of Military Interdepartmental Purchase Requests (MIPR's). [Revoked]**

**§ 593.250 Aviation plants assigned for procurement and mobilization planning. [Revoked]**

**§ 593.251 Department of Defense single department procurement assignments. [Revoked]**

**§ 595.104–4 Evaluation of bids and proposals.**

Proposed procurements requiring submission for Secretarial determination of awards, in accordance with § 6.104–4(c) of this title, will be forwarded through channels, to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division. Each submission, in addition to complete information on all factors pertinent to the required Secretarial action, will contain a proposed award recommendation. Appropriate provision will be made by purchasing offices for extending acceptance dates of bids or offers, as required, to permit sufficient time for transmission and Secretarial consideration.

7. In § 595.104–5, revise the introductory portion and paragraph (a); revise §§ 598.105–61 and 599.401; and add new § 599.403, as follows:

**§ 595.104–5 Contract clause.**

In addition to the clause prescribed by § 6.103–5 of this title, the additional special provisions set forth in this section shall be included in all contracts for supplies; experimental, developmental, or research; and in contracts for services when applicable, except that these provisions shall not be included in contracts exclusively for articles, materials or supplies for use outside the United States, for items not listed in § 595.103–5, involving procurements exempt under provisions of § 595.504(c), and for Civil Works acquired with funds appropriated for Civil Functions, Department of the Army.

(a) *Supply contracts.* The following special provisions shall be included in supply contracts: The following articles, materials, and supplies which are to be acquired under this contract are listed in paragraph 6–103.5 of the Army Procurement Procedure. Accordingly, bids or proposals offering (i) Canadian end products as defined in paragraph 6–101(e) of the Armed Services Procurement Regulation, or (ii) supplies which are mined, produced or manufactured in Canada and are to be incorporated in end products manufactured in the United States, for the following listed supplies acquired under this contract will be treated as domestic bids or proposals as defined in paragraph 6–101(g) of the Armed Services Procurement Regulation. (Insert broad class of listed items from APP 6–103.5 as applicable.)

**§ 598.105–61 Approval of agreements.**

(a) *Agreements requiring approval.* Approval is required by or on behalf of the Assistant Judge Advocate General for Civil Law of all agreements authorized by Section 506 of the Mutual Security Act of 1954 (22 U.S.C. 1758), in the Invention Secrecy Act (35 U.S.C. 181–188), 28 U.S.C. 1498 or 10 U.S.C. 2386 (see § 598.105 (a), (b), and (c)), made under any of the following circumstances where:

(1) The agreement provides for total payment by the Government of $25,000 or more, or

(2) The agreement included a license:

(i) Limited to a term less than the life of any patent involved;

(ii) Limited to any particular Government purpose;

(iii) Limited to less than all Government agencies on the same terms; or

(iv) Not providing for disposition in accordance with law of any article or material embodying the subject of the license, or

(3) The rights obtained are a release of past infringement only.

(b) *Submission for approval.* Where approval of an agreement is required by paragraph (a) of this section, or because the agreement contains a deviation from the requirements of § 598.105, the designee shall submit the agreement in the number of copies required to be executed (plus one unexecuted copy) to the Chief, Patents Division, Office of The Judge Advocate General. The agreement shall be accompanied by a memorandum of facts signed by the designee setting forth, where pertinent:

(1) Identification and brief description of the subject matter of the patent, patent application, or invention involved in the claim being settled.

(2) Date of clearance required by § 598.105–55.

(3) A brief statement of the designee's conclusions regarding validity and infringement and the reasons therefor.

(4) A statement of the extent of Government use of the invention, including the estimated money value of the claim, if any, and an estimate of future procurement, if any, involving possible increase of the amount of the claim.

(5) Specific reference to the paragraphs in this subchapter necessitating the requested approval.

(6) Reasons for any deviation from any prescribed contract clause, and precise statement of such deviation.

(7) Recommendation, with supporting reasons, that the contract be approved.

**§ 599.401 Policy.**

(a) Contracting officers ordinarily are not concerned with the insurance program of a contractor performing under a fixed-price contract. However, the contracting officer should concern himself with the contractor's insurance program when the special circumstances outlined in § 10.401 of this title, or unusual hazards, exist. Examples of such situations are:

(1) The effect of insurance premiums or uninsured losses upon the final cost of a fixed-price contract with price adjustment provisions;

(2) The possibility of bodily injury or property damage to military personnel and their dependents, Government employees, and others during the performance of a contract;

(3) The nonavailability of adequate insurance coverage in the commercial market at an acceptable rate or premium; and

(4) Policies of installation commander (see AR 608–10).

(b) If the contracting officer determines that evidence of insurance is necessary pursuant to paragraph (a) of this section, he may require a written statement from the contractor setting forth insurance carried, type of coverage, amounts and limits of such coverage, the name or names of the insurers, the serial number of each insurance policy, the period covered by each policy, and other pertinent information. Such statements should normally indicate: (1) That the coverage is adequate for the purpose (Subpart E of this part may be used as a guide to minimum limits of coverage), (2) that such coverage will be continued in force throughout the period of contract performance, and (3) that the contracting officer will be notified of any significant change in the contractor's relative insurance program.

(c) Outside the United States and its territories, insurance requirements may be modified as deemed appropriate by the contracting officer. Examples of reasons for requiring such modifications are: (1) Government-to-Government treaties or agreements; (2) the laws and customs of the country where the contract performance will be undertaken; or (3) the availability and cost of the normal coverage.

(d) In cases where it is determined insurance coverage is required, the Invitation for Bids or Request for Proposals will clearly set forth the Insurance requirements to all prospective bidders or offerers.

**§ 599.403 Workmen's compensation insurance overseas.**

Request for waiver of the requirements of the Defense Base Act, as amended (42 U.S.C. 1651 et seq.), will be forwarded to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attention: Chief, Contracts Division (see § 599.501–1(b)).

8. Revise paragraph (a) in § 599.552 and add new §§ 601.403 and 601.403–2, as follows:

§ 599.552 Accident and disability insurance for extra-hazardous occupations.

(a) Insurance for risks of disability or death due to extra-hazardous occupations of contractor employees may be procured under one of the master policies negotiated with the Indemnity Insurance Company of North America. Master Policy No. FD–502 covers research operations, and Master Policy No. FD–508 covers other than research operations. The rate is $25 per year/per person for $10,000 principal sum and $5 per year/per person for $2,500 Medical Expense optional coverage. Units of principal sum coverage may be purchased in multiples of $5,000 from $5,000 to $50,000 with a proportionate adjustment in the rate. The cost of coverage for a period less than one year is reduced pro-rata, subject to a minimum premium per person of $5. The contractor may insure those employees who are engaged in extra-hazardous operations under a Government contract by contacting the insurance company. (Indemnity Insurance Company of North America, 2133 Wisconsin Avenue NW., Washington 7, D.C.)

§ 601.403 Contract clauses.

§ 601.403–2 Contracts for $2,000 or less.

When the DD Form 1155 (Order for Supplies or Services) is used for a negotiated construction contract in the amount of $2,000 or less the following clause will be used in lieu of the clause set forth in § 12.403–2(a) of this title.

EIGHT-HOUR LAWS—OVERTIME COMPENSATION (JAN 1961)

To the extent that this contract is of a character specified in the Eight-Hour Laws, as amended (40 U.S.C. 321–326), it is subject to the provisions of said laws. (In substance, these laws provide that laborers and mechanics employed by the Contractor or his subcontractors shall be paid not less than time and a half for work in excess of 8 hours a day. Violations are punishable as prescribed in 40 U.S.C. 322–324.)

9. Revise paragraph (d) in § 602.1715–2, and add new § 605.303–2, as follows:

§ 602.1715–2 Shipment and receipt of Government-furnished property.

* * * * *

(d) Where the property administrator is a member of a department other than the Department of the Army and is acting under a property administration interchange agreement, Reports of Survey (DD Form 46) covering discrepancies incident to incoming shipments of Department of the Army property will be secured from the single department property administrator with all spaces on the front of the form executed and in the number of copies required for compliance with AR 735–11. Where a Department of the Air Force property administrator, acting as the single department property administrator, considers the services of a surveying officer necessary, Air Force Plant Representatives and Chiefs of Air Procurement Districts are authorized to appoint Department of the Air Force personnel to serve as surveying officers. Under such circumstances, the action required in space 43, 44 or 47 of DD Form 46 is reserved by statute to the Department of the Army installation commander responsible for administering the contract. If the Department of the Army installation commander considers that the report of the surveying officer and appointing authority does not constitute a firm basis for completing his action, he may investigate directly. Further action will be taken by the chief of the purchasing office and by the Chief of Finance in accordance with AR 735–11. [B–402.3 and C–204]

§ 605.303–2 Conditions for use.

(a) *Construction contracts.* Under the provisions of § 1.109 of this title, the Department of the Army has been granted authority to use DD Form 1155 as a negotiated construction contract in amounts of $2,000 or less provided that the contract contains the following provisions:

(1) All clauses printed on the reverse of DD Form 1155, except clause 11, "Eight-Hour Law of 1912—Overtime Compensation";

(2) All clauses set forth in § 12.403–2 of this title, except clause (1), "Eight-Hour Laws—Overtime Compensation";

(3) The clause set forth in § 12.403–2 of this title, "Eight-Hour Laws—Overtime Compensation", and

(4) The following "Buy American Act" clause.

BUY AMERICAN ACT (JAN 1961)

The Contractor, subcontractors, material men, and suppliers must comply with the Buy American Act of March 3, 1933 (41 U.S.C. 10a–10d) and Executive Order 10582 of December 17, 1954 (19 Fed. Reg. 8723). (In substance the above require use of domestic materials except as otherwise authorized by the Act and Executive Order.)

(b) *Commissary items.* Under the provisions of § 1.109 of this title, the Department of the Army has been granted authority and will continue to use DD Form 1155c, "Continuation Sheet" in lieu of DD Form 1155c–1, "Commissary Continuation Sheet" where DD Form 1155 is used to purchase commissary items.

10. Subpart D of Part 605 is revised to read as follows:

## Subpart D—Construction Contract Forms

§ 605.400 Scope of subpart.

§ 605.401 Standard Forms 19, 19A, 20, 21, 22, 23, 23A, and DD Form 1260.

§ 605.401–1 General.

See § 16.401–1 of this title.

§ 605.401–2 Use of forms for negotiated construction contracts.

DD Form 1155 (Order for Supplies or Services) may be used for negotiated construction contracts in amounts of $2,000 or less in accordance with the provisions of § 605.303–2.

11. Revise §§ 605.502 and 605.504; revoke § 605.504–1; and add new § 605.504–50, as follows:

§ 605.502 Negotiated Contract Form for Stevedoring Services (DD Form 674).

The following Schedule, "Negotiated Contract for Stevedoring Services", DD Form 674, dated 1 May 1960, is prescribed for use by § 16.502 of this title in the procurement of stevedoring services. Since the form will not be printed and stocked by Adjutant General Publication Centers, local reproduction is authorized.

*Negotiated Contract for Stevedoring Services*

CLAUSE 1. *General Scope of the Contract.* (May 1960)

*a. General.* The Contractor shall load and discharge cargoes and in connection therewith shall perform all the duties of a stevedore on any vessel which the Contracting Officer may designate at _____ upon the terms and conditions hereinafter set forth for the term of this contract, beginning _____ and ending _____; provided, however, that any work started before and not completed by the expiration of this contract shall be governed by the terms of this contract unless otherwise directed by the Contracting Officer.

*b. Contractor's Duties (1) Loading.* In loading vessel, the contractor shall remove and handle cargo from place of rest on pier or in pier shed or within the cargo assembly area (as defined in Clause 1b(4)); also from open-top railroad cars, trucks and trailers alongside ship; also from barges, lighters, scows, car floats and open-top railroad cars on car floats alongside ship. The Contractor shall stow said cargo in any space in the vessel, including bunker space, holds, 'tween decks, on deck, and deep tanks, in the order directed by and in a manner satisfactory to the Contracting Officer and the master of the vessel or his representative.

(2) *Discharging.* In discharging vessel, the Contractor shall remove and handle cargo from any space in the vessel, including bunker space, holds, 'tween decks, on deck, and deep tanks. The Contractor shall land said cargo at place of rest on pier or in pier shed or within the cargo assembly area (as defined in Clause 1b(4)); also on open-top railroad cars, trucks and trailers alongside ship; also on barges, lighters, scows, car floats and open-top railroad cars on car floats alongside ship. The Contractor shall perform such discharging in the order directed by and in a manner satisfactory to the Contracting Officer.

(3) *Handling Explosives.* In addition to subparagraphs (1) and (2) above, the following provisions are applicable to the loading and discharging of explosives:

(*a*) In loading explosives the Contractor shall perform all the stevedoring services necessary for the breaking-out and discharging from railroad cars, trucks and/or lighters alongside ship or from place of rest on pier, transporting to the vessel, and properly loading, stowing and normal securing and chocking in the vessel in a manner directed by applicable U.S. Coast Guard, Army, or Navy regulations.

(*b*) In discharging explosives the Contractor shall perform all stevedoring services necessary for discharging cargo from the vessel to place of rest on pier or the transporting to and loading into railroad cars, trucks and/or lighters. The Contractor shall also prepare and line the cars for handling the cargo (except the paying of new flooring) and shall brace, secure, cut bands, and lash the cargo in the cars in accordance with applicable regulations and shall place "explosive" placards on the cars prior to release, and shall close and seal all doors.

(*c*) The furnishing and preparation of gates, studs, new flooring, etc. for blocking



railroad cars, as well as prefabrication of blocking in the vessel's hold, will be at the expense of the Government.

(*d*) The Contractor shall not be compensated for standby time when caused by slow-up or delay of one of his operations, which delay directly affects the other operations, such as delay in loading railroad cars, or in discharging from ship's hatches, unless such slow-up or delay was beyond the Contractor's control. This does not include the time required for shifting railroad cars. No standby time will be allowed unless previously approved by the Contracting Officer.

(4) *Cargo Assembly Area.* The term "cargo assembly area" as used in this contract, is defined as ____ feet from either extremity of the vessel and for a distance of ____ feet from the vessel's inboard side.

*c. Damage Reports.* In all instances where cargo, vessel, vessel equipment or Government equipment sustains damage through handling by the Contractor's employees, a full report of the fact and the extent of such damage shall be submitted by the Contractor to the Contracting Officer within twenty-four (24) hours following the occurrence of such damage.

*d. Rigging and Unrigging.* When the ship's gear is used for handling cargo, the Contractor, at his own expense, shall rig and unrig all gear, including the rigging and unrigging of heavy-lift gear when the heavy-lift booms are used, and shall hoist, lower and secure hatch tents when necesary; provided, however, that where any one set of gear is rigged for handling less than 100 payable tons of cargo on a commodity rate basis, the Contractor shall be compensated on an extra-labor basis for the rigging and unrigging of such set of gear. Rigging and unrigging shall include topping, lowering, and trimming of booms. When the Contractor is required to perform any rigging or unrigging services for the purpose of performing extra labor services, or perform any such services at the request of the Contracting Officer for any purpose other than loading or discharging cargo on a commodity rate basis, he shall be compensated therefor at extra labor rates. When the Contractor is required to break out booms from collars or boom rest, or to reeve guys on topping lifts through blocks, he shall be compensated therefor on an extra-labor basis.

*e. Opening and Closing Vessel.* The Contractor shall, at his own expense, remove and replace tarpaulins, battens, hatch covers and beams with respect to all decks and deep tanks both during loading and unloading operations and when necessary because of weather or working conditions, as directed by the Contracting Officer; provided, however, that the opening and closing on any one hatch shall be performed on an extra-labor basis where less than one hundred (100) payable tons are to be loaded and/or discharged at the commodity rate of any hatch so worked, and also where the Contractor is required to open and close the vessel for the purpose of performing extra-labor services. The removing, handling, replacing or setting of reefer plugs during the handling of cargo in any or all refrigerated or chilled space aboard the vessel is included in the basic commodity rate, except where the complete operation is on an extra-labor basis. When the Contractor is required to open or close reefer plugs more than once in any four-hour shift because of a change in orders or type of cargo, he shall be compensated therefor on the basis of 15 minutes detention time for men in gangs, including equipment drivers and gang foremen.

*f. Docking, Undocking and Shifting of Vessels.* The Contractor shall, when requested by the Contracting Officer, furnish men to handle lines for docking, undocking and shifting of vessels, and the Government shall compensate the Contractor therefor on an extra-labor basis.

*g. Shifting Barges, Lighters, Scows, and Car Floats.* Barges, lighters, scows, and car floats will be placed alongside the vessel without cost to the Contractor. When they are shifted from hatch to hatch, the Contractor shall do so at his own expense unless operational conditions make movement by ship's gear impracticable in which event the operation shall be at the expense of the Government.

*h. Gear Supplied by Government.* The Government, at its own expense, shall furnish and maintain in good working order the following: blocks on booms, booms, heavy lift cranes, wire and rope falls rigged, gantlines rigged on booms, hatch tents, lighters and floating derricks, lights on wharves and vessels, pallet boards, power and steam necessary, preventers on booms, and winches. Floating derricks and heavy lift cranes will not be used when, in the opinion of the Contracting Officer, the ship's equipment can be used satisfactorily.

*i. Gear Supplied by Contractor.* The Contractor shall perform an efficient stevedoring operation and, except as provided in paragraphs h and j of Clause 1, shall at his own expense, furnish all necessary and proper gear, including the following: ammunition gear (when handling ammunitions and explosives), roller conveyors, hooks, cargo nets, save-all nets, rollers, skids, chain slings, wire and rope slings (except heavy-lift slings used in connection with shore or floating heavy-lift cranes), drag lines, spreaders, hand trucks, machinery dollies, trailers, lift trucks, tractors, and tractor cranes (up to 5-ton lifting capacity); provided, however, that the Contractor shall be compensated for furnishing mobile equipment in accordance with the applicable schedule in Clause 2, whenever such equipment is furnished in connection with services performed on an extra-labor basis.

*j. Rental of Mobile Equipment.* (1) The Contractor, when directed by the Contracting Officer to supply extra-labor services, shall upon request of the Contracting Officer also supply and maintain the necessary mobile equipment to the extent available, and the Contractor shall be compensated therefor at the rates set forth in the applicable schedule of Clause 2.

(2) Upon request, the Government will supply mobile equipment, if available, to the Contractor, and the Government shall be compensated therefor at the rates set forth in the applicable schedule of Clause 2.

(3) If the Government supplies mobile equipment to the Contractor for use in performing extra-labor services, no charge shall be made by the Government for the use of such mobile equipment.

*k. Transportation of Gear by Contractor.* The Contractor will transport his own gear and equipment when necessary at his own expense, except transportation of said gear and equipment shall be at Government expense when the vessel is loading or unloading in stream or at any other location inaccessible to trucks.

*l. Tiering.* If cargo on the pier or in the cargo assembly area (as defined in Clause 1b(4)) is beyond the reach of the Contractor's equipment, the Government will break it down at the place of tiering so that it can be handled by the Contractor's equipment. No charge will be made by the Contractor for removing cargo from piles within the reach of his equipment. The tiering of cargo above reach of the Contractor's equipment will be at Government expense. When the Contractor is required to break down cargo tiered above the reach of his equipment or to tier cargo beyond the reach of his equipment, the Government will compensate the Contractor therefor on an extra-labor basis.

*m. Dunnage.* The loading, shifting within the same hatch, and laying of all dunnage (including cordwood, tarpaulins, matting and reefer stripping) necessary to properly stow and secure the vessel's cargo, and reverse the operation when discharging the vessel's cargo, is included in the basic commodity rate.

*n.* (1) *Lashing and Securing.* The Contractor shall, at his own expense, lash and secure all cargo below deck when loaded on a commodity-rate basis, as directed by the Contracting Officer. Lashing and securing of cargo below deck which was loaded on an extra-labor basis and the lashing of all on-deck cargo will be done at extra-labor rates. The Government will supply lumber, wire, turnbuckles, and other equipment as may be required for dunnaging, securing, and shoring cargo in all instances.

(2) *Unlashing and Unsecuring Cargo.* When cargo is discharged on a commodity-rate basis the Contractor shall, at his own expense, unlash all cargo on deck and below deck and shall remove all tomming, chockings, tank beds, and all types of double dunnage flooring, except false decks, as directed by the Contracting Officer. The unlashing and unsecuring of cargo on deck and below deck, if discharged on an extra-labor basis, will be done at extra-labor rates.

(3) *Carpenter Work, Welding and Burning.* All necessary carpenter work and welding and burning shall be at the expense of the Government.

*o. Tonnage Figures and Invoices.* The weight ton referred to in this contract is a ton of 2240 pounds, and the measurement ton is a ton of forty (40) cubic feet. Where rates are provided on both a weight and measurement basis, the Contractor shall be paid on the basis of a manifested ton, whichever produces the greater tonnage, the weight ton of 2240 pounds or the measurement ton of forty (40) cubic feet. The maximum measurement tonnage upon which compensation is to be computed for any manifested item of cargo excluding that cargo classified as Item 11, General Cargo, will be four (4) measurement tons for each weight ton, and the maximum tonnage either weight or measurement, upon which compensation is to be computed for any single lift shall be one hundred fifty (150) tons. The Government will furnish the Contractor a breakdown of cargo loaded or discharged according to the commodity list, at the option of the Contracting Officer, manifests will be furnished. Invoices for each vessel loaded or discharged will be submitted by the Contractor not later than ten (10) days after receipt of tonnage figures or manifests. Progress payments for services performed on each vessel may be made upon approval of the Contracting Officer, provided that such progress payments shall not exceed 90% of the direct labor cost to the Contractor of the services upon which payment is made, which cost shall be determined from evidence submitted by the Contractor and which must be such as to be satisfactory to the Contracting Officer. No services will be paid for by the Government other than those specifically enumerated herein and provided for in the rate schedule of this contract or elsewhere in this contract.

*p. Hardship (Unusual Conditions).* If the Contracting Officer determines that due to unusual vessel, dock, or cargo conditions, the loading or unloading of any particular cargo at the basic commodity rates will work a hardship upon the Contractor, he may so certify in writing (in advance, if possible) and authorize the compensation to the Contractor for loading or unloading such cargo at the extra-labor rates set forth in the applicable schedule in Clause 2. Unusual conditions will include, but not be limited to, inaccessibility of ship's cargo gear to place of stowage, side port operations, and small quantities of cargo in any one hatch.

*q. Detentions.* (1) Detention (sometimes referred to as "standby time" or "waiting-time") is defined as time lost as a result of

the stoppage, or inability to start, of loading or discharging of cargo due to causes beyond the control and without the fault or negligence of the Contractor, including, but not limited to, a breakdown of the vessel's equipment or Government-furnished gear, bad weather, non-readiness of the vessel, non-arrival of cargo or non-availability of equipment required to be furnished by the Government.

(2) When cargo is worked on a commodity rate basis the Contractor shall, without limitation, absorb each detention of ---------- minutes or less; but the Government shall pay the Contractor at detention rates for men in gangs, including equipment drivers and gang bosses, for each detention in excess of ---------- minutes including the first ---------- minutes thereof.

(3) When loading or discharging of cargo is performed on an extra-labor basis, the Government will pay the Contractor at extra-labor rates for the first ---------- minutes of each detention and will pay the Contractor on a detention rate basis for all time of each detention except the first ---------- minutes.

(4) Minimum time is defined as the time in addition to time actually worked for which the Contractor is required to pay his employees to comply with minimum time requirements of labor agreements applicable to the Contractor and his employees. The Government shall pay the Contractor for minimum time at detention rates.

(5) If any detention or minimum time as defined in preceding subparagraphs (1) and (4) is due to the fault of the Contractor or the failure of the Contractor to comply with proper instructions of the Contracting Officer the entire time resulting therefrom shall be at the expense of the Contractor.

*r. Extra Labor.* The Contractor shall, when directed by the Contracting Officer, supply extra labor for miscellaneous services when not occasioned by the negligence of the Contractor, and shall be compensated therefor on an extra-labor basis. Among the miscellaneous services for which such extra labor may be required, but not by way of limitation, are the following: ammunition handling (when commodity rate does not apply); cleaning vessel's holds and decks; handling excess dunnage and debris; handling mail and baggage, rehandling, removing or shifting cargo; removing or securing tank lids when secured by more than four bolts for each lid; handling ship's stores and material.

*s. Overtime Rates.* The Contractor shall order out men for overtime work only with the approval of the Contracting Officer. When approved by the Contracting Officer, and in accordance with such approval, the Contractor shall be paid for all overtime services, in addition to the applicable commodity rates, or man-hour rates, at the overtime differential rates set forth in the applicable schedules of Clause 2. Overtime periods will be determined in accordance with the prevailing collective bargaining agreements applicable to the Contractor and his employees.

*t. Penalty Rates.* Except where the applicable commodity rates or man-hour rates expressly include cargo penalties, the Contractor shall be compensated for penalties, where payable under applicable collective bargaining agreements, at the rates set out in the penalty rate schedule of Clause 2.

*u. Traveling Time.* When the Contractor is required to pay traveling time to the men employed, the Contractor shall be compensated therefor at the rates specified in the applicable schedule of Clause 2.

*v. Transportation of Men and Other Allowances.* When the Contractor is required by applicable collective bargaining agreements to pay allowances for subsistence, quarters, and rail, bus, or boat fares in transporting the men employed, the Contractor shall be compensated therefor at the rates specified in the applicable schedule of Clause 2, or, if the contract contains no such schedule, at the actual out-of-pocket cost to the Contractor.

*w. Income for Handling Lighters, Cars, etc.* Any and all income derived from sources other than provided for in this contract for the handling of cargo direct to or from lighters, barges, scows, trucks, and railroad cars, and to or from ships under this contract, will be for the account of the Contractor and shall be collected by the Contractor. Collection of this income by the Contractor is reflected in the commodity rates.

CLAUSE 2. *Schedule of Rates.* (Dec 1957)

*a. Commodity Rates.* The Contractor will be compensated for services, except those specified elsewhere in this contract, at the commodity rates listed herein which are based on straighttime rates of pay only. The rates named in Columns A and B are based on normal operation involving use of ship's gear. The rates in Columns C and D are applicable when the Government furnished floating derricks and/or shore cranes for heavy lifts beyond the capacity of ship's gear and also when furnished at the request of the Contractor to expedite the handling of any cargo. The rates in Columns C and D are not applicable when Government-furnished floating derricks and/or shore cranes are used because ship's gear is inoperable.

SCHEDULE I—COMMODITY TONNAGE RATES

| | Loading | | Discharging | |
|---|---|---|---|---|
| | A Ship's Gear 2240# 40c/t | C Derrick/ Crane 2240# 40c/t | B Ship's Gear 2240# 40c/t | D Derrick/ Crane 2240# 40c/t |
| 1. a. Airplanes and gliders and all accompanying parts, radar screens, boxed or crated | | | | |
| b. Same as above, unboxed | | | | |
| 2. a. Vehicles: Automobiles, trucks, buses, ambulances, vans, chassis, trailers, carts, boxed | | | | |
| b. Same as above, unboxed | | | | |
| 3. a. Vehicles: Locomotives, and tenders, railroad rolling stock | | | | |
| b. Caissons, tractors, tanks, bulldozers, gun carriers and carriages, boats, all types | | | | |
| 4. Arms, ammunition, small caliber, all types, except explosives | | | | |
| 5. a. Barrels and metal drums (10–14 cu. ft.) other than empty | | | | |
| b. Same as above, each empty | | | | |
| c. Asphalt (10–14 cu. ft. containers) | | | | |
| 6. Petroleum products, lubricants, paints, etc., in containers less than 10–14 cu. ft. | | | | |
| 7. Gasoline and other fluids (in 5 gal. jeep cans) | | | | |
| 8. Explosives (including penalty) | | | | |
| 9. Cement in bags from dock or lighter | | | | |
| 10. a. Refrigerated cargo 32° or below | | | | |
| b. Chilled cargo above 32° | | | | |
| 11. General cargo not otherwise specified | | | | |
| 12. Household goods | | | | |
| 13. Metal Products (ferrous and nonferrous): | | | | |
| a. Ingots, blooms, bars, slabs, billets | | | | |
| b. Plates, beams, sheet piling, reinforcing rods, angles, channels, and rails, all not over 40 feet long | | | | |
| c. Plates, beams, sheet piling, reinforcing rods, angles, channels, and rails, all over 40 feet long | | | | |
| d. Tinplate, sheets, nails, spikes, bolts, washers, fittings, nuts, tools, chains, shackles, blocks, etc | | | | |
| e. Fabricated (see Note 2) | | | | |
| 14. a. Pipe, all types (6" in diameter or under) | | | | |
| b. Pipe, all types (over 6" in diameter) | | | | |
| 15. Landing mats | | | | |
| 16. a. Reels, cables, and wire | | | | |
| b. Same as above, empty | | | | |
| 17. Houses (KD) all kinds | | | | |
| 18. Forage, hay, straw in bales | | | | |
| 19. a. Pilings and poles at end of ship's tackle (see Note 1) | | | | |
| b. Lumber and logs at end of ship's tackle (see Note 1) | | | | |
| c. Lumber, bunked or ricked in unit loads at end of ship's tackle (see Note 1) | | | | |
| 20. a. Pilings and poles other than at end of ship's tackle (see Note 1) | | | | |
| b. Lumber and logs other than at end of ship's tackle (see Note 1) | | | | |
| c. Lumber, bunked or ricked in unit loads other than at end of ship's tackle (see Note 1) | | | | |
| 21. a. Poles, piles, ties, cross arms, shingles, all creosoted, at end of ship's tackle, all carrying a penalty rate (see Note 1) | | | | |
| b. Same as above, except other than at end of ship's tackle, (see Note 1) | | | | |
| 22. a. Wallboard, plywood, roofing paper, building board, celotex, gypsum board, plastic board, lining paper, and similar products | | | | |
| b. All of the above in unitized loads | | | | |
| 23. Anti-submarine net materials | | | | |
| a. Buoys | | | | |
| b. Nets | | | | |
| c. Jack-stays, anchor chains, shackles, rings | | | | |
| 24. a. Assembled steel pontoons, assembled steel storage tanks up to 200 cu. ft | | | | |
| b. Same as above in excess of 200 cu. ft | | | | |

NOTE 1: Items 19, 20, and 21. When lumber or logs are manifested on the basis of *board-foot measurement* and when piling is manifested on the basis of *lineal-foot measurement* payment to the Contractor shall be computed on the basis of a measurement ton. Six hundred (600) board-foot measurement of lumber or logs shall be taken as one measurement ton. Thirty (30) lineal feet of piling of any dimension shall be taken as one measurement ton.

NOTE 2: Metal Products, Fabricated, referred to in classification 13e are beams, angles, channels, etc., to which plates or other metal fixtures have been attached by bolts or otherwise, preliminary to their use in building operations, or which have undergone some manufacturing process which renders their handling and stowage more difficult.



*b. Miscellaneous Hourly Rate Schedules.*

TABLE OF SCHEDULES

(Rate per hour)

| Rating | Extra labor, straight time rate | Travel time and detentions in nonexplosive area | Overtime differential | Explosive, straight time rate | Travel time and detentions in explosive area | Explosive, overtime differential | Premium meal hour differential | |
|---|---|---|---|---|---|---|---|---|
| | Schedule II | Schedule III | Schedule IV | Schedule V | Schedule VI | Schedule VII | Schedule VIII | |
| | | | | | | | Nonexplosive | Explosive |
| Longshoremen | | | | | | | | |
| Winch Driver | | | | | | | | |
| Hatch Tenders | | | | | | | | |
| Fork-lift Operators | | | | | | | | |
| Jitney Operators | | | | | | | | |
| Crane Operators | | | | | | | | |
| Ship Foremen | | | | | | | | |
| Walking Bosses | | | | | | | | |
| Assistant Ship Foremen | | | | | | | | |
| Crane Foremen | | | | | | | | |
| Supercargoes | | | | | | | | |
| Head Clerks | | | | | | | | |
| Clerks | | | | | | | | |
| Checkers | | | | | | | | |

*c. Stevedoring Cargo Penalty Rates—Schedule IX.* Penalty differentials relative to types of workers, cargo, and working conditions will be determined in accordance with the applicable collective bargaining agreements and the Contractor will be compensated therefor at the following penalty differential rates:

| Cargo carrying straight time penalty of: | Rates per man per hour S/T | O/T | Premium meal hour |
|---|---|---|---|
| | | | |

*d. Equipment Rental—Schedule X.*

| Type of equipment | Rate per hour [1] |
|---|---|
| Tractors | |
| Fork-lift trucks | |
| Cranes up to 10 tons with operator and oiler | |
| Cranes from 10 to 20 tons with operator and oiler | |
| Ross Lumber carriers | |
| Miscellaneous small gear per gang | [2] |

[1] Rates per hour include fuel, lubricants, and maintenance.

[2] Rate per gang per hour.

CLAUSE 3. *Revision of Prices.* (May 1960)

*a.* The prices fixed in this contract are based on wages and working conditions established by collective bargaining agreements and on other conditions in effect on the date of this contract. Such prices may be increased or decreased in accordance with this clause.

*b. Demand for Negotiation.* Any time and from time to time, subject to the limitations specified in this clause, either the Government or the Contractor may deliver to the other a written demand that the parties negotiate to revise the prices under this contract. No such demand shall be made before ninety (90) days after the date of this contract, and thereafter neither party shall make a demand having an effective date within ninety (90) days of the effective date of any prior demand; provided, however, that this limitation shall not be applicable in the event that during any ninety-day period there is a "wage adjustment" as hereinafter defined. The term "wage adjustment", as used in this clause, means a change in the wages, salaries, or other terms or conditions of employment which shall substantially affect the cost of performing this contract and which shall be generally applicable to the port where work under this contract is performed and shall be applicable to operations by the Contractor on non-Government work as well as to work under this contract. Each demand shall specify a date (identical with or subsequent to the date of the delivery of the demand) as to which the revised prices shall be effected as to services performed thereon and thereafter. This date is hereinafter referred to as the "effective date of the price revision." Any demand under this clause, if made by the Contractor, shall state briefly the ground or grounds therefor and shall be accompanied by the statement and data referred to in paragraph c of this clause. If the demand is made by the Government, such statements and data will be furnished by the Contractor within thirty days of the delivery of the demand.

*c. Submission of Data.* At the time or each of the times specified or provided for in paragraph b of this clause, the Contractor shall submit (i) a new estimate and breakdown of the unit cost and the proposed prices for the services to be performed under the contract after the effective date of the price revision itemized so far as is practicable in the manner in which the cost estimates were itemized in connection with the original negotiation of the contract; (ii) an explanation of the differences between the original (or last preceding estimate and the new estimates; (iii) such relevant operating data, cost, records, overhead absorption reports, and accounting statements as may be of assistance in determining the accuracy and reliability of the new estimates; (iv) a statement of the experienced costs of performance hereunder to the extent that they are available at the time or times of the negotiation of the revision of prices hereunder; and (v) any other relevant data usually furnished in the case of negotiation of prices under a new contract. The Government may make such examination of the Contractor's accounts, records, and books as the Contracting Officer may require and may make such audit thereof as the Contracting Officer may deem necessary.

*d. Negotiations.* (1) Upon the filing of the statements and data required by paragraph c of this clause, the Contractor and the Contracting Officer will negotiate promptly in good faith to agree upon prices for services to be rendered on and after the effective date of price revision. Negotiations for price revisions under this clause shall be conducted on the same basis, employing the same types of data, including, without limitation, comparative prices, comparative costs, and trends thereof, as in the negotiation of prices under a new contract: *Provided, however,* That if the prices in the contract were arrived at as a result of competitive negotiation, the contract prices shall not be revised upward except upon the basis of and as justified by changes in conditions occurring after the contract was entered into.

(2) After each negotiation the agreement reached will be evidenced by a supplemental agreement stating the revised prices to be effective with respect to service rendered on and after the effective date of the price revision (or such other later date as the parties may fix in such supplemental agreement).

*e. Disagreements.* If, within thirty days after the date on which the statements and data are required pursuant to paragraph b of this clause to be filed (or such further period as may be fixed by written agreement), the Contracting Officer and the Contractor fail to agree to revised prices, the failure to agree shall be deemed to be a disagreement as to a question of fact which shall be disposed of in accordance with clause 20 (Disputes), and the prices so fixed shall remain in effect for the balance of the contract notwithstanding any other provision of this clause.

*f. Payments.* Until new prices shall become effective in accordance with this clause, the prices in force at the effective date of the price revision shall be paid upon all services performed, subject to appropriate later revisions made pursuant to paragraph *d* or *e* of this clause.

*g. Retroactive Changes in Wages of Working Conditions.* In the event of a retroactive wage adjustment the Contractor or the Contracting Officer may request an adjustment in the prices fixed in this contract, and such adjustment will be made to the extent equitable; provided, however, that the prices applicable to services performed subsequent to the date of the request for price adjustment shall not be adjusted under this paragraph, it being the intent that any price adjustment under this paragraph shall cover the period prior to such request. Such request by the Contractor shall be made within thirty days of such retroactive wage adjustment and shall be supported by (i) an estimate of the changes in cost occasioned by the retroactive adjustment, (ii) complete information upon which such estimate is based, and (iii) a certified copy of the collective bargaining agreement, arbitration award or other document evidencing the retroactive wage adjustment. Subject to the foregoing limitations as to the time of making a request hereunder completion or termination of this contract shall not affect or impair the Contractor's right under this paragraph. Such adjustment shall be by mutual agreement between the Contracting Officer and the Contractor. The adjusted prices, and the manner of making adjustments with respect to services theretofore paid for, shall be incorporated in an amendment to this contract to be executed by the Contractor and the Contracting Officer. In case of disagreement concerning any question of fact, including whether any adjustment should be made, or the amount of such adjustment, such disagreement will be resolved in accordance with the clause in this contract entitled "Disputes". The Contractor shall give written notice to the Contracting Officer of any request by or on behalf of the employees of the Contractor which may result in a retroactive wage adjustment. Such notice shall be given within twenty days after such request, or if request has occurred prior to execution of this contract, at the time of execution of this contract.

CLAUSE 4. *Default.* (Dec 1957)

*a.* The Government may, subject to the provisions of paragraph *c* below, by written notice of default to the Contractor, terminate the whole or any part of this con-

tract in any one of the following circumstances:

(i) If the Contractor fails to perform the services within the specified herein or any extension thereof, or so fails to make progress as to endanger performance of this contract in accordance with its terms; or

(ii) If the Contractor fails to perform any of the other provisions of this contract and does not cure such failure within a period of 10 days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer specifying such failure.

*b.* In the event the Government terminates this contract in whole or in part as provided in paragraph *a* of this clause, the Government may itself perform or may procure, upon such terms and in such manner as the Contracting Officer may deem appropriate services similar to those so terminated, and the Contractor shall be liable to the Government for any excess costs of such performance or procurement and for any other damages suffered by the Government as a result of the Contractor's default; provided, that the Contractor shall continue the performance of this contract to the extent not terminated under the provisions of this clause.

*c.* Except with respect to defaults of subcontractors, the Contractor shall not be liable for any excess costs or other damages if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, freight embargoes, unusually severe weather, and strikes (unless labor normally used by the Contractor in the performance of this contract is willing to work for the Contractor during the strike in the performance of work under this contract at wages and under working conditions in effect immediately prior to such strike); but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be liable for any excess costs or other damages for failure to perform, unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required performance schedule.

*d.* The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

CLAUSE 5. *Indefinite Quantities.* (Dec 1957)

The amount of work and services which the Contractor may be required to furnish and the Government to accept hereunder, shall be the amount which shall from time to time be ordered hereunder by the Contracting Officer, during the term of this contract. In any event, however, the Government shall order, during the term of this contract, work or services having an aggregate value at the prices listed in the schedules made a part hereof of not less than $100.00.

CLAUSE 6. *Examination of Records and Accounts.* (May 1960)

*a. By the Contracting Officer.* (1) The Contracting Officer shall have access to all accounting records applicable to this account and the method of accounting used by the Contractor shall be subject to the approval of the Contracting Officer, but no material change will be made in the Contractor's method if it conforms to good accounting practice and the costs are readily ascertainable therefrom. So far as it is practicable, the Contractor shall maintain a complete separate system of accounts under this contract and shall preserve for a period of at least three years after the expiration or termination of the contract or any extension thereof, all books, papers, or other accounting records, pertaining thereto.

(2) All information obtained from the Contractor's records pursuant to *a*(1) above shall be treated as confidential.

*b. By the Comptroller General.* (1) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract, have access and the right to examine any directly pertinent books, documents, papers, and records of the Contractor, involving transactions related to this contract.

(2) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under the subcontract, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase orders not exceeding $2,500 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(3) This subparagraph *b* is not applicable to contracts of $2,500 or less.

CLAUSE 7. *Subcontracting.* (Dec 1957)

No work hereunder agreed to be performed by the Contractor shall be subcontracted by him without the written consent of the Contracting Officer.

CLAUSE 8. *Employees of Contractor.* (Dec 1957)

All employees of the Contractor employed in performance of work under this contract shall be employees of the Contractor at all times and not of the Government. The Contractor shall comply with the Social Security Act, the Longshoremen's and Harbor Workers' Compensation Act, and such Workmen's Compensation Laws and Unemployment Insurance Laws of the state where the work is performed as shall be applicable to work performed hereunder and the Contractor shall comply with all other relevant legislation, state and Federal.

CLAUSE 9. *Removal of Employees of Contractor.* (Dec 1957)

Contracting Officer may require that the Contractor remove such employees as the Contracting Officer deems incompetent, careless, insubordinate, or otherwise objectionable and whose continued employment with respect to the services to be performed under this contract is deemed by the Contracting Officer to be contrary to the public interest.

CLAUSE 10. *Termination.* (Dec 1957)

*a.* This contract may be terminated at any time by either party hereto upon thirty days' notice in writing to the other. Termination under this clause shall not affect, or relieve any party of, any obligation or liability that may have accrued prior to such termination.

*b.* Upon termination of the contract under *a* above or as provided in Clause 4 of this contract, the Contractor shall be paid any sum due the Contractor for services performed under this contract to the date of such termination, and in the event of partial termination shall be paid in accordance with the terms of this contract for any services furnished under the portion of the contract that is not terminated; provided, however, any such payments shall be without prejudice to any claim which the Government may have against the Contractor under Clause 4 of this contract or otherwise, and the Government shall have the right to offset any such claims against such payments.

CLAUSE 11. *Liability and Insurance.* (May 1960)

*a. The Contractor.*

(1) Shall be liable to the Government for loss of or damage to property, real and personal, owned by the Government or for which the Government is liable. For the purpose of this clause all cargo loaded or unloaded under this contract is agreed to be property owned by the Government or property for which the Government is liable. The amount of the loss or damage as determined by the Contracting Officer will be withheld from payments otherwise due the Contractor until the actual loss or damage is ascertained, at which time the Contractor shall be paid the difference, if any, between the amount withheld and the amount of the actual loss or damage sustained by the Government;

(2) Shall be responsible for and hold the Government harmless from loss or damage to property not included in (1) above occasioned either in whole or in part by the negligence or fault of the Contractor, his officers, agents, or employees, in the performance of work under this contract; and

(3) Shall be responsible for and hold the Government harmless from bodily injury and death of persons occasioned either in whole or in part by the negligence or fault of the Contractor, his officers, agents or employees in the performance of work under this contract. Determinations of liability and responsibility by the Contracting Officer will constitute questions of fact within the meaning of the Clause of this contract entitled "Disputes". The general liability and responsibility of the Contractor under this Clause are subject only to the following specific limitations.

*b.* The Contractor shall not be responsible to the Government for and does not agree to hold the Government harmless from loss or damage to property or bodily injury to or to death of persons:

(1) If the unseaworthiness of the vessel or failure or defect of the gear or equipment furnished by the Government contributed jointly with the fault or negligence of the Contractor in causing such damage, injury or death, and the Contractor, his officers, agents, and employees, by the exercise of due diligence, could not have discovered such unseaworthiness or defect of gear or equipment, or through the exercise of due diligence could not otherwise have avoided such damage, injury, or death.

(2) If the damage, injury, or death resulted solely from an act or omission of the Government or its employees or resulted solely from proper compliance by officers, agents, or employees of the Contractor with specific directions of the Contracting Officer.

*c.* The Contractor shall at his own expense procure and maintain during the term of this contract, insurance as follows:

(1) Standard Workmen's Compensation and Employers' Liability Insurance and Longshoremen's and Harbor Workers' Compensation Insurance or such of these as may be proper under applicable state or Federal statutes. The Contractor may, however, be self-insurer against the risk in this subparagraph (1), if it has obtained the prior approval of the Contracting Officer. This approval will be given upon receipt of satisfactory evidence that the Contractor has qualified as such self-insurer under applicable provisions of law.

(2) Bodily Injury Liability Insurance in an amount of not less than $50,000 any one person and $250,000 any one accident or occurrence.



(3) Property Damage Liability Insurance (which shall include any and all property, whether or not in the care, custody, or control of the Contractor) in an amount of not less than $250,000 on account of any one accident.

*d.* All policies of insurance required under the terms of this contract shall by appropriate endorsement, or otherwise, provide that no cancellation thereof shall be effected unless thirty (30) days' prior written notice thereof has been given to the Contracting Officer.

*e.* Satisfactory evidence of the required insurance endorsed as above shall be filed with the Contracting Officer prior to the performance of any work under this contract.

*f.* The Contractor shall, at his own cost and expense, defend any suits, demands, claims, or actions, in which the United States might be named as a co-defendant of the Contractor, arising out of or as a result of the Contractor's performance of work under this contract, whether or not such suit, demand, claim, or action arose out of or was the result of the Contractor's negligence. This shall not prejudice the right of the Government to appear in such suit, participate in defense, and take such action as may be necessary to protect the interests of the United States.

*g.* It is expressly agreed that the provisions contained in Sections through *f* of this Clause shall not in any manner limit the liability or extent of liability of the Contractor as provided in Sections *a* and *b* of this Clause.

*h.* In the event that the Contractor is indemnified, reimbursed, or relieved for any loss or damage to Government property, he shall equitably reimburse the Government. The Contractor shall do nothing to prevent the Government's right to recover against third parties for any such loss, or damage and, upon the request of the Contracting Officer, shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

CLAUSE 12. *Eight-Hour Law of 1912—Overtime Compensation.* (Jan 1958)

This contract, to the extent that it is of a character specified in the Eight-Hour Law of 1912 as amended (40 U.S.C. 324–326) and is not covered by the Walsh-Healey Public Contracts Act (41 U.S.C. 35–45), is subject to the following provisions and exceptions of said Eight-Hour Law of 1912, as amended, and to all other provisions and exceptions of said Law.

No laborer or mechanic doing any part of the work contemplated by this contract, in the employ of the Contractor or any subcontractor contracting for any part of the said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work, except upon the condition that compensation is paid to such laborer or mechanic in accordance with the provisions of this clause. The wages of every laborer and mechanic employed by the Contractor or any subcontractor engaged in the performance of this contract shall be computed on a basic day rate of eight hours per day; and work in excess of eight hours per day is permitted only upon the condition that every such laborer and mechanic shall be compensated for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay. For each violation of the requirements of this clause a penalty of five dollars shall be imposed for each laborer or mechanic for every calendar day in which such employee is required or permitted to labor more than eight hours upon said work without receiving compensation computed in accordance with this clause, and all penalties thus imposed shall be withheld for the use and benefit of the Government.

CLAUSE 13. *Nondiscrimination in Employment.* (Sep 1954)

*a.* In connection with the performance of work under this contract, the Contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of the nondiscrimination clause.

*b.* The Contractor further agrees to insert the foregoing provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

CLAUSE 14. *Convict Labor.* (Mar 1949)

In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor.

CLAUSE 15. *Notice to the Government of Labor Disputes.* (Sep 1958)

*a.* Whenever the Contractor has knowledge that any actual or potential labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

*b.* The Contractor agrees to insert the substance of this clause, including this paragraph *b*, in any subcontract hereunder as to which a labor dispute may delay the timely performance of this contract; except that each such subcontract shall provide that in the event its timely performance is delayed or threatened by delay by any actual or potential labor dispute, the subcontractor shall immediately notify his next higher tier subcontractor, or the prime contractor, as the case may be, of all relevant information with respect to such dispute.

CLAUSE 16. *Officials Not to Benefit.* (Jul 1949)

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

CLAUSE 17. *Covenant Against Contingent Fees.* (Jan 1958)

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

CLAUSE 18. *Assignment of Claims.* (Jan 1958)

*a.* Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for monies due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Notwithstanding any provisions of this contract, payments to an assignee of any monies due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or set-off.

*b.* In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any person not entitled to receive the same, provided, that a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

CLAUSE 19. *Definitions.* (Jan 1958)

As used throughout this contract, the following terms shall have the meanings set forth below:

*a.* The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department, and the head or any assistant head of the Federal agency; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the Secretary.

*b.* The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

*c.* Except as otherwise provided in this contract, the term "subcontracts" includes purchase orders under this contract.

CLAUSE 20. *Disputes.* (Jan 1958)

*a.* Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

*b.* This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph *a* above; provided, that nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

CLAUSE 21. *Renegotiation.* (Oct 1959)

*a.* To the extent required by law, this contract is subject to the Renegotiation Act of

1951 (50 U.S.C. App. 1211, et seq.), as amended, and to any subsequent act of Congress providing for the renegotiation of contracts. Nothing contained in this clause shall impose any renegotiation obligation with respect to this contract or any subcontract hereunder which is not imposed by an Act of Congress heretofore or hereafter enacted. Subject to the foregoing this contract shall be deemed to contain all the provisions required by Section 104 of the Renegotiation Act of 1951, and by any such other act, without subsequent contract amendment specifically incorporating such provisions.

*b.* The Contractor agrees to insert the provisions of this clause, including this paragraph b, in all subcontracts, as that term is defined in section 103g of the Renegotiation Act of 1951, as amended.

CLAUSE 22. *Gratuities.* (Mar 1952)

*a.* The Government may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing, by the Secretary or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such contract; provided that the existence of the facts upon which the Secretary or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

*b.* In the event this contract is terminated as provided in paragraph *a* hereof, the Government shall be entitled (i) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor, and (ii) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Secretary or his duly authorized representative) which shall be not less than three nor more than ten times the costs incurred by the Contractor in providing any such gratuities to any such officer or employee.

*c.* The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

CLAUSE 23. *Alterations in Contract.* (Jul 1949)

The following alterations have been made in the provisions of this contract:

**§ 605.504 Order for paid advertisements (Standard Forms 1143 1143a).**

Standard Forms 1143 and 1143a shall be used in accordance with § 1.1005 of this title and § 590.1005 of this subchapter.

**§ 605.504–1 Request for authority to advertise (DA Form 192). [Revoked]**

**§ 605.504–50 Request for authority to Advertise (DA Form 192).**

See § 590.1005 of this subchapter.

12. Revise item 18 in § 605.550(b), and §§ 606.202(b), 606.204–2, and 606.204–3, as follows:

**§ 605.550 Lease Agreement—Government-Owned Personal Property.**

* * * * *

(b) Authority is granted in effecting procurement outside the United States and its possessions to deviate from the form to the extent indicated:

18. *Disputes.* Substitute "Disputes" clause prescribed in § 7.103–12(b) of this title. This clause may be modified to provide for intermediate appeal to the Head of the Procuring Activity concerned.

**§ 606.202 Execution of contracts—requirements.**

* * * * *

(b) *Contracting Officer's signature.* In the case of formal advertising, the personal signature of the contracting officer on the award and communication of a notice of award to the successful bidder creates a binding agreement. In the case of negotiated contracts, the contracting officer shall personally sign on behalf of the United States after the contractor has signed, except where otherwise required by the particular contract form. In addition, the contracting officer's rank or title shall be indicated. Proxy and facsimile signatures shall not be used.

**§ 606.204–2 Leases of Government personal property.**

Leases and modifications to leases of Government property, regardless of amount, except as heretofore or hereafter may be delegated by the Secretary, shall be submitted for approval by the Assistant Secretary of the Army (Logistics). Requests for approval shall be addressed to the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, Attn: Chief, Contracts Division.

**§ 606.204–3 Construction or rehabilitation of installations, and repairs and utilities.**

Awards of formally advertised contracts for construction or rehabilitation of installations, and repairs and utilities do not require approval by higher authority, unless otherwise required by the Head of the Procuring Activity.

(a) *Chief, Contracts Division.* Awards of negotiated contracts and modifications to contracts for the construction or rehabilitation of installations, and repairs and utilities shall be submitted to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Chief, Contracts Division, for approval when entered into by a contracting officer under the jurisdiction of (1) chiefs of technical services (other than the Chief of Engineers) and the amount involved exceeds $1,000,000; (2) the Chief of Engineers and the amount involved exceeds $15,000,000; or (3) ZI army commanders or the Commanding General Military District of Washington, U.S. Army, and the amount involved exceeds $1,000,000.

(b) *Chief of Engineers.* Awards of negotiated contracts and modifications to contracts entered into by the Chief of Engineers for construction or rehabilitation of installations, and repairs and utilities will be approved by the Chief of Engineers, or personally selected members of his organization designated by him, when the amount involved does not exceed $15,000,000. Such selected members are not authorized to redelegate this authority. Subject to any further instructions which may be issued by the Chief of Engineers, awards of contracts included in this paragraph amounting to less than $100,000 do not require approval of higher authority.

(c) *Chiefs of Technical Services (other than Chief of Engineers.)* Chiefs and acting chiefs of technical services (other than the Chief of Engineers) are authorized to approve awards of negotiated contracts and modifications to contracts for construction or rehabilitation, and repairs and utilities not in excess of $1,000,000 for projects approved pursuant to AR 420–10. This authority may be redelegated by chiefs of technical services to the extent deemed necessary without authority of further redelegation. Subject to any further instructions which may be issued by the chief of a technical service, contracts included in this paragraph amounting to less than $100,000 do not require approval by higher authority.

(d) *ZI Army Commanders.* Awards of negotiated contracts and modifications to contracts entered into by ZI armies or the Military District of Washington for construction or rehabilitation of installations, and repairs and utilities will be approved personally by ZI army commanders or their deputies, or the Commanding General, Military District of Washington, U.S. Army, or his Deputy, when the amount involved exceeds $250,000 but does not exceed $1,000,000. ZI army comanders and the Commanding General, Military District of Washington, U.S. Army, may delegate authority to approve awards of such negotiated contracts to personally selected subordinate commanders or their deputies, without authority of further redelegation, when the amount involved exceeds $100,000 but does not exceed $250,000. ZI army commanders and the Commanding General, Military District of Washington, U.S. Army, may also personally select alternates for the subordinate commanders to exercise this authority. Subject to any further instructions which may be issued by ZI army commanders and the Commanding General, Military District of Washington, U.S. Army, contracts included in this paragraph amounting to less than $100,000, do not require approval by higher authority.

(e) *Commanding Generals of Major Oversea Commands (§ 590.201–14 of this subchapter).* Awards of negotiated contracts and modifications to contracts entered into by major oversea commands for the construction or rehabilitation of installations, and repairs and utilities shall be submitted to the commanding generals of major oversea commands for approval when the amount exceeds $1,000,000. The authority to approve awards of such contracts amounting to $1,000,000 or less may be delegated by commanding generals of major oversea commands to the extent deemed necessary to selected individuals within their commands. Such selected individuals are not authorized to redelegate this authority.

13. Sections 606.204–5(b) and §§ 606.204–6 to 606.204–13 are revised to read as follows:



**§ 606.204–5 Utility Service Contracts.**

* * * * *

(b) *Approval of contracts.* The purchase of utility services is governed by AR 420–41 and AR 420–62 which define the term "utilities services" and prescribe the required approvals for utilities services contracts and modifications. All contracts and modifications which, under the provisions of those regulations, are subject to the manual approval of the Army Power Procurement Officer, or his authorized representative, shall be submitted for approval to the Chief of Engineers, Attn: Army Power Procurement Officer, together with the supporting information required by § 606.205(c).

**§ 606.204–6 Government-Owned Contractor-Operated Plants (GOCO).**

The following provisions shall not apply to approval awards of contracts or modifications to contracts for tracked or wheeled vehicles or for trailers. Such proposed awards shall be subject to the approval requirements set forth in § 606.204–8.

(a) *Chief, Contracts Division.* In addition to the specific category approval requirements prescribed in § 606.204–7, proposed awards of contracts and modifications to contracts for the maintenance or operation of or for manufacture in GOCO plants shall be submitted to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Chief, Contracts Division, for approval when the amount or the estimated amount exceeds: (1) $15,000,000 and the contract is being entered into by a contracting officer under the jurisdiction of the Chief of Ordnance; (2) $10,000,000 and the contract is being entered into by a contracting officer under the jurisdiction of the Chief Signal Officer; or (3) $5,000,000 and the contract is being entered into by a contracting officer under the jurisdiction of the Chief Chemical Officer, the Chief of Engineers, The Quartermaster General, or the Chief of Transportation.

(b) *Chiefs of Technical Services.* Except for the specific category approval requirements prescribed in § 606.204–7, chiefs of technical services and designated senior officers of their staffs responsible for procurement are authorized to approve awards of contracts and modifications to contracts for the maintenance or operation of or for manufacture in GOCO plants in the following amounts: (1) the Chief of Ordnance in amount not in excess of $15,000,000; (2) the Chief Signal Officer in amount not in excess of $10,000,000; and (3) the Chief Chemical Officer, the Chief of Engineers, The Quartermaster General, The Surgeon General and the Chief of Transportation in amount not in excess of $5,000,000. This authority may be redelegated by chiefs of technical services to the extent deemed necessary without authority of further redelegation.

**§ 606.204–7 Specific category approval requirements.**

Notwithstanding the delegations set forth in §§ 606.204–6 and 606.204–8, proposed awards of negotiated contracts and modifications to contracts, involving additional services or supplies, for the following items in excess of the amounts stated below shall be forwarded to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division, for approval when the contract is being entered into by a contracting officer under the jurisdiction of a head of a procuring activity other than the major oversea commanders:

(a) aircraft maintenance services, including rebuild or exchange of components for aircraft, when the amount or estimated amount exceeds $1,000,000, or when delivery orders expected to be issued against an Indefinite Delivery Type Contract are estimated to aggregate amounts in excess of $1,000,000; except that, the above amounts shall be limited to $100,000 for heads of procuring activities other than chiefs of technical services;

(b) items procured under indefinite delivery type contracts, either formally advertised or negotiated, in excess of $100,000 entered into by a contracting officer under the jurisdiction of a ZI army commander;

(c) actions which may be controversial, have sensitive aspects, or involve major policy decisions; and

(d) diesel-electric generating units with ratings in excess of 300 kva where it is proposed to procure foreign equipment either by formal advertising or negotiation.

**§ 606.204–8 Contracts in general.**

Award approvals required for negotiated contracts, except as otherwise specifically delegated in writing, or as stated in §§ 606.204–1 through 606.204–7, 606.204–9 and 606.204–10, are as indicated in this section. This requirement does not apply to total small business set-asides entered into under the Small Business Restricted Advertising Procedures or to other set-asides wherein the non-set-aside portion is awarded by formal advertising. The term contracts as used herein includes modifications involving additional services or supplies. The term amount includes the dollar amount of a contract or the estimated total dollar amount of delivery orders to be placed during the fiscal year under Indefinite Delivery Type Contracts (§ 606.1101).

(a) *Chief, Contracts Division.* Proposed awards of contracts included in this section, shall be submitted to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division for approval when: (1) The amount exceeds $1,000,000 and the contract is being entered into by a contracting officer under the jurisdiction of the Chief Chemical Officer, The Surgeon General, or the Chief of Transportation; (2) the amount exceeds $2,000,000 and the contract is being entered into by a contracting officer under the jurisdiction of The Quartermaster General; (3) the amount exceeds $3,000,000 and the contract is being entered into by a contracting officer under the jurisdiction of the Chief of Engineers or the Chief Signal Officer; (4) the amount exceeds $4,000,000 and the contract is being entered into by a contracting officer under the jurisdiction of the Chief of Ordnance, or (5) when the amount exceeds $100,000 and the contract is being entered into by a contracting officer not under the jurisdiction of a technical service or a major oversea command.

(b) *Chiefs of technical services.* Chiefs of technical services and designated senior officers (military or civilian) of their headquarters staff responsible for procurement are authorized to approve awards of contracts included in this section in the following amounts: (1) The Chief Chemical Officer, The Surgeon General, and the Chief of Transportation not in excess of $1,000,000, (2) The Quartermaster General not in excess of $2,000,000, (3) the Chief of Engineers and the Chief Signal Officer not in excess of $3,000,000; and (4) the Chief of Ordnance not in excess of $4,000,000. This authority may be redelegated by chiefs of technical services to the extent deemed necessary, with authority for further redelegation within the following limits; the Chief Chemical Officer, The Surgeon General, and the Chief of Transportation for contracts not in excess of $500,000; the Chief of Engineers, the Chief of Ordnance, The Quartermaster General, and the Chief Signal Officer for contracts not in excess of $1,000,000. Subject to any further instructions which may be issued by the chief of a technical service, contracts included in this paragraph amounting to less than $100,000 do not require approval by higher authority.

(c) *Heads of procuring activities other than technical services and major oversea commands.* Heads of procuring activities other than technical services and major oversea commands are authorized to approve awards of contracts included in this section in amounts not in excess of $100,000. This authority may be redelegated to the extent deemed necessary without authority of further redelegation.

**§ 606.204–9 Major oversea commands (§ 590.201–14 of this subchapter).**

Commanding generals of major oversea commands may approve awards of contracts and modifications of such contracts, not included in §§ 606.204–1 through 606.204–5, except as otherwise specifically delegated in writing. Commanding generals of major oversea commands may redelegate this authority to the extent deemed necessary without authority of further redelegation.

**§ 606.204–10 Management Engineering Contracts.**

(a) Management engineering services and activities are explained in DA Pam 20–345. Proposed contracts for services of the general nature described in paragraphs 2 and 3, DA Pam 20–345 fall within the scope of AR 1–110. A contracting officer shall not execute a contract (or modification) for management engineering services prior to receipt, through channels, of Secretarial approval of the project. In the event that proposed contracts and modifications to contracts for such services are forwarded to higher authority in connection with obtaining

Secretarial approval of the project, as required by paragraph 7, AR 1–110, such proposed contracts or modifications to contracts originating in the technical services shall be submitted to the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, Attn: Chief, Systems Office.

(b) In the event that proposed contracts and modifications to contracts for management engineering services are forwarded to higher authority for contract award approval because (1) the contract amount involved exceeds that set forth in the delegated authority to approve awards of contracts (§ 606.204–8), or (2) the services being procured are of a personal services nature (§ 606.204–1), or (3) approval of award by higher authority is required or desired for other reasons, such proposed contracts or modifications to contracts shall be submitted to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division.

(c) AR 1–110 does not apply to the employment of experts or consultants on a per diem basis (§ 606.204–1).

**§ 606.204–11 Modification of contracts.**

(a) Heads of procuring activities are authorized to approve awards of modifications to contracts regardless of dollar value of the modification, subject to the following conditions:

(1) The proposed modification does not require specific approval of higher authority under §§ 606.204–1 through 606.204–10.

(2) The proposed modification does not contain deviations from procurement regulations which were not authorized for use in the previously approved basic contract or modification.

(3) The profit or fee does not exceed any limitations imposed by Subchapter A, Chapter 1 of this title and this subchapter, or other procurement directives.

(4) Terms and conditions of the proposed modification are such that there is no statutory requirement for approval by higher authority. Modifications to facilities contracts involving nonseverable facilities will continue to be submitted to the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division for approval.

(5) The proposed modification applies to an approved program for which funds are available.

(b) The authority contained in this section may be redelegated at the discretion of the head of procuring activity without authority for further redelegation, except that in the case of modifications involving additional supplies or services, the authority to redelegate is limited to the amount authorized under §§ 606.204–3, 606.204–6, and 606.204–8.

**§ 606.204–12 Preaward clearance.**

In performing the review and analysis of proposed awards submitted in accordance with the provisions of this subchapter, the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army will obtain preaward clearance from the Assistant Secretary of the Army (Logistics) in the form of a notation prior to approving proposed awards for:

(a) *Specific Category Approval Requirements* (§ *606.204–7*). (1) Aircraft maintenance services in excess of $1,000,000 (§ 606.204–7(a)).

(2) Medicare services in excess of $10,000,000.

(3) Actions which may be controversial, have sensitive aspects, or involve major policy decisions (§ 606.204–7(c)).

(4) Diesel-electric generating units with ratings in excess of 300 kva where it is proposed to procure foreign equipment (§ 606.240–7(d)).

(5) Letter contracts when the total proposed definitive contract will exceed the amounts set forth in § 606.204–12(b).

(b) *Contracts in general* (§ *606.204–8*). (1) Amounts in excess of $2,000,000 and the contract is being entered into by a contracting officer under the jurisdiction of (i) the Chief Chemical Officer; (ii) The Quartermaster General, (iii) The Surgeon General; or (iv) the Chief of Transportation.

(2) Amounts in excess of $4,000,000 and the contract is being entered into by a contracting officer under the jurisdiction of the Chief of Engineers or the Chief Signal Officer.

(3) Amounts in excess of $7,000,000 and the contract is being entered into by a contracting officer under the jurisdiction of the Chief of Ordnance.

(4) Amounts in excess of $1,000,000, the contract is negotiated, and is being entered into by a contracting officer not under the jurisdiction of a technical service or major oversea command listed in § 590.201–14 of this chapter.

**§ 606.204–13 Letter contracts.**

Authority for approval and preaward clearance of awards of letter contracts is set forth in §§ 592.405–3 and 606.204–12 (a) of this chapter.

14. The Contracts Branch of the Office of the Deputy Chief of Staff for Logistics, Department of the Army, has been redesignated as the Contracts Division, Office of the Deputy Chief of Staff for Logistics, and the numerous references to "Contracts Branch", appearing throughout this subchapter, will be construed to mean "Contracts Division."

[C 28, APP, 30 January 1961] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

R. V. LEE,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 61–2219; Filed, Mar. 14, 1961; 8:45 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 207—NAVIGATION REGULATIONS

### Ohio River, Mississippi River Above Cairo, Ill., and Tributaries

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.300 governing the use, administration, and navigation of the Ohio River, Mississippi River above Cairo, Illinois and their tributaries is amended with respect to paragraph (b) to indicate the precedence for locking passenger boats, effective on publication in the FEDERAL REGISTER in order to continue the procedure which has been in effect for many years, as follows:

**§ 207.300 Ohio River, Mississippi River above Cairo, Ill., and their tributaries; use, administration, and navigation.**

* * * * *

(b) *Precedence at locks.* The vessel arriving first at a lock shall be first to lock through; but precedence shall be given to vessels belonging to the United States and to commercial vessels in the order named. Passenger boats shall have precedence over tows and like craft. Arrival posts or markers may be established ashore above or below the locks. Vessels arriving at or opposite such posts or markers will be considered as having arrived at the locks within the meaning of this paragraph.

[Regs., Feb. 27, 1961, 285/91–ENGCW–O] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 61–2220; Filed, Mar. 14, 1961; 8:45 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2294]

[1583870]

### ALASKA

### Revoking Executive Orders No. 6957 of February 4, 1935, and No. 7128 of August 6, 1935

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Orders No. 6957 of February 4, 1935, and No. 7128 of August 6, 1935, reserving the public lands in the following townships for classification, to conserve the public interest, and in aid of legislation, are hereby revoked:

SEWARD MERIDIAN

*Executive Order No. 7128*

T. 16 N., R. 1 W.,
Secs. 3, 4, 5, 6, and 7.
T. 16 N., R. 2 W.,
Secs. 1, 2, 11, and 12.

*Executive Order No. 6957*

T. 17 N., Rs. 1, 2, and 3 E.
T. 18 N., Rs. 1, 2, and 3 E.
T. 19 N., Rs. 1 and 2 E.
T. 17 N., Rs. 1 and 2 W.
T. 18 N., R. 1 W.

The areas described aggregate approximately 245,617.43 acres, portions of which are unsurveyed.

2. Numerous modifications of the orders have been made since their issuance, and substantial areas have been patented. Of the areas described, approximately 113,400 acres will be opened by this order.

3. Until 10:00 a.m. on September 7, 1961, the State of Alaska shall have a preferred right to select the unappropriated public lands in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339) and the regulations in 43 CFR 76.1–76.18. Thereafter the lands will not be subject to disposition under the public land laws unless and until it is so provided by order of an authorized officer of the Bureau of Land Management.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

MARCH 9, 1961.

[F.R. Doc. 61–2227; Filed, Mar. 14, 1961; 8:46 a.m.]



# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 13898; RM–194]

## PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

## PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

### Frequency Assignment in Virgin Islands; Correction

In the matter of amendment of Parts 7 and 8 of the Commission's rules to make the frequency pair 2506 kc (Coast)–2009 kc (Ship) available for assignment in the vicinity of Charlotte Amalie, St. Thomas, Virgin Islands, Docket No. 13898, RM–194.

The Commission's Order (FCC 61–298) adopted March 1, 1961, and published in the FEDERAL REGISTER on March 8, 1961 (26 F.R. 1994) in the above-entitled matter is hereby corrected to change the effective date of the rule amendments from April 3, 1961, to April 8, 1961.

Released: March 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2255; Filed, Mar. 14, 1961; 8:49 a.m.]

## PART 11—INDUSTRIAL RADIO SERVICES

### Station Limitations

In the matter of amendment of Part 11, Subpart F, of the Commission's rules governing the Power Radio Service to effect editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in § 11.253 (b) and (c) of its rules; and

It appearing that, in the above noted sections of the Commission's rules, certain references are made to another section of the rules, notably § 11.252(e), and that such references were included through inadvertence and serve only to confuse distinctions betwen primary and secondary communications utilizing tone signaling methods and should therefore be deleted; and

It further appearing that the amendments adopted herein are editorial in nature, and therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information:

*It is ordered,* This 8th day of March 1961, § 11.253 (b) and (c) is amended as set forth below, effective March 16, 1961.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: March 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

Part 11 of the Commission's rules is amended as follows:

In § 11.253 paragraph (b) and the introductory text of paragraph (c) are amended to read:

**§ 11.253 Station limitations.**

* * * * *

(b) Base or mobile stations licensed in this service on frequencies above 25 Mc may transmit secondary tone or impulse signals to receivers at fixed locations, subject to the conditions, and for the purposes set forth in § 11.252(f). Such a base or mobile station authorization for F3 emission will be construed to include authority for the transmission of secondary tone or impulse signals.

(c) Operational fixed stations may be authorized in this service on any frequency above 25 Mc which is being used by the applicant for mobile operations, subject to the conditions and for the purposes set forth in § 11.252(f) and further subject to the following limitations and exemptions:

[F.R. Doc. 61–2256; Filed, MAR. 14, 1961; 8:49 a.m.]

[Docket No. 13511; FCC 61–326]

## PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICES

### Miscellaneous Amendments

1. On May 13, 1960, the Commission issued a notice of proposed rule making to amend Part 18 of the rules concerning industrial heating equipment. This notice proposed to require the use of an FCC form for certification of ISM equipment, to revise the certification procedure for industrial heating equipment, to clarify the procedure to be followed by an operator of industrial heating equipment who has been found to be causing harmful interference to authorized radio services, and to make other minor changes.

2. Comments in this proceeding were received from:

Subcommittee on Induction and Dielectric Heating of the Electric Heating Committee of the American Institute of Electrical Engineers (hereinafter referred to as AIEE).
Industrial Heating Equipment Ass'n, Inc. (IHEA).
The Society of the Plastics Industry, Inc. (SPI).
General Electric Co. (GE).
General Motors Corp. (GMC).
Tocco Division of Ohio Crankshaft Co. (TOCCO).
Mann-Russell Electronics, Inc. (Mann-Russell).
W. T. LaRose and Associates, Inc. (LaRose).
Potlatch Forests, Inc. (Potlatch).
Weyerhaeuser Co.
National Electronic Interference Control (NEICCO).

3. The comments in general accept the Commission's premise that there is need for tighter control to prevent interference, but disagree with some of the Commission's proposals on the grounds that they are unnecessarily burdensome. The comments are essentially unanimous in objecting to the requirement that Part I of the proposed certificate be signed by an officer in the case of a corporation. In most corporations, it is pointed out, the corporate officer is far removed from the details of plant management and cannot sign the statement proposed for Part I. In lieu thereof, the comments suggest that an authorized employee be permitted to sign Part I on behalf of the corporation and the corporate officer merely be required to vouch for the authority of the employee to sign Part I.

4. The Commission has acceded to this suggested change in its proposal and has adopted a certificate of three parts:

Part I is essentially the same as proposed except an employee of a corporation is permitted to sign for the corporation.

We have added a new Part II to be completed by a corporate officer when Part I is signed by an authorized employee.

With a few changes in language for clarification, Part III is essentially the same as the proposed Part II.

The associated rules have been revised accordingly.

5. IHEA has interpreted the proposal to require recertification of equipment for which manufacturers have been issuing certificates based on measurement of a prototype. IHEA states that in many cases these equipments are still being produced. Remeasurement of such equipment, IHEA continues, will be a needless expense and burden to the manufacturer. Recertification would cost the industry as much as $150,000, based on data provided by ten manufacturers. This position is supported by GE and TOCCO. It was not our intention to require recertification of equipment that was already certified and we have rewritten our regulations to permit continued use of prototype certifications heretofore used for current production of existing designs. The Commission expects that all new designs, however, will be certificated on Part III of the new certificate.

6. In response to the comments filed by AIEE, TOCCO and LaRose, the Commission has amplified the regulation regarding rejection of an unsatisfactory certificate. To avoid unreasonable delay, the Commission has committed itself to act on certificates within 60 days by providing that certificates not rejected within 60 days shall be considered accepted. Provision is made to permit operation for a 20-day period in the event of a rejection when no harmful interference is involved in order to avoid unnecessary interruption to production while the certificate is being corrected. However, to discourage irresponsible operators from using this 20-day period as a means of evading these requirements, the regulations prohibit operation after a second rejection until such time as a certificate is filed and accepted.

7. AIEE, IHEA, LaRose, GE, Mann-Russell and Potlatch have indicated that the proposed rules concerning the radiation report were not clear, and if taken literally, would require an unreasonably large number of measurements. The language of the rules adopted herein has been changed to clarify this requirement and to permit the certifying engineer to use his judgment in determining how many measurements must be made.

8. LaRose and SPI have proposed that "a qualified technician" be permitted to sign certificates interchangeably with an "engineer". LaRose maintains that this would make compliance with our rules more realistic and practical for most operators of ISM equipment. SPI points out that the Commission is currently accepting certificates signed by persons more properly described as technicians than engineers and that the proposed change would eliminate some unnecessary confusion and reduce the difficulty that some company officials will have in executing the certificate. The Commission is not persuaded that a change is required. Part 18 since its promulgation in 1946 has used the term "engineer". Neither the Commission nor industry has ever had any difficulty in placing a liberal interpretation on this term. We have accordingly retained the term "engineer" and will continue our present practice of liberal interpretation.

9. Several comments were received regarding the proposed regulations for dealing with interference situations. GMC and SPI object to the requirement that operation be stopped in the case of harmful interference to a radionavigation or safety service. In lieu thereof they propose that the offending equipment be operated temporarily on another frequency in order to avoid serious disruption of the industrial operation. The Commission cannot agree. Harmful interference to a radionavigation or a safety service is so serious that extreme measures are warranted. It is our considered opinion that the public interest, convenience and necessity requires the prompt elimination of such harmful interference. This can best be assured by not permitting the continued operation of equipment whose radiations endanger a radionavigation or a safety service. The original prohibition is therefore retained. Temporary operation is permitted only for the purpose of eliminating the harmful interference and obtaining certification. Regular operation may be resumed as soon as the harmful interference is eliminated, the equipment is certificated and the final interference report has been filed.

10. AIEE, SPI, LaRose, Potlatch and Mann-Russell commented on the matter of unreasonable complaints of interference. AIEE proposes that the definition of harmful interference be amended to specifically exclude interference to radio or television programs from remotely located stations that cannot reasonably be expected to serve the area. LaRose suggests that unreasonable complaints from TV receivers attempting to pick-up signals from remote stations not intended to serve the area be specifically precluded as a cause for starting an investigation or ordering a plant to be shut down. SPI, Mann-Russell and Potlatch propose that the Commission develop an official complaint form that would require detailed information concerning the receiving installation, the station being received, the source of interference, etc., and should be subject to the penalties for false statements.

11. The question raised by these comments is the reasonableness of the complaint. This of course is a matter of judgment. What may be unreasonable in one set of circumstances may be entirely reasonable in another. A complaint that an industrial heater is obstructing television reception in a community where the only TV signals available originate at a station 100 miles should receive serious consideration, whereas a similar complaint of interference to reception of distant television signals in an area served by several local stations may well be considered unreasonable.

12. In the final analysis, the Commission must be the judge of the reasonableness of the complaint and of the sanctions to be applied to the offending equipment. We have, accordingly, rewritten the regulations concerning harmful interference to service other than radionavigation or safety services, to make it clear that operation need not be stopped unless specifically required by the Commission. Thus, the regulations require automatic termination of operation upon notification that harmful interference is being caused to a radionavigation or a safety service. In the case of harmful interference to other radio services, on the other hand, specific instructions from the Commission are required before operation must be terminated.

13. IHEA argues against the inclusion of induction heating equipment under the proposed rules and requests that this type of equipment continue to be regulated under the rules heretofore in effect. Citing a report it had filed in an earlier rulemaking,[1] IHEA points out that induction heating equipment is a negligible source of interference and that in those instances where induction heating equipment had caused interference, remedial steps were promptly taken. IHEA reads the proposed rules to require retesting of type certified equipment at an estimated cost of some $96,000 to ten manufacturers of such equipment. The industry feels, IHEA continues, that requiring execution of Part I of the certificate will depress the sale of induction heating equipment because prospective users would often be reluctant to subject themselves to the possibility of prosecution for erroneous statements. For those reasons and because the new certificate will entail an unreasonable and unnecessary increase in the amount of office work, IHEA recommends that the present regulations be continued in effect for induction heating equipment.

14. GE supports this argument and proposes that the new certificate be required only for industrial heating equipment that operates on frequencies above 540 kc.

15. The Commission believes that the changes it has made in Part I of the certificate should dispel the industry's fear of unfavorable customer reaction. (The argument concerning additional cost of certification has already been disposed of.) While it is true that in the recent past, induction heaters have not been a serious source of interference, the use of the certificate, in the opinion of the Commission, by bringing the possibility of interference strongly to the attention of management, is the best guarantee that this situation will continue. Furthermore, providing separate regulations for induction heating equipment would introduce an undesirable complexity in our rules. The Commission cannot concur, therefore, in IHEA's request and is applying the rules adopted herein to induction heating equipment as well as all other types of industrial heating equipment.

[1] "Summary of Replies to Questionnaire" dated, April 25, 1956, filed by IHEA in Docket No. 11442 proceeding.



16. The Commission believes that the public interest will be served by adopting the attached rules as an amendment to the Rules Governing the Industrial, Scientific, and Medical Service. Authority to adopt the attached rules is contained in section 4(i), 301 and 303(f) of the Communications Acts of 1934, as amended.

17. In view of the foregoing: *It is ordered*, That effective April 30, 1961, Form 724, Certificate of Compliance—Industrial, Scientific, and Medical Equipment, is approved for use in certifying ISM equipment and Part 18, Industrial, Scientific, and Medical Service, is amended as set forth below. Form 724 is available from the Commission's offices in Washington, D.C., or from any of its Engineering Field Offices.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082, 47 U.S.C. 301, 303)

Adopted: March 8, 1961.

Released: March 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

Part 18 is amended as follows:

**§ 18.103, 18.104 [Deletion]**

1. The text of §§ 18.103 and 18.104 is deleted and "[Reserved]" inserted.

2. Section 18.106 is amended by adding new paragraph (c) as follows:

**§ 18.106 Renewal of certificate.**

* * * * *

(c) After April 30, 1961, the renewal certificate shall be executed on FCC Form 724.

3. Section 18.107 is amended by adding new paragraph (f) as follows:

**§ 18.107 Measurement of field strength.**

* * * * *

(f) The spectrum shall be investigated from the lowest frequency generated in the equipment up to the tenth harmonic of the fundamental frequency or to 5775 Mc whichever is lower.

4. New §§ 18.109 to 18.122 are added as follows:

**§ 18.109 Report of radiation measurements.**

The report of radiation measurements shall contain the following information:

(a) A description of the equipment that was measured for radiation, including: manufacturer, type number, nominal operating frequency, and nominal power rating.

(b) A listing of the measuring equipment used, including the serial numbers.

(c) A statement of the date when the measuring equipment was last calibrated.

(d) The date the measurements were made.

(e) The frequency range that was investigated.

(f) A list of all frequencies at which measurements were made and the magnitude of the field that was measured.

(g) If the required range of investigation includes the following frequencies, indicate the magnitude of the field measured on these frequencies or in these frequency bands:

| *Mc* |
|---|
| 74.6 to 75.4 |
| 108.0 to 118.0 |
| 121.5 |
| 156.8 |
| 243.0 |
| 328.6 to 335.4 |
| 420.0 to 460.0 |

(h) A plot of field strength vs frequency showing the level of all signals measured. The plot shall also show the ambient noise level.

(i) A plot of the polar radiation pattern as required by § 18.107(b).

(j) A plot of field strength vs. distance along the radial of maximum radiation in the polar plot as required by § 18.107(c).

(k) A statement of the operating conditions that must be observed to ensure that radiation during routine operation does not exceed, within reasonable limits, the radiation that was measured and is reported herein.

**§ 18.110 [Reserved]**

**§ 18.111 Form of certificate.**

(a) Certificates issued after April 30, 1961, for industrial heating equipment shall be executed on FCC Form 724 except as provided in paragraph (b) of this section.

(b) Where the industrial heating equipment is identical to a prototype which had been tested for radiation prior to April 30, 1961, the manufacturer's certification manual heretofore issued for such equipment may be substituted for Part III of FCC Form 724.

**§ 18.112 Certification regarding operation.**

The certification required in Part I of FCC Form 724 shall be executed by the owner or lessee of the equipment, in the case of proprietorship; by one of the partners, in the case of a partnership; or by an officer or authorized employee in the case of a corporation. If Part I is signed by an authorized employee, an officer shall execute Part II of the certificate.

**§ 18.113 Certification regarding radiation.**

The certification required in Part III of FCC Form 724 shall be executed by an engineer skilled in making and interpreting field strength measurements. The Commission may require such engineer to furnish proof of his qualifications.

**§ 18.114 Prototype certification permitted.**

The certification required in Part III of FCC Form 724 may be issued on the basis of field strength measurements made at the place where the industrial heating equipment has been installed for operation or on the basis of field strength measurements made on a prototype.

**§ 18.115 Compliance with installation instructions.**

Where the certification regarding radiation (Part III of FCC Form 724) is based on measurements of a prototype, the equipment shall be installed in accordance with the instructions which the engineer certifying to Part III of FCC Form 724 has certified as being adequate to ensure reasonable expectation of compliance with the radiation limits in § 18.102.

**§ 18.116 Certificate to be filed with Commisison.**

The certificate required by §§ 18.101 and 18.111 shall be filed with the Secretary, Federal Communications Commission, Washington 25, D.C. The copy of FCC Form 724 filed with the Commission shall include:

(a) The original of Part I properly completed and signed;

(b) When required, the original of Part II properly signed;

(c) The original or a facsimile copy of Part III properly completed and signed: *Provided*, That the manufacturer's certification manual may be substituted for Part III as provided by § 18.111(b).

**§ 18.117 Copy of certificate with equipment.**

A copy of the certificate filed with the Commission pursuant to § 18.116 shall be retained by the operator and shall be attached to the equipment. Alternatively, the copy of the certificate may be placed at any location where it will be conveniently available for inspection by authorized representatives of the Commission, provided there is attached to the equipment a notice stating where the copy of the certificate is located.

**§ 18.118 Rejection of certificate.**

(a) A certificate that is incomplete or otherwise does not meet the requirements of Subpart F of this part may be rejected.

(b) The certificate shall be considered accepted unless rejected in writing within 60 days of receipt by the Commission.

(c) In the event a certificate is rejected but with no harmful interference involved, the equipment may be operated for a period of 20 days from the date of the rejection notice pending the submission of an acceptable certificate.

(d) If the certificate is rejected after the second submission thereof, the equipment may not be operated until a certificate has been filed with and accepted by the Commission.

**§ 18.119 Procedure in the event of harmful interference.**

(a) The operator of industrial heating equipment that causes harmful interference to radio communications shall take prompt steps to eliminate the harmful interference (see §§ 18.2(g) and 18.8) and shall make an adequate investigation in the vicinity of the industrial heating equipment to ensure that the harmful interference has been eliminated.

(b) The investigation shall be made by an engineer skilled in interference control techniques. The Commission may require such engineer to furnish proof of his qualifications.

**§ 18.120 Interference to a radionavigation or safety service.**

If the operator is notified by the Commission that the harmful interference

is endangering the functioning of a radionavigation or a safety service, he shall immediately cease operating the equipment. Operation on a temporary basis may be resumed, with the permission of the Commission's Engineer in Charge, for the purpose of eliminating the harmful interference and obtaining certification. Operation on a regular basis may be resumed after the harmful interference has been eliminated, the equipment has been properly certificated, and the final interference report required by § 18.122 has been submitted.

**§ 18.121 Interference to other radio services.**

If the operator is notified by the Commission that the harmful interference is obstructing or repeatedly interrupting an authorized radio service other than a radio-navigation or safety service, he shall take prompt steps to eliminate the interference. He need not cease operation unless specifically ordered to do so by the Commission. If ordered to cease operation, he may resume operation on a temporary basis with the permission of the Commission's Engineer in Charge for the purpose of eliminating the harmful interference and obtaining certification. Operation on a regular basis may be resumed after the harmful interference has been eliminated, the equipment has been properly certificated, and the final interference report required by § 18.122 has been submitted.

**§ 18.122 Report of interference investigation.**

(a) An interim report on the investigation and of the corrective measures that were taken shall be filed with the Engineer in Charge of the local FCC office within 30 days of notification of harmful interference. The final report shall be filed with the Engineer in Charge within 60 days of notification.

(b) The date for filing the final report may be extended for 30 days by the Engineer in Charge when the operator has shown that he has been diligent in his efforts and that additional time is required to put into effect the corrective measures or to complete the investigation. The request for extension of time shall be accompanied by a progress report showing what has been accomplished to date.

(c) The final report of the interference investigation shall list the location of each receiver that was checked and the name(s) of the receiver owner(s), shall describe the steps taken to eliminate the harmful interference, and shall specify the date and time the receiver(s) was rechecked to ensure that the harmful interference has been eliminated.

[F.R. Doc. 61-2257; Filed, Mar. 14, 1961; 8:49 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Valentine National Wildlife Refuge, Nebraska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Valentine National Wildlife Refuge, Nebraska, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,680 acres or 38 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, largemouth bass, yellow perch, black bullhead; and other minor species permitted by State regulations.

(b) Open season: March 16, 1961, through December 14, 1961; daylight hours only.

(c) Daily creel limits: Northern pike—6; largemouth bass—10; yellow perch—no limit; black bullhead—50; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

1. No more than two lines with two hooks on each line may be used.

2. Boats, without motors, may be used for fishing purposes. Boats may be launched only at such areas as are designated by posting.

3. Spearing and bow fishing are not permitted.

4. No person shall use minnows, fish, or parts thereof, for bait, nor have in possession any seine or net for capturing minnows.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to December 15, 1961.

R. W. BURWELL,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

MARCH 7, 1961.

[F.R. Doc. 61-2225; Filed, Mar. 14, 1961; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[ 26 CFR Part 296 ]

### TOBACCO MATERIALS, TOBACCO PRODUCTS, AND CIGARETTE PAPER AND TUBES

### Semimonthly Return System for Taxpayment in Puerto Rico of Tobacco Products of Puerto Rican Manufacture Shipped to the United States

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
*Commissioner of Internal Revenue.*

In order to provide a semimonthly return system for the payment in Puerto Rico of internal revenue taxes on tobacco products of Puerto Rican manufacture shipped to the United States, the interim regulations designated as Subpart F of 26 CFR Part 296 (§§ 296.131 to 296.154) are prescribed pursuant to the Internal Revenue Code of 1954 (Title 26 U.S.C.).

### Subpart F—Semimonthly Return System for Taxpayment in Puerto Rico of Tobacco Products of Puerto Rican Manufacture Shipped to the United States

Sec.
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TAXES

296.135 Computation of tax and execution of agreement to pay tax.
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PROCEDURE AT PORT OF ARRIVAL

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296.143 Disposition of forms by collector of customs.

BONDS AND EXTENSIONS OF COVERAGE OF BONDS

296.144 Corporate surety.
296.145 Deposit of securities in lieu of corporate surety.
296.146 Amount of bond.
296.147 Strengthening bond.
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296.151 Termination of bond.
296.152 Application of surety for relief from bond.
296.153 Relief of surety from bond.
296.154 Release of pledged securities.

AUTHORITY: §§ 296.131 to 296.154 issued under 68A Stat. 907, 917; 26 U.S.C. 7652, 7805. Other statutory provisions interpreted or applied are cited to text in parentheses.

**§ 296.131 Scope of this subpart.**

This subpart contains the regulations relating to the semimonthly return system for payment in Puerto Rico of the tax imposed by section 7652(a), I.R.C., on tobacco products of Puerto Rican manufacture coming into the United States. Notwithstanding the provisions of this subpart, such tax may be paid before shipment from Puerto Rico in accordance with § 296.110 or may be paid on arrival in the United States in the manner provided by § 296.109 prior to release by the collector of customs. This tax is equal to the internal revenue tax imposed by section 5701, I.R.C., on like tobacco products manufactured in the United States.

**§ 296.132 Forms prescribed.**

The Director is authorized to prescribe all forms required by this subpart. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this subpart.

DEFINITIONS

**§ 296.133 Meaning of terms.**

When used in this subpart and in forms prescribed under this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

*Assistant regional commissioner.* An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction of, a regional commissioner.

*Bonded manufacturer.* A manufacturer of tobacco products in Puerto Rico who has an approved bond, in accordance with the provisions of this subpart, authorizing him to defer the payment in Puerto Rico of the tax imposed on such products by section 7652(a), I.R.C., as provided in this subpart.

*Business day.* Every day except Saturday, Sunday, or a legal holiday of the District of Columbia or of the Commonwealth of Puerto Rico.

*Cigar.* Any roll of tobacco wrapped in tobacco.

*Cigarette.* Any roll of tobacco, wrapped in paper or any substance other than tobacco.

*Collector of customs.* The person having charge of a customs collection district, including assistant collector of customs, deputy collector of customs, and any person authorized by law, or by regulations approved by the Secretary of the Treasury, to perform the duties of a collector of customs.

*Computation or computed.* When used with respect to the tax on tobacco products of Puerto Rican manufacture, computation or computed shall mean that the bonded manufacturer has ascertained the quantity, kind, and class, if applicable, of tobacco products being shipped to the United States under this subpart, has calculated the tax imposed on such products by section 7652(a), I.R.C., and has executed an agreement to pay, as provided in this subpart, the tax which will become due with respect to such products, and that an internal revenue officer has executed a certification of such calculation.

*Director.* The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

*Internal revenue officer.* An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this subpart.

*I.R.C.* The Internal Revenue Code of 1954, as amended.

*Manufactured tobacco.* Tobacco (other than cigars and cigarettes) prepared, processed, manipulated, or packaged, for consumption by smoking or for use in the mouth or nose.

*Officer-in-Charge.* The principal revenue officer in Puerto Rico charged with the duty of collecting internal revenue taxes, in Puerto Rico, under the jurisdiction of the Director of the Office of International Operations, Internal Revenue Service, Treasury Department, Washington, D.C.

REQUIREMENTS FOR DEFERRAL OF TAXES

§ 296.134 Bond.

Where a manufacturer of tobacco products in Puerto Rico desires, under the provisions of this subpart, to defer payment in Puerto Rico of the tax imposed by section 7652(a), I.R.C., on tobacco products of Puerto Rican manufacture coming into the United States, he shall file a bond, Form 2986, with the Officer-in-Charge, in accordance with the provisions of this subpart. Such bond shall be conditioned on the payment, at the time and in the manner prescribed in this subpart, of the full amount of tax computed under the provisions of this subpart with respect to tobacco products which are released for shipment to the United States on computation of tax. All taxes which are computed under the provisions of this subpart shall be chargeable against the bond, until such taxes are paid, as provided in § 296.146. The bond shall show the location of the factory from which the tobacco products to which it relates are to be shipped.

TAXES

§ 296.135 Computation of tax and execution of agreement to pay tax.

Where tobacco products are to be shipped to the United States on computation of tax in Puerto Rico, payment of which is to be deferred under the provisions of this subpart, the bonded manufacturer shall calculate the tax and shall prepare Form 2987, in septuplicate, shall enter on such form, under the penalties of perjury, the kind, quantity, and class, if applicable, of the tobacco products to be shipped to the United States, the amount of tax to be paid on such products under the provisions of this subpart, the consignee in the United States to whom such products are being shipped, and shall date and execute the agreement to pay the amount of tax computed on such products. The Form 2987 shall be serially numbered by the bonded manufacturer beginning with the number "1" on January 1 of each year. The bonded manufacturer shall then request the Supervisor-in-Charge, Alcohol and Tobacco Tax, Puerto Rico, to assign an internal revenue officer to inspect the tobacco products, verify the tax calculation with respect to such products, and release such products for shipment in accordance with § 296.136. The bonded manufacturer shall present all copies of the prepared Form 2987 to the internal revenue officer assigned. The date of certification of Form 2987 by the internal revenue officer shall be the date of computation of tax. Tobacco products may be released for shipment to the United States under the provisions of this subpart only after computation of tax in accordance with the provisions of this section.

§ 296.136 Inspection of shipment and certification by internal revenue officer.

On receipt of the original and six copies of the Form 2987 completed and executed by the bonded manufacturer in accordance with § 296.135, the internal revenue officer will inspect the tobacco products covered by the form, verify the tax calculation made with respect to such products, date and execute the certification on such form, and release the tobacco products for shipment to the United States. The inspecting officer will then promptly distribute the certified Form 2987 by (a) mailing the original to the Officer-in-Charge; (b) mailing two copies to the collector of customs at the port of entry; (c) mailing one copy to the assistant regional commissioner, alcohol and tobacco tax, for the region in which the port of entry is located; (d) returning two copies to the bonded manufacturer who will attach one copy to the bill of lading to accompany the shipment (in custody of the carrier); and (e) submitting one copy to the Supervisor-in-Charge, Alcohol and Tobacco Tax, Puerto Rico. Such officer will also prepare a statement on Form 2989, for each shipping container, that the tax on the tobacco products to be shipped to the United States has been computed and show the name and address of the bonded manufacturer, date of tax computation, and the kind of product, quantity, and class, if applicable. The bonded manufacturer shall affix the completed form to the outside of each shipping container in which the products are packed. The statement, Form 2989, may be affixed to the outer container generally used in the shipment of freight, in bulk (crate, packing box, van, trailer, etc.) in lieu of each individual carton, case, etc., included in such outer container.

§ 296.137 Semimonthly tax return.

The taxes imposed by section 7652(a), I.R.C., with respect to tobacco products manufactured in Puerto Rico which are to be paid in Puerto Rico under the provisions of this subpart shall be paid on the basis of a semimonthly tax return. The bonded manufacturer of such products shall file with the Officer-in-Charge a tax return, Form 2988, in triplicate, for each and every return period. The bonded manufacturer shall show on the return the serial numbers of all Forms 2987 certified during the return period and shall show the kind, quantity, and tax class, if applicable, of the cigars, cigarettes, and manufactured tobacco upon which the tax has been computed during the semimonthly return period, and the tax due thereon. He shall file such return at the time specified in § 296.139, regardless of whether tax is due for that return period: *Provided*, That where the Assistant Regional Commissioner, New York, New York, grants specific authorization, the bonded manufacturer need not file a tax return during the term of such authorization for any period in which tax liability was not incurred under the provisions of this subpart.

§ 296.138 Semimonthly tax return periods.

The periods to be covered in the semimonthly tax returns shall be from the 1st day of each month to the 15th day of that month, inclusive, and from the 16th day of each month to the last day of that month, inclusive.

§ 296.139 Time of filing semimonthly return.

Every semimonthly tax return under this subpart shall be filed by the bonded manufacturer not later than the third business day succeeding the last calendar day of the return period: *Provided*, That where the return and remittance are delivered by United States mail to the Officer-in-Charge, the date in the official postmark of the United States Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery. The Officer-in-Charge will transmit a receipted copy of the semimonthly tax return to the bonded manufacturer who filed the return and paid the tax, retain one copy, and forward one copy to the Assistant Regional Commissioner, Alcohol and Tobacco Tax, New York, N.Y.

§ 296.140 Remittance with return.

Remittance for the full amount of tax computed during the return period shall accompany the return. Such remittance may be in any form the Officer-in-Charge is authorized to accept under the provisions of § 301.6311–1 of this chapter (Procedure and Administration—Payment by check or money order) and which is acceptable to that officer. In paying the tax, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(68A Stat. 778; 26 U.S.C. 6313)

§ 296.141 Default.

Where a check or money order tendered with a semimonthly return for payment of tax under the provisions of this subpart is not paid on presentment, where a bonded manufacturer fails to remit with the semimonthly return the full amount of tax due thereunder, or where a bonded manufacturer is otherwise in default in payment of tax under the provisions of this subpart, he shall not ship tobacco products to the United States on computation of tax until the Officer-in-Charge finds that the revenue will not be jeopardized by deferred payment of tax under the provisions of this subpart.

PROCEDURE AT PORT OF ARRIVAL

§ 296.142 Inspection by collector of customs at port of arrival.

On receipt of the two copies of properly executed Form 2987 from the internal revenue officer in Puerto Rico who inspected the shipment, the collector of customs at the port of arrival shall inspect the shipment to determine whether the quantity specified on the Form 2987 is contained in the shipment. He will then execute his certificate on both copies of the Form 2987 and indicate on each copy any exceptions found at the time of release. The statement of exceptions should identify each shipping container which sustained a loss, the tobacco products reported shipped in such container, and the tobacco products lost from such container. Losses occurring as the result of missing packages, cases, or shipping containers



should be listed separately from losses caused by damage. Where the statement is made on the basis of tobacco products missing or lost due to other causes, the kind, quantity, and class, if applicable, should be shown. If the collector of customs finds that the full amount of the tax due has not been computed, he will require the difference due to be paid to him prior to release of the tobacco products. When the inspection of the shipment has been effected, and any additional tax found to be due has been paid, the shipment may be released.

§ 296.143 Disposition of forms by collector of customs.

One copy of the Form 2987 will be forwarded to the Assistant Regional Commissioner, Alcohol and Tobacco Tax, New York, N.Y., and one copy of this form will be retained by the collector of customs and be made available for inspection by internal revenue officers.

BONDS AND EXTENSIONS OF COVERAGE OF BONDS

§ 296.144 Corporate surety.

Surety bonds, required under the provisions of this subpart, may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury of the United States as acceptable sureties on Federal bonds. Power of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of such corporate sureties shall be filed with, and passed upon by, the Surety Bonds Branch, Division of Deposits and Investments, Bureau of Accounts, Treasury Department. Limitations concerning corporate sureties are prescribed by the Secretary in Treasury Department Circular No. 570, as revised. The surety shall have no interest whatever in the business covered by the bond.

(61 Stat. 648; 6 U.S.C. 6)

§ 296.145 Deposit of securities in lieu of corporate surety.

In lieu of corporate surety, the manufacturer of tobacco products in Puerto Rico may pledge and deposit, as surety for his bond, securities which are transferable and are guaranteed both as to interest and as to principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650; 6 U.S.C. 15)

§ 296.146 Amount of bond.

Before tobacco products may be shipped to the United States on computation of tax under the provisions of this subpart, the total amount of the bond or bonds shall be in an amount not less than the amount of unpaid tax chargeable at any one time against the bond: *Provided*, That the amount of any such bond need not exceed $250,000 but shall in no case be less than $1,000. Where the amount of a bonded manufacturer's bond is less than the maximum prescribed, the bonded manufacturer shall maintain a running account accurately reflecting all outstanding taxes with which his bond is chargeable. He shall charge such account with the amount of tax he agreed to pay on Forms 2987 and shall credit the account for the amount he paid with his return, Form 2988, at the time he files such return.

§ 296.147 Strengthening bond.

Where the amount of any bond becomes insufficient, the bonded manufacturer shall immediately file a strengthening bond in an appropriate amount with the same surety as that on the bond already in effect, unless a superseding bond to cover the full tax liability is filed pursuant to § 296.148. A strengthening bond will not be approved where any notation is made thereon which is intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full amount.

§ 296.148 Superseding bond.

A bonded manufacturer shall immediately file a new bond to supersede his current bond when (a) the corporate surety on the current bond becomes insolvent, (b) the Officer-in-Charge approves a request from the surety on the current bond to terminate his liability under the bond, (c) the payment of any liability under a bond is made by the surety thereon, (d) the amount of the bond becomes insufficient and a strengthening bond has not been filed, or (e) the Officer-in-Charge considers a superseding bond necessary for the protection of the revenue.

§ 296.149 Extension of coverage of bond.

An extension of the coverage of any bond filed under this subpart shall be required in the case of any change in the individual, trade, or corporate name of the bonded manufacturer and in the case of any change in the location of the factory as set forth in the bond. Such extension of coverage of the bond shall be manifested on Form 2105 by the bonded manufacturer and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

§ 296.150 Approval of bond and extension of coverage of bond.

The Officer-in-Charge is authorized to approve all bonds and extensions of coverage of bonds filed under this subpart. No manufacturer of tobacco products in Puerto Rico shall defer taxes under this subpart until he receives from the Officer-in-Charge notice of approval of the bond or of an appropriate extension of coverage of the bond required under this subpart. Upon receipt of the duplicate copy of an approved bond or extension of coverage of bond from the Officer-in-Charge, such copy of the bond or extension of coverage of bond shall be retained by the bonded manufacturer and shall be made available for inspection by any internal revenue officer upon his request, while such document is in force.

§ 296.151 Termination of bond.

Any bond given under the provisions of this subpart may be terminated as to future transactions, by the Officer-in-Charge, (a) pursuant to application of surety as provided in § 296.152; (b) on approval of a superseding bond; (c) on notification by the bonded manufacturer to the Officer-in-Charge that he has discontinued the deferral of taxes under the bond; or (d) on notification by the bonded manufacturer to the Officer-in-Charge that he has discontinued business. When any bond is terminated, the Officer-in-Charge shall notify both the bonded manufacturer and surety on such bond, in writing, of such action.

§ 296.152 Application of surety for relief from bond.

A surety on any bond given under the provisions of this subpart may at any time in writing notify the bonded manufacturer and the Officer-in-Charge that he desires, after a date named, to be relieved of liability under said bond. Such date shall be not less than 10 days after the date the notice is received by the Officer-in-Charge. The surety shall also file with the Officer-in-Charge an acknowledgment or other proof of service on the bonded manufacturer. If such notice is not thereafter in writing withdrawn, the rights of the bonded manufacturer as supported by said bond shall be terminated on the date named in the notice, and the surety shall be relieved from liability to the extent set forth in § 296.153.

§ 296.153 Relief of surety from bond.

Where the surety on a bond given under the provisions of this subpart has filed application for relief from liability, as provided in § 296.152, the surety shall be relieved from liability for transactions occurring wholly subsequent to the date specified in the notice, or the effective date of a new bond, if one is given.

§ 296.154 Release of pledged securities.

Securities of the United States, pledged and deposited as provided in § 296.145, shall be released only in accordance with the provisions of 31 CFR Part 225. Such securities will not be released by the Officer-in-Charge until the liability under the bond for which they were pledged has been terminated. When the Officer-in-Charge is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities, the Officer-in-Charge may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650; 6 U.S.C. 15)

[F.R. Doc. 61–2262; Filed, Mar. 14, 1961; 8:50 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

## [ 29 CFR Parts 602, 603, 657 ]

[Administrative Order 547]

## VARIOUS INDUSTRIES IN PUERTO RICO

### Notice of Hearing to Investigate Conditions and Recommend Minimum Wages

Pursuant to authority contained in the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 1949–1953 Comp., p. 1004), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 52–A for the Fabric and Leather Glove Industry in Puerto Rico; Industry Committee No. 52–B for the Leather, Leather Goods, and Related Products Industry in Puerto Rico; and Industry Committee No. 52–C for the Tobacco Industry in Puerto Rico.

Industry Committee No. 52–A is composed of the following representatives:

For the public:
Candido Oliveras, Chairman, San Juan, Puerto Rico.
Leonard E. Lindquist, Minneapolis, Minn.
John P. Horlacher, Philadelphia, Pa.
For the employees:
Abraham S. Weiss, New York, N.Y.
Valentin J. T. Wertheimer, New York, N.Y.
Osiris R. Sanchez-Vazquez, Puerta de Tierra, Puerto Rico.
For the employers:
Jack Citronbaum, New York, N.Y.
Arnold Jaffe, Cayey, Puerto Rico.
William K. Lawson, Jr., Aibonito, Puerto Rico.

For the purpose of this order, the Fabric and Leather Glove Industry in Puerto Rico is defined as follows:

The manufacture of dress, semidress, and work gloves and mittens from woven or knit fabric, leather, or fabric or leather in combination with any other material: *Provided, however,* That the industry shall not include the manufacture of knit or crocheted gloves and mittens, sport and athletic gloves and mittens, or rubber gloves and mittens.

Industry Committee No. 52–B is composed of the following representatives:

For the public:
Candido Oliveras, Chairman, San Juan, Puerto Rico.
Leonard E. Lindquist, Minneapolis, Minn.
John P. Horlacher, Philadelphia, Pa.
For the employees:
Abraham S. Weiss, New York, N.Y.
Valentin J. T. Wertheimer, New York, N.Y.
Osiris R. Sanchez-Vazquez, Puerta de Tierra, Puerto Rico.
For the employers:
Jack Citronbaum, New York, N.Y.
Eugene F. Patterson, Caguas, Puerto Rico.
Ralph J. Thompson, San German, Puerto Rico.

For the purpose of the order, the Leather, Leather Goods, and Related Products Industry in Puerto Rico is defined as follows:

The curing, tanning, or other processing of hides, skins, leather, or furs, and the manufacture of products therefrom; the manufacture from artificial leather, fabric, plastics, paper or paperboard, or similar materials of trunks, suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, sport and athletic gloves and mittens, belts (except fabric belts), and like articles; and the manufacture of baseballs, softballs, footballs, and basketballs covered with leather, artificial leather, fabric, plastics, or similar materials: *Provided, however,* That the industry shall not include any products or activity included in the Button, Jewelry, and Lapidary Work Industry (29 CFR Part 616), the Chemical, Petroleum, Rubber, and Related Products Industry (29 CFR Part 670), the Needlework and Fabricated Textile Products Industry (29 CFR Part 612), or the Shoe and Related Products Industry (29 CFR Part 601), as defined in the wage orders for those industries in Puerto Rico, or the Fabric and Leather Glove Industry as defined in the Administrative Order appointing Industry Committee No. 52–A for Puerto Rico.

Industry Committee No. 52–C is composed of the following representatives:

For the public:
Candido Oliveras, Chairman, San Juan, Puerto Rico.
Leonard E. Lindquist, Minneapolis, Minn.
John P. Horlacher, Philadelphia, Pa.
For the employees:
Abraham S. Weiss, New York, N.Y.
Prudencio Rivera Martinez, San Juan, Puerto Rico.
Morris Iushewitz, New York, N.Y.
For the employers:
Everet M. Straus, Detroit, Mich.
Francisco Verdiales, Caguas, Puerto Rico.
Serafin E. Inclan, Jr., Caguas, Puerto Rico.

For the purpose of this order the Tobacco Industry in Puerto Rico is defined as follows:

The processing of leaf tobacco including, but without limitation, the grading, fermenting, stemming, chopping, packing, storing, drying, and handling of tobacco; and the manufacture of cigarettes, cigars, cheroots, little cigars, snuff, chewing tobacco, and smoking tobacco.

I hereby refer to each of the above-named industry committees the question of the minimum wage rate or rates to be fixed under the provisions of section 6(c) of the Act in the particular industry with which it is concerned. Each industry committee shall investigate conditions in its industry, and the industry committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

Industry Committee No. 52–A shall convene at 10:00 a.m. on April 10, 1961, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, to conduct its investigation and shall commence its hearings at 2:00 p.m. on the same date at the same place. Following this hearing, Industry Committees Nos. 52–B and then 52–C shall convene in the same place at hours designated by the committee chairmen to conduct their investigations and to hold their hearings.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6(a) of the Act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classifications and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for such committees containing such data as he is able to assemble pertinent to the matters referred to these committees. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by 29 CFR Part 511 (recent amendments appear at 25 F.R. 14023). These regulations require, among other things, that any interested person who wishes to participate as a party shall file a written prehearing statement containing certain specified data not later than March 31, 1961.

Signed at Washington, D.C., this 10th day of March 1961.

ARTHUR GOLDBERG,
*Secretary of Labor.*

[F.R. Doc. 61–2247; Filed, Mar. 14, 1961; 8:48 a.m.]



# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60–LA–59]

## CONTROL ZONES

### Proposed Designation; Extension of Time for Comments

In a notice of proposed rule making published in the FEDERAL REGISTER on January 20, 1961 (26 F.R. 625), it was stated that the Federal Aviation Agency proposed to designate a control zone at Fort Lewis, Wash., to provide protection for aircraft executing prescribed instrument approach procedures at Gray Army Air Field.

In accordance with the terms of the notice, the time for public comment was to expire forty-five days after date of publication of the notice. The City of Tacoma, Wash., has informed the Federal Aviation Agency that it wishes to present data concerning this proposal and has requested that the period provided for comments be extended. This request appears to be reasonable. Therefore, in order to provide the City of Tacoma and other interested persons additional time to submit written data, views or arguments, the date for filing such material is extended to March 20, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 60–LA–59 is extended to March 20, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif.

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; U.S.C. 1348).

Issued in Washington, D.C., on March 8, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–2221; Filed, Mar. 14, 1961; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Parts 7, 8, 14 ]

[Docket No. 13952]

## SURVIVAL CRAFT STATIONS AND FREQUENCIES; COAST AND SHIP STATIONS

### Implementation of Geneva Radio Regulation

In the matter of amendment of Part 7, 8, and 14 of the Commission's rules relative to implementation of certain requirements of the Geneva Radio Regulations (1959) regarding survival craft stations and frequencies and other particulars for coast and ship stations.

The Commission having under consideration a petition, filed February 28, 1961, by The American Waterways Operators, Inc., requesting a 60-day extension of time from March 13, 1961, in which to file comments directed to the Commission's notice of proposed rule making in this Docket;

It appearing that the Commission, on its own motion, by Order of February 24, 1961, has already extended to March 20, 1961, the time for filing comments in this proceeding; and

It further appearing that petitioner, an association representing various operators of commercial freight boats on inland waterways, has an Electronics Committee which studies matters pertaining to the use of radio facilities and transmits recommendations to petition's membership in order to formulate an association policy; and

It further appearing that due to the time required for the call of the Committee meeting, exchange of views and necessity of allowing members to express their opinions, petitioner needs additional time in which to submit its comments; and

It further appearing that it is not feasible to extend the time for filing comments with respect to the proceeding as a whole, in view of the fact that certain frequencies proposed in the rule making are scheduled to be used on an international basis, beginning May 1, 1961; and

It further appearing that it would be desirable, however, to allow an additional time for comments to be filed to those portions of the docket which concern the use of the new frequencies in the Mississippi River System, and in the Alaska area, inasmuch as the frequency changeover at such locations is not proposed to become effective until October 31, 1961;

*It is ordered,* That the petition of The American Waterways Operators, Inc., is granted in part and the time for filing comments concerning the "Rivers" frequencies and the Alaskan frequencies in the above-entitled proceeding is hereby extended from March 20, 1961 to May 20, 1961;

*It is further ordered,* That reply comments, concerning the same portions of the Docket, must be filed on or before May 30, 1961;

*It is further ordered,* That the petition of The American Waterways Operators, Inc., is denied in all other respects;

*It is further ordered,* That the dates for filing comments and reply comments in this Docket, except as herein extended, remain unchanged.

Adopted: March 8, 1961.

Released: March 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2258; Filed, Mar. 14, 1961; 8:49 a.m.]

# Notices

## DEPARTMENT OF STATE

[Public Notice 186]

[Delegation of Authority No. 85–11]

### PEACE CORPS

### Establishment and Administration

By virtue of the authority vested in me by the Mutual Security Act of 1954 (68 Stat. 832), Executive Order No. 10893 of November 8, 1960 (25 F.R. 220), Executive Order 10924 of March 1, 1961 (26 F.R. 1789), and section 4 of the Act of May 26, 1949 (63 Stat. 111), it is ordered as follows:

SECTION 1. *Establishment of the Peace Corps.* There is hereby established in the Department of State, under the direction and control of the Under Secretary of State for Economic Affairs, an agency which shall be known as the Peace Corps and headed by a Director. The Peace Corps shall be responsible for the training and service abroad of men and women of the United States in new programs of assistance to nations and areas of the world, and in conjunction with or in support of existing economic assistance programs of the United States and of the United Nations and other international organizations.

SEC. 2. *Administration of the Peace Corps.* The Under Secretary of State for Economic Affairs, on behalf of the Secretary of State, shall:

(1) Redelegate to the Director of the Peace Corps, to the extent consistent with law, such of the functions under the Mutual Security Act of 1954 delegated to him by Delegation of Authority No. 85–10 of February 2, 1961 (26 F.R. 1313), as the Under Secretary of State for Economic Affairs shall deem necessary for the accomplishment of the purposes of the Peace Corps.

(2) Direct the Director of the International Cooperation Administration to allocate such funds to the Director of the Peace Corps as the Under Secretary of State for Economic Affairs shall deem necessary for the accomplishment of the purposes of the Peace Corps.

(3) Authorize the Director of the Peace Corps to redelegate to subordinates, to the extent consistent with law, any of the functions delegated to the Director of the Peace Corps by the Under Secretary of State for Economic Affairs, and to authorize any of his subordinates to whom such functions are so delegated successively to redelegate any of such functions.

(4) Authorize the Director of the Peace Corps, or his designees, to promulgate from time to time, to the extent consistent with law, such rules and regulations as may be necessary and proper to carry out any functions of the Peace Corps or the Director, officers, or employees thereof.

SEC. 3. *General provisions.* (a) This Delegation of Authority shall not be deemed to supersede or derogate from Delegation of Authority No. 85–10, and shall be deemed to be in addition to that delegation.

(b) Any reference in this Delegation of Authority to any Act, order, or delegation shall be deemed to be a reference to such Act, order, or delegation as amended from time to time.

(c) This Delegation of Authority shall become effective on the date of signature.

[SEAL] DEAN RUSK,
*Secretary of State.*

MARCH 3, 1961.

[F.R. Doc. 61–2237; Filed, Mar. 14, 1961; 8:47 a.m.]

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[Public Notice 185]

[Redelegation of Authority No. 85–10B]

### PEACE CORPS

### Administration

By virtue of the authority vested in me by Delegation of Authority No. 85–11 of March 3, 1961, it is ordered as follows:

SECTION 1. *Administration of the Peace Corps.* (a) The Director of the Peace Corps is authorized to exercise, with respect to the funds allocated to him, the functions provided for in sections 400(a), 420, 522(a), 522(b), 526, 527(a), 527(c)(1), 527(c)(2), 527(d), 528(a), 529(a), 529(b), 535(a), and 550 of the Mutual Security Act of 1954.

(b) The Director of the Peace Corps may, to the extent consistent with law, delegate any of the functions hereby delegated to his subordinates, and may authorize any of his subordinates to whom such functions are so delegated successively to redelegate any of such functions.

(c) The Director of the Peace Corps, or his designees, may promulgate from time to time, to the extent consistent with law, such rules and regulations as may be necessary and proper to carry out any of the functions of the Peace Corps.

(d) The Director of the International Cooperation Administration shall allocate such funds to the Director of the Peace Corps for the administrative expenses of the Peace Corps as shall be apportioned by the Bureau of the Budget from time to time.

SEC. 2. *General provisions.* (a) This Redelegation of Authority shall not be deemed to supersede or derogate from Redelegation of Authority No. 85–10A of February 2, 1961 (26 F.R. 1314), and shall be deemed to be in addition to that redelegation.

(b) Any reference in this Redelegation of Authority to any Act, delegation, or redelegation shall be deemed to be a reference to such Act, delegation, or redelegation as amended from time to time.

(c) This redelegation of authority shall become effective on the date of signature.

GEORGE W. BALL,
*Under Secretary of State for Economic Affairs.*

MARCH 4, 1961.

[F.R. Doc. 61–2236; Filed, Mar. 14, 1961; 8:46 a.m.]

## POST OFFICE DEPARTMENT

### CANADA

### Revised Postage Rates and Conditions

This notice is for the purpose of giving patrons of the postal service advance notice concerning new rates and conditions to be applied to mail addressed for delivery to Canada as a result of a recent "Postal Convention between the United States of America and Canada", which will be effective on July 1, 1961.

The following are the new postage rates and other mailing conditions which will be effective on July 1, 1961, as a result of the Convention:

1. *Surface postal union rates.* New rates will apply to printed matter, samples of merchandise, and 8-ounce merchandise packages as follows:

| Classification | Rates | Weight limits |
|---|---|---|
| Printed matter: | | |
| a. Books | 2 cents first 2 ounces; 1 cent each additional 2 ounces. | 11 pounds. |
| b. Sheet music | do | 6 pounds 9 ounces. |
| c. Second-class matter mailed by publishers or registered news agents. | do | 66 pounds. |
| d. Other prints | 3 cents first 2 ounces; 1½ cents each additional ounce up to 16 ounces. 2 cents each 2 ounces or fraction over 16 ounces. | 6 pounds 9 ounces; 11 pounds for books, catalogs, and directories having 24 or more pages. |
| Samples of merchandise | 3 cents first 2 ounces; 1½ cents each additional ounce. Minimum charge, 10 cents. | 16 ounces. |
| 8-ounce merchandise packages | do | 8 ounces. |

There will be no change in the postage rates on letters, post cards, commercial papers, or matter for the blind. Note that the weight limit for samples of merchandise is being decreased from 18 ounces to 16 ounces.

2. *Indemnity for postal union registered mail.* The maximum indemnity payable for a registered postal union article addressed to Canada will be increased from $25 to $100. Registration fees will remain at 50 cents for liability up to $10 and 75 cents for liability up to $100.

3. *Eight-ounce merchandise packages.* Insurance service will no longer be available for 8-ounce merchandise packages, such service being limited strictly to parcel post packages.

4. *Parcel post.* The maximum weight limit for parcel post will be increased from 15 pounds to 25 pounds per parcel. The postage rates will remain at 45 cents over 8 ounces to one pound and 22 cents for each additional pound or fraction.

The appropriate amendments necessary to codify these new revised rates and conditions applying to mail addressed for delivery in Canada into Title 39, Code of Federal Regulations, will be published in the FEDERAL REGISTER prior to the effective date of July 1, 1961.

(R.S. 161, as amended, secs. 501, 505, 74 Stat. 580, 581 (Pub. Law 86–682); 5 U.S.C. 22, 39 U.S.C. 501, 505)

[SEAL] LOUIS J. DOYLE,
*Acting General Counsel.*

[F.R. Doc. 61–2280; Filed, Mar. 14, 1961; 8:50 a.m.]

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[431.6]

### CERTAIN ELECTRICAL ENERGY UNITS

### Prospective Tariff Classification

MARCH 9, 1961.

It appears probable that certain electrical energy units in chief value of metal and consisting of two nickel-cadmium type dry cell storage batteries, and an alternating current battery charger composed of a rectifier, resistor, and fixed condenser, all in a sealed plastic case with two prongs, and of a type suitable for joining to a flashlight head, are chiefly used in the United States as components of flashlights and accordingly classifiable as parts of flashlights under paragraph 353, Tariff Act of 1930, as modified, dutiable at the rate of 35 percent ad valorem, and not as articles suitable for producing, rectifying, modifying, controlling, or distributing electrical energy, under paragraph 353, as modified, dutiable at the rate of 15 percent ad valorem.

Pursuant to § 16.10a(d) of the Customs Regulations, notice is hereby given that the existing uniform practice of classifying such merchandise as articles suitable for producing, rectifying, modifying, controlling, or distributing electrical energy, under paragraph 353, Tariff Act of 1930, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] LAWTON M. KING,
*Acting Commissioner of Customs.*

[F.R. Doc. 61–2260; Filed, Mar. 14, 1961; 8:49 a.m.]

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### Foreign Assets Control

### IMPORTATION OF GINSENG DIRECTLY FROM KOREA

### Available Certifications by the Republic of Korea

Notice is hereby given that certificates of origin issued by the Ministry of Commerce and Industry of the Republic of Korea under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Korea of the following additional commodities:

Ginseng, raw, wine, tea and tonic.

[SEAL] MARGARET W. SCHWARTZ,
*Acting Director, Foreign Assets Control.*

[F.R. Doc. 61–2261; Filed, Mar. 14, 1961; 8:49 a.m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

### PACIFIC FAR EAST LINE, INC.

### Notice of Application

Notice is hereby given that Pacific Far East Line, Inc., has applied to serve Midway Islands with freight ships operating in their Trans-Pacific Freight Service on Trade Route No. 29.

Any person, firm or corporation desiring to comment upon said application of Pacific Far East Line, Inc. should, by close of business on March 29, 1961, notify the Secretary, Federal Maritime Board, in writing, in triplicate, of the nature of the interest of such person, firm or corporation regarding said application and submit such comments thereon as may be desired.

After giving due consideration to any comments received, or if no comments are received, the Federal Maritime Board will take such action as it deems appropriate.

Dated: March 13, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–2271; Filed, Mar. 14, 1961; 8:50 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### ALASKA

### Notice of Termination of Proposed Withdrawal and Reservation of Lands

MARCH 8, 1961.

Notice of an application Serial No. 049689, for withdrawal and reservation of lands was published as Federal Register Document No. 59–7767 on page 7553 of the issue for September 18, 1959 (24 F.R. 7553). The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on March 30, 1961, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

*Bear Lake*

T. 16 N., R. 1 W., S.M.,
Section 35: lot 5.

Containing 24.93 acres.

These lands will remain subject to the Secretarial Order of October 30, 1936, withdrawing these and other lands for the Eklutna Industrial School Reserve.

L. T. MAIN,
*Operations Supervisor.*

[F.R. Doc. 61–2259; Filed, Mar. 14, 1961; 8:49 a.m.]

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[NM 0128764]

### NEW MEXICO

### Notice of Proposed Withdrawal and Reservation of Lands

MARCH 3, 1961.

The United States Department of the Army has filed an application, Serial Number NM 0128764 for the withdrawal of the lands described below, from all forms of appropriation including the general mining and the mineral leasing laws. The applicant desires the land for use in connection with the Keystone Dam and Reservoir, Arkansas River, Oklahoma.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

INDIAN MERIDIAN

T. 20 N., R. 9 E., Ind. Mer., Oklahoma, Sec. 35: Lots 2 and 3.
Containing 25.45 acres, more or less.

E. R. SMITH,
*State Supervisor.*

[F.R. Doc. 61-2226; Filed, Mar. 14, 1961; 8:45 a.m.]

## Office of the Secretary

### IMPORTS OF RESIDUAL FUEL OIL TO BE USED AS FUEL, DISTRICT I

### Maximum Level for Period April 1, 1961, Through March 31, 1962

Pursuant to paragraph (e) of section 2 of Presidential Proclamation 3279, as amended, the maximum level of imports into District I of residual fuel oil to be used as fuel shall be 461,427 barrels daily for the allocation period April 1, 1961 through March 31, 1962. Neither the present level nor the adjusted level includes residual fuel oil withdrawn from bonded warehouse for ships' supplies or for exportation.

STEWART L. UDALL,
*Secretary of the Interior.*

MARCH 9, 1961.

[F.R. Doc. 61-2228; Filed, Mar. 14, 1961; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13676, 13679; FCC 61M-398]

### CIRCLE L, INC., AND ROCKY MOUNTAIN TELE STATIONS

### Order Continuing Hearing

In re applications of Circle L, Inc., Reno, Nevada, Docket No. 13676, File No. BPCT-2656; Harriscope, Inc., Irving B. Harris, Donald P. Nathanson and Benjamin Berger, d/b as Rocky Mountain Tele Stations, Reno, Nevada, Docket No. 13679, File No. BPCT-2750; for construction permits for new television broadcast stations (Channel 4).

The Hearing Examiner having under consideration a petition filed March 6, 1961, on behalf of the Chief, Broadcast Bureau, Federal Communications Commission requesting that the hearing in the above-entitled proceeding now scheduled for March 13, 1961, be continued to March 16, 1961; and

It appearing that the reason for the requested continuance is the fact that Broadcast Bureau counsel has conflicting duties and commitments on March 13, 1961; and

It further appearing that counsel for the other parties to this proceeding have consented to a grant of this petition, to a waiver of the provisions of § 1.43 of the Commission's rules in order to permit immediate consideration thereof and good cause for granting the petition having been shown;

*It is ordered,* This the 9th day of March 1961, that the petition for continuance is granted and the evidentiary hearing now scheduled for March 13, 1961, is continued to March 16, 1961.

Released: March 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2251; Filed, Mar. 14, 1961; 8:48 a.m.]

[Docket No. 13410; FCC 61M-393]

### IDAHO MICROWAVE, INC.

### Order Scheduling Prehearing Conference

In re applications of Idaho Microwave, Inc., Docket No. 13410: For construction permit for new fixed radio station at Kimport Peak, Idaho (KPL 24), File No. 2672-C1-P-58; for construction permit for new fixed radio station at Rock Creek, Idaho (KPL 25), File No. 2673-C1-P-58; for construction permit for new fixed radio station at Jerome, Idaho (KPL 26); File No. 2674-C1-P-58.

*It is ordered,* This 8th day of March 1961, that a further prehearing conference in the above-entitled matter shall be held at 10:00 a.m., March 22, 1961, in the Commission's offices in Washington, D.C.

Released: March 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2252; Filed, Mar. 14, 1961; 8:48 a.m.]

[Docket Nos. 13884-13886; FCC 61M-395]

### "JET" BROADCASTING CO., INC., (WJET) ET AL.

### Order Continuing Hearing

In re applications of the "Jet" Broadcasting Co., Inc. (WJET), Erie, Pennsylvania, Docket No. 13884, File No. BP-12188; WBNY, Incorporated (WBNY), Buffalo, New York, Docket No. 13885, File No. BP-13285; Lake Shore Broadcasting Company, Inc. (WDOE), Dunkirk, New York, Docket No. 13886, File No. BP-13300; for construction permits.

On this 8th day of March 1961, with the consent of all other parties to both early consideration and grant, the petition of the Broadcast Bureau filed on March 7, 1961, to extend the date for taking certain procedural steps in this proceeding is granted; and the following extensions of time are ordered:

Date Broadcast Bureau will notify parties of any additional data they require extended from February 28, 1961, to March 7, 1961;

Deadline for parties to furnish data requested by the Broadcast Bureau extended from March 14, 1961, to March 21, 1961;

Hearing extended from March 24, 1961, to March 31, 1961.

Released: March 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2253; Filed, Mar. 14, 1961; 8:48 a.m.]

[Docket Nos. 13969, 13970; FCC 61M-396]

### NICHOLASVILLE BROADCASTING CO. AND JESSAMINE BROADCASTING CO.

### Order Setting Prehearing Conference

In re applications of Pierce E. Lackey, F. E. Lackey, and Kathrine Peden, d/b as Nicholasville Broadcasting Co., Nicholasville, Kentucky, Docket No. 13969, File No. BP-13253; Inman S. Wood and Paul Everman, d/b as Jessamine Broadcasting Co., Nicholasville, Kentucky, Docket No. 13970, File No. BP-13358, for construction permits.

*It is ordered,* This 8th day of March 1961, on the Hearing Examiner's own motion that, pursuant to 47 CFR 1.111 the parties or their counsel in the above-entitled proceeding are directed to appear for a prehearing conference at the Offices of the Commission, Washington, D.C., at 9:30 a.m. on March 27, 1961.

Released: March 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2254; Filed, Mar. 14, 1961; 8:49 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. G-17193 etc.]

### CHAMPLIN OIL & REFINING CO. ET AL.

### Notice of Applications and Date of Hearing

MARCH 8, 1961.

Champlin Oil & Refining Company,[1] Docket No. G-17193; Logue and Patterson, Operator, et al.,[2] Docket No. G-18234; Edwin C. Meredith, Docket No. G-19228; Grim and Duffield, Docket No. G-20163; Pan American Petroleum Corporation, Docket No. G-20225; Mississippi River Fuel Corporation, Docket No. CP60-47; Sam Sklar, Trustee, et al., Docket No. CI60-231; Sinclair Oil & Gas Company, Operator, et al., Docket No. CI60-447; United Carbon Company, Docket No. CI60-579; Hunt and Adams, Docket No. CI60-763; Westheimer-Neustadt Corporation, Docket No. CI60-815; Phillips Petroleum Company, Docket No. CI61-57; Theodore A. Parsons et al., Docket No. CI61-136; Plains Exploration Company, Operator, et al., Docket No. CI61-199; Cities Service Oil Company, Docket No. CI61-243; General American Oil Company of Texas, Operator, et al., Docket No. CI61-1019; Gulf Oil Corporation, Operator, et al., Docket No. CI61-1062.

Take notice that each of the above applicants seek permission and approval to abandon natural gas service, pursuant to section 7(b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the respective applications, petitions and amendments filed herein.

The respective Applicants seek permission and approval to abandon service as indicated below:

*Docket Nos., Field and Location, Purchaser, and Docket in Which Sale Was Authorized*

G-17193; Sprague, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.; G-17193.

G-18234; North McFaddin, Victoria County, Texas; United Gas Pipe Line Company; G-18234.

G-19228; Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company; G-14294.

G-20163; Washington District, Calhoun County, West Virginia; Hope Natural Gas Company; G-9232.

G-20225; Spindletop, Jefferson County, Texas; Texas Gas Pipe Line Corporation; G-2788.

CI60-231; Willow Springs, Gregg County, Texas; Texas Eastern Transmission Corporation; G-4599.

CI60-447; Willow Springs, Gregg County, Texas; Texas Eastern Transmission Corporation; G-8493 and G-11229.

CI60-763; Center District, Gilmer County, West Virginia; Hope Natural Gas Company; G-8194.

CI60-815; Sholem-Alechem, Carter County, Oklahoma; Lone Star Gas Company; G-4672.

CI61-57; New Ulm, Austin County, Texas; Tennessee Gas Transmission Company; G-2630.

CI61-136; Union District, Ritchie County, West Virginia; Hope Natural Gas Company; G-15489.

CI61-199; McKenzie Field, Weld County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.; G-9831.

CI61-243; New Ulm, Austin County, Texas; Tennessee Gas Transmission Company; G-4579.

CI61-1019; Mary Murray Lease, Garvin County, Oklahoma; Lone Star Gas Company; G-9563.

CI61-1062; Southwest Antioch, Garvin County, Oklahoma; Lone Star Gas Company; G-18132.

Each of the above Applicants state that the volume of gas now available for delivery under the related gas sales contract has been depleted or has declined to a point where it is no longer economically feasible to continue the heretofore authorized sale.

In Docket No. CP60-47, Mississippi River Fuel Corporation (Mississippi) seeks to abandon service to Southwest Gas Producing Company, Inc. (Southwest). Mississippi was authorized in Docket No. G-7376 to sell "wet gas" from the Wynn Gas Unit, Hico-Knowles Field, Lincoln Parish, Louisiana to Southwest, who gathers the "wet gas" and processes it through its processing plant and resells the residue to Texas Eastern Transmission Corporation (Texas Eastern).

Mississippi expects, upon discontinuance of the "wet gas" sale, that Southwest will continue to process Mississippi's "wet gas" under a straight processing arrangement, whereby Mississippi will take into its own system the residue gas attributable to such "wet gas" at the tailgate of Southwest's processing plant.

On March 3, 1960, Southwest filed an application, pursuant to section 7(b) of the Act, for authorization to abandon the resale of Mississippi's gas to Texas Eastern. By letter dated March 15, 1960, Southwest was advised that such application has been accepted for filing as a petition to amend the order issuing certificates in Docket No. G-2594 to delete therefrom authorization to sell natural gas to Texas Eastern attributable to Mississippi's interest in the Wynn Gas Unit.

United Carbon Company (United) in Docket No. CI60-579, seeks permission and approval to abandon service to Columbian Carbon Company (Columbian) for resale to Texas Gas Transmission Corporation from the Monroe Field, Union Parish, Louisiana.

United proposes to abandon service to Columbian in order to sell the gas involved to Southern Natural Gas Company (Southern). United states that the ten-year term of the February 10, 1950 contract with Columbian expired on July 1, 1960, at which time such gas was automatically committed to Southern under a twenty-year contract dated April 1, 1950. Columbian concurs with United in the July 1, 1960 expiration date of their contract.

United was authorized on September 20, 1957 in Docket No. G-3913 to make, among other sales, the sales of natural gas from the Monroe Field to Columbian and Southern as covered by the aforementioned contracts of February 10 and April 1, 1950, respectively.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 11, 1961 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 27, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2223; Filed, Mar. 14, 1961; 8:45 a.m.]

[Docket No. CP61-154]

### SOUTHERN NATURAL GAS CO.

### Notice of Postponement of Hearing

MARCH 8, 1961.

Take notice that the hearing in the above-docketed proceeding heretofore scheduled to commence on March 16, 1961, by notice issued on February 9, 1961, and published in the FEDERAL REGISTER on February 16, 1961 (26 F.R. 1375), be and hereby is postponed to a date to be fixed by further notice.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2224; Filed, Mar. 14, 1961; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 2-6623]

### FASHION FROCKS, INC.

### Notice of Application for Exemption

MARCH 7, 1961.

Notice is hereby given that Fashion Frocks, Inc. an Ohio corporation, ("issuer") has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 ("Act") for an order exempting the issuer from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all outstanding securities of the issuer are held of record, as therein defined, that the number of such record holders does not exceed fifty persons, and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the request for exemption, as follows:

1. The issuer has outstanding 1,000 shares of second preferred stock and 444,491 shares of common stock.

[1] Champlin Oil & Refining Company filed a petition on June 22, 1960, to amend its pending certificate application in Docket No. G-17193 and now seeks permission and approval to abandon. Temporary authority to commence the subject service was granted December 23, 1958.

[2] Logue and Patterson filed a petition, on January 26, 1959, to amend its pending certificate application in Docket No. G-18234 and now seeks permission and approval to abandon. Temporary authority to commence the subject service was granted on April 17, 1959.

2. The shares of second preferred stock are held of record by one person and the shares of common stock are held of record by forty-nine persons.

3. The number of such record holders has been computed in accordance with paragraph (e) of Rule 15d–20.

4. The filing by the issuer of the reports required by section 15(d) of the Act and the rules and regulations thereunder is not necessary in the public interest or for the protection of investors.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after March 30, 1961 unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than March 27, 1961 at 5:30 p.m. submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of facts or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2229; Filed, Mar. 14, 1961; 8:46 a.m.]

[File No. 70–3930]

## GENERAL PUBLIC UTILITIES CORP.

### Notice of Filing of Application-Declaration Regarding Acquisition of Common Stock of an Electric Utility Company

MARCH 8, 1961.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed with this Commission an application-declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, and 12(c) of the Act and Rule 42 promulgated thereunder, as applicable to the proposed transactions.

All interested persons are referred to the application-declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Pursuant to a purchase agreement between GPU and Altoona and Logan Valley Electric Railway Company ("Logan Valley"), a non-affiliate of GPU and the holder of all the outstanding shares of common stock of Home Electric Company ("Home"), GPU proposes to acquire, in exchange for 81,191 shares of its authorized and unissued common stock (a) all the 500 outstanding $100 par value shares of common stock of Home, and (b) all the cash of Logan Valley remaining after Logan Valley provides for payment of its liabilities and expenses of its dissolution and liquidation. The Home common stock will be recorded by GPU at a cost equal to the closing sale price of GPU common stock on the New York Stock Exchange on the day preceding GPU's acquisition, reduced by the cash to be received by GPU from Logan Valley and increased by any expenses of such acquisition which are appropriately capitalized. Prior to GPU's acquisition of the Home common stock, Logan Valley will effect certain transactions including, among other things, the contribution by Logan Valley to Home of certain real estate owned by Logan Valley.

Pursuant to the purchase agreement Logan Valley will be dissolved and liquidated promptly upon the consummation of the sale of the Home common stock to GPU. In such liquidation the stockholders of Logan Valley would receive one and six tenths (1$^{6}/_{10}$) shares of GPU common stock for each share of Logan Valley capital stock which they hold. In the distribution of the GPU stock, cash is to be paid in lieu of fractional shares. GPU will provide such cash by repurchasing shares of GPU stock from Logan Valley, from time to time, at the closing sale price of GPU common stock on the New York Stock Exchange on the last business day preceding the acquisition of the Home common stock.

Home is engaged in the purchase, transmission, distribution and sale of electric power, all of which it purchases from Pennsylvania Electric Company ("Penelec"), an electric utility subsidiary company of GPU. Home serves approximately 6,000 customers in a service area, about 12 miles east of Altoona, Pennsylvania, and which is almost completely surrounded by the service area of Penelec. Upon the acquisition by GPU of the Home common stock, Home will file new tariffs with the Pennsylvania Public Utility Commission adopting Penelec's rates for electric service whenever Penelec's rates are less than the rates at which Home has been rendering such service. It is estimated that such adoption of Penelec rates will reduce charges to Home's customers by approximately $28,000 per year, based upon the current level of consumption of such customers. Home will continue to render service to existing customers at its present rates where these are less than Penelec's existing rates.

GPU proposes, after the consummation of the acquisition of the Home common stock, to institute appropriate proceedings before this Commission and the Pennsylvania Public Utility Commission seeking approval of a merger of Home into Penelec. The application-declaration states that such merger will make possible a reduction in the expenses of the Home operations of approximately $35,000 per year, largely consisting of the elimination of certain officers' salaries and clerical and bookkeeping expenses.

No finders fee or commission is to be paid by GPU either directly or indirectly in connection with the acquisition of the Home common stock. The nature and amount of legal and other fees and expenses to be incurred will be supplied by amendment to the application-declaration.

The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction with respect to the proposed transactions.

Notice is further given that any interested person may, not later than March 27, 1961, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the application-declaration, as amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2230; Filed, Mar. 14, 1961; 8:46 a.m.]

[File No. 24D–2482]

## GLAMOUR VENDING CORP.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 9, 1961.

I. Glamour Vending Corporation (issuer), a Colorado corporation, 1212 Tower Building, Denver, Colorado, filed with the Commission on November 25, 1960, a notification on Form 1–A and an offering circular relating to an offering of 140,000 shares of its 50¢ par value common stock at $2 per share for an aggregate amount of $280,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reason to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer has failed:

1. To disclose in Item 2(b) of the notification an affiliate of the issuer and the nature of the affiliation.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading, particularly with respect to:

1. The failure to disclose competitive influences known to issuer.



2. The failure to disclose interests of officers and directors of the issuer in affiliated companies.

3. The failure to disclose the existence of an existing franchise dealer and distributor with which officers and directors were familiar.

4. The failure to disclose adequately existing patents affecting the company's product.

5. The failure to disclose adequately arrangements to manufacture one of the company's principal products.

C. The offering has been and would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2231; Filed, Mar. 14, 1961; 8:46 a.m.]

[File No. 1–3776]

## TRAIL MINES, INC.

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

MARCH 9, 1961.

In the matter of Trail Mines, Inc., Common Stock.

The San Francisco Mining Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: The issuer has failed to file its financial statements for the year ended December 31, 1959.

Upon receipt of a request, on or before March 24, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2232; Filed, Mar. 14, 1961; 8:46 a.m.]

[File No. 1–3294]

## YELLOW CAB CO.

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

MARCH 9, 1961.

In the matter of Yellow Cab Company, Common Stock, 6 Percent Preferred Stock.

The Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: After a recent purchase offer and change of control, there remain only 78 holders of preferred and 183 holders of common stock.

Upon receipt of a request, on or before March 24, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2233; Filed, Mar. 14, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 10, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63827. By order of March 8, 1961, the Transfer Board approved the transfer to William Z. Getz, Inc., Lancaster, Pa., of Permits in Nos. MC 107460 Sub 8, MC 107460 Sub 9, MC 107460 Sub 13, MC 107460 Sub 14, and MC 107460 Sub 15, issued October 2, 1950, November 29, 1954, October 16, 1958, September 8, 1959, and August 27, 1959, respectively, to William Z. Getz, Lancaster, Pa., authorizing the transportation of: Fruits and vegetables, brick, machinery and structural iron and steel, lumber, metal roofing and siding, fabricated metal products, skids, aluminum, in coils and sheets, plain or painted, agricultural machinery and implements, and parts and accessories, accessories parts and supplies and materials used in the manufacture and assembly of agricultural machinery, implements and component parts thereof, pallets and containers, balers and machinery and parts and accessories for said commodities, hay balers' parts, and aluminum ingots and slabs, from, to, or between specified points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Christian V. Graf, 407 North Front Street, Harrisburg, Pa., attorney for applicants.

No. MC–FC 63837. By order of March 8, 1961, the Transfer Board approved the transfer to Lester F. Joy, Winchendon, Mass., of Certificates in Nos. MC

96404 and MC 96404 Sub 1, issued January 22, 1942, and June 12, 1953, respectively, to Lester M. Joy, Winchendon, Mass., authorizing the transportation of: Lumber and forest products, and logs, from, to, or between specified points in Massachusetts, New Hampshire, and Vermont. Stanley G. Barker, 340 Main Street, Worcester 8, Mass., attorney for applicants.

No. MC–FC 63855. By order of March 8, 1961, the Transfer Board approved the transfer to Agnes B. Spurr, doing business as Spurr & McKay, Somerville, Mass., of Certificate in No. MC 34648, issued September 9, 1940, to Harry E. Spurr, doing business as Spurr & McKay, Somerville, Mass., authorizing the transportation of: Household goods, between Somerville, Mass., and points in Massachusetts within 15 miles of Somerville, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Rhode Island, Connecticut, and New York. Joseph J. Mazza, 6 Beacon Street, Boston 8, Mass., attorney for applicants.

No. MC–FC 63866. By order of March 8, 1961, the Transfer Board approved the transfer to Mario Palleschi, doing business as Bedell's Express, William Street, Kinderhook, N.Y., of Certificate in No. MC 78033, issued April 8, 1958, to Leonard C. Merrill and Mario Palleschi, a partnership, doing business as Bedell's Express, William Street, Kinderhook, N.Y., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between specified points in New York.

No. MC–FC 63950. By order of March 8, 1961, the Transfer Board approved the transfer to McLure Moving and Storage, Inc., 6 Central Street, Essex Junction, Vt., of Certificate in No. MC 55517, issued August 31, 1954, to Clifford F. McLure and Natalie H. McLure, a partnership, doing business as Hilliker and McLure Van Service, 6 Central Street, Essex Junction, Vt., authorizing the transportation of: Household goods, between points in Vermont, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia.

No. MC–FC 63980. By order of March 8, 1961, the Transfer Board approved the transfer to Missouri Transit Lines, Inc., Cedar Rapids, Iowa, of Certificates Nos. MC 36524 and MC 36524 Sub 5 issued September 23, 1954, and October 31, 1957, to Missouri Transit Company, Inc., Macon, Mo., authorizing the transportation of: Passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers between Ottumwa, Iowa, and Jefferson City, Mo., serving various intermediate points; from Ottumwa to Jefferson City, Mo., and return; between Jefferson City, Mo., and Fort Leonard Wood, Mo., serving all intermediate points; between Mt. Vernon, Iowa, and Iowa City, Iowa, serving all intermediate points; between Ainsworth Junction, Iowa, and Fort Madison, Iowa, serving all intermediate points, between Washington, Iowa, and Fairfield, Iowa; between junction Iowa Highway 1 to Fairfield; between Winfield, Iowa, and New London, Iowa; between Hunter Airport, Linn County, Iowa, and junction Linn County Routes FF and R; between Cedar Rapids, Iowa, and junction Linn County Routes X and FF; between Cedar Rapids, Iowa, and Solon, Iowa; between Mt. Pleasant, Iowa, and Burlington, Iowa; from Mt. Pleasant to Burlington; between junction U.S. Highway 218 and Iowa Highway 78; passengers and their baggage, and newspapers in the same vehicle with passengers, between Iowa City, Iowa, and Washington, Iowa; and passengers and their baggage and express and newspapers in the same vehicle with passengers between junction U.S. Highway 54 and Missouri Highway 17 and Springfield, Mo., serving all intermediate points. J. W. Albright, attorney for transferee, 1215 Merchants National Bank Building, Cedar Rapids, Iowa.

No. MC–FC 64011. By order of March 8, 1961, the Transfer Board approved the transfer to Millard C. Haley and Francis L. Haley, a partnership, doing business as M. C. Haley & Son, Madison, Mo., of Certificate in No. MC 117081, issued November 18, 1958, to Charles E. Elsberry, Madison, Mo., authorizing the transportation of: Fertilizer, in sacks, in seasonal operations, between March 1 and October 31, inclusive, of each year, from East St. Louis, Ill., to Madison, Mo., and points within 15 miles thereof. Joseph R. Nacy, 117 West High Street, Jefferson City, Mo., attorney for applicants.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61–2242; Filed, Mar. 14, 1961; 8:47 a.m.]

[Notice 155]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 10, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 151 (Deviation No. 1), LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind., filed February 23, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Danville, Ill., over Interstate Highway 74 to Urbana-Champaign, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Danville over unnumbered highways via Sidell, Allerton, Longview, Villa Grove, and Camargo, Ill., to junction U.S. Highway 36 and thence over U.S. Highway 36 to junction U.S. Highway 45, thence over U.S. Highway 55 to Champaign-Urbana; and from Danville over U.S. Highway 150 to junction U.S. Highway 36, and thence over U.S. Highway 36 to junction U.S. Highway 45 and thence over U.S. Highway 45 to Urbana-Champaign, and return over the same routes.

No. MC 493 (Deviation No. 1), HYMAN MOTOR SERVICE CO., 425 South Sixth Street, Quincy, Ill., filed February 2, 1961. Attorney Sam Schneidman, 630 W.C.U. Building, Quincy, Ill. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From junction U.S. Highway 36 and Illinois Highway 96 over Illinois Highway 96 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction Missouri Highway 79, thence over Missouri Highway 79 to junction U.S. Highway 40; (B) from Quincy over Illinois Highway 57 to junction F.A. Route 80 Spur (known as the Fall Creek to Hannibal Road), thence over F.A. Route 80 Spur to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 61; and (C) from Quincy over Illinois Highway 57 to junction U.S. Highway 36, and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Quincy over U.S. Highway 24 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction By-Pass U.S. Highway 40, thence over By-Pass U.S. Highway 40 to junction Alternate U.S. Highway 40 thence over Alternate U.S. Highway 40 to St. Louis; from Quincy over Illinois Highway 96 to junction U.S. Highway 36, thence over U.S. Highway 36 to Detroit, Ill., thence over Illinois Highway 100 via Hardin, Ill., to junction Illinois Highway 16, thence over Illinois Highway 16 to Jerseyville, Ill., thence over Alternate U.S. Highway 67 via Delhi, Ill., to junction U.S. Highway 67, thence over U.S. Highway 67 to Alton, Ill., thence over Alternate U.S. Highway 67 to St. Louis; from Quincy to Alton, Ill., as specified immediately above, thence across the Mississippi River over U.S. Highway 67 to St. Louis; from Quincy over Illinois Highway 96 to junction U.S. Highway 136, thence across the Mississippi River to Keokuk, Iowa, and return from Keokuk across the Mississippi River to junction U.S. Highway 136, thence over U.S. Highway 136 to Macomb, Ill.; from Quincy over U.S. Highway 24 to junction Illinois Highway 94 thence over Illinois Highway 94 to junction Illinois Highway 61, thence over Illinois Highway 61 via Augusta, Ill., to junction U.S. Highway 136, thence over U.S. Highway 136 to junction Illinois Highway 94, thence over Illinois Highway 94 to junction Illinois Highway 9, thence over Illinois Highway 9 to junction U.S. Highway 67, thence over U.S. Highway 67 to Macomb, and return over the same routes.



No. MC 730 (Deviation No. 8), PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, Oakland 4, Calif., filed February 20, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Idaho Falls, Idaho, over Interstate Highways 15 and 80N to San Bernardino, Calif., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Salt Lake City, Utah, over U.S. Highway 91 via Nephi and Anderson, Utah to Barstow, Calif. (also from Nephi over Utah Highway 189 to junction U.S. Highway 89, thence over U.S. Highway 89 to Mt. Carmel junction Utah, thence over Utah Highway 15 to Anderson, Utah and thence as specified above to Barstow), thence over U.S. Highway 66 via San Bernardino to Los Angeles, Calif., also from San Bernardino over U.S. Highway 99 to Los Angeles; from Salt Lake City over U.S. Highway 91 to Pocatello; from Brigham, Utah over U.S. Highway 30S to Tremonton, Utah, and thence over U.S. Highway 191 to Downey, Utah; from Brigham over U.S. Highway 89 to Logan, Utah; from Salt Lake City over U.S. Highway 91 to Brigham City, Utah (also from junction U.S. Highway 91 and Utah Highway 106) (formerly Alternate U.S. Highway 91) over Utah Highway 106 via Bountiful, Utah, to junction U.S. Highway 91, and thence over U.S. Highway 91 to Brigham City, Utah (and thence over U.S. Highway 30S to Burley, Ohio, and thence over U.S. Highway 30 to Boise, Idaho; from Tremonton over U.S. Highway 191 (formerly Utah Highway 41) to the Utah-Idaho State Line, thence over U.S. Highway 191 (formerly Idaho Highway 36) to Downey, thence over U.S. Highway 191 to St. Anthony, Idaho; from Brigham City over U.S. Highway 91 to Downey (also from Brigham City over Utah Highway 69) (formerly U.S. Highway 89), to Logan, Utah, and thence over U.S. Highway 91 to Downey, and return over the same routes.

No. MC 2989 (Sub No. 1) (Deviation No. 1), DAYS TRANSFER, INC., 730 East Beardsley Avenue, Elkhart, Ind., filed February 20, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: From Detroit, Mich., over Interstate Highway 94 to Michigan City, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From South Bend over U.S. Highway 20 to junction U.S. Highway 35, thence over U.S. Highway 35 to Michigan City, Ind., and thence over U.S. Highway 12 to Chicago; from Bristol, Ind., over Indiana Highway 120 to Elkhart, Ind., and thence over U.S. Highway 20 to South Bend, Ind.; from Elkhart over Indiana Highway 19 to the Indiana-Michigan State Line, thence over Michigan Highway 205 to junction U.S. Highway 112 and thence over U.S. Highway 112 to Mottville, Mich., also from Elkhart over Indiana Highway 120 to Bristol, thence over Indiana Highway 15 to the Indiana-Michigan State Line, thence over Michigan Highway 131 to Mottivelle, Mich., and thence as specified above to Ypsilanti, Mich.; and from Detroit over U.S. Highway 112 via Dearborn, Mich., to Ypsilanti, and thence over Michigan 17 to Ann Arbor, Mich., and return over the same routes.

No. MC 6945 (Deviation No. 4), THE NATIONAL TRANSIT CORPORATION, 4401 Stecker Avenue, Dearborn Avenue, Detroit 2, Mich., filed January 25, 1961. The Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highways 25 and 42 at Sharonville, Ohio over U.S. Highway 42 to Xenia, Ohio, thence over U.S. Highway 68 to Springfield, Ohio, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From the junction of U.S. Highways 25 and 42 over U.S. Highway 25 to Dayton, Ohio, and thence over Ohio Highway 4 to Springfield, and return over the same routes.

No. MC 30504 (Deviation No. 3), TUCKER FREIGHT LINES, INC., 1415 South Olive Street, South Bend 21, Ind., filed February 17, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Lansing, Mich., over U.S. Highway 127 to Jackson, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Elkhart, Ind., over Indiana Highway 19 to Indiana-Michigan State Line, thence over Michigan Highway 205 to junction U.S. Highway 112, thence over U.S. Highway 112 to Mottville, Mich. (also from Elkhart over Indiana Highway 120 to Junction Indiana Highway 15, thence over Indiana Highway 15 to the Indiana-Michigan State Line, thence over U.S. Highway 131 to Mottville), thence over U.S. Highway 131 to Three Rivers, Mich., thence over Michigan Highway 60 to Jackson, Mich., thence over U.S. Highway 12 to Ann Arbor, Mich., thence over Michigan Highway 14 (formerly U.S. Highway 12) to junction Michigan Highway 56, thence over Michigan Highway 56 to Plymouth, Mich., thence return over Michigan Highway 56 to junction Michigan Highway 14, thence over Michigan Highway 14 to Detroit, Mich.; and from South Bend, Ind., over U.S. Highway 31 to Niles, Mich., thence over Michigan Highway 40 to junction U.S. Highway 12, thence over U.S. Highway 12 to Battle Creek, Mich., and thence over Michigan Highway 78 to Flint, Mich., and return over the same routes.

No. MC 52709 (Deviation No. 6), RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo., filed February 23, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: From Denver, Colo., over U.S. Highway 85 via Las Vegas, N. Mex., to Albuquerque, N. Mex., thence over U.S. Highway 66 via Kingman, Ariz., to Barstow, Calif., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Los Angeles over U.S. Highway 66 to Barstow thence over U.S. Highway 91 to Spanish Fork, Utah, and thence over U.S. Highway 50 to Grand Junction, Colo.; from Colorado Springs, Colo., over U.S. Highway 24 to Grand Junction; from Denver, over U.S. Highway 6 to Dowd, Colo., and return over the same routes.

No. MC 70151 (Deviation No. 2), UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit 9, Mich., filed February 17, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Napoleon, Ohio over Ohio Highway 108 to junction Ohio Highway 281 and thence over Ohio Highway 281 to Defiance, Ohio, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Napoleon and Defiance, over U.S. Highway 24.

No. MC 71096 (Deviation No. 5), NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio, filed February 23, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Mansfield, Ohio, over Interstate Highway 71 to Cleveland, Ohio, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Mansfield over U.S. Highway 42 to Lodi, Ohio, thence over U.S. Highway 224 to junction U.S. Highway

21, thence over U.S. Highway 21 to Cleveland, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-2240; Filed, Mar. 14, 1961; 8:47 a.m.]

[Notice No. 367]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 10, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub No. 206), filed March 1, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the new plant site of the American Greetings Corporation at Osceola, Ark., as an off-route point in connection with applicant's routes to and from Memphis, Tenn.

*HEARING:* April 18, 1961, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 215, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 2202 (Sub No. 207), filed March 7, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; serving the plant and warehouse sites of the Mohawk Tire and Rubber Company at Helena and West Helena, Ark., as off-route points in connection with applicant's regular use of U.S. Highway 61 between Memphis, Tenn., and Greenville, Miss.

*HEARING:* March 22, 1961, at the Claridge Hotel, Memphis, Tenn., before Joint Board No. 215, or, if the Joint Board waives its right to participate, before Examiner Edith H. Cockrill.

No. MC 19778 (Sub No. 40), filed December 8, 1960. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, 516 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, cement, building and construction materials, equipment and supplies used in dam construction*; from Chamberlain, Oacoma, and Reliance, S. Dak., to the Big Bend Dam construction site on the Missouri River at or near Fort Thompson, S. Dak. RESTRICTION: Service shall be limited to the transportation of shipments receiving an immediately prior or subsequent rail haul.

*HEARING:* May 18, 1961, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 230.

No. MC 31600 (Sub No. 493), filed March 3, 1961. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., 216 Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, except cement, salt, sugar and flour, in bulk, in tank or hopper type vehicles, and *rejected shipments*, between Wallingford, Conn.; Bound Brook, Princeton, Warners, and Woodbridge, N.J.; Pearl River, N.Y.; Hamilton and Marietta, Ohio; Bridgeville and New Castle, Pa.; and Ports of Entry on the International Boundary Line, on the Detroit River and on the Niagara River, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Illinois, Iowa, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

*HEARING:* April 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 42487 (Sub No. 492) (AMENDMENT), filed December 19, 1960, published in FEDERAL REGISTER, issue December 29, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *hydrazine* and *hydrazine mix*, in bulk, in shipper owned or carrier owned tank vehicles, (1) between Rocky Mountain Arsenal, near Denver, Colo., on the one hand, and, on the other, Martin Aircraft Plant near Waterton, Colo., and missile sites and installations in Arizona, Arkansas, California, Colorado, Kansas, New York, and Tennessee; (2) between Lake Charles, La., and Baltimore, Md., on the one hand, and, on the other, Rocky Mountain Arsenal, Colo.; Santa Susana, Calif., Denver, Colo., and the Martin Aircraft Plant near Waterton, Colo.; (3) between Saltville, Va., on the one hand, and, on the other, Nimbus and Santa Susana, Calif., Denver, Colo., Rocky Mountain Arsenal, Colo., and Martin Aircraft Plant near Waterton, Colo.

NOTE: The subject amendment broadens the scope of the authority sought. As originally filed the proposed operations involved the transportation of similar commodities from Rocky Mountain Arsenal, Colo., to the site of Martin Aircraft plant near Waterton, Colo.

*HEARING:* April 5, 1961, at the office of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 42487 (Sub No. 502), filed March 3, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diatomaceous earth* (Dicalite) from the plant site of the Great Lakes Carbon Corporation at Basalt, Nev., to Mina, Nev.

*HEARING:* April 24, 1961, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 128, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 48388 (Sub No. 41) (REPUBLICATION, AS AMENDED), filed December 9, 1960, published in the FEDERAL REGISTER issue of December 29, 1960. Applicant: J. E. FALTIN MOTOR TRANSPORTATION, INC., 515 South Willow Street, Manchester, N.H. Applicant's attorney: Clarence D. Todd, 1625 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter (books, catalogues, magazines, periodicals, printed sheets, and printing paper)*; and *type*; between the plant site of Blanchard Press, Inc., in Hempstead, Long Island, N.Y., and Concord, N.H.

*HEARING:* May 11, 1961, at the New Hampshire Public Service Commission, Concord, N.H., before Examiner J. Thomas Schneider.

No. MC 52458 (Sub No. 155), filed February 27, 1961. Applicant: T. I. McCORMACK TRUCKING CO., INC., U.S. Route 9 at Green Street, Woodbridge, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Millsdale, Ill., to points in Connecticut, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, and West Virginia, and *rejected shipments*, on return.



*HEARING:* March 28, 1961, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 52709 (Sub No. 125) (AMENDMENT), filed February 8, 1961, published FEDERAL REGISTER, issue February 22, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's attorney: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brandy*, in bulk, in tank vehicles, between points in California, on the one hand, and, on the other, points in Wisconsin and Minnesota; (2) *Grape flavoring materials*, non-potable, not over 21 percent alcohol by volume, between points in California, on the one hand, and, on the other, Atlanta, Ga.

NOTE: The purpose of this republication is to delete various portions of the previous publication.

*HEARING:* Remains as assigned, April 10, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 59759 (Sub No. 16), filed February 16, 1961. Applicant: JONES TRUCKING CO., a corporation, 500 West Edgar Road, Linden, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between Linden, N.J., on the one hand, and, on the other, points in Albany, Rensselaer, Schenectady, Ulster, Greene, Sullivan, Delaware, Orange, and Rockland Counties, N.Y.

NOTE: Applicant states the proposed operations will be under a continuing contract with Food Fair Stores, and applicant presently holds a portion of the authority sought herein and no duplicating authority is sought.

*HEARING:* April 26, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner J. Thomas Schneider.

No. MC 67270 (Sub No. 4), filed February 3, 1961. Applicant: GLEASON BROS., INC., 7 Pearl Street, Northampton, Mass. Applicant's representative: William D. Traub, 350 Fifth Avenue, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Submarine periscopes* requiring special handling, and *component parts* of submarine periscopes, between Northampton, Mass., on the one hand, and, on the other, Charleston, S.C., and Boston, Mass.

*HEARING:* May 2, 1961, at the Bond Hotel, Hartford, Conn., before Examiner J. Thomas Schneider.

No. MC 87511 (Sub No. 7), filed January 16, 1961. Applicant: SAIA MOTOR FREIGHT LINE, INC., 900 Magnolia Avenue, Houma, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading; (1) between Thibodaux, La., and Baton Rouge, La.; from Thibodaux over Louisiana Highway 1 using bridge across Mississippi River to Baton Rouge, and return over the same route. (2) Between New Iberia, La., and Opelousas, La.; from New Iberia to Opelousas over Louisiana Highway 31, and return over the same route. (3) Between Abbeville, La., and Opelousas, La.; from Abbeville over U.S. Highway 167 to Opelousas, La., and return over the same route. (4) Between New Iberia, La., and Jennings, La., from New Iberia over Louisiana Highway 14 to Lake Arthur, La., thence over Louisiana Highway 26 from Lake Arthur to Jennings and return over the same route. (5) Between Kaplan, La., and Louisiana-Texas State line; from Kaplan over Louisiana Highways 35, 82, and 27 through Pecan Island, Creole, and Cameron, La., to Sabine Lake on State line and return over the same route. (6) Between Creole, La., and Lake Charles, La.; from Creole over Louisiana Highways 27 and 14 to Lake Charles, La., and return over the same route. (7) Between Holly Beach, La., and Sulphur, La.; from Holly Beach over Louisiana Highway 27 through Hackberry, La., to Sulphur and return over the same route. (8) Between Rayne, La., and Lawtell, La.; from Rayne over Louisiana Highway 35 through Church Point, La., to Lawtell and return over the same route. (9) Between Kinder, La., and junction of U.S. Highway 165 with U.S. Highway 90; from Kinder over U.S. Highway 165 to its junction with U.S. Highway 90, near Iowa, La., and return over the same route. (10) Between Crowley, La., and Eunice, La.; from Crowley over Louisiana Highway 13 to Eunice and return over the same route. (11) Between Brannon, La., and Avery Island, La.; from Brannon over Louisiana Highway 329 to Avery Island and return over the same route. (12) Between Brannon, La., and Louisa, La.; from Brannon over Louisiana Highways 85 and 83 to Louisa, including service to Weeks, La., and return over the same route. (13) Between Baldwin, La., and end of Louisiana Highway 319 past Louisa, La.; from Baldwin over Louisiana Highways 83 and 319 to end of road past Louisa and return over the same route. (14) Between Slidell, La., and Kinder, La.; from Slidell to Kinder over U.S. Highway 190 and return over the same route. (15) Between New Orleans, La., and Louisiana-Mississippi State line; from New Orleans over U.S. Highway 61 to Laplace, La., thence over U.S. Highway 51 to the Louisiana-Mississippi State line and return over the same route. (16) Between Mandeville, La., and Ponchatoula, La.; from Mandeville over Louisiana Highway 22 to Ponchatoula and return over the same route. (17) Between Denham Springs, La., and Amite, La.; from Denham Springs over Louisiana Highways 16 and 23 to Amite, La., and return over the same route. (18) Between Kentwood, La., and Easleyville, La. (also known as Liverpool); from Kentwood over Louisiana Highways 38 and 43 to Easleyville or Liverpool and return over the same route. (19) Between Golden Meadow, La., and Grand Island, La.; from Golden Meadow over Louisiana Highway 1 to Grand Island and return over the same route. (20) Between Houma, La., and end of Louisiana Highway 315 through Theriot, La.; from Houma over Louisiana Highway 315 through Theriot, La., to end of U.S. Highway 315 and return over the same route. (21) Between Houma, La., and junction of Louisiana Highways 57 and 56 through Dulac, La.; from Houma over Louisiana Highway 57 through Dulac, La., to junction of Louisiana Highway 57 with Louisiana Highway 56 and return over the same route. (22) Between Houma, La., and Cocodrie, La.; from Houma over Louisiana Highway 56 to Cocodrie and return over the same route. (23) Between Bourg, La., and end of Louisiana Highway 665 through Montegut, La.; from Bourg over Louisiana Highway 665 to its termination past Montegut, La. and return over the same route. (24) Between Lafayette, La., and Houston, Tex.; from Lafayette over U.S. Highway 90 to Houston, Tex., and return over the same route. (25) Between New Orleans, La., and Slidell, La.; from New Orleans over U.S. Highways 90 and 190 to Slidell and return over the same route. (26) Between New Orleans, La., and Baton Rouge, La.; from New Orleans over U.S. Highway 61 to Baton Rouge and return over the same route.

NOTE: Applicant proposes to serve all intermediate and off-route points within a radius of 5 miles of above said highways.

(27) From New Orleans, La., to U.S. Highway 190 near Covington, La.; from New Orleans over Lake Ponchartrain Toll Causeway to its junction with U.S. Highway 190 and return over the same route, serving no intermediate points.

*HEARING:* April 17, 1961, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 32.

No. MC 101075 (Sub No. 64), filed March 2, 1961. Applicant: TRANSPORT, INC., P.O. Box 396, 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Val M. Higgins, 1000—First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement and lime*, in bulk, in straight or mixed shipments, from Duluth, Minn., and Superior, Wis., to points in South Dakota, North Dakota, Minnesota, Wisconsin, Iowa, and the Upper Peninsula of Michigan; (2) *Cement and lime*, in bags or in packages, in straight or mixed shipments, palletized or unpalletized, from Duluth, Minn., and Superior, Wis., to points in Minnesota, North Dakota, South Dakota, Wisconsin, Iowa, and the Upper Peninsula of Michigan; and (3) *Mixed shipments* of items in (1) and (2) above, from Duluth, Minn., and Superior, Wis., to points in Minnesota, North Dakota, South Dakota, Wisconsin, Iowa, and the Upper Peninsula of Michigan;

and (4) *Pallets*, used in connection with the outbound transportation in (2) and (3) above, from points in Minnesota, North Dakota, South Dakota, Wisconsin, Iowa, and the Upper Peninsula of Michigan, to Duluth, Minn., and Superior, Wis., and *rejected shipments*, of the above-specified commodities, on return.

*HEARING:* April 5, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Dallas B. Russell.

No. MC 106456 (Sub No. 12), filed March 6, 1961. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Box 180, Nashville, Tenn. Applicant's attorney: J. R. BROWDER, Fessler Lane, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, and those requiring special equipment, serving the site of the Melton Hill Dam, and points within five (5) miles thereof, located on the Clinch River approximately 4½ miles from the Loudon County Junction of U.S. Highways 70 and 11, southwest of Knoxville, Tenn., as off-route points in connection with applicant's regular operations between Knoxville, and Nashville, Tenn.

*HEARING:* March 24, 1961, in Room 404, Federal Office Building, 701 Broadway, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Maurice S. Bush.

No. MC 107403 (Sub No. 328), filed February 23, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Shertz, Barnes, and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (excluding Portland and Masonry cement), in bulk, in special equipment (except in dump trucks), from Cheshire, Mass., Manumuskin, Penbryn, Williamstown Junction, N.J., McConnelsville, N.Y., Oak Hill, Ohio, Honey Brook, Pittsburgh, Spring City, Pa., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

*HEARING:* April 19, 1961, at the Offices of the Interstate Commerce Commission, Washington D.C., before Examiner Francis A. Welch.

No. MC 111812 (Sub No. 123), filed February 27, 1961. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from Ogden, Utah, to points in Illinois, Indiana, Ohio, Michigan, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, the *hooks and racks* (the property of the shipper) *and other commodities as presently authorized*, on return.

*HEARING:* April 21, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 115022 (Sub No. 5), filed February 15, 1961. Applicant: CHAMERLAIN MOBILEHOME TRANSPORT, INC., 64 East Main Street, Thomaston, Conn. Applicant's attorney: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, house and camp, designed to be drawn by passenger cars, by truck-away method, in initial movements, from Wells, Maine, to all points in the United States, including Alaska, but excluding Hawaii, and *refused, damaged*, or *rejected shipments*, on return.

*HEARING:* May 2, 1961, at the Bond Hotel, Hartford, Conn., before Examiner J. Thomas Schneider.

No. MC 115841 (Sub No. 79), filed February 20, 1961. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration; from points in Tennessee west of the Tennessee River, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas, Virginia, West Virginia, the District of Columbia, and those points in Kansas and Nebraska on and east of U.S. Highway 81.

*HEARING:* April 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 116609 (Sub No. 1), February 20, 1961. Applicant: ERNEST TRENTER, JR., 37 D Street, Keyser, W. Va. Applicant's representative: Peter J. Decker, 917 Grand Avenue, Cumberland, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Baltimore, Md., to Keyser, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* April 17, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 63, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 117036 (Sub No. 3), filed February 24, 1961. Applicant: HAROLD M. KELLY, 4325 West Market Street, York, Pa. Applicant's attorney: Andrew Wilson Green, 222 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and other clay products* (except refractory brick and refractory products), from points in Ohio, Virginia, Maryland, and the District of Columbia, to points in Pennsylvania, east of U.S. Highway 11, and points in New York, east of New York Highway 12, and points in New Jersey, Connecticut, Massachusetts, and Rhode Island, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* April 27, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner J. Thomas Schneider.

No. MC 117036 (Sub No. 5), filed February 24, 1961. Applicant: HAROLD M. KELLY, 4325 West Market Street, York, Pa. Applicant's attorney: Andrew Wilson Green, 222 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and other clay products* (except refractory brick and refractory products), from points in Lancaster County, Pa., to points in New York, New Jersey, Connecticut, Massachusetts, Maryland, Delaware, and the District of Columbia and Rhode Island, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* April 27, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner J. Thomas Schneider.

No. MC 117036 (Sub No. 6), filed February 24, 1961. Applicant: HAROLD M. KELLY, 4325 West Market Street, York, Pa. Applicant's attorney: Andrew Wilson Green, 222 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and other clay products* (except refractory brick and refractory products), from points in Oxford Township, Adams County, Pa., to New York City, N.Y., and points in New Jersey on and north of New Jersey Highway 33, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* April 27, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner J. Thomas Schneider.

No. MC 117036 (Sub No. 5), filed February 24, 1961. Applicant: HAROLD M. KELLY, 4325 West Market Street, York, Pa. Applicant's attorney: Andrew Wilson Green, 222 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and other clay products* (except refractory brick and refractory products), from points in Beaver, Luzerne, and Centre Counties, Pa., to points in New York, New Jersey, Connecticut, Massachusetts, and Rhode Island, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* April 27, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner J. Thomas Schneider.

No. MC 117036 (Sub No. 4), filed February 24, 1961. Applicant: HAROLD M. KELLY, 4325 West Market Street, York, Pa. Applicant's attorney: Andrew Wilson Green, 222 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, house and camp, designed to be drawn by passenger cars, by truck-away method, in initial movements, from Wells, Maine, to all points in the United States, including Alaska, but excluding Hawaii, and *refused, damaged*, or *rejected shipments*, on return.

*HEARING:* May 2, 1961, at the Bond Hotel, Hartford, Conn., before Examiner J. Thomas Schneider.

No. MC 115841 (Sub No. 79), filed February 20, 1961. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration; from points in Tennessee west of the Tennessee River, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas, Virginia, West Virginia, the District of Columbia, and those points in Kansas and Nebraska on and east of U.S. Highway 81.

*HEARING:* April 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 116609 (Sub No. 1), February 20, 1961. Applicant: ERNEST TRENTER, JR., 37 D Street, Keyser, W. Va. Applicant's representative: Peter J. Decker, 917 Grand Avenue, Cumberland, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Baltimore, Md., to Keyser, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* April 17, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 63, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 117036 (Sub No. 3), filed February 24, 1961. Applicant: HAROLD M. KELLY, 4325 West Market Street, York, Pa. Applicant's attorney: Andrew Wilson Green, 222 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and other clay products* (except refractory brick and refractory products), from points in Ohio, Virginia, Maryland, and the District of Columbia, to points in Pennsylvania, east of U.S. Highway 11, and points in New York, east of New York Highway 12, and points in New Jersey, Connecticut, Massachusetts, and Rhode Island, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.



*HEARING:* April 27, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner J. Thomas Schneider.

No. MC 117610 (Sub No. 5), filed February 27, 1961. Applicant: DERRICO COMPANY, INC., 907 East 141st Street, Bronx, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from Whippany, N.J., to Syosset, Long Island, N.Y., and *skids, palletts and chocks* (used in transporting pulpboard), on return.

*HEARING:* April 26, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner J. Thomas Schneider.

No. MC 117972 (Sub No. 2), filed February 16, 1961. Applicant: GROWERS COLD STORAGE CO., INC., Waterport, N.Y. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in that portion of New York lying on and west of a line beginning at the New York-Pennsylvania State line and extending over U.S. Highway 11 to junction New York Highway 57 at Syracuse, N.Y., and thence over New York Highway 57 to Oswego, N.Y., on the one hand, and, on the other, Manchester, N.H., and points in Massachusetts except those in the Boston, Mass., Commercial Zone.

*HEARING:* May 5, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 327, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 119164 (Sub No. 7), filed March 2, 1961. Applicant: J-E-M TRANSPORTATION CO., INC., P.O. Box 444, Middletown, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin* and/or *plastic materials* (other than cellular expanded) in powdered granules, pellets, blocks, lumps, or solid mass, in bulk, from points in Massachusetts, New Jersey, and Pennsylvania, to Brooklyn, N.Y., and South Plainfield, N.J., and *returned, refused, or rejected material* of the above-specified commodities, on return, restricted to transportation in bulk trailers with mechanical or blower discharge equipment, or hopper-type vehicles.

*HEARING:* May 1, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner J. Thomas Schneider.

No. MC 119415 (Sub No. 2), filed December 19, 1960. Applicant: RICHARD STEVENS AND CORA STEVENS, doing business as R. E. STEVENS or GREEN ACRES MOBILE HOME COMMUNITY, 41 McKee Drive, Concord, N.H. Applicant's attorney: Andre J. Barbeau, 12 Paris Terrace, Manchester, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, not exceeding 35 feet in length, with or without equipment and accessories therefor, from Epsom and Suncook, N.H., to points in the United States on and east of the Mississippi River, and *refused, rejected, trade-in, damaged, or repossessed boats* as described above, on return movements.

*HEARING:* May 12, 1961, at the New Hampshire Public Service Commission, Concord, N.H., before Examiner J. Thomas Schneider.

No. MC 119592 (Sub No. 2), filed May 12, 1960. Applicant: TRANSCONTINENTAL BUS SYSTEM, INC., doing business as CONTINENTAL TRAILWAYS, 315 Continental Avenue, Dallas, Tex. Applicant's attorney: Warren A. Goff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Express*, in pup semi-trailers, in conjunction with passenger carrying vehicles, between Joplin, Mo., and Harrison, Ark., from Joplin over U.S. Highway 166 to Sarcoxie, Mo., thence over Missouri Highway 37 via Monett, Mo., to the Missouri-Arkansas State line, thence over Arkansas Highway 47 to Gateway, Ark., thence over U.S. Highway 62 to junction U.S. Highway 65, thence over U.S. Highway 65 to Harrison, and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

*HEARING:* April 10, 1961, at the Justice Building, Little Rock, Ark., before Joint Board No. 91.

No. MC 119643 (Sub No. 1), filed February 24, 1961. Applicant: RUSSELL BEVERLEY TRUCKING COMPANY, INCORPORATED, P.O. Box 8811, Richmond, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* and *malt beverage containers*, from Baltimore, Md., to Fredericksburg, Va., and points within (10) miles of Fredericksburg; and (2) *empty malt beverage containers*, from Fredericksburg, Va., and points within ten (10) miles of Fredericksburg, to Baltimore, Md.

*HEARING:* April 20, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 119794 (Sub No. 2), filed February 17, 1961. Applicant: JOE WARREN AND MERRICK WARREN, doing business as WARREN BROTHERS, R.D. No. 3, Center Road Station, Linesville, Pa. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Folding chairs*, from Conneautville, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) *Adjustable metal posts*, from Linesville, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (3) *Damaged folding chairs and adjustable metal posts*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, from the above-specified destination points to the respective origin points.

NOTE: Applicants now have authority to transport Folding Chairs from Conneautville, Pa., to Baltimore, Md., Detroit, Mich., St. Louis, Mo., Jersey City, N.J., New York, N.Y., Columbus, Ohio, Philadelphia, Pa., and Washington, D.C.; applicants state they desire only one authority and to eliminate all duplications.

*HEARING:* April 19, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 119840 (Sub No. 1), filed August 22, 1960. Applicant: CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, P.O. Box 4407, Alexandria, La. Applicant's attorney: Warren A. Goff, Asst. General Counsel, Transcontinental Bus System, 315 Continental Avenue, Dallas 7, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Express*, in pup semi-trailers, in conjunction with passenger carrying vehicles, (1) between Cape Girardeau, Mo., and St. Louis, Mo., from Cape Girardeau, Mo., over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3, via Chester and Red Bud, to East St. Louis, Ill., thence over Eads Bridge to St. Louis, Mo., and return over the same route, serving all intermediate points. (2) Between Red Bud, Ill., and St. Louis, Mo., from Red Bud over Illinois Highway 159 to junction Illinois Highway 161 in or near Belleville, thence over Illinois Highway 161 to junction Illinois Highway 13, thence over Illinois Highway 13 to East St. Louis, Ill., thence over Eads Bridge to St. Louis, Mo., and return over the same route, serving all intermediate points.

NOTE: Applicant states it is a wholly-owned subsidiary of the Transcontinental Bus System, Inc. Common control may be involved. Applicant is authorized to transport passengers and their baggage, express and newspapers, in the same vehicle with passengers, in Certificate No. MC 29957 and Subs thereunder.

*HEARING:* April 18, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 119840 (Sub No. 2), filed September 26, 1960. Applicant: CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Express in pup semitrailers in conjunction with passenger carrying vehicles* over the follow-

ing route: Between Memphis, Tenn., and Jackson, Miss., from Memphis over U.S. Highway 51 to Jackson; also from Memphis over Interstate Highway 255 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction U.S. Highway 51, near Rodgeland, Miss., thence over U.S. Highway 51 to Jackson; also from Memphis over Interstate Highway 255 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction Interstate Highway 20, near Jackson, and from junction Interstate Highways 55 and A20, near Rodgeland, Miss., over Interstate Highway A20 to junction Interstate Highway 20, near Jackson, serving Mississippi points on U.S. Highway 51 from Interstate Highway 55, from traffic interchanges on Interstate Highway 55 as follows: Over county road to Hernando and return; over Mississippi Highway 306 and county road to Coldwater and return; over Mississippi Highway 4 to Senatobia and return; over Mississippi Highway 310 to Como and return; over Mississippi Highway 315 to Sardis and return; over Mississippi Highway 6 to Batesville and return; over Mississippi Highway 7 to Grenada and return; over U.S. Highway 82 to Winona and return; over Mississippi Highway 35 to Vaiden and return; over Mississippi Highway 12 to Durant and return; over Mississippi Highway 432 to Pickens and return; over Mississippi Highway 22 to Canton and return; and serving all intermediate points.

*HEARING:* May 8, 1961, at the Claridge Hotel, Memphis, Tenn., before Joint Board No. 229.

No. MC 123283 (CORRECTION), filed December 13, 1960, published in the FEDERAL REGISTER issue of March 1, 1961. Applicant: FORD BASEL, doing business as CITY BEVERAGES, Kent, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy feed supplements*, in bags, from Auburn, Wash., to points in California, and *malt beverages*, which he owns, on return.

NOTE: The purpose of this republication is to show that the transportation of the malt beverages on return are those owned by the applicant.

*HEARING:* Remains as assigned May 9, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 123291 (Sub No. 1), filed December 19, 1960. Applicant: FRED BAUMEISTER, Lemmon, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Adams, Grant, and Hettinger Counties, N. Dak., to points in Perkins County, S. Dak.

*HEARING:* May 17, 1961, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 158.

No. MC 123452, filed February 21, 1961. Applicant: ALBERT SCHMIDT, doing business as AL'S TOWING SERVICE, General Delivery, Florin, Calif. Applicant's attorneys: Lally and O'Leary, 4004 Stockton Boulevard, Sacramento 20, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers*, (1) between Los Angeles, Calif., on the one hand, and, on the other, points in Washington, Oregon, Nevada, Idaho, Montana, Wyoming, Colorado, Arizona, Utah, and New Mexico, and (2) between points in California, Washington, Oregon, Nevada, Idaho, Montana, Wyoming, Colorado, Arizona, Utah, and New Mexico.

*HEARING:* May 22, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner Alton R. Smith.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 302), filed February 21, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, Law Department (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Paterson, Clifton, and Passaic, N.J., and extending to points in Philadelphia, Pa.

*HEARING:* April 24, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 67.

No. MC 3647 (Sub No. 303), filed March 1, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, (1) between Manville, N.J., and New Hope, Pa.; from Manville over Dukes Parkway to U.S. Highway 206, thence over U.S. Highway 206 to Somerville, N.J., thence over city streets to junction U.S. Highway 202, thence over U.S. Highway 202 to New Hope, Pa., and return over the same route, serving all intermediate points, including Flemington, N.J., (2) From junction U.S. Highways 202 and 22 at Somerville, N.J., over U.S. Highway 22 to junction U.S. Highway 1 at Newark, N.J., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

*HEARING:* April 27, 1961, at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 67.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3009 (Sub No. 35), filed February 23, 1961. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment, between McLain, Miss., and Fontainebleau, Miss., over Mississippi Highway 57, serving all intermediate points, and points within five (5) miles of Vancleave, Miss., as off-route points.

No. MC 66562 (Sub No. 1784), filed February 28, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Norwalk, Ohio, and Willard, Ohio; from Norwalk over Ohio Highway 61 to junction with Ohio Highway 162, thence over Ohio Highway 162 to junction with Ohio Highway 99, thence over Ohio Highway 99 to Willard, Ohio, and return over the same route, serving no intermediate points. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

NOTE: Applicant states the proposed route will be an extension of applicant's existing authorized operation between Toledo and Norwalk, Ohio, under Certificate MC 66562 Sub No. 999.

No. MC 66562 (Sub No. 1785), filed March 3, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Huntingburg, Ind., and Belleville, Ill.; from Huntingburg over U.S. Highway 231 to junction with U.S. Highway 460, thence over U.S. Highway 460 to Evansville, Ind., thence over Indiana Highway 62 to Mt. Vernon, Ind., thence over Indiana Highway 69 to junction U.S. Highway 460, thence over U.S. Highway 460 to junction Illinois Highway 15 near Addieville, Ill., and thence over Illinois Highway 15 to Belleville, Ill., and return over the same routes, serving the intermediate points of Dale, Boonville, Evansville, and Mt. Vernon, Ind., and Carmi, McLeansboro, Nashville, and Mascoutah, Ill. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

NOTE: Applicant states the proposed service will be an extension of its presently authorized operations in MC 66562 Subs 1179, 1179, and 1225.

No. MC 68898 (Sub No. 5), filed February 27, 1961. Applicant: RAYMOND L. GEISELMAN AND DEAN R. GEISELMAN, doing business as HANOVER TRANSFER COMPANY, 409 East Hanover Street, Hanover, Pa. Applicant's attorney: Edwin A. Gehring, 733 Title Building, Baltimore 2, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Joppa, Md., as an off-route point in connection with applicant's authorized regular route operations in MC 68898, in interchange only with other motor carriers.

NOTE: Applicants state the purpose of this application is to enable them to continue their long established practice of interlining with Quinn Freight Lines, Inc., which has moved to a new terminal located approximately five (5) miles beyond the Baltimore, Md., Commercial Zone on U.S. Highway 40 at or near Joppa, Md. Heretofore Quinn Freight Lines, Inc., maintained a terminal within said Commercial Zone at Golden Ring, Md.

No. MC 76993 (Sub No. 22), filed March 2, 1961. Applicant: EXPRESS FREIGHT LINES, INC., 4600 West Burnham Street, Milwaukee 46, Wis. Applicant's representative: W. C. Mellender (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Detroit, Mich., and Milwaukee, Wis.; from Detroit over Interstate Highway 94 to Milwaukee, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

No. MC 111159 (Sub No. 122), filed March 6, 1961. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Highway 80 West, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 700, Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitroethane*, in bulk, in tank vehicles, from Sterlington, La., to Indian Head, Md.

No. MC 117344 (Sub No. 66), filed February 28, 1961. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, P.O. Box 37, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Tennessee.

NOTE: A proceeding has been instituted under section 212(c) in MC 50404 (Sub No. 97) to determine whether applicant's status is that of a common or contract carrier. Section 210 (dual authority) may be involved.

No. MC 119849 (Sub No. 1), filed March 2, 1961. Applicant: DYE TRUCKING COMPANY, a Texas Corporation, 123 Commerce Street, P.O. Box 5688, Dallas, Tex. Applicant's attorney: Austin L. Hatchell, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel, sand, rock, shell, ore, dirt, flexible base, ready mix asphalt, rip-rap, aggregate, bulk cement mixed with sand, gravel and crushed limestone* (Batch) in bulk, in dump vehicles, between points in Archer, Baylor, Clay, Collin, Cooke, Denton, Foard, Grayson, Hardeman, Jack, Montague, Wichita, Wilbarger, and Wise Counties, Tex., on the one hand, and, on the other, points in Atoka County, Okla.

No. MC 123485, filed March 6, 1961. Applicant: H. LAVERNE RICE, R.D. No. 1, Harmony, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Racing pigeons;* from points in Beaver, Butler, and Lawrence Counties, Pa., to points in Jefferson, Carroll, Coshocton, and Greene Counties, Ohio, and *empty containers or other such incidental facilities*, used in transporting the above-described commodity, on return.

MOTOR CARRIER OF PASSENGERS

No. MC 123488, filed March 6, 1961. Applicant: AUTOBUS FOURIER, LIMITED, 160 St-Sacrement Avenue Quebec, Province of Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at Ports of Entry on the International Boundary line between the United States and Canada, and extending to points in the United States except Alaska and Hawaii.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 29120 (Sub No. 59), filed March 1, 1961. Applicant: WILSON STORAGE AND TRANSFER CO., a corporation, 1500 I Avenue, Sioux Falls, S. Dak. Applicant's attorney: R. G. May, Security Bank Building, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except liquid commodities, in bulk, in tank vehicles, between Mobridge, S. Dak., and Marmarth, N. Dak.; from Mobridge over U.S. Highway 12 to Marmarth, N. Dak., and return over the same route, serving all intermediate points and the off-route point of Haynes, N. Dak. RESTRICTION: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Chicago, Milwaukee, St. Paul and Pacific Railroad, and traffic will consist of railway mail, express for Railway Express Agency, Inc., milk and cream, empty milk and cream cans, newspapers and baggage.

NOTE: (1) Applicant states this application is being filed simultaneously with, and as a companion application to, an application on form BMC 44, wherein Wilson Storage and Transfer Co. is seeking authority to transfer to Barber Transportation its authority in Route 20 of MC 29120 between Mobridge, S. Dak., and Marmarth, N. Dak., the purpose of this application being for authority to continue the movement of above commodities for the Railroad Company between Aberdeen, S. Dak., and Marmarth N. Dak., which request is agreeable to Barber Transportation Company. (2) This application is directly related to MC-F-7805.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7674 (PUGET SOUND TRUCK LINES, INC.—PURCHASE (PORTION)—H. A. SCHARFF), published in the October 12, 1960, issue of the FEDERAL REGISTER on page 9797. Supplement filed March 6, 1961, to show joinder of C. H. CARLANDER, H. E. LOVEJOY, J. KNOX WOODRUFF, JEAN LOVEJOY, and L. S. CARLANDER, all of Pier 62, Seattle, Wash., G. W. FOSS, 705 Dock Street, Tacoma, Wash. (PEOPLES NATIONAL BANK OF WASHINGTON IN SEATTLE, H. E. LOVEJOY, and JEAN LOVEJOY, CO-EXECUTORS OF THE ESTATE OF EDITH R. LOVEJOY), as the persons to acquire indirect control, through majority stock ownership of PUGET SOUND FREIGHT LINES.

No. MC-F 7761. (MOTORWAY CORPORATION — PURCHASE — BOWEN TRUCKING, INC.), published in the January 11, 1961, issue of the FEDERAL REGISTER on page 212. Supplement filed March 1, 1961, to show joinder of JAMES N. TAGGART and HAROLD M. FITKIN, both of 131 Matzinger Road, Toledo, Ohio, as the persons controlling vendee.

No. MC-F 7770. (AERO TRUCKING, INC.—CONTROL AND MERGER—IDEAL TRUCKING, INC.), published in the January 25, 1961, issue of the FEDERAL REGISTER on page 773. Application filed March 6, 1961, for temporary authority under section 210a(b).

No. MC-F 7804. (STEERE TANK LINES, INC.—PURCHASE (PORTION)—C & R TRANSPORT CO., INC.), published in the March 9, 1961, issue of the FEDERAL REGISTER on page 2074. Application filed March 6, 1961, for temporary authority under section 210a(b).

No. MC-F 7809. Authority sought for control and merger by MURPHY MOTOR FREIGHT LINES, INC., 965 Eustis Street, St. Paul 14, Minn., of the operating rights and property of G. & P. TRANSPORTATION CO., INC., and ROADWAY CARGO, INC., both of 439 Pillsbury Street, St. Paul 14, Minn., and for acquisition by E. L. MURPHY, JR., 965 Eustis Street, St. Paul 14, Minn., and STANLEY L. WASIE, 498 South Ferndale, Wayzetta, Minn., of control of such rights and property through the transaction. Applicants' attorneys: Axelrod,

Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., E. W. Hoppe, 508 Commerce Building, St. Paul, Minn., and William R. Busch, Garrick Building, St. Paul, Minn. Operating rights sought to be controlled and merged: (G & P) *General commodities*, excepting, among others, commodities in bulk, but not excepting household goods, as a *common carrier* over regular routes between Aberdeen, S. Dak., and St. Paul, Minn., serving certain specified intermediate and off-route points, and intermediate and off-route points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission; between Milbank, S. Dak., and junction U.S. Highways 77 and 212, between Watertown, S. Dak., and junction of U.S. Highways 81 and 12, serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, between Aberdeen, S. Dak., and St. Paul, Minn., serving all intermediate and off-route points in the Minneapolis-St. Paul, Minn., Commercial Zone, and all other intermediate points on the above-specified route except those between St. Paul and Montevideo, Minn., which are restricted to service on eastbound traffic only; also serving certain off-route points; *canned foods*, over irregular routes from Marshalltown, Iowa, to Aberdeen, S. Dak.; *household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in South Dakota, on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, Nebraska, and North Dakota; *general commodities*, excepting, among others, household goods and commodities in bulk, between points in South Dakota, on the one hand, and, on the other, points in Minnesota. (ROADWAY) *General commodities*, excepting, among others, household goods, but not excepting commodities in bulk, as a *common carrier* over regular routes between South St. Paul, Minn., and Geneseo, N. Dak., serving certain intermediate and off-route points, *general commodities*, except loose bulk commodities, uncrated household goods or furniture, uncrated live-stock, currency, bullion, articles of unusual value, commodities exceeding ordinary equipment and loading facilities, and those injurious or contaminating to other lading, between Fargo, N. Dak., and Wahpeton, N. Dak., serving all intermediate points, *general commodities*, excepting commodities in bulk, and those injurious or contaminating to other lading between Fargo, N. Dak., and Wahpeton, N. Dak., *general commodities*, except household goods, commodities in bulk, and those requiring special equipment between Abercrombie, N. Dak., and McCauleyville, Minn., serving no intermediate points, between Kent, Minn., and McCauleyville, Minn., serving no intermediate points, *farm machinery, lubricating oil and grease, groceries, hardware*, and *finished lumber products* from South St. Paul, Minn., to Crete, N. Dak., serving all intermediate points in North Dakota, the intermediate and off-route points in the Minneapolis-St. Paul, Minn., Commercial Zone, and the off-route point of Chemolite, Minn.; *junk, farm machinery*, and *empty barrels*, from Crete, N. Dak., to South St. Paul, Minn., serving all intermediate points in North Dakota, the intermediate and off-route points in the Minneapolis-St. Paul, Minn., Commercial Zone, and the off-route point of Chemolite, Minn. RESTRICTION: Service at Chemolite, Minn., and points in the Minneapolis-St. Paul, Minn., Commercial Zone, is restricted to traffic moving to or from authorized points of service other than Fargo, N. Dak., and Moorhead, Minn.; *general commodities*, excepting, among others, household goods and commodities in bulk between Wahpeton, N. Dak., and Mooreton, N. Dak., serving no intermediate points, with the following RESTRICTION: No service shall be performed by said carrier between St. Paul and Minneapolis, Minn., on the one hand, and, on the other, Fargo, N. Dak., and Moorhead, Minn., via Wahpeton and Mooreton, N. Dak., between St. Paul, Minn., and Wahpeton, N. Dak., serving the intermediate point of Minneapolis, Minn., between Gwinner, N. Dak., and Lisbon, N. Dak., serving all intermediate points, between Oakes, N. Dak., and Forman, N. Dak., serving all intermediate points and certain off-route points, between Fairmount, N. Dak., and Forman, N. Dak., serving all intermediate points and certain off-route points, between Wahpeton, N. Dak., and Breckenridge, Minn., serving no intermediate points; *general commodities*, except those of unusual value, commodities in bulk, and those requiring special equipment, between Fargo, N. Dak., and Wyndmere, N. Dak., serving certain intermediate and off-route points, between Barney, N. Dak., and Great Bend, N. Dak., serving the intermediate point of Mantador, N. Dak., *livestock*, and *lubricating oil*, other than in bulk in tank vehicles, over irregular routes between points in Marshall and Roberts Counties, S. Dak., and points in Sargent and Richland Counties, N. Dak., on the one hand, and, on the other, South St. Paul and Newport, Minn., *livestock*, between Wahpeton, N. Dak., and points within 50 miles of Wahpeton on the one hand, and, on the other, Minneapolis, St. Paul, and South St. Paul, Minn., *household goods*, between Wahpeton, N. Dak., and points in North Dakota and Minnesota within 50 miles of Wahpeton, N. Dak., on the one hand, and, on the other, Minneapolis, St. Paul, and South St. Paul, Minn., *agricultural commodities*, between Galchutt, on the one hand, and, on the other, Moorhead, Minn., *general commodities*, excepting, among others, household goods and commodities in bulk between points in Minnesota within 35 miles of Breckenridge, Minn., including Breckenridge, between points in the above-specified Minnesota territory on the one hand, and, on the other, points in Richland, Sargent and Ransom Counties, N. Dak., and between points in Richland, Sargent and Ransom Counties, N. Dak., *general commodities*, with the above exceptions, excluding other than those requiring refrigeration, between Fargo, N. Dak., and Moorhead, Minn. Vendee is authorized to operate as a *common carrier* in Minnesota, Iowa, Wisconsin, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7810. Authority sought for purchase by C & H TRANSPORTATION CO., INC., 1935 W. Commerce, P.O. Box 5976, Dallas, Tex., of a portion of the operating rights and certain property of TOMLIN TRANSPORTATION COMPANY, P.O. Box 753, Casper, Wyo., and for acquisition by W. O. HARRINGTON, Coppell, Tex., of control of such rights and property through the purchase. Applicants' attorneys: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla., and Robert S. Stauffer, 1510 East 20th, Cheyenne, Wyo. Operating rights sought to be transferred: *Telephone, telegraph and power line equipment*, when moving to or from job sites, as a *common carrier* over irregular routes between points within 25 miles of either side of the main line of the Union Pacific Railroad extending from Cheyenne, Wyo., to Table Rock, Wyo., and between loading or unloading points located on the rail line of the Union Pacific Company between Table Rock, Wyo., and the Wyoming-Utah State line, on the one hand, and, on the other, points in Wyoming, within 25 miles of the described loading or unloading points; *heavy machinery*, and *machinery parts*, between points in Wyoming, Colorado, Montana, North Dakota, and South Dakota; *contractor's machinery, equipment, materials, and supplies* (other than those used in, or incidental to, the mining of gilsonite and the finished products thereof, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, or in connection with, the construction, operations, repairs, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up thereof, and except petroleum products in bulk), between points in Utah, Colorado, Montana, and Wyoming; *machinery, equipment, materials* (*other than gilsonite*), *and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, between points in Wyoming, Colorado, Montana, North Dakota, South Dakota, and Utah; *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up thereof, between points in Wyoming, Colorado, and Utah. Vendee is authorized to operate as a *common carrier* in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Georgia, Illinois, Indiana, Kentucky, Mississippi, Arkansas, Wisconsin, North Dakota, South Dakota, Nebraska, Colorado, Missouri, Nevada, Pennsylvania, Ohio, Oregon, Washington, Michigan, Iowa, New Jersey, New York, Wyoming, Utah, Montana, West Virginia, Arizona, Tennessee, Alabama, and Florida. Application has not been filed for temporary authority under section 210a(b).



No. MC–F 7811. Authority sought for purchase by CHECKER EXPRESS CO., 900 West Montana Street, Milwaukee 15, Wis., of the operating rights and property of THE PORT WASHINGTON TRUCK LINE, INC., 512 South Park, Port Washington, Wis., and for acquisition by HYMAN J. LEWENSOHN, 960 West Montana Street, Milwaukee, Wis., of control of such rights and property through the purchase. Applicants' attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Operating rights sought to be transferred: General commodities, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Milwaukee, Wis., and Port Washington, Wis., serving no intermediate points, but serving the off-route points of Knellsville and Saukville, Wis.; *new furniture* and *household goods*, over irregular routes between points in Ozaukee County, Wis., on the one hand, and, on the other, points in Illinois, Iowa, and Minnesota; and, *contractors' machinery*, the transportation of which does not require special equipment, from Port Washington, Wis., to points in Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Iowa, Missouri, Illinois, Indiana, Ohio, and Michigan. Vendee is authorized to operate as a *common carrier* in Wisconsin and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7812. Authority sought for purchase by LEONARD BROS. TRANSFER & STORAGE CO., INC., 2595 Northwest 20th Street, Miami 52, Fla., of a portion of the operating rights of GULF SOUTHWESTERN TRANSPORTATION COMPANY, 9003 Denton Road, P.O. Box 13402, Dallas, Tex., and for acquisition by LEILA H. LEONARD, T. A. LEONARD, JR., and BETTY L. OZBURN, all of 2595 Northwest 20th Street, Miami, Fla., and REVA S. SAWYER, 1411 South Orange Blossom Trail, Orlando, Fla., of control of such rights through the purchase. Applicants' attorney and representatives, respectively: W. O. Turney, 2001 Massachusetts Avenue, Washington 6, D.C., Joe G. Fender, Melrose Building, Houston 2, Tex., and T. A. Leonard, Jr., 2595 Northwest 20th Street, Miami 52, Fla. Operating rights sought to be transferred: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines including the stringing and picking-up thereof, and such other commodities as require specialized handling or rigging because of size or weight, as a *common carrier* over irregular routes between points in Kansas, Missouri, Nebraska, New Mexico, and Oklahoma. Vendee is authorized to operate as a *common carrier* in Florida, Georgia, Alabama, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Texas, Connecticut, Maine, Massachusetts, Michigan, Missouri, New Hampshire, Rhode Island, Vermont, Wisconsin, California, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7814. Authority sought for purchase by DEIOMA TRUCKING CO., P.O. Box 891, Mt. Union Station, Alliance, Ohio, of a portion of the operating rights of NICHOLAS KERNA, an individual, doing business as KERNA TRANSFER, 930 Saw Mill Run Boulevard, Pittsburgh 20, Pa., and for acquisition by BERNARD DEIOMA, P.O. Box 891, Mt. Union Station, Alliance, Ohio, of control of such rights through the purchase. Applicants' attorneys: Henry M. Wick, Jr., and John A. Vuono, 1515 Park Building, Pittsburgh 22, Pa., and James C. Evans, 711 Frick Buildings, Pittsburgh 19, Pa. Operating rights sought to be transferred: *Glassware*, as a *common carrier* over irregular routes from Washington, Pa., to points in Ohio; and *food products*, from Baltimore, Md., to points in Ohio. Vendee is authorized to operate as a *common carrier* in Ohio, Michigan, Maryland, New York, Pennsylvania, West Virginia, New Jersey, Delaware, Virginia, Indiana, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Illinois, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–2241; Filed, Mar. 14, 1961; 8:47 a.m.]

## FOURTH SECTION APPLICATION FOR RELIEF

MARCH 10, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36951: *Sand from Attica, Ind., to Cerro Gordo, Ill.* Filed by Illinois Freight Association, Agent (No. 124), for the Wabash Railroad Company. Rates on sand, as described in the application, in carloads, from Attica, Ind., to Cerro Gordo, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 107 to Wabash Railroad Company tariff I.C.C. 7844.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–2239; Filed, Mar. 14, 1961; 8:47 a.m.]

# OFFICE OF CIVIL AND DEFENSE MOBILIZATION

## CARLTON S. DARGUSCH

### Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

The following are the corporations in which I was an officer or director within sixty days preceding my appointment:

Mount Carmel Hospital,
The Clark Grave Vault Company,
The Ohio Tuberculosis & Health Association,
The Ohio State University Research Foundation
(all of Columbus, Ohio).
and Henrite Products Corporation (of Ironton, Ohio).

I own stock in the following companies:

The Clark Grave Vault Company.
Henrite Products Corporation.

I am a member of the law firm of Dargusch, Saxbe and Dargusch, 218 East State Street, Columbus, Ohio, which firm represents a substantial number of clients, largely on an annual retainer basis.

This amends statement published September 16, 1960 (25 F.R. 8931).

Dated: March 5, 1961.

CARLTON S. DARGUSCH.

[F.R. Doc. 61–2218; Filed, Mar. 14, 1961; 8:45 a.m.]

# GENERAL SERVICES ADMINISTRATION

## VEGETABLE TANNINS HELD IN NATIONAL STOCKPILE

### Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 3,500 long tons of vegetable tannins (quebracho, chestnut and wattle extracts) now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling said 3,500 long tons of vegetable tannins. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said 3,500 long tons of vegetable tannins are in excess of mobilization requirements for vegetable tannins in time of war.

Since the revised determination is not by reason of obsolescence of vegetable tannins for use in time of war, the proposed disposition of said 3,500 long tons of vegetable tannins from the national stockpile is being referred to the Congress for its express approval, as

required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to transfer said vegetable tannins to other Government agencies, to dispose of them by negotiated sale to contractors with the United States Government or their subcontractors for use in connection with the performance of such contracts or subcontracts, or otherwise to dispose of them in the best interest of the Government, beginning upon the express approval by the Congress of this proposed disposition or six month after the date of publication of this notice in the FEDERAL REGISTER, whichever is later.

This plan and the date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: March 8, 1961.

JOHN L. MOORE,
*Administrator.*

[F.R. Doc. 61-2238; Filed, Mar. 14, 1961; 8:47 a.m.]

## CUMULATIVE CODIFICATION GUIDE—MARCH

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VOLUME 26 NUMBER 50

Washington, Thursday, March 16, 1961

THE UNIVERSITY OF MICHIGAN
MAR 20 1961
MAIN READING ROOM

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Order from: Superintendent of Documents, Government Printing Office, Washington 25, D.C.



**FEDERAL REGISTER**

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 7—AGRICULTURE

**Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture**

**PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)**

**Subpart—United States Standards for Grades of Cantaloups** [1]

On May 26, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4649) regarding a proposed revision of United States Standards for Cantaloups (7 CFR §§ 51.475 to 51.485).

After consideration of all revelant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Cantaloups are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES

Sec.
51.475 U.S. Fancy.
51.476 U.S. No. 1.
51.477 U.S. Commercial.
51.478 U.S. No. 2.

UNCHANGED

51.479 Unclassified.

APPLICATION OF TOLERANCES

51.480 Application of tolerances.

DEFINITIONS

51.481 Very good internal quality.
51.482 Uniform appearance.
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51.492 Sunscald.
51.493 Damage.
51.494 Serious damage.
51.495 Permanent defects.
51.496 Fairly well netted.
51.497 Condition defects.

AUTHORITY: §§ 51.475 to 51.497 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

### § 51.475 U.S. Fancy.

"U.S. Fancy" consists of cantaloups which meet the requirements of U.S. No. 1 grade except that the cantaloups have very good internal quality and have uniform appearance.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handing the following tolerances, by count, shall be permitted, except that these tolerances shall not apply to the requirements relating to internal quality and uniformity of appearance:

(1) *At shipping point.*[2] 8 percent for cantaloups in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for cantaloups which are affected by decay or mold.

(2) *En route or at destination.* 12 percent for cantaloups in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for cantaloups which fail to meet the requirements of this grade because of permanent defects; or,

(ii) 6 percent for cantaloups which are seriously damaged, including therein not more than 4 percent for cantaloups which are seriously damaged by permanent defects and not more than 2 percent for cantaloups which are affected by decay. (See § 51.480.)

### § 51.476 U.S. No. 1.

"U.S. No. 1" consists of cantaloups of one type which are mature and have good internal quality but are not overripe or soft or wilted, which are well formed, well netted, and free from decay, wet slip and sunscald, and free from damage caused by liquid in the seed cavity, sunburn, hail, dirt, surface mold or other disease, aphis or other insects, scars, cracks, sunken areas, ground spot, bruises, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted, except that these tolerances shall not apply to the requirement relating to internal quality.

(1) *At shipping point.*[2] 8 percent for cantaloups in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for cantaloups which are affected by decay or mold.

(2) *En route or at destination.* 12 percent for cantaloups in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for cantaloups which fail to meet the requirements of this grade because of permanent defects; or,

(ii) 6 percent for cantaloups which are seriously damaged, including therein not more than 4 percent for cantaloups which are seriously damaged by permanent defects and not more than 2 percent for cantaloups which are affected by decay. (See § 51.480.)

### § 51.477 U.S. Commercial.

"U.S. Commercial" consists of cantaloups of one type which are mature but not overripe or soft or wilted, which are well formed and fairly well netted, and free from decay, wet slip and sunscald, and free from damage caused by liquid in the seed cavity, sunburn, hail, dirt, surface mold or other disease, aphis or other insects, scars, cracks, sunken areas, ground spot, bruises, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted:

(1) *At shipping point.* 16 percent for cantaloups in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-fourth of this amount, or 4 percent, shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for cantaloups affected by decay or mold.

(2) *En route or at destination.* 24 percent for cantaloups in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 16 percent for cantaloups which fail to meet the requirements of this grade because of permanent defects;

(ii) 12 percent for cantaloups which fail to meet the requirements of this grade because of condition defects; or,

(iii) 8 percent for cantaloups which are seriously damaged, including therein not more than 4 percent for cantaloups which are seriously damaged by permanent defects and not more than 2 percent for cantaloups which are affected by decay. (See § 51.480.)

### § 51.478 U.S. No. 2.

"U.S. No. 2" consists of cantaloups of one type which are mature but not overripe or soft or wilted, which are fairly well formed and fairly well netted, which are free from decay, wet slip and sunscald, and free from serious damage caused by liquid in the seed cavity, sunburn, hail, dirt, surface mold or other disease, aphis or other insects, scars,

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

[2] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

cracks, sunken areas, bruises, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted:

(1) *At shipping point.* 8 percent for cantaloups in any lot which fail to meet the requirements of this grade including therein not more than one-half of 1 percent for cantaloups which are affected by decay or mold.

(2) *En route or at destination.* 12 percent for cantaloups in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

(i) 8 percent for cantaloups which fail to meet the requirements of this grade because of defects of a permanent nature; or,

(ii) 2 percent for cantaloups which are affected by decay. (See § 51.480.)

UNCLASSIFIED

**§ 51.479 Unclassified.**

"Unclassified" consists of cantaloups which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

**§ 51.480 Application of tolerances.**

The contents of individual packages are subject to the following limitation: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(a) A package may contain not more than double any specified tolerance except that at least two defective specimens may be permitted in any package.

DEFINITIONS

**§ 51.481 Very good internal quality.**

"Very good internal quality" means that the combined juice from the edible portion of a sample of cantaloups selected at random contains not less than 11 percent soluble solids as determined by an approved hand refractometer.

**§ 51.482 Uniform in appearance.**

"Uniform in appearance" means that not more than one-tenth of the packages in any lot contain cantaloups which show sufficient variation in shape, size, ground color or netting to materially detract from the appearance of the contents of the individual packages, or which are not packed according to the approved and recognized methods for the package.

**§ 51.483 One type.**

"One type" means that the cantaloups in any container are similar in color of flesh and are not decidedly different in [illegible] will insure the proper completion of the normal ripening process.

**§ 51.485 Good internal quality.**

"Good internal quality" means that the combined juice from the edible portion of a sample of cantaloups selected at random contains not less than 9 percent soluble solids as determined by an approved hand refractometer.

**§ 51.486 Soft.**

"Soft" means that the cantaloup yields readily to slight pressure.

**§ 51.487 Wilted.**

"Wilted" means that the cantaloup lacks turgidity and is somewhat flabby, spongy and pliable under moderate pressure.

**§ 51.488 Well formed.**

"Well formed" means that the cantaloup has the normal shape characteristic of the variety.

**§ 51.489 Well netted.**

"Well netted" means that to an extent characteristic of the variety the cantaloup is well covered with fully developed, well raised netting, some portion of which is well rounded with practically no crease.

**§ 51.490 Decay.**

"Decay" means breakdown, disintegration or fermentation of the flesh or rind of the cantaloup caused by bacteria or fungi.

**§ 51.491 Wet slip.**

"Wet slip" means a condition present at time of packing in which the stem scar is abnormally large, excessively wet and slippery, yields to slight pressure, and is frequently accompanied by fresh radial growth cracks at the edge of the stem scar.

**§ 51.492 Sunscald.**

"Sunscald" means discolored or bleached, sunken areas of the surface having tough epidermis with underlying flesh leathery and usually off-color.

**§ 51.493 Damage.**

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the cantaloup. The following specific defects shall be considered as damage:

(a) Liquid in the seed cavity under the following circumstances:

(1) At shipping point when more than a slight amount of liquid is present in the seed cavity; or,

(2) En route or at destination when an objectionably large amount of liquid is present in the seed cavity, or when the flesh of the cavity wall is mushy or noticeably discolored.

(b) Ground spot when the rind of the affected area is thin or weak, or when the size or color of the affected area or the character of netting on the area in relation to the remainder of the surface of the cantaloup materially detracts from the appearance of the cantaloup; or when brown, gray, purple or dark green surface discoloration detracts from the appearance of the cantaloup to a greater extent than the area of dark yellow discoloration permitted;

(c) Hail when the injury is unhealed or deep;

(d) Surface mold under the following circumstances:

(1) At shipping point when any surface mold is visible; or,

(2) En route or at destination when the color, character, or location of the mold materially detracts from the appearance or marketing quality of the cantaloup;

(e) Aphis when aphis honeydew is more than slightly sticky, or when resulting discoloration more than slightly detracts from the appearance of the cantaloup;

(f) Scars when healed, shallow, smooth and light colored and the aggregate area affected exceeds 5 percent of the surface of the cantaloup; or when deep, rough or dark colored and detracting from the appearance to a greater extent than the area of healed, shallow, smooth and light colored scars permitted. Smooth scarring at the blossom end and coalesced netting should not be considered in determining damage caused by scarring unless materially detracting from the appearance of the cantaloup;

(g) Cracks when deep or not dry. Slight, dry cracks at the ends or in the sutures of the cantaloup shall not be considered damage;

(h) Ground spot when the rind of the affected area is thin or weak, or when the size or color of the affected area or the character of netting on the area in relation to the remainder of the surface of the cantaloup materially detracts from the appearance of the cantaloup;

(i) Bruises when the surface of the cantaloup is definitely flattened or indented, or when the underlying flesh is noticeably discolored; and,

(j) Mechanical means when cuts or gouges are deep or when any skin break is unhealed.

**§ 51.494 Serious damage.**

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the cantaloup. The following specific defects shall be considered as serious damage:

(a) Liquid in the seed cavity under the following circumstances:

(1) At shipping point when a large amount of liquid is present in the seed cavity or the flesh of the cavity wall is noticeably soft or discolored or when any fermentation is present; or,

(2) En route or at destination when [illegible] of the rind, or when causing flattening of the rind which seriously detracts from the appearance of the cantaloup;

(c) Hail when the injury is unhealed;

(d) Surface mold under the following circumstances:

(1) At shipping point when any surface mold is visible; or,

(2) En route or at destination when the color, character, or location of the mold seriously detracts from the appearance or marketing quality of the cantaloup;

(e) Cracks when fresh and deep;

(f) Bruises when the surface of the cantaloup is seriously flattened or indented or when a material portion of the underlying flesh is broken down; and,

(g) Mechanical means when fresh cuts or gouges extend into the edible portion of the cantaloup.

**§ 51.495 Permanent defects.**

"Permanent defects" means defects which are not subject to change during shipping or storage; including, but not limited to factors of shape, netting, scarring, sunscald, sunburn and injury caused by hail or insects, and mechanical injury which is so located as to indicate that it occurred prior to shipment.

**§ 51.496 Fairly well netted.**

"Fairly well netted" means that to an extent characteristic of the variety the cantaloup is fairly well covered with fairly good netting.

**§ 51.497 Condition defects.**

"Condition defects" means defects which may develop or change during shipment or storage; including, but not limited to decayed or soft cantaloups and such factors as liquid in the seed cavity, surface mold, sunken areas, fresh cracks, and bruising which is so located as to indicate that it occurred after packing.

The United States Standards for Grades of Cantaloups contained in this subpart shall become effective April 15, 1961, and will thereupon supersede the United States Standards for Cantaloups which have been in effect since June 8, 1950 (7 CFR, §§ 51.475 to 51.485).

Dated: March 10, 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 61-2272; Filed, Mar. 15, 1961; 8:46 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### International Cooperation Administration

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (a) of § 6.349 as set out below.

**§ 6.349 International Cooperation Administration.**

(a) *Office of the Director.* * * *

(7) One Executive Assistant to the Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-2298; Filed, Mar. 15, 1961; 8:50 a.m.]

# Title 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

### PART 217—PAYMENT OF INTEREST ON DEPOSITS

### Savings Deposits Not Evidenced by Pass Book

**§ 217.121 Savings deposits not evidenced by a pass book.**

(a) Regulation Q, Payment of Interest on Deposits, permits a member bank to classify as "savings deposits" funds of individuals and certain types of corporations that are not [illegible]



subparagraphs (3) and (4) are added to paragraph (v) as set out below.

**§ 6.302 Department of State.**

* * * * * *

(v) *United States Disarmament Administration.* (1) One Personal Assistant to the Adviser to the President on Disarmament.

* * * * * *

(3) One Private Secretary to the Adviser to the President on Disarmament.

(4) One Private Secretary to the Deputy to the Adviser to the President on Disarmament.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-2299; Filed, Mar. 15, 1961; 8:50 a.m.]

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### International Cooperation Administration

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**§ 6.349 International Cooperation Administration.**

(a) *Office of the Director.* * * *

(7) One Executive Assistant to the Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-2298; Filed, Mar. 15, 1961; 8:50 a.m.]

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(a) Regulation Q, Payment of Interest on Deposits, permits a member bank to classify as "savings deposits" funds of individuals and certain types of corporations that are not [illegible]

positor." The purpose of this prohibition is to eliminate the so-called "agency privilege." The reason for this is that withdrawal by an agent of the depositor merely by presenting a "written receipt or agreement" for a specific amount deposited with the bank could result in the use of such deposits, in effect, as checking accounts.

(b) For example, in lieu of taking one "receipt" for his deposit of, say, $100, the depositor could request 20 receipts for $5 each. Then, when he wished to pay a bill, he could hand his creditor sufficient receipts and the latter, as his "agent", could present them for payment. This procedure is possible with a savings deposit evidenced by a pass book, but the cumbersome procedure of turning the pass book over to a third party is a deterrent to the use of such savings accounts for checking purposes. At least not more than one so-called check could be outstanding against the savings account at any time, because the depositor would have to regain the pass book before turning it over to another person for a second withdrawal of funds.

(c) With respect to the use of deposits not evidenced by a pass book as collateral to a loan either by the bank or by a third person, the above quoted provision renders ineffective such use, since only the depositor himself may receive payment. This likewise prevents the use of such deposits, in effect, for checking purposes.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U.S.C. 264(c)(7), 371, 371a, 371b, 461)

Dated at Washington, D.C., this 24th day of February 1961.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 61-2265; Filed, Mar. 15, 1961; 8:45 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-NY-34]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Federal Airways and Associated Con[illegible]

# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.**


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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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# Rules and Regulations

## Title 7—AGRICULTURE

**Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture**

**PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)**

**Subpart—United States Standards for Grades of Cantaloups** [1]

On May 26, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4649) regarding a proposed revision of United States Standards for Cantaloups (7 CFR §§ 51.475 to 51.485).

After consideration of all revelant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Cantaloups are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES

Sec.
51.475 U.S. Fancy.
51.476 U.S. No. 1.
51.477 U.S. Commercial.
51.478 U.S. No. 2.

UNCHANGED

51.479 Unclassified.

APPLICATION OF TOLERANCES

51.480 Application of tolerances.

DEFINITIONS

51.481 Very good internal quality.
51.482 Uniform appearance.
51.483 One type.
51.484 Mature.
51.485 Good internal quality.
51.486 Soft.
51.487 Wilted.
51.488 Well formed.
51.489 Well netted.
51.490 Decay.
51.491 Wet slip.
51.492 Sunscald.
51.493 Damage.
51.494 Serious damage.
51.495 Permanent defects.
51.496 Fairly well netted.
51.497 Condition defects.

AUTHORITY: §§ 51.475 to 51.497 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

**§ 51.475 U.S. Fancy.**

"U.S. Fancy" consists of cantaloups which meet the requirements of U.S. No. 1 grade except that the cantaloups have very good internal quality and have uniform appearance.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handing the following tolerances, by count, shall be permitted, except that these tolerances shall not apply to the requirements relating to internal quality and uniformity of appearance:

(1) *At shipping point.*[2] 8 percent for cantaloups in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for cantaloups which are affected by decay or mold.

(2) *En route or at destination.* 12 percent for cantaloups in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for cantaloups which fail to meet the requirements of this grade because of permanent defects; or,

(ii) 6 percent for cantaloups which are seriously damaged, including therein not more than 4 percent for cantaloups which are seriously damaged by permanent defects and not more than 2 percent for cantaloups which are affected by decay. (See § 51.480.)

**§ 51.476 U.S. No. 1.**

"U.S. No. 1" consists of cantaloups of one type which are mature and have good internal quality but are not overripe or soft or wilted, which are well formed, well netted, and free from decay, wet slip and sunscald, and free from damage caused by liquid in the seed cavity, sunburn, hail, dirt, surface mold or other disease, aphis or other insects, scars, cracks, sunken areas, ground spot, bruises, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted, except that these tolerances shall not apply to the requirement relating to internal quality.

(1) *At shipping point.*[2] 8 percent for cantaloups in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for cantaloups which are affected by decay or mold.

(2) *En route or at destination.* 12 percent for cantaloups in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for cantaloups which fail to meet the requirements of this grade because of permanent defects; or,

(ii) 6 percent for cantaloups which are seriously damaged, including therein not more than 4 percent for cantaloups which are seriously damaged by permanent defects and not more than 2 percent for cantaloups which are affected by decay. (See § 51.480.)

**§ 51.477 U.S. Commercial.**

"U.S. Commercial" consists of cantaloups of one type which are mature but not overripe or soft or wilted, which are well formed and fairly well netted, and free from decay, wet slip and sunscald, and free from damage caused by liquid in the seed cavity, sunburn, hail, dirt, surface mold or other disease, aphis or other insects, scars, cracks, sunken areas, ground spot, bruises, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted:

(1) *At shipping point.* 16 percent for cantaloups in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-fourth of this amount, or 4 percent, shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for cantaloups affected by decay or mold.

(2) *En route or at destination.* 24 percent for cantaloups in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 16 percent for cantaloups which fail to meet the requirements of this grade because of permanent defects;

(ii) 12 percent for cantaloups which fail to meet the requirements of this grade because of condition defects; or,

(iii) 8 percent for cantaloups which are seriously damaged, including therein not more than 4 percent for cantaloups which are seriously damaged by permanent defects and not more than 2 percent for cantaloups which are affected by decay. (See § 51.480.)

**§ 51.478 U.S. No. 2.**

"U.S. No. 2" consists of cantaloups of one type which are mature but not overripe or soft or wilted, which are fairly well formed and fairly well netted, which are free from decay, wet slip and sunscald, and free from serious damage caused by liquid in the seed cavity, sunburn, hail, dirt, surface mold or other disease, aphis or other insects, scars,

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

[2] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

cracks, sunken areas, bruises, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted:

(1) *At shipping point.* 8 percent for cantaloups in any lot which fail to meet the requirements of this grade including therein not more than one-half of 1 percent for cantaloups which are affected by decay or mold .

(2) *En route or at destination.* 12 percent for cantaloups in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

(i) 8 percent for cantaloups which fail to meet the requirements of this grade because of defects of a permanent nature; or,

(ii) 2 percent for cantaloups which are affected by decay. (See § 51.480.)

UNCLASSIFIED

**§ 51.479 Unclassified.**

"Unclassified" consists of cantaloups which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

**§ 51.480 Application of tolerances.**

The contents of individual packages are subject to the following limitation: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(a) A package may contain not more than double any specified tolerance except that at least two defective specimens may be permitted in any package.

DEFINITIONS

**§ 51.481 Very good internal quality.**

"Very good internal quality" means that the combined juice from the edible portion of a sample of cantaloups selected at random contains not less than 11 percent soluble solids as determined by an approved hand refractometer.

**§ 51.482 Uniform in appearance.**

"Uniform in appearance" means that not more than one-tenth of the packages in any lot contain cantaloups which show sufficient variation in shape, size, ground color or netting to materially detract from the appearance of the contents of the individual packages, or which are not packed according to the approved and recognized methods for the package.

**§ 51.483 One type.**

"One type" means that the cantaloups in any container are similar in color of flesh and are not decidedly different in shape, character of netting and prominence of ribbing.

**§ 51.484 Mature.**

"Mature" means that the cantaloup has reached the stage of maturity which will insure the proper completion of the normal ripening process.

**§ 51.485 Good internal quality.**

"Good internal quality" means that the combined juice from the edible portion of a sample of cantaloups selected at random contains not less than 9 percent soluble solids as determined by an approved hand refractometer.

**§ 51.486 Soft. .**

"Soft" means that the cantaloup yields readily to slight pressure.

**§ 51.487 Wilted.**

"Wilted" means that the cantaloup lacks turgidity and is somewhat flabby, spongy and pliable under moderate pressure.

**§ 51.488 Well formed.**

"Well formed" means that the cantaloup has the normal shape characteristic of the variety.

**§ 51.489 Well netted.**

"Well netted" means that to an extent characteristic of the variety the cantaloup is well covered with fully developed, well raised netting, some portion of which is well rounded with practically no crease.

**§ 51.490 Decay.**

"Decay" means breakdown, disintegration or fermentation of the flesh or rind of the cantaloup caused by bacteria or fungi.

**§ 51.491 Wet slip.**

"Wet slip" means a condition present at time of packing in which the stem scar is abnormally large, excessively wet and slippery, yields to slight pressure, and is frequently accompanied by fresh radial growth cracks at the edge of the stem scar.

**§ 51.492 Sunscald.**

"Sunscald" means discolored or bleached, sunken areas of the surface having tough epidermis with underlying flesh leathery and usually off-color.

**§ 51.493 Damage.**

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the cantaloup. The following specific defects shall be considered as damage:

(a) Liquid in the seed cavity under the following circumstances:

(1) At shipping point when more than a slight amount of liquid is present in the seed cavity; or,

(2) En route or at destination when an objectionably large amount of liquid is present in the seed cavity, or when the flesh of the cavity wall is mushy or noticeably discolored;

(b) Sunburn when the color of the flesh is materially changed; when the rind is hard, tough, thin, or definitely flattened; when distinct flattening of the netting or dark yellow surface discoloration affects an aggregate area exceeding 20 percent of the surface of the cantaloup; or when brown, gray, purple or dark green surface discoloration detracts from the appearance of the cantaloup to a greater extent than the area of dark yellow discoloration permitted;

(c) Hail when the injury is unhealed or deep;

(d) Surface mold under the following circumstances:

(1) At shipping point when any surface mold is visible; or,

(2) En route or at destination when the color, character, or location of the mold materially detracts from the appearance or marketing quality of the cantaloup;

(e) Aphis when aphis honeydew is more than slightly sticky, or when resulting discoloration more than slightly detracts from the appearance of the cantaloup;

(f) Scars when healed, shallow, smooth and light colored and the aggregate area affected exceeds 5 percent of the surface of the cantaloup; or when deep, rough or dark colored and detracting from the appearance to a greater extent than the area of healed, shallow, smooth and light colored scars permitted. Smooth scarring at the blossom end and coalesced netting should not be considered in determining damage caused by scarring unless materially detracting from the appearance of the cantaloup;

(g) Cracks when deep or not dry. Slight, dry cracks at the ends or in the sutures of the cantaloup shall not be considered damage;

(h) Ground spot when the rind of the affected area is thin or weak, or when the size or color of the affected area or the character of netting on the area in relation to the remainder of the surface of the cantaloup materially detracts from the appearance of the cantaloup;

(i) Bruises when the surface of the cantaloup is definitely flattened or indented, or when the underlying flesh is noticeably discolored; and,

(j) Mechanical means when cuts or gouges are deep or when any skin break is unhealed.

**§ 51.494 Serious damage.**

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the cantaloup. The following specific defects shall be considered as serious damage:

(a) Liquid in the seed cavity under the following circumstances:

(1) At shipping point when a large amount of liquid is present in the seed cavity or the flesh of the cavity wall is noticeably soft or discolored or when any fermentation is present; or,

(2) En route or at destination when there is any fermentation of the liquid in the seed cavity, or when the flesh of the cavity wall shows fermentation or is badly discolored;

(b) Sunburn when the flesh is seriously discolored, when causing cracking of the rind, or when causing flattening of the rind which seriously detracts from the appearance of the cantaloup;

(c) Hail when the injury is unhealed;

(d) Surface mold under the following circumstances:

(1) At shipping point when any surface mold is visible; or,

(2) En route or at destination when the color, character, or location of the mold seriously detracts from the appearance or marketing quality of the cantaloup;

(e) Cracks when fresh and deep;

(f) Bruises when the surface of the cantaloup is seriously flattened or indented or when a material portion of the underlying flesh is broken down; and,

(g) Mechanical means when fresh cuts or gouges extend into the edible portion of the cantaloup.

**§ 51.495 Permanent defects.**

"Permanent defects" means defects which are not subject to change during shipping or storage; including, but not limited to factors of shape, netting, scarring, sunscald, sunburn and injury caused by hail or insects, and mechanical injury which is so located as to indicate that it occurred prior to shipment.

**§ 51.496 Fairly well netted.**

"Fairly well netted" means that to an extent characteristic of the variety the cantaloup is fairly well covered with fairly good netting.

**§ 51.497 Condition defects.**

"Condition defects" means defects which may develop or change during shipment or storage; including, but not limited to decayed or soft cantaloups and such factors as liquid in the seed cavity, surface mold, sunken areas, fresh cracks, and bruising which is so located as to indicate that it occurred after packing.

The United States Standards for Grades of Cantaloups contained in this subpart shall become effective April 15, 1961, and will thereupon supersede the United States Standards for Cantaloups which have been in effect since June 8, 1950 (7 CFR, §§ 51.475 to 51.485).

Dated: March 10, 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 61-2272; Filed, Mar. 15, 1961; 8:46 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (v) of § 6.302 is amended and subparagraphs (3) and (4) are added to paragraph (v) as set out below.

**§ 6.302 Department of State.**

* * * * * * *

(v) *United States Disarmament Administration.* (1) One Personal Assistant to the Adviser to the President on Disarmament.

* * * * * * *

(3) One Private Secretary to the Adviser to the President on Disarmament.

(4) One Private Secretary to the Deputy to the Adviser to the President on Disarmament.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-2299; Filed, Mar. 15, 1961; 8:50 a.m.]

## PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### International Cooperation Administration

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (a) of § 6.349 as set out below.

**§ 6.349 International Cooperation Administration.**

(a) *Office of the Director.* * * *

(7) One Executive Assistant to the Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-2298; Filed, Mar. 15, 1961; 8:50 a.m.]

# Title 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

## PART 217—PAYMENT OF INTEREST ON DEPOSITS

### Savings Deposits Not Evidenced by Pass Book

**§ 217.121 Savings deposits not evidenced by a pass book.**

(a) Regulation Q, Payment of Interest on Deposits, permits a member bank to classify as "savings deposits" funds of individuals and certain types of corporations that are held by the bank, evidenced only by a written receipt or agreement, provided "withdrawals are permitted only through payment to the depositor himself but not to any other person whether or not acting for the depositor." The purpose of this prohibition is to eliminate the so-called "agency privilege." The reason for this is that withdrawal by an agent of the depositor merely by presenting a "written receipt or agreement" for a specific amount deposited with the bank could result in the use of such deposits, in effect, as checking accounts.

(b) For example, in lieu of taking one "receipt" for his deposit of, say, $100, the depositor could request 20 receipts for $5 each. Then, when he wished to pay a bill, he could hand his creditor sufficient receipts and the latter, as his "agent", could present them for payment. This procedure is possible with a savings deposit evidenced by a pass book, but the cumbersome procedure of turning the pass book over to a third party is a deterrent to the use of such savings accounts for checking purposes. At least not more than one so-called check could be outstanding against the savings account at any time, because the depositor would have to regain the pass book before turning it over to another person for a second withdrawal of funds.

(c) With respect to the use of deposits not evidenced by a pass book as collateral to a loan either by the bank or by a third person, the above quoted provision renders ineffective such use, since only the depositor himself may receive payment. This likewise prevents the use of such deposits, in effect, for checking purposes.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U.S.C. 264(c)(7), 371, 371a, 371b, 461)

Dated at Washington, D.C., this 24th day of February 1961.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 61-2265; Filed, Mar. 15, 1961; 8:45 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-NY-34]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Federal Airways and Associated Control Areas; Extension, Designation, and Revocation; Change of Effective Date

On July 16, 1960, there were published in the FEDERAL REGISTER (25 F.R. 6753)

amendments to Parts 600 and 601 and §§ 600.6140 and 601.6140 of the regulations of the Administrator. These amendments, to be effective April 6, 1961, extended VOR Federal airway No. 140 and its associated control areas from Idlewild, N.Y., to Deer Park, N.Y.; designated Victor 475 and its associated control areas from Deer Park to Putnam, Conn., via New Haven, Conn., including an east alternate from New Haven to Putnam via Norwich, Conn.; and revoked Victor 463 and its associated control areas concurrently with the commissioning of VORs near Deer Park and New Haven.

The commissioning dates of the Deer Park and New Haven VORs have been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until January 11, 1962.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60–NY–34 is hereby modified as follows: "effective 0001 e.s.t., April 6, 1961." is deleted and "effective 0001 e.s.t., January 11, 1962." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 9, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–2284; Filed, Mar. 15, 1961; 8:48 a.m.]

[Airspace Docket No. 60–NY–146]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Federal Airway and Control Area Extension

On December 31, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 14049) stating that the Federal Aviation Agency proposed to modify the north alternate to VOR Federal airway No. 4 between Louisville, Ky., and Lexington, Ky., and the Lexington control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.6004 [Amendment]

1. In § 600.6004 (14 CFR 600.6004, 25 F.R. 2009, 2883, 5329, 8483, 3755, 4857, 12933) "Louisville VORTAC 083° T and the Lexington VOR 294° T" is deleted and "Louisville VORTAC 081° and the Lexington VORTAC 303°" is substituted therefor.

2. Section 601.1067 (25 F.R. 4955) is amended to read:

§ 601.1067 Control area extension (Lexington, Ky.).

The airspace within a 40-mile radius of the Lexington VORTAC, excluding the airspace NE of Lexington bounded on the W by VOR Federal airway No. 97 E alternate and on the SE by VOR Federal airway No. 493.

These amendments shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 9, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–2285; Filed, Mar. 15, 1961; 8:48 a.m.]

[Airspace Docket No. 60–KC–16]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Federal Airway and Associated Control Areas; Designation; Change of Effective Date

On June 17, 1960, there were published in the FEDERAL REGISTER (25 F.R. 5451) amendments to Parts 600 and 601 of the regulations of the Administrator. These amendments, to be effective January 12, 1961, designated VOR Federal airway No. 470 and its associated control areas from Lakehead, Ont., Canada, to Sault Ste. Marie, Mich., concurrently with the commissioning of a VOR near Marquette, Mich.

Subsequent to the publication of the above amendments, a Modification of Amendments, Change of Federal Airway and Effective Date was published on November 24, 1960 (25 F.R. 11148), which changed the eastern terminus of Victor 470 and its associated control areas to Whitefish, Mich., and changed the effective date of Airspace Docket No. 60–KC–16 to June 1, 1961, due to a postponement in the scheduled commissioning date of the Marquette VOR.

The commissioning date of the Marquette VOR has again been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until June 29, 1961.

Since thirty days will elapse from the time of publication of the rule as amended to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60–KC–16 is hereby modified as follows: "effective 0001 e.s.t., June 1, 1961." is deleted and "effective 0001 e.s.t., June 29, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 9, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–2286; Filed, Mar. 15, 1961; 8:48 a.m.]

[Airspace Docket No. 60–KC–76]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Federal Airways, Associated Control Areas and Reporting Points

On October 28, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10356) stating that the Federal Aviation Agency proposed to modify VOR Federal airways Nos. 10, 11, 45, and 47; the Edgerton, Ohio, and Pioneer, Ohio, intersections; and revoke a segment of VOR Federal airway No. 98.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6010 (14 CFR 600.6010, 25 F.R. 4348) "Litchfield, Mich., omnirange station; intersection of the Litchfield omnirange 098° True and the Carleton omnirange 264° True radials; Carleton, Mich., omnirange station;" is deleted and "Litchfield, Mich., VORTAC; INT of the Litchfield VORTAC 096° True and the Carleton, Mich., VORTAC 247° True radials; Carleton VORTAC;" is substituted therefor.

2. In § 600.6011 (14 CFR 600.6011, 25 F.R. 4276) the following changes are made:

(a) In the caption *"Detroit, Mich."* is deleted and *"Salem, Mich."* is substituted therefor.



(b) In the text "INT of the Fort Wayne VORTAC 031° and the Salem VOR 227° radials; to the Salem, Mich., VOR." is deleted and "to the Salem, Mich., VORTAC." is substituted therefor.

3. In the text of § 600.6045 (14 CFR 600.6045, 25 F.R. 859, 2078, 4956, 7205) "From the INT of the Litchfield, Mich., VOR 098° and the Salem, Mich., VOR 227° radials via" is deleted and "From the INT of the Litchfield, Mich., VORTAC 096° True and the Jackson VOR 131° True radials via" is substituted therefor.

4. In § 600.6047 (14 CFR 600.6047, 25 F.R. 430, 7204) the following changes are made:

(a) In the caption *"Detroit, Mich."* is deleted and *"Salem, Mich."* is substituted therefor.

(b) In the text "Waterville, Ohio, VOR; point of INT of the Carleton, Mich., VOR 264° radial and the Detroit Willow Run Airport ILS localizer front course; Detroit, Mich., Willow Run Airport ILS localizer; to the point of INT of the Detroit Willow Run Airport ILS localizer back course and the Salem, Mich., VOR direct radial to the Windsor, Ont., VOR." is deleted and "Waterville, Ohio, VORTAC; INT of the Waterville VORTAC 355° True and the Salem, Mich., VORTAC 190° True radials, to the Salem VORTAC." is substituted therefor.

5. In § 600.6098 (14 CFR 600.6098) the following changes are made:

(a) In the caption *"Fort Wayne, Ind.,"* is deleted and *"Carleton, Mich.,"* is substituted therefor.

(b) In the text "from the Fort Wayne, Ind., omnirange station via the Carleton, Mich., omnirange station;" is deleted and "from the Carleton, Mich., VORTAC via the" is substituted therefor.

6. In the caption of § 601.6011 (14 CFR 601.6011) *"Detroit, Mich."* is deleted and *"Salem, Mich."* is substituted therefor.

7. In the caption of § 601.6047 (14 CFR 601.6047, 25 F.R. 7204) *"Detroit, Mich."* is deleted and *"Salem, Mich."* is substituted therefor.

8. In the caption of § 601.6098 (14 CFR 601.6098) *"Fort Wayne, Ind.,"* is deleted and *"Carleton, Mich.,"* is substituted therefor.

9. In the text of § 601.7001 (14 CFR 601.7001) the following changes are made:

(a) "Edgerton Intersection: The intersection of the Fort Wayne, Ind., VORTAC 031° T and the Goshen, Ind., omnirange 092° T radials." is deleted and "Edgerton INT: The INT of the Fort Wayne, Ind., VORTAC 040° True and the Waterville, Ohio, VORTAC 273° True radials." is substituted therefor.

(b) "Pioneer Intersection: The intersection of the Fort Wayne, Ind., omnirange 031° T and the Waterville, Ohio, omnirange 288° T radials." is deleted and "Pioneer INT: The INT of the Fort Wayne, Ind., VORTAC 040° True and the Waterville, Ohio, VORTAC 288° True radials." is substituted therefor.

These amendments shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 9, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–2287; Filed, Mar. 15, 1961; 8:48 a.m.]

[Airspace Docket No. 60–NY–129]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Points

On December 16, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12914) stating that the Federal Aviation Agency proposed to revoke the segment of Green Federal airway No. 5, its associated control areas and reporting points between Pulaski, Va., and Boston, Mass.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.15 (26 F.R. 1715) is amended to read:

§ 600.15 Green Federal airway No. 5 (Knoxville, Tenn., to Pulaski, Va.).

From the Knoxville, Tenn., RR via the Tri-City, Tenn., RR, to the Pulaski, Va., RR.

2. In the caption of § 601.15 (26 F.R. 713, 1715) *"Boston, Mass."* is deleted and *"Pulaski, Va."* is substituted therefor.

3. Section 601.4015 (14 CFR 601.4015, 25 F.R. 4160, 7620, 26 F.R. 713, 1715) is amended to read:

§ 601.4015 Green Federal airway No. 5 (Knoxville, Tenn., to Pulaski, Va.).

Knoxville, Tenn., RR; Tri-City, Tenn., RR.

These amendments shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 9, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–2288; Filed, Mar. 15, 1961; 8:48 a.m.]

[Airspace Docket No. 60–WA–148]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

## PART 608—SPECIAL USE AIRSPACE

### Designation of Restricted Area/Military Climb Corridor, Modification of Federal Airways and Control Area Extension

On September 3, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 8576) stating that the Federal Aviation Agency proposed to designate a restricted area/military climb corridor at Oxnard Air Force Base, Oxnard, Calif., and to modify VOR Federal airways No. 12, 25, 27, 107, 137, and 485 and modify the Oxnard control area extension.

Since these actions involve the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

No adverse comments were received regarding the proposed amendments. Subsequent to publication of the notice, it has been determined that the climb corridor should begin at seven miles west of the TACAN in lieu of five statute miles. As a result, the geographic coordinates used in the notice to describe the lateral boundaries of the corridor have been changed slightly. Also, the upper limits of the corridor are designated as flight levels. In Airspace Docket No. 60–WA–194 (26 F.R. 870), changes were made to restricted area numbers and the "Explanation of terms" in Part 608 of the regulations of the Administrator. The actions taken herein reflect these changes. The portions of Victors 25, 27, and 485 which coincide with Restricted Areas 2519, 2520, and 6711 are not excluded in the descriptions of these airways but shall be used only after obtaining prior approval from appropriate authority. The west alternate to V–107 proposed in the notice has been found to be unnecessary at this time and is not designated herein.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

§ 600.6012 [Amendment]

1. In the text of § 600.6012 (14 CFR 600.6012, 25 F.R. 430, 632, 1991, 3756,

8483, 7721) "From the Santa Barbara, Calif., omnirange station via the intersection of the Santa Barbara omnirange 091° True and the Fillmore omnirange 284° True radials; Fillmore, Calif., omnirange station;" is deleted and "From the Santa Barbara, Calif., VORTAC via the INT of the Santa Barbara VORTAC 091° and the Fillmore, Calif., VORTAC 310° radials; Fillmore VORTAC;" is substituted therefor.

§ 600.6025 [Amendment]

2. In the text of § 600.6025 (25 F.R. 10051) the following changes are made:

(a) "Santa Barbara, Calif., VORTAC;" is deleted and "INT of the Oxnard VOR 331° and the Santa Barbara, Calif., VORTAC 109° radials; Santa Barbara VORTAC." is substituted therefor.

(b) "The portions of this airway that coincide with the Camp Roberts, Calif., Restricted Area (R–415), the Fort Ord, Calif., Restricted Area (R–284), Point Mugu, Calif., Restricted Areas (R–100) and (R–551), Yakima, Wash., Restricted Area (R–247), and the Point Mugu, Calif., Warning Area (W–289) are excluded during the time of designation of these warning and restricted areas." is deleted and "The portions of this airway which coincide with the Camp Roberts, Calif., Restricted Area R–2504, the Yakima, Wash., Restricted Area R–6714, the Fort Ord, Calif., Restricted Area R–2511, and the Point Mugu, Calif., Warning Area W–289 are excluded. The portions of this airway which coincide with the Point Mugu, Calif., Restricted Areas R–2519 and R–2520 and the Oxnard, Calif. (Oxnard AFB), Restricted Area/Military Climb Corridor R–2527 shall be used only after obtaining prior approval from appropriate authority." is substituted therefor.

§ 600.6027 [Amendment]

3. In the text of § 600.6027 (25 F.R. 10051, 11216) the following changes are made:

(a) "INT of the Oxnard VOR 303° True and the Fillmore, Calif., VORTAC 265° True radials; INT of the Fillmore VORTAC 265° True and the Gaviota, Calif., VOR 143° True radials; Gaviota VOR;" is deleted and "INT of the Oxnard VOR 331° and the Fillmore, Calif., VORTAC 268° radials; INT of the Fillmore VORTAC 268° and the Gaviota, Calif., VOR 143° radials; Gaviota VOR;" is substituted therefor.

(b) "The portions of this airway which coincide with the Point Mugu Restricted Areas (R–100) and (R–551), the Hunter-Liggett, Calif., Restricted Area (R–285), the Tacoma, Wash. (McChord AFB), Restricted Area/Military Climb Corridor (R–546), the Point Arguello, Calif., Restricted Area (R–531), and the Point Mugu Warning Area (W–289) are excluded during the times of designation of these restricted and warning areas and the portion that coincides with the San Francisco, Calif., Warning Area (W–283) is excluded below 5,000 feet MSL." is deleted and "The portions of this airway that coincide with the Hunter-Liggett, Calif., Restricted Area R–2513, the Naval Missile Facility, Point Arguello, Calif., Restricted Area R–2516, and the Point Mugu, Calif., Warning Area W–289 are excluded and the portion of this airway that coincides with the San Francisco, Calif., Warning Area W–283 is excluded below 5,000 feet MSL. The portions of this airway that coincide with the Point Mugu, Calif., Restricted Areas R–2519 and R–2520, the Tacoma, Wash. (McChord AFB), Restricted Area/Military Climb Corridor R–6711, and the Oxnard, Calif. (Oxnard AFB), Restricted Area/Military Climb Corridor R–2527 shall be used only after obtaining prior approval of appropriate authority." is substituted therefor.

§ 600.6107 [Amendment]

4. In the text of § 600.6107 (14 CFR 600.6107, 26 F.R. 1209) "Fillmore, Calif., omnirange station; intersection of the Fillmore omnirange 318° and the Avenal omnirange 151° radials;" is deleted and "Fillmore, Calif., VORTAC;" is substituted therefor.

§ 600.6137 [Amendment]

5. In the text of § 600.6137 (14 CFR 600.6137, 25 F.R. 10051) the following changes are made:

(a) "Gorman, Calif., VOR; INT of the Gorman VOR 288° and the Avenal VOR 151° radials;" is deleted and "Gorman, Calif., VORTAC; INT of the Gorman VORTAC 293° and the Avenal VOR 145° radials;" is substituted therefor.

(b) "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Tomales Point Restricted Area (R–519) is excluded during this restricted area's time of designation." is deleted and "The portion of this airway that coincides with the Tomales Point, Calif., Restricted Area R–2523 is excluded during the time of designation of the restricted area." is substituted therefor.

6. Section 600.6485 (25 F.R. 6517) is amended to read:

§ 600.6485 VOR Federal airway No. 485 (Oxnard, Calif., to Oakland, Calif.).

From the Oxnard, Calif., VOR via the INT of the Oxnard VOR 331° and the Fellows, Calif., VOR 142° radials; Fellows VOR; Priest, Calif., VOR; INT of the Priest VOR 334° and the Oakland, Calif., VORTAC 131° radials to the Oakland VORTAC, excluding the portion of the airway which coincides with the Point Mugu, Calif., Warning Area W–289. The portions of this airway that coincide with the Oxnard, Calif. (Oxnard AFB), Restricted Area/Military Climb Corridor R–2527 and the Point Mugu, Calif., Restricted Areas R–2519 and R–2520 shall be used only after obtaining prior approval from appropriate authority.

7. Section 601.1328 (14 CFR 601.1328) is amended to read:

§ 601.1328 Control area extension (Oxnard, Calif.).

The airspace bounded on the N by VOR Federal airway No. 27, on the E by longitude 119°12'30" N., on the S by the Point Mugu, Calif., Warning Area W–289, and on the W by longitude 120°00'00" W. The portion of this control area extension that coincides with the Santa Cruz Island Warning Area W–412 is excluded during the time of use of the warning area.

§ 608.25 [Amendment]

8. In the text of § 608.25 *California*, (26 F.R. 874), the following is added:

R–2527 Oxnard, Calif. (Oxnard AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* The area based on the Oxnard AFB TACAN 270° radial and the Oxnard AFB ILS localizer 270° course bounded by a line beginning at latitude 34°13'45" N., longitude 119°12'55" W.; thence S. to latitude 34°11'55" N., longitude 119°12'55" W.; thence W. to latitude 34°11'30" N., longitude 119°18'45" W.; thence N. along the continental limits of the United States to latitude 34°13'55" N., longitude 119°19'40" W.; thence E. to point of beginning.

*Designated altitudes:*

2,100' MSL to 15,100' MSL from 7 to 8 miles W. of the TACAN.

2,100' MSL to Flight Level 240 from 8 to 9 miles W. of the TACAN.

2,100' MSL to Flight Level 270 from 9 to 12 miles W. of the TACAN.

6,100' MSL to Flight Level 270 from 12 miles W. of the TACAN to the continental limits of the United States.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Approach Control, Oxnard-Ventura County Airport, Calif.

*Using agency.* Commander, Oxnard AFB, Calif.

These amendments shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on March 9, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–2290; Filed, Mar. 15, 1961; 8:49 a.m.]

[Airspace Docket No. 59–WA–102]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Designation of Control Zone; Change of Effective Date

On September 7, 1960, there was published in the FEDERAL REGISTER (25 F.R. 8604) an amendment to Part 601 of the regulations of the Administrator. This amendment, to be effective June 1, 1961, designated a control zone at Marquette, Mich., concurrently with the commissioning of a VOR near Marquette.

The commissioning date of the Marquette VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendment until June 29, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 59–WA–102 is hereby modified as follows: "effective 0001 e.s.t., June 1, 1961." is deleted and "effective 0001 e.s.t., June 29, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 9, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–2283; Filed, Mar. 15, 1961; 8:48 a.m.]

[Airspace Docket No. 61–WA–19]

## PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

### Modification of Coded Jet Routes

The purpose of these amendments to §§ 602.522 and 602.530 of the regulations of the Administrator is to revoke the segments of VOR/VORTAC jet routes No. 22 and 30 northeast of Gordonsville, Va.

J–22–V and J–30–V extend in part from the Gordonsville VORTAC to the intersection of the Flat Rock, Va., VORTAC 024° and the Herndon, Va., VORTAC 164° radials. The purpose of these segments was to provide a connecting route between Gordonsville and VOR/VORTAC jet route No. 37. Effective February 9, 1961, J–37–V was realigned in part from Gordonsville to Coyle, N.J. This action improved the jet route structure northeast of Gordonsville and eliminated the requirement for the extension of J–22–V and J–30–V northeast of Gordonsville.

Since these amendments will not involve the designation of additional airspace and will impose no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 602.522 (14 CFR 602.522, 25 F.R. 12288) the following changes are made:

(a) In the caption *"Washington, D.C."* is deleted and *"Gordonsville, Va."* is substituted therefor.

(b) In the text "Gordonsville, Va., VOR to the INT of the Flat Rock, Va., 024° and Herndon, Va., 164° radials." is deleted and "to the Gordonsville, Va., VORTAC." is substituted therefor.

2. In § 602.530 (14 CFR 602.530) the following changes are made:

(a) In the caption *"Washington, D.C."* is deleted and *"Gordonsville, Va."* is substituted therefor.

(b) In the text "Gordonsville, Va., VOR to INT Flat Rock, Va., 024° and Herndon, Va., 164° radials." is deleted and "to the Gordonsville, Va., VORTAC." is substituted therefor.

These amendments shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 9, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–2282; Filed, Mar. 15, 1961; 8:48 a.m.]

[Airspace Docket No. 61–KC–10]

## PART 608—SPECIAL USE AIRSPACE

### Revocation of Restricted Area

The purpose of this amendment to § 608.54 of the regulations of the Administrator is to revoke the Devils Lake, N. Dak., Restricted Area R–5401.

The Department of the Army has stated it no longer has a requirement for Restricted Area R–5401. Therefore, this area is unjustified as an assignment of airspace and revocation thereof will be in the public interest. Such action is taken herein.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective upon publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.54 *North Dakota* (26 F.R. 885), "R–5401 Devils Lake, N. Dak." is revoked.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 9, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–2289; Filed, Mar. 15, 1961; 8:48 a.m.]

[Airspace Docket No. 61–WA–13]

## PART 608—SPECIAL USE AIRSPACE

### Modification of Restricted Area

The purpose of this amendment to § 608.61 of the regulations of the Administrator is to change the using agency of Restricted Area R–6102 Scenic, S. Dak., from "Commander, Rapid City AFB, S. Dak." to "Commander, Ellsworth AFB, S. Dak."

The Department of the Air Force has advised the Federal Aviation Agency that the correct name of the Air Force Base at Rapid City, S. Dak., is Ellsworth AFB. Therefore, action is taken herein to reflect this change.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 608.61 *South Dakota*, R–6102 Scenic, S. Dak. (26 F.R. 886) "Rapid City" is deleted and "Ellsworth" is substituted therefor.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 9, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–2291; Filed, Mar. 15, 1961; 8:49 a.m.]

[Airspace Docket No. 61–HO–2]

## PART 608—SPECIAL USE AIRSPACE

### Revocation of Restricted Area

The purpose of this amendment to § 608.31 of the regulations of the Administrator is to revoke the Kahuku, Oahu, Hawaii, Restricted Area R–3105.

The Department of the Army has agreed to the revocation of Restricted Area R–3105 since the activity conducted therein can be conducted under the controlled firing concept. Therefore, this area is unjustified as an assignment of airspace and revocation thereof is in the public interest.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.31 *Hawaii* (26 F.R. 878), "R–3105 Kahuku, Oahu, Hawaii" is revoked.

This amendment shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 9, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–2292; Filed, Mar. 15, 1961; 8:49 a.m.]

[Reg. Docket No. 684; Amdt. 210]

# PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

## Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |

PROCEDURE CANCELLED, EFFECTIVE 1 APRIL 1961, OR ON DATE OF CLOSING OF AIRPORT.

City, Pulaski; State, Va.; Airport Name, Loving; Elev., 2200'; Fac. Class., SBMRAZ; Ident., PSK; Procedure No. 1, Amdt. 1; Eff. Date, 29 Dec. 56; Sup. Amdt. No. Form 1725; Dated, 5 Apr. 48

PROCEDURE CANCELLED, EFFECTIVE 1 APRIL 1961.

City, Skwentna; State, Alaska; Airport Name, Skwentna; Elev., 158'; Fac. Class., SBRAZ; Ident., SKW; Procedure No. 1, Amdt. 5; Eff. Date, 29 Jan. 55; Sup. Amdt. No. 4; Dated, 26 June 54

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Relay Int | LOM | Direct | 1700 | T-dn | 300-1 | 300-1 | 200-½ |
| Beltsville FM | LOM | Direct | 1700 | C-dn | 400-1 | 500-1 | 500-1½ |
| Baltimore VOR | LOM | Direct | 1700 | S-dn-10 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn South side of crs, 281° Outbnd, 101° Inbnd, 1700' within 10 mi.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 101°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1700' on crs 101° from LOM within 10 miles. Return to LOM, hold West one-minute right turns.
Other Changes: Deletes transition from Laurel Int.

City, Baltimore; State, Md.; Airport Name, Friendship International; Elev., 146'; Fac. Class., LOM; Ident., BA; Procedure No. 1, Amdt. 8; Eff. Date, 1 Apr. 61; Sup. Amdt. No. 7; Dated, 4 Oct. 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| LUK-LFR | LKA RBn | Direct | 2100 | T-d | 400-1 | 400-1 | 400-1 |
| | | | | T-n | 600-1 | 600-1 | 600-1 |
| | | | | C-d | 800-1 | 900-1 | 900-1½ |
| | | | | C-n | 800-1½ | 900-1½ | 900-1½ |
| | | | | S-dn | NA | NA | NA |
| | | | | A-dn | 1000-2 | 1000-2 | 1000-2 |

Procedure turn North side of crs, 052° Outbnd, 232° Inbnd, 2100' within 10 mi.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 236°—1.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 miles, make left climbing turn to 2100' and return to LKA MHW.

City, Cincinnati; State, Ohio; Airport Name, Lunken; Elev., 488'; Fac. Class., MHW; Ident., LKA; Procedure No. 1, Amdt. Orig.; Eff. Date, 1 Apr. 61



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Dover Int | LOM | Direct | 3000 | T-dn* | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 600-1 | 600-1½ |
| | | | | S-dn-13 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | The following minimums apply for aircraft equipped with VOR after passing TOP-VOR R-230: | | | |
| | | | | S-dn-13 | 400-1 | 400-1 | 400-1 |

Procedure turn North side of crs, 305° Outbnd, 125° Inbnd, 2300' within 10 miles of MHW.
Minimum altitude over MHW on final approach crs, 2200'.
Crs and distance, MHW to airport, 125°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles, climb to 2400' on 125° crs within 15 mi or, when directed by ATC, (1) Turn left, climbing to 2300', proceed to TOP-VOR and hold on R-035; (2) Turn left, climbing to 2200' and proceed to TOP-VOR and hold on R-150; (3) Return to RBn, climbing to 2400'.
*No reduction in 2-engine or less takeoff minimums authorized with ILS or precision radar inoperative.

City, Topeka; State, Kans.; Airport Name, Phillip Billard Municipal; Elev., 880'; Fac. Class., MHW; Ident., TOP; Procedure No. 1, Amdt. 13; Eff. Date, 1 Apr. 61; Sup. Amdt. No. 12 (ADF Portion Comb. ILS-ADF); Dated, 1 June 54

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| HLG VOR | HLG RBn | Direct | 2600 | T-dn | 300-1 | 300-1 | 200-½ |
| Old Concord Int | HLG RBn | Direct | 2600 | C-dn | 600-1 | 700-1 | 700-1½ |
| | | | | S-dn-3 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 1000-2 | 1000-2 | 1000-2 |
| | | | | | (BCOB) | (BCOB) | (BCOB) |

Procedure turn East side of crs, 210° Outbnd, 030° Inbnd, 2600' within 10 mi of HLG-RBn.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 030°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing RBn, make climbing left turn to 2600' or higher as directed by ATC, and return to HLG-RBn.
AIR CARRIER NOTE: Night operations on Runway 9-27 and takeoffs on Runway 9 not authorized for aircraft over 12,500 lbs. gross weight.
NOTE: High intensity runway lights on 3-21.

City, Wheeling; State, W. Va.; Airport Name, Ohio County; Elev., 1195'; Fac. Class., MHW; Ident., HLG; Procedure No. 1, Amdt. 2; Eff. Date, 1 Apr. 61; Sup. Amdt. No. 1; Dated, 2 May 59

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Crestview LFR | CEW-VOR | Direct | 1400 | T-dn | 300-1 | | |
| | | | | C-dn | 500-1 | | |
| | | | | A-dn | 800-2 | | |

Procedure turn S side, 286° Outbnd, 106° Inbnd, 1400' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 106°—6.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 mi, climb to 1400' on R-087 within 15 mi.
NOTE: Air Carrier use of airport NA.
Other Changes: Deletes Straight-in minimums. Deletes ceiling and visibility minimums for Two Engine or Less, More Than 65 Knots and More Than Two Engine, More Than 65 Knots.

City, Crestview; State, Fla.; Airport Name, Crestview; Elev., 274'; Fac. Class., BVOR; Ident., CEW; Procedure No. 1, Amdt. 6; Eff. Date, 1 Apr. 61; Sup. Amdt. No. 5; Dated, 29 Aug. 56

PROCEDURE CANCELLED, EFFECTIVE 1 APRIL 1961 OR UPON DECOMMISSIONING OF FACILITY.

City, Gettysburg; State, Pa.; Airport Name, Gettysburg; Elev., 600'; Fac. Class., VOR; Ident., GTY; Procedure No. 1, Amdt. Orig.; Eff. Date, 25 Nov. 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Jacksonville LFR | JAX-VOR | Direct | 1200 | T-dn | 300-1 | 300-1 | 200-½ |
| Radar terminal area transition altitude | JAX-VOR | Within 25 mi | 1500 | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-23 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar control must provide 3 mi separation from Restricted Area R-161.
Procedure turn, N side of crs, 068° Outbnd, 248° Inbnd, 1100' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 248°—3.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, climb to 1300 on R-248 within 15 mi of JAX VOR or if directed by ATC, climb to 1300 on R-274 within 20 miles.*
CAUTION: 200' tank between VOR and Airport.
*Restricted Area 161 located 15 mi SW of JAX VOR.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 52'; Fac. Class., BVORTAC; Ident., JAX; Procedure No. 1, Amdt. 7; Eff. Date 1 Apr. 61; Sup. Amdt. No. 6; Dated, 2 July 55

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Int LAF R-312 and DNV R-037 | LAF-VOR (Final) | Direct | 1800 | T-dn | 300–1 | 300–1 | |
| | | | | C-d | 1000–1 | 1000–1 | |
| | | | | C-n | 1000–2 | 1000–2 | |
| | | | | A-dn | 1000–2 | 1000–2 | |
| | | | | #Following minimums apply after passing R-019 EPT-VOR: | | | |
| | | | | C-d | 600–1 | 600–1 | |
| | | | | C-n | 6601–½ | 600–1½ | |
| | | | | A-dn | 800–2 | 800–2 | |

Procedure turn West side of final approach crs, 323° Outbnd, 143° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1800′; over EPT-VOR R-019, 1600′.
Crs and distance, facility to airport, 143°—10.4 mi; EPT-VOR R-019 to airport, 143°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 mi of LAF-VOR or 3.4 mi of EPT R-019, climb to 2300′ on LAF-VOR R-143 within 20 miles.
AIR CARRIER NOTE: Use of sliding scale reduction in landing visibility, or reduction in takeoff minimums not authorized for night operations, or for day operations when visibility below ¾ mi.
#Dual operating Omni receivers required for lower minimums.

City, Lafayette; State, Ind.; Airport Name, Purdue University; Elev., 607′; Fac. Class., BVOR; Ident., LAF; Procedure No. 1, Amdt. 6; Eff. Date, 1 Apr. 61; Sup. Amdt. No. 5; Dated, 18 Mar. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn* | 500–1 | 500–1 | 500–1 |
| | | | | C-d | 600–1½ | 600–1½ | 600–1½ |
| | | | | C-n | 700–2 | 700–2 | 700–2 |
| | | | | A-dn | 1000–2 | 1000–2 | 1000–2 |

Procedure turn East side of crs, 030° Outbnd, 210° Inbnd, 2200′ within 10 miles.
Minimum altitude over Int LIH R-030 and 145° brng from Kilauea Point RBn, 700′.
Crs and distance, facility to airport, 328°—0.9 mi (not a flight track).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished three miles before reaching station or at the **Intersection of the VOR 030 radial and the 145° brng from Kilauea Point RBn, make left turn climb to 3000′ on R-030 within 20 miles, reverse course, climbing to 4000′ over the VOR station.
AIR CARRIER NOTE: Sliding scale not authorized.
CAUTION: (1) Terrain 725′ high, 1.3 mi NW and 786′, 1.75 mi South of airport. (2) Circling to west not authorized.
*Takeoff on Runway 21 restricted to 600–2 day, 700–2 night.
**NSME 3-mile fix may be used in lieu of 145° brng from Kilauea on final approach course.

City, Lihue; State, Kauai; Airport Name, Lihue Airport; Elev., 148′; Fac. Class., BVOR-NSME; Ident., LIH; Procedure No. 1, Amdt. 5; Eff Date, 1 Apr. 61; Sup. Amdt. No. 4; Dated, 25 Feb. 61

**4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:**

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Relay Int | BAL VOR | Direct | 1800 | T-dn | 300–1 | 300–1 | 200–½ |
| Beltsville FM | BAL VOR | Direct | 1800 | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | S-dn-10° | 500–1 | 500–1 | 500–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn South side of crs, 284° Outbnd, 104° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs, 646′. Maintain 1000′ until passing LOM.
Crs and distance, breakoff point to approach end of Runway, 102°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing BAL VOR, climb to 1500′ on R-104 BAL VOR. Return to VOR, hold on R-104 one-minute right turns.
Other Changes: Deletes transition from Laurel Int.
*If BAL LOM not received, minimums of 800–1 will apply.

City, Baltimore; State, Md.; Airport Name, Friendship International; Elev., 146′; Fac. Class., BVORTAC; Ident., BAL; Procedure No. TerVOR-10, Amdt. 1; Eff. Date, 1 Apr. 61; Sup. Amdt. No. Orig.; Dated, 8 Aug. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Relay Int | BAL VOR | Direct | 1500 | T-dn | 300–1 | 300–1 | 200–½ |
| Beltsville FM | BAL VOR | Direct | 1600 | C-dn | 500–1 | 500–1 | 500–1½ |
| BL-LFR | BAL VOR | Direct | 1500 | S-dn-28# | 500–1 | 500–1 | 500–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn North side of crs, 096° Outbnd, 276° Inbnd, 1500′ within 10 mi of Green Haven Int.*
Minimum altitude over facility on final approach crs, 646′. Maintain 1300′ until passing Green Haven Int.*
Crs and distance, breakoff point to approach end of runway, 284°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 miles after passing BAL VOR, climb to 1700′ on R-276 BAL VOR within 10 miles. Return to VOR, hold on R-276 one-minute right turns.
CAUTION: Procedure turn NA when R-54 in use.
Other Changes: Deletes transition from Laurel Int.
#Descend to landing minimums after passing Green Haven Int.*
*Int R-096 BAL VOR and S crs BAL LFR.

City, Baltimore; State, Md.; Airport Name, Friendship International; Elev., 146′; Fac. Class., BVORTAC; Ident., BAL; Procedure No. TerVOR-28, Amdt. 3; Eff. Date, 1 Apr. 61; Sup. Amdt. No. 2; Dated, 27 Feb. 60



**5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:**

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 700–2 | 700–2 | 700–2 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |
| | | | | If aircraft equipped with NSME and 6 mi DME fix on BRL R-288 is received, the following minimums apply: | | | |
| | | | | S-dn | 500–1 | 500–1 | 500–1 |

Procedure turn N side of crs, 108° Outbnd, 288° Inbnd, 1900′ within 10 mi.
Crs and distance, facility to airport, 288—9.6; 6 mi fix to airport, 288°—3.6 mi.
Minimum altitude over facility on final approach crs, 1700′; over 6 mi. fix, 1400′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.6 miles, make left climbing turn to 2000′ and return to BRL-VOR.
CAUTION: 1008′ MSL radio tower 2 miles NW of airport.

City, Burlington; State, Iowa; Airport Name, Burlington; Elev., 698′; Fac. Class., BVOR-NSME; Ident., BRL; Procedure No. 1, Amdt. Orig.; Eff. Date, 1 Apr. 61; Sup. Amdt. No. VOR Proc. #1, Amdt. 5; Dated, 18 Feb. 56

**6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:**

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Albuquerque LFR | LOM | Direct | 7000 | T-dn | 300–1 | 300–1 | 200–½ |
| Albuquerque VOR | LOM | Direct | 7000 | C-dn | 400–1 | 500–1 | 500–1½ |
| Aden Int | LOM | Direct | 8000 | S-dn-35° | 200–½ | 200–½ | 500–1½ |
| Luna Int** | LOM (Final) | Direct | 6400 | A-dn | 600–2 | 600–2 | 600–2 |
| Bacaville VOR | Luna Int | Direct | 7000 | | | | |
| Becker Int (via S crs ABQ loc.) | Luna Int | Direct | 7000 | | | | |
| Coyote Int | LOM | Direct | 9000 | | | | |
| Mooney Int (via R-129 ABQ-VOR) | Luna Int | Direct | 7000 | | | | |
| North Int | LOM | Direct | 7000 | | | | |
| Sandia Int | LOM | Direct | 7000 | | | | |
| Dalies Int | LOM | Direct | 8000 | | | | |

Radar transitions and vectoring using Albuquerque Radar authorized in accordance with approved radar patterns.
Procedure turn W side S crs, 170° Outbnd, 350° Inbnd, 7000′ within 10 mi.
Minimum altitude at G.S. int inbnd 6400.
Altitude of G.S. and distance to appr end of rny at OM 6400—3.8, at MM 5530—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a left climbing turn, climb to 8000′ on N crs AQ LFR TO Alameda MHW or, when directed by ATC, (1) make left climbing turn, climb to 8000′ on 260° crs direct to ABQ VOR, (2) turn left and climb to 8000′ on W crs AQ-LFR within 20 miles.
CAUTION: Terrain exceeding 8000′ E of ILS localizer—all turns to be made W of localizer crs.
*Runway 17–35 currently limited to aircraft of 33,000 pounds or less gross weight. Check NOTAMS.
**Maintain 7000′ until after passing Luna Int, start descent at glide slope interception. Glide slope must be operative for this transition.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Muh.; Elev., 5352′; Fac. Class., ILS; Ident., ABQ; Procedure No. ILS-35, Amdt. 19; Eff. Date, 1 Apr. 61; Sup. Amdt. No. 18; Dated, 10 Sept. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Int E crs Baltimore LFR and E crs ILS | Orchard Beach Int* | Direct | 1500 | T-dn | 300–1 | 300–1 | 200–½ |
| Baltimore VOR | Orchard Beach Int* | Direct | 1500 | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | S-dn-28 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn N side E crs, 101° Outbnd, 281° Inbnd, 1500′ within 10 mi of Orchard Beach Int.
No glide slope or markers. Descent to authorized minimums after passing Orchard Beach Int. Distance to approach end of Runway 28, 5.2 mi. Minimum altitude over Orchard Beach Int, 1300′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 mi after passing Orchard Beach Int, climb to 1700′ on W crs ILS within 10 mi of LOM. Return to LOM, hold West one-minute right turns.
NOTE: ADF approach not authorized.
LOCALIZER NOTE: Narrow localizer course—4°.
CAUTION: Procedure turn not authorized when R-54 in use.
*Orchard Beach Int—Int E crs ILS and S crs Baltimore LFR.

City, Baltimore; State, Md.; Airport Name, Friendship International; Elev., 146′; Fac. Class., ILS; Ident., I-BAL; Procedure No. ILS-28, Amdt. 4; Eff. Date, 1 Apr. 61; Sup. Amdt. No. 3; Dated, 12 Nov. 60

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Relay Int | LOM | Direct | 1700 | T-dn | 300-1 | 300-1 | 200-½ |
| Beltsville FM | LOM | Direct | 1700 | C-dn | 400-1 | 500-1 | 500-1½ |
| Lisbon Int | LOM | Direct | 1800 | S-dn-10 | 200-½ | 200-½ | 200-½ |
| Baltimore VOR | LOM | Direct | 1700 | A-dn | 600-2 | 600-2 | 600-2 |

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn S side W crs, 281° Outbnd, 101° Inbnd, 1700' within 10 mi.
Minimum altitude at glide slope int inbnd, 1500'.
Altitude of glide slope and distance to appr end of rny at OM, 1295'—3.8 mi; 359'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1700' on East crs of ILS within 10 miles of LOM. Return to LOM, hold West one-minute right turns.
GLIDE SLOPE NOTE: Glide slope not useable inbound from middle marker; satisfactory for authorized minimums.
LOCALIZER NOTE: Narrow localizer course—4°.
OTHER CHANGES: Deletes transitions from Lisbon Int to Laurel Int and from Laurel Int to LOM (Final).

City, Baltimore; State, Md.; Airport Name, Friendship International; Elev., 146'; Fac. Class., ILS; Ident., IBAL; Procedure No. ILS-10, Amdt. 9; Eff. Date, 1 Apr. 61; Sup. Amdt. No. 8; Dated, 27 Dec. 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Huntington RBn | LOM | Direct | 2500 | T-dn | 300-1 | 300-1 | 200-½ |
| Int 118° brng to Huntington RBn and 180° brng to Huntington LOM. | LOM | Direct | 2500 | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-11 | 400-1 | 400-1 | 400-1 |
| Int YRK-VOR R-109 and 180° brng to Huntington LOM. | LOM | Direct | 2500 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn South side of crs, 294° Outbnd, 114° Inbnd, 2500' within 10 mi.
Minimum altitude over facility on final approach crs, 2000' over LOM.
Crs and distance, facility to airport, 114°—4.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing LOM, make a right climbing turn and return to the LOM at 2500'.
NOTE: No glide slope. Procedure based on localizer—LOM and LMM.

City, Huntington; State, W. Va.; Airport Name, Tri-State; Elev., 828'; Fac. Class., ILS; Ident., HTS; Procedure No. ILS-11, Amdt. 2; Eff. Date, 1 Apr. 61; Sup. Amdt. No. 1; Dated, 18 June 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MSN-LFR | LOM | Direct | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| Morey Int | LOM | Direct | 2700 | C-dn | 600-1 | 600-1 | 600-1½ |
| Mendota VHF Int* | LOM | Direct | 2700 | S-dn-36 | 200-½ | 200-½ | 200-½ |
| Int R-327 JVL-VOR and ILS S crs | LOM (Final) | Direct | 2000 | A-dn | 600-2 | 600-2 | 600-2 |
| Marshall Int | LOM | Direct | 2500 | | | | |

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2400' within 10 mi.
Minimum altitude at glide slope int inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1918—3.9; at MM, 1058—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500' on N crs MSN-LFR within 15 miles or, when directed by ATC, right climbing turn to 2000' and proceed direct to Madison LOM.
CAUTION: 1211' tower 1.3 mi to left of crs after passing LOM on final and 1023' MSL pole 0.8 mi to left of crs and 0.8 mi SW of Runway 36.
*Mendota Int: Int LNR-VOR R-102 and JVL-VOR R-336.

City, Madison; State, Wis.; Airport Name, Truax Field; Elev., 859'; Fac. Class., ILS; Ident., I-MSN; Procedure No. ILS-36, Amdt. 6; Eff. Date, 1 Apr. 61; Sup. Amdt. No. 5; Dated, 3 Dec. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SGF-VOR | Spring Int* | Direct | 2300 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-19 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | The following minimums apply for aircraft having ADF receiver and Glidewell Int identified: | | | |
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-19 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn West of N crs, 015° Outbnd, 195° Inbnd, 2300' within 10 mi of Spring Int*.
Minimum altitude over Spring Int* on final approach crs, 2000'; over Glidewell Int**, 1800'.
Crs and distance, Spring Int* to Rnwy 19, 195°—6.8 mi; Glidewell Int** to Rnwy 19, 195°—2.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing Spring Int*, climb to 2800' on R-203 SGF-VOR and proceed to Billings Int or, when directed by ATC, climb to 2700' on S crs ILS and hold south of OM.
*Spring Int: Int R-090 SGF-VOR and SGF ILS back course.
**Glidewell Int: 280° brng SF-LFR and SGF ILS back crs.

City, Springfield; State, Mo.; Airport Name, Springfield Municipal; Elev., 1267'; Fac. Class., ILS; Ident., I-SGF; Procedure No. ILS-19, Amdt. 1; Eff. Date, 1 Apr. 61; Sup. Amdt. No. Orig.; Dated, 28 Jan. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Dover Int | LOM | Direct | 3000 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 600-1 | 600-1½ |
| | | | | S-dn-13* | 300-¾ | 300-¾ | 300-¾ |
| | | | | A-dn | 600-2 | 600-2 | 600-2 |

Procedure turn North side of crs, 305° Outbnd, 125° Inbnd, 2300' within 10 mi.
Minimum altitude at G.S. int inbnd, 2200'.
Altitude of G.S. and distance to approach end of Rnwy at LOM 2030'—3.9 mi; at MM 1078'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2406' on SE crs of ILS within 15 mi or, when directed by ATC, turn left, climbing to 2300', proceed to TOP-VOR and hold on R-035, or turn left, climbing to 2200' and proceed to TOP-VOR and hold on R-150.
*400-¾ required when operating under the provisions of inoperative ILS components. No reduction in 2-engine or less T.O. minimums authorized with ILS or precision radar inoperative.

City, Topeka; State, Kans.; Airport Name, Phillip Billard Municipal; Elev., 880'; Fac. Class., ILS; Ident., I-TOP; Procedure No. ILS-13, Amdt. 14; Eff. Date, 1 Apr. 61; Sup. Amdt. No. 13; Dated, 18 Feb. 61



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Wheeling VOR | LOM | Direct | 2600 | T-dn | 300-1 | 300-1 | 200-½ |
| Old Concord Int | LOM | Direct | 2600 | C-dn | 600-1 | 700-1 | 700-1½ |
| Bellaire VOR | LOM | Direct | 2600 | S-dn-3* | 300-¾ | 300-¾ | 300-¾ |
| Adena Int | LOM | Direct | 2600 | A-dn | 600-2 | 700-2 | 700-2 |

Procedure turn E side crs 210° Outbnd, 030 Inbnd, 2600 within 10 miles of the LOM.
Minimum altitude at G.S. int inbnd, 2300'.
Altitude of glide slope and distance to approach end of Runway at OM, 2260'—4.0 mi; at MM, 1360'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a climbing left turn to 2600' or higher as directed by ATC and return to the LOM.
AIR CARRIER NOTE: Night operations on Runway 9-27 and takeoffs on Runway 9 NA for aircraft over 12,500 lbs. gross weight.
NOTE: High intensity runway lights on 3-21
*500-¾ required with glide slope inoperative.

City, Wheeling; State, W. Va.; Airport Name, Ohio County; Elev., 1195'; Fac. Class., ILS; Ident., I-HLG; Procedure No. ILS-3, Amdt. 3; Eff. Date, 1 Apr. 61; Sup. Amdt. No. 2; Dated, 19 Nov. 60

**7. The radar procedures prescribed in § 609.500 are amended to read in part:**

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Radar terminal area maneuvering sectors and altitudes | | | | | | | | | | | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| From | To | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | | | | | | | | | | | 65 knots or less | More than 65 knots | |
| *360 | 195 | 30 mi | 4600 | ------- | ------- | ------- | ------- | ------- | ------- | ------- | ------- | ------- | ------- | | | | |
| **195 | 359 | 20-30 | 5100 | 20 mi | 5000 | ------- | ------- | ------- | ------- | ------- | ------- | ------- | ------- | | | | |
| | | | | | | | | | | | | | | Surveillance approach | | | |
| | | | | | | | | | | | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | | | | | | | | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | | | | | | | | | | | S-dn-21, 03 | 400-1 | 400-1 | 400-1 |
| | | | | | | | | | | | | | | S-dn-13, 31 | 400-1 | 400-1 | 500-1½ |
| | | | | | | | | | | | | | | A-dn | 800-2 | 800-2 | 800-2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 03: Climb to 4600' and proceed to Amarillo VOR or, when directed by ATC, turn right and climb to 4700' proceeding out R-075 Amarillo VOR within 20 miles.
Runway 21: Climb to 5000' and proceed to LOM or, when directed by ATC, turn left and climb to 4700', proceeding out R-075 Amarillo VOR within 20 miles.
Runway 13: Turn left, climb to 4700' proceeding out R-075 Amarillo VOR within 20 miles.
Runway 31: Turn left, climb to 4700' to Amarillo VOR.
*Radar control will provide 1000' vertical clearance within a 3-mile radius of KGNC radio tower 3860' 13.5 mi NE or maintain 4900'.
**Radar control will provide 1000' vertical clearance within a 3-mile radius of TV antennas 4308' and 4298' 8.5 mi WNW or maintain 5300'.

City, Amarillo: State, Tex.; Airport Name, Amarillo AFB/Mun.; Elev. 3607'; Fac. Class., Amarillo· Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 1 Apr. 61

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| 037 | 116 | Within 20 mi | 1800 | Precision approach | | | |
| 116 | 037 | Within 20 mi | 1600 | S-dn-6 | 200-½ | 200-½ | 200-½ |
| | | | | Surveillance approach | | | |
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-6 and 36 | 400-1 | 400-1 | 400-1 |
| | | | | S-dn-18 | 600-1 | 600-1 | 600-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar terminal area transition altitudes—all bearings are from radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished on runways 6 or 36 turn left (on runway 18 turn right), climb to 1600' on R-282 OZR-VOR within 15 mi (VOR) or proceed to Enterprise RBn (ADF) or, when directed by ATC, climb to 2000' on R-330 OZR-VOR within 20 miles.
NOTE: Prior arrangements for landing required for civil aircraft not on official business.

City, Ft. Rucker; State, Ala.; Airport Name, Cairns AAF; Elev. 305'; Fac. Class., Cairns AAF; Ident., Radar. Procedure No. 1, Amdt. 3; Eff. Date, 1 Apr. 61; Sup. Amdt. No. 2; Dated, 5 Sept. 59

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| 000°---------- | 360°---------- | Within 30 mi---- | 8000 | Precision approach | | | |
| | | | | T-dn#---------- | 300–1 | 300–1 | 200–½ |
| | | | | C-dn---------- | 500–1 | 500–1 | 600–1½ |
| | | | | S-dn#-34/16---- | 200–½ | 200–½ | 200–½ |
| | | | | A-dn---------- | 600–2 | 600–2 | 600–2 |
| | | | | Surveillance approach | | | |
| | | | | T-dn#---------- | 300–1 | 300–1 | 200–½ |
| | | | | C-dn---------- | 500–1 | 500–1 | 600–1½ |
| | | | | S-dn#-34/16---- | 400–1 | 400–1 | 400–1 |
| | | | | A-dn---------- | 800–2 | 800–2 | 800–2 |

Radar transitions and vectoring utilizing Seattle-Tacoma radar authorized in accordance with approved radar patterns and sector altitudes.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 34: Climb to 2000' on R-338 of Seattle VOR to NW ers of Seattle LFR, thence to Harbor Island Int or, when directed by ATC, turn left, climb to 2000', intercept R-225 of Seattle VOR, thence to Vashon VHF Int.
Runway 16: Climb to 2000' on R-158 of Seattle VOR to Seattle LOM or, when directed by ATC, turn right, climb to 2000', intercept R-225, thence to Vashon VHF Int.
Alternate missed approach (All runways): Climb to 2000' direct to Seattle LFR.
CAUTION: Terrain and trees to 591' MSL located immediately N and NE of airport.
#Runway visual range (RVR) 2600' also authorized for landing on Runway 34; provided that all components of the PAR, high intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are in satisfactory operating condition. Descent below 628' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds. Runway visual range 2600' also authorized for takeoff on Runway 34 in lieu of 200–½ provided high-intensity runway lights are operational.

City, Seattle; State, Wash.; Atrport Name, Seattle-Tacoma International; Elev., 428'; Fac. Class., Seattle-Tacoma; Ident., Radar; Procedure No. 1, Amdt. 4; Eff. Date, 1 Apr. 61; Sup. Amdt. No. 3; Date, 27 June 59

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on February 28, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-1954; Filed, Mar. 15, 1961; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

### PART 281—ENFORCEMENT OF THE TEA IMPORTATION ACT

### Tea Standards 1961–1962

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Tea Importation Act (secs. 2, 10, 29 Stat. 607, 41 Stat. 712, 57 Stat. 500; 21 U.S.C. 42, 50), and delegated to the Commissioner of Food and Drugs by the Secretary (26 F.R. 8625), the regulations for the enforcement of this act (21 CFR 281.19) are amended by changing § 281.19(a) to read as follows:

**§ 281.19 Tea standards.**

(a) Samples for standards of the following teas, prepared, identified, and submitted by the Board of Tea Experts on February 16, 1961, are hereby fixed and established as the standards of purity, quality, and fitness for consumption under the Tea Importation Act for the year beginning May 1, 1961, and ending April 30, 1962:

(1) Formosa Oolong.

(2) Ceylon Black (all black tea except Formosa and Japan Black and Congou type).

(3) Formosa Black (Formosa Black and Congou type).

(4) Japan Black.

(5) Japan Green.

(6) Canton type (all Canton type teas including scented Canton and Canton Oolong types).

These standards apply to tea shipped from abroad on or after May 1, 1961. Tea shipped prior to May 1, 1961, will be governed by the standards which became effective May 1, 1960 (25 F.R. 1820).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is based upon the recommendation of the Board of Tea Experts, which is comprised of experts in teas drawn from the Food and Drug Administration and the tea trade, so as to be representative of the trade as a whole.

*Effective date.* This order shall become effective May 1, 1961.

(Secs. 2, 10, 29 Stat. 607, 41 Stat. 712, 57 Stat. 500; 21 U.S.C. 42, 50)

Dated: March 9, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-2276; Filed, Mar. 15, 1961; 8:47 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter V—Department of the Army

### SUBCHAPTER E—ORGANIZED RESERVES

### PART 561—ARMY RESERVE

### Enlistments

Revise §§ 561.30(c), 561.31(d)(2), and 561.36(b)(4), as follows:

**§ 561.30 Periods of enlistment.**

* * * * *

(c) *Six-year period—six months' active duty for training program.* A male applicant without prior military service between the ages of 18½ and 26 may be enlisted for 6 years, with agreement to enter on 6 months' active duty for training within 120 days from date of enlistment and to participate satisfactorily in Ready Reserve unit training during the entire period of his enlistment. Individuals pursuing a course in high school may be delayed from ACDUTRA until they cease to pursue that course satisfactorily, graduate, or become 20 years of age, whichever occurs first. However, no individual may be enlisted if it appears that his entry on ACDUTRA will have to be delayed for more than 1 year.

* * * * *

**§ 561.31 Age and consent requirements.**

* * * * *

(d) *Applicants with prior service.* * * *



(2) *Age 35 through 54.* Enlistments or reenlistments are authorized for individuals 35 years of age and over, but less than 55 years of age, who have had a minimum of 3 years honorable service in the Armed Forces (at least 3 months of which must have been in the Army or Army Air Corps), provided their age at enlistment is not greater than 35 years plus the length of their prior honorable service on active duty or in an active Reserve status with such active participation in Reserve training as to have made the period creditable for retirement purposes. Count only such honorable service since May 13, 1942, for women. Except as provided in paragraph (f) of this section, a former member of the Air Force, Navy, Marine Corps, or Coast Guard, who has had no prior Army or Army Air Corps service, and who is 35 yeas of age or older, may not be enlisted.

**§ 561.36 Ineligibility.**

* * * * *

(b) *Classes ineligible for enlistment or reenlistment—no waivers granted.* * * *

(4) Officers removed from active status by reason of having attained maximum age or service.

[C 2, AR 140–111, February 16, 1961] (Sec. 280, 70A Stat. 14; 10 U.S.C. 280)

R. V. LEE,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 61-2263; Filed, Mar. 15, 1961; 8:45 a.m.]

# Title 45—PUBLIC WELFARE

## Subtitle A—Department of Health, Education, and Welfare, General Administration

### PART 50—U.S. EXCHANGE VISITOR PROGRAM—REQUESTS FOR WAIVER OF FOREIGN RESIDENCE REQUIREMENTS

Subtitle A of Title 45 of the Code of Federal Regulations is amended by adding a new Part 50 to read as follows:

Sec.
50.1 Authority.
50.2 Public Law 555 Waiver Review Board.
50.3 Policy.
50.4 Procedure.
50.5 Personal hardship cases.

AUTHORITY: §§ 50.1 to 50.5 issued under 62 Stat. 6, 7; 22 USC 1431, 1446; 22 CFR 63.6(3)(2).

CROSS REFERENCE: For Department of State Regulations on the Exchange Visitor Program see 24 F.R. 3877, 22 CFR Part 63.

**§ 50.1 Authority.**

Under the authority of the laws governing the U.S. Information and Educational Exchange Program as amended by Public Law 555, 84th Congress, June 4, 1956, 70 Stat. 241, 22 U.S.C. 1431–1442 the Department of Health, Education, and Welfare is an "interested government agency" with the authority to submit requests through the Department of State to the Attorney General for the waiver of the two-year residence period for exchange visitors under the educational exchange program who desire to apply for an immigrant visa or a nonimmigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence.

**§ 50.2 Public Law 555 Waiver Review Board.**

(a) *Establishment.* To enable the Department to carry out its responsibilities under Public Law 555, the Secretary has established the Public Law 555 Waiver Review Board.

(b) *Functions.* The Public Law 555 Waiver Review Board is responsible for making thorough and equitable evaluations of applications for waiver submitted to this Department and for rendering decisions on such applications on behalf of the Department.

(c) *Membership.* The Public Law 555 Waiver Review Board usually consists of four members. Two of the members represent the Office of the Secretary and are permanently assigned. The other two members vary from case to case and represent the operating agency within the Department which is most directly concerned with the particular case. If more than one operating agency is directly interested, the Board may be expanded to include additional members to provide the necessary representation.

**§ 50.3 Policy.**

In order to carry out the legislative intent, the Department of Health, Education, and Welfare will request waivers only when such a request is clearly consistent with the maintenance of the integrity of the educational exchange program. Each case is evaluated individually on the basis of the facts available. The general criteria to be applied are:

(a) The individual must be in a high priority program or activity of national or international significance involving the broad interests of the general public. Accordingly, waivers will not be requested when the documentation clearly demonstrates that the problem is solely one of recruitment in order to overcome a local community or institution manpower shortage.

(b) A direct relationship must exist between the exchange visitor and the program or activity involved so that loss of his services would necessitate discontinuance of the program. Accordingly, waivers will not be requested when the principal problem appears to be one of administrative or program inconvenience to the institution or other employer.

(c) The individual must possess unique and outstanding qualifications, training, and experience and be making original and significant contributions to the program.

**§ 50.4 Procedure.**

(a) Submission of Application to DHEW.

(1) The following procedure should be followed in applying to this Department for consideration of a Public Law 555 waiver: A letter should be submitted to the Public Law 555 Waiver Review Board, Department of Health, Education, and Welfare, Washington 25, D.C., by the institution of learning, hospital, laboratory, corporation, etc., describing in detail the circumstances of the case involved. This should include:

(i) A complete description of the program or activity in which the exchange visitor is engaged;

(ii) His or her relationship to the program, particular contribution, and other responsibilities, if any;

(iii) The probable future of the program if the waiver is not granted;

(iv) The exchange visitor's curriculum vitae, bibliography, date and place of birth, present citizenship, date and port of entry and current address;

(v) Any other facts considered germane.

(2) Since the formal filing of an application for waiver with the Immigration and Naturalization Service automatically terminates the applicant's exchange visitor status, it is permissible to obtain the decision of this Department before filing with the immigration and Naturalization Service.

**§ 50.5 Personal hardship cases.**

This Department has no responsibilities in connection with applications for waiver based on the personal hardship provisions of the Department of State regulations (22 CFR 63.6). This is a matter under the jurisdiction of the Immigration and Naturalization Service and inquiries should be directed to the appropriate District Office of that Service. The same is true of applications for extension of visas.

Dated: March 10, 1961.

[SEAL] ABRAHAM RIBICOFF,
*Secretary.*

[F.R. Doc. 61-2295; Filed, Mar. 15, 1961; 8:49 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

### PART 3—ADJUDICATION

### Time Limit

In § 3.109, paragraph (c) is added to read as follows:

**§ 3.109 Time limit.**

* * * * *

(c) *Request for waiver of overpayment.* When an overpayment is created a request for waiver will be considered only if received within 1 year following the date of the notice by the Finance activity to the person or persons of the existence of the overpayment.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective March 16, 1961.

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 61-2277; Filed, Mar. 15, 1961; 8:47 a.m.]

# Title 46—SHIPPING

## Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 61–6]

## STATISTICAL REPORTS WITH RESPECT TO NUMBERED VESSELS AND BOATING ACCIDENTS

The Federal Boating Act of 1958 (46 U.S.C. 527g) directs the compilation, analysis, and publication of information received with respect to boating accidents. The amendments to 46 CFR 173.05–5 and 173.05–10 change the rules to inform all concerned that the Coast Guard will do this work semiannually, as of June 30th and December 31st of each year, rather than quarterly. It has been found that this quarterly compilation, analysis, and publication of information is an extremely difficult task to perform with the limited qualified personnel available to do this work, in view of the many complexities of obtaining and assembling the required information and to review and prepare material for machine processing. To date it has been impossible to compile accurate and comprehensive statistics on a quarterly schedule. In addition, most States have indicated the quarterly reporting of statistics is very burdensome. From informal discussions with various boating organizations concerning the use of these statistics, it appears there is no apparent need for these statistics to be published oftener than once every six months.

The amendment to 46 CFR 171.05–1 is to correct the reference to the State of Hawaii and changes the name from "Territory of Hawaii" to "Hawaii."

Because the amendments in this document are editorial in nature or deal with an administrative practice of the Coast Guard, it is hereby found that the Coast Guard is exempt from compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof).

By virtue of the authority transferred to me as Commandant, United States Coast Guard, by Treasury Department Order 167–32, dated September 23, 1958 (23 F.R. 7605), I hereby promulgate the following amendments, in accordance with the statutes cited with the regulations below and these regulations shall become effective on and after June 30, 1961:

## PART 171—STANDARDS FOR NUMBERING

### Subpart 171.05—Vessel Identification

§ 171.05–1 [Amendment]

In the list of States in § 171.05–1(c) the name "Territory of Hawaii—HA" is changed to "Hawaii—HA" and transferred to follow after the State of Georgia.

(Sec. 7, 72 Stat. 1757; 46 U.S.C. 527d)

## PART 173—BOATING ACCIDENTS, REPORTS AND STATISTICAL INFORMATION

### Subpart 173.05—Statistics Required

1. The first sentence of § 173.05–5 is amended to read as follows:

§ 173.05–5 Reports with respect to numbered vessels.

The Coast Guard will compile statistics on numbered vessels as of June 30 and December 31 of each year.

2. The first sentence of § 173.05–10 is amended to read as follows:

§ 173.05–10 Reports with respect to boating accidents.

The Coast Guard will compile statistics on boating accidents reported as of June 30 and December 31 of each year.

(Sec. 7, 72 Stat. 1757; 46 U.S.C. 527d)

Dated: March 10, 1961.

[SEAL] A. C. RICHMOND,
*Admiral, U.S. Coast Guard*
*Commandant.*

[F.R. Doc. 61–2278; Filed, Mar. 15, 1961; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### National Park Service

[ 36 CFR Part 3 ]

## PASSENGER-CARRYING VEHICLES ON GEORGE WASHINGTON MEMORIAL PARKWAY

### Permits and Fees

*Basis and purpose.* Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3) it is proposed to amend 36 CFR 3.36(b) as set forth below.

The purpose of this amendment is: (a) To reaffirm the authority to permit the operation of buses on the George Washington Memorial Parkway between Key Bridge and the CIA Building contained in the amended regulations published December 30, 1959 which authority had theretofore been prohibited; (b) to provide for revision of fees from a per seat basis to a mileage basis for scheduled buses operating on the George Washington Memorial Parkway; (c) to make provision for the operation of limousines serving Dulles International Airport; (d) to make provision for the issuing of permits and payment of fees for the operation of sightseeing limousines.

It is the policy of the Department of the Interior wherever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the National Park Service, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

MARCH 10, 1961

Section 3.36(b) is amended to read as follows:

(b) *George Washington Memorial Parkway; passenger-carrying vehicles; permits; fees.* (1) Taxicabs licensed in the District of Columbia, Maryland, or Virginia, shall be permitted on any portion of the George Washington Memorial Parkway without being required to obtain a permit or make payment of fees.

(2) Limousines, when engaged in services authorized by concession agreement, to be operated from the Washington National Airport and/or Dulles International Airport, shall be permitted on any portion of the George Washington Memorial Parkway in Virginia without being required to obtain a permit or make payment of fees. Such limousines when operating on a sightseeing basis shall comply with subparagraph (4) of this paragraph.

(3) Passenger-carrying buses for hire or compensation may be permitted on the George Washington Memorial Parkway upon application for, and the granting of a permit by the Superintendent, National Capital Parks, when operating on a regular schedule (i) to provide passenger service on any portion between Mount Vernon and the Arlington Memorial Bridge, (ii) to provide limited direct non-stop passenger service between Key Bridge and the Central Intelligence Agency Building at Langley, Virginia, and (iii) to provide limited direct non-stop passenger service between the interchange at Route 123 and the Central Intelligence Agency Building at Langley, Virginia. Schedule of operation and all schedule changes shall be filed with the office of National Capital Parks showing the number of buses and total miles to be operated on the parkway. Permits shall be issued on an annual basis, effective from July 1 until the following June 30, at the rate of one cent (1¢) per mile for each mile each bus operates upon the parkway. Payment shall be made quarterly within 20 days after the end of the quarter based upon a certification of the total mileage operated upon the parkway.

(4) Sightseeing buses and limousines having six or more passenger-carrying seats for hire or compensation may be permitted on the George Washington Memorial Parkway upon application for, and the granting of a permit by the Superintendent, National Capital Parks, to provide sightseeing service on any portion of the parkway. Permits may be issued either on an annual basis for a fee of $3.00 for each passenger-carrying seat in such vehicle; on a quarterly basis for a fee of 75 cents per seat; or on a daily basis at the rate of $1.00 per vehicle per day.

[F.R. Doc. 61–2268; Filed, Mar. 15, 1961; 8:46 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 601 ]

[Airspace Docket No. 61–FW–19]

## CONTROL ZONES

### Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of a 3-mile radius control zone at Stinson Field, San Antonio, Tex. (latitude 29°20'15" N., longitude 98°28'15" W.), excluding the portion which coincides with the Kelly AFB control zone.

At the present time there are approximately 104 locally based aircraft at Stinson Field. Weather and communications service would be provided to aircraft utilizing the control zone by control tower personnel. It is expected that the control tower at Stinson Field will be commissioned on or about March 1, 1961.

Designation of this control zone would provide protection for aircraft arriving and departing Stinson Field.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 10, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–2269; Filed, Mar. 15, 1961; 8:49 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Dept. Circ. 570, 1960 Rev. Supp. No. 10]

### MICHIGAN MILLERS MUTUAL INSURANCE CO.

#### Surety Company Acceptable on Federal Bonds

MARCH 10, 1961.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $758,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1961. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

*State in Which Incorporated, Name of Company, and Location of Principal Executive Office*

MICHIGAN

Michigan Millers Mutual Insurance Co., Lansing, Mich.

[SEAL] ROBERT V. ROOSA,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61–2279; Filed, Mar. 15, 1961; 8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### ALASKA

#### Kenai Peninsula Homesteads

MARCH 9, 1961.

Public Law 86–789, relating to the granting of oil and gas rights to homestead entrymen on the Kenai Peninsula, was approved by the President on September 14, 1960. The complete text of the law is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the United States hereby quitclaims as of the date of this Act or as of the date of issuance of patent, whichever is later, to the patentee or to his lawful heirs if title to the lands prior to the date of this Act had by devise or succession passed out of the patentee, all right, title, and interest of the United States in and to oil and gas deposits in lands in the Kenai Peninsula in the State of Alaska patented to homestead entryman pursuant to homestead entries on which all requirements of the homestead laws had been complied with prior to July 23, 1957, except for the actual submission of acceptable final proof.

SEC. 2. Nothing in this Act shall affect the validity of any lease issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181 and following), as amended, or any rights arising thereunder, or any of its terms and conditions except that quitclaim under the terms of this Act of any oil and gas deposit covered by such a lease shall vest in the grantee all right, title, and interest of the United States in and to such lease, insofar as the lease pertains to the quitclaimed lands, including the right to all rentals, royalties, and other payments accruing after the date of quitclaim and including any authority that may have been retained by the United States to modify its terms and conditions.

All persons claiming the right, title and interest in and to oil and gas deposits in homestead entries in the Kenai Peninsula under the provisions of Public Law 86–789 are requested to file a notice of such claim with the Manager, Land Office, Bureau of Land Management, Sixth and Cordova, Anchorage, Alaska. The notice should contain the claimant's name and address, whether or not he is the entryman, patentee, heir or devisee of the patentee, the serial number and legal description of the homestead entry or claim. The notice should state whether final proof has been submitted and whether a patent has been issued with a reservation of the oil and gas.

A suggested form of such notice is as follows:

Manager, Land Office,
Bureau of Land Management,
6th and Cordova,
Anchorage, Alaska.

I, (we) _____, of
(Name)
_____
(Current mailing address)
am (are) the ☐ entryman ☐ patentee ☐ heir of patentee ☐ devisee of patentee who made homestead entry prior to July 23, 1957, on Anchorage _____
(Serial number)
located on the Kenai Peninsula and described as: _____
_____
I have (have not) submitted final proof, and have (have not) received a patent.

_____
(Signature)

Notice may be given by mail or by delivery in person at the Land Office.

Where the patent to the homestead has been issued or where final proof has been submited but patent has not been issued, the notice should be filed independently.

All claimants are urged to file their notices at the earliest convenient date.

WARNER T. MAY,
*Manager.*

[F.R. Doc. 61–2296; Filed, Mar. 15, 1961; 8:50 a.m.]

### ALASKA

#### Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

MARCH 8, 1961.

1. A plat of survey of the lands described below will be officially filed in the Fairbanks Land Office, Fairbanks, Alaska, effective at 10:00 a.m. on April 12, 1961:

T. 1 N., R. 3 E., of the Fairbanks Meridian, Alaska. Sections 19 through 36.

The area lies on both sides of the Chena Hot Springs Road and is formed of swampy terrain in the western portion adjacent to the Little Chena River and of gently rolling hills in the eastern and major portion of the area. The land is composed of gravel, overlain by a thin layer of topsoil. The greater part of the cover consists of spruce, birch, cottonwood and indigenous softwoods. A portion of the lands described is suitable for agricultural use.

2. Subject to any existing valid rights and the requirements of applicable law, the lands described in Paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

Applications and selections under the nonmineral public land laws and applications may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws other than those coming under paragraph (1) above presented prior to 10:00 a.m., on June 6, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

3. Persons claiming preference right based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

4. Applications for these lands which shall be filed in the Land Office, at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the Homestead and Homesite Laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that Title.

5. Inquiries concerning these lands shall be addressed to the Manager, Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES,
*Manager.*

[F.R. Doc. 61–2266; Filed, Mar. 15, 1961; 8:45 a.m.]

[California No. 622]

### CALIFORNIA

#### Small Tract Classification Order

1. Pursuant to the authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F.R. 7697), I hereby classify the following described public land, totaling approximately 139.07 acres in Shasta County, California as suitable for title transfer under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 5 W.,
Sec. 31: Lots 1, 5, 6, 7, 8, 10, W½NW¼NE¼.

Containing approximately 139.07 acres. Subdivided into 54 tracts 40 of which are covered by applications from persons entitled to preference under 43 CFR, 257.5.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to applications under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. All valid applications filed prior to March 9, 1961 will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

R. G. SPORLEDER,
*Officer-in-Charge,*
*Northern Field Group,*
*Sacramento 14, California.*

[F.R. Doc. 61–2267; Filed, Mar. 15, 1961; 8:46 a.m.]



[W–0105362]

### WYOMING

#### Notice of Proposed Withdrawal and Reservation of Lands

MARCH 10, 1961.

The Forest Service, Department of Agriculture, has filed an application, Serial No. Wyoming–0105362, for withdrawal of the lands described below from location and entry under the General Mining Laws of the United States, subject to existing valid claims.

The applicant desires the land for use as recreation and natural areas.

For a period of thirty days, from the date of publication of this notice, persons having cause may present their objections in writing to the State Supervisor of the Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

BIGHORN NATIONAL FOREST

*Meadow Lark Lake Recreation Area*

T. 48 N., R. 86 W.,
Sec. 5, Lots 6, 7, 8;
Sec. 6, Lots 8, 9.
T. 49 N., R. 86 W.,
Sec. 28, SE¼SW¼SW¼, S½SE¼SW¼;
Sec. 32, S½NE¼SE¼, E½SW¼SE¼, SE¼SE¼;
Sec. 33, SW¼NW¼NE¼, W½SW¼NE¼, NW¼, SW¼, W½NW¼SE¼, W½SW¼SE¼.

*Paintrock Lakes Recreation Area*

T. 51 N., R. 87 W.,
Sec. 7, Lots 3, 4, W½SW¼NE¼, SE¼NW¼, E½SW¼, W½NW¼SE¼;
Sec. 18, Lots 1, 2, 3, E½NW¼, W½NE¼SW¼.
T. 51 N., R. 88 W. (Unsurveyed),
Sec. 11, SE¼SE¼NE¼, NE¼NE¼SE¼, S½NE¼SE¼, SE¼SE¼;
Sec. 12, W½SE¼NW¼, SW¼NW¼, W½NE¼SW¼, NW¼SW¼, S½S½, NE¼SE¼, E½NW¼SE¼;
Sec. 13, N½NE¼, NE¼NW¼.

*Woodrock Recreation Area*

T. 54 N., R. 88 W.,
Sec. 3, NE¼SE¼, SE¼NE¼, W½NE¼, E½NW¼, SW¼NW¼.
T. 55 N., R. 88 W.,
Sec. 27, E½SW¼, SW¼SW¼, E½NW¼;
Sec. 34, SW¼SE¼, SW¼, NW¼.

*Bull Elk Park Natural Area*

T. 57 N., R. 89 W.,
Sec. 19, S½NE¼NW¼, NW¼SW¼NE¼, E½SE¼NW¼, SW¼SE¼NE¼, S½SW¼NE¼, W½NE¼SE¼, NW¼SE¼, E½NE¼SW¼, NW¼SE¼SE¼, S½SE¼SE¼, SW¼SE¼;
Sec. 20, SW¼SW¼SW¼;
Sec. 29, S½SE¼NE¼, S½SW¼NE¼, W½NW¼NW¼, S½NW¼, N½SE¼, N½SE¼SE¼, SW¼SE¼, SW¼;
Sec. 30, E½;
Sec. 31, NW¼NE¼NE¼, NW¼NE¼.

Containing approximately 3532.58 acres.

EUGENE L. SCHMIDT,
*Lands and Minerals Officer.*

[F.R. Doc. 61–2273; Filed, Mar. 15, 1961; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

### SALES OF CERTAIN COMMODITIES

### March 1961 Monthly Sales List

DRY EDIBLE BEANS

The price listing for the Commodity Credit Corporation Monthly Sales List for March 1961 is amended, effective March 6, 1961, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), by adding the following:

| Commodity | Sales price or method of sale |
|---|---|
| Dry edible beans, bagged (as available). | Domestic and export<br>Domestic market price but not less than the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in freight to be added as applicable. For other grades, adjust by 1960-crop price support differentials. |

| Class | Price per hundredweight | Area of production | CSS Commodity Office |
|---|---|---|---|
| Dark Red Kidney | $7.95 | Michigan | Evanston. |
| Pea | 6.85 | do | Do. |

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued March 13, 1961.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 61–2297; Filed, Mar. 15, 1961; 8:50 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. G–3196 etc.]

## BATEX, INC., ET AL.

### Notice of Application and Date of Hearing

MARCH 8, 1961.

Batex, Inc.; et al., formerly W. D. Kennard, Docket No. G–3196; L. C. Smitherman, et al., Docket No. G–13352; Pioneer Oil and Gas Co., Inc., et al., Docket No. G–14358; Texaco Inc., Docket No. G–14359; Falcon Seaboard Drilling Company, Operator, et al., Docket No. G–14360; Limpia Royalties, Incorporated, Docket No. G–14364; W. G. Haun, Docket No. G–14368; Union Producing Company, Docket No. G–14370; Paul J. Fly, Operator, et al., Docket No. G–14377; Champlin Oil & Refining Company, Docket No. G–14380; George Parker, et al., Docket No. G–14382; Graham Michaelis Drilling Company, Operator, et al., Docket No. G–14383; Hunt Oil Company, Docket No. G–14539; G. Stratton,[1] Docket No. G–15158; W. L. Hartman, Operator, et al., Docket No. G–15712; James M. Forgotson, Docket No. G–16530; Northern Natural Gas Producing Company, Docket No. G–16752; Jones-Shelburne & Pellow Oil Company, Operator, Docket No. G–16868; Western Petroleum Company, Docket No. G–17853; E. C. Hitchcock & E. S. Hitchcock, Docket No. G–18306; Monsanto Chemical Company, Docket No. G–18374; Slick Oil Corporation, Docket No. G–18454; General American Oil Company of Texas, Docket No. G–18543; D. H. Bolin, Docket No. G–18588; El Paso Natural Gas Company, Docket No. G–18685; Jack's Creek Oil & Gas Company and Dry Creek Oil & Gas Company, Docket No. G–18717; Socony Mobil Oil Company, Inc., formerly Magnolia Petroleum Company, Docket No. G–18731; Midwest Oil Corporation, Docket No. G–18735; Prime Drilling Company et al., Docket No. G–19135; Tom Bolack, et al., Docket No. G–19230; Tom Bolack, et al., Docket No. G–19231.

Hamilton Gas Company, Inc., Docket No. G–19364; Mike Abraham, et al., Docket No. G–19372; French M. Robertson and J. P. Bryan, Docket No. G–19392; Schermerhorn Oil Corporation, Docket No. G–19449; J. H. & Grace Elder Trusts Nos. 1–5 (by the Midland National Bank, Trustee), Docket No. G–19504; Cities Service Oil Company, Docket No. G–19559; Shell Oil Company, Docket No. G–19571; Home State Production Company, Operator, et al., Docket No. G–20256; Gulf Oil Corporation, Docket No. G–20383; Gulf Oil Corporation, Docket No. CI60–54; Ben D. Marks, Docket No. CI60–57; Sun Oil Company, Docket No. CI60–75; Winnie Fae Morris, et al., d.b.a., Orlan Frederick Gas Company, Docket No. CI60–148; Isaac Arnold, et al., Docket No. CI60–237; Tidal Oil Company, Docket No. CI60–293; Socony Mobil Oil Company, Inc., Docket No. CI60–310; The British-American Oil Producing Company, Docket No. CI60–322; An-Son Petroleum Corporation, Operator, et al., Docket No. CI60–364; Funk and Glover Lease, Docket No. CI60–365; Cerro De Pasco Corporation, Operator, et al., Docket No. CI60–366; Phillips Petroleum Company, Docket No. CI60–367; Phillips Petroleum Company, Docket No. CI60–368; Walter C. Crane, et al., d.b.a., Vesta Fuel Company Well No. 10, Docket No. CI60–370; John R. Robinson, et al., Docket No. CI60–371; Stanley Adams, et al., d.b.a., Adams & Stump Oil & Gas Co., Docket No. CI60–372; Richard H. Bennett, Docket No. CI60–375; James R. Colpitt, et al., Docket No. CI60–376; E. K. Edmiston, Docket No. CI60–378; F. S. Deem, Docket No. CI60–380; A. M. Carlson, et al., Docket No. CI60–381; Graham Michaelis Drilling Company, Docket No. CI60–382; James A. Wood, Trustee, Operator, Docket No. CI60–383; George W. Moses, d.b.a., George M. Woofter No. 1, Docket No. CI60–385; Newman Brothers Drilling Company, Docket No. CI60–386.

Fred W. Stalnaker, et al., Docket No. CI60–387; W. H. Busch, et al., Docket No. CI60–389; Durham Drilling Co., Inc., Operator, et al., Docket No. CI60–390; Socony Mobil Oil Company, Inc., Docket No. CI60–392; Leland Davison, et al., Docket No. CI60–395; Leland Davison, et al., Docket No. CI60–396; Leland Davison, et al., Docket No. CI60–397; Leland Davison, et al., Docket No. CI60–398; Neville G. Penrose, Operator, et al., Docket No. CI60–415; Tidewater Oil Company, Operator, Docket No. CI60–430; Katex Oil Company, Docket No. CI60–450; Hunt Oil Company, Docket No. CI60–457; The Atlantic Refining Company, Docket No. CI60–459; Allied Materials Corporation, Operator, et al., Docket No. CI60–465; Robert W. O'Meara, Operator, Docket No. CI60–469; Alice M. Vandergrift, Docket No. CI60–470; Murphy Corporation, et al., Docket No. CI60–487; Gulf Oil Corporation, Docket No. CI60–492; Woods Exploration and Producing Company, et al., Docket No. CI60–495; C. W. Coffey, et al., Docket No. CI60–496; George Longfellow, Docket No. CI60–498; Sohio Petroleum Company, Docket No. CI60–501; Union Producing Company, Docket No. CI60–509; Horace C. Hargrove, Docket No. CI60–510; The Atlantic Refining Company, Docket No. CI60–511; George Jackson, Docket No. CI60–512; Dale Cottrill, et al., Docket No. CI60–513; Grady L. Fox, et al., Docket No. CI60–565; Jack F. Merandi, et al., Docket No. CI60–566; Southwest Production Company, Docket No. CI60–576; Willie Collins, et al., Docket No. CI60–628; Viersen & Cochran, Docket No. CI60–646; Caroline Hunt Trust Estate, Docket No. CI60–685; Texaco Inc., Docket No. CI60–725; John R. Robinson, et al., Docket No. CI60–737; D. S. Marsalis, Agent, et al., Docket No. CI60–746; Luray Land, Inc., Docket No. CI60–747; Fred W. Stalnaker, et al., Docket No. CI60–755; Ferrell L. Prior, et al., Docket No. CI60–756; David L. Law, et al., Docket No. CI60–757; Amerada Petroleum Corporation, Docket No. CI60–810; Discovery Oil and Gas Company, Inc., Operator, et al., Docket No. CI60–834.

Texaco Inc., Docket No. CI61–60; Anadarko Production Company, Docket No. CI61–249; Hamilton Brothers, Ltd., Docket No. CI61–262; Texas Crude Oil Company, Docket No. CI61–324; Ford Development Company, Docket No. CI61–360; Laural Run Development Company, Docket No. CI61–379; Jack F. Merandi, et al., Docket No. CI61–411; Cabriel D. Weiss, et al., Docket No. CI61–440; The Stevens County Oil & Gas Company, et al., Docket No. CI61–445; D. W. Law, Docket No. CI61–447; Superior Oil and Gas, Inc., Docket No. CI61–448; Skelly Oil Company, Docket No. CI61–469; Consolidated Oil & Gas, Inc., Docket No. CI61–490; Allen Oil and Gas Company, Docket No. CI61–491; W. Earl Rowe, Operator, et al., Docket No. CI61–526; North Central Oil Corporation, Docket No. CI61–553; Waugh Oil and Gas Company, Docket No. CI61–571; G. R. Whittington, Operator, et al., Docket No. CI61–637; Mercury Drilling Company, et al., Docket No. CI61–639; Honolulu Oil Corporation, Docket No. CI61–651; The Pure Oil Company, Docket No. CI61–704; O. L. Williamson, Docket No. CI61–870; Texas Eastern Transmission Corporation, Docket No. CP61–65; Tennessee Gas Transmission Company, Docket No. CP61–121; Texas Eastern Transmission Corporation, Docket No. CP61–169.

Take notice that each of the above Applicants has filed an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the construction and operation of facilities and the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, amendments and supplements thereto, which are on file with the Commission and open to public inspection.

The respective Applicants, except El Paso Natural Gas Company in Docket No. G–18685, produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

*Docket Nos.; Field and Location; Purchaser; Price per Mcf*

G–3196; Boyle, Kennard, and Rincon, Starr County, Tex.; Tennessee Gas Transmission Co.: 10.0 cents at 14.65 psia.

G–13352; Embry Area, Edwards County, Kans.; Northern Natural Gas Co.; 19.5 cents at 14.65 psia.

G–14358; Napoleonville, Assumption Parish, La.; United Gas Pipe Line Co.; 19.5 cents at 15.025 psia.

G–14359; North Hutchinson, Spearman East, Hutchinson County, Hansford County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

G–14360; Nelsonville, Austin County, Tex.; Tennessee Gas Transmission Co.; 13.37125 cents at 14.65 psia.

G–14364; Wemac, Andrews County, Tex.; El Paso Natural Gas Co.; 7.0945 cents at 14.65 psia.

G–14368; Hugoton, Finney County, Kans.; Cities Service Gas Co.; 7.503658 cents at 14.65 psia.

G–14370; Maxie-Pistol Ridge, Forrest, Lamar, and Pearl River Counties, Miss.; United Gas Pipe Line Co.; 20.1324 cents at 15.025 psia.

G–14377; Bloomington, Victoria County, Tex.; United Gas Pipe Line Co.; 8.1024 cents at 14.65 psia.

G–14380; Hugoton, Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 psia.

G–14382; Rodessa, Caddo Parish, La.; United Gas Pipe Line Co.; 10.7432 cents at 14.65 psia.

G–14383; Hugoton, Seward County, Kans.; Northern Natural Gas Co.; 11.0 cents at 14.65 psia.

G–14539; Woodlawn, Harrison County, Tex. (District 6); Texas Eastern Transmission Corp.; 13.712625 cents at 14.65 psia.

G–15158; Acreage in Crocket County, Tex.; El Paso Natural Gas Co.; 8.5 cents at 14.65 psia.

G–15712; Hugoton, Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 psia.

G–16530; Carlton and Calhoun Areas, Ouachita Parish, La.; Texas Gas Transmission Corp.; 18.375 cents at 15.025 psia.

G–16752; McKinney, Meade County, Kans.; Northern Natural Gas Co.; 14.0 cents at 14.65 psia.

G–16868; East Victor Pool, Lincoln County, Okla.; Jernigan and Morgan Transmission Co.; 8.0 cents at 14.65 psia.

G–17853; Langlie-Mattix, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

G–18306; Tex-Mex, Gaines County, Tex.; El Paso Natural Gas Co.; 9.5 cents at 14.65 psia.

G–18374; MWP Unit No. 1 Well, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–18454; San Juan Basin, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–18543; Sweetie Peck, Midland County, Tex.; El Paso Natural Gas Co.; 7.6501 cents at 14.65 psia.

G–18588; San Juan Basin, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–18717; Acreage in Floyd County, Floyd and Knott Counties, Ky.; United Fuel Gas Co.; 16.0 cents at 15.325 psia.

G–18731; Big Mineral Creek, Grayson County, Tex.; Lone Star Gas Co.; 12.0 cents at 14.65 psia.

G–18735; Spraberry Trend, Regan County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.

G–19135; Rhodes, Barber County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

G–19230; Blanco-Mesaverde, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents at 15.025 psia.

G–19231; Blanco, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–19364; Monroe Gas, Ouachita Parish, La.; United Carbon Co.; 3.0 cents at 15.025 psia.

G–19372; Pictured Cliffs and Mesaverde, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents at 15.025 psia.

G–19392; Acreage in Crocket County, Tex.; El Paso Natural Gas Co.; 12.0767 cents at 14.65 psia.

G–19449; Acreage in Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

G–19504; Spraberry Area, Regan County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.

G–19559; Acreage in Brazoria and Galveston Counties, Tex.; Trunkline Gas Co.; 20.0 cents at 14.65 psia.

G–19571; Acreage in Brazoria and Galveston Counties, Tex.; Trunkline Gas Co.; 20.0 cents at 14.65 psia.

G–20256; Orlando, Payne County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.

G–20383; Sarah White Area, Brazoria and Galveston Counties, Tex.; Trunkline Gas Co.; 20.0 cents at 14.65 psia.

CI60–54; Lower Mudlake, Cameron Parish, La.; Tennessee Gas Transmission Co.; 22.83333 cents at 15.025 psia.

CI60–57; Sparton, San Patricio County, Tex.; W. J. Riley, d.b.a., Banquete Gas Co.; 9.0 cents at 14.65 psia.

CI60–75; Lower Mudlake, Cameron Parish, La.; Tennessee Gas Transmission Co.; 22.83333 cents at 15.025 psia.

CI60–148; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60–237; Lower Mud Lake, Cameron Parish, La.; Tennessee Gas Transmission Co.; 22.83333 cents at 15.025 psia.

CI60–293; West Kutz, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

CI60–310; High Island, Cameron Parish, La.; Tennessee Gas Transmission Co.; 22.83333 cents at 15.025 psia.

CI60–322; Block 20 Offshore, Cameron Parish, La.; Tennessee Gas Transmission Co.; 22.17333 cents at 15.025 psia.

CI60–364; Acreage in Carter County, Okla.; Lone Star Gas Co.; 11.0 cents at 14.65 psia.

CI60–365; Glovers Gas Area, Marion County, W. Va.; South Penn Oil Co. (for resale to Hope Natural Gas Co.; 15.0 cents at 15.325 psia.

CI60–366; North Chesterville, Colorado County, Tex.; Tennessee Gas Transmission Co.; 15.0 cents at 14.65 psia.

CI60–367; Chimney Rock, Woodward County, Okla.; Cities Service Gas Co.; 16.0 cents at 14.65 psia.

CI60–368; Southeast Woodward, Woodward County, Okla.; Cities Service Gas Co.; 16.0 cents at 14.65 psia.

CI60–370; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60–371; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60–372; Rowels Run (Lee District) Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60–375; Warren District, Upshur County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI60–376; Acreage in Payne County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.

CI60–378; Southwest Tatlock, Edwards County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.

CI60–380; Freeman's Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI60–381; Freeman's Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI60–382; Harper Ranch, Clark County, Kans.; Northern Natural Gas Co.; 15.0 cents at 14.65 psia.

CI60–383; South LaReforma, Starr County, Tex.; Tennessee Gas Transmission Co., 17.24347 cents at 14.65 psia.

CI60–385; Freeman's Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI60–386; Hinkle, Harris County, Tex.; United Gas Pipe Line Co.; 14.1792 cents at 14.65 psia.

CI60–387; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60–389; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60–390; Spooney, Ochitree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI60–392; Northwest Chalkley, Calcasieu Parish, La.; Tennessee Gas Transmission Co.; 22.83333 cents at 15.025 psia.

CI60–395; Spraberry Trend, Regan County, Tex.; El Paso Natural Gas Co.; 10.096 cents at 14.65 psia.

CI60–396; Spraberry Trend, Regan County, Tex.; El Paso Natural Gas Co.; 10.096 cents at 14.65 psia.

CI60–397; Spraberry Trend, Regan County, Tex.; El Paso Natural Gas Co.; 10.096 cents at 14.65 psia.

CI60–398; Spraberry Trend, Regan County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.

CI60–415; Ignacio-Blanco, La Plata County, Colo.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI60–430; Caillou Island, Terrebonne Parish, La.; Tennessee Gas Transmission Co.; 18.5 cents at 15.025 psia.

CI60–450; West Panhandle, Gray County, Tex.; Phillips Petroleum Co.; 8.0 cents at 14.65 psia.

CI60–457; Hico-Knowless, Lincoln Parish, La.; Texas Gas Transmission Corp.; 18.25 cents at 15.025 psia.

CI60–459; Englehart, Colorado County, Tex.; Tennessee Gas Transmission Co.; 16.16947 cents at 14.65 psia.

CI60–465; Bernstein-Cherokee, Hansford County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI60–469; Caillou Island, Terrebonne Parish, La.; Tennessee Gas Transmission Co.; 18.5 cents at 15.025 psia.

CI60–470; Court House and Skin Creek Districts, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI60–487; Calhoun, Ouachita Parish, La.; Arkansas Louisiana Gas Co.; 18.75 cents at 15.325 psia.

CI60–492; Gallegos Gallup, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI60–495; East Bernard, Warton County, Tex.; Tennessee Gas Transmission Co.; 16.16947 cents at 14.65 psia.

CI60–496; Blessing Area, Matagorda County, Tex.; Tennessee Gas Transmission Co.; 16.16947 cents at 14.65 psia.

CI60–498; Washington District, Calhoun County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI60–501; South Pecan Lake, Cameron Parish, La.; United Fuel Gas Co.; 19.5 cents at 15.025 psia.

CI60–510; Merit, Simpson County, Miss.; Southern Natural Gas Co.; 20.0 cents at 15.025 psia.

CI60–511; Guymon-Hugoton, Beaver County, Okla.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI60–512; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI60–513; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI60–509; Hynes Ranch, Refugio County, Tex.; United Gas Pipe Line Co.; 13.1664 cents at 14.65 psia.

CI60–565; Hansford Hugoton, Hansford County, Tex.; Panhandle Eastern Pipe Line Co.; 13.0 cents at 14.65 psia.

CI60–566; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI60–576; San Juan, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI60–628; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60–646; Southwest Wakita Pool, Grant County, Okla.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

CI60–685; Seeligson, Jim Wells County, Tex.; Tennessee Gas Transmission Co.; 12.13268 cents at 14.65 psia.

CI60–725; Texas Hugoton, Sherman County, Tex.; Phillips Petroleum Co.; 8.0 cents at 14.65 psia.

[1] The application in Docket No. G–15158 has been noticed heretofore and is included herein for the purpose of hearing.

CI60–737; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI60–746; Meade, Meade County, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI60–747; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI60–755; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI60–756; Court House District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI60–757; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI60–810; Manziel, Wood County, Tex.; Arkansas Louisiana Gas Co.; 12.052 cents at 14.65 psia.
CI60–834; Pistol Ridge, Forrest County, Miss.; United Gas Pipe Line Co.; 20.0 cents at 15.025 psia.
CI61–60; Groose Isle, Vermilion Parish, La.; Tennessee Gas Transmisson Co.; 22.83333 cents at 15.025 psia.
CI61–249; Landrum Lease, Morton County, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI61–262; Greenwood, Morton County, Kans.; Colorado Interstate Gas Co.; 16.0 cents at 14.65 psia.
CI61–324; Worsham, Reese County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.
CI61–360; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–379; Union District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–411; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–440; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–445; Panama, Stevens, and Seward Counties, Kans.; Panhandle Eastern Pipe Line Co.; 14.0 cents at 14.65 psia.
CI61–447; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–448; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–469; Applicant's Eunice Plant No. 2 Plant, Lea County, N. Mex.; El Paso Natural Gas Co.; 14.0 cents at 14.65 psia.
CI61–490; Montoya No. 1 Well, San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.
CI61–491; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–526; West La Rosa, Refugio County, Tex.; United Gas Pipe Line Co.; 12.0 cents at 14.65 psia.
CI61–553; Sabine Pass Area, Cameron Parish, La., and Jefferson County, Tex.; Transcontinental Gas Pipe Line Corp.; 18.356 cents at 14.65 psia.
CI61–571; Freeman's Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–637; Texas-Hugoton, Hansford, Moore, and Sherman Counties, Tex.; Phillips Petroleum Co.; 12.0 cents at 14.65 psia.
CI61–639; Doyle, Stephens County, Okla.; Lone Star Gas Co.; 14.0 cents at 14.65 psia.
CI61–651; Honolulu Oil Corporation, Pine Lake, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
CI61–704; Caddo Dome, Carter County, Okla.; Lone Star Gas Co.; 14.0 cents at 14.65 psia.
CI61–870; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CP61–65; Alta Loma, Galveston County, Tex.; Trunkline Gas Co.; 18.0 cents at 14.65 psia.
Lone Star Gas Co.; 14.0 cents at 14.65 psia.
CP61–121; Doyle, Stephens County, Okla.; CP61–169; Flora Vista Area, San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

In Docket No. G–18685, El Paso Natural Gas Company seeks authorization to construct and operate an 8.8-mile 12¾-inch field loop line, together with metering facilities necessary to purchase up to approximately 46,000 Mcf of residue gas daily from Skelly Oil Company's Eunice Plant No. 2, as proposed by Skelly in Docket No. CI61–469 herein.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 11, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 27, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.30(b) (2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–2222; Filed, Mar. 15, 1961; 8:45 a.m.]

[Docket Nos. RI61–379, RI61–380]

## HUMBLE OIL & REFINING CO. ET AL.

### Order Providing for Hearing on and Suspension of Proposed Renegotiated Rates and Allowing Rates To Become Effective Subject to Refund

MARCH 9, 1961.

On February 13, 1961, Humble Oil & Refining Company (Humble) and Humble Oil & Refining Company, Operator, et al. (Humble) tendered for filing twelve proposed renegotiated rates for sales of gas to El Paso Natural Gas Company (El Paso) subject to the jurisdiction of the Commission. These proposed renegotiated rates are identical to previously filed favored-nation rates effective subject to refund in the proceedings in Docket Nos. RI60–430, RI60–443, RI60–444, RI60–447, and RI60–473.[1] The pertinent data is as follows:

| Docket No. | Rate schedule | Supplement No. | Producing area | Presently effective and proposed rates | Presently effective rate subject to refund in Docket No. |
|---|---|---|---|---|---|
| RI61–379 | 9 | 9 | Clara Couch Field, Crockett County, Tex. | 15.7093 | RI60–447 |
| | 16 | 11 | Dollarhide Field, Andrews County, Tex. | 17.2295 | RI60–447 |
| | 28 | 7 | Cooper Jal Field, Lea County, N. Mex. | [1] 15.5599 | RI60–447 |
| | 33 | 6 | do | [1] 15.5599 | RI60–447 |
| | 45 | 7 | do | [1] 15.5599 | RI60–447 |
| | 116 | 11 | S. Andrews Field, Andrews County, Tex. | 13.6823 | RI60–444 |
| | 160 | 3 | Roberts Field, Sutton County, Tex. | 15.7093 | RI60–430 |
| RI61–380 | 5 | 35 | Spraberry Field, various counties, Tex. | 17.2295 | RI60–443 |
| | 31 | 11 | Cooper Jal Field, Lea County, N. Mex. | [1] 15.5599 | RI60–447 |
| | 118 | 9 | Amacker-Tippett Field, Upton County, Tex. | 13.6823 | RI60–447 |
| | 142 | 4 | S. Four Lakes Field, Lea County, N. Mex. | 17.0656 | RI60–443 |
| | 144 | 3 | Amacker-Tippett Field, Upton County, Tex. | 13.6823 | RI60–473 |

[1] Subject to 0.4467 cents per Mcf charged by purchaser for compression.

The proposed rates, if not suspended, would become effective March 16, 1961, the date of expiration of statutory notice. All of the rates are at a pressure base of 14.65 psia. The proposed rates exceed the applicable 11-cent area rate levels set out in the Commission's General Policy Statement No. 61–1, as amended.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the several proposed changes and that the above-designated rate supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the several proposed changes and the above-designated rate supplements are suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until March 17, 1961, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That said supplements shall become effective March 17, 1961, if within 20 days from the date of the issuance of this order, Humble shall execute and file in this proceeding its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Humble is advised to the contrary within 15 days after the filing of such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 24, 1961.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

By the Commission.

MICHAEL J. FARRELL,
*Acting Secretary.*

[F.R. Doc. 61–2264; Filed, Mar. 15, 1961; 8:45 a.m.]

[1] Humble and El Paso have renegotiated the subject contracts, eliminating the favored-nation clauses and providing for the proposed rates.



[Docket No. G–16563 etc.]

## CITIES SERVICE CO. ET AL.

### Notice of Application Further Consolidation of Proceedings and Date of Hearing

MARCH 14, 1961.

Cities Service Company, et al., Docket Nos. G–16563, et al.; Texaco, Inc., Docket No. G–19018.

Take notice that on July 20, 1959, the above Applicant filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

The Applicant produces and proposes to sell natural gas to United Gas Pipe Line Company (United) from the Northwest Corpus Channel Field, Nueces and San Patricio Counties, located in Texas Railroad Commission District Four in the State of Texas. United will transport the gas in interstate commerce and make sales thereof for resale. The Applicant's proposed initial base rate is 18 cents per Mcf at 14.65 psia plus 0.2034 cent per Mcf tax reimbursement. Temporary authorization was issued to the Applicant on August 29, 1959.

This matter is related to the proceeding involved in Cities Service Company, et al., Docket No. G–16563, et al.[1] and should be heard on a consolidated record therewith and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 4, 1961, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by such applications.

Protests of petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 30, 1961.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–2342; Filed, Mar. 15, 1961; 8:51 a.m.]

[1] See Notice of Applications, Consolidation of Proceedings and Date of Hearing issued March 2, 1961 (26 F.R. 2007).

# FEDERAL RESERVE SYSTEM

## NEW YORK HOLDING CORP.

### Notice of Application for Approval of Acquisition of Shares of Banks, and Order for Hearing Thereon

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by New York Holding Corporation, White Plains, New York, for the prior approval of the Board of the acquisition by applicant of all the outstanding shares of stock (except for directors' qualifying shares) of Bankers Trust Company, New York, New York, and The County Trust Company, White Plains, New York.

It appearing to the Board of Governors that it is appropriate in the public interest that a hearing be held with respect to this application:

*It is hereby ordered,* That, pursuant to § 222.7(a) of the Board's Regulation Y (12 CFR 222.7(a)), promulgated under the Bank Holding Company Act of 1956, a public hearing with respect to this application be held, commencing April 25, 1961, at 10 a.m., at the offices of the Federal Reserve Bank of New York, New York City, before a duly designated hearing examiner, such hearing to be conducted in accordance with the rules of practice for formal hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The right is reserved to the Board or such hearing examiner to designate any other place or date for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties.

*It is further ordered,* That the following matters will be the subject of consideration at said hearing, without prejudice to the designation of additional related matters and questions upon further examination:

1. The financial history and condition of the company and the banks concerned;
2. The prospects of said company and banks;
3. The character of their management;
4. The convenience, needs, and welfare of the communities and the area concerned;
5. Whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

*It is further ordered,* That, any person desiring to give testimony in this proceeding should file with the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C., on or before March 31, 1961, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such requests will be presented to the designated hearing examiner for his determination, and persons submitting them will be notified of his decision.

Dated at Washington, D.C., this 10th day of March 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 61–2294; Filed, Mar. 15, 1961; 8:49 a.m.]

# GENERAL SERVICES ADMINISTRATION

## CELESTITE HELD IN THE NATIONAL STOCKPILE

### Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 28,816 short tons of celestite now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a(a), that there is no longer any need for stockpiling said celestite. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said celestite is below specification and does not contribute to the stockpile objective.

Since the revised determination is not by reason of obsolescence of celestite for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to transfer said celestite to other Government agencies, or to offer the material for sale on a competitive basis or otherwise to dispose of it in the best interest of the Government upon the express approval by the Congress of this proposed disposition or six months after the date of publication of this notice in the FEDERAL REGISTER, whichever is later. The quantity offered for initial sale will range in weight between 9,000 short tons and 12,500 short tons. Subsequent offerings of the remainder of the celestite will be scheduled based on the evaluation of the results of the first sale.

This plan and the dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: March 9, 1961.

JOHN L. MOORE,
*Administrator.*

[F.R. Doc. 61-2281; Filed, Mar. 15, 1961; 8:47 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-230, 59-2]

## AMERICAN ELECTRIC POWER CO., INC.

### Order Modifying Previous Order Approving Plan

MARCH 8, 1961.

American Electric Power Company, Inc. ("American"), a registered holding company, having filed, pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act"), a plan providing for the sale of (a) two parcels of limestone land owned by Appalachian Power Company ("Appalachian"), a public-utility subsidiary company of American, and (b) the limestone properties owned by Radford Limestone Company, Incorporated ("Radford"), a subsidiary company of Appalachian; and

The Commission having consolidated the section 11(e) plan proceeding (File No. 54-230) with a section 11(b)(1) proceeding (File No. 59-2) previously instituted by the Commission; and

Due notice and opportunity to be heard having been given (Holding Company Act Release No. 14372), and no hearing having been requested of or ordered by the Commission; and

The Commission having considered the entire record and having this day filed its Memorandum Findings and Opinion herein; on the basis of such Findings and Opinion:

*It is ordered*, That the Commission's order of December 26, 1945 (in File No. 59-2) be, and it hereby is, modified so as to require that American, Appalachian, and Radford take appropriate action to cease to have any interest, direct or indirect, in those properties of Radford and of Appalachian which are operated as a quarrying business.

*It is further ordered*, Pursuant to section 11(e) and the other applicable provisions of the Act, that the plan filed by American (in File No. 54-230) be, and hereby is, approved, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act.

*It is further ordered*, That the transfer by Appalachian, by way of dividend, of 1,250 shares of $100 par value common stock of Radford to American; the transfer, in complete liquidation of Radford, of the assets of Radford to American; the sale of the limestone lands, machinery, equipment, supplies and materials formerly owned and used by Radford in its quarrying business by American to DeWitt or to Radford Stone Corp., a new Virginia corporation organized by B. R. DeWitt, for $467,600 in cash in installment payments; the sale by Appalachian to B. R. DeWitt or to Radford Stone Corp. of two small parcels of limestone land contiguous to the limestone lands of Radford for $2,400 in cash; the dissolution of Radford; and, subject to the issuance by this Commission of appropriate orders upon the filing of such applications-declarations as may be required pursuant to the applicable sections of the Act, the expenditure by Appalachian for utility operating property, within 24 months of the sale, of an amount at least equal to the proceeds of the sale by Appalachian, and the investment by American, within 24 months of the sale, of an amount at least equal to the proceeds of the sale by American as a contribution or contributions to the capital of one or more public utility subsidiary companies of American, all as set forth in the plan filed herein, shall be effected as steps in compliance with, and as necessary or appropriate to effectuate the provisions of, section 11(b) of the Act; and

*It is further ordered and recited*, That said transfers and sales, and said reinvestments of the proceeds of sale, are necessary or appropriate to the integration or simplification of the holding company system of which American, Appalachian and Radford are members and are necessary or appropriate to effectuate the provisions of section 11(b) of the Act, all in accordance with the meaning and requirements of sections 1081(b), 1081(f), and 4382(b)(2) of the Internal Revenue Code of 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-2269; Filed, Mar. 15, 1961; 8:46 a.m.]

[File No. 24NY-4900]

## BEVERAGES BOTTLING CORP.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 10, 1961.

I. Beverages Bottling Corp. (issuer), a Delaware corporation, 800 St. Anns Avenue, Bronx, New York, filed with the Commission on July 6, 1959, a notification on Form 1-A and an offering circular relating to a proposed public offering of 300,000 shares of common stock at $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Regulation A, promulgated under section 3(b) of the Act. The principal underwriter thereon was Financial Management, Inc.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The offering circular failed to state the exact offering price to the public, the true discounts and commissions to the underwriters and the method by which the securities would be offered.

2. The Form 2-A report failed to disclose accurately the amounts received from the public and the underwriting discounts allowed.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-2270; Filed, Mar. 15, 1961; 8:46 a.m.]



# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 13, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 36952: *Ethylene glycol to Earl, N.C.* Filed by O. W. South, Jr., Agent (No. A4073), for interested rail carriers. Rates on ethylene glycol, in tank-car loads, from Baton Rouge and Geismar, La., to Earl, N.C.

Grounds for relief: Market competition.

Tariff: Supplement 280 to Southern Freight Association tariff I.C.C. 400.

FSA No. 36953: *Substituted service—C & O for Transamerican Freight Lines, Inc.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 60), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Chicago, Ill., on the one hand, and Buffalo, N.Y., Cincinnati, Ohio, Detroit, and Saginaw, Mich., on the other, and between Detroit, Mich., and Buffalo, N.Y., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 3 to Central States Motor Freight Bureau, tariff MF-I.C.C. 963.

FSA No. 36954: *Substituted service—C & NW for Delta Motor Line, Inc., et al.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 61), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Chicago, Ill., and East St. Louis, Ill., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 3 to Central States Motor Freight Bureau tariff MF-I.C.C. 963.

FSA No. 36955: *Substituted service—IC for Transamerican Freight Lines, Inc.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 62), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Chicago, Ill., and East St. Louis, Ill., on traffic originating at or destined to such points or points beyond as decribed in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 3 to Central States Motor Freight Bureau tariff MF-I.C.C. 963.

FSA No. 36956: *Substituted service—NJI&I and Wab. for Spector Freight System, et al.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 63), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between South Bend, Ind., on the one hand, and Decatur and East St. Louis, Ill., Buffalo, N.Y., and Detroit, Mich., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 3 to Central States Motor Freight Bureau tariff MF-I.C.C. 963.

FSA No. 36957: *Substituted service—Wab. for Spector Freight System, Inc., et al.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 64), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Buffalo, N.Y., on the one hand and Chicago and East St. Louis, Ill., Fort Wayne, Ind., and Detroit, Mich., on the other; between Chicago and East St. Louis, Ill., on the one hand and Detroit, Mich., and Toledo, Ohio, on the other, and between Chicago, Ill., and East St. Louis, Ill., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 3 to Central States Motor Freight Bureau tariff MF-I.C.C. 963.

FSA No. 36959: *Lumber from and to points in Michigan and Wisconsin.* Filed by Western Trunk Line Committee, Agent (No. A2171), for interested rail carriers. Rates on lumber and related articles in carloads, from points in Wisconsin and Upper peninsula of Michigan, to points in Wisconsin and Upper peninsula of Michigan and northern Illinois.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 30 to Chicago and North Western Railway tariff I.C.C. 4872 and other schedules named in the application.

FSA No. 36960: *Petroleum to Wisconsin points.* Filed by Western Trunk Line Committee, Agent (No. A-2172), for interested rail carriers. Rates on petroleum and petroleum products, as described in the application, in tank-car loads, from Minneapolis, Minnesota Transfer, St. Paul, Fordson, and Roseport, Minn., to points in Wisconsin.

Grounds for relief: Truck competition.

Tariff: Supplement 62 to Western Trunk Line Committee tariff I.C.C. A-4198.

### AGGREGATE-OF-INTERMEDIATES

FSA No. 36958: *Petroleum coke from Tyler, Tex., to Port Arthur, Tex.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 399), for interested rail carriers. Rates on petroleum coke, in carloads, from Tyler, Tex., to Port Arthur, Tex.

Grounds for relief: Maintenance of depressed rate established to meet intrastate competition without use of such rate as a factor in constructing combination rates.

Tariff: Supplement 4 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD C. MCCOY,
*Secretary.*

[F.R. Doc. 61-2274; Filed, Mar. 15, 1961; 8:47 a.m.]

[Notice 465]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 13, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63730. By order of March 8, 1961, Division 4, acting as an Appellate Division, approved the transfer to Glen R. Ellis, Chattanooga, Tenn., of Certificates Nos. MC 117180 Sub 3 and MC 117180 Sub 5, issued May 9, 1958 and December 1, 1958, respectively, to General Transport, Inc., Nashville, Tenn., authorizing the transportation, over irregular routes, of buttermilk, condensed whole and condensed skim milk, and ice cream mix, in bulk, in tank vehicles, from Chattanooga, Tenn., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, cast iron soil pipe, from Chattanooga, Tenn., to Owensboro, Bowling Green, and Hopkinsville, Ky., and points in Kentucky (except Covington) east of U.S. Highway 31-E, and animal and poultry feed and animal and poultry feed ingredients, except cat and dog foods and ingredients to be used therein, in bulk and containers, from Chattanooga, Tenn., to points in Alabama, Georgia, North Carolina, and South Carolina. Blaine Buchanan, 1024 James Building, Chattanooga, Tenn., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-2275; Filed, Mar. 15, 1961; 8:47 a.m.]

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter I—Small Business Administration

[Amdt. 13]

### PART 107—SMALL BUSINESS INVESTMENT COMPANIES

#### Reports

*Correction*

In F.R. Doc. 61-2208, appearing at page 2145 of the issue for Tuesday, March 14, 1961, the following corrections are made:

1. In Part I, under "Statement of Income and Expenses for the Fiscal Year to Date," the word "auditing" in item 23 should be followed by a comma.

2. In Part III, the second paragraph of Schedule 16 should be followed by a center heading reading: "Schedule 17—Capital Stock of Licensee".

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 626; Amdt. 266]

### PART 507—AIRWORTHINESS DIRECTIVE

#### Piper Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the fuselage fabric on Piper aircraft was published in 26 F.R. 624.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to all Models J-4, J-5, PA-12, PA-14, PA-15, PA-16, PA-17, and PA-20 aircraft, and Model PA-22, Serial Numbers 22-1 up to and including Serial Number 22-7999.

Compliance required as indicated.

Fabric failures have been experienced where the fabric attaches to the channel along the top edge of the windshield.

(a) For all aircraft not on progressive inspection systems the requirements of paragraph (c) must be accomplished at the next periodic inspection after the effective date of this amendment and at each periodic inspection thereafter.

(b) For all aircraft on progressive inspection systems the requirements of paragraph (c) must be accomplished by not later than June 15, 1961, and at least once each year thereafter.

(c)(1) Inspect the fabric over the top surface of the attachment channel and along its forward edge (windshield removal not required).

(2) If any deterioration is found, prior to further flight, remove the windshield and add a fabric reinforcement strip starting from a line at least two inches behind the aft side of the channel and extending under the forward edge of the channel, around the inner surface of the channel and down to the fuselage tube member.

(d) For aircraft manufactured prior to June 1, 1959, in addition to the requirements of paragraph (c), the following must be accomplished prior to June 15, 1961:

(1) Remove the windshield and inspect the fabric attachment to the channel that retains the top edge of the windshield.

(2) If any deterioration is found, a fabric reinforcement strip must be added as described in paragraph (c) prior to further flight.

(3) If no deterioration is found, unless already accomplished, the fabric attachment to the channel must be modified so that the fabric or a spliced-in section of fabric follows the contour of the channel and extends down to the fuselage tube member.

This supersedes Amendment 34, 24 F.R. 6581.

This amendment shall become effective April 15, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 9, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-2303; Filed, Mar. 16, 1961; 8:45 a.m.]

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-53]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

#### Modification of Amendment

The purpose of this amendment to Part 600 of the regulations of the Administrator is to provide continuity of airway numbering. In Airspace Docket No. 60-WA-53, published February 4, 1961 (26 F.R. 1079), Low Altitude VOR Federal airways were designated in Subpart C of Part 600 and Intermediate Altitude VOR Federal airways were designated in Subpart D. However, the airway numbering system used in these subparts did not run in consecutive order. To obtain the logical order of numbering desired, the Intermediate Altitude VOR Federal airways are designated herein in Subpart C of Part 600 and the Low Altitude VOR Federal airways are designated in Subpart D of Part 600. In addition, minor editorial corrections are made herein to § 600.3 (a) and (c) in order to provide conformity within Part 600.

Since this amendment is editorial in nature and does not involve the designation of airspace, compliance with section 4 of the Administrative Procedure Act is unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-WA-53 is hereby modified as follows:

1. Item No. 2 of the amendments to Part 600 is revised as follows:

2. Section 600.3 (a) and (c) (14 CFR 600.3) are amended to read:

(a) Unless otherwise specified in Subparts B and D of this Part, each Low Altitude Federal airway shall include the navigable airspace of the United States lying within 5 miles of the centerline prescribed for each such airway; and, unless otherwise specified in Subpart C of this Part, each Intermediate Altitude airway shall include the navigable airspace of the United States within 8 miles of the centerline prescribed for each such airway: *Provided*, That a Low Altitude Federal airway lying within the continental United States shall not include the airspace at and above 14,500 feet MSL, and that an Intermediate Altitude Federal airway lying within the continental United States shall include the airspace from 14,500 feet MSL to, but not including, 24,000 feet MSL: *Provided further*, That a Federal airway shall not include any of the airspace of a prohibited area as defined in Part 60 of this title.

* * * * *

(c) Except where otherwise provided in Subpart D, one or more alternate VOR Federal airways shall be established between specified points along, and shall be a part of, each VOR Federal airway. The center line of an alternate VOR Federal airway shall depart from and return to the main VOR Federal airway via the intersection of radials having an angle of 15 degrees (unless otherwise specified) separation from the main VOR Federal airway.

2. Item No. 5 of the amendments to Part 600 is revised as follows:

5. Immediately before § 600.6001, VOR Federal Airway No. 1, delete: "Subpart C—VOR Federal Airways" and substitute: "Subpart D—Low Altitude VOR Federal Airways".

3. Item No. 7 of the amendments to Part 600 is revised as follows: Delete: "Subpart D is added to read: Subpart D—Intermediate Altitude VOR Federal Airways" and substitute: "Immediately before § 600.1500 insert: Subpart C—Intermediate Altitude VOR Federal Airways".

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 10, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2304; Filed, Mar. 16, 1961; 8:45 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 7987 c.o.]

### PART 13—PROHIBITED TRADE PRACTICES

### Mayer & Schmidt et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or Mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Mayer & Schmidt et al., Tyler, Texas, Docket 7987, November 4, 1960]

*In the Matter of Mayer & Schmidt, a Corporation, and Klasky, Inc., a Corporation, and Lyle L. Klasky, Individually and as an Officer of Klasky, Inc.*

Consent order requiring a department store in Tyler, Tex., and the lessee of its fur department to cease violating the Fur Products Labeling Act by advertising in newspapers which failed to disclose the names of animals producing certain furs and to use the term "Dyed Broadtail processed Lamb" as required, and by failing in other respects to comply with labeling, invoicing, and advertising requirements.

The order to cease and desist is as follows:

*It is ordered,* That respondents Mayer & Schmidt and Klasky, Inc., corporations, and their officers, and Lyle L. Klasky, individually and as officer of Klasky, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products, in commerce, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

a. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

2. Falsely or deceptively invoicing fur products by:

a. Failing to furnish to purchasers of fur products an invoice showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act;

b. Failing to set forth on invoices the item number or mark assigned to such fur product;

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products and which:

a. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed in the Rules and Regulations;

b. Fails to set forth the term "Dyed Broadtail Processed Lamb" where an election is made to use that term instead of Dyed Lamb;

4. Making claims or representations in advertisements respecting prices or values of fur products unless respondents maintain full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That respondents Mayer & Schmidt and Klasky, Inc., corporations, and their officers, and Lyle L. Klasky, individually and as officers of Klasky, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 61-2312; Filed, Mar. 16, 1961; 8:46 a.m.]

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[Docket 7212 o.]

### PART 13—PROHIBITED TRADE PRACTICES

### Venus Foods

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Venus Foods, Los Angeles, Calif., Docket 7212, October 26, 1960]

Order requiring a manufacturer of food products in Los Angeles, Calif., with sales of bakery items in 1957 in excess of $2,400,000, to cease violating section 2(c) of the Clayton Act by granting a discount of 5 percent in addition to its prevailing wholesale price to new customers in the New York-New England area purchasing its fruit bars for their own accounts for resale.

The order to cease and desist is as follows:

*It is ordered,* That Venus Foods, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of bakery products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Paying, granting or allowing, directly or indirectly, to any buyer or to anyone acting for, or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage or other compensation or any allowance, or discount in lieu thereof, upon or in connection with any sale of bakery products to such buyer for his own account.

By "Final Order", report of compliance was required as follows:

*It is further ordered,* That the respondent, Venus Foods, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order contained in said initial decision.

Issued: October 28, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 61-2313; Filed, Mar. 16, 1961; 8:46 a.m.]

# Title 24—HOUSING AND HOUSING CREDIT

## Chapter II—Federal Housing Administration, Housing and Home Finance Agency

### SUBCHAPTER A—GENERAL

### PART 200—INTRODUCTION

### Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In Part 200 the pertinent section headings in the Table of Contents are amended to read as follows:

Sec.
200.68 Assistant Commissioner for Administration and Deputy.
200.72 Director of the Management Division.

§ 200.53 [Amendment]

Section 200.53 is amended to delete paragraph (h).

§ 200.54 [Amendment]

Section 200.54 is amended to delete paragraph (h).



§ 200.64 [Amendment]

Section 200.64 is amended to delete paragraph (c).

Part 200 is amended by adding a new § 200.68 as follows:

**§ 200.68 Assistant Commissioner for Administration and Deputy.**

To the position of Assistant Commissioner for Administration and under his general supervision to the position of Deputy Assistant Commissioner for Administration there is delegated the following basic authority and functions:

(a) To be responsible for a comprehensive program of administrative management and services, comprising all personnel policy, procedures and activities; organizational structures and related matters; all budget activities; contracting, procurement, supply, printing, space management, library, and other office services; management surveys; forms and records management; coordination and maintenance of the FHA Manual, directives and other issuances and instructional material; and to be in charge of the Personnel Division, the Budget Division, the General Services Division, the Management Division, and the office of the Standards and Procedures Coordinator.

(b) To make or cause to be made under his direction appointments, promotions, demotions, transfers, reassignments, removals and separations of personnel; to fix or direct the fixing of the administrative workweek; to approve or direct the approval of overtime work and to prescribe or approve rules, procedures, and regulatory requirements regarding overtime; to act as representative of the Federal Housing Administration with the Civil Service Commission and to maintain liaison with other government agencies and other organizations with respect to personnel matters.

(c) To make or cause to be made under his direction budget estimates, requests for apportionment, and allotments of funds; and to represent the Federal Housing Administration on budget matters with the Bureau of the Budget and other government agencies and organizations.

(d) To execute or cause to be executed under his direction all contracts for goods and services, agreements and leases for office space, and certificates of need in connection with space requirements; to approve or cause to be approved under his direction travel and transportation of household goods and personal effects; to approve or supervise the disposition of personal property, other than that acquired under insurance contracts, the issuance of orders for publication of notices and advertisements in newspapers, magazines and periodicals, and arrangements for the provision of necessary services and relocation sites for field offices in connection with civil defense activities; and to represent the Federal Housing Administration with the General Services Administration and other government agencies on administrative service matters.

(e) To take any action authorized to be taken by any division or office within his jurisdiction.

(f) To act for the Commissioner in approving the settlement of tort claims for and against the Commissioner and the execution of releases or other instruments required in connection therewith.

(g) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

In § 200.69 paragraph (c) is amended to read as follows:

**§ 200.69 Director of Personnel and Deputy.**

* * * * *

(c) To represent the Federal Housing Administration with the Civil Service Commission and with other government agencies and organizations with respect to personnel matters.

In § 200.70 paragraph (a) is amended to read as follows:

**§ 200.70 Director of the Budget Division and Deputy.**

* * * * *

(a) To direct all budget activities of the Federal Housing Administration and to represent the Federal Housing Administration in budget matters with the Bureau of the Budget and with other government agencies and organizations.

§ 200.71 [Amendment]

Section 200.71 is amended to delete paragraph (j).

Part 200 is amended by adding a new § 200.72 as follows:

**§ 200.72 Director of the Management Division.**

To the position of Director of the Management Division there is delegated the following basic authority and functions:

(a) To direct comprehensive management engineering surveys of Washington and field operations and activities for the purpose of improving the efficiency, economy and effectiveness of operations and to develop specific recommendations for the accomplishment of these purposes.

(b) To assist in the development of the detailed plans and procedures for carrying out approved recommendations.

(c) To assist in, and to coordinate, the installation of approved recommendations.

(d) To evaluate the results of approved recommendations.

(e) To direct a comprehensive forms and records management program.

§ 200.77 [Amendment]

Section 200.77 is amended to delete paragraph (e).

In § 200.85 paragraph (a) is amended to read as follows:

**§ 200.85 Executive Board.**

(a) *Members.* The committee, called the Executive Board, is comprised of the following members: Commissioner, Chairman; Deputy Commissioner (Administration); Deputy Commissioner (Operations), Vice Chairman; General Counsel; Assistant Commissioner for Field Operations; Assistant Commissioner for Mortgages and Properties; Assistant Commissioner for Technical Standards; Assistant Commissioner for Programs; Assistant Commissioner for Title I; Assistant Commissioner for Audit and Examination; Assistant Commissioner for Administration; and Comptroller.

In § 200.86 paragraph (a) is amended to read as follows:

**§ 200.86 Security Committee.**

(a) *Members.* The Security Committee is comprised of the following members: Personnel Security Officer, Chairman; Assistant Commissioner for Administration, Vice Chairman; and Assistant Commissioner for Field Operations.

In § 200.89 paragraph (a)(1) is amended to read as follows:

**§ 200.89 Substantial Compliance Committee.**

(a) *Members.* (1) The Substantial Compliance Committee is comprised of the following members: Assistant Commissioner for Title I, Chairman; Assistant Commissioner for Administration; Assistant Commissioner for Programs; the Comptroller; and the General Counsel or his designee.

Section 200.104 is amended to read as follows:

**§ 200.104 Assistant Commissioner for Field Operations, Zone Operations Commissioners, Directors, Assistant Directors, Administrative Officers and Chief Clerks in FHA Field Offices, Assistant Commissioner for Administration, Director of Personnel and Deputy Director of Personnel.**

To the Assistant Commissioner for Field Operations, Zone Operations Commissioners, Directors, Assistant Directors, Administratice Officers and Chief Clerks in FHA Field Offices, the Assistant Commissioner for Administration, the Director of Personnel, and the Deputy Director of Personnel, pursuant to 5 U.S.C. 16a, there is delegated the authority to administer the oath required by section 1757, Revised Statutes, as amended (5 U.S.C. 16) incident to entrance into the executive branch of the Federal government, or any other oath, required by law in connection with employment therein, such oath to be administered without charge or fee and to have the same force and effect as oaths administered by officers having seals.

The authority of this section covers the administration of Appointment Affidavits, Standard Form 61, and oaths to witnesses in any matter pending before the United States Civil Service Commission.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., March 11, 1961.

NEAL J. HARDY,
*Federal Housing Commissioner.*

[F.R. Doc. 61-2320; Filed, Mar. 16, 1961; 8:47 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 203—BRIDGE REGULATIONS

### St. Johns River, Fla.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.430 governing the operation of certain bridges across St. Johns River, Florida, is hereby amended changing the title to include the Fuller Warren bridge at Jacksonville, Florida, effective 30 days after publication in the FEDERAL REGISTER, as follows:

**§ 203.430 St. Johns River, Fla.; Main Street, Acosta and Fuller Warren bridges, Jacksonville.**

[Regs. Mar. 6, 1961, 285/91 (St. Johns River, Fla.)—ENGCW-O] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 61-2300; Filed, Mar. 16, 1961; 8:45 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

## PART 4—INFORMATION ON POSTAL MATTERS

## PART 14—NONMAILABLE MATTERS

## PART 25—FOURTH CLASS

## PART 47—FORWARDING MAIL

### Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

§ 4.2 [Amendment]

I. In § 4.2 *General postal publications*, as published in FEDERAL REGISTER document 61-1819, 26 F.R. 1856-1858, make the following changes in the tabular listing of publications therein:

A. Opposite the postal publication entitled "Postal Bulletin" add "*$2.50" immediately below "$2.25 a year" to show the appropriate foreign mailing price.

B. Opposite the postal publication entitled "Postal Laws" strike out "$2.75" and insert in lieu therof "Varies with each issue."

C. Add the following to the list of postal publications therein:

| *Title* | *Price* |
|---|---|
| *Directory of Post Offices* | $2.25 |

Contains a list of postal delivery zone offices, an alphabetical list of post offices, a list of post offices arranged alphabetically by States, a list of post offices by counties, and a list of Army and Air Force installations.

NOTE: The corresponding Postal Manual section is 114.2.

II. Section 14.9 *Opinions on mailability* is amended to clarify the action to be taken by postmasters when they are in doubt as to the mailability of certain items. As so amended, § 14.9 reads as follows:

**§ 14.9 Opinions on mailability.**

(a) When in doubt as to the mailability of any matter described in §§ 14.2, 14.3, and §§ 15.2, 15.3, and 15.4 of this chapter, the postmaster shall submit a sample or a complete statement of the facts to the Postal Services Division, Bureau of Operations, and await instructions.

(b) Postmasters and other employees at post offices shall not give opinions to the public concerning the mailability of matter under §§ 14.4, 14.5, 14.6, 14.7, 14.8 and §§ 15.5, 15.6 of this chapter. When in doubt as to the mailability of any such matter, the postmaster shall withhold it from dispatch or delivery and a sample or a complete statement of the facts shall be submitted to the General Counsel for instructions.

NOTE: The corresponding Postal Manual section is 124.9.

§ 25.2 [Amendment]

III. In § 25.2 *Classification*, delete subparagraph (5) of paragraph (b).

NOTE: The corresponding Postal Manual section is 135.2.

IV. In § 47.7 *Guarantee to pay forwarding postage*, the last sentence of paragraph (b) is amended to show that the endorsement "Refused" is required on mail bearing sender's pledge guaranteeing forward postage when the addressee has refused to pay forwarding postage. As so amended, paragraph (b) reads as follows:

**§ 47.7 Guarantee to pay forwarding postage.**

* * * * *

(b) The sender may guarantee payment of forwarding postage on third- or fourth-class mail by printing "Forwarding Postage Guaranteed" below his return address in the upper left corner of the address side of the piece. On second-class mail the guarantee must be printed on the envelope or wrapper or on one of the outside covers of unwrapped copies and must be immediately preceded by the sender's name and address. Mail bearing this pledge is accepted with the understanding that the sender will pay both the forwarding and return postage if the mail is returned as undeliverable from the post office to which it is forwarded, or the return postage when it is returned as undeliverable from the post office of first address. Where an addressee has unqualifiedly refused to pay forwarding postage on other mail of the same class, the mail will not be forwarded even though it bears the sender's pledge guaranteeing forwarding postage, but it shall be endorsed "Refused" and treated the same as if it bore sender's pledge to pay return postage.

NOTE: The corresponding Postal Manual section is 157.72.

(R.S. 161, as amended, secs. 501, 4102, 4103, 4105; 74 Stat. 580, 658 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 4102, 4103, 4105)

LOUIS J. DOYLE,
*Acting General Counsel.*

[F.R. Doc. 61-2341; Filed, Mar. 16, 1961; 8:51 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2295]

[83807]

### UTAH

### Revoking the Departmental Order of August 17, 1905 (Affecting Uintah and Ouray Indian Reservation)

By virtue of the authority vested in the President by the act of March 3, 1905 (33 Stat. 1070), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The departmental order of August 17, 1905, which withdrew the following-described lands for reservoir site purposes, is hereby revoked:

UINTAH SPECIAL MERIDIAN

T. 2 S., R. 1 E.,
Sec. 21, NE¼, E½NE¼NW¼, SW¼NE¼NW¼, SE¼NW¼, E½SW¼, N½SE¼, and SE¼SE¼;
Sec. 22, lots 3 and 4;
Sec. 27, lots 1 and 2;
Sec. 28, E½NE¼, SW¼NE¼, and E½NW¼.

2. The lands described in this order total in the aggregate 737.73 acres. They are a part of the Uintah and Ouray Reservation.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

MARCH 13, 1961.

[F.R. Doc. 61-2315; Filed, Mar. 16, 1961; 8:46 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Sabine National Wildlife Refuge, Louisiana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

LOUISIANA

SABINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sabine National Wildlife Refuge, Louisiana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 40,000 acres or 28 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, yellow bass, white bass, crappie and sunfish; and other minor species permitted by State regulations.

(b) Open season: March 15, 1961, through October 15, 1961. From 45 minutes before sunrise to 45 minutes after sunset.

(c) Daily creel limits:

| | |
|---|---|
| Black bass | 15 |
| Yellow bass | 25 |
| White bass | 25 |
| Crappie | 25 |
| Sunfish | 50 |

Other creel limits for minor species are as prescribed for State regulations.

(d) Methods of fishing:

1. Rod and reel, pole and line, artificial and live baits permitted.

2. Boats with outboard motors no larger than 7½ h.p. permitted in refuge lakes and impoundments. No size restrictions on boats and motors in the canals and rivers.

(d) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. Boats may be left in the pool during fishing season but must bear the owner's name and address. Unmarked boats left in the pool will be removed to refuge headquarters. All boats must be removed from the refuge prior to the close of the fishing season.

3. Travel over the refuge is restricted to water ways.

4. A Federal permit is not required to enter the public fishing area.

5. The provisions of this special regulation are effective to October 16, 1961.

WALTER A. GRESH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

FEBRUARY 27, 1961.

[F.R. Doc. 61-2314; Filed, Mar. 16, 1961; 8:46 a.m.]

# Proposed Rule Making

## FEDERAL AVIATION AGENCY

**[ 14 CFR Part 601 ]**

[Airspace Docket No. 60–LA–27]

### CONTROL ZONES AND TRANSITION AREAS

#### Alteration and Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1983 and 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The Missoula, Mont., control zone is designated within a 3-mile radius of the Missoula County Airport. The Federal Aviation Agency is considering the redesignation of this control zone within a 5-mile radius of Missoula County Airport (latitude 46°55'00" N., longitude 114°05'15" W.). This would provide protection for the larger type aircraft now operating at Missoula County Airport.

Concurrently with the redesignation of the Missoula control zone, the Federal Aviation Agency is considering the designation of a transition area to protect aircraft executing recently established jet aircraft instrument approach and missed approach procedures and the L/MF instrument approach procedure at Missoula Airport. It is proposed to designate this transition area northwest of Missoula within a 35-mile radius of the Missoula VOR bounded on the southwest by a line 5 miles southwest of and parallel to the Missoula VOR 297° True radial, on the northeast by a line 6 miles northeast of and parallel to the Missoula VOR 335° True radial, and on the southeast by the Missoula VOR 233° and 057° True radials; within 5 miles either side of the Missoula VOR 360° and 180° True radials extending from the Missoula 233° and 057° True radials to 12 miles south of the VOR.

To implement in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60–21 (26 F.R. 570), a floor of 1,200 feet above the surface would be established for the Missoula transition area. The establishment of a 1,200-foot floor would permit aircraft using the St. Regis and Bitterroot River Valley VFR flyways to operate in uncontrolled airspace when in the vicinity of Missoula.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 10, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–2305; Filed, Mar. 16, 1961; 8:45 a.m.]

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**[ 14 CFR Part 601 ]**

[Airspace Docket No. 60–WA–41]

### CONTROLLED AIRSPACE

#### Alteration

In a supplemental notice of proposed rule making published as Airspace Docket No. 60–WA–41 in the FEDERAL REGISTER on May 28, 1960 (25 F.R. 4753), it was stated that the Federal Aviation Agency proposed to redesignate the control areas associated with the segments of VOR Federal airways Nos. 2 and 14 between Grafton, N.Y., Intersection and the Greenfield, Mass., Intersection to extend upward from 5,500 feet MSL to but not including, 24,000 feet MSL.

Since the publication of this notice, the Federal Aviation Agency has published Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60–21 (26 F.R. 570), effective February 21, 1961, which provides in part for control areas associated with Federal airways to extend upward from at least 1,200 feet above the surface or from at least 500 feet below the minimum en route altitude, whichever is higher. In addition, an amendment to the regulations of the Administrator published as Airspace Docket No. 60–WA–123, in the FEDERAL REGISTER on February 17, 1961 (26 F.R. 1399), provides for the lowering of the floor of the continental control area from 24,000 feet MSL to 14,500 feet MSL, effective 0001 e.s.t., April 6, 1961.

In consideration of these amendments, it is proposed to designate the control areas associated with the segments of Victor 2 and 14 from the Grafton Intersection to the Greenfield Intersection to extend upwards from 1,200 feet above the surface. This alteration would provide a common control area floor for these airway segments and would eliminate a requirement for designating a transition area in the vicinity of the Griswoldville, Mass., Intersection (intersection of the Albany, N.Y., VOR 094° and the Gardner, Mass., VOR 284° True radials) for protecting aircraft maneuvering from a lower minimum enroute altitude east of Griswoldville Intersection to a higher minimum enroute IFR altitude west of the Griswoldville Intersection.

In order to provide interested persons time to adequately evaluate this proposal and an opporunity to submit additional written data, views or arguments, the date for filing such material will be extended to April 15, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time in which comments will be received for consideration on Airspace Docket No. 60–WA–41 is extended to April 15, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, New York.

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 10, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–2306; Filed, Mar. 16, 1961; 8:45 a.m.]

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**[ 14 CFR Parts 600, 601 ]**

[Airspace Docket No. 60–WA–212]

### FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

#### Alteration; Notice of Public Hearing

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 60–WA–212, on September 17, 1960 (25 F.R. 8961), it was stated that the Federal Aviation Agency proposed to revoke the segment of Green Federal airway No. 2, its associated control areas and reporting points, from Seattle, Wash., to Miles City, Mont. The Federal Aviation Agency is herein amending the proposal contained in the published notice to include the revocation of the segment of Green 2, its associated control areas and reporting points from Miles City, Mont., to Minneapolis, Minn.

It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Miles City to Minneapolis is adequately served by VOR Federal airway No. 2. In addition, the Federal Aviation Agency IFR peak-day–airway traffic survey for the period July 1, 1959, through June 30, 1960, shows a maximum of one aircraft movement between any two reporting points on this segment of Green 2. Therefore, it appears that the retention of this airway segment is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke this airway segment. In order to permit comments on and consideration of this revocation action in its entirety, the outstanding notice is hereby amended to propose the revocation of Green 2, and its associated control areas, from Seattle to Minneapolis. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with this segment of Green 2. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures.

Concurrently with this action, it is proposed to alter § 601.4012 by amending the caption to conform to the altered airway and by revoking reporting points from the Seattle radio range station to and including the Minneapolis radio range station.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 49 U.S.C. 1348).

In response to comments received to the published notice, the Federal Aviation Agency proposes to conduct a public hearing to be held in two parts. The first part of the public hearing is to be held April 13, 1961, at 9:00 a.m., local time, at the City Light Building, 1015 Third Avenue, Seattle, Washington; the second part is to be held April 17, 1961, at 9:00 a.m., local time, at the Radisson Hotel, 45 South Seventh Street, Minneapolis, Minnesota. This hearing is scheduled under § 409.147 of the regulations of the Administrator (14 CFR 409.14) for the purpose of affording interested persons an opportunity to present views, data or arguments relevant to the proposal contained in the Notice as modified herein.

Persons desiring to be heard in Part 1, to be held in Seattle, Washington, are requested to notify the Chief, Air Traffic Management Field Division by April 6, 1961, at 5651 Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles 15, California. Persons desiring to be heard in Part 2 of this hearing to be held in Minneapolis, Minnesota, are requested to notify the Chief, Air Traffic Management Field Division by April 10, 1961, at 4825 Troost Avenue, Kansas City 10, Missouri. Mr. Richard E. Thomas, Chief, Airspace Allocation Branch, Airspace Utilization Division, Bureau of Air Traffic Management is hereby designated as presiding officer pursuant to § 409.14 of the regulations of the Administrator, and sections 313 and 1004 of the Federal Aviation Act of 1958 (72 Stat. 752 and 792).

Interested persons may also submit written data, views or arguments, in lieu of, or in addition to, matter presented orally at the hearing. Such communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, 5651 Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles 15, California. All relevant material presented at the hearing or in written communications received on or before April 28, 1961, will be considered by the Federal Aviation Agency before action is taken on the issues involved herein.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

Issued in Washington, D.C., on March 15, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–2395; Filed, Mar. 16, 1961; 8:54 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

**[ 47 CFR Parts 7, 8 ]**

[Docket No. 13983 (RM–176); FCC 61–332]

### FREQUENCY ASSIGNMENT IN VICINITY OF LAKES ALLATOONA AND SIDNEY LANIER, GA.

#### Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter. The specific amendments proposed for adoption are set forth below.

2. This proposal is issued in response to the Southern Bell Telephone and Telegraph Company's petition filed April 18, 1960, and amendment thereto filed December 1, 1960, requesting that Parts 7 and 8 of the Commission's rules be amended to make the frequency pair 2450 kc (coast)–2366 kc (ship) available for assignment in the vicinity of Lake Allatoona and Lake Sidney Lanier, Georgia, for public ship-shore service by telephony on a 24-hour basis. Petitioner also has filed related applications for construction permits for two public class II–B coast stations, one to be located at Lake Allatoona and the other at Lake Sidney Lanier.

3. It does not appear that the proposed use of 2450 kc and 2366 kc would cause harmful interference to the existing use of those frequencies or adjacent frequencies by the maritime and other services.

4. There are at present two public coast II–B stations operating in the area involved herein; one, WPH, is licensed to the University Yacht Club of Atlanta, Georgia and provides service to the ships on Lake Sidney Lanier, and the other, WHL, is licensed to the Allatoona Yacht Club of Cartersville, Georgia and serves ships on Lake Allatoona. However, these stations are in a special category of public coast stations using telephony in that their assigned working frequency for ship-shore communication is 2638 kc which is normally an intership frequency, and communication is limited to safety and operational matters. This special category of stations was established by the Commission in 1957 to provide for ship-shore communications to serve the safety and operational needs of ships, primarily pleasure craft, on certain interior waters where other channels are not available.

5. In support of its request, petitioner stated that there is a growing need at these two lakes for a complete public correspondence service, i.e., a service not limited to safety and operational communication. A review made by petitioner indicates that an average of 423 local calls and 154 long distance calls may initially be expected per month during the eight-month boating season on the lakes.

6. It should be noted that amendment of Part 7 of the rules as proposed herein would, consistent with the provisions of § 7.306(d)(1)(i),[1] preclude the future assignment of 2638 kc to public coast stations in the Lake Allatoona-Lake Sidney Lanier area. However, the stations now operating on 2638 kc would not be precluded from filing appropriate applications to permit operation of class II public coast stations on 2450 kc.

7. It is believed that the proposed rule amendment would provide for more effective utilization of maritime frequencies in the public interest in that the ship-shore communication needs at Lakes Allatoona and Sidney Lanier would be fully satisfied by the use of frequencies allocated primarily for that purpose, whereas, under the present arrangement, the needs are only partially fulfilled through the secondary use of the intership frequency 2638 kc.

8. This proposal is issued under the authority contained in section 303 (c), (d), (f), and (r) of the Communications Act of 1934, as amended.

9. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, may file with the Commission, on or before April 17, 1961, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter, provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission's consideration will not be limited solely to the comments filed in this proceeding.

[1] 7.306(d)(1)(i): "• • • the carrier frequency 2638 kc is assignable as a working frequency to class II public coast stations • • • *Provided*, • • • no other working frequency for telephony within the band 1600–5000 kc is available for assignment to a public coast station at the proposed location • • •."

10. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: March 8, 1961.

Released: March 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

A. Part 7, Stations on Land in the Maritime Services, is amended as follows:

The table in § 7.306(b) is amended by adding the following new location, frequencies, and specific limitations and conditions of use after the entry for Charleston, S.C.-Jacksonville, Fla.

**§ 7.306 Availability of frequencies below 30 Mc.**

* * * * *

(b) * * *

| Coast stations located in the vicinity of— | Coast station transmitting carrier frequency [1] | | Associated coast station receiving carrier frequency | |
|---|---|---|---|---|
| | Frequency (kc) | Specific limitations imposed upon availability for use [2] | Frequency (kc) | Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 8.354(a)(1) of this chapter [2] |
| * | * | * | * | * |
| Lake Allatoona-Lake Sidney Lanier, Ga. | 2450 | Available on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused. | 2366 | Available on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused. |

B. Part 8, Stations on Shipboard in the Maritime Services, is amended as follows:

The table in § 8.354(a)(1) is amended by adding the following new location, frequencies, and specific limitations and conditions of use after the entry for Charleston, S.C.-Jacksonville, Fla.

**§ 8.354 Frequencies below 5000 kc for public correspondence.**

(a) * * *
(1) * * *

| For communication with coast stations located in the vicinity of— | Mobile station transmitting carrier frequency [1] | | Associated coast station carrier frequency | |
|---|---|---|---|---|
| | Frequency (kc) | Specific limitations imposed upon availability for use [2] | Frequency (kc) | Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 7.306(b) of this chapter [2] |
| * | * | * | * | * |
| Lake Allatoona-Lake Sidney Lanier, Ga. | 2366 | Available on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused. | 2450 | Available on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused. |

[F.R. Doc. 61-2361; Filed, Mar. 16, 1961; 8:53 a.m.]

## [ 47 CFR Part 11 ]

[Docket No. 13930]

## BUSINESS RADIO SERVICE

### Order Extending Time for Filing of Comments

In the matter of amendment of § 11.554(a) of Part 11, Subpart L, of the Commission's rules governing the Business Radio Service whereby certain "tertiary" channels in the 151–155 Mc band will be made available on a regular basis; Docket No. 13930.

The Commission has before it for consideration a request for extension of time in which to file comments in the above referenced docket by the Electronic Industries Association (EIA).

On the basis of the representations set forth in the above request the Commission concludes that the public interest would be served by an extension of the comment date to April 15, 1961. Replies to such comments may be filed within ten days from the last day for filing original comments.

In view of the foregoing, and pursuant to section 0.291(b)(4) of the Commission's rules: *It is ordered*, That the time for filing comments in the above-entitled proceeding is extended to April 15, 1961, and the time for filing of reply comments is extended to April 25, 1961.

Adopted: March 13, 1961.

Released: March 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2362; Filed, Mar. 16, 1961; 8:53 a.m.]

# DEPARTMENT OF THE TREASURY

## Fiscal Service

## [ 31 CFR Part 270 ]

## FEES FOR COPYING, CERTIFYING AND SEARCH OF RECORDS BY BUREAU OF ACCOUNTS

### Notice of Proposed Rule Making

1. Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) that the Secretary of the Treasury is considering the revision of the schedule of fees for the services of copying, certifying and search of records performed by the Bureau of Accounts which has been established pursuant to the provisions of Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290, 5 U.S.C. 140) and Bureau of the Budget Circular No. A–28 dated January 23, 1954.

2. It is proposed to revise paragraph (b) of § 270.3, Part 270, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America to read as follows:

(b) For furnishing special fiscal data that have not been published at the time of request, $6.00 per hour, with a minimum charge of $3.00. This item will be applicable primarily to special repetitive reports requested at frequent intervals by publishers and compilers of economic data. Where individuals make occasional requests for published data or for unpublished data where the cost of compilation is not significant, no charge will be made.

3. Comments on the proposed revision to the schedule of fees set forth above are invited and should be submitted in writing to the Commissioner of Accounts, Treasury Department, Washington 25, D.C., in time to be received within thirty days after date of publication of this notice. No hearing will be held to consider this matter.

Dated: March 13, 1961.

[SEAL] ROBERT V. ROOSA,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-2364; Filed, Mar. 16, 1961; 8:54 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 51 ]

## CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED; USE OF STANNOUS CHLORIDE AS AN OPTIONAL INGREDIENT OF CANNED ASPARAGUS

### Identity Standard

Notice is given that the P. J. Ritter Company, Bridgeton, New Jersey, has filed a petition proposing that the definition and standard of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) be amended, in the case of canned asparagus packed in glass containers, to make stannous chloride a permitted optional ingredient in an amount not to exceed 15 parts per million calculated as tin (Sn), and to provide for label declaration of that ingredient.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

It is proposed to amend § 51.990 (c) and (f) by adding thereto a new subparagraph, designated (9) in each instance, and reading as follows:

**§ 51.990 Canned vegetables other than those specifically regulated; identity; label statement of optional ingredients.**

* * * * *

(c) * * *

(9) In the case of canned asparagus packed in glass containers, stannous chloride may be added in a quantity not to exceed 15 parts per million calculated as tin (Sn).

* * * * *

(f) * * *

(9) If the optional ingredient specified in paragraph (c)(9) of this section is present, the label shall bear the statement "stannous chloride added as a preservative," "stannous chloride added to preserve color," or "stannous chloride added to retain color."

Dated: March 13, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2330; Filed, Mar. 16, 1961; 8:48 a.m.]

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Chemical Products Corporation, King Philip Road, East Providence 14, Rhode Island, proposing the issuance of a regulation to provide for the safe use of plastisols as components of closures for food containers where such plastisols contain in their formulation, in addition to certain substances previously listed as being subject to extension actions under § 121.87 and published in the FEDERAL REGISTER of March 17, 1960 (25 F.R. 2204), the following substances, the combined total of which does not exceed 2 percent of the plastisol composition:

Alum.
Azodicarbonamide (1.25 percent maximum level).
Benzyl alcohol.
Butylated hydroxytoluene (0.2 percent maximum level).
Casein.
Cetyl alcohol.
Coconut oil.
Dextrin.
Diatomaceous earth.
Dibutyl phthalate.
Ethoxylated octylphenol (containing 8–10 mols of ethylene oxide).
Ethyl alcohol.
Gelatin.
Hexylene glycol.
Lauryl alcohol.
Lauryl alcohol sulfate.
Polyoxyethylene (4-phenol).
Polyoxyethylene sorbitan monolaurate.
Potassium bicarbonate.
Potassium sorbate.
Propylene glycol.
Sodium cetyl sulfate.
Sodium decyl benzene sulfonate.
Sodium decyl sulfate.
Sodium dioctyl sulfosuccinate.
Sodium dodecyl benzene sulfonate.
Sodium lauryl sulfate.
Sodium myrystyl sulfate.
Sodium oleate.
Sodium pyrophosphate.
Sodium sulfate.
Sorbitol.
Sorbitan monostearate.
Stearic acid.
Stearyl alcohol.

Dated: March 13, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2331; Filed, Mar. 16, 1961; 8:48 a.m.]

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Quaker Oats Company, 345 Merchandise Mart, Chicago, Illinois, proposing the issuance of a regulation to provide for the safe use of sodium nitrite in the manufacture of canned pet foods in concentrations not exceeding 100 parts per million (0.01 percent), based on the weight of animal-product components, including fish and fish by-products, and to establish a tolerance of 20 parts per million (0.002 percent) for residues of sodium nitrite in the finished canned pet food.

Dated: March 13, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2332; Filed, Mar. 16, 1961; 8:49 a.m.]



## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Reichhold Chemicals, Inc., RCI Building, White Plains, New York, proposing the issuance of a regulation to provide for the safe use of certain wet strengthening resins as components of paper intended for food packaging, with the following limitations:

| Substance: | *Limitation* |
|---|---|
| Diethylene triamine. Triethylene tetramine. Tetraethylene pentamine. | 1,390 parts per million (0.1390 percent; 2.78 pounds per ton), total amount of amines in finished paper having not more than 5 percent moisture content. |
| Dicyandiamide. | 600 parts per million (0.0600 percent; 1.2 pounds per ton), in finished paper having not more than 5 percent moisture content. |

Dated: March 13, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2333; Filed, Mar. 16, 1961; 8:49 a.m.]

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Hercules Powder Company, 910 Market Street, Wilmington, Delaware, proposing the issuance of a regulation to provide for the safe use of polyamideepichlorohydrin resin at not over 1.5 percent in paper and paperboard to increase wet strength and to improve retention of materials in the paper and paperboard.

Dated: March 13, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2334; Filed, Mar. 16, 1961; 8:49 a.m.]

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by E. I. du Pont de Nemours and Company, Wilmington 98, Delaware, proposing the issuance of a regulation to provide for the safe use of

polyethylene terephthalate films for packaging, processing, or holding food.

Dated: March 13, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2335; Filed, Mar. 16, 1961; 8:49 a.m.]

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**[ 21 CFR Part 121 ]**

**FOOD ADDITIVES**

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Nopco Chemical Company, 60 Park Place, Newark, New Jersey, proposing the issuance of a regulation providing for the safe use of condensed sodium naphthalenesulfonate as a dispersant in wax emulsions used in the manufacture of paper and paperboard for food packaging.

Dated: March 13, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2336; Filed, Mar. 16, 1961; 8:49 a.m.]

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**[ 21 CFR Part 121 ]**

**FOOD ADDITIVES**

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Monsanto Chemical Company, 800 North Lindberg Boulevard, St. Louis 66, Missouri, proposing the issuance of a regulation to provide for the safe use of dioctyl adipate as a plasticizer in polymer films and tubing intended for use in packaging or processing foods provided that the amount added to the polymer does not exceed 15 percent by weight of the finished article.

Dated: March 13, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2337; Filed, Mar. 16, 1961; 8:50 a.m.]

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**[ 21 CFR Part 121 ]**

**FOOD ADDITIVES**

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Eastman Chemical Products, Inc., Kingsport, Tennessee, proposing the issuance of a regulation to provide for the safe use of a resin which is a copolymer of 1,4-cyclohexylene dimethylene terephthalate and 1,4-cyclohexylene dimethylene isophthalate in manufacturing materials that contact food.

Dated: March 13, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2338; Filed, Mar. 16, 1961; 8:50 a.m.]

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**[ 21 CFR Part 121 ]**

**FOOD ADDITIVES**

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by The Glidden Company, 900 Union Commerce Building, Cleveland 14, Ohio, proposing the issuance of an amendment to § 121.1016 of the Food additive regulations to provide for the safe use of the food additive oxystearin as a crystallization inhibitor in cottonseed and soybean frying and cooking oils in an amount not in excess of 0.125 percent of the combined weight of the oil plus the additive.

Dated: March 13, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2339; Filed, Mar. 16, 1961; 8:51 a.m.]

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**[ 21 CFR Part 121 ]**

**FOOD ADDITIVES**

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Atlas Powder Company, Wilmington 99, Delaware, proposing the amendment of § 121.1029 and § 121.1030 of the food additive regulations to provide for the safe use of sorbitan monostearate, alone or in combination with polyoxyethylene (20) sorbitan monostearate, in cakes; to delete the requirement that the concentration of the basic material should appear on the label; and to permit use of the name "polysorbate 60" with the chemical name "polyoxyethylene (20) sorbitan monostearate."

Dated: March 13, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2340; Filed, Mar. 16, 1961; 8:51 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

**Office of the Secretary**

[AA 643.3-W]

**CORNSTARCH FROM FRANCE**

**Determination of No Sales at Less Than Fair Value**

MARCH 10, 1961.

A complaint was received that cornstarch from France was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that cornstarch from France is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* The information received indicated that the quantity of cornstarch sold for home consumption was inadequate to form a basis for a fair value comparison.

The fair value comparison, therefore, was between purchase price and the price to third countries. As the great preponderance of third country sales during the period under consideration by the French sellers involved was to England, the price to that country was taken as representative of third country price.

The sales to the United States and to England by one of the involved firms were at varying prices and included ocean freight, French customs clearance, inland freight, packing, and commission. Sales to England were on a gross-for-net-weight basis; to the United States on a net-weight basis. Adjustment was made for this. A comparison on the basis of weighted averages of the net return from the sales to each market for the year ending June 30, 1960, showed an overall average for purchase price very slightly below overall average of third country prices. Under the circumstances the difference was deemed to be not more than insignificant. The margin was occasioned by unpredictable fluctuations in sea and river freight rates affecting the sales to England, and by the fluctuations in the price of corn which affect the comparison of the price of cornstarch bought in one period by the customers in one market and, in another period by the customers in the other market. This firm's recent pricing to the United States has shown an increase which supports its stated intention to make every effort to prevent a margin from occurring in the future.

The other firm's sales to the United States and to England included ocean freight, cartage, f.o.b. delivery, and stowage to each destination, and also included insurance on shipments to England. Adjustment was also made for gross-for-net-weight sales to England, as compared with net-weight sales to the United States. The lowest price to the United States during the period under consideration, after deducting the included costs, resulted in a purchase price not lower than the net return from the sales to England which were all at one contract price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-2365; Filed, Mar. 16, 1961; 8:54 a.m.]

## DEPARTMENT OF THE INTERIOR

**Bureau of Indian Affairs**

[Bureau Order 551, Amdt. 68]

**LEASES OR SALES OF RESTRICTED INDIAN LAND TO OR FROM INDIAN EMPLOYEES OF U.S. GOVERNMENT**

**Redelegation of Authority**

*Correction*

In F.R. Doc. 61-1536, appearing at page 1680 of the issue for Saturday, February 25, 1961, the headings should read as set forth above.

## CIVIL AERONAUTICS BOARD

[Docket No. 12204]

**PERSONAL AIR TRANSPORT**

**Notice of Hearing**

In the matter of the application of Personal Air Transport for a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing on the above-entitled application is assigned to be heard on March 27, 1961, at 10:30 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., March 14, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-2343; Filed, Mar. 16, 1961; 8:51 a.m.]

[Docket No. 12203]

**PRICE AIR SERVICES LIMITED**

**Notice of Hearing**

In the matter of the application of Price Air Service Limited for a foreign air carrier permit, issued pursuant to Section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing on the above-entitled application is assigned to be heard on March 27, 1961, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., March 14, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-2344; Filed, Mar. 16, 1961; 8:51 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13976; FCC 61-314]

**ASPEN BROADCASTING CO.**

**Order Designating Application for Hearing on Stated Issues**

In re application of Myron J. Kammeyer, Edward L. Vestal, and Theodore B. Gazarian, d/b as Aspen Broadcasting Co., Aspen, Colorado, requests: 1260 kc, 5 kw, Day, Docket No. 13976, File No. BP-13082; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of March 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, and otherwise qualified, but may not be financially qualified, to construct and operate the instant proposal; and

It further appearing that, the Commission in a prehearing letter dated August 12, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that, by the Commission's above-mentioned letter, the instant applicant was notified that the Commission did not find it financially qualified in that a total of $38,608 would be necessary to meet the down payment of $6,099, land and buildings $24,000, miscellaneous $709, and working capital (three months) $7,800, and that only $9,466, the result of $2,534 in organization expenditures subtracted from $12,000 in original partnership capital, appears to be available, and;

It further appearing that, by the aforesaid prehearing letter the applicant was notified that there was a question as to whether the proposal would serve the city of Aspen pursuant to § 3.188(b)(1) of the rules; and the applicant has requested a waiver, but it has not been determined whether circumstances exist which would warrant a waiver of said section; and

It further appearing that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the instant applicant is financially qualified to construct and operate its proposed station.

2. To determine whether the proposal of the instant applicant would provide the coverage of the city sought to be served, as required by § 3.188(b)(1) of the Commission rules, and if not, whether circumstances warrant a waiver of said section.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

*It is further ordered*, That, to avail itself of the opportunity to be heard, the instant applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: March 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2348; Filed, Mar. 16, 1961; 8:52 a.m.]

[Docket Nos. 13977-13979; FCC 61-315]

## BIG HORN COUNTY MUSICASTERS ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of D. Gene Williams and Delbert Bertholf d/b as Big Horn County Musicasters, Hardin, Montana, requests: 1230 kc, 250 w, U, Docket No. 13977, File No. BP-13399; Elizabeth H. Brown, Kenneth Nybo, Charles B. Sande, Ben N. Forbes, Weymouth D. Symmes, A. L. La Bar, Rockwood Brown, Jr., Neal H. Brown, Barbara B. Bixby and Keith Brown, a Co-partnership d/b as Billings Broadcasting Co. (KBMY), Billings, Montana, has: 1240 kc, 250 w, U, requests: 1240 kc, 250 w, 1 kw-LS, U, Docket No. 13978, File No. BP-13470; KXLO Broadcast, Inc. (KXLO), Lewistown, Montana, has: 1230 kc, 250 w, U, requests: 1230 kc, 250 w, 1 kw-LS, U, Docket No. 13979, File No. BP-14144; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of March 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposed new 250 watt Class IV operation of Big Horn County Musicasters appears to receive interference resulting in population losses slightly in excess of 10 percent from the existing operations of Stations KBMY and KXLO. Additionally, it appears that the subject proposals for increases in daytime power of KBMY and KXLO would cause total interference received by the Big Horn County Musicasters proposal to exceed 10 percent population loss by a substantial margin.

2. The site photographs submitted by Big Horn County Musicasters are not of sufficient clarity and detail to permit a determination that the antenna system will be reasonably free of deleterious effects from nearby structures.

3. Big Horn County Musicasters, in response to section III, Item 1(a), of the application form, has indicated that land for its transmitter site will be leased. However, the "Lease Agreement" enclosed with the application appears to be an option to lease certain described land, to be exercised by the "lessee" within one year from the date of the "Lease Agreement", February 13, 1959. Further, the "lessee" in the aforementioned instrument is one Robert H. Eubanks, who appears nowhere to be associated with the instant applicant.. Therefore, a question obtains as to whether or not the instant applicant does, in fact, have rights to land upon which it plans to construct its station.

4. It has not yet been determined whether the proposed operation of KXLO Broadcast, Inc., will cause interference to services other than standard broadcast.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered*, That, pursuant to sec. 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of Big Horn County Musicasters and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations KBMY and KXLO, and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of Big Horn County Musicasters would cause objectionable interference to the existing operations KBMY, Billings, Montana, and KXLO, Lewistown, Montana, or any other existing standard broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether interference received from the existing and proposed operations of KBMY and KXLO would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Big Horn County Musicasters, in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether the transmitter site proposed by Big Horn County Musicasters is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

7. To determine whether or not the transmitter site proposed by Big Horn County Musicasters will be available to the applicant.



8. To determine whether the proposed operation of KXLO Broadcast, Inc. will cause interference to services other than standard broadcast.

9. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

*It is further ordered*, That, Elizabeth H. Brown, Kenneth Nybo, Charles B. Sande, Ben N. Forbes, Weymouth D. Symmes, A. L. La Bar, Rockwood Brown, Jr., Neal H. Brown, Barbara B. Bixby and Keith Brown, a Co-partnership d/b as Billings Broadcasting Co., and KXLO Broadcast, Inc., licensees of Stations KBMY and KXLO, respectively, are made parties to the proceeding with respect to their existing operations.

*It is further ordered*, That, in the event of a grant of the proposals of Stations KBMY or KXLO, or both, the construction permit or permits shall be conditioned upon permittee's acceptance of such interference as may result from other Class IV operations subsequently authorized to increase power.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2349; Filed, Mar. 16, 1961; 8:52 a.m.]

[Docket Nos. 13673, 13674; FCC 61M-419]

## HENNEPIN BROADCASTING ASSOCIATES AND ROBERT E. SMITH

### Order Continuing Hearing

In re applications of Albert S. Tedesco and Patricia W. Tedesco, d/b as Hennepin Broadcasting Associates, Minneapolis, Minnesota, Docket No. 13673, File No. BP-12416; Robert E. Smith, River Falls, Wisconsin, Docket No. 13674, File No. BP-13339; for construction permits.

The Hearing Examiner having under consideration his order released February 2, 1961 (FCC 61M-162) continuing the hearing in the above-entitled proceeding until March 15, 1961, on the basis of a statement in motion papers filed by applicant Hennepin Broadcasting Associates that the applicants had resolved their differences by agreement and proposed filing a joint petition for Commission approval thereof pursuant to 47 U.S.C. 311; a joint petition filed by the applicants February 15, 1961, pursuant to 47 U.S.C. 311(c); and the fact that the Chief Hearing Examiner has not yet acted upon the pleading last cited;

It appearing that if the agreement, which calls for reimbursement of applicant Smith by applicant Hennepin, should be approved further hearing in this proceeding may be superfluous; and that if the agreement should be disapproved it cannot be ascertained at the present juncture what effect this would have upon the proceeding or the present issues;

*It is ordered*, This 13th day of March 1961, on the Hearing Examiner's own motion, that the hearing presently scheduled to commence on March 15, 1961, is hereby further continued until Friday, April 14, 1961, at the time and place announced by previous order herein.

Released: March 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2350; Filed, Mar. 16, 1961; 8:52 a.m.]

[Docket Nos. 13974, 13975; FCC 61-312]

## RALPH W. HOFFMAN AND ABBEVILLE RADIO, INC.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Ralph W. Hoffman, Abbeville, Alabama, requests: 1480 kc, 1 kw, Day, Docket No. 13974, File No. BP-13533; Abbeville Radio, Inc., Abbeville, Alabama, requests: 1480 kc, 1 kw, Day, Docket No. 13975, File No. BP-14200; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of March 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The applicants propose mutually exclusive operations.

2. It has not been possible to determine conclusively from the information submitted, whether the proposed operation of Ralph W. Hoffman will provide a signal of 25 mv/m or greater over the business area of Abbeville, Alabama, as required by § 3.188(b)(1) of the rules.

It further appearing that, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the instant proposal of Ralph W. Hoffman would provide the coverage of the city sought to be served, as required by § 3.188(b)(1) of the Commission rules.

2. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2351; Filed, Mar. 16, 1961; 8:52 a.m.]

[Docket Nos. 13980, 13981; FCC 61-316]

## AUBREY H. ISON ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Aubrey H. Ison, James A. McCulla and Paul C. Masterson, Lompoc, California, requests: 1410 kc, 500 w, DA-Day, Docket No. 13980, File No. BP-13445; Stanley R. Bookstein, Lompoc, California, requests: 1410 kc, 500 w, DA-2, U, Docket No. 13981, File No. BP-14420; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of March 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; but that said applications are mutually exclusive; and

It further appearing that, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered,* That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2352; Filed, Mar. 16, 1961; 8:52 a.m.]

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[Docket No. 13855; FCC 61M-411]

## MANDAN RADIO ASSOCIATION

### Order Continuing Hearing

In the matter of revocation of license of Mandan Radio Association for Standard Broadcast Station KBOM, Bismarck-Mandan, North Dakota, Docket No. 13855.

Upon oral request by counsel for the Commission's Broadcast Bureau and with the consent of the licensee herein:

*It is ordered,* This 10th day of March 1961, that the hearing in the above-entitled matter now scheduled for April 5, 1961, be and it hereby is postponed to 10:00 a.m, April 26, 1961, in the city of Bismarck, North Dakota.

Released: March 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2353; Filed, Mar. 16, 1961; 8:52 a.m.]

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[Docket Nos. 13934-13939; FCC 61M-407]

## SAUL M. MILLER ET AL.

### Order Continuing Hearing

In re applications of Saul M. Miller, Reading, Pennsylvania, Docket No. 13934, File No. BP-12660; Arthur W. Arundel, Charles Town, West Virginia, Docket No. 13935, File No. BP-12762; Suburban Broadcasting Corp., Elkton, Maryland, Docket No. 13936, File No. BP-12981; H. Clay Esbenshade, tr/as Lancaster County Broadcasters, Lancaster, Pennsylvania, Docket No. 13937, File No. BP-13106; Horace J. Elias and Irving E. Robinson, d/b as Elias and Robinson, Glen Burnie, Maryland, Docket No. 13938, File No. BP-13111; North Penn Broadcasting Company, Quakertown, Pennsylvania, Docket No. 13939, File No. BP-13160; for construction permits.

On the Examiner's own motion and with the consent of all parties to the proceeding: *It is ordered,* This 10th day of March 1961, that hearing in the above-entitled proceeding now scheduled for April 10, 1961, is continued to a date to be determined at a pre-hearing conference to be held at 10:00 a.m., April 10, 1961.

Released: March 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2354; Filed, Mar. 16, 1961; 8:52 a.m.]

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[Docket No. 13982; FCC 61-319]

## SEVEN HILLS BROADCASTING CORP. (WOIO)

### Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Seven Hills Broadcasting Corporation (WOIO), Cincinnati, Ohio, requests: 98.5 mc, #253, 14.1 kw, 398.4 ft (CP), Docket No. 13982, File No. BPH-3015; for construction permit.

1. The Commission has before it for consideration (a) a Petition for Reconsideration, filed on August 26, 1960, by Miami Valley Broadcasting Corporation (Miami Valley or petitioner hereinafter), pursuant to section 405 of the Communications Act of 1934, as amended, and § 1.191 of the Commission rules, and directed against the Commission's action of July 27, 1960, in granting without hearing the above-captioned and described application; (b) an Opposition thereto, filed on September 15, 1960, by Seven Hills Broadcasting Corporation (Seven Hills hereinafter); and (c) a Reply to Opposition, filed on September 26, 1960, by Miami Valley.

2. On May 24, 1960, Seven Hills filed an application requesting authority to construct a new Class B FM station at Cincinnati, Ohio, to operate on 99.9 mc, Channel #260, with an effective radiated power of 14.1 kw, File No. BPH-3015. On July 14, 1960, this application was amended to specify, in lieu of the above, the frequency 98.5 mc, Channel #253. Acceptance of the amendment was announced by the Commission in a Public Notice released July 26, 1960, and the application, as amended, was granted on July 27, 1960.

3. Miami Valley, licensee of FM broadcast Station WHIO-FM, Dayton, Ohio, operating on the frequency 99.1 mc, Channel #256, is the permittee of an outstanding construction permit, granted on June 20, 1960, authorizing an increase in the power of Station WHIO-FM from an effective radiated power of 19 kilowatts and an antenna height of 515 feet to an effective radiated power of 35 kilowatts with an antenna height of 1060 feet. In its petition, Miami Valley contends that the Seven Hills proposal, as granted on July 27, 1960, causes objectionable interference to an area of approximately 20 square miles and 375,000 persons within its service area and that since such interference is a modification of its outstanding authorization, the grant to Seven Hills must be set aside and said proposal designated for hearing, pursuant to section 316 of the Communications Act of 1934, as amended, with WHIO-FM made a party thereto.

4. In its opposition, Seven Hills concedes that its operation causes objectionable interference to 0.26 percent of the area and 18.7 percent of the population within the WHIO-FM 1.0 mv/m contour and in view thereof does not take issue with the contention of Miami Valley that it is entitled to a hearing. It does argue however, that the hearing required in this instance arises as a consequence of the action of June 20, 1960 authorizing Station WHIO-FM to utilize "extraordinary" power, thereby permitting it to serve within its 1.0 mv/m contour, a portion of Cincinnati, Ohio; that although § 3.204 of the rules authorizes higher power for Class B FM stations in certain areas of the country, § 3.202 of the rules further provides that the demands for frequencies in some of the above areas (Ohio being one of the areas specified) require that applications be given careful study to insure an equitable distribution of facilities throughout this area. In view of this, Seven Hills argues, the Commission cannot make a proper determination of the need for a new service in Cincinnati without compartively considering therewith, its action of June 20, 1960, in granting the application of WHIO-FM.

5. The reply filed by Miami Valley reasserts in substance the position taken in its original pleadings and in addition maintains that the Commission's action granting its increase in power on June 20, 1960, can no longer be attacked, since the statutory time to protest or petition for reconsideration of that grant expired on July 29, 1960; that moreover, since the Seven Hills amendment which occasioned the objectionable interference involved herein was not filed until after the application of WHIO-FM had been granted, neither can it argue that its application should be considered comparatively with the application of WHIO-FM.[1]

6. In view of the considerable amount of interference caused to the operation of Miami Valley as granted on June 20, 1960, we conclude, in the exercise of our discretion, that the application of Seven Hills should be designated for hearing to determine whether a grant thereof would serve the public interest, convenience and necessity. The Seven Hills application, however, is not entitled to comparative consideration with the authorization granted Miami Valley. The amendment which occasioned the interference involved herein was filed by Seven Hills on July 14, 1960. Previous to this no interference existed between the proposals. However, since this amendment was not filed until after the Miami Valley application had been granted, the application of Seven Hills is not now entitled to comparative consideration therewith.

Moreover, the grant of the Miami Valley application was announced by Public Notice released June 28, 1960; and on July 29, 1960, the allowable statutory period during which objections could have been filed against this action expired. Since Seven Hills did not choose to raise whatever objections it may have had against said grant within the statutory period provided therefore, it is precluded, at this late date, from interjecting them in its instant pleadings.

In the light of the foregoing: *It is ordered,* That the "Petition for Reconsideration", filed by Miami Valley Broadcasting Corporation is granted to the extent provided for below, and is denied in all other respects; that the action of July 27, 1960 granting the above-captioned application is hereby set aside; and that pursuant to the former provisions of section 309(b) of the Communications Act of 1934, as amended, the above-captioned application is designated for evidentiary hearing on the following issues:

1. To determine whether the proposal of Seven Hills Broadcasting Corporation (BPH-3015) causes interference to Station WHIO-FM, Dayton, Ohio, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Seven Hills Broadcasting Corporation at Cincinnati, Ohio, would be in compliance with § 3.313(c) of the Commission's rules with particular reference to the requirement that such channel be utilized only when necessary to provide an equitable and efficient use of the facilities.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-described application of the Seven Hills Broadcasting Corporation would serve the public interest, convenience, and necessity.

*It is further ordered,* That, Miami Valley Broadcasting Corporation (WHIO-FM) is made a party to the proceeding.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Adopted: March 8, 1961.

Released: March 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2355; Filed, Mar. 16, 1961; 8:52 a.m.]

[1] Miami Valley also argues, in its original pleadings and again in its reply to the opposition filed by Seven Hills, that the Commission violated the procedural requirements of § 1.356 of the rules (as said section provided previous to its amendment of December 12, 1960) when it granted the application of Seven Hills on July 27, 1960. However, in view of the disposition to be taken herein, on the Seven Hills application (see Para. 6, infra), it appears that no useful purpose would be served by entertaining the arguments advanced by the parties with respect to this matter.





[Docket Nos. 13955-13957; FCC 61M-417]

## STUART W. EPPERSON ET AL.

### Order Continuing Hearing Conference

In re applications of Stuart W. Epperson, North Wilkesboro, North Carolina, Docket No. 13955, File No. BP-13009; Tobert B. Brown, Taylorsville, North Carolina, Docket No. 13956, File No. BP-13564; Felix C. Abernethy, Granite Falls, North Carolina, Docket No. 13957, File No. BP-13773; for construction permits.

*It is ordered,* This 13th day of March 1961, that the prehearing conference in the above-entitled matter now scheduled for March 16, 1961, is hereby rescheduled for 2:00 p.m., March 22, 1961.

Released: March 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2356; Filed, Mar. 16, 1961; 8:52 a.m.]

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[Docket Nos. 13931-13933; FCC 61M-416]

## BURLINGTON BROADCASTING CO. ET AL.

### Order Scheduling Prehearing Conference

In re applications of William S. Halpern and Louis N. Seltzer, d/b as Burlington Broadcasting Company, Burlington, New Jersey, Docket No. 13931, File No. BP-12580; Burlington County Broadcasting Company, Mount Holly, New Jersey, Docket No. 13932, File No. BP-13871; John J. Farina, tr/as Mt. Holly-Burlington Broadcasting Company, Mount Holly, New Jersey, Docket No. 13933, File No. BP-13952; for construction permits.

*It is ordered,* This 13th day of March 1961, that pursuant to § 1.111 of the Commission's rules, a prehearing conference will be held in this proceeding on March 28, 1961, 10:00 a.m. in the Offices of the Commission, Washington, D.C.

Released: March 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2361; Filed, Mar. 16, 1961; 8:53 a.m.]

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[FCC 61-331; 1065]

## CONELRAD

### All FCC Licensees (Other Than Standard, FM and TV Broadcast Stations), Frequency Coordinating Committees, Trade Associations and Organizations and Industry Groups

1. The Office of Civil and Defense Mobilization (OCDM) has requested that a CONELRAD Drill be conducted. Measures to accomplish this action, as required by § 3.970, of the Commission's rules have been completed.

2. A Nationwide Electromagnetic Radiation Control (CONELRAD) Drill will

be conducted on April 28, 1961 for a thirty-minute period beginning at:

4:00 p.m. eastern standard time (U.S.);
3:00 p.m. central standard time (U.S.);
2:00 p.m. mountain standard time (U.S.);
1:00 p.m. Pacific standard time (U.S.);
11:00 a.m. local standard time (Alaska);
10:30 a.m. local standard time (Hawaii).

3. Participation in this Drill in mandatory for broadcast stations in the continental U.S. (including Alaska).

4. Radio stations in the Aviation Service will not participate in this drill.

5. Radio stations in the International Fixed Public Radiocommunication Services, Stations on Land in the Maritime Services, Stations on Shipboard in Maritime Services, Public Fixed Stations & Stations of the Maritime Services in Alaska, and Domestic Public Radio Services (other than Maritime Mobile) are excluded from and will not participate in this Drill inasmuch as CONELRAD rules for these services have not been finalized.

6. All other classes of radio stations (other than broadcast) in the United States and the U.S. territorial possessions are requested to participate in this Drill, on a voluntary basis. The manner in which all FCC licensed radio stations in all Radio Services would be operated in the event of the declaration of a CONELRAD Radio Alert condition, by the appropriate military authority, is set forth below. Footnotes opposite each class of station set forth below indicate the operating procedures which are to be followed. Your radio station license, or authorization, issued by the Federal Communications Commission indicates the radio service and class of station.

7. During this drill, every licensee is requested to operate his radio system or radio station in the manner specified, insofar as practicable.

8. If there are any questions with regard to the foregoing, please address your inquiry to the following:

(a) Your Industry Frequency Coordinator; or

(b) Your Industry Trade Association of Organization; or

(c) Chairman of your State Industry Advisory Committee (FCC); or

(d) FCC Field Supervisor, CONELRAD, Western United States, Drawer 12, Hamilton Air Force Base, California.

(e) FCC Field Supervisor, CONELRAD, Central United States, P.O. Box 308, Richards-Gebaur Air Force Base, Missouri.

(f) FCC Field Supervisor, CONELRAD, Eastern United States, Stewart Air Force Base, Newburgh, New York.

9. Set forth below, is a public notice with regard to participation of stations licensed by the Federal Communications Commission in the National Civil Defense Test Exercises "Operation Alert" and other Civil Defense Drill, or Exercises which was adopted by the Commission on April 9, 1959.

Adopted: March 8, 1961.

By direction of the Commission.

[SEAL] NEWTON N. MINOW,
*Chairman.*

RADIO SERVICES AND CLASSES OF STATIONS LICENSED BY THE FEDERAL COMMUNICATIONS COMMISSION

ELECTROMAGNETIC RADIATION CONTROL (CONELRAD) OPERATING PROCEDURES

| FCC rules | Radio services and classes of stations | Operating procedures (see footnotes) |
|---|---|---|
| Part 3 | Radio Broadcast Services: | |
| | (a) Standard Broadcast Station | (1) |
| | (b) FM Broadcast Station | (1) |
| | (c) Non-Commercial Educational FM Broadcast Station | (1) |
| | (d) Television Broadcast Station | (1) |
| | (e) Non-Commercial Educational Television Broadcast Station | (1) |
| | (f) International Broadcast Station | (1) |
| Part 4 | Experimental, Auxiliary, and Special Broadcast Service: | |
| | (a) Experimental Television Broadcast Station | (1) |
| | (b) Experimental Facsimile Broadcast Station | (1) |
| | (c) Developmental Broadcast Station | (1) |
| | (d) Remote Pickup Broadcast Station | (1) |
| | (e) Standard and FM Broadcast Studio-Transmitter Link and FM Intercity Relay Station | (1) |
| | (f) Television Auxiliary Broadcast Station: | |
| | (i) Television Studio-Transmitter Link Station | (1) |
| | (ii) Television Pickup Station | (1) |
| | (iii) Television Intercity Relay Station | (1) |
| | (g) Television Broadcast Translator Station | (1) |
| | (h) Television Broadcast Booster Station | (1) |
| Part 5 | Experimental Radio Services (other than Broadcast): | |
| | (a) Experimental Service (Research) | (2) |
| | (b) Experimental Service (Developmental) | (2) |
| Part 6 | International fixed public radiocommunication services (excluded from participation in this drill). | |
| Part 7 | Stations on Land in the Maritime Services (excluded from participation in this drill). | |
| Part 8 | Stations on Shipboard in the Maritime Services (excluded from participation in this drill). | |
| Part 9 | Aviation Service (excluded from participation in this drill): | |
| | (a) Aeronautical Mobile Radio Service: | |
| | (i) Air Carrier Aircraft Station | (3) |
| | (ii) Private Aircraft Station | (3) |
| | (iii) Aeronautical Mobile Utility Station | (3) |
| | (iv) Flight Test Aircraft Station | (3) |
| | (v) Flying School Aircraft Station | (3) |
| | (vi) Civil Air Patrol Mobile Station | (3) |
| | (vii) Acrodrome Control Station | (3) |
| | (viii) Aeronautical Land Station | (3) |
| | (ix) Aeronautical Advisory Station | (3) |
| | (x) Flight-Test Station | (3) |
| | (xi) Flying School Station | (3) |
| | (xii) Civil Air Patrol Land Station | (3) |
| | (b) Aeronautical Fixed Radiocommunication Service: | |
| | (i) Aeronautical Fixed Station | (3) |
| | (ii) Operational Fixed Station | (3) |
| | (c) Aeronautical Navigational Radio Service: | |
| | (i) Radio Beacon Station | (3) |
| | (ii) Radio Range Station | (3) |
| | (iii) Localizer Station | (3) |
| | (iv) Glide Path Station | (3) |
| | (v) Marker Station | (3) |
| | (vi) Radio Direction Finding Station | (3) |
| | (vii) Ground Control Approach Station | (3) |
| | (d) Aeronautical Public Communication Service: | |
| | (i) Public Service Aircraft Station | (4) |
| Part 10 | Public Safety Radio Services: | |
| | (a) Police Radio Service: | |
| | (i) Base Station | (4) |
| | (ii) Mobile Relay Station | (4) |
| | (iii) Mobile Station | (4) |
| | (iv) Zone Station | (4) |
| | (v) Interzone Station | (4) |
| | (vi) Control Station | (4) |
| | (vii) Repeater Station | (4) |
| | (viii) Fixed Relay Station | (4) |
| | (ix) Fixed Station | (4) |
| | (x) Base Radiopositioning Station | (4) |
| | (xi) Mobile Radiopositioning Station | (4) |
| | (b) Fire Radio Service: | |
| | (i) Base Station | (5) |
| | (ii) Mobile Relay Station | (5) |
| | (iii) Mobile Station | (5) |
| | (iv) Control Station | (5) |
| | (v) Repeater Station | (5) |
| | (vi) Fixed Relay Station | (5) |
| | (vii) Fixed Station | (5) |
| | (c) Forestry—Conservation Radio Service: | |
| | (i) Base Station | (5) |
| | (ii) Mobile Relay Station | (5) |
| | (iii) Mobile Station | (5) |
| | (iv) Control Station | (5) |
| | (v) Repeater Station | (5) |
| | (vi) Fixed Relay Station | (5) |
| | (vii) Fixed Station | (5) |
| | (d) Highway Maintenance Radio Service: | |
| | (i) Base Station | (5) |
| | (ii) Mobile Relay Station | (5) |
| | (iii) Mobile Station | (5) |
| | (iv) Control Station | (5) |
| | (v) Repeater Station | (5) |
| | (vi) Fixed Relay Station | (5) |
| | (vii) Fixed Station | (5) |
| | (viii) Base Radiopositioning Station | (5) |
| | (ix) Mobile Radiopositioning Station | (5) |
| | (e) Special Emergency Radio Service: | |
| | (i) Base Station | (6) |
| | (ii) Mobile Relay Station | (6) |
| | (iii) Mobile Station | (6) |
| | (iv) Control Station | (6) |
| | (v) Repeater Station | (6) |
| | (vi) Fixed Relay Station | (6) |
| | (vii) Fixed Station | (6) |

See footnotes at end of table.



RADIO SERVICES AND CLASSES OF STATIONS LICENSED BY THE FEDERAL COMMUNICATIONS COMMISSION—Continued

ELECTROMAGNETIC RADIATION CONTROL (CONELRAD) OPERATING PROCEDURES—continued

| FCC rules | Radio services and classes of stations | Operating procedures (see footnotes) |
|---|---|---|
| Part 11 | Industrial Radio Services—Continued | |
| | (f) Telephone Maintenance Radio Service: | |
| | (i) Base Station | (2) |
| | (ii) Mobile Relay Station | (2) |
| | (iii) Mobile Station | (2) |
| | (iv) Fixed Relay Station | (2) |
| | (v) Operational Fixed Station | (2) |
| | (vi) Operational Fixed (Control) Station | (2) |
| | (vii) Fixed Station | (2) |
| Part 12 | Amateur Radio Service: | |
| | (i) Amateur Station | (7) |
| Part 14 | Public Fixed Stations and Stations of the Maritime Services in Alaska (excluded from participation in this drill). | |
| Part 15 | Restricted Radiation Devices (not licensed. Minimum technical standards and requirements specified). | |
| Part 16 | Land Transportation Radio Services: | |
| | (a) Motor Carrier Radio Service: | |
| | (i) Base Station | (2) |
| | (ii) Mobile Station | (2) |
| | (iii) Fixed Relay Station | (2) |
| | (iv) Operational Fixed Station | (2) |
| | (v) Operational Fixed (Control) Station | (2) |
| | (b) Railroad Radio Service: | |
| | (i) Base (Train) Station | (2) |
| | (ii) Base (Yard & Terminal) Station | (2) |
| | (iii) Mobile Relay (Train) Station | (2) |
| | (iv) Mobile Relay (Yard & Terminal) Station | (2) |
| | (v) Mobile (Train) Station | (2) |
| | (vi) Mobile (Yard & Terminal) Station | (2) |
| | (vii) Fixed Relay Station | (2) |
| | (viii) Operational Fixed Station | (2) |
| | (ix) Operational Fixed (Control) Station | (2) |
| | (c) Taxicab Radio Service: | |
| | (i) Base Station | (2) |
| | (ii) Mobile Station | (2) |
| | (d) Automobile Emergency Radio Service: | |
| | (i) Base Station | (2) |
| | (ii) Mobile Station | (2) |
| Part 19 | Citizens Radio Service: | |
| | (e) Class A Station (60 watts or less): | |
| | (i) Fixed | (2) |
| | (ii) Land | (2) |
| | (iii) Mobile | (2) |
| | (b) Class B Station (5 watts or less): | |
| | (i) Fixed (conditional) Station | (2) |
| | (ii) Land (conditional) Station | (2) |
| | (iii) Mobile Station | (2) |
| | (c) Class C Station (Remote Control Devices): | |
| | (i) Fixed (conditional) Station | (2) |
| | (ii) Land (conditional) Station | (2) |
| | (iii) Mobile Station | (2) |
| | (d) Class D Station (6 watts or less): | |
| | (i) Fixed (conditional) Station | (2) |
| | (ii) Land (conditional) Station | (2) |
| | (iii) Mobile Station | (2) |
| Part 20 | Disaster Communications Service: | |
| | (i) Disaster Station | (8) |
| Part 21 | Domestic Public Radio Services (other than Maritime Mobile) (excluded from participation in this drill). | |

ALERTING AND OPERATIONAL PROCEDURES

1 (a) Carrier "off" for 5-seconds.*
(b) Carrier "on" for 5-seconds.*
(c) Carrier "off" for 5-seconds.*
(d) Carrier "on" with 1000 cycle tone for 15-seconds.*
(e) "Sign-off" announcement.
(f) Carrier "off" and operations discontinued on normally assigned frequency.
(g) Transmissions may be resumed on National Defense Emergency Authorization will begin operation in accordance with detailed instructions on 640 kc and 1240 kc in the Emergency Broadcast System, "CONELRAD Attention Signal which actuates "muted" CONELRAD Radio Alert Receivers.
2 (a) Carrier "off" for 5-seconds.*
(b) Carrier "on" for 5-seconds.*
(c) Carrier "off" for 5-seconds.*

RADIO SERVICES AND CLASSES OF STATIONS LICENSED BY THE FEDERAL COMMUNICATIONS COMMISSION—Continued

ELECTROMAGNETIC RADIATION CONTROL (CONELRAD) OPERATING PROCEDURES—continued

| FCC rules | Radio services and classes of stations | Operating procedures (see footnotes) |
|---|---|---|
| Part 10 | Public Safety Radio Services—Continued | |
| | (f) State Guard Radio Service: | |
| | (i) Base Station | (2) |
| | (ii) Mobile Relay Station | (2) |
| | (iii) Mobile Station | (2) |
| | (iv) Control Station | (2) |
| | (v) Repeater Station | (2) |
| | (vi) Fixed Relay Station | (2) |
| | (vii) Fixed Station | (2) |
| | (g) Local Government Radio Service: | |
| | (i) Base Station | (2) |
| | (ii) Mobile Relay Station | (2) |
| | (iii) Mobile Station | (2) |
| | (iv) Control Station | (2) |
| | (v) Repeater Station | (2) |
| | (vi) Fixed Relay Station | (2) |
| | (vii) Fixed Station | (2) |
| Part 11 | Industrial Radio Services: | |
| | (a) Power Radio Service: | |
| | (i) Base Station | (2) |
| | (ii) Mobile Relay Station | (2) |
| | (iii) Mobile Station | (2) |
| | (iv) Fixed Relay Station | (2) |
| | (v) Operational Fixed Station | (2) |
| | (vi) Operational Fixed (Control) Station | (2) |
| | (e) Special Industrial Radio Service: | |
| | (i) Base Station | (2) |
| | (ii) Mobile Station | (2) |
| | (iii) Mobile Station | (2) |
| | (iv) Fixed Relay Station | (2) |
| | (v) Operational Fixed Station | (2) |
| | (vi) Operational Fixed (Control) Station | (2) |
| | (f) Low Power Industrial Radio Service: | |
| | (i) Mobile Station | (1) |
| | (g) Industrial Radiolocation Service: | |
| | (i) Land Radiopositioning Station | (2) |
| | (ii) Mobile Radiopositioning Station | (2) |
| | (h) Business Radio Service: | |
| | (i) Base Station | (2) |
| | (ii) Mobile Relay Station | (2) |
| | (iii) Mobile Station | (2) |
| | (iv) Fixed Relay Station | (2) |
| | (v) Operational Fixed Station | (2) |
| | (vi) Operational Fixed (Control) Station | (2) |
| | (i) Manufacturers Radio Service: | |
| | (i) Base Station | (2) |
| | (ii) Mobile Relay Station | (2) |
| | (iii) Mobile Station | (2) |
| | (iv) Fixed Relay Station | (2) |
| | (v) Operational Fixed Station | (2) |
| | (vi) Operational Fixed (Control) Station | (2) |

See footnotes at end of table.

(d) Carrier "on" with 1000 cycle tone for 15-seconds.

(e) "Sign-off" announcement.

(f) Carrier "off" and operations discontinued.

² CONELRAD Attention Signal, which actuates "muted" CONELRAD Radio Alert Receivers.

³ (a) Aural ("Sound Channel") Carrier turned "off" for 5-seconds. Video ("Picture Channel") Carrier remains "on".

(b) Aural ("Sound Channel") Carrier turned "on" for 5-seconds. Video ("Picture Channel") Carrier remains "on".

(c) Aural ("Sound Channel") Carrier turned "off" for 5-seconds. Video ("Picture Channel") Carrier remains "on".

(d) Aural ("Sound Channel") Carrier turned "on" with 1000 cycle tone for 15-seconds. Video ("Picture Channel") Carrier remains "on".

(e) "Sign-off" announcement. (The same, or similar printed message or "sign-off" announcement may be displayed over the video ("Picture Channel") screen.

(f) The Video and Aural Carriers turned "off", and operations discontinued.

⁴ Turn transmitter carrier "off", upon receipt of a CONELRAD Radio Alert, and remain "silent" (do not turn the transmitter carrier "on"), until receipt of the CONELRAD Radio All Clear, as provided by law, or as otherwise specifically directed. (Radio stations in the Radio Amateur Civil Emergency Service (RACES) may operate in accordance with approved plans.

⁵ (a) Transmitters operating continuously, such as microwave relay, telemetering operations, etc. may continue in operation during this drill.

(b) Transmitters that operate intermittently should have their carriers turned "off", upon receipt of the CONELRAD Radio Alert.

(c) The transmitter carrier may be turned "on" under the following general circumstances, and transmissions made in accordance with the following procedures:

(i) Short transmissions. (Carrier turned "off" during periods of no message or intelligence transmissions.)

(ii) No station identification. (Do not give location of station or use regular "Call Signs" or "Call Letters". Tactical call signs may be used.)

(iii) Emergency traffic only. (Normal essential transmissions will be considered as emergency traffic for the purpose of this Drill.)

⁶ The Alerting and Operational Procedures for the Aviation Service, as provided by the Commission's rules are consistent with the provisions of the SCATER Plan (Security Control of Air Traffic and Electromagnetic Radiation) which is administered by the Federal Aviation Agency in cooperation with the United States Air Force.

[Public Notice G (Revised April 1959); FCC 59–299]

## Participation of Stations Licensed by Federal Communications Commission in National Civil Defense Test Exercises "Operation Alert" and Other Civil Defense Drills or Exercises

April 9, 1959.

The Federal Communications Commission (FCC), in cooperation with the Office of Civil and Defense Mobilization is re-issuing this Public Notice, formerly Public Notice FCC 55–641, for the purpose of advising Commission licensees as to the extent they are authorized to participate in the national civil defense exercises "Operation Alert" which are scheduled annually, or any other similar test exercise or drill held in the future. In staff meetings between the two agencies, it has been indicated that other drills and exercises, either local or national in character, may be required to be held from time to time in the future. Such future exercises may be conducted without prior special coordination and arrangement. This Public Notice is an interpretation of radio operating authority applicable to any future instances of civil defense drills or exercises.

Participation in civil defense test exercises by FCC licensed stations operating in accordance with the Commission's rules, is authorized subject to the following:

(a) Domestic fixed (point-to-point) communications service for civil defense shall not be rendered on frequencies below 25 Mc except by those stations licensed in the Amateur or Disaster Communication Services or by broadcast stations. However, this does not serve to prevent the regularly authorized fixed service use of frequencies for the purpose of performing functions of normal character already authorized within a single service. For example, police fixed stations and land stations may intercommunicate for the purpose of handling civil defense drill police business in addition to normal police business.

(b) When the civil defense organization diverts an activity which utilizes an FCC licensed radio system from its normal civil function and integrates it into a civil defense exercise, radio stations licensed to that system shall be used only in the conduct of the civil defense task assigned to that system. For example, if a mobile system is to perform the civil defense task of an ambulance corps, its radio facilities shall be utilized only within its existing system and under the control of the licensee of the stations in that system. However, this does not preclude a licensee from operating a transmitter at or near a civil defense control center for liaison purposes. Furthermore, as a special exception to this policy, stations or taxicab systems may be utilized temporarily to furnish a civil defense communications service in a civil defense exercise in the hypothetical absence of stations in the Radio Amateur Civil Emergency Services (RACES), Disaster or Domestic Public services. However, stations of such taxicab systems shall cease to perform this function as soon as RACES, Disaster or Domestic Public Services can be re-established.

(c) Any radio station having limited hours of normal service specified in the rules governing its operation or in the terms of its instrument of authorization is authorized to operate only during the hours so specified.

(d) A valid station authorization is necessary before a radio transmitter may be utilized in any exercise.

(e) No interference shall be caused to the regular service of stations which are not participating in an exercise and the normal communications required by any station for the purpose of carrying on its regular functions takes priority over the communications required by the exercise. This does not preclude voluntary arrangements being made in particular areas so as to minimize possibilities of interference to regular service.

(f) Due to the safety requirements of services and stations governed by Part 9 of the Commission's rules, the only aviation facilities permitted to participate in a civil defense exercise are aeronautical advisory stations, civil air patrol stations, and aircraft stations authorized to communicate with these stations.

(g) Stations in the Domestic Fixed Public or Domestic Public Land Mobile service are not authorized to participate in an exercise beyond the authority contained in the regular rules and regulations governing these services.

(h) CONELRAD: Standard broadcast stations may, if the licensee so desires, operate during the experimental period in accordance with the station's National Defense Emergency Authorization and the CONELRAD Rules and Regulations of the Commission. Any such operation initiated by Civil Defense authorities (National, State or local) should be voluntary on the part of the broadcast station and shall be approved by the FCC Field Supervisor located as follows:

FCC Field Supervisor, Stewart Air Force Base, Newburgh, N.Y.
FCC Field Supervisor, P.O. Box 308, Richards-Gebaur Air Force Base, Mo.
FCC Field Supervisor, Drawer 12, Hamilton Air Force Base, Calif.

(i) The Office of Civil and Defense Mobilization has requested the voluntary cooperation of all amateurs to the end that the planned RACES procedures will be effective in the portions of this exercise which will be conducted by amateurs. In order to accomplish this the local civil defense organizations may enlist voluntary cooperation as follows:

Any RACES stations operating under an approved plan may be asked to participate in the exercises on RACES frequencies. It is planned that such activities will be carried out in accordance with all the operational requirements of the RACES rules as outlined in Subpart B of Part 12 of the Commission's rules. Amateur radio operators who are not included in an approved RACES plan may be asked to participate in the exercise on RACES frequencies as specifically required by the cognizant Civil Defense Director of any geographic area and their operation must be in accordance with Subpart A of Part 12. It is further planned that all such communications will be conducted on the RACES frequencies on radio frequency channels which have been established for each geographic area as agreed to by the State and local Civil Defense organization and the Office of Civil and Defense Mobilization. Amateurs who do not participate in this exercise are expected to cooperate by not operating on RACES frequencies during the period of the exercise.

(j) Only those stations in the Amateur, Disaster, Domestic Public, Citizen's Radio and Special Emergency communications services are authorized to perform the function of a "Civil Defense Communications Service" during an exercise. However, this does not preclude the use of the communications facilities associated with licensed systems in other services for the purpose of handling the communications necessary to perform the activity assigned such services by the civil defense authorities. For example, a taxi mobile radio system may not, except as an interim measure as indicated in paragraph (b) above, serve as the communication service to take the place of public communication facilities which, for purposes of an exercise, are considered destroyed. On the other hand, the taxi radio system may continue to operate its system in connection with the emergency function assigned it by the civil defense authorities as indicated in paragraph (b) above.

A definitive policy regarding the availability of frequencies of non-Government services referred to in this Notice under the extremes of emergency conditions and areas of attack is being prepared within the Federal Government and appropriate information in this regard will be made known at the earliest possible date. The Commission in the interim reminds its licensees that there might be occasions wherein, depending upon the nature of the attack and the area in question, some of the frequencies that are presently allocated to non-Government services referred to in this Notice may be withdrawn and reassigned to better meet an extreme emergency. It is emphasized that nothing in this Public Notice in any way alters the existing situation or earlier announcements with respect to frequencies for the RACES and Disaster Communications Services.

The Commission will not accept applications for special authority to operate any radio station in such exercises.

Adopted: April 8, 1959.

[F.R. Doc. 61–2347; Filed, Mar. 16, 1961; 8:51 a.m.]

[Docket No. 13972; FCC 61–310]

## WIRELINE RADIO, INC.

### Order Designating Application for Hearing on Stated Issues

In re application of Wireline Radio, Inc., Lewisburg, Pennsylvania, Docket No. 13972, File No. BR–3511; for renewal of license of Station WITT, Lewisburg, Pennsylvania.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of March 1961;

The Commission having under consideration the above-captioned application; and

It appearing that, on or about December 15, 1959, the applicant relinquished operational control of Station WITT to Robert L. Wilson and/or Central Pennsylvania Broadcasting Co., contrary to the provisions of section 310(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies promulgated thereunder; and

It further appearing that, on September 16, 1960, the Commission issued an Official Notice of Violation (FCC Form No. 793) to the subject station specifying instances of non-compliance with the rules and regulations of the Federal Communications Commission; and

It further appearing that, in answer to said Official Notice, the licensee by letter dated October 7, 1960, represented to the Commission that certain corrective action had been taken and would be taken to insure compliance with the Commission's rules; and

It further appearing that, as a result of another inspection of Station WITT on February 7, 1961, Wireline Radio, Inc., was served with another official Notice of Violation specifying instances of non-compliance with the Commission's rules, six (6) of which had been the basis of similar citations following the prior inspection in September 1960; and

It further appearing that, the licensee's statements to the Commission with respect to the above matters contained misrepresentations and were lacking in candor; and

It further appearing that, after consideration of the foregoing, the Commission is unable to find that a grant of the subject application would serve the public interest, convenience or necessity; and that said application must be designated for hearing on the issues specified below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether or not the licensee transferred control of Wireline Radio, Inc., and Station WITT without obtaining the Commission's prior consent as required by section 310(b) of the Communications Act of 1934, as amended and the Commission's rules and policies promulgated thereunder;

(2) To determine whether or not the licensee, during the period from September, 1960 to February, 1961, inclusive, violated the following sections of the Commission's rules and regulations: §§ 3.39(d)(1)(VII), 3.40(b)(3)(IV), 3.46(a) and (b), 3.47, 3.56, 3.57(a), 3.58, 3.65, 3.67, 3.93 (a) and (c), 3.111, 3.931, 17.25(a)(2), 17.38 and 17.44;

(3) To determine whether or not, in its written and oral statements to the Commission with respect to the above matters, the licensee misrepresented facts to the Commission and/or was lacking in candor;

(4) To determine whether, in light of the evidence adduced with respect to the foregoing issues, Wireline Radio, Inc., possesses the requisite qualifications to be a licensee of the Commission;

(5) To determine whether, in light of all of the above, a grant of the above captioned application would serve the public interest, convenience or necessity; and if so, the term for which said application should be granted.

*It is further ordered*, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: March 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2357; Filed, Mar. 16, 1961; 8:53 a.m.]

[Docket No. 13973; FCC 61–311]

## YPSILANTI-ANN ARBOR BROADCASTING CO.

### Order Designating Application for Hearing on Stated Issues

In re application of Craig E. Davids and Roy W. McLean d/b as Ypsilanti-Ann Arbor Broadcasting Co., Ypsilanti, Michigan, requests: 1480 kc, 500 w, DA–Day, Docket No. 13973, File No. BP–13221; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of March 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, and otherwise qualified, but may not be financially qualified to construct and operate the instant proposal; and

It further appearing that, the Commission in a prehearing letter dated November 18, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that Roy W. McLean, one of the partners in the applicant, is dependent upon securing funds through a bank loan in order to fulfill his commitment to the partnership and that the loan agreement submitted with the application did not show terms of repayment and security and that Mr. McLean, in a letter received December 6, 1960, purports to set forth the terms of repayment for the loan, but he failed to furnish a copy of the loan agreement showing the terms of repayment and security to be posted for the loan, as required by section III, paragraph 4(h) of the application form; and

It further appearing that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues specified below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant applicant and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of the instant applicant would cause objectionable interference to the existing operations of Stations WOHO, Toledo, Ohio; WJBK, Detroit, Michigan; and WABJ, Adrian, Michigan; and the pending proposal of WABJ, Adrian, Michigan (BP–13068) with which the subject proposal was not timely filed, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from the proposals and existing stations listed below would affect more than ten percent of the population within the normally protected primary service area of the instant proposal in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

*Proposals and Stations*

BP–13068, WABJ, Adrian, Mich.: WABJ, Adrian, Mich.
BP–12236, WPON, Pontiac, Mich.: WPON, Pontiac, Mich.; WOHO, Toledo, Ohio; WKMF, Flint, Mich.; WMAX, Grand Rapids, Mich.; WHBC, Canton, Ohio; WJBK, Detroit, Mich.

4. To determine whether the subject applicant is financially qualified to construct and operate its proposed station.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues whether a grant of the instant

application would serve the public interest, convenience and necessity.

*It is further ordered,* That The Midwestern Broadcasting Company, Storer Broadcasting Company, and Gerity Broadcasting Company, licensees of WOHO, WJBK, and WABJ, respectively, are made parties to the proceeding with respect to their existing operations.

*It is further ordered,* That Gerity Broadcasting Company, licensee of WABJ, is made a party to the proceeding with respect to its proposed operation (File No. BP–13068).

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: March 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2358; Filed, Mar. 16, 1961; 8:53 a.m.]

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[Docket No. 13827; FCC 61M–410]

## KWK RADIO, INC.

### Order Scheduling Prehearing Conference

In the matter of revocation of license of KWK Radio, Inc. for standard Broadcast Station KWK, St. Louis, Missouri, Docket No. 13827.

*It is ordered,* This 10th day of March 1961, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 2:00 p.m. on Friday, March 17, 1961 in the offices of the Commission, Washington, D.C.

Released: March 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2359; Filed, Mar. 16, 1961; 8:53 a.m.]

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[Docket Nos. 13225 etc.; FCC 61M–405]

## WPET, INC. (WPET) ET AL.

### Order Granting Application

In re applications of WPET, Incorporated (WPET), Greensboro, North Carolina, Docket No. 13225, File No. BP–11742; Seven Locks Broadcasting Company, Potomac-Cabin John, Maryland, Docket No. 13227, File No. BP–11877; The Tidewater Broadcasting Company, Incorporated, Smithfield, Virginia, Docket No. 13243, File No. BP–12814; Edwin R. Fischer, Newport News, Virginia, Docket No. 13248, File No. BP–13114; Mary Cobb and Richard S. Cobb, d/b as Tenth District Broadcasting Co., McLean, Virginia, Docket No. 13251, File No. BP–13153; for construction permits.

The Hearing Examiner having under consideration (1) a petition to sever filed by Tidewater Broadcasting Company, Incorporated, on January 23, 1961; (2) conference held on this date in the above-entitled proceeding; and (3) oral motion to sever made at such conference; and

It appearing that no opposition has been interposed to a grant of the Tidewater petition to sever its application and that of Edwin R. Fischer from the other applications in this consolidated proceeding, and such petition should be granted; and

It further appearing that no opposition has been interposed to the grant of the oral motion made at the conference requesting severance of (1) the WPET application into a separate proceeding and (2) the applications of Seven Locks Broadcasting Company and Tenth District Broadcasting Company into another proceeding, and such motion should be granted;

*It is ordered,* This 9th day of March 1961, that the petition of Tidewater Broadcasting Company to sever its application and that of Edwin R. Fischer into one proceeding and the oral motion made at the conference to sever WPET, Incorporated, into a separate proceeding and the applications of Seven Locks Broadcasting Company and Tenth District Broadcasting Company into another proceeding be and the same are hereby granted and the five applications above captioned are, accordingly, severed into the three proceedings as follows:

(1) WPET, Incorporated (WPET), Greensboro, N.C.; Docket 13225.

(2) The Tidewater Broadcasting Company, Incorporated, Smithfield, Va.; Docket 13243;

and

Edwin R. Fischer, Newport News, Va.; Docket 13248.

(3) Seven Locks Broadcasting Company, Potomac-Cabin John, Md.; Docket 13227.

and

Mary Cobb and Richard S. Cobb, d/b as Tenth District Broadcasting Company, McLean, Va.; Docket 13251.

Released: March 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2360; Filed, Mar. 16, 1961; 8:53 a.m.]

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[FCC 61–289]

## AM DIRECTIONAL ANTENNA PROPOSALS

### Electronic Computations

MARCH 13, 1961.

The Federal Communications Commission is presently making certain computations by electronic computer with respect to directional antenna proposals submitted with standard broadcast applications. Not only is this system proving to be beneficial to the Commission, but applicants as well will benefit since it permits more rapid investigation of the antenna design submitted with the application and early disclosure of any discrepancies therein.

It will expedite the translation of the antenna parameters into machine language if the antenna data presented to the Commission with the standard broadcast application, FCC Form 301, are presented in a uniform prescribed format. Accordingly, the Commission is making available to the public FCC Form 202,[1] which will permit the applicant to submit this data in a standardized format. The form, with proper instructions for completion, may be obtained from the Commission upon request. The submission of antenna data on FCC Form 202 is on a voluntary basis at the present time.

Adopted: March 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2345; Filed, Mar. 16, 1961; 8:51 a.m.]

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[FCC 61–330; 1064]

## CONELRAD

### All Standard (AM), FM and TV Broadcast Stations in the United States, Including Alaska, Hawaii, and U.S. Territorial Possessions

1. The Office of Civil and Defense Mobilization (OCDM), has requested that a CONELRAD Drill be conducted. Procedures to authorize this action, as required by § 3.970 of the Commission's rules, have been completed.

2. An Electromagnetic Radiation Control (CONELRAD) Drill, which will include an Emergency Broadcast System Drill of the Broadcast Services, will be conducted on April 28, 1961, for a thirty-minute period beginning at:

4:00 p.m. eastern standard time (U.S.);
3:00 p.m. central standard time (U.S.);
2:00 p.m. mountain standard time (U.S.);
1:00 p.m. Pacific standard time (U.S.);
11:00 a.m. local standard time (Alaska);
10:30 a.m. local standard time (Hawaii).

3. Participation in this Drill is mandatory for all standard (AM), FM and TV broadcast stations in the continental United States, including Alaska. Broadcast stations in the State of Hawaii, and the U.S. territorial possessions, are requested to participate in this Drill on a voluntary basis. All other classes of radio services licensed by the Commission except Stations in the Aviation Services, International Fixed Public Radiocommunication Services, Stations on Land in the Maritime Services, Stations on Shipboard in the Maritime Services, Public Fixed Stations and Stations of the Maritime Services in Alaska, and Domestic Public Radio Services (other than Maritime Mobile), are also being requested to participate on a voluntary basis. All standard (AM) broadcast stations not holding National Defense Emergency Authorizations (NDEA) for

[1] Filed as part of original document.



operations in the Emergency Broadcast System, on 640 or 1240 kc, as well as all FM and TV broadcast stations (unless authorized by the FCC to operate), shall leave the air and remain silent during the thirty-minute period of the Drill.

4. State Industry Advisory Committees desiring to do so may activate and test their State Defense Networks (FM) during the period of the Electromagnetic Radiation Control (CONELRAD) Drill with appropriate program material. Such FM broadcast stations holding valid National Defense Emergency Authorizations are hereby authorized to operate as a part of a State Defense Network during this Drill. State Industry Advisory Committees testing their State Defense Networks, as provided above, are requested to furnish the Commission with a report of the evaluated results. Chairmen of State Industry Advisory Committees planning to implement their State Defense Networks (FM), are requested to furnish the Defense Commission, FCC, with detailed operational plans indicating the source of program material for each authorized FM station operating in the Defense Network during the Electromagnetic Radiation Control (CONELRAD) Drill.

DRILL PROCEDURE

5. The normal land-line CONELRAD Alerting System will not be used to signal or initiate the beginning of this Drill. All broadcast stations are requested to proceed, as follows, in order to notify radio stations in all Radio Services that a CONELRAD Radio Alert has not been declared, but that a thirty minute electromagnetic Radiation Control (CONELRAD) Drill will follow immediately: (4:00:00 p.m., e.s.t.) (see paragraph 2, above, for Time Zone Table).

(a) At the precise local time, indicated in paragraph 2, the following aural announcement will be made on each station's normal frequency: "For the next thirty minutes this station will discontinue its regular programing to cooperate with the United States Government in testing the Emergency Broadcast System".

(b) Transmit the CONELRAD Attention Signal, as follows:

(i) Cut the transmitter carrier for 5 seconds (sound carrier only for TV).

(ii) Return carrier to the air for 5 seconds.

(iii) Cut transmitter carrier for 5 seconds (Sound carrier only for TV).

(iv) Return carrier to the air and transmit 15 seconds of 1000 cycle tone.

(v) At the conclusion of the 1000 cycle tone, make the following announcement: "This station now leaves the air to cooperate with the United States Government in conducting an Electromagnetic Radiation Control (CONELRAD) Drill. Please tune your radio to 640 or 1240 kilocycles for a special program. Normal broadcasting will be resumed in approximately thirty minutes". (All TV broadcast stations are requested to display an appropriate sign-off message during the above procedure. This will be furnished to all TV broadcast stations by the FCC Field Supervisor).

(c) Cease normal operation and remove carrier from the air.

6. Upon completion of the course of action set forth in paragraph 5, all standard (AM) broadcast stations holding an NDEA shall commence controlled operation on their assigned Emergency Broadcast System frequency in accordance with individual instructions which are outlined in the Detailed Engineering Plans which have been previously furnished to all stations by the FCC Field Supervisor.

7. It is anticipated that National, State and Local Programming will be available. National Programming will be provided over the facilities of the four nationwide commercial radio networks (ABC, CBS, MBS and NBC). The National Industry Advisory Committee has recommended that the programming segmentation of this Drill be as follows:

EASTERN STANDARD TIME

4:00:00 p.m.–4:05:00 p.m.—National Program "Fill".
4:05:00 p.m.–4:25:00 p.m.

(a) Intermittent National Programming throughout this 20 minute period.

(b) Presidential Message of approximately five minutes starting at approximately 4:15 p.m.

4:25:00 p.m.–4:29:30 p.m.—National Program "Fill".

8. Section 3.980 of the Commission's rules provides for the interconnection to a nationwide radio network of non-affiliated radio stations under certain conditions. Any broadcast stations not affiliated with one of the nationwide commercial radio networks, holding a valid National Defense Emergency Authorization issued by the FCC, and has in service a local channel from the radio station studio or radio transmitter to the telephone company principal central office (toll test), should contact their local telephone company immediately and request permanent standing arrangements for network interconnection in the event of a national emergency. This should be done immediately and all arrangements completed as far in advance of the April 28, 1961, drill as possible.

9. All standard broadcast stations with an NDEA participating in this Drill, shall not cease operation in the Emergency Broadcast System earlier than 4:25:00 p.m., e.s.t. (25 minutes after the official beginning of the Drill). (See paragraph 2.)

10. No standard (AM), FM or TV broadcast station shall begin operation on its normal frequency prior to 4:29:30 p.m., e.s.t. (29 minutes and 30 seconds after the official beginning of the Drill). Upon resuming operation on its normal frequency, each station shall make the following announcement: "During the past 30 minutes a Special Electromagnetic Radiation Control (CONELRAD) Drill has been conducted in cooperation with the United States Government. We now resume normal programing."

11. The Commission is grateful to the broadcast industry for its continuing support of this vital national defense activity.

Adopted: March 8, 1961.

By direction of the Commission.

[SEAL] NEWTON N. MINOW,
*Chairman.*

[F.R. Doc. 61–2346; Filed, Mar. 16, 1961; 8:51 a.m.]

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# FEDERAL POWER COMMISSION

[Docket No. CP60–93]

## MANUFACTURERS LIGHT AND HEAT CO.

### Notice of Application and Date of Hearing

MARCH 13, 1961.

Take notice that on April 29, 1960, The Manufacturers Light and Heat Company (Applicant), 800 Union Trust Building, Pittsburgh 19, Pennsylvania, filed an application, as supplemented on May 24, 1960, in Docket No. CP60–93, pursuant to sections 7 (c) and (b) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate approximately 2.3 miles of 24-inch pipeline replacing a corresponding section of Applicant's 16-inch pipeline No. 65 in Findlay Township, Allegheny County, Pennsylvania; and for permission to abandon the section that is to be replaced by the proposed construction, all as more fully set forth in the application and supplement on file with the Commission and open to public inspection.

Line No. 65 is one of the main lines serving the Beaver Valley area near Aliquippa, northwest of Pittsburgh, Pennsylvania.

The application states that the section to be replaced has had over 100 leak repairs in the past four years and that Applicant anticipates numerous repairs in the near future. It appears that the corrosive action of the soil has affected this section more than any other section of line No. 65.

The replacement of the 16-inch line with 24-inch line will give Applicant some additional delivery capacity into the area; however, Applicant states that its main purpose at this time is to replace a badly deteriorated line and that the increased capacity will be needed in the next few years in view of the rate of growth in the area served.

Most of the pipeline to be replaced will be abandoned in place because of its poor condition; a few valves and fittings will be salvaged.

The application shows that the total estimated cost of the proposed construction is $228,000 with a credit to fixed capital of $33,000. The estimated cost of retiring the pipeline is $200 with a salvage value of $4,200.

The cost of the proposed construction will be financed by the issuance and sale of promissory notes to Applicant's parent company, The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 13, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 3, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2307; Filed, Mar. 16, 1961; 8:45 a.m.]

[Docket Nos. G-20509, RP60-15]

## SOUTHERN NATURAL GAS CO.

### Order Prescribing Hearing Procedure

MARCH 7, 1961.

These consolidated proceedings have been brought in two phases, the first of which resulted in our interim rate reduction order issued July 8, 1960, based solely upon our determination of the one issue, i.e., what rate of return should be allowed Southern Natural Gas Company (Southern Natural) upon its rate base exclusive of its production properties. After hearings based upon that one issue were recessed on May 10, 1960, following rulings of the presiding examiner on various motions for postponement of recess, hearings in the second phase of these proceedings commenced February 7, 1961, and the cross-examination of Southern Natural's direct case was completed on February 20, 1961.

Upon the close of the cross-examination of Southern Natural's witnesses, Commission staff counsel stated that the earliest practicable date for the staff to serve its direct case is April 28, 1961. Thereupon counsel for Atlanta Gas Light Company moved for a recess of hearing until May 23, 1961, in order to permit other parties than staff to prepare cross-examination of the staff's case. This request was concurred in by all parties and various additional requests were made for further procedural rulings.

On February 21, 1961, the presiding examiner certified the record to us for ruling in view of the fact that the parties had requested a recess in hearings in excess of the thirty days authorized under § 1.13(e) of the Commission's rules of practice and procedure. Upon consideration of the complex nature of the issues presented, the presiding examiner recommended to the Commission that the hearing be recessed until May 23, 1961, and also that the presiding examiner be authorized to permit two subsequent recesses of 45 days each for preparation and cross-examination of the interveners' direct cases and appropriate rebuttal evidence.

The Commission orders:

(A) The hearings in these consolidated proceedings recessed on February 20, 1961, shall resume on May 23, 1961, as noted and recommended, and the Commission staff shall serve its direct evidence, including exhibits and prepared testimony, on or before April 28, 1961.

(B) Following completion of cross-examination of the staff's witnesses, the presiding examiner is authorized to recess the hearings up to 35 days, and to permit the interveners in these proceedings to serve their exhibits and prepared testimony not later than 20 days after completion of cross-examination of the staff's direct case.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2308; Filed, Mar. 16, 1961; 8:45 a.m.]

[Docket No. RI61-297, etc.]

## TIDEWATER OIL CO. ET AL.

### Order Permitting Superseding Rate Filing, Providing for Hearings on and Suspension of Rate Schedule and Proposed Rate Changes; Correction

MARCH 9, 1961.

Tidewater Oil Company (Operator), et al., Docket Nos. RI61-297, et al.; Whitehall Oil Company, Inc., Docket No. RI61-298.

In the order permitting superseding rate filing, providing for hearings on and suspension of rate schedule and proposed rate changes, issued December 23, 1960 and published in the FEDERAL REGISTER on December 30, 1960 (F.R. Doc. 60-12112; 25 F.R. 13995): In chart change Docket No. RI61-298, Whitehall Oil Company, Inc.'s Rate Schedule No. 2 to read Rate Schedule No. 1.

MICHAEL J. FARRELL,
*Acting Secretary.*

[F.R. Doc. 61-2309; Filed, Mar. 16, 1961; 8:46 a.m.]

[Docket Nos. G-18354, etc.]

## UNION PRODUCING CO. ET AL.

### Order Prescribing Hearing Procedure

MARCH 9, 1961.

On February 10, 1961, Union Producing Company, the respondent herein, orally moved, at the close of cross-examination of witnesses for some of the intervenors in these consolidated proceedings, that the hearing in said proceedings be recessed until June 12, 1961, and that the staff and Union be required to file rebuttal testimony and evidence, if any, on or before May 10, 1961. On February 28, 1961, the Presiding Examiner filed, by memorandum, the aforesaid motion of Union with us, because it requested a recess in excess of the thirty days authorized by § 1.13(e) of the rules of practice and procedure.

We have considered the motion of Union and the reasons stated therefor, and find that although Union's request for a recess in excess of thirty days has some merit, we do not believe that the extent and nature of evidence to be prepared and served by Union and the staff requires as lengthy a recess as requested. Therefore, we shall fix the dates for service of such testimony and evidence, and the reconvening of the hearing for cross-examination of Union's witnesses and thereafter the witnesses of the staff, as hereinafter ordered.

The Commission orders: The further testimony and evidence to be served by Union and by the staff shall be served on each party to this proceeding on or before April 20, 1961, and the hearings in these consolidated proceedings recessed on February 10, 1961, shall be reconvened on May 1, 1961, for the purpose of cross-examination, if any, of the witnesses of Union and of the staff.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2310; Filed, Mar. 16, 1961; 8:46 a.m.]

# FEDERAL RESERVE SYSTEM

## ST. JOSEPH AGENCY, INC.

### Determination Under Bank Holding Company Act

In the matter of the request of St. Joseph Agency, Inc. for determination under section 4(c)(6) of the Bank Holding Company Act of 1956, in regard to the proposed interest in St. Joseph Insurance Agency, Inc. (Docket No. BHC-57).

The St. Joseph Agency, Inc., South Bend, Indiana, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1841), has filed a request for a determination by the Board of Governors of the Federal Reserve System that a corporation which has been formed, St. Joseph Insurance Agency, Inc., also of South Bend, Indiana, and its prospective activities, are of the kind described in section 4(c)(6) of the Act and § 222.5(b) of the Board's Regulation Y (12 CFR 222.5(b)), so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to acquisition and retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

A hearing having been held pursuant to section 4(c)(6) of the Act and in accordance with §§ 222.5(b) and 222.7(a) of the Board's Regulation Y; a brief in support of its request having been filed by St. Joseph Agency, Inc.; the Hearing Examiner having filed on January 19, 1961, his Report and Recommended Decision wherein he recommended that the request with respect to St. Joseph Insurance Agency, Inc., be approved; the time for filing with the Board exceptions and brief to the recommended decision of the Hearing Examiner having expired and no exceptions having been filed; the Board having given due consideration to all relevant aspects of the matter; and all such steps having been taken in accordance with the Board's rules of practice for formal hearings (12 CFR Part 263):

*It is hereby ordered,* For the reasons set forth in the accompanying Statement[1] of the Board of this date, that St. Joseph Insurance Agency, Inc., and its proposed activities are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's request with respect to St. Joseph Insurance Agency, Inc., shall be, and hereby is, granted: *Provided,* That St. Joseph Insurance Agency, Inc., shall engage only in the general insurance business and in no other activity or activities; *And provided further,* That this determination shall be subject to revocation by the Board if the facts upon which it is based should substantially change in such a manner as to make the reasons for such determination no longer applicable.

Dated at Washington, D.C., this 9th day of March 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 61-2311; Filed, Mar. 16, 1961; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Chicago.





| Name and City | Reg. No. | Date issued |
|---|---|---|
| Cheung, Howard (San Francisco) | 2400 | 11-19-58 |
| Household Express Agency, Inc. (San Francisco) | 2375 | 10- 6-58 |
| Quick Delivery Service, Inc. (Mobile) | 2391 | 11- 7-58 |
| Ramirez, Mario (Miami) | 2473 | 4-23-59 |
| Ruiz, Manuel (Miami) | 2387 | 11- 6-58 |
| Salort, Anthony (New York) | 2175 | 7-23-57 |
| Sanguinetti, Albert J. (New York) | 2351 | 8-18-58 |
| Stor-Dor Delivery, Inc. (Honolulu) | 2596 | 1-12-60 |
| Venezuela Travel Agency (Miami) | 2519 | 7- 8-59 |

Dated: March 13, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-2321; Filed, Mar. 16, 1961; 8:47 a.m.]

## PACIFIC WESTBOUND CONFERENCE AND COMPAGNIE MARITIME DES CHARGEURS REUNIS

### Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, U.S.C. 814):

Agreement No. 57-75, between the member lines of the Pacific Westbound Conference and Compagnie Maritime des Chargeurs Reunis, covers the admission of that carrier to associate membership in that conference. Agreement No. 57-75, upon approval, will supersede and cancel Agreement No. 57-48, the associate membership agreement of Compagnie de Transports Oceaniques with the Pacific Westbound Conference. As an associate member Compagnie Maritime des Chargeurs Reunis will be obligated to observe all the rates, rules and regulations and decisions of the conference, will have no vote in conference affairs except as may be specifically agreed upon, will be permitted to participate in conference contracts with shippers, will not share in the expenses of the conference except as may be specifically agreed upon between the parties, and will be exempt from posting the usual surety bond.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 13, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-2322; Filed, Mar. 16, 1961; 8:47 a.m.]

# DEPARTMENT OF COMMERCE

## Federal Maritime Board

## HOWARD CHEUNG ET AL.

### Notice of Cancellation of Certain Freight Forwarder Registrations

Notice is hereby given that in the absence of response, within the specified 30-day period, to the Board's show cause order appearing in the FEDERAL REGISTER issue of January 28, 1961 (26 F.R. 922) and in accordance with the provisions thereof, the following freight forwarder registrations were cancelled February 28, 1961:

## Maritime Administration

## TRADE ROUTE NO. 24; U.S. PACIFIC/EAST COAST SOUTH AMERICA

### Notice of Adoption of Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that the Maritime Administrator has adopted as final the tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 24 as published in the FEDERAL REGISTER issue of February 14, 1961 (26 F.R. 1248).

Dated: March 8, 1961.

By order of the Maritime Administrator.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-2323; Filed, Mar. 16, 1961; 8:47 a.m.]

## Office of the Secretary

## JOHN A. CLAUSSEN

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Endicott Johnson, Firth Sterling.
B. Additions: Sperry Rand.

This statement is made as of February 23, 1961.

JOHN A. CLAUSSEN.

MARCH 3, 1961.

[F.R. Doc. 61-2324; Filed, Mar. 16, 1961; 8:47 a.m.]

## LOUIS F. FRAZZA

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of March 5, 1961.

LOUIS F. FRAZZA.

MARCH 5, 1961.

[F.R. Doc. 61-2325; Filed, Mar. 16, 1961; 8:47 a.m.]

## AL SERAFIN MINETTI

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No changes.
B. Additions: No changes.

This statement is made as of March 1, 1961.

AL SERAFIN MINETTI.

MARCH 1, 1961.

[F.R. Doc. 61-2326; Filed, Mar. 16, 1961; 8:48 a.m.]

## OFFICE OF FIELD SERVICES

### Organization and Functions

1. The material appearing in 25 F.R. 1531-1532 of February 20, 1960, is amended as indicated below.

2. The Office of Field Services has been transferred from the "Office of the Executive Assistant to the Secretary" to the "Office of the Under Secretary of Commerce."

3. To reflect this action the FEDERAL REGISTER material referred to above, is amended as follows:

In sections 2.01, 2.02 and 2.03 substitute the "Under Secretary of Commerce" for the "Assistant Secretary of Commerce for Administration."

Dated: March 13, 1961.

LUTHER H. HODGES,
*Secretary of Commerce.*

[F.R. Doc. 61-2327; Filed, Mar. 16, 1961; 8:48 a.m.]

# DEPARTMENT OF LABOR

### Wage and Hour Division

### CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Cay Artley Apparel, Inc., 232 Levergood Street, 389 Maple Avenue, Johnstown, Pa.; effective 3-16-61 to 3-15-62 (women's dresses).

Imperial Shirt Corp. (True Loom Div.), Lafayette, Tenn.; effective 3-6-61 to 3-5-62 (men's sport shirts).

Indiana Sportswear Co., Indiana, Pa.: effective 3-6-61 to 3-5-62 (men's and boys' outerwear jackets and raincoats).

Kentucky Pants Co., Glasgow-Bowling Green Road, Glasgow, Ky.; effective 3-7-61 to 3-6-62 (work pants).

Lawrence Manufacturing Co., Lawrenceville, Va.; effective 3-6-61 to 3-5-62 (women's and misses' cotton blouses).

Lykens Dress Co., Inc., South Street, Lykens, Pa.; effective 3-1-61 to 2-28-62 (women's dresses).

Manhattan Shirt Co., Ashburn, Ga.; effective 3-2-61 to 3-1-62 (men's pajamas).

Nelly Don, Inc., Fulton, Mo.; effective 3-6-61 to 3-5-62 (women's dresses).

Oberman Manufacturing Co., Harrison, Ark.; effective 3-10-61 to 3-9-62 (men's and boys' single pants).

Ottenheimer Bros. Manufacturing Co., Inc., Dress Division, Victory at Second Streets, Little Rock, Ark.; effective 3-14-61 to 3-13-62 (women's and misses' dresses).

Ottenheimer Bros. Manufacturing Co., Inc., Shirt Division, 5801 Scott Hamilton Drive, Little Rock, Ark.; effective 3-14-61 to 3-13-62 (women's, misses' and children's blouses and jackets).

Princess Peggy, Inc., Vanadalia Division, Vandalia, Ill.; effective 3-6-61 to 3-5-62 (women's dresses).

Reidbord Bros. Co., Blairton, Washington Township, Westmoreland Co., Pa.; effective 3-1-61 to 2-28-62 (men's and boys' trousers).

Reidbord Bros. Co., Lumber Street, Buckhannon, W. Va.; effective 2-28-61 to 2-27-62 (men's dress and work trousers).

Reidbord Bros. Co., Livingston Street, Elkins, W. Va.; effective 3-21-61 to 3-20-62 (men's trousers and work shirts).

Sunbright Shirt Corp., Sunbright, Tenn.; effective 3-1-61 to 2-28-62 (boys' shirts).

Temple Manufacturing Co., Temple, Okla.; effective 3-4-61 to 3-3-62 (men's and boys' single pants).

Warsaw Manufacturing Co., Warsaw, N.C.; effective 3-6-61 to 3-5-62 (women's dresses).

The Watson-Scott Co., Thomasville, Ga.; effective 3-2-61 to 3-1-62 (men's industrial uniforms).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

El-Jay Dress Manufacturing Co., Main Street, Childs, Pa.; effective 3-2-61 to 3-1-62; six learners (women's dresses).

Lark Dress Co., Fifth and Walnut Streets, Shamokin, Pa.; effective 3-1-61 to 2-28-62; 10 learners (women's and misses' dresses).

Samuel Meltzer, d/b/a The Liberty Co., Alexander Avenue, Bradford, Tenn.; effective 3-2-61 to 3-1-62; 10 learners (men's and boys' pajamas and robes).

Peerless Sportswear Manufacturing Co., 324 South Main Street, Wilkes-Barre, Pa.; effective 3-6-61 to 3-5-62; 10 learners (girls' slacks, pedal pushers and shorts).

Shroyer Dress Co., Milton Branch, Rear 28 Prospect Avenue, Milton, Pa.; effective 2-27-61 to 2-26-62; 10 learners (women's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Chetopa Manufacturing Co., Inc., Chetopa, Kans.; effective 3-6-61 to 9-5-61; 10 learners (men's work clothing).

Lawrence Manufacturing Co., Inc., Walnut Ridge, Ark.; effective 3-2-61 to 9-1-61; 30 learners (ladies' dresses).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

La Primadora Cigar Corp., East Avenue at Turner Street, Clearwater, Fla.; effective 3-11-61 to 3-10-62; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Good Luck Glove Co., Metropolis, Ill.; effective 3-10-61 to 3-9-62; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Diamond Mills Corp., Hanover Division, Carolina Beach Road, Wilmington, N.C.; effective 3-2-61 to 9-1-61; 200 learners for plant expansion purposes (seamless).

Elliott Hosiery Mills, Hickory, N.C.; effective 3-3-61 to 3-2-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Delta Undies, Inc., Sumner, Miss.; effective 3-6-61 to 9-5-61; five learners for plant expansion purposes (ladies' panties).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Fairfoot Shoe Co., Inc., Bedford, Pa.; effective 3-1-61 to 8-31-61; 75 learners for plant expansion purposes (ladies' dress shoes).

Fashion-Blit Shoe Co., Inc., Pontiac, Ill.; effective 3-4-61 to 3-3-62; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's work and dress shoes).

Johnson-Baillie Shoe Co., Millersburg, Pa.; effective 2-28-61 to 2-27-62; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's, boys', misses', and girls' leather shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Becton, Dickinson, Inc., of Puerto Rico, Juncos, P.R.; effective 2-6-61 to 2-5-62; 10 learners for normal labor turnover purposes for basic hand and machine production operations, for a learning period of 480 hours, at the rates of 76 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours (clinical thermometers).



Billfold Corp. of America, Caguas-Gurabo Road, Gurabo, P.R.; effective 2-15-61 to 8-14-61; 40 learners for plant expansion purposes, in the occupations of: (1) Stitching machine operator for a learning period of 320 hours at the rates of 43 cents an hour for the first 160 hours and 50 cents an hour for the remaining 160 hours; (2) die and clicker machine operator (cutting leather), creasing machine operator, female assembler, and skiving machine operator, each for a learning period of 160 hours at the rate of 43 cents an hour (leather wallets and french purses).

The Carib Co., Inc., Aibonito, P.R.; effective 2-13-61 to 2-12-62; 25 learners for normal labor turnover purposes, in the occupations of machine sewing and laying off, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (women's gloves).

The Carib Co., Inc., Aibonito, P.R.; effective 2-13-61 to 8-12-61; 25 learners for plant expansion purposes, in the occupations of machine sewing and laying off, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (women's gloves).

Columbia Manufacturing Co., San Lorenzo, P.R.; effective 2-1-61 to 7-20-61; 10 learners for plant expansion purposes, in the occupations of point grinding, centerless grinding, slot and fin milling, thread rolling, induction brazing, inspection, heat treating, stamping, and cylindrical grinding, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (metal cutting tools).

Consolidated Cigar Corp. of Cayey, Cayey, P.R.; effective 2-20-61 to 8-19-61; 300 learners for plant expansion purposes, in the occupations of: (1) Cigar making and packing, each for a learning period of 320 hours at the rates of 65 cents an hour for the first 160 hours and 75 cents an hour for the remaining 160 hours; (2) sorting, selecting, sizing and tying, each for a learning period of 240 hours at the rate of 65 cents an hour; (3) machine stripping and inspecting, each for a learning period of 160 hours at the rate of 65 cents an hour (cigar manufacturing).

Edro Corp., Anasco, P.R.; effective 2-20-61 to 2-19-62; three learners for normal labor turnover purposes, in the occupations of sewing machine operating and laying off, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (fabric gloves).

Emily, Inc., Adjuntas, P.R.; effective 2-8-61 to 2-7-62; 11 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operating for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 70 cents an hour (brassieres).

Emily, Inc., Adjuntas, P.R.; effective 2-8-61 to 8-7-61; 52 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operating for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 70 cents an hour (brassieres).

International Shoe Corp. of Puerto Rico, and/or Island Shoe Co. and Manati Shoe Co., Manati, P.R.; effective 2-13-61 to 2-12-62; 67 learners for normal labor turnover purposes, in any productive factory occupations (except those listed in Regulations 522.53 (a) and (b)) for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 59 cents an hour for the remaining 240 hours (shoes).

Surtex Glove Corp., Coamo, P.R.; effective 2-20-61 to 8-19-61; 39 learners for plant expansion purposes, in the occupations of machine stitching and laying off, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (gloves).

Surtex Glove Corp., Coamo, P.R.; effective 2-20-61 to 2-19-62; five learners for normal labor turnover purposes, in the occupations of machine stitching and laying off, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (gloves).

Transducer Corp., Luquillo, P.R.; effective 2-15-61 to 2-14-62; five learners for normal labor turnover purposes, in the occupations of assembly of magnetic head, core making, coil making and testing, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (multichannel magnetic record heads and midget proximity impulse generators).

Transducer Corp., Luquillo, P.R.; effective 2-15-61 to 8-14-61; five learners for plant expansion purposes, in the occupations of assembly of magnetic head, core making, coil making and testing, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (multichannel magnetic record heads and midget proximity impulse generators).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 9th day of March 1961.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 61-2316; Filed, Mar. 16, 1961; 8:46 a.m.]

# DEPARTMENT OF JUSTICE

### Office of Alien Property

### KIKUE YONEMOTO MENDE ET AL.

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Kikue Yonemoto Mende, Itsuka Ichi Machi, Saiki Gun, Hiroshima Ken, Japan; $10,406.54 in the Treasury of the United States.
Claim No. 62724. Vesting Order No. 10728.

Executed at Washington, D.C., on March 10, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Acting Director, Office of Alien Property.*

[F.R. Doc. 61-2319; Filed, Mar. 16, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 14, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36961: *Soda ash from Lake Charles, La., to Coronet, Fla.* Filed by Southwestern Freight Bureau, Agent (No. B-7985), for interested rail carriers. Rates on soda ash, in bulk in covered hopper cars, in carloads, from Lake Charles and West Lake Charles, La., to Coronet, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 501 to Southwestern Freight Bureau tariff I.C.C. 4087.

FSA No. 36962: *Freight all kinds, LCL, from and to southwestern points.* Filed by Southwestern Freight Bureau, Agent (No. B-7979), for interested rail carriers. Rates on Freight, all kinds, less-than-carloads, between specified points in southwestern territory on lines of the AT&SF, GC&SF, P&SF, M-K-T, and St. L-SF.

Grounds for relief: Motor-truck competition and short-line distance formula.

Tariff: Supplement 4 to Southwestern Freight Bureau tariff I.C.C. 4387.

FSA No. 36963: *Styrene from Texas points to West Concord, Mass.* Filed by Southwestern Freight Bureau, Agent (No. B-7982), for interested rail carriers. Rates on styrene, in tank-car loads, from Freeport, Houston, Orange, and Texas City, Tex., to West Concord, Mass.

Grounds for relief: Market competition.

Tariff: Supplement 778 to Southwestern Freight Bureau tariff I.C.C. 4139.

FSA No. 36964: *T.O.F.C. service—Class Rates between points in the Southwest and Maine.* Southwestern Freight Bureau, Agent (No. B-7984), for interested rail carriers. Rates on various commodities moving on class rates, loaded in or on trailers and transported

on railroad flat cars, between points in southwestern territory, on the one hand, and points in Maine, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 52 to Southwestern Freight Bureau tariff I.C.C. 4380.

FSA No. 36965: *Substituted service—ACL, et al., for Alterman Transport Lines, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 49), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Miami, Fla., on the one hand, and Chicago, Ill., Cleveland, Ohio, Covington and Louisville, Ky., Detroit, Mich., and Evansville, Ind., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Central and Southern Motor Freight Tariff Association, Incorporated, tariff MF–I.C.C. 228.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–2317; Filed, Mar. 16, 1961; 8:46 a.m.]

[Notice 466]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 14, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63852. By order of March 9, 1961, the Transfer Board approved the transfer to Able Transportation, Inc., Des Moines, Iowa, of Certificate No. MC 981, issued June 12, 1959, to Stephen J. Sawyer and Lawson Goodwin, a partnership, doing business as Able Transportation, Winterset, Iowa, authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Chicago, Ill., to Winterset, Iowa, from Chicago, Ill., to Iowa City, Iowa, agricultural implements and parts therefor, asbestos tile, roofing, and insulating material, canned goods, wallpaper, eggs, and live and dressed poultry, egg cases, egg-case fillers, and flats, butter, rabbits, and horses and mules, livestock, feed, farm machinery, grain, building materials, and fencing, binder twine, and fence posts, from and to specified points in Iowa, Illinois, Missouri, Kansas, and Nebraska, and over irregular routes, agricultural implements and agricultural machinery, butter and livestock, feed, horses, steel guy anchors, from and to specified points in Illinois, Iowa, Nebraska, Missouri, and Kansas, and of Certificate No. MC 59224, issued May 2, 1955, to William Lyle Ray and Wayne Lee Ray, a partnership, doing business as Ray Truck Line, and acquired by Stephen J. Sawyer and Lawson Goodwin, a partnership, doing business as Able Transportation, pursuant to MC–FC 62955 and assigned No. MC 981 Sub 16, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Greenfield, Iowa, and points within 26 miles thereof, not including Creston, Iowa, on the one hand, and, on the other, Omaha, Nebr., household goods, between Greenfield, Iowa, and points within 26 miles thereof, not including Creston, Iowa, on the one hand, and, on the other, points in Nebraska, and livestock and agricultural commodities, between Creston, Iowa, and Omaha, Nebr. Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill., attorney for applicants.

No. MC–FC 63876. By order of March 9, 1961, the Transfer Board approved the transfer to Kent Cartage Inc., Tonawanda, N.Y., of portion of Certificate No. MC 22527, issued January 29, 1942, to Riverside Service Corporation, Buffalo, N.Y., authorizing the transportation, over irregular routes, of metal castings, lumber boilers, radiators and fittings, drugs, and household goods, between Buffalo, N.Y., and the boundary of the United States and Canada at the Peace Bridge, and general commodities, excluding commodities in bulk, household goods, and other specified commodities, between points in Buffalo, N.Y. Thomas J. Runfola, 631 Niagara Street, Buffalo, N.Y., attorney for applicants.

No. MC–FC 64015. By order of March 9, 1961, the Transfer Board approved the transfer to Dotseth Truck Line, Inc., Knapp, Wis., of Certificates in Nos. MC 20992, MC 20992 Sub 5 and MC 20992 Sub 6, issued March 25, 1943, October 22, 1959, and June 29, 1960, respectively, to William Dotseth, Knapp, Wis., authorizing the transportation of: Household goods, as defined by the Commission, and general commodities, excluding commodities in bulk, and other specified commodities, between points in Stanton, Lucas, Menomonie, Sherman, Tiffany, and Hay River Townships, Dunn County, Wis., and Cady and Springfield Townships, St. Croix County, Wis., on the one hand, and, on the other, South St. Paul, St. Paul, Minneapolis, Hastings, and Stillwater, Minn.; silos, silo parts, and silo fillers, between St. Paul, Minn., on the one hand, and, on the other, points in Wisconsin; livestock, between points in the above-specified Wisconsin Towns, on the one hand, and, on the other, Newport, Minn.; Agricultural machinery and implements, other than hand, and parts thereof, from the plant site of Gehl Bros. Manufacturing Company, at West Bend, Wis., to points in Minnesota, North Dakota, and South Dakota; and returned, damaged, defective and traded-in shipments of the above-specified commodities, from points in Minnesota, North Dakota, and South Dakota, to plant site at West Bend, Wis.; ensilage cutters, hammer mills, portable feed grinders, and coal stokers, between Chippewa Falls, Wis., on the one hand, and, on the other, points in Minnesota. Warren P. Knowles, Doar & Knowles, New Richmond, Wis., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–2318; Filed, Mar. 16, 1961; 8:46 a.m.]



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OF THE UNITED STATES

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Pages 2275–2327

Washington, Saturday, March 18, 1961

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# Codification Guide

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***Now Available***

**CFR SUPPLEMENTS**

**(As of January 1, 1961)**

The following Supplements are now available:

Title 7 (Parts 900–959) $1.75
Title 32 (Parts 1100–end) .60
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*Previously announced:* 1960 Supplement to Title 3 ($0.50); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Title 8 ($0.40); Title 9 ($0.40); Titles 10–13 ($0.75); Titles 22–23 ($0.50); Title 32, Parts 800–999 ($0.40); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 44 ($0.30); Title 46, Parts 146–149 ($1.00); Title 49, Parts 1–70 ($1.00).

Order from: Superintendent of Documents, Government Printing Office, Washington 25, D.C.



**FEDERAL REGISTER**

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of the Army

Effective upon publication in the FEDERAL REGISTER, subparagraph (11) of paragraph (a) of § 6.305 is amended and subparagraph (13) is added to paragraph (a) as set out below.

**§ 6.305 Department of the Army.**

(a) *Office of the Secretary.* * * *

(11) One Special Assistant for Manpower and Personnel to the Assistant Secretary of the Army (Manpower, Personnel, and Reserve Forces).

* * * * * *

(13) One Special Assistant for Reserve Forces and ROTC Matters to the Under Secretary of the Army.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-2396; Filed, March 17, 1961; 8:48 a.m.]

### Chapter III—Foreign and Territorial Compensation

[Departmental Reg. 108.463]

### PART 301—ADDITIONAL COMPENSATION AND CREDIT GRANTED CERTAIN EMPLOYEES OF FEDERAL GOVERNMENT SERVING OUTSIDE UNITED STATES

### PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

#### Discontinuance of Publication of Certain Material

Pursuant to the authority contained in Executive Order 10903, dated January 9, 1961 (26 F.R. 217), publication by the Secretary of State of material in the FEDERAL REGISTER (Parts 301, Subpart E, and 325, Chapter III, Title 5, Code of Federal Regulations), formerly required under section 601, Part VI, of Executive Order 10000, dated September 16, 1948 (13 F.R. 5453), as amended by Executive Order 10261, dated June 27, 1951 (16 F.R. 6271), is no longer required. Publication of this material in the FEDERAL REGISTER is accordingly discontinued, effective April 2, 1961.

Washington, D.C., March 9, 1961.

For the Secretary of State.

WILLIAM J. CROCKETT,
*Assistant Secretary.*

[F.R. Doc. 61-2406; Filed, Mar. 17, 1961; 8:49 a.m.]

[Departmental Reg. 108.462]

### PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

#### Designation of Differential Posts

Section 325.15, *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective March 19, 1961, paragraph (b) is amended by the deletion of the following:

India, all posts except Anand, Banaras (Varanasi), Bangalore, Bhopal, Bikaner, Bombay, Chandigarh, Hyderabad, Izatnagar-Bareilly, Kharagpur, Karnal, Lucknow, Ludhiana, Madras, Nagarjunasagar Dam, Nangal (Ganguwal), New Delhi, Poona, Rajkot, Sehore, Tarai (Phoolbagh), Trivandrum, Udaipur, and Vellore.

2. Effective March 19, 1961, paragraph (a) is amended by the addition of the following:

Bhubaneswar, India.

3. Effective March 19, 1961, paragraph (b) is amended by the addition of the following:

India, all posts except Anand, Banaras (Varanasi), Bangalore, Bhopal, Bhubaneswar, Bikaner, Bombay, Chandigarh, Hyderabad, Izatnagar-Bareilly, Kharagpur, Karnal, Lucknow, Ludhiana, Madras, Nagarjunasagar Dam, Nangal (Ganguwal), New Delhi, Poona, Rajkot, Sehore, Tarai (Phoolbagh), Trivandrum, Udaipur, and Vellore.

4. Effective as of the beginning of the first pay period following September 3, 1960, paragraph (c) is amended by the addition of the following:

St. Vincent, T.W.I.

5. Effective as of the beginning of the first pay period following March 4, 1961, paragraph (d) is amended by the addition of the following:

Ciudad Trujillo, Dominican Republic.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

Washington, D.C., March 9, 1961.

For the Secretary of State.

WILLIAM J. CROCKETT,
*Assistant Secretary.*

[F.R. Doc. 61-2405; Filed, Mar. 17, 1961; 8:49 a.m.]

## Title 7—AGRICULTURE

### Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

### PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

#### Proclamation of the Results of Marketing Quota Referenda

*Basis and purpose.* Section 725.1210 is issued to announce the results of the fire-cured (types 21–24) tobacco and dark air-cured (types 35 and 36) tobacco marketing quota referenda for the three marketing years beginning October 1, 1961. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed national marketing quotas for fire-cured tobacco and dark air-cured tobacco for the 1961–62, 1962–63, and 1963–64 marketing years and announced the amounts of the national marketing quotas for fire-cured tobacco and dark air-cured tobacco for the 1961–62 marketing year (26 F.R. 1021). The Secretary announced (26 F.R. 1038) that referenda would be held February 24, 1961, to determine whether fire-cured tobacco producers and dark air-cured tobacco producers were in favor of or opposed to marketing quotas for the three marketing years beginning October 1, 1961.

**§ 725.1210 Proclamation of the results of the fire-cured and dark air-cured tobacco marketing quota referenda for the three-year period beginning October 1, 1961.**

(a) *Fire-cured (type 21) and fire-cured (types 22, 23, and 24) tobacco.* In a referendum of farmers engaged in the production of the 1960 crop of fire-cured (types 21–24) tobacco held on February 24, 1961, 11,319 farmers voted. Of those voting, 11,088, or 98.0 percent, favored quotas for a period of three years beginning October 1, 1961; 231, or 2.0 percent, were opposed to quotas. Therefore, the national marketing quota of 11,957,000 pounds for fire-cured (type 21) tobacco and the national marketing quota of 48,400,000 pounds for fire-cured (types 22, 23, and 24) tobacco, proclaimed January 30, 1961 (26 F.R. 1021), for the 1961–62 marketing year, will be in effect for such year, and marketing quotas on fire-cured (types 21–24) tobacco will be in effect for the three marketing years beginning October 1, 1961.

(b) *Dark air-cured (types 35 and 36) tobacco.* In a referendum of farmers

engaged in the production of the 1960 crop of dark air-cured (types 35 and 36) tobacco held on February 24, 1961, 9,082 farmers voted. Of those voting, 8,964, or 98.7 percent, favored quotas for a period of three years beginning October 1, 1961, and 118, or 1.3 percent, were opposed to quotas. Therefore, the national marketing quota of 22,100,000 pounds proclaimed January 30, 1961 (26 F.R. 1021), for dark air-cured (types 35 and 36) tobacco for the 1961–62 marketing year will be in effect for such year, and marketing quotas will be in effect on dark air-cured (types 35 and 36) tobacco for the three marketing years beginning October 1, 1961.

Since the only purpose of this proclamation is to announce the results of these referenda, it is hereby found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary.

(Secs. 312, 375, 52 Stat. 46, as amended; 66, as amended; 7 U.S.C. 1301, 1375)

Issued at Washington, D.C., this 15th day of March 1961.

H. D. GODFREY,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61-2404; Filed, Mar. 17, 1961; 8:49 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 210]

## PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

**§ 914.510 Navel Orange Regulation 210.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, and orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 16, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 19, 1961, and ending at 12:01 a.m., P.s.t., March 26, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 650,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 17, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2469; Filed, Mar. 17, 1961; 11:21 a.m.]

[Valencia Orange Reg. 218]

## PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

**§ 922.518 Valencia Orange Regulation 218.**

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22 as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 16, 1961.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 19, 1961, and ending at 12:01 a.m., P.s.t., March 26, 1961, are hereby fixed as follows:

(i) District 1: 9,550 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 100,000 cartons.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 17, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2470; Filed, Mar. 17, 1961; 11:21 a.m.]

[Lemon Reg. 891]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

**§ 953.998 Lemon Regulation 891.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 14, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 19, 1961, and ending at 12:01 a.m., P.s.t., March 26, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 209,250 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 16, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2424; Filed, Mar. 17, 1961; 8:51 a.m.]

[Grapefruit Reg. 12]

## PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Limitation of Shipments

**§ 1031.325 Grapefruit Regulation 12.**

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093), regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas, effective September 22, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades, pack, and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on March 13, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective terms in said marketing agreement and order; and terms relating to grade, diameter, and pack (including standard pack), when used herein, shall have the same meaning as is given to the respective terms in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620 to 51.658 of this title), for grapefruit packed in a 1⅗ bushel box: *Provided*, That, with respect to pack size 46, the term "fairly uniform in size" shall mean that not more than 10 percent, by count, of the fruit in any container vary more than $^{10}/_{16}$ inch in diameter.

(2) During the period beginning at 12:01 a.m., c.s.t., March 20, 1961, and ending at 12:01 a.m., c.s.t., April 3, 1961, no handler shall, except as otherwise provided, handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit grade: U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. Combination, with not less than 60 percent, by count, of the grapefruit in each container thereof grading at least U.S. No. 1 grade; or U.S. No. 2;

(ii) Any grapefruit of any variety, grown as aforesaid, which are of a size smaller than $3^{9}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 per-

cent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than 3⁹/₁₆ inches in diameter: *Provided*, That none of such grapefruit that is smaller than 3⁹/₁₆ inches in diameter may be smaller than 3⁹/₁₆ inches in diameter;

(iii) Any grapefruit of any variety, grown as aforesaid, in any box or carton having inside dimensions other than those specified in subdivision (iv) of this subparagraph, unless the grapefruit are packed in accordance with the requirements of standard pack;

(iv) Any grapefruit of any variety, grown as aforesaid, in a container having inside dimensions of 19¾ x 13½ x 13½ inches unless such container is packed in accordance with one of the following pack sizes and contains the applicable number of grapefruit that are within the diameter limits specified for the particular pack size, except that not to exceed a total of 10 percent, by count, of such grapefruit may be outside such diameter limits: *Provided*, That, any grapefruit of any variety, grown as aforesaid, in a container having inside dimensions of 19¾ x 13 x 13½ inches, 19¾ x 13 x 12½ inches, or 19¾ x 13 x 12¼ inches, packed as aforesaid, may also be handled during the period beginning at 12:01 a.m., c.s.t., March 20, 1961, and ending at 12:01 a.m., c.s.t., March 27, 1961:

| Pack size: | *Number of grapefruit* |
|---|---|
| 46 | 48 |
| 54 or 56 | 56 |
| 64 | 64 |
| 70 or 72 | 72 |
| 80 | 80 |
| 96 | 96 |

(v) The provisions of subdivisions (iii) and (iv) of this subparagraph shall not apply to the grapefruit in any gift package of fruit.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container regulations which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 16, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–2423; Filed, Mar. 17, 1961; 8:51 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER H—GRAZING

[Circular 2058]

## PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

### Grazing District Advisory Board

Pursuant to the authority vested in the Secretary of the Interior in 43 U.S.C. sections 2 and 1201, Part 161 of Title 43 of the Code of Federal Regulations is amended to reflect the policy of the Department concerning Government cochairmanship of advisory committees. Since the amendment is made to reflect procedures in the organization of advisory committees established by the Secretary of the Interior, notice and public procedures thereon have been deemed unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

Paragraphs (f) and (g) of § 161.13 are amended by adding new sentences at the end of each paragraph as follows:

§ 161.13 Grazing District Advisory Boards.

* * * * *

(f) *State Advisory Boards.* * * * The board shall select from its members one member to be chairman of the board. The co-chairman of the board shall be the State Supervisor.

(g) *National Advisory Council.* * * * The council shall select from its members one member to be chairman of the council. The co-chairman of the council shall be an official of the Department of the Interior appointed by the Secretary of the Interior.

STEWART L. UDALL,
*Secretary of the Interior.*

MARCH 14, 1961.

[F.R. Doc. 61–2372; Filed, Mar. 17, 1961; 8:46 a.m.]

## APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2296]

[Washington 02524]

### WASHINGTON

### Withdrawing Lands for Use of the Forest Service as a Recreational Area

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Gifford Pinchot National Forest in Washington are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the disposals of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604) as amended, and reserved for use by the Forest Service, Department of Agriculture, as a recreational area:

WILLAMETTE MERIDIAN

*Bird Creek Meadows Area*

T. 8 N., R. 11 E., partly unsurveyed
Sec. 20, E½;
Sec. 21;
Sec. 22, NW¼ and S½;
Sec. 23, SW¼;
Sec. 26, W½NE¼ and NW¼;
Sec. 27, N½ and W½SW¼;
Sec. 28;
Sec. 29, E½;
Sec. 32, E½NE¼ and NE¼SE¼;
Sec. 33, N½ and N½S½;
Sec. 34, W½NW¼ and NW¼SW¼.

The areas described aggregate approximately 3,920 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

MARCH 14, 1961.

[F.R. Doc. 61–2373; Filed, Mar. 17, 1961; 8:45 a.m.]

[Public Land Order 2297]

[Colorado 023759]

### COLORADO

### Withdrawing Public Lands in the Roosevelt National Forest for Use of the Forest Service as a Recreation Area

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Roosevelt National Forest, Colorado, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as a recreation area:

SIXTH PRINCIPAL MERIDIAN

T. 9 N., R. 70 W.,
Sec. 21, W½NE¼, E½NW¼SE¼, and SW¼SE¼.

The areas described contain 140 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

MARCH 14, 1961.

[F.R. Doc. 61–2374; Filed, Mar. 17, 1961; 8:46 a.m.]

[Public Land Order 2298]

[Oregon 06585]

### OREGON

### Withdrawing Lands Within Fremont National Forest for Use of Forest Service for Administrative Sites and Recreation Areas

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Fremont National Forest, Oregon, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Forest Service, Department of Agriculture, for administrative sites and recreation areas:



WILLAMETTE MERIDIAN

FREMONT NATIONAL FOREST

*Johnson Meadow Administrative Site*

T. 27 S., R. 9 E.,
Sec. 1, S½SE¼NE¼ and N½NE¼SE¼.

*Davis Flat Administrative Site*

T. 27 S., R. 10 E.,
Sec. 32, NE¼SE¼ and N½SE¼SE¼.

*Buck Creek Recreation Area*

T. 29 S., R. 12 E.,
Sec. 12, SE¼NW¼SW¼, SW¼NE¼SW¼, NE¼SW¼SW¼, and NW¼SE¼SW¼.

*Keno Administrative Site*

T. 38 S., R. 12 E.,
Sec. 22, W½NW¼NE¼ and E½NE¼NW¼.

*Bridge Creek Recreation Area*

T. 29 S., R. 13 E.,
Sec. 29, SE¼NE¼SW¼, NE¼SE¼SW¼, SW¼NW¼SE¼, and NW¼SW¼SE¼.

*Alder Spring Recreation Area*

T. 30 S., R. 13 E.,
Sec. 13, N½SE¼SW¼.

*Thompson Reservoir Recreation Area*

T. 30 S., R. 14 E.,
Sec. 20, SW¼NW¼.

*Sprague River Recreation Area*

T. 37 S., R. 15 E.,
Sec. 8, E½NE¼SW¼, W½NW¼SE¼, SE¼NW¼SE¼, and NE¼SW¼SE¼.

*Skull Creek Administrative Site*

T. 33 S., R. 16 E.,
Sec. 30, S½SE¼NW¼ and N½NE¼SW¼.

*Lee Thomas Recreation Area*

T. 34 S., R. 16 E.,
Sec. 28, E½NW¼SW¼ and W½NE¼SW¼.

*Deadhorse and Campbell Lake Recreation Areas*

T. 35 S., R. 16 E.,
Sec. 1, lot 5, lot 6, W½ lot 7, lot 8, S½SW¼NE¼, S½S½NW¼, E½SW¼SW¼, N½NW¼SE¼, and SW¼NW¼SE¼.
T. 35 S., R. 17 E.,
Sec. 6, S½SW¼NE¼, SE¼SE¼NW¼, E½NE¼SW¼, NE¼SE¼SW¼, NW¼SE¼, and N½SW¼SE¼.

*Finley Corral Administrative Site*

T. 36 S., R. 16 E.,
Sec. 11, E½SE¼SE¼;
Sec. 12, SW¼SW¼;
Sec. 13, NW¼NW¼;
Sec. 14, E½NE¼NE¼.

*Fishhole Administrative Site*

T. 38 S., R. 16 E.,
Sec. 19, SW¼SE¼NE¼, SE¼SW¼NE¼, NE¼NW¼SE¼, and NW¼NE¼SE¼.

*Heart Lake Recreation Area*

T. 38 S., R. 16 E.,
Sec. 20, SE¼NE¼SE¼ and NE¼SE¼SE¼;
Sec. 21, S½NW¼SW¼ and N½SW¼SW¼.

*Dog Lake Recreation Area*

T. 40 S., R. 17 E.,
Sec. 22, lot 17, W½NE¼NE¼, E½NW¼NE¼, and NW¼SE¼.

*Big Swamp Recreation Area*

T. 38 S., R. 16 E.,
Sec. 28, W½NW¼;
Sec. 29, E½E½NE¼ and E½NE¼SE¼.

*State Line Recreation Area*

T. 41 S., R. 16 E.,
Sec. 21, E½ lot 4;
Sec. 22, W½ lot 1.

*Ingram Administrative Site*

T. 34 S., R. 17 E.,
Sec. 30, W½NW¼NE¼ and E½NE¼NW¼.

*Lofton Lake Recreation Area*

T. 38 S., R. 16 E.,
Sec. 22, lot 1, N½ lot 2, W½NW¼NE¼, NW¼SW¼NE¼, NE¼NW¼, and N½SE¼NW¼.

*Marster Spring Recreation Area*

T. 34 S., R. 18 E.,
Sec. 16, W½NE¼SW¼.

*Coffeepot Administrative Site*

T. 35 S., R. 18 E.,
Sec. 8, NE¼, E½NW¼SW¼, E½SW¼SW¼, E½SW¼, and SE¼;
Sec. 9, W½W½;
Sec. 16, W½NW¼NW¼;
Sec. 17, NE¼, NE¼NW¼, and E½NW¼NW¼.

*Drews Creek Recreation Area*

T. 40 S., R. 18 E.,
Sec. 10, N½NW¼NE¼ and NE¼NE¼NW¼.

*Warner Point Recreation Area*

T. 37 S., R. 21 E.,
Sec. 26, E½NE¼NE¼.

*Porcupine Recreation Area*

T. 38 S., R. 21 E.,
Sec. 1, NW¼NW¼SE¼, and NE¼NE¼SW¼.

*Aspen Administrative Site*

T. 38 S., R. 21 E.,
Sec. 12, SE¼NW¼NW¼ and NE¼SW¼NW¼.

*Warner Canyon Recreation Area*

T. 38 S., R. 21 E.,
Sec. 30, lot 4;
Sec. 31, W½ lot 1.

*Warner Administrative Site*

T. 39 S., R. 21 E.,
Sec. 3, E½SE¼.

*Vernon Springs Administrative Site*

T. 40 S., R. 21 E.,
Sec. 11, S½SW¼NW¼ and NW¼SW¼.

*Willow Creek Administrative Site*

T. 40 S., R. 21 E.,
Sec. 13, W½SW¼SW¼;
Sec. 14, E½SE¼SE¼;
Sec. 23, E½NE¼NE¼ and NE¼SE¼NE¼;
Sec. 24, W½NW¼NW¼ and NW¼SW¼NW¼.

*Dismal Creek Recreation Area*

T. 41 S., R. 22 E.,
Sec. 16, SW¼NW¼NW¼ and NW¼SW¼NW¼.

The areas described aggregate 2,781.62 acres.

This order shall be subject to an existing withdrawal for power purposes so far as it affects any of the lands described, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

MARCH 14, 1961.

[F.R. Doc. 61–2375; Filed, Mar. 17, 1961; 8:46 a.m.]

[Public Land Order 2299]

[New Mexico 077260]

### NEW MEXICO

### Withdrawing Land for Use of the Bureau of Land Management as an Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in New Mexico, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor the disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Bureau of Land Management, Department of the Interior, as an administrative site for warehouse and storage yard purposes:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 13 W.,
Sec. 7, W½SE¼SE¼NW¼ and E½SW¼SE¼NW¼.

The area described contains 10 acres.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

MARCH 14, 1961.

[F.R. Doc. 61–2376; Filed, Mar. 17, 1961; 8:46 a.m.]

[Public Land Order 2300]

[Utah 029265]

### UTAH

### Withdrawing Public Lands Within the Uinta National Forest for Use of the Forest Service as Roadside Zones

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Uinta National Forest in Utah are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws but not the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604), as amended, and reserved for use of the Forest Service, Department of Agriculture, as roadside zones:

SALT LAKE MERIDIAN

UINTA NATIONAL FOREST

*Nebo Loop Highway (Utah No. 11) Roadside Zone*

A strip of land 200 feet wide on each side of the center line of the Nebo Loop Highway through the following legal subdivisions:

T. 10 S., R. 2 E.,
Sec. 2, NW¼SW¼;
Sec. 3, lots 1, 2, and SE¼NE¼;
Sec. 10, E½NE¼;
Sec. 11, W½NW¼, SW¼, NW¼SE¼, and S½SE¼;
Sec. 13, SW¼NE¼, S½NW¼, N½S½, SW¼SW¼, and SE¼SE¼;
Sec. 14, NE¼ and N½SE¼;
Sec. 34, SE¼NE¼ and SE¼;
Sec. 35, S½N½ and N½S½.
T. 10 S., R. 3 E. (Unsurveyed),
Secs. 19, 30, and 31.
T. 11 S., R. 2 E.,
Sec. 3, lots 3, 4, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 10, NW¼NE¼, S½NE¼, and SE¼;
Sec. 15, N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 16, SE¼SE¼;
Sec. 20, E½SE¼;
Sec. 21, NE¼NE¼, S½NE¼, SE¼NW¼, and N½SW¼;
Sec. 22, NW¼NW¼;
Sec. 28, S½NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 29, NE¼NE¼ and S½NE¼;
Sec. 33, NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 34, W½SW¼.
T. 12 S., R. 2 E.,
Sec. 2, W½SW¼;
Sec. 3, lot 4, S½N½, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 10, E½NE¼, SE¼SW¼, and SE¼;
Sec. 11, W½W½;
Sec. 15, NW¼ and NW¼SW¼;
Sec. 16, SE¼NE¼ and SE¼;
Sec. 21, W½NE¼ and E½W½;
Sec. 28, E½W½ and SW¼SW¼;
Sec. 32, NE¼NE¼, S½NE¼, N½SE¼, and SW¼SE¼;
Sec. 33, lots 4 and 5.

The area contains 1,915 acres.

*Salt Creek Spur-Nebo Loop Highway Roadside Zone*

A strip of land 200 feet wide on each side of the center line of the Salt Creek Spur-Nebo Loop Highway through the following legal subdivisions:

T. 12 S., R. 2 E.,
Sec. 8, E½SW¼;
Sec. 16, W½SW¼;
Sec. 17, NW¼NE¼, S½NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 21, N½NW¼ and SE¼NW¼.

The area contains 121 acres.

*North Fork-American Fork Canyon Highway Roadside Zone*

A strip of land 200 feet wide on each side of the center line of the North Fork-American Fork Canyon Highway through the following legal subdivisions:

T. 3 S., R. 3 E.,
Sec. 27, lots 3, 6, 7, and 8;
Sec. 28, lots 7, 11, SE¼SE¼;
Sec. 32, SE¼NE¼ and SE¼;
Sec. 33, NW¼NE¼, NW¼, and NW¼SW¼.
T. 4 S., R. 2 E.,
Sec. 24, E½NE¼ and NE¼SE¼.
T. 4 S., R. 3 E.,
Sec. 5, lots 2, 3, 4, 5, 6, 7, 8, 9, SE¼NW¼;
Sec. 7, S½SE¼ and NE¼SE¼;
Sec. 8, NW¼ and NW¼SW¼;
Sec. 18, lots 3, 4, W½NE¼, SE¼NW¼, and E½SW¼;
Sec. 19, lots 1 and 2.

The area contains 557 acres.

*Silver Lake Spur Highway Roadside Zone*

A strip of land 200 feet wide on each side of the center line of the Silver Lake Spur Highway through the following legal subdivisions:

T. 4 S., R. 2 E.,
Sec. 1, lots 1 and 8.
T. 4 S., R. 3 E.,
Sec. 6, lots 4, 5, 9, 12, SE¼NW¼, E½SW¼, and SW¼SE¼;
Sec. 7, lot 1, N½NE¼, SW¼NE¼, E½NW¼, and N½SE¼.

The area contains 218 acres.

The areas total in the aggregate approximately 2,811 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

MARCH 14, 1961.

[F.R. Doc. 61-2377; Filed, Mar. 17, 1961; 8:46 a.m.]

[Public Land Order 2301]

## CALIFORNIA

### Reserving National Forest Lands for Use of the Forest Service as Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described lands in the national forests indicated are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Forest Service, Department of Agriculture, as described (all Mount Diablo Meridian):

TAHOE NATIONAL FOREST

[Sacramento 047172]

*Indian Valley Recreation Area*

T. 19 N., R. 9 E.,
Sec. 8, S½S½SW¼;
Sec. 17, N½NW¼ and SW¼NW¼.

TOIYABE NATIONAL FOREST

[Sacramento 047313]

*Administrative Sites*

DUMONT

T. 8 N., R. 21 E.,
Sec. 27, SE¼.

MENON LAKE

T. 9 N., R. 21 E.,
Sec. 4, NE¼SE¼.

WHEELER CREEK

T. 6 N., R. 23 E.,
Sec. 22, SE¼SE¼;
Sec. 23, SW¼SW¼, N½SW¼.

*Forest Camp*

HOPE VALLEY

T. 10 N., R. 19 E.,
Sec. 7, NE¼NE¼ and S½NE¼.

CRYSTAL SPRINGS

T. 10 N., R. 19 E.,
Sec. 1, lot 15, lot 16, W½ of lot 14;
Sec. 2, lot 3, lot 14.
T. 11 N., R. 19 E.,
Sec. 33, SE¼SE¼.

KIT CARSON

T. 11 N., R. 19 E.,
Sec. 31, SW¼NW¼ (lot 2), SE¼NW¼ and SW¼NE¼.

SNOWSHOE SPRINGS

T. 11 N., R. 19 E.,
Sec. 31, NE¼NE¼, E½NW¼NE¼;
Sec. 32, NW¼NW¼.

CHRIS FLAT

T. 6 N., R. 23 E.,
Sec. 4, W½ of lot 1, lot 2, SW¼NE¼, and W½SE¼NE¼.

MOUNTAIN GLEN (SONORA BRIDGE)

T. 6 N., R. 23 E.,
Sec. 17, SW¼, SW¼NW¼;
Sec. 18, SE¼NE¼.

HONEYMOON FLAT

T. 4 N., R. 24 E.,
Sec. 15, S½SW¼;
Sec. 22, NE¼NW¼.

ROBINSON CREEK

T. 4 N., R. 24 E.,
Sec. 22, SW¼SW¼;
Sec. 27, W½NW¼.

HUNTOON

T. 5 N., R. 24 E.,
Sec. 14, SW¼SW¼;
Sec. 15, S½SE¼.

*Recreation Areas*

SHAY CREEK

T. 10 N., R. 19 E.,
Sec. 24, SE¼NE¼, E½SE¼, and SW¼SE¼.

BUCKEYE HOT SPRINGS

T. 4 N., R. 24 E.,
Sec. 4, lot 1, SE¼NE¼.

VIRGINIA LAKES

T. 2 N., R. 25 E.,
Sec. 6, S½SW¼SE¼;
Sec. 7, W½NE¼, N½NW¼SE¼, S½SE¼NW¼, N½NE¼SW¼, SW¼NW¼, NW¼SW¼, N½SW¼SW¼.

[Sacramento 050012]

*Grags Resort Recreation Area*

T. 4 N., R. 24 E.,
Sec. 28, SE¼SW¼.

*Snowshoe Springs Recreation Area*

T. 11 N., R. 19 E.,
Sec. 31, N½SE¼NE¼.

*Upper Twin Lakes Recreation Area*

T. 3 N., R. 24 E.,
Sec. 6, lots 17, 18, 19, and 20.

*Barney Peeler Recreation Area*

T. 4 N., R. 23 E.,
Sec. 36, S½N½, and N½S½.

*Twin Lakes Forest Development Road No. 209 Roadside Zone*

A strip of land 200 feet on each side of Forest Development Road No. 209 through the following legal subdivisions:

T. 3 N., R. 24 E.,
Sec. 4, N½ of lot 4;
Sec. 5, N½ of lots 1, 4;
Sec. 6, lots 1, 13, 14, 14½, 15, 15½.

[Sacramento 052859]

*Lower Twin Lakes Forest Camp*

T. 4 N., R. 24 E.,
Sec. 32, lots 1, 2, SE¼NE¼;
Sec. 33, lots 3, 4, 5, 6, 7, and 8.

The areas withdrawn by this order total 3,227.04 acres.

This order shall take precedence over but shall not otherwise affect the existing withdrawal of the lands for national forest purposes and shall be subject to existing withdrawals for power and reclamation purposes.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

MARCH 14, 1961.

[F.R. Doc. 61-2378; Filed, Mar. 17, 1961; 8:46 a.m.]



[Public Land Order 2302]

[Colorado 028983]

## COLORADO

### Withdrawing Lands in National Forests for Use of the Forest Service as Picnic Grounds, Campgrounds, and Administrative Sites

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in the national forests hereafter designated, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Forest Service, Department of Agriculture, as indicated:

SIXTH PRINCIPAL MERIDIAN

ARAPAHO NATIONAL FOREST

*Junco Campground*

T. 1 N., R. 74 W.,
Sec. 18, lots 3 and 4.
T. 1 N., R. 75 W.,
Sec. 13, SE¼.
Totaling 240.93 acres.

*Indian Peaks Campground*

T. 2 N., R. 74 W.,
Sec. 30, lots 3 and 4 and N½NE¼SW¼;
Sec. 31, lot 1.
Totaling 143.09 acres.

*Western Box Campground*

T. 1 N., R. 75 W.,
Sec. 14, S½NE¼NE¼, SE¼NW¼NE¼, and N½S½SE¼.
Totaling 70 acres.

*Meadow Creek Campground*

T. 1 N., R. 75 W.,
Sec. 29, SW¼SW¼SE¼ and SE¼SE¼SW¼;
Sec. 32, NW¼NW¼NE¼ and NE¼NE¼NW¼.
Totaling 40 acres.

*Gilsonite Administrative Site*

T. 4 N., R. 78 W.,
Sec. 13, N½ of lot 1, S½NE¼ and N½NW¼SE¼.
Totaling 118.46 acres.

*Squaw Mountain Lookout*

T. 4 S., R. 72 W.,
Sec. 19, SE¼S½ of lot 5 and SW¼S½ of lot 6;
Sec. 30, NW¼N½ of lot 1 and NE¼N½ of lot 2.
Totaling 40 acres.

*Soda Creek Administrative Site*

T. 4 S., R. 73 W.,
Sec. 10, SW¼NW¼ and NE¼NW¼SW¼.
Totaling 50 acres.

*Idlewild Administrative Site*

T. 2 S., R. 75 W.,
Sec. 10, N½, that part described as follows:

Beginning at corner No. 1, which is identical with corner No. 1 of Homestead Entry Survey No. 117 from which the SE corner of sec. 34, T. 1 S., R. 75 W. bears N. 25°16' E., 99.14 chs. thence

S. 14° W., 2.60 chs., to corner No. 2;
S. 4°22' E., 11.00 chs., to corner No. 3;
S. 19° E., 1.59 chs., to corner No. 4;
West, 24.84 chs., to corner No. 5;
North, 14.80 chs., to corner No. 6;
East, 24.39 chs., to corner No. 1, the place of beginning.

Containing 35.6 acres.

*Empire Administrative Site*

T. 3 S., R. 75 W.,
Sec. 25, N½, that part described as follows:

Beginning at corner No. 1 from which the NW corner of sec. 30, T. 3 S., R. 74 W. bears N. 53° E., 1,390 ft.; thence

S. 86°30' W., 10.91 chs., to corner No. 2;
S. 26° W., 2.43 chs., to corner No. 3;
S. 63° W., 14.38 chs., to corner No. 4;
South, 9.46 chs., to corner No. 5;
N. 75°30' E., 10.30 chs., to corner No. 6;
N. 53° E., 13.40 chs., to corner No. 7;
N. 70°30' E., 4.30 chs., to corner No. 8;
North, 6.74 chs., to corner No. 1, the place of beginning.
Containing 24.34 acres.

*Horseshoe Administrative Site (Addition)*

T. 2 S., R. 78 W.,

A tract of land in sections 3 and 10; beginning at corner No. 0, which is identical with the south quarter corner of section 34, T. 1 S., R. 78 W.
From corner No. 0, by metes and bounds,

South, 70 chs., to corner No. 1;
West, 20 chs., to corner No. 2;
North, 40 chs., to corner No. 3;
N. 20° W., 25.16 chs., to corner No. 4;
N. 53° E., 10.81 chs., to corner No. 5;
East, 20.00 chs., to corner No. 0, the place of beginning.
Containing approximately 153 acres.

NEW MEXICO PRINCIPAL MERIDIAN

GUNNISON NATIONAL FOREST

*Long Branch Administrative Site*

T. 47 N., R. 5 E.,
Sec. 3, lot 4, W½ of lot 3 and NW¼SW¼NW¼.
Sec. 4, NE¼SE¼NE¼.
T. 48 N., R. 5 E.,
Sec. 34, lot 5 and SW¼ of lot 6.
Totaling 123.53 acres.

SIXTH PRINCIPAL MERIDIAN

GUNNISON NATIONAL FOREST

*Dinner Station Campground*

T. 13 S., R. 82 W.,
Sec. 18, S½SE¼SW¼;
Sec. 19, NE¼NW¼, E½SE¼NW¼, W½W½NE¼, and NE¼SW¼NE¼.
Totaling 130 acres.

*Taylor Park Administrative Site*

T. 14 S., R. 82 W.,
Sec. 10, W½SE¼ and SW¼;
Sec. 15, N½NW¼NW¼.
Totaling 260 acres.

*Lake Irwin Campground*

T. 13 S., R. 87 W. (Unsurveyed), when surveyed will be:
Sec. 34, E½SW¼NW¼, W½SE¼NW¼, SE¼SE¼NW¼, E½NW¼SW¼, NE¼SW¼SW¼, NE¼SW¼, and NW¼SE¼SW¼.
Totaling 130 acres more or less.

*Anthracite Administrative Site*

T. 13 S., R. 88 W.,
Sec. 6, Tract A, Exchange Survey No. 366.
Totaling 34.08 acres.

*Smith Fork Campground*

T. 15 S., R. 91 W.,
Sec. 24, SE¼NW¼SW¼SE¼ and NE¼SW¼SW¼SE¼.
Totaling 5 acres.

PIKE NATIONAL FOREST

*Pulver Mountain Campground*

T. 12 S., R. 72 W.,
Sec. 10, N½.
Totaling 320 acres.

NEW MEXICO PRINCIPAL MERIDIAN

RIO GRANDE NATIONAL FOREST

*Wason Administrative Site*

T. 41 N., R. 1 E.,
Sec. 5, NE¼SE¼.
Totaling 40 acres.

*Alder Administrative Site Addition*

T. 40 N., R. 3 E.,
Sec. 22, W½NW¼SW¼.
Totaling 20 acres.

*Stone Cellar Campground*

T. 43 N., R. 3 E.,
Sec. 6, lot 1 and N½SE¼NE¼.
Totaling 60.14 acres.

*Big Springs Picnic Ground*

T. 44 N., R. 3 E.,
Sec. 18, NE¼NE¼.
Totaling 40 acres.

*Luders Creek Campground*

T. 45 N., R. 3 E.,
Sec. 1, NE¼SE¼ and NE¼SE¼SE¼.
T. 45 N., R. 4 E.,
Sec. 6, W½NW¼SW¼ and NW¼SW¼SW¼.
Totaling 80 acres.

*Platoro Administrative Site Addition*

T. 36 N., R. 4 E.,
Sec. 23, SE¼NW¼.
Totaling 40 acres.

*Trujillo Meadows Campground*

T. 32 N., R. 5 E.,
Sec. 5, W½ of lot 2, lot 3, E½ of lot 4, NE¼SW¼NW¼ and N½SE¼NW¼.
Totaling 111.04 acres.

*La Manga Campground*

T. 33 N., R. 5 E.,
Sec. 1, S½SW¼SW¼;
Sec. 12, NW¼NW¼.
Totaling 60 acres.

*Alamosa Administrative Site*

T. 36 N., R. 5 E.,
Sec. 11, lots 2 to 5, inclusive, and S½N½NW¼.
Totaling 171.20 acres.

*Geronimo Administrative Site*

T. 42 N., R. 5 E.,
Sec. 19, NW¼SE¼ and NE¼SE¼.
Totaling 80 acres.

*Carnero Administrative Site Addition*

T. 43 N., R. 5 E.,
Sec. 9, NW¼NE¼.
Totaling 40 acres.

*River Springs Administrative Site*

T. 33 N., R. 6 E.,
Sec. 25, lot 2, S½NW¼NE¼, SE¼NW¼, SW¼NW¼, S½NE¼NW¼, and S½NW¼NW¼;
Sec. 26, lot 4, SE¼NE¼ and SW¼NE¼.
Totaling 274.16 acres.

*Aspen Glade Campground*

T. 33 N., R. 6 E.,
Sec. 26, S½NE¼NE¼ and SE¼NW¼NE¼.
Totaling 30 acres.

*North Crestone Campground*

T. 44 N., R. 12 E., unsurveyed,
Sec. 31, NE¼SE¼NE¼, S½SE¼NE¼, and N½NE¼SE¼;
Sec. 32, SW¼NW¼ and N½NW¼SW¼.
Totaling 110 acres.

*Road Canyon Campground*

T. 40 N., R. 3 W.,
Sec. 4, SE¼NE¼ and N½NE¼SE¼.
Totaling 60 acres.

*Bristol View Administrative Site Addition*

T. 41 N., R. 3 W.,
Sec. 27, E½NW¼NE¼, NE¼SW¼NE¼, and W½NE¼NE¼.
Totaling 50 acres.

*Rito Hondo Camp and Picnic Ground*

T. 42 N., R. 3 W.,
Sec. 15, SE¼SE¼SW¼, S½SW¼SE¼, and SW¼SE¼SE¼;
Sec. 22, W½E½NE¼, W½NE¼, and E½E½NW¼.
Totaling 200 acres.

SIXTH PRINCIPAL MERIDIAN

*Mosca Pass Campground*

T. 27 S., R. 72 W.,
Sec. 5, S½S½NE¼ and N½N½SE¼.
Totaling 80 acres.

ROOSEVELT NATIONAL FOREST

*Mishewaka Roadside Rest Area*

T. 8 N., R. 71 W.,
Sec. 3, S½NW¼.
Totaling 80 acres.

*Left-Hand Canyon Picnic Ground*

T. 1 N., R. 72 W.,
Sec. 10, S½NW¼NW¼ and N½SW¼NW¼.
Totaling 40 acres.

*Peak-to-Peak Campground*

T. 2 N., R. 72 W.,
Sec. 20, SE¼NW¼.
Totaling 40 acres.

*Peak View Picnic Ground*

T. 2 N., R. 72 W.,
Sec. 32, lot 3.
Totaling 35.04 acres.

*Muggins Gulch Picnic Ground*

T. 4 N., R. 72 W.,
Sec. 12, SW¼SW¼ and W½SE¼SW¼.
Totaling 60 acres.

*Lion Gulch Picnic Ground*

T. 4 N., R. 72 W.,
Sec. 13, S½NW¼NE¼, SW¼NE¼, W½SE¼NE¼, S½NE¼NW¼, and N½SE¼NW¼.
Totaling 120 acres.

*Devils Gulch Picnic Area*

T. 5 N., R. 72 W.,
Sec. 4, SW¼NE¼.
Totaling 40 acres.

*Buckhorn Picnic Ground*

T. 7 N., R. 72 W.,
Sec. 15, NE¼NW¼SW¼ and SW¼SE¼NW¼.
Totaling 20 acres.

*Buckhorn Ranger Station Administrative Site*

T. 7 N., R. 72 W.,
Sec. 9, SW¼SW¼SE¼;
Sec. 16, N½NE¼.
Totaling 90 acres.

*Mt. Meeker Campground Extension*

T. 3 N., R. 73 W.,
Sec. 11, SW¼NW¼ and N½SW¼.
Totaling 120 acres.

*Twin Lake Campground*

T. 7 N., R. 73 W.,
Sec. 21, S½NE¼.
Totaling 80 acres.

*Trail Creek Campground*

T. 11 N., R. 73 W.,
Sec. 12, NE¼.
Totaling 160 acres.

*Spruce Glen Campground*

T. 9 N., R. 74 W.,
Sec. 30, SW¼SE¼ and S½NW¼SE¼;
Sec. 31, N½NW¼NE¼.
Totaling 80 acres.

*Sheep Creek Campground Extension*

T. 11 N., R. 74 W.,
Sec. 12, SW¼SE¼, W½SE¼SE¼ and S½SE¼SE¼SE¼.
Totaling 65 acres.

*Big Bend Campground*

T. 8 N., R. 75 W.,
Sec. 33, S½NW¼NW¼, SW¼NW¼ and W½SE¼NW¼.
Totaling 80 acres.

*Zimmerman Lake Recreation Area*

T. 7 N., R. 76 W.,
Sec. 25, E½SE¼SW¼, S½NW¼SE¼, SW¼SE¼ and W½SE¼SE¼.
Totaling 100 acres.

*Stub Creek Ranger Station Administrative Site*

T. 10 N., R. 76 W.,
Sec. 34, lots 7, 8, 10, and 15.
Totaling 177.51 acres.

NEW MEXICO PRINCIPAL MERIDIAN

SAN JUAN NATIONAL FOREST

*South Mineral Campground*

T. 41 N., R. 8 W.,
Sec. 20 (Unsurveyed),

Beginning at corner No. 1, which is the center of Ice Lake-Clear Lake Creek bridge on the South Mineral Creek San Juan County Road from which V.A.B.M. 13661 Lookout Peak bears N. 3°20' W., 20,117 ft. and V.A.B.M. 13066 Kendall No. 2 bears S. 82°55' E., 38,940 ft.

From corner No. 1, by metes and bounds.

S. 40° W., 423 ft., to corner No. 2;
S. 30° E., 396 ft., to corner No. 3;
S. 52° E., 307 ft., to corner No. 4;
S. 74° E., 785 ft., to corner No. 5;
N. 36° E., 845 ft., to corner No. 6;
N. 54° W., 330 ft., to corner No. 7;
N. 64° W., 520 ft., to corner No. 8;
S. 85° W., 688 ft., to corner No. 1, the place of beginning.

Containing approximately 29 acres.

The areas described total in the aggregate 4,879.55 acres.

This order shall be subject to existing withdrawals for power and other purposes so far as they affect any of the lands described, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

MARCH 14, 1961.

[F.R. Doc. 61-2379; Filed, Mar. 17, 1961; 8:47 a.m.]

[Public Land Order 2303]

[Arizona 025170]

## ARIZONA

### Withdrawing Public Lands Within the Prescott National Forest for Use of the Forest Service as an Addition to the Lynx Creek Lake Recreation Area

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Prescott National Forest, Arizona, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as an addition to the Lynx Creek Lake Recreation Area established by Public Land Order No. 1504 of September 10, 1957;

GILA AND SALT RIVER MERIDIAN

T. 13 N., R. 1 W.,
Sec. 8, S½NW¼NW¼, SW¼NW¼, and W½SW¼;
Sec. 16, W½SW¼NW¼, W½W½SW¼ (part of lots 1 and 5);
Sec. 17, E½NW¼, S½NE¼, and SE¼;
Sec. 20, N½NE¼;
Sec. 21, W½NW¼NW¼.
The areas described aggregate 620 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

MARCH 14, 1961.

[F.R. Doc. 61-2380; Filed, Mar. 17, 1961; 8:47 a.m.]

[Public Land Order 2304]

[Idaho 010821]

## IDAHO

### Reserving Lands for Use of the Forest Service as an Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Idaho, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Forest Service, Department of Agriculture, as an administrative site:

BOISE MERIDIAN

*Clayton Ranger Station*

T. 11 N., R. 17 E.
Sec. 29, lots 4, 7, and 8.

The areas described aggregate 99.50 acres.

The withdrawal made by this order shall be subject to existing reservation of the lands for power purposes.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

MARCH 14, 1961.

[F.R. Doc. 61-2381; Filed, Mar. 17, 1961; 8:47 a.m.]

[Public Land Order 2305]

[Washington 03125]

## WASHINGTON

### Withdrawing Public Lands in the Kaniksu National Forest for Use of the Forest Service as Recreation Areas

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Kaniksu National Forest are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas:

WILLAMETTE MERIDIAN

*Browns Lake Recreation Area*

T. 34 N., R. 44 E.,
Sec. 14, S½SE¼SE¼;
Sec. 23, NE¼NE¼ and N½SE¼NE¼;
Sec. 24, N½NW¼, N½S½NW¼, NW¼NE¼, and N½SW¼NE¼.
Totaling 260 acres.

*Half Moon Lake Recreation Area*

T. 34 N., R. 44 E.,
Sec. 26, E½W½SW¼SW¼ and E½SW¼SW¼.
Totaling 30 acres.

*Bead Lake Recreation Area*

T. 32 N., R. 45 E.,
Sec. 3, lot 1, W½ lot 2, lot 3, lot 4, lot 5, lot 6, lot 7, and lot 8;
Sec. 4, lot 1, lot 2, and lot 6;
Sec. 9, NE¼NE¼NW¼;
Sec. 10, lot 3, except north 20 acres, lot 4, lot 5, lot 6, lot 7 except south 20 acres, and lot 8 except south 20 acres.
T. 33 N., R. 45 E.,
Sec. 34, lot 1, except north 20 acres, lot 2, except west 20 acres, lot 3 except east 20 acres, lot 4, except east 20 acres, lot 5, lot 6, and SW¼SW¼NE¼.
Totaling 575.53 acres.

*No Name Lake Recreation Area*

T. 32 N., R. 45 E.,
Sec. 8, lot 1 and NE¼ lot 2.
Totaling 35.74 acres.

The areas total 901.27 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

MARCH 14, 1961.

[F.R. Doc. 61-2382; Filed, Mar. 17, 1961; 8:47 a.m.]



# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 687; Amdt. 267]

### PART 507—AIRWORTHINESS DIRECTIVES

### Douglas DC-8 Series Aircraft

Pursuant to the authority delegated to me by the Administrator, (25 F.R. 6489), an airworthiness directive was adopted on March 3, 1961, and made effective immediately because of the safety emergency involved, as to all known United States operators of Douglas DC-8 Series aircraft. There were several reported cases of failed clevis in the rudder hydraulic system.

For this reason it was found that immediate corrective action was required in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest and that good cause existed for making this airworthiness directive effective immediately as to all known U.S. operators of Douglas DC-8 Series aircraft by individual telegrams dated March 3, 1961. It is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

DOUGLAS. Applies to all DC-8 Series aircraft with 1,200 or more hours' time in service on clevis, P/N 2619862, in rudder hydraulic system.

Compliance required as indicated.

As a result of several reported instances of failed clevis, P/N 2619862, on the rudder lockout cylinder, the following must be accomplished.

(1) Unless already accomplished within the last 20 hours' time in service, each clevis, P/N 2619862, in service which has not been inspected per (2) must be visually inspected for cracks prior to the next flight. The bolt attaching the clevis to the link to the gripper arm need not be removed for this inspection. Cracked clevis must be replaced with a new clevis, P/N 2619862 or P/N 2772031, or equivalent, prior to further flight.

(2) Unless already accomplished within the last 140 hours' time in service, each clevis, P/N 2619862, which remains in service following the inspection prescribed in (1) must be inspected with dye penetrant or magnetic particle method or equivalent within the next 20 hours' time in service. The bolt attaching the clevis to the link to the gripper arm must be removed for this inspection. Cracked clevis must be replaced with a new clevis, P/N 2619862 or P/N 2772031, or equivalent, prior to further flight. Clevis, P/N 2619862, retained in service must be reinspected at intervals not to exceed 160 hours' time in service. After clevis, P/N 2619862, is replaced with a redesigned clevis, P/N 2772031, inspections of replaced parts may then be made at normal inspection periods.

(3) Unless already accomplished, a rudder creep rate check and necessary adjustment of the valve rod must be accomplished within the next 100 hours' time in service. The adjustment and creep rate check is to be accomplished in accordance with reissue Number 1 of Douglas Alert Service Bulletin A27-100 dated February 10, 1961, and supplement Number 1 thereto dated February 24, 1961.

(4) Within the next 20 hours' time in service, unless already accomplished, install a placard adjacent to the rudder reversion light. This placard shall read: "When light comes on, shut off rudder hydraulic power immediately".

(Douglas Alert Service Bulletin A27-100, reissue Number 1 dated February 10, 1961, and supplement Number 1 thereto dated February 24, 1961, covers this subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated March 3, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 13, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-2367; Filed, Mar. 17, 1961; 8:45 a.m.]

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-194]

### PART 608—SPECIAL USE AIRSPACE

*Correction*

In F.R. Doc. 61-740, appearing at page 870 of the issue for Saturday, January 28, 1961, the following changes are made:

1. In § 608.22 under R-2203 Eagle River, Alaska, *Boundaries*, the latitude in the fifth line reading "61°21'10"", is corrected to read: "61°22'10"".

2. In § 608.24 under R-2402 Fort Chaffee, Ark., *Boundaries*, the longitude in the ninth line reading "94°18'00" ", is corrected to read: "94°13'00" ".

3. In § 608.29 under R-2906 Jacksonville, Fla., *Boundaries*, the sixteenth line should read: "latitude 29°52'50", longitude 82°02'25";".

4. In § 608.30 under R–3002 Fort Benning, Ga., *Boundaries*, the latitude in the twenty-second line reading "32°50'50'", is corrected to read: "32°30'50'".

5. In § 608.50 under R–5003 Wrightstown, N.J., *Designated altitudes*, the first line should read: "2,100' MSL to 15,100' MSL from 5 statute".

6. In § 608.52 under R–5205 Westhampton Beach, N.Y., *Designated altitudes*, the first line should read: "2,100' MSL to 15,100' MSL from 5 statute".

7. In § 608.54 under R–5403 Minot, N. Dak., *Boundaries*, the last word in the sixth line reading "other", is corrected to read: "outer".

8. In § 608.57 under R–5701 Boardman, Oreg., *Boundaries*, the latitude in the third line reading "45°30'15'", is corrected to read: "45°39'15'".

9. In § 608.64 under R–6405 Wendover, Utah, *Boundaries*, the word "south" is inserted after the word "thence" in the second line.

10. In § 608.67 under R–6714 Yakima, Wash., *Boundaries*, the longitude in the eighteenth line reading "118°58'00'" is corrected to read: "119°58'00'".

11. In § 608.69 under R–6902 Sheboygan, Wis., *Boundaries*, the longitude in the second line reading "58°10'00'", is corrected to read: "87°10'00'".

12. In § 608.71 under R–7101 Culebra Island, P.R., *Boundaries*, the last word in the third line reading "shoreland" is corrected to read: "shoreline".

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Lacassine National Wildlife Refuge, Louisiana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

LOUISIANA

LACASSINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacassine National Wildlife Refuge, Louisiana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 28,000 acres or 90 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, yellow bass, white bass, crappie and sunfish; and other minor species permitted by State regulations.

(b) Open season: March 15, 1961, through October 15, 1961. From 45 minutes before sunrise to 45 minutes after sunset.

(c) Daily creel limits:

| | |
|---|---|
| Black bass | 15 |
| Yellow bass | 25 |
| White bass | 25 |
| Crappie | 25 |
| Sunfish | 50 |

Other creel limits for minor species are as prescribed for State regulations.

(d) Methods of fishing:

1. Rod and reel, pole and line, artificial and live baits permitted.

2. Boats with outboard motors no larger than 7½ h.p. permitted in refuge impoundments. No size restrictions on motors in the canals and streams.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. Entry to the Lacassine Pool is restricted to the four rollerways provided.

3. Entry to fishing areas is restricted to waterways only.

4. A Federal permit is not required to enter the public fishing area.

5. The provisions of this special regulation are effective to October 16, 1961.

WALTER A. GRESH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

FEBRUARY 27, 1961.

[F.R. Doc. 61–2371; Filed, Mar. 17, 1961; 8:46 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–40]

## PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATIONS

### Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held at its office in Washington, D.C., on the 7th day of March A.D. 1961.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended, being under consideration; and

It appearing that amendment of § 193.25, paragraphs (d) (2), (4), and (5) of the Code of Federal Regulations (49 CFR 193.25 (d) (2), (4), and (5)) as adopted in the order of September 30, 1960, relating to certification and marking requirements for lamps other than head lamps is warranted, and good cause appearing therefor;

It further appearing that this amendment, which will permit the option of marking lamps other than head lamps in accordance with the SAE Code as well as those markings already prescribed by this Commission, is a relaxation of presently prescribed requirements, and therefore, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), for good cause it is found that notice of proposed rule making is unnecessary;

*It is ordered*, That paragraphs (d) (2), (4), and (5) of § 193.25 of the Code of Federal Regulations prescribed by order of September 30, 1960, (49 CFR 193.25 (d) (2), (4), and (5)), be, and they are hereby, amended to read as follows:

**§ 193.25 Requirements for lamps other than head lamps.**

* * * * * * *

(d) * * *

(2) Turn signal units shall be marked with the manufacturer's or supplier's name or trade name and shall be marked "SAE–AI" or "SAE–I".

* * * * * * *

(4) Clearance, side marker, identification, and projecting load-marker lamps, except combination lamps, shall be marked with the manufacturer's or supplier's name or trade name and shall be marked "SAE" or "SAE–P".

(5) Combination lamps shall be marked with the manufacturer's or supplier's name or trade name and shall be marked "SAE" followed by the appropriate letters indicating the individual lamps combined. The letter "A", as specified in § 193.26(c), may be included to certify that a reflector in the combination conforms to the requirements appropriate to such marking. If the letter "I" follows the letter "A" immediately, the two letters shall be deemed to refer to a turn signal unit, as specified in subparagraph (2) of this paragraph. Combination clearance and side marker lamps may be marked "SAE–PC".

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

*It is further ordered*, That this order shall become effective July 1, 1961, and shall continue in effect until further order of the Commission;

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 2.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61–2394; Filed, Mar. 17, 1961; 8:48 a.m.]



# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

## HIGHWAY AND AIR TRANSPORTATION REGULATIONS

The regulations of the Post Office Department in Part 94—Highway Transportation, and Part 96—Air Transportation, are amended, among other things, to (1) reflect new titles and action channels resulting from regional reorganization and the assignment of mobile unit functions and highway transportation services to certain postmasters; and (2) augment, reorganize and more clearly state the regulations as they now appear therein. As so amended, Parts 94 and 96 read as follows:

## PART 94—HIGHWAY TRANSPORTATION

Subpart A—Star Route


Sec.
94.1 Description.
94.2 Postal services.
94.3 Contracts.
94.4 Subcontracts.
94.5 Temporary service.
94.6 Protection of mail.
94.7 Records and reports.
94.8 Routes under administration of postmasters.


Subpart B—Mail Messenger Service


94.12 Description.
94.13 Establishing service.
94.14 Operation.
94.15 Protection of mail.
94.16 Termination of service.
94.17 Payments.


Subpart C—Contracting for Highway Post Offices


94.20 Description.
94.21 Contracting.
94.22 Reports and certificates.


Subpart D—Water Route Service


94.25 Description.
94.26 Postal services provided.
94.27 Contracts.
94.28 Protection of mail.
94.29 Records and reports.
94.30 Routes under administration of postmasters.


Subpart E—Contract Motor Vehicle Service


94.34 Description.
94.35 Establishment.
94.36 Operation.
94.37 Protection of mail.
94.38 Termination.
94.39 Payments.


Subpart F—Contract Pay Adjustments


94.43 Eligibility for adjustment.
94.44 Requests for adjustment.
94.45 Comparative cost statement and operating data.


AUTHORITY: §§ 94.1 to 94.45 issued under R.S. 161, as amended, secs. 501, 6101, 6103, 6105–6107, 6351–6355, 6401–6403, 6405, 6407, 6408, 6410–6426, 6429–6434, 6436–6440, 74 Stat. 580, 687, 688, 694–705 (Pub. Law 86–682); 5 U.S.C. 22, 39 U.S.C. 501, 6101, 6103, 6105–6107, 6351–6355, 6401–6403, 6405, 6407, 6408, 6410–6426, 6429–6434, 6436–6440.

### Subpart A—Star Route

**§ 94.1 Description.**

(a) *Definition.* Star route service is established by the Post Office Department to provide for transportation of mail over highways and roads between postal units. Routes are operated under formal contracts, awarded after competitive bidding, and may provide box delivery, collection, and other services normally furnished by rural carriers. Star routes are usually operated where railroad service is unavailable or inadequate, and economies in transportation costs can be effected.

(b) *Head of route.* The term "head of a route" means the first post office referred to in the statement of service. It may be the initial point originally named or one later stated as a result of change in the route. The office from which a carrier starts his trip is not necessarily the "head" of a route.

(c) *Truck or T routes.* The term "T Routes" is the designation given to star routes transporting mail transferred from rail to highway on the initiative of the Post Office Department while train service is still in operation. These routes are established to improve mail service, provide economies, or both.

**§ 94.2 Postal services.**

(a) *Exchange of mail*—(1) *At post offices.* (i) The carrier must exchange mail at each post office on the route in accordance with the terms of the contract and any subsequent orders changing the service.

(ii) Where tailgate exchange at a loading platform cannot be made at an intermediate post office and the carrier cannot drive his vehicle near the door of the post office, the postmaster must arrange to take the mail. A carrier must not leave his vehicle containing mail unprotected. In no case shall the mail be thrown on the ground.

(iii) All intermediate post offices on star routes must be supplied by carriers on both outward and inward trips unless otherwise specified. Transportation requirements and procurement officers may change the frequency of supply to intermediate offices, without issuance of formal orders on Form 5440–C "Contract Route Service Order", provided distances as shown in the statement of service are not affected.

(iv) Where no time is specified at intermediate offices, mail should be exchanged within 10 minutes. Transportation requirements and procurement officers are authorized to vary from this standard whenever service conditions require.

(v) Except when space is available at a loading platform where tailgate exchange may be made, a contractor or carrier is required to deliver mail into and take mail from the post office at each end of his route.

(vi) Employees of postal installations served by star routes may be required to load or unload contractors' vehicles or to assist contractors in loading and unloading mail, when, in the judgment of transportation requirements and procurement officers, it is in the best interest of the Postal Service to do so.

(2) *Through lobbies or lockers of Post Offices.* (i) Mail may be exchanged, when authorized, through the lobby of a post office when no one is on duty. For this purpose the contractor will be provided a key to the lobby. A lobby exchange can be authorized only where the screen work extends to the ceiling; all doors, windows, and wickets connecting the lobby with the working portion of the post office are securely locked; and police protection is adequate. If any doubt exists as to the propriety of a lobby exchange, get approval of the Postal Inspection Service.

(ii) Exchanges may also be made through lockers when approved by the field services officer, or the transportation requirement and procurement officer, and the Postal Inspection Service. Locks and keys for lockers may be provided by either the postmaster or the contractor.

(iii) Postmasters shall obtain a signed receipt for each key furnished to star route contractors or carriers for use in exchanging mail through the lobby or locker of the post office. Reclaim the key and surrender the receipt when the key is no longer needed. When old keys are recovered or new ones issued, notify the distribution and traffic manager, who will maintain a current record of all outstanding keys.

(iv) Keys furnished to star route contractors or carriers must be protected against theft at all times. Do not allow examination of the key or its possession by an unauthorized person.

(v) When specifically authorized by the postal installations manager, star route contractors and carriers may use METRO series street letter box keys. They must not have access to rotary, LA, street letter box (other than METRO series) or post office workroom keys.

(3) *At railroad stations.* (i) Where a star route terminal is at a railroad station at which no agent is on duty, the carrier may be required to exchange mail with trains, unless locker service is provided. Where catcher service is provided, the carrier may be required to hang pouches and take charge of mail dispatched from trains.

(ii) Where a railroad agent is on duty and the exchange of mail would impose a hardship on the carrier or delay the mail for the star route, the carrier must deliver the mail to, and receive it from, the agent who must make the exchange with the train.

(b) *Duties of carriers and patrons.* (1) See §§ 49.3 and 49.4 of this chapter for the principal duties of carriers and patrons.

(2) If the contract requires the sale of stamp supplies, the carrier must:

(i) Report to post office in sufficient time to distribute mail in advance of scheduled departure time.

(ii) Accept mail addressed to patrons of the route, from the postmaster, and arrange it in order of delivery.

(iii) Prepare and maintain a roster of patrons served, arranged alphabetically and according to box numbers.

(c) *Sale of stamps and stamp supplies.* If the contract requires the carrier to sell stamps and stamp supplies, he must: (1) Carry a stock sufficient to meet the needs of his patrons.

(2) Accept a fixed credit of postage stamp stock. Fixed credit will be provided by the postmaster at the head of

the route. Where the carrier serves patrons who receive mail through other offices on the route, the carrier will replenish his fixed credit at those offices in amounts representing sales made by him to the patrons served through these offices.

§ 94.3 **Contracts.**

(a) *Contract terms.* Contracts are made for terms of 4 years or for the remainder of a contract term set for the State in which the route is located. To spread the workload, the contract terms are staggered for the different States within the regions.

(b) *Types of contracts.* Star routes are classified according to services required as follows:

(1) Serving post offices and performing delivery and collection service to box patrons.

(2) Serving post offices but not performing box delivery and collection service.

(3) Performing box delivery and collection service to box patrons but not serving post offices.

(4) Serving post offices and providing rural delivery features to box patrons.

(5) Providing rural delivery features to patrons but not serving post offices.

(6) Handling restricted classes of mail for post offices only.

(7) Handling empty equipment primarily.

(c) *Obtaining bids*—(1) *Advertisements*—(i) *Issuance and distribution.* When it becomes necessary to advertise for bids for a 4-year contract term or for the remainder of a regular contract term, when less than 4 years, advertisements will be prepared on Form 5435, "Advertisement for Mail Service," by the transportation requirements and procurement officer. Advertisements will allow at least 30 days' posting from the date of receipt until the closing date for bids, except in emergencies when the advertisements will contain an explanation for the shorter posting period. Sufficient copies of advertisements will be prepared by the transportation requirements and procurement officer for distribution to postmasters at post offices named in advertisements, prospective bidders and other interested persons. Form 5468, "Star or Water Route Bid and Bond," is used in submitting bids.

(ii) *Distances stated in advertisements.* Most advertisements inviting proposals for star route service show the one-way length of the routes and refer to:

(a) Distances traveled by carriers where service is in operation.

(b) Distances by shortest public roads between points named on new routes.

Distances stated in advertisements are believed to be substantially correct. The pay will be neither increased nor decreased if the actual distance is greater or less than advertised, provided the points to be supplied are correctly stated.

(iii) *Advertising by postmasters.* Postmasters must: (a) Post copies of bulletin advertisements in conspicuous places in the lobbies of their post offices for the periods stated in the advertisements.

(b) Obtain the widest possible publicity, without expense to the Postal Service, to gain the attention of interested persons.

(c) Familiarize themselves with the advertisements and attached instructions, and the services to be performed.

(d) Maintain an ample supply of proposal forms (Form 5468 "Star or Water Route Bid and Bond") while advertisement is pending. Make immediate request to transportation requirements and procurement officer for needed forms, contacting that office by telephone or telegraph when necessary to obtain forms during last few closing days for receipt of bids.

(e) Furnish prospective bidders a copy of the advertisement and bid form on request.

(2) *Requirements of bidders*—(i) *Eligibility.* Any person who is at least 21 years of age and who is a citizen of the United States, or has filed a declaration of intention within the past 7 years to become a citizen may submit a proposal and enter into a contract for carrying the mail, subject to the following restrictions:

(a) No proposal for a contract for star route service shall be considered unless the bidder is a legal resident of one of the counties crossed by the roads over which the mail is to be carried or a legal resident of a county adjoining one through which the mail is to be carried, with this exception: Proposals for carrying mail will be accepted from firms, companies, or corporations actually engaged in some business other than transportation of mail under a contract within the counties in which individuals are restricted as to residence.

(b) No postmaster, assistant postmaster, clerk employed in any post office, rural carrier, special-delivery messenger, or other postal employee, including substitute or temporary, shall be a bidder, contractor, or concerned in a bond or contract for carrying mail on a star route.

(c) No member of the immediate family of a postmaster or assistant postmaster shall be awarded a contract or be a surety on a bond, or be a subcontractor or carrier on a star route; except, that a person who becomes a member of the immediate family of a postmaster or assistant postmaster after being awarded a contract or after being recognized as a subcontractor may continue to perform such contract and is eligible for a renewal contract. "Immediate family", as used in this section, means persons who are members of the same household or dependent upon the other for support.

(d) No contract for carrying mail will be made with any person who has entered or proposed any combination to prevent the making of any bid for carrying mail or who has agreed, or given or promised any consideration, to induce another person not to bid for such a contract.

(e) A married woman may contract or be surety as though she were unmarried where the laws of the State permit. When a woman bids or signs as surety, it must be stated whether she is married or single.

(ii) *Knowledge of service factors.* Bidders should familiarize themselves with:

(a) Service to be performed, including mileage and time required.

(b) Estimated weight and volume of mail to be carried and size of vehicle required.

(c) Condition of roads, including toll charges.

(d) Laws and regulations governing the operation of motor vehicles.

(e) Other circumstances affecting the cost of operation, without regard to the prevailing rate of pay or amount of bond specified.

(iii) *Bonds.* (a) Each proposal must be accompanied by a bond executed by a qualified surety company or by two or more individual sureties who are the owners of real estate worth an aggregate sum double the amount of bond required, over and above all debts, judgments, mortgages, executions, and exemptions.

(b) As a part of the bond, the individual sureties must sign a statement showing the amount of real estate owned by them, a brief description of the real estate, its estimated value, where it is situated, and in what county or State the titles are recorded.

(c) Where the laws of the State permit, a husband and wife owning real estate as tenants by the entireties, are acceptable as one surety provided both execute the bond. Any other two or more persons owning real estate as joint tenants, are acceptable as one surety, provided all parties concerned execute the bond. In these cases, at least one other qualified surety is necessary.

(d) The obligation under this bid bond is that the bidder will execute a contract with good and sufficient sureties and that service will be performed according to the contract. If an accepted bidder fails to enter into the prescribed contract or, after having executed a contract, fails to perform service in accordance with the contract, he and his sureties are liable for the amount of the bid bond.

(e) No proposal for the transportation of the mail shall be considered when accompanied by a bond executed on behalf of a surety by or through any organization of mail transportation contractors or an officer or employee of such organization, nor shall any such proposal be considered when a portion of the bond premium, a commission on the bond sale or any other thing of value accrues to any organization of mail transportation contractors, or officer or employee thereof as a result of the execution of the bond.

(f) The amount of bond required with the bid is stated in the advertisement.

(g) For list of surety companies, approved by the Treasury Department, acceptable on bonds and contracts, see latest Treasury Department notice in the FEDERAL REGISTER.

(3) *Instructions to bidders.* Postmasters must:

(i) Caution prospective bidders that their proposals must be completed and properly executed, include the required bonds, and must be mailed to reach the distribution and traffic manager within the time limit for the receipt of bids as shown in the advertisements.

(ii) Point out to bidders the instructions attached to the advertisements and on the proposal forms.

(iii) Suggest that bidders contact the proper transportation requirements and procurement officer to obtain definite information regarding local conditions and services required.

(iv) Point out to prospective bidders the legal residence requirements. See Subpart F of this part.

(v) "Caution bidders not to submit bids with the expectation of having their pay readjusted if awarded a contract, as no increase will be allowed except for changed conditions as provided by law." See § 94.3(h)(3).

(vi) Advise bidders that no claim for additional pay can be allowed which is based on alleged mistakes or misapprehensions as to service requirements.

(vii) Inform prospective bidders not to permit the use of their names unless they intend to carry the mail or supervise the service in person. Every bidder must sign a statement that his bid is made in good faith and with the intention of performing service if it is accepted.

(viii) Point out to bidders and individuals sureties the obligation under the bid bond. See subdivision (i)(a) of subparagraph (2) of this paragraph.

(4) *Restriction on postmaster participation.* Postmasters are official agents of the Post Office Department. They are liable to dismissal from office for:

(i) Acting as agents of contractors, subcontractors, or bidders, with or without compensation, in any negotiations relating to mail service.

(ii) Divulging the amount of any proposal which they have certified.

(5) *Obtaining proposal forms.* Proposal forms may be obtained from:

(i) Transportation requirements and procurement officer.

(ii) Postmasters at offices where advertisements are posted.

Similar forms, approved by the Department, are furnished by surety companies and distributed through local agents and postmasters directly to contractors and bidders.

(6) *Submitting bids.* Bids must be submitted as follows:

(i) Each proposal must be sent in a sealed envelope addressed:

Distribution and Traffic Manager, Post Office Department, ----------, ----------,
(City) (State)
and endorsed Mail Proposal, Route from ---------- to ----------, ----------
(City) (City) (State)

(ii) Bids must be mailed in time to reach the distribution and traffic manager at the address and within the time limit specified in the advertisement.

(iii) If bond is to be executed by a surety company, the proposal should be properly prepared, other than the bond, and transmitted directly to the bonding company in ample time to have it completed and filed in the office of the distribution and traffic manager within the time limit stated in the advertisement.

(iv) When bond is to be executed by a surety company, the certificate as to bidder may be executed prior to the completion of the bond. (See certificate and note on back of proposal, Form 5468 "Star or Water Route Bid and Bond.")

(7) *Time limitations.* The following time limitations apply:

(i) No withdrawal of a bid will be allowed unless notice of withdrawal is received at least 24 hours before the expiration of the time limit stated in the advertisement.

(ii) The Post Office Department may award a contract at any time within 60 days after expiration of the advertisement. However, when service to be superseded cannot be terminated within the 60-day period after closing bids, an additional 60-day period during which the contract may be awarded is authorized if the bidder and his sureties so consent in writing. This consent may be withdrawn by the bidder at any time prior to award of the contract.

(d) *Award of contracts*—(1) *Requirements for award.* Contracts are awarded to the lowest responsible bidder who tenders sufficient guaranties for celerity, certainty, and security in the faithful performance of service in accordance with the terms of the advertisement. The Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to comply with the terms of a former contract.

(2) *Execution of contract.* The accepted bidder will be required to execute a contract with good and sufficient sureties satisfactory to the Postmaster General. These sureties can be the same as those furnished on the bid bond.

(3) *Qualifications of sureties.* Although individual sureties on a contract are not required to be owners of real estate, they must be responsible persons and competent to perform the service required by the contract if called on to do so.

(4) *Obligation of sureties on contract.* Sureties on the contract are, in effect, co-contractors, and in event of default or removal of contractor, are responsible for continued operation of the service. They may also be called on to take over operation of the route in the event of death of the contractor. See § 94.3(i)(4)(iv).

(5) *Filing contract.* The successful bidder must execute and file his contract with the transportation requirements and procurement officer within 60 days from the date of acceptance of bid.

(6) *Reservations.* The Postmaster General reserves the right to:

(i) Reject all bids on any route whenever the interest of the service requires.

(ii) Rescind the acceptance of a proposal at any time before the signing of the formal contract by a representative of the United States, without allowing indemnity.

(iii) Suspend the award of a contract for a period not exceeding 60 days after the date stated in the advertisement for the announcement of the award and allow a corresponding extension of time for the execution of the contract. This period may be extended an additional 60 days under the circumstances outlined in subdivision (ii) of paragraph (c)(7) of this section. It is not always possible to award contracts to be effective on the dates specified in the advertisement.

(iv) Reject bids accompanied by bonds on which a surety is a person who is barred from bidding for any reason.

(v) Disregard the bids of those persons who have not submitted proposals in good faith and do not intend to perform service in accordance with the terms of the advertisement.

(7) *Tie bids.* When the lowest acceptable bids are at the same rate, preference will be given to the present contractor if his is one of the tie bids. Otherwise, the selection will be made by lot.

(8) *Certification.* The contractor must certify that he has not employed any person to solicit or secure the contract upon any agreement for a commission, percentage, brokerage, or contingent fees. He must agree not to discriminate against any employee or applicant for employment because of race, color, religion, or national origin.

(9) *Oath of contractor and carrier.* A contractor will take the required oath when executing his contract. All carriers, employed by contractor, except those employed by contractors operating large trucking concerns or regular passenger buses in which mail is carried, must take the prescribed oath (Form 5497 "Oath of Mail Carrier") before beginning service.

(e) *Contractor's responsibilities*—(1) *For providing equipment and maintaining.* (i) The contractor must furnish adequate and suitable motor vehicles or other equipment necessary to carry the mail.

(ii) Unless otherwise specified, motor vehicles must be used. When road or weather prevent their use, other means of conveyance must be furnished.

(iii) Contracts for certain routes specify the size or number, or both size and number, of vehicles required. Contractors on such routes cannot be required to provide equipment and service in excess of that specified.

(iv) Contractors must maintain their vehicles in a safe and dependable condition and must keep them clean and tidy.

(2) *For performing service.* (i) Contractors must perform service on all scheduled days including holidays, unless otherwise specified in contracts.

(ii) The contractor must serve regularly post offices in operation on the date of the advertisement. Also, he must serve regularly post offices established after the date of the advertisement, as well as railroad stations and junction points, which may be included for supply on his routes, without additional compensation if there is no additional travel.

(iii) Contractors must agree in their contracts to deductions from their pay for all authorized service not performed. See paragraph (g)(1) of this section.

(iv) Contractors must not carry mail on a railroad or electric car except as directed by the Bureau of Transportation.

(3) *For giving preference to mail.* (i) Contractors must transport the whole of the mail on each scheduled trip during the term of the contract unless otherwise

specified. Where a contract specifies only certain classes of mail to be transported, the term the whole of the mail means all mail of the classes specified.

(ii) Star route contractors and carriers may transport passengers, freight, and express so long as it does not interfere with the transportation of the mail, provided all applicable Federal and State laws and regulations are complied with.

(iii) When sent as mail, packages must be carried as such and no charge shall be made by the carrier for transporting them.

(iv) Where permitted by law, the contractor may transport intoxicating liquors outside the mail if carrying them does not interfere with the transportation of the mail.

(4) *For maintaining schedules.* (i) Contractors and carriers must:

(*a*) Carry the mail according to the schedule of departures and arrivals and within the running time stated in the advertisement under which the contract is made, unless the schedule is altered by authority of the transportation requirements and procurement officer. If the schedule is altered by a proper order, they must adhere to the altered schedule.

(*b*) Be allowed an equal amount of additional time on the schedule when more than 10 minutes is taken for opening and closing the mail at any post office, unless otherwise provided in the contract.

(c) Where specific instructions have been issued by the transportation requirements and procurement officer on routes serving large post offices and sectional centers, notify postmasters in advance by telephone collect of estimated delayed arrival due to breakdowns or other causes or when extra large volumes of mail are being carried.

(*d*) Operate on standard time unless otherwise specified.

(ii) Postmasters must not: (*a*) Except in cases of emergency, deliver mail to carriers before scheduled departure time without permission from the field services officer or the transportation requirements and procurement officer. When earlier delivery of mail to a carrier would be advantageous to the carrier, patrons on the route, or the mailing public, the postmaster may recommend to the field services officer or the transportation requirements and procurement officer that the carrier be permitted to leave before scheduled time. Star route carriers and dispatch clerks will conform to the closing times listed in post offices.

(*b*) Permit mail to be taken from the post office to be kept in a private home overnight.

(5) *For operating vehicles according to law.* Transportation by contractors of passengers or property other than mail is subject to the following:

(i) The award of a contract for the transportation of mail grants no special right or privilege to the contractor to transport passengers, freight, or express. If the contractor desires to transport passengers or cargo other than mail for compensation in interstate or foreign commerce, he must obtain authority from the Interstate Commerce Commission. If he desires to transport either in intrastate commerce, he must obtain authority from the State in which he will operate, if such authority is required by that State. He must comply with all laws and regulations of the State or States which apply to carriers of passengers and cargo for hire.

(ii) Contractors must know and comply with interstate and intrastate laws governing the operation of motor vehicles. They must comply with all safety measures prescribed by State and Federal laws and regulations governing the operation of motor vehicles and with the Interstate Commerce Commission's Motor Carrier Safety regulations issued from time to time, to the extent stated in the advertisement and as required by the Post Office Department.

(6) *For transporting postal officials and equipment.* (i) Contractors and carriers must transport postal inspectors and other officials of the Postal Service, on presentation of their credentials, over regularly scheduled trips and between the points specified in the official statement of the route, if the conveyance used is suitable.

(ii) Bus companies are not required to transport postal inspectors and other officials except on vehicles carrying mail and between points where service is authorized.

(iii) The presence of a postal inspector in the carrier's vehicle or in the vicinity of the route shall not be revealed by the carrier to any person at any time.

(iv) Contractors must convey, without extra charge, all post office blanks, mail bags, lock and keys, and other postal supplies offered them. This does not include furniture, letter cases, mail boxes, and other similar items. Such equipment must not be shipped under penalty labels for transportation on star routes unless it has been determined in advance that the contractors involved are willing to perform the additional work without compensation. This does not prevent contractors from handling such equipment as freight or express.

(7) *For providing carriers*—(i) *Qualifications.* Carriers must be:

(*a*) Not less than 18 years of age.

(*b*) Of good character, reliable, and trustworthy.

(c) Sufficiently educated to enable them to perform all required duties in a satisfactory manner.

(ii) *Persons ineligible.* The following are ineligible to serve as carriers on star routes: (*a*) All postal employees, including temporaries and substitutes.

(*b*) Members of the immediate families of postmasters and assistant postmasters as defined in paragraph (c) (2) (i) (c) of this section unless they become members of the immediate family after the contract was awarded.

(c) Persons undergoing sentences of hard labor imposed by a criminal court (out on parole or under suspended sentence).

(*d*) Persons with known criminal records involving moral turpitude or dishonesty.

(*e*) Persons whose traffic records indicate that their driving motor vehicles would be hazardous.

(iii) *Oaths.* Before entering on duty, carriers employed by contractors shall take the prescribed oath, except where a firm has the mail contract and an official of the company takes the oath. Such firms are:

(*a*) Railroads which have contracts to carry the mail.

(*b*) Firms contracting for water route services.

(c) Companies which operate regular passenger busses and carry mail.

(*d*) Trucklines which have contracts to carry mail.

(8) *For identifying equipment.* (i) The use of a sign or lettering reading "United States Mail" or "U.S. Mail" is optional, but may be used only on vehicles that are actually carrying mail. If a sign is used, it must be removed when the vehicle is used exclusively for other purposes. If the lettering is painted on the vehicle, it must be covered when the vehicle is being used exclusively for other than mail service.

(ii) Vehicles that are painted red, white, and blue must have inscribed on both front side doors in block letters at least 1 inch high "U.S. Mail Contractor." Trailers, so painted, must also bear the same inscription in block letters at least 2 inches high on the front of the trailer, sufficiently high to be visible above the tractor unit.

(f) *Renewal, extensions, and changes without advertising*—(1) *Renewals.* A regular contract may be renewed for additional terms, without advertising, at the rate prevailing at the end of the contract.

(2) *Extensions of contract period.* A contract may be continued in force beyond its expressed term for a period of not more than 6 months. The extension of a contract also extends any subcontract in effect on the route.

(3) *Changes in service.* (i) Transportation requirements and procurement officers may at any time issue orders extending, increasing frequency, and changing the line of travel, by allowing a pro rata increase in compensation for any increased service required. They may also issue orders curtailing, reducing frequency, discontinuing, or changing line of travel by allowing 1 month's extra pay on the amount of service eliminated, and not exceeding pro rata compensation for the service retained.

(ii) Extensions during a contract term shall not exceed a net aggregate of 50 miles.

(iii) Star route service may not be extended to supply families previously served by a rural carrier unless the number of patrons to be served by the extended part of the star route is more than twice the number previously served by the rural carrier.

(iv) If the road usually traveled becomes impassible, the carrier must use the most available road to perform full service. He should immediately report the matter to the postmaster at the head of the route and to the transportation planning and procurement officer who has supervision over the route. See paragraph (h) (4) of this section.



(4) *Changes in schedules.* (i) Transportation requirements and procurement officers may issue orders changing schedules of departure and arrival, particularly to make them conform to connections with railroads or other mail routes, without increase in pay. See subdivision (iv) of this subparagraph.

(ii) Changes in schedules must be authorized by the transportation requirements and procurement officer.

(iii) The schedule on a route must not be changed for the convenience of the contractor, subcontractor, or carrier, if the change would be detrimental to the service.

(iv) Some contracts contain a provision prohibiting adoption of a schedule allowing less running time than that stated in the advertisement, without the written consent of the contractor and his sureties. When it becomes necessary to decrease the running time under such contracts, the contractor shall have the option of continuing the service by the expedited schedule without additional compensation. If the contractor does not accept this option, the route must be readvertised.

(iv) The running time stated in the schedule in the advertisement must not be decreased without the written consent of the contractor and his sureties. When it becomes necessary to decrease the running time on a route, the contractor shall have the option of continuing the service by the expedited schedule without additional compensation. If the contractor does not accept this option, the route must be readvertised.

(v) The financial effect that a change in schedule may have on a contractor must be taken into consideration. Reversal of schedule or excessive layover time could result in material increase in cost or undue hardship and provide a basis for readjustment of compensation.

(vi) Postmasters must inform the proper field services officer or the transportation requirements and procurement officer whenever changes in schedules are necessary or appear advisable, with a full explanation of the reasons. They should not recommend changes entirely in the interest of the contractor.

(g) *Irregularities*—(1) *Deductions or fines.* Deductions from pay may be made or fines may be imposed for:

(i) Trips not performed or service omitted.

(ii) Failure to carry all or any portion of the mail in order to accommodate passengers, freight, or express.

(iii) Failure to arrive within schedule time.

(iv) Neglect to take mail from or deliver it to a post office.

(v) Refusal to deliver or collect the mail along the route.

(vi) Failure to protect the mail from rain or extremes of weather.

(vii) Permitting mail to become damaged or destroyed.

(viii) Loss of or depredation to mail through the fault of the contractor or his agent.

(2) *Forfeitures or contract annulment.* Forfeitures may be imposed or contracts may be annulled for:

(i) Failure to follow instructions of the Post Office Department.

(ii) Violating laws or regulations.

(iii) Failure to give proper supervision to performance of service.

(iv) Transporting matter due to be in the mail as cargo other than mail.

(v) Entrusting the mail to an unsuitable person.

(vi) Refusing to discharge a carrier when instructed to do so by the Post Office Department.

(vii) Subletting a contract without the consent of the transportation requirements and procurement officer.

(viii) Participating in combinations to prevent others from bidding.

(ix) Violation of any of the provisions of the advertisement or contract.

(h) *Payments*—(1) *For regular service.* Payments for stated services are:

(i) Made by check after the expiration of each 4-week accounting period.

(ii) Not made under new or renewed contract until the contract is executed.

(2) *For special-delivery service.* Postmasters may pay special-delivery fees to contractors and carriers when special service is rendered. If the special delivery mail is delivered into the patrons box the carrier is not entitled to the fee.

(3) *Readjustment of compensation.* See Subpart F of this part.

(4) *Allowance for detours.* (i) Transportation requirement and procurement officers may authorize pro rata additional payments to contractors for necessary increased travel caused by obstruction of roads, destruction of bridges, discontinuance of ferries, or any other cause, provided the increase amounts to as much as $1 during any 4-week accounting period and a report is made within 90 days after service is performed.

(ii) The contractor or carrier is responsible for reporting to the postmaster at the head of the route all necessary detours, with the reasons and the additional distance travel on each trip.

(iii) The postmaster is responsible for obtaining all pertinent facts and reporting them to the proper transportation requirements and procurement officer. Be sure that only the net additional miles traveled, after deducting the scheduled miles of travel, are reported for each date on which detour travel is necessary. See § 94.7(b).

(5) *Pro rata computation of change in pay.* To determine the amount to be allowed or deducted in making changes in service, transportation requirement and procurement officers must observe the following instructions:

(i) Determine the one-way length of the route as it would operate if changed as proposed.

(ii) Multiply the one-way length by the number of trips to be required, as determined by the Frequency Conversion Table. If the route has more than one part, follow the same procedure for each part and add annual mileages for all parts.

(iii) Determine the difference between the total annual mileage as shown on the records and the new annual mileage.

(iv) Multiply the difference in annual mileage by the prevailing rate per mile, except as otherwise provided in this subparagraph.

(v) When a change has been made at less than pro rata, or without allowance of additional pay, and a further change is proposed, base the computation on the original distance and pay.

(vi) If service that has been added without the allowance of additional pay, or at less than pro rata, is to be discontinued, base the computation on the rate per mile allowed when the service was added.

(vii) When a change involves part of the original service and service added under conditions outlined in subdivision (vi) of this subparagraph, base the computation on the two rates.

(viii) When a contract is renewed, a new basic rate per mile is established effective at the beginning of the new contract term, regardless of any orders issued during the previous term.

(6) *Withholding payments.* (i) When a contractor has more than one route and fails to perform service on any one of them according to contract, payment will be withheld on all routes until the unsatisfactory conditions are remedied and all penalties are satisfied.

(ii) When a contractor dies, payments should be suspended until the necessary court orders or claim papers or both can be approved. Frequently there is considerable delay in making payments following the death of a contractor.

(7) *Levying of deductions and fines.* (i) Transportation requirements and procurement officers are authorized, in their discretion, to make deductions for trips not performed and service omitted. When a deduction is made, an order will be issued on Form 5440–C, "Contract Route Service Order."

(ii) When a contractor fails to comply with terms of the contract or when serious irregularities occur, the transportation requirements and procurement officer will make every effort, by letter or by personal interview, to correct the situation. If the contractor persists in the irregularities, the transportation requirements and procurement officer will issue a brief against him by use of Form 5178 "Notification of Irregularity in Service or Damage to Parcel Post Mail." If the contractor makes no satisfactory reply, the distribution and traffic manager may issue an order on Form 5440–C imposing a fine.

(i) *Termination*—(1) *Time.* Star route contracts may be terminated at the end of any 4-year term at the option of the Postmaster General or the contractor or they may be terminated at any time as provided by law. (See paragraph (f) (3) (i) of this section.)

(2) *For changed service conditions.* Star routes may be readvertised and new contracts may be awarded for the purpose of releasing contractors and sureties on routes where undue hardships have been imposed by:

(i) An ordered change which increases or decreases the amount of service required.

(ii) An abnormal or sustained increase in the quantity of mail to be carried during a contract term, necessitating larger equipment.

(iii) An ordered change in schedule, requiring the contractor to be away from

the initial terminal much more or less time than was required in the advertised schedule.

(3) *For inadequate compensation.* A star route may be readvertised and a new contract may be awarded to release the contractor and his sureties when, after full investigation, compensation is found to be wholly inadequate and continuation of the contract will impose undue hardship, even though conditions have not changed since the contractor submitted his bid. This action may be taken only when the contractor:

(i) Gives 90-days' advance notice of his desire to be released.

(ii) Waives the 1-month extra pay authorized by law where contracts are canceled under this provision.

(iii) Continues service until another contract is awarded even though the award may be made more than 90 days after filing the advance notice.

(4) *Death of a contractor*—(i) *Notification.* When a contractor dies, the postmaster should immediately notify the transportation requirement and procurement officer having jurisdiction over the route. The transportation requirement and procurement officer will suspend payments and notify the Bureau of Transportation and sureties on the contracts. Postmasters must notify the transportation requirement and procurement officer of the death of a contractor, even though the route has been sublet.

(ii) *Transfer of responsibility for route.* On the death of a contractor, performance of service becomes the responsibility of the executor or administrator of the deceased contractor or the sureties of his contract.

(iii) *Responsibility of legal representative.* If a legal representative is appointed, he has the right, after obtaining the necessary court orders, to continue the service for the benefit of the estate or to sublet to himself or some other suitable person, after obtaining permission from the Department.

(iv) *Responsibility of sureties.* The surety or sureties on the contract are responsible for assuming charge of the route and continuing the service in person, by a suitable carrier, or under a subcontract when no executor or administrator is appointed or the service is not continued by the legal representative for the benefit of the estate.

(v) *Temporary service.* If service is not provided promptly by or for the estate of a deceased contractor or his sureties, the postmaster at the head of the route or the transportation requirement and procurement officer who has supervision over the route should arrange for employment of a temporary carrier at the lowest obtainable rate. Temporary service should be continued until regular service is resumed by the legal representative of the estate of the deceased contractor or by sureties. Payments to temporary carriers should not be made until they are approved by the Department.

(5) *Insanity of a contractor.* When a contractor becomes temporarily or permanently incapacitated because of insanity or unsound mind, the postmaster shall immediately notify the transportation requirement and procurement officer having jurisdiction over the route.

**§ 94.4 Subcontracts.**

(a) *Requirements for subletting.* (1) A contractor must obtain permission from the transportation requirements and procurement officer before subletting. Subletting without proper consent may cause a route to be relet, thereby making the contractor and his sureties liable under their bond for damages.

(2) Subletting for an amount less than the contract rate of pay is prohibited by law.

(3) The contractor and subcontractor must warrant that the subcontractor has not given or agreed to give to the contractor, directly or indirectly, any consideration for subletting of the contract. Such a consideration includes, but is not limited to, a cash payment for the agreement to sublet; rebates from the compensation received from the Government; payment of unusually high prices for equipment; and purchase of unnecessary operating rights.

(4) Subcontracts are executed in triplicate, providing a copy for transportation requirements and procurement officer; contractor; and subcontractor.

(5) After an order has been issued recognizing a subcontract, payments are made directly to and in name of the subcontractor.

(b) *Requirements of subcontractors.* A subcontractor must:

(1) Meet the legal residence requirements of contractors. See § 94.3(c)(2)(i)(*a*).

(2) Be in a position to supervise the service properly.

(3) Be financially and morally responsible.

(4) Have fully adequate and suitable equipment.

(c) *Assignment.* Assignment or transfer of a contract for transporting mail is prohibited by law, except as provided in the Assignment of Claims Act of 1940, as amended. A contract may be sublet as provided by law.

(d) *Term.* The subcontract must be executed for service on the whole route and for a period of not less than 1 year or for the remainder of the contract term when less than 1 year.

(e) *Responsibility of contractor.* The execution and recognition of a subcontract does not release a contractor from his obligation, but it relieves him of the necessity of giving the route his personal supervision.

(f) *Termination*—(1) *For cause.* The distribution and traffic manager may terminate a subcontract on abandonment or unsatisfactory service by the subcontractor.

(2) *By request.* The distribution and traffic manager will recognize the termination of a subcontract prior to its stated period on proper notification by either party to the subcontract.

(3) *By death of subcontractor.* On the death of a subcontractor, the contractor, legal representative of the estate of a deceased contractor, or sureties in charge should immediately resume charge of the route. Postmasters should notify the transportation requirement and procurement officer having supervision over the route, who will issue necessary instructions to all concerned.

(g) *Contracting with subcontractors.* When a contractor has sublet a route in accordance with law and does not indicate in writing to the Postmaster General at least 90 days before the end of the contract term that he desires to renew the contract, the distribution and traffic manager may enter into a contract on the same terms, without advertising the route for bids, with a subcontractor who has performed satisfactory service on the route for a period of at least 6 months.

**§ 94.5 Temporary service.**

(a) *On new routes.* (1) Contracts for temporary star route service may be made without formal advertisements for periods not to exceed 1 year.

(2) No bond is required with a temporary contract. These contracts may run to the end of the fiscal year or not exceeding 1 full calendar year.

(3) Contracts for temporary service provide for their termination on 15-days' notice by either party.

(4) Before temporary service is authorized, bids are usually solicited by transportation planning and procurement officer. The lowest bid must be accepted unless there is sufficient reason for rejecting it.

(b) *On regular routes.* Temporary service may be provided under the following conditions:

(1) When a contractor fails to provide service, the transportation requirement and procurement officer in charge of the service, or the postmaster at the head of the route, has authority to employ a carrier at the lowest obtainable rate.

(2) The expense of temporary service is charged to the contractor.

(3) Employment of temporary service is to be continued until regular service is resumed by or for the contractor or his sureties.

(4) Where temporary carriers have been employed by postmasters, full report of the circumstances must be made to the transportation requirement and procurement officer.

(5) When the employment of a temporary carrier is necessary on a regular route, payment to the regular contractor must be suspended until proper adjustments are made.

(6) No payment will be made to a temporary carrier before the transportation, requirement and procurement officer's issuance of the order authorizing the payment.

(c) *In lieu of train service*—(1) *Limited interruption of railroad service.* When temporary interruption of railroad service of a very limited nature is expected to last no more than a day or two, temporary service should be employed at the lowest obtainable rate. Bills shall be prepared on Form 2524, "Bill for Temporary Service in Lieu of Railroad Service," and must be charged to the Railroad Transportation account.

(2) *Extended interruption of railroad service.* When an interruption of railroad service appears to be of an extended nature, such as a strike or damage to or destruction of rail facilities, temporary star route service should be employed. This service shall be certified to on Form 5429, "Certification of Exceptional Contract Service Performed," appropriately marked to be charged to "Temporary in Lieu of Rail" account. When there is temporary interruption of railroad service, temporary service should be employed at the lowest obtainable rate. The cost of the service is chargeable to the Railroad Transportation, and must not be reported as star route service. Bills covering employment of service under these conditions are prepared on Form 2524 "Bill for Temporary Service in Lieu of Railroad Service."

(d) *Emergency temporary service.* When an emergency makes it necessary to divert mail in transit, temporary service may be provided.

(e) *On airmail routes.* In the event of a major disaster, temporary service may be provided, without advertising, for the transportation of mail by aircraft to or from the affected localities.

(f) *Death of a temporary contractor.* When a contractor or carrier for a temporary route dies, it is necessary to enter into another temporary contract or employ another temporary carrier. New bids may be solicited by the transportation requirements and procurement officer.

**§ 94.6 Protection of mail.**

The contractor and his sureties are accountable and answerable in damages for failure to:

(a) Carry the mail in a safe and secure manner.

(b) Protect the mail from becoming wet and otherwise damaged.

**§ 94.7 Records and reports.**

(a) *Records*—(1) *At large installations.* Postmasters and heads of large installations having extensive star route operations and who are designated by regional headquarters as reporting offices for performance of star route service, shall, when specifically directed by the transportation requirements and procurement officer, maintain Form 5398, "Report of Performance on Star Routes—Large Installations (RS–TR–74)."

(2) *At other installations.* Postmasters and other installation heads designated by regional headquarters as reporting offices for performance of star route service, and not specifically directed to use Form 5398, shall maintain Form 5399, "Record of Performance of Star and Water Routes," by accounting periods, showing actual departure and arrival times each day of operation and indicating irregularities.

(b) *Recurring reports*—(1) *Form 5398, Report of "Performance on Star Routes—Large Installations."* If directed to use Form 5398, postmasters and other installation heads shall prepare and submit reports as follows:

(i) Assign responsibility for preparation of Form 5398 to the tour supervisor or the postal employee responsible for supervision of the star route operations. This employee shall sign each form certifying its correctness.

(ii) Enter outbound and inbound trips on separate forms, showing all scheduled trips and any extra trips performed. Separate forms shall be prepared by the supervisor of each tour.

(iii) Prepare forms in duplicate and submit original to the transportation requirements and procurement officer as a certification of the service performed. Submit daily. Retain copy at installation head. If another region is concerned in the operation of a route, prepare another copy and forward to the transportation requirements and procurement officer of that region.

(2) *Form 5400, report of service on star route.* If records of performance of service are maintained on Form 5399, postmasters and other installation heads designated to report star route performance shall, from data recorded on Form 5399, complete Form 5400, "Report of Service on Star Route (RS–TR–9)," immediately after the close of each accounting period and forward it directly to the proper transportation requirements and procurement officer. Only irregularities that might affect contractor's pay shall be listed on Form 5400, such as additional trips, detours, and omitted service. If two or more forms are to be submitted, enclose in envelope. Single reports must not be enclosed in envelopes.

(3) *Form 5397, star route extra trip authorization.* Where the transportation requirements and procurement officer must frequently authorize extra trips on a star route, he shall require the postmaster or other installation head responsible for reporting the extra trips to complete Form 5397, "Star Route Extra Trip Authorization (RS–TR–73)," in accordance with instructions on the form.

(c) *Special reports*—(1) *By postmasters and other designated installation heads.* (i) Submit immediate narrative report to the transportation requirements and procurement officer when the following types of irregularities occur:

(*a*) Failure of carrier to depart or arrive.

(*b*) Chronic or frequent delays of 15 minutes or more in departure or arrival even though mail is not delayed in delivery.

(*c*) Any delay resulting in delay in delivery, missed connections, or disruption of work schedules in office.

(*d*) All available mail not taken.

(*e*) Departure of carrier ahead of schedule without permission of responsible postal official.

(*f*) Damage to or destruction of mail.

(*g*) Misconduct of driver or contractor.

(ii) Submit report to the transportation requirements and procurement officer when roads regularly traveled by carrier are changed or become permanently obstructed, necessitating use of other roads.

(2) *By carriers.* Carriers who fail to provide required service must make a prompt explanation to the postmaster at the head of the route.

**§ 94.8 Routes under administration of postmasters.**

(a) *Selection of routes and designation of postmaster.* Certain star routes, consisting principally of those maintained exclusively for box service, those emanating from a sectional center and operating only to satellite offices, and those making no connection to major carriers or sources of supply at outer or intermediate termini, are placed under the immediate supervision and administrative control of one of the postmasters on the route. The Regional Operations Director will select the routes and designate the postmasters to whom the administrative and supervisory authority will be delegated.

(b) *Issuance of instructions.* Appropriate instructions in connection with this delegated authority will be issued to postmasters and contractors by the distribution and traffic manager.

(c) *Responsibilities and duties of postmasters.* Postmasters at all other offices on a route shall report irregularities, complaints, and any other local problems in connection with the operation of the route to the designated postmaster, who shall:

(1) Give daily supervision to the contractor's operations to assure compliance with the contract.

(2) Investigate complaints regarding service on the route and take corrective action wherever possible.

(3) Investigate irregularities shown in § 94.3(g)(1), or any other serious irregularities, and report them to the transportation requirements and procurement officer. Use Form 5178, "Notification of Irregularity," preparing one copy only by hand or typewriter. Make similar report of any full or partial trips not performed due to fault or negligence of contractor, showing miles of service omitted, and reason for omissions.

(4) Prepare recommendations for establishment, discontinuance, or changes in existing routes on Form 5471, "Recommendation for Star Route Change," and forward to the transportation requirements and procurement officer.

(5) Make an annual inspection of routes under his administrative control. Inspection of box delivery routes will be similar to that for rural delivery routes.

(6) Review contractor's request for readjustment of pay. See Subpart F of this part.

(7) Certify service performed at end of each accounting period to the transportation requirements and procurement officer, on Form 5400. See § 94.7(b). Include all omitted service and reasons therefor even though previously reported on Form 5178.

NOTE: The corresponding Postal Manual sections are 521.1 through 521.8.

## Subpart B—Mail Messenger Service

**§ 94.12 Description.**

Mail messenger service is a local mail transportation service performed by mail messengers designated by the Post Office Department to collect, transport and transfer mail between post offices, stations, and branches and railroad ter-

minals, steamboats, highway post offices, star routes, truck terminals, airport mail facilities, and stop points in the same or adjacent communities. It may be used for occasional unscheduled trips of intercity mail or mail equipment transportation over longer distances. When service is principally for scheduled inter-city transportation, use star route service. When local service is so extensive that a performance bond is needed to protect the Government's interest, use contract motor vehicle service.

**§ 94.13 Establishing service.**

(a) *Authorizing service.* (1) When an immediate need for service develops, the postmaster shall apply to the transportation requirements and procurement officer for authority to employ a temporary messenger. Application must show the necessity for service and the lowest rate obtainable.

(2) If the transportation requirements and procurement officer determines that temporary service is justified, he will authorize the postmaster to employ a temporary messenger. No service shall be put into effect until authorized by the transportation requirements and procurement officer.

(3) When the need for service is not immediate it is usually desirable for the transportation requirements and procurement officer to advertise for regular service. He may advertise temporary routes for regular service at any time he considers it desirable.

(4) The postmaster shall furnish the transportation requirements and procurement officer a detailed description of the service required showing for each one-way trip, the origin, loading time, leaving time, average number of pieces handled, distance, destination, arriving time, unloading time, train or trip number connected (if any), and average waiting time (if any) for late train or other carrier.

(5) The transportation requirements and procurement officer may require postmasters at fourth-class offices to transport mail between the post office and railroad station or other exchange points without additional pay provided:

(i) The exchange point is within one-fourth of a mile of the post office.

(ii) No motor or horse-drawn vehicle is required.

(iii) Transporting the mail will not cause an unreasonable hardship on the postmaster.

(6) When mail messenger service cannot be obtained at a reasonable rate, the regional operations director may authorize postmasters to assign postal employees to transfer mail between the post office and exchange points as a part of their regular duties.

(7) The transportation requirements and procurement officer may require the messenger to provide trucks that are covered, locked, screened, paneled, or otherwise designed to protect the mail.

(b) *Advertising for service.* (1) When a regular designation is necessary, the transportation requirements and procurement officer will prepare specifications and instruct the postmaster at the office where service is needed to advertise for 10 days to obtain competitive sealed proposals.

(2) The postmaster shall post the advertisements in the most conspicuous place in the lobby of the post office and at other points where they can be seen by persons most likely to place bids. He must give the widest publicity possible to all advertisements, without expense to the Postal Service.

(c) *Requirements for bidders*—(1) *Age.* Mail messengers must not be under 18 years of age.

(2) *Residence.* The bidder must either reside on or adjoining the route on which service is to be performed, or file with his bid an agreement that, if designated as mail messenger, he will reside on or adjoining the route.

(3) *Reliability.* Postmasters and transportation requirements and procurement officer shall disapprove bidders who:

(i) Have known criminal records involving moral turpitude or dishonesty.

(ii) Have traffic records which indicate that it would be hazardous to permit them to operate vehicles.

(iii) Are unable to furnish adequate equipment.

(iv) Are aliens.

(4) *Eligibility of postal employees.* (i) Postal employees and members of their immediate families (persons who are members of the same household or dependent one upon the other for support) may or may not become bidders, messengers, or assistant messenger, or receive compensation for carrying the mail on mail messenger routes as shown in the following chart, subject to conditions in subdivisions (ii) and (iii) of this subparagraph.

| Employee's position | Mail messenger annual rate of compensation | |
|---|---|---|
| | Exceeds $900 [1] | Is $900 or under |
| Postmaster and assistant postmaster at: | | |
| First- and second-class offices. | Ineligible | Ineligible. |
| Third- and fourth-class offices. | ...do | Eligible. |
| Members of immediate family of postmaster and assistant postmaster at: | | |
| First- and second-class offices. | ...do | Do. |
| Third- and fourth-class offices. | Eligible | Do. |
| Special delivery messenger [1] | ...do | Do. |
| Other postal employees | Ineligible | Do. |
| Member of immediate family of postal employees other than postmaster and assistant postmaster. | Eligible | Do. |

[1] Includes routes originally paying less than $900 increased to over $900.

(ii) Any employee is ineligible if his interest in mail messenger service interferes with his postal duties. Before accepting an employee's proposal or permitting his employment under a mail messenger designation, the transportation requirements and procurement officer must get a statement from the postmaster that the employee's interest in mail messenger service will not interfere with his postal duties.

(iii) Any employee or any member of his immediate family is ineligible if the employee has access to mail messenger files during the period when bids are being received.

(d) *Bid procedures*—(1) *Submitting.* Advertisements specify that bids will be submitted to the distribution and traffic manager. Postmasters shall not accept bids except as sealed, postage-paid letters addressed to the distribution and traffic manager. Bids mistakenly mailed to postmasters should be forwarded at once unopened to the distribution and traffic manager. If the amount of any bid becomes known in any way to the postmaster, he must not divulge it to anyone. This type of information may be disclosed only after all bids have been opened, subject to public observation, by the regional bid-opening committee and the information made available, as may be requested, to interested parties.

(2) *Returning advertisement.* Immediately after the closing date of the advertisement, the postmaster shall forward the actual posted copy to the distribution and traffic manager, endorsed to show the period of time and place it was posted, accompanied by a statement showing how it was publicized.

(3) *Opening and awarding.* The proposals shall be opened in the office of the distribution and traffic manager. The lowest acceptable bidder must be designated as the mail messenger if award is made. The right is reserved to reject any or all bids if they are not acceptable, but sufficient information must be shown on the designating order to justify such action.

(e) *Designation of messenger.* The transportation requirements and procurement officer must prepare the mail messenger's notice of designation in quadruplicate on Form 5489, "Notice of Designation of Mail Messenger." He must send a copy (with sufficient copies of Form 5498, "Oath of Mail Messenger," for the messenger and his assistants) to the postmaster concerned. Immediately upon receipt of his copy, the postmaster must administer the oath and notify the designated messenger to begin service on the date specified in the notice. At the same time, he must inform the retiring messenger of the date he is to be released.

(f) *Oaths.* Form 5498 is required of all regular, assistant, and temporary mail messengers. Immediately upon their acceptance of the position, the postmaster shall forward the completed Form 5498 to the transportation requirements and procurement officer. Postmasters shall not stock Form 5498. If additional copies are needed to administer the oath to new assistants, request them from the distribution and traffic manager. Postmasters have a continuing responsibility as assistants are replaced, to see that each new assistant is given the oath.

(g) *Employment of assistants.* Messengers shall personally supervise the performance of service. They must not assign or sublet the service, but they may employ assistants at their own expense during absence from duty for short periods. The assistants must conform to all requirements stated for the messenger himself. They must be approved by the postmaster in charge of the service.



**§ 94.14 Operation.**

(a) *Postal services provided.* (1) Mail messengers shall obey all orders and regulations or special instructions from the Post Office Department, transportation planning and procurement officer, the field services officer, or the postmaster affecting the mail messenger service.

(2) When required by the transportation requirements and procurement officer, mail messengers must:

(i) Receive the mail from and deliver it into post offices and to air carriers or airport mail facilities; and receive from and deliver to mail cars and steamboats when such cars or boats are accessible.

(ii) Deliver and receive mail at mail cars even when not accessible to his vehicle, if mail trains arrive at times when no railroad representative is on duty. If the use of hand trucks is necessary, the railroad company shall furnish them. Messengers are not required to load mail across or move hand trucks across live tracks.

(iii) Deliver and receive mail at mail cars not accessible to his vehicle if the mail can be readily handled by hand on one trip, even though a railroad representative is on duty.

(iv) Place mail on cranes, at points where the use of cranes is necessary, if the mail can be readily handled by hand at one trip, even though a railroad representative is on duty.

(v) Deliver to and receive from railroad and steamboat employees at the nearest accessible point when those employees are on duty and the volume of mail is too large to be handled by hand at one trip.

(vi) Perform service in accordance with the schedules of arrivals and departures prescribed by the postmaster.

(vii) See § 94.3(e)(6)(iv).

(b) *Instructions to messengers.* (1) The transportation requirements and procurement officer will prepare Form 5489 "Notice of Designation of Mail Messenger," so that service requirements will be properly and clearly stated.

(2) The postmaster must instruct the messenger in the performance of his duties as stated on Form 5489. Subject to the approval of the transportation requirements and procurement officer, the postmaster must prescribe schedules of arrival and departures. He must require the messenger to wait for and receive mail from and deliver it to delayed trains, planes, or boats. Messengers may be required to wait 2 hours for delayed carriers unless local conditions are such that the transportation requirements and procurement officer designates a specific waiting time more or less than 2 hours.

(c) *Changes in service*—(1) *Extension.* The postmaster shall obtain authorization from the transportation requirements and procurement officer before extending the service of a mail messenger beyond the limits stated in the advertisements. The transportation requirements and procurement officer will issue the necessary instructions on Form 5440 C–D–E, "Contract Route Service Order."

(2) *Reduction.* Observe the following before making any reduction in service:

(i) Postmasters shall report promptly to the transportation requirements and procurement officer when requirements are reduced due to curtailment of RPO service, change of location of post office, railroad station, or airport, etc.

(ii) In the event of service changes, postmasters shall not reduce requirements without appropriate instructions from the transportation requirements and procurement officer.

(iii) The transportation requirements and procurement officer is responsible for negotiating a lower rate, if possible, when service is reduced. He should request assistance from the postmaster or the field services officer in this respect.

(iv) If a reasonable lower rate is obtained, the transportation requirements and procurement officer will restate service and pay on Form 5440 C–D–E.

(v) When a reasonable rate cannot be negotiated, the transportation requirements and procurement officer will readvertise the route.

(d) *Irregularities*—(1) *Observation of service.* Postal employees shall observe the services performed by mail messengers at railroad stations or other facilities and report any failures or irregularities that come to their attention.

(2) *Record of irregularities.* (i) The postmaster shall: (*a*) Keep an accurate record of all delays, omitted trips, and other irregularities; (*b*) report omitted trips when certifying payment of Form 2640, "Postmaster Certification of Mail Messenger Service Performed (RS–FI–78)"; (*c*) immediately report each irregularity, including omitted trips, by memorandum to the transportation requirements and procurement officer. Report should show cause and messenger's explanation, if known.

(ii) The transportation requirements and procurement officer must issue a brief against the messenger on Form 5178, "Notification of Irregularity," for each serious irregularity unless the postmaster's report includes satisfactory explanation.

(3) *Assessing fines.* (i) Messengers shall be allowed a reasonable time to explain irregularities briefed on Form 5178. An unsatisfactory explanation or no reply may become the basis for assessing fines against messengers.

(ii) Distribution and traffic managers or regional operations directors may assess fines against messengers in amounts of $1 or more depending on the gravity of the irregularity.

(iii) Regional controllers will deduct fines from payment due messengers, upon receipt of Form 5440–C "Contract Route Service Order" signed by the distribution and traffic manager or regional operations director.

(4) *Investigation of complaints.* (i) The transportation requirements and procurement officer will direct investigation of complaints of improper or unsatisfactory service.

(ii) The regional operations director will investigate complaints of irregular handling of advertisements or bids.

**§ 94.15 Protection of mail.**

(a) *Failure to protect mail.* Mail messengers may be held financially liable for loss or damage to mail in their custody. They are also accountable and answerable in fines for failure to:

(1) Carry the mail in a safe and secure manner.

(2) Guard the pouches and other mail in their custody from theft or damage by water or any other source.

(3) Return and deliver the mail into the post office, notifying the postmaster, when for any reason he is unable to make proper dispatch of the mail in his custody (for example, a railway post office's failure to catch a pouch from a crane). The mail messenger must not retain mail in his home.

(b) *Access to keys.* When specifically authorized by the postal installation manager, mail messengers may use METRO series street letter box keys. Such messengers must not have access to rotary, LA, street letter box (other than METRO series), or post office workroom keys, unless they are also postal employees and require the key or keys in the course of their postal duties.

**§ 94.16 Termination of service.**

(a) *For improper service.* Distribution and traffic managers must try to correct irregularities by cooperating with the postmasters in direct action and the imposition of fines. If this fails, the following steps should be taken, as appropriate:

(1) Consideration should be given to terminating the designation and advertising for another messenger.

(2) If necessary to replace the mail messenger immediately, the transportation requirements and procurement officer must authorize the postmaster to employ the temporary service necessary at a rate not exceeding that at which service on the route was authorized.

(3) If temporary service cannot be obtained at the existing rate, the postmaster must ascertain the lowest rate obtainable and report this, with a statement of necessity, to the transportation requirements and procurement officer. If time is a factor, the report may be made by wire.

(b) *For changed service conditions.* (1) Service may be rendered unnecessary by changed service conditions (such as the discontinuance of a post office, extension of rural or star route service, direct supply by highway post office or railroad, truck service, etc.). A postmaster shall not discontinue the service without appropriate instructions from the transportation requirements and procurement officer.

(2) The transportation requirements and procurement officer may discontinue the service or require postmasters at fourth-class offices to perform it when he considers such action warranted. (See § 94.13(a)(5).)

(3) The transportation requirements and procurement officer must use Form

5440 C–D–E "Contract Route Service Order" in giving notice of discontinuance of service and elimination of expenditure. He should also indicate the substituted service, if any.

(c) *By messenger.* (1) If a messenger dies, resigns, or abandons the service for any reason, the postmaster shall immediately report the facts to the transportation requirements and procurement officer for his action. A messenger may resign at any time by giving written notice 45 days in advance. In justifiable cases, the 45-day notice may be waived. If immediate replacement service is necessary, proceed as in paragraph (a) (2) and (3) of this section.

(2) When a messenger is relieved of his contractual obligations due to being called to military service, or is compelled to suspend his services because of illness or other valid reason, the postmaster must ascertain whether he desires to resume his duties when possible. The postmaster must advise him that his designation will be continued with the provision that changing conditions during his absence may necessitate its reduction or termination. If the messenger wishes to continue with this understanding, his regular service and pay may be suspended pending his return. During the interim, the transportation requirements and procurement officer may designate a temporary messenger. When the temporary service can be obtained only at a higher rate, it can be authorized if the rate is considered reasonable. It may be necessary to advertise for temporary service during the emergency.

**§ 94.17 Payments.**

(a) *Certification.* (1) Regional controllers will pay messengers at the close of each accounting period after certification of service performed by postmaster or transportation planning and procurement officer.

(2) The transportation requirements and procurement officer will certify service provided under special agreements for handling non-rail mail and loading or unloading trucks or trailers in the manner prescribed in the agreements. Postmasters and installation heads designated to certify performance of mail messenger service shall use Form 2640, "Postmasters Certification of Mail Messenger Service Performed (RS–FI–78)".

(b) *Termination.* (1) The postmaster must immediately notify the transportation requirements and procurement officer when the service of a messenger is terminated.

(2) The transportation requirements and procurement officer shall immediately notify the regional controller to suspend payment until official order on Form 5440–C "Contract Route Service Order" is received showing date of termination.

(c) *Readjustment of compensation.* See Subpart F of this part.

NOTE: The corresponding Postal Manual sections are 522.1 through 522.6.

## Subpart C—Highway Post Office Service

**§ 94.10 Description.**

(a) *Authorization.* (1) Highway post offices are bus-type vehicles operated over designated routes, authorized by the Post Office Department for the acceptance, receipt, distribution, storage, dispatch, and delivery of mail by mobile clerks. All these vehicles are operated by private individuals or companies under contract with the Department.

(2) Government-owned HPO vehicles may be operated experimentally or in emergencies.

(b) *Title designation.* The title of a route is derived in the same manner as that of a railway post office.

(c) *Services*—(1) *Location.* Highway post offices are set up in areas where highway transportation and en route distribution can appreciably advance mail delivery to postal patrons and afford them expiditious dispatch of their outgoing mail.

(2) *Schedules.* Highway post office routes operate on fixed schedules which are arranged, whenever possible, to provide early morning receipt and late afternoon dispatch for the post offices along the route.

(3) *To intermediate offices.* The postmaster to whom the highway post office route is assigned shall issue instructions for exchange of mail with intermediate offices.

(4) *Supervision over service.* Direct supervision of highway post office service will be assigned to the designated postmasters or installation heads.

**§ 94.21 Contracting.**

(a) *Ineligible bidders.* Postal employees and members of their immediate families may not submit bids, hold contracts, or be concerned with bonds for highway post office service.

(b) *Agreement of contractors.* The contractor must agree not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. He will be guided by the provisions contained in Form 5466, "Highway Post Office Contract General Provisions."

(c) *Award of contracts.* Contracts for highway post office service are subject to the terms of the advertisement for the service and are awarded to the lowest responsible bidder meeting these terms.

(d) *Services required of contractor*—(1) *Providing vehicles.* The contractor must furnish the specified number of vehicles, fitted up, maintained, and operated in accordance with the specifications, rules, and regulations prescribed by the Postmaster General. He must also have available sufficient spare vehicles to maintain service, while regular vehicles are being serviced or repaired. The specifications (POD Publication 10) require the use of the latest safety features to give the greatest possible protection to personnel and mail. The required construction limits distortion to a minimum in the event of a collision. These vehicles shall be equipped with letter and paper distributing tables, pouch racks, overhead paper boxes, letter cases, drawer which may be locked with LA locks, clothes locker, folding lavatory, and drinking water container. A screened metal partition must be installed between the driver's compartment and the working area.

(2) *Providing drivers.* The contractor shall furnish drivers who must comply with laws and regulations, as follows:

(i) *Qualifications.* Drivers must be licensed chauffeurs not less than 21 years of age. They must be of good character and intelligence and physically qualified to perform service. They must have no criminal records involving moral turpitude or dishonesty or traffic records that indicate their driving motor vehicles would be dangerous.

(ii) *Supervision.* Drivers must comply with all proper orders and instructions of the foreman of their vehicles that are consistent with safety. Safe operation of the vehicle is the responsibility of the driver.

(iii) *Schedule of duty.* Drivers' schedules must be arranged to comply with Interstate Commerce Commission safety regulations or Post Office Department regulations requiring sufficient rest periods between trips to assure alert, efficient operation of the vehicles.

(iv) *Duties.* The driver must: (a) Comply with the applicable provisions of subparagraph (4) and (5) of this paragraph regarding the operation of the vehicle and the performance of service.

(b) Transfer mail as provided in subparagraph (6) of this paragraph.

(c) Immediately request instructions from the foreman of the vehicle when the highway on the designated route becomes impassable for any reason.

(v) *Liability for accidents.* The contractor and driver are responsible for accidents occuring in the operation of the vehicle. The Post Office Department is not responsible for damage caused by contract vehicles operated by contractors or their employees.

(3) *Placing vehicles.* The contractor must place the highway post office vehicles at the terminals of the routes at the designated times.

(4) *Operating vehicles.* The contractor must: (i) Furnish evidence of financial ability to cover liability for personal injuries in the amount of $100,000.

(ii) Know and comply with both intrastate and interstate laws governing the operation of motor vehicles.

(iii) Observe all safety measures for the protection of the general public and operating personnel as prescribed by applicable State and Federal laws and regulations governing the operation of motor vehicles, as well as the safety regulations of the Interstate Commerce Commission or those prescribed by the Post Office Department.

(iv) Observe schedules on all routes according to standard time unless otherwise specified.



(5) *Performing service.* The contractor must: (i) Perform service promptly, reliably, safely, and without interruption. If he fails to do so after his attention has been called to delinquencies, the distribution and traffic manager may impose fines for past failures and order the removal of the driver and vehicle from the route. It may order the employment of temporary service at the expense of the contractor until he provides a satisfactory driver.

(ii) Perform service within the limit of the running time prescribed in the advertisement under which he submitted bid.

(iii) Comply with all orders and instructions from the transportation requirements and procurement officer and the supervising postmaster.

(6) *Transporting, transferring, and delivering mail.* The contractor must: (i) Transport all mail to the cubical or weight capacity of the vehicle, promptly, reliably, and safely. This includes foreign mail in transit across the continental United States or its territories.

(ii) Transfer mail between the vehicle and postal installations when the vehicle can normally be driven to a point within 150 feet of the door or tailboard space of the installation, or place the vehicle at the platform or loading dock of a postal installation to permit hand-to-hand exchange of mail between clerks in the door of the vehicle and clerks on duty at the installation. The transportation requirements and procurement officer is expected to make reasonable adjustments in these requirements by agreements with postmasters and contractors to assure on-time operation.

(iii) Deliver mail to each intermediate post office on the route on both outward and inward trips unless otherwise instructed by the supervising postmaster.

(7) *Transporting postal officials.* The contractor must transport on regular trips all duly accredited officials of the Postal Service, traveling on official business, on presentation of their credentials. The contractor or his driver must not make known to any person at any time the presence of a postal inspector in his vehicle or in the vicinity of the route.

(8) *Transporting passengers.* Contractors are prohibited from carrying passengers in highway post office vehicles, other than postal personnel and contractors' employees. Contractors' employees may be permitted to ride in the driver's compartment when traveling on company business directly related to highway post office service, when such travel does not interfere with safe operation of the vehicle.

(e) *Extensions, discontinuances, and changes.* The distribution and traffic manager may:

(1) Order an increase in service on any route.

(2) Change schedule of arrivals and departures in all cases, particularly to make them conform to connections with railroads and other mail routes.

(3) Discontinue, change, or curtail the service, to improve the mail service or to serve the public interest.

(4) Extend the service on a route to improve mail service.

(f) *Subcontracts.* Contractors for highway post office service must not subcontract the service unless the subcontract is approved by the distribution and traffic manager. Approved subcontractors must perform the same service required of the original contractor.

(g) *Payments*—(1) *For regular service.* See § 94.3(h)(1).

(2) *Allowance for detours.* See § 94.3 (h)(4).

(3) *Readjustment of compensation.* See subpart F of this part.

(4) *Levying of deductions and fines.* See § 94.3(h)(7).

(h) *Inspection of highway post office vehicles.* Vehicles and equipment will be inspected by officials of the Post Office Department to assure compliance with departmental instructions.

**§ 94.22 Reports and certifications.**

(a) *Recurring reports.* The designated postmaster or other installation head shall analyze trip reports and immediately after the close of each accounting period, certify to the distribution and traffic manager that all regularly scheduled service was performed or list exceptions by dates, giving reasons for omitted service, additional trips, and detours.

(b) *Special reports of irregularities.* Postmasters and other designated installation heads shall submit immediate narrative report to the distribution and traffic manager when the following types of irregularities occur:

(1) Gross negligence on the part of the contractor or his employees.

(2) Trips repeatedly not performed or service omitted.

(3) Delays of 30 minutes or more due to the driver's failure to report or due to equipment failure. (Delays of less than 30 minutes may be briefed in unusual circumstances.)

(4) Heat and light failures of 30 minutes or more during one round trip.

(5) Unsanitary and unclean conditions in the vehicle.

(6) Failure to provide potable water.

(7) Loss or damage to mail or postal equipment.

(8) Failure of the contractor or his employees to follow reasonable instructions of postal officials or employees.

(9) Violation of postal laws or regulations.

(10) Failure to give proper supervision to performance of contracted service.

(11) Transporting as cargo matter due to be in the mail.

(12) Entrusting the vehicle to an unsuitable person.

(c) *Accident reports*—(1) *Contractor's reports.* The postmaster to whom the highway post office is assigned shall require the contractor to submit reports of all accidents while the highway post office is operating. Copies of State, municipal, ICC, insurance carrier's accident report forms, or a narrative written report, are acceptable.

(2) *HPO supervisor's report.* Accidents are reported to the postmaster to whom the highway post office is assigned on trip reports. See that each accident reported on trip is followed by the contractor's report of accident. Standard Form 92, "Supervisor's Report of Accident," must accompany trip report if postal employees are injured.

(3) *Postmaster's reports.* The postmaster to whom the highway post office is assigned must take the following action on receipt of accident reports:

(1) Advise the inspector in charge immediately of any accidents requiring inspection service attention.

(2) Report serious accidents immediately to the distribution and traffic manager.

(3) Compare contractor's report with trip report.

(4) Prepare and submit a brief abstract of accident to the transportation requirements and procurement officer to include the following:

(i) Route.
(ii) Trip Number.
(iii) Date.
(iv) Time.
(v) Place.
(vi) Weather conditions.
(vii) Injuries.
(viii) Damages.
(ix) Other vehicles or object involved.
(x) Any other pertinent information.

(5) Submit contractor's report to regional safety officer and, if postal employees are injured, submit Standard Form 92.

NOTE: The corresponding Postal Manual sections are 523.1 through 523.3.

## Subpart D—Water Route Service

**§ 94.25 Description.**

Water route service is a contract service established by the Post Office Department to provide for the transportation of mail between post offices, or other designated points, via steamboats, or other powerboats, when land transport is unavailable or impracticable. It is operated under formal contracts, awarded after competitive bidding. In addition to transportation of mail, contracts may require:

(a) Box delivery and collection service.

(b) Sale of stamp stock.

(c) Delivery of registered, insured, certified and COD matter.

(d) Acceptance of matter presented for registration, certification, or insurance, or to be sent COD, and money with applications for money orders.

(e) Facilities for distribution of mail en route by postal clerks.

**§ 94.26 Postal services provided.**

(a) *Exchange of mail.* The contractor shall exchange mail with:

(1) All intermediate post offices and non-post office points on the route, as stated in the advertisement, on both outward and return trips, unless otherwise instructed.

(2) Post offices established after the advertisement is issued. No additional pay is made in such instances if the distance is not increased.

(3) Post offices at each end of the route, unless the distribution and traffic manager has otherwise provided for such terminal service.

(4) Mail carriers on connecting routes, if necessary.

(b) *Box delivery and collection service.* Advertisements and contracts state whether box delivery and collection service is required. They also state the scope of such service. The instructions contained in Part 49 of this chapter are applicable to water route service, so far as practicable. See also § 94.2 (b) and (c).

(c) *Acceptance of mail en route.* Every mail carrier shall receive any mail presented to him, if it is properly prepaid by stamps, and deliver it at the next post office at which he arrives. No fees are allowed for this service.

(d) *Other postal services.* On routes where the provisions of the contract require, the carrier must sell stamp stock and transact money-order and registry business in accordance with the instructions contained in the advertisement.

§ 94.27 Contracts.

(a) *Contract terms.* See § 94.3(a).

(b) *Obtaining bids.* See § 94.3(c) except subparagraph (2)(i)(a) thereof as bidders for water route service are not restricted as to residence.

(c) *Award of contract.* See § 94.3(d).

(d) *Contractor's responsibilities*—(1) *Providing equipment.* Contractors must provide:

(i) Steamboats or other powerboats which are safe, suitable, and satisfactory to the Post Office Department.

(ii) The means necessary to transport all mail, regardless of size, weight, or increase in volume during the term of the contract.

(2) *Performing service.* Contractors shall:

(i) Carry the mail or supervise the service in person or by an agent.

(ii) Be held accountable for the acts and omissions of the persons to whom they commit the care and transportation of the mail and for careful and faithful performance of duties by those persons. They shall discharge any persons engaged in carrying the mail whenever the distribution and traffic manager requires that they take such action.

(iii) Carry the mail with certainty, celerity, and security.

(iv) Transport foreign mail in transit across the territory of the United States.

(v) Not carry, otherwise than in the mail, letters that should go by mail or transport any person engaged in carrying letters that should go by mail.

(3) *Maintaining schedules.* Contractors shall:

(i) Provide service by schedules satisfactory to the distribution and traffic manager.

(ii) Observe the schedule stated in the advertisement or such other schedule of like running time as may be directed by the transportation requirements and procurement officer having supervision over the route.

(4) *Giving preference to mail.* See § 94.3(e)(3).

(5) *Transporting postal employees and equipment.* (i) Postal clerks may be assigned to water routes. The contractor on those routes shall provide and fit up suitable space for their use in accordance with specifications in the advertisements.

(ii) Contractors shall furnish post office officials, on exhibition of credentials, transportation on trips handling mail between scheduled points on the mail route.

(iii) The contractor shall transport, without extra charge, all post office blanks, mail bags, lock and keys, and other postal supplies offered to him.

(6) *Providing carriers.* (i) *Qualifications.* See § 94.3(e)(7)(ii).

(ii) *Persons ineligible.* See § 94.3(e)(7)(iii).

(iii) *Oaths.* See § 94.3(e)(7)(iii).

(e) *Renewals, extensions, and changes without advertising*—(1) *Renewals.* See § 94.3(f)(1).

(2) *Extensions of contract period.* See § 94.3(f)(2).

(3) *Changes in service*—(i) *Extensions of service.* Service may be increased or extended by allowing a pro rata increase in compensation, but the contractor, if he prefers, may elect to relinquish the service on timely notice.

(ii) *Reduction of service.* Service may be curtailed or discontinued in whole or in part by allowing 1 month's extra pay on the amount of service dispensed with and not exceeding pro rata compensation for the service retained.

(f) *Irregularities*—(1) *Deductions or fines.* See § 94.3(g)(1).

(2) *Forfeitures or contract annulment.* See § 94.3(g)(2).

(g) *Payments*—(1) *Payments.* See § 94.3(h)(1).

(2) *Pound rate contracts.* Claims for payment for service performed will be submitted by the contractor to the distribution and traffic manager each accounting period, on Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal," with two copies of 1034A, "Memorandum Copy of SF 1034," supported by an itemized statement of all service performed, rates per pound, and the amount due. All items shown on the itemized statement shall be verified against Forms 2227, "Power Boat Mail Bill." Standard Form 1034 will be covered by certification of service on Form 5428, "Certification of Contract Service Performed," to the regional controller.

(3) *Readjustment of compensation.* See Subpart F of this part.

§ 94.28 Protection of mail.

See § 94.6.

§ 94.29 Records and reports.

See § 94.7. In lieu of Form 5400 "Report of Service on Star Route" postmasters and other designated installation heads may be required by transportation requirements and procurement officers to submit reports on Form 2227 "Water Route Mail Bill." (See instructions on the form.)

§ 94.30 Routes under administration of postmasters.

See § 94.8.

NOTE: The corresponding Postal Manual sections are 524.1 through 524.6.

## Subpart E—Contract Motor Vehicle Service

§ 94.34 Description.

Contract motor vehicle service is similar to mail messenger service, except that it is provided under formal contracts with bonds for specified terms. It is used for the same purposes as shown for mail messenger service. See § 94.12.

§ 94.35 Establishment.

(a) *Authorization.* Transportation of mail by contract motor vehicles may be authorized in cities, under formal contract with bond.

(b) *Advertisements.* Contract motor vehicle service is advertised the same as star routes, except that advertisements are prepared on Form 5447, "Advertisement for Mail Service (Panel Body Route). See § 94.3(c)(1).

(c) *Requirements for bidders.* Bidders must meet the following qualifications:

(1) *Age.* Contract motor vehicle contractors shall not be under 21 years of age, and their assistants not under 18.

(2) *Residence.* See § 94.13(c)(2).

(3) *Reliability.* See § 94.13(c)(3).

(4) *Dual employment.* See § 94.3(c)(2)(i)(b) and (c).

(d) *Bid procedures.* See § 94.3(c). Form 5449, "Panel Body Service Bid and Bond", is used in submitting bids for contract motor vehicle service.

(e) *Oaths.* See § 94.3(d)(9).

(f) *Employment of assistants.* Contract motor vehicle contractors must either personally supervise their contracts or employ competent supervisors who will personally supervise performance of the contracts. They may not assign or sublet their contracts without approval of the distribution and traffic manager. They may employ assistants at their own expense. Assistants so employed must meet the minimum requirements shown in paragraph (c) of this section.

§ 94.36 Operation.

(a) *Postal services provided.* Contract motor vehicle contractors and their assistants must receive and dispatch mail in accordance with regulations stated for mail messengers. See § 94.14(a).

(b) *Instruction for contractors.* Postmasters shall instruct contract motor vehicle contractors as to service requirements in accordance with instructions contained in advertisements.

(c) *Changes in service.* (1) *Extension.* The transportation requirements and procurement officer will issue orders for extension of contract motor vehicle service.

(2) *Reduction.* Postmasters shall report promptly to the transportation requirements and procurement officer when contract motor vehicle requirements are reduced, so that a lower rate may be negotiated.

(d) *Irregularities*—(1) *Observation of service.* See § 94.14(d)(1).

(2) *Record of irregularities.* See § 94.14(d)(2).



(3) *Assessing fines.* See § 94.14(d)(3).

(4) *Investigation of complaints.* See § 94.14(d)(4).

§ 94.37 Protection of mail.

Contract motor vehicle contractors and their employees must protect the mail in the manner stated in § 94.15. Contractors and sureties may be held financially liable for loss or damage to mail in their custody.

§ 94.38 Termination.

(a) The transportation requirements and procurement officer, after approval by the Bureau of Transportation, may annul any contract motor vehicle contract for failure by the contractor or any of his employees to perform service or to furnish equipment in accordance with the provisions of the advertisement.

(b) The transportation requirements and procurement officer may discontinue the service under a contract motor vehicle contract whenever the public interest requires discontinuance, by allowing, as full indemnity to the contractor, as extra pay one-twelfth of the per annum rate, unless the contract has been terminated for cause.

§ 94.39 Payments.

(a) *Contract payments.* Regional controllers must pay contract motor vehicle contractors at the close of each accounting period upon certification that service has been performed. Payment may not be made without an order awarding or renewing contract.

(b) *Readjustment of compensation.* See subpart F of this part.

NOTE: The corresponding Postal Manual sections are 525.1 through 525.6.

## Subpart F—Contract Pay Adjustments

§ 94.43 Eligibility for adjustment.

The laws authorizing pay adjustments provide that the compensation of a contractor may be readjusted with his consent for increased or decreased costs occasioned by changed conditions occurring during the contract term which reasonably could not have been anticipated at the time of contracting or renewing. Only regular contractors are eligible for consideration (star, T-route, water, mail messenger, contract motor vehicle, and highway post office).

§ 94.44 Requests for adjustment.

Only contractors may submit request for increase in compensation. It is unlawful for a Government official to encourage such claim. The postmaster shall forward all requests to the distribution and traffic manager.

§ 94.45 Comparative cost statement and operating data.

(a) *Furnishing forms.* When the distribution and traffic manager receives a readjustment request, either through a postmaster or directly from a contractor, he shall distribute Form 5478, "Comparative Cost Statement and Operating Data, Contract Services (RS–TR–64)," under cover of Form 5478–A, "Transmittal Letter and Instructions for Completing Form 5478," as follows:

(1) *For routes under postmaster's supervision.* The supervising postmaster shall be furnished four copies of Form 5478, under cover of Form 5478–A.

(2) *For routes not under postmaster's supervision.* When the verification or comments of a postmaster are desired, the postmaster shall be furnished four copies of Form 5478, under cover of Form 5478–A; otherwise, the contractor will be furnished directly with two copies of Form 5478 under cover of Form 5478–A.

(b) *Completing forms.* (1) When the postmaster receives Forms 5478 and 5478–A, he shall deliver two Forms 5478 and Form 5478–A to the contractor. He shall retain two Forms 5478 and independently complete the postmaster section of the forms.

(2) When the contractor returns Form 5478, the postmaster shall review the form with him for reasonableness, accuracy, and completeness. The postmaster shall point out any obvious errors or discrepancies, and suggest correction; but shall not suggest increasing the amounts claimed.

(3) The postmaster shall compare the data in the postmaster section of the form with related questions answered by the contractor. If substantially in agreement, he shall transcribe the information in the postmaster section to the contractor's completed form and shall sign and forward the form to the distribution and traffic manager. The postmaster shall retain a copy of the form showing his comments and statements.

(4) If the postmaster and the contractor disagree, the postmaster shall sign one of the forms completed by him and forward it with the contractor's Form 5478 to the distribution and traffic manager.

(c) *Highway post office readjustments.* The processing of HPO readjustments will be handled directly between distribution and traffic managers and contractors. Form 5478 for this service need not have the postmaster section completed.

NOTE: The corresponding Postal Manual sections are 526.1 through 526.3.

# PART 96—AIR TRANSPORTATION

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AUTHORITY: §§ 96.1 to 96.37 issued under R.S. 161, as amended, sec. 405, 72 Stat. 760, secs. 501, 505, 4301–4305, 6301–6304, 74 Stat. 580, 581, 664, 665, 693, 694 (Pub. Law 86–682); 5 U.S.C. 22, 39 U.S.C. 501, 505, 4301–4305, 6301–6304, 49 U.S.C. 1375.

## Subpart A—Domestic Air Transportation

§ 96.1 Air carriers responsibilities.

(a) *For giving mail priority.* Each commercial airline certificated by the Civil Aeronautics Board to engage in the transportation of mail by air (hereafter referred to as air carriers) must give the following priority to mail:

(1) From each point served, the normal mail load for each trip must be given priority of transportation over all other traffic on each trip designated for the transportation of mail. The normal mail load for each trip is determined for each day of the week on the basis of the mail dispatched to that trip on the same day of the week for the 5 previous weeks (excluding mail dispatched under unusual conditions).

(2) If additional fuel is necessary for a particular trip, the air carrier must allow for its weight when booking other traffic for that trip. No part of the mail load must be displaced by the additional fuel.

(3) Mail in excess of normal must be given priority over all other traffic except revenue passengers with space confirmed prior to knowledge that additional mail would be available. Mail aboard a plane must not be reduced below normal to accommodate local boarding passengers.

(4) Air carriers in the Alaskan Service must provide adequate weight space on all flights to accommodate the normal or expected volume of mail.

(5) In loading, unloading, transferring mail to connecting planes, and delivering mail to the designated postal representative, mail must be given preference over all other cargo (including baggage).

(b) *For protecting mail.* (1) Air carriers are held strictly responsible and accountable for mail in their custody. Mail must not be left exposed on trucks or otherwise subjected to depredation or weather. Every precaution must be taken to protect the mail from fire. Mail handlers must be identified by badges or by distinguishing caps or clothing or must be prepared to exhibit their airline identification cards on request of postal employees concerned.

(2) When an air carrier discovers a pouch damaged so that loss or depredation could result, the air carrier will turn the pouch in to the first possible postal

unit for repouching and redispatch. Form 2734, "Airmail Exception Record," must accompany the damaged pouch to the postal unit.

(c) *For cooperating with postal inspectors.* Postal inspectors are special representatives of the Postmaster General. All employees of air carriers engaged in the transportation of mail are required to cooperate with and assist inspectors in the performance of their duties which may include the opening of pouches and sacks and the examination of mail therein.

(d) *For providing quarters*—(1) *At air stops.* Air Carriers must furnish adequate and suitable quarters at air stops where necessary for the receipt, dispatch, distribution, and transfer of mail, unless and until otherwise provided by the Post Office Department.

(2) *Location of quarters.* Quarters must be located so as to provide expeditious handling of mail to and from plans. They must also be conveniently accessible to all mail-carrying vehicles.

(3) *Requests for changes in quarters.* Requests by air carriers or by officials of the Postal Service for changes in existing quarters or for the establishment of new quarters must be made through the distribution and traffic manager in the area concerned.

(2) When an air carrier discovers a pouch damaged so that loss or depredation could result, the air carrier will turn the pouch in to the first possible postal unit for repouching and redispatch. Form 2734, "Airmail Exception Record" must accompany the damaged pouch to the postal unit.

(c) *For cooperating with postal inspectors.* Postal inspectors are special representatives of the Postmaster General. All employees of air carriers engaged in the transportation of mail are required to cooperate with and assist inspectors in the performance of their duties which may include the opening of pouches and sacks and the examination of mail therein.

(d) *For providing quarters*—(1) *At air stops.* Air carriers must furnish adequate and suitable quarters at air stops where necessary for the receipt, dispatch, distribution, and transfer of mail, unless and until otherwise provided by the Post Office Department.

(2) *Location of quarters.* Quarters must be located so as to provide expeditious handling of mail to and from planes. They must also be conveniently accessible to all mail-carrying vehicles.

(3) *Requests for changes in quarters.* Requests by air carriers or by officials of the Postal Service for changes in existing quarters or for the establishment of new quarters must be made through the distribution and traffic manager in the area concerned.

(e) *For preparing and submitting schedules*—(1) *Preparation.* Air carriers shall prepare schedules as follows:

(i) Schedules shall be arranged north to south and east to west, with flights listed in chronological order left to right.

(ii) All restrictions on the transportation of mail shall be shown on related schedules and when an air carrier holds certificates for more than one route with parallel service between certain points, any restrictions which apply against one route and not the other must be so identified.

(2) *Submission.* (i) Air carriers shall submit with proposed new schedules a brief explanatory letter or cover sheet detailing proposed changes.

(ii) Copies of changes to existing schedules must be filed with the Post Office Department, Washington 25, D.C., not less than 10 days prior to effective date. The date of filing will be the date of receipt by the Air Transportation Division, Bureau of Transportation, Washington 25, D.C.

(iii) Air carriers shall distribute copies of proposed new schedules or changes to existing schedules as follows:

(*a*) Three copies to Air Transportation Division, Bureau of Transportation, Post Office Department, Washington 25, D.C.

(*b*) One copy to distribution and traffic manager in each region concerned.

(c) States-Alaska and Intra-Alaska air carriers must send one copy to the Distribution and Traffic Manager, Post Office Department, Seattle 24, Washington.

(3) *Designation of service.* The Regional Operations Director will advise the Director, Air Transportation Division, Bureau of Transportation, of local service carrier flights that are not needed for the transportation of mail. The Director, Air Transportation Division, will notify the air carriers of flights designated for transportation of the mail, by publishing Post Office Department schedules.

(f) *For answering correspondence.* Air carriers must answer promptly all correspondence from officals of the Postal Service. Correspondence concerning the operation of the Alaskan airmail service must be channeled through the Regional Operations Director, Post Office Department, Seattle 24, Washington.

### § 96.2 Flight operations.

(a) *Notification of plane movement.* Air carriers must operate designated trips as nearly as practicable at times shown in filed schedules. In the event of irregular operation, as much advance notice as possible must be given to the airport mail facility or post office at the initial terminal. When a plane is operating 30 minutes or more late, dispatching offices en route should be notified as to the approximate arrival and departure.

(b) *Originating sections, resumed flights, and delayed operations.* Delayed scheduled trips may operate with available mail from the initial terminal or intermediate points. When a scheduled trip has been canceled at the initial terminal or at some intermediate point, a section may be originated at any intermediate point on the route.

(c) *Omissions of service.* If a scheduled stop will not be made by a trip, the air carrier must immediately notify the local postal representative. If service is to be suspended for 1 week or more, the air carrier must immediately notify the Air Transportation Division, Bureau of Transportation, Washington 25, D.C.; the distribution and traffic manager, in the regions concerned; and the postal units concerned. The same offices must be notified when service is to be resumed.

(d) *Emergency trips and extra sections.* Emergency trips and extra sections operated by the air carrier may be used for the transportation of mail. It may be placed on the plane at an unscheduled stop when offered for dispatch by the local postal representative, except that mail will not be accepted if the air carrier is not authorized to serve that city. In Alaska, air carriers must obtain postal authority for the transportation of mail on emergency trips and extra sections.

(e) *Holding orders.* In unusual situations, the Air Transportation Division, Bureau of Transportation, may require the holding of planes at junction points for the connection of mail. If any air carrier desires to take exception to a holding order, a complete statement giving the particulars will be submitted by the carrier promptly to the Assistant Postmaster General, Bureau of Transportation.

### § 96.3 Handling of mail.

(a) *Delivery to air carriers*—(1) *Authorized location.* Mail for outgoing trips shall be delivered to the air carrier at the time and place authorized by the distribution and traffic manager in the region.

(2) *Dispatch lists required.* (i) The postal unit delivering mail to air carriers for transportation shall prepare Form 2729, "Airmail Dispatch Record," showing weights of mail for each destination and listing mail for off-line points of transfer.

(ii) On receipt of mail from the local postal units, the air carrier must check entries and weights on the pouch labels against entries in the dispatch list.

(iii) Mail received from mail messengers or vehicle service at airports without a mail facility must correspond with mail listed on Form 2729; or air carrier must make corrections. If pouches are listed but not received, cross out the individual listing, destination subtotal, station total, and grand total. Insert correct adjacent totals. If mail is received but not listed, insert weight of each pouch in the proper destination column and amend totals as instructed. In either event, note facts prominently on Form 2729 in any blank space. Advise messenger of any discrepancy.

(iv) In the Intra-Alaskan Service, Form 2713–A, "Alaskan Airmail Dispatch Record," is used instead of Form 2729. At non-post-office points on Alaskan routes where it has not been possible to arrange for the preparation of Form 2713–A, the carrier shall prepare Form 2713–A and make claim for the service in the usual manner.

(v) Air carriers must obtain a receipt on Form 2753–A, "Mail Delivery Receipt," for mail delivered to airport mail facilities. Form 2753, "Receipt to Airline," must be obtained by the air carriers for all mail delivered to postal units other than airport mail facilities. In the latter case, receipt must be prepared by the air carrier for signature of either the mail messenger or motor vehicle service driver.

(b) *Direct transfer between planes*—(1) *Air carrier responsibility.* Air carriers must make transfers according to service ordered by the dispatching postal unit and as shown on pouch labels. To facilitate transfers, air carriers are responsible for concluding mutually agreeable local arrangements regarding the point of exchange between air carriers. These arrangements are subject to approval by the distribution and traffic manager to assure that they are adequate for postal needs. In addition, air carriers shall comply with the following:

(i) *Arriving (delivering) air carriers.* (*a*) All transfers are based on normal operations and, under normal conditions, should be made as authorized.

(*b*) When the arriving air carrier is late, he shall ascertain whether the intended connection can be made. If the intended trip cannot be connected, the arriving air carrier should obtain new routing instructions from local postal personnel, prepare Form 2734, verify mail with related entries on Form 2734, and deliver the mail to an alternate air carrier, or to a postal representative, as instructed.

(ii) *Departing (receiving) air carriers.* (*a*) A departing air carrier, due to receive transfer mail from an incoming air carrier, shall inform his ramp personnel of any delays in scheduled departure so that scheduled transfers may be maintained when the minimum transfer time is available regardless of arrival time of the incoming trip.

(*b*) The receiving air carrier must accept mail tendered by transfer, unless the mail is not properly coded on pouch label or is not routed for delivery or transfer at a point on its routes. When an irregularity occurs and Form 2734 is presented with the mail by the delivering air carrier, the receiving air carrier must check mail with related data on Form 2734.

(c) After acceptance of transferred mail, if the trip of the receiving air carrier to which the mail was routed (*1*) is delayed more than one hour, (*2*) is canceled, or (*3*) for any other reason cannot provide the ordered service, the receiving air carrier shall obtain new routing instructions from local personnel and for transferring the mail as required.

(2) *Failures to transfer.* Postal personnel shall prepare Forms 2759, "Report of Irregular Handling of Airmail (RS–TR–3)", to report failures to transfer mail to intended connections. All pertinent facts relating to actual arrival and departure times of trips involved must be shown. Where the prescribed connection time was available and responsibility for failure to connect the mail cannot be conclusively established, fines may be assessed against both air carriers for failure to cooperate in providing proper service.

(c) *Delivery to postal representative.* Upon arrival of the plane at the stop point, air carrier representatives must immediately unload the mail and deliver it to the authorized postal representative at such point as may be designated. Maximum unloading time may be specified by the distribution and traffic manager, in the region concerned. Mail for outgoing trips must be delivered to the air carrier at the time and place authorized by the distribution and traffic manager, in the region concerned.

(d) *Disposition of mail; canceled or irregular flights.* (1) When a trip is to be canceled at the initial terminal or any point en route, the air carrier must promptly notify the local post office concerned. (Dispatch forms covering mail not enplaned must be voided if no mail is dispatched.)

(2) Disposition of mail will be in accordance with instructions of the local postal unit. If unable to obtain instructions, the air carrier will reroute the mail on the basis of the best available information. The air carrier must observe current procedures in preparing necessary forms to accomplish any rerouting and to provide for the accounting adjustments required.

(3) When it becomes necessary to transport mail to the local post office or railroad station, available regular scheduled trips of the mail messenger or vehicle service may be used. Air carriers will not be required to transport to the post office local destination mail which is received from trips operating off schedule. However, carriers are responsible for transporting to the post office or railroad station, as directed, local origin mail being returned or through mail received from canceled trips, mail dispatched to the airport for a trip which overflies the local air stop, and mail dispatched to the airport for a trip which is to overfly a scheduled downline air stop.

(4) Mail from canceled trips arriving by train to connect a resumed trip must be transported to the airport by the air carrier whose service was canceled, unless otherwise instructed by the Postal Transportation Service.

(e) *Refusals and removals of mail.* Refusals and removals of mail by an air carrier (except as provided in § 96.1(a)) may result in diversion of the mail to another air carrier and in the imposition of fines.

(f) *Form 2734, air-mail exception record.* See § 96.22.

### § 96.4 Reports.

(a) *Refusal or removal report.* When an air carrier cannot accommodate all mail offered for a trip or when mail already on board is removed, the air carrier concerned must submit Form 2760, "Refusal or Removal Report," in duplicate, to the distribution and traffic manager in whose area the refusal or removal occurs. The report must give the reason for the refusal or removal. It must contain detailed information on the mail refused, removed, and transported, and information relative to the number of passengers and other cargo, aboard the plane on departure.

(b) *Irregularly-handled mail report.* Form 2734, "Airmail Exception Record," properly completed and endorsed by the air carrier, must be used to record any mail not handled by the air carriers concerned in accordance with the routing as originally planned. An irregular handling is termed as an off loading short of or beyond the scheduled destination, and the mail is forwarded via another air carrier or turned in to the post office for redispatch, removals en route, refusals after mail is accepted by the air carrier, and transfers to an air carrier other than as ordered in dispatch forms.

(c) *Accident report.* Air carriers must make an immediate telegraph or telephone report of any accident resulting in possible damage to or loss of mail. The report must be made to the distribution and traffic manager in the area concerned. Mail should not be disturbed, except to prevent further damage. It must be guarded until the arrival of a postal official.

### § 96.5 Submission of claims.

(a) *Domestic*—(1) *Forms used.* All air carriers operating within and between the 50 United States, Puerto Rico, and the Virgin Islands and between the United States and terminal points in Canada shall use the following forms to document air transportation bills: Form 2703, Carrier's Claim for Airmail Transportation; Form 2729, Airmail Dispatch Record; Form 2733, Interline Airmail Record; Form 2734, Airmail Exception Record; Form 2730, U.S. Airmail Billing Card—Domestic; Form 2732, Monthly Summary of Airmail Carried. Note: Air carriers must provide their own supply of Forms 2703, 2730, 2732, and 2734. Samples of these forms can be obtained from the Director, Air Transportation Division, Bureau of Transportation.

(2) *Preparation of bills.* Separate Forms 2703 shall be prepared for each postal accounting period, or for such lesser period as may be agreed to by an air carrier and the Air Transportation Division, and must include all airmail transported during that period. Trunkline, local service, helicopter, intra-Hawaiian, and States-Alaska air carriers must prepare and support Form 2703 according to the procedures outlined in subchapter 360 of Handbook F–15. Intra-Alaska and Territorial air carriers must prepare and submit air transportation bills according to the instructions agreed to by the air carriers and the Air Transportation Division.

(b) *Stub end airmail claims*—(1) *Forms used.* Air carriers shall submit claims on Form 2703 "Carriers Claim for Airmail Transportation" supported with copies of Forms 2942, Delivery List of Airmail Dispatches (RS–FI–206) AV–7 bearing the signature of postal representative at the receiving exchange office. Forms 2942 AV–7 must be arranged in the same order as they are listed on machine listings or Forms 2732 "Monthly Summary of Airmail Carried."

(2) *Claims prepared on punched cards.* (i) Prepare from Forms 2942 AV–7 a continuous machine listing for each pair of cities for all trips made in a calendar month or postal accounting period. Prepare in such a manner as to develop pound totals for each segment within each trip. Listings must show the fol-

lowing information for each item of service claimed:

(a) Date of service.
(b) Route number.
(c) Trip number.
(d) Origin.
(e) Destination.
(f) Composite rate.
(g) Pounds.

(ii) List items of service in ascending date order by trip and segment and show total pounds for each segment. From these totals, prepare a brief summary showing computation of total charge for each segment; enter totals on Form 2703.

(3) *Claims prepared manually.* Prepare from Forms 2942 AV–7 "Delivery List of Air Mail Dispatches" a separate Form 2732 in triplicate for each origin point within each flight as follows:

(i) Enter route, trip number, origin code, and period of service in appropriate boxes at top of forms.

(ii) Enter stop point at exchange office of destination in the "Dest" boxes. Use letter code in ascending alphabetical order.

(iii) Enter weights in pounds (converted to pounds from kilograms as shown on Form 2942 AV–7) in appropriate "Dest" column and on line with flight date. Add totals of weights shown on each Form 2942 AV–7 for a particular destination and date.

(iv) After all entries have been made to Form 2732, add, cross-add, and cross-foot the pound columns.

(v) Enter appropriate pound rate in the "Rate" or "Miles" box. (Form 2942 AV–7's prepared at exchange offices other than at the originating point on the foreign airmail route will show on the "Carrier, flight and routing" line, the point from which the mileage shall be computed. For example, airmail billed from New York to Mexico on American Airlines flight 87 (AM–4) would show the dispatching office as New York, the airport of delivery as Mexico City, and on the routing line "DAL AAL 159" or "DAL FAM 26–159.")

(vi) Multiply the total pounds by the related rate and enter result in "Total Pound Miles" or "Charge" box.

(vii) Total all columns to determine the grand total charge for each Form 2732.

(viii) Add the grand total charge on each Form 2732 and enter these totals to Form 2703.

(c) *States; Alaska and intra-Alaska and States-Hawaii and intra-Hawaii.* Air carriers operating over States-Alaska and intra-Alaska and States-Hawaii and intra-Hawaii routes (except NWA) must prepare and submit Form 2703 in accordance with CAB rate orders and specific instructions issued by the Department.

(d) *Designated regional controllers.* (1) Domestic air carriers, other than as provided in subparagraphs (2) and (3) of this paragraph, will be paid for the carriage of domestic airmail by the regional controller, Post Office Department, in the region dispatching the airmail. The region number, mailing address, and the states included in each region are shown below:

| Region No. | Region | States |
|---|---|---|
| 6 | Regional Controller, Post Office Department, Air Claims Unit, Federal Annex Building, Atlanta 3, Ga. | Fla., Ga., N.C., S.C., Puerto Rico. |
| 1 | Regional Controller, Post Office Department, Air Claims Unit, P.O. and Courthouse, Boston 9, Mass. | Conn., Maine, Mass., N.H., R.I., Vt. |
| 7 | Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, Chicago 100, Ill. | Ill., Mich. |
| 4 | Regional Controller, Post Office Department, P.O. Box 1999, Cincinnati, Ohio. | Ind., Ky., Ohio. |
| 11 | Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, Dallas 21, Tex. | La., Tex. |
| 14 | Regional Controller, Post Office Department, Air Claims Unit, Federal Center, Building 56, Denver 21, Colo. | Ariz., Colo., N.M., Utah, Wyo. |
| 13 | Regional Controller, Post Office Department, Air Claims Unit, 161 Jefferson Avenue, Memphis 31, Tenn. | Ala., Miss., Tenn. |
| 9 | Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, Minneapolis 40, Minn. | Minn., N.D., Ark., S.D., Wis. |
| 2 | Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, New York 1, N.Y. | N.Y. |
| 3 | Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, Philadelphia 1, Pa. | Del., N.J., Pa. |
| 15 | Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, Portland 8, Oreg. | Mont., Idaho, Oreg., Wash. |
| 5 | Regional Controller, Post Office Department, Air Claims Unit, Parcel Post Annex, Richmond 19, Va. | D.C., Md., Va., W. Va. |
| 12 | Regional Controller, Post Office Department, Air Claims Unit, San Francisco 19, Calif. | Cal., Nev. |
| 8 | Regional Controller, Post Office Department, Air Claims Unit, 5709 Waterman Boulevard, St. Louis 12, Mo. | Ark., Iowa, Mo. |
| 10 | Regional Controller, Post Office Department, Air Claims Unit, 1626 George Washington Boulevard, Wichita 25, Kans. | Kans., Nebr., Okla. |

(2) Helicopter carrier bills will be settled by the following regional controllers, Post Office Department:

| *Paying regional controller* | *Carrier* |
|---|---|
| Chicago | Chicago Helicopter Airways. |
| San Francisco | Los Angeles Airways. |
| New York | New York Airways. |

(3) Alaska, Hawaii, Puerto Rico, Virgin Islands, and stub-end air carriers and those carrying "First Class and Preferential Mail by Air" will submit Form 2703 and necessary supporting documents for this service to the regional controllers, Post Office Department, designated below:

| Paying regional controller | Route No. | Carrier |
|---|---|---|
| Atlanta | 8 | Delta. |
| | 31 | National. |
| | FAM 32 | National. |
| | 59 | Caribbean-Atlantic. |
| | 98 | Southern. |
| | 121 | AAXICO. |
| Boston | 27 | Northeast. |
| Chicago | 96 | Chicago Helicopter Airways. |
| Cincinnati | 88 | Lake Central. |
| Dallas | 9 | Braniff. |
| | 81 | Central. |
| | 82 | Trans-Texas. |
| | 101 | Slick. |
| Denver | 1 | United. |
| | 29 | Continental. |
| | 73 | Frontier. |
| Minneapolis | 3 | Northwest. |
| | 86 | North Central. |
| New York | 111 | New York Airways. |
| Philadelphia | 94 | Mohawk. |
| Portland | 77 | West Coast. |
| | 128 | Alaska (Intra Alaska). |
| | 138 | Alaska (States Alaska). |
| | 122 | Alaska Coastal (Intra Alaska). |
| | 124 | Cordova (Intra Alaska). |
| | 125 | Ellis (Intra Alaska). |
| | 141 | Kodiak. |
| | 126 | Northern Consolidated (Intra Alaska). |
| | 142 | Pacific Northern (Intra Alaska). |
| | 139 | Pacific Northern (States Alaska). |
| | 20 | Pan American (States Alaska and first-class mail by air). |
| | 127 | Reeve Aleutian (Intra Alaska). |
| | 143 | Western Alaska (Intra Alaska). |
| | 123 | Wien (Intra Alaska). |
| St. Louis | 2 | Trans World. |
| | 107 | Ozark. |
| San Francisco | 13 | Western. |
| | FAM 36 | Western. |
| | 33 | Hawaiian. |
| | 76 | Pacific. |
| | 84 | Los Angeles. |
| | 99 | Aloha. |
| | 100 | Flying Tiger. |
| | 105 | Bonanza. |
| Washington (Regional Controller, Richmond, Va.). | 5 | Eastern. |
| | FAM 33 | Eastern. |
| | FAM 35 | Eastern. |
| | 14 | Capital. |
| | 87 | Piedmont. |
| | 97 | Allegheny. |
| | 120 | Riddle. |
| Wichita | 4 | American. |
| | FAM 26 | American. |

NOTE: Each air carrier must file with the appropriate regional controller the name of the person or persons authorized to sign the Form 2703.

### § 96.6 Irregularities, deductions, and fines.

(a) *Irregularities.* Irregular handling of mail by airline carrier personnel shall be reported on Form 2759, "Report of Irregular Handling of Airmail," by the postal employee who observes the irregularity or who is informed of irregular performance through receipt at a postal unit of the post office accounting copies of Form 2734, "Airmail Exception Record," prepared by the air carrier. See § 96.25. Listed below are the types of irregularities that will be reported.

(1) Damage to mail or equipment while in the custody of an air carrier.
(2) Failure to load.
(3) Failure to unload.
(4) Carried by. Any overcarries on interchange trips involving mail for the interchange point or connection mail due off at the interchange point will be charged to air carrier from whom received. If another air carrier was actually responsible for the mishandling, the air carrier receiving Form 2759 report may forward the form to the other carrier and notify the distribution and traffic manager concerned of the referral.
(5) Loaded in error.
(6) Removed in error.
(7) Failure to transfer.
(8) Delayed delivery to postal unit.
(9) Refusals and removals. See § 96.21(a) for regulations regarding airmail priority.
(10) Failure to notify postal authorities. See § 96.2. Includes instances when a carrier has failed significantly to cooperate by not giving notice of nonoperation of scheduled service or of late operation, resulting in additional motor vehicle or mail messenger costs.
(11) Repetitive infractions. Report serious infractions involving irregularities of a repetitive nature which may necessitate assessment of more substantial fines than usual. Includes deficiencies in air carrier operations that have an adverse effect on the airmail service and that have not been corrected despite repeated efforts to secure the necessary remedial action.

(b) *Deductions.* Form 2734 provides for the adjustment of compensation for service ordered and paid for but not performed.

(c) *Fines.* Air carriers transporting mail must observe all applicable postal laws and all applicable regulations issued by the Post Office Department. Air carriers may be subject to fines and deductions for failure to comply therewith.

### § 96.7 Correspondence concerning air service.

(a) *Local matters.* Correspondence on local operations matters of mutual concern shall be handled directly between the local carrier and local air stop postal unit heads or field service representatives concerned. Matters coming within the scope of paragraph (b) of this section shall be referred to the distribution and traffic manager concerned.

(b) *Regional matters.* Correspondence to and from air carriers relating to policy matters, airline schedules, operational matters, fining procedures, quarters, mileages and transport rates, irregularities and changes in dispatch billing procedures and forms, omissions and failures of carriers to perform required service, division of mail between carriers, service requirements, actions involving CAB orders and rulings, experimental airlift of preferential mail, and other matters of regional nature shall be conducted by the distribution and traffic managers within the scope of regional delegations. Only those matters of these types that are of interregional impact or of departmental concern as specified elsewhere in regulations and those matters which the distribution and traffic manager considers will require departmental decision shall be forwarded to the Department.

### § 96.8 Definitions.

(a) Applicability: This subpart applies to air carriers engaged in transporting air mail and air parcel post in Interstate Air Transportation.

(b) As used in Subparts A, B and C of this part:

(1) "Air Carrier" means a citizen or company of the United States authorized by the Civil Aeronautics Board to engage in interstate air transportation.

(2) "Interstate Air Transportation" means the carriage of mail by aircraft between a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States or between places in the same territory or possession of the United States, or the District of Columbia.

(3) "Mail" means United States or foreign transit mail.

NOTE: The corresponding Postal Manual sections are 531.1 through 531.8.

## Subpart B—Air Star Route Service

### § 96.12 Description.

Air star route service is established and operated under contracts for air transportation of any and all classes of mail in areas where such service is in the public interest between points where the Civil Aeronautics Board has not authorized the transportation of mail. The service may be justified by the nature of the terrain or the impracticability or inadequacy of surface transportation. Air star route contracts are awarded by the Postmaster General when the cost is considered reasonable and compatible with the service to be provided.

### § 96.13 Contracts.

(a) *Obtaining bids*—(1) *Advertisements.* After obtaining a certification from the Civil Aeronautics Board that the proposed route does not conflict with the development of air transportation, an advertisement is issued by the Department inviting proposals for air transportation of mail between the points and on the terms stated. Copies of the advertisement are furnished to postmasters for posting at terminal offices.

(2) *Requirements of bidders.* Bidders must meet the following requirements:

(i) *Eligibility.* (a) No proposal for a contract for air star route service shall be considered unless the bidder is a resident of, or is qualified to do business as a common carrier by air, in a State within which one or more points to be served under the proposed contract are located. The term State as used here includes the several States, and the District of Columbia.

(b) For further eligibility requirements, see § 94.3(c)(2)(i) of this chapter.

(ii) *Bonds.* See § 94.3(c)(2)(iii) of this chapter.

(3) *Obtaining proposal forms.* See § 94.3(c)(5) of this chapter.

(4) *Submitting bids.* See § 94.3(c)(6) of this chapter.

(b) *Award of contract.* See § 94.3(d) of this chapter.

(c) *Application of contract regulations.* Where there is no conflict, all laws and regulations governing surface star routes in general apply to contracts made under the air star route law.

(d) *Payments.* See § 94.3(h) of this chapter.

(e) *Cancellation of air star route contract.* A contract shall be canceled by the Post Office Department upon the issuance by the Civil Aeronautics Board of an authorization to any air carrier to engage in the transportation of mail by aircraft between any of the points named in the air star route contract.

### § 96.14 Protection of mail.

The contractor is required to take all necessary steps to protect the mail in accordance with the terms of the advertisement.

### § 96.15 Reports and records.

Postmasters at terminal points must maintain such records and submit such reports as may be directed by the distribution and traffic manager.

NOTE: The corresponding Postal Manual sections are 532.1 through 532.4.

## Subpart C—Forms and Procedures for Dispatching Airmail

### § 96.19 Form 2729, airmail dispatch record.

(a) *Description.* Form 2729 covers airmail dispatched to all domestic air carriers operating within the fifty United States, Puerto Rico, and the Virgin Islands and to Canada. It is the basic document from which payment to the original carrier of dispatch is calculated.

(b) *Preparation*—(1) Who prepares. The form is prepared in four-part sets by the designated clerk at the airport mail facility or, at nonairport mail facility points, by the dispatching clerk at the post office.

(2) *Trip identification*—(i) *Route number.* Enter the route number of the air carrier to which the mail is dispatched.

(ii) *Trip number.* Enter the trip number of actual dispatch.

(iii) *Origin trip date.* Enter the scheduled date of origin of the trip.

(iv) *Today's date.* Enter the date on which the trip of dispatch is scheduled to depart from your airport.

(v) *Origin code.* Enter the official airline code of the airport from which the mail is due to be dispatched. If more than one postal unit prepares Form 2729 for dispatch through the same airport, use the airport code followed by the first letter of the dispatching post office: For example show Alcoa, Tennessee, as TYS–A.

(3) *Routing*—(i) *Destination.* (a) Using the States dispatch scheme and other applicable pouching instructions, enter in code the final airline destination of the dispatches.

(b) Show each destination in station order of removal from the original trip of dispatch. Listing from left to right, use a separate block for each destination. Continue the listing in the second row of blocks, if necessary.

(c) Enter under the proper destination mail which is labeled to that point, mail which is scheduled to continue from that point by surface transportation, and mail for another air carrier when the

transfer is to be effected through the airport mail facility. Use the individual actual weights indicated on the labels of pouches, sacks, and outside parcels except where permission has been granted to bulk weigh mail on platform scales direct to the air carrier. Enter the total pouches and total weight of each weighing when bulk weighing is permitted and when making bulk entries other than bulk weighing. Do not identify pouches, sacks, outside parcels, or register as such on this form.

(ii) *Transfer point and connection.* Enter in code according to the scheduled routing:

(*a*) Stations served by trip of dispatch. Enter only the destination.

(*b*) Stations served by the air carrier dispatch but not by the trip of dispatch. Enter the destination and the first transfer point.

(*c*) Routing involving connection to a trip of another air carrier. Enter the destination and the interline transfer point, plus the route and trip numbers of the second air carrier. This applies also to interchange trips.

(*d*) Routing via two trips of initial air carrier, plus trip of another air carrier. Enter the destination, the first intraline transfer point, and the interline transfer point, plus the route and trip numbers of the second air carrier.

(*e*) Routing involving two interline transfers after air carrier of initial dispatch. Enter the destination and the interline transfer point, plus the route and trip numbers of the second air carrier. The service to be performed by the third air carrier must be shown on Form 2733, "Interline Air Mail Record." (See § 96.21 of this chapter for instructions on preparation of Form 2733.)

(4) *Equalization dispatches.* (i) Trips due to carry equalized destination mail are identified in the airmail States dispatch scheme by an *x*, in parentheses, ahead of the trip listing. Following the trip of dispatch, the equalized destinations are identified by an *x*, in parentheses, preceding the letter code of the destination. An *x*, in parentheses, will also appear between the letter code of the transfer point and the route number of the interline carrier. This indicates the need for an equalized Form 2733 for the carrier receiving the mail at the transfer point. The following is an example of an equalized dispatch from MKC to CLE via AM 9–40 as it would appear in the MKC States Dispatch Scheme:

(*x*) 9–40 (*x*) CLE mdw (*x*) 14–800
(1) (2) (3)

(1) Indicates equalized trip.
(2) Identifies equalized destination.
(3) Indicates need for special Form 2733 for 14—800.

(ii) Forms 2729 must be identified as follows: When schemes show an *x* in parentheses at (1) and (2), as in the example in subdivision (i) of this subparagraph, an *x* will be inserted in the *E* block on the "conn" line for the equalized destination; i.e., CLE.

(5) *Completion.* (i) Total the pieces and weights for each column, even if more than one column is used to list the mail dispatched to the same destination.

(ii) Total the subtotals of all columns, and enter in the "Grand Total" space.

(iii) Recap all columns under the actual destinations served by the trip of dispatch. Enter each airport served, with the appropriate total, in the right-hand column.

(iv) Total the *Recap* column, and verify against the previously entered *Grand Total.* If more than one form has been used, the *Recap* and *Grand Total* entries must appear on the final form. (See subparagraph (6) of this paragraph.)

(v) At nonairport mail facility points, the post office employees preparing Form 2729 will not total the "Dest," "Recap," and "Grand Total" columns if the mail messenger or motor vehicle service driver picks up additional mail at the railroad station or other postal unit en route to the airport. On arrival at the airport, the mail must be weighed and proper entry must be made on Form 2729 by the messenger or driver. This instruction applies also to Form 2733, if involved.

(vi) Below the "Grand Total" space, enter the total number of sets of Forms 2733 prepared for the interline transfers scheduled to be made from the trip.

(vii) In the "Mail Ready" space, enter the time at which the mail and forms are ready for delivery to the air carrier at the airport. At nonairport mail facility points, this time must be entered by the mail messenger or vehicle service driver. The messenger or driver must obtain the signature of the receiving air carrier representative at the time the mail is delivered.

(6) *Continuation forms.* If the volume of mail is too large to be listed on one Form 2729, use a new numbered form, line through but do not obliterate the printed number, and write in the serial number of the first form. Number the sets consecutively, identifying the last by adding *x* after the number.

(c) *Labeling pouches, sacks, and outsides.* Pouches, sacks, and outside parcels listed on Form 2729 must be identified so that airline and postal personnel handling the mail enroute can provide the transportation ordered by the dispatching office. Before delivering the mail to the air carrier prepare the labels of pouches and sacks to indicate final airline destination and the route over which it is to travel. Attach Label 53, "Airmail Parcel Routing Sticker," for each air parcel dispatched outside. The information on pouch and sack labels and Label 53 for outside parcels must coincide with the corresponding entries on Form 2729 as follows:

(1) For mail billed to the final destination over the routes of two or more air carriers, enter on pouch or sack label in airline code the inter-line transfer points and the route and trip number of the connecting air carrier at these points. Show this information in the left center of the label between the destination and from lines. Enter the same information in the "Transfer point" block on Label 53 for outside parcels.

*Example.* Mail from Toledo to AMF Houston Tex via AM88 for transfer to AM 14 at Detroit and AM 5 at Atlanta will be labeled as follows:

*Pouch or sack label*

| |
|---|
| AMF HOUSTON TEX<br>YIP 14-883 ATL 5-345<br>Fr Toledo, Ohio 30 |

*Outside parcel (label 53)*

| Tr. Pt. | Billed to— | Wt. |
|---|---|---|
| YIP 14-883 ATL 5-345. | (HOU)---------- | 15 |

(The figure on the right of the label represents the weight of the pouch (or sack).)

(2) For mail billed to the final destination over the routes of a single air carrier, no transfer point codes or route numbers will be used on the pouch and sack labels or on Label 53 for outside parcels.

*Example.* Mail from Zanesville, O., to AMF Cincinnati, O., via 88–816:

*Pouch or sack label*

| |
|---|
| AMF CINCINNATI, O.<br>Fr Zanesville O. 30 |

*Outside parcel (label 53)*

| Tr. Pt. | Billed to— | Wt. |
|---|---|---|
| | (CVG)---------- | 15 |

(3) For mail billed to an air stop point other than the actual destination on the pouch and sack labels or on Label 53 for outside parcels, enter in code the point to which billed on Form 2729, in brackets, on the same line after the address on the pouch and sack label. Enter in the "Billed to" block on Label 53 the code for the point to which billed on Form 2729. Use the same procedure as that for pouch and sack labels for entry of transfer point and route number, if required.

*Example.* Mail from Cincinnati, O. to Jamestown, N.D. via AM 8–422, billed to AMF Minneapolis.

*Pouch or sack label*

| |
|---|
| JAMESTOWN, N.D. (MSP)<br>MDW 3-411<br>Fr Cincinnati, O. 10 |

*Outside parcel (label 53)*

| Tr. Pt. | Billed to— | Wt. |
|---|---|---|
| MDW 3-411---------- | (MSP)---------- | 5 |

(4) Weigh each pouch, sack, and outside parcel. Record the weight on the pouch and sack label (see example in subparagraph (1) of this paragraph), on the Label 53 for outside parcels, and on the Form 2729 in even pounds. When weighing, ignore fractions of a pound of



8 ounces or less. Add one pound for fractions over 8 ounces.

Example:

| Actual weight | Weight shown on label |
|---|---|
| From 1 oz. to and including 1 lb. 8 oz.-- | 1 lb. |
| Over 1 lb. 8 oz. to and including 2 lb. 8 oz.---------- | 2 lb. |

(d) *Distribution of copies*—(1) *First and second copies.* Deliver to the air carrier with the mail. (If voided or mutilated, do not deliver to air carrier but combine with third copy and send to regional controller.)

(2) *Third copy.* Send to the designated regional controller daily. Include the third copies of all forms that have been voided, mutilated, etc. Since all of these forms are serially numbered, they must be accounted for. *Note*—At nonairport mail facility points, the first three copies of Form 2729 must accompany the mail: After obtaining the carrier's signature, the mail messenger or vehicle service driver must return the third copy to the post office.

(3) *Fourth copy.* This is the dispatching office copy. Enter the actual departure time (as provided by the air carrier) in the proper space, and file.

NOTE: In the Alaskan Service, Form 2713–A "Alaskan Airmail Dispatch Record" is used in lieu of the dispatch list.

### § 96.20 Form 2713–A, Alaskan airmail dispatch record.

(a) *Description.* Form 2713–A is used at all postal units served by intra-Alaska air carriers for recording the dispatch of mail. (See § 96.5(d)(3).)

(b) *Preparation.* Postal clerks at air stop post offices shall prepare Form 2713–A in three-part sets, as follows:

(1) *Route number.* Enter the route number of the air carrier to which the mail is to be dispatched.

(2) *Trip number.* Enter the number of the carrier's trip or flight as shown in the schedule designated for airmail transportation.

(3) *Carrier.* Use the letter code of the airline.

(4) *From post office at.* Use the alphabetical code of the airport serving your office. (For proper three-letter code, see Airmail Scheme.)

(5) *Month, day, year.* Enter the date mail is given to air carrier.

(6) *Time.* Enter time when mail was delivered to carrier representative.

(7) *Mail for unloading at.* Enter the codes of air stops which are served by the trip to which mail is dispatched. Enter only those points designated for service.

(8) *Pieces.* Enter the total number of pouches, sacks, and outside parcels for each destination.

(9) *Weight.* Enter the total weight of pouches, sacks, and outside parcels for each destination.

(10) *Totals.* Add number of pieces and enter total under Pieces column; add weights and enter total in the Weight column. Verify total pieces with mail count.

(11) *Postmaster.* The postmaster shall sign form in space provided, or when postmaster is not available, the postal clerk shall sign the postmaster's name, and initial.

(c) *Delivering mail and Form 2713–A to air carrier.* The dispatching clerk shall deliver mail and all three copies of Form 2713–A, with carbon paper in place, to the messenger for delivery to the airport.

(d) *Verification and correction by air carrier representative.* (1) When the air carrier representative receives the mail from the messenger, the carrier will count pieces of mail received, compare with total shown on the Form 2713–A and, if in agreement, sign the form in the space provided and add his airline's code, retain copies 1 and 2, and return copy 3 to the messenger.

(2) When not in agreement, the carrier will process as follows:

(i) If pouches are listed but not received, cross out the individual listing and grand total. Insert correct adjacent totals.

(ii) If mail is received but not listed, insert weight of each pounch on the proper destination line and amend totals.

(iii) In either event, note facts prominently on Form 2713–A in any blank space. Advise messenger of any discrepancy.

(iv) Make all corrections to Form 2713–A before the carbon paper has been removed.

(v) After corrections have been made, sign and dispose of Form as indicated in subparagraph (1) of this paragraph.

(e) *Postal unit file copies.* When the messenger returns copy 3 to the postal unit, that office shall file the copy by date order for future reference.

(f) *Canceled flights.* When a flight is canceled after mail and related Form 2713–A have been delivered to the air carrier, the mail and all three copies of Form 2713–A will be returned to the post office. The post office shall then destroy copies 1 and 2 of Form 2713–A, note copy 3 to show flight canceled, and file.

### § 96.21 Form 2733, interline airmail record.

(a) *Description.* Form 2733 covers mail due to be transferred from the original air carrier of dispatch to another air carrier. It is the basic document from which payment to the transferee air carrier is calculated. The form must not be used for intraline transfers. Entries on Form 2733 are taken from the Form 2729 which covers the original shipment. When the routing involves two air carriers after the original dispatch, a separate Form 2733 is required for each subsequent air carrier.

(b) *Preparation.* Show the following information under the appropriate headings:

(1) *Serial number.* Copy from Form 2729.

(2) *Origin code.* Follow the instructions in § 96.19(b)(2)(v).

(3) *Route number.* Enter the route number of the air carrier to which the mail is dispatched.

(4) *Trip number.* Enter the trip number of actual dispatch.

(5) *Origin trip date.* Enter the scheduled date of origin of the trip.

(6) *Transfer point.* Enter the code of the airport at which the interline connection is to be made.

(7) *Routing.* Enter the route and flight number of the air carrier to which the mail is to be transferred.

(8) *Destination.* As applied to this form, destination is defined as the offloading point (either for delivery to the post office or for transfer to another air carrier). Enter the codes of the airports served by the trip, also the codes of airports served by connecting trips of the same air carrier for which mail is available.

(9) *Pieces and weight.* Enter the mail by totals (obtained from Form 2729) for each of the destinations involved. Include any mail for connection to a trip of another air carrier.

(10) *Grand total.* Enter the total of pieces and weights listed. For instructions regarding exceptions to this step, see § 96.19(b)(5)(v).

(c) *Equalization dispatches*—(1) *From equalized origin points.* When an *x*, in brackets, appears immediately preceding the interline transfer route and trip designation on the States dispatch scheme, a Form 2733 will be prepared listing only equalized destination mail for transfer to the same air carrier at the indicated point. On these forms, an *x* will be inserted in the E block between the "Transfer Point" and the "Routing."

(2) *From nonequalized origin points.* Mail from these points does not become equalized until it enters the system of another air carrier who is a party to an equalized agreement at an equalized origin point on his route. Separate Forms 2733 will be prepared to provide transportation over the routes of the equalizing air carriers as follows:

(i) *For first equalizing air carrier.* (*a*) Insert *x* in "E" block after "Transfer Point." (See paragraph (b) of this section.)

(*b*) Insert equalized destination in brackets after the destination on this air carrier. (List only equalized mail on this form.)

(ii) *For second equalized carrier.* (*a*) On the first "Transfer Point" line, insert code of equalized origin.

(*b*) On second line, show usual information, and in addition insert an *x* in the "E" block. (List only equalized mail on this form.)

(d) *Interchange trips.* (1) Mail moving over more than one airmail route on one aircraft must be properly identified on Form 2733. No terminal charge is due at the interchange point, as mail remains on board the aircraft. To enable post office accounting personnel to properly identify this mail, dispatching postal clerks must insert an I in the "E" block of Form 2733 for the air carrier who is not due to receive a terminal charge.

(2) Scheme clerks, who prepare the States dispatch schemes in the office of the distribution and traffic manager, will insert an "I" in brackets following the interchange point as listed on the scheme. States dispatch scheme would appear as follows for dispatch of MIA mail from PDX:

| Transportation covered by— | 1–678 / Form 2729 | MIA | lax 4–966 / Regular Form 2733 | dal(I) 8–966 / Identified Form 2733 | may(I) 31–966 / Identified Form 2733 |
|---|---|---|---|---|---|

(e) *Distribution of copies*—(1) *First and second copy.* Deliver to air carrier along with first and second copy of related Form 2729 and the mail.

(2) *Third copy.* Retain, staple to the upper left corner and on top of the related third copy of Form 2729, and send to the designated regional controller's office daily.

**§ 96.22 Form 2734, airmail exception record.**

(a) *Description.* Form 2734 provides a source of information as to the actual movement of airmail that does not move via the original schemed routing. It also provides a means of making accounting adjustments since it serves (1) as the basis for deduction of payment for scheduled services not performed and (2) as the basis for payment for new services ordered. See paragraph (d) of this section for specific types of irregularities.

(b) *Preparation*—(1) *Who prepares.* The delivering air carrier must prepare five copies of Form 2734 to cover the irregularities outlined in paragraph (d) of this section. The form will be prepared in a few instances at airport mail facilities, or post offices, when the air carrier fails in his responsibility.

(2) *Completion of form.* Form 2734 must clearly describe transportation originally designated by the dispatching postal unit but which was not performed. The Form 2734 is always prepared at the city where the first deviation in the routing of the mail is known. These forms are printed and furnished by each carrier involved. General instructions for completion of the form are printed on the reverse side of the fifth copy of the form. In addition, the following instructions must be followed:

(i) *Route numbers, City code, and Form serial number.* The first line directly under the printed name of the airline indicates three things:

(*a*) Numerical airmail route number assigned to the air carrier by the U.S. Government. This number will be preprinted on the form.

(*b*) The three-letter alphabetical city code of the city at which the irregularity occurs and where the form is prepared. This city code designator must be inserted by the airline preparing the form.

(*c*) The serial number of the form. This number will be preprinted on the form and is provided to permit checking of differences between Postal Service and air carrier records. The maximum number of digits is five.

(ii) *Route-Trip-Date.* (*a*) On the second line are blocks for the airmail route number and trip number of the air carrier from whose flight the mail covered by the form was received. If mail was not boarded, this is the route and trip to which the mail was billed for dispatch. The date on which the flight, from which mail was received, was scheduled to originate will be indicated in the "Scheduled Origin Date Block."

(*b*) The equalization box will not be used unless it appears on the related Form 2729, "Airmail Dispatch Record," or 2733, "Airmail Exception Record," in which case an *x* will be inserted. Any voided Forms 2733 must be attached to the related Forms 2734.

(iii) *Routing shown on pouch label.* (*a*) *Transfer point route number.* There may be two or more transfer points-route numbers shown on a pouch label or an outside piece(s) label. Form 2734 is provided for the purpose of showing only that portion of the original scheduled routing which was not completed. If a transfer point shown on the pouch label is overflown, the overflown transfer point and the remaining transfer points, if any, must be shown.

(*b*) *Destination.* Enter alphabetical code of actual destination. If the destination is followed by a bracketed "billed" destination, then this should be entered instead. Pouch labels with the same destination and incompleted routing may be grouped in one entry.

(iv) *Amount of mail.* The amount of mail, pieces, and weight for a common destination may be combined when they have the same incompleted routing as shown on the labels.

(v) *New routing.* The air carrier destination is the city (alphabetical code) to which the air carrier shown in this section is to carry the mail. Likewise, the Route and Trip Number to be inserted in this section are the airmail numerical route number of the air carrier which is to transport the mail and that air carrier's trip number.

(vi) *Reason for preparation.* Specific boxes have been provided for nine of the most common reasons for preparing Form 2734. Whenever the form is prepared because of one of these nine basic reasons, the box opposite the reason for preparation must be checked. Explain other reasons not listed.

(vii) *Signature.* The signature of the representative of the air carrier or of the Post Office Department who receives the mail, followed by the air carrier or Post Office Department station code; and the time (24-hour clock time) the mail is received by the air carrier or the Postal Service must be entered on the form.

(c) *Distribution of Form 2734.* Normal distribution of the five copies is printed on each copy of the form. The only deviations from this normal distribution are:

(1) When the receiving and delivering air carrier are the same. Staple the receiving and delivering air carriers' billing copies together.

(2) When mail is delivered to the Postal Service by Form 2734. Retain the second copy, and turn in all other copies to the postal unit.

(d) *Irregularities requiring preparation of Form 2734.* (1) The following irregularities must be reported on Form 2734 when mail involved is delivered to Postal Service at other than destination, or delivered to an air carrier not specified in the original billing.

(i) Part of mail not boarded.

(ii) Carry by and/or overfly.

(iii) Removed short of air carrier destination in error.

(iv) Missed a scheduled interline connection.

(v) Missed a scheduled intraline connection.

(vi) Mail boarded in error.

(2) Additional irregularities requiring Form 2734 preparation are:

(i) Cancellation of flight:

(*a*) Where only part of mail is delivered to Postal Service.

(*b*) Where part of mail is given to another air carrier for transportation to destination.

(ii) Overfly of transfer point to next air carrier destination.

(iii) Missing papers.

(iv) Truck haul by air carrier: only when mail is trucked to a point more distant from the ultimate destination than the point from which trucked.

(v) Mail received on Form 2942, Delivery List of Air Mail Dispatches, and requiring domestic billing.

(e) *Irregularities that do not require preparation of Form 2734.* (1) Part of mail not boarded—forwarded to destination by the air carrier which received and failed to board the mail.

(2) None of mail received from Postal Service boarded—returned to postal unit with all copies of the Forms 2729 and 2733. The postal unit will destroy Form 2733 and void all copies of Form 2729.

(3) Carry by and/or overfly—returned to destination by the air carrier which carried the mail by or overflew the destination.

(4) Removed short of air carrier destination—forwarded to destination by the air carrier which removed the mail short.

(5) Missed a scheduled interline connection—rerouted to the same destination via a different trip number of the same connecting air carrier as shown on the pouch label or the Form 2733.

(6) Missed a scheduled intraline connection—rerouted to the same destination via a different trip but on the same air carrier.

(7) Boarded in error—returned or forwarded to destination by the air carrier which boarded the mail in error.

(8) Cancellation of flight—all local boarding mail returned to the Postal Service with the Forms 2729 and 2733.

(9) Mail does not agree with Form 2729. At nonairport mail facility stations, the air carrier must make correction to all copies of Form 2729 as specified in § 96.3(a)(2).

(f) *Review of Forms 2734.* The postal units shall carefully review all Forms 2734 and, in questionable cases, shall make prompt inquiry to determine that instructions are being followed by air carriers.

**§ 96.23 Form 2753, receipt to airline.**

(a) *Description.* Form 2753 is a receipt to air carriers for mail delivered to postal units other than airport mail facilities. It is not used for mail that is delivered with Form 2734. (See § 96.22.)



(b) *Preparation.* (1) The form will be prepared in triplicate by the air carrier agent with all pertinent information indicated.

(2) Postal personnel of the receiving unit will count the pieces of mail delivered by each trip, check the count against the airline employee's count, and enter the post office total count on the form for the air carrier involved. Labels are to be examined to determine that mail delivered by the air carrier is addressed or coded for delivery to the receiving unit. To the extent possible, and without delaying the mail, receiving clerks shall determine whether all the mail is due to be received via the route and trip of delivery.

(3) If a discrepancy exists in the post office and airline count, immediate action shall be taken with the airline operations office to ascertain the reason for the discrepancy and whether additional mail may be found at the airline ramp or elsewhere.

(4) The first copy of the form shall be delivered to the mail messenger or vehicle service driver with the mail. The messenger or driver must sign and return it to the air carrier as a receipt.

(5) The second and third copies of the form are to be delivered to the post office with the mail. The post office clerk must sign both copies, returning the third copy to the messenger or driver as his receipt.

**§ 96.24 Form 2753–a, mail delivery receipt.**

(a) *Description.* Form 2753–a is a receipt for mail delivered to airport mail facilities. When the volume of mail justifies, distribution and traffic managers may authorize postmasters at air stop post offices to use Form 2753–a, instead of Form 2753. Form 2753–a is not used for mail that is delivered with Form 2734. (See § 96.22.)

(b) *Preparation.* (1) Airport mail facility personnel will prepare a 24-hour Form 2753–a in duplicate to record all mail deliveries from the air carrier. Where an exceptionally large number of trips are involved for any one air carrier, separate forms may be prepared for each tour of duty.

(2) Postal personnel of the receiving unit will count the pieces of mail delivered by each trip, check the count against the airline employee's count, and enter the post office total count on the form for the air carrier involved. Labels are to be examined to determine that mail delivered by the air carrier is addressed or coded for delivery to the receiving unit. To the extent possible, and without delaying the mail, receiving clerks shall determine whether all the mail is due to be received via the route and trip of delivery.

(3) If a discrepancy exists in post office and airline counts, immediate action shall be taken with the airline operations office to ascertain the reason for the discrepancy and whether additional mail may be found at the airline ramp or on board the aircraft.

(4) The original copy of the form shall be signed and delivered to the air carrier's agent as a receipt.

(5) The duplicate copy of the form shall be retained in the airport mail facility files.

**§ 96.25 Form 2759, report of irregular handling of airmail (RS–TR–3).**

(a) *Description.* Form 2759 is used as a basis for brief against an air carrier for irregular handling.

(b) *Preparation.* Postal employees must prepare Form 2759, in quadruplicate, immediately to report any air carrier irregularities in handling mail or mail equipment involving refused, removed in error, loaded in error, failed to load, not transferred, carried by, delayed delivery, damage, including weather damage due to negligence on the part of the carrier, or other irregularity requiring remedial action. When mail is damaged by inclement weather, report only those bags and outside pieces actually wet or otherwise damaged. Do not prepare forms to cover irregular receipt due to weather conditions. Furnish all data required. If the accuracy or completeness of the facts are uncertain, get additional information from the local representative of the carrier involved. When Forms 2759 are prepared to report Loaded in Error mishandling, the air stop postal unit shall reproduce the coding shown on the related pouch label on Form 2759. The coding shall be shown under the heading Explanation of Mishandling and Cause, If Known.

(c) *Review.* The unit supervisor (or relief in his absence) must review each Form 2759, as soon as possible after its preparation. This review shall (1) assure inclusion of all information necessary to evaluation and (2) determine that the report does not cover an irregularity clearly not chargeable to failure, negligence, or oversight of carrier personnel. Careful review and withdrawal of reports of irregularities not properly chargeable to a carrier will eliminate the carrier's and the distribution and traffic manager's handling of unnecessary reported cases (such as overcarry due to weather, mechanical failure, or irregularities resulting from incorrect routing instructions on Form 2729, pouch label, or parcel sticker).

(d) *Distribution*—(1) *Reports covering incidents chargeable to carrier.* Send original and first copy to the distribution and traffic manager having jurisdiction over the reporting unit, send the second copy to the local station manager of the carrier concerned, and retain the third copy in files.

(2) *Reports covering incidents not chargeable to carrier.* Staple the first and second copies together and forward them to the distribution and traffic manager and retain the third copy in files.

**§ 96.26 Applicability of forms and procedures.**

(a) *Airmail.* The forms and procedures described in this part are applicable to all domestic air carriers on all their routes within and between the fifty United States, Puerto Rico, and the Virgin Islands (but not for mail originating at or intended for destinations beyond).

(b) *Emergency first-class mail by air.* In the dispatch of first-class mail by air under *emergency* conditions, the forms described in this part will also be utilized. However, separate forms should be used and prominently endorsed *First-Class Mail.*

(c) *Mexico and Cuba.* Procedures for airmail routes to and within Mexico and Cuba are covered by special instructions.

NOTE: The corresponding Postal Manual sections are 533.1 to 533.8.

## Subpart D—International Air Transportation

**§ 96.30 Authority.**

(a) *Applicability.* This subpart applies to air carriers and foreign air carriers engaging in overseas or foreign air transportation of mail on FAM numbered routes assigned by the Post Office Department to the extent noted herein, and supplement the provisions of the Convention of the Universal Postal Union.

(b) As used in this subpart:

(1) "Air Carrier," also called American Flag Carrier, means any citizen or company of the United States authorized by the Civil Aeronautics Board to engage in overseas or foreign air transportation.

(2) "Foreign Air Carrier," also called Foreign Flag Carrier, means any individual or company not of the United States authorized by the Civil Aeronautics Board to engage in foreign air transportation.

(3) "Carrier" means both air carrier and foreign air carrier.

(4) "Overseas Air Transportation" means the carriage of mail by aircraft between a place in any State of the United States and any place in a Territory or possession of the United States; or between a place in a Territory or possession of the United States and a place in any other Territory or possession of the United States.

(5) "Foreign Air Transportation" means the carriage of mail by aircraft between a place in any State, Territory or possession of the United States and any place wholly outside thereof.

(6) "Mail" means United States and foreign-transit mail.

(c) *Authority to engage in air transportation*—(1) *American flag air carriers.* Air carriers shall not engage in air transportation unless a certificate has been issued by the Civil Aeronautics Board authorizing them to do so. Each such certificate states the terminal points and intermediate points, if any, between which the air carrier is authorized to engage in air transportation.

(2) *Foreign flag air carriers.* Foreign air carriers shall not engage in air transportation from U.S. soil without a permit issued by the Civil Aeronautics Board authorizing such transportation.

(d) *Rules and policy.* The Department will make such rules and regulations as may be necessary for the safe and expeditious transportation of air mail by aircraft. The Assistant Postmaster General, Bureau of Transportation, will establish the policy for transportation of mail and for exchange of mail between postal employees and carriers.

(e) *Agreements.* The Department may enter into agreements with postal administrations of other countries with respect to airmail transportation. The Department may also make arrangements with foreign air carriers for the transportation of mail if they have been issued permits by the Civil Aeronautics Board.

(f) *Transportation of foreign origin mail.* Air carriers transporting mail of foreign countries are subject to control and regulation of the United States.

**§ 96.31 Carrier operations.**

(a) *Filing of schedules.* Carriers authorized to engage in air transportation shall transport mail only after filing their schedules of operations with the Department. The Department will designate the flights required for the transportation of mail and inform the carriers accordingly. No carrier shall transport mail in accordance with any schedule other than one designated or ordered to be established by the Department for the transportation of mail.

(b) *Schedule revisions.* Changes to existing schedules must be filed with the Department not less than 10 days before their effective dates. Three copies should be filed with the Director, International Service, Bureau of Transportation, Post Office Department, Washington 25, D.C., one with the distribution and traffic manager, Post Office Department, in each region concerned, and three with the claim for the mail transportation.

(c) *Flight movement.* Carriers should operate designated flights as nearly as practicable at the times indicated in published schedules. Whenever earlier or later departures are required, sufficent advance notice should be given the local postal representatives in order that appropriate adjustments may be made in the dispatch schedules.

(d) *Extra sections.* Extra sections of a designated scheduled flight may be used for the transportation of mail.

(e) *Emergency flights.* Emergency flights operated by a carrier may be used for the transportation of mail. However, carriers should not accept mail for any country served by the emergency flight if they are not authorized to serve that country regularly.

(f) *Omission of service.* If a scheduled stop is to be omitted on a designated flight, the carrier must immediately notify the local postal representatives concerned. If the service is to be suspended for one week or more, the carrier must notify the Director, International Service, Post Office Department, Washington 25, D.C., and the local postal representative at the point involved. The same officials should be notified when the service is resumed.

(g) *Canceled flights.* When a flight is canceled at the initial terminal or any point en route, the carrier should promptly notify the local postal representatives concerned.

(h) *Delayed departures.* If a flight is delayed after accepting mail and the delay is estimated to be six hours or less beyond the scheduled departure, the mail will be retained aboard the flight. If the flight is delayed over six hours, the dispatching postal unit should be informed of the delay and the probable time of departure. In such cases, the postal representative will determine whether the mail should be returned to the postal unit.

(i) *Accidents.* Carriers will immediately inform the Post Office Department, Washington, D.C., of any accident resulting in possible damage to or loss of United States mail. When an accident occurs in the United States, the distribution and traffic manager, Post Office Department, in the region concerned should also be notified. Accidents occurring outside the United States must be reported to the postal administration of the country to which the carrier belongs and to the postal administration of the country in which the accident occurs. (See § 96.33.)

**§ 96.32 Transportation of mail.**

(a) *Tender of mail.* When authorized to transport mail, carriers shall provide necessary and adequate facilities and service for its transportation and will be held strictly accountable for the proper care of mail and postal equipment while in their custody.

(b) *Priority of mail and allocations*—(1) *Priority.* Air carriers shall transport all mail available for each flight designated by the Department. If the mail available for dispatch exceeds the weight allocation or normal load, the excess shall have priority of transportation over all unconfirmed and non-revenue traffic. (See § 96.1(a)(1) for normal mail load.)

(2) *Allocations and estimates.* Weight allocations are for planning purposes to assist the Postal Service as well as air carriers to fully realize the maximum payload on each flight. Postal units will give air carriers an advance estimate of the mail anticipated for the flight, which may be above or below the weight allocation already agreed upon. If the estimate is in excess of the allocation, the air carrier may refuse the excess if confirmed traffic prevents its acceptance. If the air carrier refuses mail, Form 2759 "Report of Irregular Handling of Airmail," should be prepared for the difference between the amount accepted and the allocation or normal load. (See § 96.33.)

(3) *Backlog.* Carriers will be expected to provide sufficient lift to accommodate any backlog of mail which has accumulated due to irregular operations or cancellations.

(4) *Removal or refusal.* When it becomes necessary to reduce the load of an aircraft due to weather or other cause, the following order of removal or refusal shall prevail:

(i) Company material

(ii) Express and cargo

(iii) All categories of mail other than letters and cards (LC)

(iv) Diplomatic pouches not carried as first-class mail

(v) Company mail

(vi) LC mail after removal of all other traffic except revenue passengers with space confirmed prior to knowledge that the load must be reduced.

(c) *Delivery of mail to carriers*—(1) *Documentation.* The postal unit delivering mail must prepare the AV–7s "Delivering List of Air Mail Dispatches" listing the origin, destination, weight of the mail, and dispatch and routing instructions. One set of AV–7s must be prepared for each stop point on the flight where mail is available for transportation.

(2) *Verification by carriers.* The carriers shall verify all mail tendered for transportation against the entries appearing on the AV–7s—Mail Waybills. If an irregularity in the condition of the mail is observed at the time of acceptance, it should be brought to the attention of the postal unit before signing the AV–7s.

(d) *Delivery of mail to carriers on delayed flights and extra sections*—(1) *Delayed flights.* After flight documents have been completed for imminent departure and a delay occurs additional mail should not be accepted by carriers unless it can be done without detriment and cause no further delay in departure of the flight. Additional mail will be tendered if space is available and it will not cause removal of passengers or cargo already manifested on the aircraft documents.

(2) *Extra sections.* Mail may be conveyed on extra sections of a designated flight. Mail carried on extra sections shall be considered as having been conveyed on the regular scheduled flights for purposes of arriving at the base weight for the flight.

(e) *Transfer between flights.* Each carrier must transfer mail between its own flights whenever the transfer is shown on the AV–7s. It must transfer mail at points in the United States, its territories or possessions with domestic air carriers as directed by the Department. It must transport Form 2733, "Interline Airmail Record" from the point of despatch to the point of transfer, delivering the forms to the receiving air carrier with the mail. The receiving air carrier must accept and receipt for all mail listed on Form 2733. If the mail does not agree with the listing on the form, the delivering air carrier must prepare Form 2734, "Airmail Exception Record." Actual mail transferred must be listed by on-line destination. In case of failure to connect the trip prescribed in Form 2733, air carrier should deliver the mail, together with the forms, to the local postal unit.

(f) *Retaining mail in foreign countries.* In a foreign country, carriers may retain custody of United States civilian mail aboard a flight when the departure is delayed up to 24 hours. On delays over 24 hours, or upon cancellation, civilian mail must be delivered to the local post office for disposition. The original documents, properly endorsed, must accompany the mail. Military airmail must be held in the custody of the air carrier, and the Post Office Department, Washington 25, D.C., should be promptly requested by wire to furnish instructions for disposition. Under no circumstances should military airmail be turned over to a foreign post office or to a foreign air carrier.



(g) *Delivery of mail by carriers to postal representatives.* Upon arrival of a flight, the carrier must unload the mail and make delivery as soon as possible to the authorized postal representative at such point as may be designated.

(i) *AV–7s, Delivery list of air mail dispatches.* One copy of each set of AV–7s and additional copies which are required for receipt to the carrier must be delivered with the mail. Any irregularities must be noted on all copies of the AV–7.

(2) *No documents in the United States.* Carriers delivering mail to United States postal installations without AV–7s will obtain receipt on P.O. Form 2753 "Receipt to Airline" for all mail delivered to the postal unit. The receipt will show only the total number of pieces being delivered. If a postal unit is not located at the airport, Form 2753 must be prepared by the carrier for signature by the postal service motor vehicle driver.

(3) *No documents in foreign countries.* Carriers delivering mail to foreign postal installations without AV–7s will obtain receipt on such form as may be prescribed in that country.

(4) *Delivery of all mail aboard an aircraft.* At terminal points of flights, all mail on board the aircraft will be delivered to the postal unit unless there is an agreement to the contrary between carriers and the governments concerned.

(5) *Irregular stops.* Carriers making irregular landings in the United States due to weather or other causes may retain the mail for six hours while holding for clearance to proceed to the designated terminal point. If the flight cannot proceed within the six hours, the mail on board, together with the mail documents, shall be delivered to the local postal unit.

(h) *Irregularities*—(1) *Labels lost in transit.* When a dispatch has lost its label in transit, the carrier may transport the dispatch to its off-loading point if it can be identified from the mail documents. Otherwise, the dispatch should be delivered to a postal unit for identification and re-labeling. Receipt should be obtained by the carrier from the accepting postal unit.

(2) *Damaged mail dispatches.* When mail is discovered in a damaged condition, it should be offloaded at the first stop or at the destination of the dispatch whichever occurs first. The damaged mail should be tendered to the local post office for handling and a receipt obtained therefor.

(3) *Mail depredations.* All sealed mail containers that have been tampered with while in a carrier's custody should be surrendered immediately to the local post office with a statement of facts for action deemed appropriate according to the laws of the country where the depredations or tampering of the mail occurred.

(i) *Refusals and removals of mail.* Refusals and removals of mail by a carrier may result in diversion of the mail to another carrier and in the imposition of fines.

**§ 96.33 Mail transportation irregularities.**

(a) *Deductions and fines.* Carriers transporting mail will observe all applicable rules and regulations issued by the Department. The Department may impose a penalty against air carriers for failure to comply.

(b) *Reporting of irregularities.* It is the responsibility of postal personnel at international exchanges offices to report all instances of irregularities that come to their attention. These reports should be made on Form 2759 "Report of the Irregular Handling of Air Mail," the original and first copy of which will be sent to the distribution and traffic manager having jurisdiction over that unit; the second copy to the local station manager of the carrier concerned; and the third copy retained at the office preparing the report. Reports of irregularities not chargeable to a carrier should be forwarded to the distribution and traffic manager; with the usual copy being retained for files of the reporting unit.

(c) *Processing Form 2759.* If it is determined that a penalty is in order, the 2759 will be sent to the fining region with recommendation by the 20th of the month following that in which the irregularity occurred.

(d) *Notification to the air carrier.* The copy of Form 2759 sent to the air carrier serves as notice of the irregularity. It is not contemplated that there will be a letter of acceptance of responsibility by the air carrier. Failure to inform the distribution and traffic manager in whose region the 2759 was prepared by the 10th of the following month will be considered as an acceptance of the facts as stated in the report.

(e) *Assessing penalties.* All irregularities occurring during a month will be processed as a unit and cleared by the end of the following month. It is not intended that a penalty be imposed if the irregularity is the result of weather conditions or other circumstances beyond the control of the air carrier. The following schedule shall be used to determine the amount of each penalty:

(1) *Refusal and removal.* Air carriers using pre-determined weight allocations need not submit Form 2760 "Refusal and/or Removal of Air Mail." In such cases, an explanation should be furnished the distribution and traffic manager within 15 days after the irregularity occurs but no later than the 10th of the following month, including such facts as the weight of company material and cargo carried on the flight. Failure to accept the allocation or advance estimate, if any is given, will be analyzed to determine whether a penalty should be imposed. The basis for such penalty shall be $1 for each kilogram or fraction.

(2) *Failure to notify postal authorities.* Failure to notify postal authorities of nonoperation, late departure, additional sections, additional stops, omission of scheduled stops, etc., will be subject to a penalty if in the opinion of the distribution and traffic manager there is significant failure to cooperate. Such penalties should be in multiples of $25 for each offense.

(3) *Delayed delivery to postal unit.* Air carriers delivering mail to the postal unit at the airport in excess of the prescribed time limit shall be assessed a penalty of $3 for each piece unless appropriate explanation is furnished.

(4) *Nonreceipt of mail documents.* Air carriers delivering mail without AV–7s, "Delivery List of Air Mail Dispatches," or mail manifest will be penalized on the basis of $10 for each such occurrence unless a satisfactory explanation is given.

(5) *Serious infractions.* In the event of a serious infraction which requires punitive action not specifically mentioned herein, the distribution and traffic manager will communicate these facts to the Director, International Service, for decision.

(f) *Computing penalties.* After computing penalties for a month and the total penalties amount to $50 or less, the cases shall be filed and no penalty imposed for that month.

(g) *Appeal by air carrier.* If an air carrier should appeal the amount of the penalty on any particular irregularity, all papers should be forwarded to the Director, International Service, for review.

(h) *Notification to the office settling the accounts.* The distribution and traffic manager will advise the office settling the accounts as indicated below, the total deduction to be made from mail pay due the air carrier. A copy of such advice should also be sent to the Director, International Service. Also a copy should be sent to the air carrier concerned, together with a copy of Form 2759 "Report of the Irregular Handling of Air Mail," on which penalties have been assessed.

| Name of carrier | Route No. | Region assessing fines | Office settling accounts |
|---|---|---|---|
| American Airlines, Inc | FAM 26 | Fort Worth | Reg. Controller, Wichita. |
| Braniff Airways, Inc | FAM 34 | Fort Worth | (*). |
| Delta Airlines, Inc | FAM 31 | Atlanta | (*). |
| Eastern Air Lines, Inc | FAMs 33 and 35. | New York | Reg. Controller, Richmond. |
| National Airlines, Inc | FAM 32 | Washington | Reg. Controller, Atlanta. |
| Northwest Airlines, Inc | FAM 28 | Minneapolis | (*). |
| Pan American Airways, Inc. (Latin American Div.). | FAM 5 | Atlanta | (*). |
| Pan American Airways, Inc. (Pacific Division). | FAM 14 | San Francisco | (*). |
| Pan American Airways, Inc. (Atlantic Division). | FAM 18 | New York | (*). |
| Pan-American-Grace Airways, Inc | FAM 9 | New York | (*). |
| Samoan Airlines, Ltd | FAM 41 | San Francisco | (*). |
| Seaboard and Western Airlines, Inc | FAM 38 | New York | (*). |
| South Pacific Air Lines, Inc | FAM 40 | San Francisco | (*). |
| Trans World Airlines, Inc | FAM 27 | Chicago | (*). |
| Western Air Lines, Inc | FAM 36 | San Francisco | Reg. Controller, San Francisco. |

*Post Office Department, Bureau of Finance, International Accounts Branch, Washington 25, D.C.

together with such special instructions as may be issued from time to time.

*Note:* The corresponding Postal Manual sections are 542.1 through 542.8.

LOUIS J. DOYLE,
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[F.R. Doc. 61-2398; Filed, Mar. 17, 1961; 8:48 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter III—Bureau of Foreign Commerce, Department of Commerce

### SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs.; Amdt. 50 [1]]

### PART 371—GENERAL LICENSES

### Additional Commodities

Section 371.54 Supplement 4; commodities subject to General License GCU is amended in the following particulars:

1. The following commodities are added to the list of commodities:

| Commodity description | Department of Commerce Schedule B No. |
|---|---|
| Natural cheese in loaves or in pieces (other than American cheddar cheese) | 00678 |
| Corn, the following only: Popcorn, shelled | 10315 |
| Cornstarch packaged in one-pound packages or less | 10380 |
| Peanuts, shelled, the following only: Blanched; roasted; and salted | 13751 |
| Druggists' and medical rubber sundries, n.e.c. | 20410 |
| Sponge rubber products, the following only: Hospital padding | 20970<br>20998 |
| Paper, paperboard, and products, n.e.c. the following only: Chart (graph) paper for medical apparatus | 48990 |
| Ophthalmic glass and ophthalmic lens blanks | 52313<br>57240 |
| Salt, refined only | 70170 |
| Batteries, dry, multiple cell, the following only: Hearing aid batteries | 82999 |
| Chemicals, n.e.c., the following only: X-ray developer powder | 83282 |
| Ethyl ether, the following only: anesthesia ether, in containers of ¼ pound or less | 83670 |
| Sodium bicarbonate or baking soda, in containers of ¼ pound or less | |

2. The following commodities are deleted from the list of commodities:

| Commodity description | Department of Commerce Schedule B No. |
|---|---|
| Animals, edible | 00113-00199<br>00460-00580 |
| Natural sausage casings | 00920 |
| Tallow, edible | 00921 |
| Hatching eggs | 10130 |
| Barley malt | 10330 |
| Brewers' corn grits, crude; and brewers' flakes | |
| Brewers' rice malt; brewers' wheat flakes; buckwheat; buckwheat in the grain, for feed; rice polishings; rye malt; seed buckwheat; and unhulled ground oats | 10990<br>10991 |
| Seed beans | 12035 |
| Seed peas, all types | 12055 |
| Vegetable oils, refined, not further processed by deodorizing, or hydrogenating or winterizing | 14210-14281 |
| Vegetable oil foots, including soap stock, and fatty acids of vegetable origin | 14450 |
| Specialty waxes, refined and fat, n.e.c. | 14490 |
| Vegetable waxes, refined | 14500 |
| Malt extract, malt syrup, and malt sugar | 17015 |
| Antibiotic and vitamin feed supplements, and veterinary medicinals and preparations, n.e.c. | 81432-81435 |

This amendment shall become effective as of March 10, 1961, except that shipments of any commodities removed from general license to Cuba as a result of changes set forth in this amendment which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., March 10, 1961, may be exported under the previous general license provisions up to and including April 10, 1961. Any such shipment not laden aboard the exporting carrier on or before April 10, 1961, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F.R. Doc. 61-2367; Filed, Mar. 17, 1961; 8:47 a.m.]

[1] This amendment was published in Current Export Bulletin 846, dated Mar. 10, 1961.

§ 96.34 Records and reports.

(a) *Form 2759, "Report of irregular handling of airmail."* Postal employees must prepare Form 2759 promptly to report all irregularities in the handling of mail, including refusals by carriers. The form serves as a basis for assessing penalties against air carriers whenever the circumstances warrant.

(b) *Form 2753, "Receipt to airline."* Form 2753 is a receipt prepared by postal personnel and given carriers delivering mail without AV-7s. The receipt is prepared in duplicate and will show only the total number of pieces and flight data.

(c) *Form 2734, Airmail exception record.* Form 2734 will be prepared by air carriers due to effect transfer of airmail to a United States domestic air carrier when circumstances prevent following the original routing, loss of papers, etc. (See § 96.22.)

§ 96.35 Rates of compensation.

(a) *Rates for air carriers; United States mail.* Rates of compensation due air carriers for the transportation of mail are fixed by the Civil Aeronautics Board and amounts due them are paid by the Department from appropriations for the transportation of mail by aircraft.

(b) *Rates for air carriers; foreign mail.* The Department will fix from time to time the rates of compensation that are charged foreign countries for the conveyance of their mail by air carriers.

(c) *Rates for foreign air carriers; United States mail.* The Department will not pay to a foreign air carrier or his national government, a rate for transporting mail between the United States and such country, higher than that paid to air carriers by foreign governments for transporting their mail between such foreign countries and the United States.

§ 96.36 Payment for transportation of mail.

(a) *Air carrier accounts; payment for foreign mail.* All revenue received from foreign governments for the transportation of their mail by air carriers is for their account. Collections of amounts due from foreign countries may be effected from such foreign countries direct by air carriers (with prior approval of the Department) or by the Department.

(b) *Air carrier accounts; payment for United States mail.* Air carriers will submit their claims, prepared and supported according to instructions furnished by the Department, to the offices named below:

| Carrier | FAM Route No. | Office settling accounts |
|---|---|---|
| American Airlines, Inc. | FAM 26 | Reg. Controller, POD, Wichita. |
| Eastern Air Lines, Inc. | FAM 33 & 35 | Reg. Controller, POD, Richmond. |
| National Airlines, Inc. | FAM 32 | Reg. Controller, POD, Atlanta. |
| Western Airlines, Inc. | FAM 36 | Reg. Controller, POD, San Francisco. |
| Braniff Airways, Inc. | FAM 34 | |
| Delta Air Lines, Inc. | FAM 31 | |
| Northwest Airlines, Inc. | FAM 28 | |
| Pan American World Airways, Inc.: (Alaskan Division) | FAM 5 | Post Office Department, Bureau of Finance, International Accounts Section, Washington 25, D.C. |
| (Pacific Division) | FAM 14 | |
| (Atlantic Division) | FAM 18 | |
| Pan American Grace Airways, Inc. | FAM 9 | |
| Samoan Airlines, Ltd. | FAM 41 | |
| Seaboard and Western Airlines, Inc. | FAM 38 | |
| South Pacific Air Lines, Inc. | FAM 40 | |
| Trans World Airlines, Inc. | FAM 27 | |

(c) *Foreign air carrier accounts—payment for mail loaded in the United States.* Foreign flag air carriers authorized by their governments to collect direct from the United States Post Office Department will submit their claims prepared and supported according to instructions furnished by the Post Office Department, Washington 25, D.C. Transportation charges for mail enplaned in the United States will be claimed from the United States Post Office Department irrespective of actual origin of the mail transported from the United States by foreign air carriers.

§ 96.37 International air handbook.

Exchange offices will be governed by instructions contained in Transportation Handbook Series T-1, Instructions for Handling and Reporting of International Airmail at Exchange Offices.



[9th Gen. Rev. of Export Reg.; Amdt. 49 [1]]

## PART 371—GENERAL LICENSES

## PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

### Miscellaneous Amendments

§ 371.7 [Amendment]

1. Section 371.7 *General License GO; shipments to Group O destinations*, paragraph (a) *Scope of license* is amended to read as follows:

(a) *Scope of license.* A general license designated GO is hereby established, subject to the other provisions of this section,[2] authorizing the exportation of R commodities to any destination in Country Group O as listed in § 371.3(a) except that:

(i) No exportation may be made under this general license to Cuba; and

(ii) No exportation of aviation engine lubricating oils having a petroleum base (Schedule B No. 50400) may be made under this general license to the Dominican Republic.

2. § 373.52 *Parts and accessories for automotive vehicles* is added to read as follows:

§ 373.52 Parts and accessories for automotive vehicles.

(a) An application for a license to export parts and accessories (including tires and tubes) to the Dominican Republic for use in the maintenance, repair, operation, or assembly of automobiles, trucks, busses, or other automotive vehicles or industrial engines, shall show in the space entitled "End Use of Commodities Covered by This Application" the type of commodity in which the parts and accessories will be used, e.g., trucks, busses, passenger cars, or industrial engines, etc. Applications which do not include this end use information will be returned without action. Unless the applicant supplies the required end use information from his own knowledge, his application should be supported by a written statement on this point from the ultimate consignee.

(b) Generally, applications for parts or accessories (including tires and tubes) for the maintenance, repair, operation, or assembly of trucks in the Dominican Republic will be denied.

This amendment shall become effective as of February 23, 1961.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F.R. Doc. 61-2386; Filed, Mar. 17, 1961; 8:47 a.m.]

[1] This amendment was published in Current Export Bulletin 845, dated Feb. 23, 1961.

[2] The export regulations provide that commodities may not be supplied under any general license for use on a vessel or aircraft departing from the United States, unless such exportation is authorized under General License SHIP STORES or PLANE STORES. (See §§ 371.2(c)(2), 371.13(a) and 371.13(b).)

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 121—FOOD ADDITIVES

### Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use in food of certain additives for which tolerances have not yet been established or petitions therefor denied.

1. Section 121.86 (21 CFR 121.86) is amended by adding thereto the following items:

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

* * * * * * *

| Product | Limits | Specified uses or restrictions |
|---|---|---|
| * * * | * * * | * * * |
| Aluminum monostearate | | In vitamin-mineral preparations. |
| 4-Amino-2-methyl-1-napthol hydrochloride (vitamin $K_4$). | | Do. |
| Benzyl ether of polyethoxylated alkyl phenol (molecular weight 726-1308). | | Surface active agent used in commercial detergents for raw products followed by water rinsing. |
| Glycerophosphoric acid | | In vitamin-mineral preparations. |
| Iron peptonate | | Do. |
| Polyethoxylated alkyl phenol (molecular weight 426-1184). | | Surface active agents used in commercial detergents for raw products followed by water rinsing. |
| Sodium alkyl benzene sulfonate (molecular weight 292-408). | | Do. |
| Sodium alkyl sulfate (molecular weight 232-372). | | Do. |
| Stearyl alcohol | | In vitamin-mineral preparations. |
| Urea, N.F. | | Do. |

2. Section 121.87 (21 CFR 121.87) is amended in the following respects:

a. Paragraph (a) is amended by adding the following items:

§ 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.

* * * * * * *

(a) *General list.*

| Product | Limits | Specified uses or restrictions |
|---|---|---|
| * * * | * * * | * * * |
| Alkyl ($C_{31}H_{15}$—$C_{34}H_{39}$) tolyl methyl trimethyl ammonium chloride (equivalent weight 331). | | In manufacture of paper and paperboard. |
| ε-Caprolactam polymer | | As a component of food packaging materials other than milk and food-handling materials. |
| Ethylene glycol dimethyl terephthalate copolymer. | | Component of films for food packaging. |
| 2-Ethylhexyl acrylate copolymerized with acrylonitrile, itaconic acid or both. | | Do. |
| Petroleum sulfonate; 60% mineral oil, 40% petroleum sulfonate (molecular weight 470-485). | | Used in the manufacture of paper and paperboard. |
| Sodium dodecylbenzene sulfonate | 0.44 percent | As a component of films for food packaging. |
| Sodium naphthalene sulfonic acid formaldehyde polymer. | | Used in the manufacture of paper and paperboard. |
| Vinylidene chloride copolymerized with methyl acrylate, itaconic acid or both. | | As a component of films for food packaging. |

b. Paragraph (f)(2)(ii) of § 121.87 is amended by adding the following items:

(f) *Substances* * * *.

(2) *Vulcanization materials.* * * *

(ii) *Accelerators.*

Butyraldehyde-aniline resin, iodine number 670-705.

Heptaldehyde-aniline resin, iodine number 86-88.

c. Paragraph (f)(3)(i) of § 121.87 is amended by adding the following items:

(f) *Substances* * * *.

(3) Protective agents—(i) *Antioxidants and antiozonants.*

Aromatic amine resin from phenyl β-naphthylamine and acetone having an average molecular weight of 600 and a nitrogen content of 5.3 percent.

4,4'-Dioctyldiphenylamine.

Diphenylamine acetone resin containing 20 percent diphenylamine, 20 percent *p*-isopropyldiphenylamine, 15-20 percent dimethyl acridan, an average molecular weight of 240, and 6.3 percent nitrogen.

Trimeric aromatic amine resin from diphenylamine and acetone of average molecular weight of 500 and 6.7 percent nitrogen.

d. Paragraph (f)(8) of § 131.87 is amended by adding the following items:

(f) *Substances* • • •.
(8) *Miscellaneous.*

Azodicarbonamide.
4,4'-Oxybis (benzenesulfonhydrazide).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

*Effective date.* This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: March 3, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-2328; Filed, Mar. 17, 1961; 8:45 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use in foods of certain additives for which tolerances have not yet been established or petitions therefore denied.

Section 121.86 (21 CFR 121.86) is amended by adding thereto the following items:

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

• • • • • •

| Product | Limits | Specified uses or restrictions |
|---|---|---|
| • • • | • • • | • • • |
| Benzoic acid | 0.3 percent | Preservative in calcium-vitamin D aqueous suspension. |
| Methylparaben | 0.13 percent | Do. |
| Mineral oil | ½-grain mineral oil per 5-grain tablet. | In tablet processing. |
| Polyacrylic acid (hydrolyzed polyacrylamides). | 5 parts per million in beet sugar juice. | Used in the process of refining sugar. |
| Polyethylene glycol 400 distearate | 0.75 percent | Fat emulsifier in dietary supplement. |
| Polyoxypropylene glycolpolyoxyethylene glycol block polymer (molecular weight 1,500-1,800). | do | Emulsifying agent in multivitamin drops. |
| Polysorbate 80 | 0.2 percent | In a fat-emulsion dietary supplement. |
| Sodium benzoate | do | Preservative in multivitamin sirup. |
| Sodium methyl sulfate | 0.5 percent in pectin | As a processing residue in pectin. |
| Sodium nitrite | 0.004 percent | Component of multivitamin drop formula. |
| Sorbitan monooleate | 0.08 percent | In a fat-emulsion dietary supplement. |

SYNTHETIC FLAVORING SUBSTANCES AND ADJUNCTS

(Used in Accordance With Good Manufacturing Practices)

• • • • • •

Amylcyclopentenolone.
Benzyldimethyl carbinyl *n*-butyrate.
Benzyldimethyl carbinyl formate.
Benzyl isobutyl ketone.
Bornyl formate.
Bornyl valerate.
*d*-Camphor.
β-Cinnamylacryloyl piperidine.
Diethyl tartrate.
α-Ethyl butyric acid (2-ethyl butyric acid).
Heptanal glyceryl acetal.
1-Hydroxynonan-3-one acetate (methylol methylhexyl ketone acetate, ketone alcohol ester).
Isobornyl formate.
Isobornyl isovalerate.
Isobornyl propionate.
Isobutyl heptylate.
Isobutyl-*N*-methylanthraniliate.
β-Isopropyl phenylacetaldehyde.
Linalyl caproate.
2-Methylheptanoic acid (2-methyloenanthic acid, methylamyl acetic acid).
*p*-Methylphenylacetaldehyde.
Methylstyryl carbinol.
2,6-Nonadienol.
Phenylacetaldehyde glyceryl acetal.
21Phenylpropyl tetahydrofuran.
Piperidine.
Sucrose octaacetate.
Tolyl acetate.
2-Tridecenal.
10-Undecenal.
o-Vanillin.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

*Effective date.* This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: March 3, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-2329; Filed, Mar. 17, 1961; 8:45 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of the Treasury

[CGFR 61-5]

SUBCHAPTER K—SECURITY OF VESSELS

## PART 124—CONTROL OVER MOVEMENT OF VESSELS

### Advance Notice of Time of Arrival of Vessels

By Executive Order 10173 the President found that the security of the United States is endangered by reason of subversive activities and prescribed certain regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature to vessels, harbors, ports, and waterfront facilities in the United States, and all territory and waters, continental or insular, subject to the jurisdiction of the United States exclusive of the Canal Zone.

Pursuant to the authority of 33 CFR 6.04-8 in Executive Order 10173 (15 F.R. 7007; 3 CFR, 1950 Supp.) the Captain of the Port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof within the territorial waters of the United States under his jurisdiction whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury or to prevent damage or injury to any waterfront facility or waters of the United States or to secure the observance of rights and obligations of the United States.

The provisions of 33 CFR 124.10 set forth the requirements regarding the advance notice of vessel's estimated time of arrival to be furnished to the Captain of the Port. The purpose for amending this section is to clarify requirements concerning which vessels are required to submit an advance notice of arrival report.

Because of the national emergency declared by the President, it is found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173 as amended by Executive Order 10277 and 10352, I hereby prescribe the following amendment to § 124.10 which shall become effective upon the date of publication of this document in the FEDERAL REGISTER:



§ 124.10 Advance notice of vessel's time of arrival to Captain of the Port.

(a) The master or agents of every registered vessel of the United States, and every foreign vessel arriving at a United States port or place from a port or place outside the United States, or any such vessel destined from one port or place in the United States to another port or place in the United States, shall give at least 24 hours advance notice of arrival to the Captain of the Port at every port or place where the vessel is to arrive, except as follows:

(1) Registered United States pleasure vessels and registered United States fishing vessels are not required to submit advance notice of arrival report.

(2) When the port of arrival is not located within the geographical area assigned to a particular Captain of the Port, this advance notice of time of arrival shall be made to the Commander of the Coast Guard District in which such port or place is located.

(3) When the arrival is a direct result of the operation of "force majeure," and it is not possible to give at least 24 hours' advance notice of time of arrival, then advance notice as early as practicable shall be furnished.

(4) When the vessel, while in United States waters, does not navigate any portion of the high sea, i.e. does not navigate beyond the low water mark along the coasts or beyond the waters contained within the headlands of the United States.

(5) When a vessel is engaged upon a scheduled route if a copy of the schedule is filed with the Captain of the Port for each port of call named in the schedule and the times of arrival at each such port are adhered to.

(6) When the master of a merchant vessel (except on a coastwise voyage of 24 hours or less) reports in accordance with the U.S. Coast Guard's voluntary Atlantic Merchant Vessel Report (AMVER) System, he shall be considered to be in constructive compliance with the requirements of paragraph (a) of this section and no additional advance notice of vessel's arrival reports to the Captain of the Port is required. The master or agent of a vessel on coastwise voyages of 24 hours or less shall report the advance notice of vessel's arrival to the Captain of the Port at next port of call prior to or upon departure from port.

(7) When a vessel which is engaged in operations in and out of the same port, either on voyages to sea and return without having entered any other port, or on coastwise voyages within the same Coast Guard District, or from ports within the First, Ninth, Thirteenth, or Seventeenth Coast Guard Districts to adjacent Canadian ports, and where no reason exists which renders such action prejudicial to the rights and interests of the United States; the Coast Guard District Commander having jurisdiction may prescribe conditions under which Coast Guard Captains of the Ports may consider such a vessel as being in constructive compliance with the requirements of this section without the necessity for reporting each individual arrival.

(8) A westbound vessel which is to proceed to or through United States waters of the St. Lawrence River and/or the Great Lakes under conditions other than provided for in subparagraphs (3), (5), and (7) of this paragraph, shall be subject to compliance with paragraph (b) of this section.

(b) The master or agent of every vessel other than vessels of United States or Canadian nationality engaged in the coastal trade of their respective countries or in trade between their two countries without calling at any other country en route, when proceeding westbound to United States waters of the St. Lawrence River and/or the Great Lakes shall:

(1) At least 24 hours in advance of the vessel's arrival at the Snell Lock, Massena, New York, advise the Commander, Ninth Coast Guard District, Cleveland, Ohio, of estimated time of arrival of such vessel at the Snell Lock.

(2) In addition, prior to or immediately on entering Lake Ontario inbound advise the Commander, Ninth Coast Guard District, of the vessel's first intended United States port of call, if any, and estimated time of arrival at that port.

(3) Upon the vessel's arrival in the first United States port, cause to be delivered to the Captain of the Port (or the Commander, Ninth Coast Guard District where no Captains of the Port are assigned) an itinerary giving the intended ports of call on the Great Lakes and the estimated dates of arrival.

(4) A master of a vessel who reports in accordance with the U.S. Coast Guard's voluntary Atlantic Merchant Vessel Report (AMVER) System and who includes in this report an estimated time of arrival at the Snell Lock, Massena, New York, shall be considered to be in constructive compliance with the requirements of subparagraph (1) of this paragraph and no additional advance notice of vessel's arrival at the Snell Lock is required. Likewise a master of such vessel who indicates in this report the name of the first intended United States port of call and estimated time of arrival at that port shall be considered in constructive compliance with subparagraph (2) of this paragraph and no additional advance notice of arrival is required.

(Sec. 1, 40 Stat. 220, as amended; 50 U.S.C. 191, E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

Dated: March 15, 1961.

[SEAL] A. C. RICHMOND,
*Admiral, U.S. Coast Guard, Commandant.*

[F.R. Doc. 61-2408; Filed, Mar. 17, 1961; 8:50 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 903 ]

[Docket No. AO–10–A25]

### MILK IN ST. LOUIS, MO., MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Coronado Hotel, 3701 Lindell Boulevard, St. Louis, Missouri, beginning at 9:00 a.m., local time, on Thursday, March 23, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the St. Louis, Missouri, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Sanitary Milk Producers, Square Deal Milk Producers Association, Prairie Farms Creamery of Southern Illinois and Producers Creamery Company:

*Proposal No. 1.* Delete § 903.7(b) (2) and substitute:

(2) By a handler who operates a pool plant any number of days during the months of March through July: *Provided,* That milk so diverted pursuant to subparagraphs (1) and (2) of this paragraph shall be deemed to have been received by the diverting handler at the plant from which diverted, except that milk diverted from a city plant to a nonpool plant located more than 110 airline miles from the City Hall in St. Louis and which is located in the surplus disposal area designated in § 903.43(c) (1) shall be deemed to have been received at the nonpool plant to which diverted.

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 2.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from the hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fred L. Shipley, 2710 Hampton Avenue, St. Louis 39, Missouri, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., March 15, 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61-2402; Filed, Mar. 17, 1961; 8:49 a.m.]

[ 7 CFR Part 941 ]

[Docket No. AO–101–A24]

### MILK IN CHICAGO, ILL., MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Morrison Hotel, Madison at Clark Street, Chicago, Illinois, beginning at 10:00 a.m., c.s.t., on April 4, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Chicago, Illinois, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Pure Milk Association, Chicago, Illinois:

*Proposal No. 1.* Increase the Class IV price by:

(a) Revising the factors in the present formula; or

(b) Determining the Class IV price on the basis of:

(1) Prices paid by Order 41 handlers for ungraded milk at their unregulated plants;

(2) The average of prices paid by Wisconsin manufacturing plants;

(3) The U.S. average of prices paid by manufacturing plants;

(4) The prices paid by Wisconsin plants in the "Midwest Condensery" series; or

(5) The average of prices paid by Wisconsin and Minnesota manufacturing plants.

*Proposal No. 2.* Amend § 941.66(b) (2), (3), and (4) by adding the months of "July, November, December, January, and February" in each instance where reference is made to "August, September, and October" and change the reference in (b) (4) "beginning with November of the same year and continuing through July of the following year", to "beginning with March of the same year and continuing through June of the same year * * *".

*Proposal No. 3.* In the first line of § 941.66(b) (4) where reference is made to the "3-month period", change it to read "during the 8-month period".

*Proposal No. 4.* Add a new § 941.66(c) as follows:

(c) Where two or more plants are owned and operated by the same handler, such handler may designate the plants as a system (unit) and if the combined unit meets the conditions of (b) (1), (2), (3), and (4) all plants in the unit will be accorded pool status as provided in (b): *Provided,* That the operator of such plants gives written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice and notice of any change in designation shall be furnished on or before the 1st day of the month to which the notice applies: *Provided further,* That in any of the months of December through June a unit shall not contain plants which were not qualified as pool plants either individually or as a member of a unit during the previous July through November.

Proposed by the Pure Milk Products Cooperative, Inc., Fond du Lac, Wisconsin:

*Proposal No. 5.* Amend § 941.41 (c) and (d), § 941.44 (e) and (f) and other applicable sections to combine Class III, Class III(a) and Class IV utilization into a new Class III.

*Proposal No. 6.* Amend § 941.52 (c) and (d) and other applicable sections to price milk utilized in the new Class III at the higher of the condensery pay price, the present Chicago butter-powder formula price plus 10 cents or the prices paid for manufactured milk by Wisconsin plants.

Proposed by the Alto Cooperative Creamery, Waupun, Wisconsin; Antigo Milk Producers Cooperative, Antigo, Wisconsin; Barron Cooperative Creamery, Barron and Cameron, Wisconsin; Columbus Milk Producers Cooperative, Astico, Wisconsin; Consolidated Badger Cooperative, Shawano, Wisconsin; Hillpoint Coop Dairies, Reedsburg, Wisconsin; Lake-to-Lake Dairy Cooperative, Manitowoc and Sheboygan, Wisconsin; Ouagamie Producer Cooperative, Black Creek, Wisconsin; Portage Coop Creamery Association, Portage, Wisconsin; Richland Coop Creamery Association, Richland Center, Wisconsin; Viroqua Cooperative Creamery, Viroqua, Wisconsin; Wisconsin Creamery Cooperative, Sauk City, Wisconsin; Wisconsin Coop Creamery Association, Union Center, Wisconsin:

*Proposal No. 7.* Amend § 941.66(b), (2), (3), and (4) to include November in the months during which qualifications for pool plant status is determined.

*Proposal No. 8.* Amend § 941.66(b) (3) to read as follows:

(3) If, during August, September, October, or November, a handler notifies the market administrator in writing that a plant is unable to meet the requirements set forth herein because of a labor dispute, the market administrator, upon verification of the handler's claim, shall credit such plant with minimum compliance under § 941.66 for each and every day such condition exists.

*Proposal No. 9.* Amend § 941.66(b) (4) by adding the words "except as provided in paragraph (3) of this section".

*Proposal No. 10.* Amend § 941.66 by adding a new subsection (c) to provide that where two or more plants are owned and operated by the same handler, such plants may be designated as a system or unit, and if the system or unit meets the plant qualification provisions of the order, all plants in such system or unit shall be accorded pool plant status; and make any other changes necessary to effectuate this proposal.

*Proposal No. 11.* Amend § 941.52 to provide for the separate classification and pricing of milk utilized in cheddar cheese and make any conforming changes necessary as a result of the amendment.

*Proposal No. 12.* Amend § 941.52(d) to provide a Class IV price which will more accurately reflect current manufacturing costs for this class, and revise the formula therein to more realistically recognize attainable yields and returns.

Proposed by the Associated Milk Dealers, Inc., Chicago, Illinois:

*Proposal No. 13.* Amend the present Class IV provisions of the Order to provide for a separate Class IV price for milk manufactured into cheese except cottage cheese.

Proposed by the Chicago Producers Council:

*Proposal No. 14.* Amend the order to provide that milk utilized in either Class III or Class IV pursuant to § 941.41 and § 941.44 shall be priced at the higher of the prices determined in accordance with § 941.52 (c) and (d) or according to an equivalent manufactured milk price.

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 15.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 73 West Monroe Street, Chicago 3, Illinois, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 14th day of March 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61-2388; Filed, Mar. 17, 1961; 8:48 a.m.]

[ 7 CFR Part 994 ]

[Docket No. AO–300–A2]

### MILK IN COLORADO SPRINGS-PUEBLO MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Denver, Colorado, on January 7, 1961, pursuant to notice thereof issued on December 20, 1960 (25 F.R. 13637).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on February 21, 1961 (26 F.R. 1728; F.R. Doc. 61–1706) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Bulk tank handling of milk;
2. The Class II price for milk used to produce cheese;
3. Advance payments to producers; and
4. Pooling standards for supply plants.

No testimony was offered at the hearing on Proposal No. 4, therefore, no amendment is made on the basis of this record.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Bulk tank handling of milk.* Provision should be made to permit a cooperative association to elect to be the handler with respect to the milk of its member producers delivered to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association.

The Colorado Springs Milk Producers Association, one of the major cooperative associations serving the market, is expanding its activities in taking responsibility for the movement of milk of its members from farms to pool plants. This will allow the cooperative association to provide for the economic movement of milk of its members throughout the market and to facilitate the disposition of surplus milk.

When the association operates or controls the farm tank truck in which milk of two or more of its members is delivered to a pool plant, the operator of the pool plant has no direct knowledge of the identity of the individual producers from whom he received milk, nor the weights and tests of the individual shippers. The cooperative association maintains such information for its members. The cooperative association may, if it elects, report the receipts of individual member producers which determine the aggregate volume of milk in the pool.

Since the assembly operation may involve some physical loss, in that receipts at pool plants may not agree with the aggregate of the weights determined at the farm from bulk tank "dip stick" readings, provision is made for a division of the two percent shrinkage allowance, one-half of one percent to be retained by the cooperative association and the remainder to be passed on to the operator of the pool plant. If, however, the handler files a notice with the market administrator that he is purchasing milk from the cooperative association on the basis of the aggregate farm weight and test, the entire shrinkage should be available to the receiving pool plant.

For simplicity of administration, receipts at pool plants for which a cooperative association is the handler by virtue of bulk tank delivery shall be classified pro rata with producer milk classified at the plant, so that the receiving handler may report such classification. Payment to the cooperative association at the applicable class prices is provided.

2. *The Class II price.* The price for milk used to produce hard cheese and butter should be ten cents per hundredweight less than the Class II price for the period through September 1961.

The Class II price of the Colorado Springs-Pueblo order is the basic formula price in the months of August through February and 20 cents per hundredweight less than the basic formula price in all other months. The basic formula price is the higher of a butter-powder formula price or the midwest condensery pay price. Since the effective date of the order in January 1959, the basic formula price has been based on the condensery price in all but four months.

The present Class II classification includes all milk used to produce manufactured dairy products, other than those defined as fluid milk products. The bulk of the Class II milk is used for such products as cottage cheese and ice cream which afford a relatively high return. The Class II price has been one which reflects the value of milk for such uses.

The Colorado Springs Milk Producers Association and Pueblo Dairy Exchange, Inc., proposed that the order be amended to provide a lower price for milk used to produce Cheddar cheese than for that used in other Class II products. The associations supported the reduction in the Class II price on the basis that they suffered substantial losses in the past year disposing of the surplus milk of the

market to nonpool manufacturing plants in the area. Handlers proposed that the whole Class II price structure be lowered or that any subclassification include butter as well as hard cheese.

The proponent producer associations handled more reserve milk in 1960 than in 1959. In 1959, these associations handled 2.3 million pounds of a total of 2.7 million pounds of milk that moved to nonpool manufacturing plants; in 1960 they handled 6.3 of 11.3 million pounds. The heaviest movements to manufacturing plants occur in the months of March through July. Approximately 80 percent of all such movements in 1959, and about 72 percent in 1960, were in these months. Inclusion of August and September shipments would increase the percentages to 91 and 80, respectively.

Most of this milk was moved to cheese plants at Larkspur, Fort Collins, and Brush, Colorado, with lesser volumes to a condensery at Johnstown, Colorado. For milk used to produce Cheddar cheese the associations have realized less than the order Class II price, without consideration of substantial excess transportation costs incurred in movements of milk to the nonpool plants. For 1959 the discrepancy between returns and order prices was relatively insignificant. Returns during the March–July period when the Class II price is 20 cents less than the basic formula price averaged slightly more (3.8 cents per hundredweight) than the cost at the Class II price. For other months the cheese plant returns were 22.0 cents less than the Class II price.

For 1960, however, returns from local cheese plants declined while Class II prices reflected the general increase in the level of manufacturing milk values. For the March–July period the Class II value at test of the milk moved to cheese plants was 7.8 cents higher than in 1959 but the cheese plant returns were 10.9 cents less than in 1959. As a consequence returns to the associations from the cheese plants were 14.9 cents per hundredweight less than the Class II price during these months. During other months the difference (at test) averaged 42.1 cents. During October–November 1960 the cheese plant price was the same as for January and February despite an increase of 1.5 cents per pound in the price offered for cheese under the support program. The November Class II price exceeded that for January by 27.4 cents. The local cheese plant price for October 1960 was 46 cents per hundredweight less than the national average price paid for milk used in making cheese and 21 cents less than the price paid for such milk in the Mountain Region, which includes Colorado.

Should the current price relationships continue through the coming flush production period substantial losses could be experienced by the cooperative associations in marketing milk of their members. It is doubtful, however, if the present wide variation between local cheese plant prices and the general level of manufacturing milk prices can continue for an indefinite period. A reduction of 10 cents per hundredweight in the price of Class II milk used to produce hard cheese and butter should be provided for the coming summer months to facilitate movement of excess milk to nonpool plants. The price should also apply to milk used to produce butter. One handler operates a butter plant which may provide an outlet for reserve supplies of milk.

This pricing provision should be limited to the period through September 1961. Consideration of Class II pricing provisions beyond that date requires a more extensive review than is available from this record.

3. *Advance payment to producers.* Producers proposed that the order should be amended to provide for the advance payment to producers to be made at the uniform price for the preceding month.

The use of the uniform price as the rate of advance payment would in many instances result in a payment which is in excess of the amount otherwise due the producer. It would result in an overpayment to producers when production or prices are lower than the previous month. Therefore, the proposal to change the rate of the advance payment is denied.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Colorado Springs-Pueblo Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Colorado Springs-Pueblo Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered*, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of January 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Colorado Springs-Pueblo marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 14th day of March 1961.

JOHN P. DUNCAN, JR.,
*Assistant Secretary.*

*Order [1] Amending the Order Regulating the Handling of Milk in the Colorado Springs-Pueblo Marketing Area*

**§ 994.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Colorado Springs-Pueblo marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as herby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Colorado Springs-Pueblo marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

**§ 994.7 [Amendment]**

1. In § 994.7(a)(2) after the phrase "from dairy farmers" insert the phrase ", from a cooperative association pursuant to § 994.9(d)".

2. Amend § 994.9 to read as follows:

**§ 994.9 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person who operates a nonpool plant from which fluid milk products are disposed of on routes in the marketing area;

(c) A cooperative association with respect to the milk of its member producers which is diverted from a pool plant to a nonpool plant for the account of such cooperative association; or

(d) A cooperative association with respect to milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for such milk.

3. Amend § 994.12 to read as follows:

**§ 994.12 Producer milk.**

"Producer milk" means all skim milk and butterfat in milk produced by a producer and:

(a) With respect to the operator of a pool plant:

(1) Received directly from such producers at such pool plant; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions provided in § 994.10.

(b) With respect to receipts of a cooperative association at a plant other than one it operates:

(1) For which the cooperative association is the handler pursuant to § 994.9(c), subject to the limitations and conditions provided in § 994.10; and

(2) For which the cooperative association is the handler pursuant to § 994.9(d).

**§ 994.13 [Amendment]**

4. Amend § 994.13(a) to read as follows:

(a) Receipts during the month of fluid milk products except (1) receipts from other pool plants; (2) producer milk; or (3) receipts from a cooperative association pursuant to § 994.9(d).

**§ 994.41 [Amendment]**

5. Amend § 994.41(b)(5) to read as follows:

(5) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 994.12(a)(1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 994.9(d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from pool plants of other handlers; less

(iv) 1.5 percent of disposition in bulk tank lots from pool plants to other milk plants; and plus

(v) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 994.9(d), unless the exceptions provided in (ii) of this § 994.41(b)(5) applies.

**§ 994.44 [Amendment]**

6. Add a new paragraph (f) to § 994.44 to read as follows:

(f) Skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler for such milk pursuant to § 994.9(d) shall be classified pro rata to the respective amounts thereof remaining in each class for such month at the pool plant(s) of the receiving handler after the computation pursuant to § 994.46(a)(6) and the corresponding step of (b).

**§ 994.46 [Amendment]**

7. In § 994.46 renumber paragraph "(a)(7)" as "(a)(8)" and add a new paragraph (a)(7) to read as follows:

(a)(7) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk to be classified pursuant to § 994.44(f).

**§ 994.51 [Amendment]**

8. In § 994.51(b) change the period at the end of the paragraph to a colon and add the following proviso:

*Provided*, That from the effective date of this amendment through September 1961 the price for Class II milk used to produce hard cheese and butter shall be 10 cents per hundredweight less than the Class II price.

9. In § 994.70(b) change the phrase "pursuant to § 994.46(a)(7)" to "pursuant to § 994.46(a)(8)".

**§ 994.80 [Amendment]**

10. In § 994.80 add a new paragraph (e) to read as follows:

(e) Each handler who receives milk for which a cooperative association is the handler pursuant to § 994.9(d) shall, on or before the 2d day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received during the first 15 days of the month at not less than the Class II price for the preceding month; and

(2) In final settlement, the value of such milk as classified pursuant to § 994.44(f) at the applicable class prices, less payment made pursuant to subparagraph (1) of this section.

[F.R. Doc. 61-2401; Filed, Mar. 17, 1961; 8:49 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



## [7 CFR Part 1027]

[Docket No. AO-312-A1]

## MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Southern Hotel, Light and Redwood Streets, Baltimore, Maryland,

beginning at 10:00 a.m., on April 4, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Upper Chesapeake Bay marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to the extension of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act if they are applied to the proposed enlarged marketing area, and, if not, what modifications of the provisions of the order would be appropriate. The proposal, which calls for addition of Frederick County, Maryland, to the marketing area, includes that portion of the county which is now part of the Washington, D.C., marketing area where the handling of milk is subject to Federal Order No. 2. Any modification of the regulation of the handling of milk in this part of the Washington, D.C., marketing area would require an amendment proceeding to amend the Washington, D.C., milk marketing order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Larrimore Dairy, Inc.:

*Proposal No. 1A.* Amend § 1027.1(c) to delete the counties of Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester, all in the State of Maryland, from the Upper Chesapeake Bay marketing area.

Proposed by Willow Farms Dairy, Inc.:

*Proposal No. 1B.* Amend § 1027.1(c) so that Frederick County, Maryland, would be incorporated under the terms of the order.

Proposed by Penn Dairies, Inc.:

*Proposal No. 2.* Amend § 1027.1(d) by adding the word "pool" before the last word "plant" therein.

*Proposal No. 3.* Amend § 1027.2(d) to clarify the reference to "§ 1027.2(e)(1)" and by deleting the words "except for the months of March through August 1960" in subparagraph (2). Also, provide that producer status be given to a dairy farmer shipping regularly to a pool plant during the month of August even though the plant did not have pool status earlier.

Proposed by Sealtest Foods Division, National Dairy Products Corporation:

*Proposal No. 4.* Amend § 1027.2(d) by deleting subparagraph (2), or in the alternative, by adding at the end of subparagraph (2) the following: "Unless the handler proves to the market administrator that during the preceding September through February period the milk of not less than 101 days of production from such dairy farm was received as producer milk at pool plants, or, unless the handler proves to the market administrator that the milk of such dairy farmer was not received at a pool plant during the 18-month period immediately preceding the current March–August period."

Proposed by Maryland Cooperative Milk Producers, Inc.:

*Proposal No. 5.* Amend § 1027.2(d) by deleting the word "September" wherever it appears and inserting the word "October" and deleting the word "August" wherever it appears and inserting the word "September". Also, in subparagraph (2) delete the words "Except for the months of March through August 1960".

*Proposal No. 6.* Amend § 1027.2 by deleting paragraph (e) and substituting the following:

(e) "Producer" means any dairy farmer, except a producer-handler or a dairy farmer for other markets, who produces milk which is received at a pool plant or is diverted to a nonpool plant during any month(s) of March through September or on not more than 10 days (5 days in the case of every-other-day delivery) during the month(s) October through February: *Provided*, That diversion during the month(s) of October through February by a cooperative association, of which 70 percent or more of the members are producers whose milk is received at other pool plants, to a nonpool manufacturing plant located in the marketing area shall be without limitation as to the number of days if the milk is not called for and needed by a handler for Class I use in the marketing area.

*Proposal No. 7.* Amend § 1027.2(g)(3) by adding at the end thereof the following: "Or with respect to milk of any producer for which such association accepts responsibility when the milk is pumped from the producer's farm bulk tank to a pick-up tank truck for which such association has paid a Maryland State receiving station license fee, whether the truck be owned by the association or by another person to whom the milk has been assigned for hauling."

Proposed by Green Spring Dairy:

*Proposal No. 8.* Amend § 1027.2(i) to read as follows:

(i) "Producer-handler" means any person who operates a dairy farm and a plant from which Class I milk not in excess of 50,000 pounds per month is disposed of on routes in the marketing area and whose receipts of milk and milk products from any source other than his own farm production does not exceed 5 percent of his own farm production and who receives no milk or milk products from a source other than his own farm production or plant(s) fully regulated under this order: *Provided*, That the ownership, maintenance, care and management of the herd(s) constituting his own farm production, and other resources necessary to production, processing, packaging, and distribution of the milk are the personal enterprise and personal risk of such person.

Proposed by Sealtest Foods Division, National Dairy Products Corporation:

*Proposal No. 9.* Amend § 1027.2(i) to provide for a limitation on the amount of milk which a dairy farmer may distribute in the marketing area thereof, while retaining status as a producer-handler, or in the alternative, provide for some limitation on the amount of milk which a producer-handler may receive from pool plants.

Proposed by Swissvale Farm Dairy:

*Proposal No. 10A.* Amend § 1027.2(i) to read as follows:

(i) "Producer-handler" means any person who operates a dairy farm and a plant from which Class I milk is disposed of on route(s) in the marketing area and who during the month receives no milk from any source other than his own farm production and from pool plants and from the cooperative association.

Proposed by Willow Farms Dairy, Inc.:

*Proposal No. 10B.* Amend the order to provide that producer-handlers no longer be exempted from the terms of the order.

Proposed by Maryland Cooperative Milk Producers, Inc.:

*Proposal No. 11.* Amend § 1027.3 by deleting the word "September" wherever it appears and inserting the word "October" and deleting the word "August" wherever it appears and inserting the word "September".

*Proposal No. 12.* Amend § 1027.3(b) by deleting the last proviso preceding subparagraph (1). Also, delete in subparagraph (3) the words "from which any fluid milk product is moved to a plant which is a pool plant pursuant to subparagraph (1) of this paragraph".

Proposed by Penn Dairies, Inc.:

*Proposal No. 13.* Amend § 1027.3(b)(1) by deleting the phrase "on routes" and adding the words "(and at least 5 percent is on routes)" after the phrase "in the marketing area" as it appears for the first time therein.

*Proposal No. 14.* Amend § 1027.3(b)(2) by deleting the phrase "on routes" and adding the words "(and at least 5 percent is on routes)" after the phrase "in the marketing area" as it appears for the first time therein.

Proposed by Sealtest Foods Division, National Dairy Products Corporation:

*Proposal No. 15.* Amend § 1027.41(b) by adding at the end thereof the following:

And (7) disposed of in bulk and used in soup, candy, bakery products or any other non-dairy commercial food product.

Proposed by C. Y. Stephens:

*Proposal No. 16.* Amend § 1027.41(b) by deleting subparagraphs (5) and (6) and substituting the following: "And (5) in shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant) and other source milk in bulk but not in excess of 0.5 percent of such receipts of skim milk and butterfat, respectively, plus 1.5 percent of such receipts and of the receipts of skim milk and butterfat in bulk fluid milk products from pool plants, and less 1.5 percent of such bulk dispositions to other plants.

*Proposal No. 17.* Delete § 1027.42 and substitute the following:



§ 1027.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each pool plant, and

(b) Prorate the resulting amounts among the receipts of skim milk and butterfat contained in (1) producer milk (except milk diverted to a nonpool plant), (2) other source milk in bulk, and (3) fluid milk products in bulk from other plants in excess of transfers of fluid milk products in bulk to other plants.

Proposed by Maryland Cooperative Milk Producers, Inc.:

*Proposal No. 18.* Amend § 1027.43 by adding a new paragraph (c) as follows:

(c) In the case of milk delivered from farm bulk milk tanks the handler shall be responsible for the quantity of milk and butterfat determined at the farm by methods recognized by appropriate authority whether delivery is by the producer individually or as a member of a cooperative association qualified as a handler.

Proposed by Sealtest Foods Division, National Dairy Products Corporation:

*Proposal No. 19.* Amend § 1027.46 to provide for a limited priority of assignment to Class I of bulk milk obtained from handlers regulated under other Federal orders when there is a shortage of producer milk caused by emergency conditions.

Proposed by Maryland Cooperative Milk Producers, Inc.:

*Proposal No. 20.* Amend § 1027.50 by deleting paragraph (a) and substituting the following:

(a) *Class I price.* During the period August 1961 and subsequent months through and including June 1962 the price for Class I milk shall be $5.55 for the months of July through February and $5.10 for the months of March through June: *Provided*, That such price in any month shall be adjusted to reflect the deviation of the average of the Federal order Class I prices for the Philadelphia, New York-New Jersey and Chicago markets for such month from such average price in the corresponding month of 1958, as follows:

| Three-market average deviation from corresponding month of 1958 (cents), plus or minus: | *Class I price adjustment (cents) plus or minus* |
|---|---|
| 0–15 | 0 |
| 15.1–35 | 20 |
| 35.1–55 | 40 |
| 55.1–75 | 60 |
| 75.1–95 | 80 |

Proposed by Green Spring Dairy:

*Proposal No. 21.* Amend § 1027.50(a) to extend the present pricing provisions through and including the month of June 1962. Also, add a proviso that the Class I price in any month shall not exceed by more than $2.60 the average of the Midwestern condensery prices for the twelve months preceding the month for which the Class I price is announced.

Proposed by Sealtest Foods Division, National Dairy Products Corporation:

*Proposal No. 22.* Amend § 1027.63 *Computation of base for each producer* by reducing the number of days during the months of July through December on which deliveries must be made. Also, modify this section to allow the establishment of a base for a dairy farmer classified as a dairy farmer for other markets pursuant to § 1027.2(d)(2).

Proposed by Maryland Cooperative Milk Producers, Inc.:

*Proposal No. 23.* Amend § 1027.72(a) by adding the words "rounded to the nearest full cent" immediately preceding the semi-colon.

*Proposal No. 24.* Amend § 1027.81 by adding at the end thereof the words "applied to butterfat test averages rounded to the nearest half-tenth."

Proposed by Willow Farms Dairy, Inc.;

*Proposal No. 25.* Amend the order to provide individual-handler pooling rather than the marketwide pooling now provided.

*Proposal No. 26.* Consider that the order be entirely revoked.

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 27.* Amend § 1027.82 to clarify application of location differentials to uniform prices.

*Proposal No. 28.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, E. Hickman Greene, 5716 York Road, Baltimore 12, Maryland, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., March 15, 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61–2407; Filed, Mar. 17, 1961; 8:50 a.m.]

## Agricultural Research Service

### [9 CFR Part 131]

[Docket Number AO16–A8]

### HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

### Notice of Hearing on Proposed Amendments to the Marketing Agreement and Order, as Amended

Pursuant to the provisions of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act (7 U.S.C. 851 et seq.), and the rules of practice and procedure governing formulation of marketing agreements and marketing orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), notice is hereby given of a public hearing to be held in the Muelbach Hotel, Room 362, 12th Street and Baltimore Avenue, Kansas City, Missouri, beginning at 10:00 a.m., c.s.t., May 10, 1961, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modifications thereof to the Marketing Agreement and Order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus in interstate commerce or so as to directly burden, obstruct, or affect interstate commerce (9 CFR Part 131). The proposed Marketing Agreement and Order provisions hereinafter set forth have not received the approval of the Secretary of Agriculture.

Amendment to the Marketing Agreement and Order, as amended, have been proposed by the Control Agency administering the provisions of such order, as follows:

1. Amend § 131.44 to read as follows:

§ 131.44 Fee to accompany application for classification.

Each application for classification as a wholesaler shall be accompanied by a fee of $75.00. If the application is approved, the entire fee shall be retained by the Control Agency to cover the cost of processing the application and to pay the applicant's pro rata share of the expenses of the Control Agency for the year in which the application is approved. If the application is disapproved, $50.00 shall be retained by the Control Agency to cover the cost of processing the application, and $25.00 shall be refunded to the applicant.

Proposed by Animal Inspection and Quarantine Division, Agricultural Research Service:

2. Make such other changes as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this Hearing.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Building A, United States Department of Agriculture, Washington 25, D.C., or may there be inspected.

Done at Washington, D.C., this 15th day of March 1961.

M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 61–2403; Filed, Mar. 17, 1961; 8:49 a.m.]

## FEDERAL AVIATION AGENCY

### [14 CFR Parts 600, 601]

[Airspace Docket No. 61–NY–5]

### FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

### Revocation and Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.656, 600.6033, 600.6156, 601.656, 601.4656, 601.6033, 601.6156, and 601.7001 of the regulations of

the Administrator, the substance of which is stated below.

Blue Federal airway No. 56, extends from Norfolk, Va., to Washington, D.C. VOR Federal airway No. 33 extends in part from Harrisburg, Pa., to Baltimore, Md. VOR Federal airway No. 156 extends in part from Richmond, Va., to Cape Charles, Va. The Federal Aviation Agency is considering the revocation of Blue 56. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Norfolk to Washington would be adequately served by a segment of Victor 33 proposed herein. Therefore, it appears that the retention of this airway would be unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Blue 56 and its associated control areas from Norfolk to Washington. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with Blue 56. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures. In addition, § 601.4656 relating to reporting points associated with Blue 56 would be revoked.

Concurrently with this action the Federal Aviation Agency is considering designating a segment of Victor 33 from the Nottingham, Md., VOR to the Deep Creek, Va., Intersection (intersection of the Franklin, Va., VOR 087° and the Norfolk, Va., VORTAC 226° True radials), via the intersection of the Nottingham VOR 175° and the Patuxent, Md., VOR 227° True radials; thence via a VOR to be installed approximately January 1, 1962, near Harcum, Va., at latitude 37°30'00" N., longitude 76°32'30" W., excluding the portion of this airway which would coincide with the Patuxent, Md., Restricted Areas (R–4006) and (R–4007). The portion of this airway which coincides with the Dahlgren Complex, Va., Restricted Area (R–6613) would be used only after obtaining prior approval from the appropriate authority. This airway segment would provide a replacement route for Blue 56 proposed for revocation.

The Federal Aviation Agency is also considering alteration of the segment of Victor 156 from Richmond to Cape Charles by realigning it via the Harcum VOR. The portion of this airway that coincides with Restricted Area/Military Climb Corridor (R–6610) would be used only after obtaining prior approval from the appropriate authority. This realignment would provide more precise navigational guidance on this airway segment. The Harcum VOR would also be designated as a VOR reporting point.

In addition, to implement in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60–21 (26 F.R. 570), the Federal Aviation Agency is considering designating the control areas associated with the proposed segment of Victor 33 from the Nottingham VOR to the Deep Creek Intersection and the proposed altered segment of Victor 156 from the Richmond VOR to Cape Charles VOR to extend upwards from 1,200 feet above the surface. Preliminary terrain study indicates that a minimum instrument flight rules en route altitude of approximately 2,800 feet MSL would be assigned to the segment of Victor 33, based upon the highest terrain obstruction of approximately 1,050 feet MSL, and a minimum instrument flight rules en route altitude of approximately 2,100 feet MSL would be assigned to the segment of Victor 156, based upon the highest terrain obstruction of approximately 361 feet MSL.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 14, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–2368; Filed, Mar. 17, 1961; 8:45 a.m.]

# Notices

## DEPARTMENT OF STATE

### Peace Corps

[Delegation of Authority No. 4]

### DELEGATION OF AUTHORITY

### Director of Contracts and the Directors of the Budget and Finance and the Administrative Services Divisions

By virtue of authority in the Mutual Security Act of 1954, 68 Stat. 832, as amended, 22 U.S.C. 1750 et seq. (hereinafter "the Act"), Executive Order No. 10924 (26 F.R. 1789), Department of State Delegation of Authority No. 85–11, Department of State Redelegation of Authority No. 85–10B and other appropriate authorities, I hereby delegate authority to and otherwise authorize:

1. The Director of Contracts of the Peace Corps, in connection with program activities, to sign or approve contracts, whether financed in whole or in part by the Peace Corps, and grants or grants-in-aid, other than contracts or grants to foreign governments, international organizations, or any agencies or organizations thereof.

2. The Director of the Budget and Finance Division of the Peace Corps, with authority to redelegate to such officers and employees as he may designate, to sign:

(a) Allocation letters;
(b) Appropriation transfer authorizations (SF–1151);
(c) Advices of allotment and funding plans;
(d) Advices of allocation;
(e) Travel advances; and
(f) Apportionment requests.

3. The Director of the Administrative Services Division of the Peace Corps, in connection with administrative or program support activities, to sign:

(a) Contracts, leases and other documents for procurement of supplies, equipment and services, including advertising and printing and binding; office space and other necessary space, quarters, and facilities, including alterations and repairs thereto; and

(b) Contracts and other documents for the disposition of the Peace Corps' interests in property, real or personal, held or acquired in connection with the performance by the Peace Corps of the functions and authorities delegated to or vested in it, or the Director thereof.

4. The authorities herein delegated or authorized may be exercised by persons who are performing the functions of the Director of Contracts, Director of the Budget and Finance Division or the Director of the Administrative Services Division in an "Acting" capacity.

5. Any reference herein to any Act, order, delegation or redelegation shall be deemed to be a reference to such Act, order, delegation or redelegation as amended from time to time. This delegation of authority shall become effective on the date of signature.

WARNER W. WIGGINS,
*Acting Director.*

MARCH 13, 1961.

[F.R. Doc. 61–2383; Filed, Mar. 17, 1961; 8:47 a.m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

### EMILIE AND MARIA GOENCZI

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Emilie Goenczi and Maria Goenczi, Wettingen (Aargau), Switzerland. Hungarian Central Mutual Credit Institute 7% Land Mortgage Sinking Fund Gold Bonds, Series A, due January 1, 1937, evidenced by Certificate Nos. M852, 854, 855, 856, 1344 and 2526, held by the Custody and Clearance Unit, Office of Alien Property.

Claim No. 62086. Vesting Order No. 18007.

Executed at Washington, D.C., on March 14, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Acting Director,*
*Office of Alien Property.*

[F.R. Doc. 61–2399; Filed, Mar. 17, 1961; 8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### GEORGIA AND SOUTH CAROLINA

### Designation of Areas for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the States of Georgia and South Carolina production disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

GEORGIA

Catoosa.

SOUTH CAROLINA

Aiken.
Cherokee.
Edgefield.
Lexington.
Richland.
Saluda.
Spartanburg.
York.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 13th day of March 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61–2390; Filed, Mar. 17, 1961; 8:48 a.m.]

### NORTH DAKOTA

### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of North Dakota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

Billings.
Mercer.
Oliver.
Ward.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of March 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61–2389; Filed, Mar. 17, 1961; 8:48 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50–30]

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### Issuance of Provisional Operating License

Please take notice that pursuant to the Intermediate Decision of the Hearing Examiner dated March 3, 1961, the Director of the Division of Licensing and Regulation has issued Provisional Operating License No. TR–3 to National Aeronautics and Space Administration for its

Plum Brook Reactor Facility located near Sandusky, Ohio.

The license authorizes operation of the reactor at a power level not in excess of 100 kilowatts thermal, but specifies that neither (1) initial core loading of the reactor nor (2) operation of the reactor past the level of one kilowatt (thermal) shall take place until the Director, Division of Licensing and Regulation, has made specified findings concerning completion of construction and testing of certain items. The license provides that the Director, Division of Licensing and Regulation, shall refer to the Advisory Committee on Reactor Safeguards and to public hearing any request by the licensee to operate the reactor at a power level in excess of 100 kilowatts (thermal).

The license will expire 18 months from the date of issuance (subject to modification or extension for good cause shown) or upon the earlier issuance of a superseding operating license pursuant to further order of the Commission.

Copies of the Intermediate Decision and the license are on file in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 14th day of March 1961.

For the Atomic Energy Commission.

ROBERT LOWENSTEIN,
*Acting Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-2366; Filed, Mar. 17, 1961; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 12226; Order No. E-16512]

## UNITED STATES OVERSEAS AIRLINES, INC., AND WORLD WIDE AIRLINES, INC.

### Reduced Charter Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of March 1961.

By tariff revision filed February 14, 1961, for effect March 16, 1961, United States Overseas Airlines, Inc. (USOA) proposes charter rates within the contiguous 48 states and the District of Columbia of $2.25 per mile for DC-6 aircraft, and $2.40 per mile for DC-6A and DC-6B aircraft. On February 15, 1961, World Wide Airlines, Inc. (World Wide) filed a tariff revision for effect March 17, 1961, which proposes for application within the same area a charter rate of $2.10 per mile for L-749 and L-749A aircraft. In each case, the rates are to apply alike to live and ferry mileage, and are available for both civilian and military charters.

Saturn Airways, Inc. (Saturn) and Overseas National Airways, Inc. (Overseas National) have filed complaints requesting investigation and suspension of the rate proposed by World Wide and that proposed by USOA for its DC-6A and DC-6B charter operations. Overseas National additionally directs its request for relief to the reduced rate proposed by USOA for its DC-6 operations. In essence, the complainants assert that the rates are below the 2.9 cents per passenger mile which has been established as a floor for MATS plane-load operations, alleged to be less costly to provide than CAM services, and that the rates will necessitate concomitant reductions on the part of other carriers, thereby leading to a destructive rate war.

In Order E-16462 of March 2, 1961, the Board expressed its concern that recent charter rate reductions taken together with similar proposals then on file evidenced possible development of a rate war with respect to bids for military traffic, and ordered investigation and suspension of rates for DC-7 charter operations proposed by Overseas National at a level below that generally prevailing for such aircraft. The considerations which then prompted the Board appear equally pertinent here insofar as the rates proposed for L-749/L-749A and DC-6A/DC-6B charter operations are concerned. However, the Board would permit to become effective a rate no lower than $2.45 per mile for operations with DC-6A and DC-6B aircraft.

Upon consideration of the tariffs and all relevant matters, the Board finds that the proposals with respect to rates for charter service provided with L-749/L-749A and DC-6A/DC-6B aircraft may be unjust or unreasonable or unjustly discriminatory or unduly preferential or unduly prejudicial and should be investigated. In view of the departure of these proposals from the existing general level of rates for comparable service and the numerous recent and proposed tariff changes, the Board has concluded to suspend the operation of the tariff proposals relating to the above-mentioned aircraft and the use thereof pending investigation. However, the Board finds that no facts have been presented which would warrant investigation of the rate here under consideration for DC-6 charter operations, which reflects a level currently in effect for such service.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof: *It is ordered*, That:

1. An investigation is hereby instituted to determine whether the rates per charter mile and per ferry mile for L-749 and L-749A aircraft on 5th Revised Page 73-A, and the rates per charter mile and per ferry mile for DC-6A and DC-6B aircraft on 14th Revised Page 86, of Agent John J. Klak's C.A.B. No. 11 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates.

2. Pending investigation, hearing and decision by the Board, the rates per charter mile and per ferry mile for L-749 and L-749A aircraft on 5th Revised Page 73-A, and the rates per charter mile and per ferry mile for DC-6A and DC-6B aircraft on 14th Revised Page 86, of Agent John J. Klak's C.A.B. No. 11 are suspended and their use deferred to and including June 13, 1961, unless otherwise ordered by the Board and that no changes be made therein during this period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. The complaints of Overseas National Airways, Inc. in Dockets 12179 and 12180, and the complaints of Saturn Airways, Inc. in Dockets 12181 and 12182 are consolidated herein.

5. Copies of this order shall be filed with the tariffs and shall be served upon United States Overseas Airlines, Inc., World Wide Airlines, Inc., Overseas National Airways, Inc., and Saturn Airways, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
*Secretary.*

[F.R. Doc. 61-2400; Filed, Mar. 17, 1961; 8:49 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP60-93]

## MANUFACTURERS LIGHT AND HEAT CO.

### Notice of Application and Date of Hearing

MARCH 13, 1961.

Take notice that on April 29, 1960, The Manufacturers Light and Heat Company (Applicant), 800 Union Trust Building, Pittsburgh 19, Pennsylvania, filed an application, as supplemented on May 24, 1960, in Docket No. CP60-93, pursuant to sections 7 (c) and (b) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate approximately 2.3 miles of 24-inch pipeline replacing a corresponding section of Applicant's 16-inch pipeline No. 65 in Findlay Township, Allegheny County, Pennsylvania; and for permission to abandon the section that is to be replaced by the proposed construction, all as more fully set forth in the application and supplement on file with the Commission and open to public inspection.

Line No. 65 is one of the main lines serving the Beaver Valley area near Aliquippa, northwest of Pittsburgh, Pennsylvania.

The application states that the section to be replaced has had over 100 leak repairs in the past four years and that Applicant anticipates numerous repairs in the near future. It appears that the corrosive action of the soil has affected this section more than any other section of line No. 65.

The replacement of the 16-inch line with 24-inch line will give Applicant some additional delivery capacity into the area; however, Applicant states that its main purpose at this time is to replace a badly deteriorated line and that the increased capacity will be needed in the next few years in view of the rate of growth in the area served.



Most of the pipeline to be replaced will be abandoned in place because of its poor condition; a few valves and fittings will be salvaged.

The application shows that the total estimated cost of the proposed construction is $228,000 with a credit to fixed capital of $33,000. The estimated cost of retiring the pipeline is $200 with a salvage value of $4,200.

The cost of the proposed construction will be financed by the issuance and sale of promissory notes to Applicant's parent company, The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 13, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 3, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2369; Filed, Mar. 17, 1961; 8:45 a.m.]

[Docket No. G-18078, etc.]

## TEXACO, INC., ET AL.

### Order Consolidating Hearing Relating to Amendment to Certificates of Public Convenience and Necessity With Rehearing Granted With Respect to Issuance of Original Certificates and Fixing Hearing Date Thereof

MARCH 13, 1961.

Texaco, Inc., Docket No. G-18078, et al.; South Texas Natural Gas Gathering Company, Docket No. G-18907; Coastal States Gas Producing Company and Southern Coast Corporation, Docket No. G-19016; Delhi-Taylor Oil Corp. and Mayfair Minerals, Inc., Docket No. G-19128; Slick Oil Corporation, Docket No. CI60-206; Sun Oil Company, Docket No. CI60-349; Sunray Mid-Continent Oil Company, Docket No. CI60-428; Katz Oil Company, et al., Docket No. CI60-464; Coastal States Gas Producing Company, Docket No. CI60-491; Billy Bridewell, et al., Docket No. CI60-507; Woods Exploration and Producing Company, Docket No. CI60-600; Mokeen Oil Company, et al., Docket No. CI60-789; Nichols Petroleum Limited Partnership, et al., Docket No. CI60-793; Harkins and Company, Docket No. CI61-38; Tex-Star Oil & Gas Corp., et al., Docket No. CI61-43; Prado Oil and Gas Company, Docket No. CI61-77; Prado Oil and Gas Company, Docket No. CI61-79; Coastal States Gas Producing Company, Docket No. CI61-123; George H. Coates, Docket No. CI61-178; W. E. Bakke, Docket No. CI61-257; W. E. Bakke, et al., Docket No. CI61-258; Coastal States Gas Producing Company, Docket No. CI61-471; Coastal States Gas Producing Company, Docket No. CI61-472; George H. Coates, et al., Docket No. CI61-510; H. R. Billingsley, Trustee, Docket No. CI61-515; Russell Maguire, et al., Docket No. CI61-530; Coastal States Gas Producing Company, Docket No. CI61-539; Coastal States Gas Producing Company, Docket No. CI61-566; Katz Oil Company, Operator, Docket No. CI61-627; Morgan Minerals Corporation, Docket No. CI61-648; American Petrofina Company of Texas, Operator, et al., Docket No. CI61-775; H. J. Porter, et al., Docket No. CI61-831; Delbert Wallace, Operator, et al., Docket No. CI61-871; Jake L. Hamon, Docket No. CI61-922; Jake L. Hamon, Docket No. CI61-930; Sun Oil Company, Docket No. CI61-956; Texaco Inc., Docket No. CI61-961; Carter & Carter, Docket No. CI61-1116; Lab Oil Company, Docket No. CI61-1159.

By order dated November 22, 1960, in Texaco Inc., Docket No. G-18078, et al., this Commission issued certificates of public convenience and necessity to Transcontinental Gas Pipe Line Corporation (Transco), South Texas Natural Gas Gathering Company (South Texas), Coastal States Gas Producing Company, Operator and Southern Coast Corporation (joint-venture) and numerous independent producer applicants under section 7 of the Natural Gas Act.

By the certificate issued on November 22, 1960, South Texas was granted permission to construct an additional 195 miles of pipeline from a point of connection with its existing facilities in Brooks County across Jim Hogg and Webb Counties to a point of interconnection with the facilities of Transco in LaSalle County, Texas. South Texas was further authorized by this certificate to sell a maximum volume of 70,000 Mcf of natural gas per day to Transco.

On December 22, 1960, the Public Service Commission of the State of New York filed an application for a rehearing of the above-mentioned order granting certificates of public convenience and necessity. By order dated January 19, 1961, the Public Service Commission of the State of New York was granted the rehearing it requested.

On December 13, 1960, South Texas filed an amended application to increase the volume of deliveries to Transco authorized by order issued on November 22, 1960. By that order South Texas was authorized to deliver a maximum of 70,000 Mcf per day to Transco. It now seeks authority to increase the maximum volume to 140,000 Mcf per day.

South Texas in this recent amendment to its original application also seeks authority to gather and deliver the additional volumes it desires to sell to Transco from various fields in Hidalgo, Brooks, Starr, Kleberg, Jim Hogg, Zapata, Webb, and Duval Counties in South Texas.

This amendment filed by South Texas also indicates that it proposes to construct extensions to its existing facilities in Zapata, Jim Wells, Kleberg, and Hidalgo Counties, Texas, and would also construct laterals to its existing gathering system in Jim Hogg, Hidalgo, Jim Wells, Kleberg, Starr, and Brooks Counties, Texas.

Numerous independent producer applicants seek certificates of public convenience and necessity under section 7 of the Natural Gas Act to sell varying volumes of gas to South Texas. South Texas has dedicated such gas that it presently has under contract to Transco in order to support the increased sales of gas to that company for which it is seeking certification in these proceedings.

The following independent producer applicants propose to sell gas to South Texas for resale in interstate commerce:

*Docket No.; Producer; Name of Field or Area*

G-19016; Coastal States Gas Producing Co. and Southern Coast Corp.; Duval County, Tex.
G-19128; Delhi-Taylor Oil Corp. and Mayfair Minerals Inc.; Whitted Field, Hidalgo County, Tex.
CI60-206; Slick Oil Corp.; Hidalgo County, Tex.
CI60-349; Sun Oil Co.; Donna Field, Hidalgo, County, Tex.
CI60-428; Sunray Mid-Continent Oil Co.; Javelina Field Area, Hidalgo County, Tex.
CI60-507; Billy Bridewell, et al.; Landa Field, Hidalgo County, Tex.
CI60-600; Woods Exploration and Producing Co.; Cano Field, Hidalgo County, Tex.
CI60-789; McKeen Oil Company, et al.; Kleberg County, Tex.
CI60-793; Nichols Petroleum Ltd.; Jim Wells and Kleberg Counties, Tex.
CI61-43; Tex-Star Oil & Gas Corp., et al.; Tabasco Field, Hidalgo County, Tex.
CI61-77; Prado Oil & Gas Co.; Prado Field, Jim Hogg County, Tex.
CI61-79; Prado Oil & Gas Co.; Prado Field, Jim Hogg County, Tex.
CI61-123; Coastal States Gas Producing Co.; South LaGloria Field Area, Brooks County, Tex.
CI61-178; George H. Coates; Jay Simmons Field, Starr County, Tex.
CI61-257; W. E. Bakke; Cano Field, Hidalgo County, Tex.
CI61-258; W. E. Bakke, et al.; Cano Field, Hidalgo County, Tex.
CI61-471; Coastal States Gas Producing Co.; N. E. Thompsonville Field, Jim Hogg County, Tex.
CI61-472; Coastal States Gas Producing Co.; N. E. Thompsonville Field, Jim Hogg County, Tex.
CI61-515; H. R. Billingsley, Trustee; Whitted Field Area, Hidalgo County, Tex.
CI61-530; Russell Maguire, et al.; City of San Juan, Hidalgo County, Tex.
CI61-539; Coastal States Gas Producing Co.; North Sun Field, Starr County, Tex.
CI61-566; Coastal States Gas Producing Co.; Tabasco Field Area, Hidalgo County, Tex.
CI61-627; Katz Oil Co., Operator; Vela Field, Zapata County, Tex.
CI61-648; Morgan Minerals Corp.; Yeary Field, Kleberg County, Tex.

CI61-930; Jake L. Hamon; Prado Field, Jim Hogg County, Tex.
CI61-956; Sun Oil Co.; Yeary and Riviera Beach Fields, Kleberg County, Tex.
CI61-961; Texaco Inc.; Riviera Beach Field, Kleberg County, Tex.
CI61-1116; Carter & Carter; Dinn Field Area, Duval County, Tex.

One of the major sources of supply to South Texas is the joint-venture. It has already been noted that the joint-venture is seeeking authority to sell additional gas produced in Duval County, Texas, to South Texas, by an amendment to the certificate it originally received in Docket No. G-19016. The joint-venture has dedicated its contracts with several independent producers to South Texas. This gas dedicated by the joint-venture to South Texas is not gas that will come from the joint-venture's own production but gas it has a contractual right to receive from various independent producers. The following independent producers thus propose to sell gas to the joint-venture for resale in interstate commerce:

*Docket No.; Producer; Name and Location of Field or Area*

CI60-464; Katz Oil Co., et al.; Johns Field Area, Duval County, Tex.
CI60-491; Coastal States Gas Producing Co.; South 76 Field Area, Duval County, Tex.
CI61-36; Harkins and Co.; Johns Field Area, Duval County, Tex.
CI61-775; American Petrofina Co. of Texas; Johns Field Area, Duval County, Tex.
CI61-831; H. J. Porter, et al.; Johns Field Area, Duval County, Tex.
CI61-871; James W. Porter, et al.; Johns Field Area, Duval County, Tex.
CI61-1159; Lab Oil Co.; A & W Field Area, Duval County, Tex.

The Commission finds:

(1) That the proposed amendments to the certificates of public convenience and necessity issued to South Texas in Docket No. G-18907 and the joint-venture in Docket No. G-19016 as well as all other related matters set out above should be consolidated for purposes of hearing, and

(2) That since it has granted rehearing in connection with the original certificates issued in Docket Nos. G-18078, et al., and that related issues are common to both the rehearing and the hearing scheduled to be held in connection with the amended certificates, that the public convenience and necessity require these matters also be consolidated for purposes of hearing.

The Commission orders:

(A) That all those related matters noted above be consolidated for purposes of hearing.

(B) That pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure a hearing will be held on May 15, 1961 at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues noted above.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 28, 1961.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61-2370; Filed, Mar. 17, 1961; 8:45 a.m.]

# DEPARTMENT OF COMMERCE

## Maritime Administration

[Docket No. S-122]

## MOORE-McCORMACK LINES, INC.

### Notice of Application and of Hearing

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, for its owned vessel, the "SS Mormacsun," which is under time charter to States Marine Lines, Inc., to engage in one intercoastal voyage commencing at United States North Pacific ports on or about March 28, 1961, to load lumber and/or lumber products for discharge at United States Atlantic ports. This application may be inspected by interested parties in the Hearing Examiners' Office, Federal Maritime Board/Maritime Administration.

A hearing on the application has been set for March 24, 1961, at 9:30 a.m., e.s.t., in Room 4458, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on March 23, 1961, notify the Secretary, Federal Maritime Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Federal Maritime Board/Maritime Administration, petitions for leave to intervene received after the close of business on March 23, 1961, will not be granted in this proceeding.

Dated: March 17, 1961.

THOMAS LISI, *Secretary.*

[F.R. Doc. 61-2442; Filed, Mar. 17, 1961; 10:35 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 811-673]

## LIFE INSURANCE FUND, INC.

### Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 13, 1961.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 for an order of the Commission declaring that Life Insurance Fund, Incorporated, a registered open-end investment company, has ceased to be an investment company.

The application states that no capital stock has been issued, that no securities of any kind have been sold by or through said company and that no funds have been received by said company.

The applicant further states that the company has no assets and no liabilities and will not conduct business in any manner after the date of application.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given, that any interested person may, not later than March 30, 1961 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-2384; Filed, Mar. 17, 1961; 8:47 a.m.]

[File No. 2-12438]

## THYER MANUFACTURING CORP.

### Notice of Application for Exemption

MARCH 13, 1961.

Notice is hereby given that the Thyer Manufacturing Corporation, an Ohio corporation, has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 (Act) (17 CFR 240. 15d-20) for an order exempting the issuer from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all outstanding securities of the issuer are held of record, as therein defined, and the number of such record holders does not exceed 50 persons and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the request for exemption from the reporting requirements of section 15(d) of the Act, as follows:

1. All its outstanding shares of Common Stock, being its only authorized and outstanding security, are held of record and the number of such record holders does not exceed 50 persons; and

2. In its opinion, the filing of further reports is not necessary in the public interest or for the protection of investors.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after March 27, 1961, unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than March 24, 1961 at 5:30 p.m., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to convert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-2385; Filed, Mar. 17, 1961; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 15, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36966: *Phosphate Rock from Florida points to Elmira, Ontario.* Filed by O. W. South, Jr., Agent (No. A4075), for interested rail carriers. Rates on crude phosphate rock, as described in the application, in bulk in covered hopper cars, in multiple carload lots, from Armour, Coronet, Phosmico, Section 12 mine and Tenoroc, Fla., to Elmira, Ontario.

Grounds for relief: Rail-water-truck competition.

Tariff: Supplement 15 to Southern Freight Association tariff I.C.C. S-140.

FSA No. 36967: *Iron and steel articles to Texas points and Mossville, La.* Filed by Southwestern Freight Bureau, Agent (No. B-7987), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from interstate points in the United States, to specified points in Texas, and Mossville, La.

Grounds for relief: Commercial competition.

Tariff: Supplement 175 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 36968: *T.O.F.C. service—Class rates from and to points in the Southwest and Mississippi.* Filed by Southwestern Freight Bureau, Agent (No. B-7983), for interested rail carriers. Rates on various commodities moving on class rates, loaded in or on trailers and transported on railroad flat cars, from and to points in Arkansas, Mississippi, Missouri and Oklahoma.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 18 to Southwestern Freight Bureau tariff I.C.C. 4368.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-2391; Filed, Mar. 17, 1961; 8:48 a.m.]

[Under Rev. S.O. No. 562; Taylor's I.C.C. Order No. 129-A]

## MERIDIAN & BIGBEE RAILROAD CO.

### Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 129 (Meridian & Bigbee Railroad Company) and good cause appearing therefor:

*It is ordered,* That:

(a) Taylor's I.C.C. Order No. 129 be, and it is hereby, vacated and set aside.

(b) Effective date: This order shall become effective at 10:00 a.m., March 13, 1961.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 13, 1961.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 61-2392; Filed, Mar. 17, 1961; 8:48 a.m.]

## CENTRAL AND FIELD ORGANIZATION

### Description

MARCH 6, 1961.

The Description of the Central and Field Offices of the Interstate Commerce Commission (25 F.R. 5602) is amended as follows and is published pursuant to the provisions of section 3(a) of the Administrative Procedure Act (60 Stat. 237).

Item (f) Bureau of Accounts, paragraph (1) Section of Accounting is deleted and the following is substituted therein:

(1) *Section of Accounting.* Prepares uniform systems of accounts and general accounting rules applicable to carriers in the several modes of transportation subject to Commission regulation. Prepares regulations governing the destruction of carrier records, and the forms and recording of passes for free transportation or at reduced fares. Prepares modifications and revisions of such systems and rules to keep them abreast of current conditions including special rules for carriers undergoing financial reorganization, merger, consolidation, acquisition or abandonment of property, etc. Furnishes interpretations of accounting and related rules as required to meet needs of the Commission and the carriers subject to its regulation. Renders assistance in proceedings before the Commission, the courts and Congressional Committees involing the application of accounting rules and principles.

Paragraphs (4) Section of Field Service and (5) Field Staff are deleted and the following is substituted:

(4) *Section of Field Service—Departmental.* Directs and coordinates the field work program covering the examination of carrier accounting, valuation and related records and practices.

*Field Staff.* Examines accounts and records of carriers to ascertain compliance with accounting, valuation and related regulations prescribed by the Commission. Provides expert testimony in courts of law and proceedings before the Commission with respect to matters developed in field examinations and investigations.

(5) *Section of Reports.* Reviews and evaluates all reports and related working papers pertaining to general accounting and valuation examinations made by the Bureau's field staff; ascertains the appropriate disposition of all deviations from prescribed regulations and other matters reported therein. Examines accounting elements of annual reports filed by motor carriers of property and passengers to determine that accounts and related cost statistics are being maintained in conformity with prescribed regulations. Reviews and disposes of accounting entries submitted by carriers pursuant to Commission orders in finance proceedings. Develops equitable and reasonable depreciation rates and reserves for carrier property.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-2393; Filed, Mar. 17, 1961; 8:48 a.m.]

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Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.



FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10926

### AMENDING EXECUTIVE ORDER NO. 10919,[1] FEBRUARY 17, 1961, TO EXTEND THE TIME WITHIN WHICH THE BOARD CREATED THEREIN, TO INVESTIGATE A DISPUTE BETWEEN PAN AMERICAN WORLD AIRWAYS, INC., AND CERTAIN OF ITS EMPLOYEES, SHALL REPORT ITS FINDINGS TO THE PRESIDENT

By virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), and as President of the United States, I hereby extend until June 20, 1961, the time within which the emergency board created by Executive Order No. 10919 of February 17, 1961, to investigate a dispute between Pan American World Airways, Inc., and certain of its employees, represented by the Flight Engineers' International Association, PAA Chapter, a labor organization, shall report its findings to the President.

JOHN F. KENNEDY

THE WHITE HOUSE,
*March 18, 1961.*

[F.R. Doc. 61-2525; Filed, Mar. 20, 1961; 10:24 a.m.]

[1] 26 F.R. 1463.

# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 43]

### PART 943—MILK IN NORTH TEXAS MARKETING AREA

### Order Amending Order

**§ 943.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than April 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.



(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued February 16, 1961 and the decision of the Acting Secretary containing all amendment provisions of this order was issued March 3, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1961, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (section 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

**§ 943.50 [Amendment]**

1. In the first sentence of § 943.50 delete the phrase "highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section." and substitute therefor the phrase "higher of the prices computed pursuant to paragraphs (a) and (b) of this section."

2. Delete paragraph (c) of § 943.50.

**§ 943.51 [Amendment]**

3. Delete paragraph (b) of § 943.51 and substitute therefor the following:

(b) *Class II milk.* The Class II price per hundredweight, rounded to the nearest one-tenth cent, shall be as follows:

(1) For each of the months of April, May and June the higher of:

(i) the price computed pursuant to § 943.50(b) less 14 cents; or

(ii) The price computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month.

(2) For each of the months of July through March, the higher of the prices computed pursuant to § 943.50(b) or subdivision (ii) of subparagraph (1) of this paragraph.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 15th day of March 1961 to be effective on and after the 1st day of April 1961.

JOHN P. DUNCAN, Jr.,
*Assistant Secretary.*

[F.R. Doc. 61–2425; Filed, Mar. 20, 1961; 8:47 a.m.]

[Milk Order 49]

### PART 949—MILK IN SAN ANTONIO, TEX., MARKETING AREA

### Order Amending Order

**§ 949.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the San Antonio, Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than April 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued February 10, 1961, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued February 28, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1961, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (section 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the San Antonio, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Delete paragraph (a) in § 949.52 and substitute therefor the following:

(a) *Class II milk.* During April, May, and June, the price per hundredweight for Class II milk shall be the price computed pursuant to subparagraph (1) of this paragraph, less 14 cents or the price computed pursuant to paragraph (b) of this section, whichever is higher. During all other months, the Class II price shall be the price computed pursuant to subparagraph (1) of this paragraph or paragraph (b) of this section, whichever is higher.

(1) The sum of the amounts computed pursuant to subdivisions (i) and (ii) of this subparagraph, rounded to the nearest cent:

(i) Multiply by 4.4, the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month;

(ii) From the average of the carlot prices per pound of nonfat dry milk for human consumption, spray process, f.o.b. manufacturing plants in the Chicago area as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the current month, subtract 5 cents and multiply by 8.16.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 15th day of March 1961, to be effective on and after the 1st day of April 1961.

JOHN P. DUNCAN, Jr.,
*Assistant Secretary.*

[F.R. Doc. 61–2427; Filed, Mar. 20, 1961; 8:47 a.m.]

[Milk Order 52]

### PART 952—MILK IN AUSTIN-WACO, TEX., MARKETING AREA

### Order Amending Order

**§ 952.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Austin-Waco marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than April 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued February 10, 1961 and the decision of the Assistant Secretary containing all amendment provisions of this order was issued February 28, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1961, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (section 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Austin-Waco marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Delete § 952.51 and substitute therefor the following:

**§ 952.51 Class II milk.**

Subject to provisions of § 952.52 the minimum price per hundredweight to be paid by each handler for producer milk received at his fluid plant and classified as Class II milk shall be the price computed pursuant to paragraph (a) of this section, less 14 cents or the price computed pursuant to paragraph (b) of this section, whichever is higher, during April, May, and June; and for each of the other months, the price computed pursuant to paragraph (a) or paragraph (b) of this section, whichever is higher:

(a) The sum of the plus values computed as follows:

(1) Subtract 3 cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

(b) The price per hundredweight computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars, or truckloads) as reported by the Department for the months and rounding to the nearest cent.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 15th day of March 1961 to be effective on and after the 1st day of April 1961.

JOHN P. DUNCAN, JR.,
*Assistant Secretary.*

[F.R. Doc. 61-2428; Filed, Mar. 20, 1961; 8:47 a.m.]

[Milk Order 66]

## PART 966—MILK IN NORTHERN LOUISIANA MARKETING AREA

### Order Amending Order

**§ 966.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northern Louisiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than April 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued February 16, 1961 and the decision of the Acting Secretary containing all amendment provisions of this order was issued March 3, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1961 and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (section 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northern Louisiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 966.50 and substitute therefor the following:

**§ 966.50 Basic formula price.**

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest one-tenth cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 4.0.

PRESENT OPERATOR AND LOCATION

Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Sparta, Mich.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0;

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

**§ 966.51 [Amendment]**

2. Delete paragraph (b) in § 966.51 and substitute therefor the following:

(b) *Class II price.* The minimum price shall be the price computed pursuant to § 966.50(b), minus 5 cents per hundredweight for the months of March, April, May and June, and the price computed pursuant to § 966.50(b) for all other months, rounded in each case to the nearest one-tenth cent.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., March 15, 1961, to be effective on and after the 1st day of April 1961.

JOHN P. DUNCAN, JR.,
*Assistant Secretary.*

[F.R. Doc. 61-2426; Filed, Mar. 20, 1961; 8:47 a.m.]



[Milk Order 98]

## PART 998—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

### Order Amending Order

**§ 998.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than April 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued February 10, 1961, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued February 28, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1961, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (section 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Corpus Christi, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Delete paragraph (b) in § 998.50 and substitute therefor the following:

(b) *Class II milk price.* The minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class II milk shall be the price computed pursuant to subparagraph (1) of this paragraph, less 12 cents or the price computed pursuant to paragraph (c) of this section, whichever is higher, for the months of March, April, May, and June; and for the other months, the price computed pursuant to subparagraph (1) of this paragraph or paragraph (c) of this section, whichever is higher:

(1) The sum of the plus values computed as follows:

(i) Subtract 3 cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0; and

(ii) From the simple average as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture deduct 5.5 cents and multiply by 8.16.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., March 15, 1961, to be effective on and after the 1st day of April 1961.

JOHN P. DUNCAN, JR.,
*Assistant Secretary.*

[F.R. Doc. 61-2429; Filed, Mar. 20, 1961; 8:47 a.m.]

## PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Container Regulation

On February 28, 1961, notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 1730) that consideration was being given to a proposed container regulation that would supersede present § 1031.307, to be effective under the marketing agreement and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This is a regulatory marketing program pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the notice, which was submitted by the Texas Valley Citrus Committee (established pursuant to the said marketing agreement and order), it is hereby found that the container regulation, hereinafter set forth, is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared policy of the act.

**§ 1031.322 Container regulation.**

(a) Except as otherwise provided herein or by, or pursuant to, the provisions of Marketing Agreement No. 141 and this part (25 F.R. 9093) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, no handler shall, on and after 12:01 a.m., c.s.t., March 27, 1961, handle any fruit unless such fruit is in a container or containers meeting the following specifications:

(1) Containers with inside dimensions of 24⁵⁄₁₆ x 11⅜ x 11⅜ inches.

(2) Containers with inside dimensions of 16¼ x 10¼ x 10¼ inches.

(3) Containers with inside dimensions of 16½ x 10¾ x 9½ inches.

(4) Containers with inside dimensions of 19¾ x 13½ x 13½ inches: *Provided*, That each such container shall have a test strength of at least 250 pounds.

(5) Containers with inside dimensions of 22 x 14 x 16½ inches: *Provided*, That such containers may be used only for the shipment of 8-pound bags of grapefruit, and each such master container shall contain 8 such bags of grapefruit.

(6) Bags having a capacity for 5-, 8-, or 20-pounds of fruit, respectively.

(7) Containers with inside dimensions of 16⁷⁄₁₆ x 10⅝ x 10⅝ inches.

(8) Containers with inside dimensions of 13 x 11⅜ x 11⅜ inches.

(9) Bags having a capacity for three (3) pack size 64 grapefruit: *Provided*, That such containers may be used only for the shipment of grapefruit, and each bag shall contain three (3) grapefruit of pack size 64 or pack size 70 or 72, or both, and grade at least U.S. No. 1.

(10) Such other types and sizes of containers as may be approved by the Texas Valley Citrus Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided*, That the handling of each lot of fruit in such test containers shall be subject to prior approval, and under the supervision, of the Texas Valley Citrus Committee.

(11) The provisions of this regulation shall not apply to any gift fruit shipments.

(b) The terms "handle," "handler," and "fruit" shall, when used herein, have the same meaning as when used in the marketing agreement and order (§§ 1031.1 to 1031.62; 25 F.R. 9093); and "pack size 64" and "pack size 70 or 72" shall each have the same meaning as given the respective terms in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona; 7 CFR 51.620–51.658) for grapefruit packed in the 1⅗ bushel box.

The provisions of § 1031.307 *Container regulation* (25 F.R. 12505; 26 F.R. 581, 948, 1439) are hereby terminated 12:01 a.m., c.s.t., March 27, 1961.

It is hereby further found that good cause exists for making the container regulation effective on March 27, 1961, and for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) Available information indicates handlers' inventories of the containers precluded from use in the handling of Texas citrus fruit, after the effective date hereof, have been exhausted; (2) notice of rulemaking concerning this regulation, including the proposed March 27, 1961, effective date, was published on February 28, 1961 (26 F.R. 1730), and no objection to this regulation or the March 27, 1961, effective date was received; and (3) no special preparation on the part of handlers is required to comply with this regulation which cannot be completed by the effective time hereof.

Dated: March 16, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2431; Filed, Mar. 20, 1961; 8:48 a.m.]

[Orange Reg. 11, Amdt. 1]

## PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Limitation of Shipments

*Findings.* (1) Pursuant to the Marketing Agreement No. 141 and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, with respect to a proposed new container regulation (26 F.R. 1730), and upon other available information, it is hereby found that the limitation on the handling of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment beyond March 27, 1961, until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective on March 27, 1961. Shipments of all oranges, grown in the production area, are currently subject to regulation by grades, sizes, and pack, pursuant to Orange Regulation 11 (§ 1031.323; 26 F.R. 1853) and, unless sooner amended or terminated, continue to be so regulated until July 2, 1961; on February 28, 1961, notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 1730) that consideration was being given to a proposed container regulation which, on and after March 27, 1961, would preclude the continued use of three containers theretofore authorized for the handling of oranges; said Orange Regulation 11 allows the use of such containers beyond March 27, 1961; the proposed container regulation (§ 1031.322) is to become effective at 12:01 a.m., c.s.t., March 27, 1961, it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective at the same time thereby prohibiting the handling of oranges in these containers; available information indicates handlers' inventories of the containers precluded from use in the handling of Texas citrus fruit, after the effective date hereof, have been exhausted; and compliance with this amendment will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

*It is, therefore, ordered*, That paragraph (b) (3) (iv) of § 1031.323 Orange Regulation 11 (26 F.R. 1853) is hereby amended by deleting therefrom all containers having inside dimensions of 19¾ x 13 x 13½ inches, 19¾ x 13 x 12½ inches, or 19¾ x 13 x 12¼ inches. As amended, subdivision (iv) of § 1031.323 (b) (3) reads as follows:

(iv) Any oranges of any variety, grown as aforesaid, packed in a box or carton having inside dimensions of 19¾ x 13½ x 13½ inches, unless such container is packed in accordance with one of the following pack sizes and contains the applicable number of oranges specified for the pack size: *Provided*, Such oranges are within the diameter limits specified in subdivision (iii) of this subparagraph for the particular pack size, except that not to exceed a total of 10 percent, by count, of such oranges in such container may be outside such diameter limits:

| Pack size: | Number of oranges |
|---|---|
| 100 | 100 |
| 125 | 125 |
| 163 | 163 |
| 200 | 198 |
| 252 | 252 |
| 324 | 319 |

The provisions of this amendment shall become effective at 12:01 a.m., c.s.t., March 27, 1961.

All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container regulations which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 16, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2430; Filed, Mar. 20, 1961; 8:48 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

### PART 1—GENERAL PROVISIONS

### PART 17—MEDICAL

### PART 21—VOCATIONAL REHABILITATION AND EDUCATION

### Miscellaneous Revocations

1. In Part 1, § 1.985 is revoked.

§ 1.985 Instructions relating to overpayments or illegal payments of insurance made to an insured under the National Service Life Insurance Act and the World War Veterans' Act. [Revoked]

2. In Part 17, § 17.950 is revoked.

§ 17.950 Instructions relating to the processing of applications for hospital and/or outpatient treatment of persons applying for such benefits under Public Law 239, 82d Congress. [Revoked]



3. In Part 21, §§ 21.191, 21.694 and 21.2903 are revoked.

§ 21.191 Application of the provisions of the Servicemen's Readjustment Act, Title II, as amended by section 5, Public Law 610, 81st Congress, approved July 13, 1950. [Revoked]

§ 21.694 Application of the provisions of Public Law 571, 81st Congress, with respect to the computation of estimated costs of teaching personnel and supplies for instruction in the case of land-grant colleges and universities. [Revoked]

§ 21.2903 Restatement of vocational rehabilitation and educational benefits laws; change in absence reporting requirements for Korean conflict veterans. [Revoked]

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 61-2438; Filed, Mar. 20, 1961; 8:49 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

### SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

### PART 32—HUNTING

### Revision of Open Hunting Areas

On page 168 of the FEDERAL REGISTER of January 10, 1961, there was published a notice of proposed amendments to §§ 32.21 and 32.31 of Title 50, Code of Federal Regulations. The purpose of these amendments is to terminate upland game hunting on the Seney National Wildlife Refuge, Michigan, and to terminate big-game hunting on the Fallon National Wildlife Refuge, Nevada and the Stillwater Wildlife Management Management Area, Nevada.

Interested persons were given 30 days in which to submit written comments, suggestions or objections with respect to the proposed amendments. No comments, suggestions or objections have been received. The Seney National Wildlife Refuge, Michigan, is hereby deleted from the list of open areas in § 32.21 and the Fallon National Wildlife Refuge and Stillwater Wildlife Management Area, Nevada are hereby deleted from the list of open areas in § 32.31.

This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(45 Stat. 1224, sec. 10; 16 U.S.C. 715i)

STEWART L. UDALL,
*Secretary of the Interior.*

MARCH 15, 1961.

[F.R. Doc. 61-2418; Filed, Mar. 20, 1961; 8:46 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

### PART 101—POSTAL UNIONS

### PART 111—CONDITIONS APPLICABLE TO ALL CLASSES

### PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

### PART 114—TREATMENT OF INCOMING POSTAL UNION MAIL

### PART 121—OUTGOING PARCELS

### PART 122—INCOMING PARCELS

### PART 132—REGISTRATION

### PART 133—INSURANCE

### PART 137—RECALL AND CHANGE OF ADDRESS

### PART 142—COMMERCE DEPARTMENT'S REGULATIONS (COMMODITIES AND TECHNICAL DATA)

### PART 151—CUSTOMS

### PART 161—INQUIRIES AND COMPLAINTS

### PART 162—INDEMNITY CLAIMS AND PAYMENTS

### International Mail Regulations

The regulations of the Post Office Department in Subchapters K through Q—International Mail—as published in Federal Register Document 60-1246, 25 F.R. 1095-1126, are amended as follows:

§ 101.2 [Amendment]

I. In § 101.2 *Postal Union of the Americas and Spain* make the following changes in the alphabetical listing of countries therein:

A. Delete the countries "Spanish Guinea, and Spanish West Africa," and amend the country heading of "Spain" to read "Spain and [1] 'Possessions'."

B. Add a footnote 1 immediately following the listing of countries to read as follows:

[1] Spanish possessions include Balearic Islands, Canary Islands, and the Spanish Offices in Northern Africa; also Fernando Po, Rio Muni, and Spanish West Africa.

NOTE: The corresponding Postal Manual section is 211.2.

§ 111.3 [Amendment]

II. In § 111.3 *Prohibitions and restrictions*, strike out subdivision (i) of paragraph (b) (5) and insert in lieu thereof the following:

(b) *Restricted articles.* * * *

(5) *Perishable biological materials.* Perishable biological materials, including those of pathogenic nature, when sent in the postal union mail are accepted only as "Letter Packages". The following conditions apply:

(i) *Mailing restrictions.* Countries willing to accept perishable biological materials are indicated in the item "*Letter packages containing dutiable merchandise*" in § 168.5 of this chapter. The packages must be packed as prescribed in subdivision (iii) of this subparagraph and must bear distinctive violet labels by which they can be readily recognized and receive handling and prompt delivery.

NOTE: The corresponding Postal Manual section is 221.325a.

§ 112.1 [Amendment]

III. In § 112.1 *Letters and letter packages*, amend subparagraph (1) of paragraph (e) by deleting the countries "Hungary, Spanish Guinea"; and by inserting in proper alphabetical order "Fernando Po, Jordan, and Rio Muni", to the list of countries which do not admit dutiable merchandise in letters or letter packages.

NOTE: The corresponding Postal Manual section is 222.151.

§ 112.4 [Amendment]

IV. In § 112.4 *Printed matter* make the following changes:

A. In paragraph (a) (1), subdivision (ii) is amended for the purpose of clarification to read as follows:

(a) *Rates*—(1) *Surface.* * * *

(ii) *Second-class publications.* The rates on publications entered as second class when mailed by the publishers or by registered news agents are:

(*a*) *To Canada.* 2½ cents per pound for the nonadvertising portion, and 10 cents per pound for the advertising portion. Minimum rate per copy, ½ cent.

NOTE: No separate rates are provided for nonprofit publications or for classroom publications, and the key rate method of computing postage on the advertising portion may not be used. The rate of 4 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction applies to copies not entitled to the pound rates.

(*b*) *To PUAS countries (see § 101.2 of this chapter) other than Canada.* 2 cents for the first 2 ounces and 1 cent for each additional 2 ounces.

(*c*) *To all other countries.* 3 cents for the first 2 ounces and 1½ cents for each additional 2 ounces or fraction.

NOTE: The corresponding Postal Manual section is 222.411b.

B. Amend paragraph (b) for the purpose of clarification to read as follows:

(b) *Weight limits*—(1) *Printed matter except books.* The weight limit is 6 pounds 9 ounces, except as follows:

(i) Packages of printed matter for Paraguay and Peru may weigh up to 11 pounds.

(ii) Packages of printed matter for Argentina, Bolivia, Brazil, Fernando Po, Rio Muni, Spain (including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa), and Spanish West Africa may weigh up to 22 pounds.

(iii) Packages of printed matter for Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, El Salvador, Uruguay, and Venezuela may weigh up to 33 pounds.

(iv) Packages of second-class publications for Canada may weigh up to 66 pounds.

(2) *Books including directories, and catalogs.* The weight limit is 11 pounds, except as stated in subparagraph (1) of this paragraph.

NOTE: The corresponding Postal Manual section is 222.42.

C. In paragraph (d) make the following changes for the purpose of clarification.

1. Amend subparagraph (1) to read as follows:

(d) *Description*—(1) *General definition.* The term "printed matter" applies to all impressions, or reproductions obtained upon paper, or materials similar to paper, parchment, or cardboard, by means of printing, engraving, lithography, photography, or any other easily recognizable mechanical process; however, reproductions obtained by means of stamps with movable or immovable type, and the typewriter are not considered printed matter.

NOTE: The corresponding Postal Manual section is 222.441.

2. Amend subdivision (i) of subparagraph (3) to read as follows:

(3) *Not admissible as printed matter.* The following are not acceptable at the printed rate:

(i) Printed paper which bears any marks whatever capable of constituting a conventional language or those whose text has been modified after printing, except for the additions mentioned in subparagraph (4) of this paragraph.

NOTE: The corresponding Postal Manual section is 222.443a.

3. Amend subparagraph (5) to read as follows:

(5) *Permitted enclosures.* Articles sent as prints may have the following enclosures:

(i) The manuscript of corrected or uncorrected printing proofs.

(ii) An open invoice covering the articles sent, reduced to its essential terms. There may be enclosed with books a printed circular relating to the accompanying book or containing announcements of other books, and an order form.

(iii) A card, envelope or wrapper bearing the address of the sender which may be prepaid for return by means of postage stamps of the country of destination of the article of printed matter. Do not include a United States domestic business reply card or envelope.

(iv) Cut-out patterns which are marked to show that they are an integral part of a fashion magazine with which they are mailed.

NOTE: The corresponding Postal Manual section is 222.445.

D. In paragraph (e) make the following changes for the purpose of clarification.

1. Amend subparagraph (2) to read as follows:

(e) *Preparation and mailing.* • • •

(2) *Marking.* Senders must place an endorsement on the address side of envelopes, cards, or packages to be mailed at printed rates as follows:

(i) Mark "Printed Matter—Books" or "Printed Matter—Sheet Music" on the address side of packages of books or sheet music to be mailed at the rates stated in paragraph (a)(1) of this section.

(ii) Mark "Printed Matter—Second Class" on the envelopes or wrappers of second-class publications on which the postage is to be paid by means of stamps or permit imprints. When the postage is to be paid in cash or by advance deposit, as permitted in subparagraph (3)(ii) of this paragraph, the wrappers or envelopes must bear the second-class imprint prescribed in § 22.2(e)(7) of this chapter.

(iii) Mark "Printed Matter" on the address side of envelopes or packages paid at regular printed matter rates. (See paragraph (a)(1) of this section.) Mark "Printed Matter—Directories" or "Printed Matter—Catalogs" when it is necessary to identify packages as containing directories or catalogs subject to those rates but entitled to the exceptional weight limit prescribed in paragraph (b)(2) of this section.

NOTE: The corresponding Postal Manual section is 222.452.

2. Amend subdivision (iii) of subparagraph (3) to read as follows:

(3) *Payment of postage.* • • •

(iii) The postage on publications for which application for second-class entry is pending must be paid at the regular international printed matter rate of 4 cents for the first 2 ounces and 2 cents for each additional 2 ounces on each individual addressed piece. The postage is paid by means of postage stamps, meter stamps, or by meter imprints showing the amount of postage paid. The international second-class rates stated in paragraph (a)(1) of this section may not be applied until a publication has been approved for domestic second-class entry; after such approval, no postage rebate will be allowed for copies mailed to other countries while the application was under consideration.

NOTE: The corresponding Postal Manual section is 222.453c.

E. In paragraph (f), subparagraphs (2) and (3) are amended to show new requirements for preparing direct sacks of prints. As so amended, subparagraphs (2) and (3) read as follows:

(f) *Direct sacks of prints.* • • •

(2) Each package enclosed in a direct sack must bear the name and address of the sender and addressee, and must not be sealed. It is recommended that senders endorse the words "Postage Paid" on each package enclosed in the sack. The packages need not conform to the weight limits and dimensions prescribed in paragraphs (b) and (c) of this section.

(3) An address tag or label showing the name and address of the mailer and of the addressee must be attached to the neck of the sack by means of heavy twine. This tag or label must be of substantial quality and must have reinforced eyelets to prevent it from being torn off. Postage is calculated on the total weight of each individual sack and its contents and must be paid by means of postage stamps or meter stamps affixed to the address tag or label. The label holder of the sack is used by the post office for insertion of the proper post office label.

NOTE: The corresponding Postal Manual section is 222.46 b and c.

§ 112.7 [Amendment]

V. In § 112.7 *Small packets,* amend paragraph (b) by deleting "Egypt" from the list of countries therein not accepting small packets, and inserting "Jordan and United Arab Republic (Egypt)" in their proper alphabetical order therein.

NOTE: The corresponding Postal Manual section is 222.78.

§ 114.1 [Amendment]

VI. In § 114.1 *Charges* make the following changes:

A. Paragraph (a) is amended to augment the regulations for the collection of customs clearance and delivery fees on formal entry articles. As so amended, paragraph (a) reads as follows:

(a) *Customs clearance and delivery fees.* (1) Post offices will collect a fee of 13 cents from the addressee of every postal union article, other than a small packet, on which customs duty or internal revenue tax is collected. On every small packet on which is collected, duty or revenue tax, the fee is 33 cents for each packet. The fees apply also when post office service is rendered for formal entry articles on which importers pay the customs charges directly to the customs service. The fees are retained by the Postal Service, and are accounted for by affixing postage due stamps to the articles or packets and canceling. See § 151.5(e) of this chapter concerning recording and reporting duty collections.

(2) These fees are authorized by international postal convention as reimbursement to the Postal Service for the work it performs in clearing mail articles through customs and for delivery to the addressees.

(3) The appropriate fee is collected on each article on which duty or tax is paid by the addressee even if several articles are covered by a single mail entry form.

(4) These fees are not refundable by the Postal Service even though the Customs Service may later refund the duty paid by the addressee.

(5) Post offices will not collect the fees in the following cases:

(i) On dutiable matter from the Canal Zone or from overseas United States military post offices.

(ii) On packages assessed with duty which are delivered without collection of duty under § 151.5(d)(4) of this chapter.

NOTE: The corresponding Postal Manual section is 224.11.

B. Paragraph (d) is amended to clarify the application of storage charges on articles and parcels requiring formal customs entry. As so amended, paragraph (d) reads as follows:



(d) *Storage.* The post office will collect 10 cents in postage due stamps for each day, exclusive of Sundays and holidays, the addressee fails to take delivery of a postal union printed matter package, commercial papers package, or small packet exceeding 1 pound in weight, beginning with the eleventh day after first delivery attempt has been made or first notice of available delivery has been issued. See § 122.1(c) of this chapter concerning collection of storage charges on articles subject to formal customs entry. When an addressee protests the rate or amount of duty assessed (see § 151.5(d)(5) of this chapter), the time required for the Customs Service to come to a decision in the matter is not counted.

NOTE: The corresponding Postal Manual section is 224.14.

VII. § 114.4 *Undeliverable articles* is amended to clarify the regulations regarding the handling of such mail. As so amended, § 114.4 reads as follows:

§ 114.4 Undeliverable articles.

(a) *Retention period.* Post offices will hold articles at disposal of addressees for 30 days, except in the following cases:

(1) Articles bearing senders' requests for return within a specified time not exceeding 2 months.

(2) Articles bearing no time limit for their return, when there is good reason to believe they can be delivered to the addressee if held for a period not exceeding 2 months. These articles shall be marked "Specially held for delivery".

(3) Articles positively known to be undeliverable. These shall be treated as undeliverable immediately unless they bear the sender's request specified in subparagraph (1) of this paragraph.

(b) *Disposal.* Undeliverable mail will be sent by surface means (including airmail articles, after crossing out Par Avion label or other airmail markings) to the exchange office for return to origin, except as follows:

(1) Ordinary (unregistered) prints of no value which do not bear request for return and the name and address of the sender are disposed.

(2) Canadian second-class publications. These will be treated as prescribed in § 48.2(b)(1) and (3) of this chapter.

(3) Canadian and Mexican articles of all classifications not covered by paragraph (a) of this section and not bearing sender's name and address are sent to the dead letter office for disposal.

(c) *Postage-due matter.* Articles bearing postage-due stamps are forwarded or returned depending on the particular treatment necessary for such articles.

(d) *Storage charges.* Storage charges due on postal union articles are canceled if the articles are returned to origin or forwarded to another country. See § 122.5(b)(3) of this chapter concerning parcel post.

NOTE: The corresponding Postal Manual section is 224.4.

§ 121.2 [Amendment]

IX. In § 121.2 *Packing, preparing, and mailing,* subdivision (ii) of paragraph (a)(1) is amended to require adequate packing of heavy objects in parcels. As so amended, subdivision (ii) reads as follows:

(a) *Packing*—(1) *In general.* • • •

(ii) Packages must be packed in canvas or similar material, double-faced corrugated cardboard boxes, solid fiber boxes or cases, thick cardboard boxes, or strong wooden boxes made of lumber at least a half-inch thick or plywood of at least three plies. Ordinary pasteboard containers are wholly inadequate. Although it is permissible to use heavy wrapping paper or waterproof paper as the outside covering, for instance, of a carton, it shall not be used as the only covering of the contents. Boxes with lids screwed or nailed on and bags closed by sewing may be used provided they conform to other conditions prescribed. Heavy objects such as cans of food must be surrounded with other contents or packing material so that they cannot shift within the parcels.

NOTE: The corresponding Postal Manual section is 231.21b.

§ 121.6 [Amendment]

X. In § 121.6 *Documentation* make the following changes to show new instructions for preparing various forms for outgoing parcel post:

A. In paragraph (a) make the following changes:

1. Amend subdivision (ii) of subparagraph (2) to read as follows:

(a) *Custom declaration.* • • •

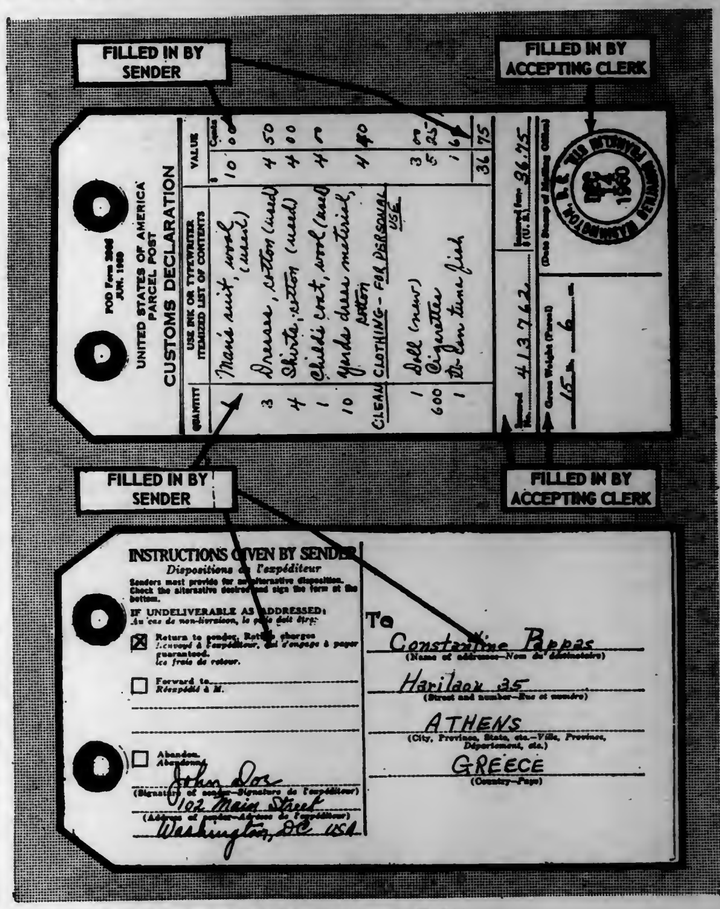
(2) *Preparation by sender.* • • •

(ii) *The disposal to be made of the parcel if it proves to be undeliverable as addressed.* If the sender is not willing to pay return postage on his parcel, he should indicate that it is to be abandoned in case of nondelivery.

NOTE: The corresponding Postal Manual section is 231.612b.

2. Amend subparagraph (4) to read as follows:

(4) *Facsimile of form 2966.* The following facsimile illustrates the information which the sender and the accepting clerk will add to complete the form.




NOTE: The corresponding Postal Manual section is 231.614.

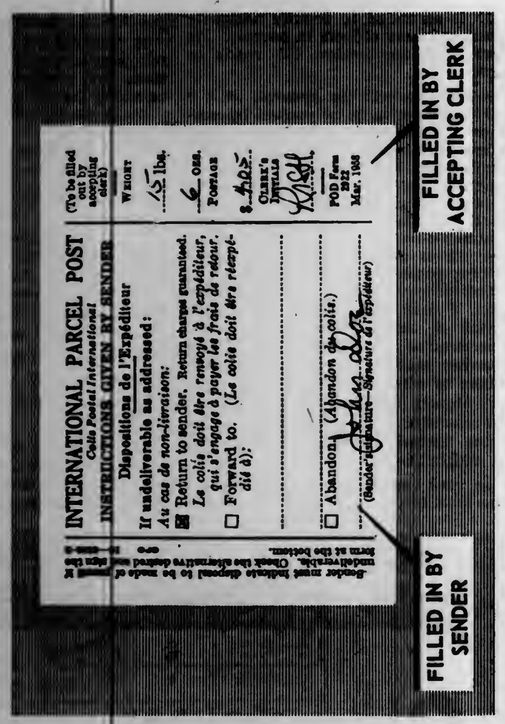
C. In paragraph (c), amend subparagraphs (2) and (4) to read as follows:

(c) *Parcel post sticker, for 2922.* • • •

(2) *Preparation by sender.* Prepare a parcel-post sticker for every parcel mailed to another country, even for each parcel mailed under the group-shipment arrangement (see § 121.7 of this chapter). Indicate alternative disposition and place name at bottom of the form. Do not use Form 2922 on parcels for United States possessions.

• • • • •

(4) *Facsimile.* The following facsimile illustrates the information which the sender and the accepting clerk will add to complete the form:




NOTE: The corresponding Postal Manual section is 231.632 and 3.

D. Amend paragraph (d) to read as follows:

(d) *Airmail label 19.* See § 131.4(b) of this chapter.

NOTE: The corresponding Postal Manual section is 231.64.

XI. Section 122.1 *Charges* is amended to augment regulations for the collection of customs clearance and delivery fees on formal entry articles and to clarify the application of storage charges in the cases of articles and parcels requiring formal customs entry. As so amended, § 122.1 reads as follows:

**§ 122.1 Charges.**

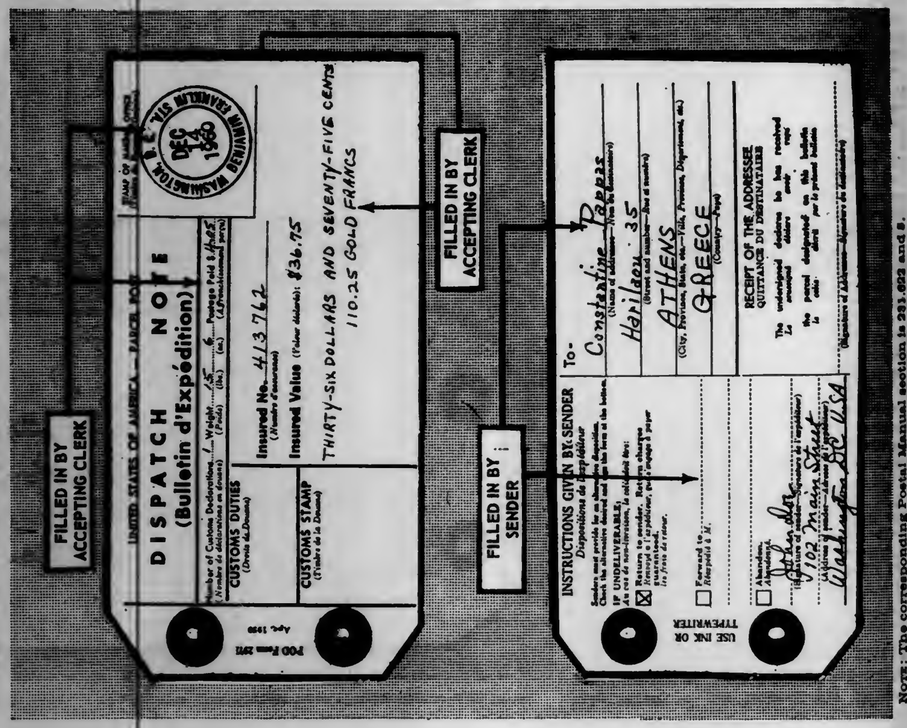
*(a) Customs clearance and delivery fee.* Post Offices will collect a fee of 35 cents from the addressee of every parcel post package on which customs duty or internal revenue tax is collected. The fee applies also when post office service is rendered for formal entry parcels on which importers pay the customs charges directly to the Customs Service. The fee is retained by the Postal Service and is accounted for by affixing postage-due stamps to the parcel or to a postage due bill and canceling. The fee is authorized by international parcel post agreements as reimbursement to the Postal Service for the work it performs in clearing parcels through customs and for delivery to the addressee. The provisions of § 114.1(a) (3), (4), and (5) of this chapter also apply. See § 151.5(e) of this chapter concerning recording and reporting duty collections.

B. In paragraph (b) amend subparagraphs (2) and (3) to read as follows:

(b) *Dispatch note, form 2972.* • • •

(2) *Preparation and affixing by sender.* Complete the dispatch note in ink or on the typewriter. Fill in the name and address of the sender and addressee and indicate alternate disposition to be made of the parcel. Attach the form to the parcel in the same manner as the customs declaration. (See paragraph (a) (3) of this section.)

(3) *Facsimile.* The following facsimile illustrates the information the sender must supply and which the accepting clerk will add to complete the form:




NOTE: The corresponding Postal Manual section is 231.622 and 3.



(b) *On return parcels.* Collect the charges referred to in § 122.5(a)(1).

(c) *Storage.* The post office will collect 10 cents in postage-due stamps, for each day, exclusive of Sundays and holidays, the addressee fails to take delivery of a parcel, beginning with the eleventh day after first delivery attempt has been made or first notice of available delivery has been issued. The same charge is applied on packages requiring formal customs entry that are held in post office custody or on post office premises awaiting customs clearance. For formal entry parcels, the charge will begin on the eleventh day after the date on which notice on Customs Form 3509 is mailed to the consignee (addressee) or on the eleventh day after receipt of the parcel at the office where it is to receive formal customs treatment if the customs notice has been issued at another customs port. Cooperation of customs officers should be solicited to enable post offices to collect any storage charges which may accrue on formal entry parcels. When an addressee protests the rate or amount of duty assessed (see § 151.5(d)(5) of this chapter), the time required for the Customs Service to come to a decision in the matter is not counted. See § 122.5(b)(3) regarding the marking of undeliverable parcels on which storage charges are due.

(d) *Parcels containing letters.* When a parcel from another country is found to contain a personal communication, the office where it is discovered shall mark the wrapper, "Letter enclosed. Collect ------ Cents." and send the parcel forward to destination. The amount to be collected will be double the amount of postage (surface or air) applicable to a single-rate letter to "the country concerned." The office endorsing the parcel shall indicate the amount to be collected and the delivering office shall collect the amount from the addressee by means of postage-due stamps. No systematic search for such letters shall be made.

NOTE: The corresponding Postal Manual section is 232.1.

**§ 122.5 [Amendment]**

XII. In § 122.5 *Undeliverable,* paragraph (b) is amended (1) To show that parcels may be held at the disposal of addressees up to 60 days under certain conditions, and to clarify the instructions relating to the retention of parcels; (2) by adding regulations applicable to directory service for parcels of foreign origin; and (3) to include regulations for both making and disposing of undeliverable parcels. As so amended, paragraph (b) reads as follows:

**§ 122.5 Undeliverable.**

* * * * *

(b) *Foreign origin—(1) Retention period.* Parcels will be held at the disposal of the addressee for 30 days, except as follows:

(i) A parcel refused or known to be neither deliverable nor forwardable shall be treated as undeliverable at once.

(ii) A parcel bearing the sender's request for delivery to an alternate addressee, shall be held 15 days at the disposal of the first addressee and 15 days at the disposal of the second, unless the condition in subdivision (v) of this subparagraph is present, when the parcel may be held at the disposal of the original addressee for 30 days.

(iii) A parcel returned from customs custody with advice that the addressee has not complied with required customs entry procedures, shall be treated as undeliverable at once.

(iv) A parcel held pursuant to § 151.5(d)(5) of this chapter shall continue to be held until the customs officer has rendered a decision on the addressee's objection concerning rate or amount of duty assessed. If no decision is received within 30 days, the customs officer shall be requested to expedite the decision.

(v) On written request of the addressee or other person acting for the addressee, a parcel which remains undelivered may be held up to 60 days on condition that the storage charges due at the end of the first 30-day retention period are paid at the time of the request and that the storage charges which accumulate thereafter are paid every 10 days.

(vi) A parcel from Great Britain which bears request to "Return forthwith to sender at sender's expense" shall be returned within 10 days, or immediately if definitely known to be undeliverable.

(2) *Directory service.* See § 48.7 of this chapter concerning directory service to be accorded parcels of foreign origin.

(3) *Marking and disposal.* At the end of the retention period prescribed in § 122.5(b)(1) of this chapter the post office shall mark parcels and the accompanying dispatch note, if any, to show the reason for nondelivery, cross out the address of the addressee but not obliterate it entirely, and treat the parcel in accordance with alternative disposition instruction given by the sender on the parcel or on the accompanying dispatch note. Lacking such instruction, the parcel shall be returned to the sender. Parcels to be returned to senders shall be dispatched by surface means (including parcels received by air, after crossing out the "par avion" label or other airmail markings) to the appropriate exchange office. See § 151.5(i) of this chapter concerning disposal of customs entry forms relating to dutiable parcels. A parcel bearing the sender's instructions to abandon shall be marked "Abandoned" and sent to the appropriate dead parcel post branch for disposal, unless it has been assessed with customs duty. In the latter case, the parcel shall be sent to the collector of customs at the nearest customs port (see § 151.3(e) of this chapter); the customs entry forms shall be returned to the collector who issued them, in the manner prescribed in § 151.5(f)(1) of this chapter.

(4) *Storage charges.* If a parcel returned or forwarded to one of the countries named in this subparagraph has storage charges due, the wrapper shall be marked with the amount so that appropriate action may be taken at the exchange office. If no storage charges are due, the wrapper shall be marked "No storage charges due."

Argentia.
Barbados.
Bolivia.
Brazil.
Chile.
Colombia.
Costa Rica.
Denmark (including Faroe Islands and Greenland).
Eritrea.
Estonia.
Fernando Po.
Greece.
Iceland.
Indonesia.
Italy.
Japan.
Korea.
Latvia.
Libya.
Lithuania.
Mexico.
Morocco.
Netherlands.
Netherlands New Guinea.
Peru.
Poland.
Portugal.
Portuguese East Africa (Mozambique).
Rhodesia and Nyasaland.
Rio Muni.
Rumania.
Ryukyu Islands.
Somalia.
Spain (including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa).
Spanish Guinea.
Sudan.
Switzerland.
Turkey.
Union of Soviet Socialist Republics.
United Arab Republic (Egypt).
Uruguay.
Yugoslavia.

NOTE: The corresponding Postal section is 232.52.

**§ 132.2 [Amendment]**

XIII. In § 132.2 *Preparation by mailer,* subparagraph (1) of paragraph (b) is amended to show that self-sealing envelopes are not accepted for registration. As so amended subparagraph (1) reads as follows:

(b) *Sealing* (1) Senders must securely seal letters or letter packages presented for registration. Wax or paper seals on envelopes must bear a distinctive mark of the sender and shall be affixed in such a way as to allow sufficient space at the intersection of the flaps for postmarking. Self-sealing envelopes and envelopes or packages that appear to have been opened and resealed will not be registered.

NOTE: The corresponding Postal Manual section is 242.22.

**§ 132.5 [Amendment]**

XIV. In § 132.5 *Return receipts,* make the following changes:

A. In paragraph (a), that portion of subparagraph (2) which precedes subdivision (i); and subdivision (i) and (iii) are amended for the purpose of clarification to read as follows:

(a) *Requested at time of mailing.* • • •

(2) When the mailer desires a return receipt the post office will proceed as follows:

(i) Endorse the article on the address side "Airs de Reception" (meaning return receipt), or "A. R."

* * * * *

(iii) When the receipt is to be returned by airmail, mark it on the address side "Renvoi Par Avion" (meaning return by airmail), and attach a label 19 bearing the words "Par Avion."

NOTE: The corresponding Postal Manual section is 242.512 a and c.

B. In paragraph (b) subdivision (i) (c) of subparagraph (2) is amended to read as follows:

(b) *Requested after mailing.* * * *
(2) * * *
(i) * * *

(c) When the receipt is to be returned by air, mark form 542 or 1510 "Arenvoyer par avion" and attach label 19 bearing the words "Par Avion." Mark the return receipt form "Renvoi par avion" and attach the airmail label.

NOTE: The corresponding Postal Manual section is 242.522a(3).

**§ 132.8 [Amendment]**

XV. In § 132.8 *Post Office processing*, amend subparagraph (1) of paragraph (a) for the purpose of clarification to read as follows:

(a) *Mailing office*—(1) *Endorsements.* Stamp "Registered" in the lower left corner of the address side of the letter or parcel. On articles too small to accommodate the word "Registered" place the capital letter "R". Place an airmail label 19 on the words "Par Avion" on any article accepted for registration which is prepaid for air service and which the sender has failed to mark properly.

NOTE: The corresponding Postal Manual section is 242.811.

XVI. Amend § 133.8 *Incoming parcels* for the purpose of clarification to read as follows:

**§ 133.8 Incoming parcels.**

(a) *Insurance indicia*—(1) The following insurance indicia appear on incoming insured parcels, according to the language of the country of origin:
(i) Insured.
(ii) Asegurado or Valor Declarado.
(iii) Assicurato or Valore Dichiarato.
(iv) Valeur Declaree.
(v) V or V D (meaning valeur declaree).
(vi) Wertangabe or Wertpaket.
(2) The determining factor as to whether a parcel is insured is not the appearance of a number alone, but the insurance indicium, which appears very near the insurance number. Ordinary parcels from other countries usually bear numbers also.

(b) *Delivery.* Unnumbered international packages should be delivered as ordinary mail; whereas receipts should be taken for the delivery of numbered packages.

NOTE: The corresponding Postal Manual section is 143.8.

**§ 137.3 [Amendment]**

XVII. In § 137.3 *Services and fees*, amend paragraph (c) for the purpose of clarification to read as follows:

(c) *Search in country of destination.* A request will be sent to the postal administration of the country of destination to return an article or change its address if the mailer furnishes a facsimile of the address and pays the 13-cent fee, unless he has already paid it (see paragraphs (a) and (b) of this section). If the request is to be transmitted by telegraph or cable, the application must be accompanied with an amount sufficient to pay the telegraph or cable charges. Otherwise the application must be accompanied with additional postage in the amount of 50 cents to cover transmission of the request by registered mail, and with airmail postage if it is desired that it be transmitted to the foreign administration by air. The fee and cost of registration is not charged if the request is being made as the result of official notice to the sender in reply to an inquiry (see Part 161 of this chapter) or in the form of advice of nondelivery by the postal service of destination, showing the article or parcel is undeliverable as addressed. If the mailer wishes to have the foreign administration report by airmail, telegraph, or cable on the result of the action taken, he must furnish the additional airmail postage or an amount sufficient to cover the cost of a prepaid telegraph or cable reply. Any amount remaining after transmitting a telegram or cablegram will be returned to the mailer. Return postage is charged on parcel post packages and 8-ounce merchandise packages but not on other articles returned from other countries. See § 137.5(c) regarding a statement to be furnished when the article is addressed to a country which does not generally accept requests for recall or change of address.

NOTE: The corresponding Postal Manual section is 247.33.

**§ 137.5 [Amendment]**

XVIII. In § 137.5 *Countries not permitting*, amend subparagraph (1) of paragraph (a) by inserting "(permits only requests for return)," immediately following the country "India" which appears in the alphabetical listing of countries therein.

NOTE: The corresponding Postal Manual section is 247.51.

**§ 137.6 [Amendment]**

XIX. In § 137.6 *Processing*, amend the title headings of paragraphs (a) and (b) by striking out "Requests" and inserting in lieu thereof "Mail".

NOTE: The corresponding Postal Manual section is 247.61 and 2.

XX. Section 142.1 *Scope and applicability* is amended to show that all categories of international mail packages are subject to Commerce Department export control regulations. As so amended, § 142.1 reads as follows:

**§ 142.1 Scope and applicability.**

The Bureau of Foreign Commerce, Department of Commerce, controls all exportations, except certain commodities licensed for export by other United States Government agencies, to all countries except Canada. Mailers must inform themselves as to the regulations and comply with them in making any exportations of commodities and technical data as parcel post or postal union mail or letter package. A brief summary of the regulations as they apply to mail shipments is given in this part. Additional information is available from a Commerce Department bulletin entitled "Public Notice—Requirements for Parcels Mailed Abroad" on bulletin boards in first-, second-, and third-class post offices and in classified stations and branches. Mailers desiring further information may make inquiry of the Exporters' Service Section, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D.C., or of any field office of that department. Postal employees will not advise prospective mailers as to the type of license applicable to any commodities or to any destination, except that such controls do not apply to Canada.

NOTE: The corresponding Postal Manual section is 252.1.

**§ 151.3 [Amendment]**

XXI. In § 151.3 *Examination*, amend paragraph (e) by adding the following to the alphabetical listing of states and places where customs officers are stationed:

California: Calexico, Eureka.
Connecticut: New Haven, New London.
Delaware: Wilmington.
Florida: Key West, Pensacola, Port Everglades, West Palm Beach.
Illinois: Peoria.
Indiana: Evansville, Lawrenceburg.
Louisiana: Baton Rouge, Morgan City.
Maine: (Delete Vanceboro).
Massachusetts: Lawrence, Worcester.
Minnesota: International Falls, Minneapolis, Noyes.
Mississippi: Gulfport.
New York: Albany, Niagara Falls, Syracuse.
North Carolina: Wilmington, Winston-Salem.
North Dakota: Pembina.
Ohio: Akron, Ashtabula, Columbus, Sandusky, Toledo.
South Carolina: Charleston.
Tennessee: Nashville.
Texas: Corpus Christi, Del Rio, Galveston, Port Arthur.
Vermont: Burlington.
Virginia: Alexandria.
Wisconsin: Green Bay.

NOTE: The corresponding Postal Manual section is 261.35.

**§ 161.5 [Amendment]**

XXII. In § 161.5 *Processing*, make the following changes in subdivision (i) of paragraph (a)(2):

A. Amend subdivision (*a*) for the purpose of clarification to read as follows:

(a) *Mail exchanged from Canada.* * * *

(2) *Insured parcels*—(i) *Mailed in United States.* (*a*) On inquiries as to disposition, complete Form 2855 "Claim for indemnity International Insured Mail" and send to the postmaster at the office of address in Canada. If delivery is disclosed, the endorsed form will be returned to the office of mailing so that the sender may be informed accordingly and the case closed. If loss or rifling is disclosed, the Canadian officials will send the form to the Postmaster, Chicago 7, Illinois. Should a form disclosing loss or rifling be sent by mistake to the postmaster at the office of mailing, send it promptly to the Postmaster in Chicago.

NOTE: The corresponding Postal Manual section is 271.512a(1).

B. In subdivision (b), amend the province "Mackenzie Territories" to read "Northwest Territories" and redesignate it and the pertinent information in the proper alphabetical listing of provinces with distinct directors.

NOTE: The corresponding Postal Manual section is 271.512a(2).

**§ 162.1 [Amendment]**

XXIII. In § 162.1 *Initiation and proof of claims*, amend paragraph (a) for the purpose of clarification to read as follows:

(a) *Initiation of claims.* Claims must be initiated as outlined in § 161.5 of this chapter in applying for the indemnity stipulated in § 162.2.

NOTE: The corresponding Postal Manual section is 272.11.

**§ 162.2 [Amendment]**

XXIV. In § 162.2 *Indemnity payments*, make the following changes:

A. In paragraph (a) insert an introductory statement immediately following the paragraph heading and preceding subparagraph (1) to read as follows:

(a) *Registered Postal Union articles.* Payment of indemnity is incumbent on the country of origin of the article and is made in this country as outlined below:

NOTE: The corresponding Postal Manual section is 272.11.

B. In paragraph (b) amend subparagraphs (3) and (4) for the purpose of clarification to read as follows:

(b) *Registered parcel post.* * * *
(3) *Ecuador.* Indemnity may be paid up to $50.00, based on actual value, for loss, rifling, or damage.
(4) *Other countries.* Although parcels may be registered to Belgian Congo (Leopoldville), Bermuda, British Honduras, Jamaica, Trinidad and Tobago, and Turks Islands, there is no provision for payment of indemnity in case of loss, rifling, or damage of such parcels.

NOTE: The corresponding Postal Manual sections is 272.22, 3 and 4.

C. In paragraph (d) subparagraphs (1) through (4) are amended for the purpose of clarification and to include additional exceptions to payments of indemnity. As so amended, subparagraphs (1) through (4) read as follows:

(d) *Principal exceptions.* Indemnity may not be paid:
(1) In excess of the limit prescribed for the insurance or registry fee paid or greater than that corresponding to the total amount of loss (except registered postal union); rifling, or damages. Allowance must be made for depreciation or for needed repairs; and, in the absence of purchase receipts or invoices, the contents must be described in sufficient detail.
(2) To anyone in this country other than the sender, for loss of registered postal union mail, except on the consent of both the sender and the country of origin.
(3) For damage to postal union registered articles or partial or complete loss, or rifling of the contents of postal union registered articles, except as stated in paragraph (a) of this section.
(4) When (i) other countries report delivery of parcels without external trace of rifling or damage and acceptance without reservation concerning the condition of the content, and (ii) when delivery was made under the conditions prescribed by the domestic regulations of the country of destination for mail of the same kind, or, upon presentation of regular postal identity card.

NOTE: The corresponding Postal Manual sections are 272.24 a through b.

C. In paragraph (f) under New York 1, New York, delete "Syria", and insert "United Arab Republic (Syria)" in the proper alphabetical order of countries therein.

NOTE: The corresponding Postal Manual section is 272.26.

(R.S. 161, as amended, secs. 501, 505, 74 Stat. 580, 581 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 505)

[SEAL] LOUIS J. DOYLE,
*Acting General Counsel.*

[F.R. Doc. 61-2397; Filed, Mar. 20, 1961; 8:45 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 695; Amdt. 268]

### PART 507—AIRWORTHINESS DIRECTIVES

### Douglas DC-4 Aircraft

Satisfactory service experience with Douglas DC-4 aircraft shows that an increase in the inspection interval for the wing spar web required by AD 47-27-2, 21 F.R. 9464, will not adversely affect the current level of safety. Accordingly, the inspection interval in the first paragraph of AD 47-27-2, is being extended from 150 hours to 170 hours' time in service.

Since this amendment provides a relaxation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

AD 47-27-2, Douglas DC-4 aircraft, 21 F.R. 9464, is amended by changing the first paragraph to read:

Inspection required at intervals not to exceed 170 hours.

The amendment shall become effective March 21, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 14, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-2410; Filed, Mar. 20, 1961; 8:45 a.m.]

[Reg. Docket No. 696, Amdt. 269]

### PART 507—AIRWORTHINESS DIRECTIVES

### Piper PA-23 and PA-23 "160" Aircraft

Amendment 92 (25 F.R. 629) and Amendment 209 (25 F.R. 9943), require the installation of fuel valves on Piper PA-23 and PA-23 "160" aircraft. The valves are identified in the directive by Piper part numbers. It was subsequently determined that some valves were stamped with vender part numbers. In order to facilitate identification of the proper parts the directive is being revised to include both the aircraft manufacturer's and valve manufacturer's part numbers. Since this amendment is clarifying in nature, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 92 (25 F.R. 629), as amended by Amendment 209 (25 F.R. 9943), is further amended by adding a statement at the end of the last paragraph to read as follows:

(The above fuel valves are also identified by Scott P/N 4240-2 for P/N 492050 valve and P/N 4240-3 for P/N 492051 valve.)

This amendment shall become effective March 21, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 15, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-2411; Filed, Mar. 20, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-NY-144]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

### Modification of Federal Airways; Change of Effective Date

On March 1, 1961, there were published in the FEDERAL REGISTER (26 F.R. 1754) amendments to §§ 600.6092, 600.6140, 600.6144, 600.6157, 600.6174, 600.6223, and 600.1526 of the regulations of the Administrator. These amendments, to be effective April 6, 1961, modified VOR Federal airways Nos. 92, 140, 144, 157, 174, 223, and 1526 concurrently with the commissioning of the relocated Washington, D.C., VOR.

The commissioning date of the relocated Washington VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until May 4, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-NY-144 is hereby modified as follows: "effective 0402 e.s.t. April 6, 1961." is deleted and "effective 0001 e.s.t. May 4, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 15, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2412; Filed, Mar. 20, 1961; 8:45 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 7986 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Joseph Palanker et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease Buffalo, N.Y., Docket 7986, November 5, 1960]

*In the Matter of Joseph Palanker et al. Trading as Joseph Palanker and Sons*

Consent order requiring furriers in Buffalo, N.Y., to cease violating the Fur Products Labeling Act by failing to set forth the terms "Persian Lamb", "Persian Broadtail Lamb", and "Dyed Broadtail-processed Lamb" as required on invoices; by advertising which failed to disclose the names of animals producing certain furs or that certain fur products were composed of artificially colored fur; by failing in other respects to comply with labeling and invoicing requirements; and by failing to maintain adequate records as a basis for price and value claims.

The order to cease and desist is as follows:

*It is ordered,* That Joseph Palanker, Bernard Palanker, and Marvin Palanker, individually and as copartners trading as Joseph Palanker and Sons or under any other trade name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising or offering for sale, or the transportation or distribution, in commerce, of fur products or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder:

(a) In abbreviated form.

(b) Mingled with non-required information.

(c) In handwriting.

3. Failing to set forth separately on labels affixed to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

4. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required by section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "Persian Lamb" where an election is made to use that term instead of Lamb.

4. Failing to set forth the term "Persian Broadtail Lamb" where an election is made to use that term instead of Lamb.

5. Failing to set forth the term "Dyed Broadtail-processed Lamb" where an election is made to use that term instead of Lamb.

6. Failing to set forth on invoices the item number or mark assigned to a fur product.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of fur products and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations.

(b) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is the fact.

D. Making price claims and representations respecting prices and values of fur products unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 61-2415; Filed, Mar. 20, 1961; 8:45 a.m.]

[Docket 7824 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Radio-Television Training School, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.55 *Demand, business or other opportunities;* § 13.60 *Earnings and profits;* § 13.85 *Government approval, action, connection or standards:* § 13.85-35 *Government indorsement;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities;* § 13.240 *Special or limited offers;* § 13.260 *Terms and conditions.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330-90 *United States Government:* § 13.330-90(1) *Veterans Administration.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Radio-Television Training School, Inc., et al., Los Angeles, Calif., Docket 7824, November 5, 1960]

*In the Matter of Radio-Television Training School, Inc., a Corporation, and Bertram A. Knight, Gloria N. Knight, and Pearl B. Knight, Individually and as Officers of Said Corporation*

Consent order requiring a Los Angeles correspondence school to cease using numerous false claims in advertising and by salesmen to sell three courses—known as Radio-Television Technician, Industrial Electronics, and Arts and Production—including, among others, misrepresentations of earnings, employment opportunities, school placement service, and approval by U.S. Veterans Administration, as in the order below indicated.

The order to cease and desist is as follows:

*It is ordered,* That respondent Radio-Television Training School, Inc., a corporation, and its officers, and respondents Bertram A. Knight, Gloria N. Knight, and Pearl B. Knight, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their courses of instruction known as Radio-Television Technician and Industrial Electronics, or any other courses of instruction containing substantially the same material, do forthwith cease and desist from representing, directly or by implication, that:

1. Respondents offer employment in the Radio, Television or Electronics industries;

2. Electronics is easy to learn, unless limited to basic electronics as taught in respondents' course;

3. All persons without a high school education can successfully complete said courses of instruction without difficulty;

4. Said courses provide the necessary instruction and experience to qualify persons for top positions in the Radio, Television or Electronics fields;

5. There is any assurance that persons who complete said courses of instruction will find employment in the Radio, Television or Electronics fields;

6. Persons who have completed respondents' said courses will be able to earn $600.00 a month or more as a starting salary, or will be able to earn any amount in excess of the amount that is usually and customarily earned by said persons;

7. Respondents' said courses give superior training to that provided by classroom instruction;

8. Respondents furnish complete radio and television kits in connection with said courses of instruction, unless said kits contain the necessary tubes;

9. Respondents' R.T.S. Business Plan is available to all persons who complete said courses of instruction, unless all the terms and conditions necessary for participation in said Plan are clearly set forth;

10. Said courses are approved by the United States Veterans Administration, or that the cost thereof will be paid by the Federal Government for qualified veterans;

11. Respondents will place persons who complete said courses in jobs;

12. Persons purchasing said courses may discontinue them at any time without obligation to make any further payments;

13. There is any limitation as to the time when such courses may be purchased.

*It is further ordered,* That respondent Radio-Television Training School, Inc., a corporation, and its officers, and respondents Bertram A. Knight, Gloria N. Knight, and Pearl B. Knight, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their course known as Radio and Television Arts and Production, or any other course of instruction containing substantially the same material, do forthwith cease and desist from representing, directly or by implication, that:

1. Opportunities in Radio and Television Arts and Production are unlimited or that such opportunities are greater than actually exist;

2. Upon completion of said course, a person will be trained properly for success in any of the fields of radio or television show business;

3. There is a big demand in the radio or television business for persons who complete said course or that the demand is in excess of that which actually exists;

4. Persons completing said course will obtain jobs paying high salaries or that the salaries for jobs that may be obtained are in excess of those actually paid;

5. Respondents maintain a placement service;

6. Respondents place persons completing said course of instruction in jobs;

7. There is any limitation as to the time when said course may be purchased.

*It is further ordered,* That subparagraphs 4, 5, and 11 of Paragraphs Five and Six and subparagraph 6 of Paragraphs Eight and Nine of the complaint be, and the same hereby are, dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That respondents Radio-Television Training School, Inc., a corporation, and Bertram A. Knight, Gloria N. Knight and Pearl B. Knight, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 61-2416; Filed, Mar. 20, 1961; 8:46 a.m.]

[Docket 8045 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Walleck's Fur Shop

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Walleck's Fur Shop, Pittsburgh, Pa., Docket 8045, November 4, 1960]

*In the Matter of Frank Walleck, an Individual Trading as Walleck's Fur Shop*

Consent order requiring a Pittsburgh furrier to cease violating the Fur Products Labeling Act by removing, before delivery to the ultimate consumer, labels required to be affixed to fur products; by failing to set forth the term "Persian Lamb" as required on labels and invoices and the term "Dyed Mouton processed Lamb" on invoices, and to reveal on labels when fur products contained flanks; and by failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist is as follows:

*It is ordered,* That respondent Frank Walleck, an individual trading as Walleck's Fur Shop or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped

and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Removing, or causing to be removed or participating in the removal of labels required to be affixed to fur products, prior to the time fur products are sold, and delivered to the ultimate purchaser of such fur products, unless proper substitute labels are affixed to such fur products in accordance with section 3(e) of said Act;

2. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

B. Failing to set forth the term "Persian Lamb" where an election is made to use that term instead of Lamb;

C. Failing to disclose that fur products are composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur when such is the fact;

D. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting;

E. Failing to set forth separately on labels affixed to fur products composed of two or more sections containing different animal furs, the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section;

F. Failing to set forth on labels the item number or mark assigned to a fur product;

3. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act;

B. Failing to set forth the term Persian Lamb where an election is made to use that term instead of Lamb;

C. Failing to set forth the term Dyed Mouton processed Lamb where an election is made to use that term instead of Dyed Lamb;

D. Failing to set forth on invoices the item number or mark assigned to a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That respondent Frank Walleck, an individual trading as Walleck's Fur Shop, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: October 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 61-2417; Filed, Mar. 20, 1961; 8:46 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55333]

## PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

### Ports of Entry

MARCH 13, 1961.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), Port Canaveral, Florida, is hereby designated as a customs port of entry in Customs Collection District No. 18 (Florida).

The limits of the port of entry at Port Canaveral, Florida, will be as follows:

Commencing at the NW. corner of Section 9, Township 24S, Range 37E, Brevard County, Florida; which is the Point of Beginning; thence east on the north section lines of Sections 9, 10, 11, and 12 to the Atlantic Ocean; thence southeasterly along the shoreline of the Atlantic Ocean to a point 1980 feet more or less south of the northeast corner of Section 14; thence west 1980 feet south and parallel to the north line of Sections 14, 15, and 16 to the west line of Section 16; thence north on the west line of Sections 16 and 9 to the Point of Beginning.

Section 1.1(c) of the Customs Regulations is amended by adding "Port Canaveral, Florida (T.D. 55333)." in the column headed "Ports of entry" in District No. 18 (Florida).

(R.S. 161, as amended, 251, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66)

Notice of the proposed designation of Port Canaveral as a customs port of entry was published in the FEDERAL REGISTER of January 31, 1961 (26 F.R. 954), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No objections to this action were received. It is considered in the best interest of the public that this action be put in effect as soon as possible. For this reason it is found that compliance with the effective date limitations of section 4(c) of that Act serves no good purpose. This Treasury decision shall, therefore, be effective upon publication in the FEDERAL REGISTER. (MC 192-18.1)

[SEAL] A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-2421; Filed, Mar. 20, 1961; 8:47 a.m.]

[T.D. 55335]

## PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

### Denaturing of Vegetable Oils

MARCH 15, 1961.

Section 10.56(c), Customs Regulations, now enumerates formulas which may be used for the purposes of paragraph 1732, Tariff Act of 1930. As the use of other formulas is prescribed, they are added to this list. The following amendment will eliminate the listing of prescribed formulas in the regulations, thereby enabling the Bureau to expedite rulings informing importers of the approval or disapproval of proposed formulas. The formulas which are now listed in the regulations, but which will be eliminated therefrom by the amendment, will continue in effect pending their republication in accordance with the amendment.

Section 10.56(c), Customs Regulations, is amended to read as follows:

(c) Formulas prescribed by the Bureau, except proprietary mixtures, will be circulated to all customs officers and will appear as abstracts of Bureau of Customs decisions published in the weekly Treasury Decisions. Proprietary mixtures approved by the Commissioner of Customs will not be published but appropriate notice of their approval will be given to all customs officers.

(Sec. 201(par. 1732), 46 Stat. 680; 19 U.S.C. 1201(par. 1732))

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: March 13, 1961.

A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-2439; Filed, Mar. 20, 1961; 8:49 a.m.]

[T. D. 55334]

## PART 11—PACKING AND STAMPING; MARKING; TRADEMARKS AND TRADE NAMES; COPYRIGHTS

### Trademarks and Copyrights

It has been determined that the number of facsimiles of trademarks and the number of photographic likenesses of copyrighted works required to be submitted with applications for recordation of trade-marks and copyrights must be increased from 500 to 700 to meet the needs of customs field officers to whom such facsimiles and photographic likenesses are distributed.

Also, it is necessary to amend the list of parties to the Universal Copyright Convention to include a number of countries which have recently become members of the Universal Copyright Convention.

Accordingly, § 11.15(a) is amended by deleting "500" found in the second sentence and inserting "700" in lieu thereof. The second sentence, as amended, will read as follows: "The application shall be accompanied by one certified copy of the original certificate of registration issued by the Commissioner of Patents in accordance with the Trade-Mark Act of February 20, 1905, or section 7 of the Trade-Mark Act of July 5, 1946, to which shall be attached one printed Patent Office facsimile of the statement and drawing covering the trade-mark; such of the documents mentioned in paragraph (b) or (c) of this section as may be required to show the ownership of the applicant, or renewal of the trade-mark; 700 uncertified facsimiles of the statement and drawing covering the trade-mark (which may be reproduced privately from a Patent Office facsimile) for distribution to all collectors of customs and appraisers of merchandise; and the fee of $75 prescribed by § 24.12 of this chapter."

(Sec. 42, 60 Stat. 440; 15 U.S.C. 1124)

Section 11.19(a)(2) is amended by deleting "500" found in the third sentence and inserting "700" in lieu thereof. The third sentence, as amended, will read as follows: "There shall also be filed 700 photographic or other likenesses of the copyrighted work reproduced on paper 8 x 10½ inches in size, for distribution to all collectors of customs and appraisers of merchandise, accompanied by the fee of $75 prescribed by § 24.12 of this chapter."

Section 11.19(b) is amended by inserting "Argentina, Austria, Brazil, Cuba, Czechoslovakia, Ecuador, Iceland, India, Ireland, Italy, Lebanon, Liberia, Liechtenstein, Mexico, Portugal, and United Kingdom" in alphabetical order in the list of countries which are parties to the Universal Copyright Convention. The list will read as follows:

Andorra, Argentina, Austria, Brazil, Cambodia, Chile, Costa Rica, Cuba, Czechoslovakia, Ecuador, France, German Federal Republic, Haiti, Holy See, Iceland, India, Ireland, Israel, Italy, Japan, Laos, Lebanon, Liberia, Liechtenstein, Luxembourg, Mexico, Monaco, Pakistan, Portugal, Spain, Switzerland, United Kingdom, and United States of America.

(Secs. 9, 109, 61 Stat. 655, as amended, 664; 17 U.S.C. 9, 109)

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: March 13, 1961.

A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-2422; Filed, Mar. 20, 1961; 8:47 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

### SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTIONS

### MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following miscellaneous amendments are issued to this subchapter:

## PART 1001—GENERAL PROVISIONS

### Subpart C—General Policies

1. Add §§ 1001.305 to 1001.305–52 as follows:

§ 1001.305 Time of delivery or performance.

§ 1001.305–1 Scope.

See § 1.305–1 of this title.

§ 1001.305–2 General.

(a) See § 1.305–2(a) of this title.

(b) See § 1.305–2(b) of this title and § 1001.310.

(c) See § 1.305–2(c) of this title.

§ 1001.305–3 Terms.

(a) See § 1.305–3(a) of this title.

(1) See § 1.305–3(a)(1) of this title.

(2) It is AF policy to avoid the use of this paragraph whenever practical.

(3) See § 1.305–3(a)(3) of this title.

(b) to (d) See § 1.305–3 (b) to (d) of this title.

(e)(1) All contractural documents, with the exception of DD Form 1155 and those with "required" delivery forwarded to AF contractors, will be accompanied by AFPI Form 29, "Contractural Document Transmittal—Receipt Card." This procedure will establish a specific date for the delivery of supplies or services as set forth in § 1.305–3 of this title and this section.

(2) When the "required" delivery provision is inserted in an IFB or RFP, the resulting written notice of award or fully executed and binding contract, except for orders placed on DD Form 1155, will be forwarded to the contractor by certified mail, return receipt requested. In such cases, the buyer will attach to the contract file appropriate notification to that effect.

(3) Use of AFPI Form 29. The purchasing activity will:

(i) Prepare AFPI Form 29 for transmittal to the contractor with the written notice of award or other contractual document, as follows:

(a) One copy will be addressed for return to the activity responsible for the distribution of the contract.

(b) One copy will be addressed for return to the APD, AFPRO, or other office responsible for administration of the contract, if the contract is to be administered by some office other than the contracting office making the award or contract.

(c) Both copies will contain the contractor's name and address as well as a listing of documents transmitted.

(ii) File AFPI Form 29 in the official contract file upon receipt of the form from the contractor.

(f) See § 1.305–3(f) of this title.

§ 1001.305–4 Time of delivery clauses.

(a) See paragraphs (d) and (e) of this section.

(b) and (c) See § 1.305–4 (b) and (c) of this title.

(d)(1) If the buyers desire to specify a rate of delivery as well as a date for completion of delivery, they may specify the delivery schedule in a delivery provision similar to the following.

At the rate of _____ per month to be completed _____ days after the receipt of (insert "written notice of award" or "written notice of award of a fully executed and binding contract," as appropriate).

(2) In negotiated procurements where definitive delivery schedules can be set forth for supplies such as aircraft, engines, etc., the buyers may specify a delivery provision similar to the following:

(i) The contractor shall deliver the supplies called for hereunder to the Government in accordance with the following schedule:

| Item | 1959 | | | 1960 | | | |
|---|---|---|---|---|---|---|---|
| | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. |
| 1 | 2 | 7 | 4 | | | | |
| 2 | | | 3 | 5 | 6 | 6 | 9 |

(ii) Buyers will specify in the delivery provision whether or not an accelerated delivery rate will be acceptable to the Government.

(e) Excluding the exceptions cited within § 1053.1404 of this chapter, in contracts (including contracts on DD Forms 1155) covering MIPR requirements, buyers will include each claimant's portion of like items as a separate contract line item; and buyers will include a separate delivery schedule for each claimant. Where an allocation system is utilized for GFAE items, an allocation schedule will be established for each Requiring Department in lieu of the separate delivery schedule required in paragraph (d) of this section. The delivery schedule will normally be that set forth in the MIPR, if realistic, or as agreed to between the buying activity and the originator of the MIPR. (Existing contracts will not be amended for this purpose.) An example of the delivery schedule contemplated by this paragraph follows:

| Item | Department | Total Quantity | 30 days [1] | 60 days [1] | 90 days [1] | 120 days [1] | 150 days [1] |
|---|---|---|---|---|---|---|---|
| 1-A | USAF | 850 | 200 | 200 | 150 | 150 | 150 |
| 1-B | Navy | 500 | 100 | 100 | 100 | 100 | 100 |
| 1-C | Army | 300 | 100 | 50 | 50 | 50 | 50 |

[1] After receipt of written notice of award or of a fully executed and binding contract.

NOTE: The preceding example does not apply to delivery schedules specified in DD Forms 1155. The delivery schedule for each claimant's portion on a DD Form 1155 contract will be stated in terms of specific dates on or before which delivery is to be made (see § 1016.303–2(b)(4) of this chapter).

§ 1001.305–50 Maximum delivery schedules.

Appropriations carrying a fiscal year designation as the final year of availability are available for obligation up to and including June 30 of that fiscal year and are available for expenditure for 2 additional years unless otherwise advised. For example, 1959 annual appropriations are available for obligation through June 30, 1959, and for expenditure through June 30, 1961. Accordingly, maximum delivery schedules will be controlled by the foregoing legal requirement for expenditure of appropriated funds. Contracting officers will assure that delivery requirements are in strict accordance with the foregoing and all contract reviewing authorities will assure that strict conformance with the requirements of this section have been met.

**§ 1001.305–51 Establishment of delivery schedules on open contracts.**

(a) The following procedures will be followed when the contractor cannot meet the desired delivery schedule set forth in the Production List (§ 1007.2606 of this chapter), and it becomes necessary to establish a new delivery schedule. At such time, according to § 1007.2606 of this chapter, the contractor will set forth its best delivery schedule on two copies of the Approved Production List and forward them to the administrative contracting officer (ACO).

(b) The ACO will:

(1) Review the contractor's schedule with production personnel at the APD or AFPRO, as appropriate.

(2) If the contractor's proposed delivery schedule is within 60 days of the original desired schedule, not coordinate further with supply personnel at the end article prime depot, the initiating contracting officer, or buyer.

(3) If the contractor's proposed delivery schedule is more than 60 days later than the original desired schedule, coordinate with supply personnel at the end article prime depot to assure that the revised delivery schedule is consistent with AF needs and requirements. When necessary, negotiate with the contractor to establish a delivery schedule which is acceptable to both the Government and the contractor. No coordination need be effected with the initiating contracting officer or buyer.

(4) When the contractor's proposed delivery schedule is approved and accepted by the ACO, according to the procedures set forth in subparagraphs (1), (2), and (3) of this paragraph, or when the contractor takes no exception to the desired schedule originally set forth in the Production List, inform the contractor relative to including the delivery schedule in the Proposed Price Exhibit or SPCR, pursuant to § 1007.2606–3 of this chapter. Also, inform, in writing, supply personnel at the end article prime depot of the definitive delivery schedule approved and accepted under either subparagraph (2) or (3) of this paragraph; this notification will be prior and in addition to any notification that may be brought about by the prescribed distribution.

(5) Restrict coordination time with supply personnel at the end article prime depot to minimum periods with appropriate followup by the ACO in each particular case.

**§ 1001.305–52 Amendment of delivery schedules in supply or research and development contracts.**

(Not applicable to base procurement contracts.)

(a) Contracts having unrealistic delivery schedules may be changed if the best interests of the Government will be furthered by such action, and contracts having delinquent delivery schedules may be amended if the best interests of the Government will not be jeopardized by such action. Delinquent delivery schedules will be held to a minimum at all times consistent with the preceding sentence. If the facts surrounding an individual contract warrant such action, the ACO or the procuring contracting officer (PCO), if the contract is administered by the procuring activity, will, immediately upon determination or notification that a contractor will not be able to complete deliveries on schedule, take affirmative steps to initiate an amendment of the delivery schedule according to instructions in subparagraphs (1) to (4) of this paragraph. If the contractor is delinquent, the ACO or the PCO, if the contract is being administered by the procuring activity, may initiate an amendment of the delivery schedule according to instructions in subparagraphs (1) to (4) of this paragraph, or the ACO or PCO may recommend termination of the contract accord to Part 1008 of this chapter. Extensions of delivery schedules may be effected without approval from higher Headquarters in the following instances: (For the division of responsibilities between the ACO and PCO see paragraphs (c) and (d) of this section.)

(1) *When the amendment is supported by legal consideration:* This occurs when the contractor offers a price reduction or other benefits in consideration for an extension of delivery schedule and the Air Force's or other Armed Services interests will not be prejudiced by such extension.

(2) *Pursuant to changed Government requirements:* Such a case would be where extension of the delivery schedule is dictated by an authenticated revised delivery requirement of the Air Force or the other armed services. Every effort will be made to obtain from the contractor an agreement whereby the Government will obtain the benefits of any savings to the contractor on account of the revised delivery schedule.

(3) *Pursuant to specific, standard ASPR or AFPI contractual clauses:* Such clauses include the Changes Clause, the Default Clause, particularly the excusable delay portion, the Government-Furnished Property Clause, the Government Property Clause, and the Excusable Delays Clause.

(4) *Pursuant to special contract provisions:* These are provisions, other than standard ASPR or AFPI clauses, made a part of a contract and agreed to by the parties thereto.

(b) Prior to issuing a contractual modification, the ACO or PCO, whoever makes the determination to amend the delivery schedule, will effect coordination with his staff judge advocate for legality. In all cases the staff judge advocate will determine whether or not legal consideration exists. The staff judge advocate's determination will be final concerning the existence of legal consideration. The adequacy or amount of consideration will be the responsibility for determination by the ACO and PCO together or by either the ACO or PCO alone.

(c) *Responsibilities of the ACO.* (1) The ACO, according to the conditions contained herein but without coordination with the PCO or buyer (except where investigation indicates that there may be a basis for default termination), will accomplish and issue contractual modifications to amend only delivery schedules that pertain to:

(i) Approved price spare parts change requests (SPCRs) and approved price exhibits (§ 1007.2603–3 of this chapter), to open contracts covered by Subpart Z, Part 1007 of this chapter.

(ii) Spare parts exhibits (MCP 71–673, MCP 71–666, MCP 71–666A, MCP 71–669, and MCP 71–670), special support equipment exhibits (MCP 71–671), training parts exhibits (MCP 71–610), and ground support equipment exhibits (MCP 71–650) whenever the exhibits are made a part of a contract by means of a supplemental agreement signed by the ACO. See Subparts C and D, Part 1055 of this chapter.

(2) When a contractor alleges delinquent performance due to causes beyond his control and without his fault or negligence, the ACO, if he is administering the contract, will investigate the allegations and make a finding of fact as to the conditions found to exist.

(3) Upon determination or notification that a contract under his administration is delinquent or almost delinquent and if he believes that a revision to the delivery schedule is warranted, the ACO will:

(i) When authorized to amend the delivery schedule, forward his findings, recommendations, and other information deemed pertinent to his staff judge advocate for a determination of the legality of the proposed revision. Furnish the staff judge advocate with the address, including code, of the production activity at the APD or AFPRO concerned with the contract. The original copy of the staff judge advocate's opinion, either affirmative or negative, will be returned directly to the ACO with a copy to the aforementioned production activity.

(ii) In all other instances, forward his findings, recommendations, and other information deemed pertinent to the PCO. If he is recommending a new, revised delivery schedule, furnish the PCO with the address, including code, of the production activity at the APD or AFPRO concerned with the contract.

(iii) Regardless of whether the preceding subdivision (i) or (ii) of this subparagraph is involved, furnish the appropriate production activity with a copy of the foregoing findings, recommendations, and other pertinent information.

(4) Upon receipt of a DD Form 375, "Monthly Production Progress Report," marked "Action Document," the ACO will indorse thereon his approval or disapproval. If approved and if circumstances indicate that the contractor will not meet the contract schedule within a reasonable period, the action described in subparagraph (3) of this paragraph, will be immediately taken by the ACO. What constitutes a reasonable period requires sound judgment by the ACO and diligence must be exercised so as not to waive the existing contract delivery schedule (see Part 1008 of this chapter.) If disapproval of any proposed schedule change is indicated by the ACO, reasons for such position will be stated on the DD Form 375. The ACO will then sign the reproducible DD Form 375 and forward to the production activity for distribution. Contracts containing liquidated damages clause require extra vigilance. When the ACO has reason to believe that a contract containing a liquidated damages clause will become delinquent as to deliveries, he will promptly notify the production activity for initiation of a DD Form 375. The ACO will process inadequate DD Form 375 reports to the production activity for correction and clarification.

(5) After complying with the requirements specified in this section, the ACO, when authorized, will accomplish and issue, within 30 work days after receiving supply (prime AMA or depot) and/or AMC Aeronautical Systems Center (LMES) (in the case of GFAE) coordination, a contractual modification revising the delivery schedule.

(6) Where investigation shows that grounds for a default termination may exist, the ACO will proceed according to the appropriate instructions set forth below and in paragraph (d) of this section and Subpart T, Part 1008 of this chapter.

(d) *Responsibilities of the PCO.* (1) Upon determination or notification that a contract under the administration of the PCO is delinquent or almost delinquent and if the PCO believes that a revision to the delivery schedule is warranted, the PCO will try to amend the delivery schedule by obtaining the necessary staff judge advocate and supply (prime AMA or depot) and/or LMES, AMCASC (in the case of GFAE) coordination.

(2) Within 5 days after receipt of a DD Form 375 marked "Action Document," the PCO will review the forecast, narrative and recommendations to determine impact on the affected program and will reply to the ACO and the production activity. The reply will indicate concurrence or nonconcurrence of the action recommended on the DD Form 375.

(i) When concurrence is indicated and the administrative offices (production and ACO) have recommended delivery schedule changes, the PCO will, within 10 work days, forward the findings, etc., to the AMA staff judge advocate for an opinion as to the legality of the proposed amendment. The original of the staff judge advocate's opinion will be returned directly to the PCO with copies to the ACO and to the production activity. When the ACO has recommended default termination, signed copies of the PCO's proposed action will also be forwarded to the cognizant local readjustment activity and to AMC (MCPK). When the ACO has not concurred in proposed action, justification for proposed action by the PCO will be included in notification to the administrative offices and will cover the reasons advanced by the ACO.

(ii) When the PCO does not agree with the action proposed on the DD Form 375 marked "Action Document," he will furnish the administrative offices, local readjustment offices and AMC (MCPK), when default termination has been recommended, a statement of reasons for rejecting the recommended action.

(3) After complying with the requirements specified in this section, the PCO will accomplish and issue, within 30 work days after receiving prime depot and/or LMES, AMCASC, coordination, a contractual modification revising the delivery schedule.

(e) *End article prime AMA or depot and/or LMES, AMCASC, coordination.* With the exception of the revision of an unrealistic delivery schedule on a contract, where the originator of the PR–MIPR requirement initiates the request for an extension of delivery schedule, the concurrence of the end article prime depot or in the case of GFAE, LMES, AMCASC, will be obtained in all cases. When other service MIPRs are involved, coordination will be effected with the originator of the other service MIPR.

(f) In all other cases, neither the PCO nor the ACO is authorized to amend the delivery schedule without approval from higher headquarters. If the contractor elects, he may file a claim under Public Law 85–804, as implemented by Executive Order No. 10789. The contractor's claim will be processed according to Part 17 of this title.

(g) Any amendment of contract delivery schedules will conform strictly with the requirements of § 1001.305–50.

2. Add §§ 1001.313 and 1001.313–50 to 1001.313–52, as follows:

**§ 1001.313 Procurement of parts.**

See § 1.313 of this title.

**§ 1001.313–50 Initial procurement.**

Initial quantities of spare parts, with the exception of Military, Industry, and Contractor standard items, will normally be procured from the end item manufacturer. These parts may be procured through provisioning procedures, when appropriate, utilizing authorized spare parts provisioning documents (Part 1055 of this chapter). Any deviations to established contractual provisioning documents must be coordinated with the Materiel Acquisition Branch, MCSCA, Hq AMC, prior to obtaining approval of Hq AMC/MCPC in accordance with § 1001.109–50.

**§ 1001.313–51 Replenishment procurement.**

Spare parts required for stock replenishment purposes will normally be procured for the commodity industry. Competition will be secured to the maximum extent practicable. It is very important that parts which can be procured on an open competitive basis without compromising the requisite safety, dependability, and effective operation of equipment, be so procured.

**§ 1001.313–52 Priorities.**

Spare parts will be procured using the DO or DX rating (§ 1001.460) assigned to the end item being supported.



3. Add § 1001.359 as follows:

**§ 1001.359 Contracting with architect-engineer firms for construction work.**

(a) Air Force policy prohibits the award of a contract for professional architect-engineer services for a particular facility, and the award of a contract for the related construction work to the same firm, its subsidiaries or affiliates. Professional architect-engineer services, as referred to herein, means: (1) Those architectural and engineering services furnished in connection with developing designs, drawings, specifications and other documents prerequisite and essential to the construction of a facility, and (2) those technical and other services furnished by an architect-engineer, on behalf of the Government, in connection with the supervision and inspection of the work performed and materials supplied by the construction contractor. This policy, adopted in an effort to prevent the development of conflicts of interest which might tend to prevent architect-engineer contractors from furnishing the best professional services of which they are capable and from rendering unbiased decisions during the design and construction periods, is in keeping with similar policies followed by other major governmental construction agencies.

(b) Certain firms possess both architectural-engineering and construction capabilities, either within their own organizations or through subsidiaries or affiliates. In the event such firms, their subsidiaries or affiliates, are selected as prospective contractors for professional architect-engineer services, they will be clearly informed of the above policy prior to the initiation of architect-engineer contract negotiations. At that time such firms will have the option of either: (1) Withdrawing from further architect-engineer contract negotiation to compete for the construction contract, or (2) continuing with contract negotiations for the architect-engineer contract under the condition that if such negotiations are successful, that firm, its subsidiaries or affiliates, will be ineligible to compete for the related construction contract. Accordingly, bids for the construction of a facility will not be solicited from the firm, its subsidiaries or affiliates, which furnished, or will furnish professional architect-engineer services for that facility.

(c) *Exceptions.* The above policy is not applicable: (1) In those few cases where the Secretary of the Air Force specifically authorizes the use of cost-plus-fixed-fee contracting with a firm or group of firms for both the design and construction of a specialized facility, nor (2) in those cases where contracts are awarded based on requirements specifications, for the production, delivery and/or erection of multiple units of pre-engineered structures and such contracts require the successful contractors to furnish construction drawings, specifications, or site adaption drawings of the structures. In neither of the above ex-

cepted cases will the firm that prepared the drawings and specification be engaged to supervise, on behalf of the Government, the construction of the facility involved.

### Subpart D—Procurement Responsibility and Authority

Revise paragraph (a) of § 1001.451 as follows:

**§ 1001.451 Representatives of contracting officers.**

(a) The designating authority (see § 1001.454) may designate, according to § 1001.452, any officer (including warrant officer) or civilian official, or any airman who is classified either a Procurement Superintendent (65190), Procurement Supervisor (65170), or a Procurement Specialist (65150) and whose primary duty is in the contracting office, to act as representative of the contracting officer or his duly designated successor.

### Subpart F—Debarred, Ineligible and Suspended Bidders

1. Delete §§ 1001.602 and 1001.603 and substitute the following therefor:

**§ 1001.602 Limitation.**

Pursuant to the authority granted to the Secretary concerned or his representatives as set forth in Subpart F, Part 1 of this title, the DCS/M, Hq USAF, will, upon the recommendation of the Procurement Division (MCPP), Hq AMC, determine whether a firm or individual will be administratively debarred or suspended and included in the list.

**§ 1001.603 Grounds for listing and treatment to be accorded listed concerns.**

(a) The DCS/M, Hq USAF, may, when appropriate, authorize exceptions to the restrictions imposed by Type A (iii) and Type D listings upon determination that such action is in the best interest of the Government. In such cases where it is considered necessary or advisable to award a contract, including sales contract, to a listed firm or individual, the contracting officer will submit a written determination to AMC (MCPP) citing complete and detailed justification for the proposed award. The determination will be based on such factors as: (1) Urgent delivery schedules or (2) inability to secure the supplies or services from other sources due to lead time, proprietary rights or lack of procurement data. MCPP will recommend to DCS/M, Hq USAF (AFMPP–PR) action to be taken in connection with individual requests for exceptions to restrictions when such action is deemed appropriate.

(b) DCS/M, Hq USAF, will determine, based on recommendations of MCPP, Hq AMC, whether it is in the best interest of the Air Force to terminate current contracts and/or withhold all or part of funds due firms and individuals appearing on the list. DCS/M, Hq USAF will request the Air Force Finance Center, Denver, Colorado, to notify all AF accounting and finance officers to withhold payments where such action is considered appropriate.

(c) If award of a subcontract to a listed firm or individual is considered in the best interest of the Government, the administrative contracting officer (ACO), prior to approving such award, will request an exception to restrictions according to the procedures outlined in paragraph (a) of this section. Approval may be granted by MCPP notwithstanding the fact that the firm or individual is carried on the list. Doubtful cases will be referred by MCPP to AFMPP–PR, Hq USAF, for review and determination. In the case of subcontracts already in effect, prime contractors will not be required by ACOs to terminate subcontracts with a listed firm or individual unless provisions of the prime contract reserve to the Government such control over subcontracts permitting the Government to require their termination. If the Government has such control, the ACO will decide whether termination of a subcontract would be detrimental to the interest of the Government. If the ACO finds that such detriment exists, he will forward his recommendations, with the facts in the case, to MCPP, Hq AMC, for review and advice as to further appropriate action.

2. Revise § 1001.610 to read as follows:

**§ 1001.610 Use of overseas lists within the United States.**

(a) *Determination of overseas listings*—(1) *Within the United States.* Prior to the award of a prime or subcontract (where the prime contract reserves the right of approval of subcontracts by the ACO) to an offshore supplier the cognizant U.S. procuring or administrative contracting officer will contact AMC (MCPP) in writing, to determine whether or not the firm or individual in question appears on any of the oversea lists.

(2) *Possessions.* AF procuring or administrative contracting officers located in United States possessions (see § 1.201–12 of this title) will contact whichever of the following activities is most conveniently located:

(i) CINCEUR; (ii) CINCPAF; (iii) CINCARIB; (iv) Air Materiel Force activities; (v) AMC (MCPP).

(3) The activity contacted will reply to the requesting activity within 2 working days by the most expeditious means of communication. If the firm or individual in question appears on an offshore consolidated list, the reply will include the information outlined in § 1.609–2 of this title and will be assigned a security classification commensurate with the information furnished.

(b) *Proposals regarding products of listed concerns.* Proposals by contractors to furnish products of a concern listed on an oversea list will be referred by the contracting officer to Hq USAF (AFMPP–PR) through AMC (MCPP).

### Subpart G—Small Business Concerns

Revise paragraph (a) of § 1001.706–5 as follows:

**§ 1001.706–5 Total set-asides.**

(a) (1) Base procurements, except proposed procurements for construction, in excess of $2,500 for which there are known to be two or more small business sources from whom fair and reasonable prices may be expected will be set-aside totally for competition among small business concerns exclusively. Deviations from this policy may be approved in specific cases by notation on the purchase request or other authorized requisition by the chief of the contracting office or his designee provided the designee is not the contracting officer or buyer for the particular procurement.

(2) All proposed procurements for construction (except Capehart Housing construction, see subparagraph (4) of this paragraph) in excess of $2,500 and under $500,000 including those for repair, maintenance, and alterations of structures will be individual total small business set-asides and such action will be considered as having been initiated by the SBA and reported as joint small business set-asides. The mandatory procedure for proposed construction procurements does not preclude the requirement of meeting the criteria for total set-asides as stated in subparagraph (1) of this paragraph for other base procurements. If this criteria is not met the procedures to be followed relative to disapproval, withdrawal, modification, or appeal of the set-aside will be according to §§ 1.706–2(a) (1) and (2) and 1.706–3 (b) (1), (2), and (3) of this title.

(3) Proposed procurements for construction, amounting to $500,000 or more, will be considered on an individual procurement basis according to §§ 1.706–1 and 1.706–5(a) of this title.

(4) Proposed procurements for Capehart Housing construction are not subject to unilateral set-aside procedures and set-asides will not be agreed to by the contracting officer if initiated by the SBA. Appeal procedures according to § 1.706–2(a) (1) and (2) of this title will be followed.

### Subpart J—Publicizing Procurement Actions

A new Subpart J is added as follows:

Sec.

| | |
|---|---|
| 1001.1001 | General policy. |
| 1001.1002 | Availability of invitations for bids and requests for proposals. |
| 1001.1002–50 | Active reference files. |
| 1001.1002–51 | Distribution of invitations for bid and requests for proposals. |
| 1001.1004 | Synopsis of contract awards. |
| 1001.1004–1 | Preparation and transmittal. |
| 1001.1005 | Paid advertising. |
| 1001.1005–3 | General. |
| 1001.1005–5 | Authority and delegation. |
| 1001.1005–6 | Requests for authority to place advertisement. |
| 1001.1005–7 | Preparation of advertisement. |
| 1001.1005–8 | Insertions. |
| 1001.1005–9 | Rates. |
| 1001.1005–10 | Proof of publication. |
| 1001.1005–11 | Forms. |
| 1001.1005–12 | Payment. |

AUTHORITY: §§ 1001.1001 to 1001.1005–12 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

**§ 1001.1001 General policy.**

See § 1.1001 of this title.



**§ 1001.1002 Availability of invitations for bids and requests for proposals.**

The number of copies of each IFB and RFP to be maintained by the purchasing office will be consistent with the scope of the procurement involved. Once this supply has been exhausted, requesters will be advised of the nearest location where a copy of such IFB or RFP is available for examination. In addition, in the case of IFBs, requesters will be advised that letter bids are acceptable according to § 2.301 of this title.

**§ 1001.1002–50 Active reference files.**

(a) All AF activities which maintain bid rooms, including Contractor Relations Office (LMMA–1), AMCASC, will maintain files of IFBs and RFPs including data and specifications, for 60 days, for examination only by prospective bidders. APDs will retain IFB and RFP files for 60 days after the opening date for use by FCR team members.

(b) If the prospective bidder indicates a desire to bid, the AF procurement activity will immediately advise him to contact the issuing office for a complete set of RFP or IFB and any amendments or additions thereto. This procedure will be followed whether or not the prospective bidder contemplates submitting a letter bid as provided in § 2.301 of this title.

**§ 1001.1002–51 Distribution of invitations for bid and requests for proposals.**

(a) AMC central procurement activities and base procurement activities will effect distribution of unclassified IFBs and RFPs as follows, in addition to persons or firms on the appropriate bidders' mailing list (selected according to § 1002.205 of this chapter). Copies of IFBs will be supplied to additional sources upon submission of AFPI Form 2B, "Request for Bid Set."

(1) Each APD:

(i) Copies: Two copies of the IFB or RFP and two sets of data, or one copy of letter proposal and one set of data except when "pre-invitation notices" are used (see § 2.205–4(c) of this title and § 1002.205–4(c) of this chapter) and then only one copy of the IFB or RFP and one set of data will be furnished. Preinvitation notices will be mailed to APDs simultaneously with those sent to firms listed on the bidders' mailing list.

(ii) Applicability: All AMC central procurement IFBs and RFPs which have been synopsized.

(iii) Base procurement activities will furnish one complete set of IFBs and RFPs, which have been synopsized, together with data or specifications to the APD or air procurement office located in the local trading area of the activity.

(2) Procurement Information Center, Office of the Deputy Chief of Staff for Logistics, Department of Army, Room 732, Old Post Office Building, Washington 25, D.C.

(i) Copies: One copy of the IFB or RFP and one set of data, or one copy of letter proposal and one set of data.

(ii) Applicability: All AF IFBs; AMC central procurement RFPs which have been synopsized.

(3) Contractor relations office of the respective procurement activity and LMMA–1, AMCASC.

(i) Copies: Two copies of the IFB or RFP and one set of data, or one copy of letter proposal and one set of data.

(ii) Applicability: All AMC IFBs and RFPs which have been synopsized.

(4) Small Business Administration region and branch offices as designated by the SBA representative.

(i) Copies: One copy of IFB or RFP.

(ii) Applicability: All AMC IFBs and RFPs which have been synopsized.

(5) Additional copies of unclassified AF invitation for bids will be distributed to the following as applicable to the particular procurement:

(i) Bid sets will be furnished to Government-owned manufacturing establishments as applicable.

(ii) Copies of unclassified IFBs for construction projects may be furnished to trade journals for the construction field.

(iii) Copies of IFBs for both housing and off-site utility construction projects will be sent on the date issued to Hq USAF, Family Housing Division (AFCIE), Washington 25, D.C.

(b) *Classified IFBs.* See AFR 205–1 (Safeguarding Military Information) for instructions on distributing classified documents. In such cases, instead of sending a copy of the IFB to the Procurement Information Center, as set forth in paragraph (a)(2) of this section for unclassified invitations, a letter will be sent to that office, in substance as follows:

> This office has issued Invitation for Bids No. ------ dated ----------, bids to be opened on ----------, under classified project No. -------.

(c) *Retention of extra sets of data mailed with IFBs.* Whenever data is required for inclusion with an IFB, three extra sets will be requested for the purpose of later mailing one set to the successful bidder and two sets to the administrative contracting officer. It will be the responsibility of the office requesting the data to periodically ascertain (not less than once a week) the contracts mailed covering the respective IFBs and then to send the pertinent data, by forwarding letters, to the successful bidder and the ACO, citing therein the applicable IFB and contract number.

(d) *Synopsized letter proposals.* Buyers will be responsible for furnishing to the unit making distribution of RFPs a sufficient number of each synopsized letter proposal to make the distribution set forth in paragraph (a) of this section. Each set will be comprised of one copy of the letter proposal and all accompanying data.

**§ 1001.1004 Synopsis of contract awards.**

RCS: AF–XDC–N2 is assigned to this report.

**§ 1001.1004–1 Preparation and transmittal.**

(a) In addition to transmitting the report to the U.S. Department of Commerce, copies will be furnished to the following offices:

(1) Procurement Information Center, Office of Deputy Chief of Staff for Logistics, Department of the Army, Room 732, Old Post Office Building, Washington 25, D.C.

(2) Information office at the activities preparing the synopsis.

(b) The synopsis of contract awards will contain the following information: (1)—(6) See § 1.1004–1(b) (1) to (6) of this title.

**§ 1001.1005 Paid advertising.**

**§ 1001.1005–3 General.**

Paid advertisements in newspapers will be used in connection with the disposition of disposable property by sale, according to section 11, volume XIII, AFM 67–1. If time will permit, the publication of essential details of IFBs in newspapers and trade journals (paid advertisements) may be authorized as shown below. Paid advertisements in newspapers, magazines, and other publications for the purpose of recruiting civilian employees will be used according to paragraph 7, section 6, chapter X–1, AFM 40–1, and as authorized below.

**§ 1001.1005–5 Authority and delegation.**

(a) Authority to authorize the publication of advertisements, notices, or proposals in newspapers and trade journals in connection with the dissemination of procurement and sales information has been delegated by the Secretary to the:

(1) Commander, Air Materiel Command.

(2) Director and Deputy Directors of Procurement and Production, Hq AMC.

(3) Commander and Deputy Commander, AMC Ballistic Missiles Center.

(4) Commander and Deputy Commander, AMC Aeronautical Systems Center.

(5) Commander and Deputy Commander, AMC Electronics Systems Center.

(6) Chiefs of Divisions (or comparable level), Directorate of Procurement and Production, Hq AMC and AMC centers.

(7) Director of procurement and production, air materiel areas and AF depots.

(8) Directors of procurement and production, air materiel forces.

(9) Commanders and vice commanders of major air commands.

(10) Commander, Wright-Patterson AFB.

(11) Commander, 2704th AF Aircraft Storage and Disposition Group.

(12) Commander, 2709th AF Vehicle Control Group.

and, while he is so acting, to the person acting for the time being in any of the foregoing capacities. The above authority will not be redelegated.

(b) Authority to authorize the publication of paid advertisements for purposes of recruiting civilian employees has been delegated by the Secretary to:

(1) Commanders of major air commands.

(2) Secretary of the Air Staff, Hq USAF.

(3) Each base commander of an activity maintaining a central civilian personnel office.

The above authority will not be redelegated.

(c) All authority to advertise is granted to the office concerned, not to the officer.

(d) No advertisement, notice, or proposal will be published except in pursuance of written authority for such publication from the Secretary or the appropriate official named above; and no bill for any such advertising, or publication, will be paid unless there is presented, with such bill, a copy of such written authority.

**§ 1001.1005–6 Requests for authority to place advertisement.**

(a) Requests for authority to place advertisements in connection with dissemination of procurement and sales information will be made on AFPI Form 25, "Request for Authority to Advertise," according to § 1001.1005–11(c) except in case of emergency, the nature of which will be stated in the request, authority to advertise may be requested direct by telegraph to the proper official who will obtain the necessary coordination with others concerned.

(b) Requests for authority to place advertisements for the purpose of recruiting civilian employees will be submitted to the official named in § 1001.1005–5(b) for approval. The official will grant such authority to the contracting officer in writing, setting forth the extent of the duties involved and authorized to be performed by the contracting officer.

(c) In all cases, authority to advertise must be obtained in advance. Authority will not be granted retroactively.

**§ 1001.1005–7 Preparation of advertisement.**

Any unnecessary expense to the Government, resulting from failure to observe the requirements stated in § 1.1005–7 of this title, may be made a charge against the pay of the officer responsible therefor.

**§ 1001.1005–8 Insertions.**

(a) *Number of insertions.* See § 1.1005–8(a) of this title.

(b) *Limitations on time of publications.* See § 1.1005–8(b) of this title.

(c) Insertions, and limitations thereon, in connection with advertising for the purpose of recruiting civilian employees, will be according to paragraph 7, section 6, chapter X–1, AFM 40–1.

**§ 1001.1005–9 Rates.**

All advertising will be audited and paid at rates not higher than those charged the general public; however, lower rates may be obtained when the public interest requires it.

**§ 1001.1005–10 Proof of publication.**

See § 1.1005–10 of this title.

**§ 1001.1005–11 Forms.**

(a) *Advertising order.* See § 1.1005–11(a) of this title.

(b) *Public voucher.* See § 1.1005–11(b) of this title.

(c) *Applications for authority to advertise.* AFPI Form 25, "Request for Authority to Advertise," will be used in applying for authority to advertise invitations for bids. Applications for authority to advertise for the purpose of recruiting civilian employees will be effected by letter. These instruments will be prepared in triplicate and sent through channels to the appropriate official to whom authority has been delegated to authorize such advertising (see § 1001.1005–5).

(1) The original of the instrument (AFPI Form 25 or letter) must be filed with the first voucher making payment thereunder. A copy will be filed with the duplicate voucher.

(2) Reference to the instrument will be made in the space provided on all subsequent advertising orders placed during the period covered in the authorization.

**§ 1001.1005–12 Payment.**

See § 1.1005–12 of this title.

## Subpart K—Qualified Products

**§ 1001.1104 [Re-insertion]**

Section 1001.1104 *Qualified products lists* is re-inserted as it was erroneously deleted (25 F.R. 13000, December 20, 1960).

## Subpart L—Specifications, Plans, and Drawings

A new Subpart L is added as follows:

Sec.
1001.1201 General.
1001.1202 Mandatory specifications.
1001.1203 Availability of specifications, plans, and drawings.
1001.1206 Purchase descriptions.
1001.1207 Alternate articles or quantities.

AUTHORITY: §§ 1001.1201 to 1001.1207 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

**§ 1001.1201 General.**

(a) Specifications and purchase descriptions will be prepared with the presumption that the method of procurement will be advertising. The question whether specifications or purchase descriptions are unduly restrictive of competition goes to the essence of the contract and in the event of protest is subject to review by the General Accounting Office. (See § 1002.407(e) of this chapter.) However, in stating the actual minimum needs of the Government, specifications or purchase descriptions used for advertised procurements will not be unduly restrictive of competition if the product or equipment of one or more manufacturer does not meet these minimum requirements.

(b) Specifications must be carefully reviewed by contracting officer to assure that they are sufficiently specific to state positively the requirements of the IFB or RFP. If options exist as to types or grades of material, method of inspection, number or types of samples, test requirements, etc., the IFB or RFP must state specifically the basis upon which bids are to be submitted. Where approval requirements (preproduction sample approval, process or manufacturing specification, approval, etc.) are contained in the specifications, the IFB or RFP will contain a delivery schedule reflecting such requirements.

**§ 1001.1202 Mandatory specifications.**

(a) The following types of specifications are authorized for use in the order of preference listed in this paragraph. These specifications will be considered by all AF personnel as suitable for formally advertised procurement.

(1) *Federal specifications.* Examples: W–R–151, QQ–A–3562, PPP–B–601.

(2) *Fully coordinated military specifications.* Examples: MIL–C–823B, JAN 1–7, MIL–M–6176.

(3) *Limited coordination military specifications (ASG-Aeronautical Standards Group).* Examples: MIL–F–62188 (ASG), MIL–L–25336 (ASG).

(4) *Limited coordinated military specifications (USAF).* Examples: MIL–S–8750 (USAF), MIL–8–8743A (USAF).

(5) *Limited coordinated military specifications (other than USAF).* Examples: MIL–C–13664(ORD), MIL–C–13745 (Sig C), MIL–V–13612(CE), MIL–R–18059(Aer.), MIL–W–19583(Navy), MIL–L–18045(Ships).

(6) *Specifications of other Government agencies.* Examples: CAA–293, GSA–312.

(7) *Specifications of non-Government agencies.* These specifications are approved for general use only when listed in ANA Bulletin 147 or ANA Bulletin 343 or if specifically approved for a particular AF use by the appropriate engineering activity.

(b) Specifications or purchase descriptions are not required for spare parts, components, or materials required for existing stocks of material or for maintenance and operation of established installations, provided the item description used includes the sources' part number or drawing number and refers to the model designation and manufacturer's name and address of the equipment with which the item is to be used. The above items will be considered for formal advertising under the conditions described herein only when the items to be procured are predominantly commercial type items and two or more sources of supply are available for competition.

(c) See § 1.1202(c) of this title.

(d) Paragraph (a) of this section provides that the types of specifications listed therein will be considered by all AF personnel as suitable for formally advertised procurement. In the event the specification is proven inadequate by formal advertising with no responsive bids received, the contracting officer will obtain approval for the specific deviations involved from the engineering activity controlling the specification before further procurement action is taken.

**§ 1001.1203 Availability of specifications, plans and drawings.**

At least one copy of each referenced drawing, plan, or specification will be on file at the AF installation which issues the IFB or RFP prior to such issuance.

**§ 1001.1206 Purchase descriptions.**

(a) Purchase descriptions should contain essential physical and functional characteristics of the item, such as:

(1) Kind of material.
(2) Electrical data, if any.
(3) Dimensions.
(4) Principles of operation.
(5) Restrictive or significant environmental conditions.
(6) If part of an assembly, the location within the assembly.
(7) Essential operating conditions.
(8) Special features, if any.
(9) Intended use.
(10) Operation to be performed.
(11) Equipment with which the item is to be used.

(b) See § 1.1206(b) of this title.

(c) The provision set forth in § 1.1206 (c)(2) of this title entitled "Brand Name or Equal" is not applicable to contracts for construction, rehabilitation and repair of buildings or structures.

**§ 1001.1207 Alternate articles or quantities.**

Alternate bids may be used where the Government wishes to have a certain quantity of work done or items delivered, but the cost of such work or items may be so high that the Government's interest will require procurement of a lesser quantity. (See also § 1002.2003–6 of this chapter.)

## Subpart M—Transportation

A new Subpart M is added as follows:

Sec.
1001.1301 General.
1001.1302 Place of delivery.
1001.1302–3 Shipments originating outside the United States.
1001.1305 Delivery terms.
1001.1305–1 F.o.b. origin or destination.
1001.1305–2 F.o.b. destination.
1001.1305–3 F.o.b. origin.
1001.1306 Consignment and marketing instructions.
1001.1307 Scheduling of deliveries to permit consolidation of shipments.

AUTHORITY: §§ 1001.1301 to 1001.1307 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

**§ 1001.1301 General.**

In considering transportation factors, contracting officers should call upon transportation officers for advice and assistance as required.

**§ 1001.1302 Place of delivery.**

**§ 1001.1302–3 Shipments originating outside the United States.**

Instructions concerning place of delivery to be specified for materials procured in Europe or Japan, when water shipment is to be made, are contained in § 1006.651 of this chapter. In the absence of specific instructions, the contracting officer will request the advice of the local transportation officer in determining the most appropriate place of delivery to be specified in procurement involving shipments originating outside the United States.

**§ 1001.1305 Delivery terms.**

**§ 1001.1305–1 F.o.b. origin or destination.**

(This section is only mandatory in connection with central procurement requirements at AMC field procurement activities.) Each purchase request will have an AMC Form 354, "Transportation Data (PR or MIPR)," attached which sets forth transportation data to be considered by procurement personnel prior to issuing an IFB or RFP. The data set forth on the form will be carefully analyzed and the determination made as to which of the following will be included in the schedule of the IFB or RFP.

**§ 1001.1305–2 F.o.b. destination.**

Whenever the supplies are to be delivered f.o.b. specified destinations, the following will appear in the schedule:

F.o.b. point: Supplies shall be shipped direct by the Contractor to the specified destinations on commercial bill of lading at the expense of the Contractor.

**§ 1001.1305–3 F.o.b. origin.**

Whenever the supplies are to be delivered f.o.b. the plant or plants at which such supplies are to be finally inspected and accepted, or if the facilities for shipment by carrier's equipment are not available at the contractor's plant, f.o.b. the point or points that carrier service is available, the following will appear in the schedule:

F.o.b. point: Supplies shall be delivered to the Government f.o.b. carrier's equipment at the plant or plants at which such supplies are to be finally inspected and accepted, or if the facilities for shipment by carrier's equipment are not available at the Contractor's plant, f.o.b. the point or points nearest thereto that carrier service is available. Bidder to specify which of the following is applicable and designate the city and state of the f.o.b. point:

(1) F.o.b. carrier's equipment at the plant or plants at ----------, ----------, at
(City) (State)
which such supplies are to be finally inspected and accepted.

(2) F.o.b. ----------, ----------, which
(City) (State)
is the nearest point or points that carrier service is available to the plant or plants at which final inspection and acceptance are to be accomplished.

**§ 1001.1306 Consignment and marketing instructions.**

(a) All information on shipping addresses (except on GFAE and GFAE-type items) that is supplied with a purchase request (PR), a military interdepartmental purchase request (MIPR), or other document serving as an authorization for procurement, will be incorporated verbatim into the original or amended shipping instruction provisions of the resulting contract.

(b) Shipping instructions for GFAE and GFAE-type items will not be incorporated in the contract, but all information on shipping addresses will be incorporated in the shipping instruction verbatim from the AFPI Form 44, "Request for Issuance of Shipping Instructions," that is processed according to §§ 1054.1503 and 1054.1505 of this chapter.

(c) The contract, purchase order, or delivery order number will be made a part of each shipping address as shown in the example below.

This will expedite identification of shipments received by a consignee: Transportation Officer, MOAMA, Brookley AFB, Ala., Marked for: AFD 2010, FSC 6740, Contract AF33 (600)–40919.

(d) Transportation appropriation data that is supplied with a MIPR or other document serving as an authorization for procurement will be incorporated verbatim into the original or amended shipping instruction provisions of the resulting contract.

**§ 1001.1307 Scheduling of deliveries to permit consolidation of shipments.**

(a) AFPI Form 28A, "Transportation Data (IFB or RFP)": To enable the evaluation of competitive bids and to assist in routing shipments, each IFB or RFP which provides for delivery other than f.o.b. specified destinations will include AFPI Form 28A and the following clause, which may be reproduced locally.

WEIGHT OF SHIPMENTS

(1) Freight rates used in evaluating bids or quotations will be based on the shipping weight specified by the bidder. If a shipping weight is not specified by the bidder, the Government will evaluate the bid on the basis of carload or truckload transportation rates (unless total quantity or delivery schedule does not permit). If an f.o.b. carrier's equipment contract results, the Contractor will be required to ship in quantities at least as large as those upon which evaluation was made. If excess cost to the Government results from Contractor's failure to do so, the Contracting Officer will issue a supplemental agreement evidencing a corresponding reduction in the contract price (unless specific delivery schedules called for lesser quantities than the minimum shipping weight, or final shipment on a specific order is for a lesser quantity than the minimum shipping weight, or noncompliance with the minimum shipping weight is due to an act or order of the Contracting Officer).

(2) In cases where the weight specified by the bidder is less than the minimum carload or truckload quantity, the Contractor will exert every reasonable effort to ship in carload or truckload quantities, subject to the provisions of delivery schedules.

(3) The Contractor, in any event, will consolidate all less-than-carload or -truckload shipments on the same day to a single consignee. The Contractor may be held responsible for any excess costs incurred if he fails to consolidate such shipments unless due to an act or order of the Contracting Officer.

(b) Where the contracting officer has received competitive bids on other than f.o.b. specified destinations and the procurement is in quantities which involve shipment(s) equal to or exceeding carload or truckload shipments, the contracting officer will complete items 1 through 7 of AFPI Form 28, "Freight Rate and/or Routing Request," attach AFPI Form 28A, "Transportation Data (IFB or RFP)," as submitted by the bidders and forward to the nearest transportation office for completion of the remainder of AFPI Form 28, to obtain transportation rates and routing information for use in bid or proposal analysis where transportation information may be a factor in making the award. Thereafter the contracting officer will insert completed copies of AFPI Form 28B (cut sheet) or AFPI Form 28C (offset master), "Transportation Data (Contract)," as appropriate, in the resultant contract.

(c) Where the contracting officer has requested transportation data (IFB or RFP) on AFPI Form 28A and it is not necessary to forward to the transporta-

tion office for evaluation of the freight rates, the contracting officer will complete AFPI Form 28B or AFPI Form 28C except for paragraphs 3 and 4, which will be furnished at the time routing information is furnished, and thereafter insert time, as appropriate, in the resultant contract.

## Subpart N—Preference for United States-Flag Privately Owned Ocean Carriers

A new Subpart N is added as follows:

Sec.
1001.1405 Responsibilities.
1001.1405–1 Military departments.

AUTHORITY: §§ 1001.1405 and 1001.1405–1 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

### § 1001.1405 Responsibilities.

### § 1001.1405–1 Military departments.

Pending issuance of further instructions, no report is required to be submitted. Transportation officers will maintain records of shipments and other data according to § 1.1405–1(a) of this title, in the event reporting is required at a later date.

## Subpart T—Ethical Standards of Procurement Personnel

Revise § 1001.2004–5 to read as follows:

### § 1001.2004–5 Letter of clearance.

(a) *Consideration and decision.* The Procurement Division (MCPP), Hq AMC, will examine all affidavits to determine whether the affiant appears to be eligible to receive a clearance to represent a private interest in dealing with the Air Force, and, if necessary, will verify the information contained in the affidavit with the affiant's last duty station. MCPP will issue all letters of clearance for such representation. If there is doubt whether clearance should be granted, MCPP will submit the matter to Hq USAF for decision.

(b) *Scope of applicability.* Letters of clearance issued by MCPP will be honored at all AF installations. The letters will contain any restrictions imposed upon the former personnel and will be granted for the sole purpose of permitting them to represent a private interest to the Air Force. No such letter implies a right to enter any AF installation or to receive information on matters not directly connected with the purpose for which the clearance was granted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

# PART 1002—PROCUREMENT BY FORMAL ADVERTISING

## Subpart A—Use of Formal Advertising

1. Revise § 1002.102 to read as follows:

### § 1002.102 Policy.

2. Add § 1002.102–1 as follows:

### § 1002.102–1 General.

(a) The AF policy is to use formal advertising procedures whenever possible notwithstanding the existence of a negotiation authority under 10 U.S.C. 2304(a) and Subpart B, Part 3 of this title and Subpart B, Part 1003 of this chapter. Negotiation authority will be used only when the facts and circumstances of the procurement clearly indicate the need to use the authority. For example, 10 U.S.C. 2304(a)(9) authorizes the procurement of perishable subsistence supplies by negotiation. Milk is a perishable subsistence as defined in Rulings and Interpretations of the Walsh-Healey Public Contracts Act, but troop issue requirements are adequately covered by specifications and competition is generally available; accordingly, such procurements of milk should be advertised when estimated quantities are in excess of $2,500.

(b) Before the negotiation authority of § 3.202 or § 3.210 of this title is used, officials approving determinations and findings (see § 1003.306(b) of this chapter) will satisfy themselves that formal advertising procedures cannot be used without detriment to the Government, and that the facts and circumstances in justification of negotiation are clear and convincing.

## Subpart B—Solicitation of Bids

### § 1002.200 [Deletion]

1. Delete § 1002.200.
2. Revise § 1002.201 to read as follows:

### § 1002.201 Preparation of invitations for bids.

For forms discussed in this section see Part 1016 of this chapter.

(a) The following paragraphs contain implementations of the corresponding paragraph of § 2.201(a) of this title for supply and service contracts, including construction.

(1) *Invitation number.* Each invitation issued will be assigned, and will contain in the space provided therefor, a number composed of: (i) The station number of the issuing office, followed by a dash, (ii) the last two numerals of the fiscal year in which the invitation is issued, followed by a dash, and (iii) the serial number of the invitation being issued. Only one series of numbers will be used under any one station number for each fiscal year, and the first invitation issued in each fiscal year will bear "1" as its serial number. A serial number once assigned to an invitation which has been distributed will not be used in the same fiscal year for any other invitation. Other numbers or letters will not be prefixed or suffixed to this number. Accordingly, the first invitation issued by the Base Procurement Office, Wright-Patterson AFB, in the fiscal year 1961 would be numbered 33–601–61–1.

(2)–(13) See § 2.201(a)(2)–(13) of this title.

(14) *Use of Government property in the bidder's possession.* (Applicable only to AMC central procurement IFBs.) Use of Government property in the bidder's possession under a facilities contract or other agreement independent of the IFB on a "no charge for use", "rent-free", or other no charge basis is not permitted. The following provision will be inserted in all AMC central procurement IFBs:

GOVERNMENT PROPERTY IN BIDDER'S POSSESSION

Bidder's may use, in performing the work bid upon, any items of Government property in the bidder's possession under a facilities contract or other agreement independent of this invitation for bids at the rental rates stipulated in such facilities contract or other agreement provided such facilities contract or other agreement authorizes such use. If the bidder plans to use such Government property, the bidder will so state in the bid. In such event the bidder agrees to furnish, upon request of the contracting officer, evidence that a facilities contract or other separate agreement authorizes the bidder to use each item of such Government property for performing the work bid upon. Bids submitted contingent upon the use of such property on a "no-charge for use", "rent-free" or other no charge basis will be considered nonresponsive to this invitation for bids and will be rejected. (See § 1002.407–5(g).)

(15)–(16) See § 2.201(a)(15)–(16) of this title.

(17) *Special provisions*—(i) *Liquidated damages.* See § 1.310 of this title.

(ii) *Buy American certificate.* See §§ 6.104–3 and 6.204–2 of this title and § 1006.104–3 of this chapter.

(iii) *Progress payments.* See § 163.73, Subchapter E of this title.

(*a*) Whenever it is intended that the contractor is to be reimbursed for progress payments to subcontractors, the clause set forth in § 163.79, Subchapter E of this title will be included in the schedule.

(*b*) Whenever the contracting officer determines that progress payments are not appropriate in connection with a particular procurement, according to the criteria set forth in § 163.73, Subchapter E of this title, the following statement will be included in the IFB:

Progress payments are not available under this invitation for bids and bids conditioned upon provision for progress payments will be considered nonresponsive. This does not preclude payments for partial deliveries as otherwise authorized in the General Provisions.

(iv) *Advance payments.* The policy and procedures for advance payment provisions are contained in § 163.23, and Subpart D, Subchapter E of this title.

(v) *Approval of resulting contracts.* IFBs covering procurements which may exceed the delegated authority of the issuing contracting officer for which the resulting contract may require approval of higher authority, will include the following provision:

APPROVAL

Any contract in excess of $ (insert amount of delegated contracting authority of contracting officer issuing the invitation for bids) awarded as a result of this invitation shall contain the following approval clause: This contract shall be subject to the written approval of the Secretary of the Air Force or his duly authorized representative and shall not be binding until so approved.

(vi) *Statement in lieu of Standard Form 119.* See § 1001.507–1 of this chapter (to be used in conjunction with § 1.506 of this title).

(vii) *Labor surplus "Set-asides."* See § 1001.804–2 of this chapter.

(viii) *Small business "Set-asides."* See §§ 1.706–5 and 1.706–6 of this title (as implemented by § 1001.706–6 of this chapter).



(ix) *Financial and technical ability.* See § 1052.103–2 of this chapter for applicable clause. Also, see Subpart C, Part 1052 of this chapter relative to requirements and procedures for Special Source Surveys.

(x) *DO ratings.* See § 1001.460 of this chapter.

(xi) *Classified information.* Classified information in invitations for bids will be handled according to AFR 205–4, "Armed Forces Industrial Security Regulations."

(xii) *Multiple awards.* IFBs which will be evaluated according to § 1002.407–5(a) will include the following statement:

NOTICE TO BIDDERS

Bids will be evaluated on the basis of advantages or disadvantages to the Government that might result from making multiple awards. For this purpose, the cost of issuing an advertised contract is estimated to be $50. Accordingly, where several items are included in an invitation for bid and, after opening bids, it is ascertained that no one responsible bidder submitted the lowest price on each of the items, the $50 factor of whether it will be to the best interest of the Government to make multiple awards will be considered, other factors being equal.

(xiii) *Percentage of subcontracting.* When a Facility Capability Report is contemplated as prescribed in Part 1052 of this chapter, the IFB will contain the following clause:

Bidder represents that the estimated percentage of subcontracting contemplated on this procurement is ------ percent.

NOTE: The "percentage of subcontracting" will be reported as a percentage of the prime contractor's selling price. "Subcontracting" means only contracts for the production or of work upon an item, component, or assembly and does not include: (1) Any purchase of a standard commercial or catalog item, (2) any purchase of a basic raw material, (3) any purchase of supplies or services for the general operation of the contractor's plant, or (4) any purchase from a parent, subsidiary, or affiliate of the contractor.

(xiv) *Notification of synopsis.* Where a procurement has been synopsized, according to Subpart J, Part 1 of this title and Subpart J, Part 1001 of this chapter, the cover sheet of the IFB will carry the following statement: "Advance notification of this procurement was published in the Department of Commerce Synopsis of the U.S. Government Proposed Procurement, Sales, and Contract Awards."

(18) *General provisions or conditions.* (i) The IFB will include general provisions according to the appropriate part of Part 7 of this title and Part 1007 of this chapter, and any special conditions necessary to describe the Government's requirements fully.

(ii) When procurement is by formal advertising, price redetermination clauses (as distinguished from escalation clauses) will not be inserted in the IFB or in any resulting contract. (See § 1002.104.)

(iii) IFBs for sealed bid sales will be prepared according to instructions contained in paragraph 21, section 9, volume XIII, AFM 67–1, except that IFBs and contracts for the disposal of edible garbage will also contain the following provision:

Prior to award the bidder agrees to furnish a certificate from an Animal Disease Eradication Division representative of the U.S. Department of Agriculture that he possesses adequate and approved garbage sterilization equipment. In the event of an acceptance of his bid by the Government, the bidder warrants that all garbage received under the contract will be sterilized not less than 30 minutes at 212° F. before being fed to livestock or poultry. The bidder agrees to permit representatives of Animal Disease Eradication Division of the U.S. Department of Agriculture to make inspections at any time without prior arrangements to determine that the garbage is heat-treated in accordance with this provision.

(19)–(25) See § 2.201(a)(19)–(25) of this title.

(b) The following subparagraphs contain implementations of the corresponding subparagraphs of § 2.201(b) of this title for supply and service contracts, excluding construction.

(1)–(11) See § 2.201(b)(1)–(11) of this title.

(12)–(20) [Reserved].

(21) *Special provisions*—(i) *Procurement of items containing wool (except mohair).* See § 6.304–2(c) of this title.

(ii) *Brand name or equal.* See § 1.1206 of this title.

(iii) *Shipping instructions.*

(iv) *First article approval.* See § 1007.4020 for sample provision. Where it is known that one or more sources have previously furnished to the Government the articles subject to first article approval, the schedule may provide for bids to be submitted on one of two basis as applicable: Bid "A" (First Article, Approval Required); Bid "B" (First Article, Approval Not Required). The following provisions will then be inserted in the IFB schedule following the § 1007.4020 provision:

Bidders who have previously furnished to the Government the articles referred to in item ------ above shall submit bid on Bid "B" which does not include compliance with the above First Article provision.

Bids submitted under Bid "A" (First Article, Approval Required) or under Bid "B" (First Article, Approval Not Required) are equally acceptable to the Government, as applicable, and award will be made thereon with the best interest of the Government considered.

(v) *Production sample.* Where production samples are required, the provision in the IFB Schedule may be the same as a "first article" provision (see subdivision (iv) of this subparagraph) except that the term "production sample" will be used instead of "first article" and a Production Sample Test Clause (see § 1007.4021 of this chapter) will be used instead of a First Article Approval Clause.

(vi) *Special maintenance tools and test equipment.* Where a requirement for special maintenance tools and test equipment exists, a separate item in the schedule will be established similar to the following sample:

The contractor agrees to furnish special maintenance tools and test equipment for item ------ above, to be selected in accordance with ---------- dated ----------, incorporated herein by reference.

(vii) *Engineering data.* Where required, a separate item in the schedule will be established to provide for engineering data. Where original data have previously been furnished, two schedule items will be established, one for "originals" and the second for "revisions", with a notice to bidders regarding original and revision data applicability. In addition, the following provisions will be included in the IFB Schedule:

Bids submitted on Original data or Revision data are equally acceptable to the Government, as applicable, and award will be made thereon with the best interest of the Government considered.

DATA PRICING

Bidders are requested to insert opposite the data items the price of such data. If the bidder does not insert price as requested above, or inserts the words "No Charge for Data" or similar language, the Government will consider that the data price is included in the cost of the end items and if the bid is the lowest received and otherwise acceptable, award will be made on that basis and so indicated in the resultant contract.

(viii) *Technical data.* Where technical data, based on MCMSP Exhibits, are required, a separate item in the IFB Schedule will be established. Provisions similar to those contained in subdivision (vii) of this subparagraph will be established to permit alternate bids on new basic or changes data.

(ix) *Descriptive identification data.* See § 1007.4041 of this chapter.

### § 1002.201–51 [Deletion]

3. Delete § 1002.201–51.

4. Sections 1002.202 to 1002.202–50 are deleted and the following substituted therefor:

### § 1002.202 Miscellaneous rules for solicitation of bids.

### § 1002.202–1 Bidding time.

Where bidding time of less than 15 calendar days when procuring standard commercial articles or less than 30 calendar days when procuring other than standard commercial articles is contemplated, written authorization will be obtained by the contracting officer from the director or deputy director of procurement and production at AMC field procurement activities (Director or Deputy Director of Contract Support at AMCASC) or the chief or deputy chief of base procurement offices. The contract file will be documented accordingly.

5. Add §§ 1002.203 and 1002.203–1 as follows:

### § 1002.203 Methods of soliciting bids.

### § 1002.203–1 Mailing or delivering to prospective bidders.

(a) See § 2.203–1 of this title.

(b) IFBs, when mailed, will be sent as first class mail.

6. Sections 1002.204 to 1002.204–53 are deleted and the following substituted therefor:

### § 1002.205 Bidders' mailing list.

(a) *Basic policies*—(1) *Advertised procurement.* It is mandatory that the

complete list be obtained by the contracting officer. The selection of sources from the list will be at the discretion of the contracting officer but will be in consonance with §§ 1.702(b)(2) and 1.803(a)(5) of this title.

(2) *Negotiated procurement.* It is mandatory that the complete list be obtained by the contracting officer for procurement of supplies and services estimated to cost $10,000 or more unless the procurement is to be placed on an authorized selected-source basis. The selection of sources from the list will be at the discretion of the contracting officer but will be in consonance with §§ 1.702(b)(2) and 1.803(a)(5) of this title.

(b) *Principles of maintaining bidders' mailing list.* Except as exempted by § 2.205 of this title, a bidders' mailing list (mechanized or otherwise) of firms who desire to be considered as sources of supply will be maintained by each purchasing office. After completion of a contract award, whether formally advertised or negotiated, the bidders' mailing list used for such procurement, together with the names added by the buyer, contracting officer, or small business specialists or those names added as a result of requests by firms or their representatives will be forwarded by the buying activity to the activity responsible for maintaining the bidders' mailing list so that such added names are recorded for future use. This bidders' mailing list will be supported by correspondence indicating "no bid", "inability to produce item but desire to be retained on the list", "requests for removal from the list", and "requests to be placed on the list for future procurement"; AFPI Form 2, "IFB Information," if applicable; and one copy of the abstract. The activity responsible for maintaining the bidders' mailing list will:

(1) Delete, according to the provisions of § 2.205-2 of this title, companies for appropriate item, if they fail to respond.

(2) Delete companies for appropriate items if they request deletion.

(3) Retain companies who cannot bid but request retention on the list.

(4) Contact any companies not in the mechanized system and invite them to become established as potential sources.

(c) *Augmenting lists*—(1) *Policy.* Contracting officers may add names and mailing addresses to the bidders' "list." AF small business specialists may add names and addresses to those selected by the contracting officer for solicitation, and such additions will include any that may be furnished by Small Business Administration (SBA) representatives.

(2) *Sources.* The bidders' mailing list may be augmented in special instances on new items of procurement from the following or similar sources:

(i) Records of previous purchases of similar requirements.

(ii) Trade directories.

(iii) Classified catalog files maintained in or available to the purchasing office.

(iv) Trade journals.

(v) The classified section of city or telephone directories.

(vi) The listings from other Federal agencies.

(3) *Procedure.* The names of additional suppliers will be placed on the bidders' mailing list from time to time in the manner specified in § 2.205 of this title, and this subchapter, and when circumstances justify, by listing, in advance of receipt of applications, such suppliers on the basis of information derived from sources of the type listed in subparagraph (2) of this paragraph. The supplier so listed in advance will be requested to confirm the listing by filing Standard Form 129, "Bidder's Mailing List Application." If the supplier fails to furnish the application requested, his name may be removed from the list.

(d) *Qualified products list.* The bidders' mailing list will include all names of suppliers who have been placed on a Qualified Products List for the items concerned, as furnished by the Directorate of Engineering Standards, WADD, according to Subpart K, Part 1001 of this chapter. See § 1.1104-8 of this title for the effect when suppliers' names appear on the list of debarred or ineligible bidders.

(e) *Identification of surplus dealers.* Whenever the name of a surplus dealer is placed on a bidders' mailing list, the words "Surplus Dealer" will be placed directly beneath the name of the firm.

**§ 1002.205-2 Removal of names from bidders' mailing lists.**

See § 2.205-2 of this title. Also see § 1002.205(b).

**§ 1002.205-4 Excessively long bidders' mailing lists.**

(a) *Pre-invitation notices.* See § 2.205-4 of this title. (AFPI Form 2, "IFB Information," will be attached to the description sheet or IFB schedule sheet mailed to the prospective suppliers.)

**§ 1002.205-51 Commodity class catalogs (commodity lists).**

(a) This section provides for the issuance, maintenance, and distribution of commodity class catalogs or commodity lists.

(b) This section applies to AMC field procurement activities assigned prime class procurement.

(c) AMC procurement activities assigned the central procurement responsibility of AF commodity classes will prepare, issue, maintain, and distribute commodity class catalogs or commodity lists. The purpose of such lists is to provide a medium whereby potential suppliers can easily identify and select items they are capable of furnishing to the purchasing office concerned. The lists will be revised when necessary and a periodic review will be made at least semiannually to insure that the lists are up to date. AFPI Form 24, "Commodity List Data," will be distributed with the commodity class catalog for use by the potential supplier to list the items selected.

(d) Commodity class catalogs or commodity lists will meet the following requirements:

(1) A "foreword" or introductory page will set forth a general index and descriptions of classes procured by the activity and such explanatory comments necessary to help potential suppliers identify and select items. The complete address of the procuring activity will be included. The telephone number of the base and appropriate extension may be included except that individual buyers will not be listed by name.

(2) Items for which procurement responsibility has been assigned to a procuring activity other than the Air Force will generally be excluded. However, those Federal Supply Class (FSC) and Management Aggregate Codes (MAC) where AF procurement could be accomplished in cases of emergency or unusual circumstances may be indicated by an asterisk with an explanatory note on the instruction page.

(3) Nomenclature used will be consistent with that appearing in the Air Force supply catalog or Federal classification system.

(4) Nomenclature of spare parts and components will be excluded when such items are normally furnished by the firm producing the end item.

(5) Closely related items will be consolidated into a single listing. However, consolidation will be limited to prevent the listing of a nomenclature so general as to encourage the selection of the item by a wide range of manufacturers some of whom would not in fact make the actual item.

(6) Listing of specification numbers will be excluded to prevent the possibility of wholesale and premature requests for material of this nature by the manufacturer.

(7) References to trade names and manufacturers' names, part numbers, or model numbers will be avoided.

(8) The resultant catalog will be restricted in size to permit distribution to all interested firms. Trim size of the page will not exceed 8½ by 11 inches.

(9) The use of mechanical reference numbers will be coordinated with the statistical activity in the comptroller organization.

(e) Each issuing activity will make automatic distribution of sufficient copies of each commodity class catalog or commodity lists and revisions thereto to small business specialists at APDs and air procurement offices and to contractors relations activities at AMC field procurement activities to facilitate servicing interested suppliers as provided in § 1002.205(b). In addition, two copies each will be sent to AMC (MCPPC), and to the AF–MIPR liaison offices listed in AMCM 170–1, as well as other distribution required.

7. Add §§ 1002.206 and 1002.209 as follows:

**§ 1002.206 Small business and labor surplus set-asides.**

See § 2.206 of this title and Subparts G and H, Part 1001 of this chapter.

**§ 1002.209 Qualified products.**

See Subpart K, Part 1 of this title and Subpart K, Part 1001 of this chapter.

**§§ 1002.250, 1002.251 [Deletion]**

8. Delete §§ 1002.250 and 1002.251.



**§§ 1002.252, 1002.253 [Redesignation]**

9. Redesignate §§ 1002.252 and 1002.253 as §§ 1002.250 and 1002.251 respectively.

## Subpart C—Submission of Bids

Subpart C is revised to read as follows:

**§ 1002.301 Responsiveness of bids.**

If telegraphic bids are permitted, any bidder who submits a telegraphic bid must complete the required forms if he is the successful bidder.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

## Subpart D—Opening of Bids and Award of Contract

**§§ 1002.401–1002.403–51 [Deletion]**

1. Delete §§ 1002.401 to 1002.403–51.

2. Add new §§ 1002.402 and 1002.403 as follows:

**§ 1002.402 Opening of bids.**

The contracting officer whose duty it is to open bids will also personally serially number one copy of each bid received in the order in which the bids were read and will retain these numbered copies in his possession or under the immediate supervision of an official of the Government, as set forth in § 2.402-1(c) of this title, until the accuracy of the abstract of bids (see § 1002.403) has been verified.

**§ 1002.403 Recording of bids (Abstract of bids).**

(a) *Procedure.* An abstract of bids will be prepared on AFPI Form 37, "Abstract of Bids (Procurement)," and AFPI Form 37A, "Abstract of Bids Insert Sheet (Procurement)," for each IFB as soon as practicable after bids have been opened or as soon as it is decided to cancel the invitation before opening of bids. The abstract will set forth all qualifications to the IFB made by bidders and included in their bid. As soon as practicable after bid opening a preliminary abstract of bids will be made available for public examination in the procurement office or other appropriate location. The preliminary abstract will be replaced by the abstract prepared when award has been made or bids have been rejected.

(b) *Entries to be made.* (1) If the descriptions of the items are so long as to make preparations of the abstract burdensome, the descriptions may be omitted and a general category used, provided a copy of the IFB is securely attached to the abstract.

(2) If the invitation for bids is cancelled before the time set for the opening of bids, the Date Opened entry will not be made; all bids received will be returned unopened to the respective bidders with an explanation of the action taken, and the date of the cancellation will be entered and initialed in a space on the abstract as indicated below and the abstract will be distributed:

Invitation for bids cancelled on _____ (Date); _____ (Initials)

(3) If no bids were received, the person whose duty it is to open the bids will initial the following in a space on the abstract and distribute the abstract:

No bids were received on this invitation

_____ (Initials)

(4) Additional instructions that should be followed in making entries on the abstract are as follows:

(i) *Additional information.* If the quoted price is not firm, or it is qualified in any manner, or is for an article not strictly according to the specifications or conditions of the invitation, an asterisk (*) will be made above the price and a brief explanatory note will be entered under "Notes" showing the qualification in the price or the deviation from the specifications or conditions. If a price is submitted for a unit or a quantity other than that specified a suitable entry to that effect will be made alongside the price.

(ii) *Alternate bid.* If the bidder indicates that his bid is to be considered an alternate bid, two asterisks will be placed in the unit price column and the information will be inserted on the abstract under the heading of "Notes," and identified by two asterisks (**).

(iii) *Multiple or lengthy f.o.b. points.* If the bidder indicates in his bid that there are several f.o.b. points, or the f.o.b. point is lengthy, three asterisks will be placed in the f.o.b. column, and the information will be inserted on the abstract under the heading of "Explanatory Comments," and identified by three asterisks (***).

(iv) *Lengthy delivery schedules.* If the bidder includes in his bid a lengthy delivery schedule, four asterisks will be placed in the "Delivery" column, and the information will be inserted on the abstract under the heading of "Explanatory Comments," and identified by four asterisks (****).

(v) *Multiple or lengthy cash discount.* If the bidder inserts in his bid a lengthy or multiple cash discount provision, a plus will be placed in the "Cash Discount" column and the information will be inserted on the abstract under the heading of "Explanatory Comments," and will be identified by a plus (+).

(vi) *No bid.* If the IFB has been returned and no item bid upon, the no bid will not be entered on the abstract. If the bidder has submitted a bid on one or more items, but states no bid on the other item(s) or has inserted a statement indicating that "no bid" is the response to certain items of the IFB, then a dash will be inserted in the item column to which the no bid response pertains.

(vii) *Late acceptable bid.* If late bids received after the opening are acceptable, they will be entered on the abstract in the same manner as a bid received at the bid opening except an identifying mark (#) will be placed in front of the bid number assigned indicating that the bid was late and acceptable. Late acceptable bids will always be the last entries on the abstract.

(viii) *No charge or no cost.* If the bidder has indicated "No Charge" or made a statement indicative of a "No Charge" response, the letters N/C will be inserted in the item block to which the "No Charge" is applicable.

(ix) *Acceptable letter bid.* If a bidder has submitted a letter bid in lieu of a bid on the regular bid form and it is acceptable according to § 2.301 of this title, two pluses (++) will be inserted preceding the number of the bid indicating that the bid was in the form of a letter and was acceptable.

(5) If bids were opened and the awards are not to be made by the person who opened the bids, he will verify the accuracy of the abstract by comparing it with the numbered copies of the bids retained by him, and enter and sign the following certificate on the abstract:

I certify that I have personally opened and read all bids received, verified all entries on this abstract from those bids and find it correct.

_____ (Signature and title)

(6) After bids have been considered and awards have been made or bids have been rejected, the following entries will be made:

(i) If award has been made on an item in the quantity called for on the invitation, the accepted price will be encircled or checked in Red (pencil or ink). If the quantity accepted as different from that called for on the invitation, the accepted quantity will be shown in Red (pencil or ink) alongside the encircled or checked price.

(ii) If an entire bid or the bid on any item is rejected and one at a higher price is accepted, the award will be indicated as in subdivision (i) of this subparagraph and the rejected bid or part thereof will be similarly indicated in Blue (pencil or ink), and the reason for rejection, in sufficient detail to permit intelligent action by higher authority, will be written on the abstract or furnished in the form of a certificate attached thereto. Care should be exercised in making the entries on the abstract. Information such as debarment, irresponsibility, or apparent collusion of bidders, which it is not desirable to publicize, will always be entered on a separate paper which may be detached from the abstract as appropriate.

(iii) If equal bids have been received, the award will be indicated as in subdivision (i) of this subparagraph and the entry "Award made as directed in ASPR 2-407.6" will be made in a suitable place if the directions of that regulation were followed in fact. If not followed, an explanation of the departure therefrom will be included.

(iv) If all bids received on all items or all bids received on any item are rejected, the entry "All bids received on this (invitation) (item) have been rejected—(purchase will not be made), (purchase will be readvertised)", or other suitable entry will be made on the abstract.

(v) If the award is being made to a bidder on which there is "Additional Information" inserted on the abstract (identified by an asterisk (*)), the buyer will insert opposite such comments a statement or statements sufficient to offset the comments and/or by showing that it is considered a clarification, that it is not a deviation, that it is acceptable, that it is in the best interest of

the Government to make such an award, etc.

(7) When the abstract has been completed as indicated in subparagraph (6) of this paragraph, and except when the invitation was canceled or when no bids were received, the person whose duty it is to make the awards will enter and sign the following certificate on the abstract deleting (A) if the certificate in subparagraph (5) of this paragraph has been signed, and distribute the abstract.

I certify that:
(A) I have personally opened and read all bids received, verified all entries on this abstract extracted from those bids and find it correct.
(B) I have made the awards or rejected the bids as indicated on this abstract.

---
(Signature and title)

(8) Beneath the certification, all awards will be indicated by furnishing the information indicated below:

(i) Full name of the successful bidder.

(ii) All items and/or subitems including partial quantities awarded and including the choice made between optional items bid upon.

(iii) Total amount of award. In the event the total is computed in any manner other than totaling all of the items awarded, sufficient explanation will be shown on the abstract to indicate how the final total was ascertained, for example:

| | |
|---|---|
| Brown and Green Company: | |
| Items 1, 10, 15, 18 through 40-- | $7,500.00 |
| Less 10 percent reduction for award of all items bid upon-- | 750.00 |
| | 6,750.00 |

(9) *Distribution of bids and abstracts*—(i) *Contracting officer.* The original of all rejected and unsuccessful bids, a copy of the accepted bid, and a copy of the abstract of bids will be retained by the contracting officer. All rejected bids will be kept available for inspection by the duly authorized representative of the General Accounting Office, and will be sent to that office upon request when required in individual cases.

(ii) *General Accounting Office*—(a) *Accepted bid.* The original of the accepted bid will be attached to the signed number of the contract or purchase order intended for the General Accounting Office.

(b) *When bid accepted is bid lowest as to price.* When the lowest bid as to price is accepted, that is, where the selected bidder is determined from the price alone, no offsetting or equalizing elements being for consideration, and when a certificate (on reverse of Standard Form 1034, "Public Voucher for Purchase and Services Other Than Personal," or Standard Form 1036, "Statement and Certificate of Award," as the case may be) to that effect is furnished by a responsible administrative officer having personal knowledge of the facts, neither the rejected bids nor an abstract need be forwarded to the General Accounting Office with the contract. When the abstract of bids is not furnished to that office, the items accepted on any particular bid will be indicated on the original number of the bid which is furnished to that office.

(c) *Acceptance of other than lowest bid as to price.* Where other than the lowest bid as to price is accepted, the General Accounting Office will be furnished, on Standard Form 1036, a detailed statement giving in full the reasons for the acceptance together with an abstract of all bids lower than the one accepted.

(iii) *Procurement information center.* Within 3 working days after bids have been opened and final action taken, or after it is decided to cancel the invitation before opening bids, a copy of the abstract will be mailed to the Procurement Information Center (see § 1001.1004–1 (a) (1) of this chapter for address).

3. Section 1002.404 is deleted and the following are substituted therefor:

**§ 1002.404 Rejection of bids.**

**§ 1002.404–1 Cancellation of invitation after opening.**

See § 2.404–1 of this title.

(a) See § 2.404–1(a) of this title.

(b) (1) Prior to cancellation of an IFB, review and approval will be obtained by the contracting officer from the director or deputy director of procurement and production at an AMC AMA depot, or center (director or Deputy Director of Contract Support at AMCASC) or in the case of other major commands and WP-AFB the chief or deputy chief of the purchasing activity.

(i) This review and approval will be accomplished for:

(*a*) Determining whether the proposed cancellation is in fact required.

(*b*) Attempting to preclude cancellation.

(2) Prior to readvertising supplies or services previously detailed on canceled IFBs, review and approval will be secured as set forth in subparagraph (1) of this paragraph. This review and approval will be accomplished for insuring that readvertising actions are firm and complete.

(c) Failure to resolve the administrative difficulties and effect award of the contract(s) to the lowest responsible bidder prior to the expiration of the bid acceptance period (or any unqualified extensions thereto) will not be cause for rejection of all bids and readvertisement unless the delay in making award or the difference in price between the lowest responsive bid and the next lowest responsive bid is unreasonable.

**§ 1002.404–2 Rejection of individual bids.**

(a) (1) If a performance bond has been required and the bidder is able to furnish a satisfactory bond, the contracting officer will not reject the bid without the prior approval of the Director of Procurement and Production, Hq AMC, or in his absence the Deputy for Production, Hq AMC, or the Assistant to the Director, Hq AMC. Requests for approval will be forwarded to AMC (MCPM).

(2) When the lowest bid is from a firm which is not a manufacturer or regular dealer and it is considered desirable to reject such bid, request will be made to AMC (MCPP) for authority to reject this bid and to authorize the award to the next lowest bidder. In forwarding such requests, contracting officers will be careful to verify all statements contained therein which are given as the basis for rejection, so there may be no just cause for complaint.

4. Sections 1002.405 to 1002.405–3 are deleted and the following substituted therefor:

**§ 1002.406 Mistakes in bids.**

**§ 1002.406–3 Other mistakes.**

(a) The data required by § 2.406–3(e) of this title will be submitted in the most expeditious manner to the AMC (MCJCR), marked "Immediate Attention—Mistake in Bid". Review Branch (MCJCR), Hq AMC, will evaluate the facts presented and prepare an administrative determination according to § 2.406–3(a) of this title.

(b) Doubtful mistakes in bids will not be submitted by contracting officers directly to the Comptroller General for advance decisions.

(c) If modification is authorized and award is made to the bidder alleging the mistake, a copy of the determination will be furnished to the accounting and finance officer to support payment. MCJCR, Hq AMC, will maintain the record required by § 2.406–3(g) of this title. At the end of each 6-month period, or more often if warranted, the Staff Judge Advocate will forward to the Procurement Division (MCPP), Hq AMC, the number of cases handled for the period by types, and his findings as to any pattern disclosed that may indicate the need for additional or revised procurement instructions or procedures. Following review of the findings a copy will be furnished by MCPP to Hq USAF together with a statement showing the action taken.

**§ 1002.406–4 Disclosure of mistake after award.**

(a) If correcting the mistake would make the contract less favorable to the Government, the Contracting Officer will refer the case to Hq AMC (MCPKA), after taking the appropriate action in accordance with Part 17 of this title and Part 1017 of this chapter concerning correction of mistakes in contracts.

(b) Correction of mistakes under paragraph (a) of this section, involving the sale of Government-owned surplus property, will be processed in accordance with Part Two, Chapter 7, Section C, AFM 177–101.

5. Sections 1002.406 to 1002.406–3 are deleted and the following substituted therefor:

**§ 1002.407 Award.**

**§ 1002.407–5 Other factors to be considered.**

(a) *Multiple awards.* Advantages or disadvantages to the Government that might result from making multiple awards will be considered if the "Notice to Bidders" specified in § 1002.201(a) (17) (xii) was included in the IFB. This factor will not be considered in bid evaluation if the reference notice was not included in the IFB. In evaluating bids where multiple award is appropriate the cost of issuing and administering an advertised contract will be considered to be $50. (The above procedures are inapplicable to disposal sales.) The following examples will serve as a guide:

(1) An award will be made to the lowest responsible bidder on each item except where a bidder is low by a total of $50 or less; in the excepted case, award will be made to the next low bidder receiving award on some other item.

| Illustration No. 1—One award: | A | B | C |
|---|---|---|---|
| Item 1 | $500 | $515 | $510 |
| 2 | 705 | 700 | 710 |
| 3 | 300 | 290 | 280 |
| | 1,505 | 1,505 | [1,500] |

In this illustration no bidder was low on any item by more than $50. Accordingly award would be made on the total number rather than by individual items.

| Illustration No. 2—Two awards: | A | B | C |
|---|---|---|---|
| Item 1 | [$450] | $615 | $510 |
| 2 | 700 | [640] | 710 |
| 3 | 300 | [290] | 285 |
| | 1,450 | 1,545 | 1,505 |

In this illustration Bidder A was $60 low on Item 1 and Bidder B was $60 low on Item 2, so award will be as indicated on these items because the bids mentioned were lower for these items than the $50 contract cost differential to be considered. Since Bidder C was low on Item 3 in an amount of only $5 no award can be contemplated to be made to that low bidder because no bid was low by an amount less than the $50 contract cost differential. Accordingly award on this item should be made to that successful bidder on items 1 or 2 at the lowest cost to the Government, in this case Bidder B. When award is made in this manner, the reason for rejection of the low bid on item 3 will be stated on the abstract of bids and Standard Form 1036 as follows: "Low bid on Item 3 rejected as an additional award is not considered to be in the interest of the Government as contemplated by ASPR 2–407.5 (c)."

| Illustration No. 3—Two awards: | A | B | C |
|---|---|---|---|
| Item 1 | [$450] | $650 | $510 |
| 2 | 700 | [640] | 710 |
| 3 | 300 | [290] | 285 |
| 4 | ------- | [120] | 100 |
| | 1,450 | 1,660 | 1,605 |

In this illustration Bidder A was $60 low on item 1 and Bidder B was $60 low on item 2, so award will be indicated on these items because the bids mentioned were lower for these items than the $50 contract cost differential to be considered. Since Bidder C was low on item 3 by $5, low on item 4 by $20, and low on the total of items 3 and 4 by $25, no award can be contemplated to be made to that low bidder because his low bids were low by a total amount of less than $50 contract cost differential. Accordingly, award on these items should be made to that successful bidder on items 1 or 2 at the lowest cost to the Government, in this case Bidder B on both items. When the award is made in this manner, reason for rejection of the low bids on items 3 and 4 will be stated on the abstract of bids and Standard Form 1036 as follows: "Low bids on Items 3 and 4 rejected as additional awards are not considered in the interest of the Government as contemplated by ASPR 2–407.5(c)."

(b) *Government property in bidder's possession.* The contracting officer will verify the evidence furnished by the bidder pursuant to the clause set forth in § 1002.201(a)(14) when the FCR is requested.

**§ 1002.407–50 Notice of protest.**

(a) *Protest before award.* (1) Notice will be given promptly to all bidders affected of any protest or objection against awarding a contract to any particular bidder so that, if the interested parties desire, they may take action in their own behalf before further steps are taken in the matter of awarding the contract.

(2) Contracting officers will accept all protests or objections to the award of a contract whether submitted by a bidder or nonbidder. If the protest is submitted orally, the contracting officer will advise the protester that this Subchapter requires the protester to confirm his protest in writing within such time as the contracting officer may require and that award will be withheld at least until that time has expired. If the written protest is not received within required time, the oral protest may be disregarded and award made in the normal manner unless the contracting officer, upon investigation, believes that remedial action is required, in which event such action will be taken. If the written protest is received within the required time, the contracting officer will investigate the matter and decide whether the protest is, in his opinion, valid. If his conclusion is affirmative, he will take necessary action to rectify the erroneous action. If his conclusion is negative, the contracting officer will make a written statement of facts in the matter, supported by copies of all pertinent papers. The contracting officer will submit the protest and statement directly to the Director of Procurement and Production, Hq USAF, for submission to the Comptroller General for decision, and send a copy to AMC (MCPP), if an AMC field procurement activity or AF base procurement activity is involved. The letter of transmittal should be forwarded by the most expeditious means and marked "Immediate Atention—Protest Before Award". The contracting officer will be guided by the decisions of the Comptroller General. Previous Comptroller General decisions on this subject are as follows: 13 Comp. Gen. 315 and 16 Comp. Gen. 479. Submission of protests to the Comptroller General under this section may be dispensed with by the contracting officer if he is satisfied that the protest is without any reasonable degree of foundation or that it was made solely to obstruct and hinder the contracting officer or the otherwise successful bidder. In such case, the contracting officer on his own responsibility, or after asking such advice as he may desire, may disallow the protest, advising the protester in writing and, if an AMC field procurement activity or AF base procurement activity is involved, forward a copy of the correspondence and explanatory remarks to AMC (MCPP).

(b) *Protest after award.* If a protest is made after award, the matter will be forwarded promptly to Director of Procurement and Production, Hq USAF, through AMC (MCPP), with a full statement of the facts and recommendations with respect to the consideration and disposition of such claim or protest.

6. Delete § 1002.407 and substitute the following therefor:

**§ 1002.408 Information to bidders.**

**§ 1002.408–1 Unclassified awards.**

(a) Generally, unsuccessful bidders should be notified in writing that their bid was not accepted. The letter should be similar to the following:

Gentlemen: Receipt is acknowledged of your bid in response to our Invitation for Bid No. ------. This is to inform you that award was made to:
Contractor ----------
City ---------- State ----------
Item No. ------ Price ------
Your interest in submitting a bid is appreciated by this activity; however, we are unable to award you a contract in this instance.

Very truly yours,

---
(Contracting Officer)

(b) When unsuccessful bidders are notified orally that their bid was not accepted, a memorandum to this effect setting forth date, place and individual notified will be placed in the contract file.

**§§ 1002.408, 1002.408–50, 1002.409, 1002.450 [Deletion]**

7. Sections 1002.408, 1002.408–50, 1002.409 and 1002.450 are deleted.

## Subpart T—IFB Provisions

Delete Subpart T.

## Subpart V—Auctioneering Services

1. Revise paragraph (a) of § 1002.2202–1 to read as follows:

**§ 1002.2202–1 General.**

(a) The official publication of the "List of Auctioneers Qualified to Sell Government-Owned Personal Property" (referred to hereafter as the List), is published quarterly and maintained by the GSA. It will be used by all AF activities in the selection of auctioneers to sell Government-owned personal property. The List contains the names of auctioneers who are qualified from the standpoint of ability to conduct sales of Government-owned personal property and rating codes which indicate their qualifications. The rating code assignment to each auctioneer determines whether or not he is considered to be qualified to conduct the particular sale contemplated. The codes relate to the factors of experience (E or L), property categories (G or S), and geographical areas (U.S. I, II, etc.).

**§ 1002.2202–3 [Amendment]**

2. In § 1002.2202–3 (a) and (b) change the symbol "(MCPI)" to "(MCPP)."

3. Sections 1002.2203–1 and 1002.2203–2 are revised to read as follows:

**§ 1002.2203–1 Formal advertising for auctioneering services.**

All auctioneering services will be procured through formal advertising. Bids must be solicited from all auctioneers

qualified to conduct the particular sale contemplated, based on the rating code factors mentioned in § 1002.2202–1(a). Bids should not be solicited from those not qualified.

(a) A list of auctioneers from which bids should be solicited may be determined by the process of elimination. First, eliminate those who have not been assigned a code covering the GSA region in which the property is located. Then eliminate those assigned the "S" code unless all or a predominant portion of the property to be sold consists of the specialized categories. The remainder will be considered according to the size of the sale in relation to the gross proceeds anticipated. When the gross sales proceeds are anticipated to exceed $50,000, eliminate all auctioneers assigned code "L". However, when the gross sales proceeds are anticipated to be $50,000 or less circularize those auctioneers assigned both "E" and "L" codes. While codes "E" and "L" also indicate the number of years, the number of auctions, and size of sales based on the auctioneers' past experience, only the size of the sale in relation to anticipated gross sale proceeds need be considered.

(b) Contracts for auctioneering services will be awarded only to auctioneers who are on the list or who qualify prior to the bid opening.

**§ 1002.2203–2 Bids received from auctioneers not on the List.**

When a bid is received from an auctioneer whose name is not on the List, the activity will communicate directly by message with the Sales Division, Federal Supplies Service, GSA, Washington 25, D.C., to determine the qualification status of the bidder. The message will contain: (a) The bidder's name and address, (b) identification of the sale, (c) time and date of bid opening. If GSA notifies the activity prior to the time for opening bids that the bidder qualifies, the newly qualified auctioneer's bid will be considered. If GSA notifies that the auctioneer is not qualified or a notification is not received prior to the time for bid opening, the bidder will be considered unqualified and the bid will not be considered.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

## PART 1003—PROCUREMENT BY NEGOTIATION

### Subpart A—Use of Negotiation

In § 1003.101–53(f), a subparagraph (8) is added as follows:

**§ 1003.101–53 Steps in negotiation.**

* * * * *

(f) *Requests for proposals.* * * *

(8) Where the value of the procurement is estimated to exceed $2,500, allow a minimum time of 30 days for submission of proposals or quotations. When less than 30 days is to be allowed, written authorization will be obtained by the contracting officer from the director or deputy director of procurement and production at AMC field procurement activities (Director or Deputy Director of Contract Support at AMCASC) or the chief or deputy chief of base procurement offices. The contract file will be documented accordingly.

### Subpart D—Types of Contracts

1. In § 1003.404–3(d)(2):

a. Revise subdivision (i) to read as follows:

(i) Unless exception is granted by § 3.404–3(d)(2) of this title, the clause contained in § 7.203–4 (a) or (b) of this title, appropriately modified, will be incorporated in all new contracts; new procurements effected by supplements, amendments or modifications of existing contracts; definitive contracts superseding letter contracts; and instruments effecting new procurements under basic or master agreements which provide for payments on a cost reimbursement basis. (This implementation does not apply to current procurement for which negotiations have reached a point where it would be impractical to reopen the negotiations.) The term "quantity production" as used in § 3.404–3(d)(2)(v) of this title is interpreted as including items acquired for experimentation and test. Section 7.203–4 (a) or (b) of this title, as applicable, shall be used in any research and development contract which calls for more than one item, including prototype or test, and shall apply to the entire contract.

b. In subdivision (ii), delete the words "Except as stated in subdivision (i) of this subparagraph," and capitalize the word "the" following the deleted portion.

2. Revise § 1003.405–3 to read as follows:

**§ 1003.405–3 Letter contract (LC).**

(a) *Description.* See § 3.405–3(a) of this title. Letters of Intent are not authorized within the Air Force.

(b) *Applicability.* See § 3.405–3(b) of this title.

(c) *Limitations.* (1) No letter contract may be issued prior to the execution of all Determinations and Findings necessary to authorize the intended subsequent definitive contract (see Subpart C, Part 3 of this title and Subpart C of this part). The determination required by § 3.405–3(c)(1) of this title that no other type of contract is suitable will be accomplished by the Director of Procurement and Production, Hq AMC, or by the appropriate official listed in subparagraph (2) (i), (ii), (iii), and (iv) of this paragraph. Except as provided in paragraph (e)(2) of this section, the approval of a request for authority to issue a letter contract will constitute the determination.

(2) The authority of the Director of Procurement and Production, Hq AMC, to issue letter contracts has been redelegated as indicated in subdivision (i), (ii), and (iii) of this subparagraph.

(i) Irrespective of dollar amount:

(*a*) Commander, Air Research and Development Command, with power of redelegation to not below the level of the Director of Procurement, Hq ARDC, with respect to research and development procurement.

(*b*) Commanders, Air Materiel Forces, with power of redelegation to not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the Air Materiel Force.

(*c*) Commanders of oversea commands, air attaches, and chiefs of AF foreign missions. Oversea commanders may redelegate to not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the oversea command.

(ii) Where the total cost of the subsequent definitive contract is estimated not to exceed $1,000,000:

(*a*) Commanders, AMC centers:

Authority may be redelegated to not below directorate level, excepting that further redelegation may be made to chiefs and deputy chiefs of buying divisions (or comparable level) for procurements where the total estimated costs are not anticipated to exceed $350,000.

(*b*) Commanders, air materiel areas, and Dayton AF depot. Authority may be redelegated only to directors of procurement and production. Deputy commanders may be authorized to exercise the authority during absence of the commander.

(iii) Where the total cost of the subsequent definitive contract is estimated not to exceed $350,000.

(*a*) Commander, AF 2709th Vehicle Control Group. Authority may be redelegated only to the Chief, Procurement and Production Division. The Deputy Commander may be authorized to exercise the authority during absences of the Commander.

(iv) Commander, Air Training Command, with power of redelegation to not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to Air Training Command; provided that the letter contract has been authorized by the office of the Procurement Committee, Hq AMC, pursuant to paragraph (e) of this section.

(3) The amount obligated for each letter contract will be the amount estimated to cover the contractor's requirements for funds prior to definitization but will not exceed the limits imposed by § 3.405–3(c)(4) of this title. The date by which definitization is expected will not be established beyond the limits imposed by § 3.405–3(c)(3) of this title. If it becomes necessary to increase the amount obligated by later amendment, the personal approval of the official who authorized the issuance of the letter contract (or in the case of letter contracts requiring prior approval of MCPC, the official who requested permission to issue the letter contract) is required and will be sufficient without regard to the additional amount involved. If a definitive contract is not executed when expected, the contracting officer will inform the official who authorized the issuance of the letter contract (or in the case of letter contracts requiring prior approval of MCPC, the official who requested permission to issue the letter contract) as to the causes for the delay. Such official will establish a revised realistic date for definitization, and if deemed advisable by such official the letter contract will be amended accordingly. Prior to issuing an amendment which increases the amount obligated or the date of definitization beyond the limits imposed by § 3.405–3(c)(3) or (4) of this title the approving official will insure that the action is necessary and justifiable.

(d) *Content.* Each letter contract will be written according to Subpart Y, Part 1007 of this chapter.

(1) The date to be inserted in the last sentence of the clause set forth in §§ 1007.2504–4, 1007.2505–4, and 1007.2506–4 of this chapter will in no event be a date later than 180 days from the date of the letter contract.

(2) Contracting personnel will not offer progress payments under fixed price letter contracts. If requested by Contractors, Progress Payments may be made according to Part 163 of this title and § 1030.5, appendix E of this chapter.

(3) Contracting personnel will not offer current reimbursement under cost reimbursement-type-letter contracts, but same may be provided upon request by the contractor. The prescribed clause, and percentage of reimbursement is set forth in § 1007.4058 of this chapter.

(4) Where competitive proposals are received and price is the controlling factor for selecting the source, the letter contract will contain a provision which provides that the price (estimated cost and fee) of the definitive contract will be no higher than the quotation leading to the issuance of the letter contract.

(5) Properly authorized letter contracts do not require manual approval regardless of dollar amount, except letter contracts for personal and professional services procured under the authority of Public Law 600, 79th Congress (5 U.S. Code 55).

(6) Amendments to letter contracts to accomplish new procurements will be avoided to the greatest practical extent but may be used if the new procurement is so closely allied to the procurement covered by the existing letter contract as to be inseparable. Amendments to letter contracts to accomplish new procurements are subject to the same limitations and delegations as new letter contracts.

(e) *Procedure.* (1) No letter contract will be issued unless a request for authorization has been approved therefor.

(2) Request for authorization will be prepared by the procuring office and will be transmitted through command channels to AMC (MCPC), or to the applicable official listed in paragraph (c)(2)(i), (ii), or (iii) of this section for approval. The request to MCPC will be signed by one of the officials enumerated in paragraph (c)(2)(ii), (iii), or (iv) of this section, including delegatees as therein authorized; the request will constitute the determination required by § 3.405–3(c)(1) of this title. The same effect will be given to electrically transmitted messages to MCPC which conclude with the phrase "Signed by the (here insert the title of appropriate official)," as for example "Signed by Director Procurement and Production."

(f) Copies of the letter contract issued will be forwarded to AMC (MCPC) if the letter contract required MCPC approval for issuance, or if the definitive contract contemplated will require manual approval of the Director or Deputy for Procurement.

### Subpart E—Advance Payments

For a complete discussion on the policy and procedures covering advance payments see § 1030.5 of this chapter and Part 163, Subchapter E, of this title. For instructions relating to administration of advance payments see Subpart D, Part 163 of this title, Part IV, § 1030.5 of this chapter, and Subpart AA, Part 1054 of this chapter.

### Subpart I—Subcontracting Policies and Procedures

1. Revise paragraphs (a), (b), and (c) of § 1003.902 to read as follows; paragraphs (d) and (e) remain unchanged.

**§ 1003.902 Review of "make or buy" program.**

(a) The contractor will be informed that the program he submits should be confined to important items which, because of their complexity, quantity, cost, or requirement for additional Government facilities, normally would require company management review of the make or buy decision. Unimportant "detail parts" or "off-the-shelf" items should not be incorporated in a make or buy program.

(b) See § 3.902(b) of this title:

(1) Procuring activities will require prospective contractors to submit a "make or buy" program only on central procurements where cost reimbursement, price redetermination, or incentive type contracts are to be used except:

(i) A make or buy program will not be required when a proposed contract has a total estimated value of less than $1,000,000 unless the contracting officer specifically determines that a make or buy program is appropriate to the situation.

(ii) Research and Development contracts are exempt from the provisions of this Subpart unless it can reasonably be anticipated that follow-on quantities of the product will be procured.

(2) On all applicable procurements, the contractor will submit, with its proposal, a "make or buy" program of important items, as defined in § 3.902(a) of this title including, in addition to information required by § 3.902(b) of this title: (i) A description by which each such item can be readily identified, (ii) a recommendation to make or buy the item or defer the decision, (iii) the names of proposed subcontractors when feasible, and (iv) the important items to be made by the contractor, including a designation of the corporate entity where it is proposed the work will be performed.

(3) Prior to follow-on procurement, the procuring activity and the contractor will review the existing "make or buy" program to determine whether it should be revised.

(c) In all considerations relative to a "make or buy" program, the procuring activity will obtain the advice and assistance of resources and pricing personnel, the field production office, AF small business specialists, and any other AF personnel whose knowledge would contribute to adequate consideration of the factors established in § 3.902(c) of this title. Either prior to or during negotiation of a "make or buy" program, the cognizant AFPRO or APD will assist the procuring activity by reviewing the program and substantiating data to assure that it is adequate to permit intelligent evaluation of the applicable factors in § 3.902(c) of this title. When a "make or buy" program is negotiated with a contractor, or there are changes or additions to a "make or buy" program, the consideration given each item on the "make or buy" program (§ 3.902(c) of this title) will be documented in the contract file.

(1)—(8) See § 3.902(c)(1) to (8) of this title.

(9) Consideration will also be given to whether the item or work has been subcontracted on this or previous contracts, and the contractor proposes to withdraw the item or work into his own plant.

2. Add §§ 1003.903 to 1003.903–56 as follows:

**§ 1003.903 Review of subcontracting and contractors' purchasing systems.**

See § 3.903 of this title.

**§ 1003.903–1 Contract clauses.**

See § 3.903–1 of this title.

(a) In determining the figure to be inserted in paragraph (b)(ii) and (iii) of the clause in § 3.903–1(a) of this title the contracting officer will apply the factors in § 3.903–1(c) of this title. Insert the $100,000 only where it has been determined that no one of the factors requires a lower dollar figure. When a lower dollar figure is determined to be necessary, insert $25,000.

**§ 1003.903–2 Consent to subcontracts.**

The contracting officer must check all approval requirements established by the prime contract. Source approvals normally will be limited to first-tier subcontracts. Clauses containing indemnity or "hold harmless" provisions which do not conform with standard provisions set forth in Subchapter A, Chapter I of this title or this subchapter will not be approved for use in subcontracts unless approval is accomplished according to procedures in § 1015.502(f) of this chapter.

**§ 1003.903–3 Approval of purchasing system.**

(a) While the approval of the system is the responsibility of the ACO, the purchase methods analyst (PMA) is responsible for conducting the initial and followup surveys.

(1) See Subparts G and H, Part 1 of this title and Subparts G and H, Part 1001 of this chapter with respect to small business and labor surplus area concern subcontracts.

(2) Where the relationship or working arrangements between the contractor and subcontractor, or subcontractor and

his supplier, are such as may deter arm's-length bargaining, the contracting officer shall insure that the Government's interest is protected before approving the subcontract or purchase order. (See also § 15.205–22(e) of this title.)

(b) Reliance upon the contractor's purchasing system where it has been determined to be efficient is preferable to checking and approving individual subcontracts.

(c) Approval of a contractor's purchasing system must be based upon its conforming to sound industrial procurement standards and its incorporation of pertinent AF purchasing principles.

(d) After approval of a contractor's purchasing system, there will be a reevaluation (Followup Survey) of each purchasing system at least once each year by the purchase methods analyst. The "Followup Survey" comments and recommendations will be submitted to the Contract Management Region Evaluation Panel, to be used for their review and assistance in determining the continued adequacy of the contractor's purchasing system. All pertinent information and accepted recommendations will be forwarded to the ACO for necessary action. In addition, the ACO has the responsibility, between surveys made by the PMA, to make or cause to have made continual reviews to assure conformance with the contractor's approved purchasing system as follows:

(1) Specific surveillance techniques evaluation of purchasing system.

(i) Continuing review, with recorded comments, will be made on the policies, procedures, methods, and controls that are used in the various procurement areas.

(ii) Detailed individual case study will be made to certify that the systematic procedures and methods are followed. This should be accomplished: (*a*) By inspection of records, (*b*) by tactful discussions with personnel of the contractor's organization including the contractor's purchasing department, and (c) through careful and constant observations.

(iii) Reviews will be conducted and statistical analyses made as to effectiveness of the bidding process, use of cost analyses, size of order placed, type of contract used, reasons for making the award, and such other items as are pertinent.

(iv) Where other Government personnel have performed checks, maximum use will be made of such reports thus avoiding duplication of effort. Also where the contractor's internal administrative controls assure reasonable system compliance, such controls will be used.

(v) Detailed selective investigation and special surveillance will be made on the bases specified by the ACO. Where subcontracts involve considerable sums and are for items for which there is no previous cost experience, they will be included in the review.

(2) The AFPR and chief of the APD have administrative responsibility to assure there is continual followup and sufficent data is maintained to determine whether the contractor is following the procurement procedures that were approved. AFPI Form 88, "Summary of Subcontracting Followup" will be used to reflect continual surveillance as set forth in subparagraph (1) of this paragraph. Guidelines for the checkpoints in the form are in this Subpart and Subpart H, Part 3 of this title and Subpart H of this part. After appraisal of each checkpoint has been made, record the dates of such appraisals on the form, and keep supporting work papers until they have been superseded by new and current information. Any checkpoint not applicable to a particular contractor will be so annotated. When a review reveals the existence of a deviation from good procurement practices, the contractor will be requested, in writing, to effect necessary corrective action. Progressive documental followup must be made to ensure that the plan of action has, in fact, been implemented. The contractor will not be required to establish any new reports to satisfy the requirements of AFPI Form 88.

### § 1003.903–4 Review of individual subcontracts.

(a) Whenever any subcontract which would require the acquisition of facilities at additional cost to the Government is submitted for approval the ACO will follow the procedure in § 1013.2402(j) of this chapter.

(b) The criteria set forth in §§ 3.405–1 (b) and 3.405–2(b) of this title should be applied by the ACO in reviewing time and material and labor-hour subcontracts respectively. Such subcontracts will not be approved unless the prime contractor provides adequate controls to insure proper pricing and prevent wasteful operations.

### § 1003.903–50 Approval of subcontracts.

(a) Source approval for subcontracts will conform with § 1.603(c) of this title and §§ 1001.603(c) and 1001.651–2 of this chapter, with respect to the AMC Experience List.

(b) The provisions of Subpart F, Part 1001 of this chapter, "Debarred, Ineligible, and Suspended Bidders" will be complied with in source approvals.

(c) Situations involving the transfer of an active subcontract to another contract for performance will be handled according to instructions from higher authority, on a case-by-case basis.

(d) Where subcontracts for research and development are proposed to be placed with contractors located in the European area, the assistance and recommendations of the European Office, ARDC, Brussels, Belgium, will be obtained regarding the subcontractor's capability of performance.

(e) With respect to prime contracts under the terms of which "data" (as defined in § 9.201(a) of this title) is to be furnished by the prime contractor to the Government, no clause of any subcontract thereunder will be approved which by its terms has the effect of restricting whatever use the Government may make of such data under the terms of the prime contract.

(f) With respect to security requirements under classified subcontracts, see AFR 205–4 (Armed Forces Industrial Security Regulations) and AFR 205–1 (Safeguarding Military Information).

### § 1003.903–51 Secondary administration.

The prime contractor has the overall responsibility for performance according to the terms of his contract. This includes responsibility for managing all phases of the program, such as purchasing, production, and subcontract administration. The ACO at the prime contractor's plant is responsible for insuring that the contractor is not only performing the required functions, but also that he is performing efficiently and effectively. The ACO assigned to the prime contractor's plant will assign, as the particular circumstances dictate, the responsibility for secondary administration of subcontracts. Contracting officers assigned such secondary administration will execute their assignments with the same degree of care and comprehensiveness as required in the case of prime contract administration.

### § 1003.903–52 Employment agency or engineering service subcontracts.

Certain "engineering service companies" are in reality no more than employment agencies whose services may not be responsible or necessary in the performance of AF contracts. In reviewing proposed subcontracts with such companies, ACOs will determine the need for, and reasonableness of, the services involved.

### § 1003.903–53 Disputes provisions in subcontracts.

The ACO will not approve subcontracts containing any clause which would give the subcontractor the right of appeal to the Armed Service Board of Contract Appeals. The Air Force buys the contractor's management services, and this includes the adjustment of any disputes between the parties to the subcontract. Since there is no privity of contract between the Air Force and a subcontractor, the ACO will not participate in, or exert any influence with respect to, any dispute that may arise between the prime contractor and his subcontractors. The prime and his subcontractor may agree to arbitration to settle disputes; however, the results of such arbitration and the cost resulting therefrom are not binding on the ACO, but are subject to his independent review and approval. Arbitration provisions which would make the decision of the arbitrator binding on the ACO will not be approved. Since arbitration proceedings may be cumbersome and costly, such provisions should not be encouraged and should be consented to only in the more complicated subcontracts, such as those which would logically contain arbitration provisions if they were independent contracts between the parties, not involving Government work.

### § 1003.903–54 Inclusion of statutory provisions.

Subcontracts will contain all clauses required by law and the prime contract. They should also contain any clauses needed to carry out the requirements of the prime contract, even though there is no specific "flow-down" provision in the prime. For example, the ACO should require that subcontracts provide that title to special tooling and capital items fully paid for under the subcontract and remaining in the possession of the subcontractor will pass to the Government whenever the prime contract provides for the vesting of such title in the Government. On the other hand, care should be taken to avoid inclusion in the subcontract of restrictive prime contract provisions which are not applicable or material to the subcontract.

### § 1003.903–55 Use of audit personnel.

(a) Air Force or other Government audit personnel will be consulted as to the adequacy of the subcontractor's accounting system whenever such an appraisal has previously been accomplished. Furthermore, where a subcontract contains a price redetermination clause, and where the Auditor General (or any other Department of Defense audit agency) has performed a previous audit of a subcontractor, the prime contractor's auditors may, where appropriate, consult with such Government audit personnel for information to preclude unnecessary duplication. Where the prime contractor is performing the audit of subcontracts, the audit program and cost principles used and the working papers and audit report prepared by his personnel should be made available to the Government auditor having audit responsibility for the prime contractor. If the Government auditor considers the contractor's audit program or audit report lacking in any respect, he will immediately notify the contracting officer of the deficiencies, so that the questionable areas may be resolved before final approval of revised prices.

(b) In particular situations, as exemplified below, it is normally advantageous to request Government audit personnel to perform necessary subcontract audits. This will insure consistent treatment of subcontractors' costs, reduce duplicate auditing, and reduce the costs incurred by the prime contractor in the performance of subcontract audits.

(1) Where a subcontractor objects to the audit of its cost records by a prime contractor, for competitive reasons.

(2) Where a military department has audit cognizance or is currently auditing other subcontracts or prime contracts at the subcontractor's plant.

(3) Where the subcontractor holds prime or subcontracts from two or more military departments or prime contractors, and it would be more economical and provide consistent audit treatment and orderly audit administration.

(4) Where the contractor has a substantial or controlling financial interest in the subcontractor.

(5) Where the contractor has subcontracted a substantial portion of his contract to one subcontractor, or the major portion of a contract is subcontracted to a very limited number of subcontractors.



### § 1003.903–56 Utilization of price analyst personnel.

ACOs will make full use of price analysts in reviewing subcontracts. In addition, where the contractor's purchasing system has been approved, price analysts should be used to make detailed investigations of selected individual subcontracts on the basis specified by the ACO.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

## PART 1005—INTERDEPARTMENTAL PROCUREMENT

### Subpart A—Procurement Under Federal Supply Schedule Contracts

### §§ 1005.150, 1005.150–1 [Deletion]

1. Delete §§ 1005.150 and 1005.150–1.

2. A new Subpart K is added as follows:

### Subpart K—Coordinated Procurement


| Sec. | |
|---|---|
| 1005.1101 | Application of procurement assignment. |
| 1005.1102 | Responsibilities under single procurement. |
| 1005.1103 | General principles governing implementation of procurement assignments. |
| 1005.1103–1 | Standard format; development and promulgation of implementing procedures. |
| 1005.1103–6 | Local purchase as a normal means of supply. |
| 1005.1106 | Purchase authorization. |
| 1005.1106–1 | MIPR's or other authorized procurement requests. |
| 1005.1108 | Funds and payments. |
| 1005.1116 | Procurement agreements. |


AUTHORITY: §§ 1005.1101 to 1005.1116 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

### § 1005.1101 Application of procurement assignment.

Single procurement assignments are of limited application within the Air Force to other than AMC central procurement activities. See § 5.1103–6 of this title and § 1005.1103–6.

### § 1005.1102 Responsibilities under single procurement.

Recommendations and questions concerning procurement assignments and implementing instructions may be referred through channels to AMC (MCPPC).

### § 1005.1103 General principles governing implementation of procurement assignments.

### § 1005.1103–1 Standard format; development and promulgation of implementing procedures.

(a) Each implementing procedure sets forth the circumstances under which the assigned items are authorized to be centrally procured by other than the assigned department or agency. See § 1005.1103–6 concerning items designated for local purchase (base procurement) as a normal means of supply.

(b) Direct or local purchase (base procurement) of an item(s) assigned to the Army, Navy, a joint agency or a single manager may be authorized by the property class manager in the AF prime AMA or depot, on a one-time basis provided such authorization is according to the terms of the implementing procedures. Such items may not be purchased directly nor authorized for local purchase (base procurement) beyond the terms of the implementing procedures unless a written waiver or clearance has been obtained in each case from the department, joint agency or single manager having procurement responsibility. When a waiver or clearance is obtained, such authority will be attached to the purchase request as a matter of record.

### § 1005.1103–6 Local purchase as a normal means of supply.

(a) *Scope.* This section sets forth the policy with respect to the Air Force authority to make direct purchases (including base procurements) of nonmilitary type items assigned to the Army, Navy, a joint agency, or a single manager of procurement.

(b) *Applicability.* This section applies to all AF activities effecting procurements within the United States.

(c) Items which are assigned to another department or agency of the Department of Defense for procurement, but which are currently coded local purchase in AF stock lists and funded for local purchase (base procurement) as the normal means of supply may be purchased by AF activities in the open market without reference to the assignment. When an item is coded local purchase for a future fiscal year, this authority will become effective with the effective date of the local purchase coding.

(d) This extended local purchase (base procurement) authority does not apply to items assigned to the General Services Administration for procurement. The policies and procedures for acquiring supplies or services through the facilities of the GSA or other Government agencies are set forth in Part 5 of this title and Part 1005 of this chapter.

### § 1005.1106 Purchase authorization.

### § 1005.1106–1 MIPR's or other authorized procurement requests.

Procurement assignments are predicated on centralized procurement and supply methods, therefore, only AMC activities authorized to centrally procure supply items and ARDC activities authorized to procure R&D and test items may initiate MIPRs. The use of MIPRs and other authorized procurement requests is prescribed in § 16.600 of this title. The foreign restriction does not apply to foreign procurement activities.

### § 1005.1108 Funds and payments.

Each MIPR prepared by an AF activity will contain instructions concerning submission of invoices and will designate the accounting and finance office (disbursing office) which will make payment on the resulting contract. The Director of Ac-

counting and Finance, Hq USAF, is responsible for exchanging information on disbursing offices with the Department of the Army and Navy and will furnish AF activities with lists of disbursing officers and general requirements concerning submission of invoices. Financing or funding will be done according to any approved method agreed upon by the departments concerned. In this connection, it is AF policy to make direct citation of funds on Military Interdepartmental Purchase Request (DD Forms 448 and 448–1), with disbursement of such funds being accomplished by the AF accounting and finance officer designated in the MIPR.

**§ 1005.1116 Procurement agreements.**

This section implements Department of Defense policies on the making of procurement agreements and the delegation of functional responsibilities related to procurement from one military department to another.

(a) ARDC activities authorized to procure research and development services or test items and AMC central procurement activities (AMC centers, AMAs and AFDs) are authorized to enter into bilateral agreements with activities of the other military departments for the coordinated procurement of supplies or services, or the delegation of functional responsibilities related to procurement.

(b) Bilateral agreements may be made on either a one-time or a continuing basis and implemented to the degree required to efficiently accomplish their purpose. The submission of a procurement request by a requiring activity of one department and its acceptance by a procurement activity of another department, even though based on verbal communication, will establish a one-time agreement. Bilateral agreements of a continuing nature and those applicable to multiple activities will be formalized, distributed, and implemented among the activities involved.

(c) The Coordinated Procurement and Assignment Branch (MCPPC), Hq AMC, is responsible for monitoring the coordinated procurement program. Recommendations or questions pertaining to bilateral agreements may be referred to AMC (MCPPC). Two copies of each formal procurement agreement will be forwarded to MCPPC.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

## PART 1006—FOREIGN PURCHASES

### Subpart A—Buy American Act—Supply and Service Contracts

1. Revise paragraph (a) of § 1006.103 to read as follows:

**§ 1006.103–2 Non-availability in the United States.**

(a) *Authority.* Secretary of the Air Force Order No. 657.1 July 28, 1960, subject: "Determination Under the Buy American Act" from the Assistant Secretary of the Air Force, reads:

1. The authority and duty to make determinations under the Buy American Act (41 U.S. Code, sections 10 a—d) where the basis for such determinations is that the articles, materials, or supplies of the class or kind to be purchased or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and in reasonably available commercial quantities and of a satisfactory quality, is hereby assigned to:

Headquarters, Air Materiel Command:
Commander and Deputy Commander.
Director and Deputy Directors of Procurement and Production.
Chiefs of Divisions, Directorate of Procurement and Production.
Air Materiel Areas:
Commanders and Deputy Commanders.
Directors of Procurement and Production.
AMC Centers:
Commanders and Deputy Commanders.
Chiefs of Divisions (or comparable levels).
Air Force Depots:
Commanders and Deputy Commanders.
Directors of Procurement and Production.
Contract Management Regions:
Commanders and Deputy Commanders.
Directors of Contract Administration.
Chiefs, Air Procurement Districts.
2709th AF Vehicle Control Group:
Commander and Deputy Commander.
Chief, Procurement and Production Division.
Headquarters, Air Research and Development Command:
Commander and Deputy Commander.
Director and Deputy Director of Procurement.

The authority assigned to the aforementioned individuals may not be redelegated.

2. Secretary of the Air Force Order No. 657.1, dated May 20, 1960, is hereby superseded.

3. This order is issued in accordance with Air Force Regulation 11–18, July 16, 1954, subject: "Instruments of Delegation of Assignment of Statutory Authority."

PHILIP B. TAYLOR,
*Assistant Secretary of Air Force (Materiel).*

2. Revise paragraph (a) of § 1006.103–5 to read as follows:

**§ 1006.103–5 Canadian supplies.**

See § 6.103–5 of this title.

(a) *Listed.* Findings—Pursuant to the Buy American Act (41 U.S.C. 10 a–d) and in keeping with Armed Services Procurement Regulations 6–103.5, 6–104, and 6–504, as revised on July 15, 1960, I hereby determine that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of supplies mined, produced, or manufactured in Canada which are included in the following list (parts and equipment for the listed suppliers are considered to be included in the list, even though not separately listed, when they are procured under a contract that also calls for listed supplies):

FEDERAL SUPPLY CLASSIFICATION

Group
10 Weapons—Classes 1055, 1060.
11 Atomic Ordnance—Classes 1135, 1190.
12 Fire Control Equipment—Classes 1230, 1270, 1280, 1290.
13 Ammunition and Explosives—Classes 1336, 1340, 1375.
14 Guided Missiles—All Classes.
15 Aircraft and Airframe Structural Components—All Classes.
16 Aircraft Components and Accessories—All Classes.
17 Aircraft Launching, Landing, and Ground Handling Equipment—All Classes.
22 Railway Equipment—All Classes.
23 Motor Vehicles, Trailers, and Cycles—Classes 2320, 2330.
26 Tires and Tubes—Class 2620.
28 Engines, Turbines, and Components—All Classes.
29 Engine Accessories—All Classes.
31 Bearings—All Classes.
34 Metalworking Machinery—All Classes.
39 Materials Handling Equipment—Class 3960.
41 Refrigeration and Air Conditioning Equipment—Classes 4120, 4130.
42 Fire Fighting, Rescue, and Safety—Class 4240.
43 Pumps and Compressors—Class 4310.
44 Furnace, Steam Plant, and Drying Equipment, and Nuclear Reactors—Classes 4410, 4420, 4470.
49 Maintenance and Repair Shop Equipment—All Classes.
52 Measuring Tools—Class 5220.
54 Prefabricated Structures and Scaffolding—Class 5430.
58 Communications Equipment—All Classes.
59 Electrical and Electronic Equipment Components—All Classes.
61 Electric Wire and Power and Distribution Equipment—All Classes.
62 Lighting Fixtures and Lamps—Classes 6210, 6220.
63 Alarm and Signal Systems—Class 6340.
66 Instruments and Laboratory Equipment—All Classes.
67 Photographic Equipment—All Classes.
69 Training Aids and Devices—All Classes.
74 Office Machines and Data Processing Equipment—Class 7440.
76 Books, Maps, and Other Publications—Classes 7610, 7650.
81 Containers, Packaging, and Packing Supplies—Class 8120.

P. B. TAYLOR,
*Assistant Secretary of the Air Force.*

3. Add § 1006.104–6 as follows:

**§ 1006.104–6 Contract administration.**

See § 1003.903–54 of this chapter and § 1006.602–6(b)(1).

### Subpart F—Duty and Customs

Revise § 1006.602–6(b) to read as follows:

**§ 1006.602–6 Duty-free entry certificate.**

* * * * *

(b)(1) The ACO will require the prime contractor or subcontractor to furnish him a copy of each subcontract or purchase order covering supplies procured in Canada and other locations outside the United States in support of the prime contract. This copy will be made available to the ACO concurrently with placement of the procurement. The ACO will immediately review and determine if issuance of a duty-free entry certificate is required and if so, he will comply at once with subparagraph (2) of this paragraph.

(2) Execution of duty-free entry certificates is contingent upon the ACO furnishing the following information to the appropriate transportation officer:

(i) Contract or purchase order number.

(ii) Contractor and address (prime and foreign).

(iii) Articles and the value thereof.

(iv) F.o.b. terms of contracts.



(v) Designation and approximate shipping date schedule.

(vi) A statement in writing that materials, parts, or components being shipped are entitled to entry-free of duty pursuant to 10 U.S.C. 2383, Subpart F, Part 6 of this title, and any applicable regulations of the Bureau of Customs. If materials, parts, or components entitled to entry free of duty are to be incorporated into an end item to be delivered to the Government under a specific prime contract, this statement of the administrative contracting officer will be made contingent upon: (*a*) Consignment of these materials, parts, or components to the responsible AF plant representative or chief, air procurement district, in charge of the prime contract, and (*b*) upon the ability of the Government under the terms of the prime contract to obtain benefit of savings of such duty-free entry.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

## PART 1007—CONTRACT CLAUSES

### Subpart A—Clauses for Fixed-Price Supply Contracts

**§ 1007.100 [Amendment]**

1. In § 1007.100 delete the word "bilateral."

2. Revise § 1007.103 to read as follows:

**§ 1007.103 Required clauses.**

See § 7.103 of this title. Standard Form 32, "General Provisions (Supply Contract)," will be used instead of reproducing the clauses contained therein. Any directed or authorized changes in Standard Form 32 will be set forth in the Alterations in Contract clause. The following additional instructions pertain to specific sections in Subpart A, Part 1 of this title.

**§ 1007.103–1 [Deletion]**

3. Delete § 1007.103–1.

**§§ 1007.103–3, 1007.103–5—1007.103–7 [Deletion]**

4. Delete §§ 1007.103–3 and 1007.103–5 through 1007.103–7.

**§ 1007.103–8 [Amendment]**

5. In § 1007.103–8 add the following at the end of the present material: "Also see Part VI, § 1030.5 of this chapter."

**§§ 1007.103–9—1007.103–21, 1007.103–23 [Deletion]**

6. Delete §§ 1007.103–9 through 1007.103–21 and 1007.103–23.

7. Revise § 1007.104 to read as follows:

**§ 1007.104 Clauses to be used when applicable.**

See § 7.104 of this title and the following specific instructions.

**§§ 1007.104–1—1007.104–22, 1007.104–24, 1007.104–26, 1007.104–51—1007.104–53 [Deletion]**

8. Delete §§ 1007.104–1 through 1007.104–22, 1007.104–24, 1007.104–26, and 1007.104–51 through 1007.104–53.

9. Add § 1007.104–12 as follows:

**§ 1007.104–12 Military security requirements.**

Contracts awarded in the United States to United States firms for performance outside the United States, its possessions or Puerto Rico for which no other Military Security Requirements clause is prescribed, will contain the following clause:

MILITARY SECURITY REQUIREMENTS
(JAN. 1961)

The Contractor agrees that to the extent this contract involves access to information classified "Confidential" including "Confidential-Modified Handling Authorized," or higher, he will apply the principles of his Security agreement (DD Form 441) for the purpose of safeguarding such classified information during his performance of this contract.

10. Revise § 1007.104–25 to read as follows:

**§ 1007.104–25 Special tooling.**

See § 1013.504 of this chapter.

11. Add § 1007.104–28 as follows:

**§ 1007.104–28 Quality control system.**

The clause in § 7.104–28 of this title is supplemented by § 1007.4013. The latter clause will be used according to the instructions pertaining thereto.

12. Revise §§ 1007.105, 1007.105–1 and 1007.105–5 to read as follows:

**§ 1007.105 Additional clauses.**

See § 7.105 of this title. The following instructions pertain to the use of such clauses.

**§ 1007.105–1 Alterations in contract.**

This clause will be used only for the purpose of describing additions, deletions, or changes to printed clauses, and will not be used to set forth additional clauses.

**§ 1007.105–5 Liquidated damages.**

According to § 1.310 of this title and § 1001.310 of this chapter insert the provision prescribed by § 7.105–5 of this title.

**§§ 1007.105–6; 1007.106–1—1007.106–4, 1007.107 [Deletion]**

13. Delete §§ 1007.105–6, 1007.106–1 through 1007.106–4, and 1007.107.

14. Revise § 1007.105–7 to read as follows:

**§ 1007.105–7 Material inspection and receiving report.**

The clause in § 7.105–7 of this title will be included in all central procurement contracts which call for furnishing supplies to the Government. Service type contracts are exempt. See § 1007.4061 for additional instructions.

15. Revise § 1007.106 to read as follows:

**§ 1007.106 Price escalation clauses (established prices).**

See § 7.106 of this title and § 1003.403–2.

### Subpart B—Clauses for Cost-Reimbursement Type Supply Contracts

1. The title of Subpart B is changed as shown above.

**§§ 1007.202, 1007.203–1, 1007.203–3, 1007.203–5—1007.203–22, 1007.203–24—1007.203–26 [Deletion]**

2. Delete §§ 1007.202, 1007.203–1, 1007.203–3, 1007.203–5 through 1007.203–22, and 1007.203–24 through 1007.203–26.

3. Revise § 1007.203 to read as follows:

**§ 1007.203 Required clauses.**

See § 7.203 of this title. DD Form 748, "General Provisions (Cost-Reimbursement Supply Contract)," will be used as prescribed in § 16.204 of this title instead of printing or reproducing the clauses contained therein. Any directed or authorized changes in DD Form 748 will be set forth in the Alterations in Contract clause. Clauses used in any contract in addition to those contained in DD Form 748 will be entitled "Additional General Provisions" and numbered consecutively. The following additional instructions pertain to specific sections of Subpart B, Part 2 of this title.

**§§ 1007.204–1—1007.204–11, 1007.204–13—1007.204–15 [Deletion]**

4. Delete §§ 1007.204–1 through 1007.204–11, and 1007.204–13 through 1007.204–15.

5. Revise § 1007.204–12 to read as follows:

**§ 1007.204–12 Military security requirements.**

See § 1007.104–12.

6. Revise § 1007.204–16 to read as follows:

**§ 1007.204–16 Negotiated overhead rates.**

See § 7.204–16 of this title. To determine whether negotiated rates are appropriate for use, contact AMC (MCPF).

**§§ 1007.204–17—1007.204–19, 1007.204–51, 1007.205–4, 1007.205–51 [Deletion]**

7. Delete §§ 1007.204–17 through 1007.204–19, 1007.204–51, 1007.205–4 and 1007.205–51.

### Subpart C—Clauses for Fixed-Price Research and Development Contracts

**§§ 1007.302–2—1007.302–26, 1007.303–1—1007.303–11, 1007.304–2—1007.304–5 [Deletion]**

1. Delete §§ 1007.302–2 through 1007.302–26, 1007.303–1 through 1007.303–11, and 1007.304–2 through 1007.304–5.

2. Revise § 1007.302 to read as follows:

**§ 1007.302 Required clauses.**

See § 7.302 of this title. The following additional instructions pertain to the specific sections of Subpart C, Part 7 of this title.

3. Add new § 1007.302–25 as follows:

**§ 1007.302–25 Military security requirements.**

See § 1007.104–12.

### Subpart D—Clauses for Cost-Reimbursement Type Research and Development Contracts

1. Revise § 1007.402 to read as follows:

**§ 1007.402 Required clauses.**

See § 7.402 of this title. The following additional instructions pertain to specific sections in Subpart D, Part 7 of this title.

2. Add § 1007.402–24 as follows:

**§ 1007.402–24 Military security requirements.**

See § 1007.104–12.

### Subpart E—Clauses for Personal Services Contracts

1. Revise § 1007.503 to read as follows:

**§ 1007.503 Required clauses.**

See § 7.503 of this title. The following additional instructions pertain to the specific sections in Subpart E, Part 7 of this title.

**§§ 1007.503–1—1007.503–6 [Deletion]**

2. Delete §§ 1007.503–1 through 1007.503–6.

**§ 1007.503–7 [Amendment]**

3. Amend the reference "§ 1008.751" to read "§ 1008.750."

**§§ 1007.503–8, 1007.503–9, 1007.504–1 [Deletion]**

4. Delete §§ 1007.503–8, 1007.503–9 and 1007.504–1.

### Subpart W—Clauses for Time and Materials Contracts

Add § 1007.2305–2 as follows:

**§ 1007.2305–2 Materials and parts coded CP.**

Section 1007.4505–3 is equally applicable to Time and Material contracts prepared under this subpart.

### Subpart X—Clauses, Schedule Provisions, and Exhibits for Instruction of Military Personnel at Civilian Schools, Colleges, and Universities

1. Add §§ 1007.2400 to 1007.2402–1 as follows:

**§ 1007.2400 Scope of subpart.**

This subpart sets forth clauses, schedule provisions, and exhibits for procuring instruction at civilian schools, colleges, and universities for military personnel.

**§ 1007.2401 Limitation on use.**

Contracts for instruction of military personnel as their full time duty assignment at civilian colleges and universities will be issued only by (a) the USAF Institute of Technology, Wright Patterson Air Force Base, and (b) Air Training Command for foreign language training. Contracts for instruction of military personnel at schools, colleges, and universities issued under the provisions of AFR 34–8 (Programming for Education Services Activities) may be issued by any authorized contracting office and if over $500 will contain the clauses set forth in §§ 1007.2403 through 1007.2407–2 as changed by § 1007.2408.

**§ 1007.2402 Definitions.**

**§ 1007.2402–1 Contract for instruction of military personnel at civilian schools, colleges, and universities.**

The term "contract for instruction of military personnel at civilian schools, colleges, and universities" means any contract for instruction of military personnel at an approved or accredited school, college, or university, paid for on a tuition, fee, or other type of charge basis.

**§ 1007.2503–1 [Amendment]**

2. In § 1007.2503–1:

a. Following "Administrative Information" and in the third line of the paragraph beginning "Contractor's invoices", amend "finance officer" to read "accounting and finance officer."

b. In the last paragraph amend the code citation to read "section 2304(a) ( ) of Title 10 U.S. Code."

**§ 1007.2504 [Amendment]**

3. Amend the third sentence of § 1007.2504 to read as follows: "The list may be revised as necessary to keep current with ASPR revisions. Additional clauses, applicable to a specific contract (such as the clauses in Subpart NN, Part 1007 of this chapter) will be incorporated, to the extent required by the instructions pertaining to such clauses, by reference in Exhibit 'A' to the contract."

4. Revise the second paragraph of paragraph (a) of § 1007.2504–3 to read as follows:

**§ 1007.2504–3 Contract clauses for incorporation by reference.**

(a) * * *

Sections 7.103–1 (Definitions); 7.103–2 (Changes); 7.103–3 (Extras); 7.103–4 (Variation in Quantity); 7.103–5 (Inspection); 7.103–6 (Responsibility for Supplies); 7.103–8 (Assignment of Claims); 7.103–9 (Additional Bond Security); 7.103–12 (Disputes); 7.103–13 (Renegotiation); 6.104–5 (Buy American Act); 12.303–1 (Eight-Hour Law of 1912, Overtime Compensation); 12.604 (Walsh-Healey Public Contracts Act); 12.802 (Nondiscrimination in Employment); 7.103–19 (Officials Not To Benefit); 7.103–20 (Covenant Against Contingent Fees); 7.104–12 (Military Security Requirements); 7.104–14 (Utilization of Small Business Concerns); 7.104–15 (Examination of Records); 7.104–16 (Gratuities); 7.104–18 (Priorities, Allocations and Allotments); 12.203 (Convict Labor); 9.103–1 (Patent Indemnity); 9.102–2 (Authorization and Consent; R & D); 9.104 (Notice and Assistance Regarding Patent Infringement); 9.106 (Filing of Patent Applications); 9.102–1 (Authorization and Consent); 9.107–2 (Patent Rights); 9.203–1, 9.203–2, 9.203–3, and 9.203–4 (Data); 13.502 (Government Furnished Property); 6.403 (Soviet Controlled Areas); 8.707 (Default); 7.104–4 (Notice to the Government of Labor Disputes); 7.104–20 (Utilization of Concerns in Labor Surplus Areas); 7.104–22 (Defense Subcontracting Small Business Program); and 12.102–3(c) (Payment for Overtime and Shift Premiums).

**§ 1007.2504–6 [Amendment]**

5. In paragraph (j) of § 1007.2504–6, amend the "6" in the fourth line to read "3".

6. Revise §§ 1007.2504–7, 1007.2504–8 and 1007.2504–9 to read as follows:

**§ 1007.2504–7 Quality control specification.**

See § 1007.4013.

**§ 1007.2504–8 Subcontracts.**

See § 3.903–1 of this title, except that whenever the figure $100,000 appears therein it shall be changed to $25,000.

**§ 1007.2504–9 Provisions for execution.**

The Contractor's acceptance of this order will be indicated by affixing its signature to three copies thereof and returning the executed copies to the Contracting Officer. Such acceptance will constitute this order a contract on the terms set forth therein.

**§ 1007.2504–10 [Deletion]**

7. Delete § 1007.2504–10.

8. Revise § 1007.2505–8 to read as follows:

**§ 1007.2505–8 Provisions for execution.**

The Contractor's acceptance of this order will be indicated by affixing its signature to three copies thereof and returning the executed copies to the Contracting Officer. Such acceptance will constitute this order a contract on the terms set forth herein.

**§ 1007.2505–9 [Deletion]**

9. Delete § 1007.2505–9.

10. Revise paragraph (a) of § 1007.2506–3 to read as follows:

(a) ASPR section: 7.103–1 (Definitions); 7.103–6 (Assignment of Claims); 7.203–7 (Records); 7.103–43 (Renegotiation); 7.104–14 (Utilization of Small Business Concerns); 7.103–12 (Disputes); 6.104–5 (Buy American Act); 7.104–18 (Priorities, Allocations and Allotments); 12.203 (Convict Labor); 12.303–1 (Eight-Hour Law of 1912; Overtime Compensation); 12.604 (Walsh-Healey Public Contracts Act); 12.802 (Nondiscrimination in Employment); 7.103–19 (Officials Not To Benefit); 7.103–20 (Covenant Against Contingent Fees); 7.104–16 (Gratuities); 9.104 (Notice and Assistance Regarding Patent Infringement); 9.102–1 (Authorization and Consent); 7.104–4 (Notice to the Government of Labor Disputes); 6.403 (Soviet Controlled Areas); 7.104–20 (Utilization of Concerns in Labor Surplus Areas); and 12.102–3(c) (Payment for Overtime and Shift Premiums).

### Subpart EE—Clauses for Construction Contracts

1. Revise § 1007.3106–12 to read as follows:

**§ 1007.3106–12 Suspension of work.**

SP 1–12 PRICE ADJUSTMENT FOR SUSPENSION, DELAY, OR INTERRUPTION OF THE WORK (JAN. 1961)

(a) The Contracting Officer may order the Contractor in writing to suspend all or any part of the work for such period of time as he may determine to be appropriate for the convenience of the Government.

(b) If, without the fault or negligence of the Contractor, the performance of all or any part of the work is for an unreasonable period of time, suspended, delayed, or interrupted by an act of the Contracting Officer in the administration of the contract, or by his failure to act within the time specified in the contract (or if no time is specified, within a reasonable time), an adjustment shall be made by the Contracting Officer for any increase in the cost of performance of the contract (excluding profit) necessarily caused by the unreasonable period of such suspension, delay, or interruption, and the contract shall be modified in writing accordingly. No adjustment shall be made to the extent that performance by the Contractor would have been prevented by other causes even if the work had not been so suspended, delayed, or interrupted. No claim under this clause shall be allowed (i) for any costs incurred more than twenty days before the Contractor shall have notified the Contracting Officer in writing of the act or failure to act involved (but this requirement shall not apply where a suspension order has issued), and (ii) unless the claim, in an amount stated, is asserted in writing as soon as practicable after the termination of such suspension, delay, or interruption but not later than the date of final settlement of the contract. Any dispute concerning a question of fact arising under this clause shall be subject to the disputes clause.



Add § 1007.3204–10 as follows:

**§ 1007.3204–10 Price adjustments for subsidized ingredients.**

Insert the appropriate one of the following clauses where the contract is for the procurement of recombined or filled milk at oversea installations.

(a) The following clause shall be used when subsidized ingredients are not expected to be available.

PRICE ADJUSTMENT FOR SUBSIDIZED INGREDIENTS—UNEXPECTED SUBSIDIES REALIZED (OCT. 1960)

The contract price is based on the assumption that the Contractor will use, in the performance of the contract, only ingredients purchased at domestic United States market prices. If the Contractor uses in the performance of this contract any ingredients purchased at Commodity Credit Corporation subsidized prices, the Contractor shall submit to the Contracting Officer within sixty (60) days after the last delivery under the contract, unless a different time is agreed to by the parties, a statement showing the difference between the costs incurred for the subsidized ingredients and the costs which would have been incurred for ingredients purchased at United States market prices if subsidized ingredients had not been used, together with such other information as the Contracting Officer may reasonably request. Promptly after the submission of such information, the parties shall negotiate to equitably decrease the contract price by an amount reflecting the difference between such costs. Upon agreement, the contract price shall be modified accordingly. If the parties fail to agree upon such decrease within sixty (60) days after the date on which such information is required to be submitted, or within such further time as may be agreed on by the parties, the failure to agree shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(b) The following clause will be used when the Contractor quotes a price based upon the use of subsidized ingredients. When this clause is used the schedule shall contain the prices of the respective ingredients that are used in establishing the contract price. The contract schedule shall also contain a reasonable ceiling in accordance with ASPR 3–403.2(a) for the purpose of limiting the upward adjustment. This ceiling shall be no higher than the price that would be established if prices were initially negotiated on the assumption that ingredients would be purchased at Domestic U.S. Market prices.

PRICE ADJUSTMENT FOR SUBSIDIZED INGREDIENTS—EXPECTED SUBSIDIES NOT REALIZED (OCT. 1960)

The contract price is based on the assumption that the Contractor will use, in the performance of this contract, only such nonfat dry milk and anhydrous milk fat ingredients as have been purchased at the Commodity Credit Corporation subsidized prices set forth in the Schedule. The Contractor warrants that the contract price does not include any allowance for any contingency to cover increased costs of performance which may result from the Contractor being unable to purchase such ingredients at such subsidized prices. If the Contractor is unable to purchase such ingredients at such prices for the performance of this contract or any part thereof, the Contractor may submit to the Contracting Officer within sixty (60) days after the last delivery under the contract, unless a different time is agreed to by the parties, a statement showing the difference between the costs which would have been incurred for the subsidized ingredients had they been purchased by the Contractor at such prices and the costs which were incurred in lieu thereof, together with such other information as the Contracting Officer may reasonably request. If the Contractor uses in the performance of this contract any ingredients purchased at CCC subsidized prices lower than those set forth in the Schedule, the Contractor shall submit to the Contracting Officer, within the period described above, a statement and other information as described above. Promptly after the submission of such information, the parties shall negotiate to equitably adjust the contract price by an amount reflecting the difference between such costs. Upon agreement, the contract shall be modified accordingly. If the parties fail to agree upon such adjustment within sixty (60) days after the date on which such information is required to be submitted, or within such further time as may be agreed on by the parties, the failure to agree shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

### Subpart FF—Clauses for Bakery and Dairy Products Contracts

1. The title of Subpart FF is revised as shown above.

2. Add §§ 1007.3200 to 1007.3202–2 as follows:

**§ 1007.3200 Scope of subpart.**

This subpart sets forth clauses for use in contracts for the procurement of bakery and dairy products.

**§ 1007.3202 Definitions.**

**§ 1007.3202–1 Contracts for the procurement of bakery products.**

"Contracts for the procurement of bakery products" means any contract for the procurement of bread, rolls, or other products normally procured from commercial bakeries.

**§ 1007.3202–2 Contracts for the procurement of dairy products.**

"Contracts for the procurement of dairy products" means any contract for the procurement of dairy products including, by way of illustration and without limitation, milk, milk products, and ice cream.

3. Revise § 1007.3203 to read as follows:

**§ 1007.3203 Required clauses.**

**§ 1007.3203–11 [Amendment]**

4. The heading of § 1007.3203–11 is amended as follows: "Eight-hour law of 1912; overtime compensation."

5. Add § 1007.3203–17 as follows:

**§ 1007.3203–17 Federal, State, and local taxes.**

See § 11.401–1 of this title.

6. Revise § 1007.3203–22 to read as follows:

**§ 1007.3203–22 Sanitary inspection.**

Insert the clause set forth in § 1007.4017 according to instructions set forth herein.

7. Delete § 1007.3203–23 and insert the following therefor:

**§ 1007.3203–23 Preference for certain domestic commodities.**

See § 6.305 of this title.

**§ 1007.3203–24 [Deletion]**

8. Delete § 1007.3203–24.

**§ 1007.3203–25 [Redesignation; revision]**

9. Redesignate § 1007.3203–25 as 1007.3203–24 and revise to read as follows:

**§ 1007.3203–24 Renegotiation.**

See § 7.103–13 of this title.

10. Revise § 1007.3204–1 to read as follows:

**§ 1007.3204–1 Special clauses.**

Applicable clauses of Subpart NN of this part, not specifically covered herein, will be inserted according to instructions pertaining thereto.

11. Revise § 1007.3204–2 to read as follows:

**§ 1007.3204–2 Estimated requirements.**

See § 1007.4028.

12. Add § 1007.3204–5 as follows:

**§ 1007.3204–5 Alteration in contract.**

According to the requirements for use in § 1007.105–1, insert the clause set forth in § 7.105–1 of this title.

13. Delete § 1007.3204–6 and substitute the following therefor:

**§ 1007.3204–6 Milk bottles.**

(a) If the contract is for the delivery of milk in bottles, except where the purpose of the procurement is to obtain milk for resale, insert the following clause:

MILK BOTTLES

When milk is delivered in glass bottles, the cost of the bottle shall not be included in the price of the milk, and the bottles shall remain the property of the contractor. The Government will endeavor to prevent undue breakage or loss of bottles while in its possession; however, the Government shall not be held responsible or liable in any way for any bottles which may become broken or lost.

(b) If the purpose of the procurement is to procure milk for commissary resale, insert the following clause:

MILK BOTTLES

The unit price of the glass containers furnished by the contractor for the delivery of

milk hereunder shall be set forth separately in the Schedule. The contractor shall bill the Government for the price of the products delivered plus the price of the glass containers. The contractor shall pick up the reuseable glass containers at the Commissary Store periodically at the request of the Commissary Officer, and shall refund the Government in case, or check payable to the Commissary Officer, the aggregate value of the picked up reuseable containers. This value shall be computed at the respective unit container prices specified in the Schedule.

14. Add §§ 1007.3204–7 to 1007.3204–9 as follows:

**§ 1007.3204–7 Laboratory analysis.**

LABORATORY ANALYSIS

(a) During the life of this contract a Government inspector will draw samples from not less than three shipments during each monthly period for laboratory analysis. If such analysis reveals a percentage of butterfat below that specified elsewhere in this contract, the weighted average butterfat percentage of the lots from which the samples were drawn shall be ascertained on the basis of the percentage in the samples, and all products delivered during the month shall be deemed to have contained the average percentage of butterfat so ascertained.

(b) If the average butterfat content so determined is below contract requirements, the price per unit paid to the contractor for that month shall be in the same ratio to the contract price per unit as the average butterfat content so delivered. No payment over the contract unit price will be made for any delivery of products containing more than the required percentage of butterfat, as stated in the contract.

(c) The foregoing is an agreed formula for adjustment of prices for accepted products which might have been rejected, and is without prejudice to the Government's right to terminate for default or to pursue any other remedy under this contract or provided by law.

**§ 1007.3204–8 Weight of containers.**

This clause will be included in contracts for the procurement of fluid milk in dispenser type cans.

WEIGHT OF CONTAINERS

The average tare weight of cans, lids, tubes and seals, as a complete unit, will be determined by the contractor prior to the beginning of the milk contract. This tare weight will be furnished the inspector by the contractor as a certification on the shipping document, copy of which will be supplied inspector. The verification of contractors' tare weight will be the responsibility of the inspector. In the event contractor utilizes cans of different weights (different manufacturer or reworked) in a single delivery, it will be his responsibility to furnish the inspector average unit tare weight for each group, identifying features of each group and certification of different group tares. In determining the net weight, milk will be considered to weigh 8.6 lbs. per gallon.

**§ 1007.3204–9 Containers.**

The following clause will be included in contracts for the procurement of bakery products.

CONTAINERS

Delivery shall be made in suitable containers which shall not be included in the contract price. The contractor shall be required to pick up his containers. The Government will not be responsible for any loss or damage to the containers.

15. Revise §§ 1007.3205 and 1007.3205–1 to read as follows:

**§ 1007.3205 Additional clauses.**

**§ 1007.3205–1 General.**

Any other clause authorized by Subchapter A, Chapter I of this title or this Subchapter may be used according to the instructions pertaining thereto.

## Subpart GG—Clauses for Laundry or Dry Cleaning Contracts

1. Add §§ 1007.3302 and 1007.3302–1 as follows:

**§ 1007.3302 Definitions.**

**§ 1007.3302–1 Contracts for laundry or dry-cleaning services.**

"Contracts for laundry or dry-cleaning services" means any contract for the procurement of such services entered into pursuant to authority contained in applicable regulations.

2. Revise §§ 1007.3303–2, and 1007.3303–7 to read as follows:

**§ 1007.3303–2 Inspection.**

See § 1007.4037.

**§ 1007.3303–7 Eight-Hour Law of 1912; overtime compensation.**

See § 12.303–1 of this title.

3. Add §§ 1007.3303–12 and 1007.3303–13 as follows:

**§ 1007.3303–12 Federal, State and local taxes.**

See § 11.401–1 of this title.

**§ 1007.3303–13 Renegotiation.**

See § 7.103–13 of this title.

4. Delete §§ 1007.3303–19 and 1007.3303–20 and substitute the following therefore:

**§ 1007.3303–19 Records of Government-owned property.**

RECORDS OF GOVERNMENT-OWNED PROPERTY

The base Laundry Officer, for general laundry and dry-cleaning services, and the base Medical Supply Officer, for hospital services, shall maintain the necessary property records in connection with their respective participation in this contract.

**§ 1007.3303–20 Storage and handling.**

STORAGE AND HANDLING

During the time Government-owned property is in the place of business of the Contractor it shall be stored so as to be raised at least four (4) inches from the floor. The Contractor warrants that all articles to be laundered or dry cleaned under this contract will be segregated in the Contractor's place of business and handled separately from any other work in process, and that hospital laundry and dry cleaning articles will be handled separately from other articles.

**§§ 1007.3303–21—1007.3303–24 [Deletion]**

5. Delete §§ 1007.3303–21 through 1007.3303–24.

6. Revise § 1007.3304–4 and add §§ 1007.3304–5, 1007.3305, and 1007.3305–1, as follows:

**§ 1007.3304–4 Special clauses.**

Applicable clauses of Subpart NN of this part, not specifically covered herein, will be inserted according to the instructions pertaining thereto.

**§ 1007.3304–5 Estimated requirements.**

See § 1007.4028.

**§ 1007.3305 Additional clauses.**

**§ 1007.3305–1 General.**

Any other clause authorized by Subchapter A, Chapter I of this title or this subchapter may be used according to the instructions pertaining thereto.

## Subpart HH—Clauses for Dairy Products Contracts

Subpart HH is deleted.

## Subpart II—Clauses for Packing and Crating Contracts

1. Add §§ 1007.3502, 1007.3502–1, 1007.3503–9, and 1007.3503–17; and revise §§ 1007.3503–11.

**§ 1007.3502 Definitions.**

**§ 1007.3502–1 Contracts for packing and crating of household goods.**

"Contracts for packing and crating of household goods" means any contract for the procurement of such services entered into pursuant to authority contained in applicable regulations.

**§ 1007.3503–9 Buy American Act.**

See § 6.104–5 of this title.

**§ 1007.3503–11 Eight-Hour Law of 1912; overtime compensation.**

See § 12.303–1 of this title.

**§ 1007.3503–17 Federal, State and local taxes.**

See § 11.401–1 of this title.

**§ 1007.3503–20 [Deletion]**

2. Delete § 1007.3503–20.

3. Add § 1007.3504–1 as follows:

**§ 1007.3504–1 Special clauses.**

Applicable clauses of Subpart NN of this part, not specifically covered herein, will be inserted according to the instructions pertaining thereto.

4. Revise § 1007.3504–3 to read as follows:

**§ 1007.3504–3 Priorities, allocations and allotments.**

According to the requirements of § 1.307 of this title insert the clause set forth in § 7.104–18 of this title.

5. Add §§ 1007.3505 and 1007.3505–1 as follows:

**§ 1007.3505 Additional clauses.**

**§ 1007.3505–1 General.**

Any other clause authorized by Subchapter A, Chapter I of this title or this Subchapter may be used according to the instructions pertaining thereto.

## Subpart KK—Clauses and Arrangements for Negotiated Utility Service Contracts

1. Add §§ 1007.3700, 1007.3702 and 1007.3702–1 as follows:

**§ 1007.3700 Scope of subpart.**

This subpart sets forth clauses and arrangements for use in negotiated utility service contracts.



**§ 1007.3702 Definitions.**

**§ 1007.3702–1 Negotiated utility service contract.**

The term "negotiated utility service contract" means any contract entered into as a result of negotiation for the procurement of the following types of services only: electric, gas, water, sewage, and steam utility services.

2. Revise § 1007.3703 to read as follows:

**§ 1007.3703 Required clauses and arrangements; contracts for $2,400 or less.**

When a negotiated utility service contract is utilized according to § 16.501–1 of this title, DD Form 671, "Negotiated Utilities Service Contract," will be used and the following clauses added as General Provisions.

**§§ 1007.3703–1—1007.3703–12 [Deletion]**

3. Delete §§ 1007.3703–1 through 1007.3703–12.

4. Add new § 1007.3703–1 as follows:

**§ 1007.3703–1 Gratuities.**

See § 7.104–16 of this title.

5. Section 1007.3706–1 is as follows:

**§ 1007.3706–1 Cover page.**

* * * * *

Bills will be rendered to _____ at _____
Payments will be made [Deleted]
Appropriation chargeable _____
This negotiated contract * * * 80th Cong.)
[Deleted]

**§§ 1007.3706–3—1007.3706–16 [Deletion]**

6. Delete §§ 1007.3706–3 through 1007.3706–16.

7. Add new §§ 1007.3706–3 to 1007.3706–18, as follows:

**§ 1007.3706–3 Rates for services.**

(a) Except as provided in paragraphs (b) and (c) of this section, insert the following clause:

RATES FOR SERVICE (OCT. 1960)

Rates established under this contract shall be subject to regulation in the manner and to the extent prescribed by law by any Federal, State or local regulatory agency having jurisdiction. The Contractor agrees to give the contracting officer written notice of the filing of an application for rate changes concurrently with the filing of the application. Such notice shall fully describe proposed rate change. If during the term of this contract the public regulatory agency having jurisdiction approves rates that are higher or rates that are lower than those stipulated herein, for like conditions of service, the Contractor agrees to continue to furnish service as stipulated in this contract and the Government agrees to pay for such service at the higher or lower rates from after the date when such rates are made effective. In the event that the regulatory agency promulgates any regulation concerning other than rates which affects this contract, the Contractor shall immediately notify the Contracting Officer. The Government shall not be bound to accept any new regulation inconsistent with federal laws or regulations.

(b) If the service to be furnished under the contract is not subject to regulations by any Federal, State or local regulatory agency, or if the Contractor also acts as the local public regulatory agency and its decisions are not subject to review by a higher regulatory agency insert the following clauses in lieu of the clause set forth in paragraph (a) of this section.

RATES FOR SERVICE (OCT. 1960)

(a) If any time during the term of this contract either of the parties hereto consider it appropriate that all or part of the rates applicable to the service furnished under this contract be changed, the parties agree to promptly renegotiate such rates upon receipt by one party of a written request from the other specifying the rates as to which a change is considered appropriate, setting forth the proposed change in rates, and stating in detail the reasons for the proposed change. Any rate changes agreed to by the parties as the result of such negotiations shall be made a part of this contract by the issuance of a supplemental agreement hereto and shall become effective as of the date of the request for a change in rates, unless otherwise agreed by the parties. Failure of the parties to agree upon the appropriate adjustment of rates, if any, shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(b) The Contractor agrees that a duly authorized representative of the Department of the Air Force shall have access to and the right to examine any directly pertinent books, documents, papers and records of the Contractor relating to costs which form the basis for the rates.

(c) Where contractor is a Rural Electrical Cooperative, and not subject to public regulation, the following clause shall be used:

RATES FOR SERVICE (OCT. 1960)

At the request of either party to this contract, said party having reasonable cause therefor, the rates set forth herein shall be renegotiated, and any adjustment so negotiated by mutual agreement shall become effective as provided in such agreement: *Provided, however,* That any rates so negotiated shall not be in excess of rates to any customer of the Contractor having similar conditions of service.

**§ 1007.3706–4 Application of most favorable rates.**

(Oct. 1960)

(a) The Contractor hereby declares that the rates applicable to the service furnished under this contract are not in excess of the lowest rates available to any prospective customer under like conditions, and agrees that during the life of this contract the Government shall continue to be billed at the lowest available rate for similar conditions of service.

(b) In the event the Contractor, during the term of this contract, shall make effective any new rate schedule or amended rate schedule applicable to the class of service furnished the Government at the service location which contains a lower rate or conditions more favorable to the Government for such class of service, the Contractor shall forward to the Contracting Officer a copy of such rate schedule or amended rate schedule within (15) days after the effective date thereof, and shall substitute such rate schedule or amended rate schedule for the rate schedule then in effect hereunder for such service location, commencing not later than the billing period immediately following the effective date of the rate change.

**§ 1007.3706–5 Change in class of service.**

(Oct. 1960)

(a) In the event of a permanent change in the class of service furnished the Government at the service location, service shall be furnished to such service location at the lowest available rate schedule of the Contractor which is applicable to the class of service furnished following such permanent change subject to the clause hereof entitled "Rates for Service."

(b) Where the Contractor's rate schedule on file with the regulatory agency and applicable to services provided by the Contractor does not contain a schedule applicable to the class of service furnished the Government, no clause in this contract shall preclude the parties from negotiating a rate schedule applicable to the class of service furnished.

**§ 1007.3706–6 Access.**

ACCESS (JULY 1955)

The Government hereby grants to the Contractor, free of any rental or similar charge, but subject to the limitations specified in this contract, a revocable permit to enter the service location for any purpose under this contract, including use of the site or sites agreed upon by the parties hereby for the installation, operation and maintenance of the facilities of the Contractor. Authorized representatives of the Contractor will be allowed access to the facilities of the Contractor at suitable times to perform the obligations of the Contractor with respect to such facilities. It is expressly understood, however, that proper military or Government authority may limit or restrict the right of access herein granted in any manner considered by such authority to be necessary for the national security.

**§ 1007.3706–7 Payments.**

(OCT. 1960)

(a) Payments for the services rendered under this contract shall be made monthly upon the submission of properly certified invoices.

(b) All bills shall be paid without penalty or interest and the Government shall be entitled to any discounts customarily applicable to payment of bills by all customers of the contractor.

(c) Recognition is given to the fact that the Government fiscal year ends on June 30. Payments hereunder shall be contingent upon the availability of appropriations therefor.

**§ 1007.3706–8 Liability of contractor.**

LIABILITY OF CONTRACTOR (JULY 1955)

All taxes and other charges in connection with facilities provided hereunder by the Contractor, together with all liability arising out of the negligence of the Contractor in the construction, operation or maintenance of such facilities shall be assumed by the Contractor.

**§ 1007.3706–9 Assignment of claims.**

ASSIGNMENT OF CLAIMS (JULY 1955)

No claim under this contract shall be assigned.

**§ 1007.3706–10 Disputes.**

See § 7.103–12 of this title.

**§ 1007.3706–11 Termination.**

(The figure of 30 days may be changed to any other figure not in excess of 90 days.)

TERMINATION (JULY 1955)

This contract may be terminated at the option of the Government by the giving of not less than thirty (30) days' advance written notice of the effective date of termination.

**§ 1007.3706–12 Convict labor.**

See § 12.203 of this title.

**§ 1007.3706–13 Nondiscrimination in employment.**

See § 12.802 of this title.

**§ 1007.3706–14 Officials not to benefit.**

See § 7.103–19 of this title.

**§ 1007.3706–15 Covenant against contingent fees.**

See § 7.103–20 of this title.

**§ 1007.3706–16 Gratuities.**

See § 7.104–16 of this title.

**§ 1007.3706–17 Conflicts.**

CONFLICTS (JULY 1955)

To the extent of any inconsistency between the provisions of this contract, and any schedule, rider or exhibit incorporated in this contract by reference or otherwise, or any of the contractor's rules and regulations, the provisions of this contract shall control.

**§ 1007.3706–18 Signature page.**

The following provisions will be set forth on the signature page, and will be completed with appropriate information:

In witness whereof, the parties hereunto have executed this contract as of the day and the year first above written.

THE UNITED STATES OF AMERICA
By ----------
----------
(Contractor)
By ----------
Title ----------

7. In § 1007.3709–1, delete paragraph (f) (iii) and revise paragraph (g) as follows:

**§ 1007.3709–1 Technical provisions.**

* * * * * *

(g) *Term of contract.* This contract shall commence ---------- and continue (insert "until terminated" or "until ----------" subject to the clause hereof entitled termination:")

## Subpart LL—Basic Agreement Provisions

1. Add §§ 1007.3800 to 1007.3802–1 as follows:

**§ 1007.3800 Scope of subpart.**

This subpart sets forth provisions for use in basic agreement.

**§ 1007.3801 Issuance and use.**

Basic agreements will be issued and used according to the provisions of § 1003.405–4 of this chapter.

**§ 1007.3802 Definition.**

**§ 1007.3802–1 Basic agreement.**

The term "basic agreement" is defined in § 3.405–4(a) of this title.

2. Revise § 1007.3803 to read as follows:

**§ 1007.3803 Required provisions.**

The following provisions will be inserted in all basic agreements; provided, sections other than A and B may be omitted when it is not desired to cover the subject matter contained in those sections. If sections are omitted, the corresponding references in the Covering Agreement (§ 1007.3803–1) will be deleted.

3. Revise §§ 1007.3803–2 to 1007.3803–7 to read as follows:

**§ 1007.3803–2 Index page.**

List the respective Sections, A, B, C, D, and E and the clauses appearing under each section, which are included in the Basic Agreement.

**§ 1007.3803–3 Section A—general provisions.**

Under the heading "Section A—General Provisions" set forth in full text the clauses that are mandatory for the types of contract to be prepared under the basic agreement.

**§ 1007.3803–4 Section B—special provisions.**

Under the heading "Section B—Special Provisions" set forth in full text the clauses which, by selection, may be made applicable to a contract being prepared under a basic agreement.

**§ 1007.3803–5 Section C—letter contract provisions.**

Where the basic Agreement governs fixed price contracts, set forth the following provisions under the heading "Section C—Letter Contract Provisions."

(1) The following provisions shall form a part of any letter contract incorporating the provisions of this Section C by reference.

(2) All clauses of Section A of Basic Agreement ------ excepting any clause entitled "Payment," and "Termination," are hereby incorporated into this Letter Contract by reference with the same force and effect as though herein set forth in full. Reference in any of the clauses of Section A of Basic Agreement ------ to contract prices or adjustments in contract prices and delivery schedules, to the extent such are not included in this Letter Contract, shall be inapplicable, except that any adjustments in amounts finally payable to the Contractor, or in time of performance required by such clauses, shall be made either at the time of settlement of Contractor's termination claims or shall be taken into account at the time of execution of the definitive contract contemplated hereby.

(3) By the Contractor's acceptance hereof, it undertakes without delay to enter into negotiations with the Department of the Air Force looking to the execution of a definitive contract which will include all of Section A, the Section B Clauses referred to elsewhere herein, and such other clauses as may be mutually agreeable. The definitive contract will also contain a detailed delivery schedule and prices, terms and conditions as agreed to by the parties which may or may not be at variance with the provisions of this order.

(4) Termination (Insert the clause set forth in § 1007.2504–6).

**§ 1007.3803–6 Section C—letter contract provisions.**

Where the basic agreement governs cost-reimbursement type contracts, insert, under the heading "Section C—Letter Contract Provisions," the provisions set forth in § 1007.3803–5 with the following changes:

(a) In provision (2) of § 1007.3803–5 change the words "clauses entitled 'Payment,' and 'Termination.'" to "clauses entitled 'limitation of Cost,' 'Allowable Cost, Fixed Fee and Payment,' and 'Termination.'"

(b) In provision (2) of § 1007.3803–5, change the words "contract prices or adjustments in contract prices" to "contract costs or adjustments in fixed-fee, if any."

(c) In provision (3) of § 1007.3803–5, change the word "prices" to "estimated cost and fixed-fee, if any."

**§ 1007.3803–7 Section D—research and development contract provisions.**

Under the heading "Section D—Research and Development Contract Provisions" set forth in full text the clauses that are peculiar to Research and Development contracts but do not appear in Sections A and B. Where changes are authorized in clauses set forth in Section A or B when used in research and development contracts, either set forth the clause in full as changed, or describe the authorized change clearly. List any Section A clauses which are inapplicable to research and development contracts, and so state.

## Subpart NN—Special Clauses

1. Revise § 1007.4013 to read as follows:

**§ 1007.4013 Quality control system.**

All contracts (other than base procurement contracts and those excluded by paragraph 1.2 of Military Specification MIL–Q–9858, as in effect on the date of the contract will contain the following clause:

QUALITY CONTROL SYSTEM (OCT. 1960)

The Contractor shall provide and maintain a quality control system acceptable to the Government for the supplies covered by this contract. The system of quality control shall be in accordance with Military Specifications MIL–Q–9858, U.S. Air Force Bulletin No. 515, Control of Nonconforming Supplies and U.S. Air Force Bulletin No. 530, Calibration and Certification of Measuring and Testing Equipment, as in effect on the date of this contract. The provisions of this clause shall be inapplicable if this contract is one of the types specified in paragraph 1.2 of referenced specification.

The date of the MIL–Q–9858 specification in effect on the date of the contract may be specifically identified in the contract schedule.

2. Revise the introduction and paragraph (a) of the clause in § 1007.4014 as follows:

**§ 1007.4014 Certificate acceptance.**

The following clause may be used to provide for certificate inspection according to § 1014.203 of this chapter:

CERTIFICATE ACCEPTANCE (JAN. 1960)

(a) At the option of the Contracting Officer any of the supplies or services to be furnished hereunder may be accepted without prior Government inspection upon receipt of a certificate of the Contractor attached to an invoice for said supplies or services reading substantially as follows:

"I hereby certify that I did, on the ------ day of ----------, 19--, (ship via ----------) in accordance with shipping instructions issued by the Contracting Officer, the supplies called for by Contract No. (insert contract number) ------; that such supplies were in the quantities and of the quality called for, and were in all respects in accord with the applicable specifications) or (complete the services called for by Contract No. (insert contract number) -----, item -----; that such services were in the quantity and of the quality called for, and were in all respects in accord with applicable specifications). This statement is furnished to support payment of the attached invoice."



**§ 1007.4022 [Deletion]**

3. Delete § 1007.4022.

**§ 1007.4034 [Amendment]**

4. In § 1007.4034, add the word "date" in line eight of the clause, following "latter."

5. Add §§ 1007.4061 to 1007.4064, as follows:

**§ 1007.4061 Material inspection and receiving report and price information.**

The instructions set forth in § 1007.–105–7 are equally applicable to cost type contracts (including letter contracts) pursuant to which supplies are to be delivered to the Government.

(a) The following clause will be inserted in any contract which requires the inclusion of the clause in § 7.105–7 of this title.

FURNISHING OF PRICING INFORMATION (JAN. 1961)

(a) The Contractor shall furnish to the Accounting and Finance Officer as soon as practical, but in no event later than the time of delivery of the respective item, either on the DD Form 250, "Material Inspection and Receiving Report," or in such other written form as may be convenient for the contractor, its best estimate of the price of any item (excluding complete aircraft and missiles, drawings, blueprints, technical reports, experimental, development or research items), for which a billing, estimated or firm price does not appear in the contract, or has not otherwise been furnished to the Contracting Officer prior to the time of delivery.

(b) The Contractor shall further indicate on each DD Form 250, submitted under this contract, the price of Government-Furnished Material (GFM) that is included in each line item covered by the respective DD Form 250.

(c) The Contractor shall include in each of its subcontracts under which deliveries may be made directly to the Government, a provision whereby such subcontractor agrees to prepare and distribute the DD Form 250 and to enter thereon the price of all GFM included in items so delivered to the Government. The price of GFM will be made available to the contractor or subcontractor by the Government, as the case may be. No delivery shall be delayed by reason of the failure of the Government to furnish such prices to the contractor or subcontractor. The contractor shall require such subcontractor to include a similar provision in its subcontracts.

**§ 1007.4062 Preparation of dangerous materials for shipment.**

The following clause shall be inserted in every contract involving the delivery of material which is an oxidizing agent and which by virtue of its properties is flammable, corrosive, combustible, explosive, toxic, radioactive or so magnetic as to materially affect aircraft navigation systems. It may be omitted from contracts where it is obvious that such material is not involved. The clause may be inserted in the schedule, General Provisions or the marking and packaging forms.

**§ 1007.4063 Program progress reporting requirements.**

Development contracts or development and production contracts on system, subsystem and subsystem and equipment programs resulting from PR's or MIPR's which contain a requirement for program progress reporting will contain the clause set forth below:

PROGRAM PROGRESS REPORTING REQUIREMENTS (JAN. 1961)

Contractor agrees to submit those program progress reports as are specifically set forth in AFPI Form 21, "Specification of Program Progress Reporting Requirements," attached to this contract, and made a part thereof. Reports shall be prepared in accordance with instructions contained in AMC/ARDC Manual No. AMCM 70–5/ARDCM 70–1, "Handbook, Contractor Program Progress Reporting," and any amendments in effect on the date of this contract. Bureau of Budget Clearance No. 21–R125.1 applies.

**§ 1007.4064 Value engineering.**

A Value Engineering clause substantially as follows will be inserted in advertised and negotiated firm fixed price supply contracts when appropriate (see § 1003.406–3 of this chapter):

VALUE ENGINEERING (JAN. 1961)

For the purpose of this clause, value engineering proposals mean any proposal for variance from the contractual requirements which, to be acceptable under the contract, would necessitate a change in the contractual requirements, and which reduces the cost of performing the contract without degradation of function or reliability of the item for governmental purposes. As an incentive for the Contractor to submit value engineering proposals during the life of this contract the parties agree that to the extent the Government accepts by incorporation into the contract, value engineering proposals presented by the Contractor during the life of this contract, the contract price shall be reduced only by 50 percent of the amount which is agreed by the parties to be the reduction in cost of performing the contract as a result of incorporating the value engineering idea into the contract. The Government shall not be obligated to accept any proposal and refusal to accept a proposal shall not be a cause for dispute under the "disputes" clause of the contract.

NOTE: See § 1003.406–3(d)(3) for instructions regarding clause for Development Contracts.

## Subpart PP—Clauses for Contracts Issued by Foreign Procurement Activities

1. In § 1007.4205–8, amend the introduction; delete "Commander-in-Chief, USAFE" in line 5 of paragraph b of the Clause; and a note is added following paragraph e, as follows:

**§ 1007.4205–8 Disputes.**

Except as provided below, contracts issued by foreign procurement activities and central procurement type contracts issued by AMFEA will contain the clause in § 7.103–12 of this title. Contracts issued by foreign procurement activities located: (a) Within the geographical areas of responsibility of the Commander-in-Chief, USAFE, (b) within the jurisdiction of the Commander-in-Chief, Strategic Air Command, in Spain, and (c) contracts for base procurement requirements of AMFEA will contain the following clause:

* * * * * *

NOTE: In paragraph b. of the foregoing clause insert either Commander-in-Chief, USAFE, or Commander-in-Chief Strategic Air Command.

2. In paragraph (b) of § 1007.4205–21, revise subparagraph (2) and delete subparagraph (3), as follows:

**§ 1007.4205–21 Inspection and audit.**

* * * * *

(b) * * *

(2) Commander and deputy commander, air materiel forces, with power of redelegation to not lower than a staff officer responsible for procurement within the AMF.

## Subpart SS—Clauses for Fixed-Price Type Maintenance, Overhaul and Modification Contracts

**§§ 1007.4503–21, 1007.4503–22, 1007.–4503–24, 1007.4504–1—1007.4504–26, 1007.4505–2 [Deletion]**

1. Delete §§ 1007.4503–21, 1007.4503–22, 1007.4503–24, 1007.4504–1 through 1007.4504–26, and 1007.4505–2.

2. Revise § 1007.4504, 1007.4505 to read as follows:

**§ 1007.4504 Clauses to be used when applicable.**

Clauses appearing in § 7.104 of this title and § 1007.104 of this part will be used according to pertinent instructions.

**§ 1007.4505 Additional clauses.**

Clauses appearing in § 7.104 of this title and § 1007.104 of this chapter and the following clauses will be used according to pertinent instructions.

3. Add § 1007.4505–1 as follows:

**§ 1007.4505–1 Records.**

If the contract provides for separate reimbursement of parts or materials and the costs are to be determined according to Subpart B, Part 15 of this title, insert the clause in § 7.203–7 of this title. If this clause is included in the contract, omit the clauses in § 7.104–15 of this title, Examination of Records, and § 1007.4023, Inspection and Audit.

**§ 1007.4505–3 [Redesignation]**

4. Redesignate § 1007.4505–3 as § 1007.–4505–2.

5. Add new § 1007.4505–3 as follows:

**§ 1007.4505–3 Materials and parts coded CP.**

Maintenance contracts, which provide that materials and parts coded CP (in Appendix B or otherwise) will be furnished by the Government to the contractor, will contain a separate item in the Schedule under which the material the Government fails to furnish may be supplied by the contractor. The item should read substantially as follows:

Item ------ The Contractor shall furnish the supplies coded CP (Central Procurement) under Appendix B, attached hereto, to the extent the Government is unable to furnish same, provided the need for the Contractor to furnish such supplies is verified by the

Contracting Officer. Supplies so furnished shall be chargeable to this contract item, and Contractor's invoices or vouchers submitted for payment shall contain sufficient information to identify [the supplies furnished under this item]. The estimated cost to the Government of the supplies to be furnished hereunder by the Contractor is $------ (Oct. 1960). Any clause used for this purpose must be adequate to assure that supplies furnished by the contractor as CP items can be distinguished and charged to this item rather than to those under which supplies coded LP will be furnished by the contractor. The method of listing the parts and determining prices or terms for reimbursement will be set forth elsewhere in the Schedule. In the case payment for such supplies is on a cost reimbursement basis insert in the [□] the following: "the costs incurred in furnishing such supplies." The estimated cost to the Government will be obligated at the time of execution of the contract.

## Subpart TT—Clauses for Cost-Reimbursement Type Maintenance, Overhaul and Modification Contracts

Add § 1007.4605–1 and revise § 1007.4605–2 as follows:

### § 1007.4605–1 Supplies.

Section 1007.4505–3 is equally applicable to CPFF contracts prepared under this subpart.

### § 1007.4605–2 Certificate acceptance.

According to the instructions for use in § 1007.4505–2, the clause set forth in that section may be inserted.

## Subpart UU—Clauses for Time and Materials Type Maintenance, Overhaul and Modification Contracts

Subpart UU is deleted.

## Subpart XX—Clauses for Food Service Contracts

### § 1007.5003–7 [Amendment]

1. In § 1007.5003–7, amend the word "items" in lines 11 and 15 to read "attendance," and delete the "Note" following paragraph (c).

2. Revise §§ 1007.5003–25 and 1007.5006, and add §§ 1007.5006–1 and 1007.5006–2, as follows:

### § 1007.5003–25 Utilization of small business concerns.

Insert the clause in § 7.104–14 of this title excluding contracts exempted by § 1.707–2 of this title.

### § 1007.5006 Specifications.

### § 1007.5006–1 Specifications for food services contracts.

Military Specifications MIL–F–9892 (USAF) will be used in contracts for food services.

### § 1007.5006–2 Specification for food service attendants contracts.

Military Specification MIL–F–9882 (USAF) will be used in contracts for food service attendants.

A new Subpart ZZ is added as follows:

## Subpart ZZ—Clauses for Contracts for the Services of Auctioneers

Sec.


1007.5200 Scope of subpart.
1007.5201 General instructions.
1007.5203 Schedule provisions.
1007.5203–1 Introduction.
1007.5203–2 Price for services.
1007.5203–3 Requirements.
1007.5203–4 General.
1007.5203–5 Payments.
1007.5204 Required clauses.
1007.5204–1 Definition.
1007.5204–2 Disputes.
1007.5204–3 Convict labor.
1007.5204–4 Eight Hour Law of 1912; overtime compensation.
1007.5204–5 Nondiscrimination in employment.
1007.5204–6 Covenant against contingent fees.
1007.5204–7 Officials not to benefit.
1007.5204–8 Gratuities.
1007.5204–9 Inspection and audit.
1007.5204–10 Default.
1007.5204–11 Renegotiation.
1007.5204–12 Safety and accident prevention.
1007.5204–13 Termination for convenience of the Government.
1007.5204–14 Assignment of claims.
1007.5205 Additional clauses.
1007.5206 Terms of sale.


AUTHORITY: §§ 1007.5200 to 1007.5206 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

### § 1007.5200 Scope of subpart.

This subpart contains clauses for procuring by contract the services of auctioneers to conduct auction sales of Government owned personal property.

### § 1007.5201 General instructions.

See § 1002.2200 of this chapter.

### § 1007.5203 Schedule provisions.

The IFB and resultant contract will contain the following provisions in the Schedule. Variations may be made in these Schedule Provisions to the extent necessary to implement the terms of the sale (i.e., number of personnel required, amount of deposit, type of sale, etc.); however, no change will be made in the basic policy expressed (i.e., method of payment for advertising, liability of the contractor, nonagency, etc.).

### § 1007.5203–1 Introduction.

This Invitation for Bids covers the procurement of auctioneering services for conducting an auction sale on ---------- for the
(Insert date(s))
disposal of miscellaneous Government surplus property located at ----------
(Insert location(s))
The award of a contract under this Invitation for Bids will be made only to auctioneers who are on the current official "List of Auctioneers Qualified to Sell Government-owned Personal Property" at the time of bid opening. Application forms to qualify for such list may be obtained from the Central or Regional Offices of the General Services Administration. Below is a general description of the items to be sold:

(Insert in the space below a general description of the items to be sold, such as the following examples:

a. Motor vehicles and automotive spare parts.
b. Construction equipment and spare parts.
c. Electronic equipment.
d. Machine tools.
e. Hand tools.
f. Chain hoists.
g. Drills, dies and cutters, etc.
h. Laundry equipment.
i. Cable, chain and rope.
j. Galley, dental and photographic equipment, etc.

Materials are in ---------- condition.
(Insert used and/or unused as applicable.)
The estimated acquisition cost of all surplus materials which will be available for sale is approximately ----------
(Insert value)
The above description and acquisition cost of the materials to be sold may vary prior to the actual publication of the catalog and time of the sale because of the necessity of removing and adding various items of property available for sale. The above description and cost estimate are given solely for the purpose of assisting bidders in determining whether or not they are interested in conducting such a sale. The materials listed above will be available for inspection by interested auctioneers at ----------
---------- on
(Insert name and location of activity)
---
(Insert days and hours that material may be inspected, e.g., Monday through Friday, from 8:30 a.m. through 3:30 p.m. beginning July 23, 1958)

Inspection of the property may be made by arrangements with the ----------
---
(Insert name of official authorized to show material, e.g., Disposal Officer, PH, Viewmore 12340, Ext. 78, Evergreen, Calif.)

### § 1007.5203–2 Price for services.

The price to be entered below covers the complete auctioneering services described in this Invitation for Bids ----------
---
(The price to be entered should be expressed in terms of a percentage of gross return, e.g., ½ of one percent)

"Gross return" means that sum actually received by the Government as a result of the sale and does not include those amounts which represent failure on the part of auction bidders to carry out their contracts, i.e., refusals to accept or pay for the material purchased.

Item.
1. Auctioneering Services
---
(Percent of gross return)
(Insert one percentage only—do not insert a scale of prices.)

### § 1007.5203–3 Requirements.

The Contractor in consideration of the payment by the Government of the fee set forth above agrees to perform the following services in connection with the sale.

a. Furnish competent and experienced personnel actively to advise and assist the Contracting Officer with respect to the preparation, lotting and cataloging of the property for sale.

b. Furnish such competent and experienced personnel as may be necessary to manage and conduct said sale, including but not limited to one (1) Auctioneer, one (1) Recorder, two (2) Deposit Clerks, two (2) Starters or Floor Demonstrators, who can assist in "crying" the sale. The foregoing personnel will "cry" the sale and "knock-down" the hammer and generally manage the sale under the general supervision of the Contracting Officer. In the conduct of the auction, the Contractor will comply with the following:

(1) The Contractor will invite the attention of potential bidders to the terms and conditions of the sale.

(2) The Contractor will not make any warranties with respect to the property on sale.

(3) As each lot is "knocked down" the paddle number and amount of bid will be publicly announced. A 20 percent deposit will be required on each bid upon the fall of the hammer.

(4) Lots "knocked down" to an individual will be shown on the account of such individual and no other.

c. Prepare and place all advertising in regular trade publications, and in a form approved by Contracting Officer, prepare, print, publish, and distribute a brochure (consisting of not more than 4 pages) describing in general terms the property offered for sale as well as other data considered pertinent by the Contracting Officer. This brochure will supplement the sales catalog. The cost of all approved advertising shall not exceed the sum of ---------- and the
(Insert amount)
Government agrees to reimburse the Contractor for the cost of such advertising upon the submission by the Contractor of properly certified invoices evidencing the advertising and certified statements that the rates paid for the advertising do not exceed applicable commercial rates. All other costs incident to the placing of advertising shall be borne by the Contractor.

### § 1007.5203–4 General.

a. The Government agrees, at its own cost and expense, to furnish the services of such available personnel and equipment as the Contracting Officer determines will be necessary to assist the Contractor in performing the services required by this contract.

The Government will provide such labor as is considered necessary for internal security, breaking material down by lots, movement of property and all other phases of the operation not included in the auctioneers duties. The Government will provide loudspeakers, lighting and internal display facilities and other equipment as may be necessary to establish a satisfactory setting for the auction.

b. All sales at public auction made under this contract shall be subject to the terms and conditions of sale as promulgated by the Contracting Officer. The terms of sale shall be substantially in accordance with the General Sale Terms and Conditions attached hereto provided, however, the Government reserves the right to make changes in such terms and conditions, and the Contractor shall perform its obligations hereunder in accordance with such changed conditions. The Government reserves the right to withdraw any property from sale at any time prior to acceptance of bid by the Contracting Officer on such property. The Government also reserves the right to reject any or all bids. The Contractor will be required to turn over to the Government at the end of each day of sale all deposits and other funds coming into his possession. The Contractor will not be required to assume the collection of any debts due the Government as a result of this sale, except that the Contractor shall be responsible for the collection of all the required deposits unless otherwise specified in this contract.

c. It is understood and agreed that the Contractor is not the agent of the Government for any purpose.

d. The Contractor warrants that it will not purchase any material whatsoever at the sale for its own account, or for the account of any person or persons. The Contractor warrants and agrees that it will not solicit or receive any commission, profit, gain, or advantage, direct or indirect, in money or favor and that its sole compensation will be percentage fee paid to it by the Government. Breach of any of these warranties by the Contractor, its employees or agents shall be cause for the termination of this contract for default under the clause of this contract entitled "Default".

e. The Contractor shall be responsible for all acts of its employees in the performance of this contract and will reimburse the Government for loss of or damage to the property of the Government caused by the negligence or wrongdoing of the Contractor or its employees in the performance of this contract. The Contractor shall indemnify the Government for any liability to third persons (including any officer or employee of the Government), caused in whole or in part by the negligence or wrongdoing of the Contractor and/or its employees in the performance of this contract, and represented by a final judgment or by a settlement approved in writing by the Government.

f. The Contractor, in the performance of this contract, agrees to comply with all Federal, State, and local laws or ordinances governing its activities under this contract and if such laws or ordinances require the possession of an autioneer's license, the Contractor agrees to procure or have in his possession a license prior to the date of commencement of the sale.

### § 1007.5203–5 Payments.

a. The Contractor shall be paid upon submission of properly certified invoices or vouchers, the commission payable under the terms of this contract in the following installments:

(1) Within 30 days after the last day of the sale, contractor shall be paid 90 percent of the fee applicable to the receipts received by the Government up to the time of such payment.

(2) The balance of the fee payable hereunder shall be paid no later than 90 days after the last day of the sale, except that if Dept. of Justice approval is required, final payment will be made 30 days after receipt of such approval.

b. Contractor shall be reimbursed for expenditures made pursuant to Part ----------
---
(Refer to part calling for advertising)
of the Schedule, upon satisfactory evidence of payment of the cost of the required advertising. (Oct. 1960)

### § 1007.5204 Required clauses.

The following clauses will be inserted in all contracts issued under this subpart.

### § 1007.5204–1 Definition.

See § 7.103–1 of this title.

### § 1007.5204–2 Disputes.

See § 7.103–12 of this title.

### § 1007.5204–3 Convict labor.

See § 12.203 of this title.

### § 1007.5204–4 Eight Hour Law of 1912; overtime compensation.

See § 12.303–1 of this title.

### § 1007.5204–5 Nondiscrimination in employment.

See § 12.802 of this title.

### § 1007.5204–6 Covenant against contingent fees.

See § 7.103–20 of this title.

### § 1007.5204–7 Officials not to benefit.

See § 7.103–19 of this title.

### § 1007.5204–8 Gratuities.

See § 7.104–16 of this title.

### § 1007.5204–9 Inspection and audit.

See § 1007.4023(a).

### § 1007.5204–10 Default.

DEFAULT (OCT. 1960)

a. The Government may terminate the whole or any part of this contract by written notice of default to the Contractor, if the Contractor fails to perform any provision of this contract. In the event this contract is terminated for default, the Contractor shall not be reimbursed for any expenses incurred, including the cost of advertising, nor paid any commissions hereunder, and shall be liable to the Government for actual damages.

b. If, after notice of termination of this contract under the provisions of paragraph a. of this clause, it is determined that the failure to perform this contract is due to causes beyond the control and without the fault or negligence of the Contractor or subcontractor such notice of default shall be deemed to have been issued pursuant to the clause of this contract entitled "Termination for Convenience of Government," and the rights and obligations of the parties hereto shall in such event be governed by such clause.

c. The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law under this contract.

### § 1007.5204–11 Renegotiation.

See § 7.103–13 of this title.

### § 1007.5204–12 Safety and accident prevention.

See § 1007.4047.

### § 1007.5204–13 Termination for convenience of the Government.

TERMINATION (OCT. 1960)

The Government may terminate this contract at any time by notifying the Contractor in writing of such termination. In the event of such termination the Government and the Contractor may negotiate and agree upon a settlement which will fairly compensate the Contractor for the services rendered. There shall be deducted from the settlement amount commissions, if any, earned by the Contractor up to the effective date of termination. In arriving at the negotiated settlement hereunder the parties shall be governed by the principles, policies and procedures set forth in ASPR Section VIII. Any failure of the parties to agree shall be governed by the "Disputes" Clause of the contract.

### § 1007.5204–14 Assignment of claims.

No claim arising under this contract shall be transferred or assigned by the contractor.

### § 1007.5205 Additional clauses.

Any other clauses authorized by Subchapter A, Chapter 1 of this title or this subchapter, according to the instructions for use, may be used when necessary or desirable to cover the subject matter contained in such clauses.

### § 1007.5206 Terms of sale.

The following General Sale Terms will be attached to the IFB, and will govern the terms of the sale being conducted as a result of any contract entered into under this subpart.

1. Standard Form 114, "Sale of Government Property Invitation, Bid, and Acceptance," together with a statement reading as follows:

The "Instructions to Bidders" and references to mailing bids appearing in the Standard Form 114 are inapplicable to this auction.

2. Antitrust Laws.

To comply with Section 207 of the Federal Property and Administrative Services Act of 1949, as amended, when property offered for sale has an acquisition cost of $3,000,000 or more, or when the property consists of patents, processes, techniques, or inventions, irrespective of cost, the successful bidder will be required to furnish additional information. Award will be made only after receipt of advice from the Department of Justice that the proposed sale will not tend to create or maintain a situation inconsistent with the anti-trust laws. The Government reserves the right to withhold from making an award for a period of 90 days after date of bid opening.

3. Interest Warranty.

The bidder warrants that he (she) is not a member of the Armed Forces on active duty; a civilian employee of the Armed Forces, including the Department of Defense; nor a member of the immediate family, a dependent, or an agent of any of the foregoing.

NOTE: Such specific terms as amount of deposits, time of removal, and other pertinent conditions will be added, posted and announced at the time of auction.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314 70A Stat. 127–133; 10 U.S.C. 2301–2314)

R. J. PUGH,
*Colonel, U.S. Air Force, Deputy Director of Administrative Services.*

[F.R. Doc. 61-2441; Filed, Mar. 20, 1961; 8:49 a.m.]

# Proposed Rule Making

## FEDERAL AVIATION AGENCY

### [ 14 CFR Part 600 ]

[Airspace Docket No. 61-NY-10]

### FEDERAL AIRWAYS

### Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 600 of the regulations of the Administrator, the substance of which is stated below.

In an amendment to the regulations of the Administrator published as Airspace Docket No. 60–WA–53 in the FEDERAL REGISTER on February 4, 1961 (26 F.R. 1079), effective 0401 e.s.t., April 6, 1961, VOR Federal intermediate airway No. 1729 was designated to extend from Pittsburgh, Pa., to Erie, Pa. The Federal Aviation Agency has under consideration the designation of a segment of this airway within 5 miles either side of the centerline extending from Erie to the United States/Canadian border via the Erie VORTAC 005° True radial. This proposed airway segment would provide a transition route for VOR equipped aircraft operating between the low altitude airways and jet route structure between Erie and Toronto, Canada.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 15, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-2413; Filed, Mar. 20, 1961; 8:45 a.m.]

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### [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-NY-83]

### FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

### Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to the Regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 435 extends from Rosewood, Ohio, to Attica, Ohio. The Federal Aviation Agency has under consideration extending Victor 435 from the Attica VOR direct to the Carleton, Mich., VOR. The portion of this proposed airway segment which would coincide with R–5502 Lacarne, Ohio, Restricted Area, would be used only after obtaining prior approval from the appropriate authority. The extension of this airway would provide a by-pass route east of the Toledo, Ohio, terminal area for aircraft operating between Detroit, Mich., and southern terminals. The Federal Aviation Agency will propose under separate airspace action alteration of the Lacarne Restricted Area (R–5502) to designate an FAA facility as the controlling agency. This would facilitate movement of air traffic on the proposed segment of Victor 435 when the Restricted Area is not being used for its designated purpose.

In addition, to implement in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60–21 (26 F.R. 570), it is proposed to designate the control areas associated with this proposed segment of Victor 435 to extend upward from at least 1,200 feet above the surface or if appropriate 500 feet below the minimum IFR enroute altitude when established.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 14, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-2414; Filed, Mar. 20, 1961; 8:45 a.m.]

# Notices

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### EARLY LIVESTOCK CO. ET AL.

### Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Early Livestock Co., Samson, Ala.
Reed's Livestock Co., Inc., Hayward, Calif.
George R. Kirchner Commission Sales Co., Morgan Hill, Calif.
Jackson County Auction Sales, Murphysboro, Ill.
Danner's Sales Pavilion, Burlington, Kans.
Peters Livestock Exchange, Jeffersonville, N.Y.
Tillamook County Farm Bureau Marketing Association, Inc., Tillamook, Oreg.
Greer Auction Market, Greer, S.C.
Dorchester Marketing Association, St. George, S.C.
Stamey Livestock Co., Sumter, S.C.
Floydada Livestock Sales Co., Floydada, Tex.
Terrell Livestock Commission Co., Terrell, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of March 1961.

JOHN R. BRANNIGAN,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2432; Filed, Mar. 20, 1961; 8:48 a.m.]

### CHAMBERS COUNTY STOCKYARDS AND REED'S LIVESTOCK COMMISSION CO.

### Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the stockyards named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act for the reason that they are no longer being conducted or operated as public markets, and are, therefore, no longer subject to the provisions of the act.

*Name and Location of Stockyard; Date of Posting*

Chambers County Stockyards, Lafayette, Ala.; Oct. 1, 1959.
Reed's Livestock Commission Co., Hayward, Calif.; Nov. 21, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 15th day of March 1961.

JOHN R. BRANNIGAN,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2433; Filed, Mar. 20, 1961; 8:48 a.m.]

### OKEECHOBEE LIVESTOCK MARKET ET AL.

### Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act, as amended (7 U.S.C. 202), and were; therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

*Name and Location of Stockyards; Date of Posting*

Florida:
Okeechobee Livestock Market, Okeechobee; Mar. 1, 1960.
Idaho:
Salmon River Live Stock Auction, Salmon; Jan. 16, 1961.
South Carolina:
Hemingway Livestock, Hemingway; Dec. 8, 1960.
Clarendon Auction Sales, Inc., Manning; Aug. 15, 1960.
South Dakota:
Highmore Livestock Exchange, Highmore; Jan. 10, 1961.

Done at Washington, D.C., this 15th day of March 1961.

JOHN R. BRANNIGAN,
*Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2434; Filed, Mar. 20, 1961; 8:48 a.m.]

### Office of the Secretary

### GEORGIA

### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Georgia a 1959 production disaster has resulted in a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Georgia:
Burke.
Jenkins.
Screven.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of March 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-2435; Filed, Mar. 20, 1961; 8:48 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-181]

### MARTIN CO.

### Notice of Interim Establishment of Required Level of Financial Protection and Indemnification Fee

On January 25, 1961, The Martin Company filed an application for a license for a Class 104c. production facility, as defined in §§ 50.21(c) and 50.2(a)(3) of 10 CFR Part 50, for a chemical processing facility to be operated by the applicant at a leased site at Quehanna, Pennsylvania. (Docket No. 50-181; see Notice of Proposed Issuance of Construction Permit, 26 F.R. 1231 February 11, 1961.)

Section 170 of the Atomic Energy Act of 1954, as amended, specifies that each license issued under section 104 shall contain requirements that the licensee have and maintain financial protection of such type and in such amount as the Commission shall require; that the licensee execute and maintain an indemnification agreement; and that the Commission collect a fee from licensees with whom an indemnification agreement is executed.

Pursuant to section 170b and 170f of the Act, respectively, the Commission has determined that, on an interim basis, the proposed license for The Martin Company facility shall require that the licensee have and maintain financial protection in the amount of $3,500,000 and shall pay a yearly fee of $330 upon execution of the required indemnification agreement with the Commission.

The amounts specified above were derived by determining the power level of a nuclear reactor which, after operations for 180 days, would have a total inventory of Strontium 90 and Iodine approximately equivalent, from a radioactivity viewpoint, to the maximum quantity of radioactive material to be chemically processed in a single hot cell of The Martin Company.

A "reactor equivalent" of 11 thermal megawatts was thereby obtained for the facility, and the amounts of financial protection and the fee required are equivalent to those which would be imposed upon a reactor of that power level under Part 140 of the regulations.

These amounts have been adopted on an interim basis pending further study and are subject to modification upon determination by the Commission of specific criteria to be used for (1) establishing financial protection requirements for chemical processing facilities, pursuant to section 170b. of the Act; and (2) establishing the yearly fee to be paid by such facilities upon execution of indemnification agreements, pursuant to section 170f. of the Act.

Dated at Germantown, Md., this 10th day of March 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
*Secretary.*

[F.R. Doc. 61-2409; Filed, Mar. 20, 1961; 8:45 a.m.]

## CIVIL SERVICE COMMISSION

### RESEARCH PSYCHOLOGIST (CLINICAL)

### Position for Which There is Determined To Be a Manpower Shortage

Under the provisions of Public Law 86-587, the Civil Service Commission has determined that there is a manpower shortage for the position of Research Psychologist (Clinical), GS-180-14 (position No. F-2815), in the Federal Aviation Agency, Washington, D.C., and travel and transportation expenses may be made for appointees to their duty station.

Any payment of travel and transportation expenses made to appointees as a result of this determination must be in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-2440; Filed, Mar. 20, 1961; 8:49 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2488]

### COMMITTEE OIL CO.

### Notice and Order for Hearing

MARCH 15, 1961.

I. Committee Oil Co., a Colorado corporation (issuer), 4601 Race Street, Denver 16, Colorado, filed with the Commission on February 1, 1961, a notification on Form 1-A and an offering circular relating to an offering of 16,666 units, each unit consisting of one debenture, face value $15, and three shares of its $1 par value common stock at $1 per share for an aggregate offering in the amount of $299,988 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on March 7, 1961, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing has been received by the Commission and the Commission deems it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption.

*It is hereby ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at the Denver Regional Office of the Commission, 802 Midland Savings Building, 444 17th Street, Denver 2, Colorado, at 10:00 a.m., m.s.t., April 12, 1961, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the source of funds with which the issuer intends to pay interest and principal on the debt securities being offered;

2. The failure to disclose the alternative use of proceeds should the company fail to acquire the oil and gas properties;

3. The forecast of profits which are based on conjecture;

4. The failure to disclose adequately the risks involved in the oil and gas business;

5. The failure to disclose adequately the extent to which the properties of the issuer are to be explored and developed;

6. The statement that the company will pay all direct sales costs and other expenses and will prepare and file applications for State registration of the securities when in fact no funds or other assets are available for these purposes;

7. The use of oil and gas reserve figures based upon secondary recovery methods although such methods have not as yet proved successful on the properties involved; and

8. The statement that the offering includes 49,998 shares of issuer's $1 par value common stock whereas the authorized capitalization of the company is only 45,000 shares.

B. Whether the terms and conditions of Regulation A have not been complied with in that:

1. The Consent of Oilfield Research Laboratories, registered engineers named in the offering circular as having prepared a report, a part of which is used in the offering circular, has not been filed;

2. The issuer has failed to furnish a reasonably itemized statement of the purpose for which the net cash proceeds to the issuer from the sale of securities are to be used and the amount to be used for each such purpose and the order or priority in which the proceeds will be used;

3. The jurisdictions in which the securities are to be offered have not been disclosed as required by Item 8 of Form 1-A.

C. Whether the offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is further ordered,* That Irving Schiller or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

*It is further ordered,* That the Secretary of the Commission shall serve a copy of this order by registered mail to Committee Oil Co.; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Secretary of the Commission on or before April 10, 1961 a request relative thereto

as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-2419; Filed, Mar. 20, 1961; 8:46 a.m.]

[File No. 24NY-4973]

## CORINTO MARINE CORP.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 15, 1961.

I. Corinto Marine Corporation (issuer), a Delaware corporation, 24 State Street, New York 4, New York, filed with the Commission on October 6, 1959, a notification on Form 1-A and an offering circular relating to the proposed offering of 300,000 shares of its 10 cents par value common stock at $1.00 per share for an aggregate amount of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. Regulation A is unavailable in that the aggregate offering price of the securities to be offered, as computed in accordance with Rule 253 and Rule 254, would exceed $300,000.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The notification on Form 1-A fails to disclose T. E. Bradley & Company as an affiliate of the issuer as required by Item 2(b);

2. The notification on Form 1-A fails to reflect granting of options within one year to officers, directors and counsel for the issuer as required by Item 9;

3. The notification on Form 1-A fails to disclose the offering of the optioned shares of the issuer and does not reflect additional shares subject to future option as required by Item 10;

4. The failure to furnish a consent of counsel as required by Item 11(g) of the notification;

5. The offering circular fails to disclose Thomas E. Bradley as a promoter of the issuer as required by Item 9(a) of Schedule I;

6. The offering circular fails to include a reasonably itemized statement of the purposes for which the net cash proceeds from the offering are to be used, the amount to be used for each such purpose and the order of priority in which the proceeds will be used as required by Item 6(a) of Schedule I.

C. The issuer has failed to cooperate with the Commission in connection with its proposed offering under Regulation A in that the issuer has refused to respond to numerous requests from the Commission's staff with respect to amendment of the filing.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-2420; Filed, Mar. 20, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 16, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 36969: *Silica from Illinois to Atlanta, Ga., group points.* Filed by O. W. South, Jr., Agent (SFA No. A4074), for interested rail carriers. Rates on silica, ground or pulverized, in carloads, from Elco, Olive Branch and Tamms, Ill., to Atlanta, Ga., group points.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 32 to Southern Freight Association tariff I.C.C. S-146.

FSA No. 36970: *Motor vehicles from Detroit, Mich., to Texas points.* Filed by Wabash Railroad Company (No. 38), for itself and interested carriers. Rates on motor vehicles, freight or passenger, also parts, etc., as described in the application, in truckloads, from Detroit, Mich., to points or places in Texas.

Grounds for relief: Rail and motor competition.

Tariff: Supplement 2 to Wabash Railroad Company's tariff I.C.C. 7962.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-2436; Filed, Mar. 20, 1961; 8:48 a.m.]

[Notice 467]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 16, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63890. By order of March 14, 1961, the Transfer Board approved the transfer to Sidney Sagotsky, doing business as Sidney Sagotsky Buses, Trenton, N.J., of Certificate in No. MC 32135, issued July 20, 1954, to Henry Norbert Garsky, doing business as Ewing Charter Service, Trenton, N.J., authorizing the transportation of: Passengers and their baggage, restricted to traffic originating at the points and in the territory indicated, in charter operations, from Bristol, Pa., to Atlantic City and Point Pleasant Beach, N.J., and return. From Florence, N.J., and points in New Jersey within 15 miles of Florence, to Annapolis, Baltimore, and Elkton, Md., the District of Columbia, points in the New York, N.Y., Commercial Zone, and those in Pennsylvania on and east of the Susquehanna River, and return. Leon M. Robinson, 143 East State Street, Trenton 8, N.J., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-2437; Filed, Mar. 20, 1961; 8:46 a.m.]



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THE NATIONAL ARCHIVES

# FEDERAL REGISTER

LITTERA SCRIPTA MANET

OF THE UNITED STATES 1934

VOLUME 26 NUMBER 54

*Washington, Wednesday, March 22, 1961*

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10927

### ABOLISHING THE PRESIDENT'S COMMITTEE ON FUND-RAISING WITHIN THE FEDERAL SERVICE AND PROVIDING FOR THE CONDUCT OF FUND-RAISING ACTIVITIES

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. The President's Committee on Fund-Raising Within the Federal Service, established by Executive Order No. 10728 of September 6, 1957, is hereby abolished, and that order is hereby revoked.

SEC. 2. (a) The Chairman of the Civil Service Commission shall make arrangements for such national voluntary health and welfare agencies and such other national voluntary agencies as may be appropriate to solicit funds from Federal employees and members of the armed forces at their places of employment or duty stations.

(b) In making the arrangements required by subsection (a) of this section, the Chairman of the Civil Service Commission is authorized to consult with appropriate interested persons and organizations, the national voluntary agencies, and the executive departments and agencies concerned. Such arrangements shall (1) permit true voluntary giving and reserve to the individual the option of disclosing his gift or keeping it confidential; (2) designate specific periods during which solicitations may be conducted; and (3) provide for not more than three solicitations annually, except in cases of emergency or disaster appeals for which specific provision may be made by the Chairman of the Civil Service Commission.

SEC. 3. This order shall not apply to solicitations conducted by organizations composed of civilian employees or members of the armed forces among their own members for organizational support or for benefit or welfare funds for their members. Such solicitations shall be conducted under policies and procedures approved by the head of the department or agency concerned.

SEC. 4. All records and property of the President's Committee on Fund-Raising Within the Federal Service are hereby transferred to the Chairman of the Civil Service Commission.

SEC. 5. This order shall become effective forty-five days after its date.

JOHN F. KENNEDY

THE WHITE HOUSE,
*March 18, 1961.*

[F.R. Doc. 61-2572; Filed, Mar. 20, 1961; 4:39 p.m.]

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Treasury Department

Effective upon publication in the FEDERAL REGISTER, paragraph (g)(1) is added to § 6.103 as set out below.

§ 6.103 Treasury Department.

* * * * *

(g) *Internal Revenue Service.*

(1) Fifty positions of investigator for special assignments.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-2483; Filed, Mar. 21, 1961; 8:51 a.m.]

## Title 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Farm Storage Facility Loan Bulletin I, Rev. 2, Amdt. 1]

### PART 474—FARM STORAGE FACILITIES

#### Subpart—Farm Storage Facility Loan Program

The purpose of this amendment is to amend the bulletin changing the method of computing the maximum amount to be loaned on new farm storage facilities under the program.

The changes contemplated by this amendment will be put into effect as soon as possible, but will not be applicable to applications received prior to date of publication of the amendment to the regulations unless such applications are amended.

Section 474.726(b)(1) of the bulletin (25 F.R. 9803) is amended to read as follows:

(b) *Amount of loan.* (1) The amount to be loaned on any new storage facility shall not exceed the maximum amount authorized by the State committee. In establishing such maximum amounts, the State committee shall not authorize loans in excesss of amounts computed as follows: (i) The maximum amount to be loaned on any new farm storage facility costing 40 cents or less per bushel capacity shall be 95 percent of the actual out-of-pocket cost of such facility; (ii) the maximum amount to be loaned on any new farm storage facility costing more than 40 cents per bushel capacity shall be 80 percent of the actual out-of-pocket cost of such facility or an amount equal to 95 percent of 40 cents times the bushel capacity of the facility, whichever is greater: *Provided, however,* That the maximum amount to be loaned on any new farm storage facility shall not exceed an amount equal to 50 cents times the bushel capacity of the facility. The cost incurred shall include the cost for the purchase, delivery and erection of the facility, and the cost of that operating equipment which the county committee determines is necessary for the proper handling and conditioning of the price support commodity to be stored and without which the facility cannot be operated. In computing the cost incurred, the labor performed by the applicant and other farm labor usually employed on the farm, the cost of all equipment placed in the facility which is not necessary for its operation, and the cost of foundations for movable facilities shall be excluded. Before the loan is disbursed the borrower shall furnish Form CCC 414, Certifications for a Farm Storage Facility Loan or a Mobile Dryer Loan. In addition, receipted bills in support of Form CCC 414 may also be required in the discretion of the county office prior to the disbursement of the loan.

Issued at Washington, D.C., this 15th day of March 1961.

H. D. GODFREY,
*Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 61-2505; Filed, Mar. 21, 1961; 8:55 a.m.]

## Title 7—AGRICULTURE

### Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 873.13; Supplement]

### PART 873—SUGARCANE; FLORIDA

#### Finding and Designation of Price of Raw Sugar for 1960 Crop

Pursuant to the authority contained in the determination of Fair and Reasonable Prices for the 1960 crop of Florida sugarcane, it is hereby found that because the daily spot price quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 6 Domestic Contract (bagged sugar) were terminated as of February 1, 1961, the price which will reflect the true market value of raw sugar for the period February 2, 1961, through the month during which the last sugar produced from 1960 crop sugarcane is sold shall be determined on the basis of the daily spot quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 7 Domestic Contract (bulk sugar), adjusted to a bagged sugar price by adding .04 cent per pound to such bulk sugar price.

*Statement of bases and considerations.* Paragraph (a) of S.D. 873.13, "Fair and Reasonable Prices for the 1960 Crop of Florida Sugarcane" (25 F.R. 10568) defines the "price of raw sugar" as the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange (No. 6 Domestic Contract) adjusted to a duty-paid basis by adding the U.S. duty prevailing on Cuban raw sugar, except that if the Director of the Sugar Division determines that such price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, he may designate the price to be effective under this section which he determines will reflect the true market value of raw sugar. Paragraph (b) of such determination provides that the basic price for sugarcane purchased by a processor from producers shall be not less than $1.07 per ton of standard sugarcane for each one cent per pound of the average price of raw sugar obtained by weighting the simple average of daily prices of raw sugar for each month in which sugar is sold by or for the account of the processor by the quantity of 1960 crop raw sugar or raw sugar equivalent of the sugar sold during each month.

The New York Coffee and Sugar Exchange announced on February 1, 1961, that all trading in the No. 6 Contract, would be suspended "effective immediately" and that the establishment of a spot quotation would also cease "effective immediately". Accordingly, there have been no spot price quotations for the No. 6 Contract since February 1, 1961.

In January 1960, the Exchange established a domestic contract for bulk sugar designated as Contract No. 7. Although volume of trading in this contract was not substantial until the latter part of 1960, spot price quotations have been issued daily since about January 18, 1960. Since the No. 6 Contract has been terminated all trading in raw sugar for the domestic market is now under the No. 7 Contract. Although processors in Florida have for some time shipped their raw sugar production in bulk form, fair price determinations required settlements with sugarcane producers based upon spot price quotations for bagged sugar. Prior to the establishment of the No. 7 Contract, continental United States refiners generally followed the practice of using a bagged sugar price or spot quotation for sugar in bags and deducting therefrom the customary bag allowance to determine the price for raw sugar purchased in bulk. This practice was also followed after Contract No. 7 was established and was in effect at the time Contract No. 6 was discontinued. The "bag allowance" tended to compensate the refiner for the customary bag and this allowance was determined quarterly based upon the so-called Bemis Burlap Index. This bag allowance, determined pursuant to the Bemis Index formula was then subject to a "concession" or "discount" of 0.015 cent per pound to obtain the "effective" bag allowance. The customary "effective" bag allowance on February 1, 1961, was 0.04 cent per pound of raw sugar. Such an adjustment in the spot price quotation for bulk sugar is necessary in order that settlements for the 1960 crop between the processor and producer continue to reflect a bagged sugar price.

Accordingly, the "price of raw sugar" for the period February 2, 1961 until all sugar of the 1960 crop has been sold shall be determined by using the daily spot price quotations for the No. 7 Contract and by adding thereto 0.04 cent per pound. Daily prices so determined shall be deemed to reflect the true market value of raw sugar for the period specified.

Issued this 16th day of March 1961.

LAWRENCE MYERS,
*Director, Sugar Division, Commodity Stabilization Service.*

[F.R. Doc. 61-2473; Filed, Mar. 21, 1961; 8:49 a.m.]

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 209, Amdt. No. 1]

### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

*Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 914.509 (Navel Orange Regulation 209, 26 F.R. 2111) are hereby amended to read as follows:

(ii) District 2: 675,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 17, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2471; Filed, Mar. 21, 1961; 8:49 a.m.]

### PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

#### Subpart—Administrative Rules and Regulations

ESTABLISHMENT OF RATE OF PAYMENT TO HANDLERS FOR CERTAIN POOLING SERVICES DURING 1960-61 CROP YEAR

Notice was published in the March 8, 1961, issue of the FEDERAL REGISTER (26 F.R. 2001) that consideration was being given to a proposal to amend § 989.166(g)(1)(i) of the administrative rules and regulations, as amended (Subpart—Administrative Rules and Regulations; §§ 989.101-989.180, as amended). Such rules and regulations are effective pursuant to, and for operations under, Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989; 25 F.R. 12813), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Raisin Administrative Committee established under this regulatory program.

This action amends § 989.166(g)(1)(i) to provide that each handler shall be compensated at the rate of $5.00 per ton (natural condition weight at the time of acquisition) for receiving, storing, and handling reserve and surplus tonnage raisins acquired by him during the 1960-61 crop year (September 1, 1960-August 31, 1961) and held by him for the account of the committee during all or any part of such 1960-61 crop year. The amendment extends to the current crop year the same $5.00 per ton payment to handlers for performing these services as has been in effect for the 1959-60 crop year (September 1, 1959-August 31, 1960). The notice afforded interested persons the opportunity to file written data, views, or arguments with respect to the proposal. No such comment was received.

After consideration of all relevant matters presented, including the recommendation submitted by the committee, it is hereby found that no change in the rate of payment is warranted and that to amend § 989.166(g)(1)(i) of the administrative rules and regulations, by extending it to apply to the 1960-61 crop year as hereinafter set forth, will tend to effectuate the declared policy of the act.

*Therefore, it is ordered,* That § 989.166(g)(1)(i) of the administrative rules and regulations, as amended (Subpart—Administrative Rules and Regulations; 7 CFR 989.101-989.180), shall be, and it hereby is, amended by adding thereto the following sentence: "Each handler shall be compensated at the same rate of $5.00 per ton for such services (i.e., receiving, storing, and handling) with respect to reserve and surplus tonnage raisins acquired during the 1960-61 crop year (September 1, 1960-August 31, 1961) and held by him for the account of the committee during all or any part of such 1960-61 crop year."

As so amended, § 989.166(g)(1)(i) reads as follows:

(i) Each handler shall be compensated at the rate of $5.00 per ton (natural condition weight at the time of acquisition) for receiving, storing, and handling reserve and surplus tonnage raisins acquired by him during the 1959-60 crop year (September 1, 1959-August 31, 1960) and held by him for the account of the committee during all or any part of such 1959-60 crop year. Each handler shall be compensated at the same rate of $5.00 per ton for such services (i.e., receiving, storing, and handling) with respect to reserve and surplus tonnage raisins acquired during the 1960-61 crop year (September 1, 1960-August 31, 1961) and held by him for the account of the committee during all or any part of such 1960-61 crop year.

It is hereby found that good cause exists for making the provisions hereof effective upon publication in the FEDERAL REGISTER and for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that handlers shall be compensated for receiving, storing, and handling reserve and surplus tonnage raisins held by them for the account of the committee; and (2) the rate of payment of $5.00 per ton established herein for the 1960-61 crop year should become effective promptly to permit payment to handlers for such services already performed by them with respect to reserve and sur-

plus tonnage raisins acquired by them since September 1, 1960, the beginning of the crop year.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 17, 1961, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 61-2504; Filed, Mar. 21, 1961; 8:55 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

## PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

### Subpart—Rules and Regulations of the Control Agency

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of the order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus (9 CFR Part 131), approval is hereby given to the amendment of the rules and regulations of the Control Agency, issued on February 27, 1961, by the Control Agency pursuant to the provisions of the aforesaid order.

The amendment was adopted by the Control Agency after notice of proposed amendment published in the FEDERAL REGISTER on December 30, 1960 (25 F.R. 13982), and due consideration of the data, views and arguments presented by interested parties in writing and at the Control Agency meeting of February 1, 1961. Copies of the rules and regulations, as amended, may be procured from the Control Agency, Office of the Executive Secretary, 512 Veterans of Foreign Wars Building, Kansas City 11, Missouri.

Done at Washington, D.C., this 16th day of March 1961.

M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

A notice of a proposed amendment to the rules and regulations of the Control Agency was published in the FEDERAL REGISTER on December 30, 1960 (25 F.R. 13982), which notice afforded all interested parties opportunity to submit written data, views, and arguments in connection with the proposed amendment.

After consideration of all relevant matters presented, including the proposed amendment to the rules and regulations set forth in the aforesaid notice, and at the Control Agency meeting of February 1, 1961, the following amendment to the rules and regulations of the Control Agency is hereby promulgated by the Control Agency under the authority contained in Public Law 320, 74th Congress, approved August 24, 1935, as amended (49 Stat. 781, 72 Stat. 454; 7 U.S.C. 851–855) to become effective 30 days after publication in the FEDERAL REGISTER.

The amendment is as follows:

1. Amend § 131.201 to read as follows:

**§ 131.201 Public information.**

Unless otherwise provided in this part, or by specific direction of the Control Agency, all matters required to be filed with the Control Agency and communications with respect to the Marketing Order and these regulations shall be addressed to the Control Agency, Office of Executive Secretary, 512 Veterans of Foreign Wars Building, Kansas City 11, Missouri.

2. Delete present §§ 131.211 and 131.212 setting forth definitions of "Wholesaler" and "Dealer", and insert new § 131.202 to read as follows:

**§ 131.202 Terms.**

Terms used in the rules and regulations (§§ 131.201 to 131.262) shall have the same meaning as when used in the order, as amended (§§ 131.1 to 131.113), unless the context indicates otherwise.

3. Add a new § 131.212 to read as follows:

**§ 131.212 Classes of buyers.**

Pursuant to authority contained in § 131.81, the classes of buyers not defined in the order shall be "consumers"; "lay-vaccinator" and "other dealers" as defined in §§ 131.213, 131.214 and 131.215.

**§ 131.223 [Amendment]**

4. Amend paragraph (b) of § 131.223 by changing the figure "500,000" to "300,000".

**§ 131.227 [Amendment]**

5. Amend § 131.227 by inserting "–131.55" immediately after "§ 131.51" contained in the first sentence, and by deleting the last sentence of the section and substituting therefor the following: "Serum or virus shall not be delivered on a particular sale unless the posted price for such serum or virus is the same at the times of offer, sale and delivery thereof.".

6. Amend § 131.242 to read as follows:

**§ 131.242 Manner of classifying wholesalers.**

Any person who desires to be classified as a wholesaler shall apply for such classification on a form prescribed by the Control Agency. An applicant shall not be so classified unless he proves to the satisfaction of the Control Agency that he meets the requirements of paragraph (a)(1) of § 131.8 or the requirements of paragraph (a)(2) of §§ 131.8, 131.222 and 131.223. Such applicant shall also meet the requirements of paragraph (b) of § 131.8. An application for classification shall not be considered by the Control Agency until it has been on file in the Office of the Executive Secretary for at least sixty (60) days. The form of such application is as follows:

APPLICATION FOR CLASSIFICATION AS A WHOLESALER OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Control Agency,
Office of Executive Secretary,
512 V.F.W. Building,
Kansas City 11, Mo.

The undersigned petitions the Control Agency to consider the facts set forth in the following application to determine if the applicant qualifies as a wholesaler under the Marketing Order, as amended.

1. Name and address of the applicant:
Firm Name_____
Address _____ _____ _____
(Street Address) (City)
_____ _____ _____
(P.O. Box. No.) (Zone No.) (State)

2. Type of organization:
(a) Individual _____
(b) Partnership _____
(c) Corporation _____ State of incorporation _____
(d) If a partnership, list partners and give their addresses; if a corporation, list three principal officers, and give their titles and home address: _____
(e) Farmer Cooperative Association as used in this part means a cooperative association as defined in 12 U.S.C. Section 1141 (j)a, including a federation of such cooperative associations and any corporate organization, organized under a cooperative law or operating on a cooperative plan, which is owned and controlled, directly or indirectly, by such farmer cooperative associations or a federation of the same. Is the applicant a farmer cooperative association that meets the requirements of this definition? _____ State whether its members are cooperative associations or farmers: _____

3. If the applicant has any subsidiaries or affiliates, give name and address of each: _____

4. If the applicant is a subsidiary or affiliate, give name and address of parent company: _____

5. Does applicant own or control, either directly or indirectly, an interest, in whole, or in part, in any dealer? _____ If so, give names and addresses of all such dealers: _____

6. Will the applicant appoint or utilize any dealer as its agent in any matter related to the handling of serum or virus? _____

7. Will the applicant appoint or utilize, either directly or indirectly, any dealer as a branch house or distributional outlet for serum or virus? _____

8. Is any interest, in whole or in part, in the applicant owned or controlled, either directly or indirectly by any dealer? _____
If a corporation, what per cent of the total outstanding stock of all classes is owned by dealers? _____

9. List name and address of all agents, branches, depots, and places from which serum or virus is sold, distributed, or placed in the channels of trade by the applicant: _____
(a) Have hog-cholera products ever been marketed by such agents, branches, depots and places?_____ Yes____ No____
(b) Will hog-cholera products be marketed by such agents, branches, depots and places?_____ Yes____ No____

10. Does any manufacturer or producer, or any officer or director of a manufacturer or producer, own or control, either directly or indirectly, an interest, in whole or in part, in the applicant? _____ If so, give name and address: _____

11. Does the applicant or any of its officers or directors own or control, either directly or indirectly, an interest, in whole or in part, in a manufacturer or producer?_____If so, give name and address:_____

12. Do you pay or propose to pay patronage refunds, patronage dividends or make any refunds based on patronage to your customers?_____

13. List persons (and titles) authorized to handle matters pertaining to the Marketing Order:_____

14. What other firm name, if any, is used or will be used in advertising, selling and shipping hog-cholera products:_____

15. Has your firm or any of your partners or officers ever made application to the Control Agency?_____ Yes____ No____

16. Do you act as a manufacturer's agent for any products handled? Yes____ No____

17. If you manufacture any products, give full information:_____

18. How long have you been in your present business?_____

19. Do any of the following have a direct or indirect financial interest in the applicant:
(a) Manufacturer of veterinary products_____ Yes____ No____
(b) Seller of veterinary products _____ Yes____ No____
(c) Veterinarian _____ Yes____ No____
(d) Druggist _____ Yes____ No____
(e) Swine Owner_____ Yes____ No____
(f) Feed Dealer_____ Yes____ No____
(g) Feed Mill_____ Yes____ No____
(h) Hatchery _____ Yes____ No____

20. Is the applicant or any of its officers or employees a:
(a) County Agent_____ Yes____ No____
(b) Veterinarian _____ Yes____ No____
(c) Vocational Agriculture Teacher_____ Yes____ No____
(d) Druggist or Pharmacist _____ Yes____ No____

21. Does, or will, any officer, partner or employee of the applicant:
(a) Practice Veterinary Medicine _____ Yes____ No____
(b) Vaccinate Swine____ Yes____ No____
(c) Employ anyone to vaccinate _____ Yes____ No____
(d) Own swine_____ Yes____ No____
(e) Act as an agent or employee of anyone who owns swine_____ Yes____ No____
(f) Purchase supplies for any Federal, State, County or Municipal Institution___ Yes____ No____

22. (a) At present, what is the applicant's principal business:_____
(b) In what other businesses are the applicant or its officers engaged or have a financial interest?_____

23. Are you listed in:
(a) Dun and Bradstreet__ Yes____ No____
(b) Hayes Druggist Directory Yes____ No____

24. Have you ever held, or do you hold now, a license from the U.S. Department of Agriculture or National Institutes of Health? _____
Explain:_____
25. (a) Have you or your associates ever handled any hog cholera products? Yes____ No____
(b) Other products for animal health? Yes____ No____

26. Is there any handler you care to give as a reference?_____

27. If you purchased hog cholera products last year, indicate the quantity purchased:
(a) Serum_____cc
(b) Virus, including inactivated and modified_____Doses

28. Do you now maintain stocks of hog cholera products at all times? Yes____ No____
(a) Serum_____cc
(b) Virus, including inactivated and modified_____Doses

29. If you are familiar with livestock diseases, state your experience and training: _____

30. Do you regularly maintain in stock a line of:
(a) Biologicals_____ Yes____ No____
(b) Pharmaceuticals_____ Yes____ No____
(c) Instruments_____ Yes____ No____
(d) Human health preparations Yes____ No____
(e) Agricultural chemicals Yes____ No____

31. If it is determined that you qualify as a wholesaler under the Marketing Order, what will be your average inventory of:
(a) Serum_____cc
(b) Virus, including inactivated and modified_____Doses

32. Describe your refrigerator or cooling equipment:
(a) Capacity in cubic feet _____
(b) Temperature maintained _____

33. State the approximate size of your shipping room: _____

34. How do you advertise now? _____

35. How will you advertise if it is determined that you qualify as a wholesaler? _____

36. State the number of your
(a) Full time salesmen _____
(b) Part time salesmen _____
(c) Are you one of these salesmen? Yes____ No____
If so, will you continue to sell in a territory if you qualify as a wholesaler? Yes____ No____

37. If you qualify as a wholesaler, how many outside salesmen will you have selling animal health products, including serum and virus:
(a) Full time _____
(b) Part time _____

38. If you qualify as a wholesaler—
(a) What percentage of total sales of hog cholera products would you expect to make to dealers?_____%
(b) What percentage of total sales of all other products sold by you would you expect to make to dealers?_____%
(c) State the approximate number of dealers you will solicit_____
(d) Give the geographical area in which they are located _____
(e) State how you will furnish field or veterinary service as required under definition of a wholesaler (§ 131.8) _____

39. Do you intend to solicit business from:

| | | | *Estimated percent of total sales to each class* |
|---|---|---|---|
| (a) Veterinarians | Yes__ | No__ | |
| (b) County Farm Bureaus | Yes__ | No__ | |
| (c) Retail Drug Stores | Yes__ | No__ | |
| (d) Lay-vaccinators | Yes__ | No__ | |
| (e) U.S. Licensed stockyards | Yes__ | No__ | |
| (f) Agencies (Federal, State, County and Municipal Institutions) who resell to consumers | Yes__ | No__ | |
| (g) Farmers Cooperatives | Yes__ | No__ | |
| (h) Farm Stores, Feed Stores, Elevators, Hatcheries, etc | Yes__ | No__ | |
| (i) Consumers (Owners of Swine) | Yes__ | No__ | |

40. What is the population of the city where your place of business is located?_____

41. Describe methods of transportation you will use for distribution of your products: _____

42. Is your place of business within the city limits?_ Yes____ No____

43. Do you operate from your home? _____ Yes____ No____
From a business establishment? _____ Yes____ No____

44. Do you share your building or facilities with any other firm, agency, or business unit?_____ Yes____ No____

45. Did you read the Marketing Order and the Rules and Regulations?____ Yes____ No____

All further information requested by the Control Agency for the purpose of determining the proper classification of the applicant will be furnished by the undersigned.

If the Control Agency approves the applicant as a wholesaler handler of hog cholera products, applicant agrees to assume all the obligations and responsibilities of a wholesaler. Application fee is enclosed herewith.

Firm Name_____
Official _____
(Signature and Title)

On this_____Day of_____, 19____, before me_____, a Notary Public, personally appeared_____, and first being duly sworn upon oath declared that he is an officer or employee of the aforesaid applicant, and that the information set forth herein is true and correct as he verily believes.

_____
Notary Public

My Commission expires_____

WARNING!

[Any false, fictitious or fraudulent statement or representation on this form may subject the maker thereof to a fine of not more than $10,000.00 or imprisonment of not more than 5 years, or both. (18 U.S.C. 1001)]

**§ 131.251 [Amendment]**

7. Amend § 131.251 by adding at the end thereof the following: "Each price list shall be recorded by the Executive Secretary of the Control Agency as being filed on the date it is received in the office of the Control Agency, except as otherwise provided in § 131.52 and in this section, and shall become effective three days following such record date. In the event a price list or an amended price list is received at such office after 5 p.m. on a regular business day, it shall be recorded as having been received on the following regular business day.".

8. Add new § 131.262 to read as follows:

**§ 131.262 Agents or distributional outlets.**

Each manufacturer and wholesaler handler shall file and maintain with the Control Agency a current list of his distributional outlets and agents for the marketing of serum or virus. Such list shall include the name and address of operators of all branches, agents, depots and places from, or through which serum or virus is sold, distributed, or placed in the channels of trade by such manufacturer or wholesaler.

**§ 131.226 [Amendment]**

9. Amend § 131.226 by deleting the numerals "§ 131.52" and substituting therefor the words "this part".

**§§ 131.228, 131.229 [Amendment]**

10. Amend §§ 131.228 and 131.229 by deleting the numerals "§ 131.51" contained in each section and substituting therefor "§§ 131.51 to 131.56".

**§ 131.232 [Amendment]**

11. Amend § 131.232 by deleting the word and numerals "and 131.211" contained therein.

Dated this twenty-seventh day of February 1961.

CONTROL AGENCY,
E. A. CAHILL, Jr.,
*Chairman.*

[F.R. Doc. 61-2472; Filed, Mar. 21, 1961; 8:49 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-FW-105]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Alteration of Control Zone

On January 14, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 303) stating that the Federal Aviation Agency proposed to alter the Anderson, S.C., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2224 (14 CFR 601.2224) is amended to read:

**§ 601.2224 Anderson, S.C., control zone.**

Within a 5-mile radius of the Anderson Airport (latitude 34°29'40'' N., longitude 82°42'30'' W.), and within 2 miles either side of the 038° radial of the Anderson VOR extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t., June 1, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 15, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2448; Filed, Mar. 21, 1961; 8:46 a.m.]

[Airspace Docket No. 60-KC-97]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Area Extension and Control Zone

On December 9, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12622) stating that the Federal Aviation Agency (FAA) proposed to modify the Grand Island, Nebr., control area extension and control zone.

In addition to describing the modification of the control area extension and the control zone, the notice stated that the L/MF radio range instrument approach procedure was being cancelled. In response to the notice, various individuals and organizations submitted objections to the cancellation of the L/MF radio range approach procedure and the decommissioning of the low frequency radio range station at Grand Island. In addition, one agency pointed out that the L/MF radio range approach procedure provides minimums 100 feet lower than the VOR approach for the same type aircraft.

In view of the comments received, the L/MF radio range approach procedure is not being cancelled at this time. Therefore, a minor change in the modification of the control zone as proposed is made herein to provide protection for both the VOR and L/MF approaches. This will result in the control zone being designated within a 5-mile radius of the Grand Island Airport, and within 2 miles east and 3 miles west of the 360° True radial of the Grand Island VOR, extending from the 5-mile radius zone to 12 miles north of the VOR. Modification to the control area extension as proposed is effected herein, since this alteration to the area will provide adequate airspace as control area for protection of both approach procedures.

The Department of the Air Force and the Aircraft Owners and Pilots Association concurred in the proposal.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 601.2051 (14 CFR 601.2051) is amended to read:

**§ 601.2051 Grand Island, Nebr., control zone.**

Within a 5-mile radius of the Grand Island Airport (latitude 40°58'04'' N., longitude 98°18'51'' W.), and within 2 miles E. and 3 miles W. of the 360° radial of the Grand Island VOR, extending from the 5-mile radius zone to 12 miles N. of the VOR.

2. Section 601.1026 (14 CFR 601.1026) is amended to read:

**§ 601.1026 Control area extension (Grand Island, Nebr.).**

The airspace within 8 miles W. and 5 miles E. of the 360° radial of the Grand Island VOR extending from the VOR to 17 miles N.

These amendments shall become effective 0001 e.s.t., June 1, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 15, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2449; Filed, Mar. 21, 1961; 8:46 a.m.]

[Reg. Docket No. 693; Amdt. 72]

## PART 610—MINIMUM EN ROUTE IFR ALTITUDES

### Designation of Minimum and Maximum IFR Altitudes for Federal Airways

A recent amendment to Part 600, published in the FEDERAL REGISTER on February 4, 1961 (26 F.R. 1079), established, effective 0401 e.s.t., on April 6, 1961, a low and intermediate altitude system of Federal airways. Part 610 is hereby amended to incorporate the minimum IFR altitudes applicable to such airways and delete references to those airways which will no longer exist under the new system.

This amendment also establishes maximum authorized altitudes (MAAs) for intermediate altitude VOR Federal airways, at which adequate reception of navigational aid signals is assured. MAAs will be established at the upper limits of such airways, which extend up to but not including 24,000 feet MSL, or at the maximum reception altitude, whichever is lower.

As the new Federal airways system will go into effect at 0401 e.s.t., on April 6, 1961, immediate action is required to insure the safety of IFR operations conducted on such airways. Accordingly, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not required and good cause exists for making this amendment effective at 0401 e.s.t., April 6, 1961.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

1. By adding the following paragraph to § 610.2.

**§ 610.2 Explanation of terms.**

* * * * *

"MAA" means maximum authorized altitude. An MAA is the highest altitude, within an intermediate altitude VOR Federal airway, at which adequate reception of navigational aid signals is assured. The establishment of an MAA at 24,000 feet MSL means that adequate reception is assured up to but not including 24,000 feet, MSL, the upper limit of an intermediate altitude VOR Federal airway.

Section 610.12 *Green Federal airway 2* is amended to read in part:

From Billings, Mont., LFR; to Miles City, Mont., LFR; MEA 6,000.

Section 610.12 *Green Federal airway 2* is amended to delete:

From Minneapolis, Minn., LFR; to Red Wing INT, Minn.; MEA 2,400.
From Red Wing INT, Minn.; to La Crosse, Wis., LFR; MEA 2,800.
From La Crosse, Wis., LFR; to Lone Rock INT, Wis.; MEA 2,600.
From Lone Rock INT, Wis.; to Madison, Wis., LFR; MEA 2,700.
From Madison, Wis., LFR; to Milwaukee, Wis., LFR; MEA 2,500.
From Milwaukee, Wis., LFR; to Genesee, Wis., FM, westbound; MEA 2,500.
From Milwaukee, Wis., LFR; to Muskegon, Mich., LFR; MEA 2,000.
From Muskegon, Mich., LFR; to Grand Rapids, Mich., LFR; MEA 1,900.
From Grand Rapids, Mich., LFR; to Clarksville INT, Mich.; MEA 2,000.
From Clarksville INT, Mich.; to *Lansing, Mich., LFR; MEA 2,200. *2,400—MCA Lansing LFR, eastbound.
From Lansing, Mich., LFR; to White Lake INT, Mich.; MEA 2,900.
From White Lake INT, Mich.; to Detroit, Mich., LFR; MEA 2,500.
From Dunkirk, N.Y., LF/RBN; to Buffalo, N.Y., LFR; MEA 2,000.
From Buffalo, N.Y., LFR; to Rush INT, N.Y.; MEA 2,100.
From E. Pembroke, N.Y., FM; to Buffalo, N.Y., LFR, westbound only, MEA 1,900.
From Rush INT, N.Y.; to Rochester, N.Y., LFR; MEA 2,000.
From Rochester, N.Y., LFR; to Syracuse, N.Y., LFR; MEA 2,000.
From Syracuse, N.Y., LFR; to Albany, N.Y., LFR; MEA 3,000.
From Stephentown INT, N.Y.; to Albany, N.Y., LFR; northwestbound only; MEA 3,000.
From Albany, N.Y., LFR; to Brainard INT, N.Y., southeastbound, MEA 4,000; northwestbound, MEA 3,000.
From Brainard INT, N.Y.; to Hartford, Conn., LFR; MEA 4,000.
From Hartford, Conn., LFR; to Boston, Mass., LFR; MEA 2,000.

Section 610.13 *Green Federal airway 3* is deleted.

Section 610.14 *Green Federal airway 4* is amended to delete:

From Wichita, Kans., LFR; to De Soto INT, Kans.; MEA 3,000.
From De Soto INT, Kans.; to Kansas City, Mo., LFR; MEA 2,400.
From Kansas City, Mo., LFR; to Liberty, Mo., LF/RBN; MEA 2,200.
From Liberty, Mo., LF/RBN; to Columbia, Mo., LFR; MEA 2,200.
From Columbia, Mo., LFR; to St. Peters INT, Mo.; MEA 2,600.
From St. Peters INT, Mo.; to St. Louis, Mo., LFR; MEA 1,800.
From St. Louis, Mo., LFR; to Wood River INT, Ill.; MEA 1,800.
From Wood River INT, Ill.; to Effingham, Ill., LFR; MEA 2,000.
From Effingham, Ill., LFR; to Terre Haute, Ind., LF/RBN; MEA 2,000.
From Terre Haute, Ind., LF/RBN; to Indianapolis, Ind., LFR; MEA 2,200.
From Indianapolis, Ind., LFR; to N. Hampton INT, Ohio; MEA 2,900.
From N. Hampton INT, Ohio; to Columbus, Ohio, LFR; MEA 2,500.
From Columbus, Ohio, LFR; to Zanesville, Ohio, LF/RBN; MEA 2,400.

Section 610.20 *Green Federal airway 10* is amended to read in part:

From Yakima, Wash., LFR; to Pendleton, Oreg., LFR; MEA 5,000.
From Pendleton, Oreg., LFR; to Cabbage Hill INT, Oreg.; MEA 7,000.
From Cabbage Hill INT, Oreg.; to Baker, Oreg., LFR; MEA 10,000.
From La Grande, Oreg., FM; to Cabbage Hill INT, Oreg.; northwestbound only, MEA 7,000.

Section 610.104 *Amber Federal airway 4* is amended to read in part:

From Omaha, Nebr., LFR; to Sioux City, Iowa, LFR; MEA 2,700.

Section 610.108 *Amber Federal airway 8* is amended to delete:

From Redmond, Oreg., LFR; to *The Dalles, Oreg., LFR; MEA 7,000. *6,000—MCA The Dalles LFR, northbound.
From The Dalles, Oreg., LFR; to Saw Mill INT, Wash.; MEA 8,000.
From Saw Mill INT, Wash.; to Yakima, Wash. LFR; southwestbound, MEA 6,000; northeastbound, MEA 4,000.
From Yakima, Wash., LFR; to INT NW Yakima and S. Ellensburg, Wash., LFR; MEA 4,500.
From INT NW Yakima and S. Ellensburg, Wash., LFR; to Ellensburg, Wash., LFR; MEA 5,500.

Section 610.203 *Red Federal airway 3* is deleted.

Section 610.219 *Red Federal airway 19* is deleted.

Section 610.223 *Red Federal airway 23* is amended to read:

From Lakehead, Canada, LFR; to Houghton, Mich., LFR; MEA *2,800. *For that airspace over U.S. territory.
From Houghton, Mich., LFR; to Grand Marais, Mich., LFR; MEA 2,500.
From Grand Marais, Mich., LFR; to Sault Ste. Marie, Mich., LFR; MEA 2,500.
From Sault Ste. Marie, Mich., LFR; to U.S. Canadian Border; MEA 2,500.
From U.S. Canadian Border; to Buffalo, N.Y., LFR; MEA 2,300.

Section 610.230 *Red Federal airway 30* is deleted.

Section 610.233 *Red Federal airway 33* is deleted.

Section 610.645 *Red Federal airway 45* is deleted.

Section 610.251 *Red Federal airway 51* is deleted.

Section 610.265 *Red Federal airway 65* is deleted.

Section 610.272 *Red Federal airway 72* is deleted.

Section 610.273 *Red Federal airway 73* is deleted.

Section 610.601 *Blue Federal airway 1* is deleted.

Section 610.603 *Blue Federal airway 3* is amended to read:

From Kokomo, Ind., LF/RBN; to Goshen, Ind., LFR; MEA 2,100.

Section 610.608 *Blue Federal airway 8* is amended to delete:

From Fargo, N. Dak., LFR; to Grand Forks, N. Dak., LFR; MEA 2,300.

Section 610.619 *Blue Federal airway 19* is amended to delete:

From Perrine, Fla., LF/RBN; to Melbourne, Fla., LFR; MEA 1,200.

Section 610.644 *Blue Federal airway 44* is deleted.

Section 610.652 *Blue Federal airway 52* is deleted.

Section 610.666 *Blue Federal airway 66* is deleted.

Section 610.1001 *Direct Routes—U.S.* is amended by adding:

From Miami, Fla., LF/RBN; to West Palm Beach, Fla., LFR; MEA 1,400.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Helena, Mont., VOR via N alter.; to Watson INT, Mont., via N alter.; MEA 11,000.
From Watson INT, Mont., via N alter.; to Delpine INT, Mont., via N alter.; MEA *13,000. *11,000—MOCA.
From Delpine INT, Mont., via N alter.; to Baxter INT, Mont., via N alter.; northwestbound, MEA *13,000; southeastbound, MEA 11,000. *10,000—MOCA.
From Baxter INT, Mont., via N alter.; to Billings, Mont., VOR, via N alter.; northwestbound, MEA *11,000; southeastbound, MEA 8,000. *7,000—MOCA.

Section 610.6002 *VOR Federal airway 2* is amended to delete:

From Syracuse, N.Y., VOR, via S alter.; to Munnsville INT, N.Y., via S alter.; MEA 3,000.
From Munnsville INT, N.Y., via S alter.; to Albany, N.Y., VOR, via S alter.; MEA 4,500.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Evansville, Ind., VORTAC; to Lamar INT, Ind.; MEA 2,500.
From Lamar INT, Ind.; to Apaloma INT, Ind.; MEA 3,000.
From Evansville, Inc., VORTAC via N alter.; to Holland INT, Ind., via N alter.; MEA 2,500.
From Holland INT, Ind., via N alter.; to St. Marks INT, Ind., via N alter.; MEA 3,000.

From St. Marks INT, Ind., via N alter.; to Louisville, Ky., VOR via N alter.; MEA 2,500.
From Yakima, Wash., VOR; to Pendleton, Oreg., VORTAC; MEA 5,000.
From Pendleton, Oreg. VORTAC; to Pilot Rock INT, Oreg.; MEA 7,000.
From Pilot Rock INT; to Baker, Oreg., VOR; MEA 10,000.
From LaGrande, Oreg., FM; to Pilot Rock INT, Oreg.; northwestbound only, MEA 7,000.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From Des Moines, Iowa, VOR; to Percy INT, Iowa; MEA 2,300.
From Percy INT, Iowa; to Iowa City, Iowa, VOR; MEA 2,200.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From Evansville, Ind., VOR via W alter.; to *Patton INT, Ind., via W alter.; MEA **2,500. *2,500—MRA. **2,000—MOCA.
From Patton INT, Ind., via W alter.; to New Hebron INT, Ind., via W alter.; MEA *4,500. *2,000—MOCA.
From New Hebron INT, Ind., via W alter.; to Terre Haute, Ind., VOR via W alter.; MEA 2,000.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From Des Moines, Iowa, VOR; to Percy INT, Iowa; MEA 2,300.
From Percy INT, Iowa; to Iowa City, Iowa, VOR; MEA 2,200.

Section 610.6011 *VOR Federal airway 11* is amended to read in part:

From Evansville, Ind., VORTAC; to Scotland, Ind., VORTAC; MEA 1,900.
From Evansville, Ind., VORTAC via E alter.; to Augusta INT, Ind., via E alter.; MEA 2,000.
From Augusta INT, Ind., via E alter.; to Scotland, Ind., VORTAC via E alter.; MEA *2,700. *2,000—MOCA.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Shelbyville, Ind., VOR; to Richmond, Ind., VOR; MEA 2,300.

Section 610.6013 *VOR Federal airway 13* is amended to read in part:

From Page, Okla., VOR; to *Hackett INT, Ark.; MEA 3,900. *4,200—MRA.
From Hackett INT, Ark.; to Ft. Smith, Ark., VORTAC; MEA 2,000.
From Page, Okla., VOR, via W alter.; to Cameron INT, Okla., via W alter.; MEA 3,900.
From Cameron INT, Okla., via W alter.; to Ft. Smith, Ark., VORTAC via W alter.; MEA 3,400.
From *Alma City INT, Iowa, via W alter.; to New Prague INT, Minn., via W alter.; MEA **4,300. *4,300—MRA. **2,400—MOCA.
From New Prague INT, Minn., via W alter.; to Lydia INT, Minn., via W alter.; MEA *3,500. *2,400—MOCA.

Section 610.6014 *VOR Federal airway 14* is amended to delete:

From Buffalo, N.Y., VOR; to Rochester, N.Y., VOR; MEA 2,100.
From Rochester, N.Y., VOR; to *Fairville INT, N.Y.; MEA 2,000. *3,000—MRA.
From Fairville INT, N.Y.; to Syracuse, N.Y., VOR; MEA 2,000.
From Syracuse, N.Y. VOR; to Utica, N.Y., VOR; MEA 3,000.
From Utica, N.Y., VOR; to *Mariaville INT, N.Y.; MEA 3,000. *5,000—MRA.
From Mariaville INT, N.Y.; to Albany, N.Y., VOR; MEA 3,000.

Section 610.6014 *VOR Federal airway 14* is amended by adding:

From Buffalo, N.Y., VORTAC; to Geneseo, N.Y., VORTAC; MEA 3,000.
From Geneseo, N.Y., VORTAC; to Georgetown, N.Y., VOR; MEA 4,200.
From Georgetown, N.Y., VOR; to Winfield INT, N.Y.; MEA 4,300.
From Winfield INT, N.Y.; to Albany, N.Y., VOR; MEA 4,300.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Shawnee INT, Okla., via S alter.; to Prague INT, Okla., via S alter.; MEA *4,000. *2,300—MOCA.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From Red Oak INT, Tex., via E alter.; to Garland INT, Tex., via E alter.; MEA 1,900.
From Garland INT, Tex., via E alter.; to Dallas, Tex., VORTAC via E alter.; MEA 2,000.
From Barclay INT, Tex., via W alter.; to Bruceville INT, Tex., via W alter.; MEA 2,500.
From Bruceville INT, Tex., via W alter.; to Waco, Tex., VORTAC via W alter.; MEA 2,000.
From Waco, Tex., VORTAC, via E alter.; to Brandon INT, Tex., via E alter.; MEA 1,800.
From Brandon INT, Tex., via E alter.; to Ennis INT, Tex., via E alter.; MEA *2,400. *2,000—MOCA.

Section 610.6017 *VOR Federal airway 17* is amended to read in part:

From Cotulla, Tex., VOR; to *Millet INT, Tex.; MEA **2,500. *6,500—MRA. **1,600—MOCA.
From Barclay INT, Tex., via E alter.; to Bruceville INT, Tex., via E alter.; MEA 2,500.
From Bruceville INT, Tex., via E alter.; to Waco, Tex., VORTAC, via E alter.; MEA 2,000.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From Lewistown, Mont., VOR; to *Belt INT, Mont.; MEA 9,000. *11,000—MRA.
From Belt INT, Mont.; to *Great Falls, Mont., VOR; MEA 9,000. *6,800—MCA Great Falls VOR, eastbound.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Corpus Christi, Tex., VORTAC; to *Sand Point INT, Tex.; MEA 1,500. *2,000—MRA.
From Sand Point INT, Tex.; to Palacios, Tex., VOR; MEA 1,500.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From Long Beach, Calif., VORTAC; to *Los Angeles, Calif., VOR; MEA 2,000. *3,000—MCA Los Angeles VOR, northbound.
From *Bakersfield, Calif., VORTAC; to Laton INT, Calif.; 3,000. *7,000—MCA Bakersfield VORTAC, southbound.
From Laton INT, Calif.; to Fresno, Calif., VOR; MEA 2,000.
From Fresno, Calif., VOR; to Berenda INT, Calif.; MEA 2,000.
From Berenda INT, Calif.; to Woodward INT., Calif.; MEA 4,000.
From *Bakersfield, Calif., VORTAC via E alter.; to Dinuba INT, Calif., via E alter.; MEA 3,500. *7,000—MCA Bakersfield VORTAC, southbound.
From Dinuba INT, Calif., via E alter.; to Fresno, Calif., VOR via E alter., northwestbound, MEA 2,000; southeastbound, MEA 3,500.
From Stockton, Calif., VORTAC via W alter.; to Thornton INT, Calif., via W alter.; MEA 2,000.
From Thornton INT, Calif., via W alter.; to Sacramento, Calif., VORTAC via W alter.; MEA 2,500.

Section 610.6026 *VOR Federal airway 26* is amended to read in part:

From Elk INT, S. Dak.; to *Keystone INT, S. Dak.; MEA **10,000. *8,600—MCA Keystone INT, westbound; **9,200—MOCA.
From Prescott INT, Wis.; to El Paso INT, Wis.; MEA 2,000.
From Eau Claire, Wis., VOR via S alter.; to Loyal INT, Wis., via S alter.; MEA 2,500.

Section 610.6037 *VOR Federal airway 37* is amended to read in part:

From Savannah, Ga., VOR via W alter.; to Marlow INT, Ga., via W alter.; MEA 1,400.
From Marlow INT, Ga., via W alter.; to Allendale, S.C., VOR via W alter.; MEA 1,500.

Section 610.6043 *VOR Federal airway 43* is amended to read in part:

From Tiverton, Ohio, VOR; to Navarre, Ohio, VOR; MEA 2,500.

Section 610.6044 *VOR Federal airway 44* is amended to read in part:

From Samsville, Ill., VOR; to *Patton INT, Ind.; MEA 2,300. *2,500—MRA.
From Patton INT, Ind.; to Decker INT, Ind.; MEA 2,300.

Section 610.6050 *VOR Federal airway 50* is amended to read in part:

From Indianapolis, Ind., VORTAC; to *Fairgrounds INT, Ind.; MEA 2,800. *2,700—MCA Fairgrounds INT, westbound.
From Fairgrounds INT, Ind.; to Maxwell INT, Ind.; MEA 2,400.

Section 610.6053 *VOR Federal airway 53* is amended to read in part:

From Indianapolis, Ind., VORTAC; to Advance INT, Ind.; MEA 2,200.
From Advance INT, Ind.; to Linden INT, Ind.; MEA 2,100.
From *St. George INT, S.C.; to Columbia, S.C., VOR; MEA 1,700. *2,000—MRA.

Section 610.6055 *VOR Federal airway 55* is amended to read in part:

From Stevens Point, Wis., VOR; to Junction City INT, Wis.; MEA 2,400.
From Junction City INT, Wis.; to Loyal INT, Wis.; MEA 2,700.
From Loyal INT, Wis.; to Eau Claire, Wis., VOR; MEA 2,500.

Section 610.6063 *VOR Federal airway 63* is amended to read in part:

From *Buffalo INT, Iowa; to **Big Rock INT, Iowa; MEA 4,500. *4,500—MCA Buffalo INT, northbound. **4,500—MRA. **5,300—MCA Big Rock INT, northeastbound.
From Springfield, Mo., VORTAC; to Buffalo INT, Mo.; MEA 2,500.
From Buffalo INT, Mo.; to Wilton INT, Mo.; MEA *3,500. *2,500—MOCA.
From Waco, Tex., VORTAC; to Brandon INT, Tex.; MEA 1,800.
From Brandon INT, Tex.; to Ennis INT, Tex.; MEA *2,400. *2,000—MOCA.

Section 610.6070 *VOR Federal airway 70* is amended to read in part:

From Corpus Christi, Tex., VORTAC; to *Sand Point INT, Tex.; MEA 1,500. *2,000—MRA.
From Sand Point INT, Tex.; to Palacios, Tex., VOR; MEA 1,500.
From Corpus Christi, Tex., VORTAC, via N alter.; to *Woodsboro INT, Tex., via N alter.; MEA 1,500. *1,800—MRA.
From Woodsboro INT, Tex., via N alter.; to *Lavaca INT, Tex., via N alter.; MEA 1,500. *1,800—MRA.
From Lavaca INT, Tex., via N alter.; to Palacios, Tex., VOR via N alter.; MEA 1,500.
From Palacios, Tex., VOR via N alter.; to *Midfields INT, Tex., via N alter.; MEA **2,000. *2,600—MRA. **1,400—MOCA.



From Midfields INT, Tex., via N alter.; to Rosenberg INT, Tex., via N alter.; MEA *2,000. *1,400—MOCA.
From Picayune, Miss., VOR; to Citro INT, Ala.; MEA *3,500. *1,600—MOCA.
From Citro INT, Ala.; to Evergreen, Ala., VOR; MEA 1,500.

Section 610.6072 *VOR Federal airway 72* is amended to read in part:

From Maples, Mo., VOR; to *Cuba INT, Mo.; MEA 2,500. *4,500—MRA.
From Cuba INT, Mo.; to Richwoods, Mo., VOR; MEA *2,400. *2,200—MOCA.
From Binghamton, N.Y., VORTAC; to Rockdale, N.Y., VOR; MEA 3,500.

Section 610.6074 *VOR Federal airway 74* is amended to read in part:

From Ft. Smith, Ark., VORTAC; to *Magazine INT, Ark.; MEA **2,500. *3,300—MCA Magazine INT, eastbound. **2,000—MOCA.
From Magazine INT, Ark.; to Little Rock, Ark., VORTAC; MEA 3,800.
From Ft. Smith, Ark., VORTAC via N alter.; to College INT, Ark., via N alter.; MEA *3,000. *2,000—MOCA.
From College INT, Ark., via N alter.; to *Roland INT, Ark., via N alter.; MEA 3,300. *8,000—MRA.

Section 610.6078 *VOR Federal airway 78* is amended to read in part:

From Huron, S. Dak., VOR; to Watertown, S. Dak., VORTAC; MEA 2,900.
From Huron, S. Dak., VOR; via S alter.; to Watertown, S. Dak., VORTAC via S alter.; MEA 2,900.
From *Madison INT, Minn.; to Darwin, Minn., VOR; MEA **4,000. *3,800—MRA. **2,600—MOCA.

Section 610.6082 *VOR Federal airway 82* is amended to read in part:

From Lydia INT, Minn., via S alter.; to New Prague INT, Minn., via S alter.; MEA *3,500. *2,400—MOCA.

Section 610.6089 *VOR Federal airway 89* is amended to read in part:

From Alamosa, Colo., VOR; to *Texas Creek INT, Colo.; MEA **16,500. *17,200—MCA Texas Creek INT, northeastbound. *16,500—MRA. **15,600—MOCA.
From Guffey INT, Colo.; to *Lake George INT, Colo.; MEA **16,300. *15,000—MCA Lake George INT, southwestbound. **13,000—MOCA.

Section 610.6091 *VOR Federal airway 91* is amended to delete:

From Poughkeepsie, N.Y., VOR via W alter., to Albany, N.Y., VOR via W alter., MEA 5,000.

Section 610.6091 *VOR Federal airway 91* is amended to read in part:

From Poughkeepsie, N.Y., VOR; to Albany, N.Y., VOR; MEA 2,600.

Section 610.6095 *VOR Federal airway 95* is amended to read in part:

From *Trout Creek INT, Colo.; to Lake George INT, Colo.; MEA **15,500. *14,800—MCA Trout Creek INT, southwestbound. **14,000—MOCA.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From LaBelle, Fla., VOR; to Arcadia INT Fla.; MEA 1,300.
From Arcadia INT, Fla.; to Ona INT, Fla.; MEA *1,500. *1,300—MOCA.
From Ona INT, Fla.; to Gibson INT, Fla.; MEA 1,200.
From Gibson INT, Fla.; to South Bay, INT, Fla.; MEA 1,300.
From South Bay INT, Fla.; to St. Petersburg, Fla., VORTAC; MEA 1,500.
From Dry Ridge INT, Ky.; to Cincinnati, Ohio, VOR; MEA 2,200.

Section 610.6100 *VOR Federal airway 100* is amended to read in part:

From Rock River, Wyo., VOR; to Wheatland INT, Wyo.; MEA 11,000.
From Rockford, Ill., VORTAC; to Morengo, INT, Ill.; MEA 2,500.
From Morengo INT, Ill.; to Crystal INT, Ill.; MEA 2,000.

Section 610.6102 *VOR Federal airway 102* is amended to read in part:

From Guthrie, Tex., VOR; to Santa Rosa INT, Tex.; MEA *4,000. *3,000—MOCA.

Section 610.6107 *VOR Federal airway 107* is amended to read in part:

From Los Angeles, Calif., VOR; to Hermosa INT, Calif.; MEA 2,000.

Section 610.6112 *VOR Federal airway 112* is amended to read in part:

From *Portland, Oreg., VORTAC; to Washougal INT, Oreg. eastbound, MEA 7,000; westbound, MEA 6,000. *4,700—MCA Portland VORTAC, eastbound.
From Washougal INT, Oreg.; to The Dalles, Oreg., VORTAC; MEA 7,000.
From *Portland, Oreg., VORTAC via N alter.; to Amboy INT, Oreg., via N alter., eastbound, MEA 8,000; westbound, MEA 6,000. *4,700—MCA Portland VORTAC, eastbound.

Section 610.6119 *VOR Federal airway 119* is amended to read in part:

From Newcombe, Ky., VOR; to Huntington, W. Va., LF/RBN; MEA 2,500.
From Huntington, W. Va., LF/RBN; to Henderson, W. Va., VOR; MEA 2,400.

Section 610.6120 *VOR Federal airway 120* is amended to read in part:

From *Great Falls, Mont., VOR; to **Belt INT, Mont.; MEA 9,000. *6,800—MCA Great Falls VOR, eastbound. **11,000—MRA.
From Belt INT, Mont., to Lewistown, Mont., VOR; MEA 9,000.

Section 610.6128 *VOR Federal airway 128* is amended to read in part:

From Linden INT, Ind.; to Advance INT, Ind.; MEA 2,100.
From Advance INT, Ind.; to Indianapolis, Ind., VORTAC; MEA 2,200.

Section 610.6133 *VOR Federal airway 133* is amended to read in part:

From Charleston, W. Va., VOR; to Zanesville, Ohio, VOR; MEA 2,500.

Section 610.6152 *VOR Federal airway 152* is amended to read in part:

From Orlando, Fla., VOR; to *Sanford INT, Fla.; MEA 1,300. *2,500—MRA.
From Sanford INT, Fla.; to Lake Helen INT, Fla.; MEA 2,000.
From St. Petersburg, Fla., VORTAC; to Dover INT, Fla.; MEA 1,500.
From Dover INT, Fla.; to Larkin INT, Fla.; MEA *1,500. *1,300—MOCA.
From Larkin INT, Fla.; to Scott INT, Fla.; MEA 1,300.

Section 610.6153 *VOR Federal airway 153* is amended to read in part:

From Wilkes-Barre, Pa., VOR; to Georgetown, N.Y., VOR; MEA 4,000.
From Georgetown, N.Y., VOR; to Syracuse, N.Y., VORTAC; MEA 3,500.

Section 610.6154 *VOR Federal airway 154* is amended to read in part:

From *Lotts INT, Ga.; to Marlow INT, Ga.; MEA **1,700. *2,000—MRA. **1,300—MOCA.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From Allendale, S.C., VOR; to Vance, S.C., VOR; MEA 1,300.

Section 610.6159 *VOR Federal airway 159* is amended to read in part:

From Vero Beach, Fla., VOR; to *Deer Park INT, Fla.; MEA 1,200. *3,000—MRA.
From Deer Park INT, Fla.; to *Preston INT, Fla.; MEA 1,300. *2,500—MRA.
From *Dixie Ranch INT, Fla., via W alter.; to **Bailey INT, Fla., via W alter.; MEA ***1,500. *1,500—MRA. **1,500—MRA. ***1,200—MOCA.
From Bailey INT, Fla., via W alter.; to *Gentry INT, Fla., via W alter.; MEA 1,200. *1,500—MRA.
From Gentry INT, Fla., via W alter.; to Orlando, Fla., VOR, via W alter.; MEA 1,300.

Section 610.6170 *VOR Federal airway 170* is amended to read in part:

From Nodine, Minn., VOR; to Dells, Wis., VOR; MEA 2,600.
From Dells, Wis., VOR; to Randolph INT, Wis.; MEA 2,700.
From Randolph INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,300.

Section 610.6171 *VOR Federal airway 171* is amended to read in part:

From Lewis, Ind., VOR; to *Clinton INT, Ind.; MEA 2,000. *2,600—MRA.
From Clinton INT, Ind.; to Danville, Ill., VOR; MEA 2,000.

Section 610.6173 *VOR Federal airway 173* is amended to read in part:

From *Manteno INT, Ill.; to Big Run INT, Ill.; MEA **3,500. *2,500—MRA. **2,000—MOCA.

Section 610.6182 *VOR Federal airway 182* is amended to read in part:

From *Portland, Oreg., VORTAC; to Washougal INT, Oreg.; eastbound, MEA 7,000; westbound, MEA 6,000. *4,700—MCA Portland VORTAC, eastbound.
From Washougal INT, Oreg.; to The Dalles, Oreg., VORTAC; MEA 7,000.
From *Portland, Oreg., VORTAC via N alter.; to Amboy INT, Oreg., via N alter.; eastbound, MEA 8,000; westbound, MEA 6,000. *4,700—MCA Portland VORTAC, eastbound.

Section 610.6191 *VOR Federal airway 191* is amended to read in part:

From *Manteno INT, Ill.; to Big Run INT, Ill.; MEA **3,500. *2,500—MRA. **2,000—MOCA.

Section 610.6193 *VOR Federal airway 193* is amended to read in part:

From Traverse City, Mich., VOR; to Pellston, Mich., VOR; MEA 2,500.

Section 610.6210 *VOR Federal airway 210* is amended to read in part:

From Rosewood, Ohio, VOR; to Grindell INT, Ohio; MEA 2,800.

Section 610.6213 *VOR Federal airway 213* is amended to read in part:

From Patuxent, Md., VOR; to Ridgely INT, Md.; MEA 1,500.
From Ridgely INT, Md.; to Kenton, Del., VOR; MEA 1,300.

Section 610.6216 *VOR Federal airway 216* is amended to read in part:

From Ottumwa, Iowa, VORTAC; to *Richland INT, Iowa; MEA 2,000. *2,200—MRA.
From Richland INT, Iowa; to Iowa City, Iowa, VOR; MEA 2,200.
From *Trufant INT, Mich.; to Saginaw, Mich., VOR; MEA **3,000. *3,000—MRA. **2,500—MOCA.

Section 610.6218 *VOR Federal airway 218* is amended to read in part:

From *Hickory INT, Mich.; to Lansing, Mich., VOR; MEA 2,300. *2,500—MCA Hickory INT, southwestbound.

Section 610.6220 *VOR Federal airway 220* is amended to read in part:

From Ward INT, Colo.; to *Longmont INT, Colo.; MEA 16,500. *13,000—MRA. *16,500—MCA Longmont INT, westbound.

Section 610.6227 *VOR Federal airway 227* is amended to read in part:

From Indianapolis, Ind. VORTAC; to Advance INT, Ind.; MEA 2,200.
From Advance INT, Ind.; to Lafayette, Ind. VOR; MEA 2,100.

Section 610.6233 *VOR Federal airway 233* is amended to read in part:

From Cordova, Ill., VOR; to *Big Rock INT, Ill.; MEA **2,200. *4,500—MRA. **2,000—MOCA.
From Big Rock INT, Ill.; to Cedar Rapids, Iowa, VOR; MEA 2,200.

Section 610.6244 *VOR Federal airway 244* is amended to read in part:

From Gunnison, Colo., VORTAC; to *Texas Creek INT, Colo.; MEA 16,000. *16,500—MRA.
From Texas Creek INT, Colo.; to *Pueblo, Colo., VORTAC; westbound, MEA 16,000; eastbound, MEA 12,000. *10,000—MCA Pueblo VORTAC, westbound.

Section 610.6252 *VOR Federal airway 252* is amended to read in part:

From Binghamton, N.Y., VOR; to Huguenot, N.Y., VOR; MEA 4,000.

Section 610.6267 *VOR Federal airway 267* is amended to read in part:

From *Bailey INT, Fla.; to **Gentry INT, Fla.; MEA 1,200. *1,500—MRA. **1,500—MRA.
From Gentry INT, Fla.; to Orlando, Fla. VOR; MEA 1,300.
From Orlando, Fla., VOR, via E alter.; to *Sanford INT, Fla., via E alter.; MEA 1,300. *2,500—MRA.
From Sanford INT, Fla., via E alter.; to Lake Helen INT, Fla., via E alter.; MEA 2,000.

Section 610.6270 *VOR Federal airway 270* is amended to read in part:

From Binghamton, N.Y., VORTAC; to Windsor INT, N.Y.; MEA 3,500.
From Windsor INT, N.Y.; to DeLancey, N.Y., VOR; MEA 4,500.

Section 610.6283 *VOR Federal airway 283* is amended to read in part:

From Reno, Nev., VOR; to Pyramid INT, Nev.; MEA 11,000.
From Pyramid INT, Nev.; to Bonham INT, Nev.; MEA *12,000. *10,700—MOCA.
From Bonham INT, Nev.; to Lakeview, Oreg., VORTAC; MEA 14,000.

Section 610.6289 *VOR Federal airway 289* is amended to read in part:

From Texarkana, Ark., VORTAC; to Dierks INT, Tex.; MEA 2,000.
From Dierks INT, Tex.; to *Greenwood INT, Ark.; MEA 3,800. *4,000—MRA.

Section 610.6293 *VOR Federal airway 293* is amended to read in part:

From Pahokee, Fla., VORTAC; to LaBelle, Fla., VOR; MEA 1,300.
From LaBelle, Fla., VOR; to Arcadia INT, Fla.; MEA 1,300.
From Arcadia INT, Fla.; to Ona INT, Fla.; MEA *1,500. *1,300—MOCA.
From Ona INT, Fla.; to Gibson INT, Fla.; MEA 1,200.
From Gibson INT, Fla.; to South Bay INT, Fla.; MEA 1,300.
From South Bay INT, Fla.; to St. Petersburg, Fla., VORTAC; MEA 1,500.

Section 610.6294 *VOR Federal airway 294* is amended to read in part:

From Des Moines, Iowa, VORTAC; to Percy INT, Iowa; MEA 2,300.
From Percy INT, Iowa; to Guernsey INT, Iowa; MEA 2,200.

Section 610.6295 *VOR Federal airway 295* is amended to read in part:

From Vero Beach, Fla., VOR; to *Bailey INT, Fla.; MEA **1,500. *1,500—MRA. **1,300—MOCA.
From Bailey INT, Fla.; to *Gentry INT, Fla.; MEA 1,200. *1,500—MRA.
From Gentry INT, Fla.; to Orlando, Fla., VOR; MEA 1,300.

Section 610.6298 *VOR Federal airway 298* is amended to read in part:

From Smithwick, S. Dak., VOR; to Winner, S. Dak., VOR; MEA *5,200. *4,600—MOCA.

Section 610.6299 *VOR Federal airway 299* is amended to read in part:

From Los Angeles, Calif., VOR; to Hermosa INT, Calif.; MEA 2,000.

Section 610.6410 *HAWAII VOR Federal airway 10* is amended to read in part:

From Int. OGG VOR 172 and LNY VOR 106 M rads.; to Upolu Point, Hawaii, VOR; MEA 6,000.

Section 610.6428 *VOR Federal airway 428* is amended to read:

From Elmira, N.Y., VOR; to Ithaca, N.Y., VOR; MEA 3,500.
From Ithaca, N.Y., VOR; to Georgetown, N.Y., VOR; MEA 3,500.
From Georgetown, N.Y., VOR; to Utica, N.Y., VOR; MEA 3,500.

Section 610.6477 *VOR Federal airway 477* is amended to read in part:

From Houston, Tex., VOR; to Leona, Tex., VOR; MEA *2,700. *1,800—MOCA.

Section 610.6810 *VOR Federal airway 810* is amended to read in part:

From Rockford, Ill., VORTAC; to Morengo INT, Ill.; MEA 2,500.
From Morengo INT, Ill.; to Crystal INT, Ill.; MEA 2,000.
From Rock River, Wyo., VOR; to *Wheatland INT, Wyo.; MEA 11,000. *9,200—MCA Wheatland INT, westbound.
From *Lovelock, Nev., VORTAC; to Battle Mountain, Nev., VOR; MEA 12,000. *8,500—MCA Lovelock VORTAC, northeastbound.

Section 610.6830 *VOR Federal airway 830* is amended by adding:

From Texarkana, Ark., VOR; to Emmett INT, Ark.; MEA 1,700.
From Emmett INT, Ark.; to *Sparkman INT, Ark.; MEA **3,200. *4,000—MRA. **1,500—MOCA.
From Sparkman INT, Ark.; to Grapevine INT, Ark.; MEA *3,200. *1,500—MOCA.
From Grapevine INT, Ark.; to Pine Bluff, Ark., VOR; MEA 1,500.

Section 610.6837 *VOR Federal airway 837* is amended to read in part:

From Plum Island INT, N.Y.; to *Watch Hill INT, R.I.; MEA **2,500. *2,500—MRA. **1,500—MOCA.
From Watch Hill INT, R.I.; to Providence, R.I., VOR; MEA *2,500. *1,500—MOCA.
From Picayune, Miss., VOR; to Citro INT, Ala.; MEA *3,500. *1,600—MOCA.
From Citro INT, Ala.; to Evergreen, Ala., VOR; MEA 1,500.

Section 610.6843 *VOR Federal airway 843* is amended to read in part:

From Danville, Ill., VOR; to *Clinton INT, Ind.; MEA 2,000. *2,600—MRA.
From Clinton INT, Ind.; to Lewis, Ind., VOR; MEA 2,000.
From Chattanooga, Tenn., VORTAC; to *Dalton INT, Ga.; MEA 3,000. *4,000—MRA.
From Pine Log INT, Ga.; to Kennesaw, INT, Ga.; MEA *4,000. *3,500—MOCA.
From *Sale INT, Ga.; to **Hartsfield INT, Ga.; MEA 1,700. *1,800—MRA. **2,000—MRA.
From *Copeland INT, Fla.; to **Pine INT, Fla.; MEA ***1,500. *2,500—MRA. **2,500—MRA. ***1,200—MOCA.
From Lakeland, Fla., VOR; to Ft. Myers, Fla., VOR; MEA *2,000. *1,300—MOCA.

Section 610.6854 *VOR Federal airway 854* is amended to read in part:

From Dubuque, Iowa, VOR; to Jessup INT, Iowa; MEA 2,500.
From Jessup INT, Iowa; to Waterloo, Iowa, VORTAC; MEA 2,100.
From Reno, Nev., VOR; to Blue Canyon INT, Calif.; MEA 11,000.
From Blue Canyon INT, Calif.; to *Auburn INT, Calif.; southwestbound, MEA 7,000; northeastbound, MEA 11,000. *8,000—MRA.
From Auburn INT, Calif.; to *Newcastle INT, Calif.; southwestbound, MEA 7,000; northeastbound, MEA 11,000. *7,500—MCA Newcastle INT, northeastbound.
From Newcastle INT, Calif.; to Sacramento, Calif., VORTAC; MEA, 3,500.
From Chadron, Nebr., VOR; to *Wheatland INT, Wyo.; MEA **9,000. *9,200—MCA Wheatland INT, westbound. **7,000—MOCA.
From Battle Mountain, Nev., VOR; to *Lovelock, Nev., VORTAC; MEA 12,000. *8,500—MCA Lovelock VORTAC, northeastbound.

Section 610.6875 *VOR Federal airway 875* is amended to read in part:

From *Telford INT, Tenn.; to **Ottway INT, Tenn.; MEA 6,000. *9,000—MRA. **7,200—MRA.

Section 610.6885 *VOR Federal airway 885* is amended to read in part:

From Plum Island INT, N.Y.; to *Watch Hill INT, R.I.; MEA **2,500. *2,500—MRA. **1,500—MOCA.
From Watch Hill INT, R.I.; to Providence R.I., VOR; MEA *2,500. *1,500—MOCA.

Section 610.6600 *VOR Federal airway 1500* is deleted.

Section 610.6602 *VOR Federal airway 1502* is deleted.

Section 610.6604 *VOR Federal airway 1504* is deleted.

Section 610.6606 *VOR Federal airway 1506* is deleted.

Section 610.6608 *VOR Federal airway 1508* is deleted.

Section 610.6610 *VOR Federal airway 1510* is deleted.

Section 610.6612 *VOR Federal airway 1512* is deleted.

Section 610.6614 *VOR Federal airway 1514* is deleted.



Section 610.6616 *VOR Federal airway 1516* is deleted.

Section 610.6618 *VOR Federal airway 1518* is deleted.

Section 610.6620 *VOR Federal airway 1520* is deleted.

Section 610.6622 *VOR Federal airway 1522* is deleted.

Section 610.1624 *VOR Federal airway 1524* is deleted.

Section 610.6629 *VOR Federal airway 1529* is deleted.

Section 610.6631 *VOR Federal airway 1531* is deleted.

Section 610.6633 *VOR Federal airway 1533* is deleted.

Section 610.6635 *VOR Federal airway 1535* is deleted.

### § 610.1502 VOR Federal Airway 1502.

From Seattle, Wash., VOR; to Ephrata, Wash., VOR; MEA 14,500; MAA 24,000.
From Ephrata, Wash., VOR; to Spokane, Wash., VOR; MEA 14,500; MAA 24,000.
From Spokane, Wash., VOR; to Mullan Pass, Idaho, VOR; MEA 14,500; MAA 24,000.
From Mullan Pass, Idaho, VOR; to Great Falls, Mont., VOR; MEA 14,500; MAA 24,000.
From Great Falls, Mont., VOR; to Lewistown, Mont., VOR; MEA 14,500; MAA 24,000.
From Lewistown, Mont., VOR; to Miles City, Mont., VOR; MEA 14,500; MAA 24,000.
From Miles City, Mont., VOR; to Dickinson, N. Dak., VOR; MEA 14,500; MAA 24,000.
From Dickinson, N. Dak., VOR; to Bismark, N. Dak., VOR; MEA 14,500; MAA 24,000.
From Bismark, N. Dak., VOR; to Jamestown, N. Dak., VOR; MEA 14,500; MAA 24,000.
From Jamestown, N. Dak., VOR; to Alexandria, Minn., VOR; MEA 14,500; MAA 24,000.
From Alexandria, Minn., VOR; to Minneapolis, Minn., VOR; MEA 14,500; MAA 24,000.
From Minneapolis, Minn., VOR; to Eau Claire, Wis., VOR; MEA 14,500; MAA 24,000.
From Eau Claire, Wis., VOR; to Green Bay, Wis., VOR; MEA 14,500; MAA 24,000.
From Green Bay, Wis., VOR; to White Cloud, Mich., VOR; MEA 14,500; MAA 24,000.
From White Cloud, Mich., VOR; to Saginaw, Mich., VOR; MEA 14,500; MAA 24,000.
From Saginaw, Mich., VOR; to Peck, Mich., VOR; MEA 14,500; MAA 24,000.
From Peck, Mich., VOR; to London, Ontario, VOR; MEA *14,500; MAA *24,000. *For that airspace over U.S. territory.
From London, Ontario, VOR; to Buffalo, N.Y., VOR; MEA 14,500; MAA 24,000.
From Buffalo, N.Y., VOR; to Syracuse, N.Y., VOR; MEA 14,500; MAA 24,000.
From Syracuse, N.Y., VOR; to Albany, N.Y., VOR; MEA 14,500; MAA 24,000.
From Albany, N.Y., VOR; to Manchester, N.H., VOR; MEA 14,500; MAA 24,000.
From Manchester, N.H., VOR; to Boston, Mass., VOR; MEA 14,500; MAA 24,000.

### § 610.1503 VOR Federal Airway 1503.

From Biscayne Bay, Fla., VOR; to West Palm Beach, Fla., VOR; MEA 14,500; MAA 24,000.
From West Palm Beach, Fla., VOR; to Vero Beach, Fla., VOR; MEA 14,500; MAA 24,000.
From Vero Beach, Fla., VOR; to Daytona Beach, Fla., VOR; MEA 14,500; MAA 24,000.
From Daytona Beach, Fla., VOR; to Jacksonville, Fla., VOR; MEA 14,500; MAA 24,000.
From Jacksonville, Fla., VOR; to Savannah, Ga., VOR; MEA 14,500; MAA 24,000.
From Savannah, Ga., VOR; to Charleston, S.C., VOR; MEA 14,500; MAA 24,000.
From Charleston, S.C., VOR; to Wilmington, N.C., VOR; MEA 14,500; MAA 24,000.
From Wilmington, N.C., VOR; to Cofield, N.C., VOR; MEA 14,500; MAA 24,000.
From Cofield, N.C., VOR; to Cape Charles, Va., VOR; MEA 14,500; MAA 24,000.
From Cape Charles, Va., VOR; to Salisbury, Md., VOR; MEA 14,500; MAA 24,000.
From Salisbury, Md., VOR; to Coyle, N.J., VOR; MEA 14,500; MAA 24,000.
From Coyle, N.J., VOR; to Riverhead, N.Y., VOR; MEA 14,500; MAA 24,000.
From Riverhead, N.Y., VOR; to Boston, Mass., VOR; MEA 14,500; MAA 24,000.
From Boston, Mass, VOR; to Kennebunk, Maine, VOR; MEA 14,500; MAA 24,000.
From Kennebunk, Maine, VOR; to Bangor, Maine, VOR; MEA 14,500; MAA 24,000.
From Bangor, Maine, VOR; to Millinocket, Maine, VOR; MEA 14,500; MAA 24,000.
From Millinocket, Maine, VOR; to Presque Isle, Maine, VOR; MEA 14,500; MAA 24,000.

### § 610.1504 VOR Federal Airway 1504.

From Seattle, Wash., VOR; to Ephrata, Wash., VOR; MEA 14,500; MAA 24,000.
From Ephrata, Wash., VOR; to Spokane, Wash., VOR; MEA 14,500; MAA 24,000.
From Spokane, Wash., VOR; to Mullan Pass, Idaho, VOR; MEA 14,500; MAA 24,000.
From Mullan Pass, Mont., VOR; to Missoula, Mont., VOR; MEA 14,500; MAA 24,000.
From Missoula, Mont., VOR; to Helena, Mont., VOR; MEA 14,500; MAA 24,000.
From Helena, Mont., VOR; to Billings, Mont., VOR; MEA 14,500; MAA 24,000.
From Billings, Mont., VOR; to Sheridan, Wyo., VOR; MEA 14,500; MAA 24,000.
From Sheridan, Wyo., VOR; to Dupree, S. Dak., VOR; MEA 14,500; MAA 24,000.
From Dupree, S. Dak., VOR; to Watertown, S. Dak., VOR; MEA 14,500; MAA 24,000.
From Watertown, S. Dak., VOR; to Redwood Falls, Minn., VOR; MEA 14,500; MAA 24,000.
From Redwood Falls, Minn., VOR; to Rochester, Minn., VOR; MEA 14,500; MAA 24,000.
From Rochester, Minn., VOR; to Lone Rock, Wis., VOR; MEA 14,500; MAA 24,000.
From Lone Rock, Wis., VOR; to Milwaukee, Wis., VOR; MEA 14,500; MAA 24,000.
From Milwaukee, Wis., VOR; to Muskegon, Mich., VOR; MEA 14,500; MAA 24,000.
From Muskegon, Mich., VOR; to Salem, Mich., VOR; MEA 14,500; MAA 24,000.
From Salem, Mich., VOR; to Windsor, Ontario, VOR; MEA *14,500; MAA *24,000. *For that airspace over U.S. territory.
From Windsor, Ontario, VOR; to Erie, Pa., VOR; MEA *14,500; MAA *24,000. *For that airspace over U.S. territory.
From Erie, Pa., VOR; to Bradford, Pa., VOR; MEA 14,500; MAA 24,000.
From Bradford, Pa., VOR; to Wilkes-Barre, Pa., VOR; MEA 14,500; MAA 24,000.
From Wilkes-Barre, Pa., VOR; to Poughkeepsie, N.Y., VOR; MEA 14,500; MAA 24,000.
From Poughkeepsie, N.Y., VOR; to Putnam, Conn., VOR; MEA 14,500; MAA 24,000.
From Putnam, Conn., VOR; to Providence, R.I., VOR; MEA 14,500; MAA 24,000.
From Providence, R.I., VOR; to Nantucket, Mass., VOR; MEA 14,500; MAA 24,000.

### § 610.1505 VOR Federal Airway 1505.

From Biscayne Bay, Fla., VOR; to Vero Beach, Fla., VOR; MEA 14,500; MAA 24,000.
From Vero Beach, Fla., VOR; to Daytona Beach, Fla., VOR; MEA 14,500; MAA 24,000.
From Daytona Beach, Fla., VOR; to Jacksonville, Fla., VOR; MEA 14,500; MAA 24,000.
From Jacksonville, Fla., VOR; to Savannah, Ga., VOR; MEA 14,500; MAA 24,000.
From Savannah, Ga., VOR; to Charleston, S.C., VOR; MEA 14,500; MAA 24,000.
From Charleston, S.C., VOR; to Florence, S.C., VOR; MEA 14,500; MAA 24,000.
From Florence, S.C., VOR; to Raleigh-Durham, N.C., VOR; MEA 14,500; MAA 24,000.
From Raleigh-Durham, N.C., VOR; to Lawrenceville, Va., VOR; MEA 14,500; MAA 19,000.
From Lawrenceville, Va., VOR; to Richmond, Va., VOR; MEA 14,500; MAA 19,000.
From Richmond, Va., VOR; to Kenton, Del., VOR; MEA 14,500; MAA 24,000.
From Kenton, Del., VOR; to New Castle, Del., VOR; MEA 14,500; MAA 24,000.
From New Castle, Del., VOR; to West Chester, Pa., VOR; MEA 14,500; MAA 24,000.
From West Chester, Pa., VOR; to Pottstown, Pa., VOR; MEA 14,500; MAA 24,000.
From Pottstown, Pa., VOR; to Solberg, N.J., VOR; MEA 14,500; MAA 24,000.
From Solberg, N.J., VOR; to Wilton, Conn., VOR; MEA 14,500; MAA 24,000.
From Wilton, Conn., VOR; to Hartford, Conn., VOR; MEA 14,500; MAA 24,000.
From Hartford, Conn., VOR; to Putnam, Conn., VOR; MEA 14,500; MAA 24,000.
From Putnam, Conn., VOR; to Boston, Mass., VOR; MEA 14,500; MAA 24,000.

### § 610.1506 VOR Federal Airway 1506.

From Seattle, Wash., VOR; to Pendleton, Oreg., VOR; MEA 16,400; MAA 24,000.
From Pendleton, Oreg., VOR; to McCall, Idaho, VOR; MEA 14,500; MAA 24,000.
From McCall, Idaho, VOR; to DuBois, Idaho, VOR; MEA 16,500; MAA 24,000.
From DuBois, Idaho, VOR; to DuNoir, Idaho, VOR; MEA 14,500; MAA 24,000.
From DuNoir, Idaho, VOR; to Boysen Reservoir, Wyo., VOR; MEA 15,800; MAA 24,000.
From Boysen Reservoir, Wyo., VOR; to Casper, Wyo., VOR; MEA 14,500; MAA 24,000.
From Casper, Wyo., VOR; to Chadron, Nebr., VOR; MEA 14,500; MAA 24,000.
From Chadron, Nebr., VOR; to O'Neill, Nebr., VOR; MEA 14,500; MAA 24,000.
From O'Neill, Nebr., VOR; to Sioux City, Iowa, VOR; MEA 14,500; MAA 24,000.
From Sioux City, Iowa, VOR; to Fort Dodge, Iowa, VOR; MEA 14,500; MAA 24,000.
From Fort Dodge, Iowa, VOR; to Dubuque, Iowa, VOR; MEA 14,500; MAA 24,000.
From Dubuque, Iowa, VOR; to Northbrook, Ill., VOR; MEA 14,500; MAA 24,000.
From Northbrook, Ill., VOR; to Keeler, Mich., VOR; MEA 14,500; MAA 24,000.
From Keeler, Mich., VOR; to Carleton, Mich., VOR; MEA 14,500; MAA 24,000.
From Carleton, Mich., VOR; to Jefferson, Ohio, VOR; MEA 14,500; MAA 24,000.
From Jefferson, Ohio, VOR; to Keating, Pa., VOR; MEA 14,500; MAA 24,000.
From Keating, Pa., VOR; to Tannersville, Pa., VOR; MEA 14,500; MAA 24,000.
From Tannersville, Pa., VOR; to Sparta, N.J., VOR; MEA 14,500; MAA 24,000.

### § 610.1507 VOR Federal Airway 1507.

From Key West, Fla., VOR; to Miami, Fla., VOR; MEA 14,500; MAA 20,000.
From Miami, Fla., VOR; to Pahokee, Fla., VOR; MEA 14,500; MAA 24,000.
From Pahokee, Fla., VOR; to Orlando, Fla., VOR; MEA 14,500; MAA 24,000.
From Orlando, Fla., VOR; to Jacksonville, Fla., VOR; MEA 14,500; MAA 24,000.
From Jacksonville, Fla., VOR; to Savannah, Ga., VOR; MEA 14,500; MAA 24,000.
From Savannah, Ga., VOR; to Allendale, S.C., VOR; MEA 14,500; MAA 24,000.
From Allendale, S.C., VOR; to Columbia, S.C., VOR; MEA 14,500; MAA 24,000.
From Columbia, S.C., VOR; to Fort Mill, S.C., VOR; MEA 14,500; MAA 24,000.
From Fort Mill, S.C., VOR; to Greensboro, N.C., VOR; MEA 14,500; MAA 24,000.
From Greensboro, N.C., VOR; to Elkins, W. Va., VOR; MEA 14,500; MAA 24,000.
From Elkins, W. Va., VOR; to Morgantown, W. Va., VOR; MEA 14,500; MAA 24,000.
From Morgantown, W. Va., VOR; to Pittsburgh, Pa., VOR; MEA 14,500; MAA 24,000.
From Pittsburgh, Pa., VOR; to Tidioute, Pa., VOR; MEA 14,500; MAA 24,000.
From Tidioute, Pa., VOR; to Buffalo, N.Y., VOR; MEA 14,500; MAA 24,000.

### § 610.1508 VOR Federal Airway 1508.

From Portland, Oreg., VOR; to The Dalles, Oreg., VOR; MEA 14,500; MAA 24,000.
From The Dalles, Oreg., VOR; to Baker, Oreg., VOR; MEA 14,500; MAA 24,000.
From Baker, Oreg., VOR; to Boise, Idaho, VOR; MEA 14,500; MAA 24,000.

From Boise, Idaho, VOR; to Burley, Idaho, VOR; MEA 14,500; MAA 24,000.
From Burley, Idaho, VOR; to Malad City, Idaho, VOR; MEA 14,500; MAA 24,000.
From Malad City, Idaho, VOR; to Rock Springs, Wyo., VOR; MEA 14,500; MAA 24,000.
From Rock Springs, Wyo., VOR; to Cherokee, Wyo., VOR; MEA 14,500; MAA 24,000.
From Cherokee, Wyo., VOR; to Rock River, Wyo., VOR; MEA 14,500; MAA 24,000.
From Rock River, Wyo., VOR; to Sidney, Nebr., VOR; MEA 14,500; MAA 24,000.
From Sidney, Nebr., VOR; to North Platte, Nebr., VOR; MEA 14,500; MAA 24,000.
From North Platte, Nebr., VOR; to Wolbach, Nebr., VOR; MEA 14,500; MAA 24,000.
From Wolbach, Nebr., VOR; to Neola, Iowa, VOR; MEA 14,500; MAA 24,000.
From Neola, Iowa, VOR; to Newton, Iowa, VOR; MEA 14,500; MAA 24,000.
From Newton, Iowa, VOR; to Cedar Rapids, Iowa, VOR; MEA 14,500; MAA 24,000.
From Cedar Rapids, Iowa, VOR; to Polo, Ill., VOR; MEA 14,500; MAA 24,000.
From Polo, Ill., VOR; to Naperville, Ill., VOR; MEA 14,500; MAA 24,000.
From Naperville, Ill., VOR; to South Bend, Ind., VOR; MEA 14,500; MAA 24,000.
From South Bend, Ind., VOR; to Waterville, Ohio, VOR; MEA 14,500; MAA 24,000.
From Waterville, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 14,500; MAA 24,000.
From Cleveland, Ohio, VOR; to Clarion, Pa., VOR; MEA 14,500; MAA 24,000.
From Clarion, Pa., VOR; to Philipsburg, Pa., VOR; MEA 14,500; MAA 24,000.
From Philipsburg, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 14,500; MAA 24,000.
From Selinsgrove, Pa., VOR; to Tower City, Pa., VOR; MEA 14,500; MAA 24,000.
From Tower City, Pa., VOR; to Yardley, Pa., VOR; MEA 14,500; MAA 24,000.
From Yardley, Pa., VOR; to Monmouth INT, N.J.; MEA 14,500; MAA 24,000.

### § 610.1509 VOR Federal Airway 1509.

From Miami, Fla., VOR; to Pahokee, Fla., VOR; MEA 14,500; MAA 24,000.
From Pahokee, Fla., VOR; to Orlando, Fla., VOR; MEA 14,500; MAA 24,000.
From Orlando, Fla., VOR; to Jacksonville, Fla., VOR; MEA 14,500; MAA 24,000.
From Jacksonville, Fla., VOR; to Savannah, Ga., VOR; MEA 14,500; MAA 24,000.
From Savannah, Ga., VOR; to Allendale, S.C., VOR; MEA 14,500; MAA 24,000.
From Allendale, S.C., VOR; to Columbia, S.C., VOR; MEA 14,500; MAA 24,000.
From Columbia, S.C., VOR; to Fort Mill, S.C., VOR; MEA 14,500; MAA 24,000.
From Fort Mill, S.C., VOR; to Pulaski, Va., VOR; MEA 14,500; MAA 24,000.
From Pulaski, Va., VOR; to Parkersburg, W. Va., VOR; MEA 14,500; MAA 24,000.
From Parkersburg, W. Va., VOR; to Navarre, Ohio, VOR; MEA 14,500; MAA 24,000.
From Navarre, Ohio, VOR; to Cleveland, Ohio, VOR.
From Cleveland, Ohio, VOR; to Windsor, Ontario, VOR; MEA *14,500; MAA *24,000.
*For that airspace over U.S. territory.
From Windsor, Ontario, VOR; to Saginaw, Mich., VOR; MEA *14,500; MAA *24,000.
*For that airspace over U.S. territory.
From Saginaw, Mich., VOR; to Traverse City, Mich., VOR; MEA 14,500; MAA 24,000.
From Traverse City, Mich., VOR; to Sault Ste. Marie, Mich., VOR; MEA 14,500; MAA 24,000.

### § 610.1510 VOR Federal Airway 1510.

From San Francisco, Calif., VOR; to Sacramento, Calif., VOR; MEA 14,500; MAA 24,000.
From Sacramento, Calif., VOR; to Reno, Nev., VOR; MEA 14,500; MAA 24,000.
From Reno, Nev., VOR; to Lovelock, Nev., VOR; MEA 14,500; MAA 24,000.
From Lovelock, Nev., VOR; to Battle Mountain, Nev., VOR; MEA 14,500; MAA 24,000.
From Battle Mountain, Nev., VOR; to Wells, Nev., VOR; MEA 14,500; MAA 24,000.
From Wells, Nev., VOR; to Ogden, Utah, VOR; MEA 19,000; MAA 24,000.
From Ogden, Utah, VOR; to Rock Springs, Wyo., VOR; MEA 14,500; MAA 24,000.
From Rock Springs, Wyo., VOR; to Laramie, Wyo., VOR; MEA 17,000; MAA 24,000.
From Laramie, Wyo., VOR; to Cheyenne, Wyo., VOR; MEA 14,500; MAA 24,000.
From Cheyenne, Wyo., VOR; to Sidney, Nebr., VOR; MEA 14,500; MAA 24,000.
From Sidney, Nebr., VOR; to North Platte, Nebr., VOR; MEA 14,500; MAA 24,000.
From North Platte, Nebr., VOR; to Grand Island, Nebr., VOR; MEA 14,500; MAA 24,000.
From Grand Island, Nebr., VOR; to Omaha, Nebr., VOR; MEA 14,500; MAA 24,000.
From Omaha, Nebr., VOR; to Des Moines, Iowa, VOR; MEA 14,500; MAA 24,000.
From Des Moines, Iowa, VOR; to Moline, Ill., VOR; MEA 14,500; MAA 24,000.
From Moline, Ill., VOR; to Joliet, Ill., VOR; MEA 14,500; MAA 24,000.
From Joliet, Ill., VOR; to Chicago Heights, Ill., VOR; MEA 14,500; MAA 24,000.
From Chicago, Heights, Ill., VOR; to Goshen, Ind., VOR; MEA 14,500; MAA 24,000.
From Goshen, Ind., VOR; to Waterville, Ohio, VOR; MEA 14,500; MAA 24,000.
From Waterville, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 14,500; MAA 24,000.
From Cleveland, Ohio, VOR; to Clarion, Pa., VOR; MEA 14,500; MAA 24,000.
From Clarion, Pa., VOR; to Philipsburg, Pa., VOR; MEA 14,500; MAA 24,000.
From Philipsburg, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 14,500; MAA 24,000.
From Selinsgrove, Pa., VOR; to Tower City, Pa., VOR; MEA 14,500; MAA 24,000.
From Tower City, Pa., VOR; to Yardley, Pa., VOR; MEA 14,500; MAA 24,000.
From Yardley, Pa., VOR; to Idlewild, N.Y., VOR; MEA 14,500; MAA 24,000.
From Idlewild, N.Y., VOR; to Nantucket, Mass., VOR; MEA 14,500; MAA 24,000.

### § 610.1511 VOR Federal Airway 1511.

From Key West, Fla., VOR; to Fort Myers, Fla., VOR; MEA 14,500; MAA 24,000.
From Fort Myers, Fla., VOR; to Lakeland, Fla., VOR; MEA 14,500; MAA 24,000.
From Lakeland, Fla., VOR; to Ocala, Fla., VOR; MEA 14,500; MAA 24,000.
From Ocala, Fla., VOR; to Taylor, Fla., VOR; MEA 14,500; MAA 24,000.
From Taylor, Fla., VOR; to Alma, Ga., VOR; MEA 14,500; MAA 24,000.
From Alma, Ga., VOR; to Augusta, Ga., VOR; MEA 14,500; MAA 24,000.
From Augusta, Ga., VOR; to Spartanburg, S.C., VOR; MEA 14,500; MAA 24,000.
From Spartanburg, S.C., VOR; to Tri-City, Tenn., VOR; MEA 14,500; MAA 24,000.
From Tri-City, Tenn., VOR; to Charleston, W. Va., VOR; MEA 14,500; MAA 24,000.
From Charleston, W. Va., VOR; to Tiverton, Ohio, VOR; MEA 14,500; MAA 24,000.
From Tiverton, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 14,500; MAA 24,000.
From Cleveland, Ohio, VOR; to Salem, Mich., VOR; MEA 14,500; MAA 24,000.

### § 610.1512 VOR Federal Airway 1512.

From INT Sacramento, Calif., VOR 232 T rad and Linden, Calif., VOR 269 T rad; to Linden, Calif., VOR; MEA 14,500; MAA 24,000.
From Linden, Calif., VOR; to Reno, Nev., VOR; MEA 14,500; MAA 24,000.
From Reno, Nev., VOR; to Lovelock, Nev., VOR; MEA 14,500; MAA 24,000.
From Lovelock, Nev., VOR; to Battle Mountain, Nev., VOR; MEA 14,500; MAA 24,000.
From Battle Mountain, Nev., VOR; to Elko, Nev., VOR; MEA 14,500; MAA 24,000.
From Elko, Nev., VOR; to Bonneville, Utah, VOR; MEA 14,500; MAA 24,000.
From Bonneville, Utah, VOR; to Salt Lake City, Utah, VOR; MEA 14,500; MAA 24,000.
From Salt Lake City, Utah, VOR; to Myton, Utah, VOR; MEA 14,500; MAA 24,000.
From Myton, Utah, VOR; to Kremmling, Colo., VOR; MEA 14,500; MAA 24,000.
From Kremmling, Colo., VOR; to Akron, Colo., VOR; MEA 16,500; MAA 24,000.
From Akron, Colo., VOR; to Hayes Center, Nebr., VOR; MEA 14,500; MAA 24,000.
From Hayes Center, Nebr., VOR; to Grand Island, Nebr., VOR; MEA 14,500; MAA 24,000.
From Grand Island, Nebr., VOR; to Omaha, Nebr., VOR; MEA 14,500; MAA 24,000.
From Omaha, Nebr., VOR; to Des Moines, Iowa, VOR; MEA 14,500; MAA 24,000.
From Des Moines, Iowa, VOR; to Cordova, Ill., VOR; MEA 14,500; MAA 24,000.
From Cordova, Ill., VOR; to Naperville, Ill., VOR; MEA 14,500; MAA 24,000.

### § 610.1513 VOR Federal Airway 1513.

From Biscayne Bay, Fla., VOR; to Vero Beach, Fla., VOR; MEA 14,500; MAA 24,000.
From Vero Beach, Fla., VOR; to Daytona Beach, Fla., VOR; MEA 14,500 MAA 24,000.
From Daytona Beach, Fla., VOR; to Jacksonville, Fla., VOR; MEA 14,500; MAA 24,000.
From Jacksonville, Fla., VOR; to Alma, Ga., VOR; MEA 14,500; MAA 24,000.
From Alma, Ga., VOR; to Norcross, Ga., VOR; MEA 14,500; MAA 24,000.
From Norcross, Ga., VOR; to Knoxville, Tenn., VOR; MEA 14,500; MAA 24,000.
From Knoxville, Tenn., VOR; to London, Ky., VOR; MEA 14,500; MAA 24,000.
From London, Ky., VOR; to Lexington, Ky., VOR; MEA 14,500; MAA 24,000.
From Lexington, Ky., VOR; to Cincinnati, Ohio, VOR; MEA 14,500; MAA 24,000.
From Cincinnati, Ohio, VOR; to Rosewood, Ohio, VOR; MEA 14,500; MAA 24,000.
From Rosewood, Ohio, VOR; to Waterville, Ohio, VOR; MEA 14,500; MAA 24,000.
From Waterville, Ohio, VOR; to Carleton, Mich., VOR; MEA 14,500; MAA 24,000.
From Carleton, Mich., VOR; to Salem, Mich., VOR; MEA 14,500; MAA 24,000.
From Salem, Mich., VOR; to Saginaw, Mich., VOR; MEA 14,500; MAA 24,000.

### § 610.1514 VOR Federal Airway 1514.

From Salt Lake City, Utah, VOR; to Myton, Utah, VOR; MEA 14,500; MAA 24,000.
From Myton, Utah, VOR; to Kremmling, Colo., VOR; MEA 14,500; MAA 24,000.
From Kremmling, Colo., VOR; to Denver, Colo., VOR; MEA 16,000; MAA 24,000.
From Denver, Colo., VOR; to Thurman, Colo., VOR; MEA 14,500; MAA 24,000.
From Thurman, Colo., VOR; to Hill City, Kans., VOR; MEA 14,500; MAA 24,000.
From Hill City, Kans., VOR; to Russell, Kans., VOR; MEA 14,500; MAA 24,000.
From Russell, Kans., VOR; to Salina, Kans., VOR; MEA 14,500; MAA 24,000.
From Salina, Kans., VOR; to Topeka, Kans., VOR; MEA 14,500; MAA 24,000.
From Topeka, Kans., VOR; to Kansas City, Mo.; MEA 14,500; MAA 24,000.
From Kansas City, Mo., VOR; to Kirksville, Mo., VOR; MEA 14,500; MAA 24,000.
From Kirksville, Mo., VOR; to Bradford, Ill., VOR; MEA 14,500; MAA 24,000.
From Bradford, Ill., VOR; to Joliet, Ill., VOR; MEA 14,500; MAA 24,000.
From Joliet, Ill., VOR; to Chicago Heights, Ill., VOR; MEA 14,500; MAA 24,000.
From Chicago Heights, Ill., VOR; to Goshen, Ind., VOR; MEA 14,500; MAA 24,000.
From Goshen, Ind., VOR; to Waterville, Ohio, VOR; MEA 14,500; MAA 24,000.
From Waterville, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 14,500; MAA 24,000.
From Cleveland, Ohio, VOR; to Clarion, Pa., VOR; MEA 14,500; MAA 24,000.
From Clarion, Pa., VOR; to Philipsburg, Pa., VOR; MEA 14,500; MAA 24,000.
From Philipsburg, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 14,500; MAA 24,000.
From Selinsgrove, Pa., VOR; to Allentown, Pa., VOR; MEA 14,500; MAA 24,000.



From Allentown, Pa., VOR; to Solberg, N.J., VOR; MEA 14,500; MAA 24,000.
From Solberg, N.J., VOR; to INT Solberg, N.J., VOR 086 T rad and Robbinsville, N.J., VOR 040 T rad; MEA 14,500; MAA 24,000.

### § 610.1515 VOR Federal Airway 1515.

From Key West, Fla., VOR; to Miami, Fla., VOR; MEA 14,500; MAA 24,000.
From Miami, Fla., VOR; to Pahokee, Fla., VOR; MEA 14,500; MAA 24,000.
From Pahokee, Fla., VOR; to Vero Beach, Fla., VOR; MEA 14,500; MAA 24,000.
From Vero Beach, Fla., VOR; to Daytona Beach, Fla., VOR; MEA 14,500; MAA 24,000.
From Daytona Beach, Fla., VOR; to Jacksonville, Fla., VOR; MEA 14,500; MAA 24,000.
From Jacksonville, Fla., VOR; to Alma, Ga., VOR; MEA 14,500; MAA 24,000.
From Alma, Ga., VOR; to Macon, Ga., VOR; MEA 14,500; MAA 24,000.
From Macon, Ga., VOR; to McDonough, Ga., VOR; MEA 14,500; MAA 24,000.
From McDonough, Ga., VOR; to Norcross, Ga., VOR; MEA 14,500; MAA 24,000.
From Norcross, Ga., VOR; to Knoxville, Tenn., VOR; MEA 14,500; MAA 24,000.
From Knoxville, Tenn., VOR; to Louisville, Ky., VOR; MEA 14,500; MAA 24,000.
From Louisville, Ky., VOR; to Indianapolis, Ind., VOR; MEA 14,500; MAA 24,000.
From Indianapolis, Ind., VOR; to Chicago Heights, Ill., VOR; MEA 14,500; MAA 24,000.
From Chicago Heights, Ill., VOR; to Milwaukee, Wis., VOR; MEA 14,500; MAA 24,000.

### § 610.1516 VOR Federal Airway 1516.

From Oakland, Calif., VOR; to Stockton, Calif., VOR; MEA 14,500; MAA 24,000.
From Stockton, Calif., VOR; to Coaldale, Nev., VOR; MEA 15,500; MAA 24,000.
From Coaldale, Nev., VOR; to Wilson Creek, Nev., VOR; MEA 14,500; MAA 24,000.
From Wilson Creek, Nev., VOR; to Milford, Utah, VOR; MEA 14,500; MAA 24,000.
From Milford, Utah, VOR; to Hanksville, Utah, VOR; MEA 17,500; MAA 24,000.
From Hanksville, Utah, VOR; to La Sal, Utah, VOR; MEA 14,700; MAA 24,000.
From La Sal, Utah, VOR; to Gunnison, Colo., VOR; MEA 14,700; MAA 24,000.
From Gunnison, Colo., VOR; to Pueblo, Colo., VOR; MEA 16,200; MAA 24,000.
From Pueblo, Colo., VOR; to Lamar, Colo., VOR; MEA 14,500; MAA 24,000.
From Lamar, Colo., VOR; to Russell, Kans., VOR; MEA 14,500; MAA 24,000.
From Russell, Kans., VOR; to Salina, Kans., VOR; MEA 14,500; MAA 24,000.
From Salina, Kans., VOR; to Topeka, Kans., VOR; MEA 14,500; MAA 24,000.
From Topeka, Kans., VOR; to Kansas City, Mo., VOR; MEA 14,500; MAA 24,000.
From Kansas City, Mo., VOR; to Hallsville, Mo., VOR; MEA 14,500; MAA 24,000.
From Hallsville, Mo., VOR; to Vandalia, Ill., VOR; MEA 14,500; MAA 24,000.
From Vandalia, Ill., VOR; to Indianapolis, Ind., VOR; MEA 14,500; MAA 24,000.
From Indianapolis, Ind., VOR; to Rosewood, Ohio, VOR; MEA 14,500; MAA 24,000.
From Rosewood, Ohio, VOR; to Tiverton, Ohio, VOR; MEA 14,500; MAA 24,000.
From Tiverton, Ohio, VOR; to Navarre, Ohio, VOR; MEA 14,500; MAA 24,000.
From Navarre, Ohio, VOR; to Tyrone, Pa., VOR; MEA 14,500; MAA 24,000.
From Tyrone, Pa., VOR; to Tower City, Pa., VOR; MEA 14,500; MAA 24,000.
From Tower City, Pa., VOR; to Yardley, Pa., VOR; MEA 14,500; MAA 24,000.
From Yardley, Pa., VOR; to INT Yardley, Pa., VOR 098 T rad and Idlewild, N.Y., VOR 212 T rad; MEA 14,500; MAA 24,000.

### § 610.1517 VOR Federal Airway 1517.

From Miami, Fla., VOR; to Lakeland, Fla., VOR; MEA 14,500; MAA 24,000.
From Lakeland, Fla., VOR; to Ocala, Fla., VOR; MEA 14,500; MAA 24,000.
From Ocala, Fla., VOR; to Taylor, Fla., VOR; MEA 14,500; MAA 24,000.
From Taylor, Fla., VOR; to Alma, Ga., VOR; MEA 14,500; MAA 24,000.
From Alma, Ga., VOR; to Macon, Ga., VOR; MEA 14,500; MAA 24,000.
From Macon, Ga., VOR; to McDonough, Ga., VOR; MEA 14,500; MAA 24,000.
From McDonough, Ga., VOR; to Crossville, Tenn., VOR; MEA 14,500; MAA 24,000.
From Crossville, Tenn., VOR; to Bowling Green, Ky., VOR; MEA 14,500; MAA 24,000.
From Bowling Green, Ky., VOR; to Lewis, Ind., VOR; MEA 14,500; MAA 24,000.
From Lewis, Ind., VOR; to Peotone, Ill., VOR; MEA 14,500; MAA 24,000.

### § 610.1518 VOR Federal Airway 1518.

From Minneapolis, Minn., VOR; to Nodine, Minn., VOR; MEA 14,500; MAA 24,000.
From Nodine, Minn., VOR; to Lone Rock, Wis., VOR; MEA 14,500; MAA 24,000.
From Lone Rock, Wis., VOR; to Janesville, Wis., VOR; MEA 14,500; MAA 24,000.
From Janesville, Wis., VOR; to Naperville, Ill., VOR; MEA 14,500; MAA 24,000.
Naperville, Ill., VOR; to Chicago Heights, Ill., VOR; MEA 14,500; MAA 24,000.
From Chicago Heights, Ill., VOR; to Goshen, Ind., VOR; MEA 14,500; MAA 24,000.
From Goshen, Ind., VOR; to Attica, Ohio, VOR; MEA 14,500; MAA 24,000.
From Attica, Ohio, VOR; to Navarre, Ohio, VOR; MEA 14,500; MAA 24,000.
From Navarre, Ohio, VOR; to Pittsburgh, Pa., VOR; MEA 14,500; MAA 24,000.
From Pittsburgh, Pa., VOR; to Martinsburg, W. Va., VOR; MEA 14,500; MAA 24,000.
From Martinsburg, W. Va., VOR; to Herndon, Va., VOR; MEA 14,500; MAA 24,000.

### § 610.1519 VOR Federal Airway 1519.

From Miami, Fla., VOR; to Ft. Myers, Fla., VOR; MEA 14,500; MAA 24,000.
From Ft. Myers, Fla., VOR; to St. Petersburg, Fla., VOR; MEA 14,500; MAA 24,000.
From St. Petersburg, Fla., VOR; to Cross City, Fla., VOR; MEA 14,500; MAA 24,000.
From Cross City, Fla., VOR; to Albany, Ga., VOR; MEA 14,500; MAA 24,000.
From Albany, Ga., VOR; to Atlanta, Ga., VOR; MEA 14,500; MAA 24,000.

### § 610.1520 VOR Federal Airway 1520.

From Minneapolis, Minn., VOR; to Rochester, Minn., VOR; MEA 14,500; MAA 24,000.
From Rochester, Minn., VOR; to Rewey, Wis., VOR; MEA 14,500; MAA 24,000.
From Rewey, Wis., VOR; to Joliet, Ill., VOR; MEA 14,500; MAA 24,000.
From Joliet, Ill., VOR; to Peotone, Ill., VOR; MEA 14,500; MAA 24,000.
From Peotone, Ill., VOR; to Ft. Wayne, Ind., VOR; MEA 14,500; MAA 24,000.
From Ft. Wayne, Ind., VOR; to Appleton, Ohio, VOR; MEA 14,500; MAA 24,000.
From Appleton, Ohio, VOR; to Morgantown, W. Va., VOR; MEA 14,500; MAA 24,000.
From Morgantown, W. Va., VOR; to Front Royal, Va., VOR; MEA 14,500; MAA 24,000.
From Front Royal, Va., VOR; to Herndon, Va., VOR; MEA 14,500; MAA 24,000.

### § 610.1521 VOR Federal Airway 1521.

From Miami, Fla., VOR; to St. Petersburg, Fla., VOR; MEA 14,500; MAA 24,000.
From St. Petersburg, Fla., VOR; to Tallahassee, Fla., VOR; MEA 14,500; MAA 24,000.
From Tallahassee, Fla., VOR; to Tuskegee, Ala., VOR; MEA 14,500; MAA 24,000.
From Tuskegee, Ala., VOR; to Birmingham, Ala., VOR; MEA 14,500; MAA 24,000.
From Birmingham, Ala., VOR; to Muscle Shoals, Ala., VOR; MEA 14,500; MAA 24,000.
From Muscle Shoals, Ala., VOR; to Paducah, Ky., VOR; MEA 14,500; MAA 24,000.
From Paducah, Ky., VOR; to Farmington, Mo., VOR; MEA 14,500; MAA 24,000.

### § 610.1522 VOR Federal Airway 1522.

From Los Angeles, Calif., VOR; to Daggett, Calif., VOR; MEA 14,500; MAA 24,000.
From Daggett, Calif., VOR; to Las Vegas, Nev., VOR; MEA 14,500; MAA 24,000.
From Las Vegas, Nev., VOR; to Mormon Mesa, Nev., VOR; MEA 14,500; MAA 24,000.
From Mormon Mesa, Nev., VOR; to Bryce Canyon, Utah, VOR; MEA 14,500; MAA 24,000.
From Bryce Canyon, Utah, VOR; to Hanksville, Utah, VOR; MEA 14,500; MAA 24,000.
From Hanksville, Utah, VOR; to Grand Junction, Colo., VOR; MEA 14,500; MAA 24,000.
From Grand Junction, Colo., VOR; to Kremmling, Colo., VOR; MEA 15,500; MAA 24,000.
From Kremmling, Colo., VOR; to Denver, Colo., VOR; MEA 16,000; MAA 24,000.
From Denver, Colo., VOR; to Thurman, Colo., VOR; MEA 14,500; MAA 24,000.
From Thurman, Colo., VOR; to Hill City, Kans., VOR; MEA 14,500; MAA 24,000.
From Hill City, Kans., VOR; to Mankato, Kans., VOR; MEA 14,500; MAA 24,000.
From Mankato, Kans., VOR; to Pawnee City, Nebr., VOR; MEA 14,500; MAA 24,000.
From Pawnee City, Nebr., VOR; to Lamoni, Iowa, VOR; MEA 14,500; MAA 24,000.
From Lamoni, Iowa, VOR; to Moline, Ill., VOR; MEA 14,500; MAA 24,000.
From Moline, Ill., VOR; to Joliet, Ill., VOR; MEA 14,500; MAA 24,000.
From Joliet, Ill., VOR; to Chicago Heights, Ill., VOR; MEA 14,500; MAA 24,000.
From Chicago Heights, Ill., VOR; to Goshen, Ind., VOR; MEA 14,500; MAA 24,000.
From Goshen, Ind., VOR; to Waterville, Ohio, VOR; MEA 14,500; MAA 24,000.
From Waterville, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 14,500; MAA 24,000.
From Cleveland, Ohio, VOR; to Clarion, Pa., VOR; MEA 14,500; MAA 24,000.
From Clarion, Pa., VOR; to Philipsburg, Pa., VOR; MEA 14,500; MAA 24,000.
From Philipsburg, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 14,500; MAA 24,000.
From Selinsgrove, Pa., VOR; to Tower City, Pa., VOR; MEA 14,500; MAA 24,000.
From Tower City, Pa., VOR; to Yardley, Pa., VOR; MEA 14,500; MAA 24,000.
From Yardley, Pa., VOR; to INT Solberg, N.J., VOR 135 T rad and Yardley, Pa., VOR 056 T rad; MEA 14,500; MAA 24,000.

### § 610.1523 VOR Federal Airway 1523.

From New Orleans, La., VOR; to McComb, Miss., VOR; MEA 14,500; MAA 24,000.
From McComb, Miss., VOR; to Jackson, Miss., VOR; MEA 14,500; MAA 24,000.
From Jackson, Miss., VOR; to Greenwood, Miss., VOR; MEA 14,500; MAA 24,000.
From Greenwood, Miss., VOR; to Memphis, Tenn., VOR; MEA 14,500; MAA 24,000.
From Memphis, Tenn., VOR; to Dyersburg, Tenn., VOR; MEA 14,500; MAA 24,000.
From Dyersburg, Tenn., VOR; to Paducah, Ky., VOR; MEA 14,500; MAA 24,000.
From Paducah, Ky., VOR; to Evansville, Ind., VOR; MEA 14,500; MAA 24,000.
From Evansville, Ind., VOR; to Indianapolis, Ind., VOR; MEA 14,500; MAA 24,000.
From Indianapolis, Ind., VOR; to Ft. Wayne, Ind., VOR; MEA 14,500; MAA 24,000.
From Fort Wayne, Ind., VOR; to Salem, Mich., VOR; MEA 14,500; MAA 24,000.

### § 610.1524 VOR Federal Airway 1524.

From Los Angeles, Calif., VOR; to Ontario, Calif., VOR; MEA 14,500; MAA 24,000.
From Ontario, Calif., VOR; to Hector, Calif., VOR; MEA 14,500; MAA 24,000.
From Hector, Calif., VOR; to Goffs, Calif., VOR; MEA 14,500; MAA 24,000.
From Goffs, Calif., VOR; to Peach Springs, Ariz., VOR; MEA 14,500; MAA 24,000.
From Peach Springs, Ariz., VOR; to Tuba City, Ariz., VOR; MEA 14,500; MAA 24,000.
From Tuba City, Ariz., VOR; to Farmington, N. Mex., VOR; MEA 14,500; MAA 24,000.

From Farmington, N. Mex., VOR; to Alamosa, Colo., VOR; MEA 15,300; MAA 24,000.
From Alamosa, Colo., VOR; to Lamar, Colo., VOR; MEA 16,400; MAA 24,000.
From Lamar, Colo., VOR; to Garden City, Kans., VOR; MEA 14,500; MAA 24,000.
From Garden City, Kans., VOR; to Hutchinson, Kans., VOR; MEA 14,500; MAA 24,000.
From Hutchinson, Kans., VOR; to Emporia, Kans., VOR; MEA 14,500; MAA 24,000.
From Emporia, Kans., VOR; to Blue Springs, Mo., VOR; MEA 14,500; MAA 24,000.
From Blue Springs, Mo., VOR; to Readsville, Mo., VOR; MEA 14,500; MAA 24,000.
From Readsville, Mo., VOR; to Troy, Ill., VOR; MEA 14,500; MAA 24,000.
From Troy, Ill., VOR; to Lewis, Ind., VOR; MEA 14,500; MAA 24,000.
From Lewis, Ind., VOR; to Dayton, Ohio, VOR; MEA 16,000; MAA 23,000.
From Dayton, Ohio, VOR; to Appleton, Ohio, VOR; MEA 14,500; MAA 24,000.
From Appleton, Ohio, VOR; to Pittsburgh, Pa., VOR; MEA 14,500; MAA 24,000.
From Pittsburgh, Pa., VOR; to Johnstown, Pa., VOR; MEA 14,500; MAA 24,000.
From Johnstown, Pa., VOR; to Harrisburg, Pa., VOR; MEA 14,500; MAA 24,000.
From Harrisburg, Pa., VOR; to Allentown, Pa., VOR; MEA 14,500; MAA 24,000.
From Allentown, Pa., VOR; to Solberg, N.J., VOR; MEA 145,00; MAA 24,000.
From Solberg, N.J., VOR; to INT Solberg, N.J., VOR 086 T rad and Robbinsville, N.J., VOR 040 T rad; MEA 14,500; MAA 24,000.

### § 610.1525 VOR Federal Airway 1525.

From New Orleans, La., VOR; to McComb, Miss., VOR; MEA 14,500; MAA 24,000.
From McComb, Miss., VOR; to Jackson, Miss., VOR; MEA 14,500; MAA 24,000.
From Jackson, Miss., VOR; to Greenwood, Miss., VOR; MEA 14,500; MAA 24,000.
From Greenwood, Miss., VOR; to Memphis, Tenn., VOR; MEA 14,500; MAA 24,000.
From Memphis, Tenn., VOR; to Walnut Ridge, Ark., VOR; MEA 14,500; MAA 24,000.
From Walnut Ridge, Ark., VOR; to Farmington, Mo., VOR; MEA 14,500; MAA 24,000.
From Farmington, Mo., VOR; to Troy, Ill., VOR; MEA 14,500; MAA 24,000.
From Troy, Ill., VOR; to Roberts, Ill., VOR; MEA 14,500; MAA 24,000.
From Roberts, Ill., VOR; to INT Roberts, Ill., VOR 008 T rad and Joliet, Ill., VOR 093° T rad.; MEA 14,500; MAA 24,000.

### § 610.1526 VOR Federal Airway 1526.

From Troy, Ill., VOR; to Samsville, Ill., VOR; MEA 14,500; MAA 24,000.
From Samsville, Ill., VOR; to Nabb, Ind., VOR; MEA 14,500; MAA 24,000.
From Nabb, Ind., VOR; to York, Ky., VOR; MEA 14,500; MAA 24,000.
From York, Ky., VOR; to Elkins, W. Va., VOR; MEA 14,500; MAA 24,000.
From Elkins, W. Va., VOR; to Linden, Va., VOR; MEA 14,500; MAA 24,000.
From Linden, Va., VOR; to Washington, D.C., VOR; MEA 14,500; MAA 24,000.

### § 610.1527 VOR Federal Airway 1527.

From Houston, Tex., VOR; to Lufkin, Tex., VOR; MEA 14,500; MAA 24,000.
From Lufkin, Tex., VOR; to Gregg County, Tex., VOR; MEA 14,500; MAA 24,000.
From Gregg County, Tex., VOR; to Texarkana, Ark., VOR; MEA 14,500; MAA 24,000.
From Texarkana, Ark., VOR; to Pine Bluff, Ark., VOR; MEA 14,500; MAA 24,000.
From Pine Bluff, Ark., VOR; to Walnut Ridge, Ark., VOR; MEA 14,500; MAA 24,000.
From Walnut Ridge, Ark., VOR; to Farmington, Mo., VOR; MEA 14,500; MAA 24,000.
From Farmington, Mo., VOR; to St. Louis, Mo., VOR; MEA 14,500; MAA 24,000.
From St. Louis, Mo., VOR; to Springfield, Ill., VOR; MEA 14,500; MAA 24,000.
From Springfield, Ill., VOR; to Joliet, Ill., VOR; MEA 14,500; MAA 24,000.
From Joliet, Ill., VOR; to Naperville, Ill., VOR; MEA 14,500; MAA 24,000.

### § 610.1528 VOR Federal Airway 1528.

From Oakland, Calif., VOR; to Stockton, Calif., VOR; MEA 14,500; MAA 24,000.
From Stockton, Calif., VOR; to Coaldale, Nev., VOR; MEA 15,500; MAA 24,000.
From Coaldale, Nev., VOR; to Wilson Creek, Nev., VOR; MEA 14,500; MAA 24,000.
From Wilson Creek, Nev., VOR; to Milford, Utah, VOR; MEA 14,500; MAA 24,000.
From Milford, Utah, VOR; to Hanksville, Utah, VOR; MEA 17,500; MAA 24,000.
From Hanksville, Utah, VOR; to Dove Creek, Colo., VOR; MEA 14,500; MAA 24,000.
From Dove Creek, Colo., VOR; to Alamosa, Colo., VOR; MEA 20,500; MAA 24,000.
From Alamosa, Colo., VOR; to Clayton, N. Mex., VOR; MEA 17,000; MAA 24,000.
From Clayton, N. Mex., VOR; to Dalhart, Tex., VOR; MEA 16,100; MAA 24,000.
From Dalhart, Tex., VOR; to Amarillo, Tex., VOR; MEA 14,500; MAA 24,000.
From Amarillo, Tex., VOR; to Childress, Tex., VOR; MEA 14,500; MAA 24,000.
From Childress, Tex., VOR; to Wichita Falls, Tex., VOR; MEA 14,500; MAA 24,000.
From Wichita Falls, Tex., VOR; to Dallas, Tex., VOR; MEA 14,500; MAA 24,000.

### § 610.1529 VOR Federal Airway 1529.

From Dalhart, Tex., VOR; to Tobe, Colo., VOR; MEA 14,500; MAA 24,000.
From Tobe, Colo, VOR; to Pueblo, Colo., VOR; MEA 14,500; MAA 24,000.
From Pueblo, Colo., VOR; to Kiowa, Colo., VOR; MEA 14,500; MAA 24,000.
From Kiowa, Colo., VOR; to Denver, Colo., VOR; MEA 14,500; MAA 24,000.
From Denver, Colo., VOR; to Laramie, Wyo., VOR; MEA 14,500; MAA 24,000.
From Laramie, Wyo., VOR; to Rock River, Wyo., VOR; MEA 14,500; MAA 24,000.
From Rock River, Wyo., VOR; to Casper, Wyo., VOR; MEA 14,500; MAA 24,000.
From Casper, Wyo., VOR; to Crazy Woman, Wyo., VOR; MEA 14,500; MAA 24,000.
From Crazy Woman, Wyo., VOR; to Sheridan, Wyo., VOR; MEA 14,500; MAA 24,000.
From Sheridan, Wyo., VOR; to Billings, Mont., VOR; MEA 14,500; MAA 24,000.
From Billings, Mont., VOR; to Great Falls, Mont., VOR; MEA 14,500; MAA 24,000.

### § 610.1530 VOR Federal Airway 1530.

From Long Beach, Calif., VOR; to Ontario, Calif., VOR; MEA 14,500; MAA 24,000.
From Ontario, Calif., VOR; to Hector, Calif., VOR; MEA 14,500; MAA 24,000.
From Hector, Calif., VOR; to Goffs, Calif., VOR; MEA 14,500; MAA 24,000.
From Goffs, Calif., VOR; to Peach Springs, Ariz., VOR; MEA 14,500; MAA 24,000.
From Peach Springs, Ariz., VOR; to Tuba City, Ariz., VOR; MEA 14,500; MAA 24,000.
From Tuba City, Ariz., VOR; to Farmington, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Farmington, N. Mex., VOR; to Cimarron, N. Mex., VOR; MEA 20,000; MAA 24,000.
From Cimarron, N. Mex., VOR; to Clayton, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Clayton, N. Mex., VOR; to Liberal, Kans., VOR; MEA 14,500; MAA 24,000.
From Liberal, Kans., VOR; to Ponca City, Okla., VOR; MEA 14,500; MAA 24,000.
From Ponca City, Okla., VOR; to Oswego, Kans., VOR; MEA 14,500; MAA 24,000.
From Oswego, Kans., VOR; to Springfield, Mo., VOR; MEA 14,500; MAA 24,000.
From Springfield, Mo., VOR; to Farmington, Mo., VOR; MEA 14,500; MAA 24,000.
From Farmington, Mo., VOR; to Evansville, Ind., VOR; MEA 14,500; MAA 24,000.
From Evansville, Ind., VOR; to Louisville, Ky., VOR; MEA 14,500; MAA 24,000.
From Louisville, Ky., VOR; to Lexington, Ky., VOR; MEA 14,500; MAA 24,000.
From Lexington, Ky., VOR; to Charleston, W. Va., VOR; MEA 14,500; MAA 24,000.
From Charleston, W. Va., VOR; to Montebello, Va., VOR; MEA 14,500; MAA 24,000.
From Montebello, Va., VOR; to Gordonsville, Va., VOR.
From Gordonsville, Va., VOR; to Herndon, Va., VOR.

### § 610.1531 VOR Federal Airway 1531.

From Dallas, Tex., VOR; to Ardmore, Okla., VOR; MEA 14,500; MAA 24,000.
From Ardmore, Okla., VOR; to Oklahoma City, Okla., VOR; MEA 14,500; MAA 24,000.
From Oklahoma City, Okla., VOR; to Gage, Okla., VOR; MEA 14,500; MAA 24,000.
From Gage, Okla., VOR; to Liberal, Kans., VOR; MEA 14,500; MAA 24,000.
From Liberal, Kans., VOR; to Lamar, Colo., VOR; MEA 14,500; MAA 24,000.
Lamar, Colo., VOR; to Hugo, Colo., VOR; MEA 14,500; MAA 24,000.
From Hugo, Colo., VOR; to Kiowa, Colo., VOR; MEA 14,500; MAA 24,000.
From Kiowa, Colo., VOR; to Denver, Colo., VOR; MEA 14,500; MAA 24,000.

### § 610.1532 VOR Federal Airway 1532.

From Los Angeles, Calif., VOR; to Ontario, Calif., VOR; MEA 14,500; MAA 24,000.
From Ontario, Calif., VOR; to Twentynine Palms, Calif., VOR; MEA 14,500; MAA 24,000.
From Twentynine Palms, Calif., VOR; to Needles, Calif., VOR; MEA 14,500; MAA 24,000.
From Needles, Calif., VOR; to Prescott, Ariz., VOR; MEA 14,500; MAA 24,000.
From Prescott, Ariz., VOR; to Winslow, Ariz., VOR; MEA 14,500; MAA 24,000.
From Winslow, Ariz., VOR; to Zuni, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Zuni, N. Mex., VOR; to Albuquerque, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Albuquerque, N. Mex., VOR; to Tucumcari, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Tucumcari, N. Mex., VOR; to Amarillo, Tex., VOR; MEA 14,500; MAA 24,000.
From Amarillo, Tex., VOR; to Sayre, Okla., VOR; MEA 14,500; MAA 24,000.
From Sayre, Okla., VOR; to Oklahoma City, Okla., VOR; MEA 14,500; MAA 24,000.
From Oklahoma City, Okla., VOR; to Tulsa, Okla., VOR; MEA 14,500; MAA 24,000.
From Tulsa, Okla., VOR; to Springfield, Mo., VOR; MEA 14,500; MAA 24,000.
From Springfield, Mo., VOR; to Vichy, Mo., VOR; MEA 14,500; MAA 24,000.
From Vichy, Mo., VOR; to Troy, Ill., VOR; MEA 14,500; MAA 24,000.
From Troy, Ill., VOR; to Lewis, Ind., VOR; MEA 14,500; MAA 24,000.
From Lewis, Ind., VOR; to Dayton, Ohio, VOR; MEA 14,500; MAA 24,000.
From Dayton, Ohio, VOR; to Appleton, Ohio, VOR; MEA 14,500; MAA 24,000.
From Appleton, Ohio, VOR; to Pittsburgh, Pa., VOR; MEA 14,500; MAA 24,000.
From Pittsburgh, Pa., VOR; to Johnstown, Pa., VOR; MEA 14,500; MAA 24,000.
From Johnstown, Pa., VOR; to Harrisburg, Pa., VOR; MEA 14,500; MAA 24,000.
From Harrisburg, Pa., VOR; to West Chester, Pa., VOR; MEA 14,500; MAA 24,000.
From West Chester, Pa., VOR; to Robbinsville, N.J., VOR; MEA 14,500; MAA 24,000.

### § 610.1533 VOR Federal Airway 1533.

From San Antonio, Tex., VOR; to Lometa, Tex., VOR; MEA 14,500; MAA 24,000.
From Lometa, Tex., VOR; to Mineral Wells, Tex., VOR; MEA 14,500; MAA 24,000.
From Mineral Wells, Tex., VOR; to Bridgeport, Tex., VOR; MEA 14,500; MAA 24,000.
From Bridgeport, Tex., VOR; to Ardmore, Okla., VOR; MEA 14,500; MAA 24,000.
From Ardmore, Okla., VOR; to Okmulgee, Okla., VOR; MEA 14,500; MAA 24,000.
From Okmulgee, Okla., VOR; to Tulsa, Okla., VOR; MEA 14,500; MAA 24,000.



From Tulsa, Okla., VOR; to Oswego, Kans., VOR; MEA 14,500; MAA 24,000.
From Oswego, Kans., VOR; to Butler, Mo., VOR; MEA 14,500; MAA 24,000.
From Butler, Mo., VOR; to Blue Springs, Mo., VOR; MEA 14,500; MAA 24,000.
From Blue Springs, Mo., VOR; to Kirksville, Mo., VOR; MEA 14,500; MAA 24,000.
From Kirksville, Mo., VOR; to Moline, Ill., VOR; MEA 14,500; MAA 24,000.
From Moline, Ill., VOR; to Janesville, Wis., VOR; MEA 14,500; MAA 24,000.
From Janesville, Wis., VOR; to Milwaukee, Wis., VOR; MEA 14,500; MAA 24,000.

### § 610.1534 VOR Federal Airway 1534.

From Nashville, Tenn., VOR; to Bowling Green, Ky., VOR; MEA 14,500; MAA 24,000.
From Bowling Green, Ky., VOR; to Lexington, Ky., VOR; MEA 14,500; MAA 24,000.
From Lexington, Ky., VOR; to York, Ky., VOR; MEA 14,500; MAA 24,000.
From York, Ky., VOR; to Parkersburg, W. Va., VOR; MEA 14,500; MAA 24,000.
From Parkersburg, W. Va., VOR; to Morgantown, W. Va., VOR; MEA 14,500; MAA 24,000.
From Morgantown, W. Va., VOR; to Martinsburg, W. Va., VOR; MEA 14,500; MAA 24,000.
From Martinsburg, W. Va., VOR; to Pottstown, Pa., VOR; MEA 14,500; MAA 24,000.
From Pottstown, Pa., VOR; to Solberg, N.J., VOR; MEA 14,500; MAA 24,000.
From Solberg, N.J., VOR; to Wilton, Conn., VOR; MEA 14,500; MAA 24,000.
From Wilton, Conn., VOR; to Hartford, Conn., VOR; MEA 14,500; MAA 24,000.
From Hartford, Conn., VOR; to Putnam, Conn., VOR; MEA 14,500; MAA 24,000.
From Putnam, Conn., VOR; to Boston, Mass., VOR; MEA 14,500; MAA 24,000.

### § 610.1535 VOR Federal Airway 1535.

From Blue Springs, Mo., VOR; to Lamoni, Iowa, VOR; MEA 14,500; MAA 24,000.
From Lamoni, Iowa, VOR; to Des Moines, Iowa, VOR; MEA 14,500; MAA 24,000.
From Des Moines, Iowa, VOR; to Mason City, Iowa, VOR; MEA 14,500; MAA 24,000.
From Mason City, Iowa, VOR; to Minneapolis, Minn., VOR; MEA 14,500; MAA 24,000.
From Minneapolis, Minn., VOR; to Duluth, Minn., VOR; MEA 14,500; MAA 24,000.
From Duluth, Minn., VOR; to U.S. Canadian Border; MEA 14,500; MAA 24,000.

### § 610.1536 VOR Federal Airway 1536.

From Long Beach, Calif., VOR; to Thermal, Calif., VOR; MEA 14,500; MAA 24,000.
From Thermal, Calif., VOR; to Blythe, Calif., VOR; MEA 14,500; MAA 24,000.
From Blythe, Calif., VOR; to Phoenix, Ariz., VOR; MEA 14,500; MAA 24,000.
From Phoenix, Ariz., VOR; to St. Johns, Ariz., VOR; MEA 14,500; MAA 24,000.
From St. Johns, Ariz., VOR; to Corona, N. Mex., VOR; MEA 15,500; MAA 24,000.
From Corona, N. Mex., VOR; to Texico, N. Mex., VOR; MEA 15,500; MAA 24,000.
From Texico, N. Mex., VOR; to Childress, Tex., VOR; MEA 14,500; MAA 24,000.
From Childress, Tex., VOR; to Wichita Falls, Tex., VOR; MEA 14,500; MAA 24,000.
From Wichita Falls, Tex., VOR; to Bridgeport, Tex., VOR; MEA 14,500; MAA 24,000.
From Bridgeport, Tex., VOR; to Dallas, Tex., VOR; MEA 14,500; MAA 24,000.
From Dallas, Tex., VOR; to Gregg County, Tex., VOR; MEA 14,500; MAA 24,000.
From Gregg County, Tex., VOR; to Alexandria, La., VOR; MEA 14,500; MAA 24,000.
From Alexandria, La., VOR; to Baton Rouge, La., VOR; MEA 14,500; MAA 24,000.
From Baton Rouge, La., VOR; to New Orleans, La., VOR; MEA 14,500; MAA 24,000.
From New Orleans, La., VOR; to Mobile, Ala., VOR; MEA 14,500; MAA 24,000.
From Mobile, Ala., VOR; to Crestview, Fla., VOR; MEA 14,500; MAA 24,000.



From Crestview, Fla., VOR; to Marianna, Fla., VOR; MEA 14,500; MAA 24,000.
From Marianna, Fla., VOR; to Tallahassee, Fla., VOR; MEA 14,500; MAA 24,000.
From Tallahassee, Fla., VOR; to Taylor, Fla., VOR; MEA 14,500; MAA 24,000.
From Taylor, Fla., VOR; to Jacksonville, Fla., VOR; MEA 14,500; MAA 24,000.

### § 610.1537 VOR Federal Airway 1537.

From Laredo, Tex., VOR; to Cotulla, Tex., VOR; MEA 14,500; MAA 24,000.
From Cotulla, Tex., VOR; to San Antonio, Tex., VOR; MEA 14,500; MAA 24,000.
From San Antonio, Tex., VOR; to Austin, Tex., VOR; MEA 14,500; MAA 24,000.
From Austin, Tex., VOR; to Waco, Tex., VOR; MEA 14,500; MAA 24,000.
From Waco, Tex., VOR; to Dallas, Tex., VOR; MEA 14,500; MAA 24,000.
From Dallas, Tex., VOR; to Ardmore, Okla., VOR; MEA 14,500; MAA 24,000.
From Ardmore, Okla., VOR; to McAlester, Okla., VOR; MEA 14,500; MAA 24,000.
From McAlester, Okla., VOR; to Fayetteville, Ark., VOR; MEA 14,500; MAA 24,000.
From Fayetteville, Ark., VOR; to Springfield, Mo., VOR; MEA 14,500; MAA 24,000.
From Springfield, Mo., VOR; to Hallsville, Mo., VOR; MEA 14,500; MAA 24,000.
From Hallsville, Mo., VOR; to Peoria, Ill., VOR; MEA 14,500; MAA 24,000.
From Peoria, Ill., VOR; to Joliet, Ill., VOR; MEA 14,500; MAA 24,000.

### § 610.1538 VOR Federal Airway 1538.

From Tulsa, Okla., VOR; to Fayetteville, Ark., VOR; MEA 14,500; MAA 24,000.
From Fayetteville, Ark., VOR; to Walnut Ridge, Ark., VOR; MEA 14,500; MAA 24,000.
From Walnut Ridge, Ark., VOR; to Dyersburg, Tenn., VOR; MEA 14,500; MAA 24,000.
From Dyersburg, Tenn., VOR; to Nashville, Tenn., VOR; MEA 14,500; MAA 24,000.
From Nashville, Tenn., VOR; to Crossville, Tenn., VOR; MEA 14,500; MAA 24,000.
From Crossville, Tenn., VOR; to Knoxville, Tenn., VOR; MEA 14,500; MAA 24,000.
From Knoxville, Tenn., VOR; to Charleston, W. Va., VOR; MEA 14,500; MAA 24,000.
From Charleston, W. Va., VOR; to Morgantown, W. Va., VOR; MEA 14,500; MAA 24,000.
From Morgantown, W. Va., VOR; to Johnstown, Pa., VOR; MEA 14,500; MAA 24,000.
From Johnstown, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 14,500; MAA 24,000.
From Selinsgrove, Pa., VOR; to Allentown, Pa., VOR; MEA 14,500; MAA 24,000.
From Allentown, Pa., VOR; to Solberg, N.J., VOR; MEA 14,500; MAA 24,000.
From Solberg, N.J., VOR; to INT Solberg, N.J., VOR 086 T rad and Robbinsville, N.J., VOR 040 T rad; MEA 14,500; MAA 24,000.

### § 610.1539 VOR Federal Airway 1539.

From Abilene, Tex., VOR; to Wichita Falls, Tex., VOR; MEA 14,500; MAA 24,000.
From Wichita Falls, Tex., VOR; to Oklahoma City, Okla., VOR; MEA 14,500; MAA 24,000.
From Oklahoma City, Okla., VOR; to Ponca City, Okla., VOR; MEA 14,500; MAA 24,000.
From Ponca City, Okla., VOR; to Wichita, Kans., VOR: MEA 14,500; MAA 24,000.

### § 610.1540 VOR Federal Airway 1540.

From Mission Bay, Calif., VOR; to El Centro, Calif., VOR; MEA 14,500; MAA 24,000.
From El Centro, Calif., VOR; to Yuma, Ariz., VOR; MEA 14,500; MAA 24,000.
From Yuma, Ariz., VOR; Gila Bend, Ariz., VOR; MEA 14,500; MAA 24,000.
From Gila Bend, Ariz., VOR; to Casa Grande, Ariz., VOR; to MEA 14,500; MAA 24,000.
From Casa Grande, Ariz., VOR; to San Simon, Ariz., VOR; MEA 14,500; MAA 24,000.
From San Simon, Ariz., VOR; to Deming, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Deming, N. Mex., VOR; to Newman, Tex., VOR; MEA 14,500; MAA 24,000.
From Newman, Tex., VOR; to Wink, Tex., VOR; MEA 14,500; MAA 24,000.
From Wink, Tex., VOR; to Big Spring, Tex., VOR; MEA 14,500; MAA 24,000.
From Big Spring, Tex., VOR; to Abilene, Tex., VOR; MEA 14,500; MAA 24,000.
From Abilene, Tex., VOR; to Mineral Wells, Tex., VOR; MEA 14,500; MAA 24,000.
From Mineral Wells, Tex., VOR; to Dallas, Tex., VOR; MEA 14,500; MAA 24,000.
From Dallas, Tex., VOR; to Texarkana, Ark., VOR; MEA 14,500; MAA 24,000.
From Texarkana, Ark., VOR; to Pine Bluff, Ark., VOR; MEA 14,500; MAA 24,000.
From Pine Bluff, Ark., VOR; to Memphis, Tenn., VOR; MEA 14,500; MAA 24,000.
From Memphis, Tenn., VOR; to Nashville, Tenn., VOR; MEA 14,500; MAA 24,000.
From Nashville, Tenn., VOR; to London, Ky., VOR; MEA 14,500; MAA 24,000.
From London, Ky., VOR; to Bluefield, Ky., VOR; MEA 14,500; MAA 24,000.
From Bluefield, Ky., VOR; to Montebello, Va., VOR; MEA 14,500; MAA 24,000.
From Montebello, Va., VOR; to Herndon, Va., VOR; MEA 14,500; MAA 24,000.
From Herndon, Va., VOR; to INT Herndon, Va., VOR 038 T rad and Martinsburg, W. Va., VOR 081 T rad; MEA 14,500; MAA 24,000.

### § 610.1541 VOR Federal Airway 1541.

From Midland, Tex., VOR; to Lubbock, Tex., VOR; MEA 14,500; MAA 24,000.
From Lubbock, Tex., VOR; to Amarillo, Tex., VOR; MEA 14,500; MAA 24,000.
From Amarillo, Tex., VOR; to Gage, Okla., VOR; MEA 14,500; MAA 24,000.
From Gage, Okla., VOR; to Anthony, Kans., VOR; MEA 14,500; MAA 24,000.
From Anthony, Kans., VOR; to Wichita, Kans., VOR; MEA 14,500; MAA 24,000.
From Wichita, Kans., VOR; to Emporia, Kans., VOR; MEA 14,500; MAA 24,000.
From Emporia, Kans., VOR; to Kansas City, Mo., VOR; MEA 14,500; MAA 24,000.
From Kansas City, Mo., VOR; to Neola, Iowa, VOR; MEA 14,500; MAA 24,000.
From Neola, Iowa, VOR; to Sioux City, Iowa, VOR; MEA 14,500; MAA 24,000.
From Sioux City, Iowa, VOR; to Sioux Falls, S. Dak., VOR; MEA 14,500; MAA 24,000.
From Sioux Falls, S. Dak., VOR; to Watertown, S. Dak., VOR; MEA 14,500; MAA 24,000.
From Watertown, S. Dak., VOR; to Jamestown, N. Dak., VOR; MEA 14,500; MAA 24,000.
From Jamestown, N. Dak., VOR; to Minot, N. Dak., VOR; MEA 14,500; MAA 24,000.
From Minot, N. Dak., VOR; to U.S. Canadian Border; MEA 14,500; MAA 24,000.

### § 610.1542 VOR Federal Airway 1542.

From Mission Bay, Calif., VOR; to El Centro, Calif., VOR; MEA 14,500; MAA 24,000.
From El Centro, Calif., VOR; to Yuma, Ariz., VOR; MEA 14,500; MAA 24,000.
From Yuma, Ariz., VOR; to Gila Bend, Ariz., VOR; MEA 14,500; MAA 24,000.
From Gila Bend, Ariz., VOR; to Tucson, Ariz., VOR; MEA 14,500; MAA 24,000.
From Tucson, Ariz., VOR; to Columbus, N. Mex., VOR; MEA 19,000; MAA 24,000.
From Columbus, N. Mex., VOR; to El Paso, Tex., VOR; MEA 14,500; MAA 24,000.
From El Paso, Tex., VOR; to Salt Flat, Tex., VOR; MEA 14,500; MAA 24,000.
From Salt Flat, Tex., VOR; to Culberson, Tex., VOR; MEA 14,500; MAA 24,000.
From Culberson, Tex., VOR; to Fort Stockton, Tex., VOR; MEA 14,500; MAA 24,000.
From Fort Stockton, Tex., VOR; to Junction, Tex., VOR; MEA 14,500; MAA 24,000.
From Junction, Tex., VOR; to San Antonio, Tex., VOR; MEA 14,500; MAA 24,000.
From San Antonio, Tex., VOR; to Houston, Tex., VOR; MEA 14,500; MAA 24,000.
From Houston, Tex., VOR; to Lake Charles, La., VOR; MEA 14,500; MAA 24,000.

From Lake Charles, La., VOR; to New Orleans, La., VOR; MEA 14,500; MAA 24,000.
From New Orleans, La., VOR; to Mobile, Ala., VOR; MEA 14,500; MAA 24,000.
From Mobile, Ala., VOR; to Evergreen, Ala., VOR; MEA 14,500; MAA 24,000.
From Evergreen, Ala., VOR; to Montgomery, Ala., VOR; MEA 14,500; MAA 24,000.
From Montgomery, Ala., VOR; to Tuskegee, Ala., VOR; MEA 14,500; MAA 24,000.
From Tuskegee, Ala., VOR; to Macon, Ga., VOR; MEA 14,500; MAA 24,000.
From Macon, Ga., VOR; to Augusta, Ga., VOR; MEA 14,500; MAA 24,000.
From Augusta, Ga., VOR; to Columbia, S.C., VOR; MEA 14,500; MAA 24,000.
From Columbia, S.C., VOR; to Florence, S.C., VOR; MEA 14,500; MAA 24,000.

**§ 610.1543 VOR Federal Airway 1543.**

From El Paso, Tex., VOR; to Truth or Consequences, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Truth or Consequences, N. Mex., VOR; to Albuquerque, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Albuquerque, N. Mex., VOR; to Santa Fe, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Santa Fe, N. Mex., VOR; to Alamosa, N. Mex., VOR; MEA 15,500; MAA 24,000.
From Alamosa, N. Mex., VOR; to Pueblo, Colo., VOR; MEA 16,500; MAA 24,000.
From Pueblo, Colo., VOR; to Colorado Springs, Colo., VOR; MEA 14,500; MAA 24,000.
From Colorado Springs, Colo., VOR; to Denver, Colo., VOR; MEA 14,500; MAA 24,000.
From Denver, Colo., VOR; to Akron, Colo., VOR; MEA 14,500; MAA 24,000.
From Akron, Colo., VOR; to North Platte, Nebr., VOR; MEA 14,500; MAA 24,000.
From North Platte, Nebr., VOR; to O'Neill, Nebr., VOR; MEA 14,500; MAA 24,000.
From O'Neill, Nebr., VOR; to Sioux Falls, S. Dak., VOR; MEA 14,500; MAA 24,000.
From Sioux Falls, S. Dak., VOR; to Redwood Falls, Minn., VOR; MEA 14,500; MAA 24,000.
From Redwood Falls, Minn., VOR; to Minneapolis, Minn., VOR; MEA 14,500; MAA 24,000.

**§ 610.1544 VOR Federal Airway 1544.**

From Dallas, Tex., VOR; to Texarkana, Ark., VOR; MEA 14,500; MAA 24,000.
From Texarkana, Ark., VOR; to Greenwood, Miss., VOR; MEA 14,500; MAA 24,000.
From Greenwood, Miss., VOR; to Columbus, Miss., VOR; MEA 14,500; MAA 24,000.
From Columbus, Miss., VOR; to Birmingham, Ala., VOR; MEA 14,500; MAA 24,000.
From Birmingham, Ala., VOR; to Atlanta, Ga., VOR; MEA 14,500; MAA 24,000.
From Atlanta, Ga., VOR; to Royston, Ga., VOR; MEA 14,500; MAA 24,000.
From Royston, Ga., VOR; to Spartanburg, S.C., VOR; MEA 14,500; MAA 24,000.
From Spartanburg, S.C., VOR; to Greensboro, N.C., VOR; MEA 14,500; MAA 24,000.
From Greensboro, N.C., VOR; to Gordonsville, Va., VOR; MEA 14,500; MAA 24,000.

**§ 610.1545 VOR Federal Airway 1545.**

From Tucson, Ariz., VOR; to Casa Grande, Ariz., VOR; MEA 14,500; MAA 24,000.
From Casa Grande, Ariz., VOR; to Phoenix, Ariz., VOR; MEA 14,500; MAA 24,000.
From Phoenix, Ariz., VOR; to Prescott, Ariz., VOR; MEA 14,500; MAA 24,000.
From Prescott, Ariz., VOR; to Needles, Calif., VOR; MEA 14,500; MAA 24,000.
From Needles, Calif., VOR; to Goffs, Calif., VOR; MEA 14,500; MAA 24,000.
From Goffs, Calif., VOR; to Beatty, Nev., VOR; MEA 14,500; MAA 24,000.
From Beatty, Nev., VOR; to Coaldale, Nev., VOR; MEA 14,500; MAA 24,000.
From Coaldale, Nev., VOR; to Reno, Nev., VOR; MEA 14,500; MAA 24,000.

**§ 610.1546 VOR Federal Airway 1546.**

From Dallas, Tex., VOR; to Shreveport, La., VOR; MEA 14,500; MAA 24,000.
From Shreveport, La., VOR; to Monroe, La., VOR; MEA 14,500; MAA 24,000.
From Monroe, La., VOR; to Jackson, Miss., VOR; MEA 14,500; MAA 24,000.
From Jackson, Miss., VOR; to Meridian, Miss., VOR; MEA 14,500; MAA 24,000.
From Meridian, Miss., VOR; to Montgomery, Ala., VOR; MEA 14,500; MAA 24,000.
From Montgomery, Ala., VOR; to Tuskegee, Ala., VOR; MEA 14,500; MAA 24,000.
From Tuskegee, Ala., VOR; to McDonough, Ga., VOR; MEA 14,500; MAA 24,000.
From McDonough, Ga., VOR; to Greenwood, S.C., VOR; MEA 14,500; MAA 24,000.
From Greenwood, S.C., VOR; to Fort Mill, N.C., VOR; MEA 14,500; MAA 24,000.
From Fort Mill, N.C., VOR; to Raleigh-Durham, N.C., VOR; MEA 14,500; MAA 24,000.
From Raleigh-Durham, N.C., VOR; to Rocky Mount, N.C., VOR; MEA 14,500; MAA 24,000.
From Rocky Mount, N.C., VOR; to Cofield, N.C., VOR; MEA 14,500; MAA 24,000.
From Cofield, N.C., VOR; to INT Cofield, N.C., VOR 046 T rad and Cape Charles, Va., VOR 200 T rad; MEA 14,500; MAA 24,000.

**§ 610.1547 VOR Federal Airway 1547.**

From Los Angeles, Calif., VOR; to Daggett, Calif., VOR; MEA 14,500; MAA 24,000.
From Daggett, Calif., VOR; to Goffs, Calif., VOR; MEA 14,500; MAA 24,000.
From Goffs, Calif., VOR; to Mormon Mesa, Nev., VOR; MEA 14,500; MAA 24,000.
From Mormon Mesa, Nev., VOR; to Milford, Utah, VOR; MEA 14,500; MAA 24,000.
From Milford, Utah, VOR; to Myton, Utah, VOR; MEA 14,500; MAA 24,000.
From Myton, Utah, VOR; to Cherokee, Wyo., VOR; MEA 14,500; MAA 24,000.
From Cherokee, Wyo., VOR; to Casper, Wyo., VOR; MEA 14,500; MAA 24,000.
From Casper, Wyo., VOR; to Dickinson, N. Dak., VOR; MEA 19,000; MAA 24,000.
From Dickinson, N. Dak., VOR; to Pembina, N. Dak., LFR; MEA 14,500; MAA 24,000.

**§ 610.1548 VOR Federal Airway 1548.**

From Laredo, Tex., VOR; to Alice, Tex., VOR; MEA 14,500; MAA 24,000.
From Alice, Tex., VOR; to Corpus Christi, Tex., VOR; MEA 14,500; MAA 24,000.
From Corpus Christi, Tex., VOR; to Palacios, Tex., VOR; MEA 14,500; MAA 24,000.
From Palacios, Tex., VOR; to Houston, Tex., VOR; MEA 14,500; MAA 24,000.
From Houston, Tex., VOR; to Lake Charles, La., VOR; MEA 14,500; MAA 24,000.
From Lake Charles, La., VOR; to McComb, Miss., VOR; MEA 14,500; MAA 24,000.
From McComb, Miss., VOR; to Meridian, Miss., VOR; MEA 14,500; MAA 24,000.
From Meridian, Miss., VOR; to Tuscaloosa, Ala., VOR; MEA 14,500; MAA 24,000.
From Tuscaloosa, Ala., VOR; to Birmingham, Ala., VOR; MEA 14,500; MAA 24,000.
From Birmingham, Ala., VOR; to Chattanooga, Tenn., VOR; MEA 14,500; MAA 24,000.
From Chattanooga, Tenn., VOR; to Knoxville, Tenn., VOR; MEA 14,500; MAA 24,000.
From Knoxville, Tenn., VOR; to Tri-City, Tenn., VOR; MEA 14,500; MAA 24,000.
From Tri-City, Tenn., VOR; to Pulaski, Va., VOR; MEA 14,500; MAA 24,000.
From Pulaski, Va., VOR; to Gordonsville, Va., VOR; MEA 14,500; MAA 24,000.
From Gordonsville, Va., VOR; to Nottingham, Md., VOR; MEA 14,500; MAA 24,000.
From Nottingham, Md., VOR; to Kenton, Del., VOR; MEA 14,500; MAA 24,000.
From Kenton, Del., VOR; to Coyle, N.J., VOR; MEA 14,500; MAA 24,000.
From Coyle, N.J., VOR; to Riverhead, N.Y., VOR; MEA 14,500; MAA 24,000.
From Riverhead, N.Y., VOR; to Boston, Mass., VOR; MEA 14,500; MAA 24,000.

**§ 610.1549 VOR Federal Airway 1549.**

From Los Angeles, Calif., VOR; to Daggett, Calif., VOR; MEA 14,500; MAA 24,000.
From Daggett, Calif., VOR; to Goffs, Calif., VOR; MEA 14,500; MAA 24,000.
From Goffs, Calif., VOR; to Mormon Mesa, Nev., VOR; MEA 14,500; MAA 24,000.
From Mormon Mesa, Nev., VOR; to Milford, Utah, VOR; MEA 14,500; MAA 24,000.
From Milford, Utah, VOR; to Delta, Utah, VOR; MEA 14,500; MAA 24,000.
From Delta, Utah, VOR; to Provo, Utah, VOR; MEA 14,500; MAA 24,000.
From Provo, Utah, VOR; to Salt Lake City, Utah, VOR; MEA 14,500; MAA 24,000.
From Salt Lake City, Utah, VOR; to Ogden, Utah, VOR; MEA 14,500; MAA 24,000.
From Ogden, Utah, VOR; to Malad City, Idaho, VOR; MEA 14,500; MAA 24,000.
From Malad City, Idaho, VOR; to Pocatello, Idaho, VOR; MEA 14,500; MAA 24,000.
From Pocatello, Idaho, VOR; to DuBois, Idaho, VOR; MEA 14,500; MAA 24,000.
From DuBois, Idaho, VOR; to Dillon, Mont., VOR; MEA 14,500; MAA 24,000.
From Dillon, Mont., VOR; to Helena, Mont., VOR; MEA 14,500; MAA 24,000.
From Helena, Mont., VOR; to Great Falls, Mont., VOR; MEA 14,500; MAA 24,000.
From Great Falls, Mont., VOR; to Cut Bank, Mont., VOR; MEA 14,500; MAA 24,000.
From Cut Bank, Mont., VOR; to U.S.-Canadian Border; MEA 14,500; MAA 24,000.

**§ 610.1550 VOR Federal Airway 1550.**

From Albuquerque, N. Mex., VOR; to Corona, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Corona, N. Mex., VOR; to Roswell, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Roswell, N. Mex., VOR; to Hobbs, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Hobbs, N. Mex., VOR; to Midland, Tex., VOR; MEA 14,500; MAA 24,000.
From Midland, Tex., VOR; to San Angelo, Tex., VOR; MEA 14,500; MAA 24,000.
From San Angelo, Tex., VOR; to Lometa, Tex., VOR; MEA 14,500; MAA 24,000.
From Lometa, Tex., VOR; to Leona, Tex., VOR; MEA 14,500; MAA 24,000.
From Leona, Tex., VOR; to Lufkin, Tex., VOR; MEA 14,500; MAA 24,000.
From Lufkin, Tex., VOR; to Alexandria, La., VOR; MEA 14,500; MAA 24,000.
From Alexandria, La., VOR; to McComb, Miss., VOR; MEA 14,500; MAA 24,000.
From McComb, Miss., VOR; to Evergreen, Ala., VOR; MEA 14,500; MAA 24,000.

**§ 610.1551 VOR Federal Airway 1551.**

From Oakland, Calif., VOR; to Stockton, Calif., VOR; MEA 14,500; MAA 24,000.
From Stockton, Calif., VOR; to Linden, Calif., VOR; MEA 14,500; MAA 24,000.
From Linden, Calif., VOR; to Reno, Nev., VOR; MEA 14,500; MAA 24,000.
From Reno, Nev., VOR; to Lovelock, Nev., VOR; MEA 14,500; MAA 24,000.
From Lovelock, Nev., VOR; to Battle Mountain, Nev., VOR; MEA 14,500; MAA 24,000.
From Battle Mountain, Nev., VOR; to Wells, Nev., VOR; MEA 14,500; MAA 24,000.
From Wells, Nev., VOR; to Pocatello, Idaho, VOR; MEA 14,500; MAA 24,000.
From Pocatello, Idaho, VOR; to Du Noir, Wyo., VOR; MEA 15,800; MAA 24,000.
From Du Noir, Wyo., VOR; to Billings, Mont., VOR; MEA 14,500; MAA 24,000.
From Billings, Mont., VOR; to Miles City, Mont., VOR; MEA 14,500; MAA 24,000.
From Miles City, Mont., VOR; to Dickinson, N. Dak., VOR; MEA 14,500; MAA 24,000.
From Dickinson, N. Dak., VOR; to Minot, N. Dak., VOR; MEA 14,500; MAA 24,000.
From Minot, N. Dak., VOR; to U.S.-Canadian Border; MEA 14,500; MAA 24,000.



**§ 610.1553 VOR Federal Airway 1553.**

From Sacramento, Calif., VOR; to Reno, Nev., VOR; MEA 14,500; MAA 24,000.
From Reno, Nev., VOR; to Lovelock, Nev., VOR; MEA 14,500; MAA 24,000.
From Lovelock, Nev., VOR; to Sod House, Nev., VOR; MEA 14,500; MAA 24,000.
From Sod House, Nev., VOR; to Rome, Oreg., VOR; MEA 14,500; MAA 24,000.
From Rome, Oreg., VOR; to Boise, Idaho, VOR; MEA 14,500; MAA 24,000.
From Boise, Idaho, VOR; to McCall, Idaho, VOR; MEA 14,500; MAA 24,000.
From McCall, Idaho, VOR; to Missoula, Mont., VOR; MEA 20,000; MAA 24,000.
From Missoula, Mont., VOR; to Cut Bank, Mont., VOR; MEA 17,000; MAA 24,000.
From Cut Bank, Mont., VOR; to U.S. Canadian Border; MEA 14,500; MAA 24,000.

**§ 610.1555 VOR Federal Airway 1555.**

From San Francisco, Calif., VOR; to Ukiah, Calif., VOR; MEA 14,500; MAA 24,000.
From Ukiah, Calif., VOR; to Red Bluff, Calif., VOR; MEA 14,500; MAA 24,000.
From Red Bluff, Calif., VOR; to Klamath Falls, Oreg., VOR; MEA 14,500; MAA 24,000.
From Klamath Falls, Oreg., VOR; to Redmond, Oreg., VOR; MEA 14,500; MAA 24,000.
From Redmond, Oreg., VOR; to Pendleton, Oreg., VOR; MEA 14,500; MAA 24,000.
From Pendleton, Oreg., VOR; to Mullan Pass, Idaho, VOR; MEA 14,500; MAA 24,000.
From Mullan Pass, Idaho, VOR; to U.S. Canadian Border; MEA 14,500; MAA 24,000.

**§ 610.1557 VOR Federal Airway 1557.**

From Mission Bay, Calif., VOR; to Los Angeles, Calif., VOR; MEA 14,500; MAA 24,000.
From Los Angeles, Calif., VOR; to Gorman, Calif., VOR; MEA 14,500; MAA 24,000.
From Gorman, Calif., VOR; to Bakersfield, Calif., VOR; MEA 14,500; MAA 24,000.
From Bakersfield, Calif., VOR; to Fresno, Calif., VOR; MEA 14,500; MAA 24,000.
From Fresno, Calif., VOR; to Linden, Calif., VOR; MEA 14,500; MAA 24,000.
From Linden, Calif., VOR; to Sacramento, Calif., VOR; MEA 14,500; MAA 24,000.
From Sacramento, Calif., VOR; to Red Bluff, Calif., VOR; MEA 14,500; MAA 24,000.
From Red Bluff, Calif., VOR; to Medford, Oreg., VOR; MEA 14,500; MAA 24,000.
From Medford, Oreg., VOR; to Eugene, Oreg., VOR; MEA 14,500; MAA 24,000.
From Eugene, Oreg., VOR; to Portland, Oreg., VOR; MEA 14,500; MAA 24,000.
From Portland, Oreg., VOR; to Seattle, Wash., VOR; MEA 14,500; MAA 24,000.
From Seattle, Wash., VOR; to Bellingham, Wash., VOR; MEA 14,500; MAA 24,000.
From Bellingham, Wash., VOR; to U.S.-Canadian Border; MEA 14,500; MAA 24,000.

**§ 610.1559 VOR Federal Airway 1559.**

From INT Long Beach, Calif., VOR 287 T rad and Fillmore, Calif., VOR 163 T rad; to Fillmore, Calif., VOR; MEA 14,500; MAA 24,000.
From Fillmore, Calif., VOR; to Avenal, Calif., VOR; MEA 14,500; MAA 24,000.
From Avenal, Calif., VOR; to Los Banos, Calif., VOR; MEA 14,500; MAA 24,000.
From Los Banos, Calif., VOR; to Stockton, Calif., VOR; MEA 14,500; MAA 24,000.
From Stockton, Calif., VOR; to Oakland, Calif., VOR; MEA 14,500; MAA 24,000.
From Oakland, Calif., VOR; to Point Reyes, Calif., VOR; MEA 14,500; MAA 24,000.
From Point Reyes, Calif., VOR; to Ukiah, Calif., VOR; MEA 14,500; MAA 24,000.
From Ukiah, Calif., VOR; to Fortuna, Calif., VOR; MEA 14,500; MAA 24,000.
From Fortuna, Calif., VOR; to Crescent City, Calif., VOR; MEA 14,500; MAA 24,000.
From Crescent City, Calif., VOR; to North Bend, Oreg., VOR; MEA 14,500; MAA 24,000.
From North Bend, Oreg., VOR; to Newberg, Oreg., VOR; MEA 14,500; MAA 24,000.
From Newberg, Oreg., VOR; to Portland, Oreg., VOR; MEA 14,500; MAA 24,000.

**§ 610.1602 VOR Federal Airway 1602.**

From Fort Myers, Fla., VOR; to Vero Beach, Fla., VOR; MEA 14,500; MAA 24,000.

**§ 610.1603 VOR Federal Airway 1603.**

From North Bend, Oreg., VOR; to Eugene, Oreg., VOR; MEA 14,500; MAA 24,000.

**§ 610.1604 VOR Federal Airway 1604.**

From St. Petersburg, Fla., VOR; to Orlando, Fla., VOR; MEA 14,500; MAA 24,000.
From Orlando, Fla., VOR; to Daytona Beach, Fla., VOR; MEA 14,500; MAA 24,000.

**§ 610.1605 VOR Federal Airway 1605.**

From San Luis Obispo, Calif., VOR; to Paso Robles, Calif., VOR; MEA 14,500; MAA 24,000.
From Paso Robles, Calif., VOR; to Los Banos, Calif., VOR; MEA 14,500; MAA 24,000.
From Los Banos, Calif., VOR; to Oakland, Calif., VOR; MEA 14,500; MAA 24,000.
From Oakland, Calif., VOR; to Williams, Calif., VOR; MEA 14,500; MAA 24,000.
From Williams, Calif., VOR; to Red Bluff, Calif., VOR; MEA 14,500; MAA 24,000.

**§ 610,1606 VOR Federal Airway 1606.**

From Tallahassee, Fla., VOR; to Cross City, Fla., VOR; MEA 14,500; MAA 24,000.
From Cross City, Fla., VOR; to Ocala, Fla., VOR; MEA 14,500; MAA 24,000.
From Ocala, Fla., VOR; to Orlando, Fla., VOR; MEA 14,500; MAA 24,000.
From Orlando, Fla., VOR; to INT Orlando, Fla., VOR 071 T rad and Daytona Beach, Fla., VOR 161 T rad; MEA 14,500; MAA 24,000.

**§ 610.1607 VOR Federal Airway 1607.**

From Gaviota, Calif., VOR; to San Luis Obispo, Calif., VOR; MEA 14,500; MAA 24,000.
From San Luis Obispo, Calif., VOR; to Big Sur, Calif., VOR; MEA 14,500; MAA 24,000.
From Big Sur, Calif., VOR; to Point Reyes, Calif., VOR; MEA 14,500; MAA 24,000.

**§ 610.1608 VOR Federal Airway 1608.**

From Lake Charles, La., VOR; to Baton Rouge, La., VOR; MEA 14,500; MAA 24,000.
From Baton Rouge, La., VOR; to Picayune, Miss., VOR; MEA 14,500; MAA 24,000.
From Picayune, Miss., VOR; to Evergreen, Ala., VOR; MEA 14,500; MAA 24,000.

**§ 610.1609 VOR Federal Airway 1609.**

From Santa Barbara, Calif., VOR; to Paso Robles, Calif., VOR; MEA 14,500; MAA 24,000.
From Paso Robles, Calif., VOR; to Salinas, Calif., VOR; MEA 14,500; MAA 24,000.
From Salinas, Calif., VOR; to Oakland, Calif., VOR; MEA 14,500; MAA 24,000.
From Oakland, Calif., VOR; to Point Reyes, Calif., VOR; MEA 14,500; MAA 24,000.
From Point Reyes, Calif., VOR; to Red Bluff, Calif., VOR; MEA 14,500; MAA 24,000.
From Red Bluff, Calif., VOR; to Lakeview, Oreg., VOR; MEA 14,500; MAA 24,000.
From Lakeview, Oreg., VOR; to Redmond, Oreg., VOR; MEA 14,500; MAA 24,000.
From Redmond, Oreg., VOR; to The Dalles, Oreg., VOR; MEA 14,500; MAA 24,000.
From The Dalles, Oreg., VOR; to Ellensburg, Wash., VOR; MEA 14,500; MAA 24,000.

**§ 610.1610 VOR Federal Airway 1610.**

From El Paso, Tex., VOR; to Hudspeth, Tex., VOR; MEA 14,500; MAA 24,000.
From Hudspeth, Tex., VOR; to Fort Stockton, Tex., VOR; MEA 14,500; MAA 24,000.
From Fort Stockton, Tex., VOR; to Rocksprings, Tex., VOR; MEA 14,500; MAA 24,000.
From Rocksprings, Tex., VOR; to San Antonio, Tex., VOR; MEA 14,500; MAA 24,000.
From San Antonio, Tex., VOR; to Houston, Tex., VOR; MEA 14,500; MAA 24,000.
From Houston, Tex., VOR; to Lake Charles, La., VOR; MEA 14,500; MAA 24,000.

**§ 610.1611 VOR Federal Airway 1611.**

From Baker, Oreg., VOR; to Pendleton, Oreg., VOR; MEA 14,500; MAA 24,000.
From Pendleton, Oreg., VOR; to Spokane, Wash., VOR; MEA 14,500; MAA 24,000.

**§ 610.1612 VOR Federal Airway 1612.**

From Allendale, S.C., VOR; to Charleston, S.C., VOR; MEA 14,500; MAA 24,000.

**§ 610.1613 VOR Federal Airway 1613.**

From Mission Bay, Calif., VOR; to Thermal, Calif., VOR; MEA 14,500; MAA 24,000.
From Thermal, Calif., VOR; to Twenty Nine Palms, Calif., VOR; MEA 14,500; MAA 24,000.
From Twenty Nine Palms, Calif., VOR; to Goffs, Calif., VOR; MEA 14,500; MAA 24,000.
From Goffs, Calif., VOR; to Las Vegas, Nev., VOR; MEA 14,500; MAA 24,000.

**§ 610.1614 VOR Federal Airway 1614.**

From Salt Flat, Tex., VOR; to Hobbs, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Hobbs, Tex., VOR; to Lubbock, Tex., VOR; MEA 14,500; MAA 24,000.
From Lubbock, Tex., VOR; to Childress, Tex., VOR; MEA 14,500; MAA 24,000.
From Childress, Tex., VOR; to Oklahoma City., Okla., VOR; MEA 14,500; MAA 24,000.

**§ 610.1615 VOR Federal Airway 1615.**

From McCall, Idaho, VOR; to Mullan Pass, Idaho, VOR; MEA 14,500; MAA 24,000.

**§ 610.1616 VOR Federal Airway 1616.**

From Macon, Ga., VOR; to Savannah, Ga., VOR; MEA 14,500; MAA 24,000.

**§ 610.1617 VOR Federal Airway 1617.**

From Yuma, Ariz., VOR; to Blythe, Calif., VOR; MEA 14,500; MAA 24,000.
From Blythe, Calif., VOR; to Rice, Calif., VOR; MEA 14,500; MAA 24,000.
From Rice, Calif., VOR; to Needles, Calif., VOR; MEA 14,500; MAA 24,000.
From Needles, Calif., VOR; to Las Vegas, Nev., VOR; MEA 14,500; MAA 24,000.

**§ 610.1618 VOR Federal Airway 1618.**

From Roswell, N. Mex., VOR; to Lubbock, Tex., VOR; MEA 14,500; MAA 24,000.
From Lubbock, Tex., VOR; to Guthrie, Tex., VOR; MEA 14,500; MAA 24,000.
From Guthrie, Tex., VOR; to Wichita Falls, Tex., VOR; MEA 14,500; MAA 24,000.

**§ 610.1619 VOR Federal Airway 1619.**

From Needles, Calif., VOR; to Mormon Mesa, Nev., VOR; MEA 14,500; MAA 24,000.

**§ 610.1620 VOR Federal Airway 1620.**

From Atlanta, Ga., VOR; to McDonough, Ga., VOR; MEA 14,500; MAA 24,000.
From McDonough, Ga., VOR; to Augusta, Ga., VOR; MEA 14,500; MAA 24,000.

**§ 610.1621 VOR Federal Airway 1621.**

From Bonneville, Utah, VOR; to Burley, Idaho, VOR; MEA 14,500; MAA 24,000.

**§ 610.1622 VOR Federal Airway 1622.**

From Lubbock, Tex., VOR; to Abilene, Tex., VOR; MEA 14,500; MAA 24,000.
From Abilene, Tex., VOR; to Britton, Tex., VOR; MEA 14,500; MAA 24,000.
From Britton, Tex., VOR; to Gregg County, Tex., VOR; MEA 14,500; MAA 24,000.
From Gregg County, Tex., VOR; to Monroe, La., VOR; MEA 14,500; MAA 24,000.

**§ 610.1623 VOR Federal Airway 1623.**

From Ogden, Utah, VOR; to Burley, Idaho, VOR; MEA 14,500; MAA 24,000.

### § 610.1624 VOR Federal Airway 1624.

From Thermal, Calif., VOR; to Rice, Calif., VOR; MEA 14,500; MAA 24,000.
From Rice, Calif., VOR; to Prescott, Ariz., VOR; MEA 14,500; MAA 24,000.
From Prescott, Ariz., VOR; to St. Johns, Ariz., VOR; MEA 14,500; MAA 24,000.
From St. Johns, Ariz., VOR; to Albuquerque, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Albuquerque, N. Mex., VOR; to Santa Fe, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Santa Fe, N. Mex., VOR; to Las Vegas, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Las Vegas, N. Mex., VOR; to Dalhart, Tex., VOR; MEA 14,500; MAA 24,000.
From Dalhart, Tex., VOR; to Gage, Okla., VOR; MEA 14,500; MAA 24,000.

### § 610.1625 VOR Federal Airway 1625.

From Tucson, Ariz., VOR; to San Simon, Ariz., VOR; MEA 14,500; MAA 24,000.
From San Simon, Ariz., VOR; to Truth or Consequences, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Truth or Consequences, N. Mex., VOR; to St. Johns, Ariz., VOR; MEA 14,500; MAA 24,000.
From St. Johns, Ariz., VOR; to Zuni, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Zuni, N. Mex., VOR; to Farmington, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Farmington, N. Mex., VOR to Grand Junction, Colo., VOR; MEA 14,500; MAA 24,000.
From Grand Junction, Colo., VOR; to Myton, Utah, VOR; MEA 14,500; MAA 24,000.
From Myton, Utah, VOR; to Salt Lake City, Utah, VOR; MEA 14,500; MAA 24,000.

### § 610.1626 VOR Federal Airway 1626.

From Sayre, Okla., VOR; to Kingfisher, Okla., VOR; MEA 14,500; MAA 24,000
From Kingfisher, Okla., VOR; to Tulsa, Okla., VOR; MEA 14,500; MAA 24,000.

### § 610.1627 VOR Federal Airway 1627.

From Farmington, N. Mex., VOR; to Gunnison, Colo., VOR; MEA 16,300; MAA 24,000.
From Gunnison, Colo., VOR; to Kremmling, Colo., VOR; MEA 16,400; MAA 24,000.
From Kremmling, Colo., VOR; to Laramie, Wyo., VOR; MEA 15,000; MAA 24,000.

### § 610.1628 VOR Federal Airway 1628.

From San Simon, Ariz., VOR; to Columbus, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Columbus, N. Mex., VOR; to El Paso, Tex., VOR; MEA 14,500; MAA 24,000.
From El Paso, Tex., VOR; to Hudspeth, Tex., VOR; MEA 14,500; MAA 24,000.
From Hudspeth, Tex., VOR; to Culberson, Tex., VOR; MEA 14,500; MAA 24,000.
From Culberson, Tex., VOR; to Midland, Tex., VOR; MEA 14,500; MAA 24,000.
From Midland, Tex., VOR; to Abilene, Tex., VOR; MEA 14,500; MAA 24,000.
From Abilene, Tex., VOR; to Bridgeport, Tex., VOR; MEA 14,500; MAA 24,000.
From Bridgeport, Tex., VOR; to Dallas, Tex., VOR; MEA 14,500; MAA 24,000.
From Dallas, Tex., VOR; to Texarkana, Ark., VOR; MEA 14,500; MAA 24,000.
From Texarkana, Ark., VOR; to Little Rock, Ark., VOR; MEA 14,500; MAA 24,000.
From Little Rock, Ark., VOR; to Memphis, Tenn., VOR; MEA 14,500; MAA 24,000.
From Memphis, Tenn., VOR; to Muscle Shoals, Ala., VOR; MEA 14,500; MAA 24,000.
From Muscle Shoals, Ala., VOR; to Chattanooga, Tenn., VOR; MEA 14,500; MAA 24,000.
From Chattanooga, Tenn., VOR; to Spartanburg, S.C., VOR; MEA 14,500; MAA 24,000.
From Spartanburg, S.C., VOR; to Fort Mill, S.C., VOR; MEA 14,500; MAA 24,000.

### § 610.1629 VOR Federal Airway 1629.

From Albuquerque, N. Mex., VOR; to Farmington, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Farmington, N. Mex., VOR; to Grand Junction, Colo., VOR; MEA 15,300; MAA 24,000.
From Grand Junction, Colo., VOR; to Rock Springs, Wyo., VOR; MEA 14,500; MAA 24,000.
From Rock Springs, Wyo., VOR; to Boysen Reservoir, Wyo., VOR; MEA 14,500; MAA 24,000.
From Boysen Reservoir, Wyo., VOR; to Billings, Mont., VOR.

### § 610.1630 VOR Federal Airway 1630.

From Santa Fe, N. Mex., VOR; to Las Vegas, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Las Vegas, N. Mex., VOR; to Tucumcari, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Tucumcari, N. Mex., VOR; to Texico, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Texico, N. Mex., VOR; to Lubbock, Tex., VOR; MEA 14,500; MAA 24,000.
From Lubbock, Tex., VOR; to Big Spring, Tex., VOR.
From Big Spring, Tex., VOR; to San Angelo, Tex., VOR; MEA 14,500; MAA 24,000.
From San Angelo, Tex., VOR; to Austin, Tex., VOR; MEA 14,500; MAA 24,000.
From Austin, Tex., VOR; to Houston, Tex., VOR; MEA 14,500; MAA 24,000.

### § 610.1631 VOR Federal Airway 1631.

From Corona, N. Mex., VOR; to Santa Fe, N. Mex., VOR; MEA 14,500; MAA 24,000.

### § 610.1633 VOR Federal Airway 1633.

From Pueblo, Colo., VOR; to Hugo, Colo, VOR; MEA 14,500; MAA 24,000.
From Hugo, Colo., VOR; to Thurman, Colo., VOR; MEA 14,500; MAA 24,000.
From Thurman, Colo., VOR; to Akron, Colo., VOR; MEA 14,500; MAA 24,000.
From Akron, Colo., VOR; to Sidney, Nebr., VOR; MEA 14,500; MAA 24,000.
From Sidney, Nebr., VOR; to Scottsbluff, Nebr., VOR; MEA 14,500; MAA 24,000.

### § 610.1634 VOR Federal Airway 1634.

From Gaviota, Calif., VOR; to Santa Barbara, Calif., VOR; MEA 14,500; MAA 24,000.
From Santa Barbara, Calif., VOR; to Fillmore, Calif., VOR; MEA 14,500; MAA 24,000.
From Fillmore, Calif., VOR; to Palmdale, Calif., VOR; MEA 14,500; MAA 24,000.

### § 610.1635 VOR Federal Airway 1635.

From Las Vegas, N. Mex., VOR; to Cimarron, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Cimarron, N. Mex., VOR; to Pueblo, Colo., VOR; MEA 14,500; MAA 24,000.
From Pueblo, Colo., VOR; to Colorado Springs, Colo., VOR; MEA 14,500; MAA 24,000.
From Colorado Springs, Colo., VOR; to Denver, Colo., VOR; MEA 14,500; MAA 24,000.
From Denver, Colo., VOR; to Cheyenne, Wyo., VOR; MEA 14,500; MAA 24,000.
From Cheyenne, Wyo., VOR; to Scottsbluff, Nebr., VOR; MEA 14,500; MAA 24,000.
From Scottsbluff, Nebr., VOR; to Chadron, Nebr., VOR; MEA 14,500; MAA 24,000.
From Chadron, Nebr., VOR; to Smithwick, S. Dak., VOR; MEA 14,500; MAA 24,000.
From Smithwick, S. Dak., VOR; to Rapid City, S. Dak., VOR; MEA 14,500; MAA 24,000.

### § 610.1636 VOR Federal Airway 1636.

From Tuba City, Ariz., VOR; to Dove Creek, Colo., VOR; MEA 14,500; MAA 24,000.
From Dove Creek, Colo., VOR; to Gunnison, Colo., VOR; MEA 16,300; MAA 24,000.
From Gunnison, Colo., VOR; to Kiowa, Colo., VOR; MEA 16,500; MAA 24,000.
From Kiowa, Colo., VOR; to Thurman, Colo., VOR; MEA 14,500; MAA 24,000.
From Thurman, Colo., VOR; to Hill City, Kans., VOR; MEA 14,500; MAA 24,000.
From Hill City, Kans., VOR; to Hutchinson, Kans., VOR; MEA 14,500; MAA 24,000.

### § 610.1637 VOR Federal Airway 1637.

From Dalhart, Tex., VOR; to Liberal, Kans., VOR; MEA 14,500; MAA 24,000.
From Liberal, Kans., VOR; to Hutchinson, Kans., VOR; MEA 14,500; MAA 24,000.
From Hutchinson, Kans., VOR; to Topeka, Kans., VOR; MEA 14,500; MAA 24,000.
From Topeka, Kans., VOR; to Lamoni, Iowa, VOR; MEA 14,500; MAA 24,000.

### § 610.1638 VOR Federal Airway 1638.

From Paso Robles, Calif., VOR; to Avenal, Calif., VOR; MEA 14,500; MAA 24,000.
From Avenal, Calif., VOR; to Bakersfield, Calif., VOR; MEA 14,500; MAA 24,000.

### § 610.1639 VOR Federal Airway 1639.

From Gage, Okla., VOR; to Garden City, Kans., VOR; MEA 14,500; MAA 24,000.

### § 610.1640 VOR Federal Airway 1640.

From Greensboro, N.C., VOR; to Raleigh-Durham, N.C., VOR; MEA 14,500; MAA 24,000.

### § 610.1641 VOR Federal Airway 1641.

From Bridgeport, Tex., VOR; to Oklahoma City., Okla., VOR; MEA 14,500; MAA 24,000.

### § 610.1642 VOR Federal Airway 1642.

From Grand Junction, Colo., VOR; to Gunnison, Colo., VOR; MEA 15,000; MAA 24,000.
From Gunnison, Colo., VOR; to Alamosa, Colo., VOR; MEA 14,500; MAA 24,000.
From Alamosa, Colo., VOR; to Tobe, Colo., VOR; MEA 16,400; MAA 24,000.
From Tobe, Colo., VOR; to Liberal, Kans., VOR; MEA 14,500; MAA 24,000.

### § 610.1643 VOR Federal Airway 1643.

From Brownsville, Tex., VOR; to Alice, Tex., VOR; MEA 14,500; MAA 24,000.
From Alice, Tex., VOR; to San Antonio, Tex., VOR; MEA 14,500; MAA 24,000.
From San Antonio, Tex., VOR; to Junction, Tex., VOR; MEA 14,500; MAA 24,000.
From Junction, Tex., VOR; to San Angelo, Tex., VOR; MEA 14,500; MAA 24,000.

### § 610.1644 VOR Federal Airway 1644.

From Hugo, Colo., VOR; to Garden City, Kans., VOR; MEA 14,500; MAA 24,000.
From Garden City, Kans., VOR; to Anthony, Kans., VOR; MEA 14,500; MAA 24,000.
From Anthony, Kans., VOR; to Ponca City, Okla., VOR; MEA 14,500; MAA 24,000.
From Ponca City, Okla., VOR; to Tulsa, Okla,. VOR; MEA 14,500; MAA 24,000.
From Tulsa, Okla., VOR; to Fort Smith, Ark., VOR; MEA 14,500; MAA 24,000.
From Fort Smith, Ark., VOR; to Little Rock, Ark., VOR; MEA 14,500; MAA 24,000.

### § 610.1645 VOR Federal Airway 1645.

From Las Vegas, N. Mex., VOR; to Tobe, Colo., VOR; MEA 14,500; MAA 24,000.
From Tobe, Colo., VOR; to Lamar, Colo. VOR; MEA 14,500; MAA 24,000.
From Lamar, Colo., VOR; to Hayes Center, Nebr., VOR; MEA 14,500; MAA 24,000.
From Hayes Center, Nebr., VOR; to North Platte, Nebr., VOR; MEA 14,500; MAA 24,000.

### § 610.1646 VOR Federal Airway 1646.

From Kansas City, Mo., VOR; to Macon, Mo., VOR; MEA 14,500; MAA 24,000.
From Macon, Mo., VOR; to Springfield, Ill., VOR; MEA 14,500; MAA 24,000.
From Springfield, Ill., VOR; to Indianapolis, Ind., VOR.



From Indianapolis, Ind., VOR; to Cincinnati, Ohio, VOR; MEA 14,500; MAA 24,000.
From Cincinnati, Ohio, VOR; to York, Ky., VOR; MEA 14,500; MAA 24,000.
From York, Ky., VOR; to Charleston, W. Va., VOR; MEA 14,500; MAA 24,000.
From Charleston, W. Va., VOR; to Elkins, W. Va., VOR; MEA 14,500; MAA 19,000.
From Elkins, W. Va., VOR; to Front Royal, Va., VOR; MEA 14,500; MAA 24,000.

### § 610.1647 VOR Federal Airway 1647.

From Neola, Iowa, VOR; to Fort Dodge, Iowa, VOR; MEA 14,500; MAA 24,000.
From Fort Dodge, Iowa, VOR; to Mason City, Iowa, VOR; MEA 14,500; MAA 24,000.

### § 610.1648 VOR Federal Airway 1648.

From INT Big Sur, Calif., VOR 330 T rad and Salinas, Calif., VOR 281 T rad; to Salinas, Calif., VOR; MEA 14,500 MAA 24,000.
From Salinas, Calif., VOR; to Los Banos, Calif., VOR; MEA 14,500; MAA 24,000.
From Los Banos, Calif., VOR; to Fresno, Calif., VOR; MEA 14,500; MAA 24,000.

### § 610.1649 VOR Federal Airway 1649.

From Lufkin, Tex., VOR; to Shreveport, La., VOR; MEA 14,500; MAA 24,000.
From Shreveport, La., VOR; to Texarkana, Ark., VOR; MEA 14,500; MAA 24,000.
From Texarkana, Ark., VOR; to Page, Okla., VOR; MEA 14,500; MAA 24,000.
From Page, Okla., VOR; to Fayetteville, Ark., VOR; MEA 14,500; MAA 24,000.

### § 610.1650 VOR Federal Airway 1650.

From Macon, Mo., VOR; to Peoria, Ill., VOR; MEA 14,500; MAA 24,000.
From Peoria, Ill., VOR; to Bradford, Ill., VOR; MEA 14,500; MAA 24,000.

### § 610.1651 VOR Federal Airway 1651.

From Jackson, Miss., VOR; to Pine Bluff, Ark., VOR; MEA 14,500; MAA 24,000.
From Pine Bluff, Ark., VOR; to Little Rock, Ark., VOR; MEA 14,500; MAA 24,000.
From Little Rock, Ark., VOR; to Flippin, Ark., VOR; MEA 14,500; MAA 24,000.
From Flippin, Ark., VOR; to Springfield, Mo., VOR; MEA 14,500; MAA 24,000.
From Springfield, Mo., VOR; to Blue Springs, Mo., VOR; MEA 14,500; MAA 24,000.
From Blue Springs, Mo., VOR; to Kansas City, Mo., VOR; MEA 14,500; MAA 24,000.

### § 610.1652 VOR Federal Airway 1652.

From Thurman, Colo., VOR; to Hayes Center, Nebr., VOR; MEA 14,500; MAA 24,000.
From Hayes Center, Nebr., VOR; to Walbach, Nebr., VOR.

### § 610.1653 VOR Federal Airway 1653.

From New Orleans, La., VOR; to Picayune, Miss., VOR; MEA 14,500; MAA 24,000.
From Picayune, Miss., VOR; to Meridian, Miss., VOR; MEA 14,500; MAA 24,000.
From Meridian, Miss., VOR; to Tuscaloosa, Ala., VOR; MEA 14,500; MAA 24,000.
From Tuscaloosa, Ala., VOR; to Birmingham, Ala., VCR; MEA 14,500; MAA 24,000.
From Birmingham, Ala., VOR; to Muscle Shoals, Ala., VOR; MEA 14,500; MAA 24,000.
From Muscle Shoals, Ala., VOR; to Nashville, Tenn., VOR; MEA 14,500; MAA 24,000.

### § 610.1654 VOR Federal Airway 1654.

From Ukiah, Calif., VOR; to Williams, Calif., VOR; MEA 14,500; MAA 24,000.
From Williams, Calif., VOR; to Reno, Nev., VOR; MEA 14,500; MAA 24,000.

### § 610.1656 VOR Federal Airway 1656.

From INT Salt Lake City, Utah, VOR 265 T rad and Provo, Utah, VOR 315 T rad; to Provo, Utah, VOR; MEA 14,500; MAA 24,000.
From Provo, Utah, VOR; to Myton, Utah, VOR; MEA 14,500; MAA 24,000.

### § 610.1657 VOR Federal Airway 1657.

From Tiverton, Ohio, VOR; to Attica, Ohio, VOR; MEA 14,500; MAA 24,000.
From Attica, Ohio, VOR; to Waterville, Ohio, VOR; MEA 14,500; MAA 24,000.
From Waterville, Ohio, VOR; to Pullman, Mich., VOR; MEA 14,500; MAA 24,000.
From Pullman, Mich., VOR; to Muskegon, Mich., VOR; MEA 14,500; MAA 24,000.
From Muskegon, Mich., VOR; to White Cloud, Mich., VOR; MEA 14,500; MAA 24,000.
From White Cloud, Mich., VOR; to Traverse City, Mich., VOR; MEA 14,500; MAA 24,000.

### § 610.1658 VOR Federal Airway 1658.

From Martinsburg, W. Va., VOR; to Baltimore, Md., VOR; MEA 14,500; MAA 24,000.
From Baltimore, Md., VOR; to INT Baltimore, Md., VOR 097 T rad and Kenton, Del., VOR 242 T rad; MEA 14,500; MAA 24,000.

### § 610.1659 VOR Federal Airway 1659.

From Milwaukee, Wis., VOR; to Green Bay, Wis., VOR; MEA 14,500; MAA 24,000.

### § 610.1660 VOR Federal Airway 1660.

From Appleton, Ohio, VOR; to Parkersburg, W. Va., VOR; MEA 14,500; MAA 24,000.
From Parkersburg, W. Va., VOR; to Elkins, W. Va., VOR; MEA 14,500; MAA 24,000.
From Elkins, W. Va., VOR; to Gordonsville, Va., VOR; MEA 14,500; MAA 24,000.
From Gordonsville, Va., VOR; to Flat Rock, Va., VOR; MEA 14,500; MAA 24,000.

### § 610.1661 VOR Federal Airway 1661.

From Crestview, Fla., VOR; to Montgomery, Ala., VOR; MEA 14,500; MAA 24,000.
From Montgomery, Ala., VOR; to Atlanta, Ga., VOR; MEA 14,500; MAA 24,000.
From Atlanta, Ga., VOR; to Norcross, Ga., VOR; MEA 14,500; MAA 24,000.

### § 610.1662 VOR Federal Airway 1662.

From Wells, Nev., VOR; to Malad City, Idaho, VOR; MEA 14,500; MAA 24,000.
From Malad City, Idaho, VOR; to Big Piney, Wyo., VOR; MEA 14,500; MAA 24,000.
From Big Piney, Wyo., VOR; to Casper, Wyo., VOR; MEA 16,000; MAA 24,000.

### § 610.1663 VOR Federal Airway 1663.

From Fort Wayne, Ind., VOR; to Goshen, Ind., VOR; MEA 14,500; MAA 24,000.
From Goshen, Ind., VOR; to South Bend, Ind., VOR; MEA 14,500; MAA 24,000.
From South Bend, Ind., VOR; to Northbrook, Ill., VOR; MEA 14,500; MAA 24,000.

### § 610.1664 VOR Federal Airway 1664.

From Des Moines, Iowa, VOR; to Newton, Iowa., VOR; MEA 14,500; MAA 24,000.
From Newton, Iowa, VOR; to Dubuque, Iowa, VOR; MEA 14,500; MAA 24,000.
From Dubuque, Iowa, VOR; to Janesville, Wis., VOR; MEA 14,500; MAA 24,000.

### § 610.1665 VOR Federal Airway 1665.

From Tallahassee, Fla., VOR; to Albany, Ga., VOR; MEA 14,500; MAA 24,000.
From Albany, Ga., VOR; to Macon, Ga., VOR; MEA 14,500; MAA 24,000.

### § 610.1666 VOR Federal Airway 1666.

From Denver, Colo., VOR; to Hayes Center, Nebr., VOR; MEA 14,500; MAA 24,000.

### § 610.1667 VOR Federal Airway 1667.

From Fort Mill, S.C., VOR; to Tri-City, Tenn., VOR; MEA 14,500; MAA 24,000.
From Tri-City, Tenn., VOR; to Lexington, Ky., VOR; MEA 14,500; MAA 24,000.

### § 610.1668 VOR Federal Airway 1668.

From Rock River, Wyo., VOR; to Chadron, Nebr., VOR; MEA 14,500; MAA 24,000.

### § 610.1669 VOR Federal Airway 1669.

From Alma, Ga., VOR; to Allendale, S.C., VOR; MEA 14,500; MAA 24,000.
From Allendale, S.C., VOR; to Florence, S.C., VOR; MEA 14,500; MAA 24,000.

### § 610.1670 VOR Federal Airway 1670.

From Johnstown, Pa., VOR; to Tyrone, Pa., VOR; MEA 14,500; MAA 24,000.
From Tyrone, Pa., VOR; to Philipsburg, Pa., VOR; MEA 14,500; MAA 24,000.
From Philipsburg, Pa., VOR; to Williamsport, Pa., VOR; MEA 14,500; MAA 24,000.
From Williamsport, Pa., VOR; to Binghamton, N.Y., VOR; MEA 14,500; MAA 24,000.

### § 610.1671 VOR Federal Airway 1671.

From Pittsburgh, Pa., VOR; to Akron, Ohio, VOR; MEA 14,500; MUA 24,000.
From Akron, Ohio, VOR; to Windsor, Ontario, VOR; MEA *14,500; MUA *24,000. *For that airspace over U.S. territory.

### § 610.1672 VOR Federal Airway 1672.

From Selinsgrove, Pa., VOR; to Thornhurst, Pa., VOR; MEA 14,500; MUA 24,000.
From Thornhurst, Pa., VOR; to Huguenot, N.Y., VOR; MEA 14,500; MUA 24,000.
From Huguenot, N.Y., VOR; to Poughkeepsie, N.Y., VOR; MEA 14,500; MUA 24,000.
From Poughkeepsie, N.Y., VOR; to Manchester, N.H., VOR; MEA 14,500; MUA 24,000.
From Manchester, N.H., VOR; to Kennebunk, Maine, VOR; MEA 14,500; MUA 24,000.

### § 610.1673 VOR Federal Airway 1673.

From Greensboro, N.C., VOR; to Montebello, Va., VOR; MEA 14,500; MUA 24,000.
From Montebello, Va., VOR; to Front Royal, Va., VOR; MEA 14,500; MUA 24,000.
From Front Royal, Va., VOR; to Martinsburg, W. Va., VOR; MEA 14,500; MUA 24,000.
From Martinsburg, W. Va., VOR; to Philipsburg, Pa., VOR; MEA 14,500; MUA 24,000.
From Philipsburg, Pa., VOR; to Syracuse, N.Y., VOR; MEA 14,500; MUA 24,000.

### § 610.1674 VOR Federal Airway 1674.

From Cleveland, Ohio, VOR; to Jefferson, Ohio, VOR; MEA 14,500; MUA 24,000.
From Jefferson, Ohio, VOR; to Erie, Pa., VOR; MEA 14,500; MUA 24,000.
From Erie, Pa., VOR; to Wellsville, N.Y., VOR; MEA 14,500; MUA 24,000.
From Wellsville, N.Y., VOR; to Binghamton, N.Y., VOR; MEA 14,500; MUA 24,000.
From Binghamton, N.Y., VOR; to Rockdale, N.Y., VOR; MEA 14,500; MUA 24,000.
From Rockdale, N.Y., VOR; to Albany, N.Y., VOR; MEA 14,500; MUA 24,000.

### § 610.1675 VOR Federal Airway 1675.

From Charleston, S.C., VOR; to Columbia, S.C., VOR; MEA 14,500; MUA 24,000.
From Columbia, S.C., VOR; to Spartanburg, S.C., VOR; MEA 14,500; MUA 24,000.

### § 610.1676 VOR Federal Airway 1676.

From Northbrook, Ill., VOR; to South Bend, Ind., VOR; MEA 14,500; MUA 24,000.
From South Bend, Ind., VOR; to Salem, Mich., VOR; MEA 14,500; MUA 24,000.

### § 610.1677 VOR Federal Airway 1677.

From Wilmington, N.C., VOR; to Rocky Mount, N.C., VOR; MEA 14,500; MUA 24,000.
From Rocky Mount, N.C., VOR; to Flat Rock, Va., VOR; MEA 14,500; MUA 24,000.

### § 610.1678 VOR Federal Airway 1678.

From Northbrook, Ill., VOR; to Pullman, Mich., VOR; MEA 14,500; MUA 24,000.
From Pullman, Mich., VOR; to Peck, Mich., VOR; MEA 14,500; MUA 24,000.

### § 610.1679 VOR Federal Airway 1679.

From Herndon, Va., VOR; to Harrisburg, Pa., VOR; MEA 14,500; MUA 24,000.
From Harrisburg, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 14,500; MUA 24,000.
From Selinsgrove, Pa., VOR; to Williamsport, Pa., VOR; MEA 14,500; MUA 24,000.
From Williamsport, Pa., VOR; to Binghamton, N.Y., VOR; MEA 14,500; MUA 24,000.
From Binghamton, N.Y., VOR; to Syracuse, N.Y., VOR; MEA 14,500; MUA 24,000.

From Syracuse, N.Y., VOR; to Massena, N.Y., VOR; MEA 14,500; MUA 24,000.
From Massena, N.Y., VOR; to U.S. Canadian Border; MEA 14,500; MUA 24,000.

**§ 610.1680 VOR Federal Airway 1680.**

From Fortuna, Calif., VOR; to Red Bluff, Calif., VOR; MEA 14,500; MAA 24,000.

**§ 610.1681 VOR Federal Airway 1681.**

From Washington, D.C., VOR; to Baltimore, Md., VOR; MEA 14,500; MAA 24,000.
From Baltimore, Md., VOR; to New Castle, Del., VOR; MEA 14,500; MAA 24,000.
From New Castle, Del., VOR; to Woodstown, N.J., VOR; MEA 14,500; MAA 24,000.
From Woodstown, N.J., VOR; to Robbinsville, N.J., VOR; MEA 14,500; MAA 24,000.

**§ 610.1682 VOR Federal Airway 1682.**

From Idlewild, N.Y., VOR; to Hampton, N.Y., VOR; MEA 14,500; MAA 24,000.
From Hampton, N.Y., VOR; to Providence, R.I., VOR; MEA 14,500; MAA 24,000.
From Providence, R.I., VOR; to Boston, Mass., VOR; MEA 14,500; MAA 24,000.

**§ 610.1683 VOR Federal Airway 1683.**

From Baltimore, Md., VOR; to Harrisburg, Pa., VOR; MEA 14,500; MAA 24,000.
From Harrisburg, Pa., VOR; to Philipsburg, Pa., VOR; MEA 14,500; MAA 24,000.
From Philipsburg, Pa., VOR; to Bradford, Pa., VOR; MEA 14,500; MAA 24,000.
From Bradford, Pa., VOR; to Buffalo, N.Y., VOR; MEA 14,500; MAA 24,000.

**§ 610.1684 VOR Federal Airway 1684.**

From Mason City, Iowa, VOR; to Dubuque, Iowa, VOR; MEA 14,500; MAA 24,000.
From Dubuque, Iowa, VOR; to Polo, Ill., VOR; MEA 14,500; MAA 24,000.

**§ 610.1685 VOR Federal Airway 1685.**

From Salisbury, Md., VOR; to New Castle, Del., VOR; MEA 14,500; MAA 24,000.
From New Castle, Del., VOR; to West Chester, Pa., VOR; MEA 14,500; MAA 24,000.
From West Chester, Pa., VOR; to Pottstown, Pa., VOR; MEA 14,500; MAA 24,000.
From Pottstown, Pa., VOR; to Allentown, Pa., VOR; MEA 14,500; MAA 24,000.
From Allentown, Pa., VOR; to Wilkes-Barre, Pa., VOR; MEA 14,500; MAA 24,000.
From Wilkes-Barre, Pa., VOR; to Syracuse, N.Y., VOR; MEA 14,500; MAA 24,000.

**§ 610.1686 VOR Federal Airway 1686.**

From Bradford, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 14,500; MAA 24,000.
From Selinsgrove, Pa., VOR; to Tower City, Pa., VOR; MEA 14,500; MAA 24,000.
From Tower City, Pa., VOR; to West Chester, Pa., VOR; MEA 14,500; MAA 24,000.

**§ 610.1687 VOR Federal Airway 1687.**

From Sparta, N.J., VOR; to Huguenot, N.Y., VOR; MEA 14,500; MAA 24,000.
From Huguenot, N.Y., VOR; to Rockdale, N.Y., VOR; MEA 14,500; MAA 24,000.
From Rockdale, N.Y., VOR; to Syracuse, N.Y., VOR; MEA 14,500; MAA 24,000.

**§ 610.1688 VOR Federal Airway 1688.**

From Casper, Wyo., VOR; to Rapid City, S. Dak., VOR; MEA 14,500; MAA 24,000.
From Rapid City, S. Dak., VOR; to Pierre, S. Dak., VOR; MEA 14,500; MAA 24,000.
From Pierre, S. Dak., VOR; to Huron, S. Dak., VOR; MEA 14,500; MAA 24,000.
From Huron, S. Dak., VOR; to Redwood Falls, Minn., VOR; MEA 14,500; MAA 24,000.
From Redwood Falls, Minn., VOR; to Eau Claire, Wis., VOR; MEA 14,500; MAA 24,000.

**§ 610.1689 VOR Federal Airway 1689.**

From Albany, N.Y., VOR; to Massena, N.Y., VOR; MEA 14,500; MAA 24,000.

**§ 610.1690 VOR Federal Airway 1690.**

From Milwaukee, Wis., VOR; to Pullman, Mich., VOR; MEA 14,500; MAA 24,000.
From Pullman, Mich., VOR; to Salem, Mich., VOR; MEA 14,500; MAA 24,000.

**§ 610.1691 VOR Federal Airway 1691.**

From Coyle, N.J., VOR; to Idlewild, N.Y., VOR; MEA 14,500; MAA 24,000.
From Idlewild, N.Y., VOR; to Wilton, Conn., VOR.
From Wilton, Conn., VOR; to Poughkeepsie, N.Y., VOR.
From Poughkeepsie, N.Y., VOR; to Albany, N.Y., VOR; MEA 14,500; MAA 24,000.
From Albany, N.Y., VOR; to Plattsburg, N.Y., VOR; MEA 14,500; MAA 24,000.
From Plattsburgh, N.Y., VOR; to U.S. Canadian Border; MEA 14,500; MAA 24,000.

**§ 610.1692 VOR Federal Airway 1692.**

From Medford, Oreg., VOR; to Klamath Falls, Oreg., VOR; MEA 14,500; MAA 24,000.
From Klamath Falls, Oreg., VOR; to Lakeview, Oreg., VOR; MEA 14,500; MAA 24,000.
From Lakeview, Oreg., VOR; to Rome, Oreg., VOR; MEA 14,500; MAA 24,000.
From Rome, Oreg., VOR; to Burley, Idaho, VOR; MEA 16,000; MAA 24,000.

**§ 610.1694 VOR Federal Airway 1694.**

From Muskegon, Mich., VOR; to Peck, Mich., VOR; MEA 14,500; MAA 24,000.

**§ 610.1695 VOR Federal Airway 1695.**

From Poughkeepsie, N.Y., VOR; to Concord, N.H., VOR; MEA 14,500; MAA 24,000.
From Concord, N.H., VOR; to Kennebunk, Maine, VOR; MEA 14,500; MAA 24,000.
From Kennebunk, Maine, VOR; to Bangor, Maine, VOR; MEA 14,500; MAA 24,000.
From Bangor, Maine, VOR; to Millinocket, Maine, VOR; MEA 14,500; MAA 24,000.
From Millinocket, Maine, VOR; to Presque Isle, Maine, VOR; MEA 14,500; MAA 24,000.

**§ 610.1696 VOR Federal Airway 1696.**

From Buffalo, N.Y., VOR; to Wellsville, N.Y., VOR; MEA 14,500; MAA 24,000.
From Wellsville, N.Y., VOR; to Williamsport, Pa., VOR; MEA 14,500; MAA 24,000.
From Williamsport, Pa., VOR; to Thornhurst, Pa., VOR; MEA 14,500; MAA 24,000.
From Thornhurst, Pa., VOR; to Tannersville, Pa., VOR; MEA 14,500; MAA 24,000.
From Tannersville, Pa., VOR; to INT Tannersville, Pa., VOR 114 T rad and Solberg, N.J., VOR 051 T rad; MEA 14,500; MAA 24,000.

**§ 610.1697 VOR Federal Airway 1697.**

From Nantucket, Mass., VOR; to Boston, Mass., VOR; MEA 14,500; MAA 24,000.
From Boston, Mass., VOR; to Manchester, N.H., VOR; MEA 14,500; MAA 24,000.
From Manchester, N.H., VOR; to Concord, N.H., VOR.
From Concord, N.H., VOR; to Burlington, Vt., VOR; MEA 14,500; MAA 24,000.
From Burlington, Vt., VOR; to Plattsburg, N.Y., VOR; MEA 14,500; MAA 24,000.
From Plattsburg, N.Y., VOR; to U.S. Canadian Border; MEA 14,500; MAA 24,000.

**§ 610.1698 VOR Federal Airway 1698.**

From Buffalo, N.Y., VOR; to Binghamton, N.Y., VOR; MEA 14,500; MAA 24,000.
From Binghamton, N.Y., VOR; to Wilton, Conn., VOR; MEA 14,500.

**§ 610.1699 VOR Federal Airway 1699.**

From Lakeland, Fla., VOR; to Cross City, Fla., VOR; MEA 14,500; MAA 24,000.

**§ 610.1700 VOR Federal Airway 1700.**

From Watertown, S. Dak., VOR; to Minneapolis, Minn., VOR; MEA 14,500; MAA 24,000.

**§ 610.1701 VOR Federal Airway 1701.**

From Chattanooga, Tenn., VOR; to Nashville, Tenn., VOR; MEA 14,500; MAA 24,000.
From Nashville, Tenn., VOR; to Evansville, Ind., VOR; MEA 14,500; MAA 24,000.
From Evansville, Ind., VOR; to Troy, Ill., VOR; 14,500; MAA 24,000.

**§ 610.1702 VOR Federal Airway 1702.**

From U.S.-Canadian Border; to Buffalo, N.Y., VOR; MEA 14,500; MAA 24,000.
From Buffalo, N.Y., VOR; to Wilkes-Barre, Pa., VOR; MEA 14,500; MAA 24,000.
From Wilkes-Barre, Pa., VOR; to Sparta, N.J., VOR; MEA 14,500; MAA 24,000.
From Sparta, N.J., VOR; to INT Sparta, N.J. VOR 111 T rad and Wilton, Conn., VOR 240 T rad; MEA 14,500; MAA 24,000.

**§ 610.1703 VOR Federal Airway 1703.**

From Dallas, Tex., VOR; to Ardmore, Okla., VOR; MEA 14,500; MAA 24,000.

**§ 610.1704 VOR Federal Airway 1704.**

From Newberg, Oreg., VOR; to Redmond, Oreg., VOR; MEA 14,500; MAA 24,000.
From Redmond, Oreg., VOR; to Baker, Oreg., VOR; MEA 17,000; MAA 24,000.
From Baker, Oreg., VOR; to McCall, Idaho, VOR; MEA 14,500; MAA 24,000.

**§ 610.1705 VOR Federal Airway 1705.**

From Fresno, Calif., VOR; to Reno, Nev., VOR; MEA 14,500; MAA 24,000.
From Reno, Nev., VOR; to Lakeview, Oreg., VOR; MEA 14,500; MAA 24,000.
From Lakeview, Oreg., VOR; to Redmond, Oreg., VOR; MEA 14,500; MAA 24,000.
From Redmond, Oreg., VOR; to Newberg, Oreg., VOR; MEA 14,500; MAA 24,000.

**§ 610.1706 VOR Federal Airway 1706.**

From Miles City, Mont., VOR; to Dupree, S. Dak., VOR; MEA 14,500; MAA 24,000.
From Dupree, S. Dak., VOR; to Pierre, S. Dak., VOR; MEA 14,500; MAA 24,000.
From Pierre, S. Dak., VOR; to Sioux Falls, S. Dak., VOR; MEA 14,500; MAA 24,000.
From Sioux Falls, S. Dak., VOR; to Mason City, Iowa, VOR; MEA 14,500; MAA 24,000.
From Mason City, Iowa, VOR; to Rewey, Wis., VOR; MEA 14,500; MAA 24,000.
From Rewey, Wis., VOR; to Janesville, Wis., VOR; MEA 14,500; MAA 24,000.
From Janesville, Wis., VOR; to Pullman, Mich., VOR; MEA 14,500; MAA 24,000.
From Pullman, Mich., VOR; to Salem, Mich., VOR; MEA 14,500; MAA 24,000.

**§ 610.1707 VOR Federal Airway 1707.**

From Denver, Colo., VOR; to Laramie, Wyo., VOR; MEA 14,500; MAA 24,000.

**§ 610.1708 VOR Federal Airway 1708.**

From Poughkeepsie, N.Y., VOR; to Hartford, Conn., VOR; MEA 14,500; MAA 24,000.
From Hartford, Conn., VOR; to INT Hartford, Conn., VOR 101 T rad and Boston, Mass., VOR 223 T rad; MEA 14,500; MAA 24,000.

**§ 610.1709 VOR Federal Airway 1709.**

From Kiowa, Colo., VOR; to Cheyenne, Wyo., VOR; MEA 14,500; MAA 24,000.
From Cheyenne, Wyo., VOR; to Crazy Woman, Wyo., VOR; MEA 14,500; MAA 24,000.

**§ 610.1710 VOR Federal Airway 1710.**

From The Dalles, Oreg., VOR; to Pendleton, Oreg., VOR; MEA 14,500; MAA 24,000.

**§ 610.1711 VOR Federal Airway 1711.**

From Houston, Tex., VOR; to Leona, Tex., VOR; MEA 14,500; MAA 24,000.
From Leona, Tex., VOR; to Dallas, Tex., VOR; MEA 14,500; MAA 24,000.



**§ 610.1712 VOR Federal Airway 1712.**

From Massena, N.Y., VOR; to Plattsburg, N.Y., VOR; MEA 14,500; MAA 24,000.

**§ 610.1713 VOR Federal Airway 1713.**

From Hill City, Kans., VOR; to Akron, Colo., VOR; MEA 14,500; MAA 24,000.
From Akron, Colo., VOR; to Cheyenne, Wyo., VOR; MEA 14,500; MAA 24,000.

**§ 610.1714 VOR Federal Airway 1714.**

From Naperville, Ill., VOR; to Keeler, Mich., VOR; MEA 14,500; MAA 24,000.
From Keeler, Mich., VOR; to Peck, Mich., VOR; MEA 14,500; MAA 24,000.

**§ 610.1715 VOR Federal Airway 1715.**

From Tobe, Colo., VOR; to Hugo, Colo., VOR; MEA 14,500; MAA 24,000.

**§ 610.1716 VOR Federal Airway 1716.**

From Seattle, Wash., VOR; to Ellensburg, Wash., VOR; MEA 14,500; MAA 24,000.
From Ellensburg, Wash., VOR; to Ephrata, Wash., VOR; MEA 14,500; MAA 24,000.

**§ 610.1717 VOR Federal Airway 1717.**

From Denver, Colo., VOR; to Sidney, Nebr., VOR; MEA 14,500; MAA 24,000.

**§ 610.1718 VOR Federal Airway 1718.**

From Mullan Pass, Idaho, VOR; to Cut Bank, Mont., VOR; MEA 14,500; MAA 24,000.

**§ 610.1719 VOR Federal Airway 1719.**

From Los Angeles, Calif., VOR; to Palmdale, Calif., VOR; MEA 14,500; MAA 24,000.

**§ 610.1721 VOR Federal Airway 1721.**

From Prescott, Ariz., VOR; to Bryce Canyon, Utah, VOR; MEA 14,500; MAA 24,000.
From Bryce Canyon, Utah, VOR; to Delta, Utah, VOR; MEA 14,500; MAA 24,000.
From Delta, Utah, VOR; to Malad City, Utah, VOR; MEA 14,500; MAA 24,000.

**§ 610.1722 VOR Federal Airway 1722.**

From Casper, Wyo., VOR; to Smithwick, S. Dak., VOR; MEA 14,500; MAA 24,000.
From Smithwick, S. Dak., VOR; to Winner, S. Dak., VOR; MEA 14,500; MAA 24,000.
From Winner, S. Dak., VOR; to Sioux Falls, S. Dak., VOR; MEA 14,500; MAA 24,000.

**§ 610.1723 VOR Federal Airway 1723.**

From Parkersburg, W. Va., VOR; to Pittsburgh, Pa., VOR; MEA 14,500; MAA 24,000.

**§ 610.1724 VOR Federal Airway 1724.**

From Crazy Woman, Wyo., VOR; to Rapid City, S. Dak., VOR; MEA 14,500; MAA 24,000.

**§ 610.1725 VOR Federal Airway 1725.**

From Tiverton, Ohio, VOR; to Clarion, Pa., VOR; MEA 18,000; MAA 24,000.
From Clarion, Pa., VOR; to Bradford, Pa., VOR; MEA 14,500; MAA 24,000.
From Bradford, Pa., VOR; to Wellsville, N.Y., VOR; MEA 14,500; MAA 24,000.

**§ 610.1726 VOR Federal Airway 1726.**

From Gunnison, Colo., VOR; to Colorado Springs, Colo., VOR; MEA 16,500; MAA 24,000.
From Colorado Springs, Colo., VOR; to Hugo, Colo., VOR; MEA 14,500; MAA 24,000.
From Hugo, Colo., VOR; to Hill City, Kans., VOR; MEA 14,500; MAA 24,000.

**§ 610.1727 VOR Federal Airway 1727.**

From Rosewood, Ohio, VOR; to Attica, Ohio, VOR; MEA 14,500; MAA 24,000.
From Attica, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 14,500; MAA 24,000.
From Cleveland, Ohio, VOR; to Jefferson, Ohio, VOR; MEA 14,500; MAA 24,000.
From Jefferson, Ohio, VOR; to Erie, Pa., VOR; MEA 14,500; MAA 24,000.
From Erie, Pa., VOR; to Buffalo, N.Y., VOR; MEA 14,500; MAA 24,000.

**§ 610.1728 VOR Federal Airway 1728.**

From San Luis Obispo, Calif., VOR; to Gorman, Calif., VOR; MEA 14,500; MAA 24,000.
From Gorman, Calif., VOR; to Palmdale, Calif., VOR; MEA 14,500; MAA 24,000.
From Palmdale, Calif., VOR; to Hector, Calif., VOR; MEA 14,500; MAA 24,000.
From Hector, Calif., VOR; to Needles, Calif., VOR; MEA 14,500; MAA 24,000.
From Needles, Calif., VOR; to Peach Springs, Ariz., VOR; MEA 14,500; MAA 24,000.

**§ 610.1729 VOR Federal Airway 1729.**

From Pittsburgh, Pa., VOR; to Erie, Pa., VOR; MEA 14,500; MAA 24,000.

**§ 610.1730 VOR Federal Airway 1730.**

From Prescott, Ariz., VOR; to Winslow, Ariz., VOR; MEA 14,500; MAA 24,000.
From Winslow, Ariz., VOR; to Crown Point, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Crown Point, N. Mex., VOR; to Taos, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Taos, N. Mex., VOR; to Tobe, Colo., VOR; MEA 16,700; MAA 24,000.
From Tobe, Colo., VOR; to Garden City, Kans., VOR; MEA 14,500; MAA 24,000.
From Garden City, Kans., VOR; to Russell, Kans., VOR; MEA 14,500; MAA 24,000.

**§ 610.1731 VOR Federal Airway 1731.**

From Greensboro, N.C., VOR; to Flat Rock, Va., VOR; MEA 14,500; MAA 24,000.
From Flat Rock, Va., VOR; to Richmond, Va., VOR; MEA 14,500; MAA 24,000.

**§ 610.1732 VOR Federal Airway 1732.**

From Linden, Calif., VOR; to Mina, Nev., VOR; MEA 14,500; MAA 24,000.
From Mina, Nev., VOR; to Currant, Nev., VOR; MEA 14,500; MAA 24,000.
From Currant, Nev., VOR; to Delta Utah, VOR; MEA 15,100; MAA 24,000.
From Delta, Utah, VOR; to Myton, Utah, VOR; MEA 14,500; MAA 24,000.
From Myton, Utah, VOR; to Laramie, Wyo., VOR; MEA 21,000; MAA 24,000.
From Laramie, Wyo., VOR; to Scottsbluff, Nebr., VOR; MEA 14,500; MAA 24,000.

**§ 610.1733 VOR Federal Airway 1733.**

From New Castle, Del., VOR; to Yardley, Pa., VOR; MEA 14,500; MAA 24,000.
From Yardley, Pa., VOR; to INT Yardley, Pa., VOR 056 T rad and Solberg, N.J., VOR 135 T rad; MEA 14,500; MAA 24,000.

**§ 610.1734 VOR Federal Airway 1734.**

From Salt Lake City, Utah, VOR; to INT Salt Lake City, Utah, VOR 065 T rad and Rock Springs, Wyo., VOR 259 T rad; MEA 17,000; MAA 24,000.

**§ 610.1735 VOR Federal Airway 1735.**

From INT Boston, Mass., VOR 223 and Putnam, Conn., VOR 195 T rad; to Putnam, Conn., VOR; MEA 14,500; MAA 24,000.
From Putnam, Conn., VOR; to Boston, Mass., VOR; MEA 14,500; MAA 24,000.

**§ 610.1736 VOR Federal Airway 1736.**

From Provo, Utah, VOR; to INT Provo, Utah, VOR 045 T rad and Rock Springs, Wyo., VOR 259 T rad MEA 17,000; MAA 24,000.

**§ 610.1738 VOR Federal Airway 1738.**

From Sacramento, Calif., VOR; to Reno, Nev., VOR; MEA 14,500; MAA 24,000.

**§ 610.1739 VOR Federal Airway 1739.**

From Chattanooga, Tenn., VOR; to Crossville, Tenn., VOR; MEA 14,500; MAA 24,000.
From Crossville, Tenn., VOR; to Louisville, Ky., VOR; MEA 14,500; MAA 24,000.
From Louisville, Ky., VOR; to Cincinnatti, Ohio, VOR; MEA 14,500; MAA 24,000.

**§ 610.1740 VOR Federal Airway 1740.**

From Albany, N.Y., VOR; to Hartford, Conn., VOR; MEA 14,500; MAA 24,000.

**§ 610.1741 VOR Federal Airway 1741.**

From Chattanooga, Tenn., VOR; to Bowling Green, Ky., VOR; MEA 14,500; MAA 24,000.
From Bowling Green, Ky., VOR; to Nabb, Ind., VOR; MEA 14,500; MAA 24,000.
From Nabb, Ind., VOR; to Cincinnatti, Ohio, VOR; MEA 14,500; MAA 24,000.

**§ 610.1742 VOR Federal Airway 1742.**

From Duluth, Minn., VOR; to Green Bay, Wis., VOR; MEA 14,500; MAA 24,000.

**§ 610.1743 VOR Federal Airway 1743.**

From Pulaski, Va., VOR; to Elkins, W. Va., VOR; MEA 14,500; MAA 24,000.

**§ 610.1744 VOR Federal Airway 1744.**

From Boise, Idaho, VOR; to Pocatello, Idaho, VOR; MEA 14,500; MAA 24,000.
From Pocatello, Idaho, VOR; to Big Piney, Wyo., VOR; MEA 14,500; MAA 24,000.
From Big Piney, Wyo., VOR; to Cherokee, Wyo., VOR; MEA 14,500; MAA 24,000.

**§ 610.1745 VOR Federal Airway 1745.**

From Lamar, Colo., VOR; to Hill City, Kans., VOR; MEA 14,500; MAA 24,000.

**§ 610.1746 VOR Federal Airway 1746.**

From Texico, N. Mex., VOR; to Guthrie, Tex., VOR; MEA 14,500; MAA 24,000.
From Guthrie, Tex., VOR; to Bridgeport, Tex., VOR; MEA 14,500; MAA 24,000.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall become effective April 6, 1961.

Issued in Washington, D.C., on March 9, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-2301; Filed, Mar. 21, 1961; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

SOLVENTS IN SPICE OLEORESINS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Kalamazoo Spice Extraction Company, Post Office Box 591, Kalamazoo, Michigan, and other relevant material, has concluded that the following regulations should issue in conformity with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the named food additives in spice oleoresins, when present therein as solvent residues from the extraction process. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the au-

thority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) Subpart D of the food additive regulations (21 CFR Part 121) is amended by adding thereto the following new sections:

**§ 121.1039 Methylene chloride residues.**

A tolerance of 30 parts per million is established for methylene chloride in spice oleoresins when present therein as a residue from the extraction of spice; *Provided, however,* That if residues of other chlorinated solvents are also present the total of all residues of such solvents shall not exceed 30 parts per million.

**§ 121.1040 Ethylene dichloride residues.**

A tolerance of 30 parts per million is established for ethylene dichloride in spice oleoresins when present therein as a residue from the extraction of spice; *Provided, however,* That if residues of other chlorinated solvents are also present the total of all residues of such solvents shall not exceed 30 parts per million.

**§ 121.1041 Trichloroethylene residues.**

A tolerance of 30 parts per million is established for trichloroethylene in spice oleoresins when present therein as a residue from the extraction of spice; *Provided, however,* That if residues of other chlorinated solvents are also present the total of all residues of such solvents shall not exceed 30 parts per million.

**§ 121.1042 Acetone residues.**

A tolerance of 30 parts per million is established for acetone in spice oleoresins when present therein as a residue from the extraction of spice.

**§ 121.1043 Isopropyl alcohol residues.**

A tolerance of 50 parts per million is established for isopropyl alcohol in spice oleoresins when present therein as a residue from the extraction of spice.

**§ 121.1044 Methyl alcohol residues.**

A tolerance of 50 parts per million is established for methyl alcohol in spice oleoresins when present therein as a residue from the extraction of spice.

**§ 121.1045 Hexane residues.**

A tolerance of 25 parts per million is established for hexane in spice oleoresins when present therein as a residue from the extraction of spice.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 12, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-2500; Filed, Mar. 21, 1961; 8:54 a.m.]

SUBCHAPTER C—DRUGS

## PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

### Changes in Warning Statements and Labeling

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for the certification of chloramphenicol and chloramphenicol-containing drugs (21 CFR 146d.301; 26 F.R. 1183) are amended as follows:

Section 146d.301(c)(3) is amended by adding two subdivisions, as follows:

**§ 146d.301 Chloramphenicol.**

* * * * *

(c) *Labeling.* * * *

(3) * * *

(iv) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking."

(v) The expiration date required by subparagraph (1)(i)(*b*) of this paragraph.

*Effective date.* This order shall become effective on the date of its publication in the FEDERAL REGISTER with the same prescribed conditions as set forth in the document published in the above-identified matter in the FEDERAL REGISTER of February 10, 1961 (26 F.R. 1183).

(Sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371)

Dated: March 15, 1961.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner, of Food and Drugs.*

[F.R. Doc. 61-2501; Filed, Mar. 21, 1961; 8:54 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6556]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Contributions to Pension Plans, Employees' Annuity Plans, and Stock Bonus and Profit-Sharing Plans; Carryover of Unused Pension Trust Deductions in Certain Cases

On December 24, 1960, notice of proposed rule making with respect to the regulations under section 381(c)(11) (contributions to pension plans, employees' annuity plans, and stock bonus and profit-sharing plans) and (20) (carryover of unused pension trust deductions in certain cases) of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (25 F.R. 13697). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted. The regulations under section 381(c)(11) shall apply to liquidations and reorganizations, the tax treatment of which is determined under the Internal Revenue Code of 1954. The regulations under section 381(c)(20) are applicable with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

[SEAL] MORTIMER M. CAPLIN,
*Commissioner of Internal Revenue.*

Approved: March 15, 1961.

HENRY H. FOWLER,
*Acting Secretary of the Treasury.*

The following regulations are hereby prescribed under section 381(c)(11) (contributions to pension plans, employees' annuity plans, and stock bonus and profit-sharing plans) and (20) (carryover of unused pension trust deductions in certain cases). The regulations under section 381(c)(11) shall apply to liquidations and reorganizations, the tax treatment of which is determined under the Internal Revenue Code of 1954. The regulations under section 381(c)(20) are applicable with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

Sec.
1.381(c)(11) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; contributions to pension plans, employees' annuity plans, and stock bonus and profit-sharing plans.
1.381(c)(11)-1 Contributions to pension plans, employees' annuity plans, and stock bonus and profit-sharing plans.



Sec.
1.381(c)(20) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; carryover of unused pension trust deductions in certain cases.

AUTHORITY: §§ 1.381(c)(11), 1.381(c)(11)-1, and 1.381(c)(20) issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

**§ 1.381(c)(11) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; contributions to pension plans, employees' annuity plans, and stock bonus and profit-sharing plans.**

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * * *

(11) *Contributions to pension plans, employees' annuity plans, and stock bonus and profit-sharing plans.* The acquiring corporation shall be considered to be the distributor or transferor corporation after the date of distribution or transfer for the purpose of determining the amounts deductible under section 404 with respect to pension plans, employees' annuity plans, and stock bonus and profit-sharing plans.

**§ 1.381(c)(11)-1 Contributions to pension plans, employees' annuity plans, and stock bonus and profit-sharing plans.**

(a) *Carryover requirement.* Section 381(c)(11) provides that, for purposes of determining amounts deductible under section 404 for any taxable year, the acquiring corporation shall be considered after the date of distribution or transfer to be the distributor or transferor corporation in respect of any pension, annuity, stock bonus, or profit-sharing plan.

(b) *Nature of carryover.* (1) Primarily, section 381(c)(11) and this section apply to the amount of any unused deductions or excess contributions carryovers which, in the absence of the transaction causing section 381 to apply, would have been available to the distributor or transferor corporation under section 404. Thus, for example, this section applies to unused deductions under a profit-sharing or stock bonus trust which, in accordance with the second sentence of section 404(a)(3)(A) and § 1.404(a)-9, would have been available in succeeding taxable years to the transferor corporation if the transfer of assets to the acquiring corporation had not occurred.

(2) Section 381(c)(11) also permits or requires the acquiring corporation to be treated as though it were the distributor or transferor corporation for the purpose of satisfying any conditions which would have been required of the distributor or transferor corporation in the absence of the distribution or transfer, so that it may be determined whether the distributor or transferor corporation, or the acquiring corporation, is entitled to take a deduction under section 404 in respect of a trust or plan established by the distributor or transferor corporation. Thus, for example, in a case when the taxable year of the transferor corporation ends on the date of transfer pursuant to section 381(b)(1), that corporation is entitled, pursuant to the provisions of section 404(a)(6) and paragraph (c) of § 1.404(a)-1, to a deduction in such taxable year for a payment to a qualified trust of that corporation made by the acquiring corporation after the close of such taxable year but within the time specified in section 404(a)(6). In further illustration, if the transferor corporation were to establish a qualified plan, and if the plan were maintained as a qualified plan by the acquiring corporation, then any contributions paid under the plan by the acquiring corporation (other than those which are deductible by the transferor corporation by reason of section 404(a)(6)) would be deductible under section 404 by the acquiring corporation even though the plan were exclusively for the benefit of former employees of the transferor corporation. Also, for example, if the transferor corporation were to adopt an annuity plan during its taxable year ending on the date of transfer, the acquiring corporation would be entitled, subject to the provisions of section 401(b) and § 1.401-5, to amend the plan so as to make it retroactively satisfy the requirements of section 401(a)(3), (4), (5), and (6) for the period beginning with the date on which the plan was put into effect.

(c) *Taxable year of deduction.* The first taxable year of the acquiring corporation in which any amount shall be allowed as a deduction to that corporation by reason of section 381(c)(11) and this section shall be its first taxable year ending after the date of distribution or transfer.

(d) *Requirements for deductions.* (1) In order for any amount paid by the acquiring corporation (other than amounts deductible under section 404(a)(5)) to be deductible by the acquiring corporation by reason of this section in respect of a trust or nontrusteed annuity plan which is established by a distributor or transferor corporation and maintained by the acquiring corporation, the contributions must be paid (or deemed to have been paid under section 404(a)(6)) by the acquiring corporation in a taxable year of that corporation which ends with or within a year of the trust for which it is exempt under section 501(a), or, in the case of a nontrusteed annuity plan, for which it meets the requirements of section 404(a)(2). See, however, section 404(a)(4) and § 1.404(a)-11 for rules relating to deductions for contributions to foreign-situs trusts. The trust or plan which is established by the distributor or transferor corporation and maintained by the acquiring corporation may separately satisfy the requirements of section 401(a) or section 404(a)(2) or may, together with other trusts or plans of the acquiring corporation, constitute a single plan which qualifies under section 401(a) or meets the requirements of section 404(a)(2).

(2) Excess contributions paid under a qualified trust or plan established by the transferor or distributor corporation may be carried over and, subject to the applicable limitations, deducted by the acquiring corporation in a taxable year ending after the date of distribution or transfer regardless of whether the trust is exempt, or the plan meets the requirements of section 404(a)(2), during such taxable year. There are, however, special rules for computing the limitations on the amount of excess contributions which are deductible in a taxable year ending after the trust or plan has terminated (see § 1.404(a)-7, paragraph (e) of § 1.404(a)-9, and paragraph (a) of § 1.404(a)-13). For this purpose, the pension, annuity, stock bonus, or profit-sharing plan of the distributor or transferor corporation under which the excess contributions were made shall be considered continued (and not terminated) by the acquiring corporation if, after the date of distribution or transfer, the acquiring corporation continues the plan as a separate and distinct plan of its own which continues to qualify under section 401(a), or to meet the requirements of section 404(a)(2), or consolidates or replaces that plan with a comparable plan. See subparagraph (4) of this paragraph for rules relating to what constitutes a "comparable" plan.

(3) In order for any amount paid by the acquiring corporation to be deductible by the acquiring corporation as an unused deduction carried over from a qualified profit-sharing or stock bonus trust established by a distributor or transferor corporation, the acquiring corporation must continue such trust established by the distributor or transferor corporation as a separate and distinct trust of its own which continues to qualify under section 401(a), or must consolidate or replace that trust with a comparable trust. In addition, the amount paid by the acquiring corporation will be deductible as an unused deduction carried over from the transferor or distributor corporation only if it is paid into the profit-sharing or stock bonus trust established by the transferor or distributor corporation, or the comparable trust, in a taxable year of the acquiring corporation which ends with or within a year of such trust (or such comparable trust) for which it meets the requirements of section 401(a) and is exempt under section 501(a). See subparagraph (4) of this paragraph for rules relating to what constitutes a "comparable" trust.

(4) For purposes of subparagraphs (2) and (3) of this paragraph, a plan under which deductions are determined pursuant to paragraph (1) or (2) of section 404(a) shall be considered comparable to another plan under which deductions are determined pursuant to either of those paragraphs, and a plan under which deductions are determined pursuant to paragraph (3) of section 404(a) shall be considered comparable to another plan under which deductions are determined pursuant to such paragraph (3). Thus, a profit-sharing plan (which qualifies under section 401(a)) established by the transferor or distributor corporation shall, for purposes of subparagraphs (2) and (3) of this paragraph, be considered terminated if, after the date of distribution or transfer, the acquiring corporation transfers the funds accumulated under the profit-sharing plan into a pension plan cov-

ering the same employees. In such a case, excess contributions paid under the profit-sharing plan by the distributor or transferor corporation may be carried over and deducted by the acquiring corporation in a taxable year ending after the date of distribution or transfer subject to the limitations in section 404(a)(3)(A) computed in accordance with the rules in paragraph (e)(2) of § 1.404(a)–9 for computing limitations when a profit-sharing plan has terminated. On the other hand, unused deductions attributable to the profit-sharing plan may not be carried over and used by the acquiring corporation as a basis for deducting amounts contributed by it to the pension plan.

(e) *Effect of consolidation or replacement of plan on prior contributions.* If a pension, annuity, stock bonus, or profit-sharing plan which was established by a distributor or transferor corporation is terminated after the date of distribution or transfer because of consolidation or replacement with a comparable plan of the acquiring corporation, then the contributions paid to or under its plan by the distributor or transferor corporation on or before the date of distribution or transfer shall not be disallowed under section 404 merely because of the termination of the plan which was established by that corporation, provided that the termination does not cause the plan to fail to qualify under section 401(a).

(f) *Amounts deductible under section 404.* Section 381(c)(11) and this section apply only to amounts which are otherwise deductible under section 404 and the regulations thereunder. See §§ 1.404(a) through 1.404(d)–1. Thus, to be deductible by reason of this section, contributions paid by the acquiring corporation must be expenses which otherwise satisfy the conditions of section 162 (relating to trade or business expenses). No deduction shall be allowed by reason of section 381(c)(11) and this section for a contribution which is allowable under section 162 but is not allowable under section 404. Thus, the acquiring corporation shall not be allowed a deduction by reason of this section in respect of a plan established by a distributor or transferor corporation if the contribution would not otherwise be deductible under section 404 by reason of section 404(c) and § 1.404(c)–1. On the other hand, any unused deductions or excess contributions of a distributor or transferor corporation which are carried over from 1939 Code years shall be deductible by the acquiring corporation if the requirements of this section, section 404(d), and § 1.404(d)–1 are satisfied.

(g) *Cost of past service credits.* In computing the cost of past service credits under a plan with respect to employees of the distributor or transferor corporation, the acquiring corporation may include the cost of credits for periods during which the employees were in the service of the distributor or transferor corporation.

(h) *Separate carryovers required.* The excess contributions which are available to a distributor or transferor corporation under the provisions of section 404(a)(1)(D) and section 404(a)(3)(A) at the close of the date of distribution or transfer and are carried over to the acquiring corporation under this section shall be kept separate and distinct from each other and from any excess contributions which are available to the distributor or transferor corporation at that time under the provisions of section 404(a)(7) and are carried over to the acquiring corporation under this section. If there are excess contributions carried over to the acquiring corporation from more than one transferor or distributor corporation, the excess contributions of each transferor or distributor corporation shall be kept separate and distinct from those of the other transferor or distributor corporations and, with respect to each such transferor or distributor corporation, shall be kept separate and distinct as provided in the preceding sentence. See, however, paragraph (i) of this section for rules for applying the provisions of section 404(a)(3)(A) when the acquiring corporation maintains two or more profit-sharing or stock bonus trusts, one or more of which was established by a distributor or transferor corporation. The requirements in this paragraph shall apply with respect to any excess contributions which are carried over to the acquiring corporation from a distributor or transferor corporation under the provisions of section 404(d) and this section.

(i) *Limitations applicable to profit-sharing or stock bonus trusts.* When contributions are paid by the acquiring corporation after the date of distribution or transfer to two or more profit-sharing or stock bonus trusts, and one or more of such trusts was established by a distributor or transferor corporation, such trusts shall be considered as a single trust in applying the provisions of section 404(a)(3)(A) under this section. Accordingly, in determining its secondary limitation, and its excess contributions carryover, under section 404(a)(3)(A) and § 1.404(a)–9 in any taxable year ending after the date of distribution or transfer, the acquiring corporation shall take into accounts its primary limitations, and the deductions allowed or allowable to it, for all prior years under the limitations provided in those sections, and also the primary limitations of, and deductions allowed or allowable to, the distributor or transferor corporation or corporations for all prior years under the limitations provided in those sections.

(j) *Successive carryovers.* The provisions of section 381(c)(11) and this section shall apply to an acquiring corporation which, in a distribution or transfer to which section 381(a) applies, acquires the assets of a distributor or transferor corporation which has previously acquired the assets of another corporation in a transaction to which section 381(a) applies, even though, in computing an unused deductions or excess contributions carryover to the second acquiring corporation, it is necessary to take into account contributions paid by, and limitations applicable to, the first distributor or transferor corporation.

(k) *Information to be furnished by acquiring corporation.* The acquiring corporation shall furnish such information with respect to a plan established by a distributor or transferor corporation as will, consistently with the principles of § 1.404(a)–2, establish that the provisions of section 404 and this section apply. For purposes of this section, the district director may require any other information that he considers necessary to determine deductions allowable under section 404 and this section or qualification under section 401. Any unused deductions or excess contributions carried over from a distributor or transferor corporation pursuant to this section shall be properly identified with the corporation which would have been permitted to use those deductions or contributions in the absence of the transaction causing section 381 to apply.

(l) *Illustration.* The application of this section may be illustrated by the following example:

*Example.* In 1955, X Corporation, which makes its return on the basis of the calendar year, paid $400,000 to completely fund past service credits under a qualified pension plan and deducted 10 percent ($40,000) of that cost in each of the taxable years 1956, 1956, and 1957. The pension plan established by X Corporation had an anniversary date of January 1. On December 31, 1957, on which date the undeducted part of the cost amounted to $260,000, X Corporation transferred all its assets to Y Corporation in a statutory merger to which section 361 applies. Y Corporation, which also makes its return on the basis of the calendar year, had a qualified pension plan and trust which also had an anniversary date of January 1. Since Y Corporation had many more employees than X Corporation on the date of transfer, it covered the former employees of X Corporation under its own plan. Y Corporation is entitled to deductions under section 404(a)(1)(D) and this section in 1958 and succeeding taxable years, in order of time, with respect to the undeducted balance of $280,000, to the extent of the difference between the amount paid and deductible by that corporation in each auch taxable year and the maximum amount deductible by that corporation for such taxable year in accordance with the applicable limitations of section 404(a)(1). In computing the maximum amount deductible by Y Corporation for 1958 and 1959 under section 404(a)(1)(C), that corporation may include $40,000 for each year, the amount that X Corporation could have included for each of those years in computing the maximum amount that would have been deductible by X Corporation under section 404(a)(1)(C) if the merger had not occurred. Thus, assuming that Y Corporation's appropriate limitation so computed under section 404(a)(1)(C) is $1,000,000 (including the $40,000 carried over from X Corporation under this section) for each of those taxable years, and that Y Corporation contributed $925,000 to its trust in 1958 and $975,000 in 1959, then Y Corporation is entitled under section 404(a)(1)(D) and this section to deduct in 1958 $75,000, and in 1959 $25,000, of the amount ($280,000) carried over from X Corporation. The undeducted balance of such amount ($180,000) available to Y Corporation on December 31, 1959, would be deductible by that corporation in succeeding taxable years in accordance with section 404(a)(1)(D) and this section.



**§ 1.381(c)(20) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; carryover of unused pension trust deductions in certain cases.**

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * *

(20) *Carry-over of unused pension trust deductions in certain cases.* Notwithstanding the other provisions of this section, or section 394(a), a corporation which has acquired the properties and assumed the liabilities of a wholly owned subsidiary shall be considered to have succeeded to and to be entitled to take into account contributions of the subsidiary to a pension plan, and shall be considered to be the distributor or transferor corporation after the date of distribution or transfer (but not for taxable years with respect to which this paragraph does not apply) for the purpose of determining the amounts deductible under section 404 with respect to contributions to a pension plan if—

(A) The corporate laws of the State of incorporation of the subsidiary required the surviving corporation in the case of merger to be incorporated under the laws of the State of incorporation of the subsidiary, and

(B) The properties were acquired in a liquidation of the subsidiary in a transaction subject to section 112(b)(6) of the Internal Revenue Code of 1939.

[Sec. 381(c)(20) as added by sec. 1, Act of Jan. 28, 1956 (Pub. Law 396, 84th Cong., 70 Stat. 7)]

[F.R. Doc. 61–2474; Filed, Mar. 21, 1961; 8:49 a.m.]

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SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6557]

## PART 179—MACHINE GUNS AND CERTAIN OTHER FIREARMS

### Miscellaneous Amendments

On December 29, 1960, a notice of proposed rule making with respect to the amendment of 26 CFR Part 179 was published in the FEDERAL REGISTER (25 F.R. 13920). That notice afforded interested persons an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 30-day period prescribed in the notice and the amendments as published in the FEDERAL REGISTER are hereby adopted.

*Effective date.* This Treasury decision shall become effective 30 days after its publication in the FEDERAL REGISTER.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] MORTIMER M. CAPLIN,
*Commissioner of Internal Revenue.*

Approved March 15, 1961.

HENRY H. FOWLER,
*Acting Secretary of the Treasury.*

In order to implement the provisions of the Internal Revenue Code of 1954, as amended by Public Law 86–478 (74 Stat. 149), and to make certain conforming and clarifying changes, regulations in 26 CFR Part 179 are amended as follows:

1. The statement of authority under which this Part is issued is amended to read as follows:

AUTHORITY: § 179.1 through 179.195 are issued under 68A Stat. 917, 26 U.S.C. 7805, and implement Chapter 53 of the Internal Revenue Code of 1954 (68A Stat. 721). Related statutes which are interpreted or applied are cited in the text of the section interpreting or applying such a statute or in parentheses at the conclusion of the section.

**§ 179.1 [Amendment]**

2. Section 179.1 is amended by inserting "(occupational)" between the words "special" and "taxes" in paragraph (a).

**§ 179.14 [Deletion]**

3. Section 179.14 is deleted.

4. Section 179.20 is amended to read as follows:

**§ 179.20 Firearm.**

"Firearm" shall mean (a) a shotgun having a barrel or barrels of less than 18 inches in length, or (b) a rifle having a barrel or barrels of less than 16 inches in length, or (c) any weapon made from a rifle or shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches, or (d) any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or (e) a machine gun, and includes (f) a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition.

**§ 179.22 [Amendment]**

5. Section 179.22 is amended by adding a second sentence to read as follows: "Except that, bringing a firearm from a foreign country or a territory subject to the jurisdiction of the United States into a foreign trade zone for storage pending shipment to a foreign country or subsequent importation into this country, pursuant to the I.R.C. and this Part, shall not be deemed importation."

**§ 179.29 [Amendment]**

6. Section 179.29 is amended by striking the words "or creation" and "other weapon" and inserting in lieu of the latter two words, the word "firearm".

7. A new § 179.29a to read as follows is inserted immediately after § 179.29:

**§ 179.29a Manual reloading.**

Manual reloading shall mean the inserting of a cartridge or shell into the chamber of a firearm either with the hands or by means of a mechanical device controlled and energized by the hands.

**§§ 179.32 and 179.33 [Deletions]**

8. Sections 179.32 and 179.33 are deleted.

9. Section 179.35 is amended to read as follows:

**§ 179.35 Pistol.**

"Pistol" shall mean a weapon originally designed, made, and intended to fire a small projectile (bullet) from one or more barrels when held in one hand, and having (a) a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore(s). The term shall not include any gadget device, any gun altered or converted to resemble a pistol, any gun that fires more than one shot, without manual reloading, by a single function of the trigger, or any small portable gun such as: Nazi belt buckle pistol, glove pistol, or a one-hand stock gun designed to fire fixed shotgun ammunition.

**§ 179.43 [Amendment]**

10. Section 179.43 is amended by striking, ", the Territories of Alaska and Hawaii,".

11. A new § 179.45 to read as follows is inserted immediately after § 179.44:

**§ 179.45 Unserviceable firearm.**

"Unserviceable firearm" shall mean a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

12. Section 179.50 is amended to read as follows:

**§ 179.50 Liability for tax.**

Every person who engages in the business of importing, manufacturing or dealing in (including pawnbrokers) firearms in the United States is required to pay a special (occupational) tax for each place where such business is conducted.

13. Section 179.51 is amended to read as follows:

**§ 179.51 Special (occupational) tax rates.**

(a) The special (occupational) taxes are as follows:

| | *Per year or fraction thereof* |
|---|---|
| Class 1: Importers of firearms | $500 |
| Manufacturers of firearms, except manufacturers in Class 2 | 500 |
| Class 2: Manufacturers of firearms whose production is limited to guns with combination shotgun and rifle barrels, 12 inches or more but less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, or guns classified as "any other weapon" under section 5848 (5), I.R.C., or guns of both types | 25 |
| Class 3: Pawnbrokers | 300 |
| Class 4: Dealers, other than pawnbrokers, except those in Class 5 | 200 |
| Class 5: Dealers whose dealing in firearms is limited to guns with combination shotgun and rifle barrels, 12 inches or more but less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, or guns classified as "any other weapon" under section 5848 (5), I.R.C., or guns of both types | 10 |

(b) The tax year begins July 1 and ends June 30. Special (occupational) taxes are due and payable on first engaging in business, and thereafter on or before the first day of July each year. Special (occupational) taxes may not be prorated. Persons commencing business at any time after the first day of July in any year are liable for the special

(occupational) tax for the complete tax year.

14. Section 179.52 is amended to read as follows:

**§ 179.52 Registration, return, and payment of special (occupational) taxes.**

Every person, prior to commencing any business taxable under section 5801, I.R.C., must, for each place of business operated by such person, register, file a return (Form 11) with, and pay the proper tax to, the District Director of the collection district in which each such place of business is located. Thereafter, such person must, for each place of business, register, file a return (Form 11), and pay the proper tax on or before the 1st day of July each year during which he continues such business. If a person has paid special (occupational) taxes for a taxable year, the District Director will furnish him a return (Form 11), which must be filled out and executed under penalty of perjury, for registration and tax payment for the succeeding taxable year if that person intends to continue in business. Properly completing, executing, and timely filing of a return (Form 11) will constitute compliance with section 5802, I.R.C. A person doing business under a style or trade name must give his own name, followed by his style or trade name. In the case of a partnership, unincorporated association, firm, or company, other than a corporation, its style or trade name must be given, also the name of each member and his place of residence. The class of business, as described in § 179.51, and the period for which special (occupational) tax is due, must also be stated.

15. Section 179.53 is amended to read as follows:

**§ 179.53 The special tax stamp, receipt for special (occupational) taxes.**

Upon receipt of a properly completed and executed return (Form 11) accompanied by remittance of the full amount due, the District Director will issue a special tax stamp as evidence of payment of the special (occupational) tax.

16. Section 179.56 is amended to read as follows:

**§ 179.56 Engaging in business at more than one location.**

A person must pay the special (occupational) tax for each location where he engages in any business taxable under section 5801, I.R.C. However, a person paying a special (occupational) tax covering his principal place of business may utilize other locations solely for storage of firearms without incurring special (occupational) tax liability at such locations. A manufacturer, upon the single payment of the appropriate special (occupational) tax, may sell firearms of the type(s) covered by such tax, if such firearms are of his own manufacture, at the place of manufacture and at his principal office or place of business if no such firearms, except samples, are kept at such office or place of business. When a person changes the location of a business for which he has paid the special (occupational) tax, he will be liable for another such tax unless the change is properly registered with the District Director, as provided in § 179.64.

17. Section 179.57 is amended to read as follows:

**§ 179.57 Engaging in more than one business at the same location.**

If more than one business taxable under section 5801, I.R.C., is carried on at the same location during a taxable year, the special (occupational) tax imposed on each such business must be paid.

**§ 179.58 [Amendment]**

18. Section 179.58 is amended by striking "copartnership" and inserting "partnership" in lieu thereof, and by inserting "(occupational)" between the words "special" and "tax".

**§ 179.60 [Amendment]**

19. Section 179.60 is amended by inserting "(occupational)" between the words "special" and "tax" in the first sentence and striking the expression "Form 11A (Firearms)" in the second sentence and substituting the expression "return, Form 11" in lieu thereof.

**§ 179.61 [Amendment]**

20. Section 179.61 is amended by inserting "(occupational)" between the words "special" and "tax" preceding the word "liability" in the second sentence.

21. Section 179.62 is amended to read as follows:

**§ 179.62 Change in partnership or unincorporated association.**

When one or more members withdraw from a partnership or an unincorporated association, the remaining member, or members, may, without incurring additional special (occupational) tax liability, carry on the same business at the same location for the balance of the taxable period for which special (occupational) tax was paid, provided any such change shall be registered in the same manner as required by § 179.60. Where new member(s) are taken into a partnership or an unincorporated association, the new firm so constituted may not carry on business under the special tax stamp of the old firm. The new firm must file a return, pay the special (occupational) tax and register in the same manner as a person who first engages in business is required to do under § 179.52, even though the name of the new firm may be the same as that of the old. Where the members of a partnership or an unincorporated association, which has paid special (occupational) tax, form a corporation to continue the business, a new special tax stamp must be taken out in the name of the corporation.

**§ 179.63 [Amendment]**

22. Section 179.63 is amended by inserting "(occupational)" between the words "special" and "tax" in the first sentence and inserting "(occupational)" between the words "special" and "tax" in the second sentence.

23. Section 179.64 is amended to read as follows:

**§ 179.64 Notice by taxpayer.**

Whenever a taxpayer removes his business to a location other than specified in his last special (occupational) tax return (see § 179.52), he shall, within 30 days after the date of removal, file another return (Form 11). Such return shall be designated as "removal registry", set forth the time of removal, and the address of the new location. The taxpayer's special tax stamp must accompany the return for notation by the District Director of the change of location. As to liability in case of failure to register a change of location within 30 days, see § 179.66.

24. Section 179.65 is amended to read as follows:

**§ 179.65 Failure to pay special (occupational) tax.**

Any person who engages in a business taxable under section 5801, I.R.C., without timely payment of the tax imposed with respect to such business (see § 179.52) shall be liable for such tax, plus the interest and penalties thereon. In addition, such person may be liable for criminal penalties under section 5861, I.R.C.

**§ 179.66 [Amendment]**

25. Section 179.66 is amended by inserting "(occupational)" between the words "special" and "tax" at the three places where these two words appear together in the section.

26. Section 179.67 is amended to read as follows:

**§ 179.67 Delinquency.**

Any person liable for special (occupational) tax under section 5801, I.R.C., who fails to file a return (Form 11), as prescribed, will be liable for a delinquency penalty computed on the amount of tax due unless a return (Form 11) is later filed and failure to file the return timely is shown to the satisfaction of the District Director to be due to reasonable cause. The delinquincy penalty to be added to the tax is 5 percent if the failure is for not more than one month, with an additional 5 percent for each additional month or fraction thereof during which failure continues, not to exceed 25 percent in the aggregate (section 6651, I.R.C.). However, no delinquency penalty is assessed where the 50 percent addition to tax is assessed for fraud (see § 179.68).

**§ 179.69 [Amendment]**

27. Section 179.69 is amended by inserting ", possession" between "manufacture" and "or" in the third sentence, and inserting "(occupational)" between the words "special" and "tax" in the last sentence.

**§ 179.70 [Amendment]**

28. Section 179.70 is amended by inserting "(occupational)" between the words "special" and "taxes" in the first sentence and the second sentence, and by inserting "District" before the word "Director" in the second sentence.

29. Section 179.75 is amended to read as follows:



**§ 179.75 Rate of tax.**

Except as provided in §§ 179.82, 179.83, and 179.84, a tax of $200 is imposed on the making of any firearm in the United States (whether by manufacture, putting together, alteration, any combination thereof, or otherwise). Such tax shall be paid in advance of the making of the firearm by the person making the firearm. Payment of the tax on the making of a firearm shall be represented by a $200 adhesive stamp bearing the words "National Firearms Act".

**§ 179.76 [Deletion]**

30. Section 179.76 is deleted.

**§ 179.77 [Amendment]**

31. Section 179.77 is amended by striking "of the proper denomination (see § 179.76)" in the third sentence and inserting in lieu thereof "(see § 179.75)."

**§ 179.78 [Amendment]**

32. Section 179.78 is amended by striking "90 days" in the first sentence and inserting "one year" in lieu thereof.

**§ 179.82 [Amendment]**

33. Section 179.82 is amended by inserting "(occupational)" between the words "special" and "tax" in the first sentence.

34. Section 179.83 is amended to read as follows:

**§ 179.83 Altering a firearm, the making of which has previously been taxed.**

No tax will be imposed on the making of a firearm from another firearm with respect to which a making tax has been paid under section 5821(a), I.R.C., prior to such making. However, the person so altering or converting such firearm shall notify the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., in writing immediately thereafter, giving a complete description of the firearm so altered or converted and indicating the changes made.

**§ 179.84 [Amendment]**

35. Section 179.84 is amended by striking the heading and inserting in lieu thereof "Making a firearm for use of Government agencies or peace officers." and by striking the words "or any Federal officer" in the first sentence.

**§ 179.95 [Amendment]**

36. Section 179.95 is amended by inserting the words "of the proper denomination" between the words "stamp" and "bearing".

37. Section 179.96 is amended to read as follows:

**§ 179.96 Rate of tax.**

The transfer tax imposed with respect to firearms transferred within the United States is at the rate of $200 for the transfer of each firearm, except that, the transfer tax imposed with respect to any gun with combination shotgun and rifle barrels, 12 inches or more but less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and on any gun classified as "any other weapon" under section 5848(5), I.R.C., is at the rate of $5 for the transfer of each such weapon.

38. A new § 179.96a to read as follows is inserted immediately after § 179.96.

**§ 179.96a Liability for tax.**

The tax imposed on the transfer of a firearm shall be paid by the transferor, except that, if a firearm is transferred without payment of the proper tax, the transferor and transferee shall be jointly and severally liable for such tax.

39. Section 179.98 is amended to read as follows:

**§ 179.98 Written application and order required for transfer of firearm.**

Except as otherwise provided, no firearm may be transferred in the United States unless a Form 4 (Firearms) covering the transfer of the firearm has been approved by the Director, Alcohol and Tobacco Tax Division, Washington 25, D.C. The person seeking to obtain a firearm must complete the items in Form 4 (Firearms), in duplicate, relating to the applicant, execute said form as the applicant, and then submit the form, in duplicate, to the person transferring the firearm. The person desiring to transfer the firearm will complete the items in the Form 4 (Firearms), in duplicate, relating to such a person, affix to the original a "National Firearms Act" stamp of the proper denomination in the space provided (§ 179.96), properly cancel such stamp (§ 179.101), execute the said form, and submit the said form, in duplicate, to the Director for approval. Upon approval, the original of the Form 4 (Firearms) will be returned to the transferor, who may then deliver the firearm and the approved original Form 4 (Firearms) to the applicant.

**§ 179.99 [Amendment]**

40. Section 179.99 is amended by striking "90 days" in the first sentence and inserting "one year" in lieu thereof.

41. Section 179.103 is amended to read as follows:

**§ 179.103 Special (occupational) tax payers.**

The transfer tax and the requirements as to the use of Form 4 (Firearms) (§ 179.98) are not applicable where importers or manufacturers in Class 1, pawnbrokers in Class 3 and dealers in Class 4, who have registered and paid special (occupational) tax, transfer any type of firearm to other like manufacturers, like importers, or like dealers (including pawnbrokers), who have registered and paid special (occupational) tax. Manufacturers in Class 2 and dealers in Class 5 may transfer only the types of firearms which they are authorized to produce or deal in to any other properly registered special (occupational) tax payer without payment of transfer tax and without complying with the requirements as to the use of Form 4 (Firearms). Similarly, importers, manufacturers in Class 1, pawnbrokers in Class 3 and dealers in Class 4 may transfer only guns with combination shotgun and rifle barrels, 12 inches or more but less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and firearms classified as "any other weapon" to manufacturers in Class 2 or dealers in Class 5 without payment of transfer tax and without complying with the requirements relating to the use of Form 4 (Firearms). The class of a special (occupational) tax payer (Class 1 through Class 5) referred to in this section shall be determined by the rate of special (occupational) tax paid by the manufacturer, importer or dealer, as provided in § 179.51. Before a tax-free transfer is made, the transferor must satisfy himself that the transferee is a registered special (occupational) tax payer.

42. Section 179.104 is amended to read as follows:

**§ 179.104 Peace officers.**

Pursuant to section 5812, I.R.C., the following persons are hereby designated as peace officers entitled to receive firearms without payment of transfer tax or the use of Form 4 (Firearms): Sheriffs, chiefs of police, commissioners of police, superintendents or other chief officers of State police units, including State highway patrols, directors of public safety, and bona fide subordinate officers under the command of the aforementioned persons upon appropriate recommendation of the officials designated. However, when any firearm is transferred tax-exempt under this section, §§ 179.105 and 179.106 must be complied with.

43. A new § 179.104a to read as follows is inserted immediately after § 179.104:

**§ 179.104a Government Agencies.**

Firearms may be transferred to the United States Government, any State, Territory, or possession of the United States, or to any political subdivision thereof, or to the District of Columbia, without payment of transfer tax or the use of Form 4 (Firearms). However, when any firearm is transferred tax-exempt under this section, §§ 179.105 and 179.106 must be complied with.

44. A new § 179.104b to read as follows is inserted immediately after § 179.104a:

**§ 179.104b Unserviceable firearms.**

An unserviceable firearm may be transferred as a curiosity or ornament without payment of transfer tax or the use of Form 4 (Firearms). However, when any unserviceable firearm is transferred tax-exempt under this section, § 179.105 must be complied with.

**§ 179.105 [Amendment]**

45. Section 179.105 is amended by striking the period from the heading and adding "and transfer." and by striking "of the Internal Revenue Code of 1954," in the first sentence and inserting "I.R.C., as implemented by §§ 179.104, 179.104a, and 179.104b," in lieu thereof.

**§ 179.106 [Amendment]**

46. Section 179.106 is amended by striking "of the Internal Revenue Code of 1954" from the first sentence and inserting "I.R.C., as implemented by §§ 179.104 and 179.104a," in lieu thereof.

**§ 179.120 [Amendment]**

47. Section 179.120 is amended by striking "already registered," in the first sentence and inserting "registered to him," in lieu thereof.

**§ 179.130 [Amendment]**

48. Section 179.130 is amended by striking the word "duplicate" in the first sentence and inserting the word "triplicate" in lieu thereof and by deleting the last sentence and inserting the following sentences in lieu thereof: "The approval of an application to import a firearm shall be automatically terminated at the expiration of 6 months, unless upon request, it is further extended by the Director. If a firearm described in the approved application is not imported, prior to the expiration of the permit, the Director should be so notified. Collectors of customs will not permit release of the firearm from customs custody, except for exportation, unless covered by an application which has been approved by the Director and such approval is currently effective."

**§ 179.132 [Amendment]**

49. Section 179.132 is amended by inserting "(occupational)" between the words "special" and "tax" in the first part of the proviso, and is further amended by striking "special-tax payer" from the latter part of the proviso and inserting "special (occupational) tax payer of a type qualified to import, manufacture, or deal in the firearm transferred" in lieu thereof.

50. Section 179.137 is amended to read as follows:

**§ 179.137 Proof of exportation.**

Within a six-month's period from date of issuance of the permit to export firearms, the exporter shall furnish or cause to be furnished to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., (a) the certificate of exportation (Part 3 of Form 9 (Firearms)) executed by the U.S. Collector of Customs as provided in § 179.136, or (b) the certificate of mailing by parcel post (Part 4 of Form 9 (Firearms)) executed by the postmaster of the post office receiving the parcel containing the firearm, or (c) a certificate of landing executed by a Customs officer of the foreign country to which the firearm is exported, or (d) a sworn statement of the foreign consignee covering the receipt of the firearm, or (e) the return receipt, or a photostat thereof, signed by the addressee or his agent, where the shipment of a firearm was made by insured or registered parcel post. Issuance of a permit to export a firearm and furnishing of evidence establishing such exportation under this section will relieve the actual exporter and the person selling to the exporter for exportation from transfer tax liability. Where satisfactory evidence of exportation of a firearm is not furnished within the stated period the transfer tax will be assessed.

**§ 179.139 [Amendment]**

51. Section 179.139 is amended by striking "(other than Hawaii)" in the first sentence.

**§ 179.151 [Amendment]**

52. Section 179.151 is amended by striking the period at the end of the first sentence and inserting in lieu thereof a colon and adding "except that if a manufacturer, importer, or dealer has filed a Form 5 (Firearms) giving notice that a firearm has been transferred, a Form 3 (Firearms) need not be filed with respect to that firearm".

**§ 179.171 [Amendment]**

53. Section 179.171 is amended by striking "$1" and inserting "$5" in lieu thereof.

**§ 179.181 [Amendment]**

54. Section 179.181 is amended by inserting "(occupational)" between the words "special" and "taxes" in the first sentence.

**§ 179.190 [Amendment]**

55. Section 179.190 is amended by inserting "and the provisions of this Part," between "1954," and "shall".

[F.R. Doc. 61-2490; Filed, Mar. 21, 1961; 8:52 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

**[ 26 CFR Parts 253, 290 ]**

### EXPORTATION OF TOBACCO MATERIALS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, OR WITH DRAWBACK OF TAX

### Deliveries to Foreign-Trade Zones

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
*Commissioner of Internal Revenue.*

The purpose of this Treasury decision is to revise and incorporate in 26 CFR Part 290 the regulations now contained in 26 CFR (1954) Part 253 relating to the removal of tobacco products and cigarette papers and tubes to foreign-trade zones. Pursuant to the above, the regulations remaining in 26 CFR (1954) Part 253 are superseded by the regulations in 26 CFR Part 290 amended as follows:

1. A new section, designated § 290.30a, is added immediately following § 290.30.

**§ 290.30a Foreign-trade zone.**

"Foreign-trade zone" shall mean a foreign-trade zone established and operated pursuant to the Act of June 18, 1934, as amended.

(48 Stat. 998–1003, as amended; 19 U.S.C. 81a–81u)

2. A new section, designated § 290.54, is added immediately following § 290.53.

**§ 290.54 Zone operator.**

"Zone operator" shall mean the person to which the privilege of establishing, operating, and maintaining a foreign-trade zone has been granted by the Foreign-Trade Zones Board created by the Act of June 18, 1934, as amended.

(48 Stat. 998–1003, as amended; 19 U.S.C. 81a–81u)

3. A new section, designated § 290.61a, is added immediately following § 290.61.

**§ 290.61a Deliveries to foreign-trade zones—export status.**

Tobacco products and cigarette papers and tubes may be removed from a factory or an export warehouse and cigars may be withdrawn from a customs warehouse, without payment of tax, for delivery to a foreign-trade zone for exportation or storage pending exportation in accordance with the provisions of this part. Such articles delivered to a foreign-trade zone under this part shall be considered to be exported for the purpose of the statutes and bonds under which removed and for the purposes of the internal revenue laws generally and the regulations thereunder. However, export status is not acquired until an application on zone Form D for admission of the articles into the zone with zone restricted status has been approved by the collector of customs pursuant to the appropriate provisions of 19 CFR Chapter I, and the required certificate of receipt of the articles in the zone has been made on Forms 2149 or 2150 as prescribed in this part.

(48 Stat. 999, as amended, 72 Stat. 1418; 19 U.S.C. 81c, 26 U.S.C. 5704)

4. A new section, designated § 290.196a, is added immediately following § 290.196.

**§ 290.196a To a foreign-trade zone.**

Where tobacco products and cigarette papers and tubes are removed from a factory or an export warehouse for delivery to a foreign-trade zone, under zone restricted status for the purpose of exportation or storage, the manufacturer or export warehouse proprietor shall consign the shipment to the Zone Operator in care of the customs officer in charge of the zone.

(48 Stat. 999, as amended, 72 Stat. 1418; 19 U.S.C. 81c, 26 U.S.C. 5704)

5. A new section, designated § 290.207a, is added immediately following § 290.207.

**§ 290.207a To a foreign-trade zone.**

Where tobacco products and cigarette papers and tubes are removed from a factory or an export warehouse for delivery to a foreign-trade zone, under zone restricted status for the purpose of exportation or storage, the manufacturer or export warehouse proprietor making the shipment shall forward two copies of the notice of removal, Form 2149 or 2150, to the customs officer in charge of the zone. Upon receipt of the shipment, the customs officer shall execute the certificate of receipt on each copy of the form, noting thereon any discrepancy, retain one copy for his records, and forward the other copy to the manufacturer or export warehouse proprietor making the shipment for filing with his assistant regional commissioner.

(48 Stat. 999, as amended, 72 Stat. 1418; 19 U.S.C. 81c, 26 U.S.C. 5704)

**§ 290.211 [Deletion]**

6. Section 290.211 is deleted.

7. A new section, designated § 290.264a, is added immediately following § 290.264.

**§ 290.264a To a foreign-trade zone.**

Where cigars are withdrawn from a customs warehouse for delivery to a foreign-trade zone, under zone restricted status for the purpose of exportation or storage, the customs warehouse proprietor making the shipment shall forward two copies of the notice of removal, Form 2149, to the customs officer in charge of the zone. Upon receipt of the shipment, the customs officer shall execute the certificate of receipt on each copy of the form, noting thereon any discrepancy, retain one copy for his records, and forward the other copy to the customs warehouse proprietor making the shipment for filing with the appropriate assistant regional commissioner.

[F.R. Doc. 61-2491; Filed, Mar. 21, 1961; 8:52 a.m.]

## POST OFFICE DEPARTMENT

**[ 39 CFR Part 115 ]**

### ARTICLES MAILED ABROAD BY OR ON BEHALF OF SENDERS IN THE UNITED STATES

### Notice of Proposed Rule Making

It is proposed to amend the Post Office Department regulations by adding a new Part 115—Articles Mailed Abroad by or on Behalf of Senders in the United States—to Title 39, Code of Federal Regulations.

There has been an increasing tendency on the part of persons and concerns in the United States to mail or have articles mailed abroad and addressed for delivery in the United States. The Final Protocol of the Universal Postal Convention contains a provision which authorizes the Post Office Department either to return such mailings to the sender or to charge them with our domestic postage rates. The Department proposes to return the mail to origin unless the sender pays the applicable United States Postage.

Although the regulations relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the Postal Service may have

an opportunity to present written views concerning the proposed regulations. Accordingly, such written views may be submitted to the Director, International Service Division, Post Office Department, Washington 25, D.C., at any time prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments, which are to become effective with mailings reaching the United States on and after July 1, 1961, are as follows:

## PART 115—ARTICLES MAILED ABROAD BY OR ON BEHALF OF SENDERS IN THE UNITED STATES

Sec.
115.1 Convention provision.
115.2 Policy.
115.3 Prepayment procedure.
115.4 Unpaid mailing procedure.

AUTHORITY: §§ 115.1 to 115.4 issued under R.S. 161, as amended, secs. 501, 505, 74 Stat. 580, 581 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 505; Article VI of the Final Protocol of the Universal Postal Convention.

**§ 115.1 Convention provision.**

Under the provisions of the Final Protocol of the Universal Postal Convention no country is bound to forward or deliver to addressees articles which senders domiciled in its territory mail or cause to be mailed in another country to obtain lower rates of postage established there; the same applies to articles of this kind mailed in large quantities, whether or not such mailings are made to obtain lower rates.

**§ 115.2 Policy.**

Pursuant to § 115.1, mailings in excess of 10,000 pieces during a 30-day period made in another country by or on behalf of any person or firm whose residence or place of business is in the United States to addressees in the United States or its possessions will be returned to origin unless the sender pays the applicable United States postage on the total number of pieces involved.

**§ 115.3 Prepayment procedure.**

Senders affected by the provisions of this part will submit a sample of the proposed mailing (envelope and contents) to the International Service Division, Bureau of Transportation, Post Office Department, Washington 25, D.C., with a statement as to the number of pieces to be mailed, when and where the mailing will take place, and a check to cover the amount of the applicable United States postage. Checks will be made payable to the Post Office Department. Notification of postage acceptance and approval of dispatch will be given by the Department to the sender and to the appropriate United States receiving exchange offices which will permit the articles comprised in the mailing to go forward to the addressees without delay and without the necessity for United States postage stamps being placed on the individual pieces involved.

**§ 115.4 Unpaid mailing procedure.**

When a mailing subject to the policy provisions stated in §115.2 is received on which the United States domestic postage has not been paid it will be held at the exchange office of receipt and the interested United States sender will be contacted for the purpose of collecting the postage payable. After payment of the required amount the mailing will be allowed to go forward; if not paid it will be returned to the country of origin.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 17, 1961.

LOUIS J. DOYLE,
*Acting General Counsel.*

[F.R. Doc. 61-2502; Filed, Mar. 21, 1961; 8:55 a.m.]

# DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 936 ]

## HANDLING OF FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

### Notice of Proposed Rule Making

Consideration is being given to the following proposals submitted by the Control Committee, established under the amended marketing agreement and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California, as the agency to administer the terms and provisions thereof. This is a regulatory marketing program effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674):

(a) That an operating reserve be established in the maximum amount of $80,000 which approximates the average expenses of the Control Committee for one season.

(b) That the Control Committee, at the end of each season, carryover in said operating reserve any excess assessment funds collected during such season: *Provided*, That the total funds in such operating reserve do not exceed the aforesaid amount.

(c) That funds in said operating reserve be used by the Control Committee to cover (1) any authorized expenses incurred by such committee during any season when assessment income is less than such expenses, and (2) necessary expenses of liquidation in the event of termination of the amended marketing agreement and order.

(d) That, upon such termination, any funds not required to defray the necessary expenses of liquidation be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That, to the extent practical, such funds be returned pro rata to the shippers from whom such funds were collected.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 20th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 17, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2503; Filed, Mar. 21, 1961; 8:55 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 120 ]

## TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Notice of Filing of Petition for Establishment of Tolerance for Residues of Ronnel

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by The Dow Chemical Company, Midland, Michigan, proposing the establishment of a tolerance of 10 parts per million for residues of ronnel (*O,O*-dimethyl *O*-(2,4,5 trichlorophenyl) phosphorothioate) in the fat of cattle, goats, hogs, and sheep.

The analytical method proposed in the petition for determining residues of ronnel is that published in the FEDERAL REGISTER of October 10, 1959 (24 F.R. 8270).

Dated: March 14, 1961.

[SEAL] ROBERT S. ROE,
*Director, Bureau of Biological and Physical Sciences.*

[F.R. Doc. 61-2477; Filed, Mar. 21, 1961; 8:50 a.m.]

### [ 21 CFR Part 120 ]

## TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Notice of Filing of Petition for Establishment of Tolerance for Residues of o-Arsenic Acid

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by The Arsenic Industry Committee, care of S. Anderson Peoples, M.D., Davis, California, proposing the establishment of a tolerance of 5 parts per million for residues of *o*-arsenic acid expressed as $As_2O_3$ in or on raw cottonseed.



The analytical methods proposed in the petition for determining residues of *o*-arsenic acid are those in the Official Methods of Analysis of the Association of Official Agricultural Chemists, Ninth Edition (1960), and the Journal of the Association of Official Agricultural Chemists, Volume 40, page 65 (1957).

Dated: March 14, 1961.

[SEAL] ROBERT S. ROE,
*Director, Bureau of Biological and Physical Sciences.*

[F.R. Doc. 61-2478; Filed, Mar. 21, 1961; 8:50 a.m.]

### [ 21 CFR Part 120 ]

## TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Notice of Filing of Petition for Establishment of Tolerances for Residues of O,O-Diethyl S-2-(Ethylthio)Ethyl Phosphorodithioate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by Chemagro Corporation, Post Office Box 4913, Kansas City 20, Missouri, proposing the establishment of tolerances for residues of *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate as follows:

12.0 parts per million in or on alfalfa hay.
5.0 parts per million in or on fresh alfalfa and fall wheat (foliage).
0.75 part per million in or on broccoli and cabbage.
0.3 part per million in or on fall wheat (grain).

The analytical method proposed in the petition for determining residues of *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate is that described in the FEDERAL REGISTER of September 17, 1960 (25 F.R. 8959).

Dated: March 14, 1961.

[SEAL] ROBERT S. ROE,
*Director, Bureau of Biological and Physical Sciences.*

[F.R. Doc. 61-2479; Filed, Mar. 21, 1961; 8:50 a.m.]

### [ 21 CFR Part 120 ]

## TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Notice of Filing of Petition for Establishment of A Tolerance for Residues of O,O-Diethyl S-2-(Ethylthio) Ethyl Phosphorodithioate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by Chemagro Corporation, Post Office Box 4913, Kansas City 20, Missouri, proposing the establishment of a tolerance of 0.75 part per million for residues of *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate in or on cottonseed.

The analytical method proposed in the petition for determining residues of *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate is that described in the FEDERAL REGISTER of September 17, 1960 (25 F.R. 8959).

Dated: March 14, 1961.

[SEAL] ROBERT S. ROE,
*Director, Bureau of Biological and Physical Sciences.*

[F.R. Doc. 61-2480; Filed, Mar. 21, 1961; 8:50 a.m.]

### [ 21 CFR Part 120 ]

## TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Notice of Filing of Petition for Establishment of Tolerance for Residues of 1-Naphthyl *N*-Methylcarbamate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by the Union Carbide Corporation, 270 Park Avenue, New York 17, New York, proposing the establishment of a tolerance of 10 parts per million for residues of 1-naphthyl *N*-methylcarbamate in or on okra.

The analytical method proposed in the petition for determining residues of 1-naphthyl *N*-methylcarbamate is that described in the FEDERAL REGISTER of January 9, 1959 (24 F.R. 238) with minor modifications.

Dated: March 14, 1961.

[SEAL] ROBERT S. ROE,
*Director, Bureau of Biological and Physical Sciences.*

[F.R. Doc. 61-2481; Filed, Mar. 21, 1961; 8:50 a.m.]

### [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Glidden Company, 900 Union Commerce Building, Cleveland 14, Ohio, proposing the issuance of a regulation to provide for the safe use of certain substances in the formulation of organic coatings for food containers coming in direct contact with food, provided that the total addition to the food of any extractables therefrom will not exceed certain designated tolerances.

The substances proposed in this petition have previously been listed as being the subject of extension actions under § 121.87(d), published in the FEDERAL REGISTER of March 17, 1960 (25 F.R. 2204), and include the items on which decision is pending. Because of the length of this list, it is not repeated in

### [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, proposing the issuance of a regulation to provide for the safe use of sodium lignosulfonate as an ingredient of wax emulsions used in the manufacture of food-packaging paper and paperboard.

Dated: March 16, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2496; Filed, Mar. 21, 1961; 8:53 a.m.]

### [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Miller Brewing Company, Milwaukee 1, Wisconsin, proposing the issuance of a regulation to provide for the safe use of modified hop extract in beer.

Dated: March 16, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2497; Filed, Mar. 21, 1961 8:53 a.m.]

### [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by American Cyanamid Company, Post Office Box 383, Princeton, New Jersey, proposing the issuance of a regulation to provide for the safe use of chlortetracycline and sulfamethazine with vitamins for the treatment of bacterial calf scours.

Dated: March 16, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2495; Filed, Mar. 21, 1961; 8:53 a.m.]

this announcement but may be referred to in the FEDERAL REGISTER cited.

Dated: March 16, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2498; Filed, Mar. 21, 1961; 8:53 a.m.]

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[ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Reichhold Chemicals, Inc., RCI Building, White Plains, New York, proposing the issuance of a regulation to provide for the safe use of the following substances in the formulation of resins used as components of paper and paperboard intended for food packaging subject to the following limitations:

| *Substance* | *Limitation* |
|---|---|
| Triethyanolamine | 60 parts per million (0.006 percent) of finished paper not having more than 5 percent moisture. |
| Dibutyl phthalate | 3 parts per million (0.0003 percent) of finished paper not having more than 5 percent moisture. |

Dated: March 16, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2499; Filed, Mar. 21, 1961; 8:54 a.m.]

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# FEDERAL AVIATION AGENCY

[ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-FW-3]

## FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

### Alteration of Federal Airway and Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6003 and 601.6003 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 3 extends in part from Jacksonville, Fla., to Savannah, Ga., including an east alternate from the Jacksonville VOR to the Savannah VOR via the intersection of the Jacksonville VOR 027° and the Savannah VOR 180° True radials and a west alternate from Jacksonville to Brunswick, Ga., via the intersection of the Jacksonville VOR 349° and the Brunswick VOR 238° True radials. The Federal Aviation Agency is considering altering Victor 3 west alternate between Jacksonville and Brunswick by realigning it to extend from Jacksonville to Savannah via the intersection of the Jacksonville VOR 354° and the Savannah VOR 210° True radials. The alteration of Victor 3 west alternate would provide an alternate route for separating climbing and descending aircraft from aircraft on Victor 3 between Jacksonville and Savannah. In addition, to implement, in part, Civil Air Regulations, Part 60 Air Traffic Rules, Amendment 60-21 (26 F.R. 570), the Federal Aviation Agency is considering designating the floor of the control areas associated with Victor 3, Victor 3 east alternate and Victor 3 west alternate between Jacksonville and Savannah to extend upwards from 1,200 feet above the surface. It is expected that, in accordance with usual Agency practice, the minimum enroute altitudes ultimately established for these airway segments will be at an appropriate level within controlled airspace.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 15, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-2451; Filed, Mar. 21, 1961; 8:46 a.m.]

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[ 14 CFR Part 601 ]

[Airspace Docket No. 60-LA-12]

## CONTROLLED AIRSPACE

### Redesignation of Control Zone, Designation of Transition Area, and Revocation of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and § 601.2459 of the regulations of the Administrator, the substance of which is stated below.

The Glasgow AFB, Mont., control zone is designated within a 5-mile radius of Glasgow AFB and within 2 miles either side of the 122° True radial of the Glasgow AFB VOR extending from the 5-mile radius zone to 20 miles southeast of the VOR.

The Glasgow AFB control area extension is designated within a 35-mile radius of Glasgow AFB.

The prescribed instrument approach procedures at Glasgow AFB have recently been revised. The Federal Aviation Agency has applied Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 to the airspace requirements associated with these procedures and is considering the redesignation of the Glasgow AFB control zone, the revocation of the Glasgow AFB control area extension and the designation of a transition area in lieu of the control area extension.

The Glasgow AFB control zone would be redesignated within a 5-mile radius of Glasgow AFB (lat. 48°25'00" N., long. 106°31'40" W.), within 2 miles either side of the ILS localizer southeast course extending from the 5-mile raduis zone to the ILS outer marker, within 2 miles either side of the Glasgow VOR 302° True radial extending from the 5-mile radius zone to 12 miles northwest of the VOR and within 2 miles either side of the 285° True radial of the Glasgow AFB TACAN (lat. 48°25'30" N., long. 106°30'30" W.), extending from the 5-mile radius zone to 8 miles of the TACAN. The portion of this control zone that coincides with R-4601, Glasgow, Mont. (Glasgow AFB), Restricted Area/Military Climb Corridor, would be used only after obtaining prior approval from the appropriate authority.

The transition area would be designated within a 35-mile radius of Glasgow AFB extending upward from 1200 feet above the surface, except that a floor of 700 feet above the surface would be designated on that portion within a 5-mile radius of Glasgow Airport (lat. 48°13'00' N., long. 106°36'45" W.), and within 2 miles either side of lines bearing 250° and 307° True from the airport extending from the airport to 12 miles west and northwest. The portion of this transition area that coincides with R-4601, Glasgow, Mont. (Glasgow AFB), Restricted Area/Military Climb Corridor, would be used only after obtaining prior approval from the appropriate authority.

The proposed control zone would provide protection for aircraft executing the prescribed instrument approach procedures at Glasgow AFB. The proposed transition area would provide protection for aircraft arriving, departing and executing prescribed holding procedures at Glasgow AFB during Instrument Flight Rules weather conditions. The floor proposed for the transition area would permit the several airports within a 35-mile radius of Glasgow AFB, with the exception of Glasgow Airport, to conduct operations up to 1200 feet above the surface outside of controlled airspace. There is no control zone designated at Glasgow Airport. The proposed 700-foot floor in the vicinty of Glasgow Airport would provide protection for aircraft executing prescribed instrument approach procedures at this airport down to 700 feet above the airport surface.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 15, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-2450; Filed, Mar. 21, 1961; 8:46 a.m.]

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# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 3 ]

[Docket No. 14002(RM-215); FCC 61-362]

## TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS (ALBANY, NEW YORK)

### Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making concerning changes in the UHF television channel assignments, as discussed below.

2. The Commission has before it for consideration the petition for rule making filed December 9, 1960, by the Board of Regents of The University of The State of New York requesting that the Commission institute rule making looking toward the reservation of UHF Channel 23 in Albany, New York, for noncommercial educational use.

3. Section 3.606, the Television Table of Assignments, presently allocates Channels 6, 13, *17+, 23—, 35, and 41 to the Albany-Schenectady-Troy area. WRGB operates on Channel 6. WHST operates on Channel 13 and has temporary authority to conduct a UHF satellite on Channel 35 in Albany. Similarly, WTEN Channel 10, Vail Mills, New York, serves the Albany-Schenectady-Troy area and also conducts a satellite operation on Channel 41 in Albany under temporary authority.

4. The University of the State of New York, petitioner herein, held a construction permit on Channel 17 (which was granted July 24, 1952) but on December 14, 1960 they relinquished the permit so as to enable the Mohawk-Hudson Council on Educational Television to apply for authority to operate an educational station on Channel 17. Concomitantly with the relinquishment of the permit on Channel 17, petitioner requested, herein, the reservation of Channel 23 for educational use. A construction permit was held by the Patroon Broadcasting Company on Channel 23 but has been relinquished. An application by Mohawk-Hudson to operate a non-commercial educational station on Channel 17 was accepted for filing by the Commission on March 14, 1961.

5. The purpose of the requested reservation of a second UHF channel for noncommercial educational use is to assure that provision is made for state sponsored educational television in the Albany area. The University of the State of New York currently holds construction permits for educational stations on UHF channels in Binghamton, Buffalo, Ithaca, New York City, Rochester, and Syracuse. The last of these permits was granted on January 17, 1953. They also have an application pending for a construction permit on reserved Channel 25 in Utica, New York. The state has never commenced operation in any of the above-cities. Petitioner avers, however, that it "fully intends, as soon as financial resources are provided by the Legislature of the State of New York, to provide educational television services to all of the people of this State."

6. After careful consideration, the Commission is of the view that rule making should be instituted so as to afford interested parties an oportunity to comment on petitioner's proposal and to submit their views and relevant data. The Commission specifically invites comments on the following matters:

(a) Whether the reservation of a second UHF channel in Albany for noncommercial educational use would encourage the early institution of educational television in the Albany area and throughout New York State;

(b) Whether the reservation of a second UHF channel in Albany for noncommercial educational use would be in the public interest in view of the fact that an applicant can apply for an educational license on non-reserved channels;

7. Authority for the adoption of the amendment proposed herein is contained in sections 4(i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested persons may file comments on or before April 17, 1961, and reply comments on or before April 28, 1961. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

9. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: March 15, 1961.

Released: March 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2523; Filed, Mar. 21, 1961; 8:57 a.m.]

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[ 47 CFR Part 51 ]

[Docket No. 14000 (RM-203); FCC 61-335]

## OCCUPATIONAL CLASSIFICATION AND COMPENSATION OF EMPLOYEES OF CLASS A AND CLASS B TELEPHONE COMPANIES

### Notice of Proposed Rule Making

In the matter of amendment of Part 51 (Occupational Classification and Compensation of Employees of Class A and Class B Telephone Companies) of the Commission's Rules and Regulations, and Schedule 70C of telephone Annual Report Form M, to provide that the annual count of employees shall be made as of December 31 of each year, to omit "extra" and "occasional" employees from the count, and to make certain other related changes in Part 51, Docket No. 14000 (RM-203).

1. The American Telephone and Telegraph Company (AT&T), on behalf of itself and its associated operating telephone companies, by letter dated October 11, 1960, has requested that the Commission amend, effective for the year 1961 and subsequent years, §§ 51.2, 51.11 and 51.14 of Part 51, Occupational Classification and Compensation of Employees of Class A and Class B Telephone Companies, of its Rules and Regulations, and Schedule 70C, Wages and Hours, of Annual Report Form M. As proposed for amendment, the rules will provide that the annual count, and reporting in telephone Annual Report Form M, of employees shall be made as of December 31 of each year, rather than as of the last normal business day of October of each year. AT&T states that, if the requested changes are made, there appears some need to modify certain definitions in §§ 51.3, 51.11, 51.12 and 51.13. AT&T also proposes the omission of "extra" and "occasional" employees from the count.

2. The following is a list of AT&T's proposed changes, together with the reasons given for making such changes:

§ 51.2 [Amendment]

a. Change the first portion of paragraph (b) of § 51.2 to read as follows:

(b) Companies subject hereto shall record, and report annually to the Commission, the following information with respect to employees, classified according to occupation, on December 31:

This change is proposed in order to provide that the annual count of employees be made as of December 31. AT&T's reasons for suggesting a change in the date of the annual count are discussed in paragraph 3 hereof.

§ 51.3 [Amendment]

b. Change the definition of "Scheduled weekly compensation" in § 51.3 to read as follows: "Scheduled weekly compensation" means the wages scheduled to be paid for the "scheduled weekly hours" (at the basic wage rates in effect on December 31) plus any regularly scheduled supplemental payments (such as board and lodging equivalents, differentials for other than overtime or premium hours, meals, living quarters, etc.) made to the employee during the calendar week in which December 31 occurs. (See § 51.13.)

This change is proposed in order to clarify the definition of "compensation" by specifying basic payments and allowances to employees which are included in developing average weekly compensation and to include certain supplemental payments scheduled for the week in which the employee count is taken.

c. Change the definition of "Scheduled weekly hours" in § 51.3 to read as follows: "Scheduled weekly hours" means, for the employees included in the count, the number of weekly regular hours (which would not include overtime hours, if any) scheduled for the week in which December 31 occurs, computed in accordance with § 51.12.

This change is proposed in order to provide for the annual count on December 31, to make the definition consistent with the change in paragraph (b) of § 51.2, and to provide for specific exclusion of overtime hours.

§ 51.11 [Amendment]

d. Change paragraph (a) of § 51.11 to read as follows:

(a) Every person who is an employee of the telephone company, as defined in § 51.3, as of December 31, except occasional employees (i.e., employees hired for a period of three weeks or less), shall be included in the count.

This change is proposed in order to provide for the annual count on December 31 and to make this paragraph consistent with the proposed change in paragraph (b) of § 51.2.

e. Change paragraph (d) (1) of § 51.11 to read as follows:

(1) Full-time and part-time, including temporary but excluding occasional employees.

This change is proposed in order to exclude occasional and extra employees from the count.

§ 51.12 [Amendment]

f. Change paragraph (b) (1) of § 51.12 to read as follows:

(1) Hours of work of full-time and part-time employees, including temporary but excluding occasional employees.

This change is proposed in order to make this subparagraph consistent with the proposed change in paragraph (d) (1) of § 51.11.

§ 51.13 [Amendment]

g. Change paragraph (b) (1) of § 51.13 to read as follows:

(1) Compensation of full-time and part-time employees, including temporary but excluding occasional employees.

This change is made in order to make this subparagraph consistent with the proposed change in paragraph (d) (1) of § 51.11.

h. Change § 51.14 to read as follows:

§ 51.14 Hourly rate of pay.

Persons in the employ of the company on December 31 in occupational classifications outlined in §§ 51.33 to 51.39, except occasional employees, shall be classified according to their hourly rate of pay.

This change is proposed in order to provide for the annual count on December 31 and to make this paragraph consistent with the change proposed in paragraph (b) of § 51.2.

3. In support of its proposal to change the date of the count to December 31, AT&T states that recent developments in electronic data processing have now made it practical for Bell System companies to handle the annual census of employees (from which the data in Schedule 70C, Wages and Hours, of Annual Report Form M are derived) at the year-end in conjunction with other year-end work. No distortions of employee census results should occur in spite of December 31 being a holiday eve because (1) overtime pay and premium hours pay are excluded in determining "scheduled weekly compensation" and (2) supplementary payments that are included in "scheduled weekly compensation" will be based on the entire week in which December 31 occurs. AT&T also states that employee census data as of December 31 would simplify its accounting operations since the information can be used, without adjustment, for pension accrual computations necessary for tax returns and for other administrative reports, practically all of which are on a calendar year or year-end basis.

4. In support of its proposal to omit "extra" and "occasional" employees from the count, AT&T states that occasional employees are engaged for very short periods—not more than three consecutive weeks—whereas a temporary employee is engaged for a specific project or period where employment will not continue for more than a year. AT&T feels that a more accurate picture of the total work force on December 31 would be obtained by omitting occasional employees since there could be a number of employees engaged for just New Year's Eve traffic operations. AT&T further points out that occasional employees are not included in the monthly data reported to the Bureau of Labor Statistics and that the proposed change will make the annual statistics consistent with the monthly statistics in this regard. With respect to "extra" employees, AT&T states that the term "extra" is not used in the Bell System and, in any case, that it appears to be unnecessary under the proposed revisions.

5. AT&T states that during World War II, when manpower and office machines were in short supply, the Bell System companies were seeking means of spreading the year-end work load. AT&T wrote to the Commission on July 19, 1943, and requested that the selected date for the employee data in columns (e) through (w) of Schedule 461 (now columns (b) through (u) of Schedule 70C) of the Commission's Annual Report Form M be changed from December 31 to October 31. In its letter of August 17, 1943, the Commission granted this request and subsequently amended Part 51 to provide for the count of employees as of the last normal business day of October.

6. If there are to be amendments of Part 51 of its rules, the Commission believes that clarification and rearrangement of certain provisions of §§ 51.2 through 51.14 of Part 51 would be desirable. The definitions of "Hourly rate of pay," "Scheduled weekly compensation," and "Scheduled weekly hours" now included in § 51.3 might well be included in the sections bearing those captions, namely, §§ 51.14, 51.13 and 51.12, respectively, and it is proposed to so revise those sections. At the same time it is also proposed to revise those definitions, particularly the definition of "Scheduled weekly compensation," to clarify AT&T's proposal as to what should and what should not be included therein. In § 51.3 the addition of definitions of "occasional" and "temporary" employees appears advisable. It is proposed to rearrange § 51.11 in a more logical order. Also, certain other clarifying changes are believed advisable. Accordingly, the Commission proposes that §§ 51.2 through 51.14 of Part 51 be amended as indicated below.

7. The results of the tabulation of employee data required by Part 51 are reported in Schedule 70C of Annual Report Form M applicable to Class A and Class B telephone companies. Copies of Schedule 70C as filed by the companies are furnished to and processed by the Bureau of Labor Statistics of the U.S. Department of Labor. The proposed changes in Part 51 have been discussed with representatives of that Bureau and they have indicated that they have no objections to the changes proposed and actually prefer that all data be reported as at the end of the year.

8. In connection with these proposals it will be necessary, if the December 31 date is adopted, that the headings of columns (b) through (f) of Schedule 70C, Wages and Hours, of Annual Report Form M for Class A and Class B telephone companies, be changed to specify this date instead of the present "October Count."



9. After the request for rule making was filed by AT&T, the Commission's staff was contacted informally by a representative of The Western Union Telegraph Company who stated that that company was opposed to any change in the date of its employee count and requested that Part 52 (Classification of Wire-telegraph Employees) of the Commission's Rules not be so amended. While no changes are proposed herein for Part 52, any comments received will be considered with respect to whether any similar changes should be made in that Part and in Schedules 408A and 408B of Annual Report Forms O and R.

10. This notice of proposed rule making is issued under authority of sections 4(i) and 219 of the Communications Act of 1934, as amended.

11. Any interested party who is of the opinion that the proposed amendments (as set forth below) should not be adopted, or should not be adopted in the form proposed below, may file with the Commission on or before April 24, 1961, a statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within 20 days of the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given. In reaching its decision herein, the Commission will not be limited to consideration of the comments filed, but will take into account any relevant information in the files and records of the Commission, within the expertise of the staff and Commission, or obtained from other informed sources. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: March 15, 1961.

Released: March 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

Proposed revision of paragraph (b) of § 51.2 and of §§ 51.3 to 51.14, inclusive, of Part 51, Occupational Classification and Compensation of Employees of Class A and Class B Telephone Companies.

§ 51.2 Scope of the rules in this part.

* * * * *

(b) Each company subject to the provisions of this part shall record, and include in its annual report to the Commission each year, the following information with respect to its employees as of December 31, classified according to the occupational classifications specified in §§ 51.32 through 51.39:

(1) Number of male employees;
(2) Number of female employees;
(3) Total number of employees;
(4) Number of scheduled weekly hours;
(5) Amount of scheduled weekly compensation; and
(6) Number of employees, other than officials and managerial assistants, grouped according to hourly rate of pay.

DEFINITIONS

§ 51.3 Restrictive use of certain terms.

For the purposes of this part, certain terms are defined as follows:

"Employees" means all persons in the service of the company subject to its continuing authority to supervise and direct the manner of rendition of their service.

"Full-time employees" means those employees working the hours normally assigned to employees in the applicable occupational classification.

"General officer" means an officer serving a company in such a capacity as that of chairman of the board of directors (if he is an officer as well as a director), president, vice president, secretary, treasurer, general counsel, and comptroller, or, in the case of those companies that do not have officers bearing the aforesaid titles, the term includes those officers who have the responsibilities normally associated with such titles.

"Joint employees" means persons, other than general officers, concurrently engaged under a joint arrangement in the service of two or more telephone companies.

"Occasional employees" means those employees hired for periods not exceeding three consecutive weeks.

"Part-time employees" means those employees regularly assigned shorter hours than a full-time weekly schedule.

"Temporary employees" means those employees hired for periods exceeding three weeks but not exceeding one year.

DATA REQUIRED TO BE MAINTAINED OF RECORD

§ 51.11 Employees included in the count.

(a) The following employees who are on the payroll of the company on December 31 shall be included in the count:

(1) Full-time and part-time employees, including temporary and joint employees;

(2) Employees on paid vacations; and

(3) Employees temporarily on leave on account of disability due to accident or sickness.

(b) The following persons shall not be included in the count:

(1) Occasional employees;

(2) All persons employed by the company as agents and paid exclusively on a commission basis;

(3) Employees on leave of absence or furloughs not paid for by the company; and

(4) Pensioners not required to render service.

(c) Joint employees shall be counted by each telephone company involved in a joint service arrangement and shall be represented in its record of the number of employees by a fraction based on the number of telephone companies served. For example, if such an employee is in the service of three telephone companies, each such company shall include him in the number of employees as one-third of an employee. If, however, the entire compensation of an employee concurrently engaged in the service of two or more telephone companies is borne by a single telephone company, he shall be treated as an employee of that company and not as a joint employee.

(d) A person employed by and serving two or more telephone companies in the capacity of a general officer but acting independently for each company shall be counted as one employee by each company.

§ 51.12 Scheduled weekly hours.

(a) The total number of regularly scheduled weekly hours shall be determined for the week in which December 31 occurs for all employees included in the count in each occupational classification set forth in §§ 51.32 to 51.39, inclusive.

(b) The following time shall be counted in determining the number of scheduled weekly hours for employees included in the count:

(1) Regular hours of work at the regular basic rate of pay;

(2) Hours paid for at regular rates but not worked representing vacations and leave on account of disability due to accident or sickness; and

(3) Hours for holidays falling within the regular work week whether or not actually worked.

(c) The following time shall not be counted in the study:

(1) Hours worked by occasional employees; and

(2) Hours of overtime worked.

§ 51.13 Scheduled weekly compensation.

Scheduled weekly compensation shall include the total amount of weekly compensation at the regular basic rate of pay in effect on December 31 that is paid to employees in the occupational classification set forth in §§ 51.32 to 51.39, for the hours included in the scheduled weekly hours, determined as provided in § 51.12, except that pay for holidays shall be computed at the regular rate of pay whether or not work is actually performed. It shall also include supplemental payments made on a regular basis covering board and lodging equivalents, meals, living quarters, and evening and night differentials. It shall not include extra payments earned by employees for overtime or holiday hours worked.

§ 51.14 Hourly rate of pay.

Employees included in the count on December 31 in the occupational classifications specified in §§ 51.33 to 51.39, shall be classified according to their hourly rate of pay. The hourly rate of pay shall be determined by dividing scheduled weekly compensation by scheduled weekly hours. (See the prescribed annual report form for the currently effective groupings of hourly rates of pay.)

[F.R. Doc. 61-2524; Filed, Mar. 21, 1961; 8:57 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[418.41]

### SHOULDER PADS COMPOSED OF POLYURETHANE

#### Tariff Classification

The Bureau of Customs published in the FEDERAL REGISTER of November 16, 1960 (25 F.R. 10894), notice that it had under review the existing practice of assessing duty on shoulder pads for men's suits, including men's burial suits, composed of polyurethane containing no filler material, at the rate of 12½ percent ad valorem, the rate applicable to manufactures in chief value of india rubber, not specially provided for, under paragraph 1537(b), Tariff Act of 1930, as modified, by similitude (paragraph 1559(a)).

The Bureau, by letter dated March 17, 1961, addressed to the collector of customs, Chicago, Illinois, held that this merchandise is properly dutiable at the rate of 20 percent ad valorem, the rate applicable to manufactures in chief value of cotton, not specially provided for, under paragraph 923, Tariff Act of 1930, as modified, by similitude (paragraph 1559(a)).

Inasmuch as this decision results in the assessment of duty at a rate of duty higher than that which has been assessed under a uniform and established practice, it shall be applied only to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

[F.R. Doc. 61-2469; Filed, Mar. 21, 1961; 8:52 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### ALABAMA

#### Notice of Proposed Withdrawal and Reservation of Land

MARCH 16, 1961.

The Department of the Army, Office of the Chief of the Engineers, Washington 25, D.C., has filed an application for the withdrawal of the lands hereafter described, from all forms of appropriation under the Public Land Laws, including the United States Mining and Mineral Leasing Laws, subject to valid existing rights.

The land is required for use in conjunction with the construction, operation and maintenance of the Warrior Lock and Dam on the Black Warrior River, Alabama, and has been inundated by that project.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington 25, D.C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

ST. STEPHENS MERIDIAN, HALE COUNTY, ALABAMA

T. 21 N., R. 3 E.,
Sec. 4, NE¼NW¼NW¼, N½NW¼NW¼NW¼, SE¼NW¼NW¼NW¼, NE¼SE¼NW¼NW¼.

The area described contains 19.90 acres.

H. K. SCHOLL,
*Manager,*
*Eastern States Land Office.*

[F.R. Doc. 61-2456; Filed, Mar. 21, 1961; 8:47 a.m.]

### LANDS AND MINERALS OFFICER, FAIRBANKS OPERATIONS OFFICE

#### Delegation of Authority

MARCH 13, 1961.

In accordance with §§ 1.1 and 2.1 and Amendment 12 of the Bureau of Land Management Order 541, I hereby authorize the Lands and Minerals Officer, Fairbanks Operations Office to perform all functions listed in § 1.5 of the above referenced order.

RICHARD L. QUINTUS,
*Operations Supervisor,*
*Fairbanks Operations Office.*

[F.R. Doc. 61-2492; Filed, Mar. 21, 1961; 8:53 a.m.]

### Geological Survey

[Survey Order No. 214, amended and revised]

### CERTAIN OFFICIALS AND EMPLOYEES

#### Redelegation of Authority To Enter Into Contracts

MARCH 15, 1961.

Under authority delegated to heads of bureaus by the Secretary of the Interior in section 50, Order 2509, as amended (17 F.R. 6793, 19 F.R. 433, and F.R. 7417), redelegation of authority to officials and employees of the Geological Survey is hereby made, to become effective upon publication in the FEDERAL REGISTER.

The redelegation hereby made is of authority, on behalf of the United States and the Geological Survey, to enter into contracts for construction, supplies, or services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations; with respect to any such contract, to issue change orders and extra work orders pursuant to the contracts, to enter into modifications of the contract which are legally permissible, and to terminate the contract if such action is legally authorized. This authority is redelegated under categories depending upon the amount involved.

(1) Irrespective of the amount involved, to: Executive Officer.

(2) With respect to contracts for helicopter services not exceeding $100,000 in amount, to: Procurement Officer, Management Officer, Denver, Colorado, Management Officer, Menlo Park, California.

(3) With respect to contracts not exceeding $25,000 in amount, to: Chief, Branch of Service and Supply Procurement Officer.

(4) With respect to contracts not exceeding $5,000 in amount, to: Assistant Procurement Officer, Management Officers, Denver, Colorado; Menlo Park, California; and Fairbanks, Alaska.

(5) With respect to contracts for construction, including drilling, not exceeding $2,000, to: Branch Chiefs, Water Resources Division, Branch Area Chiefs, Water Resources Division Chief, Instrumentation Unit, Research Section, Surface Water Branch, Water Resources Division, Columbus, Ohio.

(6) With respect to contracts for test drilling and construction not exceeding $1,000, to: Heads of Field Offices, Water Resources Division.

This order supersedes Survey Order 214 (24 F.R. 6318) and Amendment No. 1 thereto (26 F.R. 1680).

THOMAS B. NOLAN,
*Director.*

[F.R. Doc. 61-2455; Filed, Mar. 21, 1961; 8:47 a.m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

### LYKES BROS. STEAMSHIP COMPANY, INC.

#### Notice of Application

Notice is hereby given that Lykes Bros. Steamship Company, Inc., has requested amendment of its operating-differential subsidy agreement to increase from a maximum of 12 to a maximum of 20 the number of calls permitted annually at ports in the Indonesia-Malaya area (including Singapore Colony) on voyages made in its subsidized freight service on Trade Route No. 22 (U.S. Gulf Ports/Far East).

Any person, firm or corporation desiring to comment upon said application



of Lykes Bros. Steamship Company, Inc. should, by close of business on April 6, 1961, notify the Secretary, Federal Maritime Board in writing, in triplicate, of the nature of the interest of such person, firm or corporation regarding said application and submit such comments thereon as may be desired.

After giving due consideration to any comments received, or if no comments are received, the Federal Maritime Board will take such action as it deems appropriate.

Dated: March 17, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-2447; Filed, Mar. 21, 1961; 8:46 a.m.]

### Office of the Secretary

### EUBERT F. TAGGERT

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of March 15, 1961.

Dated: March 15, 1961.

EUBERT F. TAGGERT.

[F.R. Doc. 61-2475; Filed, Mar. 21, 1961; 8:49 a.m.]

### HAROLD J. VORZIMER

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of March 12, 1961.

Dated: March 12, 1961.

HAROLD J. VORZIMER.

[F.R. Doc. 61-2476; Filed, Mar. 21, 1961; 8:49 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 12030]

### OZARK AIR LINES, INC.

#### "Use It or Lose It" Investigation; Notice of Prehearing Conference

Notice is hereby given, pursuant to Orders E-16231 and E-16499, that a prehearing conference is assigned to be held on the above-entitled investigation on March 28, 1961, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., March 16, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-2506; Filed, Mar. 21, 1961; 8:55 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-184]

### NATIONAL BUREAU OF STANDARDS

#### Notice of Application for Construction Permit and Utilization Facility License

Please take notice that the National Bureau of Standards, under section 104.c of the Atomic Energy Act of 1954, as amended, has submitted an application for license authorizing construction and operation of a heavy water moderated tank-type nuclear research reactor at the National Bureau of Standards' site near Gaithersburg in Montgomery County, Maryland. The reactor is designated to operate initially at a power level of less than 10 megawatts (thermal).

A copy of the application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 15th day of March 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-2443; Filed, Mar. 21, 1961; 8:45 a.m.]

[Docket No. 50-106]

### OREGON STATE COLLEGE

#### Notice of Issuance of Order

Please take notice that the Atomic Energy Commission has issued the order, set forth below, for the modification of License No. R-51 issued to Oregon State College by adding four conditions to its license to provide additional safeguards for the operation of its reactor, Model AGN-201, Serial No. 114, located on its campus in Corvallis, Oregon. The Commission has found that the public health, interest, and safety require such modification.

In accordance with the Commission's rules of practice (10 CFR Part 2) a formal hearing on the matter of the issuance of the order will be held if a written request therefor from the licensee is received within thirty days after issuance of the order. Any request for a hearing by the licensee or a petition for leave to intervene may be filed by mail with the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see Docket No. 50-106 on file at the AEC's Public Document Room.

Dated at Germantown, Md., this 15th day of March 1961.

For the Atomic Energy Commission.

ROBERT LOWENSTEIN,
*Acting Director, Division of Licensing and Regulation.*

ORDER

By a notice dated December 21, 1960, the Atomic Energy Commission notified Oregon State College (hereinafter referred to as "the licensee"), that the Commission would issue an order for the modification of License No. R-51 under which the licensee possesses and operates a Model AGN-201 nuclear reactor by the addition of four stated conditions.

The notice provided that if the licensee agreed to the addition of these conditions to its license without the issuance of a formal order it should so advise the Commission within 30 days from its receipt of the notice. The notice further provided that if the Commission does not receive the licensee's consent an appropriate order would be issued for modification of the license in which event the licensee will be offered the opportunity for a formal public hearing in the matter.

The licensee's consent to add the conditions to its license has not been received by the Commission within 30 days from the licensee's receipt of the notice.

It is hereby found that the public health, interest, and safety require that License No. R-51 be modified by the conditions hereinafter set forth and that no further notice be provided.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the regulations contained in Parts 2 and 50 of the Commission's regulations, Title 10 Code of Federal Regulations: *It is ordered*, That: License No. R-51 is hereby modified by the addition of the following conditions, the modification to be effective thirty days after the date of issuance of this order:

1. The control rod and safety rod magnet circuits shall reverse the current direction for the magnets at the time any scram relay is actuated.

2. The licensee shall, at least once during each month when the reactor is operated, check the ability of all safety rods and control rods to drop when the scram instrumentation is actuated. A record shall be made of each instance in which one or more rods fails to scram when called upon to do so.

3. If one or more of the safety or control rods fails to scram when called upon to do so, the reactor shall immediately be shut down and shall not be started up until:

A. The probable cause of the scram malfunction has been determined and remedied; and

B. Cognizant reactor supervisory personnel and, to the extent applicable, the local reactor hazards committee have reviewed and concurred in the remedial action taken; and

C. A written record is made by the licensee of the events in A. and B. above.

4. The effectiveness of the corrective measures taken pursuant to condition 3 above shall be verified by scramming the rods, which had previously failed to scram, several times under conditions similar to those under which they had failed. A written record of these tests shall be made. Should the rod again fail to scram during the tests, the reactor shall be shut down and the steps described in condition 3 above and this condition 4 shall be repeated.

The licensee may request a formal hearing with respect to this order, or any part

thereof, by filing a written request for hearing with the Office of the Secretary, United States Atomic Energy Commission, Washington 25, D.C., within fifteen days after the date of this order. Filing of a written request for hearing may also be accomplished in person either in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or the Office of the Secretary, Germantown, Maryland.

Pursuant to § 2.202(b) of the Commission's rules of practice, 10 CFR Part 2, a timely filing of a request for formal hearing with respect to this order or any part thereof, shall stay the order, or such part of the order, pending determination of the issues by the Commission.

Date of issuance: March 15, 1961.

For the Atomic Energy Commission.

ROBERT LOWENSTEIN,
*Acting Director,*
*Division of Licensing and Regulation.*

[F.R. Doc. 61-2444; Filed, Mar. 21, 1961; 8:45 a.m.]

[Docket No. 27-29]

## RADIOLOGICAL SERVICE CO., INC.

### Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 13 to Byproduct, Source and Special Nuclear Material License No. 31-1672-1 held by Radiological Service Co., Inc., 811 West Merrick Road, Valley Stream, Long Island, New York. Radiological Service Co., Inc., has been authorized to conduct a commercial radioactive waste disposal service involving the transfer of material to Oak Ridge National Laboratory since May 1952.

This amendment renews for a period of two (2) years, a license which authorizes the receipt and storage of sealed packages containing solid waste byproduct, source and special nuclear material, only at facilities of the licensee located at 28-22A Astoria Boulevard, Long Island City 2, New York, for transfer to AEC designated sites for land burial, and the receipt and storage at the designated facility of sealed packages containing waste in any form for transfer to firms specifically authorized to receive and dispose of such waste, provided prior arrangements for such transfer have been made with the authorized recipient. The license authorizes Radiological Service Co., Inc., to possess at any one time a total of 20 curies of any byproduct material having Atomic Numbers between 3 and 83, inclusive in any form; 200 curies of any byproduct material having Atomic Numbers between 3 and 83 inclusive, as sealed sources; 100 curies of Hydrogen 3; 5 millicuries of Polonium 210; 2,500 pounds of source material; and 200 grams of special nuclear material, of which not more than 35 milligrams shall be plutonium or Uranium 233.

In accordance with the Commission's rules of practice, Title 10, Code of Federal Regulations, Chapter 1, Part 2, a formal hearing will be held on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty (30) days after the issuance of the license amendment.

For further details see (1) the application submitted by Radiological Service Co., Inc., and amendments thereto, and (2) a Memorandum prepared by the Division of Licensing and Regulation which summarizes the principal factors considered in the analysis of the application for license amendment, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C. A copy of (2) above may be obtained at the Commission's Public Document Room or by request addressed to Atomic Energy Commission, Washington 25, D.C., Attention, Director, Division of Licensing and Regulation.

Dated at Germantown, Md., March 16, 1961.

For the Atomic Energy Commission.

ROBERT LOWENSTEIN,
*Acting Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-2445; Filed, Mar. 21, 1961; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14001]

## MARIANO RICHEY

### Order To Show Cause

In the matter of Mariano Richey, Baltimore, Maryland, Docket No. 14001; order to show cause why there should not be revoked the license for Radio Station 4W1408 in the Citizens Radio Service.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation dated June 1, 1960, alleging that on May 15, 1960, Citizens Radio Station 4W1408 was operated in violation of §§ 19.61 (a), (e) and (f) of the Commission's rules.

It further appearing, that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated August 17, 1960, and sent by Certified Mail, Return Receipt Requested (7922746), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee, Mariano Richey, on August 18, 1960, to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

*It is ordered,* This 17th day of March 1961, pursuant to section 313 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

*It is further ordered,* That the Secretary send a copy of this Order by Certified Mail, Return Receipt Requested to the said licensee.

Released: March 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2514; Filed, Mar. 21, 1961; 8:56 a.m.]

[Docket No. 13976; FCC 61M-444]

## ASPEN BROADCASTING CO.

### Order Scheduling Hearing

In re application of Myron J. Kammeyer, Edward L. Vestal, and Theodore B. Gazarian, d/b as Aspen Broadcasting Co., Aspen, Colorado, Docket No. 13976, File No. BP-13082; for construction permit.

*It is ordered,* This 16th day of March 1961, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 20, 1961, in Washington, D.C.

Released: March 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2507; Filed, Mar. 21, 1961; 8:55 a.m.]

[Docket Nos. 13977-13979; FCC 61M-445]

## BIG HORN COUNTY MUSICASTERS ET AL.

### Order Scheduling Hearing

In re applications of D. Gene Williams and Delbert Bertholf d/b as Big Horn County Musicasters, Hardin, Montana, Docket No. 13977, File No. BP-13399; Elizabeth H. Brown, Kenneth Nybo, Charles B. Sande, Ben N. Forbes, Weymouth D. Symmes, A. L. La Bar, Rockwood Brown, Jr., Neal H. Brown, Barbara B. Bixby and Keith Brown, a Copartnership d/b as Billings Broadcasting Co. (KBMY), Billings, Montana, Docket No. 13978, File No. BP-13470; KXLO Broadcast, Inc. (KXLO), Lewistown, Montana, Docket No. 13979, File No. BP-14144; for construction permits.

*It is ordered,* This 16th day of March 1961, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 21, 1961, in Washington, D.C.

Released: March 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2508; Filed, Mar. 21, 1961; 8:55 a.m.]

[Docket No. 13257 etc.; FCC 61M-421]

## CATSKILLS BROADCASTING CO. ET AL.

### Order Continuing Hearing

In re applications of Harry C. Borwick, David Levinson, Seymour D. Lubin, Henry L. Shipp, Joseph K. Schwartz and Philip Slutsky, d/b as Catskills Broadcasting Company, Ellenville, New York, Docket No. 13257, File No. BP-12266; Jerome Z. Elkin, Charles W. Letter, Samuel Elkin and Henry W. Weiss, d/b as Ellenville Broadcasting Company, Ellenville, New York, Docket No. 13258, File No. BP-12742; Saul Dresner, Alfred Dresner, Samuel Dresner and Rose Dresner, d/b as Ulster County Broadcasting Company, Ellenville, New York, Docket No. 13272, File No. BP-11781; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding and matters discussed at a pre-hearing conference held herein on March 10, 1961;

*It is ordered,* This 10th day of March, 1961, that the hearing herein, presently scheduled for April 10, 1961, is continued without date pending the filing of a joint petition by the applicants for reconsideration and action by the Commission on said petition.

Released: March 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2509; Filed, Mar. 21, 1961; 8:56 a.m.]

[Docket No. 13688; FCC 61M-430]

## CENTRAL WISCONSIN TELEVISION, INC.

### Order Continuing Hearing

In re application of Central Wisconsin Television, Inc., Wausau, Wisconsin, Docket No. 13688, File No. BPCT-2738, for construction permit for new television broadcast station (Channel 9).

The Hearing Examiner having under consideration a "Petition for Continuance of Hearing and Other Relief" filed March 13, 1961, on behalf of Central Wisconsin Television, Inc., requesting (a) that the hearing herein be continued to or about April 17, 1961, and (b) that Broadcast Bureau's time to respond to petitioner's January 12, 1961 request for leave to amend its application be extended until 10 days after Commission receipt of a response from the Federal Aviation Agency;

It appearing, that by Order of the Hearing Examiner released February 7, 1961, hearing herein was continued to March 17, 1961; and

It further appearing, that by Order of the Hearing Examiner released January 23, 1961, Broadcast Bureau's time to respond to petitioner's request for leave to amend was extended until 10 days after Commission receipt of a reply from the Canadian Government regarding necessary clearance of the amendment (specifying a new transmitter site); and

It further appearing, that although necessary clearance of the Canadian Government was received in the Commission's offices on March 2, 1961, additional necessary approval of petitioner's proposed new transmitter site by the Washington Office of the Federal Aviation Agency is still outstanding, its Kansas City Regional Office presently preparing its report for submission; and

It further appearing, that in view of the pendency of the matter indicated it is appropriate to continue the hearing and to extend Broadcast Bureau's time to respond to petitioner's pending request for leave to amend; and

It further appearing, that counsel for the Broadcast Bureau, the only other party to the proceeding, has agreed that the requested relief for continuance of hearing should be granted and has consented to immediate consideration thereof and the additional relief requested, and that a grant of the two-fold request will conduce to the orderly dispatch of the Commission's business;

*It is ordered,* This 14th day of March 1961; that the subject petition is granted, that Broadcast Bureau's time for filing a reply to petitioner's January 12, 1961, request for leave to amend its application is extended until 10 days after Commission receipt of the necessary recommendation of the Washington Office of the Federal Aviation Agency, and that the hearing now scheduled to be commenced on March 17, 1961, is continued to 10:00 a.m., April 14, 1961.

Released: March 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2510; Filed, Mar. 21, 1961; 8:56 a.m.]

[Docket No. 13481; FCC 61M-427]

## NATHAN FRANK (WNBE-TV)

### Order After Prehearing Conference

In re proposal filed by Nathan Frank (WNBE-TV), New Bern, North Carolina, Docket No. 13481; for specification of transmitter and antenna site.

The Hearing Examiner having under consideration the proceedings during prehearing conference in the above-entitled case held March 14, 1961, and the agreements of the parties therein as approved by the Examiner;

*It is ordered,* This 14th day of March 1961, that by April 3, 1961 proponent Frank is to exchange his exhibits with the other parties (with copy of each to the Examiner); that by April 17 the intervenor and the Broadcast Bureau are to effect a similar exchange of their exhibits (likewise with copy of each to the Examiner); that by April 21 each counsel is to notify his adversary informally with regard to the production of witnesses for cross-examination; and that the hearing is hereby scheduled to commence on Monday, April 26, 1961, at the Commission's Offices, Washington, D.C., at 10 a.m.

*It is ordered further,* That all understandings and agreements concerning the future conduct of the hearing are approved as prescribed in the transcript of the prehearing conference which is hereby incorporated by reference herein.

Released: March 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2511; Filed, Mar. 21, 1961; 8:56 a.m.]

[Docket Nos. 13974, 13975; FCC 61M-443]

## RALPH W. HOFFMAN AND ABBEVILLE RADIO, INC.

### Order Scheduling Hearing

In re applications of Ralph W. Hoffman, Abbeville, Alabama, Docket No. 13974, File No. BP-13533; Abbeville Radio, Inc., Abbeville, Alabama, Docket

[1] Section 1.77 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days after service of the order to show cause, a written statement that he will appear at the hearing and present evidence on the matter specified in the order. In the event that it would be impossible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. The right to a hearing is waived if the licensee (1) fails to file a timely written appearance, or (2) files with the Commission, within the time specified for a written appearance, a written statement expressly waiving the right to a hearing. When hearing is waived, the licensee, within the time specified for a written appearance, may submit to the Commission a written statement denying or seeking to mitigate or justify the circumstances or conduct complained of in the order to show cause. When a hearing is waived, the Chief Hearing Examiner will issue an order certifying the case to the Commission. The Commission will then determine on the basis of all of the information available to it from any source, which may include statements filed by the respondent, recommendations from the Commission's staff, respondent's past violation record, etc., or such further proceedings as may be warranted, whether a revocation order and/or a cease and desist order should be issued or whether the matter should be dismissed.

No. 13975, File No. BP-14200; for construction permits.

*It is ordered*, This 16th day of March 1961, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 19, 1961, in Washington, D.C.

Released: March 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2513; Filed, Mar. 21, 1961; 8:56 a.m.]

[Docket Nos. 13749-13752; FCC 61M-436]

## ROLLINS BROADCASTING, INC., ET AL.

### Order Scheduling Hearing

In re applications of Rollins Broadcasting, Inc., Wilmington, Delaware, Docket No. 13749, File No. BPCT-2583; The Wilmington Television Co., Inc., Wilmington, Delaware, Docket No. 13750, File No. BPCT-2603; WHYY, Inc., Wilmington, Delaware, Docket No. 13751, File No. BPCT-2634; Metropolitan Broadcasting Corporation, Wilmington, Delaware, Docket No. 13752, File No. BPCT-2715; for construction permits for new television broadcast stations (Channel 12).

The Hearing Examiner having under consideration a joint letter request, dated March 14, 1961, on behalf of Rollins Broadcasting, Inc. and WHYY, Inc., seeking postponement of the date for the introduction of evidence in this proceeding from March 20 to April 3, 1961;

It appearing, that the voluminous nature of the exhibits exchanged by Metropolitan Broadcasting Corporation on February 17, 1961, will prevent counsel for petitioners from completing their study by March 20, so as to enable them to offer objections to each individual exhibit or any portions thereof; and

It further appearing, that with the said letter request petitioners advised the Hearing Examiner that at the hearing on March 20, 1961 they intended to move that Metropolitan be required to reform its exhibits "so as to reduce their size and avoid the inclusion of matters which cannot affect the decision" herein and that only in the event of a grant of this motion petitioners, in light of the necessary rescheduling of dates for the further progress of the hearing, would not require the requested extension; and

It further appearing, that counsel for the remaining parties have been advised of petitioners' intention to make a motion as indicated, have consented to the requested extension of time conditioned upon the motion to be made on March 20, 1961, and have consented to immediate consideration and grant of the request and that such a grant will be conducive to the orderly dispatch of the Commission's business;

*It is ordered*, This 15th day of March 1961, that petitioners' subject joint request for postponement is granted, that, subject to the condition hereinabove indicated, the presently scheduled date of March 20, 1961, for the introduction of evidence in this proceeding is continued to 10:00 a.m., April 3, 1961, and that the hearing date of March 20, 1961 is otherwise to be maintained.

Released: March 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2515; Filed, Mar. 21, 1961; 8:56 a.m.]

[Docket No. 13982; FCC 61M-447]

## SEVEN HILLS BROADCASTING CORP. (WOIO)

### Order Scheduling Hearing

In re application of Seven Hills Broadcasting Corporation (WOIO), Cincinnati, Ohio, Docket No. 13982, File No. BPH-3015; for construction permit.

*It is ordered*, This 16th day of March 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 21, 1961, in Washington, D.C.

Released: March 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2516; Filed, Mar. 21, 1961; 8:56 a.m.]

[Docket Nos. 13941-13943; FCC 61M-432]

## SOUTH TEXAS TELECASTING CO., INC. (KVDO-TV) ET AL.

### Order Continuing Hearing

In re applications of South Texas Telecasting Company, Inc., (KVDO-TV), Corpus Christi, Texas, Docket No. 13941, File No. BPCT-2793, for construction permit to change existing facilities; Tropical Telecasting Corporation, Corpus Christi, Texas, Docket No. 13942, File No. BPCT-2797; Nueces Telecasting Company, Corpus Christi, Texas, Docket No. 13943, File No. BPCT-2798, for construction permits for new television broadcast stations (Channel 3).

A prehearing conference in the above-entitled matter having been held on March 14, 1961, and it appearing from the record made therein that certain agreements were reached which properly should be formalized by order;

*It is ordered*, This 14th day of March 1961 that:

(1) The direct cases of the applicants shall be presented by written sworn exhibits and copies thereof supplied the other parties and the Hearing Examiner on or before June 12, 1961;

(2) Request for additional information shall be made on or before June 26, 1961;

(3) Formal hearing shall commence on July 10, 1961, with the parties offering into evidence in docket number sequence the exhibits constituting the direct cases;

(4) Notification of witnesses to be called for cross-examination shall be given on or before July 24, 1961;

*It is further ordered*, That the hearing in this matter heretofore scheduled to commence on March 20, 1961, is continued to July 10, 1961, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: March 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2517; Filed, Mar. 21, 1961; 8:56 a.m.]

[Docket No. 13925; FCC 61M-434]

## LEO JOSEPH THERIOT

### Order Scheduling Prehearing Conference

In the matter of revocation of license of Leo Joseph Theriot for standard broadcast station KLFT, Golden Meadow, Louisiana, Docket No. 13925.

*It is ordered*, This 14th day of March 1961, that pursuant to § 1.111 of the Commission's rules, a prehearing conference will be held in this proceeding on March 22, 1961, 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: March 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2518; Filed, Mar. 21, 1961; 8:56 a.m.]

[Docket Nos. 13918, 13919; FCC 61M-431]

## UNITED BROADCASTING CO., INC., AND PURITAN BROADCAST SERVICE, INC.

### Order Continuing Hearing

In re applications of United Broadcasting Co., Inc., Beverly, Massachusetts, Docket No. 13918, File No. BPH-3129; Puritan Broadcast Service, Inc., Lynn, Massachusetts, Docket No. 13919, File No. BPH-3185; for construction permits (FM).

A prehearing conference in the above-entitled matter having been held on March 14, 1961, and it appearing from the record made therein that certain agreements were reached which properly should be formalized by order;

*It is ordered*, This 14th day of March 1961 that:

(1) Preliminary drafts of the applicants' technical engineering exhibits shall be exchanged among the parties on April 14, 1961;

(2) Petitions requesting enlargement of the issues by the Hearing Examiner pursuant to authority delegated by the order of designation herein shall be filed on or before April 21, 1961;

(3) All exhibits to be offered in evidence in the presentation of the direct affirmative cases shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on May 1, 1961;

(4) Request for additional information shall be made on or before May 4, 1961;

*It is further ordered*, That the hearing herein presently scheduled to commence on March 30, 1961, is continued to May 15, 1961, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: March 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2519; Filed, Mar. 21, 1961; 8:56 a.m.]

[Docket No. 13972; FCC 61M-441]

## WIRELINE RADIO, INC.

### Order Scheduling Hearing

In re application of Wireline Radio, Inc., Lewisburg, Pennsylvania, Docket No. 13972, File No. BR-3511; for renewal of license of Station WITT, Lewisburg, Pennsylvania.

*It is ordered*, This 16th day of March 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 17, 1961, in Washington, D.C.

Released: March 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2520; Filed, Mar. 21, 1961; 8:57 a.m.]

[Docket Nos. 13963, 13964; FCC 61M-433]

## YOAKUM COUNTY BROADCASTING CO. AND ECHOLS BROADCASTING CO.

### Order for a Prehearing Conference

In re applications of Claude Calvin McAdams, tr/as Yoakum County Broadcasting Company, Denver City, Texas, Docket No. 13963, File No. BP-13531; Odis L. Echols, Sr., Odis L. Echols, Jr. and Elphin Rinn, d/b as Echols Broadcasting Company, Hobbs, New Mexico, Docket No. 13964, File No. BP-13603; for construction permits.

On the Hearing Examiner's own motion, it is ordered, this 14th day of March 1961, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, on March 29, 1961, at 10:00 a.m., in the offices of the Commission at Washington, D.C.

The applicants should be prepared to discuss their compliance with the local notice requirements of § 1.362 of the Commission's rules, as amended, effective December 12, 1960.

Released: March 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2521; Filed, Mar. 21, 1961; 8:57 a.m.]

[Docket No. 13973; FCC 61M-442]

## YPSILANTI-ANN ARBOR BROADCASTING CO.

### Order Scheduling Hearing

In re application of Craig E. Davids and Roy W. McLean d/b as Ypsilanti-Ann Arbor Broadcasting Co., Ypsilanti, Michigan, Docket No. 13973, File No. BP-13221, for construction permit.

*It is ordered*, This 16th day of March 1961, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 18, 1961, in Washington, D.C.

Released: March 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2522; Filed, Mar. 21, 1961; 8:57 a.m.]

# FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 689]

## CERTAIN OFFICERS

### Authority and Order of Precedence To Act as Deputy Governor and Director of Land Bank Service

MARCH 17, 1961.

1. R. E. Nowlan, Deputy Director of Land Bank Service (Chief of Appraisals), is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Land Bank Service in the event that the Deputy Governor and Director is unavailable to act by reason of his absence or for any other cause.

2. Marion K. Mathews, Jr., Deputy Director of Land Bank Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Land Bank Service in the event that the Deputy Governor and Director and Deputy Director (Chief of Appraisals) Nowlan are unavailable to act by reason of absence or for any other cause.

3. Paul Tomasello, Chief of FLBA Operations, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Land Bank Service in the event that the Deputy Governor and Director, Deputy Director (Chief of Appraisals) Nowlan, and Deputy Director Mathews are unavailable to act by reason of absence or for any other cause.

4. This order shall be and become effective on the date above written and supersedes Farm Credit Administration Order No. 682 (25 F.R. 6307).

R. B. TOOTELL,
*Governor,*
*Farm Credit Administration.*

[F.R. Doc. 61-2484; Filed, Mar. 21, 1961; 8:51 a.m.]

# FEDERAL POWER COMMISSION

[Project No. 2171]

## CITY OF SEWARD, ALASKA

### Notice of Application for Surrender of License

MARCH 14, 1961.

Public notice is hereby given that City of Seward, Alaska, has filed application under the Federal Power Act (16 U.S.C. 791a-825r) for surrender of the license for proposed water-power Project No. 2171, which was to have been located on Crescent and Carter Lakes on Kenai Peninsula in the Third Judicial Division, State of Alaska, and affect lands of the United States within the Chugach National Forest.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is April 18, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2452; Filed, Mar. 21, 1961; 8:46 a.m.]

[Docket No. CP60-107]

## NORTH CENTRAL GAS CO.

### Notice of Application and Date of Hearing

MARCH 14, 1961.

Take notice that on May 19, 1960, North Central Gas Company (Applicant), Casper, Wyoming, filed an application, as supplemented on June 30, 1960, in Docket No. CP60-107, pursuant to section 7(c) of the Natural Gas Act, for a

certificate of public convenience and necessity seeking authorization to construct and operate natural gas facilities in order to enable it to render natural gas service at retail in the town of Lyman, Scottsbluff County, Nebraska, all as more fully set forth in the application and supplement on file with the Commission and open to public inspection

Applicant proposes to construct and operate the following facilities in order to render service to Lyman:

| | Estimated cost |
|---|---|
| Six miles of 3½-inch lateral pipeline from a point on Applicant's 10-inch transmission system in Nebraska to the town of Lyman, together with measuring and regulating appurtenances | $44,765 |
| 18,625 feet of 3-inch, 2-inch and 1¼-inch distribution lines together with 200 meters and appurtenances | 32,000 |
| Total | 77,065 |

The application shows the following estimated peak day and annual requirements:

| Year | Mcf at 14.73 psia | |
|---|---|---|
| | Peak day | Annual |
| 1 | 242 | 26,112 |
| 2 | 286 | 31,212 |
| 3 | 293 | 34,578 |

Applicant intends to finance the proposed project out of its current working funds.

The applicant states that the continued lack of natural gas in Lyman places Lyman in a poor competitive position with the other nearby towns that have natural gas service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 17, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 7, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2453; Filed, Mar. 21, 1961; 8:46 a.m.]

[Docket No. CP61-30 etc.]

## NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

### Notice of Applications, Consolidation of Proceedings and Date of Hearing

MARCH 15, 1961.

Natural Gas Pipeline Company of America, Docket Nos. CP61-30 & CP61-185; Texaco Seaboard Inc., Docket No. CI61-118; Texaco Inc., Docket No. CI61-119; Humble Oil & Refining Company, Docket No. CI61-157.

Take notice that on July 29, 1960, Natural Gas Pipeline Company of America (Natural) filed in Docket No. CP61-30 an application, as supplemented December 19, 1960, and January 6, 1961, for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act (Act), for authorization to construct and operate additional facilities to increase the daily design sales capacity of its pipeline system by 100,000 Mcf per day,[1] all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Natural proposes, in its application in CP61-30, to construct and operate the following facilities:

*Gulf Coast Division*

(i) 27.39 miles of 30-inch partial loop pipeline paralleling the existing transmission pipeline north of Compressor Station No. 311 in Piatt and McLean Counties, Illinois,

(ii) a total of 58,400 additional brake horsepower by supercharging 73 mainline compressor engines located at Compressor Stations Nos. 301 through 311.

(iii) approximately 22.5 miles of 8-inch lateral pipelines and 5 meter stations in the Texas Gulf Coast Area to receive gas from new sources of supply.

The proposed additional facilities will increase the daily design sales capacity of the Gulf Coast Division by 60,000 Mcf to a total daily design system sales capacity of 669,000 Mcf.

*Natural Division*

(i) 63.05 miles of 36-inch partial loop pipeline paralleling existing pipeline facilities at various locations between Compressor Stations Nos. 102 and 109,

(ii) Various river crossings on main transmission pipeline,

(iii) Only revision of suction and discharge manifold piping at Compressor Stations Nos. 102 through 110.

These proposed additional facilities will increase the daily design sales capacity of the Natural Division by 40,000 Mcf to a total daily design system sales capacity of 870,000 Mcf.

On January 6, 1961, Natural filed in Docket No. CP61-185 another application pursuant to section 7(c) of the Act. This application seeks certificate authority for construction and operation of the additional facilities which will increase Natural's Gulf Coast Division's capacity by an additional 60,000 Mcf per day (63,000 Mcf at 1,000 Btu per cubic foot). The facilities consist of a total of 257.41 miles of 30-inch looped pipeline and a total of 5,800 Bhp in existing Compressor Stations 300 and 301 located respectively in Victoria and Wharton Counties, Texas.

Natural proposes to allocate the total additional capacity of 168,000 Mcf (1,000 Btu per cubic foot) as follows:

[Mcf/day (1,000 Btu)]

| | CP61-30 | CP61-185 | Total |
|---|---|---|---|
| Allied Gas Co. | 1,762 | 1,017 | 2,779 |
| Associated Natural Gas Co. | 425 | ..... | 425 |
| Citizens Gas Co. | 414 | ..... | 414 |
| Central Illinois Electric & Gas Co. | 5,500 | 10,000 | 15,500 |
| Illinois Power Co. | 5,000 | 7,000 | 12,000 |
| Interstate Power Co. | 500 | 400 | 900 |
| Iowa-Illinois Gas and Electric Co. | 2,364 | ..... | 2,364 |
| City of Nashville, Ill. | 555 | ..... | 555 |
| North Shore Gas Co. | 7,000 | ..... | 7,000 |
| Northern Illinois Gas Co. | 30,000 | 40,000 | 70,000 |
| Northern Indiana Public Service Co. | 15,000 | ..... | 15,000 |
| Princeton Gas Service Co. | 300 | 300 | 600 |
| City of Sullivan, Ill. | 150 | 150 | 300 |
| The Peoples Gas Light & Coke Co. | 21,000 | ..... | 21,000 |
| Wisconsin Southern Gas Co., Inc. | 2,000 | 1,000 | 3,000 |
| United Cities Gas Co. | 700 | ..... | 700 |
| City of Salem, Ill. | 200 | ..... | 200 |
| Subtotal | 92,870 | 59,867 | 152,737 |
| Unallocated capacity | 12,130 | 3,133 | 15,263 |
| Total | 105,000 | 63,000 | 168,000 |

Natural estimates that the cost of its project in Docket No. CP61-30 will be $23,734,000 and proposes to finance such cost by the issuance and sale of first mortgage bonds in the principal amount of $25,000,000. The estimated cost of the facilities described in the application in Docket No. CP61-185 is $28,560,000. Natural tentatively plans to finance this cost through the issuance and sale of $5,000,000 of common stock to its corporate parent, The Peoples Gas Light and Coke Company with the remaining funds required to be provided by the issuance and sale of debentures in the principal amount of $13,000,000, preferred stock in the principal amount of $10,000,000 and by internally generated funds.

Take further notice that on July 25, 1960, Texaco Seaboard, Inc. (Seaboard) filed in Docket No. CI61-118 an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity to sell natural gas to Natural from the Luby and Petronilla Fields in Nueces County and from the Encino Field in San Patricio County pursuant to a gas sales contract dated July 1, 1960.[2]

[1] This volume is a metered volume and is converted by the Applicant to 105,000 Mcf of natural gas having 1,000 Btu per cubic foot.

[2] Peoples Gulf Coast Natural Gas Pipeline Company (Gulf Coast), a former corporate affiliate of Natural is the contract purchaser of the gas. However, since the execution of the contract, a merger by Gulf Coast with Natural was approved by the Commission. Natural now adopts Gulf Coast's contracts. Natural Gas Pipeline Company of America, Docket No. CP60-97, order issued September 29, 1960.



These counties are located in Texas Railroad Commission District Four in the State of Texas. The contract provides for an initial base rate of 18.5 cents per Mcf (at 14.65 psia) plus an estimated tax reimbursement of 1.2431 cents per Mcf.

Take further notice that on July 25, 1960, Texaco Inc. (Texaco) filed in Docket No. CI61-119 an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity to sell natural gas to Natural from the Encinitas and Kelsey Fields in Brooks County and the Tijerina-Canales-Blucher Field in Jim Wells County pursuant to a gas sales contract dated July 1, 1960.[3] These counties are also located in Texas Railroad Commission District Four in the State of Texas. The contract provides for an initial base rate of 18.5 cents per Mcf (at 14.65 psia) plus an estimated tax reimbursement of 1.2056 cents per Mcf.

Take further notice that on July 29, 1960, the Humble Oil & Refining Company (Humble) filed in Docket No. CI61-157 an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity to sell natural gas to Natural from the Sugar Valley Field in Matagorda County, Texas, pursuant to the terms of a gas sales contract dated July 1, 1960.[3] Matagorda County is located in Texas Railroad Commission District Three. The contract provides for an initial base rate of 20.0 cents per Mcf (at 14.65 psia) plus full payment of the Texas Severance Beneficiary Tax. Humble states that no tax reimbursement is applicable at this time.

These related applications should be heard on a consolidated record and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on April 18, 1961, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 11, 1961.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2454; Filed, Mar. 21, 1961; 8:47 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2648]

## AUTOMATION-ENGINEERING CORP.

### Notice and Order for Hearing

MARCH 16, 1961.

I. Automation-Engineering Corporation (Issuer), a Delaware corporation, with its principal offices at 719 North Carson Street, Carson City, Nevada, filed with the Commission on October 7, 1959, a notification on Form 1-A and an offering circular relating to an offering of 150,000 shares of its $1.50 par value capital stock at $2.00 per share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on June 8, 1960, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

*It is hereby ordered*, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission, be held at the offices of the San Francisco Regional Office of the Commission, 821 Market Street, San Francisco 3, California, at 10:00 a.m., April 20, 1961, with respect to the following matters in question, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the conditional exemption provided by Regulation A is not available for the securities purported to be offered in that:

1. The terms and conditions of Regulation A have not been complied with in that the notification fails to disclose that S & M Lamp Co., Advanced Manufacturing, Inc., and Flasher Electronics Corp. are each affiliates of the issuer.

2. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

(a) The failure to disclose adequately the relationship and interest of the issuer and its officers and directors in S & M Lamp Co., Northwest Lamp & Timber, Inc., Flasher Electronics Corp. and Advanced Manufacturing, Inc.;

(b) The failure to set forth profit and loss statements for S & M Lamp Co., Flasher Electronics Corp., and Advanced Manufacturing, Inc.;

(c) The failure to set forth consolidated financial statements of the issuer and its wholly owned subsidiary, Northwest Land & Timber, Inc.;

(d) The failure to disclose the cash investment of the issuer's president in Northwest Land & Timber, Inc.;

(e) Statements concerning the valuation of assets of Northwest Land & Timber, Inc.

3. The offer would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is further ordered*, That Irving Schiller or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21, and 22(c), of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

*It is further ordered*, That the Secretary of the Commission shall serve a copy of this order by registered mail on Automation-Engineering Corporation, that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before April 18, 1961 a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

*It is further ordered*, That Automation-Engineering Corporation, pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Automation-Engineering Corporation does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II hereinabove.

Notice is hereby given that if Automation-Engineering Corporation fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Automation-Engineering Corporation by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc 61-2458; Filed, Mar. 21, 1961; 8:47 a.m.]

[File No. 24S-1668]

## DAN CREEK HYDRAULIC PLACER MINES, INC.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 16, 1961.

I. Dan Creek Hydraulic Placer Mines, Inc. (issuer), a Washington corporation, 500 Wall Street, Seattle, Washington, filed with the Commission on March 25, 1959, a notification on Form 1-A and an offering circular, and filed various amendments thereto, relating to an offering of 300,000 shares of its $1.00 par value common stock at $1.00 per share, for an aggregate offering of $300,000, for

[3] See footnote on page 2424.

the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports of sales on Form 2–A as required by Rule 260 of Regulation A.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2459; Filed, Mar. 21, 1961; 8:47 a.m.]

[File No. 1–2742]

## FRANCISCO SUGAR CO.

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

MARCH 16, 1961.

In the matter of the Francisco Sugar Company, Capital Stock, File No. 1–2742.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The Company has failed to comply with its agreement with the Exchange, in that it has not published or submitted to its stockholders, not later than three months after the close of its fiscal year, a statement of its financial condition for the fiscal year ending October 31, 1960.

Upon receipt of a request, on or before March 31, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2460; Filed, Mar. 21, 1961; 8:47 a.m.]

[File No. 1–272]

## GENERAL REALTY AND UTILITIES CORP.

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

MARCH 16, 1961.

In the matter of General Realty and Utilities Corporation, Capital Stock File No. 1–272.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Stockholders of the Company have adopted a plan for complete liquidation and dissolution of the Company and liquidating distributions, representing all of the principal operating assets of the Company, have been made.

Upon receipt of a request, on or before March 31, 1961 from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2461; Filed, Mar. 21, 1961; 8:48 a.m.]

[File No. 24D–2489]

## HERMON HANSON OIL SYNDICATE, INC.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor; and Notice and Order for Hearing

MARCH 16, 1961.

I. Hermon Hanson Oil Syndicate, Inc. (issuer), a North Dakota corporation, Underwood, North Dakota, filed with the Commission on February 2, 1961, a notification on Form 1–A and an offering circular relating to an offering of 43,000 shares of its $1 par value common stock at $1 per share for an aggregate amount of $43,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to disclose the specific jurisdictions in which the offering is to be made as required by Item 8 of Form 1–A;

2. The issuer failed to indicate adequately the section of the Act or rule or regulation of the Commission under which exemption from registration is claimed with respect to unregistered securities sold within one year and did not state the facts relied upon to establish the availability of an exemption;

3. The issuer failed to furnish the exhibits required by Item 11(a) of Form 1–A;

4. The issuer failed to file as an exhibit to the notification copies of the written consent of the consulting geologist and the inventor of the device used by the company in its exploration for oil;

5. The notification is not signed is accordance with the requirements of Form 1–A; and

6. The issuer failed to file legible copies of the offering circular as required by Rule 256(d).

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading, particularly with respect to:

1. The failure to furnish a reasonably itemized statement of the purposes for which the net cash proceeds to the issuer from the sale of the securities are to be used and the amount to be used for each purpose, indicating in what order of priority the proceeds will be used for the respective purposes;



2. The failure to disclose adequately the aggregate underwriting discount or commission to be paid and the amount of expenses of the issuer in connection with the proposed offering;

3. The failure to disclose, since the offering is on a best efforts basis, that no assurance can be given that the total amount of the offering, or any part thereof, will be sold or as to the amount, if any, of proceeds to be received by the issuer;

4. The failure to disclose that the offering price is essentially an arbitrary price having no direct relation to the value of the company or its assets;

5. The failure to set forth the speculative features of the offering in a clear and prominent manner under an appropriate heading and in summary form near the forepart of the offering circular;

6. The failure to disclose adequately that issuer's accumulated deficit as of October 31, 1960 was $747,816.27, its net loss for the year ended October 31, 1960 was $8,108.87 and its loss for ten months ended October 31, 1959 was $40,107.77;

7. The failure to disclose adequately that issuer's total assets as of October 31, 1960 were $8,738.34 and its total liabilities were $32,187.61;

8. The failure to disclose the fact that the public, assuming all the shares offered are sold, will furnish the total amount of money required to drill a wildcat well while in return therefor it will only receive 7 percent of the issuer's outstanding stock;

9. The failure to disclose the fact that the extreme dilution of the prospective investors' investment requires that the initial well yield approximately 14 times the investment in such well, plus all operating and further development costs, in order for the investor to effect the return of his investment;

10. The failure to disclose that no oil or gas in commercial quantities has been found within 150 to 200 miles of the issuer's acreage and that many dry holes have been drilled between such acreage and the nearest commercial producing area; and

11. The failure to disclose adequately that exploration for oil based on the use of an "Attractometer" is extremely speculative in that there is no scientific basis for locating oil by this method.

12. The failure to disclose adequately and clearly the geological aspects of the issuer's properties.

C. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

IV. *It is further ordered,* Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at the Denver Regional Office of the Commission, 802 Midland Savings Building, 444 17th Street, Denver 2, Colorado, at 10:00 a.m., m.s.t., April 10, 1961, with respect to the above matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings for the purpose of determining whether the temporary suspension should be vacated or made permanent.

*It is further ordered,* That Irving Schiller or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

*It is further ordered,* That the Secretary of the Commission shall serve a copy of this order by registered mail to The Hermon Hanson Oil Syndicate, Inc.; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Secretary of the Commission on or before April 8 a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2462; Filed, Mar. 21, 1961; 8:48 a.m.]

[File No. 1–313]

## LAMSON AND SESSIONS CO.

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

MARCH 16, 1961.

In the matter of the Lamson and Sessions Co., Common Stock, File No. 1–313.

Midwest Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

There has been no trading in the issue since 1956. The action is being taken with the approval of the Company. It remains listed on the American Stock Exchange.

Upon receipt of a request, on or before March 31, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2463; Filed, Mar. 21, 1961; 8:48 a.m.]

[File No. 1–3015]

## MANATI SUGAR CO.

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

MARCH 16, 1961.

In the matter of Manati Sugar Company, Common Stock, File No. 1–3015.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The Company has failed to comply with its agreement with the Exchange, in that it has not published or submitted to its stockholders, not later than three months after the close of its fiscal year, a statement of its financial condition for the fiscal year ending October 31, 1960.

Upon receipt of a request, on or before March 31, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2464; Filed, Mar. 21, 1961; 8:48 a.m.]

[File No. 1-1419]

## ROBERT REIS AND CO.

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

MARCH 16, 1961.

In the matter of Robert Reis and Co., $1.25 Cumulative Prior Preference Stock, File No. 1-1419.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

No dividends have been paid since 1949; the Company has operated at a loss in each of the last two years; the aggregate market value of the stock is small and its distribution has been shrinking steadily under the Company's offer of common stock in exchange.

Upon receipt of a request, on or before March 31, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-2465; Filed, Mar. 21, 1961; 8:48 a.m.]

[File No. 1-4336]

## TELECTRO INDUSTRIES CORP.

### Order Summarily Suspending Trading

MARCH 15, 1961.

The common stock, 10 cents par value, of Telectro Industries Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

*It is ordered*, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 15, 1961, to March 24, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-2466; Filed, Mar. 21, 1961; 8:48 a.m.]

[File No. 1-4252]

## UNITED INDUSTRIAL CORP.

### Order Summarily Suspending Trading

MARCH 16, 1961.

The Common Stock, $1 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange, and admitted to unlisted trading privileges on the Detroit Stock Exchange; and

The Series A Convertible Preferred Stock $8.50 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange; and

The Warrants to Purchase Common Stock of United Industrial Corporation (Delaware) being listed and registered on the American Stock Exchange and the Pacific Coast Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in each such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspensions are necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any of such securities, otherwise than on a national securities exchange;

*It is ordered*, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said securities on the American Stock Exchange, the New York Stock Exchange, the Detroit Stock Exchange and the Pacific Coast Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 17, 1961, to March 26, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-2467; Filed, Mar. 21, 1961; 8:48 a.m.]

[File No. 1-3206]

## VERTIENTES-CAMAGUEY SUGAR COMPANY OF CUBA

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

MARCH 16, 1961.

In the matter of Vertientes-Camaguey Sugar Company of Cuba Common Stock File No. 1-3206.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The Company has failed to comply with its agreement with the Exchange, in that it has not published or submitted to its stockholders, not later than three months after the close of its fiscal year, a statement of its financial condition for the fiscal year ending September 30, 1960.

Upon receipt of a request, on or before March 31, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-2468; Filed, Mar. 21, 1961; 8:48 a.m.]



# SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 310]

## ALABAMA

### Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Marshall, Morgan, and Walker Counties in the State of Alabama;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about March 7, 1961.

Offices: Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga.; Small Business Administration Branch Office, Exchange Building, Room 206, 2109 Fifth Avenue, North, Birmingham 3, Ala.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1961.

Dated: March 10, 1961.

JOHN E. HORNE,
*Administrator.*

[F.R. Doc. 61-2493; Filed, Mar. 21, 1961; 8:52 a.m.]

[Declaration of Disaster Area 309]

## GEORGIA

### Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Catoosa County in the State of Georgia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about March 8, 1961.

Office: Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1961.

Dated: March 10, 1961.

JOHN E. HORNE,
*Administrator.*

[F.R. Doc. 61-2494; Filed, Mar. 21, 1961; 8:52 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 368]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 17, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub No. 202), filed January 25, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk), between Cincinnati, Ohio, and Junction U.S. Highway 223 and U.S. Highway 127 South of Jackson, Mich.; from Cincinnati over U.S. Highway 127 to junction of U.S. Highway 223 and U.S. Highway 127 South of Jackson, Mich., and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only.

*HEARING:* May 19, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 296, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 2202 (Sub No. 203), filed January 25, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction U.S. Highway 23, and U.S. Highway 223 at or near Sylvania, Ohio, and junction U.S. Highway 23 and U.S. Highway 10 south of Saginaw, Mich.; from junction of U.S. Highway 23 and U.S. Highway 223 at or near Sylvania, Ohio over U.S. Highway 23 to junction of U.S. Highway 23 and U.S. Highway 10 south of Saginaw, Mich., and return over the same route, serving no intermediate points except for purpose of joinder only at junctions with presently authorized routes, as an alternate route for operating convenience only.

*HEARING:* May 19, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 9321 (Sub No. 9), filed January 30, 1961. Applicant: F. G. COOKMAN, doing business as PRODUCERS PRODUCE TRANSIT COMPANY, 1209 Main Avenue, Clear Lake, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products (butter, eggs, dressed poultry, cheese)*; (1) from points in Iowa located on and north of U.S. Highway 20, between the Mississippi River and the Iowa-South Dakota State line—Iowa-Nebraska State line, to Calmar, Dubuque, Inwood, Iowa Falls, Mason City, New Hampton, and Sanborn, Iowa; (2) from points in Minnesota located on and south of U.S. Highway 14, between the Mississippi River and the Minnesota-South Dakota State line, to Calmar, Dubuque, Inwood, Iowa Falls, Mason City, New Hampton, and Sanborn, Iowa; and (3) from points in South Dakota on the border of and within the following described area bounded as follows: North boundary: U.S. Highway 212 between the South Dakota-Minnesota State line and point of intersection with U.S. Highway 281; West boundary: U.S. Highway 281 between point of intersection with U.S. Highway 212 (presently at Redfield) and South Dakota-Nebraska State line; South boundary: South Dakota-Nebraska State line between point of intersection of U.S. Highway 281 and the South Dakota-Nebraska State line, and South Dakota-Iowa State line; East boundary: The extreme eastern edge of South Dakota, between most southeasterly point in the state of South Dakota and point where U.S. Highway 212 intersects the South Dakota-Minnesota State line, to Calmar, Dubuque, Inwood, Iowa Falls, Mason City, New Hampton, and Sanborn, Iowa.

*HEARING:* May 22, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner John B. Mealy. (Time set at 1:00 p.m.)

No. MC 15754 (Sub No. 6), filed February 24, 1961. Applicant: ROBERT ANGLEMIER, R.D. No. 2, Box 12, Clarks Summit, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and metals, waste and used paper and rags, used and waste rubber;* from points in Lackawanna County, Pa., and the city of Wilkes Barre, Pa., to Newark, Highbridge, Harrison, Jersey City, Phillipsburg, New Brunswick, Mahwah, and Trenton, N.J., and Elmira, N.Y., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

*HEARING:* May 5, 1961, at the Penn-Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Edith H. Cockrill.

No. MC 22653 (Sub No. 7), filed March 3, 1961. Applicant: J. G. RIES & SONS, INC., 27 Carrington Street, Newark, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings*, other than houses, including *gasoline service stations, motel units, diners*, and *utility buildings*, and *equipment and materials* to be used in the installation thereof (such as, jacks, jigs, etc.), between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

*HEARING:* April 24, 1961, at 346 Broadway, New York, N.Y., before Examiner Garland E. Taylor.

No. MC 25869 (Sub No. 12), filed January 3, 1961. Applicant: MYRON R. NOLTE AND MAURICE D. NOLTE, doing business as NOLTE BROS., Farnhamville, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in Wisconsin to Fort Dodge and Sioux City, Iowa.

*HEARING:* May 26, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner John B. Mealy.

No. MC 25869 (Sub No. 13), filed January 25, 1961. Applicant: MYRON R. NOLTE AND MAURICE D. NOLTE, doing business as NOLTE BROS., Farnhamville, Iowa. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, and *steel*, from Sterling and Rock Falls, Ill., to points in South Dakota.

*HEARING:* May 11, 1961, at the Sheraton-Warrior Hotel, Sioux City, Iowa, before Examiner John B. Mealy.

No. MC 29886 (Sub No. 174), filed December 15, 1960. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Tractors* (except tractors used for pulling highway trailers), (c) *scrapers*, (d) *motor graders*, (e) *wagons*, (f) *engines*, (g) *generators*, (h) *engines and generators combined*, (i) *welders*, (2) *parts* for the above named commodities, from Aurora, Decatur, Deerfield, Joliet, Morton, Mossville, Peoria, and Springfield, Ill., and points within 10 miles of each of the aforementioned cities to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, the lower peninsula of Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Common control may be involved.

*HEARING:* May 3, 1961, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner John L. York.

No. MC 29886 (Sub No. 175), filed February 6, 1961. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni, 4000 West Sample Street, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lift trucks or tractors* (except trucks or tractors used for pulling highway trailers); (2) *lift trucks or tractors*, regardless of how they are equipped (except trucks or tractors used for pulling highway trailers), and (3) *parts and attachments*, for the above commodities, from Danville, Ill. and points within five miles thereof, to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, the lower peninsula of Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

*HEARING:* May 3, 1961, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner John L. York.

No. MC 30837 (Sub No. 285), filed February 23, 1961. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp trailers*, in initial movements, by the truckaway method, from Wichita, Kans., to points in the United States, including Alaska, but excluding those in Hawaii.

*HEARING:* May 15, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner John L. York.

No. MC 30884 (Sub No. 8), filed March 2, 1961. Applicant: JACK COOPER TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City 20, Mo. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), and *parts* and *show paraphernalia*, when accompanying such vehicles, by driveaway, or truckaway service in initial movements, from the plant site of Chevrolet, Division of General Motors Corporation at Kansas City, Mo., to points in Nevada, and secondary movements, from Denver, Colo., to points in Arizona and Nevada.

NOTE: Applicant states that the above is restricted to shipments which have had a prior movement by rail and under contract with Chevrolet, Division of General Motors Corporation.

*HEARING:* May 16, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner John L. York.

No. MC 50069 (Sub No. 238), filed March 9, 1961. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from Villa Park, Ill., and points within five (5) miles thereof (except those points within the Chicago Commercial Zone), to points in Indiana, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin.

*HEARING:* May 3, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 52110 (Sub No. 71), filed February 20, 1961. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and packing-house products* as described in Appendix I to the report and *Descriptions in Motor Carrier Certificate* 61–M.C.C. 209, from Fort Dodge, Iowa, to Champaign, Galesburg, Kankakee, Springfield, and Bushnell, Ill., and from Waterloo, Iowa, to points in Bushnell, Carbondale, Champaign, Decatur, Du Quoin, Galesburg, Kankakee, and Springfield, Ill.

*HEARING:* May 23, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 54, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 52709 (Sub No. 130), filed March 6, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, and meat by-products*, from Ogden, Utah, to points in Illinois, Indiana, Ohio, Michigan, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Utah, Colorado, Nebraska, Kansas, Iowa, Missouri, and the District of Columbia, and (2) *Hooks and racks*, the property of the shipper, on return.



*HEARING:* April 21, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 55236 (Sub No. 48), filed January 9, 1961. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, between Green Bay, Wis., and K. I. Sawyer Air Force Base (near Gwinn), Mich.; from Green Bay over U.S. Highway 41 through Menominee, Mich., to Escanaba, Mich. (also from Menominee over Michigan Highway 35 to Escanaba), thence over Michigan Highway 35 to junction Michigan Highway 35 and Michigan County Highway 553 (near Gwinn), thence over Michigan County Highway 553 to K. I. Sawyer Air Force Base, and return over the same route, serving no intermediate points.

*HEARING:* May 9, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 56409 (Sub No. 3), filed January 3, 1961. Applicant: EDWARD A. LAMPSA, JR., doing business as MAJOR MOTOR SERVICE, P.O. Box 204, Palmyra, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Hammond, Ind., to points in Jefferson County, Wis.

*HEARING:* May 10, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 61396 (Sub No. 80), filed February 21, 1961. Applicant: HERMAN BROS., INC., 229 W.O.W. Building, Omaha 2, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Sugar Creek, Mo., to points in Iowa, and *rejected or damaged shipments* of the above-specified commodities, on return.

NOTE: Applicant states by combining its present operating authorities and operating through the gateways of Lamoni and Indianola, Iowa, it has authority to perform this service from Sugar Creek, Mo., to points in Iowa. This application is for the purpose of removing said gateways. No duplicating authority is sought.

*HEARING:* May 24, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Doines, Iowa, before Joint Board No. 137, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 61396 (Sub No. 81), filed March 3, 1961. Applicant: HERMAN BROS., INC., 229 W.O.W. Building, P.O. Box 189, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, and *rejected or returned shipments* of liquefied petroleum gas, between points in Nebraska, Iowa, Kansas, Missouri, South Dakota, North Dakota, Illinois, Minnesota, and Wisconsin, restricted against movements of liquefied petroleum gas which originate at the terminals of the Mid-America Pipeline Company.

NOTE: Applicant indicates it proposes to transport rejected or returned shipments of liquefied petroleum gas on return movements.

*HEARING:* May 15, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner John B. Mealy.

No. MC 61825 (Sub No. 23), filed March 7, 1961. Applicant: ROY STONE TRANSFER CORPORATION, Collinsville, Va. Applicant's representative: Thaxton Richardson, P.O. Box 612, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Bassett and Martinsville, Va., to points in Iowa, Kansas, Missouri and Wisconsin; traversing West Virginia, Ohio, Indiana, and Illinois for operating convenience only, and *damaged or rejected shipments*, on return.

*HEARING:* May 4, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 64932 (Sub No. 292), filed February 20, 1961. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid adhesives*, in bulk, in tank vehicles, from Chicago, Ill., to Omaha, Nebr., Denver, Colo., and Dallas and San Antonio, Tex.

*HEARING:* May 1, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 73381 (Sub No. 11), filed December 5, 1960. Applicant: JOHN A. SEIB and CLINE BAILEY, doing business as SHIPPERS MOTOR EXPRESS, 115 North 12th Street, Omaha, Nebr. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, P.O. Box 3041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products and articles distributed by meat packinghouses* as described in Ex Parte MC 38, Appendix I, secs. A., B. & C., from Greeley and Denver, Colo., and Scottsbluff and Omaha, Nebr., to Hartford, New Haven, and Waterbury, Conn.; Boston, New Bedford, Somerville, and Worcester, Mass.; points in New Jersey; Flushing, Mt. Kisco, and New York, N.Y.; Philadelphia, Pa., and Pawtucket, R.I., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* May 18, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner John B. Mealy.

No. MC 75840 (Sub No. 111), filed March 6, 1961. Applicant: MALONE FREIGHT LINES, INC., 200 South 35th Street, Birmingham, Ala. Applicant's attorney: J. Haden Alldredge, Hill Building, Montgomery 4, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives (other than those moving on government bills of lading), household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), between points in Mississippi, points in Tennessee on and west of a line beginning at the Tennessee-Mississippi State line, and extending along U.S. Highway 45 to junction U.S. Highway 45E, thence along U.S. Highway 45E to the Tennessee-Kentucky State line, and those in Arkansas on and east of a line beginning at the Arkansas-Louisiana State line, and extending along U.S. Highway 65 to Little Rock, Ark., and thence along U.S. Highway 67 to the Arkansas-Missouri State line (except West Memphis, Ark., points in Crittenden, St. Francis, and Lee Counties, Ark., south of U.S. Highway 70 and on and east of Arkansas Highway 1, and those in Phillips and Desha Counties, Ark., lying east of the White River and north of the Arkansas River) on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, the District of Columbia, and those in New York on and south of a line beginning at Oswego and extending along U.S. Highway 104 to Mexico, N.Y., thence along New York Highway 69 to Rome, N.Y., thence along New York Highway 49 to Utica, N.Y., thence along New York Highway 5 to Schenectady, N.Y., thence along New York Highway 7 to Troy, N.Y., and thence along New York Highway 2 to the New York-Massachusetts State line, including points on the indicated portions of the highways specified.

NOTE: Applicant states it seeks no new or duplicative authority. Applicant further states it presently serves all of the points and territory described above, and the sole purpose of this application is to eliminate gateways for reasons of operating convenience, safety and economy.

*HEARING:* May 5, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William N. Culbertson.

No. MC 78259 (Sub No. 2), filed February 20, 1961. Applicant: MERCURY TRUCK LINES, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *commodities used by packinghouses*, between points in Nebraska and Michigan.

*HEARING:* May 17, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner John B. Mealy.

No. MC 89861 (Sub No. 9), filed February 2, 1961. Applicant: GOUVERNEUR TRUCKING, INC., P.O. Box 114, Antwerp Road, Gouverneur, N.Y. Applicant's attorney: Herbert M. Canter, Fifth Floor, Weiler Building, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, from Hailesboro (St. Lawrence County), N.Y., to New York, N.Y., and points in Massachusetts, Ohio, New Jersey, and Pennsylvania.

*HEARING:* May 3, 1961, at the Federal Building, Syracuse, N.Y., before Examiner Garland E. Taylor.

No. MC 92215 (Sub No. 6), filed February 17, 1961. Applicant: BOSTON AND ROCKLAND TRANSPORTATION CO., a corporation, 64 Tillson Avenue, Rockland, Maine. Applicant's attorney: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and commodities in bulk), between Rockland, Maine, on the one hand, and, on the other, points on the United States-Canada International Boundary Line at or near Calais and Vanceboro, Maine; (1) from Rockland, over U.S. Highway 1 to Calais, Maine, and return over the same route, serving no intermediate points; (2) from Rockland, over U.S. Highway 1 to Topsfield, Maine, thence over Maine Highway 6 to Vanceboro, Maine, and return over the same route, serving no intermediate points; (3) also from Rockland, over U.S. Highway 1 to Stockton Springs, Maine, thence over Alternate U.S. Highway 1 to Bangor, Maine, thence over Maine Highway 9 to its intersection with U.S. Highway 1 at or near Baring, Maine, and thence over U.S. Highway 1 to Calais, Maine, and return over the same route, serving no intermediate points; and (4) also from Rockland to Bangor, Maine, over the above routes, thence over U.S. Highway 2 to Lincoln, Maine, and thence over Maine Highway 6 to Vanceboro, Maine, and return over the same route, serving no intermediate points. RESTRICTION: The authority sought herein is restricted to the transportation of traffic moving to or from points in the Province of Nova Scotia, Canada.

NOTE: Applicant states that the purpose of this application is to convert applicant's present irregular route authority between said points to regular route authority and to eliminate therefrom the restriction in applicant's present irregular route authority, which restricts its service between Rockland, Maine, and Calais and Vanceboro, Maine, to "periods when the Bar Harbor-Yarmouth Ferry is not in operation". Applicant further states that if this application is granted, it consents to the cancellation of the Sub 5 portion of its Certificate No. MC 92215.

*HEARING:* May 1, 1961, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 70, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 92215 (Sub No. 7), filed February 17, 1961. Applicant: BOSTON AND ROCKLAND TRANSPORTATION CO., a corporation, 64 Tillson Avenue, Rockland, Maine. Applicant's attorney: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Rockland, Maine, and Bar Harbor, Maine; (1) from Rockland over U.S. Highway 1 to Ellsworth, Maine, thence over Maine Highway 3 to Bar Harbor, Maine, and return over the same route, serving Ellsworth, Maine, and serving points located on Mount Desert Island, Maine, as off-route points; and (2) also from Rockland to Ellsworth, Maine, over the above route, and thence over Maine Highway 3 to its intersection with Maine Highway 102, thence over Maine Highway 102 to Somesville, Maine, thence over Maine Highway 233 to Bar Harbor, Maine, and return over the same route, serving no intermediate points, and serving points located on Mount Desert Island, Maine, as off-route points.

NOTE: Applicant states that the purpose of this application is to convert applicant's present irregular route authority between Ellsworth, Maine, and points on Mount Desert Island, Maine, to regular route authority. Applicant further states that if this application is approved, applicant consents to the cancellation of its irregular route authority to transport General Commodities between Ellsworth, Maine, and points on Mount Desert Island, Maine.

*HEARING:* May 1, 1961, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 70, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 95265 (Sub No. 12), filed February 15, 1961. Applicant: ROBERTSON TRANSPORTATION CO., INC., 1000 Robertson Place, P.O. Box 3158, Madison, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans*, from Rochelle, Ill., to points in Wisconsin, and *pallets and shrouding*, on return.

NOTE: Applicant states the shipper requires a low silhouette, high cubed trailer, 40 feet in length, with four rows of rollers installed in the floor, and rear door openings 112 inches high, from roof to trailer floor. No duplicating authority is sought.

*HEARING:* May 11, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 95265 (Sub No. 13), filed February 15, 1961. Applicant: ROBERTSON TRANSPORTATION CO., INC., 1000 Robertson Place, P.O. Box 3158, Madison, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, consisting of ingots; blooms; billets; slabs; coiled rods; angles; bars; beams; channels; plate; wire, including barbed wire, plain or galvanized; woven or welded wire fence, including poultry netting; fence gates; fence posts; wire mesh or fabric; concrete or plaster reinforcement; bale ties; nails; spikes; tacks; and wire cloth, from Rock Falls and Sterling, Ill., to points in Wisconsin, and *scrap iron and pallets*, on return.

*HEARING:* May 11, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 95265 (Sub No. 14), filed February 15, 1961. Applicant: ROBERTSON TRANSPORTATION CO., INC., 1000 Robertson Place, P.O. Box 3158, Madison, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), A. Between Baraboo, Wis. and Reedsburg, Wis.: (1) From Baraboo over Wisconsin Highway 33 to Reedsburg, serving all intermediate points and (2) from Baraboo over Wisconsin Highway 136 to Reedsburg, serving all intermediate points and serving North Freedom, Wis., as an off-route point. B. Between Reedsburg, Wis. and Wisconsin Dells, Wis. over Wisconsin Highway 23 serving all intermediate points.

*HEARING:* May 11, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 95627 (Sub No. 32), filed March 2, 1961. Applicant: NELMS MOTOR LINE, INC., P.O. Box 912, 1129 Windsor Road, Suffolk, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, from Oil City and Bradford, Pa., to Norfolk, Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* May 2, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 95627 (Sub No. 33), filed March 2, 1961. Applicant: NELMS MOTOR LINE, INC., P.O. Box 912, 1129 Windsor Road, Suffolk, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, (1) between Portsmouth, Richmond, Suffolk, La Crosse, Emporia, and Lawrenceville, Va., and Woodland, Murfreesboro, Ahoskie, and Wilmington, N.C., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Georgia, Florida, Massachusetts, Connecticut, Rhode Island, Maine, West Virginia, Alabama, Kentucky, Tennessee, Mississippi, Pennsylvania, Ohio, Illinois, Michigan, Indiana, New York, New Jersey, Delaware, and Maryland; and (2) from Cincinnati, Ohio, and Kalamazoo, Mich., to Smithfield, and Courtland, Va.



*HEARING:* May 3, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 103654 (Sub No. 56), filed December 23, 1960. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, liquid or dry, in bulk, from points in Minnesota to points in Iowa and Wisconsin, and *rejected shipments*, or return.

*HEARING:* May 16, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Joint Board No. 181, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 105275 (Sub No. 18), filed January 25, 1961. Applicant: W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y. Applicant's attorney: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment), between Carthage, N.Y., and Tupper Lake, N.Y.; from Carthage over New York Highway 3 to Tupper Lake, and return over the same route, serving all intermediate points and the off-route points of Balmat, Hailesboro, Fowler, and Newton Falls, N.Y.

*HEARING:* May 1, 1961, at the Federal Building, Syracuse, N.Y., before Examiner Garland E. Taylor.

No. MC 105275 (Sub No. 19), filed January 25, 1961. Applicant: W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y. Applicant's attorney: Francis E. Barrett, Jr., Professional Building., 25 Bryant Street, East Milton 86 (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Watertown and Malone, N.Y.; from Watertown over New York Highway 37, and return over the same routes, serving all intermediate points; (2) between Potsdam and Malone, N.Y.; from Potsdam, over New York Highway 56 to Massena, thence over New York Highway 37 to Malone, and return over the same routes, serving all intermediate points, and (3) between Potsdam and Waddington, N.Y.; from Potsdam over New York Highway 56A to Madrid, and thence over New York Highway 345 to Waddington, and return over the same routes, serving all intermediate points.

NOTE: Applicant states that duplication of existing authority is to be eliminated.

*HEARING:* May 1, 1961, at the Federal Building, Syracuse, N.Y., before Examiner Garland E. Taylor.

No. MC 106920 (Sub No. 14), filed February 28, 1961. Applicant: RIGGS DAIRY EXPRESS, INC., P.O. Box 17, East Main Street, Versailles, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elmira, N.Y., to points in Pennsylvania (except points east of U.S. Highway 219); and points in Ohio, Indiana, Illinois, Missouri, and Michigan, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* April 24, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 106965 (Sub No. 160), filed March 9, 1961. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINE, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur dioxide gas*, in shipper owned tank trailers, from West Norfolk, Va., to points in Massachusetts, Delaware, Kentucky, Michigan, Illinois, Indiana, Tennessee, West Virginia, Texas, Oklahoma, Missouri, Arkansas, Connecticut, Maine, and Maryland.

NOTE: Applicant has pending in MC 112563 Sub No. 1, application for contract carrier authority, therefore, dual operations may be involved.

*HEARING:* May 1, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 107107 (Sub No. 163), filed March 15, 1961. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, other than frozen, from points in Florida to points in Arkansas, Colorado, Florida, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Nebraska, New Hampshire, Oklahoma, Tennessee, Texas, Vermont, and Wisconsin.

*HEARING:* May 2, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 107227 (Sub No. 83), filed March 2, 1961. Applicant: INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *Trucks*, *truck tractors*, *truck chassis*, and *station wagons*, with or without bodies, in initial movements, in driveaway and truckaway service; from the plant sites of General Motors Corporation in Fremont, Calif., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

*HEARING:* May 10, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 107403 (Sub No. 329), filed March 14, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry commodities* (except cement, salt, sugar, and flour) in bulk, in tank or hopper type vehicles, and (2) *rejected shipments*, between Bound Brook, Princeton, Warners, and Woodbridge, N.J., Pearl River, N.Y., Hamilton and Marietta, Ohio, Bridgeville and New Castle, Pa., and Ports of Entry on the International Boundary Line, on the Detroit River, and on the Niagara River, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Illinois, Iowa, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant holds contract carrier authority in MC 117637 and subs thereunder, therefore dual operations may be involved.

*HEARING:* April 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 107403 (Sub No. 330), filed March 9, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Wilford Building, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in special equipment, except dump trucks, from Old Bridge, N.J., to points in the District of Columbia, Connecticut, Delaware, Maryland, New Jersey, New York, and Pennsylvania.

NOTE: Applicant holds contract carrier authority in MC 117637 and Subs thereunder. Dual operations may be involved.

*HEARING:* May 4, 1961, at the Offices of the Interstate Commerce Commission,

Washington, D.C., before Examiner Isadore Freidson.

No. MC 107496 (Sub No. 181), filed February 14, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, 408 Southeast 30th Street (P.O. Box 855), Des Moines 17, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins and vegetable oils including vegetable oils modified or blends thereof, varnish* and *paint oils*, in bulk, in tank vehicles, from the site of the Archer-Daniels-Midland Company plant at or near Valley Park, Mo., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin.

NOTE: Applicant also has pending contract carrier applications under MC 119136 and Subs thereunder. Dual authority under section 210 and common control may be involved. Applicant requests that all duplicating authority be eliminated.

*HEARING:* May 18, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Richard H. Roberts.

No. MC 107515 (Sub No. 362), filed March 1, 1961. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carrollton, Macon, Marshall, Milan, Moberly, and St. Joseph, Mo., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

*HEARING:* May 9, 1961, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner John L. York.

No. MC 107544 (Sub No. 38), filed March 14, 1961. Applicant: LEMMON TRANSPORT COMPANY, INC., P.O. Box 580, Marion, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrazine and hydrazine mix*, in bulk, in shipper-owned or carrier-owned tank vehicles; (1) between Lake Charles, La., Baltimore, Md., and Saltville, Va., on the one hand, and, on the other, Nimbus and Santa Susana, Calif., and Denver and Waterton, Colo.; and (2) between Rocky Mountain Arsenal near Denver, Colo., on the one hand, and, on the other, Missile Sites and Installations in Arizona, Arkansas, California, Colorado, Kansas, New York, and Tennessee.

NOTE: Applicant holds contract carrier authority under MC 113959, therefore dual operations may be involved.

*HEARING:* April 5, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No MC 108053 (Sub No. 26), filed February 28, 1961. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 310, Fremont, Nebr. Applicant's attorneys: David Axelrod and Carl Steiner, 39 South La Salle Street, Chicago 3, Ill. Applicant's representative: F. Zimmer, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from Ogden, Utah, to points in Illinois, Indiana, Ohio, Michigan, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia.

*HEARING:* April 17, 1961, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Frank R. Saltzman.

No. MC 108375 (Sub No. 8) (REPUBLICATION), filed June 6, 1960, published in the FEDERAL REGISTER, issue of September 14, 1960. Applicant: LeROY L. WADE & SON, INC., 1615 Izard Street, Omaha 2, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. As originally filed and published in the FEDERAL REGISTER, the application sought authority to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *salt*, in bulk, in hopper-type vehicles, from the Missouri River barge docks at Omaha, Nebr., to warehouse facilities in Omaha, Nebr., and points in Omaha within ten (10) miles thereof, restricted to movements having had an immediately prior movement by water, and *rejected or contaminated shipments* of the above-specified commodities, on return. A Report and Order served December 9, 1960, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of fertilizer and salt, in bulk, in hopper-type vehicles, from Missouri River Barge docks at Omaha, Nebr., to Omaha and to Council Bluffs, Iowa. The purpose of this republication is to advise that any person or persons who may have been prejudiced by lack of proper notice of the authority actually proposed, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 109265 (Sub No. 11), filed January 30, 1961. Applicant: W. L. MEAD, INC., P.O. Box 31, Norwalk, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Norwalk, Ohio, and the intersection of Ohio Highway 99 and U.S. Highway 224; from Norwalk over Ohio Highway 61 to junction of Ohio Highway 162, thence over Ohio Highway 162 to junction of Ohio Highway 99, thence over Ohio Highway 99 through Willard, Ohio, to U.S. Highway 224, and return over the same route, serving the intermediate point of Willard, Ohio.

*HEARING:* May 17, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 109478 (Sub No. 40) (REPUBLICATION), filed December 7, 1960, published in the FEDERAL REGISTER, issue January 5, 1961. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such materials, equipment and supplies* as are used or useful in the manufacture or distribution of foodstuffs and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, (1) between Lawton and Decatur, Mich., on the one hand, and, on the other, North East, Pa., Westfield and Brocton, N.Y., and (2) between North East, Pa., on the one hand, and, on the other, Westfield and Brocton, N.Y.

NOTE: This notice substitutes Decatur, Mich., in lieu of Mattawan, Mich.

*HEARING:* May 9, 1961, at the Hotel Buffalo, Washington and Swan Streets, before Examiner Garland E. Taylor.

No. MC 109478 (Sub No. 42), filed February 21, 1961. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brandy*, in bulk, in tank vehicles, from Lyons, N.Y., to Scobeyville, N.Y.

*HEARING:* May 9, 1961, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Garland E. Taylor.

No. MC 109834 (Sub No. 15), filed December 16, 1960. Applicant: NOVICK TRANSFER CO., INC., 700 North Cameron Street, Winchester, Va. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Dangerous* articles;

(1) between Winchester, Va., and Cumberland, Md., (a) from Winchester over U.S. Highway 50 through Romney, W. Va., to junction U.S. Highway 220, thence over U.S. Highway 220 through New Creek, W. Va., to Cumberland; (b) from Winchester to Romney, W. Va., as specified above, thence over West Virginia Highway 28 to the Potomac River, and thence across the Potomac River to Cumberland; (c) from Winchester over Virginia Highway 522 to the Virginia-West Virginia State line, thence over West Virginia Highway 522 to Berkeley Springs, W. Va., thence over West Virginia Highway 9 to the West Virginia-Maryland State line, and thence over Maryland Highway 51 to Cumberland; (d) from Winchester over U.S. Highway 11 through Martinsburg, W. Va. to Hagerstown, Md., thence over U.S. Highway 40 to Cumberland; (e) from Winchester to Martinsburg, W. Va., as specified above, thence over West Virginia Highway 9 to Berkeley Springs, W. Va., and thence to Cumberland as specified above; and (f) return over these routes to Winchester, serving all intermediate points on the above specified routes, and the off-route points of Piedmont, W. Va., Westernport, Frostburg, Lonaconing, and Amcelle, Md., and points within 10 miles of Winchester.

(2) Between Winchester, Va., and Altoona, Pa., (a) from Winchester to Cumberland as specified above, thence over U.S. Highway 220 to Duncansville, Pa., and thence over Pennsylvania Highway 764 to Altoona; (b) from Winchester to Cumberland as specified above, thence over U.S. Highway 220 to junction Pennsylvania Highway 56, thence over Pennsylvania Highway 56 to Johnstown, Pa., thence over U.S. Highway 219 to Ebensburg, Pa., thence over U.S. Highway 22 to Duncansville, Pa. and thence to Altoona as specified above; and (c) return over these routes to Winchester, serving all intermediate points on the above specified routes, and the off-route point of Hollidaysburg, Pa.

(3) Between Winchester, Va., and Roanoke, Va., (a) from Winchester over U.S. Highway 11 to Roanoke; (b) from Winchester to Staunton, Va., as specified above, thence over U.S. Highway 250 to Afton, Va., thence over Virginia Highway, 151 to Greenfield, Va., thence over Virginia Highway 6 to junction U.S. Highway 29, to Lynchburg, Va., and thence over U.S. Highway 460 to Roanoke; (c) from Winchester to Lexington, Va., as specified above, thence over U.S. Highway 60 to Clifton Forge, Va. and thence over U.S. Highway 220 to Roanoke; (d) from Winchester to Lexington, Va., as specified above, thence over U.S. Highway 60 through Buena Vista, Va., to Amherst, Va., thence over U.S. Highway 29 to Lynchburg, Va., and thence to Roanoke as specified above; (e) from Winchester to Buena Vista, Va., as specified above, thence over U.S. Highway 501 to Lynchburg, Va. and thence to Roanoke as specified above; (f) from Winchester to Natural Bridge, Va., as specified above, thence over Virginia Highway 249 to junction U.S. Highway 501, and thence to Roanoke as specified above; and (g) return over these routes to Winchester, serving all intermediate points on the above-specified routes, except those on U.S. Highway 60 between Buena Vista and Amherst, Va., and the off-route points of Front Royal, Riverton, Covington, Luray, Grottoes, Goshen, Weyers Cave, Broadway, Crozet, Charlottesville, Bridgewater, and Churchville, Va.

(4) Between Winchester, Va., and New York, N.Y., (a) from Winchester over U.S. Highway 11 to Chambersburg, Pa., thence over U.S. Highway 30 to Philadelphia, Pa., and thence over U.S. Highway 1 to New York; serving all intermediate points between Winchester and Chambersburg and between the junction of U.S. Highway 22 with unnumbered highway near Raritan, N.J., and New York; also serving the specific intermediate points of Chambersburg, Harrisburg, Allentown, Bethlehem, and Easton, Pa., and Phillipsburg, N.J.; (c) from Winchester over U.S. Highway 340 to Frederick, Md., thence over U.S. Highway 40 to State Road, Del., thence over U.S. Highway 13 to Philadelphia, Pa., and thence over U.S. Highway 1 to New York, serving all intermediate points; (d) from Winchester over U.S. Highway 50 to Fairfax, Va., thence over Virginia Highway 236 to Alexandria, Va., and thence over U.S. Highway 1 to New York; serving all intermediate points; (e) from Winchester over Virginia Highway 7 to Falls Church, Va., thence over U.S. Highway 29 to Baltimore, Md., and thence to New York as specified above; serving all intermediate points; (f) return over these routes to Winchester; serving the off-route points of Herndon, Va., Brunswick, Md., Bigler-ville, Bristol, Catasauqua, Hanover, Lititz, Littlestown, Mercersburg, Northampton, Pen Argyl, and Waynesboro, Pa., Carneys points, Carteret, East Rutherford, Haledon, Harrison, Irvington, Linden, New Brunswick, Parlin, Perth Amboy, and Rahway, N.J., and those in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665, and those in the Philadelphia, Pa., Commercial Zone, as defined by the Commission in 17 M.C.C. 533.

(5) Between Phillipsburg, N.J., and New York, N.Y., from Phillipsburg over New Jersey Highway 24 to junction New Jersey Highway S 24, thence over New Jersey Highway S 24 to Hackettstown, N.J., thence over U.S. Highway 46 to Paterson, N.J., thence over New Jersey Highway 3 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, and return over the same route to Phillipsburg, serving the intermediate points of Paterson, N.J.

(6) Between Frederick, Md., and Gettysburg, Pa., Hagerstown, Md., and Washington, D.C., (a) from Frederick over U.S. Highway 15 to Gettysburg; (b) from Frederick over U.S. Highway 40 to Hagerstown; (c) from Frederick over U.S. Highway 240 to Washington; and (d) return over these routes to Frederick, serving no intermediate points on the above-specified routes.

(7) Between Downington, Pa., and Marcus Hook, Pa., from Downington over U.S. Highway 322 to West Chester, Pa., thence over U.S. Highway 202 to junction Pennsylvania Highway 491 and thence over Pennsylvania Highway 491 to Marcus Hook, and return over the same route, serving no intermediate points.

(8) Between Lancaster, Pa., and Reading, Pa., from Lancaster over U.S. Highway 222 to Reading, and return over the same route, serving no intermediate points.

(9) Between Philadelphia, Pa., and Easton, Allentown and Harrisburg, Pa., and State Road, Del., (a) from Philadelphia over U.S. Highway 611 to Easton; (b) from Philadelphia over U.S. Highway 309 to Allentown; (c) from Philadelphia over U.S. Highway 422 to Harrisburg; (d) from Philadelphia across the Delaware River to Camden, N.J., thence over New Jersey Highway 44 to Pennsville, N.J., thence over Ferry to New Castle, Del., and thence over U.S. Highway 40 to State Road; and (e) return over these routes to Philadelphia, serving no intermediate points on the above-specified routes.

*HEARING:* May 11, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks, in a consolidated proceeding with the hearing on the petition in No. MC 7450 and No. MC 109834 (Sub No. 14).

No. MC 110662 (Sub No. 3), filed March 3, 1961. Applicant: KELLOGG TRUCKING COMPANY, INC., U.S. Highway 31, Speed, Ind. Applicant's attorney: Earl C. Frankenberger, Commonwealth Building, Louisville, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hot mix, gravel, crushed stone, stone products, cement, asphalt, and sand*, in bulk, in dump trucks between Mt. Carmel, Ill., and points in Daviess, Dubois, Greene, Gibson, Knox, Martin, Pike, Posey, Spencer, Sullivan, Vanderburgh, and Warrick Counties, Ind.

*HEARING:* May 9, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 111748 (Sub No. 1), filed February 16, 1961. Applicant: HARVEY L. WILLIAMS, JR., doing business as WILLIAMS MOVING & STORAGE CO., 206 South Fourth Street, Tarkio, Mo. Applicant's attorney: Frank W. Taylor, Jr., 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, seed, grain, fertilizer, popcorn*, and *livestock*, between points in Atchison, Worth, Holt, Nodaway, Gentry, Andrew, De Kalb, and Buchanan Counties, Mo., on the one hand, and, on the other, points in Iowa, Kansas, and Nebraska.

NOTE: Applicant has authority under MC 111748 to transport household goods as defined by the Commission, between points in Atchison and Holt Counties, Mo., on the one hand, and, on the other, points in Nebraska, Kansas, and Iowa.

*HEARING:* May 11, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner John L. York.

No. MC 111748 (Sub No. 2), filed February 16, 1961. Applicant: HARVEY L. WILLIAMS, doing business as WILLIAMS MOVING & STORAGE CO., 206 South Fourth Street, Tarkio, Mo. Applicant's attorney: Frank W. Taylor, Jr., 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, blending, processing, storage, preservation, transmission and distribution of liquids and gases, including but not limited to natural gas,

petroleum, and their products and by-products and (2) *Machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of all types of pipelines, including the stringing and picking up thereof, including but not limited to pipelines used for the transmission of natural gas, petroleum and their products and by-products, between points in Atchison, Worth, Holt, Nodaway, Gentry, Andrew, De Kalb, and Buchanan Counties, Mo., on the one hand, and, on the other, points in Iowa, Nebraska, Kansas, Oklahoma, and Arkansas.

*HEARING:* May 11, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner John L. York.

No. MC 111812 (Sub-No. 112), filed October 10, 1960. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Mr. Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used in packing houses*, as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Madison and Sioux Falls, S. Dak., and Estherville, Iowa, to points in Tennessee, Alabama, North Carolina, South Carolina, Georgia, and Florida, Louisville and Middlesboro, Ky., with *hooks, racks and exempt commodities* on return.

*HEARING:* May 9, 1961, at the U.S. Court Rooms, Sioux Falls, S. Dak., before Examiner John B. Mealy.

No. MC 111812 (Sub No. 119), filed January 9, 1961. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Floor coverings*, from Lancaster, Pa., to Sioux Falls, S. Dak., and (2) *glass block and glass glazing units*, from Muncie, Ind., and Toledo, Ohio, to Des Moines, Iowa, and Sioux Falls, S. Dak.

*HEARING:* May 8, 1961, at the U.S. Court Rooms, Sioux Falls, S. Dak., before Examiner John B. Mealy. (*TIME WILL BE 1:00 p. m.*)

No. MC 112202 (Sub No. 2), filed March 7, 1961. Applicant: RALPH J. FISHER, JR., COMPANY, INC., P.O. Box 96, 538 West Columbia Street, Schuylkill Haven, Pa. Applicant's attorney: John M. Musselman, State Street Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Schuylkill and Northumberland Counties, Pa., to points in New York and Connecticut.

*HEARING:* April 25, 1961, at 346 Broadway, New York, N.Y. before Examiner Garland E. Taylor.

No. MC 112822 (Sub No. 26), filed December 27, 1960. Applicant: EARL BRAY, INC., P.O. Box 910, Linwood and North Streets, Cushing, Okla. Applicant's attorney: Sam E. Carpenter, P.O. Box 910, Cushing, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia*, and *nitrogen fertilizer solutions*, in bulk, in tank vehicles; and *urea and ammonium nitrate*, in bulk, and in bags, from Atlas, Mo., and points within five miles thereof, to points in Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, Louisiana, Arkansas, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, and Montana, and *rejected or damaged shipments*, on return.

*HEARING:* May 8, 1961, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner John L. York.

No. MC 113721 (Sub No. 3), filed March 6, 1961. Applicant: APPLIANCE TRUCKING CORP., 497–511 New Jersey Railroad Avenue, Newark, N.J. Applicant's attorney: Irving Abrams, 1776 Broadway, New York 19, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, combination refrigerators and range tops, combination refrigerators, range tops and sinks*, and *combination refrigerators, range tops, sinks and cabinets*, from the site of the warehouse of Crane Co. in Harrison, N.J., to New York, N.Y., and points in Nassau and Westchester Counties, N.Y., and *returned, refused or rejected shipments*, on return.

*HEARING:* April 24, 1961, at 346 Broadway, New York, N.Y., before Examiner Garland E. Taylor.

No. MC 113779 (Sub No. 142), filed March 10, 1961. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 LaPorte Expressway, P.O. Box 26035, Houston 32, Tex. Applicant's attorney: Dale Woodall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent ethylene glycol*, in bulk, in tank vehicles, from Rochester, N.Y., to Port Neches, Tex.

*HEARING:* May 2, 1961, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Examiner Reece Harrison.

No. MC 113855 (Sub No. 50), filed January 9, 1961. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, attachments, and parts*, from points in North Dakota to points in the United States, including Alaska, but excluding Hawaii, and *exempt commodities*, on return movements.

*HEARING:* May 23, 1961, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner Richard H. Roberts.

No. MC 114890 (Sub No. 24), filed February 2, 1961. Applicant: KENNETH CHILDRESS, doing business as C. E. REYNOLDS GASOLINE AND CHEMICAL TRANSPORT, 2209 Range Line, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Building, P.O. Box 576, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia, and nitrogen fertilizer solutions* in bulk, and in tank vehicles, from Atlas, Mo., and points within five (5) miles thereof, to points in Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, Louisiana, Arkansas, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, and Montana, and *damaged or rejected shipments*, on return.

*HEARING:* May 8, 1961, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner John L. York.

No. MC 115841 (Sub No. 80), filed March 8, 1961. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen and unfrozen*, from Lawton and Decatur, Mich., to points in Alabama, Kentucky, and Tennessee.

*HEARING:* May 1, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Maurice S. Bush.

No. MC 116073 (Sub No. 10), filed November 25, 1960. Applicant: JOHN C. BARRETT, doing business as MOORHEAD PHILLIPS SERVICE, 1335 Center Avenue, Moorhead, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, not exceeding 30 feet in length, (1) from points in Minnesota to points in the United States including Alaska but excluding Minnesota and Hawaii, and (2) from points in North Dakota, to points in the United States including Alaska but excluding North Dakota and Hawaii.

*HEARING:* May 22, 1961, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner Richard H. Roberts.

No. MC 116132 (Sub No. 3), filed January 23, 1961. Applicant: NATIONAL TANK TRUCK DELIVERY, INC., 85 East Gay Street, Columbus, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Finished or unfinished blanks, stampings*, and *shapes*, made of metal or metal combined with other material, used in the manufacture and assembly of motor vehicles from Shadyside, Ohio, to Fort Wayne, Ind., limited to performance of a transportation service, in specially designed and equipped trailers, under a continuing contract with International Harvester Company, Chicago, Ill., with *rejected shipments, empty racks, pallets and skids*, on return.

*HEARING:* May 15, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 60, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.



No. MC 116434 (Sub No. 7), filed March 6, 1961. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Applicant's attorney: Robert H. Levy, 30 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lock washers, agricultural implement parts, and materials used in the manufacture of agricultural implements*, between East Alton, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, California, Georgia, Indiana, Iowa, Kentucky, Louisiana, Minnesota, Nebraska, New Jersey, Ohio, Tennessee, Texas, Virginia, Wisconsin, and Pennsylvania.

*HEARING:* May 8, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 116791 (Sub No. 10), filed December 15, 1960. Applicant: LEONARD R. GREEN, doing business as FARMERS ELEVATOR, Kensington, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, from New Richmond, Wis., to points in Beltrami, Clay, Clearwater, Hubbard, Mahnomen, and Norman Counties, Minn.

*HEARING:* May 15, 1961, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 117153 (Sub No. 1), filed February 6, 1961. Applicant: H. G. SNYDER, 15735 Pierrefonds Street, Ste. Genevieve, Quebec, Canada. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dog food*, in cans and in cartons, from the Port of Entry on the United States-Canada Boundary line, at or near Champlain, N.Y., to points in New York, New Jersey, Ohio, Connecticut, Rhode Island, and Massachusetts, and *refused, damaged or rejected shipments* of dog food, in cans (in cartons), on return.

NOTE: Applicant is authorized under Permit No. MC 117153 to conduct the proposed operations for one shipper only, namely, Roy Goff & Company, Inc., of Bridgeport, Conn., into the same territory described above, with the exception of Massachusetts. Carrier proposes to substitute another shipper, Jean Demers, Inc., of Gentilly, Quebec, Canada, for the previously mentioned herein, and to add one additional State.

*HEARING:* April 27, 1961, at the Federal Building, Albany, N.Y., before Examiner Garland E. Taylor.

No. MC 117344 (Sub No. 63), filed February 14, 1961. Applicant: THE MAXWELL CO., a corporation, 10380 Evandale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, paints, resins, varnishes and surface coating compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Kentucky and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

*HEARING:* May 18, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 209, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 117344 (Sub No. 67), filed March 6, 1961. Applicant: THE MAXWELL CO., a corporation, 10380 Evandale Drive, P.O. Box 37, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, paints, resins, varnishes*, and *surface coating compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

*HEARING:* May 15, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Charles J. Murphy.

No. MC 117344 (Sub No. 68), filed March 9, 1961. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, P.O. Box 37, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry commodities* (except cement, salt, sugar, and flour), in bulk, in tank or hopper type vehicles, and (2) *rejected shipments*, and *empty containers or other such incidental facilities* used in transporting the commodities specified, between Wallingford, Conn.; Bound Brook, Princeton, Warners and Woodbridge, N.J.; Pearl River, N.Y.; Hamilton and Marietta, Ohio; Bridgeville and New Castle, Pa.; and Ports of Entry on the International Boundary Line, on the Detroit River and on the Niagara River; on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Illinois, Iowa, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

*HEARING:* April 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 117686 (Sub No. 3), filed February 15, 1961. Applicant: RAYMOND C. HIRSCHBACH, doing business as HIRSCHBACH MOTOR LINES, 3324 Highway 75–N, Sioux City, Iowa. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Mobile, Ala., to points in Iowa; Omaha, Norfolk, and Grand Island, Nebr.; Detroit Lakes, Minn.; Sioux Falls, S. Dak.; and Rock Island, Ill., and *exempt commodities*, on return.

*HEARING:* May 19, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Richard H. Roberts.

No. MC 117686 (Sub No. 4), filed February 15, 1961. Applicant: RAYMOND C. HIRSCHBACH, doing business as HIRSCHBACH MOTOR LINES, 3324 Highway 75–N, Sioux City, Iowa. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Mobile, Ala., and Gulfport, Miss., to Peoria, Ill., points in Minnesota, except Detroit Lakes, points in Montana, points in South Dakota, except Sioux Falls, and ports of entry on the International Boundary line between the United States and Canada, and *exempt commodities* on return.

*HEARING:* May 19, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Richard H. Roberts.

No. MC 117765 (Sub No. 11), filed February 16, 1961. Applicant: HAHN TRUCK LINE, INC., 210 East Sixth Street, South Hutchinson, Kans. Applicant's attorney: Rufus H. Lawson, P.O. Box 7342, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in bulk and in bags, from points in Ellsworth County, Kans., to points in Nebraska.

*HEARING:* May 18, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 19, or, if the Joint Board waives its right to participate, before Examiner John L. York.

No. MC 117864 (Sub No. 1), filed March 2, 1961. Applicant: JAMES M. SAKS AND JOSEPH HAZZOURI, doing business as SAKS & HAZZOURI, No. 6, Lackawanna Avenue, Scranton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from (1) Weehawken, N.J., Baltimore, Md., and New York, N.Y., to Wilkes-Barre, Pa., and points in Borough of Forty Fort, Luzerne County, Pa., and (2) from New York, N.Y., to Scranton, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified above, on return.

*HEARING:* April 24, 1961, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Gordon M. Callow.

No. MC 117907 (REPUBLICATION), filed November 28, 1958, published in the FEDERAL REGISTER, issue of June 18, 1959. Applicant: LOUIS E. ARNETT, doing business as LOUIS ARNETT PRODUCE & FROZEN FOODS, Mitchellville, Tenn. By application filed November 28, 1958, under the "grandfather" provisions of section 7(c) of the Transportation Act of 1958, applicant sought a permit authorizing the continuance of operation, over irregular routes, in interstate or foreign commerce, as a *contract carrier* by motor vehicle of *frozen berries*, in straight and mixed loads with certain exempt commodities, from Nashville, Tiptonville, and Portland, Tenn., and Franklin, Ky., to points in Massachu-

setts, Maryland, Pennsylvania, Ohio, New Jersey, New York, Wisconsin, Missouri, Illinois, Indiana, Kentucky, Michigan, South Carolina, and West Virginia. A Report and Order recommended by Hearing Examiner A. Lane Cricher, served March 14, 1961 finds that on May 1, 1958, applicant was in bona fide operations as a *common carrier* by motor vehicle, over irregular routes, in interstate or foreign commerce, of *frozen berries* from Nashville, and Portland, Tenn., to Cleveland, Ohio; Wheeling, W. Va.; Pittsburgh, Pa.; Chicago, Ill., and Rochester, Red Creek, Webster, and Middleport, N.Y.; and has so operated since; and that a certificate of public convenience and necessity authorizing continuance of such operations should be issued to the applicant. The purpose of this republication is to advise that any person or persons who may have been prejudiced by the findings authorizing *common carrier operations*, in lieu of contract carrier operations, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 118468 (Sub No. 6), filed February 24, 1961. Applicant: JOE UMTHUN AND VIRGIL UMTHUN, doing business as UMTHUN TRUCKING CO., 910 South Jackson, Eagle Grove, Iowa. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and gypsum products*, from the plant site of the U.S. Gypsum Co., at or near Fort Dodge, Iowa, to points in Nebraska, North Dakota, and South Dakota, and *empty containers, pallets, or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Under a continuing contract, or contracts, with U.S. Gypsum Co., a corporation.

*HEARING:* May 17, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Richard H. Roberts.

No. MC 118529 (Sub No. 1), filed February 21, 1961. Applicant: I & M, INC., 2525 Euclid, Des Moines, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings and Loan Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone and crushed limestone products*, between points in Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne Counties, Iowa, on the one hand, and, on the other, points in Worth County, Mo.

*HEARING:* May 25, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 137, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 118810 (Sub No. 1), filed March 7, 1961. Applicant: E. J. C. FURNITURE DELIVERIES, INC., 751 Summa Avenue, New Cassel, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail furniture stores, from Pennsauken, N.J., to points in Delaware, Pennsylvania, and New Cassel, N.Y., and *returned (reshipped) shipments* of the above-specified commodities, on return. RESTRICTION: The above proposed operations will be performed under a continuing contract with H. L. Klion, Inc.

NOTE: Applicant states its present Permit MC 118810 to be revoked upon issuance of requested authority.

*HEARING:* April 26, 1961, at 346 Broadway, New York, N.Y., before Examiner Garland E. Taylor.

No. MC 118831 (Sub No. 14), filed March 13, 1961. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5044, High Point, N.C. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground pulverized slate*, in bulk, from points in North Carolina to points in South Carolina and Virginia, and (2) *Clay and kaolin*, in bulk, from points in Aiken County, S.C., to points in North Carolina and Virginia.

*HEARING:* April 26, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 196, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 118971 (Sub No. 4), filed January 23, 1961. Applicant: EKLUND BROTHERS TRANSPORT, INC., Watford City, N. Dak. Applicant's attorney: Gerald G. Glaser, Rooms 6, 7, Woolworth Building, P.O. Box 1, Bismarck, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from points in Roosevelt, Sheridan, Daniels, Valley, Richland, Dawson, McCone, Wibaux, Prairie, Fallon, Custer, Carter, Powder River, Rosebud, and Garfield Counties, Mont., to Williston, N. Dak., and points within ten (10) miles thereof, and *rejected shipments*, of the above-specified commodity, on return.

*HEARING:* May 26, 1961, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 84, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 119443 (Sub No. 9), filed February 23, 1961. Applicant: P. E. KRAMME, INC., Monroeville, N.J. Applicant's attorney: Paul F. Barnes, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coating, liquid chocolate liquor, and liquid cocoa butter*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Maryland, Massachusetts, North Carolina, Virginia, Birmingham, Ala., Frankfort, and Huntington, Ind.

*HEARING:* May 3, 1961, at the Penn-Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Edith H. Cockrill.

No. MC 119443 (Sub No. 10), filed February 27, 1961. Applicant: P. E. KRAMME, INC., Monroeville, N.J. Applicant's attorneys: V. Baker Smith and Paul F. Barnes, 226 South 16th Street, Suite 601, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coating, liquid chocolate liquor*, and *liquid cocoa butter*, in bulk, in tank vehicles, from Mount Joy, Pa., to points in Maryland, Massachusetts, North Carolina, Virginia, Birmingham, Ala., Frankfort and Huntington, Ind., Bryan, Ohio, Chicago, Ill., and Naugatuck, Conn.

*HEARING:* May 4, 1961, at the Penn-Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Edith H. Cockrill.

No. MC 119641 (Sub No. 27), filed March 8, 1961. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building board, insulation board, fiberboard, pulpboard*, and *strawboard*, from Lisbon Falls, Maine, to points in Indiana, Ohio, Illinois, Wisconsin, Kentucky, Minnesota, Iowa, Missouri, and Michigan, and (2) *Pallets*, incidental to the initial movement of the commodities described above, and *rejected shipments*, from points in Indiana, Ohio, Illinois, Wisconsin, Kentucky, Minnesota, Iowa, Missouri, and Michigan, to Lisbon Falls, Maine.

*HEARING:* May 4, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 123162 (Sub No. 2), filed December 12, 1960. Applicant: ROY RALSTON, doing business as RALSTON TRUCKING SERVICE, R.R. No. 2, Pratt, Kans. Applicant's attorney: J. Wm. Townsend, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tanks and accessories thereto*, from the Pratt Kansas Air Base, located approximately four and one-half miles north of Pratt, Kans., to all points in Oklahoma, Texas, New Mexico, Colorado, Nebraska, Missouri, Iowa, North Dakota, South Dakota, and Wyoming, and *rejected tanks and accessories* thereto, on return.

*HEARING:* May 19, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Examiner John L. York.

No. MC 123185, filed November 2, 1960. Applicant: TALLYHO TRANSPORT, INC., 211½ West Main Street, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, explosives and other dangerous articles, and commodities that would contaminate other freight, all, incidental to, or having had prior or subsequent transportation by aircraft, between Marshalltown and Newton, Iowa, and Des Moines, Iowa.



*HEARING:* May 26, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 123288, filed December 14, 1960. Applicant: O. J. JULKA AND D. N. JULKA, doing business as JULKA MOVING AND STORAGE CO., 221 Lewis Street, Fond du Lac, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Chicago, Ill., to Fond du Lac, Wis., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodity specified above on return.

*HEARING:* May 10, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 123321, filed December 19, 1960. Applicant: JOHN STERNWEIS, 115 South Wind Trail, Horicon, Wis. Applicant's attorney: John Falk Murphy, P.O. Box 289, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feeds, grains, seeds* and *fertilizers*, in bulk and in bags, between points in Wisconsin and Minnesota.

*HEARING:* May 8, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 123329, filed December 27, 1960. Applicant: H. M. TRIMBLE & SONS, LTD., 1510 40th Avenue SE., Calgary, Alberta, Canada. Applicant's attorney: Randall Swanberg, 329–333 Ford Building, Great Falls, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank trucks, from the International Boundary line between the United States and Canada at or near the Ports of Entry of Portal, N. Dak., and Noonan, N. Dak., to points in North Dakota, and *rejected shipments*, on return.

*HEARING:* May 25, 1961, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 274, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 123370, filed January 13, 1961. Applicant: MAX L. WHITEHEAD, doing business as QUICK DELIVERY SERVICE, 201 North Schifferdecker Avenue, Joplin, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by retail department stores, auto supply retail stores, and mail order stores, from Joplin, Mo., to points in Jasper, Newton, McDonald, Barton, Vernon, Bates, Henry, Benton, St. Clair, Hickory, Cedar, Dade, Lawrence, Barry, Stone, Christian, Greene, Polk, Camden, Webster, Laclede, Dallas, Taney, Ozark, Douglas, and Wright Counties, Mo.; points in Miami, Linn, Bourbon, Crawford, Cherokee, Labette, Neosho, Allen, Anderson, Franklin, Osage, Coffey, Woodson, Wilson, and Montgomery Counties, Kans.; points in Nowata, Osage, Craig, Ottawa, Rogers, Delaware, Adair, Cherokee, Wagoner, and Tulsa Counties, Okla., and to those in Washington, Benton, Carroll, Boone, Marion, Searcy, Newton, and Madison Counties, Ark.; and (2) *Such merchandise* as is dealt in by retail department stores, auto supply retail stores, and mail order stores, when being returned to such stores for repair, renovation, or repossessed, or in exchange as part payment for new merchandise, and *refused, damaged, or returned shipments* of the commodities described in (1) above, from the above-specified destination points to Joplin, Mo.

*HEARING:* May 11, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner John L. York.

No. MC 123372 (Sub No. 2) (AMENDMENT), filed January 30, 1961, published in the FEDERAL REGISTER issue of February 15, 1961. Applicant: CARTAGE SERVICES, INC., 26380 Van Born, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Baked goods*, between Lansing, Mich., on the one hand, and, on the other, Kalamazoo and Watervliet, Mich., and points within three (3) miles thereof.

NOTE: Applicant states the proposed transportation service will be rendered under a continuing contract with Schafer Bakeries, Inc., Applicant also has common carrier authority under MC 118594 and Subs thereunder; therefore dual operations may be involved. The amendment changes the scope of authority sought from a "from and to" to a "Between" movement.

*HEARING:* Remains as assigned April 20, 1961, in Room 215, Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 123373, filed January 16. 1961. Applicant: EDWIN D. JONES, doing business as JONES SUPPLY COMPANY, 805 Hiawatha Avenue, Hiawatha, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed*, sacked and in bulk, and *exempt commodities*, at the same time, in the same vehicle, between St. Joseph, Mo., on the one hand, and, on the other, Hiawatha, Kans.; and (2) *fertilizer* and *exempt commodities*, at the same time, in the same vehicle, between Hiawatha, Kans., on the one hand, and, on the other, Tulsa, Okla.

*HEARING:* May 17, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 180, or, if the Joint Board waives its right to participate, before Examiner John L. York.

No. MC 123416, filed February 8, 1961. Applicant: ORVILLE R. COOPER AND RODGER COOPER, a copartnership, doing business as O. R. COOPER & SON, 806 North Harvey Street, Urbana, Ill. Applicant's attorney: Harold A. Baker, 113 North Neil Street, Champaign, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Malt and carbonated beverages* and *advertising matter* pertaining to such commodities, (1) between St. Louis, Mo., and Danville, Ill.; from St. Louis over U.S. Highway 40 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 48, thence over U.S. Highway 48, to U.S. Highway 51 to Decatur, Ill., thence over U.S. Highway 51 to Bloomington, Ill.; or from junction of U.S. Highway 48 and 51 over Illinois Highway 47 to junction of Illinois Highway 10, thence over Illinois Highway 10 to Champaign-Urbana, Ill., thence over Interstate Highway 74 (also over U.S. Highway 150) to Danville, Ill., and return over the same route, and (2) between Milwaukee, Wis., and Danville, Ill.; from Milwaukee over U.S. Highway 41 (also over Interstate Highway 94) to junction Interstate Highway 294, thence over Interstate Highway 294 to junction U.S. Highway 66 (also over Interstate Highway 55), thence over U.S. Highway 66 (also over Interstate Highway 55) to Bloomington, Ill. (also from Bloomington, Ill., over U.S. Highway 51 to Decatur, Ill.), thence from Decatur over Illinois Highways 47 and 10 to Champaign, Ill.; or from Bloomington over U.S. Highway 150 to junction Illinois Highway 47 and U.S. Highway 150 (also over Interstate Highway 74), thence over U.S. Highway 150 (also over Interstate Highway 74) to Champaign-Urbana, Ill., thence over U.S. Highway 150 (also over Interstate Highway 74) to Danville, Ill., and return over the same route, and (3) between Minneapolis-St. Paul, Minn., and Danville, Ill.; from Minneapolis-St. Paul, over U.S. Highway 12 (also over Interstate Highway 94) to junction Wisconsin Highway 73 (also over Interstate Highway 90), thence over Wisconsin Highway 73 (also over Interstate Highway 90) to U.S. Highway 51, thence over U.S. Highway 51 to junction with Interstate Highway 90, thence over Interstate Highway 90 to junction U.S. Highway 20 to junction U.S. Highway 47, thence over U.S. Highway 47 to junction U.S. Highway 66, thence over U.S. Highway 66 (also over Interstate Highway 55) to Bloomington, Ill.; or to junction Illinois Highway 47, thence over said Illinois Highway 47 to Decatur, Ill., from Bloomington, Ill. over U.S. Highway 51 to Decatur, Ill., from Decatur over U.S. Highway 47 and Illinois Highway 10 to Champaign-Urbana, Ill., or from Bloomington, Ill., over U.S. Highway 150 (also over Interstate Highway 74) to Champaign-Urbana, Ill., thence over U.S. Highway 150 (also Interstate Highway 74) to Danville, Ill., and return over the same route, serving the intermediate points of Bloomington, Decatur and Champaign-Urbana, Ill., in connection with (1), (2), and (3) above.

*HEARING:* May 1, 1961, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner John L. York.

No. MC 123417, filed February 8, 1961. Applicant: AARON AHRENS, R.R., Staunton, Ill. Applicant's attorney: Robert L. Droste, Droste Building, Mount

Olive, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bag and bulk feed*, and *empty containers or other such incidental facilities*, used in transporting the above-described commodity; between Staunton, Ill., and points within a radius of 10 miles thereof, and the site of Ralston Purina Mills, Inc., St. Louis, Mo.

*HEARING:* May 2, 1961, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner John L. York.

No. MC 123419, filed February 9, 1961. Applicant: ANTHONY VELTRE, 9 Gas Way Street, Rankin, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulbric, insulated metal and asbestos siding, roofing, rain spouting, ceiling tile, windows, screens*, and *miscellaneous home improvement materials*, and *accessories for installation thereof*, for home improvement purposes, to installation job sites; from the warehouse site of Jones & Brown, Inc., Pittsburgh, Pa., to said job sites in the following territory: Those in Ohio on and east of U.S. Highway 23, those in Maryland on and west of U.S. Highway 15, and those in the entire state of West Virginia, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, and *refused or rejected shipments*, on return.

NOTE: Applicant states that the operations described above will be under a continuing contract with Jones & Brown, Inc.

*HEARING:* May 3, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 123428, filed February 10, 1961. Applicant: HARRY G. FLOCK, Coulter Avenue, South Greensburg, Pa. Applicant's attorney: Jerome Solomon, 1325–27 Grant Building, Pittsburgh, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coke ashes*, in bulk, in dump vehicles; from points in Westmoreland and Fayette Counties, Pa., to points in West Virginia on and north of U.S. Highway 50 and on and west of U.S. Highway 119, and in Ohio on and south of U.S. Highway 30 and on and east of U.S. Highway 21.

*HEARING:* May 17, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 123441, filed February 15, 1961. Applicant: FAY'S TRUCKING CO., INC., 118 Dunellen Avenue, New Market, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from points in Union, Middlesex, Monmouth, and Somerset Counties, N.J., to Elizabeth, N.J.

NOTE: Applicant states the above is applicable only on traffic having a subsequent movement via Freight Forwarder.

*HEARING:* May 11, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Edith H. Cockrill.

No. MC 123442, filed February 15, 1961. Applicant: SYLVAN ZWIEFELHOFER, 902 Ivy Street, Bloomer, Wis. Applicant's attorney: W. P. Knowles, Doar & Knowles, New Richmond, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing slabs of concrete and wood aggregate* (sold under the trade name of Petrical), from the plant site of Fireproof Products, Inc., at Cornell, Wis., to points in Montana, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Kentucky, Michigan, Ohio, and West Virginia, and *pallets and refused, damaged or rejected shipments*, on return.

*HEARING:* May 16, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Richard H. Roberts.

No. MC 123454, filed February 20, 1961. Applicant: LLOYD LEMMENES, doing business as LLOYD LEMMENES TRUCKING COMPANY, R.F.D. No. 1, Burnett, Wis. Applicant's attorney: John Falk Murphy, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paint and paint products, roof coatings* and *petroleum products* (all of the foregoing being in containers), between Walcott, Iowa, on the one hand, and, on the other, points in Wisconsin; (2) *Grain, feed, seed*, and *fertilizer*, in bulk, and in bags, between points in Wisconsin and Iowa, and (3) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, between points listed in (1) and (2) above.

*HEARING:* May 8, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 181, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 123457, filed February 21, 1961. Applicant: LYLE SWEET, Route No. 1, Houston, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Cheese*, and *empty containers or other such incidental facilities*, used in transporting the above described commodity, between Houston, Minn., and Bangor, Wis.; from Houston over U.S. Highway 16 to junction Wisconsin Highway 162, thence over Wisconsin Highway 162 approximately 2 miles to Bangor, Wis., and return over the same route, serving no intermediate points.

*HEARING:* May 15, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 123459, filed February 23, 1961. Applicant: JAMES B. STUDDARD, doing business as STUDDARD TRANSFER & STORAGE, 780 Seneca Street, Leavenworth, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade Building, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, and *new furniture and fixtures* (uncrated) between Leavenworth, Kans., and points within five (5) miles thereof.

*HEARING:* May 18, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner John L. York.

No. MC 123484, filed February 11, 1961. Applicant: LARRY FONTAINE, doing business as FONTAINE'S MOVING AND STORAGE, 596 Fielden Avenue, Port Colborne, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used household furniture* and *personal effects;* between Ports of Entry on the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in New York, Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, Massachusetts, Michigan, Connecticut, New Jersey, the District of Columbia, Maryland, Kentucky, and Virginia.

*HEARING:* May 12, 1961, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Garland E. Taylor.

### MOTOR CARRIERS OF PASSENGERS

No. MC 107 (Sub No. 3), filed February 16, 1961. Applicant: BORO BUSSES COMPANY, a corporation, 37 Globe Court, Red Bank, N.J. Applicant's attorney: William L. Russell, Jr., 73 Broad Street, Red Bank, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, from points in Lehigh and Northampton Counties, Pa., to points in the United States, including Alaska, but excluding Hawaii.

*HEARING:* May 1, 1961, at the Penn-Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Edith H. Cockrill.

No. MC 3647 (Sub No. 270) (Clarification), filed November 3, 1959, published in FEDERAL REGISTER issue of January 13, 1960. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a New Jersey corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passenges, in special operations, in round-trip sightseeing or pleasure tours, beginning and ending at Morristown, Dover, Boonton, and Summit, N.J., and extending to (1) points in Florida; (2) Lake George, Lake Champlain, N.Y., and points on the International Boundary Line between the United States and Canada in New York and Niagara Falls, N.Y.; (3) Newark and Niagara Falls, N.Y.; (4) Portland, Maine, Crawford, Notch, Old Man of the Mountain and Flume, N.H., and White River Junction, Vt.; (5) Williamsburg and Jamestown, Va.; (6) Gettysburg, Pa.; (7) Hartford, Conn., Boston and Cape Cod, Mass., and Newport, R.I.; (8) Washington, D.C., and Mt. Vernon, Va.; (9) Philadelphia, Pa.; (10) Hershey, Pa.; (11) Shartlesville, Pa.; (12) Kennett Square, Pa.; (13) Valley Forge, Pa.; (14) Crystal Cave, Pa. Applicant is authorized to conduct operations in New Jersey, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.



*HEARING:* May 15, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Edith H. Cockrill.

No. MC 3647 (Sub No. 304), filed March 7, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Secaucus, N.J., and North Bergen, N.J.; (1) from Paterson Plank Road at Union Turnpike (Susquehanna Railroad Crossing), North Bergen, and thence via Paterson Plank Road, U.S. Highway 1 (Tonnelle Avenue), New Jersey Highway 3 (Penhorn Circle), Access Roads leading to the Lincoln Tunnel and New Jersey Highway 3 (Marginal Highway) to Marginal ramp leading to Hudson County Boulevard, North Bergen. Returning from junction Marginal ramp from Hudson County Boulevard and New Jersey Highway 3, via New Jersey Highway 3, North Bergen, New Jersey Highway 3, Paterson Plank Road, Secaucus and Paterson Plank Road to Susquehanna Railroad Crossing, North Bergen. (2) From junction Marginal ramp leading from Hudson County Boulevard and New Jersey Highway 3 via New Jersey Highway 3 (Marginal Highway) and Ramp to U.S. Highway 1 (Tonnelle Avenue), North Bergen and thence via Ramp to U.S. Highway 1, thence via U.S. Highway 1 (Tonnelle Avenue), Union Turnpike, Paterson Plank Road, North Bergen and Paterson Plank Road to New Jersey Highway 3, Secaucus. Returning via New Jersey Highway 3, Secaucus; New Jersey Highway 3, Access Roads leading to the Lincoln Tunnel and New Jersey Highway 3 (Marginal Highway) to Marginal ramp leading to Hudson County Boulevard, North Bergen; serving all intermediate points in connection with (1) and (2) above.

*HEARING:* May 1, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 119.

No. MC 3647 (Sub No. 305), filed March 9, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney; Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Spotswood, N.J., and Monroe, N.J.; from Spotswood over unnumbered highways (Spotswood-Englishtown Road) to New Jersey Highway 522 in Monroe Township, N.J., and return over the same route, serving all intermediate points.

*HEARING:* May 2, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 96318 (Sub No. 2), filed February 14, 1961. Applicant: YELLOW COACH LINES, INC., 99 New West Street, Pittsfield, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, and express and newspapers*, in the same vehicle with passengers, between Pittsfield, Mass., and Chatham, N.Y.; from Pittsfield over U.S. Highway 20 to junction of Massachusetts Highway 41, thence over Massachusetts Highway 41 to junction of Massachusetts Highway 102, thence over Massachusetts Highway 102 to the Massachusetts-New York State line, thence over unnumbered highway to junction of New York Highway 22, thence over New York Highway 22 to junction of New York Highway 295, thence over New York Highway 295 to Chatham, N.Y., and return over the same route, serving all intermediate points.

*HEARING:* April 27, 1961, at the Federal Building, Albany, N.Y., before Examiner Garland E. Taylor.

No. MC 113770 (Sub No. 2), filed March 9, 1961. Applicant: CARLSTROM BUS LINES, INC., 32 East Main Street, Westboro, Mass. Applicant's representative: Arthur A. Wentzell, 539 Hartford Turnpike, Shrewsbury, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special round-trip operations, who, at the time, are traveling for the purpose of participating in Beano and Bingo Games; (1) beginning and ending at Framingham, Mass., and extending to Hudson and Nashua, N.H., and (2) beginning and ending at Worcester, Mass., and extending to Central Falls, R.I.

*HEARING:* April 28, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 190, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 123433, filed February 13, 1961. Applicant: SYRACUSE TRANSIT CORPORATION, 614 South Salina Street, Syracuse, N.Y. Applicant's attorney: William A. Farrell, Onondaga County Savings Bank Building, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round trip charter operations; (1) between points in Onondaga County N.Y., and points located in Pennsylvania, New Jersey, Maryland, Massachusetts, and the District of Columbia; and (2) between points located in Onondaga County, N.Y., and points on the International Boundary Line between the United States and Canada, located on the Boundary Line between the Province of Ontario and Ports of Entry on the St. Lawrence and Niagara Rivers and extending to points in the provinces of Ontario and Quebec.

*HEARING:* May 3, 1961, at the Federal Building, Syracuse, N.Y., before Examiner Garland E. Taylor.

No. MC 123480, filed February 27, 1961. Applicant: SUN PARLOR COACH LINES, a corporation, 44 University Avenue, East Windsor, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round trip charter operations; from points on the United States-Canada International Boundary line between the Provinces of Ontario and Quebec, Canada, on the one hand, and, on the other, Michigan and New York, to points in Michigan, Ohio, Indiana, Illinois, New York, Delaware, Wisconsin, Pennsylvania, Kentucky, Maryland, West Virginia, Virginia, New Jersey, and the District of Columbia, and return. RESTRICTION: The transportation service to be performed by the carrier shall be in foreign commerce only.

*HEARING:* May 2, 1961, at the Interstate Commerce Commission, Room1439, Book Building, 1249 Washington Boulevard, Detroit, Mich., before Examiner Charles J. Murphy.

### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

#### MOTOR CARRIERS OF PROPERTY

No. MC 2633 (Sub No. 47) (AMENDMENT), filed February 7, 1961, published FEDERAL REGISTER issue February 22, 1961. Applicant: WILLIAM F. CROSSETT, INC., P.O. Box 899, 404 Warren National Bank Building, Warren, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Pittsburgh, Pa., to Syracuse and East Syracuse, N.Y.

NOTE: This amendment designates the above-named cities as points of service in lieu of plant sites shown in previous publication.

No. MC 22229 (Sub No. 30), filed March 13, 1961. Applicant: TERMINAL TRANSPORT COMPANY, INC., 180 Harriet Street, SE., Atlanta 15, Ga. Applicant's attorney: Guy M. Postell, 1375 Peachtree Street NE., Suite 693, Atlanta 8, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over alternate routes for operating conveni-

ence only in connection with carrier's authorized operations, (1) between Birmingham, Ala., and Lake City, Fla., serving no intermediate points, for the purpose of joinder only; from Birmingham, over U.S. Highway 31 to Montgomery, thence over U.S. Highway 231 to Dothan, thence over U.S. Highway 84 to Thomasville, thence over U.S. Highway 19 to Monticello, Fla., thence over U.S. Highway 90 to Lake City, and return over the same route; (2) between Birmingham, Ala., and Brooksville, Fla., serving no intermediate points, for the purpose of joinder only; from Birmingham, to Monticello, as in (1) above, thence over U.S. Highway 19 to junction of U.S. Highway 19 and U.S. Highway 98 approximately fifteen (15) miles northwest of Brooksville, thence over U.S. Highway 98 to Brooksville, and return over the same route.

No. MC 52746 (Sub No. 60), filed March 8, 1961. Applicant: KNAUS TRUCK LINES, INC., 2415 Independence Avenue, Kansas City, Mo. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Junction City, Kans., and junction U.S. Highways 24 and 83; from Junction City over Kansas Highway 18 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 83, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's regular route operations between Junction City, Kans., and Colby, Kans.

No. MC 109637 (Sub No. 141), filed March 9, 1961. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from Clermont, Ky., to Detroit, Mich.

No. MC 110525 (Sub No. 441), filed March 7, 1961. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perchlorethylene, trichlorethylene* and *carbon tetrachloride*, in bulk, in tank vehicles; from Barberton, Ohio, to Denver, Colo., and *rejected shipments*, on return.

No. MC 111231 (Sub No. 46), filed March 10, 1961. Applicant: JONES TRUCK LINES, INC., Springdale, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives and livestock), between Morrilton and Plummerville, Ark., and missile sites located at: (1) #9 Missile Site—five miles west of Morrilton on U.S. Highway 64 and one mile north on a new all-weather road now being constructed; (2) #10 Missile Site—six miles east of Morrilton on U.S. Highway 64 to Plummerville, Ark., and two miles north on Arkansas Highway 92 and approximately 500 yards east of Arkansas Highway 92; (3) #11 Missile Site—eleven miles north of Morrilton on Arkansas Highway 95 approximately 500 yards east of Highway; and (4) #12 Missile Site—six miles east of Morrilton on U.S. Highway 64 to Plummerville and twelve miles north of Plummerville on Arkansas Highway 92 approximately 500 yards east of Highway; as off-route points in connection with applicant's regular-route operation between Little Rock and Fort Smith, Ark.

No. MC 116491 (Sub No. 4), filed March 9, 1961. Applicant: FISHERS AND ARNOLD, INC., Pendleton Street, Falmouth, Ky. Applicant's attorney: Robert H. Kinker, P.O. Box 127, Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel* and *stone* in bulk, in dump or self-unloading type vehicles, between points within 75 miles of Burlington, Ky., and including Burlington, Ky.

No. MC 123403, filed January 30, 1961. Applicant: SIMON CALROW, doing business as GAMECOCK ENTERPRISES, Monkton, Md. Applicant's attorney: Francis N. Inglehart, Jr., 204 Courtland Avenue, Towson 4, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Race and show horses, livestock other than ordinary livestock, and other personal effects of attendants, supplies and equipment, including mascots, used in the care and/or exhibition of such animals*, between Baltimore, Md., and points in Baltimore County, Md., on the one hand, and, on the other, points in Maryland, Delaware, Virginia, West Virginia, Pennsylvania, New Jersey, New York, District of Columbia, Ohio, and Kentucky.

NOTE: The application indicates that the points proposed to be served in the above-named states are race tracks, stables, exhibition halls, etc.

No. MC 123490, filed March 8, 1961. Applicant: CHIP CARRIERS, INC., 306 South 24th Street, Omaha 2, Nebr. Applicant's attorneys: Viren, Emmert, Hilmes & Gunderson, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs; beverages or beverage preparations; chips, twists or puffs, flour or meal*, plain or flavored, requiring no further cooking; *kernels, popped corn*, plain, salted or cheese flavored; *peanuts; gumsand candy; potato chips; cereal food preparations*, cooked, flaked or shredded, granulated, popped or puffed; (2) *advertising, display and merchandise material* used for or in connection with all of the above-described items; and (3) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, and *rejected, damaged or unsaleable shipments* of the above-specified commodities, between points in Illinois, Iowa, Kansas, Missouri, Nebraska, and South Dakota, under contract with Midwest Fritos Company of Omaha, Nebr.

NOTE: Applicant states some of the items in (1) above are known by the trade names of Fritos, Corn Chips, Cheetos, Cheese Chips, and Tatoes.

MOTOR CARRIERS OF PASSENGERS

No. MC 123488 (CORRECTION), filed March 6, 1961, published in the FEDERAL REGISTER, issue of March 15, 1961. Applicant: AUTOBUS FOURNIER, LIMITED, 160 St-Sacrement Avenue, Quebec, Province of Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at Ports of Entry on the International Boundary line between the United States and Canada, and extending to points in the United States except Alaska and Hawaii.

NOTE: This republication corrects applicant's trade name to that shown above.

No. MC 123489, filed March 8, 1961. Applicant: LEWIS F. SCHAFFER, doing business as SCHAFFER BUS SERVICE, Route 5, Windsor Mill Road, Baltimore 7, Md. Applicant's attorney: Edwin A. Gehring, 733 Title Building, Baltimore 2, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express*, not exceeding 100 pounds in weight, *mail*, and *newspapers*, in the same vehicle with passengers, between Baltimore, Md., and Littlestown, Pa., as follows: (1) from Baltimore over Maryland Highway 26 to Eldersburg, Md., thence over Maryland Highway 32 to Westminster, Md., thence over U.S. Highway 140 to Littlestown, and return over the same route, serving all intermediate points; (2) from Eldersburg over Maryland Highway 32 to Sykesville, Md., and return over the same route, serving all intermediate points; and (3) from Baltimore over U.S. Highway 140 to Westminster, and return over the same route, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only in connection with Route (1) above.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 7816. Authority sought for purchase by WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark., of the operating rights and property of PELLHAM TRANSPORTATION CO., INC., 1025 Mason, St. Joseph Mo., and for acquisition by WILLIS D. SHAW, Elm Springs, Ark., and JOHN G. WIRSIG, Fayetteville, Ark., of control of such rights and property through the purchase. Applicants' attorney and representative, respectively: J. F. Miller, 500 Board of Trade Building, Kansas City 6, Mo., and John Joyce, 26 North College, Fayetteville, Ark. Operating rights sought to be transferred: *Meat, packinghouse products, canned goods, butter, eggs*, and *dressed poultry*, and *packinghouse supplies*, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, St. Joseph, St. Louis, Trenton, Sedalia, and Kansas City, Mo., and Kansas City and Wichita, Kans., and between Kansas City, Kans., and St. Louis, Mo.; *canned food*, from certain points in Illinois to certain points in Kansas and Missouri; *cheese*, from Dixon, Ill., to certain points in Missouri and Kansas; *fresh meats, packinghouse products, packinghouse supplies, dressed poultry*, and *dairy products*, when moving to, from, or between the plants or other facilities of producers, vendors, or distributors of such commodities, from Chicago, Ill., to Chillicothe, Kansas City, and South St. Joseph, Mo., from Kansas City, Kans., to East St. Louis, Joliet, and Peoria, Ill., from East St. Louis, Ill., Sedalia, Mo., and McPherson, Salina, and Wichita, Kans., to Chicago, Ill., between Chicago, Ill., on the one hand, and, on the other, Kansas City, Kans., and St. Louis, Trenton, and St. Joseph, Mo.; *canned goods*, including *food in glass jars*, when moving to, from, or between the plants or other facilities of producers, vendors, or distributors of prepared or canned foods, from Chicago, Ill., to Chillicothe, Kansas City, and South St. Joseph, Mo., from Kansas City, Kans., to East St. Louis, Joliet, and Peoria, Ill., from East St. Louis, Ill., Sedalia, Mo., and McPherson, Salina, and Wichita, Kans., to Chicago, Ill., and between Chicago, Ill., on the one hand, and, on the other, Kansas City, Kans., and St. Louis, Trenton, and St. Joseph, Mo. Effective March 6, 1961, the operations under the authority heretofore described were found to be those of a *common carrier*, and issuance of a certificate was authorized in No. MC–114928 (Sub 2). Vendor also has separate *common carrier* authority to transport *frozen fruits* and *frozen vegetables*, over irregular routes, from Chicago, Ill., to Kansas City, Kans. Vendee is authorized to operate as a *common carrier* in Arkansas, Washington, Oregon, California, Idaho, Nevada, Arizona, Colorado, New Mexico, Maryland, Missouri, New York, New Jersey, Connecticut, Pennsylvania, and Massachusetts. It has applied for authority under section 7(c) of the Transportation Act to continue transportation of frozen fruits, vegetables and berries in all of the above States except Nevada, plus the States of Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, Oklahoma, Ohio, Tennessee, Texas, Utah, Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7817. Authority sought for purchase by HILL & HILL TRUCK LINE, INC., 13025 Sarah Lane, P.O. Box 9698, Houston 15, Tex., of the operating rights of DALGARNO TRANSPORTATION, INC., 515 South Walnut Street, Casper, Wyo., and for acquisition by H. ORMSTON, 13025 Sarah Lane, Houston, Tex., of control of such rights through the purchase. Applicants' attorneys: Joe G. Fender, 314 Melrose Building, Houston, 2, Tex., and Marion F. Jones, 526 Denham Building, Denver 2, Colo. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, servicing, repair, maintenance, and dismantling of pipelines, including the stringing and picking-up thereof, except in connection with main or trunk pipelines, as a *common carrier* over irregular routes between Casper, Wyo., on the one hand, and, on the other, points in Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. Vendee is authorized to operate as a *common carrier* in New Mexico, Oklahoma, Louisiana, Kansas, Texas, Wyoming, Montana, Colorado, Utah, North Dakota, Nevada, South Dakota, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

NOTE: This proceeding is assigned for hearing with MC–F 7678 (DALGARNO TRANSPORTATION, INC.—PURCHASE (PORTION)—STANTON TRANSPORTATION CO.), before Examiner Paul J. Cierman, on April 25, 1961, at the New Customs House, Denver, Colorado.

No. MC–F 7819. Authority sought for purchase by GRUBB MOTOR LINES, INC., P.O. Drawer 567, Old Salisbury Road, Lexington, N.C., of the operating rights of SILK CITY EXPRESS, INC., (BARRY I. CROLAND, RECEIVER), 8–10 Oak Street, Paterson, N.J., and for acquisition by J. C. GLOSSON and A. H. ALEXANDER, both of Drawer 567, Lexington, N.C., of control of such rights through the purchase. Applicants' attorneys: James E. Wilson and Edward G. Villalon, Wilson, Woods & Villalon, 716 Perpetual Building, Washington 4, D.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods but not excepting commodities in bulk, as a *common carrier* over irregular routes between points in Bergen, Hudson, Passaic, Union, and Essex Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y. Vendee is authorized to operate as a *common carrier* in Virginia, North Carolina, New York, Maryland, New Jersey, Delaware, Pennsylvania, Maine, Vermont, South Carolina, Georgia, Florida, Kentucky, Tennessee, Ohio, New Hampshire, Rhode Island, Massachusetts, Connecticut, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).



No. MC–F 7820. Authority sought for purchase by LEONARD BROS. MOTOR EXPRESS SERVICE, INC., Coulter Avenue, South Greensburg, Pa., of a portion of the operating rights of JAMES V. MECELI, doing business as SARDO'S EXPRESS CO. (PAUL A. LOWENGRUB, RECEIVER), 326 Market Street, Camden, N.J., and for acquisition by MARTHA J. LEONARD, 118 Clopper Street, Greensburg, Pa., of control of such rights through the purchase. Applicants' attorneys: Jerome Solomon, 1325 Grant Building, Pittsburgh, Pa., and Max L. Rosenstein, 60 Park Place, Newark 2, N.J. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between points in Bergen, Burlington, Camden, Essex, Hudson, Hunterdon, Mercer, Middlesex, Morris, Monmouth, Passaic, Somerset, and Union Counties, N.J., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665; between points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., and points in the New York, N.Y., Commercial Zone, on the one hand, and, on the other, Manchester, Conn., and certain points in Connecticut and Pennsylvania. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Connecticut, and Maryland. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7821. Authority sought for purchase by ROGERS CARTAGE CO., 1934 South Wentworth Avenue, Chicago, Ill., of the operating rights and property of OIL CARRIERS CO., 12030 Pleasant Street, Detroit, Mich., and for acquisition by WALTER MULLADY and JOHN B. O'CONNOR, JR., both of 1934 South Wentworth Avenue, Chicago, Ill., of control of such rights and property through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., and Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank vehicles, during the period each year of closed navigation on the Great Lakes, as a *common carrier* over irregular routes from Toledo, Ohio, to Detroit and Trenton, Michigan, and points within three miles of Trenton, Mich.; *chemical, paint and paint materials, synthetic resin, resin compound surface coating, ester-gum, paint oil, varnish, glycerine*, and *liquid glue*, in bulk, in tank vehicles, between Ferndale, Michigan, on the one hand, and, on the other, points in Michigan, Ohio, New York, Pennsylvania, West Virginia, Kentucky, Indiana, Illinois, Missouri, Kansas, Iowa, Wisconsin, Minnesota, New Jersey, Alabama, Tennessee, and Georgia; *vegetable oils, paint thinners*, and *solvents*, in bulk, in tank vehicles, from points in Michigan, Ohio, New York, Pennsylvania, West Virginia, Kentucky, Indiana, Illinois, Missouri, Kansas, Iowa, Wisconsin, Minnesota, New Jersey, Alabama, Tennessee, and Georgia, to Ferndale, Mich.; *chemicals, paint and paint materials, synthetic resin, resin compound*

*surface coating, ester-gum, paint oil, varnish,* and *liquid glue,* in bulk, in tank vehicles, between Ferndale, Mich., on the one hand, and, on the other, the United States-Canada Boundary lines, at Detroit, Mich., with the following RESTRICTIONS: The separate authorities described above shall not be tacked or joined, directly or indirectly, one to another or to the authority held by carrier in Certificate No. MC–112703 Sub 1, issued October 11, 1951, for the purpose of performing any through service; *chemicals, paint and paint materials, synthetic resin, resin compound surface coating, ester-gum, paint oil, varnish glycerine,* and *liquid glue,* in bulk, in tank vehicles, from Ferndale, Mich., to points in Colorado. Vendee is authorized to operate as a *common carrier* in 48 states and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–2487; Filed, Mar. 21, 1961; 8:51 a.m.]

[Notice 156]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 17, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

### MOTOR CARRIERS OF PROPERTY

No. MC 730 (Deviation No. 8), PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, Oakland 4, Calif., filed January 31, 1961. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Portland, Oreg., over Interstate Highway 80N via Boardman and Ontario, Oreg., to Boise, Idaho, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Portland over U.S. Highway 30 to junction U.S. Highway 730, thence over U.S. Highway 730 to junction U.S. Highway 395, thence over U.S. Highway 395 via Pasco, Wash., to junction U.S. Highway 10, thence over U.S. Highway 10 to Spokane, Wash.; from Boise over Idaho Highway 44 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 30N, thence over U.S. Highway 30N to Weiser, Idaho, and thence over U.S. Highway 95 to New Meadows, Idaho; and from Ontario over U.S. Highway 30 to junction U.S. Highway 95 and thence over U.S. Highway 95 to Payette, Idaho; from Salt Lake City over U.S. Highway 89 (also over U.S. Highway 91) to Ogden, Utah, thence over U.S. Highway 30S to junction unnumbered highway (formerly U.S. Highway 30S), thence over unnumbered highway via North Ogden to junction U.S. Highway 30S near North Ogden, thence over U.S. Highway 30S to Burley, Idaho, thence over U.S. Highway 30 to junction Oregon Highway 201 (formerly U.S. Highway 30), thence over Oregon Highway 201 to junction U.S. Highway 30N (formerly U.S. Highway 30), thence over U.S. Highway 30N to junction U.S. Highway 30, thence over U.S. Highway 30 to Pendleton, Oreg., thence via various routes not pertinent hereto to Seattle, Wash.; from Pendleton, Oreg., over U.S. Highway 30 to Stanfield, Oreg., thence over Oregon Highway 32 to junction U.S. Highway 730 (formerly U.S. Highway 30), thence over U.S. Highway 730 to junction U.S. Highway 30, thence over U.S. Highway 30 to Bridge of the Gods, thence via various routes not pertinent hereto to Vancouver, Wash.

No. MC 19778 (Deviation No. 1), THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, 516 West Jackson Boulevard, Chicago 6, Ill., filed March 3, 1961. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Wisconsin Dells, Wis., over Wisconsin Highway 13 to junction Wisconsin Highway 82, thence over Wisconsin Highway 82 to Mauston, Wis., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Milwaukee over U.S. Highway 41 to junction U.S. Highway 16, thence over U.S. Highway 16 to LaCrosse, Wis., and return over the same routes.

No. MC 40858 (Deviation No. 4), THE SILVER FLEET MOTOR EXPRESS, INC., P.O. Box 969, Kingsport, Tenn., filed March 1, 1961. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over Alternate U.S. Highway 31 via Lewisburg to Pulaski, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville over U.S. Highway 31 to Pulaski, and return over the same routes.

No. MC 104004 (Deviation No. 19), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y., filed February 24, 1961. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Carmel Church, Va., over Virginia Highway No. 207 to junction U.S. Highway 301, and thence over U.S. Highway 301 to State Road, Del., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the same points over U.S. Highways 1 and 40.

### MOTOR CARRIERS OF PASSENGERS

No. MC 1940 (Deviation No. 7), TRAILWAYS OF NEW ENGLAND, INC., 400 Trailways Building, 1200 I Street NW., Washington 5, D.C., filed March 1, 1961. Attorneys Roberts & McInnis, Continental Building, 14th and K Streets NW., Washington 5, D.C. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers,* over deviation routes as follows: (A) From Littleton, N.H., over Interstate Highway 93 to Franconia Notch, N.H.; and (B) from Concord, N.H., over Interstate Highway 93 to East Tilton, N.H., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between the same points over U.S. Highway 3.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–2486; Filed, Mar. 21, 1961; 8:51 a.m.]

[Notice 468]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 17, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63898. By order of March 15, 1961, The Transfer Board approved the transfer to Viola S. Ingle, doing business as Ingle Transfer and Storage Company, Asheville, N.C., of Certificate in No. MC 24335, issued April 9, 1959, to Ray F. Ingle, doing business as Ingle Transfer & Storage Company, Asheville, N.C., authorizing the transportation of: Household goods, between Asheville, N.C., on the one hand, and, on the other, points in North Carolina and South Carolina within 100 miles of Asheville; and, General commodities, with the usual exceptions including household goods and commodities in bulk, between points in Buncombe County, N.C. John F. Shuford, 223 Haywood Building, Asheville, N.C., attorney for applicants.

No. MC–FC 63909. By order of March 15, 1961, The Transfer Board approved the transfer to A. Robert Traux, Ettrick, Wis., of Certificate in No. MC 101345, issued September 30, 1949, to Richard Traux, R. Robert Traux and Wayne Traux, a partnership, doing business as Traux Brothers, Ettrick, Wis., authorizing the transportation of: livestock, farm products, and feeds, from and to specified points in Minnesota and Wisconsin. John C. Quinn, Trust Building, Galesville, Wis., attorney for applicants.

No. MC–FC 64050. By order of March 15, 1961, The Transfer Board approved the transfer to Darwin Luce and Blanchard F. Charles, a partnership, doing business as L & C Trucking, Salamanca, N.Y., of Certificate in No. MC 105303, issued April 20, 1945, to Gerald P. Williams, Rushford, N.Y., authorizing the transportation of: Sand, gravel, and crushed stone, from Franklinville, N.Y., and points within 5 miles of Franklinville, and from Allegany, N.Y., and points in New York within 5 miles of Allegany, to points in Pennsylvania within 100 miles of Allegany, N.Y. Robert G. Gawley, 166 Park Forest Drive, Williamsville 21, N.Y., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–2488; Filed, Mar. 21, 1961; 8:52 a.m.]

## FOURTH SECTION APPLICATION FOR RELIEF

MARCH 17, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 36971: *Liquefied petroleum gas from Southdown and Houma, La.* Filed by Southwestern Freight Bureau Agent (No. B–7986), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, from Southdown and Houma, La., to points in Illinois Freight Association and western trunk line territories.

Grounds for relief: Market competition and grouping.

Tariff: Supplement 200 to Southwestern Freight Bureau tariff I.C.C. 4279.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–2485; Filed, Mar. 21, 1961; 8:51 a.m.]





# OFFICE OF CIVIL AND DEFENSE MOBILIZATION

## W. VICTOR WOMACK

### Employment Without Compensation and Statement of Business Interests

Pursuant to section 710(b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment effective February 14, 1961, of W. Victor Womack, President, Womack-Byrne Co., as Consultant (Member, Regional Economic Stabilization Board), in the Office of Civil and Defense Mobilization.

Statement of his business interests appears below.

Dated: February 14, 1961.

LEWIS E. BERRY, *Acting Director.*

### APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

(1) Womack-Byrne Company, Dallas, Tex., Vice President, Director; Womack-Byrne Company of South Texas, Houston, Tex., Vice President, Director; Womack-Byrne Company of West Texas, Lubbock, Tex., President, Director; Patio Foods, Inc., San Antonio, Tex., Director.

(2). Womack-Byrne Company, Dallas, Tex., Womack-Byrne Company of South Texas, Houston, Tex., Womack-Byrne Company of West Texas, Lubbock, Tex., Continental Baking Company, Rye, N.Y., Smokehouse Barbecued Products, Inc., Dallas Tex., Diversified Investment Fund, Elizabeth, N.J., Managed Funds, Incorporated, St. Louis, Mo., Continental Fidelity Life Insurance Company, Dallas, Tex., Texas Continental Life Insurance Company, San Antonio, Tex., Union Bankers Insurance Company, Dallas, Tex., International Fidelity Insurance Company, Dallas, Tex.

Dated: February 13, 1961.

W. VICTOR WOMACK.

[F.R. Doc. 61–2446; Filed, Mar. 21, 1961; 8:45 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

## CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anthracite Overall Mfg. Co., Inc., 430–438 Penn Avenue, Scranton, Pa.; effective 3–10–61 to 3–9–62; ten percent of the total number of factory production workers engaged in the production of men's garments (men's dress and work pants, jackets, dungarees, etc.).

Big Ace Corp., 355 Oneta Street, Athens, Ga.; effective 3–10–61 to 3–9–62 (overalls, dungarees, play clothes and work pants).

Herrin Apparel Co., Inc., 712 East Monroe Street, Herrin, Ill.; effective 3–8–61 to 3–7–62 (women's and misses' dresses).

Holiday Wear, Inc., Ridgeland, S.C.; effective 3–13–61 to 3–12–62 (ladies' cotton maternities).

The H. D. Lee Co., Inc., 117 West 20th Street, Kansas City, Mo.; effective 3–7–61 to 3–6–62 (overalls, work pants and jackets).

Oberman Mfg. Co., Fayetteville, Ark.; effective 3–10–61 to 3–9–62 (men's work shirts, jackets, etc.).

Reliance Mfg. Co., Factory No. 47, Farmington, Mo.; effective 3–15–61 to 3–14–62 (ladies' sportswear).

Reliance Mfg. Co., Freedom Factory, Edwards Street at Tuscan Avenue, Hattiesburg, Miss.; effective 3–13–61 to 3–12–62 (men's and boys' pajamas).

Somerville Mfg. Co., Inc., Somerville, Tenn.; effective 3–10–61 to 3–9–62 (men's cotton and synthetic slacks).

Williamson-Dickie Mfg. Co., Uvalde, Tex.; effective 3–8–61 to 3–7–62 (men's shirts and jackets).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Anthracite Overall Mfg. Co., Inc., 430–438 Penn Avenue, Scranton, Pa.; effective 3–10–61 to 3–9–62; five learners (ladies' pants, shorts, etc.).

Creedmoor Mfg. Co., Inc., Creedmoor, N.C.; effective 3–6–61 to 3–5–62; 10 learners (men's and boys' sport shirts).

Executive Service Co., Pickens, S.C.; effective 3–8–61 to 3–7–62; 10 learners (men's shirts).

Hill Co., Inc., 111 Garrison Avenue, Fort Smith, Ark.; effective 3–10–61 to 3–9–62; 10 learners (men's and boys' shirts and boys' pants).

Sherman Mfg. Co., 1200 Main Street, Darlington, S.C.; effective 3–6–61 to 3–5–62; 10 learners (ladies' house dresses and cotton uniforms).

Troup Industries, corner Fourth and West Eighth Streets, West Point, Ga.; effective 3–13–61 to 3–12–62; 10 learners (ladies' sportswear).

Washco Mfg. Co., Millry, Ala.; effective 3–10–61 to 3–9–62; 10 learners (men's and boys' sport shirts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and

the number of learners authorized are indicated.

Louisiana Garment Co., Louisiana, Mo.; effective 3–13–61 to 9–12–61; 25 learners. Learners may not be engaged at special minimum wage rates in the production of separate skirts (ladies' blouses and shirts).

Somerville Mfg. Co., Inc., Somerville, Tenn.; effective 3–10–61 to 7–9–61; 100 learners (men's cotton and synthetic slacks).

Troup Industries, corner Fourth and West Eighth Streets, West Point, Ga.; effective 3–13–61 to 9–12–61; 20 learners (ladies' sportswear).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Brookville Glove Mfg. Co., 5–15 Western Avenue, Brookville, Pa.; effective 3–10–61 to 3–9–62; 10 learners for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Russell Mfg. Corp., Lebanon, Va.; effective 3–8–61 to 9–7–61; 35 learners for plant expansion purposes (ladies' slips).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 14th day of March 1961.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 61-2457; Filed, Mar. 21, 1961; 8:47 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of the Secretary

## CERTAIN DESIGNATED OFFICIALS

### Delegation of Authority To Certify Copies of Documents

Delegation of Authority to certify copies of documents (24 F.R. 8612) is hereby amended to read as follows:

Pursuant to the provisions of section 623d, Chapter 11 A, Title 5, United States Code, and Reorganization Plan No. 1 of 1953, the following persons in the Department of Health, Education, and Welfare are authorized to certify copies of documents on file in the Department of Health, Education, and Welfare, and to cause the seal of the Department to be affixed:

1. With respect to all documents on file in the Department:
   a. Associate General Counsel;
   b. Chief, Administrative Services Branch, Office of the General Counsel; and
   c. Secretary to the Associate General Counsel.
2. With respect to documents on file in the Food and Drug Administration:
   a. Commissioner of Food and Drugs;
   b. Deputy Commissioner of Food and Drugs; and
   c. Director, Bureau of Enforcement, Food and Drug Administration.
3. With respect to documents on file in the Social Security Administration:
   a. With respect to all documents on file in the Social Security Administration:
      (1) Commissioner of Social Security;
      (2) Deputy Commissioner of Social Security; and
      (3) Administrative Officer, Office of the Commissioner.
   b. With respect to documents on file in the Office of Hearings and Appeals:
      (1) Chairman, Appeals Council.
   c. With respect to documents on file in the Bureau of Old-Age and Survivors Insurance:
      (1) Director;
      (2) Deputy Director;
      (3) Assistant Directors; and
      (4) Deputy Assistant Directors.

Dated: March 14, 1961.

[SEAL] ABRAHAM RIBICOFF,
*Secretary.*

[F.R. Doc. 61-2482; Filed, Mar. 21, 1961; 8:51 a.m.]

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*Now Available*

**CFR SUPPLEMENTS**

**(As of January 1, 1961)**

The following Supplements are now available:

Titles 28–29 $1.75
Title 43 1.00

*Previously announced:* 1960 Supplement to Title 3 ($0.50); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Parts 900–959 ($1.75); Title 8 ($0.40); Title 9 ($0.40); Titles 10–13 ($0.75); Titles 22–23 ($0.50); Title 32, Parts 800–999 ($0.40); Parts 1100 to end ($0.60); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 42 ($0.35); Title 44 ($0.30); Title 45 ($0.40); Title 46, Parts 146–149 ($1.00); Title 47, Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00)

Order from: Superintendent of Documents, Government Printing Office, Washington 25, D.C.



FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# FEDERAL REGISTER

VOLUME 26 NUMBER 55

Washington, Thursday, March 23, 1961



THE UNIVERSITY OF MICHIGAN
MAR 29 1961
MAIN READING ROOM


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**Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.**

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**87th Congress, 1st Session**

Separate prints of Public Laws, published immediately after enactment, with marginal annotations

Subscription Price:

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Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.



**FEDERAL REGISTER**

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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# Rules and Regulations

## Title 7—AGRICULTURE

### Subtitle A—Office of the Secretary of Agriculture

### PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

### Subpart—Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act of 1936, as amended, the regulations governing the selection and functions of Agricultural Stabilization and Conservation County and Community Committees are hereby consolidated and revised, as set forth below. They supersede all previous regulations relating to the selection and functions of county and community committees which have been published in Part 7, Subtitle A, 7 CFR, as amended, and shall be in force and effect until amended or superseded by regulations hereafter made.

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AUTHORITY: §§ 7.1 to 7.41 issued under sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d. Interpret or apply sec. 8, 49 Stat. 1149, as amended; 16 U.S.C. 590h.

NAMES OF COMMITTEES

**§ 7.1 Local or community committee.**

The local committee elected under the provisions of the regulations in this subpart shall be known as the Agricultural Stabilization and Conservation Community Committee, referred to in this subpart as the "community committee."

**§ 7.2 County committee.**

The county committee elected under the provisions of the regulations in this subpart shall be known as the Agricultural Stabilization and Conservation County Committee, referred to in this subpart as the "county committee."

PURPOSE OF COMMITTEES

**§ 7.3 Purpose.**

The purpose of the county committee shall be to direct the administration of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act of 1936, the Agricultural Adjustment Act of 1938, the Sugar Act of 1948, the Soil Bank Act, and any amendments to such acts, and such other acts of Congress as the Secretary of Agriculture or the Congress may designate. This shall be done through community committeemen and other personnel responsible to the county committee, and in accordance with applicable laws, regulations, and official instructions. The county and community committees shall not engage in any other activity.

SELECTION OF COMMITTEES

**§ 7.4 Method.**

County and community committees shall be elected by eligible voters in accordance with the provisions of the regulations in this subpart.

**§ 7.5 Who may vote for committeemen and delegates.**

Any person who is of legal voting age and who has an interest in a farm as owner, tenant, or sharecropper and any person not of legal voting age who is in charge of the supervision and conduct of the farming operations on an entire farm shall be eligible to vote for committeemen and delegates in the community in which he has such an interest if:

(a) A payment or grant of conservation materials or services is or will be made with respect to the farm under the current agricultural conservation program or there is being carried out on the farm one or more of the current program practices approved for the State by the State Agricultural Stabilization and Conservation Committee, referred to in this subpart as the "State committee";

(b) A marketing quota or acreage allotment is currently established for the farm;

(c) Such person is eligible for a cooperator's loan or other price support;

(d) Such person is eligible for a payment under the Sugar Act Program;

(e) Such person is eligible for a payment under the National Wool Act Program;

(f) Such person is eligible for a payment under the Soil Bank Act; or

(g) Such person is eligible to participate in any other program administered by the county committee.

In any State having a community property law, the spouse of a person who is eligible to vote under the foregoing provisions shall also be eligible to vote.

**§ 7.6 Restrictions on voting.**

Each eligible voter shall be entitled to only one vote on any one ballot in any election held in any one community or in the county convention. If the eligible voter has an interest in a farm in more than one community in the county, such voter shall not be entitled to vote in more than one such community in the county. There shall be no voting by proxy.

**§ 7.7 Determination of elective areas.**

Each county shall be divided into local administrative areas, referred to in this subpart as "communities." The term "county" in Alaska shall be the area so designated by the State committee. The boundaries of the communities shall be fixed by the State committee after considering any recommendations by the county committee. No such community shall include more than one county or parts of different counties.

**§ 7.8 Calling of elections.**

Each election of county or community committeemen shall be held on a date or within a period of time fixed by the State committee which will afford full opportunity for participation therein by all persons eligible to vote: *Pro-*

*vided*, That such date or period of time shall fall between July 1 and December 30 each year. Each such election shall be held in accordance with detailed instructions issued by the Deputy Administrator, Production Adjustment, Commodity Stabilization Service (called "Deputy Administrator" in this subpart). If the number of eligible voters voting in any election of community committeemen is so small that the State committee determines that the result of the election does not represent the views of a substantial number of eligible voters, it shall declare the election void and call a new election. If it is determined by the State committee that the election for any position on a community or county committee has not been held substantially in accordance with instructions, the State committee shall declare such election void and call a new election.

**§ 7.9 Conduct of community elections.**

The county committee serving at the time shall be responsible for the conduct of the community elections for the election of community committees and delegates to the county convention in accordance with instructions issued by the Deputy Administrator.

**§ 7.10 Conduct of county convention.**

The county committee serving at the time shall be responsible for designating the place at which the county convention for the election of the county committee will be held and for the conduct of the convention in accordance with instructions issued by the Deputy Administrator.

**§ 7.11 Election of community committee and delegate to the county convention.**

(a) The eligible voters in a community shall elect annually a community committee composed of three members and shall also elect first and second alternates to serve as acting members of the community committee in the order elected in case of the temporary absence of a member, or to become a member of the community committee in the order elected in case of the resignation, disqualification, removal, or death of a member. An acting member of the community committee shall have the same duties and the same authority as a member. Election shall be by secret ballot and by plurality vote, with each eligible voter having the option of writing in the names of candidates of his own choice. Except where there is only one community in the county, election as chairman and vice chairman of the community committee shall constitute, respectively, election as delegate and alternate delegate to the county convention: *Provided, however*, That a person may not serve as delegate if he has been a member of the county committee for that county during the 90 days preceding the community election. Failure to elect the prescribed number of alternates at the regular election shall not invalidate such election or require a special election to elect additional alternates.

(b) In any county where there is only one community, the community committee shall be the county committee.

(c) The community committee shall select a secretary who shall be either the county agricultural extension agent for the county or an employee of the county committee.

**§ 7.12 Election of the county committee.**

(a) The delegates elected pursuant to § 7.11 shall meet in a convention held before the close of the same calendar year in which they were elected to elect the county committee for the county. A majority of the delegates so elected and qualified to vote at the time of the convention shall constitute a quorum. A county committee of three members shall be elected, with one elected as chairman, one elected as vice chairman, and one elected as regular member. At the same convention the delegates shall also elect first and second alternates to the county committee to serve as acting members of the county committee in the order elected in the case of the temporary absence of a member, or to become a member of the county committee in the order elected in the case of the resignation, disqualification, removal, or death of any member of the county committee. An acting member of the county committee shall have the same duties and authority as a member.

(b) The county committee shall select a secretary who shall be either the county office manager, or other employee of the county committee, or the county agricultural extension agent for the county. If the county agricultural extension agent is not selected secretary to the county committee, he shall be ex officio a member of the county committee but shall not have the power to vote.

**§ 7.13 Tie votes.**

Tie votes in community committee elections may, at the discretion of the community election board and with the consent of the contestants, be settled by lot. In the county convention, tie votes shall be broken by further balloting.

**§ 7.14 Vacancies.**

(a) In case of a vacancy in the office of chairman of a county or community committee, the respective vice chairman shall become chairman; in case of a vacancy in the office of vice chairman, the respective third regular member shall become vice chairman; in case of a vacancy in the office of the third regular member, the respective first alternate shall become the third regular member; and in case of a vacancy in the office of the first alternate, the respective second alternate shall become the first alternate: *Provided*, That when unanimously recommended by the three members of the county committee as constituted under this paragraph or as constituted under this paragraph and paragraph (c) of this section, and approved by the State committee, the offices of chairman and vice chairman of the county committee may be filled from such membership without regard to the order of succession prescribed in this paragraph or the action of the delegates to the county convention.

(b) In case of a vacancy in the panel of delegates to the county convention, the respective alternates shall act as delegates.

(c) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the county committee and no alternate is available to fill the vacancy, the State committee shall call a meeting of the delegates to the county convention to elect persons to fill such vacancies as exist in the membership of the county committee and in the panel of alternates, except as provided in § 7.28.

(d) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the community committee and no alternate is available to fill the vacancy, a special election shall be held to fill such vacancies as exist in the membership and in the panel of alternates.

(e) In the event that a vacancy occurs in the panel of delegates to the county convention and the respective alternate is not available to fill the vacancy and a county convention has been called, a special election shall be held to fill such vacancies as exist in the panel of delegates and alternates.

### Eligibility Requirements

**§ 7.15 County committeemen, community committeemen, and delegates.**

To be eligible to hold office as a county committeeman, a community committeeman, a delegate, or an alternate to any such office, a person must:

(a) Be eligible to vote in the county in which the election is held if a candidate for county committeeman, and in the community in which the election is held if a candidate for community committeeman or delegate to the county convention;

(b) Be residing in the county in which the election is held if a candidate for county committeeman, and residing in the community in which the election is held if a candidate for community committeeman or delegate to the county convention: *Provided, however*, That in cases where a county or community boundary runs through a farm, eligible persons residing on such farm may hold office in the county or community in which the farm has been determined to be located for program participation purposes;

(c) Not be ineligible under § 7.27;

(d) Not have been removed for cause from any public office, or not have been convicted of any fraud, larcency, embezzlement, or felony, unless any such disqualification is waived by the State committee or the Deputy Administrator;

(e) Not have been removed as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee for failure to perform the duties of his office, or committing, or attempting, or conspiring to commit, fraud in the conduct of his office or employment, or incompetency, or seriously impeding the effectiveness of any program administered in the county, unless such disqualification is waived by the State committee or the Deputy Administrator;

(f) Not have been disqualified for future service because of a determination by a State committee that during previous service as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee, he committed, or attempted, or conspired to commit, fraud in the conduct of his office or employment, unless such disqualification is waived by the State committee or the Deputy Administrator;

(g) Not be during his term of office a full-time employee of the U.S. Department of Agriculture;

(h) If the office is that of county committeeman, not be during his term of office a sales agent or employee of the Federal Crop Insurance Corporation;

(i) If the office is that of delegate to the county convention, not have been a county committeeman for that county during the 90 days preceding the community election; and

(j) The tenure of office of any county committeeman, community committeeman, delegate, or alternate to any such office, shall be terminated as soon as any such person becomes ineligible for office under the provisions of this section.

**§ 7.16 All other personnel.**

(a) The county office manager or any other employee must not be ineligible under § 7.27.

(b) The county office manager and other employees must not have been removed for cause from any public office, or not have been convicted of any fraud, larceny, embezzlement, or felony, unless any such disqualification is waived by the State committee or the Deputy Administrator.

(c) The county office manager or any other employee must not have been removed as a county committeeman, community committeeman, delegate, alternate to any such office, county office manager, or other employee for failure to perform the duties of his office, or committing, or attempting, or conspiring to commit, fraud in the conduct of his office or employment, or incompetency, or seriously impeding the effectiveness of any program administered in the county, unless such disqualification is waived by the State committee or the Deputy Administrator.

(d) The county office manager and other employees must not have been disqualified for future employment, because of a determination by a State committee that during previous service as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee, he committed, or attempted, or conspired to commit, fraud in the conduct of his office or employment, unless such disqualification is waived by the State committee or the Deputy Administrator.

(e) The tenure of employment of any county office manager or other employee shall be terminated as soon as any such person becomes ineligible for employment under the provisions of this section.



**§ 7.17 Dual office.**

(a) *County committee membership.* A member of the county committee may not be at the same time:

(1) A member of a community committee;

(2) A delegate to a county convention;

(3) The secretary to or the treasurer of a county committee;

(4) A member of the State committee; or

(5) County office manager or any other county office employee.

(b) *Community committee membership.* A member of the community committee may not be at the same time:

(1) A member of a county committee;

(2) The secretary to or the treasurer of a county committee;

(3) A member of the State committee; or

(4) County office manager.

(c) *Delegate to the county convention.* A delegate to the county convention may not be a member of the State committee.

### Terms of Office

**§ 7.18 County and community committeemen.**

The terms of office of county and community committeemen and alternates to such offices shall begin on the first day of the month next after their election. A term of office shall continue for 12 months or until a successor has been elected and qualified.

**§ 7.19 Delegates to the county convention.**

The terms of office of delegates and alternates to the county convention shall begin immediately upon their election and shall continue for 12 months or until their respective successors have been elected and qualified.

### Duties

**§ 7.20 County committee.**

The county committee, subject to the general direction and supervision of the State committee, and acting through community committeemen and other personnel, shall be generally responsible for carrying out in the county the agricultural conservation program, the price support programs as assigned, the acreage allotment and marketing quota programs, the wool incentive payment program, the programs under the Soil Bank Act, and except in the State of Hawaii the sugar program formulated pursuant to the acts of Congress specified in § 7.3 and any other program assigned to it by the Secretary of Agriculture or the Congress. In so doing the committee shall:

(a) Enter into leasing agreements for such office space as needed in accordance with prescribed procedures;

(b) Employ the county office manager subject to standards and qualifications furnished by the State committee to serve at the pleasure of the county committee, except that incumbent managers shall not be removed other than under the provisions of § 7.29, until all members of the county committee have been in office for at least 60 days;

(c) Fix the rate of compensation for all personnel in accordance with schedules or instructions approved by the Deputy Administrator;

(d) Direct the activities of the community committees elected in the county;

(e) Pursuant to official instructions, review, approve, and certify forms, reports, and documents requiring such action under such instructions;

(f) Recommend to the State committee needed changes in boundaries of communities;

(g) Make available to farmers and the public information concerning the objectives and operations of the programs administered through the county committee;

(h) Make available to agencies of the Federal Government and others information with respect to the county committee activities in accordance with instructions issued by the Deputy Administrator;

(i) Give public notice of the designation and boundaries of each community within the county not less than 30 days prior to the election of community committeemen and delegates;

(j) Direct the giving of notices in accordance with applicable regulations and instructions;

(k) Recommend to the State committee desirable changes in or additions to existing programs;

(l) Conduct such hearings and investigations as the State committee may request; and

(m) Perform such other duties as may be prescribed by the State committee.

**§ 7.21 Chairman of the county committee.**

The chairman of the county committee or the person acting in his stead shall preside at meetings of the county committee, certify such documents as may require his certification, and perform such other duties as may be prescribed by the State committee.

**§ 7.22 Community committee.**

The community committee shall:

(a) Assist the county committee in carrying out programs assigned to it;

(b) Inform farmers concerning the purposes and provisions of programs being administered in the county by the county committee;

(c) Assist in arranging for and conducting necessary community meetings; and

(d) Perform such other duties as may be assigned to it by the county committee.

**§ 7.23 Chairman of the community committee.**

The chairman of the community committee or the person acting in his stead shall preside at meetings of the community committee, and perform such other duties as may be assigned to him by the county committee.

**§ 7.24 Delegate to the county convention.**

The delegate shall meet with other delegates in a county convention within a

period of time fixed by the State committee and at the place designated by the county committee and elect county committeemen for the county.

**§ 7.25 County office manager.**

The county office manager shall:

(a) Execute the policies established by the county committee and be responsible for the day-to-day operations of the county office;

(b) Employ the personnel of the county office in accordance with standards and qualifications furnished by the State committee to serve at his pleasure;

(c) Receive, dispose of, and account for all funds, negotiable instruments, or property coming into the custody of the county committee;

(d) Serve as counsellor to the county convention chairman on election procedures; and

(e) Supervise, under the direction of the county committee, the activities of the community committees elected in the county.

PRIVATE BUSINESS ACTIVITY

**§ 7.26 All personnel.**

No county committeeman, community committeeman, delegate, alternate to any such office, or any person employed in the county office shall at any time use such office or employment to promote any private business interest.

POLITICAL ACTIVITY

**§ 7.27 All personnel.**

(a) No person who has been a member of the county governing body; or has held a Federal, State, or county office filled by an election held pursuant to law shall be eligible for one year following the last day he held any such office to hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or to employment in any capacity, except, that members of school boards, soil conservation district boards, irrigation district boards, drainage district boards, weed control district boards, or of similar boards are not ineligible to hold office or employment under this paragraph solely because of membership on such boards.

(b) No person who has been a candidate for membership on the county governing body; or for any Federal, State, or county office filled by an election held pursuant to law shall be eligible for one year following the last day of such candidacy to hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or to employment in any capacity, except, that candidates for school boards, soil conservation district boards, irrigation district boards, drainage district boards, weed control district boards, or for similar boards are not ineligible to hold office or employment under this paragraph solely because of candidacy for such boards.

(c) No person who has been an officer, employee, or delegate to a convention of any political party or political organization shall be eligible for one year following the last day of such service to hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or to employment in any capacity.

(d) The tenure of office of any county committeeman, community committeeman, delegate, alternate to any such office, or the employment of any employee, shall be automatically terminated as soon as any such person becomes ineligible for office or employment under the provisions of paragraph (a), (b), or (c) of this section.

(e) No county committeeman, community committeeman, delegate, or alternate to any such office, or any employee shall at any time engage in the following political activities:

(1) Solicit or receive any contributions (including the sale of tickets) for political party organizations or for a candidate for political office or for any other political purpose in any room or building used for the transaction of any Federal official business, or at any place from any other county committeeman, community committeeman, delegate, or alternate to any such office or employee.

(2) Use official authority or influence to discharge, remove, demote, or promote any employee, or threaten or promise to so do, for withholding or giving contributions (including the buying or the refusal to buy tickets) for political purposes, or for supporting or opposing any candidate or any political organization in any primary, general, or special election for political office.

(f) No county committeeman, or alternate to such office, or any employee on any day when entitled to pay for services in performance of duties, and no employee who serves during a continuous period of 90 days or more and has a regular tour of duty established in advance at any time, shall solicit, collect, receive, disburse or otherwise handle contributions of money, pledges, gifts, or anything of value (including the sale of tickets) made for:

(1) Political party organizations,

(2) A candidate for political office in any primary, general, or special election, but excluding such activities on behalf of individual candidates in township and municipal elections,

(3) Any other political purpose.

(g) Any person subject to the provisions of paragraph (e) or (f) of this section and who is suspended and removed for activities prohibited thereunder shall be ineligible to hold any office or employment for a period of one year from the date of suspension.

REMOVAL FROM OFFICE OR EMPLOYMENT

**§ 7.28 County and community committeemen, and delegates to county convention.**

(a) Any county committeeman, community committeeman, delegate to the county convention, or any alternate to any such office, who fails to perform the duties of his office, or who commits, or attempts, or conspires to commit, fraud in the conduct of his office, or is incompetent, or who seriously impedes the effectiveness of any program administered in the county, or who violates the provisions of § 7.27 (e) or (f), shall be suspended by the State committee. The State committee shall give a written statement of the reasons for such action. The suspended person shall have 15 days from the date of mailing in which to advise the State committee in writing, in person, or both, why he should be restored to duty. The State committee following such further investigation and review as it deems necessary or as required by applicable instructions, shall either restore to duty or remove the suspended person if such action is determined to be necessary by a majority of the State committee. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days within which to advise why he should be restored to duty.

(b) If in the event of suspensions or vacancies there are less than two members, including alternates, available to serve on the county committee, the State committee shall designate a person to administer the programs in the county pending the exoneration or removal of those under investigation, and if removed, pending the election of new county committee members and alternates. Such person may be the remaining member or alternate member of the committee if available. Any person named by the State committee in such capacity shall, notwithstanding the provisions of § 7.38, have full authority to perform all duties regularly performed by a duly elected county committee.

(c) Any former county committeeman, community committeeman, delegate, or any alternate to any such office, who during such term of office committed, or attempted, or conspired to commit, fraud in the conduct of his office shall be disqualified from future service or employment by the State committee. Before any such disqualification determination is made, the State committee shall undertake such investigation and review as it deems necessary or as required by applicable instructions after which the State committee shall give the affected person a written statement of reasons for the proposed disqualification action. Such person shall have 15 days from the date of mailing to advise in writing, in person, or both, why the action should not be taken. If any further investigation develops substantial additional reasons for disqualification, the person involved shall be given a written statement of such reasons and 15 days in which to respond. The State committee may disqualify a person for future service or employment only upon determination by a majority vote of the State committee.

**§ 7.29 County office personnel.**

(a) Any county office manager who fails to perform the duties of his employment, or who commits, or attempts, or conspires to commit, fraud in the conduct of his employment, or is incompetent, or who seriously impedes the effectiveness of any program administered in the county, or who violates the provisions of §7.27 (e) or (f), shall be suspended by the county committee or if the county committee fails to act promptly in any such case, the State committee shall suspend the person involved. The person suspended shall be given a written statement of the reasons for such action and shall have 15 days from the date of mailing in which to advise in writing, in person, or both, why he should be restored to duty. The State committee or county committee which made the suspension, following such further investigation and review as it deems necessary or as required by applicable instructions, shall either restore to duty or remove the suspended person if such action is determined to be necessary by a majority of the committee. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days within which to advise why he should be restored to duty.

(b) Any employee, other than the county office manager, who fails to perform the duties of his employment, or who commits, or attempts, or conspires to commit, fraud in the conduct of his employment, or is incompetent, or who seriously impedes the effectiveness of any program administered in the county, or who violates the provisions of § 7.27 (e) or (f), shall be suspended by the county office manager or if the county office manager fails to act promptly in any such case, the county committee shall suspend the person involved. If the county committee fails to act promptly in any such case, the State committee shall suspend the person involved. The person suspended shall be given a written statement of the reasons for such action and shall have 15 days from the date of mailing in which to advise in writing, in person, or both, why he should be restored to duty. The county office manager or the State or county committee which made the suspension, following such further investigation and review as is deemed necessary or as required by applicable instructions, shall either restore to duty or remove the suspended person if such action is determined to be necessary. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days within which to advise why he should be restored to duty. Such actions by a county or State committee shall be by majority vote.

(c) Any former county office manager or other employee who during his term of employment committed, or attempted, or conspired to commit, fraud in the conduct of his employment shall be disqualified from future service or employment by the State committee. Before any such disqualification determination is made, the State committee shall undertake such investigation and review as it deems necessary or as required by applicable instructions, after which the State committee shall give the affected person a written statement of reasons for the proposed disqualification action. Such person shall have 15 days from the date of mailing to advise in writing, in person, or both, why the action should not be taken. If any further investigation develops substantial additional reasons for disqualification, the person involved shall be given a written statement of such reasons and 15 days in which to respond. The State committee may disqualify a person for future service or employment only upon determination by a majority vote of the State committee.

**§ 7.30 Right of appeal.**

Any person removed from office or employment or disqualified for future office or employment under the provisions of § 7.27 (e) and (f), § 7.28, or § 7.29 shall have the right of appeal to the State committee for review of the facts, and if dissatisfied with the decision of the State committee, to the Deputy Administrator in accordance with such procedure as he may prescribe. Notice of such appeals must be filed within 90 days of the date the notice of removal, disqualification, or decision is mailed to any such person.

LEAVE

**§ 7.31 Leave.**

All employees of a county office who have a regular tour of duty established in advance, except temporary employees, shall be granted annual and sick leave with pay. A temporary employee, for the purposes of this section, is defined as one who serves during a continuous period of less than 90 days, on either a full-time or a part-time basis. Leave with pay shall not be granted to members of county or community committees.

(a) *Annual leave.* Leave of absence with pay shall be earned at the rate of one and one-half days for each 20 days of service rendered. An employee shall be credited at the beginning of a leave year with any unused leave which he may have earned during, or carried over into, the preceding leave year: *Provided,* That in no case shall the amount of leave so credited exceed 30 days. The amount of leave so credited may be used by the employee in addition to the leave earned by him during the leave year.

(b) *Sick leave.* Leave of absence with pay because of illness shall be earned at the rate of one day for each 20 days of service rendered. Leave of absence with pay because of illness may at the discretion of the county office manager be granted prior to its having been earned in an amount not to exceed 12 days during any one leave year. Any leave which has been advanced shall be deducted from sick leave which may be earned at a later date. An employee shall be credited at the beginning of a leave year with any unused sick leave which he may have earned during, or carried over into, the preceding leave year.

OFFICES

**§ 7.32 Location.**

The office of the county committee shall be located in a place selected by the county committee subject to the approval of the State committee. In selecting the location of the county office, consideration shall be given to convenience to farmers, accessibility to other Federal, State, and county agricultural agencies, adequacy of space, and economy of operations. The State committee may authorize the combination of county offices with the approval of the county committees concerned, or if only a few farmers are involved and it is uneconomical to maintain separate county offices, the State committee may order the combination of such offices with the prior approval of the Deputy Administrator.

**§ 7.33 Use of county office.**

The space, clerical, mailing or any other facility of the county office shall not be used in any way to support, assist, or oppose any political candidate or political party or for any private business interests or for any other purposes not authorized in § 7.3, except that such space and facilities may be used, on a reimbursable basis, by the county crop insurance agent designated by the Federal Crop Insurance Corporation in the performance of his duties as such agent.

CUSTODY AND USE OF BOOKS, RECORDS, AND DOCUMENTS

**§ 7.34 Custody.**

All books, records, and documents used by the county committee in the administration of programs assigned to it by the Secretary of Agriculture or the Congress shall be the property of the Department of Agriculture and shall be maintained in good order in the county office.

**§ 7.35 Use.**

The books, records, and documents referred to in this subpart shall be available for use:

(a) At all times to authorized representatives of the Secretary of Agriculture, State committeemen and their employees, county committeemen, community committeemen and employees of the county office in the performance of duties assigned to them under the regulations in this subpart;

(b) At any reasonable time to any program participant insofar as his interests under the programs administered by the county committee may be affected; and

(c) To any other person only in accordance with instructions issued by the Deputy Administrator.

MEETINGS

**§ 7.36 When.**

Meetings of the county or community committee shall be called only when necessary to the successful administration of the programs.

**§ 7.37 Call and notice.**

Meetings of the county committee or of any community committee may be called by the chairman or acting chairman of the county committee, the county office manager, or the State committee. Meetings of the community committee may also be called by the chairman of the community committee. Each committee member shall be properly notified of any meeting of his committee.

**§ 7.38 Quorum.**

The presence of at least two members or acting members of any committee shall be required to constitute a quorum for the transaction of business of such committee.

**§ 7.39 Records.**

Minutes of all meetings of the county committee and of participating farmers shall be kept and retained for 5 years by the county committee.

IMPLEMENTING INSTRUCTIONS

**§ 7.40 Implementation.**

The Deputy Administrator is authorized to issue instructions implementing these regulations.

SCOPE

**§ 7.41 Applicability.**

The regulations in this subpart shall apply to the States of the Union.

These regulations shall be effective on the date of their publication in the FEDERAL REGISTER.

Signed in Washington, D.C., on March 20, 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-2577; Filed, Mar. 22, 1961; 8:51 a.m.]

## Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 21]

## PART 728—WHEAT

### Subpart—Wheat Marketing Quota Regulations for 1958 and Subsequent Crop Years

WHEAT-MIXTURE PROVISION

*Basis and purpose.* The purpose of the amendment herein is to reinstitute for 1961 and subsequent crops of wheat the provisions which were in effect for the 1959 crop of wheat relative to the acreage of wheat mixtures in wheat-mixture counties as defined and designated in § 728.851 (y) and (z).

Since these amendments apply to the 1961 crop of wheat, it is important that producers be informed of them as soon as possible.

Accordingly, it is hereby found that compliance with the notice, procedure and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary and contrary to the public interest, and this amendment shall become effective upon publication in the FEDERAL REGISTER.

1. Section 728.851(v) (Definition of wheat acreage) is amended by deleting subparagraph (1) and inserting in lieu thereof the following: "(1) any acreage of a wheat mixture in wheat-mixture counties;"

2. Section 728.851(y) (Definition of wheat mixture) is amended by deleting the last sentence and inserting in lieu thereof, the following: "This definition is applicable to 1959 and prior crops and 1961 and subsequent crops only."

3. Section 728.851(z) (Wheat mixture counties) is amended by deleting the last sentence and inserting in lieu thereof, the following: "This definition is applicable to 1959 and prior crops and 1961 and subsequent crops only and with respect to the 1960 crop there will be no wheat-mixture counties."

(Sec. 375, 52 Stat. 66, as amended: 7 U.S.C. 1375. Interpret or apply secs. 301, 335, 373, 52 Stat. 38, as amended, 54, as amended, 65, as amended, 55 Stat. 203, as amended, secs. 106, 112, 125, 70 Stat. 191, 195, 198; 7 U.S.C. 1301, 1335, 1340, 1373, 1813, 1824, 1836)

Issued at Washington, D.C., this 16th day of March 1961.

H. D. GODFREY,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61-2588; Filed, Mar. 22, 1961; 8:51 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[1033.301, Amdt. 1]

## PART 1033—ONIONS GROWN IN SOUTH TEXAS

### Limitation of Shipments

*Findings.* (a) Pursuant to Marketing Agreement No. 143 and Order No. 133 (7 CFR Part 1033) regulating the handling of onions grown in designated counties of South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of recommendations and information submitted by the South Texas Onion Committee, established pursuant to said marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of onions, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, and (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

*Order, as amended.* In § 1033.301 (26 F.R. 2169) delete paragraph (c) and substitute in lieu thereof a new paragraph (c) as set forth below.

**§ 1033.301 Limitation of shipments.**

* * * * *

(c) *Container requirements.* Onions may be handled only if packed in one of the following containers:

(1) 25 pound bags, with not to exceed in any lot an average net weight of 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches.

(2) 50 pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

*Effective date.* Dated March 20, 1961, to become effective March 20, 1961.

FLOYD F. HEDLUND,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 61-2574; Filed, Mar. 22, 1961; 8:51 a.m.]

# Title 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. R]

## PART 218—RELATIONS WITH DEALERS IN SECURITIES UNDER SECTION 32, BANKING ACT OF 1933

**§ 218.105 Serving as director of member bank and corporation selling own stock.**

(a) The Board recently considered the question whether section 32 of the Banking Act of 1933 (12 U.S.C. sec. 78) would be applicable to the service of a director of a corporation which planned to acquire or organize, as proceeds from the sale of stock became available, subsidiaries to operate in a wide variety of fields including manufacturing, foreign trade, leasing of heavy equipment, and real estate development. The corporation had a paid-in capital of about $60,000 and planned to sell additional shares at a price totaling $10 million, with the proviso that if less than $3 million worth were sold by March 1962, the funds subscribed would be refunded. It thus appeared to be contemplated that the sale of stock would take at least a year, and there appeared to be no reason for believing that, if the venture proved successful, additional shares would not be offered so that the corporation could continue to expand.



(b) The Board concluded that section 32 would be applicable, stating that although § 218.102, as clarified by § 218.104, related to closed-end investment companies, the rationale of that interpretation is applicable to corporations generally.

(Sec. 11(1), 38 Stat. 262; 12 U.S.C. 248(1). Interpret or apply sec. 32, 48 Stat. 194, as amended; 12 U.S.C. 78)

Dated at Washington, D.C., this 13th day of March 1961.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 61-2540; Filed, Mar. 22, 1961; 8:46 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

*Correction*

1. In F.R. Doc. 61-2328, appearing at page 2311 of the issue for Saturday, March 18, 1961, the amendatory text of item 2d should read: "Paragraph (f)(8) of § 121.87 is amended by adding the following items:".

2. In F.R. Doc. 61-2329, appearing at page 2312 of the issue for Saturday, March 18, 1961, in the list of synthetic flavoring substances and adjuncts included in the amendment to § 121.86, the item "21Phenylpropyl tetahydrofuran" should read "2-Phenylpropyl tetrahydrofuran".

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 691; Amdt. 270]

## PART 507—AIRWORTHINESS DIRECTIVES

### Douglas DC-8 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on March 8, 1961, and made effective immediately because of the safety emergency involved, as to all known United States operators of Douglas DC-8 Series aircraft. There were several reported cases of loosened rudder boost piston end assembly locknut.

For this reason it was found that immediate corrective action was required in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest and that good cause existed for making this airworthiness directive effective immediately as to all known U.S. operators of Douglas DC-8 Series aircraft by individual telegrams dated March 8, 1961. It is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

DOUGLAS. Applies to all DC-8 Series aircraft.

Compliance required within the next 20 hours' time in service, unless already accomplished in accordance with Douglas Alert Bulletin dated February 24, 1961.

As a result of reported instances of loosened rudder boost piston end assembly locknut, the following must be accomplished.

Refer to DC-8 Overhaul Manual, Chapter 27-19-2, page 16. Visually inspect for loose locknut P/N NAS 509-16 and proper installation and safetying to locknut of lockwasher P/N NAS 513-16. Insure that lockwasher is not installed backwards and that tang on lockwasher is engaged in notch in piston end and that piston has not rotated out of its proper position. If any discrepancies are found, they must be corrected in accordance with the DC-8 Overhaul Manual and Douglas Alert Bulletin dated February 24, 1961, prior to further flight.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated March 8, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 16, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-2532; Filed, Mar. 22, 1961; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-26]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

### Modification

The purpose of this amendment to § 600.6026 of the regulations of the Administrator is to modify the south alternate to VOR Federal airway No. 26 between Wausau, Wis., and Green Bay, Wis.

The eastern segment of Victor 26 south alternate between Wausau and Green Bay is aligned via the 271° True radial of the Green Bay VORTAC. VOR Federal airway No. 55 between Stevens Point, Wis., and Green Bay is designated via the Green Bay VORTAC 269° True radial.

Improved methods of air traffic management can be accomplished by realigning the east segment of Victor 26 south alternate between Wausau and Green Bay to coincide with Victor 55. Therefore, Victor 26 south alternate is being redesignated via the Wausau VOR 121° True and the Green Bay VORTAC 269° True radials. The control areas associated with Victor 26 south alternate are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Since the change effected by this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 600.6026 (25 F.R. 5481, 11147) "Green Bay, Wis., VOR including a south alternate;" is deleted and "Green Bay, Wis., VORTAC, including a south alternate via the INT of the Wausau VOR 121° and the Green Bay VORTAC 269° radials;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., June 1, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 16, 1961.

D. D. THOMAS,
*Director, Bureau of*
*Air Traffic Management.*

[F.R. Doc. 61-2536; Filed, Mar. 22, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-141]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Federal Airway and Associated Control Areas

On December 22, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 13244) stating that the Federal Aviation Agency proposed to designate a west alternate and associated control areas to VOR Federal airway No. 31, between Selinsgrove, Pa., and Elmira, N.Y.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6031 (14 CFR 600.6031, 25 F.R. 7147, 12286) "Selinsgrove, Pa., VOR; Williamsport, Pa., VOR; Elmira, N.Y., VOR;" is deleted and "Selinsgrove, Pa., VORTAC; Williamsport, Pa., VORTAC; Elmira, N.Y., VOR, including a W alternate from the Selinsgrove VORTAC to the Elmira VOR via the INT of the Selinsgrove VORTAC 342° and the Elmira VOR 187° radials;" is substituted therefor.

2. In the text of § 601.6031 (14 CFR 601.6031) "All of VOR Federal airway No. 31." is deleted and "All of VOR Federal airway No. 31, including a W alternate." is substituted therefor.

These amendments shall become effective 0001 e.s.t., June 1, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2535; Filed, Mar. 22, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-145]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Federal Airway and Associated Control Areas

On December 16, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12914) stating that the Federal Aviation Agency proposed to extend VOR Federal airway No. 478 and its associated control areas from Newcombe, Ky., to Beckley, W. Va.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6478 (25 F.R. 2160) is amended to read:

**§ 600.6478 VOR Federal airway No. 478 (Falmouth, Ky., to Beckley, W. Va.).**

From the Falmouth, Ky., VOR via the Newcombe, Ky., VOR to the Beckley, W. Va., VOR.

**§ 601.6478 [Amendment]**

2. In the caption of § 601.6478 (25 F.R. 2160) *"Newcombe, Ky."* is deleted and *"Beckley, W. Va."* is substituted therefor.

These amendments shall become effective 0001 e.s.t., June 1, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2534; Filed, Mar. 22, 1961; 8:46 a.m.]

[Airspace Docket No. 61-NY-11]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Hempstead, N.Y. (Mitchel AFB), control zone.

The Department of the Air Force has stated in correspondence to the Federal Aviation Agency that it has no requirement for the retention of this control zone. Airport traffic control services will be discontinued on or about April 16, 1961.

Since the change effected by this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 601 (14 CFR Part 601) is amended by revoking the following section:

**§ 601.2243 Hempstead, N.Y., control zone. [Revoked]**

This amendment shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2533; Filed, Mar. 22, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-27]

## PART 608—SPECIAL USE AIRSPACE

### Modification of Restricted Areas

The purpose of these amendments to §§ 608.45 and 608.69 of the regulations of the Administrator is to correct the boundary coordinates of the Fort Leonard Wood, Mo., Restricted Area R-4501 and to clarify the designated altitudes and using agency of the Camp McCoy, Wis., Restricted Area R-6901, respectively.

That portion of the Fort Leonard Wood, Mo., Restricted Area R-4501 boundaries described as "northeast to latitude 47°48'15" N., longitude 92°04'00" W.;" is being corrected to "northeast to latitude 37°48'15" N., longitude 92°04'00" W.;". The Camp McCoy, Wis., Restricted Area R-6901 designated altitudes are being corrected from "Surface to 25,000 feet." to "Surface to 25,000 feet MSL." and the using agency from "Commanding Officer, Camp McCoy, Sparta, Wis." to "Commanding Officer, Camp McCoy, Wis."

Since these amendments are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 608.45 *Missouri*, R-4501 Fort Leonard Wood, Mo., Restricted Area (26 F.R. 882), "northeast to latitude 47°48'15" N., longitude 92°04'00" W.;" is deleted and "northeast to latitude 37°48'15" N.; longitude 92°04'00" W.;" is substituted therefor.

2. In § 608.69 *Wisconsin*, R-6901 Camp McCoy, Wis., Restricted Area (26 F.R. 890), "Designated altitudes. Surface to 25,000 feet." is deleted and "Designated altitudes. Surface to 25,000 feet MSL." is substituted therefor and "Using agency. Commanding Officer, Camp McCoy, Sparta, Wis." is deleted and "Using agency. Commanding Officer, Camp McCoy, Wis." is substituted therefor.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2537; Filed, Mar. 22, 1961; 8:46 a.m.]

[Reg. Docket No. 686; Amdt. 211]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:



1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | More than 2-engine, more than 65 knots |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | |
| ELN-VOR | EL-LFR | Direct | 5500 | T-dn | 500-1 | 500-1 | 500-1 |
| | | | | C-dn | 2200-1 | 2200-1 | 2200-1½ |
| | | | | A-dn** | NA | NA | NA |

Procedure turn Sonth side E crs, 050° Outbnd, 230° Inbnd, 5500′ within 10 mi. NA beyond 10 mi. (Nonstandard for more favorable terrain.)
Minimum altitude over facility on final approach crs, 4500′.
Crs and distance, facility to airport, 280°—1.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 mi, turn left, climb on E crs EL-LFR to 5500′ within 10 mi.
CAUTION: High terrain all quadrants; 4500′ hills 10 mi NE EL-LFR.
**No weather service. Air carrier use NA.

City, Ellensburg; State, Wash.; Airport Name, Bowers Field; Elev., 1766′; Fac. Class., SBMRAZ; Ident., EL; Procedure No. 1, Amdt. 9; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 8; Dated, 20 Mar. 57

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| All directions | SPR-LFR | Direct | MEA | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-1 | 600-1 | 600-1 | 600-1 |
| | | | | A-dn* | NA | NA | NA |

Procedure turn E side of crs, 189° Outbnd, 009° Inbnd, 2700′ within 10 mi.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 011°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Sprague ville LFR, climb to 2500′ on N crs SPR LFR within 20 mi.
NOTE: ADF approach NA.
*Alternate weather minimums of 800-2 authorized for those who have an approved arrangement for weather service at the airport.

City, Presque Isle; State, Maine; Airport Name, Presque Isle Municipal; Elev., 534′; Fac. Class., SMLZW; Ident., SPR; Procedure No. 1, Amdt. 1; Eff. Date, 8 Apr. 61; Sup. Amdt. No. Orig.; Dated, 27 Aug. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| All directions | PQ-LFR | Direct | MEA | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 700-1 | 700-1 | 700-1½ |
| | | | | S-dn-19 | 700-1 | 700-1 | 700-1 |
| | | | | A-dn* | NA | NA | NA |

Procedure turn W side of crs, 019° Outbnd, 199° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 199°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 mi. after passing PQ-LFR, climb to 2700′ on S crs of PQ-LFR within 20 mi.
*Alternate weather minimums of 800-2 authorized for those who have an approved arrangement for weather service at the airport.

City, Presque Isle; State, Maine; Airport Name, Presque Isle Municipal; Elev., 534′; Fac. Class., SBRAZ; Ident., PQ; Procedure No. 2, Amdt. 2; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 1; Dated, 14 Jan. 61

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | More than 2-engine, more than 65 knots |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | |
| | | | | T-d | 800-1 | 800-1 | 800-1 |
| | | | | T-n | 1000-1 | 1000-1 | 1000-1 |
| | | | | C-d | 900-1½ | 900-1½ | 900-1½ |
| | | | | C-n | 1000-2 | 1000-2 | 1000-2 |
| | | | | A-dn | 1000-2 | 1000-2 | 1000-2 |

Talofofo Radio Beacon (FAA).
Instrument approach to be conducted in accordance with current U.S. Navy procedure as published on Chart AL-2146-ADF-2.

City, Agana; State, Guam; Airport Name, NAS Agana; Elev., 280′; Fac. Class., BHH; Ident., ZET; Procedure No. 2, Amdt. 2; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 1; Dated, 18 Feb. 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn* | 900–1 | 900–1 | 900–1½ |
| | | | | S-dn-31* | 900–1 | 900–1 | 900–1 |
| | | | | A-dn* | 900–2 | 900–2 | 900–2 |

Instrument approach to be conducted in accordance with USAF AL–1729–ADF–2.
NOTE: Closed to all civil air traffic except in emergency or when given special authorization by U.S.A.F. See Alaska Airman's Guide for authorizing organizations.
CAUTION: 1116' hill located 1.8 miles NE of facility.
*If simultaneous ADF tracking on "EA" MHW and "AF" MHW not utilized, above minima NA and minima become 900–2.

City, Fairbanks; State, Alaska; Airport Name, Eielson AFB; Elev., 548'; Fac. Class., HW; Ident., EA; Procedure No. 2, Amdt. Orig.; Eff. Date, 8 Apr. 61

PROCEDURE CANCELLED, EFFECTIVE 8 APRIL 61, OR UPON DECOMMISSIONING OF FACILITY.

City, Fallon; State, Nev.; Airport Name, Municipal; Elev., 3965'; Fac. Class., SBRAZ; Ident., FFN; Procedure No. 1, Amdt. Orig.; Eff. Date, 12 Mar. 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Huron LFR | LOM | Direct | 2500 | T-dn | 300–1 | 300–1 | 200–½ |
| Huron VOR | LOM | Direct | 2500 | C-d | 400–1 | 500–1 | 500–1½ |
| | | " | | C-n | 400–1½ | 500–1½ | 500–1½ |
| | | | | S-dn-12 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn West side of crs, 208° Outbnd, 118° Inbnd, 2500' within 10 mi.
Minimum altitude over facility on final approach crs, 2400'.
Crs and distance, facility to airport, 118°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi of LOM, climb to 2800' on 118° brng from LOM within 15 miles or, when directed by ATC, climb to 3000' on NE crs HK–LFR within 15 miles.
CAUTION: Radio tower 1484' MSL 1¼ miles S of airport.
NOTE: No approach lights.

City, Huron; State, S. Dak.; Airport Name, Howes Municipal; Elev., 1287'; Fac. Class., LOM; Ident., HO; Procedure No. 1, Amdt. 4; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 1 (ADF portion Comb. ILS–ADF); Dated, 29 Oct. 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| PLN-VOR | Int 135° brng from PLN RBn and R–212 PLN-VOR. | Direct | 2300 | T-dn | 300–1 | 300–1 | 300–1 |
| | | | | C-d | 500–1 | 500–1 | 500–1½ |
| | | | | C-n | 500–2 | 500–2 | 500–2 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn East side final approach crs, 2300', 135° Outbnd, 315° Inbnd, within 10 mi of Int.*
Facility on airport.
Minimum altitude over Int* on final approach crs, 1600'.
Crs and distance, Int* to airport, 315°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 mi of Int*, make a right climbing turn and proceed to PLN RBn at 2300'.
CAUTION: 1326' tower 2.8 miles SW of airport.
NOTE: Operating VOR and ADF receivers required.
*Int 135° brng from PLN RBn and PLN–VOR R–212.

City, Pellston; State, Mich.; Airport Name, Emmet County; Elev., 720'; Fac. Class., BHH; Ident., PLN; Procedure No. 2, Amdt. Orig.; Eff. Date, 8 Apr. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| STL-VOR | LOM | Direct | 1800 | T-dn | 300–1 | 300–1 | 200–½ |
| SL–LFR | LOM | Direct | 1800 | C-dn | 500–1 | 500–1 | 500–1½ |
| Cora Int | LOM | Direct | 1800 | S-dn-24 | 400–1 | 400–1 | 400–1 |
| Lake "H" | LOM | Direct | 2000 | A-dn | 800–2 | 800–2 | 800–2 |
| Academy Int | LOM | Direct | 1900 | | | | |
| Mitchell Int | LOM | Direct | 1800 | | | | |
| Maryland Hgts VOR | LOM | Direct | 2000 | | | | |
| Prairie Int | LOM | Direct | 2000 | | | | |

Radar transitions to final approach course authorized. Information for radar terminal area transition altitudes on St. Louis Radar procedure.
Procedure turn North side of crs, 058° Outbnd, 238° Inbnd, 1900' within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 238°—4.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 2000' on crs of 238° to Lake "H" or, as directed by ATC, make right (North) turn, climb to 2000' direct to STL-VOR.
Other Change: Deletes transition from Jerseyville Int.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571'; Fac. Class., LOM; Ident., ST; Procedure No. 1, Amdt. 19; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 18; Dated, 24 Dec. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | S-dn-24 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn* | NA | NA | NA |

Transition to final approach course by radar vectoring is authorized at 1200 feet MSL (Otis RAPCON) when aircraft is within 20 miles (excludes noncontrolled airspace) of Otis AFB RAPCON site.
Procedure turn E side of crs, 055° Outbnd, 235° Inbnd, 1200' within 10 miles.
Minimum altitude over facility on final approach crs, 700'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles, make a left climbing turn, returning to Martha's Vineyard MHW at 1200' and hold south, right turns, one-minute pattern, 015° inbnd.
Bearing and distance, facility to airport, 235°—2.7.
*Alternate weather minimums of 800–2 authorized for those having an approved arrangement for weather service at the airport.

City, Vineyard Haven; State, Mass.; Airport Name, Martha's Vineyard; Elev., 68'; Fac. Class., MHW; Ident., MVY; Procedure No. 1, Amdt. 9; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 8; Dated, 23 Aug. 58



3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T-dn | 300–1 | NA | NA |
| | | | | C-d | 1700–1 | NA | NA |
| | | | | C-n | 1700–2 | NA | NA |
| | | | | A-dn | 1700–2 | NA | NA |

Procedure turn East side of crs, 153° Outbnd, 333° Inbnd, 4000' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 4000'.
Crs and distance, facility to airport, 333°—11.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing CSV-VOR, turn right climbing to 4000', returning to CSV-VOR via R-342.
CAUTION: Antenna 2023' MSL, 2.0 miles East of the airport.

City, Crossville; State, Tenn.; Airport Name, Crossville Memorial; Elev., 1862'; Fac. Class., BVORTAC; Ident., CSV; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Apr. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Ellensburg LFR | ELN-VOR | Direct | 5000 | T-dn | 500–1 | 500–1 | 500–1 |
| | | | | C-dn | 1000–1 | 1000–1 | 1000–1½ |
| | | | | A-dn* | NA | NA | NA |

Procedure turn North side of crs, 110° Outbnd, 290° Inbnd, 5000' within 10 mi. Beyond 10 mi NA. Restricted area 11.5 mi SE of ELN-VOR.
Minimum altitude over facility on final approach crs, 3500'.
Crs and distance, facility to airport, 260°—2.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 mi, make climbing left turn to 5000' on R-110 ELN-VOR within 10 mi.
CAUTION: High terrain all quadrants.
*No weather service. Air Carrier use NA.

City, Ellensburg; State, Wash.; Airport Name, Bowers Field; Elev., 1766'; Fac. Class., BVORTAC; Ident., ELN; Procedure No. 1, Amdt. 1; Eff. Date, 8 Apr. 61; Sup. Amdt. No. Orig.; Dated, 12 Mar. 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 800–1 | 800–1½ | 800–1½ |
| | | | | S-dn-6 | 800–1 | 800–1 | 800–1 |
| | | | | A-dn* | 800–2 | 800–2 | 800–2 |

Procedure turn S side, 210° Outbnd, 030° Inbnd, 1500' within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 030°—8.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.3 mi. climb to 1500' on R–030 within 15 mi.
NOTE: Weather and communications service not available to general public. Itinerant flights contact Cross City Radio for approach clearance or on missed approach.
NOTE: Authorized only for air carriers having approval for weather and communications service at this airport.
*Authorized for air carriers only.

City, Gainesville; State, Fla.; Airport Name, Gainesville; Elev., 155'; Fac. Class., VOR; Ident., GNV; Procedure No. 1, Amdt. 1; Eff. Date, 8 Apr. 61; Sup. Amdt. No. Orig.; Dated, 3 July 56

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Huron LFR | HON-VOR | Direct | 2400 | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-d | 400–1 | 500–1 | 500–1½ |
| | | | | C-n | 400–1½ | 500–1½ | 500–1½ |
| | | | | S-dn-12 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn W side NW crs, 304° Outbnd, 124° Inbnd, 2400' within 10 mi.
Minimum altitude over facility on final approach crs, 2400'.
Crs and distance, facility to airport, 124°—4.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 mi., climb to 2800' on R–124 within 15 mi HON-VOR.
CAUTION: Radio tower 1484' MSL 1¼ mi S of airport.

City, Huron; State, S. Dak; Airport Name, Howes Municipal; Elev., 1287'; Fac. Class., BVOR; Ident., HON; Procedure No. 1, Amdt. 5; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 4; Dated, 17 Dec. 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SVM-VOR | PON-VOR | Direct | 2500 | T-dn | 300–1 | 300–1 | 200–½ |
| FNT-VOR | PON-VOR | Direct | 2400 | C-dn | 500–1 | 500–1 | 500–1½ |
| Russell Int | PON-VOR (Final) | Direct | 1700 | A-dn | NA | NA | NA |

Procedure turn South side final approach crs, 274° Outbnd, 094° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 119°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, make left climbing turn and return to PON-VOR at 2400'.
NOTE: All aircraft except scheduled air carriers obtain Detroit area current weather prior to IFR approach.

City, Pontiac; State, Mich.; Airport Name, Pontiac; Elev., 974'; Fac. Class., VORW; Ident., PON; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Apr. 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Wheeling LOM | CTW-VOR | Direct | 2600 | T-dn | 300-1 | 300-1 | NA |
| | | | | C-d | 500-1 | 500-1 | NA |
| | | | | C-n | 500-2 | 500-2 | NA |
| | | | | S-dn | NA | NA | NA |
| | | | | A-dn | NA | NA | NA |

Procedure turn South side of crs, 115° Outbnd, 295° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2600'.
Crs and distance, facility to airport, 293°—7.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles, proceed direct to Newcomerstown VOR, climbing to 2600', hold SE R-116 CTW-VOR.
NOTES: Lights available on request. Rotating beacon on field.

City, St. Clairsville; State, Ohio; Airport Name, Alderman Field; Elev., 1195'; Fac. Class., BVOR; Ident., CTW; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Apr. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Pismo Int* | SMX-VOR | Direct | 1700 | T-dn | 300-1 | 300-1 | 200-½ |
| Orcutt Int** | SMX-VOR | Direct | 3000 | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-12 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn North side of crs, 315° Outbnd, 135° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 119°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi, make immediate left climbing turn, return to SMX-VOR and climb to 3000' on R-315 within 10 mi.
*Pismo Int: Int SBP-VOR R-126 and PRB-VOR R-164.
**Orcutt Int: Int SBP-VOR R-126 and PLW-VOR R-225.

City, Santa Maria; State, Calif.; Airport Name, Public; Elev., 259'; Fac. Class., VOR; Ident., SMX; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Apr. 61, or on com. of facility

**4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:**

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| LGB-VOR | Sail Int** | Direct | 2000 | T-dn | 300-1 | 300-1 | NA |
| OCN-VOR | Sail Int** | Direct | 4000 | C-dn | 500-1 | 500-1 | NA |
| ONT-VOR | SNA-VOR | Direct | 5000 | S-dn-03 | 500-1 | 500-1 | NA |
| Sail Int** | Newport Int# (Final) | Direct | 1200 | A-dn* | 800-2 | 800-2 | NA |

Procedure turn South side of crs, 203° Outbnd, 023° Inbnd, 1500' within 10 miles of Newport Int.
Minimum altitude over Newport Int# on final approach crs, 1200'.
Crs and distance, Newport Int# to airport, 023°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi of SNA-VOR, turn left and climb to 2000' on R-203 to Newport Int.
*Weather service 0600 to 2300.
**Sail Int: SNA-VOR R-203 and LGB-VOR R-156.
#Newport Int: SNA-VOR R-203 and LGB-VOR R-133.

City, Santa Ana; State, Calif.; Airport Name, Orange County; Elev., 54'; Fac. Class., VOR; Ident., SNA; Procedure No. TerVOR-03, Amdt. Orig.; Eff. Date, 8 Apr. 61, or upon com. of SNA-VOR

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Chino Int** | Olive Int*** | Direct | 3000 | T-dn | 300-1 | 300-1 | NA |
| Olive Int*** | Tustin Int# (Final) | Direct | 1800 | C-dn | 500-1 | 500-1 | NA |
| LGB-VOR | Tustin Int# | Direct | 4000 | S-dn-21 | 400-1 | 400-1 | NA |
| | | | | A-dn* | 800-2 | 800-2 | NA |

Procedure turn NA. Hold Tustin Int 360°, one-minute right turns, 192° Inbnd, 012° Outbnd.
Minimum altitude over Tustin Int# on final approach crs, 1800'; over Plant Int##, 600'.
Crs and distance, Tustin Int# to airport, 192°—6.2 mi; Plant Int## to airport, 192°—2.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 mi after passing Plant Int##, climb to 2000' on R-203 to Newport Int.
*Weather service 0600 to 2300.
**Chino Int: Int SNA R-008 and ONT-VOR R-255.
***Olive Int: Int SNA-VOR R-008 and LGB-VOR R-063.
#Tustin Int: Int SNA-VOR R-008 and LGB-VOR R-080.
##Plant Int: Int SNA-VOR R-008 and LGB-VOR R-098.

City, Santa Ana; State, Calif.; Airport Name, Orange County; Elev., 54'; Fac. Class., VOR; Ident., SNA; Procedure No. TerVOR-21, Amdt. Orig.; Eff. Date, 8 Apr. 61, or on com. of facility



TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Lenny Int | ALW-VOR | Direct | 3000 | T-dn | 300-1 | 300-1 | 200-½ |
| ALW-LFR | ALW-VOR | Direct | 3000 | C-dn | 600-1 | 600-1 | 600-1½ |
| Int ALW-VOR R-195 and PSC-VOR R-097. | ALW-VOR | Direct | 2200 | S-dn-02 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn West side of crs, 195° Outbnd, 015° Inbnd, 3000' within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1600'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, left climbing turn to 3000' on R-334 within 10 miles.
CAUTION: High terrain East of airport.

City, Walla Walla; State, Wash.; Airport Name, Walla Walla City-County; Elev., 1205'; Fac. Class., BVOR; Ident., ALW; Procedure No. TerVOR-02, Amdt. Orig.; Eff. Date, 8 Apr. 61

**5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:**

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedures, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Baton Rouge LFR | LOM | Direct | 1200 | T-dn | 300-1 | 300-1 | 200-½ |
| Baton Rouge VOR | LOM | Direct | 1500 | C-dn | 400-1 | 500-1 | 500-1½ |
| Merganza Int | LOM | Direct | 1200 | S-dn-13 | *300-¾ | *300-¾ | *300-¾ |
| River Int | LOM (Final) | Direct | 1300 | A-dn | 600-2 | 600-2 | 600-2 |
| Woodville Int | River Int | Direct | 1400 | | | | |

Procedure turn W side of NW crs, 306° Outbnd, 126° Inbnd, 1300' within 10 mi. Beyond 10 mi NA.
Minimum altitude at G.S. int inbnd, 1300'.
Altitude of G.S. and distance to approach end of rny at OM 1300—3.8, at MM 240°—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500' on SE crs ILS within 20 miles or, when directed by ATO, (1) turn left, climb to 1400' on R-080 BTR-VOR within 10 mi of Creole Int or (2) turn left, climb to 1900' on R-040 BTR-VOR within 20 mi.
*600-¾ required when glide slope not utilized. Approach lights not installed.

City, Baton Rouge; State, La.; Airport Name, Ryan; Elev., 70'; Fac. Class., ILS; Ident., I-BTR; Procedure No. ILS-13, Amdt. 7; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 6; Dated, 21 Feb. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| BR-LFR | Creole Int | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| BTR-VOR | Creole Int | Direct | 2000 | C-dn | 400-1 | 500-1 | 500-1½ |
| Int SE crs ILS BTR-VOR R-109 | Amlte Int | Direct | 1400 | S-dn-31 | 400-1 | 400-1 | 400-1 |
| Amlte Int | Creole Int (Final) | Direct | 900 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E side SE crs, 126° outbnd, 306° inbnd, 1400' within 10 mi of Creole Int. NA beyond 10 mi.
No glide slope.
Minimum altitude over Creole Int, 900'.
Crs and distance, Creole Int to airport, 306°—3.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 mi after passing Creole Int, climb to 1300' on NW crs ILS within 10 mi of LOM, or when directed by ATC, turn right, climb to 1900' on R-040 within 20 mi.

City, Baton Rouge; State, La.; Airport Name, Ryan; Elev., 70'; Fac. Class., ILS; Ident., I-BTR; Procedure No. ILS-31, Amdt. 3; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 2; Dated, 22 Mar. 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Huron LFR | LOM | Direct | 2500 | T-dn | 300-1 | 300-1 | 200-½ |
| Huron VOR | LOM | Direct | 2500 | C-d | 400-1 | 500-1 | 500-1½ |
| | | | | C-n | 400-1½ | 500-1½ | 500-1½ |
| | | | | S-dn-12 | 300-¾ | 300-¾ | 300-¾ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side NW crs, 298° Outbnd, 118° Inbnd, 2500' within 10 miles.
Minimum altitude at G.S. interception inbnd, 2500'.
Altitude of G.S. and distance to approach end of rny at OM 2433—3.8, at MM 1488—0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2800' on SE crs ILS within 15 miles or, when directed by ATC, climb to 3000' on NE crs HK-LFR within 20 miles.
CAUTION: Radio tower 1484' MSL 1¼ mi S of airport.
NOTE: No approach lights.

City, Huron; State, S. Dak.; Airport Name, Howes Municipal; Elev., 1287'; Fac. Class., ILS; Ident., I-HON; Procedure No. ILS-12, Amdt. 4; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 3 (ILS portion Comb. ILS-ADF); Dated, 20 Oct. 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Lafayette VOR | LOM | Direct | 1300 | T-dn | 300-1 | 300-1 | 300-1 |
| Lafayette RBn | LOM | Direct | 1300 | C-dn | 400-1 | 500-1 | 500-1½ |
| Bar Int | LOM (Final) | Direct | 1300 | S-dn-19 | 300-¾ | 300-¾ | 300-¾ |
| | | | | A-dn | 600-2 | 600-2 | 600-2 |

Procedure turn West side of crs, 013° Outbnd, 193° Inbnd, 1500' within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope interception inbnd, 1500'.
Altitude of glide slope and distance to approach end of Runway at OM, 1500'—5.2 mi; at MM, 236'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500' on S crs of ILS within 10 miles or, when directed by ATC, turn right, climb to 1500' on R-280 of Lafayette VOR within 10 miles.

City, Lafayette; State, La.; Airport Name, Lafayette Municipal; Elev., 42'; Fac. Class., ILS; Ident., I-LFT; Procedure No. ILS-10, Amdt. Orig.; Eff. Date, 8 Apr. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition: From— | Transition: To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Kansas City LFR | LOM | Direct | 2500 | T–dn | 300–1 | 300–1 | 300–1 |
| Kansas City VOR | LOM | Direct | 2500 | C–dn | 700–1 | 700–1 | 700–1½ |
| Kansas City VOR | N crs ILS | Direct | 2500 | A–dn | 800–2 | 800–2 | 800–2 |
| Liberty RBN | LOM | Direct | 2500 | | | | |
| Liberty RBN | N crs ILS | Direct | 2500 | | | | |
| Farley RBN | LOM | Direct | 2500 | | | | |
| Farley RBN | N crs ILS | Direct | 2500 | | | | |
| Blue Springs VOR | LOM | Direct | 3000 | | | | |

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound approach course at least 2.0 miles from MKC LOM. Information for radar terminal area transition altitudes on Kansas City Radar procedure. Radar transition altitudes are determined from radar site.
Procedure turn W side of crs, 004° Outbnd, 184° Inbnd, 2500′ within 10 miles. NA beyond 10 mi account ATC.
Minimum altitude at glide slope interception inbnd, 2500′.
Altitude of glide slope and distance to approach end of Runway at LOM, 2558′—4.4 mi; at Bluff FM, 1460′—0.7 mi.
Crs, Bluff FM to airport, 223°.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right climbing turn to 2500′ and intercept 316° brng to Farley RBn, then proceed to and hold at Farley RBn or, when directed by ATC, make right climbing turn, climb to 2500′ on SW crs KS–LFR within 25 miles, or if VHF equipped only, make right climbing turn, climb to 2500′ on R–210 MKC–VOR within 25 miles.
CAUTION: Obstruction 1423′ MSL 2.6 miles SE airport, 1946′ MSL tower 5.4 mi SE airport, cracking plant 911′ and stack 835′ MSL 0.5 mi ESE approach end Runway 36. TV tower 2049′ MSL 4.0 mi SSE airport. Takeoffs to S and SW when weather is below 1000–3 will intercept a 210° ADF crs from ILS–LMM or R–185 MKC–VOR as soon as practicable. After takeoff maintain course until reaching 2500′ MSL prior to making left turn due to 2049′ MSL TV tower 4.0 mi SSE of airport. When KMBC TV tower is not visible (5.4 mi SE of airport) on N, NE, E, and SE takeoffs, climb to 2500′ MSL on 090° ADF crs from KS–LFR prior to turning towards tower.
AIR CARRIER NOTES: No reduction in 2-engine takeoff minimums authorized when ILS is inoperative except on Runway 31. 200–½ authorized on Runway 31 only.

City, Kansas City; State, Kans.; Airport Name, Fairfax; Elev., 746′; Fac. Class., ILS; Ident., I–MKC; Procedure No. ILS–22, Amdt. 2; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 1; Dated, 4 Mar. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Klamath Falls LFR | LOM | Direct | 7500 | T–dn | 500–1 | 500–1 | 500–1½ |
| Klamath Falls VOR | LOM | Direct | 7500 | C–d | 800–1 | 800–1 | 800–1½ |
| | | | | C–n | 800–2 | 800–2 | 800–2 |
| | | | | S–dn–32 | 500–1 | 500–1 | 500–1 |
| | | | | A–dn | 1000–2 | 1000–2 | 1000–2 |

Procedure turn East side of crs, 138° Outbnd, 318° Inbnd, 7500′ within 10 miles. Beyond 10 mi NA. All turns E side of crs.
Minimum altitude at glide slope interception inbnd, 6700′.
Altitude of glide slope and distance to approach end of Runway at LOM, 5968′—5.8 mi; at MM, 4349′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LMM, immediate left climbing turn and climb via LMT–VOR R–255 and FJS–VOR R–012 to 10,500′ at Pinehurst Int or, when directed by ATC, immediate left climbing turn and climb to 8000′ on R–255 within 10 miles.
NOTE: For Military use only. Civil use NA.

City, Klamath Falls; State, Oreg.; Airport Name, Kingsley Field; Elev., 4088′; Fac. Class., ILS; Ident., I–LMT; Procedure No. ILS–32, Amdt. Orig.; Eff. Date, 8 Apr. 61

**6. The radar procedures prescribed in § 609.500 are amended to read in part:**

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|
| | Precision approach | | | |
| FI–LFR to Eielson Air Force Base approved GCA patterns, 2500′. Fairbanks Surveillance Radar approved maneuvering area, via FI–LFR or EA RBn to Eielson approved GCA patterns, 2500′. | T–dn–All | 300–1 | 300–1 | 300–1½ |
| | C–dn–31 and 13 | 600–2 | 600–2 | 600–2 |
| | S–dn–31 and 13 | 200–½ | 200–½ | 200–½ |
| | A–dn–31 and 13 | 600–2 | 600–2 | 600–2 |
| | Surveillance approach | | | |
| | T–dn–All | 300–1 | 300–1 | 300–1½ |
| | C–dn–31 | 700–2 | 700–2 | 700–2 |
| | C–dn–13 | 600–2 | 600–2 | 600–2 |
| | S–dn–31 | 700–2 | 700–2 | 700–2 |
| | S–dn–13 | 600–2 | 600–2 | 600–2 |
| | A–dn–31 and 13 | 800–2 | 800–2 | 800–2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 13: Climb on crs 130° to AF RBn, turn right, proceed direct to FI–LFR, climbing to 6000′ or radar vector by Fairbanks departure control.
Runway 31: Turn left, climbing to 6000′ on crs 175°, then proceed direct to FI–LFR or radar vector by Fairbanks departure control.
NOTE: Closed to all civil air traffic except in emergency or when given special authorization by USAF. See Alaska Airman's Guide for authorizing organizations.

City, Fairbanks; State, Alaska; Airport Name, Eielson AFB; Elev., 548′; Fac. Class., Eielson; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Apr. 61



RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Radar terminal area maneuvering sectors and altitudes: From— | To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| All bearings are from radar site with sector azimuths progressing clockwise: | | | | Surveillance approach | | | |
| 113° | 113° | 0–20 mi | *2200 | T–dn–A11 | 300–1 | 300–1 | 200–½ |
| 147° | 147° | 0–20 mi | 2100 | C–dn–22 | 500–1 | 500–1 | 500–1½ |
| 225° | 247° | 0–20 mi | **2000 | C–dn–4, 13, 31 | 400–1 | 500–1 | 500–1½ |
| 247° | | | | S–dn–22 | 500–1 | 500–1 | 500–1 |
| | | | | S–dn–4, 13, 31 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn–4, 13, 31, 22 | 800–2 | 800–2 | 800–2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 2600′ and proceed via the FWA–VOR R–218 to Monroe Int or, when directed by ATC, climb straight ahead to 2600′ and proceed via the FWA–VOR R–218 to Rock Creek Int.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
*CAUTION: Do not descend below 1500′ MSL until radar advises passing radar fix 3.0 mi from end of Runway 22 due to 1155′ tower 3.8 mi NE.
*2200′ within 3 mi of 1649′ MSL tower 6.6 mi North.
**2000′ within 3 mi of 1067′ MSL tower 22 mi SW.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801′; Fac. Class., Fort Wayne; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Apr. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 090 | 360 | Within 30 mi | 14,000 | Surveillance approach | | | |
| | | | | T–dn–34L&R, 16L&R, 14, & 32. | 300–1 | 300–1 | 200–½ |
| | | | | T–dn–25 | 300–1 | NA | NA |
| | | | | T–dn–7 | 500–2 | NA | NA |
| | | | | C–dn–A11 | 500–1 | 600–1 | 600–1½ |
| | | | | S–dn–34L&R, 16R. | 400–1 | 400–1 | 400–1 |
| | | | | S–dn–16L | 600–1 | 600–1 | 600–1 |
| | | | | A–dn–A11 | 800–2 | 800–2 | 800–2 |

Radar transitions and vectoring authorized with approved radar patterns and sector altitudes.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make climbing turn to the west and climb to 9000′ on West on LFR or R–248 SLC–VOR within 20 miles or, when directed by ATC, climb to 10,000′ in a right-hand one-minute pattern on R–329 or North crs LFR within 12 mi.
NOTE: Aircraft executing a missed approach will not climb above 6500′ until West of LFR or VOR.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City No. 1; Elev., 4222′; Fac. Class., Salt Lake City; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 1; Dated, 27 Apr. 57

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on March 2, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61–2055; Filed, Mar. 22, 1961; 8:45 a.m.]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

PART 240—RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

### Miscellaneous Amendments

The Securities and Exchange Commission has adopted revised forms for reporting security holdings and transactions pursuant to section 16(a) of the Securities Exchange Act of 1934, section 17(a) of the Public Utility Holding Company Act of 1935 and section 30(f) of the Investment Company Act of 1940.

Previously, the following separate forms were prescribed for statements under each of the statutes referred to: Forms 4, 5, and 6 under the Securities Exchange Act of 1934; Forms U–17–1 and U–17–2 under the Public Utility Holding Company Act of 1935; and Forms N–30F–1 and N–30F–2 under the Investment Company Act of 1940. All of these forms have been consolidated into two forms designated Forms 3 and 4 which are to be used, respectively, for the filing of initial statements of beneficial ownership of securities and statements of changes in such beneficial ownership under all three of these statutes.

In connection with the adoption of the revised forms the Commission has adopted the changes set forth below in the related rules under the three statutes. The draft of the proposed rule changes published for comment contained a definition of the term "person" which would have included in such term any group or syndicate the members of which are acting in concert with respect to the acquisition, disposition, holding or voting of securities of an issuer. The draft also included a proposed new rule relating to the reporting of interests in securities held by corporations and business trusts. The Commission has concluded that these two proposals require further study and consideration and has not included them in the rules set forth below. It is contemplated that these matters will be taken up at a later date in connection with certain other additional changes in the rules under section 16(a) of the Securities Exchange Act of 1934.

I. Section 240.16a–1 is amended to read as follows:

**§ 240.16a–1 Filing of statements.**

(a) Initial statements of beneficial ownership of equity securities required by section 16(a) of the act shall be filed on Form 3 (§ 249.103 of this chapter). Statements of changes in such beneficial ownership required by that section shall be filed on Form 4 (§ 249.204). All such statements shall be prepared and filed in accordance with the requirements of the applicable form.

(b) A person who is already filing statements pursuant to section 16(a) of the act need not file an additional statement on Form 3 (§ 249.103 of this chapter) when an additional class of equity securities of the same issuer becomes

listed and registered on a national securities exchange or when he assumes another or an additional relationship to the issuer; for example, when an officer becomes a director.

(c) Any issuer which has equity securities listed on more than one national securities exchange may designate one such exchange as the only exchange with which reports pursuant to section 16(a) of the act need be filed. Such designation shall be made in writing and shall be filed with the Commission and with each national securities exchange on which any equity security of the issuer is listed. After the filing of such designation the securities of such issuer shall be exempted with respect to the filing of statements pursuant to section 16(a) of the act with any exchange other than the designated exchange.

II. Section 240.16a–3 is amended to read as follows:

**§ 240.16a–3 Disclaimer of beneficial ownership.**

Any person filing a statement may expressly declare therein that the filing of such statement shall not be construed as an admission that such person is, for the purpose of section 16 of the act, the beneficial owner of any equity securities covered by the statement.

III. Section 240.16a–6 is amended to read as follows:

**§ 240.16a–6 Certain transactions subject to section 16(a).**

The acquisition or disposition of any transferable option, put, call, spread or straddle shall be deemed such a change in the beneficial ownership of the security to which such privilege relates as to require the filing of a statement reflecting the acquisition or disposition of such privilege. Nothing in this section, however, shall exempt any person from filing the statements required upon the exercise of such option, put, call, spread or straddle.

IV. Section 240.16a–7 is amended to read as follows:

**§ 240.16a–7 Statements filed under more than one act.**

Any person required to file a statement under both section 16(a) of the act and section 17(a) of the Public Utility Holding Company Act of 1935 or section 30(f) of the Investment Company Act of 1940 may file a single statement containing the required information which will be deemed to be filed under both acts. To comply with the requirement of section 16(a), where applicable, that statements be filed with national securities exchanges, a duplicate original of such statement shall be filed with such exchanges or with the exchange designated pursuant to § 240.16a–1(c).

(Sec. 16(a), 48 Stat. 896, 15 U.S.C. 78p; and sec. 23(a), 48 Stat. 901 as amended, 15 U.S.C. 78w)

V. Section 249.103 is adopted, and reads as follows:

**§ 249.103 Form 3, initial statement of beneficial ownership of securities.**

This form is prescribed for initial statements of beneficial ownership of securities filed pursuant to section 16(a) of the Securities Exchange Act of 1934.

VI. Section 249.104 is amended to read as follows:

**§ 249.104 Form 4, statement of changes in beneficial ownership of securities.**

This form is prescribed for statements of changes in beneficial ownership of securities filed pursuant to section 16(a) of the Securities Exchange Act of 1934.

**§ 249.105 [Revocation]**

VII. Section 249.105 *Form 5, for reporting ownership of equity securities,* is revoked.

**§ 249.106 [Revocation]**

VIII. Section 249.106 *Form 6, for reports by persons who have just become officers or directors or security holders of more than 10 percent of any class of equity security,* is revoked.

(Sec. 16(a), 48 Stat. 896, 15 U.S.C. 78p; and sec. 23(a), 48 Stat. 901 as amended, 15 U.S.C. 78w)

**§ 250.70 [Amendment]**

IX. Footnote 4 of § 250.70 is amended to read as follows:

[4] Forms 3 and 4 have been prescribed for the reports which section 17(a) of the act requires to be filed by officers and directors of registered holding companies.

X. In § 250.70(b)(4), the material within parentheses is amended to read as follows: "(on Forms 3 and 4 in the manner prescribed for directors of registered holding companies.)"

XI. Section 250.72 is adopted and reads as follows:

**§ 250.72 Filing of statements pursuant to section 17(a).**

(a) Initial statements of beneficial ownership of securities required by section 17(a) of the act shall be filed on Form 3 (§ 259.217a). Statements of changes in such beneficial ownership required by that section shall be filed on Form 4 (§ 259.217b). All such statements shall be prepared and filed in accordance with the requirements of the applicable form.

(b) The rules under section 16(a) of the Securities Exchange Act of 1934 shall apply to statements filed pursuant to paragraph (a) of this section to the extent that such rules are pertinent.

(Sec. 17(a), 49 Stat. 830, 15 U.S.C. 79q; and sec. 20(a), 49 Stat. 833, 15 U.S.C. 79t)

XII. Section 259.217a is amended to read as follows:

**§ 259.217a Form 3, initial statement of beneficial ownership of securities.**

This form is prescribed for initial statements of beneficial ownership of securities filed pursuant to section 17(a) of the Public Utility Holding Company Act of 1935.

XIII. Section 259.217b is amended to read as follows:

**§ 259.217b Form 4, statement of changes in beneficial ownership of securities.**

This form is prescribed for statements of changes in beneficial ownership of securities filed pursuant to section 17(a) of the Public Utility Holding Company Act of 1935.

(Sec. 17(a), 49 Stat. 830, 15 U.S.C. 79q; and sec. 20(a), 49 Stat. 833, 15 U.S.C. 79t)

XIV. Section 270.30f–1 is amended to read as follows:

**§ 270.30f–1 Filing of statements pursuant to section 30(f).**

(a) Initial statements of beneficial ownership of outstanding securities required by section 30(f) of the act shall be filed on Form 3 (§ 274.202 of this chapter). Statements of changes in such beneficial ownership required by that section shall be filed on Form 4 (§ 274.203 of this chapter). All such statements shall be prepared and filed in accordance with the requirements of the applicable form.

(b) The rules under section 16(a) of the Securities Exchange Act of 1934 shall apply to statements filed pursuant to paragraph (a) of this section to the extent that such rules are pertinent.

(c) No statements need be filed pursuant to section 30(f) of the act by an affiliated person of an investment adviser in his capacity as such if such person is solely an employee, other than an officer, of such investment adviser.

**§ 270.30f–2 [Revocation]**

XV. Section 270.30f–2 *Form for statement of changes in beneficial ownership of securities of closed-end investment companies,* is revoked.

**§ 270.30f–3 [Revocation]**

XVI. Section 270.30f–3 *Exemptions from section 30(f),* is revoked.

(Sec. 30(f), 54 Stat. 836, 15 U.S.C. 80a–29; and sec. 38(a), 54 Stat. 841, 15 U.S.C. 80a–37)

XVII. Section 274.202 is amended to read as follows:

**§ 274.202 Form 3, initial statement of beneficial ownership of securities.**

This form is prescribed for initial statements of beneficial ownership of securities filed pursuant to section 30(f) of the Investment Company Act of 1940.

XVIII. Section 274.203 is amended to read as follows:

**§ 274.203 Form 4, statement of changes in beneficial ownership of securities.**

This form is prescribed for statements of changes in beneficial ownership of securities filed pursuant to section 30(f) of the Investment Company Act of 1940.

(sec. 30(f), 54 Stat. 836, 15 U.S.C. 80a–29; and sec. 38(a), 54 Stat. 841, 15 U.S.C. 80a–37)

The foregoing action is taken pursuant to the Securities Exchange Act of 1934, particularly sections 16(a) and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 17(a) and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 30(f) and 38(a) thereof.

Such action shall be effective March 9, 1961, except that any person required to file a statement on Form 3 or 4 may at his option use the appropriate form as heretofore in effect for any statement filed with Commission or any national securities exchange prior to January 1, 1962.

NOTE: Forms 3 and 4 filed as part of original document. Printed copies of these forms with blank spaces for filling in the required information will be available at a later date.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 9, 1961.

[F.R. Doc. 61–2547; Filed, Mar. 22, 1961; 8:47 a.m.]



# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2306]

[Misc. 1735085]

### UTAH

### Partially Revoking Executive Order No. 1032 of February 25, 1909; Revoking Executive Order No. 4391 of March 11, 1926

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 1032 of February 25, 1909, so far as it reserved parts of townships 3 and 4 South, ranges 11 and 12 West of the Uinta Meridian, Utah, comprising the Strawberry Valley Reservoir Site, as segregated by the broken lines upon diagrams which were attached to the order, for use of the Department of Agriculture as a preserve and breeding ground for native birds, to be known as the Strawberry Valley Reservation, the name of which was changed to Strawberry Valley National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940, is hereby revoked.

2. Executive Order No. 4391 of March 11, 1926, reserving the following-described lands as an addition to the Strawberry Valley Reservation, is hereby revoked:

UINTA MERIDIAN

T. 3 S., R. 11 W.,
Sec. 7, SE¼;
Sec. 8, S½;
Sec. 9, S½;
Sec. 10, SW¼;
Secs. 15, W½, SE¼;
Secs. 16 and 17;
Sec. 18, E½;
Sec. 19, E½;
Secs. 20, 21, 22, 27, 28, and 29;
Sec. 30, E½;
Sec. 31, E½; SW¼;
Secs. 32, 33, and 34.
T. 4 S., R. 11 W.,
Secs. 3, 4, 5, and 6;
Sec. 8, E½;
Sec. 9;
Sec. 10, W½.
T. 3 S., R. 12 W.,
Sec. 36, SE¼.
T. 4 S., R. 12 W.,
Sec. 1, NE¼.

The tracts described aggregate 14,070.08 acres.

3. The lands are included in withdrawals for reclamation and other purposes, and most are under the care, management and control of the Strawberry Valley Water Users Association pursuant to a contract of September 28, 1926, as amended and modified, between that Association and the United States.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

MARCH 16, 1961.

[F.R. Doc. 61–2546; Filed, Mar. 22, 1961; 8:47 a.m.]

# Title 36—PARKS, FORESTS, AND MEMORIALS

## Chapter II—Forest Service, Department of Agriculture

### PART 213—ADMINISTRATION OF LANDS UNDER TITLE III OF THE BANKHEAD-JONES FARM TENANT ACT BY THE FOREST SERVICE

### National Grasslands

A new § 213.5 is added to read as follows:

**§ 213.5 Grouping of the National Grasslands into administrative units and providing specific designations therefor.**

The National Grasslands in the following states and counties are grouped and designated as indicated:

| *States and counties* | *National grassland* |
|---|---|
| Colorado: | |
| Weld | Pawnee National Grassland. |
| Baca, Las Animas, Otero | Comanche National Grassland. |
| Idaho: | |
| Oneida, Power | Curlew National Grassland. |
| Kansas: | |
| Morton, Stevens | Cimarron National Grassland. |
| Nebraska: | |
| Dawes, Sioux | Oglala National Grassland. |
| New Mexico: | |
| Colfax, Harding, Mora, Union | Kiowa National Grassland. |
| North Dakota: | |
| Grant, Sioux | Cedar River National Grassland. |
| Ransom, Richland | Sheyenne National Grassland. |
| Billings, Golden Valley, McKenzie, Slope | Little Missouri National Grassland. |
| Oklahoma: | |
| Cimarron | Rita Blanca National Grassland. |
| Roger Mills | Black Kettle National Grassland. |
| Oregon: | |
| Jefferson | Crooked River National Grassland. |
| South Dakota: | |
| Custer, Fall River, Jackson, Pennington | Buffalo Gap National Grassland. |
| Corson, Perkins, Ziebach | Grand River National Grassland. |
| Jones, Lyman, Stanley | Fort Pierre National Grassland. |
| Texas: | |
| Montague, Wise | Cross Timbers National Grassland. |
| Dallam | Rita Blanca National Grassland. |
| Fannin | Caddo National Grassland. |
| Wyoming: | |
| Campbell, Converse, Crook, Niobrara, Weston | Thunder Basin National Grassland. |

(Sec. 213.5 issued under 50 Stat. 525, as amended, 7 U.S.C. 1010–1012; 36 CFR 213.2)

The effective date of these designations is April 1, 1961.

Done at Washington, D.C., this 16th day of March 1961.

RICHARD E. MCARDLE,
*Chief, Forest Service.*

[F.R. Doc. 61–2552; Filed, Mar. 22, 1961; 8:48 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

### PART 33—SPORT FISHING

### Swan Lake National Wildlife Refuge, Missouri

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

MISSOURI

SWAN LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Swan Lake National Wildlife Refuge, Missouri, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,600 acres or 80 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West

Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Crappies, channel cat, black bass, buffalo, shad and other minor species as permitted by State regulations.

(b) Open season: April 1, 1961, through September 10, 1961; daylight hours only.

(c) Daily creel limits:

Crappies, 30.
Channel Cat, 10.
Black Bass, 10.
Buffalo and shad, no limit.

Creel limits for other minor species as prescribed by State regulations.

(d) Methods of fishing:

1. Pole and line, trotline, throwline, limb line, bank line, jig or block line, artificial lures, hooks, and bait are permitted; game fish may not be used for bait. No more than three unlabeled poles or more than thirty-three (33) hooks in the aggregate, may be used by any person at one time. Hooks may not be left unattended for more than 24 hours while in use. Hooks attached to throwlines or trotlines shall be staged not less than 2 feet apart. Trotlines and throwlines may not be attached together. Minnow traps, trotlines, throwlines, limb lines, bank lines, and liveboxes shall be plainly labeled with the owner's name and address.

2. No person shall use any electrical device, explosive, poison or chemical to kill, or stupefy fish, or take or attempt to take fish by rock or hand fishing, with or without hook.

3. The use of boats, canoes, and similar floating devices, without motors, is permitted.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to September 11, 1961.

R. W. BURWELL,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

MARCH 15, 1961.

[F.R. Doc. 61-2541; Filed, Mar. 22, 1961; 8:46 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 32153]

### PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

### Revenues From Water Transfers

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D.C., on the 10th day of March A.D. 1961.

Having under consideration a notice of proposed rule making published in the FEDERAL REGISTER January 10, 1961 (26 F.R. Part 170) which proposed an amendment of the Uniform System of Accounts for Railroad Companies by canceling the several accounts for revenues from water transfers and providing a single new account for the revenues from the service previously includible in the canceled accounts. No comments or objections to the proposal have been received; therefore:

*It is ordered*, That the amendments set forth below and made a part hereof shall become effective April 1, 1961; and

*It is further ordered*, That notice be given to the general public by depositing a copy in the Office of the Secretary at Washington, D.C., and by filing with the Director, Office of the Federal Register.

(Sec. 20, 24 Stat. 386, as amended. 49 U.S.C. 20)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

Amendments to the Uniform System of Accounts applicable to revenue from water transfers:

Amend Part 10; §§ 10.113, 10.114, 10.115, and 10.116, in the following particulars.

*Item No. 1.* Cancel the following section numbers, titles, texts, and the notes thereto: § 10.113 *Water transfers-freight;* § 10.114 *Water transfers-passenger;* § 10.115 *Water transfers-vehicles and livestock;* and § 10.116 *Water transfers-other.*

*Item No. 2.* Add the following new section number, title, texts, and note to the section, in substitution for the four above-cancelled sections:

§ 10.113 Water transfers.

(a) This account shall include the revenue from the transfer by water (ferriage, lighterage, and floatage) of passengers, freight, vehicles and livestock, upon the basis of lawful local tariff rates.

(b) This account also shall include revenue from water transfers of other traffic, such as the revenue from towing beyond lighterage limits and all other towing for which an extra charge is made; insurance of freight afloat when billed out at other than cost; storage of freight afloat; grain overage in boats; pumping performed for outside parties; and from other similar sources.

(c) To this account shall be charged amounts payable to other companies or individuals for extra lighterage, extra towing, and for all other service when such payments represent revenue collected and credited to this account and not a direct expense.

NOTE: No revenue shall be included in this account for water transfers of passengers or shipments upon the basis of arbitraries out of rates for transportation involving rail line haul.

[F.R. Doc. 61-2555; Filed, Mar. 22, 1961; 8:48 a.m.]

### SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

### PART 205—REPORTS OF MOTOR CARRIERS

### Motor Carrier Quarterly Report Form QPA (Class I Carriers of Passengers)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 7th day of February A.D. 1961.

The matter of the quarterly reports of Class I motor carriers of passengers being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

*It is ordered*, That § 205.11 of the order of October 22, 1956, in the matter of quarterly reports from Class I motor carriers of passengers be, and it is hereby modified and amended with respect to reports for the quarter ended March 31, 1961, and subsequent quarters, to read as shown below.

*It is further ordered*, That § 205.11, be, and it is hereby, modified and amended to read as follows:

§ 205.11 Quarterly reports of passenger revenues, expenses, and statistics.

Commencing with reports for the quarter ended March 31, 1961, and for subsequent quarters thereafter, until further order, all Class I common and contract motor carriers of passengers, as defined in § 181.02-1 of this chapter, viz., carriers having average gross operating revenues (including interstate and intrastate) of $200,000 or over annually, from passenger motor carrier operations, are required to file quarterly reports in accordance with Motor Carrier Quarterly Report Form QPA (Class I Carriers of Passengers),[1] which is attached to and made a part of this section. Such quarterly report shall be filed in triplicate in the office of the Bureau of Motor Carriers, Interstate Commerce Commission, for the District in which the carrier is domiciled, within 30 days after the close of the period to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 561, as amended; 49 U.S.C. 320)

*And it is further ordered*, That copies of this order and of Motor Carrier Quarterly Report Form QPA (Passenger) shall be served on all Class I common and contract motor carriers of passengers subject to its terms, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-2556; Filed, Mar. 22, 1961; 8:49 a.m.]

[1] Filed as part of the original document.

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### National Park Service

[36 CFR Part 3]

### DISCRIMINATION IN USING PARK AREAS

### Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3) it is proposed to amend § 3.46 as set forth below.

The purpose of the amendment is to conform to present policy requirements of the Federal Government that persons entering into contracts with the United States for the use of public property shall not maintain discriminatory employment practices with respect to race, color, creed or national origin.

It is the policy of the Department of the Interior wherever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the National Park Service, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

STEWART L. UDALL,
*Secretary of the Interior.*

MARCH 20, 1961.

Section 3.46 is amended to read as follows:

§ 3.46 Discrimination in furnishing public accommodations, in using park areas, and employment practices in park areas.

The operator of any public facility or accommodation in a park area and its employees, including, but not limited to, the District of Columbia Recreation Board and its personnel, the District of Columbia Armory Board and its personnel, and any subcontractor or sublessee, while using park areas are prohibited from (a) publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, or national origin; (b) discriminating by segregation or otherwise against any persons or persons because of race, creed, color, or national origin by refusing to furnish such person or persons any accommodation, facility, service or privilege offered to or enjoyed by the general public; and (c) discriminating against any employee or applicant for employment because of race, creed, color, or national origin in connection with any activity provided for or permitted by its contract, subcontract, lease, sublease, or permit. The aforesaid provision (c) shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

[F.R. Doc. 61-2557; Filed, Mar. 22, 1961; 8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 932]

[Docket No. AO-33-A24]

### MILK IN FORT WAYNE, IND., MARKETING AREA

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C. not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Fort Wayne, Indiana, on August 2-4, 1960, pursuant to notice thereof which was issued June 29, 1960 (25 F.R. 6294).

The material issues on the record of the hearing relate to:

1. Extension of the marketing area.
2. Modification of the classification, transfer and allocation provisions.
3. The method of determining minimum prices.
4. Distribution of proceeds to producers.
5. Revision of provisions with respect to unpriced milk.
6. Obligations of nonpool distributing plants with route distribution in the marketing area.
7. Modification of definitions and other administrative provisions.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The marketing area should be extended to include all the territory within the counties of Adams, Allen, DeKalb, Huntington, Lagrange, Noble, Steuben, Wells, Whitley all in the State of Indiana, together with all municipal corporations therein and all institutions owned or operated by the Federal, State or County government located wholly or partially within the area.

The present marketing area is limited to the city of Fort Wayne in Allen County. The number of handlers currently regulated is seven. The extension of the marketing area would fully regulate approximately 15 additional handlers.

Presently regulated handlers distribute fluid milk products through the entire area proposed. One of these handlers distributes approximately 50 percent of his fluid products outside the present marketing area but within the area proposed. Two other handlers now regulated also have a substantial distribution in the nine counties proposed to be regulated. It is necessary to include the entire area to encompass the major sales areas of all handlers who would be brought under regulation by expansion of the market to include the territory in which presently regulated handlers have a substantial volume of their distribution. Order No. 32 handlers and handlers regulated by other orders distribute from 35 to more than 90 percent of the fluid milk products in each of the counties herein recommended to be included in the marketing area.

Several of the milk distributors located outside the present marketing area and disposing of fluid milk products in the nine-county area do have sales in Allen County, some of them within the present city limits of Fort Wayne. Producers supplying these handlers are intermingled with producers presently supplying the Fort Wayne market.

Dairy farmers delivering to plants in the nine-county area outside of the present marketing area receive prices for their milk which are based on uniform prices paid under the Fort Wayne, North Central or Northeastern Ohio orders, rather than on the utilization of their milk based on a classified price plan. Distributing plants located in the extended marketing area have a high Class I utilization as compared to the market-wide utilization of handlers now regulated. Hence, the operators of these

distributing plants, on the average, pay less for Class I milk than do handlers presently regulated by the Fort Wayne order.

Most of the sales of all fully regulated handlers would be made within the proposed marketing area. Seventeen of the handlers to be fully regulated have little, if any, route distribution of fluid milk products outside the extended marketing area. Four fully regulated handlers would have sales outside the proposed area. Two of these handlers, with 75 percent of their route sales in the enlarged Fort Wayne area, would be regulated under the Indianapolis order if the Fort Wayne area was not extended. Another handler with 25 percent of his route distribution outside the proposed marketing area competes with unregulated milk distributors and with handlers regulated by Southern Michigan, Order No. 24. The fourth of these handlers sells less than 15 percent of his Class I sales outside the proposed area. Another handler located within the proposed marketing area distributed 90 percent or more of his sales of fluid milk products in the State of Ohio. It is anticipated that this handler will be only partially regulated under the Fort Wayne order.

Many of the milk distributors that would be regulated by the extension of the marketing area purchase their reserve supply of fluid milk from the Wayne Cooperative Milk Producers Association.

Fluid milk products sold for consumption in the principal communities in the proposed area must be approved by health authorities who administer health ordinances generally patterned after the United States Public Health Service Milk Ordinance and Code. Within this area the health standards are substantially identical. The marketing area as herein proposed to be extended is a practicable area for purposes of regulation in effectuating the declared policy of the Act.

The provisions of the present Fort Wayne order as amended by the changes recommended below will afford an appropriate regulation for the enlarged marketing area.

2. The provisions relating to classification, transfers and allocation of skim milk and butterfat should be modified.

The order presently provides for the classification of skim milk and butterfat according to the form in which, or the purpose for which, it is used as either Class I or Class II. This classified-use plan should be continued with only minor modifications.

The Class II classification should be modified to include any skim milk which is dumped after prior notification to and opportunity for verification by the market administrator. Skim milk and butterfat used for livestock feed to the extent that appropriate records for such utilization are maintained by the handler should also be classified as Class II. The only trade outlets for surplus milk for many handlers are located at considerable distances from processing plants. Transportation costs are such that it is uneconomical for these handlers to ship relatively small quantities of such unneeded items to processing plants. Skim milk and butterfat used to produce eggnog or disposed of in bulk in the form of milk, skim milk, buttermilk and sweet cream to commercial food processors, manufacturers of candy, soup and bakery products and used in such products should be classified as Class II. The health departments having jurisdiction in the marketing area do not require that eggnog be made from Grade A milk. Skim milk and butterfat used to produce products not generally required to be made from producer milk are customarily defined as Class II. If Class II classification were not provided for sales of these products, handlers would be placed at a disadvantage in competing for such sales. Health regulations require, however, that sour cream be made from Grade A milk. These regulations also require that sour cream products (i.e. products made from a sour cream base but with food additives) and labeled Grade A must be made from the Grade A milk supply. It has been long established that products required to be made from Grade A milk are included in Class I. Therefore, any sour cream product that is labeled Grade A or sour cream should be retained in Class I milk.

The classification of shrinkage has been modified to accommodate changes herein recommended with respect to cooperative associations as handlers of their member producers' milk supply handled in farm bulk tanks and the diversion of milk from pool plants to the pool plant of another handler. The maximum shrinkage allowance of skim milk and butterfat in Class II should be limited to:

(a) Two percent of receipts of milk at a pool plant directly from producers, plus

(b) One and one-half percent of receipts from a cooperative association in farm bulk tanks except that, if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage should be 2 percent, plus

(c) One and one-half percent of receipts in bulk tanks from other pool plants, less

(d) One and one-half percent of the disposition in bulk tanks from pool plants to all other milk plants, and plus

(e) One-half percent of receipts of producer milk in the case of a cooperative association with respect to milk in farm bulk tanks, unless the operator of the pool plant purchases such milk on the basis of farm weights.

Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant loss in excess of the maximums provided. Any shrinkage in excess of the maximum should be classified as Class I.

Uniformity of costs to handlers and simplicity of accounting are achieved if, so far as possible, Class I utilization each month is assigned to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II and allocation of opening inventory to Class I only when current receipts of producer milk (except allowable Class II shrinkage) are less than Class I sales. In such case the handler should pay the difference between the Class II price of such milk in the preceding month and the current Class I price. The volume on which this charge is made should not exceed the volume (in excess of allowable Class II shrinkage) for which producers were paid at the Class II price in the preceding month. It is concluded that this method of accounting for inventory will preserve the priority of assignment of current producer reciepts to current Class I use for each month and therefore is more appropriate than using the proposed system of inventory variations.

Provisions relating to transfers of fluid milk, skim milk or cream in bulk to nonpool plants should be revised. Transfers or diversions from a pool plant in the form of bulk milk or skim milk to a nonpool plant not regulated by another order but located within 250 miles of the Allen County, Indiana, Courthouse or as cream to a nonpool plant, wherever located, may be classified as Class II if the receipts of fluid milk products in the nonpool plant during the month from pool plants and from plants at which milk is priced pursuant to another order issued pursuant to the Act do not exceed the "Class II usage" of such nonpool plant. The system of determining the "Class II usage" at the nonpool plant is set forth in detail in the order. In the event that receipts of fluid milk products from plants fully regulated by any Federal order at the nonpool plant exceed the Class II usage, such receipts shall be classified as Class I. Any such Class I shall be assigned pro rata to the receipts from each pool plant and each plant at which milk is classified and priced under another order issued pursuant to the Act. The Fort Wayne market is not the regular source of the reserve milk supplies for nonregulated markets. Therefore, Fort Wayne producers have no claim of priority to such Class I sales in such other markets resulting from transfers from pool plants to nonpool plants in such markets. The highest valued uses should be assigned first to dairy farmers regularly supplying Grade A milk to the nonregulated market. The provisions herein outlined are provided to assure such assignment.

The transfers of milk or skim milk in bulk to nonpool plants not regulated by an order and located more than 250 miles from the Allen County, Indiana, Courthouse should be classified as Class I. While it was proposed that a limitation of 150 miles be used, it is concluded that a limitation of 250 miles would more adequately describe an area wherein handlers may dispose of skim milk and butterfat not needed by order handlers for Class I purposes. There are within this radius ample facilities to handle all of the reserve supplies of whole milk of the market which are not needed for Class I use, and because of the transportation cost involved, it is impractical to move milk or skim milk any greater distance for other than Class I utilization. Within such an area it is possible for the market administrator to verify the utilization of such milk without incurring unreasonable expenses. Beyond that area the verification of such utilization would place an undue burden on the staff of the market administrator and the cost would be excessive. On the other hand, cream for manufacturing purposes being much less bulky may be shipped by handlers to outlets considerable distances from the marketing area. Under the proposal which has been recommended, herein, if the cream is moved without Grade A certification, if each container bears a tag or label stating that the contents are for manufacturing use only and the cream is invoiced as suitable for manufacturing use only, such cream could be classified as Class II if the market administrator is given sufficient notification that he may physically verify that these requirements are complied with. Cream which has been handled in the manner described, can be assumed to be utilized in a Class II product. It will not be necessary for the market administrator to travel unnecessary distances to verify the utilization of cream which may not be utilized in Class I at the point of destination.

Skim milk and butterfat transferred or diverted in bulk to a plant fully regulated by another order should be classified as Class I if so classified and allocated as Class I under such other order (or Class II under Order No. 41). If classified and allocated to any other class under any other order the classification under Order No. 32 would be as Class II.

The allocation procedure should be revised. Presently the allocation provision does not distinguish between other source milk received in bulk fluid form from such milk received in the form of powder or condensed. Neither does it distinguish the difference between other source milk received from regulated and unregulated sources. In general the procedure requires that skim milk and butterfat in producer milk in each pool plant be assigned to Class I before any other milk is so assigned. This is necessary to insure the effectiveness of the classified pricing system of the order. A method of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in detail in the order. The revised allocation procedure with respect to other source milk will facilitate the application of payments on unpriced milk. It will have the further effect of providing the same treatment of fluid milk products in consumer packages whether distributed on routes in the marketing area or to pool plants by handlers fully regulated under another order.

3. The method of determining minimum prices in the order should be modified.

The present order provides that the basic formula price shall be the highest of the prices paid dairy farmers by local condenseries, the price computed by using butter and cheese prices, or a butter-powder formula price. During the past six years the butter-cheese formula price has not been used as the basic formula price and it should be deleted from the amended order.

The order should be revised to provide the use of prices paid farmers at 10 midwest condenseries as a part of the basic formula price. The use of the higher of the present butter-powder formula or the average price paid dairy farmers at 10 midwest condenseries will appropriately reflect the nationwide market for most manufactured products. Had these prices been used during the past three years the basic formula price would have been increased an average of 4 to 5 cents.

The Class I price should be established at a level which, in conjunction with the Class II price hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate, but not excessive, supply of quality milk to meet the requirements of consumers in the marketing area, including the necessary reserves. Class I prices must also be in alignment with those prevailing in other nearby regulated markets and should not be at levels which exceed the cost of obtaining milk of acceptable quality and regular availability from alternative sources. This objective can best be effectuated by establishing the Class I price for the Fort Wayne order at the level of the basic formula price plus $1.20.

The order presently provides for seasonal differentials above the basic formula price that range from $0.75 to $1.60 per hundredweight seasonally and average $1.16 on an annual basis. Until recently the resulting Class I price was adjusted as the relationship of the supply of producer milk to gross Class I sales varied. The supply demand provisions of the present order were suspended October 1, 1960, because of the wide and erratic movement of the supply-demand adjustor which was disrupting the normal inter-market alignment of class prices. During the past six years, prior to its suspension, the supply-demand adjustor added on an annual average slightly more than $0.08 per hundredweight to the Class I price. Thus, the annual average differential as provided herein will approximate the same level of Class I prices as the current provisions of the Fort Wayne order. Seasonality in prices to producers should be reflected in a "Louisville Plan" discussed elsewhere in this decision.

The revision of the definitions of producer and producer milk and the extension of the marketing area are expected to make substantial changes in the amount of producer milk received at pool plants in this market. It is anticipated that the order regulating the handling of milk in the Indianapolis, Indiana, marketing area will also make changes in the amount of producer milk received and the total amount of gross Class I sales in the Fort Wayne marketing area. Under these circumstances it is very difficult to forecast accurately what the supply-demand relationships might be following the issuance of an amended order for this market. Based on the recent history of the market, a differential of $1.20 should be used in determining the Class I price through March 31, 1963, and no provision should be made for its adjustment as the supply of producer milk may change in relation to Class I sales. During the intervening time sufficient data should become available to provide a basis for judgment as to the future level of the Class I price and the need for adjusting such price as the supplies may vary in relation to demand.

So that handlers and producers may know the cost of Class I milk early in the month the order is further modified to provide that the basic formula should be based on the designated prices of the preceding month rather than the current month. This modification will make it possible for the market administrator to announce Class I prices for the current month on or before the 6th day of each month.

The basic formula is appropriate to use in determining the Class II price. The one recommended herein is slightly higher than the basic formula price provided in the present order. It will maintain the price for excess milk at the maximum level consistent with facilitating its movement to manufacturing outlets when not required for Class I purposes. It will further provide appropriate alignment with Class II prices in nearby Federal order markets.

It was proposed that a lower price be determined for butterfat used in the manufacture of butter during the months of April through July. The Class II milk utilized by handlers in this market is predominantly in the higher valued Class II products of cottage cheese and ice cream. During these months there is a demand within reasonable distances for butterfat for ice cream manufacturing. To provide a lower Class II price for that used in butter would tend to encourage handlers not to seek the higher valued outlets available. It is therefore concluded, that butterfat used to produce butter should not be priced seasonally.

Multiplying the Chicago butter price by .125 and by .115 will provide an appropriate means for adjusting the Class I and Class II prices, respectively, in this market for each one-tenth percent variation in the butterfat content of milk used in these classes.

The present order provides for the determination of the handler Class I butterfat differential by multiplying the Chicago butter price by .13. The Class II differential in the present order is determined in the same manner as provided herein. The revised handler Class I butterfat differential places more value on the skim portion of milk than prevails under the present order provisions. This differential will recognize the change in consumer demand for skim milk and butterfat and will give some encouragement to increase the disposition of butterfat in Class I outlets.

To coordinate the Class I price and the Class I butterfat differential, the Class I butterfat differential should be based on the average price of butter in the preceding month. This will provide handlers and producers with knowledge of the Class I price a month in advance

of the present provisions of the order. The Class II price and butterfat differential should continue to be based on the current month's prices.

So that the returns to producers will reflect the actual value of their butterfat at the class prices the butterfat differential to producers should be calculated at the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat classified in each class during the month.

4. A "Louisville Plan" of fall production incentive payments should be utilized in distributing returns to producers to provide the incentive to level production that is provided by the seasonal Class I differentials in the present order. Such a plan provides for setting aside a portion of the payments made by handlers for producer milk during the spring months of flush production and for the distribution of the amounts withheld to producers on the basis of their deliveries during the fall months of production.

Under the plan proposed by producers and herein adopted the amount withheld from the pool would be eight percent of the Class I price times the hundredweight of producer milk deliveries during the months of April, May, and June. One-third of this set aside would be added to the value of producer milk in determining the uniform prices during each of the following months of September, October, and November. This is the same rate as provided for in the Indianapolis order. Thus, alignment of prices with this market is facilitated.

This incentive plan will tend to encourage a more even pattern of production throughout the year. In this way, an appropriate impetus is provided to obtain greater production during the fall months of normally low seasonal production and to discourage the production of unnecessary milk supplies in the spring months of flush production. The average of blend prices to producers for April, May and June during the past three years has been about 80 cents per hundredweight below the blend prices for September, October and November. It is estimated that the Louisville plan will increase the average seasonal difference in blend prices to producers from 80 cents per hundredweight to more than $1.00. Thus, this incentive plan provides a substitute for the seasonal pricing provisions on the present order.

5. The provisions of the present order with respect to compensatory payments on unpriced milk at pool plants should be modified to apply only when receipts from producers exceed 110 percent of Class I utilization at all plants in the market during the month.

When the total market receipts of producer milk are less than 110 percent of total Class I sales during a month it is possible that some handlers would have to purchase milk from outside the market for their Class I sales. In the past, when supplies of producer milk in the Fort Wayne market have been low relative to Class I sales other nearby sources have also been in short supply. Under these circumstances, there is no competitive advantage to be gained by the use of other source milk, and compensatory payments would not be necessary in this market.

No compensatory payment should be required on milk which is classified and priced as Class I under any other Federal order. The alignment of Class I prices for the Fort Wayne, Indiana, market with those for other Federal orders prevents any significant competitive advantage to Fort Wayne handlers who purchase other Federal order milk.

Because of the number and locations of the additional plants which will be brought under regulation it is appropriate that the compensatory payment on other source milk allocated to Class I should be adjusted to reflect the location of the plant at which such other source milk was received from farmers. This will tend to equalize the cost of unpriced other source milk among regulated handlers.

Other source milk used in the form of nonfat dry milk or condensed skim milk should be considered to be from a source at the location of the pool plant at which it is used. The plant where such products are made would be difficult to ascertain and the transportation cost is relatively small for such concentrated products.

6. Under the present order handlers who have route distribution of Class I milk in the marketing area from nonpool plants must pay the difference between the Class I and Class II price on the volume disposed of from routes in the area. In connection with the expansion of the marketing area operators of such nonpool distributing plants should be given the choice of paying dairy farmers from whom they receive Grade A milk the use value of such milk as computed pursuant to all terms and provisions of the order or making payments to the producer-settlement fund in accordance with the present order.

The effectiveness of the minimum price regulation can be maintained by providing alternative methods of determining compensatory payments at a nonpool distributing plant. Subject to proper reporting and the maintenance of adequate records, the operator of such plant should be given an opportunity to choose between payment into the producer-settlement fund of:

(1) An amount equal to the volume of Class I milk disposed of in the marketing area times the difference between the applicable Class I and Class II prices, or

(2) The amount by which total payments to dairy farmers delivering to such plant are less than the total obligation to producers which would be due if such plant were a pool plant.

If the partially regulated handler elects to make payments under the first option, the regulation would be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk at pool plants. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers, or by combination of payments to his farmers and to the producer-settlement fund, he will not have an advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area. His total minimum obligation for milk will be determined in the same manner as if he were a fully regulated handler. Affording this second option to partially regulated nonpool plants will adequately protect the regulatory plan in this market. Handlers in a position to use this option do not exist to an extent which would permit any significant diversion of the revenue derived from Class I sales in the marketing area to handlers only incidently associated with the market and thereby dissipate the returns to dairy farmers who are primarily engaged in producing an adequate and dependable supply of approved milk for the marketing area. Neither is there any likelihood that handlers who might exercise this option would be able to secure a competitive advantage over fully regulated handlers in the procurement of milk from dairy farmers.

Under this option, the operator of the nonpool plant would be required to file a complete report of receipts and utilization. From such reports, subject to audit, the value of his milk would be computed at the class prices and adjusted for location and butterfat content in the same manner as for a pool plant. From this utilization value the market administrator would subtract the payments to the Grade A dairy farmers who constitute the regular supply of milk for the nonpool plant as verified from the producer payroll. Only such payments would be allowed as had been made to such farmers by the 15th day following the end of the month. The payment would be the gross amount paid to such farmers for milk at the nonpool plant. Bona fide deductions for supplies and services, such as hauling, would be allowed as authorized in writing by the dairy farmer.

The assessment of administrative expense should depend upon which option is chosen by the nonpool distributor. If he elects to make a compensatory payment on his in-area sales he should be required to pay administrative expense only on such quantities of milk disposed of in the marketing area. If he elects the payment to his own dairy farmers based on the utilization value of his milk he should pay administrative expense on his entire receipts of milk from Grade A dairy farmers and any other receipts from unpriced sources which are allocated to Class I milk. The second option necessitates as much verification of the reports and utilization by the market administrator as at a pool plant and the assessment should be computed on the same basis.

7. Due both to the length of time since the order was last revised and to the expansion of the marketing area as provided herein it is desirable to revise certain definitions and administrative provisions of the order.

The Fort Wayne order was last revised in 1954. Since that date many changes in marketing milk in this area have occurred. The largest cooperative association now operates pool plants under the Northeastern Ohio marketing order. There are extensive intermarket movements of milk by handlers regulated under the Chicago, South Bend-La Porte-Elkhart and North Central Ohio orders and by handlers in the Indianapolis, Indiana, market. While at the time of the hearing only a small portion of the supply of producer milk was handled through farm bulk tanks, it is anticipated that this form of marketing milk will develop rapidly. These and other changes in the market provided the basic reasons for the revision of the order as herein provided.



Producer should be defined as a person, other than a producer-handler, who produces Grade A milk, in conformity with the sanitation requirements issued by duly constituted health authorities and whose milk is received at a pool plant or diverted within the limits provided herein. The present order provides that a producer must have certification issued by the Fort Wayne Board of Health. With the extension of the marketing area as outlined herein to include areas beyond the city limits of Fort Wayne it is practical and necessary to provide that any dairy farmer who produces Grade A milk in conformity with sanitation requirements issued by any duly constituted health authority should be eligible to become a producer under this order.

To designate clearly what milk will be subject to the pricing and pooling provisions of this order a handler should be defined as:

(1) Any person in his capacity as the operator of a pool plant;

(2) The operator of any nonpool distributing plant with route distribution in the area;

(3) A cooperative association with respect to milk of its members diverted for the account of such association from a pool plant to a nonpool plant; or

(4) A cooperative association with respect to the milk of those producer members which is delivered from the farm to the pool plant of another handler for the account of the cooperative association. The milk so delivered shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

The handler receives the milk of producers and thus must be held responsible for reporting its receipt and utilization. The handler is the one responsible for the payment for producer milk at not less than specified minimum prices. Producer-handlers and other operators of distributing plants should be handlers in order that the market administrator may require reports of such persons to determine their status at any given time.

The present order provides that any cooperative association is a handler with respect to (1) producer milk caused by it to be delivered to a pool plant for which milk such association is authorized to receive payment, or (2) milk certified by the Fort Wayne Board of Health for disposition within the marketing area as fluid milk which such association caused to be delivered, for its account, to a nonpool plant. It was proposed to amend this provision to provide that any cooperative association operating a nonpool plant within the marketing area would be a handler with respect to milk as outlined in points (1) and (2) of the previous sentence. The expansion of the marketing area to include nine counties in Indiana and the increase in the receipt of milk at pool plants in farm bulk tanks make such a provision impractical under the present marketing conditions in this area. The definition of a handler contained herein will provide for specific accountability of the milk to be priced and pooled under the order.

Producer-handler should be defined as a dairy farmer who operates a distributing plant but receives no milk from other dairy farmers or nonpool plants. It is further provided, that the maintenance, care and management of the dairy animals and other resources necessary to produce his own farm milk production and the processing and/or distribution of fluid milk products must be the personal enterprise and at the personal risk of the producer-handler.

A distributing plant should be defined as a plant in which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on a route in the marketing area.

A supply plant should be defined as a plant at which milk is received from dairy farmers and from which Grade A fluid milk products are moved to a distributing plant.

A pool plant should meet certain performance standards in order to determine its status as a regular and substantial supplier of fluid milk in the marketing area. In order to qualify as a pool plant a distributing plant should (1) dispose of 10 percent or more of its total receipts of Grade A milk on routes in the marketing area, and (2) have a total disposition of fluid milk products on routes equal to 50 percent or more of its total receipts of Grade A milk. In order to qualify as a pool plant a supply plant should move to and have utilized at distributing pool plants 50 percent or more of its receipts from dairy farmers. If a supply plant meets this pooling requirement during each of the months of September through December, it should retain pool status during the following January through August unless the operator of the supply plant notifies the market administrator in writing before the first day of the month of his intention to withdraw his plant as a pool plant. If a supply plant becomes a nonpool plant it shall thereafter be a nonpool plant until it again meets the shipping requirements set forth herein.

The revised definition of a pool plant is necessary to insure (1) that the producers sharing in the uniform price of the marketwide pool be those delivering to plants from which a substantial portion of the milk received at such a plant is disposed of as fluid milk products in the marketing area; and (2) that the receipts of those plants which primarily serve markets outside the marketing area be excluded from sharing in the pool. Thus, it is provided that those plants that make sales of fluid milk products on routes in the marketing area equal to 10 percent or more of total receipts of Grade A milk should be regarded as pool plants.

Distributing plants normally distribute on routes a high proportion of their receipts of Grade A milk as fluid milk products. Disposition of not less than 50 percent of its Grade A receipts on routes in the form of fluid milk products in any month would indicate that the plant is primarily a milk distributing plant. Route disposal would serve to distinguish those plants that may qualify as pool plants through route distribution from those which must qualify as supply plants. Route is defined in the order to include all deliveries of fluid milk products other than a delivery in bulk form to any milk processing plant.

The present order provides that a distributing plant be a pool plant if 10 percent of its receipts is disposed of as Class I on routes which are wholly or partially within the marketing area. Thus, a plant could qualify as a pool plant with only a very small percentage of its Class I disposition within the marketing area. Requiring 10 percent of its receipts to be disposed of within the marketing area will insure that a plant, to be pooled, has a substantial association with the market. This revised requirement will not affect the status of any distributing plant now pooled under the order.

Producer milk should be defined as all skim milk and butterfat received at a pool plant directly from producers or from a cooperative association, and milk diverted by the operator of a pool plant or by a cooperative association under specified conditions. In the Fort Wayne marketing area the operators of pool plants do not generally divert milk production of a producer to the pool plant of another handler. However, circumstances do occasionally arise when it is more practical and economic to move milk directly from the farm to the pool plant of another handler. Therefore, it is reasonable to permit such movements of milk between pool plants. The purpose of the diversion privilege is to facilitate the movement of milk to nonpool plants when all of the supply of Grade A milk in the market is not needed for Class I purposes. Allowing for unlimited diversion to nonpool plants during those months when the reserve supplies of milk are heaviest will contribute to the economic movement of milk to nonpool plants. Unlimited diversion, however, is neither necessary nor desirable during the other months of the year when producer milk regularly associated with the market is needed to supply the Class I needs of the market. However, it is necessary during the short supply season to enable handlers to divert milk on weekends or holidays or under unusual circumstances when the milk is not needed to fill the Class I needs of the market. It is, therefore, provided that the operator of a pool plant may divert the milk production of a producer from a pool plant to a nonpool plant for any number of days during the months of January through August. Diversion by

the operator of a pool plant to a nonpool plant should be limited to not more than one-half of the days of production of such producer during the months of September through December. A cooperative association would be similarly limited to the diversion of the milk production of its producer members from a pool plant or directly from the farm to a nonpool plant.

Milk diverted for the account of the operator of a pool plant, or a cooperative association, from a pool plant to a nonpool plant shall be considered to have been received at the pool plant from which diverted.

Other source milk should be defined as all skim milk and butterfat contained in fluid milk products received by a handler at his plant(s) (except producer milk, inventory of fluid milk products at the beginning of the month, and fluid milk products received from pool plants), products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month and any disappearance of nonfluid milk products not otherwise accounted for. Any receipts from a producer-handler would be other source milk since such person is neither a producer nor the operator of a pool plant.

Fluid milk product should be defined to mean milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk disposed of for fluid consumption (other than in hermetically sealed cans), cream, sweet or sour, any mixture of cream and milk or skim milk (except frozen cream, aerated cream products, eggnog, milk shake mixes, ice cream, ice cream mixes, other frozen desserts and sterilized products packaged in hermetically sealed containers) and sour cream products labeled Grade A. The items designated as fluid milk products pursuant to this definition are those products, which, when disposed of by handlers, are considered as Class I milk.

Provision should be made for payment of interest on overdue obligations. The requirement that interest be paid on overdue obligations will encourage prompt payments, thereby making for efficient transactions under the order. Dates on which accounts are due under the order allow adequate time for payment of the principal without an interest charge. A rate equal to one-half of one percent with respect to any unpaid obligation, to or from the market administrator, is an appropriate and economically sound payment for each month or fraction thereof that the obligation is overdue. Under this provision, any unpaid portion of the obligation would be increased one-half of one percent on the first day of the month following the date such obligation is due and on the first day of each succeeding month until such obligation is paid. This procedure will give reasonable time to receive actual payments of obligations before the application of interest.

The order has been completely redrafted to properly coordinate the provisions of the regulation in its entirety.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order.* The following order amending the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

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DEFINITIONS

**§ 932.1 Act.**

Act means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).



**§ 932.2 Secretary.**

Secretary means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

**§ 932.3 Department.**

Department means the United States Department of Agriculture.

**§ 932.4 Person.**

Person means any individual, partnership, corporation, association or any other business unit.

**§ 932.5 Cooperative association.**

Cooperative association means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales, or marketing milk or its products for its members.

**§ 932.6 Fort Wayne, Indiana, marketing area.**

Fort Wayne, Indiana, marketing area, hereinafter called the "marketing area," means all the territory within the counties of Adams, Allen, De Kalb, Huntington, Lagrange, Noble, Steuben, Wells, and Whitley, all in the State of Indiana, together with all municipal corporations therein and all institutions owned or operated by the Federal, State or County Government located wholly or partially within the county.

**§ 932.7 Producer.**

Producer means any person, except a producer-handler, who, in compliance with the Grade A inspection requirements of a duly constituted health authority, produces milk for distribution as fluid milk products within the marketing area or produces milk acceptable for fluid consumption at Federal, State or municipal institutions, which milk is received at a pool plant or is diverted pursuant to § 932.14.

**§ 932.8 Handler.**

Handler means:

(a) Any person in his capacity as the operator of a pool plant(s); or

(b) The operator of any nonpool distributing plant with route distribution in the area; or

(c) A cooperative association with respect to milk of its producer members diverted for the account of such association from a pool plant to a nonpool plant; or

(d) A cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant(s) of another handler for the account of the cooperative association, if the cooperative association, on or before the first day of the month in which such milk is received from producers, has notified, in writing, both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. The cooperative association shall be considered the handler for such milk effective the first day of the month following receipt of such notice and milk so delivered shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

**§ 932.9 Producer-handler.**

Producer-handler means a person who:

(a) Operates a distributing plant at which no fluid milk or fluid milk products are received during the month except that of his own farm milk production or that which is transferred from a pool plant(s); and

(b) Assumes as his personal enterprise and risk the processing and/or distribution of fluid products and the maintenance, care and management of dairy animals and other resources necessary to produce his own farm milk production.

**§ 932.10 Distributing plant.**

Distributing plant means any plant at which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on a route(s) in the marketing area.

**§ 932.11 Supply plant.**

Supply plant means any plant at which Grade A milk is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

**§ 932.12 Pool plant.**

Pool plant means:

(a) A distributing plant, other than that of a producer-handler or one described in § 932.61, from which during the month:

(1) Disposition of fluid milk products in the marketing area on routes is equal to 10 percent or more if its total receipts of Grade A milk; and

(2) Total disposition of fluid milk products on routes is equal to 50 percent or more of its total receipts of Grade A milk;

(b) A supply plant from which during the month 50 percent or more of its receipts of Grade A milk from dairy farmers is moved to and received at a pool plant(s) described in paragraph (a) of this section. Any supply plant that was a pool plant during each of the months of September through December shall continue to be a pool plant the following months of January through August unless the operator of such plant notifies the market administrator in writing before the first day of any such month of his intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant until it again meets the shipping requirements set forth in this paragraph.

**§ 932.13 Nonpool plant.**

Nonpool plant means any milk processing or distributing plant in any month in which it is not a pool plant.

**§ 932.14 Producer milk.**

Producer milk means all skim milk and butterfat which is:

(a) Received at a pool plant directly from producers or from a cooperative association; or

(b) Diverted by the operator of a pool plant or by a cooperative association, subject to the following conditions:

(1) The operator of a pool plant may divert the milk production of a producer to the pool plant of another handler for not more than one-half of the days of production during the month;

(2) During January through August the operator of a pool plant may divert the milk production of a producer from a pool plant to a nonpool plant on any number of days during the month and during the months of September through December on not more than one-half of the days of production of such producer during the month;

(3) During January through August a cooperative association may divert the milk production of a producer from a pool plant to a nonpool plant on any number of days of the month and during the months of September through December on not more than one-half of the days of production of such producer during the month;

(4) Milk diverted for the account of the operator of a pool plant shall be considered to have been received at the pool plant from which diverted; and

(5) Milk diverted for the account of a cooperative association shall be considered to have been received at the location of the pool plant from which diverted.

**§ 932.15 Other source milk.**

Other source milk means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants;

(2) Producer milk; and

(3) Inventory of fluid milk products on hand at the beginning of the month;

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

**§ 932.16 Fluid milk product.**

Fluid milk product means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk disposed of for fluid consumption (other than in hermetically sealed cans), cream, sweet or sour, and any mixture of cream and milk or skim milk (except frozen cream, aerated cream products, eggnog, milk shake mixes, ice cream, ice cream mixes, other frozen desserts and sterilized products packaged in hermetically sealed containers) and sour cream products labeled Grade A.

**§ 932.17 Route.**

Route means a delivery (including delivery by a vender or sale from a plant or plant store) of any fluid milk product, other than a delivery in bulk form to any milk processing plant.

**§ 932.18 Chicago butter price.**

Chicago butter price means the simple average, as computed by the market administrator, of the daily wholesale sell-

ing prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

**§ 932.20 Designation.**

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

**§ 932.21 Powers.**

The market administrator shall have the following powers with respect to this part:

(a) Administer its terms and provisions;

(b) Receive, investigate, and report to the Secretary complaints of violations;

(c) Make such rules and regulations as are necessary to effectuate its terms and provisions; and

(d) Recommend amendments to the Secretary.

**§ 932.22 Duties.**

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount, and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 932.86, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 932.85, that are necessarily incurred by him in the maintenance and functioning of his office, and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments of each handler by audit, or such other investigation as may be necessary, of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the classification of skim milk and butterfat depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or payments required by this part;

(i) Prepare and disseminate to producers, handlers and the public, general information as he deems necessary;

(j) On or before the dates specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 6th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month; and

(2) The 14th day of each month, the uniform price and the producer butterfat differential for the preceding month;

(k) On or before the 12th day after the end of each month report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them to each handler to whom the cooperative sells milk. For the purpose of this report the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class.

REPORTS, RECORDS AND FACILITIES

**§ 932.30 Reports of receipts and utilization.**

By mailing on or before the 6th day after the end of each month, or by delivery not later than the 8th day after the end of the month, each handler, except a producer-handler and a handler pursuant to § 932.61, shall report to the market administrator for such month, reporting separately for each of his pool plants, in the detail and on the forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Receipts of milk from producers, including receipts of the handler's own production;

(2) The quantities of skim milk and butterfat contained in milk and milk products received from other pool plants and a cooperative association which is a handler pursuant to § 932.8(d);

(3) The quantities of skim milk and butterfat contained in other source milk, including milk which has been classified and priced under other Federal orders;

(b) The inventories of skim milk and butterfat on hand at the beginning and the end of the month;

(c) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(d) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may require.

**§ 932.31 Payroll reports.**

(a) Each handler, except a producer-handler and a handler pursuant to § 932.61 or § 932.62, shall report to the market administrator in the detail and on forms prescribed by the market administrator the following:

(1) On or before the 25th day after the end of each month for each producer or cooperative association from whom milk was received during the preceding month the following:

(i) His name and address;

(ii) The total pounds and butterfat content of milk received during the month;

(iii) The amount of any deductions authorized in writing by such producer to be made from payments due for milk delivered; and

(iv) The prices paid and the net amount of the payment to each producer;

(b) Each handler operating a nonpool distributing plant who does not elect to make payments as required pursuant to § 932.62(a) shall report to the market administrator on or before the 25th day after the end of the month for each dairy farmer from whom milk was received the same information as required pursuant to paragraph (a)(1) of this section.

**§ 932.32 Other reports.**

Each producer-handler and each handler pursuant to § 932.61 shall make reports to the market administrator at such time and in such manner as the market administrator may require.

**§ 932.33 Records and facilities.**

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data which are required to be reported pursuant to this part and the payments required to be made pursuant to this part.

**§ 932.34 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.



CLASSIFICATION

**§ 932.40 Skim milk and butterfat to be classified.**

The skim milk and butterfat to be reported by each handler pursuant to § 932.30 shall be classified each month by the market administrator pursuant to the provisions of § 932.41 through § 932.47.

**§ 932.41 Classes of utilization.**

Subject to the conditions set forth in §§ 932.42 to 932.47 the classes of utilization shall be as follows:

(a) *Class I.* Class I shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraphs (b) (2), (3), (4), and (5); and

(2) Not accounted for as Class II.

(b) *Class II.* Class II shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product;

(3) All skim milk authorized by the market administrator to be dumped;

(4) All skim milk and butterfat accounted for as disposed of for livestock feed;

(5) The inventories of fluid milk products on hand at the end of the month;

(6) The shrinkage of other source milk; and

(7) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of the milk received at a pool plant directly from producers; plus

(ii) One and one-half percent of receipts from a cooperative association in farm bulk tanks, except that, if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be two percent; plus

(iii) One and one-half percent of receipts in bulk tanks from other pool plants; less

(iv) One and one-half percent of disposition in bulk tanks from pool plants to all other milk plants; and plus

(v) One-half percent of receipts of producer milk by a cooperative association with respect to milk delivered in farm bulk tanks, unless the exception provided in subdivision (ii) of this paragraph applies.

**§ 932.42 Assignment of shrinkage.**

The market administrator shall determine the assignment of shrinkage to Class II as follows:

(a) Determine the total shrinkage of skim milk and butterfat for each handler; and

(b) Assign the shrinkage of skim milk and butterfat pro rata between milk received (1) directly from producers, from a cooperative association in its capacity as a handler and from other pool plants and (2) other source milk received in the form of fluid milk products.

**§ 932.43 Responsibility of handlers.**

In establishing the classification of skim milk and butterfat as required by this part, the burden rests upon the handler who first receives such skim milk or butterfat to establish to the satisfaction of the market administrator that such skim milk or butterfat should not be classified as Class I.

**§ 932.44 Transfers.**

Skim milk and butterfat disposed of by handler, either by transfers or diversions shall be classified:

(a) As Class I if transferred in the form of fluid milk products to and utilized at the pool plant of another handler unless utilization as Class II is claimed by both handlers in their reports pursuant to § 932.30, and the amount of skim milk or butterfat so assigned to Class II does not exceed the amount of skim milk or butterfat remaining in Class II at either plant after the subtraction of other source milk pursuant to § 932.46. In no case shall the assignment to Class I in the transferee plant exceed the difference between its total receipts of milk and milk products and its total utilization of such milk and milk products in Class II.

(b) As Class I if transferred in the form of fluid milk products to and utilized at a plant operated by a producer-handler;

(c) As Class I if transferred in the form of bulk fluid milk products to, and utilized at, a nonpool plant that is a fully regulated plant under another order issued pursuant to the Act, and if it is classified and allocated as Class I (or Class II under Order No. 41; Part 941 of this chapter) under such other order or as Class II if classified and allocated to any other class under such other order. In the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by an order(s) other than that under which it is regulated the amount classified in each class shall be a pro rata share of such receipts allocated to that class;

(d) As Class I if transferred, in the form of bulk milk or skim milk, to and utilized at a nonpool plant, except as specified in paragraphs (b) and (c) of this section, located more than 250 miles from the Allen County Courthouse in Fort Wayne, Indiana, using the shortest accessible highway distance available for such transportation; and

(e)(1) As Class I milk if transferred in the form of bulk milk or skim milk to and utilized at a nonpool plant except as specified in paragraphs (b), (c), and (d) of this section located within 250 miles of the Allen County Courthouse in Fort Wayne, Indiana (using the shortest accessible highway distance available for such transportation) unless:

(i) The transferring handler claims Class II use in his report submitted pursuant to § 932.30;

(ii) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(iii) Such plant receives Grade A milk from dairy farmers who are its regular source of supply; and

(2) If these conditions are met the market administrator shall classify as follows:

(i) Determine the use of all skim milk and butterfat in such nonpool plant; and

(ii) Allocate receipts from Grade A farmers to the highest use beginning with Class I. Allocate transferred milk to Class I to the extent remaining, except that if receipts from this and other Federal orders exceed the amount remaining, the amount of such transferred milk allocated to Class I shall be determined by prorating the amount of milk available for Class I allocation in accordance with the receipts from all such plants at the transferee plant; and

(f) As Class I if transferred in the form of bulk cream to and utilized at a nonpool plant except as specified in paragraphs (b) and (c) of this section, unless the handler:

(1) Claims classification as Class II; and

(2) Establishes that (i) such cream was transferred without Grade A certification, (ii) each container was tagged or labeled to show that the contents were for manufacturing use only, (iii) the transfers of such cream was invoiced as suitable for manufacturing use only; and (iv) affords the market administrator at least 48 hours prior notice so that he may verify such shipment.

**§ 932.45 Computation of skim milk and butterfat in each class.**

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to this part and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler.

**§ 932.46 Allocation of skim milk and butterfat classified.**

The pounds of skim milk in each class allocated to producer milk shall be determined each month for each handler as follows:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified pursuant to § 932.41(b)(7);

(b) Subtract from the pounds of skim milk in Class I the pounds of skim milk received in the form of fluid milk products in consumer-type packages subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received: *Provided*, That this paragraph shall not apply to skim milk in any product if the same product is processed and packaged in the same size and type of container in the pool plant during the month;

(c) Subtract from the remaining pounds of skim milk in each class, in

series beginning with Class II, the pounds of skim milk received as other source milk other than in the form of fluid milk products;

(d) Subtract from the total pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products, except as specified in paragraphs (b) and (e) of this section;

(e) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk subject to the Class I pricing and payment provisions of another order issued pursuant to the Act, except as specified in pargraph (b) of this section;

(f) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(g) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from pool plants of other handlers in such class pursuant to § 932.44(a);

(h) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section; and

(i) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as overage.

**§ 932.47 Allocation of butterfat classified.**

Allocate the pounds of butterfat in each class to producer milk in the same manner as that prescribed for skim milk in § 932.46.

**§ 932.48 Computation of total producer milk in each class.**

The amounts computed pursuant to §§ 932.46 and 932.47 shall be combined into one total for each class and the weighted average butterfat content of producer milk in each class shall be determined.

MINIMUM PRICES

**§ 932.50 Basic formula price.**

The basic formula price per hundredweight of milk to be used in determining class prices for each month shall be the higher of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a) and (b) of this section rounded to the nearest cent:

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator by the Department or by the companies indicated as follows:

| *Present Operator and Location* | *Rate per hundredweight (cents)* |
|---|---|
| Borden Co., New London, Wis. | |
| Borden Co., Orfordville, Wis. | |
| Carnation Co., Richland Center, Wis. | |
| Carnation Co., Sparta, Mich. | |
| Pet Milk Co., Belleville, Wis. | |
| Pet Milk Co., Coopersville, Mich. | |
| Pet Milk Co., New Glarus, Wis. | |
| Pet Milk Co., Wayland, Mich. | |
| White House Milk Co., Manitowoc, Wis. | |
| White House Milk Co., West Bend, Wis. | |
| Distance from the Allen County Courthouse, Fort Wayne, Indiana (miles): | |
| 60 but less than 70 | 10.0 |
| For each additional 10 miles or fraction thereof an additional | 1.5 |

In calculating such adjustment transfers may be assigned to Class I only to the extent that Class I disposition at the transferee plant exceeds receipts from producers and cooperative associations pursuant to § 932.8(d) at such plant. Such assignment to transferor plants shall be made first to plants at which no location adjustment credit is applicable and then in sequence to plants at which the lowest rate of such adjustment credit would apply.

(b) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract three cents, and then multiply by 4.2; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

**§ 932.51 Class prices.**

The respective minimum prices per hundredweight to be paid by each handler, f.o.b. his plant, for milk received from producers or from a cooperative association during the month shall be as follows:

(a) Class I milk price. Through March 31, 1963 the price for Class I milk of 3.5 percent butterfat content shall be the basic formula price for the preceding month plus $1.20; and

(b) Class II milk price. The price for Class II milk of 3.5 percent butterfat content shall be the basic formula price.

**§ 932.52 Butterfat differentials to handlers.**

For each class of milk containing more or less than 3.5 percent butterfat, the class price calculated pursuant to § 932.51 shall be increased or decreased, respectively, for each one-tenth of a percent of butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.125;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

**§ 932.53 Location differentials to handlers.**

For that milk which is received from producers at a pool plant located 60 miles or more from the Allen County Courthouse, Fort Wayne, Indiana, by the shortest accessible highway distance as determined by the market administrator, and which is transferred to another pool plant in the form of fluid milk products and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 932.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

**§ 932.54 Equivalent price provision.**

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specific price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

**§ 932.60 Producer-handler.**

Sections 932.40 through 932.54 and §§ 932.61 through 932.86 shall not apply to a producer-handler.

**§ 932.61 Handlers subject to other Federal orders.**

In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the Act and whose milk is classified and priced under such other order, the provisions of this part shall not apply except that the handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and he shall allow verification of such reports by the market administrator.

**§ 932.62 Obligations of handler operating a nonpool distributing plant.**

In lieu of payments required pursuant to §§ 932.80 through 932.85, each handler, other than a producer-handler or one exempt pursuant to § 932.61, who operates, during the month, a nonpool distributing plant, shall pay to the market administrator for deposit in the producer-settlement fund and the administrative assessment fund, as the case may be, as follows:

(a) If such handler so elects in writing at the time of reporting pursuant to § 932.30, the amounts computed as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month in the marketing area on routes at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month, as his pro rata share of expense of administration, the rate specified in § 932.86 with respect to Class I milk disposed of in the marketing area on routes; or

(b) Except as the handler may elect the option pursuant to paragraph (a) of this section, he shall pay the amounts as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, the amount specified in paragraph (a)(1) of this section, or any plus amount resulting from the following computation, whichever is less:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 932.70 for milk received from dairy farmers at such plant for such month if such plant had been a pool plant; and

(ii) Deduct the gross payments made by the handler to dairy farmers for milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report pursuant to § 932.31(b), plus the value of any supplies as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 932.86 had such plant been a pool plant.

**§ 932.63 Rate of payment on other source milk.**

The following rates of payment on other source milk to be applied pursuant to § 932.70 shall be effective only in the months when the total receipts of producer milk are 110 percent or more of the total amount from all sources classified as Class I:

(a) On other source milk received other than in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential; and

(b) On other source milk received in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential, and adjust such difference by the location differential applicable at a pool plant of the same location as the nonpool plant(s) supplying such other source milk. Such adjustment to be made first at the nonpool plant at which no location differential applies and then in sequence at the plants at which the lowest location differential would apply.

DETERMINATION OF PRICES TO PRODUCERS

**§ 932.70 Computation of value of producer milk.**

The value of milk received from producers during the month by each handler shall be the sum resulting from the following computations:



(a) For each handler who received milk from producers multiply the quantity of milk received from producers in each class, as computed pursuant to § 932.48, by the applicable respective class prices (adjusted pursuant to §§ 932.52 and 932.53);

(b) Multiply the pounds of overage deducted from each class pursuant to § 932.46(i) and the corresponding step of § 932.47 by the applicable class price;

(c) Multiply the skim milk and butterfat subtracted from Class I pursuant to § 932.46(c) and the corresponding step of § 932.47 by the rate as determined pursuant to § 932.63(a);

(d) Multiply the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 932.46(f) and the corresponding step of § 932.47; or

(2) The amount classified as Class II (except shrinkage) during the preceding month;

(e) Multiply the skim milk and butterfat subtracted from Class I pursuant to § 932.46(d) and the corresponding step of § 932.47 by the rate pursuant to § 932.63(b); and

(f) Multiply the skim milk and butterfat subtracted from Class I pursuant to § 932.46(f) and the corresponding step of § 932.47 by the rate pursuant to § 932.63 (a) or (b), as the case may be, which:

(1) Is in excess of the sum of:

(i) The quantity for which payment is computed pursuant to paragraph (d) of this section; and

(ii) The quantity subtracted for the preceding month from Class II pursuant to § 932.46(e) and the corresponding step of § 932.47; and

(2) Is also not in excess of the quantity subtracted from Class II pursuant to § 932.46 (c) and (d) in the preceding month.

**§ 932.71 Computation of the uniform price.**

For each month, the market administrator shall compute the uniform price (f.o.b. pool plants at which no location adjustments are applicable) per hundredweight of producer milk of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 932.70 for the producer milk received by all handlers who submit reports pursuant to § 932.30 and are not in violation of § 932.82 for the preceding month;

(b) Subtract for each of the months of April, May, and June an amount equal to 8 percent of the Class I price multiplied by the quantity of producer milk;

(c) Add during each of the months of September, October, and November, one-third of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Subtract if the average butterfat content of producer milk included in these computations is greater than 3.5 percent or add if such average butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 932.72 and multiplying the resulting figure by the hundred weight of milk;

(e) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 932.73;

(f) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund, adjusting for paragraph (b) or (c) of this section, as the case may be;

(g) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(h) Subtract not less than 4 cents nor more than 5 cents.

**§ 932.72 Butterfat differential to producers.**

In making payments pursuant to § 932.70 there shall be added to, or subtracted from, the uniform price of milk of 3.5 percent butterfat content, for each one-tenth of one percent of butterfat in such producer milk above or below 3.5 percent, as the case may be, a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 932.52 weighted by the pounds of butterfat in producer milk in Class I and II, respectively, with the result rounded to the nearest tenth of a cent.

**§ 932.73 Location differential to producers.**

In making payments for milk pursuant to § 932.80 a handler may deduct from the uniform price computed pursuant to § 932.71 the rate specified in § 932.53 applicable to the location of the pool plant at which such milk was received or deemed to have been received.

PAYMENTS

**§ 932.80 Time and method of payment for producer milk.**

Each handler shall make payment as follows:

(a) On or before the 17th day after the end of the month during which the milk was received, to each producer to whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price for such month computed pursuant to § 932.71, adjusted by the butterfat differential computed pursuant to § 932.72, subject to location adjustments to producers pursuant to § 932.73, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if by such date such handler has not received full payment pursuant to § 932.83, he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator;

(b) On or before the last day of each month, to each producer for whom pay-

ment is not made pursuant to paragraph (d) of this section for milk received from him during the first 15 days of the month at not less than the Class II price for the preceding month;

(c) To a cooperative association with respect to milk for which the cooperative association is a handler on or before the 10th day of each month for milk which is caused to be delivered to such handlers during the preceding month at not less than the value of such milk at the applicable class prices; and

(d) Pay to a cooperative association, which is authorized to collect payments for its members and so requests, on or before the 13th and 28th days of each month in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, an amount equal to the gross sum due for all milk received from member producers, less amounts owed by each member producer to the handler for supplies purchased from him on prior written order as evidenced by a delivery ticket signed by the producer and also submit to the cooperative association the following:

(1) On or before the 10th day of each month written information which shows for each member producer:

(i) The total pounds of milk received during the preceding month;

(ii) The total pounds of butterfat contained in such milk;

(iii) The number of days on which milk was received; and

(iv) The amounts withheld by the handler in payment for supplies sold; and

(2) On or before the 24th day of each month, written information which shows for each member producer the total pounds of milk received during the first 15 days of the current month.

**§ 932.81 Producer settlement fund.**

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit the amounts subtracted pursuant to § 932.70(b) and appropriate payments made by handlers pursuant to § 932.62, § 932.82 and all appropriate payments pursuant to § 932.84 and out of which he shall make payments pursuant to §§ 932.83 and 932.71 (c) and all appropriate payments pursuant to § 932.84.

**§ 932.82 Payments to the producer-settlement fund.**

On or before the 15th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his milk as computed pursuant to § 932.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price adjusted by the producer butterfat and location differentials.

**§ 932.83 Payments out of the producer-settlement fund.**

On or before the 17th day after the end of each month the market administrator shall pay to each handler any amount by which the value of his milk computed pursuant to § 932.70 for such month is less than the amount owed by him for such milk at the appropriate uniform prices adjusted by the producer butterfat and location differentials. If at such time the unobligated balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

**§ 932.84 Adjustment of accounts.**

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provision under which such error occurred.

**§ 832.85 Marketing services.**

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 932.80, shall deduct 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

**§ 932.86 Expense of administration.**

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of each month four cents per hundredweight, or such amount not exceeding four cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production;

(b) Any other source milk allocated to Class I pursuant to § 932.46(c) and (d) and the corresponding steps of § 932.47; and

(c) The amount of milk for which a payment is computed pursuant to § 932.62 (a)(2) or (b)(2).

**§ 932.87 Overdue accounts.**

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 932.62, 932.82, 932.83, 932.84(a), 932.85(a), or 932.86 shall be increased one-half of one percent on the first day of the month following after the date such obligation is due and on the first day of each succeeding month until such obligation is paid. Any remittance received by the market administrator postmarked prior to the first of the month shall be considered to have been received when postmarked.

**§ 932.88 Termination of obligations.**

The provisions of this section shall apply to an obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

**§ 932.90 Effective time.**

The provisions of this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 932.91.

**§ 932.91 Suspension or termination.**

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

**§ 932.92 Continuing obligations.**

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

**§ 932.93 Liquidation.**

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

**§ 932.94 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

**§ 932.95 Separability of provisions.**

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 17th day of March 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61-2550; Filed, Mar. 22, 1961; 8:48 a.m.]





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**[ 7 CFR Part 953 ]**

[Docket No. AO-144-A9]

## LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Amended Marketing Agreement and Order Regulating Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to the proposed amendment of the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), hereinafter referred to collectively as the "order," regulating the handling of lemons grown in California and Arizona, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the fifteenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by Pure Gold, Inc., Sunkist Growers, Inc., and Western Fruit Growers Sales Co. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that such public hearing would be held on October 27, 1960, in Room 535, Federal Building, 312 North Spring Street, Los Angeles, California, was published in the FEDERAL REGISTER (25 F.R. 9684) on October 8, 1960.

*Material issues.* The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Authorize marketing research and development projects;

(2) Revise the definition of the term "lemons available for current shipment," as it relates to the lemons in District 2, to include only lemons which are marketable in fresh fruit channels under existing State laws;

(3) Increase to 20 percent the permitted tolerance for overshipment of the weekly allotment; and

(4) Require a minimum of eight concurring votes to recommend an increase in the weekly allotment whenever such recommendation is not made at an assembled meeting of the administrative committee.

*Findings and conclusions.* The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The provisions of the order should be amended to extend the scope of activities thereunder by authorizing the committee to undertake marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of lemons. The expenses of such projects, as authorized by the act, are to be paid out of assessment income.

Through the medium of research, the committee should be able to develop information on improved methods of handling and marketing lemons which would be of value to the industry in establishing more orderly marketing and expanding market outlets. It was indicated, at the hearing, that marketing research designed to expand and promote the marketing of lemons in new and existing market outlets needs to be undertaken. Also, new and better methods of controlling market diseases, particularly decay, need to be developed. It was pointed out, however, that the scope and character of the projects that may be undertaken should not be limited more than is specified in the act. The committee should be in a position to undertake any marketing research and development project, authorized by the act, as the circumstances indicate would tend to broaden the market for lemons.

The work in connection with any such marketing research and development project should, of course, be performed in the most economical and efficient manner possible. Thus, the committee should avail itself of the facilities of either public or private agencies in carrying out authorized research activities if it would be more economical or expeditious to do so. It is not intended that the research activities of the committee duplicate work already performed or underway by other agencies. However, it may be that additional research, or more intensive study than that underway, may be needed; in which case the committee should cooperate with the other agencies concerned in carrying out the particular project.

As the Secretary is charged with the responsibility for administration of the order, plans for research and development projects should be submitted for his approval prior to conduct of the work.

(2) The total quantity of lemons that may be handled each week when volume limitations are in effect under the order is allocated among handlers on the basis of the proportion of the total quantity

of lemons available for current shipment that is controlled by each handler. The lemons available for current shipment in District 2 are those lemons which have been delivered to the handlers in such district during the preceding 20-week period.

It was testified at the hearing that lemons have been picked up off the ground, and crops not suitable for marketing in fresh fruit channels have been harvested by handlers solely for the purpose of increasing the proportion of the weekly shipments which is allocated to such handlers. This practice increases marketing costs and thus reduces total grower returns. The order should be amended, therefore, to exclude such lemons from the computation of lemons available for current shipment.

The notice of hearing proposed that only those lemons which are marketable in fresh fruit channels under existing state laws should be considered as available for purposes of this computation. The evidence of record indicates, however, that such laws impose certain quality standards at the time lemons are actually marketed in fresh fruit channels, whereas the computation here required must be made at an earlier point of time because lemons usually are stored for varying periods prior to being marketed. Such state laws thus can, at most, be utilized for this purpose in an anticipatory manner.

The order, therefore, should contain a provision to the effect that only lemons which may reasonably be expected to meet the applicable requirements of law for marketability when later marketed may be counted for purposes of this computation. Because of the problems of projecting these standards into future marketings, and the technical problems involved in doing this, it is desirable to provide for the issuance of rules to be prescribed by the committee, with the approval of the Secretary, which will set forth in greater detail the calculations to be made. The Lemon Administrative Committee, because of its intimate knowledge of the lemon industry, is well qualified to initiate such rules as will be appropriate to reflect applicable standards for marketing in fresh fruit channels. In establishing such rules it must be recognized, also, that certain adjustments and allowances may be appropriate or necessary to a suitable formula for ascertaining whether lemons presently to be counted reasonably have the potential to meet requirements for marketing in fresh fruit channels applicable at the time of shipment.

(3) Under the current provisions of the order, handlers are authorized to overship their respective allotments in an amount not to exceed 10 percent of such allotment or one carload, whichever is the greater. Any such overshipment by a handler is offset by deduction of an equal amount of allotment from that which such handler otherwise would receive the following week. The overshipment privilege was made a part of the order as a handler experiences difficulty in handling during a week the exact number of boxes of lemons authorized by the allotment issued to him for such week and some flexibility of operation is necessary.

The evidence of record shows that additional flexibility could be provided without adversely affecting the purposes of the program regulations. The demand for lemons often increases sharply due to changes in the weather or other conditions. Thus, the demand during a particular week may be underestimated when the level of regulation for that week is being considered. If the increased demand develops at the end of the week, some sales of lemons may be lost as it may then be too late to increase the weekly volume of shipments. It was testified that increasing the permitted percentage of overshipments would tend to correct this situation. On the other hand, should all handlers ship lemons in an amount equal to their respective allotments plus the proposed 20 percent overshipment tolerance and the demand did not justify shipments in such quantity, shipments could be "cutback" under the following week's allotment to the extent required to offset the unjustified overshipments.

The order should be amended, therefore, to increase the permitted overshipment of allotment to 20 percent or one carload, whichever quantity is the greater.

(4) Provision is currently made in the order for increasing the quantity of lemons that may be handled during any week whenever such an increase is deemed desirable. In some seasons in the past, such increases often were initiated by means of a telephone poll of the members of the committee. Recently, however, the weekly meetings of the committee have been held on Tuesday and any necessary increase in the volume of shipments for the then current week generally have been considered at such meetings.

It was proposed in the notice of hearing, and witnesses supported this proposal at the hearing, that when an increase in a weekly allotment is recommended on the basis of a telephone vote, an additional member be required to approve the increase over that required when such action is taken at an assembled meeting. It was contended that such a provision should result in the committee giving more serious consideration to its recommendation for volume limitation made at its weekly assembled meeting; and that the original recommendation, so made, would be for a quantity nearer to the quantity it was expected the market would take under the existing conditions than now is the case.

Representatives of a large grower cooperative marketing organization opposed the proposed change in the voting procedure. This organization is responsible for marketing about 75 percent of the lemons produced in the production area. Even so, it was pointed out, its representation on the committee equals only one-half of the total industry representation. Such division was accepted by this organization in a spirit of cooperation and with the belief that the program should be operated in such manner. The proposal was opposed, therefore, primarily as a matter of principal, rather than because it was believed that the operation of the program would be materially impaired.

Both those opposing and those favoring the proposal indicated that, because the weekly assembled meetings of the committee now are held on Tuesday, there would be few times that there would be occasion to have a telephone vote on the question of increasing the weekly allotment. Thus the proposed change in voting procedure currently has little significance. It was agreed also, however, that it is important that the members of the committee have all of the available marketing information when the advisable quantity of lemons to be shipped is being considered so that the best possible decision can be made. It is not practicable, except at an assembled meeting of the committee, to make available to each committee member all of the current information concerning the supply and demand conditions for lemons. Hence, it appears reasonable to make the provisions of the order such that telephone voting on increasing the weekly allotment would be discouraged. However, emergency situations can occur so that it would not be practical to prohibit consideration of increases in such allotment except at an assembled meeting.

The evidence of record indicates that in the past there has been little, if any, difficulty in securing the proposed number of votes in a telephone poll of the committee members when conditions warranted an increase in the allotment. It does not appear that the situation would be changed greatly if the proposal were adopted.

While the proposal in the notice, and most of the evidence at the hearing, related to voting by telephone, the same conditions exist whenever an assembled meeting is not held. It is concluded, therefore, that the order should be amended to require at least eight concurring votes in order for the committee to recommend an increase in allotment whenever such votes are cast at other than an assembled meeting of the committee.

*General findings.* (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of lemons grown in the designated production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of lemons; and

(5) All handling of lemons grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*Rulings on proposed findings and conclusions.* December 5, 1960, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the findings and conclusions which should be drawn therefrom. No brief was filed.

*Recommended amendment of the marketing agreement and order.* The following amendment of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

§ 953.12 [Amendment]

1. The provisions of paragraph (b) of § 953.12 *Lemons available for current shipment* are deleted and the following substituted in lieu thereof:

(b) With respect to District 2, the total quantity of lemons which, in accordance with standards prescribed by the committee with the approval of the Secretary, potentially are marketable as fresh fruit under applicable laws and which were delivered to the handlers in such district during the preceding 20-week period.

§ 953.28 [Amendment]

2. The first sentence in paragraph (a) of § 953.28 *Procedure* is revised to read as follows: "Seven members of the committee shall constitute a quorum and any action of the committee shall require at least seven concurring votes except that at least eight concurring votes shall be required to recommend an increase in the quantity of lemons fixed under § 953.52 when the voting on such action is not at an assembled meeting."

3. A new § 953.33 is added as follows:

§ 953.33 Research and development.

"The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of lemons, the expense of such projects to be paid from funds collected pursuant to this part.

§ 953.57 [Amendment]

4. The words "ten percent" are deleted from the first sentence in § 953.57 *Overshipments* and the words "twenty percent" are substituted in lieu thereof.

Dated: March 20, 1961.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 61–2573; Filed, Mar. 22, 1961; 8:51 a.m.]

## [ 7 CFR Part 1033 ]

## ONIONS GROWN IN SOUTH TEXAS

### Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Marketing Order No. 133 (7 CFR Part 1033; 26 F.R. 704).

This marketing order regulates the handling of onions grown in designated counties of South Texas, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 10 days following publication of this notice in the FEDERAL REGISTER.

§ 1033.201 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and this part, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order during the fiscal period February 6, 1961, through January 31, 1962, will amount to $40,000.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 143 and this part shall be one cent ($0.01) per 50-pound sack of onions, or the equivalent quantity thereof, handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 17, 1961.

FLOYD F. HEDLUND,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 61–2551; Filed, Mar. 22, 1961; 8:48 a.m.]



## Commodity Stabilization Service

## [ 7 CFR Parts 723, 725, 727 ]

## CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO AND CIGAR-FILLER AND BINDER TOBACCO; BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO; MARYLAND TOBACCO

### Marketing, Collection of Marketing Penalties, and Records and Reports, 1961–62 Marketing Year

Notice is hereby given that, pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1311–1315, 1372–1375), the Agricultural Adjustment Act of 1949 (63 Stat. 1051), as amended, and the Agricultural Act of 1956 (70 Stat. 188), as amended, marketing quota regulations are being prepared governing the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of cigar-binder (types 51 and 52) tobacco, cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, burley tobacco, flue-cured tobacco, fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco, Virginia sun-cured tobacco, and Maryland tobacco for the 1961–62 marketing year.

It is contemplated that the regulations for the 1961–62 marketing year will be substantially the same as those issued for the 1960–61 marketing year (25 F.R. 3927, 4538, cigar-binder and cigar-filler and binder; 25 F.R. 3935, 4538, 8775, burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured; 25 F.R. 9033, Maryland) except for the proposed changes set forth herein.

The changes presently being considered are as follows:

1. The provisions now contained in § 725.1131(t) (2) and (3) in the 1960–61 regulations would be clarified to read as follows:

(2) Any tobacco (i) that has similar growth characteristics while growing in a field on a farm, or (ii) any cured tobacco that has the same characteristics and corresponding qualities, colors, and lengths of either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco, shall be considered, respectively, either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco without regard to any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(3) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area

in which either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco is normally produced shall include all acreage of tobacco (without regard to the definition of "tobacco" herein), unless the county committee with the approval of the State committee (i) determines that, under subparagraph (2) of this paragraph, all or a part of such acreage should not be considered as either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco, or (ii) determines, from satisfactory proof furnished by the operator of the farm, that a part or all of the production of such acreage has been certified by the Agricultural Marketing Service under the Tobacco Inspection Act (7 U.S.C. 511), and regulations issued pursuant thereto, as a kind of tobacco not subject to marketing quotas. Any amount of tobacco so determined as a kind of tobacco not subject to marketing quotas shall be converted to acres on the basis of the average yield per harvested acre of tobacco grown on the farm in 1961 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

The provisions now contained in §§ 723.1131(m) (2) and (3) and 727.1131 (t) (1) and (2) in the 1960–61 regulations would be similarly changed.

2. The provisions now contained in the 1960–61 regulations in §§ 723.1135(e), 725.1135(e) and 727.1135(e) would be clarified to provide that, for the purpose of issuing marketing cards, all acreage of tobacco on a farm would be considered to be in excess of the farm acreage allotment so long as the acreage determination is refused either (a) the county committee or its representative or (b) the State committee or its representative, by the farm operator or any producer on the farm.

3. The provisions now contained in the 1960–61 regulations in §§ 723.1138(b) (1) (ii), 725.1138(a) (1) (ii), and 727.1138 (b) (1) (ii) would be clarified to provide for the issuance of an excess marketing card showing the full rate of penalty where tobacco is harvested from a farm and the farm operator or any producer on the farm prevents (a) the county committee or its representative or (b) the State committee or its representative from obtaining information necessary to determine the correct acreage of tobacco on a farm.

4. The provisions now contained in the 1960–61 regulations in § 723.1138(b) (3) (iii) would be amended to read:

(iii) For any kind of tobacco physically harvested from a farm in 1961 from an acreage in excess of the acreage allotment for the farm and disposed of in accordance with § 723.1245(a) unless the county committee, or the county office manager on behalf of the county committee, determines that the acreage of tobacco was not measured or re-measured, as the case may be, and the farm operator notified in sufficient time to afford the farm operator an opportunity to dispose of the excess acreage prior to harvest.

The provisions now contained in §§ 725.1138(a) (3) (iii) and 727.1138(b) (3) (iii) in the 1960–61 regulations would be similarly changed.

5. The provisions now contained in §§ 723.1138(b) (3), 725.1138(a) (3), and 727.1138(b) (3) in the 1960–61 regulations would be enlarged to provide for the issuance of an excess marketing card showing zero penalty only if the director of a publicly owned Agricultural Experiment Station failed to furnish the information and report required under §§723.1138(c) (2), 725.1138(d) (2), and 727.1138 (d) (2) in the 1960–61 regulations before farmers in the county begin the planting of tobacco.

6. The provisions now contained in §§ 723.1145, 725.1145, and 727.1145 in the 1960–61 regulations would be changed to make it clear that, in disposing of excess tobacco representative of the entire 1961 crop in order to come within the allotment, disposition may take place before, during or after completion of harvest. A new provision would be added to provide in the case of excess flue-cured tobacco to be destroyed in the field, representative tobacco means plants which have not been partially harvested (cropped) more than twice. Excess representative flue-cured tobacco acreage to be destroyed in the field from a farm, which has not been partially harvested (cropped) more than twice, shall be from an acreage amount equivalent to the acreage in excess of the allotment divided by the percent of tobacco unharvested. For example, the acreage in excess of the allotment is 1.42 acres, and the tobacco unharvested is 80 percent; the acreage to be disposed of would be (1.42÷80%) 1.77 acres.

7. The provisions now contained in §§ 723.1146(a) and 725.1146(a) in the 1960–61 regulations would be changed to require any person acting in the capacity of a field assistant to show on the "County Copy" of the Memorandum of Sale from marketing cards, Forms MQ–76, MQ–76–D, and MQ–77, any name shown as seller on a floor sheet which is not the name of the person to whom the marketing card was issued.

8. The provisions now contained in §§ 723.1147, 725.1147, and 727.1147 in the 1960–61 regulations would be changed to show the average market price for the 1960–61 marketing year for each of the kinds of tobacco covered by said regulations. Similarly, the applicable rate of penalty per pound upon marketings of excess tobacco during the 1961–62 marketing year for each of the kinds of tobacco covered by said regulations would be included.

9. The provisions now contained in §§ 723.1149a(d) (2), 725.1149a(d) (2), and 727.1149a(d) (2) in the 1960–61 regulations would be changed to read:

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage prior to harvest of tobacco from the farm.

10. The provisions now contained in §§ 725.1153(g) and 725.1154(e) in the 1960–61 regulations would be amended to provide for the waiving of the provisions therein upon the director determining there is no discount variety flue-cured tobacco available for marketing.

11. The provisions now contained in §§ 725.1153 (h), (i), (j), and (k) and 727.1153 (g), (h), (i), and (j) in the 1960–61 regulations would be changed to require that warehousemen engaged in the business of holding sales of tobacco at a public auction shall keep such records as are necessary to make reports on a revised MQ–80, Daily Auction Warehouse Report, to show the information heretofore reported pursuant to regulations, under the above-cited paragraphs, on (a) Form MQ–80—(Tobacco), Auction Warehouse Report (season report), (b) Form MQ–81—(Tobacco), Report of Penalties (weekly report), (c) Form MQ–86—(Tobacco), Report of Resales (daily report), and (d) Form MQ–83—(Tobacco), Field Assistant Report (daily report). Forms MQ–81, MQ–83, MQ–86, and MQ–80 as designated under prior regulations, would be eliminated.

12. The provisions now contained in §§ 725.1154 and 727.1154 in the 1960–61 regulations would be changed, in the case of nonwarehouse purchases, to require the dealer to transmit the Memoranda of Sale to the State office together with the MQ–79, Dealer's Record, on which such transactions were recorded.

All persons who desire to submit written data, views and recommendations in connection with the above proposals, or wish to suggest other changes in the present regulations, should file the same with the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C., within ten days after the date of the publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D.C., this 20th day of March 1961.

H. D. GODFREY,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61–2575; Filed, Mar. 22, 1961; 8:51 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Parts 7, 8, 14 ]

[Docket No. 13952]

## COAST AND SHIP STATIONS

### Survival Craft Stations and Frequencies

In the matter of amendment of Parts 7, 8, and 14 of the Commission's rules relative to implementation of certain requirements of the Geneva Radio Regulations (1959) regarding survival craft stations and frequencies and other particulars for coast and ship stations; Docket No. 13952.

The Commission having under consideration an informal request, filed March 15, 1961, by Pacific American Steamship Association, requesting an extension of time in which to file comments directed to the Commission's notice of proposed rule making in this Docket;

It appearing that the petitioner, an association representing eighteen member steamship companies, was not able to provide its member companies with copies of the Commission's proposal in sufficient time to allow them to study it and submit comments by March 20, 1961, the due date for the filing of comments to the major portions of the Docket; and

It further appearing that the delay in obtaining copies of the proposal in Docket No. 13952 was due to circumstances beyond the control of the petitioner; and

It further appearing that the public interest would be served by granting the extension of time requested by the petitioner; and

*It is ordered,* That the request of Pacific American Steamship Company is hereby granted and the time for filing comments to the major portions of Docket No. 13952 is hereby extended from March 20, 1961 to April 3, 1961;

*It is further ordered,* That reply comments, concerning the same portions of the Docket, must be filed on or before April 13, 1961;

*It is further ordered,* That the dates for filing comments and reply comments (i.e., May 20, 1961, and May 30, 1961, respectively) to "Rivers" frequencies and Alaskan frequencies in Docket 13952 as extended by Order of March 8, 1961, remain unchanged.

Adopted: March 17, 1961.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2568; Filed, Mar. 22, 1961; 8:50 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### ALASKA

### Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

MARCH 15, 1961.

1. Plat of the extension survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a.m., April 1, 1961.

SEWARD MERIDIAN

T. 13 N., R. 1 E.,
Sec. 4: All;
Sec. 5: All;
Sec. 9: All;
Sec. 10: W½.
Containing 2,240 acres.
T. 14 N., R. 1 E.,
Sec. 30: Lots 1, 2, E½SW¼, SE¼;
Sec. 31: Lots, 1, 2, 3, 4, E½NW¼E¼SW¼, NE¼, SW¼;
Sec. 32: All;
Sec. 33: All.
Containing 2,220.94 acres.
T. 14 N., R. 1 W.,
Sec. 14: S½;
Sec. 23: All;
Sec. 25: All;
Sec. 26: All;
Sec. 36: All.
Containing 2,880 acres.

2. The land lies in the Eagle River area approximately 20 miles northeasterly from Anchorage.

On each side of the valley are steep mountain slopes, covered with humus stunted timber, dense brush, and broken ledge outcroppings.

The timber is spruce, aspen, birch and cottonwood. The major undergrowth is alder, devil's club, willows, low-bush cranberries, high-bush cranberries, rosebushes, wild raspberreis, currants, and various unidentified plants.

The Eagle River winds down the valley and is fed by the Eagle River glacier at the head of the valley and by numerous small mountain streams.

3. Power Site Classification Number 107, dated June 12, 1925, withdraws all unsurveyed lands lying within ¼ mile of the Eagle River described by the following subdivisions:

SEWARD MERIDAN

T. 13 N., R 1 E.,
Sec. 4: W½NW¼, SE¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 5: All;
Sec. 9: All;
Sec. 10: W½W½.
T. 14 N., R 1 E.,
Sec. 30: Lots 1, 2, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 31: All;
Sec. 32: W½NW¼, SW¼, S½SE¼.
T. 14 N., R. 1 W.,
Sec. 23: S½NW¼, SW¼, S½SE¼;
Sec. 25: W½NE¼, W½, SE¼;
Sec. 26: N½, E½SW¼, SE¼;
Sec. 36: N½, NE¼SW¼, N½SE¼, SE¼SE¼.

4. Power Site Classification Number 399, dated March 29, 1950, withdraws unsurveyed lands below the 500 foot contour level along the Eagle River, not included in Power Site Classification Number 107, described by subdivisions as follows:

SEWARD MERIDIAN

T. 14 N., R. 1 W.,
Sec. 23: NW¼SE¼;
Sec. 26: NW¼NW¼.

5. Subject to valid existing rights and the requirements of applicable law, the lands described in paragraph one of this order and not withdrawn by paragraph three, are hereby open to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws, other than those mentioned under paragraph (1) and applications and offers under the mineral leasing laws presented prior to 10:00 a.m., on June 29, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a.m., on June 29, 1961.

6. Persons claiming preference rights based upon valid settlement statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable.

Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations.

8. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, Anchorage, Alaska.

WARNER T. MAY,
*Manager.*

[F.R. Doc. 61-2549; Filed, Mar. 22, 1961; 8:48 a.m.]

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[Classification No. 122]

### NEVADA

### Small Tract Classification; Amendment

Effective March 16, 1961, paragraph 1 is revoked as to the following described public lands:

MOUNT DIABLO PRINCIPAL MERIDIAN

T. 18 N., R. 20 E.,
Sec. 34, NW¼SW¼SE¼.
Containing 10 acres.

The lands included in this revocation have been examined and found to be suitable for disposal under the Recreation or Public Purposes Act for school site purposes to the County of Washoe, Nevada.

E. J. PALMER,
*State Supervisor.*

MARCH 16, 1961.

[F.R. Doc. 61-2542; Filed, Mar. 22, 1961; 8:47 a.m.]

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[Classification No. 197]

### NEVADA

### Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described public lands, totaling 20 acres in Ormsby County, Nevada, as suitable for direct sale for residence purposes under the Small Tract Act:

MOUNT DIABLO PRINCIPAL MERIDIAN

T. 16 N., R. 20 E.,
Sec. 31, NW¼NW¼SE¼, SE¼NW¼SE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to publication under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. All valid applications filed prior to February 2, 1959, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

E. J. PALMER,
*State Supervisor.*

MARCH 17, 1961.

[F.R. Doc. 61-2543; Filed, Mar. 22; 1961; 8:47 a.m.]

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### MONTANA

### Notice of Proposed Withdrawal and Reservation of Lands

MARCH 17, 1961.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number M-039671(SD) for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws. The applicant desires the land for reclamation purposes in connection with the Angostura Unit, Missouri River Basin Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN

T. 9 S., R. 5 E.
Sec. 10: NW¼SW¼.

J. R. PENNY,
*State Supervisor.*

[F.R. Doc. 61-2544; Filed, Mar. 22, 1961; 8:47 a.m.]

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### MONTANA

### Notice of Proposed Withdrawal and Reservation of Lands

MARCH 15, 1961.

The Bureau of Reclamation, United States Department of the Interior has filed an application, Serial Number M-040242 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws, but not the mineral leasing laws. The applicant desires the land for the construction of bypass canal that will increase capacity of the supply works of the Pishkun Reservoir.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

T. 22 N., R. 8 W.,
Sec. 22: SE¼NE¼.

J. R. PENNY,
*State Supervisor.*

[F.R. Doc. 61-2545; Filed, Mar. 22, 1961; 8:47 a.m.]

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## ATOMIC ENERGY COMMISSION

[Docket No. 50-59]

### TEXAS AGRICULTURAL AND MECHANICAL COLLEGE SYSTEM

### Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to License No. R-23. The amendment provides additional safeguards for the operation by the licensee of its reactor Model AGN-201, Serial No. 106, located on its campus at College Station, Texas. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the operation of the reactor in accordance with the terms of the license as amended does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see Docket No. 50-59 on file at the AEC's Public Document Room.

Dated at Germantown, Md., this 16th day of March 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
*Acting Director, Division of Licensing and Regulation.*

[License No. R-23; Amdt. 3]

License No. R-23, as amended, which authorizes Texas Agricultural and Mechanical College System to operate its reactor Model AGN-201, Serial No. 106, located on its campus at College Station, Texas, is hereby amended by adding the following additional conditions thereto:

1. The scram setting on the logarithmic scale micro-microammeter shall be set so that the power level at which the scram is to occur shall not exceed twice the licensed maximum power level and the period at which a scram is to occur shall not be less than five seconds.

2. The range selectors for the two linear channels shall be set so that the operator cannot switch to a scale on which the power level at which a scram is to occur is more than the twice the licensed maximum power.

3. The reactor shall not be operated with any of the scram signals by-passed.

4. The control rod and safety rod magnet circuits shall reverse the current direction for the magnets at the time any scram relay is actuated.

5. The licensee shall, at least once during each month when the reactor is operated, check the ability of all safety rods and control rods to drop when the scram instrumentation is actuated. A record shall be made of each instance in which one or more rods fails to scram when called upon to do so.

6. If one or more of the safety or control rods fails to scram when called upon to do so, the reactor shall immediately be shut down and shall not be started up until:

A. The probable cause of the scram malfunction has been determined and remedied; and

B. Cognizant reactor supervisory personnel and, to the extent applicable, the local reactor hazards committee have reviewed and concurred in the remedial action taken; and

C. A written record is made by the licensee of the events in A. and B. above.

7. The effectiveness of the corrective measures taken pursuant to condition 6 above shall be verified by scramming the rods, which had previously failed to scram, several times under conditions similar to those under which they had failed. A written record of these tests shall be made. Should the rod again fail to scram during the tests, the reactor shall be shut down and the steps described in condition 6 above and this condition 7 shall be repeated.

This amendment is effective thirty days after the date of issuance.

Date of issuance: March 16, 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
*Acting Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-2526; Filed, Mar. 22, 1961; 8:45 a.m.]

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[Docket No. 50-59]

### TEXAS AGRICULTURAL AND MECHANICAL COLLEGE SYSTEM

### Notice of Issuance of Order

Please take notice that the Atomic Energy Commission has issued the order, set forth below, for the modification of License No. R-23 issued to The Texas Agricultural and Mechanical College System by adding one condition to its license to provide additional safeguards for the operation of its reactor, Model AGN-201, Serial No. 106, located near College Station, Texas. The Commission has found that the public health,

interest, and safety require such modification.

In accordance with the Commission's rules of practice (10 CFR Part 2) a formal hearing on the matter of the issuance of the order will be held if a written request therefor from the licensee is received within thirty days after issuance of the order. Any request for a hearing by the licensee or a petition for leave to intervene may be filed by mail with the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see Docket No. 50-59 on file at the AEC's Public Document Room.

Dated at Germantown, Md., this 16th day of March 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
*Acting Director, Division of Licensing and Regulation.*

By a notice dated December 21, 1960, the Atomic Energy Commission notified Texas Agricultural and Mechanical College System (hereinafter referred to as "the licensee"), that the Commission would issue an order for the modification of License No. R-23 under which the licensee possesses and operates a Model AGN-201 nuclear reactor by the addition of eight stated conditions.

The notice provided that if the licensee agreed to the addition of these conditions to its license without the issuance of a formal order it should so advise the Commission within 30 days from its receipt of the notice. The notice further provided that if the Commission does not receive the licensee's consent an appropriate order would be issued for modification of the license in which event the licensee will be offered the opportunity for a formal public hearing in the matter.

The licensee, in a letter dated January 19, 1961, agreed to the addition of seven of the conditions but objected to one condition which prohibits moving the fixed fuel discs of the reactor.

It is hereby found that the public health, interest, and safety require that License No. R-23 be modified by the condition hereinafter set forth and that no further notice be provided.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the regulations contained in Parts 2 and 50 of the Commission's regulations, Title 10, Code of Federal Regulations: *It is ordered*, That:

License No. R-23 is hereby modified by the addition of the following condition, the modification to be effective thirty days after the date of issuance of this order.

The licensee shall not conduct any experiment involving moving of the fixed fuel discs of the reactor unless authorized by an amendment to this license.

The licensee may request a formal hearing with respect to this order, or any part thereof, by filing a written request for hearing with the Office of the Secretary, United States Atomic Energy Commission, Washington 25, D.C., within fifteen days after the date of this order. Filing of a written request for hearing may also be accomplished in person either in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or the Office of the Secretary, Germantown, Maryland.

Pursuant to § 2.202(b) of the Commission's rules of practice, (10 CFR Part 2), a timely filing of a request for formal hearing with respect to this order or any part thereof, shall stay the order, or such part of the order, pending determination of the issues by the Commission.

Dated at Germantown, Md., this 16th day of March 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
*Acting Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-2527; Filed, Mar. 22, 1961; 8:45 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-12]

## CONSTRUCTION OF RADIO ANTENNA STRUCTURE

### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

The Mustang Fuel Corporation, Oklahoma City, Oklahoma, proposes to erect a radio antenna structure eight miles southwest of Edmond, Oklahoma, at latitude 35°41'00" north, longitude 97°35'46" west. The overall height of the structure would be 1520 feet above mean sea level (406 feet above ground level).

No aeronautical objection was received as a result of the circularization. The aeronautical study by the Agency revealed that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on March 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2528; Filed, Mar. 22, 1961; 8:45 a.m.]

[OE Docket No. 61-KC-13]

## PROPOSED ALTERATION OF RADIO ANTENNA STRUCTURE

### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

The Michigan Bell Telephone Company, Detroit, Michigan, proposes to increase by 19 feet the overall height of an existing radio antenna structure, located near Perkins, Michigan, at latitude 45°57'50" north, longitude 87°04'22" west. The new overall height of the structure would be 1164 feet above mean sea level (369 feet above ground level).

No aeronautical objections were received as a result of the circularization. The aeronautical study by the Agency revealed that the proposed structure height increase would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this proposed structure increase in height to the mean sea level elevation specified herein would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on March 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2529; Filed, Mar. 22, 1961; 8:45 a.m.]

[OE Docket No. 61-FW-18]

## CONSTRUCTION OF RADIO ANTENNA STRUCTURE

### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

The American Telephone and Telegraph Company, Kansas City, Missouri, proposes to erect a radio antenna structure twelve miles northeast of Laredo, Texas at latitude 27°35'04" north, longtitude 99°17'48" west. The overall height of the structure would be 875 feet above mean sea level (163 feet above ground level).

No aeronautical objection was received as a result of the circularization. The aeronautical study by the Agency revealed that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on March 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2530; Filed, Mar. 22, 1961; 8:45 a.m.]



[OE Docket No. 61-LA-3]

## CONSTRUCTION OF TELEVISION ANTENNA TOWER

### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

Liberty Television, Inc., proposes to erect a television antenna structure near Eugene, Oregon, at latitude 44°06'56" north, longitude 122°59'55" west. The overall height of the proposed structure would be 2,385 feet above mean sea level (255 feet above ground).

No substantial objections were received as a result of the circularization. The aeronautical study disclosed that the proposed structure would penetrate the outer conical surface of the "Joint Industry Government Tall Structures Committee Final Report" criteria as applied to Springfield Airport by 1,544 feet. This criteria is not limiting in nature but requires aeronautical study of such cases. In this instance, the study revealed that there would be no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on March 16, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2531; Filed, Mar. 22, 1961; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13976; FCC 61M-458]

## ASPEN BROADCASTING CO.

### Order Scheduling Prehearing Conference

In re application of Myron J. Kammeyer, Edward L. Vestal and Theodore B. Gazarian, d/b as Aspen Broadcasting Co., Aspen, Colorado, Docket No. 13976, File No. BP-13082; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

*It is ordered*, This 17th day of March 1961, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 10:00 a.m., March 28, 1961.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2558; Filed, Mar. 22, 1961; 8:49 a.m.]

[Docket Nos. 13989, 13990; FCC 61-349]

## BAR NONE, INC., AND INDEPENDENT BROADCASTING CORP.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Bar None, Inc., Dishman, Washington, requests: 1430 kc, 1 kw, Day, Docket No. 13989, File No. BP-12909; Independent Broadcasting Corporation, Spokane, Washington, requests: 1440 kc, 5 kw, Day, Docket No. 13990, File No. BP-13243; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, both applicants are legally, technically, and otherwise qualified; that Bar None, Inc., is financially qualified; and that Independent Broadcasting Corporation may not be financially qualified, to construct and operate their instant proposals; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

1. The two proposed operations are approximately five miles apart and are mutually exclusive owing to electrical interference.

2. The two stock subscribers in Independent Broadcasting Corporation are each committed to purchase $7,750 in capital stock, and each is committed to loan the applicant corporation $20,000. However, the personal balance sheets of neither subscriber appear to show adequate liquid assets with which to meet the proposed commitments.

It further appearing that by petition received February 24, 1961, Bar None, Inc., requested that the certain issues be specified in this Order with respect to the Independent Broadcasting Corporation proposal, but that all such issues were relative only to the proposed nighttime operation of Independent Broadcasting Corporation and have been rendered moot by subsequent amendment of the Independent application to specify daytime operation only; and

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the folowing issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine whether Independent Broadcasting Corporation is financially qualified to construct and operate its proposed station.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

*It is further ordered*, That, in the event of a grant of the application of Independent Broadcasting Corporation, the construction permit shall contain a condition that permittee shall be responsible for the installation and adjustment of suitable filter circuits or other equipment which may be necessary to prevent objectionable reradiation or cross-modulation with existing broadcast stations.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2559; Filed, Mar. 22, 1961; 8:49 a.m.]

[Docket Nos. 13977-13979; FCC 61M-459]

## BIG HORN COUNTY MUSICASTERS, ET AL.

### Order Scheduling Prehearing Conference

In re applications of D. Gene Williams and Delbert Bertholf d/b as Big

Horn County Musicasters, Hardin, Montana, Docket No. 13977, File No. BP-13399; Elizabeth H. Brown, Kenneth Nybo, Charles B. Sande, Ben N. Forbes, Weymouth D. Symmes, A. L. La Bar, Rockwood Brown, Jr., Neal H. Brown, Barbara B. Bixby and Keith Brown, a Co-partnership d/b as Billings Broadcasting Co. (KBMY), Billings, Montana, Docket No. 13978, File No. BP-13470; KXLO Broadcast, Inc. (KXLO), Lewistown, Montana, Docket No. 13979, File No. BP-14144; for construction permits.

*It is ordered*, This 17th day of March 1961, that a prehearing conference, pursuant to § 1.111 of the Commission's rules, will be held in the above-entitled matter at 10:00 a.m., April 6, 1961, in the Commission's offices in Washington, D.C.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2560; Filed, Mar. 22, 1961; 8:49 a.m.]

[Docket Nos. 13980, 13981; FCC 61M-460]

## AUBREY H. ISON ET AL.

### Notice of Conference

In re applications of Aubrey H. Ison, James A. McCulla and Paul C. Masterson, Lompoc, California, Docket No. 13980, File No. BP-13445; Stanley R. Bookstein, Lompoc, California, Docket No. 13981, File No. BP-14420; for construction permits.

Notice is hereby given that a prehearing conference in the above-entitled proceeding will be held at 2:00 p.m., on Friday, April 7, 1961, in Washington, D.C.

Dated: March 17, 1961.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2561; Filed, Mar. 22, 1961; 8:49 a.m.]

[Docket Nos. 13991, 13992; FCC 61-350]

## BEN S. McGLASHAN (KGFJ) AND SUN STATE BROADCASTING SYSTEM, INC.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Ben S. McGlashan (KGFJ), Los Angeles, California, has: 1230 kc, 250 w,[1] U, requests: 1230 kc, 250 w,[1] 1 kw-LS,[1] U, Docket No. 13991, File No. BP-13123; Sun State Broadcasting System, Inc., San Fernando, California, requests: 1210 kc, 10 kw, DA, Day, Docket No. 13992, File No. BP-14056; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that, the Commission, in a prehearing letter dated October 27, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that, Mr. McGlashan proposes to increase the power of Station KGFJ from 250 watts to 1000 watts (when station KPPC is not operating) utilizing its present roof-top antenna, such usage being in contravention of § 3.188(d) of the Commission's rules; but that a waiver of said rule has been requested and good cause shown therefor; and

It further appearing that, the proposal of Sun State Broadcasting System, Inc. is for daytime operation on a domestic Class I-A channel; and that in the event of favorable consideration in hearing proceedings, further action will be withheld in accordance with the provisions of § 1.351 of the rules pending conclusion of the proceedings in Docket 6741; and

It further appearing that, the proposed transmitter site of Sun State Broadcasting System, Inc., is in close proximity with steep hills located in the direction of maximum directional antenna suppression, and that a question is raised as to whether a satisfactory proof-of-performance can be made in the event the application of Sun State Broadcasting System should receive favorable consideration; and,

It further appearing that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposal of Sun State Broadcasting System, Inc. and the availability of other primary service to such areas and populations.

(2) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KGFJ and the availability of other primary service to such areas and populations.

(3) To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

(4) To determine whether the instant proposal of Sun State Broadcasting System, Inc., would cause objectionable interference to Station KGFJ, Los Angeles, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

(5) To determine whether interference received from Station KGFJ would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Sun State Broadcasting System, Inc., in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

(6) To determine whether there is a reasonable possibility that the tower height and location proposed by Sun State Broadcasting System, Inc. would constitute a menace to air navigation.

(7) To determine, in view of presence of steep hills in the vicinity of the proposed transmitter site of Sun State Broadcasting System, Inc., located in the direction of maximum signal suppression, whether a satisfactory proof of performance can be made in the event of a grant of the application.

(8) To determine whether any overlap of 2 mv/m and 25 mv/m contours will occur with respect to the existing and proposed operations of KGFJ and the proposal of Sun State Broadcasting System, Inc.

(9) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

(10) To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

*It is further ordered*, That, the Federal Aviation Agency is made a party to the proceeding with respect to the air menace issue only.

*It is further ordered*, That, if the proposal of the Sun State Broadcasting System, Inc., is favored in the hearing, it will be held without final action, pursuant to § 1.351 of the Commission rules, pending conclusion of the proceeding in Docket No. 6741 concerning the "Clear channel" matter.

*It is further ordered*, That, in event of a grant of the proposal of Ben S. McGlashen, any grant shall contain the condition that permittee accept such interference as may be imposed by other existing Class IV stations in the event they are subsequently authorized to increase power to one kilowatt, and the further condition that permittee shall submit with application for license antenna resistance measurements made in accordance with § 3.54 of the Commission rules.

*It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified on this order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2562; Filed, Mar. 22, 1961; 8:49 a.m.]

[Docket Nos. 13998, 13999; FCC 61-354]

## LORENZO W. MILAM ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Lorenzo W. Milam, Seattle, Washington, req.: 107.7 Mc, No. 299; 14.8 kw; 186.3 ft., Docket No. 13998, File No. BPH-3004; L. N. Ostrander and G. A. Wilson dba Eastside Broadcasting Company, Seattle, Washington, req.: 107.7 Mc, No. 299; 39.1 kw; 1117 ft., Docket No. 13999, File No. BPH-3263; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, the instant applicants are legally, technically, financially, and otherwise qualified to construct and operate the proposed stations, but that the proposed operations would involve mutually destructive interference; and

It further appearing that after consideration of the foregoing, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

*It is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the area and population within the 1 mv/m contours, the area and population therein which would be served by the proposed stations, and the availability of other FM services (at least 1 mv/m contour) to such proposed service areas.

2. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

3. To determine in the light of the evidence adduced, pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

*It is further ordered*, That in the event of a grant of the application of Lorenzo W. Milam, the construction permit shall contain a condition requiring that Station KOL request permission from the Commission to determine power of KOL by the indirect method; that during the installation of the FM antenna KOL shall maintain the directional antenna system as closely as possible to values appearing in the license; and that upon completion of the installation KOL shall submit sufficient data to show that the directional antenna pattern remains substantially unchanged, but if there is any change in the antenna or common point resistance, KOL shall submit Forms 302 to report the change.

*It is further ordered*, That to avail themselves of the opportunity to be heard, the instant applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2563; Filed, Mar. 22, 1961; 8:49 a.m.]

[Docket Nos. 13969, 13970; FCC 61M-456]

## NICHOLASVILLE BROADCASTING CO. AND JESSAMINE BROADCASTING CO.

### Order Continuing Hearing Conference

In re applications of Pierce E. Lackey, F. E. Lackey, and Kathrine Peden, d/b as Nicholasville Broadcasting Co., Nicholasville, Kentucky, Docket No 13969, File No. BP-13253; Inman S. Wood and Paul Everman, d/b as Jessamine Broadcasting Co., Nicholasville, Kentucky, Docket No. 13970, File No. BP-13358; for construction permits.

*It is ordered*, This 17th day of March 1961, on the Hearing Examiner's own motion that the prehearing conference heretofore scheduled for 9:30 a.m., on March 27, 1961, at the Offices of the Commission in Washington, D.C., is postponed to March 29, 1961, at the same hour and place.

Released: March 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2564; Filed, Mar. 22, 1961; 8:50 a.m.]

[Docket Nos. 13987, 13988; FCC 61-345]

## OLEAN BROADCASTING CORP. AND WIRY, INC.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Olean Broadcasting Corporation, Plattsburg, New York, requests: 920 kc, 1 kw, Day, Docket No. 13987, File No. BP-13091; WIRY, Inc., Lake Placid, New York, requests: 920 kc, 1 kw, Day, Docket No. 13988, File No. BP-13345; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, and otherwise qualified to construct and operate their instant proposals, but that neither of the applicants appears to be financially qualified; and

[1] Power reduced to 100 w when KPPC is operating.

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. Owing to extensive mutual interference, the proposed operations appear to be mutually exclusive.

2. Upon the basis of the information submitted, neither applicant has established requisite financial qualifications:

(a) The balance sheet of March 31, 1959, submitted by Olean Broadcasting Corporation does not appear to show cash or liquid assets available over and above those needed to meet current obligations, as required by Section III, Paragraph 4(d), of the application form. Moreover, Commission records indicate that the applicant's stations, WMNS, Olean, New York, and WSET, Glens Falls, New York (in which applicant is majority stockholder) operated at a loss in 1959.

(b) The financial plans of WIRY, Inc. apparently depend upon securing funds through loans. The information submitted in this regard is incomplete in the following respects:

(1) the loan agreements are addressed to Charles B. Britt for his benefit and not the applicant, WIRY, Inc.;

(2) the loan agreements fail to show the security to be posted for the loan;

(3) the financial statements of the lenders are not complete, pursuant to the requirements of Section III, Paragraph 4 (c) and (d) of the application form.

3. The proposal of Olean Broadcasting Corporation appears to involve an overlap of the 2 and 25 mv/m contours with Canadian Station CBM, Montreal, Quebec, in contravention of § 3.37 of the rules.

4. By letter of April 11, 1960, the New York Regional Airspace Committee noted that the antenna proposal of Olean Broadcasting Corporation had been circularized for aviation industry comment; that objecting comments to the proposed construction had been received; that the applicant had been requested by letter of January 22, 1960, to relocate and advise the Committee within thirty days; and that no further reply had been received from the applicant.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from either of the instant proposals.

3. To determine whether either applicant is financially qualified to construct and operate its instant proposal.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by Olean Broadcasting Corporation would constitute a menace to Air navigation.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

*It is further ordered*, That the Federal Aviation Agency is made a party to the proceeding with regard to Issue Number 4, regarding possible menace to air navigation.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2565; Filed, Mar. 22, 1961; 8:50 a.m.]

[Docket No. 13984; FCC 61-342]

## ROGER S. UNDERHILL

### Order To Show Cause

In the matter of revocation of license of Roger S. Underhill for Standard Broadcast Station WIOS, Tawas City-East Tawas, Michigan, Docket No. 13984.

The Commission having under consideration, among other things, (1) the record and its final "Decision" (20 RR 978) in the case of Capitol Broadcasting Co., et al. (Docket Nos. 11848 and 11849); (2) the Hearing Examiner's "Initial Decision" in said case (18 RR 883); and (3) various applications and matters more specifically described hereinafter; and

It appearing that, on February 25, 1957, Underhill filed an application (BP-11,115) with the Commission for a permit to construct a new standard broadcast station using the frequency 1050 kc at Tawas City-East Tawas, Michigan, wherein he proposed to finance said construction by means of "Existing Capital" of $11,000, an equipment supplier's deferred credit of $14,507.74, and a loan from Capitol for $3,000; that on June 10, 1957, Underhill amended said application so as to change the requested frequency to 1480 kc; that the Commission granted said application on September 5, 1957; that on March 25, 1958, Underhill filed an application for an extension of time to construct Station WIOS which was granted by the Commission on April 7, 1958; that on September 15, 1958, and on August 21, 1959, the Commission granted Underhill program test authority and a license, respectively, for Station WIOS without prejudice to whatever action the Commission might deem appropriate as a result of its final determination in the Capitol-Pomeroy proceedings (Docket Nos. 11848-11849); and

It further appearing that, Underhill is the President and thirty-five (35) percent stockholder of Capitol, which filed an application with the Commission on May 24, 1956, for a permit to construct a new standard broadcast station at East Lansing, Michigan, using the frequency 730 kc; that W. A. Pomeroy (Pomeroy) filed an application for a new standard broadcast station at Tawas City-East Tawas, Michigan, on 730 kc; that on October 22, 1956, said applications were designated for consolidated hearing; that on September 7, 1960, in its Decision, the Commission denied the Capitol application; that in its Memorandum Opinion and Order, released January 10, 1961, the Commission denied, in all respects, a petition by Capitol for rehearing of and oral argument on said Decision of September 7, 1960; and

It further appearing that, in its Decision of September 7, 1960, the Commission concluded, among other things, as follows:

16. It has been demonstrated that Capitol was aware of Underhill's intent to file at Tawas, understood the purpose of such filing, acquiesced therein, and financially sponsored Underhill in the project; its association with Underhill is so close that it must answer for any improprieties commited by Underhill in the Tawas venture.

In addition, Capitol must suffer adverse conclusions being drawn as to its qualifications because of Underhill's misrepresentations to the Commission concerning the financial sponsorship of the Tawas project, the apparent purpose of which was to conceal the extent to which Capitol was involved in the Tawas venture. In view of this purpose, we cannot characterize Underhill's failure to report the changes in financing as "carelessness," or his extreme reluctance while testifying to disclose his $28,000 indebtedness to Capitol as "nervousness"—both of which the Bureau would have us do.

17. We concur with the examiner's conclusion that the sole purpose of Underhill's filing at Tawas was to benefit Capitol's position vis-a-vis Pomeroy. We have considered the decisions cited by the Bureau and Capitol in support of the proposition that, so long as an applicant has the intent to construct and operate the station applied for, his motives are immaterial, and are of the view that they are not controlling. In the instant case, the circumstances surrounding Underhill's filing are aggravated by (1) his early attempt to sell the Tawas construction permit, which was clearly inconsistent with his original expression of a desire to own and operate a station in Tawas; (2) his concealment and misrepresentation of Capitol's financial sponsorship of the project; and (3) his evasiveness and lack of candor as a witness in the instant proceeding. In view of the foregoing, we are not persuaded that Capitol possesses the qualifications required of a licensee of this Commission, and its application will be denied.

It further appearing that, the applications filed by Underhill and Capitol, contained the following statements, among others:

The applicant represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

All the statements made in the application and attached exhibits are considered material representations, and all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

The applicant, or the undersigned on the applicant's behalf, states that he has endeavored to supply full and correct information as to all matters which are relevant to this application and that he has done so as to all matters within his own knowledge;

and

It further appearing that, Underhill has submitted to the Commission applications which contained statements of fact known by him to be false; that he has willfully or repeatedly failed to observe the provisions of §§ 1.304, 1.322, 1.323, and 1.325 of the Commission's rules; and that the conditions which have come to the attention of the Commission would warrant it in refusing to grant Underhill a license or permit on an original application;

*It is ordered*, This 15th day of March 1961, That, pursuant to the provisions of sections 312(a)(1), 312(a)(2), 312(a)(4), and 312(c) of the Communications Act of 1934, as amended, Roger S. Underhill is directed to show cause why an order revoking his license for standard broadcast Station WIOS, Tawas City-East Tawas, Michigan, should not be issued, and to appear and give evidence with respect thereto at a hearing[1] to be held at the Commission's offices in Washington, D.C., at a time to be specified by subsequent order, said time in no event to be less than 30 days after receipt of this order; and

*It is further ordered*, That, the Acting Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Roger S. Underhill.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2566; Filed, Mar. 22, 1961; 8:50 a.m.]

[1] Section 1.77(c) of the Commission's rules provides that a licensee, in order to avail itself of the opportunity to be heard, shall, in person or by its attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that it will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. See § 1.78(a) of the Commission's rules as amended December 12, 1960. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. See § 1.76(b) of the Commission's rules as amended December 12, 1960. In the event the right to a hearing is waived, the Chief Hearing Examiner will terminate the hearing proceeding and certify the case to the Commission. Thereupon the matter will be determined by the Commission in the regular course of business and an appropriate order will be entered. See §§ 1.78 (c), (d) and (e) of the Commission's rules as amended December 12, 1960.

[Docket Nos. 13994-13997; FCC 61-353]

## WAGNER BROADCASTING CO. ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of John Andrew Wagner, John Russell Wagner, Carrie Helen Wagner, d/b as Wagner Broadcasting Company, Woodland, California, requests: 780 kc, 1 kw, Day, Docket No. 13994, File No. BP-8555; Elbert H. Dean and Richard E. Newman, Clovis, California, requests: 790 kc, 500 w, Day, Docket No. 13995, File No. BP-12728; Reid W. Dennis tr/as Dennis Broadcasting, Reno, Nevada, requests: 790 kc, 1 kw, Day, Docket No. 13996, File No. BP-13548; Charles W. Jobbins, Grass Valley, California, requests: 790 kc, 1 kw, Day, Docket No. 13997, File No. BP-13964; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each applicant is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal except that Reid W. Dennis, tr/as Dennis Broadcasting, may not be financially qualified; and

It further appearing that the Commission in a prehearing letter dated December 2, 1960 notified the applicants herein and other applicants since dismissed and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that, by letter of December 12, 1960, counsel for Reid W. Dennis requested that Mr. Dennis' proposal be placed in the pending file until the applicant has had an opportunity to procure a new transmitter site and submit an appropriate amendment; but that the Commission is of the opinion that the applications herein should be designated for hearing without further delay since an applicant may amend his application after designation for hearing pursuant to § 1.311(b) upon showing a good cause; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of Elbert H. Dean and Richard E. Newman would cause objectionable interference to Stations KGO, San Francisco, California, KABC, Los Angeles, California, and KUZZ, Bakersfield, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of Dennis Broadcasting would cause objectionable interference to Station KDAN, Eureka, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Charles W. Jobbins would cause objectionable interference to Stations KDAN, Eureka, California and KGO, San Francisco, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention to § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

7. To determine whether Reid W. Dennis, tr/as Dennis Broadcasting is financially qualified to construct and operate his proposed station.

8. To determine whether there is a reasonable possibility that the tower height and location proposed by Reid W. Dennis, tr/as Dennis Broadcasting would constitute a menace to air navigation.

9. To determine whether overlap of the 2 mv/m and 25 mv/m contours would occur between the instant proposal of Charles W. Jobbins and the existing operation of Station KGO, San Francisco, California in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

10. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

11. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

*It is further ordered,* That American Broadcasting-Paramount Theatres, Inc., Licensee of Stations KGO and KABC, and Valley Radio Corporation and Radio KDAN, Inc., licensees of Stations KUZZ and KDAN, respectively, are made parties to the proceeding with respect to their existing operations.

*It is further ordered,* That the Federal Aviation Agency IS MADE A PARTY to the proceeding with respect to Issue Number 8, concerning menace to air navigation.

*It is further ordered,* That, if the proposal of Wagner Broadcasting Company is favored in the hearing, it will be held without final action, pursuant to § 1.351 of the Commission rules, pending conclusion of the proceedings in Docket No. 6741 concerning the "Clear Channel" matter.

*It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants and the respondents, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered,* That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2567; Filed, Mar. 22, 1961; 8:50 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RP61-8]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Order Setting Hearing and Prescribing Procedure

MARCH 16, 1961.

On August 29, 1960, Natural Gas Pipeline Company of America (Natural Gas), and Peoples Gulf Coast Natural Gas Pipeline Company (Peoples Gulf) each tendered for filing proposed tariff revisions which would increase the annual rates and charges of each company for sales of natural gas subject to the jurisdiction of the Commission. By order issued September 30, 1960, in Docket Nos. RP61-8 and RP61-9, the Commission suspended the tariff revisions proposed by Natural Gas and Peoples Gulf until March 1, 1961, and thereafter until such time as they are made effective in the manner prescribed by the Natural Gas Act, and also provided for hearings concerning the lawfulness of the respective FPC Gas Tariffs, as proposed to be revised.

By order issued November 23, 1960, in Docket Nos. RP61-8 and RP61-9, Natural Gas was granted permission to file a single FPC Gas Tariff to supersede its FPC Gas Tariff and that of Peoples Gulf. This action followed the merger of Peoples Gulf into Natural Gas. The single FPC Gas Tariff filed by Natural Gas reflected the rate increase filed in Docket Nos. RP61-8 and RP61-9, except for approximately $75,000, or a presently estimated combined proposed rate increase of $4,125,000. The order issued November 23 also terminated the proceeding in Docket No. RP61-9 without prejudice to the ultimate disposition of the proceeding in Docket No. RP61-8. The single FPC Gas Tariff filed by Natural Gas, like the proposed tariff revisions it superseded, has been suspended until March 1, 1961, and thereafter until such time as it is made effective in the manner prescribed by the Natural Gas Act.

No hearing has been held to determine the lawfulness of the increased rates proposed in this proceeding, nor has any decision been rendered therein.

It has also been indicated informally to the staff that a conference held after the hearing is continued for cross-examination and concerning all pending rate cases involving Natural Gas would be appropriate.

The Commission finds:

As hereinafter ordered, it is in the public interest and necessary in the proper administration of the Natural Gas Act that:

(1) Hearing in the above-entitled proceeding should commence on June 20, 1961.

(2) Natural Gas should present its case-in-chief in this proceeding upon commencement of the hearing, whereupon this proceeding should be continued to a date to be fixed by the presiding examiner to permit preparation of cross-examination.

The Commission orders:

(A) A public hearing shall be held commencing June 20, 1961, at 10:00 a.m. e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classifications and services contained in the FPC Gas Tariff of Natural Gas, as proposed to be revised in this proceeding.

(B) Upon commencement of the hearing on June 20, 1961, Natural Gas shall present its case-in-chief. The hearing shall then be continued to a date to be fixed by the presiding examiner to permit preparation of cross-examination.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2539; Filed, Mar. 22, 1961; 8:46 a.m.]

[Docket No. CP61-94]

## HOUSTON TEXAS GAS AND OIL CORP.

### Notice of Application and Date of Hearing

FEBRUARY 27, 1961.

Take notice that on September 20, 1960, Houston Texas Gas and Oil Corporation (Houston, Texas) filed in Docket No. CP61-94 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a positive displacement meter in its existing metering station near Auburndale, Florida, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities will be used to make sales of natural gas for resale to Central Florida Gas Corporation (Central Florida), an existing customer. The deliveries of gas through these facilities will amount to an average of 250 therms (25 Mcf) per day and 90,000 therms (9,000 Mcf) per year. Houston Texas' estimated cost of construction will be $2,200 which will be financed from current funds.



This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 31, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 27, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2593; Filed, Mar. 22, 1961; 8:51 a.m.]

# TARIFF COMMISSION

[7-103, 7-105]

## ALSIKE CLOVER SEED AND CREEPING RED FESCUE SEED

### Notice of Change in Date of Hearings

Notice is hereby given that the public hearings in connection with the investigations instituted under section 7 of the Trade Agreements Extension Act of 1951 with respect to Alsike clover seed and creeping Red Fescue seed, heretofore scheduled for 10 a.m. e.d.s.t., on June 6, 1961 (26 F.R. 1419), and June 27, 1961 (26 F.R. 2064), respectively, have been rescheduled for 10 a.m., e.d.s.t., on June 20 and June 21, 1961, respectively.

Issued: March 20, 1961.

By order of the Commission.

[SEAL] DONN N. BENT,
*Secretary.*

[F.R. Doc. 61-2569; Filed, Mar. 22, 1961; 8:50 a.m.]

[AA1921-18]

## RAYON STAPLE FIBER FROM BELGIUM

### Notice of Hearing

Notice is hereby given that the United States Tariff Commission, on March 20, 1961, ordered a public hearing held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to rayon staple fiber from Belgium. Notice of the institution of the investigation was published in the FEDERAL RERISTER on March 2, 1961 (26 F.R. 1848).

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on May 3, 1961. Interested parties desiring to appear and to be heard at such hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Issued: March 20, 1961.

By order of the Tariff Commission.

[SEAL] DONN N. BENT,
*Secretary.*

[F.R. Doc. 61-2570; Filed, Mar. 22, 1961; 8:50 a.m.]

[AA1921-17]

## RAYON STAPLE FIBER FROM FRANCE

### Notice of Hearing

Notice is hereby given that the United States Tariff Commission, on March 20, 1961, ordered a public hearing held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to rayon staple fiber from France. Notice of the institution of the investigation was published in the FEDERAL REGISTER on March 2, 1961 (26 F.R. 1849).

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on May 2, 1961. Interested parties desiring to appear and to be heard at such hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Issued: March 20, 1961.

By order of the Tariff Commission.

[SEAL] DONN N. BENT,
*Secretary.*

[F.R. Doc. 61-2571; Filed, Mar. 22, 1961; 8:50 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 311]

## ARKANSAS

### Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Carroll, Faulkner, Johnson, Perry, White and Woodruff Counties in the State of Arkansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about March 12, 1961.

Offices: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex. Small Business Administration Branch Office, Rector Building, Room 620, 405 West Third Street, Little Rock, Ark.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1961.

Dated: March 14, 1961.

JOHN E. HORNE,
*Administrator.*

[F.R. Doc. 61-2548; Filed, Mar. 22, 1961; 8:47 a.m.]

# DEPARTMENT OF COMMERCE

## Office of the Secretary

## WILBUR F. DUERINGER

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of March 12, 1961.

WILBUR F. DUERINGER.

MARCH 13, 1961.

[F.R. Doc. 61-2553; Filed, Mar. 22, 1961; 8:48 a.m.]

# HOUSING AND HOME FINANCE AGENCY

## Office of the Administrator

## ACTING REGIONAL ADMINISTRATOR, REGION V (FORT WORTH)

### Designation

The Deputy Regional Administrator, Region V (Fort Worth), Housing and

Home Finance Agency, is hereby designated to serve as Acting Regional Administrator, Region V, during the vacancy in the position of Regional Administrator, Region V, with all the powers, functions, and duties delegated or assigned to the Regional Administrator.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 18th day of March 1961.

[SEAL] ROBERT C. WEAVER,
*Housing and Home Finance Administrator.*

[F.R. Doc. 61-2592; Filed, Mar. 22, 1961; 8:51 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 20, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 36972: *Sand, gravel, and crushed stone to Danville and Tilton, Ill.* Filed by Illinois Freight Association, Agent (No. 126), for interested rail carriers. Rates on sand, gravel and crushed stone, as described in the application, in carloads, from Attica, Dickason Pit, LaFayette, Olin, and Terre Haute, Ind., and Lehigh, Ill., to Danville or Tilton, Ill.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 7 to Chicago & Eastern Illinois Railroad Company's tariff I.C.C. 330, and other schedules named in the application.

FSA No. 36973: *Gravel from Terre Haute, Ind., to Altamont, Ill.* Filed by Illinois Freight Association, Agent (No. 127), for Chicago & Eastern Illinois Railroad Company. Rates on gravel, road surfacing, as described in the application, in carloads, from Terre Haute, Ind., to Altamont, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 7 to Chicago & Eastern Illinois Railroad Company's tariff I.C.C. 330.

FSA No. 36974: *Substituted service—L&N for Service Lines, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 50), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between East St. Louis, Ill., on the one hand, and Chattanooga and Nashville, Tenn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 5 to Central and Southern Motor Freight Tariff Association, Incorporated, tariff MF-I.C.C. 220.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-2554; Filed, Mar. 22, 1961; 8:48 a.m.]



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VOLUME 26 NUMBER 56

Washington, Friday, March 24, 1961

THE UNIVERSITY OF MICHIGAN
MAR 29 1961
MAIN READING ROOM

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**Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.**

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**PRINCIPAL OFFICIALS IN THE EXECUTIVE BRANCH**

**Appointed January 20–March 20, 1961**

**A listing of more than 300 appointments of key officials made after January 20, 1961. Serves as a supplement to the 1960–61 edition of the U.S. Government Organization Manual**

**Price: 15 cents**

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**Order from: Superintendent of Documents, Government Printing Office, Washington 25, D.C.**



**FEDERAL REGISTER**

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3399

### ARMED FORCES DAY

**By the President of the United States of America**

**A Proclamation**

WHEREAS the survival of our cherished freedoms is dependent in large measure upon the capabilities of our armed forces to discourage totalitarian aggression; and

WHEREAS the armed forces of the United States serve as a unified team, at home and across the seas, in the pursuit of a durable peace; and

WHEREAS the strength of our armed forces rests not alone upon their active and reserve members, our industrial productivity, and our human resources, but also upon the understanding and support of an informed American people; and

WHEREAS we seek to acknowledge and to manifest our appreciation for the dedication and self-sacrifice of the members of our armed forces and their families:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America and Commander in Chief of the armed forces of the United States, do hereby proclaim the third Saturday of May in 1961 and the third Saturday of May in each succeeding year as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, the Navy, the Air Force, and the Marine Corps, and the Secretary of the Treasury on behalf of the Coast Guard, to designate that day each year for appropriate ceremonies, demonstrations, and displays both at armed-forces installations and in civilian communities at the invitation of civil authorities. The Secretary of Defense, as my personal representative, shall assume responsibility for initiating, formulating, and supervising the program contemplated by this proclamation and for soliciting the participation and cooperation in such program by civil authorities and distinguished private citizens.

I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, and the Commissioners of the District of Columbia to provide for the observance of Armed Forces Day within their jurisdictions each year in an appropriate manner designed to enhance public understanding and appreciation of the armed forces of the United States as defenders of freedom at home and abroad.

I also ask my fellow Americans, as an expression of support for their armed forces and as a symbol of their unity in devotion to the preservation of our country, to display prominently the flag of the United States on Armed Forces Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighteenth day of March in the year of our Lord nineteen hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 61-2652; Filed, Mar. 22, 1961; 4:24 p.m.]

# Rules and Regulations

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 8666; Order No. 47]

### PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

### Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board, held in Washington, D.C., on the 14th day of March 1961.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing that Notice No. 47, dated January 6, 1961, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on January 28, 1961 (26 F.R. 895), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views were submitted to the Commission with respect to the proposed amendments;

And it further appearing that said views and arguments with respect to the proposed amendments are such as not to warrant revision at this time of the proposed amendments, and that in all respects the proposed amendments set forth in the above referred-to Notice No. 47 are deemed justified and necessary:

*It is ordered*, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth below.

*It is further ordered*, That this order shall become effective June 11, 1961, and shall remain in effect until further order of the Commission;

*It is further ordered*, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

*And it is further ordered*, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] HAROLD D. MCCOY, *Secretary.*

### PART 73—SHIPPERS

#### Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.33 amend paragraph (a)(2); cancel paragraph (k)(11) (15 F.R. 8280, Dec. 2, 1950) (21 F.R. 3008, May 5, 1956) to read as follows:

**§ 73.33 Qualification, maintenance, and use of cargo tanks.**

(a) * * *

(2) Cargo tanks to be used for the transportation of corrosive or flammable liquids shall be of the types prescribed by the regulations and maintained or retested in accordance with the requirements appearing in § 77.824 of this chapter.

* * * * * *

(k) * * *

(11) Canceled.

### PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

#### Subpart A—General Information and Regulations

Add § 77.824 (15 F.R. 8364, Dec. 2, 1950) to read as follows:

**§ 77.824 Retesting of cargo tanks.**

(a) *Flammable liquid and poisonous liquid cargo tanks, specs. MC 300, MC 302, MC 303 and MC 305.* Every cargo tank constructed in compliance with specs. MC 300, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324, and 78.326 of this chapter) used for the transportation of any flammable liquid or poisonous liquid, class B, shall be retested as follows:

(1) *Tank out of service one year or more.* Every cargo tank which has been out of transportation service for a period of one year or more shall not be returned again to or placed in such service until it has successfully fulfilled the testing requirements set forth in the applicable specification.

(2) *Specification tanks.* Every cargo tank complying with the requirements of Specification No. 1001, 1937 Edition of the American Petroleum Institute, specifications of the National Fire Protection Association 1929 or 1933, or specifications MC 300, MC 302, MC 303 and MC 305 (§§ 78.321, 78.323, 78.324 and 78.326 of this chapter), shall be tested at least once in every 5-year period and shall not be returned to service until it has successfully fulfilled the testing requirements set forth under § 78.321–16 of this chapter. If tested no oftener than once in every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning for such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under § 78.321–16 of this chapter.

(3) *Nonspecification tanks.* Every cargo tank not complying with the requirements of Specification No. 1001, 1937 Edition of the American Petroleum Institute, specifications of the National Fire Protection Association 1929 or 1933, or specifications MC 300, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324 and 78.326 of this chapter), shall be tested at least once in every calendar year and shall successfully fulfill the requirements set forth under § 78.321–16 of this chapter. No two such required tests shall be closer together than 6 months.

(b) *Pressurized flammable liquid and poisonous liquid cargo tanks, spec. MC 304.* Every cargo tank constructed in compliance with spec. MC 304 (§ 78.325 of this chapter) or footnote 1 of § 78.325 of this chapter, shall be retested as specified in § 78.325–16 of this chapter. Each cargo tank used for the transportation of commodities specified in § 78.325 of this chapter shall be withheld from service until it has successfully fulfilled the testing requirements. Each such cargo tank shall be retested as follows:

(1) Whenever any such cargo tank, new or old, is acquired by a motor carrier; except that suitable testing of new tanks when completed by the manufacturer and before such tanks are placed in service will be considered as complying with this requirement.

(2) When such cargo tank has been out of service for one year or longer.

(3) When or before the test date required by § 78.325–17 of this chapter to be painted on the tank is five years old.

(4) When or before the test date required by § 78.325–17 of this chapter to be painted on the tank is two years old, in the case of tanks not complying with all requirements of this specification but continuing in service as authorized in footnote 1 of § 78.325 of this chapter.

(c) *Corrosive liquid cargo tanks, specs. MC 310 and MC 311.* Every cargo tank constructed in compliance with specs. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter) used for the transportation of any corrosive liquid shall be retested as follows:

(1) *Tank out of service one year or more.* Every cargo tank which has been out of transportation service for a period of one year or more shall not be returned to service until it has successfully fulfilled the testing requirements set forth in the applicable specification.

(2) *Specification tanks.* Every cargo tank complying with specs. MC 310, MC 311 (§ 78.330 or 78.331 of this chapter), or the requirements set forth in footnote 1 of § 78.330 or 78.331 of this chapter, shall be tested at least once in every 5-year period and shall successfully fulfill the testing requirements set forth in the applicable specification. If tested no oftener than once every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning of such testing of such cargo tanks shall be from the time of the last test made in accordance with the testing requirements set forth in the applicable specification.

(3) *Nonspecification tanks.* Every cargo tank not complying with specs. MC 310, MC 311 (§ 78.330 or 78.331 of this chapter), or the requirements set forth in footnote 1 of § 78.330 or 78.331 of this chapter, shall be tested at least once in every calendar year and shall successfully fulfill the testing requirements set forth under § 78.330–16 or 78.331–16 of this chapter, whichever is applicable. No two such required tests shall be closer together than 6 months.

(d) *Compressed gas cargo tanks, spec. MC 330.* Every cargo tank constructed in compliance with spec. MC 330 (§ 78.336 of this chapter) used for the transportation of any compressed gas shall be retested in accordance with the requirements of § 73.33 of this chapter.

(e) *Novel cargo tanks.* Every cargo tank which shall have been authorized by the Commission under the provisions of § 73.33 (h) and (j) of this chapter shall be retested under the requirements set forth in the terms of such authorization.

(f) *Testing following accidents.* Every cargo tank capable of suitable repair following any accident in which a tank motor vehicle may have been involved shall not be returned to service until it has successfully been retested in accordance with the test prescribed for its periodic retest if the cargo tank has itself been damaged in a manner likely to affect the safety of operation of the tank motor vehicle, or if the damage to the tank motor vehicle is such as to make the safety of the cargo tank uncertain.

(g) *Special testing required by the Commission.* Upon the showing of probable cause of the necessity for retest, the Commission may, at its discretion, cause any cargo tank to be retested at any time in accordance with the requirements prescribed for its periodic retest.

(h) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in the applicable specification.





#### Subpart D—Vehicles and Shipments in Transit; Accidents

In § 77.854 add paragraph (h) (15 F.R. 8370, Dec. 2, 1950) to read as follows:

**§ 77.854 Disabled vehicles and broken or leaking packages; repairs.**

* * * * *

(h) *No repair with flame unless gas-free.* No repair of a cargo tank used for the transportation of any flammable liquid or poisonous liquid, or any compartment thereof, or of any container for fuel of whatever nature, may be repaired by any method employing a flame, arc, or other means of welding, unless the tank or compartment shall first have been made gas-free.

### PART 78—SHIPPING CONTAINER SPECIFICATIONS

#### Subpart J—Specifications for Containers for Motor Vehicle Transportation

Amend entire § 78.321 (21 F.R. 7610, 7611, Oct. 4, 1956) (15 F.R. 8544, 8545, 8546, Dec. 2, 1950) (23 F.R. 2335, Apr. 10, 1958) (22 F.R. 7847, Oct. 3, 1957) (16 F.R. 11785, 11786, Nov. 21, 1951) (23 F.R. 4033, June 10, 1958) (22 F.R. 11033, Dec. 31, 1957) to read as follows:

**§ 78.321 Specification MC 300;[1] cargo tanks constructed of mild (open hearth or blue annealed) steel, or combination of mild steel with high-tensile steel, or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.**

**§ 78.321–1 General requirements.**

(a) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

**§ 78.321–2 Material.**

(a) *Properties of mild steel sheets.* All mild steel sheets shall be of open hearth steel or blue annealed steel meeting the following minimum requirements:

| | |
|---|---|
| Yield point, minimum | 25,000 psi. |
| Ultimate strength, minimum | 45,000 psi. |
| Minimum elongation, standard 2-inch sample. | 20 percent. |

(b) *Properties of high-tensile steel sheets.* All high-tensile steel sheets for such cargo tanks shall meet the following minimum requirements:

| | |
|---|---|
| Yield point, minimum | 45,000 psi. |
| Ultimate strength, minimum | 60,000 psi. |
| Minimum elongation, standard 2-inch sample. | 25 percent. |

(c) *Properties of stainless steel sheets.* All stainless steel sheets shall meet the following minimum requirements:

| | |
|---|---|
| Yield point, minimum | 32,000 psi. |
| Ultimate strength, minimum | 75,000 psi. |
| Minimum elongation, standard 2-inch sample. | 20 percent. |

(d) *Cargo tanks constructed of a combination of mild and high-tensile steels or stainless steel.* Mild steel sheets as specified in § 78.321–3(a) may be used in combination with high-tensile steel sheets or stainless steel sheets as specified in § 78.321–3(b) in the construction of a single tank, provided each material, where used, shall comply with the minimum requirements for the material used in the construction for that section of the tank. Whenever stainless steel sheets are used in combination with sheets of other types of steel, joints made by welding shall be formed by the use of stainless steel electrodes or filler rods on condition that the stainless steel electrodes or filler rods used in the welding be suitable for use with the grade of stainless steel concerned, according to the recommendations of the manufacturers of the stainless steel electrodes or filler rods.

**§ 78.321–3 Thickness.**

(a) *Thickness of mild steel sheets.* The minimum thickness of mild steel tank sheets shall be limited by the volume capacity of the tank expresed in terms of gallons per inch of length; and by the distance between bulkheads, baffles or other shell stiffeners, as well as by the radius of shell curvature in the case of shell sheets; as specified in Table I and Table II:

[1] Existing tank motor vehicles continuing in service.

(a) *Specification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, which shall have been in service prior to June 15, 1940, may be continued in service provided that they have been designed and constructed in accordance with requirements of Specification No. 1001, 1937 edition, of the American Petroleum Institute, or in accordance with the requirements of specifications of the National Fire Protection Association, 1929 or 1933 editions.

(b) *Existing nonspecification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to June 15, 1940, may be continued in service, provided that they fulfill the requirements set forth under §§ 77.824(a) and 77.854(h) of this chapter, and that they be provided with the accessories as specified in §§ 78.321–5(a), 78.321–8, and 78.321–9 through 78.321–12.

(c) On the required metal identification plate substitute "API Spec 1001, 1937," or "NFPA Spec 1929 (or 1933)" or "NO SPECIFICATION" in place of the specification number shown in the appropriate specification.

TABLE IV—MINIMUM THICKNESS OF SHELL SHEETS EXPRESSED IN UNITED STATES STANDARD GAUGE

| Distance between attachments of bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length: 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
|---|---|---|---|---|
| Maximum shell radius of less than 70 inches [1] | | | | |
| 36 inches or less | 16 | 16 | 15 | 14 |
| Over 36 inches to 54 inches | 16 | 15 | 14 | 13 |
| Over 54 inches to 60 inches | 15 | 14 | 13 | 12 |
| Maximum shell radius of 70 inches or more, but less than 90 inches [1] | | | | |
| 36 inches or less | 16 | 15 | 14 | 13 |
| Over 36 inches to 54 inches | 15 | 14 | 13 | 12 |
| Over 54 inches to 60 inches | 14 | 13 | 12 | 11 |
| Maximum shell radius of 90 inches or more, but less than 125 inches [1] | | | | |
| 36 inches or less | 15 | 14 | 13 | 12 |
| Over 36 inches to 54 inches | 14 | 13 | 12 | 11 |
| Over 54 inches to 60 inches | 13 | 12 | 11 | 10 |
| Shell radius of 125 inches or more [1] | | | | |
| 36 inches or less | 14 | 13 | 12 | 11 |
| Over 36 inches to 54 inches | 13 | 12 | 11 | 10 |
| Over 54 inches to 60 inches | 12 | 11 | 10 | 9 |

[1] If other than circular cross-section, the radius used shall be the maximum for that portion of the cross-section under consideration.

§ 78.321–4 Joints.

(a) *Method of joining.* Mild steel tank sheets, high-tensile steel tank sheets, or combination thereof and stainless steel tank sheets shall be joined by fusion welding.

(b) *Strength of joints.* The tensile strength of each joint in a tank made of steel other than stainless steel shall be not less than 85 percent of that of the adjacent metal in the tank. The tensile strength of each joint in a stainless steel tank shall be not less than 60,000 psi. Compliance with either requirement shall be determined by preparing, from materials representative of those to be used

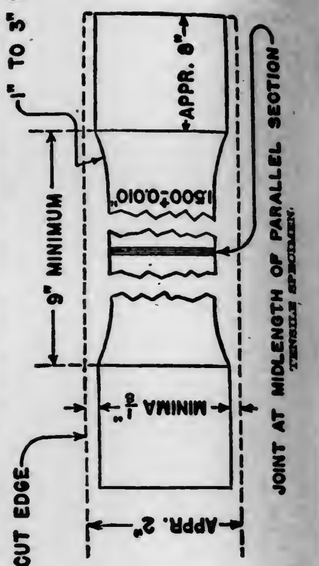



TABLE I—MINIMUM THICKNESS OF HEADS,[1] BULKHEADS, BAFFLES (DISHED, CORRUGATED, REINFORCED OR ROLLED) AND RING STIFFENERS

| Volume capacity of tank in gallons per inch of length | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
|---|---|---|---|---|
| United States Standard gauge number | 14 | 13 | 12 | 11 |

[1] Thickness of exterior head sheets shall never be less than the minimum requirements for shell sheets in any specific unit.

TABLE II—MINIMUM THICKNESS OF SHELL SHEETS EXPRESSED IN UNITED STATES STANDARD GAUGE

| Distance between attachments of bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length: 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
|---|---|---|---|---|
| Maximum shell radius of less than 70 inches [1] | | | | |
| 36 inches or less | 14 | 14 | 14 | 13 |
| Over 36 inches to 54 inches | 14 | 14 | 13 | 12 |
| Over 54 inches to 60 inches | 14 | 13 | 12 | 11 |
| Maximum shell radius of 70 inches or more, but less than 90 inches [1] | | | | |
| 36 inches or less | 14 | 14 | 13 | 12 |
| Over 36 inches to 54 inches | 14 | 13 | 12 | 11 |
| Over 54 inches to 60 inches | 13 | 12 | 11 | 10 |
| Maximum shell radius of 90 inches or more, but less than 125 inches [1] | | | | |
| 36 inches or less | 14 | 13 | 12 | 11 |
| Over 36 inches to 54 inches | 13 | 12 | 11 | 10 |
| Over 54 inches to 60 inches | 12 | 11 | 10 | 9 |
| Shell radius of 125 inches or more [1] | | | | |
| 36 inches or less | 13 | 12 | 11 | 10 |
| Over 36 inches to 54 inches | 12 | 11 | 10 | 9 |
| Over 54 inches to 60 inches | 11 | 10 | 9 | 8 |

[1] If other than circular cross-section, the radius used shall be the maximum for that portion of the cross-section under consideration.

(b) *Thickness of high-tensile and stainless steel sheets.* The minimum thickness of high-tensile and stainless steel tank sheets shall be limited by the volume capacity of the tank expressed in terms of gallons per inch of length; and by the distance between bulkheads, baffles or other shell stiffeners, as well as by the radius of shell curvature in the case of shell sheets; as specified in Table III and Table IV:

TABLE III—MINIMUM THICKNESS OF HEADS,[1] BULKHEADS, BAFFLES (DISHED, CORRUGATED, REINFORCED OR ROLLED) AND RING STIFFENERS

| Volume capacity of tank in gallons per inch of length | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
|---|---|---|---|---|
| United States Standard gauge number | 15 | 14 | 13 | 12 |

[1] Thickness of exterior head sheets shall never be less than the minimum requirements for shell sheets in any specific unit.



in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed.

§ 78.321–5 Bulkheads, baffles, and ring stiffeners.

(a) *When bulkheads not required.* No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent full or in which no compartment of the tank is ever loaded less than 80 percent full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

(1) Every cargo tank having a total capacity in excess of 1,500 gallons shall be divided by bulkheads into compartments, none of which shall exceed 1,200 gallons. A tolerance of 10 percent shall be allowed for capacities of individual compartments or tanks.

(2) Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches.

(3) Each bulkhead required by this paragraph shall have adequate strength to sustain without undue stress or any permanent set a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head. Flat bulkheads without reinforcement shall not be permitted.

(4) Each baffle required by this paragraph shall have at least an area as great as 80 percent of the cross-sectional area of the tank.

(5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.

(6) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR STEEL RING STIFFENERS

| Width of tank | Section modulus |
|---|---|
| 42 inches or less | [1] 0.0104L |
| Over 42 inches to 60 inches | [1] .0162L |
| Over 60 inches to 96 inches | [1] .0234L |

[1] L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener. See § 78.321–3 for minimum thickness of ring stiffeners.

(i) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

§ 78.321–6 Closures for manholes.

(a) No applicable provision.

§ 78.321–7 Overturn protection.

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or a dome attached thereto, or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

§ 78.321–8 Outlets.

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

§ 78.321–9 Vents, valves and connections.

(a) *Tank vents.* Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200° F.

(b) *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

§ 78.321–10 Protection of fittings.

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected, in the event of collision, by steel bumpers or other equally effective devices.

§ 78.321–11 Emergency discharge control.

(a) Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

§ 78.321–12 Shear section.

(a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

§ 78.321–13 Anchoring of tank.

(a) No applicable provision.

§ 78.321–14 Gauging devices.

(a) No applicable provision.

§ 78.321–15 Pumps.

(a) No applicable provision.

§ 78.321–16 Method of test.

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be noncompartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued

until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824 (a) of this chapter.

**§ 78.321–17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC 300 [3]
Nominal Tank Capacity ------ U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.321–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

[3] Cargo tanks manufactured of mild steel shall be marked MC 300MS and cargo tanks manufactured of mild steel in combination with high-tensile steel shall be marked MC 300MSHTS.

**§ 78.322 [Revocation]**

Cancel entire § 78.322 (15 F.R. 8546, 8547, 8548, 8549, Dec. 2, 1950) (23 F.R. 2335, Apr. 10, 1958) (22 F.R. 7847, Oct. 3, 1957) (22 F.R. 11034, Dec. 31, 1957) (23 F.R. 4033, June 10, 1958).

Amend entire § 78.323 (23 F.R. 7664, Oct. 3, 1958) (15 F.R. 8549, 8550, 8551, Dec. 2, 1950) (22 F.R. 7847, 7848, Oct. 3, 1957) (23 F.R. 2335, Apr. 10, 1958) (22 F.R. 11034, Dec. 31, 1957) to read as follows:

**§ 78.323 Specification MC 302; [1] cargo tanks constructed of welded aluminum alloy (ASTM B209–57T), primarily for the transportation of flammable liquids, or poisonous liquids, class B.**

**§ 78.323–1 General requirements.**

(a) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

**§ 78.323–2 Material.**

(a) All sheets for such cargo tanks shall be of aluminum alloys GR20A (5052 commercial designation), GR40A (5154 commercial designation), GM40A (5086 commercial designation), or GM31A (5454 commercial designation) conforming to American Society for Testing Materials Specification B209–57T (as revised to include 5454), and have the following minimum requirements:

| | |
|---|---|
| Yield strength | 26,000 psi. |
| Ultimate strength | 34,000 psi. |
| Elongation, 2-inch sample | 12 percent |

NOTE 1: Yield strength is the stress which produces a permanent set of 0.2 percent of the initial gauge length (ASTM E8–36).

**§ 78.323–3 Thickness of metal.**

(a) The minimum thickness of tank sheets and ring stiffeners shall be as follows:

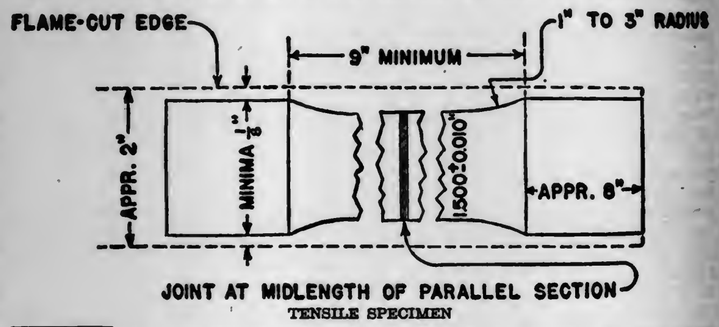
| Aggregate capacity, United States gallons | Shell | | Head, dished, corrugated or reinforced, and ring stiffener | |
|---|---|---|---|---|
| | United States gauge No. | Inch [1] | United States gauge No. | Inch [1] |
| 600 or less | 14 | 0.078 | 14 | 0.078 |
| Over 600 to 1,200 | 12 | .109 | 12 | .109 |
| Over 1,200: | | | | |
| (a) Divided into compartments of 600 gallons or less | 12 | .109 | 10 | .141 |
| (b) If not divided into compartments or if divided into compartments of 1,200 or more | 10 | .141 | 8 | .172 |

[1] Approximate.

NOTE 1: Flat heads without reinforcement no longer permitted.

**§ 78.323–4 Joints.**

(a) Sheets shall be joined by fusion welding. The tensile strength of each joint in a tank shall be not less than 15,000 psi. Compliance with this requirement shall be determined by preparing from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop within 6 months after the tests on such samples have been completed.



TENSILE SPECIMEN

[1] Existing tank motor vehicles continuing in service.

(a) *Specification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, which shall have been in service prior to June 15, 1940, may be continued in service provided that they have been designed and constructed in accordance with the requirements of Specification No. 1001, 1937 edition of the American Petroleum Institute, or in accordance with the requirements of specifications of the National Fire Protection Association, 1929 or 1933 editions.

(b) *Existing nonspecification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to



**§ 78.323–5 Bulkheads, baffles, and ring stiffeners.**

(a) *When bulkheads not required.* No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent full or in which no compartment of the tank is ever loaded less than 80 percent full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

(1) Every cargo tank having a total capacity in excess of 1,500 gallons shall be divided by bulkheads into compartments, none of which shall exceed 1,200 gallons. A tolerance of 10 percent shall be allowed for capacities of individual compartments or tanks.

(2) Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches.

(3) Each bulkhead required by this paragraph shall have adequate strength to sustain without undue stress or any permanent set a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head. Flat bulkheads without reinforcement shall not be permitted.

(4) Each baffle required by this paragraph shall have at least an area as great as 80 percent of the cross-sectional area of the tank.

(5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.

(6) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR ALUMINUM RING STIFFENERS

| Width of tank | Section modulus |
|---|---|
| 42 inches or less | [1] 0.0180L |
| Over 42 inches to 60 inches | 1.0280L |
| Over 60 inches to 96 inches | 1.0400L |

[1] L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener. See § 78.323–3 for minimum thickness of ring stiffeners.

(i) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

**§ 78.323–6 Closures for manholes.**

(a) No applicable provision.

**§ 78.323–7 Overturn protection.**

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or a dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

**§ 78.323–8 Tank outlets.**

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

**§ 78.323–9 Vents, valves and connections.**

(a) *Tank vents.* Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200° F.

(b) *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

**§ 78.323–10 Protection of fittings.**

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

**§ 78.323–11 Emergency discharge control.**

(a) Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

**§ 78.323–12 Shear section.**

(a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

**§ 78.323–13 Anchoring of tank.**

(a) No applicable provision.

**§ 78.323–14 Gauging devices.**

(a) No applicable provision.

**§ 78.323–15 Pumps.**

(a) No applicable provision.

**§ 78.323–16 Method of test.**

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be noncompartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar de-

June 15, 1940, may be continued in service, provided that they fulfill the requirements set forth under §§ 77.824(a) and 77.854(h) of this chapter, and that they be provided with the accessories as specified in §§ 78.323–5 (a), 78.323–8, and 78.323–9 through 78.323–12.

(c) On the required metal identification plate substitute "API Spec 1001, 1937," or "NFPA Spec 1929 (or 1933)" or "NO SPECIFICATION" in place of the specification number shown in the appropriate specification.

vices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824 (a) of this chapter.

**§ 78.323–17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC 302
Nominal Tank Capacity ------ U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.323–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

Amend entire § 78.324 (21 F.R. 7611, Oct. 4, 1956) (15 F.R. 8551, 8552, 8553, 8554, Dec. 2, 1950) (23 F.R. 2335, Apr. 10, 1958) (22 F.R. 7848, Oct. 3, 1957) (23 F.R. 4033, June 10, 1958) (22 F.R. 11034, 11035, Dec. 31, 1957) to read as follows:

**§ 78.324 Specification MC 303; [1] cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.**

**§ 78.324–1 General requirements.**

(a) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

**§ 78.324–2 Material.**

(a) *Properties of high-tensile steel sheets.* All high-tensile steel sheets for such cargo tanks shall be of ferrous alloy; commonly known as high-tensile steel, meeting the following minimum requirements:

Yield point ---------- 45,000 psi.
Ultimate strength ---------- 60,000 psi.
Elongation, 2-inch sample ------ 25 percent.

(b) *Properties of stainless steel sheets.* All stainless steel sheets for such cargo tanks shall meet the following minimum requirements:

Yield point ---------- 32,000 psi.
Ultimate strength ---------- 75,000 psi.
Elongation, 2-inch sample ------ 20 percent.

**§ 78.324–3 Thickness of metal.**

(a) The minimum thicknesses of tank sheets and ring stiffeners shall be limited by the volume capacity of the tank, expressed in terms of gallons per inch of length; by the distance between successive bulkheads in the case of bulkhead sheets; and by the distance between bulkheads, baffles, or other shell stiffeners as well as by the radius of shell curvature in the case of shell sheets as follows:

TABLE I—MINIMUM THICKNESS OF HEAD, BULKHEAD, BAFFLE SHEETS AND RING STIFFENERS

| Distance between bulkhead attachments to shell in inches | Volume capacity of tank in gallons per inch of length | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 6 or less | | Over 6 to 10 | | Over 10 to 14 | | Over 14 to 18 | | Over 18 | |
| | Bulkhead and baffle (dished, corrugated, or reinforced) sheet and ring stiffener thicknesses in United States gauge numbers and inches depending upon distances between attachments thereof to shell | | | | | | | | | |
| | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. |
| 30 inches or less | 17 | 0.056 | 16 | 0.062 | 15 | 0.070 | 14 | 0.078 | 13 | 0.094 |
| Over 30 inches | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 |

NOTE 1: Flat heads without reinforcement no longer permitted.

TABLE II—THICKNESS OF SHELL SHEETS

| Distance between bulkheads, baffles, or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 6 or less | | Over 6 to 10 | | Over 10 to 14 | | Over 14 to 18 | | Over 18 | |
| | Shell-sheet thicknesses in United States gauge and number of inches for that portion of the shell rolled to a radius of less than 70 inches, depending on spacing of shell stiffeners | | | | | | | | | |
| | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. |
| 20 inches or less | 19 | 0.044 | 18 | 0.050 | 17 | 0.056 | 16 | 0.062 | 15 | 0.070 |
| Over 20 inches to 36 inches | 18 | .050 | 17 | .056 | 16 | .062 | 15 | .070 | 14 | .078 |
| Over 36 inches to 56 inches | 17 | .056 | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 |
| Over 56 inches | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 |
| | Shell-sheet thicknesses in United States gauge and number of inches for that portion of the shell rolled to a radius of 70 inches or more but less than 90 inches, depending on spacing of shell stiffeners | | | | | | | | | |
| 20 inches or less | 18 | 0.050 | 17 | 0.056 | 16 | 0.062 | 15 | 0.070 | 14 | 0.078 |
| Over 20 inches to 36 inches | 17 | .056 | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 |
| Over 36 inches to 56 inches | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 |
| Over 56 inches | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 | 11 | .125 |

[1] Existing tank motor vehicles continuing in service.

(a) *Specification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, which shall have been in service prior to June 15, 1940, may be continued in service provided that they have been designed and constructed in accordance with the requirements of Specification No. 1001, 1937 edition, of the American Petroleum Institute, or in accordance with the requirements of specifications of the National Fire Protection Association, 1929 or 1933 editions.

(b) *Existing nonspecificaton cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to June 15, 1940, may be continued in service, provided that they fulfill the requirements set forth under §§ 77.824(a) and 77.854(h) of this chapter, and that they be provided with the accessories as specified in §§ 78.324–5, 78.324–8(a) and 78.324–9 through 78.324–12.

(c) On the required metal identification plate substitute "API Spec 1001, 1937," or "NFPA Spec 1929 (or 1933)" or "NO SPECIFICATION" in place of the specification number shown in the appropriate specification.

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."



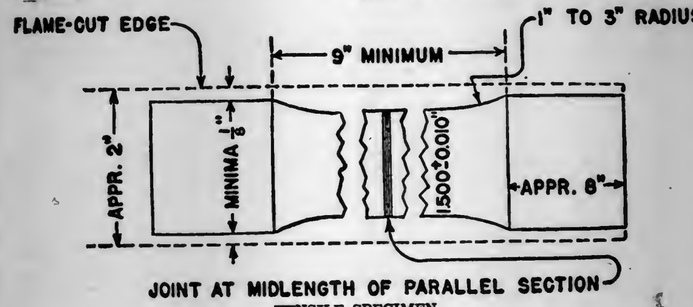
THICKNESS OF SHELL SHEETS

| Distance between bulkheads, baffles, or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 6 or less | | Over 6 to 10 | | Over 10 to 14 | | Over 14 to 18 | | Over 18 | |
| | Shell-sheet thicknesses in United States gauge and number of inches for that portion of the shell rolled to a radius of 90 inches or more but less than 125 inches, depending on spacing of shell stiffeners | | | | | | | | | |
| | Gauge No. | Inch appr. | Gauge No | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. |
| 20 inches or less | 17 | 0.056 | 16 | 0.062 | 15 | 0.070 | 14 | 0.078 | 13 | 0.094 |
| Over 20 inches to 36 inches | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 |
| Over 36 inches to 56 inches | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 | 11 | .125 |
| Over 56 inches | 14 | .078 | 13 | .094 | 12 | .109 | 11 | .125 | 10 | .141 |
| | Shell-sheet thicknesses in United States gauge and number of inches for that portion of the shell rolled to a radius of 125 inches or more depending upon spacing of shell stiffeners | | | | | | | | | |
| 20 inches or less | 16 | 0.062 | 15 | 0.070 | 14 | 0.078 | 13 | 0.094 | 12 | 0.109 |
| Over 20 inches to 36 inches | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 | 11 | .125 |
| Over 36 inches to 56 inches | 14 | .078 | 13 | .094 | 12 | .109 | 11 | .125 | 10 | .141 |
| Over 56 inches | 13 | .094 | 12 | .109 | 11 | .125 | 10 | .141 | 9 | .156 |

**§ 78.324–4 Joints.**

(a) *Method of joining.* Sheets shall be joined by fusion welding.

(b) *Strength of joints.* The tensile strength of each joint in a tank made of steel other than stainless steel shall be not less than 85 percent of that of the adjacent metal in the tank. The tensile strength of each joint in a stainless steel tank shall be not less than 60,000 psi. Compliance with either requirement shall be determined by preparing, from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed.



TENSILE SPECIMEN

**§ 78.324–5 Bulkheads, baffles, and ring stiffeners.**

(a) *When bulkheads not required.* No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent full or in which no compartment of the tank is ever loaded less than 80 percent full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

(1) Every cargo tank having a total capacity in excess of 1,500 gallons shall be divided by bulkheads into compartments, none of which shall exceed 1,200 gallons. A tolerance of 10 percent shall be allowed for capacities of individual compartments or tanks.

(2) Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches.

(3) Each bulkhead required by this paragraph shall have adequate strength to sustain without undue stress or any permanent set, a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head. Flat bulkheads without reinforcement shall not be permitted.

(4) Each baffle required by this paragraph shall have at least an area as great as 80 percent of the cross-sectional area of the tank.

(5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.

(6) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR STEEL RING STIFFENERS

| Width of tank | Section modulus |
|---|---|
| 42 inches or less | [1] 0.0104L |
| Over 42 inches to 60 inches | [1] .0162L |
| Over 60 inches to 96 inches | [1] .0234L |

[1] L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener. See § 78.324–3 for minimum thickness of ring stiffeners.

(i) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the welds, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

(c) *Tank supports.* The distance from a tank support to the nearest bulkhead, baffle, or other shell stiffener, shall not exceed 40 times the thickness of the tank shell at the point of support.

**§ 78.324–6 Closures for manholes.**

(a) No applicable provision.

**§ 78.324–7 Overturn protection.**

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or a dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

**§ 78.324–8 Outlets.**

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

**§ 78.324–9 Vents, valves and connections.**

(a) *Tank vents.* Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent

with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200° F.

(b) *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

**78.324–10 Protection of fittings.**

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

**§ 78.324–11 Emergency discharge control.**

(a) Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire, or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

**§ 78.324–12 Shear section.**

(a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

**§ 78.324–13 Anchoring of tank.**

(a) No applicable provision.

**§ 78.324–14 Gauging devices.**

(a) No applicable provision.

**§ 78.324–15 Pumps.**

(a) No applicable provision.

**§ 78.324–16 Method of test.**

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be noncompartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. This suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824 (a) of this chapter.

**§ 78.324–17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC 303
Nominal Tank Capacity ------- U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.324–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

Amend entire § 78.325 (20 F.R. 8112, 8113, 8114, 8115, Oct. 28, 1955) (24 F.R. 8064, 8065, Oct. 6, 1959) (21 F.R. 7611, Oct. 4, 1956) (23 F.R. 4033, June 10, 1958) (22 F.R. 11035, Dec. 31, 1957) to read as follows:

**§ 78.325 Specification MC 304;[1] cargo tanks constructed of mild (open hearth or blue annealed) steel, welded ferrous alloy (high-tensile steel) or aluminum, primarily for the transportation of flammable liquids, or poisonous liquids, class B, having Reid (ASTM D–323) vapor pressures of 18 psia. or more at 100° F., but less than those stated in § 73.300 of this chapter, in defining compressed gases.**

**§ 78.325–1 General requirements.**

(a) *Design pressure.* The design pressure of each cargo tank shall be not less than 25 psig.

(b) *Cross-sectional design.* Tanks shall be of circular cross section.

(c) *Workmanship.* Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the space indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

[1] Existing tank motor vehicles continuing in service.

(a) *Specification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, which shall have been in service prior to December 31, 1955, may be continued in service, provided that they have been designed and constructed in accordance with specifications MC 300, MC 301 MC 302, or MC 303, and provided further that such tanks have, within six months of December 31, 1955, successfully passed the tests prescribed in § 78.325–16.

(b) *Existing nonspecification cargo tanks of tank motor vehicles.* Existing cargo tanks not meeting all requirements of this specification and continuing in service in accordance with paragraph (a) of this footnote, shall be marked by the number "304" applied adjacent to the existing specification number, which number and other data on the original metal identification plate shall remain legible.



increased by 67 percent, unless such heads are adequately braced to prevent excessive distortion.

(b) *Corrosion allowance.* Vessels or part of vessels subject to thinning by corrosion, erosion or mechanical abrasion, shall have provision made for the desired life of the vessel by a suitable increase in the thickness of the material over that determined by the design formulas, or by using some other suitable method of protection. Material added for these purposes need not be of the same thickness for all parts of the vessel if different rates of attack are expected for the various parts.

(c) *Other loadings.* In addition to the material requirements as specified in paragraphs (a) and (b) of this section, vessels shall be provided with stiffeners or other additional means of support if necessary, to prevent overstress or large distortions due to the following other loadings:

(1) Impact loads.

(2) Weight of vessel and contents but not less than the water weight of tank and contents. For determining the weight of the water contents of the tank, a gallon of water (231 cubic inches) shall be considered to weigh 8.32828 pounds.

(3) Superimposed loads such as operating equipment, insulation and piping.

(4) Reactions of supporting lugs or saddles.

(5) Effect of temperature gradients.

(d) *Thickness of mild steel.* Minimum thicknesses of mild steel tank sheets in U.S. standard gauges, subject to the foregoing requirements in this section. (These thicknesses are to be multiplied by 1.44 for aluminum.):

| | Gallons per inch of tank length | | | | | | |
|---|---|---|---|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 to 22 | Over 22 to 26 | Over 26 to 30 | Over 30 |
| Heads, bulkheads, baffles, and ring stiffeners | 14 | 13 | 12 | 11 | 10 | 9 | 8 |
| SHELL | | | | | | | |
| Distance between attachments of bulkheads, baffles or other shell stiffeners: | | | | | | | |
| 36 inches or less | 14 | 14 | 14 | 13 | 12 | 11 | 10 |
| Over 36 inches to 54 inches | 14 | 14 | 13 | 12 | 11 | 10 | 9 |
| Over 54 inches to 60 inches | 14 | 13 | 12 | 11 | 10 | 9 | 8 |

(e) *Thickness of high-tensile and stainless steel.* Minimum thicknesses of high-tensile and stainless steel tank sheets, in U.S. standard gauges, subject to the foregoing requirements in this section:

| | Gallons per inch of tank length | | | | | | |
|---|---|---|---|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 to 22 | Over 22 to 26 | Over 26 to 30 | Over 30 |
| Heads, bulkheads, baffles, and ring stiffeners | 15 | 14 | 13 | 12 | 11 | 10 | 9 |
| SHELL | | | | | | | |
| Distance between attachments of bulkheads, baffles or other shell stiffeners: | | | | | | | |
| 36 inches or less | 16 | 16 | 15 | 14 | 13 | 12 | 11 |
| Over 36 inches to 54 inches | 16 | 15 | 14 | 13 | 12 | 11 | 10 |
| Over 54 inches to 60 inches | 15 | 14 | 13 | 12 | 11 | 10 | 9 |

**§ 78.325–2 Material.**

(a) *Mild steel and aluminum.* All mild steel and aluminum used in the shell, heads and bulkheads of the cargo tank, shall meet or exceed the following minimum requirements:

| | Mild steel | Aluminum | |
|---|---|---|---|
| | All vessel parts | Heads, bulkheads, baffles and other shell stiffeners | Shell |
| Yield point | 25,000 psi. | 9,500 psi. | 22,000 psi. |
| Ultimate strength | 45,000 psi. | 25,000 psi. | 31,000 psi. |
| Elongation, 2-inch sample | 20 percent | 18 percent | 7 percent. |

(b) *High-tensile and stainless steel.* All high-tensile and stainless steel shall meet the following minimum requirements:

| | Steel other than stainless | Stainless steel |
|---|---|---|
| Yield point | 45,000 psi. | 32,000 psi. |
| Ultimate strength | 60,000 psi. | 75,000 psi. |
| Elongation, 2-inch sample | 25 percent. | 20 percent. |

(c) *Other material requirements.* Cargo tanks shall be of all-steel or aluminum construction, except that gaskets need not be metallic and except that piping and valves need not be ferrous metal or aluminum. Nonmalleable materials shall not be used in the construction of the tank, its mountings and protective devices, or any valves, piping, or fittings. The metal and gaskets shall be substantially immune to chemical attack by the materials to be transported therein, or shall be suitably lined to prevent corrosive attack, or shall have the thickness of the material suitably increased over that required elsewhere in this specification by an amount sufficient to provide for such corrosion during the estimated useful life of the tank. All aluminum cargo tanks and appurtenances built to this specification shall be fabricated of alloys authorized for welded construction by (1) the 1962 edition, or (2) the 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions. A certification from the material supplier will suffice as evidence of compliance with this requirement.

**§ 78.325–3 Thickness of metal.**

(a) *Formulas.* Tanks for this service may be constructed of mild steel, high-tensile steel, stainless steel, or aluminum. The material thicknesses shall not be less than those obtained by applying the following formulas nor less than those specified in paragraph (d) of this section:

$$\text{Thickness of shell} = Ts = \frac{PD}{2S\,Es}$$

$$\text{Thickness of heads} = Th = \frac{0.85PL \text{ (for pressure on concave side only)}}{S\,Eh}$$

$Ts$ = Minimum thickness of shell material, exclusive of allowance for corrosion or other loadings.

$Th$ = Minimum thickness of head material after forming, exclusive of allowance for corrosion and other loadings.

$P$ = Design pressure or maximum allowable working pressure, psi. The maximum allowable working pressure for aluminum shells shall be specified on the basis of the minimum tensile strength of the head material for the alloy used.

$D$ = Inside diameter of shell, inches.

$L$ = Inside crown radius of head, inches.

$S$ = Maximum allowable stress value, psi.—Equals one-fourth of specified minimum ultimate tensile strength.

$Es$ = Lowest efficiency of any longitudinal joint in shell.

$Eh$ = Lowest efficiency of any joint in head.

(1) The knuckle radius of the head shall not be less than three times the material thickness and the straight flange shall be not less than one inch.

(2) For heads with pressure on the convex side, the material thickness as obtained by the above formula shall be increased by a factor of 1.667.

**§ 78.325–4 Joints.**

(a) *Method of joining.* Joints in the tank structure shall be made by welding, and may be reinforced where desired. Care should be taken to avoid damage by galvanic action due to the presence of dissimilar metals at joints.

(b) *Pipe joints.* Welded pipe joints shall be used wherever possible. Joints in copper tubing shall be of the brazed type or of an equally strong metal union

type. The melting point of brazing material must not be less than 1000° F. Such joints shall in any event be of such a character as not to decrease the strength of the tubing, as by the cutting of threads.

**§ 78.325–5 Bulkheads, baffles, and ring stiffeners.**

(a) *When bulkheads not required.* No bulkheads shall be required in any cargo tank regardless of capacity which is used in service in which there is never less than 80% of the capacity volume of the tank while in transportation over the highway and which in service has its entire contents discharged at one unloading point, provided that this requirement shall not apply to tanks operating in or through any jurisdiction where State or local regulations require seasonal reduction of vehicle weight limitations during the time such reductions are in force.

(b) *When bulkheads required.* Except as provided in paragraph (a) of this section, every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments none of which shall exceed 2,000 gallons. Each bulkhead required by this paragraph shall be of the same minimum strength as is required elsewhere in this specification for tank heads.

(c) *Double bulkheads.* Tanks with compartments carrying flammable liquids of different shipping names or with compartments containing flammable or poisonous liquids, class B, and liquids not so classified by the regulations, shall be provided with an air space between compartments. This air space shall be equipped and maintained with drainage facilities operative at all times.

(d) *Baffles or shell stiffeners.* Every cargo tank or compartment of a cargo tank over 90 inches in length shall be provided with baffles or equivalent shell stiffeners so located that the maximum distance between any two baffles or stiffeners and between any baffle or stiffener and the nearest tank head or bulkhead shall not exceed 60 inches. Ring stiffeners shall be continuous around the circumference of the tank shell and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR RING STIFFENERS

| Width of tank | Section modulus | |
|---|---|---|
| | Steel | Aluminum |
| 42 inches or less | [1] 0.0104L | [1] 0.0180L |
| Over 42 inches to 60 inches | [1] .0162L | [1] .0280L |
| Over 60 inches to 96 inches | [1] .0234L | [1] .0400L |

[1] L is the maximum distance from the midpoint of the unsupported shell on one side of the ring stiffener to the midpoint of the unsupported shell on the opposite side of the ring stiffener. See § 78.325–3 for minimum thickness of ring stiffeners.

(1) If a ring stiffener is welded to the shell, a portion of the shell may, for the purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

**§ 78.325–6 Closures for manholes.**

(a) No applicable provision.

**§ 78.325–7 Overturn protection.**

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or dome attached to the tank or the frame of the motor vehicle. Protection shall also be provided for any protruding or projecting fitting or appurtenance by means of adequate metal guards. The calculated load for the protective devices shall be the weight of the tank motor vehicle with the tank full of water, at one "g" deceleration. If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall not be provided with drainage at or near the front of the tank.

**§ 78.325–8 Tank outlets.**

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

**§ 78.325–9 Safety relief devices, valves and connections.**

(a) *Safety relief devices required.* Each cargo tank and each compartment of a tank shall be provided with one or more safety relief valves of the spring-loaded type, provided that emergency pressure relief devices may be used for part of the required capacity thereof. All such valves and devices shall be arranged to discharge upward and unobstructed in such a manner as to prevent any impingement of escaping gas upon the tank. The emergency pressure relief devices shall be either springloaded type, frangible type or fusible type.

(b) *Safety relief device capacity.* The required safety relief valves shall be set to close after discharge at a pressure not lower than 25 psig. and remain closed at all lesser pressures, provided that this requirement shall not be so construed as to forbid the use of vacuum relief valves or of combination safety relief and vacuum relief valves. At a pressure not exceeding 40 psig. they shall have a discharge capacity not less than that of an unobstructed opening of one square inch for each 35 square feet of exterior area of the tank or compartment to which they are connected, provided that two or more such valves may be used on the same tank or compartment to obtain the discharge capacity herein required; alternatively, such valve or valves may at a pressure of 30 psig. have a total discharge capacity not less than that of an unobstructed opening of one square inch for each 350 square feet of exterior area of the tank or compartment to which they are connected, if in addition thereto, each such tank or compartment be provided with one or more frangible-type or fusible-type safety devices having a total discharge capacity not less than that of an unobstructed opening of 9 square inches for each 350 square feet of exterior area. The bursting pressure of the frangible-type devices shall be not less than 30 psig. nor more than 40 psig. Fusible elements, if used, shall have a fusing temperature no higher than 200° F. They shall not be exposed to contact with the tank lading or be in contact with any part of the tank or its acessories so exposed.

(c) *Marking inlets and outlets.* All tank inlets and outlets, except safety relief valves, shall be marked to indicate whether they communicate with vapor or liquid when the tank is filled to the maximum permitted filling level.

(d) *Markings on relief valves.* Each safety relief valve shall be plainly and permanently marked (1) with the pressure in psig. at which it is set to start to discharge, (2) with the actual rate of discharge of the device in cubic feet per minute of air at 60° F. and atmospheric pressure and (3) with the manufacturer's name and catalogue number. The rated discharge capacity of the device shall be determined at a pressure of 30 psig.

(e) *Connections to relief valves.* Connections to safety relief valves shall be of sufficient size to provide the required rate of discharge through the safety relief valves.

(f) *Protection of relief valves.* Safety relief valves shall be arranged so that the possibility of tampering will be minimized. If the pressure setting or adjustment is external, the safety relief valve shall be provided with suitable means for sealing the adjustment.

(g) *Shut-off valves.* No shut-off valves shall be installed between the safety relief valves and the tank except in cases where two or more safety relief valves are installed on the same tank, a shut-off valve may be used where the arrangement of the shut-off valve or valves is such as always to afford full required capacity flow through at least one safety relief valve.

(h) *Connection of safety relief valve to vapor space.* Safety relief valves shall have direct communication with the vapor space of the tank.

(i) *Prevention of excessive hydrostatic pressure.* Any portion of liquid piping or hose which at any time may be closed at each end must be provided with a safety valve to prevent excessive hydrostatic pressure. This safety relief valve must not have an intervening shut-off valve installed.

(j) *Strength of piping, fittings, hose and hose couplings.* Hose, piping and fittings shall be designed for a bursting pressure at least 100 psig. and not less than four times the pressure to which, in any instance, it may be subjected in service by the action of a pump or other device (not including safety relief valves), the action of which may be to subject certain portions of the tank piping and hose to pressures greater than the design pressure of the tank. Any coupling used on hose to make connections shall be designed for a working pressure not less than 20 percent in excess of the design pressure of the hose and shall be so designed that there will be no leakage when connected.



(k) *Provision for expansion and vibration.* Suitable provision shall be made in every case to allow for and prevent damage due to expansion, contraction, jarring and vibration of all pipe. Slip joints shall not be used for this purpose.

**§ 78.325–10 Protection of fittings.**

(a) Piping, fittings and valves projecting beyond the frame, or if the vehicle be frameless beyond the shell, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices. Any other part of any cargo tank connected with its cargo space and similarly protruding shall be similarly protected.

**§ 78.325–11 Emergency discharge control.**

(a) *Automatic excess-flow valves.* Each cargo tank outlet shall be provided with a suitable automatic excess-flow valve or, in lieu thereof, may be fitted with a quick-closing internal valve designed, installed and operated so as to assure against escape of the contents in event of failure of the outlet. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve, except that safety device connections and liquid level gauging devices, which are so constructed that the outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening, are not required to be equipped with excess-flow valves.

(b) *Excess-flow valve settings.* Excess-flow valves shall be so installed and adjusted that they close automatically at the rated flows of gas or liquid as specified by the valve manufacturer.

(c) *Capacity of connections to valves.* The connections or lines on each side of an excess-flow valve, including valve fittings, etc., shall have a greater capacity than the rated flow of the excess-flow valve.

(d) *By-pass of valve.* Excess-flow valves may be designed with a by-pass, not to exceed a No. 60 drill size opening, to allow equalization of pressures.

(e) *Utilization of stop-check valves forbidden.* The use of combination stop-check valves to satisfy with one valve the requirements of paragraphs (b), (c) and (f) of this section is forbidden.

(f) *Filling and discharge shut-off valves.* Filling and discharge lines shall be provided with shut-off valves located as close to the tank outlet as is possible. If such valves are not manually operated they shall be of an automatic quick-closing internal valve type or an automatic shut-off type provided that if such valves are used, the lines must have manually-operated shut-off valve located in the line ahead of the hose connection. Stop-check or excess-flow valves shall not be used to satisfy the requirements of this section.

**§ 78.325–12 Shear section.**

(a) There shall be provided between each excess-flow valve seat or internal valve seat, and draw-off valves, a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the excess-flow valve seat or the internal valve seat intact in case of accident to the draw-off valve or piping.

**§ 78.325–13 Anchoring of cargo tank.**

(a) *Hold-down devices.* Adequate hold-down devices shall be provided to anchor each cargo tank in a suitable manner that will not introduce undue concentration of stresses and shall be built to withstand loadings in any direction equal to the weight of the tank and attachments when filled with water. These devices on vehicles with frames shall incorporate turnbuckles or similar positive action devices for drawing the tank down tight on the frame of the motor vehicle.

(b) *Stops and anchors.* Suitable stops and anchors shall be attached to the motor vehicle and the cargo tank to prevent relative movement between them due to starting, stopping and turning. Stops and anchors shall be installed so as to be readily accessible for inspection and maintenance except that insulation on lagged tanks is permitted to cover such stops and anchors.

(c) *Anchoring integral cargo tanks.* Whenever any cargo tank is so designed and constructed that the cargo tank constitutes, in whole or in part, the stress member used in lieu of a frame, then such cargo tanks shall be designed so as to successfully and adequately withstand the stresses thereby imposed in addition to those otherwise imposed on the cargo tank.

**§ 78.325–14 Gauging devices.**

(a) *Gauge device design.* Every cargo tank except tanks filled by weight, shall be equipped with one or more gauging devices which shall indicate accurately the maximum permitted liquid level in each compartment. Additional gauging devices may be installed but may not be used as primary controls for filling of cargo tanks at pressures above atmospheric. Acceptable gauging devices for use at pressures above atmospheric are the rotary tube, the adjustable slip tube and the fixed length dip tube. Gauge glasses are not permitted to be installed on any cargo tank.

(b) *Fixed level indicators.* All liquid level gauging devices, except those on tanks provided with fixed maximum level indicators, shall be legibly and permanently marked in increments of not more than 20° F. to indicate the maximum levels to which the tank may be filled with liquid at temperatures above 20° F. In the event that it is impractical to put these markings on the gauging device, this information shall be marked on a suitable plate affixed to the tank in a location adjacent to the gauging device.

(c) *Dip tubes.* A fixed length dip tube gauging device, when used, shall consist of a dip pipe of small diameter equipped with a valve at the outer end, and extending into the tank to a specified fixed length. On horizontally-mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid at a point equidistant from the heads of the tank in a vertical plane containing the longitudinal axis of the tank, reaches the maximum level permitted by these regulations. On spherical tanks and on vertically-mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid at a point on the vertical axis of the tank in its normal position reaches the maximum level permitted by these regulations.

**§ 78.325–15 Pumps.**

(a) Liquid pumps, whenever used, must be of suitable design, adequately protected against breakage by collisions. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank.

**§ 78.325–16 Method of test.**

(a) *Test pressure.* For each existing specification MC 300, MC 301, MC 302, and MC 303 tank not complying with all requirements of this specification and continuing in service in accordance with the provisions of § 78.325 footnote 1(a) (see § 78.325–17 regarding marking of such tanks), the standard test pressure for each required test shall be 50 psig. For each tank complying with all requirements of this specification, whether new or existing, the standard test pressure for each required test shall be 40 psig.

(b) *Method of test.* Every cargo tank, and all piping, valves, and other accessories thereof which are subject to the pressure of the tank contents, except safety valves, shall be tested by complete filling (including domes, if any) with water or other liquid having a similar viscosity and applying a pressure of not less than the standard test pressure above specified. The pressure shall be gauged at the top of the tank. The tank must hold the prescribed pressure for at least 10 minutes. While under pressure, the tank shall be inspected for leakage, corroded areas, bad dents, or other conditions which indicate weakness that might render the tank unsafe for transportation service, and it shall not be placed in or returned to service if any evidence of such unsafe condition is discovered, until the deficiencies have been corrected and the tests repeated and passed successfully. Tank insulation and jacket need not be removed unless it is found to be impossible to reach the test pressure and to maintain a condition of pressure equilibrium after the test pressure is reached. All tank accessories shall be leakage tested after installation and proved tight at not less than the design pressure of the tank, except that hose used on such tanks may be tested either before or after installation.

(c) *Retest requirements.* See § 77.824 (b) of this chapter.

**§ 78.325–17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding or other equally suitable means; and upon it shall be marked by stamping, embossing or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC 304
Design Pressure ---------- psig.
Test Pressure ---------- psig.
Nominal Tank Capacity ------- U.S. Gallons.
In compartments of ----, ----, ---- and ---- U.S. Gallons.

(b) *Test date and pressure markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section. The test pressure shall be similarly indicated by painting on tanks requiring the test pressure of 50 psig. in accordance with § 78.325–16(a).

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.325–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test and examination, he shall similarly retain the test data and examination data.

Amend entire § 78.326 (22 F.R. 11035, 11036, 11037, 11038, Dec. 31, 1957) (23 F.R. 7665, Oct. 3, 1958) to read as follows:

**§ 78.326 Specification MC 305; cargo tanks constructed of aluminum alloys for high-strength welded construction, primarily for the transportation of flammable liquids, or poisonous liquids, class B.**

**§ 78.326–1 General requirements.**

(a) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

**§ 78.326–2 Material.**

(a) All sheets for shell, heads, bulkheads, and baffles of such cargo tanks shall be of aluminum alloys GR20A (5052 commercial designation), GR40A (5154 commercial designation), GM40A (5086 commercial designation), or GM31A (5454 commercial designation) conforming to American Society for Testing Materials Specification B209–57T (as revised to include 5454).

**§ 78.326–3 Thickness of sheets.**

(a) The minimum thicknesses of tank sheets shall be limited by the volume capacity of the tank, expressed in terms of gallons per inch of length; by the distance between successive bulkheads in the case of bulkhead sheets; and by the distance between bulkheads, baffles, or other shell stiffeners as well as by the radius of shell curvature in the case of shell sheets, as follows:

TABLE I—THICKNESS OF HEAD, BULKHEAD, BAFFLE SHEETS AND RING STIFFENERS [1]

| | Volume capacity of tank in gallons per inch of length | | | |
|---|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
| | Heads or bulkheads—dished, corrugated or reinforced | | | |
| Thickness in decimal of inches | 0.096 | 0.109 | 0.130 | 0.151 |

[1] Thickness of exterior head sheets shall never be less than the maximum requirements for shell sheets.

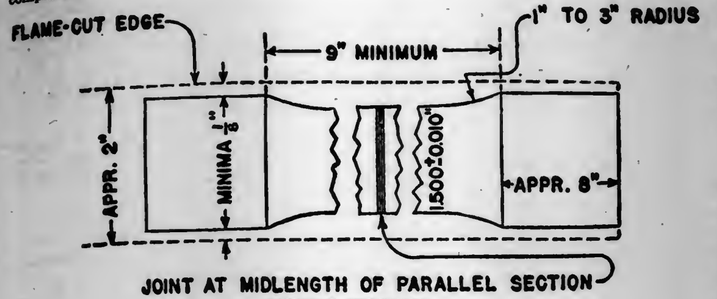
TABLE II—THICKNESS OF SHELL SHEETS

| Distance between bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | | |
|---|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
| | Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of less than 70 inches, depending on spacing of shell stiffeners | | | |
| 36 inches or less | 0.087 | 0.087 | 0.096 | 0.109 |
| Over 36 inches to 54 inches | .087 | .097 | .109 | .130 |
| Over 54 inches | .096 | .109 | .130 | .151 |
| | Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 70 inches or more, but less than 90 inches, depending on spacing of shell stiffeners | | | |
| 36 inches or less | 0.087 | 0.096 | 0.109 | 0.130 |
| Over 36 inches to 54 inches | .096 | .109 | .130 | .151 |
| Over 54 inches | .109 | .130 | .151 | .173 |
| | Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 90 inches or more, but less than 125 inches, depending on spacing of shell stiffeners | | | |
| 36 inches or less | 0.096 | 0.109 | 0.130 | 0.151 |
| Over 36 inches to 54 inches | .109 | .130 | .151 | .173 |
| Over 54 inches | .130 | .151 | .173 | .194 |
| | Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 125 inches or more, depending on spacing of shell stiffeners | | | |
| 36 inches or less | 0.109 | 0.130 | 0.151 | 0.173 |
| Over 36 inches to 54 inches | .130 | .151 | .173 | .194 |
| Over 54 inches | .151 | .173 | .194 | .216 |

**§ 78.326–4 Joints.**

(a) *Method of joining.* All joints in and to tank shells, head and bulkheads shall be welded.

(b) *Strength of joints.* All welded aluminum joints shall be made in accordance with recognized good practice, and the efficiency of a joint shall not be less than 85 percent of the annealed properties of the adjacent material. Aluminum alloys for high-strength welded construction shall be joined by an inert gas arc welding process using filler metals R–GR40A, E–GR40A (5154 alloy) or R–GM50A, E–GM50A (5356 alloy) conforming to American Society of Testing Materials Specification No. B285–54T (American Welding Society Specification No. A5, 10–54T). Compliance with this requirement shall be determined by preparing from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed.



TENSILE SPECIMEN

**§ 78.326–5 Bulkheads, baffles and ring stiffeners.**

(a) *When bulkheads not required.* The bulkhead requirements in paragraph (b) of this section do not apply to any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80% full or in which no compartment of the tank is ever loaded less than 80% full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point. Flat bulkheads and baffles without reinforcement are not permitted.

(b) *When bulkheads required.* Except as provided in paragraph (a) of this section every cargo tank having a total capacity in excess of 1,800 gallons shall be divided by bulkheads into compartments, none of which shall exceed 1,200 gallons. Each bulkhead required by this paragraph shall be of the same minimum strength as is required elsewhere in this specification for tank heads.

(c) *Double bulkheads.* Tanks with compartments carrying flammable liquids of different shipping names or with compartments containing flammable or poisonous liquids, class B and liquids not so classified by the regulations, shall be provided with an air space between compartments. This air space shall be arranged for venting and be equipped and maintained with drainage facilities operative at all times.

(d) *Baffles or shell stiffeners.* Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches. Ring stiffeners shall be continuous around the circumference of the tank shell and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR RING STIFFENERS

| Width of tank | Section modulus |
|---|---|
| 42 inches or less | [1] 0.0180L |
| Over 42 inches to 60 inches | 1.0280L |
| Over 60 inches to 96 inches | 1.0400L |

[1] L is the maximum distance from the midpoint of the unsupported shell on one side of the ring stiffener to the midpoint of the unsupported shell on the opposite side of the ring stiffener. See § 78.326–3 for minimum thickness of ring stiffeners.

(1) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

(e) *Tank supports.* The distance from a tank support to the nearest bulkhead, baffle, or other shell stiffener shall not exceed 40 times the thickness of the tank shell at the point of support.

**§ 78.326–6 Closures for manholes.**

(a) No applicable provision.

**§ 78.326–7 Overturn protection.**

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle. Protection shall also be provided for any protruding or projecting fitting or appurtenance by means of adequate metal guards. The calculated load for the protective devices shall be the weight of the tank motor vehicle with the tank full of water at one "g" deceleration. If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall not be provided with drainage facilities which will permit drainage at or near the front of the tank.

**§ 78.326–8 Tank outlets.**

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

**§ 78.326–9 Vents, valves and connections.**

(a) *Tank vents.* Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200°F.

(b) *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

**§ 78.326–10 Protection of fittings.**

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

**§ 78.326–11 Emergency discharge control.**

(a) Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

**§ 78.326–12 Shear section.**

(a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

**§ 78.326–13 Anchoring of cargo tank.**

(a) *Hold-down devices.* Adequate hold-down devices shall be provided to

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

anchor each cargo tank in a suitable manner that will not introduce undue concentration of stresses and shall be built to withstand loadings in any direction equal to the weight of the tank and attachments when filled with water. These devices on vehicles with frames shall incorporate turnbuckles or similar positive action devices for drawing the tank down tight on the frame of the motor vehicle.

(b) *Stops and anchors.* Suitable stops and anchors shall be attached to the motor vehicle and the cargo tank to prevent relative movement between them due to starting, stopping and turning. Stops and anchors shall be installed so as to be readily accessible for inspection and maintenance except that insulation is permitted to cover such stops and anchors.

(c) *Anchoring integral cargo tanks.* Whenever any cargo tank is so designed and constructed that the cargo tank constitutes, in whole or in part, the stress member used in lieu of a frame, then such cargo tanks shall be designed so as to successfully and adequately withstand the stresses thereby imposed in addition to those otherwise imposed on the cargo tank.

**§ 78.326–14 Gauging devices.**

(a) No applicable provision.

**§ 78.326–15 Pumps.**

(a) Liquid pumps, whenever used, must be of suitable design, adequately protected against breakage by collisions. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank.

**§ 78.326–16 Method of test.**

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be noncompartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824 (a) of this chapter.

**§ 78.326–17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC 305
Nominal Tank Capacity ------ U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.326–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

Amend entire § 78.330 (15 F.R. 8554, 8555, 8556, Dec. 2, 1950) (24 F.R. 5644, July 14, 1959) (24 F.R. 8065, Oct. 6, 1959) (19 F.R. 3265, June 3, 1954) (23 F.R. 4033, June 10, 1958) (25 F.R. 6628, 6629, July 14, 1960) (21 F.R. 7611, Oct. 4, 1956) to read as follows:

**§ 78.330 Specification MC 310;[1] cargo tanks constructed of ferrous materials, primarily for the transportation of corrosive liquids.**

**§ 78.330–1 General requirements.**

(a) *Must comply with A.S.M.E. Code.* Tanks built under this specification shall be designed and constructed in accordance with and fulfill all requirements of (1) the 1949 edition, (2) 1950 edition, (3) 1952 edition, (4) 1956 edition, or (5) the 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions, which are hereafter referred to as "the Code."

(b) *When divided into compartments.* When the interior of the tank is divided into compartments, each compartment shall be designed, constructed, and tested as a separate tank.

**§ 78.330–2 Material.**

(a) As specified in paragraphs U–12, U–13, and U–20 of the Code, 1949 edition, no revisions. Tanks may be constructed of ferrous materials listed in Table U–2 including the stainless steels or of nickel or nickel alloys as listed in Table U–3 of the Code. Use of other materials listed in Table U–3 may be authorized by the Commission upon submission of satisfactory supporting data. Materials for tanks transporting hydrogen peroxide over 52 percent by weight, must comply with the 1956 edition of the Code, but shall be limited to Aluminum Association Nos. 1060, 1260, 5254, and 5652. Other aluminum alloys may be authorized by the Commission upon submission of satisfactory supporting data.

[1] Carriers are not required to number their cargo tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

[1] Existing tank motor vehicles continuing in service.

(a) *Specification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to June 15, 1940, may be continued in service provided they have been designed and constructed in accordance with the requirements set forth in paragraphs T–117(a), T–118 (a) and (b), T–120, T–121, T–122, T–123, and T–124 of Regulations for the Transportation of Explosives and Other Dangerous Articles on Public Highways by Motor Truck or Motor Vehicle, prescribed by order of the Commission dated November 6, 1934, and vacated on June 15, 1940.

(b) *Existing nonspecification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to June 15, 1940, may be continued in service provided they fulfill the requirements set forth under § 77.824(c) of this chapter and are and can be maintained in safe operating condition, but in any event they shall be equipped with at least the accessories specified in § 78.330–6, –9, –10, and –12.

(c) On the required metal identification plate substitute "ICC Spec T–118," or "ICC 7.5–S–1" or "NO SPECIFICATION" as appropriate.



(b) *Lining.* Except as provided in paragraph (c) of this section, cargo tanks must be lined and the material used for lining each cargo tank subject to this specification shall be homogenous, nonporous, imperforate when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities transported therein. It shall be of substantially uniform thickness and it shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by other equally satisfactory means. The interior of the tank shall be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

(c) *Conditions under which tanks need not be lined.* Tanks need not be lined as provided in paragraph (b) of this section, if:

(1) The material of the tank is substantially immune to attack by the materials to be transported therein.

(2) The material of the tank is thick enough to withstand 10 years' normal service without being reduced at any point to less thickness than that specified in § 78.330–3 corresponding to its capacity, or

(3) the chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passivated or neutralized as set forth elsewhere in this appendix, or

(4) for the transportation of hydrofluoric acid of 60 percent or higher concentration, they be passivated in the following or an equally effective method: By filling the tank to not less than 90 percent of its capacity with hydrofluoric acid of 58 percent strength and allowing it to stand at least 48 hours at a temperature of 80° F., then 7 hours at 140° F., the internal pressure being maintained at atmospheric pressure the meanwhile.

**§ 78.330–3 Thickness of metal.**

(a) The minimum thickness of metal for cargo tanks shall be as follows:

| Tank capacity | Minimum thickness (inches) |
|---|---|
| Not more than 1,200 gallons | ¼ |
| Over 1,200 to 1,800 gallons | 5/16 |
| Over 1,800 gallons | ⅜ |

**§ 78.330–4 Joints.**

(a) All joints and seams formed in the manufacture of any cargo tank shall be made tight by welding, riveting, riveting and welding, brazing, or riveting and brazing, at the option of the motor carrier, subject to the limitation that any of the aforesaid methods are permissible only when any one of them or combination as used in the tank is not subject to adverse action by the nature of the corrosive liquid which is to be transported in such tank provided that joints in tanks for hydrogen peroxide of concentration exceeding 52 percent shall be made by welding only.

**§ 78.330–5 Bulkheads, baffles, ring stiffeners, tank supports and compartmentation.**

(a) No applicable provision.

**§ 78.330–6 Closures for manholes.**

(a) The manhole cover shall be designed to provide a secure closure of the manhole. All covers, not hinged to the tanks, shall be attached to the outside of the dome by at least ⅛-inch chain or its equivalent. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid by use of gaskets of suitable material not subject to attack by the corrosive liquid to be transported in the tank.

**§ 78.330–7 Overturn protection.**

(a) No applicable provision.

**§ 78.330–8 Outlets.**

(a) *Outlet construction.* Except as provided hereinafter, no cargo tanks, except those used for the shipments of sludge acid or alkaline corrosive liquids, and no tanks for the transportation of hydrogen peroxide in concentrations exceeding 52 percent by weight, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve at the point of outlet from the cargo tank and a shut-off valve or a blank flange or screw-on cap at the discharge end of the outlet and must not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet.

(b) *Bottom outlets.* Bottom outlets, when permitted in accordance with paragraph (a) of this section, shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transportation. Bottom outlets are equipped with an effective and reliable shut-off valve located inside the shell of the tank, tank compartment outlet or sump if the sump is integral with the tank.

(c) *Bottom washout chambers.* Except as specified in subparagraph (1) of this paragraph, tanks may be equipped with bottom washout chambers. Bottom washout chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a liquid-tight closure at its lower end. If used for loading or unloading, they shall be equipped with a valve or plug at the upper end.

(1) Bottom washout chambers are not permitted on tanks used for the transportation of hydrogen peroxide of concentration exceeding 52 percent by weight.

**§ 78.330–9 Vents, valves and connections.**

(a) When installed, venting, gauging, loading, and air inlet devices, including their valves, shall be provided with adequate means for their secure closure and means shall also be provided for the closing of pipe connections of valves.

**§ 78.330–10 Protection of fittings.**

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

**§ 78.330–11 Emergency discharge control.**

(a) See § 78.330–8(b).

**§ 78.330–12 Shear section.**

(a) *Discharge connections.* There shall be provided between each shut-off valve seat and discharge valve a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge valve or piping.

(b) *Heater coils.* Heater coils, when installed, shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

**§ 78.330–13 Anchoring of tank.**

(a) No applicable provision.

**§ 78.330–14 Gauging devices.**

(a) No applicable provision.

**§ 78.330–15 Pumps and compressors.**

(a) No applicable provision.

**§ 78.330–16 Method of test.**

(a) *Test for leaks.* Every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying a pressure of 1½ times the design pressure but not less than 10 psig. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures shall be in place while test is made, and the pressure shall be gauged at the top of the tank.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by the pressures prescribed in paragraph (a) of this section and shall withstand such pressures without undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824(c) of this chapter.

**§ 78.330–17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC 310 [3]
Nominal Capacity ------ U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.330–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such tank is designed and constructed in accordance with the requirements of the specification, shall be procured and such certificate shall be retained in the files of the carrier during the time that such tank is employed in the transportation of corrosive liquids by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data. Where such tanks are used for hydrogen peroxide in concentrations exceeding 52 percent by weight, such certificate or test data shall indicate that the tank complies with special provisions of this specification for that lading.

Amend entire § 78.331 (18 F.R. 6782, 6783, 6784, 6785, Oct. 27, 1953) (19 F.R. 6275, Sept. 29, 1954) (24 F.R. 8065, Oct. 6, 1959) (23 F.R. 4033, June 10, 1958) (22 F.R. 7848, Oct. 3, 1957) (21 F.R. 7611, Oct. 4, 1956) (22 F.R. 2237, Apr. 4, 1957) (20 F.R. 8115, Oct. 28, 1955) to read as follows:

**§ 78.331 Specification MC 311; [4] cargo tanks constructed of ferrous metals or aluminum, primarily for the transportation of corrosive liquids.**

**§ 78.331–1 General requirements.**

(a) *Tank design.* (1) *Ferrous materials.* Cargo tanks built of ferrous materials under this specification that are unloaded by pressure must be built of welded construction in accordance with (1) the 1949 edition, (2) 1950 edition, (3) 1952 edition, or (4) the 1959 edition of Section VIII of the Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions, except that for sheet thicknesses of less than 3/16 inch wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply. Such tanks shall not have head, bulkhead, baffle or shell thicknesses less than that specified in § 78.331–3 (a) and (b), nor shall the spacing of bulkheads, baffles or shell stiffeners exceed that specified in those paragraphs.

(2) *Nonferrous materials.* Methods of design, fabrication, and construction for nonferrous materials shall be such as to result in a cargo tank having properties at least equal to those of a ferrous cargo tank.

(b) *When divided into compartments.* When the interior of the tank is divided into compartments, each compartment shall be designed, constructed and tested as a separate tank.

**§ 78.331–2 Material.**

(a) *A.S.M.E. Code materials.* Cargo tanks required to comply with Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code must be manufactured of materials authorized by the Code except that for sheet thicknesses of less than 3/16 inch wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply.

(b) *Ferrous metal properties.* Materials used in cargo tanks built to conform with the tables in § 78.331–3 must have the following minimum physical properties:

| | |
|---|---|
| Yield point | 25,000 psi. |
| Ultimate strength | 45,000 psi. |
| Minimum elongation, 2-inch sample. | 20 percent. |

(c) *Aluminum properties.* Aluminum materials must have the following minimum physical properties:

| | |
|---|---|
| Yield point | 12,000 psi. |
| Ultimate strength | 17,000 psi. |
| Minimum elongation, 2-inch sample. | 6 percent. |

(d) *Lining.* Except as provided in paragraph (e) of this section, cargo tanks must be lined and the material used for lining each cargo tank subject to this specification shall be homogenous, nonporous, imperforate when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities to be transported therein. It shall be of substantially uniform thickness, and it shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by other equally satisfactory means. The interior of the tank shall be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

(e) *Conditions under which tanks need not be lined.* Tanks need not be lined as provided in paragraph (d) of this section, if:

(1) The material of the tank is substantially immune to attack by the materials to be transported therein.

(2) The material of the tank is thick enough to withstand 10 years' normal service without being reduced at any point to less thickness than that specified in § 78.331–3 corresponding to its type, or

(3) the chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passivated or neutralized.

TABLE I—MINIMUM THICKNESS OF HEADS, BULKHEADS, AND BAFFLES (DISHED, CORRUGATED, REINFORCED OR ROLLED)—FOR MILD, HIGH-TENSILE AND STAINLESS STEELS

| Weight of product at 60° F. in pounds per gallon | Volume capacity of tank in gallons per inch of length | | |
|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 |
| Less than 10 | 12 gauge [1] | 10 gauge | 9 gauge |
| 10 to 13 | 10 gauge | 8 gauge | 3/16 inch |
| Over 13 to 16 | 8 gauge | 3/16 inch | 1/4 inch |

[1] Wherever gauges are specified, the references shall be to U.S. Standard gauge.

(b) *Shell thickness.* Tanks built under this specification that are not constructed in accordance with § 78.331–2(a), shall have shell thicknesses conforming with those in the following tables:

TABLE II—FOR LIQUIDS LESS THAN 10 POUNDS PER GALLON

[Minimum Shell Thickness in United States Standard Gauge and Inches—For Mild, High-tensile and Stainless Steel]

| Distance between attachments of bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | |
|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 |
| | Maximum shell radius of less than 70 inches | | |
| 36 inches or less | 12 gauge | 12 gauge | 10 gauge. |
| Over 36 inches to 54 inches | 12 gauge | 10 gauge | 9 gauge. |
| Over 54 inches to 60 inches | 12 gauge | 10 gauge | 9 gauge. |
| | Maximum shell radius 70 inches or more but less than 90 inches | | |
| 36 inches or less | 12 gauge | 10 gauge | 9 gauge. |
| Over 36 inches to 54 inches | 10 gauge | 9 gauge | 8 gauge. |
| Over 54 inches to 60 inches | 9 gauge | 8 gauge | 3/16 inch. |
| | Maximum shell radius 90 inches or more but less than 125 inches | | |
| 36 inches or less | 12 gauge | 10 gauge | 9 gauge. |
| Over 36 inches to 54 inches | 10 gauge | 9 gauge | 8 gauge. |
| Over 54 inches to 60 inches | 9 gauge | 8 gauge | 3/16 inch. |
| | Maximum shell radius 125 inches or more | | |
| 36 inches or less | 10 gauge | 9 gauge | 8 gauge. |
| Over 36 inches to 54 inches | 9 gauge | 8 gauge | 3/16 inch. |
| Over 54 inches to 60 inches | 8 gauge | 3/16 inch | 1/4 inch. |

TABLE III—FOR LIQUIDS OVER 10 TO 13 POUNDS PER GALLON

[Minimum Shell Thickness in United States Standard Gauge and Inches—For Mild, High-tensile and Stainless Steel]

| Distance between attachments of bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | |
|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 |
| | Maximum shell radius of less than 70 inches | | |
| 36 inches or less | 10 gauge | 10 gauge | 8 gauge. |
| Over 36 inches to 54 inches | 10 gauge | 8 gauge | 3/16 inch. |
| Over 54 inches to 60 inches | 8 gauge | 3/16 inch | 1/4 inch. |
| | Maximum shell radius 70 inches or more but less than 90 inches | | |
| 36 inches or less | 10 gauge | 8 gauge | 3/16 inch. |
| Over 36 inches to 54 inches | 8 gauge | 3/16 inch | 1/4 inch. |
| Over 54 inches to 60 inches | 3/16 inch | 1/4 inch | 1/4 inch. |
| | Maximum shell radius 90 inches or more but less than 125 inches | | |
| 36 inches or less | 8 gauge | 3/16 inch | 1/4 inch. |
| Over 36 inches to 54 inches | 3/16 inch | 1/4 inch | 1/4 inch. |
| Over 54 inches to 60 inches | 1/4 inch | 1/4 inch | 5/16 inch. |
| | Maximum shell radius 125 inches or more | | |
| 36 inches or less | 3/16 inch | 1/4 inch | 5/16 inch. |
| Over 36 inches to 54 inches | 1/4 inch | 1/4 inch | 5/16 inch. |
| Over 54 inches to 60 inches | 1/4 inch | 5/16 inch | 5/16 inch. |

TABLE IV—FOR LIQUIDS OVER 13 TO 16 POUNDS PER GALLON

[Minimum Shell Thickness in United States Standard Gauge and Inches—For Mild, High-tensile and Stainless Steel]

| Distance between attachments of bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | |
|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 |
| | Maximum shell radius of less than 70 inches | | |
| 36 inches or less | 8 gauge | 8 gauge | 3/16 inch. |
| Over 36 inches to 54 inches | 8 gauge | 3/16 inch | 1/4 inch. |
| Over 54 inches to 60 inches | 3/16 inch | 1/4 inch | 1/4 inch. |
| | Maximum shell radius 70 inches or more but less than 90 inches | | |
| 36 inches or less | 8 gauge | 3/16 inch | 1/4 inch. |
| Over 36 inches to 54 inches | 3/16 inch | 1/4 inch | 1/4 inch. |
| Over 54 inches to 60 inches | 1/4 inch | 1/4 inch | 5/16 inch. |
| | Maximum shell radius 90 inches or more but less than 125 inches | | |
| 36 inches or less | 3/16 inch | 1/4 inch | 1/4 inch. |
| Over 36 inches to 54 inches | 1/4 inch | 1/4 inch | 5/16 inch. |
| Over 54 inches to 60 inches | 1/4 inch | 5/16 inch | 5/16 inch. |
| | Maximum shell radius 125 inches or more | | |
| 36 inches or less | 1/4 inch | 1/4 inch | 5/16 inch. |
| Over 36 inches to 54 inches | 1/4 inch | 5/16 inch | 5/16 inch. |
| Over 54 inches to 60 inches | 5/16 inch | 5/16 inch | 5/16 inch. |

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

[3] Substitute "ICC Spec–T–118," or "ICC 7.5–S–1," or "ICC MC 310–$H_2O_2$," or "NO SPECIFICATION," as appropriate.

[4] Existing tank motor vehicles continuing in service.

(a) *Specification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to June 15, 1940, may be continued in service provided they have been designed and constructed in accordance with the requirements set forth in paragraphs T–117(a), T–118 (a) and (b), T–120, T–121, T–122, T–123 and T–124 of Regulations for the Transportation of Explosives and Other Dangerous Articles on Public Highways by Motor Truck or Motor Vehicle prescribed by order of the Commission dated November 6, 1934, and vacated on June 15, 1940.

(1) Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to December 31, 1953, may be continued in service provided they have been designed and constructed in accordance with the requirements of specification MC 310 (§ 78.330 of this chapter).

(b) *Existing nonspecification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to June 15, 1940, may be continued in service provided they fulfill the requirements set forth under § 78.331–16 and are and can be maintained in safe operating condition, but in any event they shall be equipped with at least the accessories specified in §§ 78.330–6, –9, –10 and –12 of specification MC 310 or §§ 78.331–6, –10 and –12 of specification MC 311.

(c) *Qualification of existing tank motor vehicles which conform to specification MC 311.* Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to December 31, 1953, and which meet all of the construction requirements of this specification may be continued in service provided such cargo tanks are marked ICC MC 311X on the plate required by § 78.331–17.

(d) On the required metal identification plate substitute "ICC Spec T–118," or "ICC 7.5–S–1," or "MC 311X," or "NO SPECIFICATION" as appropriate.

(c) *Cargo tanks built of nonferrous metals.* Cargo tanks constructed of materials other than mild, high-tensile or stainless steel shall have shell and head thicknesses designed in accordance with the following formula:

$$\text{Thickness for materials other than steel} = \text{Steel thickness from tables} \times \sqrt[3]{\frac{3 \times 10^7}{\text{Modulus of elasticity of material to be used}}}$$

**§ 78.331–4 Joints.**

(a) All joints and seams formed in the manufacture of any cargo tank shall be made tight by welding.

**§ 78.331–5 Bulkheads, baffles, ring stiffeners, tank supports and compartmentation.**

(a) Flat heads or flat bulkheads without reinforcement are not permitted. The use of baffles is not a specification requirement.

**§ 78.331–6 Closures for manholes.**

(a) The manhole cover shall be designed to provide a secure closure of the manhole. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid by use of gaskets of suitable material not subject to attack by the corrosive liquid to be transported in the tank.

**§ 78.331–7 Overturn protection.**

(a) All closures for filling openings and outlets shall be protected from damage in the event of overturn of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or the use of substantial metal guards securely attached to the cargo tank or frame of the motor vehicle.

**§ 78.331–8 Outlets.**

(a) *Outlet construction.* No cargo tank, except those used for shipments of sludge acid or alkaline corrosive liquids, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve or a blank flange or screw-on cap at the discharge end of the outlet and must not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom cutlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet.

(b) *Bottom outlets.* Bottom outlets, when permitted in accordance with paragraph (a) of this section, shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transportation. Bottom outlets must be equipped with an effective and reliable shut-off valve located inside the shell of the tank, tank compartment outlet, or sump if the sump is integral with the tank.

(c) *Bottom washout chambers.* Cargo tanks may be equipped with bottom washout chambers. Bottom washout chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a liquid-tight closure at its lower end. If used for loading or unloading, they shall be equipped with a valve or plug at the upper end.

**§ 78.331–9 Vents, valves and connections.**

(a) *Safety vent.* Each cargo tank or compartment thereof must be equipped with suitable pressure relief devices as required by the Code, or shall be fitted with suitable rupture discs in the dome or manhole assemblies in lieu of mechanical pressure-relief valves. Such discs shall be designed to rupture at not to exceed 1½ times the design pressure.

(b) *Gauging, loading and air-inlet devices.* Gauging, loading and air-inlet devices, including their valves, shall be provided with adequate means for their secure closure, and means shall also be provided for the closing of pipe connections of valves.

**§ 78.331–10 Protection of fittings.**

(a) Draw-off valves and fittings of cargo tanks projecting beyond the frame, or if the vehicle be frameless, beyond the shell, shall be adequately protected in the event of a collision by steel bumpers or other equally effective devices.

**§ 78.331–11 Emergency discharge control.**

(a) See § 78.331–8(b).

**§ 78.331–12 Shear section.**

(a) *Discharge connections.* There shall be provided between each shut-off valve seat and discharge valve a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge valve or piping.

(b) *Heater coils.* Heater coils, when installed, shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

**§ 78.331–13 Anchoring of tank.**

(a) No applicable provision.

**§ 78.331–14 Gauging devices.**

(a) Every cargo tank, and every compartment must be equipped with a means of indicating outage.

**§ 78.331–15 Pumps and compressors.**

(a) No applicable provision.

**§ 78.331–16 Method of test.**

(a) *Test for leaks.* Every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, or with a corrosive liquid permitted to be transported in the cargo tank, the temperature of which shall not exceed 100° F. during the test, and applying a pressure of 1½ times the design pressure but not less than 3 psig. The pressure shall be gauged at the top of the tank. The tank must hold the prescribed pressure for at least 10 minutes without failure, undue distortion, leakage or evidence of impending failure. All closures shall be in place while test is made.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by the pressures prescribed in paragraph (a) of this section and shall withstand such pressures without undue distortion or other indication of impending failure. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Test of heating system.* After an interior heating system consisting of coil piping is installed, and before the tanks to which they are fitted are placed in service, the heating system shall be tested. Systems employing media such as steam or hot water under pressure for heating the contents of cargo tanks shall be tested with hydrostatic pressure and proved to be tight at 200 psig. Systems employing flues for the heating of the contents of cargo tanks shall be suitably tested to insure against the leakage of the contents of the tanks either into the flues or into the atmosphere.

(d) *Retest requirements.* See § 77.824 (c) of this chapter.

**§ 78.331–17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC * * *[2]
Maximum Working Pressure
Material
Lining
Nominal Capacity _____ U.S. Gallons
Density of Cargo, Maximum ___ Lb./Gallon

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

[3] For MC 311 cargo tanks insert MC 311-IIS for steel tanks designed in accordance with Table II of § 78.331–3(b); MC 311-IIIS for steel tanks designed in accordance with Table III of § 78.331–3(b); and MC 311-IVS for steel tanks designed in accordance with Table IV of § 78.331–3(b). For aluminum tanks substitute AL for S.



(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.331–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

Amend entire § 78.336 (15 F.R. 8556, Dec. 2, 1950) (24 F.R. 8065, Oct. 6, 1959) (25 F.R. 6629, July 14, 1960) (21 F.R. 9364, Nov. 30, 1956) (20 F.R. 8115, 8116, Oct. 28, 1955) (21 F.R. 676, Jan. 31, 1956) (23 F.R. 2335, 2336, Apr. 10, 1958) (24 F.R. 908, Feb. 6, 1959) to read as follows:

**§ 78.336 Specification MC 330; cargo tanks constructed of steel, primarily for transportation of compressed gases. For qualification of existing cargo tanks for continued service, see § 73.33 (b), (c), (d), (e), (f), (g), (h) and (i) of this chapter.**

**§ 78.336–1 General requirements.**

(a) *Code construction.* Tanks shall be of seamless or welded steel construction or combination of both and shall be designed and constructed in accordance with and fulfill the requirements of (1) the 1950 edition, (2) 1952 edition, (3) 1956 edition, or (4) the 1959 edition of section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code; no revisions (any or all of which hereinafter referred to as "the Code").

EXCEPTION: Chlorine tanks shall be fully radiographed and stress relieved in accordance with the provisions of the Code under which they are constructed.

(b) *Design pressure.* The design pressure of a tank authorized under this specification shall be not less than the vapor pressure of the commodity contained therein at 115° F. or as prescribed for a particular commodity in § 73.315 (a)(1) of this chapter, except that in no case shall the design pressure of any container be less than 100 psig. nor more than 500 psig. When corrosion factor is prescribed by these regulations (see § 73.315(a)(1) Note 4 of this chapter) the wall thickness of the tank calculated in accordance with the Code (see paragraph (a) of this section) shall be increased by 20 percent or 0.10 inch, whichever is less.

NOTE 1. The term "design pressure" as used in this specification is identical to the term "maximum allowable working pressure" as used in the Code (see paragraph (a) of this section).

(c) *Grouping openings.* Except as noted below, all openings in the tank shall be grouped in one location, either at the top of the tank or at one end of the tank.

EXCEPTIONS. (1) Chlorine tanks shall be equipped with a nozzle located in the top of the tank. The nozzle shall be fitted with a dome cover plate which shall conform with the standard of The Chlorine Institute, Inc. Dwg. 103–3, dated January 23, 1958. There shall be no other opening in the tank. (2) The openings for liquid level gauging devices, or for safety relief devices may be installed separately at the other location or in the side of the shell. (3) One plugged opening of 2-inch National Pipe Thread or less provided for maintenance purposes may be located elsewhere. (4) Loading and unloading connections may be located in the bottom of the tank.

(d) *Reflective design.* Every uninsulated cargo tank permanently attached to a tank motor vehicle shall, unless it be covered with a jacket made of aluminum, stainless steel, or other bright nontarnishing metal, be painted all over a white, aluminum, or similar reflecting color.

(e) *Insulation for carbon dioxide, chlorine and nitrous oxide cargo tanks.* See § 73.33(p) of this chapter.

**§ 78.336–2 Material.**

(a) *General.* All material used for the construction of the tank and appurtenances shall be suitable for use with the commodity to be transported therein. See also § 73.33(n) of this chapter.

(b) *For chlorine.* All plates for tank, manway nozzle and anchorage of tanks used in the transportation of chlorine must be made of steel complying with requirements of A.S.T.M. Specification A–300–52T titled "Steel Plates for Pressure Vessels for Service at Low Temperatures," Class 1, Grade "A", flange or fire box quality. Impact test specimens made by the plate manufacturers shall be of the Charpy Keyhole notch type and must meet impact requirements (in both longitudinal and transverse directions of rolling) of this specification at a temperature of minus 50° F.

**§ 78.336–3 Thickness of metal.**

(a) Material thickness shall be as required by the Code (see § 78.336–1(a)), except that material of thickness less than 3/16 inch shall not be used for the shell, heads and protective housings specified in § 78.336–10, except for chlorine tanks, the wall thickness shall be not less than 5/8 inch, including corrosion allowance.

**§ 78.336–4 Joints.**

(a) Joints shall be as required by the Code (see § 78.336–1(a)).

**§ 78.336–5 Bulkheads, baffles and ring stiffeners.**

(a) No applicable provision.

**§ 78.336–6 Closures for manholes.**

(a) No applicable provision.

**§ 78.336–7 Overturn protection.**

(a) See § 78.336–10.

**§ 78.336–8 Outlets.**

(a) See § 78.336–1(c).

**§ 78.336–9 Safety relief devices, valves and connections.**

(a) *Safety relief devices.* See § 73.315 (i) of this chapter.

(b) *Piping, valves and fittings.* See § 73.33(m) of this chapter. For manifolding of cargo tank containers, see § 73.301(f) of this chapter.

(c) *Marking inlets and outlets.* All tank inlets and outlets, except safety relief valves, shall be marked to designate whether they communicate with vapor or liquid when the tank is filled to the maximum permitted filling density.

(d) *Refrigerating and heating coils.* See § 73.33(q) of this chapter.

**§ 78.336–10 Protection of fittings.**

(a) All valves, fittings, accessories, safety relief devices, gauging devices, and the like shall be adequately protected against mechanical damage by a housing closed with a cover plate.

EXCEPTIONS. (1) Liquid and vapor valves, fittings, and accessories installed in the bottom of the tank shall be adequately protected against mechanical damage, but the housing and cover plate may be omitted. (2) In lieu of a housing closed with a cover plate, tanks used for the transportation of carbon dioxide may have all valves, piping, fittings, accessories, safety relief devices, and the like installed within the motor vehicle framework, or a suitable collision-resisting subframe, guard or housing. (3) On chlorine tanks the protective housing and cover plate shall conform to the standard of The Chlorine Institute, Inc. Dwg. 107–2, dated June 4, 1959, and shall be of a design to permit the use of standard emergency kits for controlling leaks in fittings on the dome cover plate.

(b) The protective housing shall comply with the requirements under which the tanks are fabricated with respect to design and construction, and shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used.

**§ 78.336–11 Emergency discharge control.**

(a) *Excess-flow valves.* See § 73.33 (o) of this chapter.

(b) *Shut-off valves.* See § 73.33(o)(3) of this chapter.

**§ 78.336–12 Shear section.**

(a) No applicable provision.

**§ 78.336–13 Anchoring of tank.**

(a) *Hold-down devices.* Adequate "hold-down" devices shall be provided which will anchor each cargo tank to the cradle, frame or chassis in a suitable and safe manner that will not introduce undue concentration of stresses. The means of attachment of any cargo tank to the cradle, frame, or chassis of a motor vehicle shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a factor of safety of not less than

four, based on the ultimate strength of the material to be used. Hold-down devices (on vehicles with frames) shall incorporate turnbuckles or similar positive devices for drawing the tank down tight on the frame of the motor vehicle.

(b) *Stops and anchors.* Suitable stops or anchors shall be attached to the motor vehicle and the cargo tank to prevent relative movement between them due to stopping, starting and turning. Stops and anchors shall be installed so as to be readily accessible for inspection and maintenance, except that insulation is permitted to cover such stops and anchors.

(c) *Anchoring integral cargo tanks.* Whenever any tank motor vehicle is so designed and constructed that the cargo tank constitutes in whole or in part the stress member used in lieu of a frame, such cargo tanks shall be designed to withstand the stresses thereby imposed in addition to those covered by the Code (see § 78.336–1(a)).

**§ 78.336–14 Gauging devices.**

(a) See § 73.315(h) of this chapter.

**§ 78.336–15 Pumps and compressors.**

(a) See § 73.33(m)(7) of this chapter.

**§ 78.336–16 Method of test.**

(a) Original test at time of manufacture shall be as required by the Code (see § 78.336–1(a)). For retest requirements, see § 73.33(k) of this chapter.

**§ 78.336–17 Marking of cargo tanks.**

(a) *Metal identification plate.* In addition to the markings required by the Code (see § 78.336–1(a)) every cargo tank shall have a metal plate permanently affixed on one of the heads of the tank. This plate shall be permanently affixed by means of soldering, brazing, or welding around its perimeter. Neither the plate itself nor the means of attachment to the tank shall be subject to destructive attack by the contents of the tank. On uninsulated tanks the plate shall be in a place readily accessible for inspection. On insulated tanks an additional identical plate shall be permanently affixed to the jacket readily accessible for inspection. Upon such plate shall be plainly marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself the following information in characters at least ⅜ inch high:

Manufacturer's Name ------- Serial No. ----
Owner's Serial Number ----------
ICC Specification Number MC 330 ----------
Water capacity (pounds) ----------
Design pressure (psig.) ----------
Original test date ----------
Tank retested at -------- (psig.) on --------

(b) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.336–18 Certification.**

(a) A copy of the manufacturer's data report required by the Code (see § 78.336–1(a)) under which the tank is fabricated shall be furnished for each new tank to the owner and the Bureau of Explosives, 63 Vesey Street, New York 7, N.Y. In addition, the manufacturer or owner shall register each tank with the Bureau of Explosives in the following form:

Place ----------
Date ----------
Cargo Tank
Manufactured for ---------- Company
Location ----------
Manufactured by ---------- Company
Location ----------
Consigned to ---------- Company
Location ----------
Size ---- feet outside diameter by ---- long

Marks on tank as prescribed by § 78.336–17 are as follows:

Manufacturer's Name ------- Serial No. ----
Owner's Serial Number ----------
ICC specification ----------
Code symbol ----------
Date of manufacturer ----------
Water capacity (pounds) ----------
Design pressure (psig.) ----------

It is hereby certified that this tank is in complete compliance with the requirements of I.C.C. Specification No. -------

(Signed) ----------
(Manufacturer or owner)

[F.R. Doc. 61–2586; Filed, Mar. 23, 1961; 8:46 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, paragraph (l)(4) of § 6.311 is amended as set out below.

**§ 6.311 Department of Agriculture.**

* * * * *

(l) *Commodity Stabilization Service.* * * *

(4) One Assistant Deputy Administrator, Price Support.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61–2594; Filed, Mar. 23, 1961; 8:47 a.m.]

# Title 7—AGRICULTURE

## Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 617, 2d Rev.]

## PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—Gypsy Moth and Brown-Tail Moth

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.45–2 of the regulations supplemental to the gypsy moth and brown-tail moth quarantine (7 CFR 301.45–2), issued under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions appearing as 7 CFR 301.45–2a are hereby revised to read as follows:

**§ 301.45–2a Administrative instructions designating regulated areas under the gypsy moth and brown-tail moth quarantine and regulations.**

Infestations of either the gypsy moth or the brown-tail moth have been determined to exist, in the quarantined States, in the respective counties, cities, towns, plantations, and other civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such civil divisions and parts thereof are hereby designated, as follows, as a single, continuous gypsy moth regulated area, which is further divided into a suppressive area and a generally infested area; and a single, continuous brown-tail moth regulated area, within the meaning of the provisions in this subpart:

(a) *Gypsy moth regulated area.*

*Connecticut.* All counties in the State.

*Maine.* Counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, and York; towns of Avon, Berlin, Carthage, Chesterville, Crockertown, Dallas Plantation, Farmington, Freeman, Greenvale, Industry, Jay, Jerusalem, Kingfield, Madrid, Mount Abraham, New Sharon, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Washington, Weld, and Wilton, and Townships D and E, in Franklin County; all of Hancock County except Plantations 3, 4, 35, and 41; all that part of Oxford County south and southeast of, and including, the towns of Magalloway and Richardsontown; towns of Alton, Argyle, Bradford, Bradley, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Edinburgh, Enfield, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Howland, Hudson, Kenduskeag, LaGrange, Levant, Lincoln, Lowell, Mattamiscontis, Maxfield, Milford, Newburgh, Newport, Orono, Orrington, Passadumkeag, Plymouth, Stetson, Summit, and Veazie, and cities of Bangor, Brewer, and Old Town, in Penobscot County; towns of Abbott, Atkinson, Dover-Foxcroft, Guilford, Kingsbury Plantation, Medford, Milo, Orneville, Parkman, Sangerville, Sebec, and Wellington, in Piscataquis County; all that part of Somerset County south and southeast of, and including, Highland and Pleasant Ridge Plantations, town of Moscow, and Mayfield Plantation; towns of Beddington, Cherryfield, Columbia, Deblois, Harrington, Millbridge, and Steuben, and Plantations 18 and 24, in Washington County.

*Massachusetts.* All counties in the State.

*New Hampshire.* Counties of Belknap, Carroll, Cheshire, Grafton, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; all that part of Coos County lying south of, and including, the towns of Stratford, Odell, Dummer, and Cambridge.

*New York.* Counties of Albany, Clinton, Columbia, Delaware, Dutchess, Fulton, Greene, Montgomery, Nassau, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, and Westchester; towns of Chesterfield, Crown Point, Elizabethtown, Essex, Jay, Keene, Lewis, Minerva, Moriah, North Hudson, Schroon, Ticonderoga, Westport, Willsboro, and Wilmington, in Essex County; towns of Benson, Hope, and Wells, in Hamilton County; all of Herkimer County except the towns of Ohio, Russia, and Webb; town of Brookfield in Madison County; towns of Bridgewater, Deerfield, Kirkland, Marcy, Marshall, New Hartford, Paris, Sangerfield, Utica, Westmoreland, and Whitestown, in Oneida County.

*Rhode Island.* All counties in the State.

*Vermont.* Counties of Addison, Bennington, Chittenden, Grand Isle, Orange, Rutland, Washington, Windham, and Windsor; towns of Barnet, Danville, Groton, Kirby, Peacham, Ryegate, St. Johnsbury, and Waterford, in Caledonia County; towns of Concord, Granby, Guildhall, Lunenburg, Maidstone, and Victory, in Essex County; all of Franklin County except the towns of Bakersfield, Berkshire, Enosburg, Montgomery, and Richford; and the town of Elmore in Lamoille County.

(b) *Gypsy moth suppressive area.*

Counties of Nassau, Orange, Rockland, Sullivan, and Westchester; and the towns of Colchester, Deposit, Franklin, Hamden, Hancock, Masonville, Sidney, Tompkins, and Walton, in Delaware County; the town of Brookfield in Madison County; the towns of Bridgewater, Deerfield, Kirkland, Marcy, Marshall, New Hartford, Paris, Sangerfield, Utica City, Westmoreland, Whitestown, in Oneida County; and the towns of Burlington, Butternuts, Edmeston, Exeter, Hartwick, Laurens, Milford, Morris, New Lisbon, Oneonta, Otego, Pittsfield, Plainfield, and Unadilla, in Otsego County; in New York.

(c) *Gypsy moth generally infested area.* All gypsy moth regulated area not included in the gypsy moth suppressive area constitutes the gypsy moth generally infested area.

(d) *Brown-tail moth regulated area.* All of the above described gypsy moth regulated area, exclusive of that in the State of New York, constitutes the brown-tail moth regulated area.

These administrative instructions shall be effective March 24, 1961, when they shall supersede P.P.C. 617, Revised, 7 CFR 301.45–2a, effective May 21, 1957.

The amendment adds the town of Minerva in Essex County, New York, to the regulated area.

Certain towns in Madison, Oneida, and Otsego Counties, New York, have been removed from the gypsy moth generally infested area and transferred to gypsy moth suppressive area. This is now feasible because reductions in gypsy moth populations in these towns warrant their protection from reinfestation from the generally infested area.

Putnam and Suffolk Counties and portions of Delaware, Dutchess, and Ulster Counties, New York, are removed from the area designated as gypsy moth suppressive area and included in the area designated as gypsy moth generally infested area because of increase in gypsy moth populations therein.

Since the revisions adds new territories to the generally infested area and to the suppressive area to be protected from reinfestation, the revision should be made effective as soon as possible in order to control the interstate movement of articles that might spread the gypsy moth. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the revision are impracticable and contrary to the public interest, and good cause is found for making the effective date hereof less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U.S.C. 161, 162)

Done at Washington, D.C., this 20th day of March 1961.

[SEAL] E. D. BURGESS,
*Director,*
*Plant Pest Control Division.*

[F.R. Doc. 61–2609; Filed, Mar. 23, 1961; 8:48 a.m.]



## Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 8]

## PART 729—PEANUTS

### Allotment and Marketing Quota Regulations for 1959 and Subsequent Crops

I. *Basis and purpose.* (a) The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of revising the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344) to amend (1) § 729.1011(l)(2), as amended, by expanding the definition of "farm peanut history acreage" to clarify the formula used in prorating Soil Bank diversion credits, and (2) § 729.1017 for clarification and to provide for the use of reserved peanut acreage to make adjustments necessitated by Amendment 10 to the Farm Constitution and Allotment Record Regulations (26 F.R. 1262).

(b) Farmers in the southernmost areas the of United States will soon begin planting the 1961 crop of peanuts and farmers in the other peanut-producing areas of the nation are completing their plans for the production of peanuts in 1961. Hence, it is essential that State and county Agricultural Stabilization and Conservation Committees be placed in a position to utilize reserved acreage as provided herein at the earliest possible date. It is, therefore, hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), is impracticable and contrary to the public interest and this amendment shall be effective upon the filing of this document with the Director, Office of the Federal Register.

II. Paragraph (l)(2) of § 729.1011, as amended, is hereby amended to read as follows:

**§ 729.1011 Definitions.**

* * * * *

(l) * * *

(2) In the determination of "farm peanut history acreage", the maximum acreage which may be regarded as devoted to peanuts and to all other allotment crops under the Soil Bank Act is the sum of (i) the acreage on the farm in the conservation reserve at the regular rate under a contract which has not been cancelled and has not expired (see Part 485 of this title), plus (ii) the acreage on the farm placed in the conservation reserve at the regular rate for which the conservation contract has been fulfilled and has expired but for which a period after the expiration of the contract equal to the period of the contract has not ended, less (iii) any part of the acreage changed under the provisions of the contract from cropland to permanent vegetation which is not properly maintained in permanent vegetation. Also, the acreage which may be regarded as devoted to peanuts under the Soil Bank Act shall not exceed the amount by which the farm allotment[1] exceeds the final acreage of peanuts on the farm. If the farm has an allotment for peanuts and allotments for one or more other commodities and the acreage placed in the conservation reserve at the regular rate, computed as specified above, is less than the sum of the amounts by which the respective allotments[1] exceed the acreage actually planted (final acreage in the case of peanuts) to each allotment crop on the farm, the acreage placed in the conservation reserve at the regular rate shall be prorated and credited to each allotment commodity. To prorate this acreage, a factor shall be obtained, carried to four places beyond the decimal, by dividing the maximum acreage which may be regarded as devoted to all allotment crops under the Soil Bank Act by the sum of the amounts by which the respective allotments[1] exceed the acreage actually planted (final acreage in the case of peanuts) to each allotment crop on the farm. The factor thus obtained shall then be applied to the amount by which the farm peanut allotment exceeds the final acreage of peanuts on the farm. The result shall be the acreage regarded as devoted to peanuts under the Soil Bank Act.

III. Section 729.1017 is hereby amended to read as follows:

**§ 729.1017 Reserve for late allotments, corrections, missed farms and adjustments.**

The county committee shall estimate the acreage that will be needed in the county as a reserve (a) to establish allotments for old farms on which not more than one acre of peanuts was picked or threshed in any year during the base period if either of the following

[1] After deducting acreage released to the county committee and the amount of any reduction for violation of marketing quota regulations in a prior year, but before adding reapportioned acreage or the amount of any increase granted for peanuts of a type determined to be in short supply.

conditions are met: (1) The measured acreage of peanuts on the farm determined pursuant to § 729.1040 is in excess of one acre, or (2) the measured acreage of peanuts on the farm determined pursuant to § 729.1040 is one acre or less and the producers who share in the peanuts on the farm also share in the peanuts produced on another farm, (b) for the correction of errors in farm allotments, (c) to establish allotments for missed farms, and (d) to make adjustments necessitated by Amendment 10 to the Farm Constitution and Allotment Record Regulations (26 F.R. 1262). The reserve estimated by the county committee to be needed for such purposes shall be subject to adjustment by the State committee and shall be held as a State reserve.

(Secs. 358, 375, 55 Stat. 88, as amended, 52 Stat. 66, as amended, sec. 112, 70 Stat. 195, as amended; 7 U.S.C. 1358, 1375, 1836)

Done at Washington, D.C., this 20th day of March 1961.

H. D. GODFREY,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61-2610; Filed, Mar. 23, 1961; 8:48 a.m.]

## Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

### SUBCHAPTER F—ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 842.2, Supp. 3]

### PART 842—BEET SUGAR AREA

### Approved Local Areas for 1959 Crop

**§ 842.5 Approved local areas for the 1959 crop.**

For purposes of considering eligibility for abandonment and crop deficiency payments on 1959-crop sugar beets, the respective Agricultural Stabilization and Conservation county committees have determined with respect to the following counties and local producing areas that due to drought, flood, storm, disease, freeze or insects, the actual yields of commercially recoverable sugar from the acreages planted to sugar beets on farms in such county or local producing area were below 80 percent of the applicable normal yields either for 10 percent or more of the number of such farms or for 10 percent or more of the total acres of sugar beets planted on all farms in such county or local producing area.

(a) California.

*Entire Counties*

| | |
|---|---|
| Butte. | Riverside. |
| Colusa. | San Joaquin. |
| Fresno. | San Luis Obispo. |
| Glenn. | Santa Barbara. |
| Imperial. | Sutter. |
| Madera. | Tulare. |
| Merced. | Ventura. |

INDIVIDUAL LOCAL PRODUCING AREAS

*County and Areas*

Alameda: T. 3 S., R. 3 W.
Kern: T. 26 S., R. 23 E.; T. 27 S., R. 23 E.; T. 26 S., R. 24 E.
Monterey: T. 12 S., R. 2 E.; T. 13 S., R. 2 E.; T. 14 S., R. 3 E.; T. 15 S., R. 4 E.; T. 19 S., R. 8 E.
Sacramento: T. 4 N., R. 3 E.; T. 5 N., R. 3 E.; T. 3 N., R. 4 E.
Santa Clara: T 6 S., R. 1 W.; T. 8 S., R. 2 E.; T. 12 S., R. 4 E.; T. 11 S., R. 5 E.
Yolo: T. 10 N., R. 3 W.; T. 11 N., R. 3 E.

(b) Colorado.

*Entire Counties*

| | |
|---|---|
| Adams. | Morgan. |
| Alamosa. | Otero. |
| Baca. | Prowers. |
| Bent. | Pueblo. |
| Conejos. | Weld. |

INDIVIDUAL LOCAL PRODUCING AREAS

*County and Areas*

Larimer: T. 9 N., R. 68 W.; T. 5 N., R. 69 W.; T. 9 N., R. 69 W.; T. 10 N., R. 69 W.
Logan: T. 7 N., R. 52 W.; T. 8 N., R. 52 W.; T. 6 N., R. 53 W.; T. 7 N., R. 53 W.

(c) Idaho.

*Entire Counties*

| | |
|---|---|
| Bingham. | Gem. |
| Bonneville. | Jefferson. |
| Fremont. | Madison. |

INDIVIDUAL LOCAL PRODUCING AREAS

*County and Areas*

Ada: T. 3 N., R. 1 E.; T. 4 N., R. 1 E.
Bannock: T. 10 S., R. 37 E.
Cassia: T. 11 S., R. 21 E.; T. 10 S., R. 22 E.; T. 11 S., R. 22 E.; T. 13 S., R. 22 E.; T. 10 S., R. 23 E.; T. 11 S., R. 24 E.; T. 9 S., R. 24 E.; T. 10 S., R. 24 E.; T. 9 S., R. 25 E.
Franklin: T. 14 S., R. 38 E.; T. 15 S., R. 38 E.; T. 15 S., R. 39 E.; T. 16 S., R. 39 E.; T. 16 S., R. 40 E.
Jerome: T. 9 S., R. 16 E.; T. 9 S., R. 20 E.; T. 10 S., R. 21 E.
Minidoka: T. 8 S., R. 22 E.; T. 9 S., R. 22 E.; T. 10 S., R. 22 E.; T. 7 S., R. 23 E.; T. 8 S., R. 23 E.; T. 9 S., R. 23 E.; T. 10 S., R. 23 E.; T. 6 S., R. 24 E.; T. 7 S., R. 24 E.; T. 8 S., R. 24 E.; T. 9 S., R. 24 E.; T. 10 S., R. 24 E.; T. 7 S., R. 25 E.; T. 8 S., R. 25 E.
Owyhee: T. 1 N., R. 4 W.; T. 3 N., R. 4 W.; T. 4 N., R. 5 W.; T. 4 N., R. 6 W.
Payette: T. 8 N., R. 4 W.; T. 7 N., R. 5 W.
Twin Falls: T. 10 S., R. 14 E.; T 11 S., R. 16 E.; T. 9 S., R. 17 E.

(d) Illinois.

*Entire Counties*

| | |
|---|---|
| Cook. | McHenry. |

(e) Indiana.

*Entire Counties*

Lake.

(f) Iowa.

*Entire Counties*

| | |
|---|---|
| Cerro Gordo. | Winnebago. |
| Kossuth. | |

(g) Kansas.

*Entire Counties*

Wichita.

(h) Michigan.

*Entire Counties*

| | |
|---|---|
| Arenac. | Ionia. |
| Clinton. | Isabella. |
| Gladwin. | St. Clair. |
| Gratiot. | Sanilac. |
| Ingham. | Shiawassee. |

INDIVIDUAL LOCAL PRODUCING AREAS

*County and Areas*

Bay: Gibson, Kawkawlin, Pinconning.
Eaton: Delta, Roxand.
Huron: Caseville, Grant, Hume, Lake, Lincoln, Meade, Oliver, Paris, Rubicon, Sheridan, Sherman, Sigel, Verona.
Jackson: Henrietta.
Lapeer: Burlington, Goodland.
Lenawee: Blissfield, Ogden.
Midland: Lincoln, Midland, Porter.
Monroe: Frenchtown, LaSalle, Whiteford.
Montcalm: Crystal.
Saginaw: Richland, Taymouth.
Tuscola: Koylton, Millington.

(i) Minnesota.

*Entire Counties*

| | |
|---|---|
| Brown. | Marshall. |
| Chippewa. | Martin. |
| Clay. | Nicollet. |
| Dakota. | Redwood. |
| Faribault. | Scott. |
| Jackson. | Sibley. |
| Kandiyohi. | Wilkin. |
| McLeod. | |

INDIVIDUAL LOCAL PRODUCING AREAS

*County and Areas*

Renville: Melville.
West Polk: Angus, Brislet, Esther, Farley, Grand Forks, Higdem, Northland, Sandsville, Sullivan.

(j) Montana.

*Entire Counties*

| | |
|---|---|
| Big Horn. | Phillips. |
| Blaine. | Richland. |
| Broadwater. | Rosebud. |
| Missoula. | |

INDIVIDUAL LOCAL PRODUCING AREAS

*County and Areas*

Lake: T. 19 N., R. 21 W.
Ravalli: T. 5 N., R. 20 W.; T. 6 N., R. 20 W.; T. 8 N., R. 20 W.

(k) Nebraska.

*Entire Counties*

| | |
|---|---|
| Dawson. | Merrick. |
| Hamilton. | Phelps. |
| Kearney. | Red Willow. |
| Lincoln. | |

INDIVIDUAL LOCAL PRODUCING AREAS

*County and Areas*

Buffalo: T. 8 N., R. 15 W.; T. 9 N., R. 15 W.
Hall: T. 10 N., R. 12 W.
Keith: T. 13 N., R. 39 W.
Scotts Bluff: T. 22 N., R. 54 W.; T. 23 N., R. 54 W.; T. 22 N., R. 55 W.; T. 22 N., R. 56 W.; T. 23 N., R. 56 W; T. 23 N., R. 57 W.; T. 22 N., R. 58 W.
Sheridan: T. 31 N., R. 46 W.

(l) Nevada

*Entire Counties*

Churchill.

(m) New Mexico.

None.

(n) North Dakota.

*Entire Counties*

| | |
|---|---|
| Cass. | Walsh. |
| McKenzie. | Williams. |
| Pembina. | |

INDIVIDUAL LOCAL PRODUCING AREAS

*County and Areas*

Grand Forks: Johnstown, Meckinock, Turtle River.

(o) Ohio.

*Entire Counties*

| | |
|---|---|
| Allen. | Henry. |
| Fulton. | Putnam. |
| Hardin. | Van Wert. |



INDIVIDUAL LOCAL PRODUCING AREAS

*County and Areas*

Hancock: Madison, Orange.
Wood: Middleton.

(p) Oregon.

*Entire Counties*

Umatilla.

INDIVIDUAL LOCAL PRODUCING AREAS

*County and Areas*

Malheur: T. 19 S., R. 44 E.; T. 18 S., R. 45 E.; T. 20 S., R. 45 E.; T. 21 S., R. 45 E.; T. 16 S., R. 46 E.; T. 18 S., R 46 E.; T. 19 S., R. 46 E.; T. 20 S., R. 46 E.; T. 21 S., R. 46 E.; T. 22 S., R. 46 E.; T. 17 S., R. 47 E.; T. 18 S., R. 47 E.; T. 19 S., R. 47 E.; T. 21 S., R. 47 E.; T. 22 S., R. 47 E.

(q) South Dakota.

*Entire Counties*

Fall River.

(r) Texas.

*Entire Counties*

| | |
|---|---|
| Castro. | Hale. |
| Deaf Smith. | |

INDIVIDUAL LOCAL PRODUCING AREAS

*County and Areas*

Parmer: Harrah.

(s) Utah.

*Entire Counties*

| | |
|---|---|
| Carbon. | Sevier. |
| Millard. | Weber. |
| Sanpete. | |

(t) Washington.

*Entire Counties*

| | |
|---|---|
| Adams. | Walla Walla. |
| Benton. | Yakima. |

(u) Wisconsin.

*Entire Counties*

| | |
|---|---|
| Brown. | Manitowoc. |
| Calumet. | Outagamie. |
| Dodge. | Racine. |
| Fond du lac. | Sheboygan. |
| Jefferson. | Washington. |
| Kenosha. | Waukesha. |
| Kewaunee. | |

INDIVIDUAL LOCAL PRODUCING AREAS

*County and Areas*

Columbia: Hampden.
Winnebago: Clayton.

(v) Wyoming.

*Entire Counties*

| | |
|---|---|
| Big Horn. | Laramie. |
| Converse. | Washakie. |

INDIVIDUAL LOCAL PRODUCING AREAS

*County and Areas*

Goshen: T. 19 N., R. 61 W.
Park: T. 56 N., R. 98 W.; T. 56 N., R. 99 W.; T. 57 N., R. 99 W.

*Statement of bases and considerations.* One of the conditions of eligibility of a sugar beet producer for an acreage abandonment or crop deficiency payment is that the farm of such producer is located in a county or local producing area for which the Agricultural Stabilization and Conservation county committee determines that certain uncontrollable natural conditions have caused a prescribed amount of damage to the sugar beet crop.

The purpose of this supplement is to give notice that specific counties and local producing areas have qualified under the requirements with respect to the 1959 crop of sugar beets and that any sugar beet producer operating a farm which is located in any one of these counties or local producing areas and which is otherwise qualified may apply for payment accordingly, if he has not already done so.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 303, 61 Stat. 930; 7 U.S.C. 1133)

EMERY E. JACOBS,
*Deputy Administrator, Production Adjustment, Commodity Stabilization Service.*

MARCH 21, 1961.

[F.R. Doc. 61-2612; Filed, Mar. 23, 1961; 8:49 a.m.]

### SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 849.2 Rev., Supp. 1]

### PART 849—DOMESTIC BEET SUGAR PRODUCING AREA

### Prevented Acreage Credit; 1959 Crop

**§ 849.3 Approved local areas for the 1959 crop of sugar beets.**

For purposes of considering eligibility for prevented acreage credit, the respective Agricultural Stabilization and Conservation County Committees have determined with respect to the local producing areas listed herein that on ten percent or more of the sugar beet farms in each area, or on ten percent or more of the total proportionate share acreage established for farms in each area, the planting of sugar beets was prevented because of drought, flood, storm, freeze, disease or insects or the planting or harvesting was prevented by other similar abnormal and uncontrollable conditions determined by the Deputy Administrator for Production Adjustment in accordance with § 849.2 of this chapter.

(a) California.

*County and areas*

Kern: T. 11 N., R. 19 W.; T. 11 N., R. 20 W.; T. 11 N., R. 21 W.; T. 26 S., R. 23 E.; T. 26 S., R. 24 E.; T. 26 S., R. 25 E.; T. 26 S., R. 26 E.; T. 27 S., R. 22 E.; T. 27 S., R. 26 E.; T. 26 S., R. 23 E.; T. 26 S., R. 26 E.; T. 29 S., R. 26 E.; T. 30 S., R. 27 E.; T. 31 S., R. 27 E.; T. 31 S., R. 29 E.; T. 32 S., R. 26 E.; T. 32 S., R. 26 E.; T. 32 S., R. 29 E.

(b) Colorado.

*County and areas*

Pueblo: T. 22 S., R. 63 W.
Delta: T. 14 S., R. 95 W.

(c) Michigan.

*County and areas*

Huron: Bloomfield, Gore-Rubicon, Sheridan, Sigel, Sandbeach, Meade, Verona.
Ionia: Sebewa.
Monroe: Ash, La Salle, Frenchtown, Raisinville.
St. Clair: Brockway, Burtchville, Clyde, Ft. Gratiot.
Sanilac: Bridgehampton, Elk, Elmer, Flynn, Maple Valley, Marlon, Marlette, Minden, Moore, Speaker, Watertown, Wheatland.
(d) New Mexico.

*County and areas*

Torrence: T. 8 N., R. 9 E.

(e) Utah.

*County and areas*

Sevier: A, B, C.
San Pete: F, G, J, K, L, M, N.
Millard: A, B, D, E F, G.
Carbon: Carbon.

*Statement of bases and considerations.* One of the conditions of eligibility of a sugar beet producer for prevented acreage credit as provided in § 849.2 of this chapter is that the farm of such producer be located in a local producing area for which the Agricultural Stabilization and Conservation County Committee determines that the planting or harvesting of sugar beets was adversely, seriously and generally affected by certain uncontrollable natural conditions on ten percent or more of the sugar beet farms in the area or on ten percent or more of the total proportionate share acreage established for farms in the area.

The purpose of this supplement is to give notice that specific local producing areas have qualified under the requirements of § 849.2 with respect to the 1959 crop of sugar beets.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U.S.C. 1132)

EMERY E. JACOBS,
*Deputy Administrator, Production Adjustment, Commodity Stabilization Service.*

MARCH 21, 1961.

[F.R. Doc. 61-2613; Filed, Mar. 23, 1961; 8:49 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 697; Amdt. 271]

### PART 507—AIRWORTHINESS DIRECTIVES

### Vickers Viscount 745D and 810 Series Aircraft

Failures have occurred in the wing spar boom attach joints at both the outer wing joint and at the innerwing joint of Viscount 700 Series aircraft. Although the spar material on 700 Series aircraft is considered more critical, it is necessary to require inspection of both the 745D and the 810 Series aircraft since all Viscount aircraft are equally susceptible to bolt overtightening. Furthermore, to preclude further occurrence of spar cracking, it is necessary to remove, inspect, and refit bolts in accordance with the manufacturer's instructions within a specified time. Subsequent investigation shows that stress corrosion is a factor along with bolt tightening. Therefore compliance is required in terms of calendar time.

Since safety of the aircraft is involved, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

VICKERS. Applies to all Viscount 745D and 810 Series aircraft.

Compliance required as indicated.

As a result of reported cracks in the inner and outer wing spar attachment joint lugs, inspections were made and seven aircraft were found to have cracks in the lugs. These cracks may occur on any one of the fingers of the lugs and appear to originate in the taper holes and then generally progress in a direction parallel to the lug. Accordingly, the following must be accomplished:

(a) Not later than April 30, 1961, inspect for cracks using the ultrasonic method or an FAA approved equivalent all the inner wing to outer wing spar boom attachment joint lugs, top and bottom, right and left, and the center section to inner wing spar attachment joint lugs, top and bottom, right and left, in the region of the taper bolt holes.

(1) If cracks are found in any of the lower spar boom joints, replacement with new spar booms is required prior to further flight.

(2) If there are no cracks in any of the lower spar boom joints, aircraft having cracks in the top spar boom joints within the limits specified in (1) are serviceable provided the inspection of (a) is repeated on all top joints within three months' calendar time, commencing from the initial inspection date and every three months' calendar time thereafter.

(1) Not more than one crack is present in any one top joint, permitting a maximum of one crack in each of the four top joints, i.e., a total of four cracks per aircraft. The extent of permissible cracks are those extending completely between two adjacent holes of one lug only; extending completely to end of lug on one lug only; or between the bolt hole nearest the boom body and a line one inch from this hole towards the body of the boom, on one lug only.

(3) If cracks beyond the limits specified in a (a)(2)(1) are found in any of the top spar boom joints, replacement with a new top spar boom is required prior to further flight; except that, when there are no cracks in any of the lower spar boom joints and the extent of the cracking in the top spar boom joints has been reported to Vickers-Armstrong for evaluation and the operator has obtained and presented to the FAA approval for flight from Vickers-Armstrong based upon such evaluation, the aircraft may be flown in accordance with CARs 1.76 and 1.77 to a base where replacement with a new top spar boom can be accomplished.

(b) Not later than December 31, 1961, the following revised method of fitting wing spar taper attachment bolts must be accomplished to prevent further occurrence of spar cracking.

Remove all wing spar taper attachment bolts, top and bottom, right and left. Bolts must be stripped and replated with cadmium before refitted in accordance with the revised procedure detailed in the applicable PTL referenced below. After refitting of bolts, conduct an ultrasonic inspection of the joint, for cracks, at this time. Note particularly the sequence given in the PTL for the removal and refitting of the center section to inner wing attachment bolts.

(Vickers-Armstrong Co. PTL 230 (700 Series) Issue 3, as amended and PTL 97 (810 Series) Issue 2, as amended cover this subject.)

This amendment shall become effective March 24, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 17, 1961.

GEORGE C. PRILL,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61-2579; Filed, Mar. 23, 1961; 8:45 a.m.]

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SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-25]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Modification of Control Area Extension

The purpose of this amendment to § 601.1353 is to correct the description of the Charleston, W. Va., control area extension.

The Charleston control area extension is presently described in part as bounded on the northwest by VOR Federal airway No. 45. However, in Airspace Docket No. 60-NY-66 (25 F.R. 7205), VOR Federal airway No. 45 was renumbered VOR Federal airway No. 493. Therefore, action is taken herein to delete VOR Federal airway No. 45 from the description of the Charleston control area extension and to substitute VOR Federal airway No. 493 therefor.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary. This amendment may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 601.1353 (25 F.R. 2794) "No. 45" is deleted and "No. 493" is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 17, 1961.

D. D. THOMAS,
*Director, Bureau of*
*Air Traffic Management.*

[F.R. Doc. 61-2580; Filed, Mar. 23, 1961; 8:45 a.m.]

# Title 24—HOUSING AND HOUSING CREDIT

## Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

## PART 200—INTRODUCTION

### Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

*Correction*

In F.R. Doc. 61-2320, appearing at page 2248 of the issue for Friday, March 17, 1961, the amendment of § 200.77 should read: "Section 200.77 is amended to delete paragraph (o)."

# Title 36—PARKS, FORESTS, AND MEMORIALS

## Chapter I—National Park Service, Department of the Interior

## PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

### Shenandoah National Park, Virginia; "Fishing for Fun" in Certain Streams

On page 13787 of the FEDERAL REGISTER of December 28, 1960, there was published a notice and text of a proposed amendment to § 7.15(a) (1) and (3) of Title 36, Code of Federal Regulations. The purpose of the amendment is to designate certain streams where "fishing for fun" only is permitted and to limit hours of fishing.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER. (39 Stat. 535; 16 U.S.C. 3)

R. TAYLOR HOSKINS,
*Superintendent,*
*Shenandoah National Park.*

Section 7.15 is amended by revising paragraph (a) (1) and (3) to read as follows:

§ 7.15 Shenandoah National Park.

(a) *Fishing*—(1) *Applicability of regulations.* The regulations in this section shall govern fishing on those portions of all streams lying wholly within the Park, except for the Rapidan and Staunton Rivers and their tributaries



where "fishing for fun" only is permitted with the following restrictions in addition to those set out in subparagraphs (3), (7), and (8) of this paragraph:

(i) Fishing is restricted to artificial flies or lures having one barbless hook.

(ii) No fish of any size may be in possession at any time. All fish caught must be handled carefully and returned immediately to the stream.

Along those portions of the streams which follow the boundary line of the Park, the State of Virginia laws and regulations governing fishing shall apply.

* * * * *

(3) *Season.* The opening date of the trout fishing season and the permissible hours of fishing shall conform with those of the State of Virginia and shall close on the same date as the State, or October 15, whichever date is earlier.

[F.R. Doc. 61-2597; Filed, Mar. 23, 1961; 8:47 a.m.]

# Proposed Rule Making

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Parts 1, 3 ]

[Docket No. 13961]

### CERTAIN BROADCAST APPLICATIONS FORMS

#### Order Extending Time for Filing Comments

In the matter of amendment of section IV (Statement of Program Service) of Broadcast Applications Forms 301, 303, 314, and 315, Docket No. 13961.

The Commission having under consideration (1) the above-captioned proceedings; and (2) the petition filed on March 14, 1961, by the National Association of Broadcasters requesting that the time for filing comments in said proceedings be extended to May 1, 1961; and

It appearing that good and sufficient cause has been shown for said extension and that the public interest would be served thereby;

*It is ordered*, This 21st day of March 1961, that the time for filing comments in the above-captioned proceedings is extended to and including May 1, 1961, and the time for filing reply comments is extended to and including May 10, 1961.

Released: March 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2605; Filed, Mar. 23, 1961; 8:48 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 608 ]

[Airspace Docket No. 61-WA-5]

### SPECIAL USE AIRSPACE

#### Reopening of Comment Period

In a notice of proposed rule making published in the FEDERAL REGISTER on February 4, 1961 (26 F.R. 1098), it was stated that the Federal Aviation Agency was considering the alteration of the lateral size and designated altitudes of the Vieques Island, P.R., Restricted Area (R-7104).

In accordance with the terms of the notice, the time for public comment expired 45 days after the date of publication of the notice. However, the Department of the Navy has informed the Federal Aviation Agency that it wishes to present additional data on the matter. This request appears to be reasonable. Therefore, in order to provide the Navy and other interested persons a further opportunity to submit additional written data, views or arguments, the date for filing such material is extended herein to April 15, 1961.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-WA-5 is extended to April 15, 1961. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C.

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 49 U.S.C. 1348).

Issued in Washington, D.C., on March 22, 1961.

R. E. THOMAS,
*Acting Chief,*
*Airspace Utilization Division.*

[F.R. Doc. 61-2627; Filed, Mar. 23, 1961; 8:50 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T.D. 55339]

### COAL, COKE, AND BRIQUETTES IMPORTED FROM CERTAIN COUNTRIES

#### Taxable Status

MARCH 20, 1961.

Coal, coke made from coal, and coal or coke briquettes imported from the following countries and entered for consumption or withdrawn from warehouse for consumption during the period from January 1 to December 31, 1961, inclusive, will not be subject to the tax of 10 cents per 100 pounds prescribed in section 4531, Internal Revenue Code of 1954:

Belgium.
Canada.
Japan.
Korean Republic.
Netherlands.
United Kingdom.

Certain countries from which there have been no importations of coal or allied fuels since January 1, 1959, are not included in the above list. Further information concerning the taxable status of coal or allied fuels imported during the taxable year 1961 from countries not listed above will be furnished upon application therefor to the Bureau of Customs.

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

[F.R. Doc. 61-2598; Filed, Mar. 23, 1961; 8:47 a.m.]

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### Office of the Secretary

[1961 Department Circular No. 1058]

### 3⅞ PERCENT TREASURY BONDS OF 1966

#### Offering of Bonds

MARCH 20, 1961.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 3⅞ percent Treasury Bonds of 1966, at par, in exchange for a like face amount of 2½ percent Treasury Bonds of 1963, dated December 15, 1954, due August 15, 1963. Interest will be adjusted as of March 15, 1961, as set forth in Section IV hereof. Subscriptions are invited up to an amount not to exceed $3,000,000,000, or thereabouts. If subscriptions exceed this amount they will be subject to allotment. In addition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to issue in exchange to Government Investment Accounts an aggregate amount not to exceed $250,000,000 of the bonds offered hereunder and the bonds offered simultaneously under Department Circular No. 1059. The books will be open only on March 20 through March 22, 1961, for the receipt of subscriptions for this issue. Delivery of the new bonds will be made on March 30, 1961.

2. *Nonrecognition of gain or loss for Federal income tax purposes.* Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86-346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the 2½ percent Treasury Bonds of 1963, due August 15, 1963, solely for the 3⅞ percent Treasury Bonds of 1966. Gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds will be dated March 15, 1961, and will bear interest from that date at the rate of 3⅞ percent per annum, payable on a semiannual basis on November 15, 1961, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1966, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Banking institutions generally may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Subscriptions will be received without deposit from banking institutions for their own account, Federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Federal Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by the deposit of 2½ percent Treasury Bonds of 1963, due August 15, 1963, in the face amount of not less than 10 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Registered bonds submitted as deposits should not be assigned. After allotment detached assignment forms may be used as provided in Section V hereof.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for bonds allotted hereunder must be made on or before March 30, 1961, or on later allotment, and may be made only in 2½ percent Treasury Bonds of 1963, due August 15, 1963. Coupons dated August 15, 1961, and all subsequent coupons, must be attached to the bonds in coupon form when surrendered. Accrued interest from February 15 to March 15, 1961 ($1.93370 per $1,000), on the bonds surrendered will be paid subscribers, in the case of bearer bonds following their acceptance, and in the case of registered bonds following discharge of registration. In the case of registered bonds, payment will be made by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered bonds.* 1. After allotment Treasury Bonds of 1963 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States,

Washington, D.C. If the new bonds are desired registered in the same name as the bonds surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 3⅝ percent Treasury Bonds of 1966" if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3⅝ percent Treasury Bonds of 1966 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3⅝ percent Treasury Bonds of 1966 in coupon form to be delivered to _____". Detached assignment forms may be used for the convenience of subscribers.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
*Secretary of the Treasury.*

[F.R. Doc. 61-2590; Filed, Mar. 23, 1961; 8:46 a.m.]

[1961 Department Circular No. 1059]

## 3⅝ PERCENT TREASURY BONDS OF 1967

### Offering of Bonds

MARCH 20, 1961.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 3⅝ percent Treasury Bonds of 1967:

(1) at par in exchange for 2⅝ percent Treasury Notes of Series A-1963, dated April 15, 1958, due February 15, 1963;

(2) at par in exchange for 2¼ percent Treasury Bonds of 1959-62, dated June 1, 1945, due June 15, 1962; or

(3) at 100.30 percent of their face value in exchange for 2¼ percent Treasury Bonds of 1959-62, dated November 15, 1945, due December 15, 1962. The cash payment due from the subscriber ($3.00 per $1,000) to the Treasury on account of the issue price of the new bonds issued in exchange for the 2¼ percent Treasury bonds due December 15, 1962, will be deducted from the accrued interest payable to the subscriber as provided in Section IV, payment, hereof.

Interest will be adjusted as of March 15, 1961, as set forth in Section IV hereof. Subscriptions are invited up to an amount not to exceed $5,000,000,000, or thereabouts. If subscriptions exceed this amount they will be subject to allotment. In addition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to issue in exchange to Government Investment Accounts an aggregate amount not to exceed $250,000,000 of the bonds offered hereunder and the bonds offered simultaneously under Department Circular No. 1058. The books will be open only on March 20 through March 22, 1961, for the receipt of subscriptions for this issue. Delivery of the new bonds will be made on March 30, 1961.

2. *Nonrecognition of gain or loss for Federal income tax purposes.* Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86-346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible securities enumerated in paragraph one of this section solely for the 3⅝ percent Treasury Bonds of 1967. Gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds will be dated March 15, 1961, and will bear interest from that date at the rate of 3⅝ percent per annum, payable on a semiannual basis on November 15, 1961, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1967, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Banking institutions generally may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Subscriptions will be received without deposit from banking institutions for their own account, federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Federal Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by the deposit of any of the eligible securities enumerated in paragraph one of section I hereof, in the face amount of not less than 10 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Registered bonds submitted as deposits should not be assigned. After allotment detached assignment forms may be used as provided in section V hereof.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before March 30, 1961, or on later allotment, and may be made only in a like face amount of the eligible securities enumerated in paragraph one of Section I hereof. Coupons dated August 15, 1961, and all subsequent coupons, must be attached to the Treasury Notes of Series A-1963 when surrendered, and accrued interest from February 15 to March 15, 1961 ($2.03039 per $1,000), will be paid to subscribers. Coupons dated June 15, 1961, and all subsequent coupons, must be attached to the 2¼ percent Treasury Bonds of 1959-62, in coupon form, when surrendered. Accrued interest from December 15, 1960, to March 15, 1961 ($5.56319 per $1,000), on the bonds due June 15, 1962, will be paid to subscribers. Accrued interest from December 15, 1960, to March 15, 1961 ($5.56319 per $1,000), on the bonds due December 15, 1962, will be credited, the payment ($3.00 per $1,000) due to the United States (paragraph 1.(3) of Section I hereof) will be charged, and the difference ($2.56319 per $1,000) will be paid to subscribers. Payments to subscribers will be made in the case of bearer securities following their acceptance and in the case of registered bonds following discharge of registration. In the case of registered bonds, the payment will be made by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered bonds.* 1. After allotment Treasury Bonds of 1959-62 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. If the new bonds are desired registered in the same name as the bonds surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 3⅝ percent Treasury Bonds of 1967"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3⅝ percent Treasury Bonds of 1967 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3⅝ percent Treasury Bonds of 1967 in coupon form to be delivered to _____". Detached assignment forms may be used for the convenience of subscribers.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
*Secretary of the Treasury.*

[F.R. Doc. 61-2591; Filed, Mar. 23, 1961; 8:46 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Research Service

## IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

### List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 (25 F.R. 5863) the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on March 1, 1961, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after March 1, as using humane methods on March 1, or a later date in March will be listed in a supplemental list. Previously published lists represented establishments reported in February or March 1961, as humanely slaughtering and handling the designated species of livestock on February 1 or some later date in February 1961 (26 F.R. 1742 and 2006). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| Armour and Co. | 2AD | ○ | * | | | | |
| Do. | 2AT | ○ | | ○ | | ○ | |
| Do. | 2C | ○ | | ○ | | ○ | |
| Do. | 2E | ○ | | ○ | * | | |
| Do. | 2F | ○ | * | ○ | | * | |
| Do. | 2H | ○ | * | ○ | | * | |
| Do. | 2LT | ○ | | * | * | * | |
| Do. | 2SD | ○ | * | | | | |
| Do. | 2WN | ○ | * | | | | |
| Do. | 3AC | ○ | | | | ○ | |
| Swift and Co. | 3AE | ○ | ○ | | | | |
| Do. | 3AF | ○ | ○ | | | | |
| Do. | 3AN | ○ | ○ | | | ○ | |
| Do. | 3AW | ○ | | ○ | | ○ | |
| Do. | 3B | ○ | ○ | | | | |
| Do. | 3C | ○ | | ○ | | ○ | |
| Do. | 3CC | ○ | | ○ | | | |
| Do. | 3D | ○ | ○ | ○ | | ○ | |
| Do. | 3E | ○ | ○ | ○ | | | |
| Do. | 3F | ○ | ○ | ○ | * | ○ | |
| Do. | 3FF | ○ | ○ | ○ | | | |
| Do. | 3K | ○ | ○ | | | | |
| Do. | 3L | ○ | | | | ○ | |
| Do. | 3N | ○ | * | | | | |
| Do. | 3R | ○ | ○ | | | | |
| Do. | 3S | ○ | | ○ | * | | |
| Do. | 3UU | ○ | ○ | ○ | | ○ | |
| Do. | 3W | ○ | ○ | ○ | | | |
| Do. | 3Z | ○ | ○ | ○ | | | |
| Do. | 6C | ○ | ○ | ○ | * | ○ | |
| Lykes Bros., Inc., of Georgia | 8 | ○ | ○ | ○ | | | |
| The Cudahy Packing Co. | 10 | ○ | * | | | | |
| Hygrade Food Products Corp. | 12 | ○ | * | * | | | |
| Do. | 12A | ○ | ○ | ○ | | ○ | |
| Do. | 12C | ○ | * | * | | | |
| Do. | 12D | ○ | ○ | ○ | | | |
| Do. | 12G | ○ | * | | | * | |
| Do. | 12F | ○ | ○ | ○ | | | |
| Mickelberrys Food Products Co. | 16 | ○ | ○ | ○ | | | |
| John Morrell and Co. | 17 | ○ | ○ | ○ | | ○ | |
| Do. | 17A | ○ | ○ | ○ | | ○ | |
| Do. | 17D | ○ | ○ | * | | ○ | |
| C. Finkbeiner, Inc. | 18 | ○ | ○ | ○ | | ○ | |
| The Cudahy Packing Co. | 19 | ○ | ○ | ○ | | ○ | |
| The Cudahy Packing Co., of Nebraska | 19E | ○ | ○ | ○ | | ○ | |
| Wilson and Co., Inc. | 20N | ○ | ○ | ○ | | ○ | |
| Do. | 20Q | ○ | ○ | * | | | |
| Do. | 20Y | ○ | ○ | ○ | | ○ | |
| Brander Meat Co. | 25 | ○ | ○ | * | | | |
| American Packing Co. | 26 | ○ | ○ | ○ | | ○ | |
| The Sperry and Barnes Co. | 27C | ○ | * | * | | ○ | |
| Patrick Cudahy, Inc. | 28 | ○ | ○ | ○ | | ○ | |
| Kreinberg and Krasny, Inc. | 30 | ○ | ○ | ○ | | | |
| Roegelein Provision Co. | 32 | ○ | ○ | ○ | | | |
| Valleydale Packers, Inc. | 34 | ○ | ○ | ○ | | ○ | |
| Armour and Co. | 35 | ○ | ○ | ○ | | | |
| Montana Packing Co., Inc. | 37 | ○ | ○ | ○ | | ○ | |
| Armour and Co. | 40 | ○ | ○ | ○ | | ○ | |
| Sunnyland Packing Co. | 43 | ○ | ○ | ○ | | | |
| Stark Wetzel and Co., Inc. | 44 | ○ | ○ | ○ | | ○ | |
| Do. | 44A | ○ | ○ | ○ | | | |
| Consolidated Dressed Beef Co., Inc. | 47 | ○ | ○ | * | | | |
| Lackawanna Beef and Provision Co. | 49 | ○ | ○ | ○ | | ○ | |
| Nevada Meat Packing Co. | 52 | ○ | ○ | ○ | | | |
| Midwestern Beef, Inc. | 53 | ○ | ○ | ○ | | ○ | |
| Glover Packing Co., of Amarillo | 60 | ○ | ○ | ○ | | | |
| Welland Packing Co., Inc. | 61 | ○ | ○ | ○ | | ○ | |
| Malone Packing Co. | 63 | ○ | * | ○ | | ○ | * |
| The Quaker Oats Co. | 67E | ○ | ○ | ○ | | ○ | |
| Minchs Wholesale Meats, Inc. | 72 | ○ | * | ○ | | | * |
| Eastern Packing Co. | 74E | ○ | ○ | ○ | | ○ | |
| Armour and Co. | 75 | ○ | ○ | ○ | * | | |
| The Braun Brothers Packing Co. | 79 | ○ | ○ | ○ | | ○ | |
| City Packing Co. | 80 | ○ | ○ | | | | |
| Edgar Packing Co. | 84 | ○ | ○ | | | | |
| Excel Packing Co., Inc. | 86 | ○ | ○ | ○ | | ○ | |
| The E. Kahns Sons Co. | 89 | ○ | ○ | ○ | | | |
| Hygrade Food Products Corp. | 90 | ○ | ○ | ○ | | ○ | |
| Sugardale Provision Co. | 92 | ○ | ○ | ○ | | | |
| The P. Brennan Co. | 94 | ○ | ○ | ○ | | | |
| The Val Decker Packing Co. | 95 | ○ | ○ | ○ | | ○ | |
| Wm. G. Rehns Sons | 96 | ○ | ○ | ○ | | | |
| John Engelhorn and Sons | 97 | ○ | ○ | ○ | | ○ | |
| A. Kochs Sons | 98 | ○ | ○ | ○ | | | |
| Armour and Co. | 100 | ○ | ○ | ○ | | | |
| H. Graver Co. | 103 | ○ | ○ | ○ | | ○ | |
| Swift and Co. | 104 | ○ | ○ | ○ | | | |
| Aurora Packing Co., Inc. | 110 | ○ | ○ | ○ | | ○ | |
| Wilson and Co., Inc. | 111 | ○ | ○ | ○ | | | |
| Hoffman Packing Co., Inc. | 112 | ○ | ○ | ○ | | ○ | |
| West Coast Meat Co., Inc. | 117 | ○ | ○ | ○ | | | |
| Wilson and Co., Inc. | 119 | ○ | ○ | ○ | | | |
| E. J. Archie and Sons, Inc. | 122 | ○ | ○ | ○ | * | ○ | |
| Peyton Packing Co. | 126 | ○ | ○ | ○ | | | |
| Superior Packing Co. | 127 | ○ | ○ | ○ | | ○ | |
| The Luer Packing Co. | 128 | ○ | ○ | ○ | | | |

| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| John Roth and Son, Inc | 130 | (*) | | | | | |
| Tobin Packing Co., Inc | 133 | | | | | (*) | |
| Armour and Co | 139 | (*) | (*) | (*) | | | |
| Edward J. Kluener, Inc | 142 | (*) | (*) | | | | |
| Siegel Weiler Packing Co | 153 | (*) | | | | | |
| Joel E. Harrell and Son, Inc | 162 | (*) | | | | (*) | |
| Swift and Co | 166A | (*) | (*) | (*) | | (*) | |
| Armour and Co | 177 | (*) | (*) | | | | |
| Peerless Packing Co | 180 | | | | | (*) | |
| Montrose Beef Co | 181 | (*) | | | | | |
| The Rath Packing Co | 186 | (*) | (*) | (*) | | (*) | |
| Do | 186C | (*) | (*) | | | | |
| Fort Dodge Packing Co., Inc | 187 | (*) | | | | | |
| Krey Packing Co | 192 | (*) | (*) | (*) | | (*) | |
| John Morrell and Co | 196 | | | | | (*) | |
| Hynes Packing Co | 197 | (*) | | | | | |
| George A. Hormel and Co | 199 | | | | | (*) | |
| Do | 199I | | | | | (*) | |
| Do | 199N | | | | | (*) | |
| Cudahy Packing Co | 202 | (*) | | | | | |
| The Cudahy Packing Co | 203A | (*) | | | | (*) | |
| EMGE Packing Co., Inc | 205 | (*) | (*) | | | (*) | |
| Heinza Riverside Abattoir, Inc | 210 | (*) | | | | | |
| Penn Packing Co | 212 | | | | | (*) | |
| Elburn Packing Co | 213 | (*) | | | | | |
| Kneip Packing Co | 213C | | (*) | | | | |
| Lincoln Meat Co | 217 | (*) | | | | | |
| York Packing Co., Inc | 220 | | | | | (*) | |
| Gwaltney, Inc | 221A | | | | | (*) | |
| Armour and Co | 222 | (*) | | | | (*) | |
| Hygrade Food Products Corp | 224B | (*) | (*) | | | (*) | |
| Custom Processing Co., Inc | 227 | (*) | (*) | | | | |
| Gold Merit Packing Co., Inc | 232 | (*) | | | | | |
| Walt I. Schilling and Co., Inc | 235 | (*) | | (*) | | | |
| Raskin Packing Co | 237 | (*) | | | | | |
| Armour and Co | 238 | | | (*) | | (*) | |
| Greenwood Packing Plant | 242 | (*) | (*) | (*) | | (*) | |
| John Morrell and Co | 246 | (*) | | | | (*) | |
| The Danahy Packing Co | 247 | (*) | | | | (*) | |
| Swift and Co | 249 | (*) | | | | (*) | |
| Suber Edwards and Co | 250 | (*) | | | | (*) | |
| The Jones Dairy Farm | 263 | | | | | (*) | |
| Pacific Meat Co., Inc | 267 | (*) | (*) | | | | |
| Houston Packing Co | 271 | (*) | (*) | | | (*) | |
| Wilson and Co., Inc | 275 | (*) | | | | | |
| Bookey Packing Co | 281 | (*) | | | | | |
| Agar Packing Co., Inc | 282 | | | | | (*) | |
| Figge and Hutweiker Co | 283 | | | | | (*) | |
| Solano Meat Co | 285 | (*) | (*) | (*) | | | |
| Roessler Packing Co. of Erie | 286 | (*) | (*) | (*) | | (*) | |
| Arbogast and Bastian Co | 289 | (*) | (*) | (*) | | (*) | |
| The H. H. Meyer Packing Co | 290 | | | | | (*) | |
| San Jose Meat Co | 291 | (*) | (*) | (*) | | | |
| Sioux City Dressed Pork, Inc | 292 | | | | | (*) | |
| Gus Juemgling and Son, Inc | 298 | (*) | | | | | |
| Waldock Packing Co | 299 | | | | | (*) | |
| Great Falls Meat Co | 301 | (*) | (*) | | | | |
| Commercial Packing Co., Inc | 302 | (*) | | | | | |
| Union Packing Co | 305 | (*) | | | | | |
| Do | 305A | (*) | | | | | |
| Star Packing Co | 306 | (*) | | | | | |
| Survail Packing Co | 307 | (*) | | | | | |
| Melton Provision Co | 311 | (*) | (*) | (*) | (*) | | |
| Ideal Packing Co., Inc | 312 | (*) | | | | | |
| Webb Packing Co | 316 | (*) | | | | (*) | |
| Estes Packing Co | 319 | (*) | (*) | | | | |
| Stadler Packing Co., Inc | 320 | (*) | | | | (*) | |
| Turlock Meat Co | 325 | (*) | (*) | | | | |
| Frisco Packing Co | 327 | (*) | | | | | |
| C and M Meat Packing Corp | 329 | (*) | (*) | | | | |
| Royal Packing Co | 331 | (*) | | | | | |
| Sokolik Packing Co | 331A | (*) | | | | | |
| Shapiro Packing Co., Inc | 332 | (*) | (*) | | | | |
| Great Western Packing Co., Inc | 334 | (*) | | | | | |
| Nobles Independent Meat Co | 335 | (*) | (*) | | | | |
| Des Moines Packing Co | 340 | (*) | | | | | |
| Peters Packing Co., Inc | 341 | (*) | (*) | | | (*) | |
| Anns Packing Co | 344 | (*) | | (*) | | | |
| Union Packing Co | 351 | (*) | | | | | |
| Samuels E. Tax Packing Co | 353 | (*) | | | | | |
| Fresno Meat Packing Co | 354 | (*) | (*) | | | | |
| McCandless Packing Co., Inc | 355 | | | | | | |

| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| Heil Packing Co | 357 | | | | | (*) | |
| Marks Meat Co | 362 | (*) | | | | | |
| Meyers Packing Co | 363 | (*) | | | | | |
| United Dressed Beef Co | 364 | (*) | | | | | |
| James Allan and Sons | 365 | (*) | | (*) | (*) | (*) | |
| Fischer Packing Co | 374 | (*) | (*) | | | (*) | |
| The John Hillberg and Sons Co | 375 | (*) | (*) | (*) | | | |
| Cross Bros. Meat Packers, Inc | 376 | (*) | (*) | (*) | | | |
| Emge Packing Co., Inc | 380 | (*) | (*) | | | | |
| Smithfield Packing Co., Inc | 382 | | | | | (*) | |
| American Stores Co | 384 | (*) | | | | | |
| Liebmann Packing Co | 388 | (*) | (*) | | | | |
| Dugdale Packing Co | 390 | (*) | | | | | |
| Roth Packing Co | 394 | (*) | | | | | |
| The Northside Packing Co | 395 | (*) | (*) | | | | |
| Dubuque Packing Co | 396 | (*) | (*) | (*) | | (*) | |
| Logan Packing Co | 397 | (*) | | | | | |
| Watsonville Dressed Beef, Inc | 398 | (*) | (*) | | | | |
| Superior Packing Co | 399 | (*) | | | | | |
| Los Banos Abattoir | 400 | (*) | (*) | | | | |
| Ceebee Packing Co | 404 | (*) | (*) | (*) | | | |
| Neuhoff Bros | 406 | (*) | (*) | | | (*) | |
| Endlich Packing Co., Inc | 410 | (*) | | | | | |
| Alpine Packing Co | 412 | (*) | (*) | (*) | (*) | | |
| The Lundy Packing Co | 413 | | | | | (*) | |
| Frosty Morn Meats | 414 | (*) | (*) | (*) | | (*) | |
| Philadelphia Boneless Beef Co | 418 | (*) | | | | | |
| Murray Packing Co., Inc | 421 | (*) | | | | | |
| E. W. Kneip, Inc. of Iowa | 422 | (*) | | | | | |
| The Collins Packing Co | 423 | | | | | (*) | |
| Hebron Packing Co., Inc | 425 | (*) | (*) | | | | |
| Lone Star Packing Co | 433 | (*) | (*) | | | | |
| Monarch Meat Packing Co | 435 | (*) | | | | | |
| Queen Packing Corp | 436 | (*) | | | | | |
| Schneider Packing Co | 439 | (*) | | | | | |
| Omaha Dressed Beef Co | 441 | (*) | | | | | |
| Prime Packing Co., Inc | 443 | (*) | | | | | |
| Del Curto Meat Co | 445 | (*) | (*) | | | (*) | |
| Peerless Packing Co., Inc | 448 | (*) | | | | | |
| Rosenthal Packing Co. of Paris | 451 | (*) | (*) | | | (*) | |
| Swift and Co | 459 | | | | | | |
| Morris Rifkin and Sons Inc | 460 | (*) | | | | | |
| Pioneer Provision Co | 461 | (*) | | | | | |
| Lancaster Packing Co | 462 | (*) | | | | | |
| Becwar Packing Co | 467 | (*) | (*) | | | (*) | |
| Cornhusker Packing Co | 468 | (*) | | | | | |
| Eckert Packing Co | 471 | (*) | | | | (*) | |
| Middletown Beef Co., Inc | 483 | (*) | | | | | |
| St. Cloud Meat Packing Co | 485 | (*) | | | | | |
| East Tennessee Packing Co | 487 | (*) | (*) | | | (*) | |
| Memphis Butchers Association, Inc | 488 | (*) | (*) | | | (*) | |
| Nebraska Beef Co | 489 | (*) | | | | | |
| Goldring Packing Co., Inc | 490 | (*) | | (*) | | | |
| Mid State Packers Inc | 494 | (*) | (*) | | | | |
| Triangle Meat Distributors, Inc | 497 | (*) | | | | | |
| Heim Brothers Packing Co | 499 | (*) | | | | (*) | |
| Greenlee Packing Co | 501 | (*) | | | | | |
| Swift and Co | 505 | (*) | | | | | |
| B. Rothschild and Co | 506 | (*) | | | | | |
| Frosty Morn Meats | 507 | (*) | (*) | | | | |
| Grmenstelder Packing Co | 508 | (*) | (*) | (*) | | | |
| Armour and Co | 509 | (*) | (*) | | | (*) | |
| Illinois Packing Co | 521 | (*) | | | | | |
| Pearl Packing Co., Inc | 524 | (*) | (*) | (*) | (*) | (*) | |
| Armour and Co | 528 | (*) | | | | | |
| Smallwood Packing Co., Inc | 529 | (*) | | | | | |
| Omaha Packing Co | 532 | (*) | | | | | |
| Rosenthal Packing Co., Inc | 535 | (*) | (*) | (*) | (*) | | |
| Oscar Mayer and Co., Inc | 537A | (*) | (*) | (*) | | (*) | |
| Do | 537C | | | | | | |
| Midwest Packing Co | 538 | (*) | | | | (*) | |
| United Dressed Meats, Inc | 546 | (*) | (*) | | | | |
| Pride Packing Co., Inc | 549 | (*) | (*) | | | | |
| Pinte Packing Co | 550 | (*) | | | | | |
| Salter Packing Co | 551 | (*) | | | | | |
| Black Hills Packing Co | 554 | (*) | | | | | |
| Mid South Packers, Inc | 557 | (*) | | | | (*) | |
| The Cudahy Packing Co | 559 | (*) | (*) | | | | |
| D and W Packing Co | 560 | (*) | | | | | |
| Emery Land Co | 561 | (*) | | | | | |
| Packerland Packing Co., Inc | 562 | (*) | (*) | | | (*) | |
| John Morrell and Co | 564 | (*) | | | | | |



| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| Texas Meat Packers, Inc | 565 | (*) | (*) | | | | |
| Frosty Morn Meats, Inc | 576 | (*) | (*) | | | (*) | |
| Armour and Co | 579 | (*) | | | | | |
| Kingsford Packing Co., Inc | 581 | (*) | | | | | |
| City of Austin Municipal Abattoir | 590 | (*) | (*) | (*) | | (*) | |
| Swift and Co | 591 | (*) | | | | | |
| Harman Packing Co | 596 | (*) | | (*) | (*) | | |
| San Antonio Packing Co | 602 | (*) | (*) | | | | |
| New York Central Packing Co | 606 | (*) | | | | (*) | |
| National Tea Co | 613 | (*) | | | | (*) | |
| Kummer Packing Co | 617 | (*) | (*) | (*) | | | |
| Acme Meat Co., Inc | 618 | (*) | | | | | (*) |
| Hill Packing Co | 623E | (*) | | | | | |
| Big Foot Packing Co., Inc | 627 | (*) | (*) | | | | |
| E. A. Miller and Sons Packing Co., Inc | 628 | (*) | | | | | |
| General Meat Co | 632 | (*) | | | | (*) | |
| Ebner Bros. Packers | 633 | (*) | (*) | | | | |
| Zipron Bro., Inc | 635 | (*) | | | | | |
| R and C Packing Co | 645 | (*) | | | | | |
| Spencer Packing Co | 648 | (*) | | | | (*) | |
| The William Schluderberg T. J. Kurdle Co | 649 | (*) | (*) | (*) | | (*) | |
| John Morrell and Co | 650 | (*) | | | | | |
| Nagle Packing Co | 653 | (*) | (*) | | | | |
| Milwaukee Dressed Beef Co | 654 | (*) | | | | | |
| Baums Bologna, Inc | 657 | (*) | | | | | |
| St. Louis Dressed Beef Co | 659 | (*) | (*) | | | | |
| Quality Meat Packing Co | 661 | (*) | | | | | |
| Globe Packing Co | 663 | (*) | | | | | |
| Crown Dressed Beef Co | 671 | (*) | | | | | |
| Union Packing Co | 673 | (*) | | | | | |
| Jacob Bauers Sons, Inc | 678 | (*) | | | | | |
| Armour and Co | 680 | (*) | (*) | (*) | | (*) | |
| Cascade Meats, Inc | 681 | (*) | | (*) | | | |
| Haas Davis Packing Co., Inc | 682 | (*) | (*) | | | (*) | |
| Nations Brothers Packing Co | 684 | (*) | | | (*) | | |
| The William Fockes Sons Co | 685 | (*) | (*) | (*) | | (*) | |
| The Sucher Packing Co | 689 | (*) | | | | | |
| Bryan Meat Co | 693 | (*) | | | | | |
| Kramer Beef Co | 695 | (*) | | | | | |
| Davenport Packing Co., Inc | 716 | (*) | | | | (*) | |
| Crawford County Packing Co | 717 | (*) | | | | | |
| The Joseph N. Rice Co | 719 | (*) | (*) | | | | |
| Coast Packing Co | 724 | (*) | | (*) | | (*) | |
| Swift and Co | 726 | (*) | (*) | (*) | | | (*) |
| The Quaker Oats Co | 734E | (*) | | | | | |
| Jacob Schlachters Sons Co | 739 | (*) | (*) | (*) | | | |
| Howard Pancero and Co | 747 | (*) | | | | | |
| Ruehtl Bros | 749 | (*) | | | | | |
| Luck Brothers Cooperative Packing Co | 753 | (*) | | | | | |
| Monroe Packing Co., Inc | 755 | (*) | | | | | |
| Seitz Packing Co., Inc | 756A | (*) | | | | (*) | |
| Philadelphia Dressed Beef Co | 758 | (*) | | | | | |
| Earl C. Gibbs, Inc | 773 | (*) | | | | | |
| Cadwell Martin Meat Co | 774 | (*) | | (*) | | | |
| Modern Meat Packing Co | 775 | (*) | | | | | |
| Atlas Packing Co | 779 | (*) | | | | (*) | |
| The Cudahy Packing Co | 780 | (*) | (*) | | | (*) | |
| Bryan Brothers Packing Co | 783 | (*) | | | | | |
| Diamond Meat Co., Inc | 791 | (*) | | | | | |
| Wimp Packing Co | 792 | (*) | | | | | |
| Baums Meat Packing | 800 | (*) | | | | | |
| Max Bauer Meat Packer | 810 | (*) | (*) | | | | |
| The G. Erhardt Sons, Inc | 811 | (*) | | (*) | (*) | (*) | |
| McFarland, Inc | 812 | (*) | | | | | |
| Midwest Packing Co., Inc | 813 | (*) | | | | | |
| William N. Peters, Inc | 817 | (*) | | | | | |
| Rochester Independent Packer, Inc | 822 | (*) | (*) | | | (*) | |
| Henry Meyers Sons, Inc | 823 | (*) | | | | | |
| Home Packing Co | 827 | (*) | (*) | | | | |
| Penford Packing Co | 828 | (*) | | | | | |
| Bristol Packing Co | 830 | (*) | | | | | |
| Berchems Meat Co | 834 | (*) | | | | | |
| Norman Peters Packing Co | 837B | (*) | | | | (*) | |
| Nat Buring Packing Co of Ark, Inc | 838 | (*) | | (*) | | (*) | |
| Frederick County Products, Inc | 839 | (*) | (*) | | | | |
| Herman Kempers Sons | 840 | (*) | | | | (*) | |
| Reelfoot Packing Co | 843 | (*) | | | | | |
| G. Bartusch Packing Co | 851 | (*) | (*) | | | | |
| N.J. Garden State Provision Co., Inc | | | | | | | |

| Name of establishments | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| Sioux City Dressed Beef, Inc | 857 | (*) | | | | | |
| Siouxland Dressed Beef Co., Division of | 857F | | | (*) | | | |
| Needa | 857G | (*) | (*) | (*) | | (*) | |
| Glaser Dressed Beef Co | 858 | | | | | | |
| Jordan Meat Co | 859 | | | | | | |
| Sam McDaniel and Sons, Inc | 862 | | | | | | |
| Sierra Meat Co | 867 | | | | | | |
| Gunsberg Beef Co | 868 | | | | | | |
| Genesee Packing Co | 888A | | | | | (*) | |
| William Davies Co., Inc | 889 | | | | | | |
| O'Neill Packing Co | 897 | | (*) | | | | |
| Vernon Calhoun Packing Co | 912 | | | | | (*) | |
| Hoosier Veterinary Laboratories, Inc | 917 | | | | | | |
| National Meat Packers, Inc | 922 | | | | | (*) | |
| Valleydale Packers Inc of Bristol | 923 | | | | | | |
| South Philadelphia Willowbrook, Inc | 924 | | | | | | |
| Wisconsin Packing Co | 925 | | | (*) | | (*) | |
| Peoples Packing Co | 929 | | | | | | |
| Kerber Packing Co | 931 | | | | | | |
| Tarpoff Packing Co | 932 | | (*) | | | | |
| McKenney Meat Co | 934 | | | | | | |
| E. B. Manning and Son | 938 | | | | | (*) | |
| Volz Packing Co | 940 | | (*) | | | | |
| Wilson and Co., Inc | 941 | | | | | | |
| Gentner Packing Co., Inc | 946 | | | | | | |
| Whitehall Packing Co | 948 | | | | | | |
| M. Brizer & Co | 949 | | | (*) | | (*) | (*) |
| Joe Doctorman and Son Packing Co., Inc | 952E | | | | | | |
| The Quaker Oats Co | 956 | | | | | (*) | |
| Armour and Co | 960 | | | | | | |
| Greater Omaha Packing Co., Inc | 963 | | | (*) | | | |
| Virginia Packing Co., Inc | 965 | | | | | | |
| Earl Flick Wholesale Meats, Inc | 967 | | | | | (*) | |
| T. L. Lay Packing Co | 970 | | | | | | |
| Hawaii Meat Co., Ltd | 974 | | | | (*) | | |
| Perlin Packing Co., Inc | 987 | | | | | | |
| Eagle Packing Co | 995 | | (*) | | | | |
| The Klarer Co | 995A | | | | | | |
| Do | 995C | | | | | | |
| Do | 995D | | | | | | |
| Klarer Dixie, Inc | 1009 | | | | (*) | | |
| Valley Meat Co | 1085 | | | | | | |
| Armour and Co | 1171 | | | | | | |
| Landy Packing Co | 1175 | | | | | (*) | |
| The Harris Packing Co | 1311 | | (*) | (*) | | | |
| A. F. Moyer and Sons, Inc | 1313 | | | | | | |
| Samuels and Co., Inc | 1318 | | | | | | |
| Nebraska Iowa Dressed Beef Co | 1353 | | | | | (*) | |
| MCDE Packing and Processing Co., Inc | | | (*) | | | | |

Done at Washington, D.C., this 21st day of March 1961.

C. H. PALS,
*Director, Meat Inspection Division, Agricultural Research Service.*

[F.R. Doc. 61-2608; Filed, Mar. 23, 1961; 8:48 a.m.]

## Office of the Secretary

## TEXAS

### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in DeWitt County, Texas, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of March 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-2614; Filed, Mar. 23, 1961; 8:49 a.m.]

# DEPARTMENT OF JUSTICE

## Office of the Attorney General

[Order No. 238–61]

## PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY

### Functions Assigned to Civil Rights Division

Amendment of section 10(a) of Order No. 175–59, relating to recommendations referred to the Department by the President's Committee on Equal Employment Opportunity.

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22), section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), and as Attorney General of the United States, section 10(a) of Order No. 175–59 of January 19, 1959, relating to functions assigned to the Civil Rights Division of the Department of Justice, is hereby amended by adding at the end thereof the following new item:

(10) Functions of the Department of Justice under subsections (b) and (c) of section 312 of Executive Order No. 10925 of March 6, 1961, entitled "Establishing the President's Committee on Equal Employment Opportunity."

This order shall become effective upon the effective date of Executive Order No. 10925 of March 6, 1961.

Dated: March 17, 1961.

ROBERT F. KENNEDY,
*Attorney General.*

[F.R. Doc. 61–2595; Filed, Mar. 23, 1961; 8:47 a.m.]

[Order No. 239–61]

## PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY

### Assignment of Functions

By virtue of the authority vested in me by Executive Order No. 10925 of March 6, 1961, and as Attorney General of the United States, I hereby order as follows:

1. Pursuant to section 102(c) of Executive Order No. 10925, I hereby designate John L. Seigenthaler, Assistant to the Attorney General, as the alternate for the Attorney General on the President's Committee on Equal Employment Opportunity.

2. I hereby assign to the alternate for the Attorney General the responsibility for conducting the studies of departmental employment practices, and for preparing the reports and recommendations, required by section 202 of Executive Order No. 10925.

3. (a) The regulations prescribed by Order No. 155–55 of November 21, 1955, entitled "Regulations for Effectuating the Policy and Provisions of Executive Order No. 10590 in the Department of Justice," are hereby reaffirmed. All references in those regulations to the "President's Committee on Government Employment Policy" shall be deemed to be references to the "President's Committee on Equal Employment Opportunity."

(b) The designation made by Order No. 179–59 of March 31, 1959, of Laurence H. Axman of the Civil Division as the Employment Policy Officer of the Department of Justice is hereby reaffirmed, and Mr. Axman is hereby redesignated as the Employment Policy Officer of the Department of Justice. The Employment Policy Officer is hereby authorized to designate Deputy Employment Policy Officers, in individual cases, to perform functions of the Employment Policy Officer at places outside of Washington, D.C., whenever travel considerations make it impracticable for the Employment Policy Officer to perform those out-of-town functions, and a qualified officer or employee of the department is available at, or near, the place where those functions are to be performed.

(c) Order No. 179–59 is hereby revoked.

4. This order shall become effective upon the effective date of Executive Order No. 10925 of March 6, 1961.

Dated: March 17, 1961.

ROBERT F. KENNEDY,
*Attorney General.*

[F.R. Doc. 61–2596; Filed, Mar. 23, 1961; 8:47 a.m.]

# DEPARTMENT OF DEFENSE

## Office of the Secretary

## ASSISTANT SECRETARY OF DEFENSE (INTENTIONAL SECURITY AFFAIRS)

### Delegation of Authority Regarding Security Trade Controls on Foreign Excess Personal Property

The Deputy Secretary of Defense approved the following on March 10, 1961:

I. *Purpose.* The purpose of this directive is to set forth the security trade control policy governing the sales of United States military foreign excess property.

II. *Applicability and scope.* This directive is applicable to sales of all foreign excess personal property and contractor inventory located in foreign areas, except as provided by the Assistant Secretary of Defense (International Security Affairs) in supplementary instructions.

III. *Policy.* It is the policy of the Department of Defense that United States military foreign excess personal property will not be sold directly or indirectly to the Sino-Soviet Bloc, and other areas designated by the Assistant Secretary of Defense (International Security Affairs).

IV. *Controls.* Adequate safeguards and controls will be exercised over sales to preclude property under the control of the DoD from reaching the Sino-Soviet Bloc and other areas by:

A. Inclusion of appropriate terms and conditions in the contract of sale.

B. Assuring that buyers are acceptable from the United States viewpoint.

C. Obtaining knowledge of the buyers' intended use and destination of the property.

D. The use of measures designed to preclude diversion and, when appropriate, to verify that property reached the acceptable destination designated by the buyer(s).

V. *Delegation of authority.* The Assistant Secretary of Defense (International Security Affairs), after coordination with the Assistant Secretary of Defense (Installations and Logistics) is authorized, subject to the authority, direction, and control of the Secretary of Defense as provided by law, to take the necessary action, including the issuance of instructions, to supplement or to make exceptions to this directive.

Delegation of authority published at 24 F.R. 3255 is hereby superseded and canceled.

MAURICE W. ROCHE,
*Administrative Secretary.*

[F.R. Doc. 61–2589; Filed, Mar. 23, 1961; 8:46 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. RI61–388—RI61–401]

## ATLANTIC REFINING CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 16, 1961.

Atlantic Refining Company (Operator), Docket No. RI61–388; Atlantic Refining Company, Docket No. RI61–389; Nafco Oil & Gas, Inc., Docket No. RI61–390; Sun Oil Company, Docket No. RI61–391; Humble Oil & Refining Company, Docket No. RI61–392; Texaco Inc. (Operator), et al., Docket No. RI61–393; Texaco Inc., Docket No. RI61–394; Columbian Carbon Company, Docket No. RI61–395; Edwin L. Cox, Docket No. RI61–396; Edwin L. Cox (Operator), et al., Docket No. RI61–397; Cities Service Petroleum Company (Operator), et al., Docket No. RI61–398; United Carbon Company, Inc., Docket No. RI61–399; Henderson Trusts, Docket No. RI61–400; Pan American Petroleum Corporation (Operator), et al., Docket No. RI61–401.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia, except the sale by Pan American Petroleum Corporation (Operator), et al., which is made at a pressure base of 15.025 psia and the sale by Columbian Carbon Company made at 15.325 psia.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.



| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date [1] unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI61–388 | Atlantic Refining Co. (Operator), P.O. Box 2819, Dallas 21, Tex. | 10 | 4 | El Paso Natural Gas Co. (El Paso), (Denton Gas Plant, Lea County, New Mex.). | $21,686 | 2–16–61 | 3–19–61 | 8–19–61 | 13.9836 | 17.0816 | G–18565 |
| RI61–389 | Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex. | 11 | 4 | El Paso (Langlie-Mattix Field, Lea County, New Mex.). | 2,833 | 2–16–61 | 3–19–61 | 8–19–61 | 13.3495 | 15.5744 | G–18913 |
| | | 15 | 6 | do | 730 | 2–16–61 | 3–19–61 | 8–19–61 | 13.3495 | 15.5744 | G–18913 |
| | | 17 | 5 | El Paso (S. Eunice Field, Lea County, New Mex.). | 1,128 | 2–16–61 | 3–19–61 | 8–19–61 | 13.3495 | 15.5744 | G–18913 |
| | | 18 | 7 | El Paso (Langlie-Mattix Field, Lea County, New Mex.). | 162 | 2–16–61 | 3–19–61 | 8–19–61 | 13.3495 | 15.5744 | G–18913 |
| | | 19 | 5 | do | 2,023 | 2–16–61 | 3–19–61 | 8–19–61 | 13.3495 | 15.5744 | G–18913 |
| | | 26 | 7 | El Paso (Slaughter Field, Cochran, Hockley, and Terry Counties, Tex.). | 19,919 | 2–16–61 | 3–19–61 | 8–19–61 | 14.0611 | 17.0979 | G–18913 |
| | | 28 | 21 | El Paso (Spraberry Field, Midland, Glasscock, Upton, and Reagan Counties, Tex.). | 28,451 | 2–16–61 | 3–19–61 | 8–19–61 | 14.1724 | 17.2205 | G–18913 |
| | | 29 | 9 | El Paso (Payton Field, Ward and Pecos Counties, Tex.). | 3,834 | 2–16–61 | 3–19–61 | 8–19–61 | 14.1724 | 16.7092 | G–18913 |
| | | 139 | 3 | El Paso (Crosby Devonian Field, Lea County, New Mex.). | 1,610 | 2–16–61 | 3–19–61 | 8–19–61 | 13.3495 | 15.5744 | G–18913 |
| | | 140 | 5 | El Paso (Block 9 Field, Andrews County, Tex.). | 11,115 | 2–16–61 | 3–19–61 | 8–19–61 | 8.0768 | 13.68225 | ---------- |
| | | 208 | 4 | El Paso (Headlee Gas Plant, Ector County, Tex.). | 372 | 2–16–61 | 3–19–61 | 8–19–61 | 11.0528 | 17.1148 | ---------- |
| RI61–390 | Nafco Oil & Gas, Inc., Vaughn Building, Dallas, Tex. | 7 | 5 | Tennessee Gas Transmission Co. (Carthage Field, Panola County, Tex.). | 7,475 | 2–15–61 | 3–18–61 | 8–18–61 | 12.62 | 14.4248 | |
| RI61–391 | Sun Oil Co., 1608 Walnut Street, Philadelphia 3, Pa. | 110 | 2 | Natural Gas Pipeline Co. of America (Natural Gas Pipeline) (Camrick Field, Beaver County, Okla.). | 430 | 2–15–61 | 3–21–61 | 8–21–61 | 16.8 | 17.0 | RI60–185 |
| RI61–392 | Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex. | 253 | 2 | Natural Gas Pipeline (Camrick Field, Beaver County, Okla.). | 146 | 2–16–61 | 3–21–61 | 8–21–61 | 16.8 | 17.0 | |
| | | 191 | 13 | Natural Gas Pipeline (Camrick SE. Field, Texas County, Okla.). | 5,323 | 2–16–61 | 3–21–61 | 8–21–61 | 16.8 | 17.0 | [3] RI60–186 |
| | | 213 | 4 | Natural Gas Pipeline (Camrick SE. Field, Beaver County, Okla.). | 62 | 2–16–61 | 3–21–61 | 8–21–61 | 16.8 | 17.0 | [3] RI60–196 |
| | | 215 | 4 | do | 205 | 2–16–61 | 3–21–61 | 8–21–61 | 16.8 | 17.0 | [4] RI60–186 |
| | | 220 | 4 | do | 47 | 2–16–61 | 3–21–61 | 8–21–61 | 16.8 | 17.0 | [3] RI60–186 |
| | | 227 | 3 | do | 36 | 2–16–61 | 3–21–61 | 8–21–61 | 16.8 | 17.0 | RI60–186 |
| | | 229 | 3 | do | 10 | 2–16–61 | 3–21–61 | 8–21–61 | 16.8 | 17.0 | RI60–186 |
| | | 242 | 2 | do | 365 | 2–16–61 | 3–21–61 | 8–21–61 | 16.8 | 17.0 | |
| | | 202 | 7 | Panhandle Eastern Pipe Line Co. (Enns Field, Texas County, Okla.). | 4,982 | 2–24–61 | 3–27–61 | 8–27–61 | 16.6 | 16.8 | [4] RI60–186 |
| | | 200 | 4 | Natural Gas Pipeline (Beaver County, Okla.). | 65 | 2–27–61 | 5–10–61 | 10–10–61 | 16.8 | 17.0 | [5] RI60–361 |
| | | 190 | 4 | Natural Gas Pipeline (Texas County, Okla.). | 3 | 2–27–61 | 3–30–61 | 8–30–61 | 16.4 | 17.0 | [7] G–14261 |
| RI61–393 | Texaco Inc. (Operator), et al., P.O. Box 2332, Houston, Tex. | 133 | 27 | Natural Gas Pipeline (Camrick SE. Field, Texas and Beaver Counties, Okla.). | 491 | 2–16–61 | 3–21–61 | 8–21–61 | 16.8 | 17.0 | [6] RI60–183 |
| RI61–394 | Texaco Inc., P.O. Box 2332, Houston, Tex. | 195 | 1 | Natural Gas Pipeline (Camrick SE. Field, Texas County, Okla.). | 68 | 2–16–61 | 3–21–61 | 8–21–61 | 16.6 | 17.0 | |
| | | 198 | 1 | Natural Gas Pipeline (Camrick SE. Field, Beaver County, Okla.). | 428 | 2–16–61 | 3–21–61 | 8–21–61 | 16.6 | 17.0 | |
| RI61–395 | Columbian Carbon Co., 380 Madison Avenue, New York 17, N.Y. | 1 | 4 | Hope Natural Gas Co. (Mingo, Logan, and McDowell Counties, W. Va.). | 1,036 | 2–17–61 | 3–20–61 | 8–20–61 | 26.0 | 27.0 | G–11751 |
| RI61–396 | Edwin L. Cox, 2100 Adolphus Tower, Dallas, Tex. | 15 | 5 | Panhandle Eastern Pipe Line (Texas County, Okla.). | 248 | 2–20–61 | 3–23–61 | 8–23–61 | 16.6 | 16.8 | [8] RI60–203 |
| RI61–397 | Edwin L. Cox (Operator), et al., 2100 Adolphus Tower, Dallas, Tex. | 19 | 3 | Natural Gas Pipeline (Beaver County, Okla.). | 568 | 2–20–61 | 3–23–61 | 8–23–61 | 16.8 | 17.0 | [10] RI60–192 |
| RI61–398 | Cities Service Petroleum Co. (Operator), et al. Cities Service Building, Bartlesville, Okla. | 94 | 4 | Panhandle Eastern Pipe Line Co. (Taloga Field, Morton County, Kans.). | 4,444 | 2–27–61 | 4–1–61 | 9–1–61 | 15.0 | 16.0 | |
| RI61–399 | United Carbon Co., Inc., P.O. Box 1503, Houston 1, Tex. | 1 | 15 | Colorado Interstate Gas Co. (Panhandle Field, Hutchinson County, Tex.). | 25,586 | 2–27–61 | 4–1–61 | 9–1–61 | 16.0512 | 17.0544 | G–17614 |
| RI61–400 | Henderson Trusts, c/o Ray W. Richards, Attorney, P.O. Box 189, Amarillo, Tex. | 1 | 8 | do | 71,090 | 2–27–61 | 4–1–61 | 9–1–61 | 16.0512 | 17.0544 | G–17615 |
| RI61–401 | Pan American Petroleum Corp. (Operator), et al., P.O. Box 591, Tulsa, 2, Okla. | 173 | 14 | United Fuel Gas Co. (S. Pecan Lake, Little Pecan Lake, and Lake Sand Fields, Cameron Parish, La.). | 168,998 | 2–27–61 | 4–1–61 | 9–1–61 | 20.4 | 20.8 | [11] RI60–126 |

[1] The stated effective dates are the first day after the required thirty days' notice or, if later, the date proposed by respondent.
[2] Also subject to orders in Docket Nos. G–17990, G–14667, and G–12208.
[3] Also subject to orders in Docket No. G–18090.
[4] Also subject to orders in Docket No. G–18325.
[5] Also subject to orders in Docket Nos. G–17990 and G–14666.
[6] Also subject to orders in Docket Nos. G–18463 and G–15176.
[7] Also subject to orders in Docket No. G–11752.
[8] Also subject to orders in Docket Nos. G–17996, G–14620, and G–12207.
[9] Also subject to orders in Docket Nos. G–18103 and G–14497.
[10] Also subject to orders in Docket No. G–18104.
[11] Also subject to orders in Docket Nos. G–18106, G–14730, G–12285, G–10144, and G–8614.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 17, 1961.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61-2538; Filed, Mar. 23, 1961; 8:45 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## CALIFORNIA

### Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

MARCH 17, 1961.

Plat of survey of the following described land accepted December 9, 1960, will be officially filed in the Land Office, Sacramento, California, effective at 10:00 a.m., on April 21, 1961:

MOUNT DIABLO MERIDIAN

T. 11 S., R. 26 E.

This plat represents a retracement and reestablishment of the west boundary (T. 11 S., R. 27 E.) and the south boundary (T. 10 S., R. 26 E.), designed to restore the corners in their true original location according to the best available evidence and the survey of a portion of the subdivisions of T. 11 S., R. 26 E.

Sec. 36.

The area described aggregates 656.40 acres of public land in the Sierra National Forest.

The area may be generally described as rough, broken, and mountainous. Elevations vary from 2,400 feet to 7,500 feet. Paterson Bluffs trend northwest from the southeast corner of T. 11 S., R. 26 E. There are numerous live streams and deep ravines in the area. The land is forested by yellow pine, sugar pine, red cedar, and white fir with black and live oak. The vegetation found on the brushy and undergrowth sites consists of manzanita, oak brush, tar bush, willow, dogwood, and wild cherry. Soil consists of rocky clay loam with bedrock frequently exposed. There are a few mountain meadows. The area has no agricultural potential and is valuable primarily for timber production, watershed, and big game habitat.

Subject to any valid existing rights and the requirements of applicable law the land is hereby opened to such applications, selections, and locations as are permitted on national forest lands, effective at 10:00 a.m., on April 21, 1961.

WALTER E. BECK, *Manager, Land Office, Sacramento.*

[F.R. Doc. 61-2582; Filed, Mar. 23, 1961; 8:45 a.m.]

# DEPARTMENT OF COMMERCE

## Maritime Administration

[Docket No. S-123]

## OCEANIC STEAMSHIP CO.

### Notice of Application and of Hearing

Notice is hereby given of the application of the Oceanic Steamship Company for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit this Company's parent organization, Matson Navigation Company, to charter its owned C2-type ship, the "SS Hawaiian Banker", to Pope & Talbot, Inc., for operation in the Intercoastal Service for a period of from two to four months, such charter period to commence on or about April 1, 1961. This application may be inspected by interested parties in the Office of the Hearing Examiners, Federal Maritime Board/Maritime Administration, Washington, D.C.

A hearing on the application has been set for March 30, 1961, at 9:30 a.m., e.s.t., in Room 4519, General Accounting Office Building, 441 "G" Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on March 29, 1961, notify the Secretary, Federal Maritime Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Federal Maritime Board/Maritime Administration, petitions for leave to intervene received after the close of business on March 29, 1961, will not be granted in this proceeding.

Dated: March 22, 1961.

THOMAS LISI, *Secretary.*

[F.R. Doc. 61-2623; Filed, Mar. 23, 1961; 8:50 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-13]

## BABCOCK & WILCOX CO.

### Notice of Issuance of Amendment to Facility License

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Office of the Federal Register on March 2, 1961, the Atomic Energy Commission has issued Amendment No. 1 to Facility License No. CX-12. The amendment authorizes The Babcock & Wilcox Company, as requested in its applications for license amendment dated December 5, 1960, and January 11, 1961, to modify its split-table critical facility located in Bay No. 2 in its Critical Experiment Laboratory located near Lynchburg, Virginia, for the conduct of exponential experiments using heavy water systems and to conduct such experiments at power levels not exceeding one kilowatt (thermal). The amendment also authorizes the possession and use of byproduct, special nuclear, and source material in connection with the facility.

Notice of the proposed action was published in the FEDERAL REGISTER on March 3, 1961, 26 F.R. 1881.

Dated at Germantown, Md., this 20th day of March 1961.

For the Atomic Energy Commission.

R. L. KIRK, *Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-2578; Filed, Mar. 23, 1961; 8:45 a.m.]

## BYPRODUCT, SOURCE AND SPECIAL NUCLEAR MATERIALS IN QUANTITIES NOT SUFFICIENT TO FORM A CRITICAL MASS

### Criteria for Guidance of States and AEC in Discontinuance of AEC Regulatory Authority and Assumption Thereof by States Through Agreement

INTRODUCTION

1. Please take notice that the criteria set out herein were developed to implement a program, authorized by Public Law 86-373 (73 Stat. 688) which was enacted in the form of a new section to the Atomic Energy Act of 1954, as amended (section 274) and approved by the President on September 23, 1959. Under the provisions of this Amendment, when an agreement between a state and the AEC is effected, the Commission will discontinue its regulatory authority within that state over one or more of the following materials: Byproduct material (radioisotopes), source material (uranium and thorium) and special nuclear material (Uranium 233, Uranium 235 and plutonium) in quantities not sufficient to form a critical mass.[1]

2. An agreement may be effected between a state and AEC: (1) Upon certification by the governor that the state has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the state covered by the proposed agreement and the state desires to assume regulatory responsibility for such materials; and (2) the AEC makes a finding that the state program is compatible with the Commission's program for the regulation of such materials, and is adequate to protect the health and safety with respect to the materials covered by the proposed agreement.

3. After discussions with various state officials and other state representatives, the Atomic Energy Commission drafted proposed criteria to provide guidance and assistance to the states and the AEC in developing a regulatory program which would be compatible with that of the AEC. The criteria were circulated among states, Federal agencies, labor and industry, and other interested groups for comment.

4. On August 22 and 23, 1960, the Commission's Advisory Committee of State Officials met in Washington, D.C., at which time the members expressed their views with respect to the proposed criteria and evaluated the comments which had been received as of that date. The proposed criteria were rewritten after full consideration of the Committee's recommendations and comments received subsequent to the meeting.

5. The criteria require that the state authority consider the total accumulated occupational radiation exposure of individuals. To facilitate such an approach, it is the view of the AEC that an overall radiation protection program is desirable. The maximum scope of each state's radiation protection program is not, however, a necessary or appropriate subject for coverage in the criteria. Consequently, the criteria are silent on the question of whether a state should have a total regulatory program covering all sources of radiation, including those not subject to control by the AEC under the Atomic Energy Act, such as X-rays, radium, accelerators, etc.

6. Inquiries about details of the criteria or other aspects of the AEC's Federal-State Relations Program should be addressed to the State-AEC Relations Branch of the Office of Health and Safety, U.S. Atomic Energy Commission, Washington 25, D.C.

[1] A summary of the Commission's regulatory program covering these materials is available upon request.



OBJECTIVES

1. *Protection, development.* A state regulatory program shall be designed to protect the health and safety of the people against radiation hazards thereby encouraging the constructive uses of radiation.

RADIATION PROTECTION STANDARDS [2]

2. *Standards.* The state regulatory program shall adopt a set of standards for protection against radiation, which shall apply to byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass.

3. *Uniformity in radiation standards.* It is important to strive for uniformity in technical definitions and terminology, particularly as related to such things as units of measurement and radiation dose. There shall be uniformity on maximum permissible doses and levels of radiation and concentrations of radioactivity, as fixed by Part 20 of the AEC regulations based on officially approved radiation protection guides.

For the past 30 years, the National Committee on Radiation Protection and Measurements (NCRP) has been studying the entire area of permissible radiation dose, and during that time has made recommendations on the permissible radiation exposure. It has been the policy of the Atomic Energy Commission to follow recommendations of the NCRP. Since the establishment of the Federal Radiation Council in 1959, the AEC follows the recommendations of the Council, as approved by the President. The basic radiation exposure standards in 10 CFR Part 20, represent the legal adaption of these recommendations.

4. *Total occupational radiation exposure.* The regulatory authority shall consider the total occupational radiation exposure of individuals, including that from sources which are not regulated by it.

5. *Surveys, monitoring.* Appropriate surveys and personnel monitoring under the close supervision of technically competent people are essential in achieving radiological protection and shall be made in determining compliance with safety regulations.

6. *Labels, signs, symbols.* It is desirable to achieve uniformity in labels, signs and symbols, and the posting thereof. However, it is essential that there be uniformity in labels, signs, and symbols affixed to radioactive products which are transferred from person to person.

7. *Instruction.* Persons working in or frequenting controlled areas [3] shall be instructed with respect to the hazards of excessive exposure to radioactive materials and in precautions to minimize exposure.

8. *Storage.* Licensed radioactive material in storage shall be secured against unauthorized removal.

9. *Waste disposal.* The standards for the disposal of radioactive materials into the air, water, and sewers, and burial in the soil shall be in accordance with Part 20. Holders of radioactive material desiring to release or dispose of quantities in excess of the prescribed limits shall be required to obtain special permission from the appropriate regulatory authority.

10. *Regulations governing shipment of radioactive materials.* The state shall to the extent of its jurisdiction promulgate regulations applicable to the shipment of radioactive materials, such regulations to be compatible with those established by the Federal Government (AEC, Interstate Commerce Commission, Federal Aviation Agency, Treasury Department (Coast Guard), and Post Office) whose jurisdiction over interstate shipment of such materials necessarily continues.

11. *Records and reports.* The State regulatory program shall require that holders and users of radioactive materials (a) maintain records covering personnel radiation exposures, radiation surveys, and disposals of materials; (b) keep records of the receipt and transfers of the materials; (c) report significant incidents involving the materials, as prescribed by the regulatory authority; (d) make available upon request of a former employee a report of his exposure to radiation; (e) at request of an employee advise him of his annual radiation exposure; and (f) inform each employee in writing when he has received radiation exposure in excess of the prescribed limits.

12. *Additional requirements and exemptions.* Consistent with the overall criteria here enumerated and to accommodate special cases or circumstances, the regulatory authority shall be authorized in individual cases to impose additional requirements to protect health and safety, or to grant necessary exemptions which will not jeopardize health and safety.

PRIOR EVALUATION OF USES OF RADIOACTIVE MATERIALS

13. *Prior evaluation of hazards and uses, exceptions.* In the present state of knowledge, it is necessary in regulating the possession and use of byproduct, source and special nuclear materials that the regulatory authority require the submission of information on, and evaluation of, the potential hazards and the capability of the user or possessor prior to his receipt of the materials. This criterion is subject to certain exceptions and to continuing re-appraisal as knowledge and experience in the atomic energy field increase. Frequently there are, and increasingly in the future there may be, categories of materials and uses as to which there is sufficient knowledge to permit possession and use without prior evaluation of the hazards and the capability of the possessor and user. These categories fall into two groups—

[2] Suggested state regulations and state legislation will give content to all criteria enunciated.

[3] "Controlled area" means any area access to which is controlled by the licensee for the purpose of radiation protection. "Controlled areas" shall not include any areas used as residential quarters, although a separate room or rooms in a residential building may be set apart as a controlled area.

those materials and uses which may be completely exempt from regulatory controls, and those materials and uses in which sanctions for misuse are maintained without pre-evaluation of the individual possession or use. In authorizing research and development or other activities involving multiple uses of radioactive materials, where an institution has people with extensive training and experience, the regulatory authority may wish to provide a means for authorizing broad use of materials without evaluating each specific use.

14. *Evaluation criteria.* In evaluating a proposal to use radioactive materials, the regulatory authority shall determine the adequacy of the applicant's facilities and safety equipment, his training and experience in the use of the materials for the purpose requested, and his proposed administrative controls.

15. *Human use.* The use of radioactive materials and radiation on or in humans shall not be permitted except by properly qualified persons (normally, licensed physicians) possessing prescribed minimum experience in the use of radioisotopes or radiation.

INSPECTION

16. *Purpose, frequency.* The possession and use of radioactive materials shall be subject to inspection by the regulatory authority and shall be subject to the performance of tests, as required by the regulatory authority. Inspection and testing is conducted to determine, and to assist in obtaining, compliance with regulatory requirements.

Frequency of inspection shall be related directly to the amount and kind of material and type of operation licensed, and it shall be adequate to insure compliance.

17. *Inspections compulsory.* Licensees shall be under obligation by law to provide access to inspectors.

18. *Notification of results of inspection.* Licensees are entitled to be advised of the results of inspections and to notice as to whether or not they are in compliance.

ENFORCEMENT

19. *Enforcement.* Possession and use of radioactive materials should be amenable to enforcement through legal sanctions, and the regulatory authority shall be equipped or assisted by law with the necessary powers for prompt enforcement. This may include, as appropriate, administrative remedies looking toward issuance of orders requiring affirmative action or suspension or revocation of the right to possess and use materials, and the impounding of materials; the obtaining of injunctive relief; and the imposing of civil or criminal penalties.

PERSONNEL

20. *Qualifications of regulatory and inspection personnel.* The regulatory agency shall be staffed with sufficient trained personnel. Prior evaluation of applications for licenses or authorizations and inspection of licensees must be conducted by persons possessing the training and experience relevant to the type and level of radioactivity in the proposed use to be evaluated and inspected. This requires competency to evaluate various potential radiological hazards associated with the many uses of radioactive material and includes concentrations of radioactive materials in air and water, conditions of shielding, the making of radiation measurements, knowledge of radiation instruments—their selection, use and calibration—laboratory design, contamination control, other general principles and practices of radiation protection, and use of management controls in assuring adherence to safety procedures.

To perform these functions involved in evaluation and inspection, it is desirable that there be personnel educated and trained in the physical and/or life sciences, including biology, chemistry, physics and engineering, and that the personnel have had training and experience in radiation protection. For example, the person who will be responsible for the actual performance of evaluation and inspection of all of the various uses of byproduct, source and special nuclear material which might come to the regulatory body should have substantial training and extensive experience in the field of radiation protection. It is desirable that such a person have a bachelor's degree or equivalent in the physical or life sciences, and specific training in radiation protection.

It is recognized that there will also be persons in the program performing a more limited function in evaluation and inspection. These persons will perform the day-to-day work of the regulatory program and deal with both routine situations as well as some which will be out of the ordinary. These people should have a bachelor's degree or equivalent in the physical or life sciences, training in health physics, and approximately two years of actual work experience in the field of radiation protection.

The foregoing are considered desirable qualifications for the staff who will be responsible for the actual performance of evaluation and inspection. In addition, there will probably be trainees associated with the regulatory program who will have an academic background in the physical or life sciences as well as varying amounts of specific training in radiation protection but little or no actual work experience in this field. The background and specific training of these persons will indicate to some extent their potential role in the regulatory program. These trainees, of course, could be used initially to evaluate and inspect those applications of radioactive materials which are considered routine or more standardized from the radiation safety standpoint, for example, inspection of industrial gauges, small research programs, and diagnostic medical programs. As they gain experience and competence in the field, the trainee could be used progressively to deal with the more complex or difficult types of radioactive material applications. It is desirable that such trainees have a bachelor's degree or equivalent in the physical or life sciences and specific training in radiation protection. In determining the requirement for academic training of individuals in all of the foregoing categories proper consideration should be given to equivalent competency which has been gained by appropriate technical and radiation protection experience.

It is recognized that radioactive materials and their uses are so varied that the evaluation and inspection functions will require skills and experience in the different disciplines which will not always reside in one person. The regulatory authority should have the composite of such skills either in its employ or at its command, not only for routine functions, but also for emergency cases.

SPECIAL NUCLEAR MATERIAL

21. *Conditions applicable to special nuclear material.* Nothing in the state's regulatory program shall interfere with the duties imposed on the holder of the materials owned by the AEC, for example, the duty to report to the AEC, on AEC prescribed forms (1) transfers of special nuclear material, and (2) periodic inventory data.

22. *Special nuclear material defined.* Special nuclear material, in quantities not sufficient to form a critical mass, for present purposes means uranium enriched in the isotope U 235 in quantities not exceeding 350 grams of contained U 235 uranium 233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination should not exceed "1" (i.e., unity). For example, the following quantities in combination would not exceed the limitation and is within the formula, as follows:

$$\frac{175 \text{ (grams contained U 235)}}{350}+\frac{50 \text{ (grams U 233)}}{200}+\frac{50 \text{ (grams Pu)}}{200}=1$$

(This definition is subject to change by future Commission rule or regulation.)

ADMINISTRATION

23. State practices for assuring the fair and impartial administration of regulatory law, including provision for public participation where appropriate, should be incorporated in procedures for:

a. Formulation of rules of general applicability;

b. Approving or denying applications for licenses or authorizations to possess and use radioactive materials; and

c. Taking disciplinary actions against licensees.

ARRANGEMENTS FOR DISCONTINUING AEC JURISDICTION

24. *State agency designation.* The state should indicate which agency or agencies will have authority for carrying on the program and a summary of the legal authority. There should be assurances against duplicate regulation and licensing by state and local authorities, and it may be desirable that there be a single or central regulatory authority.

25. *Existing AEC licenses and pending applications.* In effecting the discontinuance of jurisdiction, appropriate arrangements will be made by AEC and the state to ensure that there will be no interference with or interruption of licensed activities or the processing of license applications, by reason of the transfer. For example, one approach might be that the state, in assuming jurisdiction, could recognize and continue in effect, for an appropriate period of time under state law, existing AEC licenses, including licenses for which timely applications for renewal have been filed, except where good cause warrants the earlier re-examination or termination of the license.

26. *Relations with federal government and other states.* There should be an interchange of Federal and state information and assistance in connection with the issuance of regulations and licenses or authorizations, inspection of licensees, reporting of incidents and violations, and training and education problems.

27. *Coverage, amendments, reciprocity.* An agreement providing for discontinuance of AEC regulatory authority and the assumption thereof by the state may relate to any one or more of the following categories of materials within the state, as contemplated by Public Law 86-373:

a. Byproduct materials,

b. Source materials,

c. Special nuclear materials in quantities not sufficient to form a critical mass;

but must relate to the whole of such category or categories and not to a part of any category. If less than the three categories are included in any discontinuance of jurisdiction, discontinuance of AEC regulatory authority and the assumption thereof by the state of the others may be accomplished subsequently by an amendment or by a later agreement.

The agreement may incorporate by reference provisions of other documents, including these criteria, and the agreement shall be deemed to incorporate without specific reference the provisions of Public Law 86-373 and the related provisions of the Atomic Energy Act.

Arrangements should be made for the reciprocal recognition of state licenses and Federal licenses in connection with out-of-the-jurisdiction operations by a state or Federal licensee.

For the Atomic Energy Commission.

Dated at Germantown, Md., this 21st day of March 1961.

WOODFORD B. McCOOL,
*Secretary.*

[F.R. Doc. 61-2567; Filed, Mar. 23, 1961; 8:46 a.m.]





# CIVIL AERONAUTICS BOARD

[Docket 12231]

## PAKISTAN INTERNATIONAL AIRLINES CORP.

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference is assigned to be held on the above-entitled application on March 28, 1961, at 10:00 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., March 21, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-2606; Filed, Mar. 23, 1961; 8:48 a.m.]

[Docket 12229]

## RIDDLE AIRLINES, INC., AND AEROVIAS SUD AMERICANA, INC.

### Notice of Prehearing Conference

In the matter of the application of Riddle Airlines, Inc. and Aerovias Sud Americana, Inc. under section 408 and such other sections of the Federal Aviation Act of 1958, as amended, as may be applicable, for approval of the merger of Aerovias Sud Americana, Inc. into Riddle Airlines, Inc.

Notice is hereby given that a prehearing conference is assigned to be held on the above-entitled matter at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., on March 30, 1961, before Examiner James S. Keith.

Dated at Washington, D.C., March 21, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-2607; Filed, Mar. 23, 1961; 8:48 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13667-13672; FCC 61M-463]

## ALTUS BROADCASTING CO. (KWHW) ET AL.

### Order Scheduling Hearing

In re applications of The Altus Broadcasting Company (KWHW), Altus, Oklahoma, Docket No. 13667, File No. BP-12520; Charles L. Cain, El Reno, Oklahoma, Docket No. 13668, File No. BP-12546; KGFF Broadcasting Company, Incorporated (KGFF), Shawnee, Oklahoma, Docket No. 13669, File No. BP-12588; Plains Broadcast Company, Inc. (KWNM), Portales, New Mexico, Docket No. 13670, File No. BP-13236; Woodward Broadcasting Company (KSIW), Woodward, Oklahoma, Docket No. 13671, File No. BP-13330; Snyder Broadcasting Company (KSNY), Snyder, Texas, Docket No. 13672, File No. BP-13446; for construction permits.

The Hearing Examiner having under consideration his order released January 23, 1961, postponing indefinitely the then scheduled date of January 23, 1961, for commencement of hearing to allow the applicants, as requested, time to prepare a joint petition for reconsideration and grant of all applications addressed to the Commission, grant of which would eliminate the necessity for hearing; and

It appearing that counsel for the applicants in this proceeding have advised the Hearing Examiner that in view of the Commission's recent Memorandum Opinion and Order released February 17, 1961, In re Martinsburg Broadcasting Company (WEPM), 21 R.R. 219, hearing in the instant case will be required, and that the Hearing Examiner finds it appropriate so to proceed with the hearing;

*It is ordered,* This 20th day of March 1961, on the Hearing Examiner's own motion, that the hearing in this proceeding shall be commenced at 10:00 a.m., March 27, 1961.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2599; Filed, Mar. 23, 1961; 8:47 a.m.]

[Docket No. 13771; FCC 61M-461]

## COLUMBIA RIVER BROADCASTERS, INC.

### Order Continuing Hearing

In re application of Columbia River Broadcasters, Inc., Mount Vernon, Washington, Docket No. 13771, File No. BP-11933; for construction permits.

The Hearing Examiner having under consideration a "Petition for Continuance" filed March 16, 1961, by Columbia River Broadcasters, Inc., in the above-entitled matter, and

It appearing, that the Petition requests that the hearing now scheduled for March 23, 1961, be continued until April 27, 1961, and

It further appearing, that a continuance until April 27, 1961, would conflict with the Hearing Examiner's schedule, and

It further appearing, that good cause for a continuance of the hearing has nevertheless been shown, and

It further appearing, that all parties to the proceeding have agreed to a continuance.

*It is ordered,* This 17th day of March 1961, that the aforesaid Petition for Continuance is granted insofar as it requests a continuance of the now scheduled hearing but is denied insofar as it requests a hearing until the specific date, April 27, 1961, and

*It is further ordered,* That, accordingly, the hearing in this matter be and it hereby is continued until 10:00 a.m.,

May 9, 1961, in the Commission's offices in Washington, D.C.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2600; Filed, Mar. 23, 1961; 8:47 a.m.]

[Docket No. 13949; FCC 61M-455]

## JEFFERSON COUNTY BROADCASTING CO.

### Order Continuing Hearing

In re application of Paul Metcalfe, Kenneth Dearstone, and Ray Smith, d/b as the Jefferson County Broadcasting Company, Jefferson City, Tennessee, Docket No. 13949, File No. BP-12824; for construction permit.

On the Examiner's own motion: *It is ordered*, This 16th day of March 1961, that hearing in the above-entitled proceeding now scheduled for April 12, 1961, is continued to a date to be determined at a pre-hearing conference to be held at 10:00 a.m., on April 12, 1961.

Released: March 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2601; Filed, Mar. 23, 1961; 8:47 a.m.]

[Docket Nos. 13985, 13986; FCC 61-344]

## PALMETTO BROADCASTING CO. (WDKD)

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of E. G. Robinson, Jr., tr/as Palmetto Broadcasting Company (WDKD), Kingstree, South Carolina, Docket No. 13985, File No. BR-2320; Docket No. 13986, File No. BL-7852; for renewal of license and for license to cover CP.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1961;

The Commission having under consideration (1) the above captioned applications; (2) the Commission's letter of May 11, 1960, to said licensee; (3) the replies and affidavits dated June 10, 13, and 22, 1960, filed by said licensee; and (4) the Commission's field inquiry with respect to the operations of Station WDKD; and

It appearing, that in the Commission's letter of May 11, 1960, it was brought to said licensee's attention that the Commission had information, including tape recordings, concerning certain program material broadcast by said station, with particular reference to the Charlie Walker programs, and that said broadcast material was allegedly vulgar, suggestive and susceptible of double meanings with possible indecent connotations; and

It further appearing, that in the licensee's replies and affidavits, said licensee disclaimed knowledge of the nature of the statements broadcast by said Charlie Walker over said radio station and stated further that immediately upon learning of the nature of the statements, said licensee discharged said Charlie Walker; and

It further appearing, that written and oral statements submitted to the Commission by the licensee with respect to the above matters contained misrepresentations and/or were lacking in candor; and

It further appearing, that the licensee failed to exercise a reasonable degree of control over programming material broadcast over said station consistent with operation in the public interest; and that program material was broadcast over his station which was coarse, vulgar, suggestive, and susceptible of indecent double meanings; and

It further appearing, that, after consideration of the foregoing, the Commission is unable to find that a grant of the subject applications would serve the public interest, convenience or necessity; and that said applications must be designated for hearing on the issues specified below;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing at or near Kingstree, South Carolina, at a time to be specified in a subsequent Order, upon the following issues:

(1) To determine whether in its written or oral statements to the Commission with respect to the above matters, the licensee misrepresented facts to the Commission and/or was lacking in candor;

(2) To determine whether the licensee maintained adequate control or supervision of programming material broadcast over his station;

(3) To determine whether the licensee permitted program material to be broadcast over Station WDKD on the Charlie Walker show, particularly during the period between January 1, 1960, and April 30, 1960, which program material was coarse, vulgar, suggestive and susceptible of indecent, double meaning.

(4) To determine whether, in light of the evidence adduced with respect to the foregoing issues, the licensee possesses the requisite qualifications to be a licensee of the Commission;

(5) To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of the above-captioned applications would serve the public interest, convenience or necessity.

*It is further ordered*, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: March 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2602; Filed, Mar. 23, 1961; 8:46 a.m.]

[Docket No. 13993; FCC 61-352]

## GEORGE SHANE

### Order Designating Application for Hearing on Stated Issues

In re applications of George Shane, Victorville, California, Docket No. 13993, File No. BP-13276; Requests: 1450 kc, 250 w, U, IV, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that, in a pre-hearing letter dated December 5, 1960, and incorporated herein by reference, the Commission notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below:

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant applicant and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Stations KPRO, Riverside, California, and KPAL, Palm Springs, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

*It is further ordered*, That Imperial Broadcasting System, Incorporated, and KPAL Broadcasting Corporation, licensees of Stations KPRO and KPAL, respectively, are made parties to the proceeding.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2603; Filed, Mar. 23, 1961; 8:48 a.m.]

[Docket Nos. 11081, 11083; FCC 61M-464]

## WORZ, INC., AND MID-FLORIDA TELEVISION CORP.

### Order Scheduling Prehearing Conference

In re applications of WORZ, Inc., Orlando, Florida, Docket No. 11081, File No. BPCT-1153; Mid-Florida Television Corporation, Orlando, Florida, Docket No. 11083, File No. BPCT-1801; for construction permits for new television stations (Channel 9).

*It is ordered*, This 20th day of March 1961, that a prehearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D.C., commencing at 9:30 a.m., Friday, March 24, 1961.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2604; Filed, Mar. 23, 1961; 8:48 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-14]

## CONSTRUCTION OF AN ARRAY OF NINE RADIO TOWERS

### No Airspace Objection; Correction

On March 2, 1961, there was published in the FEDERAL REGISTER (26 F.R. 1844) OE Docket No. 61-FW-14, a Notice of No Airspace Objection. This notice indicated that the longitude of the proposed tower was 95°28'33" west. This was in error. Therefore, action is taken herein to correct the error.

In Paragraph No. 2, line 5, longitude 95°28'33" west is changed to read longitude 95°28'23" West.

This action is effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on March 17, 1961.

D. D. THOMAS,
*Director,*
*Bureau of Air Traffic Management.*

[F.R. Doc. 61-2581; Filed, Mar. 23, 1961; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3946]

## GULF POWER CO.

### Notice of Proposed Issuance of First Mortgage Bonds for Sinking Fund Purposes

MARCH 17, 1961.

Notice is hereby given that Gulf Power Company ("Gulf"), a public-utility subsidiary company of The Southern Company, a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the Act and Rule 50(a)(5) thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the proposed transactions, which are summarized as follows:

Gulf proposes to issue, on or prior to June 1, 1961, $486,000 principal amount of its First Mortgage Bonds, 3¼ percent Series due 1984, and to surrender such bonds to the Trustee under the Indenture dated as of September 1, 1941, between Gulf and The Chase Manhattan Bank and The Citizens & Peoples National Bank of Pensacola, as Trustees, as amended and supplemented, in accordance with the sinking fund provisions thereof. The bonds are to be identical with those authorized by the Commission on June 14, 1954 (File No. 70-3252) and are to be issued on the basis of unfunded net property additions, thus making available for construction purposes cash which would otherwise be required to satisfy the sinking fund requirements.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $1,000.

The proposed transactions have been authorized by the Florida Railroad and Public Utilities Commission, the State commission of the State in which Gulf operates. The declaration states that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 5, 1961, at 5:30 p.m., request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as filed or as it may hereafter be amended, may be permitted to become effective as provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-2583; Filed, Mar. 23, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 21, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 36975: *Substituted service—Monon, et al., for Allied Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 30), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Hammond, Ind., or Chicago, Ill., on the one hand, and Indianapolis, Ind., Louisville, Ky., Atlanta, Ga., Birmingham, Mobile and Montgomery, Ala., Chattanooga, Memphis and Nashville, Tenn., New Orleans, La., and Pensacola, Fla., on the other, and between Norfolk, Va., and Chicago, Ill., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 36976: *Substituted service—D&H, et al., for North American Van Lines, Inc., and United Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 31), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between specified points in official territory, on the one hand, and specified points in official, southern and western trunk line territories, on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 36977: *Liquefied petroleum gas—Utah and Wyoming to WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2177), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, as described in the application, from Salt Lake City, Utah and specified points in Wyoming, to points in western trunk line territory.

Grounds for relief: Market competition, pipeline-truck competition, and grouping.

Tariffs: Supplement 159 to Western Trunk Line Committee's tariff I.C.C. A-4123, and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-2584; Filed, Mar. 23, 1961; 8:46 a.m.]

[Notice 469]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 21, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63913. By order of March 17, 1961, the Transfer Board approved the transfer to Glen W. Cole, New Richmond, Wis., of the operating rights issued by the Commission, May 5, 1958 and October 31, 1960, to Merril D. Roberts, Beach W. Roberts, and Robert A. Roberts, a partnership, doing business as Roberts Truck Lines, Sleepy Eye, Minn., under Certificates Nos. MC 116817 and MC 116817 Sub 1, respectively, authorizing the transportation, over irregular routes, of animal and poultry feeds, from New Richmond, Wis., to points in fifteen specified counties in Minnesota, manufactured feed ingredients, in bulk, from points in six specified counties in Minnesota, to New Richmond, Wis., manufactured feed ingredients, in bags, from points in five specified counties in Minnesota, to New Richmond, Wis., alfalfa meal and pellets, from points in Renville County, Minn., to New Richmond, Wis., and animal and poultry feeds, from New Richmond, Wis., to points in Dickinson and Emmet Counties, Iowa. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., attorney for applicants.

No. MC-FC 63964. By order of March 17, 1961, the Transfer Board approved the transfer to George Little, doing business as Bama Brokers, Montgomery, Ala., of the operating rights issued by the Commission, December 16, 1959, and November 3, 1960, to Jordan Enterprises, Inc., Montgomery, Ala., under Certificates Nos. MC 105726 and MC 105726 Sub 7, respectively, authorizing the transportation, over irregular routes, of agricultural machinery, cotton, cottonseed hulls, cottonseed meal, cottonseed, ordinary livestock, lumber, logs, poles, nuts, pecans, peanuts, corn, hay, bananas, frozen fruits, frozen berries, and frozen vegetables, from, to, and between points in Georgia, Alabama, Florida, Missouri, Texas, Illinois, Louisiana, Kentucky, and Michigan. Hugh R. Williams, P.O. Box 869, Montgomery, Ala., attorney for applicants.

No. MC-FC 64009. By order of March 17, 1961, the Transfer Board approved the transfer to William P. Bursch, doing business as Bursch Trucking, Albuquerque, N. Mex., of the operating rights issued by the Commission, December 5, 1950, to Louis W. Oliver, doing business as L. W. Oliver, Mosquero, N. Mex., under Permit No. MC 29504, authorizing the transportation, over irregular routes, of livestock, feed, farm implements, and supplies and equipment incidental to the raising of livestock, between points in New Mexico, on the one hand, and, on the other, points in Texas, Oklahoma, Colorado, and Kansas. William J. Turrington, 1003 Maryland Trust Building, Baltimore 2, Md., attorney for applicants.

No. MC-FC 64030. By order of March 17, 1961, the Transfer Board approved the transfer to Crawford's Express, Inc., Millerton, N.Y., of the operating rights issued by the Commission August 14, 1953, to Francis A. Crawford, doing business as Crawford's Express, Millerton, N.Y. under Certificate No. MC 789, authorizing the transportation, over a regular route, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Millerton, N.Y., and Poughkeepsie, N.Y. John J. Brady, Jr., 75 State Street, Albany 7, N.Y., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-2585; Filed, Mar. 23, 1961; 8:46 a.m.]



## CUMULATIVE CODIFICATION GUIDE—MARCH

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VOLUME 26 NUMBER 57

Washington, Saturday, March 25, 1961


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Order from: Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10928

### ABOLISHING THE COMMITTEE ON GOVERNMENT ACTIVITIES AFFECTING PRICES AND COSTS

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. The Committee on Government Activities Affecting Prices and Costs is hereby abolished.

SEC. 2. Executive Order No. 10802 of January 23, 1959, by which the said Committee was established, is hereby revoked.

JOHN F. KENNEDY

THE WHITE HOUSE,
*March 23, 1961.*

[F.R. Doc. 61-2724; Filed, Mar. 24, 1961; 9:41 a.m.]

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, paragraph (e) (1) is added to § 6.114 as set out below.

**§ 6.114 Department of Health, Education, and Welfare.**

* * * * *

(e) *General.* (1) Until December 31, 1962, 50 positions in medical and related occupations for employment under the Cuban refugee program. Employment under this authority shall not exceed two years.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-2635; Filed, Mar. 24, 1961; 8:47 a.m.]

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of Justice

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (3) of § 6.308 is amended as set out below.

**§ 6.308 Department of Justice.**

(a) *Office of the Attorney General.*

* * *

(3) Three Private Secretaries to the Attorney General.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-2636; Filed, Mar. 24, 1961; 8:47 a.m.]

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### National Capital Transportation Agency

Effective upon publication in the FEDERAL REGISTER, a new § 6.366, paragraphs (a) and (b), is added to Part 6 as set out below.

**§ 6.366 National Capital Transportation Agency.**

(a) One Confidential Assistant to the Administrator.

(b) One Confidential Assistant to the Deputy Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-2637; Filed, Mar. 24, 1961; 8:47 a.m.]

### PART 29—RETIREMENT

#### Joint and Survivorship Annuities

Paragraph (g) of § 29.13 is amended as set out below.

**§ 29.13 Joint and survivorship annuities.**

* * * * *

(g) Where an employee chooses the joint and survivorship plan, the annuity to the survivor annuitant shall commence on the day after the retired employee's death.

(Sec. 16, 70 Stat. 758; 5 U.S.C. 2266)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-2638; Filed, Mar. 24, 1961; 8:47 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

### PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

#### Payment of Indemnities

Pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (21 U.S.C. 114, 114a), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), part 51 of Subchapter B, Title 9, Code of Federal Regulations, relating to payment of indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis, is hereby amended in the following respects:

1. In § 51.4, the first sentence is amended to read:

**§ 51.4 Appraisals.**

Cattle to be destroyed because of brucellosis, tuberculosis, or paratuberculosis shall be appraised by a Division or State representative or by any accredited veterinarian specifically authorized to make appraisals.

* * * * *

**§ 51.9 [Amendment]**

2. Paragraphs (b) and (m) of § 51.9 are amended, respectively, to read:

(b) If the cattle are classified as affected with tuberculosis or paratuberculosis on the basis of a test, unless the existence of the disease in the cattle was determined as the result of a tuberculosis or johnin test applied by a Division, State, or Accredited veterinarian; or if the cattle are classified as affected with brucellosis, unless the existence of the disease in the cattle was determined as the result of an agglutination or other test approved by the Director of Division applied by such a veterinarian, or by a non-veterinary technician under the supervision of a Division or State veterinarian.

* * * * *

(m) If the cattle were "official vaccinates" and reacted positively to the blood agglutination test for brucellosis, unless such animals were at least 30 months of age; or if the reactors were vaccinated animals, and properly verified but not "official vaccinates" as defined, unless there is also a record of a negative blood agglutination test made not less than 30 days following the date of vaccination; or unless other Division approved tests show the vaccinates are affected with virulent Brucellae.

(Secs. 3–5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 112, 113, 114, 114a, 120, 125)

The purpose of the revision contained in § 51.4 is to bring the definition of "Division representative" into conformity with the provisions of the Division's Fee Veterinarians Agreement; the amendments to § 51.9 (b) and (m) would make it possible to pay indemnity on infected animals not now covered by the provisions of such paragraphs.

*Effective date.* The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of March 1961.

M. R. CLARKSON,
*Acting Administrator, Agricultural Research Service.*

[F.R. Doc. 61-2656; Filed, Mar. 24, 1961; 8:48 a.m.]





## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-HO-4]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

#### Modification, Designation and Revocation of Federal Airways, Associated Control Areas and Hawaiian VOR Reporting Points

On November 9, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10706) stating that the Federal Aviation Agency proposed to modify, designate and revoke various airways in the Hawaiian Islands, as well as Hawaiian VOR reporting points.

Since these actions involve the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

No adverse comments were received regarding the proposed amendments. In the notice, it was stated that the Upolu Point, Hawaii, VOR was scheduled to be relocated and a new VOR was to be installed at South Kauai, Hawaii. Since the commissioning of these VORs is now scheduled for late in 1961, the effective date of actions related to these VORs will be November 16, 1961. Certain other actions not related to these new facilities are being made effective June 1, 1961.

In addition, subsequent to publication of the Notice, it has been determined that technical difficulties with the Upolu Point VOR at its new location will necessitate minor modifications to VOR Federal airways No. 1, 2, and 11. Moreover, in the interest of making the airways more compatible with the instrument approach procedures at the Hilo, Hawaii, and Kona, Hawaii, airports, minor modifications are made herein to Victor 2 east of Hilo and Victor 11 south of Upolu Point.

In the notice, it was stated that Hawaiian Islands Warning Area W–320 would be modified to eliminate conflict with airways involved in these actions. Since the overlap of the airways in question is minor, however, the portions of these airways coinciding with W–320 are being excluded.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 600.6402 (14 CFR 600.6402, 25 F.R. 8635) is amended to read:

**§ 600.6402 Hawaiian VOR Federal airway No. 2.**

From the Lihue, Hawaii, VOR via the INT of the Lihue VOR 126° and the Honolulu, Hawaii, VORTAC 261° radials; Honolulu VORTAC; INT of the Honolulu VORTAC 113° and the Lanai, Hawaii, VOR 304° radials; Lanai VOR, including a S alternate; INT of the Lanai VOR 107° and the Hilo, Hawaii, VOR 334° radials; Hilo VOR; to the INT of the Hilo VOR 091° radial and longitude 154°31'00" W., excluding the portion that coincides with the Island of Kahoolawe, Hawaii, Restricted Area R–3104 and Warning Area W–320.

2. In Part 600 (14 CFR Part 600) the following section is added:

**§ 600.6415 Hawaiian VOR Federal airway No. 15.**

From the Koko Head, Hawaii, VOR via the Molokai, Hawaii, VOR; Kahului, Hawaii, VOR; INT of the Kahului VOR 095° and the Hilo, Hawaii, VOR 334° radials to the Hilo VOR.

**§ 601.7002 [Amendment]**

3. § 601.7002 (14 CFR 601.7002) the the following is added:

Bayview INT: INT of the Hilo, Hawaii, VOR 091° radial and a line bearing 022° from the Pahoa, Hawaii, RBN.

4. In Part 601 (14 CFR 601) the following sections are added:

**§ 601.6413 Hawaiian VOR Federal airway No. 13 control area.**

All of Hawaiian VOR Federal airway No. 13.

**§ 601.6415 Hawaiian VOR Federal airway No. 15 control area.**

All of Hawaiian VOR Federal airway No. 15.

These amendments shall become effective 0001 e.s.t., June 1, 1961.

5. Section 600.6401 (14 CFR 600.6401) is amended to read:

**§ 600.6401 Hawaiian VOR Federal airway No. 1.**

From the Lanai, Hawaii, VOR via the INT of the Kahului, Hawaii, VOR 183° and the Lanai VOR 107° radials; INT of the Kahului VOR 183° and the Lanai VOR 119° radials; Upolu Point, Hawaii, VOR; INT of the Upolu Point VOR 093° and the Hilo, Hawaii, VOR 034° radials to the Hilo VOR, excluding the portion which coincides with the Island of Kahoolawe, Hawaii, Restricted Area R–3104 and Warning Area W–320.

6. Section 600.6402 (14 CFR 600.6402, 25 F.R. 8635) is amended to read:

**§ 600.6402 Hawaiian VOR Federal airway No. 2.**

From the South Kauai, Hawaii, VOR via the Lihue, Hawaii, VOR; INT of the Lihue VOR 130° and the Honolulu, Hawaii, VORTAC 269° radials; Honolulu VORTAC; INT of the Honolulu VORTAC 113° and the Lanai, Hawaii, VOR 304° radials; Lanai VOR, including a S alternate; INT of the Lanai VOR 107° and the Upolu Point, Hawaii, VOR 306° radials; Upolu Point VOR; INT of the Upolu Point VOR 093° and the Hilo, Hawaii, VOR 334° radials; Hilo VOR; to the INT of the Hilo VOR 091° radial and longitude 154°31'00" W., excluding the portion that coincides with the Island of Kahoolawe, Hawaii, Restricted Area R–3104 and Warning Area W–320.

**§ 600.6403 [Amendment]**

7. In the text of § 600.6403 (14 CFR 600.6403) "Upolu Point, Hawaii, omnirange 096° True radials." is deleted and "Upolu Point, Hawaii, VOR 093° radials." is substituted therefor.

8. Section 600.6405 (25 F.R. 8635) is amended to read:

**§ 600.6405 Hawaiian VOR Federal airway No. 5.**

From the INT of the Honolulu, Hawaii, VORTAC 179° and the Lanai, Hawaii, VOR 289° radials via the Lanai VOR; INT of the Lanai VOR 107° and the Kahului, Hawaii, VOR 201° radials, to the Kahului VOR, excluding the portion that coincides with the Island of Kahoolawe, Hawaii, Restricted Area R–3104 and Warning Area W–320.

9. In Part 600 (14 CFR Part 600) the following section is revoked:

**§ 600.6410 Hawaiian VOR Federal airway No. 10. [Revoked]**

10. Section 600.6411 (14 CFR 600.6411) is amended to read:

**§ 600.6411 Hawaiian VOR Federal airway No. 11.**

From the INT of the Lanai, Hawaii, VOR 149° and the Upolu Point, Hawaii, VOR 211° radials via the Upolu Point VOR, to the INT of the Upolu Point VOR 349° and the Kahului, Hawaii, VOR 080° radials.

11. Section 600.6412 (14 CFR 600.6412) is amended to read:

**§ 600.6412 Hawaiian VOR Federal airway No. 12.**

From the INT of the Lihue, Hawaii, VOR 195° and the Honolulu, Hawaii, VORTAC 269° radials via the Honolulu VORTAC; Koko Head, Hawaii, VOR; INT of the Koko Head VOR 050° and the Kahului, Hawaii, VOR 012° radials, including the additional area between lines diverging at an angle of 5° from the centerline extending W from the Honolulu VORTAC and NE from the Koko Head VOR.

12. Section 600.6413 (14 CFR 600.6413) is amended to read:

**§ 600.6413 Hawaiian VOR Federal airway No. 13.**

From the Lihue, Hawaii, VOR via the INT of the Lihue VOR 145° and the Honolulu, Hawaii, VORTAC 269° radials; INT of the South Kauai, Hawaii, VOR 133° and the Koko Head, Hawaii, VOR 254° radials, to the Koko Head VOR.

13. In Part 600 (14 CFR Part 600) the following section is added:

**§ 600.6414 Hawaiian VOR Federal airway No. 14.**

From the INT of the South Kauai, Hawaii, VOR 271° radial with longitude 161°20'00" W., via the South Kauai VOR; INT of the South Kauai VOR 133° and the Koko Head, Hawaii, VOR 254° radials; to the Koko Head VOR, including the additional area between lines diverging at an angle of 5° from the centerline extending W from the South Kauai VOR. The portion of this airway that coincides with the Bonham, Hawaii, Restricted Area R–3101 and the Bonham Two, Hawaii, Warning Area W–510 is excluded.

14. In Part 600 (14 CFR Part 600) § 600.6415 is amended to read:

**§ 600.6415 Hawaiian VOR Federal airway No. 15.**

From the INT of the South Kauai, Hawaii, VOR 288° radial with Long. 161°15'00" W., via the South Kauai VOR; INT of the South Kauai VOR 108° and the Lihue, Hawaii, VOR 130° radials; INT of the Lihue VOR 130° and the Honolulu, Hawaii, VORTAC 269° radials; Honolulu VORTAC; Koko Head, Hawaii, VOR; Molokai, Hawaii, VOR; Kahului, Hawaii, VOR; INT of the Kahului VOR 095° and the Hilo, Hawaii, VOR 334° radials; to the Hilo VOR, including the additional area between lines diverging at a 5° angle from the centerline extending NW from the South Kauai VOR. The portion of this airway that coincides with the Bonham, Hawaii, Restricted Area R–3101 and the Bonham Two, Hawaii, Warning Area W–510 is excluded.

15. In Part 601 (14 CFR Part 601) the following changes are made:

(a) Revoke § 601.6410:

**§ 601.6410 Hawaiian VOR Federal airway No. 10 control areas. [Revoked]**

(b) Add:

**§ 601.6414 Hawaiian VOR Federal airway No. 14 control areas.**

All of Hawaiian VOR Federal airway No. 14.

**§ 601.7002 [Amendment]**

16. In the text of § 601.7002 (14 CFR 601.7002) the following changes are made:

(a) Delete:

Swordfish Intersection: The intersection of the Honolulu VOR 261° True and the Lihue VOR 189° True radials.

Paradise Intersection: Intersection of Hilo VOR 334° True and Upolu Point VOR 96° True radials.

Grass Shack Intersection: Intersection of Hilo VOR 004° True and Upolu Point 96° True radials.

Hibiscus Intersection: Intersection of Upolu Point VOR 96° True and Hilo VOR 34° True radials.

Coconut Intersection: The intersection of the Honolulu VOR 261° True radial and a line bearing 220° True from the Kahuku nondirectional radio beacon.

(b) Add:

South Kauai, Hawaii, VOR.

Breakers INT: INT of the Honolulu, Hawaii, VORTAC 269° and the Lihue, Hawaii, VOR 128° radials.

Dogwood INT: INT of the South Kauai, Hawaii, VOR 271° radial with Long. 161° 20'00" W.

Vanda INT: INT of the South Kauai, Hawaii, VOR 288° radial with Long. 161° 15'00" W.

Swordfish INT: INT of the Lihue, Hawaii, VOR 195° and the Honolulu, Hawaii, VORTAC 269° radials.

Paradise INT: INT of the Hilo, Hawaii, VOR 334° and the Upolu Point, Hawaii, VOR 093° radials.

Grass Shack INT: INT of the Hilo, Hawaii, VOR 004° and the Upolu Point, Hawaii, VOR 093° radials.

Hibiscus INT: INT of the Hilo, Hawaii, VOR 034° and the Upolu Point, Hawaii, VOR 093° radials.

These amendments shall become effective 0001, e.s.t., November 16, 1961.

(Sec. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on March 20, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–2618; Filed, Mar. 24, 1961; 8:45 a.m.]

[Airspace Docket No. 60–WA–206]

## PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

### Modification of Coded Jet Route

On September 2, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 8494) stating that the Federal Aviation Agency (FAA) proposed to realign VOR/VORTAC jet route No. 3 north of Red Bluff, Calif.

The Department of the Navy requested consideration be given to the fact that it is negotiating with the State of Oregon for property in the vicinity of Wagontire, Oreg. (latitude 43°04'30" N., longitude 120°13'10" W.) to be used for high and low altitude bombing operations. They further state that if this property is acquired, a request will be submitted for a restricted area. If, in the future, the Navy submits a formal proposal for the designation of a restricted area in the Wagontire area and it is deemed appropriate to designate such an area, consideration will then be given to any conflict that may exist between the proposed restricted area and any established jet routes. No other adverse comments were received regarding the proposed amendment.

Subsequent to the publication of the notice, the FAA has determined by flight check that radar sites presently incorporated in the radar jet advisory program do not provide complete radar coverage along the proposed realignment of J–3–V north of Pendleton, Oreg. However, these radar sites do provide complete coverage of the present alignment of this route from Pendleton to Spokane, Wash. Additionally, the Canadian Department of Transport has requested that J–3–V be designated from Spokane to the United States-Canadian Border via a direct route from the Spokane VORTAC to the Kimberly, British Columbia, Canada, radio range so as to connect with Canadian High-Level Airway No. 500 at Kimberly. The 030° True radial of the Spokane VORTAC will serve this segment from Spokane to the United States-Canadian Border and radar coverage can be provided for this segment from presently staffed radar sites. These changes will not affect the realignment via Lakeview, Oreg., for the stated purpose of providing better navigational guidance between Red Bluff, Calif., and Pendleton. Therefore, the FAA is redesignating J–3–V from Red Bluff to the United States-Canadian Border via Lakeview, Pendleton and Spokane.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, § 602.503 (14 CFR 602.503, 25 F.R. 12551) is amended to read:

**§ 602.503 VOR/VORTAC jet route No. 3 (San Diego, Calif., to Kimberly, British Columbia, Canada).**

From the Mission Bay, Calif., VOR via the Oceanside, Calif., VORTAC; Los Angeles, Calif., VOR; INT of the Palmdale, Calif., VOR 291° and the Bakersfield, Calif., VORTAC 149° radials; Bakersfield VORTAC; Oakland, Calif., VORTAC; Red Bluff, Calif., VORTAC; Lakeview, Oreg., VORTAC; Pendleton, Oreg., VORTAC; Spokane, Wash., VORTAC; to the Kimberly, British Columbia, Canada, RR, excluding the portion that lies over Canadian territory.

This amendment shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 20, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–2617; Filed, Mar. 24, 1961; 8:45 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55341]

## PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

### Miscellaneous Amendments

MARCH 20, 1961.

By virture of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), the limits of the customs port of entry of Los Angeles, California, the headquarters port of Customs Collection District No. 27 (Los Angeles), comprising the territory within the corporate limits of that city (which includes San Pedro and Wilmington, California), the territory within the corporate limits of Long Beach and El Segundo, California, and the territory described in T.D. 54524, is hereby further extended and redescribed as follows:

All the territory within the corporate limits of Los Angeles (which includes San Pedro and Wilmington, California), the territory within the corporate limits of El Segundo, Long Beach and Signal Hill, California, and in addition, all that territory embracing that portion of Los Angeles County, State of California, lying east of the corporate limits of Los Angeles, bounded on the north by Whittier Boulevard and on the east by Rosemead and Lakewood Boulevards to the point of intersection with the corporate limits of Long Beach, California, and on the east and south by the corporate limits of Long Beach, California.

This extension is effective on the date of publication of this Treasury Decision in the FEDERAL REGISTER.

Section 1.1(c), Customs Regulations, is amended by deleting the parenthetical matter opposite "*Los Angeles" in the column headed "Ports of Entry" in District No. 27 (Los Angeles) and substituting therefor "(including territory described in T.D. 55341)."

Houma, Louisiana, was designated as a customs station (port of documentation) in Customs Collection District No. 20 (New Orleans) on January 3, 1961. To reflect this designation the first sentence of footnote 4 in Part 1 of the Customs Regulations is amended to read as follows:

[4] Marine documents may be issued at Charlotte Amalie, St. Thomas, headquarters port of the customs collection district of the Virgin Islands (No. 51); at Washington, N.C., a customs station in the customs collection district of North Carolina (No. 15); at Biloxi, Miss., a customs station in the customs collection district of Mobile (No. 19); and at Houma, La., a customs station in the customs collection district of New Orleans (No. 20). • • •

Section 1.2(d) of the Customs Regulations is amended by inserting in its proper alphabetical order the following entry in the list of customs stations for District No. 20:

| District No. | Customs station | Port of entry having supervision |
|---|---|---|
| 20 | Houma, La | Morgan City, La. |

The designation of Fort Yukon, Alaska, as a customs station was revoked, effective January 15, 1961. To reflect this change, § 1.2(d) of the Customs Regulations is amended by deleting "Fort Yukon, Alaska" and "Fairbanks" from the columns headed "Customs Station" and "Port of Entry Having Supervision", respectively, in district No. 31.



Anchorage, Alaska, which was previously a customs station, was designated as a port of entry in Customs Collection District No. 31 (Alaska) by T.D. 55295, effective January 14, 1961. To reflect this change, § 1.2(d) of the Customs Regulations is amended by deleting "Anchorage, Alaska" and "Juneau" from the columns headed "Customs Station" and "Port of Entry Having Supervision", respectively, in district No. 31.

In order to show the district numbers for the various customs laboratories, the listing of the addresses of the customs laboratories and ports of entry served thereby in § 1.7 of the Customs Regulations is changed to read as follows:

| Laboratory District No. | Address | Customs Collection Districts |
|---|---|---|
| 1 | 103 South Gay Street, Baltimore, Md. | 13, 14, 15, 42, and 43. |
| 2 | 408 Atlantic Avenue, Boston, Mass. | 1, 2, 4, and 5. |
| 3 | Customhouse, Chicago, Ill. | 34, 35, 36, 37, 38, 39, 40, and 45. |
| 4 | 531 Mateo Street, Los Angeles, Calif. | 24, 25, 26, 27, and 50. |
| 5 | Customhouse, New Orleans, La. | 19, 20, 21, 22, and 23. |
| 6 | 201 Varick Street, New York, N.Y. Branch Laboratory: Customhouse, San Juan, P.R. | 6, 7, 8, 9, 10, 49, and 51. |
| 7 | Customhouse, Philadelphia, Pa. | 11, 12, and 41. |
| 8 | 630 Sansome Street, San Francisco 11, Calif. | 28, 29, 30, 31, 32, 33, and 47. |
| 9 | Customhouse, Savannah, Ga. | 16, 17, and 18. |

(R.S. 161, as amended, 251, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66) [MC 192 D]

[SEAL] A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61–2649; Filed, Mar. 24, 1961; 8:48 a.m.]

[T.D. 55340]

## PART 9—IMPORTATIONS BY MAIL

## PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

### Imported Cigarette Papers and Tubes, Playing Cards, and Oleomargarine

To make certain conforming changes corresponding to amended regulations of the Internal Revenue Service in Parts 45 and 285 (26 CFR Parts 45, 285), the Customs Regulations are amended as follows:

1. In Part 9—Importations by Mail, § 9.8(a) is amended by substituting the following for all of the material preceding subparagraph (2):

**§ 9.8 Cigars, cigarettes, and manufactured tobacco; playing cards, etc.**

(a) In the case of mail entries for playing cards or other imported articles subject to tax and to which internal-revenue stamps must be affixed before release to the importer (see Internal Revenue Regulations, Part 45 (26 CFR Part 45)), customs officers shall sign and attach to the entries an order for stamps, and customs Form 3473. When the parcel is addressed for delivery at the post office where it is examined and customs Form 3473 is not required to insure the taking of the action described thereon, Form 3473 need not be prepared. The postmaster will furnish the addressee with the order for stamps. The addressee will be required to secure from the office of the district director of internal revenue the necessary stamps and affix them to the immediate packages of the merchandise before the parcels will be delivered to him.

(1) When playing cards imported by mail bear the required internal-revenue stamps affixed in a foreign country as provided for in regulations of the Internal Revenue Service, they may be treated the same as any importation by mail subject only to duty.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

2. In Part 11—Packing and Stamping; Marking; Trade-Marks and Trade Names; Copyrights:

a. Section 11.3 is amended to read:

**§ 11.3 Cigarette papers and tubes.**

With respect to the tax thereon, the procedures for the release from customs custody of imported cigarette papers in a book or set of cigarette papers containing more than 25 and of imported cigarette tubes are prescribed in Part 285 of the regulations of the Internal Revenue Service (26 CFR Part 285). Release from customs custody of such articles subject to tax and in packages complying with such regulations may be made when a copy of the tax return on Internal Revenue Form 2139 acknowledged by the district director of internal revenue as to tax payment has been presented. Samples of imported cigarette tubes may be released exempt from tax in accordance with such regulations. Imported cigarette papers and tubes may be released for delivery to an appropriate manufacturer upon presentation of a notice of release on Internal Revenue Form 2145 certified by the assistant regional commissioner (alcohol and tobacco tax) of the region in which the manufacturer is established. Release of such imported articles without payment of tax for the use of consular officers and employees of foreign States may also be made in accordance with such regulations.

**§ 11.4 [Amendment]**

b. Paragraph (a) of § 11.4 is amended to read:

(a) Imported playing cards subject to tax under section 4451, Internal Revenue Code of 1954, not bearing stamps in payment of the tax affixed abroad in accordance with regulations of the Internal Revenue Service (26 CFR Part 45, subpart B), shall not be released for consumption until the required internal-revenue stamps have been affixed thereto and canceled by the importer in accordance with such regulations.[3] Imported playing cards bearing the required

stamps affixed abroad may be treated the same as any importation subject only to duty.

c. Section 11.5 is amended to read:

**§ 11.5 Oleomargarine; adulterated butter; filled cheese.**

Imported oleomargarine, adulterated butter, and filled cheese are subject to special packaging requirements under regulations of the Internal Revenue Service (26 CFR Part 45, Subparts E, G, and H, respectively), and to internal-revenue taxes imposed in addition to duty under sections 4591, 4812, and 4831, Internal Revenue Code of 1954, the payment of which must be represented by stamps.[2] Imported merchandise suspected of being such articles, but not entered as such, shall be detained by the collector of customs and the facts reported to the district director of internal revenue of the district, to whom such samples shall be furnished as may be requested. Imported oleomargarine, adulterated butter, and filled cheese shall not be released from customs custody until the proper internal-revenue stamps have been affixed and canceled by the importer as required by the regulations of the Internal Revenue Service,

d. Footnote 2 to Part 11 is amended to read:

[2] Internal-revenue stamps for imported playing cards, oleomargarine, adulterated butter, and filled cheese will be sold to the owner or consignee of the merchandise by the district director of internal revenue for the district in which is located the office of the collector of customs where the customs entry is filed, upon requisition therefor on the order form duly executed by an authorized customs officer.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: March 20, 1961.

A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-2648; Filed, Mar. 24, 1961; 8:47 a.m.]

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[T.D. 55342]

## PART 12—SPECIAL CLASSES OF MERCHANDISE

### Canned Crabmeat From Union of Soviet Socialist Republics

I hereby find, pursuant to the provisions of § 12.42, Customs Regulations, promulgated in accordance with the authority contained in section 307, Tariff Act of 1930 (19 U.S.C. 1307), that canned crabmeat manufactured or produced wholly or in part in the Union of Soviet Socialist Republics does not come within the purview of section 307, Tariff Act of 1930.

Accordingly, on and after the date of the publication of this finding in the FEDERAL REGISTER, the finding made in T.D. 52655 (16 F.R. 776) is no longer in effect.

Section 12.42(h), Customs Regulations, is amended by deleting from the list the following:

Canned crabmeat—Union of Soviet Socialist Republics—52655

(Secs. 307, 624, 46 Stat. 689, 759; 19 U.S.C. 1307, 1624)

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: March 20, 1961.

DOUGLAS DILLON,
*Secretary of the Treasury.*

[F.R. Doc. 61-2650; Filed, Mar. 24, 1961; 8:48 a.m.]

# Title 7—AGRICULTURE

## Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

## PART 718—DETERMINATION OF ACREAGE AND PERFORMANCE

### Miscellaneous Amendments

*Basis and purpose.* These amendments are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.), the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.), the Agricultural Adjustment Act of 1949, as amended (7 U.S.C. 1441 et seq.), and the Soil Bank Act (7 U.S.C. 1801 et seq.) for the purpose of: (1) Prescribing the method to be used in determining the acreage of non-allotment crops and other land uses; (2) extending the period during which the premeasurement service may be offered; (3) prescribing the conditions governing the measurement of excess acreage prior to adjustment; and (4) publishing State committee recommendations pursuant to §§ 718.10(a) (25 F.R. 1743) and 718.15(a) (24 F.R. 4223).

Since farmers are now engaged in farming operations required for 1961 crops, it is imperative that notice of these amendments be given as soon as possible. Accordingly, it is hereby determined that compliance with the notice, public procedure, and effective date of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that these amendments shall become effective upon publication in the FEDERAL REGISTER.

1. Section 718.5 (e)(4) (25 F.R. 5754) and (f)(1) (25 F.R. 12166) is amended to read as follows:

**§ 718.5 Methods of measurement.**

(e) *Effect of planting pattern on determination of acreage.*

(4) *Non-allotment crops and other land uses.* The acreage of non-allotment crops or other land uses, for which measurements are required, shall be the acreage devoted to the crop or land use. Where allotment crops are intertilled or fallow-stripped with non-allotment crops and the area is considered as planted to allotment crops, only the area devoted to non-allotment crops shall be considered as planted to non-allotment crops and the acreage shall be counted only once in determining the acreage of soil bank base crops.

* * * * *

(f) *Premeasurement service*—(1) *Cotton.* The county committee shall provide a premeasurement service for cotton when the farm operator requests such premeasurement and pays the cost thereof as determined by the county committee. The service shall be performed prior to the beginning of the check of regular performance on the farm. The acreage premeasured shall not exceed the farm cotton allotment. The acreages of fields or subdivisions which were officially premeasured will not be redetermined unless a performance check reveals that all of the premeasured area was not utilized for the purpose for which it was premeasured or that the acreage devoted to the crop is outside the premeasured area. In all such cases, any part of the premeasured area which was not planted shall be measured and deducted and any additional land beyond the premeasured area which is devoted to the crop shall be computed as a separate field or subdivision.

2. Section 718.13(b) (24 F.R. 4223) is amended to read as follows:

**§ 718.13 Determination and adjustment of excess acreage.**

* * * * *

(b) *Measurement of excess acreage prior to adjustment.* The county committee may provide for the measurement of excess acreage prior to adjustment and verification of the disposition if the farm operator files a timely request for the service and pays the cost. The charge for this service shall cover the cost of determining the acreage and verifying the disposition. Reporters may compute such acreages in the field. To qualify for this service, the farm operator must request the service and pay the cost as prescribed below:

(1) For crops other than peanuts and tobacco, prior to the applicable disposition date.

(2) For tobacco, prior to the date specified on the notice of excess acreage for declaration of intention with respect to disposition.

(3) For peanuts, the date Form MQ-92—Peanuts is signed or prior to the date harvest begins on the farm, whichever is earlier.

3. Section 718.15(b) (24 F.R. 4223, 25 F.R. 1743, 25 F.R. 2125, 25 F.R. 4129, and 25 F.R. 7237) is amended to read as follows:

**§ 718.15 State committee option.**

* * * * *

(b) The following State committee determinations, provided for in this section, which deviate from the standards prescribed in this part are effective for the 1961 program year and will remain effective for subsequent years unless and until amended:



TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO §§ 718.10(a) AND 718.15(a)

| State | 718.2(j) | 718.5(g) (1) | 718.5(g) (2) | 718.5(h) (2) | 718.5(h) (3) | 718.10(a) | 718.12 |
|---|---|---|---|---|---|---|---|
| Alabama | For cotton and peanuts, 32 inches. | | | | Minimum width, 4 rows. | | |
| Arizona | | 0.1 A. | Minimum combined area of 0.1 A. established. | | Disposition of excess acreage for any crop must be accomplished in not more than two plots or in an entire field(s) plus not more than two plots. Areas disposed of must be of regular shape with no more than 6 sides, one of which must border on a side or end of a field. If an area(s) to be destroyed is a narrow strip extending out into the field, either from an end or a side of the field, such strip must be at least 4 rows wide to be eligible for disposition credit. | | |
| Arkansas | | 0.05 A. | | | | | |
| California | For sugar beets, 20 inches. | 0.1 A. Minimum widths: (1) Around perimeter of the field, one normal row, cropline to cropline, for row crops and 4 links for close-sown crops; (2) within the planted area, 4 normal rows, cropline to cropline, for row crops and 20 links for close-sown crops. | Minimum area of 0.1 A. established. Minimum widths, cropline to cropline, 4 normal rows for row crops and 20 links for close-sown crops. Each area to be deducted must meet the minimum requirements. | | Minimum widths, cropline to cropline, 4 normal rows for row crops and 20 links for close-sown crops. Acreages to be destroyed shall be limited to 2 areas within any one field (a block of 2 or more consecutive 4-row strips, each extending the full length of the field will count as one area). Irrigation ditches, constructed subsequent to the initial acreage determinations, which meet the minimum area and width requirements may be deducted in addition to the 2-area limitation per field. At least one side of any area to be deducted must be on the perimeter of the field. All sides of each area must be straight, except sides which are a part of the perimeter of a field, sides which are contour levees of rice fields, or sides formed by a crop row. Any area having more than 8 sides will not qualify for adjustment except in cases where a block of 4-row strips is accepted as one area. | | |
| Colorado | | 0.1 A. | | | | | 0.25 A. |
| Connecticut | | | | | | | |
| Delaware | | 0.1 A. | Minimum area of 0.1 A. established. Each area must meet the area and width requirements. | | | | |
| Florida | For peanuts, 18 inches; for soybeans, 24 inches. | Minimum width around the perimeter of the field, one row. | | | | | |

TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO §§ 718.10(a) AND 718.15(a)—Continued

| State | 718.2(j) | 718.5(g) | | 718.5(h) | | 718.10(a) | 718.12 |
|---|---|---|---|---|---|---|---|
| | | (1) | (2) | (2) | (3) | | |
| Georgia | For cotton, peanuts other than Spanish, field and commercial peas and beans for hay or seed, soybeans, lima beans, snap beans, cabbage, and potatoes, 30 inches; Spanish peanuts, 26 inches; for onions, 16 inches. | | | | | | 0.1 A. |
| Idaho | | 0.1 A. | Minimum width, 4 rows. | | | No "within" notices will be mailed to farm operators. | |
| Illinois | | 0.1 A. Minimum width around the perimeter of the field, 36 inches. | Minimum width, 2 rows. | | | | |
| Indiana | | 0.1 A. for all crops except tobacco. Minimum widths: (1) Around perimeter of the field, the smaller of 5 links or one row; (2) within the planted area, 5 links in case of close-sown crops. | Minimum area for tobacco, 0.01 A. Minimum area for all other crops 0.1 A. Minimum width, 3 rows for all row crops except tobacco and 15 links for all close-sown crops. Each area must meet the minimum requirements. | Minimum width, the smaller of one row or 5 links. After one or more areas to be disposed of have been determined, the final area shall be the balance of the excess even though it does not meet the minimum area requirement of 0.03 A. | 0.5 A. After one or more areas to be disposed of have been determined, the final area shall be the balance of the excess even though it does not meet the minimum area requirement of 0.5 A. | | 0.1 A. for tobacco. |
| Iowa | | | | | The crops to be disposed of must be in a continuous area along one side or one end of one field. If the excess to be destroyed is greater than the field selected for disposal, the additional amount required may be disposed of along one side or one end of another field. Excess acreage destroyed by causes beyond the control of the producer is not limited to these restrictions if it meets the 0.1 A. minimum. | | |
| Kansas | For sugar beets, 20 inches. | 0.1 A. | | | 0.5 A. for all crops except sugar beets. All acreage to be destroyed must be in plots of 0.5 A. or more except that where the entire area of a field to be disposed of is less than the minimum, credit may be allowed for such area and the balance of the excess may be destroyed from another field. | | |
| Kentucky | | | Minimum area of 0.01 A. established. Each area must meet the minimum area and width requirements. | Minimum widths, (1) Inside planted area and along end boundaries, the smaller of 10 links or 2 rows; (2) along boundaries parallel to the rows in the field, one row. | | | |



TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO §§ 718.10(a) AND 718.15(a)—Continued

| State | 718.2(j) | 718.5(g) | | 718.5(h) | | 718.10(a) | 718.12 |
|---|---|---|---|---|---|---|---|
| | | (1) | (2) | (2) | (3) | | |
| Louisiana | | Unplanted rice levees within rice fields are not eligible for deduction. | | | 1.0 A. with a minimum width of 0.5 chain for all crops except cotton and peanuts, except that (1) when all of the field or subdivision is destroyed or (2) when an area along one edge or down the middle of a field is destroyed, provided all of the excess for the farm is destroyed in one area and the area extends the entire length of the row(s). | | |
| Maryland | | | Minimum area of 0.03 A. established. Each area must meet the minimum area and width requirement. | | | | |
| Minnesota | | 0.1 A. for tobacco and sugar beets; 0.25 A. for all other crops. Minimum widths: (1) Around perimeter of field, 10 links; (2) within planted area, 10 links. | Minimum combined area of 0.25 A. established. Minimum width, 10 links. | 0.1 A. Minimum width, 10 links. | 0.25 A. Minimum width, 10 links. | No "within" notices will be mailed to farm operators. | |
| Mississippi | | 0.1 A. Minimum widths: (1) around the perimeter of the field, 2 rows for row crops; 0.1 chain for close-seeded crops; (2) within the planted area, 4 rows for row crops; 0.2 chain for close-seeded crops. | Minimum combined area of 0.1 A. established. Irrigation dikes in cotton fields shall be deducted the same as terraces provided such dikes are at least 0.1 chain in width. Irrigation dikes within rice fields are not eligible for deduction. | | 0.5 A. Areas to be destroyed must also meet the following minimum requirements: (1) When the excess for the farm is 1.0 A. or less, only one plot may be less than 0.5 A.; (2) when the excess for the farm is more than 1.0 A, only one plot may be less than 1.0 A. Notwithstanding (1) and (2) above, all of any field or subdivision planted to the crop may be disposed of in adjusting the excess without regard to the size of the area. Disposition areas must not have more than 4 sides. In case of rice, one side must be along the perimeter of the field. All sides must form straight lines except when part of the perimeter of the field or when formed by another crop boundary, or in case of rice, when formed by levees within the planted area. In case of row crops, the entire length of the rows must be disposed of in the same row pattern which was followed at the time the crop was planted. Disposition areas which form a fallow-strip pattern must be at least 4 rows in width and must extend for the entire length of the rows. | | |

TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO §§ 718.10(a) AND 718.15(a)—Continued

| State | 718.2(j) | 718.5(g) | | 718.5(h) | | 718.10(a) | 718.12 |
|---|---|---|---|---|---|---|---|
| | | (1) | (2) | (2) | (3) | | |
| Missouri | | 0.1 A. for all crops except tobacco. Minimum width around perimeter of the field, the smaller of 6 links or one row. | Minimum area of 0.03 A. established for tobacco; minimum area of 0.1 A. established for all other crops. Each area to be deducted must meet the minimum requirements. | | | | 0.1 A. for tobacco. |
| Nebraska | For sugar beets, 22 inches. | 0.1 A | Minimum area of 0.1 A. established. Each area must meet the minimum area and width requirements. | | 0.5 A. for all crops except sugar beets. For crops other than sugar beets, areas to be destroyed also must meet the following requirements: (1) When the total excess for the farm is 0.5 A. or less, the entire excess must be destroyed in one plot; (2) when the total excess for the farm exceeds 0.5 A., only one plot to be destroyed may contain less than 0.5 A. | | |
| New Hampshire | | 0.06 A | | | | "Within" notices will not be mailed to farm operators. | |
| New Mexico | | Minimum widths: (1) Around the perimeter of the field, one row except where turn rows have been established, in which case, the minimum shall be increased to 12 links; (2) within the planted area 12 links. | Minimum width 12 links. | | | | |
| New York | | | | | | No "within" notices will be mailed to farm operators. | 0.2 A. |
| North Carolina | For peanuts, 18 inches; for corn, 30 inches. | | Minimum combined area of 0.03 acre established. | Disposition must be made in a square, rectangular, or trapezoidal pattern with one side or one end of the area parallel with the rows or the field boundary. | Disposition must be made in a square, rectangular, or trapezoidal pattern with one side or one end of the area parallel with the rows or the field boundary. | | |
| North Dakota | For sugar beets, 20 inches. | 0.1 A | Minimum combined area of 0.1 A. established. | | | | |
| Ohio | For sugar beets and horticultural crops, 28 inches. | 0.1 A. for all crops except tobacco and for areas around the perimeter of the field. Minimum widths: (1) Around perimeter of the field, 5 links; (2) within the planted area, for wheat, 5 links. | Minimum width, 10 feet. | Minimum widths, (1) Along field boundary, one row; (2) within planted area, 2 rows. | 0.3 A. Minimum widths, (1) along field boundary, the smaller of one row or 5 links; (2) within planted area, the smaller of 4 rows or 18 links. | "Within" notices will be mailed for tobacco only. | 0.1 A. for tobacco. |
| Oklahoma | | 0.1 A | Minimum area of 0.1 A. established. | | | | 0.3 A. |
| Oregon | For sugar beets, 20 inches. | 0.1 A. Minimum width within the planted area, for close-sown crops, 5 feet. | | | | | |
| Pennsylvania | | | | | | No "within" notices will be mailed to farm operators. | |
| South Dakota | For sugar beets, 22 inches. | 0.5 A. for all crops except sugar beets. | Minimum combined area of 0.5 A. established. | | 0.5 A. for all crops except sugar beets. | No "within" notices will be mailed to farm operators. | |
| Tennessee | | | | Minimum width, 2 rows. | Minimum widths: (1) For close-sown crops, 4 links; (2) for row crops, 4 rows. | | 0.1 A. for tobacco. |



TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO §§ 718.10(a) AND 718.15(a)—Continued

| State | 718.2(j) | 718.5(g) | | 718.5(h) | | 718.10(a) | 718.12 |
|---|---|---|---|---|---|---|---|
| | | (1) | (2) | (2) | (3) | | |
| Texas | For vegetable crops, 18 inches; for sugar beets, 30 inches. | For solid-seeded crops and row crops other than tobacco, any continuous area around the outside boundary of a field or subdivision, 0.05 A. with a minimum width of 0.1 chain. For row crops, other than tobacco, any continuous area within a field or subdivision, 0.1 A. with a minimum width of 4 rows. For solid-seeded crops, any continuous area within a field or subdivision, 0.1 A. with a minimum width of 0.2 chain. | Minimum area of 0.1 A. established. Minimum width for row crops, 4 rows. Minimum width for solid-seeded crops, 0.2 chain. Each area to be deducted must meet the minimum requirements. | Areas to be destroyed must be of regular shape with not more than four sides. One side or one end of the disposition area shall be parallel with the rows or the field boundary when the crop is destroyed in a square, rectangular or trapezoidal pattern. These restrictions may be disregarded when the crop in an entire field or subdivision is destroyed in disposing of excess acreage or when disposition of excess acreage is made between adjacent terraces or between the field boundary and a terrace within that field or subdivision. | Areas to be destroyed must be of regular shape with not more than four sides. One side or one end of the disposition area shall be parallel with the rows or the field boundary when row crops are destroyed in a square, rectangular, or trapezoidal pattern. These restrictions may be disregarded when the crop in an entire field or subdivision is destroyed in disposing of excess acreage or when disposition of excess acreage is made between adjacent terraces or between the field boundary and a terrace within that field or subdivision. | | |
| Utah | 22 inches | 0.1 A. for wheat and sugar beets; 0.3 A. for all other crops. | | | 0.3 A. for all crops except wheat and sugar beets. The area destroyed must be in one plot or an entire field(s) plus one plot in another field. When a portion of a field is destroyed, the disposition area must be in a block which is readily measurable. Credit will not be allowed for disposition areas extending around the perimeter of the field, such as a fire guard. | No "within" notices will be mailed to farm operators. | |
| Vermont | | | | | | No "within" notices will be mailed to farm operators. | In cases involving an acreage of 5.0 A. or less, a refund will be made for errors of at least 10 percent or 0.1 A., whichever is larger. |
| Virginia | For peanuts, 32 inches. | | | | | No "within" notices will be mailed to farm operators. | |
| Washington | For sugar beets and beans, 22 inches. | 0.1 A | | | | "Within" notices will be mailed for burley tobacco only. | |
| West Virginia | | | | | | "Within" notices will be mailed for tobacco only. | 0.1 A. for tobacco. |
| Wisconsin | | | Minimum width, 72 inches. | | | | |
| Wyoming | 20 inches | | | | | No "within" notices will be mailed to farm operators. | |
| Puerto Rico | | | | | | | |

(Secs. 374, 375, 52 Stat. 65, 66, sec. 401, 63 Stat. 1054, sec. 403, 61 Stat. 932, sec. 124, 70 Stat. 198; 7 U.S.C. 1374, 1375, 1421, 1153, 1812)

Done at Washington, D.C., this 20th day of March 1961.

H. D. GODFREY,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61-2576; Filed, Mar. 24, 1961; 8:45 a.m.]

## PART 729—PEANUTS

### Revision of Apportionment to States of the National Acreage Allotment for 1961 Crop

*Basis and purpose.* The purpose of this document is to revise the apportionment of the 1961 national peanut allotment among the several peanut-producing States previously made on October 19, 1960 (25 F.R. 9939). This revision is necessary to apportion to peanut-producing States the reserve of 1,610.0 acres which was set aside for establishing 1961 peanut acreage allotments for new farms. This document apportions 1,244.6 acres among the peanut-producing States on the basis of applications approved under the provisions of § 729.1021, as amended, of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R.

2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344, 2523). The remainder of the reserve, 365.4 acres, is hereby apportioned on exactly the same basis as the 1961 national acreage allotment was previously apportioned to the States.

Farmers in the southernmost areas of the United States will soon begin planting the 1961 crop of peanuts and farmers in the other peanut-producing areas of the nation are completing their plans for the production of peanuts in 1961. In order that the State and county Agricultural Stabilization and Conservation committees may apportion the additional acreage provided herein at the earliest possible date, it is essential that this revision of apportionment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1001–1011) is impracticable and contrary to the public interest, and the revised apportionment of the national peanut acreage allotment among the peanut-producing States shall become effective upon filing of this document with the Director, Office of the Federal Register.

For the purpose of apportioning the national reserve of 1,244.6 acres § 729.1203 (25 F.R. 9939) is amended to read as follows:

**§ 729.1203 Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1961.**

(a) The national peanut acreage allotment proclaimed in § 729.1202 is hereby apportioned as follows:

| State: | 1961 State acreage allotment |
|---|---|
| Alabama | 218,377.4 |
| Arizona | 717.2 |
| Arkansas | 4,220.0 |
| California | 940.2 |
| Florida | 55,352.0 |
| Georgia | 528,480.8 |
| Louisiana | 1,963.4 |
| Mississippi | 7,558.7 |
| Missouri | 247.1 |
| New Mexico | 5,103.1 |
| North Carolina | 169,018.0 |
| Oklahoma | 138,358.4 |
| South Carolina | 13,866.3 |
| Tennessee | 3,619.0 |
| Texas | 356,547.4 |
| Virginia | 105,631.0 |
| Total | 1,610,000.0 |

(b) The additional acreage hereby apportioned to each State shall be used to the extent necessary to establish new farm allotments on the basis of applications approved under the provisions of § 729.1021 and the remaining acreage shall be available for use for the purposes specified in §§ 729.1016(b)(5), subject to the 10 percent and other limitations contained therein, and 729.1017 of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops, as amended (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344, 2523).

(Secs. 358, 375, 55 Stat. 88, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1375)

Issued at Washington, D.C., this 21st day of March 1961. Witness my hand and the seal of the Department of Agriculture.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61-2611; Filed, Mar. 24, 1961; 8:45 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 211]

## PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

**§ 914.511 Navel Orange Regulation 211.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 23, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 26, 1961, and ending at 12:01 a.m., P.s.t., April 2, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 650,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 24, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2741; Filed, Mar. 24, 1961; 11:22 a.m.]

[Valencia Orange Reg. 219]

## PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

**§ 922.519 Valencia Orange Regulation 219.**

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22 as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.



(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 23, 1961.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 26, 1961, and ending at 12:01 a.m., P.s.t., April 2, 1961, are hereby fixed as follows:

(i) District 1: 103,666 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 125,000 cartons.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 24, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2742; Filed, Mar. 24, 1961; 11:22 a.m.]

[Lemon Reg. 892]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

**§ 953.999 Lemon Regulation 892.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 21, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 26, 1961, and ending at 12:01 a.m., P.s.t., April 2, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 209,250 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 22, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2678; Filed, Mar. 24, 1961; 8:50 a.m.]

[Amdt. 1]

## PART 1031—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

### Container Regulation

*Findings.* 1. Pursuant to the Marketing Agreement No. 141 and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of oranges and grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and such amendment relieves restrictions on the handling of oranges and grapefruit.

*It is therefore ordered,* That paragraph (a) of § 1031.322 *Container regulation* (26 F.R. 2335) is hereby amended by adding at the end thereof a new subparagraph (12) reading as follows:

(12) Containers with inside dimensions of 19¾ x 13 x 12½ inches: *Provided,* That such containers may be used only (i) for the shipment of fruit in bags having a capacity for 5-, 8-, or 20-pounds of fruit, or (ii) for the shipment of grapefruit in bags having a capacity for three (3) pack size 64 grapefruit, each such bag containing three (3) grapefruit of pack size 64 or pack size 70 or 72, or both, grading at least U.S. No. 1.

The provisions of this amendment shall become effective at 12:01 a.m., c.s.t., March 27, 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 23, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–2679; Filed, Mar. 24, 1961; 8:50 a.m.]

## PART 1033—ONIONS GROWN IN SOUTH TEXAS

### Rules and Regulations

Notice of rule making with respect to proposed rules and regulations to be made effective under Marketing Order No. 133 (7 CFR Part 1033; 26 F.R. 704), regulating the handling of onions grown in designated counties in South Texas, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), was published in the FEDERAL REGISTER March 9, 1961 (26 F.R. 2053).

This notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than ten days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the South Texas Onion Committee, established pursuant to the aforesaid marketing order, the following rules and regulations are hereby approved to become effective upon publication in the FEDERAL REGISTER.

GENERAL

Sec.
1033.100 Order.
1033.101 Terms.
1033.102 Communications.
1033.103 Registered handler.
1033.104 Fiscal period.

SAFEGUARDS

1033.120 Policy.
1033.121 Qualification.
1033.122 Application.
1033.123 Approval.
1033.124 Reports.
1033.125 Disqualification.

AUTHORITY: §§ 1033.100 to 1033.125, issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

GENERAL

### § 1033.100 Order.

Order means Order No. 133 (§§ 1033.1 to 1033.92; 26 F.R. 704) regulating the handling of onions grown in South Texas.

### § 1033.101 Terms.

The terms used in this subpart shall have the same meaning as when used in the order.

### § 1033.102 Communications.

Unless otherwise provided in the order, or by specific direction of the committee, all reports, applications, submittals, requests and communications in connection with the order shall be addressed to the South Texas Onion Committee, at its principal office.

### § 1033.103 Registered handler.

For purposes of this part any person who operates an established packing house within the production area with commonly accepted adequate facilities for grading and packing onions for market, and who customarily buys onions from producers for grading, packing, and marketing shall be recorded by the committee as a registered handler. Any other person who wishes to be listed as a registered handler may make application for registration on forms furnished by the committee. If such applicant has facilities available to him that are determined by the committee to be adequate for grading and packing onions for market, and he assumes responsibility for inspection of onions handled by him, and for assessments thereon, he may be approved and recorded as a registered handler. If the committee determines from the available information that the applicant is not entitled to be registered with the committee, he shall be so informed by written notice stating the reason for denial of his application. Any registration of a handler pursuant to this section may be canceled by the committee under circumstances which would have justified denial of his application. Any handler whose registration has been canceled shall be so informed by written notice thereof stating the reason therefor. The committee shall also notify producers of each such cancellation of handler registration through committee bulletins or published notice in local newspapers of general distribution, or both.

### § 1033.104 Fiscal period.

The initial fiscal period shall begin on the effective date of this part, February 6, 1961, and end on January 31, 1962. Thereafter, each fiscal period shall begin on February 1 of each year and end on January 31 of the following year, both dates inclusive.

SAFEGUARDS

### § 1033.120 Policy.

Whenever shipments of onions for special purposes pursuant to § 1033.53 are relieved in whole or in part from regulations issued under § 1033.52, the committee may require information and evidence on the manner, methods, and timing of such shipments as safeguards against the entry of any such onions in trade channels other than those for which intended. Such information and evidence shall include requirements set forth below with respect to Certificates of Privilege.

### § 1033.121 Qualification.

Before handling onions for special purposes which do not meet regulations issued pursuant to § 1033.52, a handler, when required by such regulations, must qualify with the committee to handle shipments for special purposes. To qualify he must (a) apply for and receive a Certificate of Privilege indicating his intent to so handle onions, (b) agree to comply with reporting and other requirements set forth in §§ 1033.120 to 1033.125, inclusive, with respect to such shipments, and (c) receive approval of the committee, or its duly authorized agents, to so handle onions. Such approval will be based upon evidence furnished in his application for Certificate of Privilege and other information available to the committee.

### § 1033.122 Application.

(a) Applications for a Certificate of Privilege shall be made on forms furnished by the committee. Each application may contain, but need not be limited to, the name and address of the handler; the quantity by grade, size, and quality of the onions to be shipped; the mode of transportation; the consignee; the destination; the purpose for which the onions are to be used; and certification to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown thereon, and any other appropriate information or documents deemed necessary by the committee or its duly authorized agents for the purposes stated in § 1033.120.

(b) The committee may require each handler making shipments of onions for export to include with his application a copy of the Department of Commerce Shippers Export Declaration Form No. 7525–V applicable to such shipment.

### § 1033.123 Approval.

The committee or its duly authorized agents shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application, based upon the determination as to whether the information contained therein and other information available to the committee supports approval, shall be evidenced by the issuance of a Certificate of Privilege to the applicant. Each certificate shall cover a specified period and specified qualities and quantities of onions to be sold or transported to a designated consignee for the purpose declared.

### § 1033.124 Reports.

Each handler of onions shipping under Certificates of Privilege shall supply the committee with reports as requested by the committee, or its duly authorized agents, showing the name and address of the shipper; the car or truck identification; the loading point; destination; consignee; the inspection certificate number when inspection is required; and any other information deemed necessary by the committee.

### § 1033.125 Disqualification.

The committee from time to time may conduct surveys of handling of onions for special purposes requiring Certificates of Privilege to determine whether handlers are complying with the requirements and regulations applicable to such certificates. Whenever the committee finds that the handler or consignee is failing to comply with requirements and regulations applicable to handling of onions in special outlets and requiring such certificates, a Certificate or Certificates of Privilege issued such handler may be rescinded and subsequent certificates denied. Such disqualification shall apply to, and not exceed, a reasonable period of time as determined by the committee, but in no event shall it extend beyond the date of the succeeding fiscal period. Any handler who has a Certificate rescinded or denied may appeal to the committee in writing for reconsideration of his disqualification.

It is hereby found that good cause exists for not postponing the effective date of these rules and regulations beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) these rules and regulations apply to the handling of onions grown in the production area and the handling of the 1961 early spring crop of onions has begun, (2) it is necessary to place these rules and regulations in effect at the earliest possible date in order to facilitate operations under the marketing order, and (3) notice hereof has been given by publication in the FEDERAL REGISTER of March 9, 1961 (26 F.R. 2053).

Effective date: Dated, March 22, 1961, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–2653; Filed, Mar. 24, 1961; 8:48 a.m.]



# Title 32—NATIONAL DEFENSE

## Chapter I—Office of the Secretary of Defense

SUBCHAPTER C—REGULATIONS PERTAINING TO MILITARY JUSTICE

## PART 150—UNIFORM RULES OF PROCEDURE FOR PROCEEDINGS IN AND BEFORE BOARDS OF REVIEW

### Revision of Part

*Scope and purpose.* The following is a revision of Part 150 as jointly prescribed by the Judge Advocates General of the armed forces, effective February 28, 1961.

Part 150 is revised to read as follows:

Subpart A—General

Sec.
150.01 Authority.
150.02 Definitions.

Subpart B—Rules

150.1 Quorum.
150.2 Place for filing papers.
150.3 Who may file papers.
150.4 Signing of papers.
150.5 Computation of time.
150.6 Qualification of counsel.
150.7 Conduct of counsel.
150.8 Request for appellate defense counsel.
150.9 Retention of civilian counsel.
150.10 Failure to request or give notice of appellate counsel.
150.11 Mandatory assignment of appellate defense counsel.
150.12 Relations between civilian counsel and other appellate counsel.
150.13 Notice of appearance of counsel.
150.14 Availability of records of trial to civilian counsel.
150.15 Assignment of errors.
150.16 Briefs.
150.17 Oral arguments.
150.18 Matters outside the record.
150.19 Decisions of a board of review.
150.20 Reconsideration.
150.21 Petition for new trial.
150.22 Motions.
150.23 Continuances and interlocutory matters.

Subpart C—Appendixes

150.31 Appendix 1—Form for assignment of errors (§ 150.15).
150.32 Appendix 2—Form for cover page of brief (§ 150.16).
150.33 Appendix 3—Form for contents of brief on behalf of accused (§ 150.16).

AUTHORITY: §§ 150.01 to 150.33 issued under sec. 866, 70A Stat. 59; 10 U.S.C. 866.

## Subpart A—General

### § 150.01 Authority.

Pursuant to Article 66(f) of the Uniform Code of Military Justice (sec. 866(f), 70A Stat. 59–60, 10 U.S.C. 866 (f)), the following rules of procedure for proceedings in and before boards of review are jointly promulgated by the Judge Advocates General of the armed forces effective February 28, 1961.

### § 150.02 Definitions.

So far as the terms defined in Article 1 of the Uniform Code of Military Justice (sec. 801, 70A Stat. 36; 10 U.S.C. 801) are used in this part, they are used in the sense of their respective definitions therein unless the context indicates otherwise. As used in this part:

(a) "Appellate counsel" means any counsel representing any party before a board of review.

(b) "Appellate defense counsel" means any officer appointed by the Judge Advocate General to represent an accused before a board of review pursuant to Article 70 of the Uniform Code of Military Justice (sec. 870, 70A Stat. 62; 10 U.S.C. 870).

(c) "Appellate government counsel" means any officer appointed by the Judge Advocate General to represent the government before a board of review pursuant to Article 70 of the Uniform Code of Military Justice (sec. 870, 70A Stat. 62; 10 U.S.C. 870).

(d) "Civilian counsel" means civilian counsel provided by the accused to represent him before a board of review.

(e) "Appellate counsel for the accused" includes appellate defense counsel and civilian counsel.

(f) "Defense counsel" means any person who represented an accused at the trial by court-martial or who served as his counsel in the field.

## Subpart B—Rules

### § 150.1 Quorum.

A majority of the member of a board of review constitutes a quorum for the purpose of hearing and determining any matter referred to the board. The determination of any matter referred to a board of review will be according to the opinion of a majority of the members participating in the decision. In the absence of a quorum the senior member present may make all necessary orders touching any proceedings pending in the board preparatory to hearing or decision thereof.

### § 150.2 Place for filing papers.

When the filing of a notice of appearance, brief, or other paper in the Office of a Judge Advocate General is required by these rules, such papers will be filed in the Office of the Judge Advocate General of the appropriate armed force. If transmitted by mail or other means, they are not filed until received in such office.

### § 150.3 Who may file papers.

Papers will be filed only by the accused or the duly authorized counsel for the parties in interest and proof of such authorization may be required.

### § 150.4 Signing of papers.

All formal papers must be signed and must show, typewritten or printed, the name and address of the person signing same, together with his military rank, if any, and the capacity in which he signs the paper. Such signature constitutes a certificate that the statements made therein are true and correct to the best of the knowledge, information, and belief of the person signing the paper, and that the paper is filed in good faith and not for purposes of unnecessary delay.

### § 150.5 Computation of time.

Times referred to herein are calendar days. If the last day falls on a Saturday, Sunday, or holiday, compliance may be made on the next working day.

### § 150.6 Qualification of counsel.

(a) In any proceeding before a board of review the accused may be represented by civilian counsel provided by him or by assigned appellate defense counsel. Civilian counsel must be a member of the bar of a Federal court or of the highest court of a State or Possession of the United States, and may be required to file a certificate setting forth such qualifications. Assigned appellate defense and government counsel must be qualified in accordance with Articles 70(a) and 27(b)(1) of the Uniform Code of Military Justice (secs. 870(a) and 827(b)(1), 70A Stat. 62 and 46; 10 U.S.C. 870(a) and 827(b)(1)).

(b) Civilian counsel may not act as counsel before a board of review if he has been suspended by the Judge Advocate General of the service concerned from such practice and such suspension has not been revoked.

### § 150.7 Conduct of counsel.

(a) The conduct of counsel appearing before a board of review will be in accordance with the rules of conduct prescribed by paragraph 42b, Manual for Courts-Martial, United States, 1951 (16 F.R. 1320; 3 CFR, 1949–1953 Comp. p. 441).

(b) A board of review may exercise its inherent right to remove, on an ad hoc basis, counsel misbehaving before or in relation to their appearance before such board. When a counsel has been so removed and the board considers that his conduct was such as probably to warrant suspension, either temporarily or indefinitely, the board shall report the misconduct to the Judge Advocate General of the service concerned and make such recommendations as deemed appropriate.

**§ 150.8 Request for appellate defense counsel.**

A request for representation by appellate defense counsel will be forwarded to the convening or reviewing authority for attachment to the record or dispatched to the Office of the Judge Advocate General within ten days from the date of the action of the convening or reviewing authority, whichever is later. In cases referred to a board under Article 69 of the Uniform Code of Military Justice (sec. 869, 70A Stat. 61; 10 U.S.C. 869), the accused will have two days from the time he receives notice of such reference to forward a request for appellate defense counsel to the Office of the Judge Advocate General unless he has already forwarded such request. Any request for appellate defense counsel should be accompanied by a statement as to the errors or other matters urged as grounds for relief. Although such statement need not be in technical form, the assistance of counsel in the field should be made available for its preparation. In the event defense counsel files a brief as provided in Article 38(c) of the Uniform Code of Military Justice (sec. 838(c), 70A Stat. 50; 10 U.S.C. 838(c)), such brief may be submitted in lieu of this statement.

**§ 150.9 Retention of civilian counsel.**

(a) Notice that an accused has retained or has taken action to retain civilian counsel to represent him before a board of review will be forwarded to the convening or reviewing authority for attachment to the record or dispatched to the Judge Advocate General within ten days from the date of the action of the convening or reviewing authority, whichever is later. In cases referred to a board of review under Article 69 of the Uniform Code of Military Justice (sec. 869, 70A Stat. 61; 10 U.S.C. 869), the accused will forward such notice within two days after receipt of notice by him of such referral unless he has already forwarded such notice. The notice of retention of civilian counsel will be signed by the accused or his representative and will state the name and address of such civilian counsel. When the accused has forwarded a timely notice of intention to retain civilian counsel, a notice of retainer stating the name and address of such counsel must be received in the Office of the Judge Advocate General within ten days of receipt of the notice of intention. Such civilian counsel will thereafter be notified of the receipt of the record of trial in the Office of the Judge Advocate General, the number of the case, the board to which the case has been referred, and the arrangements made, or to be made, for a hearing.

(b) If the accused has forwarded a timely notice of intention to retain civilian counsel, appellate defense counsel shall be assigned to represent the interests of the accused pending appearance of civilian counsel.

**§ 150.10 Failure to request or give notice of appellate counsel.**

Failure of an accused to request appellate defense counsel or to give notice of retainer of civilian counsel or of intention to retain civilian counsel within the times prescribed may be regarded as a waiver of such right and a board may take final action in the case.

**§ 150.11 Mandatory assignment of appellate defense counsel.**

In all cases in which the United States is represented by counsel before a board of review, the accused will be assigned appellate defense counsel if not already represented by counsel.

**§ 150.12 Relations between civilian counsel and other appellate counsel.**

Civilian counsel may communicate directly with appellate defense or government counsel. Appellate defense counsel shall render such appropriate assistance in connection with the appellate review in the case as may be requested by civilian counsel.

**§ 150.13 Notice of appearance of counsel.**

Appellate defense and government counsel in a case before a board of review will file a written notice of appearance in the Office of the Judge Advocate General within five days of assignment to the case. Civilian counsel will file such notice within ten days from the date of receipt of the notice of retainer in the Office of the Judge Advocate General. Unless separate notice of appearance is filed, an assignment of errors, brief, or other formal paper will constitute a notice of appearance.

**§ 150.14 Availability of records of trial to civilian counsel.**

Civilian counsel who do not have a copy of the record of trial may make arrangements with appellate defense counsel to examine a copy of the record of trial in the Office of the Judge Advocate General and to make a copy of the whole or any part thereof without expense to the Government.

**§ 150.15 Assignment of errors.**

Within fifteen days after notification of the receipt of the record in the Office of the Judge Advocate General, appellate counsel for the accused shall file an assignment of errors setting forth separately and particularly each error asserted and intended to be urged (§ 150.31). An original and five clear copies prepared in accordance with the provisions of § 150.16(a) will be submitted. It will contain the information prescribed in § 150.16(d)(1). A reply to this assignment may be filed within fifteen days.

**§ 150.16 Briefs.**

(a) *General provisions.* The assignment of errors prescribed in § 150.15 may be included in, or filed in lieu of, a brief for the accused. An original and five clear copies of all briefs will be submitted. Briefs will be typewritten, double-spaced on 8" x 12½" (legal cap) white paper, securely fastened at the top. All references to matters contained in the record will show record page numbers and any exhibit designations.

(b) *Number of briefs.* Appellate counsel will be limited to the filing of one brief for each side unless the board otherwise permits or directs.

(c) *Time for filing.* Any brief for an accused will be filed within fifteen days after his appellate counsel has been notified of the receipt of the record in the Office of the Judge Advocate General. If the Judge Advocate General has directed appellate government counsel to represent the United States, such counsel may file a brief on behalf of the government within fifteen days after any brief or an assignment of errors has been filed on behalf of an accused. If no brief is filed on behalf of an accused, a brief on behalf of the government may be filed within fifteen days after expiration of the time allowed for the filing of a brief on behalf of the accused.

(d) *General contents.* (1) Each brief will indicate on the cover page (§ 150.32):

(i) The designation of the board of review to which the case has been referred,

(ii) The number of the case, if known, and the caption with designation of parties,

(iii) Title of the document,

(iv) Names and addresses of all counsel submitting the document,

(2) If the brief is ten pages or more, an index containing:

(i) Divisions of the brief, including a summary of the argument,

(ii) Table of authorities cited with references to the page of the brief where cited.

(e) *Contents (accused)* (*§ 150.33*). The brief for an accused will contain the following arranged in the order indicated:

(1) A summary of the proceedings showing the findings and sentence as approved and the action of the convening authority thereon,

(2) A concise statement of the facts of the case containing all that is material to the consideration of the questions presented with appropriate page references to the record,

(3) The substance of the errors or points intended to be urged, prepared in accordance with § 150.15,

(4) The argument exhibiting clearly the points of fact and law being presented, citing the authorities and statutes relied upon, and quoting the relevant parts of such authorities and statutes as are deemed to have an important bearing,

(5) A conclusion stating concisely why the case should be decided as urged.

(f) *Contents (government).* (1) A brief on behalf of the government will



be of like character as that prescribed for the accused except that the matters prescribed in paragraph (e) (1), (2), and (3) of this section need not be given unless deemed necessary in correcting any inaccuracy or omission in the brief of the accused.

(2) Appropriate proof of service of a copy of the brief will appear on the cover sheet when the accused is represented by civilian counsel.

**§ 150.17 Oral arguments.**

(a) *When heard.* All cases in which the parties are represented by counsel will be set for argument unless, upon request of counsel, a board permits a case to be submitted without argument.

(b) *Notice of setting of arguments.* A board of review will give appellate counsel at least ten days' notice of the time and place of oral argument, unless waived.

(c) *Time limits.* The length of oral arguments will be within the discretion of a board of review and ordinarily will not exceed thirty minutes for each side.

(d) *Number of counsel; opening and closing.* A board in its discretion may limit the number of counsel making an oral argument. The defense will have the right to make opening and closing arguments.

(e) *Failure to appear.* Failure of appellate counsel to appear at the time and place set for oral argument may be regarded as a waiver thereof and the board may proceed to act on the case as submitted without argument or, in its discretion, may continue the case for argument at a later date, giving due notice thereof.

(f) *Presence of accused.* The accused does not have a right to be present at the hearing before the board of review.

**§ 150.18 Matters outside the record.**

Matters outside the record of trial will not be presented to or argued before a board of review except with respect to:

(a) A petition for new trial referred to a board under Article 73 of the Uniform Code of Military Justice (sec. 873, 70A Stat. 63; 10 U.S.C. 873) (see § 150.21),

(b) A question of jurisdiction,

(c) Matters affecting the sanity of an accused tending to show that further inquiry as to his mental condition is warranted in the interest of justice,

(d) Matters as to which judicial notice may be taken in military law,

(e) Such other matters as a board of review may determine to be proper under substantive law.

**§ 150.19 Decisions of a board of review.**

(a) *Notice of decisions.* Notice of the decision of a board of review will be accomplished as prescribed in paragraph 100, Manual for Courts-Martial, United States, 1951 (16 F.R. 1351; 3 CFR, 1949–1953 Comp., p. 502). In any case where a board affirms a sentence without opinion, notice upon the accused and appellate counsel for the accused, in accordance with paragraph 100c(1)(a), Manual for Courts-Martial, United States, 1951 (16 F.R. 1351; 3 CFR, 1949–1953 Comp., p. 502), may be accomplished by any equally expeditious means of communication.

(b) *Copies of decisions.* A copy of the decision of a board of review will be furnished appellate counsel for the accused.

(c) *Format of decisions.* The Judge Advocate General of the service concerned may prescribe the format of board of review decisions.

**§ 150.20 Reconsideration.**

(a) A board of review may, in its discretion and on its own motion, enter an order in any case not later than 30 days after service of its decision on the accused to reconsider such decision, provided a petition for grant of review or certificate for review has not been filed with the United States Court of Military Appeals, or a record of trial for review under Article 67(b)(1) of the Uniform Code of Military Justice (sec. 867(b)(1), 70A Stat. 60; 10 U.S.C. 867(b)(1)) has not been received by the court.[1] Copies of such order will be served on appellate defense counsel and appellate government counsel. No briefs or arguments will be received unless the order so directs.

(b) A board of review may, in its discretion, reconsider its decision in any case upon motion filed by either appellate defense counsel within 10 days from the time an accused is notified of the decision of the board of review or upon motion of appellate government counsel within 10 days after receipt of its decision, provided a petition for grant of review or certificate for review has not been filed with the United States Court of Military Appeals, or a record of trial for review under Article 67(b)(1) of the Uniform Code of Military Justice (sec. 867(b)(1), 70A Stat. 60; 10 U.S.C. 867(b)(1)) has not been received by the court.[1]

(c) A motion for reconsideration shall briefly and directly state the grounds for reconsideration including a statement of facts showing jurisdiction in the board of review. A reply to the motion for reconsideration will be received by the board only if filed within five days of receipt of a copy of the motion. No oral argument will be received on a motion for reconsideration unless ordered by the board of review. The original of the motion filed with the board shall indicate the date of receipt of a copy of the same by opposing counsel.

(d) The time limitations prescribed by this section will not be extended under the authority of § 150.23 beyond the expiration of the time for filing a petition for review by the United States Court of Military Appeals, except that the time for filing briefs by either party may be extended for good cause.

**§ 150.21 Petition for new trial.**

(a) *General provisions.* Upon receipt from the Judge Advocate General of a petition for a new trial in a case pending before a board, the board of review shall, as soon as practicable, notify appellate counsel for the accused of such receipt.

(b) *Additional investigation.* The board on considering a petition for a new trial may, when deemed appropriate, request the Judge Advocate General to initiate further investigation and to report the results thereof to the board. Additionally, the board may take evidence concerning the petition, relaxing the rules of evidence to whatever extent it deems advisable.

(c) *Answer.* Appellant government counsel shall file an answer to a petition for new trial within 10 days after receipt of notification of the receipt thereof by a board of review.

(d) *Briefs.* Any brief in support of a petition for new trial shall be filed within 10 days of appellant government counsel's answer. If appellee fails to file an answer, appellant may file a brief within 10 days after the expiration of the time allowed for the filing of appellee's answer. Appellee's brief shall be filed within 10 days of the filing of appellant's brief. If appellant fails to file a brief, appellee may file his brief within 10 days after the expiration of the time allowed for filing of appellant's brief.

(e) *Oral argument.* Except when ordered by the board, oral argument will not be permitted on a petition for a new trial.

**§ 150.22 Motions.**

(a) *Content.* All motions, unless made during the course of a hearing, shall state with particularity the relief sought and the grounds therefor.

(b) *Opposition.* Any opposition to a motion shall be filed within five days after receipt by the opposing party of service of the motion.

(c) *Leave to file.* Any pleading not required by this part shall be accompanied by a motion for leave to file such pleading.

**§ 150.23 Continuances and interlocutory matters.**

Except as otherwise provided in § 150.20(d), a board, in its discretion, may extend any time limits prescribed and may dispose of any interlocutory or other matters, not specifically covered

[1] Entry of an order under paragraph (a) or receipt of a motion under paragraph (b) of this section, will delay the inception of the thirty-day appeal period prescribed by Article 67(c) of the Uniform Code of Military Justice (sec. 867(c), 70A Stat. 60; 10 U.S.C. 867(c)) until the time the accused is notified of the final disposition of the reconsideration or motion by the board of review and will delay the inception of the thirty-day period prescribed by Rule 25 of the Rules of Practice and Procedure of the United States Court of Military Appeals until the Judge Advocate General is notified of the final disposition of the reconsideration or motion by the board. See United States v. Sell, 3 USCMA 202, 11 CMR 202; United States v. Sparks, 5 USCMA 453, 18 CMR 77.

by this part, in such manner as may appear to be required for a full, fair, and expeditious consideration of the case. The Chairman of the board may grant such extensions of time limits prescribed, for such time and as often as may appear to be just.

## Subpart C—Appendixes

### § 150.31 Appendix 1—Form for assignment of errors (§ 150.15).

IN THE OFFICE OF THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE[1]

Before Board of Review No. —

UNITED STATES *v.* Private JOHN RICHARD ROE, U.S. Air Force, AF00000000, 3000th Training Squadron, 4000th Technical Training Group

Case No. ------
Tried at ----------, on ---------- 19--, before a G.C.M. appointed by CG-------- Air Force

ASSIGNMENT OF ERRORS

Summary of Proceedings

Upon trial by general court-martial the accused pleaded not guilty to, and was found guilty of, absence without leave from 2 June 1951 until 1 July 1951 in violation of U.C.M.J., Art. 86, and of larceny of a watch of a value of $75.00, the property of Private Schmidt, in violation of U.C.M.J., Art. 121. On ---------- 19-- he was sentenced to dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor for 4 years. The convening authority approved the sentence, forwarded the record of trial to the Judge Advocate General of the ---------- and directed that pending completion of appellate review the accused be transferred to the command of ----------, where he is presently confined in the base stockade, ---------- Air Base, ----------.

Errors

The following errors are assigned:

1. The law officer erred in admitting in evidence as Prosecution's Exhibit No. 1, an alleged extract copy of the morning report of the 3000th Training Squadron dated 2 June 1951 (R. 17).

The exhibit shows that the alleged morning report was signed, and indicates that the entry as to the accused's alleged unauthorized absence was made, by Sergeant William Q. Johns, 3000th Training Squadron. Under pertinent regulations in effect at the time the alleged entry was made, a noncommissioned officer was not the proper person to sign the morning report and had no official duty to record the fact of unauthorized absence.

2. The court erred in its findings of guilty of absence without leave (R. 29), as there was no competent evidence of the alleged unathorized absence.

3. ----------

4. ----------

[S] ----------
JOHN J. DOE,
*Major, U.S. Air Force, Office of the Judge Advocate General, U.S. Air Force, Appellate Defense Counsel.*

[1] Use Judge Advocate General of the Army Judge Advocate General of the Navy, or General Counsel of the Treasury Department, respectively, for Army, Navy, or Coast Guard accused, and modify title accordingly.

### § 150.32 Appendix 2—Form for cover page of brief (§ 150.16).

IN THE OFFICE OF THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE[1]

Before Board of Review No. —

UNITED STATES *v.* Private JOHN RICHARD ROE, U.S. Air Force, AF00000000, 3000th Training Squadron, 4000th Technical Training Group

Case No. ------
Tried at ----------, on ---------- 19--, before a G.C.M. appointed by CG-------- Air Force

Brief on behalf of accused
(Brief on behalf of the Government)
(Reply brief on behalf of accused)

ROGER Q. SMITH,
*Attorney-at-Law,*
*Crow Building, Muscatine, Iowa,*
*Civilian Counsel for Accused.*
WILLIAM R. QUEEN,
*Major, U.S. Air Force,*
*Office of the Judge Advocate General,*
*U.S. Air Force,*
*Appellate Defense Counsel.*

### § 150.33 Appendix 3—Form for contents of brief on behalf of accused (§ 150.16).

(For Form of Cover Page, see § 150.32.)

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UNITED STATES v. Private JOHN RICHARD ROE, U.S. Air Force, AF00000000, 3000th Training Squadron, 4000th Technical Training Group

Case No. ------
Tried at ----------, on ---------- 19--, before a G.C.M. appointed by CG -------- Air Force

BRIEF ON BEHALF OF ACCUSED

Summary of Proceedings
(See first paragraph of § 150.31)

• • • • • •

Statement of Facts

Briefly summarized the record of trial shows ————. (State all the facts material to the consideration of errors assigned).

Assignment of Errors

The following errors are assigned:
(See § 150.31)

• • • • • •

Argument

(Discuss the points presented separately and in detail under the headings listed in the index, citing and quoting applicable authority deemed to have an important bearing.)

• • • • • •

Conclusion

For the reasons stated, the findings of guilty and the sentence should be set aside and the charges should be dismissed.

[S] ----------
ROGER Q. SMITH,
*Attorney-at-Law, Crow Building, Muscatine, Iowa, Civilian Counsel for Accused.*

[S] ----------
WILLIAM R. QUEEN,
*Major, U.S. Air Force, Office of the Judge Advocate General, U.S. Air Force, Appellate Defense Counsel.*

MAURICE W. ROCHE,
*Administrative Secretary, Office of the Secretary of Defense.*

[F.R. Doc. 61-2625; Filed, Mar. 24, 1961; 8:46 a.m.]

# Title 42—PUBLIC HEALTH

## Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

## PART 73—BIOLOGIC PRODUCTS

### Additional Standards; Poliovirus Vaccine, Live, Oral

On November 23, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER proposing regulatory standards for the manufacture of Poliovirus Vaccine, Live, Oral.



Views and arguments respecting the proposed amendments were invited to be submitted within 30 days after publication of the notice in the FEDERAL REGISTER, and notice was given of intention to make any amendments that were adopted effective 30 days after the date of publication of the adopted amendments.

After consideration of all comments submitted, the following amendments to Part 73 of the Public Health Service regulations are hereby adopted to become effective 30 days after the date of publication in the FEDERAL REGISTER.

1. Redesignate §§ 73.110, 73.111, 73.112, 73.113, 73.114, and 73.115 as §§ 73.130, 73.131, 73.132, 73.133, 73.134, 73.135, respectively.

2. In § 73.130(b) as redesignated, substitute the numerals "73.132" and "73.133" for the numerals "73.112" and "73.113".

3. In § 73.130(c) as redesignated, substitute the numerals "73.132" and "73.133" for the numerals "73.112" and "73.113".

4. In § 73.131(d) as redesignated, substitute the numeral "73.132" for the numeral "73.112" in the three places where it appears.

5. In § 73.132(b) as redesignated, substitute the numeral "73.131" for the numeral "73.111".

6. In § 73.135 as redesignated, substitute the numerals "73.130" and "73.134" for the numerals "73.110" and "73.114", respectively.

7. Insert the following immediately after § 73.105:

ADDITIONAL STANDARDS: POLIOVIRUS VACCINE, LIVE, ORAL

### § 73.110 The product.

(a) *Proper name and definition.* For the purpose of section 351(a)(2) of the Act and § 73.1(k), the proper name of this product shall be "Poliovirus Vaccine, Live, Oral", followed by a designation of the form in which the vaccine is distributed by the manufacturer. The vaccine shall be a preparation of one or more live, attenuated polioviruses grown in monkey kidney cell cultures, prepared in a form suitable for oral administration.

(b) *Criteria for acceptable strains and acceptable seed virus.* (1) Strains of attenuated poliovirus Types 1, 2, and 3 used in the manufacture of the vaccine shall be identified by: (i) Historical records including origin and techniques of attenuation, (ii) antigenic properties, (iii) neurovirulence for monkeys, (iv) pathogenicity for other animals and tissue cultures of various cell types, and (v) established virus markers including rct/40, d, MS.

(2) Poliovirus strains shall not be used in the manufacture of Poliovirus Vaccine, Live, Oral, unless, (i) data are submitted to the Surgeon General which establish that each such strain is free of harmful effect upon administration in the recommended dosage to at least 100,000 people susceptible to poliomyelitis, under circumstances where adequate epidemiological surveillance of neurological illness has been maintained, and, (ii) each such strain produces a vaccine meeting the safety and potency requirements of §§ 73.114(b), 73.115, and 73.117. Susceptibility shall be demonstrated by blood tests, stool examinations and other appropriate methods.

(3) Each seed virus used in manufacture shall be demonstrated to be free of extraneous microbial agents.

(4) No seed virus shall be used for the manufacture of poliovirus vaccine unless its neurovirulence in Macaca monkeys is no greater than that of the NIH Reference Attenuated Poliovirus. The neurovirulence of the seed virus shall be demonstrated by the following tests to be performed by the manufacturer: (i) The test prescribed in § 73.114(b)(1) using seed virus as test material in place of monovalent virus pool material and (ii) the following comparative intramuscular neurovirulence test: Each of at least ten monkeys shall be injected with a total of 5.0 ml. of the seed virus under test in one or more proximate locations of either a gluteus or gastrocnemius muscle. Similar injections shall be made in another group of ten monkeys using the NIH Reference Attenuated Poliovirus. Each monkey shall be injected intramuscularly with no less than $10^{7.7}$ $TCID_{50}$ of viral inoculum. All monkeys shall be observed for 17 to 21 days and a comparative evaluation shall be made of the evidence of neurovirulence of the virus under test and the NIH Reference Attenuated Poliovirus, as prescribed in § 73.114(b)(1)(iii).

(5) Subsequent and identical neurovirulence tests shall be performed in monkeys whenever there is evidence of a change in the neurovirulence of the production virus and upon introduction of a new production seed lot and as often as necessary otherwise to establish to the satisfaction of the Surgeon General that the seed virus strains for vaccine manufacture have maintained their neurovirulence properties as set forth in § 73.114(b)(1).

(6) The Surgeon General may, from time to time, prohibit the use of a specified strain whenever he finds it is practicable to use another strain of the same type which is potentially less pathogenic for man, and that it will produce a vaccine of equivalent safety and potency.

### § 73.111 NIH reference strains.

The following NIH reference viruses shall be obtained from the Division of Biologics Standards.

NIH Reference Poliovirus, Live Attenuated, Type 1, as a control for correlation of virus titers in tissue cultures.

NIH Reference Poliovirus, Live Attenuated, Type 2, as a control for correlation of virus titers in tissue cultures.

NIH Reference Poliovirus, Live Attenuated, Type 3, as a control for correlation of virus titers in tissue cultures.

NIH Reference Attenuated Poliovirus, Type 1, as a control for correlation of monkey neurovirulence tests.

### § 73.112 Animal conditioning, personnel, and facilities.

(a) *Monkey conditioning, housing and handling.* (1) Only Macaca monkeys, or a species found by the Director, Division of Biologics Standards, to be equally suitable, in overt good health, that have reacted negatively to tuberculin at the start of the prescribed quarantine period, shall be used as the source of kidney tissue for the manufacture of poliovirus vaccine.

(2) Monkeys that have been used previously for experimental purposes shall not be used as a source of kidney tissue in the manufacture of vaccine.

(3) Monkeys to be used as a source of kidney tissue in vaccine manufacture shall be maintained in quarantine for at least six weeks prior to use in cages closed on all sides with solid materials except the front, which shall be screened. Not more than two monkeys shall be housed in one cage, and cage mates shall not be interchanged.

(4) Excluding deaths from accidents or causes not due to infectious diseases, if the death rate of any group of monkeys being conditioned in accordance with subparagraph (3) of this paragraph exceeds five percent per month, the remaining monkeys may be used for poliovirus vaccine only if they survive a new quarantine period.

(5) Each animal at necropsy shall be examined under the direction of a qualified pathologist, physician, or veterinarian having experience with diseases of monkeys, for the presence of signs or symptoms of ill health, particularly for (i) evidence of tuberculosis, (ii) presence of herpes-like lesions, including eruptions or plaques on or around the lips, in the buccal cavity or on the gums and (iii) signs of conjunctivitis. If there are any such signs or other significant gross pathological lesions, the kidneys shall not be used in the manufacture of vaccine.

(b) *Personnel.* All possible steps shall be taken to insure that personnel involved in processing the vaccine are immune to poliovirus in order to minimize the possibility that they may become excretors of poliovirus.

(c) *Facilities.* The space set aside for work with live poliovirus vaccine shall not be used for any other purpose during the vaccine processing period. All areas used for live poliovirus vaccine processing shall be decontaminated prior to the initiation of such processing. Test procedures which potentially involve the presence of micro-organisms including viruses other than the vaccine strains, or the use of tissue culture cell lines other than primary cultures, shall not be conducted in live poliovirus vaccine manufacturing areas.

### § 73.113 Manufacture of poliovirus vaccine, live, oral.

(a) *Primary cell cultures.* Only primary monkey kidney tissue cultures may be used in the manufacture of poliovirus vaccine. Continuous line cells shall not be introduced or propagated in vaccine manufacturing areas.

(b) *Virus passages.* Virus in the final product shall represent no more than five tissue culture passages from the original strain, each of which shall have met the criteria of acceptability prescribed in § 73.110(b).

(c) *Identification of processed kidneys.* The kidneys from each monkey shall be processed and the viral fluid resulting therefrom shall be identified as a separate monovalent harvest and kept separately from other monovalent harvests until all samples for the tests prescribed in the following paragraph relating to that pair of kidneys shall have been withdrawn from the harvest.

(d) *Monkey kidney tissue production vessels prior to virus inoculation.* Prior to inoculation with the seed virus, the tissue culture growth in vessels representing each pair of kidneys shall be examined microscopically for evidence of cell degeneration at least three days after complete formation of the tissue sheet. If such evidence is observed, the tissue from that pair of kidneys shall not be used for poliovirus vaccine manufacture. To test the tissue found free of cell degeneration for further evidence of freedom from demonstrable viable microbial agents, the fluid shall be removed from the cell cultures immediately prior to virus inoculation and tested in each of four culture systems; (1) Macaca monkey kidney cells, (2) Cercopithecus monkey kidney cells, (3) primary rabbit kidney cells, and (4) human cells (from one of the systems described in § 73.114(a)(6)), in the following manner: Aliquots of fluid from each vessel shall be pooled and at least ten ml. of the pool inoculated into each system, with ratios of inoculum to medium being 1:1 to 1:3 and with the area of surface growth of cells at least three square centimeters per milliliter of test inoculum. The cultures shall be observed for at least 14 days. If these tests indicate the presence in the tissue culture preparation of any viable microbial agent the tissue cultures so implicated shall not be used for poliovirus vaccine manufacture.

(e) *Control vessels.* Before inoculation with seed virus, sufficient tissue culture vessels to represent at least 25 percent of the cell suspension from each pair of kidneys shall be set aside as controls. The control vessels shall be examined microscopically for cell degeneration for an additional 14 days. The cell fluids from such control vessels shall be tested, both at the time of virus harvest and at the end of the additional observation period, by the same method prescribed for testing of fluids in the preceding paragraph (d) of this section. In addition the cell sheet in each control vessel shall be examined for presence of hemadsorption viruses by the addition of guinea pig red blood cells.

(f) *Virus harvest; interpretation of test results.* At least 80 percent of the control vessels shall successfully complete the additional 14-day observation period without microscopic evidence of cell degeneration of the tissue sheets. If less than 80 percent of the control vessels fail to complete satisfactorily the observation period, no tissue from the kidneys implicated shall be used for poliovirus vaccine manufacture. If the test results of the control vessels indicate the presence of any extraneous agent at the time of virus harvest, the entire virus harvest from that tissue culture preparation shall not be used for poliovirus vaccine manufacture. If any of the tests or observations described in paragraph (d) or (e) of this section demonstate the presence in the tissue culture preparation of any microbial agent known to be capable of producing human disease, the virus grown in such tissue culture preparation shall not be used for poliovirus vaccine manufacture.

(g) *Kidney tissue production vessels after virus inoculation—temperature.* After virus inoculation, production vessels shall be maintained at a temperature not to exceed 35.0° C. during the course of virus propagation.

(h) *Kidney tissue virus harvests.* Virus harvested from vessels containing the kidney tissue from one monkey may constitute a monovalent virus pool and be tested separately, or viral harvests from more than one pair of kidneys may be combined, identified and tested as a monavalent pool. Each pool shall be mixed thoroughly and samples withdrawn for testing as prescribed in § 73.114(a). The samples shall be withdrawn immediately after harvesting and prior to further processing, except that samples of test materials frozen immediately after harvesting and maintained at —60° C. or below, may be tested upon thawing, provided no more than one freeze-thaw cycle is employed.

(i) *Filtration.* After harvesting and removal of samples for the safety tests described in § 73.114(a), the pool shall be passed through sterile filters having a sufficiently small porosity to assure bacteriologically sterile filtrates.

### § 73.114 Test for safety.

(a) *Tests prior to filtration.* Monovalent virus pools shall contain no demonstrable viable microbial agent other than the attenuated live polioviruses intended. The vaccine shall be tested for the absence of adventitious and other infectious agents including polioviruses of other types or strains, simian agents, Mycobacterium tuberculosis, pox viruses, lymphocytic choriomeningitis virus, Echo viruses, Coxsackie viruses, and B-virus. Testing of each monovalent pool shall include the following procedures:

(1) *Inoculation of rabbits.* A minimum of 100 ml. of each monovalent virus pool shall be tested by inoculation into at least ten healthy rabbits, each weighing 1500–2500 grams. Each rabbit shall be injected intradermally in multiple sites, with a total of 1.0 ml. and subcutaneously with 9.0 ml., of the viral pool, and the animals observed for at least three weeks. Each rabbit that dies after the first 24 hours of the test or is sacrificed because of illness shall be necropsied and the brain and organs removed and examined. The virus pool may be used for poliovirus vaccine only if at least 80 percent of the rabbits remain healthy and survive the entire period and if all the rabbits used in the test fail to show lesions of any kind at the sites of inoculation and fail to show evidence of B-virus or any other viral infection.

(2) *Inoculation of adult mice.* Each of at least 20 adult mice each weighing 15–20 grams shall be inoculated intraperitoneally with 0.5 ml. and intracerebrally with 0.03 ml. of each monovalent virus pool to be tested. The mice shall be observed for 21 days. Each mouse that dies after the first 24 hours of the test, or is sacrificed because of illness, shall be necropsied and examined for evidence of viral infection by direct observation and subinoculation of appropriate tissue into at least 5 additional mice which shall be observed for 21 days. The monovalent virus pool may be used for poliovirus vaccine only if at least 80 percent of the mice remain healthy and survive the entire period and if all the mice used in the test fail to show evidence of lymphocytic choriomeningitis virus or other viral infection.

(3) *Inoculation of suckling mice.* Each of at least 20 suckling mice less than 24 hours old, shall be inoculated intracerebrally with 0.01 ml. and intraperitoneally with 0.1 ml. of the monovalent virus pool to be tested. The mice shall be observed daily for at least 14 days. Each mouse that dies after the first 24 hours of the test, or is sacrificed because of illness shall be necropsied and all areas examined for evidence of viral infection. Such examination shall include subinoculation of appropriate tissue suspensions into an additional group of at least five suckling mice by the intracerebral and intraperitoneal routes and daily observed for 14 days. In addition, a blind passage shall be made of a single pool of the emulsified tissue (minus skin and viscera) of all mice surviving the original 14 day test. The virus pool under test is satisfactory for poliovirus vaccine only if at least 80 percent of the mice remain healthy and survive the entire period and if all the mice used in the test fail to show evidence of Coxsackie or other viral infection.

(4) *Inoculation of guinea pigs.* Each of at least five guinea pigs, each weighing 350–450 grams, shall be inoculated intracerebrally with 0.1 ml. and intraperitoneally with 5.0 ml. of the monovalent virus pool to be tested. The animals shall be observed for at least 42 days and daily rectal temperatures recorded for the last three weeks of the test. Each animal that dies after the first 24 hours of the test, or is sacrificed because of illness, shall be necropsied. The tissues shall be examined both microscopically and culturally for evidence of tubercle bacilli, and by passage of tissue suspensions into at least three other guinea pigs by the intracerebral and intraperitoneal routes of inoculation for evidence of viral infection. If clinical symptoms suggest infection with lymphocytic choriomeningitis virus, serological tests shall be performed on blood samples of the test guinea pigs to confirm the clinical observations. Animals that die or are sacrified during the first three weeks after inoculation with poliovirus shall be examined for infection with lymphocytic choriomeningitis virus. Animals that die in the final three weeks shall be examined both microscopically and culturally for M. Tuberculosis. The monovalent virus pool is satisfactory for poliovirus vaccine only if at least 80 percent of all animals remain healthy and survive the observation period and if all the animals used in the test fail to show evidence of infection with M. Tuberculosis, or any viral infection.

(5) *Inoculation of monkey kidney tissue cultures.* At least 500 doses or 50 ml., whichever represents a greater volume of virus, of each undiluted monovalent virus pool or in equal proportions from individual harvests or sub-pools, shall be tested for simian viruses in Macaca, and the same volume in Cercopithecus, monkey kidney tissue culture preparations, in a ratio of inoculum to medium of from 1:1 to 1:3, and with the area of surface growth of cells at least three square centimeters per milliliter of test inoculum, after neutralization of the poliovirus by high titer type specific nonsimian antisera. The immunizing antigens used for the preparation of antisera shall be grown in a human tissue culture cell line. The cultures shall be observed for no less than 14 days. The monovalent virus pool is satisfactory for poliovirus vaccine only if all the tissue cultures fail to show evidence of the presence of simian viruses.

(6) *Inoculation of human cell cultures.* At least 500 doses or 50 ml., whichever represents a greater volume of virus, taken from either a single monovalent pool or in equal proportions from individual harvests or sub-pools, shall be tested in a ratio of inoculum to medium of 1:1 to 1:3, and with the area of surface growth of cells at least three square centimeters per milliliter of test inoculum, for the presence of measles virus in either (i) primary human amnion cells, (ii) primary human kidney cells, or (iii) any other cell system of comparable susceptibility to unmodified measles virus. The test material shall be neutralized with poliovirus antiserum of non-simian derivation if the tissue culture cell system used is susceptible to poliovirus. The culture shall be observed for no less than 14 days. The monovalent virus pool is satisfactory for poliovirus vaccine only if all tissue cultures fail to show evidence of the presence of measles virus.

(7) *Inoculation of rabbit kidney tissue cultures.* At least 500 ml. of virus pool taken from either a single monovalent pool or in equal proportions from individual harvests or sub-pools, shall be tested in a ratio of inoculum to medium of from 1:1 to 1:3, and with the area of surface growth of cells at least three square centimeters per milliliter of test inoculum, in primary rabbit kidney tissue culture preparations for evidence of B-virus. The culture shall be observed for no less than 14 days. The monovalent virus pool is satisfactory for poliovirus vaccine only if all tissue cultures fail to show evidence of the presence of B-virus.

(b) *Tests after filtration.* The following tests relating to safety shall be performed after the filtration process, on each monovalent virus pool or on each multiple thereof (monovalent lot):

(1) *Neurovirulence in monkeys.* Each monovalent virus pool or monovalent lot shall be tested in comparison with the NIH Reference Attenuated Poliovirus for neurovirulence in Macaca monkeys by both the intrathalamic and intraspinal routes of injection. A preinjection serum sample obtained from each monkey must be shown to contain no neutralizing antibody in a dilution of 1:4 when tested against no more than 1,000 $TCID_{50}$ of each of the three types of poliovirus. The neurovirulence tests are not valid unless the sample contains at least $10^{7.0}$ $TCID_{50}$ per ml. when titrated in comparison with the NIH Reference Poliovirus; Live, Attenuated of the appropriate type. All monkeys shall be observed for 17 to 21 days, under the supervision of a qualified pathologist, physician or veterinarian, and any evidence of physical abnormalities indicative of poliomyelitis or other viral infections shall be recorded.

(i) *Intrathalamic inoculation.* Each of at least ten Macaca monkeys shall be injected intrathalamically with 1.0 ml. of virus pool material containing at least $10^{7.0}$ $TCID_{50}$ per ml. and each of at least ten additional Macaca monkeys shall be injected intrathalamically with 1.0 ml of a $10^{-1}$ dilution thereof. Comparative evaluations shall be made with the virus pool under test and the NIH reference material. Only monkeys that show evidence of inoculation into the thalamus shall be considered as having been injected satisfactorily.

(ii) *Intraspinal inoculation.* Each of a group of at least five Macaca monkeys shall be injected intraspinally with 0.2 ml. of virus pool material containing at least $10^{7.0}$ $TCID_{50}$ per ml. and each monkey in four additional groups of at least five Macaca monkeys shall be injected intraspinally with 0.2 ml. of $10^{-1}$, $10^{-2}$, $10^{-3}$, and $10^{-4}$ dilutions thereof, respectively. Comparative evaluations shall be made with the virus pool under test and the NIH reference material. Only monkeys that show microscopic evidence of inoculation into the gray matter of the lumbar cord shall be considered as having been injected satisfactorily.

(iii) *Determination of neurovirulence.* At the conclusion of the observation period comparative histopathological examinations shall be made of the lumbar cord, cervical cord, lower medulla, upper medulla and mesencaphalon of each monkey in the groups injected with virus under test and those injected with the NIH Reference Attenuated poliovirus, except that for animals dying during the test period, these examinations shall be made immediately after death. The animals shall be examined to ascertain whether the distribution and histological nature of the lesions are characteristic of poliovirus infection. A comparative evaluation shall be made of the evidence of neurovirulence of the virus under test and the NIH Reference Attenuated Poliovirus with respect to (*a*) the number of animals showing lesions characteristic of poliovirus infection, (*b*) the number of animals showing lesions other than those characteristic of poliovirus infection, (*c*) the severity of the lesions, (*d*) the degree of dissemination of the lesions, and (*e*) the rate of occurrence of paralysis not attributable to the mechanical injury resulting from inoculation trauma. The virus pool under test is satisfactory for poliovirus vaccine manufacture only if at least 80 percent of the animals in each group survive the observation period and if a comparative analysis of the test results demonstrate that the neurovirulence of the test virus pool does not exceed that of the NIH Reference Attenuated Poliovirus.

(2) *Test for virus titer.* The concentration of living virus in each monovalent virus pool or lot shall be determined, using the NIH Reference Poliovirus Live, Attenuated of the same type as a control. The test shall be a 50 percent end-point titration calculation ($TCID_{50}$), performed with either groups of ten tubes at 1 log dilution steps or groups of five tubes of 0.5 log dilution steps, or a test of demonstrated equivalent sensitivity. Acceptable titrations of the reference virus shall not vary more than ±0.5 log from its labeled titer.

(3) *Tests for In-vitro Markers.* A test shall be performed on each monovalent virus pool or each monovalent lot resulting therefrom, using the rct/40 Marker and at least one of the other marker methods described below. The test results shall demonstrate that the virus under test and the seed virus have substantially the same marker characteristics.

(i) *rct/40 Marker.* Attenuated strains which grow readily at 40° C. (±0.5° C.) are classified as rct/40 positive (+) in contrast to the rct/40 negative (—) strains which show an increased growth of at least 100,000 fold at 36° C. over that obtained at 40° C. Comparative determinations shall be made in either tube or bottle cultures.

(ii) *d Marker.* Attenuated strains which grow readily at low concentrations of bicarbonate under agar are classified as d positive (+) in contrast to the d negative (—) strains which exhibit delayed growth under the same conditions. The cultures shall be grown in a 36° C. incubator either in stoppered bottles or in plates in an environment of 5 percent $CO_2$ in air.

(iii) *MS Markers.* Attenuated strains which grow more readily on monkey stable (MS) cells are classified as MS positive (+) in contrast to the MS negative (—) strains. Comparative determinations shall be made in either tube cultures or in bottle cultures under agar.

(4) *Test for sterility.* The final bulk vaccine of each monovalent virus pool, or each monovalent lot resulting therefrom, shall be tested for sterility in both fluid Thioglycollate and Sabouraud media by the procedure prescribed in § 73.73 with a sample of no less than 10 ml. for each test.

### § 73.115 Potency test.

The concentration of live virus expressed as $TCID_{50}$ of each type in the vaccine shall constitute the measure of its potency. The accuracy of the titration to determine the concentration of live virus in the lot under test shall be confirmed by performing a titration with the NIH Reference Poliovirus, Live, Attenuated of the appropriate type as a check on titration technique. The concentration of each type of live virus contained in the vaccine of the lot under test shall be between 200,000 and 500,000 $TCID_{50}$ per human dose.

**§ 73.116 General requirements.**

(a) *Repeat tests.* Tests may be repeated when it is demonstrated that the results were due to faulty test techniques.

(b) *Final container tests.* Tests shall be made on final containers for identity and safety in accordance with § 73.72. The final container sterility test need not be performed provided aseptic techniques are used in the filling process.

(c) *Consistency of manufacture.* No lot of vaccine shall be released unless each monovalent pool contained therein is one of a series of five consecutive pools of the same type, each pool having been manufactured by the same procedures, and each having met the criteria of neurovirulence for monkeys prescribed in § 73.114(b)(1), and of in-vitro markers as prescribed in § 73.114(b)(3).

(d) *Dose.* The individual human dose of vaccine shall contain from 200,000 to 500,000 $TCID_{50}$ of each type of virus that is in the final product.

(e) *Labeling.* Labeling shall comply with the requirements of §§ 73.50 to 73.55, inclusive. In addition the label or a package enclosure shall include the identification and source of the virus or viruses contained in the vaccine, the tissue medium on which the virus or viruses were propagated, stabilizers and preservatives if any, and the type and calculated maximum amount of antibiotics.

(f) *Dating.* (1) The expiration date in no event shall be more than two years after the date of manufacture as defined in § 73.82(a) provided the product is maintained in the frozen state, (2) the expiration date shall be no more than one year from the date of issue provided that the product is maintained in the frozen state, and (3) the expiration date shall be no more than seven days from the date of issue if issued as a liquid and provided it is maintained at a temperature no higher than 10° C.

(g) *Samples and reports.* For each lot of vaccine, the following materials shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda 14, Maryland:

(1) All protocols relating to the history of manufacture of each lot of vaccine, and the results of all tests performed.

(2) A one liter bulk sample of each final monovalent pool having a virus titer of no less than $10^{7.5}$ $TCID_{50}$ per milliliter, except that if the titer is greater, a correspondingly smaller volume may be submitted.

(3) A total of no less than a 200 milliliter sample of the vaccine in final labeled containers.

**§ 73.117 Clinical trials to qualify for license.**

To qualify for license, the antigenicity of the vaccine shall have been determined by clinical trials of adequate statistical design, by oral administration of the product. Such clinical trials shall be conducted with five consecutive lots of poliovirus vaccine which have been manufactured by the same methods, each of which has shown satisfactory results in all prescribed tests. Type specific neutralizing antibody (from less than 1:4 before vaccine treatment, to 1:16 or greater after treatment) shall be induced in 80 percent or more of susceptibles when administered orally as a single dose or in excess of 90 percent of susceptibles when administered orally after a series of doses. A separate clinical trial shall have been conducted for each monovalent and each polyvalent vaccine for which license application is made.

**§ 73.118 Equivalent methods.**

Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relating to Poliovirus Vaccine, Live, Oral, shall be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity, and potency of the vaccine that are equal to or greater than the assurances provided by such standards, and the Surgeon General so finds and makes such finding a matter of official record.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply Sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: March 21, 1961.

[SEAL] LUTHER L. TERRY,
*Surgeon General.*

Approved: March 22, 1961.

ABRAHAM RIBICOFF,
*Secretary.*

[F.R. Doc. 61-2697; Filed, Mar. 24, 1961; 8:50 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

## PART 205—REPORTS OF MOTOR CARRIERS

### Motor Carrier Quarterly Report Form QFR–I (Class I Carriers of Property)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 7th day of March A.D. 1961.

The matter of quarterly reports of Class I motor carriers of property being under further consideration, and, the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

*It is ordered,* That § 205.12 of the order of October 22, 1956, in the matter of quarterly reports from Class I common and contract motor carriers of property be, and it is hereby, modified and amended with respect to reports for the quarter ended March 31, 1961, and subsequent quarters, to read as shown below.

*It is further ordered,* That § 205.12 be, and it is hereby, modified and amended to read as follows:

**§ 205.12 Quarterly reports of property revenues, expenses, and statistics.**

Commencing with reports for the quarter ended March 31, 1961, and for subsequent quarters thereafter, until further order, all Class I common and contract motor carriers of property as defined in § 182.01–1 of this chapter, viz., carriers having average annual gross operating revenues (including interstate and intrastate) of $1,000,000 or more, from property motor carrier operations, are required to file quarterly reports in accordance with Motor Carrier Quarterly Report Form QFR–I (Property),[1] which is attached to and made a part of this section. Such quarterly report shall be filed in triplicate in the office of the Bureau of Motor Carriers, Interstate Commerce Commission, for the District in which the carrier is domiciled, within 30 days after the close of the period to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

*And it is further ordered,* That copies of this order and of Motor Carrier Quarterly Report Form QFR–I (Property) shall be served on all Class I common and contract motor carriers of property subject to its terms, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-2630; Filed, Mar. 24, 1961; 8:46 a.m.]

## PART 205—REPORTS OF MOTOR CARRIERS

### Motor Carrier Quarterly Report Form QFR–I–GF (Class I Common Carriers of General Freight)

At a session of the interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 7th day of March A.D. 1961.

The matter of quarterly reports of Class I common carriers of general freight being under further consideration, and, the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

*It is ordered,* That § 205.12a, of the order of October 16, 1958, in the matter of *Motor Carrier Quarterly Report Form (Class I Common Carriers of General Freight)*, be, and it is hereby, modified and amended with respect to reports for the quarter ended March 31, 1961, and subsequent quarters to read as shown below.

[1] Filed as part of the original document.



*And it is further ordered,* That § 205.12a be, and it is hereby, modified and amended to read as follows:

**§ 205.12a Quarterly reports of revenues, expenses and statistics—Class I common carriers of general freight.**

Commencing with reports for the quarter ended March 31, 1961, and for subsequent quarters thereafter, until further order, all Class I common carriers of general freight, included in Class I carriers, as defined in § 182.01–1 of this chapter, viz., carriers having average annual gross operating revenues (including interstate and intrastate) of $1,000,000 or more, from property motor carrier operations, are required to file quarterly reports in accordance with Motor Carrier Quarterly Report Form QFR–I–GF (General Freight) [1] which is attached to and made a part of this section. Such quarterly report shall be filed in triplicate in the office of the Bureau of Motor Carriers, Interstate Commerce Commission, for the District in which the carrier is domiciled, within 30 days after the close of the period to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

*And it is further ordered,* That copies of this order and of Motor Carrier Quarterly Report Form QFR–I–GF (General Freight) shall be served on all Class I common and contract motor carriers of general freight subject to its terms, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 61-2631; Filed, Mar. 24, 1961; 8:46 a.m.]

[1] Filed as part of the original document.

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 997 ]

### HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

### Administrative Rules and Regulations

Notice is hereby given that there is under consideration a proposal to revise the administrative rules and regulations (Subpart—Administrative Rules and Regulations; §§ 997.400–997.457) pertaining to operations under Marketing Agreement No. 115, as amended, and Order No. 97, as amended (7 CFR Part 997), regulating the handling of Filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674). The proposed revision is based on a recommendation of the Filbert Control Board and other information.

Consideration will be given to written data, views and arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days after publication of this notice in the FEDERAL REGISTER.

As proposed to be revised the subpart will read as hereinafter set forth. Sections 997.453 and 997.457 of the current rules and regulations are retained with minor modifications. §§ 997.400 and 997.432 are deleted and new sections are added.

The proposed revision reads as follows:

**§ 997.432 Nominations.**

Nominee petitions pursuant to § 997.32 (d) may be submitted only by independent growers in the particular district from which an independent grower position on the Board is to be filled and only such growers shall be eligible to sign a grower nominee petition or be nominated for such a member or alternate member position on the Board.

**§ 997.446 Inspection documentation.**

(a) The Board shall provide all inspection seals, tags, and stamps that are required to be affixed to filbert containers as provided in § 997.46(b).

(b) The required indentification shall be affixed to the containers of certified filberts by the handler as soon as practicable after certification, as follows:

(1) If such filberts are packed in bags, a "free" or "restricted" seal, as appropriate, shall be fastened over the closure seam of each bag, except that a tag may be used temporarily as authorized in subparagraph (3) of this paragraph.



(2) If such filberts are packed in cartons, each carton shall be marked with a "free" or "restricted" stamp, as appropriate.

(3) Tags shall be used temporarily to identify a lot of certified filberts when held for further processing or packing. The tags shall be affixed to individual units of the lot (e.g., bags, tote boxes, bins, and pallet loads) or to the entire lot. The information on each tag shall identify the filberts covered thereby and shall show, among other things: the quantity, by weight of the filberts; handler's lot number; the date of inspection; whether merchantable or ungraded; whether "restricted"; and the number and type of containers in the lot.

**§ 997.450 Identification of filberts withheld.**

(a) Each handler required to withhold restricted filberts pursuant to § 997.50 or § 997.51 shall hold such filberts separate from all other filberts and shall maintain the identify of each lot so withheld.

(b) By notification to the Board that he will not handle during the current fiscal year certified merchantable filberts of a specified weight and identity, a handler may exercise the option provided in § 997.50(c) of having such filberts bear the restricted and assessment obligations of the current or a subsequent fiscal year.

(c) Pursuant to § 997.50(d), a handler may withdraw from withholding restricted filberts in excess of his restricted obligation upon advising the Board of the weight and lot identity of the filberts to be withdrawn. When the quantity of restricted filberts to be withdrawn from withholding consists of a part of a lot of ungraded filberts no part of such lot shall be withdrawn unless the remainder of such lot is reinspected and meets the requirements of § 997.51.

**§ 997.452 Disposition of restricted filberts.**

(a) *Shelling.* (1) Any person desiring to shell restricted filberts during a fiscal year may do so upon being designated by the Board as an authorized sheller for such year. Application for such designation shall be made in duplicate on FCB Form 3 and include, in addition to the conditions specified in § 997.52(a), the following: (i) The location of the applicant's shelling operation; (ii) the number of years he has operated a filbert shelling plant; and (iii) the daily (8-hour) shelling capacity of the plant. Designation of an authorized sheller shall be effected by the Board manager signing the application form and returning a signed copy of the form to the applicant. Each such designation shall continue in effect during the particular fiscal year so long as the authorized sheller is in compliance with the requirements and conditions pursuant to §997.52 applicable to authorized shellers.

(2) When an authorized sheller completes the shelling of a lot of restricted filberts, he shall submit a report thereon to the Board on FCB Form 4 showing: (i) The date shelling was completed; (ii) the inspection certificate or lot number; (iii) the quantity shelled; (iv) the weight of the kernels produced; and (v) the location where the restricted filberts were held immediately prior to shelling.

(b) *Exports.* Any handler who desires to act as agent of the Board in negotiating export sales of certified merchantable restricted filberts may do so upon the execution of an "Export Agreement" wherein the handler agrees, among other things, to negotiate such export sales at not less than such price as the Board may prescribe, and in conformity to and compliance with the other terms and conditions of the Export Agreement.

(c) *Other authorized outlets.* Under the direction or supervision of the Board, a handler may dispose of restricted filberts for charitable purposes and for promoting the consumption of filberts on behalf of the filbert industry in general. The report required under § 997.67 (b) following each such disposition shall be accompanied by a certification by the person receiving such filberts from the handler that they will be used for charitable or promotional purposes, as authorized.

**§ 997.453 Disposition of small size filberts.**

Any inshell filberts that are substandard only because they are small size, as the term "small size" is defined in the Oregon Grades and Standards for Walnuts and Filberts, may be disposed of in export in the same manner and under the same conditions and procedures pursuant to § 997.52(b) for sales in export of certified merchantable restricted filberts. Such small size filberts are not eligible for restricted credit.

**§ 997.454 Sureties acceptable to the Board.**

Bonds secured by cash, cashier's or certified checks, or by assets that are entirely separate and apart from the handler named in the bond may be accepted by the Board pursuant to § 997.54 (a). As a condition of accepting any surety, the Board may require such financial statements or other information relating to the ability of such surety to guarantee a handler's bond as it deems necessary.

**§ 997.455 Exchange of certified merchantable filberts withheld.**

Each handler desiring to exchange filberts pursuant to § 997.55 shall prior thereto file a written notification with the Board setting forth for the respective quantities of filberts involved in the exchange, the inspection certificate numbers, quantities, locations, and applicable lot numbers.

**§ 997.456 Interhandler transfers.**

Each interhandler transfer of filberts pursuant to § 997.56 (a) and (c) may be made upon notification to the Board in triplicate by the receiving handler on FCB form 9 signed by both the transferring handler and the receiving handler which shall include the following information: (a) Date of transfer; (b) names of the transferring and receiving handlers; (c) locations between which the filberts were transferred; (d) whether uncertified inshell or certified merchantable; (e) net weight of the filberts transferred, by size and variety; (f) the inspection certificate, or lot number covering the filberts; and (g) if certified merchantable, the name of the handler responsible for compliance with the applicable requirements pursuant to this part relating to such filberts.

**§ 997.457 Quantity exemption.**

Any handler up to, but not to exceed, a total of 250 pounds of inshell filberts during any fiscal year, may handle such filberts free from the inspection and certification, restricted obligation, assessment, and reporting requirements of this part.

**§ 997.466 Reports of inshell filberts handled and withheld.**

At the end of each month, each handler shall report to the Board on FCB form 1 the respective quantities of inshell filberts handled and withheld since the last report, except that such reports shall be submitted each Thursday for weekly shipments through the preceding Wednesday with respect to any such filberts handled and withheld during October, November and through the Wednesday subsequent to December 15. The quantities handled shall be reported by size and the respective quantities of merchantable and ungraded filberts withheld shall be reported separately.

**§ 997.468 Report of filbert receipts, disposition, and inventory.**

On or before January 15 and August 5 each handler shall (a) report to the Board on FCB form 7 his receipts and disposition of inshell filberts and production of filbert kernels during the respective preceding periods of August 1–December 31, and August 1–July 31, and (b) report to the Board on FCB form 6 his inventory of filberts as of December 31 and July 31, respectively, showing the quantities of inshell filberts separately in terms of certified merchantable, graded uncertified merchantable, restricted, ungraded and substandard. The certified merchantable filberts shall be reported by whether located within or outside the production area and whether the restricted obligation has been met.

**§ 997.471 Records.**

Each handler shall maintain complete and accurate records showing the receipt, shipment and sale of all filberts handled, used or otherwise disposed of and shall retain such records for the two-year period prescribed in § 997.71. Handlers shall also maintain a current record of all filberts held in inventory.

Dated: March 21, 1961.

FLOYD F. HEDLUND,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 61–2624; Filed, Mar. 24, 1961; 8:46 a.m.]



## FEDERAL AVIATION AGENCY

[ 14 CFR Part 601 ]

[Airspace Docket No. 60–NY–56]

### CONTROLLED AIRSPACE

### Alteration and Revocation of Control Area Extensions

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601, §§ 601.1377, 601.1164, 601.1141, and 601.1142 of the Regulations of the Administrator, the substance of which is stated below.

The Boston, Mass., control area extension (§ 601.1377) is presently designated as the airspace within a 25-mile radius of the Boston VOR, excluding the portion west of VOR Federal airways Nos. 3 and 16, and excluding the portion which overlaps Boston control area extensions § 601.1141 and § 601.1142.

The Federal Aviation Agency is considering the alteration of the Boston control area extension by expanding it to include the airspace within the following described area: Beginning at latitude 43°25'32" N., longitude 70°36'50" W.; thence southeast to latitude 43°21'30" N., longitude 70°19'20" W.; thence southwest to latitude 43°15'00" N., longitude 70°30'00" W.; thence south to latitude 42°44'20" N., longitude 70°37'00" W.; thence southerly along a line 3 nautical miles from and parallel to the shoreline to latitude 42°35'00" N., longitude 70°34'45" W.; thence east to latitude 42°35'00" N., longitude 70°30'00" W.; thence south to latitude 42°06'50" N., longitude 70°30'00" W.; thence southeast to latitude 41°57'30" N., longitude 70°17'00" W.; thence northeast to latitude 42°08'50" N., longitude 70°03'20" W.; thence south to latitude 42°05'55" N., longitude 70°02'10" W.; thence southerly along a line 3 nautical miles from and parallel to the shoreline to latitude 41°48'30" N., longitude 69°51'50" W.; thence southeast to latitude 41°41'40" N., longitude 69°45'20" W.; thence southwest to latitude 41°19'10" N., longitude 70°13'40" W.; thence west to latitude 41°13'40" N., longitude 70°43'00" W.; thence north to latitude 41°36'30" N., longitude 70°43'00" W.; thence west to latitude 41°42'20" N., longitude 71°19'10" W.; thence northwest to latitude 42°35'00" N., longitude 71°58'30" W.; thence northwest to latitude 42°46'40" N., longitude 72°09'15" W.; thence northeast to latitude 43°03'40" N., longitude 71°41'15" W.; thence northeast to latitude 43°13'11" N., longitude 71°34'33" W.; thence northeast to the point of beginning, including the airspace within the Camp Edwards, Mass. (R–4101); North Eastham, Mass. (R–4106); South Wellfleet, Mass. (R–4107); Falmouth, Mass., Otis AFB (R–4103), Restricted Areas and excluding the portion which would coincide with the Isle of Shoals, N.H., Restricted Area (R–4901). This alteration of the Boston control area extension would provide control area for the protection of aircraft conducting Instrument Flight Rules arrival, departure, and holding procedures at Grenier AFB, Manchester, N.H.; Fort Devens AAF, Fitchburg, Mass.; Pease AFB, Portsmouth, N.H.; Hanscom Airport, Bedford, Mass.; Logan International Airport, Boston, Mass.; New Bedford, Mass., Airport; Martha's Vineyard, Mass., Airport; Otis AFB, Falmouth, Mass.; Hyannis, Mass., Airport; and NAS, South Weymouth, Mass. In addition, the altered control area extension would facilitate air traffic management and would accommodate the application of radar air traffic control procedures by the Boston Air Route Traffic Control Center and the Otis AFB, radar approach control facility.

The inclusion of control area within Restricted Areas (R–4101), (R–4106), and (R–4107) would facilitate their use for air traffic management purposes when they are not being utilized for their designated purpose.

Due to the immediate requirement by Air Traffic Management for additional controlled airspace for protecting Instrument Flight Rules air traffic within the Greater Boston Terminal area, it is considered inappropriate at this time to treat the proposals contained herein with respect to Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60–21 (26 F.R. 570). However, in the future, the Federal Aviation Agency will propose under separate airspace action the implementation of Amendment 60–21 to the controlled airspace proposed herein as the Boston control area extension.

Concurrently, it is proposed to revoke the following control area extensions as they would no longer be necessary after the designation of the Boston control area extension as proposed herein:

1. Lawrence, Mass., control area extension (§ 601.1090).
2. Falmouth, Mass., control area extension (§ 601.1295).
3. Nantucket, Mass., control area extension (§ 601.1296).
4. Hyannis, Mass., control area extension (§ 601.1371).
5. Portsmouth, N.H., control area extension (§ 601.1410).
6. Martha's Vineyard, Mass., control area extension (§ 601.1426).
7. Manchester, N.H., control area extension (§ 601.1375).

In addition, it is proposed to alter the eastern boundary of the Quonset Point, R.I., control area extension (§ 601.1164), which is presently described to coincide with the southwestern boundary of Falmouth, Mass., control area extension (§ 601.1295), by redescribing it as being bounded on the east by the proposed Boston control area extension (§ 601.1377). It is also proposed to alter the

Boston control area extension (§ 601.-1141 and § 601.1142) by excluding from their descriptions the portions of these control area extensions which would coincide with the proposed Boston control area extension (§ 601.1377). This would eliminate a dual designation of control area.

If these actions are taken, the Boston, Mass., control area extension (§ 601.-1377), would be designated as follows:

That airspace bounded by a line beginning at latitude 43°25'32" N., longitude 70°36'-50' W.;
thence southeast to latitude 43°21'30" N., longitude 70°19'20" W.;
thence southwest to latitude 43°15'00" N., longitude 70°30'00" W.;
thence south to latitude 42°44'20" N., longitude 70°37'00" W.;
thence southerly along a line 3 nautical miles from and parallel to the shoreline to Latitude 42°35'00" N., longitude 70°34'45" W.; thence east to Latitude 42°35'00" N., longitude 70°30'00" W.; thence south to Latitude 42°06'50" N., longitude 70°30'00" W.; thence southeast to Latitude 41°57'30" N., longitude 70°17'00" W.; thence northeast to Latitude 42°06'50" N., longitude 70°03'20" W.; thence south to Latitude 42°05'55" N., longitude 70°02'10" W.; thence southerly along a line 3 nautical miles from and parallel to the shoreline to Latitude 41°48'30" N., longitude 69°51'50" W.; thence southeast to Latitude 41°41'40" N., longitude 69°45'20" W.; thence southwest to Latitude 41°19'10" N., longitude 70°13'40" W.; thence west to Latitude 41°13'40" N., longitude 70°43'00" W.; thence north to Latitude 41°36'30" N., longitude 70°43'00" W.; thence west to Latitude 41°42'20" N., longitude 71°19'10" W.; thence northwest to Latitude 42°35'00" N., longitude 71°58'30" W.; thence northwest to Latitude 42°46'40" N., longitude 72°09'15" W.; thence northeast to Latitude 43°03'40" N., longitude 71°41'15" W.; thence northeast to Latitude 43°13'11" N., longitude 71°34'33" W.; thence northeast to the point of beginning

excluding the portion of this control area extension which would coincide with the Isle of Shoals, N.H., Restricted Area (R–4901). The portion of this control area extension which would coincide with the Camp Edwards, Mass. (R–4101); North Eastham, Mass. (R–4106); South Wellfleet, Mass. (R–4107); and the Falmouth, Mass., Otis AFB (R–4103), Restricted Areas shall be used only after obtaining prior approval from the appropriate authority.

The Lawrence, Mass., Falmouth, Mass., Nantucket, Mass., Hyannis, Mass., Portsmouth, N.H., Martha's Vineyard, Mass., and Manchester, N.H., control area extensions would be revoked.

The Quonset Point, R.I., control area extension eastern boundary would be altered to coincide with the proposed Boston, Mass., control area extension (§ 601.1377) boundary.

The Boston, Mass., control area extensions (§ 601.1141) and (§ 601.1142) would be altered to exclude the portions which would coincide with the proposed Boston, Mass., control area extension (§ 601.1377).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 21, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–2619; Filed, Mar. 24, 1961; 8:45 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[AA 643.3–A]

### MEAT THERMOMETERS FROM JAPAN

### Determination of No Sales at Less Than Fair Value

MARCH 20, 1961.

A complaint was received that meat thermometers from Japan were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that meat thermometers from Japan are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* In determining whether there had been sales at less than fair value, a comparison was made between the purchase price and the constructed value of the merchandise. Constructed value was used for the comparison since the merchandise is not sold for home consumption in Japan and third country sales did not form an adequate basis due to the minor quantity involved in such sales. Purchase price was based on the ex-factory price of the manufacturers for thermometers sold for exportation to the United States.

The comparison disclosed that the purchase price was not less than the constructed value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61–2651; Filed, Mar. 24, 1961; 8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### ALASKA

### Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number J–012144 for the withdrawal of the lands described below, from all forms of appropriation.

The applicant desires the land for the planned expansion of the Tongass Avenue Administrative Site at Ketchikan, Alaska, and for the replacement of lands released on the opposite side of this site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2511, Juneau, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at the Northeast corner of the Tongass Avenue Administrative site;
Thence S. 65°56' E., 85 feet to a point;
Thence S. 24°04' W., 183.82 feet to a point on the north boundary of the Tongass Avenue right-of-way;
Thence in a westerly direction along the north boundary of the Tongass Avenue right-of-way a distance of 85.05 feet to the southeast corner of the Administrative site;
Thence N. 24°04' E. 180.9 feet along the Administrative site boundary to the point of beginning, and containing 0.35 of an acre more or less.

R. PAUL RIGTRUP,
*Acting Operations Supervisor.*

[F.R. Doc. 61–2626; Filed, Mar. 24, 1961; 8:46 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 12240; Order No. E–16534]

### MOHAWK AIRLINES, INC.

### No Refund Rule for "No Shows" During Periods of Peak Traffic; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of March 1961.

By tariff filed to become effective March 23, 1961,[1] Mohawk Airlines, Inc., has proposed to eliminate refunds on tickets to passengers who fail to use their reservations on certain dates[2] unless (1) the reservation is cancelled prior to scheduled departure time, or prior to actual departure time if the passenger has been notified that the flight will not depart on schedule; or (2) the reservation is not used because of the late arrival of an incoming connecting flight; or (3) the carrier cancels the reservation or refuses to transport the passenger under existing tariff rules. The proposal also states that upon surrender of a ticket upon which no refund will be paid, the carrier will issue another ticket for transportation between the same points for which transportation originally was to have been provided.[3]

The forfeiture of the total purchase price of the ticket appears to be an unreasonable "no show" penalty to passengers using the regular services of the carrier during the assumed peak periods designated in the tariff. The tariff provision for issuing another ticket for subsequent travel will operate as a mitigating circumstance only as to persons who will have occasion to utilize such subsequent transportation. Although the Board is sympathetic to attempts to alleviate the problems stemming from the "no-show" passengers during periods of peak traffic, the imposition of a 100 percent forfeiture may be unduly harsh and unjust to passengers subject to that rule. Therefore, we find that Rule 78(A)(4) and the exception to Rule 78(C)(1) may be unjust and unreasonable, unjustly discriminatory, or unduly preferential or unduly prejudicial and we will institute an investigation of such rules. In view of the severity of the 100 percent forfeiture, and the lack of a showing that a penalty of such severity is necessary and reasonably related to the problems it is designed to meet we have also concluded that this tariff should be suspended.

Under the peculiar circumstances here involved, where Mohawk seeks to alleviate the "no-show" problem during certain relatively brief periods of peak traffic and where the carrier's average length of haul is comparatively short with fares in concomitantly small amounts, the Board would not consider a no-show penalty of 50 percent of the tariff fare or $5, whichever is greater, to be unjust or unreasonable.

The Board finds that its action herein is necessary and appropriate to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof.

*Accordingly, it is ordered,* That:

1. An investigation is instituted to determine whether the provisions in Rule 78(A)(4) on 14th Revised Page 59 and in exception to Rule 78(C)(1) on 12th Revised Page 60 of Agent C. C. Squire's C.A.B. No. 43 are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, and if found to be unlawful to determine and prescribe the lawful provisions.

2. Pending investigation, hearing, and decision by the Board, the provisions in Rule 78(A)(4) on 14th Revised Page 59 and in exception to Rule 78(C)(1) on 12th Revised Page 60 of Agent C. C. Squire's C.A.B. No. 43 are suspended and their use deferred to and including June 20, 1961, unless otherwise ordered by the

[1] C.A.B. No. 43, Agent C. C. Squire.

[2] March 23–April 5, 1961; May 12–May 14, 1961; November 20–November 26, 1961; and December 20, 1961–January 2, 1962.

[3] Rule 78(A)(4) and the exception to Rule 78(C)(1).

Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the aforesaid tariff and shall be served upon Mohawk Airlines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61-2639; Filed, Mar. 24, 1961; 8:47 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

### RIVERBANK LIVESTOCK AUCTION YARD ET AL.

### Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Riverbank Livestock Auction Yard, Riverbank, Calif.
Capital Stockyard, Vidalia, Ga.
Maine Stockyards, Burnham, Maine.
Warwick Auction Market, Warwick, N.Y.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of March 1961.

H. L. JONES,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2654; Filed, Mar. 24, 1961; 8:48 a.m.]

### SUTTON LIVESTOCK COMMISSION ET AL.

### Notice of Changes In Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

| *Original name of stockyard, locations, and date of posting* | *Current name of stockyard and date of change in name* |
|---|---|
| **ARKANSAS** | |
| Sutton Livestock Commission, Hope, Dec. 18, 1958. | Brown Bros. Livestock Commission, Feb. 15, 1961. |
| **CALIFORNIA** | |
| Los Banos Livestock Commission Co., Los Banos, Dec. 1, 1959. | Los Banos Livestock Market, Jan. 26, 1961. |
| **IOWA** | |
| Ogden Sale Barn, Ogden, May 18, 1959---- | Ogden Sales Co., Feb. 7, 1961. |
| **KANSAS** | |
| Anderson County Sales Co., Garnett, May 26, 1959. | Anderson County Sales Co., July 1, 1960. |
| Franklin County Sale Co., Ottowa, May 23, 1959. | Franklin County Sale Co., Feb. 20, 1961. |
| **LOUISIANA** | |
| Voiron's Stockyard, Thibodaux, Mar. 3, 1959. | South Louisiana Livestock Cooperative, Inc., Sept. 15, 1960. |
| **MINNESOTA** | |
| Geneva Livsetock Sales, Geneva, Dec. 29, 1959. | Geneva Livestock Sales, Inc., Jan. 6, 1961. |
| **NEVADA** | |
| Elko Livestock Sales, Elko, Jan. 1, 1960---- | Elko Livestock Sales, Inc., Jan. 1, 1961. |
| Midwest Livestock Commisson Co., Fallon, July 8, 1960. | Midwest Livestock Commission Co., Inc., Feb. 20, 1961. |
| **OKLAHOMA** | |
| Southern Oklahoma Livestock Exchange, Ardmore, Nov. 15, 1949. | Southern Oklahoma Livestock Exchange, Inc., Jan. 16, 1961. |
| **SOUTH CAROLINA** | |
| Hemingway Livestock, Hemingway, Dec. 5, 1960. | Hemingway Livestock Market, Feb. 1, 1961. |
| **TEXAS** | |
| The Heart of Texas Commission Co., Brady, Apr. 3, 1957. | Heart O'Texas Commission Co., Inc., Feb. 20, 1961. |
| Llano Sales Co., Llano, Feb. 12, 1959------ | Llano Livestock Auction Co., July 26, 1960. |

Done at Washington, D.C., this 22d day of March 1961.

H. L. JONES,
*Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2655; Filed, Mar. 24, 1961; 8:48 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 61-KC-7]

### PROPOSED CONSTRUCTION OF TELEVISION TOWER

### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

Central Kansas Television Company, Inc., Station KCKT-TV, Great Bend, Kansas, proposes to construct a television antenna structure to be located near Ellsworth, Kansas, at latitude 38°37'53" north, longitude 98° 18'37" west. The overall height of the structure would be 3146 feet above mean sea level (1301 feet above ground). The present Station KCKT-TV antenna structure at a height of 2875 feet above mean sea level (1001 feet above ground level) is located at latitude 38°25'54" north, longitude 98° 46'24" west. Upon approval of the proposed structure the sponsor agrees to reduce the present tower to an overall height of not above 2274 feet mean sea level (400 feet above ground level) for future use as a microwave radio antenna structure.

No aeronautical objections were received as a result of the circularization. However, in the FAA Washington informal airspace meeting at which the aeronautical study of this proposal was considered, the Aircraft Owners and Pilots Association, although not stating any particular basis for objecting to the proposed structure as to its specific effect upon aeronautical operations, did interpose objection to the proposal in conformance with the Association's policy of objecting to any structure which would exceed 1000 feet above ground level.



The aeronautical study by the Agency disclosed that the proposed structure would not be located within any airport areas nor would it penetrate any surfaces of the Agency or the "Joint Industry/Government Tall Structures Committee Final Report" criteria. Furthermore, the structure would not be located within any controlled airspace and would have no adverse effect on any Instrument Flight Rules minimum en route altitudes or procedures. The study further shows that, even though the top of the structure would extend more than 1,000 feet above ground, it would have no substantial adverse effect upon Visual Flight Rules aeronautical operations; that the Agency's records reflect no substantial volume of VFR flight activity in proximity to the proposed structure site.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with applicable rules and standards and provided further that the present Station KCKT-TV antenna structure now extending to a height of 2875 feet above mean sea level (1001 feet above ground level) at latitude 38°25'54" north, longitude 98°46'24" west, will be reduced to an overall height not to exceed 2274 feet above mean sea level (400 feet above ground level) within 90 days after broadcast programming is commenced from the proposed tower.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on March 21, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2615; Filed, Mar. 24, 1961; 8:45 a.m.]

# DEPARTMENT OF COMMERCE

## Office of the Secretary

### JERROLD R. BUCHER

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

Dated: March 16, 1961.

This statement is made as of March 16, 1961.

JERROLD R. BUCHER.

[F.R. Doc. 61-2622; Filed, Mar. 24, 1961; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13536; FCC 61M-473]

### PHILIP D. BOOTHROYD

### Order Scheduling Prehearing Conference

In the matter of Philip D. Boothroyd, RD #1, Box 142G, Sparta, New Jersey, Docket No. 13536; application for renewal of Radiotelephone First Class Operator License No. P1-2-7801.

The Hearing Examiner having under consideration the above-entitled proceeding;

*It is ordered,* This 21st day of March 1961, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 2:00 p.m., March 30, 1961.

Released: March 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2657; Filed, Mar. 24, 1961; 8:49 a.m.]

[Docket No. 13410; FCC 61M-466]

### IDAHO MICROWAVE, INC.

### Order Continuing Hearing Conference

In re applications of Idaho Microwave, Inc., Docket No. 13410; for construction permit for New Fixed Radio Station at Kimport Peak, Idaho (KPL 24), File No. 2672-C1-P-58; for construction permit for New Fixed Radio Station at Rock Creek, Idaho (KPL 25), File No. 2673-C1-P-58; for construction permit for New Fixed Radio Station at Jerome, Idaho (KPL 26), File No. 2674-C1-P-58.

Upon oral request by counsel for the applicant in the above-entitled matter and with the consent of all the other parties: *It is ordered,* This 20th day of March 1961, that the prehearing conference now scheduled for March 22, 1961, be and it hereby is continued until 10:00 a.m., March 30, 1961, in the Commission's offices in Washington, D.C.

Released: March 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2658; Filed, Mar. 24, 1961; 8:49 a.m.]

[Docket No. 13948; FCC 61M-470]

### HARFORD COUNTY BROADCASTING CO. (WAMD)

### Order Continuing Hearing

In re application of John L. Allen, tr/as Harford County Broadcasting Company (WAMD), Aberdeen, Maryland, Docket No. 13948, File No. BP-12529; for construction permit.

Pursuant to the agreements reached at the prehearing conference held March 17, 1961, the evidentiary hearing now scheduled to begin on Monday, April 17, 1961, is continued to Thursday, May 4, 1961.

*It is so ordered,* This the 20th day of March 1961.

Released: March 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2659; Filed, Mar. 24, 1961; 8:49 a.m.]

[Docket No. 13925; FCC 61M-467]

### LEO JOSEPH THERIOT

### Order Changing Place of Hearing

In the matter of revocation of license of Leo Joseph Theriot for Standard Broadcast Station KLFT, Golden Meadow, Louisiana, Docket No. 13925.

The Chief Hearing Examiner having under consideration a motion filed March 17, 1961, by Leo Joseph Theroit, respondent herein, for a field hearing in the above-entitled proceeding;

It appearing that the motion is supported by a showing of good and sufficient cause, and that the Commission's Broadcast Bureau consents to the granting thereof and to a waiver of the provisions of § 1.43 of the rules to permit immediate consideration of the matter;

It appearing further that all of the witnesses who will be called by the respondent, as well as the Commission's principal witnesses, are located in the vicinity of New Orleans, Louisiana, and, therefore, it is appropriate and in keeping with Commission policy to authorize the field hearing sought;

*It is ordered,* This 21st day of March 1961, that the motion is granted and that the place of hearing in the above-entitled proceeding is hereby changed from Washington, D.C., to New Orleans, Louisiana.

Released: March 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2660; Filed, Mar. 24, 1961; 8:49 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. CP61-214, CP61-215]

### EL PASO NATURAL GAS CO. AND UNITED GAS PIPE LINE CO.

### Notice of Applications and Date of Hearing

MARCH 20, 1961.

Take notice that El Paso Natural Gas Company (El Paso), a Delaware corporation, whose mailing address is P.O. Box 1492, El Paso, Texas, and United Gas Pipe Line Company (United), a Dela-

ware corporation with it's principal place of business at 1525 Fairfield Ave., Shreveport, Louisiana, filed applications pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

El Paso in Docket No. CP61–214 seeks permission and approval to abandon a portable measuring and regulating station, a main line tap, and the natural gas service rendered thereby.

The facilities which El Paso proposes to abandon were utilized for the temporary sale and delivery of natural gas to Utah Gas Service Company (Utah) for resale to Pacific Natural Gas Exploration Company for use in the drilling of a well. The application states that drilling operations have ceased and that the gas service rendered to Utah is no longer required.

United in Docket No. CP61–215 seeks permission and approval to remove and abandon a 1-inch tap and gas measurement and appurtenant facilities located near Milepost 1.3 on its 2-inch Taylorsville line in Jones County, Mississippi. The application states that the facilities to be removed have been used by United to render direct industrial gas service to a pumping station of Interstate Oil Pipeline Company pursuant to authorization heretofore issued in Docket No. G–16158.

The application indicates that the consumption of gas at this location does not warrant the continued sale.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 25, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 10, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–2620; Filed, Mar. 24, 1961; 8:45 a.m.]

[Docket Nos. CI60–582, CI60–583]

## TARPON OIL CORP. ET AL.

### Notice of Postponement of Hearing

MARCH 20, 1961.

The Tarpon Oil Corporation, Docket No. CI60–582; and the Shallow Oil Company, Inc., Operator, et al., Docket No. CI60–583.

Take notice that the hearing in the above-docketed proceedings now scheduled to commence on March 29, 1961, is hereby postponed to March 30, 1961, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–2621; Filed, Mar. 24, 1961; 8:45 a.m.]

[Docket No. E–6986]

## CONNECTICUT LIGHT AND POWER CO. AND HOUSATONIC PUBLIC SERVICE CO.

### Notice of Application

MARCH 22, 1961.

Take notice that on March 17, 1961, a joint application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by The Connecticut Light and Power Company (Connecticut Light), a corporation organized under the laws of the State of Connecticut and doing business in that State with its principal business office at Berlin, Connecticut, and The Housatonic Public Service Company (Housatonic), a corporation organized under the laws of the State of Connecticut and doing business in that State with its principal business office at Derby, Connecticut, seeking an order authorizing the merger of Housatonic with and into Connecticut Light, Connecticut Light to be the surviving corporation, and the sale, immediately prior to the merger, by Housatonic to The United Illuminating Company (United) of the electric business of Housatonic in the Towns of Ansonia, Derby, and Shelton, State of Connecticut, and its franchises, plant equipment, properties, and assets associated therewith. According to the application both Connecticut Light and Housatonic supply gas and electric service and the utility systems of both companies are located wholly within the State of Connecticut. No contracts for the purchase, sale, or interchange of electric energy remaining after the consummation of the proposed transactions would be affected. The consideration for the proposed merger would be the conversion of each outstanding share of preferred stock of Housatonic into three-quarters of a share of the common stock of the surviving corporation and the conversion of each outstanding share of common stock of Housatonic into one and four-tenths shares of common stock of the surviving corporation. The consideration for the sale to United would be $7,996,379 plus a calculated amount based upon the cost of certain of the properties involved, the amounts of unbilled revenues and accounts receivable, and certain adjustments, all as set forth in the agreement relative to the sale which is a part of the application. According to the application, after the proposed merger and sale the facilities involved would be used for the same purposes for which they are now being used; and further, the proposed merger and sale would promote greater stability, efficiency, and potential and would result in economies and improved service to customers.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 14th day of April 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–2632; Filed, Mar. 24, 1961; 8:46 a.m.]

[Docket Nos. RI61–404—RI61–407]

## KERR-McGEE OIL INDUSTRIES, INC., ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates [5]

MARCH 21, 1961.

Kerr-McGee Oil Industries, Inc.,[1] Docket No. RI61–404; Edwin L. Cox,[2] Docket No. RI61–405; N. Bruce Calder and Curtis E. Calder, Jr. d/b/a Horizon Oil & Gas Co., (Operator), et al.,[3] Docket No. RI61–406; Amerada Petroleum Corp.,[4] Docket No. RI61–407.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] Kerr-McGee Building, Oklahoma City 2, Okla.

[2] 2100 Adolphus Tower, c/o Kilgore & Kilgore, attorneys, Dallas 2, Tex.

[3] Republic National Bank Building, Dallas 1, Tex.

[4] P.O. Box 2040, Tulsa 2, Okla.

[5] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.



| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date tendered | Effective date [1] unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI61–404 | Kerr-McGee Oil Industries, Inc. | 46 | 6 | Natural Gas Pipeline Co. of America (Camrick SE. Field, Texas County, Okla). | $521 | 2–20–61 | 3–23–61 | 8–23–61 | 16.8 | 17.0 | RI60–170 |
| RI61–405 | Edwin L. Cox | 8 | 5 | Natural Gas Pipeline of America (Texas County, Okla.). | 281 | 2–21–61 | 3–24–61 | 8–24–61 | 16.8 | 17.0 | RI60–191 |
| RI61–406 | N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Co. (Operator), et al. | 11<br>12 | 2<br>1 | Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.). | 121<br>730 | 2–21–61 | 3–24–61 | 8–24–61 | 16.8 | 17.0 | RI60–291 |
| RI61–407 | Amerada Petroleum Corp. | 46 | 2 | Natural Gas Pipeline Co. of America (Bloomington County and Victoria County, Tex.) (R.R. Dist. No. 2). | 41,924 | 2–23–61 | 4–1–61 | 9–1–61 | 13.0 | 15.33333 | |

[1] The proposed effective dates are the first days after the required thirty days notice or, if later, the date requested by respondent.

Kerr-McGee Oil Industries, Inc., Edwin L. Cox, and N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Company (Operator), et al., propose four periodic rate increases which are proposed to become effective on March 21, 1961.

Amerada Petroleum Corporation has submitted a proposed redetermined rate increase with a proposed effective date of April 1, 1961.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 16, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–2633; Filed, Mar. 24, 1961; 8:47 a.m.]

[Docket Nos. RI61–357 etc.]

## TEXAS PACIFIC COAL AND OIL CO. ET AL.

### Correction

MARCH 15, 1961.

Texas Pacific Coal and Oil Company, Docket Nos. RI61–357, RI60–453 and RI60–469; Texas Pacific Coal and Oil Company (Operator), et al., Docket Nos. RI61–358, RI60–470.

In the Order Denying Motion To Substitute Proposed Renegotiated Rates for Rates Now Subject to Section 4(e) Proceedings, Accepting Renegotiated Rates for Filing, Providing for Hearing and Suspending the Renegotiated Rates, and Allowing Said Rates To Become Effective Subject to Refund, issued February 23, 1961 and published in the FEDERAL REGISTER on March 3, 1961 (F.R. Doc. 61–1858; 26 F.R. 1888): The three proceedings set out in paragraph (1) of the finding clause should be Docket Nos. RI60–453, RI60–469 and RI60–470 instead of Docket Nos. "RI61–453, RI61–469 and RI61–470".

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–2634; Filed, Mar. 24, 1961; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 22,1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 36978: *Crude sulphur—Tioga, N. Dak., to Minnesota and Wisconsin points.* Filed by E. W. Bergstrom, Alternate Agent (No. 4), for interested rail carriers. Rates on crude sulphur (brimstone), in carloads, from Tioga, N. Dak., to points in Minnesota and Wisconsin.

Grounds for relief: Market competition.

Tariff: Supplement 240 to Agent V. P. Browns tariff I.C.C. 2.

FSA No. 36979: *KCS and L&A joint motor-rail rates.* Filed by Middlewest Motor Freight Bureau, Agent (No. 310), for interested carriers. Rates on commodities on which all-motor rates apply, between points in middlewest, central states and southwestern territories, on the one hand, and points in Alberta, British Columbia, Manitoba and Saskatchewan, Canada, on the other; and between points in southwestern territory, on the one hand, and points in middlewest and central states territories, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 36980: *Substituted service—C&NW for Brady Motorfrate, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 306), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Chicago, Ill., and East St. Louis, Ill., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 353.

FSA No. 36981: *Substituted service—C&NW for Buckingham Freight Lines, et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 307), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Des Moines, Iowa and Casper, Wyo., and between St. Paul, Minn., and Sioux Falls, S. Dak., on traffic originating at or destined to such

points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 353.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*,

[F.R. Doc. 61–2628; Filed, Mar. 24, 1961; 8:46 a.m.]

[Notice 470]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 22, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63657. By order of March 21, 1961, the Transfer Board approved the transfer to Czyhold Trucking Lines, Inc., Dayton, Wash., of Certificates Nos. MC 49727, MC 49727 Sub 1, MC 49727 Sub 2, MC 49727 Sub 4, and MC 49727 Sub 5, issued July 22, 1942, April 11, 1942, July 6, 1948, December 7, 1949, and December 7, 1949, respectively, to Fred H. Czyhold, Dayton, Wash., authorizing the transportation of: Feed and farm products, and empty farm products containers, between Waitsburg and Dixie, Wash., and points in Columbia County, Wash., on the one hand, and, on the other, points in Columbia and Walla Walla Counties, Wash., and Umatilla County, Oreg.; Household goods, between Waitsburg and Dixie, Wash., and points in Columbia County, Wash., on the one hand, and, on the other, points in Oregon; wool and livestock, from points in Columbia and Garfield Counties, Wash., to Portland, Oreg.; livestock, between points in Nez Perce, Clearwater, Lewis, and Latah Counties, Idaho, on the one hand, and, on the other, points in Walla Walla, Franklin, Benton, Yakima, and Spokane Counties, Wash., and Multnomah County, Oreg., and between points in Garfield, Whitman, Spokane, Columbia, Walla Walla, Franklin, Benton, Kittitas and Yakima Counties, Wash., on the one hand, and, on the other, points in Nez Perce, Clearwater, Lewis, Idaho, Latah and Benewah Counties, Idaho; hay, grain, peas, livestock, tractors, farm machinery, farm machinery parts, and farm products, between points in Columbia and Garfield Counties, Wash., on the one hand, and, on the other, points in Wallowa County, Oreg.; Machinery, forest products, lumber, box shooks, and wood fuel, between points in Garfield County, Wash., on the one hand, and, on the other, points in Nez Perce, Clearwater, Lewis, and Idaho Counties, Idaho; machinery, between points in Walla Walla and Columbia Counties, Wash.; lumber, lumber products, and presto-logs, from points in Nez Perce County, Idaho, to points in Columbia County, Wash.; lumber, from points in Nez Perce and Clearwater Counties, Idaho, to points in Walla Walla, Yakima, Benton, and Franklin Counties, Wash.; presto-logs, from points in Nez Perce County, Idaho, to points in Walla Walla County, Wash.; and cement, from points in Clearwater County, Idaho, to points in Columbia County, Wash. Harley W. Allen, 101 First Natl. Bank Building, Walla Walla, Wash., attorney for applicants.

No. MC–FC 63821. By order of March 20, 1961, the Transfer Board approved the transfer to Herbert William Heesch, doing business as Heesch Truck Line, Rosholt, S. Dak., of Certificate in No. MC 2331, issued December 11, 1940, to Thoralf Dahl, doing business as Dahl's Truck, Rosholt, S. Dak., authorizing the transportation of: livestock, agricultural commodities, and general commodities, with the usual exceptions including household goods and commodities in bulk, from, to or between specified points in South Dakota, North Dakota, and Minnesota.

No. MC–FC 63824. By order of March 20, 1961, the Transfer Board approved the transfer to Senn Trucking Company, A Corporation, Newberry, S.C., of Certificates Nos. MC 114552 Sub 3, MC 114552 Sub 9, and MC 114552 Sub 10, issued December 4, 1958, September 25, 1959, and September 20, 1960, respectively, to A. D. Senn, doing business as Senn Trucking Company, Silverstreet, S.C., authorizing the transportation of: Lumber (except plywood and veneer), between points in South Carolina, on the one hand, and, on the other, points in North Carolina, between points in South Carolina and points in specified North Carolina counties, on the one hand, and, on the other, points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia, as excepted, between points in McDuffie County, Ga., on the one hand, and, on the other, points in South Carolina, from points in South Carolina and specified North Carolina counties, to points in Connecticut and Michigan, from points in McDuffie County, Ga., to points in North Carolina, Connecticut, Florida, New Jersey, Pennsylvania, New York, Tennessee, and Virginia, from points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, to points in specified North Carolina counties, and between points in Georgia on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Kentucky, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, as specified; and fertilizer and fertilizer materials, from Charleston and Roebuck, S.C., to points in Georgia and North Carolina, from Chester, S.C., to points in Union, Gaston, Mecklenburg, Cleveland, and Rutherford Counties, N.C., from Savannah, Ga., to points in North Carolina and South Carolina, and from Hopewell, Va., to points in Georgia, North Carolina, and South Carolina. Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C., attorney for applicants.

No. MC–FC 63884. By order of March 20, 1961, the Transfer Board approved the transfer to Robert L. Crawford, doing business as Horace F. Tranter, Moving and Hauling, Newtown, Pa., of Certificate No. MC 30575, issued August 25, 1958, to Charles A. Crawford, doing business as Horace F. Tranter, Moving and Hauling, Newtown, Pa., authorizing the transportation of: Fresh fruits and vegetables, household goods, and horses, between Newtown, Pa., and points in Pennsylvania within 10 miles thereof, on the one hand, and, on the other, points in New Jersey, and those in the New York, N.Y., Commercial Zone. Sidney T. Yates, 3 South State Street, Newtown, Pa., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 61–2629; Filed, Mar. 24, 1961; 8:46 a.m.]



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VOLUME 26 NUMBER 58

Washington, Tuesday, March 28, 1961



THE UNIVERSITY OF MICHIGAN
APR 4 1961
MAIN READING ROOM


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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10929

### ESTABLISHING A COMMISSION TO INQUIRE INTO A CONTROVERSY BETWEEN CERTAIN CARRIERS AND CERTAIN OF THEIR EMPLOYEES

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. There is hereby established a Presidential commission to consider a controversy between, and involving certain proposals of, the carriers represented by the New York Harbor Conference Carriers' Committee and certain of their employees represented by Local No. 1, International Organization of Masters, Mates & Pilots, Local No. 3, International Organization of Masters, Mates & Pilots, the Marine Engineers Beneficial Association No. 33, and the Seafarers International Union of North America, Atlantic and Gulf District, Railroad and Marine Division, AFL–CIO, all members of the Railroad Marine Harbor Council, AFL–CIO. The commission shall consist of the chairman of the commission established by Executive Order No. 10891, who shall also serve as the chairman of the commission established by this order, and eight other members who shall be designated by the President as follows: three members from among persons nominated by the carriers, three members from among persons nominated by the employees, and two members selected by the President from among those persons who are members of the commission established by Executive Order No. 10891 in pursuance of Presidential designations made thereunder without nominations.

SEC. 2. The commission is authorized and directed to investigate and inquire into the issues raised by the aforementioned proposals as set forth in the notices incorporated in the joint recommendation for settlement signed and accepted on January 23, 1961, by the parties involved in the aforementioned controversy, with the objective of making a report to the President, including its findings and recommendations with respect to the controversy, and assisting in achieving an amicable settlement and agreement with respect to issues in dispute between the parties. In connection with its inquiry, the commission is authorized to hold such public hearings and to hear such witnesses as it may deem appropriate. It shall provide a full and fair hearing to the said parties and shall otherwise endeavor to conform its proceedings and activities to the understanding upon the basis of which the controversy is submitted to the commission by the parties thereto.

SEC. 3. The commission shall be separate from the Presidential commission established by Executive Order No. 10891, but the two commissions are authorized and directed, under such arrangements as may be appropriate, to establish and maintain such procedures as may best promote economy and efficiency in their operations, including the utilization of staff and facilities.

SEC. 4. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the commission in its work and to furnish the commission with such information and assistance, not inconsistent with law, as it may require in the performance of its duties.

SEC. 5. The controversy referred to in Sections 1 and 2 of this order is hereby found to constitute an emergency affecting the national interest within the meaning of the provisions appearing under the heading "Emergency Fund for the President—National Defense" in Title I of the General Government Matters Appropriation Act, 1961, 74 Stat. 473, 475, approved July 12, 1960. The expenditures of the commission may be paid out of an allotment made by the President from the appropriation made under the aforesaid heading "Emergency Fund for the President—National Defense"; and, to the extent permitted by law, from any corresponding or like appropriation made available for fiscal years subsequent to fiscal year 1961. Such payments may be made without regard to the provisions of (a) section 3681 of the Revised Statutes (31 U.S.C. 672), (b) section 9 of the Act of March 4, 1909, 35 Stat. 1027 (31 U.S.C. 673), and (c) such other provisions of law as the President may hereafter specify. The members of the commission shall receive such expense allowances as the President shall hereafter fix. The chairman of the commission and those other members of the commission who are designated by the President under section 1 without nominations shall receive such compensation as the President shall hereafter specify, but no such compensation shall be payable with respect to any day or other period of service for which other compensation is payable by the United States.

SEC. 6. The commission shall make a final written report of its findings and recommendations not later than 60 days after the Presidential commission established by Executive Order No. 10891 makes the final report described in section 5 of such order. The commission shall cease to exist 30 days after the rendition of its final report to the President.

SEC. 7. Funds may be allotted under section 5 of this order immediately, such funds to become available for obligation and expenditure on such date or dates as the President may specify, and nominations may immediately be submitted and designations of members made under section 1 of this order, but the provisions of this order shall otherwise become effective only when all members of the commission have been designated by the President under section 1 hereof.

JOHN F. KENNEDY

THE WHITE HOUSE,
*March 24, 1961.*

[F.R. Doc. 61–2768; Filed, Mar. 27, 1961; 10:10 a.m.]

### Executive Order 10930

### ABOLISHING THE GOVERNMENT PATENTS BOARD AND PROVIDING FOR THE PERFORMANCE OF ITS FUNCTIONS

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. The Government Patents Board, established by section 3(a) of Executive Order No. 10096 of January 23, 1950, and all positions established thereunder or pursuant thereto are hereby abolished.

SEC. 2. All functions of the Government Patents Board and of the Chairman thereof under the said Executive Order No. 10096, except the functions of conference and consultation between the Board and the Chairman, are hereby transferred to the Secretary of Commerce, who may provide for the performance of such transferred functions by such officer, employee, or agency of the Department of Commerce as he may designate.

SEC. 3. The Secretary of Commerce shall make such provision as may be necessary and consonant with law for the disposition or transfer of property, personnel, records, and funds of the Government Patents Board.

SEC. 4. Except to the extent that they may be inconsistent with this order, all determinations, regulations, rules, rulings, orders, and other actions made or issued by the Government Patents Board, or by any Government agency with respect to any function transferred by this order, shall continue in full force and effect until amended, modified, or revoked by appropriate authority.

SEC. 5. Subsections (a) and (c) of section 3 of Executive Order No. 10096 are hereby revoked, and all other provisions of that order are hereby amended to the extent that they are inconsistent with the provisions of this order.

JOHN F. KENNEDY

THE WHITE HOUSE,
*March 24, 1961.*

[F.R. Doc. 61–2767; Filed, Mar. 27, 1961; 10:10 a.m.]

# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 427.1]

### PART 307—TITLE CLEARANCE AND LOAN CLOSING

The designation "Subpart A—Title Clearance and Loan Closing" in Title 6, Code of Federal Regulations, (23 F.R. 9825) is revoked and the designation of Part 307 is changed to read "Title Clearance and Loan Closing" and revised to read as follows:

Sec.
307.1 General.
307.2 Initial loan cases.
307.3 Office of the General Counsel—Initial loan case.
307.4 Subsequent loans not in connection with transfers or credit sales.
307.5 Additional requirements in connection with loans to homestead entrymen, contract purchasers of farm units from the Bureau of Reclamation, and certain Indians.
307.6 Cancellation of loan.

AUTHORITY: §§ 307.1 to 307.6 issued under R.S. 161, as amended, secs. 3, 41, 44, 2, 6, 50 Stat. 523, as amended, 528, as amended, 530, as amended, 869, as amended, 870, sec. 12, 60 Stat. 1076, as amended, secs. 502, 510, 1, 2, 63 Stat. 433, 437, 883, sec. 4, 64 Stat. 100, secs. 9, 10, 68 Stat. 735, sec. 16, 69 Stat. 553, as amended; 7 U.S.C. 1003, 1015, 1016, 15 U.S.C. 590s, 590w, 7 U.S.C. 1005b, 42 U.S.C. 1472, 1480, 7 U.S.C. 1006a, 1006b, 40 U.S.C. 442, 16 U.S.C. 590x–2, 590x–3, 7 U.S.C. 1006d; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188.

### § 307.1 General.

(a) *Farm Ownership, Farm Housing, and Individual Soil and Water Conservation loans.* This part contains the title clearance and loan closing authorities, policies, and procedures for all Farm Ownership, Farm Housing, and Individual Soil and Water Conservation loans, except subsequent insured Farm Ownership loans and loans in connection with transfers and assumption agreements or credit sales by the Farmers Home Administration.

(b) *Other types of loans and transactions.* Title clearance and closing of all other loans and transactions involving real estate security will be handled as provided in regulations applicable thereto.

(c) *Definition of terms.* As used in this part "title clearance" includes title examination and title insurance; "mortgage" includes deed of trust and deed to secure debt; "borrower" means the loan applicant; "title insurance company" includes its local representatives, agents, and attorneys; and "Farmers Home Administration" refers to the United States of America acting through the Farmers Home Administration. Also, a loan is considered to be closed when the mortgage is filed for record.

(d) *Methods of title clearance and loan closing.* Title clearance and loan closing will be handled by title insurance companies approved by the State Director and attorneys designated by the State Director whenever such companies and attorneys will furnish all the services required by this part. When complete services are available from more than one source, the borrower or the seller, or both, as appropriate, will choose a single source to be used. In any county or area where the State Director is unable to obtain the services of a designated attorney or a title insurance company that will furnish complete services, and in any exceptional or complex case or situation in which the State Director determines with the advice of the Office of the General Counsel that it would be more reasonable or practical, the services of the Office of the General Counsel may be used. When the services of the Office of the General Counsel are to be used on a county or area basis, the State Director with the advice of the Office of the General Counsel, will determine whether the title clearance and loan closing will be accomplished with the assistance of a local attorney, title insurance company, or other method. In other cases, the title clearance and loan closing will be handled as the Office of the General Counsel deems appropriate.

(e) *Designation of attorneys.* The State Director, upon the advice and concurrence of the Office of the General Counsel as to professional qualifications, will designate attorneys in each county or area in which it is possible to have them furnish all the legal services required of such attorneys by this part.

(f) *Approval of title insurance companies.* The State Director will approve any company issuing satisfactory title insurance policies, licensed to do business in the state, which has or will agree or states in writing (by exchange of letters, publication of services, or otherwise) that it can validly and will furnish for a stated charge, a title insurance binder, a mortgagee or joint protection title insurance policy (hereinafter referred to as "mortgagee title policy"), and all of the related services prescribed herein, provided:

(1) The mortgagee title policy will be in such form and will contain only such standard types of exceptions as are approved in advance by the State Director with the advice of the Office of the General Counsel.

(2) The title insurance company understands that the request for insurance and services will be made by sellers or borrowers and that no cost of insurance or services will be charged to or paid by the Farmers Home Administration or an insured lender.

(3) The title insurance company representative who supervises the closing is authorized to receive, and give receipts for, the company's charges.

(g) *Costs of title clearance and loan closing.* Neither the Farmers Home Administration nor an insured lender will be responsible for any costs of title clearance or loan closing. The costs of title clearance and loan closing will include any costs of abstracts of title, land surveys, attorney's services, title insurance, obtaining curative material, notary fees, documentary stamps, recordation costs, and other expenses necessary to make the loan. The borrower or the seller, or both will be responsible for payment of all costs of title clearance and loan closing and will arrange before the loan is closed for such payment. In cases involving the purchase of land, the option should contain their agreement.

(h) *County Supervisor's responsibilities.* The County Supervisor will:

(1) Provide the borrower, and seller if land is being acquired, with the name and address of the designated attorney and approved title insurance companies.

(2) Furnish to the selected designated attorney or title insurance company on Form FHA–826 or FHA 427–4, "Transmittal of Title Information," all the information and documents called for therein concerning the loan to be made or insured, including any waivers, easements, and so forth, and Farmers Home Administration forms or other documents necessary to effect title clearance and loan closing.

(i) *Ordering title examination or insurance.* Application for title cearance and loan closing services will be made by the borrower or the seller, or both, to a designated attorney or an approved title insurance company selected by the loan applicant or seller, or both. Application for title insurance will be made on forms furnished by the company and will request issuance of a form of mortgagee title policy approved by the State Director in an amount at least equal to the amount of the loan. The borrower also may obtain an owner's policy or a combination policy if he desires. The mortgagee named in the policy will be the "United States of America," except that if a direct loan is being made with State Rural Rehabilitation Corporation trust funds, the name of the mortgagee will be "United States of America, Trustee of the assets of (name of State Rural Rehabilitation Corporation)." The borrower will instruct the designated attorney or title insurance company to deliver the preliminary title opinion or title binder to the County Supervisor.

### § 307.2 Initial loan cases.

(a) *Services.* Title clearance and loan closing services to be provided by designated attorneys and title insurance companies will include examining title; preparing, obtaining, or approving simple curative material, conveyances, and security instruments; advising borrowers, and sellers if land is being acquired, regarding the adequacy of the legal description of the farm; issuing either preliminary and final title opinions or certificates of title, or title insurance binders and mortgagee title policies; and performing other legal services necessary to close the loan properly. The designated attorney or title insurance company will advise the County Supervisor, upon his request, as to the nature and legal effect of outstanding interests or title defects to assist him in determining whether such outstanding interests or defects affect the value of the farm or its operation and which must be corrected in order for the Government to obtain from the borrower a lien of the required priority upon a title merchantable in fact. The designated attorney or title insurance company will be expected to perform these services with diligence and dispatch so that the loan can be closed without unnecessary delay.

(b) *Examination of title.* Title examination will be made from public records, abstracts of title, or a combination of these methods.

(1) *Scope of search.* The designated attorney or title insurance company will determine whether there are any judgments or pending suits in State or Federal courts, Federal or State tax claims (including taxes which under State law may become a lien superior to a previously attaching mortgage lien), or bankruptcy, insolvency, or probate proceedings, involving any part of the farm, whether already owned by the borrower or to be acquired with loan funds, or involving the borrower, or the vendor in a land acquisition case, which would prevent the Farmers Home Administration from obtaining an enforceable mortgage lien of the required priority. Title examination upon which this determination will be based will include such searches of the records, or certificates from the clerks, of the appropriate United States district courts as may be necessary in the particular State.

(2) *Period of search.* When title insurance is obtained, title examination will cover such period of time as the title insurance company determines necessary in order to insure the Farmers Home Administration mortgagee interest in the title. In other cases the title search must cover the shortest period necessary to include one of the following:

(i) A warranty deed from a party other than the United States which has been of record for at least 40 years.

(ii) A Farm Ownership, Farm Housing, or individual Soil and Water Conservation (not Water Facilities) security instrument.

(iii) A patent or deed from the United States, except that where such patent or deed recorded within 40 years was issued under the Federal homestead or reclamation laws or where title is held under but a patent or deed has not been issued under such laws, the search must cover either 40 years or the period necessary to include the entry or purchase contract whichever is shorter.

(c) *Preliminary title opinion or title insurance binder.* When the services of a designated attorney are used, he will issue his preliminary title opinion to the County Supervisor. The preliminary title opinion will be on Form FHA–312 or FHA 427–9, "Preliminary Title Opinion," or if that form is not legally sufficient in a particular State, the State Director with the advice of the Office of the General Counsel, may approve a satisfactory State form. When title insurance is obtained, the title insurance company will furnish the County Supervisor a title insurance binder disclosing the defects in and encumbrances against the title, the conditions to be met to make the title insurable, and the curative or other actions to be taken before loan closing. The binder also will include a commitment to issue an approved mortgagee title policy in an amount at least equal to the amount of the loan.

(d) *Title exceptions.* Upon receipt of the preliminary title opinion or title insurance binder, the County Supervisor will:

(1) Check the opinion or binder carefully to see that it is complete in all respects. If any required information is omitted or if the standard form of opinion or binder is amended, the County Supervisor will not accept the opinion or binder but will return it for completion or correction. If the designated attorney or title insurance company is unable or unwilling to complete or correct it, the County Supervisor will send it with a full explanation to the Office of the General Counsel, which may approve or disapprove it.

(2) Determine that the legal description covers all the property rights, including water rights, intended to be taken as security and whether the opinion or binder shows exceptions, reservations, encumbrances, or defects which must be corrected, eliminated, or waived. The County Supervisor will consult with the designated attorney, title insurance company, or the State Director when he needs advice in making these determinations.

(3) Waive any exceptions which he or the State Director determines will not affect adversely the suitability, security value, or successful operation of the farm.

(4) Submit any exceptions which will affect adversely the title to the farm or its suitability, security value, or successful operation to the State Director. The State Director may waive them conditionally. If necessary, the County Committee will reconsider the suitability of the farm for a loan and prepare a new certification. If it is favorable and the conditions imposed in the State Director's waiver can be met, the County Supervisor will inform the designated attorney or title insurance company.

(e) *Preparation of deeds, mortgages, and curative instruments.* The designated attorney or title insurance company will prepare or approve deeds, mortgages, affidavits, releases, and other simple curative documents necesary for title clearance and loan closing. Farmers Home Administration mortgage forms will be used in all cases and other Farmers Home Administration forms, whenever possible.

(1) *Types of estates.* (i) Where loan funds are being used to acquire land, title to the entire farm will, if permissible under State law, be vested in the borrower and spouse with right of survivorship (including any part of the farm to which title is already vested in one or both in some other manner) subject to the following exceptions:

(*a*) Upon request of the borrower, supported by reasons which the State Director determines to be justifiable, title may be vested in any way which will permit obtaining the required mortgage lien.

(*b*) When one spouse is under disability of minority or mental incompetency and it is necessary under State law in order for the Farmers Home Administration to obtain a valid lien not subject to disaffirmance and enforceable against the security, including all interests therein required to be mortgaged, title will be vested in the eligible spouse only.

(*c*) When the eligible spouse is a citizen and the other spouse is a noncitizen, title will be vested only in the citizen, if possible under State law.

(ii) In all other cases title may be held in any manner which will permit obtaining the required mortgage, subject, however, to the provisions of subdivision (i) (*c*) of this subparagraph in any case.

(2) *Preparation of deeds.* Deeds will be prepared as follows:

(i) Except for conveyances from the United States and subject to the following additional exceptions, conveyance of title to borrowers must be by general warranty deed. The usual and appropriate form of deed may be accepted from fiduciary or straw parties. Upon the prior approval of the Administrator in any case where the seller refuses to give a general warranty deed, a quitclaim or special warranty deed may be accepted if the title it conveys is approved by the Office of the General Counsel as free from substantial objections. If the grantors or their predecessors in title acquired the property by conveyance from the Farmers Home Administration or one of its predecessor agencies, a special warranty deed may be used warranting against title defects arising subsequent to that conveyance.

(ii) The deed should show the exceptions, reservations, liens, and other encumbrances subject to which the loan is being made. Where customary, the legal description of the land should include a provision further identifying the security as that described in an earlier conveyance identified by date, parties, and recording data.

(iii) Each deed should recite a legal consideration.

(3) *Preparation of mortgage.* The designated attorney or title insurance company will obtain from the County Supervisor the proper type of Farmers Home Administration mortgage form, which will be prepared as follows:

(i) *Forms.* Form FHA–127..., or FHA 427–2 (State) will be used for all direct loans. Form FHA–177..., or FHA 427–1 (State) will be used for all insured loans. Form FHA–157 or FHA 427–3 (State) Rider will be used as attachment to Form FHA–127... or FHA 427–2 (State)

or FHA–177... or FHA 427–1 (State) when a loan is made to a homestead entryman or to a contract purchaser of a farm unit from the Bureau of Reclamation.

(ii) *Number of copies.* Ordinarily it will only be necessary to prepare the original and one copy of the mortgage, the original to be recorded in the public records and then retained in the Farmers Home Administration County Office and the copy to be delivered to the borrower. An additional copy will be necessary in States where the original is retained by the recorder. Additional copies also will be necessary in some cases in which the interests of other parties are involved. The County Supervisor will conform the needed copies and distribute them to the proper parties at the time of loan closing or as soon as possible thereafter.

(iii) *Persons required to execute mortgage.* The mortgage will be executed by the borrower and all other persons having interests in the farm which are required in each case to be mortgaged. Persons required to sign the mortgage should use exactly the same names in which they hold title, and each person who signs the promissory note and the mortgage should sign both with exactly the same name.

(iv) *Title exceptions.* The mortgage must describe specifically by reference or other method sufficient under State law, the exceptions, reservations, liens, and other encumbrances subject to which the loan is being made, except that any exceptions and reservations so numerous or with descriptions so lengthy as to increase substantially legal or recording costs, may be described by use of a general statement similar to the following: "Subject, however, to all valid outstanding easements, rights-of-way, mineral leases, mineral reservations, and mineral conveyances of record."

(v) *Releasing or retaining existing mortgages in refinancing cases.* If any outstanding Farmers Home Administration real estate loan is not being refinanced, the mortgage with respect thereto will not be superseded or released; the mortgage, the note therein secured or described, and any related mortgagee title policy will remain in force. When there is an outstanding Farmers Home Administration direct or insured real estate mortgage against the property and the loan which the mortgage secures is being refinanced with the current loan, the mortgage for the loan being refinanced will be superseded and will be released at the time of loan closing, unless it is legally necessary to keep the existing mortgage in effect in order to have a valid lien.

(vi) *Notes to be described in mortgages.* (a) In the case an insured loan, only the note evidencing the insured loan being made will be described in the mortgage, and under no circumstances will a direct note and an insured note be described in one mortgage. If, at the time an insured loan is being made, any other kind of loan (whether insured or direct) is being made simultaneously or additional security is desired for a loan already outstanding, it will be necessary to take a separate mortgage on the form appropriate for the other loan.

(b) When a direct loan is being made, the note will be described in the mortgage. When two or more direct loans are made to the same borrower on the same security and closed simultaneously, only one mortgage will be taken and the notes for all such loans will be described in the mortgage. Notes evidencing existing direct loans to borrowers receiving a new direct loan will also be described in ther new mortgage unless prohibited by Farmers Home Administration regulations or policies or deemed by the loan approval official inadvisable in the particular case. When a subsequent direct Farm Ownership, Farm Housing, or Soil and Water Conservation loan is being made without refinancing the initial loan, both the subsequent loan note and the related initial loan note will be described in the mortgage.

(c) For a direct Farm Ownership or a Farm Housing loan, the "Due date of final installment" to be shown in the mortgage, and for an insured Farm Ownership loan, the date to be inserted in "the final installment being due on _____, 19__," is determined by adding the number of years over which the loan is payable to the date of the promissory note. For all other direct loans and for insured Soil and Water Conservation loans, it is the final installment date shown on the promissory note.

(vii) *Alteration of mortgage form.* A mortgage form may be altered by deletion, revision, or addition pursuant to authorization by the State Director or in a special case where it is necessary in order to comply with the terms of loan approval prescribed in accordance with pertinent Farmers Home Administration regulations. No other alterations in the printed mortgage forms may be made without prior approval of the National Office.

(f) *Loan closing.* The designated attorney or the title insurance company will arrange with the County Supervisor, the borrower, the seller if land is being acquired, and other necessary parties for the time and place of loan closing. The designated attorney or the title insurance company will assist with the loan closing to determine that the Farmers Home Administration obtains a valid mortgage lien on the property of the priority required by the Farmers Home Administration, subject only to such other encumbrances, reservations, and exceptions as have been permitted by the County Supervisor or the State Director. Where a second mortgage Farm Ownership loan is being made simultaneously with another Farmers Home Administration loan (both subject to a prior lien), the other Farmers Home Administration loan will be deemed secured by a third lien.

(1) *Disbursement of loan funds.* Loan funds will not be disbursed prior to filing of the mortgage for record. However, when necessary, loan funds may be placed in escrow before the mortgage is filed for record for disbursement after it is filed. Loan funds for the payment of a lien may be disbursed only upon receipt of a discharge, satisfaction, or release (or assignment where necessary to protect the interest of the Government), except that funds may be disbursed, after the mortgage is filed for record, to a reputable lienholder in reliance on his written agreement to deliver the instrument upon receipt of a specified sum.

(2) *Title examination and liens or claims against borrowers.* The designated attorney or title insurance company will examine title from the public records or from an extended abstract of title, or a combination thereof, and will check for liens or claims against the borrower from the terminal date of the preliminary title examination to and including the time of recording the current mortgage. If there are no entries of record during the period except the documents required in connection with title clearance and any partial releases or subordinations previously approved by the Farmers Home Administration, the loan may be closed. If there are any other entries of record during this period, the loan will not be closed until such entries have been cleared of record, or administratively waived if appropriate. The designated attorney or title insurance company should advise the County Supervisor of the nature of such intervening instruments, the legal method by which they may be eliminated and the effect they may have on obtaining a valid mortgage of the priority required.

(3) *Certificate of inspection.* The County Supervisor will prepare a certificate of inspection which will show the condition of the farm at or shortly before the time of loan closing. Form FHA–874 or FHA 427–7, "Certificate of Inspection," will be used, except that if it is not satisfactory for use in a particular state, the State Director may approve a State form using the same title. The designated attorney or title insurance company will see that the certificate is executed by the County Supervisor or by some other Farmers Home Administration employee, including County Committeemen, acquainted with the facts.

(4) *Taxes and assessments.* The designated attorney or title insurance company will ascertain that all taxes and assessments against the property which are due and payable are paid at or before the time of loan closing. Certificates or receipts should be produced from the taxing authorities to show that taxes or assessments which are due and payable have been paid and, if possible, such certificates or receipts should be kept in the borrower's County Office loan docket with the other loan papers. Where the seller and the borrower have agreed to prorate taxes or assessments which are not yet due and payable for the year in which the loan closing takes place, the seller will pay his portion at the time of loan closing. If the taxes and assessments cannot be paid at the time of loan closing, the amount of taxes and assessments to be paid by the seller will be deducted from the selling price of the land.

(5) *Prior lienholders' agreements.* If other persons hold liens, purchase contracts, or other security interests, herein called liens, which will remain against the property as a prior lien after the loan is closed, it may be necessary for them to limit their rights thereunder in certain cases.

(i) Forbearance agreements will be obtained where the County Supervisor determines that protection of the Government's interest requires the prior lienholder to gree to one or more of the following:

(a) Not to declare his lien in default or accelerate the indebtedness thereunder for a specified period without the written consent of the State Director.

(b) Not to make advances for purposes other than taxes, insurance, or payments on other prior liens when his lien secures future advances which the designated attorney, title insurance company, or Office of the General Counsel determines would, under State law, have priority over the mortgage being taken or any mortgage already held or insured by the Farmers Home Administration.

(c) To consent to the Farmers Home Administration's making the loan and taking the mortgage, if the prior lien prohibits such loan or mortgage without consent.

(d) Not to enforce without the written consent of the State Director as long as the Farmers Home Administration has an interest in the property, any unsatisfactory payment terms or other specified provisions of the prior lien which in the opinion of the County Supervisor would endanger the security position of the Farmers Home Administration.

(ii) Notice of foreclosure or assignment agreements will be obtained in those states whose laws permit junior liens of private parties to be extinguished by foreclosure of a prior lien without the junior lienholders being made parties or being given actual notice.

(iii) In a State in which forbearance agreements only are needed, they will be obtained on Form FHA–446 or FHA 427–8, "Agreement with Prior Lienholder," or, if that form is not legally satisfactory for use in a particular State, on another form approved by the Farmers Home Administration. When only notices of foreclosure or assignment are required, a separate form for such purpose will be used. When both forbearance agreements and notices of foreclosure or assignment are required, Form FHA–446 or FHA 427–8 may be amended in order to serve both purposes or a substitute form approved by the Farmers Home Administration may be used for both purposes, or Form FHA–446 or FHA 427–8 may be used and the notice agreement obtained on a separate form approved by the Farmers Home Administration.

(iv) When a forbearance or notice agreement is required, the designated attorney or title insurance company will determine at the time of loan closing that it is properly completed and executed and, if required by State law, sealed and witnessed; also, that it is properly acknowledged by the prior lienholder and recorded, if recording is required by the Farmers Home Administration.



(6) *Affidavit of sellers.* If land is being acquired, the designated attorney or title insurance company may require that an affidavit of sellers be properly completed and executed at, or shortly prior to, the time of loan closing. This affidavit may be on Form FHA–875 or FHA 427–6, "Affidavit of Sellers," or if that is not legally sufficient in a particular State, a substitute form approved by the Farmers Home Administration may be used. The affidavit will not be recorded unless State law permits and the designated attorney or title insurance company considers it necessary.

(7) *Deeds and curative material.* The designated attorney or title insurance company will determine that deeds, releases, and curative material are properly completed, executed (sealed and witnessed if required by State law), acknowledged, and filed for record at the proper time.

(8) *Promissory note.* The designated attorney or title insurance company will determine that the promissory note is properly completed and executed. The borrower and any person whose signature on the note is necessary to obtain the required mortgage lien will sign the note. In addition, the borrower's spouse, even where not required to sign the note for lien purposes, will sign the note unless he or she is under disability of minority or mental incompetency or is a noncitizen or is excused from signing the note for substantial reasons deemed by the State Director to be justifiable. The note will be dated the date the mortgage is filed for record, except that it may be executed and dated earlier if execution on that date is impossible and the borrower is advised that interest will accrue on the loan from the date of the note.

(9) *Assignment of future income.* If Form FHA–253 or FHA 443–16, "Assignment of Income from Real Estate Security," is required in a particular case, the County Supervisor will prepare the form and have it available for execution by the borrowers at the time of loan closing. The designated attorney or title insurance company will see that the form is properly completed, executed (sealed and witnessed if required by State law), and acknowledged by the borrowers.

(10) *Mortgage.* The designated attorney or title insurance company will see that the mortgage is properly completed, executed, sealed and witnessed if required by State law, acknowledged, and filed for record. The mortgage will be executed and dated the date of the note, except that if that is impossible for one or more of the signers of the mortgage, it may be executed on a different date but not before the date of the note.

(11) *Affidavit of borrowers.* The designated attorney or title insurance company may require that an affidavit of borrowers be properly completed and executed at the time of loan closing. This affidavit may be on Form FHA 427–5, "Affidavit of Borrowers," or if that is not legally sufficient in a particular State, on another form approved by the Farmers Home Administration. Statements in the form should be modified as necessary to make them factually correct. The affidavit will not be acknowledged and recorded unless State law permits and the designated attorney or title insurance company considers it necessary.

(12) *Other services of designated attorneys and title insurance companies.* The designated attorney or title insurance company will assist and advise the County Supervisor, when necessary, in the preparation, completion, obtaining execution, acknowledgment, recordation, and so forth, of documents required in particular cases. Standard FHA forms will be used for such purposes whenever possible. The designated attorney or title insurance company will maintain close communication with, and keep the County Supervisor advised, as to the progress of the title clearance and preparation of loan closing material.

(13) *Final opinion or mortgagee title policy.*—(i) *Final opinion.* As soon as possible after loan closing, the designated attorney will issue his final opinion to the County Supervisor. The final opinion will be on Form FHA–313 or FHA 427–10, "Final Title Opinion," or if that form is not legally sufficient in a particular State, on another form approved by the Farmers Home Administration. Since issuance of final opinion will not be held up pending return of recorded instruments, it may not be possible for the final title opinion to show full recording information in all cases, but it should at least show the time of filing, filing number, and as much other recording information as is available. Attached to the final opinion will be all required documents then available, including any which the County Supervisor had furnished to the designated attorney and were not previously returned. With the approval of the designated attorney, arrangements may be made with the recorder to forward or deliver instruments to the proper parties after recordation.

(ii) *Mortagee title policy.* As soon as possible after loan closing the title insurance company will issue to the County Supervisor the mortgagee title policy in favor of the Government as it appears as mortgagee. The policy shall be subject only to approved standard exceptions and such outstanding encumbrances, exceptions, and reservations as were waived administratively in writing by the Farmers Home Administration.

**§ 307.3 Office of the General Counsel—Initial loan case.**

In any county, area, or case in which the services of the Office of the General Counsel are to be used, the title clearance and loan closing will be accomplished in accordance with the provisions of § 307.2 of this part and closing instructions issued by that Office. As soon as the loan has been closed, a local attorney or title insurance company representative and the County Supervisor will initial or certify the original of the closing instructions to show that the requirements thereof have been met.

**§ 307.4 Subsequent loans not in connection with transfers or credit sales.**

Title clearance and closing of subsequent loans to which this part is applicable will be handled as follows:

(a) *By designated attorney or Office of the General Counsel.* Title clearance and loan closing will be the same as provided for in §§ 307.2 and 307.3 of this part, respectively, with respect to initial loans, except that a preliminary title opinion will not be required on land already owned by the borrower and mortgaged to the Farmers Home Administration for a Farm Ownership, Farm Housing, or Soil and Water Conservation (not Water Facilities) loan. The final title opinion on such land will cover the period subsequent to recordation of the initial loan mortgage. If title clearance is to be handled by the Office of the General Counsel, the County Supervisor will also forward the initial loan mortgage to the Office of the General Counsel.

(b) *With title insurance.* Title clearance and loan closing with title insurance will be the same as provided for in § 307.2 of this part with respect to initial loans except that:

(1) Title insurance will be obtained only when additional land is being acquired or the initial loan is being refinanced with the subsequent loan. If the same title insurance company is being used as the one which issued title insurance in connection with the initial loan, it should only be necessary to examine title to the land already owned by the borrower from the time of issuance of the existing mortgagee title policy.

(2) Regardless of whether the initial loan is being refinanced, the new mortgagee title policy will cover the entire farm including the land already owned and any land being acquired.

(3) If the initial loan is being refinanced, the new mortgagee title policy will cover the entire amount of the subsequent loan, including the amount of the initial loan being refinanced. But, if the initial loan is not being refinanced, the new mortgagee title policy will insure only the amount of the subsequent loan.

**§ 307.5 Additional requirements in connection with loans to homestead entrymen, contract purchasers of farm units from the Bureau of Reclamation and certain Indians.**

Whenever loans are made subject to agreements with other Government agencies, the title clearance and loan closing requirements of special instructions with respect thereto, as well as those of this part, will be applicable.

**§ 307.6 Cancellation of loan.**

If for any reason it is determined that the loan cannot be made, the County Supervisor will promptly notify the borrower and those who are involved in the particular case at the time the determination is made, such as sellers (if land is being acquired), designated attorney, other local attorney, Office of the General Counsel, and title insurance company or its local representative.

Dated: March 21, 1961.

J. V. HIGHFILL,
*Acting Administrator,*
*Farmers Home Administration.*

[F.R. Doc. 61-2683; Filed, Mar. 27, 1961; 8:48 a.m.]

# Title 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

### SUBCHAPTER A—MARKETING ORDERS

[Navel Orange Reg. 210, Amdt. 1]

## PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

*Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 914.510 (Navel Orange Regulation 210, 26 F.R. 2278) are hereby amended to read as follows:

(ii) District 2: 700,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 23, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2717; Filed, Mar. 27, 1961; 8:55 a.m.]

[Valencia Orange Reg. 218, Amdt. 1]

## PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

*Findings.* 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

*Order, as amended.* The provisions in paragraph (b) (1) (iii) of § 922.518 (Valencia Orange Regulation 218, 26 F.R. 2278) are hereby amended to read as follows:

(iii) District 3: 125,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 23, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61-2718; Filed, Mar. 27, 1961; 8:55 a.m.]



## PART 1021—TOMATOES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

### Limitation of Shipments

Notice of rule making with respect to proposed limitation of shipments to be made effective under Marketing Order No. 121 (7 CFR Part 1021) regulating the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley), issued under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), was published in the FEDERAL REGISTER March 14, 1961 (26 F.R. 2153).

The notice of rule making proposed a limitation of shipments regulation on Lower Rio Grande Valley tomatoes to be effective April 1, 1961, through July 15, 1961, and afforded interested persons an opportunity to file data, views or arguments pertaining thereto within five days after publication in the FEDERAL REGISTER. After consideration of all relevant matters, including the recommendation of the Texas Valley Tomato Committee, it is hereby found that limitation of shipments as hereinafter provided will tend to effectuate the declared policy of the act.

*Findings.* It is hereby found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the handling of tomatoes grown in the production area will begin on or about April 1, 1961; (2) more orderly marketing in the public interest than would otherwise prevail, will be promoted by regulating the handling of tomatoes in the manner set forth below, on and after April 1, 1961; (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by that date; (4) reasonable time is permitted, under the circumstances, for such preparation; and (5) notice has been given of the proposed limitation of shipments set forth in this section through publicity in news media in the production area and by publication in the FEDERAL REGISTER of March 14, 1961 (26 F.R. 2153).

**§ 1021.303 Limitation of shipments.**

Except as otherwise provided in this section, during the period April 1, 1961, through July 15, 1961, the following regulations shall be effective with respect to all varieties of tomatoes handled, as defined in § 102.7 of Order No. 121, and no person shall handle such tomatoes or cause such tomatoes to be handled unless they are inspected and certified as required by paragraph (b) of this section, and meet the requirements of paragraph (a) of this section.

(a) *Requirements*—(1) *Minimum grade.* U.S. No. 2, or better, grade.

(2) *Minimum size.* 2 1/32 inches in diameter or larger. Not more than ten percent, by count, of tomatoes in any lot of size 7 x 7 (2 1/32 inches minimum diameter to 2 9/32 inches maximum diameter) may be smaller than the specified minimum diameter.

(3) *Sizing arrangements.* (i) Mature green tomatoes shall be packed in one of the following ranges of diameter applicable thereto:

| Size arrangements— Mature green: | *Diameter (inches)* |
|---|---|
| 7 x 7 | 2 1/32 to 2 9/32, inclusive. |
| 6 x 7 | Over 2 9/32 to 2 17/32, inclusive. |
| 6 x 6 | Over 2 17/32. |

(ii) All tomatoes subject to sizing arrangements shall be packed separately for each size range, except that size 6 x 6 and larger sizes may be commingled.

(iii) To allow for variations incident to proper sizing and handling, for mature green tomatoes, not more than a total of ten percent, by count, in any lot, may be smaller than the minimum diameter or larger than the specified maximum diameter. Tomatoes of turning or greater degree of maturity shall not be subject to size arrangements.

(b) *Inspection.* (1) All tomatoes handled pursuant to this part, other than those specifically excepted therefrom pursuant to paragraph (c) of this section, or exempted pursuant to paragraphs (d), (e) and (f) of this section, shall be inspected and certified pursuant to the provisions of § 1021.60; and (2) no handler shall transport or cause the transportation of any shipment of tomatoes by motor vehicle unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto.

(c) *Excepted varieties.* Elongated types of tomatoes, commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top, and Roma varieties; and cerasiform type tomatoes commonly referred to as cherry tomatoes, are not subject to the requirements of this section.

(d) *Repacked tomatoes.* A handler who is a repacker within the production area may register with the committee, as a repacker, in accordance with applicable rules and regulations, and thereafter may handle repacked tomatoes without reinspection thereon after repacking, if such tomatoes were previously inspected prior to repacking and met the grade and size requirements of this section.

(e) *Minimum quantity.* For purposes of regulation under this part, each person subject thereto may handle, pursuant to § 1021.53, up to, but not to exceed, 120 pounds of tomatoes per day without regard to the requirements of this part, but this exception shall not apply to any portion of a shipment of over 120 pounds of tomatoes.

(f) *Special purpose shipments.* The limitations set forth in this regulation shall not be applicable to shipments of tomatoes for the following purposes: (1) Relief or charity; (2) processing; and (3) for experimental purposes.

(g) *Safeguards.* Each handler making shipments of tomatoes pursuant to paragraph (f) of this section for relief or charity, for processing, or for experimental purposes, shall apply for and obtain an approved Certificate of Privilege from the committee applicable to shipments for such purposes.

(b) *Definitions*—(1) *Tomato classifications.* For purposes of this section (i) "mature green" shall apply to all tomatoes in which the contents of two or more seed cavities will have developed a jelly like consistency and the seeds will be well developed, slightly hard, and in slicing the fruit with a sharp knife will usually be pushed aside rather than cut; (ii) "turning or of a greater degree of maturity" shall apply to all tomatoes where there is at least a definite break in color to yellow or pink at the blossom end and all higher degrees of color as used and defined under Color Classification in the United States Standards for Fresh Tomatoes (7 CFR 51.1864); (iii) incident to proper classification, any lot of tomatoes containing more than ten percent, by count, of mature green tomatoes shall be classified as mature green tomatoes; and for any lot of tomatoes to be classified as turning or of a greater degree of maturity, not more than a total of ten percent, by count, of such tomatoes may fail to meet the minimum color requirements;

(2) *Grade and size.* The term "U.S. No. 2" means the U.S. No. 2 grade, as set forth in the United States Standards for Fresh Tomatoes (§§ 51.1855–51.1877 of this title; 22 F.R. 4528), including the tolerances set forth therein; and the application of tolerance for size shall be as set forth in § 51.1861 of such standards.

(3) *Other terms.* All other terms used in this section shall have the same meaning as when used in Marketing Order No. 121 (7 CFR Part 1021).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 23, 1961, to become effective April 1, 1961.

FLOYD F. HEDLUND,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 61-2719; Filed, Mar. 27, 1961; 8:55 a.m.]

[1033.301 Amdt. 2]

## PART 1033—ONIONS GROWN IN SOUTH TEXAS

### Limitation of Shipments

*Findings.* (a) Pursuant to Marketing Agreement No. 143 and Order No. 133 (7 CFR Part 1033) regulating the handling of onions grown in designated counties of South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the South Texas Onion Committee, established pursuant to said marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time interven-

ing between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of onions, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area, and (5) this amendment will facilitate the handling of onions under this part.

*Order, as amended.* In § 1033.301 (26 F.R. 2169) delete subdivision (i) of paragraph (a)(1) and paragraph (b), and substitute in lieu thereof a new subdivision (ii) of paragraph (a)(1) and a new paragraph (b) as set forth below.

**§ 1033.301 Limitation of shipments.**

* * * * *

(a) *Grades*—(1) *Yellow varieties.* * * *

* * * * *

(ii) From April 1, 1961, through May 31, 1961, U.S. No. 1, or better grade, for Bermuda or Granex varieties of the 2 to 3½ inch size classifications; and not more than 10 percent defects of U.S. No. 1 for the Grano variety of the 2 to 3½ inch size classification.

* * * * *

(b) *Sizes*—(1) *Size classifications.* For purposes of regulation under this part, the size of onions shall be in accordance with one of the following classifications:

(i) "Small" shall be from 1 to 2¼ inches in diameter;

(ii) "Repackers" shall be from 1¾ to 2¾ inches in diameter, with 60 percent or more 2 inches or larger.

(iii) 2 inches to 3½ inches in diameter; or

(iv) 2⅞ inches or larger in diameter.

(2) *Sizing requirements*—(i) *Yellow varieties.* (*a*) From March 23, 1961, through May 31, 1961:

Repacker size;
2 inches to 3½ inches in diameter; or
2⅞ inches or larger in diameter.

(ii) *White varieties.*

(*a*) From April 10, 1961, through May 31, 1961:

Small sizes;
Repacker size;
2 inches to 3½ inches in diameter; or
2⅞ inches or larger in diameter.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

*Effective date.* Dated March 22, 1961, to become effective March 23, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division.*

[F.R. Doc. 61–2682; Filed, Mar. 27, 1961; 8:48 a.m.]

## PART 1034—LETTUCE GROWN IN THE LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

### Order Terminating Limitation of Shipments

*Findings.* (a) Pursuant to Marketing Agreement No. 144 and Order No. 134 (7 CFR Part 1034), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas (Cameron, Hidalgo, Starr and Willacy Counties), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the South Texas Lettuce Committee established under the said Marketing Agreement and Order, and upon other available information, it is hereby found that the continuation in effect of § 1034.301, *Limitation of shipments* (25 F.R. 14020), will no longer tend to effectuate the declared policy of the act and, accordingly, such regulation should be terminated.

(b) It is hereby found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this termination order until 30 days or any other date beyond the date specified (5 U.S.C. 1001–1011) in that (i) compliance with this termination order will not require any special preparation on the part of handlers which cannot be completed by the effective time, and (ii) this order relieves restrictions on the handling of lettuce grown in the production area.

*Order terminated.* The provisions of § 1034.301 *Limitation of shipments* (25 F.R. 14020), are hereby terminated as of 12:01 a.m., c.s.t., March 23, 1961.

(Secs. 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601–674)

Dated: March 22, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–2681; Filed, Mar. 27, 1961; 8:48 a.m.]

### SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

## PART 1065—TOMATOES

**§ 1065.6 Tomato Regulation No. 6.**

(a) *Findings and determinations.* (1) Notice of rule making regarding proposed restrictions on importation of tomatoes into the United States, to be effective April 1, 1961, through July 15, 1961, pursuant to the requirements of section 8e (7 U.S.C. 608e) of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674) was published in the FEDERAL REGISTER March 14, 1961 (26 F.R. 2154). This notice afforded interested persons an opportunity to file data, views, or arguments in regard thereto not later than 5 days after publication. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found and determined that the restrictions on the importation of tomatoes into the United States, as hereinafter provided, are in accordance with section 8e of the act.

(2) It is hereby found and determined that good cause exists for not postponing the effective date of this regulation beyond April 1, 1961 (5 U.S.C. 1001–1011) in that (i) the requirements established by this import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, which makes such regulations mandatory; (ii) compliance with this tomato import regulation should not require any special preparation by importers which cannot be completed by the effective date; (iii) notice hereof is in excess of the minimum period of three days specified in section 8e of the act; (iv) in fixing the effective date hereof due consideration has been given to the time required for the transportation and entry into the United States after picking of imported tomatoes to which this regulation is applicable as required by section 8e of the act; (v) such notice is hereby determined to be reasonable; and (vi) the regulations hereby established for tomatoes that may be imported into the United States comply with grade, size, quality and maturity restrictions imposed upon domestic tomatoes under Marketing Order No. 121.

(b) *Import restrictions.* During the period from April 1, 1961, to July 15, 1961, both dates inclusive, and subject to the General Regulations (7 CFR Part 1060) applicable to the importation of listed commodities and the requirements of this section, no person shall import any tomatoes of any variety, except elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties; and cerasiform type tomatoes, commonly referred to as cherry tomatoes, unless such tomatoes meet the requirements of the U.S. No. 2, or better grade, and are 2$^{1}/_{32}$ inches minimum diameter or larger: *Provided*, That not more than ten (10) percent, by count, of the tomatoes in any lot of 7 x 7 (2$^{1}/_{32}$ inches minimum diameter to 2$^{9}/_{32}$ inches maximum diameter) may be smaller than the specified minimum diameter.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 120 pounds, may be imported without regard to the provisions of paragraph (a) of this section.

(d) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(e) *Inspection and certification.* (1) The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated, pursuant to



§ 1060.4(a) of the General Regulations, as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of tomatoes that are imported, or to be imported into the United States under the provisions of section 8e of the act.

(2) Inspection and certification by the Federal or the Federal-State Inspection Service of each lot of imported tomatoes is required pursuant to § 1060.3 *Eligible imports* of the aforesaid General Regulations and this section. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified tomatoes should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

| Ports | Office | Advance notice |
|---|---|---|
| All Texas points. | W. T. McNabb, P.O. Box 111, 222 McClendon Bldg., 305 E. Jackson St., Harlingen, Tex. (Tel. Garfield 3–5644). | 1 day. |
| All Arizona points. | R. H. Bertelson, Room 202 Trust Bldg., 305 American Ave., P.O. Box 1646, Nogales, Ariz. (Tel. Atwater 7–2902). | Do. |
| All California points. | Carley D. Williams, 294 Wholesale Terminal Bldg., 784 S. Central Ave., Los Angeles 21, Calif. (Tel. Madison 2–8756). | 3 days. |
| All Florida points. | Lloyd W. Boney, Dade County Growers Market, 1200 NW. 21st Terrace, Room 5, Miami 42, Fla. (Tel. Franklin 1–6932). | Do. |
| All other points. | E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, Washington 25, D.C. (Tel. Dudley 8–5870). | Do. |

(3) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(4) The inspection performed, and certificates issued by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant: Meets U.S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(f) *Definitions.* (1) The term "U.S. No. 2" means the U.S. No. 2 grade, as set forth in the United States Standards for Tomatoes (§§ 51.1855 to 51.1877, inclusive, of this title), including the tolerances set forth therein.

(2) All other terms have the same meaning as when used in the General Regulations (7 CFR Part 1060) applicable to the importation of listed commodities.

Dated: March 23, 1961, to become effective April 1, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–2720; Filed, Mar. 27, 1961; 8:55 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER A—MEAT INSPECTION REGULATIONS

## PART 27—IMPORTED PRODUCTS

### Eligibility of Foreign Countries for Importation of Product Into United States

Pursuant to the authority conferred by section 306 of the Tariff Act of June 17, 1930 (19 U.S.C. 1306), and after public notice (26 F.R. 846) and due consideration of all relevant material presented, for the purpose of adding Guatemala to the list of countries specified in 9 CFR 27.2(b), as amended, from which meat, meat byproduct, and meat food product may be imported into the United States as provided in the regulations, said § 27.2(b), as amended, of the Meat Inspection Regulations (9 CFR 27.2(b)), issued under said section 306 of the Tariff Act, is hereby amended to read as follows:

**§ 27.2 Eligibility of foreign countries for importation of product into the United States.**

* * * * *

(b) It has been determined that product from the following countries, covered by foreign meat inspection certificates of the country of origin as required by § 27.6, except fresh, chilled or frozen or other product ineligible for importation into the United States from countries in which the contagious and communicable disease of rinderpest or of foot-and-mouth disease exists as provided in Part 94 of this chapter, is eligible for importation into the United States after inspection and marking as required by the applicable provisions of Parts 1 through 28 of this subchapter.

| | |
|---|---|
| Argentina. | Italy. |
| Australia. | Luxembourg. |
| Austria. | Mexico. |
| Belgium. | Netherlands. |
| Brazil. | New Zealand. |
| Canada. | Nicaragua. |
| Costa Rica. | Northern Ireland. |
| Czechoslovakia. | Norway. |
| Denmark. | Panama. |
| Dominican Republic. | Paraguay. |
| England and Wales. | Poland. |
| Finland. | Scotland. |
| France. | Spain. |
| Germany (Federal Republic). | Sweden. |
| Guatemala. | Switzerland. |
| Honduras. | Uruguay. |
| Iceland. | Venezuela. |
| Ireland (Eire). | Yugoslavia. |

(34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U.S.C. 1306, 21 U.S.C. 89; 19 F.R. 74, as amended)

The amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of March 1961.

M. R. CLARKSON,
*Acting Administrator, Agricultural Research Service.*

[F.R. Doc. 61–2721; Filed, Mar. 27, 1961; 8:55 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 7920 c.o.]

### PART 13—PROHIBITED TRADE PRACTICES

### Foreign Textile Products, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act. Subpart—Neglecing, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, Secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Foreign Textile Products, Inc., et al., New York City, Docket 7920, November 16, 1960]

*In the Matter of Foreign Textile Products, Incorporated, a Corporation, and Bela Gyenes, Individually and as an Officer of Said Corporation*

Consent order requiring New York City distributors of woolen fabrics to cease violating the Wool Products Labeling Act by labeling as "95% wool, 5% Nylon", woolen fabrics which contained substantially more non-woolen fibers than indicated by such tags, and by failing to conform in other respects to requirements of the Act.

The order to cease and desist is as follows:

*It is ordered,* That the respondents Foreign Textile Products, Incorporated, a corporation, and its officers, and Bela Gyenes, individually and as an officer of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act, of wool products as "wool products" are defined in and subject to the Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is further ordered,* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in the aforesaid initial decision, as modified.

Issued: November 16, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 61-2670; Filed, Mar. 27, 1961; 8:47 a.m.]

[Docket 7955 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Gordon-Masling Optical Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-22 Corrective, orthopedic, etc.; § 13.190 *Results;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Gordon-Masling Optical Company, Inc., et al., Rochester, New York, Docket 7955, November 16, 1960]

*In the Matter of Gordon-Masling Optical Company, Inc., a Corporation, Trading Under the Name of Optical Associates of Rochester, and Bernard Masling and Stanley Gordon, Individually and as Officers of Said Corporation*

Consent order requiring sellers of optical goods in Rochester, N.Y., to cease advertising falsely that all persons could successfully wear their contact lenses and could wear them all day without discomfort; that their lenses would correct all defects in vision; and that purchasers could discard their eyeglasses.

The order to cease and desist is as follows:

*It is ordered,* That respondents Gordon-Masling Optical Company, Inc., a corporation, and its officers, and Bernard Masling and Stanley Gordon, individually and as officers of said corporation, respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of contact lenses, do forthwith cease and desist from, directly or indirectly:

A. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that:

(1) All persons in need of visual correction can successfully wear their contact lenses.

(2) There is no discomfort in wearing their contact lenses.

(3) All persons can wear respondents' lenses all day without discomfort; or that any person can wear respondents' lenses all day without discomfort except after that person has become fully adjusted thereto.

(4) Their lenses will correct all defects in vision.

(5) Eyeglasses can always be discarded upon the purchase of their lenses.

B. Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in Paragraph A, above.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 28, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 61-2671; Filed, Mar. 27, 1961; 8:47 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Demeton; Amendment of Regulation; Tolerances

1. Section 120.105 of the pesticide regulations (21 CFR 120.105) provides for determination of tolerances of demeton by in vitro cholinesterase inhibition of pooled human plasma, using technical demeton as a standard. This method has been found to be no longer suitable and a more reliable and suitable analytical procedure involving paper chromatography and determination of phosphorus is now available.

The Commissioner of Food and Drugs, upon his own initiative, finds that residues of demeton remaining on raw agricultural commodities are more accurately determined by the newer analytical method, and that the elimination of the old method is noncontroversial. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(m), 701(a), 68 Stat. 517, 54 Stat. 1055 as amended; 21 U.S.C. 346a(m), 371(a)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), *It is ordered,* That the introduction to 120.105 be amended by deleting therefrom the reference to the method above described.

2. A petition was filed with the Food and Drug Administration by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, requesting the establishment of tolerances for residues of demeton (a mixture of *O,O-diethyl O* (and *S*)-2-(ethylthio) ethyl phosphorothioates) in or on apricots, cottonseed, peppers, and plums (fresh prunes) at 0.75 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.105 (21 CFR 120.105; 25 F.R. 4903) tolerances for residues of the subject pesticide chemical in or on apricots, cottonseed, peppers, and plums (fresh prunes). The introduction to the section is changed as ordered in amendment 1. All paragraph designations are deleted. As amended § 120.105 reads as follows:

**§ 120.105 Tolerances for residues of demeton.**

Tolerances for residues of demeton (a mixture of *O,O*-diethyl *O* (and *S*)-2-(ethylthio) ethyl phosphorothioates) are established as follows:

12 parts per million in or on alfalfa hay, clover hay.

5 parts per million in or on almond hulls, fresh alfalfa, fresh clover.

1.25 parts per million in or on grapes, hops.

0.75 part per million in or on almonds, apples, apricots, broccoli, brussels sprouts, cabbage, cauliflower, celery, cottonseed, grapefruit, lemons, lettuce, muskmelons, oranges, peaches, pears, peas, pecans, peppers, plums (fresh prunes), potatoes, strawberries, tomatoes, walnuts.

0.3 part per million in or on beans.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Notice of proposal to amend § 120.105 is not necessary and would be contrary to the public interest because the new method has been found scientifically superior, it presents no points of controversy, and its early use is important to the safety of the pesticide chemicals involved in this order.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), (m), 701(a), 68 Stat. 512, 517, 54 Stat. 1055 as amended; 21 U.S.C. 345a(d)(2), (m), 371(a))

Dated: March 17, 1961.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-2684; Filed, Mar. 27, 1961; 8:49 a.m.]



## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Tolerance for Residues of O,O-Diethyl S-2-(Ethylthio)Ethyl Phosphorodithioate

A petition was filed with the Food and Drug Administration by Chemagro Corporation, Kansas City 20, Missouri, requesting the establishment of a tolerance for residues of *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate in or on potatoes at 0.75 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.183; 26 F.R. 1276) are amended by adding to § 120.183 a tolerance for residues of the subject pesticide chemical in or on potatoes, and by indicating that all tolerances under this section are calculated as demeton. As amended, this section reads as follows:

**§ 120.183 Tolerances for residues of *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate.**

Tolerances for residues of *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate, calculated as demeton, in or on raw agricultural commodities are established as follows:

2 parts per million in or on sugar beet tops.

0.75 part per million in or on potatoes.

0.5 part per million in or on sugar beets.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 17, 1961.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-2685; Filed, Mar. 27, 1961; 8:49 a.m.]

## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Sodium Propionate; Exemption From Requirement of a Tolerance

No comment having been received to the proposal of the Commissioner of Food and Drugs published in the FEDERAL REGISTER of February 10, 1961 (26 F.R. 1187), with reference to exempting sodium propionate from the requirement of a tolerance when used as a fungicide in the production of garlic, and no request having been received for referral of the proposal to an advisory committee: *It is ordered,* That the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) be amended by adding the following new section:

**§ 120.185 Sodium propionate; exemption from the requirement of a tolerance for residues.**

Sodium propionate is exempted from the requirement of a tolerance for residues when used as a fungicide in the production of garlic.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(c), (e), 68 Stat. 511, 516; 21 U.S.C. 346a(c), (e)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and

the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408, 68 Stat. 511 et seq.; 21 U.S.C. 346a)

Dated: March 21, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-2686; Filed, Mar. 27, 1961; 8:50 a.m.]

## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Parathion In or On Rice; Tolerance for Residues

No comment having been received to the proposal of the Commissioner of Food and Drugs published in the FEDERAL REGISTER of February 10, 1961 (26 F.R. 1187), with reference to establishing a tolerance for parathion on rice, and no request having been received for referral of the proposal to an advisory committee: *It is ordered*, That the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.121; 25 F.R. 6878) be amended by adding rice to the list of commodities in § 120.121. As amended, § 120.121 reads as follows:

**§ 120.121 Tolerances for residues of parathion.**

A tolerance of 1 part per million is established for residues of parathion (*O,O*-diethyl *O*-*p*-nitrophenyl thiophosphate) in or on the following raw agricultural commodities: Alfalfa, barley, clover, corn forage, garlic, grass for forage, hops, oats, olives, pea forage, rice, vetch, wheat.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e)(e), 68 Stat. 514; 21 U.S.C. 346a(e)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(e)(e), 68 Stat. 614; 21 U.S.C. 346a(e))

Dated: March 21, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-2687; Filed, Mar. 27, 1961; 8:50 a.m.]

## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Tolerances for Residues of Maneb

A petition was filed with the Food and Drug Administration by Rohm and Haas Company, 222 West Washington Square, Philadelphia 5, Pennsylvania, requesting the establishment of a tolerance for residues of maneb (manganous ethylenebisdithiocarbamate) from combined preharvest and postharvest use in or on bananas, at 10 parts per million. The petitioner later amended the petition to request a tolerance of 15 parts per million on the whole banana fruit, of which not more than 2 parts per million may be in the pulp of the banana after removal of the skin.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.110 (21 CFR 120.110; 25 F.R. 1246) a tolerance for residues of maneb on bananas. Paragraph designations are deleted to facilitate insertion of new tolerances. As amended, this section reads as follows:

**§ 120.110 Tolerances for residues of maneb.**

Tolerances for residues of maneb (manganous ethylenebisdithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, are established in or on raw agricultural commodities, as follows:

10 parts per million in or on apricots, beans (succulent form), broccoli, Brussels sprouts, cabbage, cauliflower, celery, Chinese cabbage, collards, endive (escarole), kale, kohlrabi, lettuce, mustard greens, nectarines, peaches, rhubarb, spinach, turnip tops.

7 parts per million in or on apples, beans (dry form), carrots (roots), carrots (tops), cranberries, cucumbers, eggplants, figs, grapes, melons, onions, peppers, summer squash, sweet corn (kernels plus cob with husk removed), tomatoes, turnip roots, winter squash.

0.1 part per million in or on almonds, potatoes.

15 parts per million in or on bananas, of which not more than 2 parts per million shall be in the pulp after peel is removed and discarded. The tolerance applies to accumulative residues from both preharvest and postharvest use.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 21, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-2688; Filed, Mar. 27, 1961; 8:50 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

*O,O*-DIETHYL *S*-2-(ETHYLTHIO) ETHYL PHOSPHORODITHIOATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Chemagro Corporation, Post Office Box 4913, Hawthorn Road, Kansas City 20, Missouri, and other relevant material, has concluded that the following food additive regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to residues of *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate present in or on dehydrated sugar beet pulp. Such residues have been shown to occur from application of the pesticide to sugar beet plants under agricultural uses provided for by a concurrent regulation under section 408 of the act. Therefore, pursuant to the provisions of the act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625) the food additive regulations (21 CFR Part 121) are amended by adding to Subpart C the following new section:

**§ 121.215 *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate.**

A tolerance of 5 parts per million is established for residues of *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate in dehydrated sugar beet pulp for livestock feed when present therein as a result of the application of the pesticide to the growing agricultural crop.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Dated: March 17, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-2689; Filed, Mar. 27, 1961; 8:51 a.m.]



SUBCHAPTER C—DRUGS

## PART 130—NEW DRUGS

### Changes in New-Drug Application Form; New-Drug Samples

On September 23, 1960, the Commissioner of Food and Drugs, pursuant to section 701(a) of the Federal Food, Drug, and Cosmetic Act and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) published in the FEDERAL REGISTER (25 F.R. 9151) notice of a proposal to amend the regulations for the enforcement of the new-drug section of the law for the purpose of requiring manufacturers to furnish samples considered necessary to provide the Administration with sufficient information to evaluate fully the data submitted in new-drug applications. In response to the Commissioner's invitation, comments were received. These, with other available data, have been evaluated, and as a result of this study: *It is ordered*, That the regulations (21 CFR 130.4, 130.5; 25 F.R. 12594) be amended as set forth below.

Although the amendment to § 130.4, adding a new paragraph (f), and the amendment to § 130.5 were not included in the original proposal, they are interpretative in nature and the Commissioner finds that they are necessary for the clarification of the correlated amendments in this order and the order published December 9, 1960.

1. Section 130.4 *Applications* is amended as follows:

a. In paragraph (c), item (5) of the new-drug application form is changed to read:

(c) * * *

(5) Samples of the drug and articles used as components, as follows:

(a) The following samples shall be submitted with the application or as soon thereafter as they become available. Each sample shall consist of four identical, separately packaged subdivisions, each containing at least three times the amount required to perform the laboratory test procedures described in the application to determine compliance with its control specifications for identity and assays:

(i) A representative sample or samples of the finished dosage form(s) proposed in the application and employed in the clinical investigations and a representative sample or samples of each new-drug substance, as defined in § 130.1(g), from the batch(es) employed in the production of such dosage form(s).

(ii) A representative sample or samples of finished market packages of each dosage form of the drug prepared for initial marketing, and if any such sample is not from a commercial-scale production batch, in addition such a sample from a representative commercial-scale production batch; and a representative sample or samples of each new-drug substance, as defined in § 130.1(g), from the batch(es) employed in the production of such dosage form(s). *Provided, however,* That in the case of medicated feeds marketed in large packages the sample should contain only three times a sufficient quantity of the medicated feed to allow for performing the control tests for drug identity and assays.

(iii) A sample or samples of any reference standard and blank used in the procedures described in the application for assaying each new-drug substance and other assayed components of the finished drug; *Provided, however,* That samples of reference standards recognized in the official United States Pharmacopeia or the National Formulary need not be submitted unless requested by the New Drug Branch or the Veterinary Medical Branch.

(b) Additional samples shall be submitted on the request of the New Drug Branch or the Veterinary Medical Branch.

(c) Each of the samples submitted shall be appropriately packaged and labeled to preserve its characteristics, to identify the material in the sample, and to identify it with the name of the applicant and the new-drug application to which it relates.

(d) There shall be included a full list of the samples submitted pursuant to (5)(a); a statement of the additional samples that will be submitted as soon as available; and, with respect to each sample submitted, full information with respect to its identity, the origin of any new-drug substance, as defined in § 130.1(g), contained therein (including in the case of new-drug substances, a statement whether it was produced on a laboratory, pilot-plan, or full-production scale) and detailed results of all laboratory tests made to determine the identity, strength, quality, and purity of the batch represented by the sample, including assays. If the test methods used differed from those described in the application, full details of the methods employed in obtaining the reported results shall be submitted.

(e) The New Drug Branch or the Veterinary Medical Branch may, on request of the applicant or otherwise, waive the requirements of (5)(a), in whole or in part, when in the opinion of the Branch any such samples are not necessary.

b. Section 130.4 is further amended by adding thereto a new paragraph (f), reading as follows:

(f) When laboratory tests are required on samples of the new drug or its components to verify the adequacy of control specifications or laboratory test procedures for identity and assays, and it appears that this will require more time than is provided in the act for consideration of a new-drug application, the applicant will be notified. In such event, the application may be made conditionally effective until such laboratory tests have verified their adequacy and the applicant has been so informed by the New Drug Branch or the Veterinary Medical Branch, but only when the following conditions are met:

(1) The New Drug Branch or the Veterinary Medical Branch has determined that the application may be made effective when the adequacy of control specifications or laboratory test procedures for identity and assays of the new drug or its components have been verified by laboratory tests; and

(2) It is not possible to complete such laboratory tests, when they are required, within the time provided by the act for consideration of a new-drug application.

2. Section 130.5(a)(1) is amended to read:

**§ 130.5 Reasons for refusing to file applications.**

(a) * * *

(1) It does not contain all the matter required by section 505(b) (1), (2), (3), (4), (5), and (6) of the act or by the new-drug application form contained in § 130.4(c).

*Effective date.* This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 701(a); 21 U.S.C. 371(a))

Dated: March 21, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-2690; Filed, Mar. 27, 1961; 8:51 a.m.]

## PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

## PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

### Bacitracin- (or Zinc Bacitracin-) Neomycin-Polymyxin Powder Topical

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as

amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of bacitracin and bacitracin-containing drugs are amended as set forth below:

1a. In § 141e.430, paragraphs (a) and (b) are amended to read as follows:

**§ 141e.430 Bacitracin-neomycin-polymyxin powder topical; zinc bacitracin-neomycin-polymyxin powder topical.**

(a) *Potency*—(1) *Dry powder*—(i) *Bacitracin content.* Proceed as directed in § 141e.401(a). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(ii) *Zinc bacitracin content.* Proceed as directed in § 141e.418(a). Its content of zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(iii) *Neomycin content.* Proceed as directed in § 141e.410(b)(1). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(iv) *Polymyxin B content.* Proceed as directed in § 141b.112(b)(1) of this chapter. Its content of polymyxin B is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Powder packaged with inert gases.* Spray, as directed in the labeling, the entire contents of each container to be tested into a separate 1-liter Erlenmeyer flask, held in a horizontal position. Add 500 milliliters of distilled water and shake to dissolve the contents. Remove aliquots of this solution and, using the appropriate buffer solutions to make further dilutions, proceed as directed in subparagraph (1) of this paragraph. Calculate the average total amount of each antibiotic expelled from the containers. The total potency is satisfactory if it contains not less than 85 percent of the number of units of zinc bacitracin and polymyxin and not less than 85 percent of the number of milligrams of neomycin that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter, except if it is packaged with inert gases proceed as directed in § 141a.7(c) of this chapter, but in lieu of the direction for preparing the sample in § 141a.7(c)(3), prepare the sample and calculate as follows: Freeze the container as described in paragraph (a) of this section. After freezing, open the container and remove a representative 10-milliliter aliquot. Place in a Karl Fischer vessel (containing about 15 milliliters of neutralized water in methyl alcohol reagent and 5 milliliters of excess Karl Fischer reagent). Allow to warm to at least 10° C. and titrate to the endpoint.

$$\text{Percent moisture} = \frac{(V_1 - V_2) \times 4}{100}.$$

b. Paragraph (c)(2) is amended by changing the subparagraph heading to read as set forth below and by adding to subparagraph (2) a new subdivision designated (ii). As amended, paragraph (c)(2) reads as follows:

(c) *Microorganism count.* • • •

(2) *Conduct of test for bacteria*—(i) *Dry powder.* Weigh each of five immediate containers. Transfer aseptically an aliquot (approximately 1.0 gram) from each of the weighed containers to each of five sterile flasks containing 200 milliliters of sterile distilled water. Reweigh the containers to determine the weight of the sample taken. Shake the flasks thoroughly to dissolve the powder. Filter the solution from three of the flasks through each of three sterile membrane bacteriological hydrosol assay filters having a porosity of 0.45$\mu$ and a diameter of approximately 47 millimeters. Rinse each filter three times by passing 100 milliliters of sterile distilled water through the filter for each rinsing to remove traces of antibiotic. After washing, place the filter pads (filtering side up) on the surface of each of three agar plates containing nutrient agar as described in subparagraph (1)(i) of this paragraph. Incubate the plates for 5 days at 32° C. Count the number of colonies appearing on each filter pad and calculate therefrom the number of viable microorganisms per gram of powder.

(ii) *Powder packaged with inert gases.* Thoroughly cleanse the valve of each container to be tested with a suitable disinfectant. Into each of five sterile, empty Erlenmeyer flasks stoppered with a cotton plug, spray the entire contents of five separate cans, or the equivalent of 1 gram of powder if the can contains more than this amount, respectively, by removing the plug temporarily and using asceptic technique while spraying. Allow propellant to evaporate, add 250 milliliters of sterile 0.05 percent aqueous sodium thioglycolate, and swirl the flask to dissolve the contents. Then proceed as described in subparagraphs (2)(i) and (3) of this paragraph.

c. Paragraph (c)(3) is amended by designating the present text of the subparagraph as subdivision (i) *Dry powder;* by changing the words "subparagraph (2)" in redesignated subdivision (i) to read "subparagraph (2)(i)"; and by adding to subparagraph (3) a new subdivision (ii). As amended, paragraph (c)(3) reads as follows:

(3) *Conduct of test for molds and yeasts*—(i) *Dry powder.* Proceed as directed in subparagraph (2)(i) of this paragraph (using the remaining two flasks), except use the agar medium as described in subparagraph (1)(ii) of this paragraph, and incubate at 25° C. for 5 days. Count the number of colonies appearing on each filter pad and calculate therefrom the number of viable microorganisms per gram of powder.

(ii) *Powder packaged with inert gases.* Proceed as directed in subparagraph (2)(ii) of this paragraph, except use agar medium as described in subparagraph (1)(ii) of this paragraph, and incubate at 25° C. for 5 days.

d. Paragraph (c) is further amended by adding the following new subparagraph (4):

(4) *Evaluation of results.* The microorganism count of the sample is satisfactory if the average number of viable microorganisms is not more than 10 per container or per gram.

2. Section 146e.430 *Bacitracin-neomycin-polymyxin powder topical* • • • is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by changing the second sentence to read: "Unless it is packaged with one or more suitable and harmless inert gases, each gram contains not less than 200 units of bacitracin or zinc bacitracin, not less than 1,600 units of polymyxin B, and not less than 3.5 milligrams of neomycin."

b. Paragraph (b) *Packaging* is amended by adding the following new sentence at the end thereof: "Each such container may contain one or more suitable and harmless inert gases; in which case it shall contain not less than 8,000 units of zinc bacitracin, not less than 70 milligrams of neomycin, and not less than 100,000 units of polymyxin B."

c. Paragraph (c) *Labeling* is amended by changing subparagraph (1)(ii) to read as follows:

(1) • • •

(ii) The number of units of bacitracin or zinc bacitracin, the number of units of polymyxin B, and the number of milligrams of neomycin per gram; or (if it is packaged with one or more inert gases), the amount of each antibiotic that shall be ejected when used as directed in the labeling.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are not restrictive in nature and since the drug bacitracin- (or zinc bacitracin) neomycin-polymyxin powder topical, packaged with suitable and harmless inert gases, has been shown to be safe and efficacious for use.

*Effective date.* This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: March 17, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-2691; Filed, Mar. 27, 1961; 8:51 a.m.]

## PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

## PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

### Order Acting on Objections to the Regulations

An order was published in the FEDERAL REGISTER on September 30, 1960 (25 F.R. 9369), to become effective 90 days thereafter, amending § 146.24 pertaining to antibiotic powders for diagnostic use and adding Part 147 pertaining to antibiotic sensitivity discs. Objections were



filed by Ankh Laboratories, Inc., Baltimore Biological Laboratory, Inc., Consolidated Laboratories, Inc., National Bio-Test, Inc., Difco Laboratories, and Chas. Pfizer and Company, Inc., with all but Pfizer requesting a hearing on the objections.

These objections raised questions which required further study by the Commissioner and established that portions of the order should be amended. Therefore, the Commissioner issued an order, published in the FEDERAL REGISTER on January 7, 1961 (26 F.R. 127), amending the September 30 order and postponing its effective date until March 1, 1961. The Commissioner then requested each of the objectors to provide any additional information that would further clarify or strengthen the objections. Replies were received from Baltimore Biological Laboratory, Difco Laboratories, and Consolidated Laboratories.

The following issues raised by the initial and supplemental objections were not resolved by the amended order of January 7, 1961:

1. Whether antibiotic discs are drugs.

2. Whether the Commissioner has statutory authority to regulate noncertifiable antibiotics or agents when packaged together with certifiable antibiotics.

3. Whether § 147.2(b), as regards combination packages of discs of more than one potency, should be expanded to permit a medium-potency concentration as well as the proposed highest and lowest concentrations.

4. Whether the expiration date of penicillin-impregnated discs should be extended.

5. Whether the labeling requirements of § 147.2(b), pertaining to the statement of the expiration date on a combination package, should bear expiration dates for each diagnostic agent rather than a single expiration date for the shortest-level agent.

6. Whether the cost of certification of a multiple-type disc under the regulations would make it financially impossible to market such a disc.

7. Whether assay techniques for noncertifiable agents to be packaged with a certifiable antibiotic should be set forth in the regulations.

Issues numbered 1 and 2 relate to the Commissioner's jurisdiction in regulating antibiotic sensitivity discs. These are strictly legal questions and do not serve as proper bases for a hearing; they may be a basis for judicial review.

The objection suggesting the addition of a medium-potency concentration on packaged combination discs has practical difficulties that cannot be overcome in the present state of the science. The regulations, for example, permit packaged combinations of penicillin discs with two-unit and 10-unit potencies, and they permit variations for these levels between 67 percent and 150 percent of declared potency. Should the regulations permit the inclusion of a five-unit disc, the zone of inhibition produced by a two-unit disc containing 150 percent of its labeled potency would be approximately the same as that produced by a five-unit disc which contained 67 percent of its labeled potency. A five-unit disc having 150 percent of declared potency would produce a larger zone of inhibition than a ten-unit disc with 67 percent of declared potency. This would make the disc unreliable. No proposal was made to narrow the 150 percent range. No data were submitted to justify a change in the individual expiration dates set forth in the regulations, including the expiration date for penicillin-impregnated discs. The objections recommending separate expiration dates for each of the diagnostic agents in combination packages would result in a situation in which some, but not all, of the agents could be considered reliable after the earliest expiration dates had passed. But the package, after the expiration date of any one agent of the combination, would be in violation of section 502(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(1)).

The objections concerning the cost of certification of multiple-antibiotic discs raise no factual issue that would require a hearing. These discs are employed in testing for the most effective antibiotic to combat a disease condition or infection that may be life-threatening. It is obvious that there must be reliability in all the materials if the disc is to serve its intended purpose. In matters of public heath, where the possible consequences are even less harmful, possible economic hardships cannot justify a compromise with the public health.

It is true that assay methods were not published for all drugs and agents that might be included in a combination package of discs. Such methods are available and will be published in the near future. Until they are published, each manufacturer of a combination package may submit with his request for certification the assay methods he employs for each drug or agent in the package for which methods have not yet been published. If these methods are satisfactory to provide an accurate measure of the potency, they will be accepted by the Food and Drug Administration in the assay of the discs.

In summary, the objections were not supported by reasonable grounds sufficient to require a hearing. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended 72 Stat. 948, 74 Stat. 399; 21 U.S.C. 371(e)), and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the requests for changes in the regulations as published and the petitions for a public hearing are hereby denied.

(Sec. 701(e), 52 Stat. 1055 as amended; 21 U.S.C. 357(e))

Dated: March 16, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-2692; Filed, Mar. 27, 1961; 8:51 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

## PART 11—INDUSTRIAL RADIO SERVICES

### Charts for Channels 4 and 5

In the matter of amendment of Part 11, Subpart A, § 11.8(g) of the Commission's rules governing the Industrial Radio Services.

The Commission having under consideration the desirability of making a certain editorial change in Part 11, § 11.8(g) of its rules; and

It appearing that the change adopted herein consists of the inclusion within the subject rule of certain charts presently referred to therein but not heretofore included by reason of inadvertence; and

It further appearing that the amendment adopted herein is editorial in nature, and therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately; and

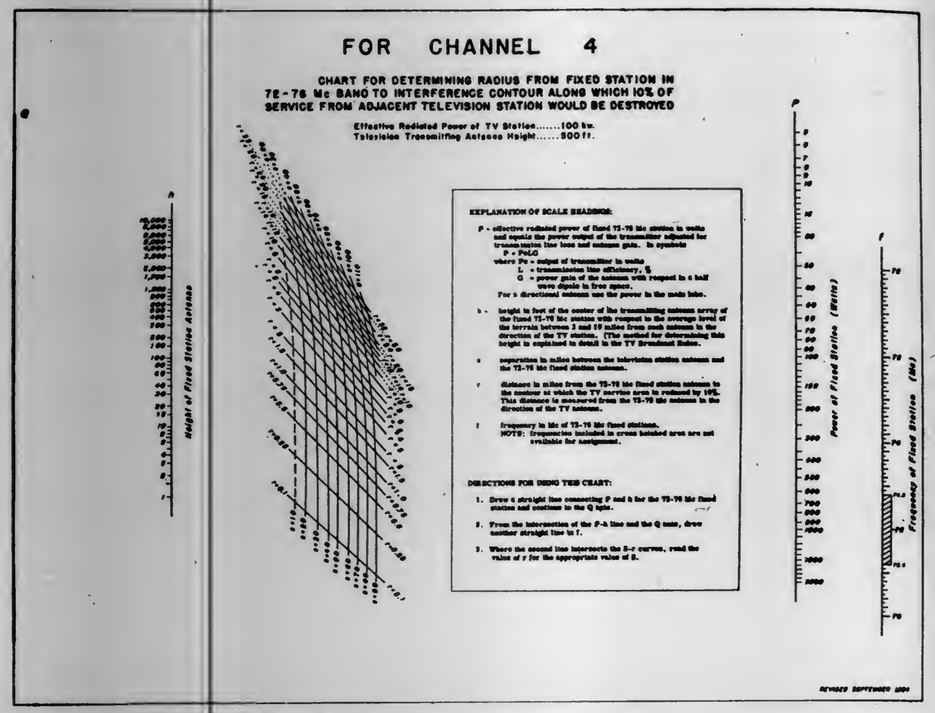
It further appearing that the amendment adopted is issued pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

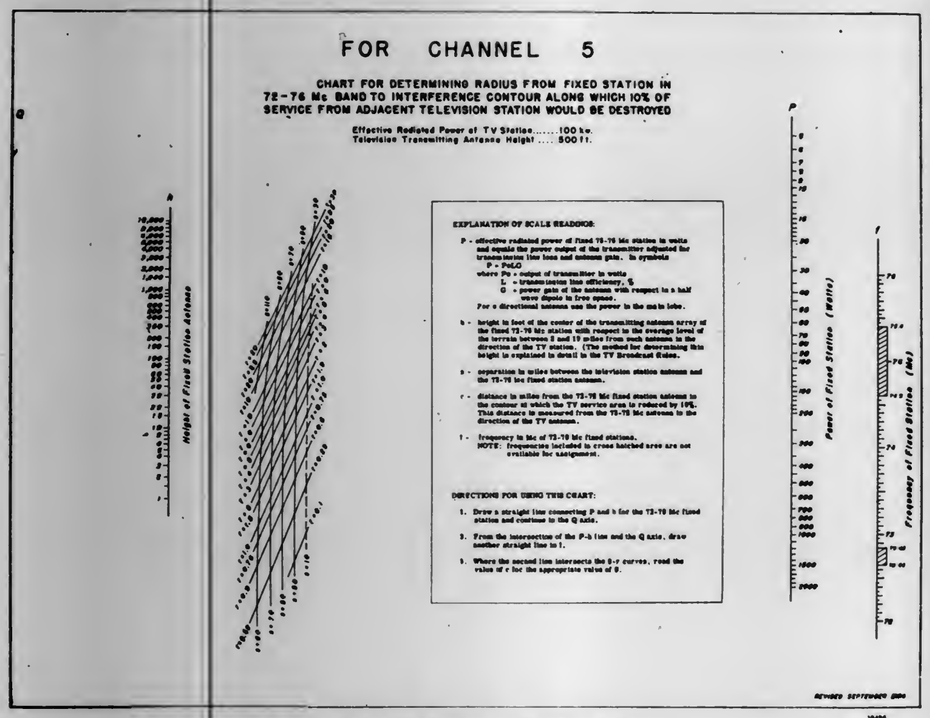
*It is ordered,* This 22d day of March, 1961, that effective March 22, 1961, § 11.8 of the Commission's rules is amended to include the charts for channels 4 and 5 as they are reproduced below, following paragraph (g).

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: March 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*




[F.R. Doc. 61-2661; Filed, Mar. 27, 1961; 8:45 a.m.]



# Title 30—MINERAL RESOURCES

## Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER E—MECHANICAL EQUIPMENT FOR MINES; TESTS FOR PERMISSIBILITY AND SUITABILITY; FEES

[Bureau of Mines Schedule 25B]

## PART 33—DUST COLLECTORS FOR USE IN CONNECTION WITH ROCK DRILLING IN COAL MINES

### Test Requirements

On page 168 of the FEDERAL REGISTER of January 10, 1961, there was published a notice and text of proposed amendments to the regulations contained in §§ 33.32, 33.33, and 33.34 of Part 33, Title 30, Code of Federal Regulations, pertaining to test requirements for Dust Collectors for Use in Connection with Rock Drilling in Coal Mines. The purpose of the amendments is to equalize performance requirements for combination units having single or multiple drilling heads.

Interested persons were given 30 days after the date of publication, within which to submit written comments, suggestions, or objections concerning the proposed amendments. Only one comment was received, which concerned the amendment to Paragraph (a) of § 33.34 and pertained to an extraordinary setup of equipment. After careful consideration, it was deemed inadvisable to further amend the regulations. Accordingly the amendments to these regulations are hereby adopted as set forth below.

It is considered in the public interest to have these amendments to the regulations become effective on the date of publication in the FEDERAL REGISTER.

MARLING J. ANKENY,
*Director, Bureau of Mines.*

Approved: March 22, 1961.

STEWART L. UDALL,
*Secretary of the Interior.*

The texts of paragraph (c) of § 33.32, paragraph (a) of § 33.33, and paragraph (a) of § 33.34 are amended to read as follows:

1. In paragraph (c) of § 33.32 the word "operator" in the third and fourth lines is changed to operator(s), indicating one or more.

2. In paragraph (a) of § 33.33 after the word "samples," at the end of the fourth line, the words "collected at each drill operator's position" are inserted, and in the last line of the paragraph the numeral "10" is deleted.

As amended, paragraph (a) of § 33.33 reads as follows:

(a) The concentration of dust determined by the control sample shall be subtracted from the average concentration of dust determined by the test samples collected at each drill operator's position, and the difference shall be designated as the net concentration of airborne dust. Calculations of the average concentration of dust determined from the test samples shall be based upon the results of not less than 80 percent of each set of test samples.

3. Paragraph (a) of § 33.34 is revised to read as follows:

(a) A drilling test shall consist of drilling a set of 10 test holes, without undue delay, under specified operating conditions. When the test involves the control of dust from more than one drill, all the drills shall be used in the intended manner to complete the set of test holes.

[F.R. Doc. 61-2675; Filed, Mar. 27, 1961; 8:47 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

## MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated 11 March 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202, and have the concurrence of the military departments.

## PART 1—GENERAL PROVISIONS

1. Revise §§ 1.201-12, 1.307-2, 1.309, 1.707-3, and 1.801-1 to read as follows:

**§ 1.201-12 Possessions.**

Possessions in a geographic sense includes the Virgin Islands, the Canal Zone, Guam, American Samoa, Wake Island, Midway Island, and the Guano Islands, but does not include Puerto Rico.

**§ 1.307-2 Required Use of Priorities, Allocations, and Allotments Clause.**

The contract clause set forth in § 7.104-18 of this chapter shall be inserted in or attached to all rateable contracts, except that no such clause need be attached to purchase orders of less than $500 which are not rated. Rateable contracts are those contracts for supplies which are required to be supported with rating and allotment authority (see Priorities and Allocations Manual, section 2-1).

**§ 1.309 Solicitations for informational or planning purposes.**

It is the general policy of the Department of Defense to solicit bids, proposals or quotations only where there is a definite intention to award a contract or purchase order. However, in some cases solicitation for informational or planning purposes may be justified. Invitations for bids and requests for proposals will not be used for this purpose. Requests for quotations may be issued for informational or planning purposes only with prior approval of an individual at a level higher than the contracting officer. In such cases, the request for quotation shall clearly state its purpose and, in addition, the following statement in capital letters shall be placed on the face of the request: THE GOVERNMENT DOES NOT INTEND TO AWARD A CONTRACT ON THE BASIS OF THIS REQUEST FOR QUOTATION, OR OTHERWISE PAY FOR THE INFORMATION SOLICITED. The foregoing does not prohibit the allowance, in accordance with § 15.205-3 of this chapter, of the cost of preparing such quotations.

**§ 1.707-3 Defense Subcontracting in Small Business Programs.**

Each contractor having a prime contract which contains the clause set forth in § 7.104-22 shall be required to establish and conduct a "Defense Subcontracting Small Business Program" to include the following:

(a) Designate a small business liaison officer who will (1) maintain liaison with the purchasing activity and SBA in small business matters, (2) supervise compliance with the "Utilization of Small Business Concerns" clause; and (3) administer contractor's "Defense Subcontracting Small Business Program";

(b) Provide adequate and timely consideration of the potentialities of small business concern in all "make-or-buy" decisions;

(c) Assure that small business concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate small business participation;

(d) Maintain records showing (1) whether each prospective subcontractor is a small business concern, and (2) procedures which have been adopted to comply with the policies set forth in this paragraph;

(e) Include the "Utilization of Small Business Concerns" clause in subcontracts which offer substantial small business subcontracting opportunities;

(f) Require subcontractors having subcontracts in excess of $1,000,000 which contain the clause entitled "Utilization of Small Business Concerns" to establish and conduct a "Defense Subcontracting Small Business Program;" and

(g) Submit such information on subcontracting to small business as is called for on DD Form 1140.

**§ 1.801-1 Labor surplus area concern.**

Labor surplus area concern includes:

(a) Persistent labor surplus area concerns which will perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial and Persistent Labor Surplus"; and

(b) Substantial labor surplus area concerns which will perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial Labor Surplus."

A concern shall be deemed to perform a contract substantially in "Areas of Substantial and Persistent Labor Surplus" if the costs that it incurs on account of manufacturing or production (by itself or its subcontractors) in such areas amount to more than 50 percent of the contract price. A concern shall be

deemed to perform a contract substantially in "Areas of Substantial Labor Surplus" if the costs that it incurs on account of manufacturing or production (by itself or its subcontractors) in such areas or in "Areas of Substantial or Persistent Labor Surplus" amount to more than 50 percent of the contract price.

*Example A.* ABC Company, manufacturing in a full employment area bids on a contract at $1,000. ABC Company will incur the following costs:

| | |
|---|---|
| Direct labor | $200 |
| Overhead | 200 |
| Purchase of materials from XYZ, which manufactures the materials in a labor surplus area | 510 |

ABC Company qualifies as a labor surplus area concern.

*Example B.* DEF Company, manufacturing in a labor surplus area, bids on a contract at $1,000. DEF Company will incur the following costs:

| | |
|---|---|
| Direct labor | $200 |
| Overhead | 200 |
| Purchase of materials from UVW, which is located in a labor surplus area but which merely distributes the materials from stocks on hand (the materials having been manufactured by UVW's supplier) | 550 |

DEF Company does not qualify as a labor surplus area concern regardless of whether UVW's supplier manufactures in a labor surplus area.

*Example C.* GHI Company, manufacturing in a labor surplus area, bids on a contract at $1,000. GHI Company will incur the following costs:

| | |
|---|---|
| Direct labor | $230 |
| Overhead | 275 |
| Purchase of materials from RST, which manufactured the materials in a full employment area | 425 |

GHI Company qualifies as a labor surplus area concern.

2. In § 1.804–2, revise paragraph (b), and in paragraph (c), revise clause paragraphs (d), (e), and (f), and add clause paragraph (g), as follows:

**§ 1.804–2 Set-aside procedures.**

* * * * *

(b) In advertised procurements involving set-asides pursuant to this subpart, each invitation for bids shall contain either substantially the following notice or the notice set forth in paragraph (c) of this section. In negotiated procurements, whichever notice is used will be appropriately modified for use with requests for proposals. The appropriate notice shall be made a part of each contract under the set-aside portion of the procurement.

NOTICE OF LABOR SURPLUS AREA SET-ASIDE
(JAN. 1961)

(a) *General.* A portion of this procurement, as identified elsewhere in the Schedule, has been set-aside for award only to one or more labor surplus area concerns, and, to a limited extent, to small business concerns which do not qualify as labor surplus area concerns. Negotiations for award of the set-aside portion will be conducted only with responsible labor surplus area concerns (and small business concerns to the extent indicated below) who have submitted responsive bids or proposals on the non-set-aside portion at a unit price within 120 percent of the highest award made on the non-set-aside portion. Negotiations for the set-aside portion will be conducted with such bidders in the following order of priority:

Group 1. Persistent labor surplus area concerns which are also small business concerns.

Group 2. Other persistent labor surplus area concerns.

Group 3. Substantial labor surplus area concerns which are also small business concerns.

Group 4. Other substantial labor surplus area concerns.

Group 5. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. The set-aside shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, the Government reserves the right not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion

(b) *Definitions.*

(1) A "labor surplus area" is a geographical area which at the time of award is:

(i) Classified by the Department of Labor as an "Area of Substantial Labor Surplus" or as an "Area of Substantial and Persistent Labor Surplus" and listed as such by that Department in conjunction with its bimonthly publication "Area Labor Market Trends"; or

(ii) Not classified as in (i) above, but which is individually certified as an area of persistent or substantial labor surplus by the Department of Labor at the request of any prospective contractor.

(2) Labor surplus area concern includes:

(i) Persistent labor surplus area concerns which will perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial and Persistent Labor Surplus"; and

(ii) Substantial labor surplus area concerns which will perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial Labor Surplus."

A concern shall be deemed to perform a contract substantially in "Areas of Substantial and Persistent Labor Surplus" if the costs that it incurs on account of manufacturing or production (by itself or its subcontractors) in such areas amount to more than 50 percent of the contract price. A concern shall be deemed to perform a contract substantially in "Areas of Substantial Labor Surplus" if the costs that it incurs on account of manufacturing or production (by itself or its subcontractors) in such areas or in "Areas of Substantial or Persistent Labor Surplus" amount to more than 50 percent of the contract price.

(3) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in its field of operation and, with its affiliates, employs fewer than 500 employees. In addition to meeting these criteria, a manufacturer or regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns; provided, that this additional requirement does not apply in connection with construction or service contracts.

(c) *Agreement.* The bidder agrees that, if awarded a contract as a persistent labor surplus area concern under the set-aside portion of this procurement, he will perform the contract substantially in persistent labor surplus areas, as described in paragraph (b) above; and that if awarded a contract as a substantial labor surplus area concern under the set-aside portion of this procurement, he will perform the contract substantially in substantial or persistent labor surplus areas as described in paragraph (b) above.

Where the definition of a small business concern for a given industry, as prescribed by the Small Business Administration and promulgated by the Departments, differs from that set forth in the notice above the notice shall be appropriately modified to reflect such definition.

(c) Where it is anticipated that bids may be received which appear designed to take unfair advantage of bona fide bidders, by devices such as unrealistically low bids on mere token quantities, the notice set forth below may be used instead of that in paragraph (b) of this section.

NOTICE OF LABOR SURPLUS AREA SET-ASIDE
(JAN. 1961)

* * * * *

(d) *Definitions.*

(1) A "labor surplus area" is a geographical area which at the time of award is:

(i) Classified by the Department of Labor as an "Area of Substantial Labor Surplus" or as an "Area of Substantial and Persistent Labor Surplus" and listed as such by that Department in conjunction with its bimonthly publication "Area Labor Market Trends"; or

(ii) Not classified as in (i) above, but which is individually certified as an area of persistent or substantial labor surplus by the Department of Labor at the request of any prospective contractor.

(2) Labor surplus area concern includes:

(i) Persistent labor surplus area concerns which will perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial and Persistent Labor Surplus"; and

(ii) Substantial labor surplus area concerns which will perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial Labor Surplus."

A concern shall be deemed to perform a contract substantially in "Areas of Substantial and Persistent Labor Surplus" if the costs that it incurs on account of manufacturing or production (by its self or its subcontractors) in such areas amount to more than 50 percent of the contract price. A concern shall be deemed to perform a contract substantially in "Areas of Substantial Labor Surplus" if the costs that it incurs on account of manufacturing or production (by itself or its subcontractors) in such areas or in "Areas of Substantial or Persistent Labor Surplus" amount to more than 50 percent of the contract price.

(3) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in its field of operation and, with its affiliates, employs fewer than 500 employees. In addition to meeting these criteria, a manufacturer or regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns; provided, that this additional requirement does not apply in connection with construction or service contracts.



(e) *Agreement.* The bidder agrees that, if awarded a contract as a persistent labor surplus area concern under the set-aside portion of this procurement, he will perform the contract substantially in persistent labor surplus areas, as described in paragraph (d) above; and that if awarded a contract as a substantial labor surplus area concern under the set-aside portion of this procurement, he will perform the contract substantially in substantial or persistent labor surplus areas as described in paragraph (d) above.

(f) *Token bids.* Notwithstanding the provisions of this Notice, the Government reserves the right, in determining eligibility or priority for set-aside negotiations, not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion.

(g) *Instructions for use, and explanation of, notice addendum.* The quantity of each Item which has been set-aside is set forth on the attached Notice Addendum. As provided in (b)(2), the Notice Addendum is to be filled in only by labor surplus area and small business concerns. Furthermore, it is to be used by such concern only when (i) it has submitted a bid for the entire non-set-aside quantity of an Item, and (ii) it desires a total quantity in excess of the non-set-aside quantity thereof. Whether or not a labor surplus area or small business concern may participate in the set-aside portion is dependent on its eligibility in accordance with paragraph (c) above. It should be noted, however, that to be eligible for the set-aside portion it need not have filled in the Notice Addendum. The latter should only be filled in where the concern desires a quantity in excess of the quantity set forth in the Schedule.

NOTICE ADDENDUM FOR SET-ASIDE

The quantity of each item which has been set-aside is as follows:

| 1 Item No. | 2 Quantity set-aside | 3 Quantity desired |
|---|---|---|

(The issuing office will identify by line item number the supplies being procured as to which a portion is set aside and will designate the quantity set aside for each such Item. The quantity desired column will be left blank for the bidder or offeror to fill in.)

3. Add new Subpart O to Part 1, as follows:

## Subpart O—Options

Sec.
1.1501 Scope of subpart.
1.1502 Definition.
1.1503 Applicability.
1.1504 Procedures.
1.1505 Exercise of options.
1.1506 Examples of option clauses.

AUTHORITY: 1.1501 to 1.1506 issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 12 U.S.C. 2301–2314.

**§ 1.1501 Scope of subpart.**

This subpart applies to contracts for supplies and services other than for (a) the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property and (b) research and development. It does not preclude the use of appropriate option provisions in such construction and research and development contracts.

**§ 1.1502 Definition.**

As used in this subpart, an option clause is a provision in a contract under which, for a specified time, the Government may elect to purchase additional quantities of the supplies and services called for by the contract, or may elect to extend the period of performance of the contract.

**§ 1.1503 Applicability.**

(a) Option clauses may be included in contracts where increased requirements within the period of contract performance are foreseeable, or where continuing performance beyond the original period of contract performance may be in the best interest of the Government.

(b) Generally, option clauses will not be included in contracts where:

(1) The supplies or services being purchased are readily available on the open market;

(2) The contractor would be required to incur undue risks: e.g., the price or availability of necessary materials or labor is not reasonably foreseeable;

(3) An indefinite quantity contract (see § 3.405–5(c) of this chapter) is appropriate; or

(4) Market prices for the supplies or services involved are likely to change substantially.

(c) Generally, options will definitely fix the amount of additional supplies or services, or the additional period of performance, which may be called for, and will not permit the Government to call for less than the full additional amount or period.

**§ 1.1504 Procedures.**

(a) Where a contract is to contain an option clause, the invitation for bids or request for proposals must contain an appropriate option provision. The contract shall limit the additional quantities of supplies or services which may be procured, or the duration of extention of the period of performance of the contract, under the option and will fix the period within which the option may be exercised. This period shall be set so as to afford the contractor adequate notice of the requirement for performance under the option but may extend beyond the contract completion date when exercise of the option would obligate funds not available in the fiscal year in which the contract would otherwise be completed. The quantities and the period under option and the period during which the option may be exercised shall be justified and documented by the contracting officer in the contract file.

(b) Invitations for bids and requests for proposals that contain options for additional quantities shall generally state that evaluation will be on the basis of the quantity to be awarded exclusive of the option quantity. However, where it is anticipated that the Government may elect to exercise the option at time of award, invitations for bids and requests for proposals shall state that if the Government does so elect, evaluation will be on the basis of total quantity to be awarded, including the option quantity, but if the Government does not so elect, evaluation will be on the basis of the quantity to be awarded exclusive of the option quantity.

(c) Invitations for bids or requests for proposals may state that bidders or offerors are required to quote separate prices on the option quantities or items and that such separate prices may vary depending on the date on which the option is exercised.

(d) Where exercise of the option would result in increased quantities of supplies, the option may be expressed in terms of (1) a definite percentage of specific contract line items, (2) a definite number of additional units of specific contract line items, or (3) additional numbered line items identified as the option quantity, with the same nomenclature as basic contract line items. Where exercise of the option would result in an increase in the performance of services by the contractor, the option may similarly be expressed in terms of percentages, increase in specific line items, or additional numbered line items, expressed in terms of the units of work used in the basic contract such as man hours, man years, square feet, pounds or tons handled, etc. Where exercise of the option would result in an extension of duration of the contract, the option may be expressed in terms of an extended terminal date or of an additional time period, such as days, weeks, or months.

**§ 1.1505 Exercise of options.**

(a) The exercise of an option by the Government requires the contracting officer's written notification to the contractor within the time period specified in the contract.

(b) Where the contract provides for price escalation and the contractor requests revision of price pursuant to such provision, or the provision applies only to the option quantity, the effect of escalation on prices under the option must be ascertained before the option is exercised.

(c) Options should be exercised only if it is determined that:

(1) Funds are available,

(2) The requirement covered by the option fulfills an existing need of the Government, and

(3) The exercise of the option is most advantageous to the Government, price and other factors considered.

(d) Insofar as price is concerned, the determination under paragraph (c)(3) of this section shall be made on the basis of one of the following:

(1) A new formal advertisement, or request for proposals if appropriate, fails to produce a better price than that offered by the option. (Where the contracting officer anticipates that the option price will be the best price available, he should not use this method of testing the market but should use one of the methods in subparagraphs (2), (3), or (4) of this paragraph (see § 1.309)).

(2) An informal investigation of prices, or other examination of the market, indicates clearly that a better price than that offered by the option cannot be obtained.

(3) The time between the award of the contract containing the option and the exercise of the option is so short that it indicates the option price is the lowest price obtainable, considering such factors as market stability and a comparison of the time since award with the

usual duration of contracts for such supplies and services.

(4) Established prices are readily ascertainable and clearly indicate that formal advertising or informal solicitation can obviously serve no useful purpose.

(e) Insofar as the "other factors" mentioned in paragraph (c)(3) of this section are concerned, the determination should, among other things, take into account the Government's need for continuity of operations and potential costs to the Government of disrupting operations, including the cost of relocating necessary Government-furnished equipment (as, for example, in certain repair and overhaul contracts for aircraft or other complex equipment).

**§ 1.1506 Examples of option clauses.**

(a) A clause substantially as follows may be used where the contract expresses the option quantity as a percentage of the basic contract quantity or as an additional quantity of a specific line item.

OPTION FOR INCREASED QUANTITY (JAN. 1961)

The Government may increase the quantity of supplies called for herein by the amount stated in the Schedule and at the unit price specified therein. The Contracting Officer may exercise this option, at any time within the period specified in the Schedule, by giving written notice to the Contractor. Delivery of the items added by the exercise of this option shall continue immediately after, and at the same rate as, delivery of like items called for under this contract unless the parties otherwise agree.

(b) A clause substantially as follows may be used where the contract identifies the option quantity as a separately priced line item having the same nomenclature as a corresponding basic contract line item.

OPTION FOR INCREASED QUANTITY (JAN. 1961)

The Government may increase the quantity of supplies called for herein by requiring the delivery of the numbered line item identified in the Schedule as an option item, in the quantity and at the price set forth therein. The Contracting Officer may exercise this option, at any time within the period specified in the Schedule, by giving written notice to the Contractor. Delivery of the items added by the exercise of this option shall continue immediately after, and at the same rate as, delivery of like items called for under this contract unless the parties otherwise agree.

(c) A clause substantially as follows may be used where it is intended to extend the services described in the Schedule.

OPTION TO EXTEND SERVICES (JAN. 1961)

The Government may require the Contractor to continue to perform any or all items of services under this contract within the limits stated in the Schedule. The Contracting Officer may exercise this option, at any time within the period specified in the Schedule, by giving written notice to the Contractor. The rates set forth in the Schedule shall apply to any extension made pursuant to this option provision.

(d) A clause substantially as follows may be used to provide for continuing performance of the contract beyond its original term.

OPTION TO EXTEND THE TERM OF THE CONTRACT (JAN. 1961)

This contract is renewable, at the option of the Government, by the Contracting Officer giving written notice of renewal to the Contractor within the period specified in the Schedule; provided, that the Contracting Officer shall have given preliminary notice of the Government's intention to renew at least sixty (60) days before this contract is to expire. (Such a preliminary notice will not be deemed to commit the Government to renewal). If the Government exercises this option for renewal, the contract as renewed shall be deemed to include this option provision. However, the total duration of this contract, including the exercise of any options under this clause, shall not exceed --- years.

## PART 2—PROCUREMENT BY FORMAL ADVERTISING

4. In § 2.201, revised paragraphs (a)(12), (15), (23), and (b)(10); and revise §§ 2.202–2, 2.203–1, 2.303–6, 2.304 and 2.305(b), as follows:

* * * * *

(a) For supply and service contracts, including construction, invitation for bids shall contain the following information if applicable to the procurement involved.

* * * * *

(12) Bid guarantee, performance bond, and payment bond requirements, if any (see Subpart A, Part 10 of this chapter). If a bid bond or other form of bid guarantee is required, the invitation shall include the provisions required by § 10.102–4 of this chapter.

* * * * *

(15) When considered necessary by the contracting officer, a requirement that all bids must allow a period for acceptance by the Government of not less than a minimum period stipulated in the invitation for bids, and that bids offering less than the minimum stipulated acceptance period will be rejected. The minimum period so stipulated should be no more than reasonably required for evaluation of bids and other pre-award processing. To accomplish the foregoing, a paragraph substantially as follows may be included in the Schedule or other appropriate place in the Invitation for Bids:

BID ACCEPTANCE PERIOD (APR. 1960)

Bids offering less than ------ days for acceptance by the Government from the date set for opening of bids will be considered nonresponsive and will be rejected.

* * * * *

(23) When considered necessary by the contracting officer to prevent practices prejudicial to fair and open competition, such as improper kinds of multiple bidding, a requirement that each bidder submit with his bid an affidavit concerning his affiliation with other concerns. To accomplish the foregoing, a paragraph substantially as follows may be included in the Schedule or other appropriate place in the invitation for bids:

AFFILIATED BIDDERS (JAN. 1961)

(a) Business concerns are affiliates of each other when either directly or indirectly (i) one concern controls or has the power to control the other, or (ii) a third party controls or has the power to control both.

(b) Each bidder shall submit with his bid an affidavit containing information as follows:

(i) Whether the bidder has any affiliates;

(ii) The names and address of all affiliates of the bidder; and

(iii) The names and addresses of all persons and concerns exercising control or ownership of the bidder and any or all of his affiliates, and whether as common officers, directors, stockholders holding controlling interest, or otherwise.

Failure to furnish such an affidavit may result in rejection of the bid.

[End of Notice.]

Failure to furnish such an affidavit shall be treated as a minor informality or irregularity (see § 2.405).

* * * * *

(b) For supply and service contracts, excluding construction, the invitation for bids shall contain the following in addition to the information required by paragraph (a) of this section if applicable to the procurement involved:

* * * * *

(10) If the contract is to include option provisions, a clear statement of such provisions (see Subpart O, Part 1 of this chapter).

* * * * *

**§ 2.202–2 Telegraphic bids.**

As a general rule, telegraphic bids will not be authorized. However, when in the judgment of the contracting officer, the date for the opening of bids will not allow bidders sufficient time to prepare and submit bids on the prescribed forms or when prices are subject to frequent changes, telegraphic bids may be authorized. When such bids are authorized, the schedule of the invitation for bids will require the bidder to include in the telegraphic bid specific reference to the invitation, the items or sub-items, quantities, and unit prices for which the bid is submitted, the time and place of delivery, and a statement that the bidder agrees to all the terms, conditions, and provisions of the invitation. In order that the contract may be executed on the proper forms the invitation for bids will also provide that telegraphic bids shall be confirmed on the prescribed form and submitted promptly to the contracting officer. A telegraphic bid telephoned by a telegraph office to the contracting officer prior to the time fixed for opening of bids may be considered if such bid is confirmed by a written telegram. When such a bid is the most advantageous to the Government, the contract award shall be withheld until receipt of the written telegraphic bid.

**§ 2.203–1 Mailing or delivery to prospective bidders.**

(a) Invitations for bids (or pre-invitation notices) shall be mailed (or delivered) to a sufficient number of prospective bidders so as to elicit adequate competition and, in accordance with § 1.1002 of this chapter, may be provided to others having a legitimate interest to the extent invitations for bids are available.

(b) On request, pre-invitation notices and invitations for bids (with plans and specifications) for unclassified construction work will be furnished without



charge to organizations which maintain plan display rooms for the benefit of contractors, subcontractors and material suppliers, without charge to the public. Requests from organizations in the United States may be honored on an annual or semi-annual basis for all or for a stated class of construction projects. The geographical extent of this distribution shall be as determined on a case by case basis by the contracting officer.

**§ 2.303–6 Notification.**

Where a late bid is received and it is clear from available information that under § 2.303–2 such late bid cannot be considered, the contracting officer or his authorized representative shall promptly notify the bidder that his bid was received late and will not be considered. This shall not preclude the contracting officer from considering evidence received prior to award that shows that the bid should be considered. If a late bid is received before award but it is not clear from available information whether under § 2.303–2 such bid may be considered, the bidder shall be promptly notified substantially as follows:

Your bid in response to Invitation for Bids No. ----, dated ---------- was received after the time for opening specified in the Invitation. Accordingly, your bid will not be considered for award unless clear and convincing evidence showing that late receipt was due solely to delay in the mails for which you were not responsible is received by ---------- (Jan. 1961)
(Date)

The foregoing notification should be appropriately modified in the case of late telegraphic bids.

**§ 2.304 Modification or withdrawal of bids.**

Bids may be modified or withdrawn by written or telegraphic notice received prior to the exact time set for opening. A telegraphic modification of a bid telephoned by a telegraph office to the contracting officer prior to the time fixed for opening of bids may be considered if such modification is confirmed by a written telegram. When such a modification results in a bid most advantageous to the Government, the contract award shall be withheld until receipt of the written telegraphic modification of the bid. In addition, a bid may be withdrawn in person by a bidder or his authorized representative, providing his identity is made known and he signs a receipt for the bid, but only if the withdrawal is prior to the exact time set for bid opening.

**§ 2.305 Late modifications and withdrawals.**

* * * * *

(b) Where a late modification or request for withdrawal is received and it is clear from available information that under paragraph (a) of this section such late modification or request for withdrawal cannot be considered, the contracting officer or his authorized representative shall promptly notify the bidder that his modification or request for withdrawal was received late and will not be considered. This shall not preclude the contracting officer from considering evidence received prior to award that shows that the modification or request for withdrawal should be considered. If a late modification or request for withdrawal is received before award but it is not clear from available information whether under paragraph (a) of this section such modification or request for withdrawal may be considered, the bidder shall be promptly notified substantially as follows:

Your (modification) (request for withdrawal) of your bid in response to Invitation for Bids No. ------, dated ----------, was received after the time for opening specified in the Invitation. Accordingly, your (modification) (request for withdrawal) will not be considered effective unless clear and convincing evidence showing that late receipt was due solely to delay in the mails for which you were not responsible is received by ------- (Jan. 1961)
(Date)

The foregoing notification should be appropriately modified in the case of late telegraphic modifications or requests for withdrawal.

* * * * *

5. Revise § 2.404–2(h), add new paragraph (e) to § 2.405, revise § 2.407–6 as follows:

**§ 2.404–2 Rejection of individual bids.**

* * * * *

(h) Where a bid guarantee is required and a bidder fails to furnish it in accordance with the requirements of the invitation for bids, the bid shall be rejected except as otherwise provided in § 10.102–5 of this chapter.

**§ 2.405 Minor informalities or irregularities in bids.**

* * * * *

(e) Failure to furnish an affidavit concerning affiliates, if required pursuant to § 2.201(a)(23).

**§ 2.407–6 Equal low bids.**

(a)(1) Where two or more low bids are equal in all respects, considering all factors except the priorities set forth in subparagraph (2) of this paragraph, award shall be made in accordance with the order of priorities therein. Where two or more low bids are equal in all respects, considering all factors, including the priorities set forth in subparagraph (2) of this paragraph, award shall be made by a drawing by lot which shall be witnessed by at least three persons and which may be attended by the bidders or their representatives.

(2) For the purposes of subparagraph (1) of this paragraph, preference shall be given in the following order of priority:

(i) Persistent labor surplus area concerns (§ 1.801 of this chapter) that are also small business concerns (§ 1.701 of this chapter);

(ii) Other persistent labor surplus area concerns;

(iii) Substantial labor surplus area concerns (§ 1.801 of this chapter) that are also small business concerns;

(iv) Other substantial labor surplus area concerns;

(v) Small business concerns that are not labor surplus area concerns;

(vi) Concerns which do not qualify for any of the foregoing priorities but which will deliver the required end items to the Government from a plant, warehouse, or other establishment in a labor surplus area at which the end items are either produced or available from stocks on hand.

(b) When award is to be made by drawing by lot and the information available shows that the product of a particular manufacturer has been offered by more than one bidder, a preliminary drawing by lot shall be made to ascertain which of the bidders offering the product of a particular manufacturer will be included in the final drawing to determine the award.

(c) When an award is determined by drawing by lot, the names and addresses of the three witnesses and the person supervising the drawing shall be placed on all copies of the abstract of bids or otherwise recorded.

## PART 3—PROCUREMENT BY NEGOTIATION

5a. Revise the introductory portion of § 3.101 as follows:

**§ 3.101 Negotiation as distinguished from formal advertising.**

Whenever supplies or services are to be procured by negotiation, price quotations (see Subpart B, Part 16 of this chapter), supported by statements and analyses of estimated costs or other evidence of reasonable prices and other vital matters deemed necessary by the contracting officer, shall be solicited from the maximum number of qualified sources of supplies or services consistent with the nature of and requirements for the supplies or services to be procured, in accordance with the basic policies set forth in Subpart C, Part 1 of this chapter, to the end that the procurement will be made to the best advantage of the Government, price and other factors considered. Negotiation shall thereupon be conducted, by contracting officers and their negotiators, with due attention being given to the following and any other appropriate factors:

6. In § 3.107–7, delete reference "see § 3.805–1(d)."

7. Revise § 3.202–3, add new paragraph (p) to § 3.210–2, revise § 3.210–3, add new sentence to § 3.214–2, and revise § 3.214–3, as follows:

**§ 3.202–3 Limitation.**

Every contract negotiated under the authority of § 3.202 shall be accompanied by a determination and findings justifying its use, signed by the contracting officer and prepared in accordance with the requirements of Subpart C of this part. The authority of § 3.202 shall not be used when negotiation is authorized by the provisions of §§ 3.203 or 3.206.

**§ 3.210–2 Application.**

* * * * *

(p) when the contract is a facilities contract as defined in § 13.101–16 of this chapter and the performance required can be obtained from only one person or firm.

**§ 3.210–3 Limitation.**

The authority of § 3.210 shall not be used when negotiation is authorized by any other authority set forth in § 3.201 through § 3.217, except that this authority shall be used in preference to § 3.212. The authority contained in § 3.210–2(m) shall not be used in procurements in excess of $50,000 unless its use is approved in advance at a level higher than the contracting officer. Every contract that is negotiated under the authority of § 3.210 shall be accompanied by a determination and findings justifying its use, signed by the contracting officer and prepared in accordance with the requirements of Subpart C of this part.

**§ 3.214–2 Application.**

* * * * *

However, this exception should not be used to avoid duplication of private investment unless this duplication would be likely to result in additional cost to the Government.

**§ 3.214–3 Limitation.**

The authority of § 3.214 shall not be used unless and until the Secretary has determined, in accordance with the requirements of Subpart C of this part, that:

(a) The supplies are of a technical or specialized nature requiring a substantial investment or an extended period of preparation for manufacture; and

(b) Procurement by formal advertising and competitive bidding either:

(1) Would be likely to result in additional cost to the Government by reason of duplication of investment, or

(2) May require duplication of preparation already made which would unduly delay procurement.

8. Revise §§ 3.218–2(a), 3.301, 3.303, 3.304, and 3.305 as follows:

**§ 3.218–2 Limitation on authority to negotiate contracts.**

(a) *Work in the United States.* Contracts for construction work to be performed within the United States shall be formally advertised and may not (except as provided below for small business set-asides) be negotiated unless authorized pursuant to the following subsections of 10 U.S.C. 2304(a): (1), (2), (3), (10), (11), (12), or (15) (see respectively, §§ 3.201, 3.202, 3.203, 3.210, 3.211, 3.212 and 3.215 of this subpart). Construction contracts set aside for small business pursuant to a joint determination of the Small Business Administration and a Department may be negotiated pursuant to 10 U.S.C. 2304(a)(17) and section 15 of the Small Business Act (see § 1.706–8 of this chapter).

* * * * *

**§ 3.301 Nature of determinations and findings.**

The determinations and supporting findings that are referred to throughout this part are documents which justify the use of the authority (a) to enter into contracts by negotiation, (b) to make advance payments under negotiated contracts, or (c) to determine the kind of contract to be used. Determinations and findings shall ordinarily be made only with respect to individual purchases or contracts. However, except as limited by §§ 3.303 and 3.304, in special cases determinations and findings may be made with respect to classes of purchases or contracts, for a specified period only, in accordance with Departmental procedures.

**§ 3.303 Determinations and findings by the head of a procuring activity.**

The following determinations and findings in support thereof, may be made with respect to individual purchases or contracts by the head of a procuring activity signing as a chief officer responsible for procurement:

(a) The determination required by § 3.211 with respect to any negotiated contract for experimental, developmental, or research work, or for the manufacture or furnishing of supplies for experimentation, development, research, or test; provided, that such contract does not obligate the Government to pay more than $25,000; and

(b) The determinations required by §§ 3.403–4, 3.404, 3.404–3, and 3.404–4, with respect to the use of a cost or a cost-plus-a-fixed fee contract or an incentive-type contract.

**§ 3.304 Determinations and findings by a contracting officer.**

To the extent that the authority has been or may be granted by procedures prescribed by the Department concerned, the following determinations and findings may be made with respect to individual purchases and contracts by the contracting officer:

(a) Determinations and findings with respect to authority to enter into contracts by negotiation required by §§ 3.202–3 and 3.210–3;

(b) Determinations and findings with respect to the use of a cost or a cost-plus-a-fixed-fee or an incentive-type contract required by §§ 3.403–4, 3.404, 3.404–3 and 3.404–4;

(c) Any other determinations or findings called for by this subchapter, but not required to be made by higher authority.

**§ 3.305 Forms of determinations and findings.**

(a) Each determinations and findings—whether for (1) authority to negotiate an individual contract, or (2) authority to negotiate a class of contracts, or (3) kind of contract, or (4) any other purpose—shall be prepared in accordance with Departmental procedures, but determinations and findings for advance payments must be prepared in accordance with the format in § 163.60 of this chapter.

(b) Each determination and findings prepared in accordance with Departmental procedures shall set out enough facts and circumstances to justify clearly the specific determination made. Each determination and findings for authority to negotiate either an individual contract or a class of contracts shall clearly indicate that the use of formal advertising would be impracticable and the reasons therefor.

9. Revise the last sentence of § 3.603; revise § 3.605; and revise the introductory sentence of § 3.605–1, as follows:

**§ 3.603 Competition.**

* * * * *

Consistent with § 3.106(a)(2) notification to unsuccessful suppliers shall be given only if requested.

**§ 3.605 Order-invoice-voucher method.**

Standard Form 44 (Purchase Order-Invoice-Voucher) is available in books of twenty-five carbon interleaved sets. Each set consists of four copies; i.e., a seller's invoice, seller's copy of invoice, receiving report, and memorandum copy. Where five, six, or seven copies are required, Standard Form 44 is also available in manifold snapout construction, with interleaved carbon.

**§ 3.605–1 Limitation of use.**

Since there are no clauses on Standard Form 44, it is authorized for accomplishing small purchases only when all of the following conditions are satisfied:

* * * * *

10. Add new §§ 3.610, 3.610–1, 3.610–2 and 3.610–3, as follows:

**§ 3.610 Unpriced purchase order.**

An unpriced purchase order is a purchase order for supplies or services for which the price is not established at the time of issuance of the order.

**§ 3.610–1 Conditions for use.**

An unpriced purchase order may be used only when all the following conditions are present:

(a) The transaction will not exceed $2,500;

(b) Only one delivery and one payment will be made;

(c) It is impractical to obtain pricing in advance of issuance of the purchase order; and

(d) The procurement is for:

(1) Repairs to equipment requiring disassembly to determine the nature and extent of such repairs,

(2) Sole source material not currently in production and on which the cost cannot be readily established, or

(3) Supplies or services not in excess of $250 where prices are known to be competitive but exact prices are not known.

**§ 3.610–2 Procurement and payment.**

(a) DD Form 1155 (see § 16.303 of this chapter) shall be used to issue unpriced purchase orders.

(b) A realistic monetary limitation shall be placed on the unpriced purchase order which shall be an obligation subject to adjustment when the firm price is established.

(c) The supplier shall be notified that where the estimated monetary limitation is sufficient to cover the procurement, the supplier is expected to make delivery or perform and be reimbursed therefor.

(d) The supplier shall be notified that where the total price will exceed the estimated monetary limitation, or if material or services cannot be furnished in exact accordance with the description set forth, the contracting officer shall be notified and performance shall be withheld pending advice from the contracting officer.

(e) The supplier shall be advised to submit his invoice to the contracting officer for approval as to the fairness and reasonableness of the price.

(f) The contracting officer shall, after approval, process the invoice for receipt and payment purposes in accordance with Departmental procedures.

(g) The following clause shall be included in each unpriced order:

NOTICE TO SUPPLIER

This is a firm order if the price is $_____ or less. Make delivery or perform as soon as possible and submit invoice to the contracting officer of the purchase office named herein.

If total price of this order will exceed the above amount or if you cannot furnish material or services in exact accordance with the description set forth herein, notify the undersigned contracting officer immediately, giving your quotation or proposed substitution or charges, and withhold performance pending reply. (Jan. 1961)

**§ 3.610–3 Record of status.**

Suitable local records and controls of outstanding unpriced purchase orders shall be maintained to insure regular followup with suppliers until the order is priced.

11. Revise §§ 3.801–1, 3.805–1 (a) and (b), 3.807–4(a) and 3.807–6 as follows:

**§ 3.801–1 General.**

(a) It is the policy of the Department of Defense to procure supplies and services from responsible sources at fair and reasonable prices calculated to result in the lowest ultimate overall costs to the Government. Sound pricing depends primarily upon the exercise of sound judgment by all personnel concerned with the procurement.

(b) When a contractor persists in negotiating a price, or demands a profit or fee, which the contracting officer considers unreasonable and the contractor refuses to provide or give access to cost data essential for negotiation purposes in accordance with considerations and factors set forth in this Subpart, the contracting officer shall use all possible methods of securing sufficient cost data to permit adequate analysis of the proposal. If the contractor continues to refuse to provide such data and such refusal would seriously affect the best interest of the Government, the contracting officer shall consider the feasibility of developing an alternate source of supply, and take such other action within his authority as may be appropriate in the circumstances. If, after exhausting all of the above courses of action, a satisfactory solution has not been obtained, the contracting officer shall refer the prospective procurement to higher echelons of the Department. Such referral shall include a complete statement of the attempts made to resolve the matter, including steps taken to secure essential cost data, efforts to secure the contractor's cooperation in the establishment of a satisfactory business relationship, and any assurances offered, such as agreements to adequately safeguard information furnished.





**§ 3.805–1 General.**

(a) After receipt of initial proposals, written or oral discussions shall be conducted with all responsible offerors who submit proposals within a competitive range, price and other factors considered, except that this requirement need not necessarily be applied to:

(1) Procurements not in excess of $2,500;

(2) Procurements in which prices or rates are fixed by law or regulations;

(3) Procurements in which time of delivery will not permit such discussions;

(4) Procurements of the set-aside portion of partial set-asides or by small business restricted advertising;

(5) Procurements in which it can be clearly demonstrated from the existence of adequate competition or accurate prior cost experience with the product or service that acceptance of the most favorable initial proposal without discussion would result in a fair and reasonable price. Provided, however, that in such procurements, the request for proposals shall notify all offerors of the possibility that award may be made without discussion of proposals received and hence, that proposals should be submitted initially on the most favorable terms from a price and technical standpoint which the offeror can submit to the Government. In any case where there is uncertainty as to the pricing or technical aspects of any proposals, the contracting officer shall not make award without further exploration and discussion prior to award. Also, when the proposal most advantageous to the Government involves a material departure from the stated requirements, consideration shall be given to offering the other firms which submitted proposals an opportunity to submit new proposals on a technical basis which is comparable to that of the most advantageous proposal, provided that this can be done without revealing to the other firms any information which is entitled to protection under § 3.109 of this part.

(b) Whenever negotiations are conducted with more than one offeror, no indication shall be made to any offeror of a price which must be met to obtain further consideration, since such practice constitutes an auction technique which must be avoided. No information regarding the number or identity of the offerors participating in the negotiations shall be made available to the public or to any one whose official duties do not require such knowledge. Whenever negotiations are being conducted with several offerors, while such negotiations may be conducted successively, all offerors participating in such negotiations shall be offered an equitable opportunity to submit such pricing, technical, or other revisions in their proposals as may result from the negotiations. All offerors shall be informed that after the submission of final revisions, no information will be furnished to any offeror until award has been made. Modifications of proposals received after the submission of final prices shall be considered only under the circumstances set forth in § 3.804–2(b) (relating to late proposals).

**§ 3.807–4 Cost analysis.**

(a) The need for cost analysis depends on the effectiveness of the methods of price analysis outlined in § 3.807–3, the amount of the proposed contract, and the cost and time needed to accumulate the information necessary for analysis. When cost analysis is undertaken, the contracting officer must exercise judgment in determining the extent of the analysis. Cost analysis is desirable whenever:

(1) Effective competition has not been obtained;

(2) Effective competition was obtained, but contractor's treatment of preproduction costs, special tooling costs, or other nonrecurring costs is expected to have a significant bearing on pricing and negotiation of a subsequent new procurement;

(3) Effective competition was obtained, but cost analysis in connection with the initial negotiation will facilitate related pricing actions, such as for engineering changes and spare parts provisioning;

(4) A valid basis for price comparison has not been established, because of the lack of definite specifications, the novelty of the product, or for other reasons;

(5) Price comparisons have revealed apparent inconsistencies which cannot be satisfactorily explained or otherwise reasonably accounted for;

(6) The prices quoted appear to be excessive on the basis of information available;

(7) The proposed contract is of a significant amount and is to be awarded to a sole source;

(8) The proposed contract will probably represent a substantial percentage of the contractor's total volume of business; or

(9) A cost-reimbursement, incentive, price redeterminable, or time and material contract is negotiated.

**§ 3.807–6 Sole source items.**

When purchases of standard commercial or modified standard commercial items are to be made from sole source suppliers, use of the techniques of price and cost analysis may not always be possible. In such instances and consistent with the volume of procurement normally conummated with the contractor, the contractor's price lists and discount or rebate arrangements should be examined and negotiations conducted on the basis of the "best user," "most favored customer" or similar practice customarily followed by the contractor. Such price negotiations should consider the volume of business anticipated for a fixed period, such as a fiscal year, rather than the size of the individual procurement being negotiated.

12. Add new §§ 3.812, 3.812–1, 3.812–2, 3.812–3 and 3.812–4, as follows:

**§ 3.812 Special use allowances for research facilities acquired by educational institutions.**

**§ 3.812–1 Definitions.**

As used in §§ 3.812—3.812–4:

(a) "Special use allowance" means a negotiated direct or indirect allowance for buildings, structures, and real prop-

erty, other than land, computed at an annual rate in excess of the rate which normally would be allowed under Subpart C of Part 15 of this chapter; and

(b) "Research facility" means real property, other than land, and includes structures, alterations, and improvements, acquired for the purpose of conducting scientific research under contracts with agencies of the Department of Defense.

**§ 3.812–2 Policy.**

The expanding requirements of the Department of Defense for the performance of scientific research programs by educational institutions may create special situations wherein the acquisition or construction of additional research facilities by such institutions is essential for the effective performance of scientific research programs of major importance to the Department of Defense. Educational institutions are expected to furnish facilities for the performance of Defense contracts, and the extent of reimbursement by the Government for the research programs of such institutions shall be governed by the principles set forth in Subpart C, Part 15 of this chapter. However, in certain limited situations an educational institution may be unable to provide capital for new laboratories or other expanded facilities necessitated by Defense contracts unless the institution is given Governmental assistance in return for the risks and expenses it assumes in acquiring or constructing such facilities. Special use allowances constitute a means for recognizing these risks and expenses on the part of the educational institution and also provide a basis for permitting essential Government research programs to go forward. The resort to special use allowances as provided in §§ 3.812—3.812–4 is an extraordinary type of arrangement and constitutes an exception to the provisions for normal use allowances contained in § 15.304(e) of this chapter. Any specific agreement providing for a special use allowance shall be negotiated on a case-by-case basis using the criteria established herein.

**§ 3.812–3 Authorization of special use allowances.**

The Secretary concerned, or his sole designee for the purpose, may approve special use allowances for the acquisition or construction costs of research facilities financed by educational institutions only when all of the conditions in paragraphs (a) through (e) of this section are met.

(a) The research facility is essential to the performance of Department of Defense contracts.

(b) The program requirements cannot be met practically and effectively by existing facilities, either Government or non-Government.

(c) The proposed agreement for the special use allowances represents a sound business arrangement.

(d) It is undesirable or impractical for the Government to provide Government-owned facilities for the performance of the research.

(e) The proposed use of the research facility is in consonance with the underlying objective of the Government in granting the special use allowance.

**§ 3.812–4 Negotiation and administration of contracts providing for special use allowances.**

The negotiation and administration of contracts providing for special use allowances are subject to the conditions set forth in paragraphs (a) through (m) of this section.

(a) The terms of the agreement for special use allowances authorized herein shall be specified or incorporated by reference in the applicable contracts.

(b) Where the special use allowance is based on the total acquisition cost, no normal use allowance or other use or depreciation charge will apply during the special allowance period nor after the educational institution has recovered the total acquisition cost under Government contracts or from other users. Where the special use allowance is based on less than total acquisition cost of the research facility, the agreement will specify whether any normal use allowance or other use or depreciation charge will apply to the balance during the special use allowance period; however, no more than the normal use allowance computed in accordance with Subpart C, Part 15 of this chapter may be applied thereafter to the balance.

(c) During the period of the special use allowance, and for subsequent periods to the extent agreed upon, the research facility shall be available for Government research use on a priority basis over non-Government use. Any significant use during such period other than that which justified the special use allowance shall be subject to prior consent of the cognizant approval authority specified in §§ 3.812–3.812–4.

(d) Special use allowances are applicable only in years in which the Government has contracts in effect with the educational institution for research to be conducted in the facility. The Government has no liability to the educational institution for the special use allowance in any year in which there is no Government contract. In any year when the level of research effort under Government contracts has been reduced to a point where the special use allowance is excessive in relation to the extent of the Government research funding, the parties may negotiate a special use allowance for that year at a mutually acceptable rate.

(e) Where more than one Government contract is to be performed in the research facility, special use allowances generally should be allocated to using contracts on an equitable basis.

(f) If during the period when a special use allowance is in effect, any substantial use is made of the research facility for parties other than the Government, only an allocable share of the special use allowance shall be charged to the Government.

(g) Special use allowances shall not include any maintenance, utilities, or other operational costs.

(h) Generally, the period for which a special use allowance is authorized shall be at least ten years. However, a shorter period of time is authorized where the total amount to be allowed is less than acquisition cost for the research facility.

(i) Reimbursements under contracts for special use allowances shall not commence until the research facility is occupied and used for research under the contract. However, equitable adjustments may be made in the special use allowance during the construction period if the research facility is partially used for research under the contract.

(j) Determination of the amount of a special use allowance shall be based on the comparative need for the research facility by the Department of Defense and by the educational institution. In no event shall the institution be paid more than the acquisition costs.

(k) In establishing the annual special use allowance, due consideration shall be given to rental costs for similar space in the area where the research facility is to be located.

(l) No payment shall be made to the educational institution for costs of land or interest charges on capital, used or borrowed, for the acquisition of the research facility.

(m) Information copies of each special use allowance agreement negotiated shall be furnished to each authorizing official specified in § 3.812–3 and to the Director of Defense Research and Engineering, Office of the Secretary of Defense.

13. Revise §§ 3.901 and 3.902; add new subparagraphs (6) and (7) to § 3.903–3 (a); and add subparagraph (9) to § 3.903–4(a) as follows:

**§ 3.901 General.**

(a) Information as to the contractor's "make-or-buy" program, purchasing system, and proposed subcontracts may be important to (1) negotiation of reasonable contract prices (see §§ 3.807–5 and 3.808–2(h)), (2) assurance of satisfactory contract performance, or (3) carrying out Government policies regarding small business (§ 1.707–1 of this chapter), labor surplus areas (§ 1.805–1 of this chapter), acquisition and use of Government facilities, maintenance of mobilization base, or other policies which may be appropriate to the particular procurement. Therefore, Government surveillance of contractor's "make-or-buy" programs and proposed subcontracts is required as set forth in this subpart. Where "make-or-buy" decisions and subcontracting will have a substantial impact on any of the above mentioned factors, the contractor's "make-or-buy" program and subcontracting should, to the extent practicable, be evaluated and agreed on during negotiations.

(b) The subcontracting policies and procedures in this subpart should generally be applied to procurement where (1) the item, system, or work is complex, the dollar value is substantial, or competition is restricted, and (2) either (i) cost-reimbursement, price redetermination, or incentive-type contracts are to be used, or (ii) make-or-buy decisions are expected to have a substantial impact on negotiations leading to a firm fixed-price contract.



**§ 3.902 Review of "Make-or-Buy" Program.**

(a) A "make-or-buy" program is that part of a contractor's written plan for the development or production of an end item which outlines the major components, assemblies, subassemblies, and parts to be manufactured (including testing, treating, and assembling) in his own facilities and those which will be obtained elsewhere by subcontract. A "make" item is any item produced, or work performed, by the contractor or his affiliate, subsidiary, or division.

(b)(1) Where the nature of the procurement is such that, in view of the factors referred to in § 3.901(b), review of the "make-or-buy" program is appropriate or is otherwise considered essential, the prospective contractor shall be required to submit his proposed "make-or-buy" program, together with sufficient data to permit the contracting officer to evaluate such factors in paragraph (e) of this section as are pertinent.

(2) At the time a request for proposal is issued, whether by letter or by use of the Request for Proposal forms, the purchasing activities will request potential suppliers to furnish a "make-or-buy" program on all negotiated procurements except as otherwise provided in subparagraphs (3), (4), or (5) of this paragraph.

(3) A "make-or-buy" program will not be required when a proposed contract has a total estimated value of less than $1,000,000 unless the contracting officer specifically determines that a "make-or-buy" program is appropriate.

(4) Research and development contracts are exempt from the provisions of this subpart unless it can reasonably be anticipated that follow-on quantities of the product will be procured.

(5) A "make-or-buy" program will not be required if the contracting officer determines that none of the factors in § 3.901(b) are applicable.

(c) The contractor will be informed that the program he submits should be confined to important items which, because of their complexity, quantity, cost, or requirement for additional Government facilities, normally would require company management review of the make-or-buy decision. "Detail parts" or "off-the-shelf" items will not be incorporated in a "make-or-buy" program unless their potential impact on program or schedule makes their inclusion necessary. If the design status of the end item being procured is not sufficiently advanced to permit accurate precontract identification of all items that may be subject to "make-or-buy" decisions, the contractor shall be notified that such items must be submitted, when identifiable under the terms of the contract clause entitled "Changes to Make-or-Buy Program".

(d) The contractor will submit, with his approval, a "make-or-buy" program of important items, including, in addition to information required by paragraph (b) of this section, (1) a description by which each such item can be readily identified, (2) a recommendation to make or buy the item or defer the decision, (3) when feasible, the names of proposed subcontractors, and (4) the important items to be made by the contractor, including a designation of the plant and division in which the contractor proposed to perform the work.

(e) "Make-or-buy" programs will be evaluated and agreed upon by the contractor and the purchasing activity at the earliest practicable time during negotiations. In reviewing the "make-or-buy" program during negotiation, the effect of the following factors on the interests of the Government shall be considered:

(1) The effect of the contractor's plan to make or buy, as the case may be, on price, quality, delivery, and performance;

(2) Whether the contractor plans to broaden his base of subcontractors through competition;

(3) Whether the contractor has properly considered the competence, abilities, experience, and capacities available within other firms;

(4) Whether small business concerns are given an equitable opportunity to compete for subcontracts;

(5) Whether the contractor or major subcontractors propose to do work in the plant, the nature of which differs significantly from their normal in-plant operations or for which they are not historically suited;

(6) Whether production of the item or performance of the work will create a requirement, either directly or indirectly, for additional facilities to be furnished by the Government, or the continued use of Government-owned facilities, by the contractor, or by subcontractors.

(7) Whether the contractor proposed to ask the Government to furnish additional facilities to do the work in-plant for which there is capacity elsewhere which is competitive in quality, delivery, and overall cost, and is acceptable as a source to the contractor;

(8) Whether the item or work has been subcontracted on this or previous contracts; and

(9) Other factors, such as the nature of the item, experience with similar items, future requirements, engineering, tooling, starting load costs, market conditions, and the availability of personnel and material.

(f) The purchasing activity will review the "make-or-buy" program, to determine if all appropriate items are included or if it contains items that should be deleted because of their relatively minor importance. In all considerations relative to a "make-or-buy" program, the purchasing activity will obtain the advice and assistance of all appropriate personnel whose knowledge would contribute to the adequacy of all facets of the review.

(g) After agreement on the program is reached, the contracting office shall notify the contractor as to the Government's approval of the program and shall inform the contractor as to any requirement for further review during performance of the contract. For example, if follow-on procurements occur, the procuring activity and the contractor will review the existing "make-or-buy" program to determine whether it should be revised.

(h) The following clause shall be incorporated in all cost-reimbursement, price redetermination, or incentive type contracts as to which a "make-or-buy" program has been agreed upon.

CHANGES TO MAKE-OR-BUY PROGRAM
(JUL. 1960)

The Contractor agrees to perform this contract in accordance with the "make-or-buy" program attached to this contract except as hereinafter provided. If the Contractor desires to change the "make-or-buy" program, he shall notify the Contracting Officer in writing of the proposed change reasonably in advance and shall submit justification in sufficient detail to permit evaluation of the proposed change. Changes in the place of performance of work of any "make" item in the "make-or-buy" program are subject to this requirement. With respect to items deferred at the time of negotiation of this contract for later additions to the "make-or-buy" program, the Contractor shall notify the Contracting Officer of each proposed addition at the earliest possible time, together with justification in sufficient detail to permit evaluation. The Contractor shall not, without the written consent of the Contracting Officer, make changes or additions to the program; provided, that in his discretion, the Contracting Officer may ratify in writing any changes or additions and such ratification shall constitute the consent of the Contracting Officer required by this clause. The "make-or-buy" program attached to this contract shall be deemed to be modified in accordance with the written consent or ratification by the Contracting Officer.

(i) On applicable contracts, the cognizant contract administration office will establish a procedure with the contractor to insure timely compliance with the terms of the contract clause. This procedure will include provisions for processing changes to the established "make-or-buy" program and for obtaining "make-or-buy" decisions for items reserved for deferred decisions or unidentified at the time of contract negotiation.

(j) Approval of the contractor's purchasing system (§ 3.903) shall not constitute approval of the "make-or-buy" program where the latter is required.

(k) When a "make-or-buy" program is agreed upon with a contractor, or there are changes or additions to a "make-or-buy" program, the consideration given each item on such program will be documented in the contract file. If a contract (including supplemental agreements for new procurement), except those specifically exempted by paragraph (b) of this section, does not include the clause entitled "Changes to Make-or-Buy Program", the contracting officer will document the contract file with a written statement of facts to sustain and make clear the appropriateness of the determination not to include the clause. Such determination will be based on one of the following: (1) the contract is on a firm fixed-price basis, (2) the contract is not exempt but there are no items which can be identified as requiring a "make-or-buy" program as defined in paragraph (a) of this section; or (3) a deviation has been approved pursuant to § 1.109 of this chapter.

**§ 3.903–3 Approval of purchasing systems.**

(a) Approval of a contractor's purchasing system should be granted only after a survey which includes review of such factors as:

* * * * *

(6) the extent to which the contractor obtains assurance that his principal subcontractors apply sound pricing practices and a satisfactory purchasing system in dealing with lower-tier subcontractors; and

(7) types of contracts used (Subpart D of this part).

**§ 3.903–4 Review of industrial subcontracts.**

(a) In reviewing or consenting to individual subcontracts, the contracting officer should give appropriate consideration to the following:

* * * * *

(9) the extent to which the prime contractor has assured the adequacy of the subcontractor's purchasing system.

14. Add new Subpart F to Part 4, as follows:

## PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

### Subpart F—Procurement of Livestock Products

Sec.
4.601 General.
4.602 Definition of livestock products.
4.603 Exception.
4.604 Procedures.
4.605 Statement of eligibility.
4.606 Humane method of livestock slaughter clause.
4.607 Reporting violations.

AUTHORITY: 4.601 to 4.607 issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 12 U.S.C. 2301–2314.

**§ 4.601 General.**

Public Law 85–765, as amended, commonly known as the Humane Slaughter Act of 1958 (7 U.S.C. 1901–1906), provides certain restrictions on the procurement of livestock products by Federal Agencies and instrumentalities. The Act states the policy of the United States to be that the slaughtering of livestock, and the handling of livestock in connection with slaughter, shall be carried out only by humane methods. In essence, the Act prohibits the purchase by the Federal Government of livestock products produced or processed by any slaughterer or processor which in any of its plants (or in the plants of an affiliated slaughterer or processor) slaughters, or handles in connection with slaughter, livestock by any method other than humane. Further, the Act requires a supplier to make a statement concerning his eligibility under the Act to supply livestock products, the statement to be such that the maker will be subject to prosecution if the statement is false.

**§ 4.602 Definition of livestock products.**

As used in this subpart, "livestock products" means any article of food, or any article for or capable of being used as food, for either humans or animals, which is derived or prepared, in whole or in part, from slaughtered cattle, calves, horses, mules, sheep, swine, or goats. Livestock products do not include (a) supplies, the animal product portion of which is less than five percent by weight of the net unit weight, and (b) poultry.

**§ 4.603 Exception.**

The provisions of this subpart do not apply to contracts for livestock products, executed and to be performed outside the United States, its possessions, and Puerto Rico.

**§ 4.604 Procedures.**

Proposed suppliers of livestock products shall be informed of the requirements of the Humane Slaughter Act and shall be required to furnish a statement of eligibility in accordance with paragraphs (a), (b), or (c) of this section.

(a) Except as provided in paragraphs (b) and (c) of this section, the Statement of Eligibility, set forth in § 4.605, shall be included in all invitations for bids, requests for proposals, and other contractual documents for livestock products, and shall be required to be duly signed by the contractor.

(b) Where small purchases are involved (see Subpart F, Part 3 of this chapter), it will be sufficient if, as part of the purchase documentation, the contractor furnishes over his signature, only paragraph (a) of the Statement of Eligibility set forth in § 4.605.

(c) When frequent purchases are made from the same contractor or the contracting officer deems it otherwise appropriate, the Statement of Eligibility contained in § 4.605 may be obtained from the contractor at reasonable intervals, but not less often than annually. When such statement has been obtained, the clause set forth in § 4.606 shall be inserted, in lieu of the Statement of Eligibility, in all contracts or purchase orders issued to the contractor.

**§ 4.605 Statement of eligibility.**

STATEMENT OF ELIGIBILITY (HUMANE SLAUGHTER ACT) (JAN. 1961)

(a) The Supplier (Contractor) agrees that livestock products sold to the Government, except products produced or processed from livestock slaughtered outside the United States, its possessions, and Puerto Rico, conform to the requirements of the Humane Slaughter Act of 1958 (7 U.S.C. 1901–1906).

(b) "Livestock products" means any article of food, or any article intended for or capable of being used as food, for either humans or animals, which is derived or prepared, in whole or in part, from slaughtered livestock, namely, cattle, calves, horses, mules, sheep, swine, or goats. Livestock products do not include: (i) supplies, the animal product portion of which is less than five percent (5%) by weight of the net unit weight, and (ii) poultry.

(c) A slaughterer or processor shall be deemed to be affiliated with another slaughterer or processor if he controls, or is controlled by, or is under common control with, such other slaughterer or processor.

(d) Livestock products which conform to the requirements of the Humane Slaughter Act of 1958 are products which have been produced and processed either:

(1) By those slaughterers and processors which, in all of their plants and in all of the plants of slaughterers and processors with which they are affiliated, slaughter and handle in connection with slaughter, livestock only by methods designated as humane by the Secretary of Agriculture; or

(2) From livestock slaughtered in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument, which ritual requirements have been designated as humane methods of slaughter by the subject Act.

(e) This statement is made with full knowledge that it will be relied upon by the Government in entering into contracts with the supplier and in payment of claims thereunder.

WARNING

Making any false statement herein or submission of any false claim hereunder, will subject Supplier to punishment as provided in Title 18, United States Code, Crimes and Criminal Procedure.

Date ----------

---
(Name of Supplier-Contractor)

By ----------
(Title)

---
(Address)

**§ 4.606 Humane method of livestock slaughter clause.**

The following clause shall be used in accordance with § 4.604(c):

HUMANE METHOD OF LIVESTOCK SLAUGHTER (JAN. 1961)

(a) The Contractor agrees that livestock products sold to the Government, except products produced or processed from livestock slaughtered outside the United States, its possessions, or Puerto Rico, conform to the requirements of the Humane Slaughter Act of 1958 (7 U.S.C. 1901–1906).

(b) The Contractor shall have furnished the Government a Statement of Eligibility (Humane Slaughter Act) before award of this contract of issuance of this purchase order, and such statement is hereby incorporated by reference.

**§ 4.607 Reporting violations.**

Reports of possible viblation of a Statement of Eligibility given in accordance with § 4.604 shall be made to the Department of Justice by the Department concerned.

## PART 6—FOREIGN PURCHASES

15. In § 6.103–5, revise last sentence of paragraph (a) and add new subparagraph (3) to paragraph (d); revise § 6.605–4; and add new § 6.605–5, as follows:

**§ 6.103–5 Canadian supplies.**

(a) *Listed.* * * * The Departmental lists provide that parts and equipment for listed supplies are considered to be included in the lists, even though not separately listed, when they are procured under a contract that also calls for listed supplies.

* * * * *

(d) *Limitations.* * * *

(3) Food items.



**§ 6.605–4 Follow-on procurement of parts.**

Where, pursuant to § 1.313 of this chapter, parts (whether or not listed) previously procured under a contract for listed end items are to be procured only from sources that have satisfactorily manufactured or furnished such parts in the past, and where the prospective contractor specifically identifies Canadian supplies (whether or not listed) that will constitute, or be directly or indirectly incorporated in, such parts, the contract (regardless of amount) should provide for the duty-free entry of such Canadian supplies by including provisions substantially as described in § 6.605–3 (but providing for "flow-down" only to subcontracts pertinent to such Canadian supplies, regardless of amount), if:

(a) The contractor requests that the contract provide for duty-free entry of such supplies, and

(b) The contract price does not include any amount on account of duty with respect to such supplies.

Nevertheless, if the contract will provide for duty-free entry of such Canadian supplies pursuant to § 6.605–2 or § 6.605–3, this section does not apply.

**§ 6.605–5 Amending existing contracts.**

Any existing contract may be amended so as to be made consistent with § 6.605–2 or § 6.605–3; provided, that in the case of a fixed-price type contract the contract price is reduced by the amount of the applicable duty. Under any cost-reimbursement type contract that has not been so amended, duty-free entry shall be accorded Canadian supplies to the extent permitted by § 6.602 except with respect to individual shipments on which the duty is $50 or less.

## PART 7—CONTRACT CLAUSES

16. In § 7.103–13, revise paragraph (b); revise §§ 7.104–18, 7.104–22, and 7.104–28; and add §§ 7.104–29 and 7.303–16, as follows:

**§ 7.103–13 Renegotiation.**

* * * * *

(b) A renegotiation clause is not required on contracts with foreign governments or agencies thereof. Except in such contracts, one of the clauses set forth in subparagraphs (1) or (2) of this paragraph shall be used in lieu of the clause set forth in paragraph (a) of this section.

(1) Insert the following clause in contracts which are to be wholly performed outside the United States, its possessions, and Puerto Rico by a contractor who is not engaged in a trade or business in the United States and is:

(i) An individual who is not a national of the United States; or

(ii) A partnership or joint venture in which individuals who are not nationals of the United States or corporations which are not created by, or organized under the laws of the United States or any state or possession thereof or Puerto Rico are entitled to more than 50 percent of the profits; or

(iii) A corporation (other than a corporation created by, or organized under the laws of the United States or any State or possession thereof or Puerto Rico) more than 50 percent of the voting stock of which is owned directly or indirectly by persons described in subdivisions (i) and (ii) of this subparagraph:

RENEGOTIATION (OCT. 1959)

(a) This contract has been determined to be exempt from the provisions of the Renegotiation Act of 1951 (50 U.S.C. App. 1211, et seq.), as amended, since it is intended to be wholly performed outside the United States and the Contractor is not engaged in a trade or business in the United States and is:

(i) An individual who is not a national of the United States;

(ii) A partnership or joint venture in which individuals who are not nationals of the United States or corporations which are not domestic corporations are entitled to more than 50 percent of the profits; or

(iii) A corporation (other than a domestic corporation) more than 50 percent of the voting stock of which is owned directly or indirectly by persons described in (i) and (ii) above.

(b) This contract shall cease to be exempt from the Renegotiation Act of 1951, as amended, if all of the requirements for exemption set forth in paragraph (a) above are not met at all times during the performance of this contract. If the Contractor does not meet all of these requirements during the entire performance of this contract, this contract shall be subjected to the Renegotiation Act of 1951, as amended, and to any subsequent act of the United States Congress providing for the renegotiation of contracts; provided, however, that nothing contained in this clause shall impose any renegotiation obligation with respect to this contract or any subcontract hereunder which is not imposed by an act of the United States Congress heretofore or hereafter enacted. In the event this contract becomes subject to the Renegotiation Act of 1951, it shall be deemed to contain all the provisions required by Section 104 of that Act, and by any such other act, without subsequent contract amendment specifically incorporating such provisions.

(c) The Contractor agrees to insert the provisions of this clause, including this paragraph (c), in all subcontracts, as that term is defined in section 103g of the Renegotiation Act of 1951, as amended, which meet the requirements for exemption for the Renegotiation Act of 1951 set forth in paragraph (a) hereof. The Contractor agrees to insert the following clause in all subcontracts which do not meet the requirements set forth in paragraph (a):

RENEGOTIATION

(a) To the extent required by law, this contract is subject to the Renegotiation Act of 1951 (50 U.S.C. App. 1211, et seq.), as amended, and to any subsequent act of the United States Congress providing for the renegotiation of contracts. Nothing contained in this clause shall impose any renegotiation obligation with respect to this contract or any subcontract hereunder which is not imposed by an act of the United States Congress heretofore or hereafter enacted. Subject to the foregoing this contract shall be deemed to contain all the provisions required by Section 104 of the Renegotiation Act of 1951, and by any such other act, without subsequent contract amendment specifically incorporating such provisions.

(b) The Contractor agrees to insert the provisions of this clause, including this paragraph (b), in all subcontracts, as that term is defined in Section 103g of the Renegotiation Act of 1951, as amended.

(2) As an alternate to the clause in subparagraph (1) of this paragraph, the following clause may be inserted in contracts which are to be wholly performed outside the United States, its possessions, and Puerto Rico:

RENEGOTIATION (JAN. 1961)

(a) This contract will be exempt from the provisions of the Renegotiation Act of 1951 (50 U.S.C. App. 1211, et seq.), as amended, if it is wholly performed outside the United States, its possessions and Puerto Rico and if throughout the performance of the contract the Contractor is not engaged in a trade or business in the United States, its possessions and Puerto Rico and is:

(i) An individual who is not a national of the United States; or

(ii) A partnership or joint venture in which individuals who are not nationals of the United States or corporations which are not created by, or organized under the laws of the United States or any state or possession thereof or Puerto Rico are entitled to more than 50 percent of the profits; or

(iii) A corporation (other than a corporation created by, or organized under the laws of the United States or any state or possession thereof or Puerto Rico) more than 50 percent of the voting stock of which is owned directly or indirectly by persons described in (i) and (ii) above.

(b) If the Contractor does not meet all the requirements for exemption set forth in paragraph (a) above at all times during the entire performance of this contract, this contract shall be subject to the extent required by law, to the Renegotiation Act of 1951, as amended, and to any subsequent Act of the United States Congress providing for the renegotiation of contracts; provided, however, that nothing contained in this clause shall impose any renegotiation obligation with respect to this contract or any subcontract hereunder which is not imposed by an Act of the United States Congress heretofore or hereafter enacted. In the event this contract is subject to the Renegotiation Act of 1951, it shall be deemed to contain all the provisions required by Section 104 of that Act, and by any such other Act, without subsequent contract amendment specifically incorporating such provisions.

(c) The Contractor agrees to insert the provisions of this clause, including this paragraph (c) in all subcontracts, as that term is defined in section 103g of the Renegotiation Act of 1951, as amended.

**§ 7.104–18 Priorities, allocations and allotments.**

In accordance with the requirements of § 1.307–2 insert the following clause:

PRIORITIES, ALLOCATIONS, AND ALLOTMENTS (JAN. 1961)

The Contractor shall follow the provisions of DMS Reg. 1 and all other applicable regulations and orders of the Business and Defense Services Administration in obtaining controlled materials and other products and materials needed to fill this order.

**§ 7.104–22 Defense Subcontracting Small Business Program.**

In accordance with § 1.707–2(b) of this subchapter insert the following clause:

DEFENSE SUBCONTRACTING SMALL BUSINESS PROGRAM (JAN. 1961)

(a) The Contractor agrees to establish and conduct a program to afford small business concerns an equitable opportunity to compete for Defense subcontracts within their

capabilities. In this connection, the Contractor shall:

(i) Designate a small business liaison officer, who will (A) maintain liaison with duly authorized representatives of the Government on small business matters, (B) supervise compliance with the clause of this contract entitled Utilization of Small Business Concerns, and (C) administer the Contractor's Small Business Program;

(ii) Provide adequate and timely consideration of the potentialities of small business concerns in all "make or buy" decisions;

(iii) Assure that small business concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate small business participation;

(iv) Maintain records showing (A) whether each prospective subcontractor is a small business concern; and (B) procedures which have been adopted to comply with the policies set forth in this clause;

(v) Include the "Utilization of Small Business Concerns" clause in subcontracts which offer substantial small business subcontracting opportunities; and

(vi) Submit DD Form 1140 reports, in triplicate, to the Military Department that reviews his subcontracting program, except that where the Contractor elects to report on a corporate rather than a plant basis, he may submit his reports to the Military Department having industrial readiness planning responsibility at the corporate headquarters.

(b) "Small business concern" is a concern that:

(i) Is independently owned and operated, is not dominant in its field of operations and, with its affiliates, employs fewer than 500 employees; or

(ii) Is certified as a small business concern by the Small Business Administration.

(c) The Contractor further agrees to insert, in any subcontract hereunder which is in excess of $1,000,000 and which contains the clause entitled "Utilization of Small Business Concerns," provisions which shall conform substantially to the language of this clause, including this paragraph (c); except that a subcontractor, will submit the DD Form 1140 reports to the Military Department having industrial readiness planning responsibility or plant cognizance. (A subcontractor may request advice from the nearest military purchasing or contract administration activity as to the Military Department to which he should submit his reports.)

**§ 7.104–28 Quality control system.**

In all contracts for complex supplies other than standard commercial items and items being purchased under specifications which in themselves contain adequate inspection and quality control provisions, insert the following clause:

QUALITY CONTROL SYSTEM (JUL. 1960)

The Contractor shall provide and maintain a quality control system acceptable to the Government for the supplies covered by this contract. The system of quality control shall be in accordance with Military Specifications MIL–Q–9858.

The last sentence of the forgoing clause may be omitted if the application of Military Specification MIL–Q–9858 would be incompatible with the technical objective of the contract, required procurement management flexibility, or military urgency; provided, that when it is so omitted, the contract shall provide by specification, exhibit or otherwise, that the contractor shall maintain quality control measures for all manufacturing processes and documentation pertinent to quality, testing and inspection, fabrication, and delivery. If MIL–Q–9858 is applicable, but additional quality control requirements are necessary, the contract may provide for such additional requirements.

**§ 7.104–29 Price reduction for defective pricing data.**

The following clause shall be inserted in any negotiated fixed-price contract which is expected to exceed $100,000, unless the contract price is based mainly on adequate price competition, established catalogue or market prices, or prices set by law or regulation, and may be inserted in other contracts or modified to apply to additional subcontracts (including lower tier subcontracts) where the contracting officer considers that the circumstances of the particular case warrant such action.

PRICE REDUCTION FOR DEFECTIVE PRICING DATA (JAN. 1961)

(a) If the Contracting Officer determines that any price negotiated in connection with this contract was overstated because of the Contractor, or any first-tier subcontractor in connection with a subcontract covered by (c) below, either (i) failed to disclose any significant and reasonably available cost or pricing data, or (ii) furnished any significant cost or pricing data which he knew or reasonably should have known was false or misleading, then such price shall be equitably reduced and the contract shall be modified in writing accordingly.

(b) Failure to agree on an equitable reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(c) The Contractor agrees to insert the substance of paragraph (a) of this clause in any of his subcontracts hereunder in excess of $100,000, unless the price is based on adequate price competition, established catalogue or market prices, or prices set by law or regulations.

**§ 7.303–16 Price reduction for defective cost data.**

In accordance with the instruction in § 7.104–29, insert the contract clause set forth therein.

17. In § 7.402–3, revise paragraphs (b) (7), and (8) and (d)(4); and revise §§ 7.402–22, 8.207, and 8.208–3(c), as follows:

**§ 7.402–3 Allowable cost, fixed-fee, and payment.**

* * * * * *

(b) * * *

(7) In the case of contracts without fee with educational institutions, the second sentence of paragraph (c) of the foregoing clause and the provisions of subparagraph (4)(i) of this paragraph, which pertain to withholding of fee and costs may be omitted.

(8) In the foregoing clause, the words "Task Order" or other appropriate designation may be substituted for the word "Schedule" as appropriate.

* * * * * *

(d) * * *

(4) The instructions set forth in subparagraphs (1), (2), and (8) of paragraph (b) of this section, relating to the clause set forth in paragraph (a) of this section, apply with equal force to the clause set forth in paragraph (c) of this section.

**§ 7.402–22 Patent rights.**

In accordance with the requirements of § 9.107 of this chapter, insert the appropriate contract clause set forth therein with additional or alternate paragraphs as prescribed therein. However, in the case of contracts without fee, the percentage amount specified to be withheld under paragraph (f) of the clause set forth in § 9.107–2 of this chapter or paragraphs (c) and (d) of the clause set forth in § 9.107–3 of this chapter, may be changed from "ten percent (10%)" to "one percent (1%)." In contracts without fee with educational institutions, paragraph (f) of the clause set forth in § 9.107–2 of this chapter may be omitted.

## PART 8—TERMINATION OF CONTRACTS

**§ 8.207 Audit of prime contract settlement proposals and of subcontract settlements.**

(a) Each settlement proposal of $2,500 or over submitted by a prime contractor shall be referred by the contracting officer to the cognizant audit agency for appropriate examination and recommendation. The contracting officer may, when circumstances indicate the necessity therefor, refer settlement proposals of less than $2,500 to the cognizant audit agency. The contracting officer's referral shall be in writing, shall indicate any specific information or data which the contracting officer desires to have developed and will include any facts or circumstances within the knowledge of the contracting officer which will assist the audit agency in the accomplishment of its function. The auditor shall develop such information and may make such further accounting review as he deems appropriate. The audit agency shall submit written comments and recommendations to the contracting officer.

(b) Subcontract settlements submitted by a contractor to the contracting officer for approval or ratification in accordance with § 8.208 shall be referred to the cognizant audit agency for review and recommendations if (1) the settlement involves $25,000 or more unless an accounting review of the settlement proposal has been performed by the cognizant audit agency; or (2) the contracting officer considers an accounting review in whole or in part, desirable. The requirement for review under subparagraph (1) or (2) of this paragraph does not relieve the prime contractor or higher tier subcontractor of the responsibility for performing an accounting review. The audit agency shall submit written comments and recommendations to the contracting officer.

(c) The responsibility of the contractor set forth in § 8.208–1 for settlement of immediate subcontractors' settlement proposals applies equally to prime contractors and subcontractors and includes responsibility for performing accounting reviews and any necessary field audits. However, in the situations outlined below, a Military Department audit agency generally should be requested to perform the accounting review of a subcontractor's settlement proposal where:

(1) A subcontractor objects to an accounting review of his records by an upper-tier contractor for competitive reasons;

(2) A Military Department audit agency is currently performing audit work at the subcontractor's plant, or where it can be performed more economically or efficiently;

(3) Audit by the Military Departments audit agency is necessary for consistent audit treatment and orderly administration; or

(4) The contractor has a substantial or controlling financial interest in the subcontractor.

Duplication by the Military Department audit agency of accounting reviews performed by the upper-tier contractor on subcontractor settlement proposals will be avoided to the extent possible. However, when appropriate, the Government will make additional reviews. Where the contractor is performing accounting reviews in accordance with this section, the contracting officer should request the cognizant audit agency periodically to examine the contractor's accounting review procedures (including but not limited to audit programs, cost principles applied, working papers, and audit reports) and performance thereunder and make such comments and recommendations to the contracting officer as may be deemed appropriate.

**§ 8.208–3 Settlement procedure.**

* * * * *

(c) The contracting officer shall promptly examine such subcontract settlement required to be submitted to him (including the basis and form of the proposal upon which the settlement was based) to satisfy himself that the subcontract termination was made necessary by the termination of the prime contract (or by issuance of a change order—see § 8.000(d)(1)), and that the settlement was arrived at in good faith, is reasonable in amount, and is allocable to the terminated portion of the contract (or if allocable only in part, that the proposed allocation is reasonable). In considering the reasonableness of any subcontract settlement, the contracting officer shall be guided generally by the provisions of this part relating to the settlement of prime contracts, and shall comply with any applicable requirements of §§ 8.207 and 8.211 relating to accounting and other reviews. Upon completion of the examination, the contracting officer shall notify the contractor in writing of (1) his approval or ratification, or (2) his reasons for disapproval.

18. Revise §§ 8.208–4 (a) and (b), 8.211–2(a) (1) and (2), 8.404–1, and 8.505–1(f) as follows:

**§ 8.208–4 Authorization for subcontract settlements without approval or ratification.**

(a)(1) The contracting officer may, upon written request of the prime contractor, authorize him in writing to conclude settlements of $10,000 or less (see § 8.101–1) of his terminated subcontracts, without approval or ratification by the contracting officer, if:

(i) The contracting officer is satisfied with the adequacy of the procedures used by the contractor in settling termination claims (including proposals for retention, sale, or other disposal of termination inventory) of his immediate and lower-tier subcontractors (the contracting officer shall obtain the advice and recommendations of (a) the cognizant audit agency with respect to the adequacy of the contractor's audit administration, including personnel; and (b) the cognizant disposal office with respect to the adequacy of the contractor's procedures and personnel for the administration of property disposal matters);

(ii) Any termination inventory included in determining the amount of the settlement will be disposed of in accordance with § 8.513, except that the disposition of such inventory shall not (a) be subject to review by the contracting officer under § 8.513–1 or § 8.513–3, or (b) be subject to § 8.513–4; provided, however, no production equipment included in such inventory shall be disposed of prior to screening pursuant to § 8.505;

(iii) The settlement will be accompanied by a certificate substantially similar to the certificate set forth in the settlement proposal forms in § 8.802:

provided, that the contracting officer shall not grant to the contractor any authority hereunder for settlements between $2,500 and $10,000 without the written approval as to that contractor of the Head of the Procuring Activity concerned, or of a deputy or principal assistant responsible for contract matters. Except as provided in subparagraph (3) of this paragraph, authority granted to a prime contractor pursuant to this subparagraph by any contracting officer within the Department of Defense shall be applicable to all prime contracts of all procuring activities within the Department of Defense which have been terminated or modified by change order. Such authorization may be exercised only in settling subcontracts which have been terminated as a result of termination for convenience or modification of the prime contract by the Government.

(2) Except as provided in subparagraph (3) of this paragraph, the contracting officer without further approval or ratification shall accept, as part of the prime contractor's termination claim, any settlement of terminated lower tier subcontracts concluded by any of his immediate or lower tier subcontractors who, pursuant to subparagraph (1) of this paragraph, have been granted, by any contracting officer within the Department of Defense, authority as prime contractors to settle subcontracts; provided that the settlement of such lower tier subcontracts is within the limit of such authority.

(3) The provisions of subparagraphs (1) and (2) of this paragraph shall not apply to any contracts under the administration of any contracting officer within the Department of Defense if such contracting officer so notifies the prime contractor concerned. Such notice (i) shall be in writing, (ii) shall be issued only after written approval thereof by the Head of the Procuring Activity concerned or of a deputy or principal assistant responsible for contract matters, and (iii) if subparagraph (2) of this paragraph is involved shall specify any subcontractor affected.

(b) Section 8.513 shall apply to any disposal of completed end items allocable to the terminated subcontracts, except that completed end items allocable to the terminated subcontract may be disposed of without review by the contracting officer under § 8.513–1 or § 8.513–3, and without screening under § 8.513–4 if the total amount thereof (at the subcontract price) when added to the amount of the settlement does not exceed the amount authorized under this section.

**§ 8.211–2 Required review and approval.**

(a) *When required.* Prior to executing a settlement agreement, or issuing a determination of the amount due under the termination clause of a contract, or approving or ratifying a subcontract settlement, the contracting officer shall submit each such settlement or determination for review and approval by a Settlement Review Board if:

(1) The settlement or determination involves $50,000 or more (see § 8.101–1);

(2) The settlement or determination is limited to adjustment of the fee of a cost-reimbursement contract or subcontract and (i) in the case of a complete termination, the fee, as adjusted, is $50,000 or more; or (ii) in the case of a partial termination, the fee, as adjusted, with respect to the terminated portion of the contract or subcontract is $50,000 or more;

**§ 8.404–1 Submission of settlement proposal.**

If the contractor elects to continue to submit vouchers on Standard Form 1034 for reimbursement of costs and claims a fee, his settlement proposal shall be limited to a claim for an adjusted fee. Such settlement proposal must be submitted to the contracting officer within one year from the effective date of termination, unless the period has been extended in accordance with the terms of the contract. The proposal may be submitted on DD Form 547 (see § 8.803) or by letter appropriately certified; but in either case the contractor must substantiate the amount of the fee he claims. The fee to be paid, if any, shall be established in the manner provided by the contract. Percentage of completion of the contract is generally the basis used. Where this basis is used, factors such as the extent and difficulty of the work done by the contractor (including but not limited to planning, scheduling, technical study, engineering work production and supervision, placing and supervising subcontracts to the extent reasonably required, and work done by the contractor in (a) stopping performance, (b) settling claims of subcontractors, and (c) disposing of termination inventory) shall be compared with the total work required by the contract. The ratio costs in-

curred to the total estimated cost of performing the contract is only one factor in computing the percentage of completion of the contract. This percentage may be either greater or less than that indicated by the ratio of costs incurred, depending upon the evaluation by the contracting officer of the above factors and other relevant considerations.

**§ 8.505–1 Scope of screening.**

• • • • •

(f) Termination inventory, other than production equipment, to which § 8.208–4 is applicable, is not subject to the requirements of this section.

19. Revise § 8.507–6(a); revise § 8.512–2; in § 8.701, revise introductory portion, revise clause heading, and revise clause paragraph (e)(2)(C) and clause paragraph (f); in § 8.703, revise clause paragraph (e)(1)(C) and clause paragraph (f); and in § 8.704–1, revise clause heading and clause paragraph (d), as follows:

**§ 8.507–6 Foreign contractor inventory.**

(a) To prevent diversion, transshipment or reexport of contractor inventory located in foreign countries to prohibited destinations and the use of such inventory adversely to the interests of the United States, the sale or other disposition of such inventory shall be made in accordance with property disposal regulations in overseas commands including security trade control regulations over foreign excess sales and regulations dealing with integrity and reliability checks. Such regulations apply to the sale of contractor inventory located in foreign countries except (1) sales to friendly foreign governments and (2) inventory located in Canada.

**§ 8.512–2 Required review.**

The following property disposal matters shall be reviewed by a Property Disposal Review Board which shall submit its recommendations to the contracting officer prior to approval or ratification by the contracting officer:

(a) A determination that material is scrap or salvage, if the original acquisition cost of the material is $50,000 or more;

(b) A release from a scrap warranty, if the original acquisition cost of the material is $25,000 or more;

(c) Any sales, purchases or retentions of serviceable or usable property at less than cost made without competitive bids (see § 8.507–3) where the original acquisition cost of such property exceeds $25,000;

(d) A determination to destroy or abandon material (see § 8.509) whenever a line item has an original acquisition cost of more than $1,000, or whenever the aggregate sum of line items under $1,000 exceeds $5,000;

(e) Any property disposal matter when requested by the contracting officer; and

(f) Any property disposal matter when required by Departmental procedures.

Actions under paragraph (a) through (f) of this section shall not be divided for the purpose of avoiding the requirements for Board review.

**§ 8.701 Termination clause for fixed-price contracts.**

Except as otherwise permitted by § 8.705, the following clause shall be used in any fixed-price contract in excess of $2,500 for supplies or experimental, developmental, or research work other than (a) construction, alterations, or repair of buildings, bridges, roads, or other kinds of real property, or (b) experimental, developmental, or research work with educational or nonprofit institutions, where no profit is contemplated.

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (JAN. 1961)

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(e) • • •

(2) The total of:

• • • • •

(C) A sum, as a profit, equal to 2 percent of that part of the amount determined under (A) above which represents the cost of articles and materials not processed by the Contractor, plus a sum equal to 8 percent of the remainder of such amount, but the aggregate of such sums shall not exceed 6 percent of the whole of the amount determined under (A) above: *Provided, however,* That if it appears that the Contractor would have sustained a loss on the entire contract had it been completed, no profit shall be included or allowed under this subdivision (C) and an appropriate adjustment shall be made reducing the amount of the settlement to reflect the indicated rate of loss; and

• • • • •

(f) Any determination of costs under paragraph (c) or (e) hereof shall be governed by the principles for consideration of costs set forth in Section XV, Part 2, of the Armed Services Procurement Regulation, as in effect on the date of this contract.

**§ 8.703 Termination clause for fixed-price construction contracts.**

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TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (OCT. 1959)

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(e) • • •

(1) With respect to all contract work performed prior to the effective date of the Notice of Termination, the total (without duplication of any items) of:

• • • • •

(C) A sum, as a profit, equal to 2 percent of the part of the amount determined under (A) above which represents the cost of articles or materials delivered to the site but not incorporated in the work in place on the effective date of the Notice of Termination, plus a sum equal to 8 percent of the remainder of such amount, but the aggregate of such sums shall not exceed 6 percent of the whole of the amount determined under (A) above; provided, however, that if it appears that the Contractor would have sustained a loss on the entire contract had it been completed, no profit shall be included or allowed under this subdivision (C) and an appropriate adjustment shall be made reducing the amount of the settlement to reflect the indicated rate of loss; and

• • • • •

(f) Any determination of costs under paragraph (c) or (e) hereof shall be governed by the principles for consideration of costs set forth in Section XV, Part 4, of the Armed Services Procurement Regulation, as in effect on the date of this contract.

**§ 8.704–1 Termination clause.**

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TERMINATION FOR THE CONVENIENCE OF THE GOVERNMENT (JAN. 1961)

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(d) Any determination of costs under paragraph (c) shall be covered by the cost principles set forth in Section XV, Part 3, of the Armed Services Procurement Regulation, as in effect on the date of this contract, except that if the Contractor is not an educational institution the determination shall be covered by Section XV, Part 2, thereof.

## PART 9—PATENTS, DATA, AND COPYRIGHTS

20. Revise §§ 9.102, 9.102–1, 9.102–2, and 9.107–1 as follows:

**§ 9.102 Authorization and consent.**

(a) Under 28 U.S.C. 1498, any suit for infringement of a United States patent based on the manufacture or use by or for the United States of an invention described in and covered by a patent of the United States by a contractor or by a subcontractor (including lower tier subcontractors) can be maintained only against the Government in the Court of Claims, and not against the contractor or subcontractor, in those cases where the Government has authorized or consented to the manufacture or use of the patented invention. Accordingly, in order that work by a contractor or subcontractor under a Government contract may not be enjoined by reason of patent infringement, authorization and consent may be given as herein provided. The liability of the Government for damages in any such suit against it may, however, ultimately be borne by the contractor or subcontractor in accordance with the terms of any patent indemnity clause also included in the contract, and an authorization and consent clause does not detract from any patent indemnification commitment by the contractor or subcontractor. Therefore, both a patent indemnity clause and an authorization and consent clause may be included in the same contract.

(b) An authorization and consent clause shall not be used in contracts where both complete performance and delivery are to be outside the United States, its possessions, or Puerto Rico.

**§ 9.102–1 Authorization and consent in contracts for supplies.**

The contract clause set forth may be included in all contracts for supplies (including construction work), except that it shall not be used:

(a) When prohibited by § 9.102(b); or

(b) In contracts exclusively for experimental, developmental, or research work which are subject to the provisions of § 9.102–2.

AUTHORIZATION AND CONSENT (JAN. 1961)

The Government hereby gives its authorization and consent (without prejudice to its rights of indemnification, if such rights are provided for in this contract) for all use and manufacture, in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower tier subcontract), of any invention described in and covered by a patent of the United States (i) embodied in the structure or composition of any article the delivery of which is accepted by the Government under this contract, or (ii) utilized in the machinery, tools, or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (a) specifications or written provisions now or hereafter forming a part of this contract, or (b) specific written instructions given by the Contracting Officer directing the manner of performance. The Contractor's entire liability to the Government for infringement of a patent of the United States shall be determined solely by the provisions of the indemnity clause, if any, included in the contract and the Government assumes liability for all other infringement to the extent of the authorization and consent hereinabove granted.



**§ 9.102–2 Authorization and consent in contracts for research or development.**

Greater latitude in the use of patented inventions is to be allowed in a contract for experimental, developmental, or research work than in a contract for supplies. Unless prohibited by § 9.102(b), the clause set forth below shall be included in all contracts calling exclusively for experimental, developmental, or research work, and may be included in contracts calling for both supplies and experimental, developmental, or research work. If the clause set forth below is included in a contract, the clause in § 9.102–1 shall not be included.

AUTHORIZATION AND CONSENT (JAN. 1961)

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract).

**§ 9.107–1 General.**

(a) *The license policy.* In framing a policy on the division of property rights in inventions and discoveries resulting from research work performed under contract for the Department of Defense, the Department recognizes that the American patent system was established as an incentive to invention, disclosure, and commercial exploitation of new ideas. In order to take advantage of the incentives implicit in the patent system and to secure American industry's unreserved participation in military research and development under both contracts and subcontracts, while acquiring the rights necessary for the Government freely to carry out its programs, the Department of Defense generally obtains on behalf of the Government a comprehensive license of free use but does not require that full title to the new inventions be assigned to the Government.

(b) *The comprehensive license.* The comprehensive license, which is irrevocable, nonexclusive, nontransferable, and worldwide in scope, permits, royalty-free, any use of the inventions by the Government by itself, any use by a Government contractor or subcontractor in connection with the performance of a Government contract, and any use by anyone in connection with projects funded by the Government, including the Mutual Security Program. The inventions covered are those which are conceived, or first actually reduced to practice, in the course of performing any contract or modification thereof, having experimental, developmental, or research work as one of its purposes, or in the course of performing such work on the understanding in writing that a contract would be awarded.

(c) *Government-acquisition of title.* While it is the general policy not to acquire more than the comprehensive license described above, the Department of Defense recognizes that there may be some situations in which it will be desirable in the public interest to obtain full title to the inventions made under the contracts. In a new technological field, for example, where there is no significant nongovernmental experience to build upon, and inventions which may be made under the contract would be likely to dominate the field or be of critical significance in it, it may be desirable for the Government to hold title to such inventions. Again, where the services of the contractor are largely those of coordinating and directing the work of others, the Government may wish to acquire title to prevent the possibility or appearance of private advantage as to the ideas of others. Likewise, the Government may obtain title in recognition of the overriding public interest in inventions in fields directly relating to the health or safety of the public, if their availability for public use will not depend on patent incentives.

(d) *Contracting Officer's duties.* When a contract or modification thereof having experimental, developmental, or research work as one of its purposes is proposed, the contracting officer, in consultation with his technical and patent advisors, shall consider whether the contemplated project should entail Government acquisition of title in keeping with paragraph (c) of this section or similar considerations. If in his opinion it should, he shall refer the matter, with supporting information (including identification of any inventions on which patent applications are on file and which are expected to be actually reduced to practice under the proposed project), to higher authority, in accordance with the deviation procedures of § 1.109 of this chapter. If a deviation is authorized, the contracting officer shall insert in the contract the clause specified in § 9.107–2(c). In all cases not involving the acquisition of title in keeping with paragraph (c) of this section the contracting officer shall include in the contract the clause specified in § 9.107–2(b), except as provided in § 9.107–3, concerning foreign contracts (unless the clause specified in § 9.107–2(c) has been authorized); § 9.107–4, concerning contracts relating to Atomic Energy; § 9.107–5, concerning contracts relating to Civil Defense; and § 9.107–7, concerning contracts placed for the National Aeronautics and Space Administration. In cases falling within these exceptions, the contracting officer shall follow the instructions stated in the applicable section.

(e) *Other procurement or patent rights.* Except as provided in §§ 9.107—9.107–7, patent rights shall not be requested in the negotiation of contracts other than contracts where the primary item of procurement is a license under, or an assignment of, a patent. Such procurements are made to carry out the policy of the Department of Defense to pay a reasonable compensation for the use of a valid patent enforceable against the Government. The questions of infringement, validity, and enforceability of the patent shall be determined by personnel having cognizance of patent matters for the Department concerned.

21. In § 9.107–2, revise introductory portion of paragraph (b), revise clause heading and clause paragraph (b)(1) of clause in paragraph (b), and add new paragraph (c); revise the introductory portion of § 9.107–3; and revise § 10.101–1, as follows:

**§ 9.107–2 Patent rights; domestic contracts.**

• • • • •

(b) *Contract clause (license).* The clause set forth below shall be included in every contract having as one of its purposes experimental, developmental, or research work which is to be performed within the United States, its possessions, or Puerto Rico, unless the clause set forth in paragraph (c) of this section has been authorized in accordance with § 9.107–1(d), or except as provided in § 9.107–7 with respect to contracts on behalf of the National Aeronautics and Space Administration. See § 16.809 of this chapter for an approved form for optional use by contractors in reporting information required by paragraphs (c)(ii), (c)(iii), and (h) of the clause. In the administration of paragraph (e) of the clause, a request for conveyance of foreign rights to the Government is not required when the contractor does not file an application for patent in a foreign country under the conditions provided in that paragraph, unless the Government intends to apply for such patent.

PATENT RIGHTS (LICENSE) (JAN. 1961)

• • • • • •

(b)(1) The Contractor agrees to and does hereby grant to the Government an irrevocable, nonexclusive, nontransferable, and royalty-free license to practice, and cause to be practiced by or for the United States Government, throughout the world, each Subject Invention in the manufacture, use, and disposition according to law, of any article or material, and in the use of any method. Such license includes the practice of Subject Invention in the manufacture, use and disposition of any article or material, in the use of any method, or in the performance of any service acquired by or for the Government or with funds derived through the Mutual Security Program of the Government or otherwise through the Government. No license granted herein shall convey any right to the Government to manufacture, have manufactured, or use any Subject Invention for the purpose of providing services or supplies to the general public in competition with the Contractor or the Contractor's commercial licensees in the licensed fields; but, provided, however, that the restriction of this sentence shall not be applicable in respect to any services or supplies which the Government has heretofore or may hereafter provide as a governmental function pertaining to the general public health, safety, or welfare.

• • • • • •

(c) *Contract clause (title).* The clause set forth below shall be included in contracts in which its use in place

of the clause set forth in paragraph (b) of this section has been authorized in accordance with § 9.107–1(d). If it is so directed by higher authority, paragraph (c) of the clause set forth below, relating to subcontracts, may be replaced, or supplemented in regard to particular subcontracts, by provisions substantially similar to those provided in paragraph (b) of this section, or other provisions acquiring from the subcontractor for the benefit of the Government patent rights at least equivalent to those provided in paragraph (b) of this section. If paragraph (c) is not so replaced, and during the course of contract performance the contractor notifies the contracting officer that a subcontractor refuses to accept a clause containing the provisions of the clause set forth below, the contracting officer may, if he determines that Government acquisition of title under the particular subcontract is not essential for the purposes of the prime contract, authorize the contractor to insert in the particular subcontract, in lieu of the paragraph set forth below, provisions equivalent to those provided in paragraph (b) of this section. Optional paragraph (g) may be used if directed by higher authority to apply to specific inventions disclosed in a patent application filed prior to the award of the contract.

PATENT RIGHTS (TITLE) (JAN. 1961)

(a) The Contractor agrees to grant the Government all right, title, and interest in and to any invention conceived or first actually reduced to practice either:

(i) In the performance of the experimental, developmental, or research work called for or required under this contract; or

(ii) In the performance of any experimental, developmental, or research work relating to the subject matter of this contract which was done upon an understanding in writing that a contract would be awarded;

by any employee of the Contractor who, by reason of the nature of his duties in connection with the performance of this contract, would reasonably be expected to make inventions.

(b) With respect to inventions referred to in (a) above, the Contractor shall furnish to the Contracting Officer the following information and reports:

(i) A written disclosure promptly after conception or first actual reduction to practice of each such invention;

(ii) Interim reports at least every twelve months, commencing with the date of this contract, each listing all such inventions conceived or first actually reduced to practice more than three months prior to the date of the report, and not listed on a prior interim report, or certifying that there are no such unreported inventions;

(iii) Prior to final settlement of this contract, a final report listing all such inventions including all those previously listed in interim reports; and

(iv) At the earliest practicable date, information concerning publication of each such invention made by or known to the Contractor or, where applicable, of any contemplated publication by the Contractor, stating the date and identity of such publication or contemplated publication.

(c) The Contractor shall, unless otherwise authorized by the Contracting Officer, include a patent rights clause containing all of the provisions of this Patent Rights clause (including this paragraph (c)) in each subcontract hereunder of three thousand dollars ($3,000) or more having experimental, developmental, or research work as one of its purposes.

(d) The Contractor shall obtain the execution of and deliver to the Contracting Officer any documents relating to inventions referred to in (a) above as the Contracting Officer may require to enable the Government to file and prosecute patent applications therefor in any country.

(e) In the event that the Government determines not to file a patent application on any invention referred to in (a) above in any particular foreign country or fails to take such action (i) within six months of the filing of an application for the United States patent on the invention, or (ii) within six months of the declassification of the invention if under a security classification, or (iii) within six months after disclosure of the invention to the Government pursuant to (b)(i) above, whichever is later, the Contracting Officer may authorize the Contractor to file a patent application in such foreign country and retain ownership thereof, subject to an irrevocable, nonexclusive, royalty-free license to the Government in any patent which may issue thereon in such foreign country, including the power to issue sublicenses for use in behalf of the Government and in furtherance of the foreign policies of the Government, including the right to grant nonexclusive, nontransferable, royalty-free licenses to United States citizens and to United States corporations when seventy-five percent (75%) or more of the voting interest is owned by United States citizens.

(f) If the Contractor fails to deliver to the Contracting Officer the interim reports required by (b)(ii) above, or fails to furnish the written disclosures for all inventions required by (b)(i) above shown to be due in accordance with any interim report delivered under (b)(ii) or otherwise known to be unreported, there shall be withheld from payment until the Contractor shall have corrected such failures either ten percent (10%) of the amount of this contract, as from time to time amended, or five thousand dollars ($5,000), whichever is less. After payment of eighty percent (80%) of the amount of this contract, as from time to time amended, payment shall be withheld until a reserve of either ten percent (10%) of such amount, or five thousand dollars ($5,000), whichever is less, shall have been set aside, such reserve or balance thereof to be retained until the Contractor shall have furnished to the Contracting Officer.

(i) The final report required by (b)(iii) above; and

(ii) Written disclosures for all inventions required by (b)(i) above which are shown to be due in accordance with interim reports delivered under (b)(ii) above, or in accordance with such final reports, or are otherwise known to be unreported.

The maximum amount which may be withheld under this paragraph (f) shall not exceed ten percent (10%) of the amount of this contract or five thousand dollars ($5,000), whichever is less, and no amount shall be withheld under this paragraph (f) when the amount specified by this paragraph (f) is being withheld under other provisions of this contract. The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Government under this contract. This paragraph (f) shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provisions of a subcontract.

(g)(1) Paragraph (a) of this Patent Rights clause shall not be applicable to the inventions covered in [Insert serial numbers and filing dates of patent applications], but the Contractor agrees to grant to the Government an irrevocable, nonexclusive, nontransferable, and royalty-free license to practice, and cause to be practiced by or for the United States Government, throughout the world, such inventions in the manufacture, use, and disposition according to law, of any article or material, and in the use of any method, or in the performance of any service acquired by or for the Government or with funds derived through the Mutual Security Program of the Government or otherwise through the Government. No license granted in accordance with this paragraph (g) shall convey any right to the Government to manufacture, have manufactured, or use any such inventions for the purpose of providing services or supplies to the general public in competition with the Contractor or the Contractor's commercial licensees in the licensed field, but provided, however, that the restriction of this sentence shall not be applicable in respect to any services or supplies which the Government has heretofore or may hereafter provide as a governmental function pertaining to the general public health, safety, or welfare.

(2) The Contractor, or those other than the Government deriving rights from the Contractor, shall as between the parties hereto, have the exclusive right to file applications on inventions identified in paragraph (g)(1) above in each foreign country within:

(i) nine months from the date a corresponding United States application is filed;

(ii) six months from the date permission is granted to file foreign applications where such filing has been prohibited for security reasons; or

(iii) such longer period as may be approved by the Contracting officer.

The Contractor shall, upon written request of the Contracting Officer convey to the Government the Contractor's entire right, title, and interest in each such invention in each foreign country in which an application has not been filed within the time above specified, subject to the reservation of a nonexclusive and royalty-free license to the Contractor together with the right of the Contractor to grant sublicenses, which license and right shall be assignable to the successor of that part of the Contractor's business to which the invention pertains.

(3) The Contractor recognizes that the Government, or a foreign government with funds derived through the Mutual Security Program or otherwise through the United States Government, may contract for property or services with respect to which the vendor may be liable to the Contractor for royalties for the use of an invention identified in paragraph (g)(1) above on account of such a contract. The Contractor further recognizes that it is the policy of the Government not to pay in connection with its contracts, or to allow to be paid in connection with contracts made with funds derived through the Mutual Security Program or otherwise through the United States Government, charges for use of patents in which the Government holds a royalty-free license. In recognition of this policy, the Contractor agrees to participate in and make appropriate arrangements for the exclusion of such charges from such contracts or for the refund of amounts received by the Contractor with respect to any such charges not so excluded.

### § 9.107–3 Patent rights—foreign contracts.

A patent right clause shall be included in every contract having as one of its purposes experimental, developmental, or research work which is to be performed outside the United States, its possessions, or Puerto Rico. Except as provided in § 9.107–7 with respect to contracts on behalf of the National Aeronautics and Space Administration, either the clause set forth below, or in lieu thereof, when authorized in accordance with § 9.107–1(d), the clause set forth in § 9.107–2(c), may be used; however, either clause may be replaced by any other clause tailored to meet requirements peculiar to foreign procurement provided the replacement clause incorporates the principles of the clause being replaced, except that the principles of paragraphs (c) and (d) of the clause below, or of paragraph (f) of the clause set forth in § 9.107–2(c), as the case may be, may be omitted if, in the opinion of the contracting officer (on a case-by-case basis), the inclusion of withholding or other enforcement provisions is neither desirable nor necessary.



## PART 10—BONDS AND INSURANCE

### § 10.101–1 Bid guarantee.

Bid guarantee means a form of security accompanying a bid as assurance that the bidder (a) will not withdraw his bid within the period specified therein for acceptance, and (b) will execute a written contract and furnish such bonds as may be required within the period specified in the bid (unless a longer period is allowed) after receipt of the specified forms.

22. Revise § 10.102 and add new §§ 10.102–1, 10.102–2, 10.102–3, 10.102–4, and 10.102–5, as follows:

### § 10.102 Bid guarantees.

### § 10.102–1 Applicability to negotiated procurement.

Sections 10.102–10.102–5 apply to both negotiated and formally advertised procurements. The terms "bid" and "invitation for bids," as used herein, include their counterparts, "proposal" and "request for proposals," and the latter terms may be used where appropriate.

### § 10.102–2 Limitation.

Bid guarantees shall not be required unless the invitation for bids specifies that the contract must be supported by a performance bond or by performance and payment bonds. In no event shall a bid not in excess of $2,000 be required to be supported by a bid guarantee (see § 10.102–4(a)(1)).

### § 10.102–3 Amount required.

(a) Whenever a bid guarantee is deemed necessary, the contracting officer shall determine the percentage (or amount) which in his best judgment, when applied to the bid price, will produce a bid guarantee amount adequate to protect the Government from loss should the successful bidder fail to furnish the required performance bond or performance and payment bonds. The percentage determined shall be not less than 20 percent of the bid price except that the maximum amount required shall be $3,000,000.

(b) The penal sum of a bid bond may be expressed as a specified percentage of the bid price. In this fashion, the bid bond may be written by the surety before the bidder's final determination of his bid price.

### § 10.102–4 Invitation for bids provisions.

(a) Where a bid guarantee is determined to be necessary, the invitation for bids shall contain (1) a statement requiring that a bid guarantee be submitted with any bid in excess of $2,000 and containing such details as are necessary to enable bidders to determine the proper amount of bid guarantee to be submitted; and (2) the following provision:

BID GUARANTEE (JAN. 1961)

Failure to furnish a required bid guarantee in the proper amount, by the time set for opening of bids, may be cause for rejection of the bid.

A bid guarantee may be in the form of a bid bond, postal money order, certified check, cashier's check, irrevocable letter of credit or, in accordance with Treasury Department regulations, bonds or notes of the United States. Bid guarantees, other than bid bonds, will be returned (1) to unsuccessful bidders as soon as practicable after the opening of bids, and (2) to the successful bidder upon execution of such further contractual documents and bonds as may be required by the bid as accepted.

If the successful bidder withdraws his bid within the period specified therein for acceptance (60 days if no period is specified) or, upon acceptance thereof by the Government, fails to enter into the contract and give bonds within the time specified (10 days if no period is specified) after the forms are presented to him, he shall be liable for any difference by which the cost of procuring the work exceeds the amount of his bid, and the bid guarantee shall be available toward offsetting such difference.

(b) The requirement for the provision in paragraph (a)(2) of this section is met where Standard Form 22 (Instructions to Bidders (Construction Contracts)) is used in accordance with §§ 16.401–1(e) and 16.401–3 of this chapter.

(c) The provisions required by paragraph (a)(2) of this section may be appropriately modified in negotiated contracts.

### § 10.102–5 Failure to submit proper bid guarantee.

Where an invitation for bids requires that bids be supported by a bid guarantee, noncompliance with such requirement will require rejection of the bid, except that rejection of the bid is not required in these situations:

(a) where only a single bid is received (in such cases the purchasing activity may or may not require the furnishing of the bid guarantee before award);

(b) where the amount of the bid guarantee submitted, though less than the amount required by the invitation for bids, is equal to or greater than the difference between the price stated in the bid and the price stated in the next higher acceptable bid;

(c) where the bid guarantee is received late and the late receipt may be waived under the rules established in § 2.303 of this chapter for consideration of late bids; and

(d) where an otherwise adequate bid guarantee becomes inadequate as a result of the correction of a mistake in bid under § 2.406 of this chapter, if the bidder will increase the amount of the bid guarantee in proportion to the authorized bid correction.

## PART 11—FEDERAL, STATE, AND LOCAL TAXES

23. Revise §§ 11.301 and 11.404, and add new §§ 12.105, 12.105–1, 12.105–2, and 12.105–3, as follows:

### § 11.301 Applicability.

As a general rule, Government purchases are exempt from State aand local taxes. This exemption shall be made use of by means of purchase on a tax exclusive basis and execution of an approved tax exemption certificate, except this requirement is not mandatory in the case of purchases of $100 or less. Whenever there is any doubt as to the availability of such exemption, the matter shall be referred to the appropriate office of the Department concerned.

### § 11.404 Clause for use where foreign agreements do not apply.

Countries which have not executed a tax agreement with the United States may nevertheless grant relief from certain taxes, e.g., relief from (certain) internal taxes in order to promote or subsidize exports. Accordingly, tax benefits available to the United States in countries not listed in § 11.403–1(a) should be explored; and such taxes should be given specific treatment in the contract. The following clause may be used in lieu of the clause in § 11.403 where contract performance will be entirely in a foreign country where tax relief is not available to the United States under a tax agreement:

TAXES (JAN. 1961)

Except as otherwise provided, the contract price includes any and all applicable taxes.

## PART 12—LABOR

### § 12.105 Location allowances at unfavorable sites.

### § 12.105–1 Description.

"Location allowances" sometimes called "supplemental pay" or "incentive pay," are compensation in addition to normal wages or salaries that is paid by contractors to especially compensate or induce employees to undertake or continue work at locations which may be isolated or in an unfavorable environment. Location allowances include extra wage or salary payments in the form of station allowances, bonuses, extended per diem, or mileage payments for daily communting; they also include such benefits as contractor-furnished housing.

### § 12.105–2 Policy.

Payments of location allowances shall be allowed as costs under cost-reimbursement type contracts, or recognized in pricing fixed-price type contracts, only where and so long as the isolation or unfavorable environment of the site makes such payments necessary to the accomplishment of the contract work without unacceptable delays. Whether the site is so isolated, or its environment is so unfavorable, as to require location

allowances is to be determined in the light of its location and climate; the availability and adequacy of housing within reasonable commuting distance; and the availability and adequacy of educational, recreational, medical, and hospital facilities. The extent to which compensation includes location allowances is to be determined by comparing it with the contractor's normal compensation policy, including pay scales at his principal operating locations; pay scales of other contractors and concerns operating at or near the site; and compensation paid by other concerns within the same industry for similar services elsewhere.

**§ 12.105–3 Procedures.**

(a) Locations at which location allowances are being paid shall be reviewed at least once a year to determine whether such allowances should continue to be allowed or recognized in accordance with § 12.105–2.

(b) Where two or more contracting activities have concurrent contracts at a single facility and the approval of location allowances by one such activity is likely to affect the performance of, or payments in connection with, contracts of another such activity, the activity exercising jurisdiction over the facility shall coordinate with the other interested activities in applying the policy in § 12.105–2 and shall schedule the reviews required by paragraph (a) of this section. Where two or more facilities are so geographically located that determinations as to location allowances at one may affect the other, the activities involved shall coordinate with each other in applying the policy. If the contracting activities do not agree within a reasonable time on application of the policy in § 12.105–2, the matter will be settled by the Secretary concerned or, if more than one Department is involved, by the Assistant Secretary of Defense (Installations and Logistics).

## PART 13—GOVERNMENT PROPERTY

24. Add new paragraph (c) to § 13.102–3, and revise paragraph (c) in § 13.407, as follows:

**§ 13.102–3 Facilities.**

* * * * *

(c) The policy for authorizing special use allowances for research facilities acquired by educational institutions is contained in § 3.812 of this chapter.

**§ 13.407 Right of contractor to use.**

* * * * *

(c) A facilities contract may also provide that the contractor may be authorized by the contracting officer to make incidental use of all or part of the facilities covered by the contract for work other than for an agency of the Department of Defense. Prior approval of the Office of Civil and Defense Mobilization must be obtained, through the Assistant Secretary of Defense (Installations and Logistics), before a facilities contract may authorize over 25 percent nondefense use of Government-owned machine tools (Production Equipment Code Nos. 3411–341999 and 3441–34490) having a unit acquisition cost of $500 or more. Where a facilities contract is no longer required in connection with the performance of a Government contract or contracts, it shall not be continued solely for the purpose of authorizing commercial use of all or any part of the facilities covered by the facilities contract. The rental rates applicable to Government facilities as provided in § 13.601, shall apply to facilities furnished under a facilities contract for the period that such facilities are authorized for use for commercial purposes.

25. In §§ 13.505 and 13.506, the reference to "§ 13.802", in connection with alternate clause paragraph (c), is changed to read "§ 13.803".

26. Revise § 13.803; add new paragraph (j) to § 15.205–6; and revise § 15.304(e), as follows:

**§ 13.803 Contract clauses.**

Where it is anticipated that title to equipment may be vested in the contractor in accordance with this subpart, the alternate paragraph (c) of the clause in § 13.505 shall be included in fixed-price type contracts for basic and applied research, and the alternate paragraph (c) of the clause in § 13.506 shall be included in cost-reimbursement type contracts for basic and applied research.

## PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

**§ 15.205–6 Compensation for personal services.**

* * * * *

(j) *Location allowances.* "Location allowances," sometimes called "supplemental pay" or "incentive pay," are allowable to the extent consistent with § 12.105 of this chapter.

**§ 15.304 Indirect costs.**

* * * * *

(e) "Use allowance" is a means of compensation for the use of buildings, capital improvements, and equipment over and above the expenses for operation and maintenance when depreciation or other equivalent costs are not considered. (But, see § 3.812 of this chapter for extraordinary arrangement permitting special use allowances for research facilities acquired by educational institutions for performance of Defense contracts.) The use allowance for buildings and improvements shall be computed at an annual rate not to exceed two percent (2%) of acquisition cost. The use allowance for equipment shall be computed at an annual rate not exceeding six and two-thirds percent (6⅔%) of acquisition cost of usable equipment in those cases where the institution maintains current records with respect to such equipment on hand. Where the institution's records reflect only the cost (actual or estimated) of the original complement of equipment, the use allowance shall be computed at an annual rate not exceeding ten percent (10%) of such cost. In those cases where no equipment records are maintained, the institution will justify a reasonable estimate of the acquisition cost of usable equipment which may be used to compute the use allowance at an annual rate not exceeding six and two-thirds percent (6⅔%) of such estimate. Computation of the use allowance shall exclude the portion of the cost of buildings and equipment paid for out of Federal funds and the cost of grounds; and

## PART 16—PROCUREMENT FORMS

27. In § 16.202–1, add new subdivision (ix) to paragraph (b)(2); in § 16.303–2, revise paragraph (b)(2) and add paragraph (b)(7) and (8); and revise §§ 16.401–1 and 16.815–1, as follows:

**§ 16.202 Negotiated contract forms.**

**§ 16.202–1 DD Forms 1261 and 1270.**

* * * * *

(b) *Short-form negotiated supply and services contracts.*

* * * * *

(2) No clause on DD Form 1270 may be deleted or altered, and no other clause covering the subject matter of any clause set forth in this subchapter may be used, except:

* * * * *

(ix) The procedures set forth in § 4.604 of this chapter will be followed when required by Subpart F, Part 4, of this chapter, Humane Slaughter of Livestock.

* * * * *

**§ 16.303–2 Conditions for use.**

* * * * *

(b) *Use as a purchase order of not more than $2,500.* DD Form 1155 is authorized for negotiated purchases of not more than $2,500, provided:

(1) The procurement is unclassified;

(2) No clauses covering the subject matter of any clause set forth in this subchapter, other than clauses set forth on the back of DD Form 1155, and clauses referred to in subparagraphs (3), (4), (5) and (7) of this paragraph and in paragraph (c) of this section, are to be used;

* * * * *

(7) The Priorities, Allocations and Allotments clause (§ 7.104–18 of this chapter) may be inserted in the Schedule where required; and

(8) When required by Subpart F, Part 4 of this chapter, Humane Slaughter of Livestock, the procedures set forth in § 4.604 of this chapter, will be followed:

**§ 16.401–1 General.**

The following forms are prescribed for use in formally advertised construction contracts where the work is to be performed in the United States and its possessions:

(a) Standard Form 19—Invitation, Bid and Award (Construction, Alteration, or Repair).

(b) Standard Form 19A—Labor Standards Provisions—Applicable to Contracts in Excess of $2,000.

(c) Standard Form 20—Invitation for Bids (Construction Contract).

(d) Standard Form 21—Bid Form (Construction Contract).

(e) Standard Form 22—Instructions to Bidders (Construction Contract).



Pending revision of the March 1953 edition of Standard Form 22, it should be changed to comply with §§ 2.201(a)(25) and 10.102–4(a)(2) of this chapter.

(f) Standard Form 23—Construction Contract.

(g) Standard Form 23A—General Provisions (Construction Contract).

(h) DD Form 1260—Amendment to Invitations for Bids, on an optional basis.

(i) Continuation Sheet. There is no prescribed form of Continuation Sheet for construction contracts. A blank sheet, incorporating (1) the contract or invitation number, as appropriate, (2) page number and number of pages, and (3) name of bidder or contractor may be used for this purpose. Standard Form 36, Continuation Sheet (Supply Contract) shall not be used for construction contracts.

**§ 16.815–1 Change order (DD Form 1319).**

(a) This form shall be used for:

(1) Any change order issued pursuant to the changes clause of a contract;

(2) Any other unilateral contract modification (see § 1.201–2 of this chapter), except notices of termination (see § 16.701), issued pursuant to a contract provision authorizing such modification without the consent of the contractor; and

(3) Administrative changes, such as the correction of typographical mistakes, changes in the paying office and changes in accounting and appropriation data.

(b) If neither of the introductory statements on DD Form 1319 is applicable, an appropriate statement, such as "Pursuant to the clause entitled _____ of the above numbered contract, the following changes are made therein," should be added.

[ASPR Rev. 3, January 31, 1961] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

R. V. LEE,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 61–2668; Filed, Mar. 27, 1961; 8:46 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2307]

[Nevada 050476, 045154]

### NEVADA

### Withdrawing Lands for Use of the National Park Service, and for the Department of the Air Force, for a Headquarters Site, and for Radar Sites, Respectively. Partly Revoking Executive Order No. 5339 of April 25, 1930

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952: *It is ordered,* As follows:

1. Subject to valid existing rights and the provisions of existing withdrawal, the following-described public lands in Nevada are hereby withdrawn, as indicated:

a. [Nevada 050476]

From all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the National Park Service, Department of the Interior, for headquarters site in connection with administration of the Lake Mead National Recreation Area:

MOUNT DIABLO MERIDIAN

ROGER SPRING HEADQUARTERS AREA

T. 18 S., R. 67 E.,
Sec. 12.

The area described contains 640 acres.

b. [Nevada 045154]

From all forms of appropriation under the public land laws, including the mining and mineral leasing laws and disposals of materials under the act of July 31, 1947, supra, as amended, and reserved for use of the Department of the Air Force, for construction and operation of radar facilities:

MOUNT DIABLO MERIDIAN

ELY RANGE

T. 17 N., R. 61 E., unsurveyed,
Sec. 27.
Commencing for reference at U.S.C. and G.S. Triangulation Station entitled "South Ridge", whose geographic position is latitude 39°18'31.20" and longitude 115°05'07.25"; thence south 330 feet to the point of beginning; thence
West, 330 feet;
North, 660 feet;
East, 660 feet;
South, 660 feet;
West, 330 feet to the point of beginning.

The tract described contains approximately 10 acres.

BEATTY RANGE

T. 10 S., R. 46 E.
Sec. 9, unsurveyed.
Commencing for reference at a point on a high peak whose approximate geographical location is latitude 37°05' and longitude 116°49'; thence south 466.69 feet to the point of beginning; thence
West, 466.69 feet;
North, 933.38 feet;
East, 933.38 feet;
South, 933.38 feet;
West, 466.69 feet to the point of beginning.

The tract described contains approximately 19 acres.

2. Executive Order No. 5339 of April 25, 1930, which withdrew lands pending determination of their suitability for inclusion in a national monument, is hereby revoked so far as it affects the lands described in paragraph 1a., of this order.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

MARCH 21, 1961.

[F.R. Doc. 61–2672; Filed, Mar. 27, 1961; 8:47 a.m.]

[Public Land Order 2308]

[Anchorage 046424]

### ALASKA

### Withdrawing Lands for Use of the Alaska Railroad for Explosive Storage Purposes. Partly Revoking Public Land Order No. 891 of April 15, 1953

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Alaska Railroad, Department of the Interior, for storage of explosives:

SEWARD MERIDIAN

BIRCHWOOD AREA

T. 15 N., R. 2 W.,
Sec. 26, NE¼;
Sec. 34, lots 1, 2, 5, 6, SE¼NE¼, SW¼SE¼, and E½SE¼.
(Containing 429.89 acres.)

2. Public Land Order No. 891 of April 15, 1953, which withdrew lands for various public purposes, is hereby revoked so far as it affects the lands described in paragraph 1 of this order.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

MARCH 21, 1961.

[F.R. Doc. 61–2673; Filed, Mar. 27, 1961; 8:47 a.m.]

[Public Land Order 2309]

[1735085]

### ARIZONA

### Partly Revoking Executive Order No. 1032 of February 25, 1909 (Salt River National Wildlife Refuge)

1. By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 1032 of February 25, 1909, reserving lands in certain reservoir sites, together with certain smallest legal subdivisions adjoining the flow lines thereof, as preserves and breeding grounds for native birds, is hereby revoked so far as it affects lands in the Salt River Reservoir, Roosevelt Dam and Reservoir Project. Public lands in the following areas are affected by this order:

GILA AND SALT RIVER MERIDIAN

T. 4 N., R. 11 E.,
Secs. 1, 2, 11, 12, and 13.
T. 4 N., R. 12 E.,
Secs. 4 to 27, inclusive.
T. 4 N., R. 13 E.,
Secs. 18 to 20 and 25 to 30, inclusive;
Secs. 32 to 36, inclusive.
T. 5 N., R. 11 E.,
Secs. 20 to 23, 25 to 28, and 34 to 36, inclusive.

T. 5 N., R. 12 E.,
Sec. 31.

The areas released from withdrawal for wildlife purposes by this order aggregate approximately 21,060 acres.

2. All the lands are within the Tonto National Forest and all, except the NE¼NE¼ of sec. 13, T. 4 N., R. 11 E., are withdrawn for reclamation purposes. Their wildlife values, which are chiefly outside the national migratory bird management program, will continue under development through cooperative agreement between responsible Federal and State agencies.

3. At 10:00 a.m. on April 26, 1961, the NE¼NE¼ of sec. 13, supra, shall be open to such forms of disposition as may by law be made of national forest lands, not including the homestead, desert land and small tract laws.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

MARCH 21, 1961.

[F.R. Doc. 61-2674; Filed, Mar. 27, 1961; 8:57 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR Part 519 ]

### CANADA

### Dividends Paid by Related Corporations

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:I, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805) and in Article XVIII of the income tax convention between the United States and Canada of March 4, 1942 (56 Stat. 1405).

[SEAL] MORTIMER M. CAPLIN,
*Commissioner of Internal Revenue.*

PARAGRAPH 1. On December 20, 1960, an Income Tax Act Resolution was introduced in the House of Commons by the Minister of Finance of Canada with his Budget Speech providing that the rate of tax payable by a corporation not resident in Canada on dividends received from a Canadian resident, which rate of tax was limited to 5 percent in accordance with paragraph 2 of Article XI of the income tax convention between the United States and Canada of March 4, 1942, as amended by the supplementary convention signed June 12, 1950, and by the supplementary convention signed August 8, 1956, was increased to 15 percent with respect to dividends paid after December 20, 1960. As announced in Technical Information Release No. 283, issued on December 29, 1960, the Internal Revenue Service stated that paragraph 2 of Article XI of the convention was terminated, by virtue of the provisions of paragraph 3 of Article XI of the convention, effective with respect to dividends paid after December 20, 1960. As indicated in the Technical Information Release, United States income tax and withholding of United States tax at source will apply without regard to the provisions of paragraph 2 of Article XI of the convention (as amended) in the case of dividends paid after December 20, 1960. In conformity thereto, the general regulations (Treasury Decision 5206, approved December 31, 1942) and the withholding regulations (Treasury Decision 6047, approved November 5, 1953) which were issued under the income tax convention between the United States and Canada are amended as follows:

TREASURY DECISION 5206

(A) Section 519.112 (formally 26 CFR 7.31, redesignated at 25 F.R. 14021) is amended by revising the second and third undesignated subparagraphs of paragraph (a) thereof. These amended provisions read as follows:

**§ 519.112 Reduction in rate of the tax withheld at source.**

(a) *General.* * * *

Under the provisions of Article XI, dividends paid to a Canadian corporation not engaged in trade or business within the United States and not having an office or place of business therein by a domestic subsidiary corporation are subject to tax at the rate of only 5 percent, such dividends constituting an exception to the general rule laid down in paragraph 1 of Article XI. Since paragraph 2 of Article XI of the convention (as amended) was terminated with respect to dividends paid after December 20, 1960, the rate of 5 percent prescribed therein will not apply in determining the income tax imposed upon dividends paid after such date to a Canadian corporation. For the purposes of that article, a "subsidiary corporation" is defined in paragraph 6 of the protocol as a corporation (in this case a domestic corporation) all of whose shares (less directors' qualifying shares) having full voting rights are beneficially owned by another corporation (in this case a Canadian corporation), provided that ordinarily not more than one-quarter of the gross income of such subsidiary corporation is derived from interest and dividends other than interest and dividends received from its subsidiary corporations. Thus, for example, the A Corporation is a domestic corporation all of whose shares are owned by B Company, Ltd., a Canadian corporation not engaged in trade or business within the United States and not having any office or place of business therein. The A Corporation pays a dividend to B Company, Ltd., on June 30, 1943. The A Corporation is on a calendar year basis and throughout 1940, 1941, and 1942 derived not more than 15 percent of its gross income from interest and dividends from corporations not controlled by the A Corporation. The Commissioner ascertains and has so notified the A Corporation that the corporate relationship between the A Corporation and the B Company, Ltd., has not been arranged and is not maintained primarily for the purpose of securing the lower rate of tax prescribed in paragraph 2 of Article XI of the convention. The dividend paid by the A Corporation is subject to withholding of the tax at the lower rate of 5 percent.

Any domestic corporation which claims or contemplates claiming, that dividends paid by it, or to be paid by it, are subject only to the 5 percent rate, shall file, as soon as practicable, with the Commissioner the following information: (1) The date and place of its organization; (2) the number of its outstanding shares of stock having full voting rights; (3) the person or persons beneficially owning such stock and their relationship to such corporations; (4) the amount of gross income, by years, of the paying corporation for the 3-year period immediately preceding the taxable year in which such dividend is paid; (5) the amount of interest and dividends, by years, included in such gross income and the amount of interest and dividends, by years, received from the subsidiary corporations, if any, of such domestic corporation; and (6) the corporate relationship between such domestic corporation and the Canadian corporation to which it pays the dividend. As soon as practicable after such information is filed, the Commissioner shall examine it and determine whether the dividends concerned fall within the provisions of such paragraph and may authorize the release of excess tax withheld with respect to dividends which are shown to the satisfaction of the Commissioner to come within the provisions of paragraph 2 of Article XI of the convention. In any case in which the Commission has notified such domestic corporation that it comes within the provisions of paragraph 2 of Article XI of the convention, the reduced rate of 5 percent applies to any dividends subsequently paid by such corporation before December 21, 1960, unless its stock ownership or the character of its income materially changes. In the event of such changes occurring, such corporation shall promptly notify the Commissioner of the then existing facts with respect to such stock ownership and income.

TREASURY DECISION 6047

(B) Section 519.2 (formerly 26 CFR 7.46, redesignated at 25 F.R. 14021) is amended by adding a new subparagraph at the end of paragraph (b) thereof and by revising the first undesignated subparagraph of paragraph (d) thereof. These amended provisions read as follows:

§ 519.2 Dividends.

* * * * *

(b) *Dividends paid by related corporation.* * * *

Since Article XI(2) of the convention (as amended) was terminated with respect to dividends paid after December 20, 1960, the rate of 5 percent prescribed therein will not apply in determining the income tax imposed upon, or the amount of tax to be withheld at the source from, dividends paid after such date to a Canadian corporation.

* * * * *

(d) *Rate of withholding.* Withholding at source in the case of dividends derived from sources within the United States and paid on or after January 1, 1954, to nonresident aliens (including a nonresident alien individual, fiduciary, and partnership) and to foreign corporations, whose addresses are in Canada, shall be at the rate of 15 percent in every case except that in which, prior to the date of payment of such dividends, (1) the Commissioner of Internal Revenue has notified (i) the domestic corporation (pursuant to paragraph (b) of this section) that such dividends fall within the scope of the provisions of Article XI(2) of the convention or (ii) the withholding agent that the reduced rate of withholding shall not apply, or (2) the withholding agent has received the letter of notification prescribed in § 519.7(b). However, see the last subparagraph of paragraph (b) of this section.

(C) Section 519.8 (formerly 26 CFR 7.52, redesignated at 25 F.R. 14021) is amended by revising paragraph (c) thereof. This amended provision reads as follows:

§ 519.8 Release of excess tax withheld at source.

* * * * *

(c) *Dividens paid by related corporation.* In the case of every domestic corporation receiving notification from the Commissioner of Internal Revenue under the provisions of § 519.2(b) that dividends paid or to be paid by it fall within the scope of the provisions of Article XI(2) of the convention, if United States income tax in excess of the applicable rate of 5 percent has been withheld on or after January 1, 1954, from dividends which come within the scope of such provisions, the withholding agent shall, if so authorized in such notification, release and pay over to the corporation from which it was withheld the excess tax withheld with respect to such dividends. This paragraph shall not apply with respect to dividends paid after December 20, 1960.

PAR. 2. The withholding of United States tax at the rate of 5 percent from dividends paid after December 20, 1960, and before December 30, 1960, to a Canadian corporation, which would have been entitled to the benefit of such rate in accordance with paragraph 2 of Article XI of the income tax convention between the United States and Canada of March 4, 1942, as amended, if such paragraph had been in effect during such period, shall be considered to constitute compliance with the provisions of law respecting withholding of tax at source upon such dividends. A Canadian corporation receiving such dividends upon which United States tax at the rate of only 5 percent was withheld shall, however, make a return of income in accordance with paragraph (g) of § 1.6012–2 of the Income Tax Regulations and pay the additional tax due.

[F.R. Doc. 61–2700; Filed, Mar. 27, 1961; 8:53 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

[ 7 CFR Part 913 ]

[Docket No. AO–23–A20]

## MILK IN GREATER KANSAS CITY MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Kansas City, Missouri, on November 15–16, 1960, pursuant to notice thereof issued on November 1, 1960 (25 F.R. 10573).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on February 14, 1961 (26 F.R. 1406; F.R. Doc. 61–1450) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. The pricing of Class II milk;
2. Class butterfat differentials;
3. Shrinkage allowance on bulk tank milk for which a cooperative association is the handler;
4. Allocation of packaged sour cream priced under another order;
5. Classification of dip specialty products;
6. Unfair methods of competition;
7. Miscellaneous administrative and conforming changes;
8. Location adjustments to handlers and producers;
9. Qualifications for obtaining pool plant status; and
10. Accounting for fortified products.

This decision is concerned with all the issues except 8, 9 and 10 which are reserved for future decision.

*Findings and Conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class II price.* Producer cooperative associations proposed to increase the level of the Class II price by 4 cents per hundredweight.

The Class II price presently is the higher of an average of local plant posted paying prices, plus 15 cents per hundredweight, or a butter-powder formula price which includes a "make allowance" of 78 cents. The proposal would have increased the 15-cent addition to 19 cents, and have decreased the 78-cent "make allowance" to 74 cents.

The 15 cents presently added to local plant posted pay prices is to represent the average payment made by manufacturing plants in addition to posted prices for such items as mechanical refrigeration and minimum volume of delivery. The average cost of such cooling and volume payments made by a cooperative association handling substantial volumes of milk for manufacturing is now 19 cents per hundredweight, a figure which now represents the market average for such payments. Experience of this association shows that a "make allowance" of 74 cents is now appropriate under the butter-powder formula alternative. This alternative price has seldom been the effective price.

Handlers who opposed any change in the Class II pricing formula offered no specific evidence with respect to cooling and volume premium costs or manufacturing costs related to the aforementioned factors contained in the Class II pricing formula. The principal contention of the handlers with respect to Class II pricing was that present prices are bringing in more than a sufficient supply of producer milk, and that recent changes in price support levels are increasing the price.

The predominant influence on the level of market supply is the level of Class I price rather than the Class II price. Changes in the general level of manufacturing milk prices that may be brought about by changes in support prices will also affect costs of supplies from alternative sources. The Class II pricing formula is designed to reflect such changes in the prices paid for manufactured dairy products. The increase proposed at this time would reduce the margin between the price paid for milk used in Class II products and the prices received for the manufactured products regardless of the level of prices paid for such products.

The Class II price should be such as to lead to the manufacture of available reserve supplies of Grade A milk but should not be so low that the handling of such milk is generally a profitable operation which encourages handlers to procure supplies of Grade A milk for manufacturing use. The proposed increase in the Class II price relative to prices of manufactured dairy products is necessary to prevent undue encouragement to handlers for acquiring milk primarily for manufacturing.

A substantial proportion of the Class II milk in the Kansas City market is handled, or processed by, the cooperative associations proposing the increase in prices. It is evident that they can realize the price proposed for such milk, other handlers can be expected to experience a similar return. The proposed increase should be adopted. Some slight additional increase may occur from use of the 3.5 percent pay prices of local plants, but this should not be sufficient to require any adjustment.



2. *Class butterfat differentials.* Butterfat differentials used to adjust for butterfat content Class I and Class II milk prices to handlers should be revised. In order that this may be done without change in the cost of Class I milk of the average butterfat content in the market, the basic butterfat test of the order should be changed from 3.8 percent to 3.5 percent and the Class I price differentials should be revised.

At present the Class I butterfat differential is equal to 0.130 times the Chicago 92-score butter price of the preceding month. The Class II butterfat differential is 0.120 times the current month butter price during September through February and 0.115 times such price in other months. It was proposed that the Class I butterfat differential factor be 0.120 and that the Class II factor be 0.115 in all months.

A Class I butterfat differential of 0.120 times the butter price will reduce the value of the butterfat component of Class I milk. At the present butterfat differential the value of butterfat in Class I milk has been overstated and the value of skim milk correspondingly understated. A butterfat differential of 0.120 times the butter price will correspond more closely with those in nearby Federal order markets.

Without corresponding changes in the basic butterfat test and Class I price differentials a reduction in the Class I butterfat differential factor would increase the cost of Class I milk to handlers at the present average test of the market. The Kansas City Class I price is presently announced at a basic test of 3.8 percent. The average butterfat test of Class I milk has averaged 3.596 during the most recent 3-year period. During this period the Chicago butter price has averaged 59.115 cents per pound, so that the proposed decrease of the butterfat differential would have resulted in an increase of 1.2 cents per hundredweight of 3.596 percent Class I milk.

Handler testimony suggested that the basic butterfat test of the order should be changed to 3.5 percent. Use of such a basic test is more general than the 3.8 percent test of the Kansas City order. A change to this basic test would, however, decrease the value of Class I milk at the average test. This is because the present order basic formula price for 3.8 percent milk is determined for most months by direct ratio conversion of a 3.5 percent condensery price. For the past three years use of a 3.8 percent Class I price adjusted to a 3.596 percent test by use of a .130 butterfat differential has resulted in a price 3.7 cents higher than would have resulted from adjusting a 3.5 percent Class I price to this test by use of a .120 butterfat differential. Use of a 3.5 percent basic test will require a compensating increase in the Class I price differential to return to producers the same amount for Class I milk of the average test of the market. Increasing the $1.45 differential effective for eight months to $1.49 and the $1.15 differential effective for four months to $1.18 will accomplish this adjustment.

It is concluded that the Class I butterfat differential factor should be .120, that the basic test should be changed to 3.5 percent and that the Class I price differential should be $1.18 for the months of April through July and $1.49 for all other months.

The seasonal variation in the Class II butterfat differential factor was included in the order when a fixed seasonal change in the Class II price was provided. Since seasonal variations in the Class II price now depend only on seasonal changes in prices to producers of manufacturing milk or in market prices of dairy products, it is appropriate that seasonality of the butterfat differential depend solely on the market price of butter. The 0.115 factor is appropriate for all months of the year.

In conformity with the conclusions relative to the Class I butterfat differential, Class II milk prices and producer prices will be announced at a 3.5 percent basic test.

3. *Shrinkage.* The order presently provides that where farm bulk tank milk is received by a cooperative association acting in the capacity as handler for such milk and is transferred to a pool plant the handler of the pool plant is permitted up to 1½ percent shrinkage allowance and the remaining one-half of one percent is retained by the cooperative association. Provisions should be made in the order to allow the full 2 percent shrinkage to the receiving pool plant handler if the handler elects to purchase such milk from the cooperative association on the basis of farm bulk tank weights determined by farm bulk tank calibrations, and notification of this option is filed with the market administrator. Under this option the cooperative association would have no need for a shrinkage allowance.

4. *Allocation of packaged sour cream.* A regulated handler under the Kansas City order proposed that sour cream manufactured from milk subject to the pricing and pooling provisions of Order No. 3 for the St. Louis, Missouri, marketing area should be allocated directly to Class I at pool plant(s) under the Kansas City order when such cream is received, handled and distributed in the same consumer packages in which it was received. Sour cream is not processed in the Kansas City plant of the proponent handler and his entire supply of sour cream is received from a handler regulated under the St. Louis order.

A similar proposal relating to packaged sour cream priced and pooled under the Chicago Order No. 41 was presented by a handler regulated under such order. This handler has been engaged in the movement of packaged sour cream from the Chicago market to a handler in the Kansas City market on a regular biweekly or weekly basis since April 1958.

Present provisions of the Kansas City order give priority of all Class I utilization to producer milk. Receipts of packaged sour cream priced and pooled under Order No. 3 and Order No. 41 are allocated to Class II to the extent possible under the Kansas City order. While all cream products under the Chicago order are classified as Class II, under the accounting and pricing system of such order this class is the equivalent of the Class I classification and pricing under the accounting system of the Kansas City order. Cream products are classified as Class I under the St. Louis order.

Inasmuch as the Class I price in the Kansas City marketing area will be generally aligned with prices under other Federal orders, there is little chance that handlers in the Chicago and St. Louis markets will achieve a substantial competitive advantage with respect to sales of packaged sour cream in this area over handlers under this order. The seasonal and daily reserves necessary to supply the exact quantities of packaged sour cream received from the St. Louis and Chicago markets are generally carried by the producers respectively identified with such markets. Yet under the current provisions of the Kansas City order any receipts of packaged sour cream from the St. Louis and Chicago markets are first assigned to Class II and an equivalent amount of Kansas City producer milk is assigned to Class I.

Receipts of sour cream priced as Class I under other orders and priced as Class II under Order No. 41 and disposed of in the same consumer or institutional size packages as received should be allocated to the Class I utilization of the receiving handler. Testimony on this issue was primarily related to shipments of packaged sour cream from Chicago and St. Louis markets. There appears, however, to be no reason to confine the provision to shipments from these Federally regulated markets only. If shipments of sour cream in consumer packages are received from other Federal order markets where such products are classified as Class I the same considerations would apply. The proponent handler regulated under the Kansas City order proposed that such allocation be provided only when sour cream is not made during the month at the pool plant of the handler. This proviso should be adopted.

Another handler regulated under the Kansas City order proposed a provision applicable to all packaged Class I products. In the recommended decision it was concluded that only sour cream received in consumer packages from plants regulated under another Federal order should be allocated to Class I at plants regulated under the Kansas City order. Although the preponderance of evidence was directed to the allocation of packaged sour cream the record indicates that packaged yogurt, a Class I product under the Kansas City order, is also moving into the Kansas City market from the same sources as the packaged sour cream product. The same considerations given in these findings for the allocation to Class I of packaged sour cream are also applicable to packaged yogurt. The order should be amended to give prior Class I allocation to both sour cream and yogurt when received in the Kansas City market according to the circumstances indicated in these findings.

Considerations for similar allocation of any packaged Class I product other than sour cream and yogurt should be deferred until such time as the product is actually moving into the Kansas City market. Full opportunity would then be provided for consideration of the matter in light of all the circumstances involved. Except for packaged sour cream and yogurt there were no instances cited of current purchases by Kansas City handlers of other packaged Class I items from other Federal order markets, nor were any specific plans for such purchases mentioned.

5. *Classification of dip specialty products.* Handlers proposed that dip specialty products be classified as Class II. These products manufactured in the Kansas City market consist of various blends of nonfat milk solids, cultured milk and cream, cheese and nondairy food ingredients such as onion, celery, bacon and horse-radish. Under the present order these specialty items are considered as fluid milk products and are classified as Class I. Similar products which have been permitted to be made from ungraded milk in other markets are now being marketed in the Kansas City market.

Existing laws for Missouri do not require the manufacture of such specialty products to be made from Grade A milk. Handlers regulated under the Kansas City order, therefore, because they must pay the Class I price for those items, are at a competitive disadvantage and may lose their market to outside suppliers.

It was proposed that the classification of such specialty items in Class II be limited to those products containing not more than 15 percent butterfat and not less than 3 percent cheese and other nondairy food ingredients. One manufacturer of dip specialty products opposed the percentage limitations contained in the proposal since this handler is presently selling such products in the Kansas City market, that contain over 15 percent butterfat. There is no evidence in the record to support the need for establishing any limit with respect to butterfat content of such specialty products. It is important, however, that fluid milk products to which have been added only small amounts of seasoning are not included under the category subject to classification in Class II. Onion, celery, garlic or such other food items when added in lesser amounts than 3 percent of the finished product are considered to be primarily for purposes of seasoning, and sour cream products to which is added less than 3 percent of cheese and/or other nondairy food ingredients should be classified as Class I. In view of these considerations it is therefore concluded that "dip specialty products" consisting of cultured sour mixtures of cream and milk or skim milk to which cheese or any food substance other than a milk product has been added in an amount equal to 3 percent or more of the finished product should be classified and priced under the Kansas City order as Class II milk.

6. *Unfair methods of competition.* Proponent cooperative associations representing a majority of the producers supplying the Kansas City Grade A market proposed the addition of a new provision in the order to the effect that handlers shall refrain from acts which constitute unfair methods of competition through the transportation of milk for, or the supplying of goods and services to, producers from whom milk is received, which tend to defeat the purpose and intent of the Act. The principal evidence in the record relating to unfair competitive practices in the Kansas City market is that concerning a handler alleged to have subsidized the hauling on one bulk tank route. Proponents contend that hauling subsidies as premiums constitute an unfair basis of payments to producers in that such payments to certain producers should be uniformly paid to all producers supplying any such handler.

Proponents further cited provisions of the Act as justification for order provisions relating to unfair methods of competition, and that a provision identical with that proposed is included in Order No. 3 for the St. Louis marketing area.

The Act authorizes the Secretary to fix minimum prices that handlers must pay to producers. This is accomplished by present order language. A handler may, if he desires, pay more than such minimum price. This he may do in money, free transportation, goods, or services so long as he pays the minimum prices fixed by the order. Regulation of premiums which might be paid above order minimum prices is not a function of Federal milk orders and proponent cooperative associations failed to show in the record how premium payments to some producers in the form of hauling subsidies and services impair the system of minimum pricing.

The provision as proposed is identical to language presently contained in the St. Louis order; no such language is included in any other order established under the Act. This language in the St. Louis order is of a residual nature in that the provision and a related provision were incorporated in the order in 1936 when the St. Louis milk license under the Agricultural Adjustment Act of 1933 was replaced by the milk order. The related provision was deleted from the St. Louis order in 1953 and only that portion of such provisions as is presently proposed by the proponents has carried over to the present. There has been no change in this language since 1936 and no application of this provision since its inclusion in the order. The language of the proposed provision is too vague to provide feasible administration and would add no restraint to unfair competitive practices in the market that is not already incorporated in the order.

7. *Administrative changes.* A number of changes should be made to clarify order language and to increase conformity between various sections of the order.

Definitions of "producer milk" and "other source milk" should be revised to clarify the status of bulk tank milk for which a cooperative association is the handler. In view of the extent to which bulk handling by a cooperative may result in some operators of pool plants receiving their entire supply from another handler, changes have been made in the allocation and inventory accounting provisions to accommodate this situation as it affects shrinkage and inventory reclassifications. Advance payment to cooperatives for such milk, at the same rate as to individual producers should be required for milk delivered during the first 15 days of each month.

Provisions should be made for including in the producer settlement fund potential receipts from the administrator of the Neosho Valley order. Payments collected under that order from Kansas City handlers will then be returnable for distribution to Kansas City producers.

Compensatory payment provisions should be clarified to insure that such payments are not assessed with respect to inventory reclassification of milk priced as Class I under another order, and that the location of the plant from which such milk was received is used in determining the rate of payment.

Language of the supply-demand provision should be made consistent with the amendment already in effect with respect to the months whose receipts and sales determine adjustment.

Producers proposed the inclusion of an "approved milk" definition as a conforming change to their other proposals for change in shrinkage and pool plant qualification provisions of the order. The recommended amendment to the shrinkage provisions does not require this definition and a decision with respect to amendment of the pool plant definition is being deferred to a later date.

In the recommended decision the "approved plant" definition was to have been modified so as to delete the limitation of an approved plant to that portion with health approval. In view of exceptions filed, however, it is decided to defer decision on this issue so that a simultaneous decision may be made with respect to both this issue and the issue concerning amendment of the "pool plant" definition which has also been deferred to a later date.

For simplicity, class prices at basic test should be rounded to the nearest cent rather than one-tenth cent.

No change should be made with respect to interest on over due accounts. This is presently added (one-half percent per month) beginning with the first of the month following the due date. It was proposed that this be the day following the due date. The principal late payments cited were to producers and cooperative associations. The market administrators would not be in position to establish that interest should be added on this basis before payments were made to such persons. For this reason the proposal should be denied.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.



*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforsaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Exceptions were filed to the recommended decision modifying the basic butterfat test from 3.8 to 3.5 percent. The exceptors allege that the hearing notice did not contain a specific proposal with respect to such change. Modification of the basic butterfat test from 3.8 to 3.5 percent was thoroughly explored at the hearing in connection with Proposal No. 7 of the notice which proposed a change in the butterfat differentials used to adjust the Class I and Class II milk prices for butterfat content. Because the Act does not require literal identity between a proposal and the order provision as issued, and for other reasons stated in this decision, the exceptions are overruled.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Greater Kansas City Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Greater Kansas City Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of January 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Greater Kansas City marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., March 22, 1961.

ORVILLE L. FREEMAN,
*Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the Greater Kansas City Marketing Area*

**§ 913.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to Section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketng agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 913.13 and substitute the following:

**§ 913.13 Producer milk.**

"Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers; (b) received by a cooperative association in its capacity as a handler pursuant to § 913.11 (c) or (d); or (c) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 913.7.

**§ 913.14 [Amendment]**

2. Delete § 913.14(a) and substitute therefor the following:

(a) Receipts during the delivery period of fluid milk products except:

(1) Fluid milk products received from other pool plants and cooperative associations acting in the capacity of handler pursuant to § 913.11 (c) and (d), or

(2) Producer milk; and

3. Delete § 913.18 and substitute therefor the following:

**§ 913.18 Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, fortified milk or skim milk, reconstituted milk or skim milk, sweet or sour cream and any mixture of such cream and milk or skim milk (including such mixtures containing less than the required butterfat standard for cream but not including any cultured sour mixtures to which cheese or any food substance other than a milk product has been added in an amount not less than 3 percent by weight of the finished product) and concentrated (frozen or fresh) milk, flavored milk, or flavored milk drinks which are neither sterilized nor in hermetically sealed cans.

**§ 913.41 [Amendment]**

4. Delete § 913.41(b) (6) and substitute therefor the following:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(6) In shrinkage allocated to receipts specified in § 913.42(b)(1) but not to exceed the following:

(i) 2 percent of receipts of skim milk and butterfat in milk received from producers, including that which is received by a cooperative association in its capacity as a handler pursuant to § 913.11 (c) or (d) but not including producer milk diverted in cans to a nonpool plant(s) pursuant to § 913.7; plus

(ii) 1.5 percent of skim milk and butterfat, respectively, received in bulk tank lots from other pool plants; plus

(iii) 1.5 percent of skim milk and butterfat, respectively, received directly from a cooperative association which is a handler pursuant to § 913.11(c) except that if the handler operating the pool plant files with the market administrator notice that the purchase of such milk is on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be 2 percent; less

(iv) 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk tank lots from pool plants to other milk plants; and less

(v) 1.5 percent of skim milk and butterfat, respectively, disposed of to plants by a cooperative association which is the handler pursuant to § 913.11(c) unless the exception provided in (iii) of this § 913.41(b)(6) applies in which case the applicable percentage shall be 2 percent; and

**§ 913.42 [Amendment]**

5. In § 913.42(b)(1) change "§ 913.11 (c)" to read "§ 913.11 (c) and (d)".

**§ 913.46 [Amendment]**

6. Delete § 913.46(a)(3) and substitute therefor the following:

(3) Subtract the pounds of skim milk in other source milk received from a plant(s) fully regulated under another order issued pursuant to the Act, as specified:

(i) If such product was not processed or packaged in the pool plant during the month, subtract from the pounds of skim milk in Class I milk the pounds of skim milk in sour cream or yogurt packaged in consumer or institutional size packages, classified and priced either as Class I milk pursuant to another order issued pursuant to the Act or as Class II milk pursuant to Order No. 41, regulating the handling of milk in the Chicago, Illinois, marketing area (Part 941 of this chapter), and disposed of in the same packages as received;

(ii) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk, other than that subtracted pursuant to (i) of this subparagraph, received from such a plant(s), and classified and priced as Class I milk under such other order(s).

7. In § 913.46(a) redesignate subparagraphs "(5)" and "(6)" as "(6)" and "(5)", respectively.

**§ 913.50 [Amendment]**

8. In § 913.50(a) delete the words "divided by 3.5 and multiplied by 3.8".

9. In §§ 913.50(b)(1); 913.51(b)(1); 913.52; 913.71 (d) and (f); 913.72 (d), (e), (f) and (i); 913.80(b)(2); and 913.82 delete "3.8" wherever it appears and substitute therefor "3.5".

**§ 913.51 [Amendment]**

10. In the language preceding paragraph (a) delete the words "one-tenth of a".

11. In the portion of § 913.51(a) preceding § 913.51(a)(1) delete "$1.15" and "$1.45" and substitute therefor "$1.18" and "$1.49" respectively.

12. Delete § 913.51(a)(1) and substitute therefor the following:

(1) Divide the total receipts of producer milk in the second and third months preceding by the total gross volume of Class I milk at pool plants (excluding interhandler transfers) for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage".

13. In § 913.51(b)(1) delete the phrase "plus 15 cents" and substitute therefor "plus 19 cents".

14. In § 913.51(b)(2)(i) delete "4.60" and substitute therefor "4.24".

15. In § 913.51(b)(2)(iii) delete the phrase "subtract 78 cents" and substitute therefor "subtract 74 cents".

**§ 913.52 [Amendment]**

16. (a) In § 913.52(a) delete "1.3" and substitute therefor "1.2".

(b) Delete § 913.52(b) and substitute therefor the following:

(b) For Class II milk, multiply the butter price specified in § 913.50(b)(1) by 1.15, divide the result by 10, and round to the nearest one-tenth of a cent.

**§ 913.70 [Amendment]**

17. Delete § 913.70 (c) and (d) and substitute therefor the following:

(c) Add an amount computed by multiplying the hundredweight of skim milk and butterfat pursuant to subparagraph (1) or (2) of this paragraph, whichever is less, by a rate equal to the difference between the Class II price for the preceding delivery period and the Class I price for the current delivery period: (1) that remaining in Class II after the computations pursuant to § 913.46(a)(4) and the corresponding step of § 913.46(b) for the preceding delivery period, or (2) that subtracted from Class I milk pursuant to § 913.46 (a)(4) and (b); and

(d) Add an amount computed by multiplying the hundredweight of skim milk and butterfat specified in subparagraphs (1) and (2) of this paragraph by a rate computed at the difference between the Class II price and the Class I price applicable at the location of the nearest nonpool plant(s) from which an equivalent volume of such other source milk was received: *Provided*, That such calculation shall not apply if the total receipts of producer milk at pool plants during the delivery period are not more than 120 percent of the total Class I utilization of such plants for the delivery period.

(1) That subtracted from Class I pursuant to § 913.46 (a)(2) and (b); and

(2) That subtracted from Class I pursuant to § 913.46 (a)(4) and (b), which is in excess of the sum of (i) skim milk and butterfat applied pursuant to paragraph (c) of this section; and (ii) the skim milk and butterfat subtracted from Class II pursuant to § 913.46 (a)(3)(ii), and (b) in the preceding month.

**§ 913.80 [Amendment]**

18. Delete § 913.80(d) and substitute therefor the following:

(d) To a cooperative association with respect to milk for which such association is acting in the capacity of a handler pursuant to § 913.11 (c) and/or (d):

(1) On or before the 20th day of the delivery period an amount equal to the rate specified in paragraph (b) times the volume received during the first 15 days of the delivery period; and

(2) On or before the 14th day after the end of each delivery period an amount equal to not less than the value of such milk as classified pursuant to § 913.44(a) at the applicable respective class price(s) less payment made pursuant to paragraph (d)(1) of this section.

19. Delete § 913.83 and substitute therefor the following:

**§ 913.83 Producer-settlement fund.**

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all funds received pursuant to paragraph (a) and (b) of this section and out of which he shall make all payments required pursuant to paragraph (c) of this section.

(a) Payments made by handlers pursuant to § 913.61 (a)(1) and (b)(1), and §§ 913.84 and 913.86.

(b) Payments received from the administrator of another order issued pursuant to the Act which have been required under such order with respect to milk distributed in the marketing area regulated by such other order from pool plants regulated by this order.

(c) Payments due handlers pursuant to §§ 913.85 and 913.86: *Provided*, That payments due any handler shall be offset by payments due from such handler pursuant to §§ 913.61, 913.84, 913.86, 913.87 and 913.88.

[F.R. Doc. 61-2680; Filed, Mar. 27, 1961; 8:48 a.m.]

## Agricultural Research Service

## [ 9 CFR Part 74 ]

## SCABIES IN SHEEP

### Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 115, 117, 120, 123, 125), it is proposed to amend the regulations in 9 CFR Part 74, as amended, restricting the interstate movement of sheep because of scabies, a contagious, infectious, and communicable



disease, by amending § 74.3(a) of said Part 74 to read as follows:

**§ 74.3 Designation of eradication and quarantine areas.**

(a) Notice is hereby given that sheep in the following States, Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, or parts thereof, are hereby designated as eradication areas:

(1) Arkansas, Nebraska, New York, North Dakota, and Tennessee;

(2) That portion of South Dakota, east of the Missouri River; and

(3) The following Counties in New Mexico: Bernalillo, Chaves, Eddy, and San Miguel.

The proposed amendment would add the States of Arkansas, Nebraska, North Dakota, and Tennessee to the eradication areas since the cooperative sheep scabies eradication program is now being conducted in such States. These States are presently included in the infected areas as sheep scabies is known to exist in such States.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after publication of this Notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of March 1961.

M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 61-2722; Filed, Mar. 27, 1961; 8:55 a.m.]

## Commodity Stabilization Service

## [ 7 CFR Part 728 ]

## WHEAT

### Notice of Formulation of Proposed Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1331-1338, 1340, 1362-1368, 1372-1375, 1376, 1813, 1824, 1836, 1846), to become effective with the 1961 crop of wheat, the Department is preparing to formulate and issue the wheat marketing quota regulations. These proposed regulations contain the same provisions as contained in the regulations approved April 14, 1958, and published in the FEDERAL REGISTER on April 18, 1958 (23 F.R. 2549; §§ 728.850 to 728.895), as amended, except for certain changes which cover (1) deletion of certain provisions with respect to the measurement of farms and definitions of certain terms, since such provisions are now included in Part 718—Determination of Acreage and Performance (24 F.R. 4223), and amendments thereto, and Part 719—Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages (23 F.R. 6731), and amendments thereto; (2) delegation of certain administrative functions to the county office manager that were previously assigned to the county committee; (3) delegation of certain administrative functions to the State administrative officer that were previously assigned to the State committee; (4) assignment of specific functions relating to the handling of marketing quota penalties to the county office manager instead of to the treasurer of the county committee; (5) deletion of certain language with respect to the sale of wheat obtained by redemption of soil bank delivery orders (CCC Form 382 or CCC Form 103); (6) deletion of the provisions requiring the intermediate buyer to return the original and copy of Form MQ-95 to the county office if the wheat has not been sold within 15 days from date of purchase; (7) providing that in order for a producer to receive a penalty refund of three dollars or less he must request it; (8) acceptance of warehouse receipts for deposit in escrow from unlicensed warehouses under certain conditions; (9) language added to clarify that in connection with the release of stored excess wheat by underplanting or underproduction, no acreage will be considered as diverted from the production of wheat under an expired conservation reserve contract or an expired great plains conservation program contract; and (10) miscellaneous changes in language for the purpose of clarification and to obtain uniformity between the wheat marketing quota regulations and marketing quota regulations applicable to other basic commodities.

Prior to the issuance of such wheat marketing quota regulations, consideration will be given to any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, CSS, U.S. Department of Agriculture, Washington 25, D.C. All submissions must be postmarked not later than seven days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued this 22d day of March 1961.

H. D. GODFREY,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 61-2723; Filed, Mar. 27, 1961; 8:55 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 120 ]

## TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Notice of Filing of Petition for Establishment of Tolerances for Residues of 1,2-Dibromo-3-Chloropropane

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed jointly by Shell Chemical Company, Division of Shell Oil Company, 110 West 51st Street, New York 20, New York, and Dow Chemical Company, Midland, Michigan, proposing the establishment of tolerances for residues of inorganic bromides (calculated as Br) from soil treatment with 1,2-dibromo-3-chloropropane as follows:

130 parts per million in or on endive (escarole), field corn fodder, lettuce, popcorn fodder, sweet corn fodder.

100 parts per million in or on bananas.

75 parts per million in or on beans (dry and succulent), carrots, celery, figs, okra, parsnips, peas (dry and succulent), radishes, soybeans (dry and succulent), turnips.

50 parts per million in or on broccoli; brussels sprouts; cabbage; cauliflower; eggplants; melons, including cantaloup, honeydew melons, muskmelons, watermelons; peanuts; peppers; pineapples; pumpkins; tomatoes; winter squash.

25 parts per million in or on blackberries, boysenberries, cottonseed, cucumbers, dewberries, grapes, loganberries, raspberries, summer squash, sweet corn (green ears in husks).

10 parts per million in or on strawberries, walnuts (English).

5 parts per million in or on apricots; citrus, including citrus citron, grapefruit, lemons, oranges, tangerines; field corn kernels; nectarines; peaches; popcorn kernels; sweet corn kernels.

The analytical method proposed in the petition for determining residues of 1,2-dibromo-3-chloropropane is a modification of the method of D. A. Mapes and S. A. Shrader published in the Journal of the Association of Official Agricultural Chemists, Volume 40, page 189 (1957).

Dated: March 16, 1961.

[SEAL] ROBERT S. ROE,
*Director, Bureau of*
*Biological and Physical Sciences.*

[F.R. Doc. 61-2693; Filed, Mar. 27, 1961; 8:52 a.m.]

## [ 21 CFR Part 120 ]

## TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Chemagro Corporation, Post Office Box 4913, Kansas City, Missouri, proposing the establishment of a tolerance of 1.0 part per million for residues of *O,O*-diethyl *O*-3-chloro-4-methyl-2-oxo-2*H*-1-benzopyran-7-yl phosphorothioate in or on meat of cattle, goats, horses, poultry, sheep, and swine.

The analytical method proposed in the petition for determining residues of *O,O*-diethyl *O*-3-chloro-4-methyl-2-oxo-2*H*-1-benzopyram-7-yl phosphorothioate is the method published in Agricultural and

Food Chemistry, Volume 7, pages 256–259 (1959).

Dated: March 20, 1961.

[SEAL] ROBERT S. ROE,
*Director, Bureau of Biological and Physical Sciences.*

[F.R. Doc. 61–2694; Filed, Mar. 27, 1961; 8:52 a.m.]

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[ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Atlas Powder Company, Wilmington 99, Delaware, proposing the amendment of §§ 121.1008 and 121.1009 of the regulations to provide for the safe use of polysorbate 80 and polyoxyethylene (20) sorbitan tristearate as emulsifiers in nonstandardized frozen desserts provided that the total amount of these emulsifiers, alone or in combination, does not exceed 1000 parts per million (0.1 percent) of the finished frozen dessert.

Dated: March 17, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–2695; Filed, Mar. 27, 1961; 8:52 a.m.]

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[ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Kordite Company, Division of National Distillers and Chemical Corporation, Macedon, New York, proposing the issuance of a regulation to provide for the safe use of a heat-sealing coating for polyolefin food packaging. The heat-sealing substance consists of a copolymer of vinyl acetate and crotonic acid, colloidal silica, and Japan wax.

Dated: March 17, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–2696; Filed, Mar. 27, 1961; 8:52 a.m.]

# Notices

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

[Docket No. 919]

### NEW ENGLAND FORWARDING CO., INC., AND SEA-LAND OF PUERTO RICO

### Investigation of Certain Equalization and Tariff Practices; Notice of Order To Dismiss Proceeding

On March 13, 1961, the Federal Maritime Board entered the following Order:

It appearing that there has been filed with the Federal Maritime Board on August 19, 1960 by the New England Forwarding Company, Inc., a new tariff naming local and proportional commodity rates between the ports of Baltimore, Md., New York, N.Y., and Philadelphia, Pa., on the one hand and ports in Puerto Rico on the other hand, and providing pickup and delivery rates in Baltimore, Md., and points in Puerto Rico, designated as follows: Freight Tariff No. 1, F.M.B.-F. No. 1; and

It further appearing that the Federal Maritime Board by Order dated October 21, 1960, instituted a proceeding of inquiry and investigation into and concerning the lawfulness of the above tariff filing and/or practices of New England Forwarding Company, Inc., and/or Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc., to determine whether said tariff filing may be in violation of the Shipping Act, 1916, as amended, and/or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that on December 2, 1960, the United States District Court for the District of Maryland issued a temporary restraining order against New England Forwarding and Sea-Land Services restraining and enjoining them from soliciting, accepting or transporting cargo or otherwise acting under New England Forwarding Company Tariff F.M.B.-F. No. 1, such injunction to remain in effect until the Board enters its order in this proceeding or six months from the date of the court order, whichever first occurs; and

It further appearing that on February 15, 1961, New England Forwarding Company cancelled its Freight Tariff No. 1, F.M.B.-F. No. 1, in its entirety leaving no rates or other provisions in effect;

*Now therefore, it is ordered,* That this proceeding be, and it is hereby dismissed; and

*It is further ordered,* That copies of the order shall be filed with said tariff schedules in the Office of Regulations of the Federal Maritime Board; and

*It is further ordered,* That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this Order be published in the FEDERAL REGISTER.

Dated: March 22, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–2662; Filed, Mar. 27, 1961; 8:45 a.m.]

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[Docket No. 922]

### UNITED STATES ATLANTIC & GULF-PUERTO RICO CONFERENCE

### Proportional Commodity Rates Through Baltimore to Puerto Rico; Notice of Order To Dismiss Proceeding

On March 13, 1961, the Federal Maritime Board entered the following order:

It appearing, that there has been filed with the Federal Maritime Board on November 9, 1960 by the United States Atlantic & Gulf-Puerto Rico Conference, a tariff setting forth new reduced proportional rates on certain designated commodities from U.S. Atlantic ports to ports in the Commonwealth of Puerto Rico designated as follows: United States Atlantic & Gulf-Puerto Rico Proportional Freight Tariff No. 1, F.M.B.-F. No. 16; and

It further appearing that the Federal Maritime Board by Order dated November 14, 1960, suspended the operation of the above designated schedule and deferred the use thereof to and including April 10, 1961, unless otherwise authorized by the Board; and

It further appearing that on February 15, 1961, the United States Atlantic & Gulf-Puerto Rico Conference cancelled its Proportional Freight Tariff No. 1, F.M.B-F. No. 16, in its entirety;

*Now therefore, it is ordered,* That this proceeding be, and it is hereby dismissed; and

*It is further ordered,* That copies of the order shall be filed with said tariff schedules in the Office of Regulations of the Federal Maritime Board; and

*It is further ordered,* That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: March 22, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–2663; Filed, Mar. 27, 1961; 8:45 a.m.]

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[Docket No. 933]

### PUGET SOUND-ALASKA VAN LINES, INC.

### Investigation of Increased Rates on Blasting Caps and Household Goods; Notice of Order To Dismiss Proceeding

On March 10, 1961, the Federal Maritime Board entered the following Order:

It appearing, that there have been filed with the Federal Maritime Board by Puget Sound-Alaska Van Lines, Inc., consecutively numbered revised pages to Freight Tariffs F.M.B.-F. No. 1 and F.M.B.-F. No. 4, setting forth increased rates on certain designated commodities between ports in the States of California and Washington and ports in the State of Alaska designated as follows:

(1) *Tariff No. 1, F.M.B.-F. No. 1.*
2d and 3d Revised Pages No. 13.
1st and 2d Revised Pages No. 15.
1st and 2d Revised Pages No. 38.
(2) *Tariff No. 4, F.M.B.-F. No. 4.*
1st and 2d Revised Pages No. 11.
1st and 2d Revised Pages No. 13.
1st and 2d Revised Pages No. 34.

It further appearing that the Federal Maritime Board by Order dated February 9, 1961, suspended the operation of the above designated schedules and deferred the use thereof to and including June 9, 1961, unless otherwise authorized by the Board; and

It further appearing that the Board having found good cause therefor has on February 23, 1961, granted Puget Sound-Alaska Van Lines, Inc., special permission to cancel such schedules on not less than one day's notice under Special Permission No. 3915;

*Now therefore, it is ordered,* That this proceeding be, and it is hereby dismissed; and

*It is further ordered,* That copies of this order shall be filed with said tariff schedules in the Office of Regulations, Federal Maritime Board; and

*It is further ordered,* That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: March 22, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–2664; Filed, Mar. 27, 1961; 8:45 a.m.]

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### ORANJE LIJN AND FJELL LINE JOINT SERVICE

### Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, U.S.C. 814):

Agreement No. 8067–3, between Oranje Lijn (Maatschappij Zeetransport) N.V. and the carriers comprising the Fjell Line joint service, modifies the approved agreement of the parties, Agreement No. 8067, as amended, covering a pooling and sailing arrangement in the trade between ports of the Great Lakes of the United States and Canada, the St. Lawrence River and Seaway, Newfoundland and the Canadian Maritimes, on the one hand, and ports in the United Kingdom

and in the Bordeaux/Hamburg Range, Scandinavian and Baltic ports and ports in the Mediterranean and adjacent seas, on the other hand. The purpose of the modification is to include a provision that, in case of any trades within the scope of the agreement where the rates, charges and practices are not established by an approved conference or other agreement to which the parties to Agreement No. 8067, as amended, are members or parties, said parties may establish their own rates, etc., which shall be filed with the Board.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 22, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-2665; Filed, Mar. 27, 1961; 8:45 a.m.]

## MONTSHIP LINES, LTD., AND GESTIONI ESERCIZIO NAVI G.E.N.

### Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, U.S.C. 814):

Agreement No. 8575, between Montship Lines Limited and Gestioni Esercizio Navi G.E.N., provides for the establishment and maintenance of a joint cargo service under the trade name "Montship-Capo Great Lakes Service," in the trade between Canadian Atlantic Coast ports and ports of the Great Lakes of the United States and Canada, on the one hand, and ports in the Mediterranean Sea, Iberian Peninsula and North Africa, on the other hand, and in trades between, not including transportation within the purview of the coastwise laws of the United States. Agreement No. 8575, upon approval, will supersede and cancel approved joint service Agreement No. 8361, of the parties covering the trade between ports on the Great Lakes of the United States, on the one hand, and ports in the Mediterranean Sea, Iberian Peninsula and North Africa, on the other hand.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 22, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-2666; Filed, Mar. 27, 1961; 8:46 a.m.]

## A. H. BULL STEAMSHIP CO. ET AL.

### Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8587, between A. H. Bull Steamship Co. and United States Lines Company, covers a through billing arrangement in the trade from the United Kingdom of Great Britain, Northern Ireland, the Irish Free State, and the Vigo/Hamburg Range of Continental Europe to Puerto Rico, with transshipment at New York, Baltimore or Philadelphia. Agreement No. 8587, upon approval, will supersede and cancel approved Agreement No. 8509, between Bull Insular Line, Inc. and United States Lines Company in the same trade.

Agreement No. 8509, between A. H. Bull Steamship Co. and "Mexican Line" Transportation Maritima Mexicana S.A., covers a through billing arrangement in the trade from Mexico to Puerto Rico, with transshipment at New York, Baltimore or Philadelphia. Agreement No. 8588, upon approval, will supersede and cancel approved Agreement No. 8547, between Bull Insular Line, Inc. and "Mexican Line" in the same trade.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 22, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61-2667; Filed, Mar. 27, 1961; 8:46 a.m.]

# DEPARTMENT OF THE INTERIOR

## Office of the Secretary

[Order No. 2851]

## DIRECTOR, BUREAU OF LAND MANAGEMENT

### Delegation of Authority to Negotiate Contracts for Professional Photogrammetric Engineering Services

MARCH 15, 1961.

SECTION 1. *Delegation.* The Director, Bureau of Land Management, is authorized, subject to the provisions of section 2 of this order, to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (24 F.R. 1921) to negotiate, without advertising, under section 302(c)(4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252 et seq.), contracts for professional architect-engineering services for photogrammetric engineering projects during the remainder of fiscal year 1961 and the first half of fiscal year 1962 in connection with the State Selection survey program in Alaska.

SEC. 2. *Exercise of authority.* The authority delegated by section 1 of this order shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures and controls prescribed by the General Services Administration and the Department of the Interior. The authority delegated by this order does not include authority to make advance payments under section 305 of the act.

SEC. 3. *Redelegation.* The Director, Bureau of Land Management may, in writing, redelegate or authorize redelegation of the authority granted in section 1 of this order to a subordinate official or employee. The redelegation of this authority shall be published in the FEDERAL REGISTER.

STEWART L. UDALL,
*Secretary of the Interior.*

[F.R. Doc. 61-2676; Filed, Mar. 27, 1961; 8:48 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 61-KC-15]

## CONSTRUCTION OF TV ANTENNA TOWER

### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

Carroll Area Television, Inc., proposes to erect a broadcast antenna structure near Carroll, Iowa, at latitude 42°02'54" north, longitude 94°51'28" west. The overall height of the structure would be 1630 feet above mean sea level (350 feet above ground level).

No substantial aeronautical objections were received as a result of the circularization. The aeronautical study by the Agency disclosed that the proposed structure would penetrate the outer conical surface of the "Joint Industry/Government Tall Structures Committee Final Report" criteria as applied to the Carroll Municipal Airport, Carroll, Iowa, by 38 feet. This factor is not in itself disqualifying but indicates a requirement for an aeronautical study. In this instance, the study revealed that there would be no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this proposed structure at the location and mean sea level elevations specified herein would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, providing that the structure will be obstruction marked and lighted in accordance with applicable rules and standards.

Issued in Washington, D.C., on March 21, 1961.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2669; Filed, Mar. 27, 1961; 8:46 a.m.]



# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13989, 13990; FCC 61M-480]

## BAR NONE, INC., AND INDEPENDENT BROADCASTING CORP.

### Order Scheduling Hearing

In re applications of Bar None, Inc., Dishman, Washington, Docket No. 13989, File No. BP-12909; Independent Broadcasting Corporation, Spokane, Washington, Docket No. 13990, File No. BP-13243; for construction permits.

*It is ordered,* This 21st day of March 1961, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 15, 1961, in Washington, D.C.

Released: March 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2703; Filed, Mar. 27, 1961; 8:53 a.m.]

[Docket Nos. 13848, 13849; FCC 61M-477]

## MARTIN THEATRES OF GEORGIA, INC. (WTVM) AND COLUMBUS BROADCASTING CO., INC. (WRBL-TV)

### Order Continuing Hearing

In re applications of Martin Theatres of Georgia, Inc. (WTVM), Columbus, Georgia, Docket No. 13848, File No. BMPCT-5490; Columbus Broadcasting Company, Inc. (WRBL-TV), Columbus, Georgia, Docket No. 13849, File No. BMPCT-5491; for modification of construction permits.

The Hearing Examiner having under consideration a joint petition filed March 17, 1961, by the above applicants requesting that the hearing in the above-entitled proceeding now scheduled to begin on March 22, 1961, be continued to April 19, 1961; and

It appearing that the reason for the requested continuance is to give the Federal Aviation Agency time within which to complete action on a modified proposal of the applicants which has been referred to the Federal Aviation Agency for approval; and

It further appearing that all counsel have agreed to the immediate favorable consideration of the joint petition for continuance and good cause for granting the petition having been shown;

*It is ordered,* This the 21st day of March 1961, that the petition for continuance is granted and the hearing now scheduled to begin on March 22, 1961, is continued to April 19, 1961.

Released: March 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2704; Filed, Mar. 27, 1961; 8:53 a.m.]

[Docket Nos. 13991, 13992; FCC 61M-481]

## BEN S. McGLASHAN (KGFJ) AND SUN STATE BROADCASTING SYSTEM, INC.

### Order Scheduling Hearing

In re applications of Ben S. McGlashan (KGFJ), Los Angeles, California, Docket No. 13991, File No. BP-13123; Sun State Broadcasting System, Inc., San Fernando, California, Docket No. 13992, File No. BP-14056; for construction permits.

*It is ordered,* This 21st day of March 1961, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 10, 1961, in Washington, D.C.

Released: March 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2705; Filed, Mar. 27, 1961; 8:54 a.m.]

[Docket Nos. 13998, 13999; FCC 61M-484]

## LORENZO W. MILAM AND EASTSIDE BROADCASTING CO.

### Order Scheduling Hearing

In re applications of Lorenzo W. Milam, Seattle, Washington, Docket No. 13998, File No. BPH-3004; L. N. Ostrander and G. A. Wilson, d/b as Eastside Broadcasting Company, Seattle, Washington, Docket No. 13999, File No. BPH-3263; for construction permits.

*It is ordered,* This 21st day of March 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 8, 1961, in Washington, D.C.

Released: March 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2706; Filed, Mar. 27, 1961; 8:54 a.m.]

[Docket Nos. 13958, 13959; FCC 61M-490]

## ROBERT F. NEATHERY AND RADIO COMPANY OF TEXAS COUNTY

### Order Following Prehearing Conference

In re applications of Robert F. Neathery, Houston, Missouri, Docket No. 13958, File No. BP-12913; W. R. McKnight, Nolan Hutcheson, Raymond E. Duff, S. E. Ferguson, Maurice W. Covert, Wm. H. Duff, A. W. Roffe, Chester S. Sieloff, d/b as Radio Company of Texas County, Houston, Missouri, Docket No. 13959, File No. BP-14108; for construction permits.

A prehearing conference in the above-entitled proceeding having been held on March 21, 1961, and it appearing that certain agreements were reached therein which should be formalized and published in an Order;

*Accordingly, it is ordered,* This 22d day of March 1961, as follows:

(1) The direct cases of the applicants shall be presented in written, sworn exhibits.

(2) Copies of the proposed exhibits of the applicants shall be exchanged, and also supplied to Bureau counsel and the Hearing Examiner, by April 25, 1961.[1]

(3) Notification as to those witnesses for the applicants whose attendance at the hearing for cross-examination is required by parties requesting same, shall be given to the counsel concerned by May 8, 1961.

(4) The hearing heretofore scheduled to commence on April 17, 1961, is postponed to May 15, 1961, at 10:00 a.m., and will be held in the offices of the Commission at Washington, D.C.

Released: March 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2707; Filed, Mar. 27, 1961; 8:54 a.m.]

[Docket Nos. 13985, 13986; FCC 61M-486]

## E. G. ROBINSON, JR.

### Order Scheduling Hearing

In re applications of E. G. Robinson, Jr., tr/as Palmetto Broadcasting Com-

[1] It was indicated at the prehearing conference that respondent Springfield Broadcasting Co., licensee of Station KGBX, will not participate in the hearing. Therefore, the Examiner ruled that the other parties herein would not be required to serve the party respondent with copies of the proposed exhibits or pleadings filed herein.

pany (WDKD), Kingstree, South Carolina, Docket No. 13985, File No. BR–2320; Docket No. 13986, File No. BL–7852; for renewal of license and for license to cover CP.

*It is ordered,* This 21st day of March 1961, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to be held in Kingstree, South Carolina, commencing May 9, 1961.

Released: March 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2709; Filed, Mar. 27, 1961; 8:54 a.m.]

[Docket Nos. 13987, 13988; FCC 61M–479]

## OLEAN BROADCASTING CORP. AND WIRY, INC.

### Order Scheduling Hearing

In re applications of Olean Broadcasting Corporation, Plattsburg, New York, Docket No. 13987, File No. BP–13091; WIRY, Inc., Lake Placid, New York, Docket No. 13988, File No. BP–13345; for construction permits.

*It is ordered,* This 21st day of March 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 1, 1961, in Washington, D.C.

Released: March 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2708; Filed, Mar. 27, 1961; 8:54 a.m.]

[Docket No. 14001; FCC 61M–485]

## MARIANO RICHEY

### Order Scheduling Hearing

In the matter of Mariano Richey, Baltimore, Maryland, Docket No. 14001; order to show cause why there should not be revoked the license for Radio Station 4W1408 in the Citizens Radio Service.

*It is ordered,* This 21st day of March 1961, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 8, 1961, in Washington, D.C.

Released: March 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2710; Filed, Mar. 27, 1961; 8:54 a.m.]

[Docket Nos. 13916, 13917; FCC 61M–488]

## MARSHALL ROSENE AND COURT HOUSE BROADCASTING CO. (WCHI)

### Order Continuing Hearing

In re applications of Marshall Rosene, Celina, Ohio, Docket No. 13916, File No. BP–13305; The Court House Broadcasting Co. (WCHI), Chillicothe, Ohio, Docket No. 13917, File No. BP–14047, for construction permits.

*It is ordered,* This 21st day of March 1961, on the Examiner's own motion, that the hearing in the above-entitled proceeding now scheduled for March 28, 1961, is continued to a date to be determined at a pre-hearing conference to be held at 10:00 a.m., on March 28, 1961.

Released: March 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2711; Filed, Mar. 27, 1961; 8:54 a.m.]

[Docket No. 13982; FCC 61M–492]

## SEVEN HILLS BROADCASTING CORP. (WOIO)

### Order Scheduling Prehearing Conference

In re application of Seven Hills Broadcasting Corporation (WOIO), Cincinnati, Ohio, Docket No. 13982, File No. BPH–3015; for construction permit.

*It is ordered,* This 22d day of March 1961, on the Hearing Examiner's own motion that, pursuant to 47 CFR 1.111, the parties or their counsel in the above-entitled proceeding are directed to appear for a prehearing conference at the offices of the Commission, Washington, D.C., at 9:00 a.m., on April 10, 1961.

Released: March 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2712; Filed, Mar. 27, 1961; 8:54 a.m.]

[Docket No. 13993; FCC 61M–482]

## GEORGE SHANE

### Order Scheduling Hearing

In re application of George Shane, Victorville, California, Docket No. 13993, File No. BP–13276; for construction permit.

*It is ordered,* This 21st day of March 1961, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 15, 1961, in Washington, D.C.

Released: March 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2713; Filed, Mar. 27, 1961; 8:54 a.m.]

[Docket No. 13984; FCC 61M–478]

## ROGER S. UNDERHILL

### Order Scheduling Hearing

In the matter of revocation of license of Roger S. Underhill for Standard Broadcast Station WIOS, Tawas City-East Tawas, Michigan, Docket No. 13984.

*It is ordered,* This 21st day of March 1961, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 22, 1961, in Washington, D.C.

Released: March 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2714; Filed, Mar. 27, 1961; 8:54 a.m.]

[Docket Nos. 13994–13997; FCC 61M–483]

## WAGNER BROADCASTING CO. ET AL.

### Order Scheduling Hearing

In re applications of John Andrew Wagner, John Russell Wagner, Carrie Helen Wagner, d/b as Wagner Broadcasting Company, Woodland, California, Docket No. 13994, File No. BP–8555; Elbert H. Dean and Richard E. Newman, Clovis, California, Docket No. 13995, File No. BP–12728; Reid W. Dennis tr/as Dennis Broadcasting, Reno, Nevada, Docket No. 13996, File No. BP–13548; Charles W. Jobbins, Grass Valley, California, Docket No. 13997, File No. BP–13964; for construction permits.

*It is ordered,* This 21st day of March 1961, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 31, 1961, in Washington, D.C.

Released: March 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2705; Filed, Mar. 27, 1961; 8:54 a.m.]



[Docket No. 13972; FCC 61M–491]

## WIRELINE RADIO, INC.

### Order Scheduling Prehearing Conference

In re application of Wireline Radio, Inc., Lewisburg, Pennsylvania, Docket No. 13972, File No. BR–3511; for renewal of license of Station WITT, Lewisburg, Pennsylvania.

*It is ordered,* This 22d day of March 1961, on the Hearing Examiner's own motion that, pursuant to 47 CFR 1.111, the parties or their counsel in the above-entitled proceeding are directed to appear for a prehearing conference at the offices of the Commission, Washington, D.C., at 9:30 a.m., on April 4, 1961.

Released: March 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2716; Filed, Mar. 27, 1961; 8:54 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1219]

## EQUITY ANNUITY LIFE INSURANCE CO.

### Notice of Application to Permit Loans and Advances to Certain Persons

MARCH 21, 1961.

In the matter of Equity Annuity Life Insurance Company (Washington, D.C.), File No. 812–1219.

Notice is hereby given that Equity Annuity Life Insurance Company ("Ealic"), an open-end investment company registered under the Investment Company Act of 1940 ("Act") has filed, pursuant to section 6(c) of the Act, an application requesting an exemption from section 17(a)(3) of the Act to permit it to make loans to general agents on the terms and conditions hereinafter described.

Ealic proposes to make loans to its general agents to permit them to annualize first year sales commissions to their special agents, and to allow draws to their special agents. It is also proposed to make loans to general agents to assist them in expanding their business. The application states that all general agents will be treated on a uniform basis in connection with such loans and advances. No draws or advances will be permitted to part time special agents and no loans will be made to any officer or director.

According to the application, the general agent appoints special agents and enters into a contract with them whereby he agrees to pay them a certain portion of the commission he receives from Ealic. Although the special agents contracts are made with the general agent and not with Ealic, the latter reserves the right to disapprove a contract made with a special agent. All Ealic general agency contracts provide for a first year commission of 35 percent to the general agent on periodic payment deferred variable annuity contracts of which the special agent receives 25 percent and the remaining 10 percent is retained by the general agent. The special agent and the general agent each receive 3 percent of the gross payments for the next succeeding nine years. In a monthly payment contract with annual payments totaling $1,000 the special agent would be entitled to receive the first year commission of $250 over the year. The general agent may arrange to advance the special agent the bulk of his annual commission as soon as the policy is sold. This procedure is known as annualization of commissions. It is proposed that Ealic make loans to its general agents to permit them to annualize up to 75 percent of their special agents' first year's commissions.

It is also proposed that Ealic make loans to general agents to finance drawing accounts of their special agents. In order to continue with the draw system, a special agent is required to produce a stipulated amount of new premiums per month. This production of new business is known as validation. The specific amount of validation required to continue a draw by the special agent is a matter to be determined between the general agent and the special agent. However, under the proposed arrangement with Ealic the general agent would be required to validate 33⅓ percent of the amount of the total draws of his special agents in new purchase payment business in any given month. New premium business subject to annualization will not be counted in reckoning the validation of the general agent. As a further limitation it is proposed that the indebtedness of any special agent to the general agent shall not exceed $10,000. No special agent will be eligible to receive both a draw and the annualization of commissions.

Loans to general agents not related to productivity may also be made but are limited to a maximum of $5,000 per general agent. The general agent and his special agents are only authorized to collect the first premium on any policy, all subsequent payments are made directly to the home office and no further authority with respect to the contracts is vested in the general agent. The contract between Ealic and the general agent provides that Ealic may deduct any indebtedness of the general agent from any commission due to him. Ealic has the contractural right to have a demand promissory note from the general agent at any time for the full amount of the indebtedness plus interest.

Under the Life Insurance Act of the District of Columbia, Ealic is required at all times to maintain paid-up surplus equal to 50 percent of the par value of its common stock, and loans and advances can be made only from "free surplus" in excess of the required surplus. Ealic states that it will not make any loan to any general agent if, as a result of the making of the proposed loan, the balance of loans outstanding at that time would exceed 50 percent of free surplus; such computation of free surplus being made for this purpose without deduction from surplus of loans outstanding. As of December 31, 1960, Ealic's free surplus was approximately $83,400.

The Commission's Opinion and Order of February 25, 1960 (Investment Company Act Release No. 2975), exempted Ealic from certain requirements of the Act but denied Ealic's request relating to loans and advances without prejudice to renewal on amended terms and conditions appropriate for the protection of Ealic's security holders. In the foregoing opinion, the Commission found that since loans and advances would be made only out of free surplus, the interests of the variable annuity contract holders may be considered to be reasonably protected; the Commission pointed out, however, that since loans and advances have the immediate effect of diminishing the capital stock equity, the interests of Ealic's stockholders would not be adequately protected without appropriate conditions with respect to transactions with underwriters and affiliated persons.

Ealic points out that since the Commission's order of February 25, 1960, the Life Insurance Act of the District of Columbia was amended to provide for the establishing of separate accounts in connection with the issuance of variable annuity contracts. Among other things, the new law provides that "the assets of any such separate account shall not be chargeable with liabilities arising out of any other business the company may conduct." Ealic states that the new law reinforces the Commission's previous conclusion that variable annuity contract owners will not be adversely affected by the making of loans and advances as requested herein.

Section 17(a)(3) of the Act prohibits an affiliated person or principal underwriter of a registered investment company, or an affiliated person of such person from borrowing money or other property from such company. The general agents through whom variable annuity contracts are distributed fall within the definition of a principal underwriter, as that term is defined in section 2(a)(28) of the Act.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 4, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by the statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At

any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–2677; Filed, Mar. 27, 1961; 8:48 a.m.]

# NATIONAL LABOR RELATIONS BOARD

## DESCRIPTION OF ORGANIZATION [1]

### Public Information Places; Miscellaneous Amendments

Pursuant to the provisions of section 3(a) (1) of the Administrative Procedure Act, 5 U.S.C. 1001, the National Labor Relations Board hereby separately states and concurrently publishes in the Notices section of the FEDERAL REGISTER the following amendments to its description of organization in the field in respect to the places at which the public may secure information or make submittals or requests.

The Board has established a Regional Office at Albuquerque, New Mexico, designated as the Twenty-eighth Regional Office, effective March 29, 1961. The Albuquerque region will have jurisdiction over cases in the States of Arizona and New Mexico, and El Paso, Culberson and Hudspeth counties in the State of Texas.

The State of Arizona is removed from the jurisdiction of the Twenty-first Region, Los Angeles, California.

The following counties in the State of Texas remain under the jurisdiction of the Sixteenth Region, Fort Worth, Texas: Andrews, Borden, Brewster, Crane, Dawson, Ector, Gaines, Jeff Davis, Loving, Lynn, Martin, Midland, Pecos, Presidio, Reeves, Terrell, Terry, Upton, Ward, Winkler, and Yoakum.

The Board's Twenty-seventh Regional Office at Denver, Colorado, has been expanded to include the State of Utah, formerly under the jurisdiction of the Twentieth Region, San Francisco, California, effective March 29, 1961.

The addresses of the Regional and Subregional offices appearing at 25 F.R. 2559 are amended by adding thereto the following words "Twenty-eighth Region—Albuquerque, New Mexico, 1015 Tijeras Avenue," and by removing therefrom the following words "Thirty-third Subregion—El Paso, Texas, 405 E. Franklin Street."

[1] This amends Description of Organization which appeared at 13 F.R. 3090, with amendments appearing at 13 F.R. 6266, 15 F.R. 973, 16 F.R. 1969, 19 F.R. 1259, 21 F.R. 9914, 22 F.R. 6881, 7216, 24 F.R. 7560, 25 F.R. 2559, 25 F.R. 3534 and 25 F.R. 10520.

(Sec. 6, 49 Stat. 452, as amended; 29 U.S.C. 156)

Dated: Washington, D.C., March 23, 1961.

By direction of the Board.

[SEAL] OGDEN W. FIELDS, *Executive Secretary.*

[F.R. Doc. 61–2701; Filed, Mar. 27, 1961; 8:53 a.m.]

# THE RENEGOTIATION BOARD

## STATEMENT OF ORGANIZATION

### Miscellaneous Amendments

The Statement of Organization published in the issue of September 28, 1956 (F.R. Doc. 56–7859; 21 F.R. 7467), as amended in the issue of July 23, 1957 (F.R. Doc. 57–6008; 22 F.R. 5848), is hereby further amended as follows:

1. Section 3 is amended by deleting the last sentence of paragraph (a) and inserting in lieu therof the following: "The principal office of the Board is located at 1910 K Street NW., Washington, D.C."

2. Section 4 is amended by adding at the end of paragraph (b) the following new sentence: "By amendment approved September 6, 1958, the National Aeronautics and Space Administration was added as a Department under the act."

Dated: March 23, 1961.

THOMAS COGGES HALL, *Chairman.*

[F.R. Doc. 61–2702; Filed, Mar. 27, 1961; 8:53 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 23, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36982: *Class rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 27), for itself and interested carriers. Rates on various commodities moving on less-than-truckload class rates loaded in trailers and transported over water, joint motor-water, water-motor, and motor-water-motor routes of applicant motor carriers and Sea-Land Service, Inc., between specified points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, including ports served by Sea-Land Service, Inc., on the one hand, and specified points in Florida, including ports served by Sea-Land Service, Inc., on the other.

Grounds for relief: Rail competition.

FSA No. 36983: *Synthetic plastics—Orange, Tex., to Port Newark, N.J.* Filed by Sea-Land Service, Inc. (No. 28), for itself and interested carriers. Rates on synthetic plastics, minimum 70,000 pounds, from Orange, Tex., to Port Newark, N.J.

Grounds for relief: Equalization with rate of Seatrain Lines.

Tariff: 10th Revised Page 179–F to Sea-Land Service, Inc., tariff I.C.C. 281.

FSA No. 36984: *Fresh meats to trunk-line and New England territories.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2455), for interested rail carriers. Rates on fresh meats and packing house products, as described in the application, in carloads, from specified points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, to specified points in trunk-line territory east of trunk-line arbitrary territory east of Pittsburgh, Pa., and New England territory.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 160 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C–17.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–2698; Filed, Mar. 27, 1961; 8:53 a.m.]

[Notice 471]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 23, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63946. By order of March 20, 1961, the Transfer Board approved the transfer to C & R Trucking Co., a corporation, Tulsa, Okla., of Certificate in No. MC 52694, issued October 8, 1957, to Oilfield Trucking, Inc., Winfield, Okla., authorizing the transportation of: Machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Oklahoma, Kansas, and Texas. Rufus H. Lawson, P.O. Box 7342, Oklahoma City, Okla., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–2699; Filed, Mar. 27, 1961; 8:53 a.m.]



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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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VOLUME 26 NUMBER 59

Washington, Wednesday, March 29, 1961

THE UNIVERSITY OF MICHIGAN
APR 3 1961
MAIN READING ROOM

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*Up-to-date revision*

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**Order from: Superintendent of Documents, Government Printing Office, Washington 25, D.C.**



FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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# Rules and Regulations

## Title 7—AGRICULTURE

**Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture**

[Milk Order 94]

## PART 994—MILK IN COLORADO SPRINGS-PUEBLO MARKETING AREA

### Order Amending Order

**§ 994.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Colorado Springs-Pueblo marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as herby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued February 21, 1961, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued March 14, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (section 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Colorado Springs-Pueblo marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

**§ 994.7 [Amendment]**

1. In § 994.7(a)(2) after the phrase "from dairy farmers" insert the phrase ", from a cooperative association pursuant to § 994.9(d)".

2. Amend § 994.9 to read as follows:

**§ 994.9 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person who operates a nonpool plant from which fluid milk products are disposed of on routes in the marketing area;

(c) A cooperative association with respect to the milk of its member producers which is diverted from a pool plant to a nonpool plant for the account of such cooperative association; or

(d) A cooperative association with respect to milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for such milk.

3. Amend § 994.12 to read as follows:

**§ 994.12 Producer milk.**

"Producer milk" means all skim milk and butterfat in milk produced by a producer and:

(a) With respect to the operator of a pool plant:

(1) Received directly from such producers at such pool plant; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions provided in § 994.10.

(b) With respect to receipts of a cooperative association at a plant other than one it operates:

(1) For which the cooperative association is the handler pursuant to § 994.9(c), subject to the limitations and conditions provided in § 994.10; and

(2) For which the cooperative association is the handler pursuant to § 994.9(d).

**§ 994.13 [Amendment]**

4. Amend § 994.13(a) to read as follows:

(a) Receipts during the month of fluid milk products except (1) receipts from other pool plants; (2) producer milk; or (3) receipts from a cooperative association pursuant to § 994.9(d).

**§ 994.41 [Amendment]**

5. Amend § 994.41(b)(5) to read as follows:

(5) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 994.12(a)(1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 994.9(d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from pool plants of other handlers; less

(iv) 1.5 percent of disposition in bulk tank lots from pool plants to other milk plants; and plus

(v) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 994.9(d), unless the exceptions provided in (ii) of this § 994.41(b)(5) applies.

**§ 994.44 [Amendment]**

6. Add a new paragraph (f) to § 994.44 to read as follows:

(f) Skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler for such milk pursuant to § 994.9(d) shall be classified pro rata to the respective amounts thereof remaining in each class for such month at the pool plant(s) of the receiving handler after the computation pursuant to § 994.46(a)(6) and the corresponding step of (b).

**§ 994.46 [Amendment]**

7. In § 994.46 renumber paragraph "(a)(7)" as "(a)(8)" and add a new paragraph (a)(7) to read as follows:

(a)(7) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk to be classified pursuant to § 994.44(f).

**§ 994.51 [Amendment]**

8. In § 994.51(b) change the period at the end of the paragraph to a colon and add the following proviso:

*Provided*, That from the effective date of this amendment through September 1961 the price for Class II milk used to produce hard cheese and butter shall be 10 cents per hundredweight less than the Class II price.

9. In § 994.70(b) change the phrase "pursuant to § 994.46(a)(7)" to "pursuant to § 994.46(a)(8)".

**§ 994.80 [Amendment]**

10. In § 994.80 add a new paragraph (e) to read as follows:

(e) Each handler who receives milk for which a cooperative association is the handler pursuant to § 994.9(d) shall, on or before the 2d day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received during the first 15 days of the month at not less than the Class II price for the preceding month; and

(2) In final settlement, the value of such milk as classified pursuant to § 994.44(f) at the applicable class prices, less payment made pursuant to subparagraph (1) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., March 23, 1961, to be effective on and after the 1st day of April 1961.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 61–2743; Filed, Mar. 28, 1961; 8:47 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

### PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

#### Area Regulated in Florida

Pursuant to the provisions of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123, 125), subdivision (iv) of subparagraph (5), paragraph (a), § 72.5a, Part 72, Title 9, Code of Federal Regulations, is hereby amended to read as set forth below:

**§ 72.5a Area regulated in Florida.**

(a) The following described areas in the State of Florida are regulated:

* * * * * * *

(5) *Palm Beach County.* * * *

(iv) *Infested area in Northern Palm Beach County.* The area bounded by a line beginning at a point where the Atlantic Ocean coastline intersects a street named Palza Circle; thence, northwest .2 mile to the intersection of Plaza Circle and Blue Heron Boulevard; thence, west 5.1 miles on Blue Heron Boulevard, continuing as Blue Heron Boulevard Extension (County Road) to a point where it intersects the Seaboard Airline Railroad Right of Way; thence, northwesterly along the Seaboard Airline Railroad to the Palm Beach-Martin County line; thence, in an easterly direction along said County line to the Atlantic Ocean; thence, southward along the coastline to the point of beginning.

(Secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended, secs. 1, 2, 32 Stat. 791, as as amended, 792, as amended, secs. 4–7, 23 Stat. 32, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123, 125)

*Effective date.* The foregoing amendment shall become effective upon issuance.

The amendment excludes from the regulated areas a certain area in Palm Beach County in Florida heretofore regulated because of splenetic (tick) fever. Hereafter, the restrictions pertaining to the interstate movement of livestock and pine straw and other litter from quarantined areas contained in 9 CFR, Part 71 and Part 72, will not apply to such area. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Part 71 and Part 72, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of March 1961.

M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 61–2744; Filed, Mar. 28, 1961; 8:47 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–NY–59]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

#### Modification of Federal Airway; Change of Effective Date

On June 25, 1960, there was published in the FEDERAL REGISTER (25 F.R. 5874) an amendment to § 600.6140 of the regulations of the Administrator. This amendment, to be effective January 12, 1961, modified VOR Federal airway No. 140 between Baltimore, Md., and Coyle, N.J., concurrently with the commissioning of a VOR near Millville, N.J.

Subsequent to the publication of the above amendment, a modification of amendments was published on November 30, 1960 (25 F.R. 12234), changing the effective date of Airspace Docket No. 59–NY–59 to April 6, 1961, due to a postponement of the commissioning date of the Millville VOR.

The commisioning date of the Millville VOR has again been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendment until June 1, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with Section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 59–NY–59 is hereby modified as follows: "effective 0001 e.s.t. April 6, 1961." is deleted and "effective 0001 e.s.t. June 1, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)



Issued in Washington, D.C., on March 23, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–2731; Filed, Mar. 28, 1961; 8:46 a.m.]

[Airspace Docket No. 61–KC–8]

### PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

#### Revocation of Segment of Coded Jet Route

The purpose of this amendment to § 602.584 of the regulations of the Administrator is to revoke that segment of VOR/VORTAC jet route No. 84 from Northbrook, Ill., to the United States-Canadian Border near Windsor, Ont., Canada.

VOR/VORTAC jet route No. 84 is presently designated in part via the Northbrook VORTAC; Pullman, Mich., VORTAC; INT of the Pullman VORTAC 091° True and the Windsor VOR 278° True radials; thence via the Windsor VOR 278° True radial to the United States-Canadian Border.

Since this route is adequately served by segments of jet routes J–16–V and J–70–V, action is taken herein to revoke that segment of J–84–V from Northbrook to the United States-Canadian Border.

Since the change effected by this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 602.584 (25 F.R. 862) is amended to read:

**§ 602.584 VOR/VORTAC jet route No. 84 (Oakland, Calif., to Northbrook, Ill.).**

From the Oakland, Calif., VORTAC via the Sacramento, Calif., VORTAC; Reno, Nev., VOR; INT of the Reno VOR 060° True and the Elko, Nev., VORTAC 255° True radials; Elko VORTAC; Bonneville, Utah, VOR; Salt Lake City, Utah, VOR; Rock Springs, Wyo., VORTAC; Scottsbluff, Nebr., VORTAC; Wolbach, Nebr., VOR; Des Moines, Iowa, VORTAC; INT of the Des Moines VORTAC 067° True and the Northbrook, Ill., VORTAC 276° True radials; to the Northbrook VORTAC.

This amendment shall become effective 0001 e.s.t., May 4, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61–2730; Filed, Mar. 28, 1961; 8:45 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55347]

### PART 3—DOCUMENTATION OF VESSELS

#### Rebuilt Vessels and Reports of Such Rebuilding

In order to provide a procedure for establishing that coastwise privileges have not been lost by a vessel of more than 500 gross tons which has been rebuilt under circumstances which would result in such loss under the provisions of the Act of July 5, 1960 (Public Law 86–583; 74 Stat. 321; T.D. 55189), but for the saving provisions of section 4 of that Act, § 3.28(d) of the Customs Regulations is amended by the addition of a new sentence at the end thereof so that the paragraph as amended will read as follows:

(d) No vessel of more than 500 gross tons which has been rebuilt and has thereby lost its coastwise privileges (see § 3.2(f)) shall be documented for nor permitted to engage in the coastwise trade. When it is claimed that any such rebuilt vessel has not lost its coastwise privileges by virtue of the provisions of section 4 of the Act of July 5, 1960 (sec. 4, 74 Stat. 321), the owner in support of such claim shall submit to the collector of customs concerned with the other papers required by paragraph (b) of this section a certified copy of the contract for rebuilding, showing the date of execution, and a certificate of the builder showing the date the work of rebuilding commenced and the date upon which such work was completed.

(R.S. 4155, as amended, 4179, 37 Stat. 189, R.S. 4319, as amended, sec. 27, 41 Stat. 999, as amended, secs. 2, 3, 70 Stat. 544, secs. 2, 3, 4, 74 Stat. 321; 46 U.S.C. 25, 50, 63, 259, 883, 883a, 883b)

[SEAL] LAWTON M. KING,
*Acting Commissioner of Customs.*

Approved: March 22, 1961.

A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61–2752; Filed, Mar. 28, 1961; 8:48 a.m.]

[T.D. 55345]

### PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

#### Special Invoice Requirements

Under the authority of section 484(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1484(a)), § 8.15 of the Customs Regulations requires that special customs invoices be produced in connection with the entry of certain merchandise and provides for exceptions to that requirement. To restate this paragraph more concisely, and to make clear that the exception from the requirement for a special customs invoice for goods conditionally free of duty and subject to a rate of duty based in any manner on their value is dependent upon the production of all free entry documents and the evidence required to establish entitlement to free entry either at the time of entry or within 6 months from the date of entry, § 8.15(a) is amended to read as follows:

**§ 8.15 Special customs invoices required; exceptions.**

(a) Pursuant to the provisions of section 484(b), Tariff Act of 1930, as amended, 18a special customs invoice is hereby required to be produced in connection with each entry of imported merchandise (see § 8.9), if such merchandise is not provided for in paragraph (c) or (d) of this section and is:

(1) Imported in pursuance of a purchase or agreement to purchase and has an aggregate purchase price, including all expenses incident to placing the goods in condition, packed ready for shipment to the United States, over $500, as determined by the collector, or imported otherwise than in pursuance of a purchase or agreement to purchase and has an aggregate value over $500, as determined in accordance with § 14.3;

(2) Subject to a rate of duty in any manner dependent upon value or conditionally free of duty and subject to a rate of duty dependent upon value; or

(3) Subject by reason of a national emergency to an import permit requirement of which the Bureau has issued a notice.

However, except for merchandise described in subparagraph (3) of this paragraph, no special customs invoice shall be required for such merchandise which is conditionally free of duty, if all free entry documents and evidence required to establish the exemption from duty are produced at the time of entry. And, if such documents and evidence are produced within 6 months after entry, the bond obligation to produce a special customs invoice shall be canceled without the collection of liquidated damages.

(Sec. 484, 623, 46 Stat. 722, as amended, 759, as amended; 19 U.S.C. 1484, 1623)

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: March 22, 1961.

A. GILMORE FLUES,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61–2751; Filed, Mar. 28, 1961; 8:48 a.m.]

# Title 25—INDIANS

## Chapter I—Bureau of Indian Affairs, Department of the Interior

### SUBCHAPER U—ELECTRIC POWER SYSTEM

### PART 232—FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

#### Delinquent Bills

There was published in the FEDERAL REGISTER on December 30, 1960 (25 F.R. 13981), a notice of intention to amend § 232.21 of 25 CFR to provide for a more realistic reconnection charge in those cases where the Project has discontinued

electrical service until the consumer has paid all bills due.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective on the 30th day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
*Secretary of the Interior.*

MARCH 23, 1961.

Section 232.21 is amended to read as follows:

**§ 232.21 Delinquent bills.**

If payment of a bill is not made on or before the fifteenth day of the month following the date of its issue, the project engineer shall discontinue service and shall not restore the same until the consumer has paid all bills then due as well as a $5.00 reconnection charge, and satisfied any deposit requirement which may exist under § 232.5. The discontinuance of service shall not relieve the consumer of liability for minimum monthly payments guaranteed by him under his contract.

[F.R. Doc. 61-2736; Filed, Mar. 28, 1961; 8:47 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter V—Department of the Army

### SUBCHAPTER B—CLAIMS AND ACCOUNTS

### PART 536—CLAIMS AGAINST THE UNITED STATES

### Burial Expenses

1. In § 536.50, revise paragraphs (b) (1) (iii) and (iv), (c) (1) (ii), and revise the introductory portion of paragraph (d), as follows:

**§ 536.50 Eligible deceased and authorized benefits.**

* * * * *

(b) *Civilian Army employees.* The following civilian employees of the Army paid from appropriated funds:

(1) * * *

(iii) An outer case for shipment, if required, (including when necessary the sealing of such shipping case) when employee dies while traveling on official business in the continental United States. If remains are transported entirely by hearse no allowance will be made for an outside shipping case.

(iv) Transportation of remains to decedent's home or official station or such place as The Quartermaster General may deem appropriate provided such transportation does not exceed cost of transportation to home or official station, whichever is greater.

* * * * *

(c) *Dependents.* (1) * * *

(ii) Transportation of remains to decedent's home or such place as the Quartermaster General may deem appropriate.

* * * * *

(d) *United States citizens who die outside the United States.* Citizens of the United States in the categories listed below, who die outside the United States, may be furnished on a reimbursable basis, preparation of remains, casket, outer case, and Government transportation to a port of entry in the United States; however, Government air transportation is not authorized when commercial transportation is available, readily obtainable, or satisfactorily capable of meeting requirements.

2. Revise § 536.52(a) (4) (iii), as follows:

**§ 536.52 Arrangements for disposition of remains.**

(a) *The Army arranges for mortuary services.* * * *

(4) * * *

(iii) *Consignee.* If the superintendent of a national cemetary is the consignee, the shipping installation or port of entry will coordinate the shipment with the superintendent so that the scheduled arrival date is acceptable to the superintendent.

3. In § 536.53, revise paragraphs (h) (2) (i) (*b*) and (*c*) and (ii), and (k) (2) (i) (*a*) and (*b*) and (ii), as follows:

**§ 536.53 Scope of mortuary benefits.**

* * * * *

(h) *Transportation.* * * *

(2) * * *

(i) *At Government expense.* The following listed deceased personnel may be shipped at Government expense to the destinations indicated:

* * * * *

(*b*) Civilian employees described in § 536.50(b) to the decedents' home or official station or such place as The Quartermaster General may deem appropriate, provided cost of transportation does not exceed cost of transportation to the home or official station, whichever is greater. When an employee in a category specified in § 536.50(b) dies while temporarily absent from temporary duty station, transportation of remains to the authorized destination will not exceed the amount which would have been allowable had death occurred at the point from which decedent departed on such temporary absence.

(*c*) Dependents described in § 536.50 (c) (1) to the decedents' home or such place as The Quartermaster General may deem appropriate.

* * * * *

(ii) *On a reimbursable basis.* United States citizens listed in § 536.50(d) who die overseas may be provided Government transportation on a reimbursable basis to a port of entry in the United States; however, Government air transportation is not authorized when commercial transportation is available, readily obtainable, or satisfactorily capable of meeting requirements.

* * * * *

(k) *Interment.* * * *

(2) * * *

(i) *National or post cemetery interment.* * * *

(*a*) When remains are shipped from, or delivered by, the preparing funeral home, Armed Force mortuary or port of entry contract funeral director direct to the superintendent of a national cemetery or the commanding officer of a post, cemetery, a maximum allowance of $75.

(*b*) When remains are shipped from, or delivered by, the preparing funeral home, Armed Force mortuary, or port of entry contract funeral director to a receiving funeral home, designated by the next of kin and subsequently interred in a national or post cemetery, a maximum allowance of $125. (For interments made prior to July 1, 1959 maximum allowance is $75.)

(ii) *Private cemetery interment.* When interment is made in a private cemetery all expenses of interment are a responsibility of the next of kin. However, a maximum allowance of $200 is authorized for services and items incurred by the next of kin incident to interment of the remains. (For interments made prior to July 1, 1959 maximum allowance is $125.)

4. Revise § 536.54(b) (2) (ii), as follows:

**§ 536.54 Cremation and urns.**

* * * * *

(b) *Arrangements for cremation.* * * *

(2) *By Army authorities.* * * *

(ii) Normal procedures for preservation and disposition of remains will be followed when remains are to be viewed prior to cremation. However, when remains are not to be viewed prior to cremation, the contracting officer may negotiate with the funeral director for the use of a reusable transfer case, or may procure an inexpensive container to transport the remains to a local crematory. If permitted by health laws, the container may be returned to the funeral director, or it may be cremated with the remains.

5. In § 536.55, revise paragraph (a) (1) (ii) and (iii) and add paragraph (b) (4), as follows:

**§ 536.55 Transportation of remains.**

(a) *Eligible deceased who are authorized transportation—(1) At Government expense.* * * *

(ii) Civilian employees cited in §536.50(b) to the decedent's home or official station or such place as The Quartermaster General may deem appropriate provided such transportation does not exceed cost of transportation to home or official station, whichever is greater.

(iii) Dependents of members and certain civilian employees of the Army cited in § 536.50(c) (1) to the decedent's home or such other place determined by The Quartermaster General to be the appropriate place of interment.

* * * * *

(2) *On reimbursable basis.* Government transportation is authorized on a reimbursable basis to a port of entry in the United States for certain United States citizens and their dependents cited in § 536.50(d); however, Government Air transportation is not authorized when commercial transportation is available, readily obtainable, or satisfactorily capable of meeting requirements.

(b) *When transportation costs are not authorized.* * * *

(4) Expenses for transportation of United States citizens and their dependents cited in § 536.50(d) from a United States port of entry to final destination will not be paid by the Army nor will such transportation be furnished on a reimbursable basis.

6. Revise § 536.56(b) (1) (i) and (ii), as follows:

**§ 536.56 Interment allowances and related services.**

* * * * *

(b) *Maximum interment allowances.* (1) * * *

(i) When interment is made in a private or civilian cemetery, the maximum allowance is $200. (For interments made prior to July 1, 1959, maximum allowance is $125.)

(ii) When interment is in a national or post cemetery, maximum allowances authorized are indicated below:

(*a*) When remains are shipped from, or delivered by, the preparing funeral home, Armed Force mortuary or port of entry contract funeral director direct to the superintendent of a national cemetery or the commanding officer of a post cemetery, the maximum allowance is $75.

(*b*) When remains are shipped from, or delivered by, the preparing funeral home, Armed Force mortuary or port of entry contract funeral director to a receiving funeral home designated by the next of kin and subsequently interred in a national or post cemetery, the maximum allowance is $125. (For interments made prior to July 1, 1959 maximum allowance is $75.)

7. In § 536.57, revise paragraph (e) (3) as follows:

**§ 536.57 Government headstones and markers.**

* * * * *

(e) *Application for headstone or marker.* * * *

(3) *Memorial headstone or marker.* The next of kin may obtain, without cost, a memorial headstone or marker for eligibles cited in paragraph (c) (2) of this section, upon application on DA Form 1815 to The Quartermaster General, ATTN: Memorial Division, Washington 25, D.C.

[Cl, AR 638-40, Feb. 27, 1961] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

R. V. LEE,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 61-2726; Filed, Mar. 28, 1961; 8:45 a.m.]



### SUBCHAPTER D—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

### PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

### Administration

In § 552.18, revise paragraphs (e), (g), and (o) (3), to read as follows:

**§ 552.18 Administration.**

* * * * *

(e) *Motor vehicle and traffic regulations.* The installation commander will publish regulations governing the operation of motor vehicles on the installation. The regulations will embody the essential applicable principles contained in the Uniform Vehicle Code published by the National Committee on Uniform Traffic Laws and Ordinances. Motor vehicles privately owned and operated on a military installation by personnel quartered or employed on or making regular visits to the installation will be registered with the provost marshal or other staff section designated by the installation commander. Public liability insurance coverage will be one of the prerequisites for registration. Installation motor vehicle registration records will make no reference to the amount of public liability insurance coverage carried by an individual.

* * * * *

(g) *Official personnel register.* DA Form 647 (Official Personnel Register) will be used in registering military personnel upon arrival at or departure from Army installations. Registration of visits of less than 12 hours will be at the discretion of the installation commander except when such visits are at a place where United States troops are on duty in connection with a civil disorder. Also, at the discretion of the installation commander, the register may be used for registering the arrival and departure of civilian personnel who visit the installation for temporary duty.

* * * * *

(o) *Employment of civilian mess personnel.* * * *

(3) The use of civilians as mess attendants (KP's) in enlisted messes (field and garrison), or in officer's field ration messes in the continental United States is authorized under the following conditions:

(i) For direct hire (Government employees):

(*a*) In class I installations and activities approval of the commander of the major command must be obtained.

(*b*) In class II installations and activities approval of the head of the appropriate Headquarters Department of the Army agency must be obtained.

(*c*) Civilians will be paid from appropriated funds only.

(*d*) Sufficient appropriated funds for this purpose must be available within the annual funding program of the installation commander or the approving authority concerned.

(*e*) Employees hired for this purpose will be within the civilian ceilings of the commander concerned.

(ii) Civilian mess attendant services may be provided on a contractual basis under the following criteria:

(*a*) Where it is established that positive military manpower savings will result and where the displacement of civilian (direct hire) employees is not involved.

(*b*) Continued unit field proficiency will not be adversely affected.

(*c*) Sufficient funds for this purpose must be available to the installation commander and within the current annual funding program.

(*d*) Contracts entered into for this purpose will require the contractors to furnish adequate supervision over the civilian mess attendants. The supervisors thus provided will be the medium for any necessary instructions or directions from military personnel responsible for mess operations.

(iii) Civilian mess attendants are to be used only as kitchen police, dining room orderlies, or dishwashers. At no time are they to be used as cooks (MOS 941), bakers (MOS 943), or meat cutters (MOS 942).

(iv) The above conditions are not applicable to the employment of civilian food handler personnel at hospital messes operated pursuant to pertinent directives of The Surgeon General.

[C3, AR 210-10, Jan. 18, 1961] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

R. V. LEE,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 61-2727; Filed, Mar. 28, 1961; 8:45 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

### PART 203—BRIDGE REGULATIONS

### Dead River, Fla., and Indian River, Fla.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.434 governing the operation of the Seaboard Air Line Railway Company bridge across Dead River at Tavares, Florida, is hereby revised to read as follows, effective on publication in the FEDERAL REGISTER since the bridge has been operated under these regulations for several years:

**§ 203.434 Dead River, Fla.; bridge of Seaboard Air Line Railway Company near Tavares.**

(a) The owner of or agency controlling the bridge will not be required to open the drawspan between 10:00 p.m. and 6:00 a.m. the following day.

(b) The owner of or agency controlling the bridge shall place signs of such size and description as may be designated by the District Engineer, U.S. Army Engineer District, Jacksonville, Florida, at each side of the bridge indicating the nature of the regulations.

[Regs., Mar. 13, 1961, 285/91 (Dead River, Fla.)—ENGCW–O] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.436 governing the operation of certain bridges across Indian River, Florida, is hereby amended changing the title and paragraph (a) to include the State Road Department of Florida bridge at Titusville, Florida, effective 30 days after publication in the FEDERAL REGISTER, as follows:

**§ 203.436 Indian River, Fla.; State Road Department of Florida bridges at Titusville, Cocoa, Eau Gallie and Melbourne.**

(a) Except as provided in paragraphs (b) and (c) of this section, the owner of or agency controlling the bridges at Titusville, Cocoa, Eau Gallie and Melbourne shall not be required to open the drawspans between 6:45 a.m. and 7:45 a.m. and between 4:15 p.m. and 5:45 p.m., Monday through Friday of each week.

[Regs., Mar. 10, 1961, 285/91 (Indian River, Fla.)—ENGCW–O] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 61–2728; Filed, Mar. 28, 1961; 8:45 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 13904 (RM–205); FCC 61–390]

## PART 3—RADIO BROADCAST SERVICES

### Table of Assignments; Television Broadcast Stations, Newark and Lancaster, Ohio

1. The Commission has before it for consideration the notice of proposed rule making (FCC 60–1551) issued December 27, 1960 in response to the petition for rule making filed by the Newark Public Schools, Newark, Ohio, to amend the Television Table of Assignments in the following respects:

| City | Channels Present | Channels Proposed |
|---|---|---|
| Lancaster, Ohio | 28— | 68— |
| Newark, Ohio | 60— | *28—, 60— |

2. The instant proposal stems from the desire of the Newark Public Schools to institute a locally owned educational television station for Newark. The Joint Council on Educational Television filed supporting comments herein and state that considerable interest for a local Newark station has been expressed. In addition to a local educational station, Newark Public Schools has plans to apply for a UHF translator for the area so that the programs of WOSU–TV, Channel 34, Ohio State University, may be brought to Licking County.

3. Petitioner is aware that it could apply for Channel 60 and operate it on a noncommercial basis, but states that when it is authorized to commence broadcasting it wishes a channel that will provide maximum coverage. It believes that this may more easily be achieved on a low UHF channel.

4. No comments other than those of the Joint Council were received by the Commission. In view of the fact that there are no construction permits outstanding or applications on file for the stations affected and that the public interest would be served by the establishment of an educational television station for the Newark area, the Commission agrees that the proposed changes in the Television Table of Assignments should be made.

5. Authority for the adoption of the amendment herein is contained in sections 1, 4 (i) and (j), 301, 303 and 308(b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

6. In view of the foregoing: *It is ordered*, That effective May 1, 1961, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, to read as follows:

| City | Channel No. |
|---|---|
| Lancaster, Ohio | 68— |
| Newark, Ohio | *28—, 60— |

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U.S.C. 301, 303)

Adopted: March 22, 1961.

Released: March 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2764; Filed, Mar. 28, 1961; 8:50 a.m.]

[FCC 61–389]

## PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

### Special Requirements for Pre-existing VHF Repeaters; Extension of Time for Filing Applications

At a session of the Commission at its offices in Washington, D.C., on the 22d day of March 1961;

The Commission has under consideration the provisions of § 4.790(d) of its rules, under which operators of VHF television repeater stations constructed on or before July 7, 1960, and temporarily authorized by the Commission to continue operation, must file an application on or before April 1, 1961, on FCC Form 346, for authority to replace or modify said VHF television repeater stations so as to conform to all the requirements set out in §§ 4.701 through 4.784 of Subpart G of Part 4 of the Commission's rules;

It appearing that the Commission deems it desirable to extend the time for an additional period of sixty days within which such applications may be filed; and

It further appearing that the amendment herein ordered is procedural in nature and effects a relaxation of the Commission's rules and, therefore, that compliance with the requirements of section 4 of the Administrative Procedure Act is not required; and

It further appearing that authority for the amendment adopted herein is contained in sections 303 (f) and (r) and 4(i) of the Communications Act of 1934, as amended;

*It is ordered*, That, effective March 27, 1961, § 4.790(d) of our rules is amended to read as follows:

**§ 4.790 Special requirements for pre-existing VHF repeaters.**

* * * * * *

(d) An applicant for a temporary authorization under this section shall certify in his application that on or before June 1, 1961, he will file an application on FCC Form 346 for authority to replace or modify the facility for which temporary authorization is sought, so as to conform to all the requirements set out in §§ 4.701 through 4.784 with respect to television broadcast translators.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: March 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2762; Filed, Mar. 28, 1961; 8:50 a.m.]

[Docket No. 13851; FCC 61–396]

## PART 10—PUBLIC SAFETY RADIO SERVICES

### Frequency Coordination Requirements for Applicants Seeking Intersystem Frequencies in Fire Radio Service

1. On November 14, 1960, the Commission released a notice of proposed rule making (FCC 60–1355) in the above-entitled matter requesting comments from interested parties as to whether the coordination requirements for the intersystem frequencies 45.88 Mc and 154.280 Mc should be relaxed. Said notice was duly published in the FEDERAL REGISTER (25 F.R. 10948, November 17, 1960) and the time for filing such comments has elapsed.

2. All of the comments received in the proceeding were in favor of adoption of the proposed amendment. In essence, the proposal would permit Fire Radio Service applicants for either of these intersystem frequencies to satisfy the required frequency coordination by compliance with the provisions of § 10.8 (c) of the Commission's rules. With regard to the frequency 154.280 Mc which is located in a block of frequencies now available to the Fire Radio Service, the notice of proposed rule making pointed out that an appropriate letter from the Fire Frequency Advisory Committee would be sufficient. Therefore, the uniformity of favorable comments received from users in the Fire Radio Service would seem to indicate that the Commission's proposal as to this frequency should be adopted.

3. The notice of proposed rule making specifically called attention to the fact that the frequency 45.88 Mc is located between frequencies available to the Police Radio Service and that as a result a letter from the Fire Frequency Advisory Committee alone is not sufficient. In addition, applicants for this frequency would also have to comply with that part of § 10.8(c) which requires notification to licensees operating on these adjacent police frequencies. The Associated Police Communications Officers, Inc. filed a comment supporting the Commission's proposal stating that "it would appear logical to place the responsibility for this coordination in the hands of the groups already established within the Police Radio Service and Fire Radio Service who are responsible for this function". Therefore, since there is every indication that these two services will coordinate and cooperate in the assignment of the affected frequencies, the Commission is of the opinion that the proposed amendment should also be adopted as to the frequency 45.88 Mc.

4. In view of the foregoing: *It is ordered*, Under the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that Part 10 of the Commission's rules is amended, effective May 8, 1961, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: March 22, 1961.

Released: March 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

Part 10 of the Commission's rules is amended as follows:

In § 10.305, the table in paragraph (f) is amended to change the entries for the frequencies 45.88 and 154.280 Mc to read as follows:

**§ 10.305 Frequencies available to the Fire Radio Service.**

* * * * * *

(f) * * *

| Frequency or band | Class of station(s) | Limitations* |
|---|---|---|
| * * | * * | * |
| 45.88 | Base and mobile | 13 |
| * * | * * | * |
| 154.28 | Base and mobile | 8, 13 |

[F.R. Doc. 61–2763; Filed, Mar. 28, 1961; 8:50 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 1018 ]

[Docket No. AO 286–A4]

### MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

### Notice of Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Southeastern Florida marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Fort Lauderdale, Florida on March 9, 1961, pursuant to notice thereof which was issued February 28, 1961 (26 F.R. 1920).

The material issue on the record of the hearing relates to the computation of uniform base and excess prices.

*Findings and conclusions.* The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The basis of pricing excess milk under the order should be revised. Excess milk should be assigned to the lowest available utilization of producer milk, in series beginning with Class IV. The price for such excess milk should be computed by multiplying the volume of excess milk thus assigned to each class by the applicable class prices and dividing the aggregate value by the volume of excess milk. The price for base milk should be determined by deducting the aggregate value of excess milk from the total value of the pool and dividing by the volume of base milk. Such price, however, should not be permitted to exceed the Class I price and any value in excess of the Class I price should be added to the aggregate value of excess milk in the computation of the excess price.

Since March 1958, when the base plan first became operative under the order, the price for excess milk has reflected the lowest available utilization value of an equivalent amount of producer milk. In most months this has approximated the Class II price. Until December 1, 1960, the order provided for the classification of milk in only two classes. An order amendment, effective December 1, established a four-class classification scheme. Because no substantive change was made in the language of the provision prescribing the computation of the base and excess price, the excess price with the order amendment became the Class II price. The Secretary pointed out in his decision that the effect of continuing the pricing of excess milk at the Class II price would tend to reduce the effectiveness of the base plan. However, the record of the hearing did not provide a basis for changing the excess price.

Producer proponents proposed that the excess price be the Class IV price except in situations where an adjustment of the resulting base price would be necessary to preclude such price from exceeding the Class I price. They pointed out that under the existing order provisions which price excess milk at the Class II price, the base price has been unduly depressed because of the volume of producer milk utilized and priced in Class III and Class IV. The base price has also been depressed since July 1960, by the action of the supply-demand adjuster on the Class I price. Consequently, proponents contend, the existing relationship between the base price and the excess price is neither deterring production which is already substantially in excess of market needs nor is it encouraging the desired seasonality of production.

The Class I price is established at that level which is deemed necessary to bring forth an adequate but not excessive supply of milk for the fluid market. Because the seasonality of production normally is greater than the seasonality of sales, there is a greater volume of milk in excess of fluid needs during certain months than in other months. The only purpose of the base plan is to encourage a more even production of milk throughout the year. Its purpose is not to deter production.

The basic problem to be met is the devising of a reasonable procedure for the equitable distribution of returns among producers compatible with the purpose of the base plan. This can best be accomplished by providing that excess milk shall be assigned in series first to the available utilization in Class IV, then to Class III, and finally to Class II and possibly to Class I. Excess milk is seasonal surplus and is hence over and above the normal or long range utilization. Such seasonal surplus will thus be that which is in the lowest priced classes. By assigning excess milk to the lowest available utilization first a price will be returned on excess milk which is actually commensurate with its utilization value. In each of the months since November 1960 the volume of excess milk has exceeded the volume of producer milk allocated to both Class III and Class IV. Also during the period since the base plan first became effective (March 1958) and prior to the December 1, amendment, the volume of excess milk exceeded the volume of producer milk in Class II. Hence, it is apparent that the assignment of excess milk in series to the lowest available class utilization and the computation of the excess price on the basis of the proportionate assignment to each class will reflect more equitable returns to producers for such milk than the use of the Class IV price which producers proposed.

As previously indicated, the Class I price is established at that level which is necessary to bring forth the needed market supply. It would be inappropriate, therefore, to permit the base price to exceed the Class I price. On the other hand, for obvious reasons the excess price should not be permitted to exceed the base price. The amendatory language hereinafter provided implements these conclusions and prescribes the procedure for distributing monies should either of these situations occur.

It is concluded that the above outlined procedure for pricing base and excess milk will better implement the intent of the base rating plan than the pricing presently provided. At the same time each producer will have assurance that his returns will reflect the actual use value of his milk. Had the proposed amendment been effective during the months of December 1960 and January and February 1961 the price for excess milk would have been lowered $1.17, $0.87 and $0.42 cents, respectively.

*Rulings on proposed findings and conclusions.* No briefs or proposed findings and conclusions were filed by interested parties.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order.* The following order amending the order regulating the handling of milk in the Southeastern Florida marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Delete § 1018.72 and substitute therefor the following:

**§ 1018.72 Computation of uniform base and excess prices.**

For each month, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk, each of 4.0 percent butterfat content, at the market as follows:

(a) *Excess milk price.* (1) Assign the total hundredweight of excess milk for all handlers whose receipts are included in the computation pursuant to § 1018.71 to producer milk in each class, in series beginning with Class IV milk;

(2) Multiply the pounds of excess milk assigned to each class pursuant to subparagraph (1) of this paragraph by the applicable class price and add the resulting totals;

(3) Add the amount of any adjustment applicable pursuant to the proviso of paragraph (b) (2) of this section; and

(4) Divide the resulting total by the hundredweight of excess milk. The result rounded to the nearest full cent shall be the uniform price for excess milk.

(b) *Base milk price.* (1) From the aggregate value determined pursuant to § 1018.71 deduct the amount determined pursuant to paragraph (a) (2) of this section;

(2) Divide the resulting amount by the total hundredweight of base milk for all handlers whose receipts are included in the computation pursuant to § 1018.71: *Provided*, That if the resulting price is greater than the Class I price, the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to paragraph (a) of this section, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base and excess milk on the basis of the respective volumes of base and excess milk used in the computation of the base and excess prices; and

(3) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to subparagraph (2) of this paragraph. The result shall be the uniform price for base milk.

Issued at Washington, D.C., March 24, 1961.

ROY W. LENNARTSON,
*Deputy Administrator.*

[F.R. Doc. 61–2766; Filed, Mar. 28, 1961; 8:50 a.m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

[ 46 CFR Ch. II ]

[Docket No. 934]

### PREDATED BILLS OF LADING

### Notice of Proposed Rule Making

Notice is hereby given pursuant to sections 17 and 22, Shipping Act, 1916, as amended (46 U.S.C. 816 and 821), and 204, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), and in accordance with the requirements of section 4, Administrative Procedure Act (5 U.S.C. 1003), of proposed rule making regarding the practice by common carriers by water, as defined in section 1, Shipping Act, 1916, as amended (46 U.S.C. 801), of issuing and dating bills of lading prior to the time of receipt of the goods covered thereby by the shipper.

Such practice appears to be unjust, unreasonable, and in violation of section 17, Shipping Act, 1916, as amended, because the misrepresentation of fact contained in the predated bills of lading creates a material risk that may cause persons to extend credit or otherwise rely upon to their detriment.

The proposed rule shall read as follows: "The issuance of an 'on board' bill of lading by a common carrier by water as defined in section 1, Shipping Act, 1916, as amended (46 U.S.C. 801), before the cargo described therein is actually placed on board the vessel, constitutes an unjust and unreasonable practice related to or connected with the receiving of property in violation of section 17, Shipping Act, 1916, as amended (46 U.S.C. 816)."

Interested persons may participate in this proposed rule making by submitting written views, data, and/or arguments, in triplicate, to the Secretary, Federal Maritime Board, within thirty (30) days after the publication hereof in the FEDERAL REGISTER. All relevant matter and communications received within the specified time will be considered by the Board before final action on the proposed rule is taken.

Dated: March 23, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–2753; Filed, Mar. 28, 1961; 8:49 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 19 ]

### SWISS CHEESE, EMMENTALER CHEESE

### Standard of Identity

Notice is given that petitions have been filed by Ohio Swiss Cheese Association, Inc., Sugarcreek, Ohio; Federated Ohio Swiss Cheese Producers, Wilmot, Ohio; and Wisconsin Swiss and Limburger Cheese Producers Assoication, Monroe, Wisconsin, proposing the amendment of the standard of identity for swiss cheese to provide for the optional use of artificial color, so that the color of the product may be maintained uniformly, without seasonal variation. Such amendment would be effected by inserting in § 19.540(b), immediately after the first sentence, a new sentence reading as follows: "Authorized artificial coloring may be added."

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: March 23, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–2835; Filed, Mar. 28, 1961; 11:55 a.m.]

## ATOMIC ENERGY COMMISSION

[ 10 CFR Part 140 ]

### FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

### Notice of Proposed Rule Making

Section 170 of the Atomic Energy Act of 1954, as amended, requires that each license issued by the Commission for a production or utilization facility shall

have as a condition thereof a requirement that the licensee maintain financial protection of such type and in such amounts as the Commission shall require to cover public liability claims arising out of a nuclear incident. With respect to licenses for source, special nuclear, and byproduct materials, however, the Act gives the Commission discretionary authority to require financial protection.

The Act also requires that, with respect to licenses for which financial protection is required, the Commission indemnify the licensee and other persons indemnified from public liability arising from nuclear incidents, which is in excess of the required level of financial protection. The Act provides that the aggregate indemnity with respect to each nuclear incident shall not exceed $500,000,000.

Pursuant to the provisions of the Act, the Commission has established in Part 140 of its regulations ("Financial Protection Requirements and Indemnity Agreements") amounts of financial protection required of nuclear reactor licensees.

The Commission has for some time been studying the question whether it should exercise its authority to require proof of financial protection of and to indemnify licensees, such as reactor fuel processors and fabricators who possess and use substantial quantities of unirradiated enriched uranium. In the course of this study, the Commission entered into a contract with the Convair Division of General Dynamics Corporation for the preparation of a report on the possible consequences of nuclear accidents in licensed plants which process unirradiated enriched uranium (NYO 2980, AEC Research and Development Report, "Safety Analysis of Enriched Uranium Processing," March 13, 1960, a copy of which is available for examination in the Commission's Public Document Room).

In addition to the Convair report, the Commission has examined applications on file for special nuclear materials licenses; studied data submitted by approximately sixteen special nuclear material licensees pursuant to Commission request, as to the nature and consequences of the maximum nuclear accident which they believe credible for their own particular operations; and solicited the views of representatives of approximately seventeen special nuclear material licensees and representatives of the two nuclear energy insurance pools (Nuclear Energy Liability Insurance Association and Mutual Atomic Energy Liability Underwriters) at an industry advisory conference held November 10, 1960.

On January 11, 1961, the Commission received a report on this subject prepared by a representative of the Atomic Industrial Forum and representatives of a number of members of the Atomic Industrial Forum. Essentially, this report recommends that the Commission extend the financial protection and indemnity requirements of section 170 of the Act to licensed fuel element fabricators and processors; and that $10,000,000 be specified as the amount of financial protection to be furnished by such licensees. The report proposes that the suggested level of financial protection become effective three years from the date the Commission decides to extend Price-Anderson indemnification to special nuclear material licensees; in the interim present licensees would maintain amounts of insurance carried as of December 31, 1960, and new licensees would be subject to the $10 million financial protection requirement.

The Commission has received letters dated February 10, 1961, from Nuclear Energy Liability Insurance Association and Mutual Atomic Energy Liability Underwriters commenting upon the report received from the Atomic Industrial Forum group. The letter from MAELU states, among other things, that:

> For the reasons above stated, we submit it is not in the public interest for the Commission to bring within Price-Anderson indemnification every licensee who is processing enriched uranium or fabricating fuel. We do recognize that in an occasional case a licensee under section 53, 63 or 81 may be engaged in operations the nature of which makes indemnification advisable.
>
> If, in its discretion, the Commission decides it is in the public interest to give indemnification to some or all fuel fabricators, we agree with the Forum recommendation that the Commission should establish simple criteria for determining the level of financial protection to be maintained by fuel fabricators. We express no opinion on whether the amount of financial protection should be the same in every case. In any event, it should not be less, in any case, than the amount of insurance a prudent man would carry if government indemnity were not available.

Essentially similar views are expressed in the NELIA letter.

As an aid in completing its study, the Commission has concluded that it would be desirable to obtain public comments from the atomic energy industry, the nuclear energy insurance industry, and other interested persons and organizations concerning matters involved in the question whether the financial protection and indemnity requirements of section 170 of the Act should be extended to licensees who use substantial quantities of unirradiated, enriched uranium. The Commission also desires public comments on the question whether the financial protection and indemnity requirements of section 170 of the Act should provide a flat amount of financial protection, such as $10 million, or a variable amount, depending on the nature of the licensed operation.

According to information from the NELIA and MAELU insurance pools, nineteen licensees authorized to possess and use unirradiated enriched uranium have purchased liability insurance in amounts ranging from 2 to 60 million dollars.

This notice of proposed rule making relates only to the fabrication and processing of unirradiated uranium enriched in the istope 235. The indemnification of users of plutonium, uranium 233, and of megacurie quantities of isotopes appear to present special problems which will require further analysis and study by the Commission before the views of the public are solicited.

Notice is hereby given that the Atomic Energy Commission has under consideration the question whether it should adopt rules extending the financial protection and indemnity requirements of Section 170 of the Atomic Energy Act of 1954, as amended, to persons licensed by the Commission to possess and use substantial quantities of unirradiated uranium enriched in the isotope 235.[1] All interested persons who desire to submit written comments and suggestions for consideration by the Commission in connection with this subject should send them to the Secretary, United States Atomic Energy Commission, Washington 25, D.C. Attention: Acting Director, Division of Licensing and Regulation, within sixty days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

It is suggested that comments and suggestions filed pursuant to this notice discuss, among other things, the following questions:

1. The nature and extent of nuclear hazards incident to the activities of licensees authorized to possess and use quantities of unirradiated uranium enriched in the isotope 235 in quantities sufficient to form a critical mass.

2. Whether the financial protection and indemnity requirements of section 170 of the Atomic Energy Act of 1954, as amended, should be extended to Commission licensees authorized to possess and use unirradiated uranium enriched in the isotope 235 in quantities sufficient to form a critical mass.

3. If the financial protection and indemnity should be extended, what amount(s) of financial protection, or methods for deriving amounts of financial protection should be adopted. Should the financial protection required be set at a flat amount, such as $10 million, or a variable amount, depending on the nature of the licensed operation?

Comments and suggestions concerning the report filed by the Atomic Industrial Forum group in January, 1961, and the letters dated February 10, 1961, from the Nuclear Energy Liability Insurance Association and the Mutual Atomic Energy Liability Underwriters would also be helpful to the Commission.

Copies of the report and letters referred to are available for examination in the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C., and may be obtained upon request addressed to the Acting Director, Division of Licensing and Regulation, United States Atomic Energy Commission, Washington 25, D.C.

[1] For the purposes of this notice it may be assumed that no quantity of solid uranium of less than 5 percent enrichment can form a critical mass in the absence of a moderator such as water or graphite. Similarly, it may be assumed that less than 16 kilograms of U-235 in one percent enriched uranium in any form and configuration with natural water moderation and reflection will not form a critical mass.

Dated at Germantown, Md., this 22d day of March 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
*Secretary.*

[F.R. Doc. 61-2725; Filed, Mar. 28, 1961; 8:45 a.m.]



# FEDERAL AVIATION AGENCY

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-WA-212]

## FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

### Supplemental Notice of Public Hearing

In a notice of proposed rule making published as Airspace Docket No. 60-WA-212, on September 17, 1960 (25 F.R. 8961), it was stated that the Federal Aviation Agency proposed to revoke the segment of Green Federal airway No. 2, its associated control areas and reporting points, from Seattle, Washington, to Miles City, Montana. In a Supplemental Notice of Proposed Rule Making, Notice of Public Hearing, published in the FEDERAL REGISTER as Airspace Docket No. 60-WA-212, on March 17, 1961, the original Notice was altered to include the revocation of the segment of Green 2, its associated control areas and reporting points from Miles City, Montana, to Minneapolis, Minnesota (26 F.R. 2252). It was further stated that in response to comments received to the original Notice, the Federal Aviation Agency proposed to conduct a public hearing in two parts, the first part to be held April 13, 1961, at 9:00 a.m., local time at the City Light Building, 1015 Third Avenue, Seattle, Washington; the second part to be held April 17, 1961, at 9:00 a.m., local time, at the Radisson Hotel, 45 South Seventh Street, Minneapolis, Minnesota.

Subsequent to publication of the Supplemental Notice of Proposed Rule Making, Notice of Public Hearing, a request was received to conduct a part of this hearing in Bismarck, North Dakota. This request indicated considerable public interest in North Dakota in the subject matter of the hearing. Accordingly, the Federal Aviation Agency has determined to conduct the hearing in three parts. The third part is to be held April 19, 1961, at 9:00 a.m., local time, at the State Capitol, Bismarck, North Dakota. This hearing is scheduled under § 409.14 of the regulations of the Administrator (14 CFR 409.14) for the purpose of affording interested persons an opportunity to present views, data or arguments relevant to the proposal contained in the notice as altered.

Persons desiring to be heard in Part 3 of this hearing to be held in Bismarck, North Dakota, are requested to notify the Chief, Air Traffic Management Field Division, by April 10, 1961, at 4825 Troost Avenue, Kansas City 10, Missouri.

Issued in Washington, D.C., on March 24, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2750; Filed, Mar. 28, 1961; 8:48 a.m.]

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-WA-154]

## FEDERAL AIRWAYS, CONTROLLED AIRSPACE

### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendent to §§ 600.6042 and 601.6042 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 42 presently extends in part from Flint, Mich., to Windsor, Ont. The Federal Aviation Agency has under consideration the designation of an east alternate to Victor 42 from the Flint VOR to the Windsor VOR via the intersection of the Flint VOR 122° and the Windsor VOR 344° True radials. The designation of this east alternate would provide a bypass route for separating climbing and decending aircraft from en route traffic on the main airway between Flint and Windsor. The Department of Transport of the Canadian Government agrees to this proposal and will act to designate the Canadian portion of this east alternate.

In addition, to implement in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 (26 F.R. 570), the Federal Aviation Agency is considering designating the control area associated with Victor 42E to extend upwards from 1,200 feet above the surface, but excluding the airspace within the United States between this east alternate and the main airway segment between Flint and Windsor. Preliminary terrain study indicates that a minimum instrument flight rules en route altitude of approximately 3,100 feet MSL would be assigned this airway segment, based on the highest terrain obstruction of approximately 1,420 feet MSL.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 23, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-2732; Filed, Mar. 28, 1961; 8:46 a.m.]

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-NY-127]

## FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

### Alteration and Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 and §§ 600.6146, 600.6167, 601.6146 and 601.6167 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 94 extends from Providence, R.I., to Hyannis, Mass. VOR Federal airway No. 146 extends in part from Providence to Nantucket, Mass. VOR Federal airway No. 167 extends in part from Hartford, Conn., to Providence.

The Federal Aviation Agency is considering revoking Red 94. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Providence to Hyannis would be adequately served by an extension of VOR Federal airway No. 167 from the Providence VOR to the Hyannis VOR as proposed herein. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Red 94, its associated control areas and reporting points. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with this airway. Any proposal to discontinue one or more of these aids would be processed in accordance with current Agency procedures.

In addition, as stated above, the Federal Aviation Agency is considering the extension of Victor 167 from the Provi-

dence VOR via the intersection of the Providence VOR 101° and the Hyannis VOR 224° True radials to the Hyannis VOR. This proposed segment of Victor 167 would serve as a replacement route for Red 94.

Concurrently with these actions, it is proposed to alter the segment of Victor 146 between Providence and Nantucket, by realigning it to extend from the Providence VOR via the Martha's Vineyard, Mass., VOR to the Nantucket VOR. The portion of this altered airway segment which would coincide with the Nashawena, Mass., Restricted Area (R–4104) would be used only after obtaining prior approval from the appropriate authority. This alteration would provide more precise navigational guidance on this segment of Victor 146. In addition, it would also provide sufficient angular separation between this segment of Victor 146 and the proposed segment of Victor 167 at the Providence VOR.

In addition, to implement in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60–21 (26 F.R. 570), the Federal Aviation Agency is considering designating the control areas associated with the proposed segment of Victor 146 from the Providence VOR via Martha's Vineyard VOR to the Nantucket VOR and the proposed segment of Victor 167 from the Providence VOR to the Hyannis VOR to extend upwards from 1200 feet above the surface. Preliminary terrain study indicates that a minimum Instrument Flight Rules en route altitude of approximately 2000 feet MSL would be assigned to the segment of Victor 146, based upon the highest terrain obstruction of approximately 300 feet MSL, and a minimum Instrument Flight Rules en route altitude of approximately 2100 feet MSL would be assigned to the segment of Victor 167, based upon the highest terrain obstruction of approximately 400 feet MSL.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 23, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–2734; Filed, Mar. 28, 1961; 8:46 a.m.]

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**[ 14 CFR Parts 600, 601 ]**

[Airspace Docket No. 60–NY–151]

## FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

### Revocation and Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600, 601, §§ 600.6293 and 601.6293 of the regulations of the Administrator, the substance of which is stated below.

Blue Federal airway No. 41 extends from Concord, N.H., to Portland, Maine, and from Bangor, Maine, to the intersection of the northeast course of the Bangor radio range and the United States/Canadian border. VOR Federal airway No. 93 extends in part from Princeton, Maine, to Presque Isle, Maine.

The Federal Aviation Agency is considering revoking Blue 41. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Concord to Portland is adequately served by VOR Federal airway No. 39. In addition it appears that the route from Bangor to the United States/Canadian border would be adequately served by VOR Federal airway No. 93 as proposed for modification herein. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Blue 41 and its associated control areas. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with Blue 41. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures. In addition § 601.4641 relating to reporting points associated with Blue 41 would be revoked.

Concurrently with this action the Federal Aviation Agency is considering the revocation of the segment of Victor 93 from Princeton to Presque Isle and the extension of Victor 93 from the Princeton VOR to the intersection of the Princeton VOR 057° True radial and the United States/Canadian border. This realigned airway segment would provide a replacement route east of Princeton for Blue 41 proposed for revocation.

In addition, to implement in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60–21 (26 F.R. 570), the Federal Aviation Agency is considering designating the control areas associated with the proposed realigned segment of Victor 93 from the Princeton VOR to the United States/Canadian border to extend upwards from 1200 feet above the surface. Preliminary terrain study indicates that a minimum instrument flight rules enroute altitude of approximately 2200 feet MSL would be assigned to this segment of Victor 93, based upon the highest terrain obstruction of approximately 500 feet MSL.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 23, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–2733; Filed, Mar. 28, 1961; 8:46 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[N.M. 0100821]

### NEW MEXICO

### Notice of Proposed Withdrawal and Reservation of Lands

MARCH 21, 1961.

The Corps of Engineers, U.S. Department of the Army, on behalf of the Department of the Air Force, has filed an application, Serial Number NM 0100821 for the withdrawal of the lands described below, from all forms of appropriation, including denial of ingress and egress to the surface of said land and prohibition of drilling to a depth of five hundred feet below the surface of the land for the purpose of extracting or exploring for oil and gas, mining, or for other purposes, and in no event will explosives be used in any oil or gas operations.

The applicant desires the land for the Atlas Missile program of the Department of the Air Force.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

*Tract A and Amendments*

A tract of land situate in the SW¼NW¼ of Sec. 7, T. 11 S., R. 21 E., of the New Mexico Principal Meridian, Chaves County, New Mexico, being more particularly described as follows: Beginning at a point that bears North, a distance of 113.35 feet, and N. 89°57'58" E., a distance of 271.25 feet from the quarter (¼) corner common to Sec. 12, T. 11 S., R. 20 E., N.M.P.M., and Sec. 7 T. 11 S., R. 21 E., N.M.P.M., thence N. 0°00'14" E., a distance of 790.03 feet to a point, thence 89°58'09" E., 200.00 feet to a point, thence S. 0°00'14" W., a distance of 190.00 feet to a point, thence N. 89°58'09" E., a distance of 399.76 feet to a point, thence S. 0°00'58" E., a distance of 599.98 feet to a point, thence S. 89°57'58" W., a distance of 599.98 feet to the point of beginning, containing an area of 9.13 acres, more or less.

*Tract B*

A tract of land situate in the NW¼SW¼ of Sec. 14, T. 11 S., R. 19 E., of the New Mexico Principal Meridian, Lincoln County, New Mexico, being more particularly described as follows: Beginning at a point that bears East, a distance of 293.06 feet from the quarter (¼) corner common to Secs. 14 and 15, T. 11 S., R. 19 E., N.M.P.M., thence E., a distance of 600.00 feet to a point; thence S., a distance of 489.74 feet to a point; thence W., a distance of 600.00 feet to a point; thence N., a distance of 489.74 feet to the point of beginning, containing an area of 6.74 acres, more or less.

*Tract H*

A tract of land situate in the SE¼SW¼ of Sec. 19, T. 8 S., R. 26 E., of the New Mexico Principal Meridian, Chaves County, New Mexico, being more particularly described as follows: Beginning at a point that bears West, a distance of 674.35 feet from the quarter (¼) corner common to Secs. 19 and 30, T. 8 S., R. 26 E., N.M.P.M., thence W., a distance of 600.00 feet to a point; thence N., a distance of 103.90 feet to a point; thence E., a distance of 600.00 feet to a point; thence S., a distance of 103.90 feet to the point of beginning, containing an area of 1.43 acres, more or less.

*Tract O*

A tract of land situate in the NW¼NW¼ SE¼ Sec. 27, T. 14 S., R. 28 E., of the New Mexico Principal Meridian, Chaves County, New Mexico, beginning at a point that bears South, a distance of 2,644.93 feet from the quarter (¼) corner common to Secs. 22, 27, T. 14 S., R. 28 E., thence E., a distance of 169.28 feet to a point; thence S., a distance of 600.00 feet to a point; thence W., a distance of 169.28 feet to a point; thence N., a distance of 600.00 feet to the point of beginning, containing an area of 2.33 acres, more or less.

W. J. ANDERSON,
*Acting State Supervisor.*

[F.R. Doc. 61–2737; Filed, Mar. 28, 1961; 8:47 a.m.]

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### Bureau of Reclamation

### ARIZONA

### Amendment of Notice of Sale of Commercial and Residential Lots

Notice was published in the FEDERAL REGISTER of August 4, 1960 (25 F.R. 7339), amending certain of the sale procedures previously established for the disposition of commercial and residential lots in Page, Arizona.

That sale procedure is hereby further amended to provide that interested purchasers may, at the time of execution of the land purchase agreement, to the extent warranted in the opinion of the contracting officer for the United States, by the size and character of the construction plan contemplated for the particular site under consideration, be afforded a 120-, 150-, or 180-day period in which said purchaser must arrange for construction financing, secure a building permit from the Page City Administrator, and conclude final arrangements for payment of the balance due on the purchase price. The down payment shall equal five percent of the appraised value of the property if a 120-day period is involved, with 6½ percent and eight percent respectively applicable to 150- and 180-day periods, except that in no event shall the down payment be less than $300.

Except as modified by the foregoing, all other conditions and provisions governing the sale of property in Page, Arizona, shall remain as heretofore established.

FLOYD E. DOMINY,
*Commissioner of Reclamation.*

MARCH 23, 1961.

[F.R. Doc. 61–2738; Filed, Mar. 28, 1961; 8:47 a.m.]

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## ATOMIC ENERGY COMMISSION

[Byproduct Material License No. 12–733–2]

### VOLK RADIOCHEMICAL CO.

### Order for Modification of License

I. Pursuant to Byproduct Material License No. 12–733–2, Volk Radiochemical Company, 5412 North Clark Street, Chicago 40, Illinois, hereinafter referred to as the licensee, is authorized to utilize byproduct material, particularly Iodine 131 (I–131) and Phosphorous 32 (P–32), for sale and distribution and for pharmaceutical processing, both at its facility in Chicago and a facility in Los Angeles, California. The licensee formerly operated under License No. 12–733–1 issued on June 28, 1956. License No. 12–733–2 was originally issued on April 30, 1958, and renewed on May 11, 1960. It will expire on February 28, 1962. There is now pending decision in the Division of Licensing and Regulation of the Atomic Energy Commission an application by the licensee for amendments of the current license authorizing removal of its present laboratory facility in Chicago to 8260 Elmwood Avenue, Skokie, Illinois; approval of new individual users, and approval of certain other procedures to govern its operations.

II. On May 6, November 3, and December 29, 1959, inspections of the licensee's activities at Chicago under the license were conducted by the Atomic Energy Commission. Violations disclosed by these inspections were the subject of a notice of violation issued by the Commission pursuant to § 2.201 of the Commission's rules of practice, 10 CFR 2, dated September 28, 1960.

III. From inspections of the licensee's activities conducted at 5412 North Clark Street, Chicago, Illinois on February 16, 17, 23, and March 16, 1961, it appears that radiation safety conditions in the licensee's facilities are such as to constitute a hazard to health and safety of employees and members of the public in that:

1. As reflected by the licensee's records of measurements made approximately weekly between November 29, 1960, and March 10, 1961, the licensee caused certain of its employees to accumulate quantities of Iodine 131 in the thyroid in excess of the amounts established by the

National Committee on Radiation Protection, which for the thyroid is an average quantity of 0.14 microcuries.

2. Operations involving byproduct material were performed in such a manner, as determined by smear samples taken by the Commission on February 17, 1961, that public hallways and stairways in the building in which the facilities are located were contaminated with quantities of removable radioactive contamination ranging from 5,150 disintegrations per minute per square foot (dpm/ft²) to 59,750 dpm/ft²; that the unrestricted areas of the licensee's facilities including offices, lunch rooms, and storage and shipping rooms were contaminated with quantities of removable radioactive contamination ranging from 7,380 dpm/ft² to 84,600 dpm/ft²; and that in the restricted areas of the licensee's facilities, the laboratories were contaminated with quantities of removable radioactive contamination ranging from 36,000 dpm/ft² to 374,000 dpm/ft², and adequate measures were not taken to assure containment of such contamination within the restricted area. On March 16, 1961, measurements with a thin end-window Geiger-Mueller survey instrument reflected that the hallways and stairways of the building and unrestricted areas of the licensee's facilities still were contaminated.

IV. From the aforesaid inspection conducted on February 16, 17, and 23 and on March 16, 1961, of the licensee's activities it further appears that such activities were conducted in violation of the Commission's regulations "Standards for Protection Against Radiation", 10 CFR Part 20, issued pursuant to the Atomic Energy Act of 1954, as amended, in that:

1. In violation of § 20.105(b) the licensee permitted quantities of radiation emanating from the byproduct material stored in its laboratories to exist in unrestricted areas, namely, the public hallways adjacent to the licensee's facilities, in excess of the limits prescribed in § 20.105(b).

2. In violation of § 20.201, the licensee failed to conduct adequate surveys of the unrestricted areas adjacent to its laboratory and storage facilities to determine that quantities of external radiation in such areas did not exceed the limits prescribed in § 20.105(b).

3. In violation of § 20.201:

(a) The licensee failed to conduct prior to February 16, 1961, any surveys to determine concentrations of airborne radioactive material to which its employees were exposed.

(b) Such surveys as the licensee began on February 16, 1961, were inadequate to determine the exposure of employees to airborne concentrations of radioactive material.

4. In violation of § 20.201, the licensee failed to conduct adequate surveys of material transferred to a refuse collector to assure that no radioactive material was disposed of by the transfer.

5. In violation of § 20.401(b) the licensee failed to maintain records of:

(a) Disposal of byproduct material in solid, liquid or gaseous form.

(b) Surveys to determine airborne concentrations of radioactive material prior to February 23, 1961.

(c) Surveys made in unrestricted areas to determine quantities of external radiation prior to February 16, 1961.

6. In violation of § 20.201, the licensee failed to conduct an adequate personnel monitoring program to determine whether or not employees were exposed to radiation in excess of the limits prescribed in § 20.101.

V. It is hereby found that the conditions described in sections III and IV of this order cause unnecessary and excessive exposure of employees and members of the public to radioactive material, and that the health, interest and safety of members of the public, including the licensee's employees, require that:

(1) No prior notice pursuant to § 30.51, 10 CFR Part 30, or § 2.201, 10 CFR Part 2, be given; and

(2) Byproduct material License No. 12–733–2, under which the licensee operates, be amended pursuant to § 30.31(b), 10 CFR Part 30, by the imposition of the additional requirements and conditions to protect health and to minimize danger to health and property set forth in section VI of this order.

(3) The requirements of section VI of this order be effective immediately.

VI. In view of the foregoing and pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Parts 2, 20, and 30, 10 CFR, (A): *It is hereby ordered*, That: The licensee may show cause at a hearing to commence in a room to be assigned in the United States District Courthouse, Chicago, Illinois, on April 18, 1961, at 10:00 a.m. c.s.t., why license No. 12–733–2 should not be modified by the addition of the following specified conditions:

1. The licensee shall cause bioassays of each employee working in the radioisotope laboratories to be made monthly to determine the total amounts of beta and gamma radioactivity and the amounts of I–131 and P–32 in the body of each such employee. In addition, a determination of the Iodine 131 in the thyroid of each employee working in the radioisotope laboratories shall be made weekly. Until the further order of the Commission the licensee shall not, except in case of emergency, cause any employee who is properly the subject of any report required by this order to ingest either Lugol's solution or any substance having a similar effect. The licensee shall require each such employee to report to it promptly any ingestion of Lugol's solution or substance having a similar effect. In the event of emergency or other ingestion of Lugol's solution or any such substance, or in the event that any employee shall report to the licensee the ingestion of Lugol's solution or any such substance, the licensee shall report the fact in the next report required by this order. Also the licensee shall submit to the Director, Division of Licensing and Regulation, the results of the bioassays within five days after the receipt thereof and shall at such time submit all weekly thyroid measurements not already submitted.

2. The licensee shall not permit any person to accumulate a quantity of Iodine 131 in excess of 0.14 microcuries in the thyroid as averaged over each work week as a result of any operations conducted under the license. The licensee shall not permit any person to engage in any operations involving Iodine 131 if the quantity of Iodine 131 in the thyroid is such that the weekly average would exceed 0.14 microcuries.

3. Byproduct material shall be stored, weighed and otherwise used within radiochemical hoods or glove boxes only, provided, however, that the following operations may be performed outside of such hoods or glove boxes within the confines of the laboratory restricted areas:

a. Byproduct material contained in uncontaminated and sealed containers may be stored and may be packaged for shipment.

b. Samples of byproduct material may be assayed.

4. The licensee shall, within thirty days of the date hereof, equip each radiochemical hood and ventilated glove box in which byproduct material is placed with an absolute particulate type filter.

5. The licensee shall determine the quantities and concentration of byproduct material contained in liquids and gases released from the facility and the quantities of byproduct material contained in solids released from the facility. The licensee shall maintain a complete written record of each survey conducted to make such determination. No radioactive wastes shall be transferred to any person not specifically licensed by the Commission to receive the same.

6. The licensee shall require all persons entering any restricted area in its facilities to wear protective clothing including shoe covers, or protective shoes, and laboratory coats and all employees handling byproduct material in any restricted area to wear gloves while doing so.

7. The licensee shall demarcate its restricted areas as defined in 10 CFR Part 20 in order to assure that individuals are aware of the areas in which they must wear protective laboratory clothing.

8. The licensee shall assure that individuals remove their protective laboratory clothing before moving from a restricted area to an unrestricted area.

9. The licensee shall cause to be made surveys of each person who has entered any restricted area before permitting him to leave such area in order to assure that contamination is not transferred to unrestricted areas. The licensee shall, within the restricted area, establish a zone or zones adjacent to an unrestricted area in which personnel shall put on and remove protective clothing and conduct surveys required by this paragraph.

10. Except for the inside of radiochemical hoods and glove boxes, the licensee shall permit no removable radioactive contamination to exist in its restricted areas in excess of 1000 disintegrations per minute per one hundred square centimeters.



11. The licensee shall permit no removable radioactive contamination to exist in any unrestricted area of its facilities in excess of 200 disintegrations per minute per one hundred square centimeters.

12. The licensee shall take such steps as are necessary to assure that there is no readily removable radioactive contamination at any time in any part of the hallways, stairways and other public portions of any building occupied by the licensee.

13. The licensee shall not surrender possession of any premises occupied under the license until

(a) Any radioactive contamination within the premises has been reduced to the following permissible limits:

(i) The radioactive contamination must not be readily removable from the facilities.

(ii) The radiation level shall not exceed two millirad per hour at three inches from any surface.

(iii) The radiation level shall not exceed 0.25 millirad per hour at eighteen inches from any surface.

(iv) No radiation attributable to byproduct material contained in drain lines or pipes within the building servicing the licensee's facilities shall be detectable by surface measurements made with a scintillation type survey meter, and

(b) The licensee has provided the Director, Division of Licensing and Regulation, Washington 25, D.C. notice at least fifteen (15) days prior to vacating the facilities certifying that the limits specified in subparagraph (a) of this paragraph have been met.

B. And it further appearing that the public health, interest and safety requires such action as heretofore found in section V: *It is hereby further ordered*, That the licensee shall immediately comply with the requirements of section VI(A) of this order, pending further order of the Commission.

VII. The issues to be considered at the hearing are:

1. Whether or not the licensee caused employees to receive quantities of Iodine 131 in the thyroid and performed its operations in such manner as to contaminate the premises at 5412 North Clark Street, Chicago 40, Illinois, as specified in section III of this order.

2. Whether or not the licensee violated the Commission's regulations as specified in section IV of this order.

3. Whether or not License No. 12–733–2 should be modified by the addition of the conditions specified in section VI of this order.

VIII. A hearing will be conducted by a Presiding Officer to be designated by the Chief Hearing Examiner, Office of the Hearing Examiner, Washington 25, D.C. The Presiding Officer will render a decision pursuant to § 2.751(a).

IX. An answer shall be filed and served by the licensee pursuant to § 2.736 of the rules of practice, 10 CFR Part 2 on or before April 10, 1961, on failure of the licensee to file and serve an answer within the time provided herein or to appear at the hearing, and order may be issued without further notice modifying License No. 12–733–2 as set in section VI of this order.

Dated at Germantown, Md., this 23d day of March 1961.

For the Atomic Energy Commission.

ROBERT LOWENSTEIN,
*Acting Director Division of Licensing and Regulation.*

[F.R. Doc. 61–2765; Filed, Mar. 28, 1961; 8:50 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 12225]

## BRITISH OVERSEAS AIRWAYS CORP.

### Notice of Prehearing Conference and Hearing

In the matter of the application of British Overseas Airways Corporation for an amendment to its foreign air carrier permit to extend its international route beyond New York, New York, to Santiago, Chile, via Cuba, Panama, Ecuador, and Lima, Peru.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a prehearing conference in the above-entitled matter is assigned to be held on March 30, 1961, at 10:00 a.m., e.s.t., Room 911, Universal Building, Connecticut and Florida Avenues, Northwest, Washington, D.C., before Chief Examiner Francis W. Brown. The hearing in the above-entitled matter is assigned to be held on March 31, 1961, at 10:00 a.m., e.s.t., Room 725, Universal Building, Connecticut and Florida Avenues, Northwest, Washington, D.C., before Chief Examiner Francis W. Brown.

Dated at Washington, D.C., March 23, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61–2754; Filed, Mar. 28, 1961; 8:49 a.m.]

[Docket 12244; Order E–16556]

## CAPITOL AIRWAYS, INC.

### Tariff Proposing Military Charters Between Honolulu and Travis Air Force Base; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of March 1961.

On March 7, 1961, Capitol Airways, Inc., filed a Charter Tariff, C.A.B. No. 26, to become effective April 6, 1961, providing a charge of $11,024.02 for L–1049 aircraft round trip between Honolulu, Hawaii, and Travis Air Force Base, California. The tariff is limited in its applicability to military traffic. On March 21, 1961, Overseas National Airways, Inc. filed in this proceeding a complaint requesting investigation and suspension of this tariff.

The Board finds that the rates, fares, or charges to be charged, collected or received, and the rules, regulations, or practices affecting such rates, fares, or charges, or the value of the service thereunder, in Capitol's tariff, C.A.B. No. 26, may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial. The Board will institute an investigation of these matters.

The rates, fares, and charges pursuant to this tariff would be substantially less than the existing rates, fares, and charges for these transportation services. Therefore, pending hearing and decision in such investigation, the Board will suspend the operation of such tariff and defer the use of such rate, fare, or charge, and such rule, regulation, or practice for a period of ninety days.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof: *It is ordered:*

1. That an investigation is instituted to determine whether the rates, fares, and charges, and the rules, regulations, and practices affecting such rates, fares, and charges, in the tariff of Capitol Airways, Inc., C.A.B. No. 26, will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and, if found to be unlawful, to prescribe the lawful rates, fares, and charges, and the lawful rules, regulations, and practices therefor.

2. That, pending hearing and decision in such investigation, the tariff of Capitol Airways, Inc., C.A.B. No. 26, is suspended and its use deferred to and including July 4, 1961, and no changes shall be made therein during such period of suspension except by order or special permission of the Board.

3. That this investigation shall be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the tariff and shall be served upon Capitol Airways, Inc., and Overseas National Airways, Inc., each of which are made parties to this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
*Secretary.*

[F.R. Doc. 61–2755; Filed, Mar. 28, 1961; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 61–LA–6]

## CONSTRUCTION OF TELEVISION ANTENNA STRUCTURE

### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

The Hi-Desert Broadcasting Corporation, Palm Springs, California, proposed to erect a

radio antenna structure 2036 feet MSL (208 feet above ground) approximately 3 miles north of Twentynine Palms, California, at latitude 34°11'01" north, longitude 116°03'-31" west.

In response to the circularization, an aeronautical objection was received from the Department of the Navy, however, this objection was subsequently withdrawn.

The aeronautical study by the Agency determined that the structure would be located approximately 2 statute miles south of the Twentynine Palms Marine Airport and would penetrate the horizontal surface of the "Joint Industry/Government Tall Structures Committee Final Report" criteria as applied to this airport by approximately 105 feet. This factor in itself is not disqualifying, but indicates a requirement for aeronautical study. In this instance, the Agency study disclosed that the structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this structure at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, provided that the structure be marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on March 22, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2729; Filed, Mar. 28, 1961; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[List 20; FCC 61-386]

## STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

MARCH 24, 1961.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on May 1, 1961, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to § 1.106(c)(1) and § 1.361(b) of the Commission rules, an application, in order to be considered with any application appearing on the attached list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) the close of business on April 28, 1961, or (b) if action is taken by the Commission on any listed application prior to April 28, 1961, no later than the close of business on the day preceding the date on which such action is taken, or (c) the day on which a conflicting application was "cut off" because it was timely filed for consideration with an application on a previous list.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(e) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: March 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

*Applications From the Top of the Processing Line*

BP-13496 WVLN, Olney, Ill., Illinois Broadcasting Co. Has: 740 kc, 250 w, Day. Req: 740 kc, 5 kw, DA, Day.

BP-13760 WMEX, Boston, Mass., Richmond Brothers, Inc. Has: 1510 kc, 5 kw, DA-1, U. Req: 1510 kc, 5 kw, 50 kw-LS, DA-2, U.

BP-13761 NEW, Kershaw, S.C., Kershaw Broadcasting Corp. Req: 1300 kc, 500 w, Day.

BP-13762 WRDS, Reedsburg, Wis., William C. Forrest. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-13764 NEW, Rapid City, S. Dak., John L. Breece. Req: 1150 kc, 5 kw, Day.

BP-13775 WANS, Anderson, S.C., Radio Anderson, Inc. Has: 1280 kc, 1 kw, U. Req: 1280 kc, 1 kw, 5 kw-LS, U.

BP-13776 NEW, Chadbourn, N.C., William Norman Peal. Req: 1590 kc, 500 w, Day.

BP-13777 NEW, Makawao, Hawaii, Eugene G. Panissidi. Req: 1310 kc, 1 kw, U.

BP-13778 NEW, Spring Valley, N.Y., Radio Spring Valley. Req: 1530 kc, 250 w, Day.

BP-13780 NEW, Temple, Tex., Radio Temple. Req: 1530 kc, 1 kw, Day.

BMP-8861 WCIN, Cincinnati, Ohio, Rounsaville of Cincinnati, Inc. Has CP: 1480 kc, 500 w, 5 kw-LS, DA-2, U. Req MP: To change antenna—transmitter location and directional antenna.

BP-13781 KLGR, Redwood Falls, Minn., Harry Willard Linder. Has: 1490 kc, 100 w, U. Req: 1490 kc, 250 w, U.

BP-13782 KCKC, San Bernardino, Calif., M.V.W. Radio Corp., Has: 1350 kc, 500 w, DA-N, U. Req: 1350 kc, 500 w, 5 kw-LS, DA-2, U.

BP-13784 NEW, Chardon, Ohio, The Geauga Broadcasting Co. Req: 1560 kc, 250 w, DA, Day.

BP-13785 NEW, Quantico, Va., Radio One Co. Req: 1530 kc, 250 w, Day.

BP-13786 NEW, Ashtabula, Ohio, Quests, Inc. Req: 1600 kc, 1 kw, Day.

BP-13787 WIBV, Belleville, Ill., Belleville Broadcasting Co., Inc. Has: 1260 kc, 1 kw, Day. Req: 1260 kc, 5 kw, DA-2, U.

BP-13788 NEW, Willows, Calif., Glenn County Broadcasters. Req: 1560 kc, 250 w, Day.

BP-13789 KBLF, Red Bluff, Calif., Victor Industries Corp. of California. Has: 1490 kc, 250 w, U. Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-13791 KLIV, San Jose, Calif., Cal-Radio, Inc. Has: 1590 kc, 500 w, 1 kw-LS, DA-N, U. Req: 1590 kc, 500 w, 5 kw-LS, DA-N, U.

BP-13792 KGPC, Grafton, N. Dak., KGPC Co., Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-13793 WNOW, York, Pa., WNOW, Inc. Has: 1250 kc, 1 kw, Day. Req: 1250 kc, 5 kw, DA-D, U.

BP-13794 NEW, Atlanta, Ga., Metropolitan Atlanta Radio. Req: 1150 kc, 1 kw, Day.

BP-13795 NEW, Ashland, Ala., Clay Service Corp. Req: 910 kc, 1 kw, Day.

BP-13797 WTIF, Tifton, Ga., Radio Station WTIF, Inc. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-13799 KLBM, La Grande, Oreg., Inland Radio, Inc. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-13800 WBGC, Chipley, Fla., John Sanders. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-13803 NEW, Marion, Va., The Seward Broadcasting Co., Inc. Req: 1330 kc, 1 kw, Day.

BP-13806 KWTX, Waco, Tex., KWTX Broadcasting Co. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-13807 WFYC, Alma, Mich., WFYC, Inc. Has: 1280 kc, 1 kw, Day. Req: 1280 kc, 5 kw, DA, Day.

BP-13808 KXRO, Aberdeen, Wash., KXRO, Inc. Has: 1320 kc, 1 kw, U. Req: 1320 kc, 1 kw, 5 kw-LS, U.

BMP-8872 KCJH, Arroyo Grande, Calif., Radio Station KCJH. Has CP: 1280 kc, 500 w, Day (San Luis Obispo, Calif.). Req Mp: 1280 kc, 500 w, Day (Arroyo Grande, Calif.).

BP-13809 NEW, Houston, Tex., Higson-Frank Radio Enterprises. Req: 1520 kc, 500 w (250 w, CH.), Day.

BP-13811 NEW, Roswell, N. Mex., Neil N. Levitt. Req: 960 kc, 1 kw, Day.

BP-13812 NEW, Berlin, N.H., Good Radio, Inc., Req: 1400 kc, 250 w, U.

BP-13814 WLOB, Portland, Maine, Casco Broadcasters Corp. Has: 1310 kc, 1 kw, Day. Req: 1310 kc, 5 kw, DA-2, U.

BP-13815 KDOK, Tyler, Tex., KDOK Broadcasting Co. Has: 1330 kc, 1 kw, Day. Req: 1330 kc, 500 w, 1 kw-LS, DA-N, U.

BP-13824 KACY, Port Hueneme, Calif., Lincoln Dellar. Has: 1520 kc, 250 w, DA-1, U. Req: 1520 kc, 1 kw, 10 kw-LS, DA-2, U.

BP-13826 NEW, Hollister, Calif., Trotter and Godfrey. Req: 1520 kc, 500 w, Day.

BP-13827 NEW, Troy, N.Y., Radio Station WRSA, Inc. Req: 900 kc, 250 w, Day.

BP-13828 WSPN, Saratoga Springs, N.Y., SPA Broadcasters, Inc. Has: 900 kc, 250 w, Day. Req: 1280 kc, 1 kw, Day.

BP-13829 NEW, Salem, Oreg., Salem Broadcasters. Req: 1220 kc, 1 kw, Day.

BP-13830 KSWI, Council Bluffs, Iowa, Nonpareil Broadcasting Co. Has: 1560 kc, 500 w, Day. Req: 1560 kc, 1 kw, Day.

BP-13831 NEW, Richmond, Va., Dove Broadcasting Co. Req: 1560 kc, 10 kw (1 kw, C.H.), Day.

BP-13833 WATO, Oak Ridge, Tenn., Radio-Active Broadcasting, Inc. Has: 1290 kc, 500 w, 1 kw-LS, DA-N, U. Req: 1290 kc, 500 w, 5 kw-LS, DA-N, U.



*Applications on Which 309(b) Letters Have Been Issued*

BP-13783 NEW, Jackson, Mich., TV Corp. of Michigan, Inc. Req: 1510 kc, 5 kw, DA, Day.

BP-13813 NEW, Three Rivers, Mich., Voice of Three Rivers. Req: 1510 kc, 500 w, Day.

BP-13819 WOSC, Fulton, N.Y., Cassill Radio Corp. Has: 1300 kc, 1 kw, Day. Req: Change antenna system.

BP-13834 NEW, Kettering, Ohio, Speidel Broadcasting Corp. of Ohio. Req: 1510 kc, 10 kw, Day.

BP-13835 NEW, Canton, Ohio, Joseph P. Wardlaw, Jr. Req: 1520 kc, 1 kw, DA, Day.

[F.R. Doc. 61-2761; Filed, Mar. 28, 1961; 8:50 a.m.]

[Docket No. 13866; FCC 61M-502]

## COLLEGE RADIO

### Order Scheduling Hearing

In re application of Augustine L. Cavallaro, Jr., tr/as College Radio, Amherst, Massachusetts, Docket No. 13866, File No. BP-14179; for construction permit.

*It is ordered*, This 23d day of March 1961, that the following schedule will govern:

Submission of affirmative direct written case of applicant—April 21, 1961.
Receipt of notification of witnesses desired for cross-examination—April 28, 1961.
Hearing—May 3, 1961, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: March 23, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2756; Filed, Mar. 28, 1961; 8:49 a.m.]

[Docket Nos. 13955-13957; FCC 61M-501]

## STUART W. EPPERSON ET AL.

### Order Continuing Hearing

In re applications of Stuart W. Epperson, North Wilkesboro, North Carolina, Docket No. 13955, File No. BP-13009; Robert B. Brown, Taylorsville, North Carolina, Docket No. 13956, File No. BP-13564; Felix C. Abernethy, Granite Falls, North Carolina, Docket No. 13957, File No. BP-13773; for construction permits.

As a result of agreements reached upon the record of a prehearing conference held this date in the above-entitled matter: *It is ordered*, This 22d day of March 1961:

1. Engineering cases shall be exchanged in writing on or before May 3, 1961;

2. Lay exhibits shall be exchanged in writing on or before May 3, 1961;

3. Notification of witnesses desired for cross-examination shall be made on or before May 17, 1961; and

4. The hearing in this matter now scheduled for April 19, 1961, is hereby rescheduled for 10:00 a.m., June 6, 1961, in the Commission's offices in Washington, D.C.

Released: March 23, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2757; Filed, Mar. 28, 1961; 8:49 a.m.]

[Docket No. 13962; FCC 61M-504]

## HIGH-FIDELITY BROADCASTERS CORP.

### Order After Prehearing Conference

In re application of High-Fidelity Broadcasters Corp., Norristown, Pennsylvania, Docket No. 13962, File No. BP-13386, for construction permit.

A prehearing conference in the above-entitled proceeding having been held March 23, 1961, and the Hearing Examiner having taken into account that a reasonable time should be afforded the applicant, which is a corporation, to retain legal counsel to represent it herein (see Commission's Memorandum Opinion and Order in re Charles P. B. Pinson, Inc., Docket No. 13579, et al., FCC 60-1107, released September 27, 1960),

*It is ordered*, This 23d day of March 1961, that the following dates, on which the parties have agreed with the Examiner's approval, shall govern the future conduct of this proceeding, it being understood that any requests for extensions of these deadlines will not be favored in the absence of a strong showing of good cause:

(a) *May 10, 1961.* Applicant to exchange among the parties its engineering exhibit material in support of its direct case in draft form;

(b) *May 24, 1961.* Applicant to exchange among the parties (with one copy of each to the Hearing Examiner) its exhibit material in final form;

(c) *May 31, 1961.* Rebuttal exhibits (engineering), if any, to be exchanged among the parties, in draft form;

(d) *June 6, 1961.* Rebuttal exhibits, if any, to be exchanged with copy of each to the Examiner;

(e) *June 8, 1961.* Parties to notify each other informally of witnesses to be produced for cross-examination;

(f) *Monday, June 12, 1961.* Hearing to commence;

*It is ordered further*, That the transcript of the prehearing conference shall govern with regard to all matters discussed at the said conference and is hereby incorporated herein by reference; and, as indicated in the above listed dates, the hearing which was scheduled to commence on April 17, 1961, is hereby rescheduled to commence on Monday, June 12, 1961, at the Commission's offices, Washington, D.C., at 10 a.m.

Released: March 23, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2758; Filed, Mar. 28, 1961; 8:49 a.m.]

[Docket No. 13940; FCC 61M-509]

## EDWARD WALTER PISZCZEK AND JEROME K. WESTERFIELD

### Order Continuing Hearing

In re application of Edward Walter Piszczek & Jerome K. Westerfield, Des Plaines, Illinois, Docket No. 13940, File No. BPH-3201; for construction permit (FM).

The Hearing Examiner having under consideration a petition filed March 17, 1961, on behalf of Edward Walter Piszczek & Jerome K. Westerfield requesting that the prehearing conference now scheduled to be held on April 3, 1961, be continued to April 10, 1961; and

It appearing that the reason for the requested extension of time is the fact that counsel for the above applicant has been retained as of a recent date and the additional time is requested to review adequately the numerous pleadings and other material filed in this proceedings; and

It further appearing that there are no objections to the requested extension and that good cause for granting the petition having been shown;

*It is ordered*, This the 23d day of March 1961, that the petition for extension of time is granted and the prehearing conference now scheduled to begin on April 3, 1961, is continued to April 10, 1961, beginning at 10:00 a.m., in the offices of the Commission, Washington, D.C.;

*It is further ordered*, That the evidentiary hearing now scheduled to begin on April 10, 1961, is continued to a date to be specified at the conclusion of the hearing conference which will begin on April 10, 1961.

Released: March 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2759; Filed, Mar. 28, 1961; 8:49 a.m.]

[Docket No. 13925; FCC 61M-497]

## LEO JOSEPH THERIOT

### Order Continuing Hearing

Revocation of license of Leo Joseph Theriot for Standard Broadcast Station KLFT, Golden Meadow, Louisiana, Docket No. 13925.

Pursuant to a prehearing conference in this proceeding as of this date: *it is ordered*, This 22d day of March 1961, that the hearing now scheduled for March 30, 1961, be, and the same is hereby rescheduled for May 24, 1961, to be held at New Orleans, Louisiana. The place and hour will be announced in a subsequent order.

Released: March 23, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2760; Filed, Mar. 28, 1961; 8:49 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G–20107 etc.]

## TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

### Notice of Hearing and Further Proceedings

MARCH 23, 1961.

Transcontinental Gas Pipe Line Corporation, Docket No. G–20107, G–18511, CP60–13; Cities Service Production Co., et al., Docket No. G–16854; J. Ray McDermott & Co., Inc., et al., Docket Nos. G–17197 and G–18053; Austral Oil Company, Inc., Docket No. G–17563; Trice Production Company, et al., Docket No. G–17635; Humble Oil and Refining Company, Docket No. G–17772; Hurley Oil & Gas Company, et al., Docket No. G–17775; Texaco Seaboard, Inc., Docket No. G–17779; Plymouth Oil Company, et al., Docket No. G–17931; Paul F. Barnhart, Docket No. G–17977; K & H Operating Company, Operator, Docket No. G–18058; George R. Brown, et al., Docket No. G–18131; Shell Oil Company, Docket Nos. G–18334 and G–18402; Zapata Offshore Company, Operator, et al., Docket No. G–18369; Jupiter Oils, Inc., et al., Docket No. G–18397; Pan American Petroleum Corporation, Docket No. G–18484; Hunt Oil Company, Docket No. G–18596; Roy M. Huffington, Inc., Operator, et al., Docket No. G–18680; Sutton Producing Company, Operator, et al., Docket No. G–18682; Superwell Development Corporation, Docket No. G–18939; Tennessee Gas Transmission Company, Docket No. CP60–6.

On August 1, 1960, the Presiding Examiner issued in these proceedings an initial decision relating to the issues of gas supply and deliverability. Upon exceptions to such decision, the Commission, by order issued August 26, 1960, ordered that:

> The above captioned proceedings [be] remanded for the purpose of a joint study by Transco and our staff of Transco's overall gas supply and for the presentation of further testimony by Transco in order that we may determine in a manner fully protective of the public interest what, if any, additional facilities by Transco may be certificated as required by the public convenience and necessity.

By letter dated March 22, 1961, Transcontinental Gas Pipe Line Corporation advised the Commission that:

> The joint study of Transco's gas reserves undertaken by the Commission Staff and Transco in accordance with the order issued herein by the Commission on August 26, 1960, has been completed. Both Transco and the Staff are prepared now to submit the results of these studies at a reopened hearing herein.
>
> It is respectfully requested that the hearing be reconvened herein at the earliest possible date.

Take notice that a further hearing in these proceedings relating to the issues of gas supply and deliverability will be held commencing on April 10, 1961 at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–2745; Filed, Mar. 28, 1961; 8:48 a.m.]

# FEDERAL RESERVE SYSTEM

## NORTHWEST BANCORPORATION

### Order Denying Application Under Bank Holding Company Act

In the matter of the application of Northwest Bancorporation for prior approval of acquisition of voting shares of The First National Bank of Pipestone, Pipestone, Minnesota.

There having come before the Board of Governors pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of Northwest Bancorporation for the Board's prior approval of the acquisition of 80 percent or more of the 1,500 outstanding voting shares of The First National Bank of Pipestone, Pipestone, Minnesota; a Notice of Tentative Decision referring to a Tentative Statement on said application having been published in the FEDERAL REGISTER on September 22, 1960 (25 F.R. 9129); the said notice having provided interested persons an opportunity, before issuance of the Board's final order, to file objections or comments upon the facts stated and the reasons indicated in the Tentative Statement; and the time for filing such objections and comments having expired and all objections and comments, including those filed by the Applicant, having been carefully considered;

*It is hereby ordered*, For the reasons set forth in the Board's Statement[1] of this date, that the said application be and hereby is denied.

Dated at Washington, D.C., this 23d day of March 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 21–2735; Filed, Mar. 28, 1961; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 157]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 24, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

### MOTOR CARRIERS OF PROPERTY

No MC 730 (Deviation No. 10), PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, Oakland 4, Calif., filed March 9, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Denver, Colo., over U.S. Highway 285 to Montevista, Colo., thence west over U.S. Highway 160 to Cortez, Colo., thence south over U.S. Highway 666 to Gallup, N. Mex., thence west of U.S. Highway 66 to junction U.S. Highway 89 near Ash Fork, Ariz., thence south over U.S. Highway 89 to junction Arizona Highway 71; thence over Arizona Highway 71 to junction U.S. Highway 70, thence west over U.S. Highway 70 to Redlands, Calif., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Salt Lake City, Utah over U.S. Highway 91 via Nephi and Anderson, Utah to Barstow, Calif., also from Nephi over Utah Highway 189 to junction U.S. Highway 89, thence over U.S. Highway 89 to Mt. Carmel Junction, Utah, thence over Utah Highway 15 to Anderson, Utah, and thence as specified above to Barstow, thence over U.S. Highway 66 via San Bernardino, Calif., to Los Angeles (also from San Bernardino, over U.S. Highway 99 to Los Angeles; from Denver, Colo., over U.S. Highway 287 to Laramie, Wyo., thence over U.S. Highway 30 to junction U.S. Highway 30S, thence over U.S. Highway 30S via Uintah, Utah to Ogden, Utah, thence over U.S. Highway 91 to Salt Lake City; from Denver to Uintah as specified above, thence over U.S. Highway 89 to junction Alternate U.S. Highway 89, thence over Alternate U.S. Highway 89 to junction U.S. Highway 91 and thence over U.S. Highway 91 to Salt Lake City; and from Denver over Colorado Highway 185 to the junction U.S. Highway 87, and return over the same routes.

No. MC 906 (Deviation No. 2), CONSOLIDATED FORWARDING CO., INC., 1300 North 10th Street, St. Louis, 6, Mo., filed March 6, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over U.S. Highway 421 to Greensburg, Ind., thence over Indiana Highway 46 to junction U.S. Highway 52, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 52 to Indianapolis, Ind., and return over the same routes.

No. MC 35320 (Deviation No. 3), T.I.M.E. FREIGHT, INC., Post Office Box 1120, Lubbock, Tex., filed March 13, 1961. Carrier's representative John T. Coon, Post Office Box 1120. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 66 and Interstate Highway 44, near Oklahoma City, Okla., over Interstate Highway 44 to junction U.S. Highway 166, near the Oklahoma-Missouri State Line, thence over U.S. Highway 166 to junction U.S. Highway 66, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Tulsa, Okla., over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Edmond, Okla., thence over Oklahoma Highway 77 to Oklahoma City; from St. Louis over U.S. Highway 66 to Tulsa, and return over the same routes.

No. MC 35320 (Deviation No. 4), T.I.M.E. FREIGHT, INC., Post Office Box 1120, Lubbock, Tex., filed March 16, 1961. Carrier's representative John T. Coon, Post Office Box 1120, Lubbock, Tex. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 42 and Interstate Highway 264 over Interstate Highway 264 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction U.S. Highway 31W, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio over U.S. Highway 42 to junction U.S. Highway 31W, thence over U.S. Highway 31W to Nashville, Tenn., thence over U.S. Highway 41 via Murfreesboro, Tenn., to junction unnumbered highway (formerly U.S. Highway 41), near Cassville, Ga., thence over unnumbered highway to Cartersville, Ga., thence over Georgia Highway 293 (formerly U.S. Highway 41) to junction U.S. Highway 41 near Emerson, Ga., thence over U.S. Highway 41 to Atlanta, Ga. (also from Nashville, Tenn., over Alternate U.S. Highway 41 (formerly Tennessee Highway 11), to junction Tennessee Highway 96, thence over Tennessee Highway 96 to Murfreesboro, and return over the same route.

No. MC 35380 (Sub No. 1) (Deviation No. 1), BELNAP FREIGHT LINES, INC., 1605 Chaplan Road, Montebello, Calif., filed March 16, 1961. Attorney Wood R. Worsley, 701 Continental Bank Building, Salt Lake City 1, Utah. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Salt Lake City, Utah, over Interstate Highway 15 to San Bernardino, Calif., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Los Angeles over U.S. Highway 66 to Kingman, Ariz.; From Los Angeles over U.S. Highway 6 to Mojave, Calif.; thence over U.S. Highway 466 to Kingman; from Los Angeles over U.S. Highway 101 to Anaheim, Calif., thence over U.S. Highway 91 to Las Vegas, Nev., thence over U.S. Highway 466 to Kingman; from Salt Lake City over U.S. Highway 91 to junction unnumbered highway (formerly U.S. Highway 91), near Mesquite, Nev., thence over unnumbered highway via Bunkerville, Nev., to junction U.S. Highway 91, thence over U.S. Highway 91 to Las Vegas, Nev., thence over U.S. Highway 93 to Boulder City; and return over the same routes. The carrier also has authority to transport specified commodities over pertinent routes as follows: From Salt Lake City over U.S. Highway 91 to Las Vegas, Nev., thence to Kingman via Boulder City, Nev., and Chloride, Ariz., as specified above; and from Las Vegas over U.S. Highway 91 to Jean, Nev., thence over Nevada Highway 53 to Goodsprings; from Las Vegas over U.S. Highway 91 to Salt Lake City, and return over the same routes.

No. MC 47038 (Deviation No. 1), SHIP-BY-TRUCK COMPANY, 1321 West Eighth Street, Kansas City, Mo., filed February 8, 1961. Attorney Tom B. Kretsinger, Suite 1014–18, Kansas City 6, Mo. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 29 to St. Joseph, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, Mo., over U.S. Highway 71 to St. Joseph and return over the same route.

No. MC 59852 (Deviation No. 1), ALL STATES FREIGHT, INC., 1250 Kelly Avenue, Akron 6, Ohio, filed March 6, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 20 and Indiana Highway 2 near Rolling Prairie, Ind., over Indiana Highway 2 to South Bend, Ind., and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the deviation points over U.S. Highway 20.

No. MC 68183 (Deviation No. 5), YANKEE LINES, INC., 1400 East Archwood Avenue, Akron 6, Ohio, filed March 7, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Interchange No. 25 Norristown, Pa., over the Pennsylvania Turnpike to Interchange No. 38 near Scranton, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Philadelphia, Pa., over U.S. Highway 611 to Scranton, Pa.; and from Harrisburg, Pa., over U.S. Highway 22 to Allentown, Pa., thence over U.S. Highway 309 to Philadelphia; from Allentown over U.S. Highway 309 to Wilkes Barre, Pa., thence over unnumbered highway to Pittston, Pa.; from Lancaster over U.S. Highway 222 to Allentown, thence over U.S. Highway 22 to Easton, Pa.; and from Kingston, Pa., over Pennsylvania Highway 115 to Wilkes Barre, thence over Pennsylvania Highway 315 to Avoca, Pa., and return over the same routes.

### MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 61), THE GREYHOUND CORPORATION, 2600 Hamilton Avenue, Cleveland 14, Ohio, filed March 8, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highways 54 and 30, approximately 4 miles west of Chicago Heights, Ill., over U.S. Highway 30 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 66, approximately 8 miles southwest of Joliet, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Chicago, Ill., over U.S. Highway 41 to Hammond, Ind., thence over U.S. Highway 20 via Gary, Rolling Prairie, South Bend, and Elkhart, Ind.; from Chicago over U.S. Highway 66 to junction Alternate U.S. Highway 66 at a point approximately 10 miles northeast of Joliet, Ill., thence over Alternate U.S. Highway 66 via Joliet to junction U.S. Highway 66 at the outskirts of Gardner, Ill., from junction Alternate U.S. Highway 66 and U.S. Highway 66 north of Joliet over U.S. Highway 66 to junction Alternate U.S. Highway 66 near Gardner; also from Chicago over U.S. Highway 41 to Hammond, Ind., thence over Sibley Blvd., to junction Torrence Avenue, thence over Torrence Avenue to junction U. S. Highway 6, thence over U.S. Highway 6 to

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Minneapolis.

junction Illinois Highway 1, thence over Illinois Highway 1 to Chicago Heights, Ill., and thence over U.S. Highway 30 to U.S. Highway 54, and return over the same routes.

No. MC 1940 (Deviation No. 8), TRAILWAYS OF NEW ENGLAND, INC., 400 Trailways Building, 1200 Eye Street NW., Washington 5, D.C., filed March 7, 1961. Attorney William A. Roberts, Continental Building, 14th and K Streets NW., Washington 5, D.C. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From the junction of Massachusetts Highways 9 and 128 over Massachusetts Highway 128 to junction Massachusetts Highway 28, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Worcester, Mass., over Massachusetts Highway 9 to Boston; and from Boston over Massachusetts Highway 28 to Lawrence, Mass., and return over the same route.

No. MC 2866 (Deviation No. 3), EDWARDS MOTOR TRANSIT COMPANY, 56 East Third Street, Williamsport, Pa., filed March 13, 1961. Attorney Robert H. Griswold, Commerce Building, Harrisburg, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From Pottsville, Pa., over U.S. Highway 122 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction Northeast Extension of the Pennsylvania Turnpike at Interchange No. 33 (Lehigh Valley), and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From junction Pennsylvania Highway 29 and U.S. Highway 209 near Lehighton, Pa., over U.S. Highway 209 to Pottsville, and return over the same route.

No. MC 2866 (Deviation No. 4), EDWARDS MOTOR TRANSIT COMPANY, 56 East Third Street, Williamsport, Pa., filed March 13, 1961. Attorney Robert H. Griswold, Commerce Building, Harrisburg, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From Interchange No. 25 (Norristown), of the Pennsylvania Turnpike over the Pennsylvania Turnpike to Interchange No. 24 (Valley Forge), thence over Pennsylvania Highway 43 (Schuylkill Expressway) to Philadelphia, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers, over a pertinent service route as follows: From Interchange No. 27 (Willow Grove) over U.S. Highway 611 to Philadelphia and return over the same route.

No. MC 2890 (Deviation No. 9), AMERICAN BUSLINES, INC., 1805 Levenworth Street, Omaha 2, Nebr., filed March 3, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From Toledo, Ohio, over Interstate Highway 75 to junction U.S. Highway 25, approximately 5 miles northeast of Flat Rock, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Toledo, over U.S. Highway 24 or U.S. Highway 25 to junction of said highways approximately 5 miles north of Monroe, Mich., thence over U.S. Highway 25 to Detroit and return over the same routes.

No. MC 84728 (Deviation No. 2), SAFEWAY TRAILS, INC., 820 T Street NE., Washington 18, D.C., filed March 6, 1961. Attorney William A. Roberts, Continental Building, 14th and K Streets NW., Washington 5, D.C. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From Chester, Pa., over Pennsylvania Highway 291 to Philadelphia, Pa., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that carrier is presently authorized to transport passengers between the same points over U.S. Highway 13.

No. MC 109598 (Deviation No. 4) CAROLINA SCENIC STAGES, 217 North Converse Street, Spartanburg, S.C., filed March 16, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From the junction of Interstate Highway 26 and South Carolina Highway 296 in Spartanburg, S.C., over Interstate Highway 26 to junction Interstate Highway 126, thence over Interstate Highway 126 to Columbia, S.C., and return over the same route, for operating convenience only serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Spartanburg over U.S. Highway 176 to junction South Carolina Highway 215 and thence over South Carolina 215 to Columbia, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-2747; Filed, Mar. 28, 1961; 8:48 a.m.]

[Notice 369]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 24, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

### APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

#### MOTOR CARRIERS OF PROPERTY

No. MC 222 (Sub No. 24), filed March 13, 1961. Applicant: NEW YORK CONSOLIDATED FREIGHTWAYS CORPORATION, 1540 West Market Street, Akron 13, Ohio. Applicant's representative: E. R. Kershiner, 715 South 25th Avenue, Bellwood, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Cockeysville, Md., as an off-route point in connection with carrier's presently authorized regular route operations to and from Baltimore, Md.

NOTE: Applicant states it is a wholly-owned subsidiary of Consolidated Freightways Corporation of Delaware (MC 42487).

*HEARING:* April 21, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 263 (Sub No. 130), filed March 2, 1961. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gilsulate* (which is a product of Gilsonite), a natural crude asphalt, in bulk, from Salt Lake City, Utah, to the plant site of the Atomic Energy Commission at or near Hanford, Wash.

*HEARING:* May 11, 1961, at 1:00 o'clock p.m., at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner James H. Gaffney.

No. MC 504 (Sub No. 38), filed March 6, 1961. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, 1375 Peachtree Street NE., Suite 693, Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from Elberton, Ga. and points within 25 miles thereof, to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

*HEARING:* May 5, 1961, at 680 West Peachtree Street NW., Atlanta Ga., before Examiner Charles B. Heineman.

No. MC 504 (Sub No. 39), filed March 6, 1961. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Alberton, Ga. Applicant's attorney: Reuben G. Crimm, 1375 Peachtree Street NE., Suite 693, Atlanta 8, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from points in Kershaw County, S.C., to points in Tennessee, Kentucky, Illinois, Iowa, Missouri, Wisconsin, Indiana, Michigan, Ohio, West Virginia, Georgia, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

*HEARING:* May 5, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles B. Heineman.

No. MC 504 (Sub No. 40), filed March 15, 1961. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, 1375 Peachtree Street NE., Suite 693, Atlanta 8, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from Salisbury, N.C., to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Iowa, Wisconsin, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Missouri, South Carolina, District of Columbia.

*HEARING:* May 5, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles B. Heineman.

No. MC 730 (Sub No. 189), filed December 15, 1960. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Rawlins, Wyo., and Casper, Wyo.; from Rawlins over U.S. Highway 287 (Wyoming Highway 789) to junction with Wyoming Highway 220 at Muddy Gap, Wyo., thence over Wyoming Highway 220 to Casper, and return over the same route, serving no intermediate points. RESTRICTION: Service at Casper restricted to that required in connection with substituted rail trailer-on-flatcar for the highway operations of applicant between Rawlins, Wyo., on the west, and Omaha, Nebr., and points north and east thereof, on the east, as an alternate gateway.

*HEARING:* May 8, 1961, at the Wyoming Public Service Commission, Cheyenne, Wyo., before Joint Board No. 197, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 1658 (Sub No. 45), filed March 17, 1961. Applicant: NORWALK TRUCK LINES INC. OF DELAWARE, 1091 Manheim Pike, Lancaster, Pa. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); serving Cockeysville, Md., and points within one mile thereof as off-route points in connection with applicant's regular routes and service points covered by Certificate No. MC 1658 and Subs thereunder.

*HEARING:* April 21, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 2202 (Sub No. 201), filed January 18, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Junction U.S. Highway 31 and Relocated U.S. Highway 31, south of Elkton, Tenn., and Junction Relocated U.S. Highway 31 and U.S. Highway 31 south of Athens, Ala.; from Junction U.S. Highway 31 and Relocated U.S. Highway 31, south of Elkton, Tenn., over Relocated U.S. Highway 31 to junction Relocated U.S. Highway 31 and U.S. Highway 31 south of Athens, Ala., serving no intermediate or off-route points, as an alternate route for operating convenience only.

*HEARING:* May 9, 1961, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 106, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heineman.

No. MC 2202 (Sub No. 204), filed March 1, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving Cockeysville, Md., as an off-route point in connection with applicant's regular routes points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

*HEARING:* April 21, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 2589 (Sub No. 16), filed February 2, 1961. Applicant C.A.B.Y. TRANSPORTATION COMPANY, a corporation, 3212 St. Clair Avenue, Cleveland 14, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Medina, Ohio, as an off-route point in connection with applicant's regular route operations to and from Akron, Ohio, and Cleveland, Ohio.

*HEARING:* May 22, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 2962 (Sub No. 25), filed February 1, 1961. Applicant: A & H TRUCK LINE, INC., 1277 Maxwell Avenue, Evansville, Ind. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between the junction of U.S. Highway 50 and Indiana Highway 235, near Brownstown, Ind., and junction of Indiana Highways 235 and 135; from junction U.S. Highway 50 and Indiana Highway 235, near Brownstown, over Indiana Highway 235 to junction Indiana Highways 235 and 135, and return over the same route, serving the intermediate point of Medora, Ind.

*HEARING:* May 23, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 2986 (Sub No. 22), filed January 30, 1961. Applicant: INDIANAPOLIS & SOUTHERN MOTOR EXPRESS, INC., U.S. Highway 41 South, P.O. Box 491, Vincennes, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Jasper and Celestine, Ind., over Indiana Highway 164, serving no intermediate points. (2) Between Dale and Jasper, Ind., from Dale, over Indiana Highway 62 to junction Indiana Highway 162; thence over Indiana Highway 162 to Jasper, and return over the same route, serving the intermediate point of Ferdinand, Ind. and (3) between Huntingburg, Ind. and the junction of Indiana Highway 357 and Indiana Highway 56, from Huntingburg, over Indiana Highway 64 to junction Indiana Highway 56, and return over the same route, serving the intermediate point of Valpen, Ind.

*HEARING:* May 22, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 3379 (Sub No. 42), filed January 26, 1961. Applicant: SNYDER BROS. MOTOR FREIGHT, INC., P.O.

Box 830, 362 Stanton Avenue, Akron 9, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), serving Medina, Ohio, as an off-route point in connection with applicant's authorized regular route operations to and from Akron, Ohio.

*HEARING:* May 22, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 9895 (Sub No. 114) (AMENDMENT), filed October 14, 1960, published in the FEDERAL REGISTER, issue of October 26, 1960. Applicant: DENVER CHICAGO TRANSPORT COMPANY, INC., East 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney; Alvin J. Meiklejohn, Jr., Suite 526, Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydazine* and hydrazine mix, in bulk, in shipper-owned or carrier-owned tank vehicles, (1) between Lake Charles, La., Baltimore, Md., and Saltville, Va., on the one hand, and, on the other, Nimbus and Santa Susana, Calif., and Denver and Waterton, Colo., and (2) between Rocky Mountain Arsenal near Denver, Colo., on the one hand, and, on the other, Missile Sites and Installations and supply points therefor, in Arizona, Arkansas, California, Colorado, Kansas, New York, and Tennessee.

NOTE: The subject amendment broadens the scope of the authority sought. As originally filed the proposed operations involved the transportation of similar commodities from Rocky Mountain Arsenal, Colo., to the site of Martin Aircraft plant near Waterton, Colo.

*HEARING:* April 5, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 10955 (Sub No. 9), filed January 26, 1961. Applicant: RENNER MOTOR LINES, INC., 622 West Waterloo Road, Akron, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are manufactured, processed, or dealt in by rubber or rubber products manufacturers, between points in Summit County, Ohio, and Medina, Ohio.

NOTE: For purpose of joinder in Summit County, Ohio, with applicant's presently authorized operations.

*HEARING:* May 22, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 11207 (Sub No. 200), filed March 9, 1961. Applicant: DEATON TRUCK LINE, INC., P.O. Box 1271, 3409 10th Avenue North, Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Roofing and Siding*, and (b) *Roofing and Siding materials*, from Atlanta, Ga., to points in Alabama, North Carolina, South Carolina, and Tennessee.

*HEARING:* May 4, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles B. Heineman.

No. MC 13123 (Sub No. 26), filed March 13, 1961. Applicant: WILSON FREIGHT FORWARDING COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Cockeysville, Md., as an off-route point in connection with carrier's regular route operations to and from Baltimore, Md.

*HEARING:* April 21, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC–17002 (Sub No. 20), filed March 7, 1961. Applicant: CASE DRIVEWAY, INC., 6001 U.S. Route 60, Huntington, W. Va. Applicant's attorney: Charles T. Dodrill, 600 Fifth Avenue, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles of iron and steel manufacture* as listed in *Descriptions in Motor Carrier Certificates*—Appendix 5, 61 M.C.C. 209, *including, but not limited to, mine and pit cars, reinforcing steel, and mine roof bolts*, between points in Huntington, W. Va., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

*HEARING:* June 1, 1961, at the U.S. Court House, Charleston, W. Va., before Examiner David Waters.

No. MC 18088 (Sub No. 27), filed February 1, 1961. Applicant: FLOYD AND BEASLEY TRANSFER COMPANY, INC., P.O. Drawer 8, Sycamore, Ala. Applicant's attorney: John W. Cooper, 818–821 Massey Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), from Lafayette, Ala., to Pepperell (Opelika), Lanett, Shawmut, Riverview, Langdale, and Fairfax, Ala.

NOTE: Applicant states that Pepperell is at Opelika. Lanett, Langdale, Shawmut, Riverview, and Fairfax are mill points of West Point Manufacturing Company and are within 5 miles of each other.

*HEARING:* May 10, 1961, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 157, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heineman.

No. MC 20207 (Sub No. 32), filed March 20, 1961. Applicant: CONTINENTAL TRANSPORTATION LINES, INC., Graham Street, McKees Rocks, Pa. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment) serving Cockeysville, Md., as an off-route point in connection with applicant's regular routes contained in Certificates MC 20207 and Subs thereto.

*HEARING:* April 21, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 20992 (Sub No. 10) (CLARIFICATION), filed January 6, 1961, published in FEDERAL REGISTER, issue of February 22, 1961. Applicant: WILLIAM DOTSETH, Rural Route, Knapp, Wis. Applicant's attorney: W. P. Knowles, New Richmond, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and sawed lumber, poles, ties, pallets, flooring, and manufactured wood products*, from points in that part of Wisconsin north of U.S. Highway 16 and west of U.S. Highway 53, to points in Illinois, Iowa and Minnesota, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: The purpose of this republication is to show that State Trunk Highway 53 should have been shown as U.S. Highway 53.

*HEARING:* Remains as assigned May 4, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Frank R. Saltzman.

No. MC 23939 (Sub No. 98), filed March 22, 1961. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrazine and hydrazine mix*, in bulk, in shipper-owned or carrier-owned tank vehicles; (1) between Lake Charles, La., Baltimore, Md., and Saltville, Va., on the one hand, and, on the other, Nimbus and Santa Susana, Calif., and Denver and Watertown, Colo., and (2) between Rocky Mountain Arsenal near Denver, Colo., on the one hand, and, on the other, Missile Sites and Installations in Arizona, Arkansas, California, Colorado, Kansas, New York, and Tennessee.



*HEARING:* April 5, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 28478 (Sub No. 13), filed February 6, 1961. Applicant: GREAT LAKES EXPRESS CO., a corporation, 172 Davenport Street, Saginaw, Mich. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Medina, Ohio, as an off-route point in connection with applicant's presently authorized regular route operations to and from Detroit, Mich.

*HEARING:* May 22, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 29886 (Sub No. 176), filed February 6, 1961. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passenger, freight, and combination passenger and freight motor vehicles (jeeps, trucks, and station wagons)* manufactured by Willys Motors, Inc. at Toledo, Ohio, in secondary movements; from the rail heads in Denver, Colo., to points in Colorado, New Mexico, Utah, Idaho, Wyoming, points in Sioux, Dawes, Sheridan, Scotts Bluff, Banner, Kimball, Cheyenne, Morrill, Box Butte, Garden, Deuel, Perkins, Chase, Dundy, Hitchcock, Hayes, Lincoln, and Keith Counties, Nebr., and to Ely and Elko, Nev. RESTRICTION: The proposed operation is restricted to movements which have had a prior movement by rail in specially constructed rail cars known as multi-level cars or in T.O.F.C. service.

NOTE: Applicant states it has authority to handle the involved traffic from Toledo, Ohio in initial movements, to all the destinations involved except Nebraska and New Mexico. (By letter dated February 27, 1961, applicant designates the commodities proposed to be transported as: "Jeep" Universals, "Jeep" trucks, and "Jeep" station wagons.) No duplicating authority is sought.

*HEARING:* May 19, 1961, at the New Customs House, Denver, Colo., before Examiner James H. Gaffney.

No. MC 30887 (Sub No. 106), filed March 13, 1961. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's attorney: William J. Little, 1513 Fidelity Building, Baltimore, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry commodities* (except cement, salt, sugar, and flour) in bulk, in tank or hopper type vehicles, and (2) *rejected shipments*, between Wallingford, Conn.; Bound Brook, Princeton, Warners, and Woodbridge, N.J.; Pearl River, N.Y.; Hamilton, and Marietta, Ohio; Bridgeville, and New Castle, Pa.; and Ports of Entry on the International Boundary Line, on the Detroit River and on the Niagara River; on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Illinois, Iowa, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

*HEARING:* May 8, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 30897 (Sub No. 11), filed February 8, 1961. Applicant: CONSOLIDATED FREIGHT COMPANY, a corporation, 321 South Franklin Street, Saginaw, Mich. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Medina and Toledo, Ohio, for the purpose of joinder at Toledo, Ohio, with applicant's presently authorized regular route operations from and to Toledo, Ohio.

*HEARING:* May 22, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 31389 (Sub No. 48), filed March 13, 1961. Applicant: McLEAN TRUCKING COMPANY, a corporation, P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving Cockeysville, Md., as an off route point in connection with applicant's presently authorized regular and irregular route service at Baltimore, Md.

*HEARING:* April 21, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 31435 (Sub No. 5), filed January 26, 1961. Applicant: OVERLAND TRANSPORTATION COMPANY, a corporation, 184 Massillon Road, P.O. Drawer N, East Akron Station, Akron 5, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Medina, Ohio, to Akron, Ohio, for joinder at Akron, with applicant's presently authorized operations.

*HEARING:* May 22, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 32562 (Sub No. 17), filed March 6, 1961. Applicant: POINT EXPRESS, INC., 3535 Seventh Avenue, Charleston, W. Va. Applicant's attorney: John C. White, 400 Union Building, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Webster Springs, W. Va., and Cleveland, W. Va., over West Virginia Highway 20, serving all intermediate points; (2) between Webster Springs, W. Va., and Valley Head, W. Va., over West Virginia Highway 15, serving all intermediate points; (3) between Richwood, W. Va., and the West Virginia-Virginia State line over West Virginia Highway 39, serving all intermediate points and the off-route points of Circleville, Franklin and Sugar Grove, Pendleton County, and (4) between Lewisburg, W. Va., and Valley Head, W. Va., over U.S. Highway 219, serving all intermediate points and the off-route points of Huttonsville, Mill Creek, Pocahontas County, and those in Greenbrier County, North of U.S. Highway 60.

*HEARING:* May 31, 1961, at the U.S. Court House, Charleston, W. Va., before Joint Board No. 118, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 37896 (Sub No. 13), filed January 26, 1961. Applicant: YOUNGBLOOD TRUCK LINES, INC., Fletcher, N.C. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Akron, Ohio, and Medina, Ohio, for joinder at Akron, Ohio, in connection with applicant's authorized operations and such other operations authorized to applicant.

*HEARING:* May 22, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 42329 (Sub No. 148), filed March 1, 1961. Applicant: HAYES FREIGHT LINES, INC., P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: David G. Macdonald, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to

operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* including *dangerous explosives* (but not including commodities of unusual value, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving the site of B. F. Goodrich Company plant, located at or near Medina, Ohio, as an intermediate or off-route point in connection with carrier's regular-route operations to and from Cleveland, Akron, Canton, and Youngstown, Ohio.

*HEARING:* May 22, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 42487 (Sub No. 492) (AMENDMENT), filed December 19, 1960, published issue December 29, 1960, amended March 7, 1961, and republished as amended March 15, 1961, and further amended March 22, 1961 and republished as further amended this issue. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrazine* and *hydrazine mix*, in bulk, in shipper-owned or carrier-owned tank vehicles, (1) between Rocky Mountain Arsenal, near Denver, Colo., on the one hand, and, on the other, Martin Aircraft Plant near Waterton, Colo., and missile sites and installations in Arizona, California, Colorado, Kansas, Florida, New York, and Tennessee; (2) between Lake Charles, La., and Baltimore, Md., on the one hand, and, on the other, Rocky Mountain Arsenal, Colo.; Santa Susana, Calif.; Denver, Colo.; and the Martin Aircraft Plant near Waterton, Colo.; (3) between Saltville, Va., on the one hand, and, on the other, Nimbus and Santa Susana, Calif.; Denver, Colo.; Rocky Mountain Arsenal, Colo.; and Martin Aircraft Plant near Waterton, Colo.

NOTE: The subject amendment broadens the scope of the authority sought. As originally filed the proposed operations involved the transportation of similar commodities from Rocky Mountain Arsenal, Colo.; to the site of Martin Aircraft plant near Waterton, Colo. This amendment adds the State of Florida.

*HEARING:* Remains as assigned April 5, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 42487 (Sub No. 494), filed December 28, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and those injurious or contaminating to other lading), serving the site of Columbia-Geneva Division of U.S. Steel Corporation plant at or near Atlantic City, Wyo., as an off-route point in connection with applicant's authorized regular routes (1) between Rawlins and Little America, Wyo., and (2) between Rawlins and Lander, Wyo.

NOTE: Common control may be involved.

*HEARING:* May 10, 1961, at the Wyoming Public Service Commission, Cheyenne, Wyo., before Joint Board No. 197, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 51146 (Sub No. 7), filed February 7, 1961. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. Applicant's attorney: Edward Solie, 715 National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated shipping containers, corrugated sheets,* and *corrugated partitions;* between Manitowoc, Wis., on the one hand, and, on the other, Barrington, Carpentersville, Waukegan, Rockford, and Libertyville, Ill., and (2) *pulpboard*, in rolls; between Manitowoc, Wis., and Rockford, Ill.

*HEARING:* May 9, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 52458 (Sub No. 156), filed March 20, 1961. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., U.S. Route 9 at Green Street, Woodbridge, N.J. Applicant's attorney: Paul J. Keeler, P.O. Box 457, Woodbridge, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry commodities* (except cement, salt, sugar, and flour) in bulk, in tank or hopper type vehicles, and (2) *rejected shipments*, between Wallingford, Conn.; Bound Brook, Princeton, Warners, and Woodbridge, N.J.; Pearl River, N.Y.; Hamilton and Marietta, Ohio; Bridgeville and New Castle, Pa.; and Ports of Entry on the International Boundary Line, on the Detroit River and on the Niagara River; on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Illinois, Iowa, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

*HEARING:* April 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 52709 (Sub No. 128), filed February 10, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's Representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and/or animal fats, oils and greases, and blends and products thereof*, in bulk and in tank vehicles, from Sherman, Tex., and Jacksonville, Ill., to points in Utah, Idaho, Wyoming, and Montana, and *refused or rejected shipments*, on return.

*HEARING:* May 8, 1961, at the Baker Hotel, Dallas, Tex., before Examiner Armin G. Clement.

No. MC 59680 (Sub No. 130), filed March 2, 1961. Applicant: STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas 2, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Houston, Tex., and the site of the Monsanto Chemical Co., located near Chocolate Bayou, Tex.; from Houston over Texas Highway 35 to intersection Texas Highway 35 (between Alvin and Angleton, Tex.) with County Road 191, thence over County Road 191 and 194 to plant site of Monsanto Chemical Co., and return over the same route.

*HEARING:* May 12, 1961, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Armin G. Clement.

No. MC 64932 (Sub No. 293), filed February 20, 1961. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Newport, Minn., and points within ten (10) miles thereof, to Chicago, Ill.

*HEARING:* June 6, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lacy W. Hinely.

No. MC 64932 (Sub No. 294), filed February 20, 1961. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, from Odessa, Tex., and points within fifteen (15) miles thereof, to points in the Continental United States.

*HEARING:* May 11, 1961, at the Baker Hotel, Dallas, Tex., before Examiner Armin G. Clement.

No. MC 68183 (Sub No. 16), filed January 26, 1961. Applicant: YANKEE LINES, INC., 1400 East Archwood Avenue, Akron, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Medina, Ohio, as an intermediate point in connection with applicant's presently authorized regular route operations between Akron and Elyria, Ohio.

NOTE: Applicant states that he is presently authorized to operate between Akron and Elyria with no authority to serve intermediate points.



*HEARING:* May 22, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 69183 (Sub No. 17), filed March 10, 1961. Applicant: YANKEE LINES, INC., 1400 Archwood Avenue, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Cockeysville, Md., as an intermediate point on carrier's presently authorized regular route operations between Harrisburg, Pa., and Baltimore, Md., over U.S. Highway 111.

*HEARING:* April 21, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 72140 (Sub No. 42), filed February 15, 1961. Applicant: SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, Ind. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Medina, Ohio, as an intermediate point in connection with applicant's presently authorized regular-route operations between Fremont, Ohio, and Akron, Ohio.

NOTE: Medina, Ohio, is located on Ohio Highway 18 between Norwalk, Ohio, and Akron, Ohio.

*HEARING:* May 22, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 75185 (Sub No. 228), filed March 13, 1961. Applicant: SERVICE TRUCKING CO., INC., P.O. Box 276, Preston Road, Federalsburg, Md. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, including *frozen fruits, frozen fruit products*, and *frozen tomato products*, from North East Pa., and Middleport, Barker, Williamson, North Rose, Ontario, Webster, Fairport, Elmira, Holley, Morton, Buffalo, Wyoming, Syracuse, Le Roy, Oakfield, Kirkland, Silver Creek, Brocton, Fredonia, Westfield, and Dunkirk, N.Y., to Wilmington, Del., points in Virginia, and points in those portions of Maryland and Delaware located south of the Chesapeake and Delaware Bay Canal and east of Chesapeake Bay.

*HEARING:* May 5, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 80430 (Sub No. 98), filed February 3, 1961. Applicant: GATEWAY TRANSPORTATION CO., a corporation, 2130 South Avenue, La Crosse, Wis. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Medina, Ohio, as an intermediate point in connection with applicant's authorized regular-route operations in Illinois, Iowa, Minnesota, Missouri, Wisconsin, Indiana, Ohio, Michigan, Pennsylvania, and New York.

*HEARING:* May 22, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 82861 (Sub No. 11), filed March 15, 1961. Applicant: BROOKS TRUCK LINE, INC., P.O. Box 31, Puyallup, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay brick, clay tile, clay pipe, clay flue lining, empty pallets, corner boards and containers used in transporting the clay products*, between points on the International Boundary line between the United States and Canada at or near Sumas, Wash., and points in Washington (restricted to traffic moving to or from points in British Columbia, Canada); (2) *high temperature bonding mortar and fire clay*, in packages, *dampers, brick ties and other materials and supplies incidental to the manufacture and use of these commodities, pallets, used in transporting the clay products*, between points on the International Boundary line between the United States and Canada at or near Sumas, Wash., on the one hand, and, on the other, points in Washington (restricted to traffic moving to or from points in British Columbia, Canada).

*HEARING:* June 7, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 83539 (Sub No. 78), filed February 16, 1961. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commodities*, the transportation of which by reason of size or weight, require the use of special equipment; and (B) *Related machinery* and *related contractors' equipment, materials*, and *supplies*, when their transportation is incidental to the transportation of the commodities authorized in (A) above, (1) between points in New Jersey and New York, on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, and Wyoming; and (2) between points in Colorado, Idaho, Kansas, Nebraska, Nevada, Oklahoma, Oregon, Utah, and Washington, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania.

*HEARING:* May 15, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner David Waters.

No. MC 103051 (Sub No. 105), filed March 10, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444—Station K, 340 Armour Drive, NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Arsenic acid*, in bulk, in tank vehicles, from Baltimore, Md., to points in Fulton and DeKalb Counties, Ga.

*HEARING:* May 3, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles B. Heineman.

No. MC 103880 (Sub No. 219), filed February 27, 1961. Applicant: PRODUCERS TRANSPORT, INC., 224 South Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions* and *Liquid ingredients*, including but not limited to anhydrous ammonia, in bulk, in tank vehicles, from Cahokia, Ill., and points within five (5) miles thereof, to points in Ohio, Michigan, Kentucky, Iowa, Indiana, Missouri, Minnesota, and Wisconsin.

NOTE: Applicant states it is the owner of 50 percent of the outstanding stock of Tank Truck Transport, Ltd.

*HEARING:* May 25, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Lacy W. Hinely.

No. MC 107107 (Sub No. 165), filed March 15, 1961. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and tubing*, (2) *fittings* therefor, (3) *bonding cement*, in containers, from High Springs, Fla., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin.

*HEARING:* May 9, 1961, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Allen W. Hagerty.

No. MC 107496 (Sub No. 182), filed February 15, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, P.O. Box 855, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, 408 Southeast 30th Street, P.O. Box 855, Des Moines 17, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer solutions* and *ingredients* thereof, liquid, including but not limited to *anhydrous ammonia*, in bulk, in tank vehicles, from Cahokia, Ill., to points in Iowa, Missouri, Indiana, Wisconsin, Minnesota, Michigan, Ohio, and Kentucky.

NOTE: Applicant also has pending contract carrier applications under MC 119136 and Subs thereunder. Dual authority and common control may be involved.

*HEARING:* May 25, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Lacy W. Hinely.

No. MC 107496 (Sub No. 184), filed February 27, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, P.O. Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum refined wax*, in bulk, in tank vehicles, from Casper, Wyo., to Kansas City, Kans.

NOTE: Applicant has pending applications under MC 119136, for contract carrier authority; therefore, dual operations may be involved.

*HEARING:* June 6, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lacy W. Hinely.

No. MC 107544 (Sub No. 38) (AMENDMENT), filed March 14, 1961, published in the FEDERAL REGISTER, issue of March 22, 1961. Applicant: LEMMON TRANSPORT COMPANY, INC., P.O. Box 580, Marion, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrazine and hydrazine mix*, in bulk, in shipper-owned or carrier-owned tank vehicles; (1) between Lake Charles, La., Baltimore, Md., and Saltville, Va., on the one hand, and, on the other, Nimbus and Santa Susana, Calif., and Denver and Watertown, Colo.; and (2) between Rocky Mountain Arsenal near Denver, Colo., on the one hand, and, on the other, Missile Sites and Installations in Arizona, Arkansas, California, Colorado, Florida, Kansas, New York, and Tennessee.

NOTE: (1) Applicant holds contract authority under MC 113959, therefore dual operations may be involved. (2) The amendment adds Florida to the group of states in part (2).

*HEARING:* Remains as assigned April 5, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 108207 (Sub No. 79), filed February 24, 1961. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dessert preparations, gelatin, leavening agents, baking powder, teas, dry yeast, coffee, yeast foods, nuts,* and *dog food* in cans, in mixed shipments with *yeast or oleomargerine or shortening or frozen foods*; from points in the Commercial Zone of Dallas, Tex., to points in New Mexico on and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 85 to Santa Fe, N. Mex., thence along U.S. Highway 285 to the New Mexico-Colorado State line.

*HEARING:* May 10, 1961, at the Baker Hotel, Dallas, Tex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner Armin G. Clement.

No. MC 109095 (Sub No. 11), filed February 2, 1961. Applicant: ANDERSON MOTOR SERVICE, INC., 1516 East 14th Street, St. Louis, Mo. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Akron, Ohio and Lodi, Ohio; from Akron over Ohio Highway 18 to Medina, Ohio, thence over U.S. Highway 42 to Lodi, and return over the same route, serving the intermediate point of Medina, Ohio.

NOTE: Applicant states that for the purpose of joinder at Lodi, Ohio with its presently authorized regular route operations between Akron, Ohio and St. Louis, Mo., it is presently authorized to operate between Lodi, Ohio, and Akron, Ohio, over the above-described route for operating convenience only, with no service to or from Lodi, nor to or from intermediate points.

*HEARING:* May 22, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 109818 (Sub No. 13), filed February 20, 1961. Applicant: ELDON WENGER, doing business as WENGER TRUCK LINE, Beaver, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Portage, Ind., as an off-route point in connection with applicant's presently authorized service from and to the Chicago, Ill., Commercial Zone.

*HEARING:* May 23, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 110264 (Sub No. 24), filed February 17, 1961. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., 504 Veranda Road NW., P.O. Box 404, Albuquerque, N. Mex. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *Classes A and B explosives* and *shipper-owned gas trailers, loaded with compressed or liquefied gas* (other than liquefied petroleum gas) or empty (but excepting commodities in bulk, those of unusual value, household goods as defined by the Commission, and those requiring special equipment), between Albuquerque, N. Mex., and Phoenix, Ariz.; from Albuquerque over U.S. Highway 66 to Flagstaff, Ariz., thence over Arizona Highway 79 to its junction with Arizona Highway 69 at or near Cordes, Ariz., and thence over Arizona Highway 69 to Phoenix, and return over the same route (also over Interstate Highway 17 between Flagstaff and Phoenix, Ariz.), serving no intermediate or off-route points, as an alternate route for operating convenience only.

*HEARING:* May 25, 1961, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 129, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 111956 (Sub No. 5), filed February 3, 1961. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105–15 Fayette Street, Washington, Pa. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Medina, Ohio, as an off-route point in connection with applicant's regular route operations between Washington, Pa., and Cleveland, Ohio.

*HEARING:* May 22, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 112520 (Sub No. 57), filed January 12, 1961. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefield petroleum gas* and *nitrogen solution*, in bulk, in tank vehicles; from points in Bradford County, Fla., to points in Georgia, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

*HEARING:* May 11, 1961, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heineman.



No. MC 112520 (Sub No. 60), filed February 27, 1961. Applicant: MC KENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphate black liquor skimmings*, in bulk, in tank vehicles, from Naheola, Ala., to Cantonment, Fla.

*HEARING:* May 12, 1961, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 98, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heineman.

No. MC 112703 (Sub No. 9) (AMENDMENT), filed January 30, 1961, published in the FEDERAL REGISTER issue of March 9, 1961. Applicant: OIL CARRIERS CO., a corporation, 12030 Pleasant Street, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Resin plasticizer* and *soy bean oil*, in bulk, in tank vehicles, from Decatur, Ill., to Manville, Belleville, and Newark, N.J.; and (2) *Synthetic resin*, in bulk, in tank vehicles, from Newark, N.J., and ten (10) miles thereof, to Minneapolis and St. Paul, Minn.

NOTE: This amendment broadens the scope of authority sought, in lieu of previous publication.

*HEARING:* Remains as assigned May 3, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 112750 (Sub No. 56), filed February 2, 1961. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, De Bevoise Building, Bayside, N.Y. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Impressions, Models*, and *Bites, Articulators, Dentures*, and *products relating to restorative dentistry*, between points in Illinois on and south of U.S. Highway 36, and points in Adams, Brown, and Pike Counties, Ill., on the one hand, and, on the other, St. Louis, Mo.

*HEARING:* May 29, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 113587 (Sub No. 3), filed February 1, 1961. Applicant: WARD RUGH, Box 574, Ellensburg, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fibreboard boxes, partitions, separators, and parts thereof*, from Quadlok (Olympia), Wash., to points in Oregon, and (2) *Returned shipments* of the commodities described in (1) from points in Oregon to Quadlok (Olympia), Wash.

*HEARING:* June 5, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 114045 (Sub No. 64), filed February 3, 1961. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products*, from Shreveport, La., and Texarkana, Tex., to points in Alabama, Georgia, North Carolina, South Carolina, and Florida.

*HEARING:* May 9, 1961, at the Baker Hotel, Dallas, Tex., before Examiner Armin G. Clement.

No. MC 114194 (Sub No. 31), filed October 6, 1960. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals*, and *blends* thereof, in bulk, in tank vehicles, between Dupo, Ill., on the one hand, and, on the other, points in the United States, including Alaska and Hawaii.

*HEARING:* May 23, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Lacy W. Hinely.

No. MC 114533 (Sub No. 25), filed February 20, 1961. Applicant: BANKERS DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commercial papers, documents, microfilm*, and *written instruments*, except coins, currency and negotiable securities as are used in the conduct and operation of banks and banking institutions, and (2) *exposed and processed color film and prints, complimentary replacement film*, and *incidental dealer handling supplies*, except motion picture film, and materials and supplies used in connection with commercial and TV motion pictures; between points in Utah, Nevada, Arizona, Idaho, and Wyoming.

*HEARING:* May 15, 1961, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner James H. Gaffney.

No. MC 114614 (Sub No. 11), filed November 8, 1960. Applicant: T. T. BROOKS TRUCKING COMPANY, INCORPORATED, 112 Chitwood Avenue NE., Fort Payne, Ala. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities*, as are manufactured, processed or dealt in by rubber and rubber products manufacturers, and *supplies* used in the conduct of such businesses; from Medina, Ohio to Jackson, Laurel, Meridian, and Columbus, Miss., and points in Georgia, Alabama, and Tennessee, and (2) *equipment, materials and supplies* used in the conduct of businesses specified above; from Jackson, Laurel, Meridian, and Columbus, Miss., and points in Georgia, Alabama and Tennessee, to Medina, Ohio.

*HEARING:* May 22, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner David Waters.

No. MC 115162 (Sub No. 68), filed February 15, 1961. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 407–8–9 Hill Building, P.O. Box 869, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bags, from Ludington, Mich., to Evergreen, Ala.

*HEARING:* May 9, 1961, at the U.S. Court Roms, Montgomery, Ala., before Examiner Charles B. Heineman.

No. MC 115915 (Sub No. 6), filed January 3, 1961. Applicant: FRED E. HAGEN, doing business as HAGEN TRUCK LINE, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products*, and *articles distributed by meat packinghouses* as described in Ex Parte MC 45, Appendix I, Secs. A, B, & C; from Fremont, Nebr., to points in South Dakota, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, and *rejected shipments*, on return.

NOTE: Common control may be involved.

*HEARING:* May 5, 1961, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 184, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 116434 (Sub No. 8), filed February 27, 1961. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Applicant's attorney: Robert H. Levy, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water well casing, pipe, tubing, pipe fittings and protectors and sheet steel*, from points in Wisconsin, Indiana, Minnesota, Ohio, Iowa, Illinois, Kentucky, Tennessee, Arkansas, Nebraska, and Missouri, to Centralia, Flora, Carlingville and Olney, Ill., and Louisiana, Mo., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

*HEARING:* June 5, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lacy W. Hinely.

No. MC 116791 (Sub No. 10) (AMENDMENT), filed December 15, 1960, published issue of March 22, 1961, amended March 22, 1961, and republished as amended this issue. Applicant: LEONARD R. GREEN, doing business as FARMERS ELEVATOR, Kinsington, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, from New Richmond, Wis. to points in Beltrami, Clay, Clearwater, Hubbard, Mahnomen, Norman, Crow Wing, and Morrison Counties, Minn.

*HEARING:* Remains as assigned May 15, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 117036 (Sub No. 7), filed March 21, 1961. Applicant: HAROLD M. KELLY, 4325 West Market Street, York, Pa. Applicant's attorney: Andrew Wilson Green, Pennsylvania State Chamber of Commerce Building, 222 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and other clay products* (except refractory brick and refractory products), from Winslow and Iona, N.J., to points in Pennsylvania, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

*HEARING:* April 27, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner J. Thomas Schneider.

No. MC 117344 (Sub No. 68) (AMENDMENT), filed March 9, 1961, published March 22, 1961, amended March 23, 1961 and republished as amended this issue. Applicant: THE MAXWELL CO., a Corporation, 10380 Evendale Drive, P.O. Box 37, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry commodities* (except cement, salt, sugar, and flour) in bulk, in tank or hopper type vehicles, and (2) *rejected shipments*, and *empty containers or other such incidental facilities* used in transporting the commodities specified, between Wallingford, Conn.; Bound Brook, Princeton, Warners, and Woodbridge, N.J.; Pearl River, N.Y.; Hamilton and Marietta, Ohio; Bridgeville and New Castle, Pa.; Ports of Entry on the International Boundary Line, on the Detroit River and on the Niagara River, and Willow Island, W. Va.; on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Illinois, Iowa, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

NOTE: This amendment broadens the scope of authority sought by adding Willow Island, W. Va., as an origin point.

*HEARING:* Remains as assigned April 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 117696 (Sub No. 1), filed March 8, 1961. Applicant: PETER J. FLORIO, 58-41, 103d Street, Corona, L.I., N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Homing pigeons*, in crates, and in connection therewith, *supplies and equipment* used in the care of such pigeons, in seasonal operations between March 1 and October 15, both inclusive, of each year; from New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., to points in New Jersey, Delaware, Maryland, Virginia, Pennsylvania, Ohio, North Carolina, and the District of Columbia, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

*HEARING:* May 5, 1961, at 346 Broadway, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 118242 (REPUBLICATION), filed December 9, 1958, published in the FEDERAL REGISTER, issue of June 4, 1959. Applicant: WHITE'S TRUCKING SERVICE, INC., COMMON CARRIER "GRANDFATHER" APPLICATION, 1200 Northwest 22d Street, Stall 59, Miami, Fla. Applicant's attorney: C. Clyde Atkins, 919 Alfred I. Du Pont Building, Miami 32, Fla. By application filed December 9, 1958, applicant sought authority under section 7 of the Transportation Act of 1958, to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Miami and Tampa, Fla., to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. An Order of the Commission, entered February 27, 1961, provides that upon consideration of the record in the above-entitled proceeding, and of: (1) Petition of applicant, filed November 14, 1960, for rehearing; and (2) Joint reply by Class I Rail Carriers in Western and Southern Districts, the Boston and Maine Railroad, protestants, dated December 5, 1960; the said proceeding be reopened for further hearing at a time and place to be hereafter fixed.

No. MC 119280 (Sub No. 2), filed March 6, 1961. Applicant: WHITE AIR FREIGHT SERVICE, INC., 1402 Palmer Street, Houston, Tex. Applicant's attorney: Harry W. Patterson, San Jacinto Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having a prior or subsequent movement by air; between Houston International Airport, on Airport Boulevard, Andrau Park, Westheimer Road, Alief, Tex. (both in Houston, Tex., Commercial Zone), and the Jefferson County Airport, located between Beaumont and Port Arthur, Tex., on U.S. Highway 287, on the one hand, and, on the other, points in Waller County, Tex.

NOTE: Common control may be involved.

*HEARING:* May 15, 1961, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Armin G. Clement.

No. MC 119426 (Sub No. 1), filed February 16, 1961. Applicant: ARCHIE GOOKSTETTER, doing business as GOOKSTETTER HORSE VAN SERVICE, Box 241, Coeur d'Alene, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and in the same vehicle with such horses, *stable supplies* and *equipment* used in their care and exhibition, *mascots*, and the *personal effects* of their attendants, trainers, and exhibits, between points in Washington, Montana, Idaho, Oregon, Nevada, California, and Arizona.

*HEARING:* May 29, 1961, at the Davenport Hotel, Spokane, Wash., before Examiner James O'D. Moran.

No. MC 119641 (Sub No. 25), filed February 15, 1961. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, tractors, machinery*, and *parts* and *attachments* therefor when transported in the same vehicle with such implements, tractors and machinery, and *damaged* or *rejected shipments*, between points in Minnesota, Iowa, Missouri, Arkansas, Kentucky, Tennessee, Illinois, Wisconsin, Michigan, Indiana, and Ohio.

*HEARING:* May 15, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Henry A. Cockrum.

No. MC 119755 (Sub No. 2), filed February 21, 1961. Applicant: MERCHANTS CARTAGE CO., LIMITED, 649 Industrial Avenue, Vancouver, B.C., Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, B. C., Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractor's and logger's machinery*, which because of size or weight requires the use of special equipment, and *equipment* (*other than motor vehicles*), *materials and supplies*, moving in connection therewith; between points in Washington and Ports of Entry on the United States-Canada International Boundary line in Washington.

*HEARING:* June 7, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 119903 (Sub No. 2), filed January 24, 1961. Applicant: D. J. WALRAVEN, 2713 Maple Avenue, Rome, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer* and *feed*, in bulk and in bags, for the account of Farmers Mutual Exchanges of Rome, and LaFayette, Ga., and Cleveland, Tenn., (a) from Guntersville, Birmingham, Cullman, Gadsden, and Sheffield, Ala., to points in that part of Georgia on and north of the south and east line of Troup, Coweta, Spalding, Butts, Jasper, and Putnam Counties, and on and west of U.S. Highway 441, and to points in Knox, Blount, Sevier, and Anderson Counties, Tenn., and to those in that part of Alabama on and north of U.S. Highway 78 and on and east of U.S. Highway 11; and (b) from Carrollton, Savannah, and Cordele, Ga., to points in that part of Alabama on and north of U.S. Highway 78 and on and east of U.S. Highway 11, and to points in Knox, Blount, Sevier, and Anderson Counties, Tenn.; (2) *Feed ingredients*, such as shelled corn, for the accounts of Farmers Mutual Exchanges of Rome and LaFayette, Ga., and Cleveland, Tenn., from Gunsterville, Ala., to points in that part of Georgia on and north of the south and east line of Troup, Coweta, Spalding, Butts, Jasper, and Putnam Counties and on and west of U.S. Highway 441, and to points in Knox, Blount, Sevier, and Anderson Counties, Tenn., and to those in that part of Alabama on and north of U.S. Highway 78 and on and east of U.S. Highway 11; (3) *Farm supplies*, such as field fencing wire, metal farm roofing and nails, for the account of Farmers Mutual Exchanges of Rome and LaFayette, Ga., and Cleveland, Tenn., from Gadsden, Ala., to points in that part of Georgia on and north of the south and east line of Troup, Coweta, Spalding, Butts, Jasper, and Putnam Counties and on and west of U.S. Highway 441, and to points in Knox, Blount, Sevier, and Anderson Counties, Tenn., and to those in that part of Alabama on and north of U.S. Highway 78 and on and east of U.S. Highway 11; (4) *Field fence posts*, for the account of Farmers Mutual Exchanges of Rome and LaFayette, Ga., and Cleveland, Tenn., from Sweetwater, Tenn., to points in that part of Georgia on and north of the south and east line of Troup, Coweta, Spalding, Butts, Jasper, and Putnam Counties and on and west of U.S. Highway 441, and to points in Knox, Blount, Sevier, and Anderson Counties, Tenn., and to those in that part of Alabama on and north of U.S. Highway 78 and on and east of U.S. Highway 11; and (5) *Field fencing wire*, for the account of Farmers Mutual Exchanges of Rome and LaFayette, Ga., and Cleveland, Tenn., from Savannah, Ga., to points in that part of Alabama on and north of U.S. Highway 78 and on and east of U.S. Highway 11, and to points in Knox, Blount, Sevier, and Anderson Counties, Tenn.

*HEARING:* May 1, 1961, at the Georgia Public Service Commission, 244 Washington Street, SW., Atlanta, Ga., before Joint Board No. 239, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heineman.

No. MC 123001 (Sub No. 1), filed March 13, 1961. Applicant: JOHN W. LEWIS, doing business as JOHN W. LEWIS TRUCKING SERVICE, 252 Darst Street, Morgantown, W. Va. Applicant's attorney: John E. Crynock, 256 High Street, Morgantown, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, limestone products and limestone by-products, road building materials*, and *dirt*, *red dog and cinders* for the account of Greer Limestone Company, from points in Monongalia County, W. Va., to points in Fayette and Greene Counties, Pa., and Allegany and Garrett Counties, Md., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

*HEARING:* June 2, 1961, at the U.S. Court House, Charleston, W. Va., before Examiner David Waters.

No. MC 123048 (Sub No. 20), filed February 16, 1961. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, tractors, machinery*, and *parts and attachments therefor*, when transported in the same vehicle with such implements, tractors and machinery, between points in Minnesota, Iowa, Missouri, Arkansas, Kentucky, Tennessee, Illinois, Wisconsin, Michigan, Indiana, and Ohio.

*HEARING:* May 15, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Henry A. Cockrum.

No. MC 123285 (Sub No. 2), filed January 27, 1961. Applicant: CLETEX TRUCKING, INC., Cleburne, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in hopper type vehicles, from points in Texas, to points in New Mexico, Arkansas, Louisiana, and Oklahoma.

*HEARING:* May 5, 1961, at the Baker Hotel, Dallas, Tex., before Examiner Armin G. Clement.

No. MC 123293 (Sub No. 2), filed March 13, 1961. Applicant: FRY SALES AND EQUIPMENT CO., a corporation, Box 120, Mercersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Blair, Clearfield, Centre, Clinton, and Cameron Counties, Pa., to points in Onondaga, Chemung, Cayuga, Tompkins, Cortland, Steuben, and Schuyler Counties, N.Y.

NOTE: Applicant states all transportation to be performed under a continuing contract with American-Marietta Company (Fry Coal & Stone Co. Division).

*HEARING:* May 9, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 123303 (Sub-No. 3), filed March 6, 1961. Applicant: ROBERT W. SAWYER, doing business as SAWYER TRANSPORT, 2424 Minnehaha, Minneapolis, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, between points in Utah, on the one hand, and, on the other, points in Arizona, Nevada, Oregon, Idaho, and Utah.

*HEARING:* May 12, 1961, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner James H. Gaffney.

No. MC 123309, filed December 21, 1960. Applicant: CLARENCE ALLEN, JR., doing business as BROWN TRANSFER, 405 East Main Street, Ronceverte, W. Va. Applicant's attorney: Homer W. Hanna, Jr., Kanawha Valley Building, Charleston, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precision industrial electronic equipment, instruments, machinery, materials, parts*, and *supplies* (crated or uncrated), incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of chemicals, natural gas, and petroleum, for Greenbrier Instruments, Inc., of Ronceverte, W. Va.; *demonstrators, damaged, defective, and rejected shipments* of the above-specified commodities, and *empty containers or other such incidental facilities* (not specified) of the commodities specified in this application, between Ronceverte, Greenbrier County, W. Va., and points in California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and ports of entry on the International Boundary line between the United States and Canada, with stopover rights between origin and destination points for demonstration purposes only in the states named above.

NOTE: Applicant indicates he proposes to transport Demonstrators, damaged, defective, and rejected shipments of the above-specified commodities, and empty containers or other such incidental facilities (not specified) of the commodities specified in this application, on return movements. Applicant also common carrier authority under MC 107555. Dual authority under section 210 may be involved.

*HEARING:* May 29, 1961, at the U.S. Court House, Charleston, W. Va., before Examiner David Waters.

No. MC 123363, filed January 16, 1961. Applicant: C. GUY BREWER, doing business as MOBILE HOME MOVERS, P.O. Box 96, Shoshoni, Wyo. Applicant's attorney: Joseph L. Minihan, 613 West 11th Street, Casper, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers, luggage trailers, and laboratory trailers*; between points in Wyoming, on the one hand, and, on the other, points in Montana, South Dakota, Nebraska, Colorado, Utah, and Idaho.

*HEARING:* May 9, 1961, at the Wyoming Public Service Commission, Cheyenne, Wyo., before Joint Board No. 197, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 123382, filed January 19, 1961. Applicant: MARVIN G. WRIGHT, Route

No. 2, Box 50, Grand Island, Nebr. Applicant's attorney: R. E. Powell, 1005–06 Trust Building, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured and prepared animal and poultry feed (dry)*, in bulk and in bags and packages, in single or mixed truck loads; from Kansas City, Mo., and points in the Kansas City, Mo., and Kansas City, Kans., Commercial Zone, to points in Nebraska, and *exempt commodities*, on return.

NOTE: (1) Applicant states that in connection with the particular movements contemplated by this application the commodities proposed to be transported in a great majority of cases will be delivered directly to farms, ranches, feed lots and other similar places which are beyond the limits of cities, towns or villages. Also in many instances the commodities will be moved in mixed truck loads of both bulk and packages, and bags. In addition, applicant proposes to perform service on split deliveries which may require several stops in transit. (2) All of the above service to be performed under contract for the exclusive needs of General Mills, Inc., South Central Division, within the territory sought to be served.

*HEARING:* May 4, 1961, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 140, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 123401 (AMENDMENT), filed January 30, 1961, published in the FEDERAL REGISTER issue of February 15, 1961. Applicant: MORRIS ISENBERG, 21910 Sunset, Oak Park 37, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese*, and *empty paper milk cartons*, from Detroit, Mich., to points in Ohio, and *empty milk containers or other such incidental facilities*, used in transporting the above commodities, on return.

NOTE: Applicant proposes to perform service exclusively for United Dairies, Inc., Detroit, Mich. This amendment restricts the commodities sought in previous publication, from dairy products and dairy supplies, to the commodities as shown above.

*HEARING:* Remains as assigned April 20, 1961, in Room 215, Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 123412, filed February 6, 1961. Applicant: HOME TRANSFER & STORAGE CO., INC., 1906 Southeast 10th, Portland, Oreg. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, soap, bleaches, washing and cleaning compounds, and detergents*, under a continuing contract with Safeway Stores, Inc., of Oakland, Calif., from points in California, to points in Oregon and Washington.

NOTE: Dual operations and common control may be involved.

*HEARING:* June 12, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 123418, filed February 9, 1961. Applicant: JOYNER TRANSFER & STORAGE CO., a corporation, Milledgeville, Ga. Applicant's attorney: T. Baldwin Martin, 503 First National Bank Building, Macon, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vitrified clay products consisting of sewer pipe, flue lining, wall coping and farm drain tile of various sizes and lengths, fire brick of standard size, fire clay in packages and sewer pipe joint compound in containers*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, between Harlem, Ga. and points in South Carolina, North Carolina, Alabama, and Florida.

*HEARING:* May 3, 1961, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner Charles B. Heineman.

No. MC 123475, filed March 2, 1961. Applicant: LIGHTNING TRANSPORTATION CO., INC., P.O. Box 333, U.S. Highway 50 West, Salem, Ill. Applicant's attorney: Walter F. Jones, Jr., 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer solutions* and *ingredients thereof*, liquid, including but not limited to anhydrous ammonia, in bulk, in tank vehicles, from Cahokia, Ill., to points in Iowa, Indiana, Missouri, Minnesota, Wisconsin, Kentucky, and Tennessee.

*HEARING:* May 25, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Lacy W. Hinely.

No. MC 123476, filed March 2, 1961. Applicant: CURTIS TRANSPORT, INC., P.O. Box 215, Valley Park, Mo. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer solutions* and *ingredients thereof*, liquid, including but not limited to anhydrous ammonia, in bulk, in tank vehicles, from Cahokia, Ill., to points in Iowa, Indiana, Missouri, Minnesota, Wisconsin, Kentucky, and Tennessee.

*HEARING:* May 25, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Lacy W. Hinely.

No. MC 123478, filed March 1, 1961. Applicant: RUFUS W. PARKER, doing business as PARKER REFRIGERATED SERVICE, 1301 Collins Road, Tacoma 44, Wash. Applicant's attorney: James T. Johnson, 609–11 Norton Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and canned goods*, from points in Umatilla County, Oreg., to points in Whatcom, Skagit, Snohomish, Island, King, Pierce, Thurston, Cowlitz, Grays Harbor, Clark, Lewis, and Yakima Counties, Wash., and *exempt and such other commodities as authorized to transport*, on return.

*HEARING:* June 6, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 123491, filed March 8, 1961. Applicant: RUDOLPH BOHNERT, doing business as GENERAL STEEL DELIVERY SERVICE, 7232 Waterford Drive, St. Louis 23, Mo. Applicant's attorney: Austin C. Knetzger, 722 Chestnut Street, St. Louis 1, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe of all kinds*, from St. Louis, Mo., to points within 25 miles of St. Louis, and *refused, rejected or damaged shipments* of the above-specified commodities, on return.

*HEARING:* May 22, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

MOTOR CARRIERS OF PASSENGERS

No. MC 94109 (Sub No. 3), filed February 24, 1961. Applicant: MAIRS TRANSPORT, LTD., 7583 Edmonds Street, Burnaby 3, B.C., Canada. Applicant's representative: J. Stewart Black, 1322 Laburnam Street, Vancouver 9, B.C., Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations; beginning and ending at Ports of Entry on the International Boundary line between the United States and Canada in Washington and extending to points in Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Montana, Wyoming, Colorado, and New Mexico.

NOTE: Applicant states the proposed service is restricted to round trip tours beginning and ending at points in British Columbia.

*HEARING:* June 8, 1961, at the Federal Office Building, Seattle, Wash., before Examiner James O'D. Moran.

No. MC 123481, filed March 1, 1961. Applicant: L. J. BROWN, doing business as BROWN BUS LINES, P.O. Box 147, Libby, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers, between Bonners Ferry, Idaho, and Kalispell, Mont.; from Bonners Ferry over U.S. Highway 2 to Kalispell, Mont., and return over the same route, serving all intermediate points.

*HEARING:* May 4, 1961, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 83.

No. MC 123495, filed March 8, 1961. Applicant: GLENRIDGE COACH CO., INC., 787 Fairview Avenue, Queens, New York, N.Y. Applicant's attorney: Sidney J. Leshin, 608 Fifth Avenue, New York 20, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, in the same vehicle with passengers, as a contract carrier, in charter operations, between New York, N.Y., and points in Pennsylvania (east of Susquehanna River).

*HEARING:* May 4, 1961, at 346 Broadway, New York, N.Y., before Joint Board



No. 42, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 52460 (Sub No. 57), filed March 20, 1961. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9515, Tulsa, Okla. Applicant's attorneys: James W. Wrape and Louis I. Dailey, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum naphtha, petroleum benzene (benzol), petroleum toluene (toluol)*, and *petroleum xylene (xylol)*, in bulk, in tank vehicles, in straight and mixed truck loads, from Potwin, Kans., and points in the Commercial Zone thereof, as defined by the Commission, to Alton, East Alton, and Godfrey, Ill., and their respective Commercial Zones, as defined by the Commission, and (2) *rejected and contaminated shipments* of the above-specified commodities, from the above-described destination points to Potwin, Kans., and points in the Commercial Zone thereof, as defined by the Commission.

NOTE: Applicant states it will traverse Missouri for operating convenience only.

No. MC 87857 (Sub No. 52), filed March 20, 1961. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago 16, Ill. Applicant's attorney: Francis D. Partlan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency, coin*, and *securities*, between Cincinnati, Ohio, on the one hand, and, on the other, points in Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Mason, Magoffin, Martin, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe, and Woodford Counties, Ky.

No. MC 112076 (Sub No. 10), filed March 20, 1961. Applicant: LOWELL H. RASMUSSEN, 4085 South 4000 West, Salt Lake City, Utah. Applicant's attorney: Lucy Redd, State Exchange Building, 345 South State, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude clay*, in bulk, from mines of Harrisville Brick Company, approximately fifteen (15) miles northeast of Evanston, Wyo., to Harrisville Brick Company, Harrisville, Weber County, Utah.

No. MC 114067 (Sub No. 20), filed March 20, 1961. Applicant: FORE TRUCKING CO., INC., Foot of Paru Street, Alameda, Calif. Applicant's attorney: C. S. Sherburne, Suite 1700, Central Tower Building, 703 Market Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible and inedible animal fats and oils (tallow) in bulk*; (1) from points in Washoe County, Nev., to points in Los Angeles County, Calif., including Long Beach, Wilmington, San Pedro, and the Los Angeles Harbor area, and points in Sacramento County, Calif., and (2) from Yerington, Nev., to points in Los Angeles County, Calif., including Long Beach, Wilmington, San Pedro, and the Los Angeles Harbor area.

No. MC 114194 (Sub No. 35), filed March 16, 1961. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum treating compound*, in bulk, from Webster Grove, Mo., to points in Wyoming, Nebraska, Montana, Colorado, and Utah, and *refused or rejected shipments*, on return.

NOTE: Applicant states that petroleum treating compounds are not petroleum products. The word petroleum is used as a part of commodity description only because these compounds are used in the processing of petroleum and petroleum products.

No. MC 123217 (Sub No. 1), filed March 13, 1961. Applicant: VICTOR YOAK, Route One, Spencer, W. Va. Applicant's attorney: Charles E. Anderson, 1421 Kanawha Valley Building, Charleston, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Creosote and osmose pressure treated lumber, poles and wood products*, treated and untreated, from points in Roane County, W. Va., to points in that part of Ohio, on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 30 to Mansfield, Ohio, thence along U.S. Highway 30–N to Beaver Dam, Ohio, thence on and east of U.S. Highway 25, from Beaver Dam, to the Ohio-Kentucky State line, points in that part of Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 25 to Lexington, Ky., and thence on and east of U.S. Highway 27 from Lexington, Ky., to the Kentucky-Tennessee State line, and points in that part of Pennsylvania on and south of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 422 to Duncansville, Pa., and thence on and west of U.S. Highway 220, from Duncansville, to the Pennsylvania-Maryland State line.

No. MC 123469, filed February 27, 1961. Applicant: WALTER H. ULRICH, doing business as CITY EXPRESS CO., 2010 East Johnson Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used boats*, between points in Wisconsin, on the one hand, and, on the other, points in Minnesota, Iowa, Illinois, Indiana, and Michigan.

MOTOR CARRIER OF PASSENGERS

No. MC 113430 (Sub No. 8), filed March 21, 1961. Applicant: ARROW TRAILWAYS, INC., Room 2211, 625 8th Avenue, New York 18, N.Y. Applicant's attorney: John R. Sims, Jr., 804 Ridge Place, Falls Church, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle, with passengers, between intersection U.S. Highway 7 and Connecticut Highway 35, north of Ridgefield, Conn., on the one hand, and, on the other, the intersection of Tuckahoe Road and the New York thruway, as follows: From intersection U.S. Highway 7 and Connecticut Highway 35, north of Ridgefield, Conn., over U.S. Highway 7 to junction U.S. Highway 1 (also from Ridgefield, Conn., over Connecticut Highway 33 to junction U.S. Highway 7, thence over U.S. Highway 7 to junction U.S. Highway 1), thence over U.S. Highway 1 (Connecticut Avenue) to junction Connecticut Highway 123 (New Canaan Avenue), thence over Connecticut Highway 123 to junction Interstate Highway 95 (Connecticut Turnpike) at Interchange No. 15, thence over Interstate Highway 95 (Connecticut Turnpike) to the Connecticut-New York State line, thence over Interstate Highway 95 (New England Thruway or New England Sect. New York State Thruway) to junction Cross Westchester Expressway at Interchange No. 13, thence over Cross Westchester Expressway to junction of applicant's authorized regular route (New York Highway 22 at White Plains, N.Y.), thence over Cross Westchester Expressway to junction New York State Thruway at Exit 8, at or near Elmsford, N.Y., thence over New York Thruway to junction Tuckahoe Road, and return over the same route, serving the intermediate point of White Plains, N.Y.

NOTE: Applicant states that White Plains, N.Y., is a point of service on its presently authorized route between Hartford, Conn., and New York, N.Y.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PROPERTY

No. MC 12106 (Sub No. 1), filed March 15, 1961. Applicant: BEKINS MOVING AND STORAGE CO., a corporation, 407 North Broadway, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *broker (BMC 4)*, at Eugene, Oreg., in arranging for transportation in interstate or foreign commerce by motor vehicle of *household goods*, as defined by the Commission, between points in the United States.

NOTE: Applicant proposes by this application to establish an office in Eugene, Oreg., in addition to Portland, Oreg., as presently authorized in License No. MC 12106.

APPLICATIONS FOR CERTIFICATES OF PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 42289 (Sub No. 4), filed March 20, 1961. Applicant: LOMBARD BROS., INCORPORATED, 249 Mill Street, Waterbury 20, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Authority

sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between points in that part of Massachusetts on and east of a line made up of the following highways in Massachusetts: beginning at the intersection of Massachusetts Highway 31 with the Connecticut-Massachusetts State line near Dudley, Mass., thence along Massachusetts Highway 31 to the intersection of Massachusetts Highway 31 and Massachusetts Highway 56 at Paxton, Mass., thence along Massachusetts Highway 56 to the intersection of Massachusetts Highway 56 and Massachusetts Highway 68 at North Rutland, Mass., thence along Massachusetts Highway 68 to the intersection of Massachusetts Highway 68 and Massachusetts Highway 101 at Gardener, Mass., thence along Massachusetts Highway 101 to the intersection of Massachusetts Highway 101 and Massachusetts Highway 119, thence along Massachusetts Highway 119 to the Massachusetts-New Hampshire State line, and (2) between Boston, Mass. and Williamstown, Mass.; from Boston over Massachusetts Highway 2 to Williamstown, and return over the same route, serving all intermediate points. RESTRICTION: In connection with (1) above, no service shall be provided between points on that part of Cape Cod south and east of the Cape Cod Canal.

NOTE: Directly related to MC-F-7703.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F 7242 (ROY L. JONES, INC. AND TEX-O-KAN TRANSPORTATION CO., INC—PURCHASE (PORTION)—GULF SOUTHWESTERN TRANSPORTATION CO.), published in the July 15, 1959, issue of the FEDERAL REGISTER, on page 5700. Application under section 210a(b), Interstate Commerce Act, filed March 23, 1961, for TEX-O-KAN TRANSPORTATION CO., INC., to temporarily lease that part of the operating rights of GULF SOUTHWESTERN TRANSPORTATION CO., which TEX-O-KAN TRANSPORTATION CO., INC., proposed to purchase under section 5, and as described in the notice of July 15, 1959.

No. MC-F-7812 (correction), (LEONARD BROS. TRANSFER & STORAGE CO., INC.—PURCHASE (PORTION)—GULF SOUTHWESTERN TRANSPORTATION CO.), published in the March 15, 1961, issue of the FEDERAL REGISTER on page 2211. The following authority was inadvertently omitted from the operating rights sought to be transferred: * * * and between points in Texas on the one hand, and, on the other, points in Kansas, Missouri, Nebraska, New Mexico, and Oklahoma.

No. MC-F 7818. Authority sought for purchase by DEALERS TRANSIT, INC., 13101 Torrence Ave., Chicago, Ill., of the operating rights and certain property of HICKERSON BROS. TRUCK CO., INC., 826 Pine Street, P.O. Box 68, Great Bend, Kansas, and for acquisition by WALTER F. CAREY and BERT B. BEVERIDGE, both of Dort Highway, Flint, Mich., of control of such rights and property through the purchase. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies*, used in the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum, and their products and by-products; and *machinery, equipment, materials and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe in main pipe lines, as a *common carrier* over irregular routes, between points in Kansas, Oklahoma, Colorado, and Nebraska; *heavy machinery, construction materials and supplies*, and *other heavy and bulky articles* requiring the use of special equipment between points in Colorado, Kansas, Missouri, Nebraska, and Oklahoma; *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of main or trunk pipe lines, between points in Kansas, on the one hand, and, on the other, points in Texas. Vendee is authorized to operate as a *common carrier* in all States and the District of Columbia, except Hawaii and Alaska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7822. Authority sought for purchase by ACE LINES, INC., 4143 East 43d Street, Des Moines 17, Iowa, of the operating rights of ILL-MO MOTOR FREIGHT, INC., 3007 Edwardsville Road, Granite City, Ill., and for acquisition by E. M. EASTER, Winterset, Iowa, M. E. EASTER, 2315 45th Street, Des Moines, Iowa, L. W. EASTER, 4052 Ashby, Des Moines, Iowa, L. D. EASTER, 720 35th Street, Des Moines, Iowa, L. B. EASTER, 7204 Colby, Des Moines, Iowa, M. M. MORSE, Norwalk, Iowa, and R. L. EASTER, 7225 51st Street, Kenosha, Wis., of control of such rights through the purchase. Applicants' representative: William A. Landau, P.O. Box 1634, Des Moines, Iowa. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between points in St. Louis County, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 656. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Minnesota, Nebraska, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7823. Authority sought for purchase by MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., of the operating rights of ROBERT J. HENDRICKS, 460 St. John Street, Portland, Maine, and for acquisition by MIDWEST TRANSFER COMPANY OF ILLINOIS, and in turn by MILTON D. RATNER, both of 7000 South Pulaski Road, Chicago, Ill., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be transferred: *Frozen blueberries*, as a *common carrier* over irregular routes from points in Maine to Detroit, Mich., Duluth and Minneapolis, Minn., Milwaukee, Wis., New York, N.Y., and Peach Glen and Pottstown, Pa. Vendee is authorized to operate as a *common carrier* in Illinois, Minnesota, Iowa, North Dakota, Nebraska, Connecticut, Vermont, South Dakota, West Virginia, Rhode Island, Wisconsin, Maine, Indiana, Kansas, Ohio, Michigan, Tennessee, Massachusetts, Pennsylvania, New York, Kentucky, Missouri, New Jersey, Arkansas, Virginia, New Hampshire, Delaware, Maryland, Georgia, North Carolina, South Carolina, Florida, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-2748; Filed, Mar. 28, 1961; 8:48 a.m.]

[Notice 12]

## LEHIGH VALLEY RAILROAD CO.

### Applications for Loan Guaranties

MARCH 23, 1961.

Notice is hereby given of the filing of the following application under Part V of the Interstate Commerce Act:

Finance Docket No. 21539 filed March 22, 1961, by Lehigh Valley Railroad Company, 143 Liberty Street, New York 6, New York, for guaranty by the Interstate Commerce Commission of a loan in amount not exceeding $2,500,000. Applicant's representative: J. R. deCapriles, Vice President and General Counsel, Lehigh Valley Railroad Company, 143 Liberty Street, New York 6, New York. Loan is for the purpose of reimbursing applicant's treasury for expenditures made from its own funds after January 1, 1957, for additions and betterments and other capital improvements.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-2749; Filed, Mar. 28, 1961; 8:48 a.m.]



[Notice 2]

## APPLICATIONS FOR "GRANDFATHER" ALASKA CERTIFICATE OR PERMIT AND HAWAII FREIGHT FORWARDER PERMIT

MARCH 24, 1961.

Under sections 206(a)(4), 206(a)(5), 209(a)(4), 209(a)(5), 309(a), 309(f), 410(a)(2), and 410(a)(3) of the Interstate Commerce Act, as amended July 12, 1960.

Section 1.243 of the Commission's special rules of practice have been amended to cover "grandfather" applications filed under the July 12, 1960, amendments.

Protests to the granting of an application must be filed with the Commission within 75 days of this publication in the FEDERAL REGISTER. A copy of the protest must be served on applicant's representative or on applicant if no practitioner represents him. The special rules provide further that failure to file a timely protest will be construed as a waiver of opposition and participation in the proceeding.

MOTOR CARRIER ALASKA "GRANDFATHER" RIGHTS

No. MC 65802 (Sub No. 21), (CORRECTION AND CLARIFICATION) filed, December 29, 1960, published in the FEDERAL REGISTER, issue of March 8, 1961. Applicant: LYNDEN TRANSFER, INC., P.O. Box 433, Lynden, Wash. Applicant's attorney: James T. Johnson, 609-11 Norton Building, Seattle 4, Wash. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, (1) between Fairbanks, Alaska, and points within a radius of 85 miles thereof, on the one hand, and, on the other, Anchorage and Valdez, Alaska, (2) between Seattle and Tacoma, Wash., on the one hand, and, on the other, points in Alaska, and (3) between Blaine, Wash., and Fairbanks, Alaska, serving all intermediate points, and all off-route points located within five air miles of the Alaska Highway, Circle, Alaska, and points within a radius of 85 miles of Fairbanks, Alaska, and (4) between points on the International Boundary line between the United States and Canada, at or near Lynden, Sumas, and Oroville, Wash., and Eastport, Idaho, on the one hand, and, on the other, points in Alaska, and (5) (a) between Tok Junction, Alaska and Anchorage, Alaska, over Alaska Highway 3, serving all intermediate points, and (b) between Delta Junction, Alaska, and Valdez, Alaska, over Alaska Highway 1, serving all intermediate points.

NOTE: Carrier holds Certificate No. MC 65802 authorizing the transportation of general commodities between certain points in the State of Washington, including Ports of Entry between the United States and Canada. Applicant indicates that the operations described in items (3) and (4) above were performed over certain regular routes involving Canadian Highways, all as more specifically set forth in the application. The purpose of this republication is to set forth in their entirety the operations as described in the application inadvertently omitted in the previous publication.

FREIGHT FORWARDER ALASKA "GRANDFATHER" RIGHTS

No. FF 295 (CORRECTION), filed December 30, 1960, published March 8, 1961. Applicant: JIMMIE M. EASTHAM, doing business as HUSKY PARCEL #2, Box 11, Ketchikan, Alaska. Applicant's attorney: Robert H. Ziegler, Sr., P.O. Box 1079, Ketchikan, Alaska. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of, (1) *General commodities*, between points in Alaska, and (2) Between points in Alaska on the one hand, and, on the other, points in the United States.

NOTE: Applicant also claims "grandfather" rights as a motor carrier see MC 123336. The purpose of this republication is to include (2) above inadvertently omitted from previous publication.

WATER CARRIER ALASKA "GRANDFATHER" RIGHTS

No. W-1154 (CORRECTION), filed December 22, 1960, originally published in the FEDERAL REGISTER, issue of March 8, 1961. Applicant: CANADIAN PACIFIC RAILWAY COMPANY, doing business as BRITISH COLUMBIA COAST STEAMSHIP SERVICE, Windsor Station, Montreal, P.Q., Canada. Authority sought to continue to operate as a *common carrier*, by water over regular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Passengers, mail and baggage, including automobiles of passengers*, from, to, or between points or areas in Alaska as follows: Ketchikan, Juneau, Skagway, and Wrangell.

NOTE: The purpose of this republication is to correct the spelling of the point referred to as "Shagway" to its proper designation as "Skagway".

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-2746; Filed, Mar. 28, 1961; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1086]

## CONSOLIDATED RAILROADS OF CUBA

### Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

MARCH 23, 1961.

In the matter of consolidated Railroads of Cuba, 3% Cumulative Income Debentures due 10/1/2001, File No. 1-1086.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Facilities for transfer of the Debentures (which are in fully registered form) in the City of New York are no longer available.

Upon receipt of a request, on or before April 7, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-2739; Filed, Mar. 28, 1961; 8:47 a.m.]

[File No. 1-3760]

## MONTEREY OIL CO.

### Notice of Application to Strike from Listing and Registration and of Opportunity for Hearing

MARCH 23, 1961.

In the matter of Monterey Oil Company, Common Stock, File No. 1-3760.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The Company's affairs have been substantially liquidated, and facilities for transfer of the stock in the City of New York are no longer available.

Upon receipt of a request, on or before April 7, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person re-

questing the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-2740; Filed, Mar. 28, 1961; 8:47 a.m.]

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VOLUME 26 NUMBER 60

Washington, Thursday, March 30, 1961

THE UNIVERSITY OF MICHIGAN
APR 3 1961
MAIN READING ROOM

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Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.



FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10931

### AMENDMENT OF SECTION 1 OF EXECUTIVE ORDER NO. 10673,[1] ESTABLISHING THE PRESIDENT'S COUNCIL ON YOUTH FITNESS

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. Section 1 of Executive Order No. 10673 of July 16, 1956, as amended, is hereby further amended to read as follows:

"SECTION 1. There is hereby established the President's Council on Youth Fitness (hereinafter referred to as the Council), which shall be composed of the Secretary of Health, Education, and Welfare, who shall be the Chairman of the Council, the Secretary of Defense, the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, and the Housing and Home Finance Administrator."

SEC. 2. The following-described orders, amending section 1 of Executive Order No. 10673, are hereby revoked:

Executive Order No. 10704 of March 25, 1957.

Executive Order No. 10740 of November 21, 1957.

Executive Order No. 10785 of October 17, 1958.

JOHN F. KENNEDY

THE WHITE HOUSE,
*March 29, 1961.*

[F.R. Doc. 61–2895; Filed, Mar. 29, 1961; 11:38 a.m.]

[1] 21 F.R. 5341; 3 CFR, 1956 Supp., p. 82.

# Rules and Regulations

## Title 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

### PART 163—DEFENSE CONTRACT FINANCING REGULATIONS

#### Miscellaneous Amendments

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated 11 March 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202, and have the concurrence of the military departments.

1. Revise paragraph 1a of the form contained in § 163.60, to read as follows:

**§ 163.60 Findings, determinations, and authorizations.**

* * * * *

1. I hereby find that:

a. The _____ and _____
(Procuring Activity) (Contractor)
have entered (propose to enter) into negotiated (formally advertised) Contract No. _____, (dated _____).

[Summary of the specific facts and significant circumstances concerning the contract and contractor, which together with the other findings, will clearly support the determinations below.]

2. § 163.79–1, change date of clause heading and revise the first sentence of clause paragraph (d), as follows:

**§ 163.79–1 Total cost clause.**

PROGRESS PAYMENTS (JAN. 1961)

* * * * *

(d) *Title.* Immediately, upon the date of this contract, title to all parts; materials; inventories; work in process; special tooling as defined in the clause of this contract entitled "Special Tooling"; nondurable (i.e., noncapital) tools, jigs, dies, fixtures, molds, patterns, taps, gauges, test equipment, and other similar manufacturing aids not included within the definition of special tooling in such "Special Tooling" clause; and drawings and technical data (to the extent delivery thereof to the Government is required by other provisions of this contract); theretofore acquired or produced by the Contractor and allocated or properly chargeable to this contract under sound and generally accepted accounting principles and practices shall forthwith vest in the Government; and title to all like property hereafter acquired or produced by the Contractor and allocated or properly chargeable to this contract as aforesaid shall forthwith vest in the Government upon said acquisition, production or allocation.

3. Revise the first sentence of § 163.94 to read as follows:

**§ 163.94 Government title.**

Since the clauses in § 163.79 give the Government title to all of the materials, work in process, and finished goods under contracts, care should be taken to assure, to the extent reasonably necessary that the title to the Government will be free of all encumbrances.

[ASPR Rev. 3, January 31, 1961] (R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202)

R. V. LEE,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 61–2772; Filed, Mar. 29, 1961; 8:46 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–NY–122]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

#### Revocation and Alteration of Federal Airways, Associated Control Areas and Reporting Points

On December 23, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 13637) stating that the Federal Aviation Agency (FAA) proposed to revoke the segment of Green Federal airway No. 6, its associated control areas and reporting points, between Greensboro, N.C., and Richmond, Va. In addition, the segment of VOR Federal airway No. 20 between South Boston, Va., and Flat Rock, Va., would be realigned and a north alternate designated between South Boston and Richmond, and the Richmond VOR designated as a reporting point.

Although not mentioned in the notice, the revocation of the segment of Green 6 between Greensboro and Richmond will, in effect, revoke Green 6 in its entirety. Moreover, in listing the reporting points to be revoked, the Greensboro radio range station, which is associated with Green 6, was inadvertently omitted. The notice did state that § 601.6020 of the regulations of the Administrator would be amended to conform to the new alignment of Victor 20. However, the control areas associated with Victor 20 are so designated that they will automatically conform to the new alignment of this airway. Therefore, an amendment to § 601.6020 is not required. The actions taken herein will reflect these changes.

No adverse comments were received regarding the proposed amendments. The Air Transport Association of America (ATA) suggested that Victor 20 be extended to Kenton, Del., which would provide a complete VOR preferential route between Atlanta, Ga., and the New York, N.Y., terminal areas. The preferential route between these terminal areas currently contains a segment of low frequency airways. The FAA is preparing a separate proposal which would, in conjunction with this action, provide a VOR route between the Atlanta and New York terminals. This proposal should fulfill the suggestions offered by the ATA.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Parts 600 and 601 (14 CFR Parts 600, 601) are amended by revoking the following sections:

(a) Section 600.16 *Green Federal airway No. 6 (Greensboro, N.C., to Richmond, Va.).*

(b) Section 601.16 *Green Federal airway No. 6 control areas (Greensboro, N.C., to Richmond, Va.).*

(c) Section 601.4016 *Green Federal airway No. 6 (Greensboro, N.C., to Richmond, Va.).*

2. In the text of § 600.6020 (14 CFR 600.6020, 25 F.R. 5178, 7147, 7148, 7488, 12734) "South Boston, Va., omnirange station; to the Flat Rock, Va., omnirange station." is deleted and "South Boston, Va., VOR; to the Richmond, Va., VOR, including a N alternate from the South Boston VOR to the Richmond VOR via the INT of the South Boston VOR 042° and the Flat Rock, Va., VORTAC 234° radials, and the Flat Rock VORTAC." is substituted therefor.

3. In the text of § 601.7001 (14 CFR 601.7001, 26 F.R. 1093) the following is added:

Richmond, Va., VOR.

These amendments shall become effective 0001 e.s.t., June 1, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1961.

D. D. THOMAS,
*Director, Bureau of*
*Air Traffic Management.*

[F.R. Doc. 61–2776; Filed, Mar. 29, 1961; 8:47 a.m.]





[Airspace Docket No. 60–WA–253]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

#### Designation of Federal Airway and Associated Control Areas

On November 18, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 11009) stating that the Federal Aviation Agency proposed to designate VOR Federal airway No. 314 between Princeton, Maine, and St. John, New Brunswick, Canada.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In Part 600 (14 CFR Part 600) the following section is added:

**§ 600.6314 VOR Federal airway No. 314 (Princeton, Maine, to St. John, New Brunswick, Canada).**

From the Princeton, Maine, VOR to the St. John, New Brunswick, Canada, VOR, excluding the portion that lies outside the United States.

2. In Part 601 (14 CFR Part 601) the following section is added:

**§ 601.6314 VOR Federal airway No. 314 control areas (Princeton, Maine, to St. John, New Brunswick, Canada).**

All of VOR Federal airway No. 314.

These amendments shall become effective 0001 e.s.t., June 1, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1961.

D. D. THOMAS,
*Director, Bureau of*
*Air Traffic Management.*

[F.R. Doc. 61–2775; Filed, Mar. 29, 1961; 8:47 a.m.]

[Airspace Docket No. 61–WA–28]

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

#### Modification of Control Zone

The purpose of this amendment to § 601.2220 of the regulations of the Administrator is to modify the Lubbock, Tex., control zone.

The Lubbock control zone is presently designated in part within 2 miles either side of the north course of the Lubbock radio range extending from the radio range to the Roundup Fan Marker.

The Federal Aviation Agency is considering decommissioning the Roundup Fan Marker. Therefore, action is taken herein to redescribe the portion of the Lubbock control zone based on the north course of the Lubbock radio range to extend to a point 8 miles north of the radio range. This will not involve the assignment of additional airspace.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 601.2220 (14 CFR 601.2220) "to the Roundup fan marker," is deleted and "to a point 8 miles N of the radio range," is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 24, 1961.

D. D. THOMAS,
*Director, Bureau of*
*Air Traffic Management.*

[F.R. Doc. 61–2793; Filed, Mar. 29, 1961; 8:49 a.m.]

[Airspace Docket No. 60–LA–66]

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

#### Modification and Designation of Control Zones

On December 9, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12623) stating that the Federal Aviation Agency proposed to modify the Tucson, Ariz., control zone and designate a control zone within a one-mile radius of the Downtown Tucson Airport and within 5 miles of Davis-Monthan AFB, Ariz.

The Department of the Air Force concurred with the proposal provided adequate communications and compatible traffic patterns were developed satisfactory to Davis-Monthan AFB and the operators of the Downtown Tucson Airport. The conditional provisions to the comments submitted by the Department of the Air Force were subsequently withdrawn. No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), and for the reasons stated in the notice, the following actions are taken:

1. Section 601.2209 (14 CFR 601.2209) is amended to read:

**§ 601.2209 Tucson, Ariz., control zone.**

Within a 5-mile radius of Tucson Municipal Airport (latitude 32°07'05" N., longitude 110°56'35" W.), excluding that portion NE. of a line extending from latitude 32°11'16" N., longitude 110°57'58" W., to latitude 32°05'45" N., longitude 110°51'40" W.

2. In Part 601 (14 CFR Part 601) add the following section:

**§ 601.2139 Tucson, Ariz. (Davis-Monthan AFB) control zone.**

Within a 5-mile radius of Davis-Monthan Air Force Base (latitude 32°10'00" N., longitude 110°53'00" W.) and within a 1-mile radius of Downtown Tucson Airport (latitude 32°11'10" N., longitude 110°56'55" W.), excluding that portion SW. of a line extending from latitude 32°11'16" N., longitude 110°57'58" W., to latitude 32°05'45" N., longitude 110°51'40" W.

These amendments shall become effective 0001 e.s.t., June 1, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1961.

D. D. THOMAS,
*Director, Bureau of*
*Air Traffic Management.*

[F.R. Doc. 61–2774; Filed, Mar. 29, 1961; 8:46 a.m.]

[Reg. Docket No. 692; Amdt. 212]

### PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

#### Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| CLT VOR | LOM | Direct | 2100 | T-dn | 300–1 | 300–1 | 200–½ |
| FT. Mill VOR | Clover Int* | Direct | 1900 | C-dn | 400–1 | 500–1 | 500–1½ |
| Clover Int* | LOM (Final) | Direct | 1700 | S-dn-5 | 400–1 | 400–1 | 400–1 |
| York Int | Clover Int* | Direct | 1900 | A-dn | 800–2 | 800–2 | 800–2 |
| Bradley Int | LOM | Direct | 2300 | | | | |
| Mt. Holly Int | LOM | Direct | 2300 | | | | |
| Weddington Int | LOM | Direct | 2100 | | | | |
| Bethany Int | LOM | Direct | 2300 | | | | |

Procedure turn N side of SW crs, 230° Outbnd, 050° Inbnd, 1900′ within 10 miles.
Minimum altitude over LOM inbnd final, 1700′.
Crs and distance, facility to airport, 050°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi of LOM, climb to 2900′ on crs of 050° from LOM within 15 miles or, when directed by ATC, turn left, climb to 2400′ on FML-VOR R-007 to Mt. Holly Int or turn right, climb to 2100′ on R-007 to FML-VOR.
*Clover Int: Int R-329 FML-VOR and Brng 050° to LOM.

City, Charlotte; State, N.C.; Airport Name, Douglas Municipal; Elev., 748′; Fac. Class., LOM; Ident., CL; Procedure No. 1, Amdt. 17; Eff. Date, 15 Apr. 61; Sup. Amdt. No. 16; Dated, 24 Dec. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Aurora "H" | LOM | Direct | 7000 | T-dn | 300–1 | 300–1 | 200–½ |
| Denver LFR | LOM | Direct | 7000 | C-dn* | 500–1 | 500–1 | 500–1½ |
| Denver VOR | LOM | Direct | 7000 | S-dn-26L/R* | 500–1 | 500–1 | 500–1 |
| Dupont Int | LOM | Direct | 7000 | A-dn | 800–2 | 800–2 | 800–2 |
| Strasburg Int | LOM | Direct | 7000 | | | | |
| Kiowa VOR | Watkins Int | Direct | 7500 | | | | |
| Watkins Int | LOM (Final) | Direct | 7000 | | | | |
| Westminster Int | LOM | Direct | 7000 | | | | |

Radar transitions and vectoring using Denver Radar authorized in accordance with approved radar patterns.
Procedure turn North side of crs, 076° Outbnd, 256° Inbnd, 7000′ within 10 mi.
Minimum altitude over facility on final approach crs, 7000′.
Crs and distance, facility to airport, 256°—5.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM, turn right, climb to 6600′ on North crs DN-LFR within 20 miles or, when directed by ATC, turn right, climb to 6600′ on East crs DN-LFR within 20 miles.
CAUTION: 5911′ MSL radio tower 4.7 mi ESE of Rwy 26L. 5570′ MSL tank 0.8 mi SE of MM.
*Do not descend below 6300′ until 1.5 mi W of LOM on final.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331′; Fac. Class., LOM; Ident., DE; Procedure No. 1, Amdt. 23; Eff. Date, 15 Apr. 61; Sup. Amdt. No. 22; Dated, 25 Feb. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| RST-VOR | RST RBn | Direct | 2500 | T-dn | 300–1 | 300–1 | 200–½ |
| ODI-VOR | Bell Int* | Direct | 2600 | C-dn | 400–1 | 500–1 | 500–1½ |
| Bell Int* | RST RBn (Final) | Direct | 2500 | S-dn-31 | 400–1 | 400–1 | 400–1 |
| Byron Int** | RST RBn | Direct | 2800 | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn North side crs, 127° Outbnd, 307° Inbnd, 2500′ within 10 mi.
Crs and distance, facility to airport, 307°—4.27 mi.
Minimum altitude over facility on final approach crs, 2500′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.27 miles, climb to 2800′ on 307° crs from RBn within 20 mi or, when directed by ATC, make left climbing turn to 3000′, proceed direct to the RST-VOR.
*Bell Int: Int RST-VOR R-076 and 307° brng to RBn.
**Byron Int: Int RST-VOR R-351 and 126° brng to RBn.

City, Rochester; State, Minn.; Airport Name, Rochester Municipal; Elev., 1310′; Fac. Class., MHW; Ident., RST; Procedure No. 1, Amdt. 1; Eff. Date, 15 Apr. 61; Sup. Amdt. No. Orig.; Dated, 24 Dec. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SZ-LOM | LOM | Direct | 2000 | T-dn | 300–1 | 300–1 | 200–½ |
| SEA-VOR | LOM | Direct | 2000 | C-dn | 500–1 | 500–1 | 500–1½ |
| SJ-LFR | LOM | Direct | 2000 | S-dn-34 | 400–1 | 400–1 | 400–1 |
| Hobart FM | LOM | Direct | 4000 | A-dn | 800–2 | 800–2 | 800–2 |
| *Puyallup Int | LOM (Final) | Direct | 2000 | | | | |
| TM-LFR | LOM | Direct | 2000 | | | | |
| Vashon Int | LOM | Direct | 2000 | | | | |

Radar transitions and vectoring using Seattle-Tacoma Radar authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 2000′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 338°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi after passing LOM, climb to 2000′ on crs 338° from LOM to NW crs SJ-LFR, thence to Harbor Island Int or, when directed by ATC, turn left, climb to 2000′ on crs 224° from SJ-LFR to Vashon Int.
CAUTION: Terrain and trees to 591′ MSL located immediately N and NE of airport.
Other Changes: Deletes transitions from Paine "H" and from Harbor Island FM.
*Transition to Puyallup Int authorized from TM LFR on 020° crs, 2000′.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428′; Fac. Class., LOM; Ident., SE; Procedure No. 1, Amdt. 17; Eff. Date, 15 Apr. 61; Sup. Amdt. No. 16; Dated, 13 Aug. 60



2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | T-dn* | 400–1 | 400–1 | NA |
| | | | | C-dn | 500–1 | 600–1 | NA |
| | | | | A-dn | 800–2 | 800–2 | NA |

Procedure turn N side of crs, 110° Outbnd, 290° Inbnd, 5800′ within 10 mi.
Minimum altitude over facility on final approach crs, 5300′.
Crs and distance, facility to airport, 290°—1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 mi, right climbing turn, climb to 7000′ on R-351 AKO-VOR within 15 miles.
CAUTION: LFR Towers 0.6 mi North of AKO-VOR. Radio Tower 5002′ two miles West of airport.
*Takeoff Runway 28, 600–1.

City, Akron; State, Colo.; Airport Name, Akron-Washington County; Elev., 4695′; Fac. Class., BVOR; Ident., AKO; Procedure No. 1, Amdt. Orig.; Eff. Date, 15 Apr. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Chattahoochee Int | ATL-VOR | Direct | 2100 | T-dn | 300–1 | 300–1 | 200–½ |
| Atlanta LFR | ATL-VOR | Direct | 2100 | C-d | 500–1 | 500–1 | 500–1½ |
| | | | | C-n | 500–2 | 500–2 | 500–2 |
| | | | | S-d-3 | 500–1 | 500–1 | 500–1 |
| | | | | S-n-3 | 500–2 | 500–2 | 500–2 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn East side of crs, 196° Outbnd, 016° Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 016°—8.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished.
Caution: 2036′ MSL TV tower located 7 mi NNE of airport.

City, Atlanta; State, Ga.; Airport Name, Municipal; Elev., 1024′; Fac. Class., BVORTAC; Ident., ATL; Procedure No. 1, Amdt. 3; Eff. Date, 15 Apr. 61; Sup. Amdt. No. 2; Dated, 14 Sept. 57

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn* | 400–1 | | |
| | | | | C-d | 700–1 | | |
| | | | | C-n | 700–2 | | |
| | | | | S-d-22 | 700–1 | | |
| | | | | S-n-22 | 700–2 | | |
| | | | | A-dn | NA | | |

Procedure turn North side of crs, 044° Outbnd, 224° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 224°—9.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.2 miles, reverse course, right turn climb to 2500′ on crs of 044° and return to VOR. Hold NE on R-045 one minute, right turns.
*Based on Mansfield VOR straight-in landing minimums.

City, Galion; State, Ohio; Airport Name, Galion-Crestline; Elev., 1220′; Fac. Class., BVOTAC; Ident., MFD; Procedure No. 1, Amdt. 2; Eff. Date, 15 Apr. 61; Sup. Amdt. No. 1; Dated, 21 Jan. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| GK-LFR | GFK-VOR | Direct | 2000 | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-d | *500–1 | *500–1 | *500–1½ |
| | | | | C-n | *500–1½ | *500–1½ | *500–1½ |
| | | | | S-d-31 and 35 | *500–1 | *500–1 | *500–1 |
| | | | | S-n-31 and 35 | *500–1½ | *500–1½ | *500–1½ |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn East side of crs, 151° Outbnd, 331° Inbnd, 2200′ within 10 mi.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to Rnwy 31, 331°—6.5 mi; crs and distance, facility to Rnwy 35, 330°—6.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.5 miles of GFK-VOR or within 2.8 mi after passing NE crs GK-LFR, climb to 2100′ on GFK-VOR R-331 within 15 miles.
CAUTION: Tower 997′ MSL 0.6 mi ESE of approach end of Rnwy 31. Tower 1168′ MSL 9.4 mi SE of airport.
*Authorized only for aircraft equipped to receive GFK-VOR and GK-LFR simultaneously. If NE crs GK-LFR not identified on final, descent below 1400′ MSL and ceiling minimums below 600′ not authorized.

City, Grand Forks; State, N. Dak.; Airport Name, International; Elev., 836′; Fac. Class., BVOR; Ident., GFK; Procedure No. 1, Amdt. 2; Eff. Date, 15 Apr. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| GH-LFR | SBN-VOR | Direct | 2500 | T-dn | 300–1 | 300–1 | 200–½ |
| SN-LFR | SBN-VOR | Direct | 2000 | C-dn | 400–1 | 500–1 | 500–1½ |
| N. Liberty Int | SBN-VOR | Direct | 2000 | S-d-3 | 400–1 | 400–1 | 400–1 |
| Int W crs SN-LFR and R-253 SBN-VOR | SBN-VOR | Direct | 2000 | A-dn | NA | NA | NA |
| Int N crs SN-LFR and R-350 SBN-VOR | SBN-VOR | Direct | 2000 | | | | |

Procedure turn South side of crs, 226° Outbnd, 046° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 046°—5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles, make left turn, climb to 2000′, return to SBN-VOR or, when directed by ATC, climb to 2000′ on SBN-VOR R-046 within 20 miles.
NOTES: Weather at Jerry Tyler Memorial Airport not available to general public. Obtain South Bend weather before making approach. No lights runway 3/21.
Other Change: Deletes night minimums Runway 3.

City, Niles; State, Mich.; Airport Name, Jerry Tyler Memorial; Elev., 743′; Fac. Class., BVORTAC; Ident., SBN; Procedure No. 1, Amdt. 2; Eff. Date, 15 Apr. 61; Sup. Amdt. No. 1; Dated, 25 Mar. 61

PROCEDURE CANCELLED, EFFECTIVE 15 APRIL 1961.

City, Spartanburg; State, S.C.; Airport Name, Memorial; Elev., 816′; Fac. Class., BVOR; Ident., SPA; Procedure No. 2, Amdt. Orig.; Eff. Date, 28 Jan. 56

**3. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:**

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–36 | 500–1 | 500–1 | 500–1 |
| | | | | A–dn# | 800–2 | 800–2 | 800–2 |

Procedure turn East side of crs, 170° Outbnd, 350° Inbnd, 1400′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 500′.
Crs and distance, breakoff point to approach end of Runway 36, 360°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, climb to 1200′ on R–300 within 20 mi.
AIR CARRIER NOTE: Procedure may be authorized only for air carriers having approval of their arrangements for weather and communication service at this airport.
NOTES: Itinerant flights contact Gainesville, Fla. FSS for approach clearance or on missed approach.
#Limited weather information available to public. Alternate usage authorized for air carriers only.

City, Ocala; State, Fla.; Airport Name, Ocala Municipal; Elev., 81′; Fac. Class., BVORTAC; Ident., OCF; Procedure No. TerVOR–36, Amdt. Orig.; Eff. Date, 15 Apr. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Jessey Int | MVY–VOR | Direct | 2000 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–24* | 400–1 | 400–1 | 400–1 |
| | | | | A–dn** | NA | NA | NA |

Transition to final approach crs by radar vectoring is authorized at 1200′ MSL (Otis RAPCON) when aircraft is within 20 miles (excludes noncontrolled airspace) of Otis AFB RAPCON site.
Procedure turn East side of crs, 065° Outbnd, 245° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach crs, 500′*.
Crs and distance, breakoff point to approach end of runway, 236°—0.75 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left climbing turn to 1200′, intercept and hold on R–195 MVY–VOR one-minute, right turns 015° inbnd.
*Do not descend to landing minimums until past MVY RBn. If RBn not received, minimums of 600–1 will apply.
**Alternate weather minimums of 800–2 authorized for those having an approved arrangement for weather service at the airport.

City, Vineyard Haven; State, Mass.; Airport Name, Martha's Vineyard; Elev., 68′; Fac. Class., VOR; Ident., MVY; Procedure No. TerVOR–24, Amdt. Orig.; Eff. Date, 15 Apr. 61

**4. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:**

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| 0 mi fix R–352 | 13 mi fix R–352 | Direct | 2000 | T–dn | 300–1 | 300–1 | 200–½ |
| 13 mi fix R–352 | 16.1 mi fix R–352 (Final-apt) | Direct | 1600 | C–dn | 800–1 | 800–1 | 800–1½ |
| | | | | A–dn | NA | NA | NA |

Radar terminal area transition altitudes: 0°–360° within 25 mi, 3000′; 070°–290° within 15 mi, 2200′. All bearings are from the radar antenna site with sector azimuths progressing clockwise. Antenna site is on Atlanta Airport.
*Procedure turn NA.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climbing to 2300′, return to ATL VOR or as directed by ATL approach control within Radar area.
CAUTION: 2049′ tower 8 miles E and 1261′ tower 2 miles SE of airport.
*NOTE: Approach authorized only during hours that Control Tower is in operation and only when ATL Approach Control Radar is in operation for vector to final approach course. No weather reporting facilities available.

City, Atlanta; State, Ga.; Airport Name, Fulton County; Elev., 834′; Fac. Class., BVORTAC–DME; Ident., ATL; Procedure No. VOR–DME–Apt, Amdt. 2; Eff. Date, 15 Apr. 61; Sup. Amdt. No. 1; Dated, 10 Sept. 60



**5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:**

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| AMA–VOR | LOM | Direct | 5000 | T–dn | 300–1 | 300–1 | 200–½ |
| AM–LFR | LOM | Direct | 5000 | C–dn | 400–1 | 500–1 | 500–1½ |
| Borger Int | LOM | Direct | 5000 | S–dn–03 | 200–½ | 200–½ | 200–½ |
| Bivins Int | LOM | Direct | 5300 | A–dn | 600–2 | 600–2 | 600–2 |
| Canyon Int | LOM | Direct | 5000 | | | | |
| Claude Int | LOM | Direct | 5000 | | | | |
| Finley Int | LOM | Direct | 5000 | | | | |
| Pale Duro Int | LOM | Direct | 5300 | | | | |
| Plant Int | LOM | Direct | 5300 | | | | |
| Sam Int | LOM | Direct | 5300 | | | | |
| Tower Int | LOM | Direct | 5000 | | | | |
| W Side Int | LOM | | | | | | |

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 5000′ within 10 mi.
Altitude of Glide Slope & distance to approach end of Rnwy at OM, 5000′—5.0 mi; at MM, 3815′—0.5 mi.
Minimum altitude at G.S. interception inbnd on final, 5000′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4900′ on NE crs ILS within 20 miles or, when directed by ATC, (1) turn right, climb to 4700′ and intercept R–076 AMA–VOR within 20 miles or (2) turn left, climb to 5300′ on R–307 AMA–VOR within 20 miles.
CAUTION: Towers 3994′ msl 3.4 mi SW; 3886′ msl 2.1 mi SW; 3885′ msl 2.7 mi SW of airport.

City, Amarillo; State, Tex.; Airport Name, Amarillo AFB/Mun; Elev., 3604′; Fac. Class., ILS; Ident., I–AMA; Procedure No. ILS–3, Amdt. 3; Eff. Date, 15 Apr. 61; Sup. Amdt. No. 2; Dated, 23 July 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| CLT VOR | LOM | Direct | 2100 | T–dn | 300–1 | 300–1 | 200–½ |
| Ft. Mill VOR | Clover Int** | Direct | 2300 | C–dn | 400–1 | 500–1 | 500–1½ |
| Clover Int** | LOM (Final) | Direct | 2300 | S–dn–5* | 200–½ | 200–½ | 200–½ |
| Union Int | Clover Int** | Direct | 2300 | A–dn | 600–2 | 600–2 | 600–2 |
| Bradley Int | LOM | Direct | 2900 | | | | |
| Mt. Holly Int | LOM | Direct | 2300 | | | | |
| Weddington Int | LOM | Direct | 2100 | | | | |
| Ft. Mill VOR | LOM | Direct | 2300 | | | | |
| Bethany Int | LOM | Direct | 2300 | | | | |

Procedure turn N side of SW crs, 230° Outbnd, 050° Inbnd, 2300′ within 10 miles.
Minimum altitude at Glide Slope int inbnd, 2300′.
Altitude of G.S. and distance to appr end of rnway at OM 2290°—4.6, at MM 950°—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2900′ on NE crs ILS within 20 miles or, when directed by ATC, turn left, climb to 2400′ on FML–VOR R–007 to Mt. Holly Int or turn right, climb to 2100′ on R–007 to FML–VOR.
*400–¾ required when glide slope not utilized.
**Clover Int: Int R–329 FML–VOR and CLT–ILS SW crs.

City, Charlotte; State, N.C.; Airport Name, Douglas Municipal; Elev., 748′; Fac. Class., ILS; Ident., I–CLT; Procedure No. ILS–5, Amdt. 16; Eff. Date, 15 Apr. 61; Sup. Amdt. No. 15; Dated, 24 Dec. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| FA–LFR | Int* | Direct | 2200 | T–dn | 300–1 | 300–1 | 200–½ |
| FWA–VOR | Int* | Direct | 2200 | C–dn | 400–1 | 500–1 | 500–1½ |
| | | | | S–dn–13 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 miles from Int*.
When authorized by ATC, DME from FWA–VOR may be used to establish position inbound at 2200′ on NW crs FWA ILS via 14 N. mi. arc from FWA–VOR for straight-in approach with elimination of procedure turn.
Procedure turn W side of final approach crs, 315° Outbnd, 135° Inbnd, 2200′ within 10 miles of Int*.
Minimum altitude over Int* on final approach crs, 1800′.
Crs and distance, Int* to airport, 135°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2100′ on SE crs ILS and proceed to LOM or, when directed by ATC, make climbing right turn to 2100′ and proceed outbound on R–279 FWA–VOR within 20 mi.
NOTE: Procedure authorized only for aircraft equipped to receive ILS and ADF simultaneously or when Int* determined by DME fix or when Ft. Wayne surveillance radar in operation.
*Int: Int NW crs FWA ILS & brng 180° to FA–LFR or NW crs FWA ILS and radar fix 3.5 mi from Runway 13 or NW crs FWA ILS and DME Fix 4.1 mi from FWA–VOR.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801′; Fac. Class., ILS; Ident., I–FWA; Procedure No. ILS–13, Amdt. Orig.; Eff. Date, 15 Apr. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Int V55 and SE crs ILS | LOM (Final) | Direct | 1900′ | T–dn | 300–1 | 300–1 | 200–½ |
| MKG VOR | LOM | Direct | 1900′ | C–dn | 400–1 | 500–1 | 500–1½ |
| NJ–LFR | LOM | Direct | 1900′ | S–dn–32# | 200–½ | 200–½ | 200–½ |
| Bull Frog Int | LOM | Direct | 1900′ | A–dn | 600–2 | 600–2 | 600–2 |

Procedure turn E side of SE crs, 137° Outbnd, 317° Inbnd, 1900′ within 10 mi.
Minimum altitude at Glide Slope Int inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM, 1843′—3.8 mi.; at MM, 811′—.55 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1900′ on 317° crs from LOM within 10 mi. or when directed by ATC, make right turn and climb to 1900′ and proceed direct to the MKG VORTAC.
#400–¾ required with glide slope inoperative.

City, Muskegon; State, Mich.; Airport Name, Muskegon County; Elev., 628′; Fac. Class., ILS; Ident., I–MKG; Procedure No. ILS–32, Amdt. 1; Eff. Date, 15 Apr. 61; Sup. Amdt. No. Orig.; Dated, 24 Sept. 60

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| St Louis VOR | LOM | Direct | 1800 | T-dn** | 300-1 | 300-1 | 200-½ |
| St Louis LFR | LOM | Direct | 1800 | C-dn | 500-1 | 500-1 | 500-1½ |
| Lake RBn | LOM | Direct | 2000 | S-dn-24#* | 200-½ | 200-½ | 200-½ |
| Cora Int | LOM (Final) | Direct | 1800 | A-dn | 600-2 | 600-2 | 600-2 |
| Academy Int | NE crs ILS (Final) | Direct | 1900 | | | | |
| Mitchell Int | LOM | Direct | 1800 | | | | |
| Maryland Hgts VOR | LOM | Direct | 2000 | | | | |
| Prairie Int | LOM | Direct | 2000 | | | | |
| Godfrey Int | NE crs ILS (Final) | Direct | 1900 | | | | |

Radar transitions to final approach course authorized. Information for radar terminal area transition altitudes on St. Louis radar procedure.
Procedure turn N side NE crs, 058° Outbnd, 238° Inbnd, 1900′ within 10 mi.
Minimum altitude at glide slope int inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM, 1782—4.1; at MM, 748—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on SW crs of ILS to Lake "II" or, when directed by ATC, make right (North) turn, climb to 2000′ direct to STL-VOR.
Other changes: Deletes transitions from Jerseyville Int, Wood River Int to LOM, and Wood River Int to NE crs ILS (Final).
*Runway visual range 2600 feet also authorized for landing on Runway 24; provided, that all components of the ILS or PAR, high-intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 771′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600′ also authorized for takeoff on Runway 24 in lieu of 200-½ when 200-½ authorized, providing high intensity runway lights are operational.
#400-1 required with glide slope inoperative.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., ILS; Ident., I-STL; Procedure No. ILS-24, Amdt. 23; Eff. Date, 15 Apr. 61; Sup. Amdt. No. 22; Dated, 18 Mar. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SJ LFR | LOM | Direct | 2000 | T-dn ## | 300-1 | 300-1 | 200-½ |
| SEA VOR | LOM | Direct | 2000 | C-dn | 500-1 | 500-1 | 500-1½ |
| Vashon Int | LOM | Direct | 2000 | S-dn-34 # | 200-½ | 200-½ | 200-½ |
| Hobart FM | LOM | Direct | 4000 | A-dn | 600-2 | 600-2 | 600-2 |
| TM LFR | LOM | Direct | 2000 | | | | |
| Puyallup Int* | LOM (Final) | Direct | 2000 | | | | |
| SZ-LOM | LOM | Direct | 2000 | | | | |

Radar transitions and vectoring using Seattle-Tacoma Radar authorized in accordance with approved radar patterns.
Procedure turn E side of S crs, 158° Outbnd, 338° Inbnd, 2000′ within 8 mi. NA beyond 8 mi.
Minimum altitude at G.S. interception inbnd, 2000′.
Altitude of glide slope and distance to approach end of rnwy at OM, 1700′—4.3; at MM, 600′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on R-338 SEA-VOR to NW crs SJ-LFR, thence to Harbor Island Int or, when directed by ATC, turn left, climb to 2000′ on R-225 SEA-VOR to Vashon Int, or climb to 2000′ on S crs SJ-LFR within 10 mi.
CAUTION: Terrain and trees to 591′ MSL immediately N and NE of airport.
Narrow localizer crs 4°.
*Transition to Puyallup Int authorized from TM-LFR on crs 020°, 2000′.
#Runway visual range (RVR) 2600′ also authorized for landing on Runway 34, provided that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are in satisfactory operating condition. Descent below 628′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
##Runway visual range 2600′ also authorized for takeoff on Runway 34 in lieu of 200-½ when 200-½ authorized, providing high intensity runway lights are operational.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428′; Fac. Class., ILS; Ident., I-SEA; Procedure No. ILS-34, Amdt. 17; Eff. Date, 15 Apr. 61; Sup. Amdt. No. 16; Dated, 13 Aug. 60

**6. The radar procedures prescribed in § 609.500 are amended to read in part:**

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| 000° | 360° | 20 mi | 2000* | Surveillance approach | | | |
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-13, #31, 18, 36. | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runways 18, 36, 13, and 31: Climb to 2000′ on runway heading within 10 miles or, when directed by ATC, (1) Runway 18, 13: turn left, climb to 2000′ and proceed to DAL-VOR; Runway 36, 31: turn right, climb to 2000′ and proceed to DAL-VOR.
CAUTION: 695′ tank 1.7 miles SE of Runway 31. 1044′ building 3.9 miles SE of Runway 31 on centerline.
*Radar control will provide 1000′ vertical clearance within a 3-mile radius from radio TV towers 1108′ 20 miles North, 2349′ 16 miles SSW, 1230′ 10 miles NNW of airport.
#Maintain at least 1400′ until 3.5 mi from end of runway and 1000′ until 1.4 mi from end of runway.

City, Dallas; State, Tex.; Airport Name, Love; Elev., 485′; Fac. Class., Dallas; Ident., Radar; Procedure No. 1, Amdt. 4; Eff. Date, 15 Apr. 61; Sup. Amdt. No. 3; Dated, 26 May 56



RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | Within: | | Surveillance approach | | | |
| North Quadrant PHL LFR | | 20 mi | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| North Quadrant PHL LFR | | 10 mi | *1800 | C-dn# | 500-1 | 500-1 | 500-1½ |
| NW Quadrant PHL LFR | | 20 mi | 2000 | C-dn-4, 22 | 600-1 | 600-1 | 600-1½ |
| NW Quadrant PHL LFR | | 10 mi | 1800 | S-dn# | 500-1 | 500-1 | 500-1 |
| NW Quadrant PHL LFR | | 20 mi | *1800 | A-dn | 800-2 | 800-2 | 800-2 |
| SW and SE Quadrant PHL LFR | | | | Precision approach | | | |
| | | | | S-dn-9 | 200-½ | 200-½ | 200-½ |
| | | | | A-dn-9 | 600-2 | 600-2 | 600-2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ or higher altitude when requested by ATC, proceed to Mt Holly Int or, when directed by ATC, (1) climb to 1800′ and proceed to LOM, or (2) climb to 1800′ and proceed to Elmer Int.
*Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when between 3–5 miles of towers 1369′ MSL 9 miles North and 1049′ MSL 10 miles SE of airport.
#Runways 9, 17, 27, 35.

City, Philadelphia; State, Pa.; Airport Name, International; Elev., 14′; Fac. Class., Philadelphia; Ident., Radar; Procedure No. 1, Amdt. 3; Eff. Date, 15 Apr. 61; Sup. Amdt. No. 2; Dated, 28 Nov. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 000° | 360° | Within 30 mi | 6000 | Precision approach | | | |
| | | | | T-dn* | 300-1 | 300-1 | 200-½ |
| | | | | C-dn% | 700-1 | 700-1 | 700-1½ |
| | | | | S-dn-10R | 200-½ | 200-½ | 200-½ |
| | | | | A-dn-All | 700-2 | 700-2 | 800-2 |
| | | | | Surveillance approach | | | |
| | | | | T-dn* | 300-1 | 300-1 | 200-½ |
| | | | | C-dn% | 800-1 | 800-1 | 800-1½ |
| | | | | S-dn-11 | 800-1 | 800-1 | 800-1 |
| | | | | A-dn-All | 800-2 | 800-2 | 800-2 |

Radar transitions and vectoring utilizing Portland Radar authorized in accordance with approved radar patterns and sector altitudes.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2100′ on back course PDX-ILS localizer 098° to Gresham Int or, when directed by ATC, proceed direct to PO-LFR or PDX-VOR, climbing to 3000′.
*200-½ authorized on Runways 10R-L, 28R-L only. 700-2 required on Runways 11/20.
%CAUTION: 600′ terrain 1.8 mi SE of airport.

City, Portland; State, Oreg.; Airport Name, Portland International; Elev., 23′; Fac. Class., Portland; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 15 Apr. 61; Sup. Amdt. No. Orig.; Dated, 25 Sept. 53

| Radar terminal area maneuvering sectors and altitudes | Condition | Ceiling and visibility minimums | | |
|---|---|---|---|---|
| | | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | 65 knots or less | More than 65 knots | |
| | Precision Radar | | | |
| Instrument approach to be conducted in accordance with USN Radar Standard Instrument Approach Procedure. | T-dn-All | 300-1 | 300-1 | 300-1 |
| | C-dn-All | 600-2 | 600-2 | 600-2 |
| | S-dn-24 | 400-1 | 400-1 | 400-1 |
| | A-dn-All | 600-2 | 600-2 | 600-2 |
| | Surveillance Radar | | | |
| | T-dn-All | 300-1 | 300-1 | 300-1 |
| | C-dn-All | 600-2 | 600-2 | 600-2 |
| | S-dn-24/6 | 600-1 | 600-1 | 600-1 |
| | A-dn-All | 800-2 | 800-2 | 800-2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ on a heading of 280°, intercept SAN-VOR R-340 and proceed to Rancho Int.
CAUTION: High terrain North, Northeast and East of airport.
NOTE: Military authority required.

City, San Diego; State, Calif.; Airport Name, Miramar NAS; Elev., 475′; Fac. Class., Miramar; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 15 Apr. 61; Sup. Amdt. No. Orig.; Dated, 21 Jan. 61

**These procedures shall become effective on the dates specified therein.**

**(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))**

Issued in Washington, D.C., on March 9, 1961.

GEORGE C. PRILL,
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 61-2302; Filed, Mar. 29, 1961; 8:45 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### Department of Justice

Effective upon publication in the FEDERAL REGISTER, paragraph (b)(2) of § 6.308 is amended as set out below.

§ 6.308 Department of Justice.

* * * * *

(b) *Office of the Deputy Attorney General.* * * *

(2) Two confidential assistants (private secretaries) to the Deputy Attorney General.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61-2807; Filed, Mar. 29, 1961; 8:51 a.m.]

# Title 6—AGRICULTURAL CREDIT

## Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

### SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Mobile Dryer Bulletin Rev. 1, Amdt. 1]

## PART 474—FARM STORAGE FACILITIES

### Subpart—Program to Finance the Purchase of Mobile Drying Equipment for Farm Commodities

AMOUNT OF LOAN

The purpose of this amendment is to amend the bulletin by changing the method of computing the maximum amount to be loaned on any single mobile dryer or any mobile drying equipment under the program.

This amendment will be effective on the date of publication, but will not be applicable to applications received prior to such date unless such applications are amended.

Section 474.766(b)(1) of the bulletin (25 F.R. 9806) is amended to read as follows:

§ 474.766(b) Amount of loan.

(1) The maximum amount of any loan shall not exceed the maximum amount authorized by the State committee and in no event shall exceed ninety-five percent of the delivered and assembled out-of-pocket cost paid by the borrower for the eligible equipment for which the loan is made. The borrower shall furnish before the loan is disbursed Form CCC 414, Certifications for a Farm Storage Facility Loan or a Mobile Dryer Loan. In addition, receipted bills in support of Form CCC 414 may also be required in the discretion of the county office prior to the disbursement of the loan.

Issued at Washington, D.C., this 24th day of March 1961.

FRANK W. HUSSEY,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 61-2811; Filed, Mar. 29, 1961; 8:52 a.m.]

# Title 7—AGRICULTURE

## Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 13]

## PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

### Timing and Effective Date of Reconstitutions

*Basis and purpose.* This amendment is issued pursuant to section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)), and section 124 of the Soil Bank Act (7 U.S.C. 1812) for the purpose of prescribing the procedures governing the effective date(s) of reconstitutions made after the planting of an allotment crop has been completed on the farm.

Since reconstitutions affected by this amendment are currently being made, it is hereby determined that compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that this amendment shall become effective upon publication in the FEDERAL REGISTER.

Section 719.11(f) (23 F.R. 6731) is amended to read as follows:

§ 719.11 Guidelines for applying farm definition.

* * * * *

(f) *Timing and effective date of reconstitutions.* Farms shall be reconstituted as soon as it is determined that the land areas are not properly constituted in accordance with the farm definition: *Provided, however,* That a reconstitution made after the planting of an allotment crop has been completed on the farm shall not be effective for that crop for the current year unless the conditions supporting the reconstitution existed at the time such crop was planted on the farm and a change in operation had occurred prior to the beginning of such planting but had not been reported to the county office: *And provided, further,* That a reconstitution shall not be effective with respect to the conservation reserve program for the current year if, at the time a reconstitution of the farm(s) is required, the action would cause non-compliance with the terms and conditions of the conservation reserve contract(s) for the current year. Notwithstanding this proviso, a reconstitution resulting from a division of a parent farm shall be effective for the current year for conservation reserve purposes unless (1) all of the persons having control of the land being subdivided are eligible and enter into a common modified contract covering the parent farm for the year in which loss of control occurs and (2) simultaneously with the execution of the common modified contract, individual contracts covering the reconstituted farms are entered into and approved to become effective on the following January 1. A reconstitution which does not become effective for the current year under the provisions of this paragraph shall become effective beginning with the next succeeding crop year (succeeding program year in case of the conservation reserve program).

(Sec. 375, 52 Stat. 66, as amended; sec. 124, 70 Stat. 198; 7 U.S.C. 1375, 1812)

Done at Washington, D.C., this 27th day of March 1961.

ROBERT G. LEWIS,
*Acting Administrator, Commodity Stabilization Service.*

[F.R. Doc. 61-2812; Filed, Mar. 29, 1961; 8:52 a.m.]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

## PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

### Partial Revocation

On page 1230 of the FEDERAL REGISTER of February 11, 1961, there was published notice of proposals to rescind §§ 250.13 and 250.201 (section 250.3d-15 as in effect before April 21, 1941).

Interested persons were given until March 15, 1961, in which to submit written views and comments. No objections or comments to the proposals were received.

Accordingly, §§ 250.13 and 250.201 are revoked, effective March 23, 1961, as follows:

Section 250.13 (Rule 13), *Exemption of certain non-utility subsidiary companies and affiliates of registered holding companies transforming to investment companies,* is revoked.

(Sec. 3(d), 49 Stat. 810, paragraph (d) of 15 U.S.C. 79c; and sec. 20(a), 49 Stat. 833, 15 U.S.C. 79t)

Section 250.201, *Rules of special and limited application,* consisting of § 250.3d-15 (Rule U-3d-15), as in effect before April 21, 1941, is revoked.

(Sec. 3(d), 49 Stat. 810, paragraph (d) of 15 U.S.C. 79c; sec. 9(c), 49, Stat. 817, paragraph (c) of 15 U.S.C. 791; sec. 12(b) and 12(f), 49 Stat. 823, paragraphs (b) and (f) of 15 U.S.C. 791; and sec. 20(a), 49 Stat. 833, 15 U.S.C. 79t)

NOTE: Holding Company Act Release No. 14394, announcing rescission of Rule 13; and Holding Company Act Release No. 14395, announcing rescission of Rule U-3d-15, are filed as part of the original document.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

MARCH 23, 1961.

[F.R. Doc. 61-2791; Filed, Mar. 29, 1961; 8:48 a.m.]



# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2310]

## COLORADO AND UTAH

### Modification of Grazing District Boundaries, Colorado Grazing Districts Nos. 1 and 6 and Utah Grazing District No. 8

By virtue of the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 315, et seq.), as amended, known as the Taylor Grazing Act, and in accordance with Public Law 86-729 (39 Stat. 1752), of September 8, 1960, it is ordered as follows:

1. The following-described lands are added to and made a part of Colorado Grazing District No. 1, as heretofore established and modified:

COLORADO

SIXTH PRINCIPAL MERIDIAN

T. 6 N., R. 99 W.,
Sec. 31, S½;
Sec. 32, SW¼.
T. 6 N., R. 100 W.,
Sec. 33, S½;
Sec. 34, S½;
Sec. 35, S½;
Sec. 36, S½.

2. The following-described lands are added to and made a part of Colorado Grazing District No. 6, as heretofore established and modified:

COLORADO

SIXTH PRINCIPAL MERIDIAN

T. 6 N., R. 99 W.,
Sec. 5, W½;
Sec. 6.
T. 6 N., R. 100 W.,
Secs. 1, 2, 3, 4, and 5;
Sec. 6, N½.
T. 6 N., R. 101 W.,
Sec. 1, N½;
Sec. 2, N½.
T. 7 N., R. 101 W.,
Secs. 25, 26, and 27;
Sec. 28, N½;
Sec. 29, N½;
Sec. 30, N½;
Sec. 34, N½;
Secs. 35 and 36.
T. 7 N., R. 102 W.,
Sec. 5;
Sec. 6, E½;
Sec. 7, E½;
Secs. 8 and 17;
Sec. 18, E½;
Sec. 19, E½;
Sec. 20;
Sec. 25, N½;
Sec. 26, N½;
Sec. 27, N½;
Sec. 28, N½.
T. 8 N., R. 102 W.,
Sec. 27;
Sec. 32, SE¼;
Sec. 33, S½;
Sec. 34.
T. 9 N., R. 102 W.,
Sec. 16, E½;
Sec. 18, W½;
Sec. 19, W½;
Sec. 21, E½;
Sec. 28, E½;
Sec. 33, E½.
T. 9 N., R. 103 W.,
Secs. 13, 24, and 25.
T. 7 N., R. 103 W.,
Sec. 6.
T. 8 N., R. 103 W.,
Sec. 28.
T. 7 N., R. 104 W.,
Secs. 1 and 2.

3. The following-described lands are excluded from Colorado Grazing District No. 1, as heretofore established and modified:

COLORADO

SIXTH PRINCIPAL MERIDIAN

T. 6 N., R. 99 W.,
Sec. 20, E½, that part lying south of the Yampa River;
Sec. 27, NW¼;
Sec. 28, N½;
Sec. 29, NW¼.
T. 6 N., R. 100 W.,
Sec. 31, N½;
Sec. 32, N½.
T. 6 N., R. 101 W.,
Sec. 31, N½;
Sec. 32, N½;
Sec. 33, N½;
Sec. 34, N½;
Sec. 35, N½;
Sec. 36, N½.
T. 6 N., R. 102 W.,
Sec. 31, N½;
Sec. 32, N½;
Sec. 33, N½;
Sec. 34, N½;
Sec. 35, N½;
Sec. 36, N½.
T. 6 N., R. 103 W.,
Secs. 15, 22, 25, and 26;
Sec. 27, N½ and N½S½;
Sec. 28, S½NE¼ and N½SE¼;
Sec. 35, N½;
Sec. 36, N½.

4. The following-described lands are excluded from Colorado Grazing District No. 6, as heretofore established and modified:

COLORADO

SIXTH PRINCIPAL MERIDIAN

T. 6. N., R. 99 W.,
Sec. 17, SE¼;
Sec. 20, E½, that part lying north of the Yampa River;
Sec. 21;
Sec. 22, SW¼.
T. 8 N., R. 102 W.,
Sec. 16, S½;
Sec. 21.

5. The following-described lands are added to and made a part of Utah Grazing District No. 8, as heretofore established and modified:

SALT LAKE MERIDIAN

T. 4 S., R. 23 E.,
Sec. 9, W½, unsurveyed;
Sec. 16, W½, unsurveyed;
Sec. 21, W½, unsurveyed;
Sec. 28, S½NW¼, SW¼.
T. 3 S., R. 24 E.,
Sec. 25, W½;
Sec. 26;
Sec. 35, N½;
Sec. 36, NW¼.

6. The following-described lands are excluded from Utah Grazing District No. 8, as heretofore established and modified:

SALT LAKE MERIDIAN

Beginning at the north quarter corner of sec. 33, T. 4 S., R. 23 E., thence
South one-half mile;
East to the mean high water mark on the north or right bank of the Green River;
Northwesterly upstream along the mean high water mark on the right bank of the Green River to its intersection with the north line of sec. 33;
West to the point of beginning.
Beginning at the northwest corner of sec. 36, T. 4 S., R. 23 E., thence
South to the mean high water mark on the north or right bank of the Green River;
Upstream southerly, easterly and northerly along the mean high water mark of the north or right bank of the Green River to its intersection with the north line of sec. 31, T. 4 S., R. 24 E.;
West along the north line of sec. 31, T. 4 S., R. 24 E., and the north line of sec. 36, T. 4 S., R. 23 E., to the point of beginning.
T. 4 S., R 24 E.,
Sec. 34, E½;
Secs. 35 and 36.
T. 5 S., R. 24 E.,
Sec. 1, lots 1, 2, 3, and 4, S½N½;
Sec. 2, lots 1, 2, 3, and 4, S½N½;
Sec. 3, lots 1 and 2, S½NE¼.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

MARCH 24, 1961.

[F.R. Doc. 61-2786; Filed, Mar. 29, 1961; 8:48 a.m.]

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[Public Land Order 2311]

[66604]

## ALASKA

### Amending Public Land Order No. 2203 of September 15, 1960

Public Land Order No. 2203 of September 15, 1960, opening lands under section 24 of the Federal Power Act, is hereby amended to the extent necessary to make clear that the land in paragraph 1(a) of the order described as all lands within one-fourth mile of the center line of that section of Kenai River between the mouth of Russian River and a proposed dam site about 3 miles above Skilak Lake, are chiefly if not entirely within the Kenai National Moose Range rather than the Chugach National Forest, and to that extent will not be subject to the opening provisions of the order.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

MARCH 24, 1961.

[F.R. Doc. 61-2787; Filed, Mar. 29, 1961; 8:48 a.m.]

[Public Land Order 2312]

[Los Angeles 0106066]

## CALIFORNIA

### Amending Public Land Order No. 281 of May 29, 1945, Which Withdrew Lands for Use of the Navy Department as an Antiaircraft Firing Range (Chocolate Mountain Gunnery Range)

By virtue of the authority vested in the president, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 281 of May 29, 1945, which withdrew lands in California for use of the Department of the Navy as an antiaircraft firing range, is hereby amended by deleting therefrom the following paragraph:

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

2. Public Land Order No. 281 withdrew the public lands in an area of about 218,864 acres. The following-described lands are the only public lands affected by Public Land Order No. 281:

SAN BERNARDINO MERIDIAN

T. 7 S., R. 12 E.,
Sec. 34, SE¼SE¼.
T. 8 S., R. 12 E.,
Secs. 2 and 4;
Sec. 6, E½E½;
Secs. 8, 10, 12, and 14;
Sec. 20, NE¼NE¼;
Secs. 22 and 24;
Sec. 26, N½, N½SW¼, and SE¼.
T. 9 S., R. 12 E.,
Sec. 12, NE¼NE.
T. 7 S., R. 13 E.
Sec. 22, NE¼, and S½;
Secs. 24, 26, 28, 32, and 34.
T. 8 S., R. 13 E.,
All even numbered sections except 16 and 36.
T. 9 S., R. 13 E.,
Secs. 2, 4, 6, 8, 10, 12, and 14;
Sec. 18, NE¼;
Sec. 20, N½NE¼, SE¼NE¼, and NE¼NW¼;
Sec. 22, N½, N½SW¼, and SE¼;
Sec. 24;
Sec. 26, NE¼, N½NW¼, SE¼NW¼, N½SE¼.
T. 7 S., R. 14 E.,
Sec. 20, SW¼SW¼;
Sec. 26, S½;
Sec. 28, S½;
Secs. 30, 32, and 34.
T. 8 S., R. 14 E.,
All even numbered sections except 16 and 36.
T. 9 S., R. 14 E.,
All even numbered sections except 16 and 36.
T. 10 S., R. 14 E.,
Secs. 2 and 4;
Sec. 6, lots 3, 4, 5, 8, 9, 10, 11, 12, and NE¼SE¼;
Sec. 8, N½NE¼ and SE¼NE¼;
Secs. 10, 12, and 14;
Sec. 22, N½NE¼ and SE¼NE¼;
Sec. 24.
T. 7 S., R. 15 E.,
Sec. 30, lot 4, SE¼SW¼ and S½SE¼;
Sec. 32;
Sec. 34, NW¼SW¼ and S½SW¼.
T. 8 S., R. 15 E.,
All even numbered sections except 16 and 36.
T. 9 S., R. 15 E.,
All even numbered sections except 16 and 36.
T. 10 S., R. 15 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, and 20;
Sec. 22, N½ and SW¼;
Sec. 28, NW¼;
Sec. 30.
T. 8 S., R. 16 E.,
Sec. 8, SW¼NE¼, S½NW¼, S½ (unsurveyed);
Sec. 14, SW¼SW¼ (unsurveyed);
Secs. 18, 20, and 22;
Sec. 24, SW¼SW¼ (unsurveyed);
Secs. 26, 28, 30, 32, and 34.
T. 9 S., R. 16 E.,
Secs. 2, 4, 6, 8, and 10;
Sec. 12, NW¼;
Secs. 18 and 20;
Sec. 28, W½W½;
Secs. 30 and 32.
T. 10 S., R. 16 E.,
Sec. 6;
Sec. 8, NW¼NW¼.
T. 8 S., R. 17 E.,
Sec. 32, SW¼.
T. 9 S., R. 17 E.,
Sec. 6, NW¼.

The areas described aggregate approximately 95,775 acres.

3. The jurisdiction granted by this order shall be subject to the following conditions:

(a) That all minerals, including oil and gas, in the lands shall be subject to the provisions of section 6 of the Act of February 28, 1958 (72 Stat. 30).

(b) That the Bureau of Land Management may issue leases or permits for the surface use of the lands, shall administer the timber and other material resources of the lands, and may sell or otherwise dispose of such timber or materials under applicable laws, with the concurrence of the Department of the Navy, and under such conditions as may be prescribed by that Department and the Department of the Interior consistent with the primary purpose of the withdrawal.

(c) That the public shall have access to and across the lands for hunting, fishing, and trapping at such times and under such conditions conducive to public safety as may be specified by the Commanding Officer in charge.

(d) All hunting, fishing, and trapping on the lands shall be in accordance with the fish and game laws of the State of California.

(e) The Department of the Navy shall not enclose roads or trails commonly in public use, except at such times as may be necessary in the interest of public safety or national security as determined by the Commandant, Eleventh Naval District, at which times suitable warning notices shall be kept posted.

(f) If the use to which the lands or any part of them may be put shall render them unsuitable or dangerous for use by the public under the public land laws by reason of unexploded ordnance, the Department of the Interior may require that the lands shall be decontaminated as a condition precedent to their return to its administration.

(g) Grazing use of the withdrawn lands shall be administered by the Bureau of Land Management under the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended, but only at such times and in such manner as may be agreed upon between the Bureau of Land Management and the Department of the Navy.

(h) The Department of the Navy shall not appropriate or use any waters in, on or under the lands.

(i) Personnel of the State Department of Fish and Game shall have access to the lands at all times when hunting, fishing or trapping is being permitted, for enforcement of the game laws.

(j) The Department of the Navy shall take all reasonable precautions to prevent and suppress brush and range fires occurring within the withdrawn lands during the period of military use, or outside such lands resulting from military use. The Department of the Navy may enter into an agreement with the Bureau of Land Management to provide for a transfer of funds for the suppression of such fires by the Bureau of Land Management.

(k) The Department of the Navy shall repair, restore or replace all existing and future range improvements such as roads, fences, wells, and reservoirs, as may be damaged or destroyed by military operations.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

MARCH 24, 1961.

[F.R. Doc. 61-2788; Filed, Mar. 29, 1961; 8:48 a.m.]

# Title 45—PUBLIC WELFARE

## Chapter I—Office of Education, Department of Health, Education, and Welfare

## PART 114—FEDERAL ASSISTANCE UNDER PUBLIC LAW 815, 81ST CONGRESS, AS AMENDED, IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

### Second Deadline for Applications With Respect to Funds Available During Fiscal Year 1961

Subpart B of Part 114, 45 CFR (23 F.R. 7291, September 19, 1958, as amended by 24 F.R. 3694, May 7, 1959, 24 F.R. 7694, September 24, 1959, 25 F.R. 2531, March 25, 1960, and 25 F.R. 9141, September 23, 1960), issued pursuant to Public Law 815, 81st Congress, as amended (64 Stat. 967) 20 U.S.C. 631, is hereby amended by adding a new section (§ 114.25) in order to establish a second deadline date for filing applications with respect to funds available during the fiscal year 1961. The new section reads as follows:

**§ 114.25 Second deadline for applications with respect to funds available during fiscal year 1961.**

For the purposes of section 3 of the act, June 19, 1961, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under the act from funds then available for such purposes shall be filed.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642)

Dated: March 17, 1961.

[SEAL] WAYNE O. REED,
*Acting U.S. Commissioner of Education.*

Approved: March 23, 1961.

ABRAHAM A. RIBICOFF,
*Secretary of Health, Education, and Welfare.*

[F.R. Doc. 61-2806; Filed, Mar. 29, 1961; 8:51 a.m.]



# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

## PART 205—REPORTS OF MOTOR CARRIERS

### Motor Carrier Annual Report Form A (Class I Carriers of Property)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 9th day of December A.D. 1960.

The matter of annual reports of Class I motor carriers of property being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

*It is ordered*, That § 205.1 of the order of January 16, 1959, in the matter of Motor Carrier Annual Report Form A (Class I Carriers of Property), be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1960, and subsequent years, to read as shown below.

*It is further ordered*, That 49 CFR 205.1 be, and is hereby, modified and amended to read as follows:

**§ 205.1 Annual reports of Class I carriers of property.**

Commencing with the year ended December 31, 1960, and for subsequent years thereafter, until further order, all Class I motor carriers of property, as described in the order of June 13, 1958, in the matter of Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, § 182.-01-1 of this chapter, viz., carriers with average annual gross operating revenues (including interstate and intrastate) of $1,000,000 or more, from property motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form A (Property), which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31, of the year following the year to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

*It is further ordered*, That copies of this order and of Motor Carrier Annual Report Form A (Property) shall be served on all Class I motor carriers of property subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C. and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-2800; Filed, Mar. 29, 1961; 8:50 a.m.]

## PART 205—REPORTS OF MOTOR CARRIERS

### Motor Carrier Annual Report Form B (Class II Carriers of Property)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 8th day of December A.D. 1960.

The matter of annual reports of Class II motor carriers of property being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

*It is ordered*, That § 205.1a of the order of February 3, 1960, in the matter of Motor Carrier Annual Report Form B (Class II Motor Carriers of Property), be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1960, and subsequent years, to read as shown below.

*It is further ordered*, That 49 CFR 205.1a be modified and amended to read as follows:

**§ 205.1a Annual reports of Class II carriers of property.**

Commencing with the year ended December 31, 1960, and for subsequent years thereafter until further order, all Class II motor carriers of property, as described in the order of June 13, 1958, in the matter of Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, § 182.-01-1 of this chapter, viz., carriers with the average annual gross operating revenues (including interstate and intrastate) of $200,000 but less than $1,000,000, from property motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form B (Property), which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31, of the year following the year to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

*And it is further ordered*, That copies of this order and of Motor Carrier Annual Report Form B (Property) shall be served on all Class II motor carriers of property subject to its provisions and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-2801; Filed, Mar. 29, 1961; 8:50 a.m.]

## PART 205—REPORTS OF MOTOR CARRIERS

### Motor Carrier Annual Report Form D (Class I Motor Carriers of Passengers)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 8th day of December A.D. 1960.

The matter of anual reports of Class I motor carriers of passengers being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

*It is ordered*, That § 205.3a of the order of January 21, 1959, in the matter of Motor Carrier Anual Report Form D (Class I Motor Carriers of Passengers), be, and it is hereby, modified and amended, with respect to anual reports for the year ended December 31, 1960, and subsequent years, to read as shown below.

*It is further ordered*, That 49 CFR 205.3a be modified and amended to read as follows:

**§ 205.3a Annual reports of Class I carriers of passengers.**

Commencing with the year ended December 31, 1960, and for subsequent years thereafter, until further order, all Class I motor carriers of passengers, as defined in § 181.02-1 of this chapter, viz.,

[1] Form filed as part of original document.

carriers with average annual gross operating revenues (including interstate and intrastate) of $200,000 or more, from passenger motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form D (Passenger) which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

*And it is further ordered,* That a copy of this order and of Motor Carrier Annual Report Form D (Passenger) shall be served on all Class I motor carriers of passengers subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-2802; Filed, Mar. 29, 1961; 8:50 a.m.]

[1] Form filed as part of original document.

## PART 205—REPORTS OF MOTOR CARRIERS

### Motor Carrier Quarterly Report Form QFR–II (Class II Carriers of Property)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 16th day of February, A.D. 1961.

The matter of quarterly reports of Class II motor carriers of property being under further consideration, and, the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

*It is ordered,* That § 205.13 of the order of December 13, 1956, in the matter of quarterly reports from Class II common and contract motor carriers of property be, and it is hereby, modified and amended with respect to reports for the quarter ended March 31, 1961, and subsequent quarters, to read as shown below.

*It is further ordered,* That 49 CFR 205.13 be, and it is hereby, modified and amended to read as follows:

**§ 205.13 Quarterly reports of Class II carriers of property.**

Commencing with reports for the quarter ended March 31, 1961, and for subsequent quarters thereafter, until further order, all Class II common and contract motor carriers of property as defined in § 182.01–1 of this chapter, viz., carriers having average annual gross operating revenues (including interstate and intrastate) of $200,000 but less than $1,000,000, from property motor carrier operations, are required to file quarterly reports in accordance with Motor Carrier Quarterly Report Form QFR–II (Property), which is attached to and made a part of this section.[1] Such quarterly report shall be filed in triplicate in the office of the Bureau of Motor Carriers, Interstate Commerce Commission, for the District in which the carrier is domiciled, within 30 days after the close of the period to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

*And it is further ordered,* That copies of this order and of Motor Carrier Quarterly Report Form QFR–II (Property) shall be served on all Class II common and contract motor carriers of property subject to its terms, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-2803; Filed, Mar. 29, 1961; 8:50 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[ 19 CFR Part 1 ]

### CUSTOMS PORT OF ENTRY AND PORT OF DOCUMENTATION

### Annapolis, Md.; Proposed Revocation of Designation

MARCH 20, 1961.

Notice is hereby given that pursuant to the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., p. 469), and under the authority contained in section 2 of the Act of July 5, 1884, as amended (46 U.S.C. 2), and section 1 of the Act of February 16, 1925, as amended (46 U.S.C. 18), it is proposed to revoke the designation of Annapolis, Maryland, as a customs port of entry and port of documentation in Customs Collection District No. 13 (Maryland), and to amend § 1.1(c) of the Customs Regulations to indicate this change. It is also proposed to transfer the marine records of this port to Baltimore, Maryland, and to make Baltimore, Maryland, the home port of all vessels now home ported at Annapolis, Maryland, on the effective date of this change.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Data, views or arguments with respect to the proposed revocation of the designation of Annapolis, Maryland, as a customs port of entry and port of documentation may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held. (MC 192–13.1 D)

[SEAL] A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F.R. Doc. 61-2813; Filed, Mar. 29, 1961; 8:52 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Bureau Order No. 671]

### AREA ADMINISTRATOR, AREA 4

### Delegation of Authority to Negotiate Contracts for Professional Photogrammetric Engineering Services—Alaska

MARCH 24, 1961.

SECTION 1. *Delegation.* Pursuant to the authority in section 3 of Order No. 2851 of the Secretary of the Interior dated March 15, 1961, the Area Administrator, Area 4, is authorized subject to the provisions of Section 2 of this order, to exercise the authority delegated by the Administrator of General Services Administration to the Secretary of the Interior (24 F.R. 1921) to negotiate, without advertising, under Section 302(c)(4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252 et seq.), contracts for photogrammetric engineering projects during the remainder of fiscal year 1961 and the first half of fiscal year 1962 in connection with the State Selection survey program in Alaska.

SEC. 2. *Exercise of authority.* The authority delegated by section 1 of this order shall be exercised in accordance with the applicable policies, procedures and controls prescribed by the General Services Administration and the Department of the Interior. The authority delegated by this order does not include authority to make advance payments under section 305 of the act.

H. R. HOCHMUTH,
*Associate Director.*

[F.R. Doc. 61-2784; Filed, Mar. 29, 1961; 8:48 a.m.]

[Classification No. 7]

### ALASKA

### Small Tract Classification

MARCH 17, 1961.

1. Pursuant to authority delegated to me by the Operations Supervisor, Fairbanks Operations Office, March 13, 1961, in accordance with Sections 1.1 and 2.1 and Amendment 12 of Bureau of Land Management Order No. 541, dated April 21, 1954 (10 F.R. 2473), as amended, I hereby classify the following public lands, totaling 402.83 acres at Fairbanks, Alaska, as suitable for lease and sale for residential purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

TOK AREA

T. 18 N., R. 13 E., C.R.M.,
Sec. 18: Lots 17 and 18;
Sec. 19: Lots 14, 15, 17, 18, 20, 21, 35, 36, 37, 38, 39, 40, 41, 42, 43, 49, 50, 51, 52, 53, 56, 57, 58, 62, 63, 64, 65, 66, 70, 71, 72, 92, 95, 96, 99, 100, 103, 117, 118, 119, 120, 121, 122, 123, 124, E½SW¼NW¼, SE¼NW¼NW¼, W½SW¼SE¼NW¼, E½SW¼NE¼, S½SE¼NE¼, S½N½SE¼NE¼, and a right of way in U.S. Survey 2787;
Sec. 20: Lots 75, 76, 77, 78, SW¼NW¼, W½SW¼.

Containing 402.83 acres.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except to applications under the mineral leasing laws or selections by the State of Alaska in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) and Section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. The lands described in paragraph 1 above were restored from withdrawal by Public Land Order 975, dated June 18, 1954, but were retained in reserved status pending small tract classification and future opening.

4. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

ROBERT J. COFFMAN,
*Lands and Minerals Officer.*

[F.R. Doc. 61-2795; Filed, Mar. 29, 1961; 8:49 a.m.]

[Classification No. 8]

### ALASKA

### Small Tract Classification

MARCH 21, 1961.

1. Pursuant to authority delegated to me by the Operations Supervisor, Fairbanks Operations Office, March 13, 1961, in accordance with Sections 1.1 and 2.1 and Amendment 12 of Bureau of Land Management Order No. 541, dated April 21, 1954 (10 F.R. 2473), as amended, I hereby classify the following described public lands, totaling 190.94 acres in the Salcha area, as suitable for lease and sale for residential purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

SALCHA AREA

U.S. Survey 1457 (excluding U.S. Survey 2285).

Containing 190.94 acres.

2. The lands described in paragraph one above were restored from withdrawal by Public Land Order 1158, dated June 1, 1955, but were retained in reserved status pending small tract classification and future opening.

3. Classification of the above described lands by this order segregates them from all appropriation, including locations under the mining laws, except to applications under the mineral leasing laws.

4. Nothing in this order shall preclude application for state selection in accordance with and subject to the provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) and Section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

5. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

ROBERT J. COFFMAN,
*Lands and Minerals Officer.*

[F.R. Doc. 61-2796; Filed, Mar. 29, 1961; 8:49 a.m.]

[Classification No. 9]

### ALASKA

### Small Tract Classification

MARCH 21, 1961.

1. Pursuant to authority delegated to me by the Operations Supervisor, Fairbanks Operations Office, March 13, 1961, in accordance with Sections 1.1 and 2.1 and Amendment 12 of Bureau of Land Management Order No. 541, dated April 21, 1954 (10 F.R. 2473), as amended, I hereby classify the following described public lands, totaling 3,738.62 acres in the Eielson-Salcha area, as suitable for lease and sale for residential purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, U.S.C. 682a), as amended:

FAIRBANKS MERIDIAN

T. 4 S., R. 3 E.,
Sec. 1: Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 19, 20, 21, 22, 51, 52, 57, 58, S½NE¼NE¼NE¼, S½NW¼NE¼NE¼, S½NE¼NE¼, S½NE¼NW¼NE¼, S½NW¼NW¼NE¼, S½NW¼NE¼, S½NE¼, S½NE¼NE¼NW¼, E½SE¼NE¼NW¼, S½NE¼NW¼NW¼, S½NW¼NW¼NW¼, SW¼NW¼, NW¼SW¼, W½NW¼NE¼SW¼, W½SW¼NE¼SW¼, SW¼SW¼, W½SE¼SW¼, NE¼SE¼, E½NW¼SE¼, NW¼NW¼SE¼, E½SW¼NW¼SE¼, SE¼SE¼, E½SW¼SE¼, E½NW¼SW¼SE¼;
Sec. 12: All;
Sec. 13: Lot 2, NE¼, SE¼SE¼.
T. 4 S., R. 4 E.,
Sec. 6: All;
Sec. 7: All;
Sec. 18: All;
Sec. 19: All.

Containing 3,738.62 acres.

2. The lands described in paragraph one above were restored from withdrawal by Public Land Order 1039, dated December 20, 1954, but were retained in reserved status pending small tract classification and future opening.

3. Classification of the above described lands by this order segregates them from all appropriation, including locations under the mining laws, except to applications under the mineral leasing laws.

4. Nothing in this order shall preclude application for state selection in accordance with and subject to the provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

5. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

ROBERT J. COFFMAN,
*Lands and Minerals Officer.*

[F.R. Doc. 61-2797; Filed, Mar. 29, 1961; 8:49 a.m.]

### CALIFORNIA

### Notice of Filing of Plat of Survey

MARCH 22, 1961.

Plat of survey of the land described below will be officially filed in the Land Office, Sacramento, California, effective at 10:00 a.m., on April 26, 1961:

MOUNT DIABLO MERIDIAN

T. 23 N., R. 15 W.

This survey represents a retracement of certain boundaries designed to restore the corners in their true, original location. The lands will not be subject to disposition under the public land laws unless and until it is so provided by order of an authorized officer of the Bureau of Land Management.

Sec. 13: All;
Sec. 24: All.

The areas described aggregate 1,186.23 acres. Plat of survey accepted April 14, 1960.

WALTER E. BECK,
*Manager, Land Office,*
*Sacramento.*

[F.R. Doc. 61-2780; Filed, Mar. 29, 1961; 8:47 a.m.]

### CALIFORNIA

### Notice of Filing of Plat of Survey

MARCH 23, 1961.

Plat of survey of the land described below will be officially filed in the Land Office, Sacramento, California, effective at 10:00 a.m. on April 27, 1961:

HUMBOLDT MERIDIAN

T. 8 N., R. 4 E.

This survey represents a retracement of certain boundaries designed to restore the corners in their true, original location. The lands will not be subject to disposition under the public land laws unless and until it is so provided by order of an authorized officer of the Bureau of Land Management.

Sec. 30: Lot 5;
Sec. 31: Lots 5, 6, 7, 8, 9.



The areas described aggregate 178.37 acres. Plat of survey accepted February 24, 1961.

WALTER E. BECK,
*Manager, Land Office,*
*Sacramento.*

[F.R. Doc. 61-2781; Filed, Mar. 29, 1961; 8:47 a.m.]

### CALIFORNIA

### Notice of Amendment and Partial Termination of Proposed Withdrawal and Reservation of Lands

MARCH 23, 1961.

The United States Department of Agriculture has filed an amended application, Serial Number Sacramento 059261, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims.

The applicant desires the land for use as a recreation area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 1000, California Fruit Building, 4th and J Streets, Sacramento, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 22 N., R. 11 E.,
Sec. 11: W½W½NE¼NE¼ and E½E½NW¼NE¼;
Sec. 13: Lot 1, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 14: Lots 1, 2, 3, S½NE¼, SE¼SE¼NW¼, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 23: Lots 5, 6, 7, 8, 9, 10, 11;
Sec. 24: Lots 11, 16, 18, 20, 22, 23, 35, 38, 50, 51, 54, 55;
Sec. 25: Lots 2, 3, 4, 7, 8, 9, 10, SW¼SE¼;
Sec. 26: Lots 1, 2, 3, 4, 5, 6, 7.
T. 22 N., R. 12 E.,
Sec. 7: Lots 3, 4, S½SW¼NE¼, S½SE¼NW¼;
Sec. 18: Lots 1, 2, 3, 4, W½NE¼, NE¼SW¼;
Sec. 19: W½ Lot 1.

The areas described above aggregate approximately 2,339.50 acres of Federal land in the Plumas National Forest.

The lands added to the application are:

MOUNT DIABLO MERIDIAN

T. 22 N., R. 11 E.,
Sec. 11: E½E½NW¼NE¼.
T. 22 N., R. 12 E.,
Sec. 7: S½SW¼NE¼, S½SE¼NW¼.

The applicant agency has cancelled its application insofar as it involved the land described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such land is relieved of the segregative effect of the above-mentioned application at 10:00 a.m., April 24, 1961.

The land terminated is:

MOUNT DIABLO MERIDIAN

T. 22 N., R. 11 E.,
Sec. 11: E½W½NE¼NE¼.

WALTER E. BECK,
*Manager, Land Office,*
*Sacramento.*

[F.R. Doc. 61-2782; Filed, Mar. 29, 1961; 8:47 a.m.]

### WASHINGTON

### Notice of Proposed Withdrawal and Reservation of Lands

MARCH 22, 1961.

The Bureau of Reclamation has filed an application, Serial No. Washington 03387, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the general mining laws, but not the mineral leasing laws, subject to valid existing rights. The applicant desires the land for protection of a potential slide area and for development, operation, and maintenance of the Columbia Basin Project, Washington.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane 1, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, WASHINGTON

T. 37 N., R. 37 E.,
Sec. 1: Lots 6 and 7.
T. 17 N., R. 28 E.,
Sec. 22: SW¼NW¼NW¼.

The area described contains 50 acres.

FRED J. WEILER,
*State Supervisor.*

[F.R. Doc. 61-2785; Filed, Mar. 29, 1961; 8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

### SALES OF CERTAIN COMMODITIES

### March 1961 Monthly Sales List; Amendment

The price listing for the Commodity Credit Corporation Monthly Sales List for March 1961 is amended, effective March 17, 1961, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954, (19 F.R. 6669) by

deleting the section under Nonfat dry milk relating to Domestic—unrestricted use and substituting the following:

Domestic—unrestricted use: Announced prices, under LD–29, as amended, spray process, U.S. extra grade, 17.0 cents per pound. Roller process, U.S. extra grade, 15.0 cents per pound.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: March 27, 1961.

ROBERT G. LEWIS,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 61–2810; Filed, Mar. 29, 1961; 8:52 a.m.]

# DEPARTMENT OF COMMERCE

## Defense Air Transportation Administration

[Aircraft Allocation Order No. 13]

## AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1–8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense the aircraft identified herein by FAA registration number for the Civil Reserve Air Fleet Program of the Department of Defense for the fiscal year 1961.

*DC–4*

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| 1437 V | 88891 | 88912 | 90428 |
| 45346 | 88893 | 88921 | 90434 |
| 49529 | 88897 | 88934 | 90436 |
| 57670 | 88898 | 88935 | 90440 |
| 75298 | 88901 | 88938 | 90444 |
| 79999 | 88903 | 90407 | 90448 |
| 88819 | 88907 | 90423 | 90905 |
| 88884 | 88908 | 90427 | 90906 |
| 88888 | 88909 | | |

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| 401 US | 6119 C | 34958 | 90776 |
| 402 US | 6260 C | 37590 | 90781 |
| 571 | 6541 C | 37591 | 90782 |
| 63 ONA | 6576 C | 37592 | 90783 |
| 64 ONA | 7822 C | 37593 | 90784 |
| 65 ONA | 34955 | 37594 | 90785 |
| 66 ONA | 34956 | 37595 | 90809 |
| 6118 C | 34957 | 37596 | |

*L–1049H*

| | | | |
|---|---|---|---|
| 101 R | 5402 V | 6915 C | 6991 C |
| 468 C | 5403 V | 6916 C | 6992 C |
| 469 C | 5404 V | 6917 C | 6993 C |
| 1006 C | 6501 C | 6918 C | 6995 C |
| 1007 C | 6502 C | 6919 C | 6996 C |
| 1008 C | 6504 C | 6921 C | 6997 C |
| 1009 C | 6911 C | 6922 C | 7131 C |
| 1010 C | 6912 C | 6923 C | 7132 C |
| 1880 | 6913 C | 6924 C | 7133 C |
| 1927 H | 6914 C | 6925 C | 7134 C |
| 5401 V | | | |

*L–1649A(F)*

| | | | |
|---|---|---|---|
| 7311 C | 7316 C | 7319 C | 7322 C |
| 7315 C | 7317 C | | |

*DC–7C(F)*

| | | | |
|---|---|---|---|
| 301 G | 736 PA | 754 PA | 8216 H |
| 731 PA | 737 PA | 755 PA | 8217 H |
| 733 PA | 746 PA | 4059 K | 8218 H |
| 734 PA | 752 PA | 8215 H | 8219 H |
| 735 PA | | | |

*DC–7(F)*

| | | | |
|---|---|---|---|
| 336 | 342 | 6336 C | 6344 C |
| 337 | 350 | 6341 C | 6346 C |
| 341 | 394 | 6342 C | 6348 C |

*DC–7C*

| | | | |
|---|---|---|---|
| 5900 | 5901 | 5902 | |

*B–707—(300 series)*

| | | | |
|---|---|---|---|
| 701 PA | 717 PA | 727 PA | 765 TW |
| 702 PA | 718 PA | 728 PA | 766 TW |
| 703 PA | 719 PA | 729 PA | 767 TW |
| 704 PA | 720 PA | 730 PA | 768 TW |
| 705 PA | 721 PA | 761 TW | 769 TW |
| 706 PA | 722 PA | 762 TW | 770 TW |
| 714 PA | 724 PA | 763 TW | 771 TW |
| 715 PA | 725 PA | 764 TW | 772 TW |
| 716 PA | 726 PA | | |

*DC–8*

| | | | |
|---|---|---|---|
| 801 US | 806 PA | 815 PA | 8023 U |
| 802 PA | 807 PA | 816 PA | 8024 U |
| 802 US | 808 PA | 817 PA | 8025 U |
| 803 PA | 809 PA | 818 PA | 8026 U |
| 803 US | 810 PA | 819 PA | 8027 U |
| 804 PA | 811 PA | 8018 U | 8028 U |
| 804 US | 812 PA | 8021 U | 8029 U |
| 805 PA | 813 PA | 8022 U | 8030 U |
| 805 US | 814 PA | | |

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order shall become effective April 1, 1961, and supersedes Aircraft Allocation Order No. 11, dated December 27, 1960, 26 F.R. 113–114, of January 6, 1961.

Dated: March 23, 1961.

THEODORE HARDEEN, JR.,
*Administrator,*
*Defense Air Transportation Division.*

[F.R. Doc. 61–2808; Filed, Mar. 29, 1961; 8:52 a.m.]

[Aircraft Allocation Order No. 14]

## AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1–8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense for fiscal year 1961 the aircraft identified herein by FAA registration number as a reserve fleet for use in certain contingencies in the Civil Reserve Air Fleet Program of the Department of Defense. Any aircraft in this reserve fleet may, at the direction of the Administrator, DATA, be added to the list of aircraft allocated by DATA Allocation Order No. 13, dated March 23, 1961, to replace an aircraft in the Civil Reserve Air Fleet that is determined by the Department of Defense to be unavailable.

CONTINGENCY RESERVE FLEET—FISCAL YEAR 1961

*L–1649A*

| | | | |
|---|---|---|---|
| 7301 C | 7306 C | 7312 C | 7320 C |
| 7302 C | 7308 C | 7314 C | 7321 C |
| 7303 C | 7309 C | 7318 C | 7325 C |
| 7304 C | 7310 C | | |

*DC–7C*

| | | | |
|---|---|---|---|
| 284 | 290 | 739 PA | 747 PA |
| 285 | 291 | 741 PA | 748 PA |
| 286 | 293 | 742 PA | 749 PA |
| 287 | 297 | 743 PA | 750 PA |
| 288 | 732 PA | 744 PA | 751 PA |
| 289 | 738 PA | 745 PA | 753 PA |

*B–707 (100 series)*

| | | | |
|---|---|---|---|
| 707 PA | 709 PA | 711 PA | 712 PA |
| 708 PA | 710 PA | | |

*DC–8*

| | | |
|---|---|---|
| 8031 U | 8032 U | 8033 U |

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order shall become effective April 1, 1961, and supersedes Aircraft Allocation Order No. 12, dated December 27, 1960, 26 F.R. 113–114, of January 6, 1961.

Dated: March 23, 1961.

THEODORE HARDEEN, JR.,
*Administrator,*
*Defense Air Transportation Division.*

[F.R. Doc. 61–2809; Filed, Mar. 29, 1961; 8:52 a.m.]

## Federal Maritime Board

[Docket No. 935]

## HAWAII-CROCKETT AND HAWAII-GALVESTON BULK SUGAR RATES

### Notice of Investigation and Hearing

On March 14, 1961, the Federal Maritime Board entered the following order:

It appearing that there have been filed with the Federal Maritime Board various tariff schedules maning freight rates for raw sugar in bulk from Hawaiian Islands ports of call to Crockett, California, and Galveston, Texas, designated as follows and effective on the dates indicated: Matson Lines Freight Tariff No. 12–A, F.M.B.–F. No. 108, effective July 15, 1960; Matson Lines Freight Tariff No. 17, F.M.B.–F. No. 115, effective March 15, 1961; and Waterman Steamship Corporation Freight Tariff



No. 4, F.M.B.–F. No. 13, effective April 4, 1961;

It further appearing that upon consideration of the said schedules there is reason to believe that they would result in rates, rules, conditions, charges, tariffs, regulations, or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the Board is of the opinion that the said rates, rules, conditions, charges, tariffs, regulations, and practices should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, as amended;

*Now therefore, it is ordered,* That the Board enter upon an investigation of, and a hearing concerning, the lawfulness under the aforementioned acts, of the rates, rules, conditions, charges, tariffs, regulations and practices stated in the aforesaid schedules; and

*It is further ordered,* That the said investigation be assigned for hearing before an examiner of the Board's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner; that a copy of this order be forthwith served upon Matson Navigation Company, Isthmian Lines, Inc., and Waterman Steamship Corporation, and that they be named respondents, in, and be duly notified of the time and place of, the said hearing; and that notice of the said hearing be published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Board's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) [46 CFR 201.74] of said rules.

Dated: March 27, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–2804; Filed, Mar. 29, 1961; 8:51 a.m.]

## ACCORDO NOLI TIRRENO/ALGERIA-MAROCCO-PORTOGALLO AND LYKES BROS. STEAMSHIP CO., INC.

### Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, U.S.C. 814):

Agreement No. 8589, between Accordo Noli Tirreno/Algeria-Marocco-Portogallo (ANTAMPO) and Lykes Bros. Steamship Co., Inc., covers an arrangement for the through movement of raw tobacco from U.S. Gulf and South Atlantic ports to certain North African and Portuguese destinations, with transhipment at Genoa, Italy.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 27, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 61–2805; Filed, Mar. 29, 1961; 8:51 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50–30]

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### Notice of Issuance of Amendment to Provisional Operating License

Please take notice that pursuant to the Supplemental Intermediate Decision of the Hearing Examiner dated March 17, 1961, the Director of the Division of Licensing and Regulation has issued Amendment No. 1 to Provisional Operating License No. TR–3, issued to National Aeronautics and Space Administration for its Plum Brook Reactor Facility located near Sandusky, Ohio.

The amendment adds a condition that NASA shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

For further information see Docket No. 50–30 on file in the Atomic Energy Commission's Public Document Room, 1717 H Street, Washington 25, D.C.

Dated at Germantown, Md., this 24th day of March 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 61–2769; Filed, Mar. 29, 1961; 8:46 a.m.]

[Docket No. 50–128]

## TEXAS AGRICULTURAL AND MECHANICAL COLLEGE SYSTEM

### Notice of Proposed Issuance of Facility License

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or an intervener as provided by the Commission's Rules of Practice (Title 10, CFR, Chapter 1, Part 2), the Commission proposes to issue to The Texas Agricultural and Mechanical College System a facility license substantially as set forth below authorizing the possession and operation on the licensee's site near College Station, Texas, of a pool-type nuclear reactor at power levels up to 100 kilowatts (thermal). Prior to issuance of the license the reactor will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR–38. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by The Texas Agricultural and Mechanical College System and amendments thereto, and (2) a hazards analysis prepared by the hazards evaluation staff of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 24th day of March 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

PROPOSED FACILITY LICENSE

1. This license applies to the pool-type nuclear reactor (hereinafter referred to as "the reactor") which is owned by The Texas Agricultural and Mechanical College System (hereinafter referred to as "the licensee") and located on the licensee's site near College Station, Texas, and described in the licensee's application for license dated March 15, 1959, and amendments thereto dated April 14, 1959, December 6, 1960, February 3, 1961, and February 20, 1961 (hereinafter collectively referred to as "the application"), and authorized for construction by Construction Permit No. CPRR–38.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR–38 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. The licensee is technically and financially qualified to operate the reactor, to as-

sume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. The licensee is a nonprofit educational institution and will use the reactor for conduct of educational activities. The licensee is therefore exempt from the financial protection requirement of subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the licensee:

A. Pursuant to section 104.c. of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location near College Station, Texas, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use in connection with operation of the reactor up to 6.1 kilograms of contained uranium 235; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to receive, possess and use in connection with operation of the reactor twenty-curie encapsulated polonium-beryllium neutron source and to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. The licensee shall not operate the reactor at power levels in excess of 100 kilowatts (thermal) without prior written authorization from the Commission.

B. The licensee shall not release to the atmosphere any effluents containing radioactivity, as measured at the place of exhaust, in concentrations more than ten times those listed in Column 1, Table II, Appendix B, 10 CFR Part 20.

C. In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

D. The licensee shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

E. As promptly as practicable, but no later than 60 days after the initial criticality of the reactor, the licensee shall submit a written report to the Commission describing the measured values of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

(1) Maximum excess reactivity of the reactor, not including the worth of control rods or other control devices such as burnable poison strips or soluble poison, or any experiments;

(2) Total control rod worth;

(3) Minimum shutdown margin both at room and operating temperature;

(4) Maximum worth of the single control rod of highest reactivity value; and

(5) Maximum total and individual worth of any fixed or movable experiments inserted in the reactor.

F. The licensee shall promptly submit a written report to the Commission whenever, during operation of the reactor subsequently to initial criticality, any of the operating conditions or characteristics of the reactor, including those described in paragraph 4.E. above and the application, which might affect nuclear safety, is observed to vary significantly from its predicted value.

5. This license is effective as of the date of issuance and shall expire at midnight August 4, 1979.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 61-2770; Filed, Mar. 29, 1961; 8:46 a.m.]

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[Docket No. 50-57]

## UNIVERSITY OF BUFFALO

### Notice of Issuance of Facility License

Please take notice that no request for a formal hearing having been filed following the filing of notice of proposed action with the Office of the Federal Register on March 8, 1961, the Atomic Energy Commission has issued Facility License No. R-77 authorizing The University of Buffalo to operate the pool-type nuclear reactor on the University's campus in Buffalo, New York. Notice of the proposed action was published in the FEDERAL REGISTER on March 9, 1961, 26 F.R. 2057.

Dated at Germantown, Md., this 24th day of March 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
*Acting Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-2771; Filed, Mar. 29, 1961; 8:46 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 61-LA-7]

## AIRPORT TRAFFIC CONTROL TOWER

### Notice of No Airspace Objection Over Proposed Construction

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

The City and County of Denver, Colorado proposes to construct an airport traffic control tower to be located on Stapleton Airfield, Denver, Colorado, at latitude 39°45'36" north, longitude 104°-53'30" west. The overall height of the proposed structure, including a planned airport surface detection radar antenna to extend 25 feet above the control tower, would be 5480 feet above mean sea level (179 feet above ground).

No aeronautical objections were received as a result of the circularization. The aeronautical study revealed that the effect of the proposed structure on the utilization of airspace would be as follows:

1. The proposed structure including the planned airport surface detection radar antenna would penetrate the transitional surface of Agency criteria for the existing Runway 8L/26R by 20 feet. However, runway 8L/26R is not an instrument runway and study disclosed no substantial adverse effect on aircraft flight operations.

2. The proposed structure would penetrate the transitional surface of Agency criteria for the existing runway 17/35 by 150 feet. However, the Master Plan for the airport includes a new north-south runway to be located to the east and parallel to the existing Runway 17/35, which will be abandoned when the new north-south runway is completed. The proposed structure will not penetrate any surfaces of Agency criteria as applied to the new north-south runway. In addition, the present Runway 17/35 is used primarily for take-offs and is not an instrument runway. In this instance, the study disclosed that the proposed structure would have no adverse effect upon aircraft flight operations.

The location of the proposed control tower structure was selected by the FAA as the best from an air traffic management standpoint, after careful evaluation of all possible locations on the airport, with consideration being given to such factors as the visibility and arrangement of airport traffic and taxi patterns; observation of runways, taxiways, holding aprons and ramp; avoidance of glare from the afternoon sun, and the tower height necessary to provide adequate visual contrast between aircraft at the ends of the runways and the holding aprons.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction lighted in accordance with presently applicable standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on March 23, 1961.

D. D. THOMAS,
*Director, Bureau of Air Traffic Management.*

[F.R. Doc. 61-2773; Filed, Mar. 29, 1961; 8:46 a.m.]



# FEDERAL POWER COMMISSION

[Docket No. CP61-165]

## COLORADO-WYOMING GAS CO.

### Notice of Application and Date of Hearing

MARCH 24, 1961.

Take notice that on December 13, 1960, as supplemented on January 9, February 6, and February 27, 1961, Colorado-Wyoming Gas Company (Applicant), P.O. Box 480, Denver 1, Colorado, filed in Docket No. CP61-165 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation during the calendar year 1961 of certain unspecified pipeline taps to provide natural gas service to existing resale distribution customers, all as more fully set forth in the application and supplements which are on file with the Commission and open to public inspection.

The proposed installations will provide additional main line taps to serve Public Service Company of Colorado, Cheyenne Light, Fuel and Power Company, Greeley Gas Company and Rocky Mountain Natural Gas Company, Inc., in rural areas of small load concentration.

The proposed taps will fall into three categories: farm tap connections for less than ten customers, costing approximately $100 each; small group connections for from ten to fifty customers, costing approximately $960 each; and large group connections for more than fifty customers where a major meter station or town border facility is not justified, costing approximately $1,700 each.

The total estimated cost of all construction during 1961 under this application is a maximum of $10,000, with a limit of $2,000 for any single project.

The estimated total natural gas requirements for the sales proposed hereunder are approximately 200 Mcf per peak day and 30,000 Mcf for the year 1961.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 25, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 14, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2777; Filed, Mar. 29, 1961; 8:47 a.m.]

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[Docket No. CP61-216]

## HOUSTON TEXAS GAS AND OIL CORP.

### Notice of Application and Date of Hearing

MARCH 24, 1961.

Take notice that Houston Texas Gas and Oil Corporation (Applicant), P.O. Box 10400, St. Petersburg 33, Florida, filed an application on February 24, 1961, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, and for the sale and delivery of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate 240 feet of 3½ inch pipe from its 20-inch main line in Osceola County, Florida, southeast of the City of Kissimmee, to adjacent sites, where meter and regulator stations will be constructed on the property of Deseret Farms of Florida, Inc., and to sell and deliver natural gas to Deseret Farms on a direct Firm basis and on a direct Preferred Interruptible basis.

Applicant states that the Firm gas will be used by Deseret Farms in its company owned houses and that the Interruptible gas will be used in processing farm products.

Applicant states that the gas supply will come from its present sources without the necessity of additional field purchases.

Applicant estimates that the third year annual firm delivery will be 12,000 therms. The maximum daily Contract Quantity, and the Annual Quantity of Direct Preferred Interruptible gas will be 12,960 therms and 970,900 therms respectively. The cost of construction in the proposed facilities is estimated to be $12,000 which will be financed from Applicant's current funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 27, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 12, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2778; Filed, Mar. 29, 1961; 8:47 a.m.]

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[Docket No. CP61-103]

## PANHANDLE EASTERN PIPE LINE CO.

### Notice of Application and Date of Hearing

MARCH 24, 1961.

Take notice that on September 30, 1960, Panhandle Eastern Pipe Line Company (Applicant), 1221 Baltimore Avenue, Kansas City 5, Missouri, filed an application, as supplemented on January 10, 1961, in Docket No. CP61-103, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to establish a new delivery point for its existing customer, Central Illinois Light Company (Central Illinois), and for permission and approval to abandon by sale of its Morton, Illinois, 3-inch lateral pipeline to Central Illinois, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

The application shows that the lateral pipeline to be sold consists of approximately 5 miles of existing 3-inch pipeline and appurtenances extending from the proposed point of delivery on Applicant's Peoria lateral northwestward to a point near the City of Morton, Illinois.

Applicant states that at the present time, the only customers being served from the 3-inch line are eleven residential farm tap customers receiving service from the Town Gas Company which buys the gas from Applicant. Central Illinois and Town Gas Company have entered into an agreement whereby the former has purchased from the latter the farm tap services which presently exist. Applicant will sell gas to Central Illinois for resale to the farm tap customers.

The application recites that Central Illinois proposes to use the 3-inch lateral as a part of its distribution facilities in serving the Village of Groveland, Illinois, when additional volumes of gas are available from Applicant. The subject application does not request authority at this time for the construction of a new meter station to permit service to Groveland. At the present time, the individual meters used to measure the gas to the farm tap customers will be used to measure the volume of gas delivered by Applicant to Central Illinois. The applicant shows that the total quantity of gas to be delivered on a peak day to the farm tap customers is less than 15 Mcf.

Central Illinois will pay Applicant $6,553 for the facilities to be purchased.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 27, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 17, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2779; Filed, Mar. 29, 1961; 8:47 a.m.]

[Docket No. E-6984]

## SIERRA PACIFIC POWER CO.

### Notice of Application

MARCH 24, 1961.

Take notice that on March 14, 1961, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Sierra Pacific Power Company ("Applicant"), a corporation organized under the laws of the State of Maine and domesticated in the States of California and Nevada with its principal business office at Reno, Nevada, seeking an order authorizing the issuance of (a) $6,500,000 principal amount First Mortgage Bonds -- percent Series due 1991 and, (b) 132,570 shares of Common Stock of the par value of $3.75 per share. Applicant states that the aforesaid First Mortgage Bonds, hereinafter referred to as "New Bonds", are to be dated as of May 1, 1961; are to be issued in May, 1961, or on such other date as may be determined by the Board of Directors; and are to mature May 1, 1991. The New Bonds are to be issued pursuant to the provisions of the Indenture of Mortgage of Applicant dated as of December 1, 1940, under which New England Merchants National Bank of Boston and Fletcher C. Chamberlin are Trustees, as heretofore supplemented by six Indentures and as to be further supplemented by a Seventh Supplemental Indenture dated as of May 1, 1961. According to the application, the interest rate to be borne by the New Bonds and the price to be paid to Applicant will be determined by competitive bidding. The 132,570 shares of Common Stock are to be offered pro rata to the Common Stockholders of Applicant at a subscription price per share of not less than 90 percent of the average of the bid prices of Applicant's Common Stock in the over-the-counter market for the business day next preceding the fixing of said subscription price by Applicant's Board of Directors, pursuant to preemptive rights of Common Stockholders on the basis of one share for each twelve shares of Common Stock held of record with an oversubscription privilege subject to allotment. Rights to subscribe will be evidenced by transferable subscription warrants. Applicant states that the aforesaid New Bonds and Common Stock will be issued and sold to obtain funds to pay bank loans, to reimburse Applicant's treasury for construction expenditures heretofore made, and to finance additional construction.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 17th day of April 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2794; Filed, Mar. 29, 1961; 8:49 a.m.]

# FEDERAL HOUSING ADMINISTRATION

## Housing and Home Finance Agency

## 2½ PERCENT TITLE I HOUSING INSURANCE FUND INDENTURES, SERIES L

### Call for Partial Redemption, Before Maturity

MARCH 16, 1961.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Title I Housing Insurance Fund Debentures, Series L, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1961, on which date interest on such debentures shall cease:

2½ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

| Denomination: | *Serial numbers (all numbers inclusive)* |
|---|---|
| $50 | 167 to 172 |
| $100 | 322 to 339 |
| $500 | 137 to 142 |
| $1,000 | 522 to 541 |
| $5,000 | 71 to 76 |

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1961. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1961, and provision will be made for the payment of final interest due on July 1, 1961, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1961, to June 30, 1961, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1961, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY,
*Commissioner.*

Approved: March 20, 1961.

ROBERT V. ROOSA,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-2640; Filed, Mar. 29, 1961; 8:45 a.m.]

## 2¾ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES R

### Call for Partial Redemption, Before Maturity

MARCH 16, 1961.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Title I Housing Insurance Fund Debentures, Series R, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1961, on which date interest on such debentures shall cease:

2¾ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES R

| Denomination: | *Serial numbers (all numbers inclusive)* |
|---|---|
| $50 | 417 to 425 |
| $100 | 882 to 884 |
| | 888 to 946 |
| $500 | 210 to 220 |
| $1,000 | 281 to 289 |
| $5,000 | 224 to 239 |

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1961. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1961, and provision will be made for the payment of final interest due on July 1, 1961, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1961, to June 30, 1961, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1961, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY,
*Commissioner.*

Approved: March 20, 1961.

ROBERT V. ROOSA,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-2641; Filed, Mar. 29, 1961; 8:45 a.m.]

## 3 PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES T

### Call for Partial Redemption, Before Maturity

MARCH 16, 1961.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 3 percent Title I Housing Insurance Fund Debentures, Series T, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1961, on which date interest on such debentures shall cease:

3 PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES T

| Denomination: | *Serial numbers (all numbers inclusive)* |
|---|---|
| $50 | 315 to 432 |
| $100 | 1,165 to 1,271 |
| $500 | 433 to 461 |
| $1,000 | 574 to 636 |
| $5,000 | 322 to 349 |





The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1961. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1961, and provision will be made for the payment of final interest due on July 1, 1961, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1961, to June 30, 1961, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1961, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY,
*Commissioner.*

Approved: March 20, 1961.

ROBERT V. ROOSA,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-2642; Filed, Mar. 29, 1961; 8:45 a.m.]

## 2½, 2⅝, 2¾, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾ AND 4⅛ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

### Call for Partial Redemption, Before Maturity

MARCH 16, 1961.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½, 2⅝, 2¾, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾ and 4⅛ percent Mutual Mortgage Insurance Fund Debentures, Series AA, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1961, on which date interest on such debentures shall cease:

2½, 2⅝, 2¾, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾ AND 4⅛ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

| Denomination: | *Serial numbers (all numbers inclusive)* |
|---|---|
| $50 | 6,111 to 8,697 |
| $100 | 18,043 to 24,860 |
| $500 | 4,342 to 6,325 |
| $1,000 | 11,990 to 17,493 |
| $5,000 | 4,115 to 5,404 |
| $10,000 | 2,857 to 3,889 |

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1961. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1961, and provision will be made for the payment of final interest due on July 1, 1961, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1961, to June 30, 1961, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1961, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY,
*Commissioner.*

Approved: March 20, 1961.

ROBERT V. ROOSA,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-2643; Filed, Mar. 29, 1961; 8:45 a.m.]

## 2½, 2¾, 2⅞, 3, 3¼, 3⅜ AND 3½ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

### Call for Partial Redemption, Before Maturity

MARCH 16, 1961.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½, 2¾, 2⅞, 3, 3¼, 3⅜ and 3½ percent Housing Insurance Fund Debentures, Series BB, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1961, on which date interest on such debentures shall cease:

2½, 2¾, 2⅞, 3, 3¼, 3⅜ AND 3½ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

| Denomination: | *Serial numbers (all numbers inclusive)* |
|---|---|
| $50 | 117 to 139 |
| $100 | 599 to 875 |
| $500 | 209 to 346 |
| $1,000 | 551 to 847 |
| $5,000 | 253 to 308 |
| $10,000 | 1,884 to 2,248 |

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintaind by the Treasury Department on or after April 1, 1961. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1961, and provision will

be made for the payment of final interest due on July 1, 1961, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1961, to June 30, 1961, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1961, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY,
*Commissioner.*

Approved: March 20, 1961.

ROBERT V. ROOSA,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-2644; Filed, Mar. 29, 1961; 8:45 a.m.]

## 3¾ PERCENT SECTION 220 HOUSING INSURANCE FUND DEBENTURES, SERIES CC

### Call for Partial Redemption, Before Maturity

MARCH 16, 1961.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 3¾ percent Section 220 Housing Insurance Fund Debentures, Series CC, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1961, on which date interest on such debentures shall cease:

3¾ PERCENT SECTION 220 HOUSING FUND DEBENTURES, SERIES CC

| Denomination: | Serial numbers (all numbers inclusive) |
|---|---|
| $50 | 1 to 4 |
| $500 | 1 to 3 |
| $1,000 | 1 to 9 |
| $5,000 | 1 to 2 |

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1961. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1961, and provision will be made for the payment of final interest due on July 1, 1961, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1961, to June 30, 1961, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1961, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J, HARDY,
*Commissioner.*

Approved: March 20, 1961.

ROBERT V. ROOSA,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-2645; Filed, Mar. 29, 1961; 8:45 a.m.]

## 2⅝, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾, AND 4⅛ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

### Call for Partial Redemption, Before Maturity

MARCH 16, 1961.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2⅝, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾ and 4⅛ percent Servicemen's Mortgage Insurance Fund Debentures, Series EE, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1961, on which date interest on such debentures shall cease:

2⅝, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾ AND 4⅛ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

| Denomination: | Serial numbers (all numbers inclusive) |
|---|---|
| $50 | 92 to 200 |
| $100 | 475 to 788 |
| $500 | 111 to 193 |
| $1,000 | 385 to 664 |
| $5,000 | 77 to 125 |
| $10,000 | 110 to 177 |

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1961. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1961, and provision will be made for the payment of final interest due on July 1, 1961, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1961 to June 30, 1961, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1961, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY,
*Commissioner.*

Approved: March 20, 1961.

ROBERT V. ROOSA,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-2646; Filed, Mar. 29, 1961; 8:46 a.m.]

## 2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

### Call for Partial Redemption, Before Maturity

MARCH 16, 1961.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1961, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

| Denomination: | Serial numbers (all numbers inclusive) |
|---|---|
| $50 | 4,662 to 4,700 |
| $100 | 16,319 to 16,701 |
| $500 | 4,705 to 4,801 |
| $1,000 | 19,690 to 20,555 |
| $5,000 | 4,460 to 4,593 |
| $10,000 | 42,952 to 44,222 |

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1961. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1961, and provision will be made for the payment of final interest due on July 1, 1961, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1961, to June 30, 1961, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1961, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY,
*Commissioner.*

Approved: March 20, 1961.

ROBERT V. ROOSA,
*Acting Secretary of the Treasury.*

[F.R. Doc. 61-2647; Filed, Mar. 29, 1961; 8:46 a.m.]



# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4336]

## TELECTRO INDUSTRIES CORP.

### Order Summarily Suspending Trading

MARCH 24, 1961.

The common stock, ten cents par value, of Telectro Industries Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

*It is ordered*, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 25, 1961, to April 3, 1961, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-2789; Filed, Mar. 29, 1961; 8:48 a.m.]

[File No. 1-4252]

## UNITED INDUSTRIAL CORP.

### Order Summarily Suspending Trading

MARCH 24, 1961.

The Common Stock, $1 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange, and admitted to unlisted trading privileges on the Detroit Stock Exchange; and

The Series A Convertible Preferred Stock $8.50 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange; and

The Warrants to Purchase Common Stock of United Industrial Corporation (Delaware) being listed and registered on the American Stock Exchange and the Pacific Coast Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in each such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspensions are necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any of such securities, otherwise than on a national securities exchange;

*It is ordered*, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said securities on the American Stock Exchange, the New York Stock Exchange, the Detroit Stock Exchange and the Pacific Coast Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 27, 1961, to April 5, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-2790; Filed Mar. 29, 1961; 8:48 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Amendment. 1 to Declaration of Disaster Area 311]

## ARKANSAS

### Amendment to Declaration of Disaster Area

Declaration of Disaster Area 311, dated March 14, 1961, for the State of Arkansas, is hereby amended as follows:

To include in paragraph 1 thereof the additional County of Grant in the State of Arkansas.

Dated: March 21, 1961.

JOHN E. HORNE,
*Administrator.*

[F. R. Doc. 61-2792; Filed, Mar. 29, 1961; 8:49 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 27, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36985: *Ethylene glycol between Chaison, Tex., and Graingers, N.C.* Filed by Southwestern Freight Bureau, Agent (No. B-7988), for interested rail carriers. Rates on ethylene glycol, in tank-car loads, between Chaison, Tex., and Graingers, N.C.

Grounds for relief: Market competition.

Tariff: Supplement 90 to Southwestern Freight Bureau tariff I.C.C. 4094.

FSA No. 36986: *Cotton yarn from Aliceville, Ala., to Campbellsville, Ky.* Filed by O. W. South, Jr., Agent (SFA No. A4077), for interested rail carriers. Rates on cotton yarn, in carloads, from Aliceville, Ala., to Campbellsville, Ky.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 186 to Southern Freight Association tariff I.C.C. 1263 (Spaninger series).

FSA No. 36987: *Iron and steel articles—Alton and Federal, Ill., to Louisiana.* Filed by O. W. South, Jr., Agent (SFA No. A4076), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from Alton and Federal, Ill., to points in Louisiana.

Grounds for relief: Market competition.

Tariff: Supplement 124 to Southern Freight Association tariff I.C.C. 1592 (Spaninger series).

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-2798; Filed, Mar. 29, 1961; 8:49 a.m.]

[Notice 472]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 27, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63746. By order of March 23, 1961, the Transfer Board approved the transfer to Arrow Freight Lines, Inc., Chicopee, Mass., of portion of Certificate in No. MC 30938 Sub 3, issued February 3, 1950, to Eastern Transportation Co, a corporation, Boston, Mass., authorizing the transportation of: New furniture, from Springfield, Mass., to points in that part of Maine south of a straight line beginning at the boundary of the

United States and Canada near Penobscot Lake, and extending in a southeasterly direction through Bangor and Ellsworth Falls, to the shore of the Atlantic Ocean; damaged or rejected shipments of the above-specified commodities, from the above-described destination points to the above-specified origin; and new furniture between Springfield, Mass., on the one hand, and, on the other, points in Rhode Island. Arthur M. Marshall, 145 State Street, Springfield 3, Mass., attorney for applicants.

No. MC–FC 64023. By order of March 21, 1961, the Transfer Board approved the transfer to F. G. McFarland and S. R. Hullinger, a partnership, doing business as McFarland and Hullinger, Tooele, Utah, of portion of Certificate in No. MC 112076 Sub 3, issued November 29, 1957, to Lowell H. Rasmussen, Monticello, Utah, authorizing the transportation of: uranium and vanadium ores, in bulk, from points in Arizona within a radius of 25 miles of a point at the junction of unnumbered Arizona Highway and Utah Highway 47 (near Gouldings Trading Post on Utah Highway 47 approximately two miles from said junction) to concentrating plant sites at or near Mexican Hat, Utah, with no transportation for compensation on return except as otherwise authorized. Miss Lucy Redd, 345 South State, Salt Lake City, Utah, attorney at law.

No. MC–FC 64032. By order of March 22, 1961, the Transfer Board approved the transfer to Saratoga Van Service, Inc., 4–6 Hamilton Street, Saratoga Springs, N.Y., of Certificate in No. MC 52830, issued July 31, 1959, to Leonard P. O'Hanlon, doing business as Saratoga Van Service, 4–6 Hamilton Street, Saratoga Springs, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, between Albany, N.Y., and points in New York within 35 miles of Albany, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–2799; Filed, Mar. 29, 1961; 8:49 a.m.]

## CUMULATIVE CODIFICATION GUIDE—MARCH

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VOLUME 26 NUMBER 61

Washington, Friday, March 31, 1961



THE UNIVERSITY OF MICHIGAN
APR 4 1961
MAIN READING ROOM


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Order from: Superintendent of Documents, Government Printing Office, Washington 25, D.C.



FEDERAL REGISTER
Telephone WOrth 2-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (34) is added to § 6.304(a) as set out below.

**§ 6.304 Department of Defense.**

(a) *Office of the Secretary.* * * *

(34) One Deputy Assistant Secretary of Education and Manpower Resources, Office of the Assistant Secretary of Defense (Manpower).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61–2849; Filed, Mar. 30, 1961; 8:50 a.m.]

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Peace Corps

Effective upon publication in the FEDERAL REGISTER, a new § 6.368, paragraph (a), is added to Part 6 as set out below.

**§ 6.368 Peace Corps.**

(a) One Assistant to the Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61–2850; Filed, Mar. 30, 1961; 8:50 a.m.]

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### National Capital Transportation Agency

In Federal Register Document No. 61–2637 (26 F.R. 2548), § 6.366, which was added to Part 6, should have been designated as § 6.367.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61–2851; Filed, Mar. 30, 1961; 8:50 a.m.]

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Veterans Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (a)(9) of § 6.322 is amended as set out below.

**§ 6.322 Veterans Administration.**

(a) *Office of the Administrator.* * * *

(9) Chairman, Administrator's Advisory Council.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 61–2852; Filed, Mar. 30, 1961; 8:50 a.m.]

## Title 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instructions 430.1, 433.1]

### PART 302—SUPERVISION AND YEAR-END ANALYSIS

### PART 337—FARM AND HOME MANAGEMENT; YEAR-END SERVICING

Part 302 is added to Chapter III, Title 6, Code of Federal Regulations, which in part supersedes Part 337 of this chapter, and reads as follows:

Sec.
302.1 Supervision.
302.2 Determining needs for supervisory assistance.
302.3 Year-end analysis.

AUTHORITY: §§ 302.1 to 302.3 issued under R.S. 161, secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 510, 63 Stat. 437, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 735; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 42 U.S.C. 1480, 40 U.S.C. 442, 16 U.S.C. 590x–3; Order of Acting Sec. Agr., 19 F.R. 74, 22 F.R. 8188.

**§ 302.1 Supervision.**

(a) The Farmers Home Administration will provide supervision to each borrower to the extent necessary to achieve the objectives of the loan and to protect the interests of the Government.

(b) The terms "supervision" and "supervisory assistance" as used by the Farmers Home Administration include the broad scope of management services available through the agency to families utilizing Farmers Home Administration credit. The primary objectives of supervision are to assist farm families in making profitable adjustments and improvements that are necessary to place their farming operations on a sound basis, to assist them in the wise use of adequate credit, to assist them to graduate to other sources of credit within a reasonable period of time, and to help protect the interests of the Government.

(c) In order for supervisory assistance to be effective, a thorough understanding must be reached with each applicant at the outset concerning the credit and supervisory assistance which is provided through the Farmers Home Administration, his responsibilities in properly carrying out the proposed farm and home operations, and his responsibilities in caring for and accounting for security property.

(d) The supervisory methods used by the Farmers Home Administration will include long-time farm and home planning, annual farm and home planning, farm family records, year-end analysis and subsequent farm and home planning, farm and home visits, and credit counseling.

**§ 302.2 Determining needs for supervisory assistance.**

The Farmers Home Administration County Supervisor will carefully analyze the need for supervision with each family and determine the extent of supervision that will be required to achieve the objectives of the loan and protect the Government's interest.

(a) *Intensive supervision.* Intensive supervision consists of long-time and annual farm and home planning, farm family records, an average of three to five effective farm and home visits per year with one visit perferably within 30 days after the loan is closed, and year-end analysis and subsequent farm and home planning each year. Families who will depend primarily upon farming for their livelihood and who will be making major adjustments and improvements in their farm and home operations ordinarily will receive intensive supervision at least during the first years of their loans. Intensive supervision may be discontinued and only limited supervision given a family which has completed the major adjustments and improvements needed, has adopted the necessary farm and home and money management practices, is meeting its debt payments and other financial obligations satisfactorily, and is otherwise making satisfactory progress. In addition, intensive supervision may be discontinued when a decision has been made to take liquidation action or it is clearly evident that the further extension of such supervision will not benefit the family.

(b) *Limited supervision.* Limited supervision consists of annual farm and home planning in connection with the making of the loan and for subsequent years, if needed; farm family records; at least one supervisory or inspection visit per year, depending upon the family's needs; and, when the loan is delinquent, making personal contacts for the purpose of collection and developing

specific written agreements for removing the delinquency. Families which will not be depending primarily on farming for their livelihoods, or will not be making major adjustments and improvements in their farm and home operations, ordinarily will receive only limited supervision. However, intensive supervision should be given such families when it is necessary to achieve the objectives of the loan and protect the Government's interest.

**§ 302.3 Year-end analysis.**

Borrowers from the Farmers Home Administration who are receiving intensive supervision as prescribed by § 302.2 of this part will, with the assistance of the County Supervisor, analyze their farm and home operations at the close of each year as a basis for improving those operations for the following year. This analysis will be made in the County Office or some other convenient meeting place selected by the County Supervisor in connection with the completion of the farm and home plan for the succeeding year. Such analysis is in fact an integral part of subsequent planning. The record book and inventory, Forms FHA–195 or FHA 432–1 and FHA–195A or FHA 432–2; the past year's Farm and Home Plan, Form FHA–14 or FHA 431–2; Form FHA 431–1, "Long-Time Farm and Home Plan"; and when available, Forms FHA 432–3 to 432–8, "Enterprise Analysis Sheets," will provide the basic sources of information for the analysis.

(a) *Purposes of year-end analysis.* The year-end analysis is a process by which the family, with the assistance of the County Supervisor, reviews and evaluates the past year's farm and home operations to determine those phases of their operations which were carried out successfully, as well as those which need further improvement. This involves an analysis of such factors as financial progress, production efficiency and effectiveness in carrying out improved management practices.

(b) *When to make the analysis.* Analysis of the past year's operations in conjunction with the completion of the farm and home plan for the next year will take place after the crop year is completed and will cover the full crop year, except when there are borrowers whose business for the year is sufficiently complete to permit an estimate of the year's income and expenses prior to the end of the year with sufficient accuracy to permit a meaningful analysis.

(c) *Preparation for the analysis.* Before the end of the crop year, the County Supervisor will send each family a notice of the date, time and place for meeting to make the year-end analysis and will furnish them with a new record book and, if required, a new five-year inventory. The County Supervisor also will instruct the family to prepare for the analysis by:

(1) Completing all business transactions and settling all accounts, so far as practicable, before closing the year's records.

(2) Completing all records and summaries in their past year's record book.

(3) Entering the inventory for the next year on Form FHA–195A or FHA 432–2 as of the end of the crop year.

(4) Entering the financial statement, Table A, of their next year's farm and home plan in the new record book.

(5) Completing the "Actual" columns of the past year's farm and home plan, Tables B to K, and lines 4 to 7 on page 1.

(6) Thinking through their farm and home operations and reaching tentative decisions concerning their plan for the next year. All families should be encouraged to make tentative entries in Tables B, C, and E of the farm and home plan for the next year and some families may also be asked to make entries in the budget tables F through K of the farm and home plan. Such entries should be made in pencil for possible revision during the analysis.

(d) *Making the analysis.* The analysis will consist of a review and evaluation by the family and County Supervisor of the strong and weak points in the farm and home operations. It is the responsibility of the County Supervisor to see that the family understands that the aim of the year-end analysis is to provide a basis for making further improvements in the organization of the farm and home business, increasing production efficiency, and improving money management. As decisions are reached during the analysis discussion, they will be recorded in the farm and home plan for the next crop year.

(e) *Completing next year's farm and home plan.* Since the chief purpose of the analysis is to improve the family's farm and home operations for the next year through better planning, completion of the next year's farm and home plan will be an integral part of the analysis. The year-end analysis provides the occasion for completing the continuous planning that has been carried on throughout the year by the family and supervisor. The long-time farm and home plan and the tentative entries made by the family on the next year's farm and home plan should be examined in the light of conclusions and decisions agreed upon during the analysis. The subsequent farm and home plan also will be completed.

Dated: March 24, 1961.

FLOYD F. HIGBEE,
*Acting Administrator,*
*Farmers Home Administration.*

[F.R. Doc. 61–2827; Filed, Mar. 30, 1961; 8:46 a.m.]

SUBCHAPTER D—SOIL AND WATER CONSERVATION LOANS

[FHA Instruction 442.1]

## PART 351—POLICIES AND AUTHORITIES

### Loan Approval Authority

Paragraph (g) in § 351.2, Title 6, Code of Federal Regulations (22 F.R. 4903), is revised to restrict the loan approval authority of State Office officials and to read as follows:

**§ 351.2 Loans to individuals.**

* * * * *

(g) *Loan approval authority.* The State Director is authorized to approve or disapprove Soil and Water Conservation loans in accordance with administrative requirements. However, no initial or subsequent Soil and Water Conservation loan may be approved by the State Director without prior concurrence of the National Office if the amount of the Soil and Water Conservation loan (including prior Water Facilities loans) plus the principal amount of any real estate liens of the applicant will exceed $50,000; or the proposed Soil and Water Conservation loan, together with the principal balance owed on other Farmers Home Administration loans, would cause the total indebtedness to Farmers Home Administration to exceed $50,000. The State Director may redelegate loan approval authority and restrict or revoke such delegated authority to:

(1) Qualified State Office employees other than Area Supervisors.

(2) Qualified County Supervisors or GS–7 Assistant County Supervisors, provided the borrower's principal indebtedness for Soil and Water Conservation loans (including prior Water Facilities loans) will not exceed $10,000.

(Sec. 6, 50 Stat. 870, sec. 10, 68 Stat. 735; 16 U.S.C. 590w, 590x–3; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188)

Dated: March 24, 1961.

FLOYD F. HIGBEE,
*Acting Administrator,*
*Farmers Home Administration.*

[F.R. Doc. 61–2828; Filed, Mar. 30, 1961; 8:47 a.m.]

[FHA Instruction 442.3]

## PART 353—PROCESSING LOANS TO PARTICIPATE IN GROUP SERVICES

Part 353, Title 6, Code of Federal Regulations (20 F.R. 1971, 21 F.R. 3715) is revised to read as follows:

Sec.
353.1 General.
353.2 Operating agreement.
353.3 Ownership and other rights.
353.4 Approval or disapproval of loan dockets.
353.5 Loan closing.

AUTHORITY: §§ 353.1 to 353.5 issued under secs. 2, 5, 6, 50 Stat. 869, as amended, 870, secs. 9, 10, 68 Stat. 735, sec. 11, 72 Stat. 841; 16 U.S.C. 590s, 590v, 590w, 590x–2, 590x–3, 590x–4; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188.

**§ 353.1 General.**

Loans to individuals to participate in a group service will be processed in accordance with authorities applicable to Soil and Water Conservation loans to individuals except that plans and cost estimates will be based on the entire group service and loans to individuals to participate in the unincorporated group service will not be approved until the State Director has reviewed the preliminary plans and has concurred in the proposal to make Soil and Water Conservation loans to participate in the group service.



**§ 353.2 Operating agreement.**

An operating agreement will be prepared which will outline the decisions of the group regarding the conditions of ownership and use of the facility, the rights and responsibilities of the users, and any other details needed to guide the management and operation of the group service. A simple written agreement usually will be sufficient; however, if the group service involves a complex operation, an agreement approved by the Farmers Home Administration may be used.

**§ 353.3 Ownership and other rights.**

All property to be acquired by the group should be owned jointly by all members. Title will be obtained to sites for such structures as buildings, pumps, wells, and storage reservoirs or tanks owned, or to be owned, by the group whenever possible. When title to the sites for such structures cannot be obtained, an easement, permit, lease, franchise, or other appropriate tenure agreement which will permit continued use of the site for the period of the loan may be substituted for title. Easements conveying rights-of-way upon which other structures and pipelines or ditches will be located, will be obtained from the owners of land traversed by the facility. Partial releases or consent to easements, leases, permits, licenses, or other agreements will be obtained from the holders of outstanding liens on lands on which such rights will be acquired.

**§ 353.4 Approval or disapproval of loan dockets.**

(a) The group service docket, consisting of plans, cost estimates, a conformed copy of the operating agreement, an estimate of the individual Soil and Water Conservation loan funds that will be needed by the members of the group, and a statement regarding the property or rights owned or to be owned by the group, will be forwarded, with the County Supervisor's recommendations, to the State Director. The State Director will review the docket and:

(1) Refer any legal questions to the Office of the General Counsel.

(2) If the aggregate amount of all Soil and Water Conservation loans to participate in the group service, including the unpaid principal balance of any prior Water Facilities loans for that purpose, exceeds $50,000, the group service docket, together with the recommendations of the County Supervisor and the State Director, will be forwarded to the National Office for review.

(3) If the State Director approves the group service, he will prepare an approval memorandum, including his recommendations and approval conditions, and send it with the group service docket to the County Supervisor.

(b) Upon receipt of the group service approval memorandum, the County Supervisor will assemble the individual Soil and Water Conservation loan dockets for participating members who apply for Soil and Water Conservation loans. It will not be necessary to include in the loan dockets of individuals information on the group service that is included in the group service docket.

(c) The Soil and Water Conservation loans to participators in the group service will be approved or disapproved in accordance with authorities applicable to Soil and Water Conservation loans to individuals.

**§ 353.5 Loan closing.**

(a) The County Supervisor and the group service will follow the State Director's memorandum of approval and the instructions issued by the Office of the General Counsel for completing actions to be taken by the group service as a condition to the use of loan funds.

(b) Individual loans will be closed in accordance with the regulations applicable to Soil and Water Conservation loans to individuals including an opinion of title by the designated attorney if required by the Office of the General Counsel.

(c) The loan checks may be endorsed to one member of the group and deposited in a single supervised bank account subject to withdrawal on the signatures of the County Supervisor and a person designated by the group to sign checks.

Dated: March 24, 1961.

FLOYD F. HIGBEE,
*Acting Administrator,*
*Farmers Home Administration.*

[F.R. Doc. 61–2829; Filed, Mar. 30, 1961; 8:47 a.m.]

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FHA Instruction 465.1]

## PART 372—REAL ESTATE SECURITY

### Scheduled Payments and Payment of Delinquent Amounts

Subdivisions (iii) and (iv) of § 372.13 (c) (3), Title 6, Code of Federal Regulations (24 F.R. 2109), are revised to permit changes in repayment schedules and modification of requirement to pay delinquent amounts upon prior approval or authorization by the National Office and to read as follows:

**§ 372.13 Transfer of loan accounts.**

* * * * *

(c) *Transfer of loan accounts by Form FHA–97, "Assumption Agreement."* * * *

(3) *Transfer of insured loans to eligible applicants.* * * *

(iii) All obligations of the note (except any down payments made by the transferee) and the related mortage (including charges connected with the insurance of the loan) are assumed without change in the payment schedule of the note, except that the repayment schedule may be changed upon justification and prior approval of the National Office.

(iv) Unless otherwise authorized by the National Office, any delinquent amounts due the loan insurance account are paid at or prior to the transfer.

(Secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 735; 7 U.S.C. 1015, 16 U.S.C. 590w, 40 U.S.C. 442, 16 U.S.C. 590x–3; Order of Acting Sec. of Agr. 19 F.R. 74, 22 F.R. 8188)

Dated: March 24, 1961.

FLOYD F. HIGBEE,
*Acting Administrator,*
*Farmers Home Administration.*

[F.R. Doc. 61–2830; Filed, Mar. 30, 1961; 8:47 a.m.]

# Title 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order Nos. 6 and 86]

## PART 906—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

## PART 986—MILK IN RED RIVER VALLEY MARKETING AREA

### Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Oklahoma Metropolitan and the Red River Valley marketing areas (7 CFR Parts 906 and 986), it is hereby found and determined that:

(a) The provision "Gilt Edge Dairy, Norman, Oklahoma" which appears in § 906.51(b) of the Oklahoma Metropolitan order and in § 986.51(b) of the Red River Valley order no longer tends to effectuate the declared policy of the Act.

(b) A notice of proposed suspension of the cited provision was issued by the Deputy Administrator on March 9, 1961 and duly published in the FEDERAL REGISTER on March 14, 1961. Three days from the date such notice was published in the FEDERAL REGISTER were allowed for the submission of written data, views and arguments with respect to the proposed suspension. No opposition to the proposed suspension was expressed.

(c) 30 days notice of effective date hereof is impractical unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order was requested by the Central Oklahoma Milk Producers Association which represents a majority of all producers supplying handlers in both the Red River Valley marketing area and the Oklahoma Metropolitan marketing area.

(4) This suspension will delete Gilt Edge Dairy, Norman, Oklahoma from the list of plants whose prices paid to farmers for manufacturing milk are used in determining the Class II prices under these orders. This plant is now receiving only a small quantity of manufacturing grade milk from one farmer. Therefore, the plant can no longer be regarded as a receiver of manufacturing

grade milk and the price paid to its one dairy farmer for manufacturing grade milk is not appropriate for use in the pricing formulas used in the Oklahoma Metropolitan and Red River Valley milk marketing orders.

Therefore, good cause exists for making this order effective March 1, 1961.

*It is therefore ordered,* That the aforesaid provision of the order is hereby suspended effective March 1, 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., March 27, 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61–2823; Filed, Mar. 30, 1961; 8:46 a.m.]

[Milk Order No. 32]

## PART 932—MILK IN FORT WAYNE, IND., MARKETING AREA

### Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area (7 CFR Part 932), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act:

(1) Section 932.51(a)(1).

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The question of the level of Class I pricing was considered at a public hearing held in Fort Wayne, Indiana, August 2–4, 1960. The recommended decision on this matter which was issued March 17, 1961, would eliminate seasonal pricing and provide a constant differential of $1.20 per hundredweight above the basic formula price. This suspension will provide a differential of $1.15 for the months of April and May instead of the 75 cents which would otherwise prevail.

(4) This suspension action was requested by representatives of more than 95 percent of the producers supplying the market and by handlers of a volume in excess of 90 percent of the milk handled under the order.

Therefore, good cause exists for making this order effective April 1, 1961.

*It is therefore ordered,* That the aforesaid provisions of the order is hereby suspended for the period of April 1, 1961, through May 31, 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., March 27, 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61–2824; Filed, Mar. 30, 1961; 8:46 a.m.]

## PART 1022—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

### Expenses and Fixing of Rate of Assessment for 1960–61 Fiscal Period

Pursuant to the marketing agreement and Order No. 122 (7 CFR Part 1022), regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Washington Cherry Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that the expenses of said committee will amount to $9,596.

*It is, therefore, ordered,* That paragraph (a) of § 1022.205 *Expenses and rate of assessment for the 1960–61 fiscal period* (25 F.R. 7309) is hereby amended by deleting therefrom the amount $8,996 and substituting in lieu thereof the amount $9,596. As amended paragraph (a) of § 1022.205 reads as follows:

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning April 1, 1960, and ending March 31, 1961, will amount to $9,596.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in rule making procedure, and postpone the effective date of this amendatory order until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The increase in the budget set forth above does not involve an increase in the rate of assessment heretofore established by the Secretary (25 F.R. 7309); (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable cherries from the beginning of such period and such rate of assessment shall be sufficient to provide funds for the payment of committee expenses; and (3) the said committee in the performance of its duties and functions has incurred expenses in excess of those previously thought likely to be incurred. Therefore, it is essential that this amendatory action be issued immediately so that said committee can meet its obligations.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 28, 1961.

FLOYD F. HEDLUND,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 61–2825; Filed, Mar. 30, 1961; 8:46 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

## PART 74—SCABIES IN SHEEP

### Interstate Movement

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 120, 121, 123, 125), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended in the following respects:

1. Subparagraph (2) of paragraph (a) of § 74.2 is amended to read:

(2) That portion of South Dakota west of the Missouri River except Fall River County.

2. Subparagraph (1) of paragraph (a) of § 74.3 is amended to read:

(1) That portion of South Dakota east of the Missouri River; and Fall River County in that portion of South Dakota west of the Missouri River.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 117, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 115, 117, 124, 126. 19 F.R. 74, as amended)

*Effective date.* The foregoing amendment shall become effective upon issuance.

The amendment deletes the County of Fall River in South Dakota from the free areas and adds such County to the infected areas and to the eradication areas, as sheep scabies is known to exist in such County. Hereafter, the restrictions pertaining to the interstate movement of sheep from, into, and through infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to this County.

The amendment imposes certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of March 1961.

M. R. CLARKSON,
*Acting Administrator, Agricultural Research Service.*

[F.R. Doc. 61–2826; Filed, Mar. 30, 1961; 8:46 a.m.]



# Title 22—FOREIGN RELATIONS

## Chapter I—Department of State

[Dept. Reg. 108.464]

## PART 21—FEES FOR SERVICES IN THE UNITED STATES

### Schedule of Fees (Passport Office)

Pursuant to the authority vested in me by sec. 4, 63 Stat. 111 as amended; 5 U.S.C. 151c and sec. 501, 65 Stat. 290; 5 U.S.C. 140, I hereby amend Part 21 of Title 22, Code of Federal Regulations, Fees for Services in the United States as follows:

§ 21.4 Schedule of fees (Passport Office).

| Item No. | Description of service | Fee |
|---|---|---|
| 1 | Granting of Exception under 22 CFR 53.3(h) | $25.00 |
| 2 | Any passport service furnished upon request during non-regular duty hours. (This fee is in addition to any statutory fees or communication costs) | 10.00 |

For the Secretary of State.

ROGER W. JONES,
*Deputy Under Secretary for Administration.*

MARCH 22, 1961.

[F.R. Doc. 61–2783; Filed, Mar. 30, 1961; 8:45 a.m.]

# Title 32A—NATIONAL DEFENSE, APPENDIX

## Chapter VII—Under Secretary of Commerce for Transportation, Department of Commerce

## T–1—SHIPPING RESTRICTIONS; SUBGROUP A, HONG KONG, MACAO AND REPUBLIC OF THE CONGO

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950, as amended. Consultation with industry in advance of the issuance of this order has been rendered impracticable by the need for immediate issuance.

Transportation Order T–1 (15 F.R. 8777, Dec. 8, 1950) is hereby amended to read as follows:

Sec.
1. Prohibited transportation and discharge.
2. Applications for adjustment or exceptions.
3. Reports.
4. Records.
5. Defense against claims for damages.
6. Violations.

AUTHORITY: Secs. 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App. 2154, as amended. Interpret or apply secs. 101, 705, 64 Stat. 799, as amended; 50 U.S.C. App. 2071; E.O. 10480, 18 F.R. 4939, 3 CFR, 1953 Supp.

SECTION 1. *Prohibited transportation and discharge.* (a) No person shall transport in any ship documented under the laws of the United States or in any aircraft registered under the laws of the United States any commodity at the time on the Positive List (as amended from time to time) of the Comprehensive Export Schedule of the Office of International Trade, Department of Commerce (15 CFR Parts 370–399), any article designated as arms, ammunition, and implements of war in the United States Munitions List (22 CFR Parts 121–128), or any commodity, including fissionable materials controlled for export under the Atomic Energy Act of 1946 (10 CFR Parts 40 and 50), to any destination at the time in Subgroup A of the Comprehensive Export Schedule (15 CFR 371.3(a)), to Hong Kong or to Macao, and no person shall discharge from any such ship or any such aircraft any such commodity or article at any such port or at any other port in transit to any such destination, unless a validated export license under the Export Control Act of 1949, as amended, or under section 414 of the Mutual Security Act of 1954, as amended, has been obtained for the shipment, or unless authorization for the shipment has been obtained from the Under Secretary for Transportation. This prohibition applies to the owner of the ship or aircraft, the master of the ship or aircraft, or any other officer, employee or agent of the owner of the ship or aircraft who participates in the transportation. The consular officers of the United States are furnished with current information as to commodities on the Positive List and will advise whether commodities are currently on that List.

(b) No person shall transport in any ship documented under the laws of the United States or in any aircraft registered under the laws of the United States any arms, ammunition or implements of war, aircraft, aircraft engines or parts, trucks, busses or jeeps of military design, or bayonets if he knows or has reason to believe that said commodity or article is destined directly or indirectly for the Republic of the Congo, and no person shall discharge from any such ship or any such aircraft any such commodity or article at any port or at any other port in transit to any such destination, or within the Republic of the Congo, unless a validated export license under the Export Control Act of 1949, as amended, or under section 414 of the Mutual Security Act of 1954, as amended, has been obtained for the shipment, or unless authorization for the shipment has been obtained from the Under Secretary for Transportation. This prohibition applies to the owner of the ship or aircraft, and any other officer, employee, or agent of the owner of the ship or aircraft who participates in the transportation.

SEC. 2. *Applications for adjustment or exceptions.* Any person affected by any provisions of this order may file an application for an adjustment or exception upon the ground that such provision works an exceptional hardship upon him, not suffered by others, or that its enforcement against him would not be in the interest of the national defense program. Such an application may be made by letter or telegram addressed to the Under Secretary for Transportation, Washington 25, D.C., reference T–1. If authorization is requested, any such application should specify in detail the material to be shipped, the name and address of the shipper and of the recipient of the shipment, the ports from which and to which the shipment is being made and the use to which the material shipped will be put. The application should also specify in detail the facts which support the applicant's claim for an exception.

SEC. 3. *Reports.* Persons subject to this order shall submit such reports to the Under Secretary for Transportation as he shall require, subject to the terms of the Federal Reports Act.

SEC. 4. *Records.* Each person participating in any transaction covered by this order shall retain in his possession, for at least two years, records of shipments in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 5. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this order or any provision thereof, notwithstanding that this order or such provision shall thereafter be declared by judicial or other competent authority to be invalid.

SEC. 6. *Violations.* Any person who wilfully violates any provisions of this order or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such

person, denying him the privileges generally accorded under this order.

This order shall take effect on March 29, 1961.

EDWARD GUDEMAN,
*Under Secretary of Commerce.*

[F.R. Doc. 61-2927; Filed, Mar. 30, 1961; 12:13 p.m.]

### Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 6 (INS-1, 7th Rev., Amdt. 3)]

### INS-1—MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

#### Miscellaneous Amendments

Effective as of March 31, 1961, midnight, e.s.t., INS-1 is hereby amended as follows:

1. Amend section 1 *What this order does*, by changing the attachment date stated therein to read "March 31, 1961, midnight, e.s.t."

2. Amend section 2 *Insurer*, by changing the attachment and expiration dates stated therein to read "March 31, 1961, midnight, e.s.t.," and "March 31, 1962, midnight, e.s.t.," respectively.

3. Amend section 4 *Vessels insured and terms of insurance*, by changing the attachment date stated therein to read "March 31, 1961, midnight, e.s.t.," by changing the expiration date stated therein to read "March 31, 1962, midnight, e.s.t.," and by changing the annual rate stated therein to read "$5.45 per gross registered ton."

4. Amend paragraph (e) of section 5 *Assumption of risk by owner and attachment and cancellation dates of commercial insurance*, by changing the attachment date stated therein to read "March 31, 1961, midnight, e.s.t."

5. Amend paragraph (a) of section 7 *Insurance premiums* by changing the expiration date stated therein to read "March 31, 1962, midnight, e.s.t."

6. Amend paragraph (c) of section 9 *Settlement of claims*, by changing the attachment date stated therein to read "March 31, 1961, midnight, e.s.t."

7. Amend paragraph (b) of section 11 *Report of claims*, by changing the reporting date stated therein to read "December 31, 1961."

In accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found to be impracticable and not in the public interest to delay the effective date thereof; therefore, the foregoing amendments shall be effective as aforesaid.

Approved: March 23, 1961.

WALTER C. FORD,
*Deputy Maritime Administrator.*

[F.R. Doc. 61-2853; Filed, Mar. 30, 1961; 8:50 a.m.]

# Title 41—PUBLIC CONTRACTS

### Chapter 1—Federal Procurement Regulations

### NONDISCRIMINATION IN EMPLOYMENT CONTRACT PROVISIONS

CROSS REFERENCE: In connection with inclusion of nondiscrimination in employment provisions in Government contracts (see Subparts 1-7.1, 1-16.1, and 1-16.4), attention is called to General Services Administration General Regulation No. 25, March 29, 1961 (F.R. Document 61-2898), appearing in the Notices section, *infra*.

### Chapter 3—Department of Health, Education, and Welfare

### PART 3-75—DELEGATIONS OF AUTHORITY

#### Miscellaneous Amendments

Part 3-75 of the Delegations of Authority for Public Contracts in the Department of Health, Education, and Welfare (24 F.R. 9427, 24 F.R. 10310, and 26 F.R. 1790) is hereby amended in the following respect:

§ 3-75.2 [Amendment]

1. In § 3-75.2 *Food and Drug Administration*, paragraph (b) (1) (i) is amended and (iii) is added and (c) is amended to read:

(i) Negotiate purchases or contracts under section 302(c) (6), (8), (9), (12), and (13) or to make advance payments under section 305.

* * * * *

(iii) Make the necessary determinations and decisions specified in section 302(c) (11) for contracts in excess of $25,000.

(c) Authority delegated in this section may be redelegated by the Commissioner and the Executive Officer in full or in part to officials of the Food and Drug Administration, except for negotiation under section 302(c) (11). However, such redelegation must be reported to the Office of Administration and shall not be effective until published in the FEDERAL REGISTER.

2. Section 3-75.7 *Social Security Administration*, is amended to read:

§ 3-75.7 Social Security Administration.

(a) Authority stated in § 3-75.1 (except as to section 302(c) (11)) is delegated to:

(1) Commissioner.
(2) Deputy Commissioner.
(3) Administrative Officer.

(4) Chief, Procurement and Property Section, Bureau of Old-Age and Survivors Insurance.

(5) Assistant Chief, Procurement and Property Section, BOASI.

(6) Chief, Purchasing Unit, BOASI.

(b) Authority stated in § 3-75.1 to negotiate contracts under Title III, section 302(c) (11), is delegated to:

(1) Commissioner.
(2) Deputy Commisioner.
(3) Administrative Officer.

(c) Authority delegated in this section is limited as follows:

(1) No authority is delegated to:

(i) Negotiate purchases or contracts under section 302(c) (6), (7), (8), (9), (12), (13), and (14) or to make advance payments under section 305.

(ii) Purchase or contract for administrative supplies, equipment, or services for headquarters offices which are obtained through the Procurement and Supply Management Branch, Division of General Services.

(iii) Make determinations and decisions specified in section 302(c) (11) for contracts in excess of $25,000.

(d) Authority delegated in this section may be redelegated by the Commissioner in full or in part to officials in the Social Security Administration, except for negotiation under section 302(c) (11). However, such redelegations must be reported to the Office of Administration and shall not be effective until published in the FEDERAL REGISTER.

Dated: March 23, 1961.

[SEAL] RUFUS E. MILES, JR.,
*Administrative Assistant Secretary.*

[F.R. Doc. 61-2845; Filed, Mar. 30, 1961; 8:49 a.m.]

# Title 44—PUBLIC PROPERTY AND WORKS

### Chapter I—General Services Administration

### NONDISCRIMINATION IN EMPLOYMENT CONTRACT PROVISIONS

CROSS REFERENCE: In connection with inclusion of nondiscrimination in employment provisions in Government contracts (see Parts 55, 60, 99, 101, and 102), attention is called to General Services Administration General Regulation No. 25, March 29, 1961 (F.R. Document 61-2898), appearing in the Notices section, *supra*.

# Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 13608; FCC 61-391]

### PART 3—RADIO BROADCAST SERVICES

#### Table of Assignments for Certain Television Broadcast Stations in California

The Commission has before it for consideration the following matters:

(a) The proposal set out in the notice of proposed rule making, released June 27, 1960, in this proceeding (FCC 60-731) looking toward deintermixing television assignments at Bakersfield, California, to all UHF channels by deleting VHF Channel 10, utilized by Station KERO-TV, and assigning two additional UHF channels to supplement present UHF assignments—Channels 17, 29 and 39—at Bakersfield. UHF Channels 23 and 50 or 51 or Channels 45 and 51 were suggested. Except for Channel 45, the assignment of any of these UHF channels to Bakersfield requires the substitution of another UHF channel for Channel 37 (unused), at Delano, California.[1]

(b) Alternative proposals which were set out also in the above-mentioned notice for the disposition of Channel 10 if deleted from Bakersfield: (1) reserve for future decision where Channel 10 should be reassigned; (2) reserve Channel 10 at Bakersfield for noncommercial educational use; or (3) reassign Channel 10, alternatively, to Santa Barbara, Santa Maria, Lompoc-Santa Maria (on a hyphenated basis), or San Luis Obispo, California.

(c) The alternative proposals set out in the further notice of proposed rule making, released July 13, 1960, in this Docket (FCC 60-815) for the assignment of Channel 12,[2] alternatively, to Santa Barbara, Santa Maria, Lompoc-Santa Maria, or San Luis Obispo also.

(d) The timely comments, reply comments and alternative proposals submitted by interested parties in response to the above-cited notices, together with all comments filed in the Fresno proceeding (Docket No. 11759) in response to our March 24, 1960, notice of proposed rule making therein (FCC 60-279) on the alternative proposals for assignment of Channel 12 to one of the same cities mentioned in subparagraph (c) above.

(e) We also have before us additional comments tendered by Marietta Broadcasting, Inc., on October 17, 1960, together with a request for their acceptance and consideration even though filed subsequent to the expiration date for filing reply comments (September 21, 1960), and also an untimely "Supplement to Reply Comments" filed on October 20, 1960, by Arenze Broadcasters, licensee of standard broadcast station KCOY, Santa Maria. Kern County Broadcasting Co., Bakersfield (KLYD-TV), filed an opposition to the Marietta request, as did Key Television, Inc., Santa Barbara (KEYT), to the Arenze supplementary reply comments. These untimely comments call attention to happenings occurring after the expiration date for filing comments, which are germane to the proposals before us and upon which comments have been received. We believe they should be considered since they raise no new issues upon which there has not been an opportunity for parties to comment.

(f) Marietta has also filed in this proceeding and in Docket No. 13609 under date of December 29, 1960, a request that we defer consideration of the proposals herein for deintermixture of Bakersfield and the reallocation of Channel 10 at Bakersfield until after UHF Station KBAK-TV at Bakersfield commences operation at its new site adjacent to Marietta's VHF station (KERO-TV) on Breckenridge Mountain and it has had an opportunity to make comparative studies of VHF and UHF service from this mountain top under actual conditions. Arenze Broadcasters, licensee of standard broadcast station KCOY at Santa Maria, filed comments directed to this request on January 10, 1961. Oppositions thereto were filed on January 16, 1961, by Kern County Broadcasting Company and on January 18, 1961 by Bakersfield Broadcasting Company, the respective licensees of UHF stations KLYD-TV and KBAK-TV at Bakersfield. A reply to the opposition was filed by Marietta on January 27, 1961.[3] Marietta's request is denied for the reasons given in paragraphs 40 and 41 hereof.

BAKERSFIELD

2. Over the past four years we have given continuous study to the television situation in the San Joaquin Valley, and in its principal and largest population centers—Fresno and Bakersfield—particularly to the end of determining what, if any, changes should be made in television allocations to provide a more realistic opportunity for the public to have as many effective television outlets and services as possible. In the rule making proceeding begun in 1956 and concluded last July in Docket No. 11759, we gave intensive consideration to the alternative courses of action which might be desirable and possible to attain this objective. Available alternatives included the status quo of intermixed VHF and UHF assignments at Fresno and Bakersfield with UHF assignments in all the smaller cities in the Valley; deintermixing of Fresno or Bakersfield or both to all-UHF assignments by deleting the single VHF channel assigned to each city; or adding available VHF assignments to convert either or both cities to all-VHF service essentially.

3. Proposals and extensive comments favoring all three alternative courses of action for television allocation at both Fresno and Bakersfield were before us in Docket No. 11759. We ultimately decided in that proceeding that deintermixture to all-UHF assignments at Fresno offered the best opportunity for improving and expanding television service in the Fresno market and the San Joaquin Valley. We therefore decided to delete VHF Channel 12 from Fresno, upon which Triangle Publications, Inc. (Radio and Television Division), operates Station KFRE-TV. Such action was taken with the licensee's consent on July 7, 1960.[4] UHF Channel 30 was assigned in place of Channel 12 for Station KFRE-TV to use, with provision made for it to continue operation on Channel 12 until April 15, 1961. Since the basic reasons why we decided that all-UHF allocations for Fresno were in the public interest were similarly applicable to Bakersfield also, we instituted this proceeding to consider the desirability of making Bakersfield all-UHF.

4. The comments indicate that all the licensees of stations now operating in the San Joaquin Valley, except Marietta Broadcasting, favor UHF deintermixture for Bakersfield.[5] Further support for UHF-deintermixture of Bakersfield comes from parties who are interested in the assignment of Channels 10 and 12 in the Santa Barbara, Santa Maria, Lompoc or San Luis Obispo areas.[6] Other parties who advocate the reservation of Channel 10 at Bakersfield for noncommercial educational use and the similar assignment of Channel 12 at Fresno or Visalia for educational use directly or indirectly support the deletion of Channel 10 from commercial use at Bakersfield.[7] The American Broadcasting Company also urges that Bakersfield be deintermixed to all-UHF commercial assignments.

[1] With the institution of this proceeding, the Commission also issued simultaneously and separately in Docket No. 13609 to Marietta Broadcasting, Inc., the licensee of Station KERO-TV on Channel 10 at Bakersfield, an order to show cause (FCC 60-732) why, in the event the Commission decides to place all commercial television stations at Bakersfield on UHF channels, its license for Station KERO-TV should not be modified to specify operation on either Channel 23 or 45 instead of Channel 10. In its response thereto, filed September 6, 1960, Marietta advises that it opposes the all-UHF deintermixture proposal for Bakersfield; that it does not consent to the proposed modification of its license for Station KERO-TV; and that it requests an evidentiary hearing in accordance with sections 303(f) and 316 of the Communications Act of 1934, as amended, if the Commission determines that such modification should issue.

[2] Channel 12 was deleted from Fresno, California, on July 7, 1960, effective August 12, 1960, in Docket 11759, and is available for reassignment.

[3] These pleadings were untimely filed and contain no matter which convinces us that they should nevertheless be accepted. Under section 1.13 of the Rules pleadings directed to Marietta's request were due 10 days after it was filed, and Marietta's reply to the oppositions 5 days after such oppositions were filed. Since the last day of this period fell on a Sunday, oppositions were due on Monday, January 9, 1961 under section 1.18(b). Marietta's reply to the oppositions filed was due no later than January 23, 1961. Section 1.18(d), which provides three additional days for responding to a pleading when service is required and made by mail, does not apply since Marietta's service by mail on December 29, 1960, of its request upon parties in this rule making proceeding was a matter of courtesy and not required by the rules. Even if section 1.18(d) were applicable, service is complete upon mailing (section 1.56(b)), and the 13 days for responding runs from the date of mailing and not the date when the pleading is received as Kern assumes.

[4] See Report and Order adopted July 7 and released July 8, 1960, in Docket No. 11759 (FCC 60-814). Also see Report and Order and Further Notice of Proposed Rule Making adopted March 24 and released March 25, 1960, in the same docket (FCC 60-279).

[5] Bakersfield Broadcasting Company (KBAK-TV, Ch. 29, Bakersfield); Kern County Broadcasting Company (KLYD-TV, Ch. 17, Bakersfield); Triangle Publications, Inc. (Radio and Television Div.) (Station KFRE-TV, Ch. 30, Fresno, Operation on Ch. 12 also authorized to April 15, 1961); O'Neil Broadcasting Company, Inc. (KJEO, Ch. 47, Fresno); McClatchy Newspapers, Inc. (KMJ-TV, Ch. 24, Fresno).

[6] Arenze Broadcasters (standard broadcast Station KCOY, Santa Maria); Channel City Television and Broadcasting Corp., Santa Barbara; Santa Barbara Television Association; Thomas B. Friedman, consulting radio engineer, Lompoc-Santa Maria; Sherrill C. Corwin, Lompoc-Santa Maria.

[7] The San Joaquin Valley Community Television Association, Inc., the Joint Council

5. Marietta Broadcasting, Inc., which would be required to operate Station KERO–TV at Bakersfield on a UHF channel instead of VHF Channel 10 under our UHF-deintermixture proposal, opposes the proposal. It takes the position that deintermixture of Bakersfield to all-UHF assignments is neither necessary nor desirable; that VHF-deintermixture through the assignment of Channels 8 and 12 to Bakersfield is preferable; but that there is no need for either UHF or VHF deintermixture of television assignments at Bakersfield. KFSD–TV, Inc. (KFSD–TV, Ch. 10, San Diego) directs its comments primarily in opposition to the proposals for the assignment of either or both Channels 10 or 12 to Santa Barbara or to locations north thereof but holds generally the same views as Marietta on the course of action which should be followed with respect to television assignments at Bakersfield. Key Television, Inc. (KEYT, Ch. 3, Santa Barbara) takes no position on the UHF-deintermixture proposal for Bakersfield but, if adopted, opposes the reassignment of Channels 10 or 12 to the Santa Barbara, Santa Maria, Lompoc and San Luis Obispo areas and favors their reservation for educational use at Bakersfield and at Fresno or Visalia. Alternatively, it favors the retention of Channel 10 at Bakersfield and the assignment of Channels 8 and 12 to Bakersfield. A number of individuals and organizations in California communities and areas now relying upon Station KERO–TV for service also have written to register opposition to the deletion of Channel 10 from Bakersfield.

6. Aided by the comments filed in this proceeding, we have reached a determination that it is manifestly desirable and necessary in the public interest that all television assignments at Bakersfield be in the UHF band. Since this requires changing the VHF Channel 10 facility at Bakersfield to a UHF operation, and the licensee, Marietta Broadcasting, Inc., has indicated in its comments herein and in response to the Order to Show Cause which it filed in Docket No. 13609 that it will not acquiesce to shifting from VHF to UHF operation on the basis of the decision we reach in this rule making proceeding, the adjudicatory proceeding which Marietta requests in Docket No. 13609 will be held to determine whether the outstanding license of Marietta for Station KERO–TV should be changed from VHF to UHF operation pursuant to the judgments reached herein.

7. The potential for the growth and development of multiple effective local outlets and services in the San Joaquin Valley would be much greater if all television assignments at Bakersfield were in the UHF band. With Bakersfield and Fresno, the two largest expanding population centers of the Valley located about 105 miles from each other, and with their trading and market areas extending into the Valley between them, where also are located a number of smaller cities where the chances for the establishment of local television outlets are promising it is inevitable, under the favorable terrain and propagation conditions in the Valley, that there is and will be an overlapping of services and a sharing of a common audience by all stations operating at Fresno and Bakersfield or in cities between them. It has been demonstrated that the relatively flat Valley floor presents unusually favorable conditions for propagation of television signals. Marietta itself pointed out in comments filed in Docket No. 11759 that the "unique character of the extremely flat and quite treeless San Joaquin Valley, which permits signals to be rolled down the corridor from Bakersfield toward Fresno and from Fresno toward Bakersfield in the manner of a bowling ball, exceeding substantially the normal propagation distances in other areas, is a phenomenon which cannot be ignored." By virtue of these circumstances, it is essential, we believe, that we make conditions conducive throughout the Valley for the growth and successful operation of local outlets by providing an equal opportunity for all Valley stations to complete effectively with compatible facilities.

8. It is our view that this requires all assignments in the Valley to be in the UHF band where this is sufficient spectrum space to meet any current or foreseeable future demand for television outlets. It could not be done by exclusive use of VHF channels, for there is not available now or in the foreseeable future sufficient VHF spectrum space even to replace existing UHF assignments which have been applied for or for which authorizations are outstanding in the Valley. Nor, in our judgment, can it be done by intermixed VHF–UHF assignments.

9. It has been demonstrated in a multitude of cities and areas throughout the country with intermixed VHF–UHF assignments that the ability of UHF to develop, survive, or provide an effective competitive service is markedly deterred when faced with competition from an available VHF service or services, however satisfactory a broadcast service UHF is able to provide. This is attributed to a host of familiar reasons, such as the demonstrated preference of advertisers and program sources for VHF outlets in VHF–UHF areas and the receiver conversion problems of UHF, which give VHF a decided competitive advantage in intermixed markets and pose a decided barrier to the utilization or the effective use of UHF assignments in intermixed markets on a comparable basis. In the Fresno area, we found that even under unusually favorable conditions for successful UHF operation in competition with one local VHF station, the two local UHF stations were unable to operate on a basis comparable with that of the competing VHF service, and that deintermixture of Fresno to all-UHF offered more opportunity for the growth and development of multiple effective television services at Fresno and in the smaller cities of the Valley than did either maintenance of the status quo or the assignment of additional VHF channels to Fresno.

10. With our action removing VHF Channel 12 from Fresno and shifting Station KFRE–TV on that channel to UHF operation, all television assignments and stations in the Valley are now in the UHF band with the exception of Station KERO–TV on Channel 10 at Bakersfield. At the present time only three stations are operating at Fresno and three at Bakersfield, but there is demand and promise that additional outlets will soon be established at Fresno, and at Tulare, Visalia and Hanford, which are located in the Valley between Fresno and Bakersfield.[8] The predicted Grade B signal of the VHF Channel 10 station at Bakersfield (KERO–TV) extends well beyond Tulare, Visalia, and Hanford where local UHF stations are now contemplated, penetrates the service areas of the Fresno UHF stations, and reaches to within 23 miles of Fresno. There can be no doubt, however, that under the excellent propagation conditions in the Valley, its signal penetrates even farther north in the Valley. The Nielsen Coverage survey for the spring of 1958 indicates that Station KERO–TV at Bakersfield reaches and is listened to in homes in Madera County, which is north of Fresno County and principally served by Fresno stations. The 1960 American Research Bureau, Inc., Television Coverage Study of California counties and stations indicates that about 96 percent of the television homes in both Tulare and Kings Counties (Tulare and Visalia are in Tulare County and Hanford in Kings County) and about 58 percent of the TV homes in Fresno County are able to receive Station KERO–TV and that Station KERO–TV's net weekly circulation (number of TV homes viewing Station KERO–TV at least once a week) in Tulare County is about 93 percent, in Kings County about 83 percent, and in Fresno County about 30 percent.

11. Although our removal of the single VHF outlet at Fresno puts all Fresno stations on a comparable competitive footing which we believe will increase the potential for the growth of healthy competitive services in the Fresno area, we cannot agree with Marietta that deintermixture of the Fresno market can be fully effective notwithstanding its VHF station at Bakersfield. With a VHF outlet at Fresno no longer dominating the Fresno market, there is considerable merit, we believe, to the claim of proponents for UHF-deintermixture of Bakersfield that Station KERO–TV, as the only VHF station in the Valley, would be in a position of conspicuous and unjustifiable dominance over all the competing UHF stations in the Valley. This factor and the extent to which Station KERO–TV's signal now penetrates beyond cities between Bakersfield and Fresno where the establishment of additional local UHF outlets is the most promising and into the service areas of the Fresno stations convincingly indicate that the presence of this VHF station in the adjacent Bakersfield market constitutes a significant deterrent to effective and comparable UHF competition in the Fresno market area and to the establishment of effective and beneficial new services, particularly in the smaller cities of the Valley. The deterrent would be compounded if Bakersfield were made principally all-VHF by the addition of two more VHF outlets, as Marietta suggests, and three Bakersfield VHF stations were to provide service in this now all-UHF area. Complete deintermixture of the entire San Joaquin Valley to UHF is, in our judgment, required for full development and expansion of effective competitive television service throughout the Valley.

12. Secondly, it is our view that the perpetuation of intermixed VHF–UHF assignments at Bakersfield, apart from the adverse impact of the Bakersfield VHF outlet upon the growth and development of healthy competitive services throughout the Valley, presents obstacles to the maximum growth and development of sound and effective local television services. These can best be eliminated by placing all assignments at Bakersfield in the UHF band.

13. Bakersfield, located in Kern County, is a sizeable and important population and commercial center in the San Joaquin Valley, ranking in size next to Fresno. The U.S. Census indicates that the population of the city increased from 34,784 in 1950 to 56,848 in 1960, and Kern County, its principal market area, increased in population from 228,309 in 1950 to 291,984 in 1960. Bakersfield was assigned two television channels in 1952: VHF Channel 10 and UHF Channel 29. Two additional UHF Channels, 17 and 39, were assigned in January of 1958. The first television station to go on the air at Bakersfield was Station KBAK–TV on Channel 29 in August of 1953. Station KERO–TV commenced operation on VHF Channel 10 in September of 1953. Station KLYD–TV has been operating on Channel 17 since November of 1959. Significantly, no station has even been established on Channel 39, although a construction permit was granted for its use in December of 1958 and deleted on September 23, 1960. Each of the Bakersfield stations is a basic outlet for a national network: Station KERO–TV for NBC; Station KBAK–TV for CBS; and Station KLYD–TV for ABC.

14. Station KERO–TV operates with power of 16 dbk (39.8 kw), directional antenna, and antenna height of 3,710 feet above average terrain from a transmitter site approximately 24 miles northeast of Bakersfield atop Mt. Breckenridge. The transmitter sites of the Bakersfield UHF stations were until recently near each other and about six miles north of Bakersfield. Station KLYD–TV operates on Channel 17 with power of 23.7 dbk (234 kw) and antenna height of 650 feet above average terrain. On January 25, 1961, Kern County Broadcasting Company filed an application to reduce the power of Station KLYD–TV to 12.99 dbk (19.9 kw) and to change the transmitter of the station. Kern simultaneously filed another application for a UHF booster station near Porterville, approximately 50 miles northeast of Bakersfield. Station KBAK–TV formerly operated with power of 12.9 dbk (19.5 kw) and antenna height of 630 feet above average terrain. It has now moved its antenna site to Breckenridge Mountain, a short distance from the KERO–TV site. It is authorized to operate at its new site with power of 20.7 dbk (117 kw) and antenna height of 3,690 feet above average terrain.[9]

15. Station KBAK–TV has demonstrated by its continued operation over a period of years that at least one UHF station can survive under the conditions existing in the Bakersfield market despite the presence of a local VHF outlet. Station KLYD–TV has not been in operation long enough to demonstrate with certainty that two UHF stations can. Even if it is assumed that two UHF outlets can survive in this intermixed market, it by no means follows that the public in the Bakersfield area is thereby assured of at least three comparable and equally effective local television outlets on the full potential of such services that the market can support. The removal of all possible obstacles to the achievement of this latter objective, rather than for mere survival, is desirable in the public interest. We are therefore not impressed with the arguments in the record that it is possible for UHF to survive in the Bakersfield market in the face of competition from one VHF station.

16. Neither UHF station in Bakersfield has been able to provide a competitive service to the Bakersfield market and outlying communities comparable to that of the local VHF outlet, for the relatively modest facilities they employed as compared to those of Station KERO–TV did not permit the wide-area coverage of the more favorable site and facilities employed by Station KERO–TV. This is typical of UHF in intermixed markets. With local VHF service available, it has been widely demonstrated that it is measurably more difficult for UHF to overcome the receiver conversion problem and to acquire a large enough UHF audience and economic base to support even a modest successful operation. In those few intermixed markets where UHF is able to survive, there is little indication that UHF operations can operate successfully except on a more limited scale, or that these markets can ever expect to have the number of services they are able to support.

17. Pending a more general or nationwide solution, the Commission is taking steps where possible and feasible to improve television allocations in individual communities and areas. Considering the period of years required to implement nationwide improvements in the allocations structure, we do not hold with Marietta's view that we should take no steps, such as proposed here for Bakersfield, to improve television allocations in individual communities pending further progress toward nationwide solutions. It is true, as Marietta points out, that one avenue of approach to a long-range solution of the television allocations problem—obtaining additional VHF spectrum space from Government services—appears to be unavailable at this time.[10] This, as we stated in the Fresno proceeding, underscores the need to look even more closely to the possibilities for improvement of the television service through greater utilization of the 70 channels in the UHF band, the 12 VHF channels available being inadequate to meet the requirements of a fully competitive and expanding television service. That inadequacy is amply demonstrated in the San Joaquin Valley.

18. Marietta makes much of the fact that the reconstruction of Station KBAK–TV with improved facilities on Mt. Breckenridge will enable it to operate on a scale more comparable to its VHF facility and to provide a much more effective and extensive local service whether or not Bakersfield remains an intermixed market. It ignores, however, the almost universal experience elsewhere which lends no assurance that UHF stations can operate successfully on a scale comparable to a VHF operation and demonstrates that the opportunities to do so are impaired by local

on Educational Television; and several hundred other persons and organizations, including teachers, school and governmental officials, educational, civic and social groups, members of Congress and the California Legislature, and Valley residents. Many parties endorsed the VHF educational proposals without comment on the Bakersfield UHF-deintermixture proposal and some, including the Governor of California's Advisory Committee on Education, endorsed them contingent on the deletion of Channels 10 and 12 from commercial use in the Valley. Others, including Salinas Valley Broadcasting Corporation (KSBY–TV, Ch. 6, San Luis Obispo) who question the wisdom of assigning additional VHF channels in the area reaching from Santa Barbara to San Luis Obispo, also believe that both Channels 10 and 12 should be retained for educational use in the Valley. Some parties urging the reservation of Ch. 10 at Bakersfield have recently requested withdrawal of their supporting comments. They inform that they are opposed to the removal of Ch. 10 from commercial use but supported the proposal for its reservation because of a mistaken belief that a decision had already been reached to delete it.

[8] An application, filed July 28, 1960, by G. L. Golden, Elbert H. Dean, and L. W. Fawns, a partnership, for a construction permit for a new station on Channel 53 at Fresno was granted December 7, 1960 (BPCT-2800).

Sierra Broadcasting, Inc., was also granted a construction permit for a new station on Channel 43 at Visalia, November 8, 1960 (BPCT–2732). It originally filed an application for Channel 27 at Tulare on Dec. 7, 1959, but amended its application to request Channel 43 at Visalia on September 27, 1960.

Applications filed by KCOK, Inc., on May 3, 1960, for Channel 27 at Tulare (BPCT-2773) and by Gann Television Enterprises (a limited partnership) on November 3, 1960, for Channel 21 at Hanford (BPCT-2825) are pending.

[9] Construction permit granted October 20, 1959 (BPCT–2699), as modified November 9, 1960 (BMPCT–5522). On February 16, 1961, Bakersfield Broadcasting filed an application for license (BLCT–1101) to cover BPCT–2699, as modified and requested program test authority. Program test authority for Station KBAK–TV at the Mt. Breckenridge site was granted February 17, 1961.

[10] The Public Notice (Mimeo No. 92830), released by the Commission on August 19, 1960, sets forth the position of the Department of Defense and the Office of Civil Defense Mobilization on the Commission's proposals to exchange spectrum space with the Government in order to obtain additional VHF channels for the television service.

VHF competition. This is of concern to us not because of any duty or desire to protect or improve the economic or competitive position of individual UHF licensees but because it clearly serves the public interest to remove, insofar as possible and feasible, obstacles resulting from television allocations which inhibit full and effective use of broadcast frequencies and stand in the way of the public reaping the benefits of more and better television service.

19. The UHF operators at Bakersfield have repeatedly urged that all local outlets should be in the same band in order to create a competitive climate conducive to the growth of multiple effective local television services. Kern County Broadcasting states that after nearly a year's experience with operating Station KLYD–TV in the Bakersfield market it has found that the belief it expressed prior to the time it went on the air that it could compete effectively as a UHF station with a dominant VHF station in the market has proved overly optimistic, to say the least, and that the UHF stations in Bakersfield suffer an inordinate and artificial disadvantage because of the existence of the single VHF station in this market which is harmful to the public interest and contrary to the establishment of a varied and competitive television service. In its pending application to reduce the power of Station KLYD–TV, it states that since it appears that a protracted period will elapse before deintermixture of the Bakersfield market may be achieved and create more favorable conditions for effective television, it must now cut its overall cost of operation by this means and by extending its overall coverage with a booster station near Porterville.

20. We are convinced that as long as this market remains intermixed, the public cannot depend with any certainty on UHF to furnish the full complement of effective local service which it needs and can support. The availability of long-established, wide-area local VHF service throughout the Bakersfield market and beyond, in our judgment, not only impedes the ability of existing UHF operations to acquire a larger audience where the potential for local UHF expansion exists and which is necessary to provide them with a base for sound operation and survival on any larger scale than at present but also discourages the establishment of new stations. We find no significant, enduring basis for Marietta's assumption that the size of the growing Bakersfield market precludes more than three local outlets irrespective of whether the market remains intermixed, or that the decision of the former permittee for Channel 39 not to construct was based solely on the economics of the market and its inability to support more than three stations. In light of the proposal of that permittee in the Fresno proceeding that Channel 10 be deleted from Bakersfield to make the area all-UHF, its request for additional time to complete construction on Channel 39 pending a decision as to whether Bakersfield was to be made an all-UHF market, and its statements in Docket No. 13595 that it considered deintermixture of Bakersfield altogether probable at the time it filed its application for Channel 39, it is more reasonable to accept that the presence of the VHF outlet in this market was a significant factor entering into its decision.

21. It is Marietta's position that, if we decide that all television outlets at Bakersfield should be in the same television band, this should be accomplished by assigning additional VHF channels and not by deintermixing Bakersfield to all-UHF assignments. It urges that Channels 8 and 12 are available; that they meet all technical requirements of the Rules for assignment to Bakersfield; and that they would enable the two existing UHF stations to operate on VHF channels, and thereby achieve the objective of three competitive television facilities in the Bakersfield market. Marietta's arguments on behalf of this VHF proposal are not persuasive. Two additional VHF stations at Bakersfield would, for the reasons we have heretofore stated, prove an even more formidable barrier to the growth and development of UHF throughout the greater part of the Valley to the north of Bakersfield than the single VHF outlet now at Bakersfield and would be most undesirable, in our opinion, as a measure to improve the potential for multiple, effective local television services throughout the Valley.

22. This VHF plan would also not provide the same opportunity for comparably competitive facilities and for expansion of television outlets in the Bakersfield market itself as would an all-UHF plan. There is no possibility that additional VHF channels could be made available to Bakersfield under present spacing requirements and almost no likelihood that UHF channels would be utilized if there were three local VHF outlets. Comments filed in the Fresno proceeding also convincingly demonstrate that there is considerable question of whether Channel 8 could be used at Bakersfield to provide either an effective service or a competitively comparable service with Channel 10 and 12 outlets in light of transmitter site restrictions necessitated by the co-channel stations at Las Vegas, Salinas-Monterey and San Diego and terrain problems. An all-UHF plan for Bakersfield suffers from no such drawbacks. There are sufficient UHF channels available to fulfill future television needs for expansion as they develop in this growing market and to afford adequate flexibility in the choice of suitable transmitter site locations.

23. We also disagree with Marietta's contention that there is a compelling advantage in the VHF plan arising from the fact that reception of additional VHF stations would entail little expense to the public whereas the public would be put to extra cost for UHF reception in areas now dependent upon VHF service if Bakersfield is deintermixed to all UHF assignments. This is offset in part, we believe, by the investments made by residents in the Bakersfield market for local UHF reception which would be lost if the present UHF outlets at Bakersfield were made VHF. The information submitted by Kern County Broadcasting on Kern County from the 1960 coverage study of the American Research Bureau indicates that there are 61,600 homes in Kern County equipped for UHF reception (79 percent of all television homes) which would be affected. In greater part, we believe, it is outweighed by what the public's further investment in UHF can be expected to produce—an overall gain in the number of effective television services and local television outlets available throughout the Valley. Nor do we find persuasive Marietta's argument that its VHF-plan could be implemented promptly and expeditiously without the adjudicatory proceedings entailed to accomplish UHF deintermixture of Bakersfield. Comments and pleadings filed by the UHF operators at Bakersfield would seem to dictate that adjudicatory proceedings would be required to determine to whom Channels 12 and 8 would be assigned.

24. In the third place, it is our conclusion from study and analysis of the relevant considerations which Marietta and others raise in opposition to UHF deintermixture of Bakersfield that none of them, singly or collectively, is of such merit as to outweigh the beneficial consequences flowing from operation of all television stations at Bakersfield in the UHF band.

25. One of Marietta's principal objections is that even with the deletion of Channel 10 from Bakersfield effective deintermixture could not be achieved because of the availability of VHF signals from other markets. It points out that the television sites of the seven VHF stations at Los Angeles, the VHF station at Santa Barbara, and the VHF station at San Luis Obispo are closer to Bakersfield than is Station KERO–TV's site on Mt. Breckenridge to Fresno; that the predicted Grade B contour of Station KEYT (Channel 3) at Santa Barbara encloses the entire metropolitan area of Bakersfield; that signal measurements contained in pleadings filed by the KEYT licensee in the Fresno proceeding indicate penetration of the area; and that the Grade B contour of the seven Los Angeles stations also penetrates the Bakersfield service area. It thus concludes that, although Fresno can be isolated as a UHF island by the deletion of Channel 12, Bakersfield cannot because of the penetration of competing signals from VHF facilities, impeding conversion for UHF reception by owners of VHF-only sets and restricting the dependence of the area solely upon UHF signals.

26. We note Marietta's recognition of the UHF conversion problem when competing VHF signals penetrate UHF areas. This argument can, however, be given little weight in light of the unfavorable terrain conditions which markedly restrict the coverage of the Santa Barbara, San Luis Obispo and Los Angeles VHF stations in the direction of Bakersfield and the absence of any showing that the limited reception of VHF signals from stations outside the Valley would significantly affect the ability of Bakersfield and other Valley UHF stations to thrive and to render a highly satisfactory service to Valley residents.

27. The cities of Los Angeles, San Luis Obispo and Santa Barbara are situated in the coastal plain between the Coastal Ranges and the Pacific Ocean. This mountain barrier contains rugged terrain and forms a natural shield which limits the ability of VHF television stations operating in these cities from adequately serving Bakersfield or other cities in the San Joaquin Valley. Bakersfield Broadcasting Company stresses that the coverage of the Los Angeles and Santa Barbara VHF stations is substantially less than predicted by our rules, based on terrain from 2 to 10 miles from their transmitter sites, since Bakersfield lies more than 7,000 feet below any radio line-of-sight path from the Mt. Wilson transmitter sites of the Los Angeles stations and approximately 12,000 feet below radio line-of-sight from Station KEYT's transmitter site. It also points out that the measurements filed by KEYT indicate that its Grade B contour falls short of Bakersfield.

28. Marietta has also pointed out in the pleadings it addressed to Bakersfield Broadcasting's April 20, 1960, petition for rule making on our UHF deintermixture proposal herein that service from the Los Angeles stations is limited by the high terrain to the north since all have radiation centers less than 6,000 feet above sea level and there is a ridge to the north having peaks of 7,124, 8,023, 9,399, 10,064, and 8,911 feet above sea level, all within a total distance of thirty miles in an approximate east-west direction; and that service from the Los Angeles stations towards Bakersfield is further limited by the beam tilt needed for them to place a signal at the ground level in the Los Angeles area. Marietta assumed in that pleading that some service is available from some of the Los Angeles stations out to a distance of 60 miles to the north—this is some distance from the more densely populated market area of the Bakersfield stations—but claimed that even at the north base of the peaks mentioned above it provided a much better service. This would appear to be a reasonable conclusion.

29. Both the 1958 Neilsen Coverage Survey and the 1960 American Research Bureau's Coverage study on California stations indicate that the circulation of the Santa Barbara and San Luis Obispo VHF stations in Kern County and in the other counties east of the Coastal Ranges (Kings, Tulare, and Fresno) located within the principal television markets of both Bakersfield and Fresno stations, was too small to be noted in either study, and no evidence has been submitted in this proceeding which would indicate that they have any significant audience in the San Joaquin Valley. The Nielsen Survey also shows that four of the seven Los Angeles stations (Stations KNXT, KRCA, KHJ–TV, and KTLA) have some audience in Kern County but that the maximum estimated audience of none of them exceeds 15 percent of all TV homes. The 1960 ARB study shows that six Los Angeles stations can be received in Kern County in from 7 to 24 percent of all TV homes but that only one Los Angeles station (KNXT) has as much as a 20 percent net weekly circulation. From all indications the homes in Kern County now served by Los Angeles VHF stations are mainly in the southern fringes of the Bakersfield market which is also served by the Bakersfield VHF outlet and where there is little UHF reception or set conversion at this time.

30. It appears that with improved facilities, and particularly from the desirable transmitter location on Breckenridge Mountain, Bakersfield UHF stations could provide service to these fringe areas relatively comparable to that now furnished by Station KERO–TV. From experience, we know, however, that the extension of local UHF service into an area long dependent on local VHF service and on outside VHF television service for a choice of program fare may be difficult. Yet if all television service from Bakersfield were obtainable only in the UHF band and multiple UHF services from Bakersfield were available in these fringe areas, we have no doubt that it would provide the stimulus for conversion of receivers for UHF reception in order to obtain local service and that those in these fringe areas would look to local UHF stations for a choice of program fare rather than solely to VHF stations in cities outside the Valley having little in common with Bakersfield and the rest of the Valley. In any case, we find no basis in the record for concluding that the VHF fringe service from stations outside the Valley poses any significant deterrent to effective UHF deintermixture of the Bakersfield market.

31. Another objection raised to removing Channel 10 from Bakersfield by Marietta and numerous residents of areas and communities currently depending upon its VHF station for service is that UHF cannot provide an adequate substitute service in portions of Station KERO–TV's present service area and that it would deprive certain communities and areas of service. We are not impressed with this argument.

32. There is no evidence in the record which convincingly demonstrates that UHF would be unable to provide a dependable, high grade television service to the Bakersfield market and outlying areas. The technical data and engineering studies which we have examined and evaluated both in this and the Fresno proceeding demonstrate that UHF can provide satisfactory service in this area. Marietta has itself stated in an engineering statement filed in Docket No. 11759 that, from the standpoint of terrain, the Bakersfield-Fresno area poses a minimum of disadvantage to UHF in regard to propagation; that a proper UHF installation at a high elevation overlooking the flat valley can provide widely used service of a very high quality; that the validity of this premise has been demonstrated by the UHF stations at Fresno; and that with available sites, and the terrain of the more densely inhabited areas between Bakersfield and Fresno allowing unshadowed transmission paths to the major market areas to be served, for equal transmitter power, or equal radiated power to the service area, UHF signals will be equal or greater in strength than VHF signals.

33. In our judgment the ability of fringe and outlying communities and areas in the Bakersfield market to receive a direct satisfactory signal from the Bakersfield VHF station and not from the local UHF stations at this time does not stem from the difference in their operating frequencies but from the disparity in their antenna heights and powers and less desirable site locations for wide-area coverage. The transmitter site of Station KERO–TV on Mt. Breckenridge was chosen, as Marietta states, to enable it to serve not only the Bakersfield area but also the areas east of the Sierra Nevada Mountains, and it uses a directional array, designed in part to radiate a maximum lobe into the areas east and southeast of its site and east of the mountains. From this site, Marietta has pointed out that optical line of site extends many miles to the north and that the large area north of Los Angeles and east of the Sierra Nevada Mountains which now depends wholly or principally upon its VHF station for reception is, for the most part, not shielded by mountains higher than Station KERO–TV's antenna, 7,668 feet above sea level, with isolated peaks extending above this level but most of the high land to the east being below this level. Such terrain, in our opinion, poses no more significant problem for reception of UHF stations on Mt. Breckenridge than for VHF reception. If Station KERO–TV were to operate from Mt. Breckenridge with UHF facilities comparable to its VHF facilities, we are convinced that it would produce little difference in its coverage area and that residents of communities and areas presently receiving a satisfactory signal from Station KERO–TV would continue to be able to do so.

34. Marietta submits calculations, based on predicted Grade B contours computed in accordance with the rules, however, which indicate that if UHF Station KBAK–TV operates from Mt. Breckenridge pursuant to its outstanding construction permit, some 1,432 square miles with a 1950 population of 5,834 persons east of the Sierra Nevada Mountains and north of Los Angeles would not be within Station KBAK–TV's Grade B contour which are now within the Grade B contour of its VHF station. Its premise that this area and population would be "white area" without any television service rests on the assumption that its VHF station now provides service to all of this area and if changed to a UHF operation would employ UHF transmission facilities equivalent to or less than those of Station KBAK–TV's planned facilities at its mountain site rather than those necessary to provide a Grade B contour comparable to that of its VHF operation.

35. Marietta's suggestion that UHF conversion costs might force it to move Station KERO–TV to a less desirable site on the Valley floor where it could not provide the wide-area coverage in remotely located areas that it now does cannot be taken seriously. With Station KBAK–TV on Breckenridge Mountain and Station KLYD–TV also expand-

ing its UHF coverage in remotely located areas, as Kern County indicated in its comments it intends to do if the area is deintermixed, it appears most unlikely that Marietta would consider such a move prudent. Conversion of Station KERO–TV from VHF to UHF operation on Breckenridge Mountain will, of course, involve considerable cost. We are not persuaded, however, that it would be prohibitive, particularly in light of the costs of reconstruction at another site, the resale value of VHF equipment which cannot be used for UHF operation, and the existing facilities of Station KERO–TV, at its present site, such as buildings, tower, microwave and video equipment, living quarters, etc., which can be used for UHF as well as VHF operation. Certainly, as Bakersfield Broadcasting points out, the overall cost of conversion to UHF for Station KERO–TV would not approach those for reconstruction of Station KBAK–TV or for construction of other UHF stations on Breckenridge Mountain.

36. We have no fear but that when Bakersfield is made all UHF Marietta will find it feasible to continue operating Station KERO–TV from its transmitter site on Mt. Breckenridge. Even in the unlikely event that only Station KBAK–TV should operate from Mt. Breckenridge, we find no basis for concluding that any appreciable areas and populations would stand to lose service from the deletion of Channel 10 from Bakersfield. The area which lies outside of the Grade B contour of Station KBAK–TV's operation on Mt. Breckenridge and within the Grade B contour of Marietta's VHF operation, to the northeast of Bakersfield, and which Marietta assumes would be "white area" without service if its VHF operation is changed to a UHF operation, is outside of the basic Bakersfield and San Joaquin Valley market area and is not now dependent solely upon Station KERO–TV for service. Nor do we find any evidence in Marietta's comments evidencing that terrain conditions enable Station KERO–TV to now serve directly all of the area which it claims would become "white area."

37. Bakersfield Broadcasting has pointed out that most of the "white area" which Marietta claims contains some 1,432 square miles with a 1950 population of 5,834 persons is completely unpopulated, consisting of precipitous mountains and barren desert, and the few residents are concentrated in small towns and settlements located along the highways. There appear to be only four communities of any appreciable size in this area: Lone Pine, Keeler, Darwin and Trona. A UHF translator (K80AD) has been in operation at Lone Pine, a community about 105 miles northeast of Bakersfield with a 1950 population of 1,415 (the 1960 U.S. Census reports a population of 1,310) since May of 1957, providing service from Station KRCA, the Channel 4 station at Los Angeles, to Lone Pine and the surrounding area. Since both Stations KRCA and KERO–TV are NBC outlets, it appears doubtful that translator service would have been inaugurated in this area if Station KERO–TV could be satisfactorily received. The current issue of Television Factbook also indicates that a community antenna operation is providing 603 homes at Trona, a community about 70 miles south and east of Lone Pine (1950 population of 2,450; 1960 population 1,138), with service from four Los Angeles stations. Keller and Darwin, located in the area between Lone Pine and Trona, presumably are small communities with populations of less than 1,000, for neither are listed in the 1950 or 1960 Census reports.

38. At most, we can conclude that the number of people who would be without direct television service in this "white area" if Channel 10 is deleted would be well under the number claimed by Marietta. Unlike Marietta, we do not consider the problem of providing them with television service if Bakersfield is deintermixed to be unsolvable. We anticipate that the improved competitive conditions which will result from all stations in the Valley operating in the same band will enable and cause both Bakersfield and other Valley stations to expand their coverage by increased power and improved facilities, as well as by other measures such as translators, on-channel boosters or satellite operations, and that the possibility of more service to this area than at present will be enhanced. Kern County Broadcasting, for one, has stated in its comments that if Bakersfield is deintermixed, it intends to take advantage of the wide variety of types of authorizations provided by the Commission to aid small, isolated communities to receive television service and that it is presently considering a booster-translator program. Its pending application for a UHF booster operation near Porterville has already been noted. Marietta's belief that translators, boosters, satellites, or other means to provide service in this area would prove inadequate and economically unfeasible is not shared by us and is not borne out by experience in other areas, nor by the evidence in this record. Considering UHF translators alone, their use throughout the mountainous areas of the West and elsewhere, as well as in this general area,[11] under all types of conditions, to provide acceptable reception at low cost where direct reception of television signals is impossible, precludes our acceptance of Marietta's view that they would prove impracticable and undesirable in all instances in this area.

39. Marietta also takes the position that the "white area" created by the deletion of Channel 10 would be much greater than that indicated by the coverage contours of its VHF station and Station KBAK's planned operation in the area outside of the Valley and beyond the mountains to the east and to the south of Bakersfield. This is based on its presumption that the calculated VHF Grade B contour of Station KERO–TV represents actual service with greater reliability than the UHF Grade B contour of Station KBAK–TV with its improved facilities on Mt. Breckenridge and because a mail survey it has conducted indicates that the actual broadcast service provided by Station KERO–TV is much more extensive than indicated by its Grade B coverage contours. In order to test the validity of its position and to determine the actual "white areas" which will be created if Channel 10 is deleted, it has asked that we defer a determination as to whether Channel 10 should be deleted from Bakersfield until it has had an opportunity to make studies and submit data on the comparative service provided by its VHF station and Station KBAK–TV at its new site on Mt. Breckenridge.

40. We do not consider it necessary or desirable to postpone decision on the matter of television allocations at Bakersfield pending submission of such data by Marietta. The technical studies which we have conducted and the technical data and other material which we have examined in both this and the Fresno proceeding are sufficient to enable us to reach an informed decision on the capabilities of UHF in this area. We adhere to the conclusions we have hereinbefore reached. In passing, we observe that the fact that Marietta's mail survey demonstrates that its VHF signal is satisfactorily received by residents of communities and areas outside its Grade B contour is not unusual—a satisfactory signal may be received beyond the Grade B contour of most stations, whether VHF or UHF, to a greater or lesser extent, depending upon terrain, transmission facilities, and co-channel and adjacent channel separations—and it does not demonstrate that VHF service lost from deletion of Channel 10 cannot be substantially replaced by UHF service direct from Bakersfield or other Valley stations, as well as other means. In this connection, we note that residents of Independence, a community over 100 miles northeast of Bakersfield located in the mountain valley on the eastern side of the Sierra Nevada range and on the western side of the Inyo Mountain range, were among those replying to Marietta's mail survey. The exhibit attached to Marietta's pleadings and numerous letters and petitions to the Commission from residents of the Independence area indicate that Channel 10 at Bakersfield is received locally via a cable system and not directly. UHF stations on Mt. Breckenridge could, we believe, be similarly received and provide a choice of service. Further, the 1958 Nielsen and 1960 American Research Bureau TV coverage studies indicate that in the counties of Inyo and San Bernardino to the northeast and east of Kern County relatively few television homes receive Station KERO–TV as compared to Los Angeles stations.

[11] In addition to the UHF translator at Lone Pine, two translators have been providing Bishop, California, about 145 miles northeast of Bakersfield, with service from the Channel 2 (KNXT) and 4 (KRCA) stations at Los Angeles and the Channel 8 (KSBW–TV) station at Salinas, California (K70AA and K73AA); a translator at Yosemite National Park has been in operation since 1957 translating signals from Station KBET–TV at Sacramento (K72AK), and a construction permit was granted in September of last year for a UHF translator at Daggett, California, which is in the Mojave Desert 115 miles southeast of Bakersfield, to translate signals from KNXT at Los Angeles.



41. While we would have been glad to consider any additional material timely submitted in this proceeding, we consider the possibility that Marietta's study would furnish grounds for changing our decision herein too remote to justify a substantial postponement. Comparative studies of signal strength made by Marietta on its VHF operation and Station KBAK–TV at its new site on Mt. Breckenridge could be expected to take considerable time. We know from experience that any meaningful study would be a long term project, requiring tens of thousands of measurements over a long period throughout the coverage areas of both stations to account for diurnal, seasonal and annual variations of signal strength and variations due to transmitter sites. Under the circumstances, we do not consider it in the public interest to grant this request.

42. Another objection raised to the deletion of Channel 10 from Bakersfield is the additional expense which the public in areas of little or no UHF saturation in fringe or outlying areas of the Bakersfield market would incur for conversion of receivers for UHF reception and for UHF antennas. This argument has weight. On balance, however, we cannot consider it controlling since conversion costs are a necessary concomitant to reception by the public of a choice of local programming from Bakersfield and other stations in the San Joaquin Valley whether or not the area is completely deintermixed or remains all-UHF except for the Channel 10 outlet at Bakersfield and since deletion of this VHF outlet is necessary, in our judgment, to enable Valley stations to compete effectively with each other and to provide an optimum choice of service to both Valley and outlying areas. We find no foundation in any market areas study for Marietta's claim that deletion of Channel 10 would entail UHF conversion costs for 110,000 or more VHF-only homes which rely upon it for service. The 1960 ARB studies indicate that of the approximately 181,200 homes able to receive Station KERO–TV, all except 3,700 homes are in Kern, Kings, Tulare and Fresno Counties. The ARB studies also indicate that approximately 204,500 of the 226,600 TV homes in these four counties are now equipped for UHF reception and that UHF saturation in each of these counties (79 percent of all TV homes in Kern County, 95 percent of all TV homes in Kings County, 89 percent of all TV homes in Tulare County and 99 percent of all TV homes in Fresno County are converted to UHF) is sufficiently high to make UHF-deintermixture of assignments at Bakersfield a practical measure to increase the potential for effective, multiple competitive outlets at Bakersfield and in the Valley even though it entails added costs for television reception in some areas of little or no UHF saturation at this time.

43. Our foregoing conclusions establish, in our opinion, that the net advantages attaching to UHF-deintermixture of television assignments at Bakersfield warrant the effectuation of such deintermixture at the earliest practicable date. In light of the outstanding license of Marietta for operation of Station KERO–TV on Channel 10, we cannot, however, implement our decision at this time, absent its consent, without holding an evidentiary hearing on the proposed modification of its license from VHF to UHF operation. Concurrently with the adoption of this decision, we are therefore taking appropriate action in Docket No. 13609 to designate the matter for hearing.

44. Marietta, while opposing a shift from Channel 10, states that if the market is deintermixed Channel 23 would be preferable to any of the other proposed additional UHF channels for Bakersfield even though it would require changing Channel 37 at Delano to another UHF Channel. Other parties have suggested Channels 45 and 51 for Bakersfield. Channel 45 could be assigned to Bakersfield without affecting other UHF assignments but Channel 51 would also require a change in the Delano assignment. Since Channel 37 at Delano is unoccupied and no applications are presently pending therefor, there is no problem in substituting an equally suitable UHF channel for the present Delano assignment. We have therefore decided that Channel 45 should be substituted for Channel 37 at Delano in order to permit the assignment of Channels 23 and 51 to Bakersfield. Channel 23 can be made available for use by Marietta in place of Channel 10 and Channel 51 will provide a frequency to meet any future need for an additional television outlet at Bakersfield.

### Proposals for VHF Noncommercial Educational Assignments

45. We now turn to the proposals before us for the reservation of Channel 10 at Bakersfield for noncommercial educational use and for the assignment of Channel 12 to Fresno or Visalia for noncommercial educational use also.

46. There are presently no educational stations operating in the Valley, and only one noncommercial educational assignment, UHF Channel 18 at Fresno, for which no applications are pending. In the Fresno rule making proceeding, the San Joaquin Valley Community Television Association, Inc., a nonprofit California corporation organized in 1959 for the purpose of promoting the growth of educational television and the activation of educational television assignments in the Valley, filed comments in which it requested the reservation of Channel 12 at Fresno or, alternatively VHF Channel 7 or UHF Channel 18, for noncommercial educational use (Channel 18 was reserved at Fresno for educational use in 1952 when the television Table of Assignments was orginally established). In our final decision in the Fresno proceeding,[12] we rejected the Association's VHF proposals, concluding in paragraph 9 thereof as follows:

[12] Report and Order (FCC 60–814), adopted July 7 and released July 8, 1960, in Docket No. 11759.

We are of the view that under the favorable conditions prevailing in the Fresno area for UHF operation, and with all commercial stations operating on UHF channels in that city, the continued reservation of Channel 18 at Fresno for educational use would serve the public interest and, at the same time, provide interested parties with ample opportunities for establishing an educational station at Fresno. Such a station would be operating in the same frequency band used by all other stations in the area, where antennas and receivers will undoubtedly be specially designed for reception of the UHF signals of the three commercial Fresno stations.

47. In this proceeding, the San Joaquin Valley Community Television Association has renewed its request for the assignment of Channel 12 to the Fresno area and also urges that Channel 10 be deleted from commercial use at Bakersfield and be retained there for noncommercial educational use. It evinces its intent to apply for both channels at an early date after they are made available for educational use and states that it contemplates using interconnected transmitters on Channels 12 and 10 to broadcast educational programming simultaneously, or sequentially, throughout the seven counties of Tulare, Kings, Fresno, Madera, Mariposa, Merced and Kern in the San Joaquin Valley. It anticipates that these channels will become a link in a statewide network for instructional television. A supporter of these VHF educational proposals, Central California Educational Television, Inc., which operates educational Station KVIE on Channel 6 at Sacramento, informs that the intercity microwave relay system which now connects Stations KVIE and Station KQED on Channel 9 at San Francisco, the only other educational television station now in operation in California, is designed to connect with a Fresno educational station, and that it would assist educational interests with their programming when an educational facilitiy at Fresno becomes a reality.

48. It is evident from the record that there is substantial public support and interest in these proposals for use of VHF channels for educational outlets in the Fresno and Bakersfield areas and in the development of educational television service throughout the Valley. We have no difficulty in agreeing with those interested in these proposals that there is an unsatisfied need and demand in the San Joaquin Valley for educational television. We are unable, however, to agree with them on how this need should be met.

49. Since all commercial assignments and stations in the Valley are to be in the UHF band, we believe it equally desirable to provide for the future development of educational television in the Valley in the UHF band also. Two VHF educational stations in this proposed otherwise all-UHF area would not, as the proponents urge, have the adverse competitive impact that VHF commercial stations have on UHF commercial stations in intermixed markets. The VHF educational stations would themselves, however, be faced with an incompatibility problem. With the public employing UHF antennas to receive all local commercial stations in the Valley, unless the public likewise maintains VHF antennas

in much of the market and especially in outlying areas for adequate reception of their VHF signals, the size of the VHF educational audience may be too small to enable the educational interests to establish and maintain VHF educational operations on the scale necessary to provide a wide-area educational service or to render a fully effective service throughout the entire Valley. There is also no need, in our judgment, to put the public in the Valley to the extra, and what we consider unnecessary, expense of maintaining both UHF and VHF antennas, for UHF can adequately meet present and future requirements for educational television service in the Valley. Indeed, the more plentiful UHF spectrum space provides much greater opportunity for educational assignments than possible with the limited VHF spectrum space to meet the variety of diverse and individual educational needs that exist and may develop in both small and large communities in the Valley and in outlying areas.

50. With due regard to the conclusions we have reached both in this and the Fresno proceeding on the coverage capabilities of UHF under the favorable terrain and propagation conditions extant in the Valley, there is no reason why an educational station operating on the present UHF educational assignment at Fresno and another educational station operating on a UHF frequency at Bakersfield could not function equally well as VHF operations in a statewide educational television network and provide satisfactory, wide area coverage essentially comparable to that of the VHF operations. Proponents argue that the initial UHF installation and operating costs may be somewhat more to achieve comparable coverage. We are not persuaded, however, that the cost differential is so great as to make wide-scale UHF educational operations impracticable. The cost differential, arising mainly because UHF may require greater effective radiated power to achieve comparable coverage, represents but a small percentage of the total investment and operating costs since many substantial items of cost, such as buildings, antenna supporting structure, land, personnel, programming, studio facilities, etc., are common to both VHF and UHF operation.

51. As for the problem of conversion of receivers for reception of UHF educational signals in the San Joaquin Valley, we find no basis in the comments of those supporting these VHF educational proposals for concluding that it would be any significant problem at the time the educational interests are ready to inaugurate educational television service in the Valley. With the San Joaquin Valley converted to all-UHF service most of the homes in the Valley and in fringe areas which depend upon Valley stations for television service will be equipped for UHF reception when Valley educational stations are ready to go on the air. While the Association assumes that at the time its contemplated UHF educational stations are established, the public in great part will be put to extra cost for additional "strip tuners" to receive its educational program service, we consider this improbable. Most all-channel sets and UHF converters today are made with continuous tuning dials covering the whole UHF band, and the overall savings in installing all-channel tuners over "strip tuners" when reception of numerous UHF stations is desired makes it more probable that all-channel tuners will be widely used in the Valley for both commercial and educational service and that UHF educational stations will have a ready audience available to them. It has also been contended that the lower cost of VHF receiving sets is an important consideration for schools. We are not persuaded that this argument has controlling merit. It has not been demonstrated that the saving, if any, would be more than slight and the experience of schools elsewhere using UHF frequencies for instruction amply demonstrates that UHF is both practical and effective for use in schools.

52. In sum, we find no basis for concluding from the comments filed on behalf of these proposals for VHF educational reservations, or from the considerations which led to our action in deintermixing television assignments at Fresno to all-UHF assignments and to the conclusions we have reached herein as to the necessity of similar action at Bakersfield to make the Valley essentially all-UHF, that the overall public interest would be served by reintroducing a VHF assignment in the Fresno area for educational purposes or adding a VHF assignment for educational use at Bakersfield. We adhere to our decision in the Fresno proceeding that the continued reservation of Channel 18 at Fresno provides ample opportunities for educational television in that area. We similarly are of the view that Channel 39 can adequately serve a like purpose in the Bakersfield area. We are therefore taking action to reserve it there for educational purposes.

### Other Proposals for Disposition of Channels 10 and 12

53. There remain for consideration the various alternative proposals for the reallocation of either or both Channels 10 and 12 outside of the San Joaquin Valley in Santa Barbara County at Santa Barbara, Santa Maria or Lompoc-Santa Maria on a hyphenated basis or in San Luis Obispo County at San Luis Obispo. A number of parties have indicated an interest in applying for these channels if assigned in either the Santa Barbara or Santa Maria and Lompoc area.[14] Further support for the assignment of these channels in this coastal area comes from the UHF operators at Fresno and Bakersfield and residents of the area. Opposition to the assignment of either or both channels in the area comes from Key Television, Inc., the licensee of Station KEYT at Santa Barbara; KFSD, Inc., licensee of Station KFSD (Ch. 10) at San Diego; Salinas Valley Broadcasting Corporation, licensee of Station KSBY–TV at San Luis Obispo; and Marietta and others, including public officials, who urge that these channels should be retained at Fresno or Bakersfield for commercial or educational use.

54. The record establishes, in our judgment, that the public interest would be served by the assignment of an additional VHF channel in the general coastal area stretching from Santa Barbara northward to San Luis Obispo. For the reasons discussed below, we have decided that Channel 12 is preferable to Channel 10 for use in this area and that the channel should be assigned to Santa Maria. We do not, however, find such a compelling need for two additional VHF assignments in this area as to warrant the assignment of Channel 10 also, and these requests and proposals are therefore denied.

55. While Marietta and KFSD take the position that section 307(b) of the Communications Act requires us to withhold decision on the deletion of Channel 10 from Bakersfield pending a determination on where Channel 10 should be reallocated so that a comparative determination can be made as the relative need of Bakersfield and the other community for the channel, we do not find their position tenable. Section 307(b) of the Act requires us in the assignment of frequencies to make a fair, efficient and equitable distribution of radio services among the several states and communities. We have found herein that the deletion of Channel 10 from Bakersfield would foster the fairest, most efficient, and most equitable use of all television frequencies assigned at Bakersfield and throughout the Valley. It therefore is our clear statutory duty to remove the channel from Bakersfield irrespective of the separate question of where outside the Valley it may thereafter be reallocated. The matter of the reallocation of Channel 10 is not one of the circumstances which we have found calls for the deintermixture of Bakersfield, and we do not find it necessary or desirable in the public interest to decide that question in this proceeding.

56. The United States Census Reports for 1960 indicate that there has been considerable population growth in Santa Barbara and San Luis Obispo counties since 1950. The population of Santa Barbara County has increased from 98,220 in 1950 to 168,962 in 1960 and that of San Luis Obispo County from 51,417 in 1950 to 81,044 in 1960. The cities of Santa Barbara, Santa Maria and Lompoc and San Luis Obispo have also grown. Santa Barbara, with a 1950 population of 44,913, had a population of 58,768 in 1960. Santa Maria, approximately 57 miles northwest of Santa Barbara and 28 miles south of San Luis Obispo, increased in population from 10,440 in 1950 to 20,027 in 1960. Lompoc, approximately 24 miles south of Santa Maria and 45 miles northwest of Santa Barbara, increased in population from 5,520 in 1950 to 14,415 in 1960. San Luis Obispo, some 80 miles to the northwest of Santa Barbara, with a 1950 population of 14,180 had a population of 20,437 in 1960.

57. At the present time, there is one VHF television station operating in Santa Barbara County—Station KEYT on Channel 3 at Santa Barbara and one operating in San Luis Obispo County—Station KSBY–TV on Channel 6 at San Luis Obispo, a semi-satellite of Station KSBW–TV (Ch. 8) at Salinas-Monterey, Calif. There are no other VHF assignments in either county. While additional VHF service is received in the Santa Barbara area from the Los Angeles VHF stations, the area stretching from Santa Barbara to San Luis Obispo is largely dependent upon the Santa Barbara and San Luis Obispo VHF stations for service. None of the UHF assignments at Santa Barbara or Santa Maria have been utilized, and there is no UHF service in the area except from the two UHF translator stations at Vandenberg Air Force Base, approximately 20 miles south of Santa Maria and a few miles from Lompoc, which broadcast the programs of the Santa Barbara and San Luis Obispo stations in the base area. The comments also indicate that while community antenna operators have displayed an interest in the establishment of community antenna operations at Santa Maria, San Luis Obispo and Lompoc, none have as yet been established.

58. The record evinces a need for a third competitive television service in this area which can only be met at this time by an additional VHF assignment. Both the Santa Barbara and San Luis Obispo stations carry the programs of all three networks, and parties have noted that at times both stations carry the same network programs and afford no choice of network programming to those dependent upon them for service. A third station in this area would make it possible to satisfy the need of this area for a greater choice of network and local programming. The comments also indicate that the Santa Maria-Lompoc area is the principal center of population and activity between Santa Barbara and San Luis Obispo and that portions of this area, which is in a pocket of the coastal range, receive only a fringe signal from the Santa Barbara and San Luis Obispo stations. The fact that translators are being used to provide the Vandenberg Air Base area with service from the Santa Barbara and San Luis Obispo stations bears out that direct service from these stations is not wholly satisfactory in this area. Parties have also stressed that neither of these stations carries programs directed to the local needs and interests of the area concentrated around Santa Maria and Lompoc. A demand and interest has been shown in the record for the establishment of a local station in this area, and we are convinced that the need of the Santa Maria area for a first local outlet is paramount to that of Santa Barbara or San Luis Obispo for a second local outlet. Further, a local station at Santa Maria would be equally or more capable than a new facility at either Santa Barbara or San Luis Obispo of providing the areas north of Santa Barbara and south of San Luis Obispo with an additional choice of television service.

59. Those opposing the assignment of an additional VHF channel to Santa Barbara or to the proposed communities to the north contend that this area cannot support more than the two existing stations at Santa Barbara and San Luis Obispo and that the advent of a third station anywhere in this area would jeopardize the continuation of existing services and possibly result in the demise of all stations in the area. While neither of the present VHF stations at Santa Barbara and San Luis Obispo, according to their respective licensees, has been able thus far to achieve a profitable operation, we find no basis for concluding that the present and potential audience and sources of revenues available in Santa Barbara and San Luis Obispo counties are inadequate for the ultimate successful operation of more than the two existing stations. We do believe, however, that in view of the present television situation in both Santa Barbara and San Luis Obispo, the size of these communities, and the multiple VHF services received in the Santa Barbara area from Los Angeles stations, particularly in the southern portion of the Santa Barbara market, a more favorable climate for the growth and development of a third station in this area exists in the Santa Maria area at this time. This is another reason for preferring Santa Maria over Santa Barbara and San Luis Obispo for a VHF assignment.

60. In addition to the practical advantage of being readily available for assignment and application, we believe that Channel 12 would constitute a more efficient assignment than Channel 10 in the Santa Maria area. Taking cognizance of the detailed and comprehensive engineering study submitted by KFSD, Inc., the licensee of the Channel 10 station at San Diego, and the engineering data filed by others, it appears that there are unusual propagation conditions along the southern coastal area of California which may cause considerable mutual interference to co-channel stations and reductions in their service areas. While no showing has been made which convinces us that the resulting service areas would be inadequate when the required 190-mile separation between co-channel stations in this zone are maintained, we do believe that it is desirable, whenever possible, to provide allocations which will provide greater separations and thus minimize the effect of such interference to co-channel stations. Since the nearest Channel 12 station to Santa Maria is at Tijuana, Baja California, Mexico, and the nearest Channel 10 station is at San Diego, a greater separation between co-channel stations would be afforded by assigning Channel 12 rather than Channel 10 to Santa Maria.

61. Authority for the amendments ordered herein is contained in sections 4(j), 301, 303 (c), (d), (f) and (r) and 307 of the Communications Act of 1934, as amended.

62. In view of the foregoing: *It is ordered*, effective May 1, 1961, That the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended insofar as the communities named are concerned to read as follows:

| City | Channel No. |
|---|---|
| Bakersfield, Calif. | 10−, 17, 29, *39+, 51− |
| Delano, Calif. | 45− |
| Santa Maria, Calif. | 12+, 44 |

63. *It is further ordered*, That, with effect at the earlier of the following dates, the Table of Assignments contained in §3.606 of the Commission's rules and regulations is amended by the substitution of Channel 23- for Channel 10- at Bakersfield, California, formal codification to be accomplished by subsequent order:

(a) 3:00 a.m., eastern standard time, December 1, 1962 (concurrently with expiration of the outstanding license for Station KERO–TV on Channel 10- at Bakersfield), or

(b) Such earlier date as Station KERO–TV may cease operation on Channel 10- at Bakersfield.

64. *It is further ordered*, That Marietta Broadcasting, Inc.'s request for authorization to file additional comments, submitted October 17, 1960 (see paragraph 1(e)) is granted; that Marietta's request to defer consideration of deintermixture proposals for Bakersfield herein (see paragraph 1(f)) is denied; and that all other proposals or requests or alternative relief sought herein which are inconsistent with the decisions reached and the actions taken in this proceeding are denied.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U.S.C. 301, 303, 307)

Adopted: March 22, 1961.

Released: March 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2866; Filed, Mar. 30, 1961; 8:52 a.m.]

[14] Santa Barbara Television Association, composed of local Santa Barbara businessmen and civic leaders, and Channel City Television and Broadcasting Corporation indicate they desire to apply for Channel 12 at Santa Barbara. Arenze Broadcasters (standard broadcast station KCOY, Santa Maria) and Kern County Broadcasting Co. (KLYD–TV, Bakersfield) evince an intent to apply for either Channel 10 or 12 if assigned in the Santa Maria and Lompoc area. Sherrill C. Corwin, who states that he has substantial business interests in the Lompoc-Santa Maria area, and Thomas B. Friedman, a consulting radio engineer, indicate that they plan to apply for Channel 10 if assigned to the Santa Maria-Lompoc area.

[1] Dissenting statement of Commissioner Cross filed as part of original document.

# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 36 ]

### FROZEN RAW BREADED SHRIMP

### Definition and Standard of Identity

Notice is given that the National Fisheries Institute, Inc., 1614 Twentieth Street NW., Washington 9, D.C., and the National Shrimp Breaders Association, Inc., 624 South Michigan Avenue, Chicago 5, Illinois, representing members who are processors of breaded shrimp, have jointly filed a petition setting forth a proposed definition and standard of identity for frozen raw breaded shrimp (prawns).

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are hereby invited to present their views in writing regarding the proposal published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the sixtieth day following the date of publication of this notice in the FEDERAL REGISTER.

It is proposed that the following new section be added to Part 36:

**§ 36.30 Frozen raw breaded shrimp (prawns); identity; label statement of optional ingredients.**

(a) Frozen raw breaded shrimp (prawns) is the food prepared by coating one of the optional forms of shrimp material specified in paragraph (b) of this section with one or more of the optional forms of batter and one or more of the optional forms of breading specified in paragraph (c) of this section. It is frozen and it is maintained in a frozen state. The finished product contains not less than 50 percent by weight of shrimp material as determined by the method described in paragraph (d) of this section.

(b) The term "shrimp material" as used in this section means the headed, peeled, and deveined tail portion of a shrimp, with or without tail fin and the immediately adjacent shell segment. It may be prepared from any regular commercial species of shrimp. The shrimp material may be in any one of the following optional forms:

(1) Fantail or butterfly, for which the shrimp are headed, peeled, deveined, and split (butterflied); all shell segments are removed, except that the shell segment immediately adjacent to the tail fin may be left attached; the tail fin is left attached.

(2) Round or round fantail, for which the shrimp are headed, peeled, and deveined, but not split; all shell segments are removed, except that the shell segment immediately adjacent to the tail fin may be left attached; the tail fin is left attached.

(3) Butterfly, tail-off, for which the shrimp are headed, peeled, deveined, and split (butterflied); the tail fin and all shell segments are removed.

(4) Round, tail-off, for which the shrimp are headed, peeled, and deveined, but not split; the tail fin and all shell segments are removed.

(5) Tidbits, which consist of units each of which may be only a part of a tail portion of a shrimp; they are free of tail fin and shell segments.

(c) Each of the optional forms of batter and of breading used to coat the shrimp material consists of one or a combination of two or more of the optional ingredients specified in this paragraph. A batter is a fluid or semifluid mixture prepared from one or more of the optional ingredients and with or without water. A breading is a dry mixture prepared from one or more of the optional cereal ingredients, with or without one or more of the other optional ingredients. In the preparation of a batter or a breading, one of the ingredients or a combination of two or more ingredients may first be baked, roasted, toasted, or dehydrated before use or before combination with additional ingredients. The optional ingredients that may be used in the preparation of batter and breading are:

(1) Milk, skim milk, buttermilk, cheese whey or any of these in concentrated, evaporated, or dried forms.

(2) Whole eggs, egg whites, egg yolks in liquid, frozen, or dried forms.

(3) Wheat flour, whole wheat flour, farina, cracked wheat, crushed wheat, durum flour, semolina, corn flour, corn meal, corn grits, soya flour, soya grits, oat flour, oat grits, rice flour, rye flour, cottonseed flour, potato flour, wheat starch, cornstarch, potato starch, any of which ingredients may be wholly or in part dextrinized.

(4) Bread crumbs, prepared from bread, enriched bread, milk bread, or whole wheat bread as defined in §§ 17.1, 17.2, 17.3, and 17.5 of this chapter, or from breads prepared from mixtures of white flour and whole wheat flour.

(5) Sugar, dextrose, lactose, corn sirup, invert sugar, honey, which sweetening ingredients may be in sirup or dried form.

(6) Salt.

(7) Monosodium glutamate, hydrolyzed vegetable protein.

(8) Gum arabic, guar gum, carob bean, karaya gum, carboxymethylcellulose, chondrus, agar-agar, algin, sodium alginate, gelatin, pectins.

(9) Mayonnaise.

(10) Any suitable, harmless food flavoring or seasoning.

(11) Spices, spice oils, spice extracts.

(12) Shortening, in which or in conjunction with which lecithin may be used.

(13) Citric acid, propyl gallate, propylene glycol, butylated hydroxyanisole, butaylated hydroxytoluene, in amounts such that the total content of antioxidants is not over 0.02 percent of the fat or oil content of the food.

(14) Monocalcium phosphate, dicalcium phosphate, monosodium phosphate, disodium phosphate.

(15) Yeast.

(16) Lemon juice, concentrated lemon juice.

(d) For the purposes of this section, the percentage of shrimp material in the finished product is determined by the method prescribed in 50 CFR 262.21(i) (25 F.R. 8445; September 1, 1960).[1]

[1] (i) *Percent of shrimp material.* "Percent of shrimp material" means the percent by weight of shrimp material in a sample as determined by the method described below or other methods giving equivalent result. Results are commonly expressed as percent of breading which is calculated by difference.

(1) *Equipment needed.* (i) Two-gallon container approximately nine inches in diameter;

(ii) Two vaned wooden paddle, each vane measuring approximately one and three-fourths inches by three and three-fourths inches;

(iii) Stirring device capable of rotating the wooden paddle at 120 rpm;

(iv) Balance accurate to 0.01 ounce (or 0.1 gram);

(v) U.S. standard sieve—ASTM—No. 20, twelve-inch diameter;

(vi) U.S. standard sieve—one-half inch sieve opening, twelve inch diameter;

(vii) Forceps, blunt points;

(viii) Shallow baking pan.

(2) *Procedure.* (i) Weigh sample to be debreaded. Fill container three-fourths full of water at 70–80 degrees Fahrenheit. Suspend the paddle in the container leaving a clearance of at least five inches below the paddle varies, and adjust speed to 120 rpm. Add shrimp and stir for ten minutes. Stack the sieves, the one-half inch mesh over the No. 20, and pour contents of container onto them. Set the sieves under a faucet, preferably with spray attached, and rinse shrimp with no rubbing of flesh, being careful to keep all rinsings over the sieves and not having the stream of water hit the shrimp on the sieve directly. Lay the shrimp out singly on the sieve as rinsed, remove top sieve and drain on a slope for two minutes, then remove shrimp to weighing pan. Rinse contents of the No. 20 sieve onto a flat pan and collect any particles other than breading (flesh, tail fin or extraneous material) and add to shrimp on balance pan and weigh.

(ii) Calculate percent shrimp material:

$$\text{Percent shrimp material} = \frac{\text{weight of debreaded sample}}{\text{weight of sample}} \times 100 + 5^{*}$$

*A tentative correction factor of five percent is employed pending completion of definitive studies.

(iii) Calculate percent breading:

$$\text{Percent breading} = 100 - \text{percent shrimp material}$$





(e) The name of the frozen raw breaded shrimp prepared from each of the optional forms of shrimp material specified in paragraph (b) of this section is as follows:

(1) "Fantail breaded shrimp," "fantail breaded prawns," "butterfly breaded shrimp," or "butterfly breaded prawns," or any combination of the wording in these names.

(2) "Round breaded shrimp," "round breaded prawns," "round fantail breaded shrimp," or "round fantail breaded prawns," or any combination of the wording in these names.

(3) "Butterfly breaded shrimp, tail-off," "butterfly breaded prawns, tailoff," or any combination of the wording in these names.

(4) "Round breaded shrimp, tailoff," "round breaded prawns, tailoff," or any combination of the wording in these names.

(5) "Breaded shrimp tidbits," "breaded prawn tidbits," or any combination of the wording in these names.

(f) The label shall bear the name of the optional form of the food specified in paragraph (e) of this section and shall bear a statement listing the optional ingredients employed in preparation of the batter and breading. If a spice is used to impart a color, the label shall declare it as both a spice and a coloring. While the petition does not so provide, section 403(k) of the Federal Food, Drug, and Cosmetic Act requires that a food bearing or containing a chemical preservative bear labeling stating that fact.

Dated: March 24, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61-2847; Filed, Mar. 30, 1961; 8:50 a.m.]

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[ 21 CFR Part 37 ]

[Docket No. FDC-64]

### CANNED TUNA FISH

### Definition and Standard of Identity; Findings of Fact

In the matter of establishing a definition and standard of identity for canned tuna fish:

In the FEDERAL REGISTER of August 28, 1956 (21 F.R. 6492), there was published a notice of a proposal for establishing a definition and standard of identity and a standard of fill of container for canned tuna fish. An order was published in the FEDERAL REGISTER of February 13, 1957 (22 F.R. 892), adopting the proposals, with modifications. Subsequently, objections were filed, and a public hearing was requested on two of the labeling requirements in the identity standard: (1) The requirement that tuna darker than a prescribed level be labeled "dark", and (2) the requirement that for water-pack tuna the name on the label should include the words "in water." By an order published in the FEDERAL REGISTER of August 29, 1957 (22 F.R. 6961), notice was given that no objections had been filed to the fill of container standard or to the compositional requirements of the identity standard, and the effective date for these provisions, as set out in the order of February 13, 1957 (22 F.R. 892), as confirmed. In recognition of the objections to the labeling requirements of the identity standard, these requirements were stayed pending the outcome of the hearing on the issues raised by the objections.

Pursuant to a notice of hearing published in the FEDERAL REGISTER of December 28, 1957 (22 F.R. 10964), a public hearing was held to receive evidence on the issues raised by the objectors. On the basis of the evidence received at the hearing, and pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e)(3), 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U.S.C. 341, 371(e)(3)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), and after consideration of written arguments and suggested findings, which are adopted in part and rejected in part as is apparent from the detailed findings herein made, it is proposed that the following order be issued:

*Findings of fact.*[1] 1. By an order published in the FEDERAL REGISTER of February 13, 1957 (22 F.R. 892), a definition and standard of identity for canned tuna fish was promulgated. Objections were filed protesting those portions of the order requiring that tuna darker in color than Munsell value 5.3 be declared on the label as "dark tuna" and that the name on the label of canned tuna packed in water rather than in oil include the words "in water" as a part of the name of the food. Notices of the objections, the stay of the labeling requirements, and the announcement of the public hearing on the objections were published in the FEDERAL REGISTER on August 29, 1957 (22 F.R. 6961), and December 28, 1957 (22 F.R. 10964). (Ex. 2, 4, 5, 7, 23)

2. The only issue concerning the color of canned tuna to be determined on the basis of the evidence was raised in the objection filed by one packer, the operator of a cannery in Maine, who advocated changing the wording of § 37.1(d)(3) of the standard from:

(3) *Dark.* This color designation includes all tuna darker than Munsell value 5.3, to

(3) *Tuna.* This designation includes all tuna darker than Munsell value 5.3 canned from the light meat of tuna.

The objection did not make an issue of whether the method specified in the order was appropriate for making the differentiation between dark and light tuna; of whether the value for such differentiation was properly set at 5.3 on the Munsell scale; or of whether the standard should require the label designation for tuna darker than Munsell value 5.3 to be different from the label designation for tuna lighter than Munsell value 5.3. The sole issue was whether the standard should require cans containing tuna darker than Munsell value 5.3 to be labeled "dark tuna" rather than simply "tuna." (R. 9, 11–12, 14, 17, 38, 47, 54–55; Ex. 7)

3. The only witness who supported the objection to the label declaration "dark tuna" sometimes employed the phrase "light meat of tuna" to mean striated muscular tissue, as specified in § 37.1(c) of the standard, without regard to the color shade of such tissue. At other times, when referring to this same striated muscular tissue (as prepared from large blue-fin tuna and from Atlantic little tunny), the witness used the term "dark meat." Apparently, it was for this dark-colored, striated muscular tissue that he urged the change of the standard to provide for labeling it by the unmodified word "tuna" though he sometimes used the designation "dark meat" or "black meat" to mean non-striated tissue, which is an entirely different part of the fish and which the standard requires to be eliminated before canning. (R. 18, 33–34, 37, 43, 50, 66)

4. Several kinds of tuna have been caught in the Atlantic waters, but the only color determinations reported in the record are for the categories little tunny; large blue-fin tuna, exceeding 500 pounds in weight; and blue-fin tuna ranging in weight from 20 pounds to 104 pounds. These color determinations showed that little tunny and the large blue-fin tuna yield canned tuna of color darker than Munsell 5.3. The canned tuna prepared from the smaller blue-fin tuna (those not exceeding 104 pounds in weight) measured lighter than Munsell 5.3. (R. 10, 18, 29–30, 54, 58, 60, 74, 76; Ex. 8)

5. The canned article prepared from large blue-fin tuna, where the fish weighed in excess of 500 pounds each, not only was of a dark color but it was coarse in texture and had a distinctive taste, described as stronger, heartier, and more fishy. The opinion was expressed that this darker colored, stronger flavored article prepared from large blue-fin tuna would appeal to a limited segment of consumers. (R. 14, 33–35, 46–47, 58–59)

6. The responses to a questionnaire answered by more than 4,000 consumers showed an interest on the part of a substantial number of consumers in having labels show whether the meat in the can is light or dark. A consumer survey in which interviewers visited 252 households in which the homemaker used canned tuna showed that 65 percent of these homemakers regarded a color photograph of a can of tuna measuring 5.3 on the Munsell scale as dark tuna. Over two-thirds of the homemakers interviewed were interested in whether the tuna they serve is light or dark tuna, and substantially all wanted the label on the cans to show whether the tuna is light or dark. (R. 140–141, 162–164, 168, 172, 184–189, 202–204, 210–212, 273, 278–279, 281–282; Ex. 14, 17, 18, 24, 25, 26)

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

7. In households where canned tuna is used, one of the forms in which it is most frequently served is as a salad. For use as a salad the color of tuna is important to housewives and they wish to avoid dark tuna for salads. (R. 42, 168–169)

8. The other issue for the hearing arose from objections filed by distributors of water-pack tuna imported from Japan. These distributors objected to the requirement that the name on the label of such canned tuna should include the words "in water." They asserted: (a) That showing the words "in water" in the name would lead consumers to believe that water would be a major ingredient of the food and that cans so labeled would contain less fish than equal-sized cans of oil-pack tuna; (b) that consumers generally discard the oil from oil-pack canned tuna; (c) that by inference the provision concerning label declaration of the words "in water" requires that these words must follow the word "tuna" in the same line on labels. They declared that these assertions would be proved by consumer letters and consumer-survey data that would be produced at the hearing. (R. 86–87, 91, 98, 101, 106–107, 109, 111–114, 134–135; Ex. 23)

9. Historically, it has been conventional to use vegetable oil as the packing medium for canned tuna. Tuna canned in the United States, with the exception of tuna prepared for special dietary usage, has been packed in oil. Around 1951 or 1952 small quantities of imported canned tuna packed in water appeared on the United States markets. Since then, the volume of imported water-pack tuna has increased considerably but remains substantially below the total volume of oil-pack tuna on the market. (R. 108, 112, 121, 127, 145–146, 148–149, 173, 249–250; Ex. 15, 16)

10. The assertion that consumers usually discard the oil from oil-pack tuna was not supported by the evidence presented at the hearing. The results of a questionnaire-type survey submitted by the Food and Drug Administration showed that of more than 4,000 consumers who answered the questionnaire, 56.4 percent reported that when using oil-pack tuna they either always or sometimes use the oil. This percentage agrees well with data published by the Fish and Wildlife Service of the United States Department of the Interior, showing that of more than 1,900 homemakers interviewed in a 1956 survey, 38.7 percent reported that in using oil-pack tuna they always use the oil with the fish and 20.4 percent reported that they sometimes use the oil. (R. 109, 150, 278–279; Ex. 16, 24–26)

11. Consumers are concerned whether the canned tuna they purchase is the conventional oil-pack article or is tuna packed in water. Some labels on water-pack tuna have shown "no oil added" or "without added oil," but, in general, the declaration that the tuna is packed in water has been so subordinated on labels that consumers would be apt to overlook it under customary conditions of purchase. Housewives serve canned tuna in various ways; they make salads, sandwiches, casserole dishes, tuna-with-noodles, and use tuna in other cooked dishes. Generally, recipes for the cooked dishes, and frequently those for tuna in salads, call for using the oil from the can along with the tuna fish. The oil adds richness and significantly increases the caloric value of the dishes. When following such recipes, a housewife using water-pack tuna needs to add butter, margarine, or salad oil. It promotes her interests for the label declaration showing that the tuna is packed in water to be so displayed that under ordinary conditions of purchase she will note it.

Some distributors of imported water-pack tuna have sought in their promotions to appeal to those consumers who wish to avoid high-calorie foods. These promotions have emphasized that canned tuna where water has been substituted for oil as the packing medium is lower in caloric value than conventional oil-pack tuna. The interest of these consumers also is promoted by a prominent label declaration to show that the tuna is packed in water. (R. 120, 128, 134, 137, 138, 167–174; Ex. 12)

12. A consumer survey especially designed to elicit evidence from a fair sample of homemakers on the issues raised in the objections to the canned tuna order was carried out by an organization experienced in conducting such consumer interviews. In this survey homemakers were shown cans of water-pack tuna under conditions designed to simulate those she would experience in marketing for canned foods. For cans with commercial labels, fairly representative of the labels that have been used on water-pack tuna and showing "Packed in water" on side panels, two-thirds of the homemakers interviewed mistakenly thought that the tuna was packed in oil. (R. 79–83, 178–190, 200–202, 207–210, 219, 221–223, 237, 245, 255, 270–271; Ex. 17–22)

13. The evidence at the hearing did not support the assertion by the objectors that including the words "in water" in the name on labels of water-pack tuna would lead consumers to believe water to be a major ingredient and to believe that the cans so labeled would contain less fish than similar cans of oil-pack tuna. In the consumer survey described in Finding 12, the interviewers showed homemakers cans of water-pack tuna with labels specially printed to conform to the requirements of the standard. The names on the labels were:

LIGHT TUNA FLAKES
IN WATER

and

SOLID PACK
LIGHT TUNA IN WATER

The homemakers were asked whether they thought the cans of water-pack tuna would contain less fish, the same amount of fish, or more fish than cans of the same size where the tuna is packed in oil. Half the homemakers answered that the amount of fish would be the same and the others divided about equally between answering that there would be less fish or more fish in the cans of water-pack tuna. Two witnesses trained in statistically evaluating such data testified that these results do not support the claim that showing the words "in water" in the names on labels would lead consumers to believe the cans contain less tuna fish. (R. 87, 106–107, 111–112, 135, 204, 213–214, 251, 267–269, 274–275; Ex. 17–22)

14. The objectors to the labeling requirement for water-pack tuna failed to show that it would promote consumer interests to rescind the provision that the words "in water" be included in the name and to substitute a requirement that water be named on labels as an optional ingredient. One witness, supporting the objections, expressed approval of a suggestion that the words "in water" be shown on labels in type half as large, and on a line below, the other words in the name. A witness, trained and employed in the field of home economics, objected to the use of smaller type for the words "in water." She explained that women are accustomed to getting tuna packed in oil and for that reason when the tuna is packed in water the label should declare "in water" in easily legible type. She made no specific objection to the suggestion that these words be shown in a line immediately below other words in the name. (R. 97, 152, 154, 156, 165–168, 170, 173)

*Conclusions.* On the basis of the foregoing findings of fact, and taking into consideration the substantial evidence of the entire record, it is concluded that, for the purpose of promoting honesty and fair dealing in the interest of consumers, the definition and standard of identity for canned tuna should not be changed by rescinding the requirement that the word "dark" be included in the label designation of tuna darker than Munsell value 5.3 or the requirement that the words "in water" be included in the name of water-pack canned tuna.

Any interested person whose appearance was filed at the hearing may, within 30 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order and shall contain specific references to the pages of the transcript of testimony or to the exhibits on which the exceptions are based. Exceptions may be accompanied by briefs in support thereof. Exceptions and accompanying briefs should be submitted in quintuplicate.

Dated: March 21, 1961.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 61–2836; Filed, Mar. 30, 1961; 8:48 a.m.]

## [ 21 CFR Part 120 ]

## RESIDUES OF SODIUM DEHYDROACETATE

### Notice of Filing of Petition for Establishment of Tolerance

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by Dow Chemical Company, Midland, Michigan, proposing the establishment of a tolerance for residues of sodium dehydroacetate, expressed as dehydroacetic acid, in or on bananas from postharvest application at 30 parts per million, based upon total weight, of which not more than 10 parts per million should be on the edible portion.

The analytical method proposed in the petition for determining residues of sodium dehydroacetate is as follows:

The fruit sample is homogenized, acidified, extracted with chloroform, and the residue is removed from the chloroform solution with dilute sodium hydroxide solution. The alkaline solution is acidified and extracted with isooctane. The concentration of dehydroacetic acid in the solution is determined by measurement of its optical density at 311$\mu$.

Dated: March 24, 1961.

[SEAL] ROBERT S. ROE,
*Director, Bureau of Biological and Physical Sciences.*

[F.R. Doc. 61–2837; Filed, Mar. 30, 1961; 8:48 a.m.]



## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal, Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Emery Industries, Inc., 4300 Carew Tower, Cincinnati 2, Ohio, proposing the issuance of a regulation to provide for the safe use of methyl esters of higher fatty acids ($C_{10}$–$C_{18}$ content) in animal feed.

Dated: March 20, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–2838; Filed, Mar. 30, 1961; 8:48 a.m.]

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by U.S. Vitamin and Pharmaceutical Corporation, 250 East Forty-third Street, New York 17, New York, proposing the issuance of a regulation to provide for the safe use of polysorbate 80 in oral vitamin products as a solubilizer excipient.

Dated: March 20, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–2839; Filed, Mar. 30, 1961; 8:48 a.m.]

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Los Angeles Smoking and Curing Company, 778 Kohler Street, Los Angeles, California, proposing the issuance of a regulation to provide for the safe use of sodium nitrite in or on smoked, cured salmon and shad at a level of 200 parts per million (0.02 percent).

Dated: March 20, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–2840; Filed, Mar. 30, 1961; 8:48 a.m.]

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by American Cyanamid Company, Post Office Box 383, Princeton, New Jersey, proposing the issuance of a regulation to establish tolerances for residues of hydrogen cyanide in foods fumigated with the gas, as follows:

100 parts per million (0.01 percent) in certain dried fruit.

90 parts per million (0.009 percent) in flour.

50 parts per million (0.005 percent) in confectionery, cereals, dried dates, dried currants, and meats.

Dated: March 20, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–2841; Filed, Mar. 30, 1961; 8:49 a.m.]

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, proposing the issuance of a regulation to provide for the safe use of saligenin in the manufacture of rosin sizing used in the manufacture of paper and paperboard products intended for use in contact with food.

Dated: March 23, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–2842; Filed, Mar. 30, 1961; 8:49 a.m.]

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by United States Movidyn Corporation, 363 North Orleans Street, Chicago, Illinois, proposing the issuance of a regulation to provide for the safe use of an ionic-colloidal complex of silver and protein which contains, before processing, not more than 5.0 percent silver nitrate, as a slimicide in the production of paper and paperboard for food packaging.

Dated: March 23, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–2843; Filed, Mar. 30, 1961; 8:49 a.m.]

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Dow Corning Corporation, Midland, Michigan, proposing the issuance of a regulation to provide for the safe use of stannous oleate as a catalyst and polyvinyl alcohol as an emulsifying agent in silicone antiadhesive coatings for paper and paperboard used in food packaging.

Dated: March 23, 1961.

[SEAL] J. K. KIRK,
*Assistant to the Commissioner of Food and Drugs.*

[F.R. Doc. 61–2844; Filed, Mar. 30, 1961; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 3 ]

[Reg. Docket No. 704; Draft Release No. 61–5]

## CONVERSION TO USE OF TURBOPROP ENGINES IN NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

### Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Part 3 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washing-

ton 25, D.C. All communications received on or before June 1, 1961, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired.

Part 3 was amended, effective May 18, 1954, to clarify the scope and applicability of the regulations. The amendment included a requirement for application for a new type certificate for airplanes, previously certificated under Part 3, when they were modified, among other things, by a change to engines employing different principles of operation or propulsion. Simultaneously, the same requirement was incorporated into Part 4b.

Subsequently, notice was taken of interest shown within the aviation industry in the installation of turbopropeller engines on airplanes in the transport category which were equipped with reciprocating engines. It appeared that showing of compliance with all of the latest requirements might be burdensome, impractical, and not essential to safety. It was stated, however, that in accordance with § 4b.11(e)(2), such a change would require a showing of compliance with the latest airworthiness requirements of Part 4b. This results because reciprocating and turbopropeller engines employ different principles of operation. These engines are alike in that both drive propellers and employ, therefore, the same principle of propulsion.

To cope with this problem, Special Civil Air Regulation No. SR–423 was adopted on November 15, 1957. Notwithstanding the provisions of § 4b.11(e)(2), this Special Civil Air Regulation permits the certification of a turbopropeller-powered airplane, which previously was type certificated with the same number of reciprocating engines, if compliance is shown with the airworthiness provisions applicable to the airplane as type certificated with reciprocating engines, together with certain later provisions of the Civil Air Regulations in effect on the date of application for a supplemental or new type certificate which are applicable or related to the powerplant of the turbopropeller-powered version.

The Bureau of Flight Standards now notices the same interest in the installation of turboprop engines in normal, utility, and acrobatic category airplanes presently equipped with reciprocating engines. This includes airplanes previously certificated in accordance with earlier requirements, such as Part 4a or Bulletin 7A, as well as those certificated in accordance with Part 3. In consideration of the previous action taken with respect to transport category airplanes, the Bureau believes that it might be burdensome, impractical, and not essential to safety to show compliance with all of the latest airworthiness requirements of Part 3 upon conversion of an airplane to the use of turboprop engines. The Bureau does believe, however, that later airworthiness requirements which are applicable or related to the powerplant of the turboprop version should be those in effect on the date of application for a supplemental or new type certificate together with such other requirements as are found to be otherwise related to the changes made in the engines. With respect to airworthiness requirements earlier than those of Part 3, conversion to turboprop engines, in the case of airplanes previously certificated with reciprocating engines, should continue to be treated as a major change in accordance with applicable regulations.

It is proposed, therefore, to delete from § 3.11(e)(2) the word "operation," but retain the word "propulsion." Since reciprocating and turboprop engines employ the same principle of propulsion, conversion from reciprocating to turboprop engines would not be affected by the requirement for a new type certificate. On the other hand, reciprocating and turbojet engines employ different principles of propulsion, and conversion to the use of the latter engine would continue to require a new type certificate as in the past. The Bureau continues to believe it is necessary to retain the requirement for a new type certificate in the case of turbojet conversions.

In consideration of the foregoing, it is proposed to amend § 3.11(e)(2) of Part 3 of the Civil Air Regulations as follows:

§ 3.11 Designation of applicable regulations.

* * * * * * *

(e) * * *

(2) A change to engines employing different principles of propulsion.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

Issued in Washington, D.C., on March 23, 1961.

OSCAR BAKKE,
*Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 61–2814; Filed, Mar. 30, 1961; 8:45 a.m.]

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## [ 14 CFR Part 601 ]

[Airspace Docket No. 60–WA–271]

## CONTROL AREA EXTENSIONS AND REPORTING POINTS

### Designations and Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and §§ 601.1233, 601.1234 and 601.5001 of the regulations of the Administrator, the substance of which is stated below.

The Key West, Fla., control area extension (§ 601.1233) is designated from the Key West, Fla., radio range station to the northern boundary of the Havana, Cuba, control area (24th parallel) extending 5 miles either side of a rhumb line between the Key West radio range station and the Santa Fe, Havana, Cuba, nondirectional radio beacon, excluding the portion below 2,000 feet MSL which lies outside the United States. The Federal Aviation Agency has under consideration the alteration of this control area extension to include the area bounded on the north by the Key West control area extension (§ 601.1319) and VOR Federal airway No. 35, on the east by a line 5 miles east of and parallel to a line bearing 187° True from the Key West radio range station, on the south by the Havana, Cuba, control area and on the west by a line 5 miles west of and parallel to the southwest course of the Key West radio range, excluding the portion below 2,000 feet MSL outside of the United States.

The Marathon, Fla., control area extension (§ 601.1234) is designated within 5 miles either side of a line bearing 219° True extending from the Marathon radio beacon to the northern boundary of the Havana, Cuba, control area, excluding the portion below 2,000 feet MSL between Amber Federal airway No. 7 and the Havana control area boundary, and within 5 miles either side of a direct line extending from the Marathon radio beacon to the Tamiami, Fla., radio beacon. The Federal Aviation Agency has under consideration the redesignation of this control area extension to include the area bounded on the north by VOR Federal airway No. 35, on the east by a line 5 miles east of and parallel to a line bearing 209° True from the Marathon, Fla., radio beacon, on the south by the Havana, Cuba, control area, and on the west by a line 5 miles west of and parallel to a line bearing 219° True from the Marathon radio beacon, excluding the portion below 2,000 feet MSL between Victor 35 and the Havana control area, and excluding the portion which would coincide with the Key West, Fla., Warning Area (W–465).

Also under consideration is the designation of a control area extension within 5 miles either side of a line bearing 186° True from the Marathon radio beacon, extending from the radio beacon to the Havana, Cuba, control area excluding the portion below 2,000 feet MSL and excluding the portion which would coincide with the Key West, Fla., Warning Area (W–465).

The altered control area extensions and the proposed new control area extension would provide protection for aircraft operating in accordance with instrument flight rule procedures on routes between Key West and Havana, and between Miami and Havana, and also direct between the Marathon radio beacon and the Varadero, Cuba, radio beacon. The portion of the Marathon control area extension (§ 601.1234) north of the Marathon radio beacon would be revoked as it would be included within the Miami control area extension (§ 601.1408) as proposed in Airspace Docket No. 60–WA–166.

Concurrently with this action, it is proposed to designate the following intersections as reporting points for flights at all altitudes.

1. Intersection of the southwest course of the Key West radio range with latitude 24°00'00" N.
2. Intersection of a line bearing 187° True from the Key West radio range station with latitude 24°00'00" N.
3. Intersection of a line bearing 209° True from the Marathon radio beacon with latitude 24°00'00" N.
4. Intersection of a line bearing 219° True from the Marathon radio beacon with latitude 24°00'00" N.
5. Intersection of a line bearing 186° True from the Marathon radio beacon with latitude 24°00'00" N.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 27, 1961.

J. R. BAILEY,
*Assistant Chief,*
*Airspace Utilization Division.*

[F.R. Doc. 61–2854; Filed, Mar. 30, 1961; 8:51 a.m.]



# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Part 3 ]

[Docket No. 13860; RM–199, RM–225]

## TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

### Order Extending Time for Filing Reply Comments

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations, (Superior, Kearney, Albion, Nebraska and others).

1. The Commission has before it for consideration a petition filed on March 23, 1961, by the Committee on Education of The Legislative Council of the State of Kansas, requesting that the time for filing reply comments in the above-entitled proceeding be extended sixty days from March 27, 1961.

2. Petitioner states that on March 16, 1961, the Committee on Education introduced a bill in the Senate of the Kansas Legislature to create a Kansas Educational Television Authority, which Bill would make possible creation of the Kansas Educational Television Authority, whose purpose would be to establish a state-wide television network for educational purposes. Petitioner further points out that the Congress of the United States may enact into law at this session a Bill which would expedite utilization of television facilities for educational purposes in each of the several States, thus enabling the State of Kansas to benefit therefrom by submitting to the Commission its State plan for educational television. Petitioner urges that the Commission should therefore delay consideration of the rule making herein proposed so that such an educational plan may be considered herewith.

3. In view of the number of proposals to be considered in this proceeding, the many comments received, and the representations of the petitioner, the Commission believes that the public interest, convenience and necessity would be served by affording the additional time requested for filing replies.

4. *Accordingly, it is ordered,* This 27th day of March 1961, that the above-mentioned request of The Committee on Education of The Legislative Council of the State of Kansas for additional time to file reply comments is granted and that the time for filing reply comments in the above-mentioned proceeding is extended from March 27, 1961, to May 25, 1961.

Released: March 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2867; Filed, Mar. 30, 1961; 8:52 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[431.3]

### METAL PARTS FOR ELECTRIC HOUSEHOLD UTENSILS AND ELECTRIC KITCHEN UTENSILS

### Tariff Classification

MARCH 27, 1961.

The Bureau of Customs published in the FEDERAL REGISTER of January 12, 1961 (26 F.R. 230), notice that it had under review the existing practice of assessing duty on metal parts for electric household utensils and electric kitchen utensils such as coffee percolators, can openers, coffee grinders, pepper mills, juicers, portable sterilizers, hair dryers, hot plates, fryers, griddles, portable ovens, toasters, and battery-operated manicure kits, except those which are classifiable under paragraph 353 as articles having as an essential feature an electrical element or device, at the rate of 13¾ percent ad valorem, under paragraph 353, Tariff Act of 1930, as modified.

The Bureau, by letter dated March 27, 1961, addressed to the collector of customs, New York, New York, held that this merchandise is properly dutiable at the rate of 19 percent ad valorem, the rate applicable to articles, not specially provided for, manufactured, in chief value of metal, under paragraph 397, Tariff Act of 1930, as modified.

Inasmuch as this decision results in the assessment of duty at a rate higher than that which has been assessed under a uniform and established practice, it shall be applied only to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] PHILIP NICHOLS, JR.,
*Commissioner of Customs.*

[F.R. Doc. 61–2855; Filed, Mar. 30, 1961; 8:51 a.m.]

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### SECRETARIES OF ARMY, NAVY AND AIR FORCE

### Delegation of Priorities and Allocations Authority; Rescheduling Deliveries

The following amended delegations of authority have been approved:

I. *Delegation of authority.* Pursuant to the delegation of priorities and allocations authority to the Assistant Secretary of Defense (Installations and Logistics) (formerly Supply and Logistics) in DOD Directive 4405.6, August 20, 1954, and in accordance with the Defense Production Act of 1950, as amended, and BDSA Delegation 1, authority is hereby delegated to the Secretaries of the Army, Navy, and Air Force (with power of redelegation) to reschedule deliveries of materials which are required in support of approved programs: To the Secretary of the Navy, for the Aircraft (A1) and the Ships (A3) programs; to the Secretary of the Army, for the Aircraft (A1) program and the Tank-Automotive (A4) program; and to the Secretary of the Air Force, for the Aircraft (A1) program and the Air Force portion of the Missiles (A2) program.

II. *Conditions and responsibilities for use of delegations.* A. The authority herein delegated is limited to rescheduling deliveries on rated orders or authorized controlled materials orders—

1. Bearing the designated program identification, and

2. Issued by or pursuant to the authority of the delegate, or, if not, that the rescheduling is requested or concurred in by the department or associated agency under whose authority they were issued.

B. Rescheduling of delivery may be directed only if it requires no change in the production schedule of the person making the delivery.

C. This authority is to be redelegated only to that activity within each department which is to act as its central delivery rescheduling unit for a program.

D. This rescheduling authority will be so exercised as to support decisions on relative urgencies reflected in the DOD Master Urgency List, DOD Instruction S–4410.3, based on realistic needs to meet approved schedules.

E. Rescheduling authorities in support of the Aircraft (A1) program shall be exercised jointly by procuring departments through a joint activity.

F. The exercise of this authority shall conform to the terms of the regulations and orders of the Business and Defense Services Administration and to such priorities and allocations policy directives and procedures as may be issued by the Assistant Secretary of Defense (Installations and Logistics) in the Priorities and Allocations Manual pursuant to DOD Instruction 4410.1.

G. The Assistant Secretary of Defense (Installations and Logistics) is responsible to the BDSA for assuring Department of Defense compliance with his delegations of rescheduling authority, with the policies and procedures in the Priorities and Allocations Manual, and with quantitive program determinations. The Secretary of each department shall be responsible for ensuring compliance by his delegates in the use of such rescheduling authority as is administered by his department.

H. The authority granted to each Secretary may be redelegated only within his department, except that the Navy may redelegate to the Coast Guard. Any other redelegation will require the prior written approval of the Assistant Secretary of Defense (Installations and Logistics).

Delegations of authority published at 17 F.R. 213 and 24 F.R. 6583 are hereby superseded and cancelled.

MAURICE W. ROCHE,
*Administrative Secretary,*
*Office of the Secretary of Defense.*

[F.R. Doc. 61–2832; Filed, Mar. 30, 1961; 8:47 a.m.]

### SECRETARIES OF ARMY, NAVY AND AIR FORCE

### Delegation of Priorities and Allocations Authority; DO Ratings and Allotments

The following delegations of authority have been approved:

I. *Delegation of authority.* Pursuant to the delegations of priorities and allocations of authority to the Assistant Secretary of Defense (Installations and Logistics) (formerly Supply and Logistics) in DOD Directive 4405.6, August 20, 1954, and in accordance with the Defense Production Act of 1950, as amended, and BDSA Delegation 1, authority is hereby delegated to the Secretaries of the Army, Navy, and Air Force (with power of redelegation):

A. To apply or assign to others the right to apply DO ratings to contracts and delivery orders to meet DOD programs authorized for priorities support by the Office of Civil and Defense Mobilization or designated OCDM as eligible for priorities support through the Department of Defense.

B. To assign the right to apply DO ratings to certain prime or subcontractors on orders for delivery of production equipment specifically required to support authorized programs of the Department of Defense or of such other specially designated programs.

C. To assign the right to apply DO ratings to certain contractors on orders for delivery of construction equipment for use on construction in Alaska, Hawaii, or outside of the United States.

D. To make allotments of controlled materials, and to apply or assign to others the right to apply allotment numbers to rateable contracts and delivery orders within the allotment jurisdiction of the Department of Defense.

II. *Conditions and responsibilities for use of delegations.* A. Authority shall be exercised within the limits of such allocation determinations or other quantitative restrictions as may be established, and in accordance with such instructions, conditions, record-keeping and reporting requirements, as may be issued from time to time by the Assistant Secretary of Defense (Installations and Logistics).





B. The exercise of this authority shall conform to the terms of the regulations and orders of the Business and Defense Services Administration and to such priorities and allocations policy directives and procedures as may be issued by the Assistant Secretary of Defense (Installations and Logistics) in the Priorities and Allocations Manual pursuant to DOD Instruction 4410.1.

C. The Assistant Secretary of Defense (Installations and Logistics) is responsible to the BDSA for assuring Department of Defense compliance with his delegations of priorities and allocations authority, with the policies and procedures in the Priorities and Allocations Manual, and with quantitative program determinations. The Secretary of each department shall be responsible for ensuring compliance by his delegates in the use of such priorities and allocations authority as is administered by his department.

D. The authority granted to each Secretary may be redelegated only within his department, except that the Navy may redelegate to the Coast Guard. Any other redelegation will require the prior written approval of the Assistant Secretary of Defense (Installations and Logistics).

E. Allotment authorities in support of the Aircraft (A1) program shall be exercised jointly by procuring departments through a joint activity.

MAURICE W. ROCHE,
*Administrative Secretary,*
*Office of the Secretary of Defense.*

[F.R. Doc. 61–2833; Filed, Mar. 30, 1961; 8:47 a.m.]

### SECRETARIES OF ARMY, NAVY AND AIR FORCE

### Delegation of Priorities and Allocations Authority; DX Ratings and Allotments

The following delegations of authority have been approved:

I. *Delegation of authority.* Pursuant to the delegation of priorities and allocations authority to the Assistant Secretary of Defense (Installations and Logistics) (formerly Supply and Logistics) in DOD Directive 4405.6, August 20, 1954, and in accordance with the Defense Production Act of 1950, as amended, and BDSA Delegation 1, authority is hereby delegated to the Secretaries of the Army, Navy, and Air Force (with power of redelegation) to apply or assign to others the right to apply DX ratings and allotment numbers to contracts and delivery orders for programs approved by the Office of Civil and Defense Mobilization as of the highest national priority.

II. *Conditions and responsibilities for use of delegations.* A. The DX program rating and allotment authority is limited to—

1. Contracts and orders identifiable to programs of the highest national priority as listed on the DOD Master Urgency List (Inclosure 1 to DOD Instruction S–4410.3).

2. Contracts and orders to which ratings and allotment numbers may be applied or assigned under DOD Instruction 4405.11.

B. Authority shall be exercised within the limits of such allocation determinations or other quantitative restrictions as may be established, and in accordance with such instructions, conditions, record-keeping and reporting requirements, as may be issued from time to time by the Assistant Secretary of Defense (Installations and Logistics).

C. The exercise of this authority shall conform to the terms of the regulations and orders of the Business and Defense Services Administration and to such priorities and allocations policy directives and procedures as may be issued by the Assistant Secretary of Defense (Installations and Logistics) in the Priorities and Allocations Manual pursuant to DOD Instruction 4410.1.

D. The Assistant Secretary of Defense (Installations and Logistics) is responsible to the BDSA for assuring Department of Defense compliance with his delegations of DX priorities and allocations authority, with the policies and procedures in the Priorities and Allocations Manual, and with quantitative program determinations. The Secretary of each department shall be responsible for ensuring compliance by his delegates in the use of such DX priorities and allocations authority as is administered by his department.

E. The authority granted to each Secretary may be redelegated only within his department, except that the Navy may redelegate to the Coast Guard. Any other redelegation will require the prior written approval of the Assistant Secretary of Defense (Installations and Logistics).

MAURICE W. ROCHE,
*Administrative Secretary,*
*Office of the Secretary of Defense.*

[F.R. Doc. 61–2834; Filed, Mar. 30, 1961; 6:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### ARKANSAS

### Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of Arkansas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

| | |
|---|---|
| Boone. | Marion. |
| Faulkner. | Perry. |
| Grant. | Searcy. |
| Johnson. | White. |
| Madison. | |

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of March 1961.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 61–2831; Filed, Mar. 30, 1961; 8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12787, 12790; FCC 61M–519]

### WALTER L. FOLLMER AND INTERSTATE BROADCASTING CO., INC. (WQXR)

### Order Continuing Hearing

In re applications of Walter L. Follmer, Hamilton, Ohio, Docket No. 12787, File No. BP–11323; Interstate Broadcasting Company, Inc. (WQXR), New York, N.Y., Docket No. 12790, File No. BP–11707; for construction permits.

The Hearing Examiner having under consideration the necessity for a continuance;

It appearing that it has already been agreed among counsel and the Hearing Examiner that the circumstances of the case made a continuance desirable from the currently established date of April 11;

*It is Ordered,* This 24th day of March 1961, on the Hearing Examiner's own motion, that the hearing is continued from April 11 to May 22, 1961.

Released: March 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61–2856; Filed, Mar. 30, 1961; 8:51 a.m.]

[Docket No. 13598 etc.; FCC 61M–520]

### GILA BROADCASTING CO.

### Order Continuing Hearing

In re applications of Gila Broadcasting Company, for renewal of licenses of Stations KCKY, Coolidge, Docket No. 13598, File No. BR–2128; KCLF, Clifton, Docket No. 13617, File No. BR–2441; KGLU, Safford, Docket No. 13618, File No. BR–970; KVNC, Winslow, Docket No. 13619, File No. BR–2731; KZOW, Globe, Docket No. 13620, File No. BR–973; and, KWJB–FM, Globe, Docket No. 13621, File No. BRH–851; all in Arizona.

A prehearing conference in the above-entitled matter having been held on March 16, 1961, and it appearing from the record made therein that certain agreements were reached which properly should be formalized by order;

*It is ordered,* This 24th day of March 1961 that:

(1) All exhibits to be offered in evidence in the presentation of the direct affirmative cases shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on April 17, 1961;

(2) Request for additional information shall be made on or before April 24, 1961;

*It is further ordered,* On the Hearing Examiner's own motion, that the hearing herein presently scheduled for May 2, 1961, is continued to May 16, 1961, commencing at 10:00 a.m., in Phoenix, Arizona.

Released: March 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2857; Filed, Mar. 30, 1961; 8:51 a.m.]

[Docket No. 14004; FCC 61-383]

## JACKSON BROADCASTING AND TELEVISION CORP. (WKHM)

### Order Designating Application for Hearing on Stated Issues

In re application of Jackson Broadcasting and Television Corporation (WKHM), Jackson, Michigan, has: 970 kc, 1 kw, DA-2, U, requests: 970 kc, 1 kw, 5 kw-LS, DA-2, U, Docket No. 14004, File No. BP-13600; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of March 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposed operation will receive interference in excess of 10 percent population loss. The applicant has requested waiver of § 3.28(c)(3) of the rules.

2. By letter and engineering affidavit filed June 17, 1960, the licensee of Station WWJ, Detroit, Michigan, has protested interference which would be received from the instant proposal. Study of the subject proposal indicates that slight interference will be caused the existing operation of WWJ and, in view of the formal protest submitted, the licensee of that station is herein made a party respondent.

It further appearing that the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

*It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WKHM and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WKHM would cause objectionable interference to Station WWJ, Detroit, Michigan, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from existing Stations WWJ, Detroit, Michigan and WREO, Ashtabula, Ohio would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of WKHM, in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

*It is further ordered,* That, The Evening News Association, licensee of Station WWJ, Detroit, Michigan is made a party to the proceeding.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: March 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2858; Filed, Mar. 30, 1961; 8:51 a.m.]

[Docket No. 13609; FCC 61-392]

## MARIETTA BROADCASTING, INC.

### Order Designating Matter for Hearing

In the matter of modification of license of Marietta Broadcasting, Inc., KERO-TV, Channel 10, Bakersfield, California, Docket No. 13609.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of March 1961;

The Commission having under consideration the "Response to Order to Show Cause" filed on September 6, 1960, by Marietta Broadcasting, Inc., licensee of Television Broadcast Station KERO-TV, Channel 10, Bakersfield, California; and

It appearing that upon the completion of rule making proceedings duly conducted in conformity with the requirements of law, including the Administrative Procedure Act, the Commission for the reasons stated in its Report and Order in Docket No. 13608 adopted this date, determined that the public interest, convenience and necessity would be served by making Bakersfield an all-UHF television market by removing the assignment of Channel 10— from Bakersfield and assigning additional UHF channels to Bakersfield; and

It further appearing that the public interest, convenience and necessity would be served by thus deintermixing Bakersfield with the least possible delay;

*It is ordered,* That pursuant to section 303(f) and 316 of the Communications Act of 1934, as amended, a hearing be held at the offices of the Commission in Washington, D.C., at a time to be specified in a subsequent order, before an examiner to be later designated, to determine whether the public interest, convenience and necessity would be promoted by the modification of the license issued to Marietta Broadcasting, Inc., for Television Broadcast Station KERO-TV, Bakersfield, California, to specify operation on Channel 23 instead of Channel 10, effective on the earliest practicable date prior to the expiration of the term of such license on December 1, 1962, and for the remainder of such term; and

*It is further ordered,* That the hearing in this proceeding be expedited; and

*It is further ordered,* That the Chief of the Broadcast Bureau is made a party to the proceeding; and

*It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission.

Released: March 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2859; Filed, Mar. 30, 1961; 8:51 a.m.]

[Docket Nos. 13991, 13992; FCC 61M-521]

## BEN S. McGLASHAN (KGFJ) AND SUN STATE BROADCASTING SYSTEM, INC.

### Order Scheduling Prehearing Conference

In re applications of Ben S. McGlashan (KGFJ), Los Angeles, California, Docket No. 13991, File No. BP-13123; Sun State Broadcasting System, Inc., San Fernando, California, Docket No. 13992, File No. BP-14056; for construction permits.

On the Hearing Examiner's own motion: *It is ordered,* This 24th day of March 1961, pursuant to 47 CFR 1.111 that the parties or their counsel in the above-entitled proceeding are directed to appear for a prehearing conference at the offices of the Commission, Washington, D.C., at 10 a.m., on April 12, 1961.

In order to conserve time counsel are requested to confer beforehand with a view to reaching advance agreement upon such routine details as the manner of presentation, dates for exchange of exhibits and such other dates as may be deemed necessary. In view of the design of the prehearing conference procedure to encourage the formulation of agreements by the parties looking towards the elimination of unessentials, so that hearing may proceed with proper dispatch, it is requested that the parties or their counsel attend this conference prepared fully to discuss—and to agree upon—such matters as will conduce materially to the attainment of this objective.

[1] Dissenting statement of Commissioner Cross filed as part of original document.



Released: March 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2860; Filed, Mar. 30, 1961; 8:51 a.m.]

[Docket Nos. 13987, 13988; FCC 61M-517]

## OLEAN BROADCASTING CORP. AND WIRY, INC.

### Order Scheduling Prehearing Conference

In re applications of Olean Broadcasting Corporation, Plattsburg, New York, Docket No. 13987, File No. BP-13091; Wiry, Inc., Lake Placid, New York, Docket No. 13988, File No. BP-13345; for construction permits.

*It is ordered,* This 24th day of March 1961, on the Hearing Examiner's own motion that, pursuant to 47 CFR 1.111, the parties or their counsel in the above-entitled proceeding are directed to appear for a prehearing conference at the Offices of the Commission, Washington, D.C., at 9:00 a.m., on April 5, 1961.

Released: March 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2861; Filed, Mar. 30, 1961; 8:51 a.m.]

[Docket No. 14005; FCC 61-384]

## PARKS ROBINSON (WISV)

### Order Designating Application for Hearing on Stated Issues

In re application of Parks Robinson (WISV), Viroqua, Wisconsin, has: 1360 kc, 500 w, Day, requests: 1360 kc, 1 kw, Day, Docket No. 14005, File No. BP-13321; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of March 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that, in a prehearing letter dated November 4, 1960, and incorporated herein by reference, the Commission notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that, the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that, data submitted by the applicant shows interference to Station KHAK, Cedar Rapids, Iowa (Class III), and that Station KHAK, by letter dated November 21, 1960, requested that the instant application be designated for hearing and that KHAK be made a party to the proceeding; and

It further appearing that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below:

*It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WISV and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WISV would cause objectionable interference to Station KHAK, Cedar Rapids, Iowa, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

*It is further ordered,* That Laird Broadcasting Company, Inc., licensee of Station KHAK, Cedar Rapids, Iowa, is made a party to the proceeding.

*It is further ordered,* That to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: March 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2862; Filed, Mar. 30, 1961; 8:52 a.m.]

[Docket No. 13984; FCC 61M-516]

## ROGER S. UNDERHILL

### Order Scheduling Hearing

In the matter of revocation of license of Roger S. Underhill for Standard Broadcast Station WIOS, Tawas City-East Tawas, Michigan, Docket No. 13984.

*It is ordered,* This 24th day of March 1961, that Asher H. Ende, in lieu of David I. Kraushaar, will preside at the hearing in the above-entitled proceeding which has been scheduled to commence on May 22, 1961, in Washington, D.C.

Released: March 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2863; Filed, Mar. 30, 1961; 8:52 a.m.]

[Docket Nos. 13926, 13927; FCC 61M-503]

## VALUE RADIO CORP. (WOSH) AND HOWARD MILLER ENTERPRISES AND CONSULTANTS, INC. (WGEZ)

### Order Continuing Hearing

In re applications of Value Radio Corporation (WOSH), Oshkosh, Wisconsin, Docket No. 13926, File No. BP-13268; Howard Miller Enterprises and Consultants, Inc. (WGEZ), Beloit, Wisconsin, Docket No. 13927, File No. BP-13576; for construction permits.

On the Hearing Examiner's own motion: *It is ordered,* This 23d day of March 1951, that the hearing in the above-entitled proceeding now scheduled for April 5. 1961, is continued to a date to be determined at a pre-hearing conference to be held at 10:00 a.m., April 5, 1961.

Released: March 23, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2864; Filed; Mar. 30, 1961; 8:52 a.m.]

[Docket Nos. 13994, 13997; FCC 61M-512]

## WAGNER BROADCASTING CO. ET AL.

### Order Scheduling Prehearing Conference

In re applications of John Andrew Wagner, John Russell Wagner, Carrie Helen Wagner, d/b as Wagner Broadcasting Company, Woodland, California, Docket No. 13994, File No. BP-8555;

Elbert H. Dean and Richard E. Newman, Clovis, California, Docket No. 13995, File No. BP-12728; Reid W. Dennis tr/as Dennis Broadcasting, Reno, Nevada, Docket No. 13996, File No. BP-13548; Charles W. Jobbins, Grass Valley, California, Docket No. 13997, File No. BP-13964; for construction permits.

*It is ordered*, This 23d day of March 1961, that a prehearing conference, pursuant to § 1.111 of the Commission's rules, will be held in the above-entitled matter at 10:00 a.m., April 12, 1961, in the Commission's offices in Washington, D.C.

Released: March 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 61-2865; Filed, Mar. 30, 1961; 8:52 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. RI61-402, RI61-403]

## PAUL F. BARNHART ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates

MARCH 24, 1961.

On February 27, 1961, Paul F. Barnhart, et al.,[1] (Barnhart), tendered for filing proposed changes in rates for the co-owner interest of Paul F. Barnhart and Harry B. Barnhart, Jr., under fourteen rate schedules of Barnhart. The rate increases, from 10.096 cents to 17.2295 cents per Mcf at 14.65 psia, concern jurisdictional sales to El Paso Natural Gas Company from Spraberry field, Upton, Glasscock, Reagan, and Midland Counties, Texas. The filings containing the proposed rate changes are hereby designated Supplement No. 6 to each of Barnhart's FPC Gas Rate Schedules Nos. 1 through 12, Supplement No. 4 to Barnhart's FPC Gas Rate Schedule No. 14, and Supplement No. 4 to Barnhart's FPC Gas Rate Schedule No. 15. Previously Barnhart tendered proposed rate increases for filing in the above-referred to rate schedules on behalf of the co-owner interest of J. Ray McDermott and Company, Inc. (McDermott), and by order issued February 17, 1961, the supplements referring to McDermott's interest were suspended until July 19, 1961, in Docket No. RI61-359.

On February 27, 1961, Paul F. Barnhart[1] tendered for filing a proposed increased rate which is hereby designated as Supplement No. 3 to Paul F. Barnhart's FPC Gas Rate Schedule No. 13, which jurisdictional sales occur in the same areas as those of Barnhart's described above.

The increases proposed by Barnhart and Paul F. Barnhart amount to $18,728 annually and unless suspended, will become effective on April 1, 1961.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the several proposed changes and that the above designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending a hearing and decision thereon, the above-designated supplements are hereby suspended and the use thereof deferred until September 1, 1961, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) The supplements hereby suspended shall not be changed until these proceedings have been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 16, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R Doc. 61-2815; Filed, Mar. 30, 1961; 8:45 a.m.]

[Docket No. RP61-21]

## MISSISSIPPI RIVER FUEL CORP.

### Order Suspending Proposed Tariff Sheet and Providing for Hearing

MARCH 24, 1961.

Mississippi River Fuel Corporation (Mississippi) on February 24, 1961, pursuant to section 4 of the Natural Gas Act and the Regulations thereunder, particularly Part 154 thereof, tendered for filing Sixth Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1 proposing an annual increase in its rates of approximately $895,856 (2.7%) based on sales for the year 1960, over its present rates which became effective on August 13, 1960, by Commission order issued May 27, 1960, approving settlement of its rate proceedings in Docket Nos. G-15174 and RP60-7.

The proposed increased rates, among other things, reflect increases in operating expenses, claimed rate of return and primarily, higher costs of purchased gas from its principal supplier, United Gas Pipe Line Company (United). Since United's most recent rate increase has been suspended until June 15, 1961, by Commission order issued February 10, 1961, Mississippi requests that any suspension of the tendered filing be limited to a period ending not later than June 15, 1961.

The increased rates and charges contained in the above-designated revised tariff sheet tendered by Mississippi on February 24, 1961, may be unjust, unreasonable, unduly discriminatory and preferential, or otherwise unlawful. Two of Mississippi's customers, having commented on the increase proposed herein, oppose it. One other advised that it has no comments to make at this time.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Mississippi's FPC Gas Tariff, Original Volume No. 1, proposed to be amended by Sixth Revised Sheet No. 4, and that said proposed tariff sheet be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held on a date to be hereafter fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Mississippi's FPC Gas Tariff, Original Volume No. 1 as proposed to be amended by the aforementioned revised tariff sheet tendered for filing by Mississippi on February 24, 1961.

(B) Pending such hearing and decision thereon, Mississippi's proposed revised tariff sheet hereby is suspended and its use deferred until June 15, 1961, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 9, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2816; Filed, Mar. 30, 1961; 8:45 a.m.]

[Docket No. RI61-51 etc.]

## PIONEER OIL AND GAS CO., INC., ET AL.

### Orders Providing for Hearings on and Suspensions of Proposed Changes in Rates; Correction

MARCH 22, 1961.

Pioneer Oil and Gas Company, Inc. (Operator), et al., Docket Nos. RI61-51, et al.; Sinclair Oil & Gas Company, Docket No. RI61-56.

In the order providing for hearings on and suspension of proposed changes in rates, issued August 17, 1960, and published in the FEDERAL REGISTER on August 25, 1960 (F.R. Doc. 60-7910; 25 F.R. 8171): In chart, Docket No. RI61-56, under column headed "Proposed increased rate" change "9.37604" to read "9.34703".

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2817; Filed, Mar. 30, 1961; 8:45 a.m.]

[Project No. 2011]

## SHOSHONE RIVER POWER, INC.

### Notice of Application for Surrender of License (Major)

MARCH 27, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Shoshone River Power, Inc., P.O. Box 780, Cody, Wyoming, licensee for Project No. 2011, for surrender of its license for the project situated on Republic Creek, Park County, Montana, and affecting lands of the United States within Gallatin National Forest.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 15, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2818; Filed, Mar. 30, 1961; 8:45 a.m.]

[Docket No. CP61-73]

## TEXAS GAS TRANSMISSION CORP.

### Notice of Application and Date of Hearing

MARCH 24, 1961.

Take notice that on September 9, 1960, as supplemented on February 24, 1961, Texas Gas Transmission Corporation (Applicant), 416 W. Third Street, Owensboro, Kentucky, filed in Docket No. CP61-73 an application for a certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline and compression facilities, during the 36-month period following the date of granting of such authorization, to enable Applicant to determine, by injecting and withdrawing certain volumes of natural gas, the capacity, deliverability and security of unspecified prospective gas storage reservoirs, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

The total expenditures contemplated under this "budget-type" application are not to exceed $6,000,000 for the three-year period or $2,000,000 for any one-year period, and no single project under this application is to exceed a cost of $1,250,000. These costs include expenditures for leases, wells, field and other facilities, but not the cost of the gas to be used.

The total volumes of natural gas to be injected into the prospective underground storage projects during the three-year period are not to exceed 10,000,000 Mcf, with not more than 2,000,000 Mcf injected in any single project.

Only off-peak gas will be used for the testing purposes hereunder, and no storage field developed under this program will be utilized to render actual service without further authorization from the Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 27, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 17, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission, herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-2819; Filed, Mar. 30, 1961; 8:46 a.m.]

# GENERAL SERVICES ADMINISTRATION

[Gen. Reg. 25]

## NONDISCRIMINATION IN EMPLOYMENT CONTRACT PROVISIONS

MARCH 29, 1961.

1. *Purpose.* This regulation provides instructions for the modification of standard and other contract forms to include the nondiscrimination provisions prescribed by Executive Order 10925, dated March 6, 1961 (26 F.R. 1977).

2. *Nondiscrimination Provisions.* The following provisions are prescribed by section 301 of Executive Order 10925 for inclusion in every Government contract entered into on and after April 5, 1961, except contracts which may be exempted pursuant to section 303 thereof:

"In connection with the performance of work under this contract, the contractor agrees as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

"(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(4) The contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

"(5) The contractor will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, and such other sanctions may be imposed and remedies invoked as provided in the said Executive order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

"(7) The contractor will include the provisions of the foregoing paragraphs (1) through (6) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, That in the event the contractor becomes involved in, or is threatened with, litigation with a subcon-

[1] 1721 Tennessee Building, Houston 2, Tex.

tractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

3. *Revision of contract forms.* a. In connection with contracts effective on and after April 5, except as otherwise provided in section 5 below, pending formal revision of standard contract forms, the contract provisions set forth in section 2 of this regulation shall be substituted for the nondiscrimination provisions now appearing in standard forms having nondiscrimination provisions, and shall be included as additional provisions in standard contract forms which have not heretofore contained nondiscrimination provisions.

b. Contracts entered into by Executive agencies on other than standard contract forms also are required by section 301 of the Executive order to contain the nondiscrimination provisions set forth in section 2 above.

4. *Pending transactions.* Invitations for bids and requests for proposals for which contract awards will be made on and after April 5 should be amended to include the required nondiscrimination provisions.

5. *Purchase orders and small contracts.* GSA Circular No. 100, dated February 3, 1955, deals with nondiscrimination provisions in purchase orders and contracts which do not exceed $5,000. As an interim measure, the provisions of that Circular may continue to be observed.

6. *Rescissions.* GSA General Regulation No. 16, dated October 13, 1954, and Supplement No. 1 thereto, dater February 3, 1955, are superseded as to contracts affected by this general regulation.

Dated: March 29, 1961.

JOHN L. MOORE,
*Administrator of General Services.*

[F.R. Doc. 61-2898; Filed, Mar. 30, 1961; 8:53 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 31-662]

## INTERNATIONAL UTILITIES CORP.

### Notice of Filing of Application for Exemption

MARCH 24, 1961.

Notice is hereby given that International Utilities Corporation ("International"), a Maryland corporation and a holding company and which, together with its then subsidiary companies as such, were exempted from the provisions of the Public Utility Holding Company Act of 1935 ("Act") by order issued December 7, 1960 (Holding Company Act Release No. 14328), has filed an application, and an amendment thereto, pursuant to section 3(a)(5) of the Act, for the modification of such exemption order so as to include therein additional direct and indirect public-utility subsidiary companies.

All interested persons are referred to the application as amended on file at the office of the Commission for a statement of the grounds upon which the application is based and the facts in support thereof, which are summarized as follows:

International is a holding company. It is qualified to carry on its business in Canada, and its principal executive office is in Toronto, Canada. On December 7, 1960, it had fifteen direct and indirect subsidiary companies (the names, nature of business, and percentage stock ownership of which are set forth in the aforesaid Holding Company Act Release No. 14328). Nine of such subsidiary companies are public-utility companies, three are non-utility companies, and all 12 are Canadian corporations, conduct their business in Canada, and have no interest in or affiliation with any company which is a public-utility company operating within the United States. Two other subsidiary companies are non-utility companies organized under the laws of, and transact their business in, the State of Pennsylvania. One subsidiary company is a Delaware corporation and a non-utility company transacting its business in the States of Ohio and Oklahoma. In January 1961, International organized a new subsidiary, I.U., Inc., under the laws of the State of New York, and transferred to it certain portfolio securities.

International also owns and operates an asphalt manufacturing plant in Pennsylvania. In addition, it and I.U., Inc., own portfolios of diversified marketable securities, in many instances representing more than 5 percent but less than 10 percent of the total voting securities, of various United States and Canadian corporations. At March 7, 1961, such investments of International were carried on its books at $12,862,809 and had a market value of $16,248,971. The investments of I.U., Inc., on that date were carried on its books at $10,795,440 and had a market value of $13,836,279.

At December 31, 1960, the system's consolidated assets, per books, amounted to $170,458,627; and for the year then ended, its consolidated revenues aggregated $40,132,834. Of the total consolidated revenues, 79.3 percent were from the sale of natural gas, 19.3 percent from the sale of electric energy, and 1.4 percent from other sources. At December 31, 1960, the International system's consolidated capitalization and surplus totalled $156,103,168, consisting of 40.5 percent long-term debt and 17.4 percent preferred stocks of and minority interest in subsidiary companies, 6.5 percent convertible preferred stock of the parent company, and 35.6 percent common stock and surplus. International's common and preferred stocks are listed on the New York Stock Exchange and other exchanges.

International will acquire, in exchange for shares of its convertible $25 par value preferred stock, not less than 51 percent of the voting securities of Northland Utilities Limited ("Northland") which is a Canadian corporation supplying electric service in Alberta, Saskatchewan, and the Northwest Territories, and gas service in Alberta and British Columbia, Canada. Northland has two subsidiary companies, Northland Utilities (B.C.) Limited, and Uranium City Power Co. Ltd., both of which are Canadian corporations and public-utility companies.

International's direct and indirect subsidiaries were increased in number from fifteen to sixteen through the acquisition, in January 1961, of I.U., Inc., as an additional subsidiary. If and when the exchange offer to Northland's stockholders is consummated, the number of International's direct and indirect subsidiaries will be increased from sixteen to nineteen.

Notice is further given that any interested person may, not later than April 11, 1961, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the Commission may grant the application, as amended, or as it may be further amended, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-2820; Filed, Mar. 30, 1961; 8:46 a.m.]

[File No. 70-3947]

## WHEELING ELECTRIC CO. ET AL.

### Notice of Proposed Intrasystem Sale and Acquisition of Utility Assets and Renewal by Subsidiary Company of Short-Term Notes to Banks

MARCH 24, 1961.

In the matter of Wheeling Electric Company (Wheeling, W. Va.), Ohio Power Company (Canton, Ohio), American Electric Power Company, Inc. (New York, N.Y.); File No. 70-3947.

Notice is hereby given that American Electric Power Company, Inc. ("American"), a registered holding company, and its public-utility subsidiary companies, Wheeling Electric Company ("Wheeling") and Ohio Power Company ("Ohio Power"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 12(d), 12(f), and 12(g) of the Act and Rules 43, 44, and 50(a)(2) thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration on file in the office of the Commission for a statement of the proposed transactions which are summarized as follows:

Wheeling, a West Virginia corporation, proposes to sell its electric utility facilities and related properties located in the State of Ohio to Ohio Power for a cash consideration to be determined on the basis of the depreciated original cost



of such properties at the date of closing. As at December 31, 1960, the depreciated original cost of such property was $1,408,332. Wheeling purchases all of its electric energy requirements from Ohio Power whose service area almost surrounds Wheeling's service area in Ohio and which operates Wheeling's facilities in Ohio for that company's account. No increase in the rates paid by any of Wheeling's existing customers in Ohio will result as a consequence of the proposal.

Wheeling also seeks authority to extend to June 30, 1962, the time within which it may issue notes to banks in renewal of short-term notes maturing on June 23, 1961, and issued with Commission authorization by order dated September 23, 1960 (Holding Company Act Release No. 14288). The renewal notes in the aggregate amount of $4,250,000 will be issued and sold to the following banks:

| | |
|---|---|
| Mellon National Bank & Trust Company, Pittsburgh, Pa. | $1,950,000 |
| National City Bank of New York, New York, N.Y. | 575,000 |
| Manufacturers Trust Company, New York, N.Y. | 575,000 |
| Morgan Guaranty Trust Company New York, New York, N.Y. | 575,000 |
| Bankers Trust Company, New York, N.Y. | 575,000 |
| Total | 4,250,000 |

Such renewal notes will become due not more than 270 days from the dates of issuance, will bear interest at the prime interest rate (presently 4½%) in effect at the respective dates of issuance, and will be prepayable from time to time, in whole or in part, without premium.

The only fees and expenses to be paid in connection with the proposed transactions are estimated to be $300 by Wheeling and $1,500 by Ohio Power.

Applications have been filed with the Public Service Commission of West Virginia and the Public Utilities Commission of Ohio for approval of the sale and purchase of the properties. A copy of the orders of said Commissions will be filed by amendment. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 10, 1961, at 5:30 p.m., request in writing that a hearing be held on the matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective, as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rule 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 61-2821; Filed, Mar. 30, 1961; 8:46 a.m.]

# TARIFF COMMISSION

[AA1921—19]

## PORTLAND CEMENT FROM BELGIUM

### Notice of Hearing

Notice is hereby given that the United States Tariff Commission has ordered a public hearing in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to Portland cement, other than white, non-staining Portland cement, from Belgium.

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t., on April 28, 1961. Interested parties desiring to appear and to be heard at such hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Notice of the institution of this investigation was published in the FEDERAL REGISTER on March 9, 1961 (26 F.R. 2064).

Issued: March 28, 1961.

By order of the Tariff Commission.

[SEAL] DONN N. BENT,
*Secretary.*

[F.R. Doc. 61-2846; Filed, Mar. 30, 1961; 8:50 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 28, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36988: *Sand—Arkansas, Missouri, and Oklahoma to Valparaiso, Ind.* Filed by Southwestern Freight Bureau, Agent (No. B-7989), for interested rail carriers. Rates on sand, as described in the application, in carloads, from Guion, Ark., Klondike, Ludwig, Pacific, Mo., Gate, Mill Creek, and Roff, Okla., to Valparaiso, Ind.

Grounds for relief: Market competition.

Tariff: Supplement 106 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 36989: *Iron and steel pipe—Portsmouth and New Boston, Ohio, to the Southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7992), for interested rail carriers. Rates on iron and steel pipe and related articles, in carloads, as described in the application, from Portsmouth and New Boston, Ohio, to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 234 to Southwestern Freight Bureau tariff I.C.C. 4116.

FSA No. 36990: *Rock salt—Louisiana points to Louisville, Ky.* Filed by Southwestern Freight Bureau, Agent (No. B-7993), for interested rail carriers. Rates on rock salt, loose, in bulk, in carloads, from Avery Island, Jefferson Island, Weeks and Winnfield, La., to Louisville, Ky.

Grounds for relief: Carrier market competition at Louisville with Detroit, Mich.

Tariff: Supplement 36 to Southwestern Freight Bureau tariff I.C.C. 4263.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 61-2822; Filed, Mar. 30, 1961; 8:46 a.m.]

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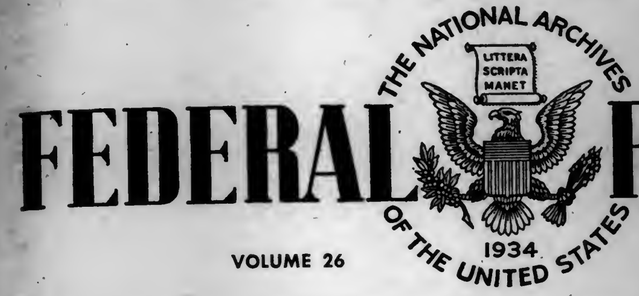

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## CODIFICATION GUIDE

The following numerical guide is a list of the titles and sections of the Code of Federal Regulations affected by documents published in the *Federal Register* during the period January 1–March 31, 1961. Page numbers of documents affecting CFR sections but not specifically amending the text thereof appear in brackets.

Cumulative Codification Guides are separately published annually and at the end of each quarter. In the intervening period, monthly Codification Guides are carried with the monthly indexes, Daily Guides follow the contents of each issue of the *Federal Register*, and within-the-month cumulations appear at the end of each issue.


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